

VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

G. Thomas Cooper, Circuit Court Judge

RECEIVED

NOV - 8 2013

S.C. Supreme Court

JHUNE HARRIS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001349

APPENDIX

ROBERT M. PACHAK
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

MEGAN HARRIGAN
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT (NOVEMBER 7 – 10, 2005).....	1
SENTENCING HEARING TRANSCRIPT (NOVEMBER 21, 2005).....	730
DOCUMENTS FROM JUNE 11, 2008 RECORD ON APPEAL	750
APPLICATION FOR POST-CONVICTION RELIEF	774
RETURN	781
POST-CONVICTION RELIEF HEARING TRANSCRIPT (OCTOBER 4, 2011).....	789
ORDER OF DISMISSAL	882
NOTICE OF MOTION AND MOTION TO ALTER OR AMEND THE JUDGMENT.....	894
RETURN TO APPLICANT’S MOTION FOR RECONSIDERATION	897
ORDER DISMISSING APPLICANT’S MOTION TO ALTER OR AMEND	900
INDICTMENTS	902

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

COURT OF GENERAL SESSIONS

THE STATE	:	
	:	
-VS-	:	TRANSCRIPT OF RECORD
	:	2003-GS-40-5275
JHUNE HARRIS	:	2003-GS-40-5276

NOVEMBER 7-10, 2005
COLUMBIA, SOUTH CAROLINA

B E F O R E:

HONORABLE REGINALD I. LLOYD, JUDGE.

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

JOHN P. MEADORS, ASST. SSOLICITOR
ERIN S. GADDY, ASST. SOLICITOR
ATTORNEYS FOR THE STATE

JACK B. SWERLING, ESQ. ,
ATTORNEY FOR THE DEFENDANT

VIRGINIA ROLAND
CIRCUIT COURT REPORTER

VOLUME I OF IV

1	I N D E X				
2	WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
3	JURY QUALIFICATION	5			
4	JURY SELECTION	45			
5	OPENING STATEMENTS				
6	MR. MEADORS	59			
7	MR. SWERLING		69		
8	EUGENE IVERY				
9	MR. MEADORS	79		157	
10	MR. SWERLING		111		
11	ASHLEY GILMORE				
12	MS. GADDY	176			
13	MR. SWERLING		193		
14	FOREST IVERY				
15	MS. GADDY	219			
16	MR. SWERLING		237		
17	MARCUS IVERY				
18	MR. MEADORS	258			
19	MR. SWERLING		279		
20	ANGELA GILMORE				
21	MR. MEADORS	305			
22	MR. SWERLING		345		
23	HOLLY GANUNG				
24	MS. GADDY	376			
25	/ / /				

1	I N D E X				
2	WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
3	ROBERT M. SHAWEN				
4	MS. GADDY	380			
5	NICHOLAS FORTNER				
6	MS. GADDY	388			
7	MR. SWERLING		393		
8	ADVICE OF RIGHTS	397			
9	HENRY BONEY				
10	MR. MEADORS	405			
11	MR. SWERLING		411		
12	BRIAN SPRUELL				
13	MR. MEADORS	418			
14	MR. SWERLING		420		
15	MARY F. O'GRADY-WATSON				
16	MS. GADDY	425			
17	MR. SWERLING		440		
18	MARK VINSON				
19	MR. MEADORS	443			
20	MR. SWERLING		452		
21	DAVID J. COLLINS				
22	MS. GADDY	454			
23	MR. SWERLING		483		
24	/ / /				
25	/ / /				

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
CLAY NICHOLS				
MR. MEADORS	493			
MR. SWERLING		505		
JHUNE HARRIS				
MR. SWERLING	519			
MR. MEADORS		559		
CLOSING STATEMENTS				
MS. GADDY	594			
MR. SWERLING	608			
MR. MEADORS	642			
VERDICT OF THE JURY	716			

1	E X H I B I T S			
2	NO.	DESCRIPTION	ID.	EV.
3	S-1	PHOTO-FRONT OF HOUSE	60	86
4	S-2	PHOTO-FIREPLACE	60	
5	S-3	PHOTO-KITCHEN	60	
6	S-4	PHOTO-KITCHEN	60	
7	S-5	PHOTO-KITCHEN	60	
8	S-6	PHOTO-KITCHEN	60	
9	S-7	PHOTO-LAUNDRY ROOM	60	
10	S-8	PHOTO-DOORWAY	60	
11	S-9	PHOTO-EXTERIOR	60	
12	S-10	PHOTO-EXTERIOR	60	
13	S-11	PHOTO-KITCHEN	60	
14	S-12	PHOTO-STAIRCASE	60	
15	S-13	PHOTO-BAR	60	
16	S-14	PHOTO-LIVING ROOM	60	
17	S-15	PHOTO-ORGAN	60	
18	S-16	PHOTO-ORGAN	60	
19	S-17	PHOTO-TABLE	60	
20	S-18	PHOTO-SOFA	60	
21	S-19	PHOTO-LIVING AREA	60	
22	S-20	PHOTO-ORGAN	60	
23	S-21	PHOTO-BEDROOM	60	88
24	S-22	PHOTO-GUN	60	
25	2-23	PHOTO-DIAGRAM	60	

E X H I B I T S				
	NO.	DESCRIPTION	ID.	EV.
1				
2				
3	S-24	STATEMENT	60	
4	S-25	STIPULATION	60	396
5	S-26	PHOTO-ENTRANCE	60	
6	S-27	PHOTO-GUN	60	
7	S-28	PHOTO-GUN	60	
8	S-29	PHOTO-SKULL X-RAY	60	
9	S-30	PHOTO-LEG X-RAY	60	
10	S-31	PHOTO-AUTOPSY BULLETS	60	
11	S-32	PHOTO-BULLET	60	
12	S-33	PHOTO-EARRING	60	
13	S-34	PHOTO-INVESTIGATOR TAG 3	60	
14	S-35	THREE UNFIRED CARTRIDGES	60	437
15	S-36	SHIRT	60	439
16	S-37	FIRE CASING	60	
17	S-38	CASING FROM VICTIM	60	
18	S-39	SPENT CASING	60	
19	S-40	PHOTO-VICTIM	60	495
20	S-41	FOAM HEAD	60	
21				
22				
23	D-1	BANK TRANSACTIONS		527
24				
25				

E X H I B I T S

NO.	DESCRIPTION	ID.	EV.
C-1	DEFENDANT'S VOIR DIRE REQUESTS		60
C-2	STATE'S VOIR DIRE REQUESTS		60
C-3	REQUESTS TO CHARGE		688
C-4	NOTE FROM JURY		722
C-5	NOTE FROM JURY		722
C-6	NOTE FROM JURY		722
C-7	NOTE FROM JURY		722

1 (THEREUPON, ON MONDAY, NOVEMBER 7, 2005, THE TRIAL WAS
2 COMMENCED AS FOLLOWS:)

3 THE COURT: COUNSEL, CAN YOU TAKE OFF NUMBER 13 --
4 AND I'LL TALK TO Y'ALL IN A MOMENT -- ON YOUR LIST.

5 GOOD AFTERNOON, LADIES AND GENTLEMEN OF THE JURY.
6 Y'ALL SMILE. IT'S MONDAY. LADIES AND GENTLEMEN, I
7 APPRECIATE, FIRST OF ALL LET ME TELL YOU I APPRECIATE YOUR
8 SERVICE THIS WEEK. I KNOW THERE IS NEVER A CONVENIENT TIME
9 TO GET THAT JURY SUMMONS AND GET CALLED IN BUT YOUR SERVICE
10 IS EXTREMELY IMPORTANT AND WANT YOU TO KNOW ON BEHALF OF
11 THIS COURT AND EVERYBODY WHO'LL BE PARTICIPATING IN THIS
12 TRIAL THAT IT IS IMPORTANT TO US AND VERY MUCH APPRECIATED
13 THAT YOU'RE SERVING ON JURY DUTY THIS WEEK. LADIES AND
14 GENTLEMEN, THIS IS GOING TO BE A CRIMINAL CASE THAT WE'RE
15 PULLING A JURY FOR. I KNOW YOU ALL WENT THROUGH THIS
16 MORNING QUALIFICATION. I DON'T KNOW WHO DID QUALIFICATION
17 THIS MORNING. DID JUDGE MANNING?

18 MR. MEADORS: JUDGE BARBER.

19 THE COURT: BARBER DID.

20 MR. MEADORS: YES.

21 THE COURT: SO Y'ALL WERE SPARED ALL THE CLEMSON
22 JOKES FROM JUDGE MANNING THIS WEEK WHICH IS A GOOD THING
23 BUT, LADIES AND GENTLEMEN, THIS WILL WORK PRETTY MUCH LIKE
24 QUALIFICATION DID THIS MORNING. I'LL ASK YOU SOME QUESTIONS
25 AND IF YOU FIND THAT ONE OF THOSE QUESTIONS DOES APPLY TO

1 YOU, I'LL ASK THAT YOU STAND AND WHEN I COME TO YOU ONE AT A
2 TIME ASK FOR YOU TO GIVE ME YOUR NAME AND YOUR JUROR NUMBER
3 IF YOU REMEMBER IT.

4 AND NO MATTER HOW MANY TIMES YOU STAND UP, LADIES
5 AND GENTLEMEN, IF YOU'LL JUST PREFACE BEFORE YOU EVEN START
6 TALKING, IF YOU'LL GIVE ME YOUR NAME AGAIN, THE COURT
7 REPORTER HAS TO TAKE DOWN AND A KEEP A TRANSCRIPT OF
8 EVERYTHING THAT GOES ON IN HERE AND OBVIOUSLY SHE KNOWS US
9 BECAUSE WE'RE IN HERE EVERY DAY AND SHE DOESN'T NEED US TO
10 SAY OR IDENTIFY OURSELVES BUT IF YOU WILL FOR HER SAKE AND
11 FOR THE ACCURACY OF THE RECORD BEFORE YOU SAY ANYTHING IN
12 RESPONSE TO ANY QUESTIONS THAT I MAY HAVE FOR YOU, IF YOU'LL
13 JUST GIVE US YOUR NAME EACH TIME, WE'LL BE ABLE TO MOVE
14 THROUGH THAT PRETTY QUICKLY.

15 LADIES AND GENTLEMEN, I'M GOING TO GO THROUGH AND
16 ASK YOU QUESTIONS THAT ARE MORE TAILORED TO THIS CASE THAN
17 WHAT YOU HEARD THIS MORNING DURING QUALIFICATION. FOR
18 EXAMPLE, I'LL INTRODUCE YOU TO SOME OF THE PEOPLE WHO WILL
19 BE PARTICIPATING IN THIS CASE OR POTENTIALLY PARTICIPATING
20 IN THIS CASE AND I'LL ASK YOU A FEW QUESTIONS, FOR EXAMPLE,
21 WHETHER OR NOT YOU ARE RELATED BY BLOOD OR MARRIAGE TO THESE
22 INDIVIDUALS.

23 AS TO THAT FIRST QUESTION, LADIES AND GENTLEMEN,
24 I'M GOING TO ASK IF YOU CAN TELL ME WHETHER YOU'VE EVER BEEN
25 RELATED BY BLOOD OR MARRIAGE AS WELL. BY THAT QUESTION IF

1 YOU ARE RELATED BY BLOOD OR MARRIAGE, I MEAN CURRENTLY OR
2 ANY TIME IN THE PAST FOR EXAMPLE THROUGH DIVORCE OR
3 SOMETHING YOU MAY NO LONGER CONSIDER YOURSELF RELATED TO
4 THAT PERSON BUT IF YOU'VE EVER BEEN RELATED TO THEM IF
5 YOU'LL GO AHEAD AND STAND. I'LL ALSO AS I INTRODUCE FOLKS
6 TO YOU, LADIES AND GENTLEMEN, ASK THAT YOU, ASK IF YOU KNOW
7 THESE PEOPLE IN ANY CAPACITY WHATSOEVER. BY THAT QUESTION,
8 LADIES AND GENTLEMEN, I MEAN IN ANY WAY WHATSOEVER.

9 IF YOU THINK YOU JUST RECOGNIZE THEIR FACE ALL THE
10 WAY UP TO, YOU KNOW, WE GO TO CHURCH TOGETHER OR WE LIVE IN
11 THE SAME NEIGHBORHOOD OR WE'RE BEST FRIENDS. IF YOU THINK
12 YOU KNOW THEM OR RECOGNIZE THEM, IF YOU WILL PLEASE STAND
13 WHEN I GET TO THAT PART. LADIES AND GENTLEMEN, THERE'LL BE
14 A FEW OTHER QUESTIONS THAT I'LL ASK YOU AND HOPEFULLY
15 THEY'LL BE SPECIFIC ENOUGH THAT THEY WON'T NEED FURTHER
16 EXPLANATION. IF I ASK YOU ANYTHING AND YOU DO NEED ME TO
17 CLARIFY OR FURTHER EXPLAIN WHAT I'M ASKING YOU, JUST RAISE
18 YOUR HAND AND I'LL BE GLAD TO DO THAT.

19 FOLKS, THESE QUESTIONS ARE NOT MEANT TO EMBARRASS
20 ANYBODY. THEY'RE NOT MEANT TO PUT ANYBODY ON THE SPOT.
21 ONLY THING I ASK IS ABSOLUTE HONESTY. YOU CAN'T GET IN
22 TROUBLE FOR ANY QUESTION YOU ANSWER. NOBODY'S GOING TO
23 THINK ILL OF YOU OR BE DISAPPOINTED IN ANY RESPONSE YOU
24 GIVE. LADIES AND GENTLEMEN, THIS IS A PART OF THE PROCESS
25 WHERE WE TRY TO PICK THE FAIREST AND MOST IMPARTIAL AND

1 UNBIASED JURY THAT WE CAN GIVE BOTH SIDES AND THAT'S THE WAY
2 OUR SYSTEM WORKS AND THAT'S QUITE FRANKLY THE BEAUTY OF OUR
3 SYSTEM.

4 SO DON'T HESITATE TO TELL ME ANYTHING IF I ASK A
5 QUESTION AND YOU'RE NOT SURE OR YOU HAVE ANY DOUBT IN YOUR
6 MIND ABOUT ANYTHING, JUST RAISE YOUR HAND AND IF IN FACT YOU
7 NEED TO TALK TO ME DOWN HERE WITH JUST THE COURT REPORTER
8 AND THE ATTORNEYS, WE'LL BRING YOU DOWN AND WE'LL JUST TALK
9 ABOUT WHATEVER'S ON YOUR MIND DOWN HERE AND THAT GOES FOR
10 ANY QUESTION. IF THERE IS ANYTHING THAT YOU AT ANY TIME
11 HAVE TO STAND FOR AND YOU DON'T FEEL COMFORTABLE ANSWERING
12 IT OUT IN FRONT OF ANYBODY, JUST LET ME KNOW AND WE'LL BRING
13 YOU DOWN AND TALK TO YOU RIGHT IN FRONT OF THE COURT
14 REPORTER. SHE STILL HAS TO KEEP A TRANSCRIPT OF EVERYTHING
15 BUT YOU DON'T HAVE TO TALK ABOUT IT IN FRONT OF EVERYONE.

16 THERE WILL BE A FEW QUESTIONS, LADIES AND
17 GENTLEMEN. NEAR THE END OF THE QUESTIONS THAT I ASK WHERE
18 IF ANYBODY DOES RESPOND TO THOSE I WILL BRING YOU DOWN AND
19 WILL TELL YOU NOW THAT I'M GOING TO BRING YOU DOWN AND TALK
20 TO YOU ONE AT A TIME DOWN HERE IN FRONT OF THE COURT
21 REPORTER BUT AGAIN IT'S NOT MEANT TO PUT ANYBODY ON THE SPOT
22 OR ANYTHING. IT'S JUST MEANT TO MAKE SURE THAT WE FIND OUT
23 IF THERE IS ANY POTENTIAL BIAS OR HESITANCY ABOUT WHETHER OR
24 NOT ANYBODY CAN BE FAIR AND IMPARTIAL. BOTH SIDES ARE
25 ENTITLED TO THAT UNDER OUR CONSTITUTION, FOLKS.

1 LADIES AND GENTLEMEN, IN A MOMENT THE CLERK IS
2 GOING TO GIVE YOU A SHORT OATH AND AFTER THAT I'M GOING TO
3 START ASKING YOU THESE QUESTIONS. AS I SAID JUST BE HONEST
4 AND WE'LL GET THROUGH THESE AS QUICKLY AS WE CAN. AFTER
5 THAT, LADIES AND GENTLEMEN, ONCE WE GET A JURY PICKED WE'LL
6 BE READY TO GET STARTED HOPEFULLY THIS AFTERNOON WITH THIS
7 TRIAL. THE REST OF YOU WE'LL CUT LOOSE AND SEND YOU BACK
8 DOWNSTAIRS AND THEY'LL LET YOU KNOW WHETHER YOU CAN GO FOR
9 THE DAY OR WHEN OR IF YOU NEED TO RETURN. LADIES AND
10 GENTLEMEN, BEFORE WE ACTUALLY GET STARTED ON THE VOIR DIRE
11 PROCESS IF YOU'LL ALL STAND AND RAISE YOUR RIGHT HANDS,
12 WE'LL HAVE THE OATH ADMINISTERED TO YOU.

13 (THEREUPON, THE JURY PANEL WAS DULY SWORN.)

14 THE COURT: THANK YOU, LADIES AND GENTLEMEN.
15 LADIES AND GENTLEMEN, LET ME TELL YOU AS I TOLD YOU THIS IS
16 A CRIMINAL CASE. THE DEFENDANT IS CHARGED UNDER THE
17 INDICTMENTS AND I'LL GO OVER THAT WITH YOU IN A MOMENT AS TO
18 WHO THE DEFENDANT IS AND INTRODUCE HIM TO YOU. THE
19 DEFENDANT MR. JHUNE HARRIS IS BEING TRIED UNDER INDICTMENTS
20 FOR MURDER AND ASSAULT AND BATTERY WITH INTENT TO KILL.
21 LADIES AND GENTLEMEN, I ALWAYS MAKE IT A HABIT AT THIS POINT
22 AND IT'S REALLY NOT NECESSARY BECAUSE I DO CHARGE THE
23 EVENTUAL JURY THAT IS TO DELIBERATE ON THIS CASE WITH THIS
24 BUT I WILL TELL YOU ALL NOW THAT THE FACT, LADIES AND
25 GENTLEMEN, THAT ANYBODY'S BEEN ARRESTED, CHARGED, AND EVEN

1 INDICTED IN A CASE IS NOT EVIDENCE, IS NOT EVIDENCE THAT THE
2 JURY WILL EVENTUALLY CONSIDER AND DELIBERATE ON.

3 YOU WILL HAVE THE INDICTMENTS. THE EVENTUAL JURY
4 WILL HAVE THE INDICTMENTS BACK IN THE JURY ROOM WITH YOU.
5 LADIES AND GENTLEMEN, THESE INDICTMENTS MERELY TELL US WHAT
6 THE CHARGES ARE, WHY WE ARE HERE AND WHAT CASE WE'RE HERE TO
7 TRY. IT'S NOT EVIDENCE AND WILL NOT BE CONSIDERED BY YOU AS
8 EVIDENCE BUT I DO TELL YOU WHAT THE INDICTMENTS ALLEGE AND
9 THAT'S WHAT THIS CASE WILL BE ABOUT. I'LL EXPLAIN THOSE
10 INDICTMENTS TO YOU A LITTLE LATER AS WE GO THROUGH THE VOIR
11 DIRE PROCESS JUST TO GIVE YOU A LITTLE MORE DETAILS ABOUT
12 THIS CASE AND AGAIN TO MAKE SURE THAT NOBODY HAS ANY
13 KNOWLEDGE ABOUT THE CASE OUTSIDE OF WHAT THEY WOULD HEAR
14 HERE IN THE COURTROOM OR ANY OTHER FACTS OR INFORMATION THAT
15 MIGHT POTENTIALLY MAKE IT IMPOSSIBLE TO BE FAIR AND UNBIASED
16 IN THIS CASE AS A JUROR.

17 LADIES AND GENTLEMEN, THE DEFENDANT WHO I WILL
18 INTRODUCE TO YOU AND I'LL ASK IF MR. HARRIS CAN STAND AND
19 FACE THE JURY PANEL IS MR. JHUNE HARIS AND, LADIES AND
20 GENTLEMEN, HE'S GOING TO BE STANDING IN FRONT OF YOU. LET
21 ME EXPLAIN TO YOU, LADIES AND GENTLEMEN, MR. HARRIS IS, HIS
22 LAST NAME, HIS FATHER'S LAST NAME WAS SIMS AND SO TO THE
23 EXTENT THAT ANY MEMBER OF THE JURY PANEL DOES KNOW OR
24 BELIEVE THEY KNOW MR. HARRIS, YOU MIGHT EITHER KNOW HIM BY
25 HIS MOTHER'S MAIDEN NAME JHUNE HARRIS OR BY HIS FATHER'S

1 LAST NAME WHICH IS SIMS. SO I WOULD ASK IF ANY MEMBER OF
2 THE JURY PANEL IS RELATED BY BLOOD, MARRIAGE, OR OTHERWISE
3 BELIEVES THAT THEY KNOW MR. JHUNE HARRIS OR MR. JHUNE SIMS
4 IN ANY WAY WHATSOEVER. IF YOU WILL PLEASE STAND.

5 (NO RESPONSE.)

6 THE COURT: THANK YOU, MR. HARRIS.

7 LADIES AND GENTLEMEN, MR. HARRIS IS REPRESENTED IN
8 THIS CASE BY MR. JACK SWERLING AND I WOULD ASK, HE'S
9 STANDING IN FRONT OF YOU AS WELL, AND I WOULD ASK IF ANY
10 MEMBER OF THE JURY PANEL IS RELATED BY BLOOD, MARRIAGE, OR
11 OTHERWISE BELIEVE THEY KNOW MR. SWERLING IN ANY CAPACITY OR
12 IF YOU'VE EVER BEEN REPRESENTED OR KNOW SOMEONE WHO'S BEEN
13 REPRESENTED BY MR. SWERLING IF YOU WILL PLEASE STAND.

14 YES, MA'AM, YOUR NAME.

15 A JUROR: CELLA BERNARD.

16 THE COURT: YES, MA'AM.

17 A JUROR: MY COUSIN HAS.

18 THE COURT: HAS BEEN REPRESENTED BY MR. SWERLING?

19 A JUROR: YES.

20 THE COURT: OKAY. MS. BERNARD, AT SOME POINT I'M
21 GOING TO BRING YOU DOWN AND TALK TO YOU DOWN HERE A LITTLE
22 BIT ABOUT THAT CASE BUT LET ME JUST ASK YOU NOW HOW LONG AGO
23 WAS THAT?

24 A JUROR: PROBABLY ABOUT 15 YEARS AGO.

25 THE COURT: WELL, MR. SWERLING AIN'T BUT 25 SO I'M

1 GOING TO ASK YOU SOME DETAILS ABOUT THAT, MA'AM; AND I'LL DO
2 THAT WITH THE LAWYERS DOWN HERE BUT IS THERE ANYTHING ABOUT
3 THAT CASE. THAT WOULD CAUSE YOU TO BE, HAVE ANY HESITANCY
4 ABOUT BEING ABLE TO BE FAIR AND IMPARTIAL IN THIS CASE WHERE
5 MR. SWERLING WOULD BE AN ATTORNEY?

6 A JUROR: NO.

7 THE COURT: ANYTHING ABOUT HIS PRIOR
8 REPRESENTATION OF YOUR COUSIN? WAS THIS A FIRST COUSIN?

9 A JUROR: FIRST COUSIN.

10 THE COURT: ANYTHING ABOUT HIS PRIOR
11 REPRESENTATION THAT WOULD CAUSE YOU TO HAVE ANY HESITANCY
12 ABOUT WEIGHING THE EVIDENCE FAIRLY FOR BOTH THE STATE AS
13 WELL AS THIS DEFENDANT?

14 A JUROR: NO.

15 THE COURT: THANK YOU MA'AM.

16 YES, SIR.

17 A JUROR: YOUR HONOR, MR. SWERLING AND I WERE
18 CLASSMATES IN LAW SCHOOL TOGETHER AND WE'VE BEEN FRIENDS FOR
19 GOING ON 35 YEARS.

20 THE COURT: OH, I DIDN'T KNOW THERE WAS BUT ONE
21 BUT IT'S GOOD TO SEE YOU.

22 MR. SWERLING+ IT'S 25, YOUR HONOR.

23 THE COURT: YOU'LL ARE CHILD PRODIGIES, RIGHT.
24 YES, SIR. LET ME JUST GET YOU TO STATE YOUR NAME FOR THE
25 COURT REPORTER.

1 A JUROR: WILLIAM BAUER.

2 THE COURT: WE ALL KNOW BAUER. MR. BAUER, IS
3 THERE ANYTHING, LET ME SEE, I WOULDN'T ASK YOU NORMALLY BUT
4 SINCE YOU SAY YOU WERE FRIENDS WITH HIM IN LAW SCHOOL IS
5 THERE ANYTHING, LET ME SEE, I WOULDN'T ASK YOU NORMALLY BUT
6 SINCE YOU WERE FRIENDS WITH HIM IN LAW SCHOOL IS THERE
7 ANYTHING ABOUT BEING FRIENDS WITH MR. SWERLING OR HAVING
8 KNOWN HIM THAT WOULD CAUSE YOU TO HAVE ANY BIAS AGAINST HIM
9 OR HIS CLIENT?

10 A JUROR: NO, SIR.

11 THE COURT: AND WOULD YOU HAVE ANY BIAS FOR HIM OR
12 HIS CLIENT?

13 A JUROR: I DON'T BELIEVE SO. IT'S JUST, YOU
14 KNOW, WHEN YOU'VE BEEN FRIENDS WITH SOMEBODY FOR THAT LONG,
15 IT'S RATHER DIFFICULT.

16 THE COURT: RIGHT, AND I'LL, WE'LL DISCUSS IT.
17 I'LL BRING YOU DOWN A LITTLE BIT. YOU'RE A MEMBER OF THE
18 BAR AND THAT'S HOW WE ALL KNOW MR. BAUER. LET ME ASK,
19 MR. BAUER, BEFORE YOU ACTUALLY SIT DOWN IS THERE ANYTHING
20 AND, I KNOW WE'RE GOING TO COME BACK TO THAT QUESTION ABOUT
21 BIAS FOR THE DEFENDANT OR MR. SWERLING, IS THERE ANYTHING
22 ABOUT THIS CASE THAT WOULD CAUSE YOU TO HAVE ANY BIAS OR
23 YOUR RELATIONSHIP WITH MR. SWERLING WOULD CAUSE YOU TO HAVE
24 ANY BIAS FOR OR AGAINST THE STATE?

25 A JUROR: I DON'T BELIEVE SO, YOUR HONOR.

1 THE COURT: OKAY. THANK YOU, SIR. I'LL BRING YOU
2 DOWN, MR. BAUER, AND TALK TO YOU A LITTLE BIT LATER AS WELL.
3 THANK YOU, SIR.

4 ALL RIGHT, ANYTHING ELSE? YES, SIR.

5 A JUROR: OVER 20 YEARS AGO I BELIEVE A PARTNER OF
6 MR. SWERLING AT THE TIME REPRESENTED ME AS A PLAINTIFF IN A
7 CIVIL CASE.

8 THE COURT: AND YOUR NAME, SIR?

9 MR. SWERLING: DON'T HOLD THAT AGAINST ME.

10 THE COURT: AND YOUR NAME, SIR.

11 A JUROR: HAROLD ADAMS.

12 THE COURT: OKAY. AND YOU SAID IT WAS
13 ABOUT 20, 25 YEARS AGO.

14 A JUROR: TWENTY PLUS YEARS AGO.

15 THE COURT: OKAY. IS THERE ANYTHING ABOUT HIS
16 PARTNER'S PRIOR REPRESENTATION THAT WOULD CAUSE YOU TO HAVE
17 ANY BIAS FOR OR AGAINST MR. SWERLING OR THE DEFENDANT OR FOR
18 OR AGAINST THE STATE? DO YOU FEEL LIKE YOU COULD STILL BE
19 FAIR TO BOTH SIDES IN THIS CASE?

20 A JUROR: (NODDED HEAD.)

21 THE COURT: OKAY. THANK, YOU SIR.

22 OKAY. LADIES AND GENTLEMEN, THE STATE OF SOUTH
23 CAROLINA IS REPRESENTED IN THIS CASE BY MR. JOHN MEADORS AND
24 MS. ERIN GADDY AND THEY'RE GOING TO STAND IN FRONT OF YOU.
25 THEY'RE ASSISTANT SOLICITORS WITH THE FIFTH CIRCUIT

1 SOLICITOR'S OFFICE AND THE FIFTH CIRCUIT IS COMPRISED OF
2 RICHLAND AND KERSHAW COUNTIES. THE ENTIRE STATE, LADIES AND
3 GENTLEMEN, IS DIVIDED INTO JUDICIAL CIRCUITS AND OUT OF
4 THOSE THE SOLICITOR IS ELECTED AND THEY REPRESENT THOSE
5 COUNTIES. MR. MEADORS AND MS. GADDY WILL BE REPRESENTING
6 THE STATE IN THIS CASE AND I WOULD ASK THE SAME QUESTIONS IF
7 ANYONE IS RELATED BY BLOOD, MARRIAGE, OR OTHERWISE KNOWS
8 EITHER MR. MEADORS OR MS. GADDY IF YOU WILL PLEASE STAND.

9 (NO RESPONSE.)

10 THE COURT: THANK YOU, COUNSEL. LADIES AND
11 GENTLEMEN, I'M GOING TO READ TO YOU ALL A LIST OF POTENTIAL
12 WITNESSES IN THIS CASE. ALL OR SOME OF THESE WITNESSES MAY
13 BE CALLED TO TESTIFY DURING THE COURSE OF THIS TRIAL BUT
14 BECAUSE THEY ARE POTENTIAL WITNESSES IN THIS CASE.

15 A JUROR: I'VE MET WITH MR. MEADORS TWICE BEFORE
16 FOR A CASE THAT I'M A VICTIM OF. DOES THAT COUNT?

17 THE COURT: OKAY. LET ME ASK YOU YOUR NAME.

18 A JUROR: TROY MOORE.

19 THE COURT: MOORE?

20 A JUROR: YES, SIR.

21 THE COURT: OKAY. HOW LONG AGO WAS THAT, SIR?

22 A JUROR: YEAR AND A HALF AGO.

23 THE COURT: YEAR AND A HALF AGO.

24 A JUROR: YES, SIR.

25 THE COURT: IS IT STILL AN ONGOING CASE?

1 A JUROR: YES, SIR.

2 THE COURT: MR. MOORE, I'M GOING TO, I'LL BRING
3 YOU DOWN AT THE END AND TALK WITH YOU WITH COUNSEL DOWN AT
4 THE FRONT, OKAY. THANK YOU, SIR.

5 OKAY. LADIES AND GENTLEMEN, THESE ARE POTENTIAL
6 WITNESSES IN THIS CASE AND AS I SAID BECAUSE THEY ARE
7 POTENTIAL WITNESSES I'LL GO THROUGH AND CALL OUT THEIR
8 NAMES. IF ANY OF THEM ARE PRESENT RIGHT NOW, THEY WILL
9 STAND IN FRONT OF YOU AS I CALL OUT THEIR NAMES AND AGAIN,
10 LADIES AND GENTLEMEN, AT THE END OF THAT YOU CAN WAIT AND
11 STAND AT THE VERY END WHEN I FINISH THE LIST. I'M GOING TO
12 ASK IF ANYBODY'S RELATED BY BLOOD OR MARRIAGE OR OTHERWISE
13 BELIEVES THAT THEY KNOW ANY OF THESE POTENTIAL WITNESSES:

14 E. A. BARBER WITH THE COLUMBIA POLICE DEPARTMENT,
15 HENRY BONEY, JAMES BRADLEY WITH THE COLUMBIA POLICE
16 DEPARTMENT, DAVID COLLINS WITH THE RICHLAND COUNTY SHERIFF'S
17 DEPARTMENT, NICK FORTNER WITH THE COLUMBIA POLICE
18 DEPARTMENT, HOLLY GANUNG. AM I PRONOUNCING THAT RIGHT?
19 G-A-N-U-N-G WITH RICHLAND COUNTY E.M.S., ANGELA GILMORE.
20 MS. GILMORE IS STANDING IN FRONT OF YOU. THANK YOU, MA'AM.
21 MS. ASHLEY GILMORE. THANK YOU, MA'AM. CORPORAL ROBERT HALL
22 WITH THE COLUMBIA POLICE DEPARTMENT. EUGENE IVERY. THANK
23 YOU, SIR. FOREST IVERY. THANK YOU, SIR. JOHN MARCUS
24 IVERY. THANK YOU, SIR. MICHAEL MATTHEWS. DR. CLAY
25 NICHOLS. OFFICER ---

1 A JUROR: I KNOW ---

2 THE COURT: OKAY. I'LL COME BACK TO Y'ALL SO
3 Y'ALL DON'T HAVE TO STAND AS I GO THROUGH THE WHOLE LIST.
4 I'LL GET YOU AT THE VERY END, OKAY. OFFICER TAURUS SANDERS
5 WITH THE COLUMBIA POLICE DEPARTMENT; INVESTIGATOR R. S.
6 SMITH WITH THE COLUMBIA POLICE DEPARTMENT; BRIAN SPRUELL;
7 DR. JETER TAYLOR, III; SERGEANT D. A. THORNTON WITH THE
8 COLUMBIA POLICE DEPARTMENT; MARY FRANCES O'GRADY-WATTS WITH
9 THE COLUMBIA POLICE DEPARTMENT; SERGEANT ROBERT SHAWEN WITH
10 THE COLUMBIA POLICE DEPARTMENT, S-H-A-W-E-N; INVESTIGATOR
11 M. W. VINSON WITH THE COLUMBIA POLICE DEPARTMENT. THANK
12 YOU, INVESTIGATOR. CAROL COOPER, MATTIE CALDWELL, MARY JANE
13 KINARD.

14 OKAY. LADIES AND GENTLEMEN, IF ANY MEMBER OF THE
15 JURY PANEL IS RELATED BY BLOOD, MARRIAGE, OR OTHERWISE
16 BELIEVES THAT THEY KNOW ANY OF THOSE POTENTIAL JURORS IN ANY
17 CAPACITY WHATSOEVER, IF YOU WILL PLEASE GO AHEAD AND STAND.

18 YES, SIR, IF YOU'LL GIVE ME YOUR NAME, SIR.

19 A JUROR: JAMES FIELDS.

20 THE COURT: OKAY. YES, SIR.

21 A JUROR: I KNOW DR. CLAY NICHOLS FROM MY TRAINING
22 AT PALMETTO RICHLAND. I DON'T BELIEVE THAT WOULD BIAS MY
23 JUDGMENTS IN THE CASE BUT ACKNOWLEDGING THAT WE HAVE A
24 PROFESSIONAL RELATIONSHIP.

25 THE COURT: OKAY. DO YOU CURRENTLY WORK WITH HIM

1 RIGHT NOW?

2 A JUROR: NO, SIR. I'M CURRENTLY AT DORN VETERANS
3 HOSPITAL.

4 THE COURT: OKAY. AND HE WAS INVOLVED IN YOUR
5 TRAINING?

6 A JUROR: YES, SIR.

7 THE COURT: LET ME ASK YOU, SIR, IS THERE ANYTHING
8 ABOUT YOUR PRIOR TRAINING WITH DR. NICHOLS THAT WOULD CAUSE
9 YOU TO TREAT HIS TESTIMONY ANY DIFFERENT THAN ANY OTHER
10 WITNESS WHO TESTIFIED SIMPLY BECAUSE YOU KNEW HIM OUTSIDE OF
11 THIS COURTROOM?

12 A JUROR: I HAVE GREAT RESPECT FOR HIS
13 PROFESSIONAL EXPERTISE. I WOULD PROBABLY TEND TO GIVE IT
14 HEAVY WEIGHT BUT I WOULD STILL CONSIDER IT WITHIN THE
15 CONTEXT OF EVERYTHING THAT WAS PRESENTED.

16 THE COURT: OKAY. WOULD YOU FIND HIM MORE
17 BELIEVABLE BASED ON YOUR KNOWLEDGE OF HIM OUTSIDE OF THE
18 COURTROOM OR POTENTIALLY LESS BELIEVABLE BASED ON THAT OR
19 WOULD YOU SIMPLY JUDGE IT BASED ON ---

20 A JUROR: I FEEL THAT I WOULD WEIGH IT. I WOULD
21 GIVE IT APPROPRIATE WEIGHT BUT I'M TRYING TO BE FORTHRIGHT.

22 THE COURT: YES, SIR.

23 A JUROR: BUT I HAVE GREAT RESPECT FOR DR. NICHOLS
24 AND I RESPECT HIS OPINIONS.

25 THE COURT: OKAY. THANK YOU, SIR.

1 YES, SIR.

2 A JUROR: I'M A RETIRED COLUMBIA POLICE DEPARTMENT
3 OFFICER. I KNOW ALMOST ALL OF THE OFFICERS.

4 THE COURT: OKAY. YOU KNOW ALMOST ALL OF THEM?

5 A JUROR: YES, SIR.

6 THE COURT: LET ME ASK YOU, SIR, HOW LONG AGO DID
7 YOU RETIRE?

8 A JUROR: FIVE YEARS AGO I RETIRED, YOUR HONOR.

9 THE COURT: FIVE YEARS. IS THERE ANYTHING ABOUT
10 YOUR KNOWLEDGE OF THOSE OFFICERS, SIR, THAT WOULD CAUSE YOU
11 TO TREAT THEIR TESTIMONY ANY DIFFERENT THAN ANY OTHER
12 WITNESS SIMPLY BECAUSE YOU USED TO WORK FOR THE COLUMBIA
13 POLICE DEPARTMENT?

14 A JUROR: NO, YOUR HONOR.

15 THE COURT: ANYTHING CAUSE YOU TO FIND THEM MORE
16 OR LESS CREDIBLE SIMPLY BECAUSE YOU KNOW THEM OUTSIDE OF
17 THIS COURTROOM?

18 A JUROR: NO, YOUR HONOR.

19 THE COURT: AND YOU FEEL LIKE YOU COULD BE FAIR IN
20 WEIGHING THEIR TESTIMONY AND ALL THE EVIDENCE AND TESTIMONY
21 IN THIS CASE.

22 A JUROR: YES, SIR.

23 THE COURT: FAIRLY FOR BOTH SIDES.

24 A JUROR: YES, SIR.

25 THE COURT: THANK YOU, SIR.

1 THE COURT: LADIES AND GENTLEMEN, LET ME ASK YOU
2 ANY MEMBER OF THE JURY PANEL, OH, I'M SORRY, YES, MA'AM.

3 A JUROR: I FEEL SILLY DOING THIS. I DON'T KNOW
4 THAT LADY OVER THERE BUT SHE GOES TO LOURIE'S UPTOWN.

5 THE COURT: WHICH LADY?

6 A JUROR: MS. GILMORE IS IT?

7 THE COURT: OKAY. THAT WAS MS. ANGELA GILMORE.
8 YOU BELIEVE YOU KNOW HER? AND YOUR NAME AGAIN, MA'AM?

9 A JUROR: SANDRA HAMLIN.

10 THE COURT: OKAY. THANK YOU. YOU JUST DON'T
11 RECALL WHERE YOU MIGHT HAVE SEEN HER?

12 A JUROR: I WORK IN THE PUBLIC SCHOOLS AND THERE
13 ARE A LOT OF PEOPLE THAT I KNOW. LIKE I SAY, I'VE KNOW SO
14 MANY.

15 THE COURT: NO, MA'AM. I APPRECIATE YOU STANDING
16 UP. THAT'S WHAT WE NEED TO KNOW. IS THERE ANYTHING AS YOU
17 SEARCH YOUR MEMORY AS TO HOW YOU MIGHT KNOW HER THAT WOULD
18 CAUSE YOU TO HAVE ANY HESITANCY ABOUT BEING ABLE TO BE FAIR
19 TO BOTH THE STATE AND THE DEFENDANT?

20 A JUROR: NO.

21 THE COURT: DO YOU THINK YOU HAD MORE THAN A
22 CURSORY MEETING WITH HER?

23 A JUROR: HUH-UH.

24 THE COURT: AND YOU FEEL LIKE YOU COULD BE FAIR TO
25 BOTH SIDES.

1 A JUROR: UH-HUH.

2 THE COURT: OKAY. THANK YOU, MA'AM.

3 OKAY. LADIES AND GENTLEMEN, I'M GOING TO ASK IF
4 ANY MEMBER OF THE JURY PANEL IS RELATED TO ANYONE OR VERY
5 CLOSE FRIENDS WITH ANYONE WHO IS EMPLOYED WITHIN LAW
6 ENFORCEMENT AND BY THAT QUESTION, LADIES AND GENTLEMEN, I
7 MEAN IS THERE ANYONE WHO IS RELATED TO, OR YOURSELF, YOU
8 MIGHT YOURSELF HAVE BEEN EMPLOYED WITHIN LAW ENFORCEMENT OR
9 YOU MIGHT BE VERY CLOSE FRIENDS WITH SOMEBODY EMPLOYED IN
10 LAW ENFORCEMENT. BY THAT QUESTION, LADIES AND GENTLEMEN, OF
11 LAW ENFORCEMENT I MEAN AS WE TRADITIONALLY THINK OF ANY
12 POLICE AGENCY WHETHER IT BE STATE, FEDERAL, LOCAL, INCLUDING
13 MILITARY, INCLUDING ANY DEPARTMENT OF CORRECTIONS OR A
14 PRISON OFFICER.

15 I ALSO MEAN BY THAT, LADIES AND GENTLEMEN, ANYONE
16 WHO MIGHT WORK AT A PROSECUTOR'S OFFICE SUCH AS A
17 SOLICITOR'S OFFICE, A CITY PROSECUTOR'S OFFICE, THE STATE
18 ATTORNEY GENERAL'S OFFICE, ANY LEVEL OF A PROSECUTOR'S
19 OFFICE. SO IS THERE ANY MEMBER OF THE GENERAL, OF THE JURY
20 POOL THAT IS EITHER THEMSELF, A FAMILY MEMBER, OR CLOSE
21 FRIENDS WITH SOMEONE WHO WORKS IN LAW ENFORCEMENT?

22 ALL RIGHT. WE'LL START HERE AND WORK OUR WAY DOWN
23 AND BACK. YES, SIR.

24 A JUROR: JAMES FIELDS.

25 THE COURT: YES, SIR.

1 A JUROR: MY BROTHER IS A DEPUTY SHERIFF WITH
2 FLORENCE COUNTY. I ALSO HAVE A SEVERAL FIRST COUSINS THAT
3 WORK ON A FEDERAL LEVEL.

4 THE COURT: OKAY. IN LAW ENFORCEMENT AGENCIES?

5 A JUROR: YES, SIR.

6 THE COURT: OKAY. AS I COME THROUGH I'M GOING TO
7 ASK A QUESTION ALL AT ONCE FOR ALL OF YOU AND HOPEFULLY YOU
8 CAN ANSWER IT ALL AT ONE TIME SO IF YOU'LL JUST KEEP
9 STANDING.

10 YES, MA'AM.

11 A JUROR: MY NEPHEW GILMORE WALDEN WORKED AT
12 RICHLAND COUNTY.

13 THE COURT: OKAY. AND YOUR NAME AGAIN, MA'AM?
14 I'M SORRY.

15 A JUROR: CELLA BERNARD.

16 THE COURT: OKAY. YES, MA'AM, AND YOUR NEPHEW
17 WORKS WITH RICHLAND COUNTY SHERIFF'S DEPARTMENT.

18 A JUROR: YES, HE DOES.

19 THE COURT: THANK YOU, MA'AM.

20 YES, MA'AM.

21 A JUROR: MY NAME IS KIM HAGAN AND MY
22 BROTHER-IN-LAW IS A POLICE OFFICER BIRMINGHAM, ALABAMA.

23 THE COURT: OKAY. THANK YOU, MA'AM.

24 MR. SWERLING: WHAT NUMBER IS THAT?

25 A JUROR: MY NAME IS ---

1 THE COURT: I'M SORRY. OKAY. YES, MA'AM.

2 A JUROR: MY NAME IS LATOYA BAXTER AND MY BROTHER
3 IS A POLICE OFFICER FROM FOREST ACRES AND I HAVE A FIRST
4 COUSIN IN COLUMBIA POLICE DEPARTMENT.

5 THE COURT: WITH THE COLUMBIA POLICE DEPARTMENT.
6 OKAY. THANK YOU.

7 A JUROR: JUROR NUMBER 6, MY AUNT IS WITH S.L.E.D.

8 THE COURT: THANK YOU, SIR. IF Y'ALL WOULD KEEP
9 STANDING I'LL COME BACK TO Y'ALL ALL AT ONCE.

10 NEXT ROW, YES, MA'AM.

11 A JUROR: JACKIE MCCRAY MY NEIGHBOR AND CLOSE
12 FRIEND IS A RICHLAND COUNTY POLICE.

13 THE COURT: OKAY. THANK YOU, MA'AM.

14 YES, SIR.

15 A JUROR: JAMES LYONS, NUMBER 125. I WORKED AT
16 THE COMMUNICATIONS CENTER OF THE HIGHWAY PATROL UP UNTIL
17 AUGUST OF LAST YEAR.

18 THE COURT: OKAY. THANK YOU, SIR. NUMBER 125.

19 A JUROR: WILLIAM HENDRIX, NUMBER 90. TWO OF MY
20 BEST FRIENDS ARE IN LAW ENFORCEMENT.

21 THE COURT: OKAY. THANK YOU, SIR. WE'LL START
22 LADY LAST ONE. YES, SIR.

23 A JUROR: VIVIAN YOUNG, JUROR NUMBER 224 AND MY
24 DAUGHTER-IN-LAW IS A SHERIFF'S DEPUTY FOR RICHLAND COUNTY.

25 THE COURT: OKAY. THANK YOU, MA'AM.

1 A JUROR: TROY MOORE, JUROR NUMBER 227. MY
2 BROTHER AND AT LEAST SIX OF MY COUSINS ARE POLICE AND
3 CORRECTIONAL OFFICERS.

4 THE COURT: OKAY. THROUGHOUT THE STATE OR IS IT
5 JUST ---

6 A JUROR: IN THE STATE.

7 THE COURT: LET ME ASK YOU ALL, LADIES AND
8 GENTLEMEN, AND IF YOU CAN ANSWER THIS QUESTION YES, YOU CAN
9 HAVE A SEAT. ARE YOU ALL ABLE TO SET ASIDE YOUR OWN
10 PERSONAL AFFILIATION PAST OR PRESENT OR YOUR FAMILY
11 RELATIONSHIPS OR FRIENDSHIPS WITH THOSE WHO ARE EMPLOYED
12 WITHIN LAW ENFORCEMENT AND TREAT ALL TESTIMONY FAIRLY FOR
13 BOTH SIDES AND WEIGH ALL TESTIMONY FAIRLY FOR BOTH SIDES?
14 IF YOU'RE ABLE TO SET ASIDE ANY RELATIONSHIPS WITH LAW
15 ENFORCEMENT, YOU CAN HAVE A SEAT.

16 A JUROR: I'M NOT SURE IF THIS PERTAINS BUT MY
17 HUSBAND USED TO WORK WITH THE SOLICITOR'S OFFICE IN
18 LEXINGTON COUNTY.

19 THE COURT: OKAY. AND YOUR NAME, MA'AM.

20 A JUROR: LENNY MCCAULEY. IT'S LENNISON MCCAULEY.

21 THE COURT: AND HOW LONG AGO DID HE WORK?

22 A JUROR: IT'S BEEN YEARS AGO, AT LEAST 15.

23 THE COURT: OKAY. AND THE SAME QUESTION, MA'AM,
24 ARE YOU ABLE TO SET THAT ASIDE AND BE FAIR FOR BOTH THE
25 STATE AND THE DEFENSE IN THIS CASE?

1 A JUROR: I THINK SO.

2 THE COURT: OKAY. ANY HESITANCY IN YOUR MIND
3 ABOUT BEING ABLE TO SET IT ASIDE?

4 A JUROR: I JUST KNOW A LOT OF PEOPLE IN THE
5 OFFICE UP THERE BUT, YOU KNOW. . . .

6 THE COURT: OKAY. WOULD THAT CAUSE YOU TO HAVE
7 ANY BIASES FOR OR AGAINST THE SOLICITOR'S OFFICE IN THIS
8 CASE, OR FOR OR AGAINST THE DEFENDANT IN THIS CASE.

9 A JUROR: I DON'T THINK SO.

10 THE COURT: OKAY. WHEN Y'ALL SAY YOU DON'T THINK
11 SO AND I'M NOT BEING PICKY ABOUT BUT IF THERE'S --

12 A JUROR: NO. NO, I WOULDN'T.

13 THE COURT: OKAY. YOU ARE CONFIDENT YOU CAN SET
14 THAT ASIDE?

15 A JUROR: (NODDED HEAD.)

16 THE COURT: OKAY. THANK YOU, MA'AM. ALL RIGHT.
17 DON'T MEAN TO BE PICKY, FOLKS; BUT WE DO HAVE TO MAKE SURE
18 IF THERE IS ANY HESITANCY IN YOUR MIND, LIKE I SAID NOBODY'S
19 GOING TO BE MAD AT YOU IF THERE IS ANY. BOTH SIDES WOULD
20 APPRECIATE IF YOU JUST TELL US AND WE DON'T GET MAD ABOUT
21 THAT.

22 A JUROR: THERE IS NOT.

23 THE COURT: OKAY. THANK YOU, MA'AM.

24 ALL RIGHT. ANYONE ELSE? BY THE SAME TOKEN,
25 LADIES AND GENTLEMEN, I WANT TO ASK IF ANY MEMBER OF THE

1 JURY PANEL EITHER THEMSELF OR A FAMILY MEMBER OR A CLOSE
2 PERSONAL FRIEND IS EMPLOYED OR HAS BEEN EMPLOYED WITHIN ANY
3 CRIMINAL DEFENSE PRACTICE AND THAT MIGHT BE A PRIVATE
4 CRIMINAL DEFENSE LAW FIRM. IT MIGHT BE A STATE AGENCY OR A
5 LOCAL AGENCY THAT DEALS WITH REPRESENTING INDIGENT
6 DEFENDANTS AT ANY LEVEL, AGAIN FEDERAL, STATE, LOCAL IS
7 ANYBODY THEMSELF A FAMILY MEMBER OR A CLOSE FRIEND WHO HAS
8 BEEN EMPLOYED FOR A CRIMINAL DEFENSE PRACTICE.

9 A JUROR: WILLIAM BAUER.

10 THE COURT: YES, SIR.

11 A JUROR: MY PRACTICE IS MADE UP OF DEFENDING
12 PEOPLE CHARGED WITH CRIMINAL OFFENSES.

13 THE COURT: YES. AND, MR. BAUER, IF YOU'LL JUST
14 KEEP STANDING FOR ME I'LL GET THESE TWO AND ASK Y'ALL ONE
15 QUESTION.

16 A JUROR: MATTHEW MILLER, NUMBER 138.

17 THE COURT: YES, SIR.

18 A JUROR: I'M, I HAVE A COLLEAGUE MARY ELLEN
19 O'LEARY AND I KNOW HER HUSBAND JOHN O'LEARY PRETTY WELL.

20 THE COURT: OKAY. YES, SIR. THANK YOU.

21 YES, MA'AM.

22 A JUROR: MY HUSBAND IS NOW IN PRIVATE PRACTICE IN
23 LEXINGTON.

24 THE COURT: OKAY. HE'S AN ATTORNEY IN LEXINGTON

25 AND ---

1 A JUROR: RIGHT.

2 THE COURT: HE DOES CRIMINAL DEFENSE?

3 A JUROR: YES.

4 THE COURT: THANK YOU, MA'AM.

5 YES, MA'AM.

6 A JUROR: LINDA HARRIS. I'M NUMBER 88. MY
7 HUSBAND LEE WAS AN ATTORNEY AT C.S.C.

8 THE COURT: HE'S AN ATTORNEY.

9 A JUROR: YES, HE'S A LAWYER.

10 THE COURT: YOU SAID THE NAME AND I DIDN'T HEAR
11 IT.

12 A JUROR: LEE HARRIS.

13 THE COURT: OKAY. NOW, YOU SAID HE WORKS WHERE?

14 A JUROR: C.S.C.

15 THE COURT: OKAY. WHAT IS C.S.C.?

16 A JUROR: INDIGENCY.

17 THE COURT: OH, OKAY. YES, OKAY. AND HE DOES
18 CRIMINAL DEFENSE AS A PRO BONO MATTER.

19 A JUROR: (NODDED HEAD.)

20 THE COURT: LET ME ASK ALL OF YOU WHO ARE STANDING
21 NOW, ARE YOU ABLE TO SET ASIDE EITHER YOUR OWN RELATIONSHIP
22 IN A CRIMINAL DEFENSE PRACTICE OR YOUR ASSOCIATION WITH
23 ANYONE WHO WORKS IN A CRIMINAL DEFENSE PRACTICE AND BE FAIR
24 AND IMPARTIAL TO BOTH THE STATE AS WELL AS THIS DEFENDANT IN
25 TRYING THIS CASE AS A POTENTIAL JUROR? IF YOU ARE YOU CAN

1 HAVE A SEAT. THANK YOU. ALL RIGHT. EVERYBODY'S HAD A
2 SEAT. LADIES AND GENTLEMEN, LET ME GO THROUGH AND ASK,
3 FIRST OF ALL LET ME COME BACK TO THAT. I TOLD YOU I'D TELL
4 YOU A LITTLE BIT ABOUT WHAT'S IN THE INDICTMENT IN A MOMENT.
5 IS THERE ANY MEMBER OF THE JURY PANEL WHO IS A MEMBER OF ANY
6 FRATERNAL ORGANIZATION SUCH AS MASONS, KNIGHTS OF COLUMBUS,
7 ELKS, ANY TYPE OF FRATERNAL ORGANIZATION?

8 ALL RIGHT. WE'LL START HERE AND WORK ---

9 A JUROR: NADINE FISHER, JUROR NUMBER 63. MY
10 HUSBAND IS A MASON.

11 THE COURT: OKAY. THANK YOU, MA'AM. IF YOU'LL
12 JUST KEEP STANDING FOR ME.

13 YES, MA'AM. YES, SIR.

14 A JUROR: DR. JOHN FUSELER, JUROR NUMBER 68. I'M
15 A MASON.

16 THE COURT: OKAY. THANK YOU, SIR.

17 YES, SIR.

18 A JUROR: TIM FRITZ, JUROR NUMBER 167. I'M A
19 MASON.

20 THE COURT: THANK YOU, SIR.

21 A JUROR: JOHN PAOLUCCI, NUMBER 158, KNIGHTS OF
22 COLUMBUS.

23 THE COURT: THANK YOU, SIR.

24 A JUROR: DEXTER ASHFORD, JUROR NUMBER 6. I'M A
25 SHRINER.

1 THE COURT: OKAY. THANK YOU, SIR.

2 YES, SIR.

3 A JUROR: JAMES LYONS, NUMBER 125, MASON.

4 THE COURT: OKAY. THANK YOU, SIR.

5 YES, MA'AM.

6 A JUROR: MARIETTA POTTER, 162, MY PARENTS WERE
7 ELKS. THEY ARE ---

8 THE COURT: I'M SORRY. OKAY. YOU STARTED TAILING
9 OFF AT THE END.

10 A JUROR: MY PARENTS WERE UP IN RICHMOND. THEY
11 HAD MY ---

12 THE COURT: OKAY. IF YOU COULD SPEAK UP A LITTLE
13 BIT. I'M GOING TO TELL Y'ALL IT'S NOT, THE ACOUSTICS ARE
14 AWFUL IN THIS COURTROOM SO I'M HAVING A LITTLE TROUBLE
15 HEARING YOU.

16 A JUROR: BOTH OF MY PARENTS AND I BECAME AN ELKS
17 MEMBER.

18 THE COURT: OKAY. THANK YOU.

19 YES, SIR.

20 A JUROR: TROY MOORE, JUROR 227. I'M A MASON.

21 THE COURT: OKAY. THANK YOU, SIR. ARE YOU
22 TELLING ME THE TRUTH OR YOU JUST LIKE STANDING UP?

23 A JUROR: AND I'M PASTOR, TOO, YOUR HONOR.

24 THE COURT: I WAS GOING TO ASK THAT LATER ON, TOO.
25 LET ME ASK YOU, LADIES AND GENTLEMEN, ARE YOU ALL, YOU CAN

1 HAVE A SEAT IF YOU CAN ANSWER THIS YES. ARE YOU ALL ABLE TO
2 IF YOU HEAR ANY TESTIMONY REGARDING ANY FRATERNAL
3 ORGANIZATIONS, ARE YOU ABLE TO SET THAT ASIDE AND BE FAIR
4 AND IMPARTIAL TO BOTH THE STATE AS WELL AS THE DEFENDANT IN
5 THIS CASE TRYING AND DELIBERATING ON THIS CASE ONLY BASED ON
6 WHAT YOU HEAR HERE IN THE COURTROOM. IF YOU'RE ABLE TO YOU
7 CAN HAVE A SEAT. THANK YOU, EVERYBODY.

8 ALL RIGHT. LADIES AND GENTLEMEN, I EXPLAINED TO
9 YOU THAT THESE ARE THE ALLEGATIONS IN THE INDICTMENTS AND AS
10 I SAID THE INDICTMENTS ARE MERELY THE DOCUMENTS THAT BRING
11 THESE CASES UP TO THIS COURTROOM FOR TRIAL OR DISPOSITION
12 AND LET ME JUST TELL YOU WHAT'S IN THE INDICTMENTS, LADIES
13 AND GENTLEMEN. THE FIRST INDICTMENT ALLEGES MR. HARRIS DID
14 HERE IN RICHLAND COUNTY ON OR ABOUT JULY 6 OF 2003 COMMIT
15 THE CRIME OF MURDER AGAINST ONE MR. LEOPOLD PIERRE BY MEANS
16 OF SHOOTING THE VICTIM WITH A PISTOL AND THAT THE VICTIM DID
17 DIE AS A PROXIMATE RESULT THEREOF.

18 THE SECOND INDICTMENT ALLEGES THAT MR. HARRIS DID
19 HERE IN RICHLAND COUNTY ON OR ABOUT JULY 6 OF 2003 COMMIT
20 THE CRIME OF ASSAULT AND BATTERY WITH INTENT TO KILL UPON
21 MS. ANGELA GILMORE AND, LADIES AND GENTLEMEN, I WOULD ASK IF
22 ANY MEMBER OF THE JURY PANEL BELIEVES THAT THEY HAVE ANY
23 KNOWLEDGE ABOUT THIS CASE OTHER THAN WHAT YOU'VE HEARD HERE
24 IN COURT THIS AFTERNOON. IF YOU BELIEVE YOU'VE HEARD
25 ANYTHING ABOUT THIS CASE EITHER THROUGH THE MEDIA, THROUGH

1 CONVERSATIONS WITH ANYBODY OR JUST RUMORS OR ANYTHING, IF
2 ANYBODY IN THE JURY PANEL BELIEVES THAT THEY KNOW ANYTHING
3 ABOUT THIS CASE OTHER THAN WHAT YOU'VE HEARD AS WE'VE GONE
4 THROUGH THESE QUESTIONS THIS AFTERNOON, IF YOU WILL PLEASE
5 STAND.

6 (NO RESPONSE.)

7 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, LET
8 ME ASK YOU TO LISTEN TO THIS QUESTION AND I'M GOING TO ASK
9 IT AND AS I TOLD YOU THIS IS ONE OF THOSE QUESTIONS WHERE
10 I'M GOING TO GET YOU TO STAND AND ANYBODY WHO IS STANDING IN
11 RESPONSE TO THIS QUESTION I'M GOING TO LINE YOU UP AGAINST
12 THIS WALL AND BRING YOU DOWN ONE AT A TIME AND TALK WITH YOU
13 WITH COUNSEL DOWN HERE BY THE COURT REPORTER BUT IF YOU'LL
14 LISTEN TO THIS QUESTION, IT'S A MULTI-PART QUESTION, LADIES
15 AND GENTLEMEN.

16 AND IT IS WHETHER OR NOT ANY MEMBER OF THE JURY
17 PANEL OR SOMEONE IN YOUR FAMILY HAS EITHER BEEN ACCUSED OF,
18 WHETHER YOU'VE BEEN CHARGED, WHETHER THEY WERE CHARGED OR
19 PROSECUTED OR ANYTHING BUT HAS ANYONE OR THEIR FAMILY MEMBER
20 BEEN ACCUSED OF A VIOLENT CRIME OR ANYONE IN YOUR FAMILY OR
21 YOURSELF BEEN THE VICTIM OF A VIOLENT CRIME, IF YOU WILL
22 PLEASE STAND. OKAY.

23 FOLKS, IF YOU ALL WILL LINE UP AGAINST THAT WALL
24 DOWN THERE, WE'LL BRING YOU DOWN ONE AT A TIME.

25 THE CLERK: NUMBER 92, YOUR HONOR, BRENDA HOLLINS.

1 THE COURT: THANK YOU, SIR.

2 YES, MA'AM, MS. HOLLINS.

3 A JUROR: IT WAS MY BROTHER. HE'S NOT EVEN FROM
4 SOUTH CAROLINA. HE WAS STABBED AND IT WAS LIKE HE DIDN'T
5 DIE BUT HE WAS LIKE 15, MAYBE 15, 18 YEARS AGO.

6 THE COURT: OKAY. ABOUT 15 OR 18 YEARS AGO YOUR
7 BROTHER WAS A VICTIM OF A STABBING?

8 A JUROR: YES, SIR.

9 THE COURT: WAS ANYBODY CAUGHT AND PROSECUTED FOR
10 THAT?

11 A JUROR: YES, I THINK HE WENT TO JAIL.

12 THE COURT: ANYTHING ABOUT THAT EXPERIENCE, MA'AM,
13 THAT YOU WOULD BE UNABLE TO SATISFY, GIVE A FAIR TRIAL TO
14 THE STATE AND THE DEFENDANT IN THIS CASE?

15 A JUROR: NO, I WON'T HAVE A PROBLEM.

16 THE COURT: ANYTHING ABOUT THE, HOW THAT CASE WAS
17 PROSECUTED CAUSE YOU TO HAVE ANY BIAS FOR OR AGAINST THOSE
18 WHO PROSECUTED CASES OR FOR OR AGAINST THOSE WHO DEFEND
19 THOSE ACCUSED OF CRIMES?

20 A JUROR: NO.

21 THE COURT: YOU COULD BE FAIR TO BOTH SIDES.

22 A JUROR: YES.

23 THE COURT: THANK YOU, MA'AM.

24 THE CLERK: NUMBER 135, JACQUELINE MCCREA.

25 A JUROR: PROBABLY IN 1980 I WAS A VICTIM OF A

1 VIOLENT CRIME.

2 THE COURT: CAN YOU SHARE WITH ME THE NATURE OF
3 THAT?

4 A JUROR: A BOYFRIEND WHO RAPED ME.

5 THE COURT: WAS HE PROSECUTED?

6 A JUROR: UH-HUH.

7 THE COURT: ANYTHING ABOUT THAT, MA'AM, THAT YOU
8 WOULD BE UNABLE TO SET ASIDE IF YOU WERE A JUROR IN THIS
9 CASE AND DELIBERATE ON IT SOLEY BASED ON WHAT YOU HEAR HERE
10 IN COURT?

11 A JUROR: I CAN DO THAT.

12 THE COURT: YOU COULD DO THAT.

13 A JUROR: UH-HUH.

14 THE COURT: AND YOU'D BE FAIR TO THE STATE AND THE
15 DEFENDANT IN THIS CASE.

16 A JUROR: YES.

17 THE COURT: BECAUSE THAT PROSECUTION OF THIS CASE
18 CAUSE YOU TO HAVE ANY BIASES FOR THOSE WHO PROSECUTE OR FOR
19 AGAINST THOSE OF DEFENDANTS, THOSE WHO ARE ACCUSED OF A
20 CRIME?

21 A JUROR: NO.

22 THE COURT: THANK YOU, MA'AM.

23 THE CLERK: NUMBER 125, JAMES LYONS.

24 A JUROR: MY SECOND COUSIN WAS MURDERED
25 APPROXIMATELY THREE AND A HALF YEARS AGO IN AUGUSTA,

1 GEORGIA.

2 THE COURT: WAS ANYBODY CAUGHT AND PROSECUTED?

3 A JUROR: STILL UNRESOLVED.

4 THE COURT: LET ME ASK YOU, SIR, IS THERE ANYTHING
5 ABOUT THAT EXPERIENCE THAT WOULD CAUSE YOU TO BE UNABLE TO
6 TRY THIS CASE?

7 A JUROR: NO.

8 THE COURT: THIS IS A CASE THAT DOES INVOLVE AN
9 INDICTMENT ALLEGES MURDER WHICH YOU WOULD BE ABLE TO SET
10 ASIDE THAT EXPERIENCE AND TRY THAT CASE FAIRLY.

11 A JUROR: YES.

12 THE COURT: ANYTHING ABOUT THE WAY THAT CASE IS
13 BEING INVESTIGATED OR HANDLED THAT WOULD CAUSE YOU TO HAVE
14 ANY BIASES FOR OR AGAINST LAW ENFORCEMENT OR PROSECUTORS FOR
15 OR AGAINST THOSE WHO ARE ACCUSED OR THOSE WHO ARE ACCUSED?

16 A JUROR: NO.

17 THE COURT: THANK YOU, SIR.

18 THE CLERK: NUMBER 131, LENNISON MCCAULEY.

19 A JUROR: YES, MA'AM. MY BROTHER WAS SHOT AND
20 KILLED 14 YEARS AGO AND WENT TO COURT IN MARION COUNTY.

21 THE COURT: MARION. ANYTHING ABOUT THAT CASE,
22 MA'AM, THAT WOULD CAUSE YOU TO BE UNABLE TO SET IT ASIDE AND
23 WEIGH THIS CASE BASED UPON WHAT YOU HEAR HERE IN THIS
24 COURTROOM?

25 A JUROR: I DON'T KNOW. I REALLY DON'T KNOW.

1 THE COURT: I UNDERSTAND THAT. THIS CASE DOES
2 INVOLVE AN INDICTMENT THAT ALLEGES MURDER. DO YOU HAVE ANY
3 HESITANCY ABOUT BEING ABLE TO SET ASIDE THAT EXPERIENCE AND
4 BEING ABLE TO ---

5 A JUROR: I DON'T THINK I CAN DO IT.

6 THE COURT: THANK YOU, MA'AM. APPRECIATE THAT.
7 EXCUSE HER.

8 THE CLERK: NUMBER 62, JAMES FIELDS.

9 THE COURT: YES, SIR.

10 A JUROR: YOU WANT THE DETAILS OF THE CASE?

11 THE COURT: YES, SIR.

12 A JUROR: SUMMER OF '86 A.B.H.A.N. CHARGE AGAINST
13 A GUY WHO BASICALLY ATTACKED ME. HE, TO MY KNOWLEDGE HE WAS
14 NEVER, HE WAS NEVER PROSECUTED. I DON'T THINK HE EVER WAS
15 ARRESTED. HE BASICALLY DISAPPEARED. HE WAS TEMPORARY. HE
16 HAD MORE LIKE A COUPLE DAYS HAD BEEN LIVING WITH A FRIEND OF
17 MINE WHO WAS QUADRIPLLEGIC. HE WAS A LIVE-IN ASSISTANT. THE
18 GUY HAD A LOT OF MENTAL ISSUES. MY FREIND CALLED ME WHILE I
19 WAS THERE TRYING TO HELP TAKE CARE OF HIM. THE GUY JUST
20 BASICALLY WENT NUTS AND ATTACKED ME AND HE'S SUDDENLY LEFT
21 AND HE HAS NEVER, TO MY KNOWLEDGE HE WAS NEVER PROSECUTED.
22 HE HAD A RECORD FOR LIKE APPARENT MULTIPLE ATTEMPTED RAPES
23 IN THE PAST.

24 THE COURT: ANYTHING ABOUT THAT EXPERIENCE CAUSE
25 YOU TO BE FOR OR AGAINST THE STATE OR FOR OR AGAINST THOSE

1 WHO ARE ACCUSED OF A CRIME?

2 A JUROR: I MEAN, IN MY OPINION I FEEL LIKE I
3 COULD OBJECTIVE IN JUDGMENT BUT. . .

4 THE COURT: WOULD YOU BE ABLE TO SET THAT INCIDENT
5 ASIDE AND TRY THIS CASE?

6 A JUROR: I DON'T THINK IT HAS ANY RELEVANCE OR
7 BEARING WITH THIS GUY, I MEAN THIS CASE.

8 THE COURT: DO YOU FEEL LIKE YOU CAN YOU BE FAIR
9 FOR BOTH THE STATE AND THE DEFENDANT?

10 A JUROR: I FEEL, YES.

11 THE COURT: WHAT COUNTY WAS THAT IN?

12 A JUROR: THAT WAS COLUMBIA, CITY OF COLUMBIA.

13 THE COURT: THANK YOU, SIR.

14 THE CLERK: NUMBER 219, SANDRA WISE.

15 THE COURT: YES, MA'AM, MS. WISE.

16 A JUROR: MY BROTHER GOTTEN 10 OR 12 YEARS IN
17 JAIL.

18 THE COURT: WAS THAT PROSECUTED IN RICHLAND
19 COUNTY?

20 A JUROR: UH-HUH.

21 THE COURT: THE PROSECUTOR. DO YOU REMEMBER WHO
22 HIS LAWYER WAS?

23 A JUROR: HE HAD A COUPLE BUT I DON'T REMEMBER
24 BECAUSE HE WAS, HE REALLY CAME BY HIMSELF TO COURT. HE CAME
25 TO COURT BY HIMSELF. I DIDN'T COME TO COURT WITH HIM.

1 THE COURT: ANYTHING ABOUT THIS PROSECUTION, THAT
2 CONVICTION THAT WOULD CAUSE YOU TO HAVE ANY BIASES FOR OR
3 AGAINST THE STATE OR LAW ENFORCEMENT?

4 A JUROR: NO.

5 THE COURT: YOU CAN SET THAT INCIDENT ASIDE AND
6 TRY THE CASE.

7 A JUROR: SET ASIDE.

8 THE COURT: YOU WOULDN'T HAVE ANY PROBLEM.

9 A JUROR: NO.

10 THE COURT: THANK YOU.

11 THANK YOU. THERE ARE SOME FOLKS THAT I SAID I
12 NEEDED TO TALK TO WHILE WE'RE DOWN HERE. WE CAN GO AHEAD
13 AND BRING Y'ALL DOWN MS. BERNARD, MR. BAUER, MOORE, FIELDS,
14 HAMLIN, RUSS, AND GOOLSBY.

15 THE CLERK: NUMBER 227, YOUR HONOR, TROY MOORE.

16 THE COURT: YES, SIR. COME ON DOWN. I BELIEVE
17 YOU SAID YOU'VE BEEN AN ACQUAINTANCE WITH MR. MEADORS.

18 A JUROR: HE JUST ASSIGNED ME TO MR. GOLDBERG.

19 THE COURT: ANYTHING ABOUT YOUR DEALING WITH
20 MR. MEADORS AND THE FACT THAT YOU'RE THE VICTIM IN THE CASE.

21 A JUROR: NO. HE'S JUST A SUPER NICE GUY. NO
22 BIAS NOTHING LIKE THAT NO, NO.

23 THE COURT: I NEVER HEARD ANYBODY SAY THAT ABOUT
24 HIM. I THOUGHT YOU WERE TALKING ABOUT SOMEBODY ELSE.
25 ANYTHING ABOUT THE FACT THAT THAT CASE IS PENDING?

1 A JUROR: NO, SIR. NO, SIR.

2 THE COURT: YOU FEEL LIKE YOU CAN SET THAT ASIDE.

3 A JUROR: YES.

4 THE COURT: ON THIS CASE AS WELL AS THIS CASE.

5 A JUROR: YES, SIR.

6 THE COURT: THANK YOU, SIR.

7 THE CLERK: NUMBER 11, YOUR HONOR, WILLIAM BAUER.

8 A JUROR: I'VE HAD CASES WITH BOTH OF THEM.

9 THE COURT: YOU THINK YOU MIGHT NOT BE ABLE TO BE
10 FAIR AND IMPARTIAL.

11 A JUROR: IT'S JUST A HARD SITUATION. I'VE KNOWN
12 SWERLING FOR A LONG TIME. I KIND OF FEEL AWKWARD ABOUT IT.
13 THAT'S ALL.

14 THE COURT: PROBABLY COULD. I'M GOING TO SET YOU
15 DOWN FOR THIS CASE.

16 A JUROR: THANK YOU. I APPRECIATE THAT.

17 THE CLERK: NUMBER 62, JAMES FIELDS.

18 THE COURT: MR. FIELDS, I'M SORRY. I FORGOT TO
19 ASK IF HE WERE A WITNESS IN THIS CASE BUT YOU'D TREAT HIS
20 TESTIMONY THE SAME AS ANY OTHER WITNESSES, WEIGHING IT
21 FAIRLY FOR BOTH SIDES.

22 A JUROR: I FEEL THAT I WOULD BUT I THINK IT'S
23 FAIR IF IT WERE IMPORTANT TO CONVINCE ME THAT SOMETHING THAT
24 HE SAID OR FINDING THAT HE HAD ARRIVED AT WAS NOT ACCURATE
25 OR HE WAS SOMEHOW NOT CREDIBLE. YOU WOULD HAVE A DIFFICULT

1 TIME CONVICTING ME OF EITHER OF THOSE JUST ON THE BIAS OF MY
2 PRIOR KNOWLEDGE OF HIS WORK AND MY KNOWLEDGE OF HIS
3 CHARACTER. THAT'S JUST BEING HONEST.

4 THE COURT: THANK YOU. I APPRECIATE THAT.

5 THE CLERK: NUMBER 19, CELLA BERNARD.

6 THE COURT: MS. BERNARD, I JUST WANT TO CLARIFY
7 YOU SAID YOUR COUSIN WAS REPRESENTED BY MR. SWERLING.

8 A JUROR: THAT'S CORRECT.

9 THE COURT: HOW LONG AGO WAS THAT?

10 A JUROR: MAYBE 15 YEARS OR MORE SO.

11 THE COURT: WHAT'S YOUR COUSIN'S NAME?

12 A JUROR: DAVID WATSON.

13 THE COURT: OKAY. IS THAT A CASE THAT WAS
14 PROSECUTED HERE IN RICHLAND COUNTY?

15 A JUROR: I THINK IT WAS AN ISSUE OF CONFLICT IT
16 WAS COURT ISSUE.

17 THE COURT: ANYTHING ABOUT HIS PRIOR
18 REPRESENTATION OF YOUR COUSIN ---

19 A JUROR: NO, NO, NO.

20 THE COURT: ARE YOU HESITATING A MOMENT ON ME?

21 A JUROR: NO.

22 THE COURT: YOU LIKE MR. SWERLING?

23 A JUROR: YES.

24 THE COURT: WOULD YOU BE ABLE TO SET THAT ASIDE
25 AND BE FAIR TO BOTH THE STATE AND THE DEFENSE?

1 A JUROR: SURE.

2 THE COURT: OKAY. DELIBERATE AS A JUROR IN THIS
3 CASE IN CONSIDERATION OF THE PERSONALITIES OF THE LAWYERS OR
4 THINGS LIKE LAWYERS.

5 A JUROR: I DO HAVE ANOTHER ISSUE. I DO HAVE
6 ANOTHER ISSUE I HAD. I HAVE HAD A SISTER KILLED BY SOMEONE
7 AND I HAVE HAD A BROTHER THAT WAS KILLED BY SOMEONE.

8 THE COURT: HOW LONG AGO WAS THAT?

9 A JUROR: FIFTEEN, NO, MAYBE 30 YEARS AGO IN NEW
10 YORK.

11 THE COURT: BOTH OF THEM IN NEW YORK.

12 A JUROR: YES.

13 THE COURT: WAS ANYBODY CAUGHT AND PROSECUTED FOR
14 EITHER ONE?

15 A JUROR: NOW, ONE DID TIME AND THE OTHER ONE THEY
16 NEVER FOUND WHO KILLED MY MOTHER IN BROOKLYN.

17 THE COURT: ANYTHING ABOUT GOING THROUGH THOSE TWO
18 EXPERIENCES, MA'AM, AS WELL AS THE PROSECUTION OF ONE OF
19 THOSE CASES THAT CAUSED YOU TO HAVE ANY BIAS FOR OR AGAINST
20 THE STATE OR THE DEFENSE IN THIS CASE?

21 A JUROR: I THINK SO. I THINK IT WOULD AFFECT ME,
22 YES.

23 THE COURT: YOU'D HAVE A HARD TIME SETTING THAT
24 ASIDE.

25 A JUROR: UH-HUH.

1 THE COURT: THANK YOU, MA'AM.

2 THE CLERK: NUMBER 86, SANDRA HAMLIN.

3 A JUROR: I DON'T KNOW.

4 THE COURT: YOU SAID YOU BELIEVED YOU KNOW
5 MS. GILMORE.

6 A JUROR: SHE LOOKS FAMILIAR.

7 THE COURT: BUT YOU DON'T HAVE ANY RECOLLECTION.

8 A JUROR: NO.

9 THE COURT: ANYTHING ABOUT THE FACT THAT SHE AT
10 THIS POINT NOW IS NOT ONLY POTENTIAL WITNESS BUT AT THE SAME
11 TIME A VICTIM, ANYTHING ABOUT THAT CAUSE YOU TO HAVE ANY
12 HESITANCY ABOUT BEING FAIR TO BOTH SIDES?

13 A JUROR: (SHOOK HEAD.)

14 THE COURT: YOU FEEL LIKE YOU CAN WEIGH THE
15 EVIDENCE AND TESTIMONY IN AN UNBIASED FASHION?

16 A JUROR: I DO.

17 THE COURT: THANK YOU.

18 JUROR GOOLSBY AND JUROR RUSS, YES, SIR, IF Y'ALL
19 WILL COME DOWN FOR A SECOND.

20 THE CLERK: NUMBER 76, YOUR HONOR, DANIEL GOOLSBY.

21 THE COURT: IN JUROR QUALIFICATION THIS MORNING
22 THERE WAS SOME INFORMATION ABOUT CONFLICTS OVER SOMETHING.

23 A JUROR: IT'S JUST, I'M SELF-EMPLOYED. HE ASKED
24 IF THERE WAS A BETTER WEEK. THERE REALLY ISN'T. SO IT'S A
25 ONE-MAN SHOW. I'VE GOT NO PROBLEMS SERVING. IT'S JUST THE

1 MATTER OF FACT THERE IS NO WEEK BETTER THAN ANOTHER. AS A
2 MATTER OF FACT SOME PEOPLE GET REIMBURSED ON THEIR PAY.
3 I'VE GOT A MORTGAGE PAYMENT TO MAKE IF I DON'T BECAUSE
4 NOBODY ELSE IS THERE. SO HE ASKED IF THERE WAS A BETTER
5 WEEK AND ONE WEEK OUT OF THE YEAR IS THE ONLY WEEK I CAN
6 TAKE OFF FOR VACATION. OTHER THAN THAT I NEED TO WORK
7 BECAUSE THIS PUTS A TREMENDOUS STRAIN ON MY MORTGAGE.

8 THE COURT: IS THERE ANYTHING ABOUT THAT, SIR, IF
9 YOU WERE TO STAY THAT WOULD CAUSE YOU DIFFICULTY?

10 A JUROR: NOT A, I THINK I'LL DO WHAT I'M SUPPOSED
11 TO BE DOING.

12 THE COURT: COULD YOU JUDGE THE FACTS FAIRLY?

13 A JUROR: I'M SURE.

14 THE COURT: WOULD YOU BE FAIR TO BOTH SIDES?

15 A JUROR: SURE.

16 THE COURT: IF YOU MAKE THE CUT, THE JURY, I'LL
17 CUT YOU LOOSE FOR THE REST OF THE WEEK.

18 A JUROR: OKAY. ANYTHING WOULD HELP IN MY MIND.
19 THAT'S WHY I TOLD THEM I'D BE THE BEST OF ANY.

20 THE COURT: IF YOU DO GET SELECTED AND TRY THE
21 CASE WHILE YOU'RE DELIBERATING YOU WOULDN'T RUSH THE
22 DELIBERATION OR HOLD IT AGAINST ONE SIDE OR THE OTHER?

23 A JUROR: WOULDN'T AFFECT IT AT ALL, NO.

24 THE COURT: THANK YOU, SIR.

25 THE CLERK: 179, CHARLES RUSS.

1 A JUROR: THIS WOULD PUT A FINANCIAL BURDEN ON ME.

2 THE COURT: HELP. I HAD JUST SAME THING WITH THE
3 LAST GENTLEMAN JURY QUALIFICATION. I MAY ACTUALLY HAVE THE
4 WRONG PERSON. WAS THERE SOMETHING THAT YOU HAD SOME
5 CONFLICT OR ANYTHING?

6 A JUROR: I ASKED HIM THIS MORNING ABOUT SALARY.
7 I'M ON COMMISSION AND I ASKED HIM THIS MORNING IF I COULD BE
8 EXCUSED OR WHATEVER AND HE SAID SHORT WEEK; DEAL WITH IT.
9 YOU KNOW BY YOU BEING ON COMMISSION IF I DON'T WORK, IF I
10 DON'T SELL I DON'T HAVE ANY MONEY COMING IN, DESPERATE.

11 THE COURT: ANYTHING ABOUT THAT IF YOU WERE
12 SELECTED CAUSE YOU TO RUSH THE DELIBERATION OR ANYTHING,
13 HOLD IT AGAINST ONE SIDE OR THE OTHER.

14 A JUROR: NO, SIR.

15 THE COURT: YOU COULD STILL BE FAIR.

16 A JUROR: I DO.

17 THE COURT: I'LL TRY TO HELP YOU OUT LATER ON THIS
18 WEEK IF YOU DO SERVE.

19 A JUROR: THANK YOU.

20 THE COURT: THANK YOU, COUNSEL.

21 THANK YOU, LADIES AND GENTLEMEN. FIRST OF ALL I
22 APPRECIATE YOUR PATIENCE WITH US AS WE WENT THROUGH ALL THAT
23 AND I APPRECIATE YOUR HONESTY AS WE WENT THROUGH ALL OF
24 THAT. LADIES AND GENTLEMEN, LAST QUESTIONS I HAVE IS THERE
25 ANYTHING IN ANYBODY'S MIND, IN THE BACK OF YOUR MIND WHETHER

1 IT'S RELATED TO A QUESTION THAT I HAVE RAISED WITH YOU THIS
2 AFTERNOON OR JUST SOMETHING THAT'S IN THE BACK OF YOUR MIND
3 THAT HASN'T BEEN BROUGHT UP YET THAT WOULD PREVENT ANYONE
4 FROM BEING ABLE TO SIT AS A JUROR IN THIS CASE AND BE FAIR,
5 IMPARTIAL, AND UNBIASED FOR BOTH THE STATE AND THE
6 DEFENDANT, CONSIDERING AND DELIBERATING ONLY ON THE EVIDENCE
7 AND TESTIMONY YOU HEAR HERE IN THIS COURTROOM, NOT ON ANY
8 PASSION OR EMOTION OR BIASES IN ANY WAY WHATSOEVER? IS
9 THERE ANYONE AWARE OF ANYTHING THAT WOULD PREVENT THEM FROM
10 BEING ABLE TO BE FAIR AND IMPARTIAL?

11 (NO RESPONSE.)

12 THE COURT: OKAY. COUNSEL, ANYTHING FURTHER ON
13 VOIR DIRE?

14 MR. SWERLING: NO, YOUR HONOR.

15 MR. MEADORS: NOTHING FROM THE STATE, YOUR HONOR.

16 THE COURT: THANK YOU. ALL RIGHT. COUNSEL, WE'LL
17 BEGIN THE STRIKE PROCESS. WE'LL DO THE 12 AND I'LL GIVE YOU
18 TWO ALTERNATES.

19 LADIES AND GENTLEMEN, IF YOU'LL LISTEN TO THE
20 CLERK IN A MOMENT HE'S GOING TO GIVE YOU INSTRUCTIONS ON
21 WHAT TO DO. WE'LL SEAT A JURY IN THIS CASE AND THE REST OF
22 YOU WE'LL SEND BACK DOWNSTAIRS TO GET INSTRUCTIONS AS TO
23 WHAT ELSE TO DO FOR THE REST OF THE WEEK BUT I APPRECIATE
24 AGAIN YOUR PATIENCE WITH US AS WE'VE GONE THROUGH THIS
25 PROCESS.

1 (PAUSE)

2 THE CLERK: PROCEED, YOUR HONOR?

3 THE COURT: YES, SIR, THANK YOU.

4 THE CLERK: ALL RIGHT. LADIES AND GENTLEMEN OF
5 THE JURY, AS I CALL OUT YOUR NAME PLEASE COME FORWARD TO
6 THIS MICROPHONE STANDING HERE TO MY RIGHT, STATE YOUR NAME
7 AND OCCUPATION AND REMAIN STANDING THERE UNTIL I GIVE YOU
8 FURTHER INSTRUCTIONS. IF YOU HAVE ANY PERSONAL ITEMS BOOKS,
9 COATS, UMBRELLA, ETC., BRING THOSE WITH YOU AS I CALL OUT
10 YOUR NAME.

11 FIRST JUROR IS NUMBER 224, VIVIAN YOUNG, 224.

12 (BLACK FEMALE)

13 A JUROR: VIVIAN YOUNG.

14 THE COURT: WHAT SAYS THE STATE?

15 MR. MEADORS: PLEASE EXCUSE MS. YOUNG.

16 THE CLERK: MA'AM, IF YOU WILL PLEASE RETURN TO
17 THE BACK OF THE COURTROOM THERE WHERE YOU SEE THAT BAILIFF
18 STANDING.

19 NUMBER 184, TOMMY SHEALY, 184.

20 (WHITE MALE)

21 A JUROR: TOMMY SHEALY. I'M A TRUCK DRIVER.

22 THE CLERK: WHAT SAYS THE STATE?

23 MR. MEADORS: PLEASE PRESENT MR. SHEALY.

24 THE CLERK: WHAT SAYS THE DEFENSE?

25 MR. SWERLING: PLEASE SEAT MR. SHEALY.

1 THE CLERK: HAVE A SEAT IN THE JURY BOX AS
2 DIRECTED BY THE BAILIFF.

3 NUMBER 76, DANIEL GOOLSBY, 76.

4 (WHITE MALE)

5 THE JUROR: DANIEL GOOLSBY, SELF-EMPLOYED.

6 THE CLERK: WHAT SAYS THE STATE?

7 MR. MEADORS: PLEASE PRESENT MR. GOOLSBY.

8 THE CLERK: WHAT SAYS THE DEFENSE?

9 MR. SWERLING: PLEASE EXCUSE MR. GOOLSBY.

10 THE CLERK: RETURN TO THE BACK OF THE COURTROOM
11 THERE WHERE YOU SEE THE BAILIFF.

12 THE CLERK: 27, DENITRA REESE, 27.

13 THE JUROR: I'M DENITRA REESE. I WORK FOR THE
14 STATE GOVERNMENT SOUTH CAROLINA COMMISSION ON HIGHER
15 EDUCATION.

16 THE CLERK: WHAT SAYS THE STATE?

17 MR. MEADORS: PLEASE PRESENT MS. REESE.

18 THE CLERK: WHAT SAYS THE DEFENSE?

19 MR. SWERLING: PLEASE SEAT MS. REESE.

20 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
21 BOX, MA'AM

22 154, STEVEN PACE, 154.

23 (WHITE MALE)

24 THE JUROR: STEVEN PACE, I WORK FOR AETNA SALES
25 DEPARTMENT.

1 THE CLERK: WHAT SAYS THE STATE?

2 MR. MEADORS: PLEASE PRESENT MR. PACE.

3 THE CLERK: WHAT SAYS THE DEFENSE?

4 MR. SWERLING: PLEASE SEAT MR. PACE.

5 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY

6 BOX.

7 219, SANDRA WISE, 219.

8 (BLACK FEMALE)

9 THE JUROR: SANDRA WISE, I'M A UNIT SECRETARY
10 MARKETING TECHNICIAN.

11 THE CLERK: WHAT SAYS THE STATE?

12 MR. MEADORS: PLEASE PRESENT MS. WISE.

13 THE CLERK: WHAT SAYS THE DEFENSE?

14 MR. SWERLING: PLEASE SEAT THE JUROR.

15 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY

16 BOX.

17 THE CLERK: NUMBER 140, WILLIAM MILLER, 140.

18 (WHITE MALE)

19 THE JUROR: WILLIAM MILLER, SELF-EMPLOYED, REAL
20 ESTATE.

21 THE CLERK: WHAT SAYS THE STATE?

22 MR. MEADORS: PLEASE EXCUSE MR. MILLER.

23 THE CLERK: SIR, IF YOU WOULD PLEASE RETURN TO THE
24 BACK OF THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

25 NUMBER 180, VANESSA SABB, 180.

1 (BLACK FEMALE)

2 THE JUROR: VANESSA SABB. AREA SALES MANAGER AT
3 BELK.

4 THE CLERK: WHAT SAYS THE STATE?

5 MR. MEADORS: PLEASE PRESENT MS. SABB.

6 THE CLERK: WHAT SAYS THE DEFENSE?

7 MR. SWERLING: PLEASE SEAT MS. SABB.

8 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
9 BOX, MA'AM.

10 204, JACKIE SHIVER, 204.

11 (BLACK FEMALE)

12 THE JUROR: JACKIE SHIVER, EMPLOYED AT
13 WESTINGHOUSE.

14 THE CLERK: WHAT SAYS THE STATE?

15 MR. MEADORS: PLEASE PRESENT MS. SHIVER.

16 THE CLERK: WHAT SAYS THE DEFENSE?

17 MR. SWERLING: PLEASE SEAT MS. SHIVER.

18 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
19 BOX, MA'AM.

20 THE CLERK: 137, HARRIET MEALING, 137.

21 (BLACK FEMALE)

22 THE JUROR: MY NAME IS HARRIET MEALING. I WORK AT
23 U.S.T. WESTINGHOUSE.

24 THE CLERK: WHAT SAYS THE STATE?

25 MR. MEADORS: PLEASE EXCUSE MS. MEALING.

1 THE CLERK: MA'AM, IF YOU WOULD PLEASE RETURN TO
2 THE BACK OF THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

3 THE CLERK: 88, LINDA HARRIS, 88.

4 (WHITE FEMALE)

5 THE JUROR: LINDA HARRIS. I'M A SALES MANAGER.

6 THE CLERK: WHAT SAYS THE STATE?

7 MR. MEADORS: PLEASE PRESENT MS. HARRIS.

8 THE CLERK: WHAT SAYS THE DEFENSE?

9 MR. SWERLING: PLEASE EXCUSE MS. HARRIS.

10 THE CLERK: MA'AM IF YOU WOULD RETURN TO THE BACK
11 OF THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

12 125, JAMES LYONS, 125.

13 (BLACK MALE)

14 THE JUROR: JAMES LYONS, MOTOR CARRIER.

15 THE CLERK: WHAT SAYS THE STATE?

16 MR. MEADORS: PLEASE EXCUSE MR. LYONS.

17 THE CLERK: SIR, IF YOU WOULD PLEASE RETURN TO THE
18 BACK OF THE COURTROOM THERE WHERE YOU SEE THE BAILIFF. I
19 HAVE FOUR FOR THE STATE, MR. MEADORS, AND TWO FOR THE
20 DEFENSE, MR. SWERLING:

21 37, EDNA CRUISE, 37.

22 (BLACK FEMALE)

23 THE CLERK: EDNA CRUZ, OPERATION MANAGER,

24 R.T.J.

25 THE CLERK: WHAT SAYS THE STATE?

1 MR. MEADORS: PLEASE PRESENT MS. CRUZ.

2 THE CLERK: WHAT SAYS THE DEFENSE?

3 MR. SWERLING: PLEASE EXCUSE MS. CRUZ.

4 THE COURT: MA'AM, IF YOU WOULD RETURN TO THE BACK
5 OF THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

6 THE CLERK: 17, NANCY BENNETT, 17.

7 (BLACK FEMALE)

8 THE JUROR: NANCY BENNETT, DATA PROCESSING, SOUTH
9 CAROLINA DEPARTMENT OF REVENUE.

10 THE CLERK: WHAT SAYS THE STATE?

11 MR. MEADORS: PLEASE PRESENT MS. BENNETT

12 THE CLERK: WHAT SAYS THE DEFENSE?

13 MR. SWERLING: PLEASE EXCUSE MS. BENNETT FOR THIS
14 CASE.

15 THE CLERK: MA'AM, IF YOU WOULD RETURN TO THE BACK
16 OF THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

17 THE CLERK: SIX, DEXTER ASHFORD, SIX.

18 (BLACK MALE)

19 THE JUROR: DEXTER ASHFORD, DISTRICT MANAGER.

20 THE CLERK: WHAT SAYS THE STATE?

21 MR. MEADORS: PLEASE EXCUSE MR. ASHFORD.

22 THE CLERK: IF YOU WOULD, PLEASE, RETURN TO THE
23 BACK OF THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

24 162, MARIETTA POTTER, 162.

25 (WHITE FEMALE)

1 THE JUROR: MARIETTA POTTER, ACCOUNTANT.

2 MR. MEADORS: PLEASE PRESENT MS. POTTER.

3 THE CLERK: WHAT SAYS THE DEFENSE?

4 MR. SWERLING: PLEASE SEAT MS. POTTER.

5 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
6 BOX, MA'AM.

7 68, JOHN FUSELER, 68.

8 (WHITE MALE)

9 THE JUROR: DR. JOHN FUSELER, ASSOCIATE PROFESSOR,
10 UNIVERSITY OF SOUTH CAROLINA SCHOOL OF MEDICINE.

11 MR. MEADORS: PLEASE PRESENT DR. FUSELER.

12 THE CLERK: WHAT SAYS THE DEFENSE?

13 MR. SWERLING: PLEASE EXCUSE DR. FUSELER.

14 THE CLERK: SIR, IF YOU WOULD PLEASE RETURN TO THE
15 BACK OF THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

16 173, BEAUMONT RILEY, 173.

17 (WHITE FEMALE)

18 THE JUROR: I'M BEAUMONT RILEY AND I WORK FOR THE
19 MUNDY MEDICAL ASSOCIATION.

20 MR. MEADORS: PLEASE PRESENT MS. RILEY.

21 THE CLERK: WHAT SAYS THE DEFENSE?

22 MR. SWERLING: I'M SORRY. WHAT NUMBER WAS THAT?

23 THE CLERK: 173.

24 MR. SWERLING: PLEASE SEAT MS. RILEY.

25 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY

1 BOX.

2 179, CHARLES RUSS, 179.

3 (WHITE MALE)

4 THE JUROR: CHARLES RUSS. I'M WITH HOME PEST
5 CONTROL.

6 MR. MEADORS: PLEASE PRESENT MR. RUSS.

7 THE CLERK: WHAT SAYS THE DEFENSE?

8 MR. SWERLING: PLEASE SEAT MR. RUSS.

9 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
10 BOX, SIR.

11 THE CLERK: NUMBER 90, WILLIAM HENDRIX, 90.

12 (WHITE MALE)

13 THE JUROR: MY NAME IS WILLIAM HENDRIX. I'M
14 SELF-EMPLOYED, CONSTRUCTION.

15 MR. MEADORS: PLEASE PRESENT MR. HENDRIX.

16 THE CLERK: WHAT SAYS THE DEFENSE?

17 MR. SWERLING: PLEASE EXCUSE MR. HENDRIX, PLEASE.

18 THE CLERK: SIR, IF YOU WOULD TAKE A SEAT IN THE
19 BACK OF THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

20 203, BARBARA THOMAS, 203.

21 (WHITE FEMALE)

22 THE JUROR: BARBARA THOMAS, SOUTH CAROLINA BANK
23 AND TRUST.

24 MR. MEADORS: PLEASE PRESENT MS. THOMAS.

25 THE CLERK: WHAT SAYS THE DEFENSE?

1 MR. SWERLING: PLEASE SEAT MS. THOMAS.

2 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
3 BOX, MA'AM.

4 NUMBER 92, BRENDA HOLLINS, 92.

5 (BLACK FEMALE)

6 THE JUROR: BRENDA HOLLINS, T.A. FOR RICHLAND
7 SCHOOL DISTRICT ONE.

8 MR. MEADORS: PLEASE PRESENT MS. HOLLINS.

9 THE CLERK: WHAT SAYS THE DEFENSE?

10 MR. SWERLING: PLEASE EXCUSE MS. HOLLINS FOR THIS
11 CASE.

12 THE CLERK: OKAY. IF YOU WOULD PLEASE GO BACK TO
13 THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

14 NUMBER 225, HAROLD ADAMS, 225.

15 (WHITE MALE)

16 A JUROR: HAROLD H. ADAMS, JR., CHAIRMAN OF ADAMS
17 AND ASSOCIATES INTERNATIONAL.

18 MR. MEADORS: PLEASE PRESENT MR. ADAMS.

19 THE CLERK: WHAT SAYS THE DEFENSE?

20 MR. SWERLING: PLEASE EXCUSE MR. ADAMS FROM THIS
21 CASE.

22 THE CLERK: SIR, PLEASE HAVE A SEAT BACK IN THE
23 COURTROOM WHERE YOU SEE THE BAILIFF.

24 THE CLERK: 218, WILLIAM WILSON, 218.

25 (WHITE MALE)

1 A JUROR: WILLIAM WILSON, OPERATIONS MANAGER.

2 MR. MEADORS: PLEASE PRESENT THE JUROR.

3 THE CLERK: WHAT SAYS THE DEFENSE?

4 MR. SWERLING: PLEASE SEAT MR. WILSON.

5 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
6 BOX.

7 NUMBER 74, ROSA GILMORE, 74.

8 (BLACK FEMALE)

9 A JUROR: ROSA GILMORE, ADVANTAGE HEALTH SYSTEMS.

10 MR. MEADORS: PLEASE PRESENT MS. GILMORE.

11 THE CLERK: WHAT SAYS THE DEFENSE?

12 MR. SWERLING: PLEASE EXCUSE MS. GILMORE FOR THIS
13 CASE.

14 THE CLERK: MA'AM, IF YOU WOULD PLEASE RETURN BACK
15 TO THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

16 THE CLERK: NINE, MR. SWERLING.

17 MR. SWERLING: YES, SIR.

18 THE CLERK: NUMBER 206, CAROL WARD, 206.

19 (WHITE FEMALE)

20 THE JUROR: I'M CAROL WARD. I WORK AT THE STATE
21 NEWSPAPER.

22 MR. MEADORS: PLEASE PRESENT THE JUROR.

23 THE CLERK: WHAT SAYS THE DEFENSE?

24 MR. SWERLING: PLEASE SEAT THE JUROR.

25 THE CLERK: HAVE A SEAT HERE IN THE JURY BOX,

1 PLEASE.

2 THE COURT: COUNSEL, TWO ALTERNATES.

3 THE CLERK: NUMBER 32, TRACY CARN, 32.

4 (BLACK FEMALE)

5 A JUROR: TRACY CARN, EMPLOYED AT BENEDICT
6 COLLEGE.

7 THE CLERK: WHAT SAYS THE STATE?

8 MR. MEADORS: PLEASE PRESENT MS. CARN.

9 THE CLERK: WHAT SAYS THE DEFENSE?

10 MR. SWERLING: PLEASE SEAT MS. CARN.

11 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
12 BOX, MA'AM.

13 THE CLERK: 12, LATOYA BAXTER, 12.

14 (BLACK FEMALE)

15 THE JUROR: LATOYA BAXTER, COSMETOLOGIST.

16 THE CLERK: WHAT SAYS THE STATE?

17 MR. MEADORS: PLEASE EXCUSE MS. BAXTER.

18 THE CLERK: MA'AM, IF YOU WOULD PLEASE RETURN BACK
19 TO THE COURTROOM THERE WHERE YOU SEE THE BAILIFF.

20 67, TIMOTHY FRITZ, 67.

21 (WHITE MALE)

22 THE JUROR: TIMOTHY FRITZ, DIRECTOR OF SALES AT
23 PEPSI COLA.

24 MR. MEADORS: PLEASE PRESENT MR. FRITZ.

25 THE CLERK: WHAT SAYS THE DEFENSE?

1 MR. SWERLING: PLEASE SEAT MR. FRITZ.

2 THE CLERK: PLEASE HAVE A SEAT HERE IN THE JURY
3 BOX.

4 FOURTEEN, YOUR HONOR.

5 THE COURT: THANK YOU, SIR.

6 COUNSEL, ANYTHING WE NEED TO TAKE UP AS TO JURY
7 SELECTION?

8 MR. SWERLING: JUDGE, IF YOU'LL JUST INDULGE ME
9 ONE MOMENT.

10 THE COURT: YES, SIR.

11 (PAUSE)

12 MR. SWERLING: NOTHING, YOUR HONOR.

13 MR. MEADORS: NOTHING FROM THE STATE.

14 THE COURT: THANK YOU, COUNSEL.

15 LADIES AND GENTLEMEN WHO WERE SELECTED ON THE
16 JURY, IF YOU'LL GIVE US FIVE MINUTES, I WANT Y'ALL TO
17 STRETCH YOUR LEGS AND THEN BRING YOU RIGHT BACK OUT AND GET
18 STARTED ON THIS TRIAL. I KNOW YOU HAVEN'T HEARD ANYTHING
19 OTHER THAN WHAT I'VE DESCRIBED TO YOU ABOUT THE CASE BUT I
20 JUST ASK THAT YOU NOT TALK ABOUT THE CASE DURING THIS BREAK.
21 I'LL REMIND YOU OF THAT EVERY TIME WE TAKE A BREAK AND EVERY
22 TIME WE BREAK FOR THE DAY NOT TO DISCUSS THE EVIDENCE AND
23 THE TESTIMONY OR ANYTHING ABOUT THE CASE THAT YOU HEARD THUS
24 FAR.

25 TO ACTUALLY BEGIN TO DISCUSS THE CASE MEANS YOU'VE

1 STARTED YOUR DELIBERATIONS AND THEREFORE YOU START FORMING
2 IMPRESSIONS ABOUT ANYTHING, EVIDENCE OR PARTICULAR WITNESS'
3 TESTIMONY SO I'LL JUST REMIND YOU PERIODICALLY WHEN WE TAKE
4 BREAKS NOT TO DISCUSS ANYTHING ABOUT THE CASE BUT Y'ALL TAKE
5 FIVE MINUTES AND WE'LL BRING YOU BACK OUT VERY SHORTLY.
6 WE'LL SWEAR YOU IN AND GET STARTED IN THE CASE. THANK YOU.

7 (THE FOLLOWING TAKES PLACE OUTSIDE THE PRESENCE OF THE
8 JURY.)

9 THE COURT: MR. SWERLING, I'M SORRY I FORGOT.
10 WE'LL TAKE FIVE MINUTES. COUNSEL, I'LL MARK BOTH OF YOUR
11 REQUESTED VOIR DIRE AS COURT'S EXHIBITS SO IT'LL BE A PART
12 OF THE RECORD AND WE'LL TAKE FIVE MINUTES.

13 MR. MEADORS: THANK YOU, JUDGE.

14 THE COURT: THANK YOU, SIR.

15 (THEREUPON, REQUESTED VOIR DIRE WAS MARKED COURT'S
16 EXHIBITS NO. 1 AND 2 AND MADE A PART OF THE RECORD.)

17 (THEREUPON, THERE WAS A BRIEF RECESS IN THE TRIAL OF
18 THIS CASE.)

19 (THEREUPON, STATE'S EXHIBITS NOS. 1 THROUGH 41 WERE
20 MARKED FOR IDENTIFICATION PURPOSES ONLY.)

21 THE COURT: COUNSEL, ARE YOU READY TO BRING THE
22 JURY IN?

23 MR. MEADORS: STATE'S READY.

24 (THE FOLLOWING TAKES PLACE WITHIN THE PRESENCE OF THE
25 JURY.)

1 THE COURT: THANK YOU, LADIES AND GENTLEMEN.

2 LADIES AND GENTLEMEN, IN A MOMENT WE'LL SWEAR YOU IN AND
3 WE'LL BE READY TO START THIS CASE. AS MOST OF YOU PROBABLY
4 ALREADY KNOW, THE CASE OPENS WITH OPENING STATEMENTS FROM
5 BOTH SIDES. WHAT THEY TELL YOU, LADIES AND GENTLEMEN,
6 DURING THESE OPENING STATEMENTS IS NOT GOING TO BE EVIDENCE
7 BUT I DO ASK THAT YOU ALWAYS PAY CLOSE ATTENTION AS I KNOW
8 YOU WILL THROUGHOUT THE COURSE OF THIS TRIAL BUT I DO ASK
9 YOU TO PAY CLOSE ATTENTION TO THEIR OPENING STATEMENTS.
10 OPENING STATEMENTS, LADIES AND GENTLEMEN, ARE AN OPPORTUNITY
11 FOR THE ATTORNEYS ON BOTH SIDES TO TELL YOU WHAT THE
12 EVIDENCE THEY BELIEVE WILL SHOW YOU DURING THE COURSE OF THE
13 TRIAL. IT'S NOT ARGUMENT TO YOU.

14 THEY'LL HAVE A CHANCE TO ARGUE THE EVIDENCE AND
15 TESTIMONY TO YOU AT THE END OF THE CASE BUT THEY WILL SORT
16 OF PREVIEW FOR YOU WHAT THEY BELIEVE THE EVIDENCE AND
17 TESTIMONY WILL SHOW YOU AS THE COURSE OF THE TRIAL
18 PROGRESSES. AFTER THAT, LADIES AND GENTLEMEN, WE'LL START,
19 SEE IF WE CAN GET IN A FEW WITNESSES THIS AFTERNOON AND THEN
20 WE'LL TAKE A BREAK AND START BACK UP IN THE MORNING. AT
21 SOME POINT, LADIES AND GENTLEMEN, DURING THE TRIAL I'LL
22 APPOINT A FOREPERSON. THAT FOREPERSON WILL SIT RIGHT HERE
23 WHERE THIS YOUNG LADY IN THE GOLD IS SITTING THROUGHOUT THE
24 REST OF THIS TRIAL. THAT WILL BE YOUR ASSIGNED SEAT AND MY
25 TWO ALTERNATES YOU HAVE ASSIGNED SEATS WHERE YOU ARE.

1 THE REST OF YOU, LADIES AND GENTLEMEN, AS WE TAKE
2 BREAKS OR COME IN AND OUT DURING THE MORNINGS AND THE
3 AFTERNOONS, YOU CAN SIT ANYWHERE YOU WANT TO. THOSE ARE THE
4 ONLY FOLKS THAT HAVE ASSIGNED SEATS AND AS I SAID SOME POINT
5 TOMORROW PROBABLY I'LL PROBABLY APPOINT A FOREPERSON FOR THE
6 JURY. YOUR DUTIES AREN'T ANY DIFFERENT DURING THE COURSE OF
7 THE TRIAL. YOU'LL HAVE A FEW HAVE EXTRA DUTIES DURING THE
8 COURSE OF DELIBERATIONS BUT THEY'RE NOT DIFFICULT I PROMISE.
9 SO, LADIES AND GENTLEMEN, WITH THAT WE'LL GET STARTED. I'LL
10 ASK BEFORE WE ACTUALLY START WITH OPENING STATEMENTS IF YOU
11 ALL WILL STAND, RAISE YOUR RIGHT HANDS, WE'LL SWEAR YOU IN
12 AND WE'LL BE PREPARED TO GET STARTED.

13 (THEREUPON, THE JURY WAS DULY SWORN.)

14 THE COURT: THANK YOU, SIR.

15 THANK YOU, LADIES AND GENTLEMEN. LADIES AND
16 GENTLEMEN, AT THIS POINT THE STATE IS READY TO BEGIN OPENING
17 STATEMENTS.

18 MR. MEADORS:

19 MR. MEADORS: MAY IT PLEASE THE COURT.

20 THE COURT: YES, SIR.

21 MR. MEADORS: EUGENE, ASHLEY, FOREST AND MARCUS.

22 EUGENE, ASHLEY, FOREST, AND MARCUS, THOSE ARE GOING TO BE
23 THE FIRST FOUR WITNESSES. THE CHILDREN THAT ARE GOING TO
24 GET UP HERE AND TELL Y'ALL WHAT HAPPENED ON JULY 6TH, 2003.
25 THOSE ARE THE FOUR WITNESSES THAT ARE GOING TO GET UP HERE

1 AND TELL YOU ON JULY 6TH, 2003, AT THEY SAW
2 THE DEFENDANT JHUNE HARRIS SHOOT AND KILL WITH A 32 REVOLVER
3 MR. LEOPOLD PIERRE AND THEN CHASE THEIR MOTHER ANGELA IN
4 THAT HOUSE AND SHOOT HER WHILE SHE HELD MARCUS, HER SON.
5 THAT'S WHAT THIS CASE IS ABOUT.

6 GOOD AFTERNOON. I'VE BEEN INTRODUCED. MY NAME IS
7 JOHN MEADORS. I'M THE DEPUTY SOLICITOR WITH THE FIFTH
8 JUDICIAL CIRCUIT. SITTING WITH ME AT COUNSEL TABLE IS
9 MS. ERIN GADDY, ASSISTANT SOLICITOR WITH THE 5TH JUDICIAL
10 CIRCUIT. NOW, HIS HONOR JUDGE BARBER QUALIFIED Y'ALL THIS
11 MORNING AND AT THAT TIME I THINK YOU SAW OUR BOSS SITTING
12 DOWN FRONT. I THINK JUDGE BARBER RECOGNIZED HIM. MS. GADDY
13 AND I WORK FOR SOLICITOR BARNEY GIESE. HE'S THE ELECTED
14 OFFICIAL FOR RICHLAND COUNTY AND KERSHAW COUNTY. HE IS THE
15 ELECTED SOLICITOR AND WE WORK FOR HIM AND I WROTE IT DOWN AS
16 JUDGE BARBER SAID IT. HE SAID SOLICITOR GIESE TO HIS
17 EMPLOYEES ME AND ERIN REPRESENT THE PEOPLE AND I LOVE THAT.

18 WE REPRESENT THE PEOPLE OF RICHLAND AND KERSHAW
19 COUNTY, THE PEOPLE FOR THE STATE OF SOUTH CAROLINA AND WE
20 REPRESENT THE PEOPLE HERE TODAY AGAINST THE DEFENDANT JHUNE
21 HARRIS WHO'S REPRESENTED BY MR. JACK SWERLING, A FINE MEMBER
22 OF THE RICHLAND COUNTY BAR. LADIES AND GENTLEMEN, AS HIS
23 HONOR HAS TOLD YOU THE RICHLAND COUNTY GRAND JURY HAS
24 RETURNED INDICTMENTS, I GOT COPIES OF THEM RIGHT HERE, FOR
25 MURDER AND ASSAULT AND BATTERY WITH INTENT TO KILL AND AS

1 THE JUDGE TOLD YOU, TOO, THEY'RE JUST CHARGING PAPERS WHICH
2 IS TRUE. IT'S A PART OF THE PROCESS THAT WE HAVE TO GO
3 THROUGH TO GO TO THE GRAND JURY TO GET TO THIS POINT RIGHT
4 HERE BUT THE GRAND JURY DID RETURN TWO INDICTMENTS FOR
5 MURDER AND ASSAULT AND BATTERY WITH INTENT TO KILL.

6 I'M GOING TO VERY BRIEFLY TELL YOU RIGHT NOW WHAT
7 I BELIEVE THE ELEMENTS ARE OF THESE TWO OFFENSES. I THINK
8 YOU'VE ALL HEARD THEM AND YOU'VE ALL SEEN IT ON T.V. BUT I'M
9 GOING TO TELL YOU THAT THIS ISN'T T.V. I'M GOING TO TELL
10 YOU WHAT THE ELEMENTS ARE, WHAT THE STATE MUST PROVE AND
11 THEN AFTER THAT I'M ALLOWED TO GO THROUGH AND TELL YOU WHAT
12 WE BELIEVE, WHAT THE STATE BELIEVES THE EVIDENCE WILL SHOW
13 THROUGH TESTIMONY. THE DEFENDANT IS CHARGED WITH THE CRIME
14 OF MURDER. MURDER IS THE UNLAWFUL KILLING OF ANOTHER HUMAN
15 BEING WITH MALICE AFORETHOUGHT. MALICE AFORETHOUGHT.

16 WHAT DOES THAT MEAN? IT'S AN INTENTIONAL KILLING
17 WITH MALICE AFORETHOUGHT. WHAT IS MALICE? MALICE IS A
18 EVILNESS, A WICKEDNESS ONE PERSON SHOWS TO ANOTHER, A
19 MEANNESS, SPITEFULNESS. MALICE AFORETHOUGHT. WHAT'S
20 AFORETHOUGHT? WELL, WE DON'T HAVE PREMEDITATION IN THIS
21 STATE. MALICE AFORETHOUGHT DOESN'T HAVE TO BE PLANNED A
22 LONG TIME BUT THIS MEANNESS, THIS EVILNESS, THIS WICKEDNESS
23 ONE PERSON SHOWS TO ANOTHER MUST EXIST JUST AT THE TIME THE
24 INCIDENTS HAPPEN, AT THE TIME THE FATAL BLOW STRUCK,
25 AFORETHOUGHT AS A SHOT'S BEING FIRED. MALICE AFORETHOUGHT

1 THAT'S IT. THAT'S ALL THAT'S REQUIRED.

2 WELL, WHAT DOES THAT MEAN? WELL, YOU CAN'T LOOK
3 INTO SOMEBODY'S MIND AND SAY, WELL, IS THERE MALICE IN
4 THERE? DO YOU SEE THE WORDS M-A-L-I-C-E? WE KNOW IT
5 DOESN'T HAVE TO EXIST FOR LONG, JUST AT THE INSTANT THAT
6 SHOT IS FIRED. HOW DO YOU PROVE MALICE? WELL, YOU CAN
7 PROVE MALICE IN SEVERAL WAYS. ONE WAY IT CAN BE EXPRESS.
8 SOMEBODY CAN SAY I'M GOING TO KILL THIS PERSON. THAT'S
9 EXPRESSED MALICE. EVILNESS, WICKEDNESS, MEANNESS, JUST DOWN
10 RIGHT SPITEFULNESS ONE PERSON SHOWS TO ANOTHER. ALL THE LAW
11 SAYS AND HIS HONOR AT THE APPROPRIATE TIME WILL TELL Y'ALL
12 IT'S PERMISSIBLE TO INFER MALICE. IT'S AN INFERENCE YOU AS
13 JURORS CAN TAKE ALONG WITH ALL THE OTHER EVIDENCE IN THE
14 CASE.

15 YOU CAN INFER MALICE FROM THE CIRCUMSTANCES AROUND
16 THE CRIME AND SPECIFICALLY YOU ARE ALLOWED TO INFER MALICE
17 FROM THE USE OF A DEADLY WEAPON. IN THIS CASE A .32
18 REVOLVER THAT WAS USED TO SHOOT LEOPOLD PIERRE TWICE, ONCE
19 IN THE HEAD AND ONCE IN THE LEG. WE SUGGEST TO YOU, WE
20 SUGGEST TO YOU THE EVIDENCE WILL SHOW ABUNDANCE OF MALICE.
21 THE UNLAWFUL KILLING OF ANOTHER HUMAN BEING WITH MALICE
22 AFORETHOUGHT AND WE'LL HAVE TO SHOW YOU THROUGH THE EVIDENCE
23 THAT THE DEFENDANT JHUNE HARRIS STRUCK THE FATAL BLOW, FIRED
24 THE GUN AND THAT THE DEFENDANT LEOPOLD PIERRE, THE VICTIM
25 LEOPOLD PIERRE DIED AS A PROXIMATE RESULT OF THOSE BULLETS

1 AND WE'LL BRING A DOCTOR IN TO SHOW YOU. THAT'S MURDER.

2 WHAT'S THE OTHER CRIME THAT HE'S CHARGED WITH?

3 ASSAULT AND BATTERY WITH INTENT TO KILL. ASSAULT AND

4 BATTERY WITH INTENT TO KILL. THAT'S AN UNLAWFUL ACT OF A

5 VIOLENT NATURE TO A PERSON OF ANOTHER WITH MALICE

6 AFORETHOUGHT, AN UNLAWFUL ACT OF A VIOLENT NATURE TO THE

7 PERSON OF ANOTHER WITH MALICE AFORETHOUGHT. I LOVE SOME OF

8 THESE LEGAL DEFINITIONS AND ASSAULT IS AN INTENTIONAL

9 CREATION OF A REASONABLE FEAR OF IMMEDIATE INJURY. AN

10 ASSAULT IS AN UNLAWFUL ATTEMPT TO DO VIOLENCE TO ANOTHER.

11 GOING BACK THERE AND IT CREATES THE REASONABLE FEAR OF

12 IMMEDIATE BODILY DAMAGE IN THE OTHER PERSON, BODILY HARM IN

13 ANOTHER PERSON.

14 A BATTERY IS A SUCCESSFUL COMPLETION OF THAT

15 ASSAULT. YOU GO BACK; YOU HIT. THAT'S THE BATTERY.

16 ASSAULT AND BATTERY INTENT TO KILL WHEN ANGELA GILMORE WAS

17 SHOT IS WHAT THE EVIDENCE WILL SHOW WITH THE SAME MALICE

18 AFORETHOUGHT, EVILNESS, WICKEDNESS, SPITEFULNESS ONE PERSON

19 SHOWS TO THE OTHER. THERE IS NOTHING MORE SPITEFUL THAN

20 WHAT Y'ALL GOING TO HEAR THE EVIDENCE WILL SHOW AND AN

21 ASSAULT AND BATTERY WITH INTENT TO KILL IS THAT FORCE THAT'S

22 PUT IN EFFECT BY THE DEFENDANT WITH HIS HAND OR THE

23 PROJECTILE WITH THE BULLET THAT THE PERSON CAUSES TO PUT IN

24 THAT CAUSES IT AS IT WAS IN THIS CASE.

25 ASSAULT AND BATTERY WITH INTENT TO KILL DOESN'T

1 HAVE TO BE A SPECIFIC INTENT, A GENERAL INTENT AS YOUR HONOR
2 WILL TELL YOU IN THE END OF INTENT TO KILL BUT YOU CAN LOOK
3 AT THE CIRCUMSTANCES SURROUNDING IT, INFERENCES AGAIN OF THE
4 WEAPON THAT'S USED, THE SAME WEAPON THAT JUST KILLED LEOPOLD
5 PIERRE THE EVIDENCE WILL SHOW IS NOW USED TO SHOOT THIS
6 WOMAN ANGELA GILMORE, ASSAULT AND BATTERY WITH INTENT TO
7 KILL. THAT'S THE ELEMENTS THAT THE STATE MUST GO THROUGH
8 AND SHOW YOU AND WE'LL TALK ABOUT THAT AGAIN AT THE END OF
9 THE TRIAL. MS. GADDY'LL TALK ABOUT IT. MR. SWERLING WILL
10 AND HIS HONOR WILL.

11 THE BURDEN OF PROOF THAT RESTS ON THE STATE IN
12 THIS CASE IS THE SAME BURDEN OF PROOF THAT'S ON EVERY
13 PROSECUTOR, EVERY REPRESENTATIVE OF THE PUBLIC ACROSS THE
14 NATION TODAY AND Y'ALL CAN SAY IT OUT TO ME RIGHT NOW. YOU
15 KNOW WHAT IT IS. WE'VE GOT TO PROVE THESE ELEMENTS BEYOND A
16 REASONABLE DOUBT. THAT'S IT, BEYOND A DOUBT THAT WOULD
17 CAUSE A REASONABLE PERSON TO HESITATE TO ACT, BEYOND A
18 REASONABLE DOUBT. WE SUBMIT THERE IS NO REASONABLE DOUBT IN
19 THIS CASE.

20 LADIES AND GENTLEMEN, VERY BRIEFLY THE TYPES OF
21 EVIDENCE YOU'LL HEAR TODAY AND TOMORROW MAYBE INTO
22 WEDNESDAY. I THINK THIS WILL BE A RELATIVELY SHORT TRIAL.
23 WE SHOULD FINISH WEDNESDAY. DIFFERENT TYPES OF EVIDENCE
24 YOU'LL HEAR ALSO USUALLY IN MOST TRIALS. EVIDENCE WILL COME
25 FROM THIS WITNESS STAND. THESE CHILDREN YOU'RE GOING TO

1 HEAR THEM RIGHT NOW IN JUST A MINUTE. WE'RE GOING TO START
2 CALLING THEM. DIRECT EVIDENCE, DIRECT EVIDENCE IS WHAT A
3 PERSON PERCEIVES WITH THEIR EYES, THEIR NOSE, THEIR EARS
4 WITH THEIR FINGERS. IT'S SOMETHING THEY CAN TOUCH, HEAR,
5 SMELL, TASTE AND THEN COME IN HERE AND SEE AND THEY TELL
6 Y'ALL ABOUT IT. I SAW THIS. THIS IS WHAT I SAW. THAT'S
7 DIRECT TESTIMONY AND WE HAVE GOT A LOT OF DIRECT TESTIMONY.

8 YOU ALSO WILL HAVE PERHAPS SOME CIRCUMSTANTIAL
9 TESTIMONY, PROOF OF ONE FACT WHICH TAKEN WITH ANOTHER FACT
10 LEADS TO FACT THREE. THEY'RE BOTH GOOD IN THE LAW. ONE'S
11 NOT ANY STRONGER THAN THE OTHER AND WE'LL DEFINE IT MORE
12 CLEARLY LATER BUT YOU HAVE DIRECT EVIDENCE, CIRCUMSTANTIAL
13 EVIDENCE. THERE IS ALSO GOING TO BE SOME DOCUMENTARY
14 EVIDENCE, MAYBE SOME EXPERTS WILL TESTIFY LIKE DR. NICHOLS
15 THE PATHOLOGIST AND COME IN AND SHOW YOU, HEY, THIS IS WHAT
16 CAUSED THE DEATH OF LEOPOLD PIERRE. THIS IS WHAT ANGELA
17 GILMORE'S INJURIES ARE.

18 LADIES AND GENTLEMEN, WHAT HAPPENED ON
19 JULY 6TH, 2003? WE'RE LEAVING THE COURTHOUSE RIGHT NOW.
20 I'M GOING TO TAKE YOU THERE. YOU'RE GOING DOWN MAIN STREET,
21 UP NORTH MAIN STREET. YOU COME TO MONTICELLO ROAD. WE'RE
22 TAKING A LEFT ON MONTICELLO ROAD RIGHT NOW. WE'RE HEADING
23 DOWN TOWARDS DUKE AVENUE. WHEN YOU GET TO DUKE AVENUE THERE
24 IS AN A-ONE FOOD SHOP RIGHT THERE. ON MONTICELLO YOU TAKE A
25 LEFT ON DUKE AVENUE. YOU GO DOWN, YOU CROSS ONE

1 INTERSECTION, I JUST CAN'T REMEMBER WHAT IT IS RIGHT NOW. I
2 SHOULD BUT YOU CROSS THAT INTERSECTION. YOU'RE STILL ON
3 DUKE AVENUE. YOU COME UP AND ON YOUR RIGHT WILL BE

4 THAT'S WHERE THESE FOLKS RESIDED, WHERE THEY STILL
5 RESIDE. BUT ON JULY THE 6TH OF 2003 THAT'S WHERE THEY WERE.
6 THE EVIDENCE WILL SHOW IT'S THE SAME. SHORTLY AROUND TWO
7 O'CLOCK ON SUNDAY IN THE HOUSE WAS EUGENE, ASHLEY, FOREST,
8 MARCUS, ANGELA AND LEOPOLD PIERRE WHO THE EVIDENCE WILL SHOW
9 CAME THAT MORNING TO HELP CLEAN UP FOR A FAMILY REUNION,
10 HELP CLEAN THE HOUSE UP AND AROUND, SHORTLY AROUND OR AFTER
11 TWO O'CLOCK IN THE AFTERNOON THERE IS A KNOCK AT THE DOOR
12 THE EVIDENCE WILL SHOW AND IT'S JHUNE HARRIS HAS COME TO
13 CALL, COME TO VISIT.

14 THE EVIDENCE WILL SHOW THAT HE'S TOLD MS. GILMORE
15 HAS GUESTS. THERE IS A PRIOR RELATIONSHIP BETWEEN
16 MS. GILMORE AND MR. HARRIS. I'LL TELL YOU THAT RIGHT NOW.
17 THERE WAS. IT WAS OVER. THERE WAS A KNOCK AT THE DOOR.
18 MR. HARRIS CAME; MS. GILMORE ASKED HIM TO LEAVE. THE
19 EVIDENCE WILL SHOW DEFENDANT SAID, I GOT A WATERMELON FOR
20 THE CHILDREN. WELL, IF YOU WANT TO GET THE WATERMELON,
21 FINE, BRING IT BACK. HE GOES TO HIS CAR. HE COMES BACK.
22 HE COMES TO THE SIDE OF THE HOUSE AND I'M GOING TO HAVE,
23 TALKING ABOUT THIS EVIDENCE, WE'VE GOT PICTURES OF THE
24 INSIDE OF THE HOUSE. I'M GOING TO SHOW YOU EVERYTHING I'M
25 TALKING ABOUT.

1 THE EVIDENCE WILL SHOW THE DEFENDANT COMES BACK TO
2 THE SIDE ENTRANCE OF HE AIN'T GOT A
3 WATERMELON, COMES INSIDE AND WANTS TO SEE MR. LEOPOLD
4 PIERRE. EVIDENCE WILL SHOW THEY'RE ARGUING, ARGUING WITH
5 THIS LADY, GOES UP THE STAIRS, THE DEFENDANT JHUNE HARRIS
6 DOES TO SEE LEOPOLD PIERRE. EVIDENCE WILL SHOW LEOPOLD
7 PIERRE IS UP THERE CLEANING A ROOM OF THE BOYS AND GIRL,
8 COMES BACK DOWN STILL HOLLERING AND YELLING AT MS. GILMORE,
9 THE DEFENDANT IS, THE EVIDENCE WILL SHOW, MAY GO UP AGAIN TO
10 SEE IF MR. LEOPOLD PIERRE IS UP THERE.

11 MR. LEOPOLD PIERRE ACTUALLY COMES DOWNSTAIRS ONE
12 TIME, COMES IN THE KITCHEN, PASSES BY THE DEFENDANT, GOES
13 BACK UPSTAIRS AND FINALLY DEFENDANT'S YELLING, COME DOWN.
14 THE EVIDENCE WILL SHOW MR. LEOPOLD PIERRE COMES DOWN THE
15 STAIRS AND THREE CHILDREN BEHIND HIM AND AS HE GETS TO THE
16 BOTTOM OF THE STAIRS, FROM ACROSS THE ROOM JHUNE HARRIS
17 SHOTS HIM WITH A .32 REVOLVER ONCE IN THE HEAD AND ONCE IN
18 THE LEG. THAT'S WHAT THIS CASE IS ABOUT AND AFTER THAT THE
19 EVIDENCE WILL SHOW IS WHEN HE WENT TO CHASE ANGELA THROUGH
20 HER OWN HOUSE WITH THE SAME .32 REVOLVER IN HIS HAND.

21 I'M GOING TO SHOW YOU WHERE HE CHASED HER. THE
22 EVIDENCE IS GOING TO SHOW YOU, COMES BACK INTO THE DEN AND
23 AS SHE'S HOLDINGS MARCUS AND SCREAMING NO, THE EVIDENCE WILL
24 SHOW HE GOES OUTSIDE, COMES BACK IN AND SHOTS HER. THANK
25 GOD HE LEFT. MALICE, EVILNESS, WICKEDNESS. I THINK YOU'RE

1 GOING TO HEAR FROM EVERY WITNESS ABOUT HIM. YOUR ROLE,
2 LADIES AND GENTLEMEN, IS TO LISTEN, TO LISTEN, TO USE YOUR
3 COMMON SENSE, EVALUATE THE TESTIMONY, DECIDE WHAT'S
4 CREDIBLE, WHAT'S BELIEVABLE; AND THAT'S TRUE IN EVERY CASE
5 THAT'S TRIED IN THIS GREAT COUNTRY OF OURS.

6 HIS HONOR IS THE JUDGE OF THE LAW. THIS IS HIS
7 COURTROOM, JUDGE LLOYD. NOBODY DOES IT BETTER.

8 MR. SWERLING HAS HIS ROLE. WE HAVE OUR ROLES BUT I SUBMIT
9 TO ALL THESE FINE PEOPLE YOUR ROLE IS THE MOST IMPORTANT OF
10 ALL IS WHAT MAKES THIS COUNTRY GREAT, WHERE WE CAN COME IN
11 HERE AND HAVE OUR DAY IN COURT, ACCUSED CAN, ACCUSED CAN
12 HAVE HIS DAY IN A COURT. UNDER THE PRESUMPTION OF INNOCENCE
13 WHICH I BELIEVE IN AS MUCH AS ANYBODY AND HE'S PRESUMED
14 INNOCENT UNLESS AND UNTIL THE STATE PROVES HIM GUILTY BEYOND
15 A REASONABLE DOUBT AND THROUGH THESE WITNESSES WE'RE GOING
16 TO DO THAT, LADIES AND GENTLEMEN.

17 ALL WE ASK OF YOU TO DO IS LISTEN AND USE YOUR
18 COMMON SENSE AND WHEN YOU DO THAT WHEN ALL THE EVIDENCE HAS
19 BEEN PRESENTED AND ALL THE QUESTIONS HAVE BEEN ASKED AND
20 ANSWERED, YOU'LL RETURN TO YOUR JURY ROOM AFTER HIS HONOR
21 HAS GIVEN YOU THE LAW AND YOU'LL REACH A VERDICT. VERDICT
22 SIMPLY MEANS SPEAK THE TRUTH AND WE SUBMIT RESPECTFULLY THAT
23 AFTER YOU'VE HEARD THE WITNESSES IN THIS CASE THERE IS ONLY
24 ONE VERDICT THAT'LL SPEAK THE TRUTH AND IT'S QUITE SIMPLY
25 THAT ON JULY 6, 2003 ANGELA, WHILE ANGELA GILMORE, HER

1 FAMILY, AND LEOPOLD PIERRE WERE AT THE
2 DEFENDANT JHUNE HARRIS CAME THERE, SHOT LEOPOLD TWICE,
3 KILLED HIM AND THEN TRIED TO SHOOT AND KILL HER AND THERE IS
4 ONLY ONE VERDICT THAT WILL SPEAK THE TRUTH, A VERDICT OF
5 GUILTY. THANK YOU ALL.

6 THE COURT: THANK YOU, MR. SOLICITOR.

7 MR. SWERLING.

8 MR. SWERLING: MAY IT PLEASE THE COURT.

9 THE COURT: YES, SIR.

10 MR. SWERLING: MR. MEADORS.

11 GOOD AFTERNOON, LADIES AND GENTLEMEN. IT IS A
12 PRIVILEGE FOR ME TO APPEAR IN FRONT OF YOU TODAY AND HOPE
13 THE NEXT COUPLE OF DAYS AS WE TRY THIS CASE OF THE STATE OF
14 SOUTH CAROLINA VERSUS JHUNE HARRIS. I HOPE THAT YOUR
15 EXPERIENCE HERE IN THE RICHLAND COUNTY COURTHOUSE IN THE
16 COURT OF GENERAL SESSIONS MEETS ALL OF YOUR EXPECTATIONS AND
17 IS A SATISFYING, REWARDING ONE IN SEEING HOW YOUR SYSTEM
18 GOES ABOUT AND DECIDES THESE TYPES OF CASES.

19 YOU HAVE GOTTEN A SEAT ON A CRIMINAL CASE AND
20 THERE ARE ALSO CIVIL CASES GOING ON IN THE COURTHOUSE AS
21 WELL AND AS YOU SORT OF ALREADY PICKED UP BEING DOWNSTAIRS
22 AND IN THE QUALIFICATION THIS MORNING IN CIVIL COURT WE TALK
23 ABOUT THINGS. IT'S AUTOMOBILE ACCIDENTS, MALPRACTICE CASES,
24 REAL ESTATE ISSUES AND IN THOSE CASES THE PLAINTIFF WHO
25 BRINGS THOSE CASES HAS TO BY THE GREATER WEIGHT OF THE

1 EVIDENCE PROVE THEIR CASE. MORE EVIDENCE, WHOEVER PRESENTS
2 THE MORE EVIDENCE, THE MOST EVIDENCE GETS TO PREVAIL IN
3 CIVIL COURT.

4 IN CRIMINAL COURT THE STATE AS MR. MEADORS HAS
5 ALREADY POINTED OUT HAS TO PROVE GUILT BEYOND A REASONABLE
6 DOUBT. THE END OF THE CASE YOU HAVE A REASONABLE DOUBT IF
7 YOU HAVE A DOUBT THAT CAUSES YOU TO HESITATE ABOUT WHAT THE
8 EVIDENCE SHOWS OR WHAT RESULT OUGHT TO BE, THEN YOU HAVE TO
9 RESOLVE THAT DOUBT IN THE PERSON'S FAVOR WHO'S ACCUSED OF
10 THAT CRIME. THAT'S HOW OUR SYSTEM WORKS. YOU TOOK AN OATH
11 JUST A FEW MINUTES AGO TO GO AHEAD AND WELL AND TRULY TRY
12 THIS CASE AND WHAT HAPPENS WHEN YOU AS A JURY COME, 14 OF
13 YOU RIGHT
14 NOW, 12 WILL ULTIMATELY DECIDE THIS CASE. TWELVE OF YOU
15 WILL HAVE TO DECIDE UNANIMOUSLY WHAT THE OUTCOME OF THE CASE
16 SHOULD BE, WHAT THE VERDICT IN THE CASE WILL BE.

17 BUT JURORS COME FROM ALL WALKS OF LIFE, ALL PARTS
18 OF THE COUNTY, ALL TYPES OF FAMILIAL SITUATIONS ALL KINDS OF
19 EMPLOYMENT, EDUCATIONAL BACKGROUNDS; AND THEY COME TOGETHER
20 WITHOUT ANY TRAINING OR EXPERIENCE, WITHOUT ANY REAL
21 GUIDANCE AND THEY COME TOGETHER AND THEY DO RENDER A
22 VERDICT. THEY FOLLOW THE LAW AND LISTEN TO THE EVIDENCE AND
23 AT THE END OF THE CASE THEY RENDER A TRUE VERDICT THAT
24 SPEAKS THE TRUTH. AT THE END OF THE CASE YOU'LL GO OUT AND
25 YOU'LL DELIBERATE AND I SAY THIS TO YOU RIGHT NOW AND I'LL

1 SAY IT TO YOU AT THE END OF THE CASE AS WELL, UNDER THE OATH
2 THAT YOU TOOK IF YOU FIND BEYOND A REASONABLE DOUBT THAT
3 MR. HARRIS IS GUILTY OF ONE OR MORE OF THESE CRIMES, THEN
4 YOUR OATH THAT YOU TOOK REQUIRES YOU TO SAY THAT.

5 BUT JUST AS YOUR OATH REQUIRES YOU TO FIND SOMEONE
6 GUILTY IF THERE IS NO REASONABLE DOUBT AND THE CASE IS
7 PROVEN BEYOND A REASONABLE DOUBT, YOUR OATH REQUIRES YOU
8 THAT IF YOU HAVE A REASONABLE DOUBT, IF YOU HESITATE, IF YOU
9 HAVE THAT HESITATION MR. MEADORS WAS REFERRING TO YOU, THAT
10 OATH REQUIRES YOU TO FIND SOMEONE NOT GUILTY. WELL,
11 BASICALLY YOU SAY NOT PROVEN BEYOND A REASONABLE DOUBT.
12 THAT'S WHAT NOT GUILTY REALLY MEANS. IT MEANS NOT PROVEN
13 BEYOND A REASONABLE DOUBT.

14 NOW, THE BURDEN RESTS ENTIRELY ON THE STATE OF
15 SOUTH CAROLINA AND MR. MEADORS TOLD YOU THAT HE HAS NO
16 PROBLEM WITH THAT AND I KNOW HE DOESN'T. I'VE KNOWN
17 MR. MEADORS FOR MANY YEARS. HE'S A VERY QUALIFIED, HIGHLY
18 SKILLED PROSECUTOR AND HE WILL PRESENT THIS CASE. MS. GADDY
19 WILL PRESENT THIS CASE IN A VERY EFFICIENT WAY SO THAT YOU
20 CAN GRASP ALL THE ISSUES IN THE CASE. MY ROLE HERE IS TO
21 REPRESENTS MR. HARRIS. HE IS A CITIZEN WHO'S ACCUSED OF A
22 CRIME. MR. MEADORS REFERRED TO THE FACT THAT THEY REPRESENT
23 THE PEOPLE OF SOUTH CAROLINA BUT REALLY IN ESSENCE WHAT THEY
24 REPRESENT IS THE STATE OF SOUTH CAROLINA AS AN ENTITY.

25 YOU HEARD THAT IT'S THE STATE OF SOUTH CAROLINA

1 VERSUS JHUNE HARRIS. JHUNE HARRIS IS ONE OF YOU. HE IS A
2 CITIZEN OF THIS COUNTY AND HE'S ACCUSED OF A CRIME NO MATTER
3 WHETHER THE CRIME IS SOMETHING OF SHOPLIFTING OR TRESPASSING
4 IN THE MUNICIPAL COURTS OR THE MAGISTRATE'S COURT OR A
5 MURDER CASE IN THE COURT OF GENERAL SESSIONS. THE RULES ARE
6 THE SAME. THE STANDARDS ARE THE SAME AND YOU WOULD APPLY
7 THE SAME LAW THAT YOU WOULD IN THAT, IN THE FORMER CASES
8 THAT IS SPOKE OF AS YOU WOULD IN THIS CASE AND WE SPENT
9 CONSIDERABLE PERIOD OF TIME THIS AFTERNOON SELECTING YOU AS
10 JURORS AND I'D LIKE TO TELL YOU ABOUT THAT FOR A MOMENT.

11 YOU MAY WONDER WHY DID WE GO THROUGH ALL THAT.
12 JUDGE ASKS A BUNCH OF QUESTIONS. CERTAIN PEOPLE WERE
13 EXCUSED BY THE COURT AND THEN WHEN YOU WERE CALLED UP AND
14 YOU GO THROUGH THIS PROCESS WHERE YOU HAVE TO STAND UP HERE
15 IN FRONT OF US AND THE STATE DECIDES WHETHER OR NOT TO
16 STRIKE YOU AND THEN THE DEFENSE DECIDES WHETHER TO STRIKE
17 YOU OR NOT AND YOU'LL NOTICE THAT A NUMBER OF JURORS WERE
18 STRUCK NOT ONLY BY THE JUDGE BUT SOME WERE STRUCK BY THE
19 STATE AND SOME WERE STRUCK BY ME REPRESENTING MR. HARRIS.
20 SO WHAT HAPPENS IS
21 THAT 12 OF YOU AND ACTUALLY THE 14 OF YOU BUT THE 12 OF YOU
22 THAT WILL GET TO DECIDE THIS CASE YOU REPRESENT THE JURORS
23 THAT BOTH THE COURT, THE STATE, AND MR. HARRIS BELIEVE ARE
24 THE MOST FAIR AND IMPARTIAL JURORS WE CAN GET TO SIT IN THIS
25 CASE.

1 OTHER PEOPLE ARE EXCUSED FOR A MULTITUDE OF
2 REASONS. SOME WERE EXCUSED FOR PARTICULAR REASONS BUT
3 OTHERS WERE EXCUSED FOR NO REASON AT ALL BECAUSE THAT'S OUR
4 RIGHT BOTH OF THE COURT, THE STATE, AND THE DEFENSE TO
5 STRIKE JURORS AND TO SEAT THOSE THAT WE THINK ARE GOING TO
6 BE FAIR AND IMPARTIAL, NOT BRING ANY BIAS OR PREJUDICES INTO
7 THIS COURTROOM AND ON BEHALF OF MR. HARRIS WE'RE SATISFIED
8 THAT THOSE OF YOU WHO SIT IN THAT JURY BOX RIGHT NOW ARE THE
9 MOST FAIR AND IMPARTIAL JURORS THAT WE COULD SELECT OUT OF
10 THAT PANEL, AND WE THINK THAT AT THE CONCLUSION OF THE CASE
11 WE'LL BE ABLE TO STAND IN FRONT OF YOU AND STILL SAY THE
12 SAME THING.

13 NOW, MR. HARRIS HAS SAID, AND HE'S APPEARED IN
14 FRONT OF A JUDGE AND HE'S ENTERED A PLEA OF NOT GUILTY.
15 THAT STARTS THIS TRIAL PROCESS. THE STATE WILL GO FIRST AND
16 PRESENT EVIDENCE AND I'LL GET TO CROSS-EXAMINE THE EVIDENCE
17 AND WHAT I ASK YOU TO DO IS DURING THE COURSE OF THE TRIAL
18 AS WE GIVE YOU THIS LITTLE OVERVIEW, YOU CAN LISTEN TO OUR
19 OVERVIEW BUT REALLY WHAT'S GOING TO HAPPEN IS THAT ON THIS
20 STAND AND THE EXHIBITS THAT ARE GOING TO BE PRESENTED THAT'S
21 WHERE THE CASE IS MADE OUT.

22 THAT'S WHAT YOU WILL BE ABLE TO CONSIDER IN THIS
23 CASE AND I ASK YOU, MR. HARRIS ASKS YOU, AND I KNOW THE
24 STATE ASKS YOU TO PAY VERY CAREFUL ATTENTION TO EVERYTHING
25 THAT COMES OUT IN THIS CASE SO THAT YOU, AT THE END OF THE

1 CASE, CAN GO IN THE JURY ROOM AND DISCUSS IT, DIGEST ALL OF
2 THE ISSUES, ANSWER THE OTHER JURORS' QUESTIONS, LISTEN TO
3 THE LAW, LISTEN TO THE ARGUMENTS OF COUNSEL AND COME OUT AND
4 MAKE A TRUE VERDICT WITH RESPECT TO WHAT YOU HEARD.

5 NOW, YOU PROBABLY, WHEN THE JUDGE WAS TELLING YOU
6 THAT THIS WAS A HOMICIDE CASE OR A MURDER CASE YOU PROBABLY
7 SAID, WHAT DID I DO TO DESERVE TO GET SEATED IN THIS CASE,
8 TO GET CALLED UP TO THIS COURT AND I THINK THAT'S OUR
9 INITIAL SHOCK ANY TIME WE HEAR THE FACT THAT SOMEONE'S
10 CHARGED WITH MURDER; THAT SOMEONE WHO'S ACTUALLY CHARGED
11 WITH KILLING SOMEONE ELSE BUT YOU KNOW, LADIES AND
12 GENTLEMEN, THE FACT THAT SOMEONE IS CHARGED WITH MURDER
13 HAPPENS A LOT MORE OFTEN THAN YOU THINK.

14 AND IT'S NOT NECESSARILY IN EACH ONE OF THOSE
15 SITUATIONS THAT SOMEONE'S RESPONSIBLE FOR THE KILLING
16 BECAUSE AS YOU KNOW IN MANY SITUATIONS, MANY SITUATIONS
17 YOU'VE HEARD, MANY SITUATIONS YOU CAN THINK OF PEOPLE TAKE
18 ANOTHER PERSON'S LIFE FOR JUSTIFIABLE REASONS AND THERE ARE
19 REASONS THAT JUSTIFY THE TAKING OF ANOTHER PERSON'S LIFE.

20 WE LIVE IN A SOCIETY, WE HAVE ALWAYS LIVED IN A
21 SOCIETY WAY BACK FROM THE BEGINNING WHERE PEOPLE FOR ONE
22 REASON OR ANOTHER BECOME AGGRESSIVE, TURN ON SOMEONE, TURN
23 ON SOMEONE'S FAMILY, DO SOMETHING THAT PUTS ANOTHER PERSON
24 IN DANGER OF NOT ONLY BEING KILLED THEMSELVES OR SUSTAINING
25 SERIOUS BODILY HARM, WHAT HAPPENS IN THOSE SITUATIONS IS

1 THAT THE PEOPLE, UNDER THE LAW, AND THE JUDGE WILL EXPLAIN
2 TO YOU WHAT THAT LAW IS AT THE CONCLUSION OF THE CASE.

3 I'M NOT GOING TO GO INTO IT NOW BUT UNDER CERTAIN
4 CIRCUMSTANCES A PERSON IS ALLOWED, IS JUSTIFIED IN TAKING
5 SOMEONE ELSE'S LIFE TO PREVENT LOSS OF THEIR LIFE OR FACT
6 THAT THEY ARE GOING TO SUSTAIN SERIOUS BODILY HARM OR AS A
7 MATTER OF FACT SOMEONE ELSE MAY SUSTAIN SERIOUS BODILY HARM.
8 SO WHEN YOU HEAR THE TERM MURDER, MURDER IS THE CHARGE BUT
9 INCLUDED IN THAT ARE ALL THE OTHER ISSUES THAT ONE WILL HAVE
10 TO RESOLVE AND THAT IS WHAT THE CIRCUMSTANCES WERE
11 SURROUNDING THE TAKING OF THAT PERSON'S LIFE AND IF AT THE
12 CONCLUSION OF THE CASE YOU BELIEVE THAT MR. HARRIS TOOK
13 SOMEONE'S LIFE IN SELF-DEFENSE, THEN YOU WOULD HAVE TO
14 RESOLVE THAT DOUBT IN HIS FAVOR.

15 EVEN THOUGH INITIALLY WHEN YOU THINK ABOUT IT THE
16 CHARGE IS MURDER BUT THERE ARE DEFENSES TO MURDER AND THERE
17 ARE DEFENSES TO THE CHARGE OF MURDER AND THAT'S WHAT I
18 SUBMIT THAT YOU'RE GOING TO SEE IN THE CASE. YOU'RE GOING
19 TO SEE ONE OF THOSE SITUATIONS THAT CAME ABOUT UNFORTUNATELY
20 IN JULY
21 OF 2003, WHERE ANOTHER PERSON BECAME EXTREMELY AGGRESSIVE
22 AND PLACED MR. HARRIS IN DANGER OF LOSING HIS LIFE OR
23 SUSTAINING SERIOUS BODILY HARM AND AT THAT MOMENT
24 MR. HARRIS, AS THE JUDGE WILL TELL YOU THE LAW OF THE CASE
25 LATER, EXERCISED HIS RIGHT OF SELF-DEFENSE AND TOOK THE LIFE

1 OF MR. PIERRE, DIDN'T WANT TO, NEVER WENT OVER THERE WITH
2 THAT INTENTION TO GO OVER AND TAKE HIS LIFE.

3 BUT WHEN HE WENT OVER THERE THAT DAY AS A RESULT
4 OF THE CIRCUMSTANCES THAT TOOK PLACE, HE FOUND HIMSELF IN
5 THAT PERILOUS POSITION AS SO MANY OTHER PEOPLE HAVE
6 THROUGHOUT HISTORY AND THAT'S WHY WHILE A HOMICIDE MAY BE
7 ONE OF THE OLDEST CRIMES THAT CAN BE COMMITTED, THE RIGHT OF
8 SELF-DEFENSE IS ONE OF THE OLDEST DEFENSES THAT AN
9 INDIVIDUAL HAS. AS MR. MEADORS POINTED OUT MR. HARRIS HAD A
10 RELATIONSHIP WITH THESE FOLKS OVER HERE. IT WAS A LONG-TERM
11 RELATIONSHIP, ALMOST SEVEN YEARS AND UP UNTIL EVEN THAT
12 FRIDAY HE WAS SPENDING TIME WITH THOSE FOLKS.

13 IT WAS SORT OF LIKE YOU'LL HEAR TESTIMONY IT WAS
14 LIKE A FAMILY UNIT. EVEN THOUGH THEY WEREN'T MARRIED IT WAS
15 A FAMILY UNIT. FOR A LONG PERIOD OF TIME DURING THAT PERIOD
16 OF TIME THEY, LIVED TOGETHER. THE PRIOR WEEK THEY SPENT A
17 LOT OF TIME TOGETHER. MR. HARRIS WAS OVER AT THAT HOUSE ALL
18 THE TIME. AS I SAID HE HAD LIVED THERE FOR SOME PERIOD OF
19 TIME, NOT THERE BUT THE PRIOR RESIDENCE. ON THAT SUNDAY
20 WHEN THIS HAPPENED, HE HAD GONE TO CHURCH. HE WAS GOING
21 OVER TO THE HOUSE TO BRING THE KIDS SOME WATERMELON AS
22 YOU'VE HEARD MR. MEADORS REFER TO AND WHEN HE GOT THERE HE
23 DID NOT KNOW THAT THERE WAS ANYBODY IN THAT HOUSE OTHER THAN
24 THE FAMILY.

25 MR. PIERRE WAS THERE. MR. PIERRE GOT UPSET.

1 MR. PIERRE DID NOT LIKE THE IDEA THAT MR. HARRIS WAS THERE
2 AND THAT STARTED THIS SERIES OF EVENTS THAT ULTIMATELY
3 RESULTED IN HIS DEATH AT MR. HARRIS' HANDS. I SUGGEST TO
4 YOU THAT THIS IS A CASE OF SELF-DEFENSE AND WHAT HAPPENED
5 WITH ANGELA AFTERWARDS IN THE HEAT OF ALL THIS MOMENT, IN
6 THE HEAT OF WHAT WAS GOING ON, I WILL SUBMIT TO YOU THAT
7 MR. HARRIS ACCIDENTALLY DISCHARGED THE WEAPON AND SHOT HER
8 IN THE LEG. HE DID NOT INTEND TO HURT HER. HE LOVED HER.
9 THERE WAS NO INTENT TO HURT HER.

10 IT WAS AN ACCIDENT BUT, LADIES AND GENTLEMEN, YOU
11 CAN WELL IMAGINE IN THAT KIND OF MOMENT WHEN ALL OF THOSE
12 THINGS ARE GOING ON, WHEN SOMEONE IS COMING AT YOU AND YOU
13 EXERCISE YOUR RIGHT TO SELF-DEFENSE, THAT YOUR EMOTIONS ARE
14 RUNNING WILD. YOUR HEART IS BEATING RAPIDLY. YOU'RE MOVING
15 TO GET OUT AND THE GUN ACCIDENTALLY DISCHARGED AND THAT'S
16 WHAT YOU WILL HAVE TO CONSIDER IN THIS CASE WHETHER OR NOT,
17 NUMBER ONE, JHUNE HARRIS ACTED WITH MALICE AFORETHOUGHT OR
18 WHETHER OR NOT HE ACTED IN SELF-DEFENSE.

19 NUMBER TWO, AS FAR AS ANGELA'S CONCERNED YOU'LL
20 HAVE TO DECIDE WHETHER OR NOT HE ACTED WITH MALICE
21 AFORETHOUGHT OR IT WAS AN ACCIDENT. IN BOTH SITUATIONS I
22 SUBMIT TO YOU IT'S THE LATTER. IT WAS SELF-DEFENSE AND IT
23 WAS AN ACCIDENT. YOU WILL GET TO DECIDE THE FACTS IN THE
24 CASE. THE JUDGE WILL DECIDE THE LAW.

25 MR. MEADORS AND MS. GADDY WILL GO AHEAD AND

1 PRESENT THE CASE FOR THE STATE AND I WILL REPRESENT
2 MR. HARRIS AND AT THE CONCLUSION OF THE CASE WE'LL HAVE
3 ANOTHER OPPORTUNITY TO STAND HERE AND TALK TO YOU AND TELL
4 YOU WHAT WE THINK OR WHAT WE SUBMIT THE EVIDENCE SHOWS. BUT
5 IN THE MEANTIME I'M CONFIDENT THAT YOU'LL LISTEN TO THE
6 EVIDENCE, HEAR ALL OF THE EVIDENCE AND LOOK AT ALL THE
7 PHYSICAL EVIDENCE AND RENDER A VERDICT, FAIR AND JUST
8 VERDICT IN THIS CASE. THANK YOU.

9 THE COURT: THANK YOU, MR. SWERLING.

10 LADIES AND GENTLEMEN, JUST BEAR WITH ME A MOMENT.

11 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
12 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

13 THE COURT: THANK YOU, COUNSEL.

14 MR. MEADORS, LET ME JUST TELL THE LADIES AND
15 GENTLEMEN OF THE JURY, I'M SORRY, MR. MEADORS, A LITTLE BIT
16 OF WHAT'S GOING ON.

17 LADIES AND GENTLEMEN, THE WITNESSES, CERTAIN
18 WITNESSES ARE BEING SEQUESTERED PURSUANT TO MY ORDER AND
19 BECAUSE OF THAT THERE MAY BE AT TIMES AS WE CALL ANOTHER
20 WITNESS THEY'LL JUST HAVE TO BE ABLE TO GO OUTSIDE AND GET
21 THAT NEXT WITNESS AND I JUST ASK THAT YOU BEAR WITH US AND
22 HAVE A LITTLE PATIENCE WITH US BUT WE'LL TRY TO MAKE THAT AS
23 QUICK AS POSSIBLE.

24 MR. MEADORS, STATE MAY CALL YOUR FIRST WITNESS.

25 MR. MEADORS: IF IT PLEASES YOUR HONOR.

1 THE COURT: YES, SIR.

2 MR. MEADORS: THE STATE OF SOUTH CAROLINA WOULD
3 CALL EUGENE IVERY, III.

4 THE COURT: MR. IVERY, IF YOU'LL JUST COME DOWN
5 HERE WHERE THE BAILIFF IS, WE'LL LET YOU TAKE THE OATH AND
6 LET YOU TAKE THE WITNESS STAND.

7 MR. MEADORS:

8 MR. MEADORS: THANK YOUR HONOR. MAY IT PLEASE THE
9 COURT.

10 EUGENE IVERY, BEING FIRST DULY
11 SWORN, TESTIFIED AS FOLLOWS:

12 DIRECT EXAMINATION BY MR. MEADORS:

13 Q MR. IVERY, I'M GOING TO ASK YOU TO SPEAK UP IF YOU
14 DON'T MIND. WHAT YOU WANT ME TO CALL YOU?

15 A EUGENE.

16 Q EUGENE?

17 A YES.

18 Q I WANT YOU TO TELL THESE LADIES AND GENTLEMEN ABOUT
19 YOURSELF, OKAY. FIRST OF ALL TELL THEM HOW OLD YOU ARE?

20 A THIRTEEN.

21 Q WHEN'S YOUR BIRTHDAY?

22 A

23 Q WHAT YEAR WERE YOU BORN?

24 A

25 Q WHERE ARE YOU IN SCHOOL RIGHT NOW, EUGENE?

1 A MY GRADE?

2 Q YES, SIR.

3 A EIGHTH GRADE AT HAND MIDDLE SCHOOL.

4 Q HAND MIDDLE SCHOOL. AND YOU GOT A FAVORITE SUBJECT?

5 A MATH.

6 Q YOU DO PRETTY WELL IN SCHOOL, DON'T YOU?

7 A YES.

8 Q NOW, CAN YOU TELL THE JURY A LITTLE BIT ABOUT THE REST
9 OF YOUR FAMILY? HAVE YOU GOT ANY BROTHERS AND SISTERS?

10 A TWO BROTHERS AND ONE SISTER.

11 Q OKAY. WHAT ARE YOUR BROTHERS' NAMES?

12 A MARCUS IVERY AND FOREST IVERY. MY SISTER NAME'S ASHLEY
13 GILMORE.

14 Q ALL RIGHT. HOW OLD IS MARCUS?

15 A HE'S 12. FOREST IS 11 AND ASHLEY'S SIX OR 17.

16 Q AND THEY ALL LIVE WITH YOU NOW?

17 A YES.

18 Q SOMEBODY ELSE LIVE WITH YOU?

19 A (SHOOK HEAD.) MY MOTHER.

20 Q YOUR MOTHER LIVES WITH YOU. WHAT'S HER NAME?

21 A ANGELA GILMORE.

22 Q NOW, FIRST OF ALL YOU GOT THIS PATCH ON YOUR EYE RIGHT
23 HERE, RIGHT? YOU DIDN'T HAVE THAT ON THERE LAST WEEK, DID
24 YOU?

25 A HUH-UH.

1 Q WHY HAVE YOU GOT THAT PATCH ON YOUR EYE?

2 A I WAS WRESTLING AND I FRACTURED A BONE.

3 Q OKAY. SO YOU JUST PUT THAT ON RECENTLY?

4 A YES.

5 Q CAN YOU TAKE IT OFF A SECOND?

6 A YES.

7 Q SO YOU JUST GOT A SWOLLEN EYE FROM FRACTURE?

8 A YES.

9 Q ARE YOU ON THE WRESTLING TEAM?

10 A YES.

11 Q ALL RIGHT. YOU CAN PUT IT BACK DOWN THERE, SORRY. DO

12 YOU PLAY ANY OTHER SPORTS?

13 A YES.

14 Q WHAT DO YOU PLAY?

15 A BASKETBALL, FOOTBALL, I'M ON THE TRACK TEAM AND THE

16 WRESTLING TEAM.

17 Q AND DO YOU GET ALONG WITH YOUR SISTER AND YOUR BROTHER?

18 A YES.

19 Q YOU DO?

20 A YES.

21 Q ALL RIGHT. WHERE ARE YOU LIVING NOW?

22 A

23 Q TELL THESE FOLKS HOW LONG YOU BEEN THERE?

24 A TWO OR THREE YEARS.

25 Q THAT'S IN RICHLAND COUNTY, ISN'T IT?

1 A YES.

2 Q IT'S IN RICHLAND COUNTY. I WANT TO TAKE YOU BACK IN
3 YOUR MIND, EUGENE, TO JULY 6TH OF 2003, OKAY?

4 A OKAY.

5 Q YOU KNOW WHAT I'M TALKING ABOUT. CAN YOU REMEMBER THAT
6 SOMETHING UNUSUAL HAPPENED ON JULY 6TH, 2003?

7 A YES.

8 Q CAN YOU REMEMBER WHAT DID YOU DO THAT DAY, THAT
9 MORNING? TELL THIS JURY WHAT YOU WERE DOING IF ANYTHING?

10 A I WAS UPSTAIRS CLEANING UP THE ROOM FOR A FAMILY
11 REUNION.

12 Q AND AS I GO DOWN LOOKING WHAT'S MARKED AS STATE'S
13 EXHIBIT 1, DO YOU RECOGNIZE THAT?

14 A YES.

15 Q OKAY. DOES IT RELATE TO WHAT YOU'RE FIXING TO TELL
16 THEM ABOUT?

17 A YES.

18 Q IS THAT YOUR HOUSE?

19 A YES, SIR.

20 Q AND THAT'S AT DUKE?

21 A (NODDED HEAD.)

22 MR. MEADORS: YOUR HONOR, THIS IS STATE'S EXHIBIT
23 1 I BELIEVE WITHOUT OBJECTION.

24 MR. SWERLING: THAT'S CORRECT.

25 THE COURT: THANK YOU, COUNSEL. WITHOUT OBJECTION

1 STATE'S 1 IS ADMITTED.

2 (THEREUPON, THE PHOTOGRAPH OF THE HOME PREVIOUSLY
3 MARKED STATE'S EXHIBIT NO. 1 FOR IDENTIFICATION WAS MARKED
4 STATE'S EXHIBIT NO. 1 AND ENTERED INTO EVIDENCE.)

5 BY MR. MEADORS:

6 Q YOUR TESTIMONY WAS YOU WERE UPSTAIRS CLEANING UP FOR
7 WHAT?

8 A A FAMILY REUNION.

9 Q DO YOU REMEMBER WHAT DAY OF THE WEEK THIS WAS?

10 A SUNDAY.

11 Q WHO ELSE WAS IN THE HOUSE WITH YOU THIS SUNDAY?

12 A MY BROTHER.

13 Q ALL RIGHT. I INTERRUPTED YOU AND I WON'T ANY MORE.
14 WHAT TIME OF DAY WAS IT?

15 A IN THE MORNING.

16 Q ALL RIGHT. WHO ALL WAS THERE?

17 A MY TWO BROTHERS, MY SISTER AND MY MOM, AND LEOPOLD
18 PIERRE.

19 Q FOREST, MARCUS, ASHLEY, RIGHT, ANGELA, AND LEOPOLD
20 PIERRE?

21 A YES.

22 Q AND WHO ALL WAS CLEANING UP?

23 A I WAS AND MARCUS, FOREST, AND LEOPOLD PIERRE.

24 Q AND WHERE WERE Y'ALL CLEANING UP?

25 A UPSTAIRS IN OUR ROOM.

1 Q DESCRIBE YOUR ROOM AT TO THESE LADIES AND
2 GENTLEMEN, EUGENE?

3 A WE HAVE SIDE-BY-SIDE BEDS, HAVE A GREEN CARPET.

4 Q SPEAK UP, PLEASE, SIR?

5 A WE HAVE A GREEN CARPET.

6 Q AND SIDE-BY-SIDE BEDS?

7 A YES.

8 Q THREE OF Y'ALL TO A ROOM. WHERE DOES ASHLY LIVE? I
9 KNOW SHE LIVES THERE. WHERE DOES SHE LIVE IN THE HOUSE;
10 WHERE DOES SHE STAY?

11 A SHE'S RIGHT ACROSS FROM MY ROOM.

12 Q SO THE SUNDAY MORNING AS YOU SAID ALL OF Y'ALL WERE UP
13 IN THAT ROOM YOU, YOUR TWO BROTHERS, AND LEOPOLD PIERRE?

14 A YES, SIR.

15 Q SPECIFICALLY WHAT TYPE OF CLEANING WERE YOU DOING, IF
16 YOU REMEMBER?

17 A WE WERE VACUUMING, SWEEPING, AND FIXING MY BROTHER
18 FOREST BED.

19 Q HAD HIS BED BEEN BROKEN FOR A WHILE?

20 A YES.

21 Q AND WHEN WAS THE FAMILY REUNION IN RELATION TO THIS
22 SUNDAY, EUGENE?

23 A I THINK IT WAS THAT WEEK OR NEXT WEEK FOR THE WEEKEND.

24 Q YOU TALK ABOUT YOU AND YOUR BROTHERS' THREE BEDS RIGHT
25 BESIDE EACH OTHER AND DID YOU GIVE ME THIS LAST WEEK? YOU

1 GAVE ME THIS PICTURE, DIDN'T YOU?

2 A YES.

3 Q OR YOUR MOM? IS THAT THE ROOM YOU STAYED IN?

4 A YES.

5 Q WHOSE BED WAS WHOSE?

6 A THAT ONE'S MINE. THIS IS FOREST'S. (INDICATING)

7 Q OKAY. THIS ONE'S YOURS?

8 A THAT ONE.

9 Q THAT ONE'S YOURS. OKAY. WHICH ONE'S FOREST'S?

10 A THE GREEN ONE.

11 Q WHOSE IS THIS?

12 A MARCUS.

13 MR. MEADORS: YOUR HONOR, WE'D OFFER THIS AS
14 STATE'S 21 WITHOUT OBJECTION.

15 THE COURT: THANK YOU, COUNSEL. WITHOUT
16 OBJECTION. STATE'S 21 IS ADMITTED.

17 (THEREUPON, THE PHOTOGRAPH OF THE BEDS PREVIOUSLY
18 MARKED STATE'S EXHIBIT NO. 21 FOR IDENTIFICATION PURPOSES
19 ONLY WAS MARKED STATE'S EXHIBIT NO. 21 AND ENTERED INTO
20 EVIDENCE.)

21 BY MR. MEADORS:

22 Q Y'ALL ARE CLEANING UP UPSTAIRS. WHAT HAPPENED? YOU
23 WERE CLEANING UP IN YOUR ROOM, RIGHT?

24 A YES.

25 Q ANYTHING UNUSUAL HAPPEN?

1 A YES, JHUNE HARRIS CAME OVER.

2 Q AND I'M SORRY. IF YOU DON'T MIND JUST PULLING THAT
3 BACK IF YOU NEED TO. YOU CAN PULL IT UP, ALL RIGHT?

4 THE COURT: IVERY, JUST KEEP YOUR VOICE UP. OKAY.
5 MAKE SURE THAT LAST JUROR BACK IN THE CORNER CAN HEAR YOU,
6 OKAY.

7 BY MR. MEADORS:

8 Q DID JHUNE HARRIS COME UP?

9 A YES.

10 Q ALL RIGHT. TELL THE JURY HOW ALL THAT HAPPENED. TELL
11 THEM WHAT HAPPENED?

12 A IT WAS SUNDAY. HE JUST CAME FROM CHURCH BECAUSE HE WAS
13 WEARING A SUIT AND HE KNOCKED ON THE DOOR AND MY MOTHER, I
14 TOLD MY MOTHER AND SHE SAID, WELL, HE NOT GOING TO GO IN.
15 SHE SAID, WHO IS IT.

16 MR. SWERLING: YOUR HONOR, I OBJECT TO THE
17 HEARSAY.

18 THE COURT: I'LL SUSTAIN THAT, MR. MEADORS. I'LL
19 LET YOU EXPLAIN TO HIM AS YOU GO THROUGH WITH THIS
20 EXAMINATION WHAT HE CAN SAY AND WHAT HE CAN'T.

21 MR. MEADORS: YES, SIR.

22 THE COURT: TRY NOT TO SAY ANYTHING UNLESS
23 MR. MEADORS SAYS IT'S OKAY. OKAY, BECAUSE THAT'S SOMETHING
24 WE'LL TALK ABOUT BUT TRY NOT TO SAY ANYTHING THAT ANYBODY
25 ELSE SAID EXCEPT MR. HARRIS, OKAY, AND WHAT YOU DID.

1 BY MR. MEADORS:

2 Q PRIOR TO JHUNE COMING OVER WHERE WERE YOU?

3 A I WAS UPSTAIRS, CAME DOWNSTAIRS TO GET A BROOM.

4 Q TO GET A WHAT?

5 A A BROOM.

6 Q A BROOM. AND AT THAT POINT OR AT SOME POINT, DID YOU
7 HAVE AN OCCASION TO SEE THE DEFENDANT JHUNE HARRIS?

8 A YES.

9 Q OKAY. WHERE DID YOU SEE HIM?

10 A I SAW HIM OUTSIDE PULLING UP IN THE YARD.

11 Q WHEN'S THE NEXT TIME YOU SAW HIM AFTER HE PULLED UP,
12 EUGENE?

13 A AT THE DOOR.

14 Q AND IS THAT WHAT DOOR TO YOUR HOUSE?

15 A THE BACK DOOR.

16 Q AND DID YOU HEAR HIM SAY ANYTHING?

17 A HE SAID, OPEN UP THE DOOR; I GOT A WATERMELON FOR THE
18 KIDS.

19 Q AND WHAT HAPPENED AFTER THAT?

20 A MY MOM SAID ---

21 Q WITHOUT SAYING WHAT SHE SAID?

22 A ANGELA SAID ---

23 Q DID HE TALK TO YOUR MOTHER AFTER THAT? WITHOUT SAYING
24 WHAT THEY SAID, DID HE HAVE A CONVERSATION WITH HER?

25 A HUH-UH.

1 Q AFTER HE FIRST CAME TO THE DOOR, DID HE HAVE AN
2 OCCASION TO LEAVE THE HOUSE?

3 A NO.

4 Q OR LEAVE THE SIDE DOOR?

5 A YES.

6 Q OKAY. WHERE DID HE GO WHEN HE LEFT THE SIDE DOOR,
7 EUGENE?

8 A TO HIS CAR.

9 Q OKAY. AND WAS THAT AFTER HE SAID HE HAD A WATERMELON?

10 A YES.

11 Q TELL THESE FOLKS HOW DO YOU KNOW HE WENT TO HIS CAR
12 AFTER HE HAD ALREADY BEEN THERE AND SAID I GOT A WATERMELON?

13 A I WENT TO THE KITCHEN WINDOW AND LOOKED OUT.

14 Q YOU COULD SEE HIM?

15 A YES.

16 Q AND DID YOU SEE HIM GO IN THE CAR?

17 A YES.

18 Q OKAY. TELL THEM WHAT YOU SAW?

19 A HE REACHED IN THE CAR, WENT IN AND PULLED SOMETHING
20 OUT, CAME BACK, SAID OPEN UP THE DOOR.

21 Q WERE YOU ABLE TO SEE WHAT HE GOT?

22 A YES.

23 Q DID HE GET A WATERMELON?

24 A NO.

25 Q WHAT DID HE GET? DO YOU KNOW WHAT HE GOT?

1 A I DON'T REALLY KNOW BECAUSE LIKE REACHED IN ---

2 Q OKAY. SO YOU COULDN'T SEE WHAT HE GOT?

3 A NO.

4 Q OKAY.

5 A I SAW HIM REACH FOR SOMETHING.

6 Q YOU JUST SEE HIM REACH IN BUT YOU DON'T, YOU COULDN'T
7 SEE HIM GET ANYTHING?

8 A HUH-UH.

9 Q WAS IT A WATERMELON THOUGH?

10 A NO.

11 Q NOW, YOU SAID THE SIDE DOOR. LOOK AT WHAT'S BEEN
12 MARKED STATE'S 10. JUST TELL ME IF YOU RECOGNIZE THIS?

13 A YES.

14 Q AND IS THAT THE SIDE DOOR YOU'RE TALKING ABOUT?

15 A YES.

16 MR. MEADORS: YOUR HONOR, WE'D OFFER THIS. FOR
17 TIME PURPOSES, YOUR HONOR.

18 THE COURT: YES, SIR.

19 MR. MEADORS: YOUR HONOR, WE HAVE PREVIOUSLY
20 LOOKED AT THEM AND STATE'S 1 IS ALREADY IN BUT AT THIS TIME
21 WE'D MOVE 2-19 WHICH ARE ALL PICTURES OF THE HOUSE.

22 MR. SWERLING: NO OBJECTION TO THOSE PICTURES.

23 THE COURT: GOOD. THANK COUNSEL. WITHOUT
24 OBJECTION STATE'S 2-19.

25 MR. MEADORS: THANK YOU VERY MUCH, YOUR HONOR.

1 (THEREUPON, THE PHOTOGRAPHS OF THE HOUSE PREVIOUSLY
2 MARKED STATE'S EXHIBITS NO. 2 THOUGHT 19 WERE MARKED STATE'S
3 EXHIBITS NO. 2 THROUGH 19 AND ENTERED INTO EVIDENCE.)

4 BY MR. MEADORS:

5 Q WHEN YOU FIRST SEE, LOOKING AT STATE'S 10 NOW, IS THIS
6 THE DOOR YOU'RE TALKING ABOUT THAT DEFENDANT JHUNE HARRIS
7 FIRST CAME TO?

8 A YES.

9 Q IS STATE'S 9 A LITTLE CLOSER VIEW OF THAT, EUGENE?

10 A YES.

11 Q THAT'S THE SAME DOOR?

12 A YES.

13 Q AND LOOK AT STATE'S 7, EUGENE. YOU RECOGNIZE THAT?

14 A YES.

15 Q IS THAT THE INSIDE OF THAT DOOR, THAT SIDE DOOR INTO
16 THE HOUSE?

17 A OH, YES.

18 Q YOU SAID YOU SAW THE DEFENDANT JHUNE HARRIS GO OUT TO
19 HIS CAR?

20 A YES, SIR.

21 Q WHAT WINDOW WERE YOU LOOKING OUT OF?

22 A THE KITCHEN WINDOW.

23 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED STATE'S 6. DO
24 YOU RECOGNIZE THIS?

25 A WHAT DID YOU SAY?

1 Q IS THE WINDOW THAT YOU LOOKED OUT TO SEE THE DEFENDANT
2 JHUNE HARRIS GO TO HIS CAR DEPICTED IN STATE'S 6?

3 A YES.

4 Q COULD YOU POINT IT OUT, PLEASE?

5 A (WITNESS COMPLIES.)

6 Q WHAT KIND OF CAR WAS JHUNE HARRIS DRIVING DO YOU
7 REMEMBER?

8 A A PONTIAC, WHITE PONTIAC.

9 Q YOU SEEN THAT CAR BEFORE, EUGENE?

10 A YES.

11 Q WHO ACTUALLY ANSWERED THE DOOR WHEN THE DEFENDANT CAME
12 BY THE HOUSE?

13 A WELL, I THINK IT WAS EITHER MY BROTHER OR ME.

14 Q NOW, AFTER, DID YOU SEE THE DEFENDANT JHUNE HARRIS COME
15 BACK TO THE WHERE Y'ALL STAYED?

16 A YES.

17 Q AFTER YOU'RE AT THE WINDOW, EUGENE, YOU SAID YOU SAW
18 HIM GO IN THE CAR. WHAT DID YOU DO NEXT?

19 A I WENT BACK UPSTAIRS.

20 Q FOR WHAT REASON?

21 A JUST TO NOTIFY LEOPOLD PIERRE HE WAS HERE.

22 Q DEFENDANT JHUNE HARRIS WAS THERE?

23 A YES.

24 Q OKAY. AND WHAT WAS LEOPOLD PIERRE DOING UPSTAIRS?

25 A SWEEPING.

1 Q SAY IT AGAIN?

2 A SWEEPING.

3 Q DID JHUNE HARRIS COME BACK INTO Y'ALL'S HOUSE AFTER HE
4 HAD BEEN IN THE CAR?

5 A YES.

6 Q AND YOU'RE UPSTAIRS WHEN HE COMES BACK IN OR WHERE WERE
7 YOU?

8 A OH, I WENT BACK DOWNSTAIRS.

9 Q OKAY. YOU GO UPSTAIRS WHEN YOU FIRST SEE HIM GET IN
10 THE CAR. THEN YOU COME BACK DOWNSTAIRS?

11 A YES.

12 Q JUST TELL THEM WHAT HAPPENED AFTER THAT. WHAT DO YOU
13 REMEMBER? YOU CAN SAY WHAT YOU HEARD THE DEFENDANT SAY,
14 NOBODY ELSE. TELL THEM WHAT HAPPENED AFTER THAT?

15 A WELL, HE CAME IN, START TALKING TO OUR MOTHER AND ---

16 Q IS THAT JHUNE HARRIS DID?

17 A YES, JHUNE HARRIS CAME IN AND STARTED TALKING TO ANGELA
18 AND START YELLING. THEN JHUNE HARRIS WENT UPSTAIRS AND TOLD
19 LEOPOLD PIERRE TO COME OUTSIDE; WE CAN HANDLE THIS LIKE A
20 MAN. SO THEN JHUNE HARRIS WENT BACK DOWNSTAIRS AND STARTED
21 YELLING WITH MY MOM ANGELA.

22 Q STARTED YELLING WITH YOUR MOM AGAIN?

23 A YES, SIR.

24 Q DID LEOPOLD PIERRE COME DOWN THE STAIRS?

25 A NO.

1 Q WHAT WAS HE DOING UP THERE?

2 A CLEANING UP OUR ROOM.

3 Q WHAT HAPPENED AFTER THAT?

4 A JHUNE HARRIS CAME BACK UPSTAIRS ABOUT ONE OR TWO MORE
5 TIMES AND THEN HE WENT BACK DOWNSTAIRS.

6 Q WAS HE SAYING STUFF TO LEOPOLD PIERRE WHEN HE CAME BACK
7 UP THERE THAT TWO OR THREE MORE TIMES?

8 A YES.

9 Q AND AS A RESULT OF THAT DID LEOPOLD PIERRE COME
10 DOWNSTAIRS?

11 A NO.

12 Q WHAT WAS LEOPOLD PIERRE DOING?

13 A CLEANING UP OUR ROOM.

14 Q WHAT HAPPENED AFTER THAT?

15 A LEOPOLD WENT DOWNSTAIRS, WENT IN THE KITCHEN, PASSED BY
16 JHUNE HARRIS AND GOT THE DUSTER, THE SWEEPER, SOMETHING TO
17 GET ALL THE DUST. HE WENT BACK UPSTAIRS.

18 Q DID YOU SEE HIM GO DOWNSTAIRS?

19 A YES.

20 Q DID HE COME IN CLOSE CONTACT WITH THE DEFENDANT JHUNE
21 HARRIS THEN? DID HE COME NEAR HIM THEN? DID LEOPOLD PIERRE
22 COME BY OR COME CLOSE TO THE DEFENDANT JHUNE HARRIS THEN?

23 A YES, RIGHT PAST HIM.

24 Q RIGHT PAST HIM?

25 A (NODDED HEAD.)

1 Q DID HE TOUCH HIM?

2 A NO.

3 Q ANY CONTACT BETWEEN THEM THEN?

4 A NO.

5 Q WAS THE DEFENDANT JHUNE HARRIS SAYING ANYTHING TO HIM?

6 A NO.

7 Q AFTER LEOPOLD PIERRE GOT WHATEVER YOU SAID, A DUSTER OR
8 WHAT WAS IT?

9 A A SWEEPER THAT GOES INTO THE BROOM, SWEEP INTO IT.

10 Q A BROOM YOU SWEEP INTO. OKAY. I GOT YOU. ALL RIGHT.
11 WHERE DID HE GET THAT FROM?

12 A IN THE KITCHEN BY OUR SCOOTERS.

13 Q I'M SORRY, EUGENE, BY WHAT?

14 A IN THE KITCHEN BY OUR SCOOTERS.

15 Q SCOOTERS. I'M SORRY, AND AFTER LEOPOLD PIERRE GOT THAT
16 WHAT DID HE DO?

17 A HE WENT BACK UPSTAIRS.

18 Q HE WENT BACK UPSTAIRS?

19 A YES.

20 Q MAYBE THIS'LL HELP ME. LOOKING AT STATE'S 11 DO YOU
21 RECOGNIZE THAT?

22 A YES.

23 Q STATE'S 11. WAS MR. HARRIS ANYWHERE IN THIS VICINITY?
24 IT'S A PICTURE OF THE . . .

25 THE COURT: SHOW IT TO COUNSEL.

1 BY MR. MEADORS:

2 Q WAS, COULD YOU SHOW, COULD YOU TELL THE JURY WAS
3 MR. HARRIS ANYWHERE IN THIS PICTURE WHEN MR. LEOPOLD COMES
4 DOWN TO GET THE . . .

5 A YES. HE WAS RIGHT HERE AT THE END OF THE COUNTER.

6 Q AND DID MR. PIERRE HAVE TO COME PAST THIS TO GET THE
7 DUSTER?

8 A YES.

9 Q SO THEY CROSSED PATHS. THEY WALKED BESIDE EACH OTHER I
10 THINK THAT YOU SAID?

11 A YES.

12 Q AND ONCE MR. PIERRE GOT THE DUSTPAN YOU TRYING TO SAY?

13 A YES.

14 Q IT'S MY FAULT. ALL RIGHT. ONCE YOU GOT THE DUSTPAN
15 DID HE COME BACK BY HIM?

16 A YES.

17 Q AND MR. PIERRE WENT WHERE, IF ANYWHERE?

18 A WENT BACK UPSTAIRS.

19 Q UPSTAIRS. WHERE IS YOUR MAMA? ABOUT THIS TIME WHERE
20 IS YOUR MOTHER ANGIE?

21 A SHE WAS AT THE STOVE COOKING.

22 Q AND THAT'S DEPICTED IN STATE'S 6?

23 A YES.

24 Q OKAY. AND THAT'S THAT WINDOW YOU LOOKED OUT, RIGHT?

25 A YES.

1 Q ALL RIGHT. NOW, SO AT THIS POINT YOUR TESTIMONY IS THE
2 DEFENDANT JHUNE HARRIS HAD BEEN UPSTAIRS AT LEAST TWO, MAYBE
3 THREE TIMES?

4 A YES.

5 Q COULD YOU DESCRIBE HIS Demeanor, HOW HE WAS ACTING TO
6 YOU, DURING THIS TIME, EUGENE, TELL THEM HOW THE DEFENDANT
7 JHUNE HARRIS WAS ACTING?

8 A HE WAS ACTING ROUGH. HE WAS ANGRY.

9 Q ANGRY?

10 A YES.

11 Q AFTER LEOPOLD PIERRE WENT BACK UPSTAIRS TO THE SECOND
12 FLOOR OF YOUR HOUSE WITH THE DUST PAN, WHAT HAPPENED AFTER
13 THAT IF ANYTHING?

14 A MR. LEOPOLD PIERRE WENT DOWNSTAIRS, RIGHT; AND I WAS
15 LIKE, IT WAS, I CAN'T REALLY REMEMBER. I WENT DOWNSTAIRS
16 WITH MR. LEOPOLD PIERRE AND HE WENT DOWN THE STEPS AND AS HE
17 WAS GOING DOWN THE STEPS AND HE REACHED THE BOTTOM OF THE
18 STEPS, JHUNE HARRIS PULLED OUT A GUN AND SHOT LEOPOLD TWO
19 TIMES AND THEN POINTED THE GUN AT OUR MOTHER AT THE STOVE
20 AND THEN SHE STARTED SCREAMING. SHE STARTED RUNNING AND SHE
21 WENT INTO THE LIVING ROOM AND THEN OUT THE OTHER DOOR LIKE
22 THE SIDE DOOR BY THE LIVING ROOM AND WENT BACK INTO THE
23 LIVING ROOM AND GRABBED MY BROTHER MARCUS AND FELL ON HIM
24 AND THEN JHUNE HARRIS CHASED HER AND HE WALKED PAST HER,
25 WENT OUTSIDE AND CAME BACK AND THEN SHOT HER AND THEN LEFT.

1 Q WERE YOU SCARED?

2 A OH, YES.

3 Q CAN YOU DESCRIBE LEOPOLD PIERRE'S DEMEANOR OR ACTIONS
4 PRIOR TO HIM COMING DOWNSTAIRS?

5 A HE WAS CALM ABOUT IT.

6 Q LOOK AT THE LADIES AND GENTLEMAN OF THE JURY, EUGENE.
7 I DON'T KNOW IF I CAN FIND YOU THE PICTURE I WANT TO SHOW
8 YOU. STATE'S 20, YOU RECOGNIZE THAT?

9 A YES.

10 MR. MEADORS: WITH THE COURT'S PERMISSION COULD I
11 ASK THIS WITNESS TO COME DOWN, PLEASE, JUST FOR THE PURPOSE
12 OF THIS PICTURE.

13 THE COURT: YES, SIR.

14 MR. IVERY, I'M JUST GOING TO ASK THAT YOU KEEP YOUR
15 VOICE UP. OKAY.

16 THE WITNESS: YES, SIR.

17 THE COURT: YOU'RE GOING TO BE AWAY FROM THE
18 MICROPHONE. THE COURT REPORTER AS WELL AS THE JURY HAS TO
19 HEAR YOU. OKAY.

20 BY MR. MEADORS:

21 Q FACE THIS WAY SO SHE CAN HEAR YOU. EUGENE, PLEASE TALK
22 LOUD, OKAY. IS THIS THE INSIDE OF Y'ALL'S HOUSE?

23 A YES.

24 Q IS THIS THE STAIRWELL YOU SAID THE VICTIM LEOPOLD
25 PIERRE CAME DOWN?

1 A YES.

2 Q IS THIS ALSO THE STAIRWELL THAT THE DEFENDANT JHUNE
3 HARRIS HAD BEEN UP AT LEAST TWO, MAYBE THREE TIMES?

4 A YES.

5 Q THIS LAST TIME YOU SAID WHEN LEOPOLD PIERRE CAME DOWN,
6 CORRECT?

7 A YES.

8 Q CAN YOU SHOW THE JURY WHERE MR. PIERRE WAS WHEN HE CAME
9 DOWN?

10 A HE WAS RIGHT HERE ON THE SECOND STEP.

11 Q ON THE SECOND STEP?

12 A YES, THE SECOND.

13 Q WHAT DID HE HAVE IN HIS HAND?

14 A NOTHING.

15 Q NOTHING. YOU'RE SURE ABOUT THAT?

16 A YES.

17 Q WHERE WERE YOU ON THE STAIRS?

18 A I WAS LIKE RIGHT HERE AT THE BOTTOM.

19 Q WHO ELSE, WERE ANY OF YOUR OTHER BROTHERS AND SISTERS
20 ON THE STAIRS?

21 A MY SISTER AND MY BROTHER MARCUS.

22 Q WHERE WAS ASHLEY? WHERE WAS ASHLEY?

23 A I THINK ASHLEY WAS LIKE RIGHT HERE AND MARCUS WAS LIKE
24 ALL THE WAY AT THE TOP.

25 Q SO LEOPOLD PIERRE, YOU, ASHLEY, AND MARCUS WERE ALL

1 COMING DOWN THE STAIRS?

2 A YES.

3 Q AND HOW MANY TIMES, HOW MANY GUN SHOTS DID YOU HEAR?

4 A AT THAT TIME?

5 Q YES, SIR, YES, SIR.

6 A TWO.

7 Q AND LEOPOLD GOT SHOT YOU SAID, RIGHT?

8 A YES.

9 Q WHAT HAPPENED TO LEOPOLD PIERRE WHEN HE WAS SHOT?

10 A FIRST SHOT HE JUMPED DOWN TO THE FIRST STEP AND THE
11 SECOND TIME HE FELL ON THE GROUND.

12 Q BUT DID HE GET UP AGAIN?

13 A NO.

14 Q DID HE GET UP AT ALL?

15 A NO.

16 Q NOW, THIS IS STATE'S EXHIBIT 7, EUGENE, YOU ALSO, ARE
17 THESE THE SAME SET OF STEPS YOU SAID MR. LEOPOLD PIERRE WAS
18 ON?

19 A YES.

20 Q AND DOES THIS SHOW MORE OF YOUR DEN?

21 A YES.

22 Q AND IS THIS ALSO A SHOT OF STATE'S 16 OF LOOKING DOWN
23 FROM THE STAIRS?

24 A YES.

25 Q LOOKING OUT TOWARD THIS WAY Y'ALL WOULD HAVE BEEN BACK

1 THIS WAY, RIGHT?

2 A YES.

3 MR. MEADORS: BEG THE COURT'S INDULGENCE?

4 THE COURT: YES, SIR.

5 BY MR. MEADORS:

6 Q CAN YOU SHOW THE LADIES AND GENTLEMEN OF THE JURY ON
7 STATE'S 17 WHERE THE DEFENDANT JHUNE HARRIS WAS WHEN YOU
8 SAID HE SHOT LEOPOLD PIERRE?

9 A HE WAS AT THE END OF THE COUNTER THERE.

10 Q AND MR. PIERRE WAS OVER HERE?

11 A YES.

12 Q IS THERE ANY DOUBT IN YOUR MIND ABOUT THAT? ARE YOU
13 SURE ABOUT THAT?

14 A YES.

15 Q AND LOOKING ON STATE'S 16, EUGENE, AND AGAIN THE STAIRS
16 ARE OVER HERE, RIGHT? IS THIS THE COUNTER WHERE YOU SAID
17 MR. DEFENDANT JHUNE HARRIS WAS? IS THAT THE SAME COUNTER
18 THAT'S DEPICTED HERE, THE CORNER OF THAT COUNTER; IS THAT
19 WHAT YOU'RE TALKING ABOUT HERE?

20 A YES.

21 Q WHERE WAS YOUR OTHER BROTHER?

22 A ON THE COUCH.

23 Q OKAY. AND THAT'S THE, AGAIN STATE'S 17?

24 A YES.

25 Q WHO WAS THAT? NOW, TELL ME HIS NAME?

1 A FOREST.

2 Q FOREST WAS ON THE COUCH?

3 A YES.

4 Q WHERE WAS YOUR MAMA WHEN THOSE SHOTS WERE FIRED?

5 A STILL AT THE STOVE IN THE KITCHEN.

6 Q COOKING?

7 A YES.

8 Q STATE'S 6, CORRECT? AND ACTUALLY ON STATE'S 16 SHE'S
9 BACK IN HERE?

10 A YES.

11 Q THAT'S ALL YOU NEED. TAKE A SEAT BACK DOWN?

12 A (WITNESSS COMPLIES.)

13 Q WHAT DID IT SOUND LIKE WHEN THE GUN WENT OFF?

14 A SOUNDED LIKE A POP, LIKE A FIRECRACKER.

15 Q AND AFTER LEOPOLD FELL DOWN IN YOUR DEN, WHAT DID YOU
16 DO?

17 A I WAS SHOCKED. I WAS, I JUST STARTED SCREAMING AND
18 YELLING.

19 Q OKAY. AND WHAT DID YOUR MAMA DO? EXCUSE ME, WHAT DID
20 JHUNE DO AFTER THAT?

21 A HE POINTED THE GUN TO OUR MOTHER.

22 Q AND I BELIEVE YOU SAID HE CHASED HER?

23 A YES.

24 Q NOW, LOOKING AT STATE'S 5 AND I DON'T BELIEVE YOU NEED
25 TO GET UP. IS THAT A SHOT INTO YOUR KITCHEN?

1 A YES.

2 Q AND DID HE CHASE HER HERE?

3 A YES.

4 Q AND LOOKING AT STATE'S 2 THAT'S YOUR HOUSE, ISN'T IT?

5 A YES.

6 Q DID HE CHASE HER THERE?

7 A YES.

8 Q SHOW WHERE HE CHASED ON THERE. MAYBE THAT'S NOT A GOOD

9 PICTURE?

10 A CHASED HER.

11 Q STRIKE THAT. LET ME GO BACK TO STATE'S 3?

12 A CHASED HER. SHE WAS RIGHT HERE AND JHUNE HARRIS CHASED

13 HER INTO THE LIVING ROOM.

14 Q AND THAT'S WHAT SHOWS ON STATE'S 4, CORRECT, GOING IN

15 THE LIVING ROOM?

16 A YES.

17 Q AND WHEN YOU GET TO YOUR LIVING ROOM, DOES THE DOOR TO

18 THE LIVING ROOM COME BACK THAT ENDS UP BACK IN THE DEN?

19 A YES.

20 Q AND THIS IS STATE'S 13. DID HE CHASE HER AROUND THERE

21 BACK INTO THE LIVING ROOM?

22 A YES.

23 Q AND STATE'S 12 YOU RECOGNIZE THAT?

24 A YES.

25 Q DID YOU SEE HIM CHASING HER BACK TOWARDS THE LIVING

1 ROOM IN STATE'S 12?

2 A YES.

3 Q WHEN YOUR MOM CAME BACK IN THE DEN, I THINK YOU SAID
4 THAT SHE HAD MARCUS WITH HER?

5 A YES.

6 Q AND CAN YOU SHOW US IN STATE'S 19. . .

7 COULD HE COME BACK DOWN HERE, PLEASE, JUDGE?

8 THE COURT: YES, SIR.

9 MR. MEADORS: SORRY ABOUT THAT.

10 BY MR. MEADORS:

11 Q AFTER I SO INARTFULLY SHOWED THAT CHASE IN
12 STATE'S 19, CAN YOU SHOW WHERE YOUR MOM ENDED UP?

13 A ENDED UP RIGHT BESIDE THE COUCH ON THE FLOOR WITH MY
14 BROTHER.

15 Q POINT TO IT AGAIN SO SOME CAN SEE?

16 A RIGHT HERE.

17 Q WAS MARCUS, WHERE WAS MARCUS?

18 A MARCUS WAS RIGHT HERE STANDING UP.

19 Q AND WHAT DID JHUNE DO USING THIS AS STATE'S 19 TO SHOW
20 THEM WHAT JHUNE DID?

21 A HE CHASED HER, HE CAME BACK AROUND, WENT OUT THAT DOOR.

22 Q HE WENT OUT THE DOOR?

23 A YES.

24 Q ALL RIGHT. THEN WHAT?

25 A THEN HE CAME BACK IN AND SHOT OUR MOTHER ANGELA.

1 Q WAS YOUR MAMA SCREAMING?

2 A YES.

3 Q WHAT WAS SHE SAYING?

4 A DON'T, STOP, DON'T DO IT.

5 Q HE WENT OUT THE DOOR, CAME BACK AND THAT'S WHEN HE
6 SHOT?

7 A YES.

8 Q WHERE WERE YOU WHEN THAT SHOT WAS FIRED?

9 A I WENT UP THE STAIRS WHERE MY BROTHER MARCUS WAS.

10 Q THANK YOU AND HAVE A SEAT.

11 A I FOUND THE PICTURE I WAS LOOKING FOR STATE'S 4.

12 Q THAT'S YOUR LIVING ROOM RIGHT HERE?

13 A YES.

14 Q DOES THIS DOOR RIGHT HERE LEAD YOU INTO THAT OTHER
15 HALLWAY THAT I SHOWED YOU?

16 A YES.

17 Q SO IT KIND OF MAKES A LOOP BACK INTO THE LIVING ROOM?

18 A YES.

19 Q IS THAT THE DOOR HE CHASED YOUR MAMA IN?

20 A YES.

21 Q DESCRIBE THE GUN. DESCRIBE THE GUN. YOU SAW IT,
22 DIDN'T YOU?

23 A YES. IT WAS BLACK WITH A BROWN HANDLE LIKE A FADED
24 BROWN DARKENED HANDLE.

25 MR. MEADORS: BEG THE COURT'S INDULGENCE.

1 THE COURT: YES, SIR.

2 MR. SWERLING: YOUR HONOR, COULD YOU EXCUSE ME ONE
3 MINUTE?

4 THE COURT: YES, SIR.

5 MR. MEADORS: SORRY, YOUR HONOR.

6 THE COURT: THAT'S ALL RIGHT.

7 BY MR. MEADORS:

8 Q EUGENE, I'LL SHOW YOU WHAT'S BEEN MARKED AS
9 STATE'S 23. DO YOU RECOGNIZE THIS AS A DIAGRAM OF THE
10 INSIDE OF, PART OF THE INSIDE OF YOUR HOUSE?

11 A YES.

12 Q AND WOULD THIS DEPICT THE DOOR WHERE THE EXERCISE BIKE
13 IS?

14 A YES.

15 Q COMING BACK IN?

16 MR. MEADORS: YOUR HONOR, I BELIEVE WITHOUT
17 OBJECTION STATE'S 23.

18 MR. SWERLING: LET ME SEE THAT IT'S JUST A --- NO
19 OBJECTION.

20 THE COURT: THANK YOU, COUNSEL. WITHOUT OBJECTION
21 THIS IS 23?

22 MR. MEADORS: 23, YES, SIR.

23 THE COURT: THANK YOU, SIR.

24 BY MR. MEADORS:

25 Q EUGENE, ON STATE'S 23 Y'ALL HAD AN EXERCISE BIKE IN

1 THERE THAT'S IN ONE OF THOSE PICTURES, RIGHT?

2 A YES.

3 Q THAT KIND OF HELP YOU FOCUS WHERE THIS IS?

4 A YES.

5 Q WOULD YOUR DEN, YOUR KITCHEN, AND THE LIVING ROOM BE
6 RIGHT?

7 A YES.

8 Q OKAY. SHOW THESE FOLKS ONE LAST TIME WHERE YOU SAW OR
9 WHERE DEFENDANT JHUNE HARRIS CHASED YOUR MOM?

10 A AROUND KITCHEN INTO THE LIVING ROOM AND A DOOR CUT OUT
11 HERE, WENT BACK, CHASED HER INTO THE DINING ROOM HERE AND
12 THEN SHE WAS RIGHT HERE AND SHE FELL ON MY BROTHER MARCUS
13 AND JHUNE WALKED AND WENT OUT THE DOOR, CAME BACK IN, AND
14 SHOT HER.

15 Q AND THIS WOULD BE THE DOOR THAT ONCE YOU GOT TO YOUR
16 LIVING ROOM YOU CAN CUT BACK IN HERE AND GO INTO THIS
17 HALLWAY, CORRECT?

18 A YES.

19 Q AND DID YOU DESCRIBE THE GUN A MINUTE AGO, EUGENE?

20 A YES.

21 Q COULD YOU SEE THE GUN?

22 A YES.

23 Q LOOKING AT WHAT'S BEEN MARKED STATE'S 22, DO YOU
24 RECOGNIZE THAT?

25 A YES.

1 Q DOES THAT APPEAR TO BE THE GUN?

2 A YES.

3 MR. MEADORS: YOUR HONOR, WE'D NOW OFFER
4 STATE'S 22 I.D. AT THIS POINT

5 THE COURT: OKAY. THANK YOU, SIR.

6 MR. MEADORS: I APOLOGIZE TO THE COURT.

7 THE COURT: THAT'S ALL RIGHT.

8 BY MR. MEADORS:

9 Q SHOWING YOU WHAT'S STATE'S 22 FOR I.D. YOU RECOGNIZE
10 THOSE?

11 A YES.

12 Q WHAT IS THIS, EUGENE?

13 A A GUN.

14 Q IS THAT THE GUN THAT THE DEFENDANT USED?

15 A YES.

16 Q TO SHOOT LEOPOLD?

17 A YES.

18 Q SHOOT YOUR MOM?

19 A YES.

20 Q TELL THESE FOLKS HOW LONG HAVE YOU KNOWN JHUNE HARRIS?

21 A ABOUT SIX OR SEVEN YEARS.

22 Q OKAY. I MEAN THIS WITH ALL DUE RESPECT, OKAY, THAT HE
23 HAD HAD A RELATIONSHIP WITH YOUR MOM?

24 A YES.

25 Q AND STAYED THERE SOME ON AND OFF?

1 A YES.

2 Q AND JULY 6TH, 2003 HE WASN'T STAYING WITH Y'ALL, WAS
3 HE?

4 A NO.

5 MR. SWERLING: YOUR HONOR, ASKED AND ANSWERED,
6 JUST NOT LEAD, PLEASE.

7 MR. MEADORS: I'VE BEEN TRYING TO BE GOOD.

8 THE COURT: YES, SIR.

9 BY MR. MEADORS:

10 Q WAS MR. HARRIS STAYING WITH Y'ALL AT THE TIME OR WHERE
11 WAS MR. HARRIS STAYING?

12 A HE WAS STAYING AT LIKE APARTMENT.

13 Q WAS HE STAYING AT

14 A NO.

15 Q OKAY. AND WERE HE AND HIS MAMA, DID HE AND HIS MAMA
16 HAVE A RELATIONSHIP ON JUNE 6TH, 2003? WAS SHE DATING
17 MR. HARRIS ON JUNE 6TH, 2003?

18 A NO.

19 Q WHO WAS SHE, DID SHE HAVE ANOTHER FRIEND IN HER LIFE ON
20 JULY 6TH, 2003?

21 A YES.

22 Q OKAY. AND WHO WAS THAT?

23 A LEOPOLD PIERRE.

24 Q AND DO YOU KNOW HOW LONG YOUR MOM AND MR. PIERRE HAD
25 BEEN FRIENDS?

1 A NO. I DON'T REALLY REMEMBER.

2 Q BUT YOU HAD KNOWN, WELL, LET ME JUST ASK YOU THIS: HOW
3 LONG HAD YOU KNOWN MR. PIERRE?

4 A I THINK IT WAS TWO MONTHS OR THREE.

5 Q TWO OR THREE MONTHS?

6 A YES.

7 Q DO YOU KNOW WHETHER OR NOT YOUR MOM HAD BEEN TRYING TO
8 BREAK UP WITH JHUNE?

9 MR. SWERLING: OBJECTION. OBJECTION.

10 THE COURT: SUSTAINED. UNLESS YOU CAN REPHRASE
11 IT, MR. MEADORS.

12 MR. SWERLING: IT WOULD HAVE TO BE HEARSAY, TOO.
13 BY MR. MEADORS:

14 Q IS THE PERSON IN THIS, THE PERSON WHO SHOT LEOPOLD
15 PIERRE TWICE YOU SAID, IS THAT PERSON IN THIS COURTROOM?

16 A YES.

17 Q DO YOU RECOGNIZE HIM?

18 A YES.

19 Q DID YOU KNOW WHO THEY ARE?

20 A YES.

21 Q ANY DOUBT IN YOUR MIND WHO SHOT LEOPOLD PIERRE?

22 A YES.

23 Q THERE'S NOT ANY DOUBT IN YOUR MIND?

24 A YES.

25 Q POINT OUT TO THE JURY THAT PERSON THAT SHOT LEOPOLD

1 PIERRE IF THEY'RE IN THIS COURTROOM?

2 A JHUNE HARRIS.

3 Q SITTING BY MR. SWERLING?

4 A YES, SIR.

5 MR. MEADORS: WE'D ASK THE RECORD SO REFLECT, YOUR
6 HONOR.

7 THE COURT: YES, SIR.

8 BY MR. MEADORS:

9 Q IS THE PERSON IN THIS ROOM THAT SHOT YOUR MAMA?

10 A YES..

11 Q IS THAT PERSON IN THIS COURTROOM?

12 A YES.

13 Q WOULD YOU PLEASE POINT THAT PERSON OUT FOR THE RECORD,
14 FOR THE JURY, EUGENE?

15 A JHUNE HARRIS.

16 Q DID YOUR MAMA HAVE ANYTHING IN HER HAND?

17 A NO.

18 MR. MEADORS: BEG THE COURT'S INDULGENCE.

19 THE COURT: YES, SIR.

20 (PAUSE)

21 MR. MEADORS: JUST A COUPLE MORE, YOUR HONOR.

22 THE COURT: YES, SIR.

23 BY MR. MEADORS:

24 Q PRIOR TO THE SHOOTING OF MR. PIERRE WERE YOU OR ANY OF
25 YOUR BROTHERS AND SISTERS GETTING EXCITED? YOU SAID THERE

1 WAS SOME YELLING GOING ON?

2 A YES.

3 Q AND AT ANY TIME DURING THEN DID MR. PIERRE GET EXCITED?

4 A NO.

5 Q AS A MATTER OF FACT DID HE SAY ANYTHING TO Y'ALL?

6 A TO US?

7 Q YES.

8 A NO, NOT REALLY.

9 MR. MEADORS: THANK YOU, THAT'S ALL.

10 THE COURT: THANK YOU, SIR.

11 MR. SWERLING.

12 CROSS-EXAMINATION BY MR. SWERLING:

13 Q MAY I CALL YOU EUGENE AS WELL?

14 A YES.

15 Q THIRTEEN?

16 A YES.

17 Q SO IT'S TWO YEARS AGO. YOU HAD BEEN 11 DURING THIS
18 SUMMER THAT THIS HAPPENED; IS THAT RIGHT?

19 A YES.

20 Q I WANT TO ASK YOU TO GO BACK OVER SOME QUESTIONS THAT
21 MR. MEADORS HAD ASKED YOU AND I THINK I'M GOING TO USE THIS
22 DIAGRAM.

23 YOUR HONOR, CAN I GET A LITTLE ACCLIMATED FIRST
24 WITH THE PHOTOGRAPHS?

25 THE COURT: YES, SIR.

1 LET ME ASK BOTH COUNSEL WHILE Y'ALL ARE DOING
2 THAT, MR. SWERLING, SAID Y'ALL HAD ALREADY REVIEWED THE
3 PHOTOS AND I THINK I HAVE PHOTOS 1 THROUGH 19 WERE ADMITTED
4 AND THEN PHOTOGRAPH NO. 21 BUT THERE WAS REFERENCE TO
5 PHOTOGRAPH 20. I DIDN'T KNOW IF THAT WAS INCLUDED IN THE
6 PHOTOS THAT WERE AGREED TO.

7 MR. MEADORS: YOUR HONOR, IT WAS. I APOLOGIZE.

8 THE COURT: THAT'S ALL RIGHT. THAT WAS MY
9 MISTAKE.

10 MR. MEADORS: WE'D ASK THAT 20 ALSO BE ENTERED,
11 TOO.

12 THE COURT: THANK YOU, SIR.
13 BY MR. SWERLING.

14 Q NOW, LET ME JUST ASK, YOU HAD SPENT A LOT OF YEARS WITH
15 JHUNE, CORRECT?

16 A YES.

17 Q AND FROM, I GUESS YOU WOULD HAVE BEEN, LET'S
18 SEE 1996, 1997 YOU WOULD HAVE BEEN, LET'S SEE, IF THIS WAS,
19 YOU WOULD HAVE BEEN PROBABLY ABOUT FIVE OR SIX YEARS OLD
20 WHEN HE FIRST MOVED IN WITH YOUR MOM, CORRECT?

21 A YES.

22 Q OKAY. AND Y'ALL WERE CLOSE, RIGHT?

23 A YES.

24 Q AND HE WAS ALMOST LIKE YOUR DADDY?

25 A YES.

1 Q ALL RIGHT. AND HE LIVED WITH, PRIOR TO MOVING TO THE
2 ADDRESS YOU'RE AT NOW, Y'ALL LIVED TOGETHER AT THE PRIOR
3 ADDRESS, CORRECT?

4 A YES.

5 Q I WANT TO GO INTO THAT IN A LITTLE BIT BUT EVEN THE
6 WEEK BEFORE THIS HAPPENED, THIS HAPPENED IN JULY OF 2003,
7 JULY 6TH, CORRECT?

8 A YES.

9 Q BUT EVEN THE WEEK BEFORE Y'ALL HAD SPENT SOME TIME
10 TOGETHER AS A FAMILY, CORRECT?

11 A YES.

12 Q SO IN FACT ON JULY 4TH WHICH WOULD HAVE BEEN THAT
13 FRIDAY, YOU AND JHUNE AND THE REST OF THE FAMILY, YOUR
14 BROTHERS AND SISTERS AND YOUR MOM ALL WENT TO THE CIRCUS
15 TOGETHER, CORRECT?

16 A YES.

17 Q HE TOOK YOU TO THE CIRCUS?

18 A YES.

19 Q IS THAT RIGHT? OKAY. AND AS A MATTER OF FACT THERE
20 WERE SEVERAL OTHER OCCASIONS DURING THAT WEEK THAT JHUNE AND
21 YOU AND THE FAMILY GOT TOGETHER, CORRECT?

22 A YES.

23 Q IT WAS NOT UNUSUAL FOR JHUNE TO BE OVER YOUR HOUSE;
24 ISN'T THAT TRUE?

25 A YES.

1 Q IN FACT HE WAS A FREQUENT VISITOR TO THE HOUSE THAT
2 YOU'RE CURRENTLY LIVING AT RIGHT NOW?

3 A YES.

4 Q SO ON THAT SUNDAY MORNING BEING THAT, AND LET ME SEE IF
5 I CAN, WHY DON'T WE JUST GO THROUGH THIS FOR YOU A LITTLE
6 BIT ON FRIDAY OF THIS, THIS WAS ON SUNDAY BUT ON FRIDAY
7 Y'ALL HAD GONE TO THE CIRCUS?

8 A YES.

9 Q SPENT THE DAY TOGETHER, CORRECT?

10 A YES.

11 Q YOU WENT OUT TO EAT?

12 A I DON'T REALLY REMEMBER.

13 Q WELL, YOU ATE DURING THE DAY?

14 A OH, YES.

15 Q I DIDN'T MEAN GO OUT BUT YOU ATE DURING THE DAY, YOU
16 AND YOUR BROTHERS AND SISTER AND YOUR MOM AND JHUNE,
17 CORRECT?

18 A YES.

19 Q ALL RIGHT. AND ON THURSDAY JHUNE WAS AT YOUR HOUSE AS
20 WELL, CORRECT?

21 A YES.

22 Q ALL RIGHT. AND ON WEDNESDAY HE TOOK YOU TO THE POOL AT
23 THE CROSSWOODS APARTMENTS, CORRECT? YOU REMEMBER THAT? YOU
24 GOING OUT FOR PIZZA THAT NIGHT AND THEN GOING HOME?

25 A I DON'T REALLY REMEMBER.

1 Q DID HE EVER TAKE YOU OVER TO THE CROSSROADS APARTMENTS
2 TO THE POOL?

3 A YES, I REMEMBER THAT.

4 Q AND DO YOU REMEMBER HIM TAKING YOU ALL OUT FOR PIZZA AS
5 WELL?

6 A I DON'T REMEMBER.

7 Q BUT HE DID. THERE WERE OCCASIONS WHERE HE TOOK YOU OUT
8 FOR PIZZA, CORRECT?

9 A YES.

10 Q AND ON TUESDAY HE TOOK YOU TO THE MOVIES, DIDN'T HE,
11 YOU AND YOUR BROTHERS AND SISTERS AND YOUR MOM? DO YOU
12 REMEMBER THAT?

13 A NO.

14 Q OKAY. ARE YOU SAYING YOU DON'T REMEMBER IT OR IT
15 DIDN'T HAPPEN?

16 A I DON'T REMEMBER.

17 Q NOW, YOU SAID THAT ON THIS SUNDAY COULD YOU TELL THE
18 JURY ABOUT WHAT TIME IT WAS THAT HE CAME OVER?

19 A I THINK IT WAS LIKE 1:30 OR A LITTLE BIT AFTER.

20 Q OKAY. IT WAS THE AFTERNOON, CORRECT? IT WASN'T THE
21 MORNING AND HE WAS DRESSED IN A NICE SUIT, CORRECT?

22 A YES.

23 Q AND HE HAD JUST BEEN TO CHURCH, CORRECT?

24 A YES.

25 Q AND BUT FOR THE FACT THAT MR. PIERRE WAS THERE, IT WAS

1 NOT UNUSUAL AS WE'VE ALREADY ESTABLISHED FOR JHUNE TO BE
2 OVER AT YOUR HOUSE, CORRECT?

3 A YES.

4 Q SO IT WAS NOT UNUSUAL TO SEE HIM THAT DAY, CORRECT?

5 A YES.

6 Q NOW, THE ONLY THING THAT WAS MAYBE DIFFERENT THAT DAY
7 WAS MR. PIERRE WAS THERE, CORRECT?

8 A YES.

9 Q IN FACT THAT WAS THE, AS FAR AS YOU KNOW THAT WAS THE
10 FIRST TIME MR. PIERRE WAS THERE WHEN MR. HARRIS CAME OVER,
11 CORRECT? HAD YOU EVER SEEN, HAD JHUNE EVER COME TO THE
12 HOUSE WHEN MR. PIERRE WAS THERE BEFORE?

13 A YES, ONE TIME BUT DIDN'T REALLY COME BY.

14 Q I'M SORRY?

15 A DIDN'T REALLY COME BY THERE.

16 Q MR. PIERRE WAS AT THE HOUSE ONE TIME BEFORE?

17 A YES.

18 Q JUST ONE OTHER TIME?

19 A TWO.

20 Q HE HAD BEEN THERE REGULARLY?

21 A YES.

22 Q ALL RIGHT. DID MR. HARRIS COME BY WHILE MR. PIERRE WAS
23 IN THE HOUSE? DID HE COME IN THE HOUSE WHEN MR. PIERRE WAS
24 THERE? THAT WAS MY QUESTION?

25 A NO.

1 Q SO ON THIS SUNDAY, NOW, LET ME ASK YOU MR. PIERRE
2 DIDN'T HAVE A CAR, DID HE?

3 A NO.

4 Q SO WHEN MR. HARRIS DROVE UP HE WOULD NOT HAVE SEEN ANY
5 OTHER CAR EXCEPT YOUR MOM'S CAR; IS THAT CORRECT?

6 A YES.

7 Q AND THE, YOU HAD TOLD THE JURY THAT ON JULY 6TH, HOW
8 DID YOU FIRST KNOW HE WAS THERE?

9 A LOOKED OUT THE KITCHEN WINDOW.

10 Q OKAY. SO YOU WERE OBVIOUSLY DOWNSTAIRS AT THAT TIME?

11 A I CAME DOWNSTAIRS.

12 Q OKAY. YOU CAME DOWNSTAIRS BEFORE OR AFTER YOU KNEW HE
13 WAS THERE?

14 A BEFORE.

15 Q SO YOU WERE DOWNSTAIRS WHEN YOU REALIZED HE HAD PULLED
16 UP?

17 A I CAME DOWNSTAIRS WHEN HE PULLED UP.

18 Q OKAY. BUT DID YOU COME DOWNSTAIRS BECAUSE HE HAD
19 PULLED UP OR YOU CAME DOWNSTAIRS AND HE HAPPENED TO PULL UP
20 AT THE SAME TIME? THAT WAS WHAT I'M TRYING TO FIGURE OUT?

21 A OH, I CAME DOWNSTAIRS BECAUSE HE PULLED UP.

22 Q NOW, WHY DID YOU COME DOWNSTAIRS?

23 A JUST TO SEE.

24 Q PARDON?

25 A JUST TO SEE.

1 Q SEE WHAT?

2 A IF HE WAS OUT THERE OR SEE WHAT MY MOM WAS GOING TO DO
3 OR SOMETHING.

4 Q PARDON?

5 A TO SEE WHAT MY MOM WAS GOING TO DO.

6 Q WHAT SHE WAS GOING TO DO?

7 A OR HOW TO REACT.

8 Q SO BEFORE YOU EVER KNEW THERE WAS GOING TO BE A
9 PROBLEM, YOU'RE TELLING THE JURY YOU CAME DOWNSTAIRS TO SEE
10 HOW YOUR MOM WAS GOING TO REACT TO THIS SITUATION?

11 A YES.

12 Q ISN'T IT TRUE YOU JUST, YOU WERE UPSTAIRS THE WHOLE
13 TIME, WEREN'T YOU, UNTIL YOU DECIDED TO COME DOWN AFTER
14 MR. PIERRE CAME DOWN?

15 A NO.

16 Q SO YOU WERE ANTICIPATING A PROBLEM?

17 A YES.

18 Q AND SO YOU CAME DOWNSTAIRS BECAUSE YOU WERE
19 ANTICIPATING A PROBLEM?

20 A YES.

21 Q NOBODY HAD SAID ANYTHING, HAVE THEY?

22 A NO.

23 Q I MEAN, JUST ON FRIDAY Y'ALL HAD BEEN TO THE CIRCUS,
24 RIGHT?

25 A YES.

1 Q JHUNE CAME TO THE HOUSE. HE WAS DRESSED COMING FROM
2 CHURCH, CORRECT?

3 A YES.

4 Q MR. PIERRE WAS UPSTAIRS, CORRECT?

5 A YES.

6 Q WHY WOULD YOU ANTICIPATE THERE WAS GOING TO BE A
7 PROBLEM?

8 A STARTED YELLING AT THE WINDOW.

9 Q SO YOU'RE SAYING NOW HE STARTED YELLING AT THE WINDOW?

10 A HE WAS YELLING AT THE WINDOW.

11 Q WHAT WAS HE YELLING AT THE WINDOW?

12 A LIKE YELLING THROUGH THE WINDOW.

13 Q WHAT WAS HE YELLING THROUGH THE WINDOW?

14 A OPEN THE DOOR, OPEN THE DOOR. I GOT A WATERMELON FOR
15 THE KIDS.

16 Q SO IT WAS, I MEAN, HE WAS NOT YELLING AT ANYONE. HE
17 WAS YELLING FOR SOMEONE?

18 A NO.

19 Q WELL, HE DIDN'T KNOW MR. PIERRE WAS THERE, DID HE?

20 A YES.

21 Q HOW?

22 A MY MOM SAID SHE HAD COMPANY.

23 Q PARDON?

24 A MY MOM SAID SHE HAD COMPANY.

25 Q WHEN DID SHE SAY THAT?

1 A BEFORE. LIKE WHEN HE KNOCKED ON THE DOOR SHE SAID,
2 SORRY, COME BACK AGAIN; I HAVE COMPANY.

3 Q WELL, WHAT I'M TRYING TO ESTABLISH IS WHEN YOU CAME
4 DOWNSTAIRS DID YOU COME DOWNSTAIRS AFTER YOU HEARD HIM
5 YELLING, OPEN THE DOOR; I'VE GOT A WATERMELON?

6 MR. MEADORS: OBJECTION. ASKED AND ANSWERED.

7 MR. SWERLING: WELL, I'M NOT SURE I UNDERSTAND.

8 THE COURT: I'LL LET HIM CLARIFY THIS POINT.

9 THE WITNESS: CAN YOU SAY THE QUESTION?

10 BY MR. SWERLING:

11 Q WHEN WAS IT THAT YOU ACTUALLY CAME DOWNSTAIRS? BEFORE
12 HE GOT OUT OF THE CAR OR AFTER HE GOT OUT OF THE CAR?

13 A BEFORE HE GOT OUT OF THE CAR.

14 Q AND THE REASON YOU CAME DOWNSTAIRS WAS WHY? BEFORE HE
15 GOT OUT OF THE CAR?

16 A JUST TO NOTIFY MY MAMA AND SEE HOW SHE WAS GOING TO
17 ACT, REACT.

18 Q SO YOU CAME DOWN; YOU SAW HIM FROM UPSTAIRS?

19 A YES.

20 Q OKAY. AND WHAT ROOM WERE YOU IN UPSTAIRS?

21 A IN MY ROOM AND THEN CAME DOWN.

22 Q PARDON?

23 A IN MY ROOM AND THEN CAME DOWNSTAIRS.

24 Q CAN YOU ON THIS PICTURE THIS WOULD BE STATE'S 10. CAN
25 YOU SEE YOUR ROOM?

1 A YES. THAT'S ON THE OTHER SIDE OF THE HOUSE.

2 Q ON THE OTHER SIDE?

3 A YES.

4 Q AND WHERE WOULD JHUNE'S CAR HAVE BEEN PARKED?

5 A RIGHT BEHIND, RIGHT WHERE THE WHITE CAR IS PARKED,
6 RIGHT THERE.

7 Q ALL RIGHT. SO YOU REALLY COULDN'T SEE IT FROM YOUR
8 ROOM, COULD YOU?

9 A NO. I COULD SEE IT IN THE HALLWAY OF MY ROOM.

10 Q YOU COULD SEE WHAT NOW?

11 A THE HALLWAY, LIKE SEE HIS CAR.

12 Q DID YOU SEE IT PULL UP?

13 A YES.

14 Q OKAY. AND WHERE DID IT PARK? YOU'RE SAYING IT PARKED
15 RIGHT HERE WHERE THIS WHITE CAR IS IN THE PICTURE, STATE'S
16 10?

17 A YES, RIGHT HERE.

18 Q THAT'S WHERE IT PARKED?

19 A YES.

20 Q AND YOU SAW IT PULL UP AND THAT'S WHEN YOU WENT
21 DOWNSTAIRS?

22 A YES.

23 Q AND DID YOU TELL, YOU TOLD YOUR MOM THAT JHUNE WAS
24 THERE?

25 A YES.

1 Q AND WHEN WAS IT THAT HE STARTED YELLING IN THE WINDOW
2 OR YOU HEARD HIM YELLING AT THE WINDOW THAT HE HAD A
3 WATERMELON?

4 A RIGHT AFTER SHE SAID SHE HAD COMPANY.

5 Q SO SHE YELLED OUT THE WINDOW SHE HAD COMPANY?

6 A YES.

7 Q NOW, WHERE IS THE KITCHEN WITH RESPECT TO THIS
8 PHOTOGRAPH? THIS WOULD HAVE BEEN STATE'S 10 AGAIN?

9 A THROUGH THE DOOR.

10 Q RIGHT THROUGH THERE?

11 A YES, RIGHT THROUGH THERE.

12 Q SO WHAT DOOR WAS HE AT; WHAT DOOR DID HE COME TO, THE
13 FRONT DOOR OR THAT SIDE DOOR?

14 A SIDE DOOR.

15 Q THAT'S THE DOOR HE WAS AT?

16 A YES.

17 Q AND WHEN HE CAME TO THAT DOOR DID HE HAVE ANYTHING IN
18 HIS HAND?

19 A NO.

20 Q AND WHERE WERE YOU STANDING WHEN HE CAME TO THAT DOOR?

21 A IN THE WINDOW IN THE PICTURE.

22 Q THE WINDOW IN THE PICTURE?

23 A YES.

24 Q JUST SO WE UNDERSTAND, THIS WINDOW RIGHT HERE, CORRECT?

25 A YES.

1 Q THAT'S THE WINDOW YOU'RE REFERRING TO?

2 A YES.

3 Q OKAY. DID YOU TALK TO HIM?

4 A NO.

5 Q Y'ALL DIDN'T SAY ANYTHING TO EACH OTHER?

6 A NO.

7 Q COULD YOU SEE EACH OTHER THROUGH THE WINDOW?

8 A YES.

9 Q AND AT THAT POINT HE WASN'T ANGRY AT THAT POINT,
10 CORRECT? HE WAS JUST YELLING HE HAD A WATERMELON?

11 MR. MEADORS: YOUR HONOR, HE DIDN'T LET HIM
12 ANSWER. I APOLIGIZE. HE DIDN'T LET HIM ANSWER.

13 THE COURT: I THINK HE PAUSED A LITTLE BIT. I'LL
14 LET HIM ANSWER THE FIRST QUESTION.

15 MR. SWERLING: YOU CAN ANSWER THE QUESTION,
16 MR. IVERY.

17 BY MR. SWERLING:

18 Q WHEN HE FIRST CAME TO THE DOOR, WHEN YOU SAY HE WAS
19 YELLING, HE WAS NOT ANGRY; HE WAS YELLING THAT HE HAD A
20 WATERMELON, CORRECT?

21 A YES.

22 Q AND THAT'S WHEN YOU SAID YOUR MOM TOLD HIM SHE HAD
23 COMPANY?

24 A YES.

25 Q AND WERE YOU, COULD YOU, YOU WERE STANDING RIGHT THERE

1 AND YOU COULD HEAR THAT WHOLE CONVERSATION?

2 A YES.

3 Q WAS THERE ANYBODY ELSE DOWNSTAIRS AT THAT TIME?

4 A NO.

5 Q SO YOU AND YOUR MOM WERE THE ONLY ONES DOWNSTAIRS?.

6 A NO. MY BROTHERS CAME UP. FOREST WAS ALREADY
7 DOWNSTAIRS.

8 Q AND HE WAS DOWNSTAIRS AND YOUR OTHER BROTHER CAME DOWN
9 AS WELL?

10 A NO. MARCUS WAS STILL UP.

11 Q HE JUST STAYED UPSTAIRS AND ANGELA WAS UPSTAIRS AS
12 WELL?

13 A NO. SHE WAS IN THE KITCHEN.

14 Q AFTER?

15 A OH, YES. YES.

16 Q ANGELA IS YOUR MOM. SHE WAS IN THE KITCHEN. ASHLEY
17 WAS UPSTAIRS?

18 A YES.

19 Q CORRECT?

20 A YES.

21 Q OKAY. WHAT WAS THE NEXT THING THAT HAPPENED RIGHT AT
22 THAT POINT WHEN SHE SAID, YOUR MOM SAID SHE HAD COMPANY?

23 A SHE SAID, WELL, I DON'T SEE NO WATERMELON AND HE SAID,
24 WELL, I'LL GO GET IT AND HE WENT TO THE CAR.

25 Q OKAY. AND YOU WERE WATCHING HIM AT THAT POINT?

1 A YES, I WENT TO THE KITCHEN WINDOW AND LOOKED OUT.

2 Q OKAY. NOW, DID HE EVER BRING A WATERMELON BACK TO THE
3 HOUSE?

4 A NO.

5 Q AND YOU WERE A PRETTY GOOD DISTANCE, YOU WERE WATCHING
6 FROM THE FRONT THEN WHEN HE WENT TO THE CAR?

7 A FROM THE KITCHEN WINDOW.

8 Q RIGHT. AND YOU, WHEN YOU FIRST GOT ASKED THAT QUESTION
9 BY MR. MEADORS YOU SORT OF WERE INDICATING YOU SMILED THAT
10 YOU SAW HIM BRING SOMETHING OUT OF THE CAR BUT THEN
11 MR. MEADORS FOLLOWED UP WITH IT AND YOU SAID YOU DIDN'T SEE
12 WHAT IT WAS THAT HE GOT FROMT HE CAR?

13 A YES. I DIDN'T SEE WHAT HE GOT FROM THE CAR.

14 Q AND WHEN HE CAME, AFTER HE GOT SOMETHING FROM THE CAR,
15 DID HE COME BACK TO THAT SAME DOOR?

16 A YES.

17 Q OKAY. NOW, HOW DID HE GET IN THE HOUSE?

18 A WELL, LIKE, MY MOM WAS HERE SO SHE JUST OPENED THE
19 DOOR, TOLD HIM TO COME IN.

20 Q WELL, YOU'RE SPECULATING THAT YOUR MOM WAS SCARED; SHE
21 JUST OPENED THE DOOR?

22 MR. MEADORS: YOUR HONOR, OBJECTION TO THAT. HE
23 ASKED THE QUESTION, SAID SHE WAS SCARED. HE APPEARED IT TO
24 HER, TO HIM.

25 THE COURT: I UNDERSTAND. I THINK IT'S A PROPER

1 QUESTION. I'LL LET THE ANSWER STAND.

2 BY MR. SWERLING:

3 Q IF YOUR MOM HAD A GUEST, OKAY, YOU UNDERSTAND WHAT I'M
4 SAYING? YOUR MOM HAD A GUEST, SAID SHE HAD A GUEST IN THE
5 HOUSE?

6 A YES.

7 Q THEN, BUT YOU'RE SAYING THAT SHE OPENED THE DOOR TO LET
8 HIM IN, CORRECT?

9 A YES.

10 Q AND WHEN HE CAME IN DID THEY TALK IN THE KITCHEN FOR A
11 WHILE?

12 A YES.

13 Q OKAY. AND DO YOU REMEMBER WHAT THEY WERE TALKING
14 ABOUT?

15 A NO.

16 Q THEY WEREN'T ARGUING OR ANYTHING, WERE THEY?

17 A IT ENDED IN A ARGUMENT.

18 Q RIGHT. BUT AT THAT TIME THEY WEREN'T ARGUING, WERE
19 THEY?

20 A NO.

21 Q AND YOU DIDN'T SEE A GUN, DID YOU?

22 A NO.

23 Q AND YOU WENT UP, AT THAT POINT YOU WENT BACK UPSTAIRS?

24 A YES.

25 Q SO YOU REALLY WERE NOT DOWNSTAIRS AS TO ANY FURTHER

1 DISCUSSION THAT THEY WERE HAVING, CORRECT?

2 A YES.

3 Q ALL RIGHT. AND WHEN YOU WENT UPSTAIRS DID YOU TAKE
4 ANYTHING UPSTAIRS WITH YOU?

5 A THE BROOM.

6 Q BECAUSE YOU HAD COME DOWN FOR A BROOM?

7 A YES.

8 Q SO WHEN YOU SAID BEFORE THAT YOU REALLY CAME DOWN
9 BECAUSE JHUNE WAS THERE AND YOU WANTED TO SEE WHAT YOUR
10 MOTHER'S REACTION WAS, YOU REALLY HAD COME DOWN FOR A BROOM?

11 A YES, BEFORE. BEFORE THAT.

12 Q SORRY?

13 A BEFORE THIS.

14 Q THAT'S WHAT I'M SAYING. WHEN YOU CAME DOWNSTAIRS WAS
15 REALLY TO COME DOWN AND GET A BROOM NOT BECAUSE YOU SAW
16 JHUNE DRIVE UP; ISN'T THAT TRUE?

17 A NO.

18 Q WHEN DID YOU COME DOWN TO GET THE BROOM?

19 A BEFORE HE PULLED UP.

20 Q BEFORE HE PULLED UP?

21 A YES, I WENT BACK UPSTAIRS.

22 Q SO YOU WENT BACK UPSTAIRS AFTER YOU GOT THE BROOM AND
23 YOU WENT BACK UPSTAIRS AND THEN YOU CAME BACK DOWNSTAIRS
24 AFTER YOU SAW HIM DRIVE UP. IS THAT WHAT YOU'RE SAYING?

25 A YES.

1 Q NOW, WHEN YOU WENT BACK UPSTAIRS WHAT DID YOU GO BACK
2 UPSTAIRS, WELL, I GUESS I'M TRYING TO FIGURE OUT, NOW, DID
3 YOU HAVE THE BROOM WITH YOU WHEN YOU WENT BACK UPSTAIRS
4 AFTER JHUNE WAS THERE OR DID YOU HAVE THE BROOM THE FIRST
5 TIME YOU SAID YOU WENT DOWNSTAIRS? WHEN DID YOU TAKE THE
6 BROOM UPSTAIRS?

7 A I DON'T REALLY REMEMBER.

8 Q WELL, DO YOU KNOW WHETHER YOU ACTUALLY WERE DOWN THERE
9 ONCE OR TWICE?

10 A YES.

11 Q WHICH WAS IT?

12 A I WAS DOWN THERE TWICE.

13 Q SO YOU DON'T KNOW WHETHER YOU WERE TAKING THE BROOM UP
14 THE SECOND TIME OR NOT?

15 A YES.

16 Q IS THAT RIGHT?

17 A YES.

18 Q ALL RIGHT. WHEN YOU WENT BACK UPSTAIRS WHAT WERE YOU
19 DOING WHEN YOU WENT UPSTAIRS?

20 A WENT TO GO CLEAN UP.

21 Q OKAY. SO YOU DIDN'T TELL MR. PIERRE THAT JHUNE HARRIS
22 WAS THERE THEN?

23 A NO. HE ALREADY KNEW.

24 Q HOW DID HE KNOW?

25 A MY BROTHER MARCUS.

1 Q WELL, WHERE DID MARCUS COME FROM?

2 A WELL, HE WAS AT THE TOP OF THE STAIR AND HE HEARD, HE
3 JUST TOLD HIM..

4 Q WELL, HOW DO YOU KNOW HE TOLD HIM IF YOU WERE
5 DOWNSTAIRS?

6 A NO. I CAME UPSTAIRS AFTER THAT.

7 Q I UNDERSTAND BUT MY QUESTION WAS HOW DO YOU KNOW THAT
8 MARCUS TOLD HIM?

9 A BECAUSE HE TOLD US.

10 Q TOLD YOU WHAT?

11 A HE SAID THAT'S JHUNE DOWN THERE, SAID HE ALREADY TOLD
12 HIM; HE SAID, YES.

13 Q HUH?

14 A I SAID TO MY BROTHER, MY BROTHER SAID, IS THAT JHUNE
15 DOWN THERE AND HE SAID, I SAID, YES, AND MARCUS SAID I
16 ALREADY TOLD HIM.

17 Q HOW OLD WAS MARCUS AT THAT TIME?

18 A TEN I THINK.

19 Q SO YOU WERE UPSTAIRS. WHO WAS UPSTAIRS AT THAT TIME?

20 A MARCUS, ME, AND LEOPOLD PIERRE.

21 Q AND ASHLEY?

22 A OH, YES.

23 Q AND FOREST, WAS FOREST DOWNSTAIRS THE WHOLE TIME?

24 A YES, FOREST WAS DOWNSTAIRS.

25 Q NOW, YOU SAY YOU WERE UPSTAIRS AND YOU CONTINUED TO

1 CLEAN, CORRECT?

2 A YES.

3 Q YOU WEREN'T VERY CONCERNED AT THAT POINT ABOUT JHUNE
4 BEING THERE THEN?

5 A NO.

6 Q CORRECT?

7 A YES, SIR.

8 Q AND HOW LONG, WHAT, I GUESS, LET ME ASK WHAT WAS THE
9 NEXT EVENT THAT TOOK PLACE AS FAR AS YOU CAN RECALL?

10 A JHUNE CAME UPSTAIRS.

11 Q OKAY. HOW LONG AFTER YOU WENT UPSTAIRS DID JHUNE COME
12 UPSTAIRS?

13 A ABOUT TWO MINUTES OR A MINUTE AND A HALF.

14 Q OKAY. AND WHAT DID HE SAY TO MR. PIERRE?

15 A HE SAID LET'S GO OUTSIDE AND HANDLE THIS LIKE A MAN.

16 Q DID ANYTHING, WAS ANYTHING SAID BETWEEN THE TWO OF THEM
17 BEFORE HE MADE THAT REMARK?

18 A NO.

19 Q HAD THERE BEEN ANY WORDS BETWEEN THEM?

20 A NO.

21 Q SO WHAT YOU'RE SAYING IS MR. HARRIS JUST CAME UPSTAIRS
22 AND MADE THAT COMMENT TO HIM?

23 A YES.

24 Q AND THERE HADN'T BEEN ANY KIND OF EXCHANGE OR WORDS
25 BETWEEN THEM AT ALL?

1 A NO.

2 Q HE NEVER SAID HELLO, WHO ARE YOU. AS FAR AS YOU KNOW;
3 MR. HARRIS NEVER MET MR. PIERRE AS FAR AS YOU KNOW?

4 MR. MEADORS: YOUR HONOR, OBJECTION.

5 MR. SWERLING: ISN'T THAT TRUE?

6 THE COURT: I'LL LET HIM ANSWER IT IF HE KNOWS OF
7 HIS OWN PERSONAL KNOWLEDGE. YOU DON'T HAVE TO SPECULATE,
8 MR. IVERY, JUST, SORT OF A FANCY WAY OF SAYING YOU DON'T
9 GUESS OR ANYTHING. IF YOU KNOW OF YOUR OWN KNOWLEDGE, YOU
10 CAN ANSWER IT.

11 THE WITNESS: YES.

12 BY MR. SWERLING:

13 Q YES WHAT?

14 A HE KNEW HIM I THINK.

15 Q THEY KNEW EACH OTHER FACE-TO-FACE?

16 A YES.

17 Q SO WHEN HE CAME UPSTAIRS HE JUST SAID, LET'S GO OUTSIDE
18 AND DO THE DEAL LIKE THIS, LIKE A MAN?

19 A YES.

20 Q IS THAT RIGHT?

21 A YES.

22 Q AND WHAT DID MR. HARRIS DO AT THAT POINT?

23 A HE WENT BACK DOWNSTAIRS.

24 Q OKAY. WELL, I MEAN HE WENT DOWNSTAIRS BUT MR. PIERRE
25 DIDN'T GO DOWNSTAIRS, CORRECT?

1 A YES.

2 Q YES, HE DID NOT GO BACK DOWNSTAIRS? MR. PIERRE DID NOT
3 GO DOWNSTAIRS?

4 A NO.

5 Q BUT MR. HARRIS WENT DOWNSTAIRS WITHOUT HIM?

6 A YES.

7 Q CORRECT? HE DIDN'T PULL A GUN ON HIM OR ANYTHING LIKE
8 THAT, DID HE?

9 A NO.

10 Q YOU STILL HADN'T SEEN A GUN, DID YOU?

11 A NO.

12 Q AND WHEN MR. HARRIS WENT DOWNSTAIRS WHAT DID YOU DO?

13 A STAYED UPSTAIRS.

14 Q AND HOW LONG WERE YOU UPSTAIRS BEFORE THE NEXT THING
15 THAT HAPPENED?

16 A DON'T REALLY KNOW.

17 Q WELL, WHAT WAS THE NEXT THING THAT HAPPENED?

18 A JHUNE CAME BACK UPSTAIRS AND ---

19 Q HOW LONG AFTERWARDS, DO YOU KNOW?

20 MR. MEADORS: YOUR HONOR, IF HE'D LET HIM FINISH,
21 RESPECTFULLY.

22 THE COURT: YOU CAN FINISH ANY ANSWERS. OKAY.
23 KEEP YOUR VOICE UP BECAUSE I HAVE A HARD TIME SOMETIMES
24 TELLING IF YOU'RE FINISHED OR NOT. OKAY.

25 THE WITNESS: OKAY.

1 BY MR. SWERLING:

2 Q HOW LONG AFTER JHUNE WENT DOWN DID HE COME BACK UP?

3 A I DON'T REALLY KNOW.

4 Q WAS IT JUST A FEW MOMENTS OR WAS IT SEVERAL MINUTES?

5 A ALL RIGHT. ONE MINUTE.

6 Q NOW, YOU DIDN'T HEAR ANY YELLING DOWNSTAIRS OR ANYTHING
7 LIKE THAT, DID YOU?

8 A YES.

9 Q WHAT DID YOU HEAR?

10 A LIKE, I HEARD YELLING BUT I CAN'T REALLY REMEMBER WHAT
11 THEY WERE SAYING.

12 Q AND WHO WAS YELLING?

13 A JHUNE.

14 Q AND WHO ELSE WAS YELLING?

15 A NO ONE ELSE.

16 Q I THOUGHT YOU SAID THEY WERE YELLING?

17 A NO.

18 Q OKAY. BUT YOU DON'T KNOW WHAT WAS BEING SAID?

19 A CORRECT.

20 Q AND HE CAME BACK UPSTAIRS. WHEN HE CAME UPSTAIRS WHAT
21 DID HE SAY AT THAT POINT? WHAT WAS BEING SAID AT THAT TIME?

22 A HE'S SAYING THE SAME THING OVER AND OVER. LET'S HANDLE
23 THIS LIKE A MAN.

24 Q SO HE CAME BACK UP AND SAID THE SAME THING?

25 A YES, LIKE DIFFERENT PHRASE.

1 Q HE DIDN'T PULL A GUN, CORRECT?

2 A YES.

3 Q YES, HE DID NOT PULL A GUN?

4 A YES, HE DID NOT PULL A GUN.

5 Q DIDN'T TRY AND FIGHT MR. PIERRE UP THERE, DID HE?

6 A NO.

7 Q I MEAN, HE NEVER, HE WAS UP THERE TWICE AND HE NEVER
8 GOT INTO AN ALTERCATION OR A FIGHT WITH MR. PIERRE WHILE
9 THEY WERE UPSTAIRS, DID HE?

10 A CORRECT.

11 Q AND WHAT WAS MR. PIERRE DOING WHILE MR. HARRIS CAME UP
12 THERE THE SECOND TIME?

13 A HE WAS FIXING UP OUR BED JUST IGNORING HIM.

14 Q JUST IGNORING HIM?

15 A YES.

16 Q AND AFTER HE IGNORED HIM MR. HARRIS WENT BACK
17 DOWNSTAIRS AGAIN WITHOUT A CONFRONTATION, CORRECT?

18 A YES.

19 Q ALL RIGHT. NOW, DID MR. PIERRE GO DOWNSTAIRS AT ALL?

20 A YES.

21 Q HOW MANY TIMES DID MR. PIERRE GO DOWNSTAIRS?

22 A ONCE.

23 Q ONE TIME?

24 A YES.

25 Q AND WHEN HE WENT DOWN THERE I THINK YOU WERE DESCRIBING

1 THAT MR. HARRIS WAS STANDING BY THE COUNTER?

2 A YES.

3 Q AND THAT'S STATE'S 14; IS THAT CORRECT?

4 A YES.

5 Q HE WAS STANDING BY THAT COUNTER?

6 A YES.

7 Q AND MR. PIERRE WALKED RIGHT PAST HIM?

8 A YES.

9 Q OKAY. AND WHEN HE WALKED PAST HIM MR. HARRIS DIDN'T
10 HIT HIM, DIDN'T PUNCH HIM, DIDN'T DO ANYTHING LIKE THAT, DID
11 HE?

12 A NO.

13 Q HE DIDN'T PULL A GUN ON HIM OR DO ANYTHING LIKE THAT,
14 DID HE?

15 A NO.

16 Q OKAY. AND WHAT WAS MR. HARRIS DOING AT THAT POINT WHEN
17 HE WALKED RIGHT PAST HIM AND WAS LIKE, I GUESS, FACE-TO-FACE
18 WITH HIM, CORRECT?

19 A YES.

20 Q OKAY. WHAT WAS GOING ON BETWEEN THE TWO OF THEM AT
21 THAT POINT?

22 A JHUNE WAS JUST LOOKING AT HIM AND LEOPOLD PIERRE WENT
23 TO GO GET THE DUSTER FOR, HE WENT BACK UPSTAIRS, WALKED PAST
24 HIM.

25 Q NOW, YOU DID NOT COME DOWN THAT TIME, DID YOU?

1 A WELL, I WAS ON THE STEPS.

2 Q SO YOU WERE ON THE STEPS. YOU COULD SEE FROM THE STEPS
3 WHAT THEY WERE DOING NEAR THE COUNTER?

4 A YES.

5 Q SO YOU KNOW THAT MR. HARRIS DID NOT CONFRONT HIM, DID
6 HE?

7 A YES.

8 Q I MEAN HE DIDN'T GET IN HIS FACE, DIDN'T PUSH HIM.
9 THERE WAS NO PHYSICAL ALTERCATION BETWEEN THE TWO OF THEM,
10 CORRECT?

11 A YES.

12 Q MR. HARRIS DIDN'T PULL A PISTOL, DID HE?

13 A YES.

14 Q IN FACT MR. PIERRE WALKED RIGHT PAST HIM, WALKED RIGHT
15 PAST HIM AGAIN AND CAME BACK UPSTAIRS, CORRECT?

16 A YES.

17 Q NOW, YOU WERE STILL ON THE TOP OF THE STAIRS, RIGHT?

18 A YES.

19 Q SO MR. PIERRE WENT BACK INTO THE BEDROOM?

20 A YES.

21 Q ALL RIGHT. AND WHAT WAS THE NEXT THING THAT HAPPENED?

22 A JHUNE CAME BACK UPSTAIRS.

23 Q SO THIS IS THE THIRD TIME ---

24 MR. MEADORS: YOUR HONOR, IF HE'D LET HIM FINISH,
25 I OBJECT. HE WAS FIXING TO FINISH I THINK. HE SAID THE

1 NEXT THING THAT HAPPENED AND HE CUT OFF HIS ANSWER.

2 THE COURT: ANYTHING ELSE HE HAD TO SAY TO THE END
3 OF THAT.

4 BY MR. SWERLING:

5 Q SO JHUNE CAME BACK UPSTAIRS?

6 A YES.

7 Q THE THIRD TIME?

8 A YES.

9 Q OKAY. AND WHAT HAPPENED WHEN HE CAME UPSTAIRS THE
10 THIRD TIME?

11 A HE WAS JUST YELLING THE SAME THING.

12 Q SO HE HAD NOT CHANGED ANYTHING THAT HE HAD SAID. ALL
13 HE WAS SAYING WAS COME OUTSIDE AND LET'S DEAL WITH THIS LIKE
14 A MAN?

15 A YES.

16 Q IS THAT RIGHT? AND MR. PIERRE ACCORDING TO YOU WAS NOT
17 SAYING ANYTHING BACK TO HIM?

18 A YES.

19 Q IS THAT RIGHT?

20 A YES.

21 Q DID MR. PIERRE EVER ANSWER HIM; DID HE EVER SAY
22 ANYTHING?

23 A NO.

24 Q AND HOW CLOSE WAS MR. HARRIS TO MR. PIERRE WHEN THEY
25 WERE UPSTAIRS?

1 A LIKE 15 FEET OR SOMETHING.

2 Q LIKE MAYBE WHERE YOU AND I ARE RIGHT NOW?

3 A LIKE WHERE MY MOTHER AND ME ARE LIKE.

4 Q ABOUT THE DISTANCE BETWEEN YOU AND YOUR MOM?

5 A YES.

6 Q AND HE WOULD HAVE BEEN WHAT, MR. HARRIS WOULD HAVE BEEN

7 IN THE HALLWAY?

8 A HE WAS STILL ON THE STAIRS.

9 Q HE WAS JUST ON THE STAIRS AND MR. PIERRE WAS WHERE, IN

10 THE BEDROOM?

11 A YES.

12 Q SO THEY COULDN'T SEE EACH OTHER?

13 A THEY COULD.

14 Q THEY COULD SEE EACH OTHER?

15 A YES.

16 Q AND SO MR. HARRIS NEVER ACTUALLY WENT IN THE BEDROOM

17 ANY OF THOSE THREE OCCASIONS, CORRECT?

18 A YES.

19 Q NOW, MR. HARRIS WENT BACK DOWNSTAIRS?

20 A YES.

21 Q AND MR. PIERRE CAME DOWNSTAIRS, TOO?

22 A NOT FOLLOWING HIM.

23 Q NO. BUT HE CAME DOWNSTAIRS, DIDN'T HE?

24 A YES.

25 Q AND WHAT WAS MR. PIERRE COMING DOWN FOR THAT TIME?

1 A I GUESS LIKE TO SETTLE IT. HE WAS GOING TO GO OUTSIDE
2 OR SOMETHING.

3 Q SO WHAT YOU'RE SAYING IS IT APPEARED TO YOU THAT
4 MR. PIERRE WAS GOING DOWNSTAIRS TO HAVE A CONFRONTATION WITH
5 MR. HARRIS?

6 MR. MEADORS: OBJECTION, YOUR HONOR.

7 THE COURT: SPECULATION.

8 MR. MEADORS: YES, SIR, I MEAN HE'S ---

9 THE COURT: I'M GOING TO LET HIM ANSWER BECAUSE
10 IT'S PRIOR STATEMENT OR ANSWER. HE REFERENCED THAT SO I'M
11 GOING TO LET HIM EXPLAIN HIS ANSWER.

12 MR. MEADORS: YOUR HONOR, I ACTUALLY WOULD OBJECT
13 TO MR. SWERLING'S TERMS QUOTING HIS ANSWER. HE WAS TRYING
14 TO PUT IT INTO LEGALESE I THINK. THAT'S WHAT I WAS
15 OBJECTING TO.

16 THE COURT: OKAY. I'LL SUSTAIN THAT.

17 MR. SWERLING, IF YOU CAN REPHRASE THE QUESTION TO
18 REORIENT HIM TO YOUR LAST ---

19 MR. SWERLING: YES, SIR.

20 THE COURT: --- LINE OF QUESTIONS.

21 BY MR. SWERLING:

22 Q TO YOUR KNOWLEDGE DID MR. PIERRE HAVE ANY PURPOSE IN
23 GOING DOWNSTAIRS?

24 A NO.

25 Q HE DIDN'T NEED ANYTHING, CORRECT?

1 A NO.

2 Q AND YOU HAD STARTED TO SAY BEFORE THAT IT APPEARED TO
3 YOU HE WAS GOING OUTSIDE TO SETTLE THINGS?

4 A YES, SIR.

5 Q THAT'S WHAT YOU SAID?

6 A YES.

7 Q SO HE WAS WALKING DOWN, DID HE HAVE ANYTHING IN HIS
8 HAND?

9 A NO.

10 Q NOW, WHEN HE WAS WALKING DOWN THE STAIRS, MY
11 UNDERSTANDING IS THAT SEE, WHO WAS RIGHT BEHIND YOU, MARCUS
12 OR . . .

13 A MY SISTER.

14 Q OR ASHLEY?

15 A ASHLEY.

16 Q ASHLEY WAS BEHIND YOU AND MARCUS WAS BEHIND HER?

17 A YES.

18 Q DID YOU FOLLOW HIM DOWN THE STAIRS?

19 A YES.

20 Q WEREN'T YOU SCARED?

21 A YES.

22 Q WHY WERE YOU GOING DOWN THE STAIRS IF YOU WERE SCARED?

23 A NEVER CROSSED MY MIND.

24 Q BUT ALL THREE OF YOU WERE STANDING ON THE STAIRS?

25 A YES.

1 Q HOW FAR BELOW YOU WAS MR. PIERRE?

2 A TWO OR THREE STAIRS.

3 Q OKAY. AND THIS IS STATE'S 14. THAT'S I GUESS A
4 PICTURE FROM THE STAIRS, CORRECT?

5 A YES.

6 Q ALL RIGHT. AND THAT WOULD HAVE BEEN, IS THAT WHERE
7 MR. PIERRE WAS STANDING?

8 A YES.

9 Q SO HE WAS ON THE STAIRS?

10 A YES.

11 Q AND MR. HARRIS WAS WHERE ACCORDING TO THIS PICTURE?

12 A BY THE EDGE OF THE COUNTER.

13 Q HE WAS BY THE EDGE OF THE COUNTER?

14 A YES.

15 Q OKAY. NOW, COULD YOU SEE HIM?

16 A YES.

17 Q FROM WHERE YOU WERE STANDING?

18 A YES.

19 Q AND WAS MR. PIERRE, DID MR. PIERRE EVER GET DOWN ON THE
20 GROUND AT THE LANDING; DID HE EVER LEAVE THE STAIRS?

21 A NO.

22 Q OKAY. WAS MR. PIERRE GOING TOWARD MR. HARRIS?

23 A YES.

24 Q AND YOU SAW WHEN MR. PIERRE WAS GOING TOWARD
25 MR. HARRIS, YOU SAW, DID YOU ACTUALLY SEE MR. HARRIS PULL

1 THE GUN OUT?

2 A YES.

3 Q WAS THERE ANY WORDS BETWEEN THE TWO OF THEM WHEN HE
4 PULLED THE GUN OUT?

5 A NO.

6 Q I MEAN WHEN MR. PIERRE CAME DOWN THE STAIRS, MR. PIERRE
7 NEVER SAID ANYTHING AND MR. HARRIS NEVER SAID ANYTHING; IS
8 THAT RIGHT?

9 A YES.

10 Q OKAY. WHERE WAS YOUR MOM AT THAT TIME?

11 A SHE WAS IN THE KITCHEN AT THE STOVE STILL.

12 Q OKAY. COULD YOU SEE HER FROM WHERE YOU WERE ON THE
13 STAIRS?

14 A NO.

15 Q AND YOUR BROTHER, YOUR BROTHER WAS ON THIS COUCH; IS
16 THAT CORRECT?

17 A YES, RIGHT THERE.

18 Q OKAY. AND SO WITHOUT ANY KIND OF WORDS BETWEEN THEM,
19 ACCORDING TO YOU MR. HARRIS PULLED OUT THE PISTOL?

20 A YES.

21 Q IS THAT CORRECT? AND DID HE SHOOT TWICE RIGHT AWAY?

22 A YES.

23 Q AND WHERE DID MR. PIERRE FALL?

24 A RIGHT BESIDE THE TABLE.

25 Q THIS TABLE HERE THAT IS IN STATE'S 14, CORRECT, THAT

1 BIG TABLE?

2 A YES.

3 Q OKAY. NOW, DID YOU RUN UPSTAIRS OR DOWNSTAIRS AT THAT
4 POINT?

5 A I WENT BACK UP.

6 Q OKAY. AND DID ASHLEY AND MARCUS RUN UPSTAIRS AS WELL?

7 A NO. THEY WAS LIKE STANDING RIGHT THERE AND MARCUS WENT
8 DOWN.

9 Q MARCUS WENT DOWN?

10 A YES.

11 Q AND ASHLEY STOOD THERE AND YOU WENT BACK UPSTAIRS?

12 A YES.

13 Q SO YOU'VE DESCRIBED IT. WHEN YOU WERE ON DIRECT
14 EXAMINATION, YOU DESCRIBED A WHOLE LOT OF ACTIONS THAT
15 MR. HARRIS TOOK WITH RESPECT TO YOUR MOM BUT ACTUALLY YOU
16 WERE UPSTAIRS AND COULDN'T SEE IT; ISN'T THAT TRUE?

17 A WELL, I WAS ON THE STEPS. I DIDN'T GO ALL THE WAY BACK
18 UP. I WAS STILL ON THE STEPS. I JUST MOVED UP HIGHER.

19 Q SO YOU COULD STILL SEE WHAT WAS GOING ON IN THE LIVING
20 ROOM AND IN THE KITCHEN?

21 A WELL, COULDN'T SEE WHAT WAS GOING ON IN THE KITCHEN.

22 Q OKAY. WELL, THAT'S WHERE MOM WAS, RIGHT?

23 A YES.

24 Q NOW, ONE OF THE THINGS I WANTED TO CLARIFY IS WHEN YOU
25 FIRST WERE ASKED ON DIRECT EXAMINATION BY MR. MEADORS YOU

1 SAID THAT HE SHOT MR. PIERRE TWICE?

2 A YES.

3 Q AND THEN TURNED AROUND AND SHOT YOUR MOTHER?

4 A NO. HE CHASED HER.

5 Q OKAY. BUT DO YOU REMEMBER SAYING THAT WHEN YOU WERE ON
6 DIRECT EXAMINATION THE FIRST TIME?

7 A NO.

8 Q OKAY. SO COULD YOU SEE MR. HARRIS AT THAT POINT WENT
9 INTO THE KITCHEN?

10 A YES.

11 Q OKAY. IS THAT RIGHT?

12 A YES.

13 Q NOW, YOU COULDN'T SEE WHAT WAS GOING ON IN THE KITCHEN,
14 COULD YOU?

15 A NO. BUT HE WAS STILL AT THE EDGE OF THE COUNTER.

16 Q PARDON?

17 A HE WAS STILL AT THE EDGE OF THE COUNTER SO I COULD
18 STILL SEE HIM.

19 Q RIGHT. BUT AT SOME POINT IF HE WENT IN THE KITCHEN
20 CHASING YOUR MOM, YOU WOULD NOT HAVE BEEN ABLE TO SEE THAT,
21 CORRECT?

22 A YES.

23 Q YOU COULDN'T HAVE SEEN IT?

24 A YES.

25 Q CORRECT?

1 A YES.

2 Q BECAUSE YOU COULDN'T SEE WHAT WAS GOING ON IN THE
3 KITCHEN?

4 A YES.

5 Q LET ME JUST GO TO THIS BOARD NOW SO I CAN GET, I'M NOT
6 GOING TO ASK YOU TO HAVE TO STAND UP. IF YOU COULD JUST SIT
7 THERE, WHERE ARE THE STAIRS HERE?

8 A RIGHT HERE, THEN IT GOES UP.

9 Q "J" IS THE STAIRS, OKAY?

10 A YES.

11 Q AND SO "E" IS THE COUNTER, CORRECT?

12 A YES.

13 Q BEHIND HERE IS THE KITCHEN. ALL RIGHT. SO TELL THE
14 JURY WHAT YOU OBSERVED FROM YOUR VANTAGE POINT ON THE
15 STAIRS?

16 A WHERE I WAS?

17 Q YES. WELL, YOU WERE ON THE STAIRS YOU SAID, THE TOP OF
18 THE STAIRS?

19 A YES. I SAW JHUNE HARRIS SHOOT LEOPOLD PIERRE TWO
20 TIMES.

21 Q OKAY.

22 A AND THEN TURN AROUND, POINT THE GUN AT OUR MOTHER, AND
23 THEN HAD CHASED HER.

24 Q OKAY. NOW, WHERE DID HE CHASE HER BECAUSE I GOT REAL
25 CONFUSED ABOUT THAT WITH THE PICTURES?

1 A HE WAS RIGHT HERE AND MY MOTHER WAS RIGHT HERE. SHE
2 RAN OUT THEN.

3 Q OKAY. BUT YOU, LET ME JUST ASK YOU SOMETHING. I'M NOT
4 GOING TO -- YOU COULDN'T SEE THAT THOUGH?

5 MR. MEADORS: OBJECTION. HE SAID THREE TIMES HE
6 COULDN'T SEE IT AND I OBJECT.

7 MR. SWERLING: WELL, THEN I'M TRYING TO FIND OUT
8 HOW HE COULD TELL, HE KNEW THAT.

9 THE WITNESS: BECAUSE SHE CAME OUT THE OTHER SIDE.
10 BY MR. SWERLING:

11 Q OKAY. WHERE DID SHE COME OUT FROM?

12 A FROM THE LIVING ROOM DOOR.

13 Q OKAY. SO THAT'S ANOTHER DOOR FROM THE LIVING ROOM INTO
14 THE DEN?

15 A YES.

16 Q OKAY. SO YOU SAW WHAT WAS GOING ON BACK HERE YOU
17 COULDN'T SEE BUT YOU SAW HER COME BACK IN THE DOOR?

18 A YES.

19 Q OKAY. AND WHERE DID SHE GO WHEN HE CAME BACK IN THE
20 DEN?

21 A SHE, WELL, MARCUS CAME DOWNSTAIRS BUT HE CAME AND STOOD
22 RIGHT THERE AND SHE JUMPED ON HIM.

23 Q JUMPED ON . . .

24 A MARCUS.

25 Q MARCUS. OKAY. IN THE DEN?

1 A YES.

2 Q OKAY. AND WHEN DID YOU NEXT, WHERE DID YOU SEE JHUNE
3 COMING FROM?

4 A COMING BEHIND HER.

5 Q OKAY. DID HE STILL HAVE THE GUN OUT?

6 A YES.

7 Q OKAY. AND WHAT DID HE DO?

8 A HE WALKED PAST HER.

9 Q NOW, SHE WAS WHERE? IF YOU COULD JUST SHOW THE JURY,
10 WHERE WAS SHE ACTUALLY?

11 A RIGHT HERE.

12 Q AND WAS SHE LAYING DOWN AT THAT TIME?

13 A YES.

14 Q OKAY. AND MARCUS WAS UNDERNEATH HER?

15 A YES.

16 Q OKAY. SO JHUNE WALKED PAST HER?

17 A YES.

18 Q AND HE WENT OUT WHERE OR WENT TOWARD WHERE?

19 A WELL, WENT OUT AND THEN CAME BACK IN AND SHOT HIM.

20 Q OKAY. AND THERE IS A DOOR HERE, RIGHT? THIS IS THE
21 DOOR WE'VE ALREADY SEEN ON STATE'S 16. THERE IS A DOOR
22 THERE?

23 A YES.

24 Q OKAY. SO HE WENT OUT THAT DOOR?

25 A YES.

1 Q COULD YOU HEAR THE DOOR OPENING AND SHUTTING?

2 A WELL, IT WAS ALREADY OPEN.

3 Q IT WAS OPEN?

4 A YES.

5 Q AND HOW LONG AFTER HE EXITED THE DOOR DID HE COME BACK
6 IN THE DOOR?

7 A LIKE FIVE SECONDS. THEN HE COME BACK AND HE SHOT HIM.

8 Q OKAY. NOW, COULD YOU SEE HIM DOING THAT?

9 A YES.

10 Q SO YOU WERE, YOU HAD A SIGHT, A LINE OF SIGHT WATCHING
11 HIM DO THAT?

12 A YES.

13 Q DID HE POINT THE GUN AT HER OR DID HE TRIP?

14 A HE POINTED THE GUN AT HER.

15 Q OKAY. AND SHE WAS ON THE GROUND WHEN THAT HAPPENED; IS
16 THAT RIGHT?

17 A YES.

18 Q OKAY. AFTER HE DID THAT WHERE DID SHE GO?

19 A SHE WAS STILL RIGHT THERE LYING DOWN.

20 Q SHE JUST LAY THERE; SHE DIDN'T GET UP?

21 A YES.

22 Q AND WHERE DID HE GO?

23 A HE WENT BACK OUTSIDE.

24 Q BACK OUT THIS DOOR HERE?

25 A YES.

1 Q OKAY. NOW, EUGENE, YOU NEVER WROTE OUT A STATEMENT IN
2 THIS CASE, DID YOU OR DID YOU?

3 A NO, I DIDN'T.

4 Q PARDON?

5 A NO, I DIDN'T.

6 Q AND SO THIS RECOLLECTION OF ALL OF THESE EVENTS IS
7 SOMETHING THAT TOOK PLACE TWO YEARS AGO BUT YOU DIDN'T HAVE
8 A STATEMENT TO REFER TO OR ANY NOTES TO REFER TO; IS THAT
9 CORRECT?

10 A NO.

11 Q BUT YOU HAVE SPENT SOME TIME WITH THE SOLICITOR AND
12 SOME OTHER PEOPLE IN THE OFFICE AND THE POLICE GOING OVER
13 YOUR STATEMENT, CORRECT?

14 A YES.

15 Q DID YOU; WERE YOU AND YOUR BROTHER, YOUR BROTHERS AND
16 YOUR SISTER ALL IN THE ROOM AT THE SAME TIME WHEN Y'ALL WENT
17 OVER THIS? EVERYBODY WAS TOGETHER GOING OVER IT?

18 A YES.

19 Q AND HOW MANY TIMES DID YOU DO THAT? HOW MANY TIMES DID
20 YOU MEET AND GO OVER THE TESTIMONY, NOT THAT THERE'S
21 ANYTHING WRONG. I'M JUST ASKING WHETHER OR NOT YOU DID IT.

22 A I THINK ONE TIME.

23 Q ONE TIME?

24 A YES.

25 Q YOU ONLY MET WITH THE SOLICITOR ONCE?

1 A TWO TIMES BUT IT WASN'T. . .

2 Q PARDON?

3 A IT WASN'T REALLY LIKE STATEMENT.

4 Q IT WASN'T ABOUT, SORRY, I'M NOT?

5 A TO GET THE STATEMENT.

6 Q NO, NOT THE STATEMENT BUT I'M TALKING ABOUT REVIEWING
7 YOUR TESTIMONY ABOUT WHAT YOU WERE GOING TO SAY IN THE
8 COURTROOM?

9 A YES, ONCE.

10 Q OKAY. AND EVERYBODY WAS TOGETHER?

11 A NO. TOOK US IN ONE AT A TIME.

12 Q THAT'S WHAT I WAS ASKING?

13 A YES.

14 Q SO EVERYBODY WENT IN SEPARATELY?

15 A YES.

16 Q BUT YOU AND YOUR MOM AND YOUR BROTHERS AND SISTERS HAVE
17 TALKED ABOUT THIS THING SINCE JULY OF 2006, CORRECT?

18 A YES.

19 Q BECAUSE IT WAS A PRETTY TRAUMATIC EVENT IN YOUR LIFE,
20 WASN'T IT?

21 A YES.

22 Q I STARTED OFF ASKING YOU SOME QUESTIONS ABOUT
23 RELATIONSHIP WITH JHUNE AND, BUT YOU AGREE THAT FOR SOME SIX
24 OR SEVEN YEARS IT WAS LIKE A FAMILY, CORRECT?

25 A YES.

1 Q Y'ALL LIVED TOGETHER?

2 A YES.

3 Q JHUNE AS WELL AS YOUR MOM BOUGHT YOU CLOTHES?

4 A YES.

5 Q TOOK YOU ON TRIPS TO NEW YORK AND TEXAS AND ATLANTA?

6 A YES.

7 Q HAD A GREAT TIME ON THE HOLIDAYS AND ON BIRTHDAYS,
8 CORRECT?

9 A YES.

10 Q THERE WERE A LOT OF GIFTS THAT WERE NOT ONLY GIVEN BY
11 YOUR MOM TO YOU AND YOUR BROTHERS AND SISTERS BUT ALSO BY
12 JHUNE, CORRECT?

13 A YES.

14 Q HE WAS VERY GENEROUS TO YOU, WASN'T HE?

15 A YES.

16 Q AND Y'ALL WERE CLOSE TOGETHER?

17 A YES.

18 Q YOU DID A LOT OF ACTIVITIES TOGETHER?

19 A YES.

20 Q I MEAN, AS FAR AS DID YOU PLAY BALL?

21 A YES.

22 Q DID YOU PLAY LITTLE LEAGUE?

23 A MAJOR.

24 Q MAJOR LEAGUE?

25 A YES.

1 Q BUT JHUNE WAS ALWAYS THERE, WASN'T HE?

2 A YES, SOMETIMES.

3 Q JHUNE WOULD TAKE YOU TO THE GAME?

4 MR. MEADORS: OBJECTION, RELEVANCE.

5 THE COURT: IT'S A, WHERE WERE YOU ---

6 MR. SWERLING: WELL, JUDGE, THE RELEVANCE IS
7 TO ---

8 MR. MEADORS: YOUR HONOR, IF HE WANTS TO APPROACH.

9 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
10 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

11 THE COURT: MR. SWERLING, I'M GOING TO LET YOU ASK
12 A FEW MORE QUESTIONS ON THAT LINE.

13 MR. SWERLING: YES, SIR.

14 BY MR. SWERLING:

15 Q DID Y'ALL GO TO CHURCH TOGETHER?

16 A YES.

17 Q AND JUST WITHOUT GOING SPECIFICALLY BUT Y'ALL WENT TO
18 THE BEACH AND WENT TO THE FAIR, MOVIES, THOSE KINDS OF
19 ACTIVITIES TOGETHER, ACTIVITIES THAT A FAMILY WOULD
20 GENERALLY GET INVOLVED IN, RIGHT?

21 A YES.

22 Q AND JHUNE WOULD COME TO YOUR SCHOOL, CORRECT?

23 A YES.

24 Q AND YOUR SCHOOL RELATED ACTIVITIES?

25 A YES.

1 Q RIGHT?

2 A YES.

3 Q AND HE HAD A BIG, HE HAD A LOT OF INTEREST IN YOU, NOT
4 ONLY, WHEN I SAY YOU, I'M TALKING ABOUT YOUR SISTERS AND
5 YOUR BROTHERS, TOO?

6 A YES.

7 Q HE DID A LOT OF THAT AND YOUR MOM WAS WORKING AND HE
8 WOULD COME AND DO ALL OF THESE THINGS AT SCHOOL WITH ALL OF
9 YOU WHEN YOUR MOM WASN'T THERE SOMETIMES, CORRECT?

10 A YES.

11 Q AND HE PICKED YOU UP FROM SCHOOL ALMOST EVERY DAY,
12 DIDN'T HE?

13 A SOMETIMES WE RODE THE BUS.

14 Q BUT OTHER TIMES HE WOULD COME AND PICK YOU UP?

15 A YES.

16 Q AND ALL OF THAT WAS GOING ON RIGHT UP UNTIL THAT FRIDAY
17 BEFORE WHEN Y'ALL WENT TO THE CIRCUS TOGETHER, CORRECT?

18 A YES.

19 MR. SWERLING: THAT'S ALL I HAVE.

20 THE COURT: THANK YOU, SIR.

21 MR. MEADORS, ANYTHING ON REDIRECT?

22 MR. MEADORS: YES, SIR.

23 THE COURT: YES, SIR.

24 REDIRECT EXAMINATION BY MR. MEADORS:

25 Q LET ME JUST ASK YOU ABOUT GOING TO CHURCH WITH HIM,

1 RIGHT?

2 A YES.

3 Q HE HIT YOU, DIDN'T HE?

4 MR. SWERLING: OBJECTION.

5 MR. MEADORS: NO, SIR.

6 THE COURT: Y'ALL APPROACH.

7 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
8 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

9 THE COURT: THANK YOU, LADIES AND GENTLEMEN.

10 THANK YOU, COUNSEL.

11 MR. MEADORS

12 MR. MEADORS: PLEASE THE COURT.

13 MR. SWERLING: YOUR HONOR, THE RECORD TO REFLECT.

14 THE COURT: YES, SIR.

15 REDIRECT EXAMINATION BY MR. MEADORS:

16 Q YOU OKAY?

17 A YES.

18 Q EUGENE, A COUPLE OF FOLLOW-UP QUESTIONS. MR. SWERLING
19 ASKED YOU IF YOU SAW THE DEFENDANT GET THE GUN. WHERE DID
20 YOU SEE, RIGHT BEFORE HE SHOT MR. PIERRE, WHERE DID YOU SEE
21 HIM GET THE GUN FROM, IF ANYWHERE?

22 A FROM HIS CAR.

23 Q OKAY. AND AFTER THAT DID YOU SEE HIM WITH THE GUN WHEN
24 HE SHOT MR. PIERRE?

25 A YES.

1 Q DO YOU KNOW WHERE HE HAD THE GUN RIGHT PRIOR TO
2 SHOOTING HIM, IF ANYWHERE?

3 A FROM HIS CAR.

4 Q OKAY. MR. SWERLING ASKED YOU OVER AND OVER AGAIN ABOUT
5 IF YOU HEARD ANYTHING. WHEN YOU WERE UPSTAIRS COULD YOU
6 HEAR YELLING?

7 A YES.

8 Q WAS ANY QUESTION IT WAS YELLING?

9 A YES.

10 Q WHO WAS YELLING?

11 A JHUNE.

12 Q AND WHO WAS DOWNSTAIRS WHEN JHUNE HARRIS WAS YELLING?

13 A MY MOTHER.

14 Q AND BASED ON YOUR EYES AND BEING IN HIS PROXIMITY OR
15 BEING NEAR HIM, HOW WOULD YOU DESCRIBE LEOPOLD PIERRE'S
16 REACTION?

17 MR. SWERLING: I OBJECT THAT HE CAN LIMIT TO
18 APPEARANCE AND HIS Demeanor.

19 THE COURT: SUSTAIN THAT.

20 BY MR. MEADORS:

21 Q YOU SAID MR. SWERLING HAD ASKED YOU MR. HARRIS CAME
22 UPSTAIRS TWO OR THREE TIMES, CORRECT?

23 A YES.

24 Q TO TRY TO TALK TO MR. PIERRE, CORRECT?

25 A YES.

1 Q TRY TO GET HIM TO COME OUTSIDE, CORRECT?

2 A YES.

3 Q AS A RESULT OF THAT DESCRIBE THE APPEARANCE OF
4 MR. PIERRE. DID HE SEEM UPSET?

5 A NO.

6 Q DID HE SAY, MR. SWERLING ASKED YOU IF HE SAID ANYTHING.
7 DID HE SAY ANYTHING TO JHUNE HARRIS, TO Y'ALL, TO ANYBODY?

8 A NO.

9 Q JUST A COUPLE, THE WINDOWS, MR. SWERLING ASKED YOU
10 ABOUT THE WINDOWS. I CAN'T FIND THE PICTURES IN HERE BUT
11 WHEN YOU SAW HIS CAR WAS THAT FROM THE SIDE WINDOW OR THE
12 FRONT WINDOW WHEN HE FIRST PULLED UP?

13 A THE FRONT WINDOW..

14 Q WHEN HE FIRST PULLED WHEN YOU SAW HIM COME UP, WHERE
15 DID YOU SEE MR. HARRIS' CAR?

16 A FRONT WINDOW.

17 Q WHERE DID YOU SEE HIM WHEN HE WENT BACK OUTSIDE?

18 A FRONT WINDOW.

19 Q MR. SWERLING ASKED YOU ABOUT DID YOU, IF MR. JHUNE
20 HARRIS HAD EVER SEEN MR. LEOPOLD PIERRE PRIOR TO THAT DAY.
21 DO YOU REMEMBER THAT QUESTION?

22 A YES.

23 Q I BELIEVE YOUR ANSWER WAS HE HAD?

24 A YES.

25 Q DO YOU KNOW HOW MANY TIMES HE HAD SEEN HIM PRIOR TO

1 THAT DAY?

2 A TWO OR THREE TIMES.

3 Q LATER ON HIS QUESTIONS HE SAID YOU WERE UPSTAIRS. YOU
4 REMEMBER HE ASKED YOU, YOU DIDN'T EVEN KNOW IF LEOPOLD
5 PIERRE KNEW MR. HARRIS. DO YOU REMEMBER WHEN HE ASKED YOU
6 THAT?

7 A YES.

8 Q YOU HAD ALREADY TOLD HIM THAT THEY HAD SEEN EACH OTHER,
9 RIGHT?

10 MR. SWERLING: YOUR HONOR, IT'S A QUESTION AND
11 ANSWER KIND OF THING.

12 THE COURT: SUSTAINED.

13 MR. SWERLING: NOT STATEMENTS.

14 THE COURT: NOT THE LEADING.

15 BY MR. MEADORS:

16 Q MR. HARRIS HAD COME OVER TO THE HOUSE PREVIOUSLY AS
17 MR. SWERLING ASKED YOU WHEN MR. PIERRE WAS THERE. WHEN WAS
18 THAT?

19 A AFTER A BASEBALL GAME.

20 Q IN RELATION TO MR. PIERRE'S DEATH WHEN WAS THAT? HOW
21 LONG PRIOR TO THAT BEFORE THAT INCIDENT, BEFORE THIS
22 INCIDENT?

23 A THREE OR TWO WEEKS BEFORE.

24 Q TWO WEEKS BEFORE? AND WHAT HAPPENED THEN?

25 A HE JUST DROPPED US OFF AND DROVE OFF.

1 Q HAD HE SEEN HIM ANY OTHER TIME MR. HARRIS?

2 A NO, SIR, I DON'T THINK.

3 Q SO THEY HAD NEVER SEEN EACH OTHER BEFORE BESIDES THAT?

4 A YES.

5 MR. MEADORS: MAY WE APPROACH?

6 THE COURT: YES, SIR.

7 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
8 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

9 MR. MEADORS: THAT'S ALL AT THIS TIME.

10 THE COURT: ALL RIGHT. THANK YOU.

11 MR. SWERLING, ANYTHING FURTHER?

12 MR. SWERLING: I HAVE NOTHING FURTHER.

13 THE COURT: OKAY. WE'LL TAKE UP THESE OTHER
14 MATTERS IN THE MORNING.

15 MR. IVERY, YOU MAY STEP DOWN, SIR. THANK YOU.

16 MR. MEADORS: YOUR HONOR, I APOLOGIZE. CAN WE
17 APPROACH AGAIN?

18 THE COURT: YES, SIR.

19 MR. MEADORS: I'M SO SORRY.

20 THE COURT: YES, SIR.

21 MR. MEADORS: MS. GADDY REMINDED ME OF SOMETHING.

22 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
23 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

24 THE COURT: MS. JONES, IF YOU'LL JUST BEAR WITH US
25 ONE SECOND, WE MAY BE ABLE TO ELIMINATE SOMEBODY FOR IN THE

1 MORNING.

2 (PAUSE)

3 MR. SWERLING: YOU WANT US TO JUST DO IT IN THE
4 MORNING?

5 THE COURT: YES, SIR, I THOUGHT YOU WANTED TO TALK
6 TO HIM BEFORE WE CUT HIM LOOSE JUST TO MAKE SURE.

7 MR. SWERLING: OKAY. JUDGE, WE CAN STIPULATE TO
8 THAT TESTIMONY AND LET THE OFFICER GO.

9 THE COURT: OKAY. THANK YOU AND WE'LL RELEASE HIM
10 FROM. . .

11 MR. SWERLING: I UNDERSTAND HE CAN'T BE HERE
12 TOMORROW.

13 THE COURT: YES, SIR. WE'LL RELEASE HIM.

14 YOU'RE FREE TO COME AND GO AS YOU PLEASE, OFFICER.
15 THANK YOU, SIR.

16 ALL RIGHT. LADIES AND GENTLEMEN, WE'LL LET Y'ALL
17 TAKE A BREAK FOR THE EVENING AS WELL. Y'ALL DO NOT DISCUSS
18 THE EVIDENCE AND TESTIMONY YOU'VE HEARD OR SEEN THUS FAR.
19 BE SAFE ON THE WAY HOME. WE'LL SEE Y'ALL AT 9:30 IN THE
20 MORNING. JUST REPORT BACK TO THE SAME JURY ROOM AND WE'LL
21 BRING YOU BACK OUT THEN. THANK YOU.

22 (THE FOLLOWING TAKES PLACE OUTSIDE THE PRESENCE OF THE
23 JURY.)

24 THE COURT: THANK YOU, SIR. ALL RIGHT. COUNSEL,
25 ANYTHING ELSE WE NEED, I KNOW WE'RE GOING TO TAKE UP THIS

1 ISSUE TOMORROW THAT MR. MEADORS, YOU RAISED REGARDING THE,
2 THESE OTHER INCIDENTS AND WE'LL BRING THE JURY BACK AT 9:30.
3 WE'LL CONVENE AT NINE O'CLOCK AND I'LL TAKE UP THOSE MATTERS
4 WITH Y'ALL. WE'LL DO THAT AT NINE O'CLOCK. MR. MEADORS, I
5 THINK WE HAD A FEW BOND SETTINGS IN THE MORNING SCHEDULED AT
6 NINE O'CLOCK. WE'LL BUMP THOSE AND WE'LL DO YOU GUYS AT
7 NINE O'CLOCK.

8 MR. MEADORS: YOU SAY BUMP THOSE?

9 THE COURT: YES, SIR. AND THEN BE READY FOR THE
10 JURY AT 9:30.

11 MR. SWERLING: JUDGE, JUST SO THERE IS NO MISTAKE
12 ABOUT IN THE MORNING MY MOTION IS GOING TO BE FOR A MISTRIAL
13 ON THE GROUNDS THAT THE STATE INJECTED CHARACTER,
14 MR. HARRIS' CHARACTER, IN EVIDENCE WHEN THEY ASKED ABOUT
15 SPANKING HIM OR SMACKING HIM WHATEVER THE LANGUAGE IN FACT
16 WAS. WE CAN BE HEARD MORE FULLY TOMORROW BUT I JUST WANTED
17 BEFORE THE BREAK THAT'S THE BASIS OF MY MOTION.

18 THE COURT: YES, SIR.

19 MR. SWERLING: I DON'T THINK THAT CHARACTER WAS,
20 HIS CHARACTER FOR BEING VIOLENT WITH THESE CHILDREN OR
21 SPANKING WAS OPENED UP.

22 THE COURT: OKAY. I DON'T THINK THE WITNESS, IN
23 FACT I WAS LOOKING AT HIM, HE DIDN'T ACTUALLY EVEN ANSWER
24 BEFORE THE OBJECTION CAME OUT BUT THAT WAS THE MATTER THAT I
25 BELIEVE YOUR MOTION FOR A MISTRIAL IS AS TO AND THAT WAS THE

1 MATTER THAT MR. MEADORS WANTS TO BE ABLE TO GET FURTHER
2 INTO. SO WE'LL TAKE ALL THAT UP IN THE ARGUMENT IN THE
3 MORNING. THANK YOU.

4 MR. MEADORS: FOR THE RECORD, YOUR HONOR, THOUGH I
5 DO THINK HIS CHARACTER WAS INTERJECTED WHEN HE SAID HE TOOK
6 HIM TO CHURCH.

7 THE COURT: OKAY.

8 MR. MEADORS: AND PORTRAYING A SIDE OF HIM. THAT
9 I THINK HE WANTED TO GET MAINLY TO THE JURY THAT HE HAD A
10 GOOD CHARACTER. HE WAS A CHURCHGOING MAN AND WE THOUGHT
11 THOSE QUESTIONS WOULD BE PROPER RESPONSE TO THAT.

12 THE COURT: ALL RIGHT, SIR.

13 MR. SWERLING: WHAT I UNDERSTAND IS THE STATE'S
14 POSITION IS BECAUSE SOMEONE GOES TO CHURCH THEY'RE ALLOWED
15 TO GO IN AND SAY, BEAT UP SOMEBODY. THAT'S WHAT HE'S
16 SAYING.

17 MR. MEADORS: I'M SAYING IF YOU INTERJECTED THESE
18 HE GOES TO CHURCH I THINK THAT OPENS THE DOOR TO CHARACTER.
19 YES, SIR, I CERTAINLY DO, YES, SIR.

20 THE COURT: WE'LL TAKE IT UP IN THE MORNING,
21 COUNSEL.

22 MR. IVERY, SOMEBODY NEEDS TO BUY YOU A GOOD THICK
23 CHEESEBURGER TONIGHT. YOU TIRED? ALL RIGHT, SIR. WE'LL
24 SEE Y'ALL IN THE MORNING.

25 (THEREUPON, THE TRIAL OF THIS CASE WAS RECESSED

1 UNTIL 9:00 A.M. ON TUESDAY, NOVEMBER 8, 2005.)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

2 COUNTY OF RICHLAND

3
4 THE STATE :

5 -VS- :

TRANSCRIPT OF RECORD

2003-GS-40-5275

6 JHUNE HARRIS :

2003-GS-40-5276

7
8
9 NOVEMBER 7-10, 2005

10 COLUMBIA, SOUTH CAROLINA

11 B E F O R E :

12 HONORABLE REGINALD I. LLOYD, JUDGE.

13
14 A P P E A R A N C E S :

15 JOHN P. MEADORS, ASST. SSOLICITOR

16 ERIN S. GADDY, ASST. SOLICITOR

ATTORNEYS FOR THE STATE

17 JACK B. SWERLING, ESQ.

18 ATTORNEY FOR THE DEFENDANT

19
20
21 VIRGINIA ROLAND

CIRCUIT COURT REPORTER

22
23
24 VOLUME II OF IV

25

1 (THEREUPON, ON TUESDAY NOVEMBER 8, 2005 THE TRIAL OF
2 THIS CASE WAS CONTINUED AS FOLLOWS:)

3 THE COURT: MR. IVERY, WE SHOULD BE FINISHED WITH
4 YOUR TESTIMONY TODAY AND LOOK HERE YOU PROBABLY WON'T HAVE
5 TO TESTIFY TOMORROW. YOU THINK I CAN BORROW YOUR SUIT
6 TOMORROW?

7 ALL RIGHT. COUNSEL, WE TALKED A LITTLE BIT IN THE
8 HALLWAY ABOUT THE ISSUES FROM YESTERDAY. I UNDERSTAND,
9 MR. MEADORS, YOU AND MR. SWERLING BOTH HAVE SOME CASES Y'ALL
10 WANT TO BE ABLE TO ARGUE AND I WANTED TO GIVE Y'ALL A CHANCE
11 TO DO THAT.

12 MR. MEADORS: MAY IT PLEASE THE COURT?

13 THE COURT: YES, SIR.

14 MR. MEADORS: JUDGE, I GUESS TO ME IF CHARACTER
15 WAS INTRODUCED INTO EVIDENCE THROUGH OUR WITNESS ON CROSS,
16 THEN WE BELIEVE STATE WOULD BE ABLE TO REBUT THAT EVIDENCE
17 FOR WHAT I WAS TRYING TO DO SPECIFICALLY HAS THE DEFENDANT
18 EVER HIT YOU. THERE ARE SOME OTHER EXAMPLES I WANT TO GO TO
19 BUT BEFORE WE GET TO THAT YOUR HONOR HAD STOPPED AT THAT
20 POINT AND WAS CONTEMPLATING, PROFFERED SOME EVIDENCE. THE
21 QUESTION IS DID HE GO INTO CHARACTER. DID HE PLACE HIS
22 CHARACTER INTO ISSUE AND RESPECTFULLY, YOUR HONOR, THE STATE
23 THINKS HE DID FOR SEVERAL REASONS.

24 JUDGE, THERE IS A CASE STATE V.
25 HARRISON, 539SE2D, 71 AND IT WAS HIS HONOR, THE KING, KING

1 ANDERSON AND I WANTED TO SAY THIS WORD HE SAYS INDUBITABLY A
2 DEFENDANT MAY INTRODUCE EVIDENCE OF A GOOD CHARACTER.

3 THE COURT: MR. MEADORS, AS SOON AS YOU SAID JUDGE
4 ANDERSON, I WAS GOING TO SAY YOU'RE GOING TO HAVE TO BREAK
5 THIS DOWN FOR ME INTO SYNONYMS.

6 MR. MEADORS: I KNOW YOUR HONOR MAY KNOW WORDS OFF
7 THE BAT AND I THOUGHT I DID AND I LOOKED IT UP AND I WAS,
8 THANK GOODNESS CORRECT BUT, JUDGE, HARRISON BASICALLY SAYS
9 IT WAS A CASE WHERE THE DEFENDANT HAD NOT HAD TAKEN THE
10 STAND BUT BESIDES THAT HAD CALLED A WITNESS FROM HIS CHURCH
11 AND BASICALLY SHE HAD SAID HE GOES TO CHURCH, DOES OTHER
12 ACTIVITIES IN CHURCH. THE DEFENSE IN THAT CASE ASKED FOR A
13 CHARGE ON REPUTATION AND CHARACTER. THEY WERE DENIED.
14 JUDGE RALPH KING ANDERSON, COURT OF APPEALS SAID HE SHOULD
15 HAVE BEEN ENTITLED TO A CHARGE ON CHARACTER. SO THE CASE
16 WAS REVERSED AND REMANDED.

17 THAT'S THE CASE, THE TYPE OF CASE I WAS THINKING
18 ABOUT YESTERDAY AND I DO THINK, OBVIOUSLY I MAY BE WRONG
19 WITH THIS, BUT I THINK WHEN YOU SAY I GO TO CHURCH, YOU ARE
20 IMPLYING THAT YOU ARE OF GOOD MORAL CHARACTER AND YOU'RE A
21 GOOD PERSON AND WITH ALL DUE RESPECT I THINK THAT SOME OF
22 HIS CROSS-EXAMINING QUESTIONS, MR. SWERLING WHO IS A GREAT
23 LAWYER, WAS PUTTING IN CHARACTER. THAT'S JUST WHAT I THINK.
24 I DON'T MEAN THAT DISRESPECTFUL.

25 THE COURT: YES, SIR.

1 MR. MEADORS: AND HE'S GOOD AT IT. NOT ONLY THE
2 CHURCH QUESTION BUT WE GO THROUGH AND I WROTE DOWN THE LIST
3 OF THE OTHER QUESTIONS: TAKES YOU TO THE BEACH AND TO THE
4 FAIR, TO THE MOVIES, ACTIVITIES THAT A FAMILY GETS INVOLVED
5 IN. HE WAS LIKE A FATHER FIGURE TO YOU, TAKES YOU TO, AGAIN
6 TO CHURCH. ALL THESE QUESTIONS THAT I GUESS MY QUESTION IS,
7 AND I INITIALLY OBJECTED TO RELEVANCE, WHAT ARE THEY OFFERED
8 FOR IF THEY AREN'T OFFERED FOR CHARACTER. I THINK HE'S
9 TRYING TO SHOW THIS JURY AND PAINT A PICTURE THAT THIS IS A
10 GOOD FAMILY MAN UP UNTIL THE DAY OR WEEK THIS HAPPENED IS A
11 GOOD FAMILY MAN. HE GOES TO CHURCH. HE PUTS HIS CHARACTER
12 IN EVIDENCE.

13 I RESPECTFULLY THINK, THAT BEING SAID, IF THE
14 STATE HAS INFORMATION OF PRIOR BAD ACTS OR INSTANCES AND
15 THIS YOUNG MAN IS UP THERE ANSWERING, WELL, YES, HE DID TAKE
16 ME; YES, HE DID TAKE ME, IF WE, CHARACTER IS PLACED IN
17 EVIDENCE I THINK WE OUGHT TO BE ABLE TO SAY, WELL, YES, HE
18 TOOK YOU TO CHURCH BUT DID HE HIT YOU? YES, HE HIT ME. DID
19 HE HIT YOUR BROTHER AND SISTERS? HE HIT MY BROTHER AND
20 SISTER. SO HE'S NOT THAT FATHER FIGURE THAT I'D NECESSARILY
21 LOOK UP TO OR THE JURY MIGHT. IT PAINTS A DIFFERENT PICTURE
22 THAN WHAT MR. SWERLING PAINTED THROUGH HIS QUESTIONS AND I
23 THINK RESPECTFULLY THE STATE IS ENTITLED AFTER, IF YOUR
24 HONOR FOUND CHARACTER WAS PUT INTO EVIDENCE, TO COME BACK
25 AND SHOW, NO, THIS IS HIS CHARACTER.

1 THIS IS WHAT HE'S LIKE AND WE JUST THINK THOSE
2 QUESTIONS THAT MR. SWERLING ELICITED FROM EUGENE PUT HIS
3 CHARACTER IN THERE BECAUSE OTHER THAN THAT I DON'T KNOW WHAT
4 THEY GO TO. I DON'T KNOW WHAT ELSE HE COULD BE TRYING TO
5 SHOW. SURELY IT DOESN'T GO TO SELF-DEFENSE. DOESN'T GO TO
6 ALIBI, ANY OF THOSE QUESTIONS. I MEAN, SO THE ONLY THING
7 THEY COULD BE RELEVANT TO IS THE SHOWING THAT JHUNE HARRIS
8 IS A GOOD PERSON. ONCE THAT COMES IN I THINK THE STATE IS
9 ENTITLED TO SAY, WAIT A MINUTE, YOU PLACED IT IN HERE NOW;
10 HERE'S THE REAL JHUNE AND THAT IS JUST WHAT I WANTED TO PUT
11 ON RECORD, YOUR HONOR. THANK YOU FOR LETTING ME PROCESS
12 THAT.

13 **THE COURT:** YES, SIR. I WANTED TO GIVE YOU BOTH
14 TIME TO LOOK AT THAT WHILE I LOOKED AT IT AS WELL LAST
15 NIGHT. APPRECIATE IT, MR. MEADORS.

16 MR. SWERLING.

17 **MR. SWERLING:** JUDGE, JUST VERY BRIEFLY THE
18 INFORMATION, FIRST OF ALL, THAT I WAS ELICITING WAS TO SHOW
19 MR. HARRIS' RELATIONSHIP WITH THE FAMILY UP UNTIL
20 JULY 4TH, 2003, AND WE DON'T TRY CASES IN A VACUUM. THERE
21 IS NOTHING WRONG WITH PUTTING IN THE FACT THAT THEY DID HAVE
22 A RELATIONSHIP. THERE WAS AN ONGOING RELATIONSHIP FOR SEVEN
23 YEARS. SO IT PUTS THIS WHOLE CASE INTO CONTEXT. HE'S
24 CHARGED WITH SHOOTING ANGELA IN THIS CASE.

25 HE'S CHARGED WITH SHOOTING HER SO I THINK IF

1 YOU'RE GOING TO TRY A CASE LIKE THAT AND YOU'RE GOING TO
2 ALLOW EVIDENCE THAT HE SHOT HER AND THEY'RE TRYING TO
3 SUGGEST MALICE, THEN THERE IS NOTHING WRONG WITH PUTTING
4 THIS CASE IN THE CONTEXT OF THE FACT THAT THEY HAD THIS
5 LONG-TERM RELATIONSHIP, HIM AND HER AND THE FAMILY. THE
6 OTHER THING IS THIS: UNDER RULE 404(A) (1) THE STATE IS
7 ALLOWED OR EVEN THE DEFENSE IS ALLOWED UNDER ONE, EVIDENCE
8 OF A PERTINENT TRAIT OF CHARACTER OFFERED BY THE ACCUSED OR
9 BY THE PROSECUTION TO REBUT THE SAME. SO WHAT THAT MEANS IS
10 YOU ONLY ADPOT STATE VERSUS MAJOR WHICH IS ONE OF THE
11 LEADING CASES IN THE LYLE AREA.

12 WHAT IT MEANS IS IN ORDER FOR YOU TO REBUT
13 EVIDENCE OF CHARACTER IT HAS TO GO TO THAT PARTICULAR TRAIT.
14 FOR EXAMPLE, IF I HAD OFFERED EVIDENCE OF REPUTATION, OF HIS
15 REPUTATION FOR PEACE AND TRANQUILITY THAT HE WAS NOT A
16 VIOLENT PERSON, THEN THE STATE WOULD CERTAINLY HAVE THE
17 RIGHT TO COME IN AND REBUT THAT CHARACTER TRAIT BUT SIMPLY
18 SAYING THAT A PERSON TAKES PEOPLE TO A BALL GAME, TOOK THEM
19 TO THE BEACH, TOOK THEM ON TRIPS, TOOK THEM TO CHURCH DOES
20 NOT PUT THAT CHARACTER TRAIT IN EVIDENCE THAT HE WAS A
21 VIOLENT PERSON OR AN ABUSIVE PERSON, AND I CERTAINLY WOULD
22 NOT GO WALK THAT LINE AND TRY AND GET IN EVIDENCE THAT HE
23 DID NOT DO THOSE KINDS OF THINGS OR HIS REPUTATION WAS NOT
24 TO DO THOSE TYPE OF THINGS.

25 THIS WAS MERELY SETTING THE FAMILY BACKGROUND AND

1 HOW THIS ALL WENT ABOUT AND I THINK UNDER STATE VERSUS
2 MAJORS IT IS CLEARLY NOT ADMISSIBLE BECAUSE WE DID NOT OFFER
3 THAT CHARACTER TRAIT WHICH IS A MAIN CHARACTER TRAIT IN THE
4 INDICTMENT WHEN YOU'RE TALKING ABOUT MURDER OR A.B.I.K.
5 CERTAINLY THE CHARACTER TRAIT IS WHETHER OR NOT YOU'RE A
6 VIOLENT AND TURBULENT PERSON AND OFTENTIMES AS YOU KNOW IN
7 MURDER CASES, HOMICIDE CASES THE DEFENSE DOES PUT THAT
8 EVIDENCE UP THAT HE WOULD NOT HAVE COMMITTED THIS MURDER.

9 HE ACTED IN SELF-DEFENSE OR SOME OTHER THEORY AND
10 THEY PUT UP EVIDENCE OF HIS GOOD CHARACTER FOR PEACEFULNESS
11 AND TRANQUILITY, THE CHARACTER TRAIT IN THE INDICTMENT.
12 THAT'S NOT WHAT WE DID YESTERDAY. WE NEVER OFFERED HIS
13 REPUTATION FOR BEING A PEACEFUL AND TRANQUIL PERSON. SO
14 UNDER STATE VERSUS MAJORS I THINK IT WOULD BE INADMISSIBLE
15 AND ANY FURTHER TESTIMONY ABOUT IT AS WELL.

16 THE COURT: THANK YOU, SIR.

17 MR. MEADORS: JUDGE, JUST IN CONCLUSION.

18 THE OCURT: YES, SIR.

19 MR. MEADORS: RESPECTFULLY, IF IT PLEASE THE
20 COURT, I DON'T THINK YOU HAVE TO USE THE WORDS OR SAY ARE
21 YOU FAMILIAR WITH HIS REPUTATION. WE BELIEVE AND
22 RESPECTFULLY ARGUING THAT THE ANSWERS ELICITED DID GO TO
23 SHOW HE WAS PEACEFUL. HE TOOK US TO CIRCUS. WE WENT TO
24 CHURCH. WE THINK THAT IMPLIES THAT THE MAN WAS PEACEFUL.
25 HE WAS A LAW-ABIDING PERSON. HE WASN'T A VIOLENT PERSON AND

1 THAT'S WHAT CLEARLY I THINK TO ME THE CHURCH, THE CHURCH
2 WENT TO.

3 ALONG WITH THE OTHER FACT OF SHOWING HE'S A FATHER
4 FIGURE. WELL, HE'S NOT. HE WAS IN THIS RELATIONSHIP AND
5 THE EVIDENCE WITH THEM HE'S NOT A FATHER FIGURE EXACTLY.
6 HE'S THE EXACT OPPOSITE IN MY MIND WHAT A FATHER FIGURE WAS
7 AND I WANT THE JURY TO HEAR THE OTHER SIDES OF THAT FATHER
8 FIGURE. THAT'S ALL. THANK YOUR HONOR, AND, JUDGE, I GUESS
9 THE ONLY THING WE'VE GOT THREE OTHER KIDS THAT ARE GOING TO
10 FIX TO COME UP AND I PROMISED THE COURT THAT ANYTHING I
11 THINK OPENS THAT DOOR I CERTAINLY WOULD APPROACH THE
12 BENCH --

13 THE COURT: YES, SIR.

14 MR. MEADORS: -- BEFORE I DID IT. I PROMISED THE
15 COURT THAT AND MR. SWERLING BUT I JUST WOULD BE LOOKING FOR
16 THIS ISSUE ON EVERY WITNESS AS I KNOW EVERYBODY WOULD BUT
17 THAT'S ALL.

18 THE COURT: YES, SIR. I DON'T HAVE ANY DOUBT
19 ABOUT THAT KIND OF AN ISSUE FOR EITHER ONE OF YOU ALL. I'VE
20 INDICATED, JUST MY THOUGHTS FROM LOOKING AT THIS LAST NIGHT
21 AS WELL, I DIDN'T THINK CHARACTER WAS PUT IN. I KNOW THIS
22 IS A UNIQUE CASE BECAUSE AS I UNDERSTAND I BELIEVE THIS IS
23 AN L.W.O.P. AND SO EVEN A LESSER INCLUDED WOULD POTENTIALLY
24 SUBJECT THE DEFENDANT TO LIFE WITHOUT POSSIBILITY OF PAROLE.
25 IF THIS WERE NOT AN L.W.O.P. CASE I THINK THAT THERE IS

1 STILL AN ISSUE TO BE MADE OUT AS TO A LESSER INCLUDED.

2 WE MAY END UP CHARGING THAT ANYWAY AND I THINK IT
3 POTENTIALLY GOES TO THAT ISSUE OF ANY LESSER INCLUDED AS TO
4 WHETHER OR NOT THE RELATIONSHIP HAD ENDED, WHETHER OR NOT
5 THE, NOW, I KNOW THAT THERE IS AT LEAST THE DEFENSE RAISED
6 IN THE OPENING STATEMENTS ABOUT SELF-DEFENSE TO THE EXTENT
7 THAT ANY OF THAT IS PUT IN SUFFICIENT TO CHARGE
8 SELF-DEFENSE. IT MAY GO TO LEGAL PROVOCATION FOR A LESSER
9 INCLUDED ON VOLUNTARY MANSLAUGHTER.

10 IF THAT GOES INTO EVIDENCE SUFFICIENT FOR LEGAL
11 PROVOCATION I THINK THAT THIS ISSUE OF WHETHER OR NOT THE
12 RELATIONSHIP HAD TRULY ENDED AT LEAST IN THE DEFENDANT'S
13 MIND AND AT THE POINT OF JULY 6TH WHICH WAS TWO DAYS, AS I
14 UNDERSTAND IT, LATER THAN THEY WERE STILL DOING STUFF AS A
15 QUOTE, UNQUOTE FAMILY UNIT, THAT HE WAS STILL POTENTIALLY
16 SEEING MS. GILMORE THAT WEEK PRIOR TO THAT THAT THEY WERE
17 ENGAGED IN ACTIVITIES WITH THE FAMILY.

18 THAT MAY GO TO THE ELEMENTS OF VOLUNTARY
19 MANSLAUGHTER WHICH I THINK MAY POTENTIALLY HAVE TO BE
20 CHARGED IN THIS CASE TO THE JURY AND IF THAT'S THE CASE I
21 THINK IT GOES TO THOSE ISSUES, THAT LINE OF
22 CROSS-EXAMINATION WOULD GO TO THOSE ISSUES AND I WOULD NOT
23 CHARGE AT THIS POINT CHARACTER EVIDENCE TO THE JURY BUT I DO
24 THINK THERE IS A POTENTIAL AND I KNOW WE'VE GOT A LONG WAY
25 TO GO AND WE'LL TALK ABOUT THE CHARGES BUT I THINK THERE IS

1 A POTENTIAL AT LEAST FROM WHAT I'VE HEARD THUS FAR TO HAVE
2 TO CHARGE MURDER AND POTENTIALLY VOLUNTARY.

3 YES, SIR.

4 MR. MEADORS: JUDGE, ONE FINAL THING, PLEASE,
5 JUST TO PROFFER WHEN I CALL A WITNESS IN ADDITION TO THE
6 EVIDENCE WE PUT IN AN ACT OF VIOLENCE AGAINST THE CHILDREN
7 AND THE MOTHER. I MAY HAVE MENTIONED IT BEFORE. THERE WAS
8 ANOTHER INCIDENT IN NOVEMBER OF 2002 WHERE ANOTHER
9 INDIVIDUAL MR. MATTHEWS WAS AT THE HOME OF MS. GILMORE. THE
10 DEFENDANT CAME OVER AND AGAIN ATTACKING WHAT I THOUGHT
11 PEACEFULNESS CAME OUT AND I CERTAINLY UNDERSTAND YOUR
12 HONOR'S RULING. I DON'T MEAN THAT BUT JUST EXPLAIN MY
13 ARGUMENT.

14 THE COURT: THAT'S FINE.

15 MR. MEADORS: I WAS GOING TO ELICIT IF ALLOWED
16 FROM EUGENE THAT AT THAT TIME THE DEFENDANT ACTUALLY HAD HIM
17 HIDE A GUN THAT HE HAD POINTED AT THAT INDIVIDUAL BUT AGAIN
18 THAT WOULD HAVE GONE AGAINST THE PEACEFULNESS AND THE FATHER
19 FIGURE AND THE CHURCH-LIKE ACTIVITIES BUT I JUST WANTED TO
20 PROFFER THAT FOR THE RECORD, YOUR HONOR. YOUR HONOR, I WAS
21 JUST THINKING THAT SOMETIMES THAT THE, WHEN THEY'RE UP ON
22 THE STAND IF THIS WAS OPENED UP LATER WE BROUGHT EUGENE
23 BACK, THE STATE JUST FELT IT WAS OPENED UP THEN. THAT'S
24 WHEN IT SHOULD HAVE BEEN ADDRESSED AND THAT'S WHY WE DID IT
25 THEN. THAT'S ALL I HAVE TO SAY. THANK YOU.

1 THE COURT: YES, SIR. AND CERTAINLY THE DOOR
2 COULD STILL BE OPEN TO SOME OF THOSE ISSUES DEPENDING ON
3 WHAT THE CASE SHOWS US AS WE GO THROUGH BUT AT THIS POINT I
4 DON'T NECESSARILY SEE IT AS CHARACTER EVIDENCE VERSUS
5 POTENTIAL THAT WE MAY HAVE TO CHARGE A LESSER INCLUDED OF
6 VOLUNTARY.

7 MR. MEADORS: I DO UNDERSTAND. THANK YOU.

8 THE COURT: AND I'M NOT TELLING Y'ALL THAT'S WHAT
9 I'M GOING TO DO BUT WE'LL HAVE ARGUMENTS ON THAT BUT I JUST
10 SORT OF VIEW THAT LINE OF QUESTIONING AS POTENTIALLY GOING
11 TO THAT AND I KNOW THIS IS AN L.W.O.P. NOTICE CASE BUT IF IT
12 WEREN'T I THINK THAT THAT WOULD STILL BE SOMETHING ON THE
13 TABLE FOR THE JURY.

14 MR. MEADORS: I WANT TO THANK MR. BRYAN ON THE
15 RECORD, TOO. YOUR HONOR, AS FAR AS SEQUESTRATION DID YOU
16 WANT EUGENE?

17 MR. SWERLING: NO. HE'S TESTIFIED.

18 THE COURT: OKAY. MR. IVERY, YOU, ONE OF THE
19 OTHER KIDS ARE GOING TO BE NEXT; IS THAT RIGHT?

20 MR. MEADORS: SORRY, SIR.

21 THE COURT: ONE OF THE OTHER BOYS ARE GOING TO BE
22 NEXT; IS THAT RIGHT?

23 MR. MEADORS: ACTUALLY ASHLEY IS.

24 THE COURT: OH, OKAY. SHE IS. I'M SORRY. ALL
25 RIGHT. YOUNG MAN, WE'LL BRING YOU BACK IN SOON, OKAY.

1 YES, SIR.

2 MR. SWERLING: JUDGE, IF I COULD JUST, OF COURSE I
3 NOTED ON THE RECORD YESTERDAY THAT I THOUGHT THAT THE
4 QUESTION THAT WAS ASKED DEPENDING ON OBVIOUSLY WHAT YOUR
5 RULING WAS THE QUESTION WAS ASKED BY THE SOLICITOR.

6 THE COURT: YES, SIR.

7 MR. SWERLING: ABOUT THE ABUSE BY MR. HARRIS
8 AGAINST THE WITNESS REQUIRES ME TO GO AHEAD AND MOVE FOR A
9 MISTRIAL BECAUSE THE SUGGESTION OF THAT, NO MATTER WHAT YOUR
10 HONOR RULES AT THIS POINT OR WHAT YOUR HONOR'S LOOMING
11 INSTRUCTION IS TO THE JURY DID NOT CONSIDER STILL INTERJECTS
12 THAT INTO THE TRIAL AND THE JURY IS GOING TO BE THINKING
13 THAT THIS INDIVIDUAL WAS AN ABUSIVE INDIVIDUAL WITH RESPECT
14 TO THESE CHILDREN. SO I'M COMPELLED TO MOVE FOR A MISTRIAL
15 BECAUSE I OBJECT TO THIS CHARACTER EVIDENCE.

16 THE COURT: YES, SIR.

17 MR. SWERLING: I GUESS I'D LIKE TO KNOW WHETHER OR
18 NOT YOU HAD SAID SOMETHING YESTERDAY. YOU DIDN'T KNOW IF HE
19 HAD ACTUALLY ANSWERED BUT I WAS WONDERING IF THE COURT
20 REPORTER COULD DETERMINE THAT.

21 THE COURT: I WILL FIND OUT. I DON'T KNOW IF SHE
22 CAN GO BACK AT THIS POINT AND LOOK AT WHAT HE ACTUALLY SAID.
23 IF SHE PUT DOWN, I WAS LOOKING AT MR. IVERY YESTERDAY AND AS
24 SOON AS THE QUESTION WAS ASKED THERE WAS AN OBJECTION AND I,
25 AS I WAS LOOKING AT HIM I DON'T BELIEVE HE EVEN RESPONDED BY

1 NODDING HIS HEAD ONE WAY OR THE OTHER. I DON'T BELIEVE
2 THERE WAS A VERBAL RESPONSE BUT I DIDN'T EVEN SEE A PHYSICAL
3 RESPONSE TO THE QUESTION.

4 MADAM COURT REPORTER.

5 THE COURT REPORTER: ARE YOU TALKING ABOUT WHEN
6 THE OBJECTION CAME UP?

7 THE COURT: YES, MA'AM.

8 THE COURT REPORTER: WE LOOKED AT THAT THIS
9 MORNING AND SHE ASKED ABOUT A NUMBER OF THINGS UP TO THE
10 OBJECTION.

11 MS. GADDY: I DIDN'T DISCUSS THAT QUESTION. I
12 DON'T KNOW WHETHER HE GAVE AN ANSWER OR NOT.

13 THE COURT REPORTER: OH, HE DID NOT GIVE AN
14 ANSWER.

15 THE COURT: OKAY. YOU DON'T HAVE DOWN AN ANSWER.
16 OKAY. I DIDN'T THINK HE GAVE AN ANSWER EITHER VERBALLY OR
17 PHYSICALLY AT THE TIME THE OBJECTION WAS RAISED.

18 MS. GADDY: YOUR HONOR, I WOULD JUST STATE
19 SPECIFICALLY UNDER THE CASE OF STATE V. ROBINSON AND STATE
20 V. TORRENCE HERE IN SOUTH CAROLINA THE TEST SPECIFICALLY
21 RULED TO BE INSUFFICIENT FOR A MISTRIAL IS TESTIMONY
22 CREATING AN INFERENCE THAT THE DEFENDANT HAD COMMITTED
23 ANOTHER CRIME, WHERE THE STATE DIDN'T TRY TO PROVE THAT HE
24 HAD BEEN CONVICTED OF SOME OTHER CRIME. SO EVEN IF WE
25 ASSUME THAT EUGENE ANSWERED YES, EVEN IF THAT TESTIMONY WERE

1 IN FACT ELICITED THAT IT'S SPECIFICALLY BEEN RULED
2 INSUFFICIENT FOR A MISTRIAL AND I HAVE THOSE CASES IF YOU
3 WANT THEM, YOUR HONOR.

4 THE COURT: I DON'T FIND THAT, AND RESPECTFULLY
5 BOTH SIDES, I DON'T FIND THAT THE QUESTION SUGGESTED A PRIOR
6 BAD ACT AS MUCH AS ARGUABLY BY THE JURY COULD HAVE BEEN EVEN
7 TAKEN AS A SPANKING AND I'LL BE SURE TO INSTRUCT THE JURY IF
8 Y'ALL WOULD LIKE THAT THEY'RE TO DISREGARD THAT QUESTION.
9 SOMETIMES I DON'T WANT TO BRING MORE ATTENTION TO IT AND
10 WHEN WE JUST MOVED ON I'M SURE THEY'VE FORGOTTEN ABOUT IT
11 BUT I'LL BE GLAD TO GIVE A LIMITING INSTRUCTION IF ONE IS
12 REQUESTED. UNDERSTAND YOUR POSITION, MR. SWERLING, WOULD BE
13 NO LIMITING INSTRUCTION.

14 MR. SWERLING: RIGHT.

15 THE COURT: CORRECT.

16 MR. MEADORS: NOTHING ELSE FROM THE STATE. THANK
17 YOU, SIR.

18 THE COURT: OKAY. THANK YOU, COUNSEL.

19 MR. SWERLING: JUDGE, I GUESS I WOULD ASK YOU TO
20 TELL THAT JURY TO DISREGARD IT BUT I'D STILL PRESERVE MY
21 MOTION AS WELL.

22 THE COURT: YES, SIR, AND THEN I'LL JUST TAKE IT
23 AS THE DEFENSE'S POSITION IS, IS THAT THE LIMITING
24 INSTRUCTION TO THE JURY IS INSUFFICIENT.

25 MR. MEADORS: THANK YOU, SIR.

1 THE COURT: OKAY. THANK YOU, COUNSEL. ALL RIGHT.
2 BOTH SIDES READY FOR THE JURY?

3 MR. SWERLING: YES, SIR.

4 MR. MEADORS: YES.

5 THE COURT: BRING THEM OUT.

6 (THE FOLLOWING TAKES PLACE WITHIN THE PRESENCE OF THE
7 JURY.)

8 THE COURT: THANK YOU, LADIES AND GENTLEMEN,
9 APPRECIATE YOUR PATIENCE; SORRY ABOUT THE DELAY IN BRINGING
10 YOU OUT. IT'S MY FAULT, NOT ANYBODY ELSE'S BUT I APPRECIATE
11 YOUR PATIENCE THIS MORNING. I AM CURIOUS TO KNOW DID Y'ALL
12 LADIES RELEGATE THE MEN TO THE BACK ROWS? IS THAT ON
13 PURPOSE? COME ON GUYS WE GOT TO REPRESENT. LADIES AND
14 GENTLEMEN, WE HEARD YESTERDAY THE FIRST WITNESS BY THE
15 STATE. WE'RE GOING TO CONTINUE WITH THE TRIAL THIS MORNING.
16 I WILL INSTRUCT YOU YESTERDAY, LADIES AND GENTLEMEN, BEFORE
17 WE DID BREAK THERE WAS A QUESTION ASKED BY MR. SWERLING.

18 AN OBJECTION WAS RAISED AS TO ANY HITTING OR
19 SPANKING OF THE YOUNG MAN THAT WAS ON THE WITNESS STAND OR
20 THE OTHER CHILDREN. THERE WAS AN OBJECTION RAISED. I
21 SUSTAINED THE OBJECTION AND I ASK THAT YOU DISREGARD THE
22 QUESTION THAT WAS RAISED BY MR. MEADORS, I'M SORRY NOT
23 MR. SWERLING. I ASK THAT YOU DISREGARD THAT QUESTION AND,
24 LADIES AND GENTLEMEN, I'LL JUST TELL YOU AS WELL AT THE END
25 WHEN I CHARGE YOU ON THE LAW AND I NORMALLY TELL JURIES AND

1 I THINK I FORGOT TO TELL YOU ALL, LADIES AND GENTLEMEN, THE
2 ONLY EVIDENCE THAT YOU ALL ACTUALLY CONSIDER AS JURORS WHEN
3 YOU'RE BACK THERE DELIBERATING IS TESTIMONY FROM THE WITNESS
4 ON THE WITNESS STAND AND EXHIBITS THAT ARE ALLOWED IN.

5 YESTERDAY YOU SAW COUNSEL ON BOTH SIDES GO THROUGH
6 IN A VERY EXPEDITED AND EFFICIENT MANNER INTRODUCE A NUMBER
7 OF EXHIBITS. THOSE ARE IN EVIDENCE. YOU'LL HAVE THOSE BACK
8 IN THE JURY ROOM WITH YOU WHEN YOU DELIBERATE ON THIS CASE
9 BUT THE ONLY OTHER EVIDENCE THAT YOU CONSIDER IN ADDITION TO
10 THOSE PHYSICAL EXHIBITS IS THE TESTIMONY FROM THE WITNESS.
11 QUESTIONS FROM COUNSEL TO THE WITNESS, LADIES AND GENTLEMEN,
12 IS ACTUALLY NOT EVIDENCE. JUST LIKE THE OPENING STATEMENTS
13 AND CLOSING ARGUMENTS ARE NOT EVIDENCE, THE QUESTIONS FROM A
14 LAWYER TO A WITNESS IS NOT EVIDENCE. YOU ACTUALLY
15 DELIBERATE ONLY ON THE TESTIMONY FROM THE WITNESS ON THE
16 WITNESS STAND. I'LL ASK THAT YOU DISREGARD THAT QUESTION
17 AND WE'RE PREPARED TO MOVE FORWARD.

18 MS. GADDY, STATE READY TO CALL YOUR NEXT WITNESS?

19 MS. GADDY: STATE WOULD CALL ASHLEY GILMORE.

20 ASHLEY GILMORE, BEING FIRST DULY
21 SWORN, TESTIFIED AS FOLLOWS:

22 DIRECT EXAMINATION BY MS. GADDY:

23 Q ASHLEY, WOULD YOU PLEASE STATE YOUR FULL NAME FOR THE
24 COURT REPORTER?

25 A MY NAME'S ASHLEY DALE GILMORE.

1 Q COULD YOU SPELL YOUR NAME?

2 THE COURT: NOW, MS. GILMORE, JUST PULL UP CLOSE
3 TO THAT MICROPHONE, OKAY AND SPEAK UP A LITTLE BIT. Y'ALL
4 ARE VERY SOFT-SPOKEN AND MY WIFE'S A SCHOOL PRINCIPAL AND
5 USED TO BE A TEACHER SO Y'ALL TALK LIKE Y'ALL IN THE
6 CAFETERIA INSTEAD OF IN THE CLASSROOM.

7 Q PLEASE SPELL YOUR MIDDLE NAME FOR THE COURT REPORTER,
8 PLEASE?

9 A C-A CAPITAL N-E-A-L.

10 Q ASHLEY, HOW OLD ARE YOU TODAY?

11 A I'M 17 YEARS OLD.

12 Q AND WHERE DO YOU GO TO SCHOOL?

13 A I ATTEND C. A. JOHNSON PREPATORY ACADEMY.

14 Q AND WHAT GRADE ARE YOU IN THIS YEAR?

15 A I'M IN THE 12TH GRADE.

16 Q DO PRETTY WELL?

17 A YES.

18 Q WHO DO YOU LIVE WITH?

19 A I LIVE WITH MY MOTHER AND MY THREE YOUNGER BROTHERS.

20 Q AND ABOUT HOW LONG HAVE YOU LIVED ON DUKE AVENUE?

21 A I LIVED THERE AS A CHILD WHEN MY GRANDMA WAS STAYING
22 THERE BUT SINCE WE MOVED I'VE LIVED THERE FOR LIKE TWO OR
23 THREE YEARS.

24 Q TAKING YOUR ATTENTION TO JULY 6TH, 2003 DID SOMETHING
25 UNUSUAL HAPPEN THAT DAY?

1 A YES, IT DID.

2 Q HOW'D THAT DAY START OUT?

3 A IT STARTED AS A REGULAR DAY AT FIRST.

4 Q DO YOU REMEMBER WHAT DAY OF THE WEEK IT WAS?

5 A ON A SUNDAY.

6 Q AND WHAT WERE YOU DOING THAT MORNING?

7 A WE WERE CLEANING UP GETTING READY FOR OUR FAMILY
8 REUNION.

9 Q WAS THERE ANYTHING UNUSUAL ABOUT THAT?

10 A NO.

11 Q KEEP A PRETTY CLEAN HOUSE AT YOUR HOUSE?

12 A WE TRY.

13 Q WHO WAS THERE AT THE HOUSE WITH YOU THAT DAY?

14 A MY MOTHER, MY THREE BROTHERS, AND LEOPOLD PIERRE.

15 Q AND ABOUT HOW LONG HAD YOU BEEN KNOWING LEOPOLD?

16 A A COUPLE OF MONTHS.

17 Q WERE YOU COMFORTABLE AROUND HIM?

18 A YES, MA'AM.

19 Q WHAT WAS HE DOING AT THE HOUSE?

20 A HE WAS IN MY BROTHERS' ROOM HELPING THEM CLEAN UP AND
21 FIX THEIR BEDS.

22 Q WHAT WAS WRONG WITH THE BED?

23 A IT HAD BROKE LIKE THE, SOMETHING UNDER IT HAD BROKE.
24 I'M NOT SURE.

25 Q WHAT WERE YOU DOING?

1 A I WAS IN MY ROOM.

2 Q YOU'RE A TEENAGER. WERE YOU ON THE PHONE?

3 A MORE THAN LIKELY.

4 Q WHERE IS YOUR ROOM IN RELATION TO THE BOYS' ROOM?

5 A IT IS RIGHT ACROSS.

6 Q WERE YOU PAYING ATTENTION TO WHAT THEY WERE DOING?

7 A NOT REALLY.

8 Q WERE YOU PAYING ATTENTION TO WHAT WAS GOING ON

9 DOWNSTAIRS?

10 A SOMEWHAT.

11 Q WHAT'S THE FIRST THING YOU REMEMBER PAYING ATTENTION TO

12 THAT HAPPENED DOWNSTAIRS?

13 A I KNOW MY MOTHER WAS COOKING THAT'S ALL.

14 Q DID YOU HAVE VISITOR THAT DAY?

15 A YES.

16 Q WHAT'S THE FIRST THING YOU REMEMBER HAPPENING WITH THE

17 VISITOR?

18 A I KNOW HE PULLED UP AND I LOOKED OUT OF MY WINDOW

19 BECAUSE I COULD HEAR IT. SO I LOOKED OUT MY WINDOW AND I

20 SAW THE WHITE CAR AND HE KNOCKED TO THE DOOR.

21 Q WHO WAS HE?

22 A JHUNE HARRIS.

23 Q AND HOW DID YOU KNOW JHUNE?

24 A HE USED TO BE MY MOTHER'S BOYFRIEND.

25 Q WAS HE YOUR MOTHER'S BOYFRIEND AT THE TIME?

1 A NO.

2 Q DID I UNDERSTAND YOU TO SAY YOU HEARD THE CAR PULL UP
3 OUTSIDE?

4 A YES.

5 Q AND YOU SAW MR. HARRIS COME TO THE DOOR AND KNOCK?

6 A YES, MA'AM.

7 Q COULD YOU HEAR WHAT HE WAS SAYING?

8 A YES.

9 Q HOW COULD YOU HEAR HIM?

10 A I THINK I CAME DOWN THE STAIRS TO LISTEN.

11 Q AND WHAT DID YOU HEAR?

12 A HE KNOCKED TO THE DOOR. MY MOTHER WAS LIKE I GOT
13 COMPANY AND HE SAY I JUST WANT TO BRING THE KIDS A
14 WATERMELON.

15 Q WHAT DID HE DO NEXT?

16 A HE WENT BACK TO HIS CAR AND CAME BACK, NO WATERMELON.

17 Q AND COULD YOU SEE THAT FROM WHERE YOU WERE WATCHING?

18 THE COURT: MS. GILMORE, MAY I ASK IF YOU CAN
19 SPEAK UP A LITTLE BIT? OKAY. THANK YOU.

20 MS. GADDY: YOUR HONOR, MAY I ASK MY NEXT
21 QUESTION?

22 THE COURT: YES, MA'AM.

23 BY MS. GADDY:

24 Q COULD YOU SEE WHETHER OR NOT JHUNE HAD A WATERMELON IN
25 HIS HANDS FROM WHERE YOU WATCHING?

1 A NO, NOT REALLY.

2 Q WHAT WAS THE NEXT THING THAT YOU REMEMBER HAPPENING?

3 A HE CAME IN THE ROOM. MY MOM WENT TO OPEN THE DOOR; HE
4 CAME IN AND HE STARTED TALKING TO HER IN THE KITCHEN.

5 Q AND WHERE WERE YOU AT THIS TIME?

6 A I WAS UPSTAIRS BUT I WAS ON LIKE THE STEPS WHERE I
7 COULD STILL KIND OF SEE AND HEAR.

8 Q I DON'T MEAN TO EMBARRASS YOU IN ANY WAY, ASHLEY, BUT
9 WERE YOU KIND OF SNEAKING?

10 A YES.

11 Q OKAY. TELL US A LITTLE BIT ABOUT THAT?

12 A HE WAS IN THE KITCHEN AND HE WAS IN THERE. HE WAS
13 TALKING AND SHE WAS TELLING HIM THAT MR. PIERRE WAS UPSTAIRS
14 BUT HE WANTED TO TALK TO HIM AND HE WAS TELLING HER TO GO
15 GET HIM BUT SHE DIDN'T.

16 Q SO MR. HARRIS WAS ASKING YOUR MAMA TO GET MR. PIERRE
17 DOWNSTAIRS?

18 A UH-HUH.

19 Q WHAT WAS THE NEXT THING THAT HAPPENED?

20 A MR. HARRIS HE WALKED UPSTAIRS AND LOOKED AND HE SAW
21 MR. PIERRE. HE ASKED MR. PIERRE TO COME OUTSIDE AND TALK TO
22 HIM.

23 Q WHAT DID YOU DO WHEN MR. HARRIS CAME UPSTAIRS?

24 A NOTHING.

25 Q DID YOU STAY STAYING ON THE STAIRS?

1 A NO. I WENT BACK IN MY ROOM.

2 Q DID YOU KEEP LISTENING TO WHAT WAS GOING ON?

3 A YES.

4 Q WHAT DID MR. PIERRE SAY WHEN MR. HARRIS SAID COME
5 DOWNSTAIRS?

6 A HE DIDN'T SAY ANYTHING.

7 Q WHAT WAS THE NEXT THING THAT HAPPENED?

8 A MR. HARRIS WENT BACK DOWN THE STAIRS AND HE KEPT TRYING
9 TO GET MR. PIERRE TO COME DOWNSTAIRS BUT MR. PIERRE CAME
10 DOWNSTAIRS LIKE THE FIRST TIME TO GET THE BROOM ARND HE
11 KEPT, MR. HARRIS KEPT ASKING HIM TO COME OUTSIDE AND HE WAS
12 LIKE, NO, I DON'T HAVE TIME FOR THAT.

13 Q WHAT DID YOU TAKE THAT TO MEAN?

14 A THAT HE DIDN'T WANT ANY TROUBLE. HE DIDN'T WANT
15 ANYTHING TO HAPPEN.

16 MR. SWERLING: OBJECTION, YOUR HONOR, TO HER
17 INTERPRETATION OF THAT.

18 THE COURT: I'LL SUSTAIN THAT.

19 BY MS. GADDY:

20 Q WHEN MR. PIERRE CAME DOWNSTAIRS DID HE HAVE A GUN?

21 A NO.

22 Q DID HE HAVE A KNIFE?

23 A NO, HE DIDN'T.

24 Q DID HE HAVE ANY WEAPON AT ALL?

25 A NO.

1 Q WHAT DID MR. PIERRE DO WHILE HE WAS DOWNSTAIRS?

2 A HE CAME TO GET THE BROOM OR EITHER HE PUT THE BROOM
3 BACK. I THINK HE CAME TO GET THE BROOM.

4 Q AND WHAT DID HE DO AFTER HE EITHER PUT THE BROOM BACK
5 OR GOT THE BROOM EITHER WAY?

6 A OH, HE WENT BACK UPSTAIRS.

7 Q DID HE TOUCH MR. HARRIS AT ALL?

8 A NO, HE DIDN'T.

9 Q DID HE THREATEN MR. HARRIS AT ALL?

10 A NO.

11 Q WELL, WHAT HAPPENED NEXT?

12 A MR. PIERRE WENT BACK UPSTAIRS AND CONTINUE TO WHAT HE
13 WAS DOING.

14 Q WHAT WAS HE DOING?

15 A HE WAS STILL HELPING MY BROTHERS CLEAN UP UNDER THEIR
16 BEDS, SWEEPING THE FLOOR AND STUFF.

17 Q SO WAS HE HELPING OUT FOR THE FAMILY REUNION, TOO?

18 A YES, MA'AM.

19 Q WHAT'S THE NEXT THING YOU REMEMBER?

20 A HE CALLED, MR. HARRIS CALLED LEOPOLD DOWN AGAIN AND HE
21 KEPT ON CALLING HIM SO FINALLY MR. PIERRE HE STARTED GOING
22 DOWNSTAIRS AND I THOUGHT THEY WERE GOING TO GO OUTSIDE OR
23 SOMETHING. HE GOT TO THE STEPS, THE LAST, THE SECOND TO THE
24 LAST STEP AND THAT'S WHEN MR. HARRIS SHOT HIM.

25 Q DID, WHO DID MR. HARRIS SHOOT?

1 A HE SHOT LEOPOLD PIERRE.

2 Q HOW MANY TIMES DID HE SHOOT HIM?

3 A HE SHOT HIM TWICE.

4 Q DID YOU SEE WHERE?

5 A YES. IN THE HEAD AND IN THE LEG.

6 Q WHAT WAS MR. PIERRE DOING WHEN MR. HARRIS SHOT HIM?

7 A HE WAS WALKING DOWN THE STEPS. HE DIDN'T EVEN GET TO
8 THE LAST STEP.

9 Q WERE HIS HANDS BALLED UP?

10 A NO.

11 Q DID HE HAVE A GUN IN HIS HAND?

12 A NO, HE DIDN'T.

13 Q DID HE HAVE A KNIFE IN HIS HAND?

14 A NO.

15 Q WHAT WAS MR. PIERRE SAYING?

16 A HE WASN'T SAYING ANYTHING.

17 Q WHERE WERE YOU WHEN LEOPOLD GOT SHOT?

18 A I WAS WALKING DOWN THE STEPS BEHIND HIM.

19 Q COULD YOU SEE WHERE MR. HARRIS WAS STANDING?

20 A YES.

21 Q WHERE WAS HE STANDING?

22 A HE WAS STANDING DIAGINOL LIKE ALMOST IN THE KITCHEN BUT
23 IN THE DEN.

24 MS. GADDY: OKAY. BEG THE COURT'S INDULGENCE.

25 THE COURT: YES, MA'AM.

1 BY MS. GADDY:

2 Q ASHLEY, I'M GOING TO ASK YOU TO LOOK AT THESE PICTURES
3 AND PICK WITHOUT TELLING US, DON'T SHOW THEM TO THE JURY YET
4 BUT TELL US WHICH ONE BEST REPRESENTS WHERE MR. HARRIS WAS
5 STANDING OR DO YOU NEED ANOTHER PICTURE?

6 A YES, MA'AM.

7 Q ALL RIGHT. FOR THE RECORD STATE'S EXHIBIT NO. 11?

8 THE COURT: THANK YOU, MA'AM.

9 BY MS. GADDY:

10 Q AND, ASHLEY, IF YOU WOULD FOR THE JURY POINT IN THIS
11 PICTURE AND TELL US WHERE MR. HARRIS WAS STANDING?

12 A RIGHT HERE. (INDICATING)

13 Q IS THAT SORT OF BETWEEN THE KITCHEN AND THE LIVING ROOM
14 AREA?

15 A YES, MA'AM.

16 Q OKAY. SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
17 EXHIBIT NO. 20, IS THAT THE SAME COUNTER THAT'S IN STATE'S
18 EXHIBIT NO. 11?

19 A YES.

20 Q IT JUST LOOKS KIND OF DIFFERENT BECAUSE OF THE PICTURE?

21 A UH-HUH.

22 Q OKAY. CAN YOU SHOW US WHERE MR. PIERRE WAS STANDING?

23 A THAT STEP. (INDICATING.)

24 Q WHEN MR. PIERRE WAS COMING DOWN THE STAIRS, WAS HE
25 THREATENING MR. HARRIS?

1 A NO, HE WAS NOT.

2 Q WHO WAS WITH MR. PIERRE WHEN HE WAS COMING DOWN THE
3 STAIRS?

4 A HE WAS BY HIMSELF BUT ALL OF THE KIDS WE WERE BEHIND
5 HIM.

6 Q OKAY. AND TELL ME WHO THAT WAS?

7 A IT WAS JUST ME, EUGENE, AND MARCUS AND ONE MORE. I'M
8 NOT SURE I KNOW. IT WAS ME, EUGENE, AND ---

9 Q AND THEN ONE OF THE LITTLER BOYS?

10 A (NODDED HEAD.)

11 Q WHAT DID YOU DO WHEN JHUNE HARRIS PUT TWO BULLETS IN
12 LEOPOLD PIERRE?

13 A I WAS ON THE STEPS AND WE WERE CRYING AND SCREAMING AND
14 TELLING HIM, NO, STOP, DON'T DO THAT. WE WAS YELLING,
15 SCARED.

16 Q DID YOU SEE IT COMING?

17 A NO, I DIDN'T.

18 Q WHAT HAPPENED WHEN MR. HARRIS SHOT MR. PIERRE?

19 A HE FELL TO THE GROUND.

20 Q MR. PIERRE DID?

21 A YES, HE DID.

22 Q DID HE GO AFTER MR. HARRIS WHEN HE WAS FALLING?

23 A NO, HE DIDN'T.

24 Q DID HE DO ANYTHING WHEN HE WAS FALLING?

25 A NO.

1 Q WHAT DID MR. HARRIS DO?

2 A AFTER MR. PIERRE FELL TO THE GROUND, HE LOOKED AT MY
3 MOTHER AND HE CHASED HER UNTIL, AROUND THE LIVING ROOM AND
4 BACK IN THE KITCHEN TILL SHE GOT BACK IN THE DEN AND THEN
5 SHE FELL TO THE GROUND.

6 Q WHAT WAS MR. HARRIS SAYING?

7 A I DON'T THINK HE WAS SAYING ANYTHING.

8 Q DID HE HAVE ANYTHING IN HIS HANDS WHILE HE WAS CHASING
9 YOUR MOTHER?

10 A YES, HE HAD A GUN.

11 Q WHAT WAS HE DOING WITH THE GUN?

12 A POINTING IT TOWARDS HER.

13 Q WHAT WAS YOUR MAMA DOING?

14 A SHE WAS SCREAMING AND RUNNING.

15 Q WHAT DID YOU DO, ASHLEY?

16 A WE WERE JUST SCREAMING AND TELLING HIM NO, REALLY
17 COULDN'T DO ANYTHING.

18 Q WHEN YOUR MAMA FELL DOWN WHERE DID SHE FALL?

19 A SHE FELL BESIDE THE COUCH LIKE, SORT OF THE SAME SPOT
20 THAT HE WAS, ABOUT LIKE SORT OF RIGHT THERE.

21 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
22 NO. 16, DO YOU SEE THE SPOT WHERE YOUR MAMA FELL?

23 A RIGHT HERE BESIDE THE COUCH. RIGHT HERE.

24 Q OKAY.

25 MR. SWERLING: COULD YOU SHOW ME?

1 MS. GADDY: I'M SORRY.

2 BY MS. GADDY:

3 Q WILL YOU DO THAT AGAIN FOR US, ASHLEY, PLEASE?

4 A RIGHT HERE.

5 MR. SWERLING: THANK YOU.

6 BY MS. GADDY:

7 Q WHEN YOUR MAMA FELL WAS ANYBODY WITH HER?

8 A YES, MARCUS IVERY WAS WITH HER.

9 Q AND MARCUS IS THE OLDER OF THE TWO YOUNGER BOYS; IS
10 THAT RIGHT?

11 A YES, HE IS.

12 Q THE MIDDLE OF THE SONS; IS THAT RIGHT?

13 A (NODDED HEAD.)

14 Q WHAT WAS MARCUS DOING?

15 A HE WAS WITH HER LIKE, I'M NOT SURE IF HE WAS SAYING
16 ANYTHING BUT HE WAS WITH HER.

17 Q DID YOUR MAMA HAVE A GUN?

18 A NO, SHE DIDN'T.

19 Q DID MARCUS HAVE A GUN?

20 A NO.

21 Q DID YOUR MAMA HAVE A KNIFE?

22 A NO.

23 Q DID MARCUS HAVE A KNIFE?

24 A NO.

25 Q DID EITHER ONE OF THEM MAKE SO MUCH AS A FIST AT

1 MR. HARRIS?

2 A NO, THEY DIDN'T.

3 Q WHAT HAPPENED AFTER YOUR MAMA FELL DOWN WITH MARCUS?

4 A MR. HARRIS, HE WALKED LIKE IN THE LAUNDRY ROOM AND HE
5 CAME BACK AND THEN THAT'S WHEN HE SHOT HER. HE LOOKED DOWN
6 AND SHOT HER.

7 Q I'M SORRY. HE WALKED OUT OF THE HOUSE?

8 A NO, NOT OUT OF THE HOUSE. LIKE WE HAVE THIS ROOM WHERE
9 THE WASHING MACHINE IS LOCATED. HE WALKED LIKE TO THAT
10 DOOR. HE WALKED OUT OF THAT DOOR; THEN HE CAME BACK IN.

11 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S EXHIBITS 7
12 AND 8, IS THIS THE WASH ROOM?

13 A YES, IT IS.

14 Q OKAY. AND THAT'S WHERE YOU'RE SAYING MR. HARRIS WENT?

15 A UH-HUH.

16 Q SO HE CAME BACK IN FROM THE WASH ROOM. JHUNE HARRIS
17 CAME BACK IN FROM THE WASH ROOM?

18 A YES, HE DID.

19 Q WHAT DID HE DO WHEN HE CAME BACK IN?

20 A HE LOOKED DOWN AND SHOT HER.

21 Q DID HE SAY ANYTHING?

22 A NOT THAT I RECALL.

23 Q WHAT WAS THE NEXT THING YOU CAN REMEMBER HAPPENING?

24 A I HAD TO CALL, I RAN UPSTAIRS AND TRIED TO CALL THE
25 POLICE BUT I DIDN'T GET ANY DIAL TONE SO I HAD TO USE MY

1 CELL PHONE.

2 Q HOW'D THAT WORK?

3 A HOW DID WHAT WORK?

4 Q DID THE CELL PHONE WORK; I MEAN, DID YOU GET THROUGH TO
5 THE POLICE?

6 A YES, I DID.

7 Q WHAT DID YOU TELL THEM?

8 A I TOLD THEM, I WAS CRYING, AND I TOLD THEM TO COME
9 BECAUSE SOMEONE HAD BEEN, I THOUGHT MR. PIERRE WAS DEAD. I
10 WAS LIKE SOMEONE'S BEEN SHOT AND, SOMEONE SHOT AND KILLED,
11 AND MY MOTHER'S BEEN SHOT.

12 Q WELL, MR. PIERRE DIDN'T MOVE AFTER HE GOT SHOT, DID HE?

13 A NO, HE DIDN'T.

14 Q HOW ABOUT YOUR MAMA WHAT WAS SHE DOING?

15 A SHE WAS ON THE GROUND SCREAMING, HOLLERING AND SHE
16 THOUGHT HER LEG WAS GONE.

17 Q WHAT DID YOU DO FOR HER?

18 A I WENT, I WAS OVER THERE WITH HER BECAUSE THE AMBULANCE
19 AND POLICE THEY TOOKED A LONG TIME COMING SO I WAS TRYING TO
20 COMFORT HER.

21 Q DID SOMEBODY IN YOUR HOUSE ALSO PRESS THE ALARM BUTTON?

22 A YES.

23 Q DID THAT GET ANY RESULTS?

24 A YES, IT DID.

25 Q DID YOU EVER SEE A WATERMELON?

1 A NO, I DIDN'T.

2 Q ASHLEY, I WANT YOU TO LOOK AROUND THE COURTROOM FOR ME.

3 A UH-HUH..

4 Q DO YOU SEE THE PERSON WHO SHOT LEOPOLD PIERRE TWICE
5 HERE IN THE COURTROOM?

6 A YES, I DO.

7 Q I'D LIKE YOU TO POINT HIM OUT FOR THE JURY, PLEASE?

8 A (INDICATING.)

9 Q WHAT'S HE WEARING?

10 A HE GOT ON GLASSES, A BLACK SUIT, AND BLACK SHOES.

11 Q WHO IS HE?

12 A JHUNE HARRIS.

13 MS. GADDY: YOUR HONOR, I'D ASK THAT THE RECORD
14 REFLECT THAT SHE'S IDENTIFIED THE DEFENDANT.

15 THE COURT: YES, MA'AM.

16 BY MS. GADDY:

17 Q DO YOU SEE THE PERSON HERE IN THE COURTROOM WHO SHOT
18 YOUR MAMA?

19 A YES, I DO.

20 Q WHO IS THAT?

21 A JHUNE HARRIS.

22 MS. GADDY: BEG THE COURT'S INDULGENCE, YOUR
23 HONOR.

24 THE COURT: YES, MA'AM.

25 BY MS. GADDY:

1 Q ASHLEY, SHOWING YOU WHAT'S BEEN MARKED FOR
2 IDENTIFICATION AS STATE'S EXHIBIT NO. 22, I'M GOING TO ASK
3 YOU -- IF I MAY APPROACH THE WITNESS, YOUR HONOR, EXCUSE ME?

4 THE COURT: YES, MA'AM.

5 BY MS. GADDY:

6 Q DO YOU RECOGNIZE THIS GUN?

7 A YES, I DO.

8 Q WHEN DID YOU SEE IT?

9 A I DON'T THINK THAT WAS MY FIRST TIME SEEING THAT GUN.

10 Q DID YOU SEE IT ON JULY 6TH?

11 A YES, I DID.

12 Q AND WHO WAS HOLDING IT?

13 A JHUNE HARRIS WAS HOLDING THE GUN.

14 Q WHAT DID HE DO WITH IT?

15 A HE SHOT LEOPOLD PIERRE TWICE AND SHOT MY MOTHER IN THE
16 LEG ONCE.

17 Q DO YOU REMEMBER WHICH ORDER OF SHOTS HAPPENED, LIKE,
18 YOU SAID LEOPOLD GOT SHOT IN THE HEAD AND IN THE LEG. DO
19 YOU REMEMBER WHICH ONE HAPPENED FIRST?

20 A NO, I DON'T.

21 MS. GADDY: YOUR HONOR, I THINK THAT'S ALL MY
22 QUESTIONS FOR THIS WITNESS.

23 THE COURT: THANK YOU, MS. GADDY.

24 MR. SWERLING.

25 MR. SWERLING: THANK YOU..

1 CROSS-EXAMINATION BY MR. SWERLING:

2 Q GOOD MORNING?

3 A GOOD MORNING.

4 Q MAY I CALL YOU ASHLEY AS WELL?

5 A YES.

6 Q YOU'RE 17?

7 A YES, I AM.

8 Q AND THIS IS YOUR LAST YEAR IN HIGH SCHOOL?

9 A YES.

10 Q LET ME ASK YOU YOU'RE THE OLDEST OF ALL THE CHILDREN,
11 RIGHT?

12 A YES, I AM.

13 Q AND I JUST WANT TO ASK YOU DID YOU GET TO SPEAK WITH
14 EUGENE LAST NIGHT?

15 A WE WAS. . .

16 Q DID Y'ALL TALK ABOUT WHAT HAPPENED IN COURT YESTERDAY?

17 A HE JUST TOLD ME THAT Y'ALL ASKED HIM A LOT OF
18 QUESTIONS.

19 Q DID YOU GO INTO, DID YOU DISCUSS WHAT TYPE OF QUESTIONS
20 THEY WERE?

21 A NO, WE DIDN'T.

22 Q WHAT ABOUT THE FAMILY, DID Y'ALL HAVE ANY DISCUSSION
23 YESTERDAY ABOUT, OR LAST NIGHT ABOUT WHAT HAPPENED IN COURT
24 YESTERDAY, ANY OF THE QUESTIONS?

25 A NO. WE JUST PRAYED AND WENT TO SLEEP.

1 Q PARDON?

2 A I SAID WE PRAYED.

3 Q OKAY. YOU SPEAK LOW AND I DON'T HEAR SO WELL. OKAY.
4 PRIOR TO COMING INTO COURT YESTERDAY YOU HAVE SAT DOWN WITH
5 THE SOLICITOR AND THE POLICE REVIEWING WHAT YOUR TESTIMONY
6 WOULD BE, CORRECT?

7 A YES, I DID.

8 Q DID YOU EVER ACTUALLY COME INTO THE COURTROOM AND GET
9 ON THE STAND AND SEE WHAT IT WAS GOING TO BE LIKE?

10 A YES, I DID.

11 Q EVERY, ALL THE KIDS IN THE FAMILY DO THAT?

12 A NO, EUGENE DID NOT BECAUSE HE WAS OUT OF TOWN DURING
13 THAT TIME.

14 Q BUT IT'S FAIR TO SAY THAT AT LEAST ONE OCCASION MORE
15 THAN ONCE YOU WENT OVER YOUR TESTIMONY AS TO WHAT IT WAS
16 GOING TO BE IN COURT TODAY, CORRECT?

17 A YES, I DID.

18 Q DO YOU REMEMBER HOW MANY TIMES YOU DID THAT?

19 A MAYBE TWO OR THREE TIMES.

20 Q AND AGAIN THERE IS NOTHING WRONG WITH THAT; THAT IS
21 WHAT HAPPENED THOUGH, CORRECT?

22 A YES, IT IS.

23 Q AND YOU AND YOUR FAMILY TALKED ABOUT IT IN THE LAST
24 COUPLE OF YEARS AS WELL AS TO WHAT HAPPENED THAT DAY?

25 A YES, WE DID.

1 Q PRETTY TRAUMATIC EVENT IN YOUR LIFE, CORRECT?

2 A YES, IT WAS.

3 Q IN THE LIFE OF YOUR BROTHERS AND YOUR MOM?

4 A YES, IT WAS.

5 Q NOW, JUST A FEW QUESTIONS ABOUT THIS: JHUNE CAME OVER
6 THAT SUNDAY. HE WAS DRESSED IN A SUIT, CORRECT?

7 A YES, HE WAS.

8 Q HE HAD BEEN TO CHURCH?

9 A YES.

10 Q AND SO HE CAME OVER. WHAT TIME OF DAY WAS THIS? WHAT
11 TIME DID IT ACTUALLY, DID HE COME TO THE DOOR?

12 A MAYBE LIKE 1:30.

13 Q AND IT WAS NOT UNUSUAL FOR JHUNE TO COME TO YOUR HOUSE,
14 WAS IT?

15 A NO, IT WASN'T UNUSUAL.

16 Q OKAY. AS A MATTER OF FACT, AND WITHOUT GOING INTO A
17 WHOLE LOT OF DETAIL, Y'ALL LIVED TOGETHER; PRIOR TO MOVING
18 TO DUKE AVENUE YOU LIVED IN A DIFFERENT PLACE AND ALL OF YOU
19 LIVED TOGETHER FOR ABOUT FIVE OR SIX YEARS, CORRECT?

20 A CORRECT.

21 Q OKAY. AND BASICALLY COEXISTED LIKE A FAMILY, CORRECT?

22 A CORRECT.

23 Q AND WHEN YOU MOVED TO DUKE AVENUE, HOW LONG PRIOR TO
24 JULY 6TH HAD YOU MOVED TO DUKE AVENUE IF I COULD ASK YOU
25 THAT?

1 A I DON'T KNOW THE EXACT BUT I KNOW IT WAS A COUPLE OF
2 MONTHS.

3 Q AND HE DID NOT MOVE TO DUKE AVENUE. HE HAD AN
4 APARTMENT, CORRECT?

5 A CORRECT.

6 Q BUT EVEN THOUGH, AND THIS WAS YOUR GRANDMA'S HOUSE,
7 RIGHT?

8 A YES, IT WAS.

9 Q AND EVEN THOUGH HE DIDN'T MOVE INTO DUKE AVENUE WITH
10 YOU AND EVEN THOUGH YOU KNEW MR. PIERRE FOR A COUPLE OF
11 MONTHS, HE AND YOUR MOM WERE STILL SEEING EACH OTHER,
12 WEREN'T THEY?

13 A WHAT DO YOU MEAN SEEING?

14 Q WELL, THEY WOULD, YOU AND YOUR BROTHERS AND YOUR MOM
15 WOULD CONTINUE TO SEE JHUNE, CORRECT?

16 A YES, WE WOULD SEE HIM.

17 Q AND EVEN THOUGH THIS WAS GOING ON AND MR. PIERRE NOW
18 HAD ENTERED THE PICTURE, CORRECT?

19 A YES.

20 Q OKAY. AND YOU PRETTY MUCH COULD SEE JHUNE SEVERAL
21 TIMES A WEEK EVEN AFTER MR. PIERRE ENTERED THE PICTURE,
22 CORRECT?

23 A YES.

24 Q OKAY. AND CORRECT ME IF I'M WRONG BUT LIKE ON THAT
25 WEEK PRIOR TO JULY 6TH, THERE HAD BEEN SEVERAL OCCASIONS

1 THAT WEEK WHEN YOU AND YOUR BROTHERS AND YOUR MOM WENT OUT
2 WITH JHUNE, CORRECT?

3 A CORRECT.

4 Q I THINK, YOU TELL ME IF I'M WRONG, BUT ON MONDAY WENT
5 DOWN TO THE RIVERFRONT WALK. WERE YOU AWARE OF THAT? DID
6 YOU GO WITH THEM?

7 A I DON'T REMEMBER THAT DAY.

8 Q OKAY. AND WHAT ABOUT THE SUNDAY BEFORE THAT? THIS IS
9 A WEEK BEFORE THAT. DIDN'T JHUNE SPEND THE NIGHT AT THE
10 HOUSE?

11 A I DON'T RECALL HIM EVER SPENDING THE NIGHT.

12 Q WHAT ABOUT TUESDAY, DO YOU REMEMBER GOING TO THE MOVIES
13 AT SAINT ANDREWS ROAD?

14 A NO, I DON'T.

15 Q AND YOU DON'T REMEMBER HIM TAKING YOU TO THE MOVIES AND
16 THEN GOING HOME WITH JHUNE?

17 A NO.

18 Q WHAT ABOUT ON WEDNESDAY YOU RECALL GOING TO THE POOL AT
19 CROSSROADS APARTMENTS?

20 A NO.

21 Q YOU REMEMBER GOING OUT FOR PIZZA THAT NIGHT AND THEN
22 HIM TAKING YOU HOME?

23 A NO.

24 Q YOU REMEMBER HIM BEING AT YOUR HOUSE ON THURSDAY?

25 A NO, NOT REALLY.

1 Q DO YOU REMEMBER SPENDING THE DAY WITH JHUNE ON FRIDAY
2 AT THE SOUL CIRCUS AND EVERYTHING THAT Y'ALL DID THAT DAY?

3 A YES, I REMEMBER THAT.

4 Q AND THAT WAS EVERYBODY IN THE FAMILY, CORRECT?

5 A CORRECT.

6 Q WELL, I HAD ASKED YOU BEFORE DO YOU REMEMBER SPENDING
7 SEVERAL DAYS WITH JHUNE THE WEEK BEFORE THIS INCIDENT. SO
8 OTHER THAN THE ONES I MENTIONED WHAT WERE THE OTHER
9 OCCASIONS WHEN JHUNE WAS WITH YOU AND THE OTHER CHILDREN AND
10 YOUR MOM?

11 A SOMETIME HE'LL COME TO OUR HOUSE UNEXPECTEDLY. THAT'S
12 ALL.

13 Q OKAY. BUT YOU ADMIT, YOU WOULD ADMIT THAT HE ALSO
14 WOULD COME TO YOUR HOUSE AND YOU ALL WOULD GO OUT TOGETHER,
15 CORRECT? WHEN I SAY Y'ALL I'M TALKING ABOUT THE OTHER
16 CHILDREN AND YOUR MOM?

17 A NO.

18 Q NO. BUT YOU DID GO TO THE CIRCUS?

19 A YES, WE WENT TO THE CIRCUS.

20 Q WHAT DID YOU DO AFTER THE CIRCUS?

21 A MY MOM'S FRIEND SHE HAD A COOKOUT TO HER HOUSE AND WENT
22 OVER THERE.

23 Q AFTER THE CIRCUS? BUT YOU SPENT A GOOD PART OF THE DAY
24 WITH JHUNE?

25 A YES.

1 Q AND THIS IS NOT THE RINGLING BROTHERS CIRCUS; IT'S
2 CALLED THE SOUL CIRCUS; IS THAT RIGHT?

3 A YES.

4 Q WELL, ISN'T IT TRUE THAT, I MEAN, IT WAS SEVERAL TIMES
5 A WEEK THAT JHUNE WOULD BE BY THE HOUSE EVEN AFTER
6 MR. PIERRE AND YOUR MOM STARTED KNOWING EACH OTHER?

7 A SOMETIME.

8 Q NOW, LET ME GO TO JULY 6TH WITH YOU A LITTLE BIT.
9 MISTER, HOW DID MR. PIERRE GET TO THE HOUSE?

10 A MY MOTHER WOULD PICK HER UP, I MEAN, PICK HIM UP FROM
11 HIS HOUSE.

12 Q DID SHE PICK HIM UP THAT SUNDAY MORNING OR DID SHE PICK
13 HIM UP THE NIGHT BEFORE?

14 A I'M NOT SURE.

15 Q YOU DON'T REMEMBER WHEN HE GOT TO THE HOUSE?

16 A NO.

17 Q BUT IT'S FAIR SO SAY THAT THERE WAS NO VEHICLE THERE
18 AND NO CAR OF HIS, CORRECT?

19 A NO, IT WASN'T.

20 Q SO WHEN JHUNE CAME OVER, TO YOUR KNOWLEDGE AND OF
21 COURSE YOU CAN ONLY TESTIFY TO YOUR KNOWLEDGE, WHEN HE DROVE
22 UP HE WOULD NOT KNOW ANYBODY WAS IN THE HOUSE, CORRECT,
23 OTHER THAN YOU AND YOUR BROTHERS AND YOUR MOM?

24 A YES, HE KNEW. HE KNEW.

25 Q KNEW WHAT?

1 A HE HAD TO KNOW THAT LEOPOLD WAS THERE BECAUSE HE KNOWS
2 THAT'S WHO MY MOM WAS SEEING.

3 Q WELL, I'M ASKING YOU TO YOUR KNOWLEDGE COULD YOU SAY
4 THAT HE KNEW THAT MR. PIERRE WAS THERE THAT MORNING WHEN HE
5 DROVE UP?

6 A WHEN HE DROVE UP, NO.

7 Q BECAUSE THERE WAS NO CAR THERE, CORRECT?

8 A CORRECT.

9 Q AND WHEN HE DROVE UP WHERE DID HE PARK IN THE FRONT OF
10 THE HOUSE OR ON THE SIDE OF THE HOUSE?

11 A THE SIDE.

12 Q AND YOU WERE UPSTAIRS AT THAT TIME?

13 A YES, I WAS.

14 Q AND YOU SAW HIM IN THE FRONT OF THE HOUSE OR ON THE
15 SIDE OF THE HOUSE WHEN HE PULLED UP?

16 A SIDE OF THE HOUSE.

17 Q FROM WHERE COULD YOU SEE THAT FROM YOUR BEDROOM OR SOME
18 OTHER PLACE?

19 A MY BEDROOM WINDOW.

20 Q NOW, AT THAT TIME WHEN YOU SAW HIM OUTSIDE, YOU WERE
21 UPSTAIRS AND WHERE WAS EVERYBODY ELSE; WHERE WERE THE OTHER
22 BOYS?

23 A UPSTAIRS, TOO.

24 Q EVERYBODY WAS UPSTAIRS?

25 A EXCEPT MY, ONE OF MY BROTHERS I DON'T KNOW IF IT WAS

1 MARCUS OR FOREST, THEY WERE ON THE COUCH.

2 Q SO TWO OF YOUR BROTHERS WERE UPSTAIRS AND YOU AND
3 MR. PIERRE?

4 A YES.

5 Q CORRECT. NOW, WHEN MR. HARRIS CAME TO THE HOUSE DID
6 YOU HEAR HIM KNOCK ON THE DOOR?

7 A YES.

8 Q OKAY. AND WHERE WERE YOU WHEN HE KNOCKED ON THE DOOR?
9 WERE YOU STILL UPSTAIRS OR WERE YOU COMING DOWNSTAIRS OR
10 WERE YOU ON THE STAIRS?

11 A I WAS ON LIKE THE FIRST STEP. I WASN'T ALL THE WAY
12 DOWNSTAIRS BUT I WAS CLOSE ENOUGH THAT I COULD HEAR.

13 Q AND JUST FOR ORIENTATION SAKE THIS WOULD BE STATE'S
14 EXHIBIT 9. THAT WOULD BE THE DOOR THAT HE CAME TO, CORRECT?

15 A CORRECT.

16 Q OKAY. AND THIS WOULD BE STATE'S EXHIBIT NO. 16. WHERE
17 ON THAT PICTURE WOULD THAT DOOR BE?

18 A OUTSIDE THIS OPENING RIGHT HERE.

19 Q OKAY. SO IT WOULD BE IN THIS RIGHT HERE, CORRECT?

20 A CORRECT.

21 Q OKAY. THIS IS LIKE A LITTLE LAUNDRY ROOM OR SOMETHING?

22 A YES.

23 Q AND THEN THE DOOR GOES OUT. THE DOOR THAT'S ON THAT
24 OTHER PICTURE, CORRECT?

25 A YES, CORRECT.

1 Q AND I'M GOING TO ASK YOU TO JUST TAKE A LOOK AT THIS.
2 THIS IS A LITTLE EASIER TO FOLLOW, STATE'S EXHIBIT 23. JUST
3 TAKE A MOMENT AND SEE IF YOU CAN GET ACCLIMATED TO THAT.
4 HAVE YOU SEEN IT BEFORE?

5 A YES.

6 Q OKAY. ALL RIGHT. CAN YOU, DO YOU HAVE AN IDEA WHERE
7 EVERYTHING IS ON THAT NOW? IF YOU'D JUST TAKE A MOMENT?

8 A YES.

9 Q OKAY. STAIRS ARE UP, I GUESS THEY'RE "J" UP IN THE
10 UPPER LEFT-HAND CORNER, CORRECT?

11 A CORRECT.

12 Q OKAY. SO THE FIRST THING YOU HEARD WHEN JHUNE CAME TO
13 THE DOOR WAS WHAT?

14 A HE KNOCKED AND MY MOTHER SAID, I HAVE COMPANY; AND THEN
15 HE SAID, I JUST WANT TO DROP A WATERMELON OFF TO THE KIDS.

16 Q OKAY. SO THAT WAS HIS STATED PURPOSE TO COME OVER; IS
17 THAT RIGHT?

18 A THAT'S RIGHT.

19 Q OKAY. AND YOU HEARD HIM STATE THAT?

20 A THAT'S WHAT HE SAID.

21 Q ALL RIGHT. AND AFTER HE SAID THAT WHAT DID YOUR MOM
22 SAY?

23 A SHE TOLD HIM THAT SHE HAD COMPANY.

24 Q OKAY. AND WHAT DID HE DO?

25 A HE WENT BACK TO HIS CAR AND I GUESS. . .

1 Q NOW, DON'T GUESS.

2 A HE SAID HE WAS GOING TO GET A WATERMELON BUT THERE WAS
3 NO WATERMELON.

4 Q OKAY. AND DID YOU WATCH HIM GO TO HIS CAR OR DID YOU
5 STAY WHERE YOU WERE UP ON THE STAIRS?

6 A I STAYED WHERE I WAS.

7 Q SO YOU DIDN'T REALLY SEE HIM GO TO THE CAR?

8 A NO.

9 Q OKAY. AND WHERE WAS EUGENE AT THAT TIME?

10 A I'M NOT SURE WHERE GENE WAS.

11 Q OKAY. BUT HE WAS UPSTAIRS?

12 A I THINK SO.

13 Q AS FAR AS YOU KNOW HE WAS UPSTAIRS, CORRECT?

14 A NO, BECAUSE I DON'T KNOW.

15 Q YOU JUST DON'T KNOW?

16 A NO.

17 Q OKAY. NOW, WHEN HE CAME BACK TO THE DOOR, DID YOUR MOM
18 LET HIM IN?

19 A YES.

20 Q OKAY. AND DID YOU HEAR WHAT SHE SAID BEFORE LETTING
21 HIM IN, IF SHE SAID ANYTHING?

22 A NO.

23 Q WHEN HE CAME IN WHERE DID HE GO AND JUST POINT. YOU
24 CAN POINT ON THE DIAGRAM HERE AS TO WHERE HE WENT. THE
25 KITCHEN IS I GUESS BEHIND "E"?

1 A YES.

2 Q OKAY. SO WHERE DID HE GO?

3 A THIS IS CONFUSING.

4 Q OKAY. WELL, JUST TAKE A MOMENT. FROM WHAT I
5 UNDERSTAND "J" IS THE STAIRS. "E" IS THE COUNTER? OKAY.

6 A "G" IS. . .

7 Q "G" IS THE SOFA. "H" IS THE COFFEE TABLE. IT'S NOT TO
8 SCALE BY THE WAY?

9 A HE WAS IN THE KITCHEN.

10 Q OKAY. YOU COULD NOT SEE THE TWO OF THEM IN THE
11 KITCHEN, CORRECT?

12 A YES, I COULD BECAUSE IN MY HOUSE WHERE THE STAIRS ARE
13 IS LIKE STAIRS COME DOWN AND YOU CAN LOOK. I WAS LIKE
14 PEEKING OUT BEING NOSY.

15 Q OKAY. SO YOU COULD SEE THEM THROUGH THE KITCHEN. I
16 MEAN YOU COULD SEE THEM IN THE KITCHEN?

17 A (NODDED HEAD.)

18 Q OKAY. AND WHAT WERE THEY DOING?

19 A TALKING.

20 Q OKAY. TALKING. THEY WEREN'T ARGUING, WERE THEY?

21 A NO.

22 Q OKAY. AND WHAT WAS THE NEXT THING YOU REMEMBER?

23 A JHUNE ASK MY MOTHER TO TELL LEOPOLD PIERRE TO COME
24 DOWNSTAIRS.

25 Q OKAY. SO OBVIOUSLY AT THAT POINT HE KNEW THAT THERE

1 WAS SOMEBODY IN THE HOUSE?

2 A YES.

3 Q OKAY. AND YOU OVERHEARD THAT CONVERSATION?

4 A YES.

5 Q AND WHEN HE SAID THAT WHAT DID HE DO, WHAT DID JHUNE
6 DO?

7 A HE WENT UPSTAIRS AND HE LOOKED AND HE CAME BACK. HE
8 ASKED MR. PIERRE TO COME DOWNSTAIRS AND HE WENT, MR. HARRIS
9 WENT BACK DOWNSTAIRS.

10 Q OKAY. SO HE ASKED YOUR MOM TO TELL MR. PIERRE TO COME
11 DOWNSTAIRS BUT HE WENT UPSTAIRS?

12 A YES.

13 Q OKAY. AND WHEN HE WENT UPSTAIRS WHERE WAS MR. PIERRE?

14 A HE WAS INSIDE MY BROTHERS' ROOM.

15 Q AND THAT WOULD HAVE BEEN FOREST'S ROOM?

16 A FOREST, MARC, AND EUGENE'S ROOM, ALL THREE OF THEM.

17 Q OKAY. ALL THREE OF THEM IN THAT ROOM? AND DID JHUNE
18 GO IN THE ROOM?

19 A NO, HE DIDN'T.

20 Q WHERE DID HE STAY?

21 A HE WAS ON LIKE THE TOP STEP, ALSO.

22 Q DID HE, COULD THEY SEE EACH OTHER?

23 A YES, HE SAW HIM.

24 Q OKAY. AND WHERE WERE YOU AT THAT TIME?

25 A IN MY ROOM JUST RIGHT NEXT TO THE STEPS.

1 Q OKAY. SO YOU HAD GONE INTO YOUR ROOM?

2 A YES.

3 Q AND DID YOU OVERHEAR THE CONVERSATION THEY HAD?

4 A WHO?

5 Q JHUNE AND MR. PIERRE?

6 A THEY DIDN'T HAVE A CONVERSATION.

7 Q OKAY. WELL, WHAT DID JHUNE, DID JHUNE NOT SAY
8 ANYTHING?

9 A HE ASKED MR. PIERRE TO COME DOWNSTAIRS AND PIERRE DID
10 NOT ANSWER.

11 Q HE DIDN'T SAY ANYTHING?

12 A NO.

13 Q HE DIDN'T SAY I'M BUSY?

14 A OH, YEAH, HE DID SAY I'M BUSY.

15 Q OKAY. SO HE DID SAY SOMETHING. YOU JUST DON'T
16 REMEMBER THAT NOW?

17 A YES.

18 Q UNTIL I JUST REMINDED YOU?

19 A YES.

20 Q OKAY. AND AT THAT POINT DO YOU REMEMBER WHERE YOUR
21 BROTHERS WERE?

22 A I JUST KNOW THAT TWO OF THEM WERE IN THE ROOM WITH
23 PIERRE.

24 Q AT THAT TIME?

25 A AT THAT TIME.

1 Q OKAY. NOW, MR. HARRIS WENT DOWNSTAIRS AGAIN?

2 A YES, HE DID.

3 Q ALL RIGHT. AND WHERE DID HE GO WHEN HE WENT

4 DOWNSTAIRS?

5 A BACK TO THE KITCHEN AND TALK TO MY MOTHER.

6 Q OKAY. THEY WEREN'T YELLING, WERE THEY?

7 A NO.

8 Q OKAY. AND BASICALLY MR. PIERRE STAYED UPSTAIRS AND

9 MR. HARRIS WAS DOWNSTAIRS WITH YOUR MAMA?

10 A YES.

11 Q OKAY. WHAT WAS THE NEXT THING THAT HAPPENED?

12 A JHUNE CALLED MR. PIERRE DOWNSTAIRS AGAIN.

13 Q AND WHERE WERE YOU AT THAT TIME?

14 A STILL IN MY ROOM.

15 Q OKAY. HE HADN'T COME BACK FROM THE STAIRS?

16 A HUH-UH.

17 Q AND EUGENE WAS IN HIS ROOM?

18 A YES.

19 Q AND YOU REMEMBER ONE OF YOUR OTHER BROTHERS WAS THERE.

20 YOU THINK FOREST WAS DOWNSTAIRS?

21 A YES, I THINK FOREST WAS DOWNSTAIRS.

22 Q OKAY. THAT'S FINE. IT'S HARD TO REMEMBER. ALL RIGHT.

23 WHAT WAS THE NEXT THING AFTER HE SAID HE ASKED YOU TO COME

24 DOWN AGAIN?

25 A MR. PIERRE WENT DOWNSTAIRS TO GET THE BROOM AND HE WENT

1 BACK UPSTAIRS.

2 Q DID MR. HARRIS GO UPSTAIRS?

3 A I'M SAYING AFTER, AFTERWARD.

4 Q OKAY. WELL, I GUESS WHAT I'M ASKING, MAYBE I CONFUSED
5 YOU AND I APOLOGIZE. DID MR. HARRIS GO UP THERE THE SECOND,
6 A SECOND TIME OR JUST THAT ONE TIME? .

7 A ONE TIME.

8 Q JUST THE ONE TIME. HE DIDN'T GO BACK UP AGAIN?

9 A NO.

10 Q ALL RIGHT. SO WHAT HAPPENED WAS MR. PIERRE CAME
11 DOWNSTAIRS?

12 A YES.

13 Q OKAY. AND DID ANYBODY COME DOWN WITH HIM?

14 A I'M NOT SURE.

15 Q DO YOU REMEMBER WHERE EUGENE WAS AT THAT TIME WHEN HE
16 CAME DOWNSTAIRS?

17 A NO.

18 Q OKAY. BUT HE WAS CLEARLY COMING DOWN TO GET A BROOM,
19 CORRECT?

20 A UH-HUH.

21 Q ALL RIGHT. NOW, WHERE WAS JHUNE STANDING WHEN
22 MR. PIERRE CAME DOWN; DO YOU REMEMBER OR WERE YOU IN YOUR
23 ROOM AT THAT TIME, COULDN'T SEE ANYTHING?

24 A I KNOW HE WALKED PAST HIM BECAUSE JHUNE WAS LIKE
25 STANDING IN THE MIDDLE BETWEEN THE KITCHEN AND THE DEN AND

1 HE WALKED PAST HIM INTO THE LAUNDRY ROOM TO GET A BROOM.
2 THEN HE WENT BACK UPSTAIRS.

3 Q OKAY.

4 A SO WOULD YOU POINT ON THE DIAGRAM WHERE JHUNE WAS
5 STANDING WHEN MR. HARRIS WALKED PAST HIM? IF "E" IS THE
6 COUNTER AND I GUESS NUMBER, YES, "E" IS THE COUNTER.

7 A SOMEWHERE UP IN HERE. (INDICATING.)

8 Q UP IN THAT AREA AND SO MR. PIERRE WALKED RIGHT PAST
9 HIM, CORRECT?

10 A YES.

11 Q THEY DIDN'T HAVE ANY CONFRONTATION, RIGHT?

12 A NO.

13 Q THERE WERE NO WORDS EXCHANGED BETWEEN THE TWO OF THEM?

14 A NO.

15 Q MR. HARRIS DIDN'T PULL OUT A GUN?

16 A NO.

17 Q HE DIDN'T PUSH HIM?

18 A NO.

19 Q ALL RIGHT. AND MR. PIERRE JUST WALKED PAST HIM WITHOUT
20 ANY INCIDENT AND THEN WALKED BACK TOWARD THE DEN, CORRECT?

21 A CORRECT.

22 Q NO INCIDENT EITHER AT THAT POINT?

23 A CORRECT.

24 Q AND MR. PIERRE HAD A BROOM IN HIS HAND AT THAT POINT?

25 A YES, HE DID.

1 Q OKAY. AND HE WENT BACK UPSTAIRS? ALL RIGHT.

2 A WITH THE BROOM.

3 Q PARDON?

4 A HE WALKED BACK UPSTAIRS WITH THE BROOM.

5 Q WITH THE BROOM. OKAY. NOW, WHERE WERE YOU AT THAT
6 TIME WHEN HE CAME BACK UPSTAIRS?

7 A I WENT BACK IN MY ROOM.

8 Q ALL RIGHT. SO YOU DIDN'T REALLY SEE HIM COME BACK
9 UPSTAIRS?

10 A NO.

11 Q ALL RIGHT. WHEN HE CAME BACK UPSTAIRS DO YOU REMEMBER
12 WHERE EUGENE WAS AND MARCUS?

13 A NO.

14 Q ALL RIGHT. AND WHAT WAS THE NEXT THING THAT YOU HEARD
15 HAPPEN?

16 A MR. JUNE HARRIS, HE KEPT ASKING HIM TO COME DOWNSTAIRS.
17 SO I GUESS HE PUT THE BROOM DOWN AND THAT'S WHEN HE WENT
18 DOWNSTAIRS AND ALL OF US FOLLOW HIM. THAT'S WHEN HE GOT ON
19 THE LAST STEP AND MR. HARRIS SHOT HIM.

20 Q OKAY. FROM THE TIME THAT MR. HARRIS CAME IN THE HOUSE
21 TILL THE TIME THAT HE STARTED TO COME BACK TO THE STAIR, HOW
22 LONG DO YOU THINK THAT WAS; WAS IT 30 MINUTES, 20 MINUTES?

23 A I DON'T KNOW.

24 Q OKAY. BUT WHATEVER IT WAS MR. PIERRE DECIDED TO GO
25 BACK DOWNSTAIRS?

1 A YES.

2 Q OKAY. MR. HARRIS DIDN'T COME BACK UPSTAIRS?

3 A NO.

4 Q ALL RIGHT. AND NOW, AS HE STARTED WALKING DOWN THE
5 STAIRS, YOU'RE SAYING THAT YOU WERE BEHIND HIM?

6 A YES.

7 Q OKAY. AND WHEN HE GOT TO THE SECOND STEP, WHERE WERE
8 YOU AND MARCUS AND EUGENE?

9 A IT'S A BIG STEP LIKE BEFORE YOU GET TO THE LAST TWO
10 STEPS AND I WAS ON THAT BIG STEP.

11 Q BEFORE YOU GET TO THE LAST STEP OR THE TOP STEP, I'M
12 SORRY?

13 A IT'S TWO STEPS BELOW THE BIG STEP AND I WAS ON THE BIG
14 STEP.

15 Q OKAY. SO BUT YOU WERE BEHIND MR. PIERRE AND HOW FAR
16 BEHIND WERE YOU IN DISTANCE FROM MAYBE ME TO, OR FROM YOU TO
17 THAT PODIUM?

18 A NO. FROM LIKE ME TO YOU RIGHT NOW.

19 Q OKAY. ALL RIGHT. AND WHEN HE WENT DOWNSTAIRS DID
20 MR. PIERRE HAVE ANYTHING IN HIS HAND?

21 A NO.

22 Q HAD HE SAID ANYTHING?

23 A NO, HE DIDN'T.

24 Q OKAY. SO ACCORDING TO WHAT YOU'RE SAYING MR. PIERRE
25 JUST STARTED WALKING DOWNSTAIRS AND THERE WAS NO, HE DIDN'T

1 SAY ANYTHING TO HIM?

2 A NO.

3 Q TO MR. HARRIS. AND AT THAT POINT WHEN MR. HARRIS
4 PULLED OUT THE GUN, DID YOU SEE HIM PULL THE GUN OUT?

5 A YES.

6 Q OKAY. DID HE SAY ANYTHING TO HIM?

7 A NO.

8 Q SO YOUR TESTIMONY AT THIS POINT IS THAT THERE WAS
9 REALLY NO CONFRONTATION BETWEEN THEM VERBALLY, CORRECT?

10 A CORRECT.

11 Q AND I ASSUME THEN WHAT YOU'RE SAYING IS THAT MR. PIERRE
12 DID NOT TAKE ANY MOVES OR MAKE ANY MOVES TOWARD MR. HARRIS?

13 A NO, HE DIDN'T.

14 Q BUT HE WAS WALKING, DEFINITELY COMING DOWNSTAIRS TOWARD
15 MR. HARRIS, CORRECT?

16 A I DON'T KNOW WHERE HE WAS GOING BUT HE CAME, HE WAS
17 WALKING DOWN THE STEPS.

18 Q HE WAS WALKING DOWN THE STEPS AND MR. HARRIS WAS THERE,
19 CORRECT?

20 A ON THE OTHER SIDE OF THE ROOM, YES.

21 Q OKAY. AND WHEN MR. HARRIS PULLED OUT THE GUN, HOW FAR
22 AWAY WERE THEY FROM EACH OTHER? JUST IF YOU COULD USE SOME
23 OBJECT HERE IN THE ROOM THAT WOULD SHOW THE JURY ABOUT HOW
24 FAR THEY WERE APART FROM THE EACH OTHER?

25 A FROM LIKE HER TO THAT PODIUM RIGHT THERE.

1 Q FROM THE COURT REPORTER TO THE PODIUM. OKAY. THAT WAS
2 THE DISTANCE BETWEEN MR. HARRIS AND MR. PIERRE?

3 A YES.

4 Q AND THERE WAS NO, NO BODY MOVEMENT BY MR. PIERRE TOWARD
5 MR. HARRIS EXCEPT JUST WALKING; IS THAT CORRECT?

6 A CORRECT.

7 Q AND THERE WERE NO STATEMENTS BETWEEN THE TWO?

8 A CORRECT.

9 Q OKAY. NOW, WHEN THE SHOT RANG OUT WHAT DID YOU DO;
10 WHERE DID YOU GO?

11 A I WAS STILL RIGHT WHERE I WAS.

12 Q YOU DIDN'T RUN UPSTAIRS?

13 A NO.

14 Q AND WHERE DID EUGENE GO?

15 A WE STOOD, WE WAS RIGHT THERE.

16 Q Y'ALL JUST STAYED THERE?

17 A (NODDED HEAD.)

18 Q OKAY. AT THAT POINT WHEN HE GOT SHOT DO YOU REMEMBER
19 ABOUT WHERE IT WAS THAT HE FELL?

20 A YES, I KNOW.

21 Q GO AHEAD AND POINT ON THE DIAGRAM IF YOU WILL.
22 REMEMBER "H" IS THE COFFEE TABLE BUT IT LOOKS A LITTLE LARGE
23 IN THIS DIAGRAM?

24 A ABOUT RIGHT HERE.

25 Q OKAY. NOW AT THAT POINT DID YOU SEE YOUR MOM?

1 A YES, I DID.

2 Q AND WHERE WAS SHE.

3 A SHE WAS BY THE SOFA, AND THE COUNTER.

4 Q OKAY. AND WHERE DID SHE GO AFTER THE SHOT?

5 A SHE RAN THAT WAY.

6 Q SHE WENT THAT WAY. SO SHE WENT, SHE DIDN'T GO THROUGH
7 THIS OPENING HERE WHICH WOULD HAVE BEEN NEAR THE LAUNDRY
8 ROOM. SHE WENT TO THE OTHER SIDE, CORRECT?

9 A CORRECT.

10 Q AND THAT'S ANOTHER OPENING INTO THE KITCHEN?

11 A NO. IT'S A HALLWAY.

12 Q IT'S A HALLWAY. OKAY. CAN YOU GET TO THE KITCHEN FROM
13 THAT HALLWAY?

14 A YES, YOU CAN.

15 Q OKAY. THERE IS, IN OTHER WORDS, THERE IS ANOTHER
16 ENTRANCE TO THE KITCHEN FROM THERE?

17 A (NODDED HEAD.)

18 Q OKAY. AND WHAT DID SHE DO AFTER SHE WENT DOWN THAT
19 HALLWAY?

20 A SHE WENT AND MR. HARRIS WAS BEHIND HER CHASING HER.

21 Q SO HE WENT IN THAT SAME DIRECTION?

22 A UH-HUH.

23 Q ALL RIGHT. AND WHAT WAS THE NEXT THING YOU SAW?

24 A SHE RAN. THEN SHE GOT TO THE, WHERE SHE FIRST STARTED
25 OUT AND FELL TO THE GROUND WITH MARCUS AND THAT'S WHEN HE

1 WAS, MR. HARRIS WAS FOLLOWING HER AND HE WALKED OUT INTO THE
2 LAUNDRY ROOM AND CAME BACK IN AND LOOKED DOWN AND SHOT HER.

3 Q OKAY.. WHERE, NOW, HOW DID SHE GET BACK IN THE DEN?
4 COULD YOU TELL THE JURY, POINT TO HOW SHE CAME BACK IN THE
5 DEN?

6 A SHE RAN.

7 Q YES, BUT I MEAN FROM WHAT DIRECTION, FROM THE HALLWAY
8 WHERE SHE WENT DOWN?

9 A FROM THE HALLWAY INTO THE DINING ROOM BACK TO THE
10 KITCHEN AND BACK TO THE SAME PLACE.

11 Q OKAY. SO IF YOU COULD POINT WHERE YOU'RE REFERRING TO.
12 SHE WENT DOWN, POINT TO WHERE THE HALLWAY SHE WENT DOWN?

13 A WELL, THIS THE HALLWAY RIGHT HERE.

14 Q THAT'S THE COUNTER?

15 A OH, SHE RAN THIS WAY.

16 Q SHE RAN THAT WAY?

17 A THAT'S RIGHT.

18 Q AND THEN CAME UP THE OTHER WAY; IS THAT RIGHT?

19 A THAT'S RIGHT.

20 Q OKAY. MR. HARRIS WENT AFTER HER THAT WAY?

21 A CORRECT.

22 Q OKAY. AND WHEN DID SHE GET MARCUS?

23 A MARCUS WAS ALREADY STANDING RIGHT THERE AND THEY BOTH
24 FELL TO THE GROUND TOGETHER.

25 Q OKAY. NOW, WHERE WAS MR. HARRIS STANDING WHEN HE SHOT

1 YOUR MOM?

2 A IN THE KITCHEN AND ALMOST LIKE INTO THE LAUNDRY ROOM.

3 Q OKAY. NOW, YOU SAID THAT BEFORE THAT HE LEFT THE
4 KITCHEN WHEN YOUR MOM WAS DOWN ON THE GROUND?

5 A UH-HUH.

6 Q AND THEN HE CAME BACK?

7 A HE WENT TO THE LITTLE LAUNDRY ROOM AND CAME BACK AND
8 LOOKED DOWN AND SHOT HER.

9 Q OKAY. HE NEVER WENT OUT OF THE HOUSE?

10 A NO, HE DID NOT GO OUT THE HOUSE.

11 Q ALL RIGHT. AND WHEN HE CAME BACK IN ACCORDING TO YOU,
12 DID HE JUST GO OVER AND SHOOT HER OR DID HE TRIP OR DID HE
13 FALL OR ANYTHING LIKE THAT?

14 A NO, HE DID NOT TRIP OR FALL. HE SHOT HER.

15 Q OKAY. AND THAT'S WHEN YOU WENT AHEAD AND MADE THE
16 PHONE CALL ON YOUR CELL PHONE; IS THAT RIGHT?

17 A I TRIED TO CALL ON THE HOUSE PHONE BUT NO DIAL TONE.

18 MR. SWERLING: NO DIAL. OKAY. ALL RIGHT. THANK
19 YOU VERY MUCH.

20 THE COURT: THANK YOU, SIR.

21 MS. GADDY, ANYTHING ON REDIRECT?

22 MS. GADDY: JUST A COUPLE OF BRIEF QUESTIONS, YOUR
23 HONOR.

24 THE COURT: YES, MA'AM.

25 REIRECT EXAMINATION BY MS. GADDY:

1 Q ASHLEY, APPROACHING YOU WITH WHAT'S BEEN MARKED AS
2 STATE'S EXHIBIT NO. 24 FOR IDENTIFICATION PURPOSES ONLY,
3 JUST ASK YOU TO LOOK AT THAT STATEMENT FOR JUST A MOMENT,
4 PLEASE, MA'AM.

5 (PAUSE)

6 BY MS. GADDY:

7 Q DO YOU REMEMBER GIVING THAT SWORN STATEMENT TO
8 INVESTIGATOR MARK VINSON HERE IN THE COURTROOM?

9 A YES.

10 Q WHAT DAY OR DATE DID YOU GIVE THAT STATEMENT, MA'AM?

11 A I THINK IT WAS A COUPLE OF DAYS AFTER.

12 Q WOULD YOU LOOK PLEASE TO REFRESH YOUR RECOLLECTION TO
13 STATE'S EXHIBIT NO. 24 AND SEE IF IT HAS A DATE ON IT?

14 A JULY 17TH.

15 Q AND HAD YOU MET ME AT THAT TIME?

16 A I'M NOT SURE.

17 Q BACK IN 2003 HAD YOU MET ME?

18 A I DON'T KNOW.

19 Q ELEVEN DAYS AFTER THE SHOOTING WHO HAD YOU TALKED TO AT
20 THAT POINT?

21 A I DON'T KNOW. I DON'T REMEMBER.

22 Q DID YOU GIVE A SWORN STATEMENT TO LAW ENFORCEMENT,
23 INVESTIGATOR VINSON, ON JULY 17TH, 2003?

24 MR. SWERLING: YOUR HONOR, COULD WE APPROACH SIDE
25 BAR FOR A MOMENT?

1 THE COURT: YES, SIR.

2 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
3 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

4 THE COURT: THANK YOU, COUNSEL.

5 BY MS. GADDY:

6 Q MR. SWERLING ASKED YOU ABOUT A BUNCH OF QUESTIONS ABOUT
7 GOING PLACES WITH MR. HARRIS?

8 A UH-HUH.

9 Q AND ONE OF THE THINGS WAS ABOUT THE CIRCUS?

10 A YES.

11 Q DID YOU WANT TO GO TO THE CIRCUS WITH MR. HARRIS?

12 A NO, HE WAS NOT INVITED.

13 Q DID YOU WANT TO GO TO THE COOKOUT WITH MR. HARRIS?

14 A NO.

15 MS. GADDY: THAT'S ALL, YOUR HONOR. THANK YOU.

16 THE COURT: THANK YOU, MA'AM.

17 MR. SWERLING: MAY I ASK A QUESTION?

18 THE COURT: YES, SIR, MR. SWERLING.

19 RECROSS-EXAMINATION BY MR. SWERLING:

20 Q I WANT TO JUST FOLLOW UP. DID YOU SAY THAT MR. HARRIS
21 WAS NOT INVITED?

22 A HE WAS NOT INVITED.

23 Q WHO BOUGHT THE TICKETS?

24 A HIM AND MY MOTHER WENT HALF ON THOSE TICKETS.

25 Q OKAY. BUT HE BOUGHT THE TICKETS?

1 A NO.

2 Q AS FAR AS YOU KNOW HE AT LEAST WENT IN HALF?

3 A HE WENT IN HALF.

4 Q FOR THE TICKETS?

5 A (NODDED HEAD.)

6 MR. SWERLING: THAT'S ALL I HAVE.

7 THE COURT: THANK YOU, SIR.

8 MS. GILMORE, YOU MAY STEP DOWN. THANK YOU, MA'AM.

9 MS. GILMORE, IF YOU'LL JUST LEAVE THAT EXHIBIT UP FRONT
10 THERE OR HAND IT TO THE BAILIFF FOR ME. THANK YOU, MA'AM.

11 THE COURT: OKAY. STATE READY TO CALL YOUR NEXT
12 WITNESS?

13 MS. GADDY: YES, YOUR HONOR. STATE WOULD CALL
14 FOREST IVERY.

15 MS. GADDY: IF I MAY APPROACH, YOUR HONOR, JUST TO
16 ADJUST THE MICROPHONE. AND WILL YOU SPELL YOUR MIDDLE NAME
17 FOR THE COURT REPORTER PLEASE.

18 THE WITNESS: R-A-K-I-E.

19 MS. GADDY: MAY IT PLEASE THE COURT, YOUR HONOR.

20 THE COURT: YES, MA'AM.

21 MS. GADDY: THANK YOU.

22 FOREST IVERY, BEING FIRST DULY
23 SWORN, TESTIFIED AS FOLLOWS:

24 DIRECT EXAMINATION BY MS. GADDY:

25 Q FOREST, YOU'RE EXTRA HAPPY TODAY, AREN'T YOU, SIR?

1 A YES, MA'AM.

2 Q WHAT'S SPECIAL ABOUT TODAY.

3 A IT'S MY BIRTHDAY.

4 Q ALL RIGHT. HOW OLD ARE YOU TODAY?

5 A TWELVE.

6 Q WHAT SCHOOL DO YOU GO TO?

7 A HAND.

8 Q AND WHAT GRADE ARE YOU IN?

9 A SIXTH.

10 Q YOU GET SOME GOOD GRADES?

11 A YES, MA'AM.

12 Q WHERE ARE YOU IN THE FAMILY? LIKE, ARE YOU THE OLDEST
13 OR THE YOUNGEST OR SOMETHING IN BETWEEN?

14 A YOUNGEST.

15 Q DO THEY TREAT YOU LIKE A BABY?

16 A NO.

17 Q DO YOU PLAY SPORTS?

18 A YES.

19 Q WHICH SPORTS DO YOU PLAY?

20 A BASKETBALL, FOOTBALL, AND BASEBALL.

21 Q AND DO YOU DO THAT THROUGH SCHOOL OR SOMEWHERE ELSE?

22 A SOMEWHERE ELSE.

23 Q YOU PRETTY GOOD AT THE SPORTS?

24 A YES.

25 Q DO YOU KNOW WHAT IT MEANS TO TELL THE TRUTH?

1 A YES, MA'AM.

2 Q DID YOU UNDERSTAND WHAT IT MEANT TO PUT YOUR HAND ON
3 THAT BIBLE?

4 A YES, MA'AM.

5 Q WHAT DID IT MEAN?

6 A TELL NOTHING BUT THE TRUTH.

7 Q DO YOU KNOW JHUNE HARRIS?

8 A YES, MA'AM.

9 Q HOW LONG HAVE YOU BEEN KNOWING HIM?

10 A I DON'T REALLY KNOW.

11 Q HAS IT BEEN MOST OF YOUR LIFE?

12 A YES.

13 Q DID SOMETHING STRANGE HAPPEN WITH HIM ON JULY 6TH
14 OF 2003?

15 A YES, MA'AM.

16 Q HOW'D THAT DAY START OUT FOR YOU?

17 A WE WOKE UP AND THEN WE STARTING TO CLEAN UP.

18 Q WHAT WERE YOU CLEANING UP FOR?

19 A BECAUSE OUR ROOM WAS JUNKY.

20 Q AND YOUR MAMA DOESN'T TOLERATE THAT, DOES SHE?

21 A NO.

22 Q WHO WAS THERE HELPING YOU CLEAN UP?

23 A LEOPOLD.

24 Q AND WHO ELSE?

25 A ME AND MY OTHER BROTHERS.

- 1 Q ALL RIGHT. AND WHAT ARE THEIR NAMES?
- 2 A MARCUS AND EUGENE.
- 3 Q WERE ALL OF Y'ALL IN ONE ROOM OR IN DIFFERENT PLACES?
- 4 A ONE ROOM.
- 5 Q AND WHOSE ROOM WAS THAT?
- 6 A OURS.
- 7 Q WHO LIVES IN THAT ROOM?
- 8 A ME AND MARCUS AND EUGENE.
- 9 Q AND WHO ELSE LIVES IN YOUR HOUSE?
- 10 A ASHLEY AND MAMA.
- 11 Q ASHLEY AND MOMMY. WHAT ROOM DOES ASHLEY LIVE IN?
- 12 A IT'S RIGHT ACROSS THE HALL.
- 13 Q AND WHAT ROOM DOES MOMMY LIVE IN?
- 14 A DOWNSTAIRS.
- 15 Q WHEN Y'ALL WERE CLEANING YOUR ROOM BECAUSE IT WAS
- 16 JUNKY, WHAT WERE YOU DOING?
- 17 A CLEANING UNDER OUR BED AND VACUUM.
- 18 Q WAS ANYTHING SPECIAL BEING DONE THAT DAY?
- 19 A MY BED WAS GETTING FIXED.
- 20 Q DO YOU REMEMBER WHAT HAPPENED TO THAT BED?
- 21 A NO.
- 22 Q WHO WAS FIXING IT?
- 23 A LEOPOLD.
- 24 Q HOW LONG HAD YOU BEEN KNOWING LEOPOLD?
- 25 A FOR LIKE ABOUT A MONTH.

1 Q DID YOU LIKE HIM?

2 A YES.

3 Q WERE Y'ALL GETTING ALONG THAT DAY?

4 A YES, MA'AM.

5 Q AT SOME POINT DID MR. HARRIS COME COME TO THE HOUSE?

6 A YES.

7 Q DO YOU KNOW HOW HE GOT THERE?

8 A IN A CAR PROBABLY.

9 Q OKAY. DID YOU SEE HIM DRIVE UP?

10 A NO.

11 Q WHAT WAS THE FIRST THING THAT YOU SAW ABOUT MR. HARRIS?

12 A HE WAS DRESSED LIKE I AM.

13 Q OKAY. AND WHERE DID YOU SEE HIM?

14 A AFTER HE GOT OUT OF HIS CAR.

15 Q AND WAS HE INSIDE THE HOUSE, OUTSIDE THE HOUSE, OR

16 SOMETHING ELSE?

17 A OUTSIDE THE HOUSE.

18 Q ABOUT WHERE OUTSIDE THE HOUSE WAS HE?

19 A RIGHT BEHIND MY MAMA'S CAR.

20 Q I'M GOING TO SHOW YOU A COUPLE DIFFERENT VIEWS OF YOUR

21 HOUSE, STATE'S EXHIBIT 10 AND STATE'S EXHIBIT NO. 1. IF

22 YOU'LL TAKE A LOOK AT THESE AND TELL ME WHICH ONE SHOWS YOU

23 WHERE JHUNE WAS WHEN YOU FIRST SAW HIM?

24 A I SAW HIM LIKE ABOUT RIGHT THERE. (INDICATING.)

25 Q OKAY. SO YOU PICKED UP STATE'S EXHIBIT NO. 9 AND HE

1 WAS SORT OF AT THE SIDE OF THE HOUSE BY THE BACK DOOR?

2 A YES.

3 Q WHERE WERE YOU SEEING HIM FROM, WHERE WERE YOU LOOKING
4 FROM?

5 A THAT WINDOW.

6 Q OKAY. AND WHERE DOES THAT WINDOW LEAD INTO?

7 A RIGHT BESIDE THE COUCH.

8 Q OKAY. IS IT IN THE DEN?

9 A (NODDED HEAD.)

10 Q OKAY. DO YOU CALL THAT ROOM THE DEN?

11 A NO.

12 Q OR THE LIVING ROOM?

13 A LIVING ROOM.

14 Q LIVING ROOM. OKAY. SO THAT WINDOW GOES INTO THE
15 LIVING ROOM THAT YOU WERE LOOKING OUT OF. WERE YOU SITTING
16 ON THE COUCH OR STANDING ON THE COUCH OR SOMETHING ELSE?

17 A SITTING ON THE COUCH.

18 Q WHAT WERE YOU DOING DOWNSTAIRS?

19 A JUST WATCHING T.V...

20 Q WERE YOU TAKING A BREAK FROM CLEANING UP?

21 A YES.

22 Q WHAT GOT YOUR ATTENTION TO MAKE YOU LOOK OUT THE
23 WINDOW?

24 A BECAUSE JHUNE WAS HERE.

25 Q WHAT DID YOU SEE HIM DOING?

1 A COME UP TO THE DOOR AND KNOCK ON IT.

2 Q DID YOU HEAR HIM KNOCK?

3 A YES.

4 Q FROM INSIDE THE HOUSE?

5 A (NODDED HEAD.)

6 Q DID HE SAY ANYTHING?

7 A HE SAID HE HAD A WATERMELON.

8 Q WHAT WAS THE NEXT THING THAT HAPPENED?

9 A I DON'T KNOW.

10 Q OKAY. DID JHUNE HAVE A WATERMELON WITH HIM?

11 A NO.

12 Q SOME POINT DID HE COME IN THE HOUSE?

13 A YES.

14 Q HOW DID HE GET INSIDE THE HOUSE?

15 A I DON'T KNOW. SOMEBODY MUST HAVE OPEN IT.

16 Q WHAT DID JHUNE SAY WHEN HE CAME IN THE HOUSE?

17 A I DON'T KNOW.

18 Q WERE YOU PAYING ATTENTION TO THE T.V. OR TO WHAT WAS

19 GOING ON?

20 A THE T.V.

21 Q YOU WERE ABOUT NINE YEARS OLD AT THIS TIME; IS THAT

22 RIGHT?

23 A (NODDED HEAD.)

24 Q AND WHAT WAS THE NEXT THING THAT GOT YOUR ATTENTION

25 BESIDES THE T.V.?

1 A WHEN HE START FUSSING.

2 Q WHO STARTED FUSSING?

3 A JHUNE.

4 Q WHAT WAS HE FUSSING ABOUT?

5 A JUST STUFF.

6 Q COULD YOU HEAR WHAT STUFF HE WAS FUSSING ABOUT?

7 A (SHOOK HEAD.)

8 Q WAS HE USING THE SAME KIND OF VOICE THAT YOU AND I ARE

9 USING TODAY?

10 A NO.

11 Q WHAT KIND OF VOICE WAS HE USING?

12 A LOUD.

13 Q AND WHO WAS HE TALKING TO?

14 A MY MOM.

15 Q WHEN YOU SAY HE HAD A LOUD VOICE, WOULD YOU SAY IT WAS

16 YELLING OR WOULD YOU SAY IT WAS TALKING OR SOMETHING ELSE?

17 A YELLING.

18 Q WHEN HE WAS YELLING AT YOUR MAMA, WHAT WERE YOU DOING?

19 A I WAS JUST SITTING THERE WATCHING.

20 Q DO YOU REMEMBER ANYTHING THAT JHUNE SAID TO YOUR MAMA?

21 A (SHOOK HEAD.)

22 Q WHAT HAPPENED NEXT?

23 A HE KEPT ON CALLING LEOPOLD TO COME DOWN.

24 Q WHAT WAS HE SAYING TO LEOPOLD?

25 A COME DOWN, SOMETHING LIKE THAT.

1 Q DID LEOPOLD COME DOWN?
2 A JUST TO GET A BROOM.
3 Q DID LEOPOLD SAY ANYTHING TO MR. HARRIS?
4 A NO.
5 Q DID HE MAKE A FIST AT MR. HARRIS?
6 A NO.
7 Q DID HE HAVE A GUN?
8 A NO.
9 Q DID HE HAVE A KNIFE?
10 A NO.
11 Q SO ALL HE DID WAS COME DOWN TO GET A BROOM?
12 A UH-HUH.
13 Q DID HE LIKE SHAKE THE BROOM AT MR. HARRIS?
14 A HUH-UH. HE JUST WALKED BY.
15 Q WHAT DID HE DO WITH THE BROOM?
16 A HE TOOK IT UPSTAIRS.
17 Q DID YOU GO UPSTAIRS WITH HIM THAT TIME?
18 A (NODDED HEAD.)
19 Q WHAT DID HE DO WITH THE BROOM WHEN HE GOT UPSTAIRS?
20 A START SWEEPING.
21 Q DID LEOPOLD SAY ANYTHING TO YOU?
22 A NO.
23 Q WHAT WAS MR. HARRIS DOING AFTER YOU WENT BACK UPSTAIRS?
24 A HE STILL KEPT CALLING HIM.
25 Q WHAT DID LEOPOLD SAY?

1 A NOTHING.

2 Q DID LEOPOLD GO DOWN?

3 A AFTER HE GOT TIRED OF IT.

4 Q OKAY. AND WHEN HE WENT DOWNSTAIRS WHAT DID HE HAVE IN
5 HIS HANDS?

6 A I DON'T KNOW.

7 Q WELL, DID HE HAVE A GUN?

8 A NO.

9 Q DID HE HAVE A KNIFE?

10 A NO.

11 Q WERE HIS FISTS MADE UP?

12 A NO.

13 Q WHEN LEOPOLD WENT DOWNSTAIRS WHO WENT DOWN WITH HIM?

14 A ME, ASHLEY, AND EUGENE.

15 Q AND DO YOU REMEMBER WHAT ORDER YOU WERE IN ON THE
16 STAIRS?

17 A NO.

18 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
19 NO. 20, CAN YOU SHOW US WHERE LEOPOLD WAS ON THE STAIRS?

20 A RIGHT THERE. (INDICATING.)

21 Q OKAY. AND WHAT STOPPED LEOPOLD FROM GOING ANY FURTHER?

22 A HE SHOT HIM.

23 Q WHO SHOT HIM?

24 A JHUNE.

25 Q WITHOUT LEOPOLD SAYING ANYTHING?

1 A UH-HUH.

2 Q DID JHUNE SAY ANYTHING?

3 A NO.

4 Q WHERE'D JHUNE GET THE GUN FROM?

5 A I DON'T KNOW.

6 Q OKAY. COULD YOU SEE WHERE JHUNE WAS WHEN HE WAS

7 SHOOTING LEOPOLD?

8 A YES.

9 Q WHERE WAS HE?

10 A HE WAS RIGHT BESIDE THE KITCHEN TABLE.

11 Q OKAY. I GOT THREE DIFFERENT PICTURES OF YOUR KITCHEN.

12 WILL YOU PICK THE ONE THAT SHOWS YOU WHERE JHUNE WAS

13 STANDING WHEN HE SHOT LEOPOLD?

14 A RIGHT, LIKE ABOUT RIGHT THERE.

15 Q OKAY. FOR THE RECORD WE'RE LOOKING AT STATE'S EXHIBIT

16 NO. 11 AND SHOW US ABOUT WHERE JHUNE WAS STANDING, PLEASE?

17 A RIGHT THERE.

18 Q OKAY. SO HE'S SORT OF IN THE KITCHEN AND HOW, ABOUT

19 HOW FAR IS IT FROM THERE TO THE STAIRS WHERE LEOPOLD WAS IF

20 YOU CAN FIND SOMETHING IN THIS COURTROOM?

21 A LIKE FROM HERE TO MR. MEADORS.

22 Q OKAY. SO LEOPOLD AND MR. HARRIS WERE ABOUT THIS FAR

23 APART?

24 A (NODDED HEAD.)

25 Q LEOPOLD WASN'T SAYING ANYTHING UGLY?

1 A NO.

2 Q WHAT STOPPED LEOPOLD FROM GOING ANY FURTHER DOWN THE
3 STAIRS?

4 A HE GOT SHOT. HE COULDN'T.

5 Q HOW MANY TIMES DID HE GET SHOT?

6 A TWO.

7 Q AND IF YOU CAN SORT OF TELL US HERE IN COURT, HOW FAST
8 DID THOSE SHOTS COME?

9 A FAST.

10 Q WAS THERE LIKE A PAUSE IN BETWEEN THE TWO SHOTS?

11 A YES, BUT LIKE ABOUT A SECOND.

12 Q WHAT DID LEOPOLD DO WHEN HE GOT SHOT?

13 A HE FELL.

14 Q WHERE DID HE FALL?

15 A ON THE LAST TWO STAIRS.

16 Q DID HE MOVE AGAIN?

17 A NO.

18 Q WHAT DID YOU DO?

19 A I WAS JUST IN SHOCK.

20 Q SO WHERE DID YOU GO?

21 A I JUST STAYED THERE.

22 Q WHERE WERE YOU?

23 A ON THE STAIRS STILL.

24 Q NOW, WHEN YOU'RE SITTING ON THE STAIRS, OR WERE YOU
25 STANDING OR SITTING?

1 A STANDING.

2 Q OKAY. CAN YOU STILL SEE EVERYTHING THAT'S GOING ON WHEN
3 YOU'RE STANDING ON THOSE, OR SITTING ON THOSE STAIRS?

4 A UH-HUH.

5 Q WHAT DID YOU SEE HAPPEN NEXT?

6 A HE POINTED THE GUN AT MY MAMA AND SHE RAN.

7 Q JHUNE POINTED THE GUN AT YOUR MAMA?

8 A (NODDED HEAD.)

9 Q WHERE DID SHE RUN TO?

10 A AROUND THE HOUSE, I DON'T KNOW. SHE JUST, SHE WENT
11 STRAIGHT THEN SHE TOOK A RIGHT TO THE DOOR.

12 Q AND HOW CAN SHE RUN IN YOUR HOUSE WHEN THERE ARE WALLS?
13 HOW DID SHE GET AROUND INSIDE THE HOUSE?

14 A SHE RAN.

15 Q OKAY. WHAT'S THE FIRST PLACE SHE RAN?

16 A TO THE DEN.

17 Q IS THIS THE DEN?

18 A (SHOOK HEAD.)

19 Q NOPE. OKAY. IS THAT THE DEN DOWN THAT HALLWAY?

20 A (NODDED HEAD.)

21 Q OKAY. STATE'S EXHIBIT NO. 3?

22 A SHE RAN RIGHT THROUGH THERE AND HE TOOK AND SHE TOOK
23 BECAUSE, THERE'S A DOOR RIGHT THERE. THEN HE CAME BACK.

24 Q OKAY.

25 A THEN SHE GRABBED MARCUS.

1 Q SO SHE WASN'T RUNNING THROUGH A WALL SHE WAS RUNNING
2 THROUGH A DOOR?

3 A UH-HUH.

4 Q OKAY. WHERE DOES THAT DOOR LEAD HER?

5 A TO THE DEN AND THEN SHE TOOK A RIGHT OVER THERE BY THE
6 BATHROOM AND SHE TOOK ANOTHER ONE.

7 Q OKAY. SO IF SHE TAKES A RIGHT, RIGHT THERE ABOUT THAT
8 CHAIR, DOES SHE COME BACK INTO THIS ROOM, THE LIVING ROOM?

9 A NO.

10 Q OKAY. WHICH ROOM DOES SHE COME BACK INTO?

11 A BY THE BATHROOM.

12 Q BY THE BATHROOM. OKAY. AND THEN WHAT ROOM DOES SHE
13 COME TO?

14 A TO THE ROOM THAT YOU JUST SHOWED ME.

15 Q OKAY. AND WHERE DID SHE WIND UP AT THE END?

16 A BY THE BOOKSHELF AND THE COUCH.

17 Q ALL RIGHT. SHOWING YOU STATE'S EXHIBIT NO. 16 DOES
18 THAT SHOW WHERE SHE WOUND UP?

19 A LIKE ABOUT RIGHT THERE.

20 Q OKAY. WAS YOUR MOM CALM DURING ALL THIS?

21 A IS SHE WHAT?

22 Q WAS SHE CALM DURING ALL THIS?

23 A NO. SHE WAS YELLING.

24 Q WHAT WAS SHE ACTING LIKE?

25 A SHE WAS YELLING.

1 Q DO YOU KNOW WHY SHE WAS YELLING?

2 A BECAUSE SHE WAS SCARED.

3 Q AND WHY WAS SHE SCARED?

4 A BECAUSE HE POINTED A GUN AT HER AND CHASED HER.

5 Q THAT'S MR. HARRIS RIGHT THERE?

6 A UH-HUH.

7 Q WHY'D YOUR MAMA STOP WHEN SHE GOT TO THIS POINT, TO THE
8 EDGE OF THE KITCHEN?

9 MR. SWERLING: YOUR HONOR, I OBJECT. HOW HE WOULD
10 KNOW THAT?

11 THE WITNESS: I DON'T KNOW.

12 THE COURT: I'M GOING TO SUSTAIN THE OBJECTION
13 UNLESS YOU CAN REPHRASE THE QUESTION.

14 MS. GADDY: I WILL.

15 BY MS. GADDY:

16 Q WHAT HAPPENED WHEN YOUR MAMA GOT TO THIS POINT HERE
17 JUST OUTSIDE THE KITCHEN?

18 A SHE GRABBED MARCUS.

19 Q SHE GRABBED MARCUS AND WHAT HAPPENED NEXT?

20 A BOTH OF THEM FELL.

21 Q DID SHE GET UP AGAIN?

22 A NO.

23 Q WHAT HAPPENED ONCE SHE FELL?

24 A JHUNE RUN ON THE OUTSIDE AND CAME BACK IN AND SHOT HER.

25 Q HE WENT OUTSIDE THE HOUSE OR JUST OUTSIDE THE ROOM?

1 A NO. HE JUST WENT ---

2 MR. SWERLING: OBJECTION. LEADING. THAT WAS
3 LEADING. SHE'S LEADING, YOUR HONOR.

4 THE COURT: OKAY. I'LL ALLOW A LITTLE BIT OF
5 LEADING WITH HIM ON THOSE TYPES OF QUESTIONS. I'LL LET YOU
6 ASK THAT QUESTION.

7 BY MS. GADDY:

8 Q DID HE GO OUTSIDE THE HOUSE OR OUTSIDE THE ROOM OR
9 SOMETHING ELSE?

10 A HE WENT TO THE LAUNDRY ROOM. THEN HE CAME BACK.

11 Q COULD YOU SEE WHAT HE WAS DOING IN THE LAUNDRY ROOM?

12 A NO.

13 Q BUT YOU KNOW HE WENT OUT TO THE LAUNDRY ROOM AND THEN
14 CAME BACK IN?

15 A YES.

16 Q WHAT DID HE DO WHEN HE CAME BACK IN?

17 A SHOT MY MOM.

18 Q DID HE SAY ANYTHING WHEN HE SHOT HER?

19 A (SHOOK HEAD.)

20 Q WHAT WAS YOUR MAMA DOING WHEN HE SHOT HER?

21 A STILL SCREAMING.

22 Q WAS SHE LIKE UP FIGHTING HIM?

23 A NO.

24 Q WHAT WAS SHE DOING?

25 A SHE WAS STILL ON THE GROUND SCREAMING.

1 MR. SWERLING: SHE WAS WHAT? I'M SORRY.

2 THE COURT: I THINK HE SAID SHE WAS STILL ON THE
3 GROUND SCREAMING. IS THAT, NOW, MR. FOREST, I'M GOING TO
4 ASK IF YOU CAN KEEP YOUR VOICE UP A LITTLE BIT, OKAY?

5 THE WITNESS: (NODDED HEAD.)

6 THE COURT: THANK YOU.

7 BY MS. GADDY:

8 Q WHAT WAS MARCUS DOING?

9 A HE WAS JUST SITTING IN THE BED QUIET.

10 Q WAS HE UP FIGHTING WITH JHUNE?

11 A NO.

12 Q WHAT WAS THE NEXT THING THAT HAPPENED?

13 A HE LEFT.

14 Q DID YOU SEE WHERE HE WENT?

15 A NO.

16 Q WHAT DID YOU DO NEXT?

17 A I RAN ACROSS THE STREET.

18 Q WHAT WERE YOU TRYING TO DO ACROSS THE STREET?

19 A CALL THE POLICE.

20 Q DID YOU FIND ANYBODY THERE?

21 A (NODDED HEAD.)

22 Q WHAT DID YOU DO?

23 A I TOLD THEM TO CALL THE POLICE.

24 Q OKAY. THOSE NEIGHBORS OR SOMETHING?

25 A (NODDED HEAD.)

1 Q WHAT DID YOU DO AFTER YOU CALLED THE POLICE?

2 A I WENT BACK HOME.

3 Q WHO WAS THERE?

4 A EXCEPT MOM AND LEOPOLD.

5 Q WAS LEOPOLD MOVING?

6 A NO.

7 Q WHAT WAS YOUR MOMMY DOING?

8 A SCREAMING.

9 MS. GADDY: BEG THE COURT'S INDULGENCE FOR JUST A
10 MINUTE.

11 THE COURT: YES, MA'AM.

12 (PAUSE)

13 MS. GADDY: IF I MAY APPROACH THE WITNESS, YOUR
14 HONOR.

15 THE COURT: YES, MA'AM.

16 BY MS. GADDY:

17 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
18 NO. 22 FOR IDENTIFICATION, DO YOU RECOGNIZE THIS GUN?

19 A YES.

20 Q WHEN DID YOU SEE THIS GUN?

21 A TWO TIMES.

22 Q OKAY. AND ON JULY 6TH, 2003, WHO HAD IT?

23 A JHUNE.

24 Q WHAT DID HE DO WITH THIS GUN?

25 A HE KILLED LEOPOLD AND TRIED TO KILL MY MAMA.

1 Q DO YOU SEE JHUNE HERE IN THE COURTROOM TODAY?

2 A YES.

3 Q WHERE IS HE?

4 A RIGHT THERE. (INDICATING.)

5 Q ALL RIGHT. AND WHAT'S HE WEARING TODAY?

6 A BLACK AND I DON'T KNOW WHAT COLOR TIE.

7 MS. GADDY: OKAY. YOUR HONOR, I'D ASK THAT THE
8 RECORD REFLECT THAT HE'S IDENTIFIED THE DEFENDANT, PLEASE.

9 THE COURT: YES, MA'AM.

10 MS. GADDY: THANK YOU. THOSE WOULD BE MY
11 QUESTIONS, YOUR HONOR.

12 THE COURT: OKAY. THANK YOU, MS. GADDY.

13 MR. SWERLING.

14 CROSS-EXAMINATION BY MR. SWERLING:

15 Q HI.

16 A HEY.

17 Q SO YOU'RE 12 TODAY. HAPPY BIRTHDAY.

18 A THANK YOU.

19 Q RATHER BE ANYWHERE ELSE THAN HERE, RIGHT?

20 A YES.

21 Q OKAY. I JUST HAVE A FEW QUESTIONS FOR YOU, OKAY?

22 A OKAY.

23 Q ONE OF THE QUESTIONS I WANTED TO ASK YOU IS THIS: DID
24 YOU AND YOUR BROTHER EUGENE AND YOUR FAMILY DISCUSS WHAT
25 HAPPENED IN COURT YESTERDAY LAST NIGHT?

1 A NO.

2 Q OKAY. AFTER YOUR COURT YESTERDAY YOU DID NOT DISCUSS
3 IT AT ALL?

4 A (SHOOK HEAD.)

5 Q BUT YOU HAVE DISCUSSED IT IN THE PAST, CORRECT?

6 A YES.

7 Q WHAT HAPPENED THAT DAY?

8 A WHAT DAY?

9 Q ON JULY 6TH, 2003?

10 A HE SHOT MY MAMA.

11 Q RIGHT. THAT'S WHAT I'M SAYING. YOU AND YOUR FAMILY
12 HAVE DISCUSSED WHAT HAPPENED THAT DAY?

13 A YES.

14 Q CORRECT. AND YOU'VE BEEN HERE TO THE SOLICITOR'S
15 OFFICE DISCUSSING WHAT HAPPENED THAT DAY AS WELL, CORRECT?

16 A YES.

17 Q AND YOU CAME TO THE COURTROOM, TOO, SAT IN THAT CHAIR
18 TO SEE WHAT IT WAS GOING TO BE LIKE?

19 A UH-HUH.

20 Q DID THEY TELL YOU I WAS A BIG GUY?

21 A WELL, NO.

22 Q WHAT DID THEY SAY?

23 A THEY DIDN'T SAY NOTHING ABOUT YOU.

24 Q I KNOW MR. MEADORS HAD TO TELL YOU I WAS A BIG GUY. HE
25 MAY HAVE SAID FAT I DON'T KNOW. I'LL FIND OUT IF HE SAID

1 THAT OR NOT. I HAVE A FEW QUESTIONS I WANT TO ASK YOU ABOUT
2 WHAT HAPPENED, OKAY; AND LET ME, LET ME JUST ASK YOU TO TAKE
3 A MOMENT BECAUSE THE PICTURES SORT OF, WE HAVE TO KEEP USING
4 A BUNCH OF DIFFERENT PICTURES BUT DID THEY SHOW YOU THIS
5 DIAGRAM HERE?

6 A NO.

7 Q YOU NEVER SAW THIS?

8 A WILL, YES.

9 Q OKAY. ALL RIGHT. AND I WANT YOU TO TAKE A LOOK AT IT
10 AND SEE IF YOU CAN RECOGNIZE SOME OF THE THINGS ON THE
11 GROUND FLOOR OF YOUR HOUSE, OKAY. UP AT "J" UP IN THE UPPER
12 LEFT HAND CORNER, SEE "J", UPPER LEFT?

13 A STAIRS.

14 Q YES, THOSE ARE THE STAIRS, OKAY. AND THEN "E" WOULD BE
15 THE COUNTER GOING INTO THE KITCHEN?

16 A UH-HUH.

17 Q AND "G" WOULD BE THE SOFA?

18 A (NODDED HEAD.)

19 Q AND "H" WOULD BE THAT TABLE?

20 A UH-HUH.

21 Q OKAY. SO YOU PRETTY MUCH ORIENTED TOWARD WHAT THE
22 HOUSE IS, THIS DIAGRAM IS OF THE HOUSE?

23 A UH-HUH.

24 Q OKAY. NOW, YOU WERE, FROM WHAT I UNDERSTOOD WHEN
25 MR. HARRIS DROVE UP, YOU WERE IN THE DEN WATCHING T.V.?

1 A UH-HUH.

2 Q AND YOU COULD LOOK OUT THE WINDOW AND SEE HIM DRIVE UP?

3 A UH-HUH

4 Q AND WHERE WAS THAT?

5 A I WAS ---

6 Q YES, YOU CAN STAND UP.

7 A --- RIGHT THERE. (INDICATING.)

8 Q OKAY. SO YOU WERE THERE. SO AND WHEN YOU, WHEN HE
9 DROVE UP WHERE DID HE PARK THE CAR, IN THE SIDE OF THE HOUSE
10 OR IN THE FRONT OF HOUSE?

11 A THE SIDE.

12 Q OKAY. AND COULD YOU POINT OUT WHERE THAT WOULD HAVE
13 BEEN?

14 A LIKE ABOUT RIGHT THERE BESIDE MY MOTHER CAR.

15 Q LET ME JUST SEE IF, FIND ONE OF THE PICTURES THAT MAY
16 SHOW THAT?

17 A HERE GO ONE.

18 Q OH, YOU GOT IT RIGHT THERE?

19 A ABOUT RIGHT THERE.

20 Q OKAY. GO AHEAD AND JUST SHOW ---

21 THE COURT: FOREST, I'M GOING TO ASK IF YOU CAN
22 SPEAK UP A LITTLE LOUDER, OKAY. I HAVE A LITTLE HARD TIME
23 HEARING YOU RIGHT NOW. OKAY.

24 THE WITNESS: OKAY.

25 MR. SWERLING: OKAY. JUST SPEAK RIGHT IN THAT

1 MIKE. IT'LL PICK IT UP.

2 BY MR. SWERLING:

3 Q THIS IS STATE'S EXHIBIT NO. 10 AND SHOW THE JURY WHERE
4 THAT CAR WOULD HAVE BEEN PARKED WHEN YOU WERE ABLE TO LOOK?

5 A LIKE ABOUT RIGHT THERE.

6 Q WHERE THAT CAR IS RIGHT NOW IN THE PICTURE?

7 A YES.

8 Q SAME PLACE?

9 A (NODDED HEAD.)

10 Q OKAY. NOW, WHEN YOU SAID JHUNE CAME UP, HE WAS DRESSED
11 JUST LIKE YOU, I THINK YOU SAID, RIGHT?

12 A YES.

13 Q ALL RIGHT. AND DO YOU REMEMBER ABOUT WHAT TIME OF DAY
14 IT WAS?

15 A NO.

16 Q OKAY. WHEN HE CAME TO THE DOOR DID YOU HEAR WHAT HE
17 AND YOUR MOM SAID?

18 A I DON'T EVEN REALLY PAY ATTENTION.

19 Q YOU WERE WATCHING T.V. OKAY, BUT YOU DIDN'T HEAR ANY
20 YELLING OR ANYTHING LIKE THAT, RIGHT?

21 A RIGHT.

22 Q NOW, DID HE COME RIGHT IN THE HOUSE; DID YOUR MOM LET
23 HIM IN THE HOUSE?

24 A I DON'T KNOW WHO LET HIM IN THE HOUSE.

25 Q OKAY. OH, SO YOU DON'T KNOW WHO LET HIM IN THE HOUSE.

1 DID YOU EVER WATCH HIM GO BACK TO HIS CAR?

2 A YES.

3 Q WHEN WAS THAT?

4 A AFTER HE SAY HE HAD A WATERMELON.

5 Q OKAY. HE HAD A WATERMELON. HE WENT BACK TO HIS CAR.

6 WERE YOU WATCHING HIM DO THAT? DID YOU EVER SEE A
7 WATERMELON?

8 A NO.

9 Q OKAY. ALL RIGHT. NOW, AT THAT POINT SOMEBODY LET HIM
10 IN THE HOUSE?

11 A UH-HUH.

12 Q WHERE WAS EVERYBODY? WHERE WERE YOUR BROTHERS AND YOUR
13 SISTER?

14 A STILL UPSTAIRS CLEANING UP.

15 Q OKAY. SO FROM WHAT YOU REMEMBER THAT WOULD HAVE BEEN
16 WHO, EUGENE?

17 A EUGENE, MARCUS, AND ASHLEY.

18 Q SO THEY WERE UPSTAIRS WHEN JHUNE CAME?

19 A (NODDED HEAD.)

20 Q AND SO THEY COULDN'T HAVE LET HIM IN. ALL RIGHT, AND
21 SO THE ONLY OTHER PERSON IN THE HOUSE WAS MR. PIERRE AND HE
22 WAS UPSTAIRS, TOO, RIGHT? SO IT HAD TO BE YOUR MOM. WAS
23 THERE ANYBODY ELSE THERE?

24 A (SHAKES HEAD.)

25 Q OKAY. ALL RIGHT. AND WHEN THEY CAME IN YOU WERE STILL

1 SITTING ON THE COUCH "G" WATCHING T.V., RIGHT?

2 A (UH-HUH.)

3 Q AND YOU DIDN'T HEAR ANY ARGUMENT AT THAT POINT, RIGHT?

4 A NO.

5 Q OKAY. AND WHAT WAS THE NEXT THING YOU REMEMBER WAS,
6 WHAT HAPPENED?

7 A JHUNE, WENT UP, WELL, HE KEPT ON ASKING MY MOM
8 QUESTIONS AND THEN HE WENT UPSTAIRS TO SEE IF LEOPOLD WAS UP
9 THERE.

10 Q SO HE WAS ASKING YOUR MOM QUESTIONS AND THEN HE WENT
11 UPSTAIRS?

12 A UH-HUH.

13 Q OKAY. NOW, WHO WAS UPSTAIRS AT THAT TIME? ALL, YOUR
14 TWO BROTHERS AND YOUR SISTER WERE STILL UPSTAIRS?

15 A UH-HUH.

16 Q OKAY. AND WHEN JHUNE WENT UPSTAIRS DID YOU HEAR ANY
17 YELLING OR ANYTHING LIKE THAT?

18 A NO. HE JUST WENT UP THERE TO SEE IF HE WAS UP THERE
19 THEN CAME BACK DOWN.

20 Q OKAY. CAME RIGHT BACK DOWN? SO THERE WAS, FROM WHAT
21 YOU KNOW YOU DIDN'T HEAR ANY CONFRONTATION OR ANYTHING LIKE
22 THAT, OR FIGHT?

23 A NO.

24 Q RIGHT?

25 A NO.

1 Q OKAY. AND WHEN HE CAME DOWNSTAIRS DID YOU STAY ON THE
2 COUCH CONTINUING TO WATCH T.V.?

3 A YES.

4 Q OKAY. AND WHAT HAPPENED? WHERE DID HE GO? DID HE GO
5 BACK INTO THE KITCHEN AND TALK WITH YOUR MOM?

6 A YES. HE WAS YELLING.

7 Q OKAY. THAT'S WHEN YOU SAID HE WAS YELLING?

8 A (NODDED HEAD.)

9 Q DO YOU REMEMBER WHAT HE WAS YELLING?

10 A NO.

11 Q OKAY. AND YOU SAID, NOW, I THINK MS. GADDY MAY HAVE
12 USED THE WORD YELLING BUT WERE YOU THE ONE, WAS IT JUST
13 TALKING LOUD OR WAS HE YELLING AT YOUR MOM?

14 A YELLING.

15 Q WAS YOUR MOM YELLING BACK AT HIM?

16 A NO.

17 Q OKAY. AND WHAT HAPPENED NEXT?

18 A HE KEPT ON CALLING LEOPOLD TO COME DOWN.

19 Q AND WHERE WAS HE DOING THAT FROM?

20 A HUH?

21 Q WHERE WAS HE DOING THAT FROM?

22 A LIKE ABOUT RIGHT THERE.

23 Q IN THE KITCHEN. OKAY. AND SO HE WAS JUST YELLING IT
24 OUT, COME DOWN?

25 A UH-HUH.

1 Q OKAY. AND YOU WERE STILL SITTING WATCHING T.V.?

2 A UH-HUH.

3 Q OKAY. YOU DIDN'T SEE A GUN?

4 A (SHOOK HEAD.)

5 Q OKAY. AND WHAT WAS THE NEXT THING YOU REMEMBER
6 HAPPENING?

7 A I WENT UPSTAIRS.

8 Q YOU WENT UPSTAIRS. DID, NONE OF YOUR BROTHERS OR
9 SISTERS HAD COME DOWNSTAIRS, RIGHT?

10 A (SHOOK HEAD.)

11 Q IS THAT RIGHT?

12 A MARCUS DID.

13 Q MARCUS CAME DOWN. OKAY. NOW, MARCUS IS WHAT, WHERE
14 DOES HE FIT IN THE, AS FAR AS THE AGES ARE CONCERNED?

15 A HE'S THE SECOND YOUNGEST.

16 Q SECOND YOUNGEST. SO HE'S JUST THE ONE OLDER THAN YOU?

17 A (UH-HUH.)

18 Q OKAY. SO HE CAME DOWNSTAIRS AND WHAT DID HE DO?

19 A HE JUST WATCHED T.V.

20 Q OKAY. YOU WENT UPSTAIRS. ALL RIGHT. AND YOU WERE UP
21 THERE WITH MR. PIERRE AND ANGELA WAS UP THERE AND EUGENE WAS
22 UP THERE?

23 A NO, ANGIE WASN'T. ASHLEY WAS.

24 Q I'M SORRY. ASHLEY, I'M SORRY. ASHLEY WAS UPSTAIRS AND
25 SO WAS EUGENE AND MR. PIERRE AND Y'ALL WERE WHERE, IN THE

1 ROOM, YOUR ROOM?

2 A YES.

3 Q CLEANING?

4 A (NODDED HEAD.)

5 Q OKAY. SO YOU WENT UP THERE TO HELP THEM CLEAN, RIGHT?

6 A UH-HUH.

7 Q WHAT WAS THE NEXT THING YOU REMEMBER?

8 A JHUNE WENT BACK UP THERE. I DON'T KNOW. THEN HE CAME
9 BACK DOWN.

10 Q DO YOU REMEMBER JHUNE GOING BACK UP THERE?

11 A (NODDED HEAD.)

12 Q OKAY. SO ACCORDING TO YOUR TESTIMONY JHUNE WENT UP
13 THERE TWICE?

14 A UH-HUH.

15 Q IS THAT RIGHT?

16 A (NODDED HEAD.)

17 Q WERE YOU UP THERE THE SECOND TIME HE WENT UP THERE?

18 A UH-HUH.

19 Q DID YOU SEE HE AND MR. PIERRE TALKING?

20 A NO.

21 Q OKAY. WAS ANYTHING SAID BETWEEN THE TWO OF YOU?

22 A HE SAID, WHY DON'T YOU COME DOWNSTAIRS AND STUFF LIKE
23 THAT.

24 Q AND SO YOU SAY, HE. WHO WAS THAT?

25 A JHUNE.

1 Q JHUNE SAID THAT TO MR. PIERRE?

2 A (NODDED HEAD.)

3 Q COULD THEY SEE EACH OTHER WHEN HE WAS UPSTAIRS.

4 A YES.

5 Q OKAY. WAS HE YELLING AT HIM?

6 A NO. JUST TALKING.

7 Q JUST TALKING. AND DID MR. PIERRE TALK BACK TO HIM, SAY
8 ANYTHING TO HIM?

9 A NO.

10 Q SO AT THAT POINT WAS THERE ANY KIND OF CONFRONTATION OR
11 FIGHT BETWEEN THE TWO OF THEM?

12 A NO.

13 Q YOU DIDN'T SEE A GUN?

14 A NO.

15 Q OKAY. YOU DIDN'T SEE EITHER ONE OF THEM HAVE ANYTHING
16 IN THEIR HAND?

17 A (SHOOK HEAD.)

18 Q OKAY. AND THERE WAS NO YELLING GOING ON BETWEEN THE
19 TWO OF THEM AT THAT POINT?

20 A NO.

21 Q OKAY. SO MR. HARRIS WENT BACK DOWNSTAIRS?

22 A YES.

23 Q ALL RIGHT. AND WHAT DID MR. PIERRE DO?

24 A HE WENT TO GO GET A BOOM THEN CAME BACK UPSTAIRS.

25 Q OKAY. SO AT SOME POINT HE WENT TO GO GET A BROOM AND

1 ARE YOUR BROTHER AND YOUR SISTER STILL UP THERE?

2 A YES.

3 Q OKAY. WHERE IS YOUR SISTER?

4 A SHE IN HER ROOM.

5 Q IN HER ROOM?

6 Q AND WHERE IS EUGENE?

7 A HE STILL'S IN MY ROOM.

8 Q IN YOUR ROOM. OKAY. AND WHEN, DID YOU SEE MR. PIERRE
9 GOING DOWNSTAIRS?

10 A NO.

11 Q OKAY. BECAUSE YOU WERE IN YOUR ROOM, RIGHT?

12 A RIGHT.

13 Q WITH EUGENE?

14 A (NODDED HEAD.)

15 Q ALL RIGHT. SO YOU DON'T REALLY KNOW IF ANYTHING WAS
16 SAID OR WHAT HAPPENED BETWEEN HE AND MR. PIERRE AT THAT
17 POINT, RIGHT?

18 A I DIDN'T HEAR NOTHING.

19 Q YOU DIDN'T HEAR ANYTHING?

20 A (SHOOK HEAD.)

21 Q OKAY. YOU DIDN'T SEE ANYTHING EITHER THOUGH?

22 A (SHOOK HEAD.)

23 Q OKAY. AND MR. PIERRE CAME BACK UPSTAIRS?

24 A (UH-HUH)

25 Q AND HE HAD A BROOM IN HIS HAND, CORRECT?

1 A CORRECT.

2 Q DID HE HAVE A SHIRT ON?

3 A HUH?

4 Q DID HE HAVE A SHIRT ON? DO YOU REMEMBER?

5 A YES.

6 Q OKAY. AND WHEN HE CAME BACK UPSTAIRS HOW LONG WAS IT
7 AFTERWARDS THAT SOMETHING ELSE HAPPENED?

8 A JHUNE KEPT ON CALLING HIM AND HE JUST GOT TIRED OF IT.

9 Q OKAY. SO JHUNE WAS STILL DOWNSTAIRS AND HE WAS CALLING
10 HIM?

11 A (NODDED HEAD.)

12 Q AND MR. PIERRE, YOU SAID, GOT TIRED OF IT. DID HE SAY
13 SOMETHING ABOUT THAT?

14 A NO. HE JUST CAME DOWNSTAIRS.

15 Q OKAY. SO YOU DON'T KNOW, YOU SAY HE GOT TIRED OF IT
16 BUT HE DIDN'T SAY ANYTHING TO YOU TO INDICATE THAT HE HAD
17 GOTTEN TIRED OF IT. OKAY. THERE WAS NOTHING SAID?

18 A NOTHING SAID.

19 Q OKAY. WHEN HE WENT DOWNSTAIRS DID HE HAVE A SHIRT ON?

20 A YES.

21 Q OKAY. DID HE HAVE THE BROOM?

22 A NO.

23 Q OKAY. DID HE HAVE ANYTHING IN HIS HAND AT ALL?

24 A I DON'T KNOW.

25 Q SO YOU DON'T KNOW IF HE HAD SOMETHING IN HIS HAND OR

1 NOT?

2 A NO.

3 Q HE COULD HAVE HAD SOMETHING IN HIS HANDS AS FAR AS WHAT
4 YOU RECALL ---

5 MS. GADDY: OBJECTION, YOUR HONOR.

6 THE COURT: WHAT'S THE OBJECTION?

7 MS. GADDY: HE ASKED HIM WHAT HE HAD IN HIS HAND.
8 HE SAID, I DON'T KNOW; AND NOW HE'S SUGGESTING ANSWERS TO
9 THE WITNESS.

10 MR. SWERLING: WELL, IT'S CROSS-EXAMINATION.

11 THE COURT: I'LL ALLOW IT.

12 BY MR. SWERLING:

13 Q HE COULD HAVE HAD SOMETHING IN HIS HAND, RIGHT; IS THAT
14 RIGHT?

15 A YES.

16 Q OKAY. ALL RIGHT. AND WHEN HE STARTED WALKING DOWN THE
17 STAIRS, YOU SAID THAT YOU AND ASHLEY AND EUGENE WERE BEHIND
18 HIM?

19 A YES.

20 Q OKAY. NOW, WHY DID Y'ALL GO WALK BEHIND HIM? I'M JUST
21 CURIOUS?

22 A BECAUSE WE KNEW SOMETHING WAS GOING TO HAPPEN.

23 Q OKAY. AND WHEN HE STARTED WALKING DOWN THE STAIRS,
24 WHERE WAS JHUNE; COULD YOU POINT TO WHERE JHUNE WAS?

25 (INDICATING)

1 A LIKE ABOUT RIGHT THERE.

2 Q OKAY. AND WAS THERE, DID JHUNE SAY ANYTHING TO HIM?

3 A NO.

4 Q AND DID HE SAY ANYTHING TO JHUNE?

5 A NO.

6 Q OKAY. SO ACCORDING TO WHAT YOU'RE SAYING IS THAT AS HE
7 WAS WALKING DOWN THE STAIRS AND HE WASN'T, HE DIDN'T DO
8 ANYTHING?

9 A NO.

10 Q HE WASN'T RUNNING AT JHUNE?

11 A (SHOOK HEAD.)

12 Q HE WASN'T IN ANY WAY LUNGING TOWARD JHUNE?

13 A NO.

14 Q HE WASN'T IN ANY WAY THREATENING JHUNE?

15 A NO.

16 Q BUT JHUNE JUST PICKED OUT THE GUN ALL OF A SUDDEN AFTER
17 BEING UPSTAIRS TWICE, HE PICKED OUT THE GUN AND SHOT HIM
18 TWICE?

19 A UH-HUH.

20 Q IS THAT RIGHT?

21 A YES.

22 Q AND NOTHING, NOTHING PRECIPITATED THAT; NOTHING
23 HAPPENED PRIOR TO THAT?

24 A WHAT DOES THAT MEAN?

25 Q THAT'S WHAT I'M SAYING. NOTHING HAPPENED BEFORE THAT;

1 THERE WERE NO WORDS BETWEEN THEM?

2 A NO.

3 Q AND HE WASN'T COMING AT JHUNE?

4 A (SHOOK HEAD.)

5 Q HE WASN'T THREATENING JHUNE?

6 A NO.

7 Q AND JHUNE JUST TOOK OUT THE PISTOL AND SHOT HIM?

8 A UH-HUH.

9 Q AND JHUNE HAD BEEN UPSTAIRS TWICE?

10 A UH-HUH.

11 Q AND MR. PIERRE HAD COME DOWN ONCE?

12 A UH-HUH.

13 Q AND NOTHING HAD HAPPENED?

14 A NOTHING.

15 Q IS THAT RIGHT? NOW, WHEN HE GOT SHOT DID YOU RUN BACK
16 INTO YOUR ROOM?

17 A (SHOOK HEAD.)

18 Q DID YOU STAY ON THE STAIRS?

19 A UH-HUH.

20 Q YOU WEREN'T AFRAID?

21 A I WAS SHOCKED.

22 Q SHOCKED. WHAT ABOUT ASHLEY AND EUGENE; DID THEY RUN
23 BACK UP IN THEIR ROOM?

24 A (SHOOK HEAD.)

25 Q SO AT THAT POINT, NOW I COULDN'T SEE WHERE MS. GADDY

1 WAS SHOWING YOU WHERE YOUR MOM WAS. WHERE WAS SHE?

2 A SHE WAS, PROBABLY BE LIKE RIGHT THERE.

3 Q SHE WAS INSIDE THE KITCHEN?

4 A UH-HUH.

5 Q OKAY. AND WHERE WAS MARCUS?

6 A STILL WATCHING T.V.

7 Q ON THE SOFA?

8 A (NODDED HEAD.)

9 Q OKAY. AND WHEN YOU SAID THAT JHUNE POINTED THE GUN AT

10 YOUR MOM?

11 A UH-HUH.

12 Q COULD YOU SEE THAT FROM THE STAIRS?

13 A NO. BUT WHY ELSE WOULD SHE RUN?

14 Q SO YOU DON'T KNOW THAT HE POINTED A GUN AT YOUR MOM?

15 A (SHOOK HEAD.)

16 Q RIGHT? YOU WERE JUST SPECULATING ABOUT THAT?

17 A IT WAS A GUESS.

18 Q A GUESS. OKAY. AND WHAT DID YOU, WHERE DID YOUR MOM

19 GO AT THAT POINT?

20 A SHE WENT AROUND, WELL, SHE DID THE SAME THING WHAT I

21 JUST SHOWED MS. GADDY.

22 Q WELL, YES, BUT I COULDN'T SEE ON THE PICTURE?

23 A WELL, SHE RAN OVER THERE.

24 Q SHE RAN OVER THAT WAY?

25 A AND THEN SHE WENT OVER HERE. THEN SHE RAN OVER THERE.

1 Q OKAY.

2 A THEN SHE GRABBED MARCUS.

3 Q OKAY. THAT'S, WHEN YOU SAY, WHEN YOU WERE POINTING
4 THAT SHE WENT THAT WAY, THAT'S A HALLWAY, RIGHT? FROM THE
5 KITCHEN THERE IS A HALLWAY THERE?

6 A NO. THAT'S THE LIVING ROOM.

7 Q WHERE?

8 A LIKE ABOUT RIGHT HERE.

9 Q OKAY. BUT WELL, I GUESS WHAT I'M SAYING IS THAT THE
10 KITCHEN GOES INTO THAT, INTO THE LIVING ROOM, RIGHT; AND
11 THERE'S A HALLWAY THERE?

12 A NO. IF YOU TAKE A RIGHT HERE IT IS.

13 Q OKAY. SO BUT SHE TOOK, WHEN SHE CAME OUT OF THE
14 KITCHEN, SHE CAME BACK INTO THE DEN, CORRECT? YOU'RE SAYING
15 SHE WENT THIS WAY, RIGHT?

16 A YES.

17 Q OKAY. SO SHE WAS HERE AND CAME OUT AND WENT THIS WAY?

18 A NO, NO.

19 Q WELL, THAT'S WHAT I'M TRYING TO FIGURE OUT?

20 A SHE WENT THIS WAY. THEN SHE WENT THROUGH A DOOR. THEN
21 SHE WENT THAT WAY.

22 Q OKAY. SO THAT'S HOW SHE CAME BACK IN THE DEN?

23 A UH-HUH.

24 Q OKAY. MARCUS IS ON THE COUCH?

25 A UH-HUH.

1 Q ALL RIGHT. AND WHEN SHE CAME BACK INTO THE DEN WHERE
2 WAS JHUNE?

3 A CHASING HER.

4 Q SO HE WAS BEHIND HER?

5 A UH-HUH.

6 Q SO HE HAD GONE, DID YOU SEE WHICH WAY HE RAN?

7 A (SHOOK HEAD.)

8 Q OKAY. SO YOU DON'T KNOW HOW HE GOT BEHIND, WAS HE
9 BEHIND YOUR MOM?

10 A UH-HUH.

11 Q ALL RIGHT. DID HE COME OUT THE SAME PLACE? DID HE
12 ENTER THE DEN THE SAME WAY?

13 A UH-HUH.

14 Q AND WHERE DID YOUR MOM GO?

15 A SHE WENT RIGHT THERE AND GRABBED MARCUS AND FELL.

16 Q AND, RIGHT, NOW POINT TO THAT ON THE DIAGRAM. MAKE IT
17 A LITTLE EASIER FOR YOU, RIGHT THERE. SO SHE GRABBED MARCUS
18 AND FELL AND THE TWO OF THEM FELL TOGETHER?

19 A YES.

20 Q OKAY. WHERE WAS MARCUS; WAS HE NEXT TO HER, ON TOP OF
21 HER? DO YOU REMEMBER?

22 A NO.

23 Q OKAY. AND JHUNE, DID JHUNE JUST WALK PAST THEM?

24 A YES, THEN HE WENT OVER HERE TO THE LAUNDRY ROOM. THEN
25 HE CAME OUT AND SHOT MOM. THEN HE LEFT.

1 Q OKAY. SO HE ACTUALLY WALKED PAST THEM?

2 A UH-HUH.

3 Q AND THEN HE REENTERED THE ROOM?

4 A UH-HUH.

5 Q DID YOU SEE HIM STUMBLE OR FALL OR TRIP?

6 A NO.

7 Q HOW DID, WHAT DID HE DO WHEN HE SHOT YOUR MOM? DID HE
8 POINT RIGHT AT HER?

9 A UH-HUH.

10 Q WHERE WAS, HOW WAS HE HOLDING THE GUN WHEN HE DID THAT?
11 COULD YOU STAND UP AND SHOW ME?

12 A LIKE THAT. (INDICATING)

13 Q OKAY. SHE WAS ON THE FLOOR AND HE HAD THE GUN. HIS
14 ARM WAS OUTSTRETCHED?

15 A (NODDED HEAD.)

16 Q OKAY. AND AFTER HE SHOT YOUR MOM, WHERE WAS MARCUS
17 RIGHT AT THAT TIME WHEN YOUR MOM GOT SHOT?

18 A HE WAS STILL ON THE GROUND.

19 Q HE WAS ON THE GROUND. OKAY. AND THEN JHUNE LEFT THE
20 HOUSE AND DROVE AWAY AND YOU WENT TO YOUR NEIGHBOR'S HOUSE;
21 IS THAT RIGHT?

22 A YES.

23 MR. SWERLING: JUDGE, THAT'S ALL I HAVE.

24 THE COURT: THANK YOU, MR. SWERLING.

25 MS. GADDY.

1 MS. GADDY: NOTHING FURTHER, YOUR HONOR. THANK
2 YOU.

3 THE COURT: THANK YOU.

4 NOW, MR. FOREST, YOU MAY STEP DOWN, SIR. THANK YOU.
5 MR. FOREST, WHILE I GOT YOU UNDER OATH WHO MAKES THE BIGGEST
6 JUNK IN YOUR ROOM OUT OF YOU AND YOUR BROTHERS? WHO MAKES
7 THE BIGGEST JUNK IN YOUR ROOM.

8 THE WITNESS: EUGENE.

9 THE COURT: EUGENE. SPOKEN LIKE A TRUE LITTLE
10 BROTHER. LADIES AND GENTLEMEN, WE'RE GOING TO TAKE A LITTLE
11 BREAK FOR A MOMENT. I'M GOING TO GIVE Y'ALL ABOUT 10
12 MINUTES AND THEN WE'LL COME BACK AND CONTINUE WITH THE
13 TESTIMONY. DO NOT DISCUSS THE EVIDENCE OR TESTIMONY AND IF
14 Y'ALL WANT TO I KNOW THERE ARE CUPS IN YOUR JURY ROOM AND
15 YOU WANT TO BRING SODA OR COFFEE OR ANYTHING WHEN YOU COME
16 BACK IN, I DON'T MIND Y'ALL DOING THAT BUT WE'LL TAKE A
17 BREAK FOR ABOUT TEN MINUTES. THANK YOU.

18 (THE FOLLOWING TAKES PLACE OUTSIDE THE PRESENCE OF THE
19 JURY.)

20 THE COURT: THANK YOU, COUNSEL. WE'LL TAKE ABOUT
21 TEN MINUTES. THANK YOU.

22 (THEREUPON, THERE WAS A BRIEF RECESS IN THE TRIAL OF
23 THIS CASE.)

24 THE COURT: OKAY. IS COUNSEL READY FOR THE JURY
25 TO COME OUT?

1 MR. MEADORS: YES, SIR.

2 THE COURT: OKAY.

3 MR. MEADORS: THANK YOU.

4 THE COURT: WE'LL BRING THEM OUT THEN.

5 (THE FOLLOWING TAKES PLACE WITHIN THE PRESENCE OF THE
6 JURY.)

7 THE COURT: THANK YOU, LADIES AND GENTLEMEN.
8 WE'RE READY TO CONTINUE AT THIS POINT AND STATE MAY CALL THE
9 NEXT WITNESS.

10 MR. MEADORS: IF IT PLEASE COURT.

11 THE COURT: YES, SIR.

12 MR. MEADORS: STATE WOULD NOW CALL JOHN MARCUS
13 IVERY.

14 JOHN MARCUS IVERY, BEING FIRST
15 DULY SWORN, TESTIFIED AS FOLLOWS:

16 DIRECT EXAMINATION BY MR. MEADORS:

17 Q GOOD AFTERNOON, JOHN MARCUS IVERY. GOOD AFTERNOON?

18 A GOOD AFTERNOON.

19 Q TELL THESE LADIES AND GENTLEMEN WHAT DO YOU GO BY; WHAT
20 DO YOU LIKE TO BE CALLED?

21 A MARCUS.

22 Q NOW, YOU'RE GOING TO HAVE THE SPEAK UP FOR US. OKAY.

23 THE COURT: SPEAK REAL LOUD, OKAY, MARCUS.

24 THE WITNESS: OKAY.

25 BY MR. MEADORS:

1 Q NOW, MARCUS, LIKE I DO WITH EVERY WITNESS I WANT THEM
2 TO GET TO KNOW A LITTLE ABOUT YOU. TELL THESE LADIES AND
3 GENTLEMEN HOW OLD YOU ARE?

4 A I'M 12 YEARS OLD.

5 Q AND WHEN'S YOUR BIRTHDAY?

6 A

7 Q SO YOU'RE GOING TO BE 13 IN DECEMBER?

8 A (NODDED HEAD.)

9 Q AND YOU'RE THE LAST OF THE, ALL THESE OVER HERE ARE
10 YOUR TWO BROTHERS AND SISTERS, RIGHT?

11 A YES, SIR.

12 Q ALL RIGHT. GO THROUGH AND TELL THEM WHO THEY ARE AND
13 THEIR AGES?

14 A MY SISTER IS ASHLEY GILMORE. SHE'S 17. MY BROTHER.
15 IS 13. HE'S EUGENE IVERY, AND FOREST IVERY JUST TURNED 12.

16 Q TURNED 12 TODAY?

17 A YES, SIR.

18 Q AND WHO ELSE IS SITTING OVER THERE AT THE TABLE?

19 A MY MOM.

20 Q OKAY. WHAT'S HER NAME?

21 A ANGELA GILMORE.

22 Q AND THIS LADY OVER HERE, YOUR AUNT LYNN?

23 A YES, SIR.

24 Q WHERE DO YOU GO TO SCHOOL?

25 A HAND MIDDLE SCHOOL.

1 Q AND IF YOU SAID IT, IT'S MY FAULT, I CAN'T REMEMBER
2 WHAT GRADE ARE YOU IN?

3 A SEVENTH GRADE.

4 Q WHAT ARE YOU STUDYING THERE, MARCUS? WHAT DO YOU LIKE
5 IN SCHOOL?

6 A MATH.

7 Q YOU LIKE MATH A LOT, DON'T YOU?

8 A YES, SIR.

9 Q I MEAN YOU'RE SMART, AREN'T YOU?

10 A YES, SIR.

11 Q TELL THEM YOU'RE SMART?

12 A I'M SMART.

13 Q AND YOU'VE GOT GOOD GRADES?

14 A YES, SIR.

15 Q NOW, WHERE DO YOU LIVE?

16 A

17 Q AND DO YOU LIVE THERE WITH ALL THE FAMILY MEMBERS
18 EXCEPT YOUR AUNT THAT'S WITH YOU TODAY?

19 A YES, SIR.

20 Q TELL THOSE FOLKS HOW LONG YOU'VE LIVED AT DUKE
21 AVENUE?

22 A ABOUT THREE OR FOUR YEARS.

23 Q TELL THEM ABOUT THE HOUSE, MARCUS. DO YOU LIVE
24 UPSTAIRS OR DOWNSTAIRS?

25 A UPSTAIRS.

1 Q HOW MANY BEDROOMS ARE THERE UPSTAIRS?

2 A TWO.

3 Q AND WHO DO YOU LIVE WITH; WHO STAYS IN YOUR ROOM?

4 A MY TWO BROTHERS.

5 Q OKAY. AND ACTUALLY HOW MANY BEDS ARE IN THAT ROOM?

6 A THREE.

7 Q AND I WANT TO SHOW YOU WHAT'S BEEN ENTERED AS

8 STATE'S 21. DO YOU RECOGNIZE THAT?

9 A YES, SIR.

10 Q OKAY. AND IS THAT A PICTURE OF THE INSIDE OF YOUR

11 BEDROOM?

12 A YES, SIR.

13 Q AND WHO STAYS IN THE OTHER BEDROOM UPSTAIRS?

14 A MY SISTER.

15 Q SHE GETS A ROOM TO HERSELF, RIGHT?

16 A YES, SIR.

17 Q NOW, YOU KNEW LEOPOLD PIERRE, DIDN'T YOU, MARCUS?

18 A YES, SIR.

19 Q AND PRIOR TO HIM GETTING KILLED HOW LONG HAD YOU KNOWN
20 HIM?

21 A ABOUT THREE OR FOUR MONTHS.

22 Q I WANT YOU TO TAKE THIS JURY BACK TO JULY 6TH OF 2003
23 WHEN ALL THIS HAPPENED, OKAY?

24 A (NODDED HEAD.)

25 Q HOW OLD WERE YOU ON JULY THE 6TH, 2003, MARCUS?

1 A NINE.

2 Q YOU'RE GOOD AT MATH. COME ON. HOW OLD ARE YOU NOW?

3 A TWELVE.

4 Q SO YOU'RE TEN?

5 A YES, SIR.

6 Q NOW, DO YOU REMEMBER THAT DAY?

7 A YES, SIR.

8 Q AND DO YOU REMEMBER WHAT YOU WERE DOING THAT DAY?

9 A YES, SIR.

10 Q OKAY. TELL THEM WHAT YOU WERE DOING?

11 A I WAS CLEANING UP MY ROOM WITH LEOPOLD.

12 Q I'M SORRY. THE LAST, WITH WHO?

13 A LEOPOLD.

14 Q WAS ANYBODY ELSE CLEANING UP THE ROOM UP THERE?

15 A YES, SIR.

16 Q WHO WAS THAT?

17 A GENE AND FOREST.

18 Q YOU AND YOUR BROTHERS AND LEOPOLD CLEAN UP YOUR ROOM?

19 WHY WERE Y'ALL CLEANING UP YOUR ROOM?

20 A IT WAS JUNKY.

21 Q ALL RIGHT. WAS THERE SOMETHING ELSE COMING UP?

22 A I DON'T REMEMBER.

23 Q YOUR ROOM WAS MESSY SO YOU'RE CLEANING IT UP?

24 A YES, SIR.

25 Q DOES YOUR MAMA LIKE TO HAVE A CLEAN HOUSE?

1 A YES, SIR.

2 Q DOES YOUR HOUSE STAY PRETTY CLEAN?

3 A YES, SIR.

4 Q DO YOU REMEMBER WHAT DAY OF THE WEEK IT WAS?

5 A NO, SIR.

6 Q YOU FOUR GENTLEMEN ARE UPSTAIRS, CORRECT? FOUR GUYS
7 ARE UPSTAIRS. WHERE WAS YOUR SISTER; DO YOU REMEMBER?

8 A IN HER ROOM.

9 Q WAS SHE CLEANING, TOO?

10 A YES, SIR.

11 Q DID YOU HAVE, DID YOU GET TO SEE JHUNE HARRIS THAT DAY?

12 A YES, SIR.

13 Q ALL RIGHT. CAN YOU TELL THE LADIES AND GENTLEMEN OF
14 THE JURY HOW THAT CAME ABOUT THIS DAY THAT YOU'RE TALKING
15 ABOUT? DO YOU REMEMBER WHEN YOU FIRST SAW JHUNE?

16 A YES, SIR.

17 Q ALL RIGHT. TELL THEM?

18 A I SAW HIM KNOCKING AT THE DOOR.

19 Q AND AT THAT POINT WHERE WERE YOU IN YOUR HOUSE AT
20 MARCUS?

21 A DOWNSTAIRS IN THE LAUNDRY ROOM.

22 Q JUST SHOWING YOU WHAT'S MARKED STATE'S 7 BRIEFLY, YOU
23 SAID DOWNSTAIRS IN THE LAUNDRY ROOM. IS THAT WHAT YOU'RE
24 TALKING ABOUT?

25 A YES, SIR.

1 Q ALL RIGHT. THEN THERE IS ACTUALLY CLOTHES RIGHT THERE,
2 RIGHT?

3 A YES, SIR.

4 Q WHAT WERE YOU DOING IN THE LAUNDRY ROOM?

5 A JUST PUTTING STUFF IN THE LAUNDRY ROOM BECAUSE WE WERE
6 CLEANING UP OUR CLOSET.

7 Q ALL RIGHT. AND YOU SAW JHUNE HARRIS WHEN YOU WERE IN
8 THERE?

9 A YES, SIR.

10 Q AND WHERE DID YOU SEE HIM? EXCUSE ME.

11 A I FIRST, I SAW HIM THROUGH THE DOOR BECAUSE MY MOM
12 CRACKED THE DOOR TO SEE WHO IT WAS.

13 Q THAT DOOR ON STATE'S 7?

14 A (NODDED HEAD.)

15 Q OKAY. AND THEN DID YOU WITH YOUR EYES SEE JHUNE
16 HARRIS?

17 A YES, SIR.

18 Q OKAY. WHAT HAPPENED AFTER THAT? WHAT DID YOU SEE OR
19 HEAR; DID YOU HEAR HIM SAY ANYTHING?

20 A HE SAID I HAVE A WATERMELON FOR THE KIDS.

21 Q AND DID YOUR MOM SAY ANYTHING AT THAT POINT?

22 A SHE SAID, I HAD COMPANY.

23 Q WHAT HAPPENED AFTER THAT?

24 A SHE SAID, WELL, YOU CAN GIVE THE KIDS THE WATERMELON.
25 SO HE WENT BACK TO HIS CAR AND DIDN'T COME WITH A

1 WATERMELON.

2 Q YOU TRAILED OFF ON ME A LITTLE BIT. HE WENT OUT TO HIS
3 CAR AND DID WHAT?

4 A HE WENT OUT TO HIS CAR AND CAME BACK WITHOUT A
5 WATERMELON.

6 MR. SWERLING: JUDGE, CAN I SIT UP HERE?

7 THE COURT: YES, SIR.

8 BY MR. MEADORS:

9 Q MAYBE I DON'T HAVE THAT QUITE, OKAY. YOU JUST TALK
10 INTO THAT, OKAY. HE WENT OUT TO HIS CAR AND DIDN'T COME
11 BACK WITH A WATERMELON. IS THAT WHAT YOU SAID?

12 A YES, SIR.

13 Q HOW DO YOU KNOW THAT?

14 A BECAUSE WE HAVE A SIDE WINDOW.

15 Q AND LOOKING AT STATE'S 9 YOU SAID WE GOT A SIDE WINDOW.
16 CAN YOU SEE THAT SIDE WINDOW IN STATE 9?

17 A YES, SIR.

18 Q WOULD YOU USE YOUR FINGER AND POINT TO IT, PLEASE, SIR?

19 A (WITNESS COMPLIES.)

20 Q ALL RIGHT. SO WERE YOU OUT OF THE LAUNDRY ROOM AT THIS
21 POINT?

22 A YES, SIR.

23 Q WHERE WERE YOU IN RELATION TO THAT WINDOW INSIDE THE
24 HOUSE, IF ANYWHERE?

25 A ON THE COUCH.

1 Q SO YOU WERE INSIDE ON THE COUCH LOOKING OUT THIS
2 WINDOW?

3 A YES, SIR.

4 Q AND THAT'S HOW, WHEN YOU SAW HIM GO OUT TO HIS CAR?

5 A YES, SIR.

6 Q AND HE CAME BACK WITH OR WITHOUT A WATERMELON?

7 A WITHOUT.

8 Q AND AT THAT POINT YOU SAID HE HAD BEEN TOLD LEOPOLD OR
9 HE'S BEEN TOLD I'VE GOT COMPANY, RIGHT?

10 A YES, SIR.

11 Q BEFORE HE WENT OUTSIDE?

12 A YES, SIR.

13 Q NOW, WHAT HAPPENED AFTER THAT, AFTER HE CAME BACK TO
14 THE DOOR, IF ANYTHING, MARCUS, AND THAT BEING DEFENDANT
15 JHUNE HARRIS WHEN HE CAME BACK TO HIS CAR TO THIS, DID HE
16 COME BACK THE SAME SIDE ENTRANCE?

17 A YES, SIR.

18 Q OKAY. WHAT HAPPENED NEXT?

19 A HE STARTED TO TALK TO MY MOM AND ASKED IF LEOPOLD COULD
20 COME DOWNSTAIRS.

21 Q AND ARE YOU STILL DOWNSTAIRS AT THAT POINT?

22 A NO, SIR.

23 Q WHERE HAD YOU GONE?

24 A I'VE GONE UPSTAIRS.

25 Q AND WHAT HAPPENED AFTER THAT, MARCUS?

1 A I THINK JHUNE CAME UPSTAIRS AND ASKED LEOPOLD TO GO
2 DOWNSTAIRS; HE HAD TO TALK TO HIM.

3 Q AND WERE YOU UPSTAIRS WHEN THAT HAPPENED?

4 A YES, SIR.

5 Q AND DID ANYTHING HAPPEN WHEN JHUNE HARRIS WENT
6 UPSTAIRS?

7 A NO, SIR.

8 Q DID LEOPOLD COME DOWN THEN?

9 A WELL, HE CAME BACK DOWNSTAIRS TO GET A BROOM.

10 Q AND WHAT HAPPENED WHEN HE CAME DOWN TO GET THE BROOM?

11 A HE PASSED JHUNE.

12 Q DID THEY HAVE ANY WORDS THEN?

13 A NO, SIR.

14 Q DID THEY, DID THEY TOUCH EACH OTHER?

15 A NO, SIR.

16 Q DIDN'T TOUCH?

17 A NO, SIR.

18 Q WHAT DID LEOPOLD DO WITH THE BROOM?

19 A HE WENT BACK UPSTAIRS TO SWEEP UNDER OUR BEDS.

20 Q WAS HE SWEEPING; DID YOU SEE HIM SWEEPING WITH THE
21 BROOM?

22 A YES, SIR.

23 Q AND WAS ANYTHING WRONG WITH ANY ONE OF THE BEDS?

24 A NO, SIR.

25 Q ANY OF THEM BROKEN DO YOU REMEMBER?

1 A FOREST'S BED.

2 Q I MEAN WAS SOMEBODY TRYING TO FIX THE BED?

3 A YES, SIR.

4 Q OKAY. WHO WAS?

5 A LEOPOLD.

6 Q SO LEOPOLD CAME DOWNSTAIRS TO GET A BROOM, COMES BACK
7 UPSTAIRS?

8 A YES, SIR.

9 Q WHAT HAPPENS AFTER THAT, MARCUS; WHAT DO YOU REMEMBER
10 NEXT?

11 A WELL, I REMEMBER GOING BACK DOWNSTAIRS TO PUT DIRTY
12 CLOTHES INTO THE LAUNDRY ROOM.

13 Q OKAY. STILL CLEANING?

14 A YES, SIR.

15 Q ALL RIGHT. WHAT HAPPENED AFTER THAT?

16 A LEOPOLD COMES DOWNSTAIRS AND JHUNE PULLS OUT A GUN AND
17 SHOOTS HIM TWICE.

18 Q HOW LONG APART WERE THE SHOTS YOU SAID TWICE?

19 A ONE SECOND.

20 Q A SHOT, THEN A SECOND?

21 A (NODDED HEAD.)

22 Q THEN ANOTHER SECOND, THEN ANOTHER SHOT? WHERE WERE YOU
23 WHEN THAT, WHEN THOSE SHOTS WENT OFF, MARCUS?

24 A I WAS RIGHT BESIDE THE COUCH.

25 Q AND WAS, WHERE WAS DEFENDANT JHUNE HARRIS WHEN THOSE

1 SHOTS WENT OFF?

2 A IT WAS ABOUT LIKE SIX FEET AWAY FROM HIM.

3 Q DID HE FIRE THE SHOTS?

4 A YES, SIR.

5 Q WAS THERE ANY DOUBT ABOUT THAT?

6 A NO, SIR.

7 Q HOW, DID YOU SEE HIM GET THE GUN WHEN HE WAS INSIDE?

8 A YES, SIR.

9 Q WHERE DID HE GET IT FROM?

10 A HIS COAT POCKET.

11 Q COULD YOU SHOW ME ON MY COAT POCKET WHERE HE GOT THE

12 GUN?

13 A RIGHT THERE. (INDICATING.)

14 Q DID YOU SEE HIM GET IT?

15 A YES, SIR.

16 Q HE REACHED IN AND GOT IT?

17 A YES, SIR.

18 Q YOU SAID TWO SHOTS, RIGHT?

19 A YES, SIR.

20 Q DO YOU KNOW WHERE LEOPOLD PIERRE GOT SHOT FIRST; DO YOU

21 KNOW WHERE?

22 A NO, SIR.

23 Q CAN YOU DESCRIBE TO THIS JURY LEOPOLD IN YOUR OWN, WHAT

24 YOU SAW?

25 A YES, SIR.

1 Q WHAT LEOPOLD DID OR WHAT HIS BODY DID AFTER THE FIRST
2 SHOT?

3 A HE JUMPED UP.

4 Q AND THEN THERE WAS A SECOND SHOT?

5 A YES, SIR.

6 Q WERE YOU SCARED?

7 A YES, SIR.

8 Q DID LEOPOLD PIERRE COME RUNNING AFTER JHUNE HARRIS?

9 A NO, SIR.

10 Q AFTER HE WAS SHOT WHERE DID HE GO?

11 A ON THE GROUND.

12 Q DID HE MOVE ANYWHERE?

13 A NO, SIR.

14 Q WHAT HAPPENED; WHAT DID JHUNE HARRIS DO AFTER HE'D SHOT
15 LEOPOLD PIERRE TWICE?

16 A HE TURNED AROUND TO CHASE MY MOM.

17 Q AND WHERE WAS YOUR MOM?

18 A BEHIND THE KITCHEN COUNTER.

19 Q DID HE CHASE HER?

20 A YES, SIR.

21 Q DID HE HAVE ANYTHING IN HIS HAND?

22 A YES, SIR.

23 Q TELL THE LADIES AND GENTLEMEN OF THE JURY, MARCUS, WHAT
24 DID HE HAVE IN HIS HAND?

25 A HE HAD A GUN.

1 Q DID YOU SEE IT?

2 A YES, SIR.

3 Q WHERE DID HE CHASE HER? WHERE DID JHUNE HARRIS CHASED
4 YOUR MOM?

5 A INTO THE LIVING ROOM AND OUT.

6 Q INTO THE LIVING ROOM AND OUT WHERE, MARCUS?

7 A BACK TO WHERE I WAS STANDING.

8 Q OKAY. AND WHERE WERE YOU STANDING?

9 A BESIDE THE COUCH.

10 Q WHAT HAPPENED WHEN YOU GOT BACK TO WHERE YOU WERE
11 STANDING, MARCUS? TELL THEM.

12 A MY MOM GRABBED ME TO THE GROUND.

13 Q AND THEN WHAT HAPPENED?

14 A AND THEN JHUNE WENT INTO THE LAUNDRY ROOM AND CAME BACK
15 AND SHOT HER IN THE LEG.

16 MR. MEADORS: JUDGE, CAN I ASK THE WITNESS TO COME
17 DOWN?

18 THE COURT: YES, SIR.

19 MR. MEADORS: SHOW THEM ON THE PICTURE.

20 THE COURT: MR. MARCUS, I'M JUST GOING TO ASK YOU
21 TO KEEP YOUR VOICE REAL LOUD, OKAY, FOR US.

22 THE WITNESS: YES, SIR.

23 BY MR. MEADORS:

24 Q STAND RIGHT HERE SO THIS LADY CAN HEAR YOU, OKAY,
25 PLEASE?

1 A (WITNESS COMPLIES.)

2 Q I'M GOING TO SHOW MR. SWERLING THESE PICTURES, TOO.

3 I'M REFERRING YOU TO STATE'S 20. OKAY. DO YOU RECOGNIZE
4 THAT?

5 A YES, SIR.

6 Q OKAY. CAN YOU SHOW THE JURY ON STATE'S 20, MARCUS,
7 WHERE LEOPOLD PIERRE WAS WHEN HE GOT SHOT?

8 A RIGHT THERE. (INDICATING.)

9 Q ARE YOU POINTING TO THE STEP?

10 A ABOUT THERE.

11 Q AND WHERE, I'M GOING TO SHOW YOU STATE'S 19. DO YOU
12 RECOGNIZE THAT?

13 A YES, SIR.

14 Q THAT'S THE INSIDE OF YOUR HOUSE?

15 A YES, SIR.

16 Q STATE'S 17, SAME THING?

17 A YES, SIR.

18 Q CAN YOU SHOW ME ON STATE'S 19 WHERE MR. DEFENDANT JHUNE
19 HARRIS WAS STANDING?

20 A RIGHT THERE. (INDICATING.)

21 Q HE WAS HERE?

22 A (NODDED HEAD.)

23 Q MR. PIERRE IS OVER HERE?

24 A (NODDED HEAD.)

25 Q ANY DOUBT ABOUT THAT IN YOUR MIND?

1 A NO, SIR.

2 Q WHERE WERE YOU?

3 A RIGHT THERE.

4 Q WHEN MR. PIERRE WAS AT THE BOTTOM OF THE STAIR,

5 WHEREVER HE GOT HIM, OKAY, DID HE HAVE A BROOM IN HIS HAND?

6 A NO, SIR.

7 Q DID HE HAVE A KNIFE IN HIS HAND?

8 A NO, SIR.

9 Q DID HE HAVE A GUN IN HIS HAND?

10 A NO, SIR.

11 Q DID HE SAY ANYTHING?

12 A NO, SIR.

13 Q WHEN HE GOT TO THE BOTTOM OF THE STEP, IS THAT WHEN HE

14 WAS SHOT?

15 A YES, SIR.

16 Q NOW, YOU SAID AFTER MR. PIERRE WAS SHOT JHUNE HARRIS

17 CHASED YOUR MAMA AND YOU SAID YOUR MAMA WAS IN THE KITCHEN,

18 RIGHT?

19 A YES, SIR.

20 Q NOW, STATE'S 6 IS THAT A PICTURE OF THE KITCHEN?

21 A YES, SIR.

22 Q WAS SHE COOKING?

23 A YES, SIR.

24 Q DO YOU REMEMBER WHAT SHE WAS COOKING?

25 A NO, SIR.

1 Q CAN SHE COOK GOOD?

2 A YES, SIR.

3 Q YOU SAID LOOKING AT STATE'S 4 THAT JHUNE HARRIS CHASED
4 YOUR MAMA, RIGHT?

5 A YES, SIR.

6 Q CAN YOU SHOW ON HERE TO THE JURY WHERE HE CHASED YOUR
7 MAMA?

8 A CHASED HER IN THERE.

9 Q OKAY. START WITH, SO THIS IS THE KITCHEN, CHASED HER
10 INTO HERE, WHAT'S THIS RIGHT HERE?

11 A THE LIVING ROOM.

12 Q WHAT'S THIS THE DOORWAY TO?

13 A OUT TO WHERE I WAS STANDING.

14 Q OKAY. I BEG THE COURT'S INDULGENCE. I APOLOGIZE.

15 LOOKING AT STATE'S 12 DOES THAT DOORWAY WE JUST SHOW IN THE
16 OTHER PICTURE CONNECT TO HERE?

17 A YES, SIR.

18 Q AND DID JHUNE HARRIS CHASE YOUR MAMA BACK INTO THIS
19 ROOM?

20 A YES, SIR.

21 Q IS THAT WHAT YOU'RE TALKING ABOUT?

22 A YES, SIR.

23 Q AND LOOKING AT STATE'S 16 IS THAT THE SAME COUNTER
24 THERE THAT'S OVER HERE?

25 A YES, SIR.

1 Q AND CHAIRS, RIGHT?

2 A YES, SIR.

3 Q NOW, GETTING BACK TO WHEN MR. HARRIS WAS CHASING YOUR
4 MAMA, RIGHT?

5 A (NODDED HEAD.)

6 Q YOU TESTIFIED YOU WERE WHERE?

7 A RIGHT THERE. (INDICATING.)

8 Q DID YOU HAVE AN OCCASION TO, WHERE DID YOUR MAMA RUN TO
9 WHEN SHE CAME BACK IN THIS ROOM?

10 A TO ME. .

11 Q SHE COME OVER TO YOU?

12 A YES, SIR.

13 Q I WANT YOU TO TELL THESE LADIES AND GENTLEMEN WHAT YOUR
14 MAMA DID WHEN SHE CAME BACK UP TO YOU?

15 A SHE GRABBED MY SHIRT AND PULLED ME DOWN TO THE GROUND.

16 Q AND WHERE WAS YOUR MAMA?

17 A ON THE FLOOR WITH ME.

18 Q WHERE WAS MAMA, WHERE ON THE FLOOR? IF I'M YOUR MAMA,
19 PUT ME WHERE YOUR MAMA WAS?

20 A SHE WAS RIGHT HERE.

21 Q WAS SHE LAYING DOWN?

22 A YES, SIR.

23 Q AND WHAT DID SHE DO WITH YOU?

24 A SHE PUT ME IN FRONT OF HER.

25 Q SO IF I'M LAYING DOWN, SHE PUT YOU IN FRONT OF HER LIKE

1 THIS?

2 A YES, SIR.

3 Q LIKE THAT AND ON STATE'S 16 YOU WERE RIGHT THERE?

4 A YES, SIR.

5 Q AND SHE'S GOT YOU IN FRONT OF HER?

6 A YES, SIR.

7 Q WHERE IS DEFENDANT JHUNE HARRIS?

8 A IN FRONT OF US.

9 Q COULD YOU SEE HIM?

10 A YES, SIR.

11 Q WHAT DID HE HAVE IN HIS HAND?

12 A A GUN.

13 Q WHAT HAPPENED AFTER YOU WERE IN THAT POSITION HE HAD
14 THE GUN AT YOU?

15 A HE POINTED IT AT MY MOM.

16 Q DID HE LEAVE?

17 A YES, SIR. HE LEFT IN THERE, CAME BACK.

18 Q YOU LEFT HIM THERE AND CAME BACK?

19 A YES.

20 Q WHEN HE LEFT IN THERE WHERE DID HE LEAVE TO?

21 A HE WENT IN THE LAUNDRY ROOM AND CAME BACK.

22 Q THAT'S THAT SAME LAUNDRY ROOM WE LOOKED AT A MINUTE
23 AGO?

24 A YES, SIR.

25 Q WERE YOU STILL ON THE FLOOR IN FRONT OF YOUR MAMA?

1 A YES, SIR.

2 Q HOW LONG WHEN HE LEFT YOU ON THAT FLOOR, WENT TO THE
3 LAUNDRY ROOM AND CAME BACK?

4 A I DON'T KNOW.

5 Q OKAY. WHEN HE CAME BACK WHAT HAPPENED?

6 A HE SHOT HER IN THE LEG.

7 Q WERE YOU BETWEEN, YOU WERE IN FRONT OF YOUR MAMA, WERE
8 YOU BETWEEN YOUR MAMA AND JHUNE HARRIS?

9 A YES, SIR.

10 Q DID YOU THINK YOU MIGHT GET SHOT?

11 A YES, SIR.

12 Q WERE YOU SCARED?

13 A YES, SIR.

14 Q AFTER THE SHOT WENT OUT WHAT HAPPENED?

15 A HE LEFT INTO HIS CAR.

16 Q WHAT DID YOU DO?

17 A I RAN OUTSIDE TO A NEIGHBOR'S HOUSE.

18 Q HAVE A SIT DOWN?

19 A (WITNESS COMPLIES.)

20 Q DO YOU KNOW WHAT, DO YOU RECOGNIZE THIS, STATE'S 22?

21 A YES, SIR.

22 Q WHAT DOES THIS LOOK LIKE OR WHAT IS THIS?

23 A A GUN.

24 Q OKAY. WELL, WHAT HAD THE DEFENDANT USED TO SHOOT
25 LEOPOLD PIERRE AND YOUR MOTHER?

1 A A GUN.

2 Q DO YOU RECOGNIZE THIS GUN?

3 A YES, SIR.

4 Q DOES THAT LOOK LIKE THE GUN?

5 A YES, SIR.

6 Q HOW OLD ARE YOU NOW?

7 A TWELVE.

8 Q AND YOUR BIRTHDAY'S ?

9 A YES, SIR.

10 Q I HAVE TO ASK YOU THIS: IS THE PERSON WHO SHOT LEOPOLD
11 ONCE, WAITED A SECOND AND SHOT HIM AGAIN, IS THAT PERSON IN
12 THIS COURTROOM?

13 A YES, SIR.

14 Q WOULD YOU PLEASE TELL THE JURY WHERE HE IS?

15 A OVER THERE.

16 Q JHUNE HARRIS?

17 A YES, SIR.

18 Q YOU RECOGNIZE HIM; YOU KNOW HIM BY NAME AND SIGHT?

19 A YES, SIR.

20 Q AND IS THE PERSON IN THE COURTROOM WHO CHASED YOUR MAMA
21 WITH THE GUN AND POINTED IT AT YOU AND YOUR MAMA WHEN YOU
22 WERE ON THE FLOOR IS THAT PERSON IN THE COURTROOM?

23 A YES, SIR.

24 Q PLEASE TELL THEM WHO IT IS?

25 A JHUNE.

1 MR. MEADORS: JHUNE. THANK YOU, THAT'S ALL.

2 THE COURT: THANK YOU, SIR.

3 MR. SWERLING.

4 CROSS-EXAMINATION BY MR. SWERLING:

5 Q MAY I CALL YOU MARCUS?

6 A YES, SIR.

7 Q WHAT DATE DID YOU SAY YOU BIRTHDAY WAS?

8 A

9 Q I'VE GOT A FEW QUESTIONS TO ASK YOU, SORT OF KIND OF
10 PINPOINT SOME THINGS, OKAY. FIRST OF ALL LET ME ASK YOU
11 HAVE YOU DISCUSSED THIS WITH YOUR FAMILY LAST NIGHT WHAT
12 HAPPENED IN THE COURTROOM YESTERDAY?

13 A NO, SIR.

14 Q DIDN'T DISCUSS IT AT ALL?

15 A NO, SIR.

16 Q BUT YOU HAVE IN THE PAST GONE OVER WHAT HAPPENED THAT
17 DAY?

18 A YES, SIR.

19 Q Y'ALL HAVE TALKED ABOUT IT, SURE?

20 A YES, SIR.

21 Q IT WAS NOT UNUSUAL FOR JHUNE HARRIS TO BE OVER TO YOUR
22 HOUSE, WAS IT?

23 A NO, SIR.

24 Q OKAY. EVEN UP UNTIL THAT FRIDAY BEFORE Y'ALL WENT TO
25 THE CIRCUS TOGETHER, CORRECT?

1 A YES, SIR.

2 Q AND THAT WEEK BEFORE THE INCIDENT Y'ALL SAW EACH OTHER
3 SEVERAL TIMES, CORRECT?

4 A YES, SIR.

5 Q OKAY. SO JHUNE WAS SOMEBODY THAT EVEN THOUGH HE WASN'T
6 LIVING AT DUKE AVENUE ANYMORE YOU SAW HIM PRETTY REGULARLY,
7 CORRECT?

8 A YES, SIR.

9 Q OKAY. NOW, JULY 6TH LET ME JUST, LET ME GET YOU TO
10 LOOK AT THIS DIAGRAM BECAUSE I THINK IT'S A LITTLE EASIER TO
11 FOLLOW, OKAY. YOU'VE SEEN THIS BEFORE, HAVE YOU NOT?

12 A YES, SIR.

13 Q OKAY. I'M GOING TO HOLD IT UP HERE AND THEN LET YOU
14 POINT TO DIFFERENT THINGS ON IT, OKAY. WHEN JHUNE DROVE UP
15 WHAT TIME OF THE DAY WAS IT? DO YOU RECALL?

16 A NO, SIR.

17 Q OKAY. AND DO YOU RECALL WHAT HE WAS WEARING?

18 A A SUIT.

19 Q OKAY. AND WHERE DID HE PARK THE CAR?

20 A BEHIND MY MOTHER'S CAR.

21 Q OKAY. AND THAT WOULD HAVE BEEN, LET ME SEE, THIS IS
22 STATE'S 9. IS THAT WHERE YOUR MOM USUALLY PARKS HER CAR?

23 A YES, SIR.

24 Q AND HE WOULD HAVE BEEN PARKED BEHIND THAT?

25 A YES, SIR.

1 Q MR. PIERRE DID NOT HAVE A CAR, DID HE?

2 A NO, SIR.

3 Q AND SO YOU WERE IN THE LAUNDRY ROOM AT THAT TIME?

4 A YES, SIR.

5 Q SO YOU SAW HIM DRIVE UP?

6 A YES, SIR.

7 Q WAS ANY OF YOUR BROTHERS DOWNSTAIRS OR YOUR SISTER?

8 A I DON'T KNOW.

9 Q OKAY. DID YOU SEE THEM?

10 A YES, SIR.

11 Q WHERE DID YOU SEE THEM?

12 A I SAW THEM UPSTAIRS.

13 Q UPSTAIRS. OKAY. SO WHEN MR. HARRIS DROVE UP WERE YOU

14 THE ONLY ONE DOWNSTAIRS, JUST YOU AND YOUR MOM?

15 A I DON'T RECALL.

16 Q YOU DON'T RECALL. OKAY. THAT'S FAIR ENOUGH. AND WHEN

17 YOU, YOU SAW I GUESS LOOKING OUT THAT WINDOW THERE IN A

18 LAUNDRY ROOM?

19 A YES, SIR.

20 Q OKAY. AND THAT'S WHERE THE DOOR IS TOO, RIGHT?

21 A YES, SIR.

22 Q AND WHEN HE CAME TO THE DOOR DID YOU OPEN THE DOOR OR

23 DID YOUR MOM OPEN THE DOOR?

24 A MY MOM.

25 Q OKAY. WERE YOU STANDING THERE WHEN SHE OPENED THE

1 DOOR?

2 A YES, SIR.

3 Q AND DID SHE LET HIM IN?

4 A AFTER HE WENT BACK TO HIS CAR.

5 Q OKAY. SO HE WENT BACK TO HIS CAR AND HE HAD SAID HE
6 HAD A WATERMELON BUT YOU'RE SAYING HE DID NOT COME BACK WITH
7 A WATERMELON, RIGHT?

8 A YES, SIR.

9 Q OKAY. BUT YOUR MOM LET HIM IN THE HOUSE WHEN HE CAME
10 BACK?

11 A YES, SIR.

12 Q WERE YOU STILL IN THE LAUNDRY ROOM AT THAT POINT?

13 A NO, SIR.

14 Q WHERE DID YOU GO?

15 A I'VE GONE UPSTAIRS.

16 Q OKAY. AND WHO WAS UPSTAIRS?

17 A MY BROTHERS AND MY SISTER AND LEOPOLD.

18 Q OKAY. EVERYBODY WAS UPSTAIRS EXCEPT YOUR MOM?

19 A YES, SIR.

20 Q OKAY. AND WHEN YOU WERE UPSTAIRS DID YOU HEAR YOUR MOM
21 AND JHUNE TALKING?

22 A YES, SIR.

23 Q OKAY. THEY WEREN'T YELLING THOUGH?

24 A NO, SIR.

25 Q OKAY. THERE WERE JUST TALKING?

1 A YES, SIR.

2 Q AND WHAT WAS THE NEXT THING YOU REMEMBER?

3 A I REMEMBER JHUNE COME UPSTAIRS.

4 Q OKAY. AND WHEN HE CAME UPSTAIRS YOU WERE IN THE

5 BEDROOM?

6 A YES, SIR.

7 Q AND EUGENE WAS IN THE BEDROOM?

8 A YES, SIR.

9 Q AND FOREST WAS IN THE BEDROOM?

10 A YES, SIR.

11 Q AND WHERE WAS ASHLEY?

12 A IN HER ROOM.

13 Q ALL RIGHT. AND WHEN HE CAME UPSTAIRS DID HE COME INTO

14 YOUR BEDROOM?

15 A NO, SIR.

16 Q WHERE DID HE STAND?

17 A ON THE TOP STEP.

18 Q OKAY. AND DID HE TALK TO MR. PIERRE?

19 A HE ASKED IF HE COULD COME DOWNSTAIRS.

20 Q OKAY. IS THAT ALL HE SAID?

21 A YES, SIR.

22 Q CAN YOU COME DOWNSTAIRS?

23 A YES, SIR.

24 Q OKAY. HE DIDN'T SAY IT IN A THREATENING WAY, DID HE?

25 A NO, SIR.

1 Q IT WAS JUST A QUESTION; CAN YOU COME DOWNSTAIRS?

2 A YES, SIR.

3 Q AND THAT'S, YOU HEARD THAT?

4 A YES, SIR.

5 Q OKAY. SO WHEN HE SAID CAN YOU COME DOWNSTAIRS, WHAT
6 DID MR. PIERRE SAY?

7 A NOTHING.

8 Q OKAY. HE DIDN'T ANSWER HIM?

9 A NO, SIR.

10 Q ALL RIGHT. BUT WHEN MR. HARRIS WAS MAKING THAT
11 STATEMENT, YOUR IMPRESSION WAS HE JUST WANTED TO TALK TO
12 HIM, CORRECT?

13 A YES, SIR.

14 Q DOWNSTAIRS. OKAY. HE DIDN'T SOUND THREATENING OR
15 ANYTHING LIKE THAT?

16 A NO, SIR.

17 Q IS THAT RIGHT?

18 A (NODDED HEAD.)

19 Q OKAY. SO MR. PIERRE DIDN'T ACKNOWLEDGE MR. HARRIS,
20 CORRECT?

21 A (NODDED HEAD.)

22 Q IS THAT RIGHT?

23 A YES, SIR.

24 Q HE DIDN'T REALLY ACKNOWLEDGE HIM?

25 A YES, SIR.

1 Q AND SO MR. HARRIS JUST WENT BACK DOWNSTAIRS?

2 A YES, SIR.

3 Q HE LEFT?

4 A YES, SIR.

5 Q HE LEFT THE STAIRS. HE LEFT UPSTAIRS AND HE WENT
6 DOWNSTAIRS AND DO YOU KNOW WHERE HE WAS WHEN HE WENT
7 DOWNSTAIRS?

8 A NO, SIR.

9 Q OKAY. BECAUSE YOU WERE UPSTAIRS?

10 A YES, SIR.

11 Q AND WERE YOUR TWO BROTHERS AND YOUR SISTER STILL
12 UPSTAIRS?

13 A YES, SIR.

14 Q OKAY. AND THEN WHAT WAS THE NEXT THING YOU REMEMBER
15 HAPPENING?

16 A I REMEMBER LEOPOLD GOING DOWNSTAIRS TO GET A BROOM.

17 Q OKAY. SO THE NEXT THING YOU REMEMBER IS LEOPOLD WENT
18 DOWNSTAIRS. NOBODY ELSE WENT DOWNSTAIRS?

19 A NO, SIR.

20 Q OKAY. AND LEOPOLD WENT DOWNSTAIRS TO GET A BROOM
21 BECAUSE Y'ALL WERE CLEANING UP UPSTAIRS?

22 A YES, SIR.

23 Q ALL RIGHT. AND WHEN HE WENT DOWNSTAIRS WERE YOU STILL
24 IN YOUR ROOM?

25 A YES, SIR.

1 Q AND WHAT ABOUT EUGENE AND FOREST WERE THEY IN THEIR
2 ROOM, TOO?

3 A YES, SIR.

4 Q AND ASHLEY WAS STILL IN HER ROOM?

5 A YES, SIR.

6 Q OKAY. Y'ALL DIDN'T THINK ANYTHING ABOUT HIM GOING
7 DOWNSTAIRS?

8 MR. MEADORS: OBJECTION TO Y'ALL.

9 THE COURT: SUSTAINED.

10 BY MR. SWERLING:

11 Q DID YOU THINK ANYTHING ABOUT HIM GOING DOWNSTAIRS?

12 A NO, SIR.

13 Q OKAY. YOU DIDN'T THINK THERE WAS ANY TROUBLE
14 HAPPENING, DID YOU? DID YOU?

15 A NO, SIR.

16 Q OKAY. ALL RIGHT. AND WHEN HE WENT DOWNSTAIRS DID HE
17 COME RIGHT BACK UPSTAIRS?

18 A YES, SIR.

19 Q DID HE HAVE A BROOM?

20 A YES, SIR.

21 Q DID YOU HEAR ANY ARGUMENTS DOWNSTAIRS?

22 A NO, SIR.

23 Q DID YOU, AND YOU WEREN'T LOOKING FOR ANY. YOU DIDN'T
24 LOOK DOWNSTAIRS TO SEE WHAT WAS GOING ON?

25 A YES, SIR.

1 Q YOU DID?

2 A YES, SIR.

3 Q WHERE WERE YOU?

4 A ON THE TOP STEP.

5 Q OKAY. WHO, WAS ANYBODY ELSE WITH YOU?

6 A YES, SIR.

7 Q WHO WAS THERE?

8 A MY BROTHERS.

9 Q NOW, THIS IS WHEN HE WENT DOWNSTAIRS TO GET THE BROOM?

10 A YES, SIR.

11 Q OKAY. SO YOU WERE ACTUALLY WATCHING WHAT WAS GOING ON?

12 A YES, SIR.

13 Q AND NOTHING HAPPENED, RIGHT?

14 A YES, SIR.

15 Q THERE WAS NO ARGUMENT; MR. HARRIS WASN'T BEING
16 THREATENING IN ANY WAY, WAS HE?

17 A NO, SIR.

18 Q MR. PIERRE WAS NOT DOING ANYTHING?

19 A NO, SIR.

20 Q DID THEY EVEN TALK TO EACH OTHER WHEN HE WENT
21 DOWNSTAIRS?

22 A NO, SIR.

23 Q DID MR. PIERRE JUST WALK PAST MR. HARRIS?

24 A YES, SIR.

25 Q DID HE EVEN ACKNOWLEDGE THAT HE WAS STANDING THERE?

1 A NO, SIR.

2 Q DID MR. HARRIS SAID CAN WE TALK?

3 A YES, SIR.

4 Q SO HE ASKED HIM CAN WE TALK; IS THAT RIGHT?

5 A YES, SIR.

6 Q IS THAT HOW HE SAID IT?

7 A YES, SIR

8 Q CAN WE JUST TALK? OKAY. BUT MR. PIERRE DIDN'T WANT TO
9 TALK?

10 A NO, SIR.

11 Q OKAY. MR. HARRIS DIDN'T HAVE A GUN OUT, DID HE?

12 A NO, SIR.

13 Q HE WASN'T BEING AGGRESSIVE, WAS HE?

14 A NO, SIR.

15 Q HE WASN'T SHAKING HIS FIST AT HIM OR ANYTHING?

16 A NO, SIR.

17 MR. MEADORS: YOUR HONOR, HE HASN'T USED THIS
18 DIAGRAM IN ABOUT FIVE MINUTES. I DIDN'T KNOW IF HE STILL
19 NEEDED IT.

20 MR. SWERLING: YES.

21 MR. MEADORS: OKAY. NOT USING IT. I JUST DIDN'T
22 KNOW WHY HE HAD IT.

23 MR. SWERLING: OKAY. THANK YOU.

24 BY MR. SWERLING:

25 Q WHEN HE WAS STANDING THERE WHAT HE DID WAS HE JUST LET

1 MR. PIERRE GO GET THE BROOM AND GO BACK AND GO BACK
2 UPSTAIRS, RIGHT?

3 A YES, SIR.

4 Q ALL RIGHT. NOW, AFTER HE WENT BACK UPSTAIRS, WHAT WAS
5 THE NEXT THING YOU REMEMBER HAPPENING?

6 A I REMEMBER GOING DOWNSTAIRS.

7 Q OKAY. WHERE DID YOU GO?

8 A TO THE LAUNDRY ROOM.

9 Q GO AHEAD AND POINT TO IT, OKAY?

10 A (WITNESS COMPLIES.)

11 Q SO YOU WENT BACK TO THE LAUNDRY ROOM?

12 A YES, SIR.

13 Q DID YOU LEAVE YOUR BROTHERS AND YOUR SISTER UPSTAIRS?

14 A YES, SIR.

15 Q OKAY. AND MR. PIERRE WAS UPSTAIRS, TOO?

16 A YES, SIR.

17 Q YOU SEE "J"? THAT'S WHERE THE STAIRS ARE ON THIS
18 DIAGRAM UP IN THE UPPER LEFT HAND CORNER, OKAY. ALL RIGHT.
19 NOW, YOU WENT IN THE LAUNDRY ROOM. WHAT WERE YOU DOING IN
20 THE LAUNDRY ROOM?

21 A JUST PUTTING CLOTHES INTO THE LAUNDRY BASKET.

22 Q OKAY. AND WILL YOU POINT TO WHERE JHUNE WAS STANDING?

23 A I DON'T RECALL THIS.

24 Q OKAY. DO YOU REMEMBER WHERE YOUR MOM WAS?

25 A YES, SIR.

1 Q WHERE WAS SHE?

2 A BEHIND THE COUNTER.

3 Q OKAY. ALL RIGHT. SHE WAS COOKING?

4 A YES, SIR.

5 Q ALL RIGHT. DID YOU GO BACK UPSTAIRS?

6 A NO, SIR.

7 Q ALL RIGHT. SO WHERE DID YOU GO?

8 A I WENT RIGHT THERE.

9 Q OKAY. NOW, IS THERE A CHAIR THERE OR ANYTHING?

10 A NO, SIR.

11 Q YOU WERE JUST STANDING THERE?

12 A YES, SIR.

13 Q I MEAN, THIS MAY SOUND CRAZY, WHY WERE YOU JUST
14 STANDING THERE?

15 A I DON'T KNOW.

16 Q WERE YOU WATCHING T.V.?

17 A NO, SIR.

18 Q WAS THERE ANYTHING GOING ON THERE THAT YOU WERE JUST
19 STANDING THERE?

20 A NO, I DON'T KNOW.

21 Q YOU DON'T REMEMBER. OKAY. THAT'S FAIR ENOUGH. NOW,
22 WHAT DID MR. HARRIS DO?

23 A HE WAS JUST TELLING LEOPOLD TO COME DOWNSTAIRS.

24 Q OKAY. WAS HE AT THE BOTTOM OF THE STAIRS SAYING THAT;
25 WAS HE IN THE DEN SAYING THAT?

1 A NO.

2 Q OKAY. WHERE WAS, DO YOU REMEMBER WHERE HE WAS STANDING
3 WHEN HE WAS DOING THAT?

4 A RIGHT THERE.

5 Q JUST ABOUT THERE IN THE DEN?

6 A (NODDED HEAD.)

7 Q OKAY. DID YOU HEAR MR. PIERRE SAY ANYTHING?

8 A NO, SIR.

9 Q WHAT DID MR. HARRIS DO?

10 A NOTHING.

11 Q OKAY. HE DIDN'T GO BACK UPSTAIRS, DID HE?

12 A NO, SIR.

13 Q SO HE WENT UP THE ONE TIME, RIGHT?

14 A YES, SIR.

15 Q AND THEN MR. PIERRE CAME DOWN ONE TIME?

16 A YES, SIR.

17 Q AND THERE WAS NO CONFRONTATION?

18 A NO, SIR.

19 Q WITH EITHER ONE OF THEM?

20 A NO, SIR.

21 Q AND ALL MR. HARRIS WANTED TO DO WAS JUST TALK?

22 A YES, SIR.

23 Q OKAY. NOW, AT SOME POINT DID MR. PIERRE COME
24 DOWNSTAIRS?

25 A YES, SIR.

1 Q YOU WERE STANDING WHERE AT THAT POINT?

2 A (INDICATING.)

3 Q IN THAT SAME PLACE? OKAY. YOU HADN'T MOVED AT ALL,
4 RIGHT?

5 A RIGHT.

6 Q OKAY. NOW, WHEN HE CAME DOWNSTAIRS WHERE WAS YOUR TWO
7 BROTHERS AND YOUR SISTER?

8 A I DON'T REMEMBER.

9 Q OKAY. DID YOU SEE THEM OR DO YOU REMEMBER SEEING THEM?

10 A I DON'T REMEMBER.

11 Q OKAY. AND WHEN MR. PIERRE CAME DOWNSTAIRS DID HE HAVE
12 ANYTHING IN HIS HAND? MR. MEADORS ASKED YOU SOMETHING BUT
13 DO YOU KNOW WHETHER HE HAD ANYTHING IN HIS HAND OR NOT?

14 A HE HAD LIKE A SHIRT IN HIS HAND.

15 Q HE HAD A SHIRT IN HIS HANDS?

16 A YES, SIR.

17 Q SO HE HAD TAKEN HIS SHIRT OFF?

18 A NO. IT WAS A BUTTON-UP SHIRT.

19 Q SO HE HAD TAKEN THAT SHIRT OFF?

20 A YES, SIR.

21 Q AND HAD THAT IN HIS HANDS?

22 A YES, SIR.

23 Q OKAY. AND COULD YOU SEE WHETHER OR NOT HE HAD ANYTHING
24 IN HIS HAND OTHER THAN THE SHIRT?

25 A NO, SIR.

1 Q OKAY. NOW, WHEN HE CAME DOWNSTAIRS WAS THERE, DID
2 MR. HARRIS SAY ANYTHING OR DID MR. PIERRE SAY ANYTHING AS HE
3 WAS WALKING DOWNSTAIRS?

4 A NO, SIR.

5 Q NOW, RIGHT BEFORE YOU SAW MR. HARRIS TAKE OUT THE GUN,
6 DID MR. PIERRE SAY ANYTHING TO HIM?

7 A NO, SIR.

8 Q BUT MR. PIERRE WAS WALKING DOWN THE STAIRS AT THAT
9 POINT?

10 A YES, SIR.

11 Q WAS HE WALKING FAST?

12 A NO, SIR.

13 Q DID HE START WALKING TOWARD MR. HARRIS?

14 A NO, SIR.

15 Q WAS HE MAKING ANY GESTURES TOWARD MR. HARRIS?

16 A NO, SIR.

17 Q WAS HE SAYING ANYTHING TO MR. HARRIS?

18 A NO, SIR.

19 Q WAS MR. HARRIS DOING ANY OF THAT TO HIM?

20 A NO, SIR.

21 Q SO WHAT YOU'RE SAYING IS THAT AS HE WAS WALKING DOWN
22 THE STAIRS AT SOME POINT MR. HARRIS JUST PULLED OUT A
23 WEAPON?

24 A YES, SIR.

25 Q AND FIRED TWICE?

1 A YES, SIR.

2 Q NOW, I DON'T KNOW IF I UNDERSTOOD BEFORE BUT WHERE DID
3 YOU SAY THAT MR. PIERRE WAS WHEN HE GOT SHOT?

4 A ON THE BOTTOM STEP.

5 Q ON THE BOTTOM STEP. WAS THAT, THIS WOULD BE
6 STATE'S 20. COULD YOU SHOW ME WHERE ON THAT PICTURE WHICH
7 BOTTOM STEP YOU'RE TALKING ABOUT? YOU CAN PICK IT UP?

8 A IT WAS RIGHT THERE. (INDICATING.)

9 Q SO WAS HE OFF THE STEPS?

10 A NO, SIR.

11 Q NOT ON THE LANDING BUT HE WAS ON THE LAST STEP?

12 A YES, SIR.

13 Q IS THAT RIGHT?

14 A YES, SIR.

15 Q OKAY. COULD YOU SEE YOUR BROTHERS OR YOUR SISTER AT
16 THAT POINT?

17 A NO, SIR.

18 Q AND WOULD YOU POINT ON THE DIAGRAM ABOUT WHERE
19 MR. HARRIS WAS WHEN HE SHOT TOWARD MR. PIERRE ON THE STAIRS?

20 A SOMEWHERE UP THERE.

21 Q OVER IN THAT AREA?

22 A YES, SIR.

23 Q OKAY. AND IN THE COURTROOM WHAT'S SORT OF THE
24 DISTANCE, IS THERE ANYTHING IN THE COURTROOM THAT YOU CAN
25 RELATE TO THE DISTANCE BETWEEN WHERE MR. HARRIS WAS AND

1 MR. PIERRE WAS, LIKE FROM WHERE YOU ARE MAYBE TO THE PODIUM
2 OR TO WHERE YOUR MOM IS?

3 A NO, SIR.

4 Q OKAY. YOU CAN'T ESTIMATE IT?

5 A (SHOOK HEAD.)

6 Q OKAY. NOW, AFTER THE SHOT RANG OUT WHERE DID YOUR MOM
7 GO; WHERE DID YOU SEE YOUR MOM NEXT?

8 A BEHIND THE COUNTER.

9 Q OKAY. AND WHICH DIRECTION DID SHE GO IN?

10 A SHE JUST STOOD THERE AFTER THE FIRST SHOT.

11 Q OKAY. AND WHERE DID MR. HARRIS GO; WHERE DID JHUNE GO?

12 A HE WAS STILL THERE.

13 Q OKAY. WHAT WAS THE NEXT THINGS THAT HAPPENED?

14 A HE SHOT ANOTHER SHOT.

15 Q HE SHOT ANOTHER SHOT?

16 A (NODDED HEAD.)

17 Q WHERE?

18 A AT LEOPOLD.

19 Q OKAY. SO THOSE WERE THE TWO SHOTS YOU'RE TALKING
20 ABOUT? OKAY.

21 A YES.

22 Q ALL RIGHT. AFTER THE, NOW, DID HE MOVE BETWEEN THE
23 FIRST SHOT AND THE SECOND SHOT?

24 A NO, SIR.

25 Q OKAY. NOW, AFTER THE SECOND SHOT, WHERE DID YOUR MOM

1 GO? WHERE DID YOU SEE YOUR MOM GOING?

2 A WELL, JHUNE TURNED AROUND TO CHASE HER AND SHE RAN.

3 Q POINT ON THE DIAGRAM WHERE SHE WAS AND WHERE SHE RAN,
4 IF YOU WOULD?

5 A SHE WAS RIGHT THERE AND SHE RAN THERE.

6 Q TOWARD THE LIVING ROOM?

7 A YES, SIR.

8 Q AND WHERE DID JHUNE GO?

9 A SHE WAS HERE. HE RAN AFTER HER.

10 Q OKAY. COULD YOU POINT ON THE DIAGRAM WHERE JHUNE WAS
11 AND HOW HE GOT TO WHERE YOUR MOM WAS?

12 A HE WAS RIGHT THERE AND SHE RAN.

13 Q RAN THAT WAY?

14 A YES, SIR.

15 Q OKAY. HE RAN TOWARD THE LAUNDRY ROOM THAT WAY INTO THE
16 KITCHEN?

17 A YES, SIR.

18 Q OKAY. AND WHAT WAS THE NEXT TIME YOU SAW THEM?

19 A AFTER THEY CAME OUT THE LIVING ROOM.

20 Q AND WHICH WAY DID THEY, THEY CAME FROM THE LIVING ROOM,
21 RIGHT, INTO THE DEN?

22 A YES, SIR.

23 Q OKAY. WAS THERE YELLING GOING ON; WERE THEY YELLING AT
24 EACH OTHER?

25 A YES, SIR.

1 Q OKAY. NOW, YOU WERE STILL STANDING IN THAT SAME AREA,
2 RIGHT?

3 A YES, SIR.

4 Q WHERE I GUESS IT'S MARKED NUMBER ONE?

5 A YES, SIR.

6 Q OKAY. ABOUT IN THAT AREA, RIGHT?

7 A YES, SIR.

8 Q OKAY. AND YOUR MOM CAME OVER AND YOU SAID GRABBED YOU
9 BY THE SHIRT?

10 A YES, SIR.

11 Q NOW, MR. MEADORS HAD YOU, HE WAS DOWN REPRESENTING
12 WHERE YOUR MOM WAS AND YOU WERE RIGHT IN FRONT OF HIM. IS
13 THAT HOW IT WAS?

14 A YES, SIR.

15 Q OR WERE YOU UNDERNEATH YOUR MOM?

16 A I WAS BESIDE HER.

17 Q OKAY. SO WHAT WAS, YOU WERE BETWEEN YOUR MOM AND
18 MR. HARRIS?

19 A YES, SIR.

20 Q OKAY. AND YOU WEREN'T LAYING DOWN; YOU WERE SITTING
21 DOWN?

22 A LAYING DOWN.

23 Q YOU WERE LAYING DOWN. OKAY. WHAT WAS YOUR MOM DOING?

24 A SHE WAS JUST KICKING AND SCREAMING.

25 Q AND SHE WAS LAYING DOWN OR SITTING?

1 A LAYING DOWN.

2 Q OKAY. ALL RIGHT. DID YOU SEE YOUR BROTHERS AND
3 SISTERS?

4 A NO, SIR.

5 Q YOUR BROTHERS AND SISTER?

6 A NO, SIR.

7 Q NOW, DID MR. HARRIS, HE MUST HAVE WALKED RIGHT PAST
8 YOU?

9 A YES, SIR.

10 Q WHEN HE WENT OUT THE LAUNDRY ROOM?

11 A YES, SIR.

12 Q IS THAT RIGHT?

13 A YES, SIR.

14 Q HE DIDN'T DO ANYTHING WHEN HE WALKED PAST Y'ALL?

15 A NO, SIR.

16 Q HE HAD THE GUN IN HIS HAND?

17 A YES, SIR.

18 Q HOW CLOSE DID HE COME TO YOU WHEN HE WAS WALKING OUT
19 THE DOOR? VERY CLOSE?

20 A YES, SIR.

21 Q BECAUSE HE WALKED RIGHT PAST YOU, RIGHT? IS THAT TRUE?

22 A YES, SIR.

23 Q AND HE DIDN'T SHOOT ANYBODY?

24 A NO, SIR.

25 Q OKAY. BUT YOU'RE SAYING HE WENT INTO THE LAUNDRY ROOM?

1 A YES, SIR.

2 Q AND DID HE COME RIGHT BACK?

3 A YES, SIR.

4 Q OKAY. DID HE GO OUT THE DOOR?

5 A NO, SIR.

6 Q AND WHEN HE CAME BACK IN DID YOU SEE HIM FALL OR TRIP?

7 A NO, SIR.

8 Q DID HE STUMBLE?

9 A NO, SIR.

10 Q HOW DID HE, WHAT DID HE DO WITH THE GUN?

11 A HE POINT IT AT MY MOM AND SHOT HER IN THE LEG.

12 Q OKAY. DID HE AIM FOR HER LEG? WAS HE AIMING RIGHT AT
13 HER LEG?

14 A I DON'T KNOW.

15 Q DID YOU SEE THAT OR COULD YOU TELL?

16 A I DON'T KNOW.

17 Q OKAY. I MEAN, I'M SURE IT WAS NOT SOMETHING YOU WERE
18 THINKING ABOUT?

19 A YES, SIR.

20 Q ALL RIGHT. AND RIGHT AFTERWARDS, DID HE LEAVE RIGHT
21 AFTER THAT?

22 A YES, SIR.

23 Q OKAY. AND THAT'S WHEN YOU WENT OVER AND RAN TO A
24 NEIGHBOR, TOO?

25 A YES, SIR.

1 Q AT ANY TIME DID YOU SEE YOUR, PRIOR TO THE SHOOTING,
2 DID YOU SEE EITHER ONE OF YOUR BROTHERS OR YOUR SISTER COME
3 DOWNSTAIRS?

4 A I HAVE SAW MY BROTHER.

5 Q WHERE, WHICH BROTHER?

6 A MY OLDEST BROTHER.

7 Q THAT WOULD HAVE BEEN EUGENE. WHEN DID YOU SEE HIM?

8 A WELL, HE RAN OUTSIDE AND I FOLLOWED HIM.

9 Q THIS WAS AFTER THE SHOOTING?

10 A YES, SIR.

11 Q BUT PRIOR TO THE SHOOTING DID YOU EVER SEE EUGENE OR
12 FOREST OR ASHLEY COME DOWNSTAIRS?

13 A NO, SIR.

14 Q OKAY. DID YOU SEE THEM ANYWHERE ON THE STAIRS WHEN THE
15 SHOOTING WAS TAKING PLACE?

16 A NO, SIR.

17 Q OKAY. WERE YOU IN A POSITION WHERE YOU COULD HAVE SEEN
18 THEM FROM WHERE YOU WERE STANDING IN THE DEN?

19 A YES, SIR.

20 Q YOU COULD SEE THE STAIRS, CORRECT?

21 A YES, SIR.

22 Q YOU SAW MR. PIERRE COME DOWN THE STAIRS?

23 A YES, SIR.

24 MR. SWERLING: THAT'S ALL I HAVE, YOUR HONOR.

25 THE COURT: THANK YOU, SIR.

1 ANYTHING ON REDIRECT?

2 MR. MEADORS: NO, SIR.

3 THE COURT: MR. MARCUS, YOU MAY STEP DOWN. THANK
4 YOU, SIR.

5 LET ME ASK COUNSEL, IF Y'ALL CAN APPROACH.

6 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
7 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

8 THE COURT: THANK YOU, COUNSEL.

9 LADIES AND GENTLEMEN, JUST TO LET Y'ALL KNOW WE
10 WERE DISCUSSING JUST LOGISTICALLY AND TIMING WISE NEXT
11 WITNESS THE STATE CALLS MAY BE MORE LENGTHY THAN THE LAST
12 YOUNG MAN WHO TESTIFIED AND THEREFORE JUST LOOKING AT FOR
13 LUNCH PURPOSES TO LET Y'ALL GO. WE'LL TAKE A BREAK NOW AND
14 BRING YOU BACK AT 2:15. DURING THE BREAK DO NOT DISCUSS THE
15 EVIDENCE AND TESTIMONY YOU'VE HEARD OR SEEN THUS FAR.
16 LADIES AND GENTLEMEN, DURING THE LUNCH BREAK AS WELL IF YOU
17 ALL WOULD GIVE SOME THOUGHT TO ELECTING A FOREPERSON.

18 I'M GOING TO LET YOU ALL ELECT YOUR OWN FOREPERSON
19 AND DURING ONE OF THE BREAKS SOMETIME BEFORE WE CONCLUDE THE
20 CASE IF YOU ALL HAVE A CHANCE DURING OUR BREAKS OR ANYTHING
21 IF YOU CAN ELECT A FOREPERSON, JUST WRITE THE FOREPERSON'S
22 NAME ON A SHEET OF PAPER THAT'S PROVIDED BACK IN THE JURY
23 ROOM AND IF YOU'LL GIVE THAT TO THE BAILIFF WHEN WE BRING
24 YOU OUT AND Y'ALL DON'T HAVE TO DO IT RIGHT WHEN WE COME
25 BACK OR ANYTHING BUT JUST SOME POINT BEFORE WE ACTUALLY

1 CLOSE THE CASE IF YOU WILL DO THAT. LADIES AND GENTLEMEN,
2 Y'ALL ENJOY LUNCH AND WE'LL SEE YOU AT 2:15. THANK YOU.

3 (THE FOLLOWING TAKES PLACE OUTSIDE THE PRESENCE OF THE
4 JURY.)

5 THE COURT: COUNSEL, ANYTHING WE NEED TO TAKE UP
6 BEFORE WE TAKE A BREAK FOR LUNCH?

7 MR. MEADORS: NOTHING FROM THE STATE, THANK YOU,
8 SIR.

9 MR. SWERLING: NO, SIR.

10 THE COURT: THANK YOU.

11 ALL RIGHT. MARCUS, THEY SAY YOU'RE A GOOD
12 STUDENT?

13 THE WITNESS: YES, SIR.

14 THE COURT: YOU TOLD THE JURY YOU'RE A SMART YOUNG
15 MAN. I'M GOING TO GIVE YOU A TEST, ALL RIGHT. WHO'S THE
16 BEST LOOKING JUDGE YOU'VE EVER SEEN?

17 THE WITNESS: YOU.

18 THE COURT: I'M ALSO TO ONLY JUDGE YOU'VE EVER
19 SEEN. COUNSEL, WE'LL SEE Y'ALL AT 2:15.

20 (THEREUPON, THE TRIAL OF THIS CASE WAS RECESSED
21 UNTIL 2:15 P.M.)

22 MR. MEADORS: MAY IT PLEASE THE COURT.

23 THE COURT: YES, SIR.

24 MR. MEADORS: PRIOR TO THE BREAK MR. SWERLING AND
25 I MADE THAT UP AT YOUR HONOR'S BENCH. WE TALKED ABOUT SOME

1 POTENTIAL TESTIMONY WOULD COME OUT. JUST, I THINK WE'VE
2 REACHED A COMPROMISE. ONE OF THE VICTIMS IN THIS CASE
3 MS. GILMORE AND DEFENDANT JHUNE HARRIS MET AT A, THEY BOTH
4 WERE RECOVERING ADDICTS SO THAT'S HOW THEY FIRST MET AND GOT
5 TO KNOW EACH OTHER.

6 MR. SWERLING APPROACHED US AND WE'VE AGREED NOW
7 THAT THROUGH HER DIRECT EXAMINATION I'M NOT GOING TO ASK HER
8 ABOUT SPECIFICALLY HOW THEY MET JUST THAT THEY MET ROUGHLY
9 IN '95, AND AS A RESULT OF THAT THEY DEVELOPED A
10 RELATIONSHIP BUT I'M GOING TO KIND OF LEAD HER THROUGH THAT
11 SO SHE WON'T SAY ANYTHING. SHE WON'T SAY ANYTHING ABOUT
12 THAT BECAUSE WE GET HER JUST READY FOR THIS. SHE WAS GOING
13 TO KIND OF LAY IT ALL OUT. I'M JUST GOING TO KIND OF LEAD
14 HER THROUGH THAT POINT, JUST SAY WE MET IN '95 AND THEN KIND
15 OF MOVE ON.

16 THE COURT: OKAY.

17 MR. MEADORS: SHE UNDERSTANDS THAT AND I THINK THE
18 DEFENSE HAS AGREED WITH THAT. SO WE'RE NOT PLANNING ON
19 DELVING INTO THAT AND THEY AREN'T EITHER.

20 THE COURT: OKAY. ON EITHER SIDE.

21 MR. SWERLING: THAT'S CORRECT, JUDGE; AND I JUST
22 WANT TO PUT ON THE RECORD MR. HARRIS AGREES; IS THAT
23 CORRECT?

24 THE DEFENDANT: YES.

25 MR. SWERLING: AT THAT POINT THEY MET IS SORT OF A

1 LOW POINT FOR BOTH OF THEM. I DON'T SEE WHERE IT AFFECTS
2 THE OUTCOME OF THE CASE TO GO INTO THAT AND OPEN UP THOSE
3 THINGS.

4 THE COURT: OKAY.

5 MR. SWERLING: THAT WAS THE PURPOSE OF IT AND
6 MR. HARRIS AGREES.

7 THE COURT: OKAY. THANK YOU, COUNSEL. LET BOTH
8 OF YOU KNOW MS. DENITRA REESE WILL BE THE FOREPERSON OF THE
9 JURY. ALL RIGHT. ANYTHING ELSE WE NEED TO TAKE UP?

10 MR. MEADORS: NO, SIR.

11 MR. SWERLING: NO.

12 THE COURT: OKAY. OKAY. WE'LL BRING THE JURY
13 OUT.

14 (THE FOLLOWING TAKES PLACE WITHIN THE PRESENCE OF THE
15 JURY.)

16 THE COURT: THANK YOU, LADIES AND GENTLEMEN.
17 MS. REESE, I UNDERSTAND YOU'VE BEEN ELECTED FOREPERSON.
18 OKAY. THANK YOU, MA'AM. I'LL EXPLAIN YOUR DUTIES AS
19 FOREPERSON AT THE CONCLUSION OF THE CASE WHEN I CHARGE YOU
20 ALL. THEY'RE NOT DIFFICULT. YOU DON'T HAVE TO DO ANYTHING
21 ELSE DIFFERENT DURING THE TRIAL BUT I'LL TELL YOU WHAT YOU
22 HAVE TO DO DURING DELIBERATIONS AT THE END. THANK YOU. ALL
23 RIGHT. LADIES AND GENTLEMEN, BEFORE WE BROKE THE STATE WAS
24 READY TO CALL THEIR NEXT WITNESS.

25 MR. MEADORS

1 MR. MEADORS: MAY IT PLEASE THE COURT.

2 THE COURT: YES, SIR.

3 MR. MEADORS: YOUR HONOR, THE STATE OF SOUTH
4 CAROLINA WOULD NOW CALL MS. ANGELA GILMORE.

5 THE COURT: MR. MEADORS.

6 MR. MEADORS: THANK YOUR HONOR. MAY IT PLEASE THE
7 COURT.

8 THE COURT: YES, SIR.

9 ANGELA GILMORE, BEING FIRST
10 DULY SWORN, TESTIFIED AS FOLLOWS:

11 DIRECT EXAMINATION BY MR. MEADORS:

12 Q TAKE A DEEP BREATH.

13 A (WITNESS COMPLIES.)

14 Q WHERE ARE YOU FROM?

15 A I'M FROM COLUMBIA, SOUTH CAROLINA.

16 Q TELL THESE FOLKS ABOUT YOURSELF. ARE YOU BORN AND
17 RAISED HERE?

18 A YES.

19 Q WHERE DID YOU GO TO SCHOOL?

20 A WELL, I ATTENDED CAYCE GRAMMAR ELEMENTARY SCHOOL. THEN
21 I WENT TO CYRIL B. BUSBEE IN WEST COLUMBIA-CAYCE AND THEN I
22 WENT, I ATTENDED GIBBES, EAU CLAIRE HIGH SCHOOL, GRADUATED
23 FROM EAU CLAIRE AND ATTENDED BENEDICT COLLEGE.

24 Q WHAT YEAR DID YOU GRADUATE EAU CLAIRE?

25 A EAU CLAIRE '84.

1 Q EAU CLAIRE?

2 A '79.

3 Q OKAY. WHAT YEAR DID YOU DO GRADUATE? YOU SAID YOU
4 WENT TO BENEDICT.

5 A YES.

6 Q WHAT YEAR DID YOU GRADUATE BENEDICT?

7 A '84.

8 Q COULD IT HAVE BEEN '83?

9 A '83.

10 Q AFTER YOU GOT OUT OF BENEDICT WHAT DID YOU DO?

11 A I TAUGHT AT BENEDICT CHILD DEVELOPMENT CENTER.

12 Q AND?

13 A TAUGHT KINDERGARTEN.

14 Q WHAT DID YOU STUDY AT BENEDICT? WHAT WAS YOUR MAJOR?

15 A EDUCATION.

16 Q SO YOU WERE AT THE CHILD DEVELOPMENT CENTER OF BENEDICT
17 FOR HOW MANY YEARS, MS. GILMORE?

18 A ABOUT FOUR OR FIVE YEARS.

19 Q AND AFTER THAT DID YOU GO TO E. E. TAYLOR?

20 A YES, I TAUGHT THERE.

21 Q OKAY. WHAT IS E. E. TAYLOR?

22 A E. E. TAYLOR IS THE ELEMENTARY SCHOOL.

23 Q WHAT GRADE DO YOU TEACH THERE?

24 A WELL, I TAUGHT FIRST-GRADE READINESS.

25 Q PREPARING PEOPLE FOR THE FIRST GRADE?

1 A YES.

2 Q CHILDREN?

3 A OR GIVING CHILDREN ADDITIONAL HELP.

4 Q AND THEN I BELIEVE YOU WENT TO JOHN P. THOMAS.

5 A YES, WHERE I TAUGHT THIRD GRADE.

6 Q AND YOU WERE MARRIED PRIOR, CORRECT?

7 A YES.

8 Q AND THAT FIRST MARRIAGE DIDN'T WORK OUT, CORRECT?

9 A NO, IT DIDN'T WORK OUT.

10 Q AND SUBSEQUENT TO THAT, AFTER THAT DID YOU HAVE AN
11 OCCASION TO MEET THE DEFENDANT JHUNE HARRIS?

12 A YES.

13 Q AND WOULD THAT BE FAIR TO SAY IN 1995 YOU MET THE
14 DEFENDANT JHUNE HARRIS?

15 A YES.

16 Q AND AS A RESULT OF Y'ALL MEETING DID Y'ALL DEVELOP A
17 RELATIONSHIP?

18 A YES.

19 Q NOW, HAD YOU ALSO WORKED IN THE COMMUNITY CHILD CARE AT
20 BRENNAN OR MEADOWFIELD?

21 A YES.

22 Q AND WERE YOU A SPECIAL ED TEACHER AT MEADOWFIELD?

23 A YES.

24 Q ALL RIGHT. AND WHAT ARE YOU DOING RIGHT NOW?

25 A I TEACH FIRST GRADE AT MEADOWFIELD.

1 Q AND HOW LONG HAVE YOU BEEN DOING THAT?

2 A ABOUT SIX OR SEVEN YEARS.

3 Q DO YOU LIKE TEACHING?

4 A YES, SIR, I LOVE TEACHING. I'D RATHER BE THERE.

5 Q AND WE'VE ALL MET THEM BUT ARE THESE YOUR CHILDREN?

6 ONE OF THEM'S HERE. I DON'T KNOW WHERE THE OTHER THREE ARE
7 NOW?

8 A OTHER ONES ARE UPSTAIRS. YES, THAT'S MY DAUGHTER
9 ASHLEY.

10 Q NOW, YOU SAID YOU MET THE DEFENDANT IN '95 AND Y'ALL
11 DEVELOPED A RELATIONSHIP AND THAT LASTED HOW LONG?

12 A IT WAS A ON AND OFF RELATIONSHIP BECAUSE DURING OUR
13 RELATIONSHIP THERE WAS A WHOLE LOT OF ARGUING AND FUSSING
14 AND WHOLE LOT OF CHEATING ON HIS PART.

15 MR. SWERLING: YOUR HONOR, I OBJECT TO THAT.

16 THE COURT: I'LL. . .

17 MR. SWERLING: MAY WE APPROACH?

18 THE COURT: YES, SIR .

19 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
20 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

21 THE COURT: THANK YOU, COUNSEL. I'LL OVERRULE THE
22 OBJECTION, MR. MEADORS.

23 MR. MEADORS: THANK YOU. MAY IT PLEASE THE COURT.

24 BY MR. MEADORS:

25 Q Y'ALL STARTED HAVING A RELATIONSHIP IN 1995, CORRECT?

1 A YES.

2 Q THAT LASTED?

3 A FOR ABOUT SEVEN YEARS.

4 Q TO 2002. FAIR TO SAY THROUGH AUGUST 2002?

5 A YES.

6 Q AND AT THAT POINT YOUR RELATIONSHIP WITH JHUNE HARRIS
7 AS THAT TYPE OF A RELATIONSHIP ENDED, DIDN'T IT?

8 A YES.

9 Q OKAY. AND IT ENDED BECAUSE HE HAD DEVELOPED A
10 RELATIONSHIP WITH SOMEBODY ELSE?

11 A YES.

12 Q IS THAT FAIR TO SAY?

13 A YES, AND WE DECIDED TO END THE RELATIONSHIP WHICH HE
14 DIDN'T ARGUE. HE MOVED OUT AND HE ALREADY HAD HIS OWN
15 APARTMENT. HE MOVED INTO HIS OWN APARTMENT. IN THE PROCESS
16 OF THAT I MOVED. HE DIDN'T HELP ME MOVE OR ANYTHING. I HAD
17 TO PAY PEOPLE TO HELP ME MOVE.

18 MR. SWERLING: OBJECT, YOUR HONOR. CAN WE JUST
19 APPROACH?

20 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
21 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

22 THE COURT: MR. MEADORS, YOU CAN CONTINUE.

23 BY MR. MEADORS:

24 Q ALL RIGHT. MS. GILMORE, I'M GOING TO ASK YOU A
25 QUESTION. IF YOU'D PLEASE RESPOND TO MY QUESTION, OKAY?

1 A YOU JUST WANT ME TO SAY YES OR NO.

2 Q NO, MA'AM. NO, MA'AM. I DIDN'T MEAN THAT JUST IF I
3 ASK YOU A QUESTION JUST ASK ME THE SUBJECT MATTER AND IF IN
4 ANY FOLLOW-UP WE'LL FOLLOW-UP. I DON'T MEANT THAT MEAN BUT
5 YOU UNDERSTAND?

6 A I THINK SO.

7 Q I KNOW.

8 A I'VE NEVER BEEN IN A SITUATION LIKE THIS.

9 Q OKAY. MS. GILMORE, THAT'S FINE. I DIDN'T. Y'ALL
10 BROKE UP IN AUGUST OF 2002?

11 A YES.

12 Q THAT'S GOOD. AND AFTER THAT YOU STARTED LIVING AT
13

14 A YES.

15 Q OKAY. AND THAT'S WHEN YOU LIVED THERE WITH YOUR KIDS,
16 RIGHT?

17 A YES.

18 Q WHOSE HOUSE WAS THAT?

19 A THAT WAS MY FAMILY'S HOUSE.

20 Q SO IT'S BEEN IN YOUR FAMILY FOR A LONG TIME?

21 A LONG TIME, YES.

22 Q YOU LIKE A CLEAN HOME, DON'T YOU?

23 A YES.

24 Q I'VE BEEN IN YOUR HOME A COUPLE TIMES, HAVEN'T I?

25 A YES.

1 Q AND AFTER YOU BROKE UP WITH JHUNE HARRIS FROM
2 AUGUST 2002 UNTIL JULY 6TH, 2003, EXCUSE ME, DID YOU SEE HIM
3 SOME DURING THAT TIME PERIOD?

4 A YES.

5 Q OKAY. AND AFTER Y'ALL INITIALLY BROKE UP WAS IT FINE?

6 A YES, IT WAS FINE UNTIL, UNTIL I MET, UNTIL I HAD
7 FRIENDS, YOU KNOW.

8 Q AND IT WOULD NOT BE FINE IF YOU MET FRIENDS?

9 A NO, IT WOULD NOT BE FINE.

10 Q AND SPECIFICALLY DID YOU MEET A FRIEND NAMED LEOPOLD
11 PIERRE?

12 A YES.

13 Q AND WHEN WAS THAT?

14 A THAT WAS IN APRIL OF 2003.

15 Q AND DID YOU AND MR. PIERRE DEVELOP A RELATIONSHIP?

16 A YES.

17 Q I DON'T KNOW HOW TO CATEGORIZE IT. Y'ALL STARTED
18 DATING?

19 A YES.

20 Q DID JHUNE HARRIS KNOW YOU STARTED DATING MR. LEOPOLD
21 PIERRE?

22 A YES, HE DID.

23 Q DID HE BECOME AWARE OF THAT?

24 A YES, BECAUSE AS A MATTER OF FACT THE FIRST ---

25 Q JUST, OKAY. BUT, YES, HE DID, CORRECT?

1 A YES.

2 Q PRIOR TO JULY 6TH, 2003 AND I'M NOT TRYING TO BE RUDE
3 TO YOU DOING THAT, I MEAN, DON'T, BUT PRIOR TO
4 JULY 6TH, 2003 DID JHUNE HARRIS KNOW THAT YOU WERE DATING
5 LEOPOLD PIERRE?

6 A YES.

7 Q HAD HE ACTUALLY SEEN LEOPOLD PIERRE WITH YOU PRIOR TO
8 THAT?

9 A SEVERAL TIME.

10 MR. MEADORS: BEG THE COURT'S INDULGENCE.

11 THE COURT: YES, SIR.

12 (PAUSE)

13 THE COURT: MS. GILMORE, WHILE THEY'RE DOING THAT
14 CAN YOU PULL THAT MICROPHONE A LITTLE CLOSER TO YOU.

15 THE WITNESS: (WITNESS COMPLIES.)

16 THE COURT: THANK YOU, MA'AM.

17 BY MR. MEADORS:

18 Q WE'RE GOING TO GO TO JULY 6, 2003 RIGHT NOW, OKAY?

19 A OKAY.

20 Q THAT'S WHAT I'M GOING TO ASK YOU ABOUT RIGHT NOW.
21 JULY 6, 2003 YOU REMEMBER THAT DAY?

22 A YES.

23 Q WHAT DAY OF THE WEEK WAS IT?

24 A IT WAS ON A SUNDAY.

25 Q WHAT WERE YOU DOING THAT DAY?

1 A WELL, WE WERE HAVING A PRETTY GOOD DAY. MR. PIERRE WAS
2 OVER TO THE HOUSE. I PICKED UP MR. PIERRE. HE CALLED
3 EARLIER AND I TOLD HIM I WAS GETTING READY FOR A FAMILY
4 REUNION AND HE SAID, WELL, MAYBE I CAN HELP AND I SAID, YOU
5 KNOW, I SAID, THE BOYS, MY SON FOREST BED IS BROKE. I SAID,
6 YOU COULD, YOU KNOW, FIX THAT. SAY, YES, I'LL COME OVER AND
7 HELP YOU FIX THE BED AND I WAS IN THE KITCHEN COOKING.

8 Q YOU LIKE TO COOK?

9 A I LOVE TO COOK.

10 Q SO IT'S SUNDAY ABOUT WHAT TIME WERE YOU COOKING AND YOU
11 BROUGHT MR. LEOPOLD PIERRE OVER THERE?

12 A I THINK MR. PIERRE GOT OVER THERE ABOUT, ABOUT 10.

13 Q TEN IN THE MORNING?

14 A UH-HUH.

15 Q YOU'RE COOKING. WHAT DID MR. LEOPOLD PIERRE DO WHEN HE
16 GOT TO YOUR HOUSE AT

17 A HE WENT UPSTAIRS WITH MY SON.

18 Q AND HE'S BEEN TO YOUR HOUSE BEFORE, CORRECT?

19 A YES. HE STAYED THERE ONCE.

20 Q OKAY. AND LOOKING AT STATE'S 21, MAY HAVE GOTTEN THIS
21 LAST WEEK FROM THERE. I DON'T KNOW. WAS THIS A PICTURE IN
22 YOUR BOYS' ROOM?

23 A YES.

24 Q YOU GOT ALL THREE OF THEM STAY IN THIS ROOM?

25 A YES.

1 Q AND IS THAT WHERE LEOPOLD PIERRE WAS?

2 A YES.

3 Q WHERE HE WAS HELPING THEM CLEAN UP. YOU'RE UPSTAIRS.
4 THEY'RE CLEANING UPSTAIRS. DID MR. HARRIS COME BY, JHUNE
5 HARRIS THE DEFENDANT?

6 A YES.

7 Q TELL THE JURY HOW THAT HAPPENED. TAKE US RIGHT NOW
8 BACK TO JULY 6TH, 2003, YOU'RE COOKING IN YOUR KITCHEN

9 AT ANGELA?

10 A RIGHT.

11 Q TELL THEM WHAT HAPPENED?

12 A AND THEN A CAR PULLED UP AND ONE OF MY SONS SAID MA
13 IT'S JHUNE AND I SAID, I WONDER WHAT HE WANT AND HE KNOCKED
14 ON THE DOOR AND I TOLD HIM I HAD COMPANY AND I SAID, MAYBE
15 COME BACK LATER AND HE SAID, I HAVE, I JUST HAVE A
16 WATERMELON FOR THE KIDS. I WANT TO DROP IT OFF AND I SAID
17 OKAY. I DIDN'T REALLY FEEL TOO COMFORTABLE WITH DOING THAT
18 BUT I TRUSTED HIM TO BRING THE WATERMELON.

19 I OPENED THE DOOR AND I WENT BACK TO THE STOVE BUT
20 WHEN HE ENTERED THE HOUSE HE DIDN'T HAVE A WATERMELON. HE
21 WENT DIRECTLY TO ME AND HE SAID CALL MR. PIERRE DOWN AND I
22 SAID, WHY; I SAID YOU NEED TO LEAVE; YOU NEED TO LEAVE; I
23 SAID YOUR GIRLFRIEND CALLED ME LAST NIGHT. WHY DON'T YOU GO
24 HOME.

25 Q OKAY.

1 A YES, AND HE PROCEEDED ON GOING UPSTAIRS. HE WENT
2 UPSTAIRS. NO, BEFORE HE WENT UPSTAIRS I CALLED UPSTAIRS. I
3 SAID, MR. PIERRE, JHUNE IS COMING UPSTAIRS AND MR. HARRIS
4 WENT UPSTAIRS, WENT UP THE STAIRS, CAME BACK DOWN. HE SAID,
5 TELL YOUR FRIEND TO COME DOWNSTAIRS NOW. I SAID, WHY. I
6 SAID, YOU KNOW WHAT, YOU NEED TO GO HOME. YOU JUST NEED TO
7 GO HOME. YOU DON'T HAVE TO DO THIS BECAUSE I'M, I DIDN'T
8 UNDERSTAND WHAT WAS THE PROBLEM HERE. WE DECIDED WE WAS
9 GOING TO BE FRIEND, YOU KNOW, BUT ANYWAY. . .

10 Q HE'S BACK DOWNSTAIRS. HE'S BEEN UP THERE ONCE. YOU'RE
11 STILL IN THE KITCHEN?

12 A STILL IN THE KITCHEN.

13 Q OKAY. TAKE US FROM THERE. WHAT HAPPENS?

14 A HE GOES BACK UPSTAIRS.

15 Q HE BEING DEFENDANT JHUNE HARRIS?

16 A YES, AND HE COMES BACK DOWN.

17 Q ARE Y'ALL TALKING AT THIS POINT, ANGELA?

18 A I'M TRYING TO TALK TO HIM BUT HE'S NOT REALLY TRYING TO
19 TALK TO ME ABOUT ANYTHING. HE JUST WANTS TO SEE MR. PIERRE.

20 Q CAN YOU DESCRIBE THE VOLUME OF HIS VOICE?

21 A HE WASN'T LOUD MOUTH. HE WASN'T LIKE YELLING JUST LIKE
22 TALKING, YOU KNOW, LET ME, YOU KNOW, CALL YOUR FRIEND; TELL
23 HIM TO COME DOWNSTAIRS.

24 Q HE'S ASKING YOU TO CALL YOUR FRIEND DOWN?

25 A YES.

1 Q MR. PIERRE'S UPSTAIRS?

2 A YES.

3 Q SO THAT'S TWICE YOU SAID HE WENT UP THERE AND CAME BACK
4 AND IS HE WITH YOU IN THE KITCHEN NOW OR NEAR THERE? I
5 DON'T KNOW WHERE ---

6 A I WAS IN THE KITCHEN. MR. HARRIS WAS BY MY COUNTERTOP
7 IN THE KITCHEN. IT'S ABOUT FIVE OR SIX, YOU KNOW, FEET
8 AWAY.

9 Q I'VE GOT THESE PICTURES IN ORDER NOW BUT JUST SO. . .

10 A I DIDN'T GET CLOSE TO HIM BECAUSE I DIDN'T KNOW WHAT
11 HIS INTENTIONS WERE AT THAT TIME.

12 Q YES, MA'AM.

13 MR. SWERLING: YOUR HONOR, OBJECT. IT'S NOT
14 RESPONSIVE TO THE QUESTION.

15 THE COURT: SUSTAINED. THE JURY WILL DISREGARD
16 THE LAST COMMENT.

17 BY MR. MEADORS:

18 Q DO YOU HAVE ANY IDEA I'M GOING TO ASK YOU A QUESTION,
19 OKAY?

20 A OKAY.

21 Q PLEASE, THAT'S YOUR KITCHEN RIGHT?

22 A YES.

23 Q AND THIS IS STATE NOT, IF I DIDN'T READ THAT OUT, I
24 APOLOGIZE. DID I READ THE NUMBER OUT. I'M SORRY, YOUR
25 HONOR. IS IT STATE'S SIX? I CAN'T REMEMBER AND THE COUNTER

1 YOU'VE DESCRIBED STATE'S 11 IS THAT WHAT YOU'RE TALKING
2 ABOUT?

3 A YES.

4 Q OKAY.

5 A IT WAS RIGHT HERE.

6 Q I FORGOT WHERE WE WERE BUT YOU, HE'S BEEN BACK UP THERE
7 TWICE ACCORDING TO YOUR TESTIMONY AND BACK DOWN IN THE
8 KITCHEN. WHAT HAPPENED AFTER THAT?

9 A HE CALLED MR. PIERRE TO TELL HIM TO COME DOWNSTAIRS.

10 Q JHUNE HARRIS DID?

11 A YES.

12 Q AND DID THERE COME A POINT WHERE ---

13 A YES, MR. PIERRE HE DIDN'T COME DOWNSTAIRS WHEN
14 MR. HARRIS CALLED HIM DOWNSTAIRS BUT HE DID COME DOWNSTAIRS
15 AND HE GOT A BROOM AND HE PASSED MR. HARRIS AND MR. HARRIS
16 SAID, MAN, YOU KNOW, I NEED TO TALK TO YOU, MAN. HE SAID,
17 MAN, I'M CLEANING UP. MR. PIERRE SAID, I'M CLEANING UP AND
18 I'M GOING BACK UPSTAIRS. HE DIDN'T CAUSE ANY CONFRONTATION
19 AT ANY TIME.

20 Q ALL RIGHT. LET ME ASK YOU, SO HE CAME DOWN TO A GET
21 BROOM. THERE WAS A CONVERSATION BETWEEN THE TWO OF THEM.
22 MR. PIERRE SAID, I'M CLEANING UP?

23 A YES.

24 Q WHERE DID HE GET THE BROOM FROM?

25 A HE GOT IT OUT OF THE KITCHEN NEXT TO THE REFRIGERATOR.

1 Q AND IS THAT WHERE YOU KEEP YOUR BROOM?

2 A YES, WELL, NOW.

3 Q OKAY. WELL, I MEAN THEN YOU DID?

4 A YES.

5 Q SO THIS MEETING DOWN THERE IN YOUR KITCHEN ON

6 JULY 6, 2003 AT YOUR TESTIMONY IS MR. HARRIS

7 HAD BEEN UP THERE TWICE?

8 A YES.

9 Q WAS CALLING OUT FOR HIM?

10 A UH-HUH

11 Q MR. PIERRE COMES IN, GETS THE BROOM AND GOES BACK

12 UPSTAIRS?

13 A YES.

14 Q WHEN MR. PIERRE WAS DOWN THERE THIS TIME DID THEY --

15 MAY I APPROACH, YOUR HONOR?

16 THE COURT: YES, SIR.

17 BY MR. MEADORS:

18 Q WAS THERE ANY TOUCHING OF EITHER ONE OF THEM? CAN I

19 TOUCH YOU?

20 A NO, NO, HE DIDN'T TOUCH ME.

21 Q ANY YELLING?

22 A NO.

23 Q MR. PIERRE GOES BACK UPSTAIRS WITH THE BROOM?

24 A YES.

25 Q WHAT HAPPENED AFTER THAT?

1 A AFTER THAT I ASKED MR. HARRIS TO LEAVE AGAIN. I SAID,
2 LOOK, YOU KNOW, YOU NEED TO GO HOME. I SAID, YOU SAID YOU
3 WAS GOING TO BRING THE WATERMELON IN THE HOUSE. YOU GOT IN
4 HERE. YOU DIDN'T BRING THE WATERMELON. I SAID, JUST LEAVE;
5 PLEASE JUST LEAVE. HE SAID, NO. I NEED TO TALK TO LEOPOLD.
6 I SAID, WHAT DO YOU WANT TO TALK TO HIM ABOUT.

7 Q WHAT HAPPENED AFTER THAT?

8 A AFTER THAT AS I CAN REMEMBER LEOPOLD CAME DOWNSTAIRS
9 AND THE KIDS WERE FOLLOWING HIM AND I WAS TURNING OFF THE
10 STOVE AND STUFF BECAUSE I COULD SEE THAT THE TENSION WAS AND
11 I WAS SCARED AND MR. HARRIS WAS STANDING NEAR THE COUNTER.
12 HE REACHED IN HIS JACKET AND HE TOOK OUT HIS GUN AND IT WAS
13 LIKE, I JUST COULDN'T BELIEVE IT. I WAS IN SHOCK. IT WAS
14 JUST, IT WAS LIKE A MOVIE TO ME AND HE SHOT HIM TWICE, SHOT
15 HIM TWICE. I HEARD MR. PIERRE FALL. I SAW THE GUN. I
16 DIDN'T SEE MR. PIERRE FROM WHERE I WAS STANDING BUT I COULD
17 HEAR HIM FALL.

18 THEN I WAS REALLY CONCERNED ABOUT MY KIDS AND
19 THEN HE LOOKING AT ME AND POINTED THE GUN AT ME AND THEN I
20 RAN. I RAN FROM MY DINING ROOM TO MY HALLWAY AND BACK IN
21 THE DEN WHERE THE KIDS WERE. MY SON MARCUS WAS STANDING IN
22 THE WAY. HE WAS IN SHOCK. HE JUST WOULDN'T MOVE. I SAID,
23 MARCUS AND HE WOULDN'T MOVE OUT OF THE WAY SO I GRABBED HIM
24 SO HARD THAT HIS SHIRT TORE AND I FELL TO THE FLOOR. I KEPT
25 CALLING, JESUS LORD, PLEASE DON'T SHOOT ME. MR. HARRIS

1 PASSED ME AND MARCUS ON THE FLOOR AND WE WERE LISTENING SO
2 HARD.

3 MR. SWERLING: JUDGE, CAN WE APPROACH? CAN WE
4 APPROACH A SECOND?

5 THE COURT: YES, SIR.

6 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
7 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

8 THE COURT: MS. HARRIS, YOU CAN GO AHEAD AND STEP
9 DOWN. I'M GOING TO LET THE JURY TAKE A BREAK AND LET YOU
10 TAKE A BREAK. I JUST REMIND YOU YOU'RE STILL ON THE WITNESS
11 STAND AND STILL UNDER OATH AND NOT TO DISCUSS YOUR TESTIMONY
12 DURING THE BREAK.

13 LADIES AND GENTLEMEN OF THE JURY, I'M GOING TO LET
14 Y'ALL TAKE A SHORT BREAK. DO NOT DISCUSS THE EVIDENCE AND
15 TESTIMONY YOU'VE HEARD AND SEEN THUS FAR. WE'LL BRING YOU
16 BACK IN SHORTLY.

17 (THE FOLLOWING TAKES PLACE OUTSIDE THE PRESENCE OF THE
18 JURY.)

19 THE COURT: MS. GILMORE, YOU CAN STEP DOWN. I
20 JUST REMIND YOU AGAIN YOU'RE STILL UNDER OATH AND YOU NEED
21 TO TAKE A BREAK. YOU'RE FREE TO COME AND GO. WE'LL TAKE
22 ABOUT FIVE MINUTES AND THEN RECONVENE.

23 MR. SWERLING, YOU WANTED TO PUT SOME MATTERS ON
24 THE RECORD AS WELL.

25 MR. SWERLING: YES, YOUR HONOR. FIRST OF ALL AS

1 TO THE REMARKS, I GUESS THE COURT REPORTER IS GOING TO HAVE
2 TO BEAR THIS OUT WHETHER OR NOT MR. MEADORS WAS ASKING
3 MS. GILMORE QUESTIONS. SHE STATED THE RELATIONSHIP ENDED UP
4 BECAUSE AS I WROTE IT DOWN, I MAY BE WRONG, BUT ABUSIVE AND
5 HE WAS CHEATING. HE WAS CHEATING ON HER. JUDGE, THAT TO ME
6 I SUGGEST PUTS HIS CHARACTER IN ISSUE AGAIN AND IT
7 PREJUDICES HIM TO THE EXTENT THAT HE CANNOT ANY LONGER
8 RECEIVE A FAIR TRIAL.

9 THIS IS NOT THE FIRST TIME HIS CHARACTER HAS BEEN
10 ATTACKED. THIS IS THE SECOND TIME, THE THIRD TIME HIS
11 CHARACTER HAS BEEN ATTACKED WHEN HE HAS NOT PLACED HIS
12 CHARACTER IN ISSUE AND ALSO THEN MS. GILMORE ADDED ANOTHER
13 COMMENT RIGHT AFTER THAT DID NOT HELP HIM, DID NOT HELP HER
14 MOVE OR ANYTHING. NOW, THE RECORD WOULD REFLECT THAT WE HAD
15 SIDE BARS ABOUT BOTH OF THOSE ISSUES AND AT THE TIME SO THAT
16 IT WAS CONTEMPORANEOUS WHEN I MADE THE OBJECTION AND I FEEL
17 COMPELLED TO MOVE FOR A MISTRIAL AS TO THOSE MATTERS AND THE
18 OTHER THING, JUDGE, UNLESS MS. GILMORE CAN MAINTAIN HER
19 COMPOSURE ON THE WITNESS STAND, I SUGGEST THAT IS ALSO GOING
20 TO IMPAIR MR. HARRIS' ABILITY TO RECEIVE A FAIR AND
21 IMPARTIAL TRIAL.

22 IT'S GOING TO INJECT SOMETHING INTO THIS TRIAL
23 THAT, I MEAN, I UNDERSTAND THE EMOTION OF IT BUT TO GO AHEAD
24 AND LOSE CONTROL LIKE SHE DID REALLY IMPAIRS MR. HARRIS'
25 ABILITY TO RECEIVE A FAIR TRIAL BY INJECTING SOME OTHER

1 FACTOR INTO THE TRIAL WHICH IS NOT NECESSARILY THE TESTIMONY
2 OF THE FACTS IN THE CASE WHICH THE JURY CAN DECIDE BUT AN
3 EMOTIONAL ASPECT.

4 THE COURT: I HAVE NO PROBLEM WITH CHARGING THEM
5 AND ALWAYS DO AT THE END THAT THEY'RE NOT TO BASE IT ON
6 EMOTION OR ANYTHING. I DON'T BELIEVE I'M GOING TO BE ABLE
7 TO DEAL WITH HER, IF SHE, WHICH I'M QUITE SURE IF SHE GETS
8 THROUGH THIS STORY WILL PROBABLY HAVE SOME OF THE SAME
9 REACTION. MY CONCERN IS ALSO IF WE KEEP TAKING BREAKS WITH
10 HER EVERY TIME SHE DOES THAT, MY CONCERN SOMEWHAT IS IT
11 PREJUDICES HIM EVEN MORE. I THINK THE JURY CAN UNDERSTAND
12 HER EMOTIONAL REACTION TO IT. I'M HESITANT TO CALL
13 ATTENTION TO IT EVEN MORE BY REPEATEDLY TAKING BREAKS
14 BECAUSE I THINK THEN IT DOES PROBABLY NOT ACCRUE TO
15 MR. HARRIS' BENEFIT IN THAT REGARD EITHER.

16 AS TO THE FIRST ISSUE, WE DID HAVE THOSE
17 CONVERSATIONS AT SIDE BAR. I THINK IN RELATION TO THE
18 QUESTION THAT WAS ASKED YESTERDAY AS TO WHETHER OR NOT
19 MR. HARRIS HAD EVER HIT THE CHILDREN AND I SUSTAINED THAT
20 OBJECTION. I DIDN'T, I UNDERSTOOD THE ARGUMENTS ON BOTH
21 SIDES BUT I DIDN'T FIND THAT IT WAS NECESSARILY APPROPRIATE
22 AT THAT TIME TO GET INTO ANY OF THAT SORT OF STUFF BUT THERE
23 WAS, THERE'S ALWAYS BEEN TESTIMONY FROM THE CHILDREN AS TO
24 MR. HARRIS' RELATIONSHIP WITH THE FAMILY AND GOING TO CHURCH
25 AND TAKING THEM TO THE CIRCUS AND THAT SORT.

1 THAT WAS, AND I ALLOWED THAT AND I HAD NO PROBLEM
2 WITH ALLOWING THAT FROM BOTH SIDES, AS I UNDERSTAND FROM
3 TALKING WITH COUNSEL ARGUMENTS LATER TO THE JURY MAY INVOLVE
4 THAT LINE OF TESTIMONY. THE LITTLE BIT OF PROBLEM I HAVE
5 NOW IS EVEN THOUGH THOSE OBJECTIONS WERE SUSTAINED IS THAT
6 TO SOME DEGREE IT ALSO PAINTS THAT PICTURE AS TO WHAT WAS
7 GOING ON FAMILY WISE AT THAT TIME.

8 IT'S NOT REALLY AS TO HIS CHARACTER FOR ANY
9 PROPENSITY TO VIOLENCE OR ANYTHING BUT I'M SORT IN SOMEWHAT
10 OF A POSITION OF IF THEY'RE GOING TO BE ARGUMENTS TO THE
11 JURY AS TO WHAT HIS UNDERSTANDING OF THE RELATIONSHIP WAS
12 PRIOR TO THE JULY 6TH INCIDENT THAT, YOU KNOW, IN ALL
13 FAIRNESS THAT THE, I MEAN THE WHOLE THING MAY HAVE TO BE
14 PRESENTED TO THE JURY AS TO OBVIOUSLY THERE IS OBVIOUSLY
15 MORE TO THAT STORY THAN JUST THE CIRCUS AND ALL.

16 THERE IS, APPEARS TO HAVE BEEN SOME RECENT HISTORY
17 PRIOR TO THAT THAT MAY NOT HAVE BEEN VERY GOOD. SO I DON'T,
18 I MEAN, IT'S SORT OF A BALANCING ACT THAT IF THEY'RE GOING
19 TO HEAR ABOUT THE CIRCUS AND SWIMMING TRIPS AND ALL OF THAT,
20 I'M A LITTLE, FEELING A LITTLE HAM STRUNG AS TO KEEPING OUT
21 THIS ISSUE OF THEIR BREAK UP WHICH I OBVIOUSLY DIDN'T KNOW
22 IT WAS THOSE DETAILS BUT I'M SORT OF INTERESTED IN HEARING
23 ARGUMENT ON THAT POINT IN PARTICULAR.

24 MR. SWERLING: JUDGE, THE PURPOSE OF OFFERING THAT
25 TESTIMONY IS THAT WHAT WE'RE TRYING TO ESTABLISH IS THIS WAS

1 NOT SOMEONE WHO PERIODICALLY DATED MS. GILMORE BUT THAT
2 THERE WAS A LIVE-IN RELATIONSHIP WHERE HE WAS MORE OR LESS A
3 FATHER FIGURE TO THE CHILDREN FOR SOME SIX YEARS. NOW, I'VE
4 BEEN VERY CAREFUL TO WALK A NARROW LINE ON THAT AND NOT TO
5 TRY AND GO OFF AND GO TO ANYTHING OTHER THAN THAT EXCEPT TO
6 ESTABLISH THIS RELATIONSHIP THAT THEY HAD. TO GO INTO
7 ISSUES OF ABUSE ON HER OR THE CHILDREN ---

8 THE COURT: I DIDN'T, I DIDN'T MEAN TO INTERRUPT
9 BUT I DIDN'T HEAR HER SAY THE ABUSE PART. SHE MAY, IT MAY
10 BE IN THERE AND I JUST MISSED IT. I HEARD THE PART ABOUT
11 HIM CHEATING BUT I DIDN'T HEAR THAT COMMENT.

12 MR. SWERLING: WELL, MAYBE, I GUESS I'M
13 ANTICIPATING THIS. IS YOUR HONOR SAYING THAT AT THIS POINT
14 YOU ARE WONDERING WHETHER OR NOT IF THAT TYPE OF TESTIMONY
15 SHOULD COME IN?

16 THE COURT: RIGHT. I GUESS ---

17 MR. SWERLING: THAT'S WHAT I'M GOING TO ARGUE.

18 THE COURT: --- SORT OF WHERE I'M AT IS NOT THE
19 ABUSE ISSUE FROM THE HITTING OF THE CHILDREN AND AS I
20 UNDERSTAND FROM SIDE BAR YESTERDAY ANY HITTING ON
21 MS. GILMORE'S PART BUT I GUESS, MY UNDERSTANDING WAS THAT
22 THE DEFENSE WANTED TO BE ABLE TO ARGUE TO THE JURY THAT
23 GIVEN THE NATURE OF THE RELATIONSHIP IMMEDIATELY PRIOR TO
24 THE JULY 6TH INCIDENT THAT AND I DON'T WANT TO MISSPEAK OR
25 MISCHARACTERIZE THE WAY YOU SAID IT, MR. SWERLING, WAS TO

1 ARGUE THAT HE WOULD NOT HAVE PUT THEM IN THAT POSITION.

2 MR. SWERLING: RIGHT. HE WOULD NOT HAVE GONE OVER
3 TO THE HOUSE ON THAT SUNDAY WHEN HE JUST SAW THEM ON FRIDAY
4 BEFORE AND WAS HAVING A CONTINUING RELATIONSHIP WITH THEM
5 BUT HE WAS NOT LIKELY TO GO OVER THERE AND GO AHEAD AND ACT
6 WITH MALICE AFORETHOUGHT EITHER MR. PIERRE OR MS. GILMORE
7 BECAUSE OF THAT RELATIONSHIP AND I DON'T THINK THERE IS ANY
8 DISPUTE ABOUT THE FACT THAT THERE WAS AN ONGOING
9 RELATIONSHIP AND AS YOUR HONOR EVEN SUGGESTED IT MIGHT HELP
10 EXPLAIN SOME OF THE DYNAMICS OF WHAT HAPPENED IN THE HOUSE
11 THAT MORNING, ABOUT THE WAY HE REACTED AND WHETHER OR NOT
12 THERE WAS PROVOCATION, HEAT OF PASSION NOT ONLY ON THE ISSUE
13 OF SELF-DEFENSE BUT THE CIRCUMSTANCES SURROUNDING WHAT
14 HAPPENED ONCE HE WENT IN THE HOUSE. THE BACKGROUND MIGHT
15 HELP EXPLAIN IT.

16 THE COURT: YES, WELL, FROM A FAIRNESS STANDPOINT
17 OF THAT ISSUE BEING ARGUED TO THE JURY, IT SOUNDS LIKE THERE
18 MAY HAVE BEEN A DIFFERENT PERSPECTIVE ON THAT FROM
19 MS. GILMORE HERSELF AS TO WHAT WAS GOING ON DURING THAT TIME
20 PERIOD WITH HER OWN RELATIONSHIP WITH MR. HARRIS AND SO IF
21 THE, IF THE GOOD STUFF COMES IN SO TO SPEAK IN FRONT OF THE
22 JURY, WHY WOULDN'T IT BE FAIR FOR THE JURY TO CONSIDER THIS
23 ISSUE OF WHETHER THERE WAS A BREAK UP OR WHY THERE WAS A
24 BREAK UP AND WHAT THE SENSE OF THE RELATIONSHIP WAS FROM
25 BOTH PARTIES.

1 MR. SWERLING: WELL, THE FACT THAT THERE WAS A
2 BREAK UP I DON'T THINK THERE IS ANY QUESTION ABOUT THAT.
3 I'M NOT ARGUING THAT POINT WHETHER THERE WAS A BREAK UP.
4 SHE WAS SEEING SOMEONE ELSE BUT THERE WAS JUST AN ON AGAIN,
5 YOU KNOW, HE WAS NOT OUT OF THEIR LIVES EITHER BUT THE
6 DIFFERENCE IN MY BRINGING THAT OUT THAT, I DON'T THINK I'VE
7 REALLY GONE OVERBOARD WITH IT. I THINK I'VE REALLY JUST
8 STATED THAT THERE WAS A RELATIONSHIP BETWEEN JHUNE HARRIS
9 AND THE FOUR CHILDREN AND MS. GILMORE BUT TO GO AHEAD AND
10 INJECT INTO THAT ANYTHING BEYOND THAT ON ABUSE OR ADULTERY
11 OR, IT'S NOT ADULTERY, BUT THE FACT THAT HE WAS GOING OUT
12 CHEATING ON HER THAT DOES INJECT CHARACTER INTO IT WHEN WE
13 HAVE NOT, WE'RE NOT OFFERING THOSE TRAITS OF CHARACTER.

14 THE COURT: WELL, WOULDN'T IT GO TO THE ISSUE
15 ULTIMATELY OF IF YOU ARGUE TO THE JURY, LOOK, THERE WAS THIS
16 ONGOING RELATIONSHIP WITH THE FAMILY AND HE WOULD NOT HAVE
17 HAD THAT MALICE BECAUSE OF THAT RELATIONSHIP WITH THE FAMILY
18 THAT FROM THE STATE'S PERSPECTIVE WOULDN'T THEY BE ABLE TO
19 ARGUE AND I'M GOING SORT OF ON WHERE WE STOPPED MS. GILMORE
20 BUT I UNDERSTAND FROM SIDE BAR THAT THERE IS ACTUALLY A GOOD
21 BIT MORE TO THAT, THAT THE TENOR OF THAT RELATIONSHIP WAS IN
22 FACT MUCH DIFFERENT AND THAT THAT WOULD IN FACT BE REASON
23 FOR THE MALICE.

24 MR. SWERLING: WELL, I THINK, I UNDERSTAND WHAT
25 YOUR HONOR'S SAYING BUT I THINK SHE CAN DO THAT WITHOUT

1 GOING INTO THE SPECIFICS TO SAY THAT IT WAS ABUSE AND HIS
2 CONTINUAL ABUSE OF THE CHILDREN OR HER OR GOING INTO HIS
3 AFFAIRS THAT HE WAS HAVING. I MEAN, I THINK IT CAN BE DONE
4 WITHOUT DOING THAT AND BY CROSSING THAT LINE I THINK THAT'S
5 GOING TO PUT HIS CHARACTER IN ISSUE. I THINK SHE'S MADE IT
6 VERY CLEAR THAT SHE HAD ENDED THE RELATIONSHIP AND I DON'T
7 THINK I'M DISPUTING THAT.

8 THE COURT: WELL, I GUESS MY ONLY QUESTION WAS
9 THERE ARE BREAK UPS AND THEN THERE ARE BREAK UPS. THIS DOES
10 NOT SEEM LIKE A FRIENDLY BREAK UP IN ANY WAY AND SO I JUST
11 WANT TO KNOW IN TERMS OF WHAT ANYBODY'S GOING TO ARGUE TO
12 THE JURY WHETHER OR NOT ANY OF THAT MAY NEED TO COME IN.
13 I'D REALLY, AND I'LL TELL YOU THAT ANY ISSUES ABOUT ABUSE,
14 PHYSICAL ABUSE, I'M NOT INCLINED AT THIS POINT TO LET IN BUT
15 JUST SORT OF THE BACKGROUND OF WHAT WAS GOING ON IMMEDIATELY
16 PRIOR TO JULY 6.

17 MR. MEADORS: I STILL HAVEN'T HEARD ANY ABUSE COME
18 OUT. IF THAT WORD CAME OUT I DIDN'T HEAR IT. I'M NOT
19 DISPUTING YOU BUT I DIDN'T ---

20 MR. SWERLING: I'D HAVE TO ---

21 MR. MEADORS: AND IF IT DID, IF THERE HAS BEEN
22 THAT WORD I DON'T THINK THERE'S ANY ELABORATION ON IT. I
23 TOOK ABOUT 40 MINUTES OF TESTIMONY AND GOT IT DOWN TO ABOUT
24 FIVE AND WENT THROUGH A LOT OF THAT BACKGROUND WITH
25 AGREEMENT AND I THINK THAT WENT AS WELL AS IT COULD. JUDGE,

1 IF ALL DUE RESPECT HE SAID HE'S WALKED THAT LINE VERY
2 CAREFULLY. HE DOESN'T WANT THE STATE TO BE ABLE TO WALK AT
3 ALL, IF WHAT HE'S SAYING IS TRUE. JUDGE, HE'S DESCRIBED A
4 FAMILY RELATION AND I WROTE IT DOWN THAT THE FACT THE FAMILY
5 RELATIONSHIP HE WAS NOT LIKELY TO ACT WITH MALICE BECAUSE OF
6 THAT RELATIONSHIP.

7 I THINK THAT CLEARLY, NOT TO GO BACK AND REHASH
8 THE OTHER, BUT HE'S TRYING TO SAY BECAUSE OF THIS FAMILY
9 RELATIONSHIP HE WOULDN'T HAVE COME IN AND DONE THIS. I
10 THINK I'M ENTITLED TO ASK HER WAS THE FAMILY RELATIONSHIP
11 THAT GOOD? DID YOU WANT TO GO ON THE TRIPS WITH HIM,
12 WITHOUT ANY SPECIFICS AND SHE SAID WHATEVER SHE SAID BUT I
13 THINK TO SHOW THE OTHER SIDE I OUGHT TO BE ABLE TO DO THAT.
14 I DON'T KNOW HOW ELSE I COULD RESPOND TO IT. WAS IT A GOOD
15 RELATIONSHIP?

16 DID YOU WANT TO BE WITH HIM? THROUGH THIS
17 CROSS-EXAMINATION HE'S GOT THEM GOING TO SEVERAL TRIPS THE
18 WEEK BEFORE. I'M NOT AWARE OF THOSE. SOME OF THE WITNESSES
19 SAID, NO, I DON'T REMEMBER THAT. I'D LIKE TO BE ABLE TO ASK
20 HER THOSE. DID YOU GO WITH HIM ALL THOSE TIMES? WAS THE
21 RELATIONSHIP GOOD? NO, IT WASN'T AND I DON'T THINK, THAT IS
22 IN A DIRECT RESPONSE TO HIM PAINTING THE PICTURE THAT HE WAS
23 A FATHER FIGURE AND THE FAMILY WAS JUST FINE UNTIL THIS DAY
24 WHEN THIS DAY, WHEN THIS UNEXPLAINABLE THING HAPPENED.
25 WELL, ACTUALLY IT WASN'T FINE.

1 MR. SWERLING: WELL, I DON'T THINK THAT THERE IS A
2 PROBLEM. I MEAN, I THINK MR. MEADORS WOULD BE ENTITLED TO
3 SAY WAS IT A GOOD RELATIONSHIP AT THAT POINT. SHE CAN SAY
4 IT WAS NOT GOOD. WE DIDN'T GO ON THOSE TRIPS IF THAT WAS
5 THE CASE AND SHE SAID THAT BUT THAT DOESN'T MEAN THAT IT
6 OPENS THE DOOR OF GOING INTO THE SPECIFICS OF IT. THAT'S
7 WHAT MY OBJECTION IS. I MEAN IF SHE WANTS TO SAY THE
8 QUESTIONS MR. MEADORS WAS JUST TALKING ABOUT THAT IT WAS NOT
9 A GOOD RELATIONSHIP AT THAT POINT THAT SHE DID NOT WANT TO
10 SEE HIM, THEN SHE CAN GO AHEAD AND DO THAT WITHOUT VIOLATING
11 ANY KIND OF, YOU KNOW, CHARACTER ISSUES.

12 MR. MEADORS: AND THE FACT THAT SHE SAID HE,
13 BECAUSE OF HIS AFFAIR THAT'S WHY THEY BROKE UP CLEARLY
14 THAT'S A FACTUAL THING. SHE STATED THAT. I THINK WE'RE
15 BEYOND THAT NOW. I STILL DON'T KNOW HOW IF HE CAN SAY A
16 FAMILY RELATIONSHIP IS, I UNDERSTAND ARGUING DOWN THE ROAD
17 FOR LESSERS BUT IF HE'S SAYING BECAUSE OF THAT HE IS LESS
18 LIKELY TO ACT WITH MALICE, I JUST THINK THAT SAYS HE'S A
19 GOOD GUY AND WOULDN'T HAVE DONE THAT BECAUSE OF THIS
20 RELATIONSHIP AND WE'VE GOT ANOTHER SIDE OF THE COIN TO SHOW
21 OR ANOTHER SIDE OF THE STORY TO TELL AND I'M NOT LOOKING TO
22 GOING INTO SPECIFICS NOW. I'M NOT SAYING THAT.

23 MR. SWERLING: AGAIN WHAT I WAS TRYING TO SHOW
24 WHICH I THINK THE JURY'S ENTITLED TO KNOW IS THAT THERE WAS
25 A LONG-STANDING RELATIONSHIP WITH THESE PEOPLE. HE WASN'T

1 JUST SOMEONE WHO SHOWED UP ON THAT SUNDAY AND THERE WAS A
2 GENTLEMAN THERE AND HE WENT AHEAD AND SHOT HIM. I MEAN,
3 THERE WAS A SIX, SEVEN-YEAR LIVE-IN RELATIONSHIP BETWEEN THE
4 TWO AND HOW CAN THE JURY EVALUATE HIS ACTIONS AND HIS
5 RELATIONSHIP WITH THESE PEOPLE ON JULY THE 6TH WITHOUT
6 KNOWING THAT THERE HAD BEEN A HISTORY BETWEEN THEM.

7 MR. MEADORS: AND, JUDGE, I THINK WE BROUGHT THAT
8 OUT BUT ALSO, I THINK THEY NEED TO KNOW SHE ENDED IT. SHE
9 WANTED IT TO BE OVER AND I THINK HER TESTIMONY WOULD BE HE
10 KEPT COMING BACK AND SHE WAS TRYING TO GET HIM TO QUIT
11 COMING OVER AND SOME OF THE STUFF WHEN HE CAME BACK SHE WAS
12 TRYING TO APPEASE HIM BECAUSE THEY WERE SCARED OF HIM
13 BECAUSE OF WHAT HE HAD DONE IN THE PAST. SHE WANTED IT TO
14 BE OVER BUT SHE WAS TRYING TO WEAN HIM OFF OF HER, IF YOU
15 WILL; AND I THINK THAT'S WHAT SOME OF THESE WERE. I THINK I
16 OUGHT TO BE ABLE TO EXPLAIN THAT. YES, SHE LET HIM COME
17 BACK OVER.

18 WHY? BECAUSE SHE'S AFRAID HE WOULD DO WHAT HE DID
19 ON JULY 6TH, NOT BEING THAT DIRECT ON THEM BUT I THINK
20 THAT'S WHAT HAPPENED. ON MAY 20TH, SPECIFICALLY THE POLICE
21 WERE CALLED WHEN ALLEGEDLY THE DEFENDANT HAD TOLD
22 MS. GILMORE THAT SHE WAS GOING TO, HE WAS GOING TO, INTENDED
23 TO KILL HER AND THERE WAS A POLICE REPORT FILED, JACK,
24 MR. SWERLING AND I'VE TALKED ABOUT THAT. I'M NOT LOOKING TO
25 GO INTO THAT UNLESS THE DOOR GETS OPENED. I'M NOT PLANNING

1 ON DOING THAT AND I'VE INSTRUCTED MS. GILMORE NOT TO TALK
2 ABOUT THAT TODAY BUT I GUESS MY POINT BEING THERE ARE SOME
3 OTHER INSTANCES OUT THERE THAT WEREN'T ROSY.

4 MR. SWERLING: JUDGE, AS FAR AS I CAN SEE HE WAS
5 FOUND NOT GUILTY IN CITY COURT. I DON'T THINK THAT UNDER
6 ANY STANDARD FOR THAT THAT WOULD BE ADMISSIBLE CERTAINLY TO
7 PASS THE CLEAR AND CONVINCING TEST WHICH IS REQUIRED.

8 MR. MEADORS: WELL, THERE ARE SOME OTHER ISSUES
9 THAT WE MAY GET TO TOMORROW AS TO WHY THAT WAS DISMISSED,
10 JUDGE, BUT I DON'T THINK WE'RE AT THAT POINT TODAY.

11 MR. SWERLING: IT SAYS IT'S NOT GUILTY SO I DON'T
12 KNOW WHAT THAT MEANS.

13 THE COURT: WELL, I GUESS, IF THE JURY IS GOING
14 TO, IF THEY'RE GOING TO CONSIDER WHAT, THAT THERE WAS A
15 RELATIONSHIP THAT WAS, AS I ASSUME THE DEFENSE WOULD ARGUE
16 THERE WAS SOME ONGOING ALMOST FAMILIAL-TYPE RELATIONSHIP
17 BETWEEN THE DEFENDANT AND MS. GILMORE AND THESE CHILDREN.
18 STAYING AWAY FROM ISSUES ABOUT PHYSICAL ABUSE OR ANYTHING
19 LIKE THAT OR ANY OTHER THREATS WITH A WEAPON OR ANYTHING
20 LIKE THAT, I GUESS I'M NOT QUITE SURE WHERE THE HARM OR THAT
21 IT'S CHARACTER EVIDENCE THAT NO, IT WASN'T THAT GOOD.

22 YOU KNOW, I DON'T KNOW HOW SHE CAN RESPOND TO THIS
23 ISSUE OF WHETHER OR NOT THEY DID ANYTHING THAT PRIOR WEEK OR
24 WHY HE MIGHT HAVE COME OVER THERE AND THEY HAD SUCH A
25 REACTION TO THE FACT THAT MR. PIERRE WAS THERE. I GUESS I'M

1 A LITTLE BIT HAMSTRUNG IN UNDERSTANDING HOW THEY CAN, AS A
2 JURY, WEIGH THAT WITHOUT SEEING BOTH SIDES OF IT.

3 MR. SWERLING, I WILL GRANT YOU LEEWAY DURING THE BREAK TO
4 INSTRUCT MS. GILMORE NOT TO GO INTO, AT THIS POINT UNLESS
5 SOMETHING NEW COMES UP, ANYTHING REGARDING ANY PHYSICAL
6 ABUSE OR THREATS OF PHYSICAL ABUSE BUT I THINK IT'S FAIR TO
7 GO INTO DETAILS ABOUT, AND WHEN I SAY DETAILS, TO ASK HER IN
8 RESPONSE TO QUESTIONS ABOUT DID THEY GO ON TRIPS AND SEE
9 EACH OTHER DURING THE IMMEDIATE TIME.

10 I THINK SHE CAN FAIRLY GET INTO THAT IN FRONT OF
11 THE JURY AND IT'S NOT SOMETHING I THINK NEEDS TO BE
12 BELABORED. I DON'T THINK, YOU KNOW, IT'S THE HEART AND MEAT
13 OF THIS CASE BUT I THINK IF IT'S GOING TO BE ARGUED TO THE
14 JURY BUT THERE WAS ONE TYPE OF RELATIONSHIP AND THAT'S WHY
15 HE WOULD NOT HAVE HAD THE ELEMENT OF MALICE THERE THEY'VE
16 GOT TO BE ABLE TO SHOW THE OTHER SIDE AT LEAST FROM
17 MS. GILMORE'S PERSPECTIVE.

18 MR. SWERLING: JUDGE, JUST SO YOU ALSO KNOW.

19 THE COURT: YES, SIR.

20 MR. SWERLING: ONE OF THE REASONS WE'RE GOING INTO
21 THAT IS TO SHOW THAT IT WAS PERFECTLY NATURAL FOR HIM TO BE
22 OVER THERE ON JULY 6TH BASED ON PRIOR HISTORY AND I THINK
23 THE KIDS WOULD BE SUPPORTIVE OF THAT. THAT IT WAS NOT
24 UNUSUAL FOR JHUNE TO BE THERE.

25 MR. MEADORS: I GUESS THAT'S WHERE WE DIFFER

1 BECAUSE IT WASN'T AT THAT POINT WITH THE NEW RELATIONSHIP
2 THAT FAMILY DIDN'T WANT HIM OVER THERE. THAT WAS THE WHOLE
3 CRUX OF IT RIGHT THERE. I THINK, RESPECTFULLY I DON'T THINK
4 MR. HARRIS COULD ACCEPT THAT IN HIS MIND. SHE HAD A NEW
5 RELATIONSHIP AND THEY DIDN'T WANT HIM OVER THERE. I GUESS
6 THAT'S THE WHOLE POINT. I GUESS THAT'S ALL WE'LL WANT TO
7 SHOW. HE'S SAYING IT WAS NATURAL BEING OVER THERE. WE'RE
8 SAYING IT'S TIME TO STOP; WE DON'T WANT YOU OVER HERE AND
9 THAT'S ALL WE'RE TRYING TO SHOW THE JURY.

10 THE COURT: ALL RIGHT. COUNSEL, WE'LL TAKE ABOUT
11 FIVE MINUTES. LET ME SEE COUNSEL IN CHAMBERS. THERE ARE A
12 COUPLE OF THINGS, I GUESS, THAT Y'ALL KNOW HISTORY-WISE
13 ABOUT THIS THAT MIGHT HELP FOR US TO TALK ABOUT OUTSIDE THE
14 PRESENCE OF THE CHILDREN ANYWAY. ALL RIGHT, WE'LL TAKE
15 ABOUT FIVE MINUTES OR SO.

16 (THEREUPON, THERE WAS A BRIEF RECESS IN THE TRIAL OF
17 THIS CASE.)

18 THE COURT: ALL RIGHT. MR. SWERLING, I THINK IF
19 YOU'VE RAISED A CONTINUING OBJECTION AS TO THE MATTERS THAT
20 WE DISCUSSED, I'M GOING TO ALLOW THE STATE TO, I THINK IT'S
21 ALREADY IN, BUT TO THOSE LINE OF QUESTIONS AS TO ANY ISSUES
22 RELATED TO THE BREAKUP. I'LL TAKE THAT AS A CONTINUING
23 OBJECTION.

24 MR. SWERLING: OKAY. THANK YOU.

25 THE COURT: COUNSEL READY?

1 MR. MEADORS: I THINK SO. YES, SIR, WE'RE READY.

2 THE COURT: BRING THE JURY OUT.

3 MS. GILMORE, I JUST REMIND YOU YOU'RE STILL UNDER
4 OATH AND WE'LL BRING THE JURY OUT AND LET YOUR DIRECT
5 CONTINUE.

6 (THE FOLLOWING TAKES PLACE WITHIN THE PRESENCE OF THE
7 JURY.)

8 THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN
9 OF THE JURY, THANK YOU FOR YOUR PATIENCE. WE'RE READY TO
10 CONTINUE AT THIS POINT.

11 AND, MR. MEADORS, IF YOU WILL FINISH YOUR DIRECT.
12 THANK YOU, SIR.

13 MR. MEADORS: THANK YOUR HONOR. IF IT PLEASES THE
14 COURT.

15 THE COURT: YES, SIR.

16 BY MR. MEADORS:

17 Q HAD YOU BEEN SHOT YET WHERE WE LEFT OFF?

18 A NO.

19 Q I THINK WHERE WE LEFT OFF MR. PIERRE HAD BEEN SHOT
20 TWICE, CORRECT?

21 A YES.

22 Q AND BEFORE I FORGET THAT DID YOU SEE MR. PIERRE WITH
23 ANYTHING IN HIS HAND?

24 A NO.

25 Q ANY TYPE OF KNIFE OR GUN OR ANYTHING?

1 A NO.

2 Q AND LOOKING AT STATE'S 20 JUST BRIEFLY IS THIS THE
3 STAIRWELL IN YOUR HOME?

4 A YES.

5 Q WELL, LET ME ASK THIS: WHERE WERE YOU WHEN MR. PIERRE
6 WAS SHOT?

7 A I WAS IN THE KITCHEN NEXT TO THE COUNTER.

8 Q OKAY. COULD YOU SEE MR. PIERRE AS HE WAS GETTING SHOT?

9 A YES.

10 Q OKAY. CAN YOU POINT ON 20 WHERE HE WAS?

11 A HE WAS ON THE STAIRS RIGHT HERE. (INDICATING.)

12 Q ON THE DOWNSTAIRS DOWN HERE?

13 A UH-HUH. BUT I WAS MOVING TOWARDS, BACKING AWAY AFTER
14 HE GOT SHOT SO. . .

15 Q OKAY. WELL, WHERE WAS MR. JHUNE, DEFENDANT JHUNE
16 HARRIS WHEN HE SHOT LEOPOLD PIERRE?

17 A IF THIS WAS MY COUNTERTOP RIGHT HERE, I WAS RIGHT HERE
18 AND HE WAS RIGHT HERE.

19 Q DO THAT FOR ME AGAIN? I MISSED THAT. I'M SORRY.

20 A IF THIS WAS MY COUNTERTOP, YOU WOULD BE, I WOULD BE
21 RIGHT HERE AND HE WOULD BE RIGHT HERE. THE COUNTERTOP
22 AROUND. I WASN'T. . .

23 Q OKAY. WAIT ONE SECOND. STATE'S 19 IS THAT PART OF
24 YOUR COUNTERTOP YOU'RE TALKING ABOUT?

25 A YES.

1 Q OKAY. SO YOU WOULD HAVE BEEN WHERE?

2 A ON THE OTHER SIDE IN THE KITCHEN. MR. HARRIS WAS MORE
3 SO IN THE DEN.

4 Q ON THIS SIDE OF THE COUNTERTOP?

5 A YES.

6 Q AND THAT'S STATE'S 19 AGAIN FOR THE RECORD. WERE THERE
7 ANY WORDS EXCHANGED WHEN MR. PIERRE CAME DOWN THE STAIRS
8 THIS LAST TIME?

9 A NO.

10 Q WHAT WAS LEOPOLD PIERRE DOING AS HE GOT TO THAT STEP,
11 WHICHEVER STEP IT WAS?

12 A WHAT WAS HE DOING? HE WAS JUST COMING DOWN THE STAIRS,
13 I GUESS.

14 Q THAT'S FINE. AND YOU SAID THERE WERE TWO SHOTS?

15 A YES.

16 Q ALL RIGHT. AND HOW WERE THEY? SHOT. SHOT. HOW LONG
17 BETWEEN THEM?

18 A SHOT. SHOT. POW. POW.

19 Q DID YOU HEAR LEOPOLD PIERRE FALL?

20 A YES.

21 Q AND IS IT AFTER THAT WHERE YOU SAID MR. DEFENDANT JHUNE
22 HARRIS CAME AFTER YOU?

23 A YES.

24 Q IF THIS IS YOUR KITCHEN STATE'S 3?

25 A UH-HUH.

1 Q THAT'S YOUR KITCHEN?

2 A YES, THAT'S MY KITCHEN.

3 Q DID HE CHASE YOU OUT OF THE KITCHEN?

4 A YES. FROM THE KITCHEN DOOR INTO THE DINING ROOM.

5 Q IS THIS YOUR DINING ROOM STATE'S 2?

6 A YES.

7 Q AND I BELIEVE YOU, I DON'T KNOW IF YOU DID OR NOT BUT

8 IS THERE A DOOR FROM YOUR DINING ROOM THAT LEADS BACK INTO

9 YOUR DEN?

10 A INTO THE HALLWAY. IT'S LIKE A CIRCLE.

11 Q IS THAT RIGHT THERE STATE'S 4?

12 A YES.

13 Q IS THAT THE DOOR THAT LEADS BACK IN?

14 A YES.

15 Q IT KIND OF CIRCLES AROUND?

16 A CIRCLES AROUND ---

17 Q AND IS THAT WHERE HE ---

18 A --- BUT YOU HAVE TO GO THROUGH THE DOOR.

19 Q IS THAT WHERE HE CHASED YOU?

20 A YES, IT'S LIKE A SQUARE.

21 Q AND IF YOU COME BACK OUT, IS THAT COMING BACK OUT, BACK
22 OUT ON STATE'S 12?

23 A YES.

24 Q THEN ANOTHER VIEW OF IT STATE'S 13?

25 A YES.

1 Q AND ON STATE'S 13 YOU SEE THE COUNTERTOP STILL, RIGHT?

2 A YES.

3 Q AND CAN YOU SHOW ON STATE'S 13 WHERE YOU ENDED UP WITH
4 MARCUS ON TOP OF YOU?

5 A RIGHT THERE BY THE MAGAZINE RACK.

6 Q RIGHT HERE BY THE MAGAZINE RACK?

7 A YES.

8 Q AND ONE FINAL IS THIS ANOTHER VIEW OF THAT STATE'S 16?

9 A YES, THAT'S THE MAGAZINE RACK.

10 Q OKAY. WOULD IT, PUT YOUR FINGER THERE SO I WANT TO DO
11 IT ABOUT WHERE YOU AND MARCUS WERE?

12 A RIGHT HERE NEXT TO THE COUCH. RIGHT HERE.

13 (INDICATING.)

14 Q RIGHT THERE. YOU'RE DOWN THERE WITH MARCUS WHERE YOU
15 JUST SHOWED US?

16 A YES.

17 Q STATE'S 16. WHAT HAPPENED?

18 A I WAS HOLLERING AND SCREAMING, JESUS LORD, HELP ME;
19 PLEASE DON'T SHOOT ME; PLEASE, PLEASE, PLEASE DON'T SHOOT
20 ME; DON'T HURT MY KIDS, PLEASE; AND WHAT HAPPENED WAS
21 MR. HARRIS WALKED OUT. HE PASSED ME AND MARCUS ON THE FLOOR
22 AND HE WALKED OUT. HE WALKED OUT OF THAT ROOM AND HE WENT
23 INTO MY LAUNDRY ROOM. IT'S LITTLE ROOM THAT LEADS OUT.
24 IT'S LIKE A BACK DOOR.

25 Q STATE'S 7?

1 A YES. MY WASHING MACHINE AND STUFF IS VERY SMALL AND I
2 GOT A WASHER AND DRYER STACKED. IT'S KIND OF SMALL.

3 Q LET ME SHOW YOU SPECIFICALLY ON THIS, ANGELA, LET ME
4 SHOW YOU, I'M SORRY. STATE'S 16 YOU SAID YOU WERE HERE.
5 JUST FOR THESE PURPOSES DOES THAT DOOR THAT LEADS OUT TO THE
6 LITTLE LAUNDRY ROOM YOU'RE TALKING ABOUT?

7 A YES.

8 Q RIGHT OUT THAT WAY? IS THAT WHERE YOU'RE SAYING WHERE
9 HE WENT?

10 A DEFINITELY.

11 Q AND DOES THAT ALSO LEAD OUT TO THE SIDE DOOR?

12 A YES, IT LEADS OUTSIDE AFTER THAT.

13 Q SO YOU'RE THERE WITH MARCUS?

14 A YES, SIR.

15 Q SCREAMING AND HOLLERING?

16 A YES, SIR.

17 Q JHUNE HARRIS WALKS OUT?

18 A YES.

19 Q DOES HE COME BACK IN?

20 A YES, HE LEAVES THAT ROOM AND WE'RE LISTENING, TRYING TO
21 HEAR THE DOOR CLOSE, HOPING THAT IT'S ALL OVER. THEN HE
22 COMES BACK IN.

23 Q AND WHEN HE COMES BACK IN WHAT HAPPENS?

24 A HE REACHES OVER WITH THE GUN. I'M SCREAMING AND
25 HOLLERING AND I TRY TO LOOK AT HIM AND GET IN EYE CONTACT

1 WITH HIM. I COULD SEE HIS SHOES AND THEN I HEAR POW. MY
2 LEG JUST, MY LEG FELT LIKE IT WAS SHOT OFF. I HAVE NEVER
3 BEEN SHOT BEFORE THAT. I WAS JUST OUT OF THERE AFTER THAT,
4 SCREAMING AND YELLING AND KIDS. ALL I COULD SEE WAS THEIR
5 EYES HOLLERING AND SCREAMING AND CRYING. MR. HARRIS DIDN'T
6 KNOW WHETHER HE LEFT OUT THE DOOR BUT I WAS SCARED TO GO TO
7 THE DOOR AND LOOK. WE DIDN'T NEVER HEAR THE DOOR SLAM.

8 Q WERE YOU WAITING? WERE YOU LISTENING FOR THE DOOR?

9 A WE WAS LISTENING FOR THE DOOR BUT WE NEVER HEARD THE
10 DOOR SLAM OR CLOSE BUT EUGENE HE FINALLY WENT AND PEEPED OUT
11 THE WINDOW AND HE SAW THE CAR AND SAY, HE'S GONE. SO I
12 ASKED HIM, I SAID, HOW'S LEOPOLD DOING. SAY, MA, HE'S NOT
13 MOVING. I SAID ASHLEY, LOOK AT MY LEG; IS IT STILL THERE.
14 HOW DOES MY LEG LOOK? SHE SAY, MA, YOUR LEG IS STILL THERE.
15 SO I SAID CALL 911, PLEASE CALL 911, USE THE TELEPHONE. HE
16 SAID I CAN'T GET A LINE ON THE PHONE. I SAID GET MY CELL
17 PHONE. CALL, TRY TO GET ON THE CELL PHONE. EUGENE SAID,
18 WELL, I'M GOING TO TRY THE A.D.T. SYSTEM BECAUSE IT HAD AN
19 EMERGENCY BUTTON THAT YOU COULD MASH ON THAT AND FOREST, I
20 DON'T KNOW WHERE ALL THE KIDS WERE. I HEARD LATER HE WAS
21 OUTSIDE. WELL, HE TOLD ME HE WAS OUTSIDE. HE WENT TO A
22 NEIGHBOR'S HOUSE.

23 Q YOU AREN'T SURE WHERE ALL OF THEM?

24 A I WASN'T SURE WHERE ALL OF THEM AND THEN I TOLD, WELL,
25 THEN I THOUGHT ABOUT IT, I SAID, MAYBE THEY SHOULDN'T BE

1 OUTSIDE BECAUSE WE DON'T KNOW WHETHER HE'S COMING BACK, YOU
2 KNOW. MAYBE THEY SHOULDN'T BE ALL OUT LIKE THAT.

3 Q FAIR TO SAY ALL THAT'S GOING THROUGH YOUR HEAD RIGHT
4 NOW?

5 A YES.

6 Q AND WHEN YOU WERE SHOT WHERE WAS MARCUS IN RELATION TO
7 THE GUN?

8 A MARCUS WAS RIGHT NEXT TO ME. I WAS SO TERRIFIED AND I
9 HAD HIM REAL TIGHT. HE WAS SO STIFF HE COULDN'T MOVE
10 AND. . .

11 Q WHERE DID YOU GET HIT?

12 A I GOT SHOT IN THE LEG.

13 Q I'M NOT GOING TO ASK YOU TO RAISE YOUR SKIRT BUT YOU
14 GOT SHOT IN THE LEG?

15 A IN THE THIGH RIGHT NEXT TO THE KNEE.

16 Q AS A RESULT OF THAT DID YOU GO TO THE HOSPITAL, THE
17 DOCTOR?

18 A YES.

19 Q AND DID YOU HAVE TO UNDERGO SOME TREATMENT OR THERAPY
20 FOR THAT?

21 A YES. I DIDN'T HAVE NO FEELING IN MY LEG FOR WEEKS. I
22 COULDN'T WALK.

23 Q DID YOU END UP SEEING A DR. JETER I BELIEVE?

24 A YES, I DID.

25 Q ACTUALLY I THINK YOU SAW DR. JAY TAYLOR, I MAY

1 RECOGNIZE THE FIRST NAME, DR. TAYLOR?

2 A YES.

3 Q IS THAT HIS FIRST NAME? IT MIGHT BE JETER TAYLOR. I
4 JUST WANT TO MAKE SURE I WASN'T GOING CRAZY BUT IT'S
5 DR. TAYLOR?

6 A I DON'T REMEMBER.

7 Q YOU REMEMBER SEEING A DOCTOR?

8 A YES.

9 Q ABOUT YOUR LEG?

10 A I SAW A LOT OF DOCTORS. I DIDN'T REALLY LOOK AT
11 ANYBODY, YOU KNOW.

12 Q NOW, AFTER THIS INCIDENT I'M NOT ASKING YOU TO GO INTO
13 IT BUT YOU REMEMBER THIS FELLOW RIGHT HERE MARK VINSON,
14 COLUMBIA POLICE DEPARTMENT INVESTIGATOR?

15 A YES.

16 Q DID YOU GIVE HIM A STATEMENT ON JULY 17TH, 2003?

17 A YES, ME AND ASHLEY.

18 Q OKAY. THAT'S FINE AND ASHLEY I THINK SAID THAT TO HIM
19 AND YOU GAVE HIM A STATEMENT. BACK IN JUNE, JULY, 2003
20 PRIOR TO THIS DID YOU WANT TO HAVE A RELATIONSHIP WITH JHUNE
21 HARRIS?

22 A NO, NOT A RELATIONSHIP.

23 Q DID YOU WANT TO BE WITH HIM?

24 A NO.

25 Q HAD YOU CONVEYED THAT TO HIM; HAD YOU TOLD HIM?

1 A ALL THE TIME, ALL THE TIME.

2 Q OKAY.

3 A YES.

4 Q HOW LONG WAS IT BETWEEN WHEN YOU'RE FIRST THERE WITH
5 MARCUS AND YOU'RE SCREAMING AND YOU WERE SCREAMING, WEREN'T
6 YOU?

7 A YES. THEY TOLD ME I HAD TO BE QUIET.

8 Q MA'AM, SEVERAL PEOPLE HAVE TOLD YOU THAT UNFORTUNATELY,
9 HAVEN'T THEY?

10 A YES.

11 Q BUT WHEN YOU WERE SCREAMING DOWN THERE AND HOLDING
12 MARCUS, HOW LONG WAS IT FROM THE TIME YOU SAID THE DEFENDANT
13 JHUNE HARRIS WAS THERE AND HE LEFT AND THEN HE CAME BACK.
14 HOW LONG WAS IT, THAT TIME PERIOD? DO YOU REMEMBER? IT
15 MAY NOT BE A FAIR QUESTION. I MEAN, WAS IT LONG?

16 A IT WAS A LOT GOING ON. NOT KNOWING, I'D SAY ABOUT FIVE
17 MINUTES BUT IT PROBABLY WAS SHORTER THAN THAT. IT JUST
18 SEEMED LIKE A LONG TIME.

19 Q BUT YOU DON'T KNOW?

20 A I DON'T KNOW EXACTLY HOW LONG BUT IT WAS LIKE HE WALKED
21 IN, TURN AROUND, CAME BACK IF YOU CAN KNOW HOW LONG THAT IS.

22 Q OKAY. NOW, WHEN HE CAME BACK YOU HEARD THE SHOT?

23 A YES.

24 Q YOU FELT THE SHOT?

25 A YES.

1 Q DID HE TRIP AND FALL ON YOU?

2 A IS THAT A JOKE? NO.

3 MR. SWERLING: I'M SORRY.

4 MR. MEADORS: SHE SAID NO.

5 THE COURT: MS. GILMORE CAN YOU PULL THAT
6 MICROPHONE A LITTLE CLOSER TO YOU? JUST REPEAT YOUR LAST
7 ANSWER.

8 THE WITNESS: NO.

9 MR. MEADORS: SHE SAID IS THAT A JOKE? NO.

10 MR. SWERLING: WELL, YOUR HONOR, THAT WAS NOT
11 RESPOLNSIVE TO THE QUESTION. I MOVE THAT BE STRICKEN

12 THE WITNESS: NO. HE DID NOT TRIP AND FALL.

13 THE COURT: OKAY. NOW, MS. GILMORE, I'LL ASK THE
14 JURY TO DISREGARD THE FIRST PART OF HER STATEMENT AND JUST
15 CONSIDER THE LAST PART OF HER ANSWER.

16 BY MR. MEADORS:

17 Q HE DIDN'T?

18 A NO, HE DIDN'T TRIP AND FALL.

19 Q FOR THE RECORD AND FOR THE LADIES AND GENTLEMEN OF THE
20 JURY PLEASE POINT OUT IF HE'S IN THE COURTROOM, THE PERSON
21 THAT SHOT LEOPOLD PIERRE ON JULY 6TH, 2003 IN RICHLAND
22 COUNTY AT

23 A MR. HARRIS.

24 Q AND PLEASE POINT OUT TO THE JURY FOR THE RECORD THE
25 PERSON THAT SHOT YOU IN THE THIGH ON JUNE, JULY 6TH, 2003 IN

1 RICHLAND COUNTY AT

2 A MR. HARRIS. (INDICATING.)

3 Q DID YOU HAVE A GUN?

4 A NO.

5 Q DID YOU HAVE A KNIFE?

6 A NO.

7 Q HAD YOU THREATENED HIM ANY?

8 A NO.

9 MR. MEADORS: I'D LIKE THE RECORD TO REFLECT SHE'S
10 POINTED OUT JHUNE HARRIS WHO'S SITTING NEXT TO MR. SWERLING.

11 THE COURT: YES, SIR.

12 MR. MEADORS: BEG THE COURT'S INDULGENCE.

13 THE COURT: YES, SIR.

14 BY MR. MEADORS:

15 Q JUST ONE FINAL. DID YOU SEE THE GUN?

16 A YES.

17 Q DOES THAT LOOK LIKE IT?

18 A YES.

19 MR. MEADORS: THANK YOU. THAT'S ALL.

20 THE COURT: THANK YOU, MR. MEADORS.

21 MR. SWERLING.

22 CROSS-EXAMINATION BY MR. SWERLING:

23 Q GOOD AFTERNOON, MS. GILMORE?

24 A HI.

25 Q I JUST HAVE A FEW QUESTIONS I'D LIKE TO PURSUE WITH

1 YOU, OKAY?

2 A OKAY.

3 Q FIRST LET ME JUST GO BACK A LITTLE BIT WHERE
4 MR. MEADORS HAD ASKED YOU. WHEN YOU, PRIOR TO LIVING ON
5 DUKE AVENUE, IS IT DUKE AVENUE OR DUKES AVENUE?

6 A DUKE AVENUE.

7 Q DUKE AVENUE. OKAY. YOU LIVED AT WOODROW. ON WOODROW
8 STREET, CORRECT?

9 A YES.

10 Q AND THERE WAS A HOUSE THERE. THERE WAS A HOUSE AS
11 WELL?

12 A IT WAS A TWO STORY. IT WAS LIKE A APARTMENT
13 DOWNSTAIRS, APARTMENT UPSTAIRS.

14 Q OKAY. BUT Y'ALL LIVED IN THE BOTH, THE ENTIRE
15 BUILDING?

16 A NO ---

17 Q OR JUST PART?

18 A --- I STAYED ON THE TOP FLOOR, YES.

19 Q PARDON?

20 A THE TOP FLOOR.

21 Q OKAY. AND YOU AND MR. HARRIS WITH THE CHILDREN LIVED
22 THERE FROM ABOUT 1996, CORRECT 1996, 1997?

23 A YES.

24 Q IS THAT CORRECT? MR. HARRIS DIDN'T HAVE ANOTHER PLACE
25 AT THAT TIME, DID HE? HIS PLACE OF RESIDENCE WAS IN THAT

1 HOUSE?

2 A HE HAD ANOTHER APARTMENT. HE HAD APARTMENT.

3 Q OKAY. BUT HE STAYED, WHEN DID HE GET THAT APARTMENT?
4 WASN'T IT CLOSER TO WHEN YOU WERE GOING TO MOVE INTO DUKE?

5 A NO.

6 Q TOGETHER?

7 A HE HAD HIS APARTMENT FOR YEARS.

8 Q SO HE MAINTAINED THE APARTMENT?

9 A YES.

10 Q HE WAS ESSENTIALLY LIVING WITH YOU AND YOUR CHILDREN?

11 A YES.

12 Q AND THAT ARRANGEMENT AS FAR AS YOU WERE WORKING AND HE
13 WAS WORKING, CORRECT?

14 A I WAS WORKING.

15 Q ALL RIGHT. DIDN'T HE WORK ALSO AT THE CAPITOL
16 BUILDING?

17 A HE WORKED OFF AND ON, ON SOME JOB.

18 Q WAL-MART, COURTYARD MARRIOTT, RAVE INCORPORATE?

19 A HE WORKED SOMETIME.

20 Q HE WORKED A NUMBER OF DIFFERENT JOBS. IN FACT HE
21 WORKED A COUPLE JOBS AT DIFFERENT TIMES. HE WAS WORKING TWO
22 JOBS AT SOME TIMES?

23 A I DON'T KNOW ABOUT TWO.

24 Q BUT Y'ALL WERE POOLING YOUR MONEY?

25 A HUH?

1 Q Y'ALL WERE POOLING YOUR MONEY FOR EXPENSES OF THE
2 HOUSEHOLD, CORRECT?

3 A WELL, I PAID THE MAJORITY. HE WOULD HELP WITH WHATEVER
4 HE COULD.

5 Q RIGHT. SO THE ANSWER TO MY QUESTION IS YOU WERE
6 POOLING THE MONEY TO THE EXTENT THAT YOU COULD?

7 A YES.

8 Q TO SHARE EXPENSES?

9 A HE NEED HELP.

10 Q SO THE ANSWER TO MY QUESTION IS YES?

11 A SOMETIME.

12 Q AND YOU, WHEN YOU LIVED IN THAT SITUATION YOU WOULD GO
13 OUT AND YOU'D GO ON TRIPS. HE'D GO TO SCHOOL WITH THE KIDS,
14 CORRECT, THOSE KINDS OF THING?

15 A YES, HE HELPED SOME.

16 Q OKAY. AND THAT WENT ON FOR WHAT ALMOST SIX OR MORE
17 YEARS, CORRECT?

18 A I GUESS.

19 Q NOW, SOMETIME YOU GOT AN OFFER BY, IT WAS YOUR GRANDMA
20 TO, AS FAR AS GOING AHEAD AND MOVING INTO DUKE AVENUE?

21 A MY GRANDMOTHER IS DECEASED.

22 Q RIGHT. I'M SORRY. YOUR WHO'S, YOUR GRANDMOTHER'S
23 MOTHER?

24 A YOU SAID DID I HAVE A OFFER BY YOUR GRANDMOTHER.

25 Q I'M SORRY. IT WAS YOUR GRANDMOTHER'S HOUSE, I'M SORRY?

1 A MY GRANDMOTHER'S HOUSE. MY MOTHER PURCHASED THE HOUSE
2 AND REDID THE HOUSE AND ME AND MY FAMILY MOVED IN.

3 Q RIGHT. AND THAT WAS HOW MANY, HOW LONG BEFORE THE
4 JULY 6TH INCIDENT DID THAT HAPPEN?

5 A ABOUT A YEAR.

6 Q OKAY. NOW, MR. HARRIS DID NOT MOVE INTO DUKE AVENUE?

7 A NO.

8 Q OKAY. THAT'S WHEN HE WENT BACK TO HIS APARTMENT. HE
9 WAS LIVING IN HIS APARTMENT, CORRECT?

10 A YES, THAT'S WHEN WE DECIDED TO BREAK THE RELATIONSHIP
11 OFF. HE HAD MET SOMEBODY ELSE AND HE DECIDED THAT HE, YOU
12 KNOW, HE SAID HE NEEDED HIS OWN SPACE AND THAT HE WANTED TO
13 MOVE.

14 Q OKAY. BUT WOULD YOU AGREE THAT IT WAS AN ON AGAIN OFF
15 AGAIN SITUATION FROM TIME TO TIME EVEN THOUGH THAT LAST
16 YEAR?

17 A WELL, THE BREAK-UP WAS PAINFUL FOR ME.

18 Q YES, MA'AM.

19 A IT WAS PAINFUL BECAUSE HE HAD BEEN WITH ME FOR A WHILE
20 BUT I GOT SOME ACCEPTANCE WITH IT BECAUSE THE RELATIONSHIP
21 WASN'T ALL THAT. SOMETIME WE WENT THROUGH A WHOLE LOT OF
22 STUFF.

23 Q YES, MA'AM?

24 A AND I FELT LIKE IF SOMEBODY DON'T, YOU KNOW, DON'T WANT
25 TO BE WITH YOU, THEN YOU NEED TO MOVE ON, YOU KNOW.

1 Q AND YOU DID?

2 A YES, I PRAYED ABOUT IT AND I WENT TO CHURCH AND I MOVED
3 ON.

4 Q BUT I GUESS MY QUESTION WAS BUT FROM TIME TO TIME WAS
5 IT ON AGAIN, OFF AGAIN EVEN DURING THAT LAST YEAR?

6 A NO, WE HAD CASUAL CONVERSATION, YOU KNOW; AND HE TALKED
7 ABOUT GETTING TOGETHER BUT EVERY TIME WE WOULD TRY TO GET
8 TOGETHER I WOULD FIND HIM WITH HIS FRIEND, YOU KNOW. HE
9 WOULDN'T ANSWER HIS CELL PHONE. I'D RIDE OVER THERE AND
10 THERE HER CAR WAS SO. . .

11 Q OKAY. SO YOU WERE AT LEAST PART OF THE TIME, YOU WERE
12 INTERESTED IN HAVING THE RELATIONSHIP RENEWED?

13 A YES, AT FIRST.

14 Q OKAY. NOW, THE WEEK PRIOR TO THIS?

15 A YES.

16 Q JUST WANTED TO SEE IF I COULD MAKE, UNDERSTAND. THERE
17 WAS, HE SPENT SOME TIME AT YOUR HOUSE AND WITH YOU AND THE
18 CHILDREN THE WEEK BEFORE, CORRECT?

19 A NO, HE DIDN'T SPEND A WHOLE LOT OF TIME AT THE HOUSE.
20 HE WOULD COME UNEXPECTEDLY SOMETIME AND HE WOULD CALL THE
21 KIDS AND WE TALKS ABOUT THE CIRCUS TICKETS, ABOUT GETTING
22 THE TICKETS FOR THE KIDS AND I TOLD HIM, I SAID, WELL, I'LL
23 GO HALF SO YOU WON'T THINK WE'RE TRYING TO GET BACK TOGETHER
24 OR ANYTHING LIKE THAT I SAID AND HE SAID HE WANTED A
25 RELATIONSHIP WITH THE KIDS. HE SAID I WAS BEING A, CAN I

1 CURSE IN HERE?

2 Q PARDON?

3 A CAN I CURSE?

4 Q IT WASN'T PART OF MY QUESTION?

5 A WELL, GO PROCEED ---

6 Q MY QUESTION WAS DID YOU SEE ---

7 MR. MEADORS: SHE IS RESPONDING.

8 THE COURT: LET ME HEAR THE QUESTION AGAIN.

9 MR. SWERLING: IT'S NOT RESPONSIVE. MY QUESTION
10 WAS THE WEEK BEFORE ---

11 THE WITNESS: THE WEEK BEFORE.

12 MR. SWERLING: --- DID YOU HAVE OCCASION TO SEE
13 HIM?

14 THE WITNESS: NO.

15 BY MR. SWERLING:

16 Q WELL, YOU DID GO TO THE CIRCUS TOGETHER?

17 A YES.

18 Q OKAY. THE WHOLE FAMILY WENT?

19 A YES.

20 MR. MEADORS: YOUR HONOR, I, JUST FOR THE RECORD I
21 THINK SHE WAS RESPONDING TO HIS QUESTION. THAT'S THE WEEK
22 BEFORE AND THAT WAS INCLUDED IN THIS.

23 THE COURT: I'LL LET YOU PICK UP WHERE YOU'RE AT.
24 I THINK SHE WAS BEING RESPONSIVE.

25 BY MR. SWERLING:

1 Q WAS THERE ANY OTHER TIME THAT WEEK THAT YOU AND HE GOT
2 TO SEE EACH OTHER EITHER AT YOUR HOME OR SOME OTHER PLACE

3 A WELL, AFTER I HAD MET MR. LEOPOLD, MR. HARRIS USED TO
4 RIDE BY.

5 MR. SWERLING: YOUR HONOR, AGAIN IT'S NOT
6 RESPONSIVE TO THE QUESTION. WHAT I ASKED IS THAT WEEK?

7 THE WITNESS: WELL, I'M TELLING YOU I SAW HIM PASS
8 BY THE HOUSE.

9 BY MR. SWERLING:

10 Q OKAY.

11 A HE WOULD CALL ON SEVERAL OCCASIONS JUST CALL AND JUST
12 CALL. HE WOULD BE WHINING ON THE PHONE ABOUT HE WANTED TO
13 GET BACK IN THE RELATIONSHIP WITH ME AND HE WOULD COME OVER
14 UNEXPECTEDLY ESPECIALLY WHEN HE THOUGHT MR. PIERRE WASN'T
15 THERE.

16 Q YOU TALKING ABOUT THAT WEEK?

17 A YES, THAT WEEK OR THE WEEK BEFORE THAT.

18 Q NO. I'M TALKING, MY QUESTION WAS ABOUT THAT WEEK?

19 A WELL, THAT WEEK.

20 Q DID Y'ALL GO TO THE MOVIES TOGETHER?

21 A WE DIDN'T GO TO NO MOVIES. I WAS TRYING TO FIGURE OUT
22 WHAT YOU WAS TALKING ABOUT.

23 Q DID YOU GO OUT TO ANY, DID YOU GO OUT TO EAT OR GO ---

24 A NO. WE WENT TO THE CIRCUS ON THE 4TH. IS THAT OKAY TO
25 FINISH THAT?

1 Q YES, MA'AM?

2 THE COURT: YES, MA'AM.

3 THE WITNESS: TALKING ABOUT THE 4TH. AFTER WE
4 WENT TO THE CIRCUS WE REALLY DIDN'T INVITE MR. HARRIS.
5 MR. HARRIS GOT, IT'S FIVE OF US, MY DAUGHTER AND ME AND MY
6 THREE SONS WE GOT THE TICKETS BUT HE ALSO PURCHASED ONE FOR
7 HIMSELF. I SAID, WHY DID YOU GET ONE FOR YOU. HE SAID, OH,
8 YOU DON'T WANT ME TO GO. HE WAS VERY INTIMIDATING.

9 MR. SWERLING: OBJECTION, YOUR HONOR. MOVE IT'S
10 NOT RESPONSIVE.

11 THE WITNESS: WELL ---

12 THE COURT: JUST STRIKE THE LAST STATEMENT ABOUT
13 BEING INTIMIDATING AND YOU CAN FINISH YOUR ANSWER.

14 THE WITNESS: WELL, CAN I SAY HOW I FELT?

15 THE COURT: WELL, JUST ANSWER HIS QUESTION ABOUT,
16 JUST FINISH ANSWERING HIS QUESTION ABOUT HOW Y'ALL ENDED UP
17 GOING TO THE CIRCUS.

18 MR. SWERLING:

19 Q I MEAN, THE QUESTION SIMPLY WAS DID YOU GO TO THE
20 CIRCUS TOGETHER, NOT ONLY HIM.

21 A BUT IT'S IMPORTANT THAT I EXPLAIN.

22 Q BUT THAT WASN'T THE QUESTION. DID YOU GO TO THE CIRCUS
23 TOGETHER?

24 A YES, WE WENT TO THE CIRCUS TOGETHER.

25 Q AND YOU EXPLAINED THAT HE BOUGHT THE TICKET FOR

1 HIMSELF?

2 A YES.

3 Q NOW, ON THAT, LET ME JUST ASK YOU ABOUT THAT SUNDAY.
4 WHEN MR. HARRIS CAME TO YOUR HOUSE HOW WAS HE DRESSED?

5 A HE WAS DRESSED IN CHURCH CLOTHES, LOOKED LIKE HE HAD
6 JUST GOT BACK FROM CHURCH WHICH WE ATTEND THE SAME CHURCH
7 BUT I STOPPED GOING BECAUSE WE HAD PROBLEMS AND I DIDN'T
8 WANT TO SEE HIM THERE.

9 Q ALL RIGHT. BUT HE WAS DRESSED IN CHURCH CLOTHES?

10 A YES.

11 Q Y'ALL WENT TO THE SAME CHURCH TOGETHER UP UNTIL YOU
12 DECIDED NOT TO GO TO THAT CHURCH?

13 A NO. UP UNTIL WE BROKE UP BECAUSE I DIDN'T WANT TO SEE
14 HIM WITH HIS GIRLFRIEND OR ANYTHING LIKE THAT. SO I JUST
15 DIDN'T GO TO THE SAME CHURCH THAT, YOU KNOW, WON'T CAUSE ANY
16 PROBLEM.

17 Q BACK TO MY ORIGINAL QUESTION?

18 MR. MEADORS: YOUR HONOR, I'M GOING TO OBJECT.

19 MR. SWERLING: BACK TO MY ORIGINAL QUESTION.

20 THE COURT: THERE, THERE. HOLD ON. OKAY.

21 MR. MEADORS: I JUST THINK HE'S IMPLYING SHE'S NOT
22 ANSWERING THE QUESTION.

23 MR. SWERLING: SHE'S NOT.

24 MR. MEADORS: THAT IS NOT YET ANSWERED.

25 MR. SWERLING: SHE'S NOT.

1 THE COURT: WELL, HOLD ON. WAIT A MINUTE. WAIT A
2 MINUTE. STOP. WAIT A MINUTE, MS. GILMORE. OKAY. ONE AT A
3 TIME. OKAY. I THINK SHE ANSWERED THAT LAST QUESTION ABOUT
4 THE CHURCH. YOU'D ASKED HER ABOUT THAT AND I THINK SHE WAS
5 BEING RESPONSIVE ON THE CHURCH QUESTION.

6 BY MR. SWERLING:

7 Q WHAT TIME DID HE COME OVER?

8 A WILL, SEEING THAT HE WAS DRESSED IN CHURCH CLOTHES, I
9 ASSUME IT WAS ABOUT 2:15. IT HAD TO BE ABOUT TWO BECAUSE I
10 WAS LOOKING AT SOME REPORTS AND STUFF AND IT WAS ABOUT 2:15
11 BECAUSE I THINK THE PARAMEDICS GOT THERE ABOUT
12 THREE O'CLOCK.

13 Q AND WHEN HE CAME OVER THERE WAS, AS I UNDERSTOOD IT
14 THERE WAS NO PEOPLE THERE OTHER THAN MR. PIERRE. YOU HAD
15 PICKED HIM UP THAT MORNING?

16 A YES.

17 Q AND WHEN MR. HARRIS CAME OVER THERE YOU HAD NOT TALKED
18 WITH MR. HARRIS THAT MORNING PRIOR TO HIM COMING OVER?

19 A NO. AND I TOLD HIM, I SAID, YOU KNOW, IF WE GOING TO
20 HAVE A FRIENDSHIP CALL ME BEFORE YOU COME OVER. I HAD
21 TALKED TO HIM ABOUT THAT. I SAID, DON'T JUST COME OVER TO MY
22 HOUSE. YOU KNOW I'M INVOLVED WITH SOMEBODY ELSE ---

23 MR. SWERLING: YOUR HONOR, AGAIN THAT WAS NOT
24 RESPONSIVE TO THE QUESTION. MOVE THAT IT BE STRICKEN.

25 THE COURT: I'LL LET THAT ANSWER STAND BUT

1 I'LL. . .

2 MA'AM, JUST ANSWER HIS QUESTIONS, OKAY.

3 MR. MEADORS HAS A CHANCE TO DO REDIRECT.

4 THE WITNESS: OKAY, SIR.

5 BY MR. SWERLING:

6 Q MS. GILMORE, DID YOU SPEAK WITH HIM THAT MORNING?

7 A MR. HARRIS?

8 Q YES, MA'AM.

9 A NO.

10 Q AND YOU PICKED UP MR. PIERRE THAT MORNING, CORRECT?

11 A YES.

12 Q SO MY QUESTION GOES BACK ORIGINALLY TO THERE WAS NO
13 VEHICLE THERE OTHER THAN YOUR OWN, CORRECT?

14 A TILL MR. HARRIS GOT THERE.

15 Q ALL RIGHT. OTHER THAN YOUR OWN?

16 A HUH-UH.

17 Q AND MR. PIERRE HAD BEEN THERE HOW LONG THAT MORNING?

18 A I'D SAY ABOUT TEN O'CLOCK BUT I'M NOT SURE WHAT TIME I
19 PICKED HIM UP.

20 Q NOW, WHEN MR. HARRIS CAME OVER HE CAME TO THE DOOR.
21 YOU SAID SOMEBODY SAID, JHUNE IS HERE?

22 A YES, ONE OF THE KIDS. I'M NOT EVEN SURE WHICH ONE
23 SAID. IT'S BEEN TWO YEARS NOW.

24 Q OKAY. AND THAT'S NOT REALLY IMPORTANT. THAT'S FINE?

25 A YES.

1 Q AND WHEN YOU WENT, DID YOU GO TO THE DOOR YOURSELF?

2 A I DIDN'T GO TO THE DOOR. I LOOKED OUT THE WINDOW AND
3 PEEPED OUT THE GLASS.

4 Q OKAY. AND HOW DID, YOU HAD A CONVERSATION WITH HIM
5 THROUGH THE WINDOW OR ---

6 A YES, I HAD A CONVERSATION THROUGH HIM WITH THE WINDOW,
7 THROUGH THE WINDOW.

8 Q AND HE SAID HE HAD A WATERMELON FOR THE KIDS?

9 A YES.

10 Q AND YOU TOLD HIM THAT YOU HAD SOMEONE THAT WAS A GUEST?

11 A I TOLD HIM I HAD COMPANY.

12 Q YES, MA'AM, AND AT THAT POINT WHAT DID HE DO?

13 A HE LOOKED AT ME. HE SAID, I JUST GOT A WATERMELON FOR
14 THE KIDS, YOU KNOW. HE DIDN'T SAY LET ME DROP THIS OFF BUT
15 HE GAVE A KIND OF GESTURE LIKE, YOU KNOW, IT'S NOT ABOUT
16 ANYTHING, YOU KNOW, WHY YOU GETTING, YOU KNOW. SO I, YOU
17 KNOW, EVEN THOUGH I FELT UNCOMFORTABLE WITH THAT, I STILL
18 GAVE HIM THE BENEFIT OF THE DOUBT AND I OPENED THE DOOR AND
19 I WENT BACK AND FINISHED COOKING. I THOUGHT HE WAS GOING TO
20 PUT THE WATERMELON DOWN AND LEAVE.

21 Q NOW, LET ME ASK YOU DID YOU SEE HIM GO TO THE CAR OR
22 YOU DIDN'T SEE HIM?

23 A I COULDN'T FROM WHERE I WAS STANDING. WE DON'T HAVE A
24 WINDOW IN THE WASH ROOM.

25 Q OKAY.

1 A HE TURNED THE CORNER. I SAW HIM TURN THE CORNER. I
2 DON'T KNOW WHAT HE DID.

3 Q SO YOU DON'T KNOW WHERE HE WENT?

4 A NO. I THOUGHT ABOUT IT THOUGH WHEN I GOT TO THE STOVE.

5 Q ALL RIGHT. AND HE CAME BACK AND THE DOOR WAS CLOSED
6 WHEN HE CAME BACK. YOU OPENED IT?

7 A THE DOOR WAS CRACKED. IT WAS CRACKED. HE HAD SAID HE
8 WAS GOING TO BRING IT AND PUT IT ON THE BACK.

9 Q AND DID YOU OPEN THE DOOR?

10 A YES, I OPENED THE DOOR.

11 Q AND DID HE HAVE A WATERMELON?

12 A HUH-UH.

13 Q DID YOU EVER SEE A WATERMELON?

14 A NEVER.

15 Q BUT YOU LET HIM IN THE DOOR?

16 A YES. I TRUSTED HIM TO BRING THE WATERMELON.

17 Q AND BUT THAT'S WHAT I'M SAYING WHEN HE CAME TO THE
18 DOOR, HE DID NOT HAVE A WATERMELON BUT YOU LET HIM IN
19 ANYWAY, CORRECT?

20 A WELL, I WAS AT THE STOVE. I TURNED AROUND. HE DIDN'T
21 HAVE THE WATERMELON IN HIS HAND. BY THEN HE WAS ALREADY IN
22 THE HOUSE. I ASKED HIM WHERE IS THE WATERMELON AND HE
23 PROCEEDED BY ASKING ME TO ASK MR. LECPOLD TO COME
24 DOWNSTAIRS.

25 Q NOW, DID YOU TELL HIM THAT MR. LEOPOLD WAS THERE?

1 A NO, WE DIDN'T. I DIDN'T TELL HIM WHO WAS THERE. I
2 TOLD HIM I HAD COMPANY. HE ASSUMED THAT BECAUSE HE KNEW
3 THAT'S WHO I WAS INVOLVED WITH.

4 Q SO HE, WITHOUT YOU SAYING WHO WAS THERE OR WHO WAS
5 UPSTAIRS, HE SAID, ASKED, IS IT PIERRE, RIGHT, LEOPOLD IS
6 THE FIRST NAME?

7 A HIS NAME IS LEOPOLD PIERRE.

8 Q CORRECT. AND AT THAT POINT NOW YOU SAID BEFORE WHEN
9 YOU WERE TALKING TO MR. MEADORS THAT HIS DEMEANOR WAS CALM.
10 HE WAS NOT ANGRY. HE WAS NOT VOCAL ABOUT IT, NOT YELLING,
11 CORRECT?

12 A YES, BUT HE'S THAT WAY THOUGH.

13 Q BUT IS THAT CORRECT?

14 A YES.

15 Q AND HE WAS JUST, YOU AND HE WERE TALKING AND HE SAID HE
16 WANTED TO SEE AND TALK TO MR. PIERRE, CORRECT?

17 A YES. I KNEW IT WASN'T THAT GOOD IF HE WANTED TO COME
18 AND TALK TO HIM. FOR WHAT?

19 MR. SWERLING: YOUR HONOR, I'D ASK THAT THE
20 WITNESS RESPOND TO THE QUESTIONS AND NOT EDITORIALIZE MORE
21 BEYOND WHAT MY QUESTION WAS.

22 THE COURT: OKAY.

23 MA'AM, IF YOU JUST ANSWER HIS QUESTION. IF YOU
24 HAVE TO ---

25 THE WITNESS: OKAY.

1 THE COURT: --- EXPLAIN YOUR ANSWER, I'LL LET YOU
2 DO THAT, OKAY; BUT MR. MEADORS WILL HAVE A CHANCE TO GO ON
3 REDIRECT ANYTHING THAT GOES OVER ON CROSS.
4 BY MR. SWERLING:
5 Q AT THAT POINT HE SAID HE WANTED TO TALK TO MR. PIERRE,
6 CORRECT?
7 A YES.
8 Q HE DID NOT THREATEN MR. PIERRE; ISN'T THAT TRUE?
9 A WHAT YOU MEAN?
10 Q THERE WAS NO THREATS. HE DIDN'T MAKE ANY THREATS
11 TOWARD MR. PIERRE?
12 A NO, BUT HE RAN UP THE STAIRS.
13 Q HE WENT UPSTAIRS?
14 A UH-HUH.
15 Q TESTIMONY RAN UP OR WALKED UPSTAIRS?
16 A WELL, HE WENT UP THERE REALLY FAST. HE MISSED A FEW
17 STAIRS WHEN HE WAS GOING UP. YOU KNOW, LIKE YOU STRETCH A
18 LEG AND MISS TWO STEPS AND GO TO THE NEXT ONE AND LIKE
19 BECAUSE MR. HARRIS IS TALL AND HE SKIPPED A FEW STEPS.
20 Q YES, MA'AM.
21 A GETTING UP THERE REALLY FAST.
22 Q BUT THERE WAS NO CONFRONTATION UPSTAIRS. YOU DID NOT
23 HEAR ANY CONFRONTATION?
24 A I DIDN'T HEAR ANY CONFRONTATION BUT I WASN'T UP THERE.
25 SO I DON'T KNOW.

1 Q AND WHERE WERE YOUR KIDS AT THAT POINT? DO YOU
2 REMEMBER?

3 A UPSTAIRS.

4 Q ALL OF THEM WERE UPSTAIRS?

5 A AS FAR AS I CAN REMEMBER. I WAS TOO FOCUSED ON WHAT
6 WAS GOING ON RIGHT THEN.

7 Q AND MR. HARRIS CAME BACK DOWNSTAIRS, CORRECT?

8 A YES.

9 Q AND WAS TALKING TO YOU AGAIN?

10 A YES, HE ASKED ME TO CALL MR. PIERRE DOWN THERE.

11 Q OKAY. HE WASN'T YELLING OR DOING ANY SCREAMING AT YOU.
12 HE WAS JUST SAYING HE WANTED TO TALK TO MR. PIERRE, CORRECT?

13 A YES. YES, THAT'S HOW HE PUT IT. THAT'S HOW IT WAS.
14 HE HAS A PRETTY CALM VOICE BUT. . .

15 Q OKAY. THANK YOU.

16 A IT WASN'T YELLING.

17 Q OKAY. SO AT SOME POINT NOW DID YOU SAY THAT MR. HARRIS
18 WENT BACK UPSTAIRS?

19 A YES.

20 Q OKAY. AND I JUST WANT TO ASK YOU THIS: YOU, UNLESS
21 I'M MISSING SOMETHING YOU GIVE A STATEMENT THAT DAY,
22 CORRECT?

23 A YES.

24 Q I THINK YOU TOLD MR. MEADORS YOU GAVE ONE ON JULY 17TH,
25 CORRECT?

1 A I DON'T REALLY KNOW WHETHER IT WAS JULY 17TH. IT WAS A
2 FEW DAYS AFTER.

3 Q LET ME JUST SEE IF YOU CAN RECOGNIZE THIS STATEMENT?

4 A YES, THAT'S MY HANDWRITING.

5 Q OKAY. IN YOUR STATEMENT WHICH WAS GIVEN ON JULY 17TH,
6 IT ONLY REFERS TO MR. HARRIS GOING UPSTAIRS ONCE?

7 A YES, AT THAT TIME I WAS JUST. . .

8 Q SO?

9 A BUT AS I THOUGHT ABOUT IT HE WENT UP TWICE.

10 Q BUT THE STATEMENT YOU GAVE ON JULY 17TH, 2003 AT 4:30
11 JUST HAS HIM GOING UPSTAIRS ONE TIME?

12 A YES.

13 Q YOUR TESTIMONY TODAY TWO YEARS LATER IS THAT HE WENT UP
14 TWICE, CORRECT?

15 A YES. THAT'S HOW I DIDN'T, WHEN I WROTE THAT I PROBABLY
16 REMEMBER IT ONCE BUT AS I THOUGHT ABOUT IT, IT WAS TWICE.

17 Q YES, MA'AM. NOW, THE SECOND TIME LET'S JUST ASSUME IT
18 WAS THE SECOND TIME HE WENT UP. THE SECOND TIME IT WAS NO
19 CONFRONTATION EITHER, CORRECT?

20 A I WASN'T UPSTAIRS.

21 Q WELL, YOU DIDN'T HEAR ANYTHING?

22 A NO, I DIDN'T HEAR ANYTHING BUT YOU CAN'T HEAR WELL UP
23 THERE AND MR. HARRIS CAME BACK DOWNSTAIRS AND YOU DIDN'T,
24 FROM YOUR, WHAT IT APPEARED TO YOU THERE HAD BEEN NO
25 CONFRONTATION, CORRECT.

1 A NO.

2 Q AND HE WAS STANDING THERE TALKING TO YOU IN THE KITCHEN
3 AGAIN. HE WAS STANDING IN THE DEN, CORRECT?

4 A YES, I WAS ASKING HIM TO LEAVE.

5 Q AND AT THAT POINT DID MISTER, WAS IT THAT TIME THAT
6 MR. PIERRE CAME DOWNSTAIRS TO LOOK FOR A BROOM?

7 A YES.

8 Q OR PIERRE TO HIM GOING UP THE SECOND TIME?

9 A YES. I KNOW MR. PIERRE CAME DOWN, GOT THE BROOM, WENT
10 BACK UPSTAIRS.

11 Q NOW, WHEN MR. PIERRE CAME DOWNSTAIRS GOING TO GET THE
12 BROOM, HE WALKED RIGHT PAST MR. HARRIS, CORRECT?

13 A YES, HE DID.

14 Q THERE WAS NO PHYSICAL CONFRONTATION, WAS THERE?

15 A NO.

16 Q IN FACT THERE WERE NO VERBAL BARBS BETWEEN THE TWO OF
17 THEM EITHER?

18 A MR. HARRIS ASKED HIM THAT HE WANTED TO TALK TO HIM AND
19 MR. PIERRE SAID, MAN, I'M CLEANING UP.

20 Q OKAY. AND THOSE, THE STATEMENT THAT MR. HARRIS MADE TO
21 MR. PIERRE WAS JUST I WANT, I'D LIKE TO TALK TO YOU,
22 CORRECT?

23 A YES.

24 Q IT WASN'T MADE IN A THREATENING WAY?

25 A WELL, I GUESS IT WASN'T THREATENING BUT WHY WOULD HE

1 WANT TO TALK TO SOMEBODY? I MEAN, TO ME THAT WAS KIND OF
2 THREATENING TO HIM.

3 Q WELL, LET ME JUST ASK IT ANOTHER WAY. DID MR. HARRIS
4 THREATEN HIM OR DID HE SIMPLY SAY I'D LIKE TO TALK TO YOU?

5 A HE WAS, REPHRASE THAT QUESTION.

6 Q MR. PIERRE WALKED RIGHT PAST MR. HARRIS?

7 A YES.

8 Q MR. HARRIS ACCORDING TO YOUR TESTIMONY IN A CALM WAY
9 SAID I'D LIKE TO TALK TO YOU, CORRECT?

10 A YES.

11 Q THAT WAS NOT THREATENING, WAS IT?

12 A NO.

13 Q OKAY. AND MR. PIERRE BASICALLY AT THAT TIME HE
14 WOULDN'T GIVE HIM THE TIME OF DAY. HE SAID, MAN, I'M BUSY?

15 A YES.

16 Q AND IF THERE WAS GOING, IF THEY WANTED TO HAVE A
17 CONFRONTATION, MR. HARRIS HAD WANTED TO HAVE A CONFRONTATION
18 RIGHT THERE ---

19 MR. MEADORS: OBJECTION. SPECULATION.

20 MR. SWERLING: IF I COULD REPHRASE THE QUESTION.

21 THE COURT: LET ME HEAR THE REST OF THE QUESTION.

22 BY MR. SWERLING:

23 Q IF MR. HARRIS WANTED TO HAVE A CONFRONTATION RIGHT
24 THERE, HE WAS CLOSE ENOUGH WITHIN A COUPLE OF FEET OF
25 MR. PIERRE AT THAT TIME, CORRECT?

1 A WELL, MR. HARRIS WAS STANDING THERE AND MR. PIERRE WAS
2 KIND OF COMING FROM THE BACK OF HIM. I DON'T THINK
3 MR. HARRIS WANTED A CONFRONTATION BECAUSE THEY WERE KIND OF
4 DIFFERENT IN SIZE.

5 Q WHO'S BIGGER?

6 A MR. PIERRE.

7 Q OKAY. WAS HE A LOT BIGGER?

8 A LOT BIGGER.

9 Q LOT HEAVIER?

10 A LOT HEAVIER.

11 Q WAS HE TALL?

12 A NO.

13 Q I GUESS WHAT I'M TRYING TO ASK YOU AND MAYBE I'M STILL
14 NOT UNDERSTANDING YOU BUT THEY PASS RIGHT, I MEAN,
15 MR. PIERRE WALKED RIGHT PAST MR. HARRIS?

16 A YES. MR. PIERRE DIDN'T WANT ANY TROUBLE.

17 Q OKAY. AND ON THE WAY BACK UPSTAIRS HE WALKED RIGHT
18 PAST MR. HARRIS?

19 A YES.

20 Q SO MY QUESTION IS HAD MR. HARRIS WANTED TO HAVE A
21 CONFRONTATION AT THAT POINT, THEY WERE VERY CLOSE TO EACH
22 OTHER, CORRECT?

23 A AT THAT POINT HE DIDN'T DO ANYTHING.

24 Q THAT'S NOT, HAD HE WANTED TO HAVE A CONFRONTATION AT
25 THAT POINT, THEY WERE VERY CLOSE TO EACH OTHER, CORRECT?

1 A AT THAT POINT THEY DIDN'T DO ANYTHING.

2 Q THAT'S NOT WHAT I SAID. THEY WERE VERY CLOSE TO ---

3 MR. MEADORS: OBJECTION. I DON'T THINK SHE CAN
4 SPECULATE IF HE WANTED ---

5 THE WITNESS: I DON'T KNOW WHAT HE WANTED TO DO.

6 THE COURT: OKAY. WAIT A MINUTE. OKAY. HOLD ON.
7 WHEN THERE IS AN OBJECTION DON'T SAY ANYTHING UNTIL I HEAR
8 FROM THE ATTORNEY, OKAY. I THINK IT'S, SHE CAN ANSWER THAT
9 QUESTION. IT'S A QUESTION ABOUT THE PROXIMITY.

10 THE WITNESS: I DON'T REALLY KNOW.

11 BY MR. SWERLING:

12 Q HOW CLOSE WERE THEY?

13 A CLOSE WHO?

14 Q MR. PIERRE AND MR. HARRIS. HOW CLOSE DID THEY COME
15 TOGETHER?

16 A PRETTY CLOSE.

17 Q WITHIN A COUPLE OF FEET?

18 A YES.

19 Q OKAY. WHEN MR. PIERRE WALKED TO GET THE BROOM AND WHEN
20 HE WALKED BACK TO GO UPSTAIRS?

21 A YES. HE PASSED HIM BOTH WAYS.

22 Q AND THERE WAS NO CONFRONTATION AT THAT POINT?

23 A NO. EXCEPT FOR WHAT HE SAID TO HIM.

24 Q THAT I'D LIKE TO TALK TO YOU?

25 A YES.

1 Q AND MR. PIERRE WENT BACK UPSTAIRS, WOULDN'T ACKNOWLEDGE
2 HIM AT ALL, CORRECT?

3 A HUH-UH.

4 Q AND HOW LONG AFTER MR. PIERRE WENT UPSTAIRS WITH THE
5 BROOM DID HE COME BACK DOWNSTAIRS?

6 A WELL, MR. HARRIS, ME AND MR. HARRIS WAS DOWNSTAIRS AND
7 HE KEPT TELLING ME TO CALL HIM DOWNSTAIRS AND I GUESS
8 MR. PIERRE COULD HEAR WHAT WAS GOING ON.

9 MR. SWERLING: OBJECT, YOUR HONOR, SPECULATION.

10 THE WITNESS: WELL. . .

11 THE COURT: I'LL ALLOW HER TO FINISH.

12 THE WITNESS: FROM THE CONVERSATION THAT WAS GOING
13 ON DOWNSTAIRS, HE MIGHT HAVE HEARD MR. HARRIS CALL HIM FROM
14 DOWNSTAIRS TO UPSTAIRS BECAUSE HE DID CALL HIM. HE SAID,
15 MR. PIERRE, COME DOWNSTAIRS, YOU KNOW.

16 BY MR. SWERLING:

17 Q THAT'S HOW HE SAID IT?

18 A YES. OR SOMETHING LIKE THAT HE SAID KEPT CALLING HIM
19 TO COME DOWNSTAIRS. WORDS MAY HAVE BEEN DIFFERENT BUT IT
20 ALL MEANT THE SAME, COME DOWNSTAIRS.

21 Q COME DOWNSTAIRS. AND AT SOME POINT HE DID COME BACK
22 DOWNSTAIRS?

23 A YES.

24 Q AND DO YOU KNOW HOW LONG IT WAS FROM THE TIME HE WENT
25 UPSTAIRS TO THE TIME HE CAME DOWNSTAIRS; DO YOU HAVE ANY

1 IDEA?

2 A NO.

3 Q IF YOU DON'T THAT'S FINE?

4 A I DON'T.

5 Q NOW, WHEN HE WAS COMING BACK DOWNSTAIRS, WERE YOU ABLE
6 TO OBSERVE HIM?

7 A OBSERVE WHO?

8 Q MR. PIERRE?

9 A YES, I SAW HIM COMING DOWN THE STAIRS.

10 Q YOU WERE IN A POSITION WHERE YOU COULD SEE HIM?

11 A YES.

12 Q COMING DOWN THE STAIRS?

13 A YES.

14 Q OKAY. AND WERE YOU ALSO ABLE TO SEE MR. HARRIS AT THAT
15 POINT?

16 A YES, HE WAS ALWAYS IN THE VIEW BECAUSE WE WERE, I WAS,
17 I TOLD YOU I WAS RIGHT HERE AND HE WAS LIKE RIGHT HERE.

18 Q OKAY. WHAT WAS THE CLOSEST THEY EVER GET TOGETHER WHEN
19 HE WAS COMING DOWN THE STAIRS? DO YOU KNOW IF YOU COULD
20 MAYBE HAVE SOME SORT OF SOMETHING HERE IN THE COURTROOM THAT
21 WOULD ESTABLISH THAT BY DISTANCE?

22 A WELL, WHERE THE PODIUM IS OR EVEN A LITTLE FARTHER THAN
23 THAT. PUSH IT BACK SOME.

24 Q OKAY. TELL ME WHEN TO STOP?

25 A STOP. PROBABLY ABOUT RIGHT THERE.

1 Q THAT WAS THE CLOSEST THEY GOT?

2 A YES, BECAUSE I HAVE A TABLE IN THE MIDDLE AND I HAD A
3 COUNTERTOP LIKE BEHIND YOU, COMING THERE, YES, ABOUT RIGHT
4 THERE.

5 Q AND WHAT DID MR. PIERRE HAVE IN HIS HAND?

6 A HE DIDN'T HAVE ANYTHING IN HIS HAND.

7 Q YOU DIDN'T SEE ANYTHING?

8 A AS FAR AS I COULD SEE.

9 Q ALL RIGHT. AND WAS MR. PIERRE WALKING DOWN THE STEPS
10 FAST?

11 A NO. HE WAS GOING PRETTY SLOW.

12 Q OKAY. DID MR. PIERRE SAY ANYTHING TO MR. HARRIS WHEN
13 HE WAS COMING DOWN THE STAIRS?

14 A NO.

15 Q DID MR. HARRIS SAY ANYTHING TO MR. PIERRE WHEN HE SAW
16 HIM COMING DOWN THE STAIRS?

17 A NO.

18 Q AND ACCORDING TO WHAT YOU'RE SAYING IS HE JUST REACHED
19 IN, DID YOU SEE HIM REACH IN AND GET THE PISTOL?

20 A YES, I WAS PRETTY CLOSE TO HIM WHEN HE DID THAT.

21 Q AND HE JUST REACHED IN HAVING HAD THESE OTHER
22 OPPORTUNITY HE REACHED IN HIS POCKET AT THAT POINT AND TOOK
23 OUT THE GUN AND FIRED?

24 A YES, MAYBE HE WAS TIMING IT.

25 Q HE FIRED TWICE?

1 A TWICE.

2 Q AND WHERE WAS MR. PIERRE WHEN HE GOT SHOT? WAS HE ON
3 THE LANDING; WAS HE ON ONE OF THE STEPS?

4 A THERE IS TWO STEPS THAT GO UP AND THEN IT GOES INTO,
5 YOU KNOW, THE LONG STAIRWAY. HE WAS ON THE FIRST TOP STEP
6 SOMETHING LIKE THIS. HE HADN'T EVEN GOT TO THE BOTTOM OF
7 THAT. THIS WILL BE ONE AND THEN IT WILL BE LIKE THIS.
8 WELL, THAT'S STILL ONE. IT'S LIKE TWO STEPS.

9 Q TWO STEPS?

10 A YES.

11 Q AND SO YOU'RE, WHAT YOU'RE SAYING IS THERE WERE NO
12 WORDS BETWEEN THE TWO OF THEM AND THERE WAS NO PHYSICAL
13 ACTIVITY ONE LUNGING AT THE OTHER OR ---

14 A NO. THAT'S WHAT REALLY, THAT'S WHAT REALLY SCARED ALL
15 OF US, YOU KNOW. JUST FOR THAT JUST HAPPENED THAT INSTANT,
16 YOU KNOW.

17 Q YES, MA'AM.

18 A BECAUSE WE WASN'T EXPECTING THAT.

19 Q YES, MA'AM.

20 A I DIDN'T. IF I THOUGHT THAT WAS GOING TO HAPPEN, YOU
21 KNOW, WE MIGHT HAVE WOULD CALL 911 WHEN WE SAW HIS CAR PULL
22 UP.

23 Q YES, MA'AM. NOW AFTER HE GOT SHOT?

24 A YES.

25 Q I UNDERSTAND YOU RAN AND WE KNOW WHAT HAPPENED. YOU

1 WOUND UP IN THIS AREA OVER HERE WITH MARCUS?

2 A IN THE CORNER BY THE MAGAZINE RACK.

3 Q STATE'S 16, CORRECT, RIGHT THERE, TOWARD THAT AREA OVER
4 THERE?

5 A WELL, YOU CAN'T SEE THE MAGAZINE RACK BUT IN THIS
6 CORNER.

7 Q IN THAT CORNER?

8 A YES.

9 Q RIGHT. OKAY. AND WHEN, FROM WHAT I UNDERSTAND
10 MR. HARRIS, HE LEFT. HE WALKED RIGHT PAST YOU. HE HAD THE
11 GUN IN HIS HAND?

12 A TALKING ABOUT AFTER HE RAN ME DOWN?

13 Q YES, MA'AM?

14 A YES, I THINK HE SAW MARCUS. I THINK MARCUS IS SOME
15 LITTLE ANGEL. HE SAW MARCUS AND HE PROBABLY THOUGHT
16 DIFFERENT.

17 Q BUT THE BOTTOM LINE IS THAT HE WALKED RIGHT PAST YOU
18 WITH THE GUN IN HIS HAND AND DID NOT SHOOT, CORRECT?

19 A YES.

20 Q HOW CLOSE WAS HE WHEN HE WALKED PAST YOU? HE WALKED
21 RIGHT PAST THAT COUNTER, RIGHT?

22 A TOO CLOSE FOR COMFORT.

23 Q WELL, MY QUESTION THOUGH IS HOW CLOSE WAS HE?

24 A VERY, VERY, VERY CLOSE.

25 Q I MEAN WITHIN IN A FOOT OR TWO?

1 A YES.

2 Q AND HE HAD THE GUN IN HIS HAND?

3 A YES.

4 Q AND YOU WERE DOWN ON THE GROUND WITH MARCUS AND HE
5 DIDN'T SHOOT AT THAT TIME, CORRECT?

6 A YES.

7 Q BUT HE WENT OUT; HE EXITED OUT TOWARD THE LAUNDRY ROOM?

8 A YES.

9 Q DO YOU KNOW, DID HE LEAVE THE LAUNDRY ROOM; DID HE GO
10 OUTSIDE OR DID HE STAY IN THE LAUNDRY ROOM?

11 A I KNOW HE DIDN'T GO OUTSIDE BECAUSE HE CAME RIGHT BACK
12 IN.

13 Q HE CAME RIGHT BACK. AND AT THAT POINT YOU OBSERVED HIM
14 COME BACK INTO THE ROOM?

15 A YES, AFTER I COULD SEE HIS FEET.

16 Q YOU COULD SEE HIS FEET?

17 A YES.

18 Q DID YOU EVER, DID YOU LOOK UP AT HIS HAND?

19 A DID I LOOK UP AT HIS HAND?

20 Q YES, MA'AM, OR DID YOU JUST STAY LOOKING AT HIS FEET?

21 A BETWEEN THE SCREAMING AND HOLLERING I DID SEE THEM.

22 Q YOU DID LOOK UP?

23 A YES. I KIND OF ---

24 Q YOU LOOKED UP PRIOR TO THE SHOT?

25 A YES. I DIDN'T WANT TO GET SHOT IN THE HEAD OR SHOT IN

1 THE FACE. SO I DIDN'T LOOK REALLY HARD.

2 MR. SWERLING: THAT'S ALL THE QUESTIONS I HAVE.

3 THE COURT: THANK YOU, SIR.

4 MR. MEADORS.

5 MR. MEADORS: BEG THE COURT'S INDULGENCE.

6 THE COURT: YES, SIR.

7 MR. MEADORS: FEW BRIEF QUESTIONS.

8 THE COURT: YES, SIR.

9 MR. MEADORS: IF I CAN APPROACH?

10 THE COURT: YES, SIR.

11 BY MR. MEADORS:

12 Q MR. SWERLING ASKED YOU ABOUT YOUR STATEMENT YOU GAVE IN
13 JULY?

14 A UH-HUH.

15 Q YOU DIDN'T REMEMBER WHAT DATE IT WAS. WAS THAT AFTER
16 YOU HAD RECEIVED SOME TREATMENT TO, FOR YOUR LEG?

17 A YES.

18 Q DOES IT SAY JULY 17TH OF '03?

19 A YES, I WAS TAKING MEDICATION.

20 Q I'M JUST ASKING YOU A QUESTION. IS THAT THE DATE ON
21 THERE, MS. GILMORE?

22 A YES.

23 Q AND IN THIS STATEMENT THAT'S WHAT YOU GAVE TO MARK
24 VINSON OVER THERE, RIGHT?

25 A YES.

1 Q AND IN THE STATEMENT IT'S GOING TO BE VERY BRIEF, OKAY.
2 HE ASKED YOU ABOUT SOMETHING YOU DIDN'T PUT IN THERE. I'M
3 GOING TO ALLOW HIM TO COME BACK AT YOU AFTER THIS. OKAY?

4 A OKAY.

5 Q IN YOUR STATEMENT DID YOU PUT IN THERE IT WAS
6 AROUND 2:15 AT WHEN MR. HARRIS CAME BY?

7 A YES.

8 Q DID YOU PUT THAT IN AND DID YOU PUT IN THERE THAT YOU
9 TOLD MR. HARRIS ---

10 MR. SWERLING: JUDGE, THAT'S NOT HOW YOU GO ABOUT
11 DOING THAT. I ASKED ONE SPECIFIC QUESTION ABOUT AN
12 OMISSION, SAY BUT CAN'T GO BACK INTO THE WHOLE STATE TO SHOW
13 A PRIOR INCONSISTENCY. I DIDN'T ATTACK HER ON THAT. I
14 DIDN'T IMPEACH HER ON THAT.

15 MR. MEADORS: YOUR HONOR, THE WAY IT HEARD IT WAS
16 HE SAID. . .

17 THE COURT: NO. I WAS GOING TO ASK YOU WHAT WAS
18 YOUR RESPONSE?

19 MR. MEADORS: YES, YOUR HONOR. I THINK HE DID GO
20 BACK AND TRY TO SHOW SHE WAS INCONSISTENT IN HER STATEMENT,
21 DIDN'T LEAVE THIS IN AND MADE A POINT OF THAT; THAT SHE LEFT
22 THAT OUT OF HER STATEMENT?

23 MR. SWERLING: ONE QUESTION ABOUT GOING UPSTAIRS.
24 HE CAN'T GO BACK INTO THE WHOLE STATEMENT.

25 MR. MEADORS: CAN I FINISH?

1 THE COURT: WAIT A MINUTE. HOLD ON, GUYS.

2 MR. MEADORS: I WASN'T FINISHED, RESPECTFULLY, AT
3 THAT POINT HE BROUGHT INTO QUESTION. I WANT TO GO BACK AND
4 SHOW THAT SHE GAVE A CONSISTENT STATEMENT ON EVERYTHING IN
5 THIS STATEMENT, YES, THEY WERE ALL CONSISTENT.

6 MR. SWERLING: WELL, THAT'S OBJECTIONABLE.

7 THE COURT: I THINK HE'S RIGHT ON THAT. YOU CAN'T
8 REHABILITATE A WITNESS WITH CONSISTENT STATEMENTS TO SHOW
9 THAT THERE WAS AN INCONSISTENT ---

10 MR. MEADORS: YOUR HONOR, IF HE CALLED INTO
11 QUESTION HER STATEMENT HERE, I WANT TO GO BACK AND SHOW DID
12 YOU TELL HIM ON THIS DAY IN THIS STATEMENT; YES, I DID. DID
13 YOU GO BACK? YES, I DID. THAT WAS MY QUESTION.

14 MR. SWERLING: I'VE ALREADY OBJECTED. MR. MEADORS
15 KNOWS THE RULE. HE CAN'T DO THAT. THAT'S SHOWING A PRIOR
16 CONSISTENT STATEMENT WHICH WAS NOT IMPEACHED.

17 MR. MEADORS: AFTER HE IMPEACHED ---

18 MR. SWERLING: IF WE'RE GOING TO HAVE AN ARGUMENT
19 ABOUT IT ---

20 THE COURT: I'M GOING TO SUSTAIN THE OBJECTION. I
21 DON'T THINK YOU CAN GO BACK THROUGH AND ASK HER SPECIFIC
22 STATEMENTS REGARDING THINGS THAT AREN'T CONSISTENT WITH HER
23 PRESENT TESTIMONY.

24 MR. MEADORS: CAN I BE HEARD ON THAT, PLEASE?

25 THE COURT: YES, SIR.

1 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
2 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)
3 BY MR. MEADORS:
4 Q YOU GAVE THIS STATEMENT AND PUT EVERYTHING IN HERE THAT
5 HAPPENED, TO THE INVESTIGATOR, ON JULY 17TH?
6 A YES.
7 Q TWO PAGE STATEMENT?
8 A YES.
9 MR. MEADORS: BEG THE COURT'S INDULGENCE.
10 THE COURT: YES, SIR.
11 (PAUSE)
12 MR. MEADORS: NO FURTHER QUESTION.
13 THE COURT: OKAY. ANYTHING ON RECROSS?
14 MR. SWERLING: NO, YOUR HONOR.
15 THE COURT: MS. GILMORE, YOU MAY STEP DOWN. THANK
16 YOU.
17 STATE MAY CALL THEIR NEXT WITNESS.
18 MR. MEADORS: THANK YOUR HONOR. STATE WOULD CALL
19 HOLLY GANUNG.
20 HOLLY GANUNG, BEING FIRST DULY
21 SWORN, TESTIFIED AS FOLLOWS:
22 DIRECT EXAMINATION BY MS. GADDY:
23 Q MS. GANUNG, HOW ARE YOU EMPLOYED, MA'AM?
24 A I WORK FOR RICHLAND COUNTY E.M.S.
25 Q AND WERE YOU SO EMPLOYED BACK IN OR BACK ON OR ABOUT

1 JULY 6TH, 2003?

2 A YES, MA'AM.

3 Q AND ABOUT HOW LONG HAVE YOU BEEN EMPLOYED WITH RICHLAND
4 COUNTY EMERGENCY MEDICAL SERVICES?

5 A SINCE 2000.

6 Q IS THAT THE SUM TOTAL OF YOUR EMERGENCY MEDICAL
7 EXPERIENCE?

8 A YES, MA'AM.

9 Q BACK ON JULY 6TH, 2003 WERE YOU CALLED TO A SCENE
10 AT

11 A YES.

12 Q AND IN TERMS OF JURISDICTION WHERE IS THAT LOCATED?

13 A IN RICHLAND COUNTY.

14 Q WHAT AREA OF THE COUNTY IS IT, MA'AM?

15 A IT'S WHAT WE CONSIDER THE HEADQUARTER'S AREA DOWNTOWN.

16 Q APPROXIMATELY WHAT TIME WERE YOU DISPATCHED TO DUKE
17 AVENUE?

18 A WELL, I HAVE THE EXACT TIMES. WE WERE DISPATCHED
19 AT 14:39.

20 Q AND FOR CIVILIANS WHAT'S THAT TIME?

21 A 2:39. WE ARRIVED ON THE SCENE AT 2:41.

22 Q IS THAT IN THE AFTERNOON, MA'AM?

23 A YES.

24 Q JUST TO SORT OF SET THE SCENE FOR THE JURY, WERE THERE
25 ACTUALLY TWO AMBULANCES THAT RESPONDED TO THE SCENE?

1 A YES, TWO AMBULANCES AND ONE FIRST RESPONDER.

2 Q OKAY. AND WERE YOU PART OF THE CREW FOR ONE OF
3 AMBULANCES?

4 A YES, THE SECOND.

5 Q IN TERMS OF PRIORITIES WHERE DID THE FIRST AMBULANCE GO
6 ONCE THEY REACHED THE HOUSE?

7 A I'M SORRY. I DON'T UNDERSTAND.

8 Q WHICH VICTIM DID THEY, DID YOU AS MEDICAL PROVIDERS
9 DETERMINE NEEDED MORE ASSISTANCE?

10 A THE OTHER PATIENT.

11 Q ALL RIGHT. AND YOU AS THE SECOND UNIT THEN WENT TO THE
12 OTHER VICTIM; IS THAT CORRECT?

13 A CORRECT.

14 Q ALL RIGHT. DO YOU RECOGNIZE MS. ANGELA GILMORE HERE
15 TODAY, MA'AM?

16 A I DON'T RECOGNIZE HER. I DON'T REMEMBER HER.

17 Q TWO YEARS LATER YOU'VE TREATED HOW MANY MORE PATIENTS
18 SINCE THEN, MA'AM?

19 A HUNDREDS.

20 Q ON THAT DAY THOUGH WHAT KIND OF TREATMENT DID YOU
21 PROVIDE TO MS. GILMORE?

22 A WE PUT HER IN SPINAL PRECAUTIONS, PUT A "C" COLLAR ON
23 HER AND PUT HER ON A BACKBOARD, BANDAGED HER WOUND, AND
24 TRANSPORTED HER.

25 Q OKAY. WHAT COULD YOU PERSONALLY OBSERVE ABOUT

1 MS. GILMORE WHEN YOU GOT TO THE SCENE?

2 A SHE WAS VERY UPSET, HOLLERING, SCREAMING. SHE WAS VERY
3 DIFFICULT TO COMMUNICATE WITH. SHE WAS CRYING AND
4 HOLLERING.

5 Q OKAY. AND WHAT KIND OF PHYSICAL WOUNDS DID SHE APPEAR
6 TO HAVE?

7 A SHE HAD ON HER LEFT THIGH NEAR HER KNEE THERE WERE TWO
8 HOLES ABOUT THREE INCHES APART.

9 Q AND IN YOUR EXPERIENCE WOULD YOU SAY THOSE WERE
10 CONSISTENT WITH A GUNSHOT WOUND, MA'AM?

11 A IT'S POSSIBLE.

12 Q IS THAT BASICALLY THE SUM TOTAL OF YOUR EXPERIENCE WITH
13 MS. GILMORE AND ON JULY 6TH, 2003?

14 A YES, MA'AM.

15 MS. GADDY: BEG THE COURT'S INDULGENCE.

16 THE COURT: YES, MA'AM.

17 MS. GADDY: THOSE WOULD BE MY QUESTIONS, YOUR
18 HONOR. THANK YOU.

19 THE COURT: THANK YOU, MA'AM.

20 MR. SWERLING.

21 MR. SWERLING: I HAVE NO QUESTIONS.

22 THE COURT: MA'AM, YOU MAY STEP DOWN. THANK YOU.

23 MS. GADDY: YOUR HONOR, MAY MS. GANUNG BE EXCUSED
24 FROM HER SUBPOENA?

25 THE COURT: WITHOUT OBJECTION SHE'S FREE TO COME

1 AND GO AS SHE PLEASES. THANK YOU, MA'AM.

2 MS. GADDY: THANK YOU.

3 THE COURT: THE STATE MAY CALL YOUR NEXT WITNESS.

4 MS. GADDY: WOULD CALL ROBERT SHAWEN.

5 MAY IT PLEASE THE COURT, YOUR HONOR.

6 THE COURT: YES, MA'AM.

7 MS. GADDY: THANK YOU.

8 ROBERT M. SHAWEN, BEING FIRST

9 DULY SWORN, TESTIFIED AS FOLLOWS:

10 DIRECT EXAMINATION BY MS. GADDY:

11 Q SERGEANT SHAWEN, HOW ARE YOU EMPLOYED, SIR?

12 A SERGEANT AT THE CITY OF COLUMBIA POLICE DEPARTMENT.

13 Q AND BACK IN, ON OR ABOUT JULY 6TH, 2003 WERE YOU ALSO A
14 SERGEANT AT THAT TIME, SIR?

15 A YES.

16 Q AND WERE YOU ALSO EMPLOYED WITH THE CITY OF COLUMBIA
17 POLICE DEPARTMENT?

18 A YES.

19 Q HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT, SIR?

20 A ALMOST 25 YEARS.

21 Q AND HAS ALL OF THAT TIME BEEN SPENT WITH THE CITY OF
22 COLUMBIA?

23 A YES.

24 Q BORN AND RAISED HERE?

25 A YES.

1 Q HOW FAR ARE YOU FROM RETIREMENT?

2 A EIGHT MONTHS.

3 Q DO YOU REMEMBER GOING TO ON OR ABOUT
4 JULY 6TH, 2003?

5 A YES.

6 Q DO YOU KNOW EXACTLY WHAT TIME YOU GOT THERE, SIR?

7 A NO. IT WAS AFTER LUNCH IN THE AFTERNOON TIME.

8 Q OKAY. TO THE BEST OF YOUR RECOLLECTION WERE YOU THE
9 FIRST LAW ENFORCEMENT OFFICER ON THE SCENE?

10 A YES.

11 Q WHO ELSE WAS THERE WHEN YOU GOT THERE?

12 A THE CHILDREN, SEVERAL CHILDREN, THE VICTIM WHO WAS
13 INSIDE AND THE OTHER VICTIM THAT WAS ON THE FLOOR AND THERE
14 WERE SOME NEIGHBORS THAT WERE OUTSIDE COMING ACROSS THE
15 STREET. THERE WAS CHILDREN IN AND OUTSIDE OF THE HOME AND
16 THE TWO VICTIMS WERE BOTH INSIDE THE HOME.

17 Q WHAT'S THE THING THAT YOU DID FIRST WHEN YOU GOT THERE?

18 A WENT TO THE FRONT DOOR, BEST I CAN RECALL ONE OF THE
19 CHILDREN LET ME IN THE HOUSE. I COULD HEAR THE VICTIM
20 SCREAMING. SO, YOU KNOW, I WENT DIRECTLY TO HER AND SAW
21 THAT SHE WAS EXTREMELY UPSET SCREAMING. IT WAS VERY HARD TO
22 COMMUNICATE WITH HER TO GET INFORMATION FROM HER.

23 Q AND WHEN YOU SAY THE VICTIM ARE YOU SPEAKING ABOUT
24 ANGELA GILMORE SITTING HERE, PLEASE?

25 A YES, I AM.

1 Q WHAT DID YOU DO AFTER APPROACHING MS. GILMORE?

2 A OBTAIN, GET INFORMATION FROM HER. IT APPEARED OBVIOUS
3 THAT FROM WHAT SHE WAS TELLING ME, FROM WHAT SHE COULD GET
4 OUT FROM THE INFORMATION THAT SHE HAD BEEN SHOT. SO I
5 ATTEMPTED TO GET INFORMATION FROM HER ABOUT WHAT HAD
6 OCCURRED.

7 Q AND WHILE YOU WERE GETTING THAT INFORMATION WHO WAS
8 NAMED AS A SUSPECT?

9 A JHUNE HARRIS. THE NAME WAS GIVEN AS JHUNE HARRIS.

10 Q WHAT DID YOU DO WITH THAT INFORMATION?

11 A HERE AGAIN IT WAS, SHE WAS IN SUCH A TRAUMATIC STATE IT
12 TOOK SEVERAL MINUTES TO GET ALL THIS INFORMATION AND ONCE WE
13 HAD OBTAINED INFORMATION THEN THE INFORMATION WAS
14 BROADCASTED OUT. WE HAD TO SECURE THE HOME. WE DIDN'T KNOW
15 IF WE HAD OTHER VICTIMS THAN WHAT WAS IN PLAIN SIGHT BUT IT
16 TOOK SEVERAL MINUTES.

17 Q NOW, IN TERMS OF SECURING THE HOME WHAT DID YOU DO TO
18 DO THAT, SIR?

19 A MYSELF ALONG WITH OTHER OFFICERS DID A SEARCH OF THE
20 HOME. OUR BIGGEST CONCERN WAS TO ACCOUNT FOR ALL THE
21 CHILDREN AND EVERY ROOM WAS SEARCHED. YOU KNOW, EVERY
22 CLOSET, THE ATTIC WAS SEARCHED, UNDER THE BEDS. A FULL
23 SEARCH WAS DOING TILL WE COULD ACCOUNT FOR ALL THE CHILDREN
24 WHICH WE DID.

25 Q ALL RIGHT. AND NOT TO PUT TOO FINE A POINT ON THIS BUT

1 ASIDE FROM THE LIVING AT THE SCENE, WAS THERE ALSO SOMEBODY
2 ELSE AT THE SCENE?

3 A ASIDE FROM WHAT?

4 Q ASIDE FROM THE LIVING PEOPLE AT THE SCENE WAS THERE
5 ALSO SOMEBODY ELSE THERE AT THE SCENE AT.

6 A THERE WAS A DECEASED VICTIM.

7 Q OKAY. WHERE DID YOU SEE HIM?

8 A HE WAS LYING IN, AT THE BOTTOM OF THE STEPS IN THE
9 LIVING ROOM DEN AREA.

10 Q ALL RIGHT. AND I UNDERSTAND YOU'RE NOT A DOCTOR, SIR;
11 BUT DID YOU DO A CHECK OF MR. LEOPOLD PIERRE WHEN YOU GOT
12 THERE?

13 A YES. AS I WAS CHECKING ON THE FIRST VICTIM IN THE
14 KITCHEN, THEN I SAW HIM LYING ON THE FLOOR, WENT OVER THERE,
15 CHECKED FOR SIGNS OF LIFE AND COULD FIND NONE.

16 Q ALL RIGHT. EVEN SO DID YOU CALL FOR AN AMBULANCE?

17 A YES.

18 Q WHAT DID YOU SEE THEM DO?

19 A E.M.T.'S.

20 Q YES, SIR.

21 A E.M.T.'S CAME IN THE DOOR. I INSTRUCTED THEM THAT, YOU
22 KNOW, THAT ONE VICTIM'S ON THE KITCHEN FLOOR AND THE OTHER
23 VICTIM WAS IN THE DEN AREA, YOU KNOW, SHOWING NO SIGNS OF
24 LIFE. SO THE FIRST ONES WENT IMMEDIATELY TO THAT VICTIM.

25 Q DID THEY FIND ANY SIGNS OF LIFE, SIR?

1 A NO.

2 Q IT'S A BEEN AWHILE SINCE YOU'VE BEEN AT THE SCENE BUT
3 I'M GOING TO SHOW YOU STATE'S EXHIBIT NO. 20. IF YOU'D PULL
4 OUT YOUR GLASSES FOR ME, PLEASE, SIR. DO YOU RECOGNIZE THAT
5 ROOM, SIR, IN THAT PICTURE?

6 A YES, I DO. IT'S THE ROOM WHERE THE DECEASED VICTIM WAS
7 LAYING.

8 Q OKAY. AND IS THAT THE ROOM YOU'RE CALLING THE DEN?

9 A YES.

10 Q I'M GOING TO ASK YOU JUST IF YOU CAN SHOW IT TO US,
11 SHOW THE JURY, EXCUSE ME, ABOUT WHERE WAS THE DECEASED
12 VICTIM?

13 A WAS LAYING IN THIS AREA HERE TOWARDS THE BOTTOM OF THE
14 STEPS.

15 Q OKAY. ABOUT WHERE, SHOWING YOU WHAT'S BEEN MARKED AS
16 STATE'S EXHIBIT NO. 16, SORRY, ABOUT WHERE WAS THE LIVE
17 VICTIM.

18 A SHE WAS AT THE, ON THE OTHER SIDE OF THIS COUNTER IN
19 THE KITCHEN FLOOR.

20 Q WHEN YOU MADE YOUR SEARCH OF THE HOME, BESIDES PEOPLE,
21 WHAT ELSE WERE YOU LOOKING FOR?

22 A VICTIMS, OTHER VICTIMS.

23 Q DID YOU DO A SEARCH FOR WEAPONS, SIR?

24 A BASICALLY, NO. WE WERE LOOKING FOR SOMETHING, YOU
25 KNOW, THE "SIGNS OF," YOU KNOW, A CHILD WAS OUR BIGGEST

1 CONCERN THAT WEAPONS WOULD HAVE BEEN SEEN IN PLAIN SIGHT
2 THEY WOULD HAVE BEEN DEALT WITH BUT. . .

3 Q IN PLAIN SIGHT YOU DIDN'T SEE ANY WEAPONS?

4 A NO.

5 Q ALL RIGHT. IN PLAIN SIGHT DID YOU SEE PARTS OF
6 WEAPONS?

7 A THERE WERE, IT WAS EIATHER A SHELL CASING OR A SLUG
8 FROM A SHELL THAT WAS ON THE KITCHEN FLOOR.

9 Q AND DID YOU INFORM SOMEBODY ABOUT THAT, SIR?

10 A YES, THE SCENE WAS SECURED BY MYSELF AND OTHER OFFICERS
11 AND THE PHOTOGRAPHS WOULD BE DONE.

12 Q AND I GUESS THAT BRINGS UP MY NEXT QUESTION IS HOW DO
13 YOU SECURE A SCENE?

14 A PUT, NOBODY COMES IN OR OUT UNLESS THEY'RE EMERGENCY
15 PERSONNEL THAT NEED TO BE THERE. YOU USE CRIME SCENE TAPE
16 AND FROM THERE WE TAPE IT ALL THE WAY OFF FROM THE ROAD TO
17 MAKE SURE THAT, IT WAS A SUNDAY AFTERNOON. NEIGHBORS AND
18 STUFF WERE COMING AROUND TO MAKE SURE THAT NO OTHER PEOPLE
19 WENT ON THAT SCENE AND EMERGENCY PERSONNEL.

20 Q AND IN YOUR ROLE IN ALL OF THIS, WERE YOU SORT OF A
21 SUPERVISOR OR WERE YOU TAKING A MORE ACTIVE ROLE OR
22 SOMETHING ENTIRELY DIFFERENT?

23 A FIRST LINE SUPERVISOR, I JUST HAPPENED TO BE THE FIRST
24 ONE ON THE SCENE.

25 Q AT SOME POINT DO YOU START DELEGATING?

1 A YES.

2 Q OKAY. AND WHO DID YOU DELEGATE TO?

3 A THERE WAS, THEY HAD A CORPORAL THERE, CORPORAL HALL;
4 AND THERE WERE SEVERAL OTHER PATROL OFFICERS AND, YOU KNOW,
5 AT THAT POINT YOU TRY TO FIGURE OUT WHAT YOU HAVE AND WE'D
6 START DELEGATING PERSONNEL WHERE THEY NEED TO BE TO MAKE THE
7 BEST OF THE SITUATION.

8 Q OKAY. AND IN TERMS OF ASSIGNING DUTIES IT'S SORT OF
9 THE LOW MAN ON THE TOTEM POLE GOING TO GET THE WRITING THE
10 REPORTS DUTIES, THINGS LIKE THAT?

11 A COULD HAPPEN, YES.

12 Q OKAY. AND NOT TO BE UGLY ABOUT THAT BUT THAT GENTLEMAN
13 RIGHT THERE NICHOLAS FORTNER?

14 A YES.

15 Q HE WAS THE LOW MAN ON THE TOTEM POLE AT THE TIME?

16 A YES.

17 Q ALL RIGHT. DO YOU ALSO ASK FOR ASSISTANCE FROM
18 INVESTIGATORS AT THAT POINT?

19 A YES.

20 Q OKAY. AND WHO WAS YOUR INVESTIGATOR IN THIS CASE?

21 A MARK VINSON.

22 Q ALL RIGHT. DID YOU TURN THE SCENE OVER TO HIM AT SOME
23 POINT?

24 A YES, WHEN HE ARRIVED, AN INVESTIGATOR ARRIVED AT THE
25 SCENE, THE NORMAL PROCEDURE IS THE SCENE, I TURN THE SCENE

1 OVER TO THE LEAD INVESTIGATOR.

2 MS. GADDY: BEG THE COURT'S INDULGENCE FOR JUST A
3 MOMENT.

4 THE COURT: YES, MA'AM.

5 (PAUSE)

6 MS. GADDY: THOSE WOULD BE MY QUESTIONS, YOUR
7 HONOR. THANK YOU.

8 THE COURT: THANK YOU, MA'AM.

9 MR. SWERLING: NO QUESTIONS.

10 THE COURT: THANK YOU, SIR.

11 YOU MAY STEP DOWN. THANK YOU.

12 MR. MEADORS: YOUR HONOR, BEG THE COURT'S
13 INDULGENCE FOR JUST A MOMENT.

14 THE COURT: YOU CAN GO AHEAD AND STEP DOWN.

15 MS. GADDY: AND, YOUR HONOR, MAY SERGEANT SHAWEN
16 BE EXCUSED FROM THIS SUBPOENA AT THIS TIME.

17 THE COURT: WITHOUT OBJECTION HE'S FREE TO COME
18 AND GO AS HE PLEASES.

19 MS. GADDY: THANK YOU.

20 THE COURT: THANK YOU.

21 MS. GADDY: YOUR HONOR, AT THIS TIME STATE WOULD
22 CALL NICHOLAS FORTNER, PLEASE.

23 MS. GADDY: MAY IT PLEASE THE COURT, YOUR HONOR?

24 THE COURT: YES, MA'AM, PLEASE, MS. GADDY.

25 NICHOLAS FORTNER, BEING FIRST

1 DULY SWORN, TESTIFIED AS FOLLOWS:

2 DIRECT EXAMINATION BY MS. GADDY:

3 Q AND, OFFICER FORTNER, HOW ARE YOU EMPLOYED, SIR?

4 A PATROLMAN, CITY OF COLUMBIA POLICE DEPARTMENT.

5 Q WHAT'S YOUR CURRENT RANK?

6 A PATROLMAN.

7 Q DO YOU HAVE SPECIAL DUTIES NOW?

8 A YES, I'M A MEMBER OF THE COMMUNITY RESPONSE TEAM.

9 Q AND BACK ON JULY 6TH, 2003 WHAT WAS YOUR RANK OR DUTIES
10 WITH THE POLICE DEPARTMENT?

11 A I HAD JUST BEEN HIRED HERE APPROXIMATELY SIX, SEVEN
12 MONTHS.

13 Q AND HOW MANY YEARS HAVE YOU BEEN IN LAW ENFORCEMENT?

14 A PRIOR TO THAT I WAS A MILITARY POLICE OFFICER FOR FIVE
15 YEARS. I HAD JUST GOT OUT OF THE OF THE ARMY AND BECAME
16 HIRED HERE.

17 Q AND YOU'VE MOVED UP THE TOTEM POLE A LITTLE BIT SINCE
18 JULY 6TH, 2003 HAVEN'T YOU, SIR?

19 A YES.

20 Q BUT BACK ON JULY 6TH YOU WERE KIND OF THE GRUNT ON THE
21 SCENE, WEREN'T YOU?

22 A YES, BRAND NEW.

23 Q OKAY. WHAT DID YOU DO WHEN YOU FIRST ARRIVED AT
24 DUKE AVENUE ON JULY 6TH, 2003?

25 A I FIRST PULLED UP. SERGEANT SHAWEN HAD JUST PULLED UP.

1 HE HAD GOTTEN OUT OF THE CAR, WAS APPROACHING THE FRONT
2 DOOR. I EXITED MY CAR, WENT UP TO BACK HIM UP, AT THAT
3 POINT MAKE SURE A SUBJECT OR ANYBODY WAS STILL ON THE SCENE.
4 OUR FIRST PRIORITY TO WAS TO GET IN THE HOUSE, MAKE SURE
5 EVERYTHING WAS SECURE AND EVERYTHING, ACTIVE THREAT INSIDE
6 OF THE HOUSE. SO I APPROACHED, WENT IN THE FRONT DOOR ALONG
7 WITH SERGEANT SHAWEN, SAW THE FEMALE LYING THERE. SHE WAS
8 SCREAMING STATING SHE HAD BEEN SHOT IN THE LEG, NOTICED THE
9 MALE. HE WAS LAYING AT THE BOTTOM OF THE STAIRS.

10 THERE WAS NO MOVEMENT FROM HIM, LOOKED AROUND
11 BRIEFLY, REAL QUICK, MAKE SURE THERE ARE SUBJECT OR NO OTHER
12 PERSONS THERE THAT WOULD BE A THREAT TO US. SERGEANT SHAWEN
13 AT THAT TIME TURNED TO ME AND THE FEMALE VICTIM SHE WAS
14 STATING HER KIDS WERE IN THE AREA. WE WANTED TO MAKE SURE
15 WHERE THE KIDS WERE. HE TURNED TO ME AND SAID LET'S FIND
16 THE KIDS FIRST THING SO THAT WAS MY FIRST JOB TO FIND THE
17 KIDS AND MAKE SURE THEY WERE ALL ACCOUNTED FOR. I BELIEVE
18 THERE WAS ONE AT THE HOUSE. I CAN'T REMEMBER WHO IT WAS AND
19 AT THAT TIME THEY WERE STATING THAT SOME OF THE KIDS WERE
20 ACROSS THE STREET AND I WENT ACROSS THE STREET AND SPOKE TO
21 THE KIDS THAT WERE ACROSS THE STREET.

22 Q AND WERE YOU SET UP IN SORT OF A PARTNER SITUATION WITH
23 AN OFFICER BARBER AT THE TIME?

24 A HE WAS, HE WAS IN, I BELIEVE HE WAS A TRAINING OFFICER
25 ON A SQUAD. HE WASN'T MY TRAINING OFFICER AT THE TIME BUT

1 HE WAS A SENIOR MAN ON THE SQUAD AND HE ARRIVED RIGHT AFTER
2 I DID.

3 Q... FAIR TO SAY THAT A LOT OF Y'ALL DISPATCHED OUT TO THE
4 SCENE THAT DAY?

5 A I BELIEVE EVERYBODY WORKING THE SHIFT RESPONDED.

6 Q DID YOU TAKE SOME ACTIVE INVOLVEMENT WITH THE CHILDREN?

7 A YES. THEY WERE ACROSS THE STREET. I DON'T KNOW THE
8 ADDRESS. THEY WERE ON THE FRONT PORCH OVER THERE. I
9 BELIEVE THAT'S WHERE THE YOUNGEST ONE HAD USED THE PHONE. I
10 WAS SPEAKING WITH THEM, TRYING TO CALM THEM DOWN. THEY WERE
11 OBVIOUSLY VERY UPSET AND CRYING. I WAS TRYING TO JUST
12 REASSURE THAT WE WERE TAKING CARE OF IT.

13 Q WHAT WAS YOUR NEXT DUTY AFTER TAKING CARE OF THOSE
14 CHILDREN?

15 A THAT WAS MY MAIN DUTY. I TOOK CARE OF THEM AND I
16 BELIEVE SOME NEIGHBORS AND THINGS CAME OR COMFORTED THEM,
17 ALSO; AND ONCE WE HAD EVERYTHING UNDER CONTROL WITH THEM, I
18 WENT BACK ACROSS THE STREET AND SECURED THE SCENE JUST TO
19 KEEP PEOPLE AWAY FROM THE SCENE.

20 Q OKAY. AT SOME POINT DID THERE COME A TIME THEN YOU
21 LEFT THAT DAY?

22 A YES. OUR SHIFT WAS COMING NEAR A END AND WE HAD SOME
23 INFORMATION THAT THEY HAD SOME INFORMATION ON A SUBJECT AND
24 HE WAS SUPPOSED TO BE COMING BACK TO A LOCATION THAT WAS OUT
25 IN RICHLAND COUNTY.

1 Q OKAY. AND LET ME JUST STOP YOU HERE BECAUSE, YOU KNOW,
2 WE MAY NOT BE USING THE SAME WORDS. WHAT DO YOU MEAN WHEN
3 YOU SAY A SUBJECT?

4 A THE OFFENDER, THE PERSON THAT SHOT THE VICTIM.

5 Q OKAY. SO YOU GOT SOME INFORMATION THAT HE MIGHT BE AT
6 A CERTAIN PLACE?

7 A RIGHT.

8 Q OKAY. AND IS THAT DEFENDANT THAT YOU'RE TALKING ABOUT
9 JHUNE HARRIS?

10 A YES, MA'AM.

11 Q ALL RIGHT. WHERE DID YOU GO IN RESPONSE TO THAT
12 INFORMATION?

13 A I DON'T REMEMBER THE ADDRESS. IT WAS SOME TYPE OF
14 MASONIC OR SOME TYPE OF LODGE. IT WAS JUST OUTSIDE THE CITY
15 LIMITS.

16 Q WHO WENT OUT THERE, IF YOU REMEMBER?

17 A MYSELF, OFFICER SCOTT WILSON. HE WAS ANOTHER PATROLMAN
18 THAT WORKED MY SHIFT AND WE MET WITH SEVERAL DEPUTIES OUT
19 THERE.

20 Q OKAY. IS THAT BECAUSE YOU'LL LEFT THE CITY OF
21 COLUMBIA?

22 A YES. WE WERE OUTSIDE OF THE CITY, OUT OF OUR, OUT OF
23 THE CITY LIMITS. SO WE HAD TO MEET WITH SOME DEPUTIES OUT
24 THERE.

25 Q OKAY. WHAT DID YOU DO WHILE YOU WERE THERE AT THAT

1 LODGE?

2 A WE JUST WAITED ON HIM. THERE WAS A COUPLE GENTLEMEN
3 THERE THAT KNEW MR. HARRIS. THEY WERE, STATED THEY HAD
4 SPOKEN TO HIM ON THE PHONE.

5 MR. SWERLING: WELL, YOUR HONOR, OBJECTING TO
6 HEARSAY.

7 THE COURT: SUSTAINED.

8 BY MS. GADDY:

9 Q ABOUT HOW LONG DID YOU WAIT OUT THERE?

10 A SEVERAL HOURS, TWO OR THREE HOURS.

11 Q AND WHAT WERE YOU DOING WHILE YOU WERE SITTING OUT
12 THERE WAITING FOR SEVERAL HOURS?

13 A JUST SITTING IN OUR PATROL CARS WAITING.

14 Q OKAY. AT SOME POINT DID THE DEFENDANT SHOW UP?

15 A WE HAD A DESCRIPTION OF THE VEHICLE WE THOUGHT HE MAY
16 BE IN. THERE'S SOME DEPUTIES OUT ON THE ROADWAY, POSSIBLE
17 ENTRANCE POINTS TO THE WHERE WE WERE. THEY WERE LOOKING FOR
18 THE VEHICLE. ONE OF THEM CALLED ON THE RADIO, STATED THAT
19 THEY SAW A VEHICLE THEY BELIEVED WAS HIM PASS BY WHERE WE
20 WERE. THEY INITIATED A TRAFFIC STOP. WE MOVED AROUND TO
21 WHERE THEY WERE. MR. HARRIS WAS IN THAT VEHICLE.

22 Q OKAY. SO THE CAR DIDN'T ACTUALLY PULL UP TO THE LODGE
23 WHERE Y'ALL WERE MEETING?

24 A NOT TO THE LODGE, NO.

25 Q OKAY. IT DROVE PAST THE LODGE?

1 A NOT EVEN ON ACTUAL STREET WERE WE ON. THERE WAS
2 ANOTHER ROAD MAYBE A QUARTER OF A MILE DOWN.

3 Q DID YOU GO OUT TO THAT CAR?

4 A YES.

5 Q WHAT DID YOU DO WHEN YOU WENT OUT TO THE CAR?

6 A WHEN I GOT THERE DEPUTIES ALREADY HAD HIM STOPPED, HAD
7 HIM OUT OF THE CAR. WE PLACED HIM IN HANDCUFFS, PLACED HIM
8 IN OUR VEHICLE AND I TOOK HIM TO HEADQUARTERS.

9 MS. GADDY: OKAY.

10 BEG THE COURT'S INDULGENCE FOR JUST A MOMENT, YOUR
11 HONOR.

12 THE COURT: YES, MA'AM.

13 MS. GADDY: NOTHING FURTHER, YOUR HONOR.

14 THE COURT: THANK YOU, MA'AM.

15 MR. SWERLING.

16 CROSS-EXAMINATION BY MR. SWERLING:

17 Q MR. FORTNER, I JUST WANTED TO ASK YOU A QUESTION.

18 ISN'T IT TRUE THAT MR. HARRIS AT 20:00 HOURS TURNED HIMSELF
19 INTO THE POLICE ON I-77 AND HE WAS SERVED WITH WARRANTS?
20 ISN'T THAT WHAT THE OFFICIAL RECORDS OF THE COLUMBIA POLICE
21 DEPARTMENT SHOW?

22 A I HAVEN'T SEEN THE RECORDS, SIR.

23 Q WHERE ARE YOU GETTING THIS THAT WAS, HE WAS STOPPED?

24 A THAT'S WHAT I REMEMBER.

25 Q AND WHERE DO YOU REMEMBER THAT FROM? WHERE ARE YOU

1 REMEMBERING THAT FROM? IS THERE A REPORT YOU'RE REFERRING
2 TO?

3 A FROM MY MEMORY.

4 Q LET ME SHOW YOU THIS AND SEE IF THIS REFRESHES YOUR
5 MEMORY. ISN'T THAT A COLUMBIA POLICE DEPARTMENT REPORT?

6 A YES.

7 Q INDICATING THAT MR. HARRIS TURNED HIMSELF IN TO POLICE?

8 A YES, SIR.

9 Q AT 20 HUNDRED HOURS ON I-77?

10 A THAT'S WHAT IT SAYS, SIR.

11 Q OKAY. THE REPORT WOULD BE MORE ACCURATE THAN YOUR
12 MEMORY, CORRECT?

13 A ALL I CAN SAY IS WHAT I REMEMBER, SIR.

14 Q BUT THAT IS THE OFFICIAL REPORT THAT I SHOWED YOU?

15 A YES.

16 Q AND YOU ACTUALLY ONLY ARRIVED AFTER HE WAS IN CUSTODY,
17 CORRECT?

18 A I ARRIVED AS THEY WERE TAKING HIM OUT OF THE CAR.

19 Q AS HE WAS TAKEN OUT OF THE CAR? AND HOW FAR WAS THAT
20 FROM THE LODGE?

21 A MAYBE HALF A MILE.

22 MR. SWERLING: THAT'S ALL I HAVE.

23 THE COURT: ANYTHING ON REDIRECT?

24 MS. GADDY: NO REDIRECT, YOUR HONOR.

25 THE COURT: OFFICER YOU MAY STEP DOWN. THANK YOU,

1 SIR.

2 MS. GADDY: SIR, I'D ASK THAT OFFICER FORTNER BE
3 RELEASED FROM HIS SUBPOENA AT THIS TIME, PLEASE.

4 THE COURT: WITHOUT OBJECTION HE'S FREE TO COME
5 AND GO AS HE PLEASURES.

6 THE COURT: MS. GADDY.

7 MS. GADDY: YOUR HONOR, AT THIS TIME MR. SWERLING
8 AND I NEED TO APPROACH. I THINK WE HAVE A STIPULATION.

9 THE COURT: YES, MA'AM.

10 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
11 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

12 MS. GADDY: YOUR HONOR, AT THIS TIME PURSUANT TO
13 STIPULATION I WOULD LIKE TO MARK AN EXHIBIT, PLEASE.

14 THE COURT: YES, MA'AM.

15 LADIES AND GENTLEMEN, LET ME JUST EXPLAIN TO Y'ALL
16 RATHER THAN HAVING TO CALL A WITNESS TO INTRODUCE THIS
17 EVIDENCE BOTH SIDES HAVE STIPULATED TO THIS FACTS. THAT'S
18 OUR FANCY WAY OF SAYING THAT THEY'VE AGREED TO THIS AS FACT
19 TO BE PUT BEFORE THE JURY AND I'LL CHARGE YOU ALL ON THE
20 END, ON THIS AT THE END OF THE CASE BUT A STIPULATION IS
21 JUST THEY BOTH AGREE THIS IS A FACT. THEY PUT IT IN FRONT
22 OF YOU AND THEN YOU AS A JURY WEIGH AND CONSIDER THAT FACT
23 JUST LIKE ALL THE OTHER EVIDENCE AND TESTIMONY THAT YOU'LL
24 RECEIVE DURING THE TRIAL BUT THIS JUST ELIMINATES HAVING TO
25 CALL THIS WITNESS.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. GADDY.

(THEREUPON, THE STIPULATION WAS MARKED STATE'S EXHIBIT NO. 25 AND ENTERED INTO EVIDENCE.)

MS. GADDY: AND, YOUR HONOR, IF I MAY HAVE THE COURT'S PERMISSION TO PUBLISH THIS TO THE JURY?

THE COURT: YES, MA'AM, YOU MAY PUBLISH IT.

MS. GADDY: YOUR HONOR, FOR THE RECORD THIS IS A LETTER FROM DR. J. T. TAYLOR, M.D. HE'S WITH PALMETTO HEALTH BAPTIST. HE'S THE MEDICAL DIRECTOR OF EMERGENCY SERVICES.

THE COURT: YES, MA'AM.

MS. GADDY: DEAR MS. GADDY, PER YOUR REQUEST I'VE REVIEWED THE PALMETTO RICHLAND EMERGENCY DEPARTMENT VISIT OF THE ABOVE PATIENT. REPORTEDLY MS. GILMORE SUSTAINED A SINGLE GUNSHOT WOUND TO HER LEFT LATERAL THIGH. ALTHOUGH NOT LIFE-THREATENING AT THE TIME, ALL GUNSHOT WOUNDS HAVE THE POTENTIAL TO BE SO. FORTUNATELY THIS INJURY WAS SIX TO EIGHT INCHES FROM THE MAJOR VASCULAR STRUCTURES OF THE LEG. SINCERELY, J. T. TAYOR, M.D.

THE COURT: OKAY. THANK YOU, MA'AM.

STATE MAY CALL THEIR NEXT WITNESS.

MS. GADDY: YOUR HONOR, MAY WE APPROACH?

THE COURT: YES, MA'AM.

(THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

1 THE COURT: THANK YOU, COUNSEL.

2 ALL RIGHT. LADIES AND GENTLEMEN, THIS IS A GOOD
3 TIME FOR US TO BREAK. I THINK WE'RE NOT GOING TO BE MUCH
4 LONGER TOMORROW AND I ANTICIPATE Y'ALL RECEIVING CLOSING
5 ARGUMENTS AND CHARGE ON THE LAW AND Y'ALL DELIBERATING
6 POTENTIALLY RIGHT AROUND LUNCHTIME OR AFTER LUNCHTIME. SO
7 TOMORROW I'M GOING TO GO AHEAD AND LET YOU ALL BREAK AT THIS
8 POINT. BE BACK AT 9:30 AGAIN IN THE MORNING IN THE JURY
9 ROOM AND WE'LL BE READY TO GO THEN. OVERNIGHT, I KNOW Y'ALL
10 ARE SICK OF HEARING ABOUT THIS. DO NOT DISCUSS THE EVIDENCE
11 AND TESTIMONY. WE'LL SEE Y'ALL IN THE MORNING. Y'ALL BE
12 SAFE ON THE WAY HOME AND HAVE A GOOD NIGHT. THANK YOU.

13 (THE FOLLOWING TAKES PLACE OUTSIDE THE PRESENCE OF THE
14 JURY.)

15 THE COURT: THANK YOU, SIR.

16 COUNSEL, WE WERE DISCUSSING AT SIDE BAR I'LL TRY
17 TO GET Y'ALL IN EARLY IN THE MORNING A COPY OF, JUST ROUGH
18 DRAFT OF MY CHARGE. THEN WE CAN TALK ABOUT OTHER LANGUAGE.
19 I CAN GET ALL THAT TO YOU. I LIKE FOR Y'ALL TO HAVE A
20 PRINTED COPY IN ENOUGH TIME BEFORE YOU HAVE TO DO YOUR
21 ARGUMENT SO THAT WE'RE ALL ON THE SAME PAGE ON THE FINAL
22 LANGUAGE ON THAT BUT I'LL TRY TO GET Y'ALL AT LEAST MY
23 DRAFT, FIRST DRAFT OF IT TOMORROW MORNING AND ANYTHING ELSE.

24 OH, MR. HARRIS, WE'LL GO AHEAD AND GO OVER YOUR
25 RIGHTS AND I KNOW MR. SWERLING HAS TALKED TO YOU ABOUT THIS

1 AND HE WILL TALK TO YOU SOME MORE ABOUT THIS AND WE'LL
2 ACTUALLY GO BACK OVER THIS TOMORROW ONCE THE STATE RESTS.

3 AT THIS POINT I ANTICIPATE THE STATE RESTING AFTER
4 MAYBE A COUPLE MORE WITNESSES IN THE MORNING. AT THAT POINT
5 MR. SWERLING HAS AN OPPORTUNITY TO MAKE CERTAIN MOTIONS ON
6 YOUR BEHALF. SHOULD THOSE MOTIONS NOT BE GRANTED RELATING
7 TO ANY DIRECTED VERDICTS OF YOUR CASE, AT THAT POINT, SIR,
8 YOU HAVE THE OPTION AT THAT POINT TO OFFER WITNESSES AND
9 EVIDENCE IN THIS CASE ON YOUR OWN BEHALF. YOU UNDERSTAND
10 THAT.

11 THE DEFENDANT: YES, SIR.

12 THE COURT: YOU UNDERSTAND AT THAT POINT, SIR,
13 THAT INDEPENDENT OF WHETHER YOU OFFER ANY OTHER WITNESSES OR
14 ANY OTHER EVIDENCE, YOU ALSO HAVE THE CONSTITUTIONAL RIGHT
15 TO CHOOSE TO EITHER TESTIFY OR NOT TESTIFY IN FRONT OF THIS
16 JURY. YOU UNDERSTAND THAT.

17 THE DEFENDANT: YES, SIR.

18 THE COURT: AND THOSE ARE ALL YOUR CONSTITUTIONAL
19 RIGHTS, SIR, AS PART OF THIS TRIAL. IF YOU CHOOSE IN
20 CONSULTATION WITH MR. SWERLING OR ANYBODY ELSE THAT YOU WISH
21 TO DISCUSS IT WITH TO IN FACT TAKE THE WITNESS STAND, NOBODY
22 CAN PREVENT YOU FROM DOING THAT AND YOU CAN GET ON THE
23 WITNESS STAND. MR. SWERLING WILL LEAD YOU THROUGH YOUR
24 DIRECT EXAMINATION. LIKE ALL OTHER WITNESSES, FOR EXAMPLE,
25 YOU WILL BE SUBJECT TO CROSS-EXAMINATION BY THE STATE. DO

1 YOU UNDERSTAND THAT?

2 THE DEFENDANT: YES, SIR, I UNDERSTAND.

3 THE COURT: OKAY. YOU UNDERSTAND, SIR, THAT YOU
4 FURTHER HAVE THE CONSTITUTIONAL RIGHT WHICH IS EQUAL TO THE
5 RIGHT TO TESTIFY, TO NOT TESTIFY IN FRONT OF THIS JURY. YOU
6 UNDERSTAND THAT.

7 THE DEFENDANT: I UNDERSTAND.

8 THE COURT: AND THAT IS BECAUSE THE BURDEN OF
9 PROOF IS ALWAYS ON THE STATE TO PROVE YOU GUILTY. YOU NEVER
10 HAVE TO PROVE YOURSELF NOT GUILTY TO A JURY AND THAT MEANS
11 YOU DON'T HAVE TO OFFER ANY EVIDENCE OR ANY OTHER TESTIMONY
12 INCLUDING YOUR OWN IN FRONT OF THIS JURY. YOU UNDERSTAND
13 THAT.

14 THE DEFENDANT: I UNDERSTAND.

15 THE COURT: OKAY. IF YOU CHOOSE TO EXERCISE YOUR
16 RIGHT NOT TO TESTIFY, PART OF MY INSTRUCTION TO THE JURY ON
17 THE LAW AT THE END OF CASE AND THIS IS THE LAW THAT THEY
18 UNDER THEIR OATH HAVE TO APPLY. THEY FIND THE FACTS AS THEY
19 DELIBERATE. THEY'LL MAKE ALL THE FACTUAL FINDINGS. THEY
20 WILL BE INSTRUCTED THAT THE LAW THAT I GIVE THEM IS WHAT
21 THEY MUST APPLY TO THIS CASE. PART OF THAT WILL INSTRUCT
22 THEM THAT THEY CANNOT HOLD YOUR SILENCE AGAINST YOU. IN
23 FACT UNDER THEIR OATH WHILE THEY'RE DELIBERATING ON YOUR
24 CASE TO FIND YOU GUILTY OR NOT GUILTY ON THESE CHARGES,
25 THEY'RE FORBIDDEN TO EVEN DISCUSS THE FACT THAT YOU DID NOT

1 TESTIFY IN THIS CASE. YOU UNDERSTAND THAT.

2 THE DEFENDANT: I UNDERSTAND THAT.

3 THE COURT: AND YOU UNDERSTAND, SIR, THAT THIS
4 DECISION IS ULTIMATELY YOUR DECISION AS TO WHETHER TO
5 TESTIFY OR NOT TESTIFY. YOU UNDERSTAND THAT.

6 THE DEFENDANT: I UNDERSTAND.

7 THE COURT: AT THIS POINT ANYBODY PRESSURED YOU,
8 COERCED YOU, THREATEN YOU IN ANY WAY TO MAKE YOU MAKE A
9 DECISION IN EITHER WAY WHETHER TO TESTIFY OR NOT TESTIFY?

10 THE DEFENDANT: WELL, YOUR HONOR, THE ONLY THING
11 THAT I RECALL, YOU KNOW, JUST HAVING A BOND HEARING.

12 THE COURT: LET ME ASK, DO YOU WANT TO ASK
13 MR. SWERLING TELL HIM WHAT YOU'RE ABOUT TO TELL ME ---

14 THE DEFENDANT: YES. YES.

15 THE COURT: --- FIRST. OKAY.

16 (ATTORNEY AND CLIENT CONFER.)

17 THE DEFENDANT: I STAND CORRECTED.

18 THE COURT: OKAY. AT THIS POINT HAS ANYBODY
19 PRESSURED YOU OR COERCED YOU OR THREATENED YOU, MADE ANY
20 KIND OF THREATS AGAINST YOU OR ANYTHING LIKE THAT ---

21 THE DEFENDANT: NO, SIR.

22 THE COURT: --- TO GET YOU MAKE A DECISION ONE WAY
23 OR THE OTHER?

24 THE DEFENDANT: NO, YOUR HONOR.

25 THE COURT: HAS ANYBODY OFFERED YOU ANY SORT OF

1 REWARD OR PROMISE OF ANY KIND TO GET YOU TO MAKE A DECISION
2 ONE WAY OR THE OTHER AS TO WHETHER TO TESTIFY OR NOT?

3 THE DEFENDANT: NO PROMISE NOT REALLY.

4 THE COURT: OKAY. AND I KNOW YOU'VE HAD A CHANCE
5 TO DISCUSS THAT AT THIS POINT WITH MR. SWERLING. I'M NOT
6 ASKING YOU FOR A DECISION AT THIS POINT AS TO WHETHER YOU
7 WISH TO TESTIFY IN YOUR TRIAL OR NOT. AS I SAID WE'LL GO
8 BACK OVER THIS BRIEFLY ONCE THE STATE DOES REST AND
9 MR. SWERLING'S HAD A CHANCE TO MAKE CERTAIN MOTIONS AND IF
10 NEED BE WE'LL GO BACK OVER IT AT THAT POINT IN TIME BUT I
11 JUST WANTED TO GO OVER THOSE RIGHTS WITH YOU AT THIS POINT.
12 YOU UNDERSTAND THOSE?

13 THE DEFENDANT: YES, SIR.

14 THE COURT: OKAY. AND ANY QUESTIONS ABOUT YOUR
15 RIGHT TO TESTIFY OR NOT TESTIFY THAT YOU NEED TO RAISE WITH
16 THIS COURT AT THIS TIME OR WITH MR. SWERLING SO THAT HE CAN
17 RAISE IT WITH THIS COURT AT THIS TIME?

18 THE DEFENDANT: NO, SIR.

19 THE COURT: OKAY. THANK YOU, SIR. ALL RIGHT.
20 COUNSEL, WE'LL RECONVENE AT 9:30 IN THE MORNING THEN. THANK
21 YOU.

22 MR. MEADORS: THANK YOUR HONOR.

23 (THEREUPON, THE TRIAL OF THIS CASE WAS CONTINUED
24 UNTIL 9:30 A.M. ON WEDNESDAY, NOVEMBER 9, 2005.)
25

1 STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

2 COUNTY OF RICHLAND

3
4 THE STATE :

5 -VS- :

TRANSCRIPT OF RECORD

2003-GS-40-5275

6 JHUNE HARRIS :

2003-GS-40-5276

7
8
9 NOVEMBER 7-10, 2005

10 COLUMBIA, SOUTH CAROLINA

11 B E F O R E :

12 HONORABLE REGINALD I. LLOYD, JUDGE.

13
14 A P P E A R A N C E S :

15 JOHN P. MEADORS, ASST. SSOLICITOR

16 ERIN S. GADDY, ASST. SOLICITOR

17 ATTORNEYS FOR THE STATE

18 JACK B. SWERLING, ESQ.

19 ATTORNEY FOR THE DEFENDANT

20
21 VIRGINIA ROLAND

22 CIRCUIT COURT REPORTER

23
24 VOLUME III OF IV

25

1 (THEREUPON, ON WEDNESDAY, NOVEMBER 9, 2005, THE TRIAL
2 WAS CONTINUED AS FOLLOWS:)

3 MR. MEADORS: YOUR HONOR, THE NEXT TWO WITNESSES.

4 THE COURT: YES, SIR.

5 MR. MEADORS: MR. BONEY AND A MR. BRIAN SPRUELL.

6 (PAUSE)

7 MR. MEADORS: MAY IT PLEASE THE COURT.

8 THE COURT: YES, SIR, MR. MEADORS.

9 MR. MEADORS: HERE'S THE NEXT TWO WITNESSES ARE
10 MR. BONEY AND A MR. SPRUELL. BOTH OF THEM HAVE KNOWN THE
11 DEFENDANT FOR I GUESS SEVEN, EIGHT YEARS PERHAPS LONGER. I
12 JUST BRIEFLY TALKED WITH THEM AND HAVE GONE OVER WITH THEM
13 THAT WE ARE NOT GOING TO GO INTO ANY RELATIONSHIP THAT THEY
14 HAD WITH MR. HARRIS AND ANY PRIOR DRUG INVOLVEMENT. I THINK
15 ONE OF THEM WAS IN A SUPPORT GROUP WITH HIM OR MAY HAVE BEEN
16 HIS MENTOR. I'M NOT SURE BUT THEY DIDN'T REALLY WANT TO GO
17 INTO THAT. I TOLD THEM WE HAD ALREADY AGREED THAT WE
18 WEREN'T GOING TO DO THAT. SO THEIR QUESTIONS WILL BE BASED
19 I'VE KNOWN JHUNE HARRIS FOR SO LONG AND NOT HOW AND I THINK
20 THAT MR. SWERLING HE AGREES WITH THAT ALSO AND BOTH OF THESE
21 FOLKS JUST GOT A PHONE CALL FROM THE DEFENDANT THE DAY HE
22 TOLD THEM HE HAD SHOT THEM AND MR. BONEY ACTUALLY GOT THE
23 GUN FROM THE DEFENDANT. IT'S GOING TO BE VERY SHORT AND
24 THAT'S THE TESTIMONY. I'M GOING TO TRY TO CONFINE IT TO
25 THAT.

1 THE COURT: YES, SIR. AS I UNDERSTAND THIS IS
2 PROBABLY THE POINT Y'ALL ARE GOING TO MAKE A STIPULATION AS
3 TO OFFICER. . .

4 MR. MEADORS: SANDERS.

5 THE COURT: YES.

6 MR. MEADORS: IT WILL BE RIGHT AFTER THIS.

7 CORRECT, SIR. THE STIPULATION WILL COME IN RIGHT AFTER
8 MR. BONEY.. YOU'RE EXACTLY RIGHT.

9 THE COURT: OKAY. YES, SIR. ALL RIGHT. COUNSEL,
10 ANYTHING ELSE WE NEED TO TAKE UP. MR. SWERLING, I'VE GOT
11 YOUR CHARGES. WHAT I'M GOING TO DO IS TRY TO FINALIZE MINE
12 WHILE Y'ALL ARE DOING THESE LAST FEW WITNESSES AND THEN GET
13 Y'ALL A COPY AND THEN WE'LL BE ABLE TO GO THROUGH.

14 MR. SWERLING: THANK YOU.

15 THE COURT: ALL RIGHT. WE READY FOR THE JURY?

16 MR. MEADORS: YES, SIR. STATE'S READY.

17 THE COURT: OKAY. WE'LL BRING THEM OUT, SIR.
18 THANK YOU....

19 (THE FOLLOWING TAKES PLACE WITHIN THE PRESENCE OF THE
20 JURY.)

21 THE COURT: THANK YOU, LADIES AND GENTLEMEN.
22 MADAM FORELADY, LADIES AND GENTLEMEN OF THE JURY, WE'RE
23 ABOUT READY TO CONTINUE WITH THE TRIAL. I DID RECEIVE A
24 NOTE FROM THE JURY REGARDING A PHONE CALL REGARDING SOME
25 ARRANGEMENTS TO HAVE A CHILD PICKED UP AT 12:30 AND WE'LL

1 MAKE SURE WE TAKE A BREAK AROUND THAT TIME SO Y'ALL CAN MAKE
2 THAT PHONE CALL. LADIES AND GENTLEMEN, I APPRECIATE YOUR
3 PATIENCE WITH US THIS MORNING. WE'RE READY TO CONTINUE AND,
4 MR. MEADORS, STATE CAN CALL YOUR NEXT WITNESS.

5 MR. MEADORS: CALL HENRY BONEY. SEQUESTRATION IS
6 OUTSIDE.

7 THE COURT: YES, SIR.

8 (PAUSE)

9 THE COURT: MR. BONEY, IF YOU'LL JUST COME ALL THE
10 WAY DOWN TO THE BAILIFF, I'M SORRY, TO THE BAILIFF WE'LL
11 SWEAR YOU IN AND LET YOU TAKE THE WITNESS STAND.

12 THANK YOU, SIR.

13 YES, SIR, MR. MEADORS.

14 MR. MEADORS: YES, THANK YOUR HONOR. SORRY,
15 JUDGE..

16 THE COURT: THAT'S ALL RIGHT.

17 HENRY BONEY, BEING FIRST DULY
18 SWORN, TESTIFIED AS FOLLOWS:

19 DIRECT EXAMINATION BY MR. MEADORS:

20 Q GOOD MORNING, MR. BONEY?

21 A GOOD MORNING.

22 Q MR. BONEY, HOW LONG HAVE KNOWN JHUNE HARRIS?

23 A I'VE KNOWN JHUNE FOR ABOUT SIX YEARS.

24 Q I'M SORRY, SIR, IF YOU'D PLEASE SPEAK UP?

25 A SIX YEARS.

1 THE COURT: OKAY. IF YOU YOU'LL SPEAK RIGHT INTO
2 THAT MICROPHONE, OKAY. THE ACOUSTICS ARE KIND OF BAD.

3 BY MR. MEADORS:

4 Q I'M SORRY. WHERE ARE YOU WORKING RIGHT NOW, MR. BONEY?

5 A I'M WORKING FOR INTEGRITY PLUS COURIER SERVICE.

6 Q INTEGRITY PLUS COURIER PLUS COURIRE SERVICE?

7 A YES.

8 Q PLEASE TELL THE LADIES AND GENTLEMEN OF THE JURY WHAT
9 DO YOU DO?

10 A I PICK UP AND DELIVER MEDICAL SUPPLIES.

11 Q WHERE IS YOUR JURISDICTION?

12 A CHARLESTON, BEAUFORT, BLUFFTON, SOUTH CAROLINA.

13 Q HOW LONG HAVE YOU BEEN DOING THAT?

14 A I'VE BEEN DOING IT FOR A YEAR.

15 Q I WANT TO TAKE YOU BACK TO, LET ME GET, WHERE ARE YOU
16 FROM?

17 A COLUMBIA.

18 Q BORN AND RAISED HERE?

19 A RIGHT.

20 Q GO BACK TO JULY 6TH OF 2003. YOU REMEMBER THE DATE
21 WE'RE TALKING ABOUT HERE, DON'T YOU?

22 A YES, SIR.

23 Q AND, MR. BONEY, DID YOU HAVE AN OCCASION TO HEAR FROM
24 JHUNE HARRIS ON JULY 6TH, 2003?

25 A YES, I RECEIVED A CALL FROM JHUNE.

1 Q AND YOUR HOUSE IS WHERE? WHERE WERE YOU LIVING? I
2 GUESS YOU'RE STILL LIVING THERE?

3 A NO. I'VE MOVED SINCE THEN.

4 Q I APOLOGIZE?

5 A OKAY. I WAS LIVING ON BRENNAN ROAD THEN.

6 Q OKAY. AND YOU RECEIVED A PHONE CALL FROM JHUNE.
7 YOU'VE KNOWN JHUNE FOR A NUMBER OF YEARS. YOU RECOGNIZE HIS
8 VOICE?

9 A YES.

10 Q AND DID JHUNE SAY ANYTHING TO YOU IN RELATION TO WHAT
11 WE'RE HERE ABOUT TODAY?

12 A WHEN HE CALLED ME I WOKE UP OUT OF MY SLEEP TO ANSWER
13 THE PHONE AND HE WAS CRYING. AND HE WAS SAYING THAT HE WAS
14 SORRY; HE WAS SORRY AND I SAID FOR WHAT AND HE SAID I SHOT
15 THEM. I SHOT ANGIE AND BY THE TIME I GOT UP AND SLIPPED ON
16 A PAIR OF SHORT PANTS, HE CAME IN THE DOOR AND I ASKED HIM
17 WHAT HAPPENED BUT HE WAS JUST SO OUT OF IT AND WHEN HE LEFT
18 THE GUN WAS ON THE CHAIR.

19 Q I WANT TO SHOW YOU, YOU REMEMBER MAKING THE STATEMENT
20 TO INVESTIGATOR SMITH?

21 A YES, I DO.

22 Q AND I BELIEVE YOU TESTIFIED HE SAID, I SHOT ANGIE. DID
23 HE SAY THAT HE SHOT ANYBODY ELSE?

24 A HE SAID I SHOT THEM.

25 Q THEM?

1 A THEM.

2 Q AFTER HE LEFT YOUR, HOW LONG WAS HE AT YOUR HOUSE
3 MR. BONEY?

4 A IT WAS REAL FAST MAYBE FIVE OR 10 MINUTES.

5 Q AND AFTER THAT WAS THERE A GUN THERE?

6 A YES, THERE WAS.

7 Q AND DID YOU WAIT FOR YOUR WIFE TO GET HOME?

8 A YES, I DID.

9 Q THAT'S THE LADY I'VE SPOKEN TO ON THE PHONE A COUPLE OF
10 TIMES?

11 A YES.

12 Q AND AFTER THAT DID YOU CALL THE POLICE?

13 A YES, I DID.

14 Q IT WASN'T EASY FOR YOU TO DO WAS IT, MR. BONEY?

15 A NO, IT REALLY WASN'T.

16 Q AND DID THE POLICE COME TO YOUR HOUSE?

17 A YES, THEY DID.

18 Q AND DID YOU TELL THEM WHAT HAPPENED?

19 A I MADE THAT STATEMENT.

20 Q AND DID YOU GIVE THEM THE GUN?

21 A I DID GIVE THE GUN TO THE INVESTIGATOR.

22 MR. MEADORS: BEG THE COURT'S INDULGENCE.

23 THE COURT: YES, SIR.

24 MR. MEADORS: APOLOGIZE.

25 THE COURT: THAT'S ALL RIGHT.

1 MR. MEADORS: I APOLOGIZE TO EVERYBODY.

2 THE COURT: YES, SIR.

3 MR. MEADORS: YOUR HONOR, THESE ARE, CAN I
4 APPROACH, JUDGE?

5 THE COURT: YES, SIR.

6 BY MR. MEADORS:

7 Q MR. BONEY, I WANT TO SHOW YOU WHAT'S MARKED STATE'S 26.
8 YOU RECOGNIZE THAT, JUST IF YOU DO, PLEASE, SIR?

9 A YES.

10 Q AND YOU RECOGNIZE THAT STATE'S 27, EXCUSE ME?

11 A YES.

12 MR. MEADORS: YOUR HONOR, AT THIS TIME WE'D OFFER
13 STATE'S 26 AND 27 I BELIEVE WITHOUT OBJECTION.

14 (THEREUPON, THE PHOTOGRAPHS OF THE ENTRANCE AND THE
15 WERE MARKED STATE'S EXHIBITS NO. 26 AND 27 AND ENTERED INTO
16 EVIDENCE.)

17 THE COURT: THANK YOU, COUNSEL. WITHOUT OBJECTION
18 STATE'S 26 AND 27 ARE ADMITTED.

19 BY MR. MEADORS:

20 Q STATE'S 26 THAT'S JUST THE FRONT OF YOUR RESIDENCE AT
21 THE TIME, CORRECT, SIR?

22 A YES, IT IS.

23 Q AND ON BRENNAN, RIGHT?

24 A BRENNAN ROAD.

25 Q YOU LIVE ON PINE BELT NOW?

1 A YES, I DO.

2 Q AND STATE'S 27, MR. BONEY, IS THAT THE GUN THAT JHUNE
3 LEFT AT YOUR HOUSE?

4 A YES.

5 Q NOW, MR. BONEY, AFTER HE LEFT DID YOU SEE THE GUN
6 BEFORE HE LEFT OR DID YOU SEE IT AFTER HE LEFT AND YOU CAME
7 BACK INSIDE?

8 A IT WAS AFTER I CAME BACK INSIDE.

9 Q WHERE WAS IT, MR. BONEY?

10 A IT WAS ON THE CHAIR.

11 Q AND DO YOU REMEMBER THAT LADY IN THE BACK THERE?

12 WOULD YOU STAND UP?

13 DID YOU HAVE OCCASION TO GIVE HER THAT GUN?

14 A SHE WAS THE C.S.I. INVESTIGATOR.

15 Q C.S.I. INVESTIGATOR GRADY-WATTS? NOW, WAS THAT ON THAT
16 SAME DAY WHEN HE CAME OVER JHUNE?

17 A YES, IT WAS.

18 Q AND THAT WAS ON JULY 6TH, 2003, MR. BONEY?

19 A YES.

20 Q MR. BONEY, JUST A COUPLE MORE QUESTIONS. TIME OF THIS
21 STATEMENT WAS 4:30 P.M.?

22 A YES.

23 Q ALL RIGHT. SO MR. HARRIS HAS COME OVER PREVIOUS TO
24 THAT OBVIOUSLY?

25 A YES, HE HAD.

1 Q DO YOU REMEMBER WHAT TIME HE'D CALLED AND THEN CAME
2 OVER, SIR?

3 A I'M NOT SURE.

4 Q DID JHUNE HARRIS TELL YOU WHY HE SHOT THEM, MR. BONEY?

5 A NO, HE DIDN'T.

6 MR. MEADORS: BEG THE COURT'S INDULGENCE.

7 THE COURT: YES, SIR.

8 MR. MEADORS: THAT'S ALL I HAVE.

9 THE COURT: GOOD. THANK YOU, SIR.

10 MR. SWERLING.

11 CROSS-EXAMINATION BY MR. SWERLING:

12 Q GOOD MORNING, LADIES AND GENTLEMEN. GOOD MORNING,
13 MR. BONEY, HOW ARE YOU?

14 A DOING GOOD, SIR.

15 Q MR. BONEY, YOU AND AND I SPOKE ON THE PHONE AT LEAST
16 ONE OR TWO OCCASIONS, CORRECT?

17 A YES, SIR.

18 Q AND JUST WANTED TO ASK YOU A COUPLE OF FOLLOW-UP
19 QUESTIONS. YOU ACTUALLY KNEW BOTH JHUNE AND ANGELA VERY
20 WELL, CORRECT?

21 A YES, SIR.

22 Q TOGETHER YOU WERE FRIENDS WITH BOTH OF THEM, CORRECT?

23 A YES.

24 Q AND YOU AND YOUR SPOUSE, THE FOUR OF YOU SPENT QUITE A
25 LOT OF TIME TOGETHER?

1 A YES.

2 Q GREAT. FAMILIES AS WELL, CORRECT?

3 A RIGHT.

4 Q NOW, YOU ALSO KNEW THAT JHUNE WAS A DIABETIC, CORRECT?

5 A YES.

6 Q OKAY. AND DIABETIC THE ENTIRE TIME THAT Y'ALL KNEW
7 EACH OTHER, CORRECT?

8 A YES.

9 Q NOW, GOING TO JULY 6TH WHEN HE CALLED YOU, I BELIEVE
10 YOU SAID HE WAS CRYING?

11 A YES.

12 Q AND WHEN HE CAME TO YOUR HOUSE HE WAS CRYING AS WELL,
13 CORRECT?

14 A YES.

15 Q AND HE WAS EMOTIONAL?

16 A RIGHT.

17 Q WOULD THAT BE A FAIR STATEMENT TO DESCRIBE HIM AS BEING
18 VERY EMOTIONAL?

19 A YES.

20 Q OKAY. AND WOULD IT ALSO BE A FAIR STATEMENT TO SAY
21 THAT WHEN HE WAS TALKING TO YOU HE WAS NOT REALLY TALKING
22 LOGICALLY ABOUT ANYTHING OF THE THINGS YOU WERE RELATING OR
23 ANY OF THE CONVERSATIONS YOU WERE HAVING?

24 A YOU COULD SAY THAT.

25 Q OKAY. DID HE SEEM TO BE OR APPEAR TO YOU AS FAR AS,

1 THAT HE COULD BE DISORIENTED?

2 A VERY MUCH SO.

3 Q AND DID HE EVER SIT DOWN IN YOUR HOUSE; DID HE ACTUALLY
4 COME IN SIT DOWN IN THAT CHAIR?

5 A I GOT HIM TO SIT DOWN, YES.

6 Q OKAY. AND THAT'S THE CHAIR WHERE THE PISTOL WAS LEFT,
7 RIGHT?

8 A RIGHT.

9 Q SO HE ACTUALLILY DID SIT DOWN AND HE SPENT A FEW
10 MINUTES WITH YOU THERE AT THE HOUSE THAT'S ALL, CORRECT?

11 A JUST A FEW MINUTES.

12 Q ALL RIGHT. AND WHEN YOU OBSERVED HIM YOU OBSERVED THIS
13 EMOTIONAL, HIGHLY EMOTIONAL STATE HE WAS IN?

14 A YES.

15 Q OKAY. DID HE TELL YOU ANYTHING ABOUT NEEDING HIS
16 MEDICINE OR SAY ANYTHING ABOUT HIS MEDICINE?

17 A HE DID SAY HE NEEDED HIS MEDICINE.

18 Q DID HE SAY ANYTHING ABOUT HAVING EATEN OR NOT EATEN?

19 A NO, HE DIDN'T SAY ANYTHING ABOUT NOT EATING.

20 Q NOW, YOU'VE TESTIFIED WHAT HE SAID ABOUT THE SHOOTING
21 BUT CORRECT ME IF I'M WRONG DID HE TELL, DIDN'T HE TELL YOU
22 THAT HE WAS COMING AT HIM WHEN HE SHOT HIM?

23 A SOMEWHERE IN THE CONVERSATION THAT WAS WHAT HE SAID.

24 Q I'M SORRY?

25 A YES, HE DID SAY THAT.

1 Q HE DID SAY THAT. . OKAY. ALL RIGHT. BUT YOU HAD
2 DIFFICULTY UNDERSTANDING HIM, CORRECT?

3 A HE WAS REAL EMOTIONAL.

4 Q REAL EMAOTIONAL?

5 A HE WAS LIKE, I MEAN, HE WAS LIKE OUT OF HIS MIND.

6 Q OKAY. BUT HE DID MAKE THAT STATEMENT TO YOU?

7 A YES, HE DID.

8 MR. SWERLING: THAT'S ALL I HAVE.

9 THE COURT: THANK YOU, SIR.

10 ANYTHING ON REDIRECT?

11 REDIRECT EXAMINATION BY MR. MEADORS:

12 Q YOU YOU REMEMBER THE STATEMENT YOU GAVE BACK ON
13 JUNE 6TH, 2003?

14 A YES, SIR.

15 Q DID YOU PUT I HERE ANYWHERE THAT HE HAD COME AT YOU;
16 THAT HE SAID THE PERSON CAME AT YOU?

17 A THE OFFICER ASKED ME WHAT DID HE SAY.

18 Q YES, SIR.

19 A THAT'S THE STATEMENT I GAVE HIM.

20 Q OKAY. AND I ASKED YOU A MINUTE AGO DID HE TELL YOU WHY
21 HE SHOT HIM AND HE SAID NO?

22 A YES.

23 Q AND YOU PUT THAT IN HERE, RIGHT?

24 A RIGHT.

25 Q YOU DIDN'T PUT IN HERE HE SAID HE CAME AT HIM, DID YOU?

1 A THE OFFICER WAS ASKING THE QUESTIONS. I WAS GIVING THE
2 ANSWERS.

3 Q BUT YOU SAID NO, RIGHT?

4 A I SAID NO.

5 Q SO HE DIDN'T TELL YOU WHY HE SHOT HIM?

6 A NO, HE DIDN'T TELL ME WHY HE SHOT HIM.

7 Q AND DID YOU ALSO PUT IN HERE AND HE TOLD YOU I DON'T
8 KNOW WHAT TO DO NOW?

9 A THAT'S WHAT HE SAID.

10 Q AND IS IT FAIR TO SAY YOU TALKED TO HIM NUMEROUS TIMES
11 SINCE THIS HAPPENED ON THE TELEPHONE FROM JUNE 6TH TILL NOW?

12 A YES, IT'S VERY MUCH FAIR TO SAY THAT.

13 Q AS A MATTER OF FACT YOU TALKED TO HIM LAST WEEK SEVERAL
14 TIMES, DIDN'T YOU?

15 A I'VE TALKED TO HIM SINCE HE'S BEEN INCARCERATED.

16 Q AND YOU TALKED TO THE INVESTIGATOR OFFICER JUST A
17 LITTLE WHILE AGO THIS MORNING, DIDN'T YOU?

18 A YES, SIR.

19 Q AND YOU'VE NEVER EVER TOLD ANYBODY THAT JHUNE HARRIS
20 SAID THIS PERSON WAS COMING TOWARD HIM UNTIL TODAY, HAVE
21 YOU?

22 MR. SWERLING: YOUR HONOR, HE HAS IMPEACHED HIM.
23 I THINK THAT'S ALL HE CAN DO AT THIS PCINT. HE HAS SHOWN
24 THAT THAT STATEMENT DID NOT CONTAIN THAT BUT THAT'S WHAT HE
25 SAID. THAT'S WHAT HE SAID.

1 THE COURT: YES, SIR. THEN I'LL LET HIM ASK THIS
2 LAST QUESTION. I SUSTAIN THE OBJECTION.

3 BY MR. MEADORS:

4 Q THAT'S THE FIRST TIME YOU'VE EVER OF TOLD THAT IS
5 TODAY, ISN'T IT?

6 A I SPOKE WITH MR. SWERLING.

7 Q WHEN DID YOU SPEAK TO HIM?

8 A MAYBE A MONTH OR SO AGO.

9 Q DID YOU GIVE HIM A STATEMENT?

10 A I DON'T KNOW IF HE TOOK IT AS A STATEMENT OR NOT BUT I
11 DID SPEAK WITH HIM.

12 Q OKAY. DID YOU GIVE A WRITTEN STATEMENTS TO HIM?

13 A NO.

14 Q DID HE EVER TELL YOU IT'S AN ACCIDENT?

15 A NO.

16 MR. SWERLING: YOUR HONOR, I OBJECT THAT WAS NOT,
17 IT'S ON REDIRECT. I NEVER EVEN WENT INTO THAT.

18 THE COURT: I'LL SUSTAIN THAT.

19 MR. MEADORS: I'M THROUGH.

20 THE COURT: ANYTHING ON RECROSS?

21 MR. SWERLING: I HAVE ONE FOLLOW-UP IF I COULD.

22 THE COURT: YES.

23 RECROSS EXAMINATION BY MR. SWERLING:

24 Q MR. BONEY, WHEN WE SPOKE IT WAS SOMETIME AGO, CORRECT?

25 A YES, IT WAS.

1 Q AND DID ANYBODY EVER SUGGEST TO YOU WHAT TO SAY?

2 A NO.

3 Q YOUR TESTIMONY IS THAT HE MAY NEVER HAVE SAID WHY HE
4 SHOT THEM BUT THAT HE DID SAY HE WAS COMING AT HIM?

5 A THAT'S EXACTLY WHAT HE SAID. I'M JUST HERE TO TELL THE
6 TRUTH.

7 Q ALL RIGHT. NOW, LET ME ASK YOU SOMETHING. WOULD YOU
8 CREATE SOMETHING OR SAY SOMETHING THAT WAS NOT TRUE TO HELP
9 MR. HARRIS?

10 A NO. THIS IS A LITTLE TOO SERIOUS. NO, I WOULDN'T DO
11 THAT.

12 Q AND IS THAT WHAT HE SAID THAT DAY?

13 A THAT'S WHAT HE SAID.

14 MR. SWERLING: THANK YOU.

15 FURTHER REDIRECT EXAMINATION BY MR. MEADORS:

16 Q HAS MR. HARRIS TALKED TO YOU ABOUT THE SCENARIO OF IT
17 ON THE PHONE AFTER YOU GAVE THE STATEMENT; Y'ALL EVER TALK
18 ABOUT WHAT HAPPENED ABOUT IT SINCE THEN?

19 A NO, WE NEVER TALKED ABOUT IT.

20 MR. SWERLING: YOUR HONOR, I OBJECT. HE'S ALREADY
21 GONE --

22 BY MR. MEADORS?

23 Q NOT ONE TIME?

24 A NOT ONE TIME.

25 THE COURT: OKAY. YES, I'LL SUSTAIN THAT.

1 MR. BONEY, YOU MAY STEP DOWN. THANK YOU.

2 STATE MAY CALL THE NEXT WITNESS.

3 MR. MEADORS: BRIAN SPRUELL.

4 THE COURT: MR. SPRUELL, IF YOU'LL COME DOWN NEXT
5 TO THE BAILIFF, WE'LL SWEAR YOU IN AND LET YOU TAKE THE
6 WITNESS CHAIR.

7 MR. MEADORS: YOUR HONOR, THE VICTIM EUGEN HAD A
8 DOCTOR'S APPOINTMENT THIS MORNING. THEY'RE JUST A RUNNING
9 LITTLE LATE AND I APOLOGIZE.

10 THE COURT: YES, SIR. THAT'S FINE

11 BRIAN SPRUELL, BEING FIRST
12 DULY SWORN, TESTIFIED AS FOLLOWS:

13 DIRECT EXAMINATION BY MR. MEADORS:

14 Q GOOD MORNING.

15 A GOOD MORNING. HOW ARE YOU DOING?

16 A ALL RIGHT.

17 Q I MET YOU AND YOUR SISTER A LITTLE WHILE AGO?

18 A THAT'S CORRECT.

19 Q TALKED TO YOUR MOM ON THE PHONE A COUPLE TIMES?

20 A YES, SIR.

21 Q PAST MONTH OR TWO. PAST MONTH OR TWO I'VE TALKED TO
22 YOUR --

23 A RIGHT.

24 Q -- MOM SOME? THANK YOU FOR BEING HERE TODAY. YOU ARE
25 ONE BRIAN SPRUELL?

1 A THAT'S CORRECT.

2 Q TELL THESE FOLKS WHERE YOU FROM?

3 A FROM, ORIGINALLY BORN IN BROOKLYN, NEW YORK, AND RESIDE
4 IN SOUTH CAROLINA.

5 Q YOU LIKE IR HERE, DON'T YOU?

6 A IT'S OKAY. ALL RIGHT.

7 Q YOU'VE KNOWN JHUNE HARRIS FOR HOW MANY YEARS?

8 A ABOUT SEVEN YEARS, SEVEN OR EIGHT YEARS.

9 Q YOUR KNOW ANGIE, TOO?

10 A YES, I KNOW THEM ABOUT THE SAME TIME.

11 Q NOW, MR. SPRUELL, ON JULY 6TH, 2003, DID YOU RECEIVE A
12 PHONE CALL FROM JHUNE HARRIS ON YOUR CELL PHONE?

13 A YES, I DID.

14 Q TELL THESE FOLKS WHAT HE SAID?

15 A WHEN I FIRST GOT THE PHONE CALL, HE SAID, BRIAN, I
16 THOUGHT HE SAID HE SHOT THE HOUSE UP. I SAID YOU DID WHAT?
17 HE SAID, I SHOT HIM AND HER. WHEN I TOLD HIM GET YOUR BUTT
18 BACK DOWN HERE. THAT WAS THE END OF IT.

19 Q THOUGHT HE SAID HE SHOT THE HOUSE THEN HE SAID I SHOT
20 HIM AND HER AND HE SAID THAT OVER THE CELL PHONE?

21 A THAT'S CORRECT.

22 Q AND THEN YOU TOLD HIM TO GET HIS BUTT DOWN HERE?

23 A YES.

24 Q AND THAT WAS IT, RIGHT?

25 A THAT WAS IT.

1 Q AND IS THAT JHUNE HARRIS SITTING OVER THERE?

2 A YES, THAT'S JHUNE.

3 Q MR. SPRUELL, YOU CALLED THE POLICE AND TOLD THEM ABOUT
4 THAT CONVERSATION?

5 A WELL, I HAD JUST DROVE OUT TO THE AREA AND ASKED FOR
6 HIM BECAUSE I KNOW IT'S THE RESIDENCE THAT THEY AT.

7 Q YES. AND THEN GAVE A STATEMENT TO THE POLICE PRETTY
8 MUCH WHAT YOU JUST SAID JUST THEN?

9 A THAT'S CORRECT.

10 MR. MEADORS: OKAY. THANK YOU, MR. SPRUELL.

11 THE COURT: THANK YOU, SIR.

12 MR. SWERLING.

13 CROSS-EXAMINATION BY MR. SWERLING:

14 Q HI, MR. SPRUELL, HOW ARE YOU DOING?

15 A GOOD.

16 Q AND JUST FOR THE JURY WE SPOKE SOMETIME AGO ABOUT THIS,
17 TOO, AS WELL, CORRECT?

18 A THAT'S CORRECT.

19 Q AND BECAUSE YOU'RE A FRIEND OF JHUNE HARRIS?

20 A THAT'S CORRECT.

21 Q AND YOU'RE A FRIEND OF ANGELA GILMORE AS WELL?

22 A THAT'S CORRECT.

23 Q AND YOU HAVE KNOWN BOTH OF THEM FOR A NUMBER OF YEARS?

24 A THAT'S CORRECT.

25 Q AND YOU HAVE SOCIALIZED WITH THEM TOGETHER OVER THOSE

1 YEARS, CORRECT?

2 A THAT'S CORRECT.

3 Q AND THEY WERE LIVING TOGETHER THROUGHOUT THOSE YEARS,
4 CORRECT?

5 A THAT'S CORRECT.

6 Q AND YOU SPENT A LOT OF TIME TOGETHER OVER AT EACH
7 OTHER'S HOUSE?

8 A THAT'S CORRECT.

9 Q OKAY. SO YOU WOULD CONSIDER YOURSELF AND STILL
10 CONSIDER YOURSELF A FRIEND OF BOTH OF THEM?

11 A YES, I WOULD.

12 Q YOU'RE AWARE THAT JHUNE'S A DIABETIC, CORRECT?

13 A YES, I DO.

14 Q AND WHEN HE CALLED YOU THAT DAY OF JULY 6TH, DID HE
15 APPEAR TO BE CONFUSED AND DAZED AND DISORIENTED?

16 A HE DID SEEM TO BE DISORIENTED, CONFUSED.

17 Q ALL RIGHT. AND CONFUSED?

18 A UH-HUH.

19 Q AS A MATTER OF FACT Y'ALL WERE VERY CLOSE?

20 A YES, WE WERE.

21 Q AND YOU GOT HIM, GOT HIM IN A MASONIC LODGE BACK
22 IN 2000; IS THAT CORRECT?

23 A THAT'S CORRECT.

24 MR. SWERLING: ALL RIGHT. THANK YOU VERY MUCH.

25 THE COURT: THANK YOU, SIR.

1 ANYTHING ON REDIRECT?

2 REDIRECT-EXAMINATION BY MR. MEADORS:

3 Q YOU DIDN'T HAVE ANY TROUBLE UNDERSTANDING HIM WHEN HE
4 TOLD YOU HE SHOT HIM AND HER, DID YOU?

5 A (SHOOK HEAD.)

6 MR. MEADORS: THAT'S ALL.

7 THE COURT: THANK YOU. ANYTHING ON RECROSS.

8 MR. SWERLING: NO.

9 THE COURT: YOU MAY STEP DOWN, MR. SPRUELL. THANK
10 YOU, SIR.

11 THE COURT: STATE MAY CALL YOUR NEXT WITNESS.

12 MS. GADDY: MARY FRANCES O'GRADY-WATTS.

13 MS. GADDY: MAY IT PLEASE THE COURT, YOUR HONOR?

14 THE COURT: YES, MA'AM.

15 MS. GADDY: THANK YOU.

16 MARY F. O'GRADY-WATTS, BEING
17 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

18 DIRECT EXAMINATION BY MS. GADDY:

19 Q INVESTIGATOR O'GRADY-WATTS WHERE ARE YOU CURRENTLY
20 EMPLOYED?

21 A I AM CURRENTLY EMPLOYED WITH THE AIKEN COUNTY SHERIFF'S
22 OFFICE AS A FORENSIC INVESTIGATOR, SLASH, STAFF SERGEANT.

23 Q HOW LONG HAVE YOU BEEN SO EMPLOYED?

24 A I'VE BEEN THERE SINCE JANUARY 14TH OF THIS YEAR.

25 Q HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT TOTAL, MA'AM?

1 A APPROXIMATELY 11 YEARS.

2 Q AND ON OR ABOUT JULY 6TH, 2003 HOW WERE YOU EMPLOYED?

3 A I WAS WITH THE COLUMBIA POLICE DEPARTMENT AS A MEMBER
4 OF THE CRIME SCENE UNIT.

5 Q AND APPROXIMATELY HOW MANY YEARS WERE YOU WITH C.P.D.?

6 A TEN AND A HALF.

7 Q DURING THE TIME THAT YOU WERE WITH C.P.D. DID YOU
8 PROGRESS THROUGH THE LINE?

9 A YES.

10 Q COULD YOU DESCRIBE WHAT A CRIME SCENE INVESTIGATOR DOES
11 FOR THE CITY OF COLUMBIA?

12 A BASICALLY YOUR JOB ENTAILS THE INVESTIGATION OF CRIMES
13 AND YOU'RE RESPONSIBLE FOR EVERYTHING FROM PHOTOGRAPHING THE
14 CRIME SCENE, COLLECTION OF EVIDENCE, SKETCHING, ANYTHING
15 THAT NEEDS TO BE DONE IN AN EVIDENTIARY TYPE OF ENVIRONMENT.

16 Q IS IT FAIR TO SAY YOU TAKE A LOT OF PICTURES?

17 A YES.

18 Q IS IT FAIR TO SAY THAT YOU MARK DOWN AS MUCH AS YOU
19 SEE?

20 A YES.

21 Q IN THAT CAPACITY DID YOU PHOTOGRAPH THE SCENE AT
22 DUKE AVENUE HERE IN RICHLAND COUNTY?

23 A YES, I DID.

24 Q NOW, YESTERDAY BEFORE YOU WERE HERE WE, AND MONDAY TOO,
25 WE INTRODUCED SOME PHOTOGRAPHS THAT YOU, I THINK, TOOK.

1 WOULD YOU JUST REVIEW STATE'S EXHIBITS 1 THROUGH 20?

2 A OKAY.

3 Q DO YOU RECALL TAKING ALL THOSE PICTURES?

4 A YES, THEY'RE ALL MINE.

5 Q ALL RIGHT. OKAY. AND ASKING YOU TO REVIEW STATE'S 26,
6 THROUGH 34, ASK YOU IF YOU TOOK THOSE PICTURES, MA'AM?

7 A THE TWO FROM AUTOPSY I DID NOT ATTEND THE AUTOPSY. IT
8 WAS A COLLEAGUE OF MINE THAT DID GO BUT THE OTHERS ARE IN
9 FACT MINE.

10 Q SO WE'RE PULLING OUT STATE'S 29, 30, AND 31. SO 26
11 THROUGH 28 ARE YOURS?

12 A YES.

13 Q AND 32 THROUGH 34 ARE YOURS?

14 A CORRECT.

15 MS. GADDY: YOUR HONOR, MR. SWERLING HAS REVIEWED
16 THOSE PHOTOGRAPHS I'D ASK TO MOVE THEM WITHOUT OBJECTION.

17 MR. SWERLING: NO OBJECTION.

18 THE COURT: THANK YOU, COUNSEL. WITHOUT OBJECTION
19 THEY'RE ADMITTED.

20 BY MS. GADDY:

21 Q TAKING YOU BACK TO JULY 6, 2003 CAN YOU TELL US WHAT
22 THE FIRST INVOLVEMENT YOU HAD WITH WHERE
23 THIS CASE WAS?

24 A I WAS ON SHIFT AND I WAS GIVEN A CALL FOR SERVICE TO
25 THIS ADDRESS, TO DUKE AVENUE, RESPONDED TO THE SCENE, GIVEN

1 A BRIEF OVERVIEW BY THE OFFICERS WHO WERE THERE, PROCEEDED
2 INSIDE, DID MY WALK-THROUGH AND THEN STARTED TAKING MY
3 PHOTOGRAPHS.

4 Q AND WHAT ROOM DID YOU START IN, MA'AM?

5 A ACTUALLY YOU START WITH THE OUTSIDE OF THE HOUSE FIRST
6 TO SHOW RELEVANCE AS TO HOW THE RESIDENCE, THE WHOLE LOT,
7 EVERYTHING THAT'S AROUND IT. THEN ACTUALLY WENT IN THE
8 FRONT DOOR WHICH BASICALLY ENTERS INTO THE FORMAL LIVING
9 ROOM, TAKING PICTURES INTO THE DINING ROOM BECAUSE THEY'RE
10 YOUR FIRST TWO FRONT ROOMS, PROCEEDED INTO THE KITCHEN WHICH
11 IS IN THE, YOU'RE FACING HOUSE FRONT RIGHT CORNER.

12 IT LEADS INTO THE FAMILY ROOM BECAUSE THERE IS AN
13 ISLAND THAT SEPARATES IT. THERE IS A BASED OPEN AREA AND
14 WENT BACK TO THE LEFT BECAUSE THERE IS A HALLWAY WHICH GOES
15 TO THE TO, THE MASTER BEDROOM AND I THINK THERE WAS A
16 BATHROOM AND I DID NOT GO UPSTAIRS BUT THERE IS A STAIRCASE
17 WHICH IS IN THE FAMILY, WHAT WOULD BE CONSIDERED THE FAMILY
18 ROOM WHICH WOULD GO UP TO THE SECOND FLOOR.

19 Q OKAY. AND EVERY PERSON THAT'S TAKEN THAT WITNESS STAND
20 HAS USED DIFFERENT WORDS FOR DIFFERENT ROOMS SO I'M GOING TO
21 ASK YOU IF YOU WOULD BY USING YOUR PHOTOGRAPHS TO TELL US,
22 JUST PICK ONE PHOTOGRAPH AND TELL US WHAT YOU DID FOR THAT
23 PHOTOGRAPH OF WHAT ROOM THAT IS. START WITH STATE'S EXHIBIT
24 NO. 1 IF YOU WOULD, PLEASE?

25 A ALL RIGHT. THIS IS FRONT OF HOUSE AT, ON DUKE AVENUE.

1 YOU WOULD START WITH THE FRONT OF THE HOUSE TO SHOW
2 RELEVANCE AS TO WHERE THE EVENT HAPPENED AT. PHOTOGRAPH
3 NUMBER TWO IS THE VIEW OF THE LIVING ROOM. IF YOU'RE FACING
4 THE HOUSE TO THE FRONT, YOU'RE ACTUALLY GOING TO BE ON THE
5 LEFT-HAND SIDE OF THE LIVING ROOM GOING INTO THE DINING
6 AREA. SO YOU CAN ACTUALLY SEE IN THE KITCHEN FROM THAT
7 VIEW. IF YOU GO TO EXHIBIT NO. 3 YOU'RE GOING TO ACTUALLY
8 BE IN THE KITCHEN AND TAKING A SHOT BACK OUT TOWARD THE
9 FRONT DOOR WHERE YOU ACTUALLY WERE STANDING PREVIOUSLY.
10 PHOTOGRAPH NO. 4 IS A CLOSER-UP VIEW THAT YOU'RE ACTUALLY
11 STANDING IN THE DINING ROOM LOOKING INTO THE KITCHEN WHERE
12 THE ISLAND IS.

13 Q WHAT'S THAT DOOR ON THE LEFT THERE, INVESTIGATOR?

14 A THIS DOOR IS ACTUALLY, THERE IS A, IT'S ALMOST LIKE
15 THERE'S A WALL AND, AS I WAS TALKING ABOUT. I'LL SHOW YOU A
16 PICTURE IN A MINUTE. THIS ISLAND WHERE I SAID INTO THE OPEN
17 AREA THERE IS A WALL THAT SEPARATES IT IF YOU GO TO THE
18 LEFT. IT'S ROUGHLY ABOUT 20 FEET AND THEN THERE WILL BE
19 ANOTHER AS IF YOU'RE WALKING THROUGH AND IT SEPARATES THE
20 HOUSE AND THIS DOOR ACTUALLY YOU CAN WALK THROUGH IT FROM
21 THE LIVING ROOM BASICALLY AND GO TO THE MASTER BEDROOM OFF
22 TO THE LEFT OR STRAIGHT INTO THE BATHROOM.

23 FOR A BETTER PICTURE I'LL SHOW YOU IN A MINUTE.
24 THIS IS A LITTLE BIT BETTER VIEW OF THAT HALLWAY I'M TALKING
25 ABOUT ON THE BACK SIDE BECAUSE THE, THERE ARE TWO DIFFERENT,

1 EXHIBIT 12 AND 13 ACTUALLY SHOW YOU FROM THE FAMILY ROOM
2 POINT OF VIEW THERE IS THE BACK SIDE OF THE ISLAND AND
3 YOU'RE SHOOTING BACK DOWN THE HALLWAY TOWARD THE BATHROOM,
4 BEDROOM AREA AND THIS IS FROM THAT AREA BACK INTO THE FAMILY
5 ROOM. SO THAT HALL IT'S JUST ALMOST A FEW DOORS THAT
6 SEPARATE THAT ONE LITTLE ALCOVE FROM THE LEFT-HAND BACK
7 CORNER.

8 AS YOU GO INTO THE KITCHEN IT'S A FAIRLY SMALL
9 KITCHEN, VERY CLEAN. THIS IS SHOWING YOU THE CABINETRY
10 WHICH FACES THE FRONT OF THE HOUSE. THIS IS JUST ANOTHER
11 VIEW BASICALLY EXHIBIT NO. 5 OF THAT DOOR WHICH ACTUALLY
12 LEAVES LEADS YOU INTO THE BACKYARD. IT'S ALMOST LIKE A
13 SMALL UTILITY ROOM. IT HAS A WASHER AND DRYER IN IT AND
14 THIS IS THE VIEW INTO THE FAMILY ROOM FROM THE KITCHEN.
15 THERE IS A SMALL ISLAND THAT SEPARATES, THERE IS A COUPLE
16 CHAIRS THAT YOU CAN SIT AT AND YOU CAN COME AROUND THE
17 RIGHT-HAND SIDE INTO THE FAMILY ROOM ITSELF.

18 Q WHAT STATE'S EXHIBIT IS THAT?

19 A THIS IS EXHIBIT NO. 11.

20 Q THANK YOU.

21 A THIS IS A LITTLE BIT CLOSER VIEW OF THE UTILITY ROOM.
22 YOU CAN SEE THE WASHER AND THE DRYER AND THIS EXHIBIT NO. 7.

23 Q IS THAT THE BACK DOOR TO THE HOUSE THERE?

24 A YES, OUT THE BACK DOOR BASICALLY. I'M NOT SURE WHOSE
25 CAR THAT IS. I'M ASSUMING IT'S THE HOMEOWNER'S CAR THAT IS

1 PARKED RIGHT OUT ADJACENT TO THE BACK DOOR AND THEN EXHIBIT
2 NO. 10 IS ACTUALLY THE BACK VIEW. THIS IS THE DOOR RIGHT
3 HERE THAT YOU WERE PREVIOUSLY LOOKING OUT OF. SO ACTUALLY
4 YOU COME IN THAT DOOR, HANG A RIGHT AND YOU'RE INTO THE
5 KITCHEN SLASH LIVING ROOM AREA.

6 Q AND AT SOME POINT, INVESTIGATOR, WE ALSO DID A BLOWUP
7 OF YOUR, ONE OF YOUR DIAGRAMS HERE. THIS IS STATE'S EXHIBIT
8 NO. 23 I BELIEVE.

9 YOUR HONOR, MAY THE WITNESS COME DOWN FROM THE
10 STAND, PLEASE?

11 THE COURT: YES, MA'AM.

12 BY MS. GADDY:

13 Q WHEN YOU'RE TALKING ABOUT THE HALLWAY THAT GOES INTO
14 THE MASTER BEDROOM AND ALSO LEADS INTO THAT FORMAL DINING
15 ROOM AREA, THIS IS OBVIOUSLY JUST A DIAGRAM OF THE FAMILY
16 ROOM OR THE DEN AREA, WHERE DOES THAT HALLWAY LEAD?

17 A THIS IS SUPPOSED TO BE A DOOR. THIS IS ACTUALLY, JUST
18 THINK OF IT AS A WALKWAY. WHEN YOU GO THROUGH HERE THIS IS
19 YOUR ACTUAL HALLWAY HERE. THERE IS A DOOR THAT SEPARATES
20 THIS FAMILY ROOM FROM THE ADDITIONAL HALLWAY INTO THE
21 BATHROOM SLASH BEDROOM AREA. EVERYTHING IN HERE BASICALLY
22 HAS JUST TO MAKE IT EASY I JUST GAVE IT A LETTER VALUE AND
23 EACH ONE OF THESE LIKE YOU HAVE SOFAS; YOU HAVE THE COFFEE
24 TABLE.

25 THERE IS AN ORGAN THAT WAS HERE. THIS IS

1 BASICALLY ELECTRONIC COMPONENTS TELEVISION, SPEAKERS, ET
2 CETERA. THIS IS YOUR ISLAND WITH TWO CHAIRS, WORKOUT-TYPE
3 EQUIPMENT AND THIS IS ACTUALLY THE STAIRCASE I WAS TALKING
4 ABOUT. IT'S REALLY IN THE BACK OF THE CORNER AND IT'S
5 ALMOST AS IF THERE WAS AN ADDITION TO THE HOUSE THAT WAS
6 PREVIOUSLY NOT THERE AND THE STAIRS MAYBE WERE AN ATTIC AT
7 ONE TIME AND IT GOES UP HERE AND FOLLOWS THROUGH UP TO THE
8 SECOND FLOOR.

9 Q NOW, IF THERE WERE TESTIMONY YESTERDAY ABOUT WHERE THE
10 KITCHEN WAS LOCATED AND WHERE THE DINING ROOM WERE LOCATED,
11 CAN YOU PLEASE DO THAT IN RELATION TO THIS DIAGRAM?

12 A THE KITCHEN SITS RIGHT HERE. IT'S ALMOST AS IF THIS IS
13 YOUR, AS YOU'RE FACING THE HOUSE FROM THE OUTSIDE YOU'RE
14 LOOKING AT THE FAR RIGHT-HAND PORTION OF THE HOUSE. THIS IS
15 ALL THERE IS. THIS IS THE FAMILY ROOM AND THE KITCHEN.
16 THIS WOULD BE ANOTHER DOORWAY AND YOU'RE GOING RIGHT INTO
17 THE ADJACENT FORMAL DINING ROOM.

18 Q OKAY. AND FROM THE FORMAL DINING ROOM WHAT HAPPENS IF
19 YOU TAKE A RIGHT ESSENTIALLY ON THIS DIAGRAM?

20 A THIS WALL COMES OUT A LITTLE BIT FARTHER AND THE DOOR
21 THAT I SHOWED YOU EARLIER THAT BASICALLY I WAS REFERRING TO
22 THE, GOING INTO THE BATHROOM-BEDROOM AREA IS RIGHT HERE AND
23 THEN THERE IS ANOTHER DOOR. IT'S ALMOST AS IF YOU COULD
24 CREATE A CIRCLE IF YOU'RE COMING AROUND BUT THERE IS A WALL
25 THAT ACTUALLY SEPARATES ONE-HALF THE HOUSE TO THE OTHER.

1 Q OKAY. IF YOU'D RETAKE YOUR, SEAT PLEASE, MA'AM?

2 A (WITNESS COMPLIES.)

3 Q THANK YOU. NOW, AS PART OF YOUR DUTIES AFTER YOU TAKE
4 THOSE PHOTOGRAPHS OF THE OUTSIDE AND THEN OF THE INTERIOR OF
5 THE HOUSE AS YOU TOLD US, WHAT'S YOUR NEXT TASK?

6 A YOU'RE GOING TO BASICALLY LOOK AND SEE WHAT IS INVOLVED
7 IN YOUR CRIME SCENE, EVERYTHING FROM WHAT TYPES OF BOXES OR
8 BAGS OR ANYTHING I'M GOING TO NEED TO COLLECT; AM I GOING TO
9 NEED ANYTHING FOR LIQUIDS, SOLIDS. I'M GOING TO PROCEED IN
10 TAKING MY NOTES AS TO WHERE EVERYTHING IS. THIS WAY YOU
11 ALSO PHOTOGRAPH WHERE YOU WILL HAVE A DOCUMENTATION BUT YOU
12 ALSO WANT TO HAVE SOMETHING IN WRITING BASICALLY A LITTLE
13 BIT MORE DESCRIPTIVE TO JOG YOUR MEMORY LATER AND TAKE THOSE
14 NOTES DOWN. THEN YOU START BASICALLY COLLECTING YOUR
15 EVIDENCE TO PRESERVE IT. SO THIS WAY WHEN YOU'RE
16 TRANSPORTING IT BACK FROM YOUR CRIME SCENE TO HEADQUARTERS
17 FOR SAFEKEEPING YOU MIGHT NEED TO SEND IT OFF SOMEPLACE ELSE
18 WHETHER IT BE FOR BALLISTICS OR SEROLOGY OR SOMETHING ELSE
19 THAT THE LAB WOULD HAVE TO DO YOU WANT TO MAKE SURE THAT,
20 YOU KNOW, HOPEFULLY PROTECTED.

21 Q OKAY. NOW, WITH REGARD TO COLLECTING EVIDENCE, IN SOME
22 OF THESE PICTURES THERE ARE SOME LITTLE TAGS. CAN YOU TELL
23 US ABOUT THE USE OF A YELLOW TAG WITH A NUMBER ON IT?

24 A THE TAGS ARE BASICALLY, THEY SIGNIFY EACH PIECE OF
25 EVIDENCE. YOU'RE GOING TO GIVE IT A IDENTIFIER AND THIS IS

1 HOW I BASICALLY START EVERY CRIME SCENE. I START FROM POINT
2 "A" AND I'M WORKING MY WAY AROUND AND IT GIVES ME ALMOST A
3 WORKING ORDER AS TO HOW I'M GOING TO DO IT. IT'S EASIER FOR
4 ME TO DOCUMENT WHAT WE CALL A CASE JACKET. WHEN YOU PUT
5 YOUR CASE JACKET TOGETHER YOU ARE GOING TO TAKE EACH ONE OF
6 THE NUMERICAL IDENTIFIERS WHICH SIGNIFIES A GUN OR A PIECE
7 OF CLOTHING OR SOMETHING ELSE AND YOU LIST IT.

8 YOU CAN LIST HOW, WHAT THE ITEMS IS, WHERE YOU
9 FOUND IT, WHAT CONDITION IT'S IN, AND HOW YOU PACKAGED IT
10 AND IF YOU CAN ALSO CROSS REFERENCE IT ON ANOTHER CHART THAT
11 I HAVE AND EVERYTHING THAT YOU BASICALLY PHOTOGRAPH YOU CAN
12 CROSS MATCH. SO IF YOU HAVE, SAY, ITEM NUMBER ONE YOU'RE
13 GOING TO TAKE PHOTOGRAPHS ONE THROUGH FIVE BECAUSE ITEM
14 NUMBER ONE IS A PHOTOGRAPH OF NUMBER FIVE. SO IT'S, YOU CAN
15 EITHER GO TO ONE CHART OR THE OTHER AND BASICALLY ALMOST
16 REWORK OR FIND OUT WHERE IT WAS INITIALLY. SO WITH THIS
17 CASE TWO YEARS DOWN THE ROAD IT'S EASIER FOR ME TO IDENTIFY
18 OR REMEMBER WHAT HAPPENED.

19 Q OKAY. AND TURNING YOUR ATTENTION TO THE PICTURES FROM
20 TODAY, CAN YOU FIND ITEM NUMBER ONE?

21 A YES, THE SECOND SET OF PHOTOS.

22 Q ALL RIGHT. AND WHAT STATE'S EXHIBIT NUMBER ARE YOU
23 LOOKING AT, MA'AM?

24 A I AM LOOKING AT NUMBER 32.

25 Q OKAY. AND COULD YOU PLEASE SHOW TO THE JURY WHAT

1 STATE'S EXHIBIT NO. 1 IS?

2 A IT'S A FIRED ROUND THAT WAS FOUND ON THE FLOOR OF THE
3 DOWNSTAIRS FAMILY ROOM.

4 Q AND YOUR HONOR, AGAIN MAY INVESTIGATOR STEP DOWN AND
5 SHOW THAT TO THE JURY?

6 THE COURT: YES, MA'AM.

7 MS. GADDY: THANK YOU.

8 BY MS. GADDY:

9 Q COULD YOU PLEASE DEMONSTRATE TO THE JURY WHAT YOU'RE
10 LOOKING AT HERE, WHAT IS MARKED AS NUMBER 1?

11 A THIS IS GOING TO BE THE FIRED ROUND THAT WAS IN THE
12 FAMILY ROOM. IT WAS ON THE FLOOR AS YOU'RE WALKING THROUGH
13 THE, FROM THE KITCHEN INTO THE FAMILY ROOM IS RIGHT HERE ON
14 THE FLOOR NEXT TO THE MAGAZINE RACK. SO HERE'S YOUR WALL
15 EXTERIOR, INTERIOR WALL IS RIGHT HERE AS YOU WALK FROM THE
16 KITCHEN INTO THE FARMLY ROOM.

17 Q AND IS IT FAIR TO SAY THAT THIS WOULD BE THE COUNTER
18 WITH THE BAR STOOLS HERE?

19 A THIS IS THE COUNTER WITH THE BAR STOOLS.

20 Q ALL RIGHT. SO IT'S FOUND SORT OF IN BETWEEN THE
21 MAGAZINE RACK AND THE COUNTER?

22 A YES.

23 Q ALL RIGHT. THANK YOU, MA'AM. WOULD YOU SHOW US, IF
24 YOU'D JUST STAY DOWN FOR JUST A MINUTE WOULD YOU PLEASE SHOW
25 US STATE'S EXHIBIT NUMBER, EXCUSE ME, YOUR INVESTIGATOR MARK

1 NUMBER TWO AND WHAT STATE'S EXHIBIT IT'S IN?

2 A THIS IS NO. 2. IT IS THE EARRINGS THAT MS. GILMORE WAS
3 WEARING AT THE TIME THAT THE INCIDENT TOOK PLACE. IT WAS
4 FOUND ON THE FLOOR NOT TOO FAR FROM THE ROUND WHICH I
5 RECOVERED. THIS IS THE SAME PORTION OF THE WALL THAT I WAS
6 TALKING ABOUT RIGHT HERE, EXTERIOR, INTERIOR WALL RIGHT, IT
7 BUTTS UP NEXT TO THE FLOOR.

8 Q AND WHAT STATE'S EXHIBIT NO. IS THAT, MA'AM?

9 A THIS IS NO. 2. I'M SORRY. THIS IS NO. 33.

10 Q NO. 33. THANK YOU. AND TURNING YOUR ATTENTION TO THE
11 NEXT PHOTOGRAPH IN YOUR HAND, WHAT STATE'S EXHIBIT IS THAT?

12 A THIS IS A MAN'S SHIRT THAT WAS FOUND ON THE FAMILY ROOM
13 FLOOR. THIS IS YOUR COFFEE TABLE WHICH IS "H" AND YOUR
14 STAIRS ARE RIGHT BACK HERE UP IN THIS CORNER. THIS IS,
15 RIGHT HERE THIS IS EXHIBIT NO. 3. IT BELONGED TO MR. PIERRE
16 AND THIS IS WHERE IT WAS LEFT. I IMAGINE E.M.S ---

17 MR. SWERLING: OBJECTION, YOUR HONOR.

18 THE COURT: SUSTAINED.

19 BY MS. GADDY:

20 Q WITH REGARDS TO THIS LITTLE "T" SQUARE THAT'S IN THE
21 PHOTOGRAPH AS WELL BY INVESTIGATOR TAG NUMBER THREE. WHAT
22 IS THAT, MA'AM?

23 A THERE IS SOME BLOOD ON THE FLOOR AND IN ORDER TO SHOW
24 REFERENCE AND TO SHOW SOME TYPE OF MEASUREMENT, YOU WOULD
25 PUT A SCALE IN THERE WHEN YOU TAKE THE PHOTOGRAPHS TO SHOW

1 APPROXIMATELY HOW MUCH BLOOD YOU MIGHT BE GIVEN OR FOR ANY
2 OTHER TYPE OF MAYBE LIQUID OR SOLID THAT YOU MIGHT FIND.
3 YOU'RE GOING TO HAVE SOME TYPE OF MEASUREMENT OR POINT OF
4 REFERENCE IN ORDER TO SHOW SOMETHING IN YOUR PHOTOGRAPH.

5 Q AND IN THIS PARTICULAR CASE WHAT WAS SHOWN WITH THAT
6 SCALE?

7 A BLOOD THAT WAS LEFT ON THE FLOOR.

8 Q IF YOU'D RETURN TO YOUR SEAT, PLEASE. AFTER MARKINGS
9 ONE, TWO, AND THREE IN THE HOUSE WHAT WAS YOUR NEXT STEP,
10 MA'AM?

11 A BASICALLY AFTER YOU COLLECTED ALL YOUR EVIDENCE, TAKEN
12 YOUR PHOTOGRAPHS, DONE EVERYTHING THAT YOU SHOULD DO, YOU'RE
13 GOING TO PACK EVERYTHING UP AND YOU'RE GOING TO GO BACK TO
14 HEADQUARTERS AND WHERE YOU'RE GOING TO BASICALLY TAG
15 EVERYTHING, MAKE SURE EVERYTHING'S MARKED CORRECTLY AND
16 PLACE IT INTO EVIDENCE FOR SAFE KEEPING.

17 Q AND DID YOU DO THAT WITH THESE ITEMS?

18 A YES.

19 Q ALL RIGHT. IN THIS CASE DID YOU MAKE AN EXCEPTION FOR
20 INVESTIGATOR TAG NUMBER TWO, THE GOLDEN COLOR EARRING?

21 A YES.

22 Q AND BUT YOU PHOTOGRAPHED IT, DOCUMENTED IT, AND LABELED
23 IT?

24 A IT WAS SHOWN AS A POINT OF REFERENCE AS TO WHAT HAD
25 TAKEN PLACE OR WHAT WOULD HAVE TAKEN PLACE WITH ONE OF THE

1. VICTIMS.

2. Q AT SOME POINT AFTER RETURNING TO HEADQUARTERS WERE YOU
3. CALLED OUT AGAIN?

4. A YES.

5. Q ALL RIGHT. AND IN THIS CASE DID YOU ALSO GO TO A SCENE
6. AT 1212 BRENNAN AVENUE?

7. A YES, I DID.

8. Q AND IS THAT ALSO WITHIN RICHLAND COUNTY?

9. A YES, IT IS.

10. Q WHAT DID YOU DO WHEN YOU ARRIVED THERE?

11. A I COLLECTED A 32-CALIBER PISTOL.

12. Q SHOWING YOU WHAT'S PREVIOUSLY BEEN MARKED AS STATE'S
13. EXHIBIT NO. 22, I'D ASK YOU TO REVIEW THIS AND TELL ME IF
14. YOU RECOGNIZE THAT ITEM?

15. A YES.

16. Q AND WHAT IS THAT ITEM, MA'AM?

17. A 32-CALIBER PISTOL THAT I COLLECTED FROM 1212 BRENNAN.

18. Q AND HOW DO YOU KNOW THAT'S THE PISTOL THAT YOU
19. COLLECTED, MA'AM?

20. A IT HAS A MARKING IN ADDITION TO IT CAME IN THE BOX THAT
21. I PUT IT IN INITIALLY.

22. Q ALL RIGHT. THANK YOU.

23. MS. GADDY: YOUR HONOR, AT THIS TIME DEFENSE AND
24. PROSECUTION HAVE ENTERED INTO A STIPULATION THAT THIS GUN
25. WAS TAKEN FROM MR. HENRY BONEY'S CUSTODY, PLACED IN OFFICER

1 TAURUS SANDERS' CUSTODY AND THEN TAKEN BY INVESTIGATOR MARY
2 FRANCES O'GRADY-WATTS.

3 MR. SWERLING: THAT'S CORRECT.

4 THE COURT: OKAY. THANK YOU, COUNSEL. SO
5 STIPULATED. THANK YOU.

6 MS. GADDY: THANK YOU, YOUR HONOR.

7 BY MS. GADDY:

8 Q AS A PART OF YOUR DUTIES WITH SECURING A FIREARM AS
9 OBVIOUSLY I GUESS YOU DON'T, WELL, FIRST OF ALL WHAT DO YOU
10 DO TO SECURE A FIREARM YOU WHEN YOU SEIZE ONE?

11 A YOU CHECK TO SEE IF IT'S LOADED FIRST.

12 Q OKAY.

13 A AND DEPENDING ON WHAT TYPE OF PISTOL IT IS IF IT'S
14 SEMIAUTOMATIC, YOU WOULD ACTUALLY REMOVE THE MAGAZINE AND
15 SEE IF THERE IS ANYTHING IN THE CHAMBER. IN THIS CASE THIS
16 WOULD BE A REVOLVER SO IN YOUR CYLINDER THAT'S WHERE THE
17 ROUNDS ARE HOUSED AND JUST TO SEE WHAT WAS IN THE CYLINDER
18 ITSELF I OPENED IT AND THERE, EVERYTHING, ALL CYLINDERS WERE
19 OCCUPIED EXCEPT THERE WERE THREE THAT WERE SPENT SHELL
20 CASINGS WHICH MEANS THAT THERE WERE NO BULLETS THAT WERE
21 LEFT IN THE SHELL CASINGS. THREE OR FOUR, I'M SORRY, WERE
22 STILL ACTIVE, WERE LIVE ROUNDS.

23 Q AND IN DETERMINING THAT, CAN YOU DEMONSTRATE HOW YOU
24 DID THAT? OKAY.

25 A IT'S ACTUALLY SUPPOSED TO FLIP OUT TO THE SIDE WHEN YOU

1 PULL ON IT.

2 Q AT THE TIME DID IT IN FACT FLIP OPEN?

3 A YES, IT DID.

4 Q ALL RIGHT. WHAT DID YOU DO WHEN IT OPENED?

5 A EXAMINE IT, SEE WHAT WAS INSIDE AND I THINK I HAVE A
6 PICTURE OF THE ROUNDS OR WHAT WAS IN IT.

7 Q DID YOU REMOVE ANYTHING FROM THE GUN?

8 A JUST THE LIVE ROUND BECAUSE THE OTHER THREE WOULD NOT
9 COME OUT. SO I LEFT THEM RIGHT WHERE THEY WERE.

10 Q AND IF YOU SELECT WHICH ITEMS YOU REMOVED?

11 A THESE ARE THE FOUR ROUNDS THAT WERE IN THE GUN AND THE
12 THREE SHELL CASINGS. IT'S ALMOST LIKE THEY WERE VERY HARD
13 TO REMOVE SO INSTEAD OF DAMAGING THE WEAPON I JUST LEFT THEM
14 IN THERE SO APPROPRIATE PERSONNEL COULD LOOK AT THEM.

15 MS. GADDY: AND, YOUR HONOR, I'M GOING TO ASK TO
16 MARK THIS AS STATE'S EXHIBIT 35.

17 (THEREUPON, THE UNFIRED CARTRIDGES WERE MARKED STATE'S
18 EXHIBIT NO. 35 AND ENTERED INTO EVIDENCE.)

19 BY MS. GADDY:

20 Q ALL RIGHT. SO COULD YOU PLEASE TELL THE JURY WHAT
21 STATE'S EXHIBIT NO. 35 THEN IS?

22 A FOUR UNFIRED 32-CALIBER ROUNDS TAKEN FROM 1212 BRENNAN
23 STREET.

24 Q AND WERE THOSE REMOVED FROM STATE'S EXHIBIT 22, THE
25 GUN?

1 A YES.

2 Q THAT WAS DONE BY YOU?

3 A CORRECT.

4 MS. GADDY: YOUR HONOR, I MOVE TO ADMIT STATE'S
5 35.

6 MR. SWERLING: NO OBJECTION.

7 THE COURT: THANK YOU, COUNSEL, WITHOUT OBJECTION.

8 MS. GADDY: THANK YOU.

9 BY MS. GADDY:

10 Q AND WHEN YOU TURNED OVER THE STATE'S EXHIBIT NO. 22 TO
11 INVESTIGATOR COLLINS, YOU LEFT HOW MANY ROUNDS?

12 A WELL, THERE WERE THREE SHELL CASINGS.

13 Q THREE SHELL CASINGS?

14 A THERE WERE NO ROUNDS LEFT IN THE WEAPON.

15 Q DID YOU ALSO TAKE SOME PHOTOGRAPHS WHILE YOU WERE
16 AT 1212 BRENNAN AVENUE?

17 A YES, I DID.

18 Q TURNING YOUR ATTENTION FIRST TO STATE'S EXHIBIT NO. 26?

19 A THIS IS THE FRONT DOOR OF 1212 BRENNAN.

20 Q AND STATE'S EXHIBIT NO. 27?

21 A TWENTY-SEVEN IS THE ACTUAL, THIS IS HOW I WOULD
22 ACTUALLY COLLECT THE PISTOL INITIALLY. IT WAS IN A PLASTIC
23 BAG ON THE COFFEE TABLE.

24 Q AND WHAT'S STATE'S EXHIBIT NO. 28?

25 A TWENTY-EIGHT IS WHEN I SECURED THE WEAPON WITH THE

1 ACTION OF PLACING IT IN THE BOX FOR SAFEKEEPING.

2 Q AND DID YOU MARK IT WITH AN INVESTIGATOR TAG NUMBER
3 FOUR AT THAT POINT, TOO?

4 A YES, THIS IS MY FOURTH PIECE OF EVIDENCE IN REFERENCE
5 TO THIS PARTICULAR CASE.

6 MS. GADDY: ALL RIGHT. YOUR HONOR, BEG THE
7 COURT'S INDULGENCE FOR JUST A MOMENT.

8 THE COURT: YES, MA'AM.

9 (THEREUPON, THE SHIRT WAS MARKED STATE'S EXHIBIT NO. 36
10 AND ENTERED INTO EVIDENCE.)

11 BY MS. GADDY:

12 Q INVESTIGATOR O'GRADY-WATTS, AS PART OF YOUR COLLECTION
13 DID YOU ACTUALLY COLLECT THE SHIRT MARKED AS INVESTIGATOR'S
14 TAG NUMBER THREE ON YOUR DIAGRAM?

15 A YES.

16 Q WOULD YOU PLEASE LOOK AT STATE'S EXHIBIT NO. 36 AND SEE
17 IF THAT IS THE SAME SHIRT CONTAINED THEREIN?

18 A (WITNESS COMPLIES.)

19 Q JUST TELL US WHAT'S INSIDE THE BIOHAZARD BAG? THAT'S
20 OKAY.

21 A I CAN'T REALLY SEE INSIDE THE BAG. IT'S BASICALLY THE
22 RED AND WHITE SHIRT THAT I COLLECTED OFF THE FAMILY ROOM
23 FLOOR.

24 Q AND IT'S PICTURED IN THOSE PICTURES THAT YOU PREVIOUSLY
25 DESCRIBED?

1 A YES.

2 MS. GADDY: OKAY. YOUR HONOR, AT THIS TIME WE'D
3 MOVE TO ADMIT STATE'S EXHIBIT NO. 35, 36 AS WELL AS THE
4 PHOTOGRAPHS THAT WERE PREVIOUSLY IDENTIFIED BY THE
5 INVESTIGATOR STATE'S 26 THROUGH 29 AND 32 THROUGH 34.

6 MR. SWERLING: JUDGE, THE ONLY THING I'D LIKE TO
7 SEE IS THE BAG.

8 THE COURT: THE LAST THING. OKAY. IF YOU'LL LET
9 MR. SWERLING SEE THAT.

10 MR. SWERLING: NO OBJECTION.

11 THE COURT: THANK YOU, COUNSEL, WITHOUT OBJECTION
12 THOSE EXHIBITS ARE ADMITTED.

13 MS. GADDY: AND, YOUR HONOR, THE FINAL EXHIBIT I
14 THINK IS STATE'S EXHIBIT NO. 22, THE PISTOL THAT'S
15 PREVIOUSLY BEEN MARKED, MOVE TO ADMIT.

16 THE COURT: MR. SWERLING.

17 MR. SWERLING: NO OBJECTION.

18 THE COURT: WITHOUT OBJECTION.

19 MS. GADDY: YOUR HONOR, I BELIEVE THAT WOULD BE MY
20 QUESTIONS FOR THE INVESTIGATOR.

21 THE COURT: THANK YOU, MA'AM.

22 MR. SWERLING.

23 CROSS-EXAMINATION BY MR. SWERLING:

24 Q GOOD MORNING --

25 A GOOD MORNING.

1 Q -- INVESTIGATOR WATSON, HOW ARE YOU? WHEN YOU GOT TO
2 THE SCENE MR. PIERRE HAD ALREADY BEEN REMOVED; IS THAT
3 CORRECT?

4 A YES. HE WAS NOT THERE.

5 Q AND DID YOU REFER TO STATE'S 20?

6 A OKAY.

7 Q THE SHIRT WHICH I UNDERSTAND IS NO. 3, CORRECT?

8 A CORRECT. IT'S RIGHT HERE.

9 Q ALL RIGHT. AND YOU DIDN'T NOTE ANY BLOOD ON THAT
10 SHIRT, DID YOU?

11 A NO, SIR.

12 Q OKAY. AND DID YOU MAKE ANY MEASUREMENTS FROM WHERE
13 THAT SHIRT WAS TO THE STAIRS?

14 A NO, NOT AT THAT TIME.

15 Q OKAY.

16 A I WASN'T EXACTLY SURE WHERE HE WAS NEVERTHELESS I
17 WASN'T EXACTLY SURE IF THE SHIRT WAS IN THE CORRECT POSITION
18 BECAUSE I'M ASSUMING THAT HE WAS WEARING IT AT THE TIME.

19 Q OKAY. BUT YOU DON'T KNOW THAT?

20 A NO.

21 Q OKAY. IN FACT HE COULD HAVE BEEN GOING DOWN THE STAIRS
22 WITH THE SHIRT IN HIS HAND?

23 A FOR ALL I KNOW.

24 Q IF THAT WAS THE TESTIMONY BY AT LEAST ONE OF THE
25 CHILDREN, YOU HAVE NO REASON TO DOUBT IT?

1 A NO.

2 Q OKAY. BUT WITHOUT HIM BEING THERE YOU WOULD HAVE NO
3 IDEA WHERE THAT, WHERE THE BODY WAS?

4 A NO, SIR.

5 Q ALL RIGHT. DID YOU MAKE ANY MEASUREMENTS IN THIS ROOM
6 FROM ANY POINT TO THE OTHER?

7 A NO.

8 Q OKAY. SO YOU REALLY DON'T KNOW WHAT THE DISTANCE WAS
9 FROM LET'S SAY NUMBER 1 TO NUMBER 3 OR "E" TO "J" OR
10 ANYTHING LIKE THAT?

11 A NO, I DIDN'T DRAW ANYTHING TO SCALE WITH THIS.

12 Q OKAY. BUT I KNOW IT WAS NOT DRAWN TO SCALE BUT WERE
13 THERE ANY MEASUREMENTS TAKEN?

14 A NO.

15 Q OKAY. JUST TO MAKE SURE THAT WE ALL UNDERSTAND, IT WAS
16 A SEVEN-SHOT REVOLVER?

17 A YES, SIR.

18 Q OKAY. AND WHEN YOU EXAMINED THREE OF THE CHAMBERS HAD
19 ALREADY BEEN FIRED. I MEAN THAT'S BASICALLY WHAT YOU'RE
20 SAYING, CORRECT?

21 A YES.

22 Q FOUR OF THE CHAMBERS HAD NOT BEEN FIRED --

23 A CORRECT.

24 Q -- CORRECT? SO THERE WERE FOUR LIVE ROUNDS STILL IN IT
25 WHICH YOU REMOVED, THREE WHICH YOU COULD NOT FOR ONE REASON

1 OR ANOTHER IT WOULD NOT --

2 A COME OUT.

3 Q COME OUT. WHAT DO YOU CALL IT RETRACT OR SOMETHING
4 LIKE THAT, EJECT OR SOMETHING?

5 A YES, EJECTED BASICALLY.

6 Q ALL RIGHT. I CAN ASK MR. COLLINS?

7 A I'M SURE HE'LL PROBABLY CLARIFY THAT WHEN HE TAKES THE
8 STAND.

9 MR. SWERLING: HE'LL KNOW WHAT IT IS. I KNOW
10 THERE IS A WORD FOR IT. I JUST CAN'T RECALL IT. OKAY. I
11 THINK THAT'S ALL I HAVE.

12 THE COURT: THANK YOU, SIR. ANYTHING ON REDIRECT?

13 MS. GADDY: NO, YOUR HONOR. THANK YOU.

14 THE COURT: YOU MAY STEP DOWN. THANK YOU, MA'AM.
15 STATE MAY CALL THEIR NEXT WITNESS.

16 (THEREUPON, THERE WAS A BENCH CONFERENCE WITHIN THE
17 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

18 THE COURT: THANK YOU. MR. MEADORS.

19 MR. MEADORS: MARK VINSON. THANK YOUR HONOR. MAY
20 IT PLEASE THE COURT. INVESTIGATOR MARK VINSON.

21 MARK VINSON, BEING FIRST DULY
22 SWORN, TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION BY MR. MEADORS:

24 Q INVESTIGATOR MARK VINSON?

25 A YES, SIR.

1 Q PLEASE TELL THE LADIES AND GENTLEMEN OF THE JURY A
2 LITTLE BIT ABOUT YOURSELF, SPECIFICALLY WHERE ARE YOU FROM?

3 A I GREW UP IN CAMDEN BUT I'VE BEEN IN COLUMBIA THE
4 LAST 26 YEARS. THAT'S HOW LONG I'VE BEEN WITH THE COLUMBIA
5 POLICE DEPARTMENT.

6 Q AND YOUR WHOLE CAREER IS POLICE DEPARTMENT?

7 A YES, FIRST SIX YEARS PATROL OFFICER, TWO YEARS AS
8 CORPORAL AND FROM THAT TIME ON I'VE BEEN AN INVESTIGATOR.

9 Q AND WHAT DOES IT MEAN TO BE AN INVESTIGATOR WITH THE
10 COLUMBIA POLICE DEPARTMENT?

11 A YOU DON'T RESPOND TO INITIAL CALLS. YOU RESPOND AFTER
12 TO DO THE FOLLOW-UP. I'VE TAKEN STATEMENTS, THINGS
13 LIKE. . .

14 Q SO LINE OFFICERS WILL COME TO A SCENE FIRST?

15 A RIGHT. THE PATROL OFFICERS ARE THE ONES THAT NORMALLY
16 GO TO THE SCENE FIRST.

17 Q AND THEN WHOEVER'S ON CALL IS THE INVESTIGATOR RESPONDS
18 TO THE SCENE?

19 A CORRECT.

20 Q IS IT TRUE THAT WHOEVER GETS THERE FIRST IT'S USUALLY
21 THEIR CASE?

22 A WE ASSIGN THEM BY AREAS BUT FOR INSTANCE ON A SUNDAY
23 LIKE THIS WAS I WOULD BE THE ONLY ONE WORKING ANYWAYS.

24 Q AND JUST TELL THEM BRIEFLY ABOUT YOUR BACKGROUND,
25 SPECIFICALLY EDUCATIONAL BACKGROUND AND TRAINING IN THE

1 FIELD OF LAW ENFORCEMENT, GENERALLY?

2 A I ATTENDED THE CRIMINAL JUSTICE ACADEMY. I'VE BEEN TO
3 ALSO SOME BASIC-TYPE DETECTIVE SCHOOLS, THINGS LIKE THAT.

4 Q AND Y'ALL GO THROUGH PERIODIC TRAINING?

5 A YES, I MEAN, YOU'RE REQUIRED TO HAVE SO MANY HOURS
6 TRAINING EVERY YEAR?

7 Q SO ON JULY 6, 2003 YOU WERE ON CALL?

8 A I WAS ACTUALLY WORKING.

9 Q I MAY HAVE TALKED TO YOU THAT DAY I CAN' REMEMBER. I
10 THINK I DID?

11 A YES, SIR.

12 Q SO YOU GOT CALLED?

13 A YES.

14 Q DID YOU HAVE AN OCCASION TO RESPOND TO

15 A YES, I DID.

16 Q TELL THE LADIES AND GENTLEMEN OF THE JURY WHAT YOU
17 OBSERVED WHEN YOU GOT THERE. WHAT DID YOU SEE?

18 A I ARRIVED THERE. THEN I NOTICED THERE WERE LIKE
19 SEVERAL YOUNG CHILDREN OUTSIDE. THERE WAS SEVERAL OFFICERS
20 ALREADY THERE INCLUDING SERGEANT SHAWEN. I SPOKE WITH HIM
21 AND THE OFFICERS WHO INITIALLY TOOK THE REPORT JUST GAVE ME
22 A BRIEF OVERVIEW OF WHAT HAD HAPPENED.

23 Q AND THAT'S KIND OF WHAT YOU DO TRY TO FIND OUT WHAT'S
24 GOING ON?

25 A YES, SIR.

1 Q THE CHILDREN WE SAW TESTIFY DID YOU SEE THEM THERE?

2 A YES, THEY WERE THERE.

3 Q AND AT THAT POINT WHEN YOU FIRST GOT TO

4 DID YOU SEE ANGIE GILMORE?

5 A NO, SHE HAD ALREADY BEEN TAKEN TO THE HOSPITAL.

6 Q BUT I BELIEVE YOU TESTIFIED YOU WERE ABLE TO TALK WITH
7 SERGEANT SHAWEN?

8 A YES.

9 Q AND FIND OUT WHAT HAPPENED BEFORE YOU GOT THERE. WERE
10 YOU ABLE TO INTERVIEW OR BRIEFLY INTERVIEW ANY OF THE KIDS
11 OR ANYBODY ELSE WHEN YOU FIRST GOT THERE, ORALLY?

12 A YES, I DID SPEAK TO ALL FOUR CHILDREN JUST BRIEFLY TO
13 ENSURE THEY KNEW WHO THE PERSON WAS THEY WERE REFERRING TO
14 AND THEY ALL KNEW HIM. THEY WERE EVEN ABLE TO PROVIDE ME
15 HIS CELL PHONE NUMBER.

16 Q SO THE KIDS, AND DESCRIBE THEIR EMOTIONAL STATE IF YOU
17 CAN, INVESTIGATOR?

18 A THEY WERE ALL UPSET.

19 Q BUT THEY WERE ABLE TO TELL YOU WHAT HAPPENED AND WHO
20 DID IT?

21 A YES.

22 Q AND WHO DID THEY IDENTIFY AS THE CULPRIT OR THE
23 SHOOTER?

24 A THEY IDENTIFIED JHUNE HARRIS; THEY ALL KNEW AS JHUNE
25 HARRIS.

1 Q AND THEY GAVE YOU HIS CELL PHONE NUMBER?

2 A CORRECT.

3 Q AND YOU'RE AN INVESTIGATOR. YOU'RE ON THE SCENE; YOU
4 NOW HAVE A SUSPECT AND A NAME AND A CELL NUMBER. WHAT DID
5 YOU DO?

6 A I CALLED THE CELL PHONE.

7 Q AND DID ANYBODY ANSWER?

8 A YES, MR. HARRIS ANSWERED THE PHONE.

9 Q OKAY. WHAT WAS THAT CONVERSATION ABOUT; WHAT DID THAT
10 ENTAIL?

11 A IT WAS VERY BRIEF. HE TOLD ME THAT HE WAS ON BLUFF
12 ROAD AND THAT HE WAS EN ROUTE TO THE COLUMBIA POLICE
13 DEPARTMENT TO TURN HIMSELF IN.

14 Q NOW ABOUT WHAT, ABOUT WHAT TIME WAS THAT, EXCUSE ME?

15 A IT WOULD HAVE BEEN AROUND THREE O'CLOCK. I GOT TO THE
16 SCENE AT 2:45 AND JUST, YOU KNOW, TALKED TO EVERYBODY AND
17 THEN I MADE THE CALL.

18 Q A GENTLEMAN MR. SPRUELL CAME IN A LITTLE WHILE AGO. I
19 BELIEVE HE'S WORKING NOW. DID YOU HAVE OCCASION TO TALK TO
20 MR. SPRUELL AFTER THAT?

21 A YES, HE CAME TO THE SCENE ON HIS OWN. THAT WAS
22 AROUND 3:35 AND I SPOKE WITH HIM AND TOOK A WRITTEN
23 STATEMENT FROM HIM.

24 Q OKAY. SO HE CAME TO YOU AND TOLD YOU WHAT HE KNEW
25 ABOUT THIS?

1 A YES.

2 Q WHAT DID YOU DO NEXT THIS DAY AND IN YOUR
3 INVESTIGATION? DID YOU HAVE AN OCCASION TO TALK TO HENRY
4 BONEY?

5 A YES, SIR, ABOUT 4:10 THAT SAME AFTERNOON MR. BONEY
6 INITIALLY CALLED DISPATCH AND THEN I CALLED HIM AND SPOKE TO
7 HIM AND ALSO HAD AN OFFICER DISPATCHED OUT THERE AS WELL AS
8 INVESTIGATOR O'GRADY-WATTS.

9 Q AND AS A RESULT OF THAT DID YOU GET THE PISTOL I THINK
10 THAT'S ALREADY BEEN ENTERED INTO EVIDENCE?

11 A YES.

12 Q AND SOMEONE TAKE A STATEMENT FROM HENRY BONEY, CORRECT.

13 A YES, IT WAS INVESTIGATOR SMITH WHO WAS ACTUALLY COMING
14 ON THE EVENING SHIFT THAT DAY AT FOUR O'CLOCK WENT OUT THERE
15 AND TOOK A STATEMENT FROM HIM.

16 Q AS A RESULT OF A MEETING WITH A FELLOW NAMED MAURICE
17 SCOTT, WHAT HAPPENED WITHOUT GOING INTO YOUR CONVERSATION
18 WITH A MAURICE SCOT?

19 A WE LEARNED THAT MISTER --

20 MR. SWERLING: NO, YOUR HONOR. AS A RESULT OF THE
21 CONVERSATION, NOT WHAT WAS SAID.

22 THE COURT: CORRECT.

23 BY MR. MEADORS:

24 Q WHAT ACTION DID YOU TAKE?

25 A WE WENT OUT TO THE MASONIC TEMPLE ON 7022 WAKEFIELD

1 ROAD BECAUSE WE HAD LEARNED THAT MR. HARRIS WAS EN ROUTE
2 THERE TO TURN HIMSELF IN.

3 Q WAS HE, WAS THERE A SCHEDULED TIME PRIOR TO THAT TO
4 TURN HIMSELF IN?

5 A HE INITIALLY TOLD MAURICE SCOT HE WOULD COME TO HIS
6 HOUSE AND THEN HE CHANGED THE LOCATION TO THE MASONIC
7 TEMPLE.

8 Q AND WHAT WERE THE DIFFERENCE IN THOSE TIMES?

9 A THIS WAS RIGHT AROUND 4:30 WHEN WE FIRST SPOKE WITH
10 MR. SCOTT AND LEARNED THIS AND THEN SHORT TIME LATER HE
11 CHANGED THE LOCATION TO THE, MAKE THE MASONIC TEMPLE.

12 Q AND WHAT TIME WAS HE ARRESTED?

13 A HE WAS ACTUALLY ARRESTED AT ABOUT 8 P.M.

14 Q DID YOU HAVE AN OCCASION YOU SAID, I BELIEVE YOU
15 TESTIFIED YOU DIDN'T SEE ANGIE GILMORE WHEN YOU FIRST WENT
16 TO DID YOU HAVE AN OCCASION TO SEE HER
17 LATER ON THAT DAY?

18 A YES. I WENT BACK TO THE SCENE ON DUKE AVENUE AND SHE
19 HAD RETURNED FROM THE HOSPITAL AND SPOKE WITH HER THEN.

20 Q AND AT THAT TIME DID YOU TAKE AN ORAL OR WRITTEN
21 STATEMENT?

22 A I JUST TOOK A ORAL STATEMENT. SHE TOLD ME WHAT HAD
23 HAPPENED.

24 Q AND WAS SHE ABLE TO IDENTIFY THE PERSON?

25 A YES, SHE ALSO KNEW THE PERSON.

1 Q DID THEY END UP STAYING AT DUKE THAT NIGHT, DUKE
2 AVENUE?

3 A THEY WENT TO A RELATIVE'S HOUSE.

4 Q AFTER THE DEFENDANT WAS ARRESTED WAS HE TAKEN TO THE
5 COLUMBIA POLICE DEPARTMENT?

6 A YES, HE WAS.

7 Q AND AT THAT TIME DID YOU HAVE AN OCCASION TO ADVISE HIM
8 OF HIS RIGHTS?

9 A YES, I DID.

10 Q AND AFTER THAT, WELL, TELL THE FOLKS WHERE WERE YOU AT
11 THE POLICE DEPARTMENT?

12 A IN THE SECOND FLOOR IN INVESTIGATIONS IN AN INTERVIEW
13 ROOM.

14 Q AFTER THAT WERE YOU PRESENT IN THE ROOM WHEN THE
15 DEFENDANT WAS MAKING A PHONE CALL OR WAS ON THE PHONE WITH
16 SOMEBODY ELSE, HIS CELL PHONE OR SOME OTHER PHONE PERHAPS?

17 A YES.

18 Q OKAY. WERE YOU PRESENT IN THE ROOM?

19 A YES, I WAS.

20 Q WERE YOU ASKING HIM ANY QUESTIONS AT THAT TIME?

21 A NO, SIR.

22 Q OKAY. AND DID YOU HEAR HIM SAY ANYTHING AT THAT TIME?

23 A I DID HEAR HIM SAY THAT HIS LIFE WAS OVER AND THAT HE
24 JUST WANTED SOMEONE TO LOVE HIM.

25 Q THAT WASN'T IN RESPONSE TO ANY QUESTION YOU HAD?

1 A NO, SIR.

2 Q THAT WAS JUST WHAT YOU OVERHEARD HIM SAYING?

3 A YES, SIR.

4 Q DID YOU TAKE THAT DOWN IN YOUR NOTES?

5 A YES, I DID.

6 Q AT SOME POINT DID YOU HAVE AN OCCASION TO TAKE A
7 WRITTEN STATEMENT FROM THIS LADY RIGHT HERE, ANGELA GILMORE?

8 A YES, ON JULY 17TH I TOOK A STATEMENT FROM HER AND THE
9 OLDEST GIRL ASHLEY.

10 Q ASHLEY GILMORE?

11 A YES.

12 Q WHERE DID YOU TAKE THAT STATEMENT DO YOU REMEMBER?

13 A AT THE COLUMBIA POLICE DEPARTMENT.

14 Q AND THAT WAS ON JULY THE 17TH OF 2003?

15 A YES, SIR.

16 MR. MEADORS: BEG THE COURT'S INDULGENCE.

17 THE COURT: YES, SIR.

18 BY MR. MEADORS:

19 Q IS THE PERSON IN THE COURTROOM THAT YOU HAVE HEARD ON
20 THE CELL PHONE MAKE THOSE COMMENTS IS HE IN THE COURTROOM
21 TODAY?

22 A YES, SIR, IT'S MR. HARRIS SEATED OVER THERE BY
23 MR. SWERLING AT THE DEFENSE TABLE.

24 MR. MEADORS: WE'D LIKE THE RECORD SO REFLECT
25 PLEASE, YOUR HONOR.

1 THE COURT: YES.

2 BY MR. MEDORS:

3 Q YOU WENT TO THE SCENE THAT DAY, CORRECT?

4 A YES, SIR.

5 Q AND YOU'VE SEEN THE PICTURES, CORRECT?

6 A YES, SIR.

7 Q AND YOU RECOGNIZE THE PICTURES?

8 A YES, SIR.

9 Q ON STATE'S 20, INVESTIGATOR, YOU RECOGNIZE THAT SCENE?

10 A YES, THAT'S AT THE BOTTOM OF THE STAIRWAY.

11 Q WHEN YOU WERE THERE DID YOU SEE ANY GUNS, KNIVES,
12 STICKS, OR ANYTHING ON THE FLOOR DOWN HERE?

13 A NO, SIR.

14 Q AND YOU LOOKED?

15 A YES.

16 Q IT WAS A PRETTY CLEAN HOME, WASN'T IT?

17 A YES, IT WAS.

18 MR. MEADORS: THANK YOU. THAT'S ALL, JUDGE.

19 THE COURT: THANK YOU, SIR.

20 CROSS-EXAMINATION BY MR. SWERLING:

21 Q INVESTIGATOR VINSON, JUST WANT TO ACTUALLY CLEAR UP ONE
22 THING DEPUTIES, I MEAN THE POLICE OFFICER WHO TESTIFIED
23 BEFORE SAID HE WENT OUT TO THE MASONIC LODGE AND HE SAID
24 THAT MR. HARRIS WAS STOPPED ON I-77 AND ARRESTED; IS THAT
25 CORRECT?

1 A YES.

2 Q BUT IN ACTUALITY YOUR RECORDS FROM THE COLUMBIA POLICE
3 DEPARTMENT REFLECT THAT ON JULY 6TH, AT 20:00 HOURS WHICH IS
4 EIGHT O'CLOCK, CORRECT, HE ACTUALLY TURNED HIMSELF IN TO THE
5 POLICE?

6 A HE WAS EN ROUTE TO THE MASONIC TEMPLE TO TURN HIMSELF
7 IN. SINCE THEY SAW HIM THEY ELECTED TO STOP HIM INSTEAD OF
8 WAITING FOR HIM TO GO TO THE MASONIC LODGE.

9 Q BUT IT WAS DEFINITELY LISTED AS A SURRENDER?

10 A YES.

11 Q BUT HE TURNED HIMSELF IN?

12 A YES, SIR, IT WAS.

13 Q OKAY. I WANTED TO CLARIFY THAT HE WAS ARRESTED AS HE
14 WAS DRIVING MAYBE TRYING TO GET AWAY OR SOMETHING LIKE THAT.
15 HE TURNED HIMSELF INTO THE POLICE?

16 A YES, SIR, HE DID.

17 MR. SWERLING: THANK YOU.

18 THE COURT: THANK YOU, SIR.

19 REDIRECT-EXAMINATION BY MR. MEADORS:

20 Q HOW MANY PRIOR TIMES HAD HE SAID I TURNED MYSELF IN
21 PRIOR TO THAT DAY?

22 A WELL, THE FIRST TIME I TALKED TO HIM HE SAID HE WAS ON
23 BLUFF ROAD EN ROUTE. THEN AFTER HIS CONVERSATION WITH
24 MR. SCOTT AT 4:30 HE WAS FIRST EN ROUTE TO MR. SCOTT'S HOME,
25 THEN THE MASONIC TEMPLE, AND THEN AGAIN AT 6:10 HE HAD

1 CALLED AND WAS BACK EN ROUTE TO THE MASONIC TEMPLE BUT IT
2 WAS FINALLY AT EIGHT O'CLOCK THAT HE WAS ARRESTED.

3 Q SO THE LOCATION WHERE HE TURNED HIMSELF IN CHANGED
4 SEVERAL TIMES?

5 A YES, SIR.

6 MR. MEADORS: THANK YOU.

7 THE COURT: YES, SIR.

8 RECROSS-EXAMINATION BY MR. SWERLING:

9 Q BUT THERE IS NO QUESTION YOU WROTE IN YOUR REPORT THAT
10 HE TURNED HIMSELF IN?

11 A YES.

12 Q I CLEAR THAT UP?

13 A YES, SIR.

14 THE COURT: INVESTIGATOR YOU MAY STEP DOWN. THANK
15 YOU, SIR.

16 YOU CAN CALL YOUR NEXT WITNESS.

17 MS. GADDY: STATE WOULD CALL DAVID COLINS, YOUR
18 HONOR.

19 THE COURT: MS. GADDY.

20 DAVID J. COLLING, BEING FIRST
21 DULY SWORN, TESTIFIED AS FOLLOWS:

22 DIRECT EXAMINATION BY MS. GADDY:

23 Q INVESTIGATOR COLLINS HOW ARE YOU EMPLOYED?

24 A I AM CURRENTLY EMPLOYED BY THE RICHLAND COUNTY
25 SHERIFF'S DEPARTMENT.

1 Q AND HOW LONG HAVE YOU BEEN SO EMPLOYED?

2 A I'VE BEEN WITH THE RICHLAND COUNTY SHERIFF'S DEPARTMENT
3 SINCE SEPTEMBER OF 2002.

4 Q WHAT ARE YOUR DUTIES THERE AT THE SHERIFF'S DEPARTMENT?

5 A AT THE SHERIFF'S DEPARTMENT I AM EMPLOYED AS A FIREARMS
6 AND TOOL MARKS EXAMINER WHICH IS A PART OF THE FORENSIC
7 SCIENCE DIVISION. A FORENSIC FIRE ARMS EXAMINER IS
8 RESPONSIBLE FOR EXAMINING FIREARMS AND FIREARM RELATED
9 EVIDENCE FOR EXAMINATION SPECIFIC TO THOSE TYPES OF
10 EVIDENCE. SOME OF THE MOST COMMON TYPES OF EXAMINATIONS
11 THAT WE'RE CALLED UPON TO DO WOULD BE FOR INSTANCE TO
12 EXAMINE A FIRED BULLET OR FIRED CARTRIDGE CASE TO DETERMINE
13 IF IT HAD BEEN FIRED BY A PARTICULAR FIREARM AND ALSO
14 EXAMINE FIREARMS TO DETERMINE IF THEY FUNCTION PROPERLY.
15 THEY RESTORE OR ATTEMPTED TO RESTORE SERIAL NUMBERS THAT
16 HAVE BEEN OBLITERATED. WE DO DISTANCE DETERMINATIONS FROM,
17 IF WE'RE REQUESTED TO SO, FROM THE FIREARM TO THE TARGET,
18 ANY TYPE OF FIREARM RELATED EXAMINATION. WE'RE ALSO
19 FREQUENTLY GIVEN ITEMS OF FIREARM AMMUNITION EVIDENCE SUCH
20 AS BULLETS AND CARTRIDGE CASES AND ASKED TO DETERMINE WHAT
21 KIND OF FIREARMS THOSE ARE.

22 Q ALL RIGHT. AND PRIOR TO COMING TO THE SHERIFF'S
23 DEPARTMENT HOW WERE YOU EMPLOYED, SIR?

24 A I WAS EMPLOYED ALSO AS A FIREARMS AND TOOL MARKS
25 EXAMINER BY THE STATE LAW ENFORCEMENT DIVISION OR S.L.E.D.

1 IN THEIR FORENSIC SERVICES LABORATORY AND I HELD THAT
2 POSITION FROM 1990 UNTIL I LEFT TO GO TO THE RICHLAND COUNTY
3 SHERIFF'S DEPARTMENT.

4 Q AND DID YOU LEAVE THE S.L.E.D. LAB TO GO TO THE
5 RICHLAND COUNTY LAB TO ESSENTIALLY START IT UP?

6 A TO START THEIR FIREARMS AND TOOL MARK SECTION, YES.

7 Q HOW MANY PEOPLE WORK IN THAT SECTION NOW?

8 A I AM THE ONLY FIREARMS EXAMINER IN THAT SECTION. WE DO
9 HAVE ANOTHER INVESTIGATOR THAT I AM CURRENTLY TRAINING INTO
10 THE POSITION OF FIREARMS TOOL MARK EXAMINER. THAT TRAINING
11 PROGRAM LASTS FROM BETWEEN TWO TO THREE YEARS.

12 Q SO YOU'VE BEEN DOING THIS FOR ABOUT 15 YEARS; IS THAT
13 CORRECT, SIR?

14 A THAT IS CORRECT.

15 Q WHAT WAS YOUR EDUCATION TO GET YOU INTO THIS JOB, SIR?

16 A I HAVE A BACHELOR'S DEGREE FROM THE CITADEL WHICH I
17 RECEIVED IN 1984. AFTER I WAS EMPLOYED AT S.L.E.D. I BEGAN
18 WHAT IS ESSENTIALLY ON THE JOB TRAINING PROGRAM.

19 MR. SWERLING: I HAVE NO QUESTION ABOUT HIS
20 QUALIFICATIONS. HE'S MORE THAN QUALIFIED.

21 THE COURT: OKAY.

22 MR. SWERLING: IF THEY WANT TO ACCEPT THE
23 STIPULATION.

24 THE COURT: OKAY.

25 MS... GADDY..

1 MS. GADDY: YOUR HONOR, WE WOULD THEN TENDER OR
2 PROFFER, EXUCE ME, INVESTIGATOR COLLINS AS AN EXPERT IN
3 FIREARMS AND BALLISTICS.

4 THE COURT: OKAY. THANK YOU, MA'AM.

5 LADIES AND GENTLEMEN, JUST SO YOU'LL UNDERSTAND
6 ORDINARILY WITNESSES CANNOT GIVE THEIR OPINION OR
7 CONCLUSIONS WHEN THEY TESTIFY IN FRONT OF YOU. ONE OF THE
8 EXCEPTIONS UNDER OUR RULES ALLOWS FOR OPINION TESTIMONY TO
9 COME FROM THOSE WHO ARE QUALIFIED AS AN EXPERT AND THAT'S
10 WHAT MS. GADDY WAS STARTING TO DO AND MR. SWERLING WAS
11 STIPULATING TO HIS QUALIFICATIONS IN THAT AREA AND SO I FIND
12 HIM SO QUALIFIED AND HE MAY TESTIFY AS SUCH.

13 THANK YOU, MS. GADDY.

14 MS. GADDY: THANK YOU VERY MUCH.

15 BY MS. GADDY:

16 Q I'D LIKE TO DIRECT YOUR ATTENTION IF I COULD PLEASE,
17 SIR, TO STATE'S EXHIBIT NO. 22. I'M HANDING YOU STATE'S
18 EXHIBIT NO. 22, ASK YOU IF YOU CAN IDENTIFY IT, SIR?

19 A YES, THIS IS THE FIREARM THAT I EXAMINED IN THIS CASE.

20 Q AND HOW DID YOU COME TO BE INVOLVED WITH THIS CASE,
21 SIR?

22 A WHEN I WAS INITIALLY EMPLOYED AT THE RICHLAND COUNTY
23 SHERIFF'S DEPARTMENT, I WAS HOUSED TEMPORARILY IN THE STATE
24 LAW ENFORCEMENT DIVISION LABORATORY UNTIL MY LABORATORY
25 FACILITIES AT RICHLAND COUNTY WERE COMPLETE. S.L.E.D.

1 ALLOWED ME TO DO THIS. IN FACT THEY ALLOWED ME TO CONTINUE
2 TO WORK OUT OF THE SAME OFFICE THAT I HAD WHEN I WAS IN
3 THEIR EMPLOY. I BECAME INVOLVED IN THIS CASE WHEN IT WAS
4 SUBMITTED TO ME FOR EXAMINATION WHEN THE EVIDENCE WAS
5 BROUGHT TO ME AT THE S.L.E.D. LAB FOR EXAMINATION.

6 Q AND WHAT EXACTLY WAS BROUGHT TO YOU?

7 A I RECEIVED THIS FIREARM WHICH IS AN ARMENIUS BRAND
8 DOUBLE ACTION REVOLVER 32 SMITH AND WESSON LONG CALIBER. I
9 ALSO RECEIVED WITH IT FOUR UNFIRED OR MISFIRED ROUNDS OF 32
10 LONG COLT CALIBER AMMUNITION. THIS IS AMMUNITION THAT STILL
11 HAS THE BULLET IN PLACE AND HAS NOT BEEN FIRED. I ALSO
12 RECEIVED A TOTAL OF THREE FIRED BULLETS TWO OF WHICH WERE
13 LABELED OR INDICATED AS HAVING ORIGINATED FROM AN AUTOPSY
14 AND ALSO THREE FIRED 32 LONG COLT CALIBER CARTRIDGE CASES.

15 Q ALL RIGHT. IF WE COULD START PLEASE WITH THE UNFIRED
16 ROUNDS, SHOWING YOU WHAT'S ALREADY BEEN MARKED AS STATE'S
17 EXHIBIT NO. 35. DO YOU RECOGNIZE THAT, SIR?

18 A YES, THIS BAG BEARS MY MARKINGS AND MY INITIALS THAT I
19 CAN IDENTIFY LATER IN COURT AND IT CONTAINS WHAT APPEARS TO
20 BE THE FOUR UNFIRED OR MISFIRED CARTRIDGES. WHEN I SAY
21 UNFIRED OR MISFIRED WHAT I'M INDICATING IS THAT WHILE THESE
22 CARTRIDGE EACH HAVE A BULLET IN PLACE IN THEM, THREE OF THEM
23 ALSO HAD FIRING PIN IMPRESSIONS ON THE PRIMERS WHICH
24 INDICATE THAT AT SOME POINT IN TIME AN ATTEMPT HAD BEEN MADE
25 TO FIRM THEM IN A FIREARM AND THEY HAD NOT DISCHARGED AT

1 THAT TIME.

2 Q WE'LL COME BACK TO THAT IN JUST A MOMENT.

3 YOUR HONOR, IF I MAY APPROACH THE COURT REPORTER?

4 THE COURT: YES, MA'AM.

5 BY MS. GADDY:

6 Q SHOWING YOU NEXT WHAT'S BEEN MARKED AS STATE'S EXHIBIT
7 NO. 37, ASK IF YOU CAN IDENTIFY THAT?

8 A YES, THESE ARE THE THREE FIRED 32 LONG COLT CALIBER
9 CARTRIDGE CASES THAT I RECEIVED IN THIS CASE. THE PACKAGE
10 ITSELF AND THE EVIDENCE ITEMS THEMSELVES ALSO BEAR MY
11 MARKING I PLACED ON THEM SO THAT I CAN IDENTIFY THEM.

12 Q ALL RIGHT. HANDING YOU WHAT'S BEEN MARKED AS STATE'S
13 EXHIBIT 38, I'D ASK YOU IF CAN IDENTIFY THAT EXHIBIT?

14 A YES, THESE ARE THE TWO BULLETS THAT I EXAMINED IN THIS
15 CASE WHICH WERE INDICATED AS HAVING ORIGINATED FROM THE
16 AUTOPSY OF THE VICTIM.

17 Q AND HANDING YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
18 NO. 39 NEXT, ASK YOU IF CAN IDENTIFY THAT EXHIBIT, SIR?

19 A THE MARKINGS ON THIS PACKAGE INDICATE THAT THIS
20 CONTAINS A FIRED BULLET SEPARATE FROM THOSE THAT WERE
21 RECOVERED AT THE AUTOPSY AND THOSE CONTAIN THE BULLET THAT
22 APPEARS, LOOKING AT IT THROUGH THE CONTAINER APPEARS TO BEAR
23 MY MARKINGS AS WELL.

24 MS. GADDY: THANK YOU.

25 YOUR HONOR, AT THIS TIME STATE WOULD MOVE TO ADMIT

1 37, 38, AND 39 I BELIEVE WITHOUT OBJECTION.

2 MR. SWERLING: NO OBJECTION.

3 THE COURT: OKAY. THANK YOU, COUNSEL. WITHOUT
4 OBJECTION THOSE ARE ADMITTED.

5 BY MS. GADDY:

6 Q ONCE YOU HAVE ASSEMBLED ALL THESE PIECES IN FRONT OF
7 YOU, INVESTIGATOR COLLINS, WHAT DO YOU DO?

8 A THE FIRST THING THAT I DO WHEN I RECEIVE EVIDENCE OF
9 ANY KIND I TAKE NOTES AS TO ITS CONDITION AS I RECEIVED IT.
10 IN THE CASE OF A FIREARM I TAKE NOTES AS TO THE MAKE, THE
11 MODEL, WHATEVER I CAN DISCERN ABOUT IT, ANYTHING INCLUDING
12 PHYSICAL CHARACTERISTICS SUCH AS BARREL LENGTH, WHAT TYPE OF
13 SIGHTS IT HAS, WHAT TYPE OF MECHANISM IT USES. IN THE CASE
14 OF BULLETS OR CARTRIDGE CASES, I'LL MAKE NOTES AS TO THEIR
15 SIZE AND DIAMETER, THEIR WEIGHT. I CAN USE THIS INFORMATION
16 TO TRY TO DETERMINE WHAT CALIBER, FOR INSTANCE, A BULLET IS
17 AND WHILE EXAMINING THE CARTRIDGE CASES AND MY MARKING IS
18 PLACED ON THE CARTRIDGE CASES AND I DETERMINE WHAT BRANDS OR
19 WHAT CALIBER THEY ARE.

20 WHEN I ACCOMPLISH THIS THE NEXT STEP IS TO TAKE
21 ANY FIREARM THAT IS SUBMITTED AND TEST FIRE IT. TEST FIRING
22 ACCOMPLISHES TWO THINGS FOR ME. IT FIRST ENABLES ME TO
23 DETERMINE IF THE FIREARM IS FUNCTIONING PROPERLY. SECONDLY
24 IT ALSO ENABLES ME TO OBTAIN TEST STANDARDS THAT I CAN USE
25 THAT I KNOW FIRED ON THAT GUN FOR MICROSCOPIC COMPARISONS

1 WITH EVIDENCE ITEMS IN THE LABORATORY. ONCE I'VE DONE THAT
2 I WILL THEN MAKE ATTEMPTS TO TAKE WHATEVER AMMUNITION
3 COMPONENTS OR FIRED AMMUNITION COMPONENTS WERE SUBMITTED.
4 FIRST THE BULLETS, FIRED CARTRIDGE CASES OR IN SOME CASES
5 MISFIRED CARTRIDGES THAT HAVE A FIRING PIN IMPRESSION IN AN
6 ATTEMPT TO MATCH THEM TO THE FIREARM IN QUESTION.

7 THE WAY I DO THIS IS THAT I TAKE TEST BULLETS OR
8 THE TEST CARTRIDGE CASINGS THAT I FIRED IN THE GUN AND
9 PLACED THEM UNDER A COMPARISON MICROSCOPE NEXT TO OR IN
10 CONJUNCTION WITH A, AN EVIDENCE BULLET OR CARTRIDGE CASE AND
11 THEN I WILL LOOK AT THEM BOTH SIDE BY SIDE SIMULTANEOUSLY
12 AND I'M LOOKING AT ONE FIELD OF VIEW WITH A HAIR LINE
13 SPLITTING THEM AND I CAN MANIPULATE THE TWO ITEMS SIDE BY
14 SIDE AND ROTATE THE BULLETS TO LOOK IF THERE ARE ANY
15 MARKSINGS LEFT BY THE GUN ON BOTH ITEMS THAT MATCH. WHEN A
16 FIREARM IS MANUFACTURED PARTICULARLY THIS TYPE OF FIREARM
17 THERE IS FIRING GROOVES CALLED RIFLING THAT ARE PLACED IN
18 THE BORE OF THE GUN.

19 THESE GROOVES ARE PLACED THERE TO CAUSE THE BULLET
20 TO SPIN AND LEAVE THE MUZZLE AND THAT SERVES TO STABILIZE
21 THE BULLET IN FLIGHT MUCH IN THE SAME WAY THAT A
22 QUARTERBACK, IF HE'S A GOOD QUARTERBACK, THROWS A SPIRALING
23 PASS AND THAT TENDS TO STABILIZE THE FOOTBALL IN FLIGHT AND
24 IT FLIES MORE ACCURATELY. THE SAME THING IS TRUE WITH A
25 BULLET. THAT PROCESS THAT IS USED TO FORM THE RIFLING IN

1 THE BARREL OF THE FIREARM LEAVES BEHIND MICROSCOPIC DEFECTS
2 IN THE BARREL OF THE GUN. THOSE DEFECTS ARE CAUSED BY THE
3 TOOL PASSING THROUGH THE GUN AS IT PASSES THROUGH THE BARREL
4 OF THE GUN, EXCUSE ME, IT DULLS AND CHIPS CONTINUOUSLY AND
5 IT ALSO ENCOUNTERS OTHER DEFECTS IN THE BARREL THAT LEAVE
6 BEHIND FLAWS.

7 THE POSITION OF THESE FLAWS IN THE BARREL THE MORE
8 IMPORTANT THOSE SCRATCH MARKS THEY LEAVE ON SURFACE OF A
9 BULLET ARE AS UNIQUE AS TO THAT GUN AS A FINGERPRINT IS TO A
10 PERSON. NO TWO FIREARMS, EVEN TWO FIREARMS THAT ARE
11 MANUFACTURED CONSECUTIVELY ON THE SAME MANUFACTURING LINE,
12 WILL MARK BULLETS IN EXACTLY THE SAME WAY. THE SAME THING
13 IS TRUE WITH CARTRIDGE CASES FIRED IN THAT GUN. WHEN A
14 CARTRIDGE IS FIRED IN A GUN THE PROCESS INVOLVED CAUSES A
15 GREAT DEAL OF FORCE TO PRESS THE CARTRIDGE CASE TO THE REAR
16 AND AS THE BULLET FLIES OUT THE BARREL THE CARTRIDGE CASE IS
17 BEING PRESSED TO THE REAR AND THIS TENDS TO IMPRESS ANY
18 DEFECTS ON THE FIRING PIN OR THE THE BREECH FACE OF THE
19 FIREARM INTO THE BASE OF THE CARTRIDGE.

20 THOSE DEFECTS THAT ARE FOUND ON THAT SURFACE ARE
21 PLACED THERE IN MUCH THE SAME WAY THAT THEY ARE FOUND IN
22 RIFLING AND ARE UNIQUE TO THAT PARTICULAR GUN AND I CAN
23 ESSENTIALLY IF I HAVE EVIDENCE THAT'S IN GOOD ENOUGH WHICH
24 IS IMPORTANT, I CAN EXAMINE FIRED BULLETS OR CARTRIDGE CASES
25 AND DETERMINE IF THEY WERE FIRED BY A PARTICULAR FIREARM.

1 THINGS THAT CAN AFFECT THE SUCCESS OF THIS TYPE OF TESTING
2 OBVIOUSLY IS THE CONDITION OF THE EVIDENCE AND WHETHER OR
3 NOT THE CORRECT AMMUNITION WAS USED IN THE FIREARM.

4 Q ALL RIGHT. NOW, AFTER YOU DO THE MICROSCOPIC ANALYSIS
5 WHAT IS YOUR NEXT STEP IN THE PROCESS?

6 A ONCE I REACH THOSE CONCLUSIONS AND I HAVE TEST FIRED
7 THE GUN, I WILL GENERATE A REPORT AS TO MY CONCLUSIONS AND
8 THEN I WILL THAT SUBMIT THAT TO THE INVESTIGATING OFFICER.

9 Q ALL RIGHT. AND IN THIS CASE DID YOU FOLLOW THAT SAME
10 PROCESS?

11 A YES, I DID.

12 Q ALL RIGHT. LET'S START THEN BACK AT STEP NUMBER ONE.
13 WHAT DID YOU SEE UPON EXAMINING THE FIREARM ITSELF?

14 A THE FIRST THING I NOTICED ABOUT THE FIREARM WAS THAT I
15 HAD INITIAL DIFFICULTY IN DETERMINING WHAT BRAND IT WAS AS
16 THERE IS TYPICALLY A MEDALLION ON THE SIDE OF THIS FIREARM
17 THAT HAS THE TRADE MARKS EMBLEM OF THIS PARTICULAR
18 MANUFACTURER AND THE MODEL NUMBER. THIS GUN DID NOT HAVE
19 THAT. I HAD TO LOOK AT OTHER MARKINGS ON THE FIREARM ARM TO
20 DETERMINE THAT IT WAS AN ARMENIUS BRAND FIREARM WHICH IS A
21 GUN THAT IS MADE IN GERMANY. ADDITIONAL EXAMINATION OF THE
22 FIREARM REVEALED THAT THERE WERE SEVERAL PROBLEMS WITH THIS
23 FIREARM AS IT WAS SUBMITTED. SOME OF THESE PROBLEMS WERE
24 COSMETIC IN NATURE. SOME OF THEM DID HAVE AN AFFECT ON THE
25 FUNCTION OF THE GUN. ONE THING THAT I NOTICED WAS THAT

1 DURING TESTING THERE IS NO SAFETY MECHANISM IN THE FIREARM
2 AS YOU HAVE IN MOSTLY MODERN FIREARMS THAT PREVENTS THE
3 HAMMER FROM STRIKING THE PRIMER, EXCUSE ME, FROM STRIKING
4 THE FIRING PIN IF IT WERE TO FALL FROM A COCKED POSITION AND
5 THERE IS NO PRESSURE ON THE TRIGGER. MOST MODERN FIREARMS
6 ARE DESIGNED TO PREVENT IT FROM DISCHARGING UNDER THOSE
7 CIRCUMSTANCES. IT ALSO HAS, TYPICALLY IT WOULD HAVE A FRONT
8 SIDE BLADE HERE TO ASSIST IN AIMING THE FIREARM. THIS GUN
9 DID NOT HAVE THAT SIGHT IN PLACE. AS PREVIOUSLY MENTIONED
10 THE MEDALLION WAS MISSING FROM THE SIDE WHICH HAS NO IMPACT
11 WHATSOEVER ON THE FUNCTIONING. IT'S PURELY COSMETIC. IT
12 ALSO GOES TO THE EJECTOR ROD WHICH IS THIS ROD HERE IS BENT.
13 AS I TURNED THE CYLINDER YOU MAY BE ABLE TO NOTE THAT IT IS
14 TURNING, IT'S NOT SITTING PERFECTLY STRAIGHT. IT'S
15 CORKSCREWING AROUND WHICH INDICATES THAT IT IS BENT. THIS
16 WOULD AFFECT A COUPLE OF THINGS AND IT DID AFFECT THIS. IT
17 WOULD AFFECT THE ABILITY TO SUCCESSFULLY EJECT FIRED
18 CARTRIDGE CASINGS FROM THE GUN AND ALSO AFFECT THE ABILITY
19 OF THE FIREARM TO CYCLE CORRECTLY. BY CYCLING WHAT I MEAN
20 IS THAT THE FIREARM AS IT IS FIRED EACH SEQUENTIAL SHOT THE
21 CHAMBER IN, EACH CHAMBER IN THE CYLINDER WILL ROTATE IN
22 SEQUENCE IN THE LINE WITH THE BARREL TO BE FIRED. WHEN
23 ATTEMPTS WERE MADE TO FIRE THIS FIREARM A SINGLE ACTION
24 METHOD THAT IS BY MANUALLY COCKING THE HAMMER FOR EACH SHOT.
25 IT WOULD SOMETIMES BALK OR NOT WANT TO GO TO THE NEXT

1 CHAMBER IN LINE AND THAT IS IN MY OPINION DUE TO THIS BENT
2 CONDITION OF THE EJECTOR ROD.

3 Q AND, SIR, WHEN YOU RECEIVED THAT FIREARM WAS IT IN THAT
4 CONDITION?

5 A YES. WHEN I OPENED THE PACKAGE IT WAS IN THAT
6 CONDITION.

7 Q THIS IS YOUR FIRST IMPRESSION OF THIS FIREARM, SIR; IS
8 THAT CORRECT?

9 A YES.

10 Q ALL RIGHT. WHAT DID YOU DO NEXT?

11 A NEXT THING I DID WITH THAT FIREARM WAS THAT I FIRED IT
12 AND ONE THING THAT I NOTED IN EXAMINING THE OTHER EVIDENCE
13 WHICH PLAYED A ROLE IN THE ONE AMMUNITION THAT I FIRED WAS
14 THAT THERE WERE 32 SMITH AND WESSON, EXCUSE ME, THIS FIRING
15 CHAMBER ARE DESIGNED TO FIRE 32 SMITH AND WESSON LONG
16 CALIBER AMMUNITION. IT'S SPECIFICALLY DESIGN FOR THAT TYPE
17 OF AMMUNITION. WHAT WAS SUBMITTED IN FIRED AND UNFIRED
18 AMMUNITION IS 32 LONG COLT AMMUNITION.

19 NOW, AMMUNITION OF THAT TYPE WILL FIRE IN THIS
20 FIREARM AND I FIRED BOTH 32 SMITH AND WESSON LONG AMMUNITION
21 AND 32 LONG COLT AMMUNITION IN THIS GUN. HOWEVER, THE
22 CHAMBER DIMENSIONS ARE SLIGHTLY DIFFERENT FOR THE TWO
23 CARTRIDGES AND WHAT HAPPENS IS WHEN YOU FIRE THE 32 LONG
24 COLT AMMUNITION IS THAT THE CHAMBER IS SLIGHTLY LARGE AND
25 THAT CARTRIDGE, WHAT THAT CARTRIDGE IS DESIGNED FOR THE

1 CARTRIDGE CASES TEND TO BULGE AND ACTUALLY RUPTURE IN THE
2 CHAMBER OF THE GUN WHICH MAKES IT DIFFICULT TO EXTRACT THEM
3 LATER.

4 Q ALL RIGHT, SIR. AND WHEN YOU LOOKED AT STATE'S EXHIBIT
5 NO. 37 THE CARTRIDGES THAT WERE REMOVED FROM THE GUN'S
6 CHAMBER DID YOU SEE EVIDENCE OF SUCH BULGING?

7 A YES. THEY'RE BULGED AND SPLIT IN A MANNER CONSISTENT
8 WITH WHAT I SAW AND TESTIFIED.

9 MS. GADDY: ALL RIGHT, SIR. I'M GOING TO ASK AT
10 THIS TIME THAT HE STEP DOWN AND DEMONSTRATE THAT TO THE JURY
11 PLEASE, YOUR HONOR. THEY'RE TOO SMALL TO SEE FROM THE
12 WITNESS STAND.

13 THE COURT: YES, MA'AM.

14 MS. GADDY: THANK YOU.

15 BY MS. GADDY:

16 Q INVESTIGATOR COLLINS, I'M GOING TO FIRST ASK YOU TO
17 DESCRIBE FOR THE JURY OR SHOW TO THE JURY, EXCUSE ME, WHAT
18 THE CHAMBERS ARE THAT YOU'RE TAKING ABOUT FIRST?

19 A IF YOU'LL LOOK ON THE BACK OF THE CHAMBER THERE ARE
20 SEVERAL INDIVIDUALS HOLES IN THAT CYLINDER. EACH OF THOSE
21 HOLES IS CALLED A CHAMBER AND IS DESIGNED TO ACCEPT ONE
22 CARTRIDGE. SO ESSENTIALLY YOU WOULD JUST PUT ONE CARTRIDGE
23 IN EACH OF THOSE CHAMBERS. YOU WOULD HAVE SEVEN ROUNDS
24 AVAILABLE TO FIRE IN THE FIREARM AT THAT TIME.

25 Q NOW, IN THE MOVIES GUNS ALWAYS HAVE FIVE OR SIX SHOTS,

1 SIR. WHY DOESN'T THIS ONE?

2 A MOST POPULAR FIREARMS ARE REVOLVERS, EXCUSE ME, THAT
3 ARE CHAMBERED AND AMMUNITION OF THIS TYPE WILL HAVE PERHAPS
4 SIX SHOTS. HOWEVER MANUFACTURERS CAN PRODUCE A FIREARM WITH
5 AS MANY AS NINE OR TEN CHAMBERS AND WE'VE SEEN THAT COMMONLY
6 IN SOME 22 CALIBER REVOLVERS. CURRENTLY THERE IS A TREND
7 TOWARD PRODUCING SOME FIREARMS JUST SIMPLY HAVE A LARGER
8 CYLINDER WHICH ENABLES IT TO PUT ADDITIONAL, ONE OR TWO
9 ADDITIONAL CHAMBERS IN THE GUN FOR AN ADDITIONAL CAPACITY.

10 Q ALL RIGHT. AND LET ME JUST MAKE SURE WE'RE USING THE
11 SAME LANGUAGE. YOU'RE TALKING ABOUT CARTRIDGES. WHAT ARE
12 CARTRIDGES?

13 A A CARTRIDGE IS ONE UNFIRED UNIT OF AMMUNITION. A
14 CARTRIDGE CASE IS THE POWDER IN PLACE, THE BULLET IN PLACE.
15 A CARTRIDGE CASE IS SIMPLY WHAT'S LEFT WHEN THE CARTRIDGES
16 HAVE BEEN FIRED IN THE GUN AS A WASTE PRODUCT WILL EITHER BE
17 EJECTED FROM THE GUN IF IT'S SEMIAUTOMATIC OR LEFT IN THE
18 CHAMBER UNTIL IT'S REMOVED.

19 Q I'M OPENING WHAT'S BEEN MARKED AS STATE'S EXHIBIT
20 NO. 35, SIR, AND HANDING YOU THE CONTENTS OF THAT ENVELOPE.
21 WHAT IS YOUR WORD FOR WHAT I'M HANDING YOU, SIR?

22 A THIS IS FOUR CARTRIDGES. THESE CARTRIDGES AS I
23 PREVIOUSLY MENTIONED ARE UNFIRED AND SOME OF THEM HAVE THREE
24 OF THEM IN FACT HAVE FIRING PIN IMPRESSIONS ON THEIR CASE
25 WHICH MAY BE AS A RESULT OF HAVING AN ATTEMPT TO FIRE THEM.

1 WE ALSO SOMETIMES SEE FIRING PIN IMPRESSIONS IN THE BASE OF
2 A CARTRIDGES FROM THE PRIMER AS A RESULT OF A FIREARM HAVING
3 A MECHANISM THAT ALLOWS THE HAMMER TO STAY DOWN ON THE
4 FIRING PIN AND SO ANY KIND OF TAPPING OR ANY KIND OF
5 INCIDENTAL CONTACT WITH THAT HAMMER COULD MARK THE PRIMER IN
6 IN SUCH A WAY THAT IT WOULDN'T FIRE. IT HAD TO BE A
7 STRONGER IMPACT THAN THAT FOR IT TO FIRE BUT YOU MIGHT HAVE
8 SOME SCRATCHING OR SOME SLIGHT BENDING ON THERE WHICH THOSE
9 INDICATE AN ATTEMPT TO FIRE THEM.

10 Q AND IN TERMS OF WHAT YOU'RE HOLDING IN YOUR HAND IS
11 THAT WHAT A COMMON PERSON NOT FAMILIAR WITH FIREARMS WOULD
12 CALL A BULLET?

13 A YES, THAT'S, YOU'LL OFTEN HEAR PEOPLE REFER TO THIS AS
14 A BULLET. THE BULLET IS ACTUALLY THE PROJECTILE WHICH IS,
15 IN THIS CASE, LOCATED IN THE END. IT'S THIS TOP LOOKING
16 DEVICE IN END OF THIS CARTRIDGE. THAT IS THE BULLET.
17 THAT'S WHAT WE CALL AFTER THE CARTRIDGE IS FIRED AND HAS
18 EXITED THE FIREARM THROUGH THE MUZZLE.

19 Q BUT THE SCIENTIFIC OR EXAMINER TERM FOR THAT IS
20 ACTUALLY A CARTRIDGE --

21 A A CARTRIDGE.

22 Q -- IF IT'S ALL TOGETHER?

23 A THAT'S CORRECT.

24 Q ALL RIGHT. WHAT DO YOU CALL THESE THAT CAME OUT OF
25 STATE'S EXHIBIT NO. 37, SIR?

1 A THIS IS THE THREE FIRED CARTRIDGE CASES. THESE ARE THE
2 32 LONG COLT CALIBER CARTRIDGE CASES THAT ARE NOT DESIGNED
3 FOR USE IN THAT PARTICULAR GUN BUT WILL FUNCTION. YOU WILL
4 NOTICE IF YOU CAN THESE ARE BULGED. THESE ARE NOT IN A
5 PERFECT CYLINDRICAL CONDITION AND THEY'RE ALSO SPLIT
6 LENGTHWISE AND SIMPLY THEY BULGED TO THE POINT WHERE THEY
7 COULDN'T, THEIR STRUCTURAL INTEGRITY FAILED AND THEY JUST
8 SPLIT LENGTHWISE AND THERE WILL BE SOME GAPS AND THAT'S
9 ABOUT ALL. IT'S NOT SOMETHING THAT YOU WOULD WANT TO DO ON
10 A REGULAR BASIS BUT IN THIS CASE IT SAFELY AND EFFECTIVELY
11 DID FIRE THESE OR EXCUSE ME IT FIRED SIMILAR CARTRIDGES.

12 Q ALL RIGHT. AND THESE ARE CALLED CARTRIDGE CASES, SIR?

13 A THESE ARE FIRED CARTRIDGE CASES.

14 Q FIRED CARTRIDGE CASES. ALL RIGHT. YOU CAN PUT THOSE
15 BACKS IN STATE'S EXHIBIT NO. 37 I THINK.

16 A (WITNESS COMPLIES.)

17 Q THANK YOU. AND THE FINAL PIECE OF A CARTRIDGE IS THE
18 PROJECTILE; IS THAT CORRECT, SIR?

19 A THAT IS CORRECT.

20 Q I'M HANDING YOU FIRST WHAT'S BEEN MARKED AS STATE'S
21 EXHIBIT NO. 38, OPENING THE ENVELOPE AND HANDING YOU THE
22 CONTENTS. COULD YOU PLEASE TELL THE JURY WHAT THOSE ARE?

23 A THESE ARE THE TWO BULLETS THAT WERE RECOVERED AT
24 AUTOPSY AND TAKE ONE OUT AND SHOW YOU. THIS IS THE ACTUAL
25 PROJECTILE THAT WOULD HAVE COME FROM THE CARTRIDGE AND FIRED

1 FROM A FIREARM. THIS IS ESSENTIALLY A LEAD PROJECTILE THAT
2 HAS A COPPER PLATING OVER THE SURFACE. THE PLATING IS THERE
3 TO PREVENT LEAD FOULING THE BARREL AND FOR OTHER PURPOSES.
4 THIS IS WHAT WOULD HAVE COME FROM THE GUN AND THIS IS WHAT I
5 HAVE WOULD HAVE EXAMINED FOR, UNDER THE MICROSCOPE LOOKING
6 AT THE MARKINGS LEFT BY THE RIFLING ON THE SURFACE OF THE
7 BULLET IN AND ATTEMPT TO MATCH TO THE FIREARM.

8 Q AND IN YOUR EXAMINATION YOU OBVIOUSLY HAVE TWO BULLETS
9 THERE; IS THAT CORRECT, SIR?

10 A THERE ARE TWO BULLETS ONE IN EACH OF THESE CONTAINERS.
11 THE OTHER BULLET IS SOMEWHAT MORE DAMAGED. LEAD IS A VERY
12 SOFT METAL. UPON IMPACT WITH ANY TYPE OF OTHER SURFACES HAS
13 A TENDENCY TO DISTORT OR BEND OR OTHERWISE BECOME DAMAGED.
14 IT'S VERY EASY TO BREAK. AS A RESULT THEY SOMETIMES LOSE
15 SOME OF ITS MARKINGS THAT I WOULD NEED FOR IDENTIFICATION
16 PURPOSES. THIS PARTICULAR BULLET ACTUALLY STILL HAS SOME OF
17 THE ATTACHED SURFACE AVAILABLE THAT I WOULD BE ABLE TO USE
18 FOR IDENTIFICATION TESTS.

19 Q AND HOW DOES A BULLET GET NAMGLED IN THAT WAY, SIR?

20 A JUST FROM STRIKING, THE HARDER THE OBJECT IT STRIKES
21 THE MORE DAMAGE THAT IT SUSTAINS PARTICULARLY A LEAD BULLET
22 SUCH AS THIS. A COPPER JACKETED BULLET WOULD HAVE MORE
23 ABILITY TO WITHSTAND IMPACT TO A CERTAIN EXTENT. HOWEVER A
24 PLAIN LEAD BULLET SUCH AS THIS WOULD BE FAIRLY EASILY
25 DAMAGED OR DISTORTED AND ON IMPACT WITH A, FOR INSTANCE, A

1 HUMAN BODY THAT DAMAGE, THE DAMAGE SUSTAINED BY IT WOULD
2 LARGELY BE DICTATED BY WHETHER IT HIT THE BONE OR SOME OTHER
3 TYPE OF MATERIAL AS AS OPPOSED TO IT JUST STRIKING SOFT
4 TISSUE.

5 Q AND BASED ON YOUR EXPERIENCE WITH FIREARMS WHAT IS YOUR
6 ASSUMPTION ABOUT WHAT THAT, WHAT IS YOUR OPINION, EXCUSE ME,
7 ABOUT WHAT THAT BULLET HIT?

8 A BASED ON, I DON'T HAVE ANY OPINION BASED ON WHAT I SAW
9 AS TO WHAT IT HIT. THAT WILL BE SOMETHING THAT WILL BE BEST
10 LEFT TO THE PATHOLOGIST.

11 Q ALL RIGHT, SIR. WITH REGARDS TO STATE'S EXHIBIT
12 NO. 39, THANK YOU, SIR, WHAT YOU PREVIOUSLY DESCRIBED AS A
13 SPENT ROUND, SIR?

14 A THIS IS JUST A FIRED BULLET. THIS ONE THE DOCTOR
15 COORDINATED FROM THE AUTOPSY. IT'S MY UNDERSTANDING THAT IT
16 CAME FROM THE SCENE AND SO IT'S JUST LIKE THE OTHERS. THIS
17 IS ALSO A 32 CALIBER LEAD BULLET WITH A COPPER FACE ON IT.

18 Q ALL RIGHT. THANK YOU. IF YOU COULD RETURN TO THE
19 STAND NOW PLEASE, SIR.

20 A (WITNESS COMPLIES.)

21 Q THANK YOU. AFTER YOU HAVE EXAMINED EACH OF THESE
22 CARTRIDGES, FIRED CARTRIDGE CASINGS, AND THEN BULLETS, DID
23 ANYTHING STAND OUT TO YOU ABOUT THOSE, SIR?

24 A OTHER THAN THEIR CONDITION WHICH INDICATED THAT INITIAL
25 EXAMINATION OF THE FIRED CARTRIDGE CASES INDICATED THEY HAD

1 BEEN FIRED IN A CHAMBER FOR WHICH THEY WERE NOT INTENDED.
2 TEST FIRING IN THE FIREARM USING A SIMPLER CALIBER
3 AMMUNITION CONFIRMED THAT THAT COULD HAVE BEEN THE ORIGIN,
4 THE ORIGINAL, THE ORIGIN OF THAT DAMAGE. LATER I DID MY
5 MICROSCOPIC COMPARISONS OF THESE ITEMS, THE FIRED BULLETS,
6 THE FIRED CARTRIDGE CASES WITH THE TEST SPECIMENS THAT I
7 FIRED FROM THE GUN AND I WAS ABLE TO REACH SOME CONCLUSIONS
8 BASED ON THOSE EXAMINATIONS.

9 Q AND SIR, WHEN YOU BEGAN YOUR MICROSCOPIC EXAMINATION
10 AND WENT THROUGH THAT PROCESS. WHAT DID YOU BEGIN TO
11 OBSERVE, SIR?

12 A I NOTED THAT THERE WERE SOME MARKINGS ON THE SURFACES
13 OF THE FIRED BULLETS THAT WERE PRODUCED BY THE RIFLING OF
14 THE FIREARM AND I WAS ABLE TO DETERMINE THAT ONE OF THE
15 BULLETS FROM THE AUTOPSY AND THE FIRED BULLETS FROM THE
16 SCENE HAD INDEED BEEN FIRED BY THIS PARTICULAR FIREARM AND
17 BY NO OTHER. THE SECOND BULLET FROM AUTOPSY I WAS UNABLE TO
18 REACH THAT CONCLUSION.

19 THERE WAS, THE RIFLING CHARACTERISTICS WERE
20 SIMILAR BUT THE VERY SMALL DETAILED MARKINGS THAT I NEEDED
21 FOR COMPARISON PURPOSES FOR AN ABSOLUTE IDENTIFICATION WITH
22 A SPECIFIC FIREARM WERE SIMPLY NOT OF SUFFICIENT QUALITY DUE
23 TO THE DAMAGED CONDITION AND I WAS ONLY ABLE TO REACH AN
24 INCONCLUSIVE RESULT ON THAT BULLET WHICH MEANS IT COULD HAVE
25 BEEN FIRED BY THIS GUN BUT I COULDN'T TELL YOU FOR SURE.

1 THE SAME RESULT WAS REACHED IN EXAMINING THE THREE
2 CARTRIDGES CASES THAT WERE RECEIVED WITH THE GUN. THE ONES
3 THAT HAD BEEN BULGED AND RUPTURED I WAS UNABLE TO DETERMINE
4 IF THEY HAD BEEN FIRED BY THIS PARTICULAR FIREARM AND TO A
5 LARGE EXTENT THAT MAY BE DUE TO THE FACT THAT THEY WERE NOT
6 THE CORRECT CALIBER OF AMMUNITION FOR THIS FIREARM AND DID
7 NOT MARK IN A WAY THAT WOULD ENABLE ME TO MAKE THAT TYPE OF
8 IDENTIFICATION.

9 ADDITIONALLY AND FINALLY I EXAMINED THE THREE
10 UNFIRED CARTRIDGES THAT BORE SOME FIRE PIN IMPRESSIONS ON
11 THE PRIMERS IN AN ATTEMPT TO SEE IF THOSE IMPRESSIONS HAD
12 BEEN MADE BY THE FIRING PIN OF THIS FIREARM AND I WAS UNABLE
13 TO REACH A CONCLUSION THERE EITHER AND THAT WAS ALSO AN
14 INCONCLUSIVE RESULT. SO ESSENTIALLY I WAS ONLY ABLE TO
15 POSITIVELY MATCH TWO ITEMS TO THIS FIREARM THAT BEING ONE
16 BULLET FROM THE AUTOPSY AND ONE BULLET FROM THE SCENE.

17 Q NOW, LET ME JUST CLARIFY A COUPLE THINGS IF YOU DON'T
18 MIND. THERE IS FOUR UNFIRED 32-CALIBER ROUNDS IN THIS
19 EVIDENCE BUT YOU SAID YOU ONLY COMPARED THEM OF THEM. WHY
20 IS THAT, SIR?

21 A ONLY THREE OF THEM BORE ANY KIND OF MARKINGS ON THE
22 PRIMER THAT WERE CONSISTENT WITH HAVING BEEN MADE BY THE
23 FIRING PIN. THE FOURTH CARTRIDGE DIDN'T HAD AN ESSENTIALLY
24 CLEAN UNMARRED SURFACE ON THE PRIMER THAT DID NOT SHOW ANY
25 INDICATIONS IT HAD FIRED.

1 Q SO YOU'VE GOT ONE CARTRIDGE OUT OF THE SEVEN ROUNDS
2 THAT DOES NOT APPEAR TO HAVE EVER HAD A FIRING PIN
3 IMPRESSION ON; IS THAT CORRECT, SIR?

4 A THAT'S CORRECT AND AGAIN THAT FIRING PIN IMPRESSION
5 COULD BE CAUSED BY AN ATTEMPT TO FIRE THAT CARTRIDGE
6 UNSUCCESSFULLY OR IT COULD BE CAUSED BY SOME OTHER MEANS.

7 Q THE ONE UNFIRED CARTRIDGE THAT DOES NOT HAVE A FIRING
8 PIN IMPRESSION ON IT DOES THAT MEAN THAT IT'S NEVER HAD A
9 TRIGGER PULLED AGAINST IT?

10 A IT WOULD INDICATE TO ME THERE IS NO INDICATION THAT
11 IT'S EVER HAD -- NEVER BEEN AN ATTEMPT TO FIRE TO PARTICULAR
12 CARTRIDGE.

13 Q OKAY. ABOUT WITH REGARDS TO THE THREE UNFIRED
14 CARTRIDGES THAT DO HAVE FIRING PINS, FIRING PIN MARKINGS,
15 EXCUSE ME, WHAT DOES THAT MEAN TO YOU IN TERMS OF
16 EXAMINATION?

17 A FROM EXAMINATION STANDPOINT I TRY TO LOOK AT THEM AND
18 DETERMINE, IF I CAN, WHAT CAUSED THAT MARK AND I WAS ABLE TO
19 DETERMINE THAT IT WAS CONSISTENT WITH HAVING BEEN CAUSED BY
20 I FIRING PIN. I WAS UNABLE TO DETERMINE IF THE MARK WAS DUE
21 TO AN ATTEMPT TO FIRE IT OR WAS DUE TO SOME OTHER ACCIDENTAL
22 CONTACT WITH THE FIRING PIN DURING THE SEQUENCE OF THAT
23 MANIPULATION OF THE FIREARM. WHAT THIS ESSENTIALLY MEANS TO
24 ME WAS I WAS UNABLE TO DETERMINE IF THIS PARTICULAR FIRING
25 PIN MADE THOSE MARKS AND I WAS UNABLE TO DETERMINE THE

1 REASON WHY THOSE MARKS WERE THERE?

2 Q IN YOUR OPINION IS IT POSSIBLE THAT THOSE THREE UNFIRED
3 CARTRIDGES WERE ---

4 MR. SWERLING: OBJECTION. THAT'S NOT THE PROPER
5 STANDARD.

6 THE COURT: I'LL LET YOU REPHRASE YOUR QUESTION TO
7 HIM ON THAT SUBJECT.

8 BY MS. GADDY:

9 Q BASED ON YOUR EXAMINATION OF THE THREE UNFIRED
10 CARTRIDGES WHICH HAD FIRING PIN IMPRESSIONS IS IT CONSISTENT
11 WITH THOSE THREE UNFIRED CARTRIDGES HAVING BEEN HIT BY THE
12 HAMMER AND FIRING PIN, SIR?

13 MR. SWERLING: YOUR HONOR, I HAVE TO OBJECT. HE
14 SAID HE COULD NOT TELL.

15 THE COURT: I'LL SUSTAIN THAT.

16 BY MS. GADDY:

17 Q WITH REGARDS TO THE BULGING FIRED CARTRIDGE CASINGS
18 AGAIN MOVIES, T.V. YOU JUST THROW A BULLET IN A GUN AND YOU
19 FIRE IT. WHY DOESN'T THAT WORK FOR THESE GUNS?

20 A THE CARTRIDGES WILL FIT CORRECTLY IN THE CHAMBER. YOU
21 CAN VERY EASILY PUT THOSE CARTRIDGES IN THE CHAMBER OF THE
22 GUN AND CLOSE IT AND IT WOULD FIRE. THE PROBLEM COMES WHEN
23 YOU ATTEMPT TO REMOVE THOSE FIRED CARTRIDGE CASES FROM THE
24 CHAMBERS THEMSELVES BECAUSE WHAT'S HAPPENED NOW IS THEY HAVE
25 EXPANDED AND WHEN THEY EXPANDED AND RUPTURED THAT KIND OF

1 LODGES THEM IN THE CHAMBER. THEY DON'T JUST FALL OUT LIKE
2 THEY WOULD VIRTUALLY FALL OUT LIKE THEY SHOULD IF IT WAS THE
3 CORRECT CALIBER OF AMMUNITION. SO WHAT THAT CREATES IS A,
4 IT JUST CREATES AN INCONVENIENCE FOR THE FIRER OR WHOEVER
5 NEXT ATTEMPTS TO UNLOAD THE FIREARM.

6 Q AND WITH REGARDS TO THE UNFIRED CARTRIDGES DOES THE
7 SIZE OF THE AMMUNITION ALSO CREATE ISSUES WITH THE FIRING
8 PIN HITTING PROPERLY?

9 A IT CAN BECAUSE THERE CAN BE SOME DIMENSIONAL PROBLEMS
10 WITH THE THICKNESS OF THE RIM ON THE CARTRIDGE WHICH COULD
11 AFFECT THE FORCE WITH WHICH THE FIRING PIND STRIKES THE
12 PRIMER.

13 Q IN ADDITION TO THE TEST FIRING OF THE GUN DO YOU MAKE A
14 MEASUREMENT WITH REGARDS TO THE GUN ITSELF, SIR?

15 A YES, WE TAKE MEASUREMENTS AS TO DIMENSIONS OF THE
16 FIREARM PRITICULARLY, IN MOST CASES, IF THE GUN HAS NO
17 OBVIOUS INDICATIONS OF HAVING BEEN ALTERED WE MAY NOT
18 ACTUALLY WRITE THOSE MEASUREMENTS DOWN BUT OTHER
19 MEASUREMENTS THAT WE DO TAKE IN CASE OF ANY FIREARM THAT'S
20 INVOLVED IN A CRIMINAL INCIDENT SUCH AS THIS IS TO TAKE
21 MEASUREMENTS OF THE TRIGGER PULL CHARACTERISTICS. THAT IS
22 THE AMOUNT OF PRESSURE ON THE TRIGGER THAT IT TAKES TO FIRE
23 THE FIREARM. IN THIS PARTICULAR CASE THERE ARE TWO
24 DIFFERENT WAYS TO FIRE A GUN.

25 THERE'S WHAT WE CALL A SINGLE ACTION METHOD AND

1 THE DOUBLE ACTION METHOD. THE SINGLE ACTION METHOD WOULD BE
2 IF YOU WERE TO COCK THE HAMMER AND PULL THE TRIGGER OR SOME,
3 I SAY SOME, IF YOU WERE TO MANUALLY COCK THE GUN FIRST AND
4 THEN FIRE IT. THIS HAS A SOMEWHAT LIGHTER TRIGGER PULL THAN
5 A DOUBLE ACTION WHICH IS IF THE HAMMER IS DOWN SIMPLY
6 SQUEEZING THE TRIGGER WHICH WOULD MECHANICALLY THEN WOULD
7 COCK THE FIREARM WHERE IT WOULD FIRE. THAT TAKES
8 SIGNIFICANTLY LARGER AMOUNT OF PRESSURE ON TRIGGERS
9 USUALLY. WE MEASURE THOSE CHARACTERISTICS AND POST IT IN
10 OUR NOTES.

11 MS. GADDY: YOUR HONOR, I'M GOING TO ASK THAT THE
12 INVESTIGATOR STEP DOWN AND DEMONSTRATE THAT FOR THE JURY. I
13 DON'T THINK THEY CAN GET THAT FROM WORDS.

14 BY MS. GADDY:

15 Q INVESTIGATOR COLLINS, WHAT I'D LIKE YOU TO DO FIRST IS
16 PLACE THE GUN, EXCUSE ME, PLACE THE FIREARM IN A POSITION
17 WHERE IT COULD BE FIRED WERE THERE AMMUNITION IN THE GUN?

18 A I JUST CLOSE THE CYLINDER WHICH I HAVE ASSURED IS
19 UNLOADED AND AT THIS TIME IT WOULD BE WHAT I WOULD CONSIDER
20 TO BE READY TO FIRE.

21 Q ALL RIGHT, SIR. AND WHEN YOU TALK ABOUT A HAMMER CAN
22 YOU SHOW IT TO US ON THE GUN?

23 A THIS IS THE HAMMER HERE IN THE FIREARM.

24 Q AND WHAT DO YOU DO WITH THE HAMMER IN ORDER TO PREPARE
25 TO FIRE THE GUN?

1 A AGAIN THERE IS TWO WAYS YOU CAN DO IT. YOU CAN
2 MANUALLY COCK IT IN SUCH A FASHION AS THAT (INDICATING) AND
3 THE HAMMER WILL STAY AT THE REAR. IT WILL COME TO A POINT
4 AND IT'LL ENGAGE THE CARTRIDGE MECHANISM AND IT'LL STOP. AT
5 THAT POINT IN TIME YOU SEE WHEN I DID THAT THE TRIGGER COMES
6 TO THE REAR AND DREAT DEAL, THE MECHANICAL DEMAND OR
7 PRESSURE NEEDED IT HAS ALREADY BEEN DONE BY YOUR THUMB.
8 YOU'VE ALREADY COCKED IT AND IT'S AT THIS POINT. IT'S READY
9 TO FIRE NOW WITH THE APPLICATION OF THE PRESSURE ON THE
10 TRIGGER. IF I COULD DEMONSTRATE THAT IT WOULD JUST BE A
11 MATTER OF (INDICATING) A SLIGHT AMOUNT OF PRESSURE.

12 Q NOW, WHAT IS THAT TYPE OF FIRING MECHANISM CALLED, SIR?

13 A THAT WOULD BE THE SINGLE ACTION METHOD OF FIRING.

14 Q BUT WHEN YOU SAY SINGLE ACTION THERE IS ACTUALLY TWO
15 STEPS THERE, AREN'T THERE, SIR?

16 A WHAT THE SINGLE ACTION REFERS TO IS WHAT THE TRIGGER IS
17 BEING REQUIRED TO DO. IN THIS PARTICULAR CASE IF YOU WERE
18 DOING THIS PART BY FIRST COCKING IT, THE ONLY THING THAT
19 YOU'RE REQUIRING THE TRIGGER TO DO IS RELEASE THAT MECHANISM
20 WHICH WILL ALLOW A HAMMER TO GO FORWARD. THE OTHER METHOD
21 IS DOUBLE-ACTION FIRING AND THAT IS WITH THE HAMMER DOWN
22 YOU'RE PULLING THE TRIGGER THROUGH. NOW, WHAT THE TRIGGER
23 IS SET TO DO IS TWO THINGS. IT IS HAVING TO PULL THE HAMMER
24 TO THE REAR AND IT'S DOING THAT AGAINST A FAIRLY SIGNIFICANT
25 AMOUNT OF SPRING TENSION THAT BEFORE IN THE SINGLE ACTION

1 METHOD YOUR THUMB WAS ON THE HAMMER. SO AT THIS POINT IT'LL
2 COME TO A CERTAIN POINT AND THEN IT WILL JUST RELEASE THE
3 FIRING PIN. YOU'RE DOING THAT BY SIMPLY PULLING THE
4 TRIGGER.

5 Q NOW, ONE OF THINGS THAT YOU TOLD US IN YOUR TESTIMONY
6 WAS THAT THERE WAS SOME SORT OF A PROBLEM IN THE SINGLE
7 ACTION MODE. CAN YOU TELL US WHAT THAT IS, SIR, WITH THIS
8 GUN?

9 A IN SOME CASES BUT NOT ALL THEY WERE NOT SOMETHING THAT
10 HAPPENED RELIABLY ENOUGH TO BE ABLE TO DOCUMENT ON WHICH
11 CHAMBERS IT WOULD OCCUR. THE CYLINDER WOULD JUST NOT GO
12 FULLY IN THE BARREL. IT WILL COME TO A CERTAIN POINT, FOR
13 INSTANCE HERE, AND THE CHAMBER WOULD JUST STOP AND I BELIEVE
14 AS I PREVIOUSLY MENTIONED THE EJECTOR ROD IS BENT. WHAT
15 HAPPENS IS THE EJECTION ROD COMES AROUND AND STARTS BINDING
16 ON THE BARREL FROM THE BOTTOM OF THE BARREL AND DOES NOT
17 WANT TO GO ANY FURTHER AND THEREFORE THE ACTION IS GOING TO
18 FALL.

19 YOU CAN WIGGLE IT AND YOU WITH MANIPULATE IT AND
20 YOU CAN GET IT TO GO IN THERE IN THE CORRECT POSITION AND
21 COCK IT BUT DUE TO THAT DEFECT WITH THE EJECTOR ROD, IT
22 WOULD JUST CAUSE SOME OCCASIONAL FAILURE FOR IT TO GO
23 COMPLETELY INTO THE, COMPLETELY CYCLE THE NEXT CHAMBER.

24 Q AND AGAIN WHAT DOES THAT MEAN IN TERMS OF TRYING TO
25 FIRE THAT GUN?

1 A IT WOULD MAKE IT AN INCONVENIENCE FOR YOU IF YOU'RE
2 TRYING TO SINGLE ACTION FIRE THE GUN. FOR SOME REASON THE
3 DOUBLE ACTION METHODS PERHAPS THE AMOUNT OF LEVERAGE IT
4 PRODUCES BUT IN THE SINGLE ACTION METHOD IT DID NOT HAVE THE
5 EFFECT --

6 THE COURT: MR. COLLINS, CAN YOU IF YOU'RE AT A
7 POINT WHERE YOU CAN STOP WITH THE DEMONSTRATION, SHE'S
8 HAVING A LITTLE TROUBLE HEARING YOU.

9 THE WITNESS: IT DID NOT HAVE ANY EFFECT ON THE
10 ABILITY OF THE FIREARM TO FIRE ONCE IT WAS EFFECTIVELY
11 COCKED.

12 BY MS. GADDY:

13 Q NOW, WHEN YOU TALK ABOUT COCKING CAN YOU TELL US WHAT
14 YOU'RE TALKING ABOUT THERE BECAUSE SOME OF US DON'T KNOW
15 ABOUT GUNS?

16 A WHEN YOU COCK IT THAT'S SIMPLY THE ACT OF PULLING THE
17 HAMMER TO THE REAR AND THAT'S CALLED THE COCKED POSITION.

18 Q AND WHAT IS THE CYLINDER DOING WHEN YOU COCK IT?

19 A IF YOU'LL NOTICE EVERY TIME I PULL THE HAMMER TO THE
20 REAR IT ROTATES AND EACH TIME IT ROTATES IT'S MOVING ANOTHER
21 CHAMBER IN LINE WITH THE BARREL TO BE FIRED. IT DOES THAT
22 AUTOMATICALLY AND ALSO DOES IT IN THE DOUBLE ACTION METHOD
23 IF YOU NOTICE WHEN I PULL THE TRIGGER. IT ROTATES THE
24 CYLINDER IN POSITION.

25 Q AND SO THERE'S ANOTHER BULLET READY TO GO EACH TIME?

1 A EACH TIME IT INDEXES THERE SHOULD BE ANOTHER CARTRIDGE
2 OR AT LEAST ANOTHER CHAMBER THERE FOR IT TO FIRE.

3 Q ALL RIGHT, SIR. YOU CAN RETURN TO YOUR SEAT, PLEASE,
4 SIR?

5 A (WITNESS COMPLIES.)

6 MS. GADDY: YOUR HONOR IF, MAY I BEG THE COURT'S
7 INDULGENCE FOR JUST A MOMENT.

8 THE COURT: YES, MA'AM.

9 BY MS. GADDY:

10 Q NOW, WHEN YOU HAVE THE SINGLE ACTION IS THE ONLY TIME
11 THIS PROBLEM DEVELOPED FOR YOU, SIR?

12 A YES.

13 Q IS THAT CORRECT?

14 A YES, THAT'S CORRECT.

15 Q AND THAT'S WHEN YOU PULL BACK THE HAMMER AND COCK THE
16 GUN MANUALLY; IS THAT CORRECT, SIR?

17 A THAT IS CORRECT.

18 Q SO IF YOU WERE JUST TO CONTINUE PULLING THE TRIGGER IN
19 THE DOUBLE ACTION MODE, YOU SHOULDN'T HAVE ANY PROBLEMS WITH
20 ADVANCING TO THE NEXT BULLET; IS THAT CORRECT?

21 A FOR REASONS NOT COMPLETELY KNOWN TO ME IT DID NOT HAVE
22 ANY PROBLEMS WITH DOUBLE ACTION.

23 Q AND YOU ACTUALLY TESTED THAT REPEATEDLY; IS THAT
24 CORRECT, SIR?

25 A YES, I DID.

1 Q WHEN, I'M SORRY, SIR?

2 A IT COULD HAVE BEEN A TRANSIENT PROBLEM. WE SEE THAT
3 SOMETIMES WHERE A GUN COMES IN. WE'LL TEST FIRE IT. THERE
4 WILL BE A MALFUNCTION OR SOME KIND OF ABNORMALITY NOTED WITH
5 THE FIREARM AND THEN THAT ABNORMALITY DISAPPEARS. IT'S NOT
6 UNCOMMON. IF I HAVE A PERSONAL FIREARM AND I GO TO THE
7 RANGE, IT MIGHT TEMPORARILY START PERFORMING IN A WAY THAT'S
8 NOT DESIGNED TO DO THEN THAT WILL STOP. THEN THAT CAN BE
9 SIMPLY A MATTER ALSO OF SOME KIND OF GRIT OR DIRT TO FILL IN
10 PLACE, FOLLOW THE ACTION AND THEN FILL BACK OUT. IT'S HARD
11 TO SAY. IN THIS PARTICULAR CASE I BELIEVE IT WAS DUE TO THE
12 EJECTOR ROD BUT IT WASN'T SOMETHING THAT I COULD RELIABLY
13 DUPLICATE IN THE LABORATORY.

14 Q IN THE SINGLE ACTION MODE WHAT IS THE TRIGGER PULL
15 REQUIRED TO FIRE THIS WEAPON?

16 A WHEN I TESTED THIS FIREARM IT AVERAGED THREE POUNDS
17 AND 13 OUNCES.

18 Q AND WHAT ARE WE TALKING ABOUT HERE, SIR, IN TERMS, WHAT
19 DOES TRIGGER PULL MEAN?

20 A TRIGGER PULL IS THE AMOUNT OF PRESSURE ON THE BASE OF
21 THE TRIGGER TO FIRE THE GUN.

22 Q THREE POUNDS AND 13 OUNCES IN THE SINGLE ACTION MODE;
23 THAT'S IF YOU TAKE YOUR THUMB, COCK BACK THE HAMMER, AND
24 THEN PULL THE TRIGGER, THREE POUNDS 13 OUNCES?

25 A THAT'S CORRECT.

1 Q OKAY. WHAT HAPPENS IF YOU DON'T TAKE YOUR THUMB AND
2 PULL BACK THE TRIGGER?

3 A IF YOU FIRE IT IN THE DOUBLE ACTION MODE THE AMOUNT OF
4 WEIGHT REQUIRED TO FIRE THE GUN GOES UP TO 15 POUNDS, FOUR
5 OUNCES.

6 Q FIFTEEN POUNDS, FOUR OUNCES?

7 A THAT'S CORRECT.

8 MS. GADDY: NO FURTHER QUESTIONS, YOUR HONOR.

9 THE COURT: THANK YOU, MA'AM.

10 MR. SWERLING, CROSS-EXAMINATION.

11 CROSS-EXAMINATION BY MR. SWERLING:

12 Q HEY, MR. COLLINS, HOW ARE YOU DOING?

13 A I'M FINE, SIR.

14 Q WITH RESPECT TO A WEAPON, ESPECIALLY A WEAPON THAT
15 DOESN'T HAVE A SAFETY ON IT, THERE IS A CHANCE THAT THAT
16 WEAPON COULD ACCIDENTLY FIRE, CORRECT?

17 A YES, SIR, IT INCREASES THE LIKELIHOOD.

18 Q INCREASES THE LIKELIHOOD ESPECIALLY WITHOUT A SAFETY?

19 A YES, SIR.

20 Q AND THAT WOULD BE EVEN IN THE DOUBLE ACTION MODE BUT
21 MORE LIKELY EVEN IN A SINGLE ACTION MODE BECAUSE OF LESS
22 PRESSURE, CORRECT

23 A YES, SIR, THE SINGLE ACTION MODE IT WOULD BE, IT'S
24 EASIER TO DISCHARGE A FIREARM BECAUSE THERE IS, SIMPLY
25 BECAUSE THERE IS LESS PRESSURE REQUIRED TO DO SO.

1 Q SO LET ME JUST GO BACK I WANTED TO ASK YOU A FEW
2 QUESTIONS REGARDING THESE CARTRIDGES. AS I UNDERSTAND
3 NUMBER ONE THERE WAS NO SAFETY SO WE HAVE THAT PROBLEM AS
4 FAR AS DISCHARGE OF THE WEAPON, CORRECT?

5 A I WAS UNABLE TO DETERMINE IF THERE WAS ANY TYPE OF
6 SAFETY MECHANISM IN THE FIREARM. IT'S QUITE POSSIBLE THE
7 FIREARM WAS MANUFACTURED WITHOUT ONE.

8 Q WITHOUT IT?

9 A RIGHT.

10 Q AND THERE ARE SOME WEAPONS THAT ARE FIRED THAT DO NOT
11 HAVE SAFETIES FOR EXAMPLE A GLOCK, RIGHT?

12 A A GLOCK ACTUALLY HAS THREE DIFFERENT SAFETY MECHANISMS.
13 IN IT. THIS PARTICULAR FIREARM, THIS IS WHAT WE CONSIDER TO
14 BE A LOW QUALITY FIREARM AND QUITE POSSIBLE WAS MANUFACTURED
15 WITHOUT ANY MECHANISM INTENDED FOR A SAFETY.

16 Q I GUESS WHAT I'M TALKING ABOUT IS A SAFETY. I'M
17 TALKING ABOUT THE ONE YOU CAN SWITCH ON AND OFF, CORRECT?

18 A MOST REVOLVERS DO NOT HAVE AN ACTIVE SAFETY WHICH IS
19 LIKE A LEVER THAT YOU CAN PUSH TO MAKE IT SAFE.

20 Q THAT'S WHAT I WAS REFERRING TO. NOW, LET ME, AS I
21 UNDERSTOOD IT THERE IS SEVEN, THERE IS SEVEN CHAMBERS IN
22 THIS REVOLVER, CORRECT?

23 A THAT'S CORRECT.

24 Q AND FOUR OF THEM HAD NOT BEEN FIRED?

25 A THAT'S CORRECT.

1 Q OKAY. WHEN YOU WERE PRESENTED WITH THOSE FOUR THEY
2 WERE ALREADY OUT OF THE WEAPON; IS THAT CORRECT?

3 A YES, THEY WERE, SIR.

4 Q AND THERE WERE THREE CASINGS STILL IN THE WEAPON?

5 A AS I RECEIVED THE FIREARM I BELIEVE THOSE THREE CASINGS
6 HAD BEEN REMOVED ALSO.

7 Q OKAY. SO YOU DID NOT, DO YOU KNOW WHAT SEQUENCE ANY OF
8 THESE BULLETS WERE IN, IN THE GUN?

9 A NO, SIR, I DO NOT.

10 Q SO WHEN THEY WERE GIVEN TO YOU, FOR EXAMPLE, LET ME
11 JUST, I MEAN, THAT'S JUST SEVEN CHAMBERS. JUST TAKE MY WORD
12 FOR IT BUT THAT'S SEVEN CHAMBERS, OKAY?

13 A YES.

14 Q SO YOU DON'T KNOW, WHEN THE GUN WAS GIVEN TO YOU, YOU
15 DON'T KNOW IF THE FIRED CASINGS WERE IN SEQUENCE ONE, TWO,
16 THREE, CORRECT?

17 A NO, SIR, I HAVE NO IDEA.

18 Q OR WHETHER OR NOT THE UNFIRED WERE IN SEQUENCE AS WELL?

19 A NO, SIR.

20 Q THAT WOULD HAVE BEEN BETTER FOR YOU TO HAVE IT THAT
21 WAY, WOULDN'T IT?

22 A IT WOULD HAVE BEEN SOMETHING THAT I WOULD HAVE NOTED IN
23 MY BENCH NOTES AND IF THEY HAD BEEN OUT OF SEQUENCE THERE
24 WOULD HAVE BEEN A SKIP SEQUENCE WHERE YOU HAVE A FIRED AND
25 UNFIRED, SOMETHING OF THAT NATURE, THAT WOULD HAVE CAUGHT MY

1 ATTENTION MORE.

2 Q OKAY. SO WE DON'T HAVE, WE DO NOT KNOW WHERE THESE
3 PARTICULAR CASES WERE IN THIS REVOLVER?

4 A NO, SIR, WE DO NOT.

5 Q BUT WE DO KNOW THAT THREE OF THEM HAD BEEN FIRED?

6 A YES, THREE CARTRIDGES.

7 Q AND WE DO KNOW THAT THERE WERE AT LEAST TWO PROJECTILES
8 RECOVERED FROM THE AUTOPSY?

9 A THAT'S CORRECT.

10 Q AND ONE PROJECTILE RECOVERED FROM THE SCENE?

11 A YES, SIR.

12 Q SO THAT WOULD BE CONSISTENT?

13 A THAT WOULD FOLLOW, SIR.

14 Q NOW, WITH RESPECT TO THE FOUR THAT WERE UNFIRED, NOW
15 YOU SAID THEY WERE UNFIRED OR MISFIRED?

16 A YES, SIR.

17 Q AND AS I UNDERSTOOD WHAT YOU WERE SAYING IS BECAUSE THE
18 EJECTOR, WELL, LET'S CLARIFY THAT. THEY WERE EITHER, THERE
19 WAS AN ATTEMPT TO FIRE THEM AND IT DID NOT STRIKE THE FIRING
20 PIN; IS THAT CORRECT?

21 A THERE WERE MARKS LEFT ON THE PRIMER OF THREE OF THE
22 CARTRIDGES THAT WERE CONSISTENT WITH HAVING BEEN MADE BY THE
23 FIRING PIN OF A FIREARM. I WAS UNABLE TO DETERMINE IF IT
24 WAS BY THIS FIREARM AND I WAS UNABLE TO DETERMINE IF THAT
25 WAS AS A RESULT OF THEM HAVING BEEN AN ATTEMPT TO FIRE THOSE

1 CARTRIDGES OR PARTICULARLY IN THE CASE OF A FIREARM THAT
2 DOES NOT HAVE A SAFETY OF THE FIRING PIN BEING ALLOWED TO
3 REST ON THE PRIMER AND MARK IT FROM BEING BUMPED, NOT BUMPED
4 HARD ENOUGH TO FIRE IT BECAUSE THAT WOULD TAKE A SIGNIFICANT
5 IMPACT BUT BUMPED ENOUGH TO MARK IT.

6 Q SO LET ME JUST BACK UP A LITTLE BIT. THE IMPRESSIONS
7 YOU SAW WERE AS A RESULT OF SEVERAL DIFFERENT POSSIBILITIES?

8 A THAT IS CORRECT.

9 Q ONE OF THEM WOULD BE WHAT, FIRST ONE?

10 A ONE OF THEM WOULD BE AN ATTEMPT, AN ATTEMPT TO HAVE
11 FIRED THEM AND MECHANICALLY DID NOT FIRE.

12 Q AND THAT WOULD HAVE MEANT THE FIRING PIN HIT SOME PART
13 OF THE CARTRIDGE?

14 A THAT'S CORRECT.

15 Q OKAY. AND DID NOT FIRE?

16 A IT HIT THE PRIMER, YES, SIR.

17 Q IT HIT THE PRIMER BUT DID NOT FIRE THE PRIMER?

18 A THAT'S CORRECT.

19 Q THREE OF THEM HAD MARKINGS ON THE PRIMER ITSELF?

20 A THAT'S CORRECT.

21 Q SO ONE OPTION WAS IT HIT BUT DID NOT FIRE?

22 A THAT'S CORRECT.

23 Q SECOND OPTION WOULD BE WHAT?

24 A SECOND OPTION WOULD BE THAT THE CARTRIDGES IN THE
25 CHAMBER UNDERNEATH THE FIRING PIN AND THAT THE FIRING PIN IS

1 IN CONTACT WITH THE PRIMER AND PERHAPS IN THE CASE OF THIS
2 PARTICULAR FIREARM YOU COULD, SO SOMETHING COULD BUMP IT,
3 THE HAMMER, YOU CAN PROBABLY JUST EVEN DO SO MUCH AS THAT
4 WITH THE HAMMER. (INDICATING) IT'LL LEAVE LITTLE TICK
5 MARKS ON THE PRIMER WHICH MAY NOT BE ENOUGH TO FIRE IT
6 OBVIOUSLY JUST BE ENOUGH TO SCRATCH IT.

7 Q SO THE SECOND POSSIBILITY IS JUST BY THE MERE HANDLING
8 OF A WEAPON?

9 A THAT'S CORRECT.

10 Q OR THE MERE HANDLING OF A GUN YOU COULD MAKE AN
11 IMPRESSION ON THE FIRING PIN, THE HAMMER COULD MAKE AN
12 IMPRESSION ON THE FIRING PIN AND IT WOULD NOT HAVE BEEN AN
13 ATTEMPT TO FIRE?

14 A THAT IS CORRECT.

15 Q ANY OTHER POSSIBILITIES?

16 A THAT PRETTY MUCH SUMS IT UP, SIR.

17 Q OKAY. SO AND WHAT YOU'RE SAYING IS THERE IS REALLY NO
18 WAY TO KNOW?

19 A I WAS UNABLE TO DETERMINE FROM MY EXAMINATION WHICH OF
20 THOSE SCENARIOS WOULD HAVE CAUSED THOSE MARKS.

21 Q THE MARKS THAT YOU SAW WERE THEY MARKS THAT YOU
22 NORMALLY WOULD SEE ASSOCIATED WITH AN ATTEMPT TO FIRE THAT
23 OR ARE THEY MORE LIKELY ONES WHERE THERE WAS JUST SOME
24 IMPRESSION LEFT ON THE PRIMER?

25 A IF I WERE TO GO ONE WAY OR THE OTHER, THEY WERE VERY

1 LIGHT IMPRESSIONS AND THAT TYPICALLY IS MORE CONSISTENT WITH
2 SOMETHING ALONG THE LINES OF JUST A HANDLING ASPECT AS
3 OPPOSED TO HAVING AN ATTEMPT TO FIRE.

4 Q SO YOUR CONCLUSION THEN IF YOU HAD TO GO ONE WAY OR THE
5 OTHER WAS THAT THE THREE THAT YOU WERE ABLE TO SEE THAT HAD
6 NOT FIRED?

7 A YES. BUT AGAIN --

8 MS. GADDY: OBJECTION, YOUR HONOR. MR. SWERLING
9 SAID THAT HE COULDN'T MAKE THIS CONCLUSION.

10 MR. SWERLING: BUT HE JUST DID. BUT HE JUST DID.

11 THE COURT: HE DID. I'LL LET HIM ANSWER HIS
12 QUESTION.

13 BY MR. SWERLING:

14 Q YOUR IMPRESSION YOU SAID IF YOU HAD TO GO ONE WAY OR
15 THE OTHER WAS THAT IT WAS MADE BY JUST THE MERE HANDLING OF
16 THE GUN RATHER THAN ATTEMPT TO FIRE?

17 A IT'S MORE CONSISTENT WITH THAT, HOWEVER I CANNOT RULE
18 OUT THE POSSIBILITY OF THAT.

19 Q BUT MORE CONSISTENT WITH THE FORMER?

20 A IT APPEARS TO --

21 Q THAT IT WAS HANDLING AS YOU JUST SAID?

22 A YES.

23 Q AND YOU SAID THAT COULD JUST HAPPEN JUST GOING LIKE
24 THAT (INDICATING)?

25 A OR SOME OTHER MEANS OF WHERE THE FIRING PIN WOULD BE

1 TAPPED AGAINST THE SURFACE OF THE GUN.

2 Q THAT'S JUST A MARKING. ALL IT IS IS A LIGHT MARKING.

3 A YES, SIR. THE ONLY THING THAT THEY REALLY MEANT TO ME
4 DURING MY EXAMINATION WAS WHERE I SPENT THE MOST EFFORT ON
5 THEM WAS IN ATTEMPTING TO DETERMINE IF THEY HAD BEEN
6 PRODUCED BY THE FIRING PIN OF THIS PARTICULAR FIREARM?

7 Q WHAT I UNDERSTOOD IS YOU COULD NOT EVEN DETERMINE
8 WHETHER OR NOT THAT LIGHT MARKING ON THE FIRING PIN WAS EVEN
9 MADE WHILE IT WAS WITHIN THAT WEAPON?

10 A I WAS UNABLE TO MATCH ANY OF CARTRIDGES EVEN THE
11 FIREARMS WITH THIS PARTICULAR FIREARM, SIR.

12 Q AND IN ACTUALITY THAT AMMUNITION IS REALLY AS YOU SAID
13 NOT PARTICULARLY SUITED FOR THAT WEAPON BECAUSE IT'S SMALLER
14 AND WE'RE TALKING ABOUT MICROSCOPIC, RIGHT, MEASUREMENTS?

15 A IT'S A DISCERNABLE, MEASURABLE DIFFERENCE IN THE
16 DIMENSIONS OF THE CARTRIDGE.

17 Q BETWEEN THE COLT AND THE SMITH AND WESSON?

18 A BETWEEN THE 32 LONG COLT AND THE 32 SMITH AND WESSON
19 LONG AND THAT DIMENSIONAL DIFFERENCE ALSO PLAYS A ROLE, IF I
20 COULD BACK UP, INTO YOU KNOW THE CREATION OF THOSE MARKS ON
21 THE PRIMER BECAUSE IF THAT RIM THICKNESS IS SOMEWHAT REDUCED
22 AND I'LL BE HONEST I DID NOT MEASURE THE RIM THICKNESS ON
23 THE CARTRIDGE. THAT CAN ALSO PLAY A ROLE AND IT ALSO ADDS,
24 THAT'S WHY I DID NOT IN MY REPORT INDICATE THAT THOSE
25 MARKINGS WERE NOT AS A RESULT OF HAVING AN ATTEMPT TO FIRE

1 THEM BUT WERE MORE AS A RESULT OF HANDLING THE FIREARM
2 BECAUSE I SIMPLY COULDN'T TELL DUE TO ALL THE PROBLEMS
3 INVOLVED WITH HAVING THE WRONG KIND OF AMMUNITION IN THE
4 GUN. IF THE RIM THICKNESS IS LESS ON 32 LONG COLT OR IN
5 THIS PARTICULAR BRAND OF AMMUNITION IS EVEN LESS, YOU MAY
6 HAVE A SITUATION WHERE THE FIRING PIN SIMPLY DOES NOT REACH
7 THE PRIMER TO THE SAME EXTENT THAT IT WOULD IN REGULAR, IN
8 THE RIGHT CALIBER AMMUNITION AND THAT CAN ALSO AFFECT THE
9 NATURE OF THOSE MARKINGS.

10 MR. SWERLING: THANK YOU.

11 THE COURT: THANK YOU, SIR.

12 ANYTHING ON REDIRECT?

13 MS. GADDY: JUST ONE QUESTION, YOUR HONOR
14 REDIRECT-EXAMINATION BY MS. GADDY:

15 Q IN ORDER TO GET FROM DOUBLE ACTION TO SINGLE ACTION
16 TRIGGER PULL, SOMEONE HAS TO MOVE THAT HAMMER; IS THAT
17 CORRECT, SIR?

18 A IF YOU'RE GOING TO GO TO SINGLE ACTION, IF YOU'RE GOING
19 TO OPERATE THE FIREARM IN THE SINGLE ACTION METHOD SOMEBODY
20 OR SOMETHING HAS TO MANUALLY COCK THAT HAMMER, YES.

21 Q IT TAKES A DELIBERATE ACTION; IS THAT CORRECT, SIR?

22 A IN MY OPINION, YES.

23 THE COURT: THANK YOU.

24 ANYTHING ON RECROSS?

25 MR. SWERLING: NO.

1 THE COURT: MR. COLLINS, YOU MAY STEP DOWN. THANK
2 YOU, SIR.

3 COUNSEL, WE'LL TAKE, I'M GOING TO LET THE JURY
4 TAKE A BREAK.

5 LADIES AND GENTLEMEN, MADAM FORELADY, YOU ALL TAKE
6 ABOUT A TEN-MINUTE BREAK OR SO AND DO NOT DISCUSS THE
7 EVIDENCE OR TESTIMONY YOU'VE HEARD OR SEEN THUS FAR AND
8 WE'LL BRING YOU BACK IN ABOUT TEN OR SO MINUTES AND WRAP UP.
9 THANK YOU.

10 (THE FOLLOWING TAKES PLACE OUTSIDE THE PRESENCE OF THE
11 JURY.)

12 THE COURT: THANK YOU, SIR. ALL RIGHT. COUNSEL,
13 WE'LL TAKE ABOUT 10 MINUTES OR SO.

14 MR. MEADORS: YOUR HONOR, WE JUST HAVE ONE MORE
15 WITNESS.

16 THE COURT: OKAY.

17 (THEREUPON, THERE WAS A BRIEF RECESS IN THE TRIAL OF
18 THIS CASE.)

19 THE COURT: COUNSEL'S READY WE'LL BRING THE JURY
20 OUT.

21 MR. MEADORS: YES, SIR.

22 MR. SWERLING: YES, SIR.

23 (THE FOLLOWING TAKES PLACE WITHIN THE PRESENCE OF THE
24 JURY.)

25 THE COURT: MADAM FOREMAN, MEMBERS OF THE JURY,

1 WE'RE READY TO CONTINUE AT THIS POINT. THE STATE MAY CALL
2 YOUR NEXT WITNESS.

3 MR. MEADORS: MAY IT PLEASE YOUR HONOR.

4 THE COURT: YES, SIR.

5 MR. MEADORS: STATE WOULD CALL DR. CLAY NICHOLS.

6 THE COURT: THANK YOU, DOCTOR. GOOD TO SEE YOU.

7 YES, SIR, MR. MEADORS.

8 MR. MEADORS: MAY IT PLEASE THE COURT.

9 CLAY NICHOLS, BEING FIRST DULY
10 SWORN, TESTIFIED AS FOLLOWS:

11 DIRECT EXAMINATION BY MR. MEADORS:

12 Q GOOD AFTERNOON, DR. NICHOLS?

13 A GOOD AFTERNOON.

14 Q DOCTOR, WILL YOU PLEASE TELL THE JURY ABOUT YOURSELF,
15 SPECIFICALLY RELATE TO THEM YOUR BACKGROUND, YOUR TRAINING,
16 YOUR EDUCATION, AND YOUR TRAINING IN THE SPECIFIC FIELD OF
17 EXPERTISE THAT WE'VE ASKED YOU TO SPEAK ABOUT TODAY?

18 A YES, SIR. MY NAME IS CLAY NICHOLS. I'M A FORENSIC
19 PATHOLOGIST. I WORK OVER AT RICHLAND MEMORIAL HOSPITAL.
20 I'M ALSO THE CHIEF MEDICAL EXAMINER FOR RICHLAND COUNTY. I
21 RECEIVED MY BACHELOR OF SCIENCE DEGREE IN 1981 FROM THE
22 UNIVERSITY OF OKLAHOMA. FOUR YEARS LATER I RECIEVED MY M.D.
23 DEGREE ALSO FROM THE UNIVERSITY OF OKLAHOMA. FOLLOWING THAT
24 I ENTERED A FIVE-YEAR RESIDENCY PROGRAM IN THE ANATOMIC AND
25 FORENSIC PATHOLOGY AT M.U.S.C. IN CHARLESTON. FOR THE NEXT

1 TEN YEARS AFTER THAT I WAS ON THE FACULTY AT M.U.S.C.
2 TEACHING PATHOLOGY TO RESIDENTS, MEDICAL STUDENTS, DENTAL
3 STUDENTS. IN 2000 I ENTERED PRIVATE PRACTICE OVER AT
4 RICHLAND MEMORIAL. I HOLD AN UNRESTRICTED LICENSE TO
5 PRACTICE MEDICINE AND SURGERY IN THE STATE OF SOUTH
6 CAROLINA. I'M ALSO BOARD CERTIFIED BY THE AMERICAN BOARD OF
7 PATHOLOGY IN BOTH ANATOMIC AND FORENSIC PATHOLOGY.

8 MR. SWERLING: HE'S QUALIFIED, YOUR HONOR.

9 MR. MEADORS: YOUR HONOR, WE'D OFFER DR. CLAY
10 NICHOLS AS AN EXPERT IN THE FIELD OF FORENSIC PATHOLOGY.

11 THE COURT: YES, SIR. YOU'RE SO QUALIFIED AND MAY
12 TESTIFY AS SUCH. THANK YOU.

13 BY MR. MEADORS:

14 Q YOU'VE BEEN HERE A WHOLE BUNCH OF TIME, HAVEN'T YOU?

15 A YES, SIR.

16 Q VERY BRIEFLY JUST TELL THE JURY THE DIFFERENCE BETWEEN
17 PATHOLOGY AND FORENSIC PATHOLOGY?

18 A PATHOLOGY IS THE LABORATORY DIAGNOSIS OF DISEASE AND
19 THEY'RE PHYSICIANS LIKE ANY OTHER PHYSICIAN, GRADUATE FROM
20 MED SCHOOL BUT RATHER THAN SEEING PATIENTS AS PART OF AS
21 PART OF THEIR PRACTICE, WE SEE PARTS OF PATIENTS. WHAT I
22 MEAN BY THAT IS THAT IF YOU'VE EVER HAD SURGERY PERFORMED OR
23 A MOLE REMOVED OR AN APPENDIX THAT'S SENT TO A PATHOLOGIST
24 WHERE IT'S LOOKED AT UNDERNEATH THE MICROSCOPE FOR THE
25 PRESENCE OR ABSENCE OF DISEASE. ONE OF THE THINGS THAT A

1 PATHOLOGIST LEARNS HOW TO DO IS AN AUTOPSY WHICH IS THE
2 DISSECTION OF A PERSON AFTER THEY DIE LOOKING FOR THE CAUSE
3 OF DEATH. A FORENSIC PATHOLOGIST HAS SPECIFIC TRAINING
4 AFTER THAT FOR PEOPLE WHO DIE SUSPICIOUS OR UNNATURAL
5 DEATHS.

6 Q AND YOU ARE THE LATTER IN YOUR SPECIALTY; YOU'RE
7 TESTIFYING TODAY AS A FORENSIC PATHOLOGIST?

8 A THAT'S CORRECT. THAT'S MY ENTIRE PRACTICE.

9 Q HOW LONG HAVE YOU BEEN DOING IT?

10 A TWENTY YEARS.

11 MR. MEADORS: FOR THE COURT'S IDENTIFICATION ONLY
12 PLEASE, SIR.

13 THE COURT: YES, SIR.

14 (THEREUPON, THE PHOTO OF THE VICTIM WAS MARKED STATE'S
15 EXHIBIT NO. 40 AND ENTERED INTO EVIDENCE.)

16 BY MR. MEADORS:

17 Q LOOKING AT STATE'S EXHIBIT 40 DID YOU HAVE AN OCCASION
18 TO PERFORM AN AUTOPSY ON THE BODY OF ONE LEOPOLD PIERRE?

19 A YES, I DID.

20 Q DOES STATE'S 40, COURT'S EXHIBIT ONLY, SHOW MR. PIERRE?

21 A YES, SIR.

22 Q DOCTOR, WHERE IS YOUR OFFICE?

23 A RICHLAND MEMORIAL HOSPITAL.

24 Q WE'VE ALL HEARD ABOUT THE MORGUE. IS THAT WHERE THE
25 MORGUE IS?