

VOLUME ONE OF EIGHT VOLUMES

15698

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Honorable John C Hayes, III, Circuit Court Judge

Case No 2004-GS-46-2614
2004-GS-46-3232,200,3233,3234,196-199,

The State,

Respondent,

versus

~~Billy Wayne Coker~~

James Edward Sanders

Appellant

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE
COURT OF GENERAL SESSIONS
CASE NO 02-GS-46-1260

STATE OF SOUTH CAROLINA,
PLAINTIFF,
-VS-
JAMES E SANDERS,
DEFENDANT

TRANSCRIPT OF RECORD

AUGUST 4, 2004
2 15 P M
YORK, SOUTH CAROLINA

B E F O R E

HONORABLE LEE S ALFORD, JUDGE

A P P E A R A N C E S

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
JOHN GEORGE				
MR THOMPSON	5			
MR GREELEY		20		
MR THOMPSON			26	
MR GREELEY				28
CERTIFICATE	51			

E X H I B I T S

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
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(REPORTER'S NOTE ALL EXHIBITS WERE FILED WITH THE OFFICE
OF THE YORK COUNTY CLERK OF COURT)

000003

1 MR THOMPSON , PLEASE THE COURT, YOUR HONOR

2 THE COURT SOLICITOR

3 MR THOMPSON THIS IS STATE OF SOUTH CAROLINA VERSUS
4 JAMES E SANDERS, INDICTMENT 2002-GS-46-1260, WHEREIN HE'S
5 CHARGED WITH BURGLARY FIRST DEGREE THE STATE HAS FILED A
6 MOTION IN WHICH WE ARE ASKING TO DRAW BLOOD SAMPLES FROM THE
7 DEFENDANT TO COMPARE TO BLOOD THAT WAS FOUND AT THE CRIME
8 SCENE AND AT THIS POINT WE ARE PREPARED TO GO FORWARD THE
9 REASON AT THIS POINT FORWARD FOR THE BLOOD DRAWING, AS YOU
10 KNOW, MR SANDERS IS CHARGED WITH A NUMBER OF SEPARATE
11 CRIMES HAPPENING OVER A TWO- OR THREE-MONTH PERIOD OF TIME
12 BACK WHEN HE WAS ARRESTED ON THESE, ONE IN WHICH ALSO
13 INVOLVES MR COPE AND WE HAVE THAT SCHEDULED FOR TRIAL WITH
14 MR SANDERS AND MR COPE TOGETHER WITH PRE-TRIAL STARTING ON
15 THE 23RD OF THIS MONTH AND THE TRIAL ITSELF STARTING ON THE
16 7TH OF SEPTEMBER

17 MR GREELEY REPRESENTS MR SANDERS AND IN THAT TRIAL
18 HE'S MADE A MOTION TO SUPPRESS THE DNA RESULTS BASED ON THE
19 CASE THAT DEALS WITH MR SANDERS BASED ON THE FACT THAT THEY
20 WERE UNLAWFULLY OBTAINED WITHOUT ARGUING THAT POINT AT
21 THIS TIME, THEY WERE OBTAINED BY A SEARCH WARRANT AND,
22 BASICALLY, AT THIS POINT THE STATE IS SEEKING TO QUASH ANY
23 PROBLEM WITH THE OBTAINING OF THE RESULTS BY HAVING THEM
24 WITHOUT A DOUBT LAWFULLY OBTAINED AT THIS TIME RATHER THAN
25 TAKE A CHANCE AND LATER ON HAVE IT BE RULED UNFAVORABLY AND

000004

1 HAVING TO CONTINUE EVERYTHING, WE'RE TRYING TO CUT IT OFF
2 NOW SO AT THIS POINT THE STATE IS PREPARED TO GO FORWARD
3 AND ASK OFFICER JOHN GEORGE TO TAKE THE STAND TO TESTIFY AS
4 TO THE PROBABLE CAUSE ON THIS PARTICULAR CASE

5 THE COURT PLEASE PROCEED

6 MR THOMPSON NOW, THIS CASE, I WOULD -- OFFICER
7 GEORGE, I'D CALL YOU TO THE STAND, PLEASE IF YOU'D STEP UP
8 AND BE SWORN AND I WOULD POINT OUT TO THE COURT THAT THIS
9 CASE IS ACTUALLY A DIFFERENT CASE THAN WHAT THE SEARCH
10 WARRANT WAS DONE ON THIS IS A SEPARATE CASE ALTOGETHER

11 THE COURT I UNDERSTAND THAT

12 THE CLERK PLEASE RAISE YOUR RIGHT HAND, PLACE YOUR
13 LEFT HAND ON THE BIBLE

14 (JOHN GEORGE, BEING FIRST DULY SWORN, WAS EXAMINED AND
15 TESTIFIED AS FOLLOWS)

16 DIRECT EXAMINATION

17 JOHN GEORGE BY MR THOMPSON

18 Q OFFICER GEORGE, HOW LONG HAVE YOU BEEN WITH LAW
19 ENFORCEMENT?

20 A NINE YEARS, ABOUT

21 Q AND ARE YOU CURRENTLY WITH THE CRIME SCENE UNIT?

22 A YES, I AM

23 Q AND BACK IN JANUARY OF 2002, WERE YOU WORKING WITH THE
24 ROCK HILL POLICE DEPARTMENT AT THAT TIME?

25 A YES, I WAS

000005

1 Q WHAT WERE YOUR DUTIES AT THAT TIME?

2 A I WAS A SHIFT INVESTIGATOR ON ONE OF THE NIGHT SHIFTS
3 AT THAT TIME

4 Q ALL RIGHT AND WERE YOU WORKING THE NIGHT OF JANUARY
5 12TH OF 2002?

6 A YES, I WAS

7 Q AND CAN YOU TELL ME, THAT EVENING, WERE YOU CALLED OUT
8 TO A BURGLARY ON WHITE STREET?

9 A YES, I WAS

10 Q CAN YOU TELL ME THE FACTS SURROUNDING THAT PARTICULAR
11 BURGLARY?

12 A YES I WAS CALLED OUT TO 258 WHITE STREET IN ROCK HILL
13 WITH REFERENCE TO A BURGLARY OFFICER PAT SPIKER WAS THE
14 FIRST RESPONDING OFFICER, HAD RECEIVED A REPORT FROM THE
15 VICTIM THAT HE HAD COME INTO HIS LIVING ROOM AREA, SAW A
16 BLACK MALE LOOKING THROUGH THE CUPBOARD THAT WAS UP ON THE
17 WALL, LIKE AN ARMOIRE TYPE, DESCRIBED THE BLACK MALE AS
18 WEARING A DARK BLUE SWEAT SUIT, SWEAT SHIRT, SWEAT PANTS AND
19 THEN A DARK, LIKE, --

20 MR GREELEY OBJECTION YOUR HONOR, I DO WANT TO
21 INTERPOSE AN OBJECTION HERE, BUT I ALSO DO REALIZE THAT THIS
22 IS MERELY A PROBABLE CAUSE HEARING AND THAT WOULD BE ALL
23 HEARSAY AND I'M JUST GOING TO PRESERVE IT FOR THE RECORD I
24 DON'T KNOW IF THE COURT'S GOING TO ALLOW IT OR NOT, BUT
25 SINCE IT IS JUST A PROBABLE CAUSE HEARING

000006

1 THE COURT I THINK HE'S ENTITLED ON A PROBABLE CAUSE
2 HEARING TO BE ABLE TO PROVIDE WHAT INFORMATION HE WAS ABLE
3 TO PROVIDE TO OR WOULD BE ABLE TO PROVIDE IN AN EFFORT TO
4 GET A SEARCH WARRANT OR -- AND FOR THIS MATTER GET AN ORDER
5 AND WHAT IT'S BASED ON SO I THINK HE'S ENTITLED TO DO
6 THAT GO AHEAD

7 MR THOMPSON THANK YOU, YOUR HONOR

8 Q AFTER YOU RECEIVED THAT DESCRIPTION, WHAT DID YOU DO?
9 DID YOU RESPOND YOURSELF TO THAT HOUSE?

10 A YES I WAS ALREADY ON MY WAY TO THE HOUSE IF I CAN
11 GO BACK

12 Q SURE

13 A THE VICTIM ALSO DID -- I DID INTERVIEW THE VICTIM ALSO
14 AND TALKED TO HIM AND HE ALSO DESCRIBED THAT DESCRIPTION TO
15 ME ALSO

16 Q OKAY AND WHILE YOU WERE AT THE HOUSE, DID YOU DO
17 ANYTHING THERE? DID YOU TRY TO COLLECT ANY EVIDENCE WHILE
18 YOU WERE AT THAT HOUSE?

19 A YES, I DID I DID TRY TO FINGERPRINT I WAS ABLE TO
20 OBTAIN FINGERPRINTS FROM A DOOR THAT SEPARATED -- THE HOUSE
21 IS SEPARATED IN TWO RESIDENTS, 258 WHITE STREET AND ALSO 260
22 IS WHAT THE TWO ADDRESSES ARE

23 Q SORT OF LIKE A DUPLEX?

24 A SORT OF LIKE THAT, YES IT'S A BIG WHITE HOUSE ON THE
25 CORNER OF WHITE AND ELIZABETH, FAIRLY BIG HOUSE AND THERE

000007

1 WAS A DOOR THAT THE VICTIM HAD SAID HAD BEEN NAILED SHUT TO
2 SEPARATE THE TWO RESIDENTS, SO THERE WAS TWO APARTMENTS SET
3 UP IN IT
4 Q OKAY AND WAS -- DID HE GIVE YOU ANY INFORMATION THAT
5 THE DEFENDANT HAD GONE THROUGH THAT DOOR?
6 A YES HE SAID WHEN HE CAME OUT HE CAME FROM -- THERE'S
7 A LIVING ROOM, THERE'S A SMALLER, LIKE, A SITTING ROOM OFF
8 OF THE LIVING ROOM HE WAS IN THERE PLAYING GUITAR, I
9 BELIEVE, IS WHAT HE TOLD ME WHEN HE CAME OUT, SAW THE
10 SUSPECT THERE, SUSPECT RAN THROUGH THE DOOR THAT WAS NAILED
11 SHUT, KNOCKING IT DOWN ACTUALLY OFF ITS -- IT WAS NAILED SO
12 IT WASN'T ACTUALLY ON HINGES -- ONTO A TABLE IN THE OTHER
13 ROOM AND HE SAID THE DEFENDANT RAN OUT THROUGH THAT
14 APARTMENT AND OUT THE DOOR
15 Q ALL RIGHT AND YOU LIFTED THE PRINT OFF OF THAT DOOR?
16 A YES I LIFTED A PRINT IT WOULD HAVE BEEN ON THE 258
17 SIDE OF THE DOOR FOR THE ADDRESS
18 Q NOW, AS YOU WERE DOING THIS, CAN YOU TELL ME FIRST WHAT
19 TIME IT WAS THAT YOU WERE CALLED OUT AND WHAT TIME THIS
20 EVENT HAD OCCURRED?
21 A THE ORIGINAL DISPATCH TIME WAS AT 10 36 P M
22 Q ALL RIGHT AND WHEN WAS IT TO HAVE OCCURRED THAT THE
23 VICTIM HAD TOLD THAT THE INCIDENT OCCURRED? DID HE CALL
24 IMMEDIATELY OR --
25 A IT WAS -- IT HAD BEEN A FEW MINUTES BEFORE THAT DUE TO

000008

1 THE FACT HE HAD TO GO ACROSS THE STREET, SINCE HE DIDN'T
2 HAVE A PHONE THERE, TO HANDI-PANTRY TO PLACE A PHONE CALL TO
3 THE POLICE DEPARTMENT

4 Q OKAY NOW, WHILE YOU WERE THERE PROCESSING THAT CRIME
5 SCENE, DID ANYTHING ELSE HAPPEN AT THAT POINT?

6 A YES I WAS ACTUALLY GETTING READY TO LEAVE I HAD
7 ALREADY PACKED UP ALL MY FINGERPRINT EQUIPMENT, WAS GETTING
8 READY TO LEAVE AND A CALL CAME IN, A 911 CALL, AT 131 REID
9 STREET IN REFERENCE TO A SUBJECT THAT WAS IN A HOUSE AND
10 ATTACKING ONE OF THE FEMALES THAT LIVED THERE

11 Q ALL RIGHT AND HOW CLOSE IS THAT TO WHERE YOU WERE ON
12 WHITE STREET?

13 A BASICALLY, WHERE THE WHITE'S HOUSE IS IS THAT WHOLE
14 BLOCK ON WHITE STREET BETWEEN REID AND ELIZABETH YOU GO
15 DOWN REID STREET ABOUT HALFWAY DOWN IS 131 ON THE RIGHT-HAND
16 SIDE

17 Q AND DID YOU PRINT ANYTHING OUT TO HELP YOU----

18 A YES, I DID

19 Q ----TO HELP US UNDERSTAND THAT TODAY? COULD YOU TELL US
20 WHAT THAT IS?

21 A I WENT INTO YORK COUNTY G I S WEBSITE AND WAS ABLE TO
22 PRINT OUT THE BLOCK OF WHERE THE INCIDENTS OCCURRED

23 Q OKAY AND IS THIS THE COPY OF THAT?

24 A YES, IT IS

25 Q AND DOES THAT FAIRLY AND ACCURATELY DEPICT HOW IT IS

000009

1 WHFN -- BASICALLY, A DESCRIPTION OF HOW IT IS AROUND THAT
2 BLOCK AND THE NUMBERS OF THE HOUSES?

3 A YES

4 MR THOMPSON ALL RIGHT I WOULD ASK THAT WE MARK
5 THIS AND PUT THIS IN EVIDENCE FOR THE COURT'S CONSIDERATION
6 (WHEREUPON, THE REPORTER MARKED THE REFERENCED DOCUMENT
7 AS STATE'S EXHIBIT NUMBER 1 FOR IDENTIFICATION)

8 A THERE ARE ALSO ARROWS I MARKED ON IT FROM WHERE THE
9 WHITE'S HOUSE WAS, THE TWO APARTMENTS AND---

10 Q OKAY

11 A ---131 REID STREET

12 Q AND IF YOU'LL JUST -- YOU CAN GO AHEAD AND DESCRIBE
13 THAT FOR US, IF YOU WOULD, AS YOU POINT ON THIS

14 THE COURT HAS COUNSEL SEEN IT?

15 MR GREELEY YOUR HONOR, I HAVE NO OBJECTION FOR THIS
16 HEARING FOR THAT DOCUMENT, BUT I DO NOT CONCEDE TO THE
17 ACCURACY I DON'T KNOW AT THIS POINT

18 THE COURT ALL RIGHT, SIR

19 Q OKAY GO AHEAD AND DESCRIBED THE ARROWS THAT YOU'VE
20 WRITTEN ON IT

21 A I'LL GO AHEAD AND JUST SHOW --

22 Q IF YOU WOULD JUST SHOW THE COURT WHAT YOU'RE DOING

23 THE COURT IF YOU'D LIKE TO STAND UP -- YOU NEED TO --

24 THE WITNESS THAT MIGHT BE EASIER

25 THE COURT ALL RIGHT, SIR

000010

1 A IF --

2 THE COURT CAN YOU SEE, COUNSEL? IF YOU WANT TO COME
3 UP, YOU CAN

4 MR GREELEY I HAVE A COPY, YOUR HONOR

5 A THE TWO ARROWS RIGHT HERE ARE WHITE -- WERE WHITE AND
6 ELIZABETH THAT IS THE WHITE'S HOUSE, WHICH THE HOUSE
7 ACTUALLY RUNS ACROSS, THAT'S SEPARATED INTO 258 AND 260 GO
8 DOWN AND YOU HAVE REID STREET RIGHT HERE THIS IS 131 REID
9 STREET AND THEN 339 MAIN STREET IS WHERE I SAW THE DEFENDANT
10 AND WHERE I RECOVERED THE WALLET FROM MS HAGMAN'S
11 RESIDENCE

12 Q ALL RIGHT AND SO ON THE REID STREET PART OF THE MAP,
13 THAT'S WHERE MS HAGMAN LIVED?

14 A YES, AT 131 IT'S A BOARDING HOUSE AND THEY'RE BROKEN
15 UP INTO SEVERAL DIFFERENT ROOMS AND --

16 Q OKAY AS A MATTER OF FACT, FOR YOU TO GET THERE, DID
17 YOU HAVE TO DRIVE TO GET THERE?

18 A ACTUALLY, I THOUGHT IT WOULD HAVE BEEN FASTER FOR ME TO
19 ACTUALLY -- I RAN DOWN THE STREET FROM THE WHITE'S HOUSE TO
20 WHERE HER APARTMENT IS

21 Q NOW, IN THE MIDDLE OF THIS BLOCK, ARE THERE -- IS THERE
22 ANY VEGETATION OR ANYTHING THERE?

23 A YES BEHIND THE WHITE'S HOUSE IT'S QUITE HEAVILY
24 VEGETATED, TREES, AND THEN BETWEEN WHITE STREET AND MAIN
25 STREET IT'S ALMOST LIKE A HEDGEROW OF TREES AND BUSHES ALL

000011

1 THE WAY DOWN THROUGH UNTIL YOU GET TO JUST ABOUT MAIN STREET
2 FROM WHERE -- TO BEHIND WHERE THE HOUSES ARE START ON MAIN
3 STREET

4 Q ALL RIGHT SO, BASICALLY, THERE'S NOT A CLEAR WAY TO
5 LOOK THROUGH THERE YOU DON'T JUST HAPPEN TO SEE FROM ONE
6 SIDE TO THE OTHER?

7 A NO IT'S PRETTY, YOU KNOW, A LOT OF BRUSH THROUGH
8 THERE AND THERE'S REALLY NOT ANY HOUSES ON THE ELIZABETH
9 SIDE UNTIL YOU GET DOWN TO -- IT'S NOT BASS FUNERAL HOME,
10 BUT THERE'S ANOTHER BUSINESS JUST BEFORE BASS FUNERAL HOME

11 Q ALL RIGHT ALL RIGHT NOW, AFTER YOU RESPONDED TO MS
12 HAGMAN'S RESIDENCE, WHAT HAPPENS AT THAT POINT?

13 A AT THAT POINT WE DID CALL OUR K-9 UNIT TO COME OUT TO
14 SEARCH THEY ARRIVED WE ALSO CALLED INVESTIGATOR GARDNER
15 FROM THE CRIME SCENE UNIT HE RESPONDED AND ALSO ONE OF THE
16 ON-CALL DETECTIVES RESPONDED ALSO

17 Q DID YOU GET A DESCRIPTION OF THE DEFENDANT FROM THAT
18 RESIDENCE?

19 A YES MS HAGMAN EXPLAINED IT WAS A BLACK MALE WEARING
20 A BLUE SWEAT SUIT AND HAD A BLACKISH OR DARK BLUE KNIT CAP
21 ON AND SHE COULD ALSO SEE BRAIDS COMING OUT TOWARDS THE
22 BACK

23 Q OKAY AND CAN YOU TELL ME AS WELL DID SHE GIVE A
24 HEIGHT INDICATION THAT YOU RECALL?

25 A I DON'T RECALL I CAN LOOK AT HER STATEMENT REAL QUICK

000012

1 AND --

2 Q ALL RIGHT

3 A IN HER STATEMENT SHE SAID HE WAS ABOUT FIVE EIGHT OR
4 FIVE NINE

5 Q ALL RIGHT AT THAT POINT DID YOU START TO SEARCH FOR
6 HIM?

7 A AT THAT POINT I STAYED AT THE SCENE WE HAD HAD A
8 PERIMETER -- WE HAD OFFICERS IN THE AREA ALREADY AT THE
9 POINT LOOKING FOR HIM, FOR THE DEFENDANT, FOR THE WHITE
10 STREET CALL

11 Q OKAY

12 A THEY WERE JUST GETTING READY TO CLEAR UP WHEN THIS
13 INCIDENT HAPPENED SO WE SAT UP A PERIMETER AROUND THAT
14 BLOCK AREA FROM REID STREET A LITTLE BIT FURTHER DOWN MAIN
15 STREET, ELIZABETH, BLACK STREET THAT WHOLE BLOCK AREA WAS
16 PRETTY MUCH SEALED OFF AT THE TIME

17 Q OKAY OKAY AND ULTIMATELY IN YOUR SEARCH, DID YOU
18 FIND A KNIT CAP?

19 A YES OUT BEHIND 131 REID STREET, YOU GO OUT THE BACK
20 DOOR THERE'S -- WHERE THE PARKING AREA FOR THE TENANTS IS
21 AND BACK THERE THERE'S A SET OF BUSHES AND I BELIEVE THERE'S
22 A FENCE BACK THERE AND BACK IN THAT AREA IS WHERE THE HAT
23 WAS DISCOVERED

24 Q OKAY WHAT DID SHE DESCRIBE TO YOU HAD HAPPENED DURING
25 THAT BURGLARY?

000013

1 A SHE DESCRIBED THAT AROUND TWELVE O'CLOCK OR SO SHE
2 HEARD A KNOCK ON HER BATHROOM DOOR, WHICH THE WAY THE HOUSE
3 IS SET UP THERE'S A KITCHEN AREA IN THE BACK OF THE HOUSE
4 NEXT TO WHERE HER ROOM WAS, SCREENED PORCH AND THEN THERE'S
5 A SMALL BATHROOM, WHICH I BELIEVE WAS JUST FOR HER AND THEN
6 IT GOES INTO HER BEDROOM THERE'S A DOOR IN HER BEDROOM
7 THERE'S A DOOR ALSO AT THE BATHROOM AND THEN IT GOES INTO
8 THE KITCHEN AREA AND SHE HEARD A KNOCK ON THE BATHROOM DOOR
9 SHE ASKED WHO IT WAS, SHE DIDN'T GET ANY ANSWER HEARD A
10 KNOCK AGAIN, ASKED AGAIN WHO IT WAS AS SHE OPENED THE DOOR
11 AND IMMEDIATELY SHE WAS TACKLED THEY STARTED FIGHTING IN
12 THE BATHROOM AND ACTUALLY KNOCKED DOWN THE GLASS SHOWER --
13 NOT THE SHOWER CURTAIN, BUT THE GLASS DOORS ON THE SHOWER
14 WERE KNOCKED DOWN

15 Q DID THEY BREAK OR WERE THEY JUST KNOCKED OUT?

16 A THEY WERE JUST KNOCKED OUT

17 Q OKAY ROLLED AROUND, KEPT FIGHTING, ENDED UP NEAR THE
18 KITCHEN AREA, IN BETWEEN THE KITCHEN DOOR AND THE BATHROOM
19 DOOR WHERE THAT IS SHE SAID AT THAT POINT SHE HAD -- THERE
20 WAS A PAN THERE, SHE PICKED THAT UP AND STRUCK THE SUBJECT
21 IN THE HEAD WITH IT AT ONE POINT SHE SAID HE HAD STARTED
22 TO CHOKER HER, BUT SHE WAS ABLE TO FIGHT THAT OFF, SAW HER
23 PURSE, GRABBED HER MACE OR PEPPER SPRAY OUT OF IT, ATTEMPTED
24 TO SPRAY HIM I DON'T KNOW IF SHE HIT HIM OR HIT HERSELF
25 AND WHEN THAT DIDN'T WORK SHE SAW A SCREWDRIVER LAYING ON

000014

1 THE GROUND AS THE SUBJECT WAS TRYING TO GET OUT, SHE WAS
2 TRYING TO GRAB HIM AND ACTUALLY STARTED SWINGING THE
3 SCREWDRIVER AT HIM AND BELIEVED SHE HAD HIT HIM A FEW TIMES
4 WITH THE SCREWDRIVER

5 Q OKAY AND AS A RESULT OF THAT, DID SHE SHOW YOU THE
6 CLOTHING SHE WAS WEARING AT THAT TIME?

7 A YES SHE SHOWED ME A WHITE TANK TOP AND IT DID HAVE
8 RED STAIN, WHAT I PERCEIVED TO BE BLOOD ON THE BACK AREA OF
9 IT

10 Q ALL RIGHT HAD SHE HAD ANY MARKS ON HER?

11 A YES SHE HAD MARKS ON HER FACE, SCRATCHES AND BRUISES
12 I BELIEVE INVESTIGATOR GARDNER IS THE ONE THAT DID TAKE
13 PICTURES OF HER AT THE POLICE DEPARTMENT AFTERWARDS

14 Q ALL RIGHT NOW, THOSE SCRATCHES, WERE THOSE LIKE OPEN
15 WOUNDS? WERE THEY BLEEDING HEAVY OR WERE THEY SURFACE
16 SCRATCHES OR --

17 A I THINK THEY'RE MORE BRUISING, LIKE, FROM GRABS AND
18 THAT TYPE SHE DID HAVE A PRETTY GOOD WELT AND REDNESS
19 RIGHT ON THIS SIDE OF HER FACE THAT I REMEMBER

20 Q BUT DID YOU VISIBLY SEE ANY PLACE THAT LOOKED TO BE
21 BLEEDING ACTIVELY AT THAT TIME?

22 A NOT AT THAT TIME, NO

23 Q OKAY AND AFTER -- AT THAT POINT DID YOU RECOVER THAT
24 SHIRT?

25 A YES, I DID

000015

1 Q ALL RIGHT DID YOU PLACE IT INTO EVIDENCE?

2 A YES, I DID

3 Q AND THEN AS PART OF YOUR INVESTIGATION, DID SHE SAY HE
4 TOOK ANYTHING FROM HER HOUSE?

5 A SHE SAID THAT HE DID GRAB HER PURSE THAT'S WHY SHE
6 WAS TRYING TO GRAB HIM AS HE WAS GOING OUT THE DOOR AND RAN
7 OUT THE DOOR WITH HER PURSE AND THAT'S ABOUT WHAT -- THE
8 ONLY THING, I THINK, SHE SAID HE TOOK

9 Q DID YOU FIND HER PURSE?

10 A I FOUND HER PURSE RIGHT ABOUT 6 30 THAT MORNING

11 Q OKAY

12 A I WENT BACK AND SEARCHED THE AREA THAT MORNING

13 Q AND FOUND IT?

14 A RIGHT

15 Q OKAY NOW, CAN YOU TELL ME DID YOU THEN LOOK FOR THE
16 DEFENDANT AFTER YOU HAD BEEN AT THE CRIME SCENE WITH HER?

17 A I HAD BEEN AT THE CRIME SCENE WITH HER WHEN DETECTIVE
18 JETER SHOWED UP AND ALSO INVESTIGATOR GARDNER, I ACTUALLY
19 WALKED BACK OVER TO GET MY CAR, WHICH WAS STILL PARKED AT
20 THE WHITE'S HOUSE, COLLECTED MY STUFF THAT I HAD LEFT THERE,
21 'CAUSE I HAD LEFT MY FINGERPRINT KIT INSIDE FROM THERE
22 DROVE OUT, WENT DOWN ELIZABETH AVENUE AND WE WERE STILL
23 LOOKING FOR THE SUBJECT AT THE TIME, SO AS I TURNED ON MAIN
24 STREET I GOT OUT MY SPOTLIGHT AND STARTED SHINING IT IN
25 BETWEEN THE BUILDINGS AT THAT POINT I BELIEVE IT'S -- IT

000016

1 WAS 339 MAIN STREET, THERE'S A BUILDING -- TWO BUILDINGS
2 THERE AND I ACTUALLY SAW THE DEFENDANT CROUCHED DOWN IN
3 BETWEEN THE BUILDINGS

4 Q OKAY

5 A GOT OUT OF MY CAR HE RAN FROM THERE OUT TOWARDS THE
6 BACK AND THEN I SAW HIM RUNNING AROUND BASS FUNERAL HOME
7 TOWARDS THE ELIZABETH STREET SIDE AND ACROSS THROUGH THE
8 COMPORIUM PARKING LOT I THEN GOT BACK IN MY CAR, WENT
9 THROUGH THE COMPORIUM PARKING LOT OFFICER DAVID OLIVER AT
10 THAT POINT JUMPED OUT OF HIS CAR AND STARTED CHASING HIM ON
11 FOOT AND AS I GOT OUT ONTO BLACK STREET, MR SANDERS WENT
12 DOWN -- THERE'S A SMALL EMBANKMENT BEFORE YOU GET TO BLACK
13 STREET OUT OF THE COMPORIUM PARKING LOT, HE HAD FALLEN
14 OFFICER OLIVER THEN WAS ABLE TO GET ON TOP OF HIM AS WELL AS
15 OFFICER KAREN ROBINSON AND MYSELF WE WERE ABLE TO HANDCUFF
16 HIM AND OFFICER -- ACTUALLY OFFICER ROBINSON, I BELIEVE,
17 TRANSPORTED HIM TO THE POLICE DEPARTMENT

18 Q ALL RIGHT AND WHERE YOU FOUND THE PURSE, WHERE WAS
19 THAT IN RELATIONSHIP TO WHERE YOU SAW THE DEFENDANT RUNNING?

20 A THAT WAS AROUND THE CORNER THERE'S A LITTLE ALLEYWAY
21 IN BETWEEN THE HOUSE AND THERE'S A BIG TWO- OR THREE-STORY
22 BUILDING RIGHT THERE I THINK THEY USE IT FOR OFFICES
23 THERE'S A LITTLE ALLEYWAY BACK THERE THAT'S WHERE I FOUND
24 THE PURSE HER WALLET I ACTUALLY FOUND NEAR WHERE I SAW MR
25 SANDERS WHEN I WAS GOING DOWN MAIN STREET

000017

1 Q OKAY

2 A THE PURSE AND THE WALLET WERE SEPARATED THE PURSE WAS
3 -- THAT'S -- WE FOUND THAT LATER THE WALLET I FOUND THAT
4 NIGHT AFTER WE HAD CAUGHT HIM

5 Q AND WHEN YOU FOUND MR SANDERS, DID HE HAVE BRAIDS IN
6 HIS HAIR AT THAT TIME?

7 A YES, HE DID

8 Q AND WHAT WAS HE WEARING?

9 A A NAVY BLUE SWEATSHIRT A SWEATSHIRT AND SWEAT PANTS

10 Q OKAY AND THE TOBOGGAN CAP YOU FOUND, DO YOU RECALL
11 WHAT COLOR THAT WAS?

12 A I BELIEVE IT WAS BLACK

13 Q OKAY AND WERE THERE ANY MARKS ON MR SANDERS THAT YOU
14 RECALL?

15 A THERE WAS A GASH ON HIS FOREHEAD AND ALSO THERE WAS
16 MARKS TOWARDS THE BACK OF -- IN HIS BACK RIGHT AROUND HERE

17 Q DID THEY ALL -- DID ANY OF THOSE MARKS APPEAR TO HAVE
18 BEEN BLEEDING?

19 A THE CUT ON HIS FOREHEAD WAS BLEEDING AND THE MARKS ON
20 HIS BACK WERE BLEEDING I'M REALLY NOT SURE IF THEY WERE
21 BLEEDING JUST A LITTLE BIT OR -- I KNOW THERE WAS TWO MARKS
22 ON HIS BACK

23 Q OKAY BUT THE ONE ON HIS FOREHEAD WAS ACTIVELY
24 BLEEDING?

25 A YES

000018

1 Q OKAY

2 A THE ONES ON HIS BACK, WE HAD CHECKED THAT JUST BECAUSE
3 SHE HAD SAID WHEN SHE WAS TRYING TO STAB HIM WITH THE
4 SCREWDRIVER TO DEFEND HERSELF, THAT'S WHERE SHE THOUGHT SHE
5 HAD STABBED HIM

6 Q RIGHT AND, NOW, THE PAN THAT SHE HAD HIT HIM WITH,
7 DID YOU GET A CHANCE TO SEE THAT PAN AS WELL?

8 A YEAH I BELIEVE SHE SAID IT WAS LIKE A BREAD PAN, I
9 THINK IT WAS I'M NOT EXACTLY POSITIVE

10 Q OKAY NOW, IF YOU COULD DESCRIBE JUST ONE OTHER THING
11 FOR ME BEFORE WE STOP HERE THE HOUSE ITSELF THAT SHE WAS
12 IN WHERE THE STRUGGLE OCCURRED,---

13 A YES

14 Q ---IS IT A WIDE OPEN SPACE OR IS IT CLOSE TOGETHER?
15 WHERE WAS THIS AREA THAT THEY WERE FIGHTING?

16 A IT'S A PRETTY CONFINED SPACE THE -- WHERE IT STARTED
17 AT THE BATHROOM, YOU HAVE A SHOWER ON ONE SIDE, A LITTLE
18 HALLWAY THAT GOES INTO THE BEDROOM, AND THEN, LIKE, A TOILET
19 AND THEN I BELIEVE THERE'S A VANITY RIGHT THERE ALSO SO
20 IT'S A PRETTY NARROW SPOT AND EVEN WHEN YOU GET INTO THE
21 KITCHEN, THE KITCHEN IS A NARROW KITCHEN AND THE SPOT THAT
22 THEY WERE ACTUALLY FIGHTING IN WHERE SHE HAD DESCRIBED IT
23 WAS KIND OF IN THE BATHROOM AND IN THE KITCHEN, BUT WHERE
24 THE CABINETS HAD COME UP, SO IT WAS STILL A PRETTY TIGHT,
25 CONFINED AREA

000019

1 Q WERE THINGS DISARRAYED IN ALL THOSE AREAS?

2 A YES

3 Q SO DID IT APPEAR TO YOU THAT A STRUGGLE HAD OCCURRED IN
4 THOSE AREAS?

5 A YES YOU COULD TELL, I MEAN, ESPECIALLY WITH THE GLASS
6 SHOWER DOORS BEING KNOCKED DOWN THERE WAS PANS ON THE
7 FLOOR AND THINGS OF THAT NATURE

8 MR THOMPSON ALL RIGHT THANK YOU NO FURTHER
9 QUESTIONS

10 MR GREELEY MAY IT PLEASE THE COURT?

11 THE COURT YES, SIR

12 CROSS-EXAMINATION

13 JOHN GEORGE BY MR GREELEY

14 Q OFFICER, WHAT TIME DID YOU SAY THAT YOU GOT THE CALL TO
15 THE WHITE HOUSE?

16 A WHITE HOUSE WAS -- MY DISPATCH TIME WAS ABOUT 10 36
17 P M I ACTUALLY ARRIVED AT OR EITHER IT WAS MYSELF OR THE
18 FIRST OFFICER ARRIVED AT ABOUT 10 40

19 Q OKAY AND I BELIEVE THAT YOU SAID THAT -- IS IT MS
20 HAGMAN?

21 A YES

22 Q INDICATED THAT THIS INCIDENT AT HER HOUSE TOOK PLACE
23 ABOUT MIDNIGHT?

24 A CORRECT

25 Q OKAY NOW, DID YOU DO A LOT OF THE FORENSIC WORK AT

000020

1 THE WHITE HOUSE?

2 A I DID ALL THE FORENSIC WORK AT THE WHITE HOUSE

3 Q OKAY AND IN REGARDS TO THE WHITE HOUSE, THERE IS NO
4 FORENSIC RESULTS THAT YOU HAVE RECEIVED FROM YOUR
5 INVESTIGATION OF THAT HOUSE THAT WOULD LEND ITSELF TO DNA
6 ANALYSIS, IS THERE?

7 A JUST THE FINGERPRINTS

8 Q RIGHT AND THAT DOESN'T LEND ITSELF TO DNA ANALYSIS
9 THAT'S JUST FINGERPRINT ANALYSIS, IS THAT CORRECT?

10 A RIGHT THAT'S THE ONLY THING THAT WAS DONE

11 Q RIGHT AND SO -- BUT IN REGARDS TO MS HAGMAN, YOU'RE
12 TALKING ABOUT BLOOD THAT ALLEGEDLY WAS ON HER T-SHIRT, IS
13 THAT CORRECT?

14 A YEAH IT WAS A WHITE TANK TOP TYPE

15 Q OKAY WHITE TANK TOP SHE DIDN'T GIVE YOU THE
16 SCREWDRIVER SHE SAYS THAT SHE SWUNG AT THIS INTRUDER, DID
17 SHE?

18 A NO SHE DIDN'T GIVE IT TO ME

19 Q DID SHE GIVE IT TO ANYBODY?

20 A I AM NOT POSITIVE

21 Q OKAY Y'ALL DON'T HAVE THAT, DO YOU?

22 A I'M -- TO BE HONEST WITH YOU, I'M NOT SURE

23 Q OKAY NORMALLY, IF YOU WOULD HAVE HAD IT, IT WOULD
24 HAVE BEEN ON THE EVIDENCE INVENTORY THAT WAS TAKEN, IS THAT
25 CORRECT?

000021

1 A IF I WOULD HAVE TAKEN IT, YES

2 Q OKAY DID YOU TAKE THE POT INTO EVIDENCE THAT SHE
3 ALLEGEDLY HIT --

4 A I DID NOT

5 Q OKAY

6 A I COLLECTED A FEW OF THE ITEMS INVESTIGATOR GARDNER
7 WAS -- COLLECTED A LOT I THINK HE COLLECTED SOME OF THEM
8 ALSO

9 Q DID YOU COLLECT THE T-SHIRT?

10 A I COLLECTED THE T-SHIRT THERE'S A FEW OTHER ITEMS
11 THAT I COLLECTED, I THINK, HER WALLET AND I'M NOT SURE WHAT
12 ELSE

13 Q OKAY AND -- OH DOES ANYONE LIVE AT THE WHITE STREET
14 -- YOU MENTIONED HE HAD TO GO ACROSS THE STREET TO USE THE
15 TELEPHONE DOES ANYONE LIVE IN THE WHITE STREET HOUSE NOW?

16 A AT THIS POINT I'M NOT SURE, BUT AT THAT TIME THERE WAS
17 ACTUALLY -- THE GENTLEMAN THAT WAS STAYING IN THE HOUSE, HIS
18 MOTHER IS IN -- WAS IN A NURSING HOME

19 Q OKAY

20 A HE COMES DOWN FROM -- LET ME SEE HE LIVES IN
21 GREENSBORO, NORTH CAROLINA,---

22 Q OKAY

23 A ---BUT HE DOES -- COMES DOWN EVERY WEEKEND, DOES WORK
24 AROUND THE HOUSE AND I BELIEVE IT'S HIS UNCLE IS THE ONE
25 THAT LIVES IN THE SECOND APARTMENT NEXT DOOR AT 260

1 Q OKAY

2 A I THINK HIS NAME IS ROBERT

3 Q OKAY ROBERT WHITE?

4 A I THINK SO I'M SORRY IT'S THOMAS

5 Q PARDON?

6 A THOMAS

7 Q THOMAS WHITE?

8 A YES

9 Q THE -- DO YOU KNOW FOR SURE WHETHER OR NOT MS HAGMAN

10 WAS BLEEDING?

11 A I'M NOT POSITIVE I WOULD HAVE TO LOOK AT THE PICTURES

12 AGAIN TO REMEMBER

13 Q YOU DON'T RECALL WHETHER OR NOT SHE MAY HAVE BEEN

14 BLEEDING AT THE TIME FROM SOMEWHERE?

15 A WHAT I SAW OF HER WAS HER FACE AREA AND HER NECK AREA

16 AND I DIDN'T SEE ANY BLOOD---

17 Q RIGHT

18 A ---ON THOSE AREAS

19 Q YOU DIDN'T SEE ANY OTHER AREAS, IS THAT CORRECT?

20 A NO, I DID NOT

21 Q NOW, DID YOU--ALL TAKE A BLOOD SAMPLE OR A SAMPLE OF MS

22 HAGMAN TO USE AS A STANDARD IN TESTING THE T-SHIRT?

23 A I DID NOT, NO

24 Q OKAY DO YOU KNOW IF ONE WAS TAKEN?

25 A I DO NOT

000023

1 Q WHAT TIME DID YOU SEE MY CLIENT THAT MORNING?
2 A THAT MORNING?
3 Q THE FIRST TIME YOU SAW HIM
4 A AN APPROXIMATE GUESS WOULD HAVE BEEN PROBABLY A HALF AN
5 HOUR AFTER I RESPONDED TO THE -- TO REID STREET WHEN I
6 WENT FROM THE WHITE'S HOUSE DOWN TO THERE, I WAS THERE LONG
7 ENOUGH FOR THE DETECTIVE TO GET THERE, HALF AN HOUR, FORTY-
8 FIVE MINUTES AND WENT BACK TO GET MY CAR AND COME BACK
9 AROUND
10 Q WHAT TIME DID YOU GET TO REID STREET? DO YOU RECALL?
11 A THE CALL CAME IN AT ABOUT 11 55 P M ---
12 Q OKAY
13 A ---AND I WAS PROBABLY THERE WITHIN A MINUTE TO TWO
14 MINUTES
15 Q OKAY
16 A I MEAN, --
17 Q AND YOU RESPONDED ON FOOT, ---
18 A YES
19 Q ---I BELIEVE YOU SAID AND SO YOU STAYED THERE FOR
20 TWELVE -- THIRTY, FORTY-FIVE MINUTES?
21 A APPROXIMATELY I'M NOT EXACTLY --
22 Q DOING YOUR INVESTIGATION?
23 A YES.
24 Q AFTER THAT YOU LEFT AND DID YOU GO BACK TO YOUR CAR?
25 A YES I WALKED BACK DOWN REID STREET TO THE WHITE'S I

000024

1 HAD LEFT MY FINGERPRINT KIT AT THE WHITE'S HOUSE AND FROM
2 THERE PUT EVERYTHING AWAY AND THEN DROVE BACK OVER

3 Q DROVE BACK TO REID STREET?

4 A YES, DROVE BACK TO REID STREET

5 Q WHITE STREET WAY OR MAIN STREET WAY?

6 A ACTUALLY, I WENT DOWN WHITE STREET TO ELIZABETH AND
7 THEN DOWN MAIN STREET THAT WAY

8 Q OKAY AND IS THAT WHEN YOU SAW MY CLIENT?

9 A YES AS I TURNED ONTO MAIN STREET, YOU GO PAST BASS
10 FUNERAL HOME, THERE'S AN OFFICE BUILDING THAT'S THREE
11 STORIES AND THEN IN BETWEEN THERE AND THEN THERE'S A HOUSE,
12 I BELIEVE IT'S 339 MAIN STREET, I SAW HIM CROUCHED DOWN IN
13 THE BUSHES

14 Q WOULD IT BE A FAIR STATEMENT, THEN, THAT THE TIME YOU
15 SAW HIM WOULD HAVE BEEN APPROXIMATELY FORTY-FIVE MINUTES TO
16 AN HOUR AFTER THE INCIDENT AT REID STREET?

17 A APPROXIMATELY, YES

18 Q OKAY YOU DID NOT FIND HER POCKETBOOK ON HIM?

19 A NO, SIR

20 Q AND YOU DIDN'T FIND HER WALLET ON HIM?

21 A NOT ON HIM, NO

22 Q RIGHT IT WAS IN THE VICINITY OF HIM, IS THAT CORRECT?

23 A IT WAS -- WHERE HE WAS -- WHERE I SAW HIM IN THE
24 BUSHES, THE WALLET WAS RIGHT NEXT TO THERE

25 Q OKAY AND WHEN HE WAS TAKEN INTO CUSTODY, HAD HE

000025

1 FALLEN ON THE SIDEWALK?

2 A YES HE HAD WENT DOWN THE -- THERE'S AN EMBANKMENT
3 THERE----

4 Q RIGHT

5 A ---AND HE HAD TRIPPED AND FALLEN

6 Q OKAY AND THE OFFICER FELL ON TOP OF HIM?

7 A YEAH HE ACTUALLY FELL, TOO

8 Q DID YOU DETERMINE WHICH, IF ANY, INJURIES HE MAY HAVE
9 HAD RESULTED IN THIS FALL?

10 A I DID NOT

11 Q YOU DID NOT?

12 A NO

13 Q DID MY CLIENT MAKE ANY STATEMENT----

14 A NOT TO ME

15 Q ---THAT WOULD INCRIMINATE HIMSELF?

16 A NOT TO ME

17 Q OKAY TO YOU?

18 A NO

19 MR GREELEY THAT'S ALL I HAVE

20 MR THOMPSON JUST A COUPLE OTHER QUESTIONS, YOUR
21 HONOR

22 RE-DIRECT EXAMINATION

23 JOHN GEORGE BY MR THOMPSON

24 Q THE FINGERPRINT THAT YOU LIFTED AT THE WHITE STREET
25 RESIDENCE----

000026

1 A YES

2 Q ----THAT EVENING, DID YOU HAVE A CHANCE TO COMPARE THOSE
3 WITH THE DEFENDANT'S FINGERPRINTS OR DID THE FORENSIC UNIT
4 HAVE A CHANCE TO COMPARE THEM?

5 A YES I HAD BROUGHT THEM BACK TO THE POLICE DEPARTMENT
6 AND INVESTIGATOR GARDNER WAS THERE HE HAD ALREADY RECEIVED
7 A TEN PRINT CARD FROM THE JAIL FOR MR SANDERS HE AT THAT
8 POINT DID A TENTATIVE COMPARISON HE WAS ABLE TO MATCH IT
9 UP AT THAT POINT THAT NIGHT HE JUST HAD -- WE HAVE TO HAVE
10 SOMEBODY ELSE CONFIRM IT JUST TO MAKE SURE THERE'S NO
11 MISTAKES AND I BELIEVE IT WAS CONFIRMED THE NEXT DAY OR SOON
12 AFTER THAT

13 Q ALL RIGHT SO WITHIN IN, WHAT, A COUPLE HOURS OF THE
14 TIME THAT HE GOT BACK TO THE STATION THAT WAS CONFIRMED?

15 A PROBABLY WITHIN LESS THAN AN HOUR

16 Q OKAY AND THE DEFENDANT I'M ASSUMING WAS ARRESTED AT
17 THE POINT THAT HE WAS CAUGHT?

18 A YES

19 Q OKAY AND -- THINK OF THE BEST WAY TO PHRASE IT AND
20 AT THE TIME THAT YOU RECEIVED THE CALL, WHEN YOU WERE AT
21 WHITE STREET YOU RECEIVED THE REID STREET CALL NEXT DOOR,
22 YOU HAD MENTIONED -- DID THEY TELL YOU WHETHER IT WAS IN
23 PROGRESS AT THE TIME OR THEY TELL YOU IT HAD ALREADY
24 HAPPENED OR DID YOU KNOW?

25 A IN PROGRESS

000027

1 Q OKAY

2 A I BELIEVE THAT ANOTHER TENANT HAD CALLED 911 ORIGINALLY
3 AND SAID THERE WAS A FIGHT GOING ON DOWNSTAIRS AND SHE WAS
4 THE ORIGINAL CALLER AND THEN I BELIEVE MS HAGMAN CALLED
5 AFTER MR SANDERS HAD LEFT

6 Q OKAY AND, NOW, THE OFFICERS WHO WERE THERE, HAD THEY
7 ALREADY BEEN KIND OF IN A PERIMETER SETTING BECAUSE OF THE
8 WHITE STREET INCIDENT?

9 A YES IT WAS PROBABLY NO MORE THAN TWO OR THREE MINUTES
10 AND THERE WAS PRETTY MUCH A PERIMETER SET UP AROUND THAT
11 AREA

12 Q OKAY

13 A AND THAT'S JUST AN APPROXIMATE TIME BY THE TIME THE
14 K-9 GOT THERE AND TWO OF THE SWAT MEMBERS TO GO WITH THE K-9
15 OFFICER, THAT WAS PROBABLY HALF AN HOUR, THIRTY-FIVE MINUTES
16 FROM THERE

17 Q AND YOU SAID THERE WAS NO BLEEDING ON MS HAGMAN THAT
18 YOU SAW OCCUR FROM HER?

19 A THAT I PERSONALLY SAW, NO

20 MR THOMPSON ALL RIGHT THANK YOU NO FURTHER
21 QUESTIONS

22 MR GREELEY BRIEFLY

23 RE-CROSS EXAMINATION

24 JOHN GEORGE BY MR GREELEY

25 Q THERE WAS A -- WHEN DID YOU GET THE PERIMETER SET UP,

1 RIGHT AFTER WHITE STREET?

2 A ORIGINALLY WE HAD A PERIMETER SET UP FOR WHITE STREET
3 WE HAD OFFICERS IN THE AREA LOOKING FOR THE PERSON THAT HAD
4 BROKE INTO WHITE STREET THEY WERE JUST CLEARING UP FROM
5 THAT, STARTING TO GO BACK TO THEIR ZONES TO CLEAR UP WHEN
6 THE CALL CAME IN FROM REID STREET, I'D SAY THERE WERE STILL
7 OFFICERS IN THE AREA, SO AT THAT POINT THE K-9 OFFICER WAS
8 BEING CALLED -- THE SUPERVISOR HAD CALLED THE K-9 OFFICER
9 AND THEY HAD SET UP A PERIMETER AROUND THE AREA

10 Q OKAY

11 A AND I'D SAY AT LEAST ON MOST THE CORNERS THERE WAS AN
12 OFFICER THAT COULD SEE DOWN REID STREET, DOWN WHITE STREET,
13 MAIN AND ELIZABETH AVENUE, IN THAT AREA

14 Q OKAY SO THE PERSON WHO -- THE INTRUDER IN MS
15 HAGMAN'S HOUSE---

16 A YES

17 Q ---EVIDENTLY COMMITTED THAT AFTER A PERIMETER HAD BEEN
18 SET UP FOR SOME TIME, AT LEAST POSSIBLY AN HOUR---

19 A YES

20 Q ---AROUND THAT?

21 A YES

22 Q THAT'S WHEN THEY COMMITTED THAT ACT?

23 A YES

24 MR GREELEY NOTHING FURTHER AT THIS TIME

25 MR THOMPSON NOTHING FURTHER FROM THIS WITNESS, YOUR

1 HONOR

2 THE COURT ALL RIGHT THANK YOU, SIR YOU MAY STAND
3 DOWN

4 MR THOMPSON YOUR HONOR, THE STATE WOULD --

5 THE COURT LET ME ASK YOU, I WANT TO JUST LET THE
6 RECORD BE CLEAR ON THIS WHEN YOU WERE FIRST CALLED OUT TO
7 THE WHITE STREET HOUSE, WHEN YOU'RE TALKING ABOUT 10 30 OR
8 SO, THAT WAS AT NIGHT, CORRECT?

9 THE WITNESS YES, SIR, P M

10 THE COURT IN THE NIGHT TIME IT WAS P M , IS THAT
11 CORRECT? AND THEN THE OTHER CALL THAT CAME IN FROM THE
12 HAGMAN'S WAS SOME TIME BEFORE MIDNIGHT?

13 THE WITNESS YES

14 THE COURT AGAIN, AT NIGHT, CORRECT?

15 THE WITNESS WHAT I HAVE DOWN FOR THE ACTUAL DISPATCH
16 TIME WAS AT 11 57 P M

17 THE COURT SO SHORTLY BEFORE MIDNIGHT IS -- THAT
18 HAPPENED BEFORE MIDNIGHT, AGAIN, THAT PART OKAY THAT'S
19 THE ONLY QUESTION I HAD THANK YOU, SIR YOU MAY STAND
20 DOWN

21 MR THOMPSON YOUR HONOR, I WOULD JUST GIVE A COUPLE
22 THINGS TO THE COURT TO TAKE JUDICIAL NOTICE THAT WE WOULD
23 HAVE, IF THE COURT GRANTS THE STATE'S MOTION, WE DO HAVE DR
24 MAYNARD, THE PATHOLOGIST FROM PIEDMONT MEDICAL CENTER
25 PREPARED TO DRAW THE DEFENDANT'S BLOOD IN A MEDICAL

000030

1 ENVIRONMENT AND, OF COURSE, TAKING ALL THE PROPER MEDICAL
2 PRECAUTIONS SO THAT THAT PRONG OF THE SCHMERBER MOTION WOULD
3 BE TAKEN CARE OF SO THERE WOULD BE NOTHING UNTOWARD IN THE
4 TAKING OF THE BLOOD HE WOULD BE ESCORTED BY LAW
5 ENFORCEMENT TO PIEDMONT MEDICAL CENTER WHERE DR MAYNARD
6 WOULD DRAW THE BLOOD SO I WANTED TO PUT THAT OUT TO THE
7 COURT AS WELL I ALSO WANT TO LET THE COURT KNOW THAT SLED
8 HAS TAKEN THE VICTIM'S SHIRT AND CUT TWO SWABS OUT OF IT,
9 BOTH OF WHICH THEY HAVE IDENTIFIED AS BLOOD, HUMAN BLOOD,
10 AND THEY ARE PREPARED -- THEY HAVE DONE A DNA ANALYSIS ON
11 THAT BLOOD THEY'RE PREPARED TO COMPARE THAT THEN TO
12 WHATEVER WE PROVIDE THEM AT THIS POINT FOR ANALYSIS

13 THE COURT ALL RIGHT THANK YOU, SIR

14 MR GREELEY YOUR HONOR, IF I MAY, I WOULD LIKE FIRST
15 OF ALL TO SUBMIT INTO EVIDENCE AS A COURT'S EXHIBIT, AND
16 I'VE RECEIVED THIS FROM THE SOLICITOR'S OFFICE THROUGH
17 DISCOVERY IN THESE CASES I'VE BEEN APPOINTED TO REPRESENT
18 MR SANDERS IN ALL OF THE CASES HE CURRENTLY HAS PENDING
19 I'D ASK IF THE STATE HAS ANY OBJECTION

20 MR THOMPSON NO OBJECTION

21 (WHEREUPON, THE REPORTER MARKED THE REFERENCED DOCUMENT
22 AS COURT'S EXHIBIT NUMBER 1)

23 MR GREELEY I WANT TO SHOW YOU WHAT'S BEEN MARKED AS
24 DEFENDANT'S COURT'S EXHIBIT NUMBER 1 YOUR HONOR, THAT IS
25 IN THE HAGMAN CASE WHICH IS BEFORE YOU TODAY THEY HAVE

000031

1 MADE THEIR SCHMERBER MOTION IN REGARDS TO THIS PARTICULAR
2 CASE WE HAVE SEVERAL CASES, BUT WE'RE HERE IN COURT TODAY
3 ON THIS CASE AND THAT IS ON INDICTMENT, WHICH I BELIEVE THEY
4 SAID, 1260

5 YOUR HONOR, UNDER THE CONSTITUTIONAL LAW REGARDING NON-
6 TESTIMONY OR IDENTIFICATION OF EVIDENCE THAT HAS COME DOWN
7 AND ALSO UNDER IN RE SNYDER, IT SETS OUT, AS THE STATE HAS
8 CORRECTLY STATED, CERTAIN CRITERIA FOR THIS COURT TO
9 CONSIDER IN WHETHER OR NOT THE GOVERNMENT SHOULD BE ALLOWED
10 THIS INTRUSIVE PROCEDURE AGAINST AN INDIVIDUAL

11 ONE OF THE THINGS THAT IS OF UTMOST IMPORTANCE IS THAT
12 THE STATE HAS TO SHOW A NEED FOR IT THEY HAVE TO SHOW A
13 NEED THEY HAVEN'T SHOWN A NEED, YOUR HONOR WHAT I'VE
14 JUST PUT INTO EVIDENCE IS THEY HAVE ALREADY DONE A DNA
15 ANALYSIS IN THIS PARTICULAR CASE, INDICTMENT 1260, AND I'VE
16 JUST SHOWN IT TO YOU THEY HAVE ALREADY TAKEN BLOOD FROM
17 HIM

18 THE COURT I UNDERSTAND, BUT ISN'T THE DEFENDANT
19 CHALLENGING THAT TEST, RESULTS OF THAT TEST, AS THE
20 PROCEDURE PERHAPS NOT HAVING BEEN FOLLOWED?

21 MR GREELEY YOUR HONOR, IN THIS PARTICULAR CASE --
22 AND I WOULD SUBMIT TO THE COURT WE HAVE TO LOOK AT EACH OF
23 THESE CASES SEPARATELY IN THIS PARTICULAR CASE, NO, WE
24 HAVE NOT CHALLENGED IT. WE HAVE NOT CHALLENGED THESE
25 RESULTS IN THIS CASE

000032

1 THE COURT WELL, HAVE YOU CHALLENGED THESE RESULTS,
2 THESE SAME RESULTS, IN ANOTHER ONE?

3 MR GREELEY YES, YOUR HONOR WE HAVE CHALLENGED IT
4 IN STATE VERSUS SANDERS IN REGARDING MR COPE NOW, FIRST
5 OF ALL, THAT HEARING HAS NOT BEEN HELD IT HAS NOT BEEN
6 DETERMINED THAT THERE'S ANYTHING WRONG WITH THE PREVIOUS
7 RESULTS THE SECOND THING IS THIS THIS HAS BEEN A
8 SCHMERBER HEARING, WHICH THE STATE -- AND I THOUGHT THAT
9 THEY WERE GOING TO DO A SCHMERBER HEARING IN REGARDS TO
10 STATE VERSUS SANDERS AND COPE ON THOSE INDICTMENT NUMBERS
11 AND THE REASON THAT YOU HAVE TO LOOK AT EACH ONE SEPARATELY
12 IS BECAUSE THE PROBABLE CAUSE THAT THE COURT HAS TO LOOK AT
13 IS SEPARATE IN EACH INDIVIDUAL CASE AND SO THEY HAVE CHOSEN
14 NOT TO DO A SCHMERBER HEARING IN REGARDS TO STATE VERSUS
15 SANDERS AND COPE, WHICH I SUBMIT THEY COULD HAVE DONE
16 THEY'RE ONLY DOING IT ON THIS ONE WE HAVE NOT CHALLENGED
17 IT IN THIS ONE THERE'S NOT BEEN A HEARING THAT HAS SHOWN
18 ANYTHING TO BE WRONG WITH THESE THE STATE HAS NOT
19 STIPULATED THAT THEY'RE UNCONSTITUTIONAL THEY HAVE NOT
20 STIPULATED THAT THEY WILL NOT BE ABLE TO USE THESE IN COURT
21 AND SO WHAT THEY'RE DOING IS THEY'RE ATTEMPTING TO GO IN AND
22 DO A VERY INTRUSIVE SEARCH OF MY CLIENT TO TRY AND COVER
23 THEMSELVES AND TO MAKE SURE THAT IN CASE SOMETHING HAPPENS,
24 THEY'RE READY FOR IT AND I UNDERSTAND THEIR REASONING I
25 UNDERSTAND THEIR RATIONALE IN WANTING THAT TO HAPPEN, BUT

000033

1 FROM A CONSTITUTIONAL STANDPOINT, YOUR HONOR, I WOULD SUBMIT
2 TO THE COURT THAT DOESN'T WITHSTAND CONSTITUTIONAL MUSTER IN
3 SUCH A SEARCH THE REASON BEING IS, IF THEY'RE ABLE TO DO
4 THAT, THEN ALL THEY WOULD HAVE TO SHOW TO GO IN AND TRY AND
5 HAVE A HEARING TO DO SUCH AN INTRUSIVE THING OR SOME OTHER
6 SEARCH IS TO SAY WE HAVE ALL THESE CONTINGENCIES OUT HERE,
7 SO WE'RE GOING TO DRAW BLOOD THREE DIFFERENT TIMES AND WE'RE
8 GOING TO DO IT ALL IN A DIFFERENT WAY SO THAT WE CAN MAKE
9 SURE THAT AT LEAST ONE OF THE WAYS IS LEGAL

10 THERE'S BEEN NO DETERMINATION IN ANY CASE THAT THERE'S
11 ANYTHING WRONG WITH THIS ANALYSIS AND THAT THIS IS NOT
12 ADMISSIBLE INTO EVIDENCE AND SO I WOULD SUBMIT TO YOUR HONOR
13 THAT, FIRST OF ALL, IT'S NOT A TIMELY MOTION TO HAVE TO
14 SUBJECT HIM BASED ON CONTINGENCIES AGAIN ALSO, IT'S NOT IN
15 REGARDS TO THE OTHER CASE, IT'S IN REGARDS TO THIS CASE
16 WHICH I HAVE NOT FILED ANY MOTIONS ON, ANY MOTION TO
17 SUPPRESS BECAUSE WE'VE BEEN WORKING TOO HARD ON THE ONE
18 THAT'S COMING UP THAT THEY HAVE DECIDED TO TRY AND I WOULD
19 SUBMIT TO THE COURT THAT IF HE IS ALLOWED — IF THEY ARE
20 ALLOWED TO DO THIS AT THIS JUNCTURE THAT IT COULD HAVE
21 CONSTITUTIONAL CONSEQUENCES IN REGARDS TO THAT

22 MR THOMPSON PLEASE THE COURT, YOUR HONOR THERE'S
23 ONE CASE THAT I'LL BE REFERRING TO THAT I'LL HAND UP TO THE
24 COURT NOW, STATE VERSUS MCCORD

25 THE COURT THANK YOU, SIR

000034

1 MR THOMPSON SOUTH CAROLINA COURT OF APPEALS CASE
2 FROM 2003 BEFORE I REFER TO THAT I WOULD POINT OUT THE
3 PROBABLE CAUSE HEARING ON THIS CASE IS ON THIS CASE IT'S
4 ON THE BURGLARY AT THIS POINT IN TIME OBVIOUSLY THE COURT,
5 AS YOU POINTED OUT IN YOUR QUESTIONS TO MR GREELEY, HAS
6 ALREADY NOTICED THAT THE DRAWING OF THE BLOOD CAME FROM,
7 ONCE AGAIN, THE SEARCH WARRANT AS A MATTER OF FACT, WE
8 COULD LOOK AT ALL THE CASES WE HAVE AGAINST MR SANDERS
9 WHICH INCLUDE DNA, WHICH IS EVERY ONE OF THEM EXCEPT THE ONE
10 ON WHITE STREET, HAVING A FINGERPRINT ALL OF THEM ARE
11 BECAUSE OF MATCHES THAT CAME FROM THE DRAW OF THE BLOOD FROM
12 THE SEARCH WARRANT AND, OF COURSE, IF THE DEFENSE IS GOING
13 TO PICK ON THAT IN ONE CASE AND SAY THAT IT'S UNLAWFULLY
14 OBTAINED, THEN, OF COURSE, THEY WOULD PICK ON IT ON ALL
15 CASES I DON'T SEE HOW -- AND THE STATE IS IN A DANGEROUS
16 POSITION THEN OF DO WE HAVE TO WAIT FOR A COURT TO RULE AND
17 SAY THAT IT WAS IMPROPERLY TAKEN TO DELAY JUSTICE SO THAT WE
18 CAN'T TRY THE OTHER CASES UNTIL WE DO AGAIN ANOTHER
19 SCHMERBER HEARING IN WHICH THEY WOULD TRY TO FIGHT THAT? I
20 DON'T THINK THAT WOULD BE APPROPRIATE THAT WOULD BE A
21 JUDICIAL WASTE OF TIME AND IT WOULD BE IMPROPER FOR THE
22 VICTIMS, IT WOULD BE IMPROPER FOR THE DEFENDANT SO I WOULD
23 POINT THAT OUT

24 I'D ALSO SAY THAT THE STATE HAS POINTED OUT IN THIS
25 PARTICULAR CASE ALL THE THINGS THAT ARE REQUIRED UNDER THE

000035

1 SCHMERBER HEARING THERE IS PROBABLE CAUSE TO BELIEVE THAT
2 THE SUSPECT COMMITTED THE CRIME OBVIOUSLY, WE HAVE WITHIN
3 A SHORT PERIOD OF TIME WITHIN A BLOCK, A CITY BLOCK, THIS
4 DEFENDANT IN ONE HOME WHERE A DESCRIPTION IS GIVEN OF HIM
5 AND HIS FINGERPRINT IS GATHERED WITHIN AN HOUR AND A HALF
6 OR SO HE'S IN ANOTHER HOME WITHIN THAT SAME BLOCK ATTACKING
7 A WOMAN SHE GIVES THE SAME IDENTICAL DESCRIPTION THE
8 TOBOGGAN CAP IS FOUND RIGHT OUTSIDE HER HOUSE HER PURSE
9 AND HER WALLET ARE WITHIN WHERE THE DEFENDANT WAS TRAVELING
10 AND, OF COURSE, THE WALLET RIGHT NEXT TO WHERE THE OFFICER
11 SAW HIM SHE EVEN DESCRIBED THE BRAIDS IN HIS HAIR
12 UNDERNEATH THE CAP THOSE THINGS THE OFFICER TESTIFIED TO
13 HE ALSO TESTIFIED HE DID NOT SEE ANY PART OF SARAH HAGMAN
14 WHICH WAS BLEEDING HE DID SEE THAT THE DEFENDANT WAS
15 BLEEDING HE DID SEE THAT THE DEFENDANT HAD MORE THAN ONE
16 SPOT WHERE HE COULD HAVE BEEN BLEEDING FROM AND MENTIONED
17 THE SPOT ON THE HEAD IN PARTICULAR BEING A VERY EVIDENT PART
18 THAT WAS ACTIVELY BLEEDING AT THE TIME SLED HAS RECOVERED
19 THE BLOOD FROM THAT SHIRT FROM TWO SEPARATE SPOTS AND HAS
20 THAT AND AS YOU CAN SEE FROM WHAT MR GREELEY HAS PUT
21 FORWARD THAT THEY HAVE A DNA PROFILE ON THOSE SO AT THIS
22 POINT WE DO HAVE PROBABLE CAUSE TO SHOW THAT THIS CRIME WAS
23 COMMITTED

24 IT'S A CLEAR INDICATION THAT THE RELEVANT -- IT'S A
25 CLEAR INDICATION THAT RELEVANT, MATERIAL EVIDENCE WILL BE

000036

1 FOUND BECAUSE WE'VE ALREADY FOUND IT IN THIS CASE, THERE'S
2 SOMETHING TO COMPARE IT TO AND OBVIOUSLY MATCH IT TO FROM
3 WHAT WE HAVE HERE AND THE METHOD THAT WE WOULD USE IS SAFE
4 AND RELIABLE IT'S ONE THAT'S USED IN THE COMMON MEDICAL
5 PRACTICE EVERYWHERE WITHIN THE UNITED STATES AND THE WORLD
6 SO AT THIS POINT WE HAVE PROVEN THAT WE HAVE PROBABLE CAUSE
7 FOR THAT

8 NOW, I WOULD POINT OUT IN THE MCCORD CASE IN PARTICULAR
9 THEY DEAL WITH THE ISSUE AND THE PART THAT I'VE HANDED UP TO
10 YOU, I BELIEVE, IS ON PAGE FOUR REGARDING THE DNA TESTING
11 IN THIS CASE THE DEFENDANT HAD GIVEN A CONSENT TO HAVE HIS
12 DNA TAKEN AT ONE POINT AND HAVE BLOOD DRAWN AT ONE POINT
13 YEARS BEFORE THIS -- A YEAR OR TWO OR SO BEFORE THIS CRIME
14 ACTUALLY OCCURRED THEY USED THAT BLOOD TO MATCH TO THE
15 DEFENDANT ON THIS PARTICULAR CRIME AND THAT'S THE WAY THEY
16 WERE ABLE TO GET A POSITIVE HIT ON HIM MUCH LIKE THAT
17 CASE, THIS CASE SITS BEFORE THE COURT, ONE IN WHICH WHEN THE
18 DNA SAMPLE WAS OBTAINED AND SLED PUT IT IN THE CODIS SYSTEM,
19 THEY STARTED RECEIVING HITS AND LIKE THIS CASE DOES, IT
20 COMPARES, BASICALLY, THE WAY SLED PUTS DNA INTO CODIS WITH
21 TAKING FINGERPRINTS AND LAW ENFORCEMENT HAS COMMONLY TAKEN
22 FINGERPRINTS FROM EACH PERSON THAT'S ARRESTED, ENTERS INTO A
23 DATABASE AND COMMONLY RUNS NEW PRINTS THAT ARE DISCOVERED
24 AGAINST THAT DATABASE AND GETS COLD HITS ON PEOPLE AND
25 THAT'S HOW MANY ARRESTS OCCUR AND THAT'S HOW MANY DEFENDANTS

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1 ARF LINKED TO A CRIME

2 THE EXACT SAME THING IS HAPPENING HERE, 'CAUSE JUST AS
3 THE FACT THAT FINGERPRINTS DO NOT CHANGE, DNA DOES NOT
4 CHANGE SO THE LAW ENFORCEMENT, AS IT INDICATES HERE, I
5 BELIEVE, IN ONE OF THE LAST FULL PARAGRAPHS ON THE PAGE IN
6 THAT LAST SENTENCE, THE COURT AGREES THAT THE DEFENDANT HAD
7 NO POSSESSORY OR OWNERSHIP INTEREST IN THE DNA PROFILE WHERE
8 SOCIETY RECOGNIZED THAT THE EXPECTED IMPLICATION OF PRIVACY
9 IN RECORDS MADE FOR PUBLIC PURPOSES FROM LEGITIMATELY
10 OBTAINED SAMPLES

11 SO AT THIS POINT IF THE COURT IS CONCERNED ABOUT THE
12 FACT THAT IT WOULD BE GATHERED FOR THIS AND POSSIBLY USED
13 FOR ANOTHER, IF IT IS GATHERED PROPERLY AND IN THE NORMAL
14 COURSE OF THEIR BUSINESS AND ENTERED, ONCE AGAIN, INTO CODIS
15 AND RECEIVE THESE HITS AND THEY MATCH AGAIN TO THE
16 DEFENDANT, THEN WE HAVE DONE IT PROPERLY JUST LIKE WE WOULD
17 HAVE DONE HAD WE OBTAINED FINGERPRINTS AND THE COURT HAS
18 RECOGNIZED, AS IT MENTIONS, I THINK, SEVERAL COURT DECISIONS
19 FROM OTHER STATES, STATE VERSUS -- OR SMITH VERSUS STATE,
20 WHICH IS AN INDIANA DECISION, BICKLEY VERSUS STATE, WHICH
21 WAS A GEORGIA DECISION ALSO, THEY REFER TO A MARYLAND
22 DECISION A LITTLE FARTHER ON WILSON VERSUS STATE, ALL OF
23 WHICH THEY TALK ABOUT TIMES IN WHICH IN MANY OF THESE CASES
24 IT'S THE SAME TYPE SITUATION A SEARCH WARRANT WAS WHAT WAS
25 USED TO OBTAIN THE BLOOD INITIALLY, BECAUSE WHAT DOES STAND

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1 OUT DIFFERENT IN THIS PARTICULAR CASE IN SOUTH CAROLINA IS
2 THAT IT WAS A CONSENT ORDER AND SO THEY COULDN'T REALLY
3 ADDRESS THE FACT OF WHETHER IT WOULD HAVE BEEN A SEARCH
4 WARRANT THAT IT HAD OBTAINED OR FOR THE CONSENT ORDER, BUT I
5 WOULD SHOW THAT THEIR RELIANCE ON THESE IN SPECIFICALLY
6 TALKING THE WAY THEY DO ABOUT THOSE CASES SHOWS THAT WHETHER
7 IT'S A CONSENT ORDER OR A SEARCH WARRANT OR SOMETHING ELSE,
8 THEY'RE STILL PROPERLY --- THEY CAN BE PROPERLY OBTAINED IN
9 ANOTHER FASHION THE SCHMERBER MOTION IS ALL RIGHT IN THESE
10 PARTICULAR INCIDENCES AND THE WAY THAT THEY WERE USED AFTER
11 THEY WERE OBTAINED WAS CORRECT

12 IN ADDITION TO THAT, YOUR HONOR, AS I SAID, THEY HOLD
13 NO PRIVACY CLAIM ONCE THEY'RE COLLECTED AND, AS THIS CASE
14 DOES, TREATS THEM JUST LIKE FINGERPRINTS THIS IS NOT AN
15 INVASIVE PROCEDURE WE DO IT IN ALL CASES ALL THE TIME AND
16 I'LL JUST ONCE AGAIN POINT OUT TO THE COURT THAT IT WOULD BE
17 BASICALLY A WASTE OF JUDICIAL TIME AND ECONOMY AND IT WOULD
18 TRULY, I THINK, IN A WAY, VIOLATE THE DEFENDANT'S RIGHTS TO
19 POSTPONE THESE TRIALS ANY MORE THAN IS NECESSARY FOR
20 SOMETHING LIKE THIS AND ONE OF THE THINGS AS WELL THAT
21 THIS CASE MENTIONS, I BELIEVE, IN A FOOTNOTE IN THE BACK OF
22 THE CASE IS INEVITABLE DISCOVERY IT TALKS ABOUT THE
23 SUPPRESSION OF CERTAIN THINGS AND ONE OF THE QUOTES IT HAS
24 FROM ANOTHER SUPREME COURT CASE, I BELIEVE, WAS REFERRING TO
25 THE SUPPRESSION OF THINGS IN THIS TYPE OF SITUATION,

1 SUPPRESSION IN THESE CIRCUMSTANCES WOULD DO NOTHING WHATEVER
2 TO PROMOTE THE INTEGRITY OF THE TRIAL PROCESS, BUT WOULD
3 INFLICT A WHOLLY UNACCEPTABLE BURDEN ON THE ADMINISTRATION
4 OF CRIMINAL JUSTICE AND I THINK JUST AS THEY LOOK AT THAT,
5 WHEN THEY'RE LOOKING AT THE POSSIBILITY OF SUPPRESSING
6 THINGS BECAUSE IT'S IMPROPERLY TAKEN, WE'RE TRYING TO NOW
7 MAKE SURE THAT THERE'S NO QUESTION THAT IT'S PROPERLY TAKEN
8 SO THE STATE IS ACTING IN THE INTEREST OF JUSTICE TO DO THAT
9 SO THAT THERE CAN BE NO QUESTION THAT ALL -- EVERYTHING WAS
10 FOLLOWED CORRECTLY IN ORDER TO OBTAIN THESE SAMPLES AND I
11 THINK THAT WOULD BE IN THE INTEREST OF JUSTICE AND WOULD
12 FOLLOW THE LINES THAT THE CASE LAW PUTS DOWN FOR US AT THIS
13 TIME IF I COULD HAVE THE COURT'S INDULGENCE, YOUR HONOR
14 YOUR HONOR, THE OTHER THING I WOULD POINT OUT IS THAT
15 THE STATE DOES HAVE CONCERNS ABOUT THE SEARCH WARRANT THAT
16 WAS USED TO OBTAIN THE ORIGINAL SAMPLES AND MAINLY THAT'S
17 BECAUSE IT WAS SOMETHING OBTAINED THROUGH A MAGISTRATE AND
18 WE CAN'T SAY OR DON'T NECESSARILY KNOW THAT THEY WOULD HAVE
19 CONSIDERED THE METHOD USED TO SECURE, THAT IT WAS TAKEN
20 SAFELY AND RELIABLY OR IF THE MAGISTRATE CONSIDERED THAT IN
21 THAT PRONG SO WE ARE AT SOMEWHAT OF A DISADVANTAGE ON HOW
22 A COURT MIGHT RULE ON THAT AND, IN ADDITION, I WOULD POINT
23 OUT THAT THESE SAMPLES IN THIS CASE ARE BASED ON THE
24 PROBABLE CAUSE IN THIS CASE THEY HAVE NOTHING TO DO WITH
25 THE SEARCH WARRANT THAT WAS ISSUED EARLIER THEY HAVE

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1 NOTHING TO DO WITH THE OTHER CHARGES THAT MR SANDERS IS
2 FACING THEY SIMPLY RELY ON THE PROBABLE CAUSE FROM THIS
3 CASE SO IT CANNOT BE TAINTED FROM THE FRUIT OF THE
4 POISONOUS TREE, IF THAT BECOMES AN ARGUMENT LATER ON, IF
5 THEY'RE SUPPRESSED BECAUSE OF THE SEARCH WARRANT THAT
6 HAPPENED EARLIER SO I WOULD POINT THAT OUT TO THE COURT AS
7 WELL THAT WE, BY DOING THIS AS WELL, ARE NOW CLEARING UP ANY
8 QUESTION AS TO THE FRUIT OF THE POISONOUS TREE OR POSSIBLE
9 SUPPRESSION LATER ON

10 THE COURT YES, SIR YOU WANT TO FOLLOW UP

11 MR GREELEY YOUR HONOR, JUST BRIEFLY I WOULD SUBMIT
12 I DISAGREE WITH -- I RESPECTFULLY DISAGREE WITH SOLICITOR
13 THOMPSON IT IS AN INTRUSIVE PROCEDURE AND THAT'S WHY WE
14 HAVE SPECIAL RULES IN REGARDS TO THESE THINGS JUDICIAL
15 TIME AND ECONOMY IS IMPORTANT, BUT ONE OF THE THINGS THAT IT
16 TAKES A SECOND SEAT TO IS A CONSTITUTIONAL ISSUE

17 I AGREE WITH SOLICITOR THOMPSON TODAY IN THIS
18 PARTICULAR CASE IN REGARDS TO MCCORD I DON'T SEE THAT THIS
19 IS A MCCORD ISSUE I'M NOT OBJECTING TO THE USE BECAUSE IT
20 CAME FROM A DIFFERENT CASE OR WHATEVER IN FACT, IN THIS
21 CASE I HAVEN'T EVEN OBJECTED OR MADE A MOTION TO SUPPRESS IN
22 THIS CASE AND I DON'T ACTUALLY FORESEE THAT AS A POTENTIAL
23 ISSUE IN THIS CASE, BUT I GO BACK TO WHAT I HAD PREVIOUSLY
24 SAID AT THIS JUNCTURE IN THE PROCEEDINGS, THEY HAVE TO
25 SHOW A NEED FOR HIS BLOOD AND THEY HAVEN'T THEY HAVEN'T

1 SHOWN THAT NEED THEY'RE TALKING ABOUT CONTINGENCIES AND
2 POSSIBILITIES I WOULD SUBMIT TO THE COURT THAT IF THE
3 STATE DID STIPULATE THAT THE PREVIOUS PROCEDURE WOULD BE
4 FOUND NOT TO BE ADMISSIBLE AND WOULD BE UNCONSTITUTIONAL, WE
5 MIGHT HAVE A DIFFERENT HEARING TODAY, BUT THEY'RE NOT --
6 THEY'RE NOT GOING TO STIPULATE TO THAT AND SO RIGHT NOW THEY
7 DON'T NEED THIS YET AND I WOULD ASK THAT MY CLIENT NOT BE
8 SUBJECTED TO IT

9 THE COURT OF COURSE, YOU DON'T HAVE TO, BUT I'M
10 ASSUMING THAT YOU'RE NOT GOING TO STIPULATE THAT IT WAS
11 VALIDLY TAKEN PURSUANT TO A VALID SEARCH WARRANT

12 MR GREELEY NO I DON'T BELIEVE IT WAS, BUT WE --
13 THE COURT ALL RIGHT

14 MR GREELEY I HAVE FOUND THAT MOST OF THE TIME
15 DEFENSE ATTORNEYS HAVE A LESSER SUCCESS RATE AT THAT THAN
16 THE STATE DOES, BUT, YOU KNOW, IT'S AN ISSUE THAT THEY STILL
17 HAVE THE EVIDENCE, IT'S STILL AVAILABLE AND IT'S STILL BEEN
18 DONE AND THERE HASN'T BEEN A DECISION ON IT

19 THE COURT WELL, OF COURSE, AT THIS POINT I'M NOT
20 CONCERNED ABOUT ANY OTHER CASE, BUT ONLY THIS PARTICULAR
21 CASE, BUT I'M LOOKING -- AND THAT IS IN INDICTMENT NUMBER
22 2002-GS-46-1260, WHICH IS INVOLVING THE RESIDENCE OF SARAH
23 HAGMAN, IS THAT CORRECT?

24 MR THOMPSON THAT'S CORRECT, YOUR HONOR

25 THE COURT AND THAT'S WHAT WE'RE ABOUT IT'S KIND OF

1 INTERESTING, I THINK, WITH REGARD TO THE DNA TESTING MADE
2 THIS OBSERVATION THAT IT CAN PRODUCE EVIDENCE OF GUILT AND
3 ALSO PRODUCE EVIDENCE OF NON-GUILT, OF INNOCENCE AND I
4 KNOW NOT SO LONG AGO THAT I HAD A HEARING SUCH AS THIS WITH
5 REGARD TO A BLOOD DRAW AND THAT I ALLOWED THE BLOOD DRAW,
6 ORDERED THE BLOOD DRAW, FOR DNA TESTING AND EVEN THOUGH IT
7 WAS VEHEMENTLY OPPOSED BY THE PERSON FROM WHOM WE WERE
8 SEEKING THE BLOOD SAMPLE, IT TURNED OUT TO BE NOT A MATCH
9 INVOLVING A VERY SERIOUS CASE IT WAS NOT A MATCH AND AS A
10 RESULT, OF COURSE, THE POLICE INVESTIGATION NO LONGER
11 FOCUSED ON THAT PARTICULAR PERSON AND HE WAS OUT FROM UNDER
12 THE GLARING EYE AS A SUSPECT AND THEY WERE ABLE TO MOVE ON
13 AND FIND, WHEN DNA TESTING ANOTHER PERSON AND CHARGED THAT
14 PARTICULAR PERSON WITH THE CRIME SO THEY -- I THINK IT
15 WORKED OUT OF COURSE, YOU HAVE TO BE CONCERNED ABOUT
16 WHETHER THERE'S ANY PROBABLE CAUSE AND ALL OF THE OTHER
17 FACTORS THAT ARE REQUIRED UNDER SNYDER IN ORDER TO HAVE A
18 BLOOD DRAW AND THAT'S -- SO THAT'S WHAT I'M LOOKING AT

19 NOW, IF, TAKEN THIS PARTICULAR CASE, AND I REALIZE AT
20 THIS POINT THERE'S NO MOTION TO SUPPRESS THE EVIDENCE IN THE
21 -- IN CASE NUMBER 2002-GS-46-1260 THERE'S NO MOTION TO
22 SUPPRESS THAT EVIDENCE, BUT THERE IS A MOTION TO SUPPRESS
23 THAT SAME EVIDENCE WHICH MIGHT BE USED IN ANOTHER CASE
24 PURSUANT TO MCCORD, USED IN THE SAME PROCEDURE ALLOWED BY
25 MCCORD AND SO PRESUMABLY THAT SAME MOTION WOULD BE MADE IN

1 THIS PARTICULAR CASE IF IT CAME UP FOR TRIAL AND
2 PARTICULARLY IF THE MOTION IN THE OTHER CASE WAS SUCCESSFUL,
3 OBVIOUSLY IT WOULD BE MADE, BUT WOULD PROBABLY BE MADE IN
4 ANY EVENT IN THIS PARTICULAR CASE 'CAUSE IT WOULD BE A
5 SEPARATE CASE SO I WOULD SAY THAT WHETHER THE MOTION WAS
6 SUCCESSFUL OR NOT SUCCESSFUL IN ANOTHER CASE INVOLVING THIS
7 SAME DEFENDANT, IT'S STILL -- THE MOTION STILL WOULD BE MADE
8 IN THIS PARTICULAR CASE, SO IT WILL HAVE BE DEALT WITH AT
9 SOME POINT IN TIME OF COURSE, THE STATE IS ENTITLED TO
10 COLLECT AND PRESENT SUCH EVIDENCE AS IS APPROPRIATE AND THEY
11 CAN JUSTIFY BASED ON A PROBABLE CAUSE AT A TRIAL

12 IF IN THE EVENT WE WERE TO GO TO TRIAL IN THE HAGMAN
13 CASE AND IT WAS DETERMINED THAT THE MOTION TO SUPPRESS WAS
14 GRANTED, THEN THE CASE WOULD BE CONTINUED UNTIL THEY COULD
15 GO THROUGH PROPER PROCEDURES AND GET AN APPROPRIATE BLOOD
16 DRAW AND DNA TESTING SO EVEN AT THAT POINT, IF IT WAS
17 DETERMINED THAT IT WOULD BE SUPPRESSED, THEY AT THAT POINT
18 COULD PRESUMABLY THEN HAVE THE CASE DELAYED UNTIL A PROPER
19 MOTION AND ORDER BE GIVEN FOR A BLOOD DRAW AND TESTING SO
20 THAT'S THE ONLY THING IT WOULD DO IS DELAY IF THAT HAPPENED

21 NOW, THE STATE IS SAYING WE DON'T WANT TO WAIT FOR
22 THAT WE'D RATHER MAKE SURE THAT OUR EVIDENCE IS PROPER
23 BEFORE WE GOT TO TRIAL AND THE COURT WOULD NOT ALLOW TWO
24 SEPARATE DRAWINGS UNLESS THERE'S SOME REASON TO DO THAT IN
25 OTHER WORDS, I DON'T THINK THE DEFENDANT IS ENTITLED IN HIS

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1 CONSTITUTIONAL RIGHT NOT TO HAVE BLOOD DRAWN IF IT'S NOT
2 NECESSARY IN THIS CASE THE COURT IS NOT PREPARED TO SAY
3 IT'S NOT NECESSARY AND I THINK THE STATE IS CONCERNED THAT
4 THE PROCEDURE, I PRESUME THERE'S NO -- SINCE IT'S NOT
5 PRESENTED TO THE COURT, NO HEARING OR DETERMINATION MADE ON
6 THE FACTORS THAT THE COURT IS REQUIRED TO CONSIDER IN
7 ISSUING A SEARCH WARRANT FOR EVIDENCE IN THE CASE, NON-
8 PROPERTY EVIDENCE IN THE CASE

9 SO THE REAL ISSUE IS AND LET ME GO THROUGH AND SAY THAT
10 IN MAKING A DETERMINATION WHETHER TO ALLOW BLOOD TO BE DRAWN
11 FROM THE DEFENDANT INVOLUNTARILY, THE FACTORS THE COURT'S
12 GOT TO CONSIDER PURSUANT TO SNYDER AND THE FINDINGS THAT
13 HAVE TO BE MADE PURSUANT TO SNYDER VERSUS THE STATE, WHICH
14 IS FOUND IN, FOR THE RECORD, 47- -- EXCUSE ME -- 308 SOUTH
15 CAROLINA 192 417 SOUTHEASTERN v)K<<y 572, SUPREME COURT
16 DECISION FIRST, PROBABLE CAUSE -- THE ELEMENTS THAT HAVE
17 TO BE FOUND BEFORE ACQUISITION OF THE EVIDENCE IS PROBABLE
18 CAUSE TO BELIEVE THE SUSPECT HAS COMMITTED THE CRIME AND I
19 SUBMIT THAT THERE IS AMPLE PROBABLE CAUSE TO BELIEVE THAT
20 THE SUSPECT HAS COMMITTED THE CRIME THEY'VE PRESENTED
21 SUBSTANTIAL EVIDENCE WHICH WOULD CONSTITUTE PROBABLE CAUSE
22 SO I FIND THAT ELEMENT'S BEEN MET A CLEAR INDICATION OF
23 RELEVANT, MATERIAL EVIDENCE WILL BE FOUND WELL, THERE IS
24 EVIDENCE THAT OBVIOUSLY THERE WAS A BREAK-IN THERE WAS A
25 -- SOME PHYSICAL CONTACT AND -- OF SOME INJURY TO THE

1 DEFENDANT IN THIS CASE AND TESTIMONY THAT HE WAS IN FACT
2 BLEEDING AND THE TESTIMONY THAT THERE WAS BLOOD FOUND ON THE
3 VICTIM'S WHITE TANK TOP, THAT THOSE HAVE BEEN CUT OUT FOR
4 TESTING SO THE COURT FINDS THAT THERE IS A CLEAR
5 INDICATION OF RELEVANT, MATERIAL EVIDENCE WILL BE FOUND
6 THIRD, THE METHOD USED TO SECURE IS SAFE AND RELIABLE
7 WELL, THEY HAVE PRESENTED THAT WHAT THEY WOULD PROPOSE TO DO
8 IS HAVE A LICENSED MEDICAL DOCTOR DRAW THE BLOOD IN SAFE
9 MEDICAL CONDITIONS AND THOSE WHICH WOULD BE SAFE AND
10 APPROPRIATE IN WHICH TO DRAW THE BLOOD SO THAT THE METHOD
11 WOULD BE BOTH SECURE, SAFE AND RELIABLE SO THE COURT FINDS
12 THAT THAT TEST HAS BEEN MET

13 THE ADDITIONAL FACTORS THE COURT HAS TO CONSIDER IN
14 MAKING A DETERMINATION IS THE SERIOUSNESS OF THE CRIME AND
15 THE IMPORTANCE OF THE EVIDENCE TO THE INVESTIGATION WELL,
16 UNDER THE FACTS OF THIS CASE, IT IS A SERIOUS CRIME BECAUSE
17 IT WOULD CONSTITUTE A BURGLARY FIRST DEGREE, WHICH CARRIES
18 UP TO LIFE IN PRISON, BURGLARY FIRST DEGREE I'M NOT SURE
19 WHAT THE OTHER CHARGES -- WHAT OTHER CHARGES HAVE YOU FILED
20 IN THIS CASE?

21 MR THOMPSON YOUR HONOR, THERE WOULD BE -- ON THIS
22 PARTICULAR CASE THE BURGLARY FIRST DEGREE IS THE ONLY CHARGE
23 THAT WE HAVE IN THIS PARTICULAR CASE

24 THE COURT NO ASSAULT AND BATTERY OR ANYTHING LIKE
25 THAT?

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1 MR THOMPSON NO, YOUR HONOR

2 THE COURT BURGLARY FIRST DEGREE WELL, OF COURSE,
3 THAT CARRIES UP TO LIFE IN PRISON, SO OBVIOUSLY IT'S A VERY
4 SERIOUS CHARGE THE IMPORTANCE OF THE EVIDENCE TO THE
5 INVESTIGATION OBVIOUSLY, EVERYTHING ELSE HINGES ON --
6 DEPENDS ON WHETHER THERE IS EYEWITNESS IDENTIFICATION OR NOT
7 CONSIDERING THE FACT HOW THE DEFENDANT WAS ALLEGEDLY DRESSED
8 AND THE CAP THAT HE HAD ON AND WHETHER THERE WOULD BE
9 SUFFICIENT RELIABILITY OF AN IDENTIFICATION OR NOT, THE FACT
10 THAT THERE WAS -- HE WAS FOUND IN THE AREA, WITHIN A BLOCK
11 OF WHERE THIS OCCURRED AND THAT THERE WAS A BILLFOLD TAKEN
12 THAT WAS FOUND NEAR HIM I DON'T THINK THE BILLFOLD
13 NECESSARILY WAS TAKEN FROM THIS PARTICULAR LOCATION, WAS IT?

14 MR THOMPSON YES, YOUR HONOR

15 THE COURT IT WAS TAKEN FROM THIS LOCATION ALL
16 RIGHT SO WE HAVE THAT, BUT THE IMPORTANCE OF EVIDENCE, DNA
17 EVIDENCE, TO DETERMINE THAT HE, THE DEFENDANT, WAS ACTUALLY
18 AT THE LOCATION OR WHETHER THIS WAS NOT IN FACT HIS DNA
19 EVIDENCE THAT'S THERE WOULD BE IMPORTANT, IMPORTANT EVIDENCE
20 IN THE INVESTIGATION TO MAKE THAT DETERMINATION AS TO
21 WHETHER HE WAS OR WAS NOT THERE INSIDE THE RESIDENCE SO
22 THE COURT FINDS IT IS IMPORTANT EVIDENCE TO THE
23 INVESTIGATION EVERYTHING ELSE IN THE CASE IS
24 CIRCUMSTANTIAL EVIDENCE IN THE CASE AND SO THE COURT WOULD
25 FIND THAT THE STATE HAS DEMONSTRATED A NECESSITY FOR

000047

1 ACQUIRING THE INVOLUNTARY NON-TESTIMONIAL EVIDENCE --
2 IDENTIFICATION EVIDENCE, WHICH OUTWEIGHS THE CONSTITUTIONAL
3 SAFEGUARDS PROHIBITING THE UNREASONABLE BODILY INTRUSIONS,
4 SEARCHES AND SEIZURES, AS REQUIRED

5 NOW, THE QUESTION -- HAVING MADE THAT FINDING, SO I
6 FIND ALL OF THE FACTORS HAVE BEEN ESTABLISHED BY THE STATE
7 LEAVING THE ONLY QUESTION IS WHETHER THE NECESSITY OF
8 OBTAINING THIS EVIDENCE THAT'S THE REAL ISSUE, IT APPEARS
9 TO ME, IN THE CASE ALL OF THE OTHER CRITERIA THAT'S
10 REQUIRED BY SNYDER HAS BEEN MET BY THE STATE AT THIS HEARING
11 AND I'M GOING TO FIND, COUNSEL, THAT BECAUSE THE DEFENSE IS
12 CHALLENGING THE RESULTS OF THE ORIGINAL DNA TESTING ON
13 PROCEDURAL GROUNDS, THAT THE STATE HAS A RIGHT TO PROCEED
14 AND ACT ON THE BASIS THAT THE EVIDENCE MAY NOT BE ADMITTED
15 AND IN THE -- FOR JUDICIAL ECONOMY AND IN THAT EVENT, HAVING
16 TO DELAY THE TRIAL, WHICH WOULD NOT BE GOOD FOR THE STATE,
17 WOULD NOT BE GOOD FOR THE COURT SYSTEM AND WOULD NOT BE GOOD
18 FOR THE DEFENDANT TO DELAY THE TRIAL ON THAT ISSUE IT
19 WOULD BE BETTER TO GO AHEAD AND HAVE THE ISSUE RESOLVED AT
20 THIS POINT PRIOR TO THE CASE BEING CALLED FOR TRIAL SO THERE
21 WOULDN'T BE ANY QUESTION ABOUT THAT I DON'T THINK THAT'S
22 UNREASONABLE UNDER THE CIRCUMSTANCES

23 IF THE DEFENSE WAS WILLING TO STIPULATE THAT THE
24 EVIDENCE WAS PROPERLY TAKEN AND PROPERLY USED IN THE CASE,
25 THEN THERE WOULD BE NO NECESSITY TO DRAW ANY ADDITIONAL

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1 BLOOD OR DO ANY ADDITIONAL TESTING, BUT BECAUSE THEY'RE NOT
2 AND HAVE ACTUALLY CHALLENGED IT AND THE STATE CONCEDES THAT
3 THE DEFENSE MAY BE ABLE TO SUPPRESS IT, THEY DON'T KNOW THAT
4 FOR SURE, ONLY A JUDGE CAN MAKE THAT DECISION, BUT THEY
5 THINK THERE'S A REASONABLE POSSIBILITY THAT THAT CAN HAPPEN
6 OUT OF JUDICIAL ECONOMY AND, REALLY, I THINK THAT OUTWEIGHS
7 THE NECESSITY OF BEING READY FOR TRIAL AND BEING SURE OF THE
8 EVIDENCE AND THE ADMISSIBILITY OF THE EVIDENCE OUTWEIGHS ANY
9 PREJUDICE TO THE DEFENDANT IN THIS REGARDING HIS
10 CONSTITUTIONAL RIGHTS

11 THE COURT WILL THEREFORE FIND THE PROPER SHOWING HAS
12 BEEN MADE THE DEFENDANT'S REQUIRED TO COOPERATE WITH A
13 BLOOD SAMPLE BEING DRAWN UNDER PROPER MEDICAL CONDITIONS,
14 SAFE CONDITIONS, AND THAT IF HE REFUSES TO DO THAT, THEN --
15 AND THEN IT WOULD BE TAKEN ALL RIGHT AND I DON'T -- I
16 THINK THE RECORD SPEAKS FOR ITSELF DO WE NEED AN ORDER, A
17 WRITTEN ORDER, ON THIS, COUNSEL?

18 MR THOMPSON WE'LL PROVIDE THE COURT WITH A SHORT
19 ORDER

20 THE COURT IF YOU'LL PROVIDE ME A PROPOSED ORDER AND,
21 OF COURSE, PLEASE GIVE -- SHOW IT TO DEFENSE COUNSEL BEFORE
22 YOU SUBMIT IT TO THE COURT---

23 MR THOMPSON. YES, YOUR HONOR

24 THE COURT ---FOR ANY OBJECTIONS HE MIGHT HAVE TO IT
25 FOR THE WORDING OF IT OR THAT

000049

1 MR GREELEY NO I DON'T HAVE ANY OBJECTIONS TO THAT
2 IF WE CAN JUST -- WILL THE ORDER BE CARRIED OUT PRIOR TO THE
3 WRITING? I'M JUST --

4 MR THOMPSON AS FAR AS TAKING THE BLOOD, BEFORE THE
5 WRITTEN ORDER?

6 MR GREELEY RIGHT I JUST --

7 MR THOMPSON YEAH I THINK IT WOULD BE

8 MR GREELEY OKAY

9 THE COURT WELL, I MEAN, I -- I'M NOT ASKED TO TAKE A
10 POSITION ON THAT I THINK -- I'M MAKING THAT RULING IF
11 YOU WANT TO WAIT 'TIL YOU HAVE A WRITTEN ORDER, YOU KNOW, --
12 WELL, I DON'T KNOW THAT, YOU KNOW, THE PERSON WHO'S GOING TO
13 DO THE TEST WILL DO IT WITHOUT THE WRITTEN ORDER I DON'T
14 KNOW IN ANY EVENT, I'LL BE HERE FOR A WHILE IF YOU CAN GET
15 AN ORDER PREPARED---

16 MR THOMPSON WE'LL START ON THAT NOW

17 THE COURT ---AND HAVE MR GREELEY GET AN OPPORTUNITY
18 TO REVIEW IT BEFORE YOU GIVE IT TO ME

19 MR POPE AND WE'LL ALSO COORDINATE WITH COUNSEL IF HE
20 DESIRES TO BE PRESENT OR ANYTHING AS FAR AS DR MAYNARD,
21 I'LL COORDINATE THAT WITH MR GREELEY

22 THE COURT YES, SIR OF COURSE, HE WOULD BE ENTITLED
23 TO BE PRESENT IF HE WISHES

24 (HEARING CONCLUDED AT 3 15 P M)
25

000050

STATE OF SOUTH CAROLINA

COUNTY OF YORK

)
)
)C E R T I F I C A T E

I, THE UNDERSIGNED SHANNON E MCGILBERRY, OFFICIAL COURT REPORTER FOR THE SIXTEENTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE PROBABLE CAUSE HEARING OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CRIMINAL COURT FOR YORK COUNTY, SOUTH CAROLINA, ON THE 4TH DAY OF AUGUST, 2004

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

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME, THIS 23RD DAY OF AUGUST, 2004


SHANNON E MCGILBERRY

MY COMMISSION EXPIRES

MAY 7, 2007

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1 IN THE CIRCUIT COURT OF YORK COUNTY, SOUTH CAROLINA
2 STATE OF SOUTH CAROLINA

3 VERSUS

4 BILLY WAYNE COPE &
5 JAMES EDWARD SANDERS

6 INDICTMENT NUMBERS 2002-GS-46-3232-3234
7 2003-GS-46-1843-1844
2004-GS-46-2614-2618
2004-GS-46-196-199

8 HEARD AT THE MOSS JUSTICE CENTER,
1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON
9 MONDAY, AUGUST 23, 2004, BEFORE THE HONORABLE
JOHN C HAYES, III

10 APPEARANCES

11 TOMMY POPE
12 KEVIN BRACKETT
13 WILLY THOMPSON
16TH CIRCUIT SOLICITOR'S OFFICE
1675 YORK HIGHWAY
14 YORK, SC 29745
15 REPRESENTING THE STATE

16 JAMES MORTON
17 DAVID WOOD
MICHAEL SMITH
MORTON & GETTYS
1051 OAKLAND AVENUE
18 ROCK HILL, SC 29732

19 A PHILIP BAITY
POST OFFICE BOX 275
FORT MILL, SC 29715
20 REPRESENTING BILLY WAYNE COPE

21 LELAND GREELEY
128 E MAIN STREET SUITE 102
ROCK HILL, SC 29732
22 REPRESENTING JAMES EDWARD SANDERS

23 REPORTED BY JANET M RICH
24 CIRCUIT COURT REPORTER
1992 DOWNEY STREET
25 ROCK HILL, SC 29732

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I N D E X

CHARLENE BLACKWELDER

DIRECT EXAMINATION 35

CROSS EXAMINATION 49

REDIRECT EXAMINATION 67

MARGY MCNEELY

DIRECT EXAMINATION 70

CROSS EXAMINATION 75

WILLIE BURRIS

DIRECT EXAMINATION 84

CROSS EXAMINATION 97

REDIRECT EXAMINATION 107

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	E X H I B I T S		ID	EV
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2				
3	STATE EXHIBIT 1	WARRANT		42
4	STATE EXHIBIT 2	WARRANTS		48
5	DEFENSE EXHIBIT 1	INTERVIEW	89	94
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1 (COURT RESUMES AT 3 O'CLOCK ON MONDAY,
2 AUGUST 23, 2004)

3 THE COURT MR SOLICITOR, YOU WANT TO PUT
4 ON THE RECORD WHAT WE'RE HERE FOR TODAY

5 MR POPE YES, SIR AS THE COURT IS
6 AWARE, AND THE COURT REPORTER HAS THE INDICTMENT,
7 YOUR HONOR, I DON'T HAVE THEM HERE BEFORE ME, BUT THE
8 STATE VERSUS MR COPE AND MR SANDERS WE'RE
9 PREPARED TO HEAR A NUMBER OF PRE-TRIAL MOTIONS I
10 HAVE A NUMBER OF ISSUES TO ADDRESS ON THE RECORD
11 BEFORE THAT TIME THOUGH, YOUR HONOR THE FIRST WOULD
12 BE IN REFERENCE TO --

13 THE COURT BEFORE WE HAVE THE, LET THE
14 RECORD SHOW THAT I HAVE NOT MEET THESE GENTLEMEN, BUT
15 I PRESUME THIS IS MR COPE AND MR SANDERS, THEY ARE
16 PRESENT WITH COUNSEL

17 MR BAITY YES, YOUR HONOR

18 THE COURT ALL RIGHT ONE SECOND YES,
19 SIR

20 MR POPE MAY IT PLEASE THE COURT FIRST
21 I'LL HAND UP COURT'S EXHIBIT NUMBER ONE MAY IT
22 PLEASE THE COURT, YOUR HONOR, THIS IS IN REFERENCE TO
23 MR SANDERS, AND MR GREELEY AND MR SANDERS AS YOU
24 INDICATED ARE PRESENT, TO DISCUSS THIS WITH MR
25 GREELEY, THE DEFENDANT MR SANDERS WAS EVALUATED ON

000055

1 JUNE 9, 2004, TO DETERMINE HIS CAPACITY TO STAND
2 TRIAL, ALSO TO DETERMINE HIS CRIMINAL RESPONSIBILITY
3 IN THIS MATTER, IT WAS BY AN ORDER OF THIS COURT, AND
4 BASED ON THE RESULTS HE'S BEEN DETERMINED THAT, AND I
5 THINK MR GREELEY WAS IN FACT PRESENT FOR THIS
6 EVALUATION ALSO ON JUNE 9, HE WAS DETERMINED THAT HE
7 WAS COMPETENT TO STAND TRIAL, HE IS CRIMINALLY
8 RESPONSIBLE, AND HE DOES HAVE THE CAPACITY TO CONFORM
9 HIS CONDUCT MR GREELEY HAS REVIEWED THIS REPORT I
10 BELIEVE WITH HIS CLIENT ALSO AND FOR PURPOSES OF
11 ADDRESSING A BLAIR HEARING OR ANYTHING OF THAT
12 NATURE DR FRIERSON IS NOT PRESENT BUT I THINK THE
13 LAW, I THINK IT'S STATE VERSUS FRANKLIN ALLOWS THE
14 COURT RECEIVES THIS FOR PURPOSE OF BLAIR HEARING AND
15 IT'S MY UNDERSTANDING THE DEFENSE DOES NOT CONTEST
16 ANY OF THESE ISSUES AND SO I WOULD MAKE THIS PART OF
17 THAT RECORD AS COURT'S EXHIBIT ONE IF MR GREELEY HAS
18 ANYTHING TO ADDRESSES ON THAT MATTER HE'S PRESENT
19 THE COURT MR GREELEY, DO YOU OBJECT TO
20 THE REPORT OF FINDING AS BEING REFERENCED AS BEING
21 ACCEPTED BY THE COURT?

22 MR GREELEY NO, YOUR HONOR

23 THE COURT DO YOU HAVE ANYTHING IN
24 ADDITION TO ADD, ANY WITNESSES TO CALL, ANY REPORTS?

25 MR GREELEY NO, YOUR HONOR

1 THE COURT DO YOU CONTEST ANYTHING IN THE
2 REPORT?

3 MR GREELEY NO, YOUR HONOR

4 THE COURT WELL, I'VE GOT THE REPORT IN
5 FRONT OF ME AND I HAVE NOT READ IT IN ITS ENTIRETY,
6 BUT IN PERTINENT PART THERE IS AN AXIS ONE DEPENDENCY
7 DIAGNOSIS OF COCAINE DEPENDENCY IT STATES THAT DR
8 FRIERSON OF THE FORENSIC UNIT AT THE WILLIAM S HALL
9 INSTITUTE INDICATES THAT ON JUNE 9 OF THIS YEAR HE
10 EXAMINED MR SANDERS AND AS A RESULT OF HIS, AS A
11 RESULT OF HIS EXAMINATION HE DID FIND NO AXIS TWO OR
12 3 DIAGNOSIS BUT COCAINE DEPENDENCY ARE NOTED HE DID
13 FIND THAT MR SANDERS IS CAPABLE OF UNDERSTANDING THE
14 NATURE OF HIS CHARGES AND CAPABLE OF ASSISTING
15 COUNSEL IN HIS DEFENSE AND THEREFORE I FIND HE IS
16 COMPETENT TO GO FORWARD AND PARTICIPATE IN THE TRIAL
17 OF THIS, THE CHARGES AGAINST HIM WHICH ARE BEFORE US
18 AT LEAST ON PRE-TRIAL MATTERS TODAY AND I THINK THE
19 CURRENT MATTER IS THAT OF NOVEMBER 29, 2001, IS THAT
20 CORRECT

21 MR POPE THAT'S CORRECT, YOUR HONOR

22 THE COURT BUT THEY MAKE FINDING, DR
23 FRIERSON DID, THAT AS OF THAT DATE AND DECEMBER 16,
24 2001, AND JANUARY 12, 2002, JANUARY 19, 2002 AND JULY
25 1, 2002 THAT MR SANDERS DID HAVE THE ABILITY TO

1 DIFFERENTIATE BETWEEN RIGHT FROM WRONG AS TO THE
2 ALLEGED OFFENSES AND AT THAT TIME DID HAVE CAPACITY
3 TO CONFORM HIS CONDUCT TO THE REQUIREMENTS OF LAW
4 THERE IS NO MENTAL DEFENSE IT'S ASSERTED TO MY
5 KNOWLEDGE IN THIS CASE, AT LEAST I'M NOT AWARE OF IT
6 AND NO NOTICE HAS BEEN CALLED TO MY ATTENTION, SO
7 THOSE FINDINGS WILL REMAIN, SO I DID FIND HE IS
8 COMPETENT TO GO FORWARD AT THIS TIME

9 MR POPE YES, SIR AND JUST FOR THE
10 RECORD THERE IS NO MENTAL ILLNESS DEFENSE HAS BEEN
11 ASSERTED BY THE DEFENSE THAT WE HAVE ANY INFORMATION

12 MR GREELEY THAT IS CORRECT, YOUR HONOR

13 MR POPE THANK YOU MAY IT PLEASE THE
14 COURT THE SECOND MATTER --

15 MR MORTON YOUR HONOR, IF I MIGHT I
16 DON'T THINK WE GOT A COPY OF THAT REPORT IF WE HAVE
17 WE HAVE MISPLACED IT WHICH IS PROBABLY NOT -- THANK
18 YOU

19 MR POPE YES, SIR

20 THE COURT ALL RIGHT

21 MR POPE SECOND WOULD BE IN REFERENCE TO
22 COURT'S EXHIBIT TWO AND I WILL HAND UP THIS THIS
23 WAS A LETTER THAT WAS RECEIVED BY MY OFFICE AUGUST
24 THIRD OF THIS YEAR TO MR THOMPSON AND MY STAFF FROM
25 MR SANDERSS INITIALLY IT REFLECTS PERHAPS A DESIRE

000058

1 BY MR SANDERS TO HAVE A CHANGE OF COUNSEL WE'VE
2 HAD AN OPPORTUNITY OF A PRIOR HEARING SINCE THAT THAT
3 MR GREELEY REPRESENTED MR SANDERS, LIKEWISE MR
4 GREELEY HAS HAD AN OPPORTUNITY TO DISCUSS THE MATTER
5 WITH MR SANDERS TODAY I JUST THINK BEFORE WE
6 PROCEED, TO MY UNDERSTANDING IT HAS BEEN RESOLVED I
7 THINK BEFORE WE PROCEED, SINCE WE RECEIVED THAT IN
8 OUR OFFICE, YOUR HONOR, I'M CONCERNED THAT WE NEED TO
9 ADDRESS MR SANDERS AS FAR AS HIS REPRESENTATION BY
10 MR GREELEY I THINK MR GREELEY CAN SPEAK TO THAT
11 THE COURT MR GREELEY, DO YOU WANT TO
12 SAY ANYTHING TO THAT

13 MR GREELEY YOUR HONOR, ONLY THAT I
14 BECAME AWARE OF THIS LETTER ON FRIDAY AFTERNOON THIS
15 PAST WEEK, DID NOT KNOW THAT IT EXISTED WHEN MERRY
16 COLLINS BROUGHT OVER AN PACKET OF DISCOVERY AND IT
17 WAS CONTAINED IN THAT, THAT WAS WHEN I FIRST SAW THE
18 LETTER WAS THIS PAST FRIDAY AFTERNOON I'VE TALKED
19 WITH MY CLIENT THIS MORNING REGARDING THE LETTER HE
20 INDICATES TO ME THAT HE WISHES FOR ME TO CONTINUE ON
21 AS HIS COUNSEL IN THIS CASE, BUT I WOULD LIKE FOR THE
22 COURT TO INQUIRE OF HIM IF THAT IS HIS DESIRE AND I
23 DO WISH TO CARRY ON

24 THE COURT ALL RIGHT MR SANDERS, YOU
25 CAN REMAIN SEATED YOU WROTE THIS LETTER INDICATING

1 THAT YOU HAD CERTAIN FEELINGS ABOUT THE WAY YOUR CASE
2 WAS BEING HANDLED AND YOU INDICATED YOU WANTED
3 SOMEONE ELSE OTHER THAN MR GREELEY TO REPRESENT YOU,
4 HAVE YOU CHANGED YOUR MIND

5 MR SANDERS YES, AT ONE TIME SEE, LIKE
6 I SAY, I'VE BEEN HERE LIKE TWO AND A HALF YEARS AND I
7 WAS APPOINTED MR DEST, BUT HE WASN'T DOING NOTHING
8 FOR NONE OF THE CASE THAT I HAVE BEEN ON I WAS JUST
9 LIKE SITTING BACK THERE DOING NOTHING, NO MOTION, NO
10 NOTHING GO BY I WAS BLINDSIDED ON ALL MY CASES

11 THE COURT ALL RIGHT BUT YOU HAVE NOW
12 TALKED TO MR GREELEY AND FEEL COMFORTABLE WITH GOING
13 FORWARD

14 MR SANDERS YES, SIR

15 THE COURT YOU FEEL GOOD GOING FORWARD
16 WITH MR GREELEY

17 MR SANDERS YES, SIR

18 MR POPE THANK YOU, YOUR HONOR THE
19 LAST MATTER I'LL HAVE BEFORE YOU BEGIN WITH THE
20 TESTIMONY, I HAVE CONTACTED MR MORTON, THE DEFENSE
21 COUNSEL FOR MR COPE, THIS MORNING AND ASKED THAT HE
22 COME AND MEET WITH MYSELF AND MY STAFF AT MY OFFICE
23 AND MR MORTON AND THE OTHER ATTORNEYS REPRESENTING
24 MR COPE DID IN FACT COME TO MY OFFICE AND MEET WITH
25 ME THIS MORNING AT 11 O'CLOCK THIS PAST FRIDAY IN

1 PREPARATION FOR TRIAL THAT AS THE COURT IS NOW AWARE
2 THAT IS SCHEDULED APPROXIMATELY TWO WEEKS FROM NOW OR
3 ACTUALLY TWO WEEKS FROM TOMORROW, IN PREPARATION OF
4 THAT THE DEFENDANT COPE'S TWO YOUNGEST DAUGHTERS WHO
5 WERE PRESENT IN THE HOUSE THAT NIGHT AND THERE ARE
6 ALSO CHARGES PENDING IN RELATION TO THOSE DAUGHTERS
7 CAME TO PREPARE FOR TESTIMONY IN WHICH TIME WE BRING
8 THEM IN, SHOW THEM THE COURTROOM, AND THINGS OF THAT
9 NATURE THIS WAS THE FIRST TIME WE HAD MET WITH THEM
10 SINCE THE TERMINATION OF PARENTAL RIGHTS THAT HAD
11 OCCURRED CONCERNING MR COPE DURING THE TIME THEY
12 WERE HERE, THEY WERE HERE WITH THEIR GUARDIAN AND
13 THEIR, I GUESS WOULD BE, WHO THEY CONSIDER THEIR
14 MOTHER NOW, I THINK IT'S ACTUALLY AN AUNT, AND DURING
15 THE TIME THEY SPENT HERE THEY GIVE ADDITIONAL
16 INFORMATION THAT THEY HAD NOT PREVIOUSLY GIVEN
17 CONCERNING MR COPE'S CONDUCT TOWARD THEM I
18 CONTACTED MR MORTON THIS MORNING AND INFORMED THE
19 DEFENSE COUNSEL OF THAT I DO NOT KNOW, AS WE'VE
20 DISCUSSED IN CHAMBERS, AS I'VE DISCUSSED WITH DEFENSE
21 COUNSEL, WHERE THAT WILL LEAD THEY'VE CONFIRMED
22 SEXUAL ASSAULT AGAIN THEY WERE PRESENT THAT NIGHT
23 WHAT THAT LEADS TO I DON'T KNOW AT THIS JUNCTURE AT
24 THIS POINT THE STATE IS PREPARED AND CONTINUING TO
25 MOVE FORWARD AS EVIDENCED FROM WHAT WE'RE DOING TODAY

000061

1 FOR THAT TRIAL DATE TWO WEEKS FROM NOW HOW WHAT
2 THEY PRESENT OR IF THEY EVEN PRESENT ANYTHING FURTHER
3 THAN WHAT WE DISCUSSED HOW IMPINGES -- CURRENTLY
4 WE'RE MOVING FORWARD AND THESE ARE NON-DEATH PENALTY
5 CASES, NON-CAPITAL CASES I TOLD THE DEFENSE THAT
6 ACCORDING TO HOW THAT FLESHES OUT OR IF ANYTHING
7 COMES FROM IT THAT THE POTENTIAL WOULD BE THERE FOR
8 ME TO REVISIT THAT NOW CERTAINLY I REALIZED THAT
9 WOULD BE THE CASE THAT WE WOULD NOT BE ENTERING THE
10 DEATH PENALTY CASE TWO WEEKS FROM NOW, AND I
11 UNDERSTAND THAT AND I DISCUSSED THAT WITH THE
12 DEFENSE, BUT I THOUGHT IN FAIRNESS SINCE THIS IS THE
13 FIRST TIME WE'VE HEARD THIS ADDITIONAL INFORMATION
14 WITH THESE GIRLS THAT I DISCLOSED IT TO THE DEFENSE
15 AS SOON AS PRACTICABLE AND THE STATE IS PROCEEDING
16 FORWARD WITH THE UNDERSTANDING THAT AS THINGS DEVELOP
17 WE WILL PROVIDE THE DEFENSE THE INFORMATION, BUT THIS
18 IS THE FIRST TIME THAT WE'VE HAD THEM COME FORWARD
19 BUT THIS IS ALSO THE FIRST TIME WE HAVE TALKED TO
20 THEM SINCE THE FAMILY COURT HEARING, SO I THINK MR
21 MORTON HAD ASKED ME TO INDICATE THAT ON THE RECORD
22 FOR THE BENEFIT OF HIS CLIENT, THAT I HAD INDICATED
23 THAT THE DEATH PENALTY WOULD STILL BE A
24 CONSIDERATION, AND THAT IS ACCURATE
25 THE COURT OKAY ALL RIGHT BEFORE WE

000062

1 START INTO THE MOTIONS, DOES ANYTHING IN GENERAL MR
2 GREELEY

3 MR GREELEY YOUR HONOR, I BELIEVE THAT
4 WE WERE GOING TO TAKE UP ONE OTHER MOTION THAT I HAD

5 MR POPE YES, SIR YES, SIR

6 MR GREELEY YOUR HONOR, I HAD FILED A
7 MOTION IN JUNE OF THIS YEAR ON BEHALF OF MR SANDERS
8 AFTER BEING APPOINTED IN APRIL, IT WAS A MOTION TO
9 SUPPRESS ANY AND ALL EVIDENCE ARISING FROM THE TAKING
10 OF MR SANDERS' BLOOD ON JANUARY 14, 2001 I WAS
11 READY FOR THAT HEARING TO BE HAD TODAY I HAD
12 CONVERSATIONS WITH THE SOLICITOR'S OFFICE IN REGARDS
13 TO THAT AND I BELIEVE THAT THE STATE HAS INDICATED TO
14 ME THAT THEY BELIEVE THAT MY POSITION, GIVEN THEIR
15 REVIEW OF THE EVIDENCE AND THE WARRANT, IS CORRECT
16 AND THAT THEY WERE GOING TO AGREE THAT IT WAS
17 UNCONSTITUTIONALLY TAKEN UNDER THE IN RE SCHNEIDER
18 CASE OF SOUTH CAROLINA OF THE SEARCH WARRANT

19 MR POPE YES, YOUR HONOR THE SEARCH
20 WARRANT IS DATED JANUARY 4, 2002 IT ACTUALLY
21 APPEARS ON ITS FACE TO BE PROPERLY APPLIED FOR FROM
22 THE STANDPOINT OF PROBABLE CAUSE AND THINGS OF THAT
23 NATURE THE CONCERN THAT MR GREELEY BROUGHT TO MY
24 ATTENTION AND HAVING RESEARCHED IT I WOULD HAVE TO
25 CONCEDE IS AS THE COURT IS AWARE UNDER STATE V

000063

1 SCHNEIDER AND UNDER SCHMERBER THERE IS A SERIES OF
2 FINDINGS5 KIND OF ABOVE AND BEYOND PROBABLE CAUSE THAT
3 YOU HAVE TO FIND AND THAT OF COURSE A CLEAR
4 INDICATION THAT THE MATERIAL EVIDENCE OF GUILT WILL
5 BE FOUND, WELL, THAT'S TRUE WITH ANY SEARCH WARRANT
6 SO THAT WAS PRESENT THE METHOD USED TO SECURE THE
7 EVIDENCE IS SAFE AND RELIABLE AND OF COURSE IN THE
8 SCHMERBER HEARING WE ALWAYS HAVE THAT FINDING IT
9 WAS NOT PRESENT IN THE DOCUMENT AS I SAW IT ON THE
10 SEARCH WARRANT AND THEN THE BALANCING OF THE
11 SERIOUSNESS OF THE CRIME, THE IMPORTANCE OF THE
12 EVIDENCE, THE UNAVAILABILITY OF LESS INTRUSIVE MEANS
13 AND THINGS OF THAT NATURE, I DON'T THINK IT WAS
14 APPROACHED TO THE STANDARD THAT WE WOULD BE
15 ACCUSTOMED IF WE HAD BROUGHT IT BEFORE YOU, YOUR
16 HONOR, AND SO IN FAIRNESS TO MR GREELEY I TOLD HIM I
17 COULD COME AND ARGUE, BUT I THINK HE IS CORRECT ON
18 THAT POINT I THINK IT IS VALID FROM THE PROBABLE
19 CAUSE STANDPOINT, BUT DOES NOT MEET THE ADDITIONAL
20 REQUIREMENTS, THAT IT'S NOT AS REQUIRED, SO WE WOULD
21 CONSENT THAT THAT WOULD NOT BE PROPERLY ADMITTED
22 BLOOD DRAWN FROM THAT PARTICULAR SEARCH WARRANT
23 THE COURT ALL RIGHT ANYTHING ELSE ON
24 BEHALF OF MR SANDERS
25 MR GREELEY NO, YOUR HONOR I WOULD

000064

1 JUST ASK THE GIVEN THE POSITION OF THE STATE AND THE
2 DEFENSE IN THAT YOU DO ENTER AN ORDER THAT WOULD
3 SUPPRESS ANY AND ALL EVIDENCE FROM THAT BLOOD DRAW

4 THE COURT IF YOU WOULD DRAFT ME UP A
5 SHORT ORDER AND HAVE THAT OR YOU WANT ME TO JUST DO
6 IT ON THE RECORD NOW?

7 MR GREELEY WE CAN DO BOTH

8 THE COURT WELL, I GRANT YOUR MOTION AND
9 IF YOU WANT TO REDUCE IT TO WRITING

10 MR GREELEY I'LL HAVE IT THIS WEEK

11 MR POPE YOUR HONOR, THE ONLY OTHER
12 THING FOR MR GREELEY, HE SUBMITTED THROUGH HIS DNA
13 EXPERT EXPENSIVE DISCOVERY REQUESTS AND THE SLED
14 EXPERT, I THINK WE INDICATED TO THE COURT BEFORE, THE
15 SLED EXPERT HAS BEEN IN CONTACT WITH MR GREELEY'S
16 EXPERT AND HAS PROVIDED ACTUALLY A LIST OF WHAT WAS
17 PROVIDED, WHAT'S FORTHCOMING, AND SO AT THIS JUNCTURE
18 I THINK EITHER THE DEFENSE HAS EVERYTHING ON THE DNA
19 ISSUES OR CONTINUE TO BE IN OTHER WORDS, LAST TIME
20 THERE WAS SOME QUESTION ABOUT, MR GREELEY HAD SOME,
21 WE HAD SOME LETTERS BEFORE I GOT INVOLVED WITH IT, ON
22 WHERE HE WAS AS FAR AS DISCOVERY, BUT I THINK WE HAVE
23 GOTTEN MR GREELEY UP TO SPEED ON DISCOVERY AND WILL
24 CONTINUE TO DO SO LIKEWISE THE SAME, I THINK THE
25 DEFENSE FOR MR COPE ALSO RECEIVED A PACKET, AND THAT

000065

1 IS MY UNDERSTANDING

2 THE COURT ALL RIGHT EVEN THOUGH AT
3 THIS POINT CONCLUDED ANY PRE-TRIAL MATTERS AT THIS
4 STAGE INVOLVING MR SANDERS, MR SANDERS OF COURSE
5 HAS EVERY RIGHT TO REMAIN DURING THE DISPOSITION OR
6 HEARING REGARDING ANYTHING DEALING WITH MR COPE

7 MR GREELEY YES, YOUR HONOR I TALKED
8 WITH MY CLIENT AND WE WOULD LIKE TO REMAIN

9 THE COURT OKAY

10 MR POPE BEG THE COURT'S INDULGENCE ONE
11 SECOND YOUR HONOR, ALSO THAT, MR MORTON, IF YOU
12 WOULD LISTEN TO THIS, THERE HAS ALSO BEEN DISCUSSION
13 ABOUT DNA EXPERT I THINK MR GREELEY AND SLED HAD
14 BEEN CORRESPONDING MR OSTROWSKI OUT OF CHARLOTTE,
15 NORTH CAROLINA I THINK ULTIMATELY MR MORTON
16 DETERMINED THAT HE WAS ALSO WORKING WITH MR
17 OSTROWSKI AND WE HAD ADDRESSED THIS PREVIOUSLY IN
18 CHAMBERS AS FAR AS ANY CONCERN BY THE TWO TEAMS IF
19 THEY WERE TALKING TO THE SAME EXPERT, I THINK WE JUST
20 PROBABLY NEED TO ADDRESS THAT ON THE RECORD WE
21 DISCUSSED THAT PREVIOUSLY, BUT I THINK WE NEED TO PUT
22 THAT ON THE RECORD

23 MR GREELEY YOUR HONOR

24 THE COURT I GUESS THE ISSUE WOULD BE
25 WHETHER EITHER SIDE FEELS LIKE THERE IS A CONFLICT IN

000066

1 BOTH SIDES RELYING ON OR AT LEAST CONSULTING WITH THE
2 SAME EXPERT

3 MR GREELEY RIGHT WE'VE GOT A COUPLE
4 OF THINGS IN THIS IN THAT, FROM THE STATE'S
5 PROSPECTIVE, ANY AND ALL DNA THAT AROSE FROM THAT
6 BLOOD DRAW IN JANUARY NOW WOULD NOT BE ADMISSIBLE
7 ACCORDING TO THE COURT'S RULING WE STILL HAVE THE
8 DISCOVERY THAT THEY HAVE PROVIDED US IN REGARDS TO
9 THAT I HAVE NOT HEARD FROM MY EXPERT IN REGARDS TO
10 ANY OPINION AS TO THE PROCESS OR PROCEDURES THAT WERE
11 USED IN THE ANALYZATION IN THIS CASE I KNOW THAT
12 HE'S WORKING ON THAT THIS WEEK THE DISCOVERY WE
13 RECEIVED ON AUGUST 11 THROUGH THE SOLICITOR'S OFFICE
14 FROM SLED AND I IMMEDIATELY FORWARDED IT UP TO UNCC
15 WHICH IS WHERE DR OSTROWSKI IS A PROFESSOR I KNOW
16 THAT HE IS LOOKING AT THAT THIS WEEK HOW THIS WILL
17 NOW TIE INTO THIS CASE I'M NOT SURE, BUT UNTIL I HAVE
18 ANYTHING THAT WOULD GIVE ME SOME CAUSE OF ALARM THAT
19 IT MAY IN ANY WAY HAVE A CONFLICT WITH MR COPE I
20 DON'T SEE THAT NOW AND I DON'T HAVE ANY INFORMATION
21 OF THAT BEFORE ME MY CLIENT IS INTERESTED IN A
22 SPEEDY TRIAL AS THE COURT HAS HEARD HE'S BEEN IN
23 JAIL ALMOST THREE YEARS AND HAS NOT YET BEEN TRIED
24 FOR ANYTHING WE ARE READY AND WANT TO BE ABLE TO GO
25 FORWARD ON SEPTEMBER 7 AND AT THIS POINT IN TIME I DO

000007

1 NOT ANTICIPATE ANY CONFLICT THAT WOULD ARISE FROM
2 THAT

3 THE COURT ALL RIGHT

4 MR MORTON YOUR HONOR, NOR DO I
5 ANTICIPATE ANY CONFLICT I HAVE YET TO MEET DR
6 OSTROWSKI I DIDN'T BECOME AWARE UNTIL JUST A COUPLE
7 OF WEEKS AGO THAT WE WERE USING THE SAME EXPERT, AND
8 I THINK THEY ARE REALLY KIND OF SEPARATE ISSUES I
9 CAN'T ANTICIPATE ANY CONFLICT AT THIS POINT

10 MR POPE YOUR HONOR, I WILL NOTE AND I
11 MAY HAVE FAILED TO MENTION THIS, YOU MAY THINK WHY AM
12 I WORRIED ABOUT DNA IF I CONSENTED ON THE SEARCH
13 WARRANT ISSUE THERE IS A VALID, OF WHAT I PURPORT
14 TO BE A VALID SCHMERBER MOTION THAT WAS PERFORMED IN
15 WHICH THIS DEFENDANT'S BLOOD WAS DRAWN, SO THE ISSUE
16 WOULD CONTINUE

17 MR GREELEY AND JUST FOR THE RECORD I
18 WILL WAIT UNTIL I RECEIVE ANY RESULTS FROM THAT
19 BEFORE I KNOW WHAT I'LL BE DOING NEXT

20 THE COURT I UNDERSTAND

21 MR POPE AS FAR AS THOSE ISSUES THAT'S
22 ALL I HAVE I BELIEVE WE ARE READY TO PROCEED WITH
23 THE WITNESS TESTIMONY

24 MR MORTON I'VE GOT A COUPLE OF
25 PRELIMINARY THINGS YOUR HONOR, FIRST OF ALL I

000068

1 WANTED TO PUT ON THE RECORD THAT MR BAITY AND I HAVE
2 DISCUSSED WITH MR COPE THIS MORNING THIS NEW
3 REVELATION THAT HAS COME FROM THE SOLICITOR'S OFFICE
4 CONCERNING HIS DAUGHTERS JESSICA AND KYLA AND ALSO
5 THE, AT LEAST A THOUGHT PROCESS OF MR POPE, THAT
6 THIS MAY TURN INTO A DEATH PENALTY CASE WE FELT
7 LIKE THAT IT WAS PRUDENT FOR US TO DISCUSS IT WITH
8 MR COPE, WE THOUGHT IT WAS PRUDENT TO PUT IT ON THE
9 RECORD AT THIS POINT THAT WE DISCUSSED THIS WITH HIM
10 I THINK IT WAS IN THE CONTEXT OF ANY KIND OF PLEA
11 NEGOTIATIONS OR ANYTHING WE TALKED TO MR COPE
12 ABOUT THAT HE UNDERSTANDS THE RAMIFICATIONSS AS I
13 UNDERSTAND IT AND THE CONSEQUENCES I DON'T KNOW IF
14 THE COURT WANTS TO ADDRESS THEM AT ALL BUT THE COURT
15 IS WELCOME TO, BUT HE'S READY TO GO FORWARD THERE
16 AREN'T ANY PLEAS THAT WE ARE WILLING TO OFFER AT THIS
17 TIME

18 THE COURT I DON'T KNOW THAT THE COURT
19 HAS GOT ANY ROLE AT THIS POINT OTHER THAN YOUR MOTION
20 TO TRY THE CASE IF ANYTHING ELSE DEVELOPS I WILL
21 FOLLOW WITH INTEREST BUT WE ARE WHERE WE ARE

22 MR MORTON ALL RIGHT I JUST WANTED TO
23 PUT THAT ON THE RECORD

24 THE COURT THANK YOU

25 MR MORTON IN CASE IT TURNS INTO

000069

1 SOMETHING WE ALL HOPE DOESN'T HAPPEN IN THAT REGARD
2 AS FAR AS THE CHILDREN, JESSICA AND KYLA'S NEW
3 STATEMENTS TO THE SOLICITOR'S OFFICE AND TO THE
4 GUARDIAN AND TO THEIR CUSTODIANS AND TO SO FORTH, FOR
5 ALMOST THREE YEARS NOW THESE GIRLS HAVE DENIED
6 CONSISTENCY THAT THEY HAVE BEEN ABUSED BY MR BILLY
7 WAYNE COPE NOW THEY COME FORWARD AT BASICALLY THE
8 LAST MINUTE AND SAY THAT NOW THEY REMEMBER BEING
9 ABUSED WE, OF COURSE, WOULD BE ENTITLED I THINK TO
10 ANY PRIOR INCONSISTENT STATEMENTS THAT MAY BE
11 EXCULPATORY FOR MR COPE ANY INCULPATORY
12 STATEMENTS, I BELIEVE THAT THEY ARE GOING TO BE
13 WITNESSES AND TESTIFYING AT THIS TRIAL, THAT THEY HAD
14 MADE TO ANYBODY THIS MAY BE AN ONGOING PROCESS
15 THEY MAYBE MAKING STATEMENTS TODAY TO SOMEBODY
16 SOMEWHERE ABOUT THEIR PRIOR RELATIONSHIP WITH THIS
17 DAD, WITH THEIR DAD I KNOW THEY HAD MADE STATEMENTS
18 IN THE PAST THAT WE HAVE NOT BEEN PROVIDED WITH,
19 STATEMENTS TO, AS I SAID, TO THE POLICE, TO DSS
20 WORKERS, TO THERAPISTS, TO PSYCHOLOGISTS, TO DOCTORS,
21 SOME OF WHICH WE'VE BEEN PROVIDED WITH THEY HAVE
22 MADE STATEMENTS TO MR BRACKETT AND MS MILLER WHICH
23 WE THINK BETTY MILLER FROM THE SOLICITOR OFFICE, AS I
24 UNDERSTAND IT, I DON'T THINK THERE WAS AN
25 INVESTIGATOR THERE, WE THINK THAT RAISES A POTENTIAL

000C70

1 CONFLICT SITUATION FOR THE SOLICITOR'S OFFICE I
2 UNDERSTAND, OF COURSE, HAVING BEEN A PROSECUTOR THAT
3 SOLICITORS HAVE THE OBLIGATION TO INTERVIEW THEIR
4 VICTIMS, BUT, YOUR HONOR, WHEN THEIR VICTIMS SAY IT
5 DIDN'T HAPPEN THEN THEY BECOME A WITNESS IN THEIR OWN
6 CASE IF THEY THEN PROCEED TO TRY THE CASE OF A RAPE
7 CASE YOU KNOW, IT'S JUST MY THOUGHT THAT IF YOU
8 INTERVIEW A RAPE VICTIM AND THE RAPE VICTIM SAYS HE
9 DID THIS, HE DID THAT, HE DID THIS, YOU ARE PREPARING
10 FOR TRIAL, BUT WHEN A RAPE VICTIM SAYS, NO, SIR, MR
11 BRACKETT AND NO MS MILLER THIS NEVER HAPPENED THIS
12 DID NOT HAPPEN CERTAINLY NOW THAT IS A PRIOR
13 INCONSISTENT STATEMENT IN WHICH THEY ARE WITNESSES
14 AND SO I THINK WE HAVE A POTENTIAL CONFLICT SITUATION
15 AND I THINK WE HAVE A DISCOVERY PROBLEM AS FAR AS
16 WHAT THEY HAVE TOLD EVERYBODY FOR THE LAST THREE
17 YEARS REGARDING THEIR DAD'S MOLESTATION AND I WANT TO
18 BE MADE AVAILABLE, I WANT THAT MADE AVAILABLE TO ME
19 AND I BRING THIS CONFLICT PROBLEM TO THE COURT'S
20 ATTENTION BECAUSE MR BRACKETT AND MS MILLER MAY
21 BECOME WITNESSES IN THIS CASE

22 THE COURT WELL, LET'S TAKE IT ONE STEP
23 AT A TIME FIRST, AS TO DISCOVERY I THINK UNDER THE
24 RULE AND UNDER BRADY AND KYLE AND ALL OF THOSE, THE
25 STATE KNOWS WHAT THEY ARE REQUIRED TO PROVIDE AND IS

000071

1 INCUMBENT UPON THEM TO DO SO AS OFFICERS OF THE
2 COURT I FEEL CONFIDENT THEY WILL THEY HAVE IN THE
3 PAST AND I CAN ONLY STATE THAT I CAN ONLY ASSUME THAT
4 THEY WILL CONTINUE TO PROVIDE YOU WITH ANYTHING THAT
5 FALLS UNDER THE GUIDELINES OF THE LAW AS BEING
6 DISCOVERABLE

7 MR MORTON I'LL STATE FOR THE RECORD I
8 THINK THEY HAVE TOO AND WE APPRECIATE IT

9 THE COURT AS TO THE CONFLICT, I DON'T
10 KNOW THAT THERE IS ANYTHING, I DON'T KNOW THAT
11 ANYTHING HAS RIPENED INTO A FULL BLOWN CONFLICT AND I
12 DON'T KNOW THAT IT WILL, SO I DON'T KNOW THAT THERE
13 IS ANYTHING THAT I CAN, THAT THE COURT NEEDS TO DO AT
14 THIS TIME AND THE INTERESTING THING ABOUT THAT IS
15 THAT THEY WERE BEING A CONFLICT WITHIN THEMSELVES SO
16 TO SPEAK BECAUSE THE, I WOULD GUESS THAT THEY COULD
17 BE CALLED AS A WITNESS FOR THE DEFENSE ON A PRIOR
18 INCONSISTENT STATEMENT, AND I DON'T KNOW THAT WOULD
19 CREATE A CONFLICT IN WHAT WE GENERALLY WE THINK OF A
20 CONFLICT GENERALLY A CONFLICT OCCURS WHEN SOMEONE
21 HAS SOME TYPE INFORMATION INVOLVING THE OTHER SIDE
22 WHICH PUTS THEM IN A FAVORABLE POSITION IN REGARD TO
23 THE OTHER SIDE'S CASE AND THAT'S WHERE THE CONFLICT
24 COMES THAT IS, THEY KNOW SOMETHING THAT WOULD BE
25 DETRIMENTAL TO THEIR OWN CASE WHICH THIS OF COURSE

1 MAY BE, BUT MORE IMPORTANTLY THEY KNOW SOMETHING THAT
2 IS, I'M NOT ARTICULATING IT VERY WELL, BUT IT SEEMS
3 TO ME TO BE SORT OF A FLIP OF THE USUAL CONFLICT IN
4 THAT IN THIS INSTANCE THEY WOULD BE NOT WITNESSES
5 THAT WOULD, THAT THEY DON'T HAVE INFORMATION THEY
6 WOULD USE AGAINST YOUR CLIENTS BUT THEY HAVE
7 INFORMATION THAT YOU MAY FIND TO BE FAVORABLE TO YOUR
8 CLIENT SO THAT'S, I THINK IT'S A LITTLE OUTSIDE THE
9 USUAL CONFLICT I DON'T EVEN KNOW WITHOUT
10 RESEARCHING THAT WHETHER THAT IN AND OF ITSELF
11 PRESENTS A TRUE CONFLICT BECAUSE I DON'T, IT MAYBE
12 SOME CASES ON IT, BUT I WOULD BE SHOCKED TO FIND THAT
13 THERE HAD NOT BEEN MANY, MANY MULTITUDES OF CASES
14 TRIED WHERE VICTIMS AND/OR WITNESSES HAVE TOLD THE
15 SOLICITOR INFORMATION ADVERSE TO THEIR CASE JUST
16 BECAUSE THEY HAVE INFORMATION THAT MAY HURT THEIR
17 CASE DOES NOT CREATE A CONFLICT SO I THINK WE JUST
18 HAVE TO FOLLOW THAT AND SEE IF LEADS ANYWHERE AND IF
19 IT DOES WHERE IT LEADS

20 MR MORTON ALL RIGHT, SIR

21 THE COURT BUT I UNDERSTAND YOUR CONCERN
22 I UNDERSTAND WHAT YOU ARE SAYING

23 MR POPE YOUR HONOR, I WILL SAY I THINK
24 THAT FROM A DISCOVERY STANDPOINT AND DISCLOSURE, WE
25 DO HAVE AN ETHICAL OBLIGATION AND I WOULD SUBMIT THAT

1 WE HAVE FULFILLED, THIS WAS PROBABLY GOING ABOVE AND
2 BEYOND THAT IF AND WHEN THESE GIRLS HAVE SAID
3 NOTHING'S HAPPENED, AND I CAN'T DISPUTE THEY'VE
4 DENIED IT FOR HERE ABOUT THREE YEARS, THAT NOT ONLY
5 DID WE DISCLOSE THAT TO THEM, THE DEFENSE, WHICH I
6 THINK WE HAVE AN OBLIGATION TO THEM TO DO WE
7 DISCLOSED IT TO THEM BUT ALSO WHEN THEY WERE PERHAPS
8 LABORING UNDER SOME FALSE INFORMATION, IN OTHER
9 WORDS, MISINFORMATION TALKING ABOUT THE DEFENSE, WE
10 CLARIFIED AND SAID NO HERE'S WHAT WE GOT, ARGUABLY
11 WEAKENED OUR CASE, SO I THINK WE HAVE THAT
12 OBLIGATION TRUTHFULLY, I DON'T KNOW THAT WE HAVE
13 THE OBLIGATION IN REVERSE THAT WE HAVE ACTUALLY DID
14 TODAY, WE HAD THE GIRLS CONFIRM OUR CASE SO TO SPEAK,
15 BUT WE CALLED THEM AND TOLD THEM OUT FUNDAMENTAL
16 FAIRNESS ON THIS ISSUE BUT WE'VE CONTINUED TO, AND
17 OF COURSE WE'LL DEAL WITH THE CONFLICT ISSUE IF IT'S
18 PROPERLY PRESENTED TO THE COURT, BUT WE HAVE
19 CONTINUED TO PROVIDE EVERY PIECE OF INFORMATION OUR
20 JOB IS TO SEEK THE TRUTH AND THAT IS WHAT WE HAVE
21 PROVIDED FOR THEM EACH AND EVERY TIME AND WILL
22 CONTINUE TO DO SO AND I THINK MR MORTON CONCEDED
23 THAT BUT IT DIDN'T SOUND LIKE THAT AT THE BEGINNING
24 AND SO I JUST WANT TO MAKE SURE

25 MR MORTON I DO CONCEDE THAT THEY

000074

1 ALWAYS HAVE AND I DO CONCEDE THAT
2 THE COURT ANYTHING ELSE
3 MR MORTON IN THAT VAIN, HOWEVER, YOUR
4 HONOR, MR SANDERS HAS ALSO BEEN CHARGED, INDICTED,
5 IDENTIFIED BY DNA MATCHES AND OTHER MATCHES WITH
6 ABOUT SIX OTHER BURGLARY AND CRIMINAL SEXUAL CONDUCTS
7 AND RAPES AND SO FORTH IMMEDIATELY PRECEDING THE RAPE
8 AND THE MURDER OF AMANDA COPE AND IMMEDIATELY AFTER
9 SHE WAS RAPED AND MURDERED ON NOVEMBER 29 OF 2001
10 HE WAS RELEASED FROM PRISON FROM NORTH CAROLINA ON
11 OCTOBER 17 AND BETWEEN OCTOBER 23 AND JANUARY 12 WHEN
12 HE WAS APPREHENDED THERE IS SIGNIFICANT CLEAR AND
13 CONVINCING EVIDENCE THAT MR SANDERS HAS DONE THIS
14 SAME TYPE THING THAT WE ARE ALLEGING HE DID TO AMANDA
15 COPE TO OTHER WOMEN IN AND AROUND THE SAME AREA
16 WITHIN A MILE OF HIS HOUSE AND AMANDA COPE'S HOUSE
17 AND WE BELIEVE THE SIMILARITIES ARE SUCH THAT THEY
18 CONSTITUTE PRIOR BAD ACTS I WANT TO INQUIRE FROM
19 THE SOLICITOR AS TO WHETHER OR NOT THEY INTEND ON
20 INTRODUCING THAT PRIOR BAD ACT EVIDENCE AGAINST MR
21 SANDERS BECAUSE I THINK MR GREELEY HAS AN OBLIGATION
22 TO, I DON'T THINK HE'S BEEN PROVIDED WITH ANY OF THE
23 DISCOVERY, I DON'T KNOW IF HE HAS, BUT I THINK
24 CERTAINLY IF THEY ARE NOT GOING TO PROSECUTE MR
25 SANDERS THEN WE WILL OR WE WILL TRY AND I JUST WANTED

000075

1 TO KNOW IF THEY WERE GOING TO TRY TO INTRODUCE THAT
2 OTHER PRIOR BAD ACT EVIDENCE IN THEIR CASE IN CHIEF
3 OR WHETHER WE ARE GOING TO

4 THE COURT SOME OF IT IS NOT PRIOR, SOME
5 OF IT IS POST

6 MR MORTON YES, SIR, OTHER BAD ACT

7 MR POPE FIRST THINGS FIRST FROM A
8 DISCOVERY STANDPOINT, OF COURSE, AS TO THE BEST OF MY
9 KNOWLEDGE, DISCOVERY CZEUR IS STANDING RIGHT HERE
10 BEHIND ME, BUT I THINK MR GREELEY HAS HAD A COPY OF
11 EVERYTHING TO DO WITH MR SANDERS' CASE AS WELL AS
12 THE COPE CASE JUST LIKE MR COPE HAS BEEN GIVEN
13 COPIES AS I UNDERSTAND MRS COLLINS OF EVERYTHING
14 THAT IS IN WAS MR SANDERS CASE, SO MY UNDERSTANDING
15 IS THAT BOTH FROM A DISCOVERY STANDPOINT, YOUR HONOR,
16 BOTH SIDES SHOULD HAVE BASICALLY BOTH SETS OF CASES
17 I KNOW THAT MR GREELEY AND MR BRACKETT HAD SOME
18 DISCUSSIONS CONCERNING THE POTENTIAL FOR LYLE
19 TESTIMONY IN THIS PARTICULAR CASE, I DON'T KNOW WHERE
20 YOU ARE AT ON THAT

21 MR GREELEY YOUR HONOR, I HAD RECEIVED
22 AN E-MAIL ABOUT THURSDAY OF LAST WEEK FROM
23 MR BRACKETT INDICATING THAT THE STATE DID NOT INTEND
24 TO INTRODUCE ANY LYLE EVIDENCE AGAINST MR SANDERS IN
25 THE TRIAL OF THIS CASE I MUST AGREE WITH THEM ON

1 THAT IN REGARDS TO MR MORTON'S CHARACTERIZATION OF
2 THE ALLEGATIONS AGAINST MY CLIENT AND THEIR ATTEMPT
3 TO TRY AND BRING THESE OUT IN THE CASE, MY CLIENT IS
4 NOT CHARGED IN ANY OTHER CASE WITH THE BEATING,
5 STRANGULATION, AND ESSENTIALLY SEXUAL MUTILATION OF A
6 PERSON IN ANY CASE AND THAT IS THE CHARACTERISTICS OF
7 THE CRIME THAT WAS COMMITTED THAT NIGHT SO WE'RE
8 GOING TO OBJECT ESSENTIALLY THEY ARE GOING TO TRY
9 AND BLAME A THIRD PARTY IN THIS CASE AND I SUBMIT TO
10 THE COURT THAT I DON'T BELIEVE AND I HAVEN'T DONE THE
11 RESEARCH ON THE LAW BECAUSE I WASN'T AWARE

12 THE COURT I THINK THE SOLICITOR OFFICE
13 AND I HAVE DONE SOME THIRD PARTY GUILT

14 MR GREELEY EXACTLY

15 THE COURT RESEARCH VERY EXTENSIVELY IN A
16 DEATH PENALTY CASE SO

17 MR MORTON MYSELF

18 THE COURT AND I'M TOLD THE SUPREME COURT
19 IS BEING TOLD THAT I WAS WRONG AT THAT TIME BUT I'M
20 ALWAYS OPEN TO REVISITING --

21 MR POPE THEY ARE BEING TOLD YOU WERE
22 WRONG THEY ARE NOT SAYING YOU WERE WRONG THERE IS
23 A DIFFERENCE

24 THE COURT THAT'S RIGHT I'M BEING TOLD
25 I WAS WRONG

000077

1 MR GREELEY BUT IN TWO WEEKS WE WILL BE
2 IN A POSITION TO VEHEMENTLY OBJECT TO ANY OF THAT
3 MATERIAL OFFERED BY THE CO-DEFENDANT IN THE CASE

4 THE COURT WELL, I GUESS A THRESHOLD
5 QUESTION THAT'S CROSSED MY MIND AND I KNOW IT'S
6 CROSSED ALL OF Y'ALL'S IS WHETHER OR NOT A
7 CO-DEFENDANT CAN USE LYLE EVIDENCE AGAINST ANOTHER
8 CO-DEFENDANT I DON'T KNOW WHY NOT BUT I'VE JUST
9 NEVER SEEN IT DONE AND IT'S NOVEL TO ME BUT I'M SURE
10 THAT'S ANOTHER THING THAT IS BEEN RESEARCHED

11 MR MORTON YOUR HONOR, THAT HAS CROSSED
12 MY MIND AS WELL I WAS UNDER THE ASSUMPTION THAT THE
13 STATE WAS GOING TO INTRODUCE LYLE EVIDENCE AGAINST
14 MR SANDERS BUT APPARENTLY THEY ARE NOT, AND WE WILL
15 BE FULLY PREPARED TO PRESENT LYLE EVIDENCE AGAINST
16 MR SANDERS I DON'T THINK, SINCE HE'S A
17 CO-DEFENDANT IN THIS CASE AND I ASK THIS JUST
18 OUTWARDLY, WOULD IT BE THIRD PARTY GUILT EVIDENCE OR,
19 BECAUSE IN THIS CASE, I MEAN, I THINK OBVIOUSLY THE
20 THIRD PARTY GUILT THRESHOLD HAS BEEN MET AS TO AMANDA
21 COPE SEEING AS HIS DNA WAS FOUND ON HER BODY I
22 DON'T KNOW THAT THERE IS, I'M JUST TALKING OUT LOUD,
23 IT SEEMS TO ME MORE OF WHAT YOU SAID, YOUR HONOR,
24 MORE OF A LYLE SITUATION AND WHETHER WE'RE ABLE TO
25 INTRODUCE IF THE STATE DOES NOT WE CLEARLY THINK

000078

1 IT'S RELEVANT WE CLEARLY THINK IT'S SOMETHING THAT
2 THE COURT AND THE JURY SHOULD CONSIDER OF COURSE,
3 THE COURT WILL HAVE TO CONSIDER IT FIRST AND WE
4 INTEND ON PRESENTING IT TO THE COURT AT THE
5 APPROPRIATE TIME BUT WE WERE TRYING TO FIND OUT TO
6 MAKE SURE THE STATE WASN'T GOING TO DO IT IN THEIR
7 CASE IN CHIEF AND THEN IT BECOMES INCUMBENT UPON US
8 TO DO IT

9 MR BRACKETT FOR THE RECORD, YOUR HONOR,
10 MY E-MAIL SAID THAT WE WOULD NOT INTRODUCE 404 (B)
11 EVIDENCE IN THE JOINT TRIAL OF MR SANDERS AND MR
12 COPE SECONDLY, I THINK 404 (B) SAYS THAT PRIOR BAD
13 ACT EVIDENCE CANNOT BE INTRODUCED AGAINST ANY PERSON
14 SO I THINK 404 (B) CONTEMPLATES ANY PARTY, DEFENSE,
15 STATE, CO-DEFENDENTS, I DON'T THINK THAT THE RULE IS
16 LIMITED TO THE STATE INTRODUCING THAT'S TYPICALLY
17 THE AVENUE IN WHICH THAT'S INTRODUCED BUT I DON'T
18 BELIEVE THAT THERE IS ANY LIMITATIONS ON 404 (B)

19 MR MORTON SO WE CAN

20 MR BRACKETT SO ANY PARTY CAN INTRODUCE
21 IT AGAINST ANY OTHER PARTY IN CRIMINAL OR CIVIL

22 THE COURT ARE YOU CONCEDED THAT MR
23 GREELEY

24 MR BRACKETT WELL, I BELIEVE THAT IS THE
25 LAW YOU ASKED THE QUESTION I LOOKED AT THAT

1 EXACT --

2 THE COURT WELL, I APPRECIATE THAT
3 ANSWER

4 MR BRACKETT I LOOKED AT THAT EXACT
5 ISSUE BECAUSE I WAS CURIOUS ABOUT IT

6 MR GREELEY AS I SHALL TOO

7 MR POPE THEN IT COMES BACK TO THE ISSUE
8 OF, OKAY, REGARDLESS DOES IT COMPORT WITH LYLE

9 THE COURT OH, YEAH WE GOT TO DECIDE
10 CLEAR AND CONVINCING EVIDENCE AND APPARENTLY HASN'T
11 BEEN CHARGED, CERTAINLY HASN'T BEEN FOUND GUILTY OF
12 ANYTHING, SO WE GOT A PRETTY --

13 MR MORTON HE'S BEEN CHARGED

14 THE COURT OH, OKAY I APOLOGIZE ALL
15 RIGHT NOW ANYTHING ELSE, MR MORTON, BEFORE WE
16 START HEARING TESTIMONY ON THESE ISSUES?

17 MR THOMPSON THERE IS ONE MORE THING
18 BEFORE TESTIMONY, YOUR HONOR I WOULD LIKE TO AT
19 THIS POINT JUST GET THIS OUT OF THE WAY THE
20 INDICTMENTS ON BOTH MR SANDERS AND MR COPE, SOME OF
21 THOSE INDICTMENTS WERE AMENDED AS WELL AS THERE IS
22 ONE OR TWO DIRECT INDICTMENT, I'D LIKE TO GO AHEAD
23 AND MAKE SURE THEY ARE ARRAIGNED ON THOSE INDICTMENTS
24 AT THIS POINT BEFORE WE GO ANY FURTHER SERVE
25 CERTIFIED COPIES ON THE I WOULD ASK MR COPE AND

000080

1 MR SANDERS IF THEY WOULD ACCEPT THE ARRAIGNMENT
2 SIMPLY BY ME GIVING THE CERTIFIED COPIES OF THE
3 INDICTMENTS

4 THE COURT ALL RIGHT ON BEHALF OF MR
5 COPE, MR MORTON, DO YOU WANT A FORMAL ARRAIGNMENT?

6 MR MORTON NO, SIR, YOUR HONOR WE
7 WAIVE IT

8 THE COURT MR GREELEY, ON BEHALF OF MR
9 SANDERS, YOU WANT A FORMAL ARRAIGNMENT

10 MR GREELEY WE WAIVE IT, YOUR HONOR

11 MR THOMPSON YOUR HONOR, I WOULD JUST
12 READ OUT FOR THE RECORD THE INDICTMENTS THAT I AM
13 HANDING TO EACH OF THE DEFENDANTS STATE OF SOUTH
14 CAROLINA VERSUS BILLY WAYNE COPE 2004-GS-46-2614
15 WHEREIN HE'S CHARGED WITH UNLAWFUL CONDUCT TOWARDS A
16 CHILD 2004-GS-46-2615 CRIMINAL SEXUAL CONDUCT WITH
17 A MINOR SECOND DEGREE 2004-GS-46-2616 FOR CRIMINAL
18 SEXUAL CONDUCT WITH A MINOR SECOND DEGREE
19 2004-46-2617 FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR
20 FIRST DEGREE 2618 FOR CRIMINAL SEXUAL CONDUCT WITH
21 MINOR FIRST DEGREE AN AMENDED INDICTMENT FOR
22 2002-GS-46-3232 FOR MURDER AND 2003-GS-46-1843 FOR
23 UNLAWFUL CONDUCT TOWARD A CHILD 2003-GS-46-1844 FOR
24 UNLAWFUL CONDUCT TOWARD A CHILD 2002-GS-46-3233 FOR
25 CRIMINAL SEXUAL CONDUCT FIRST DEGREE

000081

1 2002-GS-46-3234 FOR CRIMINAL SEXUAL CONDUCT THIRD
2 DEGREE AN AMENDED INDICTMENT OF 2004-GS-46-200 FOR
3 CRIMINAL CONSPIRACY THOSE ARE MR COPE'S
4 INDICTMENTS AND ALL HAVE BEEN TRUE BILLED BY THE
5 GRAND JURY, YOUR HONOR, AND I NOW GIVE THEM CERTIFIED
6 COPIES OF THOSE INDICTMENTS

7 AS TO MR SANDERS, YOUR HONOR, THIS WOULD
8 INCLUDE HIS INDICTMENT ON THIS CHARGE AS WELL AS
9 OTHER CHARGES, AMENDED INDICTMENT 2004-GS-46-196 FOR
10 MURDER 2004-GS-46-197 FOR CRIMINAL SEXUAL CONDUCT
11 FIRST DEGREE 198 FOR CRIMINAL SEXUAL CONDUCT FIRST
12 DEGREE AMENDED INDICTMENT 2004-GS-46-199 FOR
13 CRIMINAL CONSPIRACY 2003-GS-46-1023 FOR BURGLARY
14 FIRST DEGREE 2003-GS-46-1024 FOR CRIMINAL SEXUAL
15 CONDUCT FIRST DEGREE 2003-GS-46-1025 FOR CRIMINAL
16 SEXUAL CONDUCT FIRST DEGREE 2003-GS-46-1026 FOR
17 KIDNAPPING, 1027 FOR STRONG ARMED ROBBERY, 1028 FOR
18 BURGLARY FIRST DEGREE, 1029 FOR KIDNAPPING, 1030 FOR
19 ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE,
20 1031 FOR BURGLARY IN THE FIRST DEGREE, 1032 FOR
21 KIDNAPPING, 1033 FOR ATTEMPTED CRIMINAL SEXUAL
22 CONDUCT IN THE FIRST DEGREE, 1034 FOR INDECENT
23 EXPOSURE, AND 1260 FOR BURGLARY IN THE FIRST DEGREE
24 AND 1261 FOR BURGLARY FIRST DEGREE ALL OF THOSE ARE
25 BEEN TRUE BILLED BY THE GRAND JURY AND I'LL NOW SERVE

000082

1 THOSE ON MR GREELEY AND HIS CLIENT AT THIS TIME
2 THEY ARE CERTIFIED COPIES THANK YOU, YOUR HONOR

3 THE COURT ALL RIGHT

4 MR BRACKETT MAY IT PLEASE THE COURT AS
5 REGARDS TO THE MOTIONS, WE HAVE MS MARGY MCNEELY WHO
6 IS HERE WHO WAS THE CITY RECORDER FOR THE CITY OF
7 ROCK HILL, ONE OF THEIR MOTIONS CONCERNS THE PROBABLE
8 CAUSE FOR THE ARREST IN THIS CASE AND MR MORTON AND
9 I HAVE DISCUSSED IT AND HE'S KINDLY AGREED TO TAKE
10 THIS MATTER UP FIRST

11 THE COURT OKAY

12 MR BRACKETT I'LL CALL CHARLENE
13 BLACKWELDER FIRST SHE'S THE OFFICER WHO MADE THE
14 ARREST AND ACTUALLY SECURED THE WARRANTS AND SHE GAVE
15 SOME ORAL TESTIMONY TO THEN JUDGE MCNEELY REGARDING
16 FACTS AND CIRCUMSTANCES OF THIS CASE AND I WILL CALL
17 HER NEXT SO WE CAN DISPOSE OF THIS, BUT I'M ONLY
18 CALLING CHARLENE FOR THIS LIMITED PURPOSE I WILL
19 RECALL HER LATER ON ON THE SUBJECT OF THE STATEMENTS,
20 THE STATEMENTS SHE WAS INVOLVED IN TAKING SO

21 THE COURT SO AT THIS POINT WE'RE DEALING
22 WITH MR COPE

23 MR BRACKETT YES, SIR, THAT'S CORRECT
24 AND, YOUR HONOR, FOR THE RECORD WE'VE DISCUSSED THIS
25 IN CHAMBERS, BUT IT'S MY UNDERSTANDING AND MR MORTON

000083

1 MAYBE CAN EVEN CLARIFY THIS AND CONFIRM IT, NONE OF
2 THE STATEMENTS THAT MR COPE MADE WHILE FIRST THE
3 RESPONDERS WERE AT HIS HOUSE ARE BEING CONTESTED
4 UNDER DENNO, FIFTH OR SIXTH AMENDMENT VIOLATIONS,
5 THOSE WERE ALL THE FIREMEN AND FIRST RESPONDING
6 POLICE OFFICERS THERE WAS A STATEMENT MADE TO
7 WILLIE BURRIS, DETECTIVE WILLIE BURRIS, AT
8 APPROXIMATELY 8 AM THAT MORNING THE MORNING OF
9 NOVEMBER 29 IT WAS NOT MADE WHILE MR COPE WAS IN
10 CUSTODY HE HAD NOT BEEN CHARGED HE VOLUNTARILY
11 CAME TO THE POLICE DEPARTMENT AND MADE A STATEMENT TO
12 MR BURRIS HE WAS FREE TO LEAVE AT THAT POINT AND I
13 BELIEVE DID LEAVE THE OFFICE AT THAT POINT LATER
14 THAT AFTERNOON ABOUT 12 40 ANOTHER STATEMENT WAS MADE
15 TO MR BURRIS AND MR HERRING THERE WAS A SUMMARY
16 OF BOTH THESE STATEMENTS THERE IS NO FORMAL WRITTEN
17 STATEMENT IT'S BASICALLY A POLICE SUMMARY HE WAS
18 FREE TO LEAVE AND IN FACT DID LEAVE AFTER STATEMENT
19 NEITHER OF THOSE STATEMENTS ARE BEING CONTESTED FOR
20 THE PURPOSE OF DENNO I THINK THEY WANT TO MAKE SOME
21 ARGUMENT AS FAR AS CONTINUING COERCIVE CONDUCT BUT
22 THAT'S NOT A DENNO ISSUE AND I'M NOT GOING TO ADDRESS
23 THAT IN THAT CONTEXT THERE WAS ONE STATEMENT ABOUT
24 THREE IN THE AFTERNOON THAT WAS MADE TO REBECCA
25 HERRING WHO WAS A DSS EMPLOYEE THAT WENT TO WHERE MR

000084

1 COPE WAS STAYING AT THAT POINT AND INTERVIEWED MR
2 COPE REGARDING THE CIRCUMSTANCES OF HIS DAUGHTER'S
3 DEATH PRESENT WITH HER FOR THE PURPOSES OF SECURITY
4 BUT NOT FOR THE PURPOSE INTERROGATION WAS OFFICER
5 HUITT WHO OVERHEARD THE CONVERSATION BETWEEN
6 MRS REBECCA HERRING OF DSS AND MR COPE AND HIS WIFE
7 MARY SUE COPE WHO I BELIEVE WAS PRESENT AS WELL
8 THAT STATEMENT, IS MY UNDERSTANDING, WAS TAKEN ON THE
9 FRONT PORCH OF THE HOUSE WHERE HE WAS STAYING I
10 BELIEVE IT WAS HIS MOTHER'S HOUSE THAT STATEMENT IS
11 NOT BEING CONTESTED FOR DENNO PURPOSES THERE WAS A
12 STATEMENT TAKEN THAT NIGHT AT 10 45 THAT LASTED UNTIL
13 APPROXIMATELY 2 30 OR SO 2 45 IN THE MORNING MR
14 COPE WAS INTERVIEWED BY LES HERRING AND JERRY WALDROP
15 OF THE ROCK HILL POLICE DEPARTMENT, FOR DENNO
16 PURPOSES THAT STATEMENT IS NOT BEING CONTESTED THEY
17 HAVE NO OBJECTION TO ITS ADMISSION BUT AGAIN SUBJECT
18 TO THE SAME ARGUMENT THEY INTEND TO CALL MR HERRING
19 AND MR WALDROP TO DISCUSS THE CIRCUMSTANCES OF IT TO
20 SHOW SOME COERCIVE IMPACT THAT THAT STATEMENT MIGHT
21 HAVE HAD SO WHEN IT COMES TO DENNO I WILL START
22 WITH THE MORNING OF NOVEMBER 30 AT APPROXIMATELY 9 45
23 OR SO, TEN O'CLOCK, WHEN THEY ARRIVED TO SEE
24 DETECTIVE MIKE BAKER OF THE YORK COUNTY SHERIFF'S
25 OFFICE IS THAT A CORRECT RECITATION OF WHAT WE

000085

1 INTEND TO --

2 MR MORTON THAT'S A CORRECT RECITATION,
3 YOUR HONOR

4 MR BRACKETT THE STATE WOULD CALL
5 CHARLENE BLACKWELDER

6 CHARLENE BLACKWELDER, BEING FIRST DULY
7 SWORN, TESTIFIED AS FOLLOWS

8 MR MORTON YOUR HONOR, OF COURSE, I
9 WOULD MOVE TO SEQUESTER THE WITNESSES AND ADMONISH TO
10 THEM ABOUT DISCUSSING THEIR TESTIMONY BETWEEN NOW AND
11 THE END OF THIS CASE WHENEVER THAT MIGHT BE

12 MR BRACKETT JUDGE MCNEELY IS IN THE
13 COURTROOM, MA'AM

14 MR POPE IF HE COULD ASK MR MORTON,
15 THERE WAS SOME CONFUSION ABOUT WHO THEY HAVE
16 SUBPOENAED AND WHO THEY NEEDED, IF WE CAN GET A LIST
17 TOGETHER I'LL GET MRS COLLINS AND ONE OF MY
18 INVESTIGATORS TO MAKE SURE EACH ONE THAT IS EXPLAINED
19 TO THEM AS FAR AS SEQUESTRATION AND MAKE SURE THAT IN
20 FACT IT TAKE PLACE IF YOU CAN GET A LIST TOGETHER
21 FOR MRS COLLINS

22 DIRECT EXAMINATION BY MR BRACKETT

23 Q MA'AM, WOULD YOU PLEASE STATE YOUR FULL NAME AND
24 SPELL YOUR LAST FOR THE COURT REPORTER?

25 A SURE CHARLENE BLACKWELDER

1 B-L-A-C-K-W-E-L-D-E-R

2 Q AND WHERE ARE YOU EMPLOYED?

3 A ROCK HILL POLICE DEPARTMENT

4 Q WHAT DO YOU DO FOR THE ROCK HILL POLICE
5 DEPARTMENT?

6 A I'M A DETECTIVE ASSIGNED AGAINST, AT THE TIME,
7 THE CRIMES AGAINST PERSONS I'M CURRENTLY CRIMES
8 AGAINST PROPERTY, REASSIGNED

9 Q WHERE WERE YOU EMPLOYED IN NOVEMBER,
10 SPECIFICALLY NOVEMBER 29 AND 30 OF 2001?

11 A WITH THE DETECTIVE DIVISION CRIMES AGAINST
12 PERSONS UNIT ROCK HILL POLICE DEPARTMENT

13 Q NOW WE'RE CUTTING RIGHT TO THE SPECIFIC ISSUE OF
14 THE ARREST OF MR BILLY WAYNE COPE, ARE YOU FAMILIAR
15 WITH THAT EVENT?

16 A YES, SIR

17 Q OKAY WERE YOU WORKING ON THE CASE AND ASSIGNED
18 TO INVESTIGATE THE INVESTIGATION OF THE DEATH OF
19 AMANDA COPE?

20 A YES, SIR

21 Q OKAY AND WERE YOU INTIMATELY ACQUAINTED WITH
22 ALL THE DETAILS, FACTS, AND CIRCUMSTANCES OF THAT
23 INVESTIGATION?

24 A YES, SIR

25 Q OKAY AND APPROXIMATELY THREE A M ON NOVEMBER

000C87

1 30, 2001, WHERE WERE YOU LOCATED?

2 A IN THE ROCK HILL POLICE DEPARTMENT DETECTIVE
3 DIVISION

4 Q OKAY AND WHAT HAD BEEN TRANSPIRING THAT
5 EVENING TO REQUIRE YOUR PRESENCE AT THE ROCK HILL
6 POLICE DEPARTMENT AT THREE O'CLOCK IN THE MORNING?

7 A LIEUTENANT WALDROP AND DETECTIVE, I'M SORRY,
8 LIEUTENANT LES HERRING HAD INTERVIEWED MR BILLY
9 WAYNE COPE IN THE DETECTIVE DIVISION INSIDE OF LES
10 HERRING'S OFFICE AND I WAS PRESENT IN THE DETECTIVE
11 DIVISION AT THE TIME

12 Q WERE YOU INVOLVED IN THAT INTERROGATION OR
13 INTERVIEW?

14 A NO, SIR

15 Q ALL RIGHT AND AT SOME POINT IN TIME WAS A
16 DECISION MADE TO TAKE MR COPE INTO CUSTODY?

17 A YES, SIR, IT WAS

18 Q PRIOR TO THREE A M OR WHENEVER THAT DECISION
19 WAS MADE HAD MR COPE BEEN INFORMED THAT HE WAS UNDER
20 ARREST?

21 A NO, SIR

22 Q WAS HE IN FACT UNDER ARREST PRIOR TO THAT POINT?

23 A NO, SIR

24 Q WAS HE FREE TO LEAVE?

25 A YES, SIR

000088

1 Q OKAY WHEN WAS THE DECISION MADE TO THE BEST OF
2 YOUR RECOLLECTION AND AS FAR AS TIME IS CONCERNED,
3 WHEN APPROXIMATELY WAS THE DECISION MADE TO PLACE MR
4 COPE INTO CUSTODY AND WHAT WAS THE DECISION AS TO
5 WHAT TO CHARGE HIM WITH?

6 A IT WAS AROUND THREE A M THAT MORNING NOVEMBER
7 THE 29 I'M SORRY YEAH, NOVEMBER 29 THAT MORNING
8 AROUND THREE A M THE DECISION WAS MADE WE HAD
9 SPOKE WITH CAPTAIN CABANISS OF THE ROCK HILL POLICE
10 DEPARTMENT, AND MYSELF AND JERRY WALDROP AND
11 LIEUTENANT HERRING, AND BASED ON THE CIRCUMSTANCES
12 THAT WERE GIVEN, MR COPE HAD TOLD US THAT HE HAD
13 LOCKED THE DOORS, THAT NO ELSE HAD BEEN IN AND OR OUT
14 OF THE HOUSE, THE ONLY OTHER MEMBERS PRESENT INSIDE
15 THE HOUSE WERE HIS DAUGHTER JESSICA AND HIS DAUGHTER
16 KYLA WHICH WAS ASLEEP IN THE OTHER ROOM THERE WAS
17 NO SIGNS OF FORCED ENTRY INSIDE THE HOUSE THE
18 INJURIES THAT AMANDA COPE HAD SUSTAINED COULD ONLY
19 HAVE BEEN INFLICTED BY A, YOU KNOW, THE INJURIES THAT
20 SHE HAD SUSTAINED COULD NOT HAVE CAME FROM KYLA OR
21 JESSICA COPE AT THE TIME

22 Q CAN YOU BRIEFLY DESCRIBE THOSE INJURIES TO THE
23 COURT?

24 A SHE HAD MULTIPLE, I BELIEVE THE AUTOPSY FINDINGS
25 REVEALED, MULTIPLE BLUNT FORCE TRAUMA, SEXUAL

1 ASSAULT, MANUAL STRANGULATION AND HYPOXIA SHE
2 HAD PHYSICAL, I MEAN, VISIBLE PHYSICAL INJURIES AS
3 WELL ALL ABOUT HER PERSON

4 Q WHAT WAS THE SEVERITY OF THE BLOWS ABOUT HER
5 BODY?

6 A SHE HAD BLOWS ABOUT HER HEAD SHE HAD A MARKING
7 ON HER FOREHEAD SHE HAD VAGINAL AND ANAL TEARS
8 SHE HAD MARKS ON HER BODY FROM UNDERNEATH FROM WHERE
9 WHEN THE BLOWS WERE SUSTAINED, THE ITEMS THAT WERE ON
10 THE BED AT THE TIME I BELIEVE MATCHED UP WITH THE
11 INJURIES THAT WAS ON HER BODY OUTSIDE

12 Q ALL RIGHT WHAT STEPS WERE TAKEN BY THE ROCK
13 HILL POLICE DEPARTMENT TO DETERMINE WHETHER OR NOT
14 THE HOUSE HAD BEEN FORCIBLY ENTERED OR WHETHER
15 SOMEBODY HAD, MIGHT HAVE BROKEN INTO THE HOME DURING
16 THE NIGHT? WHAT DID Y'ALL DO?

17 A WELL, BASED ON THE STATEMENTS OF MR COPE
18 HIMSELF STATED TO US THAT HE HAD LOCKED THE DOORS AND
19 MADE SURE THE DOORS WERE LOCKED OR SECURED JESSICA
20 HAD SAID THAT SHE HAD MADE SURE THE DOORS WERE
21 LOCKED

22 Q WHO IS JESSICA?

23 A I'M SORRY JESSICA COPE SHE'S THE YOUNGER
24 SISTER OF AMANDA COPE

25 Q AND IS SHE STILL LIVING?

000090

1 A SHE IS

2 Q ALL RIGHT GO AHEAD

3 A AND JUST A MERE STATEMENTS OF, HIS STATEMENTS,
4 HER STATEMENTS, AND I BELIEVE, AND THERE WAS NO SIGNS
5 OF FORCED ENTRY INSIDE THE HOUSE WE LOOKED AT THE
6 WINDOWS, WE TOOK PICTURES INSIDE AND OUTSIDE, AND WE
7 DID NOT SEE ANYTHING THAT APPEARED TO BE ANY TYPE OF
8 FORCED ENTRY INTO THE RESIDENCE

9 Q BASED ON, YOU INDICATED AT SOME POINT YOU
10 REACHED A DECISION TO PLACE MR COPE UNDER ARREST?

11 A THAT'S CORRECT

12 Q WHAT DID YOU DO, WAS HE INFORMED ORALLY OF THIS?

13 A YES, HE WAS

14 Q DID YOU HAVE A WARRANT RIGHT THERE READY TO
15 SERVE ON HIM --

16 A YES, SIR

17 Q AFTER YOU MADE THAT DECISION?

18 A AS A RESULT, YES, WE DID WE TOOK MR COPE
19 BACK --

20 Q WAIT LET ME ASK YOU AT THE TIME YOU MADE THE
21 DECISION, YOU AND LIEUTENANT WALDROP AND LES HERRING,
22 WERE THERE ANY OTHER PEOPLE INVOLVED IN THE
23 DECISION-MAKING PROCESS?

24 A CAPTAIN CHARLES CABANISS, OUR CAPTAIN, WHICH WAS
25 OVER THE DETECTIVES AT THE TIME OF THE INCIDENT

000091

1 Q WAS HE PRESENT AT THAT TIME?

2 A HE WAS NOT PRESENT PHYSICALLY, BUT WE CONTACTED
3 HIM BY TELEPHONE

4 Q ALL RIGHT AND ONCE THE DECISION WAS MADE TO
5 ARREST -- LET ME ASK YOU THIS, AT THE TIME THE
6 DECISION WAS MADE, OBVIOUSLY YOU DIDN'T HAVE A
7 WARRANT?

8 A CORRECT

9 Q IS THAT CORRECT?

10 A YES, SIR

11 Q WHAT DID YOU DO TO SECURE A WARRANT?

12 A I PHYSICALLY TYPED A WARRANT MYSELF AND WENT TO
13 SEE THE JUDGE THAT WAS ON CALL AT THE TIME WHICH WAS
14 MARGY MCNEELY

15 Q OKAY I'M SHOWING YOU, AND I PREVIOUSLY SHOWN
16 TO DEFENSE COUNSEL MR MORTON, DO YOU NEED TO EXAMINE
17 THIS AGAIN?

18 MR MORTON NO, SIR

19 Q I SHOW YOU A DOCUMENT AND ASK, CAN YOU IDENTIFY
20 THAT DOCUMENT?

21 A THAT IS A COPY OF THE WARRANT THAT I TYPED UP ON
22 MR COPE FOR THE CHARGE OF MURDER

23 Q THAT'S A COPY OF THE WARRANT THAT YOU OBTAINED
24 THAT EVENING?

25 A YES, SIR

1 MR BRACKETT YOUR HONOR, I ASK THIS BE
2 MARKED AS STATE'S EXHIBIT ONE FOR THE PURPOSES OF
3 THIS HEARING

4 THE COURT ANY OBJECTION?

5 MR MORTON NO, SIR, YOUR HONOR

6 (STATE'S EXHIBIT 1 WARRANT RECEIVED INTO
7 EVIDENCE)

8 Q NOW YOU JUST TESTIFIED THE ON-CALL JUDGE?

9 A CORRECT

10 Q OKAY WHERE DID YOU HAVE TO GO TO SEE JUDGE
11 MCNEELY?

12 A THE EAGLE'S APARTMENTS LOCATED OFF OF CHERRY
13 ROAD JUST OFF LATHAM DRIVE EAGLE'S PLACE LANDING

14 Q AND YOU TOOK THE ORIGINAL OF THIS WARRANT WITH
15 YOU?

16 A YES, SIR, I DID

17 Q WITH THE TRIPLICATE OR THE QUADRUPLICATE OR
18 HOWEVER MANY COPIES YOU HAD JUST TYPED UP?

19 A YES, SIR

20 Q ALL RIGHT AND DO YOU REMEMBER APPROXIMATELY
21 WHAT TIME THIS WAS?

22 A IT WOULD HAVE BEEN BEFORE 4 21 A M AND THE
23 REASON I KNOW THAT IS BECAUSE THAT'S THE TIME MR
24 COPE WAS BOOKED IN FOR THE CHARGE OF MURDER, SO IT
25 WOULD HAVE BEEN BETWEEN 3 A M AND 4 21 A M THAT

1 MORNING

2 Q WHERE WAS MR COPE TAKEN WHILE YOU WERE GETTING
3 THIS WARRANT SIGNED?

4 A HE WAS TAKEN TO THE HOLDING AREA BACK IN THE
5 JAIL AREA OF THE ROCK HILL POLICE DEPARTMENT

6 Q SO HE WAS PLACED IN A CELL?

7 A HE WAS PLACED IN A CELL, CORRECT

8 Q DID YOU ORALLY INFORM HIM THAT YOU INTENDED TO
9 CHARGE HIM WITH MURDER?

10 A I DID NOT, YES--YES, WE DID I BELIEVE HE WAS
11 ADVISED AT THAT TIME

12 Q OKAY NOW WHEN YOU ARRIVED AT JUDGE MCNEELY'S
13 HOUSE, HAD YOU CALLED AHEAD?

14 A YES, WE DID BECAUSE SHE WAS THE JUDGE, IT WAS
15 AFTER HOURS, AND WE HAD TO CONTACT THE JUDGE THAT WAS
16 ON CALL

17 Q SO SHE WAS EXPECTING YOU?

18 A CORRECT

19 Q DID YOU ENTER HER HOME?

20 A YES, I DID

21 Q AND WOULD YOU RELATE TO THE COURT THE
22 CIRCUMSTANCES SURROUNDING JUDGE MCNEELY'S SIGNING AND
23 ISSUING THIS MURDER WARRANT WHAT TOOK PLACE IN HER
24 HOME?

25 A I PROVIDED HER WITH THE CIRCUMSTANCES

1 SURROUNDING THE EVENTS, THE PRELIMINARY
2 INVESTIGATION, AND THE TOTALITY OF THE CIRCUMSTANCES,
3 BASICALLY WHAT I JUST TOLD YOU THAT WE HAD HAD,
4 AMANDA COPE WAS DEAD, THAT THE ONLY PEOPLE THAT WERE
5 PRESENT IN THE HOUSE WAS BILLY COPE AND HIS TWO
6 DAUGHTERS JESSICA COPE AND KYLA COPE, AND THERE WAS
7 NO SIGNS OF FORCED ENTRY INSIDE THE RESIDENCE OR
8 OUTSIDE THE RESIDENCE, AND FROM THE AUTOPSY FINDINGS
9 FROM THE INJURIES THAT HAD BEEN INFLICTED UPON
10 MISS AMANDA COPE, MR COPE WAS THE ONLY ADULT MALE IN
11 THE HOUSE AT THE TIME AND THAT AMANDA COPE'S TWO
12 YOUNGER SISTERS WERE NOT CAPABLE AT THAT TIME OF
13 INFLICTING THOSE TYPE OF BODILY INJURIES I THINK
14 ALSO FROM THE DSS INTERVIEWS I THINK I TOLD
15 MS MCNEELY ABOUT THOSE PRELIMINARY OF COURSE AND
16 Q WHAT WAS THE GIST OF THE DSS INTERVIEWS THAT WAS
17 OF INTEREST TO YOU AS A POLICE OFFICER?
18 A THE INCONSISTENT STATEMENTS THAT MR COPE, I
19 BELIEVE, HAD SAID TO HIM AND TO US THERE WAS
20 SEVERAL DIFFERENT THINGS THAT MR COPE, I THINK ONE
21 OF THEM THAT WAS OF INTEREST, WHEN HE SAID, HE WAS
22 ASKED WHAT TIME HIS CHILDREN WENT TO BED AND HE SAID
23 AROUND 8 30, 9 30, AND 10 30 AND I THINK HE TOLD US
24 THE CHILDREN DIDN'T GO TO BED UNTIL LIKE ONE A M
25 THAT MORNING

000095

1 Q OKAY AND YOU RELATED THIS TO JUDGE MCNEELY?
2 A YES, I DID
3 Q NOW PRIOR TO RELATING THIS, DOES SHE DO
4 ANYTHING?
5 A SHE ASKED ME DID I SWEAR OR AFFIRM THAT THIS WAS
6 THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH
7 SO HELP ME GOD OF COURSE, I AFFIRMED
8 Q SO SHE PLACED YOU UNDER OATH?
9 A YES, SIR
10 Q AND THEN YOU RELATED THE INFORMATION?
11 A YES, SIR
12 Q AND YOU TENDERED THIS WARRANT TO HER?
13 A YES, SIR
14 Q AND SHE SIGNED IT?
15 A YES, SIR
16 Q ALL RIGHT WHAT DID YOU DO WITH THE WARRANT
17 AFTER?
18 A I THEN TOOK THE WARRANT BACK TO THE POLICE
19 DEPARTMENT AND LIEUTENANT HERRING I BELIEVE SERVED
20 THE WARRANT ON MR COPE
21 Q OKAY DID YOU SEE MR COPE AT THAT TIME? DID
22 YOU GO BACK INTO WHERE HE WAS BEING HELD AND ACTUALLY
23 SEE HIM?
24 A I DID
25 Q OKAY WAS HE AWAKE OR SLEEPING?

000096

1 A I BELIEVE HE WAS SLEEPING

2 Q OKAY NOW YOU SAID BEFORE SOMETHING ABOUT 4 21

3 A M BEING BOOKED IN?

4 A YES

5 Q WHAT DO YOU MEAN BY BOOKED IN?

6 A I'M SORRY THAT'S WHEN HE WAS BOOKED IN FOR THE
7 CHARGE OF MURDER INTO THE JAIL

8 Q WHAT DOES BOOKING IN ENTAIL?

9 A IT'S WHEN HE IS BROUGHT IN, FINGERPRINTED,
10 PHOTOGRAPHED, AND HE'S OFFICIALLY CHARGED WITH A
11 CRIME

12 Q SO WAS THAT DONE, WAS HE WOKEN TO HAVE THAT DONE
13 OR WAS THAT, WOULD THAT HAVE BEEN DONE BEFORE HE WENT
14 TO SLEEP OR?

15 A WELL, I REALLY CAN'T SAY

16 Q OKAY

17 A I REALLY DON'T

18 Q OKAY WHAT DID YOU DO AFTER YOU RETURNED TO THE
19 STATION WITH THE WARRANT?

20 A LIKE I SAID I GAVE THE WARRANT TO LIEUTENANT
21 HERRING AND HE SERVED THE WARRANT AND I STARTED ON
22 THE ADDITIONAL WARRANTS THAT I KNEW THAT I WOULD HAVE
23 TO HAVE WHICH WOULD HAVE BEEN FOR THE CHARGES OF
24 UNLAWFUL NEGLECT OR CONDUCT TOWARDS A CHILD FOR THE
25 CHILDREN BECAUSE THE CHILDREN WERE TAKEN INTO

000097

1 EMERGENCY PROTECTIVE CUSTODY BY MYSELF AND I KNEW
2 THAT DSS HEARINGS WOULD BE COMING UP WITHIN 72 HOURS
3 AND I KNEW THAT I HAD TO GET THE PAPERWORK FINISHED
4 SO I COMPLETED THOSE WARRANTS

5 Q AND I'M SHOWING YOU THREE DOCUMENTS THAT APPEAR
6 TO BE ARREST WARRANTS THAT ARE H023260, H023259, AND
7 H023263 AND ASK IF YOU CAN TAKE A LOOK AT THOSE THREE
8 DOCUMENTS AND DO YOU RECOGNIZE WHAT THOSE ARE?

9 A YES, SIR THESE ARE THE WARRANTS, COPIES OF THE
10 WARRANTS, THAT I TYPED UP ON MR COPE ON THE CHARGES
11 OF UNLAWFUL NEGLECT TOWARDS A CHILD

12 Q WHICH JUDGE SIGNED THOSE?

13 A THIS WOULD HAVE BEEN JUDGE DOLORES WILLIAMS
14 WHICH WOULD HAVE BEEN IN THE A M HOURS OF THAT
15 MORNING

16 Q DO YOU REMEMBER GETTING THOSE WARRANTS SIGNED BY
17 JUDGE WILLIAMS?

18 A YES, SIR, I DID

19 Q OKAY AND APPROXIMATELY WHAT TIME, BEST GUESS?

20 A I REALLY DON'T KNOW, BUT IT WOULD HAVE BEEN
21 EARLY MORNING HOURS BECAUSE SHE COMES IN AT 8 O'CLOCK
22 AND I KNOW IT WOULD HAVE BEEN ONE OF THE FIRST THINGS
23 THAT I WANTED TO GET DONE

24 Q WERE THEY SERVED ON MR COPE THAT MORNING AS
25 WELL?

000098

1 A THAT'S CORRECT, THEY WERE

2 Q AND WERE THEY, DO YOU RECALL, CAN YOU RECALL MR
3 COPE BEING TRANSPORTED TO BE INTERVIEWED BY DETECTIVE
4 MIKE BAKER WITH THE SHERIFF'S DEPARTMENT?

5 A YES, THAT'S CORRECT

6 Q AND DO YOU RECALL WHETHER OR NOT THESE WARRANTS
7 WERE SERVED PRIOR TO HIS BEING TRANSPORTED TO THE
8 MOSS JUSTICE CENTER OR NOT?

9 A THIS WAS BEFORE HE WENT TO THE MOSS JUSTICE
10 CENTER, THAT IS CORRECT

11 MR BRACKETT YOUR HONOR, I ASK THAT, I
12 HAVE PREVIOUSLY SHOWN THESE TO MR MORTON AND IF
13 THESE CAN BE APPENDED TOGETHER AND MARKED AS STATE'S
14 EXHIBIT TWO

15 MR MORTON NO OBJECTION

16 (STATE'S EXHIBIT TWO WARRANTS IN EVIDENCE)

17 Q DO YOU KNOW WHO WOULD HAVE SERVED THESE ON MR
18 COPE, WHO DOES IT SAY?

19 A THIS WOULD HAVE BEEN VERNON HARMON WHICH WOULD
20 HAVE BEEN THE JAIL SUPERVISOR AT THE TIME

21 Q SO THEY WERE SERVED ON HIM IN THE JAIL?

22 A THAT'S CORRECT

23 Q OKAY THANK YOU VERY MUCH, DETECTIVE

24 BLACKWELDER PLEASE ANSWER ANY QUESTIONS DEFENSE
25 COUNSEL MAY HAVE ON THIS ISSUE

1 CROSS EXAMINATION BY MR MORTON

2 Q DETECTIVE BLACKWELDER, WHAT YOU ARE TELLING ME
3 IS THAT IF I WAKE UP IN THE MORNING AND MY DAUGHTER
4 HAS BEEN MURDERED AND RAPED IN MY HOUSE AND I TELL
5 YOU THAT MY HOUSE WAS LOCKED WHEN I WENT TO BED THAT
6 THAT'S PROBABLE CAUSE TO CHARGE ME WITH MURDER?

7 A NO, SIR

8 Q IT'S NOT?

9 A NO, SIR

10 Q WELL, THEN WHAT ELSE DID YOU HAVE TO CHARGE
11 BILLY COPE WITH MURDER?

12 A THE EVIDENCE OF THE INJURIES THAT AMANDA COPE
13 HAD SUSTAINED ABOUT HER BODY

14 Q BY WHOM?

15 A ADMISSION FROM MR COPE HIMSELF

16 Q ADMISSION FROM MR COPE THAT WHAT?

17 A THAT HE MURDERED HIS DAUGHTER

18 Q BUT YOU DIDN'T HAVE THAT AT THREE O'CLOCK IN THE
19 MORNING ON THE 29, DID YOU?

20 A NO, SIR, I DIDN'T

21 Q YOU DIDN'T KNOW ANYTHING ABOUT JAMES SANDERS AT
22 THREE O'CLOCK IN THE MORNING ON THE 29?

23 A NO, SIR

24 Q WHAT YOU KNEW ON THE 29 WAS THAT AMANDA COPE HAD
25 BEEN MURDERED, RIGHT?

1 A CORRECT

2 Q THAT BILLY COPE WAS THE ONLY ADULT MALE IN THE
3 HOUSE?

4 A CORRECT

5 Q AND THAT HE TOLD YOU THAT HE LOCKED THE DOORS
6 THE NIGHT BEFORE, RIGHT?

7 A CORRECT

8 Q AND BASED ON THAT INFORMATION YOU GOT A WARRANT
9 FOR HIM FOR MURDER?

10 A BASED ON THAT INFORMATION ALONG WITH THE
11 INJURIES THAT WERE PRESENT ON MISS AMANDA COPE'S
12 BODY

13 Q WHAT INFORMATION DID YOU HAVE THAT HE HAD DONE
14 THIS? IN FACT, HE HAD DENIED IT FOR ALMOST 24 HOURS

15 A UH-HUH

16 Q SO --

17 A THERE WAS NO --

18 Q ---IF I MIGHT, IF I COULD DRAW YOUR ATTENTION TO
19 THE MURDER WARRANT?

20 A YES, SIR

21 Q OKAY

22 A YES, SIR

23 Q IT STATES THAT, I FURTHER STATE THERE IS
24 PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT NAMED
25 ABOVE DID COMMIT THE CRIME SETFORTH AND PROBABLE

1 CAUSE IS BASED ON THE FOLLOWING FACTS THE DEFENDANT
2 DID VIOLATE SOUTH CAROLINA CODE SECTION 16-3-10 BY
3 MURDERING AMANDA COPE WHILE AT 407 RICH STREET?

4 A UH-HUH

5 Q AND THAT THE VICTIM WAS THE DEFENDANT'S DAUGHTER
6 AND 12 YEARS OLD AT THE TIME NOW TELL ME WHAT IN
7 THAT STATEMENT STATES THE PROBABLE CAUSE FOR
8 ARRESTING MR BILLY COPE?

9 A THE INTERVIEWS THAT LIEUTENANT HERRING AND
10 LIEUTENANT WALDROP HAD WITH MR COPE PRIOR TO HIS
11 ARREST WAS SOME INCONSISTENT STATEMENTS HE HIMSELF
12 TOLD US THERE WAS NO ONE ELSE PRESENT IN THAT HOUSE
13 THERE WAS NO SIGNED OF FORCED ENTRY IN THE HOUSE
14 YOU HAVE THE UNLAWFUL TAKING OF ANOTHER HUMAN BEING'S
15 LIFE THERE AGAIN, KYLA AND JESSICA COPE WERE NOT
16 CAPABLE OF INFLECTING THE INJURIES THAT SHE HAD ABOUT
17 HER PERSON AT THE TIME OF THIS MURDER

18 Q SO YOU CHARGED BILLY COPE JUST KIND OF BY THE
19 PROCESS OF ELIMINATION?

20 A (NO RESPONSE)

21 Q YOU SAID, WELL, I GUESS KYLA AND JESSICA
22 COULDN'T DO IT IT HAD TO BE HER DAD HE'S CHARGED
23 WITH MURDER BECAUSE HE'S HER DAD?

24 A NO, SIR

25 Q RIGHT? CHARLENE BLACKWELDER, YOU'VE

000102

1 INVESTIGATED MANY RAPES AND BURGLARIES?

2 A YES, SIR

3 Q HAVE YOU NOT?

4 A YES, SIR

5 Q AND IT'S QUITE POSSIBLE FOR SOMEONE TO COME INTO
6 A HOUSE AND LEAVE NO SIGNS OF FORCED ENTRY, IS THAT
7 CORRECT? WOULD YOU AGREE WITH ME ON THAT?

8 A NO, SIR, I WOULDN'T AGREE

9 Q YOU WOULD NOT AGREE WITH THAT?

10 A NO, SIR

11 Q THAT ANY TIME THAT SOMEBODY IS IN SOMEONE ELSE'S
12 HOUSE ILLEGALLY, UNINVITED, OKAY, THAT THERE IS
13 ALWAYS SIGNS OF FORCED ENTRY, IS THAT WHAT YOU ARE
14 TELLING ME?

15 A MR MORTON, I'M NOT TRYING TO BE SARCASTIC, BUT
16 WHAT DOES THAT HAVE TO DO WITH THIS?

17 Q IT HAS A LOT TO DO WITH IT IF YOU WILL JUST
18 ANSWER MY QUESTION, IS THAT IN FACT THE CASE?

19 A NO, SIR, IT'S NOT

20 Q OKAY SO PEOPLE CAN'T COME IN YOUR HOUSE AND
21 THERE NOT BE ANY SIGNS OF FORCED ENTRY, CORRECT?

22 A IF YOU LET THEM IN, YES, SIR

23 Q WELL, YOU CAN PICK A LOCK, YOU CAN GET IN WITH A
24 SCREWDRIVER, OR A CREDIT CARD OR THROUGH A WINDOW OR
25 WHATEVER, DOESN'T HAVE TO BE ANY SIGNS OF FORCED

1 ENTRY, AND THAT HAPPENS ALL THE TIME

2 A IF YOU LET THEM IN, YES, SIR

3 Q NOT IF YOU LET THEM IN?

4 A WELL, THERE IS --

5 Q I'M TALKING ABOUT WHEN THEY COME IN UNINVITED?

6 A UH-HUH

7 Q CORRECT THAT'S CORRECT?

8 A THAT'S CORRECT

9 Q YOU AGREE WITH ME?

10 A NO, I DON'T AGREE WITH YOU BUT I'M ANSWERING
11 YOUR QUESTION

12 Q WELL, ANSWER MY QUESTION BECAUSE I WANT TO HEAR
13 YOU ANSWER IT

14 A USUALLY IF SOMEONE ENTERS A HOUSE ---

15 Q ---I'M NOT ASKING USUALLY?

16 A OKAY

17 Q I'M ASKING YOU IF YOU HAVE INVESTIGATED
18 BURGLARIES AND RAPES IN YOUR CAREER?

19 A UH-HUH

20 Q THERE ARE OCCASIONS IN WHICH THERE ARE NO SIGNS
21 OF FORCED ENTRY AND WHICH THE VICTIM DID NOT INVITE
22 THE PERSON IN, IS THAT TRUE OR FALSE?

23 A OKAY THAT'S TRUE

24 Q SO THERE AGAIN, THE PROBABLE CAUSE THAT YOU HAD
25 FOR ARRESTING BILLY COPE IS NOT STATED ON THIS

1 WARRANT ANYWHERE, WOULD YOU AGREE WITH ME ABOUT THAT?

2 A PART OF IT IS, YES, SIR

3 Q TELL ME WHAT PART ON THIS WARRANT

4 A YOU HAVE YOUR ELEMENTS OF THE WARRANT

5 Q I DON'T KNOW THAT THERE ARE ANY ELEMENTS ON HERE
6 BUT IF YOU CAN POINT THEM OUT TO ME I'LL BE CERTAINLY
7 WILLING TO LISTEN

8 A THE POLICE INVESTIGATION

9 Q WELL, IT DOESN'T SAY ANYTHING ABOUT WHAT THE
10 POLICE INVESTIGATION WAS I MEAN THAT'S --

11 A THAT'S CORRECT THAT'S CORRECT AND THEN THE
12 RECOVERY OF THE EVIDENCE WHICH IS CIRCUMSTANTIAL
13 EVIDENCE

14 Q THERE IS NOTHING OF THAT LISTED THAT ON THE BODY
15 OF THE WARRANT THOUGH, RIGHT?

16 A THAT'S CORRECT I DID NOT MENTION IT ON THE
17 BODY OF THE WARRANT BUT I DID VERBALLY MENTION IT TO
18 JUDGE MCNEELY WHEN I WAS IN THE PROCESS OF TRYING TO
19 OBTAIN THE WARRANT

20 Q AND WHAT YOU MENTIONED TO JUDGE MCNEELY WAS THAT
21 HE WAS THE ONLY ADULT MALE THERE AT THE HOME AND
22 THERE WAS NO FORCED ENTRY THAT YOU COULD DETERMINE AT
23 HIS HOUSE, RIGHT?

24 A AND BASED ON HIS STATEMENTS, YES, SIR

25 Q AND BASED ON HIS STATEMENTS OF DENIAL FOR ABOUT

1 24 HOURS THAT HE DIDN'T DO IT?

2 A CORRECT

3 Q NOW HOW DOES THAT GIVE YOU PROBABLE CAUSE? I'M
4 SORRY, MAYBE I'M --

5 A ASK JUDGE MCNEELY

6 Q OKAY DID YOU TAKE NOTE, YOU WERE THERE WHEN
7 LIEUTENANT HERRING AND LIEUTENANT WALDROP WHEN THEY
8 INTERVIEWED MR COPE THAT NIGHT?

9 A YES, SIR, I WAS

10 Q WERE YOU IN THE ROOM? WERE YOU IN AND OUT?

11 A I WAS IN AND OUT, CORRECT

12 Q AND WERE YOU MORE IN OR MORE OUT OR HOW MANY
13 TIMES DID YOU COME IN THERE?

14 A GOSH, I DON'T KNOW, MR MORTON I DIDN'T COUNT
15 THEM

16 Q BUT YOU WERE IN AND OUT?

17 A CORRECT

18 Q AND YOU WERE ON THE PHONE WITH CAPTAIN CABANISS?

19 A I THINK WE ALL WERE AT THAT TIME

20 Q AND HE WAS NOT IN TOWN AT THE TIME?

21 A CORRECT

22 Q OKAY AND WHO ULTIMATELY AUTHORIZED YOU TO GO
23 SEEK A WARRANT FROM JUDGE MCNEELY?

24 A MYSELF

25 Q YOU DID?

000106

1 A YES, SIR

2 Q YOU MADE THAT DECISION?

3 A WE ALL MADE THE DECISION TOGETHER, BUT I WAS THE

4 ONE THAT ACTUALLY PUT MYSELF DOWN AS THE AFFIANT IN

5 THE WARRANT

6 Q OKAY AND YOU WENT TO HER HOUSE?

7 A YES, SIR

8 Q AND IT WAS ABOUT THREE O'CLOCK IN THE MORNING,

9 RIGHT?

10 A YES, SIR, A LITTLE AFTER THREE A M I COULDN'T

11 GIVE YOU A SPECIFIC TIME

12 Q AND DID Y'ALL MEET IN HER KITCHEN OR DID YOU GO

13 IN THE HOUSE?

14 A WHEN YOU OPEN THE APARTMENT YOU WALK IN RIGHT

15 INTO HER KITCHEN AREA WHEN YOU OPEN THE FRONT DOOR

16 Q SO UNFORTUNATELY FOR HER YOU PROBABLY HAD TO

17 WAKE HER UP?

18 A YES, SIR

19 Q OKAY AND SHE GOT UP?

20 A YES, SIR

21 Q OKAY AND WAS ANYBODY ELSE PRESENT?

22 A NO, SIR

23 Q ANYBODY FROM HER FAMILY PRESENT?

24 A IF THEY WERE I DID NOT SEE THEM

25 Q OKAY AND I THINK YOU STATED THAT SHE SWORE YOU

000107

1 IN?
2 A YES, SIR
3 Q OKAY AND THEN YOU TOLD HER WHAT YOU TOLD
4 MR BRACKETT ON DIRECT AS TO THE PROBABLE CAUSE?
5 A THAT'S CORRECT
6 Q OKAY THEN YOU WENT BACK TO THE POLICE STATION?
7 A UH-HUH
8 Q YOU GAVE THE WARRANT TO LIEUTENANT HERRING?
9 A CORRECT
10 Q WHO SERVED THE WARRANT ON MR COPE?
11 A CORRECT
12 Q OKAY AND HE WAS BOOKED IN AT 4 21 ON THE
13 CHARGE OF MURDER?
14 A CORRECT
15 Q IS THAT RIGHT?
16 A YES
17 Q NOW I BELIEVE YOUR TESTIMONY WAS THAT, DID YOU
18 SAY YOU STAYED AT THE ROCK HILL POLICE STATION ALL
19 NIGHT THAT NIGHT?
20 A YES
21 Q OKAY AND THAT LATER THAT MORNING YOU WENT TO
22 JUDGE WILLIAMS, RIGHT?
23 A CORRECT
24 Q OKAY AND TO OBTAIN WARRANTS FOR UNLAWFUL
25 NEGLECT, IS THAT RIGHT?

000108

1 A CORRECT

2 Q AND WHERE, WAS JUDGE WILLIAMS AT WORK AT THE
3 ROCK HILL POLICE STATION?

4 A YES, SHE WAS AT WORK IN THE MUNICIPAL COURT

5 Q DOES SHE STILL WORK THERE?

6 A YES, SIR

7 Q AND YOU WENT TO HER AND YOU TALKED TO HER ABOUT
8 THESE WARRANTS FOR UNLAWFUL NEGLECT?

9 A YES

10 Q AND YOU SAID THAT WAS ABOUT 8 O'CLOCK?

11 A SOMEWHERE AROUND 8 O'CLOCK, YES

12 Q WHY DIDN'T YOU TAKE THAT UP WITH MARGY MCNEELY,
13 THE ON-CALL MAGISTRATE, AT THREE O'CLOCK IN THE
14 MORNING?

15 A THAT WASN'T MY MAIN CONCERN AT THAT PARTICULAR
16 POINT IN TIME I KNEW THAT MR COPE WAS DETAINED,
17 PLACED UNDER ARREST FOR MURDER, SO HE WAS NOT GOING
18 ANYWHERE

19 Q HE WAS SECURE, HE WASN'T GOING ANYWHERE?

20 A CORRECT

21 Q OKAY AND SO YOU DIDN'T ASK MS MCNEELY AT THAT
22 TIME FOR WARRANTS FOR UNLAWFUL NEGLECT?

23 A NO, SIR

24 Q OKAY NOW DO YOU KEEP NOTES OF WHAT YOU DID AND
25 WHEN YOU DID IT?

000109

1 A YES, SIR

2 Q DO YOU HAVE NOTES AS TO WHEN YOU SERVED THESE

3 WARRANTS ON MR COPE FOR MURDER OR UNLAWFUL NEGLECT?

4 A NO, SIR

5 Q OKAY DOES THE MAGISTRATE KEEP NOTES TO YOUR

6 KNOWLEDGE?

7 A I WOULDN'T HAVE ANY WAY OF KNOWING THAT

8 Q OKAY SO YOU DON'T KNOW WHETHER THE MAGISTRATE

9 KEPT NOTES OF WHEN YOU GOT THESE WARRANTS FROM THEM?

10 A NO, SIR

11 Q OKAY YOU DIDN'T SIGN ANYTHING?

12 A NO, SIR

13 Q OKAY YOU SIGNED THE WARRANTS OBVIOUSLY?

14 A THE WARRANTS, YES, SIR

15 Q BUT WHEN YOU GO AND SWEAR BEFORE A MAGISTRATE

16 THERE IS NOT SOME OFFICIAL RECORDING OF WHEN YOU CAME

17 AND SO FORTH?

18 A THEY HAVE A NEW PROCEDURE NOW WHERE YOU DO SO,

19 BUT IN 2001 I DO NOT RECALL HAVING TO SIGN ANYTHING

20 Q WAS ANYBODY ELSE PRESENT WITH YOU WHEN YOU WENT

21 TO JUDGE WILLIAMS?

22 A NO, SIR

23 Q OKAY IF I MIGHT CAN YOU TELL ME, DETECTIVE

24 BLACKWELDER, AND CLEAR UP SOMETHING ABOUT THE RETURN

25 FOR ME ON THE MURDER WARRANT, WHO IS THE LAW

000110

1 ENFORCEMENT OFFICER, IS THAT LIEUTENANT HERRING?

2 A YEAH

3 Q THAT'S LIEUTENANT HERRING'S SIGNATURE?

4 A CORRECT

5 Q THAT'S LIEUTENANT HERRING'S SIGNATURE ON ALL OF
6 THESE ON THE MURDER WARRANT H023255 WARRANT FOR
7 MURDER IT INDICATES THAT THE WARRANT WAS SERVED ON
8 MR COPE ON 11/30/01 BY LIEUTENANT HERRING, IS THAT
9 RIGHT?

10 A YES, SIR

11 Q THERE IS NOT A PLACE IN THERE FOR ANY KIND OF
12 TIME OR ANYTHING, CORRECT?

13 A NO, SIR

14 Q AND THE MURDER WARRANT WAS SIGNED BY JUDGE
15 MCNEELY ON 11/30/01?

16 A YES, SIR

17 Q OKAY AND THE SAME IS TRUE EXCEPT FOR THE
18 JUDGES ARE DIFFERENT?

19 A YES, SIR

20 Q LET ME ASK YOU THIS, ON THE UNLAWFUL NEGLECT
21 TOWARD A MINOR CHILD THREE COUNTS 023259, 260, AND
22 263 WHY WOULD, WHY WOULD THERE BE A SKIP BETWEEN 60
23 AND 63?

24 A WE HAVE, WE KEEP OUR WARRANTS BACK IN THE
25 DETECTIVE DIVISION AND SOMETIMES FOR ANY UNKNOWN

000111

1 REASON AN OFFICER MAKES A MISTAKE THE WARRANT IS
2 VOIDED, AND IT'S LAID IN A DIFFERENT LOCATION AS TO
3 THESE WARRANTS THAT COULD EXPLAIN THE SKIP

4 Q OKAY SO THE MURDER WARRANT IS 255, THE OTHER
5 WARRANTS ARE 259, 260, AND 263, IS THAT RIGHT?

6 A MAY I SEE THOSE?

7 Q YES

8 A THANK YOU THAT'S CORRECT

9 Q OKAY AND THE RETURN ON THE UNLAWFUL NEGLECT
10 CHARGES WAS SIGNED BY SOMEONE THAT I DON'T KNOW WHO
11 THAT IS, WHO IS THAT?

12 A SERGEANT VERNON HARMAN OF THE ROCK HILL POLICE
13 DEPARTMENT

14 Q OKAY SO HE WAS THE ONE WHO SERVED THOSE
15 WARRANTS ON MR COPE?

16 A THAT MORNING

17 Q THAT MORNING?

18 A YES, SIR

19 Q OKAY NOW AFTER YOU GOT THE WARRANTS FROM JUDGE
20 WILLIAMS THAT MORNING, WHAT DID YOU DO WITH THEM?

21 A I TOOK THEM BACK TO THE JAIL TO BE SERVED ON MR
22 COPE

23 Q DID YOU GO STRAIGHT FROM HER OFFICE BACK TO THE
24 JAIL?

25 A YES, SIR, I DID BECAUSE MR HARMAN WAS THERE

1 Q AND SERGEANT HARMON WORKS IN THE JAIL?

2 A YES, SIR

3 Q AND YOU GAVE SERGEANT HARMON THAT MORNING?

4 A YES, SIR

5 Q OKAY AND WERE YOU THERE WHEN HE SERVED THEM ON
6 MR COPE?

7 A I DON'T THINK SO

8 Q YOU THINK YOU JUST DROPPED THEM OFF?

9 A PROBABLY, YES, SIR

10 Q OKAY AND YOU THINK THAT WAS ABOUT 8 O'CLOCK?

11 A SOMEWHERE AROUND THERE, YES, SIR

12 Q OKAY

13 A GIVE OR TAKE SOME TIME

14 Q WERE YOU INVOLVED IN ANY OF THE OTHER INTERVIEWS
15 THAT DAY WITH MR COPE?

16 A NO, SIR

17 Q SO WHEN DETECTIVE BURRIS INTERVIEWED HIM AT 9
18 O'CLOCK THAT MORNING YOU WEREN'T A PART OF THAT
19 INTERVIEW?

20 A NO, SIR

21 Q AND WHEN DETECTIVE BURRIS AND LIEUTENANT HERRING
22 INTERVIEWED HIM AT 12 40 YOU WEREN'T A PART OF THAT
23 INTERVIEW?

24 A NO, SIR

25 Q AND AS FAR AS THE INTERVIEW THAT OCCURRED THAT

1 NIGHT ABOUT 10 30 OR SO BY LIEUTENANT HERRING AND
2 WALDROP YOU WERE IN AND OUT?

3 A CORRECT --

4 Q WHO ELSE WAS IN AND OUT?

5 A THAT'S IT

6 Q OKAY

7 MR MORTON I BEG THE COURT'S INDULGENCE

8 Q DETECTIVE BLACKWELDER, YOU WEREN'T WITH, AS I
9 UNDERSTAND IT JUST TO CLARIFY THIS POINT -- MR COPE
10 CALLED 911 THAT MORNING, RIGHT?

11 A UH-HUH

12 Q HE CAME TO THE POLICE STATION THAT MORNING AND
13 WAS INTERVIEWED BY DETECTIVE WILLIE BURRIS?

14 A CORRECT

15 Q HE WENT TO THE HOSPITAL AND HAD BLOOD, SALIVA
16 SAMPLES DRAWN?

17 A CORRECT

18 Q CAME BACK TO THE POLICE STATION AND TALKED TO
19 LIEUTENANT HERRING AND DETECTIVE BURRIS AGAIN AT
20 ABOUT 12 40?

21 A YES, SIR

22 Q AND THEN WAS ALLOWED TO GO HOME?

23 A YES, SIR

24 Q OKAY THEN LATER THAT EVENING AT AROUND 10 OR
25 10 30 HE WAS AT HOME WHEN HE WAS PICKED UP I BELIEVE

1 BY LIEUTENANT WALDROP AND LIEUTENANT HERRING, IS THAT
2 RIGHT?

3 A CORRECT

4 Q YOU WEREN'T WITH THEM WHEN THEY PICKED HIM UP OR
5 ANYTHING?

6 A NO, SIR

7 Q OKAY THEY GO TO HIS HOUSE, THEY PICK HIM UP,
8 THEY BRING HIM BACK TO THE POLICE STATION?

9 A YES, SIR

10 Q OKAY IS YOUR TESTIMONY THAT HE WAS FREE TO
11 LEAVE AT THAT POINT OR AT WHAT POINT WAS HE NOT FREE
12 TO LEAVE, JUST AFTER THE INTERVIEW?

13 A WHEN HE WAS ARRESTED THAT'S WHEN, THAT'S THE
14 POINT WHERE HE WAS NOT FREE TO LEAVE

15 Q SO AT THE END OF THE INTERVIEW HE WOULD HAVE
16 BEEN, IF HE HAD SAID, OH, LOOK FELLOWS, I'VE ENJOYED
17 IT, I'M GOING TO GO HOME, AND GET SOME SLEEP?

18 A HE WAS FREE

19 Q THAT WOULD HAVE BEEN FINE?

20 A YES, SIR

21 Q OKAY

22 MR MORTON THAT'S ALL I HAVE

23 THE COURT REDIRECT

24 REDIRECT EXAMINATION BY MR BRACKETT

25 Q DETECTIVE BLACKWELDER, WHAT WAS YOUR

1 UNDERSTANDING AT THAT POINT IN THE INVESTIGATION OF
2 WHO, WHAT OTHER ADULTS WERE IN THE HOUSE THAT NIGHT?

3 A NONE

4 Q OKAY AND I WANT YOU, SO THE JUDGE CAN GET AN
5 IDEA OF WHERE AMANDA COPE WAS ASSAULTED, WAS THIS A
6 VIOLENT ASSAULT UPON A PERSON?

7 A YES, SIR, BY ALL MEANS

8 Q I WANT YOU TO TELL ME WHEN TO STOP WHEN I AM AS
9 FAR AWAY FROM YOU AS BILLY COPE WAS AS HE LAY
10 SLEEPING IN HIS BED FROM AMANDA COPE'S BED?

11 A OKAY

12 Q APPROXIMATELY, GIVE ME YOUR BEST ESTIMATE

13 A FROM HIS BED TO WHERE SHE WAS ACTUALLY IN BED?

14 Q FROM WHERE SHE LAY IN HER BED TO WHERE HE LAY IN
15 HIS BED, APPROXIMATELY WHAT DISTANCE WOULD YOU?

16 A OKAY

17 Q OKAY, STOP?

18 A NO, I'M SORRY YOU ARE GO BACKWARDS I THOUGHT
19 YOU WERE COMING FORWARD

20 Q OKAY WELL, I CAN DO THAT TOO IS IT CLOSER TO
21 YOU?

22 A COME FORWARD IT'S CLOSER STOP NOT MUCH
23 MORE THAN THAT

24 Q BE SAFE TO SAY A DISTANCE OF ABOUT 12 TO 15
25 FEET?

1 A YES

2 Q DESCRIBE THE CONDITION OF THE HOUSE?

3 A THERE WAS CLOTHES EVERYWHERE AND IN EVERY
4 SINGLE ROOM THERE WAS BUGS THERE WAS, THE BATHROOM
5 WAS, EVERYTHING WAS IN EXTREME ARRAY AS FAR AS YOU
6 HAD TO STEP OVER SOMETHING TO GET TO SOMETHING
7 THERE WAS SOME DRIED BUGS ON THE REFRIGERATOR, IN THE
8 REFRIGERATOR RIM THERE WAS CLOTHES EVERYWHERE THE
9 PLUMBING WASN'T, I THINK THERE WAS A PROBLEM WITH THE
10 PLUMBING IN THE BATHROOM AREA, HAD NOT BEEN FLUSHED
11 THERE WAS CATS INSIDE THE HOUSE JUST VERY, VERY
12 UNCLEAN

13 Q AND THE CONDITION OF THE CHILDREN? THE ONES
14 THAT WERE ALIVE?

15 A BASICALLY THE SAME BASICALLY THE SAME

16 Q AND YOU DESCRIBE THAT IN YOUR WARRANT?

17 A YES, SIR

18 Q AND THEN ALSO YOU DESCRIBE THAT IN, DID YOU GIVE
19 TESTIMONY AS BEST AS YOU CAN RECALL TO JUDGE
20 WILLIAMS?

21 A YES, SIR

22 Q WHEN YOU SECURED THE WARRANTS FOR UNLAWFUL
23 NEGLECT?

24 A YES, SIR

25 MR BRACKETT COURT'S INDULGENCE ONE

1 MOMENT

2 Q AS A RESULT OF YOUR PRESENCE IN THE HOUSE DURING
3 THE INVESTIGATION AND GOING IN AND OUT OF THE HOUSE,
4 DID YOU PERSONALLY HAVE TO, HOW DID YOU HAVE TO CLEAN
5 YOURSELF AFTER?

6 A I WENT HOME, YOUR HONOR, NO OFFENSE TO ANYONE,
7 BUT I BURNT MY CLOTHES BECAUSE I DID NOT WANT TO TAKE
8 THEM INSIDE MY RESIDENCE BECAUSE THE HOUSE DID HAVE
9 LICE INFESTATION, SO I DIDN'T WANT TO TAKE ANY
10 CHANCES OF BRINGING THE LICE INFESTATION INTO MY OWN
11 HOME

12 Q TO YOUR KNOWLEDGE DID THE GIRLS HAVE LICE?

13 A THEY DID

14 MR BRACKETT NO FURTHER QUESTIONS

15 MR MORTON JUST A COUPLE FOLLOW UP

16 QUESTIONS

17 RE CROSS EXAMINATION BY MR MORTON

18 Q DID YOU EVER HAVE LICE IN YOUR FAMILY BEFORE?

19 A NO, SIR

20 Q NOBODY IN YOUR FAMILY HAS EVER HAD LICE?

21 A NOT TO MY KNOWLEDGE, NO, SIR

22 Q ALL RIGHT YOU WERE, YOU WENT TO THE HOUSE THAT
23 MORNING?

24 A YES, SIR

25 Q AND YOU WENT IN?

000118

1 A YES, SIR

2 Q AND JESSICA AND KYLA'S ROOM WAS ABOUT THE SAME

3 DISTANCE AS BILLY COPE'S ROOM, CORRECT?

4 A YES, SIR

5 Q CLOSER TO AMANDA'S ROOM IN PROXIMITY?

6 A IF YOU ARE WALKING, THIS IS THE FRONT DOOR RIGHT

7 HERE, MR COPE'S ROOM WAS THAT WAY, A LITTLE HALLWAY,

8 A LIVING ROOM, JESSICA AND KYLA'S BEDROOM, AMANDA'S,

9 AND THEN THE BATHROOM

10 Q HOW FAR WERE JESSICA AND KYLA'S?

11 A ROOM BE FROM AMANDA'S?

12 Q RIGHT

13 A 5 FEET MAYBE

14 Q OKAY DID THEY REPORT HEARING ANYTHING THAT

15 NIGHT?

16 A JESSICA STATED THAT SHE THOUGHT SHE HEARD AMANDA

17 COUGH THAT NIGHT

18 Q OKAY THEY DIDN'T HEAR ANYTHING ELSE?

19 A NO, SIR

20 Q AND YOU, OF COURSE, ARE AWARE THAT BILLY COPE

21 SLEEPS WITH WHAT WE CALL A CPAP MACHINE BECAUSE HE'S

22 GOT SLEEP APNEA?

23 A YES, SIR

24 Q AND THAT'S A MACHINE THAT YOU WEAR ON YOUR HEAD

25 THAT BLOWS OXYGEN INTO YOUR FACE?

1 A CORRECT

2 Q HE SLEEPS WITH THAT ALL NIGHT LONG IN FACT
3 Y'ALL TOOK THAT AND HE'S STILL GOT IT, RIGHT?

4 A CORRECT

5 Q OKAY AND HE ALSO HAS A FAN IN THE HOUSE,
6 RIGHT? THAT Y'ALL PHOTOGRAPHED AND SO FORTH, THE FAN
7 IN HIS ROOM, CORRECT?

8 A CORRECT

9 Q OKAY THAT HE TOLD YOU THAT BLOWS ALL NIGHT
10 LONG?

11 A UH-HUH

12 Q AND THE GIRLS ALSO HAD A FAN IN THEIR ROOM?

13 A I DO NOT RECALL SEEING A FAN IN THE GIRL'S ROOM

14 Q OKAY ALL RIGHT IF I SHOWED YOU PICTURES OF
15 THE FAN IN THEIR ROOM YOU COULDN'T DENY THE PICTURES?

16 A CORRECT

17 Q OKAY

18 MR MORTON THAT'S ALL I HAVE, YOUR

19 HONOR

20 THE COURT YOU CAN STEP DOWN THANK YOU

21 A THANK YOU, SIR

22 THE COURT YOU MIGHT NEED HER LATER

23 MR MORTON SHE CAN BE EXUSED TODAY

24 MR BRACKETT I CERTAINLY CAN'T SEE HOW WE
25 WILL GET TO HER

1 THE COURT YOU CAN BE EXCUSED BUT YOU ARE
2 STILL SUBJECT TO BEING RECALLED

3 A THANK YOU, SIR

4 MR BRACKETT THE STATE WOULD CALL MARGY
5 MCNEELY ACTUALLY, FOR THE RECORD, YOUR HONOR,
6 DETECTIVE BLACKWELDER IS OUR CHIEF INVESTIGATING
7 OFFICER SO FOR THE PURPOSES OF SEQUESTRATION WE WOULD
8 ASK SHE BE ALLOWED TO REMAIN

9 THE COURT SHE CAN REMAIN IN
10 MARGY MCNEELY, BEING FIRST
11 DULY SWORN, TESTIFIED AS FOLLOWS

12 DIRECT EXAMINATION BY MR BRACKETT

13 Q MA'AM, WOULD YOU PLEASE STATE YOUR FULL NAME AND
14 SPELL YOUR LAST FOR THE COURT REPORTER

15 A MARGY MCNEELY M-C-N-E-E-L-Y

16 Q THANK YOU, MA'AM WHERE ARE YOU EMPLOYED RIGHT
17 NOW?

18 A WINTHROP CAMPUS POLICE AND CATOE OF ROCK HILL

19 Q WHAT DO YOU DO FOR WINTHROP POLICE?

20 A COMMUNICATIONS

21 Q AND ARE YOU A POLICE OFFICER?

22 A NO, SIR

23 Q AND WHAT DO YOU DO FOR CATOE?

24 A ONE OF THE MANAGERS

25 Q AND THAT'S A CLOTHING STORE?

1 A YES

2 Q WOMAN'S CLOTHING?

3 A WOMAN'S CLOTHING

4 Q AND HOW LONG HAVE YOU BEEN WITH WINTHROP AND

5 CATOE?

6 A BEEN WITH CATOE GOING ON FOUR YEARS AND WITH

7 WINTHROP A YEAR THIS JANUARY

8 Q WERE YOU, WHO WAS YOUR EMPLOYER BACK IN NOVEMBER

9 2001?

10 A CITY OF ROCK HILL MUNICIPAL COURT

11 Q WHAT DID YOU DO FOR THEM?

12 A I WAS RECORDER WHICH IS A JUDGE

13 Q AND AS PART OF YOUR DUTIES AS A CITY RECORDER

14 WAS IT YOUR RESPONSIBILITY TO SIGN AND ISSUE ARREST

15 WARRANTS?

16 A YES

17 Q ALL RIGHT I'M SHOWING YOU WHAT'S BEEN MARKED

18 THE COURT HERE THEY ARE

19 Q I'M SHOWING YOU WHAT'S BEEN MARKED AS STATE'S

20 EXHIBIT ONE IT'S A COPY OF A MURDER WARRANT WOULD

21 YOU TAKE A LOOK AT THAT AND TELL US IF YOU RECOGNIZE

22 THAT DOCUMENT?

23 A YES

24 Q DOES YOUR SIGNATURE APPEAR ON THAT DOCUMENT?

25 A YES, IT DOES

000122

1 Q SO YOU ARE THE JUDGE WHO ISSUED THAT MURDER
2 WARRANT?

3 A YES, SIR

4 Q DO YOU REMEMBER THE CIRCUMSTANCES SURROUNDING
5 THE ISSUANCE OF THAT WARRANT?

6 A THAT THERE HAD BEEN --

7 THE COURT YOU ARE GOING TO HAVE TO SPEAK
8 UP A LITTLE

9 Q LET ME ASK YOU THIS WHO DOES IT SAY CAME TO
10 YOU AND APPLIED FOR THAT WARRANT, WHOSE NAME IS ON
11 THAT WARRANT AS THE POLICE OFFICER?

12 A CHARLENE BLACKWELDER

13 Q DO YOU REMEMBER DETECTIVE BLACKWELDER COMING TO
14 YOU AND ASKING YOU TO SIGN WARRANT?

15 A YES

16 Q WHERE WERE YOU WHEN SHE CAME TO YOU?

17 A USUALLY SHE CAME TO THE HOUSE I THINK I WAS AT
18 THE HOUSE IN THE MORNING

19 Q DO YOU REMEMBER WAS IT DAYTIME, NIGHTTIME?

20 A I JUST REMEMBER IT WAS DARK

21 Q IT WAS DARK?

22 A IT WAS EARLY

23 Q OKAY DO YOU REMEMBER HER DESCRIBING THE
24 PROBABLE CAUSE FOR THAT WARRANT?

25 A YES

000123

1 Q TO YOU? AND PRIOR TO TAKING TESTIMONY AND
2 SIGNING A WARRANT WHAT IS YOUR HABIT OR WHAT WAS IT,
3 YOU'RE NOT A JUDGE ANYMORE, WHAT WAS YOUR HABIT BACK
4 THEN?

5 A SWEARING THEM IN, TESTIMONY, SWEAR AND CONFIRM

6 Q DID YOU SWEAR DETECTIVE BLACKWELDER IN THAT
7 MORNING?

8 A I DID

9 Q ALL RIGHT AND DO YOU REMEMBER HER DISCUSSING
10 THE FACTS AND CIRCUMSTANCES OF THIS CASE? CAN YOU
11 REMEMBER HER DESCRIBING WHY IT WAS THAT SHE THOUGHT
12 BILLY COPE SHOULD BE CHARGED WITH MURDER

13 A THAT HE WAS AT THE SCENE AND THERE WAS NO OTHER
14 SIGNS OF ANYBODY COMING IN, EVERYTHING WAS SECURED,
15 HE WAS INSIDE THE RESIDENCE, AND THAT HE WAS THERE
16 AND THAT THERE WAS NO OTHER PERSON OTHER THAN TWO
17 OTHER LITTLE GIRLS THERE

18 Q OKAY NO OTHER ADULTS?

19 A NO OTHER ADULTS, NO, SIR

20 Q AND DID SHE DESCRIBE TO YOU HOW THEY CHECKED THE
21 HOUSE TO SEE IF THERE HAD BEEN ANY SIGNS OF A BREAK
22 IN?

23 A I THINK THE STATEMENT WAS GIVEN TO HER THAT
24 THERE WAS NO, NO, YOU KNOW, NO WINDOWS BROKEN, NO
25 DOORS BROKEN, OR ANYTHING ELSE LIKE THAT OR ANY OTHER

1 FORCED ENTRANCE

2 Q DID SHE TELL YOU ANYTHING THAT BILLY COPE THE
3 DEFENDANT HAD TOLD THE POLICE ABOUT LOCKING THE HOUSE
4 UP THE NIGHT BEFORE?

5 A I THINK HE WAS THE ONE THAT SECURED THE THINGS,
6 THE DOORS

7 THE COURT YOU DO NEED TO SPEAK UP

8 A I'M SORRY

9 Q THERE IS A MICROPHONE THERE YOU HAVE TO LEAN
10 FORWARD UNFORTUNATELY THAT CHAIR DOESN'T SCOOT SO
11 YOU HAVE TO LEAN INTO IT

12 A I'M SORRY

13 Q THAT'S ALL RIGHT WHAT DID SHE SAY THAT BILLY
14 COPE HAD SAID?

15 A THAT THE DOORS AND WINDOWS WERE SECURE

16 Q THAT BILLY COPE HAD TOLD THE POLICE THIS?

17 A UH-HUH

18 Q AND BASED ON WHAT YOU HEARD HER SAY DID YOU FEEL
19 THAT THERE WAS SUFFICIENT PROBABLE CAUSE TO ARREST
20 AND TAKE INTO CUSTODY MR BILLY COPE?

21 A I DID

22 Q AND DID YOU SIGN THAT WARRANT?

23 A I DID

24 Q AND RETURN IT TO HER?

25 A YES

000125

1 Q DID SHE DESCRIBE THE INJURIES THAT MISS AMANDA
2 COPE HAD SUSTAINED? DID SHE EXPLAIN TO YOU WHAT KIND
3 OF INJURIES THE CHILD HAD SUSTAINED?

4 A THEY WERE VERY SEVERE HEAD TRAUMA

5 Q OKAY DID SHE DESCRIBE ANY OF THE SEXUAL NATURE
6 OF ANY OF THE INJURIES?

7 A NO, OTHER THAN IT LOOKED LIKE THE ASSAULT HAD
8 TAKEN PLACE, THAT THERE HAD BEEN, YOU KNOW, SOME KIND
9 OF A SEXUAL, THAT SHE WAS LAYING LIKE IN THE BED AND
10 THEN SHE TURNED, I THINK, ON HER FACE I RECALL

11 Q OKAY DO YOU REMEMBER IF SHE TOLD YOU WHAT THE
12 CAUSE OF DEATH WAS?

13 A I DON'T RECALL

14 Q I'M SORRY?

15 A I DON'T RECALL SHE SAID WHICH OF THE INJURIES
16 ARE FROM THE OTHERS, OF THE ASSAULTS

17 Q OKAY

18 A TO THE HEAD MAYBE

19 Q ALL RIGHT WELL, THANK YOU VERY MUCH PLEASE
20 ANSWER ANY QUESTIONS MR MORTON HAS

21 CROSS EXAMINATION BY MR MORTON

22 Q MS MCNEELY, DID SHE CALL BEFORE SHE CAME?

23 A USUALLY DISPATCH

24 Q I'M SORRY?

25 A DISPATCH USUALLY PAGED ME AND I CALL BACK AND

000126

1 THEY TELL WHO NEEDS A WARRANT, WHO WAS ON THE WAY, OR
2 WHICH OFFICER IS IN NEED

3 Q OKAY DO YOU TAKE ANY NOTES OR RECORD ANYTHING?

4 A HUH

5 Q WHEN OFFICERS COME TO YOU OR WHEN YOU WERE THERE
6 WHEN OFFICERS CAME TO YOU FOR WARRANTS?

7 A WE WRITE DOWN THE TIME THEY CAME AND THE OFFICER
8 WHO CAME AND THE NATURE OF THE WARRANT

9 Q YOU DO WRITE THAT DOWN?

10 A YEAH

11 Q AND YOU TURN THAT IN, IS THAT KEPT IN A LOG
12 SOMEWHERE?

13 A IT WAS TURNED IN TO THE CLERK OF COURT WHICH IT
14 HAS TO DO WITH MY OVERTIME THAT I WAS PAID OVERTIME

15 Q I'M SORRY

16 A I WAS PAID OVERTIME TO COME

17 Q OVERTIME WHEN YOU WERE ON CALL?

18 A YES

19 Q OKAY SO TURNED INTO THE CLERK OF COURT AT ROCK
20 HILL CITY OR HERE?

21 A CITY

22 Q ROCK HILL CITY SO WHEN YOU WERE ON CALL AND AN
23 OFFICER COMES TO SEE YOU YOU MAKE A NOTE OF, DO YOU
24 MAKE NOTES OF THE CONTENTS OF THE CONVERSATION?

25 A WE JUST WRITE DOWN THE TIME, THE TIME THEY WERE

1 THAT THERE WERE, THE NATURE OF THE CALL, HOW LONG
2 THEY WERE THERE, WHAT TIME THEY PAGED ME, WHAT TIME
3 THEY LEFT, AND HAVE THEM INITIAL IT

4 Q BUT YOU DON'T WRITE DOWN ANY OF THE CONTENTS OF
5 THE CONVERSATION?

6 A NOT AT THAT TIME THAT I DIDN'T

7 Q I'M SORRY

8 A NOT AT THAT DURING THE NIGHT

9 Q WHAT ABOUT DURING THE DAY TIME DO YOU MAKE ANY
10 NOTES?

11 A USUALLY WE DO

12 Q DO YOU MAKE NOTES OR RECORD?

13 A WE DO

14 Q OR IS THERE ANY OBLIGATION ON YOU TO INDICATE
15 WHAT TIME AN OFFICER COME TO YOU FOR A WARRANT?

16 A IT'S, OTHER THAN THAT OVERTIME

17 Q OTHER THAN THAT YOU DON'T DO IT?

18 A AND DURING THE DAY AT THE OFFICE

19 Q RIGHT?

20 A CONVERSATIONS WERE TAPED AND THEY WERE SWORN IN
21 AND TAPED ON TAPE

22 Q THEY WERE?

23 A YES

24 Q WAS THAT THE PRACTICE OF ALL THE MAGISTRATE OR
25 ALL THE RECORDERS AT THE ROCK HILL CITY?

1 A IT SHOULD HAVE BEEN EVERYBODY SHOULD HAVE BEEN
2 DOING IT

3 Q SHOULD HAVE BEEN TAPE RECORDING THE
4 CONVERSATIONS AND SAVING THOSE TAPES?

5 A YES

6 Q AND WHERE WOULD THEY HAVE BEEN STORED?

7 A THEY WOULD HAVE BEEN STORED AND KEPT FOR SO LONG
8 AND THEN REUSED

9 Q KEPT FOR HOW LONG?

10 A I USUALLY KEPT MINE, THERE WAS NO TIME SET FOR
11 US TO KEEP THEM WE KEPT THEM UNTIL LIKE THE CASE,
12 IF THERE WAS A IMPORTANT CASE LIKE THIS, WE ATTACH IT
13 TO THE WARRANT LIKE SEARCH WARRANT OR THE WARRANT AND
14 GET A COPY OF IT AND KEEP IT, BUT AFTER AWHILE WE
15 WERE JUST USING THE TAPES OVER AND OVER

16 Q YOU WOULD KEEP IT UNTIL THE CASE WAS DISPOSED
17 OF?

18 A NO, SIR

19 Q WELL, HOW LONG WOULD YOU KEEP IT?

20 A WE WOULD JUST KEEP IT UNTIL WE NEED ANOTHER
21 TAPE

22 Q OKAY YOU ARE NO LONGER WITH THE ROCK HILL
23 COURT, IS THAT CORRECT?

24 A THAT'S CORRECT

25 Q WHAT ELSE DID YOU DO AT ROCK HILL MUNICIPAL

1 COURT OTHER THAN APPROVE WARRANTS AS MINISTERIAL
2 RECORDER? WHAT WERE YOUR OTHER JOB DUTIES?

3 A SIGN SUMMONS, SET UP THE COURT DOCKET, ASSIST
4 THE JUDGE IN LOTS OF HER CHORES, AND DID BOND, WAS
5 BOND, DOING BOND HEARINGS, AND JUST WHATEVER ELSE WAS
6 CALLED ON ME TO DO, SIR

7 Q WHAT KIND OF TRAINING DID YOU HAVE TO DO THAT?

8 A WE HAD TRAINING AT THE ACADEMY WE HAD TRAINING
9 IN THE, WE HAD TO TAKE THE BAR AND PASS IT

10 Q TAKE THE WHAT?

11 A THE BAR THERE IS A SUMMARY COURT JUDGE'S

12 Q IT IS AN EXAM THAT YOU HAVE TO TAKE?

13 A YES

14 Q HOW MUCH TRAINING DID YOU GET AT THE CRIMINAL
15 JUSTICE ACADEMY?

16 A WELL, I HAD FIVE YEARS OF TRAINING AND EVERY
17 YEAR WE HAD TO A CARRY AT LEAST 12 HOURS

18 Q YOU HAD FIVE YEARS OF TRAINING?

19 A LIKE 12 HOURS

20 Q 12 HOURS EVERY YEAR?

21 A UH-HUH

22 Q WHAT INITIAL TRAINING DID YOU HAVE THOUGH BEFORE
23 YOU GOT THE JOB?

24 A BEFORE I GOT THE JOB, I WAS WITH THE ROCK HILL
25 POLICE DEPARTMENT WORKING AS A COMMUNITY SERVICE

1 OFFICER

2 Q AS A WHAT?

3 A COMMUNITY SERVICE OFFICER

4 Q YOU WERE EMPLOYED BY THE ROCK HILL POLICE
5 DEPARTMENT?

6 A YES, SIR

7 Q MS MCNEELY, WHAT'S THE PROBABLE CAUSE ON THAT
8 WARRANT?

9 A PROBABLE CAUSE THE CRIME HAD BEEN COMMITTED,
10 IT'S GOT WHERE, AND THE EVIDENCE AT THE SCENE AND YOU
11 GOT WHO

12 Q WHAT DOES PROBABLE CAUSE MEAN TO YOU?

13 A PROBABLE CAUSE WOULD BE, YOU KNOW, WHO, A CRIME
14 BEING COMMITTED, WHERE AND WHY, HOW IT HAD BEEN
15 COMMITTED

16 Q DOES IT MEAN WHAT EVIDENCE THEY HAVE AGAINST
17 SOME PERSON THAT RISES TO THE LEVEL OF PROBABLE CAUSE
18 TO ARREST THAT PERSON?

19 A YEAH

20 Q AND DO YOU SEE ANY OF THAT ON THAT WARRANT?

21 A THERE IS MOST OF IT

22 Q WHAT DO YOU SEE ON THAT WARRANT THAT TELLS YOU,
23 THAT GIVES YOU ANY EVIDENCE THAT BILLY COPE COMMITTED
24 THIS CRIME?

25 A JUST IT'S THE LOCATION AND THAT'S WHERE HE WAS

1 AT

2 Q SO A CRIME HAS BEEN COMMITTED AND HE WAS AT THE
3 LOCATION, RIGHT?

4 A AT THE TIME, UH-HUH

5 Q AND THAT'S THE INFORMATION YOU WERE TOLD THAT
6 NIGHT, CORRECT?

7 A YES

8 Q AND YOU SIGNED A WARRANT, RIGHT?

9 A UH-HUH YES, SIR

10 Q HOW LONG WAS CHARLENE BLACKWELDER AT YOUR HOUSE?

11 A USUALLY FROM TESTIMONY AND TALKING ANYWHERE FROM
12 10, 15 MINUTES, 20 MINUTES

13 Q OKAY THE SOLICITOR, WHAT OTHER TESTIMONY DID
14 YOU RECEIVE FROM HER ABOUT MR COPE'S INVOLVEMENT?

15 A THAT THE REASON WHY SHE THOUGHT THAT HE WAS THE
16 ONE, THAT SHE WAS SAYING THAT HE WAS THE ONLY ONE IN
17 THE HOUSE, AND THERE IS NO FORCE OF ENTRY, AND THAT
18 THE, IT'S A SMALL HOUSE AND HE DIDN'T SEEM TO HEAR
19 ANYTHING ELSE, ANY HEAR ANY NOISES KNOWING IN MY
20 SITUATION AT HOME, IF SOMETHING JUST DROPS INTO THE
21 NIGHT AND I JUST JUMP AWAKE AND I HEAR IT, SO I LIVE
22 IN A TWO BEDROOM SO I DON'T KNOW EXACTLY THE
23 DIMENSIONS OF HIS HOUSE, BUT I KNOW IT WAS A SMALL,
24 AND IT SEEMED LIKE HE WOULD HAVE HEARD

25 Q ANYTHING ELSE? DID SHE TELL YOU ANYTHING ELSE?

1 A I DON'T RECALL AT THIS TIME

2 Q DID SHE TELL YOU THAT HE WORE A CPAP MACHINE TO
3 SLEEP?

4 A NO

5 Q DID SHE TELL YOU THAT?

6 A NO

7 Q DID YOU KNOW THAT?

8 A NO

9 Q DID SHE TELL YOU THAT HE HAD PERSISTENTLY AND
10 VEHEMENTLY DENIED ANY KNOWLEDGE OF THIS FOR ALMOST 24
11 HOURS?

12 A NO, SIR

13 Q DIDN'T TELL YOU THAT?

14 A NO, I DO NOT RECALL I DON'T RECALL

15 Q HOW LONG WERE YOU A MINISTERIAL RECORDER?

16 A FIVE YEARS

17 Q FIVE YEARS?

18 A UH-HUH

19 Q THAT'S ALL I HAVE THANK YOU VERY MUCH

20 MR BRACKETT NOTHING FURTHER

21 THE COURT YOU CAN STEP DOWN THANK YOU

22 WE APPRECIATE YOUR TIME FEEL FREE TO LEAVE LET'S

23 TAKE ABOUT A FIVE MINUTE REFRESHER BREAK

24 MR BRACKETT YOUR HONOR, I ASK THIS

25 WITNESS BE EXCUSED

1 THE COURT OKAY

2 (COURT IS IN RECESS)

3 (COURT RESUMES)

4 MR MORTON JUDGE, WE'RE JUST GOING TO
5 KIND OF JUMP BACK AND FORTH A LITTLE BIT ON THESE
6 WITNESSES JUST DEPENDING ON WHO IS AVAILABLE

7 THE COURT THAT'S FINE

8 MR BRACKETT WE'LL KEEP IN CHRONOLOGICAL
9 ORDER THEY WANTED TO CALL MR BURRIS, MR HERRING,
10 AND MR WALDROP AND THEY ARE AVAILABLE NOW

11 THE COURT THE ONLY THING I WILL TELL YOU
12 IS AT 4 50 I'M SUPPOSED TO DO DRUG COURT AT 5 30

13 MR MORTON I THINK WE CAN DO MR BURRIS
14 WITHOUT TOO MUCH

15 THE COURT I JUST KNOW YOU MENTIONED
16 MR WALDROP, AND IF HE DID A THREE HOUR INTERVIEW I
17 DON'T KNOW HOW LONG IT WILL TAKE I KNOW YOU ARE NOT
18 GOING TO ASK HIM EVERYTHING HE SAID AND EVERYTHING
19 THAT WAS ANSWERED, BUT IN ANY EVENT, I JUST WANT YOU
20 TO BE AWARE THAT AT 4 45 I'M COMMITTED TO DO DRUG
21 COURT SO THEN, OF COURSE, WE CAN START BACK IN THE
22 MORNING AT 9 30

23 MR MORTON WE'LL CALL DETECTIVE
24 WILLIE BURRIS AT THIS TIME

25 THE COURT ALL RIGHT

1 WILLIE BURRIS, BEING FIRST DULY SWORN,
2 TESTIFIED AS FOLLOWS

3 DIRECT EXAMINATION BY MR MORTON

4 Q DETECTIVE BURRIS, IF YOU WILL GO AHEAD AND STATE
5 YOUR NAME AND YOU KNOW HOW THAT MICROPHONE WORKS, I'M
6 SURE YOU BEEN HERE ENOUGH, AND YOU KNOW THAT CHAIR
7 DOESN'T SCOOT UP SO YOU HAVE TO LEAN UP INTO IT A
8 LITTLE BIT

9 A ALL RIGHT

10 Q GIVE US YOUR NAME AND OCCUPATION, PLEASE SIR?

11 A MY NAME IS WILLIAM BURRIS I'M
12 DETECTIVE/SERGEANT CITY OF ROCK HILL POLICE
13 DEPARTMENT

14 Q AND DETECTIVE BURRIS, YOU'VE BEEN THERE QUITE A
15 NUMBER OF YEARS, HAVEN'T YOU?

16 A YES, SIR, I HAVE

17 Q HOW LONG HAVE YOU BEEN THERE?

18 A ABOUT 34 YEARS

19 Q WOW

20 A I RETIRED IN SEPTEMBER AND CAME BACK

21 Q OKAY THE TERRY PLAN?

22 A THAT'S RIGHT

23 Q AND YOU WERE WORKING ON THE NIGHT OF NOVEMBER 29
24 OF 2001, IS THAT CORRECT?

25 A I CAME IN TO WORK MORNING ON THE 29

1 Q OKAY AND WERE YOU, YOU CAME IN AT WHAT TIME,
2 WAS THAT YOUR ORIGINALLY SCHEDULED TIME OR WERE YOU
3 CALLED IN?

4 A CAME IN AT 8 O'CLOCK THAT MORNING

5 Q OKAY AND WHEN YOU CAME IN YOU WERE INFORMED OF
6 THE MURDER AND SO FORTH THAT HAD HAPPENED THE NIGHT
7 BEFORE?

8 A YES, THAT'S CORRECT

9 Q OKAY AND YOU AT SOME POINT IN THE MORNING HAD
10 THE OCCASION TO INTERVIEW MR BILLY COPE, IS THAT
11 CORRECT?

12 A THAT'S CORRECT

13 Q AND WHAT TIME DID THAT INTERVIEW START IF YOU
14 DON'T MIND MY ASKING?

15 A AS BEST I CAN REMEMBER IT WAS SHORTLY AFTER 8
16 O'CLOCK

17 Q OKAY DID YOU HAVE SOME PRIOR KNOWLEDGE ABOUT
18 WHAT HAPPENED AND WHO INSTRUCTED YOU TO TALK TO MR
19 COPE?

20 A I HAD PRIOR KNOWLEDGE FROM OFFICERS ON THE
21 SCENE I THINK IT WAS, AT THAT TIME, LIEUTENANT
22 HERRING

23 Q OKAY WAS LIEUTENANT HERRING AT THE POLICE
24 STATION THAT MORNING?

25 A HE WAS THERE BACK AND FORTH AT THE POLICE

1 DEPARTMENT AND AT THE SCENE

2 Q OKAY NOW THIS UNFORTUNATELY IS NOT A GREAT
3 COPY BECAUSE I GOT A STICKY NOTE ON IT THAT'S BEEN
4 COPIED BUT THIS IS A COPY OF I BELIEVE OF YOUR
5 INTERVIEW WITH MR COPE THAT MORNING?

6 A THAT'S CORRECT

7 Q IS THAT RIGHT?

8 A THAT'S RIGHT

9 Q OKAY YOU CAN LOOK AT THAT YOU TOOK THAT
10 INTERVIEW AND THE TIME I BELIEVE WAS ABOUT 9 40,
11 SOMEWHERE THERE ABOUTS?

12 A I DON'T KNOW I KNOW IT WAS RIGHT AFTER 8
13 O'CLOCK

14 Q TELL ME THE CIRCUMSTANCES SURROUNDING THAT
15 INTERVIEW WITH MR COPE, HOW THAT CAME TO BE, AND DID
16 YOU TALK TO HIM BEFORE YOU TOOK HIS STATEMENT?

17 A I DIDN'T TAKE A STATEMENT

18 Q THOSE ARE JUST YOUR NOTES?

19 A THAT'S MY NOTES, INTERVIEW

20 Q NOW WHEN YOU TAKE THOSE NOTES YOU LONG HAND THEM
21 OUT, THEN YOU TYPE THEM ON A STATEMENT, IS THAT
22 RIGHT?

23 A SOMETIME I DO BOTH I MIGHT LONG HAND THEM OUT,
24 THEN SOMETIMES I JUST TYPE THEM OUT AS I TALK

25 Q AS YOU SIT THERE?

1 A SIT THERE AND TALK

2 Q THAT'S NOT THE ENTIRE CONVERSATION THAT YOU HAD

3 WITH MR COPE, THOSE ARE JUST YOUR NOTES?

4 A THIS IS WHAT I REMEMBER TALKING TO HIM ABOUT

5 Q DO YOU REMEMBER IF YOU WERE TYPING AS YOU SAT

6 THERE AND TALKED TO HIM?

7 A I DON'T REMEMBER

8 Q OKAY

9 A LIKE I SAY I DO IT BOTH WAYS

10 Q WAS ANYBODY ELSE THERE WITH YOU? WAS LIEUTENANT

11 HERRING THERE?

12 A NOT WHEN I DID THIS CONVERSATION WITH HIM

13 Q ANYBODY FROM MR COPE'S FAMILY WITH HIM?

14 A NO, SIR, WAS NOT

15 Q AND YOU WERE IN YOUR OFFICE?

16 A I WAS IN ONE OF THE INTERVIEW ROOMS IN MY

17 OFFICE, YES

18 Q OKAY AND DID YOU, YOU DIDN'T TAPE RECORD IT?

19 A NO, I DID NOT

20 Q YOU DON'T DO YOU USUALLY NOT DO THAT?

21 A I DON'T EVER DO IT

22 Q OKAY WHY NOT?

23 A JUST DON'T WANT TO

24 Q WHY?

25 A DON'T SEE THE NECESSITY FOR IT

1 Q DON'T THINK IT'S IMPORTANT?

2 A I TAKE NOTES AND I TYPE IT OUT AS WE TALKING I
3 JUST DON'T DO IT

4 Q OKAY YOU DIDN'T GET HIM TO SIGN A STATEMENT?

5 A I DID NOT

6 Q AND EXPLAIN THAT TO US IF YOU WILL DID YOU NOT
7 FEEL THAT WAS IMPORTANT AT THE TIME OR YOU WERE JUST
8 TRYING TO KIND OF?

9 A AT THE TIME I WAS JUST DOING WHAT WE NORMALLY DO
10 IF WE HAVE A CRIME COMMITTED JUST TALK TO WITNESSES,
11 GET INFORMATION

12 Q OKAY DID YOU SHOW MR COPE A COPY OF THE
13 STATEMENT THAT YOU HAD MADE OF WHAT YOU REMEMBER THE
14 CONVERSATION TO BE? HE DIDN'T SIGN ANYTHING?

15 A NO, I DIDN'T

16 Q YOU DIDN'T MIRANDIZE HIM OR ANYTHING?

17 A I DIDN'T

18 Q HE WASN'T IN CUSTODY AT THAT POINT?

19 A HE WAS NOT

20 Q SO BASICALLY WHAT HAPPENS IS HE COMES IN, Y'ALL
21 TALK, YOU START WRITING OR TYPING OR WHATEVER?

22 A RIGHT

23 Q DO YOU REMEMBER HOW LONG THIS INTERVIEW LASTED?

24 A 35, 40 MINUTES, COULD HAVE BEEN LONGER

25 I DON'T REMEMBER

1 Q OKAY AND DID YOU DO ANY OTHER KIND OF
2 EXAMINATION OF HIM? DID YOU --

3 A YES

4 Q WHAT DID YOU DO?

5 A I TRANSPORTED HIM TO PIEDMONT MEDICAL CENTER

6 Q OKAY AND THIS WAS AFTER YOUR CONVERSATION WITH
7 HIM AT THE ROCK HILL LAW CENTER?

8 A YES

9 MR MORTON I WILL GO AHEAD AND INTRODUCE
10 THIS, KEVIN IF, MR BRACKETT, THAT'S OKAY

11 MR BRACKETT SURE LET ME TAKE A LOOK
12 AT THE COPY YOU HAVE

13 (DEFENDANT'S EXHIBIT ONE INTERVIEW
14 RECEIVED INTO EVIDENCE)

15 Q DETECTIVE BURRIS, LOOKING AT DEFENDANT'S EXHIBIT
16 ONE, IT CONSISTS OF TWO PAGES NOW IT APPEARS THAT
17 THE SECOND PAGE OF THIS WAS DONE AT A DIFFERENT TIME
18 OR IT WAS CERTAINLY DONE IN A DIFFERENT MANNER THAN
19 THE FIRST PAGE WOULD YOU AGREE WITH ME ABOUT THAT?

20 A COULD I SEE THAT ONE?

21 Q YES, SIR

22 A NOW YOUR QUESTION AGAIN

23 Q MY QUESTION IS, PAGE TWO APPEARS TO BE ON
24 DIFFERENT KIND OF PAPER THAN PAGE ONE?

25 A THAT'S BECAUSE WE DON'T HAVE A PAGE ONE AND TWO

1 THIS WAS DONE ON A BLANK SHEET AND COPIED BLANK SHEET
2 OF PAPER

3 Q WAS THE SECOND PART OF THAT STATEMENT TAKEN BY
4 YOU AT A DIFFERENT TIME?

5 A THIS IS ONE TIME BOTH THESE PAGES ONE TIME

6 Q WELL --

7 A I DIDN'T HAVE ENOUGH ROOM FOR WHAT I WANTED TO
8 PUT ON THIS SHEET OF PAPER SO I PUT IT ON A PLAIN
9 ONE

10 Q OKAY SO YOU TYPED ALL THIS ALL AT ONE TIME, IS
11 THAT CORRECT?

12 A YES, THAT'S CORRECT

13 Q SO YOU DIDN'T TYPE THIS UNTIL YOU GOT BACK FROM
14 THE HOSPITAL, WOULD THAT BE FAIR TO SAY?

15 A THAT'S FAIR TO SAY

16 Q SO YOU TALKED TO MR COPE AROUND NINE O'CLOCK OR
17 SO THAT MORNING, TOOK HIM TO THE HOSPITAL, CAME BACK,
18 TYPED THE CONVERSATION THAT YOU REMEMBERED HAVING
19 WITH HIM EARLIER THAT MORNING, IS THAT FAIR?

20 A THAT'S FAIR

21 Q OKAY

22 A IT'S ALSO A POSSIBILITY THAT I MIGHT NOT HAVE
23 TYPED IT THE SAME DAY

24 Q DO YOU REMEMBER -- THERE IS A POSSIBILITY THAT
25 YOU MIGHT NOT HAVE TYPED IT THE SAME DAY?

1 A IT'S POSSIBLE

2 Q YOU MIGHT HAVE WAITED AND TYPED IT WHEN?

3 A FROM MY NOTES THE DAY FOLLOWING I JUST DON'T

4 REMEMBER

5 Q YOU DON'T REMEMBER WHEN THAT WAS TYPED?

6 A NO, I DON'T

7 Q OKAY HOW LONG WERE YOU AT THE HOSPITAL?

8 A MAYBE ABOUT 30 MINUTES AT THE MOST

9 Q OKAY YOU JUST WENT, HAD BLOOD DRAWN, SO FORTH?

10 A SO FORTH, YES

11 Q AND MR COPE RODE WITH YOU TO THE HOSPITAL,

12 RIGHT?

13 A HE DID

14 Q OKAY AND HE VOLUNTARILY DID THAT, RIGHT?

15 A YES

16 Q HE DIDN'T HAVE TO GO?

17 A NO, HE DID NOT

18 Q AND HE VOLUNTEERED TO DO THAT, RIGHT?

19 A HE DIDN'T ASK ME BUT HE AGREED TO GO

20 Q DID ANYBODY ELSE GO WITH YOU?

21 A YES

22 Q WHO?

23 A OFFICER ROBIN DAVIS

24 Q HE'S THE EVIDENCE OR HE WAS THE EVIDENCE

25 CUSTODIAN?

1 A AT THAT TIME, YES

2 Q AT THE CITY

3 A HE WAS ONE OF THEM, YES

4 Q AND THAT'S WHY HE WENT WITH YOU TO COLLECT THE
5 EVIDENCE AND DO A PROPER CHAIN?

6 A THAT'S CORRECT

7 Q OKAY DID Y'ALL HAVE ANY CONVERSATION IN THE
8 CAR AT THE HOSPITAL OR ON THE WAY BACK THAT IS NOT
9 REFLECTED IN THE STATEMENT?

10 A NONE THAT I REMEMBER

11 Q ANY CONVERSATION THAT YOU REMEMBER THAT YOU
12 THINK WOULD BE PERTINENT IN THIS HEARING?

13 A I DON'T REMEMBER ANYTHING

14 Q NOTHING OF IMPORTANCE THEN THAT YOU DID NOT
15 WRITE DOWN AS FAR AS YOU CAN REMEMBER?

16 A AS FAR AS I CAN REMEMBER, NO

17 Q OKAY I'M NOT GOING TO GO THROUGH THAT
18 STATEMENT LINE BY LINE BUT BASICALLY LET ME ASK YOU
19 THIS, WHAT WAS MR COPE'S DEMEANOR AT THE TIME?

20 A ABOUT LIKE IT IS NOW

21 Q OKAY DID YOU TALK TO ANY OF HIS OTHER FAMILY
22 MEMBERS THAT MORNING? DID YOU TALK TO HIS WIFE?

23 A I DIDN'T

24 Q DID YOU TALK TO HIS CHILDREN?

25 A I DID NOT

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1 Q HIS OTHER CHILDREN?

2 A I DID NOT

3 Q THEY WERE THERE AT THE POLICE STATION, IS THAT
4 RIGHT?

5 A IF THEY WERE, THEY WERE IN THE LOBBY I DIDN'T
6 TALK WITH THEM

7 Q OKAY WHEN YOU CAME BACK FROM THE HOSPITAL DID
8 YOU ASK MR COPE TO HAVE A SEAT IN THE DETECTIVE
9 DIVISION OR IN THE LOBBY OR?

10 A WHEN, I THINK --I THINK WHEN LOOKING BACK ON
11 MEMORY, WHEN WE GOT BACK MR COPE LEFT, WENT OUT IN
12 THE LOBBY I DON'T REMEMBER ASKING HIM TO HAVE A
13 SEAT IN THERE

14 Q OKAY MR COPE BASICALLY TOLD YOU AND YOU CAN
15 TELL ME IF THIS ISN'T CORRECT, I'M JUST TRYING TO
16 SUMMARIZE WHAT HE TOLD YOU, BASICALLY TOLD YOU IN
17 THAT STATEMENT THAT HE DIDN'T HEAR ANYTHING THAT
18 NIGHT, THAT HE WOKE UP SIX O'CLOCK, HE WENT IN TO HIS
19 DAUGHTER'S ROOM, FOUND HER, FOUND HER DEAD, SHE WAS
20 ALREADY DEAD, THAT SHE HAD A BLANKET OF SOME TYPE, A
21 STRIP OF A BLANKET WRAPPED AROUND HER NECK?

22 A YES

23 Q IS THAT RIGHT?

24 A THAT'S RIGHT

25 Q ALL RIGHT THAT HE CALLED 911 AND THEY CAME AND

1 HERE HE WAS AT THE POLICE STATION BASICALLY, IS THAT
2 FAIR?

3 A COULD I SEE THAT FORM AGAIN

4 Q SURE?

5 A YOU ARE ASKING ME AND I CAN'T REMEMBER

6 Q OKAY

7 A OKAY RIGHT THAT IS CORRECT

8 Q THAT IS CORRECT

9 A ABOUT HIM CALLING 911, YES

10 Q NOW AT 12 40 P M YOU TOOK ANOTHER STATEMENT
11 FROM HIM ALONG WITH LIEUTENANT HERRING?

12 A I SIT IN ON AN INTERVIEW AND LIEUTENANT HERRING
13 WAS REALLY THE OFFICER THAT TYPED THIS UP

14 Q I'LL ASK THIS TO BE, GO AHEAD AND INTRODUCE
15 THAT

16 MR BRACKETT I DIDN'T REALIZE WHAT MR
17 MORTON WAS GOING FOR WHEN HE ASKED FOR MY COPY AND I
18 JUST ASKED FOR THE ORIGINAL AND HE STARTED GETTING
19 INTO THE ISSUE WAS IT TYPED AT A SEPARATE TIME, THIS
20 IS THE ORIGINAL DOCUMENT THAT MR BURRIS TYPED THAT
21 MORNING HE RAN OUT OF SPACE AND HE SAYS OVER, AND
22 THEN FINISHED IT ON THE BACK

23 MR MORTON AND WE'LL STIPULATE TO THAT
24 MR BRACKETT I WAS GOING TO GO INTO
25 THAT I HAVE NO OBJECTION TO USING THAT AND

1 SUBSTITUTING THAT

2 THE COURT SUBSTITUTING THAT FOR

3 MR BRACKETT YES, SIR

4 Q AND THIS IS A COPY OF THE SECOND STATEMENT THAT
5 YOU WERE INVOLVED IN AT 12 40 ON THE 29 AND WE ARE
6 MOVING TO INTRODUCE THAT INTO EVIDENCE AT THIS TIME

7 THE COURT ANY OBJECTION

8 MR BRACKETT NONE

9 (DEFENDANT'S EXHIBIT ONE INTERVIEW
10 RECEIVED INTO EVIDENCE)

11 Q YOU CAN LOOK AT THAT NOW THIS WAS A STATEMENT
12 DO YOU WANT YOU TO READ THAT FOR YOURSELF?

13 A I CAN REFER TO IT WHEN YOU ASK ME THE QUESTION

14 Q OKAY I'M NOT GOING TO GO INTO THE SUBSTANCE OF
15 THE STATEMENT PER SE I JUST WANTED TO CLARIFY A FEW
16 THINGS THIS WAS A STATEMENT THAT YOU SAT IN ON WITH
17 LIEUTENANT HERRING?

18 A THAT'S RIGHT

19 Q ANYONE ELSE?

20 A I DON'T REMEMBER ANYBODY ELSE BEING THERE

21 Q AND THIS WAS WHERE?

22 A THAT WAS IN THE DETECTIVE DIVISION

23 Q WAS IT IN LIEUTENANT HERRING'S OFFICE OR DID HE
24 HAVE A SEPARATE OFFICE OR JUST IN THE BIG ROOM?

25 A INTERVIEW ROOM WE GOT INTERVIEW ROOMS IN THE

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1 DETECTIVE DIVISION

2 Q INTERVIEW ROOMS IN THE DETECTIVE DIVISION?

3 A THAT'S RIGHT

4 Q ALL RIGHT ARE THEY ASSIGNED TO ANYBODY?

5 A NO

6 Q JUST WHOEVER NEEDS TO USE THEM AT WHATEVER TIME
7 THAT'S WHERE YOU GO?

8 A THAT'S CORRECT

9 Q HOW BIG ARE THEY ABOUT?

10 A ABOUT 12 FEET, 12 BY 12, SOMETHING LIKE THAT

11 Q OKAY AND YOU TOOK THIS STATEMENT ALONG WITH
12 LIEUTENANT HERRING, WAS THIS STATEMENT RECORDED?

13 A NO, IT WAS NOT

14 Q OKAY AND IT BASICALLY SAYS THE SAME THING THAT
15 THE FIRST STATEMENT DOES, WOULD THAT BE FAIR? IF
16 IT'S NOT, IF YOU WANT TO ADD ANYTHING OR SUBTRACT
17 ANYTHING PLEASE FEEL FREE?

18 A IT WAS MORE OR LESS JUST ABOUT THE SAME

19 Q OKAY

20 A MIGHT HAVE BEEN SOME THINGS ADDED

21 Q OKAY DO YOU KNOW HOW LONG THIS INTERVIEW TOOK?

22 A OH, ABOUT 40-50 MINUTES, SOMETHING LIKE THAT

23 Q AGAIN THAT INTERVIEW IS TYPED BY LIEUTENANT
24 HERRING?

25 A YES

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1 Q WAS IT TYPED AS Y'ALL SPOKE OR WAS IT WAS TYPED
2 AT A LATER POINT?

3 A I THINK THIS ONE MAY HAVE BEEN TYPED AS WE
4 SPOKE

5 Q OKAY DID YOU TAKE NOTES?

6 A I DIDN'T TAKE NOTES

7 Q DO YOU KNOW WHETHER LIEUTENANT HERRING TOOK
8 NOTES?

9 A I REALLY DON'T REMEMBER

10 Q OKAY IN ANY EVENT THAT IS NOT A VERBATIM
11 CONVERSATION BECAUSE IT DOESN'T HAVE QUESTIONS
12 ANSWERS, QUESTIONS ANSWERS, IS THAT RIGHT? THAT'S A
13 SUMMARY OF WHAT Y'ALL TALKED ABOUT?

14 A THAT'S A SUMMARY OF WHAT WE TALKED ABOUT, YES

15 Q OKAY AND IT'S NOT SIGNED BY MR COPE?

16 A NO, IT'S NOT

17 Q HE WASN'T GIVEN IT, SHOWN IT, ASKED TO LOOK AT
18 THE ACCURACY OF IT OR ANYTHING LIKE THAT?

19 A I DON'T REMEMBER HIM DOING THAT

20 Q YOU DID NOT DO THAT WITH HIM?

21 A I DIDN'T

22 Q AFTER HE GAVE THAT INTERVIEW FOR 40 OR 50
23 MINUTES HE WAS ALLOWED TO LEAVE?

24 A YES

25 Q AND DO YOU KNOW WHERE HE WENT AT THAT POINT?

1 A AS I REMEMBER HE WENT BACK OUT IN THE LOBBY

2 Q OKAY AND DID YOU TALK TO HIM AGAIN ANY THAT
3 DAY?

4 A I DIDN'T

5 Q DID YOU TALK TO HIM AGAIN AT ANY TIME DURING THE
6 COURSE OF THIS INVESTIGATION?

7 A I DON'T REMEMBER TALKING TO HIM AGAIN

8 Q WERE YOU THERE THAT NIGHT WHEN HE WAS PICKED UP
9 AND BROUGHT TO THE POLICE STATION AND THIS MATTER WAS
10 DISCUSSED WITH HIM?

11 A I DON'T

12 Q YOU WERE NOT?

13 A I DON'T REMEMBER BEING THERE

14 Q OKAY

15 MR MORTON THAT'S ALL I HAVE, YOUR
16 HONOR

17 CROSS EXAMINATION BY MR BRACKETT

18 Q DETECTIVE BURRIS, JUST A FEW QUESTIONS TO FOLLOW
19 UP THIS FIRST INTERVIEW WAS BASICALLY AN
20 INFORMATIONAL INTERVIEW?

21 A THAT'S WHAT IT WAS, YES

22 Q TO FIND OUT WHAT HIS STORY WAS, WHAT HE HAD TO
23 SAY ABOUT THIS SITUATION?

24 A THAT'S CORRECT

25 Q AND WHAT DID--YOU SAID HIS DEMEANOR DURING THIS

1 INTERVIEW WAS ABOUT THE SAME AS IT IS THERE?

2 A ABOUT LIKE IT IS THERE

3 Q AND THIS IS WITHIN TWO HOURS OF HIM FINDING HIS
4 DAUGHTER DEAD?

5 A YES

6 Q WAS HE CRYING, UPSET, DID YOU --

7 A HE DIDN'T APPEAR TO BE

8 Q OKAY AND IN THIS INTERVIEW HE TOLD YOU IN THE
9 STATEMENT THAT OR THE SUMMARY THAT MR MORTON JUST
10 INTRODUCED, THIS ONE, THE ONE THAT'S ONE-PAGE THAT
11 YOU TYPED ON THE BACK?

12 A YES

13 Q ON THE BACK OF THAT YOU HAD SAID THAT, HE'S
14 INDICATED THAT AFTER EVIDENCE COLLECTION WAS DONE AT
15 THE HOSPITAL MR COPE STATED THAT IF DURING THE
16 AUTOPSY SKIN WAS FOUND UNDERNEATH HIS DAUGHTER'S
17 FINGERNAILS IT WOULD BE HIS BECAUSE HE HAD HER
18 SCRATCH HIS BACK BEFORE SHE WENT TO BED BECAUSE OF AN
19 ITCH?

20 A YES, SIR, THAT'S WHAT HE TOLD ME

21 Q WAS HE UPSET WHEN HE DESCRIBED THAT TO YOU AT
22 ALL?

23 A NO, HE WAS NOT

24 Q NOW WHEN THE SECOND STATEMENT WAS TAKEN,
25 MR MORTON SAID THAT THAT WAS BASICALLY THE SAME AS

1 THE FIRST ONE, BUT IT'S A LITTLE MORE DETAILED ON
2 SOME ASPECTS, IS IT NOT?

3 A SOME ASPECTS A LITTLE BIT MORE DETAIL THAN WHAT
4 MINE IS, YES

5 Q AND IN THIS STATEMENT HE MENTIONED FOR THE FIRST
6 TIME THAT WHEN HIS DAUGHTER DIDN'T ANSWER HIM HE
7 THOUGHT THAT MAYBE THE RAPTURE HAD TAKEN PLACE AND
8 THAT HIS DAUGHTER HAD BEEN TAKEN UP?

9 A RIGHT

10 Q OKAY AND THAT YOU ASKED HIM, YOU OR
11 MR HERRING, ASKED HIM WHAT HE THOUGHT HAPPENED TO
12 HIS DAUGHTER AND HE SAID HE THOUGHT IT MUST HAVE BEEN
13 AN ACCIDENT?

14 A YES, THAT'S WHAT HE SAID

15 Q OKAY AND BASICALLY HIS VERSION OF WHAT HE
16 FOUND WAS THAT HE FOUND HER WITH THIS GREEN TRIM
17 WRAPPED AROUND HER NECK, FROM THE EDGING FROM A
18 BLANKET?

19 A RIGHT

20 Q THE TRIM FROM A BLANKET HAD BEEN, HE SAID HAD
21 BEEN WRAPPED AROUND HER NECK FOUR OR FIVE TIMES, AND
22 HE WAS THEORIZING THAT SHE MUST HAVE ROLLED AROUND IN
23 HER SLEEP AND HAD IT WRAP AROUND HER NECK
24 ACCIDENTALLY AND CHOKED HERSELF?

25 A YES

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1 Q THAT WAS HIS EXPLANATION OF HOW SHE DIED?

2 A YES

3 Q AND THAT HE ALSO INDICATED TO YOU THAT AT 12 40,
4 YOU AND DETECTIVE HERRING, THAT HE DIDN'T THINK THAT
5 IT COULD HAVE -- HE SAID HE ALWAYS SLEEPS WITH TWO
6 FANS ON ALONG WITH A SLEEP MASK HE WEARS BUT HE
7 COULDN'T BELIEVE HE COULD NOT HAVE HEARD HIS OWN
8 DAUGHTER IF THERE HAD BEEN SOME KIND OF STRUGGLE OR
9 HER CHOKING ACCIDENTALLY IN OTHER WORDS, HE THOUGHT
10 HE SHOULD HAVE HEARD A STRUGGLE?

11 A YES

12 Q AND IS IT COMMON PRACTICE FOR THE INVESTIGATORS
13 IN A CASE TO SHARE THIS INFORMATION? IN OTHER WORDS,
14 WOULD THIS INFORMATION HAVE JUST BEEN KEPT TO YOU AND
15 LIEUTENANT HERRING OR WOULD YOU HAVE SHARED IT WITH
16 ALL THE OTHER INVESTIGATORS WORKING ON THE CASE?

17 A DEFINITELY BEEN SHARED WITH ALL THE OTHER
18 INVESTIGATORS

19 Q AND AT THE TIME OF THE 12 40, THE LAST PARAGRAPH
20 OF THE 12 40 INTERVIEW, MR COPE ASKED US SEVERAL
21 QUESTIONS SUCH AS WHAT DID WE THINK HAPPENED AND IF
22 THERE HAD BEEN ANY SEMEN FOUND YOU FOLLOWING WHERE
23 I'M AT

24 A UH-HUH

25 Q AND THEN THE NEXT SENTENCE I INFORMED HIM THAT

1 AFTER THE AUTOPSY WE WOULD HAVE SOME ADDITIONAL
2 INFORMATION SO AT THE TIME AT 12 40 YOU STILL
3 DIDN'T KNOW THAT THIS WASN'T AN ACCIDENT?

4 A I DIDN'T KNOW AT THAT TIME, NO, SIR

5 Q YOU DON'T KNOW THE CAUSE OF DEATH?

6 A I DID NOT

7 Q OR WHETHER SHE HAD BEEN SEXUALLY ABUSED?

8 A NO, SIR

9 Q YOU KNEW NOTHING ABOUT THIS EXCEPT THAT SHE WAS
10 DEAD?

11 A THAT'S ALL I KNEW

12 Q NOW IN BOTH INSTANCES WHEN HE CAME INTO THE
13 POLICE DEPARTMENT TO BE INTERVIEWED HE WAS ALLOWED TO
14 LEAVE?

15 A YES

16 Q HE WAS FREE TO GO?

17 A HE WAS

18 Q OKAY AT ANY POINT IN TIME DO YOU OR LIEUTENANT
19 HERRING GET CONFRONTATIONAL WITH HIM?

20 A NO, SIR, WE DID NOT

21 Q DID YOU ACCUSE HIM OF DOING ANYTHING?

22 A WE DID NOT

23 Q YOU DIDN'T EVEN KNOW THAT SOMETHING WRONG, THAT
24 A CRIME HAD TAKEN PLACE?

25 A WE DID NOT

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1 Q YOU HADN'T HAD THE AUTOPSY REPORT?

2 A THAT'S CORRECT

3 Q IN YOUR PRESENCE DID ANYONE USE ANY KIND OF
4 COERCIVE OR INTIMIDATING INTERROGATION OR INTERVIEW
5 TACTICS ON MR COPE?

6 A NO, DID NOT

7 Q EITHER TIME?

8 A NEITHER TIME

9 Q AND HE LEFT THE POLICE DEPARTMENT AFTER THE
10 12 40 INTERVIEW AND WENT HOME OR TO HIS MOTHER'S
11 HOUSE?

12 A HE LEFT THE POLICE DEPARTMENT I DON'T KNOW
13 WHERE HE WENT

14 Q ALL RIGHT THANK YOU VERY MUCH, DETECTIVE
15 REDIRECT EXAMINATION BY MR MORTON

16 Q JUST A COUPLE QUESTIONS WHY DID YOU TAKE HIM
17 TO THE HOSPITAL TO BEGIN WITH?

18 A I GOT A CALL FROM THE OFFICERS ON THE SCENE
19 PERTAINING TO THINGS THAT LOOKED OUT OF PLACE IN THE
20 HOUSE SHE MAY HAVE BEEN MOLESTED OR SOMETHING LIKE
21 THAT

22 Q MAY HAVE BEEN WHAT? I'M SORRY?

23 A I GOT A CALL FROM THE OFFICERS ON THE SCENE, IT
24 MAY HAVE BEEN LIEUTENANT HERRING, AT THAT TIME WAS
25 EXAMINING THE SCENE, WHAT HE SAW ON THE SCENE IT

1 APPEARED THAT SHE MAY HAVE BEEN SEXUALLY ABUSED SO WE
2 WANTED TO RULE OUT ANY MALE THAT WAS IN THE HOUSE AND
3 HE WAS THE ONLY MALE IN THE HOUSE AT THAT TIME
4 ACCORDING TO HIM

5 Q OKAY AND YOU ASKED MR COPE AS A RESULT OF
6 THAT TO GO TO THE HOSPITAL AND GIVE SAMPLES?

7 A YES

8 Q RIGHT?

9 A YES

10 Q AND YOU TOLD HIM WHY?

11 A YES

12 Q RIGHT?

13 A RIGHT

14 Q YOU TOLD HIM IT APPEARED THAT SHE HAD BEEN
15 SEXUALLY ASSAULTED?

16 A RIGHT

17 Q SO YOU SAID IT LOOKS LIKE YOUR DAUGHTER MAY HAVE
18 BEEN SEXUALLY ASSAULTED AND WE WANT TO GO TO THE
19 HOSPITAL AND TAKE SOME SAMPLES FROM YOU?

20 A I TOLD HIM IT WAS POSSIBILITY THAT SHE MAY HAVE

21 Q OKAY WHAT OTHER KIND OF INFORMATION DID YOU
22 TELL MR COPE THAT DAY?

23 A WHAT ARE YOU REFERRING TO?

24 Q WELL, WHAT DID Y'ALL TALK ABOUT? WHAT DO YOU
25 REMEMBER TALKING TO HIM ABOUT THAT MORNING ABOUT THE

1 CRIME OR ABOUT THE CRIME SCENE OR WHETHER IT WAS AN
2 ACCIDENT OR NOT OR THAT HIS DAUGHTER APPARENTLY HAD
3 BEEN MURDERED AND IT WASN'T AN ACCIDENT, DO YOU
4 REMEMBER DISCUSSING THOSE KIND OF THINGS WITH HIM?

5 A I DO NOT REMEMBER DISCUSSING THOSE KINDS OF
6 THINGS

7 Q YOU DO NOT REMEMBER DISCUSSING THOSE KINDS OF
8 THINGS?

9 A I DON'T

10 Q YOU WOULD AGREE WITH ME THAT YOU DISCUSSED THE
11 CASE WITH MR COPE MORE THAN WHAT'S ON THOSE TWO
12 PAPERS, RIGHT?

13 A WHAT I REMEMBER DISCUSSING WITH MR COPE IS WHAT
14 I GOT ON THE PAPER

15 Q BUT --

16 A ESPECIALLY THE ONE I TYPED

17 Q BUT NOT EVERYTHING YOU TALKED TO HIM I MEAN,
18 EVEN THE ONE THAT YOU TYPED IS NOT A TRANSCRIPT FOR
19 INSTANCE --

20 A IT'S WHAT I REMEMBER

21 Q RIGHT BUT IT WASN'T A QUESTION AND ANSWER
22 THING, THE WAY A TRANSCRIPT IS BEING TRANSCRIBED IN
23 HERE TODAY, SHE CAN TELL YOU WHAT QUESTIONS I ASKED
24 AND WHAT ANSWERS YOU GAVE AND WHAT QUESTIONS I ASKED
25 AND WHAT ANSWERS YOU GAVE, THAT'S NOT THAT?

1 A NO, I ASKED HIM TO TELL ME WHAT HE REMEMBERED
2 WHAT HAPPENED THAT'S WHAT HE TOLD ME

3 Q DO YOU REMEMBER WHAT ELSE YOU TOLD HIM? CAN YOU
4 TELL US ANYTHING THAT YOU TALKED TO HIM ABOUT?

5 A IF IT'S NOT ON THAT PAPER I CAN'T REMEMBER
6 ANYTHING ELSE

7 MR MORTON THAT'S ALL I HAVE, YOUR HONOR

8 MR BRACKETT JUST ONE MORE

9 RE CROSS EXAMINATION BY MR BRACKETT

10 Q YOU DON'T RECOLLECT USING THE WORDS SEXUAL
11 ASSAULT, DO YOU?

12 A (NO RESPONSE)

13 Q WHEN YOU SAID THAT SHE MAY HAVE BEEN SEXUALLY
14 ASSAULTED, WHAT INFORMATION DID LES HERRING GIVE YOU
15 FROM THE SCENE ABOUT WHAT THE CONDITION OF HER
16 CLOTHING WAS THAT MADE YOU DESIRE TO HAVE A RAPE
17 TEST, A RAPE KIT TAKEN?

18 A IT WAS SUGGESTED THAT I TAKE HIM OR GET HIM, ASK
19 HIM IF HE WOULD ACCOMPANY ME TO THE HOSPITAL TO DO A
20 RAPE EXAMINE BECAUSE OF WHATEVER THEY FOUND ON THE
21 SCENE HE DIDN'T GO INTO ANY DETAILS ABOUT IT

22 Q DID HE DESCRIBE HOW HER CLOTHING WAS?

23 A HE MAY HAVE BUT I REALLY DON'T REMEMBER
24 EVERYTHING HE SAID

25 Q OKAY DID YOU HAVE -- DID YOU HAVE REASON TO

1 BELIEVE OR DID YOU USE THE WORDS, SHE HAS BEEN
2 SEXUALLY ASSAULTED TO HIM?

3 A I NEVER SAID SHE HAD BEEN SEXUALLY ASSAULTED

4 Q IT JUST LOOKED SUSPICIOUS?

5 A IT JUST A POSSIBILITY THAT SHE MAY HAVE BEEN

6 Q THANK YOU, SIR

7 THE COURT ALL RIGHT YOU CAN STEP DOWN
8 THANK YOU APPRECIATE YOUR TIME

9 MR MORTON YOUR HONOR, FOR YOUR
10 INFORMATION THE NEXT WITNESS WILL PROBABLY BE A
11 LITTLE LONGER THAN DETECTIVE BURRIS

12 THE COURT I THINK WE'LL PROBABLY STOP
13 AND START BACK AT 9 30 IN THE MORNING WE'LL BE AT
14 EASE UNTIL 9 30 IN THE MORNING THANK YOU

15 (COURT'S IN RECESS)

16

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22

23

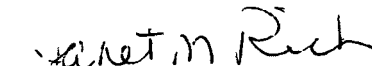
24

25

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1
2 I, JANET RICH, OFFICIAL COURT REPORTER FOR
3 THE SIXTEENTH CIRCUIT OF THE STATE OF SOUTH CAROLINA,
4 DO HEREBY CERTIFY THAT THE FORGOING IS A TRUE,
5 ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL
6 THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE
7 TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN
8 THE CIRCUIT COURT FOR YORK COUNTY, SOUTH CAROLINA, ON
9 THE 23RD DAY OF AUGUST 2004

10 I DO FURTHER CERTIFY THAT I AM NEITHER KIN,
11 COUNSEL, NOR INTEREST TO ANY PARTY HERETO
12
13
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25



JANET M RICH

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1 IN THE CIRCUIT COURT OF YORK COUNTY, SOUTH CAROLINA

2 STATE OF SOUTH CAROLINA

3 VERSUS

4 BILLY WAYNE COPE &
5 JAMES EDWARD SANDERS

6 INDICTMENT NUMBERS 2002-GS-46-3232-3234
7 2003-GS-46-1843-1844
8 2004-GS-46-2614-2618
9 2004-GS-46-196-199

10 HEARD AT THE MOSS JUSTICE CENTER,
11 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON
12 TUESDAY, AUGUST 24, 2004, BEFORE THE HONORABLE
13 JOHN C HAYES, III

14 APPEARANCES

15 TOMMY POPE
16 KEVIN BRACKETT
17 WILLY THOMPSON
18 16TH CIRCUIT SOLICITOR'S OFFICE
19 1675 YORK HIGHWAY
20 YORK, SC 29745
21 REPRESENTING THE STATE

22 JAMES MORTON
23 DAVID WOOD
24 MICHAEL SMITH
25 MORTON & GETTYS
1051 OAKLAND AVENUE
ROCK HILL, SC 29732

18 A PHILIP BAITY
19 POST OFFICE BOX 275
20 FORT MILL, SC 29715
21 REPRESENTING BILLY WAYNE COPE

22 LELAND GREELEY
23 128 E MAIN STREET SUITE 102
24 ROCK HILL, SC 29732
25 REPRESENTING JAMES EDWARD SANDERS

23 REPORTED BY JANET M RICH
24 CIRCUIT COURT REPORTER
25 1992 DOWNEY STREET
ROCK HILL, SC 29732

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I N D E X

FRAN MCGEE

DIRECT EXAMINATION 5

CROSS EXAMINATION 10

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1 (COURT RESUMES ON TUESDAY, AUGUST 24, 2004)

2 THE COURT FOR THE RECORD INITIALLY I
3 UNDERSTAND THAT, FIRST LET ME PUT ON RECORD THAT MR
4 COPE AND MR SANDERS ARE PRESENT WITH COUNSEL
5 MR POPE TELLS ME, THE SOLICITOR TELLS ME, THAT WE
6 NEED TO PUT SOMETHING ON THE RECORD

7 MR POPE YES, SIR

8 THE COURT REGARDING PRIOR EMPLOYMENT OF
9 VARIOUS LAWYERS THAT, I'LL LET YOU DO IT

10 MR POPE IF IT PLEASE THE COURT, YOUR
11 HONOR, AND I'VE DISCUSSED IT JUST BRIEFLY WITH
12 MR MORTON MRS LISA COLLINS WHO IS AN THE
13 ASSISTANT SOLICITOR IN MY OFFICE AND THEN SPENT SOME
14 TIME IN THE PUBLIC DEFENDER'S OFFICE AND NOW IS AN
15 ASSISTANT IN MY OFFICE AGAIN AND MR DAVID WOOD WERE
16 BOTH EMPLOYED IN MY OFFICE AT THE TIME OF THE ONSET
17 OF THIS CASE MR WOOD WAS EMPLOYED WITH MY OFFICE
18 AND MRS COLLINS WAS EMPLOYED WITH THE PUBLIC
19 DEFENDER'S OFFICE I THINK, AND JIM MAY CLARIFY IF
20 I'M WRONG, MR MORTON, I THINK LISA SIGNED THE
21 CONFLICT ORDER DOWNSTAIRS, DOWNSTAIRS BEING THE
22 PUBLIC DEFENDER'S OFFICE MY UNDERSTANDING IS SHE
23 HADN'T HAD ANY INVOLVEMENT IN THE CASE SHE HADN'T
24 REALLY HAD ANY INVOLVEMENT IN OUR OFFICE OTHER THAN
25 PERHAPS LEGAL RESEARCH BUT AS FAR AS DISCUSSING

1 ANYTHING OR INVOLVEMENT IN THE CASE MR MORTON SAYS
2 HE TALKED TO HIS CLIENT IN THAT REGARD AND THAT THEY
3 WOULD WAIVE ANY CONCERNS AND CONFLICTS AND AS WELL AS
4 WE WOULD AS FAR AS MR WOOD MR WOOD DIDN'T REALLY
5 HAVE ANY INVOLVEMENT IN THIS CASE WHILE HE WAS WITHIN
6 MY OFFICE AND I JUST WANTED TO PUT THAT ON THE
7 RECORD

8 MR MORTON THAT'S CORRECT, YOUR HONOR
9 THE COURT ALL RIGHT THANK YOU READY
10 FOR THE -- ARE WE GOING TO DO TAPES THIS MORNING OR
11 WITNESSES FIRST

12 MR MORTON WELL, YOUR HONOR, THERE WAS
13 ONE WITNESS THAT WE SUBPOENAED LAST NIGHT AND WHO
14 WANTS TO GET BACK TO WORK AND THAT IS SERGEANT
15 HARMON HE ASKED IF HE COULD BE BRIEFLY PUT UP

16 THE COURT LET'S DO THE LIVE WITNESSES
17 THEN DO THE TAPE

18 MR BRACKETT WE'LL DO MRS MCGEE FIRST

19 HELEN S MCGEE, BEING FIRST DULY
20 SWORN, TESTIFIED AS FOLLOWS

21 DIRECT EXAMINATION BY MR BRACKETT

22 Q MA'AM, WOULD YOU STATE YOUR FULL NAME AND SPELL
23 YOUR LAST FOR THE COURT REPORTER PLEASE

24 A HELEN S MCGEE M-C-G-E-E

25 Q DID YOU USE TO BE HELEN HUDDLESTON?

1 A YES

2 Q OKAY AND WHERE WERE YOU EMPLOYED BACK IN
3 DECEMBER OF 2001?

4 A AT THE DETENTION CENTER

5 Q AND WHAT DID YOU DO AT THE DETENTION CENTER?

6 A A CORRECTION OFFICER

7 Q DID YOU IN THE COURSE OF YOUR WORK IN THE
8 DETENTION CENTER BACK IN THE VERY EARLY PART OF
9 DECEMBER 2001 HAVE OCCASION AT ANY POINT IN TIME TO
10 COME INTO CONTACT WITH THE DEFENDANT MR BILLY COPE
11 WHO IS SEATED OVER HERE DRESSED IN ORANGE?

12 A YES

13 Q ALL RIGHT AND WHAT WAS THE NATURE OF YOUR
14 CONTACT WITH HIM? WELL, LET ME ASK YOU THIS HOW
15 MANY TIMES?

16 A I WORKED WITH HIM ON LOTS OF OCCASIONS

17 Q OKAY I'M GOING TO SPECIFICALLY CALL YOUR
18 ATTENTION TO THE EVENING HOURS AROUND 10 P M OF
19 DECEMBER SECOND 2001 AND I WOULD LIKE YOU TO, YOU
20 FAMILIAR WITH THE INCIDENT I'M TALKING ABOUT, THE
21 CONTACT YOU HAD WITH MR COPE?

22 A YES

23 Q ON THAT EVENING?

24 A YES

25 Q CAN YOU RELATE TO THE COURT BASICALLY WHAT

1 HAPPENED THAT NIGHT?

2 A BASICALLY I WAS WALKING THROUGH THE BOOKING AREA
3 AND HE WAS KNOCKING ON THE DOOR TRYING TO GET
4 SOMEONE'S ATTENTION AND I ASKED HIM WHAT HE NEEDED
5 AND HE JUST BASICALLY ON MY STATEMENT WHAT I SAYS IS
6 WHAT HE HAD SAID TO ME

7 Q OKAY CAN YOU RECALL WHAT THAT WAS?

8 A BASICALLY HE NEEDED TO SPEAK TO A DETECTIVE FROM
9 ROCK HILL I DON'T REMEMBER EXACTLY WHOSE NAME IT
10 WAS HE SAID, AND THAT HE NEEDED TO TALK TO HIM ABOUT
11 SOME THINGS HE HAD DONE TO HIS CHILDREN

12 Q ALL RIGHT AND YOU, WHO -- DID YOU INITIATE
13 THIS CONTACT WITH HIM?

14 A NO I WAS COMING THROUGH TO GO TO THE RESTROOM
15 AND EVIDENTLY HE HAD BEEN KNOCKING ON THE DOOR AND NO
16 ONE WAS PAYING ANY ATTENTION SO WHEN I COME THROUGH I
17 WAS CLOSE TO THE DOOR

18 Q AND THE, HIS LOCATION AT THE TIME WITHIN THE
19 DETENTION CENTER WAS WHERE, WHAT PART OF THE
20 DETENTION CENTER WAS HE IN?

21 A IN THE HOLDING CELL IN BOOKING

22 Q SO THE DOWNSTAIRS AREA WHERE --

23 A RIGHT

24 Q PEOPLE ARE FIRST PROCESSED IN TO THE DETENTION
25 CENTER?

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1 A EXACTLY

2 Q SO HE HADN'T BEEN ASSIGNED A CELL YET?

3 A I ASSUME NOT

4 Q WAS HE IN A CELL BY HIMSELF OR?

5 A YES

6 Q OKAY AND AT ANY POINT IN TIME, HOW LONG DID
7 THIS CONVERSATION WITH HIM LAST?

8 A JUST A COUPLE MINUTES, NOT EVEN A MINUTE
9 PROBABLY

10 Q HE TOLD YOU HE NEEDED TO TALK TO A DETECTIVE
11 FROM ROCK HILL, HE NEEDED TO GET SOMETHING OFF HIS
12 CHEST ABOUT WHAT HE HAD DONE TO HIS OTHER TWO
13 CHILDREN?

14 A PRETTY MUCH, YES

15 Q AND WHAT DID YOU TELL HIM YOU WERE GOING TO DO?

16 A I WOULD LET LIEUTENANT WALDEN KNOW

17 Q AND DID YOU DISCUSS THIS ISSUE WITH HIM ANY
18 FURTHER THAT EVENING?

19 A NO

20 Q AND WHAT IN FACT DID YOU DO WITH THIS
21 INFORMATION?

22 A I LOOKED FOR LIEUTENANT WALDEN AND WHEN I FOUND
23 HIM IN HIS OFFICE WHEN I COME BACK FROM USING THE
24 RESTROOM I LET HIM KNOW

25 Q AND DID YOU HAVE ANY FURTHER INVOLVEMENT WITH

1 THIS SITUATION AFTER THAT?

2 A OTHER THAN MY STATEMENT, NO, UNTIL THEY CALLED
3 ME INTO COURT A COUPLE OF MONTHS AGO

4 Q AND YOU SAID YOUR STATEMENT, WHO ADVISED YOU TO
5 MAKE A STATEMENT?

6 A LIEUTENANT WALDEN

7 Q I'M SHOWING YOU A DOCUMENT AND ASK YOU IF YOU
8 IDENTIFIED THAT?

9 A YEAH, IT'S MY HANDWRITING

10 Q IS THAT IN FACT THE STATEMENT YOU PREPARED IN
11 THIS REGARDS TO?

12 A YES

13 Q THIS CONVERSATION WITH MR COPE?

14 A YES

15 Q THAT NIGHT

16 MR BRACKETT YOUR HONOR, I ASK THIS BE
17 MARKED AS STATE'S EXHIBIT, STATE'S EXHIBIT 3

18 MR MORTON NO OBJECTION

19 (STATE'S EXHIBIT 3 STATEMENT RECEIVED INTO
20 EVIDENCE)

21 Q HAVE YOU HAD A CHANCE TO REVIEW THIS STATEMENT
22 IN THE LAST DAY OR TWO?

23 A YES

24 Q DOES IS ACCURATELY REFLECT WHAT TOOK PLACE THAT
25 DAY?

1 A YES

2 Q AND THIS WAS MADE THAT NIGHT?

3 A YES

4 Q THANK YOU VERY MUCH PLEASE ANSWER ANY
5 QUESTIONS MR MORTON MAY HAVE

6 MR MORTON I HAVE JUST A COUPLE
7 QUESTIONS

8 CROSS EXAMINATION BY MR MORTON

9 Q MRS HUDDLESTON, YOU ARE NO LONGER EMPLOYED AT
10 THE SHERIFF'S DEPARTMENT, CORRECT?

11 A NO, SIR

12 Q AND YOU WORKED THERE UNTIL WHEN?

13 A JULY 2003

14 Q JULY 2003, SO YOU HAD A LOT OF OCCASION TO COME
15 IN CONTACT WITH MR COPE BETWEEN DECEMBER FIRST OF
16 '01 UNTIL JULY OF '03, RIGHT?

17 A YES

18 Q DID YOU EVER HAVE TO GO WAKE HIM UP?

19 A I'M SURE I HAVE

20 Q ARE YOU FAMILIAR WITH HIS CPAP MACHINE THAT HE
21 WEARS?

22 A NO

23 Q HADN'T EVER SEEN THAT?

24 A NO

25 Q DID YOU EVER HAVE TO GO IN HIS CELL TO WAKE HIM

1 UP?

2 A SOME MORNINGS I HAD TO WAKE EVERYONE UP SO I'M
3 SURE I HAVE

4 Q THAT'S ALL I HAVE THANK YOU

5 THE COURT YOU CAN STEP DOWN AND BE
6 EXCUSED WE APPRECIATE YOUR TIME THANK YOU VERY
7 MUCH CALL YOUR NEXT WITNESS

8 JERRY WALDROP, BEING FIRST DULY SWORN,
9 TESTIFIED AS FOLLOWS

10 DIRECT EXAMINATION BY MR MORTON

11 Q LIEUTENANT WALDROP, WOULD YOU STATE YOUR NAME
12 AND OCCUPATION FOR THE RECORD FOR US?

13 A JERRY W WALDROP LIEUTENANT WITH THE ROCK HILL
14 POLICE DEPARTMENT

15 Q AND HOW LONG HAVE YOU BEEN THERE, LIEUTENANT
16 WALDROP?

17 A 30 YEARS

18 Q AND WHAT DO YOU DO THERE?

19 A I'M LIEUTENANT IN CHARGE OF PROPERTY CRIMES
20 SECTION AND DETECTIVE DIVISION

21 Q ON THE NIGHT OF NOVEMBER 29 YOU WEREN'T WORKING
22 A PROPERTY CRIME, YOU WERE WORKING A MURDER, RIGHT?

23 THE COURT YOU MIGHT WANT TO DESIGNATE
24 THE YEAR

25 Q I'M SORRY NOVEMBER 29 I'M SORRY, JUDGE

1 THANK YOU 2001?

2 A I WAS ASSISTING, THAT'S CORRECT

3 Q AND DO YOU MIND, LET'S JUST KIND OF CUT TO THE
4 CHASE HERE, WHAT DID YOU DO THAT DAY STARTING WITH,
5 WERE YOU THERE IN THE MORNING WHEN THE MURDER
6 OCCURRED?

7 A NO, I WASN'T THERE WHEN THE MURDER OCCURRED I
8 ARRIVED AT APPROXIMATELY 7 50 AM

9 Q OKAY DID YOU GO TO THE SCENE?

10 A THAT'S CORRECT

11 Q WERE YOU THERE, WAS THE BODY OF AMANDA COPE
12 STILL THERE?

13 A THAT'S CORRECT

14 Q WAS THE DEFENDANT STILL THERE, MR COPE?

15 A I THINK HE WAS FOR A SHORT WHILE

16 Q DID YOU TALK TO HIM WHILE YOU WERE THERE?

17 A NO, SIR

18 Q WAS DR MAYNARD THERE?

19 A HE ARRIVED THERE

20 Q DID YOU TALK TO DR MAYNARD?

21 A NOT AT THE SCENE NO, I DID NOT

22 Q DID YOU TALK TO HIM AT THE AUTOPSY?

23 A NO, I DID NOT

24 Q DID YOU GO TO THE AUTOPSY?

25 A NO, SIR

1 Q YOU DID NOT?
2 A DID NOT
3 Q DID LIEUTENANT HERRING GO TO THE AUTOPSY?
4 A I CAN'T ANSWER THAT I DON'T THINK HE DID I
5 DON'T KNOW
6 Q DO YOU KNOW WHO WENT TO THE AUTOPSY?
7 A THE ONLY THING, I THINK DETECTIVE BLACKWELDER
8 I'M NOT REAL SURE ABOUT THAT I THINK SHE'S THE ONE
9 THAT ATTENDED THE AUTOPSY
10 Q OKAY DURING THE DAY, HOW LONG DID YOU STAY AT
11 THE SCENE?
12 A PROBABLY TWO, TWO AND A HALF HOURS
13 Q YOU DIDN'T REMEMBER TALKING TO MR COPE THERE?
14 A AT THE SCENE?
15 Q YES
16 A YES
17 Q DID YOU TALK TO OTHER MEMBERS OF HIS FAMILY
18 THERE, DID YOU TALK TO HIS WIFE?
19 A I THINK I SPOKE TO HER, BUT AS FAR AS ASKING HER
20 ANY QUESTIONS OR TALKING TO HER, NO, I DID NOT
21 Q DID YOU TALK TO HIS OTHER TWO DAUGHTERS?
22 A NO
23 Q DID YOU TALK TO THEM AT ALL DURING THE DAY?
24 A NO, SIR
25 Q WHEN IS THE FIRST TIME YOU TALKED TO MR COPE?

1 A THAT NIGHT APPROXIMATELY 10 15 P M

2 Q OKAY AND YOU HAD NOT TALKED TO HIM BEFORE THAT
3 ANY THAT DAY?

4 A NO, SIR

5 Q OKAY YOU HAD BEEN IN DISCUSSIONS WITH THE
6 OTHER INVESTIGATORS WHO WERE WORKING ON THAT CASE
7 DURING THE DAY?

8 A THAT'S CORRECT

9 Q AND IN FACT, THAT PRETTY MUCH CONSUMED ALL
10 Y'ALL'S DAY AS I EXPECT IT WOULD?

11 A YES, SIR

12 Q AND THE DISCUSSIONS THAT YOU HAD WITH YOUR OTHER
13 INVESTIGATORS INVOLVED THE AUTOPSY AND MR COPE AND
14 WHAT HAD HAPPENED AND THE SCENE I MEAN, BASICALLY
15 WHAT INVESTIGATORS DO, RIGHT?

16 A THAT'S CORRECT

17 Q OKAY YOU WENT TO PICK MR COPE UP AT HIS
18 MOTHER'S AND FATHER'S HOUSE ON LUCAS STREET, IS THAT
19 RIGHT?

20 A THAT'S CORRECT

21 Q AND WHO ACCOMPANIED YOU ON THAT TRIP?

22 A LIEUTENANT HERRING AND MYSELF

23 Q OKAY AND TELL US WHAT HAPPENED WHEN YOU WENT
24 INSIDE MR COPE'S HOUSE, WHAT DID YOU SAY AND WHAT --

25 A AT HIS MOTHER'S HOUSE?

1 Q YES, AT HIS MOTHER'S

2 A WE DIDN'T GO INSIDE WE WALKED UP ON THE FRONT
3 DOOR, THE FRONT STEPS

4 Q BOTH OF YOU?

5 A THAT'S CORRECT

6 Q OKAY

7 A IF I REMEMBER CORRECTLY HIS FATHER WAS SITTING
8 OUT ON THE PORCH, HE WAS ON THE PORCH, HIS MOTHER
9 CAME OUT THE FRONT DOOR, AND I TOLD HIM THAT WE'D
10 LIKE TO TALK TO HIM AGAIN WE NEEDED TO TALK TO HIM
11 WOULD HE ACCOMPANY US TO THE DEPARTMENT TO TALK TO
12 US I, WE ASKED HIM IF HE HAD TRANSPORTATION, IF HE
13 WANTED TO FOLLOW US OR RIDE UP WITH US, AND HIS
14 MOTHER MADE THE COMMENT JUST GO ON AND RIDE WITH
15 THEM HE HAD TO GO BACK INTO THE HOUSE PUT A SHIRT
16 ON, PUT CLOTHES ON, CAME BACK OUT, AND GOT IN THE
17 BACK SEAT OF OUR CAR AND RODE TO THE STATION WITH US

18 Q DID YOU SEE HIM WHEN YOU WALKED UP TO THE DOOR?

19 A YES, SIR, HE WAS ON THE FRONT PORCH

20 Q OKAY WHAT WAS HE WEARING AT THAT TIME?

21 A I THINK A PAIR OF SWEAT PANTS

22 Q DO YOU REMEMBER WHAT COLOR THEY WERE?

23 A NO, I DON'T THEY WERE DARK MAYBE

24 Q DARK SWEAT PANTS?

25 A YEAH I DON'T REMEMBER WHAT HE WAS WEARING

1 Q AND SO YOU TOLD HIM HE COULD TAKE HIS OWN CAR?

2 A THAT'S CORRECT I ASKED HIM IF HE HAD
3 TRANSPORTATION OR IF HE WANTED TO RIDE WITH US

4 Q OKAY WHY DIDN'T YOU JUST CALL HIM?

5 A I DIDN'T KNOW ANYWAY TO CALL HIM I KNEW HE WAS
6 WHERE HE WAS SUPPOSED TO BE

7 Q YOU DIDN'T LOOK HIS NUMBER UP?

8 A NO WE JUST, WE KNEW HE WAS SUPPOSEDLY HAD GONE
9 TO HIS MOTHER'S HOUSE I THINK SOME OF THE
10 INVESTIGATORS WERE TOLD THAT'S WHERE HE WAS GOING TO
11 GO

12 Q SO YOU KNEW WHERE THEY LIVED BUT YOU DIDN'T HAVE
13 PHONE NUMBER OR ANYTHING FOR HIM?

14 A NOT THAT I'M AWARE OF I DIDN'T KNOW A NUMBER

15 Q SO Y'ALL JUST WENT AND PICKED HIM UP?

16 A THAT'S CORRECT WE WENT AFTER HIM

17 Q OKAY WAS HE FREE TO LEAVE AFTER HE -- IF HE
18 HAD TOLD YOU NO, HE DIDN'T WANT TO GO, THAT'S FINE
19 WITH YOU?

20 A THAT'S FINE I MEAN, THERE WASN'T NOTHING WE
21 COULD DO

22 Q THERE WASN'T ANYTHING YOU COULD DO?

23 A NO, SIR

24 Q WHY WAS THAT?

25 A WE DIDN'T HAVE ANY CHARGES ON HIM AT THAT TIME

1 Q DIDN'T HAVE A WARRANT ON HIM?

2 A NO, SIR

3 Q OKAY YOU, AFTER YOU PICKED HIM UP YOU, Y'ALL

4 RODE FROM LUCAS STREET BACK TO THE ROCK HILL POLICE

5 STATION, RIGHT?

6 A THAT'S CORRECT

7 Q YOU WERE DRIVING?

8 A YES

9 Q HE WAS NOT HANDCUFFED?

10 A NO, SIR

11 Q HE WAS IN THE BACK SEAT OF YOUR CROWN VICTORIA?

12 A CROWN VIC, THAT IS CORRECT

13 Q OKAY AND MR HERRING WAS IN THE FRONT SEAT?

14 A THAT IS CORRECT

15 Q DID Y'ALL HAVE ANY CONVERSATION ON THE WAY?

16 A NOT THAT I RECALL NO TYPE OF QUESTIONING OR

17 ANYTHING

18 Q DID HE ASK YOU WHAT YOU WANTED TO TALK TO HIM

19 ABOUT?

20 A I DON'T RECALL HIM ASKING ANYTHING LIKE THAT,

21 NO, SIR I MEAN, HE DIDN'T HAVE A LOT TO SAY HE

22 WASN'T SAYING A LOT ON THE WAY TO THE STATION

23 Q SO HE JUST GOT IN THE CAR AND, DID Y'ALL TELL

24 HIM, WHAT DID YOU TELL HIM WHEN HE GOT IN THE CAR?

25 A WE JUST TOLD HIM WE NEEDED TO ASK HIM SOME MORE

1 QUESTIONS, WE NEEDED TO GET HIS SIDE OF THE STORY
2 AGAIN, YOU KNOW, THAT TYPE CONVERSATION

3 Q AND WHAT DID HE SAY?

4 A HE SAID THAT WAS FINE

5 Q OKAY SO HE VOLUNTARILY CAME WITH YOU?

6 A OH, YES HE CAME VOLUNTARILY

7 Q WASN'T ANY PROBLEM WITH THAT?

8 A NO, SIR

9 Q AND WHEN YOU GOT TO THE POLICE STATION WHO ELSE
10 WAS THERE INVOLVED IN THIS INTERROGATION THAT WAS
11 ABOUT TO HAPPEN?

12 A INVOLVED IN IT?

13 Q YES

14 A JUST MYSELF AND HERRING

15 Q BUT WHO ELSE WAS THERE?

16 A OH, THERE WAS SEVERAL DETECTIVES STILL AT THE
17 STATION IN AND OUT

18 Q WHO ELSE?

19 A INCLUDING DETECTIVE BLACKWELDER, SEVERAL OTHER
20 DETECTIVES I THINK I REALLY DON'T REMEMBER WHO ALL
21 I THINK GUYTON WAS STILL AROUND

22 Q Y'ALL INTERVIEWED HIM IN THE INTERVIEW ROOM IN
23 THE DETECTIVE DIVISION?

24 A NO IT WAS IN LIEUTENANT HERRING'S OFFICE

25 Q OKAY IS THAT -- WHEN YOU PULLED UP, YOU CAME

1 IN THE BACK?

2 A THAT'S CORRECT

3 Q OKAY DID YOU BEGIN A CONVERSATION WITH HIM?

4 A THAT'S CORRECT

5 Q DID LIEUTENANT HERRING HAVE A TAPE RECORDER?

6 A HE DID NOT WE USED, IT'S A BOOM BOX KIND OF
7 RADIO THAT RECORDS, THAT'S IN MY OFFICE, I WENT OVER
8 AND GOT IT, AND WE DISCUSSED IT WITH BILLY THAT, YOU
9 KNOW, WE WERE GOING TO TAPE THE INTERVIEW IF IT WAS
10 ALL RIGHT WITH HIM AND HE SAID THAT WAS FINE

11 Q AND THE BOOM BOX WAS IN YOUR OFFICE?

12 A WELL, IT WAS IN MY OFFICE I WENT TO MY OFFICE
13 TO GET IT AND BROUGHT IT TO HERRING'S OFFICE AND
14 PLUGGED IT UP

15 Q IS IT YOUR BOOM BOX?

16 A THAT'S CORRECT

17 Q DO YOU USE IT NORMALLY?

18 A IT'S BEEN USED BUT NOT OFTEN, NO, SIR

19 Q OKAY WHY IS THAT?

20 A JUST DON'T NORMALLY DO IT

21 Q WHY IS THAT?

22 A JUST DON'T, NEVER HAD --

23 Q DON'T THINK IT'S IMPORTANT?

24 A JUST NEVER HAVE DONE IT

25 Q DON'T THINK IT'S IMPORTANT?

1 A WELL, IT COULD BE IMPORTANT BUT, YOU KNOW, WE
2 JUST DON'T DO IT NORMALLY

3 Q WHOSE IDEA WAS IT TO TAPE THIS CONVERSATION?

4 A MINE AND HERRING'S, WE DISCUSSED IT

5 Q WHEN DID YOU DISCUSS THAT?

6 A STANDING THERE IN MY OFFICE IN FRONT OF
7 MR COPE

8 Q OKAY AND TELL ME ABOUT THAT Y'ALL SAID WE
9 DON'T NORMALLY DO THIS, BUT WE THINK WE'LL DO IT THIS
10 TIME OR?

11 A NO, AND I THINK IT WAS ME I ASKED HIM, I SAID,
12 THIS COULD BE A LENGTHY INTERVIEW I SAID DO YOU
13 WANT TO TAPE IT, DO YOU WANT TO TRY TO TYPE IT, DO
14 YOU WANT TO WRITE THE NOTES

15 Q YOU ASKED LIEUTENANT HERRING THAT?

16 A THAT'S CORRECT

17 Q AND HE SAID?

18 A AND I DON'T REMEMBER WHICH ONE OF US SAID IT BUT
19 IT COULD HAVE BEEN ME THAT SAID IT WOULD BE EASIER TO
20 TAPE IT BECAUSE WE WOULDN'T HAVE TO DO ALL THIS
21 WRITING AND TYPING AND THE NOTES AND ALL

22 Q OKAY

23 A SO WE WENT AND GOT THE RECORDER

24 Q YOU HAD THE TAPES? YOU HAD THE TAPES PRESENT OR
25 YOU HAD TO GO GET THEM?

1 A I HAD TO GO FIND SOME TAPES, THAT'S CORRECT

2 Q CASSETTE TAPES?

3 A THAT'S CORRECT

4 Q OKAY AFTER THE INTERVIEW WHAT DID YOU DO WITH
5 THE TAPES?

6 A PUT THEM IN MY DESK DRAWER

7 Q YOU DID HOW LONG DID THEY STAY THERE?

8 A A LONG TIME

9 Q OKAY DID YOU, YOU REMEMBER WHEN YOU TURNED
10 THEM INTO EVIDENCE?

11 A THE EXACT DATE I DON'T KNOW WITHOUT LOOKING AT
12 THE EVIDENCE

13 Q OKAY BUT THEY JUST STAYED IN YOUR DESK DRAWER

14 A THEY JUST STAYED IN MY DESK DRAWER

15 Q IS THAT PROPER POLICE PROCEDURE TO LEAVE THEM IN
16 YOUR DESK DRAWER THAT LONG AS OPPOSED TO TURN THEM IN
17 EVIDENCE?

18 A TRUTHFULLY I FORGET ABOUT THEM BECAUSE IT WAS
19 NO --

20 Q NO BIG DEAL?

21 A THERE IS NO ADMISSION ON THEM THERE WAS NO,
22 YOU KNOW, AND I JUST PUT THEM IN THE DESK DRAWER THAT
23 NIGHT AND THE FORGET THEM

24 Q OKAY AND YOU JUST REMEMBERED TO TURN THEM IN
25 SOMETIME SEVERAL MONTHS DOWN THE ROAD?

1 A WELL, SOMEBODY, ONE OF THE GUYS, I THINK IT WAS
2 SOMEBODY FROM THE SOLICITOR'S OFFICE WE MENTIONED THE
3 TAPE AND THE INTERVIEW AND THEY SAID, WELL, THEY ARE
4 NOT IN THE EVIDENCE ROOM AND THAT'S WHEN I GOT TO
5 LOOKING THEM AND I SAID OH, LORD, THEY STILL IN MY
6 DESK DRAWER

7 Q WHO DID YOU MENTION THAT TO, DO YOU REMEMBER?

8 A I DON'T REMEMBER IF IT WAS THE SOLICITOR'S
9 OFFICE OR CAPTAIN CABANISS OR ONE OF THEM CAME TO ME
10 AND ASKED ME WHERE THE TAPES WERE AT

11 Q SO THEY KNEW THERE HAD BEEN SOME TAPE RECORDED
12 CONVERSATIONS OF THIS MADE?

13 A YES, SIR

14 Q BECAUSE YOU TOLD CAPTAIN CABANISS OR THE
15 SOLICITOR'S OFFICE OR BOTH?

16 A THAT'S CORRECT

17 Q OKAY DID YOU READ HIM HIS RIGHTS?

18 A NO, SIR

19 Q WHY NOT?

20 A HE WAS NOT IN CUSTODY HE WAS NOT UNDER ARREST

21 Q YOU DIDN'T FEEL LIKE HE NEEDED TO BE READ HIS
22 RIGHTS?

23 A NO, SIR, NOT AT THAT TIME

24 Q WAS HE A SUSPECT?

25 A NO, SIR, NOT AT THAT TIME

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1 Q OKAY YOU WERE JUST TALKING TO HIM, JUST TRYING
2 TO GET INFORMATION ABOUT THE MURDER?

3 A THAT'S CORRECT

4 Q RIGHT YOU KNEW IT WAS A MURDER AT THAT POINT?

5 A YES, SIR

6 Q OKAY AND YOU KNEW SHE HAD BEEN SEXUALLY
7 ASSAULTED, CORRECT?

8 A THAT'S CORRECT

9 Q YOU KNEW SHE HAD BEEN SODOMIZED, CORRECT?

10 A THAT'S CORRECT

11 Q HOW DID YOU KNOW THAT?

12 A AFTER A MEETING AT THE LAW CENTER AND A
13 DISCUSSION OF THE SCENE AND I THINK IT WAS AFTER THE
14 AUTOPSY WE MET AT THE STATION AND DISCUSSED

15 Q WHO IS "WE"?

16 A THE INVESTIGATING OFFICERS, EVERYBODY THAT WAS
17 PRESENT, DR MAYNARD, MYSELF, LIEUTENANT HERRING,
18 DETECTIVE BLACKWELDER

19 Q DR MAYNARD WAS AT THE LAW CENTER?

20 A THAT'S CORRECT

21 Q SO HE CAME TO THE LAW CENTER TO MEET WITH Y'ALL
22 AFTER THE AUTOPSY?

23 A THAT'S CORRECT

24 Q TO DISCUSS HER INJURIES?

25 A THAT'S CORRECT

1 Q DOES HE NORMALLY DO THAT? DID Y'ALL ASK HIM TO
2 DO THAT?

3 A I DON'T KNOW IF ANYBODY ASKED HIM TO DO IT OR
4 NOT, BUT I DO KNOW THE MEETING WAS SCHEDULED FOR THAT
5 AFTERNOON

6 Q AND WHAT DID HE TELL YOU ABOUT THE INJURIES?

7 A I DON'T REMEMBER SPECIFIC WORDING BUT HE RELATED
8 THAT SHE HAD BEEN BEATEN, THAT SHE HAD BEEN SEXUALLY
9 ASSAULTED, THAT SHE HAD BEEN SODOMIZED

10 Q OKAY DID HE GIVE ANY INDICATION TO YOU AT THAT
11 POINT ABOUT ANY SPECIFICS ABOUT THE INJURIES TO HER
12 VAGINA OR ANUS?

13 A TO ME NOT THAT I RECALL, NO, SIR

14 Q YOU DON'T REMEMBER THAT?

15 A NO, SIR

16 Q OKAY SO BEFORE YOU INTERVIEWED MR COPE YOU
17 HAD BEEN WORKING ON THE CASE ALL DAY?

18 A I DIDN'T REALLY WORK ON THE CASE I WENT TO THE
19 SCENE I STOOD BY ON THE PERIMETER OUTSIDE, I LOOKED
20 AROUND THE OUTSIDE OF THE HOUSE, AND AFTER WE GOT
21 BACK TO THE STATION, I DIDN'T REALLY HAVE THAT MUCH
22 TO DO WITH IT I HAD OTHER STUFF GOING ON THAT DAY

23 Q ALL RIGHT YOU HAD SEVERAL DISCUSSIONS WITH
24 OTHER INVESTIGATORS ABOUT THE CRIME?

25 A THAT'S CORRECT

1 Q OKAY AND YOU HAD DISCUSSED IT WITH DR
2 MAYNARD?

3 A THAT'S CORRECT

4 Q WHAT TIME DID DR MAYNARD COME?

5 A IT WAS LATE IN THE AFTERNOON I DON'T KNOW
6 SIX O'CLOCK

7 Q HOW LONG WAS HE THERE?

8 A JUST FOR A SHORT MEETING I'M NOT SURE HOW LONG
9 HE WAS THERE, PROBABLY 15-20 MINUTES

10 Q AFTER Y'ALL MET WITH HIM, Y'ALL MET AGAIN AS
11 INVESTIGATORS AND DETECTIVES, CORRECT?

12 A WE WERE STILL THERE IN THE CONFERENCE ROOM

13 Q TALKING ABOUT THE CASE?

14 A THAT'S CORRECT

15 Q OKAY WHEN YOU GOT MR COPE, WHAT WAS HIS
16 DEMEANOR LIKE WHEN YOU PICKED HIM UP BEFORE THE
17 INTERVIEW?

18 A I MEAN DEMEANOR, HE WAS CALM YOU KNOW, HE
19 WASN'T UPSET OR EMOTIONAL

20 Q I'M NOT GOING TO BELABOR THIS, I THINK YOU
21 MENTIONED IT, BUT YOU DIDN'T SPEAK TO HIS WIFE AT THE
22 HOUSE WHEN YOU WENT AND PICKED HIM UP?

23 A NO, SIR

24 Q WAS SHE UP?

25 A I DIDN'T SEE HER I DON'T KNOW IF SHE WAS UP

1 Q HAVE YOU EVER SEEN HER?

2 A I SAW HER AT THE SCENE THAT MORNING

3 Q BUT YOU NEVER TALKED TO HER?

4 A NO

5 Q AND YOU DIDN'T TALK TO HER AT THE HOUSE?

6 A NO

7 Q WAS MR COPE, WAS HE TIRED, WAS HE SLEEPY, WAS
8 HE FRESH, HAD HE EATEN, DID YOU ASK HIM THOSE
9 QUESTIONS?

10 A NO, SIR, I DID NOT

11 Q YOU DIDN'T ASK HIM ANY OF THAT?

12 A NO

13 Q OKAY DID YOU TALK TO HIM AT ALL ABOUT HIS
14 EDUCATION, ABOUT HIS BACKGROUND, ANYTHING ABOUT THAT?

15 A NO, SIR

16 Q ABOUT HIS WORK HISTORY, ABOUT HIS FAMILY?

17 A NO, I THINK THERE WAS SOME CONVERSATION DURING
18 THE INTERVIEW ABOUT WHERE HE WORKED BUT NOTHING
19 EXTENSIVE, NO, SIR

20 Q TALKED TO HIM ABOUT WHERE HE WENT TO CHURCH OR
21 WHETHER HE DID DRUGS OR WHETHER HE WAS HIGH OR
22 WHETHER HE HAD BEEN DRINKING OR DRUGING OR ANYTHING
23 THE NIGHT BEFORE, DID YOU TALK TO HIM ABOUT ANY OF
24 THAT STUFF?

25 A NO, SIR

1 Q YOU DIDN'T THINK THAT WAS IMPORTANT?

2 A NO, SIR, HE DIDN'T APPEAR TO BE UNDER THE
3 INFLUENCE OF ANYTHING

4 Q DIDN'T APPEAR TO BE?

5 A NO, SIR

6 Q OKAY AND AT SOME POINT, INVESTIGATOR, YOU
7 BEGAN AN INVESTIGATION THAT OR AN INTERROGATION I
8 SHOULD SAY OF MR COPE, IS THAT CORRECT?

9 A AN INTERVIEW, THAT IS CORRECT

10 Q THAT YOU TAPED RECORDED?

11 A THAT'S CORRECT

12 Q THAT Y'ALL TAPE RECORDED, RIGHT?

13 A THAT'S CORRECT

14 Q NOW INVESTIGATOR WALDROP, I'VE ASKED YOU THIS
15 BEFORE AND I'LL BE BRIEF, AS FAR AS INTERROGATION
16 TECHNIQUES, YOU'VE BEEN TRAINED IN THOSE?

17 A I'VE HAD SOME TRAINING, THAT'S CORRECT

18 Q HOW LONG HAD IT BEEN SINCE YOU HAD ANY TRAINING?

19 A THIS HAPPENED IN 2001?

20 Q YES, SIR

21 A PROBABLY A YEAR AND A HALF PRIOR TO THAT

22 Q HOW OFTEN DO YOU HAVE TRAINING IN INTERROGATION
23 TECHNIQUES?

24 A IT'S NOT ON A REGULAR BASIS IT'S NOT AN
25 ONGOING TRAINING

1 Q NOT EVERY YEAR?

2 A NOT EVERY YEAR, NO, SIR

3 Q OKAY WHEN BEFORE THAT?

4 A IT WAS 13 WEEKS AT THE FBI NATIONAL ACADEMY IN
5 QUANTICO, VIRGINIA IT IS A 13 WEEK COURSE AND ONE
6 OF THE CLASSES DURING THAT 13 OR 12 OR 11 WEEKS,
7 EXCUSE ME, WAS AN INTERVIEW INTERROGATION CLASS

8 Q AND WHEN WAS THAT?

9 A IN JANUARY, IT STARTED IN JANUARY AND LASTED
10 THROUGH MARCH OF 2000

11 Q AND YOU HAD ONE CLASS ON INTERROGATION?

12 A I'M TALKING ABOUT IT IS AN 11 WEEK CLASS

13 Q YEAH, I UNDERSTAND THAT, BUT THE WHOLE 11 WEEKS
14 IS ON INTERROGATION?

15 A ONE CLASS YOU KNOW, IT'S A COLLEGE TYPE
16 SEMESTER

17 Q OKAY

18 A AND I TOOK FIVE COURSES DURING THAT TIME AND ONE
19 OF THE COURSES WAS INTERVIEW INTERROGATION

20 Q OKAY AND BEFORE THAT WERE YOU TRAINED AT THE
21 CRIMINAL JUSTICE ACADEMY?

22 A THAT'S CORRECT

23 Q DO YOU HAVE CLASSES ON INTERROGATION THERE?

24 A THAT'S CORRECT

25 Q AND THAT WAS HUNDRED YEARS AGO -- I MEAN, 30

1 YEARS AGO?

2 A 30 YEARS AGO

3 Q HAD YOU READ OR BEEN PRIVY TO THE OTHER
4 INTERVIEWS THAT MR COPE --

5 A NO, SIR

6 Q --HAD GIVEN?

7 A HAD NOT READ THEM

8 Q HAD NOT READ THEM?

9 A NO, SIR

10 Q HAD YOU DISCUSSED THEM?

11 A NOT IN ANY LENGTH OR DEPTH I HAD HEARD
12 CONVERSATION AND TALKING, BUT OTHER THAN THAT, THAT'S
13 ALL

14 Q BEFORE YOU BEGAN THIS INTERROGATION WITH
15 MR COPE, WHAT DID YOU KNOW?

16 A I KNEW THAT HIS DAUGHTER AMANDA COPE WAS
17 DECEASED I KNEW THAT SHE HAD BEEN MURDERED, BEATEN,
18 SEXUALLY ASSAULTED, SODOMIZED

19 Q SODOMIZED WITH WHAT?

20 A I HAD NO IDEA

21 Q OKAY WHAT ABOUT WHAT MR COPE HAD TO SAY ABOUT
22 IT?

23 A DID NOT HAVE ANY IDEA DID NOT KNOW

24 Q YOU DIDN'T HAVE ANY IDEA?

25 A NO, SIR

1 Q WHAT NO IDEA WHAT HE HAD SAID?

2 A NO, SIR, NONE WHATSOEVER

3 Q NO IDEA- WHAT ANY OF HIS FAMILY HAD SAID, HIS
4 DAUGHTERS OR WIFE, ANYBODY?

5 A NO, SIR

6 Q ANY OF THE OTHER POLICE OFFICERS?

7 A JUST OTHER THAN CONVERSATION IN THE MEETING AT
8 APPROXIMATELY SIX P M THAT NIGHT

9 Q AND THEY DIDN'T TALK TO YOU AT ALL ABOUT WHAT HE
10 SAID?

11 A WELL, I HAD HEARD CONVERSATION

12 Q WELL, THAT'S WHAT I WANT TO KNOW WHAT DID YOU
13 KNOW THAT THEY HAD TOLD YOU ABOUT WHAT HE HAD SAID?

14 A ACCORDING TO THE OFFICERS IN THE ROOM WHEN THEY
15 ARRIVED ON THE SCENE MR COPE MET THEM AT THE DOOR
16 THEY RELATED TO ME THAT HE WAS ON THE COMPUTER AS
17 THEY ENTERED THE HOUSE HE MADE SOME TYPE OF COMMENT
18 ABOUT HER BEING IN THE OTHER ROOM, TALKED ABOUT AN
19 ARTICLE WRAPPED AROUND HER NECK, THAT HE THOUGHT IT
20 HAD BEEN AN ACCIDENT, THIS SELVAGE OR WHATEVER ON THE
21 BLANKET THAT HE HAD REMOVED FROM AROUND HER NECK OR
22 HAD ATTEMPTED TO REMOVE I THOUGHT IT WAS STILL
23 AROUND HER NECK WHEN OFFICERS ARRIVED TALKED ABOUT
24 DURING THE CONVERSATION ABOUT THE HOUSE BEING
25 SECURED, TALKED ABOUT THE PERIMETER BECAUSE I CHECKED

1 THE PERIMETER OF THE HOUSE MYSELF BASICALLY JUST
2 WENT OVER WHAT HE HAD SAID TO THE OFFICERS ARRIVING
3 ON THE SCENE, BUT I HAD NOT, AS FAR AS THE STATEMENTS
4 OR THAT THE DETECTIVE BURRIS AND ALL OF THEM, I HAD
5 NOT TALKED ABOUT THOSE AT ALL

6 Q YOU KNEW THAT HE SAID THAT HE WAS ASLEEP, HE
7 DIDN'T HEAR ANYTHING?

8 A NO, I DON'T THINK SO I THINK I LEARNED HIS
9 SIDE OF THE STORY DURING OUR INTERVIEW

10 Q OKAY DID YOU HAVE ANY OTHER INTERVIEWS WITH
11 HIM OTHER THAN THIS FOUR HOUR CONVERSATION?

12 A I DON'T THINK IT WAS A FOUR HOUR ONE BUT

13 Q THREE HOURS?

14 A THREE HOURS MAYBE NO, SIR, I DID NOT

15 Q OKAY HE WAS BROUGHT BACK TO THE ROCK HILL
16 POLICE STATION ON DECEMBER THIRD WHERE HE WAS
17 INTERVIEWED BY CAPTAIN CABANISS AND DETECTIVE
18 BLACKWELDER AND MAYBE OTHERS, WERE YOU PART OF THAT?

19 A NO, SIR

20 Q YOU WERE NOT PART OF THAT AT ALL?

21 A NO, SIR

22 Q WERE YOU THERE?

23 A NO, SIR

24 Q YOU WERE NOT THERE?

25 A I WAS NOT THERE

000190

1 Q OKAY

2 MR MORTON YOUR HONOR, I BEG THE COURT'S
3 INDULGENCE- ONE SECOND

4 Q YOU INTERVIEWED HIM FOR SEVERAL HOURS, CORRECT?

5 A THAT'S CORRECT

6 Q AND WHICH POINT IT WAS DECIDED THAT HE WOULD BE
7 CHARGED WITH MURDER, RIGHT?

8 A YEAH, AFTER THE INTERVIEW, THAT'S CORRECT

9 Q RIGHT NOW WHOSE DECISION WAS THAT, WAS THAT A
10 COLLECTIVE DECISION, WAS THAT YOUR DECISION?

11 A NO, IT WAS A COLLECTIVE DECISION

12 Q COLLECTIVE BETWEEN WHOM?

13 A MYSELF AND LIEUTENANT HERRING, DETECTIVE
14 BLACKWELDER, AND WE CONFERRED WITH CAPTAIN CABANISS

15 Q WHO WAS OUT OF TOWN?

16 A THAT'S CORRECT

17 Q OKAY AND Y'ALL DECIDED TO CHARGE HIM WITH
18 MURDER?

19 A THAT'S CORRECT

20 Q BASED UPON WHAT?

21 A BASED UPON THE EVIDENCE COLLECTED AT THE SCENE,
22 THE --

23 Q WOO, WOO, WOULD YOU STOP RIGHT THERE WHAT
24 EVIDENCE COLLECTED AT THE SCENE?

25 A WELL, THE EVIDENCE AT THE SCENE SUCH AS NO SIGNS

1 OF FORCED ENTRY

2 Q ANY FINGERPRINTS TAKEN THAT YOU WERE AWARE OF?

3 A I DON'T HAVE ANY IDEA

4 Q OKAY WHO WAS IN CHARGE OF THE SCENE?

5 A THAT WOULD HAVE BEEN LIEUTENANT HERRING

6 Q HE WAS IN THE CHARGE OF THE SCENE?

7 A WELL, HE WAS IN CHARGE OF THE INVESTIGATION

8 Q SO HE ULTIMATELY BEARS RESPONSIBILITY FOR WHAT
9 HAPPENED AT THE SCENE?

10 A WELL, IT WOULD BE A COLLECTIVE BECAUSE CRIME
11 SCENE COMES UNDER A DIFFERENT SUPERVISOR

12 Q WELL, WHO ELSE?

13 A AT THE SCENE

14 Q YES WHO ELSE WHO WOULD HAVE BEEN CHARGED AT
15 THE SCENE OTHER THAN LIEUTENANT HERRING, WHO ELSE?

16 A I GUESS IT WOULD BE HAVE SERGEANT MIKE WILLIAMS
17 WHO IS SUPERVISOR OR ONE OF THE SUPERVISORS OF THE
18 CRIME SCENE UNIT THAT WOULD HAVE BEEN PROCESSING THE
19 SCENE

20 Q OKAY

21 A OR KEVIN TOLSON WITH THE SOLICITOR'S OFFICE WHO
22 IS --

23 Q KEVIN TOLSON WITH THE SOLICITOR'S OFFICE?

24 A HE WAS THE ULTIMATE SUPERVISOR OF THE FORENSICS
25 UNIT, THAT'S CORRECT

000192

1 Q HE WORKS WITH THE SOLICITOR'S OFFICE?

2 A THAT'S CORRECT

3 Q OKAY SO BACK TO MY QUESTION, WHAT EVIDENCE AT
4 THE SCENE ARE YOU TALKING ABOUT? THE FACT THAT YOU
5 DIDN'T FIND ANY SIGNS OF FORCED ENTRY?

6 A NO SIGNS OF FORCED ENTRY THE FACT THAT SHE WAS
7 SEVERELY BEATEN SHE HAD BEEN AT THAT TIME IN OUR
8 OPINION OR THE OPINION OF THE PATHOLOGIST SEXUALLY
9 ASSAULTED AND SODOMIZED THERE WAS NO OTHER
10 INDIVIDUALS IN THE HOUSE MR COPE'S OWN STATEMENTS
11 AND ADMISSIONS IN THIS INTERVIEW THAT THERE WERE NO
12 SIGNS OF FORCED ENTRY, THE HOUSE WAS SECURE, THE
13 HOUSE WAS SECURE FROM THE OUTSIDE INCONSISTENCIES
14 IN HIS STATEMENTS

15 Q WHAT KIND OF INCONSISTENCIES?

16 A WELL, HIS INABILITY TO TELL US OR STICK TO ANY
17 LINE OF QUESTIONING OR STORY ABOUT WHAT HAPPENED AT
18 THE HOUSE IT WAS JUST A LOT OF DIFFERENT STUFF
19 COMPILED TOGETHER

20 Q HE DIDN'T KNOW WHAT HAPPENED, IS THAT FAIR?

21 A THAT'S HIS STORY, THAT'S CORRECT

22 Q WHAT DID YOU LEARN FROM YOUR INTERROGATION OF
23 BILLY COPE OF OVER THREE AND A HALF HOURS THAT YOU
24 DID NOT KNOW WHEN YOU WENT TO PICK HIM UP AT HIS
25 HOUSE?

000193

1 A BASICALLY NOTHING

2 Q OKAY SO THE FACT THAT THERE WAS NO FORCED
3 ENTRY AND SOMEBODY WAS RAPED AND MURDERED AND, PRETTY
4 MUCH IT, RIGHT?

5 A BASICALLY, YEAH

6 Q THAT'S ALL I HAVE

7 MR BRACKETT ONE MOMENT, YOUR HONOR

8 CROSS EXAMINATION BY MR BRACKETT

9 Q YOU WERE AT THE SCENE CRIME THAT MORNING?

10 A THAT'S CORRECT

11 Q AND YOU PERSONALLY INSPECTED THE PERIMETER?

12 A THAT'S CORRECT

13 Q YOU WALKED AND LOOKED AT EACH WINDOW OF THAT
14 HOUSE?

15 A THAT'S CORRECT

16 Q AND YOU OBSERVED THE DUST AND COBWEBS?

17 A THAT'S CORRECT

18 Q AND IN EACH WINDOW YOU CONCLUDED THAT NOBODY
19 CLIMBED THROUGH ANY OF THOSE WINDOWS OR ANY WINDOWS
20 THAT COULD HAVE BEEN CLIMBED THROUGH OR THAT THE
21 WINDOWS WERE NAILED SHUT, PLASTICED OVER, THERE WAS,
22 THE WINDOWS WERE AGED IN SUCH A WAY THAT NOBODY COULD
23 HAVE COME THROUGH?

24 A I SAW NOTHING --

25 Q THE FRONT DOOR --

000194

1 THE COURT LET HIM ANSWER THE QUESTION

2 Q I'M SORRY

3 A I SAW NOTHING ON THE PERIMETER OF THAT HOUSE
4 WHATSOEVER THAT INDICATED ANYBODY HAD GONE IN ANY
5 WINDOWS OF THAT HOUSE

6 Q YOU KNEW THAT THE FRONT DOOR HAD A CHAIN LATCH
7 ON IT?

8 A THAT'S CORRECT

9 Q AND THE GIRLS INDICATED THAT THE CHAIN LATCH HAD
10 BEEN LOCKED THE NIGHT BEFORE?

11 A THAT'S CORRECT

12 Q THE BACK DOOR WAS EXTREMELY DIFFICULT TO OPEN
13 AND HAD ITEMS IN FRONT OF IT?

14 A THAT'S CORRECT

15 Q ALL RIGHT YOU KNEW THAT THIS WAS A SMALL
16 HOUSE?

17 A THAT'S CORRECT

18 Q YOU KNEW THAT THE DISTANCE FROM WHERE MR COPE
19 CLAIMED TO HAVE BEEN LAYING IN HIS BED THAT NIGHT WAS
20 APPROXIMATELY 15 FEET FROM WHERE AMANDA COPE LAY DEAD
21 IN HER BED?

22 A I WOULDN'T SAY 15 FEET I'D SAY LIKE MORE 10 OR
23 12

24 Q WELL, I AM GOING TO START WALKING AWAY FROM YOU
25 AND I WANT YOU TO TELL ME TO STOP WHEN YOU THINK THE

1 DISTANCE BETWEEN US IS THE SAME AS THE DISTANCE
2 BETWEEN THEIR BEDS?

3 A ABOUT RIGHT THERE

4 Q ALL RIGHT YOU KNEW THE HOUSE WAS OLD?

5 A THAT'S CORRECT

6 Q CREAKED?

7 A IT WAS IN --

8 Q NOISY?

9 A ---VERY BAD CONDITION, THAT'S CORRECT

10 Q ALL RIGHT THAT THERE WAS CLUTTER ALL THROUGH
11 THE HOUSE?

12 A THAT'S CORRECT

13 Q IT WAS DIFFICULT TO MOVE THROUGHOUT THE HOUSE
14 BECAUSE OF THE CLUTTER?

15 A IT WAS JUST IN TOTAL DISARRAY, YES, SIR

16 Q AND HER ROOM IN PARTICULAR?

17 A WELL, I NEVER ENTERED HER ROOM, BUT I DID SEE
18 INTO HER ROOM FROM THE LIVING ROOM AREA AND THE HALL
19 AREA OF THE HOUSE

20 Q ALL RIGHT YOU KNEW THAT THE ASSAULT ON HER WAS
21 EXTREMELY VIOLENT AND BRUTAL?

22 A THAT'S CORRECT

23 Q THAT IT WOULD HAVE NECESSITATED A TREMENDOUS
24 AMOUNT OF FORCE TO INFLICT THE INJURIES ON THIS CHILD
25 THAT WERE INFLICTED?

000196

1 A THAT'S CORRECT

2 Q YOU ALSO KNEW FROM TALKING TO DR MAYNARD THAT
3 NIGHT THAT THE SEXUAL ABUSE PERPETRATED ON THIS CHILD
4 WAS CHRONIC, THAT HE SUSPECTED AND BELIEVED THAT THIS
5 WAS NOT AN ISOLATED INCIDENT, THAT SHE HAD BEEN
6 REPEATEDLY ABUSED OVER A PERIOD OF TIME?

7 A IT WAS EXTREME IN HIS WORDS OR HIS OPINION AND
8 YES, THAT'S CORRECT

9 Q THAT SHE HAD BEEN BOTH SODOMIZED OVER A PERIOD
10 OF TIME?

11 A THAT'S WHAT HE INDICATED, THAT'S CORRECT

12 Q AND VAGINALY RAPED OVER A PERIOD OF TIME?

13 A THAT'S CORRECT

14 Q NOT OVER A PERIOD OF TIME THAT ONE DAY, BUT OVER
15 A PERIOD OF DAYS?

16 A THAT'S CORRECT

17 Q YOU KNEW THAT HIS INITIAL STORY TO THE
18 FIREFIGHTERS WAS THAT WHEN HE WENT INTO HER ROOM, SHE
19 WAS NAKED, AND THAT HE DRESSED HER?

20 A THAT'S CORRECT

21 Q THAT'S WHAT HE TOLD FIREFIGHTER JASON DILLON?

22 A THAT WAS, I REMEMBER THAT DISCUSSION BUT I
23 WASN'T PRESENT WHEN IT WAS TOLD, THAT'S CORRECT

24 Q YET IN THE CONVERSATION THAT YOU HAD WITH HIM
25 THAT NIGHT HE CLAIMED TO YOU THAT SHE WAS DRESSED

1 WHEN HE WENT INTO THAT ROOM?

2 A I THINK THAT'S CORRECT I'D HAVE TO REFER TO IT
3 BUT I THINK THAT'S CORRECT

4 Q THAT HE HAD, THE ONLY THING WAS THAT HER SHIRT
5 WAS PULLED UP?

6 A HER SHIRT WAS PULLED UP AND HE HAD TO PULL IT
7 DOWN OVER BREAST, THAT IS CORRECT

8 Q BUT THAT WAS THE ONLY THING, BUT PREVIOUSLY HE
9 HAD TOLD TIFFANY BARNETT AND JASON DILLON
10 FIREFIGHTERS, THE FIRST TWO PEOPLE IN THAT HOUSE,
11 THAT SHE WAS NAKED AND THAT HE HAD DRESSED HER?

12 A THAT'S CORRECT

13 Q YOU KNEW THAT HE WAS CLAIMING THAT THE DEATH OF
14 AMANDA COPE WAS ACCIDENTAL?

15 A THAT'S CORRECT

16 Q AND THAT HE BELIEVED THAT IT TO BE ACCIDENTAL?

17 A THAT'S CORRECT

18 Q AND THAT HIS CAUSE OF DEATH THAT HE ASSIGNED TO
19 THIS INCIDENT WAS THAT A STRIP OF SELVAGE, THE EDGING
20 ON A BLANKET, THE NYLON STRIP APPROXIMATELY THIS
21 LONG, HAD COME LOOSE SOME TIME BEFORE, AND THAT HE
22 HAD WARNED HER ABOUT THAT?

23 A THAT'S CORRECT

24 Q SHE SLEPT WITH THAT BLANKET DESPITE HIS
25 WARNINGS, AND MUST HAVE ROLLED AROUND IN HER SLEEP,

1 IN FACT, HE SAID AT ONE POINT SHE HAD A HISTORY OF
2 ROLLING?

3 A THAT'S CORRECT

4 Q AND THAT IT MUST HAVE GOTTEN WRAPPED HER NECK
5 FOUR OR FIVE TIMES?

6 A THAT'S RIGHT

7 Q AND THAT THAT'S HOW SHE DIED, SHE CHOKED
8 HERSELF?

9 A THAT'S CORRECT

10 Q AND YOU KNEW SHE WAS 12 YEARS OLD?

11 A YES, SIR

12 Q AND THAT THAT WAS VERY UNLIKELY?

13 A IN MY OPINION

14 Q AND THAT'S WHAT DR MAYNARD HAD SAID AS WELL?

15 A THAT'S CORRECT

16 Q AND YOU KNEW ALL THOSE THINGS THAT NIGHT?

17 A THAT'S DURING THE INTERVIEW?

18 Q YES, SIR

19 A YES, SIR

20 Q YOU KNEW ALSO THAT HE HAD TOLD A NUMBER OF
21 PEOPLE AT THE SCENE THAT THE, THAT SHE HAD BEEN DEAD
22 FOR ABOUT FOUR HOURS AND THAT THAT'S WHAT DR MAYNARD
23 SAID WHEN THEY FIRST ARRIVED ON THE SCENE HE SAID
24 SHE HAD BEEN DEAD ABOUT FOUR HOURS AND DR MAYNARD
25 LATER CONCLUDED THAT SHE BEEN DEAD ABOUT FOUR HOURS?

1 A THAT'S RIGHT AND YES, SIR

2 Q AND YOU ALSO KNEW THAT SHE HAD, THAT HE HAD TOLD
3 -A NUMBER OF PEOPLE THAT THE KIDS HAD GONE TO BED
4 ABOUT 12 30 OR ONE O'CLOCK THAT NIGHT, BUT THEN WHEN
5 DSS INTERVIEWED HIM AND ASKED HIM WHAT TIME THEY WENT
6 TO BED HE SAID 8 30 AND 9 30 AND 10 30 RESPECTFULLY
7 IN ASCENDING ORDER OF AGE THE YOUNGEST WENT TO BED
8 AT 8 30 ALL THE WAY UP TO 10 30 WHEN AMANDA WENT TO
9 BED?

10 A I THINK I FOUND THAT OUT LATER BUT I DID KNOW
11 THAT, YES

12 Q AND THAT THAT WAS INCONSISTENT?

13 A THAT'S CORRECT

14 Q YOU ALSO HAD AN OPPORTUNITY TO LISTEN TO THE 911
15 TAPE?

16 A NO, SIR, I HAD NOT

17 Q YOU HAD NOT LISTENED TO IT AT THAT POINT IN
18 TIME?

19 A NO, SIR, I HAD NOT

20 Q HE KNEW YOU WERE TAPING THIS INTERVIEW, IS THAT
21 RIGHT?

22 A THAT'S CORRECT

23 Q OKAY AND YOU DID NOT READ HIM HIS RIGHTS
24 BECAUSE AT THAT TIME YOU HAD NOT DECIDED TO ARREST
25 HIM?

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1 A THAT'S TRUE

2 Q YOU INDICATED THAT HE WAS NOT A SUSPECT AT THAT
3 TIME, BUT THE FACT OF THE MATTER WAS HE WAS A
4 SUSPECT, WASN'T HE?

5 A LEANING IN THAT DIRECTION, YES, SIR

6 Q I MEAN, OF ALL THE PEOPLE IN THE WORLD OBVIOUSLY
7 THIS WAS A MURDER?

8 A THAT'S CORRECT

9 Q THIS WASN'T AN ACCIDENTAL DEATH, YOU KNEW THAT
10 NOW BECAUSE OF DR MAYNARD?

11 A THAT'S CORRECT

12 Q SO SOMEBODY HAD TO PERPETRATE HIS ABUSE ON THIS
13 CHILD?

14 A EXACTLY

15 Q AND IN THE WHOLE WORLD IF YOU HAD TO LOOK, WRITE
16 A SHORT LIST OF PEOPLE WHO MIGHT HAVE DONE THIS AT
17 10 45 BEFORE YOU COMMENCED THAT INTERVIEW, HE WOULD
18 HAVE BEEN AT THE TOP OF THE LIST OR CLOSE TO IT?

19 A THAT'S CORRECT

20 Q OKAY BUT STILL YOU HAD NOT DECIDED TO ARREST
21 HIM?

22 A NO, SIR, HAD NOT

23 Q OKAY DID HE ---HOW LONG HAVE YOU BEEN A POLICE
24 OFFICER?

25 A 30 YEARS

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1 Q HAVE YOU SEEN PEOPLE WHO WERE DRUNK BEFORE?

2 A YES, SIR

3 Q HAVE YOU SEEN PEOPLE WHO WERE ON DRUGS BEFORE?

4 A PLENTY OF TIMES, YES, SIR

5 Q ALL RIGHT AND SO YOU HAD A GOOD DEAL OF
6 EXPERIENCE ALL DIFFERENT KINDS OF DRUGS?

7 A THAT'S CORRECT

8 Q AND DID ANYTHING IN HIS DEMEANOR THAT NIGHT GIVE
9 YOU THE IMPRESSION THAT HE WAS EITHER INTOXICATED OR
10 ON ANY KIND OF NARCOTIC SUBSTANCE? WERE HIS MENTAL
11 FACILITIES IMPAIRED IN ANY WAY THAT YOU COULD
12 OBSERVE?

13 A NO, SIR

14 Q DID HE APPEAR INTELLIGENT?

15 A YES, SIR

16 Q WAS HE ABLE TO ANSWER YOUR QUESTIONS?

17 A TO A CERTAIN EXTENT HE ANSWERED QUESTION BUT HE
18 WOULDN'T ANSWER QUESTIONS HE WOULD TAKE OFF ON A
19 TANGENT RANDOM TALKING ABOUT EVERYTHING IN THE WORLD
20 A LOT OF TIMES EXCEPT FOR THE QUESTIONS THAT HE WAS
21 ASKED

22 Q LET'S TALK ABOUT THAT FOR A SECOND YOU DID ASK
23 HIM REPEATEDLY TO ADDRESS THESE CONCERNS THAT YOU HAD
24 AND HE WOULD TAKE THE ANSWER AND ONE MINUTE BE
25 TALKING ABOUT AMANDA AND THE NEXT THING BE TALKING

1 ABOUT HIS BIBLE STUDY QUIZZES --

2 A THAT'S CORRECT

3 Q COMPLETELY UNRELATED?

4 A THAT'S CORRECT

5 Q IF YOU DIDN'T STOP HIM FROM TALKING, HE WOULD
6 HAVE TALKED FOR AN HOUR, ISN'T THAT?

7 A I HAD TO REPEATEDLY ASK HIM, LET'S TALK ABOUT,
8 YOU KNOW, LET'S TALK ABOUT WHATEVER I HAD ASKED HIM

9 Q AND AT ANY POINT IN TIME DID HE SHOW WHILE YOU
10 ARE DISCUSSING THIS TERRIBLE INCIDENT AND YOU WERE
11 TELLING HIM SOME THINGS THAT YOU KNEW?

12 A THAT'S CORRECT

13 Q THAT YOU LEARNED IN THE INVESTIGATION?

14 A THAT'S CORRECT

15 Q DID HE EVER REGISTER SURPRISE?

16 A NO

17 Q SHOCK?

18 A NONE

19 Q ANGER?

20 A NONE

21 Q ANY SORT OF EMOTION AT ALL?

22 A NONE

23 Q WAS THAT SUSPICIOUS?

24 A VERY

25 Q NOW YOU, IN THE COURSE OF THE INTERVIEW, YOU

1 READ SOME OF THE REPORTS LIKE KEVIN JONES, OFFICER
2 JONES, I BELIEVE YOU HAD ACCESS TO SOME OF THE
3 REPORTS THAT HAD BEEN WRITTEN THAT DAY OF WHAT HAD
4 TOOK PLACE AT THE HOUSE THAT MORNING?

5 A THEY WERE THERE AND I WOULD PICK IT UP AND WHEN
6 I PICKED THEM UP THEN, YOU KNOW, THAT'S THE FIRST
7 TIME I HAD SEEN THEM I HADN'T ACTUALLY

8 Q YOU MIGHT HAVE HEARD THE SUBSTANCE OF IT BUT NOT
9 SEEN THE REPORT?

10 A EXACTLY BUT NOT, DISCUSSION EARLIER, BUT HAD NOT
11 READ THEM OR SEEN THEM

12 Q OKAY SO YOU DID HAVE ACCESS TO SOME OF THIS?

13 A THAT'S CORRECT

14 Q NOW WE HAVE OBVIOUSLY SIZABLE CASE FILE?

15 A THAT'S CORRECT

16 Q THREE OR FOUR INCHES THICK AND PROBABLY MORE
17 THAN THAT, MUCH MORE THAN THAT, YOU DIDN'T HAVE ALL
18 THAT NICE AND NEATLY ORGANIZED THAT NIGHT?

19 A NO, SIR, DID NOT

20 Q SO IT'S ALL BEING GENERATED AS YOU ARE DOING THE
21 INTERVIEW?

22 A THAT'S CORRECT

23 Q SOME OF IT HASN'T BEEN GENERATED YET, SOME OF IT
24 IS IN THE PROCESS OF IT?

25 A THAT'S CORRECT

1 Q YOU ALSO LEARNED FOR THE FIRST TIME DURING THAT
2 INTERVIEW THAT THOUGH HE CLAIMED TO HAVE GONE TO BED
3 AT ONE A M AND WOKEN UP AT SIX A M REPEATEDLY PRIOR
4 TO THAT INTERVIEW, DURING THAT INTERVIEW FOR THE
5 FIRST TIME HE REVEALED THAT IN FACT HE WOKE UP AT
6 THREE O'CLOCK IN THE MORNING TO USE THE BATHROOM?

7 A HE WENT TO THE RESTROOM, THAT'S CORRECT

8 Q THAT'S WHAT HE TOLD YOU BUT HE NEVER SAID THAT
9 BEFORE

10 A NOT THAT I WAS AWARE OF, NO, SIR

11 Q AND THAT HE CHECKED ON TWO OF HIS CHILDREN BUT
12 DIDN'T BOTHER LOOKING IN ON AMANDA?

13 A ON THE THIRD ONE, THAT'S CORRECT

14 Q AND THEIR DOOR'S APPROXIMATELY, WOULD IT BE SAFE
15 TO SAY IF I WAS STANDING IN THE HALLWAY RIGHT NOW I
16 COULD BE REACHING SIMULTANEOUSLY INTO THEIR ROOMS?

17 A AND TOUCH BOTH DOORS, THAT'S CORRECT

18 Q YEAH NOW LES HERRING'S OFFICE WAS THE LOCATION
19 OF THIS INTERVIEW?

20 A THAT'S CORRECT

21 Q HOW BIG IS THAT OFFICE?

22 A PROBABLY 12 BY 12, 12 BY 14

23 Q AND WHERE -- HOW MANY CHAIRS WERE IN THAT
24 OFFICE?

25 A THERE WOULD BE THREE ONE BEHIND THE

1 LIEUTENANT'S DESK AND TWO SITTING ACROSS FROM HIM

2 Q OKAY AND WHERE DID THE THREE OF YOU SIT OR
3 WERE THERE MORE PEOPLE SITTING IN THERE THAN THE --

4 A NO, IT WAS JUST THE THREE OF US

5 Q OKAY WHERE DID THE THREE OF YOU SIT?

6 A LIEUTENANT HERRING SAT BEHIND HIS DESK, BILLY
7 COPE SET ON THE CHAIR ON THE LEFT, AND I SAT ON THE
8 CHAIR TO THE RIGHT

9 Q AS LIEUTENANT HERRING WAS SITTING AT HIS DESK
10 FACING OUT, WAS MR COPE HERE OR WAS MR COPE TO MR
11 HERRING'S RIGHT OR HIS LEFT?

12 A HE WOULD HAVE BEEN AS LIEUTENANT HERRING WAS
13 LOOKING AT US, BILLY COPE WOULD HAVE BEEN TO THE
14 RIGHT, I WOULD HAVE BEEN TO THE LEFT

15 Q NOW AS MR HERRING IS SITTING AT HIS DESK, HOW
16 MANY DOORS ARE IN THIS OFFICE?

17 A TWO

18 Q OKAY ARE THE DOORS TO HIS LEFT OR HIS RIGHT OR
19 DIRECTLY IN FRONT OF HIM?

20 A THEY WERE TO THE LEFT AND THE RIGHT

21 Q THE LEFT AND THE RIGHT?

22 A THAT'S CORRECT

23 Q WHERE DOES THE DOOR ON THE LEFT GO TO?

24 A FROM THE DESK THE DOOR ON THE LEFT GOES INTO THE
25 DETECTIVE DIVISION

000206

1 Q OKAY WAS THAT DOOR OPENED OR CLOSED DURING
2 THIS INTERVIEW?

3 A IT WAS OPEN

4 Q FOR THE ENTIRE INTERVIEW?

5 A THE ENTIRE INTERVIEW

6 Q ALL RIGHT AND THE DOOR ON THE RIGHT, WHERE
7 DOES THAT GO TO?

8 A OUT IN THE LOBBY OF THE POLICE STATION

9 Q TO THE LOBBY, THE FRONT AREA WHERE THE COUCHES
10 ARE?

11 A THAT'S CORRECT

12 Q OKAY AND THERE IS A DOOR THAT EXITS OUT IN THE
13 PARKING LOT AND THE STREET?

14 A THAT'S CORRECT

15 Q NOW FROM, AT ANY POINT IN TIME WAS MR COPE LEFT
16 ALONE IN THIS ROOM?

17 A YES, SIR

18 Q OKAY AND WAS THE DOOR CLOSED --

19 A NO, SIR

20 Q ---TO THE DETECTIVE DIVISION OR COULD YOU ALWAYS
21 LOOK IN AND SEE HIM?

22 A YOU COULD ALWAYS LOOK IN AND SEE HIM

23 Q EVEN WHEN YOU WERE CONFERRING AT THE VERY END OF
24 THE INTERVIEW?

25 A THAT'S CORRECT

000207

1 Q NOW YOU SAID CAPTAIN CABANISS WAS CONSULTED AT
2 THE END OF THE INTERVIEW AND THAT YOU DISCUSSED WHAT
3 TO DO --

4 A THAT'S CORRECT

5 Q ---WITH HIM WAS HE PRESENT IN THE POLICE
6 STATION AT THAT TIME?

7 A NO, SIR, HE WAS OUT OF TOWN

8 Q WHERE DID YOU HAVE TO CONSULT WITH HIM? HOW DID
9 YOU GO ABOUT GETTING IN TOUCH WITH HIM?

10 A I CAN'T REMEMBER IF I CALLED HIM ON THE CELL
11 PHONE OR PAGED HIM ONE OF US CALLED HIM OR PAGED
12 HIM AND I'M PRETTY SURE IT WAS ME AND WE TALKED TO
13 HIM ON THE TELEPHONE

14 Q WHERE WAS HE?

15 A I THINK HE WAS IN VIRGINIA BEACH

16 Q WAS HE YOUR BOSS?

17 A THAT'S CORRECT

18 Q LIEUTENANT HERRING'S BOSS?

19 A THAT'S CORRECT

20 Q CHARLENE BLACKWELDER'S BOSS?

21 A THAT'S CORRECT

22 Q AND ARE THOSE THE OTHER THREE PEOPLE BESIDES
23 CAPTAIN CABANISS THAT WERE INVOLVED IN THE DECISION
24 MAKING PROCESS?

25 A THAT'S CORRECT

000208

1 Q WHOSE VOICE WOULD HAVE BEEN THE LOUDEST IN THAT
2 DECISION MAKING PROCESS? I MEAN IN TERMS OF WHO
3 WOULD HAVE HAD THE MOST INFLUENCE OF WHETHER OR NOT
4 TO CHARGE HIM?

5 A CAPTAIN CABANISS

6 Q IN FACT, WAS HE THE DECIDING VOTE, THE PERSON
7 WHO ULTIMATELY DECIDED, YES, WE SHOULD CHARGE HIM?

8 A WELL, AFTER THE CONVERSATION WITH HIM AND
9 EXPLAINING THE INTERVIEW AND EVERYTHING WE DISCUSSED
10 IT I MEAN, WE TOLD HIM BASICALLY WHAT WE HAD AND,
11 YOU KNOW, THE DECISION WAS MADE AND HE WAS ARRESTED
12 AND, YOU KNOW, IT WAS A CONVERSATION BETWEEN THE FOUR
13 OF US AND HE AGREED AND THE THREE OF US AGREED, BUT
14 IT WOULD HAVE BEEN HIS ULTIMATE DECISION

15 Q OKAY DID HE UNDERSTAND ALL OF THE THINGS THAT
16 I'VE BEEN TALKING ABOUT THAT YOU UNDERSTOOD ABOUT THE
17 SIZE OF THE HOUSE?

18 A THAT'S CORRECT

19 Q THE CONDITION OF THE BODY, WHAT DR MAYNARD HAD
20 SAID, ALL THESE THINGS, WERE THEY ALL DISCUSSED?

21 A I DON'T KNOW THAT EVERY SINGLE DETAIL OF IT WAS
22 DISCUSSED, BUT THE MAJORITY OF IT WAS, ENOUGH TO
23 CONVINCE HIM THAT AND THE THREE OF US THAT WE NEEDED
24 TO CHARGE HIM

25 Q AND HE HAD ACTUALLY BEEN IN CONTACT WITH PEOPLE

1 PRIOR TO THIS?

2 A THAT'S CORRECT

3 Q TO BE UPDATED ON THE CASE?

4 A THAT'S CORRECT

5 Q UPDATES AS THINGS DEVELOPED?

6 A THAT'S CORRECT

7 Q YOU GAVE HIM THE OPTION AT THE HOUSE ON LUCAS
8 STREET TO DRIVE HIMSELF TO THE POLICE DEPARTMENT?

9 A THAT'S CORRECT I ASKED HIM IF HE HAD ANY
10 TRANSPORTATION OR IF HE WANTED TO RIDE WITH US

11 Q IF YOU HAD INTENDED TO TAKE HIM INTO CUSTODY
12 WOULD YOU HAVE DONE THAT?

13 A NO, SIR

14 Q IF YOU HAD INTENDED TO TAKE HIM INTO CUSTODY
15 WOULD YOU HAVE READ HIM HIS RIGHTS?

16 A THAT'S CORRECT

17 Q BEFORE THE INTERVIEW?

18 A THAT'S CORRECT

19 Q YOU'VE BEEN A POLICE OFFICER FOR 30 YEARS?

20 A YES, SIR

21 Q HOW MANY INTERROGATIONS HAVE YOU DONE IN THAT 30
22 YEARS?

23 A THAT WOULD BE HARD TO SAY

24 Q SAFE TO SAY THAT YOU UNDERSTAND THE IMPORTANCE
25 OF READING MIRANDA WARNINGS?

1 A THAT'S CORRECT

2 Q TO A PERSON, A SUSPECT, WHO IS IN CUSTODY PRIOR
3 INTERROGATING THEM?

4 A VERY MUCH

5 Q OR INTERVIEWING THEM?

6 A YES, SIR

7 Q THANK YOU, SIR

8 MR MORTON JUST A COUPLE THINGS, YOUR
9 HONOR

10 REDIRECT EXAMINATION BY MR MORTON

11 Q YOU CONSIDER YOURSELF A GOOD INVESTIGATOR, DON'T
12 YOU, LIEUTENANT WALDROP?

13 A A LOADED QUESTION YES, SIR, I DO

14 Q IT IS A LOADED QUESTION

15 A YES, SIR

16 Q BUT YOU CONSIDER YOURSELF A GOOD INVESTIGATOR?

17 A I CONSIDER MYSELF ONE, YES, SIR

18 Q OKAY AND IT'S YOUR JOB TO SOLVE CRIMES?

19 A THAT'S CORRECT

20 Q AND PART OF YOUR JOB TO SOLVE CRIMES IS TO TALK
21 TO SUSPECTS AND TO GET THEM TO ADMIT THEIR
22 INVOLVEMENT IN THE CRIME?

23 A THAT'S CORRECT

24 Q OKAY IT'S FRUSTRATING WHEN THAT DOESN'T
25 HAPPEN, ISN'T IT?

000211

1 A NOT REALLY

2 Q NOT REALLY FRUSTRATING?

3 A NO, SIR

4 Q WOULD YOU SAY THAT YOU ARE USUALLY SUCCESSFUL IN

5 SOLVING CRIMES?

6 A 40 PERCENT OF THE TIME

7 Q 40 PERCENT?

8 A 45 PERCENT

9 Q THAT'S ALL?

10 A THE AVERAGE CLEARANCE RATE ON MOST CASES IN THE

11 UNITED STATES AVERAGES 30 TO 45 PERCENT

12 Q OKAY HOW ABOUT AS FAR AS WHEN YOU INTERROGATE

13 SOMEBODY, WHAT IS YOUR GOAL WHEN YOU INTERROGATE

14 SOMEBODY?

15 A THE GOAL IS TO GET TO THE TRUTH, THE BOTTOM OF

16 IT

17 Q THAT'S YOUR GOAL IS TO GET TO THE TRUTH?

18 A THAT'S CORRECT

19 Q YOUR GOAL IS NOT TO TRY AND CONVINCE THEM TO SAY

20 ONE THING OR ANOTHER?

21 A OH, NO, SIR

22 Q YOUR GOAL IS JUST TO GET TO THE TRUTH?

23 A THAT'S CORRECT

24 Q OKAY AND THAT'S WHAT THIS WHOLE INTERVIEW WAS

25 ABOUT?

1 A THAT'S CORRECT

2 Q WAS GETTING TO THE TRUTH?

3 A YES, SIR

4 Q SOMETIMES DO YOU HAVE TO BE A LITTLE MORE HEAVY

5 HANDED WITH SOME PEOPLE THAN WITH OTHERS?

6 A NOT REALLY OF HEAVY HANDED SOMETIMES YOU HAVE

7 TO USE A DIFFERENT APPROACH

8 Q SUCH AS?

9 A DIFFERENT LINES OF QUESTIONING

10 Q SUCH AS?

11 A DIFFERENT TYPES OF QUESTIONING

12 Q SUCH AS?

13 A SUCH AS ASKING DIFFERENT QUESTIONS

14 Q OKAY DID YOU BELIEVE MR COPE THIS NIGHT?

15 A NO, SIR

16 Q YOU DIDN'T BELIEVE HIM?

17 A NO, SIR

18 Q OKAY AND AS A RESULT OF YOUR DISBELIEF YOU

19 CONTINUED TO INTERROGATE HIM FOR THREE AND A HALF

20 HOURS, RIGHT?

21 A THAT'S CORRECT

22 Q OKAY SO BEFORE YOU TOOK HIM INTO THAT ROOM,

23 YOU ALREADY DIDN'T BELIEVE HIM?

24 A WELL, I HADN'T TALKED TO HIM

25 Q OKAY YOU KNEW WHAT HE HAD SAID?

1 A I KNEW SOME OF WHAT HE HAD SAID, YES

2 Q OKAY SO IS IT FAIR TO SAY THAT YOUR PURPOSE OR
3 WHAT YOU WOULD HAVE LIKED TO HAVE ACCOMPLISHED WOULD
4 HAVE BEEN TO GET BILLY COPE TO CONFESS TO RAPING AND
5 KILLING HIS DAUGHTER, YOU WOULD HAVE LIKED TO HAVE
6 DONE THAT?

7 A YES, SIR

8 Q OKAY SO THAT WAS YOUR GOAL?

9 A THAT WAS THE OBJECT OF THE INTERVIEW, THAT'S
10 CORRECT, TO SEE WHAT THE TRUTH WAS YES, SIR

11 Q ALL RIGHT WHO ELSE WAS LISTENING? IS THAT
12 OFFICE MONITORED OR RECORDED IN ANY WAY?

13 A NO, SIR

14 Q VIDEO CAMERAS?

15 A NO, SIR

16 Q DETECTIVE BLACKWELDER WAS IN AND OUT?

17 A THAT'S CORRECT

18 Q COULD SHE HEAR THE CONVERSATION FROM WHERE SHE
19 WAS AS FAR AS YOU KNOW?

20 A NO, SIR

21 Q WHAT WAS SHE DOING IN AND OUT?

22 A SHE WAS IN AND OUT, SHE WAS NOT IN AND OUT OF
23 LIEUTENANT HERRING'S OFFICE SHE WAS IN AND OUT OF
24 THE DETECTIVE DIVISION WHICH IS, YOU KNOW, LIKE THIS
25 IS HERRING'S DOOR AND DETECTIVE DIVISION IS OUT, AND

1 I MEAN, SHE WAS IN AND OUT

2 Q SHE DIDN'T COME IN THE INTERVIEW WHILE YOU WERE
3 CONDUCTING IT?

4 A NO, SHE MAY HAVE WALKED UP TO THE DOOR AND
5 TURNED AROUND AND LEFT, BUT, NO, SHE NEVER CAME INTO
6 THE INTERVIEW ROOM OR THE OFFICE AND SAT DOWN DURING
7 THE INTERVIEW OR PARTICIPATED IN IT

8 Q ARE TAPE RECORDERS, ARE TELEPHONE CALLS AT THE
9 ROCK HILL POLICE DEPARTMENT TAPE RECORDED?

10 A ONLY THE ONES COMING IN FROM CENTRAL DISPATCH

11 Q OKAY THE CALLS GOING OUT ARE NOT RECORDED?

12 A NO, SIR

13 Q OKAY

14 A NOT THAT I'M AWARE OF

15 Q BUT ALL CALLS THAT COME IN ARE RECORDED?

16 A THROUGH THE EMERGENCY LINES IF THEY COME INTO
17 CENTRAL DISPATCH, ONCE THEY ARE TRANSFERRED TO AN
18 DIVISION INSIDE THE DEPARTMENT, NO, THEY ARE NOT

19 Q OKAY WHEN DR MAYNARD TALKED TO YOU ABOUT THIS
20 SEXUAL ASSAULT YOU MENTION THAT HE SAID THAT SHE HAD
21 BEEN SEXUALLY ASSAULTED OVER A PERIOD OF TIME, IS
22 THAT RIGHT?

23 A THAT WAS HIS INDICATION THAT HE THOUGHT SHE HAD
24 BEEN BEING SEXUALLY ASSAULTED

25 Q WELL, DO YOU REMEMBER WHAT HIS EXACT WORDS WERE?

1 A NO, SIR, I DON'T

2 Q OKAY DID HE SAY ANYTHING ABOUT HOW HE CAME TO
3 THAT CONCLUSION?

4 A NOT THAT I RECALL OR WHAT HE USED FOR HIS BASIS
5 OF THAT

6 Q OKAY AND YOU DON'T KNOW HOW HE CAME TO BE AT
7 THE POLICE STATION, WHO INVITED HIM THERE, WHETHER HE
8 CAME ON HIS OWN, OR WHAT?

9 A NO I MEAN, I DON'T KNOW, ALL I KNOW IS THAT I
10 WAS TOLD THAT WE WERE HAVING A MEETING AND I THINK IT
11 WAS SOMETHING LIKE 6 - 6 30

12 Q OKAY HOW MANY INTERROGATIONS DO YOU THINK
13 YOU'VE DONE IN YOUR 45 YEARS, 30 YEARS?

14 A KEEP, NEVER MIND IT WOULD BE HARD TO SAY
15 HUNDREDS I MEAN, I'VE BEEN IN PLAIN CLOTHES FOR 23
16 YEARS

17 MR MORTON THAT'S ALL I HAVE, YOUR
18 HONOR

19 MR BRACKETT BRIEFLY ONE QUICK AREA OF
20 FOLLOW UP

21 RE CROSS EXAMINATION BY MR BRACKETT

22 Q THE TAPE RECORDING THAT WAS MADE IN THIS CASE,
23 IT ENDS ABRUPTLY IN THE MIDDLE OF THE INTERVIEW, THE
24 LAST TAPE?

25 A THAT'S CORRECT

000216

1 Q OKAY WAS THERE ANY CONVERSATION AFTER THAT
2 TAPE?

3 A NO, SIR

4 Q OKAY WHY DID YOU --

5 A WELL, OTHER THAN, YOU KNOW, THAT'S THE END OF
6 THAT TAPE, WE DON'T HAVE ANYMORE TAPES, AND THIS IS
7 NOT GETTING US ANYWHERE, THAT TYPE STUFF, SO WE ENDED
8 IT

9 Q SO THE TAPES THEMSELVES REPRESENT THE WHOLE
10 SUBSTANCE OF YOUR INTERVIEW OF BILLY COPE THAT NIGHT?

11 A YES, SIR WE DIDN'T GO ANY FURTHER

12 Q IN OTHER WORDS, THEY APPEAR TO END IN THE MIDDLE
13 OF A QUESTION OR AN ANSWER I CAN'T REMEMBER WHICH,
14 BUT THAT WAS, YOU HEARD THE TAPE CLICK OFF?

15 A THAT'S CORRECT

16 Q AND YOU DECIDED NOT TO CONTINUE THE INTERVIEW --

17 A THAT'S CORRECT

18 Q BECAUSE IT WAS AND AT NO POINT IN TIME DID HE
19 EVER ADMIT ANY CULPABILITY FOR THIS DURING THIS?

20 A NO, SIR

21 Q THANK YOU

22 MR MORTON JUST A COUPLE, YOUR HONOR
23 THE COURT WELL, THIS IS WITHOUT THE JURY
24 I THINK YOU HAD TWO OPPORTUNITIES AND THAT'S USUALLY
25 ALL WE ALLOW BUT IF YOU WANT TO GO AHEAD WE MINE AS

1 WELL WE'LL BE A LITTLE LOOSE ON THAT SINCE THIS IS
2 JUST BEFORE THE COURT

3 MR MORTON THANK YOU, YOUR HONOR
4 REDIRECT EXAMINATION BY MR MORTON

5 Q ANY DISCUSSION BEFORE THE TAPE WAS TURNED ON?

6 A NOTHING OTHER THAN WHAT I ALREADY SAID YOU
7 KNOW, WE TOLD HIM WE WERE GOING TO TAPE THE
8 CONVERSATION AND THAT KIND OF STUFF

9 Q AND AT THE END OF THE CONVERSATION THE TAPE JUST
10 TURNED IT, THE TAPE RAN OUT?

11 A THE TAPE RAN OUT

12 Q SO WHEN THE TAPE RAN OUT Y'ALL JUST DECIDED THAT
13 WAS ENOUGH?

14 A WE DIDN'T HAVE ANYMORE TAPES, I TOLD HIM, I
15 SAID, YOU KNOW, THIS IS NOT GETTING US ANYWHERE,
16 WE'RE THROUGH, AND THAT'S IT

17 Q OKAY THAT'S ALL I HAVE THANK YOU, YOUR
18 HONOR

19 THE COURT ALL RIGHT YOU CAN STEP DOWN
20 THANK YOU YOU CAN BE EXCUSED

21 MR BRACKETT NO, SIR, I DON'T HAVE ANY
22 OBJECTION

23 THE COURT THANK YOU APPRECIATE YOUR
24 TIME IS THIS A GOOD TIME TO TAKE A BREAK OR DO WE
25 HAVE ONE MORE SHORT WITNESS

000218

1 MR BRACKETT THE ELUSIVE MR HARMAN HAS
2 BEEN LOCATED AND IS

3 THE COURT HOW LONG WILL THAT BE

4 MR BRACKETT IT'S MR MORTON'S WITNESS

5 MR MORTON SHOULDN'T TAKE MORE THAN TEN
6 MINUTES, YOUR HONOR

7 THE COURT LET'S DO THAT BEFORE WE TAKE A
8 BREAK AND START THE TAPE

9 VERNON HARMON, BEING FIRST DULY SWORN,
10 TESTIFIED AS FOLLOWS

11 DIRECT EXAMINATION BY MR MORTON

12 Q SERGEANT HARMON, PLEASE STATE YOUR NAME AND
13 OCCUPATION FOR THE RECORD FOR US?

14 A VERNON HARMON SERGEANT WITH THE ROCK HILL
15 POLICE DEPARTMENT TEN YEARS WITH ROCK HILL PD

16 Q NOW YOU WERE SUBPOENAED BY MY OFFICE I BELIEVE
17 LAST NIGHT TO BE HERE THIS MORNING?

18 A YES, I WAS

19 Q OKAY WE APPRECIATE YOU BEING HERE WITH WHOM
20 HAVE YOU TALKED ABOUT YOUR TESTIMONY THIS MORNING OR
21 ABOUT WHAT WE WERE HERE ABOUT?

22 A NOBODY

23 Q NOBODY?

24 A NO, SIR

25 Q DO YOU KNOW WHY YOU ARE HERE?

1 A NO, I REALLY DON'T NO, SIR
2 Q OKAY YOU WORK AT THE JAIL?
3 A YES, I DO
4 Q ON NOVEMBER 30 OF 2001 WERE YOU EMPLOYED AT THE
5 JAIL?
6 A YES, SIR
7 Q AND DO YOU WORK A PARTICULAR SHIFT AT THE JAIL?
8 A I'M THE SUPERVISOR IN THE JAIL
9 Q RIGHT WERE YOU A SUPERVISOR?
10 A YES, SIR
11 Q ON NOVEMBER 30, 2001?
12 A YES, SIR
13 Q AND DO YOU, ON NOVEMBER 30, WERE YOU WORKING A
14 PARTICULAR SHIFT?
15 A I WAS WORKING, AT THAT PARTICULAR TIME I WORKED
16 A SHIFT FROM 8 TO 6
17 Q OKAY
18 A 8 IN THE MORNING UNTIL 6 AT NIGHT
19 Q OKAY
20 A MY SCHEDULE HAS CHANGED BUT BACK THEN I DID WORK
21 THE SCHEDULE FROM 8 A M TO 6 P M
22 Q DO YOU REMEMBER SERVING WARRANTS ON MR COPE ON
23 THE NOVEMBER 30?
24 A I DO I DON'T REMEMBER WHICH WARRANTS THEY WERE
25 BUT I DO REMEMBER SERVING SOME WARRANTS

000220

1 Q OKAY I'M GOING TO SHOW YOU WHAT'S BEEN MARKED
2 AS STATE'S EXHIBIT NUMBER TWO THOSE ARE THE
3 WARRANTS AGAINST MR COPE FOR UNLAWFUL NEGLECT
4 TOWARDS A CHILD, AND I BELIEVE THAT'S YOUR SIGNATURE
5 IN THE LOWER LEFT HAND COLUMN, IS THAT RIGHT?

6 A IT IS, YES, SIR THAT'S CORRECT

7 Q OKAY AND DO YOU REMEMBER WHO ASKED YOU TO DO
8 THAT?

9 A DETECTIVE BLACKWELDER

10 Q OKAY WHERE WERE YOU WHEN SHE ASKED YOU TO DO
11 THAT?

12 A I WAS IN MY OFFICE

13 Q AND YOUR OFFICE IS BACK IN THE JAIL PART?

14 A YEAH IT'S AS YOU COME THROUGH, COUNSELOR, IT'S
15 THE SECOND DOOR ON THE LEFT I HAD JUST COME IN AND
16 SHE CAME IN AND ASKED ME IF I COULD SERVE THESE
17 WARRANTS ON MR COPE I TOLD HER I DIDN'T HAVE A
18 PROBLEM WITH THAT THAT'S NORMAL PROCEDURE WITH THE
19 DETECTIVES THEY DON'T SERVE THEIR OWN WARRANTS ON
20 INDIVIDUALS

21 Q WHY IS THAT?

22 A THIS IS MY OWN THEORY, IT WOULD BE A CONFLICT OF
23 INTEREST

24 Q DID YOU READ HIM THESE WARRANTS?

25 A I DID I HAD TO WAKE HIM UP HE WAS ASLEEP I

1 DO REMEMBER THIS HE WAS ASLEEP AND I WOKE HIM UP
2 AND READ THEM TO HIM, GAVE THEM TO HIM, AND HE LOOKED
3 AT THEM AND WENT BACK

4 Q OKAY DO YOU REMEMBER WHETHER HE HAD A CPAP
5 MACHINE, DO YOU KNOW WHAT A CPAP MACHINE IS? SLEEP
6 APNEA MACHINE THAT THEY WEAR ON THEIR HEAD?

7 A NO, SIR, WE, I DON'T WHAT THAT IS BUT

8 Q HE WASN'T WEARING ANYTHING ON HIS HEAD?

9 A I CAN'T RECALL COUNSELOR, I'M NOT GOING, I
10 DON'T KNOW I DON'T REMEMBER HIM HAVING ANYTHING ON
11 HIS HEAD BEING THREE AND A HALF YEARS AGO I CAN'T
12 RECALL ANYTHING I DO REMEMBER HAVING TO WAKE HIM UP
13 AND HE WAS GROGGY BUT I DID GIVE HIM THE WARRANTS AND
14 I READ THE PARAGRAPH OF EACH AND EVERY ONE OF THEM,
15 PUT THEM IN HIS TRAY, AND THEN WALKED AWAY

16 Q YOU DON'T KEEP RECORDS OF ANY KIND ABOUT WHEN
17 YOU SERVE WARRANTS?

18 A NO, SIR, OTHER THAN THE DATE AND THE OFFICER AND
19 THE NUMBER

20 Q OKAY

21 A THE I D NUMBER I TRY TO PUT MY ID NUMBER ON
22 ALL MY WARRANTS I SERVE

23 Q OKAY NOW THAT MORNING HE WAS TAKEN FROM YOUR
24 JAIL TO THE MOSS JUSTICE CENTER, DO YOU REMEMBER
25 THAT?

000222

1 A I THINK HE WAS TAKEN, WAS THAT THE 30 OR THE
2 FIRST

3 Q 30?

4 A I THINK HE WAS TRANSPORTED ON THE FIRST

5 Q OKAY WELL, HE WAS ALSO TRANSPORTED ON THE 30,
6 THE DAY YOU SERVED THAT WARRANT AS A MATTER OF
7 FACT, SHORTLY AFTER YOU SERVED, YOU SAY YOU SERVED
8 THAT WARRANT?

9 A RIGHT IF, HE WOULD HAVE HAD TO HAVE A BOND
10 HEARING ON THE WARRANT

11 Q OKAY

12 A AND I'M NOT TOTALLY SURE WHEN JUDGE LONG SET HIS
13 BOND ON THAT WARRANT

14 Q SO THE PROPER PROCEDURE WOULD HAVE BEEN AFTER HE
15 HAD BEEN SERVED WITH THE WARRANT, IF HE HAD SERVED AT
16 NIGHT OR 8 O'CLOCK THAT MORNING, TO GO AHEAD AND HAVE
17 A BOND HEARING, THAT WOULD HAVE BEEN THE NEXT LOGICAL
18 STEP?

19 A THAT'S CORRECT

20 Q OKAY

21 A I THINK, COUNSELOR, I THINK IN THESE THEY WENT
22 AHEAD AND HAD HIM BROUGHT UP HERE AND HAD THE BOND
23 HEARING DONE

24 Q OKAY WE'LL GET TO THAT LATER

25 A OKAY

000223

1 Q BUT TYPICALLY WARRANTS ARE SERVED, YOU HAVE A
2 BOND HEARING IF WARRANTS HAD BEEN SERVED THAT NIGHT
3 OR THAT MORNING, JUDGE LONG WOULD HAVE BEEN AT THE
4 JAIL, HE WOULD HAVE HAD A BOND HEARING, CORRECT?

5 A THAT'S CORRECT

6 Q OKAY YOU GO TO THOSE BOND HEARINGS?

7 A NO, SIR I DON'T

8 Q YOU DON'T KNOW WHAT THE JUDGE DISCUSSES WITH THE
9 DEFENDANTS AS FAR AS HAVING AN ATTORNEY AND ALL THAT
10 STUFF?

11 A NO, I'M NOT, I DO NOT HAVE PRIVY TO THAT
12 INFORMATION NOR DO I SEEK TO, COUNSELOR

13 Q OKAY DID YOU HAVE ANY OTHER CONVERSATIONS WITH
14 MR COPE ABOUT THESE?

15 A NOT ABOUT THIS PARTICULAR WARRANTS

16 Q OKAY DID YOU HAVE OTHER CONVERSATIONS WITH
17 HIM?

18 A WE HAD A CONVERSATION, COUNSELOR

19 Q OKAY

20 A WHEN I FIRST TRANSPORTED HIM

21 Q WHEN YOU TRANSPORTED HIM FROM WHERE TO WHERE?

22 A FROM THE CITY TO THE MOSS JUSTICE CENTER

23 Q THAT MORNING?

24 A THE MORNING THAT I, THE MORNING -- FROM MY
25 RECOLLECTION, I'M THINKING I TRANSPORTED HIM ON THE

1 FIRST OF DECEMBER TO THE MOSS JUSTICE CENTER FROM THE
2 LAW CENTER

3 Q OKAY

4 A NOW I DON'T HAVE EVERYTHING IN FRONT OF ME TO
5 VERIFY THAT THAT'S WHEN I TRANSPORTED HIM UP TO THE
6 LAW CENTER I MEAN FROM THE LAW CENTER TO THE MOSS
7 JUSTICE CENTER

8 Q OKAY AND YOU HAD A CONVERSATION WITH MR COPE
9 ON YOUR RIDE FROM THE JAIL TO THE MOSS JUSTICE
10 CENTER?

11 A WELL, IT WAS BASICALLY FROM OUR INTAKE TO THE
12 POLICE CAR AND THEN UP TO THE MOSS JUSTICE CENTER

13 Q OKAY SO DID YOU MAKE A STATEMENT OR MAKE A
14 REPORT OF ANY KIND ABOUT THAT CONVERSATION?

15 A NO, I DIDN'T

16 Q I ASSUME THAT YOU DIDN'T THINK THAT CONVERSATION
17 WAS IMPORTANT?

18 A THE REASON WHY, THE REASONING THAT I DID NOT
19 WRITE ANYTHING DOWN OR TELL ANYBODY ABOUT IT OR GIVE
20 IT TO THE DETECTIVE DIVISION WAS I LEARNED LATER ON
21 THAT HE HAD GIVEN THE DETECTIVE DIVISION SOME TYPE OF
22 CONFESSION OR A CONFESSION THAT ENDED IT AS FAR AS
23 I WAS CONCERNED THE CASE WAS ENDED IT WAS DONE
24 THERE WAS NO NEED TO GET INTO WHAT ME AND HIM, WHAT
25 HE HAD DISCUSSED WITH ME VERY BRIEFLY

1 Q SO YOUR DECISION WAS THAT BILLY, THEY HAD TOLD
2 YOU BILLY COPE HAD CONFESSED?

3 A THAT WAS --

4 Q AND THAT WAS IT?

5 A THAT'S CORRECT

6 Q NO POINT IN INVESTIGATING IT ANY FURTHER?

7 A WELL, NO DETECTIVE CAME AND TOLD ME THAT I HAD
8 JUST HEARD IT THROUGH THE DEPARTMENT I DIDN'T SEEK
9 OUT A DETECTIVE

10 Q YOU REMEMBER WHO YOU HEARD IT FROM?

11 A NO, I DON'T

12 Q WAS IT PRETTY, SOMETHING THAT WAS TALKED ABOUT
13 THAT MORNING?

14 A IT WAS JUST IN PASSING

15 Q OKAY WELL, TELL US WHAT THE CONVERSATION WAS?

16 A WITH?

17 Q YES

18 A WITH ME AND MR -- ON OUR WAY OUT TO THE POLICE
19 CAR MR COPE TOLD ME THAT HE FELT LIKE HE HAD DONE
20 SOMETHING WRONG AND HE WANTED TO TALK TO THE
21 DETECTIVE DIVISION AGAIN, DETECTIVES IN OUR DIVISION
22 AND AT THAT TIME I TOLD HIM, MR COPE, YOU CAN DO
23 THAT WHEN YOU GET UP TO THE COUNTY, I DON'T WANT TO
24 TALK ABOUT YOUR CASE ANYMORE, AND THAT WAS THE END OF
25 IT

000226

1 Q Y'ALL DID NOT HAVE ANY FURTHER CONVERSATION --

2 A NO, SIR NO, I -- NO, SIR AND I PREFER NOT
3 TO HAVE CONVERSATIONS WITH INMATES THAT I'M
4 TRANSPORTING BACK AND FORTH TO THE COUNTY

5 Q BUT YOU DIDN'T -- I MEAN, THIS IS THE FIRST I'VE
6 HEARD OF THIS?

7 A THAT'S CORRECT

8 Q HAVE YOU TOLD ANYBODY?

9 A NO, SIR NO, I HAVEN'T

10 Q OKAY

11 MR MORTON THAT'S ALL I HAVE, YOUR
12 HONOR

13 MR BRACKETT JUST BRIEFLY
14 CROSS EXAMINATION BY MR BRACKETT

15 Q THIS IS THE FIRST WE'VE HEARD OF THIS TOO
16 ACTUALLY MAYBE TEN MINUTES BEFORE OUT IN THE HALLWAY?

17 A THAT'S CORRECT

18 Q BEFORE THAT WE NEVER DISCUSSED THIS BEFORE?

19 A NO, SIR

20 Q YOU NEVER SHARED WITH ANY MEMBER OF THE
21 SOLICITOR'S OFFICE?

22 MR MORTON WELL, I THOUGHT HE WASN'T
23 TALKING TO ANYBODY

24 THE COURT WELL, I THINK HE DID TESTIFY
25 WHEN HE WAS ASKED DID HE TALK TO ANYBODY ABOUT THE

1 CASE, HE SAID HE HAD NOT, NOW HE SAYING HE DID TALK
2 TO SOMEBODY TEN MINUTES AGO

3 MR BRACKETT HE TALKED TO US OUT IN THE
4 HALLWAY

5 THE COURT I KNOW BUT I THINK
6 MR MORTON ASKED HIM PROBABLY WITH THAT GOAL IN MIND
7 TO FIND OUT IF THAT HAD OCCURRED AND I THOUGHT HIS
8 ANSWER AT THAT TIME HE HAD NOT MR MORTON, IS THAT
9 YOUR RECOLLECTION?

10 MR MORTON THAT'S MY RECOLLECTION CAN
11 I ASK HIM A LITTLE FURTHER, YOUR HONOR

12 THE COURT YEAH, I THINK SO I THINK
13 THAT CHANGED THE LANDSCAPE A LITTLE BIT
14 DIRECT CONTINUED BY MR MORTON

15 Q SO WHO ELSE HAVE YOU TALKED TO, SERGEANT HARMON
16 OTHER THAN THE SOLICITOR ABOUT THIS CASE?

17 A I TALKED, IN REFERENCE TO THE STATEMENT TO THE
18 RESPONSE THAT THAT I JUST EXPLAINED TO YOU, I TALKED
19 TO SOLICITOR BRACKETT AND CHUCK GRANT AND LIEUTENANT
20 WALDROP AND THAT'S IT

21 Q CHUCK GRANT?

22 A YES, SIR

23 Q WHAT'S CHUCK GRANT GOT TO DO WITH THIS THING?

24 A HE'S AN INVESTIGATOR WITH THE SOLICITOR'S
25 OFFICE

1 Q WHEN DID YOU TALK TO HIM?

2 A THIS MORNING

3 Q ABOUT WHAT?

4 A ABOUT THE STATEMENT THAT WE JUST DISCUSSED
5 ABOUT, THAT WE JUST, THAT YOU JUST ASKED ME ABOUT
6 THAT

7 Q HOW DID THAT COME ABOUT?

8 A HOW DID IT COME ABOUT?

9 Q YES

10 A I MENTIONED THAT WHEN WE WERE, WHEN WE WERE
11 GOING ON A TRANSPORT THAT HE HAD SAID THAT HE WANTED
12 TO TALK TO THE DETECTIVE DIVISION AGAIN

13 Q WHO ELSE DID YOU TALK TO?

14 A THAT'S ALL

15 Q WHAT DID YOU TELL CHUCK GRANT?

16 A I JUST, THAT'S WHAT I JUST TOLD YOU

17 MR BRACKETT PLEASE THE COURT, I THINK
18 HE MEANS CHUCK NEAL

19 A I'M SORRY CHUCK NEAL NOT CHUCK GRANT

20 MR BRACKETT MR NEAL IN THE BACK, IS
21 THAT THE GENTLEMAN?

22 A YES, SIR YES, SIR

23 MR MORTON YOUR HONOR, I DON'T KNOW WHAT
24 CHUCK NEAL IS DOING IN THIS COURTROOM BUT I THINK WE
25 HAVE A SEQUESTRATION ORDER

1 THE COURT I DIDN'T KNOW HE WAS A
2 WITNESS

3 MR MORTON HE MAY VERY WELL BE A
4 WITNESS

5 MR BRACKETT I DON'T KNOW WHO YOUR
6 WITNESSES ARE

7 MR MORTON WELL, HE MAY VERY WELL BE
8 ONE

9 MR BRACKETT IF HE'S YOUR WITNESS YOU
10 KEEP HIM OUT I CAN'T KNOW WHO YOU ARE GOING TO
11 CALL HOW AM I SUPPOSED TO BE ACCOUNTABLE FOR YOUR
12 WITNESS?

13 THE COURT I'LL ASK HIM TO LEAVE AT THIS
14 TIME AND WE'LL RESOLVE THAT

15 MR BRACKETT YOUR HONOR, I BELIEVE
16 MR POPE ASKED YOU YESTERDAY IF HE COULD STAY IN AND
17 HE INDICATED THAT HE COULD

18 THE COURT WE CAN DO THAT LATER WE GOT
19 A WITNESS ON THE STAND HE NEEDS TO GET BACK TO
20 WORK, I THINK, THAT'S THE IMPRESSION I GOT LET'S
21 TAKE CARE OF THAT

22 DIRECT CONTINUED BY MR MORTON

23 Q WHO ELSE DID YOU TALK TO?

24 A THAT'S ALL

25 Q YOU TALKED TO CHUCK NEAL?

1 A CHUCK NEAL, SOLICITOR BRACKETT, LIEUTENANT
2 WALDROP AND LIEUTENANT HERRING AND THAT'S ALL

3 Q WHERE DID YOU TALK TO LIEUTENANT WALDROP AND
4 HERRING?

5 A IN THE HALLWAY

6 Q WHAT DID YOU TALK ABOUT?

7 A JUST ABOUT THAT STATEMENT

8 Q OKAY WHAT ABOUT SERVING THE WARRANT?

9 A DIDN'T TALK TO THEM ABOUT THAT

10 Q WHO DID YOU TALK TO ABOUT SERVING THAT WARRANT?

11 A I DIDN'T TALK TO ANYBODY ABOUT SERVING, YOU JUST
12 BROUGHT THAT UP

13 Q OKAY

14 MR MORTON THAT'S ALL I HAVE

15 THE COURT ALL RIGHT MR BRACKETT, YOU
16 MAY CONTINUE

17 CROSS EXAMINATION BY MR BRACKETT

18 Q SO THIS IS THE FIRST TIME YOU'VE SHARED THIS
19 INFORMATION?

20 A THAT'S CORRECT

21 Q TODAY?

22 A THAT'S CORRECT

23 Q WITHIN THE LAST 15 MINUTES?

24 A THAT'S RIGHT

25 Q OKAY NOW YOU INDICATED YOU WERE WORKING FROM 8

1 A M TO 6 P M
2 A YES, SIR
3 Q BACK ON THAT DAY?
4 A YES, SIR
5 Q AND THAT YOU HAD JUST COME INTO WORK?
6 A THAT'S RIGHT
7 Q AND DETECTIVE BLACKWELDER, THIS LADY SEATED
8 HERE?
9 A THAT'S CORRECT
10 Q CAME TO YOU AND ASKED IF YOU WOULD SERVE SOME
11 WARRANTS?
12 A YES
13 Q SO THAT WOULD HAVE BEEN WHAT, 8 15?
14 A ANYWHERE BETWEEN 8 15 AND MAYBE 8 30
15 Q OKAY
16 A SOMEWHERE AROUND THERE
17 Q AND YOU TOOK THE WARRANTS?
18 A I DID
19 Q AND WENT TO MR COPE'S CELL?
20 A I DID
21 Q AND WOKE MR COPE FROM HIS SLEEP?
22 A YES, SIR
23 Q READ HIM THE WARRANTS?
24 A I DID
25 Q HANDED HIM HIS COPIES?

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1 A YES, SIR

2 Q AND MR COPE WENT BACK TO SLEEP?

3 A THAT'S CORRECT

4 Q OKAY THEN YOU MAKE THE NOTATIONS ON THE
5 WARRANTS INDICATING THAT THEY HAD BEEN SERVED?

6 A YES, SIR, RIGHT THERE ON THE LEFT SIDE

7 Q BOTTOM LEFT HAND CORNER?

8 A THAT'S CORRECT

9 Q AND THAT'S THE EXTEND OF YOUR INVOLVEMENT?

10 A THAT'S ALL

11 Q OKAY NO OTHER CONVERSATIONS WE NEED TO KNOW?

12 A NO, OTHER THAN THE ONE CONVERSATION THAT WE HAD
13 LEAVING THE LAW CENTER ON THE TRANSPORT AND THAT,
14 THAT'S IT

15 Q YES, SIR THANK YOU VERY MUCH

16 A OKAY

17 MR MORTON NOTHING ELSE

18 THE COURT THANK YOU YOU CAN STEP DOWN
19 AND BE EXCUSED WE APPRECIATE YOUR TIME

20 THE COURT ALL RIGHT BEFORE WE START
21 LISTENING TO THE TAPE, LET'S TAKE A BREAK AND I
22 BELIEVE THAT IS NEXT OR OFFICER HERRING

23 MR BRACKETT YOU WANT TO DO OFFICER
24 HERRING

25 MR MORTON HOWEVER YOU WANT TO DO IT,

1 JUDGE

2 THE COURT LET'S TAKE A BREAK IT'S
3 PROBABLY A GOOD TIME TO TAKE A BREAK

4 (COURT'S IN RECESS)

5 (COURT RESUMES AT 11 30)

6 THE COURT ALL RIGHT CALL YOUR NEXT
7 WITNESS

8 MR MORTON LIEUTENANT LES HERRING

9 LES HERRING, BEING FIRST DULY

10 SWORN, TESTIFIED AS FOLLOWS

11 DIRECT EXAMINATION BY MR MORTON

12 Q ALL RIGHT MR HERRING, PLEASE STATE YOUR NAME
13 AND OCCUPATION FOR US FOR THE RECORD?

14 A LESLIE R HERRING I'M A DETECTIVE NOW WITH THE
15 ROCK HILL POLICE DEPARTMENT

16 Q OKAY ON NOVEMBER 29 OF 2001 YOU WERE A
17 LIEUTENANT OF THE ROCK HILL POLICE DEPARTMENT?

18 A YES, SIR

19 Q AND I JUST -- I BASICALLY WANT TO GO THROUGH
20 WITH YOU ABOUT WHAT TRANSPIRED BETWEEN THE EARLY
21 MORNING HOURS OF NOVEMBER 29 AND I GUESS NOVEMBER 30
22 WHEN DID YOU FIRST COME IN CONTACT WITH BILLY WAYNE
23 COPE?

24 A I BELIEVE MY FIRST CONVERSATION WITH HIM WAS
25 SOMETIME AROUND LUNCH TIME ON THE 29 I THINK THAT'S

1 THE RIGHT DATE

2 Q WHAT TIME DID YOU GET TO THE SCENE THAT MORNING?

3 A I'M SORRY LET ME BACK UP I DID SEE HIM AT
4 THE SCENE YES, SIR, I DID

5 Q OKAY YOU MIGHT WANT TO TALK INTO THAT
6 MICROPHONE THAT CHAIR, AS YOU PROBABLY KNOW,
7 DOESN'T SCOOT UP YOU HAVE TO SCOOT YOUR BODY UP

8 A RIGHT

9 Q DO YOU REMEMBER TALKING TO HIM AT THE SCENE?

10 A IF I DID IT WAS ONLY BRIEFLY I DON'T REMEMBER
11 A LONG CONVERSATION I HAD WITH HIM AT ALL

12 Q OKAY DO YOU REMEMBER ANYTHING ABOUT THAT
13 CONVERSATION IF YOU HAD ONE?

14 A NO, SIR

15 Q OKAY DID YOU TALK TO HIS WIFE AT THE SCENE?

16 A I REMEMBER HIS WIFE BEING BROUGHT DOWN TO THE
17 SCENE, BUT I DON'T THINK I HAD ANY CONVERSATION WITH
18 HER

19 Q TALKED TO HIS CHILDREN AT THE SCENE?

20 A NO, SIR

21 Q OKAY DID YOU TALK TO HIM AT ANY TIME PRIOR TO
22 WHEN YOU INDICATED THAT BEING LUNCH TIME? YOU DIDN'T
23 TALK TO HIM AT ALL THAT MORNING?

24 A IF I DID IT WAS JUST THAT BRIEF CONVERSATION
25 THAT MORNING

1 Q OKAY DID YOU TALK TO OTHER INVESTIGATORS
2 BEFORE YOU TALKED TO HIM ABOUT WHAT HAD HAPPENED?

3 A YES, SIR I WAS ON THE SCENE AND I TALKED WITH
4 THE INVESTIGATORS AND THE CRIME SCENE PERSONNEL AND
5 EVERYONE INVOLVED, YES, SIR

6 Q DID YOU GO TO HOSPITAL WITH MR COPE AND MR
7 BURRIS, DETECTIVE BURRIS?

8 A NO, SIR

9 Q YOU DID NOT ACCOMPANY HIM TO THE HOSPITAL?

10 A I DON'T THINK SO, NO, SIR

11 Q OKAY DID YOU TALK TO DR MAYNARD THAT DAY?

12 A I POSSIBLY COULD HAVE, BUT I DON'T REMEMBER
13 TALKING TO HIM

14 Q OKAY WHEN YOU TALKED TO BILLY COPE, THE FIRST
15 TIME THAT YOU CAN REMEMBER ANY CONVERSATION WITH HIM
16 OF ANY SUBSTANCE WAS AT ABOUT 12 40 P M THAT DAY?

17 A YES, SIR

18 Q OKAY AND THAT CONVERSATION OCCURRED IN YOUR
19 OFFICE?

20 A IT WAS EITHER IN MY OFFICE OR ONE OF THE
21 INTERVIEW ROOMS THERE AT THE POLICE DEPARTMENT IN THE
22 DETECTIVE DIVISION I DON'T KNOW IF IT'S MY OFFICE
23 IT PROBABLY WAS MY OFFICE AT THE TIME

24 Q AND DETECTIVE BURRIS WAS A PART OF THAT
25 CONVERSATION?

1 A YES, SIR

2 Q WAS ANYBODY ELSE PRESENT?

3 A NOT TO MY KNOWLEDGE, NO, SIR

4 Q WHO CONDUCTED THAT INTERVIEW WITH MR COPE?

5 A BASICALLY MYSELF AND DETECTIVE BURRIS

6 Q AND IT WAS JUST YOU AND DETECTIVE BURRIS YOU

7 SAID?

8 A YES, SIR

9 Q AND I'LL SHOW YOU DEFENSE EXHIBIT NUMBER TWO AND

10 IS THAT A MEMORIALIZATION OF THAT CONVERSATION?

11 A YES, SIR, THAT IS

12 Q AND WHO TYPED THAT?

13 A I BELIEVE I TYPED THAT

14 Q OKAY DO YOU REMEMBER WHEN YOU TYPED IT?

15 A NO, SIR, I DON'T

16 Q DID YOU TYPE IT DURING THE CONVERSATION OR

17 AFTER?

18 A IT HAD TO BE AFTER

19 Q OKAY WERE YOU TAKING NOTES DURING THAT

20 CONVERSATION?

21 A I PROBABLY DID HAVE A NOTE PAD THERE BY MY DESK

22 Q THIS CONVERSATION YOU SAID WAS IN YOUR OFFICE OR

23 AN INTERVIEW ROOM?

24 A I THINK IT WAS IN MY OFFICE I KNOW AT

25 DIFFERENT TIMES DURING THE DAY IT WOULD HAVE BEEN

1 OTHER DETECTIVES USING OTHER OFFICES IT PROBABLY
2 WAS MY OFFICE

3 Q OKAY DO YOU HAVE A TAPE RECORDING MACHINE IN
4 YOUR OFFICE?

5 A NO, SIR

6 Q IS THERE A TAPE RECORDING MACHINE AT THE ROCK
7 HILL POLICE DEPARTMENT DETECTIVE DIVISION?

8 A THERE IS ONE THERE, YES, SIR

9 Q AND WHERE IS IT LOCATED?

10 A I DON'T KNOW TO BE HONEST WITH YOU

11 Q OKAY DO YOU USE IT?

12 A NO, SIR

13 Q OKAY WHY NOT?

14 A IT'S JUST MORE AGGRAVATION THAN IT IS GOOD,
15 REALLY

16 Q OKAY

17 A I HAD TO HOOK IT UP AND ALL THAT

18 Q YOU USED IT LATER ON THAT NIGHT THOUGH WHEN YOU
19 TALKED TO MR COPE, RIGHT?

20 A YES, SIR

21 Q AND WHOSE IDEA WAS IT TO USE IT AT THAT POINT?

22 A AT THAT POINT MYSELF AND LIEUTENANT WALDROP
23 DISCUSSED IT AND WE DECIDED WE WOULD TAPE THAT
24 INTERVIEW

25 Q OKAY SO IT WAS A JOINT DECISION BY YOU AND

1 DETECTIVE WALDROP OR YOU DECIDED OR HE DECIDED?

2 A I THINK IT WAS PRETTY MUCH A JOINT DECISION

3 Q WHO BROUGHT IT UP?

4 A I DON'T REMEMBER

5 Q OKAY WHY WOULD YOU TAPE THAT ONE AND NOT THESE
6 OTHER ONES?

7 A BASICALLY THE TAPE PLAYER WE USED THAT NIGHT I
8 BELIEVE BELONGED TO LIEUTENANT WALDROP HE KEEPS IT
9 IN HIS OFFICE IT'S LIKE A BOOM BOX TYPE THING AND
10 THAT WAS WHAT WE USED THAT NIGHT BUT WE ALL HAVE
11 SMALL MINIATURE HANDHELD RECORDERS AT THE DEPARTMENT,
12 BUT I THINK, WELL I'M CERTAIN WE USED THAT BIG BOOM
13 BOX THAT NIGHT WE DID THAT INTERVIEW

14 Q OKAY AND I'LL GET BACK TO THIS, BUT BEFORE
15 THAT, BEFORE THAT TAPE RECORDER WAS TURNED ON THAT
16 NIGHT WAS THERE ANY CONVERSATION, LET ME WITHDRAW
17 THAT QUESTION AFTER THE CONVERSATION, WHO TOOK
18 CONTROL OF THOSE TAPES?

19 A LIEUTENANT WALDROP

20 Q OKAY WHAT DID HE DO WITH THEM?

21 A I'M NOT CERTAIN I THINK HE KEPT THEM IN HIS
22 OFFICE

23 Q OKAY DID HE TURN THEM INTO EVIDENCE?

24 A I DON'T THINK HE DID INITIALLY I THINK HE JUST
25 KEPT THEM LOCKED IN HIS OFFICE

1 Q WHY DO YOU THINK THAT?

2 A I'M NOT CERTAIN

3 MR BRACKETT YOUR HONOR, I'M GOING TO
4 OBJECT HE'S ASKING HIM WHY SOMEBODY ELSE DID OR
5 DIDN'T DO SOMETHING IT CALLS FOR HEARSAY AND IT'S
6 ALSO SPECULATIVE

7 THE COURT WELL, HE CAN SAY HE DOESN'T
8 KNOW JUST DON'T GO INTO HEARSAY

9 Q DO YOU KNOW WHERE THEY WERE KEPT?

10 A NO, SIR

11 Q YOU DON'T KNOW WHERE THEY WERE KEPT?

12 A I THINK THEY WERE KEPT IN LIEUTENANT WALDROP'S
13 OFFICE, BUT HE MIGHT HAVE TURNED THEM INTO EVIDENCE
14 RIGHT AFTER IT, BUT I AM THINKING THAT HE KEPT THEM
15 IN HIS OFFICE FOR A SHORT AMOUNT OF TIME

16 Q WHY DO YOU THINK THAT?

17 A I DON'T KNOW

18 Q YOU DON'T KNOW WHY YOU THINK THAT?

19 A I DON'T KNOW---NO, SIR, I DON'T KNOW WHY I THINK
20 THAT BUT IT'S BEEN SO LONG I THINK HE DID KEEP THEM
21 IN HIS OFFICE FOR A SHORT AMOUNT OF TIME

22 Q DO YOU KNOW WHEN HE TURNED THEM INTO EVIDENCE?

23 A NO, SIR

24 Q OKAY BUT YOU KNOW THAT THEY WERE TURNED INTO
25 EVIDENCE AT SOME POINT?

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1 A YES, SIR

2 Q HOW DO YOU KNOW THAT?

3 A I THINK THEY WERE TURNED INTO EVIDENCE AT SOME

4 POINT

5 Q HOW DO YOU THINK THAT?

6 A I WASN'T A PART OF IT SO I CAN'T ANSWER THAT

7 QUESTION I DON'T KNOW

8 Q OKAY DID ANYBODY TELL YOU SUBSEQUENTLY WHY

9 THEY WERE PUT INTO EVIDENCE?

10 A NO, SIR

11 Q THEY DIDN'T TELL YOU YOU WEREN'T PART OF

12 ANY --

13 A I KNEW THEY HAD BEEN TURNED INTO EVIDENCE

14 WELL, I ASSUMED THEY HAD BEEN TURNED INTO EVIDENCE

15 I CAN'T SAY THAT I WAS THERE WHEN THEY WERE TURNED

16 INTO EVIDENCE OR ANYTHING LIKE THAT, BUT I DON'T HAVE

17 AN ANSWER FOR THAT QUESTION

18 Q OKAY WHEN YOU TALKED WITH MR COPE AT 12 40

19 P M ON THAT DAY, HE HAD PREVIOUSLY TALKED TO

20 DETECTIVE BURRIS THAT MORNING, CORRECT?

21 A YES, SIR

22 Q AND AS I UNDERSTAND YOUR TESTIMONY YOU WERE NOT

23 PART OF THAT CONVERSATION?

24 A NO, SIR, I WASN'T

25 Q AND YOU DON'T REMEMBER GOING TO THE HOSPITAL

1 WITH DETECTIVE BURRIS AND MR COPE?

2 A NO, SIR, I DON'T REMEMBER DOING THAT

3 Q AND THE CONVERSATION AT 12 40 WAS TYPED BY YOU
4 AT SOMETIME LATER AFTER THE INTERVIEW?

5 A YES, SIR

6 Q DO YOU REMEMBER HOW MUCH AFTER THE INTERVIEW IT
7 WAS TYPED?

8 A IT WOULD HAVE BEEN DONE THAT DAY, PROBABLY LATER
9 THAT AFTERNOON

10 Q MR COPE HAD BEEN AT THE POLICE STATION ALL DAY
11 THAT DAY?

12 A HE HAD BEEN BROUGHT UP THAT MORNING OR HAD CAME
13 UP THAT MORNING AND WAS INTERVIEWED BY DETECTIVE
14 BURRIS AND I THOUGHT HE HAD LEFT I GOT ANOTHER CALL
15 EITHER BY PHONE OR RADIO SAYING THAT HE WAS BACK AT
16 THE OFFICE, SO I DON'T KNOW IF HE LEFT AND CAME BACK
17 OR JUST STAYED THERE IN THE LOBBY AREA I'M NOT
18 CERTAIN

19 Q DID SOMEBODY ASK YOU TO INTERVIEW HIM OR WAS
20 THAT YOUR INITIATIVE?

21 A NO, I THINK HIS WIFE CAME UP TO BE INTERVIEWED
22 AND SOMEBODY WAS GETTING READY TO INTERVIEW HER AND
23 HE WAS IN THE LOBBY AND I JUST TOOK IT UPON MYSELF TO
24 TALK TO HIM

25 Q DID YOU READ HIM HIS RIGHTS?

1 A NO, SIR

2 Q OKAY

3 A I DON'T REMEMBER READING HIM HIS RIGHTS

4 Q OKAY AND AGAIN, AND I'M SORRY IF I MISSED
5 THIS, DO YOU REMEMBER WHEN YOU TYPED THIS?

6 A IT WAS PROBABLY LATER THAT AFTERNOON, I'M
7 THINKING

8 Q DID YOU ASK HIM TO SIGN ANY STATEMENTS OR
9 ANYTHING?

10 A NO, SIR, NOT AT THAT POINT

11 Q DID HE VOLUNTARILY TALK TO YOU?

12 A YES, SIR

13 Q WAS HE WILLINGLY TALKING TO YOU?

14 A YES, SIR

15 Q NOW LATER ON THAT DAY DID YOU HAVE THE OCCASION
16 TO DISCUSS THE CASE WITH DR MAYNARD THE PATHOLOGIST?

17 A SEEMS LIKE WE DID HAVE A MEETING IN THE
18 CONFERENCE ROOM THERE WITH DR MAYNARD AND I THINK I
19 WAS A PART OF THE LARGER GROUP OF PEOPLE THAT WERE
20 THERE

21 Q OKAY WHAT DID DR MAYNARD TELL YOU ABOUT THE
22 AUTOPSY?

23 A BASICALLY THAT THE VICTIM AMANDA COPE HAD BEEN
24 BEATEN, BEEN SEXUALLY ASSAULTED

25 Q SEXUALLY ASSAULTED HOW?

1 A APPARENTLY SHE HAD INSTRUMENTS SHOVED INTO HER
2 BODY

3 Q AND DETECTIVE MAYNARD TOLD YOU THAT?

4 A I THINK -- I THINK THAT WAS PART OF THAT
5 CONVERSATION THAT AFTERNOON OR THAT OR LATER ON THAT
6 EVENING

7 Q OKAY WHAT KIND OF INSTRUMENTS DID HE SAY HAD
8 BEEN SHOVED INTO HER?

9 A HE HAD NO IDEA

10 Q BUT HE INDICATED TO YOU THAT HE THOUGHT
11 INSTRUMENTS HAD BEEN SHOVED INTO HER BODY?

12 A YES, SIR

13 Q OKAY HOW LONG WAS DR MAYNARD THERE AT THE
14 OFFICE?

15 A AT THE ROCK HILL POLICE DEPARTMENT?

16 Q YES, SIR

17 A I DON'T KNOW

18 Q AT SOME POINT LATER IN THE DAY YOU WENT AND
19 PICKED UP BILLY COPE AT HIS PARENT'S HOUSE ON LUCAS
20 STREET, IS THAT RIGHT?

21 A YES, SIR

22 Q THAT WAS YOU AND DETECTIVE WALDROP?

23 A THAT'S CORRECT

24 Q NOBODY ELSE?

25 A NO, SIR

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1 Q HAD YOU CALLED HIM BEFOREHAND ASKING HIM TO COME
2 BACK TO THE POLICE DEPARTMENT?

3 A I DON'T THINK SO, NO, SIR

4 Q OKAY YOU KNEW WHERE HE LIVED? I MEAN, YOU
5 KNEW HE WAS AT HIS PARENT'S HOUSE?

6 A I THINK THE CONVERSATION HE WOULD HAVE TOLD US
7 WHERE HE WAS GOING TO BE STAYING, YES, SIR

8 Q OKAY AND TELL ME WHAT HAPPENED WHEN YOU GOT TO
9 HIS HOUSE WITH DETECTIVE, WITH LIEUTENANT WALDROP?

10 A I THINK LIEUTENANT WALDROP WAS DRIVING ONE OF
11 THE DETECTIVE DIVISION'S VEHICLES AND I WAS RIDING
12 AND WE PULLED UP AND THERE WERE SEVERAL PEOPLE, I
13 REMEMBER PEOPLE ON THE PORCH I'M NOT SURE IF BILLY
14 WAS ON THE PORCH THERE WERE SEVERAL PEOPLE ON THE
15 PORCH AND WE WENT UP AND PROCEEDED JUST TO TALK TO
16 HIM

17 Q BOTH OF YOU GOT OUT OF THE CAR AND WENT UP AND
18 TALKED?

19 A YES, SIR

20 Q YOU REMEMBER, DID YOU TALK TO HIS WIFE OR HIS
21 CHILDREN? HIS CHILDREN WEREN'T THERE DID YOU TALK
22 TO HIS WIFE?

23 A NO, I DON'T REMEMBER HER BEING THERE

24 Q DID YOU TALK TO ANYBODY ELSE?

25 A I THINK WE TALKED TO HIS MOTHER AND HIS FATHER I

1 BELIEVE

2 Q AND WHAT WAS THE CONVERSATION WITH BILLY AT THAT
3 POINT?

4 A BASICALLY WE TOLD HIM THAT WE JUST WANTED TO
5 TALK WITH HIM JUST A LITTLE BIT MORE ABOUT WHAT WE
6 HAD TALKED WITH HIM ABOUT EARLIER AND HE AGREED TO
7 TALK WITH US

8 Q DID HE TELL YOU THAT HE WOULD MEET YOU THERE?
9 OR DID Y'ALL GIVE HIM THAT OPTION?

10 A I DON'T REMEMBER I REMEMBER HIM SAYING THAT
11 HE'D BE WILLING TO TALK WITH US

12 Q AND HE GOT IN THE CAR?

13 A YES, SIR

14 Q AND HE RODE WITH YOU?

15 A YES, SIR

16 Q OKAY YOU REMEMBER ANY OTHER CONVERSATION ABOUT
17 HIM DRIVING HIS OWN VEHICLE OR ANYTHING?

18 A I DON'T, NO, SIR

19 Q DID Y'ALL HAVE ANY DISCUSSION BETWEEN HIS
20 PARENT'S HOME ON LUCAS STREET AND THE POLICE STATION?

21 A IF WE DID IT WAS JUST HOW YOU DOING, BILLY, THAT
22 TYPE THING, JUST SMALL TALK BASICALLY

23 Q DID YOU TELL HIM WHAT YOU WANTED? DID YOU TELL
24 HIM WHY YOU WERE THERE AND WHY YOU WANTED TO TALK TO
25 HIM?

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1 A YEAH, WE TOLD HIM WHY WE WERE THERE, WE NEEDED
2 TO TALK WITH HIM FURTHER ABOUT WHAT HAD HAPPENED TO
3 HIS DAUGHTER

4 Q DID YOU TELL HIM THAT YOU'D GIVE HIM A RIDE
5 HOME? DID HE ASK ABOUT THAT?

6 A I DON'T REMEMBER IF HE DID I PROBABLY WOULD
7 HAVE TOLD HIM, YOU KNOW, WE CAN GET HIM A RIDE HOME
8 OR I COULD GIVE HIM A RIDE HOME PROBABLY IF HE
9 WOULD HAVE ASKED I PROBABLY WOULD HAVE TOLD HIM

10 Q WHAT YOUR INTENTIONS AT THAT POINT? DID YOU
11 THINK HE WAS GOING TO BE GOING HOME?

12 A AT THAT POINT I DIDN'T KNOW IF HE WAS OR NOT,
13 BUT HE POSSIBLY COULD HAVE

14 Q OKAY WHEN YOU GOT BACK TO THE POLICE STATION,
15 YOU GOT THE TAPE RECORDER OR THE TAPE RECORDER WAS
16 ALREADY IN LIEUTENANT WALDROP'S OFFICE?

17 A I DON'T REMEMBER I REMEMBER LIEUTENANT WALDROP
18 GETTING THE TAPE RECORDER, BUT WHEN HE GOT IT
19 I DON'T REMEMBER WHEN IF HE GOT IT BEFORE OR
20 AFTERWARDS

21 Q HAVE YOU LISTENED TO THIS TAPE RECORDING?

22 A NO, SIR

23 Q OKAY AT SOME POINT THE TAPE RECORDER, AT THE
24 END OF THE CONVERSATION, THE TAPE JUST QUITS WHAT
25 CONVERSATION DID YOU HAVE AFTER THE RECORDING QUIT IF

1 YOU CAN REMEMBER?

2 A I DON'T REMEMBER THE SPECIFIC POINT WHEN IT
3 QUIT IT QUIT SEVERAL TIMES WE HAD TO STOP AND PUT
4 ANOTHER TAPE IN

5 Q YOU ARE RIGHT

6 A SO WE PROBABLY NOT PUT ANOTHER TAPE IN, WE JUST
7 FINISHED UP THE INTERVIEW

8 Q OKAY WAS DETECTIVE BLACKWELDER PRESENT FOR
9 THAT INTERVIEW OR INTERROGATION WITH MR COPE?

10 A I DON'T THINK SHE WAS ACTUALLY PART OF IT SHE
11 WAS IN THE DETECTIVE DIVISION DURING THE TIME WE WERE
12 TALKING WITH HIM, BUT I DON'T THINK SHE TOOK AN
13 ACTIVE PART IN THE INTERVIEW

14 Q WHEN THAT CONVERSATION BEGAN YOU HAD ALREADY
15 TALKED TO BILLY COPE AND YOU KNOW HE HAD TALKED TO
16 OTHER INVESTIGATORS THAT DAY, RIGHT?

17 A I KNEW HE HAD TALKED TO DETECTIVE BURRIS, YES,
18 SIR

19 Q OKAY AND HE HAD MAINTAINED THAT HE HAD NOT
20 HEARD ANYTHING THAT NIGHT, CORRECT?

21 A YES, SIR

22 Q HE HAD BEEN ASLEEP?

23 A YES, SIR

24 Q THOUGHT HIS DAUGHTER HAD BEEN KILLED, HAD BEEN
25 ACCIDENTALLY KILLED, RIGHT?

1 A PRETTY MUCH THE THING HAD WRAPPED AROUND HER
2 NECK DURING HER SLEEP AND HAD CHOKED HER TO DEATH

3 Q WHEN YOU BEGAN THAT INTERVIEW WITH HIM DID YOU
4 HAVE ANY PRECONCEIVED IDEAS IN YOUR MIND ABOUT
5 WHETHER HE WAS TELLING THE TRUTH OR NOT?

6 A AT THAT POINT DURING THE INTERVIEW THAT I HAD
7 WITH MR COPE AND LIEUTENANT WALDROP, I HAD NOT
8 FORMED AN OPINION ABOUT WHAT HAD HAPPENED

9 Q YOU HAD NOT?

10 A AT THAT POINT I KNEW SHE HAD DIED

11 Q RIGHT YOU DIDN'T HAVE AN OPINION ONE WAY OR
12 ANOTHER?

13 A THAT'S WHY WE WANTED TO TALK TO HIM FURTHER TO
14 GET A LITTLE BIT BETTER UNDERSTANDING OF WHAT
15 POSSIBLY COULD HAVE HAPPENED

16 Q YOU WERE OPEN MINDED?

17 A YES, SIR

18 Q LIEUTENANT WALDROP WAS OPEN MINDED IN YOUR
19 OPINION?

20 A I THINK HE WAS PRETTY MUCH OPEN MINDED TOO, YES,
21 SIR

22 Q SO IT WASN'T A DISCUSSION TO TRY AND MAKE HIM
23 ADMIT SOMETHING, OR TRY TO GET HIM TO CONFESS, IT WAS
24 JUST AN OPEN DISCUSSION IS THAT FAIR?

25 A WELL, WE WERE TRYING TO OBTAIN SOME MORE

1 INFORMATION AS TO WHAT LEAD UP TO AMANDA COPE'S
2 DEATH

3 Q AND THE WAY THAT YOU OBTAINED THAT INFORMATION
4 WAS JUST TO ASK BILLY QUESTIONS ABOUT WHAT HAPPENED?

5 A YES, SIR

6 Q OKAY IT WASN'T A CONVERSATION IN WHICH YOU
7 ACCUSED HIM OF NOT TELLING THE TRUTH OR NOT BEING
8 HONEST WITH YOU OR ANYTHING LIKE THAT?

9 A AFTER A POINT WE WERE TALKING WITH HIM AND
10 HAVING UNDERSTOOD WHAT HAD TAKEN PLACE THAT CAUSED
11 HER DEATH, WE HAD INDICATED TO HIM THAT HE NEEDED TO
12 BE HONEST WITH US

13 Q SO AT THAT POINT YOU DIDN'T THINK HE WAS BEING
14 HONEST?

15 A AT DIFFERENT TIMES, HIS STORY VARIED AT TIMES
16 ABOUT THE TIMES THAT THINGS HAPPENED, AND WE WERE
17 TRYING TO GET INFORMATION EXACTLY ABOUT WHAT TIME
18 CERTAIN THINGS HAPPENED, ABOUT THE ALARM BEING SET,
19 AND WHEN HE CHECKED ON THE CHILDREN AND THAT TYPE
20 THING AND IT CHANGED AFTER YOU TALKED WITH HIM

21 Q BUT AT SOME POINT DID YOU DECIDE THAT HE'S NOT
22 BEING HONEST ABOUT THE MURDER AND RAPE OF HIS
23 DAUGHTER?

24 A WE FELT LIKE THERE WAS MORE TO THE STORY THAT HE
25 WASN'T TELLING

1 Q WHEN DID YOU MAKE THAT, FORM THAT OPINION IN
2 YOUR MIND?

3 A I THINK PRETTY MUCH AFTER THE CONVERSATION WAS
4 OVER WE, LIEUTENANT WALDROP AND MYSELF, DISCUSSED THE
5 MATTER, AND WE TALKED TO DETECTIVE BLACKWELDER AND
6 DISCUSSED IT, THAT HE WASN'T BEING TRUTHFUL ABOUT THE
7 WHOLE INCIDENT

8 Q AT ANY POINT DURING THAT CONVERSATION DID YOU
9 COME TO THAT CONCLUSION, BEFORE THAT CONVERSATION WAS
10 OVER?

11 A I DON'T THINK WE, I HAD MADE UP MY MIND ABOUT
12 WHAT HAD HAPPENED BASED ON WHAT THE INFORMATION THAT
13 I HAD AT THAT TIME DURING THE CONVERSATION THAT I HAD
14 WITH HIM

15 Q OKAY SO WHAT YOU ARE TELLING US IS DURING THAT
16 WHOLE CONVERSATION IT WAS JUST A QUESTION AND ANSWER
17 PERIOD AND YOU WERE JUST TRYING TO FIND OUT WHAT HE
18 HAD TO SAY ABOUT IT?

19 A AND THERE WERE SOME INCONSISTENCIES WITH HIS
20 STORY AND WHAT HAPPENED AND WE WOULD POINT THOSE OUT
21 TO HIM AND HE WOULD RAMBLE ON ABOUT SOME OTHER STUFF
22 AND WE WOULD HAVE TO BRING HIM BACK AND ASK HIM TO
23 ANSWER THE QUESTION AND IT WAS JUST A LONG DRAWN OUT
24 PROCESS

25 Q BUT AT NO POINT DURING THAT CONVERSATION DID YOU

1 COME TO YOUR CONCLUSION IN YOUR OWN MIND THAT HE
2 RAPED AND MURDERED HIS DAUGHTER?

3 A IN MY MIND I WAS TRYING TO FIND THE TRUTH AND
4 THAT'S WHAT I WAS ASKING SPECIFIC QUESTIONS ABOUT

5 Q OKAY SO IF YOU'LL ANSWER MY QUESTION, DID YOU
6 AT SOME POINT DURING THAT CONVERSATION COME TO THE
7 OPINION THAT HE RAPED AND MURDERED HIS DAUGHTER?

8 A I CAME TO THE CONCLUSION THAT HE WAS NOT BEING
9 TRUTHFUL

10 Q OKAY DID YOU COME TO THE CONCLUSION THAT HE
11 WAS NOT BEING TRUTHFUL ABOUT RAPING AND MURDERING HIS
12 DAUGHTER?

13 A I THINK I CAME TO THAT CONCLUSION AFTER WE
14 DISCUSSED, LIEUTENANT WALDROP AND MYSELF HAD
15 DISCUSSED IT AFTER THE INTERVIEW PROCESS

16 Q BASED ON WHAT?

17 A JUST THE TOTALITY OF THE INTERVIEW ITSELF

18 Q SPECIFIC --

19 A AND THE EVIDENCE THAT WAS PROVIDED

20 THE COURT LET HIM FINISH

21 MR MORTON I'M SORRY, JUDGE

22 Q SPECIFICALLY WHAT?

23 A REPHRASE

24 Q SPECIFICALLY WHAT INCONSISTENCIES?

25 A WELL, LIKE I SAID, HIS STORY CHANGED AND HE

1 WOULD TALK AND HE WOULD START RAMBLING OFF ABOUT
2 STUFF THAT DIDN'T REALLY MATTER IT WASN'T WHAT WE
3 WAS ASKING, THE QUESTION, AND HE WASN'T SPECIFIC
4 ABOUT ANYTHING HE WOULD JUST START TALKING AND GO
5 OFF IN LEFT FIELD AND WE HAD TO BRING HIM BACK TO
6 TASK NUMEROUS TIMES THAT'S WHY THE INTERVIEW LASTED
7 AS LONG AS IT DID

8 Q WAS HE, AFTER THE INTERVIEW ENDED, YOU AND
9 DETECTIVE WALDROP OR LIEUTENANT WALDROP WENT AND
10 DISCUSSED THE SITUATION?

11 A ALONG WITH DETECTIVE BLACKWELDER, WE DISCUSSED
12 IT

13 Q AND WHERE WAS MR COPE?

14 A HE WAS STILL SEATED IN MY OFFICE

15 Q OKAY WAS HE FREE TO LEAVE AT THAT POINT?

16 A YES, SIR

17 Q HE WAS?

18 A IN MY OPINION HE WAS, YES

19 Q SO HE COULD HAVE --

20 A AFTER

21 Q SO HE COULD HAVE SAID SEE YOU LATER?

22 A YEAH WE KNEW WHERE HE LIVED

23 Q OKAY YOU DIDN'T THINK HE WAS GOING TO TAKE OFF
24 TO CANADA OR MEXICO OR ANYTHING?

25 A NO, SIR I DIDN'T HAVE THAT INDICATION FROM

1 HIM

2 Q OKAY DID HE TALK WITH YOU VOLUNTARILY?

3 A YES, SIR

4 Q IN FACT, HE COULD HAVE TOLD YOU THAT HE DIDN'T

5 WANT TO TALK TO YOU?

6 A EXACTLY

7 Q Y'ALL DIDN'T READ HIM HIS RIGHTS THAT NIGHT

8 EITHER?

9 A NO, SIR

10 Q OKAY AND Y'ALL DECIDED TO CHARGE HIM WITH

11 MURDER THAT NIGHT?

12 A YES, SIR

13 Q AS FAR AS OBTAINING THE WARRANT THAT NIGHT,

14 DETECTIVE BLACKWELDER OBTAINED A WARRANT FOR MURDER

15 ON THAT NIGHT?

16 A YES, SIR

17 Q DID YOU HAVE ANYTHING TO DO WITH THE LANGUAGE IN

18 THAT WARRANT?

19 A NO, SIR

20 Q SHE DID THAT HERSELF?

21 A YES, SIR

22 Q OKAY THE NEXT MORNING YOU CHARGED HIM WITH

23 MURDER DO YOU REMEMBER WHAT TIME, WERE YOU THERE

24 WHEN HE WAS CHARGED WITH MURDER?

25 A YES, SIR IT WAS PROBABLY -- IT WAS OVER IN THE

1 EARLY MORNING HOURS, I DON'T KNOW, BETWEEN TWO OR
2 THREE O'CLOCK IN THE MORNING I'M NOT CERTAIN OF THE
3 TIME

4 Q DID YOU GO HOME THAT NIGHT?

5 A YES, SIR

6 Q WHAT TIME DID YOU GO HOME?

7 A AFTER I SERVED THE WARRANT ON HIM, I WENT HOME

8 Q OKAY AND WHAT TIME, DO YOU KNOW ABOUT WHAT
9 TIME THAT WAS?

10 A NO, SIR TO BE HONEST WITH YOU I DON'T KNOW

11 Q WHAT TIME DID YOU COME BACK THAT MORNING?

12 A 8 O'CLOCK THAT MORNING

13 Q AND YOU TOOK HIM TO THE YORK COUNTY SHERIFF'S
14 DEPARTMENT?

15 A YES, SIR

16 Q CORRECT?

17 A YES, SIR

18 Q DO YOU REMEMBER WHAT TIME THAT WAS?

19 A THEY WERE RUNNING LATE I THINK IT WAS LIKE
20 AROUND 9, BETWEEN 9-9 30, SOMETHING LIKE THAT

21 Q WHEN YOU LEFT OR WHEN YOU GOT THERE?

22 A IT WAS, I DON'T REMEMBER, BUT I REMEMBER IT WAS
23 SOMETIME AFTER NINE I THINK THEY WERE RUNNING A FEW
24 MINUTES LATE

25 Q AND WHAT WAS THE PURPOSE OF YOU TAKING HIM OVER

1 TO THE SHERIFF'S DEPARTMENT?

2 A HE AGREED TO TAKE A POLYGRAPH TEST

3 Q OKAY IN FACT, HE INSISTED ON TAKING A
4 POLYGRAPH TEST?

5 A HE MENTIONED THE FACT THAT HE WOULD TAKE ONE AND
6 WE MADE ARRANGEMENTS WE WERE TRYING TO GET
7 ARRANGEMENTS MADE THAT NIGHT FOR HIM TO TAKE ONE BUT
8 THINGS DIDN'T WORK OUT

9 Q DID YOU CALL DETECTIVE BAKER THAT NIGHT?

10 A YES, SIR

11 Q YOU CALLED HIM AT HOME?

12 A I PAGED HIM A COUPLE TIMES AND I DON'T THINK HE
13 RESPONDED AND I THINK I WOUND UP GETTING HIS NUMBER
14 FROM THE SHERIFF'S DEPARTMENT AND CALLING HIM AT HOME
15 I THINK

16 Q YOU TALKED TO HIM?

17 A YES, SIR, I THINK I DID TALK TO HIM

18 Q AND HE DIDN'T WANT TO DO IT THAT NIGHT?

19 A I THINK HE THOUGHT IT WOULD BE BETTER TO GO
20 AHEAD AND TO WAIT UNTIL IN THE MORNING AFTER EVERYONE
21 HAD A LITTLE BIT OF REST AND THEN DO THE POLYGRAPH

22 Q OKAY DID YOU HAVE ANY CONVERSATION WITH BILLY
23 ON THE WAY TO THE SHERIFF'S DEPARTMENT?

24 A I'M SURE WE TALKED, JUST ME AND HIM JUST TALKING
25 BACK AND FORTH, NOT ANYTHING PERTAINING TO THE

1 CHARGES OR ANYTHING

2 Q AND WHEN YOU GOT TO THE SHERIFF'S DEPARTMENT AND
3 YOU DISCUSSED THIS MATTER WITH DETECTIVE BAKER I
4 PRESUME?

5 A YES, SIR

6 Q AND I PRESUME BILLY WAS NOT PRESENT FOR THE
7 CONVERSATION THAT YOU AND DETECTIVE BAKER HAD?

8 A NO, SIR, HE HAD BEEN PUT IN A HOLDING AREA

9 Q HOLDING CELL AT THE SHERIFF'S DEPARTMENT?

10 A YES, SIR

11 Q AND WHAT DID YOU TELL DETECTIVE BAKER? DID HE
12 HAVE ANY PRIOR KNOWLEDGE OF THIS?

13 A WELL, I HAD TALKED ABOUT IT WITH HIM THAT NIGHT
14 ABOUT THE POLYGRAPH, AND BASICALLY I JUST BROUGHT HIM
15 UP TO SPEED ABOUT WHAT HAD BEEN DONE IN THE CASE,
16 BRING HIM TO THE POINT WHERE WE WERE AT THEN

17 Q OKAY AND WOULD IT BE, I ASSUME THAT YOU TOLD
18 HIM THAT YOU THOUGHT THAT YOU DIDN'T THINK THAT BILLY
19 WAS TELLING YOU THE WHOLE STORY?

20 A I DON'T REMEMBER TELLING HIM THAT, NO, SIR I
21 REMEMBER TELLING HIM THERE WAS INCONSISTENCIES WITH
22 HIS STORY

23 Q OKAY DID HE ASK YOU?

24 A I DON'T REMEMBER HIM ASKING ME THAT

25 Q HOW LONG DID Y'ALL TALK?

1 A USUALLY WHEN I BRIEF DETECTIVE BAKER IT'S
2 PROBABLY 10 OR 15 MINUTES AT THE MOST AND THAT'S
3 PROBABLY THE SAME AMOUNT OF TIME IN THIS ONE
4 I DON'T REMEMBER EXACTLY BUT IT'S PROBABLY IN THE
5 NEIGHBORHOOD OF 10 OR 15 MINUTES

6 Q AND WHAT DID YOU TELL HIM? WHAT DO YOU REMEMBER
7 TELLING HIM?

8 A I REMEMBER HIM, YOU KNOW, ASKING ME QUESTIONS
9 ABOUT THE CASE AND I JUST ANSWERED HIS QUESTIONS
10 JUST GIVING HIM A BRIEF SYNOPSIS OF THE EVENTS THAT
11 TRANSPIRED

12 Q DID YOU HAVE ANY NOTES WITH YOU?

13 A I PROBABLY HAD SOME NOTES OR THE CASE FILES I
14 USUALLY CARRY THE CASE FILE WITH ME WHEN I GO TO THE
15 POLYGRAPH BUT I'M PRETTY SURE I HAD IT WITH ME AT
16 THAT TIME

17 Q DID HE TAKE NOTES?

18 A I THINK HE DID

19 Q ALL RIGHT WHEN YOU SAY A BRIEF SYNOPSIS OF THE
20 CASE, WHAT DID YOU TELL HIM?

21 A BASICALLY THE FACT THAT WE HAD PLACED MR COPE
22 UNDER ARREST FOR MURDER AND THE EVENTS SURROUNDING
23 HIS DAUGHTER'S DEATH

24 Q ALL RIGHT THAT'S WHAT I'M TRYING TO FIND OUT
25 IN A LITTLE MORE DETAIL DID YOU TELL HIM WHY YOU

1 HAD ARRESTED HIM FOR MURDER?

2 A I DON'T REMEMBER HIM ASKING, BUT I PROBABLY DID
3 TELL HIM, BUT I DON'T REMEMBER HIM ASKING

4 Q OKAY DID YOU TELL HIM WHAT EVENTS THERE WERE?
5 YOU SAID YOU TOLD HIM SOME EVENTS SURROUNDING HIS
6 DAUGHTER'S DEATH, WHAT DID YOU TELL DETECTIVE BAKER?

7 A PRETTY MUCH THE WAY SHE WAS FOUND, THAT TYPE OF
8 THING THERE WAS NO FORCED ENTRY INTO THE HOUSE,
9 THAT SHE HAD BEEN ASSAULTED, AND APPARENTLY SHE HAD
10 BEEN CHOKED TO DEATH

11 Q ASSAULTED HOW?

12 A BY BEING BEAT AND PRETTY MUCH BLUNT TRAUMA, THAT
13 TYPE THING

14 Q DID YOU TELL HIM SHE HAD BEEN SEXUALLY
15 ASSAULTED?

16 A I POSSIBLY COULD HAVE TOLD HIM THAT YOU KNOW,
17 I DON'T REMEMBER OUR CONVERSATION BECAUSE IT WAS LIKE
18 A BRIEF 10-15 MINUTES QUESTION TYPE THING

19 Q HE WAS QUESTIONING YOU AND YOU WERE ANSWERING
20 HIS QUESTIONS?

21 A PRETTY MUCH THAT'S THE WAY IT'S SET UP, JUST
22 GIVING HIM A BRIEF SYNOPSIS OF WHY YOU ARE UP HERE
23 AND WHAT TYPE CASE IT IS

24 Q DID YOU TELL HIM ABOUT ANY OF THE EVIDENCE THAT
25 HAD BEEN FOUND IN THE HOUSE?

1 A I DON'T REMEMBER TELLING HIM ANYTHING ABOUT IT
2 I POSSIBLY COULD HAVE

3 Q DO YOU REMEMBER TELLING HIM ABOUT ANY
4 INCONSISTENCIES THAT YOU HAVE RELATED TO IN BILLY'S
5 STATEMENT TO YOU AND JERRY WALDROP?

6 A I'M SURE I MENTIONED THOSE TO HIM

7 Q DO YOU REMEMBER WHAT THOSE INCONSISTENCIES WERE?

8 A I KNOW THE TIME HAD CHANGED ABOUT WHEN THE ALARM
9 WAS SET INITIALLY AND THEN WENT BACK AND SAID IT WAS
10 A DIFFERENT TIME AND THE FACT THAT HE HAD GOTTEN UP
11 ONE TIME TO CHECK ON THE GIRLS AND INITIALLY TOLD US
12 THAT HE HADN'T GOT UP AND SAID HE SLEPT ALL THE WAY
13 THROUGH THE NIGHT AND THOSE TYPE OF THINGS

14 Q CAN YOU REMEMBER ANYTHING ELSE?

15 A NOT RIGHT OFF THE TOP OF MY HEAD I CANNOT

16 Q DID YOU TELL HIM ABOUT ANY PORNOGRAPHY THAT HAD
17 BEEN FOUND IN THE HOUSE?

18 A I WASN'T AWARE OF ANY PORNOGRAPHY AT THAT TIME
19 IN THE HOUSE

20 Q OKAY AT SOME POINT DETECTIVE BAKER INTERVIEWED
21 MR COPE OUTSIDE YOUR PRESENCE, IS THAT RIGHT?

22 A YES, SIR

23 Q AND YOU STAYED IN ANOTHER ROOM?

24 A YES, SIR

25 Q DID DETECTIVE BAKER CONSULT WITH YOU AT TIMES

1 AFTER HE BEGAN INTERVIEWING MR COPE?

2 A I DON'T REMEMBER HIM CONSULTING WITH ME AT ALL

3 Q DO YOU REMEMBER HOW LONG THAT TOOK FOR HIS
4 INTERVIEW WITH MR COPE?

5 A NO, I DON'T REMEMBER I'VE BEEN UP HERE ON SO
6 MANY POLYGRAPH EXAMINATIONS IT'S PRETTY MUCH A
7 ROUTINE TYPE OF SITUATION THAT HE GOES THROUGH

8 Q OKAY AND YOU NEVER SIT IN THERE WITH HIM?

9 A NOT DURING THE INTERVIEW OR THE POLYGRAPH, NO,
10 SIR

11 Q YOU DON'T KNOW WHETHER THEY ARE VIDEO TAPED OR
12 AUDIO TAPED OR ANYTHING?

13 A I DON'T THINK THEY ARE EITHER

14 Q YOU DON'T THINK THAT THEY ARE?

15 A NO, SIR

16 Q BUT DO YOU REMEMBER HOW LONG YOU WERE AT THE
17 SHERIFF'S DEPARTMENT THAT DAY AWAITING THIS INTERVIEW
18 TO BE OVER?

19 A WELL, JUST THE INTERVIEW AND THE POLYGRAPH
20 ITSELF OR THE WHOLE?

21 Q THE WHOLE THING, YEAH FROM THE TIME YOU GOT
22 THERE UNTIL THE TIME YOU LEFT?

23 A IT WAS PRETTY MUCH STANDARD ON ANY POLYGRAPH
24 YOU GO UP THERE PROBABLY AN HOUR AND A HALF, TWO
25 HOURS PROBABLY

1 Q OKAY AND AFTER THE INTERVIEW -- SO FROM THE
2 TIME HE WENT IN BILLY, FROM THE TIME DETECTIVE BAKER
3 WENT AND GOT MR COPE TO TALK TO HIM, YOU DON'T
4 REMEMBER BEING INVOLVED UNTIL AFTER THAT WAS OVER?

5 A NO, SIR, I DON'T REMEMBER THAT

6 Q OKAY

7 A I REMEMBER THEM TAKING A BREAK, WENT TO THE
8 BATHROOM, THAT TYPE OF THING

9 Q THEN YOU TOOK A STATEMENT FROM HIM, FROM
10 MR COPE, AT THE END OF THAT INTERVIEW?

11 A YES, SIR

12 Q RIGHT?

13 A AT THE END OF THE POLYGRAPH, YES, SIR

14 Q DID YOU READ MR COPE HIS RIGHTS THAT DAY?

15 A NO, SIR

16 Q WERE YOU PRESENT WHEN HIS RIGHTS WERE READ TO
17 HIM THAT DAY AT ALL?

18 A NO, SIR DETECTIVE BAKER INFORMED ME WHEN I
19 CAME IN THE ROOM THAT HE HAD GIVEN MR COPE HIS
20 RIGHTS AND MR COPE TOLD ME THAT HE HAD, HE KNEW WHAT
21 HIS RIGHTS WERE AND HAD BEEN GIVEN TO HIM BY
22 DETECTIVE BAKER

23 Q AND YOU TOOK A, YOU WROTE A STATEMENT?

24 A YES, SIR

25 Q FROM HIM AT ABOUT TWO O'CLOCK THAT DAY?

1 A YES, SIR, I THINK IT WAS

2 Q CORRECT?

3 A YES, SIR

4 Q AND BILLY COPE SIGNED IT? RIGHT?

5 A YES, SIR

6 Q THEN HE MADE, YOU MADE AN ADDITION TO THE
7 STATEMENT AROUND 2 25 P M ?

8 A YES, SIR

9 Q RIGHT?

10 A YES, SIR

11 Q AND HE SIGNED BOTH PAGES, RIGHT?

12 A YES, SIR

13 Q AND DURING THAT---AND BILLY COPE, DO YOU
14 REMEMBER, NOW THIS IS A PAGE AND A HALF STATEMENT
15 THAT YOU TOOK FROM HIM, RIGHT?

16 A YES, SIR

17 Q OKAY DO YOU KNOW HOW LONG YOU ACTUALLY TALKED
18 TO HIM AFTER HE CAME OUT OF THE ROOM WITH BAKER?

19 A WELL, BASICALLY I WENT INTO THE ROOM WHERE THEY
20 WERE AT

21 Q RIGHT

22 A AND I SAT DOWN IN ANOTHER CHAIR THERE WERE
23 THREE CHAIRS IN THERE AND I SAT DOWN IN ONE OF THEM

24 Q DID BAKER COME AND INVITE YOU AND SAY COME ON IN
25 NOW?

1 A YES, SIR

2 Q OKAY

3 A BUT AS FAR AS THE AMOUNT OF TIME I WAS IN THERE,
4 IT WAS PROBABLY, YOU KNOW, IT WAS BRIEF AMOUNT OF
5 TIME PROBABLY DIDN'T TAKE ANY MORE THAN 15 - 20
6 MINUTES TO WRITE THAT 30 MINUTES MAYBE

7 Q AND HOW DID THIS STATEMENT TRANSPIRE, I GUESS?
8 WAS IT A QUESTION AND ANSWER TYPE THING? WAS IT A
9 BILLY COPE JUST STREAM OF CONSCIOUSNESS OR WHAT WAS
10 IT?

11 A ONCE I WENT IN, I WAS INFORMED BY DETECTIVE
12 BAKER THAT BILLY HAD TOLD HIM ABOUT WHAT HAD HAPPENED
13 THAT NIGHT

14 Q OKAY IN FACT, HE HAD TOLD HIM SEVERAL
15 DIFFERENT STORIES ABOUT WHAT HAD HAPPENED THAT NIGHT,
16 RIGHT?

17 A I'M NOT SURE WHAT HE TOLD DETECTIVE BAKER

18 Q OKAY WHAT DETECTIVE BAKER WAS REFERRING TO WAS
19 THE FACT THAT BILLY HAD AT SOME POINT DURING THEIR
20 INTERVIEW SAID THAT HE HAD MURDERED AND RAPED HIS
21 DAUGHTER?

22 A YES, SIR

23 Q RIGHT?

24 A YES, SIR

25 Q OKAY AND THEN YOU TOOK A STATEMENT FROM HIM?

1 A YES, SIR

2 Q AND DID YOU TAKE A STATEMENT IN THE ROOM WITH
3 DETECTIVE BAKER?

4 A YES, SIR, SURE DID

5 Q YOU WROTE THIS STATEMENT OUT ON THEIR, ON THEIR
6 STATEMENT FORMS?

7 A YES, SIR, I DID

8 Q WAS THAT ALREADY IN THE ROOM?

9 A I THINK HE HAD TO GO GET THOSE I DON'T THINK
10 THEY WERE ACTUALLY PRESENT IN THE ROOM HE MIGHT
11 HAVE

12 Q WHAT WAS MR COPE'S DEMEANOR DURING ALL OF THIS?

13 A HE WAS CALM, TALKING JUST LIKE WE'RE TALKING
14 RIGHT NOW

15 Q WAS HE TIRED?

16 A HE DIDN'T APPEAR TO BE TIRED TO ME

17 Q HE DIDN'T WERE YOU TIRED?

18 A NOT, NO, SIR, NOT REALLY ABOUT LIKE I AM RIGHT
19 NOW

20 Q OKAY HAD YOU HAD A LOT OF SLEEP THAT NIGHT?

21 A YOU KNOW, SIX OR SO HOURS PROBABLY JUST TRYING
22 TO REMEMBER

23 Q OKAY AFTER THIS CONVERSATION WITH MR COPE DID
24 YOU GO, YOU GAVE HIM A RIDE BACK TO THE SHERIFF'S
25 DEPARTMENT, I MEAN, BACK TO THE ROCK HILL POLICE

1 DEPARTMENT, RIGHT?

2 A YES, SIR

3 Q DURING THIS CONVERSATION HE MENTIONS A COUPLE OF
4 THINGS ONE THING HE MENTIONS IS THESE ARE IMAGES
5 THAT COME INTO MY MIND AND YOU WROTE THAT DOWN DO
6 YOU REMEMBER THAT?

7 A I'D HAVE TO LOOK AT IT IT'S BEEN AWHILE SINCE
8 I SAW THESE FORMS

9 Q AGAIN THAT'S YOUR WRITING?

10 A YES, SIR

11 Q WHAT'S THAT MEAN?

12 A I DON'T KNOW I WROTE IT DOWN AS HE WAS TELLING
13 ME I DON'T KNOW

14 Q DID YOU ASK HIM ABOUT WHAT HE MEANT BY THAT?

15 A NO, SIR I WAS WRITING IT AS FAST AS I COULD AS
16 HE WAS TELLING ME

17 Q HE WAS JUST TELLING YOU HE SAID THESE ARE
18 IMAGES THAT COME TO MY MIND, AND YOU JUST WROTE IT
19 DOWN?

20 A THAT'S MY CHICKEN SCRATCH I WAS WRITING AS
21 FAST AS I COULD

22 Q AND DETECTIVE BAKER WAS IN THERE WITH YOU?

23 A YES, SIR

24 Q AND Y'ALL DIDN'T ASK HIM ABOUT WHAT THAT MEANT?

25 A I DON'T REMEMBER ASKING ABOUT WHAT THAT MEANT,

1 NO, SIR LIKE I WAS SAYING, I WAS TRYING TO KEEP UP
2 WITH HIM AS I WAS WRITING HE WAS TALKING

3 Q SO TO THE BEST OF YOUR RECOLLECTION WHEN HE SAID
4 THAT THESE ARE IMAGES THAT COME TO MY MIND THAT WAS
5 AS FAR AS IT WENT ON THAT? THAT'S WHAT THE, THAT'S
6 HOW THE STATEMENT ENDED?

7 A THAT'S PRETTY MUCH THE WAY --

8 Q --THE WAY IT ENDED?

9 A ---IT ENDED

10 Q AND Y'ALL DIDN'T GO ANY FURTHER ABOUT IT?

11 A NO, SIR

12 Q OKAY THEN HE MENTIONS THERE WAS A DALE DOVE
13 PORNO VIDEO, TWO PORNO MAGAZINES IN THE HOUSE, AND HE
14 TOOK THEM AND THREW THEM OUT THE BACK DOOR, IS THAT
15 RIGHT?

16 A YES

17 Q DID YOU GO BACK TO THE SCENE?

18 A NO, SIR, I DID NOT

19 Q WERE THERE PEOPLE AT THE SCENE AT THAT TIME?

20 A PROBABLY WERE STILL AT THE SCENE, YES, SIR,
21 PROCESSING IT

22 Q OKAY AGAIN, AND I THINK I'VE ASKED THIS
23 PROBABLY A THOUSAND TIMES, BUT YOU DIDN'T TAPE RECORD
24 THIS INTERVIEW WITH MR COPE?

25 A NO, SIR

1 Q YOU DIDN'T THINK THAT WAS IMPORTANT ON THAT DAY?

2 A LIKE I SAID THAT'S NOT A NORMAL PRACTICE TO TAPE
3 RECORD THEM

4 Q SO THE FACT THAT Y'ALL TAPE RECORDED IT THE
5 NIGHT BEFORE WAS AN ABNORMAL PRACTICE?

6 A NOT NORMAL OR ABNORMAL, JUST DIFFERENT YOU CAN
7 DO IT DIFFERENT WAYS DIFFERENT TIMES

8 Q WAS IT NORMAL OR WAS IT ABNORMAL?

9 A IT COULD BE LOOKED AT EITHER WAY

10 Q WELL, WHICH WAY DO YOU LOOK AT IT?

11 A I NORMALLY DON'T TAPE THEM

12 Q OKAY IN THIS STATEMENT HE INDICATES THAT HE
13 MASTURBATED IN HER ROOM, RIGHT?

14 A I THINK SO, YES, SIR

15 Q DID YOU GO INTO ANYMORE DETAIL ABOUT ANY OF THE
16 STATEMENTS ON THIS FORM THAN ARE ON HERE?

17 A I DON'T REMEMBER GOING INTO ANYMORE LIKE I
18 SAID, I WAS WRITING IT AS HE WAS TELLING IT

19 Q SO YOU DON'T BELIEVE, OTHER THAN WHAT'S ON THIS
20 PAPER, THERE WAS ANY OTHER QUESTION AND ANSWER OR
21 ANYTHING BETWEEN YOU AND MR COPE OTHER THAN WHAT'S
22 ON HERE?

23 A YOU KNOW THERE COULD HAVE BEEN SOME
24 CLARIFICATIONS AND, ABOUT CERTAIN THINGS, BUT I'M
25 JUST REMEMBER WRITING IT OUT AS HE WAS TELLING IT

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1 Q OKAY IF THERE WERE CERTAIN CLARIFICATIONS YOU
2 DIDN'T FEEL THEM IMPORTANT ENOUGH TO PUT DOWN ON THIS
3 PAPER?

4 A WELL, I READ IT BACK TO HIM AND HE DIDN'T FEEL
5 ANYTHING ENOUGH TO TELL ME EITHER

6 Q ALL RIGHT

7 A HE SIGNED IT

8 Q I'M GOING TO ASK YOU WHETHER YOU THOUGHT IT WAS
9 IMPORTANT ENOUGH FOR YOU TO WRITE DOWN ON THIS PAPER?

10 A NO, SIR, I DIDN'T FEEL LIKE IT WAS

11 Q LIEUTENANT HERRING, YOU HAD INTERVIEWED MR COPE
12 SEVERAL HOURS THE NIGHT BEFORE, CORRECT?

13 A YES, SIR

14 Q AND HE HAD CONSISTENCY, PERSISTENTLY TOLD YOU HE
15 HAD NOTHING TO DO WITH THIS CRIME, RIGHT?

16 A YES, SIR

17 Q DID HE SAY THAT THAT DAY ON THE 30TH?

18 A THAT HE HAD NOTHING TO DO WITH THE CRIME?

19 Q YES

20 A NO, SIR, I DON'T REMEMBER HIM SAYING THAT

21 Q YOU DON'T REMEMBER HIM SAYING THAT?

22 A NO, SIR

23 Q DID HE SAY I COULD NOT HAVE DONE THIS? I MUST
24 NOT HAVE DONE THIS? THIS WAS IMPOSSIBLE FOR ME TO
25 DO?

1 A NO, SIR

2 Q YOU DON'T REMEMBER HIM SAYING THAT?

3 A NO, SIR

4 Q YOU SURE ABOUT THAT?

5 A I DON'T REMEMBER THAT

6 Q YOU DON'T REMEMBER HIM SAYING THAT?

7 A NO, SIR

8 Q COULD HAVE HAPPENED? YOU EITHER REMEMBER IT OR

9 YOU DON'T?

10 A I DON'T REMEMBER HIM SAYING THAT

11 Q OKAY IT COULD HAVE BEEN SAID AND YOU NOT

12 REMEMBER IT?

13 A THAT'S POSSIBLE I DON'T REMEMBER IT BEING

14 SAID

15 Q OKAY

16 MR MORTON THAT'S ALL I HAVE, YOUR

17 HONOR THANK YOU, LIEUTENANT HERRING I'M SORRY IF

18 I CALLED YOU LIEUTENANT BAKER I MIGHT HAVE

19 CROSS EXAMINATION BY MR BRACKETT

20 Q LIEUTENANT HERRING, TAKING THESE INTERVIEWS IN

21 TURN FIRST THE INTERVIEW AT 12 40 ON NOVEMBER 29,

22 12 40 IN THE AFTERNOON, YOU AND WILLIE BURRIS?

23 A YES, SIR

24 Q THE DEFENDANT WASN'T UNDER ARREST?

25 A NO, SIR

1 Q WASN'T ADVISED OF HIS RIGHTS?

2 A NO, SIR

3 Q BECAUSE HE WAS NOT IN CUSTODY?

4 A THAT'S CORRECT

5 Q YOU CONDUCTED AN INFORMAL INTERVIEW?

6 A YES, SIR

7 Q AND PREPARED THAT REPORT OF INTERVIEW?

8 A YES, SIR

9 Q AND THEN THE DEFENDANT LEFT?

10 A YES, SIR

11 Q AND EXITED THE BUILDING, NOBODY STOPPED HIM?

12 A THAT'S CORRECT

13 Q HE WAS FREE TO LEAVE AND IN FACT HE DID LEAVE?

14 A YES, SIR

15 Q THEN LATER THAT NIGHT AT 10 15 YOU AND JERRY

16 WALDROP WENT AND PICKED HIM UP OVER AT LUCAS STREET?

17 A YES, SIR

18 Q YOU GAVE HIM THE OPTION OF DRIVING HIMSELF OR

19 COMING WITH YOU AND HE CHOSE TO COME WITH YOU?

20 A YES, SIR, I THINK WE DID GIVE HIM THE OPTION

21 Q AND IF HE HAD SAID NO, I'M NOT COMING WITH YOU?

22 A WE WOULD HAVE LEFT WITHOUT HIM

23 Q DID YOU HAVE A WARRANT FOR HIS ARREST?

24 A NO, SIR

25 Q YOU WOULDN'T HAVE TAKEN HIM INTO CUSTODY?

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1 A NO, SIR

2 Q YOU WOULD HAVE JUST GONE BACK IN THE STATION?

3 A YES

4 Q NOW IN FACT HE DID DECIDE TO COME WITH YOU SO

5 YOU TOOK HIM BACK TO THE STATION WITH YOU HE WANTED

6 A RIDE SO YOU TOOK HIM BACK?

7 A YES, SIR

8 Q AND YOU INTERVIEWED HIM IN LES HERRING, IN YOUR

9 OFFICE?

10 A RIGHT

11 Q AND WE HAVE HAD THAT DESCRIBED BEFORE BUT

12 BASICALLY THERE IS TWO DOORS, ONE GOES INTO THE

13 DETECTIVE DIVISION, AND ONE GOES OUT INTO THE LOBBY?

14 A YES, SIR

15 Q AND HE WAS SEATED AT THE DOOR, CLOSEST TO THE

16 DOOR THAT GOES OUT TO THE LOBBY?

17 A YES, SIR HE WAS, YES, SIR

18 Q OKAY NOW AT ANY POINT IN THIS TIME DID ANYONE

19 READ HIM HIS RIGHTS?

20 A NO, SIR, HE WAS NOT UNDER ARREST

21 Q HE WAS NOT UNDER ARREST?

22 A NO, SIR

23 Q SO YOU PROCEEDED TO INTERVIEW HIM AND YOU TAPE

24 RECORDED THAT INTERVIEW?

25 A BETWEEN ME AND LIEUTENANT WALDROP IT WAS TAPE

1 RECORDED IT WAS HIS TAPE RECORDER SO HE PRETTY MUCH
2 RAN THE TAPE RECORDER

3 Q NOW THERE WAS NO INTERVIEW OF HIM DONE PRIOR TO
4 THE STARTING OF THE TAPE? IN OTHER WORDS, THE
5 INTERVIEW DIDN'T START SOMETIME BEFORE THE TAPE THEN
6 YOU JUST DECIDED MIDWAY, OKAY, WE'RE GOING TO FIRE UP
7 THE TAPE RECORDER NOW?

8 A NO, SIR

9 Q THAT TAPE RECORDING STARTS AT THE BEGINNING OF
10 THE INTERVIEW?

11 A YES, SIR

12 Q AND AT THE END OF THE TAPE IT JUST CUTS OFF,
13 RIGHT LIKE AT MID-QUESTION OR MID-ANSWER, AND THERE
14 IS NO MORE TAPE?

15 A RIGHT

16 Q DID THE INTERVIEW CONTINUE FOR SOMETIME OR DID
17 IT STOP RIGHT THEN?

18 A ONCE IT STOPPED THAT LAST TIME WE DETERMINED WE
19 WEREN'T GOING TO ASK ANY MORE QUESTIONS WE STOPPED
20 THE INTERVIEW AT THAT POINT

21 Q NOW YOU'VE BEEN QUESTIONING HIM AT THIS POINT
22 FOR ABOUT THREE AND A HALF HOURS, SOMETHING LIKE
23 THAT?

24 A PROBABLY SOMETHING LIKE THAT, YES, SIR

25 Q SO YOU KIND OF FELT LIKE YOU WERE MAYBE BEATING

1 A DEAD HORSE, GOING ROUND AND AROUND?

2 A PRETTY AT A DEAD END, YES, SIR

3 Q HE HADN'T GIVEN ANYTHING INCRIMINATING, HADN'T
4 GIVEN ANY ENLIGHTENING INFORMATION AS TO HOW THIS
5 CRIME COULD HAVE OCCURRED?

6 A JUST SOME INCONSISTENCIES BUT NOTHING
7 ADMISSION-WISE

8 Q HIS EMOTIONAL CONDITION DURING THE INTERVIEW AS
9 YOU RELATED INFORMATION ABOUT THE CRIME TO HIM, DID
10 HE EVER BREAK DOWN AND CRY OVER THE DESCRIPTIONS OF
11 THE ABUSE THAT HIS DAUGHTER TOOK?

12 A NO, SIR, NO EMOTION

13 Q OKAY DID YOU FIND THAT UNUSUAL?

14 A HIGHLY UNUSUAL IN MY OPINION

15 Q DO YOU HAVE CHILDREN?

16 A YES, SIR

17 Q NOW AFTER THE TAPE TURNS OFF FOR THE LAST TIME
18 WHERE DID YOU AND LIEUTENANT WALDROP AND CHARLENE
19 BLACKWELDER CONFER? WHERE DID YOU GO TO DISCUSS THIS
20 SITUATION?

21 A WE MET THERE IN THE LOBBY AREA THERE AT THE
22 DETECTIVE DIVISION

23 Q THE COMMON AREA?

24 A PRETTY MUCH WHERE THE TABLE IS AT WITH THE
25 CHAIRS ALL AROUND IT

1 Q WHERE WAS MR COPE DURING THIS TIME PERIOD?

2 A AT THAT POINT WE HAD LEFT HIM IN MY OFFICE

3 Q AND WAS, COULD YOU SEE HIM FROM WHERE YOU WERE
4 OR?

5 A I THINK WE PULLED THE DOOR TO, FROM WHERE HE WAS
6 SEATED I DON'T KNOW IF WE SHUT IT ALL THE WAY
7 THROUGH, BUT I THINK WE PULLED IT TO BUT
8 I DON'T REMEMBER SEEING HIM

9 Q WHY DID YOU DO THAT?

10 A WE WERE GOING TO DISCUSS PRETTY MUCH THE
11 INTERVIEW AND WHAT WE DETERMINED THE OUTCOME OF THE
12 INTERVIEW

13 Q WAS THERE ANYTHING STOPPING HIM AT THAT POINT
14 FROM GOING OUT THAT DOOR OUT INTO THE LOBBY?

15 A NO, SIR

16 Q AND YOU KNEW THAT, IT'S YOUR OFFICE?

17 A THAT'S MY OFFICE AND I GO IN AND OUT OF IT ALL
18 THE TIME

19 Q WAS HE HANDCUFFED?

20 A NO, SIR

21 Q OKAY SO NOTHING PREVENTED HIM FROM LEAVING AT
22 THAT POINT?

23 A NO, SIR

24 Q NOT YOU OR ANYBODY ELSE?

25 A NO, WE WOULDN'T KNOW IF HE LEFT OUT THE DOOR

1 Q NOW DURING THIS TIME PERIOD, DURING THE COURSE
2 OF THE INTERVIEW HE HAD MENTIONED A POLYGRAPH A
3 NUMBER OF TIMES AND ASKED TO TAKE A POLYGRAPH?

4 A YES, SIR, HE DID

5 Q AND YOU ALL HAD INDICATED TO HIM THAT YOU WERE
6 GOING TO OBLIGE HIM AND AT SOME POINT AFTER THE TAPE
7 CUTS OFF THERE WAS SOME DISCUSSION ABOUT TRYING TO
8 GIVE HIM A POLYGRAPH THAT NIGHT?

9 A I KNOW I HAD TRIED TO GET IN TOUCH WITH MIKE
10 BAKER THAT NIGHT AND FINALLY WAS ABLE TO GET IN TOUCH
11 WITH HIM HE THOUGHT IT WOULD BETTER TO DO IT THE
12 FOLLOWING MORNING

13 Q BECAUSE YOU HAD BEEN INTERVIEWING HIM?

14 A RIGHT

15 Q IT WAS LATE?

16 A RIGHT

17 Q HE MIGHT BE TIRED?

18 A RIGHT

19 Q MIGHT AFFECT THE QUALITY OF THE POLYGRAPH?

20 A YES, SIR

21 Q SO AT SOME POINT IN TIME YOU, CHARLENE
22 BLACKWELDER, AND LIEUTENANT WALDROP DECIDED TO CONFER
23 WITH YOUR BOSS WHO WAS?

24 A CAPTAIN CABANISS AT THAT TIME WAS OUT OF TOWN
25 AND LIEUTENANT WALDROP HAD TO MAKE A PHONE CALL TO

1 HIM

2 Q AND BRIEFED HIM ON IT AND GOT INPUT FROM HIM?

3 A YES, SIR WE TOLD HIM ABOUT THE CIRCUMSTANCES
4 INVOLVED IN THE CASE AND WHAT INTERVIEW HAD
5 ENLIGHTENED US ON

6 Q AND ULTIMATELY THE DECISION WAS MADE TO ARREST
7 HIM AND WHO, DO YOU KNOW, WERE YOU THE ONE WHO
8 CARRIED HIM DOWN AND PUT HIM IN HIS CELL?

9 A YES, SIR

10 Q OKAY AND WHAT HIS Demeanor WHEN YOU INFORMED
11 HIM HE WAS UNDER ARREST FOR THE MURDER OF HIS
12 DAUGHTER?

13 A HIS EMOTIONS NEVER CHANGED HE WAS AS CALM AS
14 COULD BE

15 Q OKAY AND WHEN YOU TOOK HIM DOWN TO HIS CELL
16 DID YOU HAVE OCCASION TO GO DOWN THERE AND SEE HIM AT
17 A LATER TIME SHORTLY THEREAFTER?

18 A YES, SIR, AFTER TAKING HIM TO THE JAIL CELL AND
19 I HAD TO COME BACK OUT AND I LATER WENT BACK WITH THE
20 WARRANT ITSELF AND SERVED IT ON HIM

21 Q OKAY AND YOUR NAME APPEARS ON THE BOTTOM LEFT
22 HAND CORNER OF THE MURDER WARRANT AS BEING THE PERSON
23 WHO SERVED IT ON HIM?

24 A YES, SIR

25 Q WHAT WAS HE DOING WHEN YOU RETURNED WITH THAT

1 WARRANT?

2 A HE WAS ASLEEP ON THE BUNK WHEN I WENT BACK AND
3 SERVED THE WARRANT ON HIM

4 Q AND THAT WAS ABOUT HOW LONG AFTER YOU PUT HIM IN
5 THE CELL?

6 A I WOULD JUST BE GUESSING, PROBABLY WITHIN 30 TO
7 35 MINUTES PROBABLY PUTTING HIM IN THE CELL

8 Q TIME ENOUGH FOR CHARLENE TO TYPE IT UP, GO SEE
9 THE MAGISTRATE, HAVE HIM SIGN IT, AND COME BACK AND
10 GIVE IT TO YOU?

11 A RIGHT, YES, SIR

12 Q NOW ALL THIS TIME YOU ARE AWAKE AND SOME OF THIS
13 TIME AT LEAST HE'S ASLEEP?

14 A YES, SIR

15 Q OKAY NOW WHAT TIME DID YOU GO HOME THAT NIGHT?

16 A I DON'T REMEMBER IT'S BETWEEN TWO AND THREE
17 O'CLOCK PROBABLY THAT MORNING, BUT I DON'T REMEMBER
18 ANY SPECIFIC TIMES

19 Q SOME TIME AFTER HE HAD BEEN PUT INTO A CELL AND
20 ALLOWED TO GO TO SLEEP?

21 A YES, SIR

22 Q WHAT TIME DID YOU GET UP TO COME TO WORK THAT
23 MORNING?

24 A I WAS BACK AT WORK AT 8 O'CLOCK THAT MORNING
25 OR SHORTLY THEREAFTER I WAS RUNNING A LITTLE BIT

1 IT WAS SOMETIME AROUND 8 O'CLOCK

2 Q OKAY I'M SORRY DID YOU HAVE ENOUGH REST TO
3 DO YOUR JOB?

4 A YES, SIR

5 Q AND PART OF YOUR JOB THAT MORNING WAS TO TAKE
6 HIM TO THE YORK COUNTY SHERIFF'S OFFICE?

7 A YES, SIR

8 Q WHERE YOU WERE SUPPOSED TO MEET WITH MIKE BAKER?

9 A THAT'S CORRECT

10 Q AND GIVE HIM THE POLYGRAPH THAT HE HAD ASKED FOR
11 THE NIGHT BEFORE?

12 A YES, SIR

13 Q AND YOU ARRANGED THAT THE EVENING BEFORE WHEN
14 YOU SPOKE WITH MIKE BAKER, JUST COME BY, SEE ME IN
15 THE MORNING, AND WE'LL TAKE CARE OF THAT?

16 A YES, SIR

17 Q ALL RIGHT NOW WHO TRANSPORTED MR COPE UP TO
18 THE MOSS JUSTICE CENTER?

19 A I DID

20 Q ANYBODY ELSE WITH YOU?

21 A NO, SIR, JUST ME AND HIM

22 Q OKAY AND NO DISCUSSION IN THE CAR ON THE WAY
23 UP?

24 A NO, SIR, WE JUST HAD SMALL TALK

25 Q NOTHING --

1 A NOTHING PERTAINING TO THE CASE, NO, SIR

2 Q WHEN YOU GOT UP TO THE MOSS JUSTICE CENTER YOU
3 TOOK HIM OVER TO MR BAKER'S OFFICE AND THE SHERIFF'S
4 OFFICE?

5 A YES, SIR

6 Q AND HE WAS PLACED IN A HOLDING CELL?

7 A YES, SIR

8 Q AND YOU SAT DOWN AND BROUGHT MR BAKER UP TO
9 SPEED ON THE FACTS OF THIS CASE?

10 A YES, SIR

11 Q HE NEEDS TO KNOW THAT IN ORDER TO CRAFT THE
12 QUESTIONS FOR POLYGRAPH?

13 A YES, SIR

14 Q HOW LONG DID THAT PROCESS LAST IF YOU RECALL?

15 A I DON'T RECALL, BUT IT'S STANDARD PROBABLY 15 OR
16 20 MINUTES 10 OR 15 MINUTES, 20 MINUTES AT THE
17 MOST

18 Q AND YOU RELATE TO HIM THE CAUSES OF DEATH AND
19 THAT SORT OF THING AND ALL THE CIRCUMSTANCES AT THE
20 HOUSE AND ALL THE THINGS THAT YOU FOUND?

21 A YES

22 Q NOW AT THIS POINT MR BAKER TAKES OVER WITH THE
23 DEFENDANT MR COPE, AND YOU ARE EXCUSED FROM THE
24 ROOM?

25 A RIGHT

1 Q THEY ARE IN A SEPARATE ROOM WHERE THE POLYGRAPH
2 MACHINE IS ACTUALLY SET UP?

3 A YES, SIR

4 Q AND IT'S JUST THE TWO OF THEM?

5 A THAT'S RIGHT

6 Q YOU ARE IN AN OUTSIDE ROOM?

7 A YES, SIR

8 Q CAN YOU HEAR WHAT THEY ARE SAYING IN THERE?

9 A YOU CAN HEAR MUFFLED VOICES BUT YOU CAN'T

10 UNDERSTAND WHAT YOU ARE SAYING

11 Q YOU EVER HEAR ANY YELLING?

12 A NO, SIR

13 Q ANY LOUD NOISES?

14 A NO, SIR

15 Q ANY CRYING?

16 A NO, SIR

17 Q ANYTHING THAT WOULD LEAD YOU TO CONCLUDE THAT
18 MAYBE SOMETHING WASN'T GOING ON RIGHT IN THAT ROOM?

19 A NO, SIR I'VE HEARD LOUD NOISES COMING OUT OF
20 THE ROOM BEFORE, NOT ON THIS OCCASION, BUT I DIDN'T
21 HEAR ANYTHING THIS TIME

22 Q OKAY NOW AT SOME POINT IN TIME, OF COURSE, YOU
23 DON'T KNOW WHAT'S GOING ON IN THE ROOM WHILE YOU ARE
24 ABSENT FROM IT, BUT AT SOME POINT IN TIME MR BAKER
25 ASKS YOU TO COME AND JOIN THEM?

1 A YES, SIR

2 Q DID HE EVER COME OUT AND SPEAK WITH YOU DURING
3 THE COURSE OF THE ADMINISTRATION OF THE POLYGRAPH?

4 A I DON'T THINK SO I THINK THE POLYGRAPH WAS
5 ADMINISTERED I THINK THEY BOTH CAME OUT FOR A
6 BATHROOM BREAK OR TO GET SOMETHING TO DRINK
7 SOMETHING ALONG THOSE LINES

8 Q DID HE ASK YOU ANY MORE QUESTIONS ABOUT THE CASE
9 THAT YOU CAN RECALL?

10 A NO, SIR

11 Q AT SOME POINT IN TIME YOU DISCUSSED THE RESULTS
12 OF THE POLYGRAPH WITH MR BAKER?

13 A YES, SIR

14 Q OKAY HE CAME OUT AND TOLD YOU THAT MR COPE
15 HAD FAILED?

16 A RIGHT

17 Q AND DID HE TELL YOU HE HAD INFORMED MR COPE OF
18 THAT?

19 A YES, SIR

20 Q AND DID HE TELL YOU HE HAD BEEN INTERVIEWING MR
21 COPE?

22 A YES, SIR, HE CAME BACK OUT AND TOLD ME HE
23 INTERVIEWED HIM

24 Q AT SOME POINT IN TIME DID MR BAKER INFORM YOU
25 THAT MR COPE HAD JUST, HAD STARTED DISCUSSING HIS

1 CULPABILITY IN THE DEATH OF HIS DAUGHTER?

2 A YES, SIR

3 Q AND YOU HAD JOINED THE INTERVIEW AT THAT POINT
4 IN TIME?

5 A THAT'S CORRECT

6 Q IS THAT WHEN YOU DECIDED TO TAKE THIS STATEMENT?

7 A YES, SIR I DID NOT HAVE ANY STATEMENT FORMS SO
8 DETECTIVE BAKER GOT ONE OF THE SHERIFF'S DEPARTMENT
9 FORMS

10 Q AND YOU LOOKED AT THIS EARLIER IS THIS THE
11 STATEMENT THAT WAS IN YOUR HANDWRITING THAT WAS
12 SIGNED BY BILLY COPE?

13 A YES, SIR THIS IS THE STATEMENT THAT I TOOK AND
14 HE SIGNED

15 Q ALL RIGHT

16 MR BRACKETT YOUR HONOR, I ASK THAT
17 THESE BE ATTACHED AND MARKED AS STATE'S EXHIBIT FOUR
18 (STATE'S EXHIBIT FOUR STATEMENT RECEIVED
19 INTO EVIDENCE)

20 Q AT ANY POINT IN TIME DURING THE INTERVIEW WITH,
21 THE PORTION OF THE INTERVIEW OF MR COPE THAT YOU
22 WERE IN THE ROOM FOR, AT ANY POINT IN TIME WAS
23 MR COPE THREATENED?

24 A NO, SIR

25 Q AT ANY POINT IN TIME WAS ANY FORM OF COERCION

1 THAT YOU WOULD RECOGNIZE EVER EMPLOYED ON MR COPE TO
2 GET HIM TO TALK?

3 A NO, SIR

4 Q WAS ANY PROMISES OF LENIENCY OR PROMISES OF ANY
5 SORT WHATSOEVER MADE TO MR COPE IN ORDER TO SECURE
6 HIS CONFESSION?

7 A NO, SIR

8 Q DID, IN YOUR OPINION FROM WHAT YOU SAW FROM THE
9 TIME THAT YOU WERE IN THE ROOM, DID IT APPEAR THAT
10 THE STATEMENT THAT I JUST SHOWED YOU, STATE'S EXHIBIT
11 FOUR, WAS THAT A PRODUCT OF HIS FREE AND VOLUNTARY
12 WILL?

13 A YES, SIR

14 Q NOW YOU WERE QUESTIONED ABOUT WHAT YOU TOLD
15 MR BAKER ABOUT INCONSISTENCIES? WHAT YOU ARE SAYING
16 TODAY IS YOU CAN'T RECALL EVERYTHING THAT YOU TOLD
17 HIM?

18 A RIGHT LIKE I SAID IT WAS A BRIEF CONVERSATION
19 I HAD WITH MR BAKER HE WOULD ASK ME QUESTIONS AND
20 I WOULD INFORM HIM ABOUT THE DETAILS OF THE CASE, BUT
21 I DON'T REMEMBER VERBATIM WHAT WE TALKED ABOUT

22 Q WERE YOU PRESENT WHEN MR COPE WAS READ HIS
23 RIGHTS ON FRIDAY BY MR BAKER?

24 A NO, SIR I WAS INFORMED BY MR BAKER THAT HE
25 HAD GIVEN MR COPE HIS RIGHTS, AND MR COPE

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1 ACKNOWLEDGED THAT HE HAD GOTTEN HIS RIGHTS

2 Q THAT WAS DONE WHEN YOU ENTERED THE ROOM AFTER
3 MR COPE HAD BEGUN INCRIMINATING HIMSELF?

4 A YES, SIR

5 Q SO IN FRONT OF HIM HE WAS BASICALLY REMINDED OF
6 THE FACT THAT HE HAD BEEN GIVEN HIS RIGHTS AND THAT
7 WAS IN FRONT OF MR COPE?

8 A THAT'S CORRECT

9 Q AND HE ACKNOWLEDGED THAT HE HAD BEEN READ HIS
10 RIGHTS?

11 A YES, SIR

12 Q OKAY HOW WAS MR COPE'S DEemeanOR DURING THIS
13 ENTIRE TIME? WHAT WAS HIS DEemeanOR?

14 A HE WAS CALM, JUST TALKED MATTER OF FACTLY, AND
15 HIS DEemeanOR REALLY NEVER CHANGED

16 Q DID HE APPEAR IN ANY WAY NERVOUS, SCARED,
17 ANXIOUS, UPSET?

18 A NO AFTER I TOOK THE STATEMENT FROM HIM HE
19 APPEARED TO ME TO BE RELIEVED HE WAS ACTUALLY MORE
20 TALKATIVE

21 Q RELIEVED?

22 A YES, SIR

23 Q OKAY WHAT DID YOU DO WITH MR COPE AFTER THE
24 STATEMENT WAS TAKEN?

25 A I PRETTY MUCH TOOK HIM BACK TO THE ROCK HILL

1 POLICE DEPARTMENT HE GOT IN THE CAR, THE FRONT SEAT
2 WITH ME, AND WE WENT BACK TO THE POLICE DEPARTMENT

3 Q DID YOU TALK ON THE WAY BACK?

4 A YES, SIR, WE HAD CONVERSATION ON THE WAY BACK
5 AND HE ACTUALLY TOLD ME A COUPLE OF JOKES ON THE WAY
6 BACK

7 Q OKAY SO HE DIDN'T APPEAR SCARED, UPSET,
8 NERVOUS?

9 A NO, SIR

10 Q DID HE STILL APPEAR RELIEVED?

11 A IN MY OPINION HE WAS RELIEVED, YES, SIR

12 Q ALL RIGHT NOW ON, TURNING YOUR ATTENTION TO
13 SUNDAY NIGHT AFTER, I BELIEVE THIS WOULD BE DECEMBER
14 SECOND 2001, THE EVENING HOURS, DID YOU RECEIVE A
15 CALL FROM ROCK HILL POLICE DEPARTMENT COMMUNICATIONS
16 JILL WEST?

17 A WELL, ACTUALLY I GOT A PAGE FROM THE POLICE
18 DEPARTMENT ON MY PAGER AND I RETURNED THAT PAGE

19 Q AND WHAT, THE SUBSTANCE OF THAT WAS IS THAT
20 MR COPE WANTED TO TALK TO YOU AGAIN?

21 A THAT IS CORRECT YES, SIR

22 Q AND YOUR DECISION THAT EVENING?

23 A I INFORMED THE DISPATCHER THAT HAD PAGED ME TO
24 TELL THE JAILERS AT THE MOSS JUSTICE CENTER THAT WE'D
25 MAKE ARRANGEMENTS THE FOLLOWING MONDAY TO COME GET

1 HIM AND TALK WITH HIM IT WASN'T ANYTHING PRESSING
2 THAT WE HAD TO TALK TO HIM ABOUT AT THAT POINT

3 Q SO A MESSAGE HAD COME THROUGH FROM MOSS JUSTICE
4 CENTER THAT HE WANTED TO TALK AND YOU SENT A MESSAGE
5 BACK TO YORK PEOPLE TO TELL THEM THAT YOU WOULD BE
6 THERE TO SEE HIM IN THE MORNING?

7 A RIGHT

8 Q DO YOU REMEMBER APPROXIMATELY WHAT TIME THIS
9 WAS?

10 A SEEMED LIKE IT WAS IN THE AFTERNOON, BUT I DON'T
11 REMEMBER A TIME, NO, SIR

12 Q OKAY IT'S TWO AND A HALF YEARS AGO?

13 A RIGHT

14 Q REGARDING THE QUESTIONS THAT MR MORTON HAD FOR
15 YOU ON TAPING, IS EVERY DETECTIVE AT THE POLICE
16 DEPARTMENT LEFT TO THEIR OWN DEVICES AS FAR AS
17 TAPING?

18 A I THINK EVERYONE IS EQUIPPED WITH A LITTLE SMALL
19 MINIATURE HANDHELD TYPE TAPE RECORDER, YES, SIR

20 Q BUT THEY ARE LEFT TO THEIR OWN, IT'S, THERE IS
21 NO MANDATE THAT SAYS THAT YOU MUST TAPE EVERY
22 INTERVIEW THAT YOU CONDUCT WITH ANY WITNESS OR
23 SUSPECT?

24 A I DON'T THINK I HAVE EVER TAKEN MINE OUT OF THE
25 BOX

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1 Q OKAY AND DIFFERENT PEOPLE HAVE DIFFERENT IDEAS
2 ABOUT WHY THEY DO OR DO NOT WANT TO TAPE?

3 A YES, SIR

4 Q AND ISN'T IT TRUE THAT A LOT OF DETECTIVES FEEL
5 LIKE IT INHIBITS AN INTERVIEW?

6 A THAT IS CORRECT, YES, SIR

7 Q AND IN FACT, THIS INTERVIEW WAS TAPED, HE DIDN'T
8 MAKE ANY INCRIMINATING STATEMENT?

9 A THAT'S CORRECT

10 Q HE KNEW THE INTERVIEW WAS BEING TAPED?

11 A CORRECT, YES SIR, HE KNEW IT WAS BEING TAPED

12 Q OKAY BUT MR BAKER'S INTERVIEW WASN'T TAPED?

13 A NO, SIR, IT WAS NOT

14 Q AND HE DID MAKE THAT INCRIMINATING STATEMENT
15 THAT I READ?

16 A YES, SIR

17 Q ALL RIGHT THANK YOU VERY MUCH, LIEUTENANT
18 HERRING

19 MR MORTON JUST A COUPLE FOLLOW UP
20 QUESTIONS, YOUR HONOR

21 REDIRECT EXAMINATION BY MR MORTON

22 Q WHEN THEY PAGED YOU THE FOLLOWING DAY, YOU TOLD
23 THE DISPATCHER THAT IT WAS SOMETHING THAT COULD WAIT,
24 IS THAT RIGHT?

25 A YES, SIR

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1 Q AND THAT WAS ON A SATURDAY?

2 A IT WAS THAT WEEKEND BUT I DON'T KNOW IF IT WAS
3 SATURDAY OR SUNDAY I DON'T REMEMBER IT SEEMS LIKE
4 IT WAS IN THE AFTERNOON OF EITHER SATURDAY OR SUNDAY

5 Q YOU DIDN'T FEEL THE NEED TO RUSH AND TALK TO
6 MR COPE AT THAT TIME?

7 A NO, SIR

8 Q YOU FELT LIKE THE CASE WAS SOLVED AT THAT POINT?

9 A I FELT THERE WAS STILL A LOT OF ANSWERS THAT WE
10 NEEDED TO GET BUT I FELT LIKE PRETTY MUCH THE CASE
11 WAS SOLVED

12 Q YOU DID FEEL LIKE PRETTY MUCH IT WAS SOLVED?

13 A PRETTY MUCH

14 Q DID YOU DO ANYTHING ELSE? DID YOU DO ANYTHING
15 ELSE TO TRY AND SOLVE THIS CASE?

16 A I WORKED WITH THE DETECTIVES THAT WERE ASSIGNED
17 TO THE CASE LIKE CHARLENE BLACKWELDER

18 Q WHAT SPECIFICALLY DID YOU DO?

19 A I DON'T REMEMBER I WAS SUPERVISOR AND IF SHE
20 HAD ANY QUESTIONS OR ANYTHING LIKE THAT SHE WOULD
21 COME TO ME PRETTY MUCH I WAS JUST ACTING AS A
22 SUPERVISOR

23 Q LET ME ASK YOU THIS WAY DO YOU REMEMBER DOING
24 ANY OTHER INVESTIGATION ON THIS CASE AFTER THAT
25 MORNING OF THE 30TH?

1 A I DON'T REMEMBER DOING ANY, NO, SIR

2 Q YOU DON'T REMEMBER?

3 A I COULD HAVE BUT RIGHT NOW I JUST DON'T
4 REMEMBER

5 Q YOU THINK YOUR MEMORY IS GOING TO COME BACK
6 BETWEEN NOW AND SEPTEMBER 7

7 MR BRACKETT OBJECTION

8 THE COURT I SUSTAIN THE OBJECTION

9 MR MORTON I'M SORRY I'LL WITHDRAW IT
10 THAT'S ALL I HAVE

11 THE COURT YOU CAN STEP DOWN AND BE
12 EXCUSED WE APPRECIATE YOUR TIME THANK YOU I
13 THINK IT IS TIME TO BREAK FOR LUNCH WE'LL BREAK
14 UNTIL 1 45

15 (COURT'S IN RECESS AT 12 35)

16 (COURT RESUMES AT 2 O'CLOCK)

17 THE COURT YES, SIR

18 MR BRACKETT YOUR HONOR, I HAVE SPOKEN
19 WITH MR MORTON, WE WERE GOING TO LISTEN TO THE TAPE,
20 BUT A VARIETY OF SCHEDULING ISSUES HAVE COME UP AND
21 I'M TRYING TO JUGGLE THEM ALL AND ACCOMMODATE
22 EVERYBODY THE BEST I CAN, AND MR MORTON HAS KINDLY
23 AGREED TO ALLOW ME TO CALL CAPTAIN CABANISS AND TAKE
24 HIS TESTIMONY

25 THE COURT I SAW HIM HERE EARLIER AND I

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1 UNDERSTAND, THERE IS NO REASON FOR HIM TO WAIT AROUND
2 FOR THREE HOURS, SO LET'S GO AHEAD

3 MR BRACKETT I APPRECIATE THAT I JUST
4 NEED A SECOND TO SHIFT GEARS I AM PULLING OUT ALL
5 THE DOCUMENTS THAT I NEED TO INTRODUCE THROUGH HIM

6 CHARLES CABANISS, BEING FIRST DULY
7 SWORN, TESTIFIED AS FOLLOWS

8 DIRECT EXAMINATION BY MR BRACKETT

9 Q SIR, PLEASE STATE YOUR FULL NAME AND SPELL YOUR
10 LAST FOR THE COURT REPORTER

11 A CHARLES T CABANISS C-A-B-A-N-I-S-S

12 Q WHERE ARE YOU EMPLOYED, SIR?

13 A CITY OF ROCK HILL POLICE DEPARTMENT

14 Q AND WHAT DO YOU DO FOR THE CITY OF ROCK HILL
15 POLICE DEPARTMENT?

16 A I'M A CAPTAIN

17 Q HOW LONG HAVE YOU BEEN CAPTAIN OVER ANY
18 PARTICULAR DIVISION?

19 A AT THIS TIME I'M CAPTAIN OVER PATROL SINCE
20 JANUARY OF THIS YEAR 2004 PREVIOUS TO THAT, SINCE
21 '92, I WAS CAPTAIN OVER THE DETECTIVE DIVISION

22 Q SO YOU WERE CAPTAIN IN CHARGE OF ALL THE
23 DETECTIVES IN NOVEMBER OF 2001?

24 A THAT'S CORRECT

25 Q ARE YOU FAMILIAR WITH THE INVESTIGATION INTO THE

1 MURDER AND RAPE OF AMANDA COPE?

2 A YES, SIR, I AM

3 Q AND THAT OCCURRED IN THE CITY LIMITS OF ROCK
4 HILL?

5 A THAT'S CORRECT

6 Q AND WHO WAS INVOLVED IN THE INVESTIGATION OF
7 THAT CASE AND WHERE WERE YOU WHEN THE CASE BROKE?

8 A WHEN THE CRIME OCCURRED I WAS IN VIRGINIA BEACH
9 IN A CONFERENCE DETECTIVE, LIEUTENANT HERRING,
10 LIEUTENANT WALDROP, CHARLENE BLACKWELDER, WILLIE
11 BURRIS, AND OTHER DETECTIVES WERE INVOLVED
12 PRACTICALLY ALL THE CRIMES AGAINST PERSONS DETECTIVES
13 WITHIN THE ROCK HILL POLICE DEPARTMENT

14 Q AND WERE YOU IN COMMUNICATION WITH YOUR
15 DETECTIVES AS THEY PUSHED FORWARDS IN THE
16 INVESTIGATION OF HER DEATH?

17 A NOT CONSTANT COMMUNICATION, BUT, OF COURSE, A
18 CRIME OF THIS NATURE I DID CALL AND THEY DID CALL ME
19 FREQUENTLY ON THE PHONE, YES, SIR

20 Q SO IN THE EARLY MORNING HOURS OF FRIDAY,
21 NOVEMBER 30, 2001, YOU WERE IN VIRGINIA BEACH, ABOUT
22 THREE O'CLOCK IN THE MORNING GIVE OR TAKE 30-45
23 MINUTES, AN HOUR, DID YOU HAVE OCCASION AND
24 COMMUNICATE WITH LIEUTENANT WALDROP AND LES HERRING
25 AND CHARLENE BLACKWELDER, ANY OR ALL OF THESE PEOPLE,

1 IN REGARDS TO THE INVESTIGATION OF THE COPE CASE?

2 A YES, SIR, I DID

3 Q AND DID YOU DISCUSS WITH THEM THE PROGRESS OF
4 THE INVESTIGATION AND THE FACT THAT THEY JUST
5 INTERVIEWED HIM?

6 A THAT'S CORRECT

7 Q OKAY AND WHAT WAS THE UPSHOT OF THAT
8 DISCUSSION? WHAT WAS YOUR -- WHAT DO YOU RECALL
9 BEING THE UPSHOT OF THAT DISCUSSION AS FAR AS YOU
10 WERE CONCERNED?

11 A WE JUST, WE DECIDED ON THE STEPS THAT NEEDED TO
12 BE TAKEN AND WE ALSO CAME TO AN AGREEMENT THAT HE
13 WOULD NOT BE LET GO THAT NIGHT, THAT HE WOULD BE
14 ARRESTED

15 Q AND CHARGED WITH?

16 A WITH THE MURDER OF AMANDA COPE

17 Q OKAY AND ULTIMATELY YOU WERE THE PERSON WHO
18 HAD THE FINAL SAY SO OVER THAT DECISION BEING THE
19 CAPTAIN?

20 A I WAS THE PERSON IN CHARGE AT THAT TIME, THAT'S
21 CORRECT

22 Q ALL RIGHT, SIR NOW WHEN DID YOU RETURN FROM
23 YOUR SEMINAR IN VIRGINIA BEACH?

24 A FRIDAY EVENING

25 Q AND FRIDAY, FRIDAY EVENING?

- 1 A THAT'S CORRECT
- 2 Q OKAY AND WHEN WAS THE FIRST --
- 3 A THAT CONVERSATION WAS FRIDAY MORNING, EARLY
- 4 FRIDAY MORNING
- 5 Q OKAY SO APPROXIMATELY 12 HOURS OR 15 HOURS
- 6 LATER YOU RETURNED?
- 7 A THAT'S CORRECT
- 8 Q YOU RETURNED TO SOUTH CAROLINA WHEN, WHAT WAS
- 9 YOUR NEXT INVOLVEMENT IN THE CASE?
- 10 A I, OF COURSE, SPOKE WITH THE OFFICE ON THE WAY
- 11 BACK TO ROCK HILL ON THE PHONE I KNEW THAT MR COPE
- 12 AND DETECTIVE HERRING COME OVER AND TALKED WITH MIKE
- 13 BAKER WITH THE SHERIFF'S DEPARTMENT I KNEW THAT HE
- 14 HAD COME BACK TO THE ROCK HILL JAIL AND I TALKED WITH
- 15 DETECTIVE HERRING, I TALKED WITH DETECTIVES BACK IN
- 16 ROCK HILL THAT AFTERNOON
- 17 Q THAT AFTERNOON WERE YOU AWARE THAT HE HAD
- 18 CONFESSED TO DETECTIVE BAKER AND DETECTIVE HERRING
- 19 THERE --
- 20 A YES, SIR, I WAS
- 21 Q ---HERE AT THE MOSS JUSTICE CENTER?
- 22 A YES, SIR, I WAS
- 23 Q DID YOU HAVE ANY CONTACT WITH MR COPE ON FRIDAY
- 24 AT ALL?
- 25 A NO, SIR

1 Q HAVE ANY PERSONAL CONTACT?

2 A NO, SIR

3 Q HOW ABOUT ON SATURDAY?

4 A NO, SIR

5 Q SUNDAY?

6 A NO, SIR

7 Q OKAY TURNING YOUR ATTENTION TO MONDAY MORNING
8 WHAT DID, WERE YOU BACK AT WORK THAT DAY?

9 A MONDAY MORNING I WAS IN THE OFFICE FIRST WHEN
10 LIEUTENANT HERRING CAME IN ABOUT 8 O'CLOCK HE
11 INFORMED ME THAT HE HAD RECEIVED WORD FROM OUR
12 DISPATCH ON SUNDAY EVENING THAT MR COPE HAD SENT
13 WORD THAT HE WANTED TO TALK WITH LIEUTENANT HERRING
14 AGAIN

15 Q OKAY WHAT, AS A RESULT OF THIS WHAT DID YOU
16 DECIDE TO DO?

17 A I SENT TWO DETECTIVES TO THE MOSS JUSTICE CENTER
18 TO TRANSPORT HIM BACK TO ROCK HILL, DETECTIVE HANOKA
19 AND AYERS IF I'M NOT MISTAKEN THEY BROUGHT HIM BACK
20 TO ROCK HILL AT THAT TIME MYSELF AND DETECTIVE
21 BLACKWELDER WERE GETTING READY TO INTERVIEW HIM WE
22 DECIDED TO TAKE HIM TO HER OFFICE AND HER, DETECTIVE
23 BLACKWELDER WENT BACK TO THE JAIL AND HAD HIM BROUGHT
24 UP TO HER OFFICE

25 Q CAN YOU DESCRIBE HER OFFICE FOR US PLEASE?

1 A IT'S AN OFFICE ON THE BACK HALL OF THE ROCK HILL
2 POLICE DEPARTMENT IT HAS A LONG WINDOW THAT GOES
3 FROM THE FLOOR TO THE CEILING IT'S ABOUT 10 BY 12
4 A SMALL OFFICE IT HAS ONE DESK, CREDENZA, AND FILE
5 CABINETS, TYPEWRITER, COMPUTER

6 Q HOW MANY CHAIRS?

7 A SHE HAS A CHAIR BEHIND HER DESK AND THERE IS TWO
8 CHAIRS IN FRONT OF HER DESK

9 Q OKAY AND WHO SAT WHERE IF YOU RECALL?

10 A DETECTIVE BLACKWELDER SAT BEHIND HER DESK AND
11 MR COPE SIT TO HER LEFT AND I SIT DIRECTLY IN FRONT
12 OF HER

13 Q ALL RIGHT

14 A IN OTHER WORDS MR COPE SIT TO MY RIGHT

15 Q IN THE COURSE OF THIS, UP TO THIS POINT WHEN YOU
16 WERE FIRST SEATED IN THE OFFICE HAD ANYBODY
17 QUESTIONED MR COPE AT ALL, HAD ANY QUESTIONS OR
18 INTERVIEW OF MR COPE TAKEN PLACE WHILE YOU WERE IN
19 WITH DETECTIVE BLACKWELDER?

20 A NO, SIR, I HAD NOT

21 Q DID YOU QUESTION HIM ABOUT HIS DESIRE TO SPEAK
22 WITH A DETECTIVE AGAIN AND WHETHER OR NOT HE HAD IN
23 FACT SENT THIS MESSAGE?

24 A DETECTIVE BLACKWELDER AND MYSELF HAD A
25 CONVERSATION AND SHE CONFIRMED TO ME THAT HE HAD BEEN

1 GIVEN HIS RIGHTS I THEN ASKED HIM DID HE WANT TO
2 TALK TO US, THAT I UNDERSTOOD THAT HE HAD SENT WORD
3 THAT HE WANTED TO TALK TO US, AND HE CONFIRMED TO ME
4 THAT HE DID HE SEND THAT WORD AND THAT HE DID WANT TO
5 TALK TO US AND I AGAIN WENT OVER HIS RIGHTS WITH
6 HIM VERBALLY AND HE STATED TO ME THAT WHAT HE HAD
7 TOLD THE OFFICERS ON FRIDAY WASN'T THE TRUTH AND HE
8 WANTED TO TELL US THE TRUTH

9 Q I SEE AT THIS POINT IN TIME HAD YOU
10 FAMILIARIZED YOURSELF WITH THE CIRCUMSTANCES OF THE
11 INVESTIGATION AS MUCH AS POSSIBLE?

12 A MAYBE NOT AS MUCH AS POSSIBLE, NO, SIR, BUT I
13 WAS --

14 Q AS MUCH AS YOU WERE ABLE?

15 A AS MUCH AS I WAS PROBABLY ABLE TO WITHOUT GOING
16 INTO LONG, INTO A LOT DEPTH

17 Q AT THIS POINT IN TIME WERE YOU AWARE THAT THE,
18 AS TO WHETHER OR NOT MR COPE HAD EVER ASSERTED HIS
19 RIGHT TO REMAIN SILENT, HAD ANYBODY EVER TOLD YOU
20 THAT HE WANTED TO ASSERT HIS RIGHT TO REMAIN SILENT
21 OR HIS RIGHT TO COUNSEL?

22 A I SPECIFICALLY HAD ASKED THOSE QUESTIONS AND HE
23 HAD NOT

24 Q OKAY NOW YOU SAID SOMETHING ABOUT CHARLENE HAD
25 ADMINISTERED THE ADVICE OF RIGHTS?

1 A THAT'S CORRECT

2 Q OKAY WERE YOU THERE WHEN THAT TOOK PLACE?

3 A NO, SIR, BUT I DID SEE THE SIGNED DOCUMENT IT
4 WAS WITNESSED BY A PATROL OFFICER WHO ALSO
5 ACCOMPANIED HIM TO DETECTIVE BLACKWELDER'S OFFICE
6 TRAVIS MCDANIEL

7 Q LET ME SHOW YOU A DOCUMENT AND ASK IF YOU
8 RECOGNIZE THAT?

9 A YES, SIR, THIS IS THE DOCUMENT I WAS REFERRING
10 TO

11 Q ALL RIGHT, SIR I ASK THIS BE MARKED AS STATE'S
12 EXHIBIT 5

13 (STATE'S EXHIBIT 5 ADVICE OF RIGHTS
14 RECEIVED INTO EVIDENCE)

15 Q AFTER CONFIRMING THAT HE DID IN FACT REQUEST TO
16 SPEAK WITH DETECTIVES AGAIN, DESCRIBE HOW THE
17 INTERVIEW OR THE DISCUSSION OR THE CONVERSATION,
18 HOWEVER YOU WANT TO CALL IT, DESCRIBE HOW THAT
19 PROCEEDED FROM THAT POINT?

20 A AS I STATED, HE STATED TO ME AND DETECTIVE
21 BLACKWELDER THAT WHAT HE HAD TOLD THE OFFICERS ON
22 FRIDAY WAS INCORRECT AND HE WANTED TO TELL US THE
23 TRUTH SO I THEN JUST ASKED HIM TO GO AHEAD AND TELL
24 US WHAT HE WANTED TO TELL US FOR THE NEXT 20 OR 30
25 MINUTES HE TOLD US THAT THE NIGHT OF THE CRIME THAT

1 HE HAD HAD A DREAM AND HE WAS, HE WAS HEARING VOICES
2 IN HIS HEAD THAT A LADY, A PREVIOUS GIRLFRIEND OF
3 HIS, WAS LAUGHING AND HAD HAD AN ABORTION AND WAS
4 TELLING HIM THAT SHE HAD ABORTED HIS CHILD WHICH MADE
5 HIM VERY ANGRY AND THAT HE, AS HE WAS STRANGLING AND
6 KILLING AMANDA, HE THOUGHT THAT HE WAS KILLING AND
7 STRANGLING THIS LADY, THIS PREVIOUS GIRLFRIEND

8 Q ALL RIGHT IS THAT THE GIST --

9 A THAT'S A SHORT VERSION OF IT, YES, SIR

10 Q DID YOU ASK HIM TO MEMORIALIZE THIS ADDITION OR
11 CLARIFICATION TO HIS PREVIOUS STATEMENT?

12 A I ASKED HIM AT THAT TIME TO WRITE DOWN WHAT HE
13 WAS TELLING US

14 Q ALL RIGHT AND, YOUR HONOR, THE ORIGINAL OF
15 THIS DOCUMENT IS CURRENTLY AT THE STATE LAW
16 ENFORCEMENT DIVISION IN THE HANDWRITING ANALYSIS
17 DEPARTMENT, THERE IS SOMETHING BEING DONE WITH IT
18 THERE, WE WILL HAVE IT FOR TRIAL, BUT FOR PURPOSES OF
19 THIS HEARING THIS IS A COPY, AND I'M SHOWING YOU A
20 DOCUMENT AND ASKING YOU, SIR, IF YOU RECOGNIZE THAT,
21 SIR?

22 A YES, SIR, THIS IS A COPY OF WHAT HE WROTE OUT
23 THERE THAT MORNING

24 Q OKAY WHO IS IT SIGNED BY?

25 A SIGNED BY BILLY COPE

1 MR BRACKETT I ASK THIS BE MARKED AS
2 STATE'S EXHIBIT SIX

3 (STATE'S EXHIBIT NUMBER SIX STATEMENT
4 RECEIVED INTO EVIDENCE)

5 Q NOW DURING THIS INTERVIEW THAT TOOK PLACE IN HER
6 OFFICE THAT MORNING WAS, YOU'VE SEEN PEOPLE THAT ARE
7 INTOXICATED --

8 A YES, SIR

9 Q ---IN YOUR CAREER HOW LONG HAVE YOU BEEN IN
10 LAW ENFORCEMENT?

11 A 30 YEARS

12 Q AND YOU'VE SEEN PEOPLE WHO ARE DRUNK AND HIGH ON
13 VARIOUS DRUGS?

14 A YES, SIR, I HAVE

15 Q AND YOU'VE SEEN PEOPLE WHO ARE MENTALLY
16 UNSTABLE?

17 A YES, SIR, I HAVE

18 Q AND PEOPLE THAT YOU LATER COME TO FIND OUT ARE
19 MENTALLY RETARDED?

20 A YES, SIR

21 Q AND WAS THERE ANY INDICATION THAT MR COPE THIS
22 MORNING THAT YOU WERE INTERVIEWING HIM IN HER OFFICE
23 WAS UNDER THE INFLUENCE OF ANY NARCOTIC SUBSTANCE,
24 ANY ALCOHOLIC SUBSTANCE, OR LABORING UNDER ANY KIND
25 OF MENTAL INFIRMITY WHATSOEVER?

1 A NO, SIR, NONE WHATSOEVER

2 Q DURING THE COURSE OF THIS INTERVIEW WERE ANY
3 PROMISES OF LENIENCY OR OFFERS OF IMMUNITY OR OFFERS
4 OF LENIENCY, ANY KIND OF PROMISES MADE TO HIM IN
5 EXCHANGE TO INDUCE HIM TO MAKE THIS STATEMENT THAT
6 YOU JUST IDENTIFIED?

7 A NO, SIR, NONE WHATSOEVER

8 Q BY YOU OR DID ANYBODY ELSE?

9 A BY NO ONE ELSE I WAS PRESENT THERE THE WHOLE
10 TIME

11 Q NOW DID ANYONE SAY ANYTHING TO HIM IN ANY WAY
12 THAT COULD HAVE BEEN CONSTRUED IN ANY WAY, SHAPE, OR
13 FORM BY MR COPE AS A THREAT TO HIS SAFETY OR COULD
14 HAVE BEEN REASONABLY PERCEIVED BY HIM TO BE COERCIVE
15 TO ATTEMPT TO INDUCE HIM TO MAKE THE STATEMENT THAT
16 YOU JUST IDENTIFIED?

17 A NO, SIR, NOT ANY SHAPE OR FORM WHATSOEVER AT
18 THAT PARTICULAR TIME I WAS, DETECTIVE BLACKWELDER AND
19 MYSELF WERE VERY SENSITIVE IN OUR DEMEANOR TOWARD HIM
20 AND TO HIM WE WERE, HE WAS VERY FORTH RIGHT IN
21 PROVIDING US THIS VERSION OF THE STORY

22 Q OKAY AND HOW MANY PEOPLE HAVE YOU INTERVIEWED,
23 INTERROGATED IN YOUR 30 YEARS OF LAW ENFORCEMENT?

24 A HUNDREDS

25 Q AND WOULD IT BE SAFE TO SAY THAT SOME INTERVIEWS

1 ARE MORE DIFFICULT THAN OTHERS?

2 A THAT'S ABSOLUTELY CORRECT, YES, SIR

3 Q SOME ARE IMMEDIATELY WITHOUT ANY ALMOST ON THE
4 FIRST QUESTION AND THEN SOME YOU NEVER GET ANYTHING?

5 A THAT'S CORRECT

6 Q AND EVERYTHING IN BETWEEN?

7 A EVERYTHING IN BETWEEN

8 Q OKAY HOW WOULD YOU CHARACTERIZE THIS
9 INTERVIEW? ON THAT SPECTRUM, WHERE YOU WOULD SAY
10 THIS PARTICULAR --

11 A THIS PARTICULAR INTERVIEW RIGHT HERE WE
12 BASICALLY DID NOT ASK HARDLY ANY QUESTIONS
13 WHATSOEVER, HE TOLD THE WHOLE STORY, AND I ASKED HIM
14 TO WRITE IT DOWN

15 Q ALL RIGHT AND WHAT WAS HIS DEMEANOR DURING
16 THIS TIME PERIOD?

17 A HE WAS VERY CALM, NON-EMOTIONAL, NO REMORSE
18 THE ONLY TIME THAT HE EXHIBITED ANY AGITATION OR
19 EMOTION THAT I CAN RECALL IS HE WOULD REFER TO THIS
20 GIRL AS HAVING A LAUGH AND HE WOULD SEEM TO TRY TO
21 MIMIC A LAUGH AS HEE-HEE-HEE-HEE AS THESE VOICES HE
22 WAS HEARING HER LAUGH AS HE WAS STRANGLING HER

23 Q OKAY ANY QUESTION IN YOUR MIND THAT THAT
24 STATEMENT WAS THE FREE AND VOLUNTARY, THE PRODUCT OF
25 A FREE AND VOLUNTARY WILL ON THE PART OF MR COPE?

1 A ABSOLUTELY NONE WHATSOEVER

2 Q ALL RIGHT AFTER THAT STATEMENT WAS TAKEN WHAT
3 HAPPENED NEXT? WHAT DID YOU DO AFTER THAT STATEMENT
4 HAD BEEN WRITTEN OUT?

5 A AFTER HE HAD COMPLETED AND SIGNED THAT STATEMENT
6 I THEN ASKED HIM COULD HE ACCOMPANY ME BACK TO HIS
7 HOUSE, THE CRIME SCENE I INFORMED HIM THAT I HAD
8 NEVER BEEN THERE AND I WOULD LIKE FOR HIM TO TAKE ME,
9 TO GO WITH ME BACK TO THE HOUSE, AND TAKE ME THROUGH
10 WHAT HAPPENED THAT NIGHT

11 Q OKAY AND WHAT DID HE SAY?

12 A HE VERY READILY AGREED TO IT I DID NOT HAVE TO
13 ASK HIM OVER ONCE, AND HE PRACTICALLY VOLUNTEERED TO
14 DO THAT

15 Q AGAIN, ANYBODY HAVE TO, NO COERCION, NO
16 PROMISES, NO THREATS?

17 A NO, SIR

18 Q NOTHING HOW DID YOU ARRANGE THAT? HOW LONG
19 DID IT TAKE YOU FROM THE TIME YOU ASKED HIM TO THE
20 TIME IT TOOK TO GET THERE?

21 A IT DIDN'T TAKE LONG I HAD OUR, ONE OF OUR
22 CRIME SCENE OFFICERS, ROBIN DAVIS, GET A VIDEO CAMERA
23 AND MEET US AT THE HOUSE TRAVIS MCDANIEL, OUR
24 TRAFFIC OFFICER AT THAT TIME, WE CALLED HIM AND HAD
25 HIM TRANSPORT MR COPE BACK TO THE HOUSE IN A PATROL

1 CAR AND DETECTIVE BLACKWELDER AND MYSELF RODE
2 TOGETHER AND WENT BACK TO THE RESIDENCE

3 Q OKAY AND ONCE THERE WHAT TRANSPIRED? WHAT DID
4 YOU DO?

5 A ONCE THERE WE, I HAD MR COPE GO BACK THROUGH A
6 RE-ENACTMENT OF THE OCCURRENCES THAT NIGHT AND WE
7 VIDEO TAPED IT

8 Q WAS IT YOUR INTENTION TO GET HIM TO RE-ENACT OR
9 WHAT WAS YOUR INTENTION WHEN YOU WENT IN THAT ROOM,
10 THAT HOUSE?

11 A MY INTENTIONS AT THAT TIME WERE JUST TO GET HIM
12 TO EXPLAIN TO ME AND SHOW ME WHAT OCCURRED AT THE
13 TIME I NEVER ACTUALLY INTENDED TO GET HIM TO
14 RE-ENACT THE ACTUAL STRANGLING AND THE OTHER THINGS
15 THAT EVENTUALLY OCCURRED I HAD NO, I REALLY HAD NO
16 IDEA THAT HE WOULD ACTUALLY GO THAT FAR TO THE ENTIRE
17 RE-ENACTMENT

18 Q AND HE DID IN FACT DO THAT?

19 A YES, SIR

20 Q ALL RIGHT NOW PRIOR TO TODAY YOU AND I AND
21 DETECTIVE BLACKWELDER MET TO DISCUSS THIS CASE?

22 A THAT'S CORRECT

23 Q AND WE HAD AN OPPORTUNITY TO REVIEW THE VIDEO?

24 A YES, SIR

25 Q THAT WAS FILMED?

1 A THAT'S CORRECT

2 Q WAS THE VIDEO THAT WAS FILMED THAT MORNING DOES
3 IT DEPICT THE ENTIRE, THE ENTIRETY OF WHAT TOOK PLACE
4 IN THAT HOUSE THAT MORNING?

5 A PRACTICALLY ALL, YES SIR THERE WAS ONE POINT
6 IN TIME WHERE WE HAD TO CHANGE THE BATTERY AND IT'S
7 INDICATED ON THE TAPE THAT WE HAD TO CHANGE THE
8 BATTERY

9 Q DID ANYTHING TRANSPIRE IN THE TIME PERIOD WHILE
10 THE BATTERY WAS BEING CHANGED?

11 A NONE WHATSOEVER

12 Q AND AT SOME POINT ON THE TAPE AT THE END YOU
13 INDICATE WE ARE GOING, THAT'S IT, LET'S GO BACK?

14 A WE WALKED STRAIGHT OUT OF THE HOUSE

15 Q AND THE TAPE TURNS OFF BUT NOTHING HAPPENED
16 AFTER THAT?

17 A THAT'S CORRECT

18 Q SO THE TAPE SHOWS YOU ACTUALLY ENTERING THE
19 HOUSE, ALL THE WAY TO THAT POINT, AND THAT WAS THE
20 ENTIRETY OF THE INTERVIEW OF MR COPE AT THE HOUSE?

21 A THAT'S CORRECT

22 Q ALL RIGHT

23 A YES, SIR

24 Q AND YOU AND I HAD A CHANCE TO REVIEW THIS VIDEO
25 TAPE?

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1 A YES

2 Q DOES IT ACCURATELY DEPICT THE EVENTS THAT TOOK
3 PLACE IN THAT HOUSE DURING THE COURSE OF THAT
4 INTERVIEW OF MR COPE?

5 A YES, SIR, IT DOES

6 MR BRACKETT YOUR HONOR, I ASK THIS BE
7 MARKED STATE'S EXHIBIT SEVEN WE WILL NOT SEEK TO
8 PUBLISH IT AT THIS TIME DUE TO TIME CONSTRAINTS, IT'S
9 15 TO 20 MINUTES, BUT WE CAN PUBLISH IT AT A LATER
10 TIME AFTER DETECTIVE BLACKWELDER TESTIFIES TOMORROW
11 THE COURT ANY OBJECTION?

12 MR MORTON NO, SIR, YOUR HONOR

13 (STATE'S EXHIBIT SEVEN VIDEO RECEIVED INTO
14 EVIDENCE)

15 Q WHEN YOU LEFT THE HOUSE THAT MORNING WHERE DID
16 YOU GO?

17 A BACK TO THE LAW CENTER, THE POLICE STATION, ROCK
18 HILL POLICE DEPARTMENT

19 Q AND DO YOU RECALL APPROXIMATELY WHAT TIME THAT
20 WAS?

21 A YES, SIR, IT'S ABOUT 11 30 IT WAS CLOSE TO
22 LUNCH TO THE BEST OF MY KNOWLEDGE 11 45, CLOSE TO
23 12, SOMETHING IN THERE I INSTRUCTED OFFICER
24 MCDANIEL TO PLACE HIM BACK IN THE HOLDING CELL AT THE
25 POLICE STATION, AND ALSO TOLD HIM TO MAKE SURE HE GOT

1 A LUNCH

2 Q ALL RIGHT AND WHAT TIME DID YOU GET BACK
3 TOGETHER WITH MR COPE?

4 A ABOUT TWO HOURS LATER, ABOUT 1 30

5 Q NOW WHEN YOU GOT BACK TOGETHER WAS IT IN THE
6 SAME PLACE OR A DIFFERENT PLACE?

7 A BROUGHT HIM BACK TO THE SAME OFFICE

8 Q AND WHO WAS PRESENT AT THAT TIME?

9 A DETECTIVE BLACKWELDER AND MYSELF

10 Q OKAY NOW AT THIS POINT IN TIME YOU HAVE THAT
11 WRITTEN STATEMENT AND YOU HAVE THE VIDEO THAT WE JUST
12 PUT IN?

13 A THAT'S CORRECT

14 Q SO WHAT IS THE POINT OF THIS INTERVIEW? WHAT
15 WAS YOUR INTENTIONS WHEN YOU BROUGHT HIM BACK TO
16 DETECTIVE BLACKWELDER'S OFFICE?

17 A IT WAS MY BELIEF THAT HE WAS STILL NOT BEING
18 COMPLETELY TRUTHFUL AND IT WAS MY INTENTION DURING
19 THAT INTERVIEW AFTER LUNCH TO TRY TO GET HIM TO BE
20 MORE TRUTHFUL, TO TELL US MORE OF THE STORY

21 Q ALL RIGHT WAS THERE A SPECIFIC AREA OF CONCERN
22 THAT YOU HAD AS FAR AS THE TRUTHFULNESS OF HIS
23 STATEMENT? WAS THERE SOMETHING THAT YOU --

24 A YES, SIR I PARTICULARLY DIDN'T BELIEVE THE
25 NIGHTMARE, VOICE IN THE HEAD, THE GIRLFRIEND

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1 SCENARIO I ALSO WANTED TO TALK ABOUT PREVIOUS
2 INSTANCES OF ABUSE BEFORE THAT NIGHT I ALSO WANTED
3 TO TALK ABOUT ABUSE TO THE OTHER TWO GIRLS

4 Q ALL RIGHT NOW AT THIS POINT IN TIME DID YOU OR
5 DETECTIVE BLACKWELDER REVISIT THE SUBJECT OF HIS
6 RIGHTS?

7 A THAT'S CORRECT

8 Q OKAY AND EXPLAIN TO THE COURT EXACTLY WHAT YOU
9 DID?

10 A I READ HIS RIGHTS FROM A CARD IN MY POCKET AND
11 THEN I ALSO WENT A LITTLE FURTHER TO EXPLAIN THAT HE
12 HAD THE RIGHT TO REMAIN SILENT, THAT HE UNDERSTOOD
13 THAT, BUT THAT HE DIDN'T HAVE THE RIGHT TO LIE TO ME
14 AND HE DID NOT HAVE THE RIGHT TO BE WASTING ALL OF
15 OUR TIME, AND THAT I WOULD LIKE FOR HIM TO TELL ME
16 THE TRUTH, THE COMPLETE TRUTH

17 Q WAS THAT YOUR SEGWAY INTO YOUR AREAS OF CONCERNS
18 AS FAR AS THE PSYCHOLOGICAL DEFENSE THAT HE WAS
19 ATTEMPTING, THE PSYCHOLOGICAL STORY HE WAS ATTEMPTING
20 TO POSE?

21 A YES, SIR, IT WAS

22 Q NOW IN THE COURSE OF THIS INTERVIEW, LET ME ASK
23 YOU, WAS IT RECORDED?

24 A NO, SIR, IT WAS NOT

25 Q WAS THE INTERVIEW AT 9 30 WHERE HE WROTE OUT THE

1 HANDWRITTEN STATEMENT, WAS THAT RECORDED?

2 A NO, SIR, IT WAS NOT

3 Q WAS THERE A REASON WHY YOU CHOOSE TO RECORD OR
4 CHOOSE NOT TO RECORD AN INTERVIEW?

5 A I HAVE NOT RECORDED ANY, HARDLY, IF ANY,
6 INTERVIEWS IN MY 30 YEARS UNLESS I'M INTERVIEWING
7 SOMEONE COVERTLY OR IN AN UNDERCOVER CAPACITY I
8 USUALLY DON'T RECORD

9 Q IS THERE A REASON FOR THAT?

10 A NOT PARTICULARLY EXCEPT THAT IT'S PROBABLY, IT'S
11 EASIER, MORE FEASIBLE, TIME CONSTRAINTS, LOGISTICS,
12 EQUIPMENT CONSTRAINTS, ET CETERA

13 Q HOW DID HE REACT TO YOUR DOUBTS ABOUT HIS
14 PREVIOUS STATEMENT?

15 A FOR SEVERAL MINUTES HE CONTINUED THAT HIS
16 PREVIOUS STATEMENT WAS THE TRUTH AND THAT HE WAS
17 ACTUALLY HEARING VOICES AND HE THOUGHT HE WAS KILLING
18 SOMEONE ELSE AND THEN HE FINALLY CAME ACROSS A
19 LITTLE MORE AND THEN A LITTLE MORE AND THEN A LITTLE
20 MORE

21 Q BACKING UP JUST A SECOND WHEN YOU EXPLAINED
22 HIS RIGHTS TO HIM AGAIN, DID HE INDICATE THAT HE
23 UNDERSTAND THOSE AND WISHED TO CONTINUE TALKING TO
24 YOU?

25 A THAT'S CORRECT HE NEVER AT ANY TIME SAID THAT

1 HE DID NOT WISH TO TALK TO US

2 Q ANY TIME DURING THAT MORNING, AT THE HOUSE, OR
3 ANY TIME THAT AFTERNOON?

4 A THAT'S CORRECT

5 Q OKAY

6 A AND THERE WAS SOME OTHER INSTANCES DURING THAT
7 AFTERNOON THAT I HAD SPECIFICALLY ASKED HIM THAT
8 AGAIN AND HE --

9 Q WE'LL GET TO THAT IN JUST A SECOND NOW HOW
10 LONG, WHAT TIME DID THIS START AGAIN APPROXIMATELY?

11 A 1 30

12 Q ABOUT 1 30?

13 A YES, SIR

14 Q AND HOW LONG DID THIS INTERVIEW TAKE, DID THIS
15 INTERVIEW TAKE PLACE?

16 A SEVERAL HOURS

17 Q DO YOU REMEMBER ABOUT WHEN IT ENDED?

18 A ABOUT 5 O'CLOCK

19 Q WERE THERE INTERRUPTIONS OR WAS IT STRAIGHT
20 THROUGH?

21 A THERE WERE INTERRUPTIONS

22 Q DURING THIS TIME PERIOD DID HE MAKE ANY REQUESTS
23 FOR ANY CREATURE COMFORTS, SOMETHING TO DRINK, TO USE
24 THE BATHROOM, ANYTHING OF THAT NATURE, TO TAKE A
25 BREAK?

1 A NO WE ASKED HIM, I ASKED HIM SEVERAL TIMES DID
2 HE WANT ANYTHING TO DRINK AND HE REFUSED TO THE BEST
3 OF MY KNOWLEDGE NOW I'M NOT 100 PERCENT SURE OF
4 THAT, BUT IF HE REQUESTED SOMETHING HE GOT IT, BUT I
5 BELIEVE HE REFUSED, BUT HE WAS OFFERED

6 Q OKAY NOW DURING THIS INTERVIEW WERE YOU TAKING
7 NOTES, WERE YOU TYPING A STATEMENT, EXACTLY WHAT WERE
8 YOU DOING TO RECORD?

9 A DETECTIVE BLACKWELDER WAS TAKING NOTES SHE WAS
10 TAKING HANDWRITTEN NOTES I WAS NOT

11 Q AT ANY POINT IN TIME WAS THE INTERVIEW
12 INTERRUPTED?

13 A YES, SIR

14 Q AND WHO WAS IT INTERRUPTED BY?

15 A I RECEIVED A PAGE AT ONE POINT IN TIME, THAT AN
16 ATTORNEY WAS IN THE LOBBY, AND THEN APPROXIMATELY
17 THREE O'CLOCK I BELIEVE I RECEIVED A PAGE TO CALL
18 YOURSELF

19 Q MEANING KEVIN BRACKETT?

20 A THAT'S CORRECT

21 Q OKAY AND --

22 A AT THAT TIME I STEPPED INTO THE NEXT OFFICE AND
23 DID CALL YOU

24 Q OKAY AND THE FIRST PAGE, WHAT WAS THAT IN
25 REFERENCE TO?

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1 A ATTORNEY BARROWCLOUGH WAS IN THE LOBBY AND
2 INDICATED TO MY CLERICAL STAFF THAT HE REPRESENTED
3 MR COPE AND WANTED TO TALK TO HIM

4 Q AND DID MR COPE HAVE, HAD MR COPE UP TO THIS
5 POINT INDICATED TO YOU THAT HE EITHER HAD AN ATTORNEY
6 OR DESIRED TO SPEAK WITH AN ATTORNEY?

7 A NO, SIR, HE HAD NOT

8 Q ALL RIGHT SO HE HAD NOT ASSERTED HIS RIGHT?

9 A NO, SIR

10 Q BUT MR BARROWCLOUGH WAS IN THE LOBBY ATTEMPTING
11 TO SEE MR COPE?

12 A THAT'S CORRECT

13 Q AND SHORTLY AFTER YOU DISCOVERED THAT MR
14 BARROWCLOUGH WAS IN THERE YOU SAID YOU AND I HAD A
15 CONVERSATION?

16 A THAT'S CORRECT

17 Q AND AFTER OUR CONVERSATION WHAT DID YOU DO?

18 A I INFORMED, I ASKED MR COPE DID HE HAVE AN
19 ATTORNEY AND HE SAID NO I TOLD MR COPE THAT
20 ATTORNEY BARROWCLOUGH WAS IN THE LOBBY AND WAS
21 WANTING TO TALK TO HIM, AND MR COPE TOLD ME AT THAT
22 TIME THAT HE WANTED TO GO AHEAD AND FINISH THIS AND
23 TALK TO US BEFORE HE TALKED TO MR BARROWCLOUGH

24 Q ALL RIGHT AND DID YOU ASK MR COPE TO
25 MEMORIALIZE THAT THOUGHT ON A PIECE OF PAPER?

1 A I BELIEVE THAT OCCURRED AFTER MY SECOND
2 CONVERSATION WITH YOU

3 Q OKAY

4 A AT 3 10 P M

5 Q SO YOU SPOKE WITH ME?

6 A YES, SIR

7 Q AND THEN YOU WENT BACK AND TOLD MR COPE THAT HE
8 HAD AN ATTORNEY OR THERE WAS AN ATTORNEY OUT IN THE
9 HALLWAY WHO WANTED TO TALK TO HIM?

10 A THAT'S CORRECT

11 Q AND THEN HE SAID HE DIDN'T WISH TO SPEAK TO THAT
12 ATTORNEY?

13 A YES, SIR

14 Q THEN YOU CALLED ME AGAIN?

15 A THAT'S CORRECT

16 Q THEN AT THIS POINT IN TIME AFTER THAT
17 CONVERSATION YOU WROTE THAT OR HAD HIM, WHOSE
18 HANDWRITING --

19 A THAT'S MY HANDWRITING AND IT'S HIS SIGNATURE

20 Q OKAY

21 A AND DETECTIVE BLACKWELDER'S SIGNATURE

22 Q THAT'S THE DOCUMENT THAT WAS FILLED OUT AND
23 SIGNED BY HIM AT 3 10 P M ON DECEMBER THIRD?

24 A THAT'S CORRECT

25 Q 2001?

000313

1 A YES, SIR

2 MR BRACKETT I ASK THIS BE MARKED AS

3 -STATE'S EXHIBIT 8

4 THE COURT ANY OBJECTION?

5 MR MORTON I'M SORRY, JUDGE

6 THE COURT IT'S THE ALLEGED ITEM SIGNED

7 BY YOUR --

8 MR MORTON NO, SIR, NO OBJECTION

9 (STATE'S EXHIBIT 8 NOTE RECEIVED INTO
10 EVIDENCE)

11 Q DID YOU SHARE THAT DOCUMENT WITH MR
12 BARROWCLOUGH?

13 A AT APPROXIMATELY 5 P M I WENT OUT TO THE LOBBY
14 AND GOT MR BARROWCLOUGH AND BROUGHT HIM BACK TO THE
15 OFFICE THAT WE WERE CONDUCTING INTERVIEW AND
16 INTRODUCED HIM, MR COPE TO MR BARROWCLOUGH THEN,
17 AND AT THAT TIME I ALSO SHARED THAT DOCUMENT WITH
18 MR BARROWCLOUGH AND HAD MR COPE TELL ATTORNEY
19 BARROWCLOUGH THAT HE DID KNOW THAT BARROWCLOUGH WAS
20 IN THE LOBBY AND THAT HE WISHED TO TALK TO US

21 Q AFTER MR COPE FIRST INDICATED HE WISHED TO GO
22 AHEAD AND COMPLETE THE INTERVIEW BUT BEFORE THAT
23 DOCUMENT WAS SIGNED, AT ANY POINT IN TIME DID YOU GO
24 OUT AND COMMUNICATE THIS INFORMATION TO MR
25 BARROWCLOUGH IN THE LOBBY? DID YOU TELL HIM THAT MR

1 COPE DID NOT WISH TO SPEAK WITH HIM AT SOME POINT?

2 A YES, SIR, I DID I BELIEVE THAT'S BETWEEN THE
3 TWO CONVERSATIONS I HAD WITH YOU

4 Q ALL RIGHT ARE YOU CERTAIN ABOUT THAT?

5 A NO, SIR, I'M NOT SURE, I'M SORRY, BUT I DID GO
6 TO THE LOBBY AND TALK TO MR BARROWCLOUGH AT LEAST
7 ONCE BEFORE I BROUGHT HIM BACK

8 Q AT THIS POINT IN TIME, AT THE TIME THAT THIS
9 DOCUMENT WAS SIGNED, AT THE TIME THAT YOU WERE
10 ADVISING MR COPE THAT MR BARROWCLOUGH WAS WAITING
11 FOR HIM OUTSIDE AND WISHED TO SEE HIM, AT ANY POINT
12 IN TIME DURING THIS DID YOU OR ANYONE ELSE DO
13 ANYTHING TO THREATEN, COERCE, INTIMIDATE, IN ANY WAY,
14 SHAPE, OR FORM PREVENT MR COPE FROM DESIRING TO
15 SPEAK WITH MR BARROWCLOUGH?

16 A NOT AT ANY TIME

17 Q NEITHER YOU NOR DETECTIVE BLACKWELDER --

18 A NO, SIR

19 Q NOR ANY THIRD PARTY?

20 A THAT'S CORRECT

21 Q THE DECISION TO STAY IN THERE AND SPEAK WITH YOU
22 AND DETECTIVE BLACKWELDER WAS MR COPE'S AND
23 MR COPE'S ALONE?

24 A THAT'S CORRECT, ALONG WITH THE, INITIATING THE
25 CONVERSATION, HE INITIATED THE ORIGINAL CONTACT BY

1 COMING BACK FROM THE JAIL TO THE ROCK HILL POLICE
2 STATION THAT MONDAY

3 Q BUT SPECIFICALLY ON THIS ISSUE?

4 A YES, SIR, YOU ARE CORRECT I'M SORRY

5 Q WERE ANY PROMISES MADE TO HIM THAT IF HE DIDN'T
6 DO THIS THAT YOU WOULD ACCOMMODATE HIM IN SOME WAY,
7 SHAPE, OR FORM?

8 A NO, SIR

9 Q AND IN FACT YOU DID ADVISE HIM THAT HE WAS OUT
10 THERE AND GAVE HIM THE OPTION?

11 A YES, SIR, I DID

12 Q AND THEN RECORDED IT ON THAT DOCUMENT?

13 A YES, SIR

14 Q NOW AFTER THAT DOCUMENT WAS SIGNED AND YOU HAD
15 ADVISED MR BARROWCLOUGH, SPOKE WITH ME, GOT THE
16 DOCUMENT SIGNED, DID YOU CONTINUE WITH THE INTERVIEW
17 OF MR COPE?

18 A FOR A FEW MINUTES, YES, SIR

19 Q AND AT SOME POINT IN TIME DID YOU DECIDE TO
20 RECORD THIS IN A STATEMENT FORM?

21 A YES, SIR

22 Q AND WAS THAT STATEMENT TYPED UP BY YOU OR
23 CHARLENE BLACKWELDER?

24 A CHARLENE BLACKWELDER

25 Q ARE YOU FAMILIAR WITH THE STATEMENT?

1 A YES, SIR

2 Q I'M SHOWING YOU TWO PAGES OF THE ORIGINAL
3 STATEMENT TAKEN THAT DAY AND ASK IF YOU CAN IDENTIFY
4 THAT?

5 A YES, SIR THIS IS THE STATEMENT THAT DETECTIVE
6 BLACKWELDER TYPED FROM HER NOTES IN THE PRESENCE OF
7 MR COPE AND IT WAS READ TO HIM AND HE DID HAVE A
8 CHANCE TO MAKE ANY ADDITIONS, DELETIONS, OR CHANGES
9 HE MADE ONE OR TWO AND THEN HE SIGNED BOTH PAGES

10 Q ALL RIGHT, SIR AND THEN THIS FOURTH PAGE THAT
11 INDICATES THE TIMES AND AGAIN THE SIGNATURE THAT HE'S
12 MAKING THIS STATEMENT VOLUNTARILY, WAS THAT EXECUTED
13 AT THE SAME TIME?

14 A YES, SIR, IT WAS

15 Q AND WHAT TIME WAS THAT, WHAT TIME DOES THAT
16 DOCUMENT INDICATE THAT THAT FINAL TWO PAGE
17 TYPEWRITTEN STATEMENT WAS SIGNED AND --

18 A 4 55 P M

19 Q ON DECEMBER THE THIRD?

20 A THAT'S CORRECT

21 Q AND WHO WITNESSED THAT?

22 A CHARLENE BLACKWELDER

23 Q ALL RIGHT, SIR AND YOU WERE PRESENT FOR THAT?

24 A YES, SIR, I WAS

25 Q AND AT THE TIME THAT HE SIGNED THIS STATEMENT,

1 AT THE TIME THAT THIS TWO PAGE DOCUMENT WAS SIGNED
2 ALONG WITH THIS FOURTH PAGE INDICATING THAT HE'S
3 MAKING THIS STATEMENT OF HIS OWN FREE WILL AND ACCORD
4 AND WITHOUT REWARD OR HOPE OF REWARD, AT THE TIME
5 THAT THIS WAS SIGNED, WERE ANY THREATS, PROMISES,
6 COERCION OF ANY SORT EMPLOYED TO GET HIM TO SIGN
7 THESE DOCUMENTS?

8 A NO, SIR, THEY WERE NOT

9 MR BRACKETT YOUR HONOR, I ASK THESE
10 DOCUMENTS BE APPENDED TO ONE ANOTHER AND MARKED AS
11 STATE'S EXHIBIT NINE

12 MR MORTON NO OBJECTION, YOUR HONOR
13 THE COURT ALL RIGHT

14 (STATE'S EXHIBIT 9 STATEMENT RECEIVED IN
15 EVIDENCE)

16 Q NOW YOU WENT OVER THIS BRIEFLY WHEN I WAS
17 TALKING TO YOU BEFORE BUT WE WERE AHEAD OF OURSELVES,
18 BUT I JUST WANT TO GO OVER IT ONE MORE TIME AT THE
19 END OF THIS STATEMENT BEING SIGNED YOU SAID YOU WENT
20 OUT AND SAW MR BARROWCLOUGH?

21 A THAT'S CORRECT

22 Q AND DID YOU GIVE MR BARROWCLOUGH AT THAT TIME
23 AN OPPORTUNITY TO MEET WITH HIS CLIENT MR COPE?

24 A YES, SIR, I DID

25 Q OKAY AND AT THAT TIME HAD MR COPE, HAD HE YET

1 INDICATED THAT HE WISHED TO SPEAK WITH

2 MR BARROWCLOUGH?

3 A NO, SIR, HE DIDN'T

4 Q YOU WERE JUST DOING THIS BECAUSE MR
5 BARROWCLOUGH WISHED TO SEE HIM?

6 A THAT'S CORRECT

7 Q NOW AT THE INTRODUCTION OF MR BARROWCLOUGH TO
8 MR COPE CAN YOU DESCRIBE AGAIN, JUST TO MAKE SURE I
9 GOT IT ALL COVERED, WHAT TOOK PLACE AT THAT TIME?

10 A I INTRODUCED THE TWO TO EACH OTHER, THEY DO NOT
11 KNOW EACH OTHER, I INTRODUCED THE TWO TO EACH OTHER,
12 AND DETECTIVE BLACKWELDER AND MYSELF LEFT THE ROOM
13 AND LEFT THEM IN THERE ALONE

14 Q DID YOU SHOW MR BARROWCLOUGH OR MR COPE THAT
15 DOCUMENT?

16 A YES, SIR YES, SIR WHEN I FIRST BROUGHT HIM
17 IN THERE AND INTRODUCED HIM I SHOWED MR BARROWCLOUGH
18 THE DOCUMENT THAT MR COPE HAD SIGNED THAT I PREPARED
19 SAYING THAT HE DID NOT WISH TO SPEAK WITH MR

20 BARROWCLOUGH AT THAT TIME, AND I ASKED MR COPE IS
21 THAT TRUE AND DID YOU WANT, DID YOU WANT TO SEE MR
22 BARROWCLOUGH AND HE SAID NO IN FRONT OF, HE TOLD MR
23 BARROWCLOUGH NO, I JUST WANTED TO GET THIS OVER WITH

24 Q AND WAS THERE ANYMORE DISCUSSION BETWEEN THE
25 THREE OF YOU OR DID YOU STAY IN THE ROOM, DID THEY

1 STAY IN THE ROOM, WHAT HAPPENED THEN?

2 A DETECTIVE BLACKWELDER AND MYSELF LEFT THEM IN
3 THE ROOM TOGETHER

4 Q OKAY AND YOU DON'T KNOW WHAT TRANSPIRED AFTER
5 THAT?

6 A NO, SIR

7 Q DO YOU RECALL APPROXIMATELY HOW LONG THEY WERE
8 IN THAT ROOM TOGETHER?

9 A IT WASN'T A VERY LONG TIME I'D SAY 5 - 10 - 15
10 MINUTES

11 Q AND WHAT HAPPENED AT THE END OF THAT TIME
12 PERIOD?

13 A MR BARROWCLOUGH CAME OUT AND INDICATED TO US
14 THAT HIS CLIENT DID NOT WISH TO SPEAK WITH US ANYMORE
15 AND WE TRANSPORTED HIM BACK TO THE HOLDING AREA AT
16 THE POLICE STATION

17 Q MR COPE NOT MR BARROWCLOUGH?

18 A THAT'S CORRECT

19 Q OKAY NOW AT ANY POINT IN TIME AFTER THAT DID
20 YOU EVER INTERVIEW MR COPE AGAIN?

21 A NO, SIR

22 Q OKAY COURT'S INDULGENCE ONE MOMENT SO AT NO
23 POINT DURING THIS DAY DID MR COPE INDICATE TO YOU
24 THAT HE WISHED TO STOP TALKING AND ASSERT HIS RIGHT
25 TO REMAIN SILENT?

1 A AT NO TIME, NO, SIR

2 Q AT ANY POINT IN TIME DID HE ASSERT TO YOU HE
3 WISHED TO STOP TALKING AND CONSULT WITH COUNSEL
4 BEFORE CONTINUING THE INTERVIEW?

5 A HE DID NOT

6 Q AND AT NO POINT IN TIME WERE ANY THREATS,
7 PROMISES, COERCION, ANY SORT OF PRESSURE APPLIED TO
8 HIM TO GET HIM TO COOPERATE?

9 A NONE WHATSOEVER, SIR

10 Q ALL OF THESE STATEMENTS, THE ONE AT 9 45, THE
11 VIDEO TAPE AT 11 O'CLOCK APPROXIMATELY, AND THE
12 SIGNED TWO PAGE TYPEWRITTEN DOCUMENT SIGNED AT 4 55,
13 WERE ALL THE PRODUCTS OF HIS FREE WILL, VOLUNTARILY
14 MADE BY HIM?

15 A YES, SIR, THEY WERE

16 Q THANK YOU VERY MUCH PLEASE ANSWER ANY
17 QUESTIONS MR MORTON MAY HAVE

18 A YES, SIR

19 CROSS EXAMINATION BY MR MORTON

20 Q MR CABANISS, AS I UNDERSTAND WHAT YOU ARE, WHAT
21 YOUR TESTIMONY IS IS THAT MR COPE CAME OVER THAT
22 MORNING, HE HAD TO ASKED TO SPEAK WITH YOU, RIGHT?

23 A THAT'S CORRECT

24 Q AND YOU ACCOMMODATED HIM, RIGHT?

25 A THAT'S CORRECT

000321

1 Q IN FACT, YOU WERE ACCOMMODATING THE WHOLE TIME,
2 IS THAT RIGHT?

3 A THAT'S CORRECT

4 Q ASKING HIM IF HE NEEDED ANYTHING, TAKING HIM TO
5 THE BATHROOM, GIVING HIM A DRINK?

6 A I WILL CLARIFY THAT TO WE WERE PROBABLY MORE
7 SENSITIVE TO HIM PERSONALLY IN THE MORNING VERSUS THE
8 AFTERNOON, BUT AT NO TIME WAS HE EVER IN ANY DURESS
9 OR IN NEED OF ANY ESSENTIALS

10 Q SO WHEN YOU SAY YOU WERE MORE SENSITIVE TO HIM
11 IN THE MORNING THAN IN THE AFTERNOON, YOU WILL ADMIT
12 THEN THAT YOU WERE LESS SENSITIVE TO HIM IN THE
13 AFTERNOON?

14 A THAT'S CORRECT

15 Q AND HOW WERE YOU LESS SENSITIVE TO HIM IN THE
16 AFTERNOON?

17 A I PROBABLY TOLD HIM SEVERAL TIMES I DIDN'T
18 BELIEVE EVERYTHING THAT HE WAS SAYING I NEVER, IN
19 THE MORNING, I NEVER EVEN QUESTIONED ANYTHING THAT HE
20 TOLD US

21 Q BUT AFTER THE MORNING TALK AND THEN AFTER THE
22 VIDEO RE-ENACTMENT YOU DIDN'T BELIEVE A LOT OF WHAT
23 HE WAS TELLING YOU?

24 A THAT'S CORRECT

25 Q WHAT DID YOU BELIEVE AND WHAT DIDN'T YOU

1 BELIEVE?

2 A AS I'VE STATED PREVIOUSLY I DIDN'T BELIEVE HIS
3 STORY ABOUT THE NIGHTMARE/DREAM AND THE PART THAT HE
4 THOUGHT HE WAS KILLING THE EX-GIRLFRIEND INSTEAD OF
5 HIS DAUGHTER

6 Q WHY DIDN'T YOU BELIEVE HIM?

7 A THERE WAS NO REASONABLE PERSON COULD POSSIBLY
8 PERCEIVE AND BELIEVE THAT WAS HAPPENING

9 Q OKAY

10 A AS HE WAS STATING IT

11 Q WHAT DID YOU BELIEVE?

12 A I BELIEVE THE PART WHERE HE TOOK US, WHERE HE
13 SAID HE JUMPED UP ON THE BED AND STRANGLED HER AND
14 HOW HE SHOWED US THAT HE STRANGLED HER AND HOW HE
15 SHOWED US THAT HE INSERTED THE BROOM INTO HER ANUS
16 AND VAGINA AND SHOVED IT IN, IT'S VERY HARD, AND
17 SPECIFICS OF THAT NATURE I BELIEVED

18 Q WHY DID YOU BELIEVE THAT?

19 A IT APPEARED TO ME THAT ONLY THE PERSON THAT HAD
20 SPECIFIC KNOWLEDGE OF THE ACTUAL CRIME THAT COULD BE
21 TELLING RE-ENACTING THOSE TYPES OF THINGS

22 Q OKAY

23 A THERE WAS A PART WHERE HE SAID THAT WHERE SHE
24 WAS ON HER STOMACH WHERE HE SAID THAT THERE WAS, THAT
25 WAS CONSISTENT THROUGHOUT WHERE AMANDA SAID DADDY,

1 HELP ME, I BELIEVE THAT THAT WAS CONSISTENT
2 THROUGHOUT JUST DIFFERENT THINGS THAT HE SAID AND
3 THE WAY HE SAID THEM AND THROUGH MY YEARS OF TRAINING
4 AND EXPERIENCE THERE WAS REASON THAT I BELIEVED
5 CERTAIN THINGS THAT HE WAS TELLING AND CERTAIN THINGS
6 I DOUBTED

7 Q JUST ANYTHING IN PARTICULAR FROM YOUR TRAINING
8 AND EXPERIENCE THAT WOULD LEAD YOU TO BELIEVE SOME
9 THINGS AND NOT OTHERS? WAS IT THE TONE OF HIS VOICE,
10 WAS IT THE NATURE OF WHAT HE WAS SAYING, WAS IT THE
11 DETAILS THAT HE PROVIDED?

12 A PROBABLY ALL OF THE ABOVE HIS DEemeanor, WHERE
13 SOMETIMES HE WOULD MAKE EYE CONTACT, SOMETIMES HE
14 WOULDN'T SOMETIMES HE APPEARED A LITTLE MORE
15 NERVOUS THAN OTHER TIMES

16 Q OKAY SO THOSE WERE ALL CLUES TO YOU AS TO
17 WHETHER HE WAS TELLING THE TRUTH OR NOT?

18 A THAT AND THINGS THAT I KNEW TO BE TRUE FROM THE
19 PHYSICAL EVIDENCE COLLECTED AT THE SCENE AND
20 INFORMATION THAT I HAD RECEIVED FROM THE OTHER
21 INVESTIGATING OFFICERS THAT ANSWERED THE INITIAL CALL
22 AND INFORMATION THAT I WAS GETTING THROUGHOUT THE DAY
23 ABOUT THE RESULTS OF THE AUTOPSY AND OTHER
24 EXAMINATIONS AND THINGS

25 Q WHAT DID YOU KNOW?

000324

1 A WHAT DID I KNOW? I KNEW THAT AMANDA WAS, HAD
2 SOME EVIDENCE OF PREVIOUS SEXUAL ABUSE AND THAT
3 THE --

4 Q HOW DID YOU KNOW THAT?

5 A FROM MY INVESTIGATORS AND CRIME SCENE OFFICERS
6 TELLING ME THE RESULTS OF THE EXAMINATIONS

7 Q OKAY AND THEY LEARNED THAT FROM?

8 A I ASSUME FROM THE AUTOPSY OR FROM THE DOCTOR

9 Q OKAY AND WHAT ELSE DID YOU KNOW? OR WHAT ELSE
10 HAD YOU BEEN TOLD ABOUT THE CRIME ITSELF?

11 A I WAS TOLD THAT HE INDICATED THAT WHEN THE
12 ORIGINAL CALL CAME IN THAT HE FOUND HER WITH THE,
13 PART OF THE MATTRESS, BEDSPREAD, BLANKET, WRAPPED
14 AROUND HER NECK, AND ORIGINALLY SAID SHE MUST HAVE
15 STRANGLED HERSELF, AND I KNEW WHAT THE INVESTIGATION
16 HAD REVEALED UP UNTIL THAT POINT

17 Q WHICH WAS?

18 A I DON'T UNDERSTAND EXACTLY WHAT YOU ARE, YOU CAN
19 BE A LITTLE MORE SPECIFIC

20 Q YOU KNEW THE INVESTIGATION REVEALED WHAT UP TO
21 THAT POINT?

22 A THAT AMANDA WAS SEXUALLY ASSAULTED, ABUSED,
23 BEATEN, STRANGLED, AND KILLED

24 Q OKAY AND SO WAS THERE ANY PARTICULAR THING
25 THAT SAID HE HAD DONE THIS? I MEAN, YOU DIDN'T HAVE

1 AN EYE WITNESS OR ANYTHING?

2 A WE DIDN'T HAVE AN EYE WITNESS THAT I HAD TALKED
3 WITH AT THAT TIME, THAT'S CORRECT

4 Q SO WHAT YOU ARE SAYING TO ME IS THAT YOU KNEW
5 THAT SHE HAD BEEN BEATEN, STRANGLED, SEXUALLY
6 ASSAULTED, ANALLY AND VAGINALLY, YOUR INVESTIGATORS
7 HAD TALKED TO THE PATHOLOGIST?

8 A THAT'S CORRECT

9 Q IS THAT RIGHT?

10 A THAT'S CORRECT

11 Q OKAY SO THAT WHEN BILLY THEN TOLD YOU THAT,
12 THAT'S KIND OF WHAT CONFIRMED IT IN YOUR MIND?

13 A THAT HELPED ME TO DISTINGUISH WHEN HE WAS
14 TELLING THE TRUTH, IS THE ORIGINAL QUESTION LINE I
15 THOUGHT WE WERE ON, THOSE FACTS HELPED ME DETERMINE
16 WHAT MADE ME BELIEVE HE WAS TELLING THE TRUTH AND
17 WHAT PORTIONS I DIDN'T BELIEVE

18 Q SO YOU BELIEVED EVERYTHING THAT HE WAS SAYING
19 PRETTY MUCH EXCEPT FOR THE DREAM, IS THAT FAIR

20 MR BRACKETT YOUR HONOR, I'M GOING TO
21 OBJECT, THIS IS A DENNO HEARING AND I UNDERSTAND, I'M
22 GIVING A LOT OF LATITUDE WITH THIS WITNESS AND THE
23 PREVIOUS WITNESSES, BUT WE SHOULD BE FOCUSED ON THE
24 ISSUE OF THE VOLUNTARINESS OF THE STATEMENT AND
25 WHETHER OR NOT THE STATEMENT WAS MADE VOLUNTARILY

1 AFTER PROPER CONSTITUTIONAL RIGHTS WERE AFFORDED TO
2 HIM, BUT HIS SUBJECTIVE BELIEF OF WHICH ONES HE
3 BELIEVED, WHICH STATEMENTS HE DID OR DIDN'T BELIEVE,
4 I DON'T THINK THAT GOES TO THE VOLUNTARINESS OF
5 WHETHER OR NOT THIS MAN MADE THE STATEMENT UNDER
6 DURESS OR UNDER PROMISE OF LENIENCY I JUST DON'T
7 SEE WHERE THIS IS ASSISTING THE ISSUE THAT IS THE,
8 THAT BRINGS THIS BEFORE THE COURT WHICH IS A DENNO
9 HEARING

10 THE COURT OBJECTION OVERRULED GO
11 AHEAD

12 A COULD YOU REPEAT YOUR QUESTION

13 Q I ASSUMED THAT YOU BELIEVED EVERYTHING THEN
14 EXCEPT THE DREAM PART?

15 A NO, SIR THERE WAS, WITHOUT PUTTING MY,
16 WITHOUT KNOWING ALL THE SPECIFICS, THERE WERE CERTAIN
17 PARTS OF WHAT HE WAS TELLING ME THAT I DID BELIEVE
18 AND THERE WERE CERTAIN PARTS THAT I DID NOT

19 Q AND DO YOU KNOW WHY, CAN YOU TELL US TODAY WHY
20 YOU BELIEVED CERTAIN PARTS AND WHY YOU DIDN'T BELIEVE
21 OTHER PARTS?

22 A NOT OTHER THAN WHAT I JUST EXPLAINED TO YOU

23 Q WELL, WHAT DID YOU JUST EXPLAIN TO ME? REPEAT
24 THAT ONE MORE TIME

25 A THERE WERE THINGS THAT I KNEW ABOUT THE PHYSICAL

1 EVIDENCE AND THINGS THAT I HAD BEEN TOLD, THAT I HAD
2 LEARNED THROUGH THE INVESTIGATION ABOUT HOW THE CRIME
3 WAS REPORTED, AND STATEMENTS THAT MR COPE HAD MADE
4 TO THE OTHER INVESTIGATING OFFICERS, AND THINGS THAT
5 IN MY TRAINING AND EXPERIENCE WOULD LEAD ME TO
6 COMPLETELY NOT BELIEVE, AND HIS DEMEANOR AND
7 SOMETIMES WITH HIS EYE CONTACT, WITH HIS BODY
8 MOVEMENTS, WITH THE TONE OF HIS VOICE, AND JUST
9 THROUGH GOOD COMMON POLICE KNOWLEDGE THERE WERE
10 CERTAIN THINGS THAT I KNEW THAT HE WAS NOT TELLING
11 THE TRUTH ABOUT

12 Q AND YOU KNEW THAT?

13 A YES, SIR

14 Q AND THAT'S JUST SOMETHING YOU KNOW JUST FROM
15 YOUR EXPERIENCE?

16 A IT'S -- THAT'S CORRECT

17 Q IS THAT RIGHT?

18 A THE TOTALITY OF THE CIRCUMSTANCES, MY
19 EXPERIENCE, AND THE THINGS THAT I HAD LEARNED AND THE
20 THINGS THAT HE WAS SAYING, THE THINGS I KNEW WERE
21 TRUE, AND THE THINGS THAT I KNEW WERE NOT

22 Q WE'RE NOT TALKING ABOUT ANY PHYSICAL EVIDENCE
23 PER SE, ARE WE?

24 A YES, SIR, I MEAN

25 Q SUCH AS?

000328

1 A SUCH AS THE BEDSPREAD WRAPPED AROUND, WRAPPED
2 AROUND THE HEAD, SUCH AS HER CLOTHING, SUCH AS THE
3 WAY HER CLOTHING WAS PULLED UP, YEAH, WE'RE TALKING
4 PHYSICAL EVIDENCE I'M TALKING EVERYTHING I KNEW AT
5 THAT TIME I DIDN'T JUST SAY I KNOW THIS

6 EVERYTHING THAT I KNEW WHEN I WAS TALKING TO HIM IS
7 WHAT FACULTIES AND THE KNOWLEDGE I USED TO, IN MY
8 MIND, DETERMINE WHETHER OR NOT I BELIEVED HIM OR NOT

9 Q NOW AS YOU TESTIFIED HERE TODAY YOU HAVE A VERY
10 CALM DEMEANOR AND DISPOSITION, WOULD THAT BE
11 CHARACTERISTIC OF HOW YOU TALKED TO MR COPE ON
12 DECEMBER THIRD?

13 A SOME OF THE TIME, YES, SIR

14 Q SOME OF THE TIME?

15 A THAT'S CORRECT

16 Q WERE THERE TIMES WHERE YOU RAISED YOUR VOICE A
17 LITTLE MORE THAN YOU ARE NOW?

18 A YES THERE WAS TIMES WHEN I GOT VERY QUIET AND
19 POLITE AND TRIED TO REALLY REASON AND CRY WITH HIM,
20 AND THERE WAS TIMES WHEN I PROBABLY RAISED MY VOICE
21 AND SAID THERE IS NOBODY EVER GOING TO BELIEVE THAT,
22 BILLY YOU NEED TO TELL US THE TRUTH

23 Q AND I ASSUME THAT THAT, FROM WHAT YOU SAID
24 EARLIER, THAT MUST HAVE BEEN IN THE AFTERNOON, RIGHT?

25 A IT WAS IN THE AFTERNOON BEFORE I EVER QUESTIONED

000329

1 ANYTHING THAT HE WAS TELLING US

2 Q OKAY BECAUSE WHEN HE CAME OVER THERE THAT
3 MORNING HE TOLD YOU LIKE HE HAD TOLD LIEUTENANT
4 WALDROP AND LIEUTENANT HERRING FOR FOUR HOURS THAT HE
5 DIDN'T HAVE ANYTHING TO DO WITH THIS?

6 A NO, SIR

7 Q HE NEVER TOLD YOU THAT THAT MORNING?

8 A NO, SIR

9 Q HE CAME OVER THERE AND JUST GAVE YOU THE DREAM
10 STATEMENT?

11 A RIGHT OUT OF THE BOX

12 Q AND YOU JUST LET HIM TALK AND LET HIM WRITE IT
13 DOWN?

14 A YES, SIR

15 Q NOW AT WHAT POINT DID YOU RAISE YOUR VOICE TO
16 HIM?

17 A THAT AFTERNOON

18 Q ABOUT WHAT?

19 A ABOUT THAT I DIDN'T BELIEVE THAT HE WAS TELLING
20 US THE ENTIRE TRUTH AND THAT HE NEEDED TO

21 Q OKAY WAS THAT, THAT INTERVIEW IN THE AFTERNOON
22 LASTED THREE AND A HALF HOURS OR THERE ABOUTS,
23 CORRECT?

24 A 1 30 TO 4 55

25 Q IS THAT RIGHT? IS MY MATH RIGHT ON THAT?

1 A I DON'T KNOW IT STARTED AT 1 30 AND LASTED
2 UNTIL 4 55

3 Q AND YOU WERE INVOLVED IN THAT INTERVIEW?

4 A YES, SIR

5 Q AND WHO ELSE?

6 A DETECTIVE BLACKWELDER

7 Q AND WHERE WAS THAT?

8 A IN HER OFFICE

9 Q OKAY AND IT WAS DURING THAT INTERVIEW THAT YOU
10 SOMETIMES HAD TO RAISE YOUR VOICE?

11 A YES, SIR

12 Q OKAY BECAUSE HE WAS TELLING YOU ABOUT THE
13 DREAM, RIGHT?

14 A I DON'T REMEMBER AT WHAT SPECIFIC TIMES THAT I
15 RAISED MY VOICE, BUT I'M NOT DENYING THAT I PROBABLY
16 DID I WAS PRETTY INSISTENT ON THAT HE WASN'T
17 TELLING US THE TRUTH

18 Q WAS DETECTIVE BLACKWELDER IN THE SAME ROOM WITH
19 YOU?

20 A THE ENTIRE TIME, YES, SIR

21 Q WAS SHE TALKING TO HIM AS WELL?

22 A YES, SIR

23 Q WAS SHE RAISING HER VOICE?

24 A I DON'T EVER RECALL DETECTIVE BLACKWELDER
25 RAISING HER VOICE

1 Q OKAY OTHER THAN THE RE-ENACTMENT NONE OF THESE
2 CONVERSATIONS WERE RECORDED YOU HAVE INDICATED --

3 A NOT TO MY KNOWLEDGE

4 Q ---SEVERAL TIMES THAT'S JUST NOT YOUR
5 PRACTICE?

6 A THAT'S CORRECT

7 Q IT'S TOO MUCH TROUBLE?

8 A IT IS, YES, SIR

9 Q OKAY WHEN MR BARROWCLOUGH CAME OVER THERE,
10 KNOCKED ON THE DOOR?

11 A TO --

12 Q DO YOU REMEMBER WHAT TIME IT WAS THAT MR
13 BARROWCLOUGH CAME OVER THERE DURING THIS INTERVIEW IN
14 THE AFTERNOON?

15 A I WAS FIRST NOTIFIED THAT HE WAS THERE IN THE
16 LOBBY, I RECEIVED A PAGE FROM MY CLERICAL STAFF AT
17 ABOUT TWO P M

18 Q THAT HE WAS IN THE LOBBY?

19 A THAT'S CORRECT

20 Q DID YOU GO OUT AND TALK TO HIM?

21 A AT SOME POINT DURING THAT COURSE OF ACTION, YES,
22 SIR, I DID

23 Q AT TWO O'CLOCK WHEN YOU RECEIVED THAT PAGE DID
24 YOU GO OUT AND TALK TO HIM?

25 A I'M NOT SURE

000332

1 Q YOU DIDN'T HAVE A PROBLEM WITH BILLY TALKING TO
2 A LAWYER THOUGH, DID YOU?

3 A NONE WHATSOEVER

4 Q YOU DIDN'T HAVE A PROBLEM AT ALL WITH THAT?

5 A NOT IF BILLY WANTED TO TALK TO ONE

6 Q AND YOU TOLD BILLY IF YOU WANT TO GO TALK TO
7 YOUR LAWYER, JUST, HE'S RIGHT OUTSIDE, GO AHEAD

8 A THAT WASN'T EXACTLY HOW I TOLD HIM, NO, SIR

9 Q WELL, TELL ME HOW YOU TOLD HIM IF YOU DON'T
10 MIND

11 A I ASKED HIM WAS HE REPRESENTED BY A LAWYER AND
12 HE SAID NO AND I ASKED HIM DID HE KNOW AN ATTORNEY
13 BARROWCLOUGH AND HE SAID NO AND I SAID ATTORNEY
14 BARROWCLOUGH IS IN THE LOBBY AND STATES THAT HE'S
15 REPRESENTING YOU, DO YOU WANT TO TALK TO HIM, AND HE
16 SAID NO

17 Q OKAY WHY WERE YOU ON THE PHONE WITH SOLICITOR
18 BRACKETT?

19 A BECAUSE I ASSUME ATTORNEY BARROWCLOUGH HAD
20 CALLED THE SOLICITOR'S OFFICE

21 Q SO WHAT'S THAT GOT TO DO WITH YOU CALLING THE
22 SOLICITOR

23 A I RECEIVED A PAGE TO CALL THE SOLICITOR

24 Q YOU RECEIVED A PAGE TO CALL THE SOLICITOR?

25 A YES, SIR

1 Q OKAY WHICH PAGE DID YOU RECEIVE FIRST -- THAT
2 THE ATTORNEY BARROWCLOUGH WAS IN THE LOBBY?

3 A YES, SIR

4 Q AND THEN YOU RECEIVED A PAGE TO CALL THE
5 SOLICITOR?

6 A THAT'S CORRECT

7 Q MR BRACKETT?

8 A THAT'S CORRECT

9 Q AND CAN YOU TELL ME WHAT THAT CONVERSATION WAS
10 ABOUT?

11 A IT WAS ABOUT MR BARROWCLOUGH BEING IN THE LOBBY
12 WISHING TO SPEAK WITH MR COPE

13 Q ALL RIGHT WHAT WAS THE PURPOSE OF YOU TALKING
14 TO THE SOLICITOR ABOUT MR BARROWCLOUGH? WHY DID YOU
15 NEED TO TALK TO THEM?

16 A BECAUSE I RECEIVED A PAGE WHEN HE WANTED TO
17 TALK TO ME I WAS COURTEOUS AND RESPONDED TO THE PAGE

18 Q WHY DID, WHAT WAS THAT CONVERSATION ABOUT?

19 A MR BRACKETT WANTED TO KNOW IF I KNEW THAT MR
20 BARROWCLOUGH WAS IN THE LOBBY AND HE WANTED TO MAKE,
21 THAT WAS IT

22 Q YOU TOLD HIM, YEAH, HE WAS IN THE LOBBY?

23 A I SAID I RECEIVED THAT PAGE, THAT IS CORRECT
24 I MAY HAVE ALREADY TALKED TO BARROWCLOUGH BEFORE I
25 TALKED TO MR BRACKETT I'M NOT SURE

1 Q AT SOME POINT YOU CALLED MR BRACKETT BACK I
2 BELIEVE OR --

3 A THAT'S CORRECT

4 Q OR Y'ALL TALKED AGAIN?

5 A THAT'S CORRECT

6 Q WHAT WAS THAT ABOUT?

7 A I'M NOT SURE IT WAS ON THE SAME MATTER, BUT
8 I'M NOT SURE WHAT SPECIFICALLY LEAD TO THE SECOND
9 CALL

10 Q CAN YOU RECOLLECT IN YOUR MIND WHAT MATTER THAT
11 WOULD HAVE BEEN THAT YOU NEEDED TO TALK TO THE
12 SOLICITOR AGAIN ABOUT MR BARROWCLOUGH BEING OUT IN
13 THE LOBBY?

14 A NO, SIR

15 Q YOU CAN'T REMEMBER THAT?

16 A WHY THERE WAS A SECOND CALL?

17 Q RIGHT

18 A NO, SIR

19 Q OKAY BUT YOU TOLD BILLY COPE THAT THERE IS A
20 LAWYER OUT THERE AND IF HE WANTED TO GO TALK TO HIM
21 FEEL FREE?

22 A AS I'VE ALREADY TESTIFIED TO ABOUT TWICE WHAT I
23 TOLD MR COPE

24 Q AND THAT'S WHAT YOU TOLD HIM, I'M GOING TO ASK
25 YOU ONE MORE TIME, IS THAT WHAT YOU TOLD HIM?

1 A WHAT YOU JUST SAID IS NOT WHAT I TOLD HIM WHAT
2 I TESTIFIED TO TWICE EARLIER IS WHAT I TOLD HIM

3 Q YOU TOLD HIM THERE WAS A LAWYER IN THE OFFICE,
4 THERE WAS A LAWYER OUTSIDE?

5 A YOU MIND IF I TESTIFY?

6 Q NO I'M GOING TO ASK YOU THE QUESTIONS AND YOU
7 CAN RESPOND TO THEM

8 A ALL RIGHT

9 Q ALL RIGHT DID YOU TELL HIM THERE WAS A LAWYER
10 IN THE LOBBY?

11 A NO, SIR

12 Q OKAY DID YOU TELL HIM THERE WAS A MAN NAMED
13 B J BARROWCLOUGH IN THE LOBBY?

14 A I TOLD HIM THERE WAS AN ATTORNEY -- I ASKED HIM
15 DID HE KNOW AN ATTORNEY I ASKED DID HE HAVE AN
16 ATTORNEY HE SAID NO I ASKED HIM DOES HE KNOW AN
17 ATTORNEY B J BARROWCLOUGH HE SAID NO I TOLD HIM
18 THAT MR BARROWCLOUGH WAS IN THE LOBBY AND STATED HE
19 REPRESENTED HIM DID HE WANT TO TALK TO HIM

20 Q AND HE SAID?

21 A NO

22 Q AND AT WHAT POINT DID YOU GIVE HIM A SLIP OF
23 PAPER TO SIGN TO INDICATE THAT? WAS THAT RIGHT THEN?

24 A IT MAY BE TEN MINUTES LATER

25 Q OKAY AND SO 10 MINUTES AFTER YOU KNEW THAT MR

1 BARROWCLOUGH WAS IN THE LOBBY YOU HAD MR COPE SIGN A
2 STATEMENT THAT HE DID NOT WISH TO TALK TO MR
3 BARROWCLOUGH?

4 A I KNEW HE WAS IN THE LOBBY EARLIER --

5 Q OKAY WELL, I GUESS --

6 A ---BEFORE I MENTIONED IT TO MR COPE I KNEW
7 MR BARROWCLOUGH WAS IN THE LOBBY BEFORE I MENTIONED
8 IT TO MR COPE

9 Q RIGHT HOW LONG WAS IT THAT YOU KNEW THAT MR
10 BARROWCLOUGH WAS IN THE LOBBY BEFORE YOU GAVE THAT
11 FORM TO MR COPE TO SIGN TO SAY HE DIDN'T WISH TO SEE
12 MR BARROWCLOUGH?

13 A I'M NOT SURE MAYBE 30 MINUTES

14 Q 30 MINUTES HAD YOU BEEN IN TOUCH WITH THE
15 SOLICITOR IN BETWEEN THOSE TWO TIMES?

16 A YES, SIR

17 Q HOW MANY TIMES HAD YOU BEEN IN TOUCH WITH THE
18 SOLICITOR BETWEEN THOSE TWO TIMES?

19 A TWO TO THE BEST OF MY KNOWLEDGE

20 Q SO MR BARROWCLOUGH COMES, KNOCKS ON THE DOOR,
21 YOUR TESTIMONY IS THAT YOU TALKED TO THE SOLICITOR
22 TWICE WITHIN 30 MINUTES, AND THEN IN ABOUT A 30
23 MINUTE SPAN YOU GIVE MR COPE A FORM TO SIGN?

24 A THAT'S CORRECT

25 Q AND HE VOLUNTARILY SIGNED THAT FORM?

1 A YES, SIR

2 Q DID YOU THREATEN HIM IN ANY WAY TO GET HIM TO
3 SIGN THE FORM?

4 A NO, SIR

5 Q YOU NEVER THREATENED HIM AT ALL TO GET HIM TO
6 SIGN THE FORM?

7 A NO, SIR

8 Q DID YOU EVER BRING UP ANYTHING ABOUT THE DEATH
9 PENALTY

10 A TO MR COPE?

11 Q TO MR COPE

12 A NO, SIR

13 Q DID YOU EVER TALK TO HIM ABOUT TALKING TO
14 SOLICITOR AND THE DEATH PENALTY MIGHT BE A FACTOR IN
15 THIS CASE?

16 A NO, SIR

17 Q YOU NEVER DID THAT?

18 A NO, SIR

19 Q OKAY DID YOU EVER LIE TO HIM AT ALL ABOUT ANY
20 OF THE EVIDENCE?

21 A I'M NOT SURE

22 Q YOU MEAN YOU MAY HAVE?

23 A I MAY HAVE

24 Q AND IF YOU DID LIE TO HIM ABOUT SOME OF THE
25 EVIDENCE CAN YOU REMEMBER WHAT THAT MIGHT HAVE BEEN?

1 A SINCE I DON'T REMEMBER IF I DID OR NOT, NO, SIR,
2 I DO NOT

3 Q IS THAT SOMETHING THAT YOU DO SOMETIMES?

4 A SOMETHING I HAVE DONE IN THE PAST, CORRECT

5 Q OKAY DO YOU KNOW WHETHER IT WAS DONE IN THIS
6 CASE?

7 A NO, SIR

8 Q YOU DON'T KNOW WHETHER IT WAS DONE?

9 A NO, SIR

10 Q OKAY

11 A THERE WAS NOTHING SPECIFIC THAT STANDS OUT IN MY
12 MIND

13 Q OKAY YOU'VE BEEN INVOLVED IN MANY
14 INVESTIGATIONS OBVIOUSLY AND YOU CERTAINLY UNDERSTAND
15 THAT SOMETIMES HOUSES ARE ENTERED AND BURGLARIZED
16 WITHOUT THERE BEING SIGNS OF FORCED ENTRY APPARENT,
17 CORRECT?

18 A I WOULD SAY THAT IS THE RARE EXCEPTION, NOT THE
19 NORMAL, BUT IT IS POSSIBLE

20 Q OH, YEAH MANY TIMES HOUSES ARE ENTERED WITH
21 CREDIT CARDS, WINDOWS, OPEN DOORS, SCREWDRIVERS, AND
22 YOU DON'T SEE SIGNS OF FORCED ENTRY I MEAN,
23 THAT'S --

24 A ARE YOU TESTIFYING OR YOU ASKING A QUESTION?

25 Q I'M ASKING A QUESTION I'M ASKING YOU ISN'T

1 THAT RIGHT?

2 A THAT'S NOT CORRECT

3 Q THAT'S NOT CORRECT?

4 A NO, SIR

5 Q THAT HAPPENS, IS THAT YOUR TESTIMONY?

6 A IT COULD PERCEIVABLY HAPPEN, YES, SIR, BUT IT
7 DOES NOT HAPPEN MANY TIMES AND IS NOT COMMON

8 Q IT'S HAPPENED IN YOUR CAREER?

9 A REPEAT THE QUESTION AGAIN I CAN'T THINK OF --

10 Q ---THAT HOUSES HAVE BEEN ENTERED AND BURGLARIZED
11 OR PEOPLE ASSAULTED WITHOUT THE HOUSE ITSELF SHOWING
12 ANY SIGNS OF QUOTE FORCIBLE ENTRY?

13 A THAT'S CORRECT

14 Q THAT IS CORRECT?

15 A YES, SIR USUALLY AFTER THE FACT THAT WE'RE
16 ABLE TO DETERMINE HOW THE INDIVIDUAL WAS LET INTO THE
17 HOUSE OR OBTAINED A KEY OR THE DOOR WAS LEFT
18 UNLOCKED

19 Q SOMETIMES YOU JUST CAN'T DETERMINE THAT THOUGH,
20 RIGHT?

21 A SOMETIMES YOU CAN'T DETERMINE THAT I CANNOT
22 REMEMBER A CASE BUT I'M SURE --

23 Q YOU CAN'T REMEMBER A CASE?

24 A I CANNOT REMEMBER A CASE

25 Q IN YOUR 30 YEAR CAREER, YOU CAN'T REMEMBER A

1 CASE WHERE THAT'S EVER HAPPENED?

2 A NO, SIR

3 Q SO IN YOUR 30 YEAR CAREER, IN ALL THE CASES THAT
4 YOU'VE WORKED, YOU CAN'T REMEMBER A TIME WHERE A
5 HOUSE HAS BEEN ENTERED AND YOUR NOT BEING ABLE TO
6 DETERMINE HOW IT HAPPENED OR -- LET ME REPHRASE THAT
7 ARE YOU SAYING THAT HOUSES IN YOUR CAREER,
8 INVESTIGATIONS THAT YOU HAVE DONE, YOU HAVE ALWAYS
9 BEEN ABLE TO DETERMINE SIGNS OF FORCED ENTRY, ARE YOU
10 SAYING THAT?

11 A I'M SAYING I CANNOT REMEMBER A TIME WHERE THE
12 HOUSE WAS ENTERED, THAT WE KNEW IT WAS ENTERED, THAT
13 WE NEVER DETERMINED HOW ENTRY WAS MADE

14 Q HOW ENTRY WAS MADE?

15 A THAT'S CORRECT

16 Q YOU CAN'T REMEMBER THAT?

17 A I CAN'T REMEMBER I'M NOT SAYING IT DIDN'T
18 HAPPEN 30 YEARS IS A LONG TIME I DON'T REMEMBER
19 IT

20 Q ON THE AFTERNOON STATEMENT, FROM 1 30 UNTIL FIVE
21 O'CLOCK, YOU SPOKE TO MR COPE ABOUT HIS OTHER TWO
22 DAUGHTERS?

23 A THAT'S CORRECT

24 Q OKAY AND WHAT MADE YOU BRING THAT UP?

25 A THERE WAS SUSPICION AND THEN LATER THERE WAS

1 SOME EXAMINATION OR EVIDENCE WHICH LEAD US TO BELIEVE
2 THAT THE OTHER TWO DAUGHTERS HAD ALSO BEEN ASSAULTED
3 SEXUALLY

4 Q WHAT SUSPICION WAS THERE AT 1 30 DECEMBER THIRD
5 '01?

6 A JUST WHAT I TOLD YOU

7 Q YOU DIDN'T TELL ME I'M ASKING YOU WHAT
8 SUSPICION THERE WAS WHEN YOU ASKED HIM ABOUT THAT?

9 A THERE WAS SOME EXAMINATIONAL EVIDENCE THAT HAD,
10 THERE WAS, EXAMINATION HAD BEEN CONDUCTED ON THE
11 OTHER TWO GIRLS WHICH I RECEIVED INFORMATION THAT
12 LEAD TO ME TO BELIEVE THAT THEY POSSIBLY HAD EVIDENCE
13 OF SEXUAL ASSAULT/ABUSE ALSO

14 Q WHAT INFORMATION WAS THAT ON DECEMBER THIRD AT
15 1 45?

16 A WITHOUT KNOWING THE SPECIFICS, I BELIEVE
17 DETECTIVE BLACKWELDER INFORMED ME THAT THE OTHER TWO
18 GIRLS HAD HAD SOME TESTS RUN ON THEM AND SEEMS LIKE
19 IT WAS IN ANOTHER CITY WHERE, SEEMS LIKE LEXINGTON
20 COMES TO MIND, BUT THE GIRLS WERE EXAMINED AND THERE
21 WAS, RESULTS OF THE EXAMINATIONS INDICATED SUSPICIONS
22 OF SEXUAL ASSAULT

23 Q OKAY SO YOU BROUGHT THAT UP TO MR COPE AND
24 ASKED HIM ABOUT THAT?

25 A YES, SIR

1 Q OKAY AND HE MENTIONS, I THINK IN THE NEXT TO
2 THE LAST LINE OF HIS STATEMENT TO YOU AND CHARLENE AT
3 4 55, THAT HE HAD MOLESTED KYLA AND JESSICA AT SOME
4 POINT, IS THAT RIGHT?

5 A I BELIEVE THAT'S CORRECT, YES, SIR

6 Q OKAY AFTER THIS STATEMENT WAS TAKEN FROM
7 MR COPE AND HE WAS ALLOWED TO GO TALK TO OR HE WAS
8 ALLOWED, I GUESS, OR MR BARROWCLOUGH AND HE WERE
9 INTRODUCED, CORRECT?

10 A YES, SIR

11 Q THAT WAS AFTER THE INTERVIEW WAS COMPLETED,
12 RIGHT?

13 A YES, SIR

14 Q OKAY IF YOU INTRODUCED HIM TO MR BARROWCLOUGH
15 AT FIVE, O'CLOCK WHY DIDN'T YOU INTRODUCE HIM TO HIM
16 AT TWO O'CLOCK?

17 A BECAUSE WE WERE STILL CONDUCTING THE INTERVIEW
18 UNTIL --

19 Q SO WHAT DIFFERENCE DOES THAT MAKE?

20 A THE SAME REASON I DIDN'T LET YOU OR ANY OTHER
21 INVESTIGATORS IN THE OFFICE, WE WERE CONDUCTING AN
22 INTERVIEW YOU DON'T CONDUCT IT WITH AN AUDIENCE, A
23 FAMILY MEMBER, OR ANYBODY

24 Q YOU DON'T WANT A LAWYER THERE?

25 A UNLESS THE DEFENDANT WANTS ONE

1 Q OKAY AND IF HE WANTS ONE, THEN YOU LET HIM
2 COME IN?

3 A THAT'S CORRECT

4 Q SO YOUR TESTIMONY IS THAT BECAUSE YOU WERE
5 CONDUCTING AN INTERVIEW WITH MR COPE AT TWO O'CLOCK
6 THAT YOU DID NOT WANT TO BE INTERRUPTED, IS THAT
7 FAIR?

8 A THE TESTIMONY WAS DIDN'T WANT ANYONE ELSE IN THE
9 ROOM WITH US DURING THAT AT ALL

10 Q WHICH WAS BEING INTERRUPTED?

11 A NO, YOU CAN INTERRUPT IN SEVERAL WAYS

12 Q SO YOU DON'T WANT ANYBODY TO COME IN THE ROOM
13 WHILE YOU WERE CONDUCTING THE INVESTIGATION?

14 A DIDN'T WANT ANYONE SITTING IN THE ROOM PRESENT
15 HINDERING THE INVESTIGATION

16 Q OKAY AND DO YOU THINK MR BARROWCLOUGH MAY
17 HAVE HINDERED THE INVESTIGATION?

18 A I THINK EVEN MAYBE ANOTHER ONE OF MY DETECTIVES
19 IN THE ROOM MAY HAVE HINDERED THE INTERVIEW

20 Q OKAY AFTER DECEMBER THIRD AT 4 45, WHAT ELSE
21 HAD YOU DONE IN REGARDS TO THIS CASE AS FAR AS
22 INVESTIGATION?

23 A CAN YOU BE A LITTLE BIT MORE SPECIFIC?

24 Q YEAH WHAT HAVE YOU INVESTIGATED, YOU YOURSELF
25 SPECIFICALLY?

1 A I DON'T UNDERSTAND I'M SORRY

2 Q OKAY HAVE YOU DONE ANYTHING ON THIS CASE SINCE
3 DECEMBER THIRD?

4 A YES, SIR

5 Q YOU'VE TESTIFIED?

6 A YES, SIR

7 Q YOU'VE TALKED TO PEOPLE?

8 A YES, SIR

9 Q HAVE YOU CONDUCTED ANY OTHER INVESTIGATION
10 YOURSELF?

11 A IN THIS CASE?

12 Q YES

13 A OTHER THAN BEING CAPTAIN OF THE DETECTIVE
14 DIVISION WHERE MY DETECTIVES WERE WORKING ON IT, I
15 CAN'T SPECIFICALLY REMEMBER ANYTHING

16 Q OKAY

17 A I MAY HAVE

18 Q WHEN DID YOU BECOME AWARE THAT A TAPE RECORDING
19 HAD BEEN MADE OF THE CONVERSATION THAT MR COPE HAD
20 WITH LIEUTENANT WALDROP AND LIEUTENANT HERRING?

21 A AFTER THE FACT AFTER THAT DATE I'M NOT SURE
22 WHEN

23 Q WAS IT NEXT DAY, NEXT WEEK?

24 A NO

25 Q IT WASN'T?

000345

1 A NO

2 Q NEXT MONTH?

3 A I DON'T THINK SO

4 Q SEVERAL MONTHS?

5 A I THINK IT WAS IN TRIAL PREPARATION

6 Q PREPARATION FOR WHAT?

7 A TRIAL PREPARATION I BELIEVE

8 Q SO YOU DIDN'T KNOW UNTIL Y'ALL STARTED PREPARING

9 FOR TRIAL THAT A TAPE RECORDING HAD BEEN MADE, NOBODY

10 HAD MENTIONED THAT TO YOU?

11 A NO, SIR, I DON'T THINK SO

12 Q YOU THINK THAT'S IMPORTANT?

13 A NO, SIR

14 Q YOU DON'T THINK IT'S IMPORTANT?

15 A THAT ONE OF MY DETECTIVES RECORDED AN INTERVIEW?

16 Q RIGHT

17 A NO, THAT'S BEEN DONE BEFORE

18 Q OKAY DID YOU THINK THE CONTENTS OF THAT

19 RECORDING WERE IMPORTANT TO YOU?

20 A IF THEY WERE I WOULD THINK MY DETECTIVE WOULD

21 HAVE TOLD ME

22 Q BUT THEY DIDN'T TELL YOU?

23 A IT'S MY UNDERSTANDING THAT MR COPE DID NOT

24 ADMIT THAT THURSDAY NIGHT IT WAS THE NEXT FRIDAY

25 MORNING THAT HE MADE THE FIRST CONFESSION

1 Q SO IS IT ONLY IMPORTANT TO YOU WHEN THEY ADMIT
2 SOMETHING VERSUS WHEN THEY DENY SOMETHING?

3 A NO, SIR I WAS INFORMED THAT HE DENIED IT

4 Q OKAY BUT YOU WEREN'T INFORMED THAT THERE WAS A
5 TAPE RECORDED --

6 A ---I MAY HAVE BEEN INFORMED

7 Q THREE HOUR ---

8 A ---I JUST DON'T REMEMBER

9 Q OKAY I BEG THE COURT'S INDULGENCE ONE SECOND
10 DID YOU TAKE ANY NOTES?

11 A DID I TAKE ANY NOTES WHEN?

12 Q WHEN YOU WERE INTERVIEWING MR COPE?

13 A NO, SIR

14 Q IS THAT YOUR PRACTICE NOT TO TAKE THEM?

15 A DETECTIVE BLACKWELDER WAS TAKING THE NOTES I
16 FOUND THAT MORE, THE SUBJECT BEING INTERVIEWED IS
17 MORE COMFORTABLE AND MORE, IF YOU ARE NOT TAKING
18 NOTES WHEN YOU ARE TALKING TO THEM

19 Q OKAY SO YOU DIDN'T TAKE ANY NOTES AT ALL?

20 A NO, SIR

21 Q DETECTIVE BLACKWELDER WAS TAKING NOTES?

22 A THAT'S CORRECT

23 MR MORTON THAT'S ALL I HAVE THANK
24 YOU

25 MR BRACKETT JUST BRIEFLY, YOUR HONOR

1 REDIRECT EXAMINATION BY MR BRACKETT

2 Q MR MORTON ASKED YOU A NUMBER OF QUESTIONS ABOUT
3 YOUR JUDGMENT OF WHETHER OR NOT MR COPE WAS TELLING
4 THE TRUTH OR NOT?

5 A YES, SIR

6 Q AND YOUR DECISION TO GO BACK AND THEN QUESTION
7 HIM SOME MORE THAT AFTERNOON

8 A YES, SIR

9 Q AND YOU INDICATED TO MR MORTON THAT YOU DID NOT
10 THINK THAT HE WAS TELLING YOU THE TRUTH?

11 A THE WHOLE TRUTH, THAT'S CORRECT

12 Q THE WHOLE TRUTH AND YOU INDICATED WHY, HIS
13 DEMEANOR AND SO FORTH AND SO ON IN FACT, YOU WERE
14 ABLE TO DEVELOP MORE PHYSICAL EVIDENCE AS A RESULT OF
15 THAT AFTERNOON INTERVIEW, WERE YOU NOT?

16 A THAT'S CORRECT

17 Q WHAT OTHER PIECE OF PHYSICAL EVIDENCE WERE YOU
18 ABLE TO LOCATE AT THE HOUSE BECAUSE OF THAT INTERVIEW
19 WITH MR COPE?

20 A MR COPE WAS EXPLAINING HOW HE EJACULATED INTO A
21 WASH RAG, DISH RAG, SOME TYPE OF RAG, AND I HAD OUR
22 CRIME SCENE INVESTIGATORS OFFICER GARDNER, I BELIEVE
23 OFFICER WILLIAMS WAS WITH HIM, I WAS IN RADIO CONTACT
24 WITH THEM, AND AS MR COPE WAS EXPLAINING TO US WHAT
25 HE DID WITH THE RAG, I WAS RADIOING THAT INFORMATION

1 TO THE CRIME SCENE INVESTIGATORS AND THEY WERE ABLE
2 TO RECOVER SOME MORE EVIDENCE

3 Q A WASH RAG?

4 A SOME TYPE OF RAG, YES, SIR

5 Q WITH HIS SEMEN ON IT?

6 A I BELIEVE THAT'S WHAT THE RESULTS EVENTUALLY
7 CAME BACK TO, YES, SIR

8 Q OKAY NOW THE ISSUE WITH RAISING YOUR VOICE
9 CAN YOU EXPLAIN, AGAIN USING A SPECTRUM TO, COME ON,
10 THAT'S NOT REASONABLE, TO SCREAMING WHICH I WON'T
11 DUPLICATE, CAN YOU TELL US WHERE YOU WERE ON THAT
12 SPECTRUM?

13 A IT NEVER CAME CLOSE TO SCREAMING PEOPLE IN THE
14 NEXT OFFICE WOULD NOT HAVE BEEN ABLE TO HEAR MY
15 CONVERSATION AT ALL IT NEVER GOT TO THE POINT OF
16 ANY TYPE OF AGGRESSIVENESS OR WHATEVER BUT I WOULD
17 NOT DENY THAT I MAY HAVE RAISED MY VOICE WHEN I WAS
18 SAYING THAT, YOU KNOW, THAT'S NOT THE TRUTH

19 Q DID YOU EVER DO, MAKE ANY PHYSICAL MOVEMENT
20 TOWARD HIM OR ANY PHYSICAL GESTURE THAT HE COULD HAVE
21 INTERPRETED TO BE A THREAT TO HIS PERSON?

22 A NO, SIR, NONE WHATSOEVER

23 Q AND HE ASKED YOU ABOUT THE SLIP OF PAPER THAT HE
24 GAVE TO SIGN WHICH I THINK IS STATE'S EXHIBIT 8 AND
25 IT MAY BE ON THE BENCH WHO FILLED THAT OUT? WHOSE

1 HANDWRITING IS THAT?

2 A IT'S MY HANDWRITING

3 Q AND WHOSE SIGNATURE IS THAT ON THE BOTTOM?

4 A IT'S CHARLENE BLACKWELDER, WITNESS MINE RIGHT
5 THERE, AND THAT'S MR COPE'S THERE WHERE IT SAYS
6 SIGNED

7 Q AND MR MORTON ASKED YOU ABOUT, SOMETHING ABOUT
8 THREATENING HIM OR SOMETHING IN THAT VAIN AS REGARDS
9 GETTING HIM TO SIGN THAT, WERE THERE ANY THREATS MADE
10 TO GET HIM TO SIGN THAT?

11 A NONE WHATSOEVER, NO, SIR

12 Q ON THE ISSUE OF CONDUCTING A FURTHER
13 INVESTIGATION YOURSELF, ARE YOU AWARE THAT ANOTHER
14 INDIVIDUAL HAS BEEN CHARGED IN THIS CASE?

15 A YES, SIR, I AM

16 Q OKAY AND WERE YOU INVOLVED IN THE
17 INVESTIGATION OF GATHERING EVIDENCE AND SO FORTH THAT
18 LEAD TO THE CHARGES ON THAT OTHER INDIVIDUAL
19 MR JAMES SANDERS?

20 A YES, SIR, I WAS

21 Q SEATED OVER HERE WITH HIS ATTORNEY MR GREELEY?

22 A YES, SIR, I WAS

23 Q SO WOULD THAT BE, WOULD THAT FALL UNDER THAT
24 QUESTION, CONDUCT ANY FURTHER INVESTIGATION IN
25 RELATION TO THE DEATH OF AMANDA COPE?

1 A YES, SIR, IT WOULD

2 Q OKAY THANK YOU VERY MUCH

3 MR MORTON JUST A COUPLE QUESTIONS, YOUR
4 HONOR

5 RE CROSS EXAMINATION BY MR MORTON

6 Q WHAT DID YOU DO TO INVESTIGATE MR SANDERS?

7 A I DIRECTED THE DETECTIVES AND TALKED WITH
8 FORENSIC EXPERTS IN THE CASE

9 Q WHEN WAS THAT?

10 A AFTER DECEMBER AND PRIOR TO MR SANDERS' ARREST

11 Q OKAY WAS YOUR INVESTIGATION FOCUSED ON
12 MR SANDERS AT SOME POINT DURING DECEMBER?

13 A NOT DECEMBER, NO, SIR

14 Q WHEN DID YOU BECOME INTERESTED IN MR SANDERS?

15 A SOME SEVERAL MONTHS LATER

16 Q OKAY

17 A WHEN WE RECEIVED --

18 Q WHEN HE WAS CAUGHT --

19 A WE RECEIVED INFORMATION FROM THE STATE
20 LABORATORY THAT THE DNA SAMPLES FROM EVIDENCE FOUND
21 AT THE SCENE OF AMANDA COPE'S DEATH MATCHED
22 MR SANDERS

23 Q RIGHT

24 A THAT'S WHEN HE BECAME A FOCUS OF THIS
25 INVESTIGATION

1 Q WHEN YOU RECEIVED THAT INFORMATION, CAPTAIN
2 CABANISS, DID IT WORRY YOU AT ALL?

3 MR BRACKETT YOUR HONOR, I AM GOING TO
4 OBJECT TO RELEVANCY

5 THE COURT WELL, I DON'T THINK IT'S
6 RELEVANT, BUT I'M GOING TO GO AHEAD SINCE IT'S CROSS
7 EXAMINATION AND THERE IS NO JURY

8 A DID IT WORRY ME? NO, IT DIDN'T WORRY ME BECAUSE
9 I KNEW WHERE MR SANDERS WAS AT I KNEW HE WAS IN
10 JAIL

11 Q NO BUT YOU DIDN'T -- WHEN YOU FOUND OUT WHERE
12 HE WAS ON NOVEMBER 29 OF 2001?

13 A I DON'T UNDERSTAND

14 Q ON NOVEMBER 29 OF 2001 MR SANDERS' SEMEN WAS
15 LEFT ON AMANDA COPE'S LEG?

16 A ON HER PANTS LEG TO MY UNDERSTANDING

17 Q AND SALVIA ON HER BREAST?

18 A THAT'S CORRECT

19 Q SO ONCE YOU RECEIVED THAT INFORMATION DID IT
20 CAUSE YOU PAUSE OF CONCERN?

21 A IN WHAT REGARD?

22 Q ABOUT WHETHER YOU HAD GOTTEN A CONFESSION FROM
23 BILLY COPE THAT WASN'T TRUE?

24 A NO NO, SIR I'M SORRY LET ME BACK UP WE
25 KNEW THAT DNA FROM THE PANTS LEG AND ON HER BREAST

1 WAS NOT MR COPE'S

2 Q WHEN DID YOU --

3 A ---PRIOR TO KNOWING IT WAS MR SANDERS

4 Q WHEN YOU FOUND OUT IT WASN'T HIS?

5 A CORRECT

6 Q WHEN YOU FOUND OUT THAT THE DNA WASN'T BILLY
7 COPE'S, DIDN'T BELONG TO HIM, THAT CONCERN YOU AT
8 ALL?

9 A YES, SIR

10 Q IT DID?

11 A YES, SIR

12 Q HOW?

13 A TOLD ME THERE WAS ANOTHER INDIVIDUAL OUT THERE
14 WE HADN'T ARRESTED

15 Q SO DID THAT CONCERN YOU ABOUT THE TRUTHFULNESS
16 AND VALIDITY OF MR COPE'S STATEMENT TO YOU?

17 A NONE WHATSOEVER THAT THERE WAS ADDITIONAL DNA
18 FOUND AT THE SCENE IS WHAT YOU ARE SAYING?

19 Q YES

20 A NO, SIR

21 Q DIDN'T BOTHER YOU AT ALL?

22 A IT BOTHERED ME THAT WE HAD ANOTHER INDIVIDUAL
23 INVOLVED IN THIS HEINOUS CRIME THAT HE WASN'T, WE
24 DIDN'T KNOW, WASN'T IDENTIFIED AT THAT TIME

25 Q BUT IT DIDN'T BOTHER YOU ABOUT BILLY COPE'S

1 STATEMENT?

2 A NONE WHATSOEVER IT CONCERNED ME THAT WE STILL
3 DIDN'T GET THE ENTIRE TRUTH OUT OF MR COPE

4 Q APPRECIATE IT THANK YOU

5 A UH-HUH

6 THE COURT YOU CAN STEP DOWN APPRECIATE
7 YOUR TIME THANK YOU

8 A YES, SIR THANK YOU

9 THE COURT YOU CAN BE EXCUSED ALL
10 RIGHT WE'LL TAKE A BREAK

11 (COURT IS IN RECESS)

12 (COURT RESUMES AT 3 30)

13 THE COURT ALL RIGHT, MR BRACKETT

14 MR BRACKETT I BELIEVE AT THIS TIME, I
15 THINK AT THIS TIME WE AGREED TO GO AHEAD AND PLAY
16 THESE TAPES I THINK BY STIPULATION WE WILL AGREE
17 THAT THESE ARE ACCURATE COPIES, THEY ARE NOT THE
18 ORIGINALS, OF THE TAPES THAT WERE MADE BY JERRY
19 WALDROP AND LES HERRING DURING THE INTERVIEW OF
20 NOVEMBER 29 INTO THE MORNING OF NOVEMBER 30 AND I
21 GUESS WE CAN JUST HAVE THESE MARKED AS A COURT'S
22 EXHIBIT OR STATE'S EXHIBIT I DON'T CARE

23 THE COURT WHOEVER IS PUTTING THEM

24 MR MORTON DOESN'T MATTER, PUT THEM IN
25 UNDER A DEFENSE EXHIBIT WILL BE FINE

1 MR BRACKETT THERE WE GO, DEFENSE
2 EXHIBIT

3 THE COURT I JUST WANT TO REMIND
4 EVERYBODY YOU ARE NOT SUPPOSED TO HAVE PHONES OR
5 ANYTHING LIKE THAT SOMEBODY'S SOMETHING WENT OFF AT
6 SOME POINT ALL RIGHT, WE'LL READY

7 MR BRACKETT I WILL PUSH THE PLAY BUTTON
8 AND WE'LL HAVE TO FOOL WITH IT IF YOU CAN HEAR IT OR
9 NOT YOU WILL HAVE THE TRANSCRIPT, YOU CAN FOLLOW
10 ALONG, IN SOME PLACES THE VOICE DIPS DOWN

11 THE COURT I'LL DO MY BEST

12 (THE TAPE IS PLAYED FOR THE COURT)

13 (DEFENDANT'S EXHIBIT THREE TAPES
14 RECEIVED INTO EVIDENCE)

15 THE COURT ISN'T THERE A THIRD TAPE?

16 MR BRACKETT YES, IT IS ANOTHER 90
17 MINUTES

18 THE COURT I DON'T, AFTER WE FINISH THIS
19 WE WILL STOP WE WON'T STAY HERE UNTIL 8 OR 9
20 TONIGHT

21 MR BRACKETT JUST FOR SCHEDULING
22 PURPOSES WE HAVE THE HEARING AT 9 30 TOMORROW MORNING
23 AND DETECTIVE BLACKWELDER HAS A MEDICAL APPOINTMENT
24 TOMORROW AFTERNOON THAT HAS BEEN SCHEDULED FOR ABOUT
25 SIX MONTHS WITH A SPECIALIST, SO IT WILL BE DIFFICULT

1 TO RE-ARRANGE I WAS HOPING TO GET HER TAKEN CARE OF
2 IN THE MORNING

3 THE COURT WHY CAN'T SHE TESTIFY WE CAN
4 COME BACK TO THE TAPES

5 MR BRACKETT WE CAN FINISH THIS SIDE AND
6 DO THAT IN THE MORNING

7 THE COURT WE WILL HAVE THE HEARING AND
8 THEN COME BACK AND DO HER AND THEN COME BACK TO THE
9 TAPES IF SHE IS GOING TO BE CALLED AS A WITNESS

10 MR BRACKETT SHE WILL BE CALLED AS A
11 WITNESS

12 THE COURT SHE WILL BE CALLED AS A
13 WITNESS I AM TOLD ALL RIGHT YES, SIR

14 (THE TAPE IS PLAYED)

15 THE COURT WE WILL STOP FOR THE DAY AND
16 START BACK AT 9 30 AND WE HAVE A HEARING FIRST AND
17 THEN WE WILL PROCEED THANK YOU

18 (COURT IS IN RECESS)
19
20
21
22
23
24
25

1 I, JANET RICH, OFFICIAL COURT REPORTER FOR
2 THE SIXTEENTH CIRCUIT OF THE STATE OF SOUTH CAROLINA,
3 DO HEREBY CERTIFY THAT THE FORGOING IS A TRUE,
4 ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL
5 THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE
6 TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN
7 THE CIRCUIT COURT FOR YORK COUNTY, SOUTH CAROLINA, ON
8 THE 16TH DAY OF SEPTEMBER 2004

9 I DO FURTHER CERTIFY THAT I AM NEITHER KIN,
10 COUNSEL, NOR INTEREST TO ANY PARTY HERETO

11
12
13
14
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25


JANET M RICH

000357

1 IN THE CIRCUIT COURT OF YORK COUNTY, SOUTH CAROLINA
2 STATE OF SOUTH CAROLINA

3 VERSUS

4 BILLY WAYNE COPE &
5 JAMES EDWARD SANDERS

6 INDICTMENT NUMBERS 2002-GS-46-3232-3234
7 2003-GS-46-1843-1844
8 2004-GS-46-2614-2618
9 2004-GS-46-196-199

10 HEARD AT THE MOSS JUSTICE CENTER,
11 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON
12 WEDNESDAY, AUGUST 25, 2004, BEFORE THE HONORABLE
13 JOHN C HAYES, III

14 APPEARANCES

15 TOMMY POPE
16 KEVIN BRACKETT
17 WILLY THOMPSON
18 16TH CIRCUIT SOLICITOR'S OFFICE
19 1675 YORK HIGHWAY
20 YORK, SC 29745
21 REPRESENTING THE STATE

22 JAMES MORTON
23 DAVID WOOD
24 MICHAEL SMITH
25 MORTON & GETTYS
1051 OAKLAND AVENUE
ROCK HILL, SC 29732

A PHILIP BAITY
POST OFFICE BOX 275
FORT MILL, SC 29715
REPRESENTING BILLY WAYNE COPE

LELAND GREELEY
128 E MAIN STREET SUITE 102
ROCK HILL, SC 29732
REPRESENTING JAMES EDWARD SANDERS

REPORTED BY JANET M RICH
CIRCUIT COURT REPORTER
1992 DOWNEY STREET
ROCK HILL, SC 29732

000358

I N D E X

MOTION 3

CHARLENE BLACKWELDER

DIRECT EXAMINATION 24

CROSS EXAMINATION 43

REDIRECT EXAMINATION 49

DOLORES WILLIAMS

DIRECT EXAMINATION 53

FREDA SIMPSON

DIRECT EXAMINATION 60

CROSS EXAMINATION 67

RAY LONG

DIRECT EXAMINATION 69

CROSS EXAMINATION 75

MIKE BAKER

DIRECT EXAMINATION 76

CROSS EXAMINATION 105

REDIRECT EXAMINATION 125

RECROSS EXAMINATION 128

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000360

1 (COURT RESUMES AT 9 40 ON WEDNESDAY,
2 AUGUST 25, 2004)

3 THE COURT ALL RIGHT FOR THE RECORD THE
4 DEFENDANTS ARE PRESENT WITH COUNSEL AND I TELL
5 EVERYBODY WE ARE A LITTLE LATE STARTING I PLANNED
6 TO START AT 9 30, BUT I HAD MET WITH COUNSEL IN
7 CHAMBERS REGARDING THE MOTION OF NBC NEWS AND CAROL
8 GABLE, CHATTED ABOUT THAT A LITTLE BIT, AND SO THAT'S
9 WHY WE HAVE BEEN WORKING

10 ALL RIGHT MR LIGHTSEY, YOU HAVE FILED A
11 MOTION TO QUASH AND YOU PROVIDED ME WITH A MEMORANDUM
12 WHICH I HAVE REVIEWED AND I'M GOING TO LET YOU GO
13 FORWARD AT THIS TIME

14 MR LIGHTSEY THANK YOU, YOUR HONOR MAY
15 IT PLEASE THE COURT MY NAME IS WALLACE LIGHTSEY
16 I'M HERE ON BEHALF OF EX PARTE MOVANT'S CAROL GABLE
17 AND NBC NEWS ON MOTION TO QUASH TWO SUBPOENAS THE
18 MOTION WAS ACTUALLY FILED THIS MORNING AND I HANDED
19 UP TO THE COURT PREVIOUSLY THE MOTION WITH ITS
20 EXHIBITS AND SUPPORTING AFFIDAVIT OF CAROL GABLE I
21 KNOW YOU ARE FAMILIAR WITH THE SITUATION, SO I WON'T
22 GO OVER EVERYTHING IN OUR MOTION PAPERS BUT JUST TO
23 SUMMARIZE, MS GABLE LIVES IN ANDERSON, SOUTH
24 CAROLINA, SHE'S A STAFF PRODUCER FOR DATELINE NBC,
25 AND FOR ABOUT SIX MONTHS NOW SHE'S BEEN WORKING ON A

1 NEWS REPORT CONCERNING THE COPE TRIAL AS PART OF
2 THAT WORK SHE HAD AN AGREEMENT WITH THE DEFENDANT AND
3 WITH THE DEFENSE COUNSEL THAT ALLOWED HER TO SIT IN
4 ON SOME OF THEIR MEETINGS, SOME OF THESE WERE
5 RECORDED THERE WAS ALSO A SHORT INTERVIEW OF
6 MR COPE THAT WAS RECORDED RIGHT BEFORE AND AFTER THE
7 PROCEEDING ON TERMINATION OF PARENTAL RIGHTS AND
8 THEN LAST WEEK SHE WAS WITH A CORRESPONDENT FOR
9 DATELINE NBC AND THEY WERE BEGINNING AN INTERVIEW
10 WITH MR COPE IN THE JAIL WHEN MR BRACKETT, DEPUTY
11 SOLICITOR, HANDED HER A TWO SUBPOENAS AT ISSUE IN
12 THIS CASE THE SUBPOENAS ARE IDENTICAL BASICALLY
13 THEY ASK FOR ANY STATEMENTS IN WHATEVER FORM FROM
14 MR COPE THAT THEY HAVE IN THEIR POSSESSION ONE IS
15 ADDRESSED TO MS GABLE PERSONALLY THE OTHER IS
16 ADDRESSED TO CUSTODIAN OF RECORDS FOR NBC OR FOR
17 DATELINE NBC DATELINE NBC IS PRODUCED BY NBC NEWS
18 WE'VE MOVED TO QUASH THE SUBPOENAS ON TWO GROUNDS
19 ONE IS PROCEDURAL ONE IS SUBSTANTIVE
20 PROCEDURALLY, THE SERVICE OF THE SUBPOENAS WAS
21 DEFECTIVE THEY WERE HANDED TO MS GABLE BY
22 MR BRACKETT I DON'T THINK THERE IS ANY DISPUTE AS
23 TO THAT AND WE CONTEND THAT UNDER RULE 13 OF THE
24 RULES OF CRIMINAL PROCEDURE MR BRACKETT IS NOT
25 COMPETENT TO SERVE A SUBPOENA, BECAUSE IN EFFECT HE

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1 IS A PARTY TO THE CASE I'VE NOT BEEN ABLE TO FIND
2 ANY CASE LAW THAT INTERPRETS RULE 13, BUT IT
3 OBVIOUSLY WAS INTENDED TO APPLY TO BOTH THE PARTIES
4 BECAUSE IT SPEAKS TO SERVICE BY A PARTY, THAT A
5 SUBPOENA CANNOT BE SERVED BY A PARTY TO THE CASE, SO
6 IT DOES APPLY TO THE STATE AND TO THE DEFENDANT IN A
7 CRIMINAL MATTER AND IF IT, IF IT APPLIES TO THE
8 STATE, WHICH IT CLEARLY DOES, I THINK IT HAS TO APPLY
9 TO THE PROSECUTING ATTORNEY WHICH MR BRACKETT IS IN
10 THAT ROLE HE IS THE LEGAL REPRESENTATIVE OF THE
11 STATE IN THIS CASE AND THEREFORE FOR PURPOSES OF THE
12 RULE 13, HE IS A PARTY TO THE PROCEEDING AND CANNOT
13 SEFVE THE SUBPOENA

14 IN ADDITION, THE SECOND SUBPEONA, THE ONE
15 THAT WAS SERVED ON THE CUSTODIAN OF RECORDS FOR NBC
16 NEWS, THAT WAS NOT EFFECTIVELY SERVED MS GABLE IS
17 NOT A CUSTODIAN OF RECORDS SHE'S A STAFF PRODUCER
18 SHE'S JUST A PURE EMPLOYEE SHE DOES NOT HAVE ANY
19 MANAGERIAL AUTHORITY SHE'S NOT AN OFFICER,
20 DIRECTOR, OR MANAGING AGENT OF NBC NEWS OR DATELINE
21 NBC SO AS TO THE SECOND SUBPOENA THAT WAS NOT
22 EFFECTIVELY SERVED ON A CUSTODIAN OF RECORDS FOR NBC
23 NEWS OR AN OFFICER, DIRECTOR, OR MANAGING AGENT FOR
24 NBC NEWS SO THAT NOT EFFECTIVE FOR THAT REASON AS
25 WELL

1 OUR MAIN ARGUMENT ON SUBSTANCE IS THE
2 SOUTH CAROLINA SHIELD LAW AND ALSO THE NEW YORK
3 SHIELD LAW WHICH WOULD APPLY TO THE SUBPOENA DIRECTED
4 TO THE CUSTODIAN OF RECORDS OF NBC NEWS AS TO THE
5 SOUTH CAROLINA, THEY ARE BOTH ESSENTIALLY THE SAME,
6 THEIR ARE WORDING IS SLIGHTLY DIFFERENT, BUT THEY
7 BOTH BASICALLY HAVE A THREE PART TEST WHENEVER A
8 PARTY TO A CASE SEEKS TO SUBPOENA MATERIAL OR
9 INFORMATION THAT WAS GATHERED IN THE COURSE OF NEWS
10 GATHERING OR NEWS DISSEMINATION I DON'T THINK THERE
11 IS ANY DISPUTE HERE THAT THE INFORMATION AT ISSUE
12 HERE THAT WAS SUBPOENAED WAS OBTAINED IN THE COURSE
13 OF NEWS GATHERING BY MS GABLE IN HER CAPACITY AS A
14 STAFF PRODUCER FOR DATELINE THERE IS A THREE PART
15 TEST UNDER BOTH STATUTES, THE NEW YORK STATUTE AND
16 THE SOUTH CAROLINA STATUTE, THE PARTY WHO IS SEEKING
17 THE MATERIAL HAS TO SHOW THAT IT'S RELEVANT, THAT
18 THERE IS NO OTHER REASONABLY AVAILABLE MEANS TO
19 PROCURE THE INFORMATION, AND THAT IT IS ESSENTIAL OR
20 CRITICAL TO THE CASE AND OUR MAIN ARGUMENT IS ON
21 THE LAST GROUND, WE SUBMIT THAT THE STATE CANNOT SHOW
22 HERE THAT THERE IS ANYTHING ON THESE TAPES THAT IS
23 ESSENTIAL TO THEIR CASE OR NECESSARY TO THEIR CASE
24 THE STATUTE IS VERY CLEAR THAT THE PARTY WHO IS
25 ISSUING THE SUBPOENA BEARS THE BURDEN OF PROOF AND

1 EVEN GOES SO FAR TO SAY THEY MUST SHOW WITH CLEAR AND
2 CONVINCING PROOF THAT THEY MEET ALL THREE PARTS OF
3 THE TEST - HERE THE STATE DOES NOT REALLY KNOW WHAT
4 IS ON THESE TAPES WE HAVE GIVEN A GENERAL
5 DESCRIPTION OF THEM SO THAT THE COURT WILL BE AWARE
6 GENERALLY WHAT WAS RECORDED BY MS GABLE IN THE
7 MEETINGS AND THE PARTIAL INTERVIEWS THAT SHE
8 RECORDED BUT THE STATE IS JUST, I THINK IT'S CLEAR,
9 JUST WANTING TO LOOK AT THESE AND SEE IF THERE MIGHT
10 BE SOMETHING ON THERE THAT MIGHT BE OF SOME BENEFIT
11 TO IT THE STATE CANNOT COME IN HERE AND PRESENT ANY
12 EVIDENCE, MUCH LESS CLEAR AND CONVINCING EVIDENCE,
13 THAT THERE IS SOMETHING ON THIS TAPE THAT IS
14 NECESSARY FOR THE PROPER PRESENTATION OF THEIR CASE
15 AND THAT'S THE BURDEN THAT THEY HAVE UNDER THE
16 STATUTE AND THIS IS A HIGH BURDEN AND IT WAS
17 INTENTIONALLY DESIGNED TO BE A HIGH BURDEN THIS WAS
18 A LEGISLATURE POLICY DECISION THAT THE GENERAL
19 ASSEMBLY MADE IN ORDER TO PROTECT MEMBERS OF THE
20 PRESS AND THE NEWS MEDIA FROM BEING SUBPOENAED TO
21 GIVE UP INFORMATION OR MATERIAL THAT THEY HAD GOTTEN
22 TOGETHER AS PART OF THEIR NEWS GATHERING EFFORTS, AND
23 OF COURSE THE COURTS ARE OBLIGATED TO ENFORCE THAT
24 POLICY DECISION THAT THE LEGISLATURE MADE, SO THE
25 LEGISLATURE INTENTIONALLY SET A VERY HIGH BURDEN IN

1 THIS CASE THE STATE HAS THE BURDEN OF PROVING TO YOU
2 TODAY WITH CLEAR AND CONVINCING EVIDENCE THAT THERE
3 IS INFORMATION ON THESE TAPES THAT IS NECESSARY TO
4 THEIR CASE AND I DON'T SEE HOW THEY CAN POSSIBLY DO
5 THAT WE DON'T FEEL THAT IT'S OUR BURDEN TO DISPROVE
6 IT, BUT WE HAVE SET FORTH IN MS GAMBLE'S AFFIDAVIT
7 THE FACT THAT THERE IS NOTHING, NO INFORMATION ON
8 THESE TAPES ABOUT THE UNDERLYING FACTS IN THIS
9 CRIMINAL MATTER THAT THE PROSECUTION IS NOT ALREADY
10 AWARE OF THERE IS NO DISCUSSION BY MR COPE
11 INDICATING THAT HE KNEW THE ALLEGED CO-CONSPIRATOR
12 PRIOR TO THE CRIME THERE IS NO DISCUSSION OF ANY
13 MURDER WEAPON THERE ARE NO CONFESSIONS BY HIM, NO
14 ADMISSIONS BY HIM IN CONTRAST IN THIS CASE MY
15 UNDERSTANDING IS THAT MR COPE WAS INTERROGATED FOR
16 HOURS, MANY HOURS, SO THE STATE HAS HAD FULL ACCESS
17 TO MR COPE TO INTERROGATE HIM, AND THERE IS NOTHING
18 ON THESE TAPES THAT IT NEEDS IN ORDER TO PROPERLY
19 PRESENT ITS CASE, AND WE DON'T SEE HOW THEY CAN MEET
20 THE BURDEN THAT THE STATUTE IMPOSES ON THEM TO, IN
21 ORDER TO OBTAIN THIS MATERIAL, AND SO FOR THAT REASON
22 AS WELL AS THE DEFECTS IN SERVICE, WE URGE THE COURT
23 TO QUASH THESE SUBPOENAS

24 THE COURT ALL RIGHT LET ME ASK ONE
25 QUESTION THIS MAY BE MORE APPROPRIATE FOR

1 MR BRACKETT, BUT AS TO THE RECORDS THAT ARE STORED
2 IN NEW YORK, AND MR BRACKETT, AS I SAID PROPERLY
3 DIRECTED TO YOU BUT SINCE MR LIGHTSEY, CAN THIS
4 COURT REACH THOSE WITHOUT GOING THROUGH A NEW YORK
5 JUDGE?

6 MR LIGHTSEY NO, SIR I THINK WHAT
7 WOULD HAVE TO HAPPEN --

8 THE COURT IF THEY WERE A PARTY I THINK
9 WE COULD MAKE THEM DIVULGE ANYTHING

10 MR LIGHTSEY RIGHT

11 THE COURT BUT LIKE IN A CIVIL LITIGATION
12 IF THEY WERE A PARTY TO A CIVIL LITIGATION WE COULD
13 DO OTHER THINGS, BUT WHEN THEY ARE A NON-PARTY, THE
14 CUSTODIAN WOULD HAVE TO BE, THE REPOSITORY I WOULD
15 THINK

16 MR LIGHTSEY YES, SIR I THINK WHAT
17 WOULD HAVE TO HAPPEN IS THE CLERK HERE WOULD HAVE TO
18 ISSUE A COMMISSION TO THE COURTS OF NEW YORK AND HAVE
19 A NEW YORK SUBPOENAED SERVED

20 THE COURT OKAY ALL RIGHT

21 MR LIGHTSEY MS GABLE, DOES HAVE SOME
22 MATERIAL THAT IS RESPONSIVE TO THE SUBPOENAS WE DID
23 SET THAT FORTH THE RECORDING THAT WAS OF THE
24 INTERVIEW LAST WEEK SHE KEPT THAT BECAUSE SHE WAS
25 IMMEDIATELY SERVED WITH THAT SUBPOENA AND SO SHE

1 MAINTAINED THOSE MATERIALS AND THEN ALSO SUBSEQUENT
2 TO THE SUBPOENA SHE DID RECEIVE A CD ROM COPY OF SOME
3 OF THE EARLIER RECORDINGS IT WAS A POOR QUALITY
4 COPY BUT SHE DOES HAVE POSSESSION OF SOME OF THE
5 MATERIALS THAT ARE RESPONSIVE, BUT YOU ARE ABSOLUTELY
6 CORRECT, THE MATERIALS THAT SHE DOES NOT HAVE THAT
7 ARE IN NEW YORK I DON'T THINK THAT THEY COULD BE
8 OBTAINED WITHOUT ISSUANCE OF A SUBPOENA BY THE NEW
9 YORK COURTS

10 THE COURT ALL RIGHT

11 MR LIGHTSEY THANK YOU, YOUR HONOR

12 MR BRACKETT MAY IT PLEASE THE COURT
13 YOUR HONOR, REGARDING THE SERVICE ISSUE FIRST, I HAVE
14 IN THE COURTROOM RALPH MISLE WITH THE DETENTION
15 CENTER AND I HAVE SPOKEN WITH MR LIGHTSEY, GIVEN
16 MR LIGHTSEY AN OPPORTUNITY TO TALK TO MR MISLE
17 IT IS TRUE, THE SUBPOENA LEFT MY HAND AND ENTERED THE
18 HAND OF CAROL GABLE, SO TECHNICALLY I DID SERVE THE
19 SUBPOENA ON HER I WENT TO MR MISLE TO SEEK HIS
20 ASSISTANCE IN SERVING THE SUBPOENA, MET WITH HIM IN
21 HIS OFFICE BECAUSE THE INTERVIEW TAKING PLACE IN
22 THE DETENTION CENTER I COULDN'T JUST WALK TO WHERE
23 THEY WERE LOCATED I NEEDED HELP GETTING THE
24 SUBPOENA SERVED ON HER IT WAS MY INTENTION TO HAVE
25 MR MISLE SERVE THE SUBPOENA ON CAROL GABLE, BUT THEY

1 WERE IN THE LIBRARY DOWNSTAIRS I STOOD OUT IN THE
2 HALL WAY FOR SOME PERIOD OF TIME WATCHING THE
3 INTERVIEW TAKE PLACE I SAW MS GABLE, HER BACK WAS
4 TO ME, WHEN I GOT HER ATTENTION I INVITED HER OUT IN
5 THE HALLWAY TO SPEAK WITH ME, AND I ASKED HER WOULD
6 YOU PLEASE, WOULD YOU CONSIDER PROVIDING ME COPIES OF
7 ANY TAPES THAT YOU HAVE IN YOUR POSSESSION WHERE YOU
8 HAVE BEEN INTERVIEWING MR COPE SHE SAID SHE WOULD
9 NOT I ASKED HER IF SHE WOULD CONSIDER BEING
10 INTERVIEWED BY OUR OFFICE TO THE SUBSTANCE OF ANY OF
11 THE INTERVIEWS THAT HAVE BEEN CONDUCTED SHE SAID
12 SHE WOULD NOT SHE SAID SHE FELT SHE HAD A
13 PRIVILEGE I HAD THE SUBPOENAS ON MY PERSON MR
14 MISLE WAS STANDING RIGHT THERE I TOOK THE SUBPOENAS
15 OUT AND I HANDED IT TO HER TO THE EXTENT THAT THE
16 RULE, THE PURPOSE OF THE RULE, IS TO ENSURE THAT THE
17 SUBPOENAS ARE SERVED PROPERLY AND THAT AN INDEPENDENT
18 PARTY IS ABLE TO COME IN AND TESTIFY THAT IN FACT
19 THESE SUBPOENAS WERE SERVED ON HER PROPERLY, I SUBMIT
20 WE CAN SATISFY THE PURPOSE OF THE RULE CAN I
21 SATISFY THE LETTER OF THE RULE? I DID HAND HER THE
22 SUBPOENAS, SO IF THAT IS THE, MAKES THE SERVICE
23 DEFICIENT IN THE COURTS I'LL HAVE TO RESPECT THAT AND
24 PROCEED FROM THERE I SUBMIT THAT THE SPIRIT OF THE
25 RULE HAS BEEN COMPILED WITH AND I HAVE CHIEF MISLE

1 FROM THE DETENTION CENTER AS I INDICATED, I MADE
2 HIM AVAILABLE TO MR LIGHTSEY AND HE INDICATED THE
3 SAME-THING THAT I JUST-RELATED TO THE COURT THAT HE
4 DID IN FACT SEE THE SUBPOENAS, KNOWS THEY WERE
5 SUBPOENAS, AND WITNESSED ME HAND THE SUBPOENAS TO
6 HER, SO HE IS PREPARED ---

7 THE COURT I DON'T THINK THERE IS ANY
8 QUESTION FROM MR LIGHTSEY, I DON'T THINK WE NEED TO
9 TAKE ANY TESTIMONY FROM MR MISLE

10 MR LIGHTSEY NO, SIR, YOUR HONOR I
11 ACCEPT MR BRACKETT'S REPRESENTATION

12 THE COURT THEN GO BACK TO WORK LET HIM
13 GO BACK TO WORK

14 MR BRACKETT THE NEXT ISSUE AS TO THE
15 SUBSTANTIVE ISSUE THAT THEIR ARGUMENT OPPOSING THE
16 TURNING OVER OF THIS MATERIAL, THEY CITED IN THEIR
17 BRIEF A NUMBER OF NEW YORK CASES, AND I WOULD ARGUE
18 THAT WHEN DATELINE NBC COMES TO SOUTH CAROLINA, THEY
19 CROSS THE SOUTH CAROLINA BORDERS, AND BEGIN
20 CONDUCTING NEWS GATHERING OPERATION HERE IN SOUTH
21 CAROLINA, THEIR SUBMITTING THEMSELVES TO THE SOUTH
22 CAROLINA LAWS JUST LIKE WHEN ANYBODY DRIVES ACROSS
23 THE BORDER DOWN 77 FROM NORTH CAROLINA, THEY COMMIT A
24 TRAFFIC INFRACTION, THEY CAN'T SAY WELL WE'RE BOUND
25 BY THE LAWS OF NORTH CAROLINA BECAUSE THAT'S WHERE

1 WE'RE FROM SHE'S NOW IN THE POSSESSION OF THE VIDEO
2 TAPES THAT WERE DONE LAST WEEK AND CD ROMS, DIGITAL
3 VERSIONS OF THE INTERVIEWS THAT WERE DONE PRIOR, SO
4 SHE IS IN POSSESSION OF ALL THE MATERIALS THAT WE
5 SEEK THEY ARE IN THE CUSTODY OF MS GABLE IN SOUTH
6 CAROLINA BY THE REPRESENTATIONS OF THE MEMORANDUM AND
7 THE BRIEF WHICH WAS HANDED UP BY MR LIGHTSEY ON
8 BEHALF OF HIS CLIENT, SO ALL THAT MATERIAL IS IN
9 SOUTH CAROLINA IN RESPONSE TO WHAT THE COURT HAD
10 INDICATED EARLIER, I UNDERSTAND MAYBE SHE COULDN'T BE
11 COMPELLED TO GO UP TO NEW YORK TO GET IT BUT NOW THAT
12 SHE HAS IT, I DON'T THINK THAT IS AN ISSUE, AND I
13 THINK SHE SHOULD BE COMPELLED TO TURN THEM OVER HERE
14 IN COURT IF WE HAVE SATISFIED 1911-100, A COPY OF
15 WHICH I LAID UP ON THE BENCH AND I PROVIDED TO MR
16 LIGHTSEY, THAT'S THE SOUTH CAROLINA GENERAL SHIELD
17 BASICALLY IT IS SIMILAR, IT'S VIRTUALLY THE SAME AS
18 THE NEW YORK SHIELD, BUT THERE IS A CHANGE IN
19 THEIRS IT SAYS HIGHLY MATERIAL AND RELEVANT TO THE
20 CONTROVERSY OUR DOES NOT HAVE THE WORD HIGHLY IN
21 THERE IT IS SIMPLY MATERIAL AND RELEVANT TO THE
22 CONTROVERSY I DON'T KNOW WHAT'S ON THESE TAPES I
23 CAN REPRESENT TO THE COURT THAT I STOOD IN THE
24 HALLWAY AND WATCHED A PORTION OF THE INTERVIEW, I SAW
25 MR COPE SITTING IN A CHAIR, I SAW AN INTERVIEWER

1 FROM DATELINE, A GENTLEMAN WHO WAS IN COURT AND I
2 BELIEVE YOUR HONOR MET HIM LAST WEEK, A SILVER
3 HAIRED

4 THE COURT MR MORRISON I BELIEVE
5 MR BRACKETT KEITH MORRISON, YES, SIR
6 I SAW HIM TALKING TO MR COPE IN BETWEEN THEM THERE
7 WAS A TELEVISION SET, ON THE TELEVISION SET A TAPE
8 WAS PLAYING IT WAS THE TAPE THAT IS NOW IN
9 EVIDENCE, THE INTERVIEW AT THE HOUSE THAT WAS BEING
10 CONDUCTED BY CHARLIE CABINESS AND CHARLENE
11 BLACKWELDER, IN WHICH MR COPE WAS GOING BACK THROUGH
12 THE CIRCUMSTANCES OF THE CRIME HE WAS POINTING TO
13 THE TELEVISION, OBVIOUSLY THEY WERE DISCUSSING, I
14 COULDN'T HEAR WHAT WAS BEING SAID, BUT OBVIOUSLY THEY
15 WERE DISCUSSING THE FACTS AND CIRCUMSTANCES OF THE
16 CASE THIS IS A COMPLICATED CASE MR COPE HAS MADE
17 A NUMBER OF STATEMENTS I UNDERSTAND THEIR
18 REPRESENTATION THAT HE DOESN'T MAKE ANY INCRIMINATING
19 STATEMENTS BUT A CHANGE IN STORY CAN BE
20 INCRIMINATING THIS IS, THE TYPE OF CASE THAT WE
21 HAVE HERE IS SUCH THAT THE SMALLEST PIECE OF
22 INFORMATION COULD CHANGE A NUMBER OF THINGS IT'S
23 LIKE A PUZZLE WHERE ONE THING OCCURS OVER HERE, IT
24 COULD AFFECT A NUMBER OF ISSUES OVER HERE THAT
25 APPLIES NOT JUST TO MR COPE BUT ALSO TO MR SANDERS

1 WHO IS SITTING OVER HERE AND HASN'T SERVED A SUBPOENA
2 BUT I HAVE A LEGITIMATE INTEREST IN GETTING THIS
3 INFORMATION BECAUSE AS A MINISTER OF JUSTICE I'M
4 SEEKING THE TRUTH OF WHAT HAPPENED IN THIS CASE AND
5 WHAT MR COPE SAYS IN THAT CASE MAY AFFECT MY VIEW OF
6 MR SANDERS' CASE I DON'T KNOW THAT IT WILL OR
7 WON'T BUT WITHOUT ME SEEING IT I CAN'T SAY THAT IT
8 WON'T AS TO, I SUBMIT THAT ANY TIME A CRIMINAL
9 DEFENDANT CHARGED WITH A CRIME AS SERIOUS AS THIS ONE
10 MAKES A STATEMENT ON VIDEO TAPE REGARDING THE
11 CIRCUMSTANCES OF HIS CASE, IT'S OF INTEREST TO THE
12 PROSECUTION THAT BY ITSELF MAKES IT MATERIAL AND
13 RELEVANT MY THEORY OF THE CASE IS MINE, AND I DON'T
14 HAVE TO DIVULGE IT TO ANYBODY ANY MORE THAN
15 MR MORTON HAS TO DIVULGE HIS THEORY, SO WITHOUT
16 EXPLAINING IN OPEN COURT WHY MY ENTIRE THEORY OF THE
17 CASE I CAN'T POSSIBLY KNOW AND NEITHER CAN MR
18 LIGHTSEY OR CAROL GABLE, THEY CAN'T POSSIBLY KNOW
19 WHETHER IT'S MATERIAL AND RELEVANT TO MY CASE THEY
20 CERTAINLY COULDN'T KNOW WHETHER IT WAS MATERIAL AND
21 RELEVANT TO MY VIEW OF MR SANDERS' CASE

22 THE TEST IS VERY SIMPLE AND I'VE HANDED UP
23 A CASE FROM MARYLAND, WBAL TV DIVISION, THE HURST
24 CORPORATION VERSUS THE STATE OF MARYLAND WHICH IS AT
25 477 ATLANTIC SECOND 776, A 1984 OPINION

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1 THE COURT YEAH, LET ME MAKE A COUPLE OF
2 OBSERVATIONS ABOUT IT FIRST THAT IS A MARYLAND
3 CASE- - - -

4 MR BRACKETT YES, SIR

5 THE COURT AND YOU ALREADY SAID THAT
6 NORTH CAROLINA LAW ISN'T GOING TO APPLY AND I KNOW WE
7 LOOK TO SISTER STATES

8 MR BRACKETT YES, SIR

9 THE COURT THE SECOND OBSERVATION I MADE,
10 JUST A QUICK GLANCE, IS THIS DOES NOT DEAL WITH A
11 STATUTE IT DEALS WITH CONSTITUTIONAL PROVISIONS,
12 THE MARYLAND CONSTITUTION AND THE UNITED STATES
13 CONSTITUTION THIS IS ALSO PREDATES BY NINE YEARS
14 OUR ACT OUR ACT APPARENTLY WAS FIRST ENACTED IN
15 1993 SO THOSE ARE JUST SOME OBSERVATIONS AS TO HOW
16 THIS CASE MIGHT REFLECT IF AT ALL ON THE ISSUE BEFORE
17 US, BUT YOU CAN PROCEED

18 MR BRACKETT YES, SIR BUT TO THE
19 EXTENT THAT THEY ARE CLAIMING THE FIRST AMENDMENT
20 PRIVILEGE AND THAT THIS COULD IMPINGE ON THEIR NEWS
21 GATHERING FUNCTION, THIS CASE ADDRESSES THAT IN
22 ADDITION, THIS CASE ADDRESSES A THREE PART TEST THAT
23 THEY APPLIED TO DETERMINE WHETHER OR NOT SOMETHING IS
24 RELEVANT AND THE TEST IS SIMILAR TO THE ONE GIVEN IN
25 HERE I THINK THE LOGIC IN THIS CASE IS COMPELLING

1 THE OTHER THING THAT IS IMPORTANT ABOUT THIS AND THE
2 REASON I HANDED IT UP IS REALLY IS I UNDERSTAND THIS
3 IS OF NO BINDING VALUE ON THIS COURT BEING FROM
4 MARYLAND, BUT IT GIVES AN EXCELLENT BACKGROUND ON
5 THIS ISSUE GOING BACK TO THE U S SUPREME COURT'S
6 DECISION THE FIRST AMENDMENT DOES NOT GIVE AN
7 UNQUALIFIED PRIVILEGE TO MEMBERS OF THE PRESS AS TO
8 INFORMATION THAT THEY GATHER DURING THE
9 INVESTIGATION, DURING THE COMMISSION OF THEIR
10 REPORTING FUNCTION

11 THE COURT BUT MY POINT, ONE THING I WAS
12 TRYING TO DIRECT YOU TO IS THAT THIS ISN'T A
13 CONSTITUTIONAL QUESTION PER SE WE NOW HAVE THE
14 LEGISLATURE

15 MR BRACKETT YES, SIR

16 THE COURT GOING BEYOND THE CONSTITUTION
17 APPARENTLY AND MY, OR FLESHING THE CONSTITUTION OUT
18 WHICHEVER WAY YOU WANT TO, IT'S NOT JUST A
19 CONSTITUTIONAL QUESTION IT'S NOW WE GOT A STATUTE

20 MR BRACKETT YES, SIR, I UNDERSTAND IF
21 YOU GO TO THE STATUTE, THERE ARE THREE FACTORS THAT
22 THE COURT HAS TO CONSIDER IS THE MATERIAL, IS THE
23 INFORMATION SOUGHT MATERIAL AND RELEVANT TO THE
24 CONTROVERSY FOR WHICH THE TESTIMONY FOR PRODUCTION
25 SOUGHT I SUBMIT THAT ANY TIME, AS I ARGUED EARLIER,

1 ANY TIME A DEFENDANT MAKES A COMMENT ABOUT THE FACTS
2 AND CIRCUMSTANCES OF HIS CASE IN A SITUATION LIKE
3 THIS YOUR HONOR, IS FAMILIAR NOW TO SOME EXTENT
4 WITH THE INFORMATION THAT THE STATE HAS IN ITS
5 POSSESSION, THE VARIOUS STATEMENTS THAT HE'S MADE,
6 THE SHADINGS, THE DIFFERENCES THAT HE'S MADE FROM ONE
7 STATEMENT TO THE NEXT, THE CHANGES IN HIS STATEMENT
8 THAT HAVE TAKEN PLACE, EVERY SINGLE ONE OF THESE
9 WEIGHS ON HIS CREDIBILITY EVERY SINGLE ONE OF THESE
10 COULD BE IMPORTANT, EVERY CHANGE HE'S MADE IN HIS
11 STATEMENT COULD BE IMPORTANT TO A JURY IN DECIDING
12 WHETHER OR NOT THIS MAN IS GUILTY, AND I THINK THAT
13 IF THERE ARE ANY CHANGES IN THAT, BETWEEN WHAT HE
14 SAID TO US AND WHAT HE MAY SAY, AGAIN, THIS MAY BE A
15 SITUATION, I DON'T KNOW WHETHER HE INTENDS TO TESTIFY
16 OR NOT AND HE CERTAINLY HAS A RIGHT NOT TO, BUT IF HE
17 CHOOSES TO TESTIFY, MAYBE THERE IS SOMETHING ON THAT
18 TAPE THAT WOULD BE OF IMPEACHMENT OF VALUE AGAIN, I
19 DON'T KNOW AND IF I'M REQUIRED TO SHOW THAT THERE
20 WOULD BE, THEN THIS STATUTE WOULD BE HOLLOW I COULD
21 NEVER PROVE THAT IF I HAVE TO SHOW IT'S MATERIAL
22 BEFORE I CAN SEE IT, HOW COULD I EVER SHOW THAT I
23 THINK --

24 THE COURT YOU DON'T THINK THE
25 LEGISLATURE THOUGHT THROUGH THAT? I MEAN, THEY PUT

1 IT IN THERE FOR A REASON WHAT YOU ARE SAYING IS WE
2 OUGHT TO JUST NOT LOOK AT IT BECAUSE IT CAN NEVER
3 HAVE AN AFFECT

4 MR BRACKETT NO, SIR I THINK THAT
5 THERE ARE SOME THINGS THAT ARE SO OBVIOUSLY MATERIAL
6 THAT THEY OBVIOUSLY QUALIFY UNDER THIS STATUTE

7 THE COURT YOU MEAN THEY ARE CLEAR AND
8 CONVINCING

9 MR BRACKETT YES, SIR CLEARLY AND
10 CONVINCINGLY AND MATERIAL AND RELEVANT IS A STATEMENT
11 ON VIDEO BY A DEFENDANT CHARGED WITH MURDER AS TO THE
12 CIRCUMSTANCES OF HIS CRIME I THINK THAT THAT IS,
13 WHAT COULD BE MORE MATERIAL AND RELEVANT? IF HE'S
14 TALKING ABOUT WHAT HAPPENED IN THIS CASE AND HE'S
15 TALKING WHAT HAPPENED AT THE HOUSE, THERE MAY BE
16 SOMETHING ON THERE THAT IS MATERIAL AND RELEVANT TO
17 THE ISSUE THAT IS BEFORE THE COURT TODAY, THE
18 VOLUNTARINESS OF HIS STATEMENT HE MAY SAY SOMETHING
19 ON THAT TAPE THAT YOUR HONOR WOULD LIKE TO HEAR YOU
20 KNOW, THE QUESTION OF THE CIRCUMSTANCES OF THESE
21 INTERVIEWS, I DON'T KNOW WHAT HE SAYS ON THAT TAPE,
22 BUT UNTIL I GET TO SEE IT I CAN'T POINT TO THE TAPE
23 AND SAY THIS IS WHY IT'S MATERIAL AND RELEVANT, SO I
24 THINK THERE IS A CERTAIN AMOUNT OF LEEWAY THAT HAS TO
25 BE GIVEN TO THE STATE IN THIS IN SO FAR AS WHAT'S ON

1 THE TAPE I THINK THAT THE MERE FACT THAT HE WAS
2 SITTING IN A LIBRARY ACROSS FROM A REPORTER WITH A
3 VIDEO TAPE PLAYING THAT IS NOW IN EVIDENCE
4 REFERENCING THE VIDEO TAPE AND TALKING ABOUT IT AS
5 THEY ARE BEING INTERVIEWED IS IN AND OF ITSELF ENOUGH
6 TO SATISFY THE FIRST PRONG CANNOT BE REASONABLY
7 OBTAINED BY OTHER MEANS, I ASKED THEM IF THEY WOULD
8 PROVIDE THAT TO ME THAT'S THE REASON WHY I ASKED
9 CAROL GABLE WILL YOU VOLUNTARILY TURN OVER A COPY OF
10 THIS TAPE SHE SAID NO SO I ASKED HER IF SHE WOULD
11 BE INTERVIEWED SHE SAID NO I HAVE NO WAY OF
12 OBTAINING THIS INFORMATION BUT BY SUBPOENAING THEM TO
13 COURT

14 AND IF NECESSARY TO THE PROPER PREPARATION
15 AND PRESENTATION OF THE CASE, I THINK THAT AGAIN
16 STATEMENTS OF A DEFENDANT ABOUT HIS CASE ARE HIGHLY
17 IMPORTANT IN THE PREPARATION OF MY CASE, IN THE
18 PREPARATION OF MY CASE AGAINST MR SANDERS, AND MY
19 UNDERSTANDING OF WHAT HAPPENED HERE, AND FRANKLY, IN
20 THE DISCHARGE OF MY RESPONSIBILITY AS A PROSECUTOR TO
21 SEE TO IT THAT JUSTICE IS DONE SO I WOULD ARGUE
22 THAT FOR THOSE REASONS THIS COURT SHOULD REFUSE TO
23 QUASH THE SUBPOENA AND REQUIRE THEM TO COME IN

24 I WOULD ALSO NOTE THAT I HAVE DEALT WITH
25 CAROL GABLE BEFORE SHE IS A PRODUCER FOR DATELINE

1 NBC AND IN THE COURSE HER JOB WOULD NECESSARILY HAVE
2 ACCESS TO ALL OF THIS MATERIAL AND AS PART OF HER JOB
3 WOULD HAVE TO BE INTIMATELY INVOLVED AND HAVE IN HER
4 CUSTODY AND CONTROL AS PART OF HER JOB THE TAPES THAT
5 ARE IN ISSUE HERE

6 THE COURT ANY FOLLOW UP, MR LIGHTSEY
7 I'M GOING TO TAKE IT UNDER ADVISEMENT, BUT I'LL BE
8 GLAD

9 MR LIGHTSEY YES, SIR I JUST DO WANT
10 TO MAKE IT CLEAR BECAUSE I THINK MR BRACKETT TO SOME
11 EXTENT HAS MISREPRESENTED OUR ARGUMENT, WE ARE NOT
12 CONTENDING THAT THE TAPE OF THE INTERVIEW IS NOT
13 RELEVANT MY UNDERSTANDING IS MR COPE WAS TALKING
14 ABOUT THE CASE THERE ARE TWO RECORDINGS WHERE HE
15 WAS JUST TALKING ABOUT THE TERMINATION OF PARENTAL
16 RIGHTS, WE DON'T SEE HOW THAT'S RELEVANT BUT AS FAR
17 AS THE INTERVIEW THAT WAS BEING DONE LAST WEEK, WE'RE
18 NOT ARGUING THAT THAT IS NOT RELEVANT OUR ARGUMENT
19 IS THAT THE PROSECUTION CANNOT SHOW THAT THEY, THAT
20 IT IS NECESSARY FOR THEM TO HAVE THAT IN ORDER TO
21 PROPERLY PRESENT THEIR CASE AND MR BRACKETT MADE
22 SEVERAL COMMENTS THAT I THOUGHT WERE VERY TELLING
23 "HE SAID THIS COULD BE IMPORTANT IT'S OF INTEREST
24 TO THE PROSECUTION THERE MAY BE SOMETHING OF
25 VALUE " HE'S SPECULATING AND HE HAS TO SPECULATE

1 HE'S RIGHT HE HADN'T SEEN THIS, BUT WHAT THE STATUTE
2 SAID WHAT THE LEGISLATURE REQUIRED IS THAT HE PROVE
3 WITH CLEAR AND CONVINCING EVIDENCE, NOT SPECULATION,
4 THAT THIS IS NECESSARY TO THE PROPER PRESENTATION OF
5 HIS CASE AND HE CANNOT MEET THAT BURDEN OF PROOF

6 MR BRACKETT JUST ONE BRIEF I HAD
7 MENTIONED THIS IN CHAMBERS AND I WOULD RE-ITERATE
8 AGAIN ON THE RECORD, I'M SORRY, I DIDN'T MEAN TO
9 MISREPRESENT I JUST GOT THE BRIEF THIS MORNING SO I
10 UNDERSTAND THEIR ARGUMENT I'M PERFECTLY CONTENT
11 WITH ALLOWING THE COURT TO REVIEW MATERIALS IN
12 CAMERA, THE COURT IS FAMILIAR WITH MUCH OF THE
13 STATE'S CASE AND MANY OF THE STATEMENTS THAT HAVE
14 BEEN MADE BY THE DEFENDANT, AND I THINK IT WOULD BE,
15 IT WOULD SATISFY THIS STATUTE AND THE REQUIREMENTS
16 AND PERHAPS THEIR INTEREST AS WELL IF THE COURT
17 REVIEWED IT AND MADE ITS OWN DETERMINATION

18 THE COURT THAT, OF COURSE, IS AN OPTION
19 OF COURSE, IF THEY ARE NOT PROPERLY SERVED THEN
20 THAT'S NOT AN OPTION

21 MR BRACKETT YES, SIR

22 THE COURT AT THIS POINT

23 MR BRACKETT YES, SIR

24 THE COURT ALL RIGHT WELL, WE'LL

25 ADJOURN THIS MOTION THANK YOU FOR COMING OVER AND

1 ACCOMODATING US TIME-WISE, MR LIGHTSEY

2 MR LIGHTSEY THANK YOU VERY MUCH FOR
3 WORKING ME IN, YOUR HONOR APPRECIATE IT

4 (MOTION HEARING IS OVER AND COURT RESUMES
5 IN THE PRE-TRIAL MOTIONS)

6 THE COURT YOU READY TO GO BACK TO THE
7 TAPE

8 MR BRACKETT YES, SIR

9 THE COURT MR MORTON, WHERE IS MR
10 MORTON? I SEE HIM

11 THE COURT YOU GOING TO DO
12 MRS BLACKWELDER FIRST?

13 MR BRACKETT AS LONG AS SHE'S OUT OF
14 HERE BY 12 WE MIGHT WANT TO GO AHEAD AND DO
15 MRS BLACKWELDER

16 THE COURT OKAY

17 MR BRACKETT THE STATE WOULD CALL
18 DETECTIVE CHARLENE BLACKWELDER

19 CHARLENE BLACKWELDER, BEING FIRST DULY
20 SWORN, TESTIFIED AS FOLLOWS

21 DIRECT EXAMINATION BY MR BRACKETT

22 Q MA'AM, WOULD YOU PLEASE STATE YOUR FULL NAME AND
23 SPELL YOUR LAST NAME FOR THE COURT REPORTER

24 A CHARLENE BLACKWELDER B-L-A-C-K-W-E-L-D-E-R

25 Q AND WHERE ARE YOU EMPLOYED, MA'AM?

000381

1 A ROCK HILL POLICE DEPARTMENT

2 Q WHAT DO YOU DO FOR THE ROCK HILL POLICE
3 DEPARTMENT?

4 A I'M A DETECTIVE ASSIGNED TO CRIMES AGAINST
5 PROPERTY CURRENT, PRIOR ASSIGNMENT, CRIMES AGAINST
6 PERSONS

7 Q AND WERE YOU SO EMPLOYED IN NOVEMBER OF 2001?

8 A YES, SIR

9 Q AROUND NOVEMBER 29 OF 2001, NOVEMBER 30, WERE
10 YOU INVOLVED IN THE INVESTIGATION OF MR BILLY COPE
11 THE DEFENDANT SEATED OVER HERE?

12 A YES, SIR

13 Q AND TURNING YOUR ATTENTION, WELL, NOVEMBER 29 OR
14 NOVEMBER 30?

15 A UH-HUH

16 Q AT ANY POINT IN TIME DID YOU HAVE OCCASION TO
17 QUESTION MR COPE ABOUT ANYTHING? WERE YOU INVOLVED
18 IN THE INTERVIEW BETWEEN JERRY WALDROP?

19 A NO, SIR

20 Q WERE YOU PRESENT AT THE POLICE STATION WHEN THAT
21 TOOK PLACE?

22 A YES, SIR

23 Q WERE YOU PRESENT THE ENTIRE INTERVIEW?

24 A I WAS IN AND OUT OF THE OFFICE AT THE TIME

25 Q AND IN OUT OF LES HERRING'S OFFICE?

1 A IN AND OUT OF THE DETECTIVE DIVISION, YES, SIR

2 Q OKAY THE NEXT DAY WHEN MR COPE WAS TAKEN TO
3 MIKE BAKER'S OFFICE AT THE SHERIFF'S DEPARTMENT WERE
4 YOU INVOLVED IN THE INTERVIEW OF MR COPE AT THAT
5 POINT IN TIME?

6 A NO, SIR

7 Q THAT EVENING OF NOVEMBER 30, DID YOU HAVE
8 OCCASION TO GO TO THE HOLDING CELL AT ROCK HILL
9 POLICE DEPARTMENT AND ASK MR COPE ANY QUESTIONS
10 REGARDING A BROOM THAT --

11 A I DID

12 Q OKAY DO YOU HAVE THE NOTES FROM THAT MEETING?
13 THE COURT WHAT'S THE DATE AGAIN?
14 MR BRACKETT I'M SORRY NOVEMBER 30 AT
15 APPROXIMATELY 6 30 P M

16 A I DON'T BELIEVE I SHOULD HAVE, BUT I MAY HAVE
17 GIVEN YOU THE ORIGINAL

18 Q THE ITEM I'M REFERRING TO IS, IT'S NOT A FORMAL
19 STATEMENT, IS IT? IT'S DATED FRIDAY, NOVEMBER 30,
20 '01 AROUND 6 25 P M ?

21 A YES, SIR

22 Q OKAY CAN YOU REVIEW THAT FOR A MOMENT PLEASE?

23 A YES, SIR (REVIEWS DOCUMENT) YES

24 Q OKAY HAVE YOU HAD A CHANCE TO REVIEW THAT
25 DOCUMENT?

1 A YES

2 Q NOW AGAIN THAT'S, IT'S NOT A FORMAL STATEMENT
3 THAT'S NOT SIGNED BY MR COPE, IS IT?

4 A NO, SIR, IT'S NOT

5 Q THAT'S JUST A BRIEF SUMMARY OF YOUR ACCOUNTING
6 OF WHAT WAS SAID?

7 A YES, SIR

8 Q CAN YOU RELATE TO THE COURT THE CIRCUMSTANCES OF
9 YOUR ENCOUNTER WITH MR COPE AT 6 25 ON NOVEMBER 30?

10 A MR COPE WAS IN THE HOLDING CELL IN THE JAIL AND
11 OFFICER GARDNER FROM THE CRIME SCENE UNIT AND OFFICER
12 WILLIAMS CAME TO THE SALLY PORT WITH SOME EVIDENCE
13 FROM RICH STREET AND THEY HAD SOME BROOMS AND SOME
14 MOPS AND IF THEY ASKED ME IF MR COPE RELATED TO ME
15 THE COLOR OF THE BROOM OR THE TYPE BROOM THAT WAS
16 USED DURING THE ASSAULT SO I WENT BACK TO THE
17 HOLDING AREA AND I DID ASK MR COPE IF HE COULD TELL
18 US WHAT THAT COLOR WAS OR WHICH BROOM IT WAS THAT HE
19 ACTUALLY USED IN REFERENCE TO THE ASSAULT OF AMANDA

20 Q WHAT DID HE SAY?

21 A HE SAID IT WAS EITHER THE RED OR THE BLUE BROOM
22 AND THEN HE STATED IT WAS DEFINITELY THE BLUE HANDLED
23 BROOM AND NOT THE DUST MOP AND I ASKED HIM WHAT HE
24 DID WITH THE BROOM AFTERWARDS AND HE STATED HE COULD
25 NOT RECALL WHAT HE DID WITH THE BROOM AFTERWARDS

1 Q OKAY NOW YOU WERE AWARE THAT HE HAD BEEN
2 INTERVIEWED BY DETECTIVE BAKER, THAT THREE OR FOUR
3 HOURS--EARLIER THAT THAT INTERVIEW CONCLUDED AROUND
4 2 30?

5 A CORRECT

6 Q AND YOU WERE AWARE THAT HE HAD MIRANDIZED AT
7 THAT POINT IN TIME?

8 A CORRECT

9 Q OKAY AND DID YOU REREAD HIM HIS MIRANDA
10 WARNINGS AT THAT POINT IN TIME PRIOR TO ASKING HIM
11 THAT QUESTION?

12 A NO, I DID NOT

13 Q OKAY DID HE APPEAR TO BE IN ANY KIND OF
14 DISTRESS, DID YOU COERCE HIM IN ANY WAY, SHAPE, OR
15 FORM TO GET HIM TO ANSWER THAT QUESTION?

16 A NO, SIR

17 Q MAKE HIM ANY PROMISES TO GET HIM TO ANSWER THAT
18 QUESTION?

19 A NO, SIR

20 Q DID AT ANY TIME DID HE ASK YOU, TELL, OR TELL
21 YOU THAT HE WANTED TO TALK TO HIS ATTORNEY?

22 A NO, SIR

23 Q OKAY NOW DID YOU SPEAK WITH HIM AGAIN THAT
24 DAY?

25 A ON THE 30TH?

000385

1 Q YES, MA'AM

2 A NO, SIR

3 Q - OKAY HOW ABOUT THE NEXT DAY DECEMBER FIRST OR
4 SUNDAY, DECEMBER SECOND, DID YOU INTERVIEW HIM OR
5 HAVE ANY CONVERSATION WITH HIM OVER THE WEEKEND?

6 A NO, SIR

7 Q NOW ON DECEMBER THIRD, MONDAY MORNING, WERE YOU
8 WORKING THAT DAY?

9 A CORRECT, YES, SIR

10 Q DID YOU HAVE OCCASION TO SPEAK WITH MR COPE
11 THAT MORNING?

12 A I DID

13 Q WHERE WAS THE FIRST PLACE YOU SAW MR COPE?

14 A IN THE JAIL IN THE ROCK HILL POLICE DEPARTMENT
15 CAPTAIN CABANISS HAD SENT DETECTIVE DUGAN AND HANOKA
16 TO PICK UP MR COPE FROM THE INFORMATION THAT HE HAD
17 RECEIVED OVER THE, LIEUTENANT HERRING HAD RECEIVED
18 OVER THE WEEKEND, A PAGE THAT MR COPE WAS WANTING TO
19 SPEAK WITH US SO IN REFERENCE TO THAT MR CABANISS
20 DUGAN AND HANOKA TO PICK UP MR COPE FROM THE MOSS
21 JUSTICE CENTER AND BRING HIM TO THE ROCK HILL POLICE
22 DEPARTMENT AND I WENT BACK TO THE JAIL I DID
23 MIRANDIZE MR COPE AND ASKED HIM IF HE WANTED TO TALK
24 TO US AND HE SAID YES, HE DID

25 Q OKAY NOW DID YOU USE ANY PARTICULAR FORM TO

1 INFORM, ANY DOCUMENT, ANY KIND OF DOCUMENT TO INFORM?

2 A I DID

3 Q I'M SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
4 EXHIBIT FIVE, ASK IF YOU CAN IDENTIFY THAT DOCUMENT?

5 A THIS IS THE FORM THAT I TOOK BACK WITH ME THAT I
6 READ MR COPE HIS RIGHTS TO AND OFFICER MCDANIEL WAS
7 IN THE JAIL AT THE TIME AND I ASKED OFFICER MCDANIEL
8 TO WITNESS HIS SIGNATURE AND TO WITNESS THE RIGHTS
9 FORM

10 Q OKAY DID YOU READ HIM HIS RIGHTS AS THEY ARE
11 WRITTEN ON THAT FORM?

12 A I DID

13 Q DID HE APPEAR TO UNDERSTAND HIS RIGHTS?

14 A YES, SIR

15 Q DID HE INDICATE TO YOU THAT HE WISHED TO SPEAK
16 WITH YOU AT THAT TIME?

17 A YES, SIR, HE DID

18 Q WERE YOU AWARE THAT AT THAT POINT IN TIME THAT
19 HE HAD ATTEMPTED TO CONTACT DETECTIVE HERRING OVER
20 THE WEEKEND?

21 A I WAS

22 Q DID YOU DISCUSS THAT WITH HIM AND ASK HIM?

23 A YES, SIR

24 Q IF HE IN FACT REQUESTED TO SPEAK WITH HIM?

25 A HE DID

000387

1 Q AND WHAT DID HE INDICATE?

2 A HE SAID THAT HE DID WISH TO SPEAK WITH US AND
3 THAT HE WAS THE ONE WHO MADE CONTACT ASKING TO SPEAK
4 WITH US

5 Q OKAY DID YOU WITNESS HIM SIGNING THAT FORM?

6 A I DID

7 Q DID ANYBODY PRESSURE, THREATEN, COERCE, OR
8 INTIMIDATE IN ANY WAY, SHAPE, OR FORM MR COPE INTO
9 SIGNING THAT FORM?

10 A NO, SIR

11 Q OR WAIVING HIS RIGHTS?

12 A NO, SIR

13 Q HOW DID HE APPEAR? DID HE APPEAR TO DESIRE TO
14 TALK TO YOU? WAS HE EAGER TO TALK TO YOU? WAS HE,
15 DID HE APPEAR NERVOUS, SCARED, ANY EMOTION YOU COULD
16 DETECT FROM HIM?

17 A NO OTHER THAN HE WANTED TO TALK TO US HE WAS
18 EAGER IF YOU WILL TO TALK WITH US

19 Q OKAY AND HOW LONG HAVE YOU BEEN A POLICE
20 OFFICER?

21 A 16 YEARS

22 Q HAVE YOU SEEN PEOPLE THAT ARE UNDER THE
23 INFLUENCE OF DRUGS, ALCOHOL, OR LABORING UNDER SOME
24 TYPE OF MENTAL INFIRMITY?

25 A YES, SIR

000388

1 Q DID HE APPEAR TO HAVE ANY OF THE CHARACTERISTICS
2 OF ANY OF THOSE TYPE OF PEOPLE, DRUGS, ALCOHOL, ANY
3 KIND OF MENTAL ILLNESS, OR RETARDATION OR ANYTHING
4 LIKE THAT?

5 A NO, SIR

6 Q NOW DID YOU MAKE ANY PROMISES OR OFFERS OF
7 LENIENCY TO HIM TO INDUCE HIM TO WAIVE HIS RIGHTS?

8 A NO, SIR

9 Q HIS WAIVER WAS FREE AND VOLUNTARY?

10 A YES, SIR

11 Q NOW WHAT DID YOU DO AFTER YOU READ HIM HIS
12 RIGHTS?

13 A WE WENT BACK TO -- I TOOK HIM BACK AND OFFICER
14 MCDANEIL WENT WITH ME TO MY OFFICE AT THE ROCK HILL
15 POLICE DEPARTMENT

16 Q OKAY AND WHO DID, WHO IF ANYBODY DID YOU MEET
17 IN YOUR OFFICE?

18 A CAPTAIN CABANISS CAME INTO THE OFFICE AND MYSELF
19 AND THEN OFFICER MCDANIEL LEFT

20 Q OKAY DID YOU DISCUSS WITH CAPTAIN CABANISS IN
21 MR COPE'S PRESENCE THE FACT OF YOUR ADMINISTERING
22 MIRANDA WARNINGS?

23 A YES, SIR, I DID, AND I BELIEVE CAPTAIN CABANISS
24 EVEN REITERATED THEM AGAIN VERBALLY JUST TO MAKE SURE
25 HE UNDERSTOOD THE RIGHTS AND HE WAS THE ONE THAT

000389

1 INITIATED THE CONTACT AND NOT US AND ASKED HIM IF HE
2 WANTED TO TALK WITH US AND HE SAID YES

3 -Q DID,- AT-ANY POINT IN TIME DID HE THROUGHOUT THIS
4 PORTION OR THROUGHOUT THE REST OF THE DAY, ALL THE
5 WAY TO FIVE O'CLOCK THAT EVENING, AT ANY POINT IN
6 TIME DID MR COPE EVER TELL YOU THAT HE WISHED TO
7 STOP SPEAKING?

8 A NO, SIR

9 Q DID HE EVER TELL YOU THAT HE WISHED TO CONSULT
10 WITH HIS COUNSEL?

11 A NO, SIR

12 Q OKAY AT ANY POINT IN TIME DURING THAT DAY HE
13 WAS EVER THREATENED?

14 A NO

15 Q BY, WITH PHYSICAL HARM OR WAS HE EVER THREATENED
16 AS TO SERIOUS CONSEQUENCES ON HIS CASE, THE PENALTIES
17 THAT MIGHT HAVE BEEN IMPOSED, THAT SORT OF THING?
18 WAS ANY SORT OF THREATS OF ANY KIND WHATSOEVER
19 EMPLOYED TO COERCE HIM INTO MAKING A STATEMENT?

20 A NO, SIR

21 Q DID ANYBODY IN THE COURSE OF THAT DAY EVER
22 PROMISE HIM ANYTHING?

23 A NO, SIR

24 Q TO GET HIM TO MAKE ANY OF THE STATEMENTS THAT HE
25 MADE THROUGHOUT THE DAY?

1 A NO, SIR

2 Q NOW HOW DID THE INTERVIEW PROCEED FROM THAT
3 POINT? -

4 A MR COPE TOLD US THAT HE WANTED TO HAND WRITE
5 HIS OWN STATEMENT HE TOLD US ABOUT THE INCIDENT
6 INVOLVING A FORMAL GIRLFRIEND AND WE ASKED HIM WOULD
7 HE, YOU KNOW, WRITE IT OUT, AND HE SAID CERTAINLY HE
8 WOULD WRITE IT OUT AND AT THAT PARTICULAR TIME WE
9 LEFT HIM BY HIMSELF AND HE HAND WROTE THE STATEMENT,
10 THE ONE WITH HIS SIGNATURE ON IT, INDICATING ABOUT
11 THE FORMER GIRLFRIEND AND THE ABORTION

12 Q I SHOW YOU A COPY OF WHAT'S BEEN STATE'S EXHIBIT
13 6 AND THIS AGAIN IS A COPY, THE ORIGINAL IS AT SLED,
14 BUT DO YOU RECOGNIZE THAT DOCUMENT?

15 A YES, SIR THIS IS THE DOCUMENT THAT MR COPE
16 HAND WROTE HIMSELF

17 Q AND HOW MUCH QUESTIONING DID IT TAKE ON THE PART
18 OF YOU AND CAPTAIN CABANISS TO GET HIM TO START
19 TALKING ABOUT THIS?

20 A NONE

21 Q DID HE WRITE THAT OUT --

22 A HE WROTE

23 Q ---ALL AT ONCE OR DID HE WRITE OUT IN SECTIONS
24 AS YOU WERE QUESTIONING HIM, EXPLAIN THE PROCESS OF
25 HOW THAT STATEMENT WAS WRITTEN?

000391

1 A NO, SIR WHEN WE BROUGHT HIM INTO THE OFFICE
2 AND WE ASKED HIM IF HE INITIATED THE CONTACT AND HE
3 SAID YES AND WE ASKED HIM WHAT DID HE WANT TO TELL US
4 ABOUT THIS AND HE PROCEEDED TO TELL US ABOUT IT WE
5 ASKED HIM WOULD HE WRITE IT DOWN HE SAT DOWN AT MY
6 DESK AND I GAVE HIM A PEN AND SOME PAPER AND HE
7 STARTED WRITING IT AND WE LEFT HIM ALONE AT THAT
8 POINT WHILE HE WAS WRITING THE STATEMENT WE DID NOT
9 QUESTION HIM

10 Q SO HE COMPLETED THAT STATEMENT BEFORE ANY MORE
11 QUESTIONS WERE ASKED?

12 A THAT'S CORRECT

13 Q OKAY NOW WERE, ARE THERE ANYMORE STATEMENTS OR
14 QUESTIONS ASKED OF HIM IN THAT ROOM AFTER HE FINISHED
15 WRITING THIS DOCUMENT?

16 A YEAH AFTER WE, AFTER HE FINISHED THE DOCUMENT
17 WE READ IT AND WE ASKED MR COPE WOULD HE BE, CAPTAIN
18 CABANISS DID, IF HE WOULD BE WILLING TO GO BACK TO
19 THE HOUSE AND SHOW US, YOU KNOW, WHAT HE'S TELLING US
20 WHAT HAPPENED AND HE SAID CERTAINLY, HE'D BE GLAD TO
21 SO MYSELF AND CAPTAIN CABANISS, WE GOT OFFICER
22 MCDANIEL TO TRANSPORT MR COPE, TO TAKE HIM BACK TO
23 407 RICH STREET WE WENT DOWN THERE AND OFFICER
24 ROBIN DAVIS, WHICH IS AT THE CRIME SCENE UNIT AT THAT
25 TIME, HE WENT WITH US AND THAT'S WHERE THE VIDEO

1 WHERE MR COPE BASICALLY WENT OVER EVERYTHING THAT HE
2 HAD TOLD US ON THAT TAPE

3 Q OKAY

4 MR BRACKETT COURT'S INDULGENCE ONE
5 MINUTE

6 Q NOW WHAT WAS THE PURPOSE OF GOING TO THE HOUSE
7 AND VIDEO TAPING HIM AT THE HOUSE? WHAT WAS YOUR
8 INTENTION WHEN YOU CARRIED HIM OVER TO 407 RICH TO
9 VIDEO TAPE HIM, WHAT WERE YOU INTENDING TO
10 ACCOMPLISH?

11 A JUST ANYTHING MR COPE WANTED TO TELL US ABOUT
12 WHAT TOOK PLACE ON THE MURDER OF HIS DAUGHTER AMANDA

13 Q ALL RIGHT AND WHILE AT THE, EN ROUTE OR THERE
14 AT THE HOUSE DID HE, DID HE MAKE ANY STATEMENTS OTHER
15 THAN WHAT'S DEPICTED ON THE VIDEO?

16 A (NO RESPONSE)

17 Q IN OTHER WORDS AFTERWARDS WERE THERE ANY
18 INTERVIEWS OF MR COPE TAKEN THAT ARE NOT ON THE
19 VIDEO?

20 A YEAH, CORRECT AFTER WE COMPLETED THE VIDEO WE
21 CAME BACK TO MY OFFICE AT THE ROCK HILL POLICE
22 DEPARTMENT AND WE TOLD MR COPE AT THAT POINT, YOU
23 KNOW, THAT WE DID NOT BUY WHAT HE BASICALLY --

24 Q I'M NOT -- I'M SORRY LET ME BE A LITTLE MORE
25 SPECIFIC I'M NOT TALKING ABOUT THE AFTERNOON

1 INTERVIEW AFTER YOU CAME BACK AND HAD LUNCH AND THAT
2 INTERVIEW WHAT I'M TALKING ABOUT IS, DOES THE VIDEO
3 DEPICT ALL THE QUESTIONING THAT TOOK PLACE OF
4 MR COPE AT THE HOUSE? IN OTHER WORDS, BEFORE THE
5 CAMERA WAS TURNED ON AND RECORDING STARTED OR AFTER
6 THE CAMERA WAS TURNED OFF AND RECORDING STOPPED, WERE
7 THERE ANY QUESTIONS THAT ARE NOT SHOWN ON THAT VIDEO?

8 A NO, SIR

9 Q OKAY NOW YOU HAVE HAD AN OPPORTUNITY TO VIEW
10 THE VIDEO?

11 A YES, SIR

12 Q AND I'LL SHOW YOU STATE'S EXHIBIT 7, THIS VIDEO,
13 YOU, MYSELF, AND CAPTAIN CABANISS REVIEWED THIS
14 VIDEO?

15 A YES, SIR

16 Q AND DOES THIS VIDEO ACCURATELY DEPICT WHAT TOOK
17 PLACE IN THAT HOUSE THAT MORNING?

18 A YES, SIR

19 MR BRACKETT YOUR HONOR, AT THE END OF
20 HER TESTIMONY I'LL JUST ASK MRS COLLINS TO HAVE
21 SOMEBODY WHEEL THE TELEVISION DOWN WITH THE VIDEO
22 PLAYER AND I'D LIKE TO PUBLISH THAT AT THE CONCLUSION
23 OF HER TESTIMONY AND CROSS EXAMINATION

24 Q NOW AFTER THE VIDEO HAD BEEN TAKEN AND YOU
25 RETURNED TO THE STATION, WHAT HAPPENED?

1 A WE PROCEEDED TO TALK WITH MR COPE AND CAPTAIN
2 CABANISS, I TOOK NOTES, BASICALLY CAPTAIN CABANISS
3 DID A LOT OF SPEAKING

4 Q DID YOU TAKE ANY KIND OF A BREAK IN BETWEEN THE
5 MORNING SESSION AND THE AFTERNOON SESSION?

6 A YES, WE DID

7 Q OKAY

8 A WE TOOK MR COPE BACK TO THE HOLDING CELL SO
9 THAT HE COULD HAVE LUNCH AND WE LEFT HIM THERE FOR A
10 LITTLE WHILE UNTIL ABOUT TWO O'CLOCK I BELIEVE IS
11 WHEN WE STARTED BACK THAT WOULD HAVE BEEN FROM
12 11 30 TO ABOUT 1 20 MR COPE WAS IN HIS CELL AND HE
13 WAS PROVIDED LUNCH

14 Q ALL RIGHT AT THE CONCLUSION OF LUNCH WHICH
15 OFFICE DID MR COPE RETURN TO?

16 A MY OFFICE

17 Q ALL RIGHT NOW WHEN HE FIRST CAME BACK IN DID
18 THE SUBJECT OF HIS CONSTITUTIONAL RIGHTS COME BACK
19 UP? DID YOU REVISIT THAT WITH HIM?

20 A YES, WE DID

21 Q AND AT ANY POINT IN THAT TIME DURING THAT
22 DISCUSSION DID HE INDICATE TO YOU THAT HE WANTED AN
23 ATTORNEY OR WISHED TO REMAIN SILENT?

24 A NO, SIR, HE DID NOT

25 Q NOW DESCRIBE THE PROCESS OF THE INTERVIEW THAT

1 TOOK PLACE THAT AFTERNOON?

2 A AFTER WE WENT OVER THE MIRANDA WARNINGS AGAIN,
3 BASICALLY JUST TO REITERATE TO HIM

4 Q YES

5 A OKAY THAT'S WHEN MR COPE PROCEEDED TO TELL US
6 ACTUALLY WHAT TOOK PLACE IN ADDITION HE STATED WHAT
7 HE TOLD US THE FIRST COUPLE TIMES, WENT OVER, WAS NOT
8 THE TRUTH, AND HE PROCEEDED TO TELL US WHAT HAD
9 HAPPENED WITH AMANDA COPE

10 Q OKAY WERE YOU MORE CONFRONTATIONAL IN THE
11 AFTERNOON THAN YOU WERE IN THE MORNING?

12 A MYSELF?

13 Q WELL, YOU AND CAPTAIN CABANISS

14 A YES, SIR

15 Q WAS THE INTERVIEW A LITTLE MORE CONFRONTATIONAL?

16 A YES, SIR

17 Q ULTIMATELY WAS A STATEMENT TAKEN?

18 A A STATEMENT WAS TAKEN, CORRECT

19 Q NOW WERE THERE INTERRUPTIONS THROUGHOUT THIS
20 INTERVIEW?

21 A THE ONLY INTERRUPTIONS THAT I RECALL IS WHEN
22 CAPTAIN CABINESS WAS PAGED A COUPLE TIMES OTHER
23 THAN THAT, THE PHONE RINGING, OR ANYTHING, THAT'S
24 ABOUT IT

25 Q DID MR COPE EVER INQUIRE TO GO TO THE BATHROOM

1 OR DID YOU, FOR A DRINK AND IT WAS DENIED HIM, WAS
2 THERE ANYTHING, ANYTHING THAT WAS DENIED TO MR COPE
3 THAT WOULD HAVE PLACED HIM IN SOME DISTRESS OR
4 DISCOMFORT?

5 A NO, SIR

6 Q OKAY NOW STATE'S EXHIBIT 9 IS A THREE PAGE
7 DOCUMENT, THE TWO PAGES ARE TYPEWRITTEN, AND THE
8 THIRD PAGE IS A FORM DOCUMENT, IT HAS SOME SIGNATURES
9 AND HANDWRITING ON IT?

10 A CORRECT

11 Q CAN YOU IDENTIFY THAT STATE'S EXHIBIT NINE, WHAT
12 THOSE DOCUMENTS ARE?

13 A THIS IS THE STATEMENT OF MR COPE AS HE GAVE IT
14 TO MYSELF AND CAPTAIN CABANISS WHICH WOULD HAVE BEEN
15 PAGE ONE MIRANDAS, PAGE TWO AND THREE HIS STATEMENT,
16 AND PAGE FOUR WAS A COPY I'M SORRY, NOT A COPY
17 PAGE 4 JUST BASICALLY STATES HE MADE THE STATEMENT OF
18 HIS OWN FREE WILL AND ACCORD, WITHOUT REWARD OR HOPE
19 OF REWARD, AND HE HAD NOT BEEN MISTREATED OR
20 THREATENED IN ANY WAY, THE WHOLE ABOVE WAS THE TRUTH
21 AND NOTHING BUT THE TRUTH SO HELP YOU GOD AND WE
22 WENT OVER THAT WITH HIM AND HE SIGNED THE STATEMENT

23 Q OKAY NOW THAT IS HIS SIGNATURE, YOU WITNESSED
24 HIM SIGNING ALL THOSE DOCUMENTS?

25 A YES, SIR

000397

1 Q NOW AT SOME POINT YOU SAY CAPTAIN CABANISS GOT
2 PAGED, ARE YOU FAMILIAR WITH ALL THE DETAILS OF WHAT
3 HAPPENED WHEN MR BARROWCLOUGH ARRIVED AT THE POLICE
4 DEPARTMENT AND THE SUBSEQUENT PHONE CALLS?

5 A CORRECT

6 Q WERE YOU PARTY TO THOSE CONVERSATIONS WITH MR
7 BARROWCLOUGH? DID YOU GO OUT AND TALK TO HIM?

8 A NO, SIR, I DID NOT

9 Q OKAY

10 A I STAYED WITH MR COPE

11 Q DID YOU SPEAK WITH THE SOLICITOR'S OFFICE?

12 A NO, SIR, I DID NOT

13 Q SO YOU DON'T KNOW WHAT HAPPENED IN THOSE
14 CONVERSATIONS?

15 A NO, SIR OTHER THAN WHAT CAPTAIN CABANISS
16 STATED, NO, SIR, I DO NOT

17 Q WERE YOU PRESENT WHEN CAPTAIN CABANISS INFORMED
18 MR COPE THAT THERE WAS AN ATTORNEY OUTSIDE WHO SAID
19 HE REPRESENTED HIM?

20 A YES, SIR

21 Q OKAY WERE YOU, WERE YOU PRESENT WHEN CABANISS
22 ASKED MR COPE IF HE WISHED TO SPEAK WITH THAT
23 ATTORNEY?

24 A YES, SIR

25 Q DID ANY, WERE ANY THREATS OR ANY TYPE OF

000398

1 COERCION OR PROMISES OR ANYTHING, WAS THERE ANYTHING
2 DONE TO FORCE OR COERCE MR COPE INTO REFUSING TO SEE
3 HIS ATTORNEY?

4 A NO, SIR

5 Q DID HE MAKE THE DECISION NOT SEE MR
6 BARROWCLOUGH FREELY AND VOLUNTARILY?

7 A HE DID

8 Q ALL RIGHT WERE YOU PRESENT WHEN MR
9 BARROWCLOUGH RETURNED TO YOUR OFFICE TO MEET MR COPE
10 FOR THE FIRST TIME LATE THAT AFTERNOON?

11 A YES, I WAS

12 Q ALL RIGHT AND WERE YOU PRESENT WHEN
13 MR CABINESS ASKED MR COPE ABOUT THE PREVIOUS
14 QUESTIONING OR DID YOU WANT TO SEE MR BARROWCLOUGH?

15 A YES, SIR

16 Q AND SHOWED HIM STATE'S EXHIBIT NUMBER 8 I
17 BELIEVE IT IS YES, STATE'S EXHIBIT NUMBER 8?

18 A CORRECT

19 Q AND ASKED HIM IF HE AGREED TO SIGN THAT FORM?

20 A CORRECT

21 Q AND DID HE ACKNOWLEDGE THAT HE HAD?

22 A YES, HE DID

23 Q AT THAT TIME DID HE INDICATE THAT HE HAD BEEN
24 THREATENED?

25 A NO, SIR

000399

1 Q INTO SIGNING THAT STATEMENT?

2 A NO, SIR

3 Q DID ANYBODY SAY ANYTHING AT ALL IN THAT
4 INTERVIEW THAT AFTERNOON ABOUT THE DEATH PENALTY?

5 A NO, SIR NOT TO MY KNOWLEDGE, NO, SIR

6 Q DID MR COPE ASK ABOUT IT?

7 A NOT TO MY KNOWLEDGE, NO, SIR

8 Q FINALLY, DETECTIVE BLACKWELDER, IN YOUR OPINION
9 ARE THE STATEMENTS THAT HE MADE THAT DAY WERE THEY
10 MADE FREELY AND VOLUNTARILY OF HIS OWN FREE WILL AND
11 ACCORD WITHOUT ANY TYPE OF THREATS OR COERCION?

12 A YES, SIR

13 Q THANK YOU VERY MUCH PLEASE ANSWER ANY
14 QUESTIONS MR MORTON MAY HAVE

15 MR MORTON DID YOU WANT TO PUT THAT IN,
16 KEVIN?

17 MR BRACKETT IT'S NOT A STATEMENT IT'S
18 JUST A SUMMARY BUT I'LL PUT IT IN

19 MR MORTON IT DOESN'T MATTER TO ME
20 CROSS EXAMINATION BY MR MORTON

21 Q DETECTIVE BLACKWELDER, YOU INDICATED THAT YOU
22 DID NOT MIRANDIZE MR COPE AT THE 6 25 P M ON THE
23 EVENING OF NOVEMBER 30, IS THAT RIGHT?

24 A THAT'S CORRECT

25 Q YOU STATED THAT YOU KNEW HE HAD BEEN MIRANDIZED

1 EARLIER?

2 A THAT'S CORRECT

3 Q HOW DID YOU KNOW THAT?

4 A FROM THE POLYGRAPH THAT HE HAD TAKEN WITH
5 LIEUTENANT HERRING AND MIKE BAKER

6 Q WELL, I UNDERSTAND THAT, BUT HOW DID YOU KNOW
7 THAT? HOW DID YOU KNOW HE HAD BEEN MIRANDIZED?

8 A I SAW THE PAPER, THE NOTES, THAT LIEUTENANT
9 HERRING HAD FROM THE INTERVIEW

10 Q AND LIEUTENANT HERRING BROUGHT THOSE PAPERS BACK
11 AND SHOWED THEM TO YOU?

12 A YES, SIR

13 Q SHOWED YOU A COPY OF THE MIRANDA FORM?

14 A YES, SIR

15 Q OKAY AND ON STATE'S EXHIBIT NUMBER 5 WAS THERE
16 A DATE AND TIME ON THIS ONE?

17 A THERE IS NOT A DATE ON THIS

18 Q IS THERE A TIME?

19 A THE TIME ON THIS PARTICULAR FORM, NO, SIR
20 THERE IS NOT

21 Q NOT A DATE OR A TIME ON THAT PARTICULAR FORM?

22 A NO, SIR

23 Q AND ON STATE'S EXHIBIT NUMBER 9 THERE IS
24 ACTUALLY NOT A WAIVER OF MIRANDA ON THIS FORM, IS
25 THAT CORRECT?

1 A NOT ON THAT PAGE PER SE, BUT THIS IS PAGE ONE OF
2 THE DOCUMENT, SIR

3 Q OKAY - SO WHAT YOU ARE SAYING IS STATE'S EXHIBIT
4 5 GOES WITH STATE'S EXHIBIT 9?

5 A YES, SIR

6 Q OKAY WAS THERE A MIRANDA WARNING ISSUED AT
7 9 45 A M ?

8 A NOT OTHER THAN A VERBAL STATEMENT THAT CAPTAIN
9 CABANISS HAD REITERATED TO HIM

10 Q SO THERE WAS NOT A SIGNED WRITTEN WAIVER OF
11 RIGHTS?

12 A NOT AT 9 45, NO, SIR IT WAS DONE AT 9 15

13 Q IT WAS WHAT?

14 A IT WAS DONE AT 9 15

15 Q WELL, DO YOU HAVE A COPY OF A SIGNED WRITTEN
16 WAIVER AT 9 15?

17 A THIS IS IT

18 Q WELL, I THOUGHT THIS WENT WITH THE AFTERNOON?

19 A IT DOES IT DOES IT WAS A COMBINATION OF THE
20 FORM THIS WAS THE FIRST FORM THAT I TOOK

21 Q UH-HUH

22 A AND THEN AFTER WE GOT THE STATEMENT FROM HIM
23 THEN WE SIGNED THE DOCUMENTATION

24 Q SO WERE THERE TWO WAIVERS?

25 A NO, SIR NOT WRITTEN WAIVERS

000402

1 Q OKAY ONE WRITTEN WAIVER?
2 A AND ONE VERBAL
3 Q AT 9 15, 9 45 THAT MORNING?
4 A YES, SIR
5 Q AND THEN THIS IS SOMETHING THAT WAS TAKEN AT
6 1 30 THAT AFTERNOON?
7 A YES, SIR
8 Q UNTIL ALMOST FIVE O'CLOCK?
9 A YES, SIR
10 Q NOW YOU HAVE INDICATED THAT MR COPE HAD WRITTEN
11 A STATEMENT OUT HIMSELF AT 9 45 THAT MORNING?
12 A UH-HUH
13 Q Y'ALL HAD TAKEN HIM BACK TO RICH STREET FOR A
14 VIDEO RE-ENACTMENT?
15 A YES, SIR
16 Q WHEN YOU GOT BACK YOU TOLD HIM YOU DIDN'T
17 BELIEVE HIM, RIGHT?
18 A YES, SIR
19 Q THEN YOU GAVE HIM LUNCH AND TOOK CARE OF HIM?
20 A YES, SIR
21 Q THEN HE GIVES THIS STATEMENT AT 1 30 UNTIL FIVE
22 O'CLOCK?
23 A YES, SIR
24 Q RIGHT?
25 A YES, SIR

000403

1 Q WHAT HAPPENED BETWEEN THE TIME THAT HE CAME BACK
2 FROM THE VIDEO RE-ENACTMENT UNTIL THE 1 30 STATEMENT
3 TO CHANGE HIS MIND?

4 A I GUESS HE DECIDED TO TELL US THE TRUTH

5 Q HE JUST HAD A REVELATION?

6 A YES, SIR

7 Q JUST DECIDED HE WOULD CHANGE?

8 A YES, SIR

9 Q Y'ALL HAD TALKED TO HIM BETWEEN THOSE TIMES?

10 A FROM, I'M SURE WE DID, YES, SIR

11 Q SO UNTIL THAT STATEMENT WAS TYPED BY YOU
12 SOMETIME AFTER FIVE O'CLOCK, HE HAD CHANGED HIS MIND
13 BETWEEN THE EARLIER STATEMENT, THE VIDEO
14 RE-ENACTMENT, AND THAT STATEMENT?

15 A YES, SIR

16 Q AND YOU STATED EARLIER THAT YOUR CONVERSATION
17 WITH HIM IN THE AFTERNOON BECAME MORE HEATED, IS THAT
18 RIGHT?

19 A I THINK -- I DON'T THINK HEATED WAS THE WORD I
20 THINK IT WAS --

21 Q WELL, YOU TELL ME WHAT THE WORD WAS

22 MR BRACKETT YOUR HONOR, I ASK SHE BE
23 ALLOWED TO FINISH

24 MR MORTON I'M SORRY I DON'T MEAN TO
25 INTERRUPT

000404

1 A I DON'T RECALL EXACTLY WHAT WORD MR BRACKETT
2 USED BUT I DON'T BELIEVE IT WAS HEATED

3 Q WELL, YOU DESCRIBE FOR ME HOW THE TONE IN THE
4 CONVERSATION CHANGED AT 1 45 IN THE AFTERNOON?

5 A I BELIEVE CAPTAIN CABANISS AND MYSELF BASICALLY
6 WE TOLD MR COPE THAT WE DIDN'T BELIEVE WHAT HE WAS
7 TELLING US AND JUST CONTINUED FROM THAT THERE

8 Q WAS THAT IT? DID YOU SAY WELL WE DON'T BELIEVE
9 YOU AND HE SAID OH, OKAY

10 A (NO RESPONSE)

11 Q I'M SORRY CAN YOU DESCRIBE FOR US HOW IT
12 BECAME DIFFERENT OR WHAT CHANGED HIS MIND?

13 A NO, SIR, I CAN'T I MEAN OTHER THAN THE FACT
14 THAT WE TOLD HIM THAT WE KNEW HE WASN'T TELLING US
15 THE TRUTH ABOUT SOMETHING

16 Q SO Y'ALL BASICALLY SAY LOOK WE KNOW YOU'RE NOT
17 TELLING US THE TRUTH?

18 A CORRECT

19 Q DID YOU TELL HIM HOW YOU KNEW THAT HE WASN'T
20 TELLING THE TRUTH?

21 A WE DID

22 Q AND HOW WAS THAT?

23 A WE TOLD HIM THE INCONSISTENCIES IN HIS
24 STATEMENTS THAT HE MADE

25 Q SUCH AS?

000405

1 A THE HOUSE BEING SECURED THAT NIGHT, THE TIME THE
2 CHILDREN WENT TO BED, THE DOORS, THE WINDOWS, THERE
3 WAS A LOT OF DIFFERENT THINGS, AND A LOT IS MENTIONED
4 ON THE TAPES

5 Q OKAY ANYTHING ELSE YOU CAN THINK OF?

6 A NO, SIR

7 MR MORTON THAT'S ALL I HAVE, YOUR
8 HONOR

9 MR BRACKETT BRIEFLY
10 REDIRECT EXAMINATION BY MR BRACKETT

11 Q DID HIS DISCUSSION ABOUT HIS EX-GIRLFRIEND
12 LAUGHING IN HIS HEAD, WAS THAT A CAUSE OF CONCERN FOR
13 YOU GUYS?

14 A YES, SIR

15 Q THAT'S PART OF HIS STORY?

16 A YES, SIR

17 Q AND DID YOU DISCUSS THAT WITH HIM AT 1 30?

18 A WE DID

19 Q NOW THE STATE'S EXHIBIT NUMBER 5, THE ONE THAT'S
20 SIGNED OVER HERE, THE FIRST WAIVER OF RIGHTS?

21 A YES, SIR

22 Q WHAT TIME DID YOU SAY YOU GAVE HIM THE RIGHTS ON
23 THAT PAGE?

24 A THIS WOULD HAVE BEEN AROUND 9 15 WHEN WE GOT
25 BACK TO THE JAIL THAT MORNING

000406

1 Q ARE YOU SURE IT WAS PRIOR TO YOUR DISCUSSIONS
2 WITH HIM AT 9 45 IN YOUR OFFICE?

3 A YES, SIR

4 Q AND WHO WAS THE OTHER WITNESS ON THAT?

5 A OFFICER MCDANIEL, TRAVIS MCDANIEL

6 Q OKAY HOW MANY OF THOSE FORMS DID YOU EVER SIGN
7 ON MR COPE IN THIS CASE?

8 A (NO RESPONSE)

9 Q WERE THERE OTHER TIMES THAT YOU USED THAT FORM
10 WITH MR COPE OR IS THAT THE ONLY TIME THAT YOU USED
11 A FORM LIKE THAT ON HIM?

12 A THIS WAS THE ONLY TIME I USED A FORM LIKE THIS

13 Q SO THE FACT THAT IT DOESN'T HAVE A DATE ON THERE
14 OR A TIME, COULD THERE BE ANY OTHER FORM?

15 A NOT TO MY KNOWLEDGE, NO, SIR

16 Q OKAY SO YOU SAID THAT'S REALLY PAGE ONE
17 WHAT, HOW MANY PAGES ARE INDICATED ON STATE'S EXHIBIT
18 9

19 A FOUR

20 Q ON THE THIRD PAGE IT SAYS PAGE WHAT AT THE TOP?

21 A PAGE FOUR

22 Q SO FIVE IS, STATE'S EXHIBIT 5 IS PAGE ONE OF
23 THAT FOUR PAGE?

24 A CORRECT

25 Q YOU DID THE FIVE IN THE MORNING THEN WHEN YOU

1 FINISHED UP, WHAT TIME DOES IT SAY THAT THE STATEMENT
2 WAS SIGNED ON THAT PAGE?

3 A 1655 P M HOURS WHICH WOULD HAVE BEEN FIVE
4 MINUTES TO FIVE

5 Q SO WHEN MR MORTON ASKED YOU A FEW MINUTES AGO
6 IF THAT STATEMENT WAS TYPED UP AFTER FIVE?

7 A NO, SIR

8 Q THE TYPEWRITTEN STATEMENT?

9 A IT WAS NOT

10 Q THE TIME THAT YOU JUST SAID 1655, WAS THAT THE
11 ACTUAL TIME THAT THE STATEMENT WAS SIGNED AND
12 CONCLUDED?

13 A CORRECT

14 Q THE INTERVIEWED WAS CONCLUDED?

15 A CORRECT

16 Q SO THAT TYPEWRITTEN TWO PAGE DOCUMENT STATE'S 9
17 WOULD HAVE BEEN TYPED BEFORE FIVE O'CLOCK?

18 A THAT'S CORRECT

19 Q OKAY YOU ALSO SAID THAT HE ASKED YOU, THERE
20 WAS ONE WRITTEN AND ONE VERBAL WAIVER, YOU SAID ONE
21 AT 9 15 AND ONE AT 9 45?

22 A CORRECT

23 Q WHEN I WAS QUESTIONING YOU EARLIER I ASKED YOU,
24 DID YOU DID REVISIT THE SUBJECT OF HIS RIGHTS WITH
25 HIM AT 1 30?

000408

1 A YES I'M SORRY YES, THAT WOULD BE TWO VERBAL

2 Q OKAY THANK YOU VERY MUCH

3 THE COURT RECROSS

4 MR MORTON NO, SIR

5 THE COURT OKAY YOU CAN STEP DOWN

6 THANK YOU NOW DID YOU WANT TO SHOW THE VIDEO

7 MR BRACKETT YES, SIR, I HAD ASKED THEM
8 TO WHEEL

9 THE COURT WELL, WE'LL TAKE A BREAK WHILE
10 YOU'RE GETTING THAT IN AND WATCH THE VIDEO AND THEN
11 THE TAPES WE'LL TAKE A SHORT BREAK

12 (COURT'S IN RECESS AT 10 45)

13 (COURT RESUMES AT 11 O'CLOCK)

14 MR BRACKETT I TRIED TO PLACE THE VIDEO
15 SCREEN WHERE IT CAN BE SEEN BY ALL PARTIES

16 THE COURT THAT'S FINE

17 (THE VIDEO IS PLAYED FOR THE COURT AT
18 11 22)

19 THE COURT ALL RIGHT WE'RE BACK
20 LISTENING TO THE TAPES

21 MR BRACKETT YES, SIR

22 THE COURT ALL RIGHT I BELIEVE WE'RE
23 STARTING WITH TAPE THREE SIDE A

24 MR BRACKETT YOUR HONOR, I BELIEVE THE
25 DEFENSE HAS SUBPOENAED ONE OF THE CITY RECORDERS

1 SHE IS SITTING OUTSIDE

2 THE COURT SURE, WE CAN GO AHEAD AND DO
3 HER

4 MR BRACKETT AND ALSO FRED A SIMPSON IS
5 HERE UNDER YOUR SUBPOENA SHE'S CUSTODIAN OF RECORDS
6 FROM ROCK HILL CITY

7 DOLORES WILLIAMS, BEING FIRST
8 DULY SWORN, TESTIFIED AS FOLLOWS

9 DIRECT EXAMINATION BY MR MORTON

10 Q GOOD MORNING, MRS WILLIAMS

11 A GOOD MORNING

12 Q WOULD YOU PLEASE STATE YOUR NAME AND OCCUPATION
13 FOR THE RECORD FOR US SPEAK LOUD

14 A DOLORES WILLIAMS ADMINISTERIAL RECORDER AT THE
15 ROCK HILL MUNICIPAL COURT

16 Q HOW LONG YOU HAVE MINISTERIAL RECORDER AT ROCK
17 HILL MUNICIPAL COURT?

18 A OH, ABOUT 15 YEARS

19 Q OKAY AND YOU WERE THERE, WERE YOU THERE ON
20 NOVEMBER 30 OF 2001?

21 A I PROBABLY WAS

22 Q OKAY DO YOU HAVE ANY REASON TO BELIEVE THAT
23 YOU WERE THERE OR NOT THERE, DO YOU REMEMBER THAT DAY
24 IN PARTICULAR?

25 A SPECIFICALLY, NO, I DO NOT

1 Q OKAY DO YOU REMEMBER SIGNING WARRANTS THAT DAY
2 AGAINST MR BILLY WAYNE COPE?

3 A SPECIFICALLY, NO

4 Q NO WHAT TIME DO YOU WORK? WHAT TIME DO YOU
5 USUALLY GET THERE?

6 A FROM EIGHT A M TO FIVE P M

7 Q FIVE P M

8 A AND ALSO I WORK 11 TO 8, 11 A M TO 8 P M SOME
9 WEEKS

10 Q DO YOU KNOW, I MEAN, DO YOU ALTERNATE BETWEEN?

11 A I DO I DO ALTERNATE FROM ONE WEEK TO THE
12 OTHER

13 Q OKAY SO ONE WEEK YOU WORK FROM EIGHT TO FOUR
14 AND ANOTHER, THE NEXT WEEK YOU WORK 11 TO 8?

15 A EIGHT TO FIVE

16 Q EIGHT TO FIVE?

17 A AND THEN ON TUESDAY AND THURSDAYS, SOME WEEKS, I
18 WORK FROM 11 A M TO 8 P M

19 Q SOME WEEKS, HOW DOES THAT WORK?

20 A ONE WEEK ON MONDAY, TUESDAY, AND FRIDAY IT'S 8
21 TO 5 THE WEEK THAT I WORK COURT, TUESDAY AND
22 THURSDAY, IT'S 11 A M TO 8 P M THAT'S WHY IT
23 VARIES BECAUSE WE HAVE COURT IN THE EVENING ON
24 TUESDAYS AND THURSDAYS

25 Q SO DURING COURT WEEKS WHEN THEY ARE HAVING

1 COURT, YOU MEAN JURY TRIALS?

2 A JUST REGULAR COURT, REGULAR COURT SESSIONS

3 Q JUST REGULAR TRAFFIC COURT?

4 A RIGHT TRAFFIC COURT, CRIMINAL COURT, UH-HUH

5 Q THEN, AND THAT IS EVERY OTHER WEEK?

6 A THAT'S FOR ME THERE IS SOMEONE ELSE THAT WORKS

7 THERE ALSO

8 Q OKAY YEAH

9 A THAT'S MY SCHEDULE

10 Q SO IN ROCK HILL CITY COURT THEY HAVE CRIMINAL

11 COURT BASICALLY EVERY OTHER WEEK?

12 A EVERY DAY

13 Q EVERY DAY

14 A EVERY DAY

15 Q OKAY

16 A MONDAY THROUGH FRIDAY

17 Q MONDAY THROUGH FRIDAY EVERY DAY EVERY WEEK?

18 A RIGHT

19 Q AND THEN ONE WEEK YOU'LL WORK -- I'M SORRY ONE

20 WEEK YOU WILL WORK EIGHT TO FIVE MONDAY THROUGH

21 FRIDAY?

22 A RIGHT

23 Q AND THE NEXT WEEK YOU WILL DO WHAT?

24 A THE CHANGE COMES IN ON TUESDAY AND THURSDAY

25 WHEREIN I WOULD WORK COURT

1 Q OKAY

2 A AND MY SCHEDULE FOR TUESDAY AND THURSDAY THOSE
3 PARTICULAR DAYS IS 11 A M TO 8 P M OR UNTIL WE
4 FINISH WITH COURT

5 Q OKAY

6 A BUT I WOULD BE IN ABOUT 11, 11 O'CLOCK

7 Q OKAY SO EVERY OTHER WEEK YOU WORK TUESDAY AND
8 THURSDAY FROM 11 TO 8?

9 A RIGHT

10 Q OKAY DO YOU HAVE A, IS THERE A RECORD OF WHEN
11 YOU WERE WORKING AT THE ROCK HILL CITY POLICE STATION
12 PROBABLY I MEAN, YOU CHECK IN, YOU PUNCH A CLOCK?

13 A WE HAVE TIME CARDS

14 Q YOU HAVE TIME CARDS?

15 A RIGHT

16 Q DO YOU HAVE ANY NOTES, DO YOU KEEP ANY RECORDS
17 OF WHEN YOU SERVE OR AUTHORIZE, WHEN YOU AUTHORIZE
18 WARRANTS, EITHER ARREST WARRANTS OR SEARCH WARRANT?

19 A I DO NOT

20 Q YOU DO NOT KEEP THEM?

21 A I DO NOT KEEP NOTES

22 Q DO YOU KEEP ANY NOTES REGARDING WHAT OFFICERS
23 TOLD YOU IN RELATION TO PROBABLE CAUSE ABOUT A
24 WARRANT?

25 A NO, I DO NOT

000413

1 Q DO YOU RECORD ANYTHING?

2 A NO, SIR

3 Q YOU DON'T RECORD ANYTHING OR MAKE NOTES OR
4 ANYTHING EITHER AS TO ARREST WARRANTS OR AS TO SEARCH
5 WARRANTS?

6 A NO, SIR

7 Q OKAY

8 A I'M SORRY FOR SEARCH WARRANTS I DO HAVE A LOG
9 BOOK

10 Q FOR SEARCH WARRANTS YOU DO HAVE A LOG BOOK?

11 A HAVE A LOG BOOK

12 Q AND THAT LOG BOOK FOR SEARCH WARRANTS AND I'M
13 NOT GOING TO GET TOO COMPLICATED ABOUT THAT BECAUSE
14 WE'RE NOT TALKING ABOUT THAT TODAY, BUT THE LOG BOOK
15 AS TO SEARCH WARRANTS IS KEPT FOR HOW LONG?

16 A I'VE HAD IT FOR THE, SINCE I'VE BEEN WORKING
17 THERE

18 Q SO IF I WANTED TO SEE WHEN OFFICER JONES CAME IN
19 IN 1998 AND GOT A SEARCH WARRANT FOR A PARTICULAR
20 CASE, YOU WOULD HAVE A LOG OF WHEN HE CAME IN AND YOU
21 TALKED TO HIM ABOUT THAT SEARCH WARRANT?

22 A WE DO HAVE A LOG BOOK FOR THAT, YES

23 Q AND WOULD YOU HAVE A LOG BOOK AS TO THE RETURN?

24 A YES

25 Q BUT YOU DON'T KEEP ANYTHING ELSE AS TO THE

1 ARREST WARRANTS?

2 A NO, I JUST KEEP THE PINK COPY

3 Q-- AND WHEN AN OFFICER COMES IN TO TALK TO YOU
4 ABOUT AN ARREST WARRANT, WHAT IS YOUR PROCEDURE WITH
5 THAT OFFICER AT THAT POINT?

6 A I WILL READ THE WARRANT IF THERE IS SOMETHING
7 THAT I DON'T UNDERSTAND OR I NEED MORE INFORMATION
8 ABOUT THE CASE, I WILL ASK THEM VARIOUS QUESTIONS

9 Q OKAY SO IN OTHER WORDS, IS IT PROCEDURE THAT
10 THE OFFICER COMES IN, THEY HAND YOU THE WARRANT, AND
11 THEY SAY, I GOT A WARRANT AGAINST JOE BLOW FOR SUCH
12 AND SUCH, AND YOU LOOK AT THE WARRANT AND SIGN IT IF
13 YOU DON'T HAVE ANY QUESTIONS?

14 A I'LL READ IT AND SIGN IT IF THERE IS PROBABLE
15 CAUSE I WILL SIGN IT

16 Q IF IT DOESN'T STATE PROBABLE CAUSE WHAT YOU WILL
17 DO?

18 A I DON'T SIGN IT

19 Q DO YOU ASK THEM QUESTIONS ABOUT THE LACK OF
20 PROBABLE CAUSE?

21 A I WILL AND THEY WILL OFFER INFORMATION

22 Q DO YOU CHANGE, DO YOU ASK THEM TO GO BACK AND
23 TYPE ANOTHER WARRANT? THAT YOU ARE NOT GOING TO SIGN
24 THAT

25 A I VERY RARELY HAVE DONE THAT, BUT THERE HAVE

1 BEEN OCCASIONS WHERE THERE MAY BE MISSING SOMETHING,
2 SOMETHING I DON'T UNDERSTAND, AND THEY WILL ELABORATE
3 ON IT, AND ASK THEM TO ADD SOMETHING

4 Q OKAY ARE YOU ON CALL?

5 A YES

6 Q AND WHEN YOU ARE ON CALL DO OFFICERS SOMETIMES
7 CALL YOU AT HOME AND COME OUT TO YOUR HOUSE?

8 A YES

9 Q ASK YOU TO SERVE WARRANTS, ASK YOU TO AUTHORIZED
10 WARRANTS?

11 A THEY DO

12 Q OKAY WHAT PROCESS, IF ANY, DO YOU GO THROUGH
13 FOR SWEARING THE OFFICERS?

14 A I'LL ASK THEM IF THEY WILL AFFIRM OR SWEAR THAT
15 THE INFORMATION THAT THEY'VE GIVEN ME IS TRUE

16 Q OKAY AND YOU ASK THEM EVERY TIME?

17 A YES

18 Q WHEN THEY COME IN YOUR OFFICE IS THAT THE FIRST
19 THING THAT YOU DO?

20 A NO NO I WOULD READ THE WARRANT --

21 Q YOU READ THE WARRANT?

22 A ---FIRST, AND THEN TALK ABOUT IT IF THERE IS
23 SOMETHING THAT I DON'T UNDERSTAND I'LL DISCUSS IT
24 WITH THEM

25 Q OKAY AND IF THERE IS SOMETHING, WHEN YOU DO

1 SWEAR THEM?

2 A RIGHT BEFORE I ASK THEM TO SIGN IT

3 Q RIGHT BEFORE YOU ASK THEM TO SIGN IT?

4 A UH-HUH

5 Q OKAY AND YOU DON'T REMEMBER ANYTHING ABOUT
6 NOVEMBER 30 OF 2001?

7 A NOT SPECIFICALLY, NOTHING STANDS OUT FOR THAT
8 DAY

9 Q OKAY THAT'S ALL I HAVE THANK YOU

10 MR BRACKETT NO QUESTIONS

11 THE COURT YOU CAN STEP DOWN AND BE
12 EXCUSED WE APPRECIATE YOUR TIME THANK YOU CALL
13 YOUR NEXT WITNESS

14 MR MORTON FREDA SIMPSON

15 FREDA SIMPSON, BEING FIRST DULY SWORN,
16 TESTIFIED AS FOLLOWS

17 DIRECT EXAMINATION BY MR MORTON

18 Q MRS SIMPSON, IF YOU WILL PLEASE STATE YOUR FULL
19 NAME AND OCCUPATION FOR US?

20 A MY NAME IS FREDA SIMPSON MY OCCUPATION, I'M A
21 CLERK TWO AT THE ROCK HILL POLICE DEPARTMENT RECORDS
22 DIVISION

23 Q OKAY ARE YOU CONSIDERED THE CUSTODIAN OF THE
24 RECORDS AT THE ROCK HILL POLICE DEPARTMENT?

25 A I'M THE TEAM LEADER IN RECORDS

1 Q OKAY AND DID I SUBPOENA YOU, I GUESS, THIS
2 MORNING?

3 A YES

4 Q FOR CERTAIN, CERTAIN BOOKING RECORDS RELATED TO
5 MR BILLY WAYNE COPE'S ARREST?

6 A YES, SIR, YOU DID

7 Q DO YOU HAVE THOSE WITH YOU?

8 A YES, SIR, I DO

9 Q AND MAY I SEE THEM?

10 A YES, SIR

11 Q IS THIS A TRUE AND ACCURATE COPY?

12 A YES, SIR, IT IS

13 Q I MOVE IT AS DEFENSE EXHIBIT WHATEVER IS NEXT
14 THE COURT ANY OBJECTION?

15 MR BRACKETT NONE

16 (DEFENSE EXHIBIT NUMBER 4 BOOKING REPORT
17 RECEIVED INTO EVIDENCE)

18 Q THIS EXHIBIT NUMBER FOUR AND I'M GOING TO STAND
19 HERE WITH YOU, IF THAT'S OKAY, IS A BOOKING REPORT
20 FROM THE ROCK HILL POLICE DEPARTMENT, IS THAT
21 CORRECT?

22 A THAT IS, SIR

23 Q AND IT'S A BOOKING REPORT FOR MURDER FOR BILLY
24 WAYNE COPE?

25 A CORRECT

000418

1 Q THIS FIRST PAGE IS, THIS IS A TWO PAGE, THREE
2 PAGE DOCUMENT?

3 A YES, SIR

4 Q WE'RE LOOKING AT THE FIRST PAGE IN WHICH IT
5 INDICATES THAT MR COPE WAS CHARGED WITH MURDER, IS
6 THAT RIGHT?

7 A THAT'S RIGHT

8 Q AND THAT HE WAS, THE DAY AND THE TIME OF THE
9 BOOKING WAS 43127?

10 A CORRECT

11 Q IS THAT 43127 A M ?

12 A YES, SIR

13 Q BECAUSE YOU USE A MILITARY CLOCK?

14 A USE MILITARY

15 Q OKAY NOW IT ALSO HAS ON HERE CRIMINAL SEXUAL
16 CONDUCT FIRST DEGREE, CRIMINAL SEXUAL CONDUCT FIRST
17 DEGREE, IS THAT RIGHT?

18 A YES, SIR

19 Q AND DOES THAT INDICATE THAT HE WAS CHARGED WITH
20 CRIMINAL SEXUAL CONDUCT FIRST DEGREE AND CRIMINAL
21 SEXUAL CONDUCT FIRST DEGREE AT THE SAME TIME HE WAS
22 CHARGED WITH MURDER?

23 A I DON'T KNOW I DON'T KNOW WHAT TYPE THOSE
24 WERE JUST ADDED, THOSE ARE CHARGES, ALL OF THEM WERE
25 IN HERE, WERE CHARGES THAT WERE ADDED TO THE ORIGINAL

1 BOOKING WHICH WOULD BE THIS ONE HERE

2 Q OKAY THE ORIGINAL BOOKING WAS FOR MURDER?

3 A RIGHT AND WE DON'T HAVE A TIME THAT --

4 Q THE OTHER CHARGES WERE ADDED?

5 A WERE LIKE ADDENDUM

6 Q OKAY

7 A SO THE ONLY THING WE HAVE IS WHAT'S UP HERE

8 Q SO THIS BOOKING REPORT WHEN IT WAS FIRST FILLED

9 OUT, WAS IT FILLED OUT AT THE TIME HE WAS ARRESTED?

10 A NO, SIR, THAT'S WHEN HE'S BOOKED

11 Q OKAY

12 A WHAT TIME HE'S BROUGHT INTO THE JAIL MAYBE

13 DIFFERENT FROM THE TIME WHEN HE WAS ACTUALLY --

14 Q RIGHT THAT'S WHEN HE WAS BOOKED?

15 A RIGHT

16 Q BUT IF HE WERE ONLY BOOKED ON ONE CHARGE AT 431

17 A M THEN THE BOOKING SHEET WOULD ONLY HAVE, FOR

18 INSTANCE, IF HE WERE JUST CHARGED WITH MURDER, THEN

19 THIS BOOKING SHEET AT THE TIME WOULD ONLY HAVE

20 MURDER?

21 A I DON'T KNOW ALL I KNOW THAT'S WHAT CAME IN

22 THE RECORDS

23 Q THAT'S WHAT CAME TO YOUR RECORDS?

24 A RIGHT, SO I DON'T KNOW WHAT WAS THERE BEFORE

25 Q ON THIS BOOKING REPORT YOU WOULD AGREE WITH ME

1 THAT THE CHARGES OF MURDER, CRIMINAL SEXUAL CONDUCT
2 FIRST DEGREE, CRIMINAL SEXUAL CONDUCT FIRST DEGREE,
3 ARE INDICATED ON HERE?

4 A CORRECT

5 Q IS THAT RIGHT?

6 A THAT'S RIGHT

7 Q THE BOOKING OFFICER'S NAME IS JEFF HOOVER?

8 A CORRECT

9 Q OKAY IS HE STILL THERE?

10 A NO, SIR

11 Q HE IS NOT THERE?

12 A NO, SIR

13 Q AND HOW LONG HAS HE BEEN GONE?

14 A I DON'T KNOW I NEVER DID MEET HIM

15 Q YOU NEVER DID KNOW MR HOOVER?

16 A NO, SIR

17 Q YOU DON'T KNOW WHAT TIME HE WORKED OR DID NOT
18 WORK?

19 A NO, SIR

20 Q OKAY SECOND PAGE INDICATES THREE CHARGES FOR
21 UNLAWFUL NEGLIGENCE, IS THAT CORRECT?

22 A IT IS

23 Q OKAY THEN THERE ARE OTHER CHARGES FOR CRIMINAL
24 SEXUAL CONDUCT WITH A MINOR?

25 A CORRECT

000421

1 Q THREE MORE CHARGES?
2 A CORRECT
3 Q THOSE WOULD BE DIFFERENT FROM THE CHARGES ON THE
4 FRONT PAGE?
5 A CORRECT
6 Q SO AS TO THE UNLAWFUL NEGLECTS AND THREE CSCS
7 WITH A MINOR ON THE SECOND PAGE YOU CANNOT TELL FROM
8 THIS REPORT WHEN MR COPE WAS BOOKED IN FOR THOSE
9 CHARGES?
10 A NO, SIR, I CANNOT
11 Q OKAY THE THIRD PAGE HAS CRIMINAL SEXUAL
12 CONDUCT FIRST DEGREE AND CRIMINAL CONSPIRACY TO
13 COMMIT CRIMINAL SEXUAL CONDUCT WHICH WAS ALSO ADDED
14 ON THIS BOOKING REPORT?
15 A YES, SIR
16 Q NOW IF MR COPE WAS CHARGED WITH SOMETHING TODAY
17 WOULD YOU JUST ADD IT TO THE SAME FORM?
18 A IF IT INVOLVED THE SAME CASE I WOULD THINK SO
19 Q OKAY ALL RIGHT
20 A I DON'T KNOW HOW THEY DO THAT BACK IN THE JAIL
21 I JUST KNOW THAT'S HOW WE GET IT IN FROM RECORDS
22 Q BACK IN THE JAIL WHEN THEY, DO THEY, WHAT'S THE
23 PROCEDURE REGARDING ARRESTS AND BOOKING?
24 A I HAVE NO IDEA
25 Q OKAY

000422

1 A I DON'T HAVE ANY PART OF THAT

2 MR MORTON? BEGGING THE COURT'S
3 INDULGENCE JUST ONE SECOND, YOUR HONOR

4 Q WOULD THERE BE RECORDS, MRS SIMPSON, THAT WOULD
5 TELL WHAT TIME MR COPE WAS BOOKED IN ON THE CHARGES
6 OTHER THAN THE INITIAL CHARGE?

7 A NOT IN RECORDS THERE WOULDN'T BE THERE MAY BE
8 BACK IN THE JAIL BUT NOT IN RECORDS

9 Q WOULD THE JAIL, DO THEY CUSTOMARILY TURN THOSE
10 IN TO RECORDS?

11 A NO, SIR

12 Q THEY DON'T

13 A I THINK THEY MAY KEEP LOGS BACK THERE, BUT WE
14 DON'T HAVE ANYTHING LIKE THAT IN RECORDS ALL WE GET
15 IN THERE ARE BOOKINGS SLIPS, AND THE INCIDENT REPORTS
16 AND ANY SUPPLEMENTALS THAT'S ADDED NOW WE MAY HAVE
17 A SUPPLEMENTAL THAT SAYS THAT HE WAS CHARGED WITH
18 ADDITIONAL CHARGES ON THAT DAY, BUT ANY TIMEFRAME WE
19 DON'T HAVE THAT

20 Q YOU WOULDN'T HAVE THE TIME FRAME THEY WOULDN'T
21 PUT THE TIME ON THERE THAT HE WAS ARRESTED OR
22 CHARGED?

23 A ON THE SUPPLEMENTAL

24 Q YES, MA'AM

25 A NO, SIR

000423

1 Q SO YOU DON'T KNOW WHETHER THE JAIL KEEPS A COPY
2 OF WHEN THEY WERE ARRESTED AND CHARGED?

3 A NO, SIR I DON'T

4 Q BUT THEY DON'T FORWARD THAT TO YOU?

5 A NO, SIR, THEY DON'T

6 Q THEY JUST TELL YOU OTHER CHARGES HAD BEEN ADDED

7 A WE USUALLY JUST GET SUPPLEMENTALS IN

8 Q AND WHAT DOES SUPPLEMENTAL SAY?

9 A IT JUST BASICALLY SAYS SOMEONE WAS ADDED, EITHER
10 SOME CHANGE TO A CASE, OR THAT SOMEONE WAS SERVED
11 WITH OTHER WARRANTS OR SOMETHING

12 Q BUT IT DOESN'T HAVE ANY DATE OR TIME ON THERE?

13 A NO, SIR, IT DOESN'T

14 Q OKAY THAT'S ALL I HAVE THANK YOU FOR COMING
15 ON SUCH SHORT NOTICE

16 MR BRACKETT ONE QUICK QUESTION TO
17 CLARIFY WHAT I UNDERSTAND YOUR TESTIMONY TO BE
18 CROSS EXAMINATION BY MR BRACKETT

19 Q WHAT YOU ARE SAYING IS THE DATE AND TIME OF
20 ARREST IN THE UPPER LEFT HAND CORNER HERE?

21 A RIGHT

22 Q THAT'S JUST THE DATE AND TIME THAT IT WAS
23 ACTUALLY ENTERED INTO THE COMPUTER?

24 A NO, THAT HE WAS ACTUALLY BOOKED BACK IN THE
25 JAIL THEY DO ALL THAT WE JUST GET THE REPORT FROM

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1 THEM

2 Q HE COULD HAVE BEEN PUT IN HIS CELL AN HOUR
3 BEFORE?

4 A HE COULD HAVE BEEN

5 Q BUT THAT DOESN'T INDICATE THAT?

6 A NO, SIR, IT DOESN'T

7 Q THANK YOU?

8 A UH-HUH

9 THE COURT YOU CAN STEP DOWN THANK YOU
10 WE APPRECIATE YOUR TIME ALL RIGHT NOW LISTEN TO
11 THE SOME MORE OF THE TAPES

12 MR BRACKETT YES, SIR

13 (THE TAPE IS PLAYED FOR THE COURT)

14 (THE TAPE IS FINISHED BEING PLAYED BY THE
15 COURT AT 1 10)

16 THE COURT MR BRACKETT AND MR MORTON,
17 WHAT'S THE AFTERNOON LOOK LIKE?

18 MR BRACKETT DETECTIVE BAKER FOR THE
19 STATE AND MAYBE ONE OTHER WITNESS ON THE CONFESSION
20 ISSUE, THEN THAT WOULD BE THE STATE'S PRESENTATION
21 FOR DENNO PURPOSES

22 THE COURT OKAY

23 MR MORTON JUST SOME HOUSEKEEPING
24 MATTERS AFTER THAT NOTHING TOO LONG

25 THE COURT ALL RIGHT WE'LL BE AT EASE

1 UNTIL 2 15

2 (COURT'S IN RECESS)

3 (COURT RESUMES COURT RESUMES AT 2 15)

4 THE COURT BRING IN THE DEFENDANTS CALL
5 YOUR NEXT WITNESS

6 MR THOMPSON THE STATE CALLS JUDGE RAY
7 LONG

8 RAY LONG, BEING FIRST DULY SWORN,
9 TESTIFIED AS FOLLOWS

10 DIRECT EXAMINATION BY MR THOMPSON

11 Q JUDGE LONG, GIVE US YOUR NAME PLEASE

12 A RAY LONG

13 Q JUDGE LONG, YOU WORK HERE FOR THE COUNTY?

14 A YES, SIR

15 Q HOW LONG HAVE YOU BEEN WORKING FOR THE COUNTY?

16 A SEVEN YEARS

17 Q AND WHAT ARE SOME OF YOUR DUTIES? DO YOU HAVE
18 TO SET BONDS AND THAT SORT OF THING FOR THE COUNTY?

19 A MY MAIN RESPONSIBILITY IS SETTING BONDS

20 Q ALL RIGHT AND JUDGE LONG, DID YOU HAVE A BOND
21 SETTING ON BILLY WAYNE COPE BACK ON DECEMBER FIRST OF
22 2001?

23 A YES

24 Q AND CAN YOU TELL ME WHAT IS THE PROCESS YOU GO
25 THROUGH WHEN SOMEONE COMES IN AT THAT TIME? WHAT

1 PROCESS DID YOU GO THROUGH WITH HIM WHEN HE CAME IN?

2 A THE FIRST THING IS INFORM A PERSON OF THEIR
3 RIGHTS THEIR RIGHT TO AN ATTORNEY, RIGHT TO A JURY
4 TRIAL, RIGHT TO A PRELIMINARY, PROBABLE CAUSE
5 HEARING, AND THEN I WILL ASK THE DEFENDANT TO SIGN A
6 WAIVER, IN THIS INSTANCE IT WAS \$25, WAIVER SO THAT
7 WE CAN TAKE A PUBLIC DEFENDER APPLICATION

8 Q ALL RIGHT NOW DID HE ASK TO FILL OUT A PUBLIC
9 DEFENDER APPLICATION AT THAT TIME?

10 A WELL, WE DO THAT ON ALL DEFENDANTS

11 Q OKAY SO REGARDLESS OF WHO IT IS, YOU
12 AUTOMATICALLY HAVE THAT FORM FILLED OUT?

13 A YES, SIR

14 Q AND SO YOU DO THAT WITH ALL GENERAL SESSIONS
15 DEFENDANTS AT THAT TIME?

16 A YES, SIR

17 Q AND WHEN YOU DID THAT TELL US EXACTLY HOW IT IS
18 THAT YOU HAVE THEM FILL OUT THAT FORM?

19 A WELL, AS I SAID, I HAVE HIM TO SIGN THE WAIVER
20 WHICH MEANS HE DOESN'T HAVE TO

21 Q DO YOU HAVE A COPY OF THE WAIVER IN FRONT OF YOU
22 THAT HE SIGNED TODAY?

23 A HERE'S THE WAIVER THAT MR COPE SIGNED ON
24 DECEMBER FIRST

25 Q ALL RIGHT AND AFTER, AFTER THAT WOULD YOU

1 DESCRIBE TO ME EXACTLY HOW IT IS THAT YOU TELL HIM TO
2 SIGN OR HOW IT IS SIGNED, HOW YOU TOLD HIM?

3 A JUST HAND THE PAPER TO THE DEFENDANT, AND IN
4 THIS CASE MR COPE, ASKED HIM TO SIGN THE FORM, SO I
5 CAN TAKE THE PUBLIC DEFENDER APPLICATION

6 Q THEN AFTER THAT, WHAT IS THE NEXT STEP YOU TAKE?

7 A I ACTUALLY TAKE THE APPLICATION ASK SUCH
8 QUESTIONS IS THEIR EMPLOYMENT, INCOME, FAMILY, THE
9 RENT/OWN, WHAT ARE SOME OF THE EXPENSES, TO DETERMINE
10 WHETHER OR NOT THEY WOULD QUALIFY FOR A PUBLIC
11 DEFENDER

12 Q AND DO YOU HAVE A COPY OF THE APPLICATION THAT
13 MR COPE FILLED OUT?

14 A YES, SIR

15 Q AND I SAID MR COPE FILLED OUT, WHO ACTUALLY
16 WROTE IN THE APPLICATION FORMS?

17 A I ASK THE QUESTIONS AND I ACTUALLY WROTE THE
18 INFORMATION ON THE FORM

19 Q ALL RIGHT SO YOU ARE THE ONE WHO FILLED OUT
20 THE FORM THEN?

21 A YES, SIR

22 Q AND YOU ASKED HIM TO SIGN IT AT THE END OF THE
23 FORM?

24 A YES, SIR, STATING THAT HE HAD TOLD ME THE TRUTH

25 Q ALL RIGHT NOW AGAIN DID HE SPECIFICALLY ASK TO

1 HAVE THIS FORMED FILLED OUT ON HIS BEHALF?

2 A NO, BECAUSE IT'S SOMETHING WE DO ON EVERYBODY

3 Q OKAY AND DID YOU HAVE HIM SIGN THAT AT THE END
4 OF THAT FORM AGAIN?

5 A YES, I ASKED MR COPE TO SIGN STATING HE HAD
6 TOLD ME THE TRUTH ABOUT HIS INCOME AND ABOUT HIS
7 FAMILY

8 Q ALL RIGHT AND DID YOU APPROVE HIM FOR COUNSEL
9 AT THAT TIME?

10 A YES, SIR, HE WAS APPROVED FOR A PUBLIC DEFENDER

11 Q WHAT IF ANYTHING DID YOU TELL HIM AT THAT TIME?

12 A THAT, THEN I GIVE HIM HIS COURT DATES, IN HIS
13 INSTANCE IT WAS INITIAL APPEARANCE ON DECEMBER 31
14 THEN ON FEBRUARY FOUR, AND INFORMED HIM THAT, YOU
15 KNOW, HE WILL HAVE A PUBLIC DEFENDER REPRESENT HIM ON
16 THOSE DAYS NOW IN HIS INSTANCE I ALSO INFORMED HIM
17 THAT SINCE HE WAS CHARGED WITH A CRIME OF MURDER I
18 COULD NOT SET HIS BOND IT WOULD BE SET AT SOME
19 POINT IN TIME BY A CIRCUIT COURT JUDGE AND AT THAT
20 TIME HE WOULD HAVE REPRESENTATION

21 Q ALL RIGHT AND THEN IS THERE, THE LAST THING
22 YOU MENTION ABOUT IT, IS THERE ALSO A FORM FOR THAT
23 THAT YOU GO OVER WITH HIM?

24 A YES

25 Q EXPLAINING THE PRELIMINARY HEARING AND ALL OF

1 THAT

2 A A FORM STATING HIS INITIAL APPEARANCE IN THIS
3 CASE IT'S DECEMBER 31, 2001 ONE O'CLOCK IN THE
4 AFTERNOON, AND I SIMPLY GO THROUGH THE FORM STATES
5 THAT HE MUST BE PRESENT IF HE'S NOT THEY WOULD
6 ISSUE A BENCH WARRANT AND IN HIS CASE HE'S BEEN
7 APPROVED FOR A PUBLIC DEFENDER AND THE ATTORNEY WILL
8 MEET HIM AT THE INITIAL APPEARANCE TO DISCUSS THE
9 CASE AND IF THE ATTORNEY WANT A PROBABLE CAUSE OR
10 PRELIMINARY HEARING THEY CAN REQUEST IT AND THE COURT
11 WILL ARRANGE IT

12 Q ALL RIGHT NOW ARE THOSE THE, I GUESS, THE
13 THREE DIFFERENT PIECES OF PAPER WORK THAT YOU HAVE
14 FILLED OUT BY THE DEFENDANT AT THAT TIME?

15 A YES, THEN THE BOND HEARING CERTIFICATION AND HIS
16 CASE BOND DENIED TO BE SET BY CIRCUIT COURT JUDGE

17 Q AND YOU DID THE BOND HEARING CERTIFICATION AT
18 THAT TIME AS WELL?

19 A YES, SIR

20 Q WHAT CHARGES DID YOU CONSIDER THAT DAY?

21 A MURDER, CSC FIRST DEGREE, UNLAWFUL NEGLIGENCE
22 TOWARD A MINOR CHILD TWO COUNTS, CSC FIRST DEGREE,
23 AND THEN UNLAWFUL NEGLECT TOWARD A MINOR CHILD,
24 ACTUALLY THREE COUNTS OF THAT

25 Q OKAY AND IF YOU WOULD PUT ALL THOSE FORMS

1 TOGETHER YOU HAVE COPIES OF EACH ONE OF THOSE FORMS
2 TODAY?

3 A YES, SIR

4 Q ARE THEY FAIRLY AND ACCURATE AS TO HOW YOU
5 FILLED THEM OUT THAT DAY?

6 A YES, SIR

7 Q I ASK THAT YOU PUT THOSE ALL TOGETHER IF YOU
8 WOULD AND I WOULD ASK TO HAVE THOSE MARKED AND PUT IN
9 AS A STATE'S EXHIBIT AT THIS TIME

10 THE COURT ANY OBJECTION?

11 MR WOOD NONE

12 MR MORTON NO, SIR, YOUR HONOR

13 (STATE'S EXHIBIT NUMBER 10 DOCUMENTS
14 RECEIVED INTO EVIDENCE)

15 Q NOW JUDGE, DURING THE TIME THAT YOU FILL THESE
16 OUT WHAT WAS MR COPE'S DEemeanOR DURING THAT TIME?

17 A BEST I CAN REMEMBER, THAT'S BEEN THREE YEARS,
18 BUT WE JUST CARRIED ON A NORMAL CONVERSATION ASKING
19 QUESTIONS I DON'T RECALL ANY PARTICULAR EMOTIONS ON
20 MR COPE'S PART

21 Q ALL RIGHT HAD HE RELIED ANY CONCERNS TO YOU AT
22 THAT TIME?

23 A NOT TO MY KNOWLEDGE

24 Q ALL RIGHT DID HE TALK ABOUT WHETHER HE HAD
25 BEEN THREATENED OR COERCED BY ANYONE AT THAT POINT?

1 A NO, SIR

2 Q ONCE AGAIN AT THE BEGINNING YOU WENT OVER ALL
3 HIS MIRANDA RIGHTS WITH HIM, CORRECT?

4 A YES, SIR, THAT IS THE FIRST THING I DO

5 Q OKAY AND AT THAT POINT OR ANY OTHER POINT DID
6 HE SAY I WANT TO TALK TO AN ATTORNEY?

7 A NO, SIR

8 Q AND DID HE SAY WHETHER IF ANYONE HAD THREATENED
9 OR COERCED HIM IN ANY WAY?

10 A NO, SIR

11 Q DID HE ACT UPSET IN ANY WAY WHEN HE WAS WITH
12 YOU?

13 A NOT WITH ME, NO, SIR

14 Q DID HE LODGE ANY COMPLAINTS WITH YOU?

15 A NO, SIR

16 Q THANK YOU, JUDGE LONG

17 CROSS EXAMINATION BY MR MORTON

18 Q JUDGE LONG, DO YOU KNOW WHAT TIME YOU WOULD HAVE
19 SET BOND ON HIM ON DECEMBER FIRST?

20 A THE BEST I COULD RECALL, THAT'S A SATURDAY, IT
21 WOULD HAVE BEEN THAT MORNING

22 Q NINE, TEN O'CLOCK, SOMETIME THAT MORNING?

23 A SOMEWHERE AROUND 8 O'CLOCK

24 MR MORTON I HAVE NO QUESTIONS OF JUDGE
25 LONG, YOUR HONOR

1 MR THOMPSON NOTHING FURTHER, YOUR
2 HONOR

3 THE COURT THANK YOU APPRECIATE YOUR
4 TIME FEEL FREE TO LEAVE

5 MR BRACKETT THE STATE WOULD CALL MIKE
6 BAKER

7 MICHAEL BAKER, BEING FIRST DULY SWORN,
8 TESTIFIED AS FOLLOWS

9 DIRECT EXAMINATION BY MR BRACKETT

10 Q SIR, WOULD YOU PLEASE STATE YOUR FULL NAME FOR
11 THE RECORD?

12 A MY NAME IS MIKE BAKER

13 Q AND WHERE ARE YOU EMPLOYED?

14 A YORK COUNTY SHERIFF'S OFFICE

15 Q AND HOW LONG HAVE YOU BEEN WITH THE YORK COUNTY
16 SHERIFF'S OFFICE?

17 A 17 YEARS

18 Q HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

19 A 17 YEARS

20 Q WHAT DO YOU CURRENTLY FOR THE YORK COUNTY
21 SHERIFF'S OFFICE?

22 A I'M A DETECTIVE POLYGRAPH EXAMINER

23 Q DO YOU HAVE ANY OTHER RESPONSIBILITIES WITH
24 THEM?

25 A I'M A CRIME SERVICES COORDINATOR FOR YORK

1 COUNTY

2 Q OKAY FOCUSING ON THE SUBJECT OF YOUR ROLE AS
3 POLYGRAPH EXAMINER HOW LONG HAVE YOU BEEN DOING THAT?

4 A APPROXIMATELY SEVEN YEARS

5 Q SEVEN YEARS?

6 A APPROXIMATELY

7 Q AND WHAT KIND OF TRAINING AND EXPERIENCE DO YOU
8 HAVE AS A POLYGRAPH EXAMINER?

9 A THE INITIAL TRAINING IS A TEN WEEK COURSE THAT
10 IS TAUGHT AFTER THAT THE STATE OF SOUTH CAROLINA
11 YOU HAVE TO PASS AN EXAM THAT'S ADMINISTERED BY THE
12 STATE LAW ENFORCEMENT DIVISION AND YOU HAVE TO GO
13 THROUGH AN INTERNSHIP THAT LASTS SIX MONTHS AND YOU
14 HAVE TO DO 200 POLYGRAPH EXAMS UNDER SUPERVISION I
15 FULFILLED MY INTERNSHIP THERE AT STATE LAW
16 ENFORCEMENT DIVISION

17 Q AND DO THEY CERTIFY YOU AS BEING QUALIFIED TO
18 RUN A POLYGRAPH EXAM?

19 A YES, SIR

20 MR BRACKETT ONE MOMENT PLEASE YOUR
21 HONOR, I BELIEVE THE DEFENSE WILL STIPULATE THAT MR
22 BAKER IS AN EXPERT IN THE AREA OF THE POLYGRAPH
23 EXAMINATION AND RUNNING A POLYGRAPH MACHINE

24 THE COURT IS THAT CORRECT?

25 MR MORTON YES, SIR

1 THE COURT I SO FIND

2 Q NOW TURNING YOUR ATTENTION TO NOVEMBER 30, 2001,
3 WERE YOU FAMILIAR OR INVOLVED WITH THE INVESTIGATION
4 OF THE DEATH OF AMANDA COPE?

5 A YES, SIR, I DID BECOME INVOLVED IN THE
6 INVESTIGATION

7 Q OKAY WHAT WAS YOUR FIRST INVOLVEMENT, THE VERY
8 EARLEST INVOLVEMENT, YOU HAD WITH THIS INVESTIGATION?

9 A AROUND THREE A M THAT MORNING I WAS CONTACTED
10 AT MY RESIDENCE BY THE ROCK HILL POLICE DEPARTMENT

11 Q DO YOU REMEMBER WHO CALLED YOU?

12 A LIEUTENANT HERRING

13 Q ALL RIGHT AND WHAT WAS THE SUBJECT OF THE
14 CONVERSATION?

15 A HE EXPLAINED VERY BRIEFLY THE INVESTIGATION, THE
16 FACT THAT A CHILD HAD BEEN KILLED, AND THEY WANTED TO
17 POLYGRAPH THE FATHER IN REFERENCE TO THAT DEATH

18 Q AND WHAT DID YOU ASK?

19 A I ASKED HIM AS FAR AS HOW LONG THE SUBJECT HAD
20 BEEN WITH HIM, IF HE HAD BEEN INTERROGATED, FOR WHAT
21 LENGTH, AND IF THE INDIVIDUAL WANTED TESTED IF HE HAD
22 BEEN UP ALL DAY, AND HE HAD TOLD ME THAT HE HAD BEEN
23 THERE FOR SOMETIME, THAT HE HAD BEEN UP ALL DAY, AND
24 THAT THEY HAD BEEN INTERVIEWED, INTERROGATED HIM FOR
25 QUITE SOMETIME

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1 Q WHAT WAS THE SIGNIFICANCE OF THIS INFORMATION TO
2 YOU?

3 A IF A PERSON HAS BEEN INTERROGATED FOR A LONG
4 LENGTH OF TIME THAT COULD AFFECT THE OUTCOME OF THE
5 POLYGRAPH EXAM THEY ARE GOING TO BE OVERSENSITIZED
6 TO THAT ISSUE, THEREFORE, WE WOULD NOT WANT TO RUN A
7 TEST BECAUSE IT COULD BE DETRIMENTAL TO BOTH SIDES AS
8 FAR AS THE ACCURACY OF THE TEST ALSO IF THE
9 PERSON'S OVERLY TIRED, OVERLY TAXED, THEN IT ALSO BE
10 DETRIMENTAL TO THE TEST

11 Q WHAT ADVICE DID YOU GIVE THEM AT THAT TIME AS
12 FAR AS ADMINISTERING THE POLYGRAPH? WHAT DID YOU
13 TELL THEM?

14 A I TOLD HIM I WOULD NOT ADMINISTER ONE AT THAT
15 TIME, THEY COULD HAVE HIM OVER IN MY OFFICE THE NEXT
16 MORNING, AND THAT WE WOULD GO FROM THERE

17 Q AND DID YOU GO TO WORK THAT MORNING?

18 A YES, SIR

19 Q DID YOU IN FACT MEET LIEUTENANT HERRING AND
20 MR COPE, THE DEFENDANT, SEATED OVER HERE?

21 A YES, SIR, THEY DID COME TO MY OFFICE

22 Q WHERE IS YOUR OFFICE LOCATED?

23 A IT'S LOCATED IN THIS FACILITY AT THE MOSS
24 JUSTICE CENTER

25 Q OKAY WITHIN THE SHERIFF'S OFFICE?

1 A YES, SIR

2 Q ALL RIGHT AND CAN YOU DESCRIBE BASICALLY YOUR
3 OFFICE LAYOUT?

4 A MY OFFICE COMPLEX WAS ORIGINALLY THE JUVENILE
5 AREA THERE IS A LOBBY, A RATHER NICE AND LARGE
6 LOBBY, THAT PEOPLE CAN SIT IN THERE IS A HOLDING
7 CELL THAT WAS DESIGNED TO HOLD JUVENILES THERE OFF
8 THAT LOBBY I HAVE A, JUST HAVE A REGULAR OFFICE
9 SPACE WHERE I WORK OUT OF EACH DAY WITH A DESK AND
10 COMPUTER, THINGS OF THAT NATURE ADJACENT TO IT IS
11 THE POLYGRAPH ROOM IT PREVIOUSLY HAD BEEN AN
12 OFFICE, ANOTHER DETECTIVE HAD OCCUPIED THAT SPACE,
13 JUST REGULAR OFFICE ROOM, CONTAINS A POLYGRAPH CHAIR,
14 ONE TABLE, TWO OTHER CHAIRS, A ROLLING CHAIR, AND A
15 POLYGRAPH INSTRUMENT AND PRINTER

16 Q OKAY AND IS THAT -- ABOUT HOW BIG IS THAT
17 ROOM?

18 A I NEVER MEASURED IT I AM GOING TO SAY IT IS
19 ROUGHLY 12 BY 12 OR 14 BY 14, SOMETHING LIKE THAT

20 Q WINDOWS?

21 A NO WINDOWS IN IT, NO

22 Q ONE DOOR IN?

23 A YES ONE DOOR FROM EACH ROOM, YES, SIR

24 Q OKAY WHAT DO YOU DO TO PREPARE FOR A POLYGRAPH
25 EXAMINATION UNDER THESE CIRCUMSTANCES? YOU ARE NOT

1 VERY FAMILIAR WITH THE FACTS AND CIRCUMSTANCES OF THE
2 CASE, YOU'VE GOT A DETECTIVE STANDING THERE, HE'S GOT
3 THE DEFENDANT WHO WANTS TO BE POLYGRAPHED, WHAT DO
4 YOU DO TO PREPARE YOURSELF?

5 A I WILL INITIALLY TALK WITH THE OFFICERS WHO ARE
6 INVOLVED IN THE CASE TO FIND OUT THE FACTS OF THE
7 CASE AS THEY KNOW IT, MAKING CERTAIN ASSESSMENTS AS
8 FAR AS WHAT WOULD BE PROPER TO ASK AND WHAT THEY ARE
9 WANTING TO LEARN ABOUT THE CASE MENTALLY PREPARE AS
10 FAR AS JUST DECIDING WHAT THEY NEED TO KNOW AND
11 WHAT'S GOING TO BE THE MOST APPROPRIATE TACT TO DO
12 THAT ONCE THAT IS DONE, I FEEL LIKE I'VE GAINED
13 ENOUGH INFORMATION, THEN WE WILL ACTUALLY START
14 TALKING WITH THE SUBJECT THAT'S GOING TO BE
15 POLYGRAPHED, AND WHAT'S CALLED A PRETEST INTERVIEW
16 WILL START

17 Q OKAY HOW LONG DID YOU ACTUALLY TALK WITH
18 DETECTIVE HERRING THAT MORNING?

19 A I DIDN'T DOCUMENT THE START TO FINISH TIME, BUT
20 ROUGHLY 30 OR 40 MINUTES

21 Q AND DO YOU REMEMBER APPROXIMATELY WHAT TIME IT
22 WAS THAT THEY ARRIVED THERE?

23 A THEY WERE SCHEDULED TO ARRIVE AT TEN O'CLOCK I
24 HAVE A SCHEDULING FORM AND IT SHOWS TEN O'CLOCK I
25 DID NOT DOCUMENT AS FAR AS THE MOMENT THAT THEY

1 ARRIVED

2 Q BUT IT WOULD HAVE BEEN, WOULD THAT HAVE BEEN
3 APPROXIMATELY RIGHT?

4 A YES, SIR

5 Q YOU DON'T RECALL THEM BEING EXTREMELY LATE OR
6 EXTREMELY EARLY?

7 A THAT'S RIGHT

8 Q OKAY WHERE WAS MR COPE WHILE YOU WERE TALKING
9 WITH LIEUTENANT HERRING?

10 A HE WOULD HAVE BEEN IN THE HOLDING CELL THERE
11 NEXT TO, AT MY OFFICE

12 Q WOULD HE HAVE BEEN PRIVY TO THE CONVERSATION OR
13 ABLE TO HEAR THE CONVERSATION THAT YOU HAD WITH
14 LIEUTENANT HERRING?

15 A HE SHOULD NOT HAVE BEEN ABLE TO, NO, SIR

16 Q AND AT WHAT POINT IN TIME, YOU SAID YOU TALKED
17 TO LIEUTENANT HERRING FOR ABOUT 20 TO 30 MINUTES, AT
18 ONE POINT IN TIME DID YOU INVITE MR COPE TO BECOME A
19 PART OF THE CONVERSATION OR DID YOU EXCUSE LIEUTENANT
20 HERRING AND THEN BRING MR COPE IN, HOW DID THAT
21 WORK?

22 A ONCE I'M READY TO ACTUALLY START THE PRETEST
23 INTERVIEW AND START TALKING TO THE INDIVIDUAL, WE GO
24 INTO THE POLYGRAPH ROOM AND IT WILL JUST BE THE
25 PERSON WHO IS GOING TO BE TESTED AND MYSELF AND WE

1 WILL START IMMEDIATELY WITH THE MIRANDA WARNINGS

2 Q OKAY THAT'S THE VERY FIRST THING THAT YOU DO?

3 A BESIDES HELLO, INTRODUCTIONS, YES, SIR

4 Q OKAY I'M SHOWING YOU A DOCUMENT AND I'LL ASK

5 IF YOU CAN TELL ME IF YOU ARE FAMILIAR WITH THAT

6 IT'S A COPY IT'S NOT THE ORIGINAL CAN YOU TELL ME

7 ARE YOU FAMILIAR WITH THAT DOCUMENT?

8 A YES, SIR THIS IS A COPY OF THE MIRANDA FORM

9 THAT I USED THAT MORNING WITH BILLY WAYNE COPE

10 Q AND CAN YOU BASICALLY DESCRIBE HOW, IF I WAS

11 MR COPE, HOW WOULD YOU GO ABOUT GIVING, READING THE

12 RIGHTS TO SOMEONE?

13 A I WOULD HAND YOU A CLIPBOARD THAT CONTAINS BOTH

14 THIS AND A SECOND FORM REGARDING CONSENT TO INTERVIEW

15 POLYGRAPH

16 Q WE'LL GET TO THAT IN A SECOND

17 A AND A PEN AND I'LL TAKE A BLANK COPY AND I WILL

18 READ IT TO THEM THE FIRST PART INVOLVING YOUR

19 RIGHTS, I READ THAT OUT LOUD, THEN I ASK THEM IF THEY

20 UNDERSTAND IT, AND THEY ARE TO INITIAL IF THEY DO AND

21 SIGN IT AND THEN THE WAIVER OF RIGHTS I ASK THEM TO

22 READ OUT LOUD BACK TO ME

23 Q OKAY NOW SO YOU READ THIS FORM, THE TOP

24 PORTION OF THE FORM, ITEMIZED ONE THROUGH FIVE THAT

25 STARTS OUT, YOU HAVE THE RIGHT TO REMAIN SILENT

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1 NUMBER ONE, AND NUMBER FIVE, YOU CAN DECIDE AT ANY
2 TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY
3 QUESTIONS OR MAKE ANY STATEMENTS, YOU READ EACH ONE
4 OF THESE ALOUD TO MR COPE?

5 A I READ EACH ONE INDIVIDUALLY OUT LOUD TO HIM,
6 YES, SIR

7 Q AND THEN YOU ASKED HIM IF HE UNDERSTOOD THESE
8 RIGHTS?

9 A THAT'S CORRECT

10 Q AND ARE THOSE HIS INITIALS THERE?

11 A YES, SIR

12 Q DID YOU WITNESS HIM INITIALING THAT?

13 A YES, SIR

14 Q IS THAT HIS SIGNATURE THERE AND DID HE PUT THE
15 DATE ON THERE?

16 A YES, SIR

17 Q AND THEN YOU READ HIM THE WAIVER OF RIGHTS?

18 A NO, SIR I ASKED HIM TO READ THAT BACK TO ME
19 OUT LOUD

20 Q I SEE AND DID HE DO THAT?

21 A YES, SIR

22 Q AND DID HE INDICATE TO YOU THAT HE WISHED TO
23 PROCEED AND TALK TO YOU?

24 A YES, SIR

25 Q AND AT THAT POINT HE SIGNED THERE?

000441

1 A THAT'S CORRECT

2 Q AND YOU SAW THAT AND WITNESSED IT HERE?

3 A YES, SIR

4 Q ALL RIGHT THEN THIS LISTS A COUPLE OF OTHER

5 QUESTIONS AT THE BOTTOM DATE OF BIRTH, AGE, DID HE

6 FILL THAT OR DID YOU?

7 A NO, I FILL THAT OUT

8 Q AND HOW ABOUT THE EDUCATION LEVEL?

9 A I WROTE THAT OUT I HAD BEEN INFORMED THAT HE

10 HAD A TWO YEAR DEGREE MR COPE RELATED IT WAS A

11 FOUR YEAR DEGREE AND I MADE A CORRECTION ON THERE

12 BECAUSE THAT HAD BEEN PUT ON THERE PREVIOUS I

13 FILLED THAT OUT BEFORE

14 Q BUT NO OTHER PART OF THIS HAD BEEN FILLED OUT

15 PREVIOUSLY? HE FILLED IT OUT HIMSELF?

16 A THAT'S CORRECT

17 Q ALL RIGHT NOW THE -- AND HE ALSO INDICATED

18 THAT HE COULD READ?

19 A YES, SIR

20 Q OKAY SO IN YOUR OPINION DID HE FREELY AND

21 VOLUNTARILY WAIVE HIS RIGHTS?

22 A YES, SIR

23 Q WERE THERE ANY THREATS, COERCION OF ANY SORT,

24 ANY PROMISES MADE TO INDUCE TO HIM TO SIGN THIS

25 DOCUMENT?

000442

1 A NO, SIR

2 Q DID HE APPEAR -- WHAT WAS HIS DEemeanOR WITH YOU?
3 DID HE APPEAR WILLING, NERVOUS, SCARED, EXPLAIN JUST
4 WHAT HIS DEemeanOR WAS AT THAT TIME?

5 A MR COPE WAS VERY, VERY COOPERATIVE HE WAS
6 DEFINITELY NOT SCARED, DID NOT SEEM NERVOUS HE
7 EXPRESSED TO ME THAT HE HAD REQUESTED TO TAKE THE
8 POLYGRAPH TEST AND HE WANTED TO BE ABLE TO TAKE IT

9 MR BRACKETT YOUR HONOR, I WOULD ASK
10 THIS BE MARKED AS STATE'S EXHIBIT 11

11 MR MORTON NO OBJECTION

12 (STATE'S EXHIBIT 11 MIRANDA FORM RECEIVED
13 INTO EVIDENCE)

14 Q NOW YOU MENTIONED A MOMENT OR TWO AGO -- WELL,
15 LET ME ASK YOU ONE MORE BEFORE I MOVE ON THAT
16 YOU'VE BEEN A POLICE OFFICER FOR 17 YEARS AND YOU'VE
17 DOUBTLESS SEEN PEOPLE WHO HAVE BEEN INTOXICATED AND
18 ON DRUGS, MENTAL PROBLEMS, AND THAT SORT OF THING,
19 WAS THERE ANYTHING THAT MORNING THAT LEAD YOU TO
20 BELIEVE THAT MR COPE MIGHT BE UNDER THE INFLUENCE OF
21 ANY SORT OF INTOXICATING SUBSTANCE?

22 A NO, SIR AS YOU SAID I'M LOOKING FOR THOSE
23 THINGS, THAT IS PART OF OUR PRETEST INTERVIEW, SO I'M
24 LOOKING TO SEE ANYTHING WITH THAT

25 Q AND LIKEWISE ANY INDICATION THAT HE WAS UNDER

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1 ANY MENTAL INFIRMITY OR UNDER ANY KIND OF STRESS OR
2 DURESS, ANYTHING SORT OF THING THAT MIGHT IMPINGE ON
3 HIS ABILITY TO REASON AND TO MAKE RATIONAL DECISIONS?

4 A NO, SIR I WAS KIND OF SURPRISED BY HIS CALM
5 DEMEANOR

6 Q BY HIS?

7 A CALM DEMEANOR

8 Q CALM DEMEANOR NOW YOU MENTIONED A MOMENT AGO,
9 YOU SAID PREPOLYGRAPH OR POLYGRAPH CONSENT FORM,
10 CONSENT TO INTERVIEW WITH POLYGRAPH?

11 A YES, SIR

12 Q NOW DO YOU HAVE THE ORIGINAL OF THAT?

13 A YES, SIR

14 Q OKAY MAY I SEE THAT FORM? CAN YOU EXPLAIN
15 EXACTLY WHAT THIS FORM IS, WHAT ITS PURPOSE IS, AND
16 WHAT YOU DID WITH IT THAT MORNING?

17 A YES, SIR BEFORE WE EVER DO POLYGRAPH EXAM WE
18 GO THROUGH THE MIRANDA WARNINGS AND ALSO CONSENT TO
19 INTERVIEW POLYGRAPH IT KIND OF DEFINES AND SETS OUT
20 WHAT THE ISSUE IS THAT WE'RE DEALING WITH, IN THIS
21 CASE IT IS THE DEATH OF AMANDA, AND I HAVE
22 HANDWRITTEN THAT IN ON THIS FORM, AND THEN IT
23 EXPLAINS HIS RIGHTS AS FAR AS TAKING OR NOT TAKING
24 THE POLYGRAPH EXAM

25 Q AND WHAT WERE HIS RIGHTS AS FAR AS TAKING OR NOT

1 TAKING THE POLYGRAPH?

2 A ON THE FORM, THIS I READ THE ENTIRE FORM TO THE
3 EXAMINEE, AND I DID THAT DAY TO MR COPE YOUR
4 RIGHTS YOU HAVE THE RIGHT TO REFUSE TO TAKE THE
5 POLYGRAPH TEST IF YOU AGREE TO TAKE THE POLYGRAPH
6 TEST, YOU HAVE THE RIGHT TO STOP THE TEST AT ANY
7 TIME IF YOU AGREE TO TAKE THE POLYGRAPH TEST YOU
8 HAVE THE RIGHT TO REFUSE TO ANSWER ANY INDIVIDUAL
9 QUESTIONS AND THOSE ARE THE RIGHTS AS WE READ THAT
10 DAY

11 Q OKAY DID HE INDICATE THAT HE UNDERSTOOD THOSE
12 RIGHTS?

13 A YES, SIR

14 Q AND DID HE AGREE TO WAIVE THOSE RIGHTS AND
15 CONSENT TO THE ADMINISTRATION OF A POLYGRAPH
16 EXAMINATION THAT DAY?

17 A YES, SIR, HE AGREED IN WRITING

18 Q OKAY

19 MR BRACKETT I WOULD ASK THAT THAT BE
20 MARKED STATE'S EXHIBIT 12

21 THE COURT NO OBJECTION

22 (STATE'S EXHIBIT 12 RIGHTS FORM RECEIVED
23 INTO EVIDENCE)

24 Q AGAIN WAS THIS THE PRODUCT OF HIS OWN FREE WILL
25 AND HE MADE THIS DECISION TO WAIVE THESE RIGHTS AND

000445

1 AGREED TO TAKE THE POLYGRAPH?

2 A YES, SIR

3 Q WHAT IS THE POLYGRAPH EXAMINATION PRETEST WORK
4 SHEET?

5 A IT'S A JUST A FORM, MORE OR LESS A CHECKLIST,
6 THAT WE GO BACK FILLING OUT BASIC INFORMATION AND
7 BIOGRAPHICAL INFORMATION AND SOME MEDICAL HISTORY
8 THAT WE NEED IN ORDER TO DETERMINE IF THE PERSON IS
9 SUITABLE TO TAKE THE POLYGRAPH

10 Q ARE THERE ARE MEDICAL PROBLEMS THAT MAKE A
11 PERSON UNSUITABLE TO TAKE A POLYGRAPH?

12 A YES, SIR

13 Q AND DID YOU GO OVER HIS MEDICAL HISTORY WITH
14 HIM?

15 A YES, SIR

16 Q AND DID HE WILLINGLY RELATE TO YOU HIS MEDICAL
17 HISTORY AND ANY PROBLEMS THAT HE MIGHT HAVE?

18 A IT'S VERY BRIEF ON THAT DAY HE INDICATED SOME
19 FORM OF PRIOR HEART DISEASE HE WENT INTO HIS HIGH
20 BLOOD PRESSURE AND HE SAID HE DOESN'T TAKE ANY
21 MEDICATION, NO TREATMENT FOR IT, THEREFORE, IT WAS
22 NOT ANYTHING THAT WOULD HAVE KEPT US FROM GOING
23 FORWARD WITH THE TEST

24 Q OKAY NOW EXACTLY HOW DO YOU GO ABOUT DECIDING
25 WHAT YOU ARE, WHAT QUESTIONS YOU ARE GOING TO ASK FOR

1 THE POLYGRAPH? HOW -- AT THIS POINT HE'S WAIVED HIS
2 RIGHTS, HE'S WAIVED MIRANDA, AND NOW YOU'VE KIND OF
3 DONE A PRETEST, DID ALL YOUR PAPERWORK AND SO FORTH,
4 IS DECIDING THE QUESTIONS THE NEXT STEP OR IS THERE
5 SOMETHING ELSE YOU WOULD DO?

6 A THERE ARE SEVERAL THINGS GOING INTO IT YOU ARE
7 GOING TO HAVE SOME IDEA BECAUSE I'VE LEARNED THE
8 FACTS OF THE CASE AND I KNOW WHAT THE INVESTIGATOR IS
9 WANTING TO GET OUT OF IT THE FINAL WORDING OF THE
10 QUESTIONS WILL BE, COULD BE AT THE VERY END OF THE
11 INTERVIEW BECAUSE IF THERE IS SOME TYPE OF DIFFICULTY
12 WITH THE QUESTIONS, THE PERSON NOT BEING ABLE TO
13 UNDERSTAND THE QUESTIONS, OR USING TYPE OF
14 TERMINOLOGY, THEY MAY BE FLUID UNTIL THAT VERY LAST
15 IT'S BASICALLY, IN THIS CASE IT WAS AN OVERT ACT THAT
16 WE WERE FAMILIAR WITH IN THIS CIRCUMSTANCES AND THAT
17 WAS WHAT WE WANTED TO GO WITH

18 Q OKAY BUT BEFORE FORMULATING THE QUESTIONS YOU
19 DID AN INTERVIEW OF HIM?

20 A YES, SIR

21 Q AND THAT WAS AFTER YOU READ HIM HIS RIGHTS?

22 A YES, SIR

23 Q OKAY AND WHAT WAS THE GIST OF THE INTERVIEW,
24 THIS PRETEST INTERVIEW, OF MR COPE?

25 A WELL, THE PRETEST INTERVIEW DOES ENTAIL THE

1 PRECHECKLIST I WENT THROUGH AND IT GOES THROUGH
2 GETTING AN UNDERSTANDING OF WHAT HE UNDERSTANDS IS
3 THE NATURE OF THE CASE, WHAT HE UNDERSTANDS ABOUT THE
4 CASE, MAKE SURE WE'RE BOTH ON BASICALLY THE SAME
5 SHEET, THAT I'M NOT ASKING HIM SOMETHING THAT HE'S
6 NOT FAMILIAR WITH ONCE WE HAVE ESTABLISHED WHAT
7 WE'RE THERE FOR, THE BASIC FACTS OF THE CASE, THEN WE
8 GO INTO THE PSYCHOLOGY OF THE EXAM, HOW THE EXAM
9 FUNCTIONS, HOW IT WORKS, WHAT'S EXPECTED OF HIM,
10 WHAT'S EXPECTED OF ME, AND THEN ACTUALLY GOING
11 THROUGH THE TEST QUESTIONS THAT WE'RE GOING TO USE ON
12 THE TEST WE WILL REVIEW THOSE, WORK OUT ANY
13 PROBLEMS THAT THERE ARE WITH THOSE TEST QUESTIONS,
14 AND THEN THE NEXT STEP IS A BRIEF BREAK THAT HE'S
15 ALLOWED TO USE THE BATHROOM OR GET WATER OR WHATEVER
16 HE NEEDS TO DO AND THEN WE GO INTO THE ACTUAL USE OF
17 THE POLYGRAPH INSTRUMENT

18 Q OKAY NOW PRIOR TO THE ADMINISTERING OF THE
19 POLYGRAPH EXAMINATION HE DID GIVE YOU SOME IDEA OF
20 WHAT HIS POSITION WAS REGARDING THE DEATH OF HIS
21 DAUGHTER?

22 A YES, SIR

23 Q AND WOULD IT BE SAFE TO CHARACTERIZE THAT AS HE
24 DENIED ANY INVOLVEMENT WHATSOEVER IN THE DEATH OF HIS
25 DAUGHTER, THE SEXUAL ASSAULT OF HIS DAUGHTER?

1 A THAT'S RIGHT

2 Q OKAY SO IF THAT WAS WHAT HE WAS SAYING THE
3 NIGHT BEFORE HE MAINTAINED THAT POSITION UP TO THIS
4 POINT?

5 A YES, SIR

6 Q OKAY BUT YOU DID ASK HIM SOME FACTS ABOUT THE
7 CASE?

8 A YES, SIR ASKED HIM AS FAR AS WHAT HAD HAPPENED
9 THE NIGHT BEFORE AS TO HIS KNOWLEDGE AND HE WENT
10 THROUGH A COUPLE DIFFERENT VARIATIONS OF WHAT HAD
11 HAPPENED IN HIS HOME THAT NIGHT

12 Q ALL RIGHT AND THEN ULTIMATELY AFTER HEARING
13 WHAT HE HAD TO SAY ABOUT THE NIGHT BEFORE AND WAKING
14 UP AND FINDING HER, DID HE TELL YOU ABOUT THE GREEN
15 STRIP AROUND HER NECK?

16 A YES, SIR, HE DID

17 Q OKAY AFTER ALL OF THAT, ULTIMATELY YOU
18 FORMULATED SOME QUESTIONS?

19 A YES, SIR

20 Q ALL RIGHT AND YOU GAVE HIM AT THIS POINT I
21 THINK YOU SAID AN OPPORTUNITY TO USE THE BATHROOM?

22 A YES, SIR

23 Q IS THAT CUSTOMARY?

24 A YES, THAT'S PRIOR TO EVERY POLYGRAPH EXAM WE
25 GIVE THEM AN OPPORTUNITY TO TAKE A QUICK BREAK

1 Q DID HE HAVE ACCESS TO A DRINK OR A BEVERAGE OF
2 SOME SORT AS WELL?

3 A WE DIDN'T HAVE ANYTHING IN THE ROOM ADJACENT
4 NEAR THE RESTROOMS ARE WATER FOUNTAINS

5 Q ALL RIGHT EXACTLY HOW DOES THE POLYGRAPH
6 MACHINE WORK?

7 A THE POLYGRAPH INSTRUMENT WE USE COMPUTERIZED
8 POLYGRAPH INSTRUMENT AND VERY, VERY BRIEFLY WE ARE
9 LOOKING AT WHAT STIMULUS IS MORE THREATENING TO THAT
10 INDIVIDUAL WHAT AREA IS HIS GREATEST CONCERN
11 WE'RE COMPARING REACTIONS TO VARIOUS STIMULUS

12 Q SO WOULD IT BE SAFE TO SAY THAT IT JUST MEASURES
13 PHYSIOLOGICAL REACTIONS?

14 A THAT'S CORRECT

15 Q OKAY AND WHAT DO YOU HAVE TO DO TO HOOK
16 SOMEBODY UP TO IT? HOW LONG DOES THAT TAKE?

17 A ACTUALLY CONNECTING TO THE INSTRUMENTATION
18 BASICALLY A MINUTE AND A HALF

19 Q AND YOU SAID EARLIER SOMETHING ABOUT A SPECIAL
20 POLYGRAPH CHAIR?

21 A WE HAVE A CHAIR THAT'S DESIGNED FOR POLYGRAPH
22 AND IT'S ADJUSTIBLE AS FAR AS YOUR HEIGHT AND THE
23 ARMS, THINGS OF THAT NATURE, AND IT HELPS TO KEEP A
24 PERSON STILL DURING THE TEST IT'S VERY COMFORTABLE

25 Q APPROXIMATELY HOW LONG DID THIS, DID THE

1 PREPOLYGRAPH INTERVIEW LAST?

2 A PREPOLYGRAPH TEST LASTS 30 TO 45 MINUTES
3 GENERALLY

4 Q AND DID YOU NOTICE ANYTHING ABOUT HIS PHYSICAL
5 CONDITION AT THIS TIME?

6 A NO

7 Q ANYTHING THAT CAUSED YOU CONCERN?

8 A NO, NOT AT ALL

9 Q WHAT TIME APPROXIMATELY DID THE ACTUAL
10 ADMINISTERING OF THE POLYGRAPH TEST START?

11 A THE POLYGRAPH TEST IS GOING TO BE AROUND 11 15 -
12 11 30 I DID NOT WRITE IT DOWN EXACTLY THE TIME THAT
13 THE TEST COMMENCED

14 Q OKAY HOW LONG DOES IT TAKE TO ACTUALLY
15 ADMINISTER THE POLYGRAPH?

16 A WHAT WE CALL CHART TIME IS GENERALLY 14 - 15
17 MINUTES, IN THAT FRAME

18 Q OKAY AND WHEN YOU GIVE A POLYGRAPH AFTER THE
19 14 TO 15 MINUTES YOU GO THROUGH A SERIES OF
20 QUESTIONS, IS THAT CORRECT?

21 A YES, SIR YOU TALKING ABOUT ACTUALLY WHEN THE
22 POLYGRAPH TEST IS RUN?

23 Q YES, SIR?

24 A WE RUN WHAT'S CALLED CHARTS ONE ASKING THE
25 QUESTIONS IS DEEMED A CHART YOU WILL GO THROUGH

000451

1 EACH INDIVIDUAL QUESTION, HE'LL ANSWER EACH ONE
2 INDIVIDUALLY, THAT IS ONE CHART A VERY SHORT BREAK,
3 ALLOW THEM TO READJUST THEMSELVES, AND THEN WE'LL
4 START OVER THE SAME QUESTIONS THE SECOND TIME AND
5 ANOTHER BREAK AND THEN A THIRD TIME IT CAN BE DONE
6 AS MANY AS FIVE TIMES GENERALLY A THIRD TIME, THREE
7 TIMES, IS WHAT WE LOOK FOR AND THAT IS THE CASE IN
8 THIS CASE

9 Q ALL RIGHT SO AFTER THE POLYGRAPH IS
10 ADMINISTERED AND YOU'VE GONE THROUGH THESE THREE
11 CHARTS DO YOU KNOW IMMEDIATELY WHETHER A SUBJECT HAS
12 PASSED OR FAILED?

13 A IN SOME CASES IT IS VERY, VERY EVIDENT, EVIDENT
14 THAT USING THE MONITOR THAT YOU ARE SEEING REACTIONS
15 ARE SO SIGNIFICANT THAT YOU KNOW THAT A PERSON HAS
16 PASSED OR FAILED IT'S ALWAYS MORE PRUDENT TO
17 ACTUALLY PRINT OUT THE CHARTS, TAKE THE CHARTS, AND
18 THEN PHYSICALLY SCORE THEM BEFORE RENDERING A
19 DECISION

20 Q IS THAT WHAT YOU DID IN THIS CASE?

21 A YES, SIR

22 Q AND WHERE DID YOU GO TO DO THAT?

23 A MR COPE WOULD HAVE BEEN TAKEN AND PUT BACK INTO
24 THE HOLDING CELL, I JUST WENT TO MY ADJACENT OFFICE,
25 AND SCORED THE CHARTS

000452

1 Q OKAY AFTER YOU SCORED THE CHARTS DID YOU HAVE
2 OCCASION TO TALK WITH LIEUTENANT HERRING?

3 A YES

4 Q AND WHAT WAS THE GIST -- WHAT DID YOU TELL HIM
5 ABOUT MR COPE?

6 A LET HIM KNOW THE RESULTS OF THE TEST AND JUST
7 CATCHING UP WITH ANY MORE RELEVANT INFORMATION ABOUT
8 THE CASE

9 Q OKAY NOW AFTER YOU HAVE DONE THAT DO YOU GO
10 BACK INTO THE ROOM?

11 A YES, SIR

12 Q AND SHARE THE RESULTS WITH MR COPE?

13 A THAT'S CORRECT

14 Q OKAY NOW WAS LIEUTENANT HERRING WITH YOU IN
15 THE ROOM WHEN YOU DID THIS OR WERE YOU STILL BY
16 YOURSELF?

17 A I WAS STILL BY MYSELF

18 Q OKAY WAS THE DOOR CLOSED?

19 A YES, SIR

20 Q OKAY WHEN YOU SHARED -- WHAT WERE THE RESULTS?

21 A HE FAILED THE POLYGRAPH EXAM

22 Q WHEN YOU INFORMED HIM OF THIS, WHAT WAS HIS
23 REACTION?

24 A NO REAL REACTION HE DID NOT SEEM TO BE
25 SURPRISED WHATSOEVER

000453

1 Q DESCRIBE FOR US HOW THE INTERVIEW PROCEEDED FROM
2 THAT POINT?

3 A FROM THAT POINT WE WENT BACK OVER AS FAR AS WHAT
4 HAD HAPPENED, YOU KNOW, VERY, VERY BRIEF POINT IN
5 TIME, ROUGHLY FIVE MINUTES, NO MORE THAN TEN MINUTES,
6 MR COPE GAVE, WAS ASKING ME WHETHER HE COULD HAVE
7 DONE THIS AND DONE IT IN HIS SLEEP I INFORMED HIM
8 THAT I DID NOT THINK THAT THAT WAS POSSIBLE

9 Q WHY IS THAT?

10 A WELL, I JUST -- I DON'T THINK SOMEBODY IS GOING
11 TO GET UP AND BEAT SOMEONE ABOUT THE HEAD, STRANGLE
12 THEM, SEXUALLY ASSAULT THEM, AND NOT RECALL IT

13 Q WOULD SOMEBODY WHO DID SOMETHING AND DIDN'T, AND
14 HAD NO MEMORY OF IT, HAVE A PHYSIOLOGICAL REACTION?
15 WOULD THE POLYGRAPH BE A USEFUL INSTRUMENT IN A
16 SITUATION LIKE THAT?

17 A AND THAT'S GOOD POINT A PERSON WHO HAS NO
18 RECOLLECTION OF ANYTHING IS NOT GOING TO REACT IN A
19 WAY THAT WOULD INDICATE THAT THEY ARE LYING IF HE
20 DID NOT RECALL THIS, IF HE HAD NO KNOWLEDGE OF THIS
21 WHATSOEVER, THEN IT WOULD HAVE BEEN A MOOT POINT ON
22 THE POLYGRAPH TEST HE WOULD NOT HAVE REACTED IN A
23 DECEPTIVE MANNER

24 Q DID YOU EXPLAIN YOUR CONCERNS WITH THIS QUESTION
25 ON THE PART OF MR COPE ABOUT POSSIBLY DOING THIS IN

1 HIS SLEEP, DID YOU EXPLAIN YOUR CONCERNS TO HIM ABOUT
2 THAT WITH HIM?

3 A YES, SIR

4 Q AND WHAT HAPPENED NEXT?

5 A BASICALLY MR COPE CONTINUED TO TALK IN THAT
6 LINE OF REASONING, TRYING TO -- APPEARED THAT HE WAS
7 TRYING TO EXPLAIN AWAY AND I GUESS MORE OR LESS
8 MITIGATE AND EXPLAIN HOW HE COULD HAVE DONE THIS AND
9 NOT BE AWARE OF IT

10 Q OKAY DID THAT CONTINUE ON OR DID AT SOME POINT
11 DID HE ABANDONED THAT POSITION?

12 A THAT CONTINUED ON FOR A VERY SHORT TIME
13 MR COPE WAS PRETTY QUICK TO START REALIZING THAT I
14 WAS NOT BUYING WHAT HE WAS TRYING TO TELL ME HE
15 BEGAN TO SAY THAT HE, AND I'M QUOTING, I MUST HAVE
16 DONE IT, THEN HE CAME UP, CAME FORTH SAYING THAT
17 EVERYTHING WAS PRETTY MUCH TRUE THAT HE HAD TOLD ME
18 AS FAR AS THE SEQUENCE OF EVENTS, HOW HE HAD BEEN,
19 WHERE HE HAD BEEN THAT NIGHT, AND THE TIMEFRAME WITH
20 HIS DAUGHTERS AND THINGS AT HOME

21 Q YOU MEAN IN THE PREPOLYGRAPH, EVERYTHING THAT HE
22 HAD TOLD YOU IN PREPOLYGRAPH INTERVIEW WAS TRUE?

23 A YES, SIR

24 Q EXCEPT FOR ---

25 A BECAUSE THINGS IN THE PREPOLYGRAPH INTERVIEW

1 WERE NOT CHALLENGED THIS WAS HIS OPPORTUNITY TO
2 EXPLAIN TO ME WHAT HAPPENED, SO THERE WAS NO
3 CHALLENGE TO HIM DURING THAT TIME DURING THIS TIME
4 HE BEGAN TO TELL ME A DIFFERENT VERSION, SAYING THAT
5 WHAT HE HAD SAID ABOUT GOING TO THE BATHROOM AT 3
6 A M AND CHECKING ON THE DAUGHTERS EXCEPT FOR AMANDA
7 WAS NOT ACCURATE, THAT HE HAD GOTTEN UP AND GONE TO
8 THE BATHROOM HE EXPLAINED THAT WHEN HE GOT THROUGH
9 USING THE RESTROOM HE STILL HAD AN ERECTION AND HE
10 STILL HAD A HARD ON, AND AFTER THAT HE DID GO INTO
11 AMANDA'S ROOM AND HE EXPLAINED HOW HE BEGAN TO
12 MASTURBATE WHILE WATCHING AMANDA OR MASTURBATING OVER
13 AMANDA WHILE SHE WAS IN HER BED
14 Q OKAY WHAT WAS THE TONE BETWEEN YOU -- HOW DID
15 THAT CONVERSATION PROCEED? WAS IT CONFRONTATIONAL?
16 DID YOU HAVE TO GET UPSET? WHAT WAS THE EXCHANGE
17 LIKE BETWEEN YOU DURING THIS TIME WHEN HE'S GOING
18 FROM MAYBE IN MY SLEEP TO AN OUT AND OUT ADMISSION?
19 A IT WAS CONVERSATIONAL, PRETTY MUCH AS WE ARE
20 NOW THAT'S THE WAY I CONDUCT INTERVIEWS, THAT'S THE
21 WAY I HAVE CONSISTENTLY CONDUCTED INTERVIEWS, AND
22 THAT'S WHAT I FIND FOR ME TO BE MORE EFFECTIVE YOU
23 TALK TO PEOPLE IN SUCH A MANNER THAT THEY ARE MORE
24 WILLING TO TALK TO YOU MR COPE WAS FORTHCOMING
25 NOW WHEN HE WOULD SAY THE THINGS LIKE, WELL, COULD

1 HAVE I DONE THIS IN MY SLEEP LIKE, NO, REALLY
2 ADAMANT THAT I WOULDN'T BELIEVE ANYTHING LIKE THAT
3 BUT NO MORE ADAMANT THAN SAYING IN EXCHANGE IN THIS
4 COURTROOM

5 Q ABOUT HOW LONG DID THE DISCUSSION TAKE PLACE
6 BETWEEN YOU AND HIM AFTER HE STARTED TALKING, HOW
7 LONG DID YOU TALK GETTING DETAILS OF THAT NIGHT?

8 A I DON'T HAVE IT DOCUMENTED AS FAR AS MINUTE BY
9 MINUTE WE TALKED FOR PROBABLY ANOTHER HOUR AFTER
10 THE POLYGRAPH EXAM WITH HIM EXPLAINING WHAT HAD
11 HAPPENED

12 Q AND WAS THIS JUST YOU AND HE AGAIN?

13 A AT THIS POINT, YES, SIR

14 Q AT SOME POINT DID YOU INVITE LIEUTENANT HERRING
15 IN?

16 A YES, SIR, I DID

17 Q AND AT SOME POINT DID YOU AND LIEUTENANT HERRING
18 TAKE A FORMAL STATEMENT? SHOWING YOU WHAT'S BEEN
19 MARKED STATE'S EXHIBIT 4 AND I'LL JUST ASK YOU IF YOU
20 CAN IDENTIFY THAT?

21 A YES, SIR THIS IS THE STATEMENT THAT WAS TAKEN
22 THAT DAY FROM MR COPE

23 Q OKAY NOW WHEN HE WENT FROM DENYING TO
24 ADMITTING, VIA THE MAYBE I DID IT IN MY SLEEP, AT ANY
25 POINT IN THERE WAS THERE ANYTHING DONE ON YOUR PART

1 OR ANYBODY'S PART THAT COULD HAVE BEEN REASONABLY
2 CONSTRUED BY MR COPE AS BEING A THREAT TO HIS
3 PERSON?

4 A NO, SIR, NOTHING

5 Q IS THERE THAT ANYBODY DID, EITHER YOU OR IN YOUR
6 PRESENCE, TO MR COPE OR SAID TO MR COPE THAT COULD
7 HAVE BEEN REASONABLY CONSTRUED BY HIM AS BEING A
8 PROMISE OF LENIENCY --

9 A NO, SIR

10 Q ---IN EXCHANGE FOR COOPERATING AND CONFESSING?

11 A NO, SIR

12 Q OKAY HOW WAS HIS DEMEANOR AFTER HE HAD
13 CONFESSED OR ADMITTED TO YOU HIS CULPABILITY IN THE
14 DEATH OF HIS DAUGHTER?

15 A THE GREATEST CHANGE IN HIS DEMEANOR WAS THE FACT
16 THAT HE SEEMED TO BE RELIEVED, UNBURDENING HIMSELF AS
17 FAR AS THIS HE HAD HAD THIS BOTTLED UP, HE HAD IT
18 PENT UP, AND NOW ONCE HE GOT TOWARD THE END OF THIS
19 INTERVIEW AND HE WAS, EXPLAINED HIMSELF, HE SEEMED TO
20 BE MORE RELIEVED AND TOO HE SEEMED TO BE MORE
21 CONCERNED AS FAR AS HIS OWN WELL BEING, ASKING
22 QUESTIONS ABOUT PENALTIES AND THINGS OF THAT NATURE,
23 BUT OVERWHELMING IT WAS A BURDEN OFF HIS SHOULDER

24 Q OKAY WHEN YOU SAY HE WAS ASKING QUESTIONS
25 ABOUT PENALTIES, WHAT IS YOUR RESPONSE WHEN SOMEONE

1 ASKS YOU ABOUT PENALTIES?

2 A SPECIFICALLY IN THIS CASE HE ASKED ONCE IF HE
3 WAS GOING TO FRY AND THAT IS AN AREA THAT I'M GOING
4 TO AVOID, SO THAT HE HAS NO MISCONCEPTIONS AND THERE
5 IS NO QUESTIONS ABOUT THAT, AND I JUST POINT BLANK
6 TOLD HIM, BILLY, THAT IS NOT SOMETHING THAT I CAN
7 TELL YOU I HAVE NO IDEA

8 Q OKAY DID HE, THE ISSUE OF "AM I GOING TO FRY,"
9 DID YOU SAY ANYTHING TO HIM AT ALL OR DID ANYBODY SAY
10 ANYTHING TO HIM AT ALL THAT WOULD HAVE OR COULD HAVE
11 BEEN PERCEIVED BY HIM TO INDUCE HIM TO HAVE THAT FEAR
12 OR WAS THIS SPONTANEOUS QUESTION ON HIS PART?

13 A THAT WAS SPONTANEOUS AND VOLUNTARY ON HIS PART
14 SIMILAR THINGS HE SAID WAS HE MADE A COMMENT ABOUT
15 GETTING PROTECTION IN JAIL BECAUSE KNOWING WHAT
16 PEOPLE DID TO CHILD MOLESTERS WAS SOMETHING THAT HE
17 SPOKE OF AND IN MY VIEW POINT AND MY FRAME OF
18 THINKING I'M NOT GOING TO TALK ABOUT DEATH PENALTIES,
19 I'M NOT GOING TO TALK ABOUT FRYING, I'M NOT GOING TO
20 TALK ABOUT WHAT COULD HAPPEN TO A CHILD MOLESTER IN
21 JAIL BECAUSE THEN I AM PUTTING FEAR OF BEING HONEST
22 ABOUT THINGS

23 Q SO WHEN HE RAISED THESE ISSUES YOUR RESPONSE WAS
24 TO STEER HIM AWAY?

25 A EXACTLY

000459

1 Q NOW WHEN LIEUTENANT HERRING JOINED THE INTERVIEW
2 DID YOU NOTICE ANY INCREASE IN TENSION OR ANY
3 INCREASE IN EARNESTNESS ON THE PART OF MR COPE? DID
4 MR HERRING'S ABSENCE OR PRESENCE HAVE ANY AFFECT
5 THAT YOU COULD PERCEIVE ON MR COPE'S EMOTIONAL
6 STATE?

7 A I PERCEIVED NONE HE WAS COOPERATIVE WHEN
8 MR HERRING INITIALLY BROUGHT HIM LIEUTENANT
9 HERRING MADE THE INTRODUCTIONS, EVERYTHING SEEMED TO
10 BE FINE WHEN LIEUTENANT HERRING CAME INTO THE ROOM
11 HE WAS STILL COOPERATIVE, HIS DEMEANOR DIDN'T CHANGE
12 AS FAR AS THAT I COULD SEE, BECAUSE LIEUTENANT
13 HERRING WAS ANYWHERE NEAR

14 Q OKAY NOW DID YOU PREPARE A REPORT IN REGARDS
15 TO THIS EXAMINATION?

16 A YES, SIR, I DID

17 Q I'LL SHOW YOU A FOUR PAGE DOCUMENT AND ASK YOU
18 TO TAKE A LOOK AT THAT

19 A THESE ARE NOTES THAT I MADE THIS IS NOT AN
20 OFFICIAL REPORT TO ANYONE THIS IS JUST NOTES FROM
21 MY BENEFIT

22 Q IT'S YOUR SUMMARY AND ACCOUNT OF WHAT HAPPENED
23 THAT DAY?

24 A YES, SIR

25 Q IS THAT ACCURATE?

000460

1 A YES, SIR

2 Q HAVE YOU HAD A CHANCE TO REVIEW THAT?

3 A YES, SIR

4 Q WHEN DID YOU MAKE THAT? WHEN WAS THAT SUMMARY,
5 WHEN WAS THAT TYPED?

6 A IT WOULD HAVE BEEN STARTED THAT AFTERNOON

7 Q OKAY DO YOU TAKE NOTES DURING A POLYGRAPH,
8 DURING THE ADMINISTRATION OF A POLYGRAPH OR INTERVIEW
9 OR INTERROGATION FOLLOWING THE POLYGRAPH?

10 A GENERALLY NO I MAY TAKE SOME VERY, VERY BRIEF
11 NOTES ON OCCASION BUT GENERALLY FOR ME IT'S MUCH MORE
12 EFFICIENT NOT TO TAKE NOTES

13 Q OKAY AND LIKEWISE DO YOU RECORD, AUDIO OR
14 VIDEO, THE PROCEDURE, THE SESSION?

15 A NO, SIR

16 Q AND WHY IS THAT?

17 A THERE IS NOT ANY PROVISIONS FOR THAT IN MY
18 AGENCY THERE IS NO POLICY THAT WE DO THAT WE
19 DON'T HAVE THAT TYPE OF EQUIPMENT AVAILABLE TO US

20 Q OKAY

21 MR BRACKETT YOUR HONOR, I ASK THIS BE
22 MARKED AS STATE'S EXHIBIT 13

23 THE COURT ANY OBJECTION?

24 MR MORTON NO, SIR

25 (STATE'S EXHIBIT 13 RECEIVED INTO

000461

1 EVIDENCE)

2 Q AND, SIR, DOES THIS, DOES THIS DOCUMENT DETAIL
3 MORE THOROUGHLY THE EVENTS OF THAT POLYGRAPH SESSION?

4 A YES, SIR

5 Q SIR, DO YOU BELIEVE MR COPE'S STATEMENT MADE
6 THAT DAY INCRIMINATING HIMSELF IN THE DEATH OF HIS
7 DAUGHTER AMANDA WERE MADE OF HIS OWN FREE WILL,
8 VOLUNTARILY, NOT ANY THREATS OR COERCION, PROMISES OR
9 INDUCEMENTS OF ANY KIND?

10 A YES, SIR, THEY WERE

11 Q AND TELL THE COURT IF YOU WILL HOW DID THAT
12 INTERVIEW CONCLUDE?

13 A AFTER THE END OF IT THE STATEMENT HAD BEEN
14 TAKEN, WE FELT WE HAD DONE ALL THAT WE COULD DO, ALL
15 THAT WAS NEEDED TO BE DONE AT THAT TIME LIEUTENANT
16 HERRING AND BILLY WAYNE COPE WERE LEAVING, AS WE
17 WERE LEAVING, MR COPE TURNED AROUND, HE THANKED ME,
18 HE OFFERED HIS HAND IN A HAND SHAKE, I TOOK HIS HAND
19 AND I DID SHAKE HIS HAND, AND HE EXPRESSED THAT HE
20 HAD JUST HAD IT BOTTLED UP, AND HE WANTED TO GET IT
21 OUT

22 Q THANK YOU VERY MUCH, DETECTIVE BAKER PLEASE
23 ANSWER ANY QUESTIONS MR MORTON MAY HAVE FOR YOU
24 CROSS EXAMINATION BY MR MORTON

25 Q DETECTIVE BAKER, YOU BELIEVED THE STATEMENTS

1 THAT HE MADE EARLIER TO YOU ABOUT NOT HAVING TO
2 ANYTHING TO DO WITH IT WERE FREELY AND VOLUNTARILY
3 MADE?

4 A YES, SIR

5 Q YOU DO OKAY DO INNOCENT PEOPLE SHOW
6 DECEPTION ON POLYGRAPHS?

7 A THAT CAN HAPPEN, YES, SIR

8 Q THAT CAN HAPPEN HOW OFTEN DOES THAT HAPPEN?
9 IS THERE LITERATURE OR STUDIES TO INDICATE THAT?

10 A THERE ARE STUDIES TO INDICATE I DON'T HAVE A
11 FIGURE FOR YOU

12 Q YOU DON'T HAVE ANY IDEA HAVE YOU READ THE
13 STUDIES?

14 A I HAVE READ VARIOUS STUDIES OVER THE YEARS

15 Q AND WHAT DO THEY SAY? IS THERE A CONSENSUS ON
16 THAT?

17 A IF YOU ARE LOOKING AT A PARTICULAR STUDY, I'M
18 NOT AWARE OF WHICH ONE YOU'RE TALKING ABOUT, AND NO,
19 SIR, I COULD NOT GIVE YOU A FIGURE

20 Q OKAY BUT THERE IS, WOULD YOU SAY, A
21 SIGNIFICANT AMOUNT OF PEOPLE, INNOCENT PEOPLE WHO
22 FAIL POLYGRAPH?

23 A NO, SIR, I WOULD NOT SAY

24 Q WHAT KIND OF FIGURE WOULD YOU PUT ON IT?

25 A THERE IS AN ERROR RATE --

000463

1 Q YES, SIR

2 A ---IN ANY SCIENCE AND RESEARCH I WOULD GIVE
3 YOU AN OPINION I CANNOT NAME A VALID STUDY AT THIS
4 POINT IN TIME I WAS NOT PREPARED TO NAME A VALID
5 STUDY

6 Q OKAY BUT YOU ARE AWARE THAT THERE ARE STUDIES?

7 A YES, SIR

8 Q OKAY AND POLYGRAPHS HAVE BEEN DEEMED IN THIS
9 COURT AND OTHERS TO BE UNRELIABLE, YOU AGREE WITH
10 THAT?

11 A THERE HAS, THERE IS ALWAYS A STANDARD THAT HAS
12 TO BE REACHED

13 Q RIGHT

14 A AND, YES, THEY HAVE BEEN DEEMED WHERE THEY WERE
15 NOT ADMISSIBLE, YES, SIR

16 Q OKAY WHY IS THAT?

17 A DIFFERENT STANDARDS

18 Q OKAY WHAT STANDARDS ARE YOU TALKING ABOUT?

19 A THE FIRST ONE THE DALBERT STANDARD AND FRYE
20 STANDARD

21 Q OKAY WELL, UNDER THE DAUBERT AND THE FRYE AND
22 JONES AND COUNSELOR STANDARDS WHY ARE THEY
23 UNRELIABLE? DO YOU HAVE AN ANSWER FOR THAT?

24 A WELL, I DON'T KNOW THAT THOSE STANDARDS SAY THEY
25 ARE UNRELIABLE, THAT HAS TO DEAL WITH THE BODY OF

1 SCIENCE DEALING WITH IT, AND THEN IT'S THE COURT'S
2 DETERMINATION TO DETERMINE WHETHER THEY ACCEPT THAT
3 AS RELIABLE OR NOT

4 Q OKAY DO YOU HAVE AN EXPLANATION FOR THAT?

5 MR BRACKETT YOUR HONOR, I AM GOING TO
6 OBJECT TO THAT THIS IS A LEGAL ISSUE THE COURT IS
7 AWARE OF THE RULINGS ON POLYGRAPH I DON'T KNOW IF
8 HE'S AN EXPERT IN THE LAW

9 THE COURT WELL, YOU QUALIFIED HIM AS AN
10 EXPERT TO ADMINISTER IT AND I THINK HE'S GOT A RIGHT
11 TO GO INTO HIS PROFICIENCIES IF HE -- I KNOW WHAT YOU
12 ARE SAYING OVER YOUR OBJECTION

13 MR BRACKETT YES, SIR

14 A YOUR QUESTION AGAIN PLEASE

15 Q YOUR EXPLANATION FOR WHY IT'S DEEMED UNRELIABLE
16 SCIENCE BY MANY COURTS? DO YOU HAVE AN EXPLANATION
17 FOR THAT?

18 A WELL, THE REASON WOULD BE CERTAIN PEOPLE ARE NOT
19 GOING TO ACCEPT THE STANDARD THAT HAS MET A CERTAIN
20 STANDARD

21 Q I'M STILL CONFUSED YOU ARE SAYING THAT CERTAIN
22 PEOPLE, YOU MEAN CERTAIN JUDGES --

23 A CERTAIN PEOPLE

24 Q ---ARE NOT GOING TO ACCEPT THE SCIENCE?

25 A THAT IT HAS NOT MET THE STANDARD OF CERTAIN, OF

1 SCIENCE

2 Q DO YOU KNOW WHY THAT IS? CAN YOU GIVE A REASON
3 FOR WHY THAT MAY BE?

4 A BECAUSE THEY DO NOT BELIEVE THAT IT'S REACHED
5 THAT LEVEL

6 Q DO YOU UNDERSTAND WHY THEY COME TO THAT
7 DETERMINATION I GUESS IS MY QUESTION? WHAT IS IT
8 ABOUT THE SCIENCE THAT MAKES IT UNRELIABLE TO CERTAIN
9 PEOPLE?

10 A WELL, I FEEL LIKE I'M ANSWERING THAT IN THOSE
11 PEOPLE WHO WOULD HAVE THE POWER TO ACCEPT IT ARE NOT
12 IN THEIR OPINION IT HAS NOT REACHED THE LEVEL

13 Q WHAT REASONS ARE GIVEN?

14 A VARIOUS STUDIES IN MY OPINION IT'S BASICALLY
15 THEY DON'T UNDERSTAND THE SCIENCE BEHIND IT

16 Q OKAY YOU CAN'T TELL IF SOMEBODY IS TELLING YOU
17 THE TRUTH PER SE OR NOT BECAUSE YOU DON'T KNOW YOU
18 CAN'T SAY THAT THIS PERSON IS LYING OR THIS PERSON IS
19 TELLING THE TRUTH ALL THIS POLYGRAPH IS DESIGNED TO
20 SAY IS THAT SOMEBODY HAS INDICATED DECEPTION OR THEY
21 HAVE INDICATED TELLING THE TRUTH, IS THAT FAIR?

22 A THAT IS FAIR, YES, SIR

23 Q OKAY WHAT FACTORS DO YOU CONSIDER ABOUT A
24 PERSON BEFORE YOU GIVE THEM THE POLYGRAPH EXAM? ARE
25 THERE FACTORS REGARDING AGE, REGARDING HEALTH,

1 REGARDSING STRESS FACTORS, REGARDSING SLEEP, STRESS?

2 A YES, SIR

3 Q REGARDSING INTERROGATION, ARE THOSE FACTORS THAT
4 YOU CONSIDER?

5 A YES, SIR

6 Q OKAY AND COULD YOU EXPLAIN THOSE TO ME A
7 LITTLE BIT?

8 A ANY ONE SPECIFIC?

9 Q SURE STRESS

10 A YES, SIR A PERSON THAT'S UNDER A GREAT DEAL OF
11 STRESS COULD NEGATIVELY IMPACT A TEST AS FAR AS BEING
12 ACCURATE FOR EITHER PARTY THAT'S CONCERNED, WHETHER
13 BE THE LAW ENFORCEMENT THAT'S ASKING FOR THE TEST OR
14 THE INDIVIDUAL

15 Q OKAY WOULD YOU CONSIDER SOMEONE WHO HAS JUST
16 HAD THEIR DAUGHTER BEEN RAPED AND MURDERED LESS THAN
17 24 HOURS BEFORE OR 24 HOURS BEFORE UNDER A GREAT DEAL
18 OF STRESS?

19 A THEY COULD BE, YES, SIR

20 Q WHAT ABOUT SLEEP, IS THAT A FACTOR?

21 A YES, SIR

22 Q AND HOW DOES SLEEP AFFECT THE RESULTS OF A
23 POLYGRAPH?

24 A SLEEP COULD CAUSE INATTENTION, THE PERSON EVEN
25 NODDING OFF, BEING TIRED, SO IT COULD AFFECT

1 POLYGRAPH

2 Q IS THERE A CERTAIN AMOUNT OF SLEEP THAT YOU
3 WOULD LIKE TO BE ENSURED THAT SOMEONE HAS HAD BEFORE
4 YOU GIVE THEM THE TEST?

5 A NO, SIR I'M NOT GOING TO SAY THAT THERE IS
6 GOING TO BE A CERTAIN NUMBER OF HOURS BECAUSE IT'S
7 DEPENDING ON THE PERSON, THEIR LIFESTYLE, WHAT THEY
8 ARE ACCUSTOMED TO

9 Q RIGHT

10 A ALSO THE CONDITION THAT I CAN SEE AT THAT TIME
11 WHEN I INTERVIEW THE PERSON

12 Q OKAY SO IT DEPENDS ON DIFFERENT PEOPLE?

13 A YES, SIR

14 Q SOME PEOPLE REQUIRE MORE SLEEP THAN OTHERS
15 OKAY DID YOU KNOW HOW MUCH SLEEP MR COPE GENERALLY
16 REQUIRED BEFORE HE FELT COMFORTABLE?

17 A I DO NOT KNOW THE EXACT NUMBER OF HOURS FROM
18 INTERVIEWING HIM IT SEEMED TO BE FROM HIS ACCOUNT OF
19 THE PREVIOUS NIGHT THAT HE DIDN'T SLEEP A GREAT DEAL
20 HE TOLD ME THAT HE WENT TO SLEEP ROUGHLY AROUND ONE
21 O'CLOCK AND THAT CHANGED AND THEN HE WAS GETTING UP
22 AROUND SIX A M TO ME THAT'S A PRETTY SHORT PERIOD OF
23 TIME, THAT SEEMED TO BE A LIFESTYLE FOR HIM, SO I
24 SURMISED THAT HE WAS, THAT WAS HIS LIFESTYLE

25 Q HOW MUCH SLEEP DID HE GET THE NIGHT BEFORE YOU

1 GAVE HIM THIS TEST?

2 A I DON'T HAVE THE NUMBER OF HOURS HE DID NOTE
3 THAT HE HAD LESS THAN NORMAL

4 Q OKAY DID YOU THINK THAT WAS IMPORTANT THAT YOU
5 DID NOT HAVE THE NUMBER OF HOURS?

6 A I DON'T BELIEVE HE COULD HAVE TOLD ME THE EXACT
7 NUMBER OF HOURS

8 Q OKAY WELL, I THINK MY QUESTION WAS, WOULD IT
9 HAVE BEEN IMPORTANT TO YOU TO KNOW THE NUMBER OF
10 HOURS THAT HE GOT TO SLEEP THE NIGHT BEFORE?

11 A NOT THE EXACT NUMBER OF HOURS, NO, SIR

12 Q THAT WOULDN'T BE AN IMPORTANT FACTOR?

13 A WELL, LET ME BACK UP IF HE HAD HAD ONE HOUR
14 SLEEP VERSUS NINE HOURS SLEEP, YES, SIR, IT WOULD
15 HAVE BEEN IMPORTANT

16 Q OKAY

17 A IN ASKING HIM HE FELT FINE, HE WAS AWAKE, HE WAS
18 ALERT, AND I EXPRESSED ON THE FORM THAT HE HAD LESS
19 THAN NORMAL, BUT HE CERTAINLY WAS ENCOURAGING AND
20 WANTED TO GO FORWARD WITH THE TEST

21 Q OKAY

22 A I DID NOT NOTE ANY PROBLEMS IN HIS VOICE AS
23 BEING TIRED OR SLEEPY

24 Q OKAY WHAT SPECIFICALLY DO YOU REMEMBER THAT
25 LIEUTENANT HERRING TOLD YOU ABOUT THIS INVESTIGATION

1 AND ABOUT MR COPE IN YOUR INTERVIEW WITH MR HERRING
2 BEFORE YOU INTERVIEWED MR COPE, WHAT DO YOU
3 REMEMBER?

4 A HE EXPLAINED TO ME JUST THE BARE BONES GIST OF
5 THE CASE THIS WAS STILL PRETTY EARLY IN THE
6 INVESTIGATION I UNDERSTOOD THAT IT WAS MR COPE AND
7 THE DAUGHTERS THERE AT HOME I UNDERSTOOD THAT THE
8 DAUGHTER HAD BEEN FOUND STRANGLED THERE WAS SOME
9 INDICATION OF SEXUAL ASSAULT TO THE DAUGHTER THEY
10 FOUND NO SIGNS OF FORCED ENTRY THERE WAS NO
11 EXPLANATION FOR THE CHILD'S DEATH I ALSO UNDERSTOOD
12 SOME OF THE BACKGROUND AS FAR AS THE HISTORY THAT
13 MR COPE HAD AND THE CHILDREN HAD THAT'S --

14 Q SUCH AS?

15 A SUCH AS THE CHILDREN BEING REMOVED FROM THE HOME
16 PREVIOUSLY

17 Q OKAY DID YOU CONSIDER THAT RELEVANT?

18 A NOT RELEVANT TO THE TEST, NO, SIR

19 Q OKAY ANY IDEA WHY HE WAS TELLING YOU THAT?

20 A WELL, I WAS FAMILIAR WITH IT BECAUSE ONE OF MY
21 AGENCY WORKED THAT CASE

22 Q SO YOU KNEW THAT ALREADY?

23 A YES, SIR

24 Q SO YOU KNEW ABOUT MR COPE BEFORE YOU TESTED
25 HIM?

000670

1 A I KNEW ABOUT THAT CASE, YES, SIR

2 Q OKAY DID MR HERRING, LIEUTENANT HERRING, TELL
3 YOU THAT HE HAD BEEN INTERROGATED THE NIGHT BEFORE?

4 A YES, SIR, I WAS FAMILIAR WITH THAT

5 Q BECAUSE THEY HAD CALLED YOU AT LIKE, WHAT TIME,
6 THREE O'CLOCK IN THE MORNING?

7 A YES, SIR

8 Q OKAY AND THEY TOLD YOU THEY HAD BEEN THROUGH A
9 LENGTHY INTERROGATION WITH HIM?

10 A YES, SIR

11 Q RIGHT IS THAT A FACTOR?

12 A YES, SIR

13 Q DID YOU CONSIDER THAT?

14 A I CONSIDERED IT AT THREE A M THAT MORNING
15 THAT'S WHY I DECIDED IT WOULD NOT BE CONSIDERED

16 Q DID YOU CONSIDER IT AT 10 45 THAT MORNING?

17 A YES, SIR, I DID

18 Q AND DID YOU THINK THAT IT WAS A FACTOR, NOT A
19 FACTOR, POSSIBLY A FACTOR, MAY BE A FACTOR, NO
20 FACTOR?

21 A AT THIS POINT IN TIME AFTER INTERVIEWING
22 MR COPE I FELT THAT IT WOULD NOT BE DETRIMENTAL TO
23 HIS POLYGRAPH TEST

24 Q OKAY DID MR HERRING TELL YOU THAT HE THOUGHT
25 THAT BILLY COPE WAS GUILTY OF MURDERING AND RAPING

1 HIS DAUGHTER?

2 A HE WAS THEIR PRIME SUSPECT, YES, SIR

3 Q IS THAT A FACTOR TO YOU?

4 A NOT AS FAR AS THE TEST, NO, SIR

5 Q IT'S NOT A FACTOR?

6 A NO, SIR

7 Q DID YOU ASK HIM THAT?

8 A DID I ASK WHO WHAT?

9 Q LES, DID YOU ASK LIEUTENANT HERRING THAT,
10 WHETHER HE WAS A PRIME SUSPECT OR YOU KNEW THAT?

11 A THAT WAS EVIDENT, YES, SIR

12 Q YEAH HOW WAS THAT EVIDENT?

13 A WELL, HE WAS, HE WAS THERE

14 Q RIGHT

15 A THE FACTS OF THE CASE

16 Q THE FACTS OF THE CASE BEING THAT HIS DAUGHTER
17 DIED, HE WAS THE ONLY ADULT IN THE HOUSE, NO FORCED
18 ENTRY, IS THAT RIGHT?

19 A THAT'S PART OF IT CERTAINLY THE FACT THAT HE'S
20 THEIR PRIME SUSPECT, YES, SIR

21 Q ARE POLYGRAPHS EVER USED AS AN INTERROGATION
22 TOOL --

23 A YES, SIR

24 Q --TO GET SOMEBODY WHO YOU THINK MIGHT NOT BE
25 TELLING THE TRUTH TO BREAK AND ADMIT THAT THEY'VE

1 DONE A CRIME?

2 A THEY ARE INTERROGATION TOOLS IN MY PRACTICE
3 THE TESTS ARE RUN IN ORDER TO DETERMINE WHETHER A
4 PERSON IS TELLING THE TRUTH OR NOT

5 Q RIGHT

6 A IF THEY ARE DEEMED NO DECEPTION INDICATED, MY
7 PART ENDS

8 Q RIGHT

9 A IF THEY ARE DEEMED THAT THEY ARE NOT TELLING THE
10 TRUTH, THEN OF COURSE WE NEED TO GO FORWARD TO TRY TO
11 GET TO THE BOTTOM OF THE TRUTH

12 Q OKAY SOMETIMES THEY ARE USED AS A TOOL TO TRY
13 AND GET THEM TO TELL YOU THE TRUTH, RIGHT?

14 A IN MY AGENCY IN MY PRACTICE WE USE IT TO
15 DETERMINE THE COURSE OF THE INVESTIGATION TO
16 DETERMINE IF A PERSON IS TELLING THE TRUTH OR NOT

17 Q OKAY

18 A IT IS NOT SOLELY USED TO TRY TO BREAK SOMEONE IN
19 YOUR TERMS

20 Q MR COPE TOLD YOU WHEN HE CAME IN THAT MORNING
21 THAT HE HAD NOTHING TO DO WITH THIS, RIGHT?

22 A HE DENIED IT, YES, SIR

23 Q OKAY HE DENIED IT?

24 A UH-HUH

25 Q OKAY YOU ASKED HIM THE QUESTION, HE TOLD YOU,

1 I HAD NOTHING TO DO WITH IT, RIGHT?

2 A RIGHT

3 Q NOW WE'VE BEEN OVER THIS BEFORE, THAT WORD DENY
4 IS KIND OF A FUNNY TERM, WOULD YOU AGREE WITH ME
5 ABOUT THAT?

6 A NO, SIR

7 Q WOULD YOU AGREE WITH ME THAT THAT DOES NOT
8 INDICATE SOME PRESUPPOSITION ON YOUR PART THAT HE IS
9 NOT TELLING THE TRUTH?

10 A NO, SIR, I WOULDN'T AGREE AT ALL

11 Q YOU DON'T AGREE WITH THAT OKAY ARE, WERE YOU
12 AWARE AT THE TIME THAT MR COPE SUFFERED FROM SLEEP
13 APNEA?

14 A YES, SIR

15 Q YOU WERE AWARE?

16 A YES, SIR

17 Q WAS THAT A FACTOR?

18 A NO, SIR

19 Q YOU KNOW WHAT SLEEP APNEA IS?

20 A YES, SIR I'VE SLEPT WITH CPAP FOR THE LAST
21 SEVEN YEARS AND IN FACT THIS PAST MAY ONE, REASON I
22 AM HOARSE, I HAD A UVULA REMOVED SO I AM VERY, VERY
23 FAMILIAR WITH IT

24 Q IF YOU DON'T HAVE A SLEEP CPAP MACHINE ON WHAT
25 DOES THAT DO TO YOUR SLEEP?

1 A FOR ME CPAP WAS NO HELP SO MY QUALITY OF SLEEP
2 WAS THE SAME, SO IN MY PERSONAL EXPERIENCE IT WAS NO
3 DIFFERENCE WHATSOEVER

4 Q YOU DON'T WEAR A CPAP?

5 A I DID FOR SEVEN YEARS, YES, SIR

6 Q OKAY AND DID YOU WEAR CPAP FOR THOSE SEVEN
7 YEARS BECAUSE IT HELPED YOU SLEEP?

8 A BECAUSE I WANTED IT TO HELP ME SLEEP AND THAT'S
9 WHY I FINALLY HAD SURGERY

10 Q BECAUSE YOU WANTED IT TO HELP YOU SLEEP CAN I
11 ASSUME THAT BECAUSE YOU WORE IT FOR SEVEN YEARS THAT
12 IT HELPED YOU SLEEP?

13 A NO, SIR, THAT'S WHY I HAD THE SURGERY

14 Q OKAY SO YOU'VE, FOR SEVEN YEARS YOU WORE A
15 CPAP MACHINE THAT DIDN'T DO ANYTHING FOR YOU?

16 A THAT'S CORRECT

17 Q YOU STAY WITH STUFF A LONG TIME?

18 A THAT'S WHAT MY DOCTOR RECOMMENDED

19 Q LET ME ASK YOU ABOUT THE TIMES I BELIEVE YOU
20 INDICATED HE GOT THERE ABOUT 10 45?

21 A NO, SIR, HE CAME SOMEWHERE AROUND TEN O'CLOCK
22 MY INTERVIEW STARTED AT 10 45

23 Q YOU TALKED WITH LIEUTENANT HERRING FOR 45
24 MINUTES OR SO?

25 A ROUGHLY I DON'T HAVE AN EXACT TIME

000475

1 Q AND THEN YOUR INTERVIEW STARTED AT 10 45?

2 A YES, SIR

3 Q AND THIS WAS A PRETEST INTERVIEW THAT STARTED

4 FIRST?

5 A YES, SIR

6 Q OKAY AND YOUR PRETEST INTERVIEW CONSISTED OF

7 WHAT?

8 A THE MIRANDA WARNINGS, THE CONSENT TO INTERVIEW,

9 MR COPE EXPLAINING WHAT HAD HAPPENED THAT NIGHT,

10 THEN MY EXPLAINING OF THE TEST, HOW IT WORKS, AND

11 GOING OVER THE TEST QUESTION FORMULATION, THE

12 INSTRUCTIONS OF WHAT TO DO DURING THE TEST, THAT

13 WOULD HAVE BEEN THE PRETEST INTERVIEW

14 Q HOW LONG DID THAT TAKE?

15 A THAT GENERALLY TAKES 30 TO 45 MINUTES

16 Q OKAY AND THEN THE TEST ITSELF LASTED I THINK

17 YOU SAID 14 OR 15 MINUTES?

18 A THAT'S APPROXIMATE, YES, SIR

19 Q AND WERE YOU ABLE TO COMPLETE THE TEST?

20 A YES, SIR

21 Q OKAY THEN I BELIEVE YOU INDICATED THAT YOU GOT

22 THIS STATEMENT FROM HIM SOMETIME, FINISHED UP AROUND

23 TWO O'CLOCK?

24 A TWO O'CLOCK THEN IT'S ADDENDUM ENDED AT 2 25

25 Q 2 25?

000476

1 A YES, SIR

2 Q IS IT FAIR TO SAY THAT BETWEEN 11 30 AND 2
3 O'CLOCK MR COPE WHO HAD STARTED OUT INITIALLY
4 TELLING YOU THAT HE DID NOT HAVE ANYTHING TO DO WITH
5 HIS DAUGHTER'S DEATH, HE WAS CONFRONTED WITH THAT
6 AFTER THE POLYGRAPH, CORRECT?

7 A YES, SIR

8 Q OKAY AND YOU CHALLENGED HIM ON THAT?

9 A YES, SIR

10 Q AND YOU TOLD HIM THAT HE WASN'T TELLING THE
11 TRUTH?

12 A CORRECT

13 Q AND THEN HE WENT FROM THAT TO SAYING, WELL,
14 COULD I HAVE DONE IT, MAYBE I DID IT IN MY SLEEP,
15 MUST I HAVE DONE IT, AND SO FORTH?

16 A YES, SIR

17 Q CORRECT AND YOU TOLD HIM YOU DIDN'T BELIEVE
18 THAT?

19 A CORRECT

20 Q OKAY AND THEN HE TOLD YOU THAT HE DID IT, IS
21 THAT RIGHT?

22 A YES, SIR

23 Q OKAY AND THAT OCCURRED IN ABOUT 2 AND A HALF
24 HOURS, RIGHT?

25 A GIVE OR TAKE, YES, SIR

000477

1 Q YOU DIDN'T CHALLENGE, YOU DIDN'T RAISE YOUR
2 VOICE, YOU DIDN'T -- HOW DID YOU GET SOMEBODY TO DO
3 THAT, THAT'S -- CAN YOU EXPLAIN THAT TO ME?

4 A CERTAINLY TALKED TO PEOPLE WHEN A PERSON IS
5 UNDER THIS TYPE OF PRESSURE AS FAR AS THEY COMMITTED
6 SUCH A HEINOUS ACT THEY WANT TO TALK ABOUT THESE
7 THINGS BECAUSE THEY KNOW THEY HAVE DONE WRONG ONCE
8 THEY SEE THAT PEOPLE AREN'T GOING TO ACCEPT LIES,
9 THAT EVERYONE IS AWARE THAT WHAT THEY ARE SAYING IS A
10 LIE, THEN THEY DO OFTEN, NOT IN EVERY CASE, BUT THEY
11 DO OFTEN BECOME WILLING TO TALK ABOUT THESE THINGS

12 Q ARE YOU USUAL -- USUALLY YOU CAN DO THAT IN A
13 COUPLE OF HOURS?

14 A I HAVE DEALT WITH PEOPLE WHO HAVE CONFESSED TO
15 MURDERS WITHIN FIVE MINUTES AND THEN, YES, IT HAS
16 THEN OVER A PERIOD OF HOURS, TWO HOURS, OR LONGER

17 Q OKAY YOU INDICATED THAT HE HAD A CALM
18 DEMEANOR?

19 A YES, SIR

20 Q AND THAT YOU WERE SURPRISED BY HIS CALM
21 DEMEANOR?

22 A YES, SIR

23 Q AND WHY WERE YOU SURPRISED?

24 A BECAUSE OF, AS YOU ALLUDED TO EARLIER, A CHILD
25 HAD JUST DIED

000478

1 Q RIGHT

2 A AND MEASURING AS FAR AS THE WAY I WOULD REACT IF
3 MY CHILD DIED

4 Q RIGHT

5 A I'D BEEN A PUDDLE ON THE FLOOR

6 Q RIGHT

7 A YET MR COPE WAS VERY CALM, ALMOST, I WOULDN'T
8 SAY JOVIAL, BUT VERY CALM, VERY COOPERATIVE, VERY
9 UPBEAT

10 Q AND THIS WAS WHEN?

11 A THIS WAS DURING THE WHOLE TIME

12 Q BEFORE, DURING, AND AFTER?

13 A YES, SIR

14 Q OKAY AND YOU INDICATED ALSO THAT HE SEEMED
15 RELIEVED IS THAT RIGHT?

16 A YES, SIR

17 Q NOW CAN YOU POINT TO ANY FACTORS THAT MADE YOU
18 MAKE THAT STATEMENT?

19 A YES, SIR ONE VERY BIG FACTOR IS HIM THANKING
20 ME FOR TALKING TO HIM

21 Q RIGHT

22 A OFFERING HIS HAND IN A HAND SHAKE AND SAYING
23 THAT HE WANTED TO GET IT OUT

24 Q OKAY SO THAT'S WHAT YOU ARE BASING THAT
25 STATEMENT ON?

000479

1 A NO, SIR MY PERCEPTION OF HIS ATTITUDE, HIS
2 BODY LANGUAGE, THE WAY IT INTERCHANGED, JUST THE WAY
3 HE HAD TALKED, VARIOUS THINGS THAT I NOTICED DURING
4 THAT TIME

5 Q IS THERE ANY SET TIME THAT IS RECOMMENDED THAT
6 YOU WAIT TO GIVE SOMEBODY A POLYGRAPH AFTER THEY'VE
7 BEEN INTERROGATED?

8 A THERE IS NO SET TIME THAT'S GOING TO BE A
9 THING THAT YOU ARE GOING TO HAVE TO EVALUATE

10 Q RIGHT

11 A AND I LIKE TO DO IT THE NEXT DAY AND THE ONE
12 THING THAT I WILL TELL PEOPLE IN CIRCUMSTANCES LIKE
13 THIS IS, YOU BRING THEM IN, WE'LL EVALUATE THEM
14 THERE HAVE BEEN SEVERAL INSTANCES WHERE I'VE REFUSED
15 THIS WAS, BEEN MANY INSTANCES WHERE ROCK HILL POLICE
16 DEPARTMENT OR OTHER AGENCES HAVE CALLED ME

17 Q RIGHT

18 A IN THE MIDDLE OF THE NIGHT AND I WOULD GO OUT
19 AND RUN THE TEST SO THEREFORE JUST OFF OF
20 HEARING --

21 Q SOMETIMES YOU RUN THE TEST AFTER THEY'VE BEEN
22 INTERROGATED?

23 A IT DEPENDS IF YOU ARE TALKING ABOUT A FIVE
24 MINUTE - TEN MINUTE INTERVIEW/INTERROGATION THEN
25 CERTAINLY

1 Q RIGHT

2 A WHERE THERE HAS BEEN NO LENGTHY INTERVIEW

3 Q RIGHT

4 A IN THIS CASE I UNDERSTOOD IT WAS LENGTHY

5 Q RIGHT

6 A AND THEREFORE AT THAT TIME WE WOULD NOT DO IT

7 Q RIGHT

8 A WE GO BACK THE NEXT MORNING, WE RE-EVALUATE IT

9 IF I HAD SENSED SOMETHING FROM MR COPE OR IN HIS

10 ANSWERS HE HAD TOLD ME THAT THERE WAS A PROBLEM, THEN

11 WE WOULD HAVE STOPPED

12 Q OKAY BUT THERE IS NOT A PER SE RULE THAT YOU

13 HAVE TO WAIT IN BETWEEN AN INTERROGATION, A LENGTHY

14 INTERROGATION, AND THE TIME YOU ASK SOMEONE TO SUBMIT

15 TO A POLYGRAPH OR THE TIME THAT THEY SUBMIT TO A

16 POLYGRAPH?

17 A MY RECOMMENDATION IS WE WAIT UNTIL THE NEXT DAY

18 Q OKAY WELL, DOES THAT MEAN 24 HOURS? DOES THAT

19 MEAN 6, 12, WHAT?

20 A I'M TALKING ABOUT THE NEXT DAY I'M NOT GOING

21 TO SAY AN HOUR PERIOD

22 MR MORTON BEG THE COURT'S INDULGENCE

23 Q YOU INDICATED AT ONE POINT THAT YOU WERE NOT

24 BUYING WHAT HE WAS TRYING TO TELL YOU, IS THAT RIGHT?

25 I THINK I WROTE THAT DOWN ON YOUR DIRECT

1 A THAT WOULD HAVE BEEN AFTER

2 Q THAT WOULD HAVE BEEN AFTER THE TEST?

3 A YES, SIR

4 Q BECAUSE OF THE TEST?

5 A YES, SIR

6 Q WHEN DID YOU LAST TALK TO LIEUTENANT HERRING
7 ABOUT THIS? WHEN DID YOU LAST TALK TO LIEUTENANT
8 HERRING?

9 A YOU TALKING ABOUT RECENT HISTORY?

10 Q YES

11 A WE TALKED, WE MET ONE DAY LAST WEEK IF I
12 REMEMBER CORRECT I DON'T REMEMBER WHICH AFTERNOON
13 I WANT TO SAY LAST WEDNESDAY AFTERNOON

14 Q WHERE WAS THAT?

15 A ROCK HILL POLICE DEPARTMENT, AND I'M NOT
16 ACCURATE AS FAR AS, IT SEEMS LIKE IT WAS LAST
17 WEDNESDAY AFTERNOON I DON'T HAVE MY CALENDAR WITH
18 ME

19 Q DID YOU TALK ABOUT THIS CASE?

20 A YES, SIR

21 MR MORTON THAT'S ALL I HAVE

22 THE COURT REDIRECT

23 MR BRACKETT JUST BRIEFLY

24 REDIRECT EXAMINATION BY MR BRACKETT

25 Q MR MORTON ASKED YOU WOULD YOU CONSIDER A PERSON

1 WHOSE DAUGHTER HAD BEEN RAPED AND KILLED 24 HOURS
2 BEFORE, THE STRESS LEVEL THAT A PERSON WOULD
3 EXPERIENCE UNDER THOSE CIRCUMSTANCES, AS AFFECTING
4 THE POLYGRAPH AND YOU SAID YES WAS THERE ANYTHING,
5 ANY INDICATION OF ANY STRESS LEVEL AT ALL AT ANY
6 POINT IN TIME ON MR COPE'S PART?

7 A NO, SIR, THAT'S WHY WE PROCEEDED

8 Q OKAY HOW ABOUT THE SLEEP ISSUE? DID YOU NOTE
9 ANY INDICATIONS OF EXCESSIVE TIREDNESS, YAWNING,
10 INABILITY TO HOLD HIS ATTENTION, ANYTHING OF THAT
11 NATURE?

12 A NO, SIR HE WAS AGAIN VERY ATTENTIVE,
13 EXPRESSING HE WANTED TO BE THERE OF COURSE, HIM
14 WANTING TO BE THERE WOULD HAVE HAD NO AFFECT IF I HAD
15 DEEMED THAT IT WOULD HAVE BEEN INAPPROPRIATE TO RUN
16 THE TEST, IF I HAD NOTICED ANYTHING AS FAR AS HIM
17 BEING SO TIRED OR SLUMPING OR NODDING OFF OR, I'M NOT
18 GOING TO RUN A TEST IF I DON'T FEEL LIKE I'M GOING TO
19 HAVE THE BEST CIRCUMSTANCES FOR IT TO BE A FAIR AND
20 ACCURATE TEST

21 Q AND HE WAS ASKING YOU ABOUT VARIOUS
22 INTERROGATIONS ON OTHER PEOPLE THAT YOU'VE DONE, HAVE
23 YOU EVER DEALT WITH A CASE WHERE SOMEONE FAILED BUT
24 DIDN'T CONFESS?

25 A YES

000483

1 Q DOES THAT HAPPEN VERY OFTEN?

2 A YES, SIR

3 Q OKAY AND FINALLY MR MORTON ASKED, HE SAID, SO
4 BASICALLY ONE MINUTE HE WAS DENYING IT AND THEN THE
5 NEXT MINUTE HE WAS TELLING YOU HE DID IT, THIS WAS
6 MORE INVOLVED, LENGTHY PROCESS THAN THAT, IS THAT
7 FAIR TO SAY?

8 A IT WAS MUCH MORE INVOLVED AND I'M NOT SITTING
9 HERE CONTINUALLY ASKING HIM, DID YOU DO IT, DID YOU
10 DO IT, DID YOU DO IT I GIVE HIM AN OPPORTUNITY TO
11 TELL HIS SIDE OF THE STORY AND HE SAYS HE DIDN'T DO
12 IT, THIS IS WHAT HAPPENED, AND I ACCEPT THAT WE
13 WOULD GO INTO THE PRE, EXCUSE ME, THE POST TEST
14 INTERVIEW AND SAY, MR COPE, BILLY WAYNE, YOU HAVE
15 FAILED, AND THINGS AREN'T ADDING UP AND THEN HE
16 STARTS TO VOLUNTEER THIS INFORMATION OF COURSE, I'M
17 GOING TO GO FORWARD WITH THAT

18 Q FINALLY, YOU WERE THERE, YOU INTERVIEWED HIM
19 BEFORE AND AFTER THE POLYGRAPH EXAMINATION WAS
20 ADMINISTERED, YOU SAW HIS DEMEANOR, HIS APPEARANCE,
21 THE WAY HE WAS ANSWERING QUESTIONS, AND ULTIMATELY
22 HIS CONFESSION, WHAT SIGNIFICANCE DO YOU THINK THAT
23 HIS FAILURE OF THE POLYGRAPH HAD IN HIS DECISION TO
24 CONFESS TO YOU THAT HE HAD DONE THIS?

25 A MY SUPPOSITION WOULD BE MR COPE, LIKE MANY

1 FOLKS, NOW YOU HAVE AN INDEPENDENT PERSON THAT'S NOT
2 INVOLVED PER SE IN THE INVESTIGATION, YOU'VE GOT A
3 INSTRUMENT, SCIENTIFIC INSTRUMENT, THAT'S BEING USED
4 THAT SAYS YOU ARE NOT TELLING THE TRUTH, AND WE ARE
5 NOT ACCEPTING LIES, AND THEREFORE HE HAS COME TO
6 REALIZE THAT TELLING A LIE IS FRUITLESS

7 Q SO YOUR OPINION IS THAT THE TRIGGERING MECHANISM
8 WAS THE INFORMATION THAT HE RECEIVED FROM YOU THAT HE
9 HAD NOT PASSED?

10 A I BELIEVE IT PLAYS A PART IN IT I ALSO FEEL
11 LIKE HAVING SOMEONE THERE WHO IS ABLE TO LISTEN, IS
12 ABLE TO TALK TO THEM IN A CALM MANNER, IS ABLE JUST
13 TO SIT AND TALK WITH HIM AND SAY, THIS DOESN'T ADD
14 UP, THIS IS NOT RIGHT CERTAINLY POLYGRAPH PLAYS A
15 PART, BUT I ALSO THINK THAT A HUMAN BEING SITTING
16 THERE AND SAYING, WE DON'T BELIEVE THIS, THIS IS NOT
17 ADDING UP, AND THEN HE BEGINS TO EXPLAIN

18 Q THANK YOU, SIR

19 MR MORTON JUST A COUPLE QUESTIONS
20 RE CROSS EXAMINATION BY MR MORTON

21 Q I THINK YOU INDICATED EARLIER THAT AFTER YOUR
22 DISCUSSION WITH LIEUTENANT HERRING ABOUT THE FACTS
23 AND ABOUT THE INTERROGATION AND STUFF THAT LIEUTENANT
24 HERRING HAD VOICED AN OPINION THAT HE DIDN'T THINK
25 THE DEFENDANT WAS BEING HONEST WITH HIM THE NIGHT

1 BEFORE, WAS THAT ACCURATE?

2 A YES, SIR

3 Q OKAY AND HE EXPRESSED THAT TO YOU?

4 A YES, SIR

5 Q AND AFTER YOU TALKED TO MR COPE HAD YOU FORMED
6 AN OPINION?

7 A I FORMED AN OPINION AFTER THE POLYGRAPH EXAM

8 Q DID YOU NOT FORM AN OPINION BEFORE THE
9 POLYGRAPH?

10 A NO, SIR

11 Q YOU DIDN'T FORM AN OPINION?

12 A NO, SIR

13 Q SO YOU TOOK FROM LES HERRING OF WHAT HE TOLD YOU
14 THAT HE THOUGHT AND CONSIDERED THE EVIDENCE AND YOU
15 TALKED TO MR COPE AND YOU WENT TO THE POLYGRAPH WITH
16 A COMPLETELY OPEN MIND?

17 A YES, SIR

18 Q THANK YOU

19 THE COURT ALL RIGHT YOU CAN STEP DOWN
20 AND BE EXCUSED WE APPRECIATE YOUR TIME THANK YOU

21 MR BRACKETT YOUR HONOR, I DON'T HAVE
22 ANY MORE WITNESSES ON THIS ISSUE, BUT I WOULD LIKE TO
23 JUST, TO MAKE AS AN EXHIBIT THE AMENDED
24 ADMINISTRATIVE ORDER THAT WAS SIGNED BY YOUR HONOR
25 REGARDING DCM AND THE ISSUE THAT I AM ADMITTING THIS

1 FOR IS THE SECTION OF THIS ORDER WHICH REQUIRES THAT
2 MAGISTRATE AND MUNICIPAL JUDGES SCREEN AUTOMATICALLY
3 FOR A PUBLIC DEFENDER I DON'T KNOW HOW MUCH OF AN
4 ISSUE THIS IS GOING TO BE, BUT HE WAS APPOINTED A
5 PUBLIC DEFENDER ON SATURDAY OUR CONTENTION IS HE
6 NEVER INVOKED HIS RIGHT TO COUNSEL AND THEN EVEN IF
7 HE DID, HE INITIATED CONTACT THE NEXT DAY, BUT THIS,
8 THE FORM THAT IS ACTUALLY USED, THE INDIGENCY
9 SCREENING APPLICATION FORM SEEMS, SOME WORDING ON IT
10 COULD BE CONSTRUED AS A REQUEST FOR COUNSEL THIS IS
11 DONE IN THIS COUNTY WHICH IS UNIQUE OR THERE IS ONLY
12 A COUPLE OTHER COUNTIES IN THE STATE PURSUANT TO THIS
13 ORDER AND IT'S FOR THE EXPEDITED PROCESSING OF ALL
14 THE CASES THERE ARE TIMES WHEN, YOU KNOW, A PERSON
15 IS BEING INTERVIEWED OVER SEVERAL DAYS AND THEY DON'T
16 INVOKE THEIR RIGHT TO COUNSEL BUT ESSENTIALLY YORK
17 COUNTY IS FORCING AN ATTORNEY ON THEM AND I THINK
18 IT'S IMPORTANT FOR THE RECORD TO REFLECT THAT WE HAVE
19 THIS UNIQUE MECHANISM HERE

20 THE COURT ANY OBJECTION?

21 MR MORTON NO, SIR

22 (STATE'S EXHIBIT 14 RECEIVED INTO
23 EVIDENCE)

24 MR BRACKETT THAT WOULD BE THE STATE'S
25 PRESENTATION IN REGARD TO THE MOTION BY THE DEFENSE

1 TO THE EXCLUSION OF THESE STATEMENTS UNDER, FOR LACK
2 OF PROBABLE CAUSE AND UNDER THE 5TH AND 6TH
3 AMENDMENT

4 THE COURT SO NOW THE STATE HAS COVERED
5 BOTH THE WARRANT ISSUE AND THE CONFESSIONS

6 MR BRACKETT YES, SIR, THAT'S CORRECT
7 THE COURT OR STATEMENTS

8 MR BRACKETT YES, SIR

9 THE COURT ALL RIGHT NOW AS TO EITHER
10 ONE OF THOSE ISSUES, WE'VE BEEN KIND OF BEEN GOING,
11 ALLOWING THE WITNESSES TO TESTIFY OUT OF ORDER AS WE
12 SOMETIMES SAY, DEFENSE HAVE ANY FURTHER WITNESSES ON
13 ANY ONE OF THOSE ISSUES AT THIS TIME

14 MR MORTON YOUR HONOR, THE ONLY OTHER
15 WITNESS THAT WE WOULD HAVE WOULD BE FROM THE ROCK
16 HILL CITY REGARDING MAGISTRATE WILLIAMS AND WE HAVE
17 SUBPOENAED HER RECORDS FROM THE ROCK HILL POLICE
18 DEPARTMENT REGARDING HER EMPLOYMENT AND WHAT HER
19 HOURS WERE ON THE DAY IN QUESTION THAT WE THINK THAT
20 MAY BE A FACTOR IN THE PROBABLE CAUSE ARGUMENT AND
21 THE JAIL RECORDS

22 MR BRACKETT PLEASE THE COURT, IF THAT,
23 I DON'T KNOW IF WE NEED TO HAVE A WITNESS HERE IF
24 THOSE RECORDS ARE RELEVANT AND THERE IS SOMETHING TO
25 THEM AND WE CAN HAVE, BE INVOLVED IN LOOKING AT THEM

1 THE COURT LET'S TAKE A SHORT BREAK AND
2 SEE IF THERE IS ANYTHING ELSE WE NEED TO DO BECAUSE
3 I'D LIKE TO COMPLETE ALL THE EVIDENCE TODAY, PROBABLY
4 GO AHEAD AND RULE TODAY IF WE GET ALL THE EVIDENCE IN
5 AND THAT'S WHAT I'D LIKE TO DO AT LEAST AS TO THESE
6 TWO ISSUES

7 (COURT IS IN RECESS)

8 (COURT RESUMES AT 4 O'CLOCK)

9 THE COURT ALL RIGHT WE'RE READY TO GO
10 FORWARD ON SOME HOUSEKEEPING MATTERS AND VERY SHORT
11 ARGUMENTS ON BEHALF OF THE ISSUES ANYTHING BEFORE
12 WE GET INTO THE BRIEF ARGUMENTS?

13 MR BRACKETT ON THE CONFESSIONS, YOUR
14 HONOR

15 THE COURT WELL, ON THE ARREST WARRANT
16 AND CONFESSIONS

17 MR BRACKETT YES, SIR NOTHING FROM THE
18 STATE

19 MR WOOD NOTHING FROM THE DEFENSE YOUR
20 HONOR, I PASSED UP TO THE COURT A MOTION I PASSED
21 THE MOTION TO MR BRACKETT FOR THE STATE AND
22 MR GREELEY FOR CO-DEFENDANT SANDERS AT THIS TIME
23 THE DEFENSE IS MOVING TO DISMISS THE MURDER WARRANT
24 BASED ON LACK OF PROBABLE CAUSE AT THE TIME OF THE
25 ARREST OUTLINED MY ARGUMENT, BRIEFLY SUMMARIZE IT,

1 THE FOLLOWING QUESTION DETERMINING WHETHER PROBABLE
2 CAUSE EXISTED AND AS TO WHETHER AN ARREST IS LAWFUL
3 THE PROBABILITY AT THE TIME MUST BE BASED ON THE
4 FACTS AND CIRCUMSTANCES KNOWN AND THOSE FACTS AND
5 CIRCUMSTANCES MUST BE LAID OUT IN THE ACTUAL WARRANT
6 MERE CONCLUSORY STATEMENTS WHICH IN THIS CASE ARE
7 JUST CONCLUDING THAT AMANDA COPE WAS MURDERED AND
8 THAT BILLY COPE DID IT ARE INSUFFICIENT FOR PROBABLE
9 CAUSE PROBABLE CAUSE CAN'T BE ESTABLISHED BY MERE
10 SUSPICION OR RUMOR OR EVEN STRONG SUSPICION THE
11 AFFIDAVIT DISCLOSED NO UNDERLYING FACTS OR
12 INFORMATION THAT BILLY COPE WAS THE PERPETRATOR OR
13 REALLY DIDN'T EVEN DEMONSTRATE THAT THE CRIME WAS
14 COMMITTED THERE IS NO WAY THE MAGISTRATE COULD
15 PROPERLY FIND THERE IS PROBABLE CAUSE TO MAKE A
16 PRUDENT AND CAUTIOUS MAN TO BELIEVE COPE COMMITTED A
17 CRIME

18 NOW BEFORE I CAN GO ANY FURTHER ON THE
19 PROBABLE CAUSE, OR EXCUSE ME, BEFORE I GO INTO
20 ANYTHING AS TO THE STATEMENTS OR SUPPRESSION OF
21 STATEMENTS I THINK WE PROBABLY NEED A RULING ON THE
22 PROBABLE CAUSE JUST SO AS NOT TO WASTE THE COURT'S
23 TIME IF YOU FIND PROBABLE CAUSE WE WON'T HAVE TO
24 ARGUE ON THE SUPPRESSION OF STATEMENTS

25 THE COURT WELL, I APPRECIATE THAT AS

1 TO THE WARRANT, OF COURSE, THE WARRANT MUST BE ISSUED
2 BY A NEUTRAL AND DETACHED JUDICIAL OFFICER AND I FIND
3 THAT AS TO THE MURDER WARRANT AND AS TO THE TWO
4 UNLAWFUL NEGLECT THAT THE ISSUING OFFICER MCNEELY AND
5 WILLIAMS WERE IN FACT NEUTRAL AND DETACHED JUDICIAL
6 OFFICERS THE OFFICERS TO ISSUE SUCH AN ARREST
7 WARRANT MUST BE SUPPLIED WITH SUFFICIENT INFORMATION
8 TO SUPPORT AN INDEPENDENT JUDGMENT THAT THERE IS IN
9 FACT PROBABLE CAUSE FOR ISSUANCE OF AN ARREST
10 WARRANT I CANNOT FIND THAT GOOD LANGUAGE IN A SOUTH
11 CAROLINA CASE, THAT'S FROM A NORTH CAROLINA CASE OF
12 STATE VERSUS HARVEY, IF ANY CASES ABOUT THE JUDICIAL
13 OFFICERS, BUT THAT'S 187 SOUTHEASTERN SECOND 706

14 PROBABLE CAUSE EXIST FROM THE FACTS
15 PRESENTED TO THE JUDICIAL OFFICER WHEN THE FACTS
16 ESTABLISHED THAT AN OFFENSE HAS BEEN COMMITTED AND
17 THAT THE DEFENDANT HAS COMMITTED IT PROBABLE CAUSE
18 IS THAT QUANTUM OF INFORMATION WHICH WOULD WARRANT A
19 PRUDENT PERSON TO BELIEVE THE DEFENDANT COMMITTED THE
20 SUBJECT CRIME IT IS MORE THAN MERE SUSPICION
21 HOWEVER ABSOLUTE CERTAINTY IS NOT REQUIRED

22 AND OUR SUPREME COURT IN STATE VERSUS
23 WILLIAMS 203 SOUTHEASTERN SECOND 436 STATED AND THIS
24 IS NOT A DIRECT QUOTE THIS IS PARAPHRASE EVIDENCE
25 SUPPORTING PROBABLE CAUSE NEED NOT BE SUFFICIENT TO

1 SUPPORT A CONVICTION OR TO SUPPORT A VERDICT OF GUILT
2 OR TO ESTABLISH GUILT BEYOND A REASONABLE DOUBT NOR
3 NEED PROOF BE POSITIVE THE EVIDENCE MUST BE SUCH AS
4 TO INDUCE IN THE MIND OF THE ISSUING OFFICER AN
5 HONEST BELIEF THAT THE FACTS SETFORTH EXIST OR BE
6 SUCH THAT WOULD LEAD A MAN OF PRUDENCE TO BELIEVE
7 THAT AN OFFENSE HAS BEEN COMMITTED

8 AS TO THE PARTICULAR WARRANT FOR MURDER I
9 HAVE TO LOOK AT IT IN THE TOTALITY OF THE
10 CIRCUMSTANCES IN WHICH IT WAS ISSUED WHICH INCLUDED
11 SWORN TESTIMONY BY THE AFFIANT MRS BLACKWELDER TO
12 MS MCNEELY WHICH INCLUDED, AT LEAST FROM MY NOTES,
13 AND I THINK THAT THE MURDER OCCURRED INSIDE THE
14 RESIDENCE, THAT THE RESIDENCE WAS SECURED, THAT THERE
15 WAS NO ASSERTION OF ANY OTHER PERSON HAD BEEN IN THE
16 RESIDENCE OTHER THAN TWO LITTLE GIRLS, THAT THERE
17 WERE SEVERE INJURIES, AND THAT HAD IN FACT BEEN A
18 SEXUAL ASSAULT, THAT COUPLED WITH THE LANGUAGE IN THE
19 AFFIDAVIT THAT MR BILLY WAYNE COPE DID VIOLATE SOUTH
20 CAROLINA LAW BY MURDER, BY ASSAULTING AMANDA COPE,
21 AND THAT SHE DIED AS A RESULT OF THE ASSAULT, I FIND
22 ARE SUFFICIENT FACTS FROM WHICH THE MAGISTRATE COULD
23 AND THAT IN FACT SHE DID ISSUE THE MURDER WARRANT SO
24 I FIND NO LACK OF PROBABLE CAUSE AND DO NOT, I GUESS
25 THE MOTION IS TO QUASH OR SET ASIDE OR INVALIDATE THE

1 WARRANT, AND I REFUSE TO DO THAT

2 AS TO THE UNLAWFUL NEGLECT, THOSE THREE
3 ARE MUCH MORE SPECIFIC QUITE FRANKLY, THEY WERE
4 ISSUED BY JUDGE WILLIAMS I BELIEVE AND THEY FOLLOW
5 UNDER THE PERIMETERS, WITHIN AND UNDER THE PERIMETERS
6 IN WHICH I JUST STATED AND ALSO ARE BASED ON PROBABLE
7 CAUSE SUFFICIENT THAT THE COURT WILL NOT SET THOSE
8 WARRANTS ASIDE EITHER NOW ANYTHING ELSE ABOUT THE
9 WARRANTS AT THIS TIME

10 MR MORTON NO, SIR

11 THE COURT ALL RIGHT IT FOLLOWS THAT
12 ANY STATEMENTS THAT FOLLOW THEREAFTER WOULD NOT BE
13 FRUIT FROM ANY POISONOUS TREE BECAUSE I'M FINDING
14 THAT THE TREE IS NOT POISONOUS

15 NOW AS TO THE STATEMENTS, FIRST LET ME GET
16 IN MY MIND WHAT WE HAVE AND MAKE SURE I'M SQUARED
17 AWAY, THAT THE DEFENSE HAS MOVED NOT AS TO THE THREE
18 HOUR INTERVIEW ON THE 29 WHICH I THINK WENT OVER TO
19 THE 30TH, THE INITIAL INTERVIEW I'LL CALL IT, THE
20 TAPE, THEY ARE NOT MOVING TO SUPPRESS THAT THEY ARE
21 MOVING TO SUPPRESS STATEMENTS GIVEN I BELIEVE TO
22 OFFICER HERRING, EXHIBIT FOUR, THAT WAS ON THE 29 AT
23 AROUND LUNCH TIME

24 MR MORTON NO, SIR

25 THE COURT THAT'S GOT TO BE 30

1 MR MORTON YES, SIR WE'RE MOVING TO
2 SUPPRESS THE STATEMENTS FROM THE 30TH ON

3 THE COURT I'M JUST TRYING TO MAKE SURE I
4 GOT THEM ALL THAT'S THE 30TH BUT I WANT TO MAKE
5 SURE I UNDERSTAND WHICH ONES THEY ARE SO ONE IS ON
6 THE 30TH I'VE GOT AROUND LUNCH TIME WITH OFFICER
7 HERRING

8 MR MORTON YOUR HONOR, IF I MAY
9 INTERRUPT HERE I THINK THAT WAS ON THE 29

10 THE COURT WELL, THAT'S WHAT I HAD BUT
11 YOU ARE NOT MOVING TO SUPPRESS THAT

12 MR MORTON NO, SIR

13 MR BRACKETT STARTING WITH DETECTIVE
14 BAKER ON THE 30 AND THEN GOING FORWARD

15 THE COURT ALL RIGHT I DON'T HAVE IN MY
16 NOTES WHAT EXHIBIT THAT ONE IS

17 MR MORTON ON THE 29 THE 12 40

18 THE COURT THE ONE ON THE 30 TO BAKER

19 THE COURT I'VE GOT THEM THIS IS THE
20 NOVEMBER 29 AND THIS IS A DEFENSE EXHIBIT

21 MR MORTON THAT'S NOT IT

22 (BENCH CONFERENCE)

23 THE COURT THE BAKER STATEMENT IS IN FACT
24 NOT A SIGNED STATEMENT IT IS, I DON'T KNOW HOW YOU
25 CAN, YOU ARE NOT MOVING TO SUPPRESS IT I DON'T KNOW

1 HOW YOU CAN SUPPRESS SOMEBODY'S WRITTEN NOTES OTHER
2 THAN THE FACT THAT -- I MEAN, WELL YOU MIGHT COULD
3 FOR SOME OTHER REASON, BUT NOT ON THE GROUNDS THAT

4 MR MORTON WELL, IT'S A STATEMENT THAT
5 THE OFFICER IS SUBMITTING AS A STATEMENT GIVEN BY THE
6 DEFENDANT

7 THE COURT SO YOU ARE MOVING TO
8 SUPPRESS --

9 MR MORTON YES, SIR

10 THE COURT ---HIS ORAL TESTIMONY
11 REGARDING THIS STATEMENT WHICH IS MEMORIZED IN
12 STATE'S EXHIBIT 13?

13 MR MORTON YES, SIR

14 THE COURT ALL RIGHT AND YOU ARE ALSO
15 MOVING TO, ON THAT SAME, NOT ON THAT DATE

16 MR MORTON THE NEXT STATEMENT
17 CHRONOLOGICALLY WOULD HAVE BEEN THE WRITTEN STATEMENT
18 AT TWO P M TO LIEUTENANT HERRING ON THE SAME DAY ON
19 THE 30TH

20 THE COURT I'VE GOT THAT, OKAY THAT'S
21 EXHIBIT FOUR AND YOU ARE MOVING TO EXCLUDE THAT
22 THEN WE HAVE THE

23 MR BRACKETT THE BLACKWELDER "BROOM"
24 STATEMENT

25 THE COURT AN ORAL STATEMENT OF NOVEMBER

1 30 IN THE EVENING WHERE DETECTIVE BLACKWELDER ASKED
2 ABOUT WHICH BROOM HAD BEEN USED AND YOU ARE MOVING TO
3 SUPPRESS THAT AND I BELIEVE ON THE MONDAY THE
4 THIRD

5 MR MORTON YES, SIR
6 THE COURT THERE WERE TWO ONE, TO
7 CABANISS

8 MR MORTON THE VIDEO RE-ENACTMENT
9 THE COURT AND THEN THE VIDEO AND THEN
10 THE THIRD

11 MR BRACKETT ONE THAT IS HANDWRITTEN,
12 THEN THERE IS A VIDEO, THEN THERE IS A 2 PAGE TYPED
13 THE COURT AND THE MOTION IS TO SUPPRESS
14 ALL OF IT

15 MR MORTON YES, SIR
16 THE COURT ALL RIGHT I'LL BE GLAD TO
17 HEAR FROM YOU WELL, IT'S YOUR MOTION SO I'LL BE
18 GLAD TO HEAR FROM

19 MR MORTON YOUR HONOR, OUR MOTION IS
20 THAT ALL THESE STATEMENTS THAT WE HAVE JUST MENTIONED
21 BE SUPPRESSED AS THEY WERE TAKEN IN VIOLATION OF THE
22 US CONSTITUTION IN THAT THEY WERE TAKEN AGAINST MY
23 CLIENT'S WILL, THAT HE WAS, THE STATEMENTS ARE
24 INVOLUNTARY, THAT HE WAS COERCED, PRESSURED SUCH THAT
25 HIS WILL WAS OVERBORN HE WAS INTERROGATED AT LENGTH

1 ON THE DAY OF HIS DAUGHTER'S MURDER FOR THE RECORD,
2 I THINK IT'S COME OUT THAT MY CLIENT FOUND HIS
3 DAUGHTER RAPED AND MURDERED, HE GAVE STATEMENTS, AND
4 COOPERATED WITH THE POLICE ALL THAT DAY HE WAS
5 PICKED UP AT HIS HOUSE AND GIVEN A RIDE TO THE POLICE
6 STATION AT TEN O'CLOCK THAT NIGHT WHERE HE GAVE A
7 FOUR HOUR, AT LEAST, TAPED CONFESSION IN WHICH HE
8 REPEATEDLY DENIED ANY INVOLVEMENT IN HIS DAUGHTER'S
9 DEATH SIMPLY STATED, THE POLICE WERE NOT GOING TO
10 ACCEPT NO FOR AN ANSWER, HE WAS COERCED, HE WAS
11 CAJOLED HE WAS PRESSURED, WE WOULD SUBMIT THAT HE WAS
12 THREATENED WITH THE DEATH PENALTY LATER AT SOME
13 POINT, AND THAT STATEMENTS FOLLOWING THAT NIGHT OF
14 BRUTAL INTERROGATION BY LIEUTENANT HERRING AND
15 LIEUTENANT WALDROP PUT HIM IN SUCH A STATE THAT HE
16 HAD VERY LITTLE SLEEP HE WAS INTERROGATED THE NEXT
17 MORNING IN A VERY WEAKENED STATE WITHOUT SLEEP,
18 WITHOUT FOOD HE WAS PRESSURED AND COERCED BY
19 LIEUTENANT BAKER, I'M SORRY BY DETECTIVE BAKER AND
20 LIEUTENANT HERRING HIS WILL WAS OVERBORN HE
21 COULD, DID NOT HAVE THE CAPACITY AT THAT POINT TO
22 MAKE A FREE AND VOLUNTARY STATEMENT AND THAT THE
23 STATEMENTS ON THE 30TH EVOLVE INTO STATEMENTS ON THE
24 THIRD AGAIN FOR THE SAME REASONS AND THE SAME
25 FACTORS THAT OUR CLIENT HAD BEEN THROUGH WITH HIS

1 DAUGHTER AND THE PRESSURE THAT HAD BEEN PUT ON HIM,
2 WE FEEL THAT HIS STATEMENTS ON THOSE DATES SHOULD BE
3 SUPPRESSED FOR THEIR LACK OF VOLUNTARINESS

4 THE COURT WELL, INITIALLY I FIND THAT
5 THE LENGTHY INTERROGATION SHOWED JUST THE OPPOSITE OF
6 WHAT YOU ASSERT THAT IT SHOWS THAT IS, YOU SHOW
7 THAT IT WOULD LEAD TO COERCION AND A BREAKING OF HIS
8 WILL WHAT I HEARD WAS A PRETTY STRONG, IF NOT IRON
9 WILL MAN, DEFENDING HIS INNOCENCE EMPHATICALLY,
10 RELENTLESSLY, UNDER THE, I'M NOT GOING TO SAY BRUTAL
11 EXAMINATION, BUT THE RATHER STRONG INTERROGATION BY
12 TWO VERY EXPERIENCED INTERROGATORS SO I DON'T--I FIND
13 JUST THE OPPOSITE OF WHAT YOU SAY THAT THAT INDICATES
14 HE WAS COERCED I FIND THAT HE CAME OUT OF THAT AS
15 SOMEONE WHO CAN WITHSTAND THE FIRE AND BRIMSTONE OF
16 INTERROGATION, AND SO I DO NOT FIND THAT THAT HAS ANY
17 BEARING WHATSOEVER AS TO BEING COERCIVE BUT RATHER IT
18 SHOWS TO ME SOMEONE WHO CANNOT BE COERCED, CANNOT BE
19 CAJOLED, CANNOT BE TRICKED, CANNOT BE CIRCUMVENTED OR
20 REARENDED OR WHATEVER INTO OR RAILROADED INTO GIVING
21 A CONFESSION SOMEBODY WHO THEY DETERMINED TO, YOU
22 KNOW, THAT'S THEIR STORY AND THEY STICK TO IT AND
23 THAT'S SOMEBODY THAT CAN IN FACT DO THAT IF THEY
24 WISH, SO THAT'S HOW I ANALYZED THAT EVENING

25 AS TO THE OTHER STATEMENTS AND FIRST I

1 FIND THAT UNDER THE ADMINISTRATIVE ORDER OF THIS
2 COURT AND OF THE PRACTICE OF THIS COURT THAT THE
3 PROCEDURE FOLLOWED BY JUDGE LONG WAS ADMINISTRIAL ACT
4 AS REQUIRED BY THIS COURT'S ORDER OF OBTAINING
5 INFORMATION FOR THE APPOINTMENT OF COUNSEL WHERE
6 APPOINTED COUNSEL WAS DESIRED I DO NOT FIND IT TO
7 BE AN INVOCATION OF A DESIRE TO HAVE COUNSEL PRESENT
8 FROM THAT POINT ON, AND I MAKE AN AFFIRMATIVE FINDING
9 AS TO THAT I ALSO MAKE THE FOLLOWING FINDING AND I
10 DID NOT KEEP A RECORD OF HOW MANY ORAL AND/OR WRITTEN
11 TIMES THE MIRANDA WARNINGS WERE ADMINISTERED I WILL
12 SUFFICE IT TO SAY THAT PERHAPS IN THE NEIGHBORHOOD OF
13 A DOZEN AT EVERY STAGE WITH PERHAPS THE EXCEPTION OF
14 WHEN MRS BLACKWELDER ON THE 30TH, DETECTIVE
15 BLACKWELDER, ASKED ABOUT THE BROOM SHE TESTIFIED
16 THAT SHE KNEW AT THAT TIME THAT HE HAD EARLIER BEEN
17 MIRANDIZED SHE DID NOT MIRANDIZE HIM AT THAT TIME,
18 BUT SHE WAS AWARE THAT HE HAD BEEN MIRANDIZED IN THAT
19 INSTANCE AS TO ALL THE OTHER I FIND AND AM
20 CONVINCED BY PREPONDERANCE OF THE EVIDENCE THAT AS TO
21 ALL OF THE STATEMENTS ATTACKED THAT WE CATALOGED A
22 FEW MOMENTS AGO, INCLUDING THE VIDEO, I FIND AND AM
23 CONVINCED BY THE PREPONDERANCE OF THE EVIDENCE THAT
24 BEFORE THE ALLEGED INCRIMINATING STATEMENTS OR
25 CONFESSIONS WERE OBTAINED FROM MR COPE THAT HE WAS

1 FULLY ADVISED OF HIS RIGHTS UNDER THE FIFTH AND SIXTH
2 AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES
3 THAT HE WAS ALSO ADVISED OF CONSTITUTIONAL SAFEGUARDS
4 REQUIRED BY MIRANDA VERSUS ARIZONA THAT IS, HE WAS
5 ADVISED PRIOR TO ANY INTERROGATION THAT HE HAD THE
6 RIGHT TO REMAIN SILENT AND ALSO ADVISED THAT PRIOR TO
7 ANY INTERROGATION THAT IF HE WAIVED HIS RIGHT TO
8 REMAIN SILENT AND MADE A STATEMENT THAT SUCH
9 STATEMENT COULD AND WOULD BE USED AGAINST HIM IN A
10 COURT OF LAW, AND FURTHER HE WAS ADVISED PRIOR TO ANY
11 INTERROGATION THAT HE HAD THE RIGHT TO EMPLOY OR
12 SELECT AN ATTORNEY OF HIS CHOICE AND IF HE DID NOT
13 HAVE THE MONEY, FUNDS, OR RESOURCES TO EMPLOY AN
14 ATTORNEY, THE COURT WILL APPOINT AND EMPLOY AN
15 ATTORNEY IF HE SO DESIRED WITHOUT COST OR EXPENSE TO
16 HIM AND THAT HE HAD A RIGHT TO HAVE HIS ATTORNEY
17 PRESENT WITH HIM AT ALL TIMES DURING ALL INTERVIEWS
18 AND ALL INTERROGATIONS HE WAS ADVISED PRIOR TO
19 INTERROGATION THAT HE HAD THE RIGHT TO CONSULT WITH
20 BEFORE SAME HE WAS ADVISED PRIOR TO INTERROGATION
21 THAT HE HAD THE RIGHT TO STOP ANSWERING QUESTIONS AT
22 ANY TIME HE WAS FURTHER ADVISED THAT HE HAD THE
23 RIGHT TO HAVE AN ATTORNEY PRESENT DURING HIS
24 INTERROGATION I FIND THAT HE, MR COPE, KNOWINGLY
25 AND WILLINGLY AND INTELLIGENTLY WAIVED HIS RIGHTS

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