

VOLUME FOUR 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

~~James Edward Sanders~~
James Edward Sanders

Appellant

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1 BEING DECEIVED BY PERSON'S WILLINGNESS OR EVEN THEM
2 SUGGESTING TAKING THE POLYGRAPH POLYGRAPH IS SEEN
3 AS BEING BY INDIVIDUALS AS PROVING ONE WAY OR ANOTHER
4 SO THEY THEREFORE SAY HEY I'LL TAKE ONE, NOT REALLY
5 BELIEVING THAT THEY ARE GOING TO BE GIVEN ONE, THAT
6 WE HAVE IMMEDIATE ACCESS TO POLYGRAPH BY EXAMINER, SO
7 THAT IN AND OF ITSELF IS NOT INDICATIVE THAT A PERSON
8 IS TELLING THE TRUTH IT'S JUST LIKE WHEN WORKING
9 WITH THE ROAD AND YOU STOP SOMEBODY, IF YOU ARE IN
10 UNIFORM AND YOU STOP SOMEBODY FOR A VIOLATION YOU ASK
11 THEM, WELL, YOU GOT AN OPEN BEER IN THE CAR WELL,
12 THEY ARE GOING TO TELL YOU NO AND YOU ASK THEM CAN I
13 SEARCH AND MAKE SURE AND THEY ARE GOING TO SAY YEAH
14 GO AHEAD BECAUSE THEY KNOW BY SAYING NO YOU CAN'T
15 SEARCH, THEY ARE GOING TO LOOK GUILTY AND THE SAME
16 THING WITH SAYING NO I WON'T TAKE A POLYGRAPH, IT
17 MAKES ME MORE GUILTY, SO THAT IN AND OF ITSELF IS NOT
18 INDICATIVE OF SOMEONE, THEIR TRUTHFULNESS OR NOT
19 I'M SORRY THE REST OF YOUR QUESTION?

20 Q AFTER YOU GAVE HIM THE POLYGRAPH HE STARTED
21 SAYING THINGS LIKE COULD I HAVE DONE THIS AND NOT
22 REMEMBER IT, RIGHT?

23 A YES, SIR, HE DID

24 Q WHICH IS INDICATIVE OF SOMEONE POSSIBLY, I
25 UNDERSTAND YOU MAY HAVE A DIFFERENT OPINION, BUT

1 POSSIBLY SOMEBODY BEGINNING TO DOUBT THEMSELF, TO ASK
2 THAT KIND OF QUESTION?

3 A NO, SIR, I DON'T AGREE NO, SIR

4 Q I UNDERSTAND YOU DON'T AGREE YOU DON'T AGREE
5 THAT THAT'S A POSSIBLE EXPLANATION

6 MR BRACKETT YOUR HONOR, I ASK HE BE
7 ALLOWED TO FINISH HIS EXPLANATION

8 THE COURT I DON'T KNOW THAT HE, I KIND
9 OF THOUGHT HE WAS FINISHED

10 MR BRACKETT I THINK HE GOT CUT OFF IT
11 SOUNDED LIKE

12 THE COURT GO AHEAD AND FINISH YOUR
13 EXPLANATION

14 A THERE ARE CERTAIN CIRCUMSTANCES THAT THAT COULD
15 BE PLAUSIBLE IF YOU HAVE SOMEBODY THAT'S OF
16 EXTREMELY LOW INTELLIGENCE, A MENTAL DEFECT, VERY,
17 VERY YOUNG AGE, OR SOME TYPE OF MENTAL DEFECT THAT
18 PREDISPOSES THEM TO THAT TYPE OF BEHAVIOR THAT WOULD
19 BE A REMOTE POSSIBILITY IT IS NOT MY BELIEF THAT A
20 INTELLIGENT, NORMAL HEALTHY INDIVIDUAL IS GOING TO
21 START MAKING EXCUSES OR START SAYING WELL MAYBE I
22 COULD HAVE DONE IT TO TRY TO TALK THEMSELVES INTO IT
23 NO, SIR

24 Q I'M NOT TRYING TO BE START HERE, BUT DO YOU HAVE
25 A COLLEGE DEGREE?

1 A NO, SIR, I DON'T I DO HAVE COLLEGE LEVEL WORK
2 BUT I --

3 Q SO YOU CERTAINLY AREN'T A PSYCHOLOGIST?

4 A NO, SIR

5 Q OKAY SO THAT'S YOUR OPINION THAT HE WAS NOT
6 BEGINNING TO DOUBT HIMSELF?

7 A THAT'S CORRECT

8 Q AND IT'S YOUR OPINION THAT HIS QUESTIONS TO YOU
9 SUCH AS MUST I HAVE DONE THIS, COULD I HAVE DONE
10 THIS IN MY SLEEP, I'M HAVING IMAGES OF THIS, ARE NOT
11 EVIDENCE OF SOMEONE TRULY STRUGGLING TO FIGURE OUT
12 WHAT YOU TELLING THEM?

13 A NO, SIR I FEEL LIKE IT'S ONLY EVIDENCE OF
14 SOMEONE WHO IS STRUGGLING WITH THE FACT THAT THEY ARE
15 ABOUT AND THEY ARE TRYING TO ADMIT AND IT'S SLOWLY
16 COMING OUT THAT THEY DID A HEINOUS ACT IT'S
17 DIFFICULT FOR US, EVEN IF WE WANT TO TELL THE TRUTH,
18 AND I THINK EVERYONE CAN EMPATHIZE WITH THIS, THIS IS
19 A VERY, VERY HEINOUS ACT, THIS IS A VERY, VERY BAD
20 ACT THAT THIS MAN HAS DONE AND HE IS STRUGGLING WITH
21 THE FACT OF I WANT TO GET THIS OUT, I DO KNOW RIGHT
22 FROM WRONG, BUT NO ONE WANTS TO COME OUT AND JUST SAY
23 I KILLED AND RAPED AND SODOMIZED BY DAUGHTER AND IT'S
24 A DIFFICULT THING AND OFTEN TIMES IT DOES NOT JUST
25 COME OUT, NO ONE IS GOING TO SIT THERE CALMLY AND SAY

YEAH I DID IT IT'S A DIFFICULT THING SO I BELIEVE
THAT'S WHAT HE WAS STRUGGLING WITH

Q BUT I THINK YOU SAID HE DID SAY IT CALMLY?

A HE SAID IT CALMLY, YES, SIR THAT DOESN'T MEAN
THAT IT'S NOT A STRUGGLE

Q SO THERE WAS A STRUGGLE BETWEEN THE TWO OF YOU
OR THERE WAS NOT A STRUGGLE?

A NO, SIR I THINK YOU ARE TRYING TO ALLUDE TO
SOMETHING ELSE YOU WERE REFERRING TO AN INTERNALIZED
STRUGGLE FOR MR COPE AND THAT'S WHAT I AM REFERRING
TO

Q SO WAS THERE A STRUGGLE BETWEEN YOU AND HIM?

A NO, SIR

Q IS IT YOUR POWER OF PERSUASIVENESS THAT WAS ABLE
TO GET HIM TO DO THIS?

A I DON'T BELIEVE IT'S A POWER OF PERSUASIVENESS
AGAIN I JUST GO TO COMMON EXPERIENCE AND COMMON
PRACTICE YOU BUILD A RAPPORT WITH SOMEBODY YOU
GAIN SOME LEVEL OF TRUST YOU ALSO TREAT THEM WITH
RESPECT IT'S REALLY NO DIFFERENT FROM WHEN WE TALK
TO OUR SPOUSES, WHEN WE TALK TO OUR BEST FRIEND OR WE
TALK TO A COUNSELOR OR PASTOR OR THERAPIST OR JUST A
FRIEND THAT WILL LISTEN WE TALK TO THOSE PEOPLE
BECAUSE WE TRUST THEM BECAUSE THEY'VE SHOWN SOME
RESPECT THOSE TYPE PEOPLE DON'T HAVE TO STRUGGLE

1 WITH SOMEBODY AND PEOPLE TALK ABOUT VERY DEEP DARK
2 SECRETS AND PROBLEMS EVERYDAY TO COUNSELORS AND
3 THERAPISTS AND FRIENDS AND THIS WOULD BE NO DIFFERENT
4 THAN SOMETHING OF THAT

5 Q DID YOU KNOW ANYTHING ABOUT AMANDA COPE?

6 A ABOUT WHAT?

7 Q ABOUT AMANDA COPE?

8 A YES, SIR

9 Q DID YOU KNOW SHE WAS AN HONOR ROLL STUDENT?

10 A I DID NOT

11 Q THAT SHE LOVED TO PLAY THE VIOLIN?

12 A I DID NOT AT THAT TIME

13 Q THAT SHE WAS ON THE BIBLE QUIZ TEAM?

14 A NO, SIR

15 Q DID YOU KNOW THAT?

16 A NO, SIR

17 Q DID YOU KNOW THAT THIS MAN'S SEMEN, SALIVA WAS
18 FOUND ON HER BITTEN BREAST?

19 A I DID NOT AT THAT TIME, NO, SIR

20 Q SO YOU DIDN'T PRESUME TO HAVE ANY LOCK, FOR USE
21 OF A BETTER WORD, ON THE TRUTH, DID YOU?

22 A NO WE WERE SEEKING THE TRUTH

23 Q RIGHT BECAUSE IN FACT IT TURNED OUT THAT WHAT
24 MR COPE TOLD YOU WAS PATENTLY FALSE?

25 A WHICH PART?

1 Q CORRECT?

2 A WHICH PART HE TOLD ME INCORRECTLY?

3 Q WELL IF HE GOES IN AND SAYS THAT HE RAPED WITH
4 HIS DAUGHTER WITH A BROOM, WERE YOU AWARE THAT SHE
5 WAS MENSTRUATING AT THE TIME?

6 A NO, SIR

7 Q YOU ARE AN INVESTIGATOR, WOULD YOU EXPECT TO
8 FIND SOME TYPE OF BLOOD, VAGINAL FLUID ON A BROOM
9 THAT WAS USED?

10 A IF IT HAD NOT BEEN CLEANED UP, YES, SIR

11 Q IF IT HAD NOT BEEN CLEAN IS THERE ANY EVIDENCE
12 THAT ANYTHING WAS CLEANED UP THAT YOU ARE AWARE OF?

13 A HE DID TALK ABOUT THROWING THINGS AWAY, SO YES,
14 I WOULD SAY THERE WAS SOME EFFORT TO CLEAN UP

15 Q THROWING SOMETHING OUT THE BACK DOOR, RIGHT? DO
16 YOU REMEMBER, DO YOU KNOW IF ANYTHING WAS FOUND
17 OUTSIDE THE BACK DOOR?

18 A THERE WAS NOT BUT I DON'T KNOW WHETHER MR COPE
19 WOULD HAVE PRECLUDED HIM FROM GOING BACK OUT AND
20 RETRIEVING IT

21 Q DID HE SAY ANYTHING ABOUT MR SANDERS?

22 A NO, SIR

23 Q SO IF THIS, FROM YOUR ABILITY TO TALK TO
24 SOMEBODY, YOU WERE ABLE TO GET THE QUOTE TRUTH OUT OF
25 THEM, YOU DIDN'T DO AS QUITE A GOOD A JOB AS YOU

1 NEEDED TO?

2 A YES, SIR WE ASKED THE QUESTIONS THAT WE WERE
3 AWARE OF AND I GUESS I'LL BACK UP OR ABOUT
4 MR SANDERS OF COURSE, IF WE HAD MORE INFORMATION,
5 IT WAS TOO EARLY FOR THE DNA TEST TO COME BACK, AND
6 CERTAINLY IF WE HAD KNOWN THE DNA DID NOT MATCH, WE
7 WOULD HAVE PURSUED THAT, BUT GOING FROM MR COPE'S
8 OWN STATEMENTS AND WHAT HE RELATED WAS THAT (ONE)
9 THERE WAS NO FORCED ENTRY, EVEN HE ADMITTED THAT
10 THAT THERE WAS, NO ONE HAD COME INTO THE HOUSE HE
11 DIDN'T HEAR ANYTHING NO ONE HAD BEEN THERE EVEN
12 HE RULED OUT SOMEONE FORCEFULLY ENTERING THE HOUSE,
13 SO GOING BY THOSE STATEMENTS WE ALSO DON'T EXPECT
14 TO GET EVERY DETAIL IN A FIRST INTERVIEW THAT'S WHY
15 YOU DO SUBSEQUENT INTERVIEWS SO YOU BUILD ON ONE
16 INTERVIEW TO THE NEXT

17 Q YOU INDICATE THAT MR COPE SAYS HE WENT TO THE
18 BATHROOM AND THAT AFTER HE WENT TO THE BATHROOM HE
19 STILL HAD AN ERECTION, CORRECT?

20 A YES, SIR

21 Q NOW MR BAKER, YOU'RE OBVIOUSLY A MALE, ARE YOU
22 NOT?

23 A YES, SIR

24 Q SO THEN AFTER HE GOES TO THE BATHROOM AND HE
25 STILL HAS AN ERECTION, HE GOES IN HIS DAUGHTER'S ROOM

1 AND HE BEGINS TO EJACULATE, CORRECT?

2 A HE BEGINS TO MASTURBATE, YES, SIR

3 Q MASTURBATE THEN HE EJACULATES, RIGHT?

4 A YES, SIR

5 Q AGAIN, MR BAKER, YOU ARE OBVIOUSLY A MALE,
6 RIGHT?

7 A YES, SIR

8 Q OKAY THEN HE DECIDES THAT HE JUST WANTS TO
9 PLAY WITH HIS DAUGHTER, RIGHT?

10 A YES, SIR

11 Q SO HE DECIDES TO STICK A BROOM UP THIS HONOR
12 ROLL, BIBLE QUIZ STUDENT, CORRECT?

13 A THAT'S WHAT HE SAID, YES, SIR

14 Q AND THEN HE BECAME ENRAGED, RIGHT?

15 A AFTER SHE WOKE UP AND SAID SOMETHING TO HIM

16 Q SHE WOKE UP AND HE BECAME ENRAGED AT HIS HONOR
17 ROLL, BIBLE QUIZ, VIOLIN PLAYING STUDENT, RIGHT?

18 A THAT'S WHAT HE STATED

19 Q AND WHY DID HE BECOME ENRAGED?

20 A I'M SORRY THE QUESTION?

21 Q WHY DID HE BECOME ENRAGED?

22 A I WOULD IMAGINE BECAUSE HE HAS NOW BEEN SEEN
23 MASTURBATING OVER HIS DAUGHTER

24 Q SO HE JUMPS ON HER AND HE STRANGLES HER WITH TWO
25 HANDS, RIGHT?

1 A THAT'S WHAT HE SAYS, YES, SIR

2 Q FROM THE FRONT OR THE BACK?

3 A HE DIDN'T GET THAT SPECIFIC I DIDN'T ASK
4 SPECIFICALLY I TOOK FOR GRANTED FROM THE FRONT

5 Q YOU ASKED HIM ABOUT INJURIES TO HER GROIN AND SO
6 FORTH, DID HE KNEE HER IN THE STOMACH AND SO FORTH?

7 A YES, SIR

8 Q WHAT DID HE SAY?

9 A HE SAID HE STRADDLED HER HE SAID THAT HE WAS
10 NOT AWARE OF INJURIES, CAUSING INJURIES, CAUSING
11 THAT

12 Q WHEN HE SAID THAT HE STRANGLED HER I BELIEVE YOU
13 SAID WITH HIS THUMB AND HIS FOREFINGER TOUCHING?

14 A YES, SIR

15 Q MR BAKER, DOES THAT MAKE SENSE TO YOU?

16 A WHICH PART?

17 Q THE WHOLE SHEBANG?

18 A YES, SIR WHEN YOU CONSIDER THAT A PERSON WHO
19 WOULD KILL ANY INDIVIDUAL, MUCH LESS HIS OWN
20 DAUGHTER, AND THEN SEXUALLY ASSAULT, WHEN YOU HAVE
21 BEEN IN THIS BUSINESS AND YOU'VE DEALT WITH SIMILAR
22 CASES, THE WAY PEOPLE THINK, IF A PERSON IS THIS TYPE
23 OF PERSON OR IN THIS FRAME OF MIND, IT DOES NOT
24 NECESSARILY HAVE TO MAKE SENSE TO THAT PERSON OR EVEN
25 MAKE SENSE TO US AFTERWARDS

1 Q THANK YOU, MR BAKER

2 THE COURT MR GREELEY

3 MR GREELEY I HAVE NO QUESTIONS

4 THE COURT REDIRECT?

5 MR BRACKETT NO, SIR

6 THE COURT ALL RIGHT YOU CAN STEP DOWN

7 AND BE EXCUSED WE APPRECIATE YOUR TIME THANK YOU

8 MR BRACKETT MAY WE APPROACH, YOUR

9 HONOR, SCHEDULING

10 (BENCH CONFERENCE)

11 THE COURT AFTER CONSULTING WITH COUNSEL

12 IT APPEARS NOW WOULD BE A GOOD TIME TO TAKE LUNCH

13 IT IS 12 15 I'LL ASK YOU TO BE BACK AT 1 30 HAVE A

14 PLEASANT LUNCH THANK YOU

15 (THE JURY EXITS THE COURTROOM AT 12 11

16 PM)

17 THE COURT ALL RIGHT WE'LL BE AT EASE

18 UNTIL 1 30

19 (COURT IS IN RECESS AT 12 11 PM)

20 (COURT RESUMES AT 01 32 PM)

21 THE COURT WHILE THEY ARE BRINGING THE

22 DEFENDANTS IN, IF EVERYBODY WILL SIT DOWN JUST A

23 SECOND, THIS IS MORE FOR THE SPECTATORS THAN FOR

24 COUNSEL ONE OF THE JURORS WAS APPROACHED, I'M SURE

25 INADVERTENTLY, BY ONE OF THE SPECTATORS OVER LUNCH IN

1 AN ATTEMPT, NOT AN ATTEMPT, BUT AN EFFORT WAS MADE TO
2 ENGAGE IN CONVERSATION PLEASE TELL ANYBODY WHO IS
3 HERE WITH ANYBODY WHO IS A SPECTATOR, THEY CAN SEE
4 WHO THE JURORS ARE, IF YOU DON'T KNOW THEM, DON'T
5 TALK TO THEM IF YOU SEE ANYBODY, IF YOU ARE A
6 SPECTATOR AND YOU ARE HERE IN SUPPORT OF ANYTHING OR
7 SUPPORT OF ANYBODY OR JUST HERE FOR THE GENERAL
8 PUBLIC, DON'T ENGAGE IN CONVERSATION WITH SOMEBODY ON
9 THESE PREMISES YOU DO NOT KNOW THIS JUROR, AND I'LL
10 BE GLAD TO BRING THEM IN IF YOU WISH, IT WAS
11 MRS BRATTON, SHE INDICATED TO THE BAILIFF, MR IVEY
12 CAN RELATE THIS TO HER, THAT THE PERSON SPOKE TO HER
13 AND SHE DID NOT RESPOND ANYBODY WANT TO KNOW
14 ANYTHING FURTHER?

15 MR BRACKETT WHAT WAS SAID

16 THE COURT ALL RIGHT LET'S BRING MRS
17 BRATTON IN HERE JUST A MINUTE

18 (THE JUROR ENTERS THE COURTROOM)

19 THE COURT MRS BRATTON

20 THE JUROR YES

21 THE COURT I'M SORRY TO SINGLE YOU OUT
22 BUT YOU TOLD THE BAILIFF, YOU INDICATED THAT SOMEONE
23 HAD TRIED TO TALK TO YOU OVER LUNCH

24 THE JUROR YES, SIR

25 THE COURT CAN YOU TELL US WHAT THEY

1 SAID

2 THE JUROR AT FIRST SHE SAID THAT
3 CIGARETTE SURE LOOKS GOOD THEN I SPEEDED UP AND SHE
4 SAID HEE, HEE, HEE, AIN'T THAT CIGARETTE GOOD

5 THE COURT THAT'S ALL

6 THE JUROR AND I JUST KEPT WALKING

7 THE COURT ALL RIGHT ANYBODY WANT ME TO
8 ASK ANYTHING ELSE

9 MR GREELEY NOTHING FROM MR SANDERS

10 THE COURT THANK YOU WE APPRECIATE IT

11 THE JUROR THANK YOU

12 THE COURT I'M GOING TO ASK COUNSEL TO
13 HELP ME MONITOR THIS KIND OF SITUATION BECAUSE I
14 CANNOT TELL WHO IS WITH WHOM PLUS PEOPLE GO IN AND
15 GO OUT AND I CAN'T SPEND MY TIME, I KNOW Y'ALL ARE
16 BUSY TOO, BUT AT LEAST YOU HAVE SOME OTHER STAFF
17 PEOPLE TO TELL INDIVIDUALS WHO ARE HERE ON BEHALF OF
18 ONE SIDE OR THE OTHER NOT TO COMMUNICATE IN ANY
19 FASHION WITH ANYBODY THEY DON'T KNOW, PARTICULARLY
20 ANY JUROR YOU MAY TELL THEM AND I MEAN THIS WITH
21 ALL SINCERITY THAT IF IT HAPPENS AGAIN, IF THAT
22 PERSON CAN BE IDENTIFIED, THEY WILL SPEND FROM NOW OR
23 FROM THE TIME THAT HAPPENS UNTIL AT LEAST THE END OF
24 THIS TRIAL INCARCERATED IN ORDER THAT I CAN PREVENT
25 IT FROM HAPPENING AGAIN SO JUST TELL WHOEVER YOU

1 THINK YOU NEED TO TELL THANK YOU BRING IN THE
2 JURY

3 MR MORTON YOUR HONOR, I JUST, YOU KNOW
4 HOW TO HANDLE IT BETTER THAN I DO IF PEOPLE HAVEN'T
5 COME IN MAYBE IF AT THE BREAK REMIND EVERYBODY

6 THE COURT I'M PUTTING IT ON Y'ALL
7 BECAUSE I CAN'T, IF THEY CAME IN AND LEFT BEFORE THE
8 BREAK, THEY ARE NOT GOING TO HEAR ME AND I'M NOT
9 GOING TO KEEP REPEATING IT LIKE A MANTRA YOU KNOW
10 WHO IS HERE ON BEHALF OF MR COPE I DON'T KNOW WHO
11 IS HERE ON MR SANDERS YOU JUST TELL THEM IF THEY
12 ARE HERE TELL THE FAMILY AND FRIENDS TO TELL ANYBODY
13 ELSE THAT COMES IN

14 MR MORTON YES, SIR

15 THE COURT THAT'S ALL ALL RIGHT BRING
16 IN THE JURY

17 (THE JURY RETURNS TO THE COURTROOM AT
18 01 37 PM)

19 THE COURT MR THOMPSON

20 MR THOMPSON IF WE CAN ASSIST MATT HALL
21 WHO WILL BE HERE SHORTLY WITH THE EVIDENCE

22 THE COURT CALL YOUR NEXT WITNESS

23 MR THOMPSON THE STATE CALLS TODD
24 GARDNER

25 THE COURT PLEASE STEP UP AND BE SWORN

1 TODD GARDNER, BEING FIRST DULY
2 SWORN, TESTIFIED AS FOLLOWS
3 DIRECT EXAMINATION BY MR THOMPSON
4 Q OFFICER GARDNER, COULD YOU STATE YOUR FULL NAME
5 FOR US PLEASE?
6 A MY NAME IS WILLIAM TODD GARDNER
7 Q WHERE DO YOU WORK?
8 A I'M EMPLOYED BY THE CITY OF ROCK HILL POLICE
9 DEPARTMENT BUT I'M ASSIGNED TO THE FORENSIC UNIT, THE
10 YORK COUNTY FORENSIC UNIT
11 Q TODD, WHAT ARE YOUR DUTIES WITH THE FORENSIC
12 UNIT?
13 A I HAVE AN ARRAY OF DUTIES I EXAMINE
14 FINGERPRINTS I PROCESS CRIME SCENES, ASSIST WITH
15 PROCESSING CRIME SCENES WITH THE OTHER AGENTS IN OUR
16 UNIT A LOT OF PHOTOGRAPHY
17 Q AND CAN YOU TELL ME, OFFICER GARDNER, BACK IN
18 NOVEMBER OF 2001 WERE YOU PROCESSING CRIME SCENES AT
19 THAT TIME?
20 A YES, I WAS
21 Q WERE YOU WITH THE CURRENT UNIT YOU ARE WITH AT
22 THIS TIME OR WHAT CAPACITY WERE YOU IN THEN
23 A ACTUALLY I WAS ASSIGNED TO THE ROCK HILL POLICE
24 DEPARTMENT CRIME SCENE UNIT WE HAD OUR OWN UNIT
25 WITHIN THE DEPARTMENT AT THE TIME

1 Q ALL RIGHT AND WITHIN THE CRIME SCENE UNIT THAT
2 YOU WERE IN, HOW LONG HAD YOU BEEN DOING CRIME
3 SCENES?

4 A SINCE 1993 I THINK IT WAS

5 Q HOW LONG HAVE YOU BEEN AN OFFICER ALL TOGETHER?

6 A OCTOBER FIRST I'LL START MY 27 YEAR

7 Q ALL RIGHT CAN YOU TELL ME WHAT IS YOUR
8 TRAINING IN CRIME SCENES THEMSELVES?

9 A WELL, I'VE ATTENDED NUMEROUS SCHOOLS AT THE
10 SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY THE FIRST
11 BEING BASIC TRAINING AT THE ACADEMY IT WAS A NINE
12 WEEK COURSE THAT WAS BACK IN '83 I HAVE SINCE
13 BEEN ABLE TO GO TO FINGERPRINT SCHOOLS HOSTED BY THE
14 FBI AND ALSO BY OUR ACADEMY I'VE BEEN TO IPTM WHICH
15 IS THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT
16 IN FLORIDA I WENT TO CRIME SCENE TECHNICIAN SCHOOL
17 THERE ALSO WENT TO A SERVICE SKELETON AND BURIED
18 BODY SCHOOL THERE I'VE BEEN TO THE SOUTHERN POLICE
19 INSTITUTE WHICH IS AT THE UNIVERSITY OF LOUISVILLE
20 TWO WEEK HOMICIDE SCHOOL I JUST RECENTLY WENT TO A
21 PRACTICAL HOMICIDE INVESTIGATION CLASS IN GREENVILLE
22 I'VE HAD BASIC AND ADVANCED ARSON, PHOTOGRAPHY
23 SCHOOL, AGAIN BASIC FINGERPRINT ADVANCED FINGERPRINT,
24 PALM PRINTS, AND I'VE BEEN TO SEVERAL DIFFERENT SMALL
25 SEMINARS WHERE PEOPLE SPOKE ON DIFFERENT ISSUES SUCH

1 AS CRIME SCENE PROCESSING

2 Q AND CAN YOU TELL ME ABOUT HOW MANY CRIME SCENES
3 HAVE YOU PROCESSED IN YOUR CAREER?

4 A I GUESS THE BEST WAY TO ANSWER THAT BECAUSE I
5 DON'T KNOW THE EXACT NUMBER, BUT I KNOW THAT IT'S
6 QUITE A LOT BECAUSE WE'VE PROCESS CRIME SCENES
7 ANYWHERE FROM A PETITE LARCENY TO HOMICIDE SO I WOULD
8 VENTURE TO SAY IT WOULD BE SOMEWHERE IN THE THOUSAND,
9 THOUSAND RANGE

10 Q AND CAN YOU TELL ME AS PART OF PROCESSING CRIME
11 SCENE OR EVEN OUTSIDE OF CRIME SCENES CAN YOU
12 DESCRIBE YOUR TRAINING IN FINGERPRINTING AS WELL,
13 LIFTING PRINTS AND BEING ABLE TO EXAMINE THOSE?

14 A YES THE BASIC, THE BASIC ACADEMY CLASS THEY DO
15 HAVE A, I WOULD PROBABLY SAY IT WAS ONE DAY SCHOOL
16 THEY TEACH YOU ON BASICS OF DUSTING FOR FINGERPRINTS
17 WHICH IS A FAIRLY SIMPLE PROCEDURE WHEN YOU START
18 USING FINGERPRINT BRUSH AND POWDER I JOKE WITH THE
19 OFFICERS THAT WE TRAIN NOW THAT I SAY A MONKEY CAN DO
20 IT BECAUSE THAT'S HOW SIMPLE IT REALLY IS BUT I
21 HAVE GONE TO CLASSES SUCH AS THE ONE AT IPTM WHERE WE
22 LEARNED ABOUT DIFFERENT POWDERS THAT WE CAN USE,
23 DIFFERENT TYPES OF BRUSHES THAT WE CAN USE, AND I'LL
24 PROBABLY GENERALLY SAY JUST ABOUT EVERY CLASS WE GO
25 TO THAT HAS SOMETHING TO DO WITH CRIME SCENE

1 INVESTIGATIONS THAT ONE OF THE MAIN, MAIN ISSUES IS
2 THE PROCESSING OF FOR FINGERPRINTS, SO I'VE BEEN TO
3 SEVERAL SCHOOLS ON HOW TO, HOW TO LIFT LATENT
4 FINGERPRINTS BY USE OF POWDER

5 Q THAT'S THE LIFTING OF PRINTS HAVE YOU ALSO
6 BEEN TRAINED IN EXAMINING THOSE PRINTS?

7 A YES, I HAVE THE BASIC LATENT FINGERPRINT CLASS
8 THAT WAS TAUGHT BY THE SOUTH CAROLINA CRIMINAL
9 JUSTICE ACADEMY GIVES YOU THE VERY BASICS IN
10 IDENTIFYING THE DIFFERENT TYPES OF FINGERPRINTS,
11 DIFFERENT PATTERNS OF FINGERPRINTS, AND THEN YOU HAVE
12 A FAIRLY EXTENSIVE TEST ON THE IDENTIFICATION PROCESS
13 AS FAR AS THEY GIVE YOU KNOWN SAMPLES AGAINST OR
14 UNKNOWN SAMPLES WHICH WOULD BE THE LATENT FINGERPRINT
15 WITH A STACK OF KNOWN FINGERPRINTS OF POSSIBLE
16 SUSPECTS, THEN YOU HAVE TO GO IN AND PART OF YOUR
17 TESTING IS YOU HAVE TO MATCH EACH ONE OF THOSE LATENT
18 FINGERPRINTS WHICH I THINK THERE WAS FIFTY AT THE
19 TIME ON THAT, ON THAT PARTICULAR TEST, MATCH THEM
20 WITH THE FINGERPRINTS OF THE KNOWN EXEMPLARS

21 Q AND CAN YOU TELL ME HAVE YOU BEEN QUALIFIED AS
22 AN EXPERT BEFORE IN BOTH THE LIFTING OF PRINTS AND
23 EXAMINING OF PRINTS?

24 A YES, I HAVE

25 Q AND HAVE YOU BEEN QUALIFIED AS AN EXPERT BEFORE

1 ON CRIME SCENES?

2 A YES, I HAVE

3 Q ALL RIGHT

4 MR THOMPSON YOUR HONOR, AT THIS TIME I
5 WOULD ASK TO HAVE TODD GARDNER QUALIFIED AS AN EXPERT
6 IN CRIME SCENE AND PRINTS

7 MR SMITH JUDGE, I HAVE JUST A FEW
8 QUESTIONS

9 THE COURT ALL RIGHT
10 VOIR DIRE BY MR SMITH

11 Q MR GARDNER, HOW FAR DID YOU GO IN SCHOOL?

12 A I GRADUATED LANCASTER HIGH SCHOOL IN 1979

13 Q OKAY SO YOU DON'T HAVE AN UNDERGRADUATE DEGREE
14 IN BIOLOGY, CHEMISTRY, PHYSICS, GENETICS OR
15 FORENSICS, ANYTHING LIKE THAT?

16 A NO, SIR, I DO NOT

17 Q OKAY NOW I WANT TO TALK JUST A FEW MINUTES
18 ABOUT THE, YOUR TRAINING IN CRIME SCENE PROCESSING
19 YOU SAID THAT YOU HAD A COURSE IN YOUR BASIC LAW
20 ENFORCEMENT TRAINING AT THE ACADEMY I THINK BACK IN
21 1983?

22 A YES, SIR, THAT'S CORRECT

23 Q NOW THAT, IT WAS A NINE WEEK TRAINING COURSE,
24 RIGHT?

25 A YES, SIR

1 Q FOR ALL OF YOUR TRAINING?

2 A YES, SIR IT WAS OUR BASIC NINE WEEK COURSE

3 Q NOW THE COURSE SPECIFICALLY ON CRIME SCENE
4 PROCESSING LASTED WHAT ONE DAY?

5 A PROBABLY ONE DAY

6 Q AND THAT'S THE SAME TRAINING THAT EVERY OTHER
7 LAW ENFORCEMENT OFFICER THAT GOES THROUGH THE ACADEMY
8 HAS TAKEN, IS THAT RIGHT?

9 A I WOULD IMAGINE IT'S VERY SIMILAR BUT BECAUSE I
10 WENT THROUGH SO LONG AGO I KNOW THEY HAVE CHANGED THE
11 CURRICULUM GREATLY SINCE I'VE BEEN THROUGH, BUT IT'S
12 PROBABLY PRETTY BASIC

13 Q NOW YOU SAID YOU'VE TAKEN SOME CLASSES AT THE I
14 BELIEVE AT THE SOUTHERN POLICE INSTITUTE AT THE
15 UNIVERSITY OF LOUISVILLE?

16 A YES, SIR, I DID

17 Q WHEN WAS THAT?

18 A I'M NOT SURE OF THE EXACT DATE, BUT I WANT TO
19 SAY IT WAS SOMEWHERE IN THE NEIGHBORHOOD OF '96, '97,
20 '98

21 Q SO IT'S BEEN SEVERAL YEARS AGO?

22 A YES, SIR, IT HAS BEEN SEVERAL YEARS AGO

23 Q AND WAS THAT A HOMICIDE CLASS?

24 A YES, SIR, HOMICIDE INVESTIGATIONS

25 Q THAT LASTED WHAT FOR ABOUT TWO WEEKS?

1 A IT WAS A TWO WEEK COURSE

2 Q THEN YOU HAD SOME TRAINING DOWN AT I THINK YOU
3 SAID IPT?

4 A M

5 Q M

6 A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT
7 I THINK IT'S THE UNIVERSITY OF NORTH FLORIDA

8 Q OKAY HOW LONG OF A COURSE DID YOU TAKE DOWN
9 THERE?

10 A THOSE WERE, I ATTENDED TWO CLASSES THERE, BASIC
11 CRIME SCENE PROCESSING WHICH IS A WEEK LONG AND ALSO
12 SURFACE SKELETONS AND BURIED BODIES WHICH WAS A WEEK
13 LONG

14 Q SO TWO MORE WEEKS?

15 A YES, SIR

16 Q AND THEN I THINK YOU SAID YOU'VE HAD TWO WEEKS
17 OF TRAINING AT THE ACADEMY IN PHOTOGRAPHY?

18 A IN PHOTOGRAPHY AND ALSO TWO WEEKS IN ARSON

19 Q TWO WEEK IN ARSON

20 A YES, SIR

21 Q AND THEN YOU QUALIFIED AS AN EXPERT IN
22 FINGERPRINTS, IS THAT RIGHT?

23 A I HAVE, YES, SIR

24 Q OKAY AND I THINK YOU SAID THAT YOU HAD A CLASS
25 IN GREENVILLE JUST RECENTLY?

1 A YES, SIR IT'S A THREE DAY CLASS IN GREENVILLE

2 Q SO YOU DIDN'T HAVE THIS TRAINING AT THE TIME
3 THAT YOU PROCESSED THE CRIME SCENE IN THIS CASE, DID
4 YOU?

5 A THAT'S CORRECT

6 Q OKAY

7 A I ALSO HAVE, DID ATTEND A CRIME SCENE PROCESSING
8 CLASS AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
9 TOO

10 Q HOW LONG WAS THAT?

11 A IT WAS A WEEK LONG

12 Q A WEEK LONG AND HOW LONG AGO WAS THAT?

13 A IF I'M NOT MISTAKEN IT WAS RIGHT THERE IN THE
14 SAME TIMEFRAME AS THE HOMICIDE CLASS IN LOUISVILLE

15 Q '96, '97, '98?

16 A SOMEWHERE IN THAT AREA, YES, SIR

17 Q ALL RIGHT NOW AND YOU SAID YOU'VE GONE TO OR
18 THROUGH SOME SMALL SEMINARS, CONFERENCES, THAT SORT
19 OF THING?

20 A YES, SIR

21 Q HAVE YOU HAD ANY OTHER CRIME SCENE PROCESSING
22 TRAINING?

23 A ON THE JOB TRAINING

24 Q ON THE JOB TRAINING?

25 A YES, SIR

1 Q OKAY PROCESSING THOUSANDS OF CASES NOW
2 YOU'VE QUALIFIED I THINK YOU SAID AS AN EXPERT IN
3 CRIME SCENE PROCESSING BEFORE, IS THAT RIGHT?

4 A YES, SIR, I HAVE

5 Q ALSO A FINGERPRINT EXPERT?

6 A YES, SIR, I HAVE

7 Q HAVE YOU EVER TESTIFIED FOR ANYONE OTHER THAN
8 THE FOR THE STATE?

9 A NO, SIR

10 Q OKAY SO THE ONLY TIME YOU'VE TESTIFIED AS AN
11 EXPERT WITNESS IN FRONT OF A JURY IS WHEN YOU
12 TESTIFIED FOR THE STATE?

13 A THAT'S CORRECT

14 Q OKAY

15 MR SMITH JUDGE, I WOULD STIPULATE THAT
16 MR GARDNER IS AN EXPERT IN CRIME SCENE PROCESSING,
17 HOWEVER, I WOULD ASK THE COURT NOT TO ALLOW THEM TO
18 REFER TO HIM AS A FORENSIC SCIENTIST OR ANYTHING LIKE
19 THAT I BELIEVE WHEN MR THOMPSON INTRODUCED
20 MR GARDNER IT AS A FORENSICS OR SOMEONE IN
21 FORENSICS

22 THE COURT MR GREELEY

23 MR GREELEY I HAVE NO OBJECTION TO THE
24 DESIGNATION OF EXPERT THE STATE WISHES TO HAVE HIM
25 QUALIFIED AS

1 THE COURT I FIND HE'S QUALIFIED

2 MR THOMPSON

3 DIRECT EXAMINATION CONTINUED BY MR THOMPSON

4 Q OFFICER GARDNER, WERE YOU CALLED OUT TO THE
5 CRIME SCENE AT THE COPE RESIDENCE ON NOVEMBER 29,
6 2001?

7 A YES, I WAS

8 Q DO YOU REMEMBER WHAT TIME YOU ARRIVED THERE?

9 A RIGHT AT SEVEN O'CLOCK SOMEWHERE AROUND
10 6 50-6 55 IN THE MORNING

11 Q AND WAS IT YOUR DUTY THEN TO LOOK AT THE TASK OF
12 PROCESSING THAT CRIME SCENE?

13 A YES, IT WAS

14 Q AND CAN YOU TELL ME, WHEN YOU FIRST ARRIVED AT
15 THE SCENE, WHAT'S THE FIRST THING YOU NOTICED AS YOU
16 ENTERED THE HOUSE?

17 A WELL, ACTUALLY THE FIRST THING I NOTICED WHEN I
18 PULLED UP TO THE HOUSE WAS THAT THE CRIME SCENE HAD
19 BEEN ROPED OFF BY CRIME SCENE BARRIER TAPE BY UNIFORM
20 PATROL WHEN I FIRST ENTERED THE HOUSE THE FIRST
21 THING NOTICED WAS THE STENCH IT REALLY SMELLED
22 TERRIBLE IT SMELLED LIKE CAT URINE, FILTHINESS,
23 THAT'S WHAT FIRST CROSSED MY MIND THEN I NOTICED, I
24 NOTICED MR COPE STANDING NEAR HIS COMPUTER HE HAD
25 NO SHIRT ON, HAD BLACK JOGGING TYPE PANTS ON, AND NO

1 SHOES

2 Q ALL RIGHT DID HE SAY ANYTHING TO YOU AT THAT
3 TIME?

4 A I JUST REMEMBER THE ONE THING THAT REALLY STUCK
5 OUT IN MY MIND WAS THAT HE REALLY NEVER, HE NEVER
6 MAKE EYE CONTACT WITH ME, BUT HE LOOKED, HE JUST KIND
7 OF SAID, SHE'S BACK THERE, AND THAT WAS THE ONLY
8 THING, REALLY THAT WAS THE ONLY CONVERSATION I HAD
9 WITH MR COPE

10 Q YOU SAID HE WAS STANDING THERE AT HIS COMPUTER,
11 WAS HE DOING ON HIS COMPUTER AS FAR AS YOU COULD
12 TELL?

13 A HE WAS, WHEN I FIRST WALKED IN AND I LOOKED TO
14 MY RIGHT WHERE HIS COMPUTER STAND WAS, IT APPEARED
15 THAT HE WAS CLEARING OR CLICKING OFF PROGRAMS FROM
16 HIS COMPUTER

17 Q ALL RIGHT AND SO WAS HIS COMPUTER MONITOR ON,
18 COULD YOU SEE THAT?

19 A YES, IT WAS

20 Q AND COULD YOU SEE WHERE HIS HANDS WERE WHEN HE
21 WAS DOING THAT?

22 A WELL, IT WAS IN FRONT OF THE COMPUTER I ASSUME
23 WHERE THE MOUSE WAS AT BECAUSE THAT'S WHERE IT WAS AT
24 IN FRONT OF THE COMPUTER

25 Q ALL RIGHT CAN YOU TELL ME, CAN YOU DESCRIBE

1 THE CONDITION OF THE HOUSE ITSELF AS YOU FIRST LOOKED
2 THROUGH IT?

3 A WELL, THE SMELL MATCHED THE HOUSE THERE WAS
4 ROACHES CRAWLING EVERYWHERE THERE WAS ACTUALLY
5 LITTLE AISLES THAT HAD BEEN MADE FOR YOU TO BE ABLE
6 TO WALK PAST THAT YOU COULD WALK THROUGH WITHOUT
7 STEPPING ON STUFF CLOTHING EVERYWHERE THE WHOLE
8 HOUSE WAS, IT WAS TERRIBLE IT WAS THE FILTHIEST
9 PLACE I'VE EVER BEEN IN

10 Q CAN YOU TELL ME WHAT AS A CRIME SCENE OFFICER AT
11 THAT TIME, WHAT WERE YOUR FIRST DUTIES UPON YOUR
12 ARRIVAL?

13 A WELL MY FIRST DUTIES WAS TO TAKE SURE THE CRIME
14 SCENE WAS SECURE AND IT WAS WE HAD CRIME SCENE
15 BARRIER TAPE UP WE HAD POLICE OFFICERS STANDING
16 THERE WITH A CRIME SCENE LOG WHICH IS A LOG THAT HAS
17 EVERYONE'S NAME WHO ENTERED THE CRIME SCENE AND HE
18 WAS STANDING THERE AND HE WAS POSTED AND HE WAS
19 TAKING EVERYONE'S NAME WHO ENTERED THE CRIME SCENE
20 AND HE PUT IT ON THE LOG EXCUSE ME I DID AN
21 INITIAL WALK THROUGH OF THE HOUSE JUST TO KIND OF
22 GIVE ME AN OVERVIEW OF THE CRIME SCENE, OF WHAT I WAS
23 GOING TO NEED WHEN I WENT BACK OUTSIDE TO GET
24 EQUIPMENT, AND THAT'S WHAT I DID

25 Q ALL RIGHT WHEN YOU FIRST WENT INTO THE HOUSE

1 DID YOU TOSS ANYTHING ASIDE TO LOOK AT THINGS OR
2 ANYTHING OF THAT NATURE?

3 A NO, SIR, I DID NOT I DIDN'T HAVE GLOVES ON SO
4 USUALLY MY HANDS STAY IN MY POCKET WHEN I DON'T WEAR
5 GLOVES IN A CRIME SCENE

6 Q ULTIMATELY THEN AFTER YOU WENT BACK OUTSIDE DID
7 YOU PUT ON GLOVES AT THAT TIME?

8 A YES, I DID

9 Q AND HAD ANYONE ELSE, WHEN YOU CAME IN, DID
10 ANYONE ELSE, HAD ANYONE ELSE COLLECTED ANYTHING OUT
11 OF THE CRIME SCENE?

12 A NO, SIR

13 Q AS YOU WENT THROUGH THE HOUSE ITSELF -- I'M
14 SORRY YOU WERE TALKING ABOUT THE CRIME SCENE LOG
15 AND THE HOUSE BEING SECURE WHO IS ALLOWED IN ONCE A
16 CRIME SCENE HAS BEEN ESTABLISHED?

17 A OF COURSE, THE PATROL OFFICER'S SUPERVISOR, HE
18 WOULD, IT'S HARD FOR ME FOR A YOUNG COP TO TELL HIS
19 SUPERVISOR NO YOU CAN'T GO IN, THAT'S WHAT WE WOULD
20 LIKE FOR THEM TO DO, BUT IT DON'T ALWAYS HAPPEN
21 ONCE I ARRIVE I DON'T HAVE A PROBLEM TELLING PEOPLE
22 TO GET OUT OF THE CRIME SCENE BECAUSE THAT'S MY JOB
23 AND THAT'S WHAT I GOT TO DO SO WE BACK EVERYONE OUT
24 THAT DOES NOT HAVE A REASON TO BE THERE, AND THERE
25 IS, THEY ARE OUTSIDE, THEY LEAVE OR WHATEVER, BUT

1 THEY HAVE TO GET OUT OF THE CRIME SCENE

2 Q ALL RIGHT AND WHEN YOU ARRIVE THEN AFTER YOU
3 WENT BACK OUT I GUESS YOU ASSESS THE SCENE FIRST IS
4 THAT WHAT YOU WOULD CONSIDER?

5 A YES, SIR, BASICALLY A WALK THROUGH IS I'M
6 GOING THROUGH THE HOUSE LOOKING AND SEE WHAT I CAN
7 IDENTIFY AS POSSIBLE PIECES OF EVIDENCE, JUST MAKE
8 KIND OF A MENTAL NOTE OF IT, AND ALL THE TIME I'M
9 THINKING WHAT TYPE OF EQUIPMENT AM I GOING TO NEED
10 AM I GOING TO NEED A 35 WITH A FLASH OR AM I GOING TO
11 NEED MY DIGITAL CAMERA, AM I GOING TO NEED MY SKETCH
12 KIT, JUST STUFF LIKE THAT, THEN I GO OUTSIDE AND I
13 ACTUALLY THIS TIME I WAITED FOR MY PARTNER TO ARRIVE
14 BEFORE I WENT BACK IN

15 Q ALL RIGHT AND WHAT WAS THE FIRST THING YOU
16 DETERMINED YOU WOULD NEED TO USE IN THE HOUSE AT THAT
17 TIME?

18 A OF COURSE, IT WOULD BE PROTECTIVE CLOTHING AND
19 BASICALLY WE USED RUBBER GLOVES, BLUE RUBBER GLOVES
20 SIMILAR TO THOSE BUT A LITTLE BIT THICKER AND THAT'S,
21 THAT'S ALL I HAD AT THAT TIME

22 Q DID YOU BRING A CAMERA INTO THE HOUSE AT THAT
23 POINT?

24 A YES, I DID WHEN MYSELF AND MY PARTNER WENT
25 BACK IN, I TOOK MY CAMERA WITH ME

1 Q ALL RIGHT HAVE YOU BEEN UPDATED BY ANY OF THE
2 OFFICERS ON THE SCENE AS TO WHAT WAS GOING ON OR WHAT
3 THEY KNEW AT THAT POINT?

4 A I REMEMBER TALKING TO SEVERAL OFFICERS THAT
5 MORNING AND NOTHING STICKS OUT IN MY MIND OF ANY
6 CONVERSATIONS THAT I HAD THAT, OF ANY UPDATES I WAS
7 JUST BRIEFLY BRIEFED ON THE INCIDENT THERE WAS A 12
8 YEAR WHITE FEMALE LAYING DECEASED IN WHAT APPEARED TO
9 BE HER BEDROOM ON HER BED AND BASICALLY THAT WAS ALL
10 I CAN REMEMBER BEING TOLD

11 Q AND AT THAT POINT DID YOU THEN DECIDE TO TAKE
12 PICTURES OF HER BEDROOM AND THE BED SHE WAS IN?

13 A YES, SIR I MEAN THAT IS THE NEXT STEP I WOULD
14 DO AS FAR AS PROCESSING CRIME SCENE IS START
15 PHOTOGRAPHY

16 Q ALL RIGHT SHOW YOU STATE'S EXHIBIT 68 AND 68
17 A, B, C I BELIEVE D AS WELL ARE THOSE SOME OF THE
18 PHOTOGRAPHS YOU TOOK FIRST THING THAT MORNING?

19 A YES, SIR THESE ARE SOME OF THE PHOTOGRAPHS
20 THAT I TOOK THAT MORNING

21 Q ALL RIGHT AND WOULD THOSE HAVE BEEN TAKEN
22 BEFORE ANYTHING WAS TOUCHED OR MOVED IN HER ROOM?

23 A YES, SIR

24 Q ALL RIGHT DO THEY FAIRLY AND ACCURATELY DEPICT
25 THE ROOM AS IT WAS WHEN YOU ARRIVED?

1 A LET ME CLARIFY SOMETHING ON THAT LAST STATEMENT
2 THEY FAIRLY DEPICT THE WAY I FOUND THE SCENE NOW IT
3 IS APPARENT THAT SOMEONE HAD ALREADY BEEN IN HERE AND
4 ATTEMPTED LIFE SAVING EFFORTS ON THE YOUNG LADY

5 Q OKAY

6 A SO THERE IS A POSSIBILITY STUFF HAD BEEN MOVED
7 IN AN ATTEMPT TO SAVE A LIFE BUT THIS IS EXACTLY
8 THE WAY I FOUND IT WHEN I ARRIVED

9 Q ALL RIGHT

10 MR THOMPSON YOUR HONOR, I ASK TO ENTER
11 THESE INTO EVIDENCE AT THIS TIME, STATE'S EXHIBIT 68
12 A THROUGH D

13 MR SMITH NO OBJECTION

14 MR GREELEY NO OBJECTION

15 THE COURT THEY WILL BE IN EVIDENCE
16 WITHOUT OBJECTION

17 (STATE'S EXHIBITS 68 A-D RECEIVED INTO
18 EVIDENCE)

19 Q AFTER YOU INITIALLY PHOTOGRAPHED HER, DID YOU DO
20 ANYTHING ELSE AT THAT POINT OR I GUESS WHAT WAS THE
21 NEXT THING YOU DID AT THAT POINT?

22 A WELL, WE BEGAN A CRIME SCENE SKETCH AND USUALLY
23 THE WAY MYSELF AND MY PARTNER WORKED IS WHILE I'M
24 DOING THE PHOTOGRAPHY HE'S GOING THROUGH THE HOUSE
25 DOING A SKETCH OF THE HOUSE, SO THAT WAS BEING DONE

1 WHILE I WAS, WHILE THE PHOTOGRAPHY WORK WAS BEING
2 DONE

3 Q ALL RIGHT DID YOU PHOTOGRAPH THE OUTSIDE OF
4 THE HOUSE?

5 A YES, I DID

6 Q AND WHAT WAS SOME OF THE PURPOSES FOR
7 PHOTOGRAPHING THAT?

8 A WHILE WE WERE AT THE SCENE I RECEIVED
9 INFORMATION, NOT ME, I GOT THE INFORMATION FROM MY
10 PARTNER THAT WE NEEDED TO MAKE SURE THAT WE
11 PHOTOGRAPH THE EXTERIOR WINDOWS AND DOORS AND ALSO
12 THE INTERIOR WINDOWS AND DOORS

13 Q AND WHY WOULD YOU DO THAT?

14 A IT WAS, MY EFFORTS WERE TO MAKE SURE AND
15 DOCUMENT THAT THERE WAS NO FORCED ENTRY TO THE HOME

16 Q ALL RIGHT AND DID YOU DO THAT AT THAT TIME?

17 A I DID

18 Q IF YOU WOULD, I HAVE A NUMBER OF PHOTOGRAPHS I'D
19 LIKE FOR YOU TO GO THROUGH WITH US AT THIS TIME
20 THIS IS STATE'S EXHIBIT 40 THROUGH 40 H IF YOU
21 WOULD JUST LOOK AT THESE AND TELL ME IF THOSE ARE THE
22 PHOTOGRAPHS YOU HAD TAKEN?

23 A YES, SIR THESE ARE PHOTOGRAPHS THAT I TOOK

24 Q DO THEY FAIRLY AND ACCURATELY DEPICT THE SCENE
25 AS YOU TOOK THE PICTURES?

1 A YES, THEY DO

2 MR THOMPSON I WOULD ASK TO ENTER THESE
3 IN EVIDENCE AT THIS TIME

4 MR SMITH NO OBJECTION

5 MR GREELEY NO OBJECTION

6 THE COURT BE RECEIVED WITHOUT OBJECTION

7 (STATE'S EXHIBITS 40 A-H RECEIVED INTO
8 EVIDENCE)

9 Q IF WOULD YOU, OFFICER GARDNER, STEP DOWN FOR FEW
10 MINUTES AND GO THROUGH SOME OF THESE PHOTOGRAPHS
11 STARTING WITH STATE'S EXHIBIT 40, I'M GOING TO HAND
12 YOU THE REMAINDER OF THEM IF YOU COULD TELL US WHAT
13 YOU ARE VIEWING IN THAT PHOTOGRAPH AND WHY THAT WAS
14 IMPORTANT TO YOU AT THE TIME?

15 A THIS IS A PHOTOGRAPH OF THE OUTSIDE OF THE
16 RESIDENCE I'M ACTUALLY, IF YOU ARE STANDING FACING
17 THE HOUSE, I'M STANDING TO THE LEFT CORNER SHOWING
18 THE FRONT OF THE HOUSE THE TWO WINDOWS THERE YOU
19 SEE ON THE PICTURE ARE WINDOWS THAT LEAD INTO
20 MR COPE'S BEDROOM, THEN YOU HAVE THE FRONT DOOR
21 YOU HAVE ANOTHER SET OF DOUBLE WINDOWS WHICH LEADS
22 INTO THE DINING ROOM AREA OR LIVING ROOM AREA
23 PROBABLY WOULD CONSTITUTE THE LIVING ROOM AREA

24 Q AND DID YOU TAKE NOTE OF ANYTHING OUTSIDE THE
25 WINDOW THERE?

1 A YES IF YOU'LL NOTICE ON THE PHOTOGRAPH HERE
2 AROUND THIS AREA HERE IT WAS HEAVILY COVERED IN
3 LEAVES IF YOU'LL ALSO NOTICE ON THE SIDES HERE OF
4 THE PANELING ON THE SIDING, THERE IS NO SCUFF MARKS
5 OR ANYTHING I WANT TO DOCUMENT THAT THIS PICTURE
6 HERE DOESN'T REALLY SHOW IT THAT WELL, BUT BOTH OF
7 THESE WINDOW HAVE SCREENS ATTACHED TO THEM

8 Q ALL RIGHT IF WOULD YOU GO TO THOSE NEXT
9 PHOTOGRAPHS, IF YOU WOULD IDENTIFY IT FOR US AND SEEK
10 THAT PHOTO OUT 40 A, IS THAT CORRECT?

11 A STATE'S EXHIBIT 40 A

12 Q ALL RIGHT

13 A THIS IS A PHOTOGRAPH OF ME STANDING RIGHT IN
14 FRONT OF THE WINDOW THAT LED TO MR COPE'S BEDROOM
15 YOU NOTICE ALONG THE EDGE HERE ARE THE WINDOW SILL,
16 THE DUST AND THE DIRT AND ACTUALLY COVERED IN COB
17 WEBS ON BOTH SIDES AND IT DOES APPEAR THIS WINDOW IS
18 UP JUST A LITTLE BIT THESE WINDOW HAVE SCREENS ON
19 THEM THEY WERE INTACT

20 Q HOW WERE THOSE SCREENS ATTACHED ON THESE
21 PARTICULAR WINDOWS?

22 A IF YOU CAN SEE RIGHT AROUND THE EDGE HERE THERE
23 IS A SMALL BAND THAT'S BEEN NAILED TO THE WALL,
24 ACTUALLY NAILED TO THE WINDOW FRAME, AND THAT'S HOW
25 THOSE SCREENS WERE PUT IN

1 Q AND DID YOU TAKE CLOSER PICTURES OF THOSE
2 WINDOWS AS WELL?

3 A YES, I DID

4 Q IF WOULD YOU SHOW THOSE TO US?

5 A THIS IS STATE'S EXHIBIT 40 B

6 Q ALL RIGHT

7 A THIS IS THE BOTTOM PORTION OF THE WINDOW I'LL
8 MOVE IT UP IN JUST A SECOND THIS IS THE WINDOW SILL
9 HERE AND YOU SEE HOW DUST COVERED IT IS THERE IS
10 LEAVES IN BOTH CORNERS, COBWEBS THROUGHOUT, AND YOU
11 CAN ACTUALLY SEE THE LITTLE STRIP OF WOOD THAT'S
12 HOLDING THE SCREEN IN

13 Q DID YOU TAKE ANOTHER PHOTOGRAPH OF THAT
14 PARTICULAR WINDOW?

15 A I HAVE -- YES, I HAVE ANOTHER PHOTOGRAPH

16 Q IDENTIFY IT FOR US PLEASE?

17 A THIS IS STATE'S EXHIBIT 40 C THIS IS A
18 PHOTOGRAPH OF THE LOCKING MECHANISM THAT I TOOK
19 IT'S REALLY, IT'S KIND OF HARD TO TELL IN THIS
20 PICTURE, BUT THERE IS A LOCKING MECHANISM RIGHT
21 THERE

22 Q ALL RIGHT

23 A THERE WAS NO DAMAGE TO IT AS FAR AS WOOD
24 BREAKAGE OR ANYTHING LIKE THAT

25 Q ALL RIGHT DID YOU TAKE A CLOSE UP PICTURE OF

1 THE OTHER WINDOW OF THAT SET OF TWO WINDOWS?

2 A YES, I DID THIS IS STATE'S EXHIBIT 40 D

3 BOTTOM PORTION OF THE WINDOW AGAIN YOU CAN SEE THE

4 STRIPS OF WOOD THAT'S HOLDING IN THE WINDOW SCREEN

5 ITSELF IF YOU'LL NOTICE HERE THE DARK COVERED AREA

6 HERE ON THE WINDOW SILL IS ALL DUST, DIRT, LEAVES,

7 COBWEBS WHICH INDICATED TO ME THAT THERE WAS NO ENTRY

8 MADE THERE BECAUSE IN ORDER TO MAKE AN ENTRY THERE

9 THERE WOULD HAVE BEEN SOME TYPE OF, THE DUST WOULD

10 HAVE BEEN DISTURBED

11 Q HOW ABOUT THE SCREEN ITSELF, WOULD IT BEEN

12 REMOVED?

13 A YEAH THE SCREEN WOULD HAVE BEEN REMOVED, CUT

14 OR TORN OR SOMETHING IN ORDER FOR A PERSON TO MAKE

15 ENTRY INTO THAT WINDOW

16 Q ALL RIGHT DO YOU HAVE ANOTHER CLOSE UP OF THAT

17 AS WELL?

18 A YES, I DO

19 Q SHOW THAT TOO?

20 A THIS IS STATE'S EXHIBIT 40 E THIS IS A LITTLE

21 BETTER PICTURE OF THE LOCKING MECHANISM IT'S IN

22 PLACE, INTACT, NOT BROKEN, AND THE ACTUAL ARM THAT

23 YOU TURN TO LOCK IS POINTED AS WE LOOK AT IT TO THE

24 LEFT

25 Q ALL RIGHT AND AGAIN WITH THIS WINDOW ANY SIGN

1 OF ANYTHING BEING DISTURBED ON IT ON THE OUTSIDE?

2 A NONE AT ALL ABSOLUTELY NONE AT ALL

3 Q DID YOU TAKE PICTURES OF THE INSIDE OF THAT
4 WINDOW AS WELL?

5 A YES, I DID I WENT INSIDE AND TOOK PHOTOGRAPHS
6 OF THE INTERIOR OF THE HOME OF THIS WINDOW THIS IS
7 STATE'S EXHIBIT 40 F THIS IS THE INSIDE STANDING
8 BASICALLY IN THE DOORWAY OF MR COPE'S BEDROOM THIS
9 AREA HERE, THIS LARGE AREA HERE THAT'S ACTUALLY RED,
10 IS A BLANKET YOU ALSO COULD SEE THE CURTAINS HERE,
11 IT'S SLIGHTLY PULLED OUT A LITTLE BIT, BUT THAT'S
12 WHAT THE INSIDE OF IT LOOKED LIKE IF SO THERE WAS
13 AN INTRUDER THAT COME INSIDE THAT WINDOW HE'D HAD TO
14 NEGOTIATE THROUGH THIS STUFF HERE, A CURTAIN AND A
15 BLANKET

16 Q ALL RIGHT DO YOU HAVE A PICTURE THAT WAS
17 FURTHER AWAY FROM THAT WINDOW SILL?

18 A YES THIS IS STATE'S EXHIBIT 40 G AGAIN
19 HERE'S THE RED BLANKET, A PIECE OF THE CURTAIN IF
20 YOU'LL NOTICE THE STUFF IN FRONT OF THE WINDOW THIS
21 IS MR COPE'S BED THIS WAS PILED UP TO THE BOTTOM
22 OF THE WINDOW

23 MR SMITH OBJECTION, YOUR HONOR, I
24 BELIEVE THE WITNESS IS TESTIFYING WITHOUT HAVING BEEN
25 ASKED A QUESTION

1 THE COURT OKAY ASK HIM ANOTHER
2 QUESTION

3 Q I'M SIMPLY ASKING HIM TO DESCRIBE WHAT THE
4 PICTURE SHOWS TO US I BELIEVE HE ALREADY HAS, SO WE
5 CAN MOVE ON IS THERE ANOTHER PHOTOGRAPH THAT WOULD
6 PUT THAT WINDOW IN RELATIONSHIP WITH THE REST OF THE
7 ROOM?

8 A YES, SIR

9 Q IF YOU COULD TELL US WHAT THAT IS?

10 A THIS IS STATE'S EXHIBIT 40 H

11 Q WOULD YOU DESCRIBE THAT TO US?

12 A THIS AGAIN IS A PHOTOGRAPH OF ME STANDING IN THE
13 DOORWAY OF MR COPE'S BEDROOM THIS IS THE BED AREA
14 RIGHT HERE HERE IS THE WINDOW THAT I JUST SPOKE OF
15 AND IT'S NOT VERY CLEAR BUT THIS IS A CURTAIN ON THE
16 OTHER WINDOW THAT I'M GOING TO TALK TO YOU ABOUT IN A
17 LITTLE BIT I THINK IT'S GOING TO BE THE LAST ONE I
18 COVER WITH YOU

19 Q ALL RIGHT THANK YOU I SHOW YOU AS WELL WHAT
20 HAS BEEN MARKED STATE'S EXHIBIT 41 A THROUGH F IF
21 WOULD YOU LOOK AT THOSE FOR ME AND TELL ME IF THOSE
22 WERE PICTURES THAT YOU HAD TAKEN THAT MORNING?

23 A YES, SIR THESE ARE PICTURE THAT I HAD TAKEN
24 THAT MORNING

25 Q AND DO THOSE FAIRLY AND ACCURATELY DEPICT THE

1 SCENE, THAT PART OF THE SCENE, AS YOU SAW IT THAT
2 MORNING?

3 A YES, THEY DO

4 MR THOMPSON YOUR HONOR, I ASK TO ENTER
5 THESE INTO EVIDENCE AT THIS TIME

6 MR GREELEY NO OBJECTION

7 MR SMITH NO OBJECTION

8 THE COURT BE RECEIVED WITHOUT OBJECTION

9 (STATE'S EXHIBITS 41 A-F RECEIVED INTO
10 EVIDENCE)

11 Q STATE'S EXHIBIT 41 A THROUGH F IF YOU COULD
12 START WITH 41 AND TELL US ABOUT THIS POINT THAT YOU
13 EXAMINED?

14 A THIS IS STATE'S EXHIBIT 41 THIS IS THE FRONT
15 DOOR OF THE COPE RESIDENCE INDICATED BY THE MAILBOX
16 AND THE HOUSE NUMBER 407

17 Q ALL RIGHT AND WHAT IS THAT ON THE EXTERIOR OF
18 THE DOORS?

19 A THIS IS A SCREEN DOOR THAT YOU CAN SEE THAT'S,
20 THE SCREEN IS TATTERED ON THE LOWER PORTION AND THE
21 UPPER PORTION OF THE SCREEN DOOR ITSELF

22 Q AND DID THAT DOOR AUTOMATICALLY SHUT?

23 A THIS DOOR ACTUALLY HAS A SPRING ATTACHED TO IT,
24 A RETURNING SPRING, THAT WOULD SHUT THE DOOR IF YOU
25 OPENED IT

1 Q ALL RIGHT DID YOU TAKE MORE PICTURES OF THAT
2 FRONT DOOR?

3 A YES, I DID

4 Q IF YOU WOULD SHOW US THE NEXT PICTURE THIS IS
5 STATE'S EXHIBIT 41 A?

6 A YES, STATE'S EXHIBIT 41 A

7 Q ALL RIGHT AND WHAT WAS THE PURPOSE OF TAKING
8 THIS PHOTOGRAPH?

9 I WANTED TO SHOW THAT THERE WAS NO FORCED
10 ENTRY ON THIS DOOR RIGHT THERE THERE IS NO PRY
11 MARKS THAT ARE FRESH EVERYTHING YOU'LL SEE ON THIS,
12 THE FRONT OF THIS DOOR, ARE OLD PRY MARKS, OLD MARKS
13 ON THE DOOR THIS IS THE FRONT DOOR THE INNER
14 DOOR, THE SCREEN DOOR IS OPENED UP AND THIS IS MAIN
15 DOOR OF THE HOUSE RIGHT HERE

16 Q DID YOU OPEN UP THE DOOR AND TAKE ANY
17 PHOTOGRAPHS OF THE DOOR JAMB AT THAT POINT?

18 A YES, I DID STATE'S EXHIBIT NUMBER 40 B

19 Q WHAT DOES THAT INDICATE?

20 A THIS IS THE, I'M STANDING INSIDE THE RESIDENCE
21 NOW PHOTOGRAPHING THE DOOR JAMB THIS IS ACTUALLY
22 WHERE THE DOOR SHUTS AND LOCKS AND HERE IS THE, I'M
23 NOT SURE WHAT THE TECHNICAL TERM IS, BUT THIS IS
24 WHERE THE BOLT CLOSSES INTO IT ALSO SHOWS YOU
25 ANOTHER VIEW OF THE OTHER SCREEN DOOR FROM THE

1 OUTSIDE

2 Q DID YOU NOTICE ANY FRESH PRY MARKS OR ANYTHING
3 THAT DAY?

4 A NO, SIR, NO FRESH PRY MARKS

5 Q ANY SPLINTERED WOOD OF ANY SORT?

6 A NO, SIR THE DOOR ITSELF WAS IN BAD SHAPE ANY
7 HOW BUT THERE WAS NO FRESH MARKS INDICATING A FRESH
8 ENTRY

9 Q IN YOUR EXPERIENCE OF A CRIME SCENE AND
10 PARTICULAR WITH DOORS LIKE THIS, IS IT UNUSUAL TO RUN
11 INTO DOORS THAT ARE KIND OF BEATEN UP?

12 A THIS IS, I MEAN, WE HAVE IN THE PAST RUN ACROSS
13 DOORS THAT WERE IN BAD SHAPE, BUT NOTHING SIMILAR TO
14 THIS

15 Q OKAY

16 A BUT, YES, I HAVE I HAVE RUN INTO THAT BEFORE

17 Q ALL RIGHT IF YOU WOULD SHOW US, DID YOU TAKE
18 MORE PICTURE OF THAT DOOR?

19 A YES, I DID STATE'S EXHIBIT 41 C HERE'S A
20 CLOSE UP OF THE PLATE THAT THE BOLT CLOSSES INTO IT
21 JUST SHOWS A CLOSE UP AND ALSO THIS EDGE RIGHT HERE
22 IS THE OUTER EDGE OF ACTUALLY WHAT YOU COULD SEE THE
23 DOOR SHUT IF YOU ARE STANDING OUTSIDE AND YOU PULL
24 THE DOOR SHUT, THIS IS THE WHITE PAINTED AREA IS WHAT
25 YOU COULD SEE YOU CAN TELL IT WASN'T IN GREAT SHAPE

1 BUT THERE ARE NO FRESH PRY MARKS THERE IS NO BARE
2 WOOD SHOWING THERE

3 Q ALL RIGHT NOW DID YOU TAKE ONE OF THE DOOR
4 ITSELF WHERE IT SHUTS?

5 A YES, I DID STATE'S EXHIBIT 41 D

6 Q CAN YOU DESCRIBE THAT FOR US PLEASE?

7 A THIS IS SHOWING THE LEADING EDGE OF THE DOOR
8 THIS IS THE EDGE OF THE DOOR WANT TO SHOW IT SHOWS
9 THE BOLT, DOOR KNOBS, THESE ARE ALL MARKS ON THE DOOR
10 HERE THERE IS NOTHING FRESH, ABSOLUTELY NO FRESH
11 MARKS ON THIS DOOR ALSO IF YOU'LL NOTICE THESE
12 THINGS, THESE METAL BOXES HERE, THOSE ARE SOME
13 EQUIPMENT THAT I BROUGHT IN AND PLACED ON THE COUCH

14 Q OKAY IS THERE ONE THAT'S SHOWS THE CLOSER UP
15 THAT DOOR KNOB?

16 A YES, IT DOES THIS IS STATE'S EXHIBIT 41 E
17 THIS SHOWS A CLOSE UP PHOTOGRAPH OF THE LOCKING
18 MECHANISM ON THE DOOR, DOOR KNOB, AND HERE'S THE EDGE
19 OF THE DOORWAY HERE AND YOU CAN SEE THERE IS MARKS
20 HERE, BUT THESE ARE EXTREMELY OLD MARKS ON THE DOOR

21 Q ALL RIGHT SO ANYTHING THAT INDICATED FRESH
22 MARKS ON THE DOOR HERE?

23 A NOTHING AT ALL THERE IS NO FRESH MARKS ON THE
24 DOOR

25 Q DID THE DOOR HAVE ANY TYPE OF LOCKING MECHANISM

1 TO IT, A CHAIN OR BOLT OR ANYTHING LIKE THAT?

2 A YES, SIR, IT DID

3 Q AND DID YOU TAKE A PICTURE OF THAT AS WELL?

4 A YES, I DID STATE'S EXHIBIT 41 F AGAIN THIS IS
5 NOT A VERY GOOD PHOTOGRAPH OF IT IF YOU'LL LOOK
6 RIGHT HERE, THERE IS THE CHAIN THAT EXTERIOR SECURITY
7 LATCH CHAIN TYPE LOCK THAT WAS ON THE DOOR AND THE
8 OTHER END OF IT, THE OTHER SIDE THAT YOU ACTUALLY PUT
9 ON THE DOOR IS ATTACHED TO THE DOOR

10 Q DID THE CHAIN APPEAR TO BE IN WORKING ORDER?

11 A THE CHAIN WAS IN WORKING ORDER IT WAS INTACT
12 IT WAS NOT BROKE

13 Q DID YOU NOTICE ANY MARKS OR ANYTHING AROUND THE
14 CHAIN?

15 A NO, THERE WAS NONE

16 Q OKAY IF YOU COULD GO TO THE NEXT GROUP OF
17 PHOTOGRAPHS STATE'S EXHIBIT NUMBER 42 A THROUGH D
18 IF YOU'LL EXAMINE THOSE AND TELL US IF THOSE ARE
19 ACCURATE PICTURES THAT YOU TOOK THAT MORNING?

20 A YES, SIR, THESE ARE THE PHOTOGRAPHS I TOOK THAT
21 MORNING

22 Q DO THEY FAIRLY AND ACCURATELY DEPICT WHAT YOU
23 SAW THAT MORNING?

24 A YES, THEY DO

25 MR THOMPSON I ASK THESE BE RECEIVED

1 INTO EVIDENCE

2 MR SMITH NO OBJECTION

3 MR GREELEY NO OBJECTION

4 THE COURT BE RECEIVED

5 (STATE'S EXHIBITS 42 A-D RECEIVED INTO
6 EVIDENCE)

7 Q CAN YOU TELL ME WHERE THE NEXT WINDOW IS THAT
8 YOU EXAMINED?

9 A THE NEXT SET OF PHOTOS I'M GOING TO SHOW YOU ARE
10 ACTUALLY OF THESE TWO WINDOWS RIGHT HERE

11 Q AND CAN YOU TELL US WHILE WE'RE LOOKING AT THIS
12 PHOTOGRAPH WHAT YOU OBSERVED AS FAR AS THE OUTSIDE OF
13 THOSE WINDOWS IN FRONT OF THEM?

14 A WELL, JUST FROM HERE YOU HAVE A BARREL HERE
15 WITH, I'M NOT 100 PERCENT SURE WHAT'S IN THAT BARREL,
16 BUT THERE IS A BARREL THERE THERE IS A CHAIR
17 SITTING RIGHT HERE THAT WAS ACTUALLY REAL CLOSE TO
18 THE FRONT OF THIS PORCH HERE YOU HAVE A BLUE JUG
19 IT LOOKS LIKE A WATER JUG AGAIN THE GROUND WAS
20 LITTERED WITH LEAVES AND SO FORTH AND ALSO YOU HAVE
21 BUSH PARTIALLY BLOCKING ONE OF THESE

22 Q ALL RIGHT

23 A ALSO WITH A FLAG HANGING ABOVE OR ACTUALLY
24 THAT'S ON THE DOOR POST

25 Q IF YOU WOULD TELL US ON THE FIRST EXHIBIT THAT

1 YOU HAVE THERE OF THE WINDOW THAT YOU HAD, WOULD YOU
2 SHOW US AND DESCRIBE WHAT YOU EXAMINED ON THOSE
3 WINDOWS?

4 A THIS IS STATE'S EXHIBIT 42 THESE ARE THE
5 WINDOWS THAT ARE LOCATED IN THE LIVING ROOM AREA IF
6 YOU'LL NOTICE THAT BOTH OF THESE WINDOW HAVE SCREENS
7 ON IT ONE ODD THING IS THIS SCREEN ON THIS WINDOW
8 HERE IS TURNED UPSIDE DOWN IT IS NOT ON THE WINDOW
9 CORRECTLY, BUT IT IS ON THE WINDOW AND IT IS SECURE
10 ON THE WINDOW THIS SCREEN HERE IS ACTUALLY HAS
11 THREE SCREWS HOLDING THIS SCREEN IN THERE WAS NO
12 FRESH SIGN OF ANY TYPE OF TAMPERING WITH IT THERE
13 WERE THERE AND IN PLACE

14 ALSO IF YOU'LL NOTICE HERE THE LEAVES
15 ON BOTH CORNERS HERE, THEY ARE BEING HUNG BY COBWEBS
16 ALSO THE WINDOW SILL ITSELF IS, ON BOTH WINDOWS, ARE
17 COMPLETELY COVERED IN DUST AND THERE WAS NO SIGNS OF
18 ANYONE ENTERING THAT WINDOW AT ALL

19 Q ALL RIGHT AND CAN YOU TELL ME THE, YOU HAD
20 MENTIONED DUST AND COBWEBS IN THE PRIOR WINDOW DID
21 YOU NOTICE ANY COBWEBS IN THOSE WINDOW AS WELL?

22 A YES THERE WERE COBWEBS ON THIS WINDOW HERE
23 ALSO

24 Q OKAY AND DID YOU TAKE ANY OTHER PICTURES OF,
25 CLOSER UP PHOTOGRAPHS OF THOSE WINDOWS?

1 A YES, I DID

2 Q SHOW THOSE TO US PLEASE?

3 A STATE'S EXHIBIT 42 A

4 Q NOW HAD YOU DESCRIBED SOME OF THE THINGS THAT

5 WERE RIGHT IN FRONT OF THE WINDOW ITSELF IN THE

6 PHOTOGRAPH OF THE FRONT OF THE HOUSE WAS THERE

7 ANYTHING THAT WAS DISTURBED IN THAT THAT YOU COULD

8 TELL?

9 A THERE WAS NOTHING DISTURBED ONE OF THE ITEMS

10 YOU GET TO SEE IN ANOTHER PICTURE IS THIS ITEM RIGHT

11 HERE, IT'S ONE OF THOSE SMALL EXERCISE TRAMPOLINES

12 THAT'S, WHAT THAT IS

13 Q ALL RIGHT

14 A AND YOU CAN SEE HERE EVEN BETTER THE PHOTOGRAPH,

15 A BETTER AIMING WITH THE PHOTOGRAPH ALL THIS STUFF

16 IS BEING HUNG BY COBWEBS IN THIS WINDOW

17 Q ALL RIGHT

18 A THIS IS STATE'S EXHIBIT 42 A

19 Q WHAT IS THAT DEPICTING?

20 A THIS IS A PHOTOGRAPH THAT SHOWS, ACTUALLY SHOWS

21 THE SCREEN ON THE WINDOW AND IT DEPICTS THE LOCKING

22 MECHANISM WHICH THE LITTLE LEVERS POINTING AS WE LOOK

23 AT IT TO THE LEFT IT WAS NOT TAMPERED WITH, IT WAS

24 NOT BROKE IT WAS IN PLACE AND WORKING PROPERLY

25 Q OKAY SHOW US THE NEXT PHOTOGRAPH DESCRIBE

1 WHAT IS DEPICTED?

2 A THIS WINDOW HERE, THIS IS ACTUALLY THE WINDOW ON
3 THE, IF YOU ARE STANDING LOOKING AT IT WAS THE WINDOW
4 TO THE LEFT IT WAS THE FIRST WINDOW ON THIS SIDE
5 THIS IS THE SECOND WINDOW REMEMBER, I SPOKE OF THE
6 SCREEN UPSIDE DOWN, THIS IS SHOWING YOU THAT THIS WAS
7 THE CROSS BAR ON THE SCREEN THIS IS PLACED UPSIDE
8 DOWN THIS IS LOCKING MECHANISM ON THE DOOR AND AS
9 WE LOOK AT IT ON THIS ONE, IS ONE HERE IS POINTED TO
10 THE RIGHT

11 Q DOES THAT WINDOW APPEAR TO BE SHUT ALL THE WAY?

12 A NO, SIR, IT WAS NOT SHUT ALL THE WAY LET ME
13 REFER BACK TO MY, ACTUALLY THIS WINDOW WAS SHUT IT
14 IS SHUT COMPLETELY ALL THE WAY IT WAS THE OTHER
15 WINDOW THAT WAS NOT SHUT COMPLETELY AT THE BOTTOM
16 IT DIDN'T APPEAR TO BE SHUT FROM THE PHOTOGRAPH ANY
17 WAY

18 Q ALL RIGHT DID YOU AS WELL TAKE PHOTOGRAPHS OF
19 THE INSIDE OF THAT PARTICULAR WINDOW?

20 A YES, I DID

21 Q IF YOU WOULD SHOW US SOME OF THOSE?

22 A THIS IS STATE'S EXHIBIT 42 C THIS IS A
23 INTERIOR PHOTOGRAPH OF THE INSIDE OF THE RESIDENCE
24 THESE BLUE CURTAINS ARE OVER THE TWO WINDOWS WE JUST
25 LOOKED AT IF YOU'LL ALSO NOTICE ON THIS ONE RIGHT

1 HERE, THIS IS A BOX OF BOOKS AND PAPERS AND STUFF AND
2 THIS BROWN EDGE RIGHT HERE IS A CHAIR THAT WAS PUSHED
3 ALL THE WAY AGAINST THE CURTAIN ITSELF

4 Q AND IS THAT DIRECTLY IN FRONT OF THE FIRST
5 WINDOW AS YOU LOOK AT IT FROM THE OUTSIDE?

6 A IT IS DIRECTLY IN FRONT OF THAT FIRST WINDOW

7 Q DID YOU TAKE ANOTHER PICTURE OF THE SCENE FROM
8 THE INSIDE AS WELL?

9 A YES, I DID THIS IS STATE'S EXHIBIT 42 D

10 Q IF YOU WILL DESCRIBE TO US WHAT YOU LOOKED AT IN
11 THAT PHOTOGRAPH?

12 A THIS IS A PHOTOGRAPH THAT'S BACK OFF A LITTLE
13 BIT WHERE YOU CAN SEE THE WHOLE LIVING ROOM AREA
14 AGAIN YOU CAN SEE THE KIND OF LITTLE TABLE, KITCHEN
15 TABLE HERE THE BOOKS AND PAPERS THAT ARE ON THE
16 TABLE ITSELF THIS CHAIR IS PUSHED ALL THE WAY UP
17 AGAINST THE WINDOW THE COMPUTER TABLE HERE
18 PARTIALLY BLOCKING WINDOW ON THE OTHER SIDE THIS
19 BAG HERE IS PART OF OUR EQUIPMENT, IS ONE OF OUR
20 EQUIPMENT BAGS

21 Q WHEN YOU EXAMINED THE WINDOW FROM THE INSIDE DID
22 YOU NOTICE ANY DEBRIS THAT COULD POSSIBLY HAVE BEEN
23 CARRIED IN FROM THE OUTSIDE LIKE LEAVES OR MUD OR
24 ANYTHING LIKE THAT?

25 A THERE WAS NOTHING THERE NO ONE, IT WOULD HAVE

1 BEEN HARD FOR SOMEONE TO COME THROUGH THIS WINDOW FOR
2 THE SIMPLE FACT OF ALL THIS STUFF THAT WAS HERE ALL
3 THIS STUFF WOULD HAVE BEEN, YOU KNOW, IN MORE
4 DISARRAY THAN WHAT IT IS, POSSIBLY ON THE FLOOR, NOT
5 IN THIS POSITION

6 Q ALL RIGHT AND ONCE AGAIN, WHEN YOU WERE
7 LOOKING AT THE DUST AND COBWEBS AND THOSE THINGS OF
8 THAT NATURE, DID ANY OF THAT APPEAR TO BE DISTURBED
9 ON THAT WINDOW?

10 A IT WAS NOT DISTURBED

11 Q ALL RIGHT GOING NOW TO STATE'S EXHIBIT NUMBER
12 43 A THROUGH C IF YOU'LL LOOK AT THOSE FOR ME AND
13 IF THOSE ARE THE PICTURES THAT YOU TOOK THAT DAY?

14 A YES, SIR, THEY ARE

15 Q DO THEY ACCURATELY DEPICT THE SCENE AS YOU TOOK
16 THEM THAT DAY?

17 A THEY WERE EXACTLY HOW I FOUND THE SCENE THAT

18 MR THOMPSON YOUR HONOR, I ASK TO ENTER
19 THESE AT THIS TIME

20 MR SMITH NO OBJECTION

21 MR GREELEY NO OBJECTION

22 THE COURT BE RECEIVED

23 (STATE'S EXHIBITS 43 A-C RECEIVED INTO
24 EVIDENCE)

25 A THIS IS STATE'S EXHIBIT 43

1 Q IF COULD YOU TELL ME WHAT THAT INDICATES PLEASE?

2 A THIS IS ME STANDING ON THE RIGHT SIDE OF THE
3 HOUSE AS YOU LOOK AT IT PHOTOGRAPHING BACK TOWARD THE
4 FRONT DOOR YOU CAN SEE THE FRONT DOOR HERE THERE
5 IS A SET OF WINDOWS THAT I JUST TALKED TO YOU ABOUT
6 AND HERE'S THE KIND OF BEGINNING OF THE WINDOWS ON
7 MR COPE'S ROOM THIS IS A SIDE ENTRANCE, KIND OF A
8 LITTLE PORCH AREA, AND ALSO SHOWS DOWN THE RIGHT SIDE
9 OF THE HOME

10 Q ALL RIGHT AND DID YOU EXAMINE THAT DOOR ON
11 THAT SIDE OF THE ENTRANCE?

12 A YES, I DID

13 Q IF YOU WOULD GO TO THE NEXT PHOTOGRAPH AND TELL
14 US WHAT STOOD OUT TO YOU ABOUT THAT, ABOUT THAT DOOR
15 AT THAT TIME?

16 A THIS IS STATE'S EXHIBIT 43 A THE PHOTOGRAPH OF
17 THE SIDE DOOR

18 Q CAN YOU TELL ME WAS ANY GLASS BROKEN OR ANYTHING
19 OF THAT NATURE ON THE DOOR ITSELF?

20 A THERE WAS NO GLASS BROKEN INSIDE OF ANY OF THESE
21 PANES HERE THE SCREEN ON THE SCREEN DOOR WAS
22 INTACT THIS IS THE LITTLE, ALMOST WANT TO SAY IT
23 WAS LIKE A PLANTER OR SOMETHING YOU PUT A PLANT ON
24 TOP OF TO HOLD A PLANT, YOU HAVE BOXES AND STUFF HERE
25 ALSO BUT THIS DOOR WAS INTACT AND THERE WAS NO

1 SIGNS OF ANY TYPE OF FORCED ENTRY TO THIS DOOR

2 Q NOW DOES THAT DOOR OPEN TO THE OUTSIDE OR DOES
3 IT OPEN TO THE INSIDE?

4 A THIS DOOR, THE SCREEN DOOR OPENS OUT, THE
5 INTERIOR OPENS IN

6 Q OKAY DID YOU TAKE PICTURES OF WHAT WAS ON THE
7 INSIDE OF THAT DOOR?

8 A YES, I DID

9 Q IF YOU CAN SHOW THOSE TO US PLEASE?

10 A THIS IS STATE'S EXHIBIT 43 B

11 Q IF YOU'LL DESCRIBE THAT TO US PLEASE?

12 A THIS IS THE DOOR THAT INSIDE IT'S GOT THE
13 LOUVER TYPE BLINDS ON IT THIS OBJECT HERE IS THE
14 COMPUTER MONITOR THAT WAS, THAT SITS RIGHT UP AGAINST
15 THAT SIDE DOOR

16 Q DID YOU TAKE A PHOTOGRAPH FURTHER AWAY FROM IT
17 AS WELL?

18 A YES, I DID

19 Q SHOW US THAT PHOTOGRAPH AND DESCRIBE IT FOR US?

20 A THIS IS STATE'S EXHIBIT 43 C

21 Q IF YOU WOULD DESCRIBE THE IMPORTANCE OF THAT
22 PHOTOGRAPH?

23 A THIS PHOTOGRAPH HERE INDICATES AND SHOWS THAT,
24 HERE'S YOUR DOOR HERE THIS IS A DOOR THAT WE JUST
25 FINISHED TALKING ABOUT THE COMPUTER MONITOR THAT I

1 WAS TELLING YOU ABOUT THIS IS A METAL DESK THAT IS
2 SITTING IN FRONT OF THAT DOOR WHICH WOULD BLOCK
3 ANYONE FROM COMING THROUGH THAT DOOR BECAUSE THIS
4 DOOR HERE OPENS TO THE INSIDE

5 Q ALL RIGHT AND ONCE AGAIN THAT COMPUTER
6 MONITOR, WAS IT ON WHEN YOU WERE THERE?

7 A YES, IT WAS

8 Q IS THAT HOW YOU SAW IT WHEN YOU PHOTOGRAPHED IT?

9 A YES, SIR I THINK IF YOU LOOK CLOSELY YOU CAN
10 SEE THE COMPUTER MONITOR IS ON IF YOU LOOK AT THIS
11 PICTURE

12 Q ALL RIGHT THANK YOU THE NEXT GROUP OF
13 PHOTOGRAPHS STATE'S EXHIBIT 44 A THROUGH G LOOK AT
14 THOSE PHOTOGRAPHS AND TELL ME ARE THOSE PHOTOGRAPHS
15 YOU TOOK THAT MORNING?

16 A YES, SIR THESE ARE THE PHOTOGRAPHS AT THAT I
17 TOOK THAT MORNING

18 Q AND DO THEY FAIRLY AND ACCURATELY DEPICT THE
19 SCENE AS YOU SAW IT THAT MORNING?

20 A YES, THEY DO

21 MR THOMPSON I MOVE TO ENTER THESE INTO
22 EVIDENCE AT THIS TIME, YOUR HONOR

23 MR SMITH NO OBJECTION

24 MR GREELEY NO OBJECTION

25 THE COURT BE RECEIVED WITHOUT OBJECTION

1 (STATE'S EXHIBITS 44 A-G RECEIVED INTO
2 EVIDENCE)

3 Q YOU HAD STARTED TO SHOW US WHAT WINDOW WE'RE
4 GOING TO LOOK ON THIS SET OF PHOTOGRAPHS?

5 A I'M GOING TO GO BACK TO STATE'S EXHIBIT 43
6 AGAIN THIS IS A SIDE VIEW OF THE HOUSE AND WE'RE
7 GOING TO BE TALKING ABOUT THIS WINDOW HERE DIRECTLY
8 BEHIND THIS DIRECT TV SATELLITE DISH

9 Q ALL RIGHT IF YOU COULD SHOW US THE PHOTOGRAPH
10 YOU TOOK OF THAT WINDOW?

11 A HERE IS THE WINDOW THAT IS IN QUESTION THIS IS
12 A SMALLER WINDOW THAN WHAT THE ONES WERE ON THE
13 FRONT IT SHOWS IT CLEARLY HAS A SCREEN ON IT IT'S
14 PUT IN PLACE IF YOU ALSO NOTICE ON THIS WINDOW SILL
15 RIGHT HERE HOW DIRTY IT IS, THE DUST HAS NOT BEEN
16 DISTURBED THIS IS A BADMINTON POLES TO HOLD THE NET
17 UP AND MAYBE YOU CAN SEE SOME OF THE RACKET HANDLES
18 HERE

19 Q AND ONCE AGAIN DID YOU NOTICE ANY COBWEBS OR
20 ANYTHING OF THAT NATURE WITHIN THAT SCREEN TO THE
21 WINDOW?

22 A YEAH, THERE WERE COBWEBS ALL THROUGHOUT THE
23 WINDOW ITSELF AND THE UPPER CORNERS AND THE LOWER
24 CORNER YOU CAN SEE SOME AROUND THE EDGES HERE

25 Q DID ANY OF THE DUST OR COBWEBS APPEAR TO BE

1 DISTURBED

2 A THERE WAS NOTHING DISTURBED ON THAT WINDOW

3 Q AND DID IT APPEAR TO HAVE ANYTHING DISTURBED ON
4 THE SCREEN ITSELF?

5 A NO, SIR, THE SCREEN WAS INTACT

6 Q DID YOU TAKE CLOSE UP PHOTOGRAPHS OF THIS WINDOW
7 AS WELL?

8 A YES, I DID STATE'S EXHIBIT 44 A SHOWS THE
9 LOCKING MECHANISM OF THE WINDOW ITSELF AND YOU WILL
10 NOTICE AS WE LOOKED AT IT IT IS POINTING TO THE
11 RIGHT IT WAS INTACT AND IT DID NOT APPEAR ANYTHING
12 TO BE WRONG WITH IT

13 Q ALL RIGHT AND THE OTHER PHOTOGRAPHS OF THAT
14 WINDOW FROM THE OTHER SIDE?

15 A YES THIS IS STATE'S EXHIBIT 44 B

16 Q WHEN YOU TOOK THAT PHOTOGRAPH DID YOU HAVE TO
17 PULL BACK THE CURTAIN A LITTLE BIT?

18 A ACTUALLY THE FIRST ONE I TOOK IS THE ONE WITHOUT
19 ME PULLING IT BACK, BUT, YES, I DID PHOTOGRAPH THIS
20 BY PULLING THE CURTAIN BACK SHOWING THE LOCKING
21 MECHANISM, THAT IS INTACT AND THERE IS NO DAMAGE TO
22 THE WOOD THERE

23 Q THEN IF YOU WOULD SHOW US THE NEXT PHOTOGRAPH OF
24 THAT WINDOW?

25 A STATE'S EXHIBIT 44 C IS BEFORE I MOVED THE

1 CURTAIN ITSELF IF YOU LOOK CLOSELY YOU CAN ACTUALLY
2 SEE THROUGH IT THE CURTAIN IS SOMEWHAT SHEER, YOU
3 CAN SEE THROUGH AND SEE THE VEHICLE OUTSIDE HERE
4 THIS IS HOW SEE I FOUND IT ON THE OTHER SIDE

5 Q AND TOWARDS THE BOTTOM OF THAT PHOTOGRAPH WHAT'S
6 THAT ON THE INSIDE?

7 A THAT'S, IF I'M NOT MISTAKEN, THAT IS A CLOTHES
8 BASKET

9 Q OKAY DID YOU TAKE ONE FURTHER BACK TO SHOW
10 WHAT'S IN FRONT OF THAT?

11 A YES, I DID

12 Q IF YOU'LL SHOW US THAT PHOTOGRAPH?

13 A THIS WOULD BE STATE'S EXHIBIT 44 D THIS IS A
14 PHOTOGRAPH I TOOK FURTHER BACK WHERE YOU CAN SEE THE
15 AREA IN FRONT OF THAT WINDOW THIS IS THE WINDOW
16 WE'RE DISCUSSING NOW HERE'S THAT CLOTHES BASKET I
17 TALKED TO YOU ABOUT ALL ALSO RIGHT IN FRONT OF THE
18 WINDOW ITSELF IS ALL THESE BOXES, ANOTHER CLOTHES
19 HAMPER, AND ALL THESE BOXES HERE

20 Q WAS THERE ANY INDICATION TO YOU ON THAT WINDOW
21 THAT ANYONE COULD HAVE ENTERED THROUGH THAT WINDOW?

22 A NO, SIR, ABSOLUTELY NOT NO ONE ENTERED THROUGH
23 THAT WINDOW THERE

24 Q GO TO THE NEXT GROUP OF PHOTOGRAPHS STATE'S
25 EXHIBIT 45 THROUGH 45 B

1 MR SMITH JUDGE, I HAVE NO OBJECTION

2 MR GREELEY NO OBJECTION

3 MR THOMPSON THEN I ASK THESE BE ENTERED
4 INTO EVIDENCE

5 THE COURT RECEIVED WITHOUT OBJECTION

6 (STATE'S EXHIBIT 45 A-B RECEIVED INTO
7 EVIDENCE)

8 Q IF YOU WOULD TELL US WHICH WINDOW WE'RE LOOKING
9 AT AT THIS POINT IN TIME?

10 A THIS IS THE SIDE WINDOW HERE OF THE ONE THAT HAS
11 THE AIR CONDITIONER UNIT IN IT, THE WINDOW UNIT

12 Q WHAT'S THE FIRST PHOTOGRAPH?

13 A THIS IS STATE'S EXHIBIT 45 THIS IS THE WINDOW
14 UNIT AIR CONDITIONER IT'S THE FIRST WINDOW DOWN THE
15 RIGHT SIDE OF THE HOUSE THIS IS ACTUALLY THE ONLY
16 WINDOW IN THE WHOLE RESIDENCE THAT DID NOT HAVE A
17 SCREEN IN IT NO ONE REMOVED THAT AIR CONDITIONER
18 BECAUSE THE ONLY WAY TO GET IT OUT IS TO PUSH IT
19 THROUGH THE INSIDE SO THAT, THAT WINDOW AIR
20 CONDITIONER DID NOT COME OUT OF THAT WINDOW

21 Q WERE THERE DIRT AND LEAVES AROUND THE SIDES OF
22 THE AIR CONDITIONER?

23 A YOU REALLY CAN'T SEE IT THAT WELL ON THE TOP UP
24 HERE BUT THERE IS LEAVES AND STUFF HERE AND THERE
25 IS ALSO, THERE IS SOME COBWEBS AND STUFF UP UNDER THE

1 WINDOW UNIT ITSELF

2 Q ALL RIGHT AND DID THAT APPEAR TO BE DISTURBED
3 IN ANY WAY?

4 A NO, SIR, THERE WAS NOTHING DISTURBED ABOUT THAT

5 Q DID YOU TAKE ANY PICTURES OF THE INTERIOR OF
6 THAT WINDOW?

7 A YES, I DID STATE'S EXHIBIT 45 A THIS IS A
8 PHOTOGRAPH OF THE INSIDE OF THE RESIDENCE STANDING
9 THERE AND INSIDE OF THE RESIDENCE THIS IS CLOTHES
10 RACK THAT IS PARKED RIGHT IN FRONT OF THE WINDOW
11 YOU CAN SEE THE CURTAIN ITSELF AND THE BLINDS ON THE
12 WINDOW ITSELF ARE INTACT AND THIS IS ACTUALLY, I'M
13 NOT 100 PERCENT SURE, I THINK IT'S PART OF THE BLINDS
14 BECAUSE THE BLINDS COME ALL THE WAY DOWN

15 Q DID YOU TAKE ONE FURTHER OUT TO SHOW US
16 EVERYTHING?

17 A YES, SIR, I DID

18 Q SHOW US THAT EXHIBIT

19 A STATE'S EXHIBIT 45 B THIS IS A PHOTOGRAPH
20 TAKEN FURTHER BACK SHOWING YOU WHAT WAS IN FRONT OF
21 THE WINDOW AGAIN YOU HAVE THE DYER HERE YOU GOT
22 THE CLOTHES RACK CLOTHES HAMPER, CLOTHES ON THE
23 FLOOR, AND THIS IS EXACTLY HOW I FOUND IT

24 Q ALL RIGHT AND FROM THE OUTSIDE OF THAT WINDOW
25 TOO, DID YOU LOOK ON TO THE GROUND IN FRONT OF IT?

1 A YES, I DID THERE WAS NO MARKS ON THE ACTUAL
2 SIDING THERE WAS NO MARKS ON THE GROUND

3 Q ALL RIGHT THE NEXT SET OF PHOTOGRAPHS 46 A
4 THROUGH E?

5 MR SMITH NO OBJECTION

6 MR GREELEY NO OBJECTION, YOUR HONOR

7 MR THOMPSON YOUR HONOR, I ASK TO ENTER
8 THEM INTO EVIDENCE

9 THE COURT BE RECEIVED WITHOUT OBJECTION
10 (STATE'S EXHIBIT 46 A-E RECEIVED INTO
11 EVIDENCE)

12 Q CAN YOU TELL US WHAT THE NEXT WINDOW IS THAT
13 WE'RE GOING TO BE EXAMINING?

14 A THE NEXT WINDOW IS STATE'S EXHIBIT 46 IS I'M
15 ACTUALLY STANDING AT THE RIGHT BACK CORNER OF THE
16 HOME NOW THIS BEING THE BACK DOOR THIS IS BEING
17 THE WINDOW WE JUST TALKED ABOUT THIS IS THE KITCHEN
18 WINDOW THAT WE'RE GOING TO TALK ABOUT NOW

19 Q IF YOU WILL SHOW US A CLOSE UP OF THE KITCHEN
20 WINDOW?

21 A STATE'S EXHIBIT 46 A HERE'S THE WINDOW
22 YOU'LL NOTICE THAT THE WINDOW IS OPEN IT'S OPEN
23 8-10 INCHES THERE IS A SCREEN YOU CAN SEE THE
24 METAL SCREEN FRAME HERE THE METAL SCREEN IS IN
25 PLACE, INTACT, HAD NOT BEEN TAMPERED WITH ALSO

1 THERE WAS NO MARKS ON THIS SIDING HERE WHERE SOMEONE
2 GOING TO ATTEMPT TO GET IN THEY WOULD HAVE TO CLIMB
3 THROUGH AND USE THEIR FOOT MOST LIKELY TO GET UP IN
4 THE WINDOW

5 Q CAN YOU TELL ME WERE YOU STANDING UP WHEN YOU
6 TOOK THIS PHOTOGRAPH?

7 A YES, I WAS

8 Q CAMERA UP TO YOUR HEAD LEVEL?

9 A YES, IT WAS

10 Q IS THAT ABOUT HOW HIGH THE WINDOW IS WHEN YOU
11 STAND OUTSIDE OF IT?

12 A YES, SIR, THAT'S VERY ACCURATE IT WAS ABOUT
13 SIX, SIX AND A HALF FOOT OFF THE GROUND

14 Q ALL RIGHT DID YOU TAKE ANY PICTURES OF IT
15 CLOSER TO THAT?

16 A YES, I DID

17 Q SHOW THOSE TO US?

18 A THIS IS STATE'S EXHIBIT 46 B THIS IS A CLOSE
19 UP OF THE WINDOW SILL AGAIN YOU'LL NOTICE THE
20 SCREEN IS INTACT VIRTUALLY NO DAMAGE TO THE SCREEN
21 ITSELF IF YOU'LL ALSO NOTICE HERE THAT THESE ARE
22 TACKS HOLDING THIS SCREEN IN THE WINDOW, SO IT WAS
23 TACKED TO THE WINDOW FRAME ITSELF

24 Q LOOKING CLOSELY AT THAT PHOTOGRAPH IF YOU'LL
25 LOOK AT IT BACK ON THIS WAY, IN THE CORNERS ON,

1 ESPECIALLY ON THE BOTTOM I BELIEVE, WERE THERE ANY
2 CORNERS THAT YOU NOTE?

3 A WELL, IF YOU'LL NOTICE HERE IN THIS CORNER THERE
4 APPEARS TO BE A LITTLE BIT OF DAMAGE HERE, BUT
5 NOTHING SIGNIFICANT IT DID NOT BREACH THE INTEGRITY
6 OF THE FRAME OF THE SCREEN AND IT REALLY DOESN'T
7 DEPICT VERY WELL ON HERE EITHER, BUT ON THE INSIDE OF
8 THE WINDOW SILL IT SELF IT IS ALSO COVERED IN HEAVY
9 DUST AND A FEW LEAVES AND A FEW COBWEBS

10 Q DID ANY OF THAT APPEAR TO BE DISTURBED?

11 A THERE IS NOTHING DISTURBED ABOUT THIS WINDOW
12 OTHER THAN IT BEING OPEN

13 Q OKAY AND IF YOU WOULD, IF YOU WOULD GO TO THE
14 NEXT PHOTOGRAPH PLEASE?

15 A THIS IS STATE'S EXHIBIT 46 C

16 Q ALL RIGHT

17 A THIS SHOWS THE, I'LL START RIGHT HERE THIS IS
18 THE WINDOW SILL ITSELF AND THIS IS THE SIDING
19 DIRECTLY BELOW THE WINDOW I PHOTOGRAPHED THIS TO
20 SHOW THAT THERE WAS NO DAMAGE, ALTHOUGH THERE ARE
21 SOME PAINT CHIPPING BUT THE PAINT WAS CHIPPING
22 EVERYWHERE IN THE HOUSE, THERE WAS NOTHING THAT WOULD
23 LEAD ME TO BELIEVE THAT SOMEBODY MADE ENTRY INTO THIS
24 WINDOW BECAUSE THERE WAS NO SIGNIFICANT DAMAGE TO
25 THAT PAINT

1 Q IF YOU PULL THIS DOWN JUST A LITTLE BIT AND LOOK
2 INTO THE CORNERS IN PARTICULAR IS THERE ANYTHING
3 YOU NOTICE ABOUT ANYTHING IN THE CORNERS?

4 A THERE IS A, THERE IS A SCREW HERE AND THERE IS A
5 SCREW HERE THAT HELD THAT FRAME AND SCREEN INTO THE
6 WINDOW FRAME

7 Q DID YOU TAKE ANY PICTURES OF THIS WINDOW FROM
8 THE INSIDE OF THE HOUSE?

9 A YES, I DID

10 Q IF YOU'LL SHOW US SOME OF THOSE?

11 A STATE'S EXHIBIT 46 D THIS IS ME STANDING IN
12 THE KITCHEN TAKING A PHOTOGRAPH OF THIS WINDOW THIS
13 AREA RIGHT HERE IS THE SPLASH GUARD ON THE SINK
14 THIS IS PROBABLY THE BEST BLIND IN THE HOME THERE
15 IS NO DAMAGE TO IT WHATSOEVER AND THIS IS EXACTLY THE
16 WAY I FOUND IT

17 Q WAS THERE DUST ON THOSE BLINDS?

18 A YES, THERE WAS THERE WAS DUST ON THE BLINDS
19 AND THERE IS NO, THERE IS NOTHING IN HERE INDICATES
20 THAT SOMEONE'S HAND COME THROUGH OR ANYTHING AND
21 KNOCKED THE DUST OFF

22 Q ALL RIGHT IF YOU WOULD GO TO THE NEXT
23 PHOTOGRAPH AND DESCRIBE THE IMPORTANCE OF THAT ONE?

24 A THIS IS STATE'S EXHIBIT 46 E THIS IS A PICTURE
25 OF THE KITCHEN CABINET AREA THE WINDOW THAT WE TALK

1 ABOUT IS HERE THIS IS THE, OF COURSE, THE SINK
2 THERE SIDE OF THE SINK WAS FILLED WITH DISHES THAT
3 HAD SOME WATER IN IT YOU HAD POTS AND PANS, COFFEE
4 CUPS, SITTING ALL AROUND THE COUNTER THERE WAS
5 NOTHING THAT LED ME TO BELIEVE THAT SOMEONE COME
6 THROUGH WINDOW BECAUSE NOTHING ON THIS AREA IN EITHER
7 ONE OF THESE AREAS RIGHT HERE WAS DISTURBED AT ALL

8 Q DID IT APPEAR THAT ANYTHING HAD POSSIBLY BEEN
9 DRAGGED IN FROM THE OUTSIDE?

10 A NO NO, SIR NOTHING AT ALL

11 Q ANY MUD, ANY LEAVES, THINGS LIKE THAT?

12 A WELL, THERE WAS SOME LEAVES THROUGHOUT THE HOUSE
13 BUT THERE WAS NOTHING, THERE WAS NOTHING IN THIS AREA
14 HERE, NO LEAVES OR ANYTHING LIKE THAT, DEBRIS FROM
15 THE OUTSIDE ALONG THE KITCHEN COUNTER AREA

16 Q AGAIN WHEN YOU WERE ON THE OUTSIDE OF THIS
17 WINDOW DID YOU EXAMINE THE GROUND UNDERNEATH IT?

18 A YES, I DID

19 Q WHAT IF ANYTHING DID YOU NOTICE ABOUT IT?

20 A THERE WAS NOTHING DISTURBED

21 Q ALL RIGHT GO TO THE NEXT SET OF PHOTOGRAPHS
22 STATE'S EXHIBIT 47 A THROUGH D STATE'S EXHIBIT 47 A
23 THROUGH D?

24 MR SMITH NO OBJECTION, YOUR HONOR

25 MR GREELEY NO OBJECTION

1 MR THOMPSON I ASK TO ENTER THESE INTO
2 EVIDENCE AT THIS TIME THEN

3 THE COURT WITHOUT OBJECTION BE ENTERED
4 (STATE'S EXHIBITS 47 A-D RECEIVED INTO
5 EVIDENCE)

6 Q OFFICER GARDNER, IF WOULD YOU TELL US THE NEXT
7 POINT THAT WE'RE GOING TO LOOK AT?

8 A THE NEXT PHOTOGRAPHS WE'RE GOING TO LOOK AT IS
9 THE ACTUAL BACK DOOR THIS IS STATE'S EXHIBIT 47
10 THIS IS THE BACK DOOR THIS IS THE WAY I FOUND IT
11 THAT MORNING THE SCREEN DOOR IS OPEN THE BACK
12 DOOR IS SHUT YOU ALSO SEE SOME DAMAGE TO THE SIDING
13 AREA HERE THAT'S HOW I FOUND IT THAT MORNING

14 Q ALL RIGHT

15 A IF YOU ALSO LOOK ON THE STEPS, THE BACK STEPS,
16 THESE ARE COVERED IN LEAVES AND NONE OF THEM SEEM TO
17 BE OUT OF PLACE OTHER THAN THEM DROPPING FROM THE
18 TREE ON TO THE BACK PORCH

19 Q ALL RIGHT DID YOU TAKE ANY CLOSE UP OF THE
20 BACK OF THAT DOOR?

21 A YES, I DID

22 Q IF YOU WOULD SHOW US THAT PHOTOGRAPH PLEASE?

23 A STATE'S EXHIBIT 47 A SHOWS THE BACK DOOR
24 CLOSE UP OF THE DOOR KNOB ITSELF THERE ARE, THERE
25 ARE A COUPLE PRY MARKS HERE, NONE OF THEM WAS RESENT

1 THERE WAS NOTHING FRESH WHATSOEVER THE WOOD, THE
2 BARE WOOD THAT SHOWED HERE, WAS OLD AND BROWN IT
3 WASN'T FRESH YOU'LL NOTICE A LITTLE BIT OF DAMAGE
4 HERE TO THE DOOR, I CAN'T EXPLAIN THAT, BUT THAT
5 WOULD NOT HAVE PLAYED EFFECT IN THIS DOOR HERE

6 Q DOES THAT DAMAGE APPEAR TO BE FRESH?

7 A NO, IT WAS NOT FRESH

8 Q OKAY AND DID YOU THEN HAVE A CHANCE TO EXAMINE
9 THE DOOR FROM THE INSIDE?

10 A YES, I DID STATE'S EXHIBIT 47 B THIS IS THE
11 INSIDE OF THE DOOR THIS BEING THE DOOR AND THIS IS
12 THE FRAME HERE'S THAT LOCKING CHAIN ASP THAT I
13 SPOKE WITH YOU ABOUT ON THE DOOR FRONT DOOR IT IS
14 NOT PRESENT, THE CHAIN PART IS NOT PRESENT
15 WHATSOEVER THERE IS NO FRESH PRY MARKS WHATSOEVER
16 ON THE DOOR

17 Q ANY FRESH MARKS AROUND THE CHAIN AREA?

18 A NO, NONE AT ALL

19 Q DID YOU TAKE MORE PICTURES OF THE INSIDE OF THAT
20 DOOR AS WELL?

21 A YES, I DID THIS IS STATE'S EXHIBIT 47 C
22 SHOWING THE ACTUAL DOOR KNOB ITSELF THERE IS NO
23 DAMAGE TO THE BOLT FROM THE DOOR KNOB OR THE PLATE
24 THAT THE BOLT GOES THROUGH THIS YELLOW THING HERE I
25 ONLY ASSUME THAT'S SOMETHING FOR LITTLES GIRLS HAIR

1 I'M TO THE SURE

2 Q WAS THAT ALREADY ON THE ---

3 A THAT WAS JUST --- I PHOTOGRAPHED IT EXACTLY THE
4 WAY I FOUND IT

5 Q ALL RIGHT AND DID YOU PHOTOGRAPH THAT DOOR
6 FROM ANY DISTANCE AS WELL?

7 A YES, I DID STATE'S EXHIBIT 47 D THIS IS A
8 PHOTOGRAPH OF ME STEPPING BACK A LITTLE BIT AND
9 PHOTOGRAPHING OF COURSE, YOU CAN SEE THE STOVE AND
10 WASHING MACHINE THERE IS A BUCKET, A FAN, TRASH
11 CAN, AND HERE'S YOUR DOOR

12 Q IS THAT HOW THOSE WERE IN FRONT OF THAT DOOR
13 THAT NIGHT?

14 A THAT'S EXACTLY THE WAY IT WAS WHEN I FOUND IT

15 Q DID YOU ULTIMATELY HAVE A CHANCE TO OPEN THAT
16 DOOR AS WELL?

17 A YES, SIR, I DID

18 Q AND DID YOU NOTICE ANYTHING WHEN YOU OPENED THE
19 DOOR?

20 A YES, SIR, I KIND OF FIGURED OUT WHY THESE FANS
21 WERE ACTUALLY POINTED AT AN ANGLE BECAUSE WHEN YOU
22 OPENED THAT BACK DOOR IT KIND OF STOPPED RIGHT THERE,
23 IT GOT HUNG ON THE FLOOR, SO THAT'S PRETTY MUCH WHERE
24 THE DOOR ACTUALLY STOPPED I DON'T KNOW IF IT OPENED
25 ANY FURTHER BECAUSE I DIDN'T FORCE IT BECAUSE YOU

1 COULD, YOU COULD WALK OUT

2 Q OKAY AND WHEN YOU OPENED IT UP DID YOU HAVE A
3 CHANCE TO LOOK AT THE, THE DOOR CLASP, I GUESS WITH
4 THE INSIDE OF THE DOOR ITSELF?

5 A YES, SIR, I DID

6 Q AND WAS THERE ANY FRESH PRY MARKS OR ANYTHING
7 THAT YOU WERE ABLE TO NOTE ON THAT?

8 A THERE WERE NO FRESH PRY MARKS ON THAT DOOR

9 Q AND LOOKING AT THE PICTURE YOU JUST HAD UP THERE
10 WHERE THE FAN WAS AND THE TRASH CANS THING, WAS THERE
11 ANY INDICATION THAT SOMEONE HAD BEEN THROUGH THAT
12 DOOR, FOOTPRINTS, MUD, DIRT, PARTICULAR FOOT PRINTS,
13 THINGS LIKE THAT?

14 A THERE WAS NOTHING THAT INDICATE THAT SOMEONE
15 COME THROUGH THAT BACK DOOR

16 Q ALL RIGHT THANK YOU GO TO THE NEXT GROUP OF
17 PHOTOGRAPHS STATE'S EXHIBIT 48 A THROUGH E

18 MR SMITH NO OBJECTION, YOUR HONOR

19 MR GREELEY NO OBJECTION

20 Q BEFORE WE GO INTO THESE, GOING BACK TO THE BACK
21 OF THAT BACK DOOR YOU HAD MENTIONED ABOUT THE SPOT
22 FOR THE CHAIN BUT THERE WAS NO CHAIN ON THE DOOR
23 WAS THERE ANYTHING LAYING ON THE GROUND THAT WOULD
24 INDICATE THE CHAIN HAD FALLEN OFF OR ANYTHING LIKE
25 THAT?

1 A NO, IT WAS NOT PRESENT IN THE HOUSE

2 Q OKAY IF YOU WOULD LOOK AT THESE PHOTOGRAPHS --

3 I ASK THOSE BE ENTERED INTO EVIDENCE

4 THE COURT WITHOUT OBJECTION THEY ARE
5 ADMITTED

6 (STATE'S EXHIBIT 48 A-E RECEIVED INTO
7 EVIDENCE)

8 Q IF YOU'LL TELL US AT WHAT POINT WE'RE LOOKING AT
9 NEXT?

10 A I AM BASICALLY STANDING AT THE SAME ANGLE THAT I
11 TOOK THE PHOTOGRAPH OF THE RIGHT SIDE OF THE HOUSE
12 NOW I'M PHOTOGRAPHING DOWN THE BACK OF THE HOUSE
13 THE NEXT SET OF WINDOWS THAT WE'RE GOING TO LOOK AT
14 ARE THE ONES IN JESSICA AND KYLA'S ROOM

15 Q ALL RIGHT GO TO THOSE PHOTOGRAPHS THEN

16 A THIS IS STATE'S EXHIBIT 48 A

17 Q ALL RIGHT

18 A THIS IS THE, A PHOTOGRAPH OF THE WINDOWS IN
19 JESSICA AND KYLA'S ROOM THERE ARE WINDOWS SCREENS
20 ON BOTH WINDOWS IF YOU'LL NOTICE DOWN HERE THERE IS
21 A SLIGHT TEAR IN IT HERE BUT OTHER THAN THAT THE
22 SCREEN ITSELF IS INTACT IF YOU'LL ALSO NOTICE IT
23 SHOWS FAIRLY CLEARLY HERE THAT THE BLACK AREA BETWEEN
24 THE WINDOW AND THE EDGE HERE ON BOTH SIDES ARE DUST
25 COVERED THERE IS ALSO COBWEBS IN BOTH OF THESE

1 WINDOWS IN THE CORNERS AND A FEW LEAVES THAT'S REALLY
2 NOT NOTICEABLE IN THIS PHOTOGRAPH

3 Q DID YOU EXAMINE THE GROUND UNDERNEATH THOSE
4 WINDOWS AS WELL?

5 A YES, I DID

6 Q WHAT IF ANY INDICATION DID YOU RECEIVE IN
7 EXAMINING THAT?

8 A THERE WAS NO DISTURBANCE UP UNDER THAT WINDOW

9 Q ALL RIGHT NOW YOU HAD MENTIONED THE LEAVES
10 ALREADY THE LEAVES THAT WERE OUT THERE WERE THEY,
11 LACK OF A BETTER QUESTION, WERE THEY CRUNCHY, WERE
12 THEY LOUD?

13 A THE LEAVES, THE LEAVES, THEY ARE DEAD AND THEY
14 TURNED BROWN AND EVERY TIME YOU WALKED, YOU JUST
15 CRUNCH

16 Q ALL RIGHT IF YOU WOULD GO TO THE NEXT
17 PHOTOGRAPH AND EXPLAIN TO US THE IMPORTANCE OF THAT
18 PHOTOGRAPH?

19 A STATE'S EXHIBIT 48 B THIS IS A CLOSER UP
20 PHOTOGRAPH OF THE WINDOW AGAIN YOU CAN SEE FAIRLY
21 WELL ON THIS HERE I SHOWED YOU, I TOLD YOU ABOUT
22 THE LITTLE TEAR HERE AND IF YOU'LL NOTICE ALONG THIS
23 EDGE HERE THE DUST COVERED ON THE WINDOW SILL AND YOU
24 ALSO NOTICE ON HERE THAT THERE IS REALLY NO
25 SIGNIFICANT DAMAGE WHERE SOMEONE MAY HAVE JUMPED UP

1 AND USED THEIR FEET TO PUSH THEMSELVES IN THE WINDOW
2 NOW THIS, AS I SAID EARLIER ALSO, THAT THE WOOD, THE
3 PAINT ON THE OUTSIDE OF THE HOUSE WAS CRACKING AND
4 PEELING EVERYWHERE YOU ALSO CAN SEE SOME LEAVES
5 HERE AND RIGHT IN HERE BESIDE THIS WINDOW

6 Q ALL RIGHT GO TO THE NEXT PHOTOGRAPH PLEASE
7 EXPLAIN THAT TO US IS THAT ONE FROM THE INTERIOR OF
8 THE HOME?

9 A YES, SIR THIS IS STATE'S EXHIBIT 48 C THIS
10 IS A PHOTOGRAPH OF THE INTERIOR OF THE WINDOW ITSELF
11 WHAT YOU ARE LOOKING AT NOW IS HERE'S THE TWO WINDOWS
12 HERE, HERE'S ONE WINDOW AND HERE IS THE OTHER RIGHT
13 BEHIND THE CURTAIN THIS THING HERE IS A BUNK BED
14 WHICH ACTUALLY IT'S ALMOST LEVEL WITH THE EDGE OF
15 THIS WINDOW HERE CURTAINS ARE IN PLACE OTHER THAN
16 BEING PULLED BACK JUST SLIGHTLY THERE WAS NO SIGN OF
17 ANY DISTURBANCE THAT WOULD CAUSE DAMAGE TO THOSE
18 CURTAINS

19 Q DID YOU HAVE A PICTURE FURTHER AWAY WITHIN THE
20 ROOM?

21 A YES, I DO

22 Q TOWARD THOSE WINDOWS, SHOW US THAT?

23 A STATE'S EXHIBIT 48 D

24 Q DESCRIBE THAT FOR US PLEASE?

25 A HERE IS A BETTER VIEW OF THE BUNK BEDS ITSELF

1 IF YOU'LL NOTICE ON THE TOP BUNK BED IT'S EXACTLY THE
2 WAY I FOUND IT ALL THE STUFF IS BACKED ON THE TOPE
3 OF THE BUNK THE BIG YELLOW CHAIR HERE, THIS IS
4 SOME TYPE OF BOX RIGHT HERE IN ORDER FOR SOMEONE TO
5 COME THROUGH THIS WINDOW THEY WOULD HAVE TO END UP
6 CRAWLING RIGHT UP ACROSS THE TOP OF THIS BUNK BED OR
7 BOTTOM BUNK OF THE BUNK BED

8 Q DID YOU HAVE ANOTHER, IS THAT ALL THE
9 PHOTOGRAPHS OF THAT?

10 A YES

11 Q GO TO STATE'S EXHIBIT 49 A THROUGH Z

12 MR SMITH NO OBJECTION, YOUR HONOR

13 MR GREELEY NO OBJECTION

14 MR THOMPSON I WOULD ASK TO ENTER THESE
15 INTO EVIDENCE AT THIS TIME

16 THE COURT BE RECEIVED

17 (STATE'S EXHIBIT 49 A-Z RECEIVED INTO
18 EVIDENCE)

19 Q IF YOU'LL SHOW US WHAT THE NEXT POINT THAT WE'LL
20 BE LOOKING AT, OFFICER GARDNER?

21 A GOING BACK TO STATE'S EXHIBIT 48 THIS IS THE
22 VIEW OF THIS WINDOW HERE THAT IS AMANDA'S ROOM

23 Q ALL RIGHT SHOW US THE FIRST PHOTOGRAPH OF THAT
24 WINDOW THEN

25 A THIS IS A PHOTOGRAPH, UP CLOSE PHOTOGRAPH, OF

1 THE WINDOW THAT'S AT THE HEAD OF AMANDA'S ROOM OR THE
2 HEAD OF HER BED YOU WILL NOTICE THAT THE LITTLE
3 SHINY SILVER STUFF HERE, THAT'S ACTUALLY PLASTIC THAT
4 WAS COVERING THE WINDOW, AND THE REASON FOR THAT,
5 THIS WINDOW, THE INTERIOR WINDOW GLASS IS BROKE, SO
6 TO WOULD HAVE BEEN USED TO SEAL OFF THE WINDOW
7 ITSELF IF YOU'LL NOTICE ALONG THIS EDGE HERE, THAT
8 IT'S DUST COVERED, HEAVILY DUST COVERED, AND LEAVES
9 COMPLETELY COVERING THE SIDE AND ALL THE GLASS FROM
10 INSIDE OF THIS DOOR OR THE INSIDE OF THIS WINDOW WAS
11 BEING HELD IN BY THE SCREEN THAT'S ON THE WINDOW
12 ITSELF

13 Q ALL RIGHT AND HOW IS THAT SCREEN HELD INTO THE
14 WINDOW?

15 A IT'S ACTUALLY TACKED IN, TACKED IN ALONG THIS
16 AREA RIGHT HERE

17 Q ALL RIGHT

18 A AND IF MY MEMORY SERVES ME CORRECT IT ONLY GOES
19 UP TO THIS AREA HERE, HALF OF THE WINDOW

20 Q OKAY NOW IF YOU WOULD SHOW US THE NEXT
21 PHOTOGRAPH THERE IS ONE CLOSER UP OF THAT WINDOW?

22 A YES, THERE IS STATE'S EXHIBIT 49 A

23 Q DESCRIBE THAT FOR US PLEASE?

24 A THIS IS A CLOSER UP PHOTOGRAPH OF THE LAST ONE
25 WE JUST SEEN AGAIN YOU CAN SEE HERE'S WHERE THE

1 SCREEN IS BEING HELD IN BY LITTLE STRIPS YOU CAN
2 SEE THE LEAVES ALL ACROSS THE BOTTOM OF THIS AND
3 ACTUALLY YOU CAN SEE THE GRASS, THESE ARE SHARDS OF
4 GRASS THAT HAVE BEEN BROKEN OUT OF THE WINDOW ITSELF
5 AND BEING HELD IN BY THE SCREEN AND/OR POSSIBLY THE
6 PLASTIC ITSELF

7 Q ALL RIGHT

8 A LOOKING AT IT HERE IT APPEARS IT WAS BEING HELD
9 IN BY A SCREEN

10 Q CAN YOU TELL ME FROM THE OUTSIDE INDICATION THAT
11 BEING ON THE GROUND WAS THERE ANYTHING YOU NOTICED
12 THERE?

13 A NO, THERE WAS NOTHING THERE NOW THERE IS A
14 WOODEN, NOT REALLY SURE WHAT IT IS HONESTLY WHEN I
15 FIRST LOOKED AT IT I THOUGHT IT WAS SOME TYPE OF
16 CAGE, BUT I'M NOT 100 PERCENT SURE THERE WAS
17 SOMETHING THERE DIRECTLY BELOW THAT WINDOW ITSELF

18 Q IF YOU WOULD POINT THAT OUT TO US ON THE LARGER
19 PHOTOGRAPH BEFORE WE GO ANY FURTHER

20 A GOING BACK TO STATE'S EXHIBIT 48 YOU CAN SEE
21 THIS IS THE THING I'M REFERRING TO AS FAR AS POSSIBLY
22 A CAGE

23 Q ALL RIGHT AND THAT SEEM TO BE DISTURBED IN ANY
24 WAY?

25 A NONE AT ALL

1 Q OKAY DID YOU TAKE ANY PHOTOGRAPHS OF THE
2 INTERIOR OF THAT WINDOW AS WELL?

3 A YES, I DID

4 Q IF YOU'LL SHOW US THOSE PHOTOGRAPHS?

5 A THIS IS THE INSIDE OF THE BEDROOM IN AMANDA'S
6 ROOM CURTAINS SLIGHTLY PULLED BACK YOU CAN
7 ACTUALLY SEE THE PLASTIC HERE IS SEALED, EVEN WRAPS
8 AROUND THE DOOR OR THE WINDOW LEDGE ITSELF

9 Q ALL RIGHT AND WAS IT ALL INTACT?

10 A IT WAS INTACT THERE WAS NO SIGNS OF ANY TYPE
11 OF ENTRY TO THAT WINDOW THERE

12 Q AND THOSE CURTAINS, DID YOU HAVE TO OPEN THEM TO
13 TAKE THAT PARTICULAR PICTURE OF THE PLASTIC?

14 A I DON'T REMEMBER IF I DID THAT OR NOT

15 Q GO TO THE NEXT PHOTOGRAPH IF YOU COULD AND SHOW
16 US HOW THAT IS IN RELATIONSHIP TO HOW AMANDA WAS
17 FOUND?

18 A THIS IS STATE'S EXHIBIT 49 C THIS IS A
19 PHOTOGRAPH OF AMANDA IN HER BED, THE WAY WE FOUND
20 HER, AND HERE'S THE, HERE'S THE WINDOW THAT WE'RE
21 TALKING ABOUT, AND YOU CAN ACTUALLY SEE THE PLASTIC
22 ON THE WINDOW RIGHT OVER HERE

23 Q ALL RIGHT AND NOW THERE IS ANOTHER WINDOW IN
24 HER ROOM, IS THAT CORRECT?

25 A YEAH, THAT WINDOW RIGHT HERE IS THE ONE I'M

1 GOING TO TALK ABOUT NEXT

2 Q ALL RIGHT THE SAME TYPE OF CURTAIN AS THE
3 OTHER ONE?

4 A YES

5 Q IF WE CAN GO THEN TO STATE'S EXHIBIT 50 A
6 THROUGH G

7 THE COURT ANY OBJECTION

8 MR SMITH NO OBJECTION, YOUR HONOR

9 MR GREELEY NO OBJECTION

10 MR THOMPSON ASK TO ENTER THESE INTO
11 EVIDENCE THEN

12 THE COURT RECEIVED WITHOUT OBJECTION

13 (STATE'S EXHIBIT 50 A-G RECEIVED INTO
14 EVIDENCE)

15 Q IF YOU'LL TELL US WHAT THE NEXT PHOTOGRAPHS ARE
16 THAT WE WILL BE EXAMINING?

17 A THIS PHOTOGRAPH HERE I'M STANDING AT THE LEFT
18 FRONT CORNER OF THE RESIDENCE AGAIN THIS IS MR
19 COPE'S BEDROOM AND WE'RE LOOKING ALL THE WAY DOWN TO
20 RIGHT HERE, THIS WINDOW RIGHT HERE

21 Q ALL RIGHT IF YOU'LL SHOW US THE FIRST
22 PHOTOGRAPH, THE CLOSE UP OF THAT?

23 A THIS IS THE OTHER WINDOW INSIDE AMANDA'S ROOM
24 THE FIRST THING THAT STICKS OUT OF COURSE IS THAT THE
25 BUSH ITSELF IS COVERING THE WINDOW ITSELF IT TOO

1 HAS A SCREEN ON IT AND IS IN FULL TACT IT'S NOT
2 TORN ANYWHERE YOU CAN ACTUALLY SEE THE DUST AND
3 DIRT HERE ON THE WINDOW LEDGE ON BOTH INSIDE THE
4 SCREEN AND ON THE OUTSIDE OF THE SCREEN

5 Q ALL RIGHT AND WAS ANY OF THE DUST OR COBWEBS
6 OR ANYTHING DISTURBED ON THAT WINDOW?

7 A NONE WHATSOEVER THERE WAS NO LIMBS BROKE FROM
8 THE TREE OR ANYTHING

9 Q ANYTHING ON THE GROUND THAT GAVE YOU ANY
10 CONCERN?

11 A NO, SIR, NONE AT ALL

12 Q DO YOU HAVE A PICTURE THAT IS CLOSER UP OF THAT
13 WINDOW AS WELL?

14 A THIS IS STATE'S EXHIBIT 50 B THIS IS A
15 PHOTOGRAPH OF THE LOCKING MECHANISM ALSO ALSO
16 YOU'LL NOTICE THAT THERE IS A SLIGHT TEAR IN THIS
17 SCREEN RIGHT BELOW THE WINDOW'S LEDGE, TOP WINDOW
18 LEDGE, BUT IT WAS INTACT, IT WAS NOT, IT WAS NOT TORN
19 WHERE IT WOULD FALL OUT IT WAS JUST A SLIGHT TEAR
20 IN IT RIGHT THERE

21 Q IF YOU COULD TELL ME WHAT ARE THE SMALL AREAS ON
22 THAT PICTURE, I GUESS LIKE THOSE LITTLE AREAS THERE,
23 THERE, AND ACROSS HERE?

24 A THIS SCREEN ITSELF WAS BEING HELD IN BY STAPLES
25 THESE ARE ACTUAL STAPLES HOLDING THE SCREEN ONTO THE

1 WINDOW ITSELF

2 Q ALL RIGHT GOING BACK TO THE, I GUESS, THE
3 FIRST PICTURE OF THAT WINDOW ITSELF, CAN YOU TELL ME
4 HOW THE OUTER EDGE OF THE SCREEN WERE HELD IN

5 A IF YOU'LL LOOK RIGHT HERE THERE IS ANOTHER THIN
6 BAND OF MATERIAL HOLDING THAT SCREEN IN, SO IT WAS
7 TACKED IN AND IT WASN'T A METAL FRAME IT WAS
8 ACTUALLY TACKED INTO THE SIDE OF THE FRAME WINDOW

9 Q ALL RIGHT IF YOU TAKE SOME PHOTOGRAPHS OF THAT
10 WINDOW FROM THE INTERIOR?

11 A YES, I DID

12 Q IF YOU'LL SHOW US THOSE PLEASE

13 A STATE'S EXHIBIT 50 C THIS IS STANDING ON THE
14 RIGHT SIDE OF THE BED AS YOU LOOK AT IT SHOOTING BACK
15 TOWARD THE WINDOW ITSELF AND THIS IS THE OTHER WINDOW
16 THAT WE'RE LOOKING AT

17 Q ALL RIGHT IF YOU'LL TELL US THE STUFF THAT'S
18 PILED UP RIGHT NEAR THE CURTAIN, IS IT UP AGAINST THE
19 CURTAIN AT THAT TIME?

20 A THERE WAS, THERE ARE SOME ITEMS IN THIS AREA
21 RIGHT HERE THAT WERE PILED UP IN THE CORNER
22 ACTUALLY IT ALSO MAKES A CORNER RIGHT HERE BECAUSE
23 THERE IS A DESK SITTING ON THE LEFT HAND SIDE OF THE
24 WINDOW GOING DOWN THE OTHER WALL, SO, YEAH THERE IS A
25 PILE OF CLOTHING AND SEVERAL OTHER ITEMS

1 Q ALL RIGHT AND ANY INDICATION ON THE INSIDE OR
2 THE OUTSIDE OF THAT WINDOW THAT SOMEONE HAD COME
3 THROUGH?

4 A NO, SIR, AND ONE THING I DO KNOW FOR A FACT IT
5 ONLY TOOK JUST A SLIGHT MANIPULATION OF THE CURTAIN
6 ITSELF AND THE CURTAIN FELL

7 Q ALL RIGHT AND DO YOU HAVE A PICTURE OF THE
8 WINDOW WITHOUT THE CURTAIN ON IT?

9 A YES, SIR, I DO THIS IS STATE'S EXHIBIT 50 D
10 THIS IS A PHOTOGRAPH, TAKEN A PHOTOGRAPH OF THE
11 INSIDE TO THE OUTSIDE AND YOU CAN SEE, HERE'S THE
12 CURTAIN ROD THAT FELL ONCE WE BEGAN TO TOUCH IT, IT
13 FELL IT WASN'T HELD UP THERE VERY GOOD AT ALL SEE
14 THE GLASS IS INTACT ON BOTH TOP AND BOTTOM WINDOWS
15 THERE IS NO SIGNS OF FORCED ENTRY ON BOTH THE TOP AND
16 BOTTOM WINDOWS AND THE LOCKING MECHANISM IS IN PLACE

17 Q IF YOU GO TO THE NEXT WINDOW THIS IS STATE'S
18 EXHIBIT 51

19 MR SMITH NO OBJECTION

20 MR GREELEY NO OBJECTION

21 MR THOMPSON ASK TO ENTER THESE INTO
22 EVIDENCE AT THIS TIME

23 THE COURT BE RECEIVED WITHOUT OBJECTION

24 (STATE'S EXHIBIT 51 & A RECEIVED INTO
25 EVIDENCE)

A THE NEXT WINDOW WE'RE GOING TO TALK ABOUT IS THE BATHROOM WINDOW WHICH IS LOCATED RIGHT HERE

Q ALL RIGHT

A THIS IS A PHOTOGRAPH OF THE BATHROOM WINDOW WHERE IT SHOWS THERE IS A SCREEN IN PLACE IT TOO APPEARS TO BE TACKED IN BY LITTLE STRIPS OF WOOD RIGHT BELOW IT YOU WILL SEE THIS IS A PLASTIC HOSE NAILS AND YOU CAN SEE THE DUST AND DIRT ALONG WITH THE EDGE OF WINDOW SILL ITSELF

Q AND ONCE AGAIN WITH THIS WINDOW WAS IT AS HIGH AS IT APPEARS IN THIS PICTURE?

A YES, SIR, IT WAS ABOUT MY HEIGHT, HEAD HIGH

Q ALL RIGHT AND DID YOU TAKE, DID YOU NOTICE ANY OF THE DUST OR COBWEBS OR ANYTHING DISTURBED ON THE EXTERIOR OF THAT WINDOW?

A THERE WAS NOTHING DISTURBED ON THIS WINDOW

Q IF WOULD YOU SHOW US THE INSIDE OF THAT WINDOW AS WELL?

A STATE'S EXHIBIT 51 A THIS IS A PHOTOGRAPH OF THE INTERIOR OF THE WINDOW ITSELF YOU HAVE THE SHOWER CURTAIN ITSELF, THE ROD HOLDING THE SHOWER CURTAIN YOU HAVE THE BLINDS IN THE BACKGROUND OF THE WINDOW ITSELF AND YOU HAVE ANOTHER PIECE OF PLASTIC WHICH ACTUALLY IS COVERING THE BLINDS TO KEEP THE BLINDS AND THE WINDOW SILL FROM GETTING WET WHILE

1 THE PERSON IS TAKING A SHOWER

2 Q ALL RIGHT DID SEEMED TO BE DISTURBED OR
3 ALTERED IN ANY WAY?

4 A NO, EXACTLY THE WAY I FOUND IT THERE WAS NO
5 SIGNS OF THIS PLASTIC OR THE BLINDS BEING DISTURBED

6 Q ALL RIGHT GOING TO THE NEXT ONE THEN WOULD BE
7 STATE'S EXHIBIT 52 A AND B

8 MR SMITH NO OBJECTION

9 MR GREELEY NO OBJECTION

10 MR THOMPSON ASK THESE BE ENTERED INTO
11 EVIDENCE AT THIS TIME

12 THE COURT BE RECEIVED WITHOUT OBJECTION

13 (STATE'S EXHIBIT 52 A & B RECEIVED
14 INTO EVIDENCE)

15 A THE NEXT WINDOW WE'RE GOING TO TALK ABOUT IS THE
16 LAST WINDOW WHICH IS THIS WINDOW RIGHT HERE THIS IS
17 ACTUALLY IN BILLY COPE'S BEDROOM

18 Q ALL RIGHT

19 A CLOSE UP OF THE WINDOW ITSELF IT IS COVERED WITH
20 A SCREEN THIS AREA RIGHT HERE IS WOOD ROT THE
21 WOOD IS ROTTEN FROM THE AND CAUSE ACTUALLY

22 DETERIORATING IT'S FALLING OFF YOU ALSO CAN SEE
23 AROUND THE EDGES AND IN BEHIND THE SCREEN THE WINDOW

24 SILL ITSELF WAS DUST COVERED, HAD COBWEBS AND LEAVES

25 INSIDE THE SCREEN ITSELF WHICH LED ME TO BELIEVE THAT

1 IT WAS NOT DISTURBED

2 Q ALL RIGHT CAN YOU TELL ME HOW WAS THAT SCREEN
3 TACKED ON?

4 A IT TOO I BELIEVE, YOU CAN SEE THE STRIP WOOD
5 RIGHT HERE ON BOTH SIDES OF THE WINDOW, IT WAS BEING
6 HELD ON BY THOSE STRIPS OF WOOD

7 Q ALL RIGHT AND CAN YOU SHOW US, DO YOU HAVE ANY
8 OTHER CLOSER UP PHOTOGRAPHS OF THAT?

9 A YES, I DO STATE'S EXHIBIT 52 A THIS IS
10 SHOWING THE LOCKING MECHANISM OF THAT WINDOW THERE
11 IN MY PHOTOGRAPH UP CLOSE IT APPEARS THAT, AS YOU
12 LOOK AT IT, THE CLASP IS POINTED TO THE LEFT

13 Q DID IT APPEAR TO BE BROKEN OR DISTURBED IN ANY
14 WAY?

15 A IT WAS NOT IT WAS INTACT

16 Q DID YOU TAKE PHOTOGRAPHS OF THE INSIDE OF THAT
17 WINDOW AS WELL?

18 A YES, I DID STATE'S EXHIBIT 52 B THIS IS THE
19 INSIDE OF MR COPE'S BEDROOM WHAT WE'RE LOOKING AT
20 IS, YOU CAN SEE THE WINDOW IN THE BACK GROUND HERE,
21 THIS IS HIS CURTAIN BEING HELD UP BY A BENT CURTAIN
22 ROD THIS IS AREA RIGHT HERE BELOW IS MR COPE'S
23 PILLOW HE WOULD HAVE BEEN LAYING RIGHT HERE

24 Q SO HE WOULD HAVE BEEN UP AGAINST THAT WINDOW
25 THEN LAYING IN THE BED?

1 A THAT'S CORRECT HIS HEAD WOULD HAVE BEEN HERE
2 AT THE PILLOW WITH THE WINDOW RIGHT BEHIND HIS HEAD

3 Q ARE THOSE PILLOWS PILED UP AGAINST THE CURTAIN?

4 A YES, THEY ARE THEY ARE TOUCHING THE CURTAIN
5 ITSELF

6 Q ALL RIGHT SO WERE THERE ANY INDICATIONS OF
7 THAT PARTICULAR WINDOW THAT ANYBODY WOULD HAVE
8 ENTERED THROUGH IT?

9 A NONE AT ALL

10 Q THANK YOU, OFFICER GARDNER GO AHEAD AND HAVE A
11 SEAT

12 (WITNESS RESUMES THE STAND)

13 Q AFTER YOU OBTAINED THOSE PARTICULAR PHOTOGRAPHS
14 WHAT IS THE NEXT THING THAT YOU DID IN THE CRIME
15 SCENE?

16 A WELL, AT THE TIME WE WERE, AGAIN MYSELF AND MY
17 PARTNER WE WERE DOING TWO DIFFERENT THINGS AT ONE
18 TIME OF COURSE, HE WAS INSIDE DOING THE SKETCH AND
19 I WAS OUTSIDE PHOTOGRAPHING SHORTLY AFTER I
20 FINISHED THE PHOTOGRAPHY WORK I BELIEVE THE CORONER
21 AND DR MAYNARD ARRIVED SHORTLY AFTER THAT

22 Q ALL RIGHT AND GOING BACK TO THE WINDOWS, DID
23 YOU FINGERPRINT ANY OF THOSE WINDOWS AT THAT POINT OR
24 ANY OF THOSE DOORS?

25 A NO, I DID NOT I DID NOT FEEL A NEED TO DO

1 THAT SIMPLY THERE WAS NO SIGNS OF AN ENTRY I JUST
2 DIDN'T FEEL LIKE THERE WAS A NEED TO DO THAT AND
3 TODAY I STILL DON'T THINK THERE WAS A NEED TO

4 Q ALL RIGHT WITH THE AMOUNT OF DIRT AND DUST
5 THAT YOU SAW ON THE WINDOWS AND DOORS, WOULD THERE BE
6 ANY INDICATION IF SOMEONE HAD TOUCHED THEM?

7 A OF COURSE, WHAT'S COMMONLY KNOWN AS DUST
8 TRANSFER WHEN A PERSON TOUCHES A DUSTY ITEM AND I
9 KIND OF DO THIS WHEN I GO TO CRIME SCENES WHERE THERE
10 IS DUST AND TRUST ME, THERE IS DUST EVERYWHERE IF
11 YOU TOUCH A DUSTY AREA IT APPEARS THAT YOU LEFT A
12 FINGERPRINT, BUT IN FACT, WHAT YOU'VE DONE IS
13 BASICALLY THE SALTS, OILS, AND WATERS THAT YOU EXUDE
14 FROM YOUR FINGERPRINTS, WHEN YOU TOUCH SOMETHING YOU
15 DON'T LEAVE A FINGERPRINT, YOU PICK UP THE DUST AND
16 TAKE IT WITH YOU AND SO THAT'S WHY, IF SOMEBODY
17 TOUCHED THOSE WINDOW SILLS THEN OF COURSE IT WOULD
18 HAVE BEEN EVIDENT THAT THERE WAS SOME TYPE OF
19 DISTURBANCE THERE

20 Q DID YOU SEE ANY SMEARING OF DUST OR ANYTHING OF
21 THAT NATURE?

22 A NONE WHATSOEVER

23 Q DID YOU TAKE FOOT PRINTS AROUND THE WINDOWS OR
24 DOORS OR ANYTHING AT THAT POINT?

25 A NO, SIR, I DIDN'T SEE ANY FOOT PRINTS AT ALL,

1 FOOT WEAR IMPRESSIONS, SHOE PRINTS OR ANYTHING AROUND
2 THE DOORS OR WINDOWS

3 Q ALL RIGHT NOW WHEN DR MAYNARD ARRIVED, CAN
4 YOU TELL ME WHAT DID YOU DO AT THAT POINT, WHAT WAS
5 YOUR FUNCTION AT THAT POINT?

6 A TO ASSIST HIM I MEAN, I WAS THERE TO ASSIST
7 HIM HE'S DEFINITELY MORE QUALIFIED TO DO

8 Q IN WHAT WAY DID Y'ALL ASSIST HIM?

9 A WE HAVE AN ALTERNATE LIGHT SOURCE THAT WE USE
10 THAT'S USED TO ACTUALLY FLUORESCENCE BODY FLUIDS SEMEN,
11 SALIVA, AND OTHER STUFF

12 Q OKAY AND DID YOU SET THAT UP IN ANY OF THE
13 ROOMS AT THAT POINT WITH DR MAYNARD?

14 A YES, WE DID WE SET IT UP IN AMANDA'S BEDROOM

15 Q AND HOW IS THAT DONE?

16 A ACTUALLY IT'S A BOX ABOUT THE SIZE OF THIS
17 RECORDER UP HERE BUT A LITTLE BIT WIDER AND A LITTLE
18 BIT DEEPER YOU HOOK A FIBER OPTIC CABLE TO IT AND
19 ON ONE END OF IT IT HAS A LENS THAT IT SHINES A VERY,
20 VERY BRIGHT LIGHT AT DIFFERENT FREQUENCIES MOST OF
21 THE TIME AND JUST ABOUT ALL THE TIME WE USE A LIGHT
22 SIMILAR, I GUESS THE BEST WAY TO PUT IT, IS LIKE A
23 BLACK LIGHT, THE COLOR OF A BLACK LIGHT AND IF YOU
24 HAVE EVER BEEN AROUND A BLACK LIGHT WITH A WHITE
25 SHIRT ON, YOU SEE THE WHITE SHIRT JUST GLOWS, IT

TICKS OUT, AND BASICALLY THAT IS WHAT THAT MACHINE DOES IT ALLOWS US TO SCAN FOR BODY FLUIDS SUCH AS SEMEN

Q ALL RIGHT AND DID YOU SCAN HER ROOM AT THAT TIME?

A YES, WE DID

Q WHAT DID YOU DO TO BLOCK OUT THE LIGHT FROM THE ROOM?

A WE TOOK A BLUE TARP, JUST A REGULAR BLUE TARP, AND HUNG IT OVER THE WINDOWS BECAUSE IT'S BEST IF WE CAN GET IT AS DARK AS POSSIBLE AND WE USE THESE BIG OLD, I CALL THEM UGLY GLASSES BECAUSE THEY ARE LIKE BIG SAFETY GLASSES, BUT THEY ARE AN AMBER COLOR THAT HELPS BLOCK OUT THE CERTAIN RANGE OF LIGHT

Q ALL RIGHT AND WHEN Y'ALL DID THAT DID ANYTHING, DID ANYTHING STAND OUT FLUORESCING AS FAR AS YOU REMEMBER?

A CAN I REFER TO MY REPORT RIGHT QUICK

Q SURE

A THE ONLY THING, THE ONLY THING I CAN SAY THAT WE DID FIND WAS A HAIR ON HER CHEEK I DON'T RECALL, I DON'T RECALL ANYTHING LUMINESCING WHEN WE DID IT THERE

Q WERE HER CLOTHES REMOVED AT ANY POINT WHEN YOU TRYING TO DO THINGS IN THE ROOM?

1 A NOT IN HER ROOM

2 Q OKAY AND AFTER YOU HAD PUT UP THE TARPS ON THE
3 WINDOWS AND THAT SORT OF THING, WERE OTHER PICTURES
4 TAKEN FOLLOWING THAT?

5 A YES, SIR, THERE WERE PHOTOGRAPHS TAKEN AFTER WE
6 TOOK THE TARPS DOWN

7 Q WOULD YOU HAVE HAD TO SHUT THE BACK DOOR IN
8 ORDER TO TAKE THE, USE THE ALTERNATE LIGHT SOURCE?

9 A YES, SIR, WE DID WE HAD TO SHUT HER DOOR

10 Q CAN YOU DESCRIBE TO ME IS THERE ANY PROBLEM IN
11 SHUTTING HER DOOR?

12 A YES, SIR THE DOOR STICKS ABOUT HALFWAY OPEN
13 IF YOU ARE STANDING INSIDE AMANDA'S ROOM THE DOOR
14 KNOB IS ON THE LEFT HAND SIDE OF THE DOOR AND IT
15 OPENS UP FROM LEFT TO RIGHT FROM THE INSIDE

16 Q OKAY

17 A AND ABOUT HALFWAY IT STICKS ON THE FLOOR AND YOU
18 HAVE TO KIND OF GET PHYSICAL WITH IT TO OPEN IT UP

19 Q AND DID YOU, ULTIMATELY DID YOU PREPARE THE BODY
20 FOR REMOVAL AT THAT TIME?

21 A I ASSISTED WITH GETTING THE BODY READY FOR
22 REMOVAL

23 Q ALL RIGHT WHAT WAS INVOLVED IN DOING THAT?

24 A IF MY MEMORY SERVES ME CORRECTLY THERE WAS ABOUT
25 FOUR PEOPLE THAT WAS HELPING US TO DO THIS WE

1 ACTUALLY TOOK AMANDA AND PUT HER IN A SHEET THAT WE
2 GOT FROM THE TRANSPORT GUYS

3 Q YOU MEAN TRANSPORT GUYS?

4 A FROM THE CORONER'S OFFICE

5 Q OKAY

6 A AND WE GOT A SHEET AND WE ACTUALLY PUT HER AND
7 THE BLANKET AND COMFORTER THAT SHE WAS ON AND WE PUT
8 IT, PUT IT IN A SHEET, AND TOOK HER AND THE BLANKET
9 AND COMFORTER AND EVERYTHING THAT WAS ON THE BED THAT
10 WENT WITH US WHEN WE FOLDED HER UP IN THE BLANKETS
11 AND TOOK IT TO THE MORGUE

12 Q ALL RIGHT AND DID YOU DO ANYTHING TO HER HANDS
13 BEFORE YOU PUT HER IN THE BLANKET?

14 A YES, WE DID AS PRECAUTIONARY EFFORTS WE DID
15 PUT BAGS ON HER HANDS TO SAVE ANY EVIDENCE THAT MAYBE
16 ON HER HANDS, HER FINGERNAILS, AND SO FORTH

17 Q OKAY NOW WHEN YOU WRAPPED ULTIMATELY THAT
18 AROUND HER, WOULD HER HEAD BE WRAPPED UP WITHIN IT OR
19 WOULD HER HEAD BE OUTSIDE OF IT AFTER IT WAS WRAPPED
20 UP?

21 A DURING THE TRANSPORT EVERYTHING WOULD HAVE BEEN
22 WRAPPED UP IN IT BECAUSE WE ACTUALLY PUT HER IN A
23 BODY BAG ALSO, SO HER HEAD WOULD HAVE BEEN ZIPPED UP
24 INSIDE THE BAG ITSELF THERE WOULD HAVE BEEN NOTHING
25 EXPOSED

1 Q OKAY AND AT THE POINT THAT THE BODY LEAVES DID
2 YOU LEAVE THE SCENE AT THAT TIME AS WELL OR DO YOU
3 CONTINUE TO WORK?

4 A I'M REALLY, LET ME REFER TO MY PAPERWORK AGAIN
5 I CAN'T REMEMBER IF WE DID ANYTHING ELSE I DON'T
6 REMEMBER IF WE CONTINUED TO WORK OR NOT, BUT I KNOW
7 THAT WE DID GO TO THE AUTOPSY

8 Q OKAY NOW YOU HAD MENTIONED ONE OF THE HAIRS
9 THAT YOU HAD PICKED UP FROM HER LEFT SIDE I BELIEVE,
10 IS THAT CORRECT?

11 A YES, SIR

12 Q SHOW YOU STATE'S EXHIBIT 30 WHICH IS ALREADY IN
13 EVIDENCE, IS THAT WHAT Y'ALL COLLECTED?

14 A YES THIS IS WHAT I THINK I EARLIER SAID THE
15 CHEEK BUT IT WAS ON HER LEFT SIDE

16 Q ALL RIGHT AND WAS THAT ULTIMATELY SENT TO SLED
17 AFTER YOU COLLECTED IT?

18 A YES, IT WAS

19 Q DOES IT INDICATE THE TIME YOU COLLECTED IT THAT
20 DAY?

21 A YES, SIR, I COLLECTED IT, LOOKS LIKE 9 41 OR
22 9 45

23 Q OKAY

24 A THIS BAG IS REALLY HARD TO WRITE ON

25 Q DO YOU HAVE IT WRITTEN DOWN IN ANOTHER PLACE?

1 A YES, I DO

2 Q ALL RIGHT

3 A 9 11 A M

4 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT 31 AS

5 WELL YOU HAD MENTIONED YOU HAD GONE TO THE AUTOPSY,

6 IS THAT SOMETHING THAT YOU COLLECTED AT THE AUTOPSY

7 AS WELL?

8 A YES, SIR, IT WAS

9 Q ALL RIGHT CAN YOU TELL ME WHAT IT IS?

10 A IT SAYS DESCRIPTION OF LOCATION CHEST AREA I

11 THINK THIS IS, THESE ARE SWABS FROM HER CHEST AREA

12 Q ALL RIGHT

13 A I'M NOT SURE

14 Q IT'S ITEM NUMBER 12 IN THE ROCK HILL EVIDENCE IF

15 YOU CAN TELL US WHAT THAT IS? IT'S NOT LABELED VERY

16 WELL ON THAT ONE

17 A IT'S A PART OF THE CSC KIT FROM AMANDA

18 Q ALL RIGHT DOES IT INDICATE EXACTLY WHAT IT WAS

19 ON CHEST AREA?

20 A NO, SIR, IT DOES NOT

21 Q OKAY BUT YOU ALSO TOOK THAT TO SLED AT THAT

22 TIME?

23 A DID I TAKE THAT AT THAT TIME

24 Q OR WAS IT TAKEN TO SLED?

25 A IT WAS DEFINITELY TAKEN TO SLED

1 Q DOES IT INDICATE WHEN?

2 A ON 11/30/01 AT 1 11 P M

3 Q OKAY THEN STATE'S EXHIBIT NUMBER 32 WHICH I
4 BELIEVE IS ROCK HILL EVIDENCE NUMBER 16, IS THAT
5 SOMETHING THAT YOU ULTIMATELY RETRIEVED FROM THE
6 AUTOPSY AS WELL?

7 A YES, IT IS IT IS, I COLLECTED THIS FROM THE
8 AUTOPSY IT IS A BLACK HAIR THAT WAS FOUND ON THE
9 VICTIM'S RIGHT CHEEK AND IT WAS DONE AT THE MORGUE

10 Q ALL RIGHT AND WAS THAT AS WELL TRANSPORTED TO
11 SLED?

12 A YES, IT WAS

13 Q OKAY NOW IN THE AUTOPSY ITSELF WHO ACTUALLY
14 COLLECTS THE EVIDENCE OFF THE BODY, IS IT YOU OR DR
15 MAYNARD AT THAT POINT?

16 A HE'S IN CHARGE OF THE AUTOPSY SO NORMALLY HE
17 WOULD BE THE ONE ACTUALLY DOING THE COLLECTION
18 ULTIMATELY I'M GOING TO END WITH IT, BUT HE DOES THE
19 COLLECTION WHILE HE'S IN THE AUTOPSY

20 Q ALL RIGHT AND YOU OBSERVE HIM COLLECT THE
21 ITEMS AT THAT TIME?

22 A YES, I DID

23 Q DO YOU PHOTOGRAPH THE AUTOPSY AS WELL?

24 A YES, I DO

25 Q AND ARE YOU THE PERSON WHO PROVIDED PHOTOS IN

THIS CASE OF THAT?

A YES, SIR, I AM

MR THOMPSON YOUR HONOR, I BELIEVE NOW
IS A GOOD TIME TO TAKE A SHORT BREAK

THE COURT I WAS KIND OF WATCHING TO SEE
WHEN THERE WAS A GOOD CHANCE WE'LL TAKE OUR
AFTERNOON BREAK AT THIS TIME THANK YOU

(THE JURY EXITS THE COURTROOM AT 03 17
PM)

THE COURT OFFICER GARDNER, YOU CAN STEP
DOWN, JUST DON'T DISCUSS THE CASE WITH ANYBODY

A YES, SIR

(COURT'S IN RECESS AT 03 17 PM)

(COURT RESUMES AT 03 37 PM AND THE
WITNESS RESUMES THE WITNESS STAND)

THE COURT YES, SIR, MR SMITH

MR SMITH YES, YOUR HONOR I WAS JUST
GOING TO ASK THE COURT ONCE THE STATE FINISHES THEIR
DIRECT EXAMINATION OF MR GARDNER IF I COULD JUST
HAVE FEW MINUTES RECESS, I WOULDN'T WANT TO PRESENT
SOME OF THE SAME PICTURES THAT THE STATE PRESENTED
DURING THEIR PRESENTATION, AND IF I COULD JUST HAVE A
FEW MINUTES OUTSIDE THE PRESENCE OF THE JURY TO PUT
THOSE TOGETHER IN ORDER I THINK IT WOULD SAVE SOME
TIME RATHER THAN ME TRYING TO DO THAT IN FRONT OF THE

1 JURY

2 THE COURT ALL RIGHT BRING IN THE JURY
3 (THE JURY RETURNS TO THE COURTROOM AT
4 03 39 PM)

5 THE COURT YOU MAY PROCEED

6 MR THOMPSON THANK YOU, YOUR HONOR

7 DIRECT EXAMINATION CONTINUED BY MR THOMPSON

8 Q OFFICER GARDNER, I'M GOING TO SHOW YOU STATE'S
9 EXHIBIT 69 A THROUGH G I'VE SHOWED THEM TO THE
10 DEFENSE IF YOU CAN JUST LOOK AT THOSE FOR ME JUST
11 TO SAVE TIME I'M GOING TO MOVE THOSE BE ENTERED INTO
12 EVIDENCE AT THIS TIME

13 MR SMITH NO OBJECTION

14 MR GREELEY NO OBJECTION

15 THE COURT BE RECEIVED WITHOUT OBJECTION

16 (STATE'S EXHIBIT 69 A-G RECEIVED INTO
17 EVIDENCE)

18 Q OFFICER GARDNER, AFTER YOU HAVE REVIEWED THOSE
19 IF YOU CAN STEP DOWN FOR JUST A MOMENT AND GO THROUGH
20 THOSE WITH THE JURY AS WELL NOW IN ADDITION TO THE
21 PHOTOGRAPHS THAT YOU TOOK OF THE WINDOWS AND DOORS,
22 DID YOU HAVE SOME PHOTOGRAPHS JUST OF THE INTERIOR OF
23 THE RESIDENCE?

24 A YES, I DID

25 Q AND ARE THOSE SOME OF THOSE PHOTOGRAPHS RIGHT

1 THERE?

2 A YES, THEY ARE

3 Q IF YOU CAN SIMPLY SHOW US JUST KIND OF GIVE US
4 AN IDEA OF WHERE WE'RE IN THE HOUSE

5 A STATE'S EXHIBIT 69, THIS IS STANDING IN THE
6 LIVING ROOM THIS IS THE COMPUTER TABLE WHERE THE
7 COMPUTER SAT ACTUALLY THERE IS A PRINTER RIGHT
8 THERE THIS IS GOING IN TOWARD THE, WHAT I CALL THE
9 LAUNDRY ROOM, THAT'S WHERE MOST OF THE LAUNDRY AND
10 THE DRYER WAS LOCATED AT HERE IS A STANDING
11 FREEZER HERE'S A TV/VIDEO TYPE SET UP HERE WITH A
12 VIDEO GAMES OR VIDEO CASSETTE PLAYERS AND SO FORTH

13 Q ALL RIGHT CAN YOU TELL ME WHAT THAT IS ON THE
14 FLOOR IN THE OTHER ROOM?

15 A YES, THAT THIS IS, THIS IS A BAG OF TRASH IF I'M
16 NOT MISTAKEN

17 Q IF YOU CAN GO TO THE NEXT PHOTOGRAPH AND
18 DESCRIBE THAT ONE FOR US AS WELL?

19 A THIS IS EXHIBIT 69 A THIS IS ACTUALLY STANDING
20 IN THE KITCHEN LOOKING BACK OUT THROUGH THE DOOR THAT
21 I WAS PHOTOGRAPHING BEFORE HERE'S THE EDGE OF THAT
22 FREEZER THIS IS BACK OF THE FREEZER NOW THE
23 LITTLE STOOL HERE'S THE BAG OF TRASH IT APPEARS
24 TO BE A MAP ON THE FLOOR ANOTHER TRASH BAG HERE
25 THIS IS INSIDE THE KITCHEN AREA HERE

1 Q ALL RIGHT IF YOU GO ON TO THE NEXT PHOTOGRAPH
2 AND DESCRIBE THAT FOR US WITHIN HOUSE ONCE AGAIN
3 WERE THESE ALL TAKEN IN THE MORNING RIGHT AFTER YOU
4 ARRIVED?

5 A YES, SIR

6 Q ALL RIGHT

7 A THIS IS 69 B THIS IS A PHOTOGRAPH OF JESSICA
8 AND KYLA'S ROOM STANDING OUTSIDE THEIR DOORWAY YOU
9 SEE THE DRESSER BACK HERE, THE DOORS ON THE DRESSER,
10 THE DOOR, THE MATTRESS AGAIN THIS IS BUNK BEDS, THE
11 TOP MATTRESS AND THE DOOR WAS OPEN THE WAY I SEE IT
12 HERE

13 Q ALL RIGHT SHOW US NEXT ONE AND DESCRIBE IT FOR
14 US PLEASE

15 A THIS IS STATE'S EXHIBIT 69 C THIS IS A
16 PHOTOGRAPH STANDING IN THE LIVING ROOM AND LOOKING
17 BACK TOWARDS THE BEDROOMS THIS DOORWAY RIGHT HERE
18 IN THE BACKGROUND IS AMANDA'S DOOR TO HER BEDROOM
19 LOOKING THROUGH YOU HAVE STUFF CLUTTERED ON THE
20 FLOOR IN THIS AREA RIGHT HERE THERE IS A BUNCH OF
21 POWER CORDS, EXTENSION CABLES, AND IF I'M NOT
22 MISTAKEN IN ONE OF THESE PICTURES YOU CAN ACTUALLY
23 SEE AT THE VERY BOTTOM DOWN HERE THERE IS A POWER
24 STRIP THAT HAD SEVERAL PLUGS IN IT

25 Q DO THE EXTENSION CORDS THAT ARE PLUGGED INTO

1 THAT POWER STRIP, DO THEY GO TO VARIOUS PLACES IN THE
2 HOUSE?

3 A YES, SIR, THEY DID

4 Q AND NOW INSIDE THAT AREA, IS THAT THE HALLWAY
5 THAT WE'RE LOOKING INTO BASICALLY?

6 A YES, SIR, THIS IS THE HALLWAY LEADING OUT ON
7 THIS SIDE OF THIS DOOR HERE IS A, IS WHERE THE LIVING
8 ROOM IS ACTUALLY HERE'S THE ARM OF THE COUCH RIGHT
9 HERE

10 Q OKAY AND THOSE ITEMS THAT ARE INSIDE THE
11 HALLWAY, WHAT ARE THOSE?

12 A THIS IS A BOOK SHELF THERE IS ONE RIGHT HERE
13 AND IT ALL COMES DOWN AND ACTUALLY COMES BACK OUT
14 THIS WAY THERE IS TWO BOOK SHELVES RIGHT THERE AND
15 THIS IS A, I WANT TO SAY, THAT WAS A SHOE RACK AND IN
16 LOOKING AT THE PICTURE IT IS A SHOE RACK FULL OF
17 SHOES

18 Q IF YOU'LL GO ON TO THE NEXT PICTURE FOR US?

19 A THIS IS NOT A VERY GOOD PHOTOGRAPH THIS IS
20 STANDING IN AMANDA'S DOORWAY SHOOTING BACK TOWARDS
21 MR COPE'S BEDROOM THIS IS MR COPE'S BEDROOM RIGHT
22 HERE AND HERE'S THIS RACK OF SHOES I WAS TELLING YOU
23 ABOUT YOU SEE CLUTTER ON THE FLOOR OVER HERE
24 THERE IS THE OPENING IN THE CURTAINS IN HIS BEDROOM
25 THAT I SHOWED YOU A LITTLE WHILE AGO

1 Q CAN YOU TELL US IN THIS PHOTOGRAPH WHAT THAT IS
2 UP TOP OF THIS AREA OF THE DOOR?

3 A YES, SIR THESE ARE CLOTHES HANGERS HANGING
4 FROM THE DOORWAYS AND JUST ABOUT EVERY DOORWAY HAD
5 SOME OF THOSE CLOTHES HANGERS HANGING

6 Q ALL RIGHT GO TO THE NEXT PHOTOGRAPH

7 A EXHIBIT 69 E THIS IS STANDING INSIDE MR COPE,
8 JUST RIGHT INSIDE MR COPE'S DOORWAY THIS IS
9 PHOTOGRAPHING DOWN THE, YOU STEP IN THE DOORWAY IT'S
10 DIRECTLY TO YOUR RIGHT THIS IS A METAL CABINET THAT
11 WAS CLUTTERED WITH ITEMS IN HIS HOME HERE'S HIS
12 PILLOW THAT I SHOWED YOU A LITTLE WHILE AGO AND THIS
13 IS A WINDOW THIS IS POINTING BACK TOWARD HIS
14 CLOSET THAT DOOR RIGHT THERE IS HIS CLOSET

15 Q ALL RIGHT THE NEXT PHOTOGRAPH IF YOU CAN TELL
16 US WHAT THAT IS?

17 A THIS IS A PHOTOGRAPH OF RIGHT INSIDE THE
18 DOORWAY

19 Q BASICALLY STANDING IN THE SAME PLACE AS YOU WERE
20 IN THIS PHOTOGRAPH AS YOU WERE FOR THE LAST ONE?

21 A YES, I WAS THAT'S MORE LIKE WHAT I WAS SEEING
22 HERE'S THE WALL HERE I'M STANDING RIGHT INSIDE THE
23 DOORWAY THIS IS THE CORNER OF HIS MATTRESS HERE'S
24 THAT METAL SHELF THAT'S RIGHT INSIDE THE DOORWAY
25 THIS IS PART OF HIS DRESSER OR CHEST OF DRAWERS AND

1 THIS IS STUFF I FOUND ON THE FLOOR

2 Q AND IS THAT HOW IT APPEARED WHEN YOU CAME INTO
3 THE HOUSE?

4 A THAT'S EXACTLY THE WAY I SEEN IT WHEN I STARTED
5 PHOTOGRAPHING

6 Q IF YOU'LL SHOW US THE NEXT PICTURE

7 A THIS IS THE PHOTOGRAPH OF THE BATHROOM WHICH IF
8 YOU WALK OUT OF MR COPE'S BEDROOM WALKING TOWARD
9 AMANDA IT'S THE FIRST DOOR ON THE LEFT IT'S
10 PROBABLY THREE STEPS FROM EITHER DOOR, THREE OR FOUR
11 STEPS FROM EITHER DOOR THIS IS, THIS THING HERE IS
12 ONE OF THE POWER CORDS THAT WAS HANGING DOWN YOU
13 CAN SEE THE TOILET HAS NOT BEEN FLUSHED IT WAS
14 ABSOLUTELY FILTHY THE DIRT AROUND THE EDGE OF THE
15 BATH TUB

16 Q ALL RIGHT THANK YOU GO AHEAD AND HAVE A SEAT
17 PLEASE YOU WERE AT THE AUTOPSY ITSELF, DO YOU
18 RECALL WHAT TIME IT WAS THAT YOU ATTENDED AUTOPSY?

19 A YES, SIR WE GOT THERE APPROXIMATELY TWO
20 O'CLOCK THAT AFTERNOON

21 Q ALL RIGHT AND DURING THE COURSE OF THAT TIME
22 DID YOU, WE'VE ALREADY TALKED ABOUT A COUPLE OF
23 THINGS THAT YOU POINTED OUT THAT YOU COLLECTED, DID
24 YOU COLLECT OTHER THINGS FROM THE AUTOPSY?

25 A YES, SIR, I DID

1 Q ALL RIGHT SHOW YOU STATE'S EXHIBIT NUMBER 53
2 IF YOU CAN TELL ME WHAT THAT IS?

3 A THIS IS SOME OF THE BED CLOTHING, SOME CLOTHING
4 THAT WAS ALSO IN THE BED WITH HER, AND ALSO I THINK
5 THIS IS THE COMFORTER THAT WAS ON THE BED

6 Q AND IS THE GREEN BLANKET WITHIN THIS BOX AS
7 WELL?

8 A YES, SIR YES, SIR

9 Q IF YOU COULD, COULD YOU TAKE THAT OUT AND
10 DISPLAY THAT FOR US PLEASE?

11 A (COMPLIES)

12 Q CAN YOU SHOW US THE PART OF THE BLANKET THAT IS
13 UNDONE?

14 A THIS IS

15 Q ALL RIGHT AND DID YOU COLLECT THAT THAT DAY?

16 A YES, SIR

17 Q AND WAS THAT ULTIMATELY SENT TO SLED?

18 A YES, SIR

19 Q ALL RIGHT AS A MATTER OF FACT EVERYTHING
20 THAT'S COLLECTED IN THIS BOX WAS SENT TO SLED?

21 A SENT TO SLED, YES, SIR, EVERYTHING IN THAT BOX

22 Q NOW EVERYTHING IN THIS BOX, THOSE ARE THINGS
23 THAT CAME OFF THE BED?

24 A YES, SIR

25 Q ALL RIGHT

1 MR THOMPSON YOUR HONOR, WE ASK TO MOVE
2 THIS INTO EVIDENCE AT THIS TIME, STATE'S EXHIBIT
3 NUMBER 53

4 MR SMITH NO OBJECTION

5 MR GREELEY NO OBJECTION

6 THE COURT BE RECEIVED WITHOUT OBJECTION

7 (STATE'S EXHIBIT 53 BEDDING, CLOTHES,
8 COMFORTER, GREEN BLANKET RECEIVED INTO EVIDENCE)

9 Q ASK YOU AS WELL TO LOOK AT STATE'S EXHIBIT 54
10 IF YOU COULD TELL ME WHAT THAT IS AS WELL?

11 A THESE ARE SOME OF THE OTHER ITEMS THAT WAS
12 COLLECTED WITH HER A BIBLE, WEBSTER'S DICTIONARY,
13 SOME PHOTOGRAPHS, STAPLER, A RED FLASHLIGHT, A DOLL,
14 THIS IS A, SOMETHING TO HOLD SHEET MUSIC FOR I GUESS
15 BAND, SOME PENCILS, AND A PEN

16 Q WHERE DID YOU RETRIEVE THESE ITEMS?

17 A THESE TOO WERE ALSO IN THE BED WITH, THAT WAS
18 WRAPPED UP IN THE BED WITH AMANDA THAT WENT TO THE
19 MORGUE

20 Q SO DID YOU ACTUALLY COLLECT THEM THEN FROM THE
21 MORGUE?

22 A YES, WE DID, FROM THE MORGUE

23 MR THOMPSON YOUR HONOR, I ASK TO ENTER
24 THOSE INTO EVIDENCE AT THIS TIME

25 MR SMITH NO OBJECTION

1 MR GREELEY NO OBJECTION

2 THE COURT BE RECEIVED WITHOUT OBJECTION

3 (STATE'S EXHIBIT 54 ITEMS ON THE BED
4 RECEIVED INTO EVIDENCE)

5 Q NOW OFFICER GARDNER, OF THE ITEMS YOU COLLECTED
6 AT THE AUTOPSY DID YOU COLLECT THEM ALL THAT DAY OR
7 DID YOU HAVE TO GO BACK AND COLLECT ANYTHING FROM
8 THERE?

9 A NO, SIR I HAD TO GO BACK AND COLLECT STUFF
10 FROM DR MAYNARD I BELIEVE IT WAS THE VERY NEXT DAY

11 Q ALL RIGHT AND LET'S GO OVER SOME OF THAT STUFF
12 RIGHT NOW SHOW YOU STATE'S EXHIBIT NUMBER 55 AND
13 TELL US WHAT THAT IS PLEASE?

14 A YES THESE ARE ANAL SWABS, VAGINAL SWABS, AND A
15 FEMALE NAPKIN

16 Q ALL RIGHT IS THAT SOMETHING THAT YOU COLLECTED
17 FROM DR MAYNARD THAT HE RECOVERED AT THE AUTOPSY?

18 A YES, SIR, IT IS

19 Q AND WERE THOSE ULTIMATELY SENT TO SLED?

20 A YES, SIR, IT WAS

21 Q ALL RIGHT THANK YOU

22 MR THOMPSON I ASK TO ENTER THAT
23 INTO EVIDENCE AT THIS TIME

24 MR GREELEY NO OBJECTION FROM MR
25 SANDERS

1 MR SMITH NO OBJECTION

2 THE COURT BE RECEIVED

3 (STATE'S EXHIBIT 55 ITEMS FROM AUTOPSY
4 RECEIVED INTO EVIDENCE)

5 Q NOW IF WE COULD AS WELL GO TO STATE'S EXHIBIT
6 56, LOOK IN THERE AND IDENTIFY THAT FOR ME AS WELL

7 A (COMPLIES) THIS IS CLOTHING FROM AMANDA

8 Q ALL RIGHT AND WAS THAT RECOVERED FROM HER AT
9 THE MORGUE AS WELL?

10 A YES, SIR, IT WAS

11 Q AND DID YOU COLLECT THOSE ITEMS FROM DR MAYNARD
12 ULTIMATELY?

13 A YES, I DID

14 Q WERE THOSE ITEMS ULTIMATELY TURNED INTO SLED?

15 A YES, THEY WERE

16 MR THOMPSON I ASK TO ENTER THAT INTO
17 EVIDENCE

18 MR GREELEY NO OBJECTION

19 MR SMITH NO OBJECTION

20 THE COURT BE RECEIVED

21 (STATE'S EXHIBIT 56 CLOTHING ITEMS IN
22 RED BAG RECEIVED INTO EVIDENCE)

23 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT NUMBER 28
24 I BELIEVE IT'S ALREADY IN EVIDENCE IF YOU CAN JUST
25 EXAMINE THAT AND TELL US WHAT THAT IS?

1 A YES, THIS IS AN ADULT SEXUAL ASSAULT EVIDENCE
2 COLLECTION KIT THIS IS A KIT DONE, THAT'S PERFORMED
3 BY A MEDICAL DOCTOR OR A SANE NURSE WHEN ANY PERSON
4 HAS BEEN ASSAULTED SEXUALLY THIS IS WHAT THE KIT
5 LOOKS LIKE AND THERE WERE SEVERAL THINGS INSIDE THE
6 KIT THAT THE DOCTOR AND NURSE USES

7 Q AND WERE YOU THERE WHEN DR MAYNARD DID THAT
8 KIT?

9 A YES, I WAS

10 Q AND DID YOU ULTIMATELY COLLECT THAT KIT FROM DR
11 MAYNARD?

12 A YES, I DID

13 Q AND THE ITEMS THAT YOU COLLECTED THE NEXT DAY
14 FROM DR MAYNARD I BELIEVE ON THE 30, WHAT TIME DID
15 YOU COLLECT THOSE ITEMS FROM HIM?

16 A 11 30 AM

17 Q OKAY THANK YOU NOW AFTER THE AUTOPSY ITSELF
18 DID YOU HAVE OCCASION TO GO BACK TO THE POLICE
19 DEPARTMENT AT THAT TIME?

20 A YES, SIR WE WENT FROM, WE WENT FROM THE
21 AUTOPSY TO THE LAW CENTER WHERE WE ACTUALLY TOOK SOME
22 EVIDENCE BACK AND PLACED IT IN THE EVIDENCE ROOM

23 Q NOW DID YOU COLLECT ANYTHING ELSE FROM THE SCENE
24 BEFORE YOU HAD GONE TO THE AUTOPSY I KNOW WE TALKED
25 ABOUT SOME THINGS ALREADY HAD YOU COLLECTED

1 ANYTHING ELSE THAT PARTICULAR MORNING FROM THE SCENE
2 IN ADDITION TO JUST THE ITEMS WE HAVE SPOKEN ABOUT?

3 A YES, SIR, I DID

4 Q WHAT TYPES OF ITEMS WERE THOSE WITHOUT BEING TOO
5 SPECIFIC?

6 A SOME HANDWRITTEN NOTES, A GREEN NOTEBOOK, PILLOW
7 CASE, SOME MORE HANDWRITTEN NOTES

8 Q AND THOSE ITEMS THAT YOU COLLECTED AT THE SCENE
9 WHAT WAS YOUR REASON FOR COLLECTING THEM, FOR
10 INSTANCE, THE NOTES AND THINGS THAT NATURE?

11 A WELL, GENERALLY WE LIKE TO COLLECT STUFF LIKE
12 THAT ESPECIALLY WHEN THERE IS A DEATH SCENE IT MAY
13 NOT LEAD TO ANYTHING BUT IF WE CAN GET AN
14 INVESTIGATOR TO START LOOKING OVER IT, READING OVER
15 IT, IT SOMETIMES TELLS US A LOT, SO THAT'S WHY WE
16 COLLECTED IT I HAD NO IDEA WHETHER IT HAD ANY
17 EVIDENTARY VALUE OR NOT, BUT I COLLECTED IT JUST IN
18 CASE

19 Q ALL RIGHT AND CAN YOU TELL ME DID THE
20 CONDITION OF THE SCENE ITSELF PRESENT ANY PROBLEM TO
21 YOU AS A MAN WHO COLLECTS EVIDENCE?

22 A VERY MUCH SO IT WAS, IT WAS VERY HARD SCENE TO
23 WORK THROUGH WE DIDN'T KNOW WHAT WAS OUT OF PLACE
24 AND I'VE BEEN TO HOUSES LIKE THAT BEFORE AND IT WAS
25 EQUALLY AS HARD TO PROCESS WHEN YOU GO TO, WHEN YOU

1 GO TO A RESIDENCE WHERE YOU CAN LOOK AND SAY, WELL,
2 THAT DOESN'T FIT THAT SPOT, IT SHOULDN'T BE THERE,
3 GOES SOME PLACE IN THE HOUSE AND FIND WHERE IT CAME
4 FROM, IT'S REAL EASY TO DO THAT, BUT WITH THE SHAPE
5 OF THE HOUSE AND WITH THE CLUTTER AND THE ABSOLUTE
6 FILTH, IT WAS HARD TO, IT WAS HARD TO DETERMINE WHAT
7 WAS OUT OF PLACE AND WHAT WAS IN PLACE

8 Q CAN YOU TELL ME AFTER YOU HAD COME BACK FROM THE
9 AUTOPSY WHERE DID YOU GO FROM THERE?

10 A WHEN WE LEFT THE AUTOPSY WE WENT TO THE LAW
11 CENTER AND ULTIMATELY WE ENDED UP HAVING A MEETING
12 WITH DR MAYNARD

13 Q ALL RIGHT WERE THERE OTHER OFFICERS IN THE
14 MEETING WITH DR MAYNARD AT THAT TIME?

15 A YEAH, THE PRIMARY INVESTIGATORS WERE THERE,
16 SOME, MYSELF AND MY PARTNER WITH THERE, I THINK THE
17 CORONER WAS THERE, DR MAYNARD, AND SEVERAL OTHER
18 PEOPLE WITHIN THE POLICE DEPARTMENT THAT MAYBE
19 WORKING ON THIS CASE

20 Q ALL RIGHT NOW THE OTHER TWO HAD COLLECTED AT
21 THIS POINT IN TIME, IS THIS WHEN YOU PUT THEM IN TO
22 EVIDENCE WHEN YOU RETURNED TO THE LAW CENTER?

23 A THE ITEMS THAT I ACTUALLY PHYSICALLY COLLECTED
24 AT THE TIME I TOOK AND PLACED INTO EVIDENCE, THE
25 EVIDENCE ROOM AT THAT PARTICULAR TIME I WAS

1 EVIDENCE CUSTODIAN, I HAD CONTROL OF THE EVIDENCE
2 ROOM, MYSELF AND MY SERGEANT BOTH HAD ACCESS TO THE
3 ROOM, WE BOTH EQUALLY ENTERED EVIDENCE FROM ALL CASES
4 THAT THE CITY MADE, SO I JUST WENT STRAIGHT AND PUT
5 IT STRAIGHT INTO THE EVIDENCE ROOM

6 Q ALL RIGHT NOW DID YOU HAVE OCCASION TO GO BACK
7 TO THE COPE RESIDENCE THAT EVENING?

8 A YES, SIR, WE DID AFTER THE AUTOPSY

9 Q WHAT WAS THE PURPOSE OF THAT?

10 A WE WENT BACK AND ACTUALLY USED OUR ALTERNATE
11 LIGHT SOURCE AGAIN THIS TIME WE WENT IN AND WE WERE
12 SUITED UP IN TYVEX SUITS WHICH IS A WHITE SUIT

13 Q WHY WERE YOU SUITED UP IN TYVEX SUITS?

14 A WE LEARNED FROM THE AUTOPSY THAT, THAT AMANDA
15 WAS, WAS INFESTED WITH LICE AND WE WANTED TO PROTECT
16 OURSELVES, SO WE SUITED UP IN A TYVEX SUIT WHICH IS A
17 ONE PIECE CLOTH, WHITE CLOTH SUIT WE DOUBLE GLOVED
18 OURSELVES AND PUT BOOTIES ON OUR FEET

19 Q OKAY AND WHEN YOU WENT INTO THE RESIDENCE AT
20 THAT TIME WHAT DID YOU DO, WHAT DID Y'ALL DO AT THAT
21 POINT?

22 A WE WENT BACK TO, FIRST WE STARTED OUT IN
23 AMANDA'S ROOM AND WE USED OUR ALTERNATE LIGHT SOURCE
24 AGAIN BECAUSE WE FOUND, WE FOUND OUT FROM THE AUTOPSY
25 THAT, THAT IT APPEARED TO BE A CRIMINAL SEXUAL

1 CONDUCT OR A RAPE, AND WE WENT BACK WITH INTENTIONS
2 OF HOPING TO FLUORESCENCE THE SCENE AGAIN, HER BEDROOM
3 AND HER BED AREA FOR BODY FLUIDS

4 Q ALL RIGHT AND DID YOU FLUORESCENCE HER ROOM AT
5 THAT TIME?

6 A YES, SIR, WE DID

7 Q WHAT IF ANYTHING DID YOU FIND IN HER ROOM?

8 A THE TOP SHEET OR NOT SHEET BUT IT WAS KIND OF
9 LIKE A BLANKET WAS BLUE PLAID BLANKET, WE DIDN'T FIND
10 ANYTHING THAT FLUORESCED ON THAT AT ALL WE REMOVED
11 IT AND IT WAS DOWN TO THE BARE MATTRESS SURFACE AND I
12 FOUND TWO PLACES ON THE MATTRESS THAT FLUORESCED

13 Q AND WHAT DID YOU DO WITH THOSE PLACES?

14 A I CUT THEM OUT I ACTUALLY USED MY POCKET KNIFE
15 AND CUT THEM OUT AND SECURE THEM AS EVIDENCE AND
16 TURNED THEM INTO THE EVIDENCE ROOM

17 Q AND WERE THEY ULTIMATELY SENT TO SLED AS WELL?

18 A YES, THEY WERE

19 Q AND CAN YOU TELL ME DID ANYTHING ELSE IN THE
20 ROOM FLUORESCENCE THAT YOU COULD YOU SEE?

21 A NO, SIR, WE DIDN'T FIND ANYTHING ELSE THAT
22 FLUORESCED AND WE ACTUALLY DID GO INTO MR COPE'S
23 BEDROOM AND ATTEMPTED TO DO IT THERE TOO AS FAR AS
24 USING ALTERNATE LIGHT SOURCE

25 Q NOW DID YOU SEE ANYTHING FLUORESCENCE IN MR COPE'S

1 ROOM AT THAT TIME?

2 A NO, SIR

3 Q DID YOU TRY TO FLUORESCCE ANY OF THE OTHER ROOMS
4 IN THE HOUSE AT THAT TIME?

5 A NO, SIR, WE DID NOT

6 Q ALL RIGHT NOW DID Y'ALL USE ANYTHING TO MAKE
7 NOTE OF THE CONDITION OF THE HOUSE THAT NIGHT?

8 A YES, SIR, WE, WE ULTIMATELY DID A VIDEO OF THE
9 ROOM, OF THE HOUSE

10 Q ALL RIGHT

11 A AND WE DID TAKE A VIDEO OF IT

12 Q CAN YOU TELL ME WHEN YOU ARRIVED AT THE HOUSE
13 THAT EVENING WERE THERE STILL OFFICERS THERE SECURING
14 THE CRIME SCENE?

15 A WHEN WE LEFT THE, WHEN WE LEFT THE HOUSE FOR THE
16 AUTOPSY WE POSTED A GUARD AT THE HOUSE, I BELIEVE IT
17 WAS OFFICER KYLE QUINN, WE TOLD HIM YOU ARE IN
18 CONTROL OF THE SCENE NOBODY ENTERS, NOBODY LEAVES,
19 YOU DON'T GO IN, AND YOU DON'T LEAVE AND HE WAS
20 PICKED PARTICULARLY FOR WHO HE IS BECAUSE WE KNEW
21 THAT HE WOULD NOT ALLOW ANYONE ENTRY INTO THAT HOME

22 Q NOW DID THEY KEEP A LOG OF ANYONE WHO ARRIVES AT
23 THE SCENE AFTER THAT?

24 A YES, SIR

25 Q AND WAS IT, IS IT THEN THE ORDERS OF THE PEOPLE

1 WHO COME IN THE SCENE WHO ARE JUST THE AVERAGE
2 OFFICER AND THEY CAN NO LONGER ENTER THE SCENE?

3 A THAT'S CORRECT

4 Q OKAY SO FROM THE TIME YOU HAD -- LET'S GO
5 BACK DID SLED EVER COME TO THE HOUSE TO, TO THE
6 CRIME SCENE IN ANY FORM OR FASHION?

7 A YES, THEY DID I ACTUALLY MADE CONTACT WITH
8 AMANDA SIMMONS WHO IS WITH OUR COMPUTER CRIME LAB

9 Q ALL RIGHT

10 A I MADE CONTACT WITH HER AND REQUESTED HER
11 ASSISTANCE

12 Q OKAY WHAT DID YOU REQUEST HER ASSISTANCE IN
13 DOING?

14 A COLLECTION OF THE COMPUTER EQUIPMENT WE FOUND AT
15 THE HOME

16 Q DID SLED ACTUALLY SHOW UP TO COLLECT THAT
17 COMPUTER EQUIPMENT?

18 A YES, THEY DID THEY SHOWED UP

19 Q WHAT OTHER COMPUTER EQUIPMENT DID THEY PICK UP
20 IN PARTICULAR?

21 A WELL, OUT OF THE TOWERS ITSELF THEY TOOK THE
22 HARD DRIVES OUT

23 Q HOW MANY TOWERS WERE THERE, COMPUTER TOWERS IN
24 THE RESIDENCE?

25 A THREE

1 Q AND THEY REMOVED THE HARD DRIVES FROM THOSE
2 TOWERS?

3 A SLED DID, YES, SIR

4 Q ALL RIGHT NOW YOU HAD SAID YOU HAD MADE A
5 VIDEO OF THAT EVENING WHO WAS THE OFFICER WITH YOU
6 DOING THAT?

7 A SERGEANT MIKE WILLIAMS

8 Q ALL RIGHT HAVE YOU SEEN THE VIDEO SINCE THEN?

9 A YES, I HAVE

10 Q DOES IT FAIRLY AND ACCURATELY DEPICT THE HOUSE
11 AS YOU OBSERVED IT THAT NIGHT?

12 A IT'S EXACTLY THE WAY I FOUND IT

13 Q AND CAN YOU TELL ME IS THAT ALSO FAIRLY AND
14 ACCURATELY DEPICT THE HOUSE AND THE CONDITIONS AS
15 THEY WERE WHEN YOU FIRST ARRIVED ON THE SCENE?

16 A YES, SIR

17 Q SHOW YOU STATE'S EXHIBIT NUMBER 78 IF YOU CAN
18 IDENTIFY THAT FOR US

19 A YES, SIR THIS IS A VHS TAPE, VIDEO TAPE, THAT
20 WAS COLLECTED ON 11/29/01 AT 8 30 P M

21 Q ALL RIGHT IS THAT THE VIDEO TAPE OF THE
22 RESIDENCE THAT EVENING?

23 A YES, SIR

24 Q ALL RIGHT

25 MR THOMPSON YOUR HONOR, I ASK TO ENTER

1 THIS INTO EVIDENCE AT THIS TIME

2 MR GREELEY NO OBJECTION

3 MR SMITH NO OBJECTION

4 THE COURT BE RECEIVED WITHOUT OBJECTION

5 (STATE'S EXHIBIT 78 VIDEO TAPE

6 RECEIVED INTO EVIDENCE)

7 MR THOMPSON I ASK TO PUBLISH IT TO THE

8 JURY AS WELL THERE IS A COUPLE OF THINGS I WOULD

9 LIKE TO GET WITH THE DEFENDANT AT THIS TIME

10 Q THIS IS STATE'S EXHIBIT NUMBER 79 IF YOU'LL

11 EXAMINE THAT AND TELL ME WHAT THOSE ARE?

12 A THIS IS, BOTH OF THESE ARE CUTTING SAMPLES FROM

13 AMANDA'S MATTRESS

14 Q NOW ARE THOSE THE CUTTING SAMPLES YOU TOOK?

15 A YES, THEY ARE

16 Q AND DID YOU SECURE THOSE AND WERE ULTIMATELY

17 SENT TO SLED?

18 A YES, THEY WERE

19 MR THOMPSON I WOULD ASK TO ENTER THOSE

20 INTO EVIDENCE AT THIS TIME

21 MR GREELEY NO OBJECTION

22 MR SMITH NO OBJECTION

23 THE COURT BE RECEIVED

24 (STATE'S EXHIBIT 79 IN EVIDENCE

25 MATTRESS CUTTINGS)

1 Q IF YOU CAN STEP DOWN AND DESCRIBE THE SCENE AS
2 WE PLAY THE VIDEO AS WE GO THROUGH IT

3 A THIS IS STANDING INSIDE THE FRONT DOOR THIS IS
4 THE VIDEO THE TABLE THAT BLUE GLOVE BELONGS TO US
5 IT WAS NOT THERE WHEN WE GOT THERE

6 THE COURT WAIT MR IVEY IS SIGNALING
7 MR IVEY DO YOU WANT TO SEE, JUDGE

8 THE COURT NO, I'M FINE THANKS

9 A THIS IS GOING THROUGH THE DOOR THERE, THE TV,
10 AND I'LL SHOW YOU A PICTURE AWHILE AGO OF THE
11 FREEZER SOME PHOTOGRAPHS OF KIDS ON THE WALL HERE
12 NOW WE'RE GOING THROUGH, IT SHOWS THE DRYER OVER
13 THERE, THE CLOTHES HAMPERS, THE BOX FAN THERE, AND
14 AGAIN THE CLOTHES RACK RIGHT THERE WHERE THE WINDOW
15 WITH THE AIR CONDITIONER UNIT, MOVES DOWN AND IT
16 SHOWS A CORN COB, AND THERE IS A COUPLE THINGS MOVING
17 THERE WHICH APPEAR TO BE ROACHES WHICH THEY WERE
18 ROACHES ALSO IT SHOWS THE REFRIGERATOR OPEN AND
19 YOU'LL SEE THAT THE ROACHES AND THOSE ARE, THOSE
20 ROACHES ARE MASHED BY THE DOOR WHEN YOU CLOSE THE
21 DOOR, THE DOOR SEAL YOU CAN SEE THEY ARE CRAWLING
22 INSIDE AND OUTSIDE THAT DOOR WOULDN'T OPEN UP DUE
23 TO THE STUFF IN FRONT OF THE DOOR

24 THE KITCHEN AREA, THE STOVE, AND
25 WASHING MACHINE, AND HERE'S THE WINDOW SEE THE

1 WATER WAS ON DRIPPING AND DISHES IN THE SINK AND ALSO
2 YOU CAN SEE RUNNING ACROSS THE COUNTER RIGHT THERE
3 ROACHES AND SO FORTH REFRIGERATOR INSIDE THE
4 KITCHEN ITSELF, YOU CAN SEE LIVE AND DEAD ROACHES
5 EVERYWHERE THOSE ARE MASHED ALONG THE EDGE UP THERE
6 WERE MASHED WITH THE DOOR OF COURSE, MR KITTY HAS
7 GOT TO GET IN THERE AND THEN AGAIN THE FREEZER SIDE
8 AND YOU SEE THE BOTTOM OF THE FREEZER THERE THOSE
9 ARE ALL ROACHES

10 GOING BACK OUT OF THE WASH ROOM AREA
11 BACK OUT INTO THE LIVING ROOM, THERE IS THE FRONT
12 DOOR THOSE ARE THE COMPUTER TOWERS THAT WE SEIZED
13 THAT DAY, THEY HAD JUST NOT BEEN TAKEN OUT OF THE
14 HOUSE YET THERE IS YOUR POWER STRIP I TALKED TO YOU
15 ABOUT IN THE PHOTOGRAPH I TALKED TO YOU ABOUT
16 EARLIER THAT'S THE COPE FAMILY

17 STRAIGHT AHEAD IS THE, THERE IS THE
18 BOOK SHELVES I TALKED ALSO ABOUT EARLIER THIS IS
19 GOING INTO MR COPE'S BEDROOM NOW THIS HAS CHANGED,
20 IT'S CHANGED A LITTLE BIT BECAUSE WE HAVE DONE A
21 LITTLE BIT OF SEARCHING BUT IT'S PRETTY MUCH THE WAY
22 IT WAS WHEN WE FOUND IT THERE ARE SOME STUFF WE
23 MOVED AND PUT ON THE BED BUT THERE IS A CLOSET I
24 SPOKE OF, THE RED BLANKET COVERING THE WINDOW, AND
25 THERE IS A FAN THERE

1 BACK OUT STRAIGHT AHEAD, WELL STRAIGHT
2 AHEAD IS GOING TO BE AMANDA'S ROOM THIS IS THE
3 BATHROOM IT SHOWS PRETTY MUCH THE SAME THING AS THE
4 PICTURES SHOW NOW GOING INTO THE, GOING INTO THE
5 SISTERS JESSICA AND KYLA'S ROOM THIS IS ALMOST
6 EXACTLY THE WAY WE FOUND IT WHEN WE GOT THERE THAT
7 DAY VERY LITTLE HAS CHANGED AND THERE IS THE
8 CLUTTER AND EVERYTHING WE DIDN'T, WE DIDN'T PULL
9 ALL THIS STUFF OUT AND DUMP IT ON THE FLOOR THIS IS
10 LIKE THIS WHEN WE GOT THERE THERE IS THE BED, THE
11 TOP BUNK, THE TOP BUNK EVIDENTLY WAS NOT BEING SLEPT
12 IN, BOTH GIRLS WERE SLEEPING ON THE BOTTOM THAT'S
13 EXACTLY, PRETTY MUCH EXACTLY THE WAY WE FOUND THE
14 SCENE RIGHT THERE WE'RE LEAVING THE GIRL'S ROOM
15 STRAIGHT AHEAD IS THE BATHROOM AND YOU
16 CAN SEE THE COBWEBS AND STUFF ON THE WALLS AND
17 EVERYTHING TURN TO YOUR RIGHT AND YOU ARE IN
18 AMANDA'S ROOM YOU CAN SEE ON THE FLOOR THERE WHERE
19 THE DOOR HAS MADE MARKS ON THE FLOOR WHERE HAVING
20 PROBLEMS OPENING UP AND THERE IS A COMPUTER TABLE,
21 THERE IS THE CURTAIN THAT WE SAID FELL DOWN THERE
22 IS A TELEPHONE RECEIVER SITTING UP THERE ON THE BED
23 SIDE TABLE WE'RE LEAVING WE'RE GOING BACK OUT
24 AND YOU CAN SEE THE OTHER BOOK SHELF THERE THAT GOES
25 BACK OUT TOWARD THE FRONT DOOR AND WE'RE GOING BACK

1 OUT TOWARD THE FRONT DOOR IN A MINUTE

2 THERE IS THE COMPUTER STATION THAT

3 MR COPE WAS STANDING AT WHEN I COME IN THAT MORNING

4 Q NOW WAS THE COMPUTER MOVED AT THAT POINT IN
5 TIME?

6 A YES, THE COMPUTER IS GONE AT THE TIME AS A
7 MATTER OF FACT IT'S SITTING OVER THERE ON THE COUCH

8 Q ALL RIGHT THANK YOU

9 (THE WITNESS RESUMES THE WITNESS
10 STAND)

11 Q AFTER THAT PARTICULAR EVENING DID YOU HAVE A
12 CHANCE TO GO AGAIN TO THE RESIDENCE ON THE 30 OF
13 NOVEMBER?

14 A YES, SIR

15 Q THAT I BELIEVE WAS THE NEXT DAY, IS THAT
16 CORRECT?

17 A YES, SIR, THAT WAS THE NEXT DAY

18 Q WHAT WAS IT THAT TOOK YOU BACK THERE THAT DAY?

19 A WE RECEIVED INFORMATION FROM, EXCUSE ME, ONE
20 MOMENT LET ME JUST REFER TO MY REPORT RIGHT QUICK
21 I WANT TO MAKE SURE I TELL YOU CORRECTLY MYSELF AND
22 SERGEANT WILLIAMS, EXCUSE ME, RECEIVED INFORMATION
23 THAT MR COPE HAD CONFESSED TO THE RAPE AND MURDER OF
24 HIS DAUGHTER AND SOME INFORMATION WAS GIVEN TO US
25 THAT WE WANTED TO GO BACK AND SEE IF WE COULD LOCATE

THE ITEMS SUCH AS THE BROOMS THAT WE TALK ABOUT AND THAT'S WHAT WE DID, THAT'S WHY WE WENT BACK

Q ALL RIGHT AND WOULD THIS HAVE BEEN MORNING, LUNCH TIME, AFTERNOON, EVENING, DO YOU RECALL WHAT TIME YOU WENT BACK?

A SIR, I WANT TO --HOLD ON JUST A MINUTE I MIGHT BE ABLE TO GIVE YOU A TIMEFRAME IT WOULD HAVE BEEN IN THE AFTERNOON

Q OKAY

A AROUND FIVE O'CLOCK

Q ALL RIGHT AND CAN YOU TELL ME WHEN YOU WENT BACK AT THAT TIME WHAT SPECIFICALLY WERE Y'ALL LOOKING FOR?

A WE HAD INFORMATION THAT WE NEEDED TO BE LOOKING FOR A BLUE, A BLUE BROOM THAT, A WOODEN BROOM, AND THAT'S WHAT WE WENT BACK FOR

Q ALL RIGHT AND CAN YOU TELL ME WHEN YOU ARRIVED BACK ON THE SCENE WAS IT STILL SECURE AT THAT POINT IN TIME?

A YES, IT WAS

Q HAD YOU HAD OFFICERS STATIONED AT THE SCENE?

A YES, SIR, OFFICERS STATIONED THERE ALL NIGHT AND UP UNTIL THE TIME WE GOT THERE

Q ALL RIGHT AND WHEN YOU WENT BACK IN DID YOU THEN, HOW DID YOU, HOW WERE YOU SUITED UP THEN? WHAT

1 TYPES OF PRECAUTIONS DID YOU HAVE ON AT THAT POINT?

2 A WE WENT BACK IN WITH TYVEK SUITS ON, DOUBLE
3 GLOVES, AND BOOTIES ON OUR FEET TO PROTECT OUR
4 CLOTHING

5 Q ALL RIGHT NOW WHEN YOU WENT IN AND COLLECTED
6 EVIDENCE THIS TIME, LET ME SHOW YOU STATE'S EXHIBIT
7 70 THROUGH 76 I BELIEVE I ALREADY SHOWED THE
8 DEFENSE

9 MR GREELEY YES, SIR

10 Q I ASK YOU LOOK AT THOSE AND TELL US THE REASON
11 FOR TAKING THOSE PHOTOGRAPHS?

12 A ONE OF THE OTHER PARTS OF THE INFORMATION WE
13 RECEIVED ALSO WE WERE SUPPOSED TO BE LOOKING FOR A
14 DILDO THAT WAS UNDER HIS BED, SO THAT WAS ONE OF THE
15 OTHER THINGS THAT, ALONG WITH THE BROOMS, THAT WE
16 WERE LOOKING FOR

17 Q ALL RIGHT

18 A THESE ARE PHOTOGRAPHS THAT I TOOK, TOOK THAT DAY
19 OF THE STUFF THAT WE COLLECTED

20 Q THOSE ARE PHOTOGRAPHS TAKEN ON THE 30?

21 A YES, SIR

22 Q THOSE ARE OF THE ITEMS YOU COLLECTED THAT DAY
23 WHEN YOU WENT BACK?

24 A YES, SIR

25 Q POINT YOU THEN TO STATE'S EXHIBIT NUMBER 34 IF

1 YOU CAN TELL ME WHAT THAT IS PLEASE?

2 A YES, SIR THIS IS A DILDO AND A TUBE OF EQUATE
3 LUBRICATING JELLY THAT WE FOUND UNDER THE BED IN THE
4 LEFT FRONT BEDROOM WHICH WAS MR COPE'S BEDROOM

5 Q ALL RIGHT AND DID YOU COLLECT THOSE ITEMS?

6 A YES, I DID

7 Q AND WERE THEY ULTIMATELY TAKE TO SLED?

8 A YES, THEY WERE

9 Q AND ON STATE'S EXHIBIT NUMBER 70 IF YOU CAN
10 DESCRIBE WHAT THAT PHOTOGRAPH IS?

11 A YES THIS IS A PHOTOGRAPH OF WHERE WE HAD TO
12 ACTUALLY MOVE THE MATTRESS FROM MR COPE'S BED AND WE
13 FOUND THE TUBE OF EQUATE JELLY AND THE DILDO UNDER
14 HIS BED

15 Q ALL RIGHT CAN YOU TELL US HOW CLOSE IN
16 PROXIMITY THAT IS TO THE WINDOW THAT WAS OVER
17 MR COPE'S HEAD?

18 A MAXIMUM OF FOOT AWAY FROM THE WALL

19 Q OKAY AND DOES THAT FAIRLY INDICATE WHERE
20 EXACTLY YOU FOUND --

21 A THAT'S EXACTLY WHERE I FOUND IT AT

22 MR THOMPSON YOUR HONOR, I WOULD ASK TO
23 MOVE IN STATE'S EXHIBIT NUMBER 34

24 MR SMITH NO OBJECTION

25 MR GREELEY NO OBJECTION

1 THE COURT BE RECEIVED

2 (STATE'S EXHIBIT 34 RECEIVED INTO
3 EVIDENCE)

4 Q IF YOU WILL HOLD THOSE GO TO THE NEXT STATE'S
5 EXHIBIT NUMBER 57 IF YOU CAN DESCRIBE THAT TO US
6 AND TELL US WHAT IT WAS THAT YOU COLLECTED THERE?

7 A YES, THIS IS A BROOM THAT'S BLUE IN COLOR AND
8 HAS A BLUE HANDLE ON IT IT'S COLLECTED FROM THE
9 LIVING ROOM BESIDE THE COMPUTER DESK

10 Q ALL RIGHT AND WAS THAT A WOOD BROOM?

11 A NO, SIR WE DID NOT FIND ANY WOODEN BROOMS

12 Q DIDN'T FIND ANY WOODEN BROOMS AT THE RESIDENCE?

13 A NO, SIR

14 Q DID YOU PHOTOGRAPH THIS ONE AS WELL?

15 A YES, I DID AND I HAVE A PHOTOGRAPH OF --

16 Q TELL US WHAT IS DEPICTED IN THAT?

17 A THAT IS STATE'S EXHIBIT NUMBER 71 THAT'S IN
18 THE LIVING ROOM RIGHT BESIDE THE COMPUTER DESK AND
19 THE DOOR THAT GOES IN THE WASH AREA, THAT BROOM IS
20 SITTING RIGHT THERE

21 Q ALL RIGHT STATE'S EXHIBIT NUMBER 58 TELL ME
22 WHAT THAT IS AS WELL?

23 A YES THIS IS A BROOM WITH A RED HANDLE THAT I
24 COLLECTED FROM THE REAR DOOR OF THE KITCHEN IN THE
25 KITCHEN AREA

1 Q ALL RIGHT IS THAT BROOM WOODEN?

2 A NO, SIR, IT DOESN'T APPEAR TO BE

3 Q ALL RIGHT

4 A NO, SIR, IT LOOKS LIKE IT IS METAL

5 Q DID YOU PHOTOGRAPH THAT AS WELL?

6 A YES, I DID

7 Q AND WHAT PHOTOGRAPH INDICATES THIS PARTICULAR
8 BROOM?

9 A STATE'S EXHIBIT NUMBER 72, IT'S IN THE KITCHEN
10 AREA THE BACK DOOR IS RIGHT HERE, THERE IS STOOL
11 AND RIGHT BEHIND THE STOOL IS THE BOOM

12 Q ALL RIGHT THIS IS STATE'S EXHIBIT 59 CAN YOU
13 TELL US WHAT THAT IS?

14 A YES, SIR THIS IS A DUST PAN AND BLACK HANDLE
15 IT'S ACTUALLY THE, THIS PART OF THE DUST PAN IS
16 BROKEN OFF OF THE DUST PAN ITSELF

17 Q ALL RIGHT AND WAS THAT LOCATED NEAR THE RED
18 BROOM?

19 A IT'S IN THE KITCHEN AREA NEAR THE BACK DOOR

20 Q IS THAT INDICATED IN THE SAME PHOTOGRAPH AS THE
21 RED BROOM?

22 A YES, IT IS I'M SORRY STATE'S EXHIBIT NUMBER
23 72 THAT DUST MOP IS ACTUALLY SITTING RIGHT THERE
24 RIGHT BESIDE THE RED BROOM

25 Q ALL RIGHT AND SO FAR THESE THREE ITEMS WE

1 TALKED ABOUT, THOSE WERE ALL COLLECTED BY YOU THAT
2 NIGHT?

3 A YES, SIR

4 Q AND WERE THEY ULTIMATELY TAKEN TO SLED?

5 A YES, THEY WERE

6 Q ALL RIGHT NOW STATE'S EXHIBIT NUMBER 60 TELL
7 US WHAT THIS IS?

8 A THIS IS A DUST MOP, YOU CAN SEE THE MOP PART OF
9 IT HERE, WITH A SILVER HANDLE

10 Q ALL RIGHT

11 A IT'S LOCATED IN THE LIVING ROOM BESIDE BY TV
12 STAND

13 Q DO YOU HAVE A PHOTOGRAPH THAT DEPICTS WHERE THAT
14 IS INSIDE THE RESIDENCE?

15 A YES, I DO

16 Q ALL RIGHT

17 A THIS IS THE TV STAND HERE THIS IS THE, KIND OF
18 THE FIREPLACE AREA, AND YOU CAN SEE THE YELLOW DOWN
19 HERE IN THE LOWER LEFT HAND CORNER, THAT'S DUST MOP
20 PART OF IT

21 Q WAS THIS ACTUALLY TAKEN TO SLED BY YOU?

22 A YES, SIR, IT WAS

23 Q THANK YOU STATE'S EXHIBIT NUMBER 61 IF YOU CAN
24 TELL US WHAT THAT IS?

25 A THIS IS A MOP THAT HAS A GREEN, A GREENISH,

OLOR HANDLE IT WAS FOUND IN THE MOP BUCKET IN THE
RIGHT MIDDLE ROOM WHICH WAS THE AREA OF THE, THE
LAUNDRY ROOM

Q ALL RIGHT DO YOU HAVE A PHOTOGRAPH THAT
INDICATES THAT AS WELL?

A YEAH, STATE'S EXHIBIT 74 THIS IS GOING INTO,
THIS IS THE BACK DOOR HERE, THIS IS RIGHT BEFORE YOU
GO INTO THE OPENING FOR THE KITCHEN, AND IT WAS IN
THIS RED MOP BUCKET HERE THAT'S WHERE I RECOVERED
THERE

Q STATE'S EXHIBIT NUMBER 62, IF YOU CAN TELL US
WHAT THAT IS?

A THIS IS A WOODEN WALKING CANE IT WAS FOUND
UNDER THE BED IN MR COPE'S BEDROOM

Q ALL RIGHT AND WAS THAT ULTIMATELY TAKEN TO
SLED AS WELL?

A YES, IT WAS

Q THE REST OF THESE AS WELL WERE TOOK TO SLED?

A YES, THEY WERE

Q DO YOU HAVE A PHOTOGRAPH TO INDICATE WHERE THAT
WAS FOUND?

A STATE'S EXHIBIT EXHIBIT 75

Q ALL RIGHT

A THIS WOODEN BOX RIGHT HERE THAT CANE IS LAYING
RIGHT THERE BESIDE THE WOODEN BOX

1 Q STATE'S EXHIBIT NUMBER 63 IF YOU'LL TELL ME WHAT
2 THAT IS?

3 A THIS IS A MOP HANDLE THAT I FOUND IN THE TRASH
4 CAN BEHIND THE HOUSE, RIGHT OUTSIDE THE BACK DOOR

5 Q ALL RIGHT AND DID YOU ALSO TAKE A PHOTOGRAPH
6 OF WHERE THAT WAS LOCATED?

7 A YES, I DID

8 Q AND WAS THIS AS WELL TAKEN TO SLED BY YOU?

9 A YES, SIR, IT WAS STATE'S EXHIBIT NUMBER 76
10 SHOWS THE GREEN TRASH CAN IN THE BACK YARD AND YOU
11 CAN SEE RED MOPS IN THE TRASH CAN

12 Q NOW I NOTICE THAT EACH ONE OF THESE HAD, AT
13 LEAST INITIALLY HAD SOME RED PACKAGING AROUND THEM,
14 DID YOU PACKAGE THEM LIKE THAT AT THAT TIME?

15 A YES, I DID

16 Q ALL RIGHT NOW WE SAW IN THE VIDEO AND YOU
17 MENTION SOME OF THE COMPUTER EQUIPMENT THAT WAS
18 SITTING ON THE SOFA ITSELF, THAT EVENING DID YOU HAVE
19 AN OPPORTUNITY TO COLLECT THOSE ITEMS AS WELL?

20 A YES, SIR, WE ALSO TOOK THAT BACK WITH US WHEN WE
21 WENT WE COLLECTED ALL COMPUTER EQUIPMENT AND TOOK
22 IT BACK TO THE EVIDENCE ROOM

23 Q NOW WERE THE HARD DRIVES STILL IN THOSE TOWERS
24 AT THAT TIME?

25 A NO, SIR, SLED HAD ALREADY COLLECTED THE HARD

RIVES

Q ALL RIGHT NOW AT THAT TIME DID YOU HAVE ALSO
OCCASION TO LOOK OUT IN THE YARD OR ANYTHING ELSE AS
FAR AS THE HOUSE GOES THAT AFTERNOON?

A YES, SIR, WE DID WE LOOKED AROUND THE YARD AND
THERE WAS A OUT BUILDING OUT BACK AND WE LOOKED IN
THE OUT BUILDING

Q ALL RIGHT AND DID YOU OBSERVE ANYTHING OF NOTE
IN EITHER THE YARD OR THE OUT BUILDING?

A THE ONLY THING I FOUND OUTSIDE WAS THIS RED
HANDLED MOP THAT WAS FOUND IN THE TRASH CAN, BUT WE
DIDN'T FIND ANYTHING ELSE

Q ALL RIGHT NOW GOING BACK OR AFTER COLLECTING
THESE THINGS THAT NIGHT, WHAT DID YOU THEN DO?

A WELL, I TOOK EVERYTHING THAT WE COLLECTED AND
WENT STRAIGHT BACK TO THE EVIDENCE ROOM AND PLACED IT
IN THE EVIDENCE ROOM

Q ALL RIGHT AND FOLLOWING THAT WHAT WAS YOUR
NEXT INVOLVEMENT IN THE CASE ITSELF?

A THE NEXT TIME I HAD ANY INVOLVEMENT IN THIS WAS
I THINK ON 12-3-01

Q AND WHAT DAY OF THE WEEK WAS THAT, DO YOU
RECALL?

A MONDAY

Q ALL RIGHT

1 A I'M ALMOST SURE IT WAS MONDAY

2 Q AND HOW DID YOU BECOME INVOLVED THAT DAY?

3 A CAPTAIN CABANISS WHICH WAS OUR SUPERVISOR OF THE
4 DETECTIVE DIVISION CRIME SCENE UNIT EVIDENCE ROOM, HE
5 HAD INSTRUCTED US TO GO BACK TO THE RESIDENCE AND
6 LOOK FOR A COUPLE MORE ITEMS THAT WAS BROUGHT OUT IN
7 A CONFESSION

8 Q ALL RIGHT AND WHAT ITEMS SPECIFICALLY WERE YOU
9 TO LOOK FOR THAT DAY?

10 A A LIGHT BLUE TOWEL AND A GREEN WASH CLOTH AND A
11 WHITE WASH CLOTH

12 Q AND DID THEY, DID YOU HAVE ANY INDICATION AS TO
13 WHERE YOU WERE TO LOOK FOR THESE PARTICULAR ITEMS?

14 A YES, SIR I CAN, I DON'T KNOW ABOUT THE LIGHT
15 BLUE TOWEL, BUT WE FOUND THE LIGHT BLUE TOWEL IN MR
16 COPE'S BEDROOM ON THE FLOOR TO THE RIGHT OF HIS BED
17 BUT WE WERE TOLD TO LOOK FOR THE WASH CLOTHES IN THE
18 HALLWAY RIGHT THERE AT THOSE BOOK SHELVES THAT I
19 SHOWED YOU

20 Q ALL RIGHT DID YOU TAKE PHOTOGRAPHS OF THOSE
21 THINGS WHEN YOU RECOVERED THEM THAT DAY?

22 A YES, SIR, I DID

23 Q DO YOU RECALL ABOUT WHAT TIME YOU WERE OUT THERE
24 THAT AFTERNOON?

25 A ABOUT 3 15 I THINK, SOMEWHERE AROUND 3 O'CLOCK

1 3 15 WE WENT BACK DOWN

2 Q ALL RIGHT AND DO YOU KNOW WAS CRIME SCENE ANY
3 LONGER THERE, WAS CRIME SCENE SECURITY THERE ANY
4 LONGER?

5 A NO, SIR, CRIME SCENE HAD BEEN RELEASED ON 30TH

6 Q ALL RIGHT SO WHEN YOU WENT BACK HAD Y'ALL, HAD
7 YOU BEEN INFORMED WHETHER CONSENT TO SEARCH WAS
8 OBTAINED AT THAT POINT IN TIME?

9 A YES, SIR, WE WERE TOLD THAT A CONSENT OF SEARCH
10 WAS SIGNED BY MR COPE FOR US TO GO BACK TO THE
11 HOUSE

12 Q ALL RIGHT I ASK YOU TO LOOK AT STATE'S
13 EXHIBITS 77, 78, AND 79 IF YOU CAN TELL ME WHAT
14 THOSE ARE?

15 A STATE'S EXHIBIT 77 SHOWS A PHOTOGRAPH PRETTY
16 FLOOR LEVEL, IN THE VERY BACK CORNER IS A WHITE WASH
17 CLOTH THAT WE RECOVERED

18 Q ALL RIGHT AND DID YOU PUT THAT INTO EVIDENCE
19 AT THAT TIME?

20 A YES, I DID

21 Q HOW ABOUT THE NEXT PHOTOGRAPH, WHAT DOES THAT
22 DEPICT?

23 A STATE'S EXHIBIT 78 WAS A BLUE, GREEN -- I'M
24 SORRY, A GREEN WASH CLOTH THAT WAS RECOVERED FROM THE
25 TOP OF THE BOOK SHELF IT'S ACTUALLY THE BOOK SHELF

001622

1 WHEN YOU WALK THROUGH THAT DOOR GOING TO THE BED
2 ROOMS THAT BOOK SHELF STRAIGHT IN FRONT OF YOU THIS
3 WAS FOUND ON TOP AND THE WHITE ONE WAS FOUND ON THE
4 FLOOR BELOW IT

5 Q ALL RIGHT AND THE FINAL PHOTOGRAPH WHAT DOES
6 THAT DEPICT?

7 A STATE'S EXHIBIT 79 IS A LIGHT BLUE TOWEL FOUND
8 ON THE FLOOR OF MR COPE'S BEDROOM JUST, IF YOU ARE
9 STANDING LOOKING AT THE BED, JUST TO THE RIGHT OF THE
10 BED NEAR THE CLOSET

11 Q AND DO THOSE THREE PHOTOGRAPHS DO THEY FAIRLY
12 AND ACCURATELY DEPICT THOSE ITEMS AS YOU FOUND THEM
13 THAT DAY?

14 A EXACTLY THE WAY I FOUND THEM THAT DAY

15 MR THOMPSON I ASK TO ENTER THOSE
16 PHOTOGRAPHS INTO EVIDENCE, YOUR HONOR

17 MR SMITH NO OBJECTION

18 MR GREELEY NO OBJECTION

19 THE COURT BE RECEIVED WITHOUT OBJECTION

20 (STATE'S EXHIBITS 77-79 PHOTOS
21 RECEIVED INTO EVIDENCE)

22 Q SHOW YOU AS WELL STATE'S EXHIBIT NUMBER 64 IF
23 YOU CAN TELL US WHAT THAT IS?

24 A YES, SIR THIS IS A LIGHT BLUE TOWEL THAT I
25 FOUND ON THE FLOOR OF MR COPE'S BEDROOM

1 Q ALL RIGHT WAS THAT ULTIMATELY SENT TO SLED?

2 A YES, SIR, IT WAS

3 Q ALL RIGHT STATE'S EXHIBIT NUMBER 65 IF YOU CAN
4 TELL US WHAT THIS IS AS WELL?

5 A THIS IS A GREEN AND WHITE WASH CLOTH FOUND IN
6 THE HALLWAY THE WHITE UNDER THE BOOK SHELF, THE
7 GREEN ON TOP OF THE BOOK SHELF

8 Q ALL RIGHT WAS THAT ULTIMATELY TAKEN TO SLED AS
9 WELL?

10 A YES, IT WAS

11 MR THOMPSON YOUR HONOR, I ASK TO SUBMIT
12 BOTH OF THESE 64 AND 65 INTO EVIDENCE AT THIS TIME

13 MR SMITH NO OBJECTION

14 MR GREELEY NO OBJECTION

15 THE COURT BE RECEIVED WITHOUT OBJECTION

16 (STATE'S 64-65 PHOTOS RECEIVED INTO
17 EVIDENCE)

18 Q OFFICER GARDNER, I SEE ONE MORE BAG HERE I
19 THINK YOU'LL HAVE TO CUT IT OPEN FOR US IT'S
20 STATE'S EXHIBIT NUMBER 66 IF YOU CAN LOOK INSIDE
21 THAT BAG FOR ME AND TELL ME WHAT YOU COLLECTED IN
22 THAT BAG YOU MAY HAVE TO UNDO IT

23 A THIS APPEARS TO BE, IT ACTUALLY IS THE STUFF
24 THAT WE COLLECTED, SOME MORE STUFF THAT WE COLLECTED
25 FROM AMANDA'S BED, ALONG WITH SOME, A BUNCH OF

1 PAPERS, A BOOK BAG

2 Q ALL RIGHT NOW IS THAT STUFF PRETTY MUCH IN THE
3 SAME CONDITION AS IT WAS WHEN YOU COLLECTED IT?

4 A YES, SIR, IT IS

5 Q ALL RIGHT WAS THIS COLLECTED BACK ON THE FIRST
6 DAY, THE 29?

7 A YES, SIR IT WAS COLLECTED ON 11-29-01 AT
8 11 26

9 Q ALL RIGHT

10 A THIS WAS STUFF FROM THE BED SIDE TABLE IN THE
11 LEFT REAR BEDROOM

12 Q ALL RIGHT

13 MR THOMPSON YOUR HONOR, I ASK TO ENTER
14 INTO EVIDENCE AT THIS TIME AS WELL

15 MR SMITH WITHOUT OBJECTION, YOUR HONOR

16 MR GREELEY NO OBJECTION

17 THE COURT BE RECEIVED WITHOUT OBJECTION

18 (STATE'S EXHIBIT 66 BED CONTENTS

19 RECEIVED INTO EVIDENCE)

20 Q IF YOU COULD, OFFICER GARDNER, ASK YOU TO COME
21 DOWN ONE MORE TIME AND ASK YOU TO SHOW US STATE'S
22 EXHIBIT NUMBER 67 CAN YOU DESCRIBE THAT TO US
23 PLEASE?

24 A YES, IT IS CRIME SCENE DRAWING SKETCH THAT WE
25 DID AT 407 RICH STREET

1 Q NOW IS THIS TO SCALE?

2 A NO, SIR, IT'S NOT TO SCALE

3 Q ALL RIGHT

4 A FIRST THING I'D LIKE TO NOTE IS THE SIZE OF THE

5 BEDROOMS AMANDA'S BEDROOM IS LOCATED AT THE TOP AND

6 THIS IS AMANDA'S BEDROOM HERE YOU GOT THE BATHROOM,

7 YOU GOT KYLA AND JESSICA'S ROOM AND YOU GOT

8 MR COPE'S ROOM IN REALITY MR COPE'S ROOM IS

9 ACTUALLY LARGER THAN AMANDA'S BEDROOM BY DIMENSIONS,

10 BUT WE DREW THIS JUST A LITTLE BIGGER FOR US TO BE

11 ABLE TO PUT WHAT WE WANTED, WHAT WE NEEDED TO IN THIS

12 DRAWING

13 Q ALL RIGHT

14 A YOU'LL SEE IT

15 Q CAN YOU TELL ME, DID YOU NOTE WHERE ANYTHING IN

16 PARTICULAR WAS FOUND ON THIS DIAGRAM THAT Y'ALL DID?

17 A YES IF YOU'LL NOTE RIGHT HERE A B C, A BEING

18 THE WHITE CLOTH, B BEING THE GREEN WASH CLOTH, AND C

19 BEING THE BLUE TOWEL AND WE'LL START WITH A, A IS

20 LOCATED RIGHT HERE, B IS LOCATED RIGHT HERE, AND C IS

21 LOCATED RIGHT HERE

22 Q ALL RIGHT AND YOU MADE SOME DIMENSIONS I

23 BELIEVE ON THE SIDE TO TELL US HOW LONG THE HOUSE IS

24 ITSELF?

25 A YES, SIR, WE DID BASICALLY THE SIZE OF

1 AMANDA'S ROOM WAS NINE FOOT TEN BY NINE FOOT NINE
2 THE OVERALL WIDTH OF THE HOUSE WAS 36 INCHES AND IT
3 APPEARS THAT THE OVERALL LENGTH OF THE HOUSE IS TO BE
4 25 FOOT, 25 FOOT SEVEN PLUS NINE FOOT NINE, SO YOU
5 ARE LOOKING AT 35 FOOT ACROSS THE BACK

6 MR THOMPSON YOUR HONOR, I ASK TO ENTER
7 THAT INTO EVIDENCE AT THIS TIME

8 MR SMITH NO OBJECTION

9 MR GREELEY NO OBJECTION

10 THE COURT BE RECEIVED

11 (STATE'S EXHIBIT 67 DIAGRAM RECEIVED
12 INTO EVIDENCE)

13 Q THANK YOU, OFFICER GARDNER THAT'S ALL THE
14 QUESTIONS I HAVE FOR YOU AT THIS TIME

15 THE COURT MR SMITH

16 MR SMITH MAY I HAVE JUST A FEW MINUTES?

17 THE COURT WE'RE GOING TO TAKE JUST A
18 LOGISTICS MOMENT AND LET HIM GET SOME THINGS READY
19 AND MAKE SURE GO SMOOTHER IN CROSS EXAMINATION
20 WE'LL TAKE A SHORT BREAK

21 (THE JURY EXITS THE COURTROOM AT 04 35
22 PM AND COURT'S IN RECESS AT 4 35)

23 (COURT RESUMES AT 04 51 PM)

24 THE COURT BRING IN THE JURY

25 MR THOMPSON YOUR HONOR, I WOULD LIKE TO

1 PUT ON THE RECORD QUICKLY THAT STATE'S EXHIBIT 78 THE
2 VIDEO WAS ACTUALLY CHANGED TO STATE'S EXHIBIT 81 I
3 THINK I HAD MARKED TWO THINGS 78 AS WELL AS 79 THE
4 MATTRESS CUTTINGS HAVE BEEN CHANGED TO STATE'S
5 EXHIBIT 80 SO TO CLARIFY THAT THE ACTUAL 78 AND 79
6 TWO PHOTOGRAPHS OF ONE OF THE TOWELS BEING RECOVERED
7 AND ONE OF THE WASH CLOTHES BEING RECOVERED

8 (THE JURY RETURNS TO THE COURTROOM)

9 THE COURT OKAY

10 MR SMITH MAY IT PLEASE THE COURT

11 CROSS EXAMINATION BY MR SMITH

12 Q GOOD AFTERNOON, OFFICER GARDNER

13 A GOOD AFTERNOON, SIR

14 Q NOW YOU STATED THAT YOU WERE THE LEAD CRIME
15 SCENE PROCESSOR IN THIS CASE?

16 A I WAS

17 Q AND AS THE LEAD PROCESSOR YOU, I BELIEVE YOU
18 TESTIFIED, THAT YOU CAME OUT, YOU EXAMINED THE SCENE
19 FIRST, YOU ASSESSED IT TO SEE WHAT YOU HAD ON YOUR
20 HANDS?

21 A YES, SIR

22 Q THEN YOU ANALYZED THE SCENE, YOU HAD TO DECIDE
23 WHAT EXACTLY IT WAS THAT YOU NEEDED TO DO?

24 A I BASICALLY, WHEN I'M DOING MY WALK THROUGH AND
25 THAT'S WHAT YOU'RE TALKING ABOUT BECAUSE I THINK

1 THAT'S THE WAY I REFERRED TO AS MY WALK THROUGH, I
2 JUST KIND OF MAKE MENTAL NOTES OF WHAT EQUIPMENT I'M
3 GOING TO NEED TO TAKE BACK IN WITH ME

4 Q AND THEN YOU STARTED COLLECTING EVIDENCE,
5 PICKING UP THINGS THAT YOU BELIEVE WERE RELEVANT TO
6 THE CASE, IS THAT CORRECT?

7 A WELL, I FIRST PHOTOGRAPH IT, SIR

8 Q YES, SIR I'M SORRY YOU PHOTOGRAPH IT FIRST
9 JUST AS IT'S SITTING THERE?

10 A THAT'S CORRECT

11 Q OKAY AND THEN IT'S YOUR JOB TO MAINTAIN AND
12 PRESERVE THAT EVIDENCE THROUGHOUT THE COURSE OF THE
13 INVESTIGATION UNTIL WE GET TO TRIAL LIKE WE'RE HERE
14 TODAY?

15 A ONCE I COLLECT IT, THEN ESPECIALLY AT THE
16 PARTICULAR TIME BECAUSE I WAS THE EVIDENCE CUSTODIAN
17 IT IS MY JOB TO MAINTAIN THE INTEGRITY OF THE
18 EVIDENCE UNTIL IT COMES TO COURT HERE

19 Q YES, SIR YOU DON'T ACTUALLY TEST THE EVIDENCE,
20 YOU SEND IT OFF TO SOMEONE LIKE SLED TO TEST IT FOR
21 YOU, CORRECT?

22 A THE MAJORITY OF IT HAS BEEN, WAS SENT TO SLED
23 AND SOME OF IT WASN'T SENT AT ALL

24 Q ALL RIGHT AND WHAT YOU'RE TRYING TO DO WHEN
25 YOU ARE COLLECTING THIS EVIDENCE YOU GATHER DIFFERENT

PIECES OF OR DIFFERENT ITEMS THAT YOU BELIEVE ARE
RELEVANT AND WHAT YOU ARE TRYING TO DO IS RE-CREATE
THE CRIME SCENE, RIGHT? YOU ARE COLLECTING EVIDENCE
TO WEAVE IT TOGETHER WITH TESTIMONY TO TRY TO
RECREATE A CRIME SCENE, CORRECT? IS THAT AN ACCURATE
STATEMENT?

A THAT'S A FAIR AND ACCURATE STATEMENT

Q YOU ARE TRYING TO TELL A STORY OF WHAT HAPPENED
ON THAT PARTICULAR NIGHT OR DAY?

A THAT'S CORRECT

Q OKAY NOW I WAS A LITTLE CONFUSED AT THE END
OF YOUR TESTIMONY YOU SAID THAT YOU WERE WEARING A
TYVEK, IS IT TYVEK?

A TYVEK

Q SUIT DID YOU HAVE A TYVEK SUIT ON THE ENTIRE
TIME THAT YOU WERE HERE AT THE CRIME SCENE OR WAS
THAT ONLY THE SECOND DAY?

A THAT WAS AFTER WE FOUND OUT THAT THERE, THAT
AMANDA HAD LICE WHEN WE WENT BACK THE SECOND TIME
THAT'S WHEN WE SUITED UP IN OUR TYVEK SUITS

Q OKAY BUT DOES THE TYVEK SUIT DOES THAT PROTECT
YOU FROM PICKING UP ANY LICE?

A THAT WAS THE MAIN OBJECTIVE

Q BUT IT DOESN'T ALSO KEEP YOUR HAIRS AND FIBERS
AND ALL OF THAT OFF THE CRIME SCENE?

1 A YES, SIR, IT WOULD BECAUSE IT ONLY LEAVES OPEN
2 THIS MUCH ON YOUR FACE

3 Q BUT YOU DIDN'T HAVE THAT ON THE FIRST DAY?

4 A NO, SIR, I DID NOT

5 Q NOW DNA TECHNOLOGY IS SO SENSITIVE THESE DAYS
6 THAT JUST, IT JUST TAKES A COUPLE OF CELLS TO
7 IDENTIFY DNA, RIGHT?

8 A I ASSUME SO I DON'T KNOW THAT MUCH HOW THEY
9 TEST DNA

10 Q YOU ARE THE CRIME SCENE PROCESSER AND YOU ARE
11 SUPPOSED TO BE LOOKING FOR DNA?

12 A THAT'S DIFFERENT FROM WHAT YOU SAID THOUGH I
13 DON'T KNOW HOW TO TEST DNA SO I DON'T KNOW WHAT SIZE
14 SAMPLE IS NEEDED

15 Q OKAY SO YOU ARE NOT AWARE OF WHAT SIZE SAMPLE
16 COULD POSSIBLY HAVE DNA ON IT?

17 A NO, SIR, I'M NOT I DON'T KNOW WHAT THE
18 MACHINES NEED TO TEST

19 Q SO YOU MAY OVERLOOKING VALUABLE EVIDENCE THAT'S
20 SITTING THERE THAT YOU ARE NOT COLLECTING BECAUSE YOU
21 DON'T KNOW WHAT SIZE SAMPLE YOU ARE SUPPOSED TO
22 COLLECT?

23 A I GUESS THAT WOULD BE A FAIR THING TO SAY

24 Q OKAY NOW I'M SURE YOU HAD GLOVES ON WHEN YOU
25 WERE PROCESSING THIS EVIDENCE, CORRECT?

1 A YES, SIR

2 Q AND I BELIEVE AT ONE POINT YOU SAID YOU HAD
3 DOUBLE GLOVES, I DON'T KNOW IF YOU HAD THOSE ON THE
4 ENTIRE TIME OR NOT?

5 A NO, SIR I HAD SINGLE SETS OF GLOVES ON UP
6 UNTIL WE FOUND OUT ABOUT THE LICE

7 Q OKAY AS YOU HANDLED EACH PIECE OF EVIDENCE DID
8 YOU CHANGE YOUR GLOVES BETWEEN PIECES OF EVIDENCE?

9 A NO, SIR

10 Q OKAY SO YOU ARE PICKING UP ONE PIECE OF
11 EVIDENCE AND YOU COULD POSSIBLY TRANSFER DNA OR HAIR
12 OR SOME OTHER SUBSTANCE ONTO THE NEXT PIECE OF
13 EVIDENCE THAT YOU HANDLED IF YOU DIDN'T CHANGE YOUR
14 GLOVES EVERY TIME YOU HANDLED A PIECE OF EVIDENCE, IS
15 THAT FAIR?

16 A THAT'S POSSIBLE

17 Q OKAY NOW YOU WERE THE FIRST PERSON TO ARRIVE
18 AT THE, AT 407 RICH STREET FROM THE CRIME SCENE UNIT?

19 A THAT'S CORRECT

20 Q ON THE 29, IS THAT RIGHT?

21 A THAT'S CORRECT

22 Q AND I BELIEVE YOU SAID YOU GOT THERE AROUND 6 55
23 AM THAT MORNING?

24 A I BELIEVE THAT'S CORRECT, SIR

25 Q NOW AS THE LEAD CRIME SCENE PROCESSER DID YOU

1 TAKE A LOOK OF THE CRIME SCENE LOG?

2 A YES, SIR, I HAVE LOOKED AT THE CRIME SCENE LOG

3 Q I MEAN YOU WOULD CONCERN YOURSELF WITH THAT

4 BECAUSE YOU WANT TO KNOW HOW MANY PEOPLE HAVE BEEN IN

5 AND OUT OF THE CRIME SCENE BEFORE YOU'VE BEEN THERE,

6 RIGHT?

7 A ACTUALLY MY MAIN CONCERN AT THE TIME WAS TO MAKE

8 SURE EVERYBODY WHO WENT IN NAME IS ON THE CRIME SCENE

9 LOG OF COURSE, I DON'T WANT A BUNCH OF PEOPLE IN

10 THE CRIME SCENE

11 Q YOU DON'T WANT PEOPLE TROMPING THROUGH THIS

12 CRIME SCENE DROPPING THEIR DNA, FIBERS, OR HAIRS?

13 A THAT'S CORRECT

14 Q AND DISTURBING THE SCENE ITSELF?

15 A I DO NOT WANT THAT TO HAPPEN

16 Q OKAY YOU RECOGNIZE THAT DOCUMENT?

17 A YEAH, THIS IS A, THIS IS A ROCK HILL POLICE

18 DEPARTMENT CRIME SCENE LOG

19 Q DOES IT ACCURATELY REFLECT TO YOUR KNOWLEDGE ALL

20 THE FOLKS THAT CAME IN AND OUT OF THE CRIME SCENE

21 THAT DAY?

22 A YES, IT DOES

23 Q AS WELL AS THE FOLLOWING DAY ALSO, THE 30TH I

24 BELIEVE?

25 A YES, SIR

1 Q OKAY

2 MR SMITH JUDGE, I MOVE TO INTRODUCE
3 THAT AS DEFENSE EXHIBIT

4 MR THOMPSON NO OBJECTION

5 MR GREELEY NO OBJECTION

6 THE COURT BE RECEIVED WITHOUT OBJECTION

7 (DEFENSE EXHIBIT 27 CRIME SCENE LOG
8 RECEIVED INTO EVIDENCE)

9 Q IF YOU WOULD LOOK TAKE A LOOK AT AND TELL US HOW
10 MANY PEOPLE WERE AT THE CRIME SCENE BEFORE YOU
11 ARRIVED AT 6 55 AM?

12 A 17

13 Q DO YOU KNOW HOW MANY OF THOSE HAD ON TYVEK
14 SUITS, HAD ON GLOVES, AND BOOTIES TO KEEP THEIR DNA,
15 HAIR, AND FIBER FROM BEING TRANSFERRED TO THE CRIME
16 SCENE?

17 A NO, SIR, I CANNOT TELL YOU THAT I DON'T KNOW
18 IT

19 Q HOW MANY PEOPLE WERE AT THE CRIME SCENE, AND I'M
20 NOT TALKING ABOUT JUST AT THE TAPE I'M TALKING ABOUT
21 IN THE CRIME SCENE ITSELF, ON THE 29, THAT ENTIRE
22 DAY?

23 A WHAT WAS THE NUMBER I GAVE YOU BEFORE

24 Q 16 UP UNTIL YOU ACTUALLY I BELIEVE YOU SAID

25 17 I'M SORRY, MR GARDNER

1 A IT APPEARS TO BE, I COUNT 46 I MAY HAVE
2 MISCOUNTED
3 Q APPROXIMATELY 46?
4 A TOTAL PEOPLE BUT NOT ALL ARE INSIDE THE SCENE
5 Q OKAY SO SOME OF THOSE PEOPLE WERE AT THE TAPE,
6 IS THAT RIGHT?
7 A YES, SIR
8 Q AND WHAT I WAS ASKING WAS HOW MANY PEOPLE WERE
9 ACTUALLY INSIDE THE SCENE?
10 A I'M SORRY I MISUNDERSTAND
11 Q NOT AT THE TAPE?
12 A I MISUNDERSTOOD WHAT YOU SAID I COUNT 11, SIR
13 Q 11 INSIDE THE SCENE
14 A 11 INSIDE THE SCENE AFTER I GOT THERE
15 Q SO ADD THAT?
16 A 12 INCLUDING ME
17 Q 12 INCLUDING YOU, ADD THAT TO THE 17 I BELIEVE
18 YOU SAID BEFORE?
19 A I WOULD SAY 29 PEOPLE THEN
20 Q SO THERE WAS A CROWD THERE?
21 A YES, SIR
22 Q OKAY NOW IN THAT NUMBER DID YOU INCLUDE JERRY
23 WALDROP AS BEING INSIDE THE SCENE?
24 A NOW I DIDN'T DO THIS
25 Q I UNDERSTAND

1 A I WAS NOT THE ONE WHO WAS ACTUALLY WRITING THIS
2 DOWN

3 Q I UNDERSTAND

4 A I DON'T SEE

5 Q I BELIEVE IF YOU WOULD CHECK THE FIRST PAGE?

6 A I SEE HIM AS AT TAPE

7 Q IT SAYS HE WAS AT THE TAPE AND THAT WOULD
8 INDICATE THAT HE DID NOT ENTER THE CRIME SCENE?

9 A I ONLY ASSUME THAT'S WHAT THAT MEANS ACTUALLY
10 THIS IS, IT'S NOT THE FIRST TIME I'VE SEEN THIS
11 DOCUMENT BUT THE FIRST TIME I HAVE SEEN IT WROTE IN
12 THIS FORM

13 Q BUT ACCORDING TO THE CRIME SCENE LOG MR WALDROP
14 WAS ONLY AT THE TAPE AND DID NOT ENTER THE CRIME
15 SCENE?

16 A IT SAYS THAT LIEUTENANT WALDROP RHPD DETECTIVE,
17 TAPE, AND THE TIME THAT HE WAS THERE

18 Q NOW HE TESTIFIED YESTERDAY HE WAS ACTUALLY
19 INSIDE THE CRIME SCENE IF THAT WERE TRUE THE NUMBER
20 OF PEOPLE THAT WERE AT THE CRIME SCENE WOULD INCREASE
21 BY ANOTHER ONE, WOULD IT NOT?

22 A YES, SIR

23 Q SO I MEAN ACCORDING TO THAT LOG WE DON'T REALLY
24 KNOW WHO WAS IN THE CRIME SCENE THAT ENTIRE DAY, DO
25 WE?

1 A WELL, I THINK THIS IS PRETTY FAIRLY ACCURATE

2 Q EVEN IF DETECTIVE WALDROP ENTERED THE CRIME
3 SCENE?

4 A I MEAN, IT'S ACCURATE TO THE NUMBER OF PEOPLE
5 AND WHO WERE THERE NOW IS IT ACCURATE AS TO WHETHER
6 HE WENT IN THE CRIME SCENE OR NOT THEN, I CAN'T
7 ANSWER THAT QUESTION I DON'T KNOW

8 Q OKAY NOW YOU EVER HEARD THE EXPRESSION TRAIN
9 WRECK, LOOKING AT A TRAIN WRECK YOU KNOW, WHEN YOU
10 ARE TALKING ABOUT A HORRENDOUS SCENE THAT YOU JUST
11 CAN'T TURN YOUR HEAD AWAY FROM, YOU GOT TO LOOK AT
12 THAT, YOU EVER HEARD THAT EXPRESSION?

13 A WELL, NOT QUITE THAT WAY BUT I UNDERSTAND WHAT
14 YOU ARE SAYING

15 Q THIS PARTICULAR CRIME SCENE WAS A TRAIN WRECK
16 FOR ROCK HILL POLICE DEPARTMENT, WAS IT NOT?

17 A NO, SIR, IT WASN'T

18 Q YOU HAD OVER 40 PEOPLE IN THAT CRIME SCENE THAT
19 DAY?

20 A LET ME GO BACK AND SAY SOMETHING THE PEOPLE
21 THAT, THE FIRST GROUP OF PEOPLE THAT WERE HERE WERE
22 FIRST RESPONDING PEOPLE ATTEMPTING TO SAVE THE LIFE
23 OF AMANDA COPE

24 Q SURE

25 A THEY HAD TO BE THERE

1 Q YES, SIR

2 A AND THE OFFICER, THE OFFICERS, ARRIVING OFFICER,
3 HE HAD TO BE THERE OF COURSE, MR COPE WAS THERE
4 IT'S HIS HOUSE

5 Q YES, SIR

6 A HIS TWO CHILDREN WERE THERE ALONG WITH AMANDA
7 THAT'S THEIR HOME

8 Q YES, SIR, ABSOLUTELY

9 A IT IS ROCK HILL POLICE DEPARTMENT'S POSITION IF
10 WE GO TO A CRIME SCENE OUR FIRST THING WE GOT TO DO
11 IS MAKE SURE WE PROVIDE MEDICAL HELP FOR ANYONE WHO
12 IS INJURED, WE MAKE SURE THE SCENE IS SAFE, MAKE SURE
13 IF THERE IS A SUSPECT ON A SCENE, MAKE SURE HE IS
14 SUBDUE, ARRESTED, OR WHATEVER, TO A POINT WHERE HE'S
15 NO FURTHER CAUSING INJURY TO ANYONE ELSE OR POSSIBLE
16 INJURY TO ANYONE ELSE, WE GET OUR PEOPLE TO DO LIFE
17 SAVING EFFORTS, AND THAT'S EXACTLY WHAT WE DID SO
18 THOSE PEOPLE WERE THERE FOR NECESSITIES

19 Q OH, I'M NOT QUESTIONING THAT BUT OVER THE COURSE
20 OF THAT ENTIRE DAY I BELIEVE YOU SAID THAT, WAS IT
21 NEARLY 30 PEOPLE OR WAS IT 47, I CAN'T REMEMBER IT
22 WAS A WHOLE CROWD OF PEOPLE THAT WERE IN AND OUT OF
23 THAT CRIME SCENE THROUGHOUT THAT DAY, RIGHT?

24 A THERE WAS A BUNCH OF PEOPLE IN THE CRIME SCENE

25 Q YES, SIR

1 A BUT THEY WASN'T ALL THERE AT ONE TIME AND INSIDE
2 THE HOME AT ONE TIME

3 Q THAT'S RIGHT YOU EVEN HAD TWO SOLICITORS GO
4 OUT TO THE CRIME SCENE, MR BRACKETT AND MR POPE
5 CAME OUT?

6 A THAT'S CORRECT

7 Q OKAY NOW ONE REASON THAT YOU WERE, SHIFTING
8 GEARS A LITTLE BIT, ONE REASON YOU WERE QUALIFIED AS
9 AN EXPERT IN CRIME SCENE PROCESSING WAS YOUR TRAINING
10 IN PHOTOGRAPHY, RIGHT?

11 A YES, SIR

12 Q AND WE TALKED A LITTLE BIT ABOUT THAT BEFORE
13 THE THING ABOUT PHOTOGRAPHY IS YOU CAN MEMORIALIZE
14 THE SCENE BY TAKING A PHOTOGRAPH, CORRECT?

15 A YES, SIR I RECKON SO

16 Q WELL --

17 A --I MEAN, I DOCUMENTED IT, SO I GUESS THAT WOULD
18 BE MEMORIALIZATION OF IT BECAUSE WE GET TO SEE IT
19 AGAIN

20 Q YES, SIR ALMOST THREE YEARS LATER --

21 A YES, SIR

22 Q ---WE'RE LOOKING AT THE CRIME SCENE AS YOU SAW
23 IT?

24 A YES, SIR

25 Q AND WE, YOU KNOW, BECAUSE OF THAT IT'S PRETTY

1 IMPORTANT TO MAKE SURE THAT THESE PHOTOGRAPHS ARE
2 ACCURATE, IS THAT RIGHT?

3 A YES, SIR, THAT'S MY GOAL

4 Q WE DON'T WANT TO COME AND SHOW THE JURY AN
5 INACCURATE PHOTOGRAPH AND THEM BELIEVE THAT THAT'S
6 WHAT IT LOOKED LIKE AT THAT TIME, RIGHT?

7 A I DIDN'T DO THAT

8 Q OKAY AND I BELIEVE YOU TESTIFIED THAT YOU
9 PHOTOGRAPHED EVERYTHING BEFORE IT WAS MOVED OR --

10 A TRIED TO

11 Q YES, SIR

12 A THAT IS OUR ULTIMATE GOAL, BEFORE WE MOVE
13 ANYTHING SOMEONE TAKE A PHOTOGRAPH OF IT

14 Q YOU DIDN'T HAVE ANY CONTROL OF WHAT HAPPENED
15 BEFORE YOU GOT THERE, BUT ONCE YOU GOT THERE YOU
16 TRIED TO TAKE PHOTOGRAPHS OF EVERYTHING BEFORE
17 ANYTHING WAS TOUCHED OR MOVED?

18 A THAT'S CORRECT

19 Q OKAY I WANT TO GO THROUGH SOME PHOTOGRAPHS I
20 DON'T WANT TO GO THROUGH QUITE AS MANY AS THE
21 SOLICITOR'S OFFICE DID BUT IF WE CAN STEP DOWN SO
22 WE CAN GO THROUGH THESE MOVE A LITTLE CLOSER

23 (WITNESS EXITS THE WITNESS STAND)

24 Q THIS IS STATE'S EXHIBIT 41 A AND THIS IS A
25 PICTURE OF THE FRONT DOOR, RIGHT?

1 A YES, SIR

2 Q OKAY NOW YOU TESTIFIED THAT HOUSE WAS SECURE,
3 LOCKED AND SECURED, IS THAT RIGHT?

4 A NO, SIR, I DIDN'T

5 Q OKAY YOU TESTIFIED IT WAS SECURE?

6 A THE CRIME SCENE WAS SECURE

7 Q THE CRIME SCENE WAS SECURE?

8 A WHEN I GOT THERE THE FRONT DOOR WAS OPEN

9 Q OKAY NOW DID YOU TEST THE FRONT DOOR TO SEE IF
10 IT HAD ANY JIGGLE IN THE DOOR OR IF IT WAS, IF IT
11 CLOSED SECURELY, IF IT LOCKED SECURELY, DID YOU DO
12 ALL THAT?

13 A I DO REMEMBER SHUTTING THE DOOR I DON'T RECALL
14 IF THERE WAS ANY JIGGLE OR ANYTHING TO THE DOOR

15 Q WOULDN'T THAT BE KIND OF IMPORTANT TO SEE HOW
16 SECURE THE FRONT DOOR ACTUALLY WAS?

17 A THE FRONT DOOR WOULD LOCK

18 Q OKAY IT WOULD LOCK?

19 A YEAH

20 Q BUT IF IT LOCKS AND IT'S GOT SOME GIVE TO IT, IS
21 THAT REALLY SECURE?

22 A IT'S LOCKED

23 Q OKAY IT'S LOCKED?

24 A I DON'T -- IT'S LOCKED

25 Q DID THE DOOR HAVE A TIGHT SEAL? YOU KNOW, DID

1 IT SEAL?

2 A I DON'T RECALL, SIR

3 Q YOU DON'T RECALL YOU DIDN'T CHECK THAT?

4 A NO, SIR, I DON'T RECALL

5 Q I BELIEVE YOU DID TESTIFY THAT THERE WERE NO
6 SIGNS OF FORCED ENTRY ON THIS DOOR, RIGHT?

7 A I DID

8 Q OKAY NOW OUT OF THE, I THINK YOU SAID,
9 THOUSANDS OF CRIME SCENES THAT YOU PROCESSED I'M SURE
10 YOU'VE PROCESSED A LOT OF BURGLARIES, BREAKING AND
11 ENTERINGS, THAT SORT OF THING?

12 A YES, SIR, I HAVE

13 Q YOU EVER PROCESSED ONE OF THOSE TYPES OF CASES
14 WHERE THERE WAS NO SIGNS OF FORCED ENTRY?

15 A (NO RESPONSE)

16 Q YOU KNEW SOMEBODY HAD GOTTEN IN THE HOUSE BUT
17 YOU DIDN'T KNOW HOW OR THERE WEREN'T ANY SIGNS OF HOW
18 THEY GOT IN?

19 A I CAN'T RECALL IF I HAVE EVER DONE THAT OR NOT

20 Q YOU CAN'T RECALL?

21 A NO, SIR

22 Q NO ONE -- YOU'VE NEVER HAD A BURGLARY OR BREAK
23 AND ENTERING CASE THAT YOU CAN RECALL OF WHERE YOU
24 COULDN'T FIGURE OUT HOW SOMEONE GOT IN THE HOUSE OR
25 THERE WEREN'T SIGNS OF FORCED ENTRY RATHER?

1 A I DON'T RECALL WORKING SOMETHING LIKE THAT AS
2 FAR AS FORCED ENTRY BURGLARY, NO, SIR

3 Q OKAY SO ARE YOU SAYING --

4 A I'M NOT SAYING IT DON'T HAPPEN, BUT I'M SAYING I
5 CAN'T RECALL WORKING ONE OF THEM

6 Q SO IT'S POSSIBLE FOR SOMEONE TO BREAK INTO A
7 HOUSE AND THERE NOT BE SIGNS OF FORCED ENTRY?

8 A I DON'T KNOW I MEAN, I GUESS IT'S POSSIBLE
9 ANYTHING IS POSSIBLE

10 Q OKAY LET'S GO TO THE NEXT PICTURE IT'S
11 STATE'S EXHIBIT 50 AND THIS IS A PICTURE OF THE SIDE
12 OF THE COPE RESIDENCE, RIGHT?

13 A YES, SIR, THE LEFT SIDE

14 Q YES, SIR AND I BELIEVE THIS IS MR COPE'S AND
15 MRS COPE'S BEDROOM WINDOWS, ALONG WITH THIS ONE HERE
16 ON THE SIDE, IS THAT RIGHT?

17 A THAT'S CORRECT

18 Q THAT WOULD BE THEIR BEDROOM?

19 A THAT'S CORRECT

20 Q THEN YOU WOULD HAVE --

21 A THE BATHROOM

22 Q THE BATHROOM THERE AND THEN AMANDA'S SIDE
23 BEDROOM WINDOW?

24 A THAT'S CORRECT

25 Q IS THAT RIGHT?

1 A YES, SIR

2 Q NOW THIS WAS A PRETTY SMALL YARD, WAS IT NOT?

3 A YES, SIR IT'S NOT A BIG YARD

4 Q DID YOU MEASURE HOW MANY FEET IT WAS FROM
5 AMANDA'S BEDROOM WINDOW HERE OVER TO THIS LADDER
6 HERE?

7 A NO, SIR, I DIDN'T

8 Q OKAY NOW YOU TESTIFIED EARLIER I BELIEVE THAT
9 SOME OF THE WINDOWS IN THE HOUSE WERE, IT WOULD BE
10 DIFFICULT TO CLIMB UP INTO THE WINDOW WITHOUT MAKING
11 MARKS, I GUESS, SCURRYING UP BESIDE THE HOUSE?

12 A YES, SIR, I DID

13 Q NOW THERE WAS EASY ACCESS TO A LADDER IN THIS
14 YARD, CORRECT?

15 A YEAH, I SAW -- I DO SEE THE LADDER

16 Q YES, SIR

17 A OKAY

18 Q OKAY LET ME SHOW YOU STATE'S EXHIBIT 50 A AND
19 THIS IS A CLOSE UP OF THE SIDE WINDOW TO AMANDA'S
20 BEDROOM, IS THAT CORRECT?

21 A YES, SIR, IT IS

22 Q AND I BELIEVE YOU TESTIFIED THAT, THAT THERE WAS
23 SOME TEARING ALONG HERE, IS THAT RIGHT?

24 A IF WE CAN, YOU GOT THE OTHER PHOTOGRAPH THAT
25 SHOWS IT

1 Q WELL, YES, SIR, WE'LL GET TO THAT IN JUST A
2 MINUTE

3 A I THINK THIS IS THE WINDOW THAT HAD A LITTLE BIT
4 OF TEARING ON THE SCREEN

5 Q OKAY LET'S TAKE A LOOK AT IT AND WE MAY NEED
6 TO SHOW THE JURY THIS, THE ACTUAL PHOTOGRAPH, BUT YOU
7 SEE WHITE MARKS THROUGH THERE?

8 A YES, SIR, I DO

9 Q DOES THAT NOT INDICATE THAT SCREEN IS TORN ALL
10 THE WAY ACROSS THERE OR DOES IT APPEAR TO BE TORN
11 ACROSS THERE?

12 A I WOULD NOT ANSWER THAT UNTIL I SEEN A CLOSE UP
13 PICTURE

14 Q WE'LL TAKE A LOOK AT THAT ONE NEXT WHAT ABOUT
15 THIS WRINKLE RIGHT HERE? DOES THAT LOOK LIKE A
16 WRINKLE IN THE SCREEN POSSIBLY?

17 A POSSIBLY

18 Q OKAY LET'S LOOK AT THE NEXT PICTURE, THE NEXT
19 PHOTOGRAPH AND THIS IS STATE'S EXHIBIT 50 B AND
20 AGAIN IT'S DIFFICULT TO TELL, ISN'T IT, BUT IT
21 DOESN'T APPEAR THAT THERE IS ANY SCREEN IN THESE
22 AREAS, RIGHT?

23 A NO, SIR, I THINK THERE IS SCREEN THERE

24 Q YOU THINK THERE IS SCREEN THERE, OKAY LET'S,
25 LET'S PULL IT DOWN IN JUST A SECOND BUT WHAT ABOUT

1 THIS CORNER HERE, CAN YOU CAN TELL FROM THIS
2 PROJECTION IF THERE IS ANY SCREEN IN THIS CORNER
3 HERE, CAN YOU TELL FROM THE PROJECTION?

4 A IT, REALLY I CAN'T TELL FROM THE PROJECTION

5 Q YOU CAN'T TELL IF WE CAN TURN THE LIGHTS ON FOR
6 ONE MINUTE AND LET'S TAKE A LOOK AT THIS UP CLOSE, WE
7 WILL GET A LITTLE BIT BETTER VIEW HERE THIS IS THE
8 SAME PICTURE WE'RE LOOKING AT JUST A SECOND AGO 50 B,
9 IS THAT RIGHT?

10 A YES, SIR

11 Q OKAY NOW IF YOU LOOK ALONG HERE THIS SCREEN IS
12 TORN THROUGH THERE, CORRECT, WOULD YOU AGREE WITH
13 THAT?

14 A THERE IS A BREAK IN THE SCREEN

15 Q OKAY AND WHAT ABOUT ON THE SIDE HERE, ISN'T
16 THAT GAPPED RIGHT THERE ISN'T IT GAPPED OPEN?

17 A IT'S POSSIBLE, YES, SIR IT'S REALLY POSSIBLE
18 IT LOOKS LIKE IT IS

19 MR SMITH JUDGE, I ASK THE COURT FOR
20 PERMISSION TO PUBLISH THIS PICTURE TO THE JURY PASS
21 IT AROUND

22 THE COURT ALL RIGHT HOW ARE THEY GOING
23 TO LOOK AT BOTH OF THEM AT THE SAME TIME AND GET
24 ANYTHING OUT OF IT?

25 MR SMITH I UNDERSTAND, YOUR HONOR

1 WELL MAYBE WE SHOULD TURN THE LIGHTS BACK ON AND LET
2 THE JURY

3 A I'D LIKE TO LOOK AT THAT PICTURE AGAIN TOO

4 Q OKAY

5 (PAUSE WHILE THE JURY LOOKS AT THE
6 PICTURE AT 05 17 PM)

7 Q IF WE CAN HAVE THE LIGHTS ONE MORE TIME

8 A I'D LIKE TO LOOK AT THAT PICTURE REAL QUICK

9 Q WELL, IF I ASK ANYMORE QUESTIONS ABOUT THAT
10 LET'S TAKE A LOOK AT THOSE NEXT PICTURE HERE I WANT
11 TO GO BACK TO THE ONE ---

12 MR THOMPSON YOUR HONOR, I OBJECT TO
13 THAT

14 THE COURT WELL, HE'S ALREADY ANSWERED
15 THE QUESTION IF YOU WANT TO

16 MR THOMPSON HE HAD ASKED HIM TO COME
17 BACK AND LOOK AT THE PICTURE

18 THE COURT YOU ARE GOING TO HAVE REDIRECT
19 IF YOU WANT HIM TO EXPLAIN SOMETHING, BUT HE'S GOT
20 CONTROL OF THE WITNESS AT THIS POINT

21 Q LET'S SEE IF WE CAN ZOOM IN HERE MR GARDNER,
22 I'M GOING TO PULL THIS OFF I'M SORRY, I DIDN'T GIVE
23 YOU THE NUMBER, THIS IS STATE'S EXHIBIT 50 NOW THE
24 WINDOW WE'VE BEEN TALKING ABOUT IS THIS WINDOW RIGHT
25 HERE, CORRECT?

1 A YES, SIR

2 Q NOW WHEN WE LOOK AT IT FROM THIS ANGLE YOU SEE

3 THAT BEND RIGHT THERE?

4 A NO, SIR, I DON'T SEE THAT

5 Q YOU DIDN'T SEE A BEND?

6 A I JUST SEE A BLACK AREA WHERE THE, WHERE THE

7 SCREEN -- WELL, I DO I SEE WHAT YOU ARE TALKING

8 ABOUT, THE RIGHT THERE IN THE TOP MIDDLE BAR ACROSS

9 Q RIGHT IN THERE?

10 A RIGHT

11 Q IT BENDS?

12 A YES, SIR

13 Q LIKE THE SCREEN PULLS BACK, DOESN'T IT?

14 A YES, SIR THERE IS A TEAR ON THE SCREEN

15 Q OKAY

16 A BUT THE REST OF THE SCREEN IS INTACT

17 Q BUT THE SCREEN ISN'T INTACT IF IT'S TORN OPEN,

18 IS IT?

19 A IT WAS TORN IN A PLACE IN THE UPPER RIGHT

20 CORNER, THE MIDDLE BOTTOM SECTION OF THE WINDOW IT

21 WAS TORN IN THAT CORNER, BUT THE REST OF THE SCREEN

22 ON THAT WINDOW WAS INTACT

23 Q DOES IT NOT APPEAR THAT IT'S TORN ALL THE WAY

24 DOWN THE SIDE?

25 A NO, SIR, IT WAS NOT TORN ALL THE WAY DOWN THE

1 SIDE

2 Q OKAY NOW THE PHOTOS THAT WE'VE SEEN ARE THE
3 BEST PHOTOS YOU TOOK OF THIS WINDOW, IS IT NOT, FROM
4 THE OUTSIDE?

5 A YES, SIR

6 Q YOU DON'T HAVE A CLOSE UP PHOTO OF THAT
7 PARTICULAR WINDOW SO THE JURY CAN SEE FOR THEMSELVES
8 WHETHER THAT SCREEN IS TORN DOWN THE SIDE OR NOT?

9 A NO, SIR, THE ONLY ONES WE HAVE ARE WHAT WE
10 SHOWED TODAY

11 Q YES, SIR OKAY THIS IS STATE'S EXHIBIT 47 A
12 AND IT IS A, ZOOM OUT HERE, THIS IS A PHOTOGRAPH OF
13 THE BACK DOOR, IS THAT RIGHT?

14 A YES, SIR, IT APPEARS TO BE YES, SIR, IT IS

15 Q NOW YOU POINTED OUT A COUPLE INTERESTING THINGS
16 ON THIS PHOTOGRAPH AND THAT IS THERE IS A PRY MARK
17 RIGHT THERE, CORRECT?

18 A THAT'S AN OLD PRY MARK

19 Q PRY MARK RIGHT THERE?

20 A THAT IS AN OLD PRY MARK

21 Q PRY MARK RIGHT THERE?

22 A THAT IS AN OLD PRY MARK

23 Q AND IT LOOKS LIKE IT'S A PRETTY SUBSTANTIAL GAP
24 BETWEEN THE DOOR AND THE FRAME THROUGH THERE, DOES IT
25 NOT?

1 A ACTUALLY I THINK THAT'S SHADOW, SIR

2 Q OKAY LET'S TAKE A LOOK, LOOK AT THE PICTURE
3 ITSELF IF WE CAN HAVE THE LIGHTS ONE MORE TIME
4 NOW TAKING A LOOK AT THIS, DOES IT NOT APPEAR THAT
5 THERE WAS A SUBSTANTIAL GAP THROUGH THERE?

6 A IT'S REALLY HARD TO SAY BUT THERE IS A
7 POSSIBILITY, YES, SIR

8 Q POSSIBILITY?

9 A YES, SIR

10 Q OKAY DID YOU WIGGLE THE DOOR TO SEE IF THERE
11 WAS MUCH PLAY ON IT?

12 A I DON'T RECALL WIGGLING THE DOOR TO SEE IF THERE
13 WAS PLAY IN IT I DO REMEMBER OPENING IT UP AND
14 DOING REMEMBER SHUTTING IT, BUT I DON'T REMEMBER
15 WIGGLING THE DOOR

16 Q OKAY LET'S SEE, NOW THIS IS THE KITCHEN WINDOW
17 THAT WE TALKED ABOUT OR YOU TALKED ABOUT EARLIER
18 THAT'S, THAT'S OPEN, OBVIOUSLY OPEN, RIGHT?

19 A YES, SIR

20 Q AND IT'S GOT A SCREEN ON IT?

21 A YES, SIR

22 Q ALL THE WAY AROUND?

23 A YES, SIR

24 Q AND THEN IF YOU LOOK CLOSELY THE LATCHES TO THE
25 SCREEN ARE UP, AREN'T THEY?

1 A YES, SIR

2 Q NOW YOU INDICATED THAT THERE POSSIBLY COULD BE
3 SCREWS IN THIS, IS THAT RIGHT?

4 A THERE IS ONE, TWO, THREE, FOUR, MAYBE FIVE
5 SCREWS HOLDING THIS SCREEN IN

6 Q DID YOU TOUCH THE SCREEN TO MAKE SURE THAT IT
7 WAS SECURED IN?

8 A NO, SIR, I DIDN'T HAVE TO I COULD SEE IT WAS
9 SECURED

10 Q SO YOU WERE JUST RELYING ON WHAT YOU SAW
11 STANDING THERE YOU DIDN'T ACTUALLY AGAIN --

12 A NO, SIR

13 Q I GUESS FOR A LACK OF A BETTER TERM JIGGLE IT OR
14 PHYSICALLY EXAMINE IT?

15 A NO, SIR

16 Q AND THIS IS STATE'S EXHIBIT 46 C AND THIS IS
17 JUST BELOW THAT WINDOW, CORRECT?

18 A YES, SIR

19 Q AND YOU INDICATED THAT THERE WAS SOME MARKING ON
20 THIS WINDOW, LOOKS LIKE MAYBE BROKEN PAINT CHIPS
21 THERE, THERE, THERE?

22 A I ACTUALLY I DID SAY THAT THE PAINT WAS PEALING
23 ON THE SIDE OF THE HOUSE, BUT IT WAS PEALING ALL OVER
24 THE HOUSE

25 Q YES, SIR, BUT YOU MADE A DISTINCTION ABOUT

1 POINTING OUT SPECIFIC PLACES ON THIS PARTICULAR
2 PICTURE, DID YOU NOT?

3 A I THINK I DID IT ON A COUPLE OTHER PICTURES,
4 SIR, BUT THAT'S GENERALLY A GENERALIZED PHOTOGRAPH OF
5 THE SIDING OF THE HOUSE, THE PAINT WAS SIMILAR TO
6 THAT ALL THE WAY AROUND

7 Q WHY DID YOU TAKE A PICTURE OF THIS PARTICULAR
8 ONE?

9 A TO SHOW THAT THERE WAS NO SCUFF MARK GOING UP
10 THE SIDE OF THAT WALL

11 Q OKAY THEN WE'VE GOT A COUPLE OF PICTURES OF
12 LATCHES HERE, THIS IS STATE'S EXHIBIT 42 B, I'M NOT
13 SURE EXACTLY WHICH WINDOW THIS IS, BUT IT LOOKS LIKE
14 THE FRONT LIVING ROOM WINDOW, WOULD YOU AGREE WITH
15 THAT?

16 A ACTUALLY I THINK -- YES, SIR, THAT IS BECAUSE
17 THE SCREEN IS UPSIDE DOWN

18 Q UPSIDE DOWN, YES, SIR NOW WHICH WAY IS THE
19 LATCH POINTED ON THIS LOCK

20 A SIR, IT APPEARS IT IS POINTED, AS WE LOOK AT IT,
21 TO THE RIGHT

22 Q TO THE RIGHT AND THIS IS TAKEN FROM OUTSIDE?

23 A YES, SIR YES, SIR

24 Q AND THIS IS STATE'S EXHIBIT 42 A AND DOES THIS,
25 THIS APPEARS TO BE THE WINDOW RIGHT BESIDE THE WINDOW

1 THAT WE JUST TALKED ABOUT, THE OTHER FRONT LIVING
2 ROOM WINDOW, CORRECT?

3 A I THINK YOU ARE CORRECT, SIR

4 Q AND WHICH SIDE IS THE LATCH --

5 A IT'S POINTED -- AS WE LOOK AT IT IT'S POINTED TO
6 THE LEFT

7 Q TO THE LEFT SO, AND THIS AGAIN WAS FROM THE
8 OUTSIDE?

9 A YES, SIR

10 Q SO WE'VE GOT ONE WINDOW POINTING ONE WAY, ONE
11 WINDOW POINTING THE OTHER WAY?

12 A THAT'S RIGHT

13 Q DID YOU PHYSICALLY EXAMINE THESE WINDOWS TO SEE
14 IF THEY WERE LOCKED?

15 A I DIDN'T PUT MY HANDS ON THEM, NO, SIR

16 Q OKAY LET'S TAKE A LOOK AT THE DOOR FRAME HERE
17 THIS IS STATE'S EXHIBIT 49 B AND THIS IS THE DOOR
18 FRAME TO THE FRONT DOOR, CORRECT?

19 A YES, SIR I WAS STANDING INSIDE WHEN I TOOK
20 THIS PHOTOGRAPH

21 Q YES, SIR AND THE DOOR FRAME ITSELF WAS CRACKED
22 FROM ABOUT APPROXIMATELY THIS POINT HERE DOWN TO
23 AROUND IN HERE, CORRECT?

24 A THERE WAS A CRACK IN IT, YES, SIR

25 Q SIMILAR TO WHAT WOULD HAPPEN IF SOMEBODY BUSTED

1 IN A DOOR PREVIOUSLY, I'M NOT SAYING IN THIS
2 PARTICULAR CASE, BUT PREVIOUSLY BUSTED IN THE DOOR?

3 A YES, IT APPEARS THAT IT WAS MAYBE FROM AN, AN
4 OLD ENTRY

5 Q AND THEN YOU GOT THIS SMALL STRIP OF WOOD HERE
6 HOLDING THAT CRACK TOGETHER, IS THAT RIGHT?

7 A I'M NOT REAL SURE I'M NOT SURE, BUT IT'S
8 HOLDING SOMETHING TOGETHER

9 Q IT'S HOLDING SOMETHING TOGETHER?

10 A YES, SIR

11 Q IN ANY CASE THE DOOR FRAME HAS BEEN BUSTED AND
12 SOME SORT OF ATTEMPT TO REPAIR IT HAS BEEN MADE, IS
13 THAT RIGHT?

14 A THAT'S FAIR THAT'S FAIR TO SAY

15 Q AND THIS IS A, THIS IS STATE'S EXHIBIT 41 C AND
16 THIS IS A CLOSE UP OF THE, WHERE THE LOCKING AND,
17 LATCH AND LOCKING MECHANISM WOULD CONNECT WITH THE
18 DOOR FRAME, IS THAT CORRECT?

19 A YES, SIR, I THINK THAT'S CALLED A FACE PLATE

20 Q FACE PLATE, THERE YOU GO AND THERE IS PRETTY
21 EXTENSIVE MARKINGS AROUND HERE, IS IT NOT?

22 A THE AREA JUST TO THE RIGHT OF THE FACE PLATE,
23 THE WHITE

24 Q THIS AREA HERE?

25 A YES, SIR

1 Q OKAY

2 A THAT IS, THERE IS SCUFF MARKS, THOSE ARE NOT PRY
3 MARKS THOSE APPEAR TO BE SCUFF MARKS MAYBE POSSIBLY
4 DONE WITH A SET OF KEYS AS YOU TRY TO UNLOCK THE
5 DOOR THERE WERE NO PRIOR MARKS ON THIS DOOR FRAME
6 THAT WAS NEW PERIOD

7 Q OKAY NOW IS THIS THE WEATHER STRIPPING, IS
8 THAT WHAT --

9 A YES, SIR, I THINK THAT IS THE WEATHER STRIPPING
10 OF THE DOOR

11 Q IT LOOKS PRETTY CHEWED UP RIGHT IN HERE, DOES IT
12 NOT?

13 A WELL, THE WHOLE DOOR LOOKED LIKE THAT, SIR

14 Q WELL, THIS PARTICULAR AREA OF THE WEATHER
15 STRIPPING IS PRETTY CHEWED UP, IS IT NOT?

16 A AND IT WAS LIKE THAT PRETTY MUCH ALL THE WAY
17 AROUND THE DOORS

18 Q OKAY BUT IN PARTICULARLY RIGHT HERE WHERE THE
19 DOOR WOULD OR THE LATCHING SYSTEM WOULD HIT THE FACE
20 PLATE, CORRECT?

21 A I'M NOT SURE IF THAT'S CHEWED UP OR IF THAT'S
22 JUST SOMETHING ON THE WEATHER STRIPPING

23 Q WELL, IF YOU TOOK A LOOK AT THE PHOTOGRAPH WOULD
24 THAT HELP A LITTLE BIT?

25 A IT MIGHT

1 THE COURT THE LIGHTS

2 Q DOES THAT APPEAR TO BE CHEWED UP?

3 A YES, SIR

4 Q OKAY LET'S PUBLISH THIS TO THE JURY

5 A OKAY

6 MR SMITH JUDGE, MAY I PUBLISH IT TO THE
7 JURY THANK YOU

8 (PUBLISHED TO THE JURY AT 05 27 PM)

9 Q IF WE CAN HAVE THE LIGHTS ONE MORE TIME
10 MR GARDNER, I'M SHOWING YOU STATE'S EXHIBIT 41 E AND
11 THIS WOULD BE A PICTURE OF THE FRONT DOOR, THE LATCH
12 AND DOOR KNOB AND LOCKING MECHANISM, CORRECT?

13 A YES, SIR

14 Q NOW A LOT OF MARKS ON THIS PIECE ALSO, CORRECT?

15 A YES, SIR, THERE WERE

16 Q NOW CAN YOU IDENTIFY WHAT THIS PIECE IS RIGHT
17 HERE? SEE IF WE CAN --

18 A LOOKS LIKE A SCREW, SIR

19 Q SEE IF WE CAN ZOOM IN ON IT THERE WE GO DO
20 YOU KNOW WHAT THAT IS?

21 A MAYBE A WASHER WITH A SCREW

22 Q WASHER WITH A SCREW IN IT DO YOU KNOW WHY THAT
23 WOULD BE THERE?

24 A I'M SURE IT WAS TO HELP HOLD THAT BOLT IN

25 Q PROBABLY GOTTEN LOOSE AND IT'S KIND OF HOLDING

1 THAT ON THERE?

2 A OH, YEAH THAT'S BASICALLY WHAT I SAID I'M
3 SURE IT'S HELPING HOLDING THAT BOLT IN

4 Q NOW IT APPEARS THAT IT'S RAISED UP, IT'S NOT
5 FLUSH WITH THE EDGE OF THE DOOR THERE, RIGHT? IT'S
6 RAISED UP OFF THE DOOR FRAME, CORRECT? YOU
7 UNDERSTAND WHAT I'M ASKING?

8 A YOU ARE SAYING IT IS STICKING UP FURTHER THAN
9 THE DOOR JAMB

10 Q YES, SIR

11 A IT'S HARD TO TELL FROM THIS PHOTOGRAPH BUT IT'S
12 A POSSIBILITY

13 Q WELL, HALF OF IT'S ON THIS PIECE HERE THAT'S
14 PART OF THE DOOR KNOB THEN HALF OF IT IS RESTING ON
15 THE DOOR FRAME ITSELF, CORRECT?

16 A WELL, YES, SIR, YOU ARE CORRECT IN THAT, BUT IF
17 THAT BOLT IS SITTING THAT BOLT CORRECTLY THEN IT
18 SHOULD SIT FLUSH WITH THE DOOR

19 Q BUT DOES IT APPEAR TO BE FLUSH OR DOES IT APPEAR
20 TO BE AT AN ANGLE?

21 A THE WASHER IS AT ANGLE

22 Q YES, SIR

23 A BUT JUST LOOKING AT IT FROM HERE IT APPEARS THAT
24 IT'S FLUSH UP AGAINST THE DOOR AND THE BOLT

25 Q BUT THE WASHER IS AT AN ANGLE?

1 A THE WASHER IS AT AN ANGLE

2 Q THAT MEANS THAT THERE IS A GAP IN BETWEEN THE
3 EDGE OF THE DOOR HERE AND THE DOOR FRAME ITSELF IN
4 ORDER TO ALLOW THAT PIECE TO SLIDE IT BACK AND FORTH
5 THROUGH THERE? WOULD YOU AGREE WITH THAT?

6 A I'M NOT SURE I UNDERSTAND, I UNDERSTOOD THAT OR
7 NOT

8 Q OKAY IF THIS IS AT AN ANGLE AND IT'S STICKING
9 OUT, THERE WOULD HAVE TO BE A GAP BETWEEN THE EDGE OF
10 THE DOOR AND THE DOOR FRAME TO ALLOW THIS PIECE TO
11 SLIDE THROUGH, RIGHT?

12 A I THINK THERE IS A GAP THERE REGARDLESS OF
13 WHETHER THAT THING IS THERE OR NOT BECAUSE THE DOOR
14 WOULDN'T SHUT IF THERE WASN'T SOME TYPE OF GAP

15 Q YES, SIR OKAY LET'S SWITCH GEARS I'M GOING
16 TO PUT A COUPLE SMALLER PHOTOGRAPHS AND WE MAY HAVE
17 TO ENLARGE THESE WELL, ACTUALLY I NEED TO TRY TO
18 INTRODUCE THESE

19 MR THOMPSON WITHOUT OBJECTION

20 MR GREELEY NO OBJECTION

21 Q MR GARDNER, I'M GOING TO ASK YOU TO TAKE A LOOK
22 AT THESE PHOTOGRAPHS AND LET US KNOW IF YOU TOOK
23 THOSE PHOTOGRAPHS OR IF YOU RECOGNIZE THOSE?

24 A YES, SIR, I DO

25 MR SMITH JUDGE, I WOULD MOVE THESE INTO

1 EVIDENCE

2 THE COURT IN EVIDENCE WITHOUT OBJECTION

3 (DEFENSE EXHIBITS 28 THROUGH 34 PHOTOS
4 RECEIVED INTO EVIDENCE)

5 Q MR GARDNER, STEP DOWN AND LET'S CONTINUE GOING
6 THROUGH THESE PHOTOGRAPHS

7 (WITNESS EXITS THE WITNESS STAND)

8 Q NOW SHOWING YOU WHAT'S BEEN MARKED DEFENSE
9 EXHIBIT 28, IT'S A PHOTOGRAPH OF MR COPE'S COMPUTER
10 DESK OR THE COMPUTER DESK IN THE LIVING ROOM OF THE
11 COPE HOME, CORRECT?

12 A CORRECT

13 Q AND THIS IS WHERE YOU SAID MR COPE WAS SITTING
14 WHENEVER YOU CAME IN THE, CAME IN THE ROOM, IS THAT
15 RIGHT?

16 A STANDING

17 Q HE WAS STANDING THERE?

18 A YES, SIR

19 Q HE WAS STANDING IN FRONT OF THE COMPUTER SCREEN,
20 IS THAT RIGHT?

21 A YES

22 Q NOW HE WAS A PRETTY BIG FELLOW, WASN'T HE, BACK
23 THEN?

24 A YES

25 Q 300-400 POUNDS

1 A HE WAS A BIG BOY

2 Q PRETTY WIDE?

3 A YES, SIR

4 Q OKAY NOW HE WAS STANDING IN FRONT OF THIS
5 COMPUTER SCREEN HERE NOW THERE IS A TELEPHONE IN
6 BETWEEN, IF HE'S STANDING HERE, THERE IS A TELEPHONE
7 IN BETWEEN HIM AND THE COMPUTER KEYBOARD, RIGHT?

8 A THAT'S CORRECT, SIR

9 Q OKAY NOW IN THIS PHOTOGRAPH WE'VE GOT THE HARD
10 DRIVE I GUESS, THE MONITOR, PRINTER, AND THEN SOME
11 OTHER PAPERS AND BOOKS AND JUST JUNK JUST SITTING
12 AROUND, RIGHT?

13 A YES, SIR

14 Q OKAY LET ME SHOW YOU WHAT'S BEEN MARKED
15 DEFENSE EXHIBIT 29 IT'S THE SAME PICTURE, RIGHT?

16 A NO, SIR

17 Q IT'S DIFFERENT, ISN'T IT?

18 A YES, SIR

19 Q YOU TOOK THE PICTURE OF IT AFTER THE COMPUTER
20 HAD BEEN REMOVED, AFTER THE KEYBOARD HAD BEEN
21 REMOVED, AFTER THE MOUSE, PRINTER, HARD DRIVE,
22 TELEPHONE, A LOT OF THINGS HAD BEEN TAKEN OFF OF THIS
23 DESK, CORRECT?

24 A YES, SIR

25 Q AND THEY HAD BEEN MOVED AROUND?

1 A YES, SIR

2 Q YOU TOOK THINGS FROM UNDER HERE, PILED THEM UP
3 ON TOP OF THE DESK?

4 A I DIDN'T DO THAT

5 Q YOU DIDN'T DO IT BUT YOU TOOK THIS PHOTOGRAPH,
6 RIGHT?

7 A I TOOK THE PHOTOGRAPH

8 Q AND IT'S A DIFFERENT PHOTOGRAPH THAN THE ONE WE
9 JUST SAW?

10 A YES, SIR

11 Q SO IT'S NOT AN ACCURATE DEPICTION OF THE WAY
12 THIS COMPUTER DESK WAS WHENEVER YOU FIRST CAME INTO
13 THE ROOM?

14 A NO, SIR, THE FIRST PICTURE YOU SHOWED WAS AN
15 ACCURATE DEPICTION

16 Q OKAY BUT THIS IS ONE OF YOUR CRIME SCENE
17 PICTURES, CORRECT?

18 A THIS IS AFTER THE COMPUTER CRIMES LAB FROM SLED
19 TOOK THE COMPUTER MATERIAL WITH THEM

20 Q OKAY

21 A BUT THAT IS AN ACCURATE PHOTOGRAPH AFTER THEY
22 TOOK THE STUFF

23 Q IT'S AN ACCURATE PHOTOGRAPH AFTER THINGS HAD
24 BEEN REMOVED FROM THE DESK?

25 A THAT'S RIGHT

1 Q OKAY LET'S GO TO THE, THIS BIG PICTURE HERE OF
2 THE, THIS IS STATE'S EXHIBIT 40 G AND I'M GOING TO
3 HAVE TO ZOOM OUT THIS IS A PHOTOGRAPH OF MR COPE'S
4 BEDROOM AS YOU ARE STANDING IN THE HALLWAY DOOR, IS
5 THAT RIGHT?

6 A YES, SIR

7 Q IS THAT RIGHT?

8 A THAT'S CORRECT

9 Q NOW PICTURE OF HIS BED RIGHT HERE?

10 A YES, SIR

11 Q AND THIS WOULD BE THE FOOT OF THE BED, RIGHT?

12 A YES, SIR

13 Q SO HIS HEAD WOULD BE UP IN THIS AREA TO THE
14 RIGHT?

15 A THAT'S CORRECT

16 Q NOW WE'VE GOT A FAN RIGHT HERE?

17 A THAT'S CORRECT

18 Q AND IF IT WAS TURNED ON IT WOULD BLOW DIRECTLY
19 ON TO THE BED?

20 A I ASSUME THAT WOULD HAPPEN

21 Q OKAY AND WE CAN PULL THE OTHER PICTURE BUT I
22 THINK THERE IS ANOTHER PICTURE THAT HAS A BOX FAN
23 SITTING OVER HERE, CORRECT?

24 A THERE IS A BOX FAN OVER NEAR THAT WINDOW

25 Q SO THERE WERE TWO FANS IN THE ROOM DID YOU

1 COLLECT EITHER ONE OF THOSE FANS INTO EVIDENCE?

2 A NO, SIR

3 Q DID YOU KNOW MR COPE CLAIMS THAT HE DIDN'T HEAR
4 ANYTHING THAT NIGHT BECAUSE THERE WERE FANS BLOWING
5 IN HIS ROOM?

6 A NO, SIR, I DIDN'T KNOW THAT

7 Q YOU DIDN'T KNOW THAT SO THAT WAS, THAT WOULD
8 HAVE BEEN A VALUABLE PIECE OF INFORMATION FOR YOU TO
9 KNOW THOUGH AS PART OF YOUR CRIME SCENE PROCESSING,
10 WOULDN'T YOU IMAGINE?

11 A I DON'T THINK I WOULD HAVE DONE ANYTHING
12 DIFFERENT BUT I GUESS EVERY BIT OF INFORMATION IS
13 HELPFUL

14 Q BUT THE JURY CAN'T HEAR FOR THEMSELVES HOW LOUD
15 THESE FANS WORK BECAUSE THEY WEREN'T TAKEN INTO
16 EVIDENCE, CAN THEY?

17 A NO, SIR

18 Q NOW WERE YOU AWARE THAT MR COPE ALSO HAD SLEEP
19 APNEA?

20 A I LEARNED THAT LATER, LATER ON IN THE
21 INVESTIGATION

22 Q AND THAT HE USED A CPAP MACHINE TO ASSIST HIS
23 BREATHING AT NIGHT?

24 A I FOUND THAT OUT LATER ON

25 Q AND THAT WAS SOMETHING ELSE THAT HE CLAIMED -- A

1 REASON WHY HE COULDN'T HEAR ANYTHING THAT NIGHT HE
2 HAD THE CPAP MASK ON HIS FACE AND THEN HE HAD TWO
3 FANS BLOWING, DID YOU KNOW THAT?

4 A I FOUND THAT OUT LATER ON

5 Q AND YOU DIDN'T TAKE THE CPAP MACHINE INTO
6 EVIDENCE?

7 A NO, SIR, I DID NOT

8 Q OKAY NOW LET'S TAKE A LOOK AT PICTURE OF THE
9 BACK DOOR HERE THIS IS DEFENDANT'S EXHIBIT NUMBER
10 30 YOU CAN SEE THE, ZOOM IN AND THIS IS, THIS
11 WOULD BE IN THE DINING ROOM LAUNDRY ROOM WHICH IS
12 RIGHT NEXT TO THE KITCHEN, CORRECT?

13 A CORRECT

14 Q AND THIS WOULD BE THE BACK DOOR BACK HERE?

15 A CORRECT

16 Q AND THIS WAS THE BOX FAN THAT YOU TALKED ABOUT
17 EARLIER?

18 A CORRECT

19 Q AND THIS LOOKS LIKE MAYBE A CAN OF SODA OF AND
20 CANNED VEGATABLES OR SOME SORT OF SMALL CAN?

21 A SMALL CAN IT'S SMALL I'M NOT SURE WHAT IT
22 WAS

23 Q AND LET'S TAKE A LOOK AT THE NEXT PICTURE OF THE
24 BACK DOOR HERE IT'S DEFENDANT EXHIBIT NUMBER 30
25 NOW THIS, THIS IS THE SAME VIEW, CORRECT? YOU ARE

1 LOOKING FROM --

2 A IT'S PRETTY SIMILAR TO THE SAME VIEW

3 Q FROM THE DINING ROOM INTO THE KITCHEN, CORRECT,
4 TOWARDS THE BACK DOOR?

5 A TOTALLY DIFFERENT PICTURE, TOTALLY DIFFERENT DAY
6 THE PICTURE WAS TAKEN

7 Q BUT THIS IS A CRIME SCENE PICTURE, RIGHT?

8 A THIS IS THE ORIGINAL CRIME SCENE PICTURE IS WHAT
9 I SAW THE FIRST DAY I WAS THERE

10 Q OKAY BUT IT'S DIFFERENT FROM THAT LAST ONE?

11 A SURE IT IS BECAUSE ACTUALLY THAT PHOTOGRAPH, THE
12 FIRST ONE YOU SHOWED ME, IF I'M NOT MISTAKEN, WAS
13 TAKEN ON DECEMBER THIRD

14 Q BUT YOU DON'T KNOW, DO YOU HAVE A RECORD OF
15 THAT?

16 A UH

17 Q OF WHEN IT WAS TAKEN?

18 A ACTUALLY THE BEST WAY I CAN SHOW YOU THAT I TOOK
19 IT ON THAT DAY WAS I WENT BACK AND PHOTOGRAPHED EVERY
20 BROOM AND I DID THAT ON THE THIRD

21 Q SURE BUT IF YOU PICKED SOMETHING DIFFERENT
22 THAN WHAT WE HAVE IN THIS PICTURE?

23 A OF COURSE IT DID

24 Q SO THINGS HAVE BEEN MOVED AROUND AGAIN AND
25 ANOTHER CRIME SCENE PICTURE WAS TAKEN SHOWING

DIFFERENT THINGS?

A THERE WAS THREE DAYS THAT THE CRIME SCENE HAD
ALREADY BEEN RELEASED SO FAMILY MEMBERS HAD
OPPORTUNITY TO GO IN THERE, WHO KNOWS WHO WENT IN
HERE

Q FAMILY, WHEN DID FAMILY MEMBERS?

A I'M JUST SAYING HAD THE OPPORTUNITY TO
DO YOU KNOW IF THEY DID OR NOT?

A NO, SIR, I DON'T KNOW THAT

Q OKAY

A BUT THAT PHOTOGRAPH, THE LAST ONE YOU JUST
SHOWED, WAS THE ORIGINAL PHOTOGRAPH THAT MORNING WHEN
I TOOK THOSE PHOTOGRAPHS THE ONE WHERE YOU SEE THE
TRASH CAN WAS REMOVED IS ON DECEMBER THIRD AFTER I
WENT BACK AND WAS TRYING, WE COLLECTED THE BROOMS
THAT MR COPE SAID POSSIBLY WAS USED IN THE RAPE AND
MURDER

Q OKAY THIS IS STATE'S EXHIBIT 47 B THIS IS A
SHOT OF THE BACK DOOR, RIGHT?

A CORRECT

Q AND AGAIN YOU POINTED OUT THE FIRST TIME YOU
TALKED ABOUT IT THAT THERE WAS NO CHAIN LOCK OR NO
CHAIN LOCK WHICH WOULD HAVE BEEN HERE OR HERE, IS
THAT RIGHT?

A IT WAS NOT PRESENT

1 Q NOW WE MAY NOT BE ABLE TO SEE FROM THIS IMAGE,
2 CAN YOU SEE WHERE THERE WERE HOLES WHERE THE CHAIN,
3 THE CHAIN USED TO BE MOUNTED HERE ON THE WALL, CAN
4 YOU MAKE THAT OUT?

5 A I SEE THE HOLES IN THE WALL BUT I'M NOT SURE
6 THAT IS WHERE IT WAS MOUNTED

7 Q BUT THAT IS CONSISTENT WITH WHERE IT --

8 A NO, SIR

9 Q ---WOULD TYPICALLY BE MOUNTED?

10 A NO, SIR, NOT REALLY USUALLY IT'S MOUNTED ON
11 THE DOOR FRAME

12 Q DO YOU SEE ANY HOLES ON THE DOOR FRAME?

13 A I CAN'T TELL FROM THIS

14 Q CAN YOU TELL FROM THE PICTURE?

15 A I DON'T KNOW LET ME SEE NO, SIR, I CAN'T
16 TELL I DON'T SEE ANYTHING ON THERE

17 Q YOU DON'T SEE ANY HOLES?

18 A I SEE THE HOLES ON THE SIDE, ON THE PANEL, YES,
19 SIR

20 Q AND, BUT YOU DON'T SEE ANY ON THE FRAME ITSELF?

21 A NO, SIR

22 Q AND THE PANELING IS JUST THAT IS PANELING, THERE
23 IS NOTHING SOLID BEHIND IT, RIGHT?

24 A NO, SIR, THERE IS GOING TO BE A TWO BY FOUR BACK
25 THERE

1 Q BUT SPACED OUT AT CERTAIN INTERVALS, RIGHT?

2 A IF IT'S RIGHT THERE BESIDE THE DOOR THERE IS A
3 DOUBLE TWO BY FOUR WHICH IS, WHICH MAKES IT, YOU
4 KNOW, THREE QUARTER

5 Q REGARDLESS WE HAVE TWO HOLES WHERE, CLOSE TO
6 WHERE THE LATCHING MECHANISM FOR THE CHAIN LOCK WOULD
7 BE, CORRECT?

8 A CLOSE PROXIMITY

9 Q OKAY LET'S TAKE A LOOK AT, AT THIS PICTURE OF,
10 THIS IS DEFENDANT EXHIBIT NUMBER 32 NOW THIS IS A
11 PICTURE OF AMANDA'S BED, IS IT NOT?

12 A YES, SIR, IT IS

13 Q AND THIS WAS TAKEN BEFORE SHE HAD BEEN REMOVED?

14 A THAT'S CORRECT, SIR

15 Q OKAY NOW THERE WAS A NUMBER OF DIFFERENT ITEMS
16 HERE ON THIS BED, STACKED UNDER HER, AROUND HER, WERE
17 THERE NOT?

18 A YES, SIR, THERE WERE

19 Q LOOKS LIKE WE GOT A BACK PACK UP HERE?

20 A THAT'S CORRECT

21 Q OKAY A BOOK HERE, SOME PICTURES HERE, MAYBE
22 SOME CLOTHES OR JEANS ROLLED UP HERE, THEN WE'VE GOT
23 A POCKET BAG HERE, DO WE NOT?

24 A YES, SIR, WE DO

25 Q DID YOU TAKE THAT POCKETBOOK INTO EVIDENCE?

1 A NO, SIR, I DIDN'T

2 Q YOU DIDN'T YOU TOOK EVERYTHING ELSE ON THE BED
3 INTO EVIDENCE, DID YOU NOT?

4 A EVERYTHING I COLLECTED ON THE BED THAT WAS TAKEN
5 TO THE MORGUE I COLLECTED AS EVIDENCE THERE WERE I
6 KNOW OF THREE THINGS, THESE PICTURE AGAIN, THERE WERE
7 THREE THINGS THAT I DID NOT COLLECT ONE BEING THAT
8 POCKET BOOK, ANOTHER BEING A PHONE RECEIVER

9 Q LIKE A TELEPHONE LIKE YOU SPEAK INTO?

10 A YES, SIR

11 Q OKAY

12 A AND A LITTLE GAME

13 Q HAND HELD VIDEO GAME?

14 A YEAH, HAND HELD VIDEO GAME

15 Q YOU DIDN'T COLLECT THOSE?

16 A NO, SIR, I DIDN'T AND I TRUTHFULLY I STILL DON'T
17 TO THIS DAY, OTHER THAN SHOWING THAT IN THAT PICTURE
18 IT WAS THERE, BUT I DON'T REMEMBER SEEING THAT POCKET
19 BOOK

20 Q THAT COULD BE A CRUCIAL PIECE OF EVIDENCE, COULD
21 IT NOT?

22 A I DON'T KNOW

23 Q YOU DON'T KNOW?

24 A I DON'T KNOW HOW A POCKET BOOK COULD BE A
25 CRUCIAL PIECE OF EVIDENCE

1 Q WELL, IF SOMEONE WERE TO BREAK INTO THIS HOUSE
2 AND WERE TO RAPE AMANDA COPE AND TRY TO OR LOOK FOR
3 MONEY, A POCKET BOOK WOULD BE A COMMON SOURCE THAT
4 MONEY WOULD BE FOUND IN, CORRECT?

5 A YES, SIR, BUT THERE WAS NO FORCED ENTRY

6 Q WELL, THERE WERE NO SIGNS OF FORCED ENTRY THAT
7 YOU FOUND, CORRECT?

8 A THERE WAS NO FORCED ENTRY THAT I FOUND ON ANY
9 WINDOW OR DOOR

10 Q OKAY BUT IN ANY CASE YOU DIDN'T TAKE THIS
11 POCKET BOOK INTO EVIDENCE?

12 A NO, SIR, I DIDN'T

13 Q JUST A COUPLE MORE PHOTOS

14 A YES, SIR

15 Q THEN WE'LL FINISH UP YOU'VE ALREADY POINTED
16 OUT HERE THIS IS A PICTURE OF THE BEDROOM WINDOW IN
17 AMANDA'S BEDROOM THAT GOES OUT TO THE SIDE YARD,
18 CORRECT?

19 A THAT'S CORRECT

20 Q AND THIS IS THE ONE WHERE THE LADDER WOULD HAVE
21 BEEN RIGHT HERE IN THIS PROXIMITY?

22 A NO, SIR, IT WAS NOT TRUE

23 Q OVER HERE?

24 A IT WOULD BE FURTHER BACK HERE I CAN SEE CRIME
25 SCENE TAPE THERE THAT CRIME SCENE TAPE WAS AT THE

1 VERY BACK OF HER HOUSE, THAT LADDER WAS A GOOD
2 DISTANCE AWAY FROM THE HOUSE

3 Q IT WAS A GOOD DISTANCE EVEN THOUGH IT WAS A
4 SMALL YARD I BELIEVE YOU TESTIFIED?

5 A IT WAS A SMALL YARD IT WAS WAY BEYOND THE BACK
6 OF THE HOUSE

7 Q BUT THIS WAS ANOTHER PICTURE THAT WE HAVE HERE
8 THAT DOESN'T ACCURATELY DEPICT THE SCENE THAT, THE
9 SCENE OF THIS BEDROOM WHEN YOU FIRST CAME IN,
10 CORRECT?

11 A THIS ONE DOES NOT, NO, SIR, YOU ARE RIGHT

12 Q THAT'S RIGHT BECAUSE THE CURTAINS --

13 A FELL

14 Q ---CAME DOWN ONE WAY OR ANOTHER AND WE DON'T
15 KNOW HOW THEY CAME DOWN?

16 A I DO

17 Q DID YOU PULL THEM?

18 A NO, SIR, MY PARTNER ACTUALLY TOUCH IT AND IT
19 FELL

20 Q DO YOU KNOW WHETHER THEY WERE SECURE OR NOT UP
21 AT THE TOP BEFORE HE TOUCHED THEM AND THEY FELL?

22 A MR SMITH, I MEAN, REMEMBER SEEING THEM I
23 REMEMBER THEY ARE HANGING BY A CURTAIN ROD, BUT IT
24 WAS APPARENT THEY WASN'T SECURED BECAUSE AS SOON AS
25 HE TOUCHED IT THEY FELL

Q SO IT WAS APPARENT THAT THEY WERE NOT SECURE?

A NO, SIR, I'M NOT SAYING THAT

Q I THOUGHT THAT'S WHAT YOU JUST SAID?

A NO, I SAID THEY WERE ON THE WALL AND WHEN MY PARTNER TOUCHED IT THEY FELL

Q OKAY BUT YOU DIDN'T EXAMINE THEM BEFORE TO SEE IF THEY WERE SECURING IN PLACE?

A I DID PHOTOGRAPH IT AND THERE IS A PHOTOGRAPH OF THE WINDOW, NOT THE ENTIRE WINDOW, BUT THE WINDOW WITH THE CURTAIN PLACE

Q YEAH, AND THAT'S NOT WHAT I'M SAYING?

A THAT IS MY ORIGINAL CRIME SCENE PHOTOGRAPH

Q AND THAT'S NOT WHAT I'M GETTING AT THERE ARE DEFINITELY A PICTURE WITH THE CURTAINS IN PLACE, CORRECT, WE CAN SEE THOSE CURTAINS IN PLACE ON THAT WINDOW?

A YES

Q RIGHT WHAT MY QUESTION IS, UP AT THE TOP WHERE THE CURTAIN ROD MOUNTS TO THE WALL OR MOUNTS TO THE MECHANISM ATTACHED TO THE WALL, DID YOU EXAMINE THAT TO SEE IF THEY WERE SECURELY IN PLACE?

A NO, SIR, I DID NOT

Q OKAY SO THEY MAY HAVE BEEN HALF WAY HANGING THERE AND WHEN YOUR PARTNER BUMPED IT THEY FELL DOWN?

A THAT'S EXACTLY WHAT HAPPENED HE BUMPED IT AND

1 THEY FELL

2 Q OKAY NOW HERE IS A, HERE IS A PICTURE OF AND
3 THIS IS DEFENDANT'S EXHIBIT NUMBER 33 WE'VE GOT TWO
4 MORE PICTURES THIS IS A CLOSE UP OF AMANDA'S FACE
5 BEFORE SHE WAS MOVED FROM THE BED, CORRECT?

6 A YES, SIR

7 Q AND IF YOU CAN TELL THERE IS BLOOD RUNNING DOWN
8 THE SIDE OF HER FACE, IS THERE NOT?

9 A THERE APPEARS TO BE BLOOD ON HER CHEEK, ON HER
10 LEFT CHEEK

11 Q AND IT IS POOLED HERE ON THE BLANKET, IS THAT
12 CORRECT?

13 A WELL, I DON'T WANT TO SAY POOL BECAUSE IT WAS
14 NOT A POOL BUT THERE WAS SOME, THERE WAS SOME BLOOD
15 ON THE BLANKET

16 Q YES, SIR WOULD YOU SAY IT'S A FAIR STATEMENT
17 THAT IF SOMEONE PULLED HER SHIRT OVER HER FACE THAT
18 BLOOD ON HER FACE WOULD HAVE BEEN SMEARED?

19 A I'M SORRY SAY THAT AGAIN

20 Q IF HER FACE WAS BLEEDING AS WE SAW ON THE
21 PICTURE AND SOMEONE PULLED A SHIRT OVER HER FACE, THE
22 BLOOD ON HER FACE WOULD HAVE BEEN SMEARED, WOULDN'T
23 YOU SAY?

24 A IF SHE WAS BLEEDING AT THE TIME I WOULD ONLY
25 ASSUME THAT THAT WOULD HAPPEN

1 Q OKAY I'M GOING TO SHOW YOU, THIS IS THE LAST
2 PICTURE, AND THIS IS DEFENDANT'S EXHIBIT 34 AND I
3 THINK WE'VE ALREADY SEEN THIS PICTURE, MAYBE JUST A
4 LITTLE DIFFERENT ANGLE CAN YOU TELL IF THERE IS A
5 PATH THROUGH HERE OR NOT? DOESN'T IT LOOK LIKE AS,
6 IT'S BEATEN DOWN A LITTLE, A LITTLE MORE SO THAN OVER
7 HERE IN THE YARD?

8 A THE DAY I WAS OUT THERE WALKING AROUND TAKING
9 THESE PHOTOGRAPHS I DID NOT NOTICE ANY WEAR PATTERNS
10 IN THE GROUND AS A PATH THERE WERE LEAVES
11 EVERYWHERE OF COURSE I HAD JUST COME FROM THERE

12 Q SURE?

13 A SO THAT COULD BE WHERE I WALKED THROUGH THE
14 LEAVES AND MADE THAT PATH

15 Q BUT IT MAY NOT HAVE BEEN

16 A BUT I KNOW FOR A FACT THAT THERE WAS NO PATH ON
17 THE SIDE OF THAT YARD WHEN I WALKED UP THROUGH THERE
18 THERE WAS NO SIGNS OF A PATH

19 Q BUT IN THIS PICTURE IT DOES IT APPEAR SOME SORT
20 OF DISRUPTION IN THE LEAVES THROUGH HERE THAT MAY
21 INDICATE A PATH?

22 A THERE IS SOME DISRUPTION IN THE LEAVES BUT IT
23 DOES NOT INDICATE A PATH I HAD JUST WALKED THROUGH
24 THERE

25 Q OKAY ALL RIGHT IF YOU WANT TO HAVE A SEAT

1 BACK ON THE WITNESS STAND

2 (WITNESS RESUMES WITNESS STAND)

3 Q NOW I'M NOT GOING TO REPLAY THE VIDEO THAT WE
4 WATCHED EARLIER, I JUST WANT TO CLEAR ONE THING UP,
5 IN THE VIDEO THE JURORS SAW A REFRIGERATOR IN THE
6 LAUNDRY ROOM SLASH DINING ROOM?

7 A YES, SIR

8 Q AND IT WAS IN, HAD SOME PRETTY OLD NASTY FOOD IN
9 THERE, DID IT NOT?

10 A YES, SIR, IT DID

11 Q THERE WAS ANOTHER REFRIGERATOR IN THAT HOUSE,
12 WASN'T THERE?

13 A THERE WAS ONE IN THE KITCHEN

14 Q IN THE KITCHEN

15 A YES, SIR

16 Q AND IT HAD, WAS ACTUALLY PACKED FULL OF FOOD,
17 WAS IT NOT?

18 A THERE WAS NOTHING IN THAT REFRIGERATOR THAT I
19 WOULD EAT

20 Q OKAY I DON'T KNOW YOUR EATING PREFERENCES AND
21 I'M NOT GOING TO GO INTO THAT BECAUSE IT'S NOT
22 RELEVANT, BUT IT WAS PACKED FULL OF FOOD, WAS IT NOT?

23 A IT WAS PACKED, IT HAD FOOD IN IT

24 Q OKAY OKAY I JUST DIDN'T WANT THE JURY TO
25 BELIEVE THERE WAS ONLY ONE REFRIGERATOR IN THAT

1 HOUSE?

2 A NO, THERE WAS TWO REFRIGERATORS

3 Q OKAY NOW, YOU KNOW, WE LOOKED AT A LOT OF
4 PICTURES AND WENT THROUGH A LOT WITH THE SOLICITOR'S
5 OFFICE TWO THINGS I DIDN'T SEE PICTURES OF ONE
6 WAS OF MR COPE'S HANDS DID YOU EVER TAKE ANY
7 PICTURES OF HIS HANDS?

8 A I BELIEVE I CAN HONESTLY SAY THAT I NEVER
9 PHOTOGRAPHED MR COPE AS A MATTER OF FACT,
10 I DON'T REMEMBER SEEING MR COPE BUT ONE TIME DURING
11 THIS WHOLE INVESTIGATION AND THAT WAS THE FIRST
12 MORNING

13 Q NOW IF MR COPE USES HIS HANDS TO CAUSE THE
14 DAMAGE TO OR THE INJURIES TO AMANDA'S FACE WOULD YOU
15 NOT EXPECT THERE TO BE CUTS, BRUISES, OR MARKS?

16 A ABSOLUTELY NOT

17 Q ABSOLUTELY NOT?

18 A ABSOLUTELY NOT THAT DOESN'T ALWAYS HAPPEN
19 MR COPE WAS 330 POUNDS PER HIS BOOKING SLIP, AMANDA
20 COPE WAS A 12 YEARS OLD GIRL THAT HAD INJURIES ABOUT
21 HER HEAD AND FACE AND ELSEWHERE

22 Q WOULDN'T IT BE IMPORTANT TO AT LEAST CHECK?

23 A WELL, YOU KNOW, AT THE TIME OF THE, WE DIDN'T
24 KNOW ABOUT THE INJURIES UNTIL AFTER THE AUTOPSY AND
25 IT MAY HAVE BEEN A GOOD IDEA FOR ME TO GO LOOK AT

1 MR COPE'S HANDS

2 Q BUT YOU DIDN'T DO THAT, DID YOU?

3 A NO, SIR, I DID NOT GO DO THAT

4 Q DO YOU KNOW IF ANYONE ELSE DID?

5 A NO, SIR, I CAN'T -- I DON'T KNOW

6 Q YOU DON'T RECALL ANY BLOOD OR MARKS OR SCRATCHES
7 OR ANYTHING FROM THE ONE TIME THAT YOU SAW MR COPE,
8 DO YOU?

9 A NO, SIR

10 Q THE SECOND THING I DIDN'T NOTICE ANY PICTURES OF
11 WERE OF AMANDA WITH THE GREEN RIBBON FROM HER BLANKET
12 WRAPPED AROUND HER, NECK THERE WEREN'T ANY PICTURES
13 OF THAT TAKEN, WERE THERE?

14 A IF MY MEMORY SERVES ME CORRECT THAT AT THE TIME
15 THAT GREEN BLANKET WAS JUST UP UNDER HER ARM I
16 DON'T RECALL IT AROUND HER NECK

17 Q YOU DON'T RECALL TAKING ANY PICTURES OF THAT?

18 A I REMEMBER TAKING ONE OF IT BEING SHOWN COMING
19 FROM UNDER HER ARM, BUT NO, I DON'T RECALL IT BEING
20 AROUND HER NECK

21 Q OKAY IN ANY EVENT THE JURY HASN'T SEEN ANY,
22 NONE HAVE BEEN PRODUCED TODAY THAT SHOW THAT,
23 CORRECT, THAT YOU'VE BEEN AWARE OF?

24 A SHOWED WHAT, SIR?

25 Q A PICTURE OF THE RIBBON WRAPPED AROUND AMANDA'S

NECK?

A NO, I DON'T THINK, AS FAR AS I CAN KNOW THAT,
SINCE I'VE BEEN UP HERE, I DON'T THINK THERE'S BEEN
ONE THERE HAS NOT BEEN ONE SHOWED TO Y'ALL

Q OKAY SWITCH GEARS AND TALK ABOUT THE EVIDENCE
THAT YOU'VE COLLECTED THERE AT THE CRIME SCENE ON
THE 29 YOU WERE THERE FOR APPROXIMATELY SIX HOURS,
RIGHT, FROM I THINK IT WAS 6 55 UNTIL 12 50?

A YES, SIR

Q OKAY NOW AGAIN YOU EXAMINED THE SCENE AND
ANALYZED THE SCENE AND THEN STARTED COLLECTING THE
EVIDENCE, CORRECT?

A YES, SIR

Q AND ANOTHER TIME YOU TOOK SOME PICTURES OF
EVIDENCE AND THE SCENE ITSELF, THE PICTURES THAT WE
JUST WENT THROUGH?

A YES, SIR

Q NOW IS IT FAIR TO SAY THAT WHEN YOU EXAMINED THE
SCENE YOU LOOK FOR OBVIOUS PIECE OF EVIDENCE, THINGS
THAT STOOD OUT TO YOU?

A OF COURSE

Q THAT WOULD POSSIBLY EXPLAIN WHAT HAPPENED THAT
NIGHT?

A YES, SIR

Q OKAY NOW ON THE 29 YOU DIDN'T COLLECT THAT

1 MUCH EVIDENCE, DID YOU?

2 A NO, SIR, WE DID NOT

3 Q I THINK THAT THERE WAS A FILM DISK, SOME VARIOUS
4 BOOKS AND PAPERS, SOME HAIR, PILLOWCASE, JUST A
5 COUPLE OF OTHER VARIOUS THINGS, RIGHT?

6 A THAT'S CORRECT, SIR

7 Q OKAY

8 MR SMITH BEG THE COURT'S INDULGENCE

9 Q SORRY ABOUT THAT, MR GARDNER, TO KEEP YOU
10 WAITING HERE, BUT, SO YOU COLLECTED A COUPLE OF ITEMS
11 ON THE 29 AND THEN YOU WENT BACK ON THE 30, THE NEXT
12 DAY, AND STARTED COLLECTING MORE ITEMS, CORRECT?

13 A YES, SIR, I THINK AFTER WE WENT BACK ON THE 29
14 AFTER THE AUTOPSY AND WE COLLECTED A FEW MORE THINGS
15 AND THEN ON THE 30 WE COLLECTED SOME MORE STUFF

16 Q OKAY YOU COLLECTED ALL OF THESE BROOMS THAT
17 THE SOLICITOR'S OFFICE HAS ALREADY INTRODUCED INTO
18 EVIDENCE, IS THAT CORRECT?

19 A THAT'S CORRECT, SIR

20 Q OKAY NOW I BELIEVE THIS IS THE, THIS IS
21 STATE'S EXHIBIT 58 THIS IS THE RED BROOM AND IT WAS
22 COLLECTED WHERE?

23 A CAN I HOLD IT?

24 Q YES, SIR

25 A LET'S SEE THE BROOM ITSELF, SIR

1 Q YES, SIR

2 A KITCHEN AT REAR DOOR

3 Q IT WAS COLLECTED AT KITCHEN AND THE REAR DOOR

4 AND YOU SAID THIS WAS, I BELIEVE IT'S A METAL OR SOME

5 SORT OF HARD PLASTIC HANDLE?

6 A I THINK IT IS

7 Q DID YOU COLLECT ANY WOODEN HANDLE BROOMS OR MOPS

8 OR?

9 A NO, SIR

10 Q OKAY THEY WERE ALL PLASTIC, METAL, SOMETHING

11 LIKE THAT?

12 A THAT'S CORRECT

13 Q NOW IT'S GOT THIS CAP ON THE END OF IT, DOES IT

14 NOT?

15 A YES, SIR

16 Q IT'S GOT SOME EDGES TO IT?

17 A THAT'S CORRECT

18 Q OKAY AND I BELIEVE THAT WAS RECOVERED ALONG

19 WITH THIS DUST OR THIS DUST PAN?

20 A DUST PAN

21 Q IT'S GOT THIS HANDLE ON IT WITH THIS KNOB ON THE

22 END?

23 A THAT'S CORRECT

24 Q AND IT'S GOT SOME EDGES ON THAT AS WELL?

25 A CORRECT

1 Q OKAY THEN WE'VE GOT A, LET'S SEE, THIS IS THE
2 WHITE DUST MOP THAT WAS COLLECTED IN THE, COLLECTED
3 IN THE LIVING ROOM NEXT TO THE IT TV STAND I BELIEVE,
4 IS THAT RIGHT?

5 A LET ME JUST LOOK AT MY PAPER WORK RIGHT HERE
6 WAS THAT THE WHITE HANDLED MOP YOU REFERRED TO

7 Q YOU TELL ME, IS THAT WHAT THIS IS IT'S A WHITE
8 HANDLE AND MAYBE DUST MOP HEAD TO IT?

9 A LIVING ROOM TV STAND

10 Q AGAIN IT'S GOT BLACK CAP THAT'S GOT SOME ROUGH
11 EDGES ON IT?

12 A YES, SIR

13 Q THEN WE'VE GOT A GREEN HANDLED MOP AND I BELIEVE
14 IT WAS RECOVERED IN THE DINING ROOM SLASH --

15 A WASH ROOM

16 Q WASH ROOM

17 A THAT'S CORRECT

18 Q AND THIS WAS SITTING IN A MOP BUCKET, WASN'T IT?

19 A CORRECT

20 Q AND AGAIN IT'S GOT THE CAP ON IT THAT'S GOT SOME
21 ROUGH EDGES TO IT?

22 A IT HAS A CAP ON IT, YES, SIR

23 Q IT HAS SOME EDGES --

24 A YEAH, IT HAS EDGE ON IT

25 Q IT'S NOT ROUND OR SMOOTH THERE THEN I BELIEVE

1 THIS IS THE RED HANDLED BROOM THAT WAS FOUND OUTSIDE
2 IN THE GARBAGE CAN?

3 A YES, SIR

4 Q AND AGAIN IT'S GOT CAP ON IT WITH EDGES TO IT
5 AND THE OTHER END WAS BROKEN OFF?

6 A I THINK THAT'S CORRECT, SIR

7 Q OKAY THEN WE HAVE A WALKING CANE THAT WAS
8 RECOVERED FROM UNDERNEATH MR AND MRS COPE'S BED IN
9 THE MASTER BEDROOM?

10 A THAT'S CORRECT

11 Q AND AGAIN WE SEE TAPED UP, ROUGH BUTT TO IT, IS
12 THAT FAIR?

13 A YES, SIR

14 Q AND FINALLY I BELIEVE THIS SHOULD BE THE BLUE
15 JUST REGULAR BROOM

16 A YES, SIR

17 Q THAT WAS RECOVERED FROM THE, THIS WOULD HAVE
18 BEEN NEXT TO THE COMPUTER DESK IN THE LIVING ROOM,
19 CORRECT

20 A THAT'S CORRECT

21 Q OKAY AND AGAIN CAP ON THE END OF IT WITH SOME
22 EDGES TO IT?

23 A YES, SIR

24 Q OKAY AND YOU COLLECTED THESE ON NOVEMBER 30,
25 RIGHT?

1 A THAT'S CORRECT, SIR

2 Q THAT WAS THE SECOND DAY OF YOUR CRIME SCENE
3 PROCESSED?

4 A YES, SIR

5 Q OKAY NOW IF THESE THINGS WOULD HAVE STUCK OUT
6 TO YOU ON THE 29, YOU WOULD HAVE COLLECTED THEM,
7 CORRECT?

8 A WE WOULD HAVE COLLECTED THEM ON THE 29 IF WE
9 WOULD HAVE HAD KNOWN THE CIRCUMSTANCES BEHIND THESE,
10 POSSIBLY BEHIND THESE

11 Q THERE WAS NOTHING THAT STOOD OUT TO YOU ON THE
12 29 TO MAKE YOU BELIEVE THAT IT WAS NECESSARY TO
13 COLLECT THESE ITEMS AND TO PRESERVE THEM?

14 A THAT'S CORRECT

15 Q SO THERE WERE NO OBVIOUS SIGNS OF BLOOD, HAIR?

16 A THAT'S CORRECT

17 Q ANY TYPE OF FLUIDS, ANYTHING LIKE THAT, ON ANY
18 OF THESE OBJECTS HERE?

19 A THAT'S CORRECT

20 Q OKAY NOW THE NEXT DAY YOU, ON THE 30TH, YOU
21 ALSO COLLECTED A DILDO, A MARITAL AID, IS THAT RIGHT?

22 A IT'S A DILDO MAYBE FOR SEXUAL AID

23 Q I'M SORRY

24 A A SEXUAL AID

25 Q SEX AID?

A I DON'T WANT TO CALL IT A MARITAL AID

Q OKAY AND IT WAS RIGHT NEXT TO A, TO A TUBE OF
EQUATE LUBRICANT JELLY, RIGHT?

A YES, SIR

Q WHICH WOULD BE CONSISTENT WITH USING A DILDO,
WOULD YOU AGREE?

A I WOULD ASSUME SO, SIR

Q THEN YOU COLLECTED THIS DILDO?

A YES, SIR, I DID

Q IS THAT RIGHT?

A YES, SIR

Q DID YOU MEASURE THIS THING?

A NO, SIR, I DIDN'T

Q DO YOU KNOW HOW LONG IT WAS?

A NO, SIR, I DON'T

Q WOULD YOU MEASURE IT FOR US? DO YOU MIND DOING
THAT?

A NO, SIR, I'LL MEASURE IT FOR YOU

Q SHOULD BE A RULER ON THERE, MAYBE NOT A, BUT IF
YOU WOULD MEASURE THAT FOR US IN INCHES

A WITH THE CAP, FIVE AND A QUARTER INCHES

Q WITHOUT THE CAP?

A FOUR AND A HALF INCHES

Q OKAY FOUR AND A HALF TO FIVE AND A QUARTER
INCHES?

1 A YES, SIR

2 Q YOU ARE AWARE THAT DR MAYNARD TESTIFIED THAT
3 THE INJURIES CAUSED TO AMANDA REACHED 8 INCHES INSIDE
4 HER ANUS?

5 A NO, SIR, I'M NOT AWARE OF DR MAYNARD'S
6 TESTIMONY

7 Q YOU ARE NOT AWARE OF THAT NOW WHEN YOU
8 COLLECTED THIS DID YOU OBSERVE ANY BLOOD, HAIR, FECAL
9 MATTER, ANYTHING LIKE THAT ON THE DILDO?

10 A NO, SIR

11 Q OKAY I BELIEVE YOU ALSO TESTIFIED THAT THERE
12 WAS A BLUE TOWEL AND TWO WASH CLOTHES THAT YOU
13 COLLECTED ON THE THIRD I BELIEVE, YOU WENT BACK TO
14 THE SCENE AND COLLECTED THOSE ON THE THIRD?

15 A THAT'S CORRECT, SIR

16 Q LET ME ASK YOU THIS DID YOU COLLECT, WE TALKED
17 ABOUT MR COPE'S HANDS AND TAKING PICTURES OF HIS
18 HANDS, DID YOU COLLECT HIS CLOTHING?

19 A EVENTUALLY, YES, SIR, WE DID

20 Q IT WAS COLLECTED, RIGHT?

21 A YES, SIR

22 Q OKAY AND IT WAS THE CLOTHING THAT HE
23 SUPPOSEDLY WORE OR SLEPT IN THAT NIGHT?

24 A OH, I DON'T KNOW IT WAS CLOTHING HE WAS
25 WEARING THE DAY HE LEFT HIS HOUSE TO GO TO THE POLICE

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1 DEPARTMENT

2 Q IT WAS A PAIR OF LONG BLACK JOGGING OR SWEAT
3 PANTS?

4 A YES, SIR

5 Q AND THOSE WERE COLLECTED?

6 A THOSE WERE COLLECTED

7 Q DID YOU SEND THOSE OFF FOR TESTING?

8 A I'M ALMOST CERTAIN THAT THEY WERE SENT TO SLED
9 AND I DON'T KNOW THAT FOR A FACT I WOULD HAVE TO
10 DIG A LITTLE DEEPER IN THE PAPER WORK

11 Q THE FACT IS THEY WERE SENT TO SLED TWO WEEKS AGO
12 OR WITHIN THE LAST MONTH, RIGHT?

13 A I KNOW THERE WAS SOME STUFF THAT WENT DOWN
14 RECENTLY

15 Q AND NOT ONLY WAS IT BLACK JOGGING PANTS BUT IT
16 WAS ALSO HIS UNDERWEAR?

17 A I DON'T KNOW, SIR I KNOW THERE WAS SOME STUFF
18 THAT WAS SENT DOWN RECENTLY BUT I DON'T KNOW WHAT IT
19 WAS

20 Q AND THIS IS TWO AND A HALF YEARS LATER?

21 A YES, SIR

22 Q OKAY NOW A RAPE KIT WAS CONDUCTED IN REGARDS
23 TO AMANDA I BELIEVE THAT'S ALREADY BEEN INTRODUCED?

24 A THAT'S CORRECT

25 Q ONE WAS ALSO COLLECTED FROM MR COPE, WAS IT

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1 NOT?

2 A THAT'S CORRECT

3 Q DO YOU KNOW THE RESULTS OF THAT, OF THAT
4 TESTING?

5 A NOT WITHOUT LOOKING AT THE SLED REPORTS

6 Q OKAY YOU ARE NOT AWARE OF WHAT THOSE RESULTS
7 WERE?

8 A NO, SIR, I'M NOT

9 Q NOW AMANDA COPE'S CLOTHING WAS TESTED OR
10 COLLECTED ALSO, WAS IT NOT?

11 A YES, SIR

12 Q AND WERE ANY TESTS DONE ON THAT CLOTHING TO SEE
13 IF MR COPE'S DNA, HAIR, FIBER, BLOOD, ANYTHING LIKE
14 THAT WAS FOUND ON HER CLOTHING?

15 A I'M SURE IT WAS, SIR

16 Q YOU'RE NOT SURE?

17 A I SAID NO I'M SURE IT WAS

18 Q YOU ARE SURE IT WAS YOU KNOW THE RESULTS OF
19 THAT TEST?

20 A YES, SIR, I KNOW PARTS OF THE RESULTS

21 MR THOMPSON I OBJECT TO THE RESULTS OF
22 THE TESTS WE'RE GOING TO INTRODUCE THOSE THROUGH
23 SLED IT'S HEARSAY AT THIS POINT

24 THE COURT I SUSTAIN THE OBJECTION

25 Q YOU ALSO COLLECTED SEVERAL HAIRS I BELIEVE

1 THEY'VE ALREADY BEEN INTRODUCED INTO EVIDENCE FROM
2 AMANDA'S BODY?

3 A YES, SIR

4 Q DO YOU KNOW IF ANY BLOOD, DNA, OR HAIR WAS
5 COLLECTED FROM AMANDA'S ROOM, CLOTHING, ANYWHERE IN
6 HER ROOM, FROM HER BODY, CLOTHING, MATTRESS?

7 A THERE WAS, THERE WAS SEVERAL ITEMS THAT WAS
8 COLLECTED THE BED CLOTHING, THE CUTTING FROM THE
9 MATTRESS, THE GREEN BLANKET, SOME CLOTHES THAT WAS IN
10 THE BED WITH HER, MOST OF THAT STUFF WAS SENT TO
11 SLED

12 Q IT WAS SENT DOWN TO SLED?

13 A YES, SIR

14 Q SO I GUESS YOUR ANSWER IS YOU DON'T KNOW?

15 A NO, SIR, I DON'T KNOW

16 Q OKAY NOW YOU TALKED A LITTLE BIT ON DIRECT
17 EXAMINATION ABOUT THE, AMANDA'S BEDROOM DOOR, THAT IT
18 ONLY OPENED PART OF THE WAY, CORRECT? WITHOUT, WITH
19 EASE, IT ONLY OPENED PART OF THE WAY WITH EASE?

20 A ABOUT HALFWAY AND THEN YOU HAD TO FORCE IT
21 PICK UP ON IT

22 Q I'M SORRY

23 A YOU HAVE TO PICK UP ON THE DOOR, THE DOOR KNOB
24 TO RELIEVE THE PRESSURE THEN IT WILL OPEN UP

25 Q ARE YOU AWARE THAT MR COPE STATED IN ONE OF HIS

1 STATEMENTS THAT HER DOOR WAS JAMMED PART, WAS HALFWAY
2 OPENED AND JAMMED UP AGAINST THE CLOSET DOOR? ARE
3 YOU AWARE OF THAT?

4 A NO, SIR

5 Q OKAY OKAY THE LAST PIECE OF EVIDENCE I WANT
6 YOU TO TALK ABOUT YOU ACTUALLY COLLECTED I THINK CAME
7 FROM AMANDA'S BED ALSO IS THIS FLASHLIGHT HERE
8 YOU COLLECTED A FLASH LIGHT OFF OF HER BED?

9 A SURE DID

10 Q PEOPLE USE FLASH LIGHTS WHEN THEY CAN'T SEE
11 WHERE THEY WERE GOING, GENERALLY?

12 A WELL, I MEAN, YEAH, YOU USE A FLASHLIGHT IF YOU
13 DON'T HAVE ENOUGH LIGHT

14 Q OKAY AND YOU NEED TO SEE WHERE YOU ARE GOING?

15 A (NO RESPONSE)

16 Q IS THAT FAIR?

17 A THEY ARE COMMONLY USED TO PRODUCE LIGHT TO BE
18 ABLE TO SEE

19 Q OKAY NOW LET'S SWITCH GEARS AGAIN, BUT I WANT
20 TO STICK WITH THIS FLASHLIGHT, YOU ARE AN EXPERT
21 FINGERPRINTER, ARE YOU NOT?

22 A I HAVE BEEN CERTIFIED AS AN EXPERT WITNESS IN
23 FINGERPRINT EXAMINATION

24 Q DID YOU FINGERPRINT THE FLASHLIGHT?

25 A NO, I DID NOT

1 A MR WOODS, I DIDN'T FINGERPRINT NOTHING AT THAT
2 HOME

3 Q SMITH

4 A I'M SORRY, MR SMITH I'M SO SORRY

5 Q THAT'S ALL RIGHT BUT -- I'M SORRY, YOU SAID
6 YOU DID NOT FINGERPRINT THE POCKET BOOK

7 A I DIDN'T FINGERPRINT NOTHING AT THAT HOME

8 Q NOTHING AT ALL?

9 A NOTHING AT ALL

10 Q THIS IS A MURDER INVESTIGATION?

11 A AND I SEEN NO REASON, THERE WAS NOTHING IN THAT
12 HOME THAT I COULD DISTINGUISH AS BEING OUT OF PLACE
13 BECAUSE THE WHOLE HOUSE APPEARED TO BE OUT OF PLACE

14 Q I THINK YOU SAID IT ALL WHEN YOU DIDN'T SEE ANY
15 REASON TO FINGERPRINT ANYTHING

16 A BECAUSE IT WAS NOTHING --

17 MR THOMPSON OBJECTION, YOUR HONOR, TO
18 HIS COMMENT ON THE WITNESS'S TESTIMONY

19 THE COURT YES, DON'T COMMENT ON THE
20 WITNESS'S TESTIMONY YOU CAN DO THAT IN CLOSING
21 STATEMENTS BUT RIGHT NOW JUST ASK QUESTIONS

22 MR SMITH YES, SIR YES, SIR

23 A WITH THE INFORMATION THAT WE HAD

24 MR SMITH YOUR HONOR, I HADN'T ASKED A
25 QUESTION

1 Q NO, YOU DID NOT DID YOU FINGERPRINT THE
2 BATTERIES INSIDE THE FLASHLIGHT?

3 A I DID NOT

4 Q OKAY WOULDNT BE BATTERIES BE A GOOD PLACE TO
5 CHECK FOR FINGERPRINTS SINCE THEY ARE METAL PEOPLE
6 HAVE TO TOUCH THEM TO DROP THEM IN THE FLASHLIGHT AND
7 THEN THEY USUALLY DON'T TOUCH THEM AGAIN UNTIL THEY
8 GO BAD

9 A I DID NOT PROCESS THE BATTERIES OR THE
10 FLASHLIGHT BUT IT WAS PROCESSED

11 Q OKAY YOU DIDN'T FINGERPRINT --

12 A I DID NOT I DID NOT DO IT

13 Q ALL RIGHT DID YOU FINGERPRINT THE DILDO?

14 A NO, SIR, THAT WAS SENT TO SLED

15 Q DID YOU REQUEST THAT THEY FINGERPRINT IT?

16 A I DON'T RECALL IF I DID OR NOT LET ME, GIVE ME
17 ONE SECOND LET ME LOOK

18 Q ABSOLUTELY

19 A I MAY NOT HAVE IT IN THIS PAPERWORK I GOT RIGHT
20 HERE IT'S NOT IN THIS PIECE OF PAPERWORK I HAVE
21 HERE I HAVE A PARTIAL LIST OF STUFF THAT I TOOK TO
22 SLED AND IT'S NOT ON THIS LIST HERE I DO NOT RECALL
23 WHETHER OR NOT THAT WAS SENT TO LATENTS OR NOT

24 Q OKAY DID YOU FINGERPRINT THE POCKET BOOK THAT
25 WAS ON AMANDA'S BED?

1 THE COURT LET'S START OVER ASK A
2 QUESTION

3 Q YES, SIR YOU DIDN'T FINGERPRINT -- WELL, YOU
4 SAID YOU DIDN'T FINGERPRINT ANYTHING?

5 A THAT'S CORRECT

6 THE COURT THAT'S WHAT HE SAID

7 Q AND THAT WOULD INCLUDE ANY OF THE ITEMS ON
8 AMANDA'S BED THAT WERE COLLECTED?

9 A I PERSONALLY DID NOT PROCESS ANYTHING OFF OF
10 AMANDA'S BED I DIDN'T PROCESS THE DILDO, THE
11 FLASHLIGHT, OR ANYTHING ELSE FROM THAT BED, BUT IT
12 WAS PROCESSED, BUT NOT BY ME

13 Q ARE YOU SAYING THAT SOMEONE ELSE TOOK
14 FINGERPRINTS?

15 A SOMEBODY -- THAT BLACK STUFF ON THAT FLASHLIGHT
16 IS FINGERPRINT POWDER, SO SOMEBODY PROCESSED IT I
17 DIDN'T

18 Q OKAY DO YOU KNOW WHAT THE RESULT ARE? DO YOU
19 KNOW IF RESULTS WERE ACHIEVED?

20 A NO, SIR, I DON'T HAVE ANY PAPERWORK SAYING WHAT
21 THE RESULTS WERE

22 Q ONE LAST QUESTION ON THE FINGERPRINT -- WELL,
23 TWO YOU DIDN'T FINGERPRINT THE LADDER OUTSIDE, DID
24 YOU?

25 A I DIDN'T SEE A NEED TO, SIR

1 Q YOU DIDN'T FINGERPRINT THE COMPUTER KEYBOARD OR
2 THE MOUSE?

3 A I DIDN'T SEE A NEED TO I MEAN THE FINGERPRINTS
4 I WOULD HAVE FOUND WOULD BE MR COPE'S OR HIS FAMILY
5 MEMBERS

6 Q UNLESS SOMEONE ELSE USED IT? IS THAT A
7 POSSIBILITY OR IS THAT WHAT YOU WERE THINKING ON THE
8 29 AND 30?

9 A NO, WHAT I WAS THINKING WAS THAT THERE WAS NO
10 FORCED ENTRY IN THE HOME I HAVE THREE PEOPLE, THREE
11 OTHER PEOPLE INSIDE BESIDE THE DECEDENT -- MR COPE
12 AND HIS TWO DAUGHTERS I PERSONALLY DON'T FEEL THAT
13 THE TWO DAUGHTERS COULD PERPETRATE THE CRIME

14 MR SMITH YOUR HONOR, I ASKED WHAT
15 MR GARDNER'S PERSONAL FEELINGS ARE ON THIS
16 THE COURT BUT YOU CONTINUE TO ASK HIM
17 WHETHER HE FINGERPRINTED AND HE'S TELLING YOU WHY HE
18 DIDN'T FINGERPRINT I THINK THAT'S A VALID ANSWER

19 MR SMITH YES, SIR

20 A AND THE ONLY OTHER PERSON IN THE HOUSE IS
21 MR COPE THAT COULD DO THIS

22 Q WELL, WHAT WE KNOW RIGHT NOW IS THAT MR COPE
23 WASN'T THE ONLY OTHER PERSON IN THE HOUSE THAT NIGHT,
24 RIGHT?

25 A THERE WAS HIS OTHER TWO DAUGHTERS

1 MR GREELEY OBJECTION, THAT ASSUMES
2 FACTS OUTSIDE OF THE EVIDENCE

3 THE COURT I SUSTAIN THE OBJECTION

4 A I HAVE A CRIME SCENE LOG THAT SHOWS HIS TWO
5 DAUGHTERS AND HIM IN THE HOUSE ALONG WITH AMANDA

6 Q OKAY WE'LL MOVE ON WELL, I CAN'T MOVE ON I
7 GOT ONE MORE QUESTION ABOUT FINGERPRINTING?

8 A OKAY

9 Q YOU DIDN'T FINGERPRINT THE DOOR KNOB HANDLE, DID
10 YOU?

11 A NO, SIR THERE WAS NO SIGNS OF FORCED ENTRY

12 Q NOW DOOR KNOBS ARE MADE OUT OF METAL, ARE THEY
13 NOT, OR THE DOORS IN THIS HOUSE WERE MADE OUT OF
14 METAL?

15 A VERY, VERY DIFFICULT TO FIND A USABLE LATENT
16 PRINT ON TOO, VERY DIFFICULT

17 Q METAL, METAL IS A GOOD SURFACE TO GET A
18 FINGERPRINT OFF OF IT, IS IT NOT

19 A IF IT'S A CLEAN PIECE OF METAL IF IT IS A
20 PIECE OF METAL THAT IS IN, A NICE SHINY LIKE BRAND
21 NEW TYPE, YEAH, METAL IS A GREAT PLACE, BUT THOSE
22 DOOR KNOBS IN THIS HOME WHETHER IT BE THE FRONT DOOR,
23 BACK DOOR, BED ROOM DOORS, OR WHAT HAVE YOU, WERE NOT
24 IN GREAT SHAPE

25 Q THE FACT IS YOU DIDN'T FINGERPRINT THOSE SO WE

1 DON'T KNOW IF THERE WERE ANY FINGERPRINTS ON THOSE
2 DOOR KNOBS, CORRECT?

3 A FROM PAST EXPERIENCE OVER THE PAST 25 YEARS I
4 DETERMINED THAT IT WAS NOT A NECESSITY TO PROCESS
5 THOSE DOOR KNOBS

6 Q NOW YOU ASSISTED DR MAYNARD I BELIEVE IN
7 TAKING SAMPLES FROM AMANDA'S BODY, IS THAT RIGHT OR
8 YOU WERE PRESENT WHEN THOSE SAMPLES --

9 A YEAH, I DIDN'T ACTUALLY ASSIST HIM ACTUALLY
10 TAKING THEM

11 Q YOU OBSERVED?

12 A I OBSERVED HIM TAKING THEM AND I COLLECTED THEM
13 FROM HIM

14 Q OKAY NOW THERE WAS A BITE MARK ON AMANDA'S
15 BREAST, WAS THERE NOT?

16 A I SEEM TO REMEMBER THAT, YES, SIR

17 Q YOU SEEM TO REMEMBER THAT THAT WOULD BE AN
18 IMPORTANT THING TO REMEMBER IN A RAPE AND MURDER
19 CASE, WOULD IT NOT?

20 A WELL NOT ONLY THAT, IT WAS VISIBLE AT THE
21 AUTOPSY AND DR MAYNARD AGAIN SPOKE ABOUT IT AT THE
22 MEETING WE HAD AFTER THE AUTOPSY AT THE POLICE
23 DEPARTMENT, YES, STUFF LIKE THAT KIND OF STICKS OUT
24 IN YOUR MIND A LITTLE BIT

25 Q DID YOU ATTEMPT TO MAKE A MOLD OF THAT BITE

1 MARK?

2 A I'M DON'T -- I'M NOT A BITE MARK IMPRESSION
3 EXPERT

4 Q DID YOU CALL ANYONE IN?

5 A BUT I DON'T THINK YOU CAN MOLD THAT

6 Q DID YOU CALL ANYONE IN WHO IS A BITE MARK?

7 A IT WAS PHOTOGRAPHED, SIR NO, I DON'T THINK, I
8 MEAN, I DON'T THINK THERE IS, YOU CAN'T MAKE A MOLD
9 OF THAT BITE MARK ON HER BREAST YOU CAN TAKE A
10 PHOTOGRAPH WITH SCALE AND WITHOUT SCALE, BUT NOT, I
11 DON'T SEE HOW YOU CAN MOLD THAT BITE MARK

12 Q THE MOLD WAS TAKEN OF MR COPE'S MOUTH, WAS IT
13 NOT?

14 A YES, SIR, I GUESS I DON'T KNOW IF YOU ARE
15 TELLING ME IT WAS, I ---

16 Q NO, I'M ASKING YOU?

17 A ARE YOU ASKING ME IF I TOOK A --

18 Q I'M ASKING YOU IF YOU KNOW WHETHER A MOLD WAS
19 MADE OF MR COPE'S MOUTH?

20 A NO, SIR, I DON'T KNOW

21 Q YOU DON'T KNOW THAT GOOD ENOUGH NOW OUT OF
22 ALL THE EVIDENCE THAT WE HAVE HERE THAT'S BEEN
23 PRESENTED, WE DON'T HAVE ANYTHING IN EVIDENCE, ANY
24 OBJECT THAT YOU BELIEVE WAS USED TO HIT AMANDA TO
25 CAUSE THE INJURIES TO AMANDA'S FACE, DO WE?

1 A I'M SORRY I'M NOT FOLLOWING YOUR QUESTION

2 Q DID YOU COLLECT ANY PIECE OF EVIDENCE THAT YOU
3 BELIEVED CAUSED THE INJURIES TO AMANDA'S FACE?

4 A I DID NOT COLLECT THEM

5 Q THERE WERE NO ITEMS LAYING AROUND THE HOUSE THAT
6 HAD BLOOD, HAIR, ANYTHING LIKE THAT ON IT THAT YOU
7 COLLECTED?

8 A NO, BECAUSE THIS WAS NOT A BLOODY SCENE THERE
9 IS LITTLE SMALL AMOUNT OF BLOOD THAT COME FROM HER
10 MOUTH, BUT THIS WAS, THIS WAS NOT A BLOODY SCENE
11 THAT WAS THE ONLY BLOOD PRESENT WAS A LITTLE BIT OF
12 BLOOD FROM HER MOUTH, MAYBE A LITTLE BIT OF HER NOSE
13 AND SOME THAT SHE DRIBBLED OFF ONTO THE --

14 Q THAT WE SAW ON THE BLANKET?

15 A YEAH, THAT'S ABOUT IT THAT'S ALL THE BLOOD YOU
16 SEE

17 Q AND I BELIEVE THAT YOU SPECIFICALLY TESTIFIED
18 THAT YOU DID NOT A COLLECT THE VIDEO GAME THAT
19 MR COPE PURPORTS TO USE ON AMANDA'S FACE?

20 A NO, SIR AS MANY TIMES THAT WE MET ON THIS CASE
21 I WAS CONTINUED TO ASK ABOUT THIS VIDEO GAME, BUT
22 FINALLY SEEN THE VIDEO GAME A COUPLE DAYS AGO IN ONE
23 OF THESE PHOTOGRAPHS AND AGAIN IN A VIDEO AND THAT'S
24 THE FIRST TIME I SEEN IT

25 Q DID YOU SEE ANY HAIR OR BLOOD ON THAT?

1 A I'M GOING TO BE HONEST WITH YOU, SIR, I DIDN'T
2 EXAMINE IT THAT WELL AND EVIDENTLY I DIDN'T EXAMINE
3 IT AT ALL OTHER THAN THROUGH THE PICTURES THAT I'VE
4 BEEN SHOWN OF IT, BUT I DO HAVE, I THINK I HAVE AN
5 EXPLANATION WHY IT WASN'T INCLUDED IN THE STUFF THAT
6 WAS ROLLED UP IN THE BLANKET WITH HER

7 Q THE VIDEO GAME WAS ROLLED UP IN THE BLANKET WITH
8 HER?

9 A I GOT AN EXPLANATION WHY IT WASN'T

10 Q OKAY WHY IS THAT?

11 A WELL, IN THE PICTURES OR IN THE VIDEO REALLY YOU
12 CAN SEE WHERE THE VIDEO GAME THAT WAS LAYING UNDER
13 HER LEFT SIDE, LEFT NECK AREA, IT WAS PARTIALLY ON
14 THE, IT WAS PARTIALLY ON THE BLANKET AND COMFORTER
15 AND PARTIALLY ON THE BLUE BLANKET, IT WAS ACTUALLY
16 UNDER THE COMFORTER AND BLANKET, AND WHEN WE WENT TO
17 PUT AMANDA IN A SHEET THAT WE GOT FROM THE CORONER'S
18 OFFICE THAT IT FELL OUT OF THE, FELL OUT OF THE
19 BLANKET

20 Q OKAY

21 A THAT'S WHY IT WASN'T COLLECTED

22 Q BUT WHEN YOU WENT BACK ON THE 30 YOU DIDN'T
23 NOTICE, IT DIDN'T STAND OUT IN YOUR MIND AS HAVING
24 BLOOD OR ANYTHING OBVIOUS FOR YOU TO COLLECT AS
25 EVIDENCE?

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1 A NO, SIR, IT DIDN'T, IT DIDN'T DAWN ON ME IT WAS
2 PART OF HER IN THE BLANKET

3 Q NOW YOU TALKED ABOUT USING AN ALTERNATIVE LIGHT
4 SOURCE I BELIEVE YOU SAID IN AMANDA'S BEDROOM THEN
5 ALSO IN MR COPE'S BEDROOM?

6 A AN ALTERNATE LIGHT SOURCE

7 Q ALTERNATE LIGHT SOURCE?

8 A YES, SIR

9 Q AND THAT IS A BLACK LIGHT BASICALLY?

10 A IT'S A, IT'S A \$8,000 BLACK LIGHT THAT HAS ABOUT
11 7 OR 8 DIFFERENT FREQUENCIES THAT WILL TURN BLUE TO
12 ORANGE TO WHITE TO INFRARED AND THAT BASICALLY WHEN
13 IT'S, WHEN YOU WEAR THESE GOGGLES, THE DIFFERENT
14 COLOR GOGGLES AND TURN ON CERTAIN COLORS SUCH AS BLUE
15 YOU USE ORANGE GOGGLE IT FLUORESCES STUFF AND THE
16 STUFF JUST JUMPS OUT LIKE A BLACK LIGHT WOULD I
17 WOULDN'T CALL IT A BLACK LIGHT BECAUSE IT'S
18 DEFINITELY NOT A BLACK LIGHT

19 Q BUT THE ONLY TWO ROOMS YOU USED IT IN WERE
20 AMANDA'S AND MR AND MRS COPE'S BEDROOM?

21 A THAT'S CORRECT

22 Q AND YOU DIDN'T RUN IT IN THE, IN THE BATHROOM
23 SINK OR THE BATH TUB TO SEE IF THERE IS TRACES OF
24 BLOOD WHERE SOMEONE TRIED TO CLEAN THEMSELVES UP?

25 A ACTUALLY, SIR, I'M NOT, IT'S NOT GOING TO WORK

1 VERY WELL ON BLOOD ANY HOW I'M LOOKING FOR OTHER
2 BODY FLUIDS SUCH AS SEMEN, URINE SOMETIMES HAS A
3 FLUORESCENT PROPERTY TO IT, AND THERE ARE FALSE
4 POSITIVES YOU GET FROM LIKE TIDE WASHING POWDER IS A
5 PRIME EXAMPLE OF A FALSE NEGATIVE FOR FLUORESCENTS
6 BLOOD IN GENERAL IS NOT NORMALLY SEARCHED FOR USING
7 ALTERNATE LIGHT SOURCE

8 Q BUT IN ANY REGARD YOU DIDN'T CHECK FOR BLOOD IN
9 ANY SINKS OR BATH TUBS IN THE HOUSE, DID YOU?

10 A I DIDN'T OBSERVE ANY WE LOOKED BUT I DIDN'T
11 OBSERVE ANY BLOOD OR ANYTHING IN ANY SINK OR BATH
12 TUB

13 Q NOW WE TALKED EARLIER ABOUT THE SENSITIVITY OF
14 DNA AND I THINK YOUR ANSWER WAS YOU WEREN'T SURE HOW
15 SMALL OF AN AMOUNT IT TOOK TO GET A VALID OR A SAMPLE
16 THAT YOU COULD TEST DNA, IS THAT RIGHT?

17 A I DO NOT KNOW HOW BIG THE SAMPLE HAS TO BE IN
18 ORDER TO GET DNA OFF OF IT OR FROM IT

19 Q WERE ANY SAMPLES TAKEN FROM AROUND AMANDA'S NECK
20 WHERE THE MARK WAS THAT IT APPEARED TO BE A HAND
21 AROUND HER NECK, WERE THERE ANY SWABS OR SAMPLES
22 TAKEN FOR DNA THERE?

23 A NO, SIR, I DIDN'T DO IT

24 Q YOU DIDN'T DO IT AND YOU DON'T KNOW OF ANYONE
25 ELSE THAT DID?

1 A THAT'S CORRECT

2 Q NOW YOU TALKED ABOUT MR COPE'S COMPUTER, DID
3 YOU GET ON THAT COMPUTER?

4 A NO, SIR

5 Q YOU DIDN'T GET ON THE COMPUTER?

6 A NO, SIR

7 Q YOU NEVER GOT ON THE COMPUTER?

8 A NO, SIR

9 Q I'M GOING TO ASK YOU ONE MORE TIME, YOU'RE
10 POSITIVE ABOUT THAT?

11 A I'M POSITIVE AS I AM SITTING HERE I DO NOT
12 RECALL GETTING ON ANY, ON HIS COMPUTER FOR THE SIMPLE
13 FACT THAT I KNOW, WELL, I'M DEFINITELY NOT A COMPUTER
14 TECHNICIAN I KNOW ENOUGH TO MESS ONE UP IF I START
15 WORKING ON IT NO, SIR, I DIDN'T GET ON THAT
16 COMPUTER I -- I-- NO, SIR WELL, NO, I DID I'M
17 SORRY I DID I GOT ON IT AT THE ROCK HILL POLICE
18 DEPARTMENT EVIDENCE ROOM ABOUT TWO WEEKS AGO

19 Q TWO WEEKS AGO THAT WAS THE FIRST TIME?

20 A YES, SIR, THAT I CAN REMEMBER

21 Q YOU WEREN'T ON IT BEFORE THEN?

22 A NO, SIR

23 Q OKAY AND I BELIEVE WHAT YOU DID TWO WEEKS AGO
24 WAS YOU CHECKED TO SEE WHAT THE TIME WAS ON IT?

25 A TIME AND DATE

Q SO THAT WAS THE ONLY TIME YOU'VE BEEN ON THAT COMPUTER?

A THAT'S THE ONLY TIME I REMEMBER BEING ON THAT COMPUTER

Q OKAY MR GARDNER, YOU USED DIFFERENT EFFORTS OF LEVEL OR DIFFERENT LEVELS OF EFFORT, IT'S BEEN A LONG DAY, DIFFERENT LEVELS EFFORT IN EVERY DIFFERENT, IN EVERY INVESTIGATION YOU DO, DO YOU NOT?

A (NO RESPONSE)

Q LET ME CLARIFY THAT YOU DON'T DO DNA ON EVERY CRIME SCENE YOU PROCESS, DO YOU?

A THAT'S CORRECT

Q YOU OBVIOUSLY DON'T DO FINGERPRINTS ON EVERY CRIME SCENE YOU PROCESS?

A THAT'S CORRECT

Q SO WHAT YOU REALLY HAVE TO DO IS YOU HAVE TO MAKE A JUDGMENT CALL AND DECIDE WHAT INVESTIGATION IS NECESSARY TO SOLVE THE CRIME?

A THAT'S FAIR THAT'S A FAIR STATEMENT

Q OKAY IN THIS CASE YOU MADE THAT JUDGMENT CALL VERY QUICKLY, DIDN'T YOU?

A NO, SIR, I DIDN'T

Q YOU DECIDED THAT THERE WERE NO SIGNS OF FORCED ENTRY AND THERE WAS NO REASON TO FINGERPRINT ANYTHING IN THE HOUSE, NOTHING, NO DOOR KNOBS, NO WINDOWS,

1 NOTHING?

2 A ACTUALLY THAT DECISION WAS MADE A DAY LATER, SO
3 I WAS NOT QUICK ON MAKING DECISION ON PROCESSING
4 STUFF WE KEPT, WE HAD THE HOUSE, OF COURSE, I WAS
5 THERE ON THE 29TH WE KEPT IT THE 30 AND RELEASED IT
6 THAT EVENING, THURSDAY EVENING OR I'M SORRY NOT
7 THURSDAY EVENING, ON THE 30TH THAT EVENING, SO I HAD,
8 WE HAD TWO DAYS PRACTICALLY TO DECIDE WHETHER OR NOT
9 WE WERE GOING TO FINGERPRINT ANYTHING IN THAT HOME
10 AND WE DECIDED WE WERE NOT IN THOSE TWO DAYS, SO IT
11 WASN'T A QUICK DECISION

12 Q BUT NEVERTHELESS YOU MADE THE DECISION NOT TO
13 FINGERPRINT ANYTHING IN THAT HOUSE, ANYTHING INSIDE
14 OR OUTSIDE?

15 A I PERSONALLY DID NOT AND I DID MAKE THE DECISION
16 TO PERSONALLY NOT PROCESS ANYTHING FOR FINGERPRINTS
17 STUFF WAS FINGERPRINTED BUT TODD GARDNER DID NOT DO
18 IT

19 Q WHEN DID YOU FIND OUT THAT MR COPE'S DNA DID
20 NOT MATCH THE DNA ON AMANDA'S BODY?

21 A SIR, I DON'T HAVE A CLUE I DON'T REMEMBER

22 Q YOU KNOW THAT THOUGH, IS THAT RIGHT?

23 A I UNDERSTAND THAT, YES, SIR

24 Q HOW DID THAT MAKE YOU FEEL WHEN YOU FIRST HEARD
25 THAT NEWS?

MR THOMPSON YOUR HONOR, I OBJECT TO THE
FEELING

THE COURT I SUSTAIN THE OBJECTION THIS
IS A FACT WITNESS

Q DID YOU CONDUCT ANY FURTHER INVESTIGATION AFTER
THAT POINT?

A I DID NOT, NO, SIR BECAUSE THAT WAS, THAT WAS,
THAT RESULTS WERE SEVERAL WEEKS DOWN THE ROAD AFTER
WE RELEASED THE CRIME SCENE

Q KNOWING WHAT YOU KNOW RIGHT NOW, YOU WOULD HAVE
DONE MORE INVESTIGATION ON THOSE TWO DAYS, WOULD YOU
NOT HAVE?

A NO, SIR

Q YOU WOULD NOT --

A I'M VERY COMFORTABLE WITH WHAT WE DID

Q YOU ARE COMFORTABLE WITH IT, EXACTLY WHAT YOU
DID

A I THINK WE WORKED A GOOD CRIME SCENE AND WE DID
EVERYTHING THAT WE THOUGHT WAS NECESSARY

Q THE STORY OF THIS CRIME SCENE, YOUR RECREATION
OF THIS CRIME SCENE IS INCOMPLETE, IS IT NOT, BECAUSE
YOU DIDN'T DO ANYTHING, YOU DIDN'T TAKE INTO
CONSIDERATION THAT SOMEONE ELSE WAS IN THAT HOUSE?

A MY CRIME SCENE INVESTIGATION IS COMPLETE THERE
WAS NO ONE ELSE IN THAT HOME THAT BROKE IN AND THERE

1 COULD HAVE BEEN OTHER PEOPLE IN THAT HOME, BUT THEY
2 WERE LET IN WILLINGLY THEY DID NOT FORCE THEIR WAY
3 INTO THAT HOME BY ANY WINDOW OR BY ANY DOOR

4 Q WE DON'T KNOW THAT, DO WE, BECAUSE YOU DIDN'T
5 COMPLETE A FULL INVESTIGATION?

6 A YES, SIR, I DO KNOW THAT BECAUSE I DID COMPLETE
7 A FULL INVESTIGATION AND LOOKED AND INSPECTED EVERY
8 WINDOW AND EVERY DOOR AND I FOUND NO EVIDENCE OF A
9 FORCED ENTRY

10 Q MR GARDNER, DO YOU HAVE MR SANDERS'
11 FINGERPRINTS ON FILE?

12 A YES, SIR, I THINK WE DO

13 Q HAVE YOU COMPARED THOSE FINGERPRINTS TO ANYTHING
14 FROM THE CRIME SCENE?

15 A YES, SIR, I HAVE

16 Q WHAT EXACTLY DID YOU COMPARE THEM TO?

17 A JUDGE, I'M SURE NOT I CAN ANSWER THAT QUESTION
18 I'VE BEEN TOLD NOT TO AS FAR AS CERTAIN EVIDENCE

19 THE COURT HE ASKED YOU THE QUESTION

20 MR SMITH I'LL WITHDRAW THE QUESTION,
21 YOUR HONOR

22 THE COURT IF HE ASKED A QUESTION FROM
23 NOW JUST ANSWER IT

24 A I SURE WILL

25 MR SMITH I AM SORRY, YOUR HONOR?

1 THE COURT I JUST TOLD HIM TO ANSWER YOUR
2 QUESTION

3 MR SMITH JUDGE, I WILL WITHDRAW THE
4 QUESTION

5 THE COURT YOU HAVE WITHDRAWN THAT ONE
6 BUT NEXT TIME YOU ASK HIM A QUESTION HE CAN JUST GO
7 AHEAD AND ANSWER IT

8 MR SMITH YES, SIR

9 Q DID YOU COMPARE MR SANDERS' PRINTS TO THE FLASH
10 LIGHT?

11 A THERE WAS NO FINGERPRINTS ON THE FLASH LIGHT
12 THAT I KNOW OF

13 Q THAT YOU KNOW OF, SO YOU DIDN'T?

14 A I DIDN'T, NO, SIR

15 Q OKAY LET ME PUT SOME OF THIS EVIDENCE

16 THE COURT WE'LL DO THAT LATER LET'S
17 FINISH UP THE EXAMINATION

18 MR SMITH I HAVE NO FURTHER QUESTIONS,
19 MR GARDNER

20 THE COURT MR GREELEY

21 MR GREELEY MAY IT PLEASE THE COURT
22 CROSS EXAMINATION BY MR GREELEY

23 Q OFFICER GARDNER

24 A YES, SIR

25 Q GOOD AFTERNOON

001706

1 A GOOD AFTERNOON, SIR

2 Q NOW YOU'VE BEEN ASKED ABOUT THE PICTURE WITH THE
3 LADDER?

4 A YES, SIR, I HAVE

5 Q AND IT'S OUT BEHIND THE HOUSE LEANING UP AGAINST
6 A SHED, IS THAT CORRECT?

7 A THAT IS CORRECT, SIR

8 Q AND I BELIEVE THAT IT'S ALSO, IT'S SUCH A
9 DISTANCE BACK THAT IT'S OUTSIDE THE CRIME TAPE AND
10 THAT'S EVIDENCED IN THE PICTURE, IS THAT CORRECT?

11 A THAT'S CORRECT, SIR

12 Q YOU ALSO TESTIFIED THAT AS YOU WENT AROUND THE
13 HOUSE YOU CHECKED THE GROUND AND THE LEAVES THAT WERE
14 AROUND EACH POTENTIAL ENTRANCE, IS THAT CORRECT?

15 A YES, SIR

16 Q AND IN CHECKING ALL OF THOSE LEAVES AND THE
17 GROUND, YOU DID NOT SEE ANYTHING THAT WAS UPSET OR
18 THAT WOULD LEAD YOU TO BELIEVE THAT SOMEONE MAY HAVE
19 ATTEMPT TO GO IN THAT HOUSE AT THAT LOCATION, IS THAT
20 CORRECT?

21 A THAT'S CORRECT

22 Q NOW IF SOMEONE WERE TO TAKE THE LADDER THAT IS
23 IN THE PICTURE IT APPEARS TO BE AN A-FRAME LADDER
24 THAT IS LEANING UP AGAINST A SHED, IS THAT CORRECT?

25 A YES, SIR

Q IF THEY WERE TO TAKE THAT LADDER AND CARRY IT UP TO THE HOUSE AND PUT IT NEXT TO A WINDOW, WHETHER THEY SPREAD IT OUT OR KEPT IT FOLDED AND LEANED IT AGAINST THE HOUSE, WHAT WOULD HAPPEN TO THE GROUND WHEN THE PERSON BEGAN TO CLIMB THE LADDER?

A THERE WOULD HAVE BEEN INDENTATION IN THE GROUND MADE BY THE LADDER'S LEG

Q ISN'T THAT THE TYPE OF THING THAT YOU MAY HAVE BEEN ABLE TO SEE AT THE FOOT OF A WINDOW IF IT WAS FRESH?

A YES, SIR

Q AND IF THEY DIDN'T UNFOLD THE LADDER BUT LEANED IT UP AGAINST THE HOUSE AND THEN WENT ABOUT THEIR BUSINESS OF TRYING TO JOSTLE OR JIGGLE OR WHATEVER THEY MIGHT DO TO TRY AND GET ONE OF THOSE SCREENS THAT IS SCREWED SHUT OPEN COULD THAT MAKE MARKS AGAINST THE WALLS OF THE WINDOW THAT THAT LADDER IS LEANING AGAINST?

A YES, SIR, IT COULD

Q AND WOULD THOSE APPEAR TO BE FRESH MARKS ON THAT WINDOW?

A YES, SIR

Q AND YOU DIDN'T SEE ANY OF THOSE, DID YOU?

A I DIDN'T SEE ANY FRESH MARKS ON ANY WINDOW

Q AND IN THE BURGLARIES THAT YOU HAVE INVESTIGATED

1 HOW OFTEN DO YOU FIND THAT SOMEONE, ONCE THEY HAVE
2 COMPLETED THEIR CRIME, WILL GO AND PUT THEIR TOOLS
3 UP?

4 A I HAVE NEVER SEEN THAT

5 Q SUCH AS TO TAKE THE LADDER BACK TO THE SHED AND
6 PUT IT AGAINST THE WALL?

7 A THAT'S CORRECT, I'VE NEVER SEEN THAT

8 Q AFTER MR COPE HAD GIVEN HIS STATEMENT YOU WENT
9 BACK TO THE HOUSE TO DO FURTHER INVESTIGATION,
10 CORRECT?

11 A THAT'S CORRECT

12 Q AND AT THE TIME THAT YOU WENT BACK TO THAT HOUSE
13 TO DO FURTHER INVESTIGATION YOU KNEW THEN THAT YOU
14 HAD A SEXUAL ASSAULT SITUATION, WASN'T THAT CORRECT?

15 A THAT'S CORRECT, SIR

16 Q AND THAT WAS SOMETHING THAT YOU DID NOT
17 NECESSARILY KNOW BEFORE THE FIRST TIME YOU WENT IN
18 THAT HOUSE, ISN'T THAT CORRECT?

19 A THAT'S CORRECT

20 Q AND SO WHEN YOU WENT BACK THAT AFTERNOON YOU
21 SAID YOU TOOK THE LIGHT AGAIN?

22 A THAT'S CORRECT

23 Q AND THE REASON YOU TOOK THE LIGHT AGAIN WAS
24 BECAUSE YOU KNEW THEN YOU HAD A SEXUAL ASSAULT
25 SITUATION IN THAT BEDROOM, IS THAT CORRECT?

1 A YES, SIR

2 Q AND SO YOU TOOK THE LIGHT BACK TO DOUBLE CHECK
3 TO MAKE SURE THAT YOU HAD NOT MISSED ANYTHING, ISN'T
4 THAT CORRECT?

5 A YES, SIR

6 Q AND YOU WENT BACK AND YOU WENT ALL OVER AMANDA'S
7 BED AND YOU WENT ALL AROUND HER ROOM WITH THAT NIGHT,
8 ISN'T THAT CORRECT?

9 A YES, SIR

10 Q AND IT ONLY FLUORESCED IN TWO SPOTS IN THAT
11 WHOLE ROOM, ISN'T THAT CORRECT?

12 A TWO SPOTS ON THE MATTRESS

13 Q AND YOU TOOK OUT YOUR KNIFE AND YOU IDENTIFIED
14 THOSE TWO SPOTS AND YOU DUG THE MATTRESS OUT, IS THAT
15 CORRECT?

16 A I CUT THE PATCHES OUT OF THE MATTRESS

17 Q THEN YOU BAGGED IT FOR EVIDENCE AS YOU WOULD DO,
18 CORRECT?

19 A YES, SIR

20 Q OKAY NO WHERE ELSE IN THAT ROOM DID IT
21 FLUORESCENCE, DID IT?

22 A THAT'S CORRECT, SIR

23 Q IT DIDN'T FLUORESCENCE ON THE FLOOR, DID IT?

24 A NO, SIR, IT DIDN'T

25 Q IT DIDN'T FLUORESCENCE AT THE FOOT OF THE BED, DID

1 IT?

2 A NO, SIR, IT DIDN'T

3 Q THANK YOU

4 A YES, SIR

5 THE COURT REDIRECT

6 REDIRECT EXAMINATION BY MR THOMPSON

7 Q OFFICER GARDNER, GOING TO THAT FLUORSCING YOU
8 MENTIONED THAT GAME AND THAT PHONE THAT WERE STILL IN
9 THE ROOM AT THAT TIME THAT YOU WENT BACK TO
10 FLUORESCENCE, DID EITHER OF THOSE FLUORESCENCE?

11 A NO, SIR, I DON'T RECALL ANYTHING OTHER THAN
12 THOSE TWO SPOTS ON THAT MATTRESS THAT I CUT OUT
13 FLUORESCENCE

14 Q ALL RIGHT OFFICER GARDNER, THESE ARE STATE'S
15 EXHIBIT 82 AND 83 CAN YOU TELL ME WHAT THESE ARE?

16 A STATE'S EXHIBIT 83 IS THE PHOTOGRAPH OF AMANDA'S
17 COPE BREAST

18 Q ALL RIGHT IS THAT HER RIGHT BREAST?

19 A YES, SIR, IT APPEARS THAT IT IS HER RIGHT
20 BREAST

21 Q ALL RIGHT AND THE OTHER EXHIBIT IS THAT AS
22 WELL A PHOTOGRAPH OF HER RIGHT BREAST?

23 A YES, SIR, IT IS

24 Q DID YOU TAKE THOSE PHOTOGRAPHS AT AUTOPSY?

25 A YES, SIR, I DID

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1 Q AND DO THEY FAIRLY AND ACCURATELY DEPICT WHAT
2 YOU SAW AT THAT TIME?

3 A YES, SIR, THEY DO

4 MR THOMPSON YOUR HONOR, I ASK TO MOVE
5 THOSE PHOTOGRAPHS INTO EVIDENCE

6 MR SMITH NO OBJECTION

7 MR GREELEY NO OBJECTION

8 THE COURT BE RECEIVED WITHOUT OBJECTION

9 (STATE'S EXHIBIT 82 & 83 PHOTOS
10 RECEIVED INTO EVIDENCE)

11 Q IS THERE A NOTICEABLE ENOUGH BITE MARK TO TAKE
12 AN IMPRESSION OFF OF IT OF THE BREAST?

13 A NOT FROM WHAT I'M SEEING I DON'T KNOW OF ANY
14 WAY THAT YOU COULD TO MAKE AN IMPRESSION YOU GOT TO
15 HAVE AN INDENTATION, AND I DON'T SEE AN INDENTATION
16 IN HER, IN THE SKIN AROUND HER BREAST

17 Q ALL RIGHT NOW THE DEFENSE HAD MENTIONED YOU
18 NOT CHANGING YOUR GLOVES THERE AT THE CRIME SCENE AND
19 YOU HAD PICKED THINGS UP AND POSSIBILITY OF TRANSFER,
20 THAT FIRST DAY ESPECIALLY WHEN YOU WENT IN, THOSE
21 THINGS COLLECTED FROM AMANDA DID YOU ACTUALLY, OTHER
22 THAN THE HAIR YOU MENTIONED, DO YOU ACTUALLY COLLECT
23 THE THING YOURSELF OFF AMANDA?

24 A I'M SORRY, SIR I DIDN'T FOLLOW YOUR QUESTION

25 Q THE THINGS COLLECTED OFF OF AMANDA?

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1 A YES, SIR

2 Q THE FIRST DAY DID YOU ACTUALLY PICK THOSE OFF
3 OF HER YOURSELF, THINGS LIKE SWABS AND, DID YOU DO
4 ANY SWABBING?

5 A NO, SIR, I DIDN'T

6 Q OKAY?

7 A THAT WAS DONE BY DR MAYNARD

8 Q AT THE MORGUE DURING THE AUTOPSY WERE YOU THE
9 ONE WHO DID ANY SWABS THERE?

10 A NO, SIR

11 Q DID YOU DO ANY OF THE COLLECTION OF TAKING HAIRS
12 OFF OF HER AT AUTOPSY?

13 A NO, SIR

14 Q ALL RIGHT SO WHO WAS IT THAT DID THOSE THINGS?

15 A DR MAYNARD

16 Q ALL RIGHT THEN DID HE PACKAGE THOSE AS WELL
17 EACH TIME HE DID ONE OF THEM?

18 A YES, SIR, HE DID, INDIVIDUALLY

19 Q AND SO THEY ARE NOT ALL THROWN TOGETHER AND PUT
20 IN ONE THING?

21 A NO, SIR, THEY ARE COLLECTED INDIVIDUALLY

22 Q SO DO YOU EVEN TOUCH THOSE PARTICULAR ITEMS WITH
23 YOUR GLOVES AND YOUR HANDS?

24 A NO, SIR, I DID NOT

25 Q NOW WHEN YOU HAD PICKED UP I BELIEVE YOU SAID ON

1 DECEMBER THIRD WHEN YOU WENT BACK AND YOU PICKED UP
2 THE WASH CLOTH AND THE TOWEL, WERE THOSE DRY WHEN YOU
3 PICKED THEM UP?

4 A YES, SIR, THEY WERE

5 Q DID THERE APPEAR TO BE ANYTHING WET ON THEM AT
6 ALL?

7 A NO, SIR, THERE DIDN'T

8 Q NOW GOING BACK TO THE CRIME SCENE ITSELF, BEING
9 AN OFFICER YOURSELF HOW ARE OFFICERS TRAINED TO GO
10 INTO CRIME SCENES? DO YOU TRAIN OFFICERS ABOUT HOW
11 TO ACT WHEN THEY GO INTO CRIME SCENES?

12 A YES, SIR, I DO I'M AN INSTRUCTOR AND I DO
13 TEACH NEW POLICE OFFICERS

14 Q AND WHAT DO YOU TELL THEM ABOUT GOING INTO A
15 CRIME SCENE?

16 A I TELL THEM THE FIRST THING IS SCENE SECURITY
17 FOR THEMSELVES, STRICTLY FOR THEMSELVES, THAT'S THEIR
18 ULTIMATE JOB IS WHEN THEY GO TO A CRIME SCENE NO
19 MATTER WHAT IT IS IS THAT THEY HAVE TO MAKE SURE THAT
20 THEY ARE SAFE AND OTHER OFFICERS IN THE SCENE ARE
21 SAFE, THEN THEY WORRY ABOUT THE VICTIMS THEY WORRY
22 ABOUT THE VICTIM'S SAFETY AND IF THERE IS ANYBODY
23 INJURED THEY WORRY ABOUT GETTING, GETTING MEDICAL
24 ATTENTION TO THEM AS QUICK AS POSSIBLE THEN THEY
25 WORRY ABOUT ANY SUSPECT ON THE SCENE AND THEY HAVE

1 TO RENDER AID, AS FAR AS MEDICAL AID, GETTING THEM
2 MEDICAL HELP IF THEY NEED TO HAVE MEDICAL HELP WE
3 ALSO TELL THEM THAT IT'S THERE, IT'S GOING TO HAPPEN
4 IN THEIR CAREER WHERE THEY ARE GOING TO HAVE TO MOVE
5 EVIDENCE FOR SCENE SECURITY, IT'S OKAY TO DO THAT AS
6 LONG AS THEY LET US KNOW, THE CRIME SCENE TECHNICANS,
7 THE FORENSICS TECHNICIANS, YOU LET THEM KNOW THAT IF
8 YOU MOVE THE PIECE OF EVIDENCE YOU LET THEM KNOW
9 BEFORE YOU LEAVE THAT CRIME SCENE, YEAH, I MOVED THIS
10 PIECE OF EVIDENCE, IT'S NOT WHERE IT WAS WHEN I FIRST
11 COME IN WE NEED TO KNOW THAT

12 WE ALSO TELL THEM THAT THEY SHOULD
13 TAKE THE PATH OF LEAST RESISTANCE, DON'T BE CLIMBING
14 OVER SOFAS AND CHAIRS AND YOU GO THE WAY THAT'S
15 EASIEST WHEN YOU GO IN, YOU GO IN AND STAY WHEN
16 YOU COME OUT, YOU STAY OUT UNLESS THE SCENE IS NEEDED
17 FURTHER SECURITY WHILE YOU ARE ON THE INSIDE

18 Q AND WHEN YOU WENT TO THE SCENE THE OFFICERS THAT
19 WERE THERE WHERE THEY ROOTING THROUGH THINGS?

20 A NO, SIR

21 Q AND IF YOU CAN LOOK AT THE CRIME SCENE LOG I
22 BELIEVE YOU HAVE IT UP THERE WITH YOU OTHER THAN
23 WHEN YOU WERE THERE WITH MIKE WILLIAMS AND THE TIMES
24 THAT SLED WAS THERE, WHAT WOULD BE THE PURPOSE OF THE
25 OTHER OFFICERS FOLLOWING THE FIRST TIME YOU ARRIVED?

1 A WELL, I ARRIVED THEN DOUG MCKOWEN WHICH IS THE
2 CORONER FOR THE COUNTY OF YORK MIKE WILLIAMS IS MY
3 PARTNER, HE ARRIVED KYLE QUINN WAS THE POLICE
4 OFFICER ON THE SCENE HE WAS ACTUALLY THE ONE
5 RECORDING THIS LES HERRING IS A DETECTIVE
6 LIEUTENANT WALDROP IS A DETECTIVE THEY ARE THERE
7 FOR THE INVESTIGATION HOW FAR DID YOU SAY YOU
8 WANTED ME TO GO

9 Q I'M JUST SAYING, NOT INDIVIDUALLY, BUT WHAT'S
10 THE MAIN THRUST OF MOST OF THE OFFICERS AFTER
11 INITIALLY GOING THERE, WHAT IS THE THRUST OF MOST OF
12 THE OFFICERS PRESENCE THERE?

13 A THE INITIAL INVESTIGATION

14 Q BUT AFTERWARDS, AFTER YOU INITIALLY HAD LOOKED
15 AT THE PLACE AND YOU CLEARED OUT THE OTHER OFFICERS
16 THAT ARE LISTED THERE SAY AT ONE O'CLOCK IN THE
17 MORNING?

18 A THEY ARE SECURING THAT SCENE UNTIL WE SAY IT'S
19 TIME TO TURN IT OVER, IT'S TIME TO LEAVE THE SCENE
20 AND GIVE IT BACK TO THE FAMILY OR WHOEVER NEEDS TO
21 HAVE IT

22 Q AND HOW DO THEY PERFORM THAT SECURITY?

23 A THEY PARKED IN FRONT OF THE HOUSE AND THEY ARE
24 SWAMPED OUT ON HOUR, TWO HOUR INTERVALS BY THEIR
25 SHIFT LIEUTENANT THEY WILL SWAP OFF AND LET ONE

1 OFFICER GO AND ANOTHER OFFICER SIT TWO HOURS, AND DO
2 THAT FOR THE WHOLE 12 HOUR SHIFT

3 Q ALL RIGHT SO THEY DON'T ACTUALLY END UP IN THE
4 HOUSE AT ALL?

5 A NO, THEY ARE SITTING OUTSIDE

6 Q GOING BACK ONCE AGAIN, DID YOU EXAMINE THE
7 GROUND UNDER EACH OF THE WINDOWS IN THE HOUSE?

8 A YES, I DID

9 Q DID THERE APPEAR TO YOU TO BE ANY SORT OF
10 INDENTATIONS OR LADDER MARKS OR ANYTHING LIKE OF THAT
11 NATURE?

12 A ABSOLUTELY NOT

13 Q AND BACK TO THE WINDOW IN PARTICULAR IN AMANDA'S
14 ROOM THAT YOU WERE ASKED ABOUT WHERE THE BUSH IS, IN
15 VIEWING THAT PHOTOGRAPH AND FROM YOUR MEMORY OF THAT
16 PARTICULAR WINDOW, WHERE WERE THE ONLY PARTS OF THAT
17 SCREEN WAS LOOSE FROM THE WINDOW ITSELF?

18 A THERE IS TWO SECTIONS OF WINDOWS, THE BOTTOM
19 SECTION AND THE UPPER SECTION IN THE MIDDLE IS THE
20 CROSS BARS OF THE TWO WINDOWS ITSELF THAT ALLOWS IT
21 TO GO UP AND DOWN, THEY ARE OFFSET WHEN THEY ARE
22 TOGETHER THEY LOOK LIKE THEY ARE JUST ONE BAR THE
23 LOWER SECTION OF THE WINDOW AND THE UPPER, UPPER LEFT
24 HAND CORNER THERE APPEAR THAT THE SCREEN HAD BEEN
25 TORN BUT EVERYWHERE AROUND IT, EVERY PLACE ELSE ON

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1 THE WINDOW, THE SCREEN WAS INTACT

2 Q AND IN YOUR OPINION DID IT APPEAR TORN ENOUGH
3 THAT SOMEONE COULD HAVE ENTERED IT?

4 A NO, SIR, THEY COULD NOT HAVE ENTERED THAT WINDOW
5 THROUGH TEARING THAT SCREEN WITHOUT TEARING THE REST
6 OF THE SCREEN OFF THAT WINDOW

7 Q ONCE AGAIN DID YOU NOTICE THE DUST AND/OR
8 COBWEBS THAT WERE INSIDE THAT WINDOW?

9 A I DID

10 Q WERE ANY OF THOSE DISTURBED?

11 A NO, SIR

12 Q NOW WHEN YOU WERE DOING FINGERPRINTS, IS IT
13 POSSIBLE TO TOUCH SOMETHING AND NEVER GET A
14 FINGERPRINT OFF OF THAT?

15 A SURE IS

16 Q CAN YOU DESCRIBE HOW THAT HAPPENS?

17 A YES, SIR PROBABLY THE MAIN, THE MAIN WAY, THE
18 MOST COMMON WAY, WE FOUND THAT A PERSON WON'T LEAVE A
19 FINGERPRINT, I DON'T CARE WHO YOU ARE OR WHERE YOU
20 LIVE, YOU HAVE DUST IN YOUR HOME PERIOD YOU ARE
21 GOING TO HAVE DUST ESPECIALLY AROUND ELECTRONICS,
22 IT'S A DUST COLLECTOR IF A PERSON WALKS UP AND
23 TOUCHES A DUST COVERED AREA, THE LIGHTLIHOOD OF THEM
24 LEAVING A FINGERPRINT IS IT SLIM TO NONE FOR THE
25 SIMPLE FACT THAT HE IS NOT ACTUALLY TOUCHING THE

1 SURFACE HE IS TOUCHING, THE FRICTION RIDGES ON YOUR
2 FINGERTIPS ACTUALLY TOUCH THE DUST AND REMOVE THE
3 DUST AND NEVER LEAVE A FINGERPRINT THAT'S THE DUST
4 TRANSFER IT LOOKS LIKE IT I MEAN YOU CAN ACTUALLY
5 BEFORE YOU EVEN GO UP AND TRY TO PUT FINGERPRINT
6 POWDER ON IT, IT LOOKS LIKE A PERFECT HAND PRINT AND
7 IT'S THE HARDEST THING FOR US TO EXPLAIN TO VICTIMS
8 OF A BURGLARY IT'S NOT JUST NOT THERE BECAUSE IT WAS
9 A DUST TRANSFER THAT IS THE MOST COMMON WAY

10 Q IS THERE SUCH THING AS OVERLAPPING PRINTS?

11 A THERE ARE DEFINITELY OVERLAPPING PRINTS IF YOU
12 HAVE DECENT SURFACE THAT, JUST FOR EXAMPLE, THAT
13 BANISTER GOING DOWN IN FRONT OF THE JURY THERE, THERE
14 IS, YOU'VE TOUCHED IT, I SAW THESE GENTLEMEN OVER
15 HERE TOUCH IT, THOSE COULD BE OVERLAPPING
16 FINGERPRINTS, FINGERPRINTS ON TOP OF EACH OTHER, PALM
17 PRINTS ON TOP OF FINGERPRINTS, AND THOSE ARE A LOT OF
18 TIMES NOT USABLE MOST OF THE TIME NOT USABLE

19 Q AND ARE DOOR KNOBS COMMON PLACES TO FIND THINGS
20 LIKE THAT?

21 A DOOR KNOBS IS PROBABLY ONE OF THE POOREST PLACES
22 TO TRY TO FIND ONE OF THEM BECAUSE SO MANY DIFFERENT
23 PEOPLE TOUCH THEM IN THIS INSTANCE HERE IF MR COPE
24 TOUCHED HIS DOOR KNOB, HIS DAUGHTER TOUCHES THE DOOR
25 KNOB, HIS OTHER DAUGHTER TOUCHES THE DOOR KNOB, AND

1 MRS COPE TOUCHED THE DOOR KNOB, THEN I GOT
2 FINGERPRINT OVER FINGERPRINT OVER FINGERPRINT OVER
3 FINGERPRINT IT'S JUST NOT A REAL GOOD SURFACE IT
4 BEING CURVED OUR DOOR KNOBS ARE WORSE THAN ANYTHING
5 BECAUSE THEY GET BEAT BY THE ELEMENTS AND CORROSION
6 AND STUFF LIKE THAT IT'S JUST NOT A GREAT PLACE TO
7 FIND FINGERPRINTS

8 Q AND WITH DOOR KNOBS IF YOU OPEN ONE AND YOU TURN
9 IT, DOES THAT CAUSE A SLIDING MOTION, DOES THAT CAUSE
10 ANY PROBLEM?

11 A YES, IT'S COMMONLY CALLED TORQUING WHERE THE
12 FINGERPRINT IS BASICALLY SET DOWN IF THIS WAS THE
13 SURFACE THE FINGERPRINT, IT JUST TURNS AND IT TORQUES
14 AND ALSO CAUSES A SMUDGE

15 Q AND ONE OTHER QUESTION, OF THE SCREENS THAT WERE
16 AROUND THE VARIOUS WINDOWS IN THE HOUSE, DID YOU
17 NOTICE ANY PRY MARKS THAT POP OFF SCREEN ANYWHERE?

18 A NO, SIR

19 Q THANK YOU NO FURTHER QUESTIONS

20 THE COURT RECROSS

21 MR SMITH NOTHING, YOUR HONOR

22 THE COURT MR GREELEY

23 MR GREELEY NO, YOUR HONOR

24 THE COURT ALL RIGHT YOU CAN STEP DOWN

25 AND BE EXCUSED MEMBERS OF THE JURY PANEL, I

1 APPRECIATE YOU HANGING IN THERE WITH US, IT IS A
2 LITTLE LATER TODAY, BUT I WANTED TO FINISH THIS
3 WITNESS PLEASE BE BACK AT NINE IN THE MORNING AND
4 NO TALKING ABOUT THE CASE OR ANY NEWS COVERAGE ABOUT
5 THE CASE SEE YOU AT NINE IN THE MORNING

6 (THE JURY EXITS THE COURTROOM AT 06 50
7 PM)

8 THE COURT ANYTHING FROM THE STATE

9 MR THOMPSON NO, YOUR HONOR

10 THE COURT THE DEFENSE

11 MR SMITH NOTHING, YOUR HONOR

12 MR GREELEY NOTHING FROM MR SANDERS

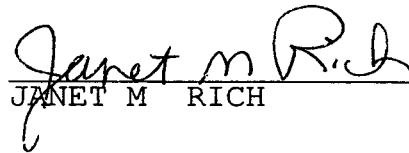
13 THE COURT I'D LIKE TO SEE COUNSEL JUST
14 FOR SCHEDULING PURPOSES, BUT LET EVERYONE ELSE LEAVE
15 WE DO NEED SOME HELP PUTTING THESE EXHIBITS BACK SO
16 THE COURT REPORTER CAN AND THE CLERK CAN FINISH ON UP
17 AND THEN COME ON BACK

18 (COURT'S IN RECESS 06 51 PM)
19
20
21
22
23
24
25

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1
2
3 I, JANET RICH, OFFICIAL COURT REPORTER FOR
4 THE SIXTEENTH CIRCUIT OF THE STATE OF SOUTH CAROLINA,
5 DO HEREBY CERTIFY THAT THE FORGOING IS A TRUE,
6 ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL
7 THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE
8 TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN
9 THE CIRCUIT COURT FOR YORK COUNTY, SOUTH CAROLINA, ON
10 THE 13TH DAY OF SEPTEMBER 2004

11 I DO FURTHER CERTIFY THAT I AM NEITHER KIN,
12 COUNSEL, NOR INTEREST TO ANY PARTY HERETO
13
14
15
16
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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, SEPTEMBER 14, 2004, BEFORE THE
13 HONORABLE JOHN C HAYES, III AND A JURY

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

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1 (COURT RESUMES ON SEPTEMBER 14, 2004,
2 AT 09 02 AM)

3 THE COURT DEFENDANTS ARE PRESENT
4 MR POPE YOUR HONOR, WE'RE WORKING ON
5 POSSIBLE STIPULATIONS AS TO THE WORK DONE BY THE
6 TRACE EVIDENCE DEPARTMENT AT SLED WHICH IS BASICALLY
7 THE HAIRS AND FIBERS THAT WERE RECOVERED AND ALSO THE
8 FINGERPRINT DEPARTMENT AT SLED ON THOSE TWO MATTERS
9 THE GIST OF WHICH, AND I'M GOING TO WRITE SOMETHING
10 UP FOR THE DEFENSE TO LOOK AT, THE GIST OF WHICH ANY
11 HAIRS RECOVERED FROM AMANDA WERE CONSISTENT WITH
12 AMANDA ANY HAIRS THAT WERE RECOVERED FROM MR COPE
13 FROM THE SUSPECT KIT, PUBIC HAIR SAMPLES, WERE
14 CONSISTENT WITH MR COPE ON THE FINGERPRINTS, NO
15 FINGERPRINTS WERE IDENTIFIED WITH EITHER INDIVIDUAL
16 ON THE ITEMS THAT SLED TESTED AGAIN I'LL TRY TO
17 WRITE SOMETHING UP IN THAT REGARD

18 FINALLY THERE ARE SOME LETTERS,
19 QUESTION DOCUMENTS, THAT ARE INVOLVED, THAT INVOLVE A
20 NUMBER OF KNOWN SAMPLES BOTH RECOVERED AND WERE
21 OBTAINED BY LAW ENFORCEMENT WHERE THE SLED EXPERT
22 COMES AND HAS HANDWRITING DONE THE WITNESS THAT
23 RECEIVED THESE WILL TESTIFY AT SOME POINT, AND THEN I
24 BELIEVE WE CAN DEVELOP A STIPULATION AS TO CHAIN
25 WHICH WOULD ELIMINATE PERHAPS, IF WE WORK IT

1 PROPERLY, TWO OR THREE WITNESSES IN THAT REGARD WE
2 WILL CONTINUE TO WORK ON THAT THIS IS SOMETHING
3 THAT SHOULD COME UP PROBABLY AFTER LUNCH SO THAT MAY
4 PUT THE STATE HOPEFULLY IN TO THE TOMORROW MODE

5 MR MORTON I DON'T KNOW IF YOU WANT TO
6 TAKE THIS UP NOW OR LATER

7 THE COURT WHAT IS IT?

8 MR MORTON JUST, YOUR HONOR, WE RECEIVED
9 THOUSAND OF HOURS OF TAPE RECORDED CONVERSATION OF MY
10 CLIENT COMING FROM THE JAIL FRIDAY AT SIX O'CLOCK I
11 BELIEVE THESE WERE DUE TO US UNDER RULE FIVE I
12 THINK FRIDAY AT SIX O'CLOCK DURING THE MIDDLE OF THIS
13 TRIAL IS TOO LATE WE OBVIOUSLY DON'T HAVE TIME TO
14 LISTEN TO ALL THE STUFF THEY INDICATED TO US THEY
15 WEREN'T GOING TO USE THEM I JUST WANTED TO MAKE
16 THAT PART OF THE RECORD THAT THEY DON'T INTEND ON
17 USING THEM I ASSUME THAT MEANS ON CROSS EXAMINATION
18 OR ANYTHING ELSE

19 MR BRACKETT THAT'S CORRECT THAT'S
20 EXACTLY RIGHT

21 MR MORTON THANK YOU VERY MUCH

22 MR GREELEY I HAVE RECEIVED THEM AS WELL
23 BUT I DON'T INTEND TO USE THEM

24 THE COURT ALL RIGHT BRING IN THE JURY

25 MR BRACKETT IF IT PLEASE THE COURT, I

HANDED UP A CASE TO YOU AND IT INVOLVES THIS NEXT
COMING WITNESS AND THE CROSS EXAMINATION OF THE
WITNESS I WANTED TO MAKE SURE WE ADDRESS THAT
BEFORE

THE COURT WHAT'S THE ISSUE?

MR BRACKETT THE ISSUE IS THE STATE'S
MAKING A MOTION IN LIMINE TO PRECLUDE THE DEFENSE
FROM CROSS EXAMINING ANY OF THE STATE'S LAW
ENFORCEMENT WITNESSES IN REGARDS TO THE ISSUE OF THE
TIMING OF MR SANDERS BEING CHARGED AS YOU'LL
RECALL IN HIS OPENING STATEMENT MR BAITY MADE A
STATEMENT TO THE EFFECT OF THE STATE KNEW THAT THIS
MAN WAS GUILTY AND THEY LEFT HIM ON THE STREET FOR
NINE MONTHS WHICH IS PATENTLY INCORRECT, IT RAISES AN
IMPLICATION THAT IS HIGHLY PREJUDICIAL TO THE STATE'S
CASE, AND I CAN'T THINK OF A WAY TO CORRECT IT
WITHOUT SOME DETRIMENT INURING TO MR SANDERS' CASE,
SO WE HAVEN'T FORMED ANY REQUEST IN THAT REGARD
BECAUSE I DON'T KNOW FRANKLY QUITE WHAT TO DO BUT
EVERY SINGLE TIME THEY RAISE THIS ISSUE NOW ON CROSS
EXAMINATION IT'S GOING TO HIGHLIGHT THAT IMPROPER
STATEMENT THAT WAS MADE BY MR BAITY, HIGHLIGHT IT
AND CALL IT BACK TO THEIR ATTENTION, AND THE PROBLEM
THE STATE HAS WITH IT UNDER RULE 401 IT ISN'T EVEN
RELEVANT IT DOES NOT GO TO MAKE THE EXISTENCE OF

1 ANY FACT THAT IS OF CONSEQUENCE TO THE DETERMINATION
2 OF THIS ACTION MORE PROBABLE OR LESS PROBABLE THAN IT
3 WOULD BE WITHOUT THE EVIDENCE EVEN IF IT WERE
4 RELEVANT IT CERTAINLY CAN'T SURVIVE A 403
5 EXAMINATION, THE EXCLUSION OF RELEVANT EVIDENCE ON
6 THE GROUNDS OF PREJUDICE, CONFUSION, OR WASTE OF
7 TIME WHAT THE POLICE OFFICERS OPINIONS WERE AS TO
8 CHARGING AND WHY THEY CHOSE TO CHARGE HAS NOTHING TO
9 DO WITH WHETHER OR NOT MR COPE IS GUILTY IT DOES
10 NOT ESTABLISH ANY DEFENSE RECOGNIZED AT LAW TO THESE
11 CHARGES

12 I HANDED UP THE CASE OF STATE VERSUS
13 BECKHAM BECAUSE THE DEFENSE HAD PREVIOUSLY SUGGESTED
14 THAT THIS HAS SOMETHING TO DO WITH THE INVESTIGATION
15 AND THE POLICE TACTICS I WOULD SUBMIT THAT THE
16 ISSUE THAT WAS AT PLAY IN BECKHAM WAS MUCH CLOSER TO
17 BEING PART OF THE POLICE TACTICS THAN THIS ISSUE
18 HERE THIS IS WHEN SOMEBODY WAS, THEY DECIDED TO
19 CHARGE SOMEBODY WHICH HAS ABSOLUTELY NOTHING TO DO
20 WITH WHETHER MR COPE IS GUILTY OF THIS OR NOT ALL
21 THEY WANT TO DO IS KEEP BRINGING THIS ISSUE UP TO
22 HIGHLIGHT A REMARK THAT THEY NEVER SHOULD HAVE MADE
23 IN THE FIRST PLACE SO TO SOME EXTENT, FIRST OF ALL
24 IT'S NOT RELEVANT AND IT IS PREJUDICIAL AND TO SOME
25 EXTENT WHAT THEY ARE DOING IS BUTTRESSING A COMMENT

THEY MADE SO IT SHOULD BE EXCLUDED ON THOSE GROUNDS
AS WELL TO SOME EXTENT THEY ARE THE ARCHITECTS OF
THEIR OWN MISFORTUNE IN THIS REGARD, THEY MADE A
STATEMENT AND NOW THEY WANT TO KEEP CARVING THE
JURY'S ATTENTION, HEARKENING THEIR ATTENTION BACK TO
THE STATEMENT THAT SHOULDN'T HAVE BEEN MADE IN
OPENING STATEMENT I CAN'T IMAGINE WHAT THIS PROVES
THEY SAY IT GOES TO THEIR STATE OF MIND OR POLICE
TACTICS I SUBMIT IT DOES NOTHING MORE THAN
CONTINUED TO PREJUDICE THE STATE'S CASE BY CALLING
THEIR ATTENTION TO IRRELEVANT FACTOR THAT DOESN'T
HAVE ANYTHING TO DO WITH ANY DEFENSE OR FACTOR ISSUE
OR ISSUE IN CONTROVERSY OF THIS CASE

THE COURT MR MORTON

MR MORTON YOUR HONOR, I DO THINK MR
BAITY MISSPOKE I DO THINK IT COULD BE SOMETHING
THAT WE COULD DO TO MAYBE STIPULATE THAT THAT WAS NOT
IN FACT THE CASE POSSIBLY, AND WE'LL BE GLAD TO DO
THAT BUT TO LIMIT US FROM CROSS EXAMINING THESE
POLICE OFFICERS ABOUT THEIR INVESTIGATION OF THIS
CASE ABOUT THE FACT THAT AMANDA COPE WAS, YOU KNOW,
WE CERTAINLY DON'T WANT TO IMPLY OR INTEND ON SAYING
THAT MR SANDERS WAS UNDER ARREST AT ANY CERTAIN TIME
OR ANYTHING LIKE THAT, BUT THE FACT IS THAT HE WASN'T
EVEN CHARGED DESPITE BEING IN CUSTODY ON JANUARY 12

1 OF '02, DNA CONFIRMING HIM SEPTEMBER SIX OF 2002,
2 THEY CHARGED HIM WITH MURDER IN NOVEMBER OF '03,
3 CHARGED HIM WITH MURDER, RAPE, AND CONSPIRACY, I
4 ABSOLUTELY THINK WE HAVE THE RIGHT TO FIND OUT WHAT
5 HAPPENED BETWEEN THE TIME THEY FOUND OUT THE DNA WAS
6 HIS AND WHEN THEY CHARGED HIM THEY DIDN'T DO ANY
7 INVESTIGATION AS TO MR SANDERS THIS WHOLE TRIAL
8 HAS BEEN NOTHING BUT FOCUSED ON MR COPE AND I
9 CERTAINLY THINK WE HAVE THE RIGHT TO BRING THAT UP
10 I DON'T THINK BECKHAM IS APPROPRIATE BECAUSE BECKHAM
11 IS TALKING ABOUT A WITNESS THAT THE JUDGE EXCLUDED
12 FROM TESTIFYING AS TO SOMETHING UNDER A HEARSAY
13 VIOLATION BUT WE CERTAINLY HAVE THE RIGHT TO
14 EXPLORE THE POLICE INVESTIGATION IN THIS CASE
15 THAT'S OUR DEFENSE

16 THE COURT WELL, I UNDERSTAND THAT BUT
17 WHAT DOES IT SHOW ABOUT THE POLICE INVESTIGATION OF
18 MR COPE?

19 MR MORTON WELL, WHAT IT DOES IS IT
20 SHOWS THAT THEY WEREN'T FOCUSED ON WHO THEY WERE
21 SUPPOSED TO BEING FOCUSED ON THEY FOCUSED ON
22 MR COPE AND THAT'S ALL AND THEY DIDN'T, THEY
23 DIDN'T DO ANYTHING ELSE THEY MADE THEIR MIND UP
24 THEY RUSHED TO JUDGMENT THEY ARRESTED HIM ON
25 NOVEMBER 29 THEY JUST HAPPENED TO FIND MR SANDERS'

1 SEMEN, HAPPENED TO RUN IT, SLED DID, THROUGH THE
2 CODES CHECK, AND EVEN FOCUSED ON MR COPE THE WHOLE
3 TIME EVEN AFTER THEY FOUND MR SANDERS' SEMEN ON
4 SEPTEMBER '02 THEY DIDN'T CHARGE HIM FOR 14 MONTHS
5 THE COURT WHY DOES THAT HAVE ANYTHING TO
6 DO WITH THE INVESTIGATION OF MR COPE?
7 MR MORTON BECAUSE OUR DEFENSE, JUDGE,
8 OUR DEFENSE AS MR BAITY STATED IN HIS OPENING, IS
9 THAT THE ROCK HILL POLICE DEPARTMENT RUSHED TO
10 JUDGMENT THEY RUSHED TO JUDGMENT AND THEY CHARGED
11 HIM AND THE FACT THAT THEY DIDN'T CHARGE MR SANDERS,
12 DESPITE HAVING THIS EVIDENCE, GOES TO PROVE AN
13 ELEMENT IN CONTROVERSY AND THAT IS THEIR RUSH TO
14 JUDGMENT I CERTAINLY THINK WE HAVE THE RIGHT TO
15 EXAMINE THEM ON THEIR INVESTIGATION I DON'T KNOW
16 HOW --
17 THE COURT THE INVESTIGATION YES, BUT
18 ONCE THE INVESTIGATION AND THE INVESTIGATION REVEALED
19 WHATEVER IT DID, THAT THE DNA MATCHED, THAT'S
20 INVESTIGATION BRINGING THE CHARGES IS NOT, THE
21 LAPSE OF TIME BETWEEN THAT AND WHEN THEY CHARGED HIM,
22 THAT'S NOT INDICATIVE OF INVESTIGATION IN MY OPINION
23 NOW I KNOW THAT MY OPINION AND YOURS MAY DEFER BUT
24 WHAT --
25 MR MORTON THE FACT THAT THEY, I WANT TO

1 KNOW WHY THEY DIDN'T CHARGE HIM I THINK THAT'S --
2 THAT'S, I THINK THE JURORS --

3 THE COURT THAT GOES TO THEIR --

4 MR MORTON ---LACK OF INVESTIGATION

5 THE COURT WELL, WHY DOES IT GO TO LACK
6 OF INVESTIGATION? HAVING ATTENTION FROM YOUR CLIENT
7 AND THEY HAD EVIDENCE ON HIM IT DOESN'T GO --

8 MR MORTON IT'S HARD TO SEPARATE WHAT
9 THEY DID AS FAR AS MY CLIENT WITH WHAT THEY DID WITH
10 REGARDS TO SANDERS IF THEY DIDN'T DO ANYTHING WITH
11 REGARDS TO SANDERS FOR 15 MONTHS WHAT WERE THEY
12 DOING?

13 THE COURT WELL, THEN YOU CAN ASK THEM
14 THAT YOU CAN ASK, YOU CAN ASK WHEN YOU GOT THE DNA

15 MR MORTON RIGHT

16 THE COURT AFTER YOU GOT THE DNA SAMPLE
17 WHAT FURTHER INVESTIGATION DID YOU EXPLORE REGARDING
18 EITHER MR COPE OR MR SANDERS, BUT THE DATE OF THE
19 ARREST IS NOT RELEVANT BUT YOU CAN GO INTO
20 INVESTIGATION CERTAINLY

21 MR MORTON WELL, I WANT TO BE ABLE TO
22 ASK THEM WHAT LEAD, WHY DID THEY ALL OF A SUDDEN
23 DECIDE ON NOVEMBER 17 TO CHARGE MR SANDERS WHAT --

24 THE COURT WELL, BECAUSE THEY HAD THE
25 DNA WHY THEY DECIDED TO DO IT ON THAT PARTICULAR

1 DAY?

2 MR MORTON WHY THEY WAITED 15 MONTHS
3 THE COURT WELL, THAT'S NOT RELEVANT TO
4 GUILT OR INNOCENCE OF YOUR CLIENT I KNOW YOU
5 DISAGREE

6 MR MORTON RESPECTFULLY DISAGREE
7 THE COURT I KNOW YOU DISAGREE WITH ME
8 BUT THAT HAS NOTHING TO DO WITH THIS INVESTIGATION
9 ALTHOUGH I HAVE TO ADMIT YOUR ARGUMENT IS ATTRACTIVE
10 IN SOME REGARD BECAUSE THE DEFENSE, I MEAN THE
11 DEFENSE OF THIS ISSUE, THE PROSECUTION HOLDS THE
12 CARDS ON THIS THAT IS, THEY ARE THE ONES THAT
13 WAITED ALL THIS TIME AND YOU CAN ARGUE THAT YOU HAVE
14 SOME SYMPATHY FOR AN, ARGUMENT IS SIMPLY NOT THE
15 RIGHT WORD, BUT I CAN SEE WHERE YOU CAN
16 INTELLECTUALLY COME UP WITH SOME THEORY THAT WELL
17 THERE ISN'T, THEY SHOULDN'T BENEFIT FROM NOT, FOR
18 WHATEVER REASON NOT BRINGING THE CHARGES UNTIL THAT
19 MUCH TIME LATER, SO THE QUESTION AT ISSUE --

20 MR MORTON BEFORE YOU, BEFORE YOU, I'M
21 SORRY TO INTERRUPT ON NOVEMBER 17 THEY WERE CHARGED
22 WITH CONSPIRACY, ON NOVEMBER 17 OF '03 THEY WERE BOTH
23 CHARGED WITH CONSPIRACY, CONSPIRING WITH EACH OTHER
24 TO RAPE AMANDA COPE, SO I THINK THAT ELEMENT, YOU
25 KNOW, ALLOWS ME TO ASK THEM BASED ON WHAT I MEAN,

1 WHAT DID THEY DO BETWEEN SEPTEMBER '02 AND NOVEMBER
2 17

3 THE COURT THAT PUTS A DIFFERENT ASPECT
4 ON IT IF THEY CHARGED MR COPE AND MR SANDERS ON
5 THE SAME DAY WITH CONSPIRACY, I THINK THAT BRINGS UP
6 SOME INVESTIGATORY ISSUES INVOLVING NOT JUST
7 MR SANDERS BUT MR COPE ALSO

8 MR BRACKETT WHY THEY CHOSE TO CHARGE
9 THEM WITH CONSPIRACY IS A PROSECUTORIAL DISCRETION
10 I BELIEVE, BEG THE COURT'S --

11 THE COURT NO, IT BETTER NOT BE
12 PROSECUTORIAL, IT BETTER BE BASED ON EVIDENCE

13 MR BRACKETT WELL, YES, SIR

14 THE COURT AND THAT'S WHAT THEY WANT TO
15 KNOW, WHY ALL OF A SUDDEN, WHAT'S THE EVIDENCE THAT
16 RENDERED---I'M GOING TO ALLOW THEM TO GO INTO THAT

17 MR BRACKETT ON THE CONSPIRACY CHARGE
18 BUT NOT THE MURDER, THE CRIMINAL SEXUAL CONDUCT

19 MR MORTON IT'S HARD TO --

20 THE COURT I DON'T KNOW HOW THEY CAN
21 DIFFERENTIATE THEM, BUT I CERTAINLY THINK THAT HE'S
22 GOT A RIGHT, MR COPE DOES, TO INTERROGATE THESE
23 WITNESSES AS TO WHY THEY CHARGED HIM AT A CERTAIN
24 TIME WITH A CRIME THEY GOT AN ABSOLUTE RIGHT TO DO
25 THAT AND THE FACT THAT IT WAS SOMETIME LATER AND I

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THINK THEY'VE GOT THE RIGHT TO EXAMINE, TIE THAT IN
TO THE DATE THAT MR SANDERS WAS CHARGED

MR BRACKETT FOR THE CRIMINAL CONSPIRACY
ONLY

THE COURT FOR THE CRIMINAL CONSPIRACY

MR BRACKETT THERE IS A SIMPLE ANSWER TO
THAT WHICH --

THE COURT WELL, THE WITNESS CAN GIVE IT
THAT'S THE WHOLE THING, MR BRACKETT

MR BRACKETT I WANT TO MAKE SURE WE'RE
FOCUSED ON THE NARROW ISSUE OF CRIMINAL CONSPIRACY
BECAUSE THE ANSWER TO THE OTHER QUESTION IMPLICATES A
MATTER THAT PREJUDICES MR SANDERS

MR MORTON WHY IS HE WORRIED ABOUT MR
SANDERS WITH ALL DUE RESPECT?

MR BRACKETT THE STATE HAS AN INTEREST
RESOLVING BOTH CASES IN THE SAME TRIAL AND NOT HAVING
TO COME BACK AND RE-TRY MR SANDERS AT A LATER TIME

MR MORTON WE'RE NOT GOING TO TRY TO
IMPLY THAT HE WAS OUT THERE RUNNING THE STREET OR
ANYTHING ELSE WE'RE JUST TRYING TO FOCUS ON THE
INVESTIGATION AND I THINK WE HAVE THE RIGHT TO
EXPLORE THE POLICE INVESTIGATION AS TO WHY THEY WAIT
14 MONTHS TO NOT ONLY CHARGE HIM WITH CONSPIRACY BUT
FOR MURDER AND EVERYTHING ELSE

1 THE COURT WELL, THE PROBLEM, AND AGAIN
2 IT'S THE, THESE ARE ONE OF THOSE THINGS THAT THE
3 CARDS WERE IN THE PROSECUTION'S HANDS, THEY SAY THEY
4 DID NOT, AT LEAST I UNDERSTAND THEIR TESTIMONY, THAT
5 THEY DIDN'T CHARGE HIM BECAUSE HE WASN'T GOING
6 ANYWHERE, HE WAS IN JAIL AND IT HAD NOTHING TO DO
7 WITH THE INVESTIGATION

8 MR MORTON I CERTAINLY THINK I HAVE THE
9 RIGHT TO MAKE THE INFERENCE, JUDGE THIS
10 INVESTIGATION HAS FOCUSED ON BILLY COPE FROM NOVEMBER
11 29 AND HE HAS REMAINED IN JAIL SINCE NOVEMBER 29 AND
12 THAT'S WHAT THE DEFENSE IS THEY MADE THEIR MIND UP,
13 THEY CHARGED HIM, THEY HAPPENED UPON MR SANDERS, AND
14 I CERTAINLY THINK I HAVE THE RIGHT TO EXPLORE I'M
15 NOT GOING TO TRY AND IMPLY --

16 THE COURT THIS IS A LITTLE DIFFERENT
17 THE OTHER CASES DIDN'T INVOLVE CHARGES AGAINST AN
18 ADDITIONAL PARTY I THINK THE DEGREE OF
19 INVESTIGATION AND VERY RELEVANT, THAT'S WHAT WE SPENT
20 ALL DAY YESTERDAY, WE SPENT HOURS AND HOURS ON THE
21 EXTENT OF THE INVESTIGATION, DID YOU FINGERPRINT
22 THIS, DID YOU FINGERPRINT THAT

23 MR BRACKETT THAT'S EXACTLY HOW YOU
24 NORMALLY ATTACK AN INVESTIGATION

25 THE COURT AND THAT'S WHAT THEY WANT TO

1 DO

2 MR BRACKETT AND THAT'S FINE THE ONLY
3 ISSUE IS WHEN HE WAS CHARGED DOESN'T HAVE A THING TO
4 DO, THAT IS PURELY A MATTER OF DISCRETION AND DOES
5 NOT ESTABLISH A DEFENSE FOR MR MORTON'S CLIENT AND
6 SO IT'S IRRELEVANT AND IT'S PREJUDICIAL IN LIGHT OF
7 WHAT WAS SAID TO THE JURY

8 MR MORTON AND --

9 MR BRACKETT IF I MAY FINISH AND THE
10 BOTTOM LINE IS THERE SITS MR SANDERS AND THEY WILL
11 HAVE HIS INDICTMENT BACK THERE HE HAS BEEN CHARGED,
12 WE ARE PROSECUTING HIM, WE'RE GOING TO PRESENT
13 EVIDENCE THAT SHOWS MR SANDERS IS GUILTY, AND WE'RE
14 GOING TO TAKE THAT CASE FORWARD AS WELL THIS ISN'T
15 A SITUATION WHERE WE EXCLUDED MR SANDERS FROM THIS
16 PROCEEDING AND ARE SOLELY FOCUSING ON MR COPE, SO
17 HOW CAN THEY SAY THAT WE FOCUSED ON MR COPE TO THE
18 EXCLUSION OF ANYTHING ELSE AND WE NARROW MINDEDLY
19 PURSUED AND NARROWED OUR FOCUS EXCLUSIVELY ON THIS
20 MAN WHEN THERE HE SITS NEXT TO HIS ATTORNEY BEING
21 TRIED AT THE SAME TIME IT DOESN'T, IT IS OF SUCH
22 DIMINISHED RELEVANCE, IT IS OF SUCH LIMITED, AND ALL
23 IT IS WHEN YOU TAKE THAT MUCH RELEVANCE AND FRAYED IT
24 WITH THAT MUCH PREJUDICE AND TRY TO DRAG IT INTO THE
25 JURY RAIL THAT'S THE PROBLEM THAT WE HAVE THERE MAY

1 BE A SLIGHT ARGUMENT TO BE MADE, BUT YOUR SHOVING A
2 WHOLE BUNCH OF PREJUDICE OVER THE RAIL TOO,
3 ESPECIALLY IN LIGHT OF THE MISTAKE THAT THEY MADE,
4 AND WHAT THEY ARE HIGHLIGHTING WITH THIS TESTIMONY

5 THE COURT BUT DON'T THEY HAVE A RIGHT TO
6 INVESTIGATE COMPLETELY AND THOROUGHLY AS TO WHY HE
7 WAS ARRESTED AT A CERTAIN TIME ON A CERTAIN CHARGE

8 MR BRACKETT ON MR SANDERS?

9 THE COURT I'M TALKING ABOUT MR COPE
10 MR SANDERS HADN'T SAID THEY WERE GOING TO ASK
11 ANYTHING ABOUT MR SANDERS BEING IN JAIL DOESN'T
12 MR COPE'S ATTORNEY HAVE THE ABSOLUTE RIGHT TO ASK
13 WHY DID YOU ARREST A MAN ON A CERTAIN DATE

14 MR BRACKETT WHY DID YOU ARREST MR COPE
15 ON A CERTAIN DAY

16 THE COURT THAT'S RIGHT WHY DID YOU
17 ARREST MR COPE ON A CERTAIN DATE?

18 MR BRACKETT I HAVE NO PROBLEM WITH
19 THAT MY PROBLEM IS WITH SAYING WHY DID YOU ARREST
20 MR SANDERS ON A CERTAIN DAY

21 THE COURT WELL, I THINK THAT THEY CAN GO
22 FURTHER AND BECAUSE THEY WERE BOTH CHARGED AND IT IS
23 A CONSPIRACY CHARGE AND YOU CAN'T HAVE ONE
24 CONSPIRATOR WHY DID YOU CHARGE THESE TWO INDIVIDUALS
25 AT A CERTAIN TIME WITH CONSPIRACY? WHAT EVIDENCE DID

1 YOU HAVE THAT THESE TWO INDIVIDUALS CONSPIRED AND
2 THEREFORE LED TO THIS CHARGE?

3 MR BRACKETT IF WE STAY WITH THE
4 CONSPIRACY I'LL ACCEPT THAT THAT'S FINE

5 THE COURT YOU'LL ACCEPT IT

6 MR BRACKETT YES, SIR

7 THE COURT THAT'S MIGHTY KIND OF YOU

8 MR BRACKETT I WON'T CONTINUE TO BELABOR
9 THE ARGUMENT IS PROBABLY A BETTER WAY TO PUT IT

10 THE COURT GRACIOUS IN THE FEEDING

11 MR BRACKETT THANK YOU, YOUR HONOR

12 MR MORTON HE MADE A VERY TELLING, HE
13 SAID IT WAS THEIR DISCRETION, AND THAT'S THE ONLY
14 THING WE WANT TO SAY IS THAT THEY USED THEIR
15 DISCRETION, AND THEY USED IT TO CHARGE SANDERS WHEN
16 THEY DID AND THEY USED IT TO CHARGE BILLY COPE

17 THE COURT I'M NOT GOING TO ALLOW YOU TO
18 GO INTO THEIR DISCRETIONARY REASONS FOR WHAT THEY DO,
19 BUT I AM GOING TO ALLOW YOU TO GO INTO THE
20 INVESTIGATION NOT WHY YOU DIDN'T DO SOMETHING, BUT
21 WHY YOU DID DO SOMETHING NOT WHY DIDN'T YOU CHARGE
22 HIM BEFORE BUT WHY DID YOU CHARGE THEM AT THAT TIME?

23 MR MORTON I UNDERSTAND SO I'M NOT
24 TRYING TO PREJUDICE MR GREELEY'S CLIENT

25 THE COURT WELL, THAT'S MY RULING AT THIS

1 POINT EVERYBODY UNDERSTAND YOU CAN GO INTO WHY THEY
2 DID CHARGE HIM, THOSE TWO INDIVIDUALS, AT THAT DATE
3 WITH CONSPIRACY, BUT YOU CAN'T GO INTO WHY THEY DID
4 NOT CHARGE MR SANDERS AT AN EARLIER DATE WITH
5 ANYTHING

6 MR MORTON I UNDERSTAND YOUR RULING AND
7 NOTE MY OBJECTIONS

8 THE COURT ALL RIGHT

9 MR GREELEY YOUR HONOR, IF I CAN JUST --

10 MR MORTON AND AS A RESULT OF THAT
11 RULING I WANT IT SEVERED

12 THE COURT THAT'S DENIED YES, SIR

13 MR GREELEY FOR THE RECORD I JUST WANT
14 TO SAY THIS IS ONE OF THOSE ISSUES THAT COMES IN THAT
15 MAKES THINGS COMPLICATED IN A JOINT TRIAL AND I WILL
16 LISTEN AND I WILL DO WHAT I NEED TO DO FOR MY CLIENT
17 IF SOMETHING COMES OUT THAT IS PREJUDICIAL TO HIM AND
18 I JUST WANT BOTH OTHER SIDES TO KNOW THAT

19 THE COURT I'M GOING TO BE, I'LL BE
20 LISTENING TOO ALL RIGHT BRING IN THE JURY

21 (THE JURY RETURNS TO THE COURTROOM AT
22 09 29 AM)

23 THE COURT GOOD MORNING

24 (THE JURY GOOD MORNING)

25 THE COURT LET ME ASSURE YOU WE'RE NOT

GOING TO START A PATTERN OF STARTING LATE AND THEN
GOING LATE BECAUSE I NOTICE IT'S 9 30 AND I SAID WE
WOULD START AT NINE AND WE DID START AT NINE AND OVER
THE LAST HALF HOUR WE HAVE WORKED ON SHORTENING THE
TRIAL SO AS A RESULT OF US BEING THIS HALF AN HOUR
AND THE ATTORNEYS BEING ABLE TO AGREE ON CERTAIN
EVIDENTARY MATTERS WHICH WILL MAKE THIS CASE GO
SMOOTHER AND QUICKER, WE HAVE PROBABLY SAVED A FEW
HOURS OF TESTIMONY BY IMPINGING ON YOUR TIME FOR HALF
AN HOUR, SO I APOLOGIZE FOR RUNNING LATE WE WILL
TRY TO DO THESE WHEN Y'ALL ARE NOT SITTING BACK
THERE, BUT I MAY HAVE ALREADY MENTIONED THIS BEFORE,
BUT CASES ARE SORT OF LIKE A SPORTS EVENT THERE ARE
CERTAIN THINGS YOU CAN'T DO UNLESS YOU'VE DONE
SOMETHING ELSE THAT IS, YOU CAN'T HAVE A SECOND
INNING OF A BASEBALL GAME UNTIL YOU'VE COMPLETED THE
FIRST AND THAT'S SORT OF THE WAY CASES ARE CERTAIN
THINGS DON'T BECOME A MATTER FOR ME OR THE LAWYERS TO
EVEN HAVE A DIALOGUE ABOUT UNTIL CERTAIN OTHER THINGS
FALL INTO PLACE AND THAT'S JUST THE WAY IT WORKS AND
I APPRECIATE YOUR PATIENCE ALL RIGHT, CALL YOUR
NEXT WITNESS

MR BRACKETT PLEASE THE COURT THE
STATE WOULD CALL LES HERRING

LES HERPING, BEING FIRST DULY

1 SWORN, TESTIFIED AS FOLLOWS

2 DIRECT EXAMINATION BY MR BRACKETT

3 Q WOULD YOU PLEASE STATE YOUR FULL NAME AND SPELL
4 YOUR LAST?

5 A LESLIE HERRING H-E-R-R-I-N-G

6 Q WHERE ARE YOU EMPLOYED, SIR?

7 A CITY OF ROCK HILL POLICE DEPARTMENT

8 Q HOW LONG HAVE YOU BEEN WITH THE POLICE
9 DEPARTMENT?

10 A DECEMBER FIRST WILL BE 26 YEARS

11 Q WHAT IS YOUR CURRENT ROLE IN THE POLICE
12 DEPARTMENT?

13 A RIGHT NOW I'M A DETECTIVE WORKING IN THE
14 DETECTIVE DIVISION

15 Q ALL RIGHT BACK IN 2001 WHAT WAS YOUR ROLE?

16 A I WAS THE LIEUTENANT OVER THE CRIMES AGAINST
17 PERSONS UNIT IN THE DETECTIVE DIVISION SINCE THAT
18 TIME I WAS RETIRED AND WAS HIRED BACK AS A DETECTIVE

19 Q I SEE NOW IN YOUR ROLE AS THE SUPERVISOR OF
20 THE CRIMES AGAINST PERSONS UNIT BACK IN NOVEMBER OF
21 2001 DID YOU HAVE OCCASION TO BECOME INVOLVED IN THE
22 INVESTIGATION OF THE DEATH OF AMANDA COPE?

23 A YES, SIR, I DID

24 Q OKAY WHAT WAS YOUR FIRST INVOLVEMENT IN THAT,
25 WHAT DID YOU FIRST DO?

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1 A INITIALLY ALL MY DETECTIVES WENT TO THE SCENE,
2 BEGAN WORKING WITH THE SCENE, ALONG WITH THE CRIME
3 SCENE PERSONNEL WHICH AT THAT TIME I WAS OVER THE
4 CRIME SCENE PERSONNEL ALSO

5 Q OKAY AND APPROXIMATELY WHAT TIME, DID YOU EVER
6 GO TO THE SCENE?

7 A YES, SIR, I WAS PAGED OUT THAT MORNING FROM HOME
8 TO GO TO THE SCENE

9 Q AND WHAT TIME WAS THAT?

10 A THAT WAS BEFORE 8 O'CLOCK, I'M NOT SURE,
11 PROBABLY AROUND 7 30 OR SO THAT I ACTUALLY ARRIVED AT
12 THE SCENE

13 Q ALL RIGHT CAN YOU BRIEFLY RELATE TO THE JURY
14 WHAT YOU DID AT THE SCENE?

15 A BASICALLY I WAS ACTING AS A SUPERVISOR AND
16 MAKING SURE ALL MY PEOPLE WERE DOING WHAT THEY WERE
17 SUPPOSED TO DO AND JUST PRETTY MUCH GETTING A VISUAL
18 OF EVERYTHING THAT WAS GOING ON, WHAT HAD HAPPENED,
19 AND WHAT WE WERE TOLD HAD HAPPENED

20 Q OKAY AND CAN YOU BASICALLY DESCRIBE FOR THE
21 JURY WHAT IS THE PROTOCOL WHEN YOU GO INTO A CRIME
22 SCENE, WHAT DO YOU TRY TO DO, AND MAKE SURE YOU DON'T
23 DO?

24 A MAKE SURE YOU DON'T TOUCH ANYTHING TO DISTURB
25 ANYTHING THAT COULD BE EVIDENTIARY YOU TALK TO AS

1 MANY PEOPLE AS YOU CAN TALK TO TO TRY TO DETERMINE
2 EXACTLY WHAT HAPPENED TO KNOW WHICH WAY THE
3 INVESTIGATION IS GOING TO DO

4 Q DID YOU ACTUALLY ENTER THE CRIME SCENE?

5 A YES, SIR, I DID

6 Q ENTER THE HOUSE?

7 A YES, SIR

8 Q WERE YOU CAREFUL WHEN YOU WERE IN THE HOUSE?

9 A AS CAREFUL AS YOU COULD BE CONSIDERING THE
10 CIRCUMSTANCES THAT THE HOUSE WAS IN, YES, SIR

11 Q AND WHEN YOU SAY THE CIRCUMSTANCES THAT THE
12 HOUSE WAS IN, WOULD YOU DESCRIBE BRIEFLY FOR US WHAT
13 YOU MEAN BY THAT?

14 A THE HOUSE WAS FILTHY THERE, THERE WAS NO WHERE
15 YOU CAN PUT ANYTHING DOWN WITHOUT HITTING SOMETHING,
16 THERE WAS ROACHES, IT WAS A PRETTY BAD, PRETTY BAD
17 SCENE

18 Q ABOUT HOW LONG WERE YOU IN THE CRIME SCENE THAT
19 MORNING?

20 A PROBABLY AN HOUR, TWO HOURS I'M NOT REALLY
21 SURE EXACTLY HOW LONG I WAS AT THE SCENE

22 Q DID YOU HAVE OCCASION TO GO TO THE BACK DOOR?

23 A YES, SIR, I DID

24 Q I'M SHOWING YOU WHAT'S BEEN MARKED STATE'S
25 EXHIBIT 47 D AND I'LL ASK YOU CAN YOU IDENTIFY WHAT

1 THAT PHOTOGRAPH DEPICTS?

A YES, SIR THAT IS THE BACK DOOR AREA OF THE
HOUSE

Q OKAY AND IS THAT HOW IT LOOKED WHEN YOU WERE
THERE THAT MORNING?

A YES, SIR

Q OKAY NOW THERE IS A LATER PHOTOGRAPH THAT
2 SHOWS THE FAN AND THE GARBAGE CAN MOVED, DO YOU KNOW
HOW THAT HAPPENED?

A WELL, WHEN I WENT TO OPEN THE BACK DOOR YOU HAD
TO MOVE THE FAN OUT OF THE WAY TO GET THE DOOR OPEN
AND THE, I HAD TO ACTUALLY PHYSICALLY MOVE BOTH ITEMS
AND THEN HAD TO TRY TO OPEN THE BACK DOOR AND WHEN
YOU OPEN THE BACK DOOR IT ONLY OPENED JUST A FEW
INCHES, PROBABLY SIX INCHES OR SO, AND THEN YOU HAVE
TO PICK UP ON THE DOOR AND ACTUALLY MANUALLY PULL IT
PRETTY HARD TO GET IT OPEN BECAUSE THE FLOOR WAS
UNLEVEL

9 Q ALL RIGHT, SIR NOW WAS, WERE THE FANS AND THE
10 GARBAGE CAN MOVED AT A LATER TIME?

A YES

22 Q WHEN DID THAT OCCUR?

23 A IT WAS MOVED BY ME THAT MORNING AND ONCE I TRIED
24 TO DETERMINE HOW TO GET THAT BACK DOOR OPEN, IF I
25 COULD OPEN IT, I PUT THE BACK DOOR, CLOSE THE BACK

1 DOOR, AND PUT THE TRASH CAN AND THE FAN BACK PRETTY
2 CLOSE TO WHERE IT WAS AT

3 Q ALL RIGHT, SIR HOW LONG DID YOU SAY YOU WERE
4 AT THE SCENE ALL TOGETHER?

5 A I'M NOT REALLY SURE IT COULD HAVE BEEN AN HOUR
6 OR MORE HOUR AND A HALF OR TWO HOURS MAYBE I'M NOT
7 EXACTLY SURE HOW LONG

8 Q DID YOU HAVE OCCASION TO TALK TO MR COPE AT ANY
9 TIME THAT DAY, INTERVIEW HIM?

10 A I MIGHT HAVE BRIEFLY SPOKE WITH HIM AT THE
11 SCENE I DON'T REMEMBER SPEAKING WITH HIM AT THE
12 SCENE I MIGHT HAVE SPOKE TO HIM, BUT LATER ON THAT
13 MORNING AROUND LUNCH TIME I DID TALK WITH HIM

14 Q ALL RIGHT, SIR AND WHERE WAS THIS INTERVIEW
15 DONE?

16 A HE WAS AT THE POLICE DEPARTMENT OUTSIDE OUR
17 DETECTIVE DIVISION IN THE LOBBY AND I HAD OPENED THE
18 DOOR TO LET SOMEONE ELSE COME IN AND I SAW HIM
19 SITTING THERE IN THE LOBBY AND THAT'S WHEN I REALIZED
20 HE WAS STILL THERE AND I ASKED WOULD HE SPEAK WITH ME
21 AND HE AGREED TO TALK TO ME

22 Q ALL RIGHT, SIR NOW I BELIEVE YOU PREPARED A
23 SUMMARY?

24 A YES, SIR

25 Q IS THAT REGARD?

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A YES, SIR

Q AND THAT'S IN EVIDENCE BUT GENERALLY SPEAKING THE INTERVIEW THAT YOU CONDUCTED, ABOUT HOW LONG DID THAT LAST?

A I'M THINKING PROBABLY 30-45 MINUTES AT THE MOST

Q AND WHAT WAS THE TONE AND THE NATURE OF THAT INTERVIEW? WAS IT AGGRESSIVE, CONFRONTATIONAL, HOW WAS IT, HOW WOULD YOU CHARACTERIZE IT?

A IT WAS JUST LIKE WE'RE TALKING NOW I WAS ASKING HIM SOME QUESTIONS ABOUT WHAT COULD HAVE HAPPENED AND HE WAS ASKING ME SOME QUESTIONS ABOUT WHAT WE THOUGHT HAPPENED AND IT WAS JUST A, AN INFORMATION TYPE GATHERING TYPE OF CONVERSATION

Q ALL RIGHT, SIR AT THE CONCLUSION OF THAT INTERVIEW WHERE DID YOU LEAVE IT WITH AND WHAT DID YOU TELL HIM YOU WERE GOING TO?

A AT THAT POINT IT WAS AROUND LUNCH TIME, THE AUTOPSY ON AMANDA HAD NOT BEEN PERFORMED AT THAT TIME, AND I TOLD HIM, BECAUSE HE WAS ASKING ME QUESTIONS, I TOLD HIM I WOULD GET BACK WITH HIM LATER AFTER WE HAD CONDUCTED THE AUTOPSY AND AFTER WE HAD SOME ANSWERS AND I WOULD GET BACK IN TOUCH WITH HIM

Q SO HE WAS EXPECTING TO HEAR FROM YOU?

A YES, SIR

Q WHEN DID YOU, DID YOU SPEAK TO HIM AGAIN THAT

1 AFTERNOON?

2 A LATER ON THAT AFTERNOON/EVENING, YES, SIR, I
3 DID

4 Q ABOUT WHAT TIME WAS THAT?

5 A IT WAS ABOUT TEN-TEN SOMETHING THAT NIGHT

6 Q ALL RIGHT DESCRIBE THE CIRCUMSTANCES OF HOW
7 YOU CAME TO ENCOUNTER MR COPE THAT NIGHT?

8 A WE WERE STILL AT THE LAW CENTER TRYING TO PUT
9 EVERYTHING TOGETHER TO DETERMINE EXACTLY WHAT
10 HAPPENED MYSELF AND LIEUTENANT WALDROP DECIDED TO
11 GO AHEAD AND TALK WITH BILLY AGAIN AND WE, LIEUTENANT
12 WALDROP DROVE THE PATROL CAR, UNMARKED PATROL CAR, TO
13 BILLY'S PARENTS HOUSE AND WE ASKED IF WE COULD SPEAK
14 WITH HIM AND HE AGREED TO TALK WITH US AND WE TOLD
15 HIM WE'D LIKE FOR HIM TO COME BACK TO THE STATION AND
16 HE ASKED US WHEN, WE TOLD HIM WE'D BRING HIM BACK IF
17 EVERYTHING WORKED OUT, AND WE TOLD HIM WE'D GET HIM
18 BACK HOME AND HE AGREED TO COME WITH US, SO WE
19 TRANSPORTED HIM IN OUR CAR TO THE POLICE DEPARTMENT

20 Q OKAY NOW APPROXIMATELY WHAT TIME DID YOU
21 ARRIVE BACK AT THE STATION?

22 A I'M THINKING IT WAS AROUND 10 30 OR SO WE
23 PROBABLY LEFT AND IT'S PROBABLY AROUND, I MEAN, IT
24 WAS ONLY A COUPLE MINUTES AWAY, SO MAYBE IN THE
25 NEIGHBORHOOD OF 10 30 - 10 45 SOMETHING LIKE THAT

Q COULD HE HAVE DRIVEN IF HE WANTED TO?

A SURE, YES, SIR

Q WAS HE UNDER ARREST AT THIS TIME?

A NO, SIR

Q WHERE DID YOU GO ONCE YOU GOT BACK TO THE POLICE DEPARTMENT?

A WE WENT BACK INTO THE DETECTIVE DIVISION AND MYSELF AND LIEUTENANT WALDROP BEGAN TO INTERVIEW MR COPE IN MY OFFICE

Q ALL RIGHT DESCRIBE YOUR OFFICE FOR US?

A WELL, IT'S NOT A REAL BIG OFFICE THERE WAS A DOOR LEADING INTO MY OFFICE FROM THE DETECTIVE DIVISION AND THERE IS A DOOR LEADING OUT OF MY OFFICE LEADING INTO THE LOBBY AND IT'S PROBABLY A SMALLER ROOM, PROBABLY 8 BY 10 OR SOMETHING LIKE THAT OR 10 BY 10 IT'S NOT A REAL BIG OFFICE

Q AND WE'VE HEARD THE TAPE OF THAT INTERVIEW BUT CAN YOU TELL THE JURY HOW THAT TAPE CAME TO BE MADE OR WHY IT WAS MADE?

A WELL, LIEUTENANT WALDROP AND MYSELF DECIDED, WE TALKED WITH EACH OTHER AND DECIDED WE WOULD TAPE THIS INTERVIEW, WHICH IS NOT A COMMON PRACTICE WE DON'T USUALLY TAPE INTERVIEWS BUT WE DECIDED WE WOULD GO AHEAD AND TAPE THIS INTERVIEW

Q OKAY AND HOW WAS THAT ACCOMPLISHED?

1 A LIEUTENANT WALDROP HAD A BOOM BOX, I THINK
2 SOMETHING SIMILAR TO THIS ONE, IN HIS OFFICE, AND HE
3 BROUGHT IT FROM HIS OFFICE INTO MY OFFICE AND HE SET
4 IT UP AND FOUND SOME TAPES AND WE RECORDED THE
5 CONVERSATION AS WE TALKED TO BILLY, MR COPE

6 Q DO THE TAPES ACCURATELY REFLECT THE CONVERSATION
7 THAT YOU HAD, IS THERE ANYTHING, WAS THERE ANY
8 INTERVIEWING BEING DONE BEFORE OR AFTER THE TAPES
9 STARTED OR ENDED?

10 A NO, SIR THERE WAS PROBABLY SMALL TALK BEFORE
11 AND PROBABLY SOME SMALL TALK AFTER, BUT NOT ANYTHING
12 AS FAR AS INTERVIEWING HIM AT ALL, NO, SIR

13 Q WE HEARD THE TAPES SO I'M NOT GOING TO BE ASKING
14 ANY QUESTIONS ABOUT THAT I'M GOING TO MOVE TO WHAT
15 HAPPENED AFTER THE TAPE ENDED, THE LAST TAPE ENDS?

16 A WE STOPPED THE INTERVIEW AFTER THE TAPE ENDED
17 I MEAN WE HAD STOPPED IT EVERY TIME TO PUT A NEW TAPE
18 IN, BUT AFTER IT FINISHED THE LAST TAPE WE DIDN'T PUT
19 ANOTHER TAPE IN , WE JUST ENDED THE INTERVIEW AT THAT
20 POINT, AND WE LEFT MR COPE IN MY OFFICE FOR A FEW
21 MINUTES MYSELF AND LIEUTENANT WALDROP AND DETECTIVE
22 BLACKWELDER MET OUT THERE IN THE COMMON AREA OF THE
23 DETECTIVE DIVISION AND DISCUSSED WHAT WE WERE GOING
24 TO DO AT THAT POINT

25 Q OKAY AND WHAT DID YOU ULTIMATELY DECIDE TO DO?

1 A WELL, OUR SUPERVISOR CAPTAIN CABANISS WAS OUT OF
TOWN I THINK LIEUTENANT WALDROP MADE CONTACT WITH
2 HIM BY PHONE, HE WAS IN SOME TYPE OF TRAINING, AND WE
3 DISCUSSED WITH HIM OR LIEUTENANT WALDROP DISCUSSED
WITH HIM WHAT WE HAD DONE UP TO THAT POINT AS FAR AS
THE INTERVIEW, AND IT WAS DETERMINED, ALL FOUR OF US
MADE A DETERMINATION AT THAT TIME, TO MAKE THE
ARREST

Q ALL RIGHT DID YOU DISCUSS THE FACTS OF THE
CASE WITH CAPTAIN CABANISS?

A YES, SIR, WE DID OR LIEUTENANT WALDROP DID

Q DID YOU HAVE OCCASION TO SPEAK WITH MIKE BAKER
IN THE EARLY MORNING HOURS?

A YES, SIR DURING OUR CONVERSATION WITH MR COPE
HE INDICATED THAT HE WOULD TALK WITH MR BAKER, AND I
TRIED TO MAKE ARRANGEMENTS THAT NIGHT WITH MR BAKER

Q AND MR BAKER IS THE POLYGRAPH OPERATOR AT THE
YORK COUNTY SHERIFF'S DEPARTMENT OFFICE?

19 A THAT'S CORRECT MR COPE AGREED TO TAKE A
20 POLYGRAPH AND ASKING THAT WE GIVE HIM ONE AND I TRIED
21 TO MAKE ARRANGEMENTS THAT NIGHT TO GET DETECTIVE
22 BAKER TO ADMINISTER THE POLYGRAPH

23 Q WERE YOU ABLE TO ACCOMPLISH THAT?

24 A WELL, I PAGED HIM A COUPLE OF TIMES AND DIDN'T
25 GET A RESPONSE AND THEN I CALLED HIM AT HIS RESIDENCE

1 AND HE INFORMED ME THAT SINCE WE HAD INTERVIEWED HIM
2 THAT NIGHT, IT WOULD BE GOOD IF HE GOT SOME REST, AND
3 WE JUST DO IT THE NEXT DAY AND THAT'S WHAT WE AGREED
4 TO DO

5 Q ALL RIGHT, SIR WAS MR COPE ULTIMATELY, YOU
6 SAID THAT YOU ALL SAT DOWN AND DISCUSSED WITH CAPTAIN
7 CABANISS AND DECIDED TO PLACE HIM UNDER ARREST FOR
8 MURDER?

9 A YES, SIR

10 Q WAS MR COPE ULTIMATELY INFORMED THAT HE WAS
11 UNDER ARREST FOR MURDER?

12 A YES, SIR, I TOLD HIM

13 Q YOU TOLD HIM?

14 A YES, SIR

15 Q WHERE DID YOU TAKE MR COPE AFTER THAT?

16 A I TRANSPORTED HIM BACK TO THE HOLDING FACILITY
17 WHICH IS OUR JAIL I DID NOT HAVE A WARRANT AT THAT
18 TIME BUT I TOLD HIM WHAT HE WAS BEING CHARGED WITH
19 AND I PLACED HIM BACK IN THE HOLDING CELL UNTIL WE
20 GOT THE WARRANT TYPED UP AND SO HE COULD BE FORMALLY
21 CHARGED AS FAR AS GIVING HIM A COPY OF THE WARRANT
22 AND THAT TYPE OF THING

23 Q THE WARRANT HAD TO BE TYPED UP AND WHO WAS DOING
24 THAT?

25 A DETECTIVE BLACKWELDER WAS DOING THE ACTUAL

1 WARRANT ITSELF

2 Q AND WHERE DID SHE HAVE TO TAKE THAT WARRANT?

3 A WELL, WE DON'T HAVE A JUDGE WORKING 24 HOURS A
4 DAY, SO AFTER SHE TYPED THE WARRANT UP, SHE WOULD GO
5 TO THE JUDGE'S RESIDENCE AND TALK WITH THE JUDGE,
6 TELL THEM A LITTLE BIT OF THE CIRCUMSTANCES ABOUT THE
7 CASE, AND AT THAT TIME THE JUDGE SIGNED THE WARRANT
8 BUT SHE WOULD HAVE TO BRING IT BACK THROUGH THE
9 POLICE DEPARTMENT

10 Q OKAY AND WHO DID SHE GET TO SIGN THE WARRANT
11 NOW THAT THE JUDGE HAD ISSUED IT, WHO GOT THE WARRANT
12 BACK FROM CHARLENE AND SERVED IT ON HIM?

13 A I DID I WAS GIVEN THE WARRANT AND WENT AND
14 TOOK IT TO THE JAIL AND I GAVE IT MR COPE HIS COPY
15 AND TOLD HIM WHAT HE WAS -- INFORMED HIM ---

16 Q WHEN YOU ARRIVED AT THE JAIL WHERE WAS MR COPE
17 AT THIS POINT?

18 A HE WAS IN A JAIL CELL ASLEEP

19 Q HE WAS ASLEEP?

20 A YES, SIR

21 Q OKAY DID YOU WAKE HIM UP TO SERVE THE WARRANT
22 ON HIM OR DID YOU JUST HAND IT AND PUT IT BESIDE THE
23 BED THERE?

24 A NO, SIR, I WOKE HIM UP AND GAVE HIM HIS COPY OF
25 THE WARRANT AND I THINK RIGHT AFTER THAT I GOT HIS

1 CLOTHING THAT HE WAS WEARING AND PUT THOSE INTO
2 EVIDENCE AND PUT THEM IN AN EVIDENCE BAG AND PUT THEM
3 INTO EVIDENCE

4 Q OKAY WHAT DID YOU DO WITH THE CLOTHES? HOW DO
5 YOU PUT THEM INTO EVIDENCE -- WHAT TIME WAS THIS?

6 A IT WAS OVER IN THE MORNING SOMEWHERE 3 30-4
7 O'CLOCK, SOMEWHERE ALONG THAT TIME

8 Q ABOUT WHAT TIME DID HE GO INTO THE CELL WITHOUT
9 THE WARRANT THE FIRST TIME YOU TOOK HIM DOWN?

10 A IT'S PROBABLY, I'M THINKING AROUND 2 30
11 SOMETHING TO THREE, PROBABLY ALONG THOSE LINES I
12 DON'T KNOW EXACTLY THE TIME

13 Q AND WHAT TIME DID YOU WAKE HIM UP TO SERVE THE
14 WARRANT ON HIM?

15 A IT PROBABLY WAS AROUND FOUR PROBABLY

16 Q OKAY

17 A I'M THINKING

18 Q FOUR O'CLOCK?

19 A PROBABLY, YES, SIR

20 Q NOW AFTER YOU SERVED THE WARRANT ON HIM, WHAT
21 DID HE DO?

22 A WELL, I HAD SERVED THE WARRANT ON HIM AND I GOT
23 HIS CLOTHES, I HAD HIM CHANGE INTO A JUMP SUIT THAT
24 WE GAVE HIM TO PUT ON AFTER I TOOK HIS CLOTHES AND I
25 TOOK HIS CLOTHES FROM HIM AND TAGGED THEM AND TURNED

THEM INTO EVIDENCE

Q OKAY AND WHAT DID MR COPE DO?

A NOTHING HE, HIS DEMEANOR NEVER REALLY CHANGED

Q WHERE DID HE GO?

A HE WENT BACK IN THE JAIL CELL

Q I SEE WHAT TIME DID YOU GET HOME AND GET TO
BED THAT NIGHT?

A IT WAS AFTER FOUR O'CLOCK I DON'T KNOW EXACTLY
WHAT TIME I WALKED IN THE DOOR, BUT IT HAD TO BE
AFTER FOUR O'CLOCK

Q WHAT TIME WERE YOU AT THE STATION IN THE
MORNING

A I WAS SUPPOSED TO BE BACK AT WORK AT 8 O'CLOCK
AND I THINK I WAS RUNNING A LITTLE LATE THAT MORNING,
I THINK IT WAS ACTUALLY A LITTLE AFTER 8 BEFORE I GOT
BACK TO THE STATION

Q WHAT DID YOU HAVE TO DO THAT MORNING?

A WELL, AFTER TALKING WITH DETECTIVE BAKER I GOT
ALL THE FILES TOGETHER AND GOT MR COPE AND ME AND
HIM CAME UP TO THE MOSS JUSTICE CENTER HERE TO, FOR
THE POLYGRAPH THAT MR BAKER WAS GOING TO ADMINISTER

Q NOW UP TO THIS POINT YOU'VE BEEN INVOLVED IN TWO
INTERVIEWS WITH MR COPE?

A YES, SIR

Q AND ONLY ONE AFTER YOU KNEW THE RESULTS OF THE

1 AUTOPSY?

2 A THAT'S CORRECT, YES, SIR

3 Q WHAT TIME DID YOU LEARN THE RESULTS OF THE
4 AUTOPSY?

5 A IT WAS LATER IN THE EVENING BEFORE, AFTER I HAD
6 TALKED TO BILLY AROUND LUNCH TIME THAT DAY, IT WAS
7 PROBABLY SIX OR 7 O'CLOCK THAT EVENING OR MAYBE EVEN
8 LATER WHEN WE FOUND OUT, WE MET WITH THE PATHOLOGIST
9 AND TALKED WITH HIM AND HE DESCRIBED EXACTLY WHAT
10 HAPPENED

11 Q DID HE DESCRIBE THE NATURE OF THE INJURIES AND
12 THE BRUTALITY OF THE INJURIES TO AMANDA COPE'S VAGINA
13 AND HER ANUS?

14 A YES, SIR, HE DID

15 Q DID YOU AT ANY POINT IN TIME RELATE OR SHARE
16 THAT INFORMATION, THE NATURE AND THE DEGREE AND THE
17 EXTENT OF THE INJURIES TO MR COPE?

18 A PROBABLY NOT THE EXTENT OF THE INJURIES JUST
19 THE, THAT SHE HAD BEEN BEATEN, THOSE TYPE THINGS

20 Q WE KNOW WHAT'S ON THE TAPE

21 A RIGHT

22 Q I GUESS OUTSIDE OF WHAT'S ON THE TAPE DID YOU
23 TALK ABOUT IT WITH HIM AT ANY POINT IN TIME?

24 A NO, SIR

25 Q TO YOUR KNOWLEDGE DID ANYBODY?

1 A NO, SIR

2 Q SIR, I'M GOING TO SHOW YOU AN ITEM AND ASK YOU
3 IF YOU CAN IDENTIFY WHAT'S IN THIS BOX?

4 A THESE ARE THE CLOTHES THAT I TOOK FROM MR COPE
5 THAT EVENING OR THAT, EARLY THAT MORNING

6 Q OKAY IS THAT THE BAG YOU PLACED THEM IN?

7 A YES, SIR, AND THIS IS MY WRITING ON THE BAG
8 DESCRIBING WHAT IT WAS A PAIR OF SWEAT PANTS AND TWO
9 PAIR OF UNDERWEAR

10 Q ALL RIGHT, SIR

11 MR MORTON CAN I SEE THAT, YOUR HONOR

12 MR BRACKETT YES

13 MR MORTON THANK YOU

14 MR BRACKETT YOUR HONOR, I ASK THIS BE
15 MARKED AS 82

16 THE COURT ANY OBJECTION

17 MR MORTON NO, SIR

18 MR GREELEY NO OBJECTION

19 THE COURT BE RECEIVED WITHOUT OBJECTION

20 (STATE'S EXHIBIT NUMBER 82 COPE'S
21 CLOTHES)

22 Q NOW YOU SAID ONE PAIR OF SWEAT PANTS, TWO PAIRS
23 OF UNDERWEAR?

24 A YES

25 Q IS THAT HOW MANY IS IN THERE OR IS THAT ITEM

1 NUMBER TWO, ITEM NUMBER TWO?

2 A I'M SORRY THAT IS ITEM NUMBER ONE IS A PAIR OF
3 SWEAT PANTS AND ITEM NUMBER TWO IS A PAIR OF
4 UNDERWEAR I LOOKED AT IT WRONG INITIALLY WHEN I
5 LOOKED AT IT

6 Q DID YOU COME IN CONTACT OR CUSTODY OF THESE
7 ITEMS AFTER YOU HAD PLACED THEM IN EVIDENCE AT ANY
8 POINT?

9 A YES, SIR, I DID

10 Q WHEN WAS THAT?

11 A THAT MORNING AFTER I RECOVERED THEM FROM
12 MR COPE I PLACED THEM INTO EVIDENCE

13 Q I MEAN AFTER YOU PLACED THEM INTO EVIDENCE DID
14 YOU HAVE OCCASION TO HAVE TO COME INTO CUSTODY OF
15 THESE AGAIN?

16 A NO, SIR

17 Q OKAY TO YOUR KNOWLEDGE WERE THOSE ITEMS SENT
18 TO SLED?

19 A I THINK THEY WERE, YES, SIR

20 Q NOW TURNING YOUR ATTENTION TO THE NEXT MORNING
21 YOU SAID YOU GOT TO WORK A LITTLE BIT AFTER 8?

22 A YES, SIR

23 Q AND WHAT DID YOU DO WHEN YOU GOT TO WORK?

24 A I GATHERED THE FILE TOGETHER AND GOT MR COPE
25 AND WE CAME UP TO THE MOSS JUSTICE CENTER HERE AND

TALKED TO MIKE BAKER

Q OKAY AND DO YOU REMEMBER APPROXIMATELY WHAT TIME IT WAS THAT YOU ARRIVED AT THE MOSS JUSTICE CENTER?

A NO, SIR IT WAS AFTER NINE O'CLOCK I'M THINKING BECAUSE I WAS RUNNING A FEW MINUTES LATE I THINK MIKE HAD WANTED US TO BE THERE AROUND NINE, BUT I THINK WE WERE RUNNING A FEW MINUTES LATE

Q WHAT TOOK PLACE WHEN YOU ARRIVED AT THE MOSS JUSTICE CENTER? WHAT DID YOU DO WITH MR COPE?

A WE CAME INTO THE DETECTIVE DIVISION AREA OF THE MOSS JUSTICE CENTER AND WENT BACK TO MIKE BAKER'S OFFICE AND MR COPE BEING IN CUSTODY I PLACED HIM IN THE HOLDING CELL THAT MIKE HAD WHICH ADJOINS HIS OFFICE AND WENT AND TALKED TO MR BAKER AND TOLD MIKE BAKER EXACTLY WHAT HAD HAPPENED I TOLD HIM A LITTLE BIT THAT NIGHT ON THE PHONE AND NEXT MORNING I JUST KIND OF FILLED HIM IN AND TOLD HIM EXACTLY THE CIRCUMSTANCES SURROUNDING THE INVESTIGATION

Q AFTER SPEAKING WITH MR BAKER DID YOU HAVE ANYTHING TO DO WITH THE INSUING EXAMINATION AND INTERVIEW THAT MR BAKER DID REGARDING JUST POLYGRAPH?

A NO, SIR I, AT THE POLYGRAPH ITSELF I WAS SEATED IN THE WAITING ROOM AREA WHILE HE WENT IN,

1 WHILE MR COPE WENT IN WITH MR BAKER AND THE
2 POLYGRAPH WAS PERFORMED I WAS NOT A PART OF THE
3 POLYGRAPH

4 Q APPROXIMATELY HOW LONG DID THAT TAKE, HOW LONG
5 DID THAT TAKE WHILE YOU WERE SITTING OUTSIDE, AND
6 THEY WERE IN THERE TOGETHER?

7 A JUST A ROUGH GUESS ON MY PART, PROBABLY A LITTLE
8 OVER AN HOUR OR SO I'M NOT 100 PERCENT SURE AN
9 HOUR AND A HALF

10 Q EVENTUALLY DID YOU JOIN MR BAKER AND MR COPE?

11 A YES, SIR MR BAKER, DETECTIVE BAKER CAME OUT
12 AND ASKED ME TO COME BACK INTO THE POLYGRAPH ROOM
13 ITSELF AND BE A PART OF THEIR INTERVIEW

14 Q OKAY AND IN FACT, DID YOU HAVE OCCASION TO
15 TALK WITH MR COPE AT THAT POINT IN TIME?

16 A YES, SIR AFTER I WENT BACK INTO THE POLYGRAPH
17 ROOM ITSELF, MIKE BAKER INFORMED ME THAT MR COPE HAD
18 BEEN GIVEN HIS MIRANDA WARNINGS AND MR COPE
19 ACKNOWLEDGED THAT HE HAD GOTTEN HIS MIRANDA WARNINGS
20 AND AT THAT POINT MR BAKER TOLD ME ABOUT WHAT
21 MR COPE HAD TOLD HIM AND THEN TOLD MR COPE TO GO
22 OVER IT AGAIN WITH ME AND I WAS GOING TO TAKE A HAND
23 WRITTEN STATEMENT AND I DIDN'T HAVE ANY FORMS TO PUT
24 THE HAND WRITTEN STATEMENTS SO MR BAKER GOT ME SOME
25 OF THE SHERIFF'S DEPARTMENT FORMS AND AS MR COPE WAS

1 TELLING ME WHAT HAPPENED THAT NIGHT AS FAR AS HOW HE
2 KILLED HIS DAUGHTER I HAND WROTE THE STATEMENT OUT AS
3 HE WAS TELLING ME

4 Q DID ANYBODY THREATEN MR COPE AT ANY POINT IN
5 TIME WHILE YOU WERE PRESENT?

6 A NO, SIR

7 Q DID ANYBODY PROMISE HIM ANY CONSIDERATION IF HE
8 WOULD CONFESS WHILE YOU WERE PRESENT?

9 A NO, SIR

10 Q WHAT WAS HIS DEMEANOR WHILE HE WAS CONFESSING?

11 A HIS DEMEANOR WAS CALM HE WASN'T UPSET HE
12 WASN'T EMOTIONAL HE JUST TALKED AS A MATTER OF
13 FACTLY AS WE'RE TALKING RIGHT NOW

14 Q ABOUT HOW LONG DID THAT PORTION OF THE
15 INTERVIEW, THE TAKING OF THE STATEMENT, LAST?

16 A I'M THINKING PROBABLY 30 TO 45 MINUTES, 35-45
17 MINUTES PROBABLY

18 Q OKAY AND HOW LONG, HOW DID THAT INTERVIEW
19 CONCLUDE?

20 A BASICALLY AFTER HE TOLD ME EXACTLY WHAT HAD
21 HAPPENED AND I WROTE IT UP, HE SEEMED TO BE RELIEVED

22 Q OKAY

23 A HE BECAME MORE TALKATIVE AFTER THAT

24 Q DID HE HAVE AN OPPORTUNITY TO READ AND SIGN THE
25 STATEMENT THAT YOU PREPARED?

1 A YES, I GOT HIM TO READ IT I READ IT BACK TO
2 HIM AND I GAVE, I DIDN'T GIVE HIM A COPY, BUT I GOT
3 HIM TO SIGN THE FORM

4 Q I'M SHOWING YOU STATE'S EXHIBIT FOUR AND I'LL
5 ASK YOU IS THAT THE STATEMENT THAT YOU HAND WROTE?

6 A YES, SIR, THIS IS THE STATEMENT THAT I WROTE
7 THAT DAY

8 Q OKAY AND IS THAT YOUR SIGNATURE ON THAT
9 STATEMENT?

10 A YES, SIR, IT IS

11 Q AND IS THAT BILLY WAYNE COPE THE DEFENDANT'S
12 SIGNATURE ON THAT STATEMENT?

13 A YES, SIR IT'S MR COPE'S AND MIKE BAKER, HE
14 WITNESSED IT AS HE WAS THERE WHEN IT WAS BEING TOLD
15 TO ME

16 MR MORTON CAN WE APPROACH FOR A SECOND
17 (BENCH CONFERENCE AT 09 57 AM)

18 MR MORTON YOUR HONOR, AT THIS POINT I
19 WOULD RENEW THE OBJECTION THAT I MADE ON EARLIER
20 GROUNDS THAT HIS HONOR HAS ALREADY RULED ON REGARDING
21 THE ADMISSION OF THE STATEMENTS THAT MR HERRING IS
22 GETTING READY TO REFER TO

23 THE COURT MORE FULLY EXPOUNDED ON
24 EARLIER I WILL DENY THAT MOTION LET ME TELL YOU
25 MEMBERS OF THE JURY PANEL, THE INTRODUCTION OF

1 STATEMENTS OR CONFESSIONS OF DEFENDANTS IS ULTIMATELY
2 A SITUATION OR AN ISSUE FOR YOU TO DETERMINE HOW IF
3 AT ALL YOU WISH TO USE THOSE STATEMENTS THAT IS,
4 BEFORE A STATEMENT CAN BE CONSIDERED BY A JURY IN
5 DETERMINING ONE'S GUILT OR INNOCENCE YOU MUST IN YOUR
6 DELIBERATIONS DETERMINE BEYOND A REASONABLE DOUBT
7 THAT THE STATEMENT WAS GIVEN FREELY AND VOLUNTARILY
8 THAT IS, THAT HE, ANYONE GIVEN A STATEMENT, WAS
9 ADVISED OF THEIR CONSTITUTIONAL RIGHTS AND GIVEN
10 THEIR MIRANDA WARNINGS AND I'M NOT GOING TO ELABORATE
11 ON THOSE AT THIS POINT I WILL GO OVER ALL THOSE AT
12 THE END FOR YOU I SAY AGAIN BECAUSE I'M SURE YOU'VE
13 HEARD THEM SOME POINT, BUT I HAVE NOT GONE OVER THEM
14 BUT I WILL ENUMERATE ALL OF THOSE FOR YOU IN MY FINAL
15 CHARGE AND TELL YOU TO ANALYZE ANY STATEMENTS BEFORE
16 YOU CONSIDER AND DETERMINE WHETHER IT WAS GIVEN
17 FREELY AND VOLUNTARILY AND OF HIS OWN FREE WILL AND
18 ACCORD AND WHETHER OR NOT IT WAS GIVEN AFTER HE WAS
19 WARNED AS MIRANDA REQUIRES AND WITHIN THE CONSTRAINTS
20 IT COMPLIED WITH THE CONSTITUTIONAL REQUIREMENTS FOR
21 ONE'S RIGHT TO REMAIN SILENT AND THE RIGHT TO
22 COUNSEL I HAVE ALLOWED IT INTO EVIDENCE AND THAT IS
23 SORT OF A THRESHOLD THING THAT THE JUDGE DOES I
24 HAVE TO DETERMINE WHETHER IT'S ADMISSIBLE AND I DO
25 THAT BY A LESSER STANDARD THAN YOU WILL USE TO

1 DETERMINE WHETHER YOU WISH TO CONSIDER THIS, THAT IS,
2 THERE IS A STANDARD JUST LETTING IT INTO EVIDENCE
3 THERE IS A GREATER STANDARD FOR YOU TO USE IN REGARD
4 TO WHETHER OR NOT YOU WILL ACCEPT IT AS A FREE AND
5 VOLUNTARY STATEMENT AND CONSIDER IT IN WHOLE OR IN
6 PART IN YOUR DELIBERATIONS SO I HAVE ALLOWED IT
7 INTO EVIDENCE BUT IT WILL ULTIMATELY BE UP TO YOU TO
8 DETERMINE WHETHER IT WAS FREELY AND VOLUNTARILY GIVEN
9 AND WHAT IF ANY WEIGHT TO GIVE IT, SO I'M TELLING YOU
10 AT THIS TIME SO WHEN YOU LISTEN TO THE EVIDENCE YOU
11 WILL HAVE THOSE CONCEPTS TO WORK WITH YOU THANK
12 YOU

13 MR MORTON YOUR HONOR, MAY WE APPROACH
14 JUST BRIEFLY

15 THE COURT CERTAINLY

16 (BENCH CONFERENCE AT 10 01 AM)

17 THE COURT I MENTIONED THE STANDARD THAT
18 YOU WILL HEAR USED LATER, THAT IS, BEYOND A
19 REASONABLE DOUBT A REASONABLE DOUBT IS THE KIND OF
20 DOUBT THAT WOULD CAUSE A REASONABLE PERSON TO
21 HESITATE TO ACT SO WHEN YOU LISTEN TO THE EVIDENCE
22 YOU WILL BE DETERMINING WHETHER OR NOT THOSE ISSUES
23 THAT I WENT OVER A MINUTE AGO ARE, YOU ARE CONVINCED
24 BEYOND A REASONABLE DOUBT, THAT IS, WHETHER OR NOT
25 THE EVIDENCE IS SUFFICIENT OR WHETHER THERE IS A

1 REASONABLE DOUBT AS TO THE ISSUE OF VOLUNTARINESS AND
A REASONABLE DOUBT WOULD BE THE KIND OF DOUBT THAT
WOULD CAUSE A REASONABLE PERSON TO HESITATE TO ACT
4 THANK YOU

1 Q I BELIEVE YOU JUST TESTIFIED ABOUT WE WERE AT
THE END OF THE INTERVIEW, HE APPEARED RELIEVED, AND
HE SIGNED THE STATEMENT?

A THAT IS CORRECT, YES, SIR

Q NOW I SHOW YOU WHAT'S BEEN MARKED AS STATE'S
1 EXHIBIT 11 THE ADVICE OF RIGHTS FORM WERE YOU AWARE
THAT THAT FORM HAD BEEN FILLED OUT PRIOR TO THE
INTERVIEW?

A YES, SIR, I WAS TOLD THAT IT HAD BEEN DONE

4 Q ALL RIGHT, SIR AT THE CONCLUSION OF THE
INTERVIEW WHERE DID MR COPE GO?

A AFTER I WROTE THE STATEMENT UP AS HE TOLD IT TO
ME, WE LEFT AND CAME BACK TO THE ROCK HILL POLICE
DEPARTMENT

10 Q AND WHO TOOK HIM BACK TO THE ROCK HILL POLICE
DEPARTMENT?

12 A I BROUGHT HIM UP HERE AND I TOOK HIM BACK

14 Q WHAT WAS HIS DEMEANOR ON THE WAY BACK TO THE
23 ROCK HILL POLICE DEPARTMENT?

24 A LIKE I SAID EARLIER, HE APPEARED MORE RELIEVED
25 AND MORE TALKATIVE AND AS WE WENT WE JUST HAD SMALL

1 TALK BACK AND HE ASKED ME IF HE COULD TELL ME A
2 COUPLE JOKES ON THE WAY BACK AND HE DID

3 Q ALL RIGHT, SIR DID YOU HAVE OCCASION TO TALK
4 TO HIM AGAIN THAT FRIDAY? DID YOU DO ANYMORE
5 INTERVIEWS OF HIM YOURSELF AT THAT DAY?

6 A NO, SIR, I DID NOT

7 Q TURNING YOUR ATTENTION TO THE WEEKEND, SUNDAY,
8 DECEMBER SECOND OF 2001, DID YOU GET A CALL AT YOUR
9 RESIDENCE IN REGARDS TO THIS CASE?

10 A NO, SIR, I DIDN'T GET A CALL I GOT A PAGE ON
11 MY PAGER FROM THE ROCK HILL POLICE DEPARTMENT AND
12 WHEN I CALLED BACK IT WAS THE DISPATCHER TELLING ME
13 THAT MR COPE HAD, WAS WANTING TO TALK TO ME FURTHER,
14 AND I TOLD HER TO CONTACT THE MOSS JUSTICE CENTER
15 JAIL AND JUST TELL THEM THAT WE'D BE BACK IN MONDAY
16 AND I'D GET BACK IN TOUCH WITH HIM MONDAY

17 Q ALL RIGHT, SIR AND DID YOU ON MONDAY INVOLVE
18 YOURSELF FURTHER IN THE INTERVIEWS OF MR COPE?

19 A NO, SIR, I DID NOT WE MADE, WHEN I WENT BACK
20 IN THAT MONDAY MORNING I INFORMED MY SUPERVISOR
21 CAPTAIN CABANISS THAT HE WANTED TO TALK FURTHER AND
22 AT THAT POINT I THINK THEY MADE ARRANGEMENTS, CAPTAIN
23 CABANISS MADE ARRANGEMENTS TO HAVE HIM BROUGHT BACK
24 I DID NOT MAKE THOSE ARRANGEMENTS

25 Q AND DID YOU TALK TO HIM AFTER HE ARRIVED BACK AT

1 THE ROCK HILL POLICE DEPARTMENT, DID YOU PARTICIPATE
2 IN ANY FURTHER INTERVIEWS OF MR COPE THAT DAY OR ANY
3 TIME THAT DAY?

4 A NO, SIR, I DID NOT

5 Q HAVE YOU HAD OCCASION TO GO SEE MR BAKER IN
6 REGARDS TO OTHER CASES?

7 A OH, YES, SIR I TALKED WITH HIM QUITE
8 FREQUENTLY ABOUT OTHER CASES THAT I'M INVOLVED IN

9 Q AND HAVE YOU EVER GONE TO HIM TO GET HIS HELP IN
10 INTERVIEWING SOMEBODY AND HIM REFUSE TO RUN A
11 POLYGRAPH ON SOMEBODY?

12 A YES, SIR, I HAVE

13 MR BRACKETT YOUR HONOR, I WOULD LIKE TO
14 PUBLISH THE STATEMENT AT THIS POINT IN TIME, SO I
15 NEED TO MAKE SURE I HAVE AN UNDERSTANDING AS FAR AS
16 REDACTIONS ARE CONCERNED

17 MR MORTON I DON'T HAVE ANY OBJECTION

18 MR BRACKETT IF I CAN PUBLISH IT AT THIS
19 POINT IN TIME BECAUSE I HAVE AN UNDERSTANDING OF WHAT
20 THE REDACTIONS ARE

21 THE COURT OKAY

22 MR BRACKETT I'LL JUST READ IT ALOUD

23 THE COURT YES, SIR

24 MR BRACKETT I BILLY WAYNE COPE KNOW AND
25 UNDERSTAND MY RIGHTS HAVING DECIDED TO ANSWER

1 QUESTIONS AT THIS TIME I NOW MAKE THE FOLLOWING
2 STATEMENT IN THE EARLY MORNING OF NOVEMBER 29,
3 2001, A THURSDAY MORNING I GOT UP AND WENT TO THE
4 BATHROOM ABOUT THREE AM I HAD A HARD ON AFTER I
5 URINATED I THEN WENT INTO MY DAUGHTER AMANDA COPE'S
6 BEDROOM WHILE IN HER ROOM I BEGAN TO MASTURBATE
7 WHILE DOING THIS AMANDA WOKE UP I REMEMBER HEARING
8 AMANDA SAY, OH, GROSS, DADDY I THEN JUMPED ON TOP
9 OF HER AND STRADDLED HER I THEN BEGAN TO HIT HER
10 WITH MY HANDS IN THE SIDE AND TOWARDS THE TOP OF HER
11 HEAD SHE WAS STRUGGLING AND I GRABBED HER BY THE
12 NECK AND I TOOK HER HEAD AND BEAT IT DOWN ON THE BED
13 TOP ON TOP OF THE VIDEO GAME SHE SLOWED UP IN HER
14 STRUGGLE AND BECAME LIMP I THEN GRABBED THE END
15 PART OF THE BLANKET AND I WRAPPED IT AROUND HER NECK
16 I THEN GRABBED A WOODEN BROOM AND I STARTED TO POKE
17 IT INTO HER I THINK I POKED IT IN HER BUTT FIRST
18 AND THEN HER VAGINA I THEN WENT BACK INTO MY BED
19 AND PUT ON MY BREATHING MASK AND WENT TO SLEEP
20 THESE ARE THE IMAGES THAT COME INTO MY MIND ADDED
21 AT 2 25 PM 11/30/01 THERE WAS A DILDO IN THE HOUSE
22 AFTER ALL THIS TOOK PLACE I WANTED TO GET THIS OUT OF
23 MY HOUSE I DON'T REMEMBER USING THE DILDO ON
24 AMANDA, I THINK IT WAS JUST THE BROOM HANDLE, BUT I
25 TOOK THE DILDO AND I REMEMBER THROWING IT OUT THE

1 BACK DOOR INITIALED BILLY WAYNE COPE AND IS SIGNED
2 THIS STATEMENT ABOVE CONSISTING OF TWO PAGES IS MADE
3 OF MY OWN FREE WILL NO ONE HAS THREATENED ME IN ANY
4 WAY NOR PROMISED ME SPECIAL TREATMENT TO CAUSE ME TO
5 MAKE THIS STATEMENT I'M SIGNING MY NAME IN THE
6 SPACE BELOW TO SHOW THAT IT IS MY STATEMENT AND IT IS
7 THE TRUTH SIGNED BILLY WAYNE COPE, 11/30/01 AT TWO
8 P M WITNESSED BY M L BAKER PAGE TWO OF TWO

9 MR BRACKETT PLEASE ANSWER ANY QUESTIONS
10 THAT MR MORTON MAY HAVE
11 CROSS EXAMINATION BY MR MORTON

12 Q LESLIE?

13 A YES, SIR

14 Q I DIDN'T KNOW THAT LIEUTENANT HERRING, IN THAT
15 STATEMENT THAT MR BRACKETT JUST READ YOU INDICATED
16 AT A PREVIOUS HEARING THAT YOU DIDN'T BELIEVE ALL
17 THAT STATEMENT DO YOU REMEMBER THAT?

18 A I REMEMBER NOT BELIEVING THAT HE WAS TELLING US
19 EVERYTHING THAT HAPPENED THAT NIGHT, YES, SIR

20 Q OKAY HOW ABOUT THE PREVIOUS NIGHT? DID YOU
21 BELIEVE HIM THE PREVIOUS NIGHT?

22 A NO, SIR

23 Q OKAY DID YOU TELL HIM ON THE PREVIOUS NIGHT
24 THAT IF HE WOULD JUST TELL Y'ALL THE TRUTH THERE
25 WOULD BE SOME THINGS THAT Y'ALL COULD DO TO HELP HIM?

1 A I DON'T REMEMBER TELLING HIM THAT, NO, SIR

2 Q OKAY DO YOU REMEMBER TELLING HIM QUOTE WE CAN
3 GET YOUR LIFE BACK IN ORDER?

4 A I MIGHT HAVE SAID IT I DON'T REMEMBER SAYING
5 IT, BUT I COULD HAVE

6 Q CERTAIN IMPLICATIONS, AND TELL ME IF I'M WRONG,
7 WERE MADE TO BILLY COPE THAT NIGHT BY YOU AND
8 MR WALDROP THAT IF HE WOULD JUST QUOTE TELL YOU THE
9 TRUTH UNQUOTE THEN HE COULD BE HELPED, Y'ALL COULD
10 HELP HIM?

11 A I DON'T THINK WE MEANT ANY PROMISES OR ANYTHING
12 LIKE THAT, BUT HE COULD GET HIS LIFE BACK ON THE ROAD
13 THAT IT NEEDED TO BE ON

14 Q OKAY YOU WEREN'T TRYING TO IMPLY TO HIM THAT
15 YOU COULD GET HIM FREED OR ANYTHING LIKE THAT?

16 A AT THAT POINT, NO, SIR, WE WEREN'T

17 Q AT THAT POINT IT WAS TOO LATE?

18 A NO, IT WASN'T TOO LATE WE JUST WANTED THE
19 TRUTH THAT'S ALL WE WANTED THAT NIGHT

20 Q SO WHEN YOU SAID THOSE KINDS OF THINGS TO HIM
21 THAT YOU COULD HELP HIM, YOU WEREN'T TRYING TO IMPLY
22 THAT YOU COULD GET HIM TO STRAIGHTEN OUT OR ABSOLVE
23 HIM OF ANY OF THESE CHARGES THAT WERE ABOUT TO COME
24 OR ANYTHING LIKE THAT?

25 A NO, SIR

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Q OKAY HIS, HE INSISTED ON THE PREVIOUS NIGHT WHEN HE TALKED WITH YOU AND JERRY WALDROP ON TAKING A POLYGRAPH?

A YES, SIR

Q AT LEAST A DOZEN TIMES, GIVE ME THE POLYGRAPH, GIVE ME THE POLYGRAPH, GIVE ME THE POLYGRAPH, GIVE ME THE POLYGRAPH, CORRECT?

A HE SAID IT A FEW TIMES HOW MANY, I DON'T KNOW

Q OKAY AND THEN WHEN YOU GAVE HIM THE POLYGRAPH AND DETECTIVE BAKER SAID HE FAILED THE POLYGRAPH, Y'ALL TESTIMONY IS THAT HE WAS FINE WITH THAT?

A BILLY'S DEMEANOR NEVER REALLY CHANGED
MR COPE'S DEMEANOR NEVER REALLY CHANGED

Q OKAY DOES IT SEEM STRANGE TO YOU THAT SOMEBODY WOULD INSIST, INSIST, INSIST, INSIST THAT THE POLYGRAPH WILL CLEAR HIM AND THEN WHEN YOU TELL HIM IT DIDN'T CLEAR HIM, THAT HE WOULD GO, BE JOVIAL, UPBEAT, DOES THAT MAKE SENSE TO YOU?

A NO, SIR

Q IN THE STATEMENT THAT HE GAVE TO YOU ON THAT DAY, IT CAME ONLY AFTER BILLY -- WELL, FIRST OF ALL IT CAME AFTER ALMOST FIVE HOURS OF MORE INTERROGATION BY MR BAKER AND BY YOU I BELIEVE YOU SAID YOU GOT THERE SOMETIME AFTER NINE O'CLOCK AND THE STATEMENT WAS I THINK THE FINAL PART WAS AT 2 25?

1 A I WASN'T A PART OF THE INTERVIEW WITH MR BAKER

2 Q YOU WERE PART OF SOME OF IT?

3 A YES, AT THE END OF IT YES, SIR, AFTER THE
4 POLYGRAPH, YES, SIR

5 Q AND YOU TOLD, YOU HAD TOLD MR BAKER AND YOU HAD
6 TOLD MR COPE ABOUT THE AUTOPSY?

7 A YES, SIR

8 Q RIGHT?

9 A WE HAD TALKED WITH HIM

10 Q AND YOU TOLD HIM THAT SHE HAD BEEN BEATEN AND
11 SEXUALLY ASSAULTED AND SODOMIZED AND ALL THAT?

12 A YES, SIR, WE WENT OVER, I WENT OVER MR BAKER
13 EXACTLY WHAT THE FINDINGS WERE AT THE AUTOPSY

14 Q SO MR COPE KNEW ALL THAT BEFORE HE GAVE THIS
15 QUOTE CONFESSION UNQUOTE, CORRECT?

16 A I'M NOT SURE WHAT HE WAS FAMILIAR WITH BECAUSE
17 I DON'T REMEMBER EVERYTHING WE TALKED ABOUT

18 Q OKAY BUT YOU HAD TOLD HIM ABOUT THE AUTOPSY
19 AND ABOUT WHAT THE FINDINGS WERE AND THAT'S ON THE
20 TAPE?

21 A YEAH, I TOLD HIM THAT SHE HAD BEEN SEXUALLY
22 ASSAULTED

23 Q OKAY

24 A TO WHAT EXACT I DON'T REMEMBER THAT

25 Q AND SODOMIZED?

A I DON'T KNOW IF I TOLD HIM THAT OR NOT

Q OKAY THAT'S ON THE TAPE

A I DON'T REMEMBER THAT

Q ALL RIGHT HE STATED TO YOU THAT IN, THAT HE
HAD MASTURBATED IN AMANDA'S ROOM, CORRECT?

A YES, SIR

Q NOW ARE YOU AWARE THAT ANY OF HIS SEMEN WAS
FOUND THERE?

A IN HER ROOM?

Q YES, SIR

A I'M NOT AWARE OF WHERE THE SEMEN WAS FOUND

Q OKAY

A AS FAR AS HIS SEMEN

Q ARE YOU AWARE THAT HIS SEMEN WAS FOUND IN A RAG
UP UNDERNEATH A BOOK CASE IN --

MR BRACKETT OBJECTION, I THINK HE JUST
TESTIFIED HE WASN'T AWARE --

THE COURT IT'S CROSS EXAMINATION I'M
GOING TO LET HIM GO AHEAD

Q YOU ARE AWARE THAT HIS SEMEN WAS NOT FOUND IN
THE ROOM, IS THAT FAIR?

A I WAS UNDER THE IMPRESSION IT WAS FOUND IN A
WASH RAG WHERE AT, I'M NOT SURE

Q OKAY HE DIDN'T SAY TO YOU THAT HE USED A TOWEL
OR A WASH CLOTH?

1 A I DON'T REMEMBER HIM SAYING THAT

2 Q OKAY HE SAID HE FINISHED STRANGLING AMANDA
3 WITH A GREEN BLANKET, RIGHT?

4 A I THINK SO, YES, SIR

5 Q I BELIEVE YOU SAID HE PULLED THE BLANKET TIGHT?

6 A I THINK SO I DON'T HAVE THE STATEMENT RIGHT
7 HERE IN FRONT OF ME BUT I THINK THAT'S WHAT HE SAID

8 Q OKAY YOU ARE AWARE FROM TALKING WITH DR
9 MAYNARD THAT THERE WERE NO LIGATURE MARKS FOUND ON
10 AMANDA, CORRECT?

11 A IT'S BEEN AWHILE SINCE I TALKED TO DR MAYNARD
12 ABOUT THIS CASE, BUT I DON'T REMEMBER THAT

13 Q YOU DON'T REMEMBER THERE BEING ANY LIGATURE
14 MARKS FOUND OR YOU DON'T REMEMBER HIM SAYING THAT?

15 A I DON'T REMEMBER HIM SAYING THAT

16 Q HE INDICATED THAT HE USED A WOODEN BROOM?

17 A YES, SIR

18 Q HAVE YOU LOOKED AT THESE BROOMS THAT WERE TAKEN
19 FROM BILLY COPE'S HOUSE?

20 A NO, SIR, I DON'T REMEMBER LOOKING AT THEM

21 Q WITHOUT ME PULLING THEM OUT AND SHOWING THEM TO
22 YOU, THEY ARE ALL RIGHT HERE, WOULD YOU ACKNOWLEDGE
23 THAT AND YOU ARE WELCOME TO GET DOWN AND LOOK AT THEM
24 IF YOU WANT TO, THAT THERE ARE NO WOODEN BROOMS IN
25 THIS COLLECTION OF EVIDENCE FROM HIS HOUSE?

1 A I DIDN'T SEE THEM, BUT IF YOU ARE SAYING THERE
2 IS WOODEN BROOMS THERE, I'LL BELIEVE YOU ARE TELLING
3 THE TRUTH

4 Q THANK YOU HE SAYS HE THREW A DILDO OUT THE
5 BACK DOOR, WERE YOU AWARE THAT DILDO WAS NOT FOUND
6 OUT THE BACK DOOR?

7 A THAT'S RIGHT, IT WASN'T

8 Q OKAY SO ALL OF THOSE THINGS ARE INCONSISTENT
9 WITH EITHER WHAT THE PATHOLOGIST FOUND OR WHAT HIS
10 OTHER STATEMENTS WERE, CORRECT?

11 A THAT'S WHY I DIDN'T THINK HE WAS BEING TOTALLY
12 HONEST WITH US WHEN WE WERE TALKING WITH HIM

13 Q WELL, MR HERRING, IS IT FAIR FOR ME TO SAY THAT
14 YOU KIND OF DECIDE WHAT YOU WANT TO BELIEVE I MEAN
15 AND THEN DECIDE WHAT YOU DON'T WANT TO BELIEVE?

16 A I'M NOT SURE I UNDERSTAND THE QUESTION

17 Q I MEAN, AND I'M NOT GOING TO BEAT A DEAD HORSE,
18 BUT Y'ALL FELT LIKE THAT YOU KNEW WHAT THE TRUTH WAS
19 AND THAT IF HE SAID SOMETHING THAT YOU DIDN'T THINK
20 TO BE THE TRUTH THAT YOU DIDN'T BELIEVE THAT? IS
21 THAT FAIR?

22 A WELL, WE KNEW BASICALLY WHAT HAPPENED TO HER,
23 WHAT CAUSED HER DEATH

24 Q LET ME -- IS IT FAIR TO SAY THAT SOME OF THE
25 THINGS THAT HE TOLD YOU THAT HAD HAPPENED TO AMANDA

1 DID NOT MATCH UP TO THE EVIDENCE, IS THAT FAIR?

2 A WITHOUT GOING OVER EVERYTHING I CAN'T SAY THAT

3 Q OKAY HE INDICATED TO YOU THAT HE HIT HER
4 TOWARDS THE TOP OF THE HEAD, CORRECT?

5 A IF THAT'S WHAT IN THE STATEMENT I REMEMBER HIM
6 HITTING HER IN THE HEAD

7 Q SAID THAT HE DOES NOT REMEMBER USING A DILDO ON
8 HER, CORRECT?

9 A RIGHT

10 Q THAT HE USED A BROOM, A WOODEN BROOM?

11 A YES, SIR

12 Q OKAY NOW CAN YOU, WHEN HE SAID TOWARDS THE TOP
13 OF THE HEAD, CAN YOU, DID HE DEMONSTRATE THAT?

14 A I DON'T THINK HE DEMONSTRATED THAT TO ME I
15 THINK HE WAS JUST TALKING AND I WAS WRITING IT AS HE
16 WAS SAYING IT

17 Q DID YOU FEEL LIKE THAT WAS IMPORTANT FOR HIM TO
18 BE A LITTLE MORE EXPLICIT OR TRY TO GET SOME MORE
19 DETAILS FROM HIM ABOUT THAT?

20 A IT PROBABLY WAS MORE IMPORTANT BUT WITH HIM
21 TALKING AND ME TRYING TO WRITE I DIDN'T GET INTO IT
22 I JUST WROTE IT AS HE WAS SAYING IT

23 Q OKAY ABOUT THE WRITING AND THE RECORDING AND
24 SO FORTH, Y'ALL RECORDED EVEN THE NIGHT BEFORE?

25 A YES, SIR

Q RIGHT?

A YES, SIR

Q WAS THAT A PROBLEM?

A I DON'T UNDERSTAND

Q WASN'T ANY PROBLEM DOING THAT?

A NO, SIR, IT'S JUST NOT A COMMON PRACTICE WE
DON'T NORMALLY --

Q OKAY

A ---DO THAT

Q IF YOU FELT IT WAS A PROBLEM IN HOW MR COPE
WOULD RESPOND TO YOUR QUESTIONS, YOU COULD HAVE
RECORDED IT WITHOUT HIM KNOWING ABOUT IT? ON
NOVEMBER 30 I'M TALKING ABOUT?

A UH-HUH

Q IN OTHER WORDS, YOU RECORDED HIM ON NOVEMBER 29,
YOU DIDN'T THINK THERE SEEMED TO BE A PROBLEM WITH
THAT?

A RIGHT

Q ON NOVEMBER 30 HE WASN'T RECORDED, CORRECT?

A CORRECT

Q OKAY IF YOU FEEL LIKE THAT SOMEBODY HAS NOT
BEING FORTHCOMING BECAUSE THERE WAS A TAPE PLAYER OR
SOMETHING THERE, YOU COULD ALWAYS JUST SECRETLY TAPE
RECORD, THAT'S DONE ALL THE TIME, RIGHT?

A I DON'T DO IT, NO, SIR

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1 Q BUT PEOPLE AT YOUR DEPARTMENT DO?

2 A TO MY KNOWLEDGE NOT TOO MANY PEOPLE USE A TAPE
3 RECORDER THEY DIDN'T WHEN THEY WORKED FOR ME
4 ANYWAY

5 Q LET ME, IF I CAN PUT IT THIS WAY, IF YOU WANTED
6 TO SECRETLY TAPE RECORD SOMEBODY YOU CAN?

7 A OF COURSE, YEAH

8 Q AND THAT'S DONE?

9 A NOT TO MY KNOWLEDGE I DON'T

10 Q YOU DON'T DO IT?

11 A I DON'T DO IT AND I DON'T THINK ANY PEOPLE THAT
12 WORKED FOR ME DID IT

13 Q I UNDERSTAND BILLY COPE TOLD YOU THAT NIGHT
14 OVER 650 TIMES HE DIDN'T HURT HIS DAUGHTER, DIDN'T
15 HE? I KNOW YOU HAVEN'T COUNTED THEM

16 A AND I HAVEN'T

17 Q BUT HE TOLD YOU MANY TIMES THAT HE DIDN'T HURT
18 HIS DAUGHTER AMANDA?

19 A HE TOLD US SEVERAL TIMES, YES, SIR

20 Q AND IN ALL OF THESE, INCLUDING THE ONE ON THE 29
21 AND 30, HE NEVER MENTIONS JAMES SANDERS?

22 A NO, SIR

23 Q YOU DIDN'T KNOW ABOUT JAMES SANDERS?

24 A NO, SIR

25 Q IF YOU HAD KNOWN JAMES SANDERS' SEMEN WAS FOUND

1 ON HER BODY WOULD YOU HAVE DONE ANYTHING DIFFERENTLY
2 THAT NIGHT?

3 A THE NIGHT WE WERE INTERVIEWING --

4 Q YES, SIR

5 A ---MR COPE

6 Q YES, SIR?

7 A I CAN'T SAY WHAT I WOULD HAVE DONE DIFFERENT
8 GIVEN THE CIRCUMSTANCES YOU JUST HAVE TO GO AS THINGS
9 PRESENT THEMSELVES TO YOU, SO I CAN'T ANSWER THAT
10 QUESTION

11 Q WOULD YOU HAVE ARRESTED BILLY COPE?

12 A I CAN'T ANSWER THAT QUESTION BECAUSE AS YOU ARE
13 INVESTIGATING THINGS YOU TAKE THEM AS THEY COME TO
14 YOU AND SITTING BACK NOW LOOKING AT IT, I CAN'T SAY
15 THAT I WOULD OR I WOULDN'T HAVE

16 Q IS IT FAIR TO SAY THAT, ON ANOTHER SUBJECT, THAT
17 OFTEN TIMES ENTRY IS GAINED INTO A HOUSE WITHOUT
18 THERE BEING ANY SIGNS OF ANY WHAT Y'ALL CALL FORCED
19 ENTRY?

20 A YOU SAID OFTEN TIMES OR

21 Q YES, SIR, COMMON

22 A IT'S NOT, I DON'T THINK IT'S AS COMMON AS
23 ACTUALLY A BREAK IN WHERE THERE IS, YOU KNOW, OBVIOUS
24 SIGNS OF A BREAK IN I THINK THAT'S MORE COMMON
25 ENTRY BEING GAINED WHERE A KEY IS USED OR SOME OTHER

1 DEVICE WHERE THERE IS NO ENTRY

2 Q BUT OFTEN TIMES PEOPLE GAIN ENTRY WITH SCREW
3 DRIVERS OR CREDIT CARDS WITHOUT BREAKING A WINDOW OR
4 KICKING A DOOR IN?

5 A IT HAS BEEN DONE, YES, SIR

6 Q OKAY AND SOMETIMES BURGLARS CAN GET INTO A
7 HOUSE JUST LIKE THAT, CREDIT CARDS, WINDOWS, AND
8 THERE WOULDN'T BE ANY SIGN OF THAT?

9 A THAT IS CORRECT, YES, SIR

10 Q NOW LIEUTENANT HERRING, IN HIS STATEMENT I KNOW
11 I'M JUMPING AROUND AND I APOLOGIZE, IN HIS STATEMENT
12 HE INDICATED WHEN HE WAS TALKING TO YOU AND DETECTIVE
13 BAKER THAT HE FIRST STARTED OUT BY SAYING COULD I
14 HAVE DONE THIS IN MY SLEEP WERE YOU THERE FOR THAT
15 STATEMENT? DO YOU REMEMBER THAT? DO YOU REMEMBER
16 THAT TYPE OF PHRASE BEING USED BY BILLY COPE, COULD I
17 HAVE DONE THIS AND NOT REMEMBERED IT?

18 A I DON'T REMEMBER THAT PHRASE BEING USED BY HIM,
19 NO, SIR

20 Q OKAY YOU DO REMEMBER THE PHRASE BECAUSE IT'S
21 IN YOUR STATEMENT OR IN THE STATEMENT THAT I WROTE
22 DOWN THAT QUOTE THESE ARE THE IMAGES THAT COME TO MY
23 MIND?

24 A YES, SIR

25 Q DID YOU TAKE THAT TO MEAN THAT MR COPE WAS NOT

1 SURE ABOUT WHAT HE WAS TELLING?

2 A NO, SIR I TOOK IT TO MEAN THAT HE WAS
3 REMEMBERING HOW THINGS, THE EVENTS, UNFOLDED

4 Q YOU DON'T THINK IT'S POSSIBLE THEN I GUESS THAT
5 WHEN HE SAID THAT HE WAS CONFUSED, DOUBTING,
6 STRUGGLING HIMSELF, MAKING SURE, TELLING YOU ON THAT
7 STATEMENT, THESE ARE THE IMAGES THAT COME TO MY MIND,
8 THAT JUST SEEMS, DOES IT NOT SEEM STRANGE TO YOU THAT
9 STATEMENT?

10 A WELL, LIKE I SAID, I THOUGHT WHEN HE WAS SAYING
11 THAT THAT HE WAS JUST REMEMBERING THE WAY THINGS
12 HAPPENED AND THAT'S WHY IT WAS COMING INTO HIS MIND
13 THAT'S THE WAY HE WAS PIECING IT TOGETHER THE WAY
14 HE WAS WANTING ME TO WRITE IT DOWN, TRYING TO RELATE
15 IT TO ME THAT WAY

16 Q OKAY WHEN YOU SAW BILLY COPE ON THE 29 HE
17 TALKED TO YOU SEVERAL TIMES THAT DAY, CORRECT?

18 A A COUPLE TIMES, YES, SIR

19 Q OKAY AND HE VOLUNTARILY DID THAT?

20 A YES, SIR

21 Q AND YOU TOOK HIS CLOTHES I BELIEVE YOU SAID AND
22 SO FORTH INTO EVIDENCE THAT NIGHT?

23 A THAT NIGHT, YES, SIR

24 Q AND DID YOU, HIS CLOTHES WERE I BELIEVE NOT
25 TESTED, IF YOU LOOK AT YOUR EVIDENCE SHEET, UNTIL

1 JULY 22 OF THIS YEAR, RIGHT?

2 A I DIDN'T KNOW I DON'T KNOW WHEN IT WAS

3 Q DID YOU SEE ANY REASON TO TEST THEM AT ALL? YOU
4 DIDN'T SEE, WHAT I'M GETTING AT I GUESS, IS YOU
5 DIDN'T SEE ANY BLOOD OR ANYTHING ON HIS CLOTHES?

6 A I DON'T REMEMBER LOOKING AT HIS CLOTHES I JUST
7 COLLECTED THEM AND TURNED THEM INTO EVIDENCE SO THAT
8 COULD BE DONE, THE PROCESSING COULD BE DONE

9 Q BUT LOOKING AT HIS CLOTHES AND TAKING HIS
10 CLOTHES INTO EVIDENCE AND TAKING PICTURES OF HIS
11 CLOTHES, WOULD YOU CONSIDER THAT IMPORTANT IN THIS
12 CASE?

13 A YES, SIR

14 Q AND HOW ABOUT HIS SHOES, WERE HIS SHOES TAKEN
15 INTO EVIDENCE?

16 A IF THEY WERE I DON'T THINK I TOOK THEM INTO
17 EVIDENCE

18 Q BUT IN ANY EVENT HIS CLOTHES WERE NOT
19 PHOTOGRAPHED AND THEY WERE NOT TESTED UNTIL ABOUT SIX
20 WEEKS AGO, CORRECT?

21 A I WASN'T AWARE WHEN THEY WERE PROCESSED, NO,
22 SIR AND WE TOOK HIS CLOTHES

23 Q THAT NIGHT?

24 A THAT NIGHT AND HE HAD OPPORTUNITY TO CHANGE
25 WE WERE GOING ON WHAT HE TOLD US THESE WERE THE SAME

CLOTHES THAT HE WAS WEARING AT THE TIME, SO I WASN'T SURE IF THOSE WERE HIS CLOTHING OR NOT JUST BASED ON WHAT HE WAS TELLING US

Q HE WAS WEARING THOSE CLOTHES ALL DAY LONG, WAS HE NOT? WASN'T HE WEARING THE SAME CLOTHES THAT YOU SAW HIM THAT MORNING IN AND?

A IT SEEMS TO ME LIKE I REMEMBER THOSE BEING THE CLOTHES HE WAS WEARING, BUT I GOT A COUPLE DIFFERENT PAIR OF SWEAT PANTS AND I DON'T KNOW IF HE CHANGED THEM AND THAT TYPE OF THING

Q I UNDERSTAND

MR MORTON BEG THE COURT'S INDULGENCE
ONE SECOND

Q LIEUTENANT HERRING, YOU WEREN'T INVOLVED IN THIS INVESTIGATION AFTER I GUESS THE STATEMENT ON THAT DAY REALLY I MEAN I THINK YOU TOLD CAPTAIN HE WANTED TO TALK TO Y'ALL AGAIN, BUT AFTER THAT YOU WEREN'T INVOLVED IN DISCUSSIONS WITH HIM ON DECEMBER THIRD AT ALL?

A NO

Q AND NO INVESTIGATION, YOU HAVEN'T PARTICIPATED IN ANYTHING ON THIS CASE SINCE THAT TIME?

A WELL, I WAS ACTING IN A SUPERVISORY ROLE ASSISTING THE INVESTIGATOR LIKE DETECTIVE BLACKWELDER AND WHOEVER ELSE, I WAS ASSISTING HER AND I ASSISTED

1 HER IN DIFFERENT THINGS OF THE CASE, BUT NOT ACTING
2 AS AN ACTIVE INVESTIGATOR, NO, SIR I ASSISTED HER
3 AND THE OTHER INVESTIGATORS

4 Q DO YOU REMEMBER WHAT THOSE WERE?

5 A WE OBTAINED DNA SAMPLES FROM SEVERAL DIFFERENT
6 PEOPLE AND I WAS PRESENT WHILE SOME OF THOSE WERE
7 DONE

8 Q OKAY SO WHEN MR COPE'S, WHEN IT WAS
9 DETERMINED ON DECEMBER 31 OF THAT SAME YEAR, ABOUT A
10 MONTH LATER, THAT MR COPE'S SEMEN WAS NOT IN FACT ON
11 HIS DAUGHTER'S LEG, THEN Y'ALL WENT AND OBTAINED
12 SAMPLES FROM OTHER PEOPLE?

13 A THAT IS CORRECT, YES, SIR

14 Q OKAY

15 MR MORTON BEG THE COURT'S INDULGENCE

16 Q THANK YOU VERY MUCH, LIEUTENANT HERRING

17 MR GREELEY I HAVE NO QUESTION

18 THE COURT REDIRECT

19 MR BRACKETT NO, SIR, YOUR HONOR, AND

20 I'LL NEED A BREAK BEFORE OUR NEXT WITNESS

21 THE COURT APPRECIATE YOUR TIME YOU CAN
22 FEEL FREE TO LEAVE AND BE EXCUSED THANK YOU WE'LL
23 TAKE A SHORT BREAK WHILE WE GET READY FOR THE NEXT
24 WITNESS

25 (THE JURY EXITS THE COURTROOM AT 10 29

1 AM AND COURT'S IN RECESS)

2 (COURT RESUMES AT 11 02 AM)

3 THE COURT IS THE STATE READY

4 MR BRACKETT YES, SIR

5 THE COURT MR MORTON, YOU READY

6 MR MORTON YES, SIR

7 THE COURT MR GREELEY

8 MR GREELEY I AM, YOUR HONOR

9 THE COURT BRING IN THE JURY

10 (THE JURY RETURNS TO THE COURTROOM AT
11 11 07 AM)

12 THE COURT MR FOREMAN, LADIES AND
13 GENTLEMEN OF THE JURY, THE FIRST THING BEFORE WE HAVE
14 A WITNESS IS MR BRACKETT IS GOING AS I UNDERSTAND
15 IT -- YOU CHANGED YOUR MIND?

16 MR BRACKETT I THINK I'LL TYPE IT AND
17 PUT IT IN A FORM

18 THE COURT WHAT HE WAS GOING TO TEL YOU
19 IS HE WAS GOING TO INFORM YOU OF SOME OF THE FRUITS
20 OF SOME OF THE THINGS THAT WE'VE DONE WHILE Y'ALL
21 HAVE BEEN OUT BUT THEY WANT TO WAIT A LITTLE BIT
22 APPARENTLY A FEW WRINKLES STILL NEED TO BE IRONED
23 CALL YOUR NEXT WITNESS

24 MR BRACKETT THE STATE WOULD CALL
25 CAPTAIN CHARLES CABANISS

1 CHARLES CABANISS, BEING FIRST
2 DULY SWORN, TESTIFIED AS FOLLOWS
3 DIRECT EXAMINATION MR BRACKETT
4 Q SIR, WOULD YOU PLEASE STATE YOUR FULL NAME AND
5 SPELL YOUR LAST NAME FOR THE COURT REPORTER?
6 A CHARLES T CABANISS C-A-B-A-N-I-S-S
7 Q WHERE ARE YOU EMPLOYED, SIR?
8 A CITY OF ROCK HILL POLICE DEPARTMENT
9 Q WHAT DO YOU DO AT THE ROCK CITY POLICE
10 DEPARTMENT?
11 A I AM CAPTAIN THERE
12 Q OVER WHAT DIVISION CURRENTLY?
13 A CURRENTLY I'M OVER THE PATROL DIVISION
14 Q BACK IN NOVEMBER OF 2001 WHAT WERE YOUR
15 ASSIGNMENTS?
16 A I WAS CAPTAIN OF THE DETECTIVE DIVISION OF ALL
17 INVESTIGATIONS
18 Q WERE YOU INVOLVED IN THE INVESTIGATION OF THE
19 DEATH OF AMANDA COPE?
20 A YES, SIR, I WAS
21 Q NOW ON NOVEMBER 29 OF 2001 WERE YOU IN ROCK
22 HILL?
23 A NO, SIR, I WAS NOT
24 Q WHERE WERE YOU?
25 A I WAS IN VIRGINIA BEACH IN A TERRORISM SEMINAR

1 Q ALL RIGHT AND WERE YOU AWARE IN VIRGINIA OF
2 WHAT WAS HAPPENING BACK IN YOUR DEPARTMENT?

3 A YES, SIR, I WAS I WAS IN PHONE CONTACT AND
4 ALSO BY PAGER I WAS IN TOUCH WITH THE OFFICE ON A
5 REGULAR BASIS

6 Q HAD YOU BEEN APPRISED OF THE INFORMATION AND THE
7 INVESTIGATIONS AS IT DEVELOPED THAT DAY?

8 A YES, SIR, AS MUCH AS POSSIBLE, WITHOUT HINDERING
9 THE INVESTIGATION I TRIED TO STAY ABREAST OF THE
10 PROGRESS

11 Q TURNING YOUR ATTENTION TO THE EARLY MORNING
12 HOURS OF AUGUST 30, DID YOU RECEIVE A PAGE OR PHONE
13 CALL EARLY IN THE HOURS OF NOVEMBER 30, 2001?

14 A YES, SIR, I DID, THAT WAS A THURSDAY NIGHT,
15 EARLY FRIDAY MORNING

16 Q WHO DID YOU SPEAK WITH?

17 A LIEUTENANT WALDROP AND LIEUTENANT HERRING AND
18 DETECTIVE BLACKWELDER WERE ALL STILL IN THE OFFICE
19 THERE

20 Q AND WHAT WAS THE SUBJECT OF THE CALL?

21 A THEY HAD BEEN INTERVIEWING MR COPE FOR SOME
22 PERIOD OF TIME THAT NIGHT AND THEY WERE DISCUSSING TO
23 ME THE RESULTS OF THAT INTERVIEW AND OTHER FURTHER
24 INFORMATION THAT THEY HAD

25 Q DID THEY APPRISE YOU OF ALL THE INVESTIGATION TO

1 THE BEST OF THEIR ABILITY DURING THAT CALL?

2 A YES, THEY DID

3 Q AND ULTIMATELY WAS A DECISION MADE DURING THAT
4 PHONE CALL?

5 A YES, IT WAS

6 Q WHAT WAS THAT DECISION?

7 A TO ARREST MR COPE AND NOT TO LET HIM LEAVE THE
8 STATION THAT NIGHT, GO AHEAD AND MAKE THE ARREST AT
9 THAT TIME

10 Q DID YOU CONCUR AND APPROVE IN THAT DECISION?

11 A YES, SIR, I DID

12 Q NOW WHEN DID YOU RETURN TO ROCK HILL?

13 A THE NEXT DAY

14 Q SATURDAY?

15 A FRIDAY I DROVE BACK FRIDAY MORNING ABOUT ALL
16 DAY I GOT BACK TO THE OFFICE ABOUT FOUR - FIVE
17 O'CLOCK

18 Q AND WERE YOU ABLE TO UPDATE YOURSELF ON THE
19 EVENTS OF THAT DAY?

20 A YES, SIR, I WAS

21 Q AND DID YOU VISIT MR BAKER AND SO FORTH?

22 A THAT'S CORRECT

23 Q ALL RIGHT DID YOU HAVE ANY FURTHER INVOLVEMENT
24 THAT DAY IN THE INVESTIGATION?

25 A NO, SIR, I DID NOT

Q WHEN WAS YOUR NEXT INVOLVEMENT IN THE INVESTIGATION?

A MONDAY MORNING LIEUTENANT HERRING CAME INTO THE OFFICE RIGHT AT 8 O'CLOCK AND SAID THAT THE EVENING BEFORE, ON SUNDAY EVENING, THAT HE HAD RECEIVED A CALL OR THE PAGE FROM THE LAW CENTER DISPATCH THAT MR COPE HAD SENT WORD THAT HE WANTED TO COME AND TALK TO US AGAIN

Q OKAY WHAT DID YOU DO AS A RESULT OF THIS INFORMATION FROM LIEUTENANT HERRING?

A I INSTRUCTED TWO DETECTIVES, I BELIEVE IT WAS DETECTIVE AYERS AND HANOKA, I INSTRUCTED THEM TO COME TO THE MOSS JUSTICE CENTER DETENTION FACILITY TO PICK UP MR COPE AND BRING HIM BACK TO THE ROCK HILL POLICE DEPARTMENT

Q AND DID YOU IN FACT SEE MR COPE AT THE POLICE DEPARTMENT THAT MORNING?

A YES, SIR, I DID

Q WHEN WAS THE FIRST TIME YOU ACTUALLY SAW AND SPOKE WITH MR COPE?

A THAT MORNING DETECTIVE BLACKWELDER AND OFFICER TRAVIS MCDANIEL BROUGHT HIM FROM THE HOLDING AREA TO HER OFFICE THAT MORNING, 11 O'CLOCK, 10 30 - 11 O'CLOCK OR SO I'M NOT EXACTLY SURE ON THE TIME

Q OKAY DID YOU HAVE OCCASION TO, WHERE DID YOU

1 FIRST, WHERE WERE YOU WHEN YOU FIRST SAW AND SPOKE
2 WITH HIM?

3 A IN DETECTIVE BLACKWELDER'S OFFICE

4 Q OKAY DID YOU DO ANYTHING IN REGARDS TO
5 ENSURING THAT THE CONSTITUTIONAL REQUIREMENTS OF
6 MIRANDA WERE FOLLOWED?

7 A THAT'S CORRECT I ASKED DETECTIVE BLACKWELDER
8 HAD HE BEEN INFORMED OF HIS RIGHTS AND HAD HE SIGNED
9 THEM AND SHE TOLD ME A FORM WHICH HE HAD ALSO SIGNED
10 AND WITNESSED BY MCDANIEL I ALSO AGAIN READ HIM HIS
11 RIGHTS AT THAT TIME AND ASKED HIM DID HE WANT TO TALK
12 TO US, THEN I ASKED HIM DID HE SEND WORD FROM THE
13 JAIL THAT HE WANTED TO CLARIFY SOME THINGS AND DID HE
14 WANT TO TALK TO US, AT WHICH TIME HE REPLIED TO ME
15 YES HE DID, THAT WHAT HE HAD TOLD THE OFFICERS ON
16 FRIDAY WAS INCORRECT, THAT HE WANTED TO TELL US THE
17 TRUTH

18 Q ALL RIGHT, SIR I'M SHOWING YOU WHAT'S BEEN
19 MARKED AS STATE'S EXHIBIT FIVE FOR IDENTIFICATION AND
20 I'LL ASK YOU IF YOU CAN RECOGNIZE THAT DOCUMENT?

21 A YES, SIR, I CAN THIS IS THE RIGHTS FORM THAT
22 DETECTIVE BLACKWELDER SHOWED ME AND MR COPE SIGNED
23 AND OFFICER MCDANIEL WITNESSED THERE

24 Q DID HE ACKNOWLEDGE THAT FORM WAS SIGNED BY HIM
25 IN YOUR PRESENCE?

1 A YES, SIR, HE DID

2 MR BRACKETT OFFER STATE'S EXHIBIT FIVE
3 INTO EVIDENCE

4 THE COURT BE RECEIVED WITHOUT OBJECTION
5 (STATE'S EXHIBIT 5 RIGHTS FORM
6 RECEIVED INTO EVIDENCE)

7 Q NOW AFTER SATISFYING YOURSELF THAT THE MIRANDA
8 WARNINGS HAD BEEN READ TO HIM AND HE UNDERSTAND THEM
9 AND THAT HE IN FACT INITIATED THIS CONTACT?

10 A YES

11 Q HOW DID THE INTERVIEW PROCEED FROM THEN?

12 A HE STATED TO ME THAT HE HAD NOT TOLD THE TRUTH,
13 HE HAD LIED TO THE OFFICERS ON FRIDAY AND THAT HE
14 WANTED TO TELL THE TRUTH THIS TIME I JUST ASKED HIM
15 OKAY GO AHEAD AND TELL US THE TRUTH AND HE WENT, HE
16 TOLD US FOR ABOUT 20 MINUTES OR SO, 20 - 30 MINUTES,
17 ANOTHER VERSION OF THE STORY

18 Q DID YOU RECORD, HOW DID YOU MEMORIALIZE THIS NEW
19 VERSION OF EVENTS?

20 A JUST LET HIM, DETECTIVE BLACKWELDER AND MYSELF,
21 WE JUST LET HIM TALK AND LET HIM TELL US THIS NEW
22 VERSION AND AT THAT TIME I ASKED HIM TO WRITE IT
23 DOWN

24 Q OKAY

25 MR BRACKETT YOUR HONOR, PREVIOUSLY WE

1 HAD MARKED A PHOTOCOPY OF THIS WRITTEN STATEMENT THAT
2 I INTEND TO DISCUSS NOW AND IT HAD BEEN MARKED AS
3 STATE'S EXHIBIT SIX, THE ORIGINAL WAS NOT AVAILABLE
4 AT THAT TIME, IT IS NOW BACK IN OUR CUSTODY FROM
5 SLED, AND I WOULD ASK THAT WE SUBSTITUTE THE ORIGINAL
6 FOR WHAT HAD PREVIOUSLY BEEN MARKED AS STATE'S
7 EXHIBIT SIX

8 THE COURT ANY OBJECTION, MR MORTON?

9 MR MORTON YOUR HONOR, NO, SIR

10 THE COURT MR GREELEY

11 MR GREELEY NO OBJECTION

12 THE COURT ALL RIGHT THAT TO BE DONE
13 WITHOUT OBJECTION

14 (STATE'S EXHIBIT 6 STATEMENT MARKED
15 FOR IDENTIFICATION)

16 Q CAPTAIN CABANISS, I'M NOW SHOWING YOU WHAT'S
17 BEEN MARKED AS STATE'S EXHIBIT SIX FOR IDENTIFICATION
18 AND I'LL ASK YOU, SIR, IF YOU CAN IDENTIFY THAT
19 DOCUMENT FOR US?

20 A YES, I CAN THIS IS THE HANDWRITTEN STATEMENT
21 BY MR COPE OF WHAT HE TOLD US THAT MORNING WHAT
22 HE, HE WROTE THIS HIMSELF

23 Q AND WHAT TIME IS THE, WHAT'S THE DATE AT THE TOP
24 OF THE PAGE?

25 A DECEMBER THIRD AT 9 45 AM

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1 Q AND APPROXIMATELY HOW LONG DID YOU SAY HE TALKED
2 BEFORE HE WROTE THIS DOWN?

3 A 20 TO 30 MINUTES

4 Q SO DOES THAT HELP YOU UNDERSTAND ABOUT WHAT TIME
5 YOU MIGHT HAVE STARTED THE INTERVIEW?

6 A YES, SIR WE STARTED THE INTERVIEW
7 APPROXIMATELY, PROBABLY 9 O'CLOCK

8 Q ALL RIGHT, SIR NOW WHO WROTE THIS DOCUMENT?

9 A MR COPE, MR BILLY WAYNE COPE

10 Q THIS IS HIS HANDWRITING?

11 A THAT'S CORRECT

12 Q AND AT THE BOTTOM THE SIGNATURE THAT APPEARS
13 THERE, WHOSE SIGNATURE IS THAT?

14 A THAT'S MR COPE'S SIGNATURE

15 Q ALL RIGHT NOW DID YOU OR CHARLENE BLACKWELDER
16 OR ANY OTHER OFFICER IN YOUR PRESENCE THREATEN OR
17 COERCE OR INTIMIDATE OR DO ANYTHING TO COERCE
18 MR COPE INTO WRITING THIS STATEMENT?

19 A NO, SIR, WE DID NOT

20 Q OKAY DID YOU MAKE HIM ANY PROMISES OR
21 ASSURANCES OF LENIENCY, TELL HIM ANY PROMISES
22 WHATSOEVER IF HE WOULD SIGN THAT?

23 A NO, SIR, NONE WHATSOEVER

24 MR MORTON JUDGE I'M SORRY, YOUR
25 HONOR SUBJECT TO MY EARLIER OBJECTIONS THAT THE

1 COURT HAS ALREADY RULED ON I DO OBJECT TO THAT
2 SUBJECT TO MY EARLIER OBJECTIONS

3 THE COURT ALL RIGHT OVERRULED

4 Q WAS THAT STATEMENT WRITTEN BY MR COPE BY HIS
5 OWN FREE WILL AND ACCORD WITH NO THREATS OR PROMISES
6 MADE?

7 A YES, SIR, THAT'S CORRECT

8 Q ALL RIGHT, SIR

9 MR BRACKETT I MOVE STATE'S EXHIBIT SIX
10 IN EVIDENCE AT THIS POINT

11 MR MORTON SUBJECT TO MY EARLIER
12 OBJECTIONS

13 THE COURT OVER OBJECTION BY MR COPE

14 MR GREELEY NO OBJECTION

15 MR MORTON YOUR HONOR, THAT WOULD BE
16 STATED FOR THE RECORD AS TO THE REASONS FOR THAT I
17 UNDERSTAND I HAVE TO ARTICULATE

18 THE COURT WELL, I'M INCORPORATING OR
19 ARTICULATING THE REASONS WE CARE TOOK OF AT AN
20 EARLIER TIME

21 MR MORTON THANK YOU, YOUR HONOR

22 MR BRACKETT YOUR HONOR, I SEEK TO
23 PUBLISH THIS STATEMENT AND I WOULD LIKE TO READ IT IF
24 I COULD

25 THE COURT AGAIN OVER OBJECTION OF

1 DEFENDANT COPE, WITHOUT OBJECTION FROM MR SANDERS
2 (STATE'S EXHIBIT 6 STATEMENT RECEIVED
3 INTO EVIDENCE)
4 MR BRACKETT
5 BILLY COPE, DECEMBER THIRD 2001, 9 45 AM
6 I WAS ASLEEP IN MY BED I HAD A BAD DREAM ABOUT AN
7 OLD GIRLFRIEND WHO HAD A ABORTION THE THOUGHT OF
8 HER MAKES ME CRINGE IN MY DREAM SHE WAS TELLING ME
9 THAT I HAD AN ABORTION WITH YOUR CHILD AND I TOLD HER
10 NO I BECAME SO ENRAGED THAT I GOT OUT OF BED ALL
11 I COULD HEAR WAS THAT LAUGHING SOUND I DO NOT KNOW
12 WHAT CAME OVER ME, BUT I SNAPPED AND I JUMPED ON THE
13 BED AND I STRADDLED HER I HIT HER IN THE HEAD AND
14 STARTING CHOKING HER I DID NOT KNOW IT WAS MY OWN
15 DAUGHTER UNTIL AFTER I HAD SHOVED THE BROOM STICK IN
16 HER PRIVATES I FELL BACK JARRING ME TO MY SENSES
17 AND I REALIZED IT WAS MY DAUGHTER I BECAME SO
18 CONFUSED THAT I TRIED TO RID THE HOUSE OF ALL THE
19 STUFF THAT WOULD MAKE ME LOOK GUILTY I GRABBED THE
20 BROOM AND I PULLED IT FROM HER VAGINA I PULLED HER
21 PANTIES AND PANTS UP I DID NOT KNOW IT WAS MY OWN
22 DAUGHTER UNTIL I FELL BACKWARDS THE NEXT MORNING AT
23 6 03 WHEN THE ALARM AND PHONE RANG OUT I WAS HOPING
24 IT WAS A VERY BAD DREAM AND IT IS SIGNED BY THE
25 DEFENDANT BILLY COPE

1 Q NOW AT THE CONCLUSION OF TAKING THIS STATEMENT
2 OR HIM WRITING THIS STATEMENT, WHAT DID YOU, HOW DID
3 THE INTERVIEW PROCEED FROM THERE?

4 A AT THAT TIME I ASKED HIM, I TOLD HIM THAT I HAD
5 NEVER BEEN TO THE HOUSE WHERE AMANDA WAS KILLED, I
6 ASK HIM WOULD HE ACCOMPANY ME BACK TO THE HOUSE AND
7 SHOW ME AND WALK ME THROUGH THE HOUSE AND EXPLAIN TO
8 ME HOW THIS HAPPENED

9 Q AND WHAT WAS HIS RESPONSE TO THIS REQUEST?

10 A HE WAS VERY WILLING TO DO THAT, PRACTICALLY
11 VOLUNTEERED WE DID NOT HAVE TO ASK HIM BUT ONCE AND
12 HE WAS VERY WILLING TO DO THAT

13 Q WHAT WAS HIS DEMEANOR DURING THIS WHOLE TIME
14 PERIOD FROM 9 AM APPROXIMATELY UNTIL UP THE POINT
15 WHEN YOU MAKING THIS REQUEST, HOW IS HE BEHAVING?

16 A HE WAS CALM HE WAS NOT GRIEVING AT ALL AT THIS
17 TIME IT WAS, IT WAS, IT JUST TALKING ABOUT IT, AN
18 INCIDENT THAT HAPPENED, THAT DID NOT SEEM TO AFFECT
19 HIM OR ANYONE ELSE AT THAT TIME HE WAS JUST
20 RELAYING AN EVENT

21 Q ALL RIGHT WHAT ARRANGEMENTS DID YOU MAKE TO
22 FACILITATE THE VISIT TO THE HOUSE? HOW DID YOU PLAN
23 THAT OUT? WHAT DID YOU DO?

24 A I CONTACTED ONE OF OUR CRIME SCENE INVESTIGATORS
25 ROBIN DAVIS AT THAT TIME AND ASKED HIM TO GET A VIDEO

1 CAMERA AND MEET ME BACK AT THE HOUSE ON RICH STREET
2 I GOT OFFICER MCDANIEL AGAIN TO RIDE MR COPE TO THE
3 RESIDENCE AND DETECTIVE BLACKWELDER AND MYSELF RODE
4 IN MY VEHICLE BACK TO THE HOUSE

5 Q WHO DID MR COPE RIDE WITH?

6 A OFFICER MCDANIEL, TRAVIS MCDANIEL

7 Q OKAY WERE ANY INTERVIEWS DONE OF HIM ON THE
8 RIDE THERE?

9 A NO, SIR

10 Q NOW WHEN YOU ARRIVED AT THE HOUSE WHAT WAS THE
11 PLAN?

12 A FOR HIM TO WALK ME THROUGH THE HOUSE AND SHOW ME
13 WHAT HAPPENED I HAD NEVER BEEN TO THE HOUSE, I
14 HADN'T SAW THE PICTURES AT THAT TIME, AND I SORT OF
15 WANTED TO LOOK AT THE SCENE AND GET HIM TO EXPLAIN TO
16 ME WHAT HAPPENED, GET HIM TO EXPLAIN THIS STORY THAT
17 HE HAD WRITTEN TO US

18 Q OKAY AT THIS POINT IN TIME DID YOU BELIEVE
19 THIS STORY?

20 A NO, SIR, I DID NOT

21 Q HOW LONG DID YOU STAY AT THE HOUSE? HOW LONG
22 DID THAT TAKE?

23 A 30 MINUTES, NOT LONG AT ALL, LESS THAN AN HOUR

24 Q AND WAS THE, DOES THE VIDEO TAPE -- LET ME DO
25 THIS LET ME SHOW YOU STATE'S EXHIBIT 83, HAVE YOU

1 HAD OCCASION TO REVIEW THE VIDEO TAPE?

2 MR MORTON NO OBJECTION, YOUR HONOR, TO
3 THE FOUNDATION

4 MR GREELEY NO OBJECTION

5 THE COURT YOU OFFERING IT

6 MR BRACKETT YES, SIR, I AM GOING TO
7 OFFER IT INTO EVIDENCE

8 THE COURT NO OBJECTION IT WILL BE
9 ADMITTED

10 MR BRACKETT THANK YOU

11 (STATE'S EXHIBIT 83 VIDEO TAPE
12 RECEIVED INTO EVIDENCE)

13 Q DOES THAT VIDEO TAPE DEPICT EVERYTHING THAT TOOK
14 PLACE AT THE HOUSE FROM THE TIME YOU WALKED UP TO
15 ABOUT THE TIME YOU LEFT?

16 A YES, SIR, FROM JUST ABOUT ITS ENTIRETY THE
17 BATTERY ON THE CAMERA DOES GO DEAD AT ONE POINT ON
18 THE TAPE AND IT IS STATED ON THE TAPE AND JUST AS
19 LONG AS IT TOOK TO CHANGE THE BATTERIES, IT'S
20 PROBABLY 15-20 SECONDS THAT'S MISSING, AND I DO STATE
21 THAT ON THE TAPE AS IT'S BEING RECORDED, BUT IT'S
22 EVERYTHING FROM AS WE'RE WALKING UP TO THE HOUSE TO
23 AS WE'RE GOING OUT THE FRONT DOOR

24 Q PRIOR TO THIS START OF THIS VIDEO TAPE BEING
25 RECORDED AND AFTER ITS BEING CONCLUDED OR DURING THAT

1 BREAK WHEN THE BATTERY DIED, WERE ANY COMMENTS OR
2 STATEMENTS ELICITED FROM MR COPE?

3 A NO, SIR

4 Q WERE ANY THREATS, INTIMIDATION, PROMISES, OR ANY
5 TYPE OF COERCION USED IMMEDIATELY PRIOR OR
6 IMMEDIATELY AFTER OR DURING THIS TO GET HIM TO
7 PARTICIPATE IN THE VIDEOING OF THE HOUSE?

8 A NO, SIR, NONE WHATSOEVER

9 Q ALL RIGHT

10 MR BRACKETT YOUR HONOR, I SEEK TO
11 PUBLISH THE VIDEO AT THIS TIME

12 (BRINGS THE TV IN THE COURTROOM AND
13 THE VIDEO TAPE IS PLAYED FOR THE JURY AT 11 25 AM)

14 MR BRACKETT PLEASE THE COURT MAY WE
15 APPROACH

16 (BENCH CONFERENCE AT 11 48 AM AND THE
17 VIDEO TAPE IS FINISHED PLAYING)

18 THE COURT MEMBERS OF THE JURY PANEL, THE
19 PART THAT HAD NO AUDIO WAS NOT A FAILURE OF THE AUDIO
20 EQUIPMENT, THAT WAS STUFF THAT WAS LEFT OUT BECAUSE
21 IT WAS NOT RELEVANT TO THIS CASE AND SO WE JUST HAD
22 THEM DUB IT OUT, BUT IT WAS NOT A MALFUNCTION THANK
23 YOU

24 DIRECT EXAMINATION CONTINUED BY BRACKETT

25 Q CAPTAIN CABANISS, THERE WAS ONE PART WHERE THE

1 TAPE STARTED JUST BEFORE THAT WHERE THE DEFENDANT
2 SAID AS YOU WERE WALKING INTO THE HOUSE, THIS HOUSE
3 LOOKS A LOT WORSE THAN IT DID WHEN I LEFT IT, ISN'T
4 THAT TRUE?

5 A YES, SIR, HE DID

6 Q OKAY NOW THAT WAS YOU ON THE VIDEO TAPE IN THE
7 GREEN JUMP SUIT?

8 A YES, SIR, IT WAS

9 Q AFTER YOU HAD HEARD EVERYTHING HE HAD TO SAY AT
10 THAT POINT IN TIME DID YOU BELIEVE THAT MR COPE WAS
11 TELLING YOU THE COMPLETE TRUTH?

12 A NO, SIR, I DID NOT

13 Q ALL RIGHT TURNING YOUR ATTENTION TO A COUPLE
14 THINGS IN THE VIDEO ITSELF, AT ONE POINT THERE IS A
15 DISCUSSION BETWEEN YOU AND MR COPE AND ABOUT THE
16 GREEN BLANKET STRIP BEING PLACED AROUND HER NECK?

17 A THAT'S CORRECT

18 Q AND HE SAID I BELIEVE SOMETHING TO THE EFFECT
19 THAT HE HAD DONE THAT TO MAKE IT LOOK LIKE AN
20 ACCIDENT?

21 A THAT'S CORRECT

22 Q CAN YOU TELL THE JURY WHAT IS THE CONCEPT OF
23 STAGING A CRIME SCENE, WHAT IS THAT?

24 A THE ORIGINAL, WHEN THE ORIGINAL OFFICERS
25 ANSWERED THE CALL MR COPE HAD INDICATED AND STATED

THAT HE HAD FOUND HIS DAUGHTER IN THE BED AND THAT
SHE HAD STRANGLED HERSELF WITH THAT GREEN BED SPREAD
AROUND HER NECK AND THAT HE HAD TOLD HER IN THE PAST
THAT BE CAREFUL, YOU MAY STRANGLE YOURSELF HE WAS
WORRIED ABOUT HER STRANGLING HERSELF WITH THAT GREEN
BED SPREAD HE HAD TAKEN THAT BED SPREAD AND WRAPPED
IT AROUND HER NECK TO STAGE THE CRIME SCENE, TO STAGE
THE CRIME SCENE TO MAKE IT LOOK LIKE AN ACCIDENT, TO
SHIFT GUILT AWAY FROM HIMSELF TO, FOR US TO BELIEVE
AND FOR EVERYONE TO BELIEVE THAT HE WAS NOT
RESPONSIBLE, BUT THAT SHE WAS RESPONSIBLE FOR HER OWN
DEATH HE TOOK THE GREEN BLANKET, THE GREEN BED
SPREAD AND WRAPPED IT AROUND HER NECK AND TOLD US
ORIGINALLY AND FIRST RESPONDERS THAT SHE STRANGLED
HERSELF AND THAT WAS OBVIOUSLY AN ATTEMPT TO STAGE
THE CRIME SCENE, TO STAGE --

MR MORTON OBJECTION

THE COURT I SUSTAIN THE OBJECTION JUST
ASK THE NEXT QUESTION

MR BRACKETT YES, SIR

Q LET ME DO THIS HOW LONG HAVE YOU BEEN A POLICE
OFFICER?

A 30 YEARS

Q HOW MANY HOMICIDE AND VIOLENT CRIMES HAVE YOU
INVESTIGATED?

1 A DOZENS

2 Q OKAY

3 A AND DOZENS

4 Q AND WHAT KIND OF TRAINING AND BACKGROUND DO YOU
5 HAVE IN CRIMINAL INVESTIGATION, HOMICIDE

6 INVESTIGATION, WHAT SORT OF TRAINING HAVE YOU HAD?

7 A I'VE GOT MY FOUR YEAR CRIMINAL JUSTICE DEGREE
8 I HAVE BEEN TO THE FBI NATIONAL ACADEMY I'VE BEEN
9 TO NUMEROUS HOMICIDE INVESTIGATIONS, CRIME SCENE
10 INVESTIGATIONS CLASSES, INTERROGATION INTERVIEW
11 CLASSES

12 Q HAVE YOU EVER ATTENDED THE FBI NATIONAL ACADEMY
13 AT QUANTICO, VIRGINIA?

14 A YES, SIR, I HAVE

15 Q AND WHAT WAS THE COURSE OF STUDY THAT YOU TOOK
16 UP THERE?

17 A TOOK SEVERAL COURSES OF STUDY, MANAGEMENT, CRIME
18 SCENE INVESTIGATION, ALSO HOMICIDE INVESTIGATIONS

19 MR BRACKETT YOUR HONOR, AT THIS TIME I
20 WOULD TENDER CAPTAIN CABANISS AS AN EXPERT IN CRIME
21 SCENE INVESTIGATION AND CRIME SCENE ANALYSIS

22 THE COURT ANY VOIR DIRE

23 MR MORTON I HAVE NO OBJECTION

24 MR GREELEY NO OBJECTION

25 THE COURT I FIND HE'S QUALIFIED

1 Q NOW, SIR, WHY DO PEOPLE STAGE CRIME SCENES?

2 A SUSPECTS STAGE CRIME SCENES IN THE THEORY TO
3 SHED DOUBT, SHED GUILT AWAY FROM THEMSELF, TO TRY TO
4 GET INVESTIGATORS TO LOOK IN OTHER DIRECTIONS OTHERS
5 THAN THEMSELVES THEY WILL STAGE CRIME SCENES TO
6 MAKE THE INCIDENT APPEAR AS IT DIDN'T HAPPEN TO
7 SHED THE GUILT AWAY FROM THEMSELF, TO HAVE
8 INVESTIGATORS GO OFF ON A TANGENT TO LOOK FOR ANOTHER
9 SUSPECT OR ANOTHER REASON THAT CAUSED THE DEATH OTHER
10 THAN THEMSELVES

11 Q OKAY IN YOUR OPINION AS AN EXPERT WAS THIS A
12 STAGED CRIME SCENE?

13 A ABSOLUTELY, YES, SIR

14 Q NOW THE OTHER PART OF THE VIDEO YOU ASKED HIM
15 ANYTHING ABOUT WHAT, WOULD ANY OF HIS SEMEN BE FOUND
16 AT THAT LOCATION?

17 A YES, SIR, I DID

18 Q AND WHAT DID HE TELL YOU?

19 A HE SAID IT WOULD NOT

20 Q WHERE DID YOU GO AFTER THAT?

21 A WENT BACK TO THE LAW CENTER I HAD OFFICER
22 MCDANIEL TRANSPORT HIM BACK TO THE HOLDING AREA THERE
23 AT THE ROCK HILL POLICE STATION AND INSTRUCTED HIM TO
24 MAKE SURE THAT MR COPE GOT LUNCH

25 Q AND APPROXIMATELY HOW LONG DID THIS BREAK

1 BETWEEN THE RETURN TO THE POLICE DEPARTMENT AND
2 LUNCH, HOW LONG DID BREAK LAST?

3 A ABOUT TWO HOURS I'M SURE I GOT LUNCH EVEN
4 THOUGH I DON'T REMEMBER IT, BUT I MET WITH ALL THE
5 DETECTIVES AND TRIED TO GET AS MUCH INFORMATION AS I
6 COULD BEFORE I STARTED TO RE-INTERVIEW MR COPE
7 AGAIN IT LASTED APPROXIMATELY TWO HOURS

8 Q AND WHAT WAS YOUR INTENTION, WHAT DID YOU INTEND
9 TO ACCOMPLISH THAT AFTERNOON?

10 A I INTENDED GET MR COPE TO TELL US MORE OF THE
11 TRUTH, TO GO INTO FURTHER DETAILS AND MORE
12 SPECIFICALLY TO TRY TO GET THE TRUTH

13 Q WHAT WAS YOUR DEMEANOR WITH MR COPE UP TO THIS
14 POINT? WE TALKED ABOUT HIS DEMEANOR, WHAT WAS YOUR
15 DEMEANOR WITH HIM?

16 A AS YOU SAW IT ON THE TAPE AND PROBABLY A LITTLE
17 MORE SENSITIVE THAT MORNING IT WAS A MATTER OF FACT
18 HE WANTED TO TELL US THE TRUTH SO I JUST LET HIM TALK
19 AND WE BASICALLY LISTENED DETECTIVE BLACKWELDER AND
20 MYSELF JUST LISTENED WE DIDN'T ASK HARDLY ANY
21 QUESTIONS I HAD HIM WRITE THIS OUT, ASKED HIM TO GO
22 TO THE HOUSE, THEN YOU HEARD THE QUESTIONS I WAS
23 ASKING HIM THERE AT THE HOUSE I WAS ACCOMMODATING
24 TO HIM THE WHOLE TIME I ASKED HIM ONCE OR TWICE IF
25 HE NEEDED ANYTHING JUST A DRINK OF WATER OR GO TO THE

1 RESTROOM, THAT SORT OF THING

2 Q AND HOW WAS YOUR DEMEANOR IN THE AFTERNOON?

3 A IN THE AFTERNOON I HAD TAKEN HIS STATEMENT AND
4 COMPARED IT AND TRIED TO LEARN AS MUCH AS I COULD
5 ABOUT THE AUTOPSY, THE RESULTS OF AMANDA'S AUTOPSY
6 AND WHAT ACTUALLY OCCURRED TO HER AND WHAT THE
7 PHYSICAL EVIDENCE SHOWED, AND THAT AFTERNOON I
8 POINTED OUT TO MR COPE THE DISCREPANCIES IN WHAT HE
9 WAS SAYING AND WHAT WE KNEW NOT TO BE TRUE AND
10 PRESSED HIM TO TELL US MORE OF THE TRUTH

11 Q HOW LONG DID YOU INTERVIEW HIM THAT AFTERNOON?

12 A OH, WE STARTED ABOUT 1 30, WE HAD SEVERAL
13 INTERRUPTIONS THERE AND ABOUT, AND WE CONCLUDED THAT
14 AFTERNOON ABOUT FIVE O'CLOCK

15 Q ALL RIGHT, SIR NOW YOU SAID WE STARTED TO
16 PRESS HIM A LITTLE BIT MORE TO FIND THE TRUTH, AT ANY
17 POINT IN TIME IN THE AFTERNOON INTERVIEW SESSION DID
18 YOU OR ANYONE ELSE IN YOUR PRESENCE DID YOU ALLOW
19 ANYONE TO THREATEN, INTIMIDATE, OR COERCE MR COPE
20 INTO CONTINUING THE INTERVIEW?

21 A NO, SIR, HE NEVER WAS THREATENED OR COERCED IN
22 ANY WAY I WAS PRESENT EITHER IN THE OFFICE NEXT
23 DOOR OR WITH HIM DIRECTLY THE WHOLE TIME

24 Q AFTER THE BREAK DID YOU REVISIT THE ISSUE OF
25 MIRANDA?

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1 A YES, SIR, I DID

2 Q AND HOW DID YOU DO THAT?

3 A I GOT HIM BACK OUT OF THE JAIL, THAT STARTED AT
4 1 30, AND I AGAIN REMINDED HIM OF HIS RIGHTS I READ
5 THEM TO HIM AGAIN FROM THE CARD IN MY POCKET AND I
6 WENT A LITTLE FURTHER AND ASKED HIM DID HE COMPLETELY
7 UNDERSTAND AND HE SAID HE DID I THEN INFORMED,
8 IMPRESSED UPON HIM THAT HE HAD THE RIGHT TO REMAIN
9 SILENT, THAT HE DIDN'T HAVE TO TALK WITH US AT ALL
10 BUT I'D APPRECIATE HIM NOT TO LIE TO ME AND WASTE MY
11 TIME

12 Q ALL RIGHT, SIR WAS HE INFORMED THAT HE HAD THE
13 RIGHT TO STOP AT ANY TIME HE WANTED TO?

14 A YES, SIR, IN ALL THE RIGHTS THAT IS INDICATED TO
15 HIM THAT HE HAS THE RIGHT TO START AND STOP ANY TIME
16 HE WISHES TO

17 Q OKAY NOW DID YOU DISCUSS WITH HIM THAT
18 AFTERNOON, DID YOU REVIEW AGAIN THE ISSUE OF WHETHER
19 OR NOT ANY OF HIS SEMEN WAS AT THE SCENE?

20 A YES, SIR, I DID

21 Q ALL RIGHT AND PLEASE RELATE TO THE JURY HOW
22 THAT PORTION OF THE INTERVIEW WENT?

23 A I KNEW THAT THERE HAD BEEN SEMEN, SUSPECTED,
24 SEMEN HAD BEEN RECOVERED AT THE SCENE, AND I KEPT
25 PRESSING HIM ON THAT POINT, AND THEN HE FINALLY

1 ADMITTED THAT HE EJACULATED INTO A RAG AND LEFT THE
2 RAG THERE AT THE HOUSE I ASKED WHERE SPECIFICALLY
3 AND HE TOLD ME AND AT THAT TIME I GOT ON THE RADIO
4 AND RADIOED SOME OTHER CRIME SCENE OFFICERS, HAD THEM
5 GO BACK TO THE RESIDENCE, AND BY RADIO CONTACT I
6 INSTRUCTED THEM WHERE TO LOCATE THE RAG WHICH THEY
7 DID

8 Q OKAY I'M SHOWING YOU WHAT'S BEEN MARKED AS
9 STATE'S EXHIBIT 84 AND I'LL ASK YOU IF YOU RECOGNIZE
10 THAT DOCUMENT?

11 A THIS IS A CONSENT TO SEARCH FORM THAT MR COPE
12 SIGNED WHEN HE TOLD ME THAT HE HAD EJACULATED INTO A
13 RAG I ASKED HIM WOULD HE MIND IF WE WENT BACK TO
14 THE HOUSE AND PICKED UP THE RAG AND AT THAT TIME I
15 HAD HIM SIGN A CONSENT FORM AT THREE P M FOR MY
16 CRIME SCENES OFFICERS TO GO BACK TO THE HOUSE TO
17 RECOVER THAT ITEM THIS IS THE CONSENT FORM THAT HE
18 SIGNED

19 Q WAS HE PRESSURED, INTIMIDATED, COERCED IN WAY TO
20 SIGNING THAT FORM?

21 A NO, SIR, NONE WHATSOEVER

22 Q WERE THERE ANY PROMISES OF ANY SORT MADE TO HIM
23 TO INDUCE HIS SIGNATURE ON THAT?

24 A NO, SIR

25 Q AND IS THAT IN FACT HIS SIGNATURE ON THAT FORM?

1 A IT IS I FILLED IT OUT, THAT'S MY SIGNATURE AND
2 ALSO HIS SIGNATURE

3 Q ALL RIGHT, SIR NOW WHO DID YOU RADIO?

4 A INVESTIGATOR TODD GARDNER

5 Q ALL RIGHT

6 MR BRACKETT YOUR HONOR, I OFFER STATE'S
7 EXHIBIT 84 INTO EVIDENCE AT THIS TIME

8 MR MORTON THAT IS THE SEARCH WARRANT?

9 MR BRACKETT CONSENT TO SEARCH

10 MR MORTON NO OBJECTION

11 MR GREELEY NO OBJECTION

12 THE COURT ENTERED WITHOUT OBJECTION

13 (STATE'S EXHIBIT 84 CONSENT TO SEARCH
14 RECEIVED INTO EVIDENCE)

15 Q DID YOU HAVE ANY INTERRUPTIONS THAT DAY?

16 A YES, SIR

17 Q IN THE AFTERNOON?

18 A DURING THE INTERVIEW PROCESS, YES, SIR

19 Q YES, SIR DURING THE AFTERNOON INTERVIEW
20 PROCESS?

21 A YES, SIR

22 Q WHAT WAS THE NATURE OF THAT INTERRUPTIONS?

23 A AT ONE POINT I RECEIVED A PAGE THAT AN ATTORNEY
24 B J BARROWCLOUGH WAS IN THE LOBBY AND WANTED TO
25 SPEAK WITH MR COPE

1 Q OKAY WHAT DID YOU DO?

2 A SUBSEQUENTLY I WENT TO THE, I FIRST ASKED

3 MR COPE WAS HE, DID HE HAVE AN ATTORNEY AND HE SAID

4 NO I ASKED MR COPE DID HE KNOW AN ATTORNEY B J

5 BARROWCLOUGH HE SAID NO HE DID NOT I TOLD HIM

6 THAT THERE WAS AN ATTORNEY IN THE LOBBY NAMED B J

7 BARROWCLOUGH THAT SAID HE WAS REPRESENTING HIM AND HE

8 WANTED TO TALK TO HIM DID HE WANT TO TALK TO US OR

9 DID HE WANT TO TALK TO MR BARROWCLOUGH MR COPE

10 SAID THAT HE WANTED TO CONTINUE TALKING TO US

11 Q NOW DID THAT HAPPEN OVER A PERIOD OF TIME? WERE

12 THERE SOME PHONE CALLS IN BETWEEN THERE?

13 A YES, SIR, THERE WAS

14 Q WHO DID YOU SPEAK WITH DURING THAT TIME PERIOD?

15 A I SPOKE WITH YOURSELF AT THE SOLICITOR'S OFFICE

16 Q ALL RIGHT AND ULTIMATELY YOU DID INFORM

17 MR COPE THAT AN ATTORNEY WAS OUTSIDE?

18 A THAT'S CORRECT I DID

19 Q ALL RIGHT AND --

20 A TWICE

21 Q I'M SHOWING YOU --

22 MR BRACKETT MR MORTON

23 MR MORTON NO OBJECTION

24 MR GREELEY NO OBJECTION

25 Q WHAT'S BEEN MARKED STATE'S EXHIBIT 8 ASK IF YOU

1 CAN IDENTIFY THAT DOCUMENT?

2 A YES, SIR, THIS IS A PIECE OF PAPER THAT I WROTE
3 ON THAT SAYS I BILLY COPE DO NOT WISH TO TALK TO MY
4 LAWYER B J BARROWCLOUGH AT THIS TIME AND IT'S
5 SIGNED BY MR COPE AT 3 10 P M AND BY MYSELF AND
6 DETECTIVE BLACKWELDER

7 I HAD MR COPE THE SECOND TIME THAT I
8 INFORMED HIM THAT MR BARROWCLOUGH WAS IN THE LOBBY
9 AND INDICATING HE WAS HIS LAWYER AND MR COPE SAID HE
10 DID NOT WISH TO TALK TO HIM, I PUT THIS IN WRITING
11 AND HAD MR COPE SIGN IT

12 Q ALL RIGHT

13 MR BRACKETT YOUR HONOR, I MOVE STATE'S
14 EXHIBIT 8 INTO EVIDENCE AT THIS TIME

15 THE COURT NO OBJECTION, IT'S ALREADY
16 BEEN ADMITTED

17 (STATE'S EXHIBIT 8 NOTE RECEIVED INTO
18 EVIDENCE)

19 Q DID MR COPE EVER ASK FOR AN ATTORNEY DURING
20 THIS ENTIRE PROCESS THROUGHOUT THE DAY?

21 A NO, SIR, HE DID NOT

22 Q DID HE EVER ASSERT THAT HE WISHED TO REMAIN
23 SILENT?

24 A NO, SIR, QUITE THE CONTRARY

25 Q AT SOME POINT YOU SAID THE INTERVIEW ENDED AT

1 4 55 ALMOST FIVE O'CLOCK

2 A THAT'S CORRECT

3 Q WERE THERE ANY OTHER FORMAL STATEMENTS TAKEN BY
4 YOU FROM MR COPE?

5 A YES, SIR DURING THE AFTERNOON INTERVIEW
6 DETECTIVE BLACKWELDER WAS TAKING HANDWRITTEN NOTES
7 AND SOMETIME BETWEEN 4 30 AND 4 55 SHE TYPED
8 STATEMENT FROM HER NOTES

9 Q ALL RIGHT WAS A TYPEWRITTEN STATEMENT
10 PREPARED?

11 A YES, SIR

12 MR BRACKETT THERE IS ONE EXTRANEIOUS
13 PORTION ON THIS DOCUMENT THAT WILL BE REDACTED, YOUR
14 HONOR, BY CONSENT, BUT I DO INTEND TO MOVE INTO
15 EVIDENCE STATE'S EXHIBIT NUMBER 9

16 MR MORTON I HAVE NO OBJECTION, SUBJECT
17 TO MY EARLIER --

18 MR GREELEY NO OBJECTION

19 THE COURT OVER DEFENDANT COPE'S
20 OBJECTION BASED ON THE ISSUES DISCUSSED AT AN EARLIER
21 TIME AND RULINGS BY THE COURT AND WITHOUT, IT'S
22 ADMITTED OVER THAT OBJECTION AND IT'S ADMITTED
23 WITHOUT OBJECTION FROM SANDERS

24 (STATE'S EXHIBIT 9 TYPED STATEMENT
25 RECEIVED INTO EVIDENCE)

1 MR BRACKETT THANK YOU, YOUR HONOR

2 Q I'M SHOWING YOU WHAT'S BEEN MARKED AS STATE'S
3 EXHIBIT 9 FOR IDENTIFICATION IS THAT THE
4 TYPEWRITTEN STATEMENT YOU WERE REFERENCING?

5 A YES, IT IS

6 Q AND WHOSE SIGNATURE -- DESCRIBE THE FIRST
7 DOCUMENT

8 A THIS IS --

9 Q THE FIRST PAGE OF IT?

10 A ---THIS IS THE DOCUMENT THAT MR COPE WAS GIVEN
11 A CHANCE TO READ OVER IT, GIVEN A CHANCE TO MAKE ANY
12 ADDITIONS OR ANY CHANGES IN IT HE WISHED TO, HE
13 SIGNED EACH PAGE, HE MADE A COUPLE OF CHANGES, TYPO
14 CHANGES, AND INITIALED THEM, SIGNED HIS OWN INITIALS
15 AND THEN AT THE END HE SIGNED HIS NAME AND IT WAS
16 WITNESSED BY, SWORN TO BY DETECTIVE BLACKWELDER AND
17 WITNESSED BY DETECTIVE TIM AYERS

18 Q SIMILAR TO THE OTHER STATEMENTS I'LL ASK YOU,
19 SIR, WERE THERE ANY THREATS, COERCIONS, PROMISES,
20 INDUCEMENTS OF ANY SORT RELATED TO MR COPE TO INDUCE
21 HIM TO SIGN THAT DOCUMENT?

22 A NO, SIR, THERE WERE NOT

23 MR BRACKETT MOVE STATE'S EXHIBIT NINE
24 IN AND REQUEST TO PUBLISH STATE'S EXHIBIT NINE AT
25 THIS TIME

1 THE COURT IT'S IN EVIDENCE OVER
2 OBJECTION OF DEFENDANT COPE AND NO OBJECTION FROM
3 DEFENDANT SANDERS, IT'S IN EVIDENCE AND YOU CAN
4 PUBLISH IT

5 MR BRACKETT

6 ON NOVEMBER 29, 2001, JESSICA HAD
7 HOMEWORK I HELPED HER A COUPLE OF HOURS AND THEN I
8 GOT FRUSTRATED AND QUIT AND TOOK A BREAK AMANDA
9 SAID I WILL HELP JESSICA I THEN GOT SOME JOKES OFF
10 THE COMPUTER AND I SAID I'M GOING TO LAY DOWN AND
11 STUDY FOR MY BIBLE STUDY AMANDA SAID I WILL HELP
12 HER AND I SAID OKAY BUT ALL HOMEWORK STOPS AT ONE AM
13 I SET THE ALARM FOR ONE AM AND IT WENT OFF AND I SAID
14 ARE Y'ALL FINISH AND AMANDA SAID YES I SAID GOOD
15 Y'ALL GET INTO BED I CALLED AMANDA BACK INTO MY
16 BEDROOM TO COME TURN THE LIGHTS OUT AND PUT THE PHONE
17 ON THE CHARGER I TOLD AMANDA TO TURN THE LIGHT OUT
18 AND SHE DID I PUT MY MASK ON AND WENT TO SLEEP I
19 WOKE UP ABOUT THREE AM I WENT TO THE BATHROOM AND I
20 WENT INTO AMANDA'S ROOM I HAD A HARD ON I JACKED
21 OFF IN THE FLOOR AND USED A BLUE TOWEL TO CLEAN IT
22 UP I STARTED GOING INTO AMANDA'S ROOM ABOUT THE END
23 OF OCTOBER THROUGH THE FIRST PART OF NOVEMBER PLAYING
24 WITH HER AND RUBBING HER AND FINGERING HER WHILE SHE
25 WAS ASLEEP AMANDA WAS ASLEEP ON HER STOMACH I

1 THINK THE DILDO INSIDE HER IS WHAT WOKE HER UP WHEN
2 SHE WOKE UP I JUMPED ON TOP OF HER TO KEEP HER FROM
3 TURNING AND LOOKING AT ME, THEN I HEARD HER SAY,
4 DADDY, HELP ME I STARTED STRANGLING HER WITH MY
5 HANDS AMANDA WAS PULLING AT MY HANDS AND I LET GO
6 AND STARTED HITTING HER IN THE HEAD AND I WENT BACK
7 TO STRANGLING HER AND SHE WENT LIMP I GOT UP, I SAW
8 THE GREEN STRING ON THE BLANKET AND I WAS THINKING TO
9 MYSELF THIS WOULD LOOK LIKE SHE STRANGLED HERSELF I
10 TOOK THE GREEN STRIP AND I WRAPPED IT AROUND HER
11 NECK I WENT STRAIGHT FROM THE WRAP FROM OFF THE
12 FLOOR AND I WRAPPED IT AROUND HER THROAT I PULLED
13 BOTH ENDS TIGHT I PULLED BOTH ENDS SO IT WOULD BE
14 GOOD AND TIGHT HER HANDS WERE ALREADY AT HER NECK
15 SO I LEFT THEM I JUMPED UP OFF THE BED AND WENT AND
16 PUT THE DILDO UP I WIPED IT OFF FIRST WITH THE BLUE
17 TOWEL AND THEN PUT IT UNDER THE BED IN THE FLOOR IN
18 THE BEDROOM NORMALLY I PUT IT BETWEEN THE MATTRESS
19 AT THE HEAD OF THE BED BUT IT HAD FALLEN SO I PUT IT
20 AT THE HEAD OF THE BED ON THE FLOOR WHERE IT WAS
21 THEN I FIXED THE DOORS OF AMANDA'S BEDROOM SO THAT
22 THEY WOULD LOCK I PULLED THE CLOSET AND THE DOOR
23 TOGETHER, THAT'S HOW I LOCKED IT I DID THIS SO THE
24 KIDS WOULD NOT WAKE UP AND SEE HER BEFORE MORNING I
25 GOT BACK IN MY BED, I PUT MY MASK ON, AND WENT TO

1 SLEEP AND I WOKE UP AT 6 02 ACCORDING TO THE CLOCK
2 IN MY BEDROOM I SAT UP AND CALLED AMANDA TWICE
3 SINCE NOW I KNEW THAT SHE WAS NOT GOING TO ANSWER
4 IT WAS LIKE A DREAM I THOUGHT IT WAS A DREAM I
5 DID NOT HEAR FROM AMANDA THOSE TWO TIMES I CALLED
6 HER, SIR OR YES, SIR SO I YELLED AT THE TOP OF MY
7 LUNGS, AMANDA, REAL LOUD I THOUGHT, I THOUGHT THE
8 RAPTURE HAD TAKEN PLACE BECAUSE I HAD JUST FINISHED
9 READING THE LEFT BEHIND SERIES ABOUT ONE MONTH AGO
10 I HAD HOPED THE RAPTURE HAD TAKEN PLACE I WAS
11 PRAYING IT HAD I GOT UP AND LOOKED IN ON KYLA AND
12 JESSICA AND THEY WERE STILL ASLEEP I WENT TO
13 AMANDA'S DOOR AND I FORGET I HAD SET THE DOORS SO I
14 PUSHED ON THE DOORS AND THEY WOULD NOT OPEN I
15 KICKED THE DOOR OPEN AND SAW AMANDA LAYING THERE
16 PURPLE I WALKED OVER TO HER AND I TRIED TO WAKE HER
17 AND SHE WAS COLD I SCREAMED AND I UNWRAPPED THE
18 CORD THAT I PUT ON HER NECK KYLA AND JESSICA WALKED
19 INTO THE ROOM AND KYLA STARTED SCREAMING JESSICA
20 SAID DADDY IS SHE DEAD AND I SAID YES, GO AND GET ON
21 THE COUCH AND PRAY AS HARD AS YOU CAN AND REMEMBER
22 ONE THING SHE IS WITH JESUS I RAN TO THE TELEPHONE
23 WHICH IS EXACTLY IN FRONT OF THE COMPUTER AND I
24 CALLED 911 I SAID MY DAUGHTER IS DEAD AND SHE IS
25 COLD AS A CUCUMBER REALITY HAD NOT SET IN THEY

1 ASKED ME FIRE OR POLICE OR MEDICAL AND I SAID MEDICAL
2 AND THE LADY SAID DESCRIBE YOUR DAUGHTER AND I SAID
3 SHE WAS 11 OR 12 AND THEN I CALLED MY WIFE'S WORK
4 802-1100 AND I GOT THE ANSWERING MACHINE THEN I
5 DIALED 802-1199 AND I DID NOT GET AN ANSWER I
6 CALLED MY SISTER-IN-LAW 802-8937 I ASKED HER DID
7 SHE KNOW ANOTHER NUMBER TO CALL, HER HUSBAND WORKS
8 THERE ALSO, SHE SAID NO, WHY, WHAT'S WRONG I SAID
9 AMANDA IS DEAD THEN I HUNG UP AND CALLED THE NUMBER
10 AGAIN FOR LEINER I TOLD THE MALE SUBJECT THAT
11 ANSWERED THE PHONE THAT HE NEEDED TO HAVE MIKE COPE
12 BRING MARY COPE HOME IMMEDIATELY AND THAT OUR
13 DAUGHTER HAS BEEN FOUND DEAD THE POLICE STARTED
14 COMING IN THE HOUSE, THE PHONE RANG, AND IT WAS MY
15 WIFE SHE WANTED TO KNOW WHAT WAS WRONG I TOLD HER
16 THAT I DID NOT WANT TO TELL HER ON THE PHONE BUT SHE
17 MADE ME TELL HER I TOLD HER THAT AMANDA WAS DEAD
18 AND I CALLED MY PASTOR AND SPOKE TO HIS WIFE AND I
19 TOLD HER AND SHE SAID THE PASTOR WOULD BE RIGHT OVER
20 THEN THE POLICE HAD ARRIVED AND SEALED EVERYTHING OFF
21 AND THE PASTOR COULD NOT GET IN MY DAD DID COME AND
22 GET MY GIRLS NOT UNTIL TODAY 12/30/01 HAVE I
23 REALIZED WHAT I HAVE DONE UP UNTIL AFTER TALKING
24 WITH YOU AND THE OTHER GUY I BLOCKED STUFF OUT I AM
25 TELLING THE TRUTH THIS TIME EVERYTHING I SAID

1 BEFORE NOW IS NOT TRUE WHEN I PUT MY FINGERS INSIDE
2 AMANDA I PULLED HER PANTIES, PANTS AND PANTIES DOWN
3 AND I USED MY TWO FINGERS I COULD HAVE JAMMED MY
4 HAND INSIDE HER I REMEMBER I HAD WATERED DOWN JELLY
5 ON MY FINGERS AROUND THE FIRST OF OCTOBER WAS WHEN
6 I FIRST STARTED MESSING WITH AMANDA AT NIGHT WHILE
7 SHE WAS ASLEEP AND I WOULD GO INTO HER BEDROOM AND
8 FINGER HER AND USE A DILDO ON HER I DID THIS MANY
9 TIMES SIGNED BILLY WAYNE COPE AND THE THIRD PAGE
10 READS PERSONALLY APPEARS BEFORE ME BILLY WAYNE COPE
11 WHO DEPOSES AND SAYS I MAKE THIS STATEMENT OF MY OWN
12 FREE WILL AND ACCORD WITHOUT REWARD OR HOPE OF
13 REWARD I HAVE NOT BEEN MISTREATED OR THREATENED IN
14 ANY WAY ALL OF THE ABOVE IS TRUE, THE WHOLE TRUTH,
15 AND NOTHING BUT THE TRUTH SO HELP ME GOD I HAVE
16 READ OR HAD READ TO ME THE ABOVE STATEMENT CONSISTING
17 OF TWO PAGES AND RECEIVED A COPY OF THE SAME SIGNED
18 BILLY WAYNE COPE AND IT'S WITNESSED

19 Q WHAT TIME WAS THAT SIGNED AND EXECUTED BY
20 MR COPE?

21 A 4 55 P M

22 Q ALL RIGHT AFTER THAT STATEMENT WAS SIGNED WAS
23 MR BARROWCLOUGH STILL PRESENT AT THE POLICE
24 DEPARTMENT?

25 A YES, SIR, HE WAS

1 Q WHAT DID YOU DO WITH REGARDS TO MR COPE AND MR
2 BARROWCLOUGH?

3 A I WENT TO THE LOBBY AND BROUGHT MR BARROWCLOUGH
4 BACK TO DETECTIVE BLACKWELDER'S OFFICE AND INTRODUCED
5 THE TWO TO EACH OTHER AND ALSO MR COPE IN THE
6 PRESENCE OF MR BARROWCLOUGH DID HE SIGN THIS
7 STATEMENT INDICATING THAT HE DIDN'T WISH TO TALK TO
8 HIM AND HE TOLD MR BARROWCLOUGH THAT HE DID, THAT HE
9 JUST WANTED TO GET IT OVER WITH

10 Q ALL RIGHT AFTER THAT EXCHANGE DID MR COPE
11 HAVE AN OPPORTUNITY TO MEET WITH HIS ATTORNEY MR
12 BARROWCLOUGH FOR A PERIOD OF TIME?

13 A YES, SIR, WE LEFT HIM IN THE OFFICE IN THE,
14 ALONE FOR FIVE MINUTES

15 Q OKAY

16 MR BRACKETT BEG THE COURT'S INDULGENCE
17 ONE MINUTE

18 Q CAPTAIN CABANISS, THROUGHOUT THIS ENTIRE DAY DID
19 ANYBODY THREATEN MR COPE?

20 A NO, SIR, THEY DID NOT

21 Q ANYBODY INTIMIDATE HIM?

22 A NOT WHATSOEVER

23 Q WAS HE WILLING AND VOLUNTARILY FORTHCOMING IN
24 MAKING THESE STATEMENTS?

25 A YES, SIR, HE WAS

1 Q IS IT UNUSUAL IN YOUR EXPERIENCE FOR A DEFENDANT
2 TO GIVE A VARIETY OF STORIES?

3 A NO, SIR, NOT UNUSUAL AT ALL IT'S MORE THAN THE
4 NORM MOST OF THE TIME DEFENDANTS START BY DENYING
5 AND SHIFTING BLAME TO SOMEONE ELSE AND THEN FINALLY
6 COMING AROUND WITH A LITTLE MORE OF THE TRUTH EACH
7 TIME

8 Q DO YOU BELIEVE WE STILL HAVE THE WHOLE TRUTH IN
9 THIS CASE?

10 A NOT FROM MR COPE, NO, SIR

11 Q OKAY THANK YOU VERY MUCH PLEASE ANSWER ANY
12 QUESTIONS MR MORTON MAY HAVE FOR YOU

13 A YES, SIR

14 CROSS EXAMINATION BY MR MORTON

15 Q WHY DON'T YOU BELIEVE THAT, CAPTAIN CABANISS?

16 A FROM THROUGH THE INVESTIGATION AND PHYSICAL
17 EVIDENCE THAT'S RECOVERED FROM THE SCENE

18 Q OKAY WHY SPECIFICALLY DON'T YOU BELIEVE THAT?

19 A I DON'T BELIEVE MR COPE ACTED ALONE I DON'T
20 BELIEVE HE TOLD US THE TRUTH I DO NOT BELIEVE HE
21 WAS ALONE DURING THIS ASSAULT

22 Q OKAY SO YOU BELIEVED HE ACTED WITH
23 MR SANDERS?

24 A THAT'S CORRECT

25 Q OKAY DID YOU BELIEVE THAT WHEN YOU ARRESTED

1 MR SANDERS FOR CONSPIRACY AND MR COPE FOR
2 CONSPIRACY ON NOVEMBER 17, 2003?

3 A YES, SIR

4 Q AND ON WHAT DID YOU BASE THAT CHARGE FOR
5 CONSPIRACY ON THAT DAY?

6 A THE TOTALITY OF THE CIRCUMSTANCES, THE
7 INTERVIEWS, THE STATEMENTS FROM MR COPE, THE
8 RE-ENACTMENT ON THE VIDEO, THE PHYSICAL EVIDENCE
9 RECOVERED AT THE SCENE LINKING MR SANDERS

10 Q SO BASICALLY BECAUSE BILLY COPE HAD GIVEN YOU
11 THESE DIFFERENT, IN YOUR WORDS, DIFFERENT STATEMENTS
12 AND THE FACT THAT MR SANDERS' SEMEN WAS FOUND ON HIS
13 DAUGHTER'S LEG IS THE BASIS FOR THOSE CHARGES?

14 A ALONG WITH OTHER THINGS

15 MR GREELEY OBJECTION, YOUR HONOR, A
16 MISSTATEMENT OF TACT I BELIEVE THE EVIDENCE IS
17 GOING TO TRY TO SHOW PANTS NOT LEG

18 THE COURT I SUSTAIN THE OBJECTION

19 Q ON HER PANTS AND ON HER BREAST?

20 A THAT ALONG WITH OTHER THINGS, YES, SIR

21 Q WELL, TELL ME WHAT ON NOVEMBER 17 OF 2003 YOU
22 HAD TO SHOW THAT MR COPE AND MR SANDERS HAD
23 CONSPIRED TO DO THIS?

24 A THE PHYSICAL EVIDENCE, MR COPE ADMITTING HE WAS
25 THERE, THE OBVIOUS THAT MR COPE WAS IN THE HOUSE,

1 THE OBVIOUS THAT THERE WAS NO FORCED ENTRY TO THE
2 HOUSE, THAT MR COPE WAS IN CHARGE OF THE DOMAIN,
3 THAT MR SANDERS SALIVA WAS FOUND ON AMANDA'S BREAST,
4 THAT MR SANDERS' SEMEN WAS FOUND ON AMANDA'S PANTS,
5 THE KNOWLEDGE THAT MR COPE TOLD US ABOUT THE HEINOUS
6 ASSAULT, SEXUAL ABUSE, AND MUTILATION OF AMANDA, LED
7 US TO BELIEVE THAT THEY ACTED IN CONJUNCTION AND IN
8 ACCORD

9 Q WHAT ABOUT THAT LEADS YOU TO BELIEVE THAT THEY
10 ACTED IN CONJUNCTION?

11 A THE OBVIOUS THAT MR SANDERS COULD NOT HAVE DONE
12 THAT ALONE WITHOUT MR COPE'S KNOWLEDGE AND THE FACT
13 THAT MR COPE HAD SUCH KNOWLEDGE AND ACTUALLY
14 ADMITTED HE PARTICIPATED IN IT

15 Q AND THAT'S IT?

16 A YES, SIR

17 Q SEEMS LIKE THE LARGE PART OF Y'ALL'S THEORY WAS
18 QUOTE NO FORCED ENTRY THAT COULD BE FOUND, DO YOU
19 AGREE WITH THAT?

20 A I AGREE THAT WAS PART OF IT THE PART THAT
21 WHERE MR COPE WAS OBVIOUSLY LYING AND STAGED THE
22 CRIME SCENE AND TRIED TO MISLEAD THE INVESTIGATION
23 I MEAN, I THINK IT'S ALL A PART OF IT, YES, SIR

24 Q SO AGAIN LARGE PART OF WHY Y'ALL BELIEVE THIS
25 CONSPIRACY THEORY IS THAT YOU COULDN'T FIND ANY SIGNS

1 OF WHAT YOU SAY IS FORCED ENTRY?

2 A I SAY THAT IS A PART OF IT I WOULDN'T SAY IT'S
3 A LARGE PART THERE ARE ALSO OTHER FACTORS SUCH AS
4 WHEN AMANDA WAS BEING BEATEN AND ASSAULTED THERE,
5 IT'S OBVIOUS OTHERS IN THE HOUSE WOULD HAVE HAD TO
6 HAVE KNOWLEDGE OF IT

7 Q JESSICA AND KYLA, FOR INSTANCE?

8 A YES, SIR, JESSICA AND KYLA IN MY OPINION HEARD
9 THIS WHOLE THING

10 Q THEY STATED THAT TO YOU?

11 A THEY HAVE NOT STATED THAT TO ME BUT IN MY
12 OPINION THEY HEARD THIS AND THERE IS NO WAY THIS
13 COULD HAVE OCCURRED IN THE HOUSE WITHOUT THEM KNOWING
14 ABOUT IT IN MY OPINION THEY ARE STILL SCARED OF
15 MR COPE

16 Q SO IF THEY HAVE STATED THAT THEY DID NOT HEAR
17 ANYTHING, THEY ARE EITHER LYING OR THEY ARE IN YOUR
18 OPINION AFRAID TO SAY?

19 A THAT'S CORRECT

20 Q AND THEY'VE BEEN IN DSS CUSTODY FOR ALMOST THREE
21 YEARS NOW, RIGHT?

22 A THAT'S CORRECT

23 Q AND THEY HAVE BEEN TOLD THAT THEIR DADDY RAPED
24 AND MURDERED THEIR SISTER, HAVE THEY NOT?

25 A I HAVE NOT INTERVIEWED THE GIRLS PERSONALLY

1 MYSELF

2 Q ARE YOU AWARE THAT THEY HAVE BEEN TOLD THAT
3 THEIR DADDY RAPED AND MURDERED THEIR SISTER?

4 A I'M NOT PERSONALLY AWARE OF THAT, NO, SIR I
5 SENT WORD TO MAKE SURE THEY KNEW THAT WE WOULD TAKE
6 ALL STEPS WE COULD TO MAKE SURE DADDY COULD NOT HURT
7 THEM

8 Q WELL, I UNDERSTAND NOW YOU INDICATED THAT
9 THERE ARE PARTS OF MR COPE'S STATEMENT THAT YOU
10 BELIEVE AND PARTS THAT YOU DON'T BELIEVE AND PARTS
11 THAT YOU STILL DON'T BELIEVE?

12 A THAT'S CORRECT

13 Q RIGHT?

14 A YES, SIR IF YOU'LL NOTICE ON THE VIDEO TAPE HE
15 ACTUALLY CHANGED STATEMENTS, CHANGED DIFFERENT THINGS
16 A LITTLE BIT EACH TIME

17 Q RIGHT ONE SIGNIFICANT DIFFERENCE THAT IS
18 APPARENT FROM WHAT HE HAD PREVIOUSLY TOLD -- WELL,
19 FIRST OF ALL, HE TOLD DETECTIVE WALDROP AND DETECTIVE
20 HERRING NUMEROUS TIMES ON THE TAPE RECORDING, THAT
21 HAS BEEN PUBLISHED TO THIS JURY, THAT HE WAS ASLEEP,
22 THE CHILDREN WERE ASLEEP, AND HE DID NOT KNOW HOW
23 THIS HAPPENED, THAT HE WENT IN, FOUND THE GREEN STRIP
24 UNDERNEATH HER BODY, CORRECT? THAT'S ONE STATEMENT
25 HE TOLD?

1 A IT'S MY UNDERSTANDING THAT HE SAID HE FOUND IT
2 WRAPPED AROUND HER NECK AND THAT SHE APPARENTLY
3 STRANGLED HERSELF HE ORIGINALLY DENIED IT I WILL
4 NOT DISPUTE THAT HE DENIED IT THAT DAY, THAT'S
5 CORRECT

6 Q THEN AFTER BEING GIVEN A POLYGRAPH AND AFTER
7 BEING INTERVIEWED BY DETECTIVE BAKER WHICH WAS NOT IN
8 WAY TAPF RECORDED, STATEMENT IS THAT HE VIOLATED HER
9 WITH A BROOM AND CHOKED HER, CORRECT?

10 A THAT'S CORRECT

11 Q THAT HE CHOKED HER FROM BEHIND WITH TWO HANDS?

12 A I'M NOT COMPLETELY SURE ON THE SPECIFICS

13 Q THAT HE RAPED HER WITH THESE BROOMS OR WITH A
14 WOODEN BROOM, CORRECT?

15 A THAT'S MY UNDERSTANDING, YES, SIR

16 Q OKAY

17 A THAT'S WHAT HE TOLD US THAT'S WHAT HE TOLD ME

18 Q NOW ON THIS VIDEO HE TOLD YOU THAT HE HAD RAPED
19 HER WITH A BROOM?

20 A YES, SIR

21 Q COULDN'T FIND A WOODEN BROOM IN THAT HOUSE AT
22 ALL, COULD YOU?

23 A I DON'T THINK SO, NO, SIR

24 Q OKAY THEN THE STORY THAT HE TELLS YOU IS THAT
25 IT WAS A DILDO, RIGHT?

1 A AS ON THE TAPE AS HE STATED, HE STATED HE PUT
THE DILDO IN HER RECTUM AND THEN HE, WHEN HE ROLLED
HER OVER HE NOTICED THE BROOM WAS IN HER VAGINA

2 Q OKAY WHEN YOU GOT BACK, YOU DIDN'T BELIEVE A
LOT OF THAT AND WE'LL GO OVER THAT IN A LITTLE MORE
3 DFTAIL, BUT YOU DIDN'T BELIEVE, JUST DIDN'T BELIEVE
ALL OF THAT? WOULD YOU AGREE WITH ME, YOU'VE STATED
4 SO PREVIOUSLY, CORRECT?

5 A THE PART I REALLY BELIEVE IS, THAT PART, THAT'S
ONE OF THE PARTS THAT I PROBABLY BELIEVED HIM IN
DOING IS WHEN HE STATED HE WAS PUTTING THE DILDO IN
HER RECTUM AND TURNED HER OVER AND FOUND THE BROOM IN
HER VAGINA

6 Q SO YOU DID BELIEVE THE PART OF THE BROOM IS YOUR
TESTIMONY HERE TODAY?

7 A CERTAIN PARTS OF IT, YES, SIR

8 Q WELL, WHICH PARTS OF IT?

9 A WELL --

10 Q WHAT I'M HAVING TROUBLE IS WITH IS, WHY DO YOU
BELIEVE ONE THING AND NOT THE OTHER? WHY DO YOU
BELIEVE THIS AND NOT THAT? IS THERE ANY BASIS IN
FACT FOR YOU DECIDING TO BELIEVE THIS AND NOT THAT

11 A YES, SIR, THROUGH MY EXPERIENCE AND THROUGH THE
12 INVESTIGATION, THROUGH HIS BODY LANGUAGE, THROUGH HIS
13 DEMEANOR, THROUGH SOMETIMES HE'D BE NERVOUS,
14
15
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25

1 SOMETIMES -- WHEN HE JUMPED UP ON THE BED AND WHEN HE
2 STARTED SHAKING HER, SHAKEN VIOLENTLY, NO ONE HAD
3 EVEN, I HADN'T EVEN THOUGHT OF THAT I BELIEVED THAT
4 PART THE PART WHEN HE SHOWS HOW, HOW VIGOROUSLY
5 HE'S RAMMING SOMETHING INTO HER QUOTE PRIVATES AS HE
6 CALLS IT AND THE AUTOPSY RESULTS SHOWING HOW BAD SHE
7 WAS SEXUALLY MUTILATED TENDS ME TO BELIEVE THAT HE
8 WAS DOING IT OR HE WAS WATCHING IT

9 Q SO YOU BELIEVE --

10 A WHEN HE SAID HE FELL BACK AND COME TO HIS
11 SENSES, I BELIEVE HE OR SOMEONE FELL BACK, THERE ARE
12 CERTAIN THINGS ABOUT THAT, YES, SIR, I BELIEVE ARE
13 VERY MUCH BASED IN FACT AND I HAVE MY REASONS AND MY
14 BELIEFS WHY THERE ARE LITTLE THINGS THAT I THINK HE
15 LEFT OUT

16 Q YOU BELIEVED THE PART ABOUT THE DILDO THAT HE
17 TOLD YOU ABOUT THAT AFTERNOON?

18 A (NO RESPONSE)

19 Q ABOUT HIM USING A DILDO ON HER?

20 A PREVIOUS OR THAT NIGHT

21 Q NO, THAT NIGHT?

22 A YOU KNOW, I HAVE NO REASON TO BELIEVE HE COULD
23 HAVE STARTED OFF WITH THE DILDO AND MOVED UP TO THE
24 BROOM I DON'T KNOW

25 Q NOW I DON'T BELIEVE THAT ANYTHING IN THIS

1 STATEMENT IN THE AFTERNOON SAYS ANYTHING ABOUT A
2 BROOM?

3 A I'M SURE, I MEAN, EVERYTHING THAT HE SAID IN
4 THOSE SEVERAL HOURS COULDN'T BE PUT ON THOSE TWO
5 PAGES DETECTIVE BLACKWELDER DID HER BEST TO ---

6 Q IT COULD NOT BE?

7 A NO, SIR, IT'S NOT

8 Q IT'S NOT BE ISN'T THAT IMPORTANT?

9 A WELL, IT'S NOT FEASIBLE IT'S NOT PRACTICAL
10 EVERYTHING THAT HE SAID IN THE TWO OR THREE HOURS WE
11 WERE TALKING

12 Q WHAT I DON'T UNDERSTAND, CAPTAIN CABANISS, IS
13 WHY WASN'T IT EASIER TO JUST PLUG IN A TAPE RECORDER
14 LIKE LIEUTENANT WALDROP AND LIEUTENANT HERRING DID SO
15 WE WOULD KNOW -- I DON'T UNDERSTAND THAT CAN YOU
16 EXPLAIN THAT TO ME?

17 A IN MY 30 YEARS I HAVE NEVER TO MY KNOWLEDGE
18 TAPED AN INVESTIGATION THAT I CAN REMEMBER THAT'S
19 JUST SOMETHING I DON'T DO JUST LIKE DETECTIVE BAKER
20 SAID HE DIDN'T DO, OR YOU SAID HE DIDN'T DO I NEVER
21 TAPED THOSE IT'S NOT REAL FEASIBLE

22 Q I UNDERSTAND THAT YOU SAID THAT YOU DON'T DO
23 THAT?

24 A CORRECT

25 Q BUT THAT WASN'T MY QUESTION MY QUESTION WAS

1 WHY NOT?

2 A AND MY QUESTION -- MY ANSWER, I'M SORRY, SIR,
3 IT'S NOT FEASIBLE

4 Q WHY IS IT NOT FEASIBLE?

5 A IT'S JUST TO GET THE RECORDINGS TO EVERY TIME
6 YOU RECORD SOMETHING YOU GOT TO HAVE IT TRANSCRIBED
7 AND IT'S JUST CREATES A LOT OF ISSUES THERE THAT
8 HADN'T BEEN ABLE TO ADDRESS

9 Q BUT ISN'T THAT IMPORTANT IN A MURDER
10 INVESTIGATION?

11 A IT'S NOT SOMETHING THAT'S IMPORTANT ENOUGH THAT
12 WE DO IT ON EVERY CASE EVERY TIME

13 Q WELL, THIS MAN'S LIFE IS HANGING IN THE BALANCE

14 A AMANDA'S WAS TOO

15 Q I UNDERSTAND THAT I UNDERSTAND THAT AMANDA
16 WANTS TO KNOW THE TRUTH TOO, I BELIEVE, DON'T YOU?

17 A I BELIEVE AMANDA KNOWS THE TRUTH

18 Q I BELIEVE SHE DOES TOO BUT UNFORTUNATELY THERE
19 IS NOTHING THAT WE CAN DO RIGHT NOW TO BRING AMANDA
20 BACK RIGHT NOW, IS IT?

21 A THAT'S CORRECT

22 Q BUT WHAT WE'RE HERE TODAY ABOUT IS THIS MAN'S
23 LIFE, CORRECT?

24 A BRINGING JUSTICE TO AMANDA'S KILLER

25 Q RIGHT AND DECIDING WHO THAT IS THAT'S WHAT

1 YOUR JOB IS, RIGHT?

2 A THAT'S CORRECT

3 Q AND YOU DON'T BELIEVE IT'S IMPORTANT TO TAPE
4 RECORD STATEMENTS FROM SOMEONE WHO IS ON TRIAL FOR
5 THEIR LIFE?

6 A NO, SIR

7 Q YOU DO NOT?

8 A NO, SIR

9 Q OKAY

10 A NOT IN ALL CIRCUMSTANCES

11 Q OKAY WELL, IN THIS CIRCUMSTANCE YOU DIDN'T
12 THINK IT WAS IMPORTANT?

13 A NO, SIR

14 Q OKAY YOU ARE INDICATING NOW TO ME THAT THIS
15 STATEMENT ON DECEMBER THIRD DOES NOT CONTAIN
16 EVERYTHING THAT YOU AND MR COPE AND DETECTIVE
17 BLACKWELDER TALKED ABOUT THAT NIGHT, IS THAT CORRECT?

18 A IT DOES NOT CONTAIN EVERY LITTLE MINUTE THING WE
19 TALKED ABOUT, THAT'S CORRECT

20 Q LITTLE MINUTE THINGS LIKE THE BROOM BEING USED,
21 THAT'S A MINUTE THING?

22 A I'M NOT SURE IF DETECTIVE BLACKWELDER WHEN SHE
23 TYPED IT UP IF HER NOTES REFLECT IT, I'M NOT SURE WE
24 ACTUALLY TALKED ABOUT THE BROOM IN THE AFTERNOON ONCE
25 WE GOT BACK TO THE OFFICE

1 Q WELL, YOU'RE AWARE, I DON'T KNOW IF YOU ARE
2 AWARE OF WHAT WE'VE BEEN IN HERE TALKING ABOUT FOR
3 THE PAST TWO OR THREE DAYS, BUT YOU'RE AWARE THE THAT
4 THE BROOMS PLAY A SIGNIFICANT PART OF WHAT YOU SAY HE
5 SAYS HE DID

6 A THAT'S WHY AT THE SCENE I ACTUALLY TRIED TO GET
7 HIM TO IDENTIFY OR FIND A BROOM THAT HE INDICATED HE
8 USED

9 Q THIS STATEMENT ON DECEMBER THIRD DOESN'T SAY A
10 WORD ABOUT THE BROOMS, WOULD YOU AGREE WITH ON THAT?

11 A I AGREE IF YOU SAY THAT'S WHAT'S WRITTEN DOWN
12 THERE I WILL SAY THAT I'M NOT SURE IN THE AFTERNOON
13 WHEN WE GOT BACK TO THE LAW CENTER IF THE BROOM WAS
14 ACTUALLY MENTIONED AGAIN WE WENT OVER IT PRETTY
15 GOOD AT THE HOUSE IF YOU WILL NOTICE

16 Q DON'T YOU THINK THAT'S IMPORTANT, CAPTAIN
17 CABANISS?

18 A TO WRITE IT DOWN AND SAY IT AGAIN AND AGAIN
19 YOU KNOW, I'M SORRY MONDAY MORNING QUARTER BACKING
20 IS PRETTY EASY I CAN SIT DOWN AND THINK OF A LOT OF
21 THINGS THAT I THOUGHT MAYBE SHOULD HAVE BEEN DONE
22 THAT WASN'T DONE EXACTLY LIKE I WOULD LIKE TO DO THEM
23 AGAIN, BUT WHEN YOU DOING THEM YOU DO THE BEST YOU
24 CAN DO, MR MORTON

25 Q I UNDERSTAND AND WE WOULDN'T HAVE TO BE MONDAY

1 MORNING QUARTER BACKING IF Y'ALL HAD JUST TAPE
RECORDED HIS CONVERSATION, WOULD WE?

A NOT, THAT'S NOT MY OPINION

4 Q THAT'S NOT YOUR OPINION?

A NO, SIR

Q YOU RECEIVED A VISIT THAT AFTERNOON FROM PUBLIC
DEFENDER HERE MR B J BARROWCLOUGH?

A THAT'S CORRECT

Q AND HE HAD BEEN APPOINTED TO REPRESENT MR COPE?

A THAT'S WHAT I SUBSEQUENTLY FOUND OUT LATER IN
THE AFTERNOON

Q OKAY THAT DAY WHILE YOU WERE TALKING TO
MR COPE IN YOUR OFFICE IN GETTING THIS STATEMENT
1 THAT IS NOT COMPLETE, YOU RECEIVED A KNOCK ON THE
DOOR TO THE DETECTIVE DIVISION?

A THE DETECTIVE DIVISION IS SEPARATED BY A HALLWAY
FROM DETECTIVE BLACKWELDER'S OFFICE I ASSUME THAT
MR BARROWCLOUGH KNOCKED ON THE DETECTIVE DIVISION
DOOR IF HE KNOCKED ON THE DOOR I RECEIVED A PAGE
FROM THE SECRETARY IN THE DETECTIVE DIVISION THAT MR
BARROWCLOUGH WAS IN THE LOBBY WISHING TO SEE

2 Q THERE WAS A KNOCK ON THE DOOR, IT WAS THIS MAN'S
3 ATTORNEY, THIS MAN'S ATTORNEY EXPRESSED TO THE
4 SECRETARY THAT HE WISHED TO SEE HIS CLIENT AT THAT
5 POINT, CORRECT?

1 A PROBABLY EXPRESSED IT TO ANOTHER DETECTIVE IN
2 THE OFFICE AREA, YES, SIR

3 Q THAT INFORMATION WAS RELAYED TO YOU?

4 A THAT'S CORRECT

5 Q AND AT THAT POINT YOU CALLED THE SOLICITOR?

6 A NO, SIR AT THAT POINT I ASKED MR COPE WAS HE
7 REPRESENTED BY AN ATTORNEY AND HE SAID NO I ASKED
8 MR COPE DID HE KNOW AN ATTORNEY B J BARROWCLOUGH
9 AND HE SAID NO I ASKED HIM WHY MR BARROWCLOUGH
10 WOULD BE IN THE LOBBY INDICATING HE WAS HIS ATTORNEY
11 HE SAID HE DIDN'T KNOW I ASKED MR COPE DID HE WANT
12 TO TALK TO TALK TO MR BARROWCLOUGH HE SAID NO
13 MR BRACKETT PAGED ME AND THEN I RETURNED
14 MR BRACKETT'S CALL

15 Q DO YOU KNOW, AND WHAT DID Y'ALL TALK ABOUT?

16 A MR BARROWCLOUGH BEING IN THE LOBBY

17 Q SPECIFICALLY?

18 A THAT MR BRACKETT HAD FOUND OUT THAT
19 MR BARROWCLOUGH HAD BEEN APPOINTED TO MR COPE
20 SOMETIME OVER THE WEEKEND AND HE INFORMED ME OF THAT

21 Q DID YOU SAY MR COPE, YOU GOT AN ATTORNEY IN
22 THE LOBBY? I THINK WHAT YOUR TESTIMONY IS THAT
23 YOU'VE, THAT YOU ASKED MR BARROWCLOUGH TO COME BACK
24 AND TALK TO HIM?

25 A NO, SIR

1 Q MR BARROWCLOUGH HAD KNOCKED ON THE DOOR AND
2 INDICATED THAT HE WOULD LIKE TO SPEAK TO HIS
3 ATTORNEY, FAIR TO SAY?

4 A HIS CLIENT

5 Q I MEAN, MR BARROWCLOUGH, THE PUBLIC DEFENDER,
6 THIS MAN'S ATTORNEY, KNOCKED ON THE DOOR AND
7 INDICATED THAT HE WANTED TO SPEAK WITH HIS CLIENT,
8 CORRECT?

9 A CORRECT

10 Q OKAY AND DID YOU ALLOW MR BARROWCLOUGH TO
11 COME BACK AND VISIT WITH HIS CLIENT?

12 A NOT UNTIL AFTER THE INTERVIEW WAS OVER

13 Q OKAY AND IN THE MEANTIME YOU DISCUSSED THIS
14 MATTER OF MR BARROWCLOUGH WANTING TO SPEAK WITH HIS
15 CLIENT ON AT LEAST TWO OCCASIONS WITH THE SOLICITOR'S
16 OFFICE?

17 A THAT'S CORRECT AT LEAST TWO OCCASIONS WITH
18 MR COPE

19 Q OKAY WELL, IF YOU HAD TALKED ABOUT IT WITH
20 MR COPE, WHY WERE YOU TALKING ABOUT IT TO THE
21 SOLICITOR, WERE YOU CONCERNED?

22 A THE SOLICITOR'S OFFICE PAGED ME AND I RETURNED
23 THEIR CALL

24 Q THEN YOU CALLED THEM LATER?

25 A TWICE

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1 Q OKAY

2 A TOTAL

3 Q WHY WERE, AGAIN, WHY WERE Y'ALL DISCUSSING IT?

4 WHY WAS THIS SUCH A CONCERN?

5 A THE FIRST TIME WAS, MR BRACKETT WAS JUST

6 WANTING TO MAKE SURE THAT I KNEW THAT MR

7 BARROWCLOUGH WAS IN THE LOBBY AND THE SECOND TIME

8 WAS TO INFORM ME THAT HE HAD FOUND OUT THAT IN FACT

9 MR BARROWCLOUGH HAD BEEN APPOINTED OVER THE WEEKEND

10 Q AND IN ANY EVENT MR BARROWCLOUGH STAYED THERE

11 FOR QUITE SOMETIME, DID HE NOT?

12 A I'M NOT SURE HOW LONG HE STAYED THERE NO MORE

13 THAN TWO HOURS TOTAL AND I DON'T KNOW IF HE STAYED

14 THE WHOLE TIME

15 Q STAYED THERE AT LEAST TWO HOURS?

16 A I'M NOT SURE IF HE STAYED OR NOT HE WAS OUT

17 THERE ABOUT 3 O'CLOCK THEN HE WAS OUT AT 4 55 WHEN I

18 LET HIM IN

19 Q IN FACT, HE WAS OUT THERE ABOUT TWO O'CLOCK?

20 A I'M NOT SURE

21 Q OKAY

22 A THAT MAY BE CORRECT I'M JUST NOT SURE

23 Q OKAY SO IT MAYBE CORRECT THAT MR BARROWCLOUGH

24 WAS OUT THERE TO SEE HIS CLIENT AT TWO O'CLOCK AND

25 WAS NOT ALLOWED TO SEE HIM UNTIL AFTER THIS STATEMENT

1 WAS COMPLETED?

2 A THAT'S CORRECT BUT IT'S ALSO TRUE MR COPE
3 KNEW THAT MR BARROWCLOUGH WAS OUT THERE AND MR COPE
4 DECLINED TO TALK WITH MR BARROWCLOUGH.

5 Q YOU WROTE UP A LITTLE FORM, DID YOU NOT, HAND
6 WROTE IT?

7 A YES, SIR, I DID

8 Q AND YOU WROTE IT?

9 A YES, SIR

10 Q I BILLY COPE DO NOT WISH TO TALK TO MY LAWYER B
11 J BARROWCLOUGH AT THIS SIGNED BILLY COPE 3 10 P M

12 A YES, SIR

13 Q WITNESSED BY DETECTIVE BLACKWELDER?

14 A THAT'S CORRECT

15 Q YOU WROTE THAT, HE SIGNED IT?

16 A YES, SIR

17 Q AND YOU WROTE IT IN A FIT OF FRUSTRATION, WOULD
18 THAT BE FAIR?

19 A NO, SIR

20 Q YOU DIDN'T SLAM IT ON THE TABLE?

21 A NO, SIR

22 Q AND SAY YOUR ATTORNEY IS OUT THERE, DO YOU WANT
23 TO SPEAK WITH THEM? DID YOU MENTION ANYTHING TO HIM
24 ABOUT THE DEATH PENALTY?

25 A ABSOLUTELY NOT THERE IS NOT A TABLE IN THAT

1 OFFICE

2 Q NOT A TABLE IN THE OFFICE?

3 A NOT IN THAT OFFICE, NO, SIR I NEVER WAS IN
4 FIT I NEVER WAS FRUSTRATED

5 Q YOU NEVER WERE UPSET, NEVER WERE FRUSTRATED?

6 A NO, SIR

7 Q JUST A NICE MONDAY AFTERNOON WHILE MR
8 BARROWCLOUGH WAITED OUTSIDE TRYING TO TALK TO HIS
9 CLIENT, IS THAT CORRECT?

10 A I DON'T KNOW HOW NICE THE MONDAY AFTERNOON WAS
11 MR BARROWCLOUGH WAS IN THE LOBBY

12 Q THIS STATEMENT ON DECEMBER THIRD AT 9 45 AM WHEN
13 MR COPE CAME OVER TO TALK TO YOU, THE FIRST THING HE
14 SAID WAS WHAT I TOLD DETECTIVE BAKER AND LIEUTENANT
15 HERRING ON NOVEMBER 30 DID NOT HAPPEN?

16 A NO, SIR THE FIRST THING HE TOLD US WAS HIS
17 RIGHTS, I ASKED HIM DID HE UNDERSTAND HIS RIGHTS, AND
18 HE SAID HE DID THEN THE SECOND THING I ASKED HIM --

19 Q I'M SORRY GO AHEAD?

20 A THEN THE SECOND THING I ASKED HIM DID HE SEND
21 WORD THAT HE WANTED TO TALK TO US WHICH HE INDICATED
22 THAT HE DID

23 Q WAS ONE OF THE RIGHTS THAT YOU READ HIM THAT HE
24 HAD A RIGHT TO AN ATTORNEY?

25 A YES, SIR

1 Q THAT HE COULD STOP QUESTIONING AT ANY TIME AND
2 TALK TO HIS ATTORNEY IF HE WISHED TO?

3 A ANY TIME HE WANTED TO STOP TALKING, ANY TIME HE
4 WANTED TO TALK TO HIS ATTORNEY

5 Q THOSE ARE THE RIGHTS THAT YOU READ HIM?

6 A YES, SIR

7 Q OKAY AND WHEN HE CAME OVER THERE THAT MORNING
8 HE SAID CAPTAIN CABANISS WHAT I TOLD THEM IS NOT
9 TRUE IT DIDN'T HAPPEN THE WAY I TOLD THEM ISN'T
10 THAT WHAT HE TOLD YOU?

11 A YES, SIR

12 Q AND HE TOLD YOU THAT WHAT HE KNEW ABOUT THE
13 SITUATION WAS WHAT HE HAD TOLD DETECTIVE WALDROP AND
14 DETECTIVE HERRING ON THE NIGHT OF THE 29, THAT'S WHAT
15 HE FIRST TOLD YOU WHEN HE CAME OVER THERE ON DECEMBER
16 THIRD, WASN'T IT?

17 A NO, SIR

18 Q OKAY SO YOU DENY THAT WHEN HE CAME OVER THERE
19 THAT MORNING HE SAID I WANT TO GET THIS STRAIGHT?

20 A NO, SIR HE SAID HE WANTED TO TELL US THE TRUTH
21 THEN HE WENT INTO THE STORY ABOUT THE PREVIOUS
22 GIRLFRIEND

23 Q SO YOU DENY THAT HE SAID THAT?

24 A DENY THAT HE SAID

25 Q DENY THAT WHEN HE CAME OVER THERE HE TOLD YOU

1 WHAT I TOLD BAKER AND WHAT I TOLD HERRING DID NOT
2 HAPPEN?

3 A NO, HE TOLD US THAT WHAT HE TOLD THEM FRIDAY WAS
4 NOT THE TRUTH, THAT HE WANTED TO TELL US THE TRUTH,
5 YES, SIR, HE DID THAT

6 Q OKAY AND THEN HE WROTE THIS STATEMENT UP AT
7 9 45?

8 A HE TOLD US AND THEN I TOLD HIM TO WRITE IT

9 Q OKAY AND HE WROTE THAT DOWN?

10 A YES, SIR

11 Q AND THEN YOU SAID AND YOU DON'T BELIEVE THIS
12 STATEMENT?

13 A NOT IN ITS ENTIRETY, NO, SIR

14 Q OKAY I WAS ASLEEP IN MY BED I HAD A BAD
15 DREAM ABOUT AN OLD GIRLFRIEND WHO HAD AN ABORTION
16 THE THOUGHT OF HER MAKES ME CRINGE IN MY DREAM SHE
17 WAS TELLING ME THAT SHE HAD AN ABORTION WITH YOUR
18 CHILD AND I TOLD HER NO I BECAME, I TOLD HER NO I
19 BECAME SO ENRAGED THAT I GOT OUT OF BED AND ALL I
20 COULD HEAR WAS THAT LAUGHING SOUND DO YOU BELIEVE
21 THAT?

22 A NO, SIR

23 Q I DO NOT KNOW WHAT CAME OVER ME BUT I SNAPPED
24 AND I JUMPED ON THE BED AND STRADDLED HER AND I HIT
25 HER IN THE HEAD AND STARTED CHOKING HER DO YOU

1 BELIEVE THAT?

2 A YES, SIR

3 Q I DID NOT KNOW IT WAS MY OWN DAUGHTER UNTIL I
4 HAD SHOVED THE BROOM STICK IN HER PRIVATES I FELL
5 BACK DRAWING TO MY SENSES AND I REALIZED IT WAS MY
6 DAUGHTER, DO YOU BELIEVE THAT?

7 A NO, SIR FROM THE STATEMENTS THAT HE HAD TOLD
8 US ABOUT THAT HE HAD BEEN DOING THIS MONTHS BEFORE, I
9 DID NOT BELIEVE ANY OF THAT, NO, SIR

10 Q I BECAME SO CONFUSED THAT I TRIED RID THE HOUSE
11 OF ALL THE STUFF IN THE HOUSE THAT WOULD MAKE ME LOOK
12 GUILTY, DO YOU BELIEVE THAT?

13 A YES, SIR, PARTS OF IT

14 Q DID YOU FIND, HE TOLD YOU HE THREW THE DILDO
15 LATER IN THE VIDEO TAPED, SAYS HE USED THE DILDO ON
16 HER I BELIEVE, NOT IN THE VIDEO BUT LATER WHEN YOU
17 CAME BACK, HE SAID HE HAD USED THE DILDO ON HER, DO
18 YOU REMEMBER THAT?

19 A I BELIEVE HE TOLD US HE USED THE DILDO ON THE
20 VIDEO AND TOLD US HE DIDN'T USE THE JELLY

21 Q WE'LL GO BACK OVER THAT HE TOLD YOU HE THREW
22 THE DILDO OUT IN THE YARD?

23 A I REMEMBER HIM SAYING HE THREW SOMETHING IN THE
24 YARD

25 Q OKAY HE GRABBED THE BROOM AND PULLED IT FROM

1 HER VAGINA AND PULLED HER PANTIES BACK UP AND FELL
2 BACKWARDS YOU BELIEVE THAT?

3 A YES, SIR, THE PANTIES ON THE BODY WERE FROM
4 TALKING WITH THE INVESTIGATORS WAS OBVIOUSLY HAD BEEN
5 PULLED BACK UP BY SOMEBODY ELSE AND THE PART WHERE HE
6 WAS RE-ENACTING WHERE HE FELL BACK, I BELIEVE THAT
7 PART

8 Q OKAY AND AGAIN, CAPTAIN CABANISS, WHY DO YOU
9 BELIEVE THAT? I MEAN, WHAT EVIDENCE, WHAT BASIS IN
10 FACT DO YOU HAVE TO, FOR INSTANCE, TO BELIEVE THAT HE
11 WAS, HE WAS USING THIS AND THEN HE FELL BACK?

12 A BECAUSE I BELIEVE THE PERSON THAT WASN'T THERE
13 WOULDN'T KNOW THAT I BELIEVE THE AUTOPSY RESULTS
14 TALK ABOUT HOW BAD SHE WAS ASSAULTED AND HOW BAD SHE
15 WAS BRUTALIZED, AND HOW THIS JUST WASN'T A SEXUAL
16 ASSAULT, HOW IT WAS A BRUTALIZATION, AND THE FACT
17 DURING THE RE-ENACTMENT, YOU SAW IT, WE DIDN'T PUSH
18 HIM, WE DIDN'T ASK HIM HOW HARD, WE DID ASK HIM IF
19 IT'S DONE, HOW HE JUMPS UP AND STARTS REALLY RAMMING
20 YOU SEE HE PUTS HIS HEART AND SOUL INTO IT HE'S
21 SERIOUS ABOUT IT HE'S RAMMING IT'S JUST LIKE HE'S
22 GETTING SOME PLEASURE OUT OF IT THEN JUST TALKING
23 ABOUT IT AND THEN WHEN HE FALLS BACK AND HE SAYS HE
24 COMES TO HIS SENSES, ME BEING THROUGH MY EXPERIENCE
25 AND THE REASONABLE PERSON I AM, I BELIEVE THAT PART

1 Q WHILE THAT'S REWINDING, LET ME TALK TO YOU ABOUT
2 THE STATEMENT THAT HE GAVE AFTER THAT HE SAYS THAT
3 HE WENT TO THE BATHROOM AND HE HAD A HARD ON AND HE
4 MASTURBATED IN THE FLOOR AND USED A BLUE TOWEL TO
5 CLEAN IT UP, DO YOU BELIEVE THAT?

6 A I BELIEVE HE MASTURBATED INTO A RAG WHETHER HE
7 WAS IN THE BATHROOM OR WHAT COLOR IT WAS, YOU KNOW, I
8 CAN'T PICK AND CHOOSE EACH WORD WHAT I BELIEVE AND
9 WHAT I DON'T I'M SORRY SOME OF IT I HAVE NO WAY
10 OF DETERMINING WHETHER IT IS ABSOLUTELY TRUE EVEN IN
11 MY OWN MIND

12 Q OKAY SO YOU --

13 A THIS HAS --

14 Q ---YOU CAN'T BE SURE?

15 A ON EVERY SPECIFIC DETAIL, NO, SIR, I CANNOT
16 THIS WAS THREE YEARS AGO, HE TOLD US NUMEROUS
17 STATEMENTS THROUGHOUT THE DAY, AND THE VIDEO TAPED
18 I'M NOT A HUNDRED PERCENT SURE

19 Q HAVE YOU LISTENED --

20 A EXCUSE ME

21 Q TO HIS AUDIO TAPE WITH DETECTIVE WALDROP AND
22 HERRING?

23 A NO, SIR, I HAVE NOT

24 Q DO YOU NOT THINK THAT'S IMPORTANT? FOR YOU TO
25 LISTEN TO THAT?

A NO, SIR

Q YOU DON'T THINK THAT'S IMPORTANT?

A NO, SIR I TALKED TO BOTH DETECTIVE HERRING AND WALDROP

Q OKAY SO YOU ARE MAKING THESE JUDGMENTS AND CONCLUSIONS WITHOUT KNOWING ALL THE EVIDENCE, WOULD THAT BE FAIR?

A IT WOULD BE FAIR TO SAY I PROBABLY DON'T KNOW EVERY SPECIFIC MINUTE DETAIL, THAT'S CORRECT

Q AND YOU DON'T THINK THAT THAT AUDIO TAPE IS IMPORTANT ENOUGH TO LISTEN TO IN THIS MURDER TRIAL?

A NO, SIR

Q OKAY AGAIN I HAD A HARD ON, I MASTURBATED, I USED A BLUE TOWEL TO CLEAN IT UP, DO YOU OR DO YOU NOT BELIEVE THAT?

A I BELIEVE PARTS OF IT

Q OKAY

A I BELIEVE HE MASTURBATED AND USED THE TOWEL TO CLEAN IT UP

Q YOU BELIEVED HE MASTURBATED AND THAT HE USED A TOWEL TO CLEAN IT UP, RIGHT?

A YES, SIR

Q YOU BELIEVE HE MASTURBATED IN THE FLOOR AND CLEANED UP THE EJACULATE FROM THE FLOOR?

A I'M NOT SURE

1 Q YOU ARE NOT SURE IF YOU BELIEVE THAT OR NOT?

2 A COULD HAVE BEEN INTO THE RAG, COULD HAVE BEEN ON

3 THE FLOOR, COULD HAVE BEEN ON SOMETHING ELSE

4 Q OKAY ANY, I MEAN, WHY DO YOU, YOU'RE JUST NOT

5 SURE WHAT YOU BELIEVE AS TO THAT IS CONCERNED?

6 A THAT'S CORRECT

7 Q OKAY THEN I USED A BLUE TOWEL TO CLEAN IT UP,

8 DO YOU BELIEVE THAT?

9 A I'M NOT SURE

10 Q YOU ARE NOT SURE?

11 A NO, SIR

12 Q WHY AREN'T YOU SURE?

13 A BECAUSE HE COULD HAVE USED ANYTHING TO CLEAN IT

14 UP I'M NOT SURE HE CLEANED-- I DON'T KNOW I HAVE

15 NO BASIS IN FACT TO TELL YOU WHY I ABSOLUTELY BELIEVE

16 THAT

17 Q OKAY AMANDA WAS ASLEEP ON HER STOMACH AND I

18 USED I THINK THE DILDO INSIDE HER IS WHAT WOKE HER

19 UP DO YOU BELIEVE THAT?

20 A I BELIEVE THAT SHE WOKE UP DURING THE ASSAULT

21 I DON'T KNOW IF I PARTICULARLY BELIEVE IT WAS AT THAT

22 PARTICULAR POINT WITH THAT PARTICULAR OBJECT

23 Q YOU DO NOT?

24 A I'M NOT SURE

25 Q OKAY WHEN SHE WOKE UP I JUMPED ON TOP OF HER

TO KEEP HER FROM TURNING AND LOOKING AT ME YOU
BELIEVE THAT?

A I BELIEVE HE JUMPED UP ON TOP OF HER AT ONE
POINT IN TIME BECAUSE HE WAS OBVIOUS HOW HE
SPONTANEOUSLY JUMPED UP ON THAT BED AND TALKING HOW
HE WAS STRADDLING HER AND FROM THE INJURIES ON HER I
UNDERSTAND ARE CONSISTENT WITH THAT

Q DID YOU HAPPEN TO NOTICE AND I'M GOING TO PLAY
THAT AGAIN UNFORTUNATELY DID YOU HAPPEN TO NOTICE
HOW QUICKLY HE TIRED, BECAME OUT OF BREATH?

A I NOTICED HE WAS OUT OF SHAPE AT THE TIME A
LOT WORSE THAN HE IS NOW, IF THAT'S WHAT YOU ARE
ASKING

Q WELL, I'M ASKING YOU ABOUT THIS TAPE AND HE
SAID HE JUMPED UP ON HER AND HE STARTED STRANGLING
HER AND HE GAVE OUT IN ABOUT TEN SECONDS, DID HE NOT?

A NO, SIR

Q OKAY

A HE DID IT TWICE IF I REMEMBER CORRECTLY

Q OKAY HE SAID HE STARTED STRANGLING HER WITH
HIS HANDS YOU BELIEVE THAT?

A YES SIR

Q OKAY HE INDICATED THAT HE WAS STRADDLING HER
FROM BEHIND I BELIEVE AND STRANGLING HER WITH HIS
HANDS, DO YOU BELIEVE THAT?

1 A AT ONE POINT IN TIME, YES, SIR, I DO

2 Q OKAY AMANDA WAS PULLING AT MY HANDS AND I LET

3 IT GO AND I STARTED HITTING HER IN THE HEAD, CORRECT?

4 A SEE FOR HER TO BE PULLING ON HIS HANDS I BELIEVE

5 SHE PROBABLY AT THAT TIME HAD ROLLED OVER

6 Q OKAY AND --

7 A ----ON HER BACK

8 Q YOU BELIEVE THAT WHY?

9 A JUST BECAUSE THAT'S A NORMAL REACTION

10 Q OKAY AND I'M GOING TO TAKE A GUESS HERE AND

11 I'M GOING TO, I'M SORRY YOU THINK THAT THE STAGE

12 WAS SCENE, THE SCENE WAS STAGED WITH THE GREEN

13 BLANKET?

14 A YES, SIR

15 Q YOU BELIEVE, YOU THINK THAT WAS WHAT HE DID?

16 A YES, SIR

17 Q OKAY SO YOU THINK WHAT HE DID WAS THAT HE DID

18 THESE THINGS AND THEN HE STAGED THIS SCENE HE SAID

19 I KNOW WHAT I'M GOING TO DO, I'M GOING TO WRAP THIS

20 GREEN BLANKET AROUND HER AND MAKE IT LOOK LIKE SHE

21 ACCIDENTALLY STRANGLED HERSELF?

22 A THE NEXT MORNING, YES, SIR, AFTER IT WAS OVER, I

23 THINK HE STAGED TRYING TO SHIFT BLAME TO SOMEONE

24 ELSE

25 Q WOULD YOU AGREE --

THE COURT LET HIM FINISH HIS ANSWER

Q I'M SORRY I'M SORRY GO AHEAD

A I THINK, YES, SIR, THE NEXT MORNING THAT HE DID ATTEMPT TO STAGE THE CRIME SCENE TO MAKE IT APPEAR TO BE AN ACCIDENT

Q OKAY

A TO SHIFT BLAME AWAY FROM HIMSELF

Q AND THAT THE NEXT MORNING THAT HE STAGED THE CRIME SCENE BY USE OF THE GREEN BLANKET, IS THAT CORRECT?

A YES, SIR

Q AND ANY OTHER --

A ANY OTHER REASONS?

Q YEAH

A THE FACT THAT HE HAD SAID THAT HE HAD WARNED HER ABOUT THE GREEN BLANKET IN THE PAST, HOW HE KNEW THAT IT WAS POSSIBLE TO HAPPEN, AND SOME THINGS THAT HE SAID, THE WAY, THE TOTALITY OF THE CIRCUMSTANCES, THE WAY THE CALL WENT IN TO 911, THE WAY THAT, THINGS HE TOLD THE INVESTIGATING OFFICERS, HIS DEemeanOR THAT, I THINK ALL OF THAT APPEARED TO ME INDICATES IT WAS STAGED

Q SO YOUR OPINION IS THAT HE STAGED THE SCENE BECAUSE OF HIS DEemeanOR, BECAUSE WHAT HE SAID ABOUT THE GREEN BLANKET, AND BASICALLY THOSE TWO THINGS?

1 A AND THE THINGS WE FOUND AT THE SCENE THE WAY
2 HER PANTS WERE PULLED BACK UP OBVIOUSLY BY SOMEONE
3 ELSE NOT HER

4 Q I UNDERSTAND

5 A THAT SORT OF THING IT WAS OBVIOUS TO ME THAT
6 THE CRIME SCENE WAS STAGED AND IN MY OPINION IT WAS
7 STAGED TO SHIFT THE GUILT AWAY FROM HIM

8 Q WAS IT A VERY GOOD ATTEMPT IN YOUR PROFESSIONAL
9 OPINION AS STAGING A SCENE?

10 A IN SOME ASPECTS YES AND IN SOME NO

11 Q OKAY

12 A HE DID THE BEST HE COULD WITH WHAT HE HAD TO
13 WORK WITH

14 Q SO HE RAPES AND MURDERS HIS OWN DAUGHTER, TELLS
15 Y'ALL THAT HE RAPES HER WITH A BROOM, THEN HE TELLS
16 YOU HE DID IT WITH A DILDO, TELLS YOU HE THREW THE
17 DILDO OUTSIDE THEN HE STAGES THE SCENE BY WRAPPING
18 THE CORD AROUND HER NECK, THEN HE WAKES UP THE NEXT
19 MORNING WITH HER IN HIS HOUSE IN HER BED, CALLS THE
20 POLICE, VOLUNTEERS ALL OF HIS BODILY FLUIDS,
21 VOLUNTEERS TO TALK TO YOU, AND YOU THINK THAT THAT IS
22 SOMEBODY WHOSE TRYING TO STAGE A SCENE?

23 A IT ALL DIDN'T HAPPEN IN THE ORDER THAT YOU SAID
24 IT HAPPENED IN BUT, BUT FROM MY INDICATION, MY
25 CONCLUSION IS THAT, YES, HE TRIED TO STAGE THE CRIME

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SCENE TO MAKE IT APPEAR TO BE AN ACCIDENT TO SHIFT
THE GUILT AWAY FROM HIMSELF

Q AND YOU THINK IT WAS PRETTY WELL DONE?

A NO, SIR

Q NO I WIPE IT OFF, THE DILDO, WITH A BLUE
TOWEL THEN I PUT IT UNDER THE BED ON THE FLOOR IN MY
BEDROOM YOU THINK THAT'S TRUE?

A YES, SIR

Q OKAY SO YOU BELIEVE HE WIPE OFF THE DILDO
WITH A BLUE TOWEL?

A I BELIEVED HE WIPE OFF THE DILDO AND THE
BROOMS I DON'T KNOW WHAT KIND OF TOWEL AND I DON'T
KNOW WHETHER I BELIEVE IT WAS BLUE OR PINK I'M
SORRY

Q OKAY HE SAYS THAT HE WIPE IT OFF WITH A BLUE
TOWEL AND YOU ARE NOT SURE WHETHER YOU BELIEVE THAT
OR NOT?

A THAT'S CORRECT

Q OKAY AND WHY, WHY, EXPLAIN TO ME WHAT YOUR
REASONING IS ON THAT?

A BECAUSE I HAVE NO SPECIFIC REASON TO INDICATE
WHY I THINK IT WAS A BLUE TOWEL

Q OKAY SO YOU, THEN I FIXED THE DOORS IN
AMANDA'S BEDROOM SO THAT WOULD LOCK I PULLED THE
CLOSET AND THE MAIN DOOR TOGETHER THAT'S HOW I

1 LOCKED THEM I DID THAT SO THE KIDS WOULD NOT WAKE
2 UP AND SEE HER IN THE MORNING DO YOU BELIEVE THAT?

3 A YES, SIR

4 Q I SAT UP, CALLED HER TWICE, THOUGHT IT WAS A
5 DREAM, DO YOU BELIEVE THAT?

6 A I BELIEVE THAT'S FURTHER IN THE STAGING OF THE
7 CRIME HE ADMITS THAT HE CLEANED UP, HE ADMITS THAT
8 HE LOCKED THE DOORS BACK, THEN HE SITS UP IN HIS BED
9 AND STARTS HOLLERING AMANDA I BELIEVE THAT'S
10 FURTHER IN THE STAGING OF MUST HAVE BEEN AN ACCIDENT

11 Q YOU BELIEVE THAT'S ALL PART OF THE STAGING PART?

12 A YES, SIR

13 Q OKAY AND YOU BELIEVE THAT HE WALKED OVER HER
14 AND TRIED TO WAKE HER AND SHE WAS COLD HE SCREAMED
15 AND HE UNWRAPPED THE CORD THAT HE PUT ON HER NECK AND
16 YOU BELIEVE THAT WAS ---

17 THE COURT I DON'T BELIEVE THE COURT
18 REPORTER CAN KEEP UP WITH YOU

19 MR MORTON I'M SORRY

20 Q I SCREAMED AND I UNWRAPPED THE CORD THAT I HAD
21 PUT ON HER NECK YOU BELIEVE THAT?

22 A I BELIEVE THAT, YES, SIR

23 Q YOU BELIEVE HE PUT THE CORD ON HER NECK?

24 A THE NIGHT BEFORE AND TO STAGE IT AGAIN, YES,
25 SIR

Q OKAY THROUGHOUT THE REST OF THIS CONVERSATION
HE SAYS NOT UNTIL TODAY HAVE I REALIZED WHAT I HAVE
DONE?

A THAT'S WHAT HE SAID

Q DO YOU BELIEVE THAT?

A NO, SIR, I DO NOT BELIEVE THAT

Q UP UNTIL TODAY I HAVE BLOCKED STUFF OUT AND I'M
TELLING THE TRUTH THIS TIME YOU DON'T BELIEVE THAT?

A I BELIEVE HE'S TELLING MORE OF THE TRUTH EACH
TIME, SIR

Q OKAY WHEN I PUT MY FINGERS INSIDE AMANDA I
PULLED HER PANTS AND PANTIES DOWN I USED MY TWO
FINGERS I COULD HAVE JAMMED MY HAND INSIDE HER
YOU BELIEVE THAT?

A YES, SIR

Q OKAY I REMEMBER I HAD WATERED DOWN JELLY ON MY
FINGERS, DO YOU BELIEVE THAT?

A YES, SIR

Q YOU DO BELIEVE THAT?

A YES, SIR

Q OKAY IT DOESN'T SAY ANYTHING ON HERE ABOUT THE
BROOMS THOUGH?

A THAT'S CORRECT

Q CORRECT SO WHAT YOU ARE TELLING US IS THAT ON
THIS TAPE HE TOLD YOU THAT HE USED THE BROOMS AND HE

1 ALSO IN THIS STATEMENT TOLD YOU THAT HE USED THE
2 BROOMS, IT'S JUST THAT DETECTIVE BLACKWELDER DIDN'T
3 TYPE THAT DOWN?

4 A NO, SIR, I DON'T REMEMBER IN THE AFTERNOON WHEN
5 THAT, THE NOTES IN THAT STATEMENT WAS TAKEN, I'M NOT
6 SURE IF THE BROOMS WERE MENTIONED OR NOT THEY MAY
7 HAVE BEEN MENTIONED AND SHE MAY HAVE NOT INDICATED IT
8 IN THAT STATEMENT IT MAY HAVE NOT BEEN MENTIONED
9 THAT AFTERNOON I'M NOT SURE AS I SAID THIS IS
10 THREE YEARS AGO AND HE TOLD, TOOK STATEMENTS FROM HIM
11 FOR, WE TALKED WITH HIM SIX HOURS, SEVEN HOURS THAT
12 DAY, DID THE VIDEO TAPE, THERE IS PROBABLY LITTLE BIT
13 OF DETAILS LEFT OUT HERE AND THERE

14 Q OKAY I'M GOING TO ASK CAPTAIN CABANISS TO COME
15 DOWN AND WATCH PART OF THIS WITH ME AGAIN

16 (THE VIDEO TAPE IS PLAYED AT 12 52
17 PM)

18 THE COURT MR BRACKETT, CAN YOU STOP IT
19 I THINK MR BRACKETT WAS GOING TO HAND YOU THAT
20 REMOTE, YOU STOP IT WHERE YOU WISH, AND ASK HIM
21 QUESTIONS AT THAT POINT

22 MR MORTON ALL RIGHT, SIR

23 THE COURT I DON'T KNOW WHETHER YOU WANT
24 TO REWIND IT FIRST A LITTLE BIT AND START OVER

25 Q THE ONLY THING I WANTED TO ASK YOU ABOUT THAT

1 I CAN REMEMBER IS WHEN YOU FIRST WENT IN THE HOUSE HE
2 DIDN'T HAVE HIS GLASSES?

3 A THAT'S CORRECT, SIR

4 Q HE HAD BEEN WITHOUT HIS GLASSES FOR THE FOUR
5 DAYS?

6 A HE INDICATED AT THE HOUSE THE FIRST TIME THAT I
7 WAS AWARE OF WHEN HE WENT INTO THE HOUSE HE ASKED
8 COULD HE GET HIS GLASSES AND THERE WE ARE TRYING TO
9 GET THEM AND DO FIND HIS GLASSES

10 (PLAYING THE VIDEO TAPE)

11 Q YOU BELIEVE TWO O'CLOCK?

12 A I BELIEVE THAT HE GOT UP ABOUT TWO O'CLOCK?

13 Q YES

14 A YES, SIR

15 (THE VIDEO TAPE IS PLAYED AT 12 55
16 PM)

17 Q AS I UNDERSTAND WHAT HE HAD TOLD YOU, CAPTAIN
18 CABANISS, WAS THAT HE HAD A RELATIONSHIP, TELL ME IF
19 I'M WRONG, HE HAD HAD A RELATIONSHIP WITH A WOMAN
20 PREVIOUSLY, DOZEN YEARS BEFORE, THAT SHE HAD HAD AN
21 ABORTION OR SOMETHING, AND THAT HE WAS UPSET WITH HER
22 ABOUT THAT AND THIS WAS THE VOICE HE WAS HEARING, IS
23 THAT BASICALLY RIGHT?

24 A THAT'S CORRECT

25 (THE VIDEO TAPE IS PLAYED)

1 Q HE INDICATES HE STRANGLES HER FROM BEHIND?

2 A YES, SIR

3 Q AND HE SLAMS HIS HEAD DOWN ON THE VIDEO GAME?

4 A HER HEAD, YES, SIR

5 Q HER HEAD, I'M SORRY, ON THE VIDEO GAME, AND THAT
6 VIDEO GAME THAT HE INDICATES THAT HE SLAMMED HER HEAD
7 DOWN ON WAS STILL IN THE HOUSE, RIGHT?

8 A I BELIEVE IT WAS OVER TO THE RIGHT ON A COUNTER

9 Q SO FOUR DAYS AFTER THIS CRIME SCENE WAS
10 INVESTIGATED THERE IS STILL A VIDEO TAPE OVER THERE
11 ON THE SIDE OF THE DRESSER, RIGHT?

12 A THE BEST OF MY MEMORY IT WAS NOT A VIDEO TAPE
13 IT WAS LIKE A NINTENDO

14 Q GAME

15 A PLAY STATION, NINTENDO GAME, SOMETHING LIKE
16 THAT

17 Q IN ANY EVENT IT WAS STILL THERE?

18 A YES, SIR IT'S RIGHT OVER, LAYING TO THE RIGHT
19 OF THE DRESSER TABLE THERE TO THE RIGHT HE POINTED,
20 MR COPE POINTED IT OUT

21 Q AND ALSO WHAT WAS STILL THERE WAS A WASH RAG
22 UNDER THE BOOK SHELF IN THE HALLWAY THAT HAD
23 MR COPE'S SEMEN ON IT?

24 A HE DID NOT TELL US THAT UNTIL AFTER WE GOT BACK
25 TO THE STATION AFTER LUNCH

Q I UNDERSTAND IN ANY EVENT, IT WAS STILL THERE
WHEN YOU GOT BACK YOU SENT DETECTIVE TODD GARDNER
BACK TO THE SCENE AND HE FOUND THAT RAG?

A THAT'S CORRECT

(PLAYS THE VIDEO TAPE AT 01 00 PM)

Q THE MOON PART THAT WAS THE BACK WINDOW TO
AMANDA'S ROOM, RIGHT?

A THAT'S THE WINDOW FACING THE REAR OF THE HOUSE

Q WHICH WOULD BE THE FACING NORTHWEST?

A NORTH, YES, SIR

Q NORTH OKAY AT TWO OR THREE O'CLOCK IN THE
MORNING, RIGHT?

A THAT'S WHAT HE SAID, YES, SIR YOU NOTICED I
COULDN'T, HE SAID SHE WAS SCREAMING THERE, DID HE SAY
HE WAS SCREAMING OR SHE WAS SCREAMING?

Q I THINK HE WAS HEARING VOICES

A OKAY

(PLAYS THE VIDEO)

Q YOU BELIEVE SHE WAS ON HER STOMACH?

A I HAVE NO REASON TO NOT BELIEVE THAT SHE ON HER
STOMACH AT THAT TIME

Q WHERE WAS MR SANDERS DURING THIS TIME?

A YOU WANT MY OPINION?

Q YES

A HE WAS STANDING THERE ASSISTING

1 Q YOU THINK MR SANDERS WAS STANDING THERE
2 ASSISTING?

3 A YES, SIR

4 Q AND WHY DO YOU THINK THIS MAN DIDN'T TELL YOU
5 ABOUT SANDERS?

6 A MY OPINION?

7 Q YES

8 A IT DON'T FIT INTO SOME OF THE STORIES THAT HE
9 WAS TRYING TO MAKE ME BELIEVE IT DON'T FIT INTO THE
10 DREAM IT DIDN'T FIT INTO THE, TO REACH THE VOICES
11 IN MY HEAD HOW COULD HE TELL ME THERE IS ANOTHER
12 MAN? IS HE SUPPOSED TO BE HEARING THEM VOICES TOO AT
13 THE SAME TIME? IT JUST DON'T FIT INTO THE STORY THAT
14 HE WAS TRYING TO GET ME TO BELIEVE

15 Q DOESN'T MAKE SENSE?

16 A THE OTHER, ON THE OTHER REASON --

17 Q DO YOU BELIEVE THAT?

18 A YEAH, HIS STORY DON'T MAKE SENSE

19 Q RIGHT

20 A AND THE ONLY OTHER CONCLUSION OR HYPOTHESIS THAT
21 I'M TRYING MYSELF COME UP WITH AN ANSWER WHY HE
22 DIDN'T MENTION SANDERS, AS HARD AS IT WAS FOR HIM TO
23 TELL US HE WAS MUTILATING, BEATING, RAPING, KILLING
24 HIS OWN DAUGHTER WAS THAT THERE WAS SOMEONE ELSE
25 THERE WITH HIM HELPING HIM THAT'S THE ONLY TWO

REASONS THAT I CAN COME UP WITH WHY HE DIDN'T TELL
US

Q SO HE'S WILLING TO TELL YOU THAT HE RAPED AND
STRANGLED HIS OWN DAUGHTER BUT NOT SAY ANYTHING ABOUT
THIS MAN?

A THAT'S CORRECT

(PLAYS THE VIDEO TAPE)

Q DO YOU KNOW WHETHER THERE WAS ANY BLOOD FOUND ON
THAT VIDEO GAME?

A NO, SIR, I DO NOT

(PLAYS THE VIDEO TAPE)

Q YOU BELIEVE HE SAID THAT TO HER?

A I BELIEVE HE SAID IT TO HERSELF OR THE TWO MAY
HAVE HAD SOME CONVERSATION ABOUT THAT, YES, SIR

Q HOW ABOUT I'LL SHOW YOU YOU BITCH?

A YES, SIR

Q TALKING TO HIS DAUGHTER?

A HE OR MR SANDERS ONE I BELIEVE SAID THAT OR
THEY SAID IT TO EACH OTHER

Q WHY DO YOU THINK THAT? YOU THINK HE'S TAKING
THIS RAP FOR MR SANDERS?

A NO, SIR I BELIEVE HE WAS A VERY ACTIVE
PARTICIPANT

Q YOU THINK MR SANDERS WAS A VERY ACTIVE
PARTICIPANT?

1 A YES, SIR, I DO

2 Q AND WHY DO YOU BELIEVE THAT MR COPE AGAIN IS
3 NOT SAYING ANYTHING ABOUT MR SANDERS BECAUSE IT
4 DOESN'T FIT -- I'M SORRY YOUR ANSWER?

5 A TWO REASONS THAT I HAVE IN MY MIND ARE THAT IT
6 DOES NOT FIT INTO HIS STORY ABOUT THE VOICES AND
7 THINGS IN HIS HEAD AND THE ONLY THING WORSE IN
8 DOING THIS TO YOUR OWN DAUGHTER IS HAVING SOMEONE, A
9 STRANGER IN YOUR HOUSE, HELPING YOU DO IT TO HER

10 Q AND HE'S WILLING TO PROTECT THIS MAN RIGHT HERE?

11 A HE'S TRYING TO GET OUT OF IT HIMSELF OR LESSEN
12 THE BLAME ON HIMSELF OR LESSEN THE EMBARRASSMENT FOR
13 THE WRONG HE'S DONE IN HIS MIND

14 Q AND HOW DID MR SANDERS COME TO BE THERE?

15 A INTO THE HOUSE?

16 Q YES, SIR

17 A MR COPE LET HIM IN

18 Q AND HOW DID THAT COME ABOUT?

19 A I'M NOT SURE, SIR

20 Q YOU ARE NOT SURE?

21 A NO, SIR

22 Q COINCIDENCE?

23 A I'M NOT SURE, SIR

24 (PLAYS THE VIDEO TAPE AT 01 09 PM)

25 Q YOU BELIEVE THAT, THAT HE DIDN'T REMEMBER THAT?

1 A I BELIEVE HE EITHER DID IT OR WATCHED IT BEING
2 DONE I DON'T BELIEVE HE MADE THAT UP

3 (PLAYS THE TAPE VIDEO TAPE)

4 Q YOU BELIEVE THAT?

5 A YES, SIR

6 Q DO YOU BELIEVE THAT?

7 A WHEN HE SAID HE WRAPPED THE BLANKET AROUND HER
8 NECK TO MAKE IT LOOK LIKE SHE HAD STRANGLED HERSELF

9 Q YOU BELIEVE HE PULLED IT TIGHT?

10 A AT SOME POINT IN TIME I BELIEVE HE PULLED IT
11 TIGHT, YES, SIR HE MAY HAVE LOOSENEED IT LATER BUT I
12 BELIEVE, LIKE HE SAID, WHY WOULD HE MAKE THAT UP

13 (PLAYS THE TAPE)

14 Q THE DILDO WAS STILL THERE TOO?

15 A NOT AT THAT TIME I DON'T BELIEVE

16 Q HE SAID THAT HE SAID WASN'T AWARE THAT HE DID
17 IT DO YOU BELIEVE THAT?

18 A NO, SIR

19 (PLAYS THE VIDEO TAPE)

20 (WITNESS RESUMES THE WITNESS STAND)

21 Q I JUST GOT A COUPLE QUESTIONS HOW DID YOU GET
22 IN THE HOUSE ON THAT DAY?

23 A I'M NOT SURE ROBIN DAVIS PROBABLY LET US IN
24 I'M NOT SURE

25 Q DO YOU REMEMBER BREAKING IN THE BACK DOOR?

1 A IT'S BEEN THREE YEARS AGO, MR MORTON I'M

2 SORRY I REMEMBER BEING IN THE BACK YARD

3 I DON'T REMEMBER

4 Q YOU'R BASICALLY SAYING THAT YOU THINK THAT BASED

5 ON THE FACT THAT YOU COULDN'T FIND ANY SIGNS OF

6 FORCED ENTRY AND THAT THIS MAN'S SEMEN WAS ON AND

7 SALIVA WAS ON AMANDA'S BODY THAT YOU THINK THAT THIS

8 MAN, MR COPE, ALLOWED THIS MAN IN HIS HOUSE TO

9 PARTICIPATE IN THIS?

10 A THAT ALONG WITH SOME OTHER THINGS, YES, SIR

11 Q OKAY WELL, WHAT OTHER THINGS?

12 A ONE SPECIFIC BEING THAT BLUE BROOM THAT HE

13 THOUGHT WAS THERE AND WAS OBVIOUSLY CARRIED AWAY FROM

14 THE SCENE IT APPEARS

15 Q WHAT EVIDENCE, WHAT EVIDENCE, TALKING ABOUT

16 EVIDENCE, TALKING ABOUT THIS STUFF RIGHT HERE, CAN

17 YOU POINT TO?

18 A THAT SHOWS WHAT?

19 Q THAT SHOWS THE TWO OF THEM TOGETHER?

20 A THE FACT THAT MR SANDERS' SEMEN AND SALIVA WAS

21 FOUND ON HER CLOTHES AND BREAST --

22 Q I UNDERSTAND THAT

23 THE COURT LET HIM FINISH HIS ANSWER

24 MR MORTON I'M SORRY

25 A THE FACT THAT MR COPE WAS OBVIOUSLY PRESENT

DURING THIS ASSAULT

Q OKAY

A AND MUTILATION

Q OKAY

A AND IT WAS IN HIS HOUSE

Q OKAY

A AND THIS TYPE OF CRIME, THIS BRUTALIZATION
CRIME, ANYONE IN THE HOUSE IN MY OPINION WOULD HAVE
HAD KNOWLEDGE OF IT GOING ON

Q WELL NOW --

A AND THE FACT THAT HE TRIED TO STAGE IT AND COVER
IT UP, ALL OF THAT POINTS TO THE FACT THAT --

Q THOSE ARE ALL ASSUMING

MR BRACKETT YOUR HONOR ---

THE COURT LET HIM FINISH HE'S GOT A
SLOW PATTERN OF TALK, WE REALIZE THAT AFTER ALL THIS
TIME, WE ALL OUGHT TO KNOW THAT LET HIM FINISH

A I'M SORRY I'M THROUGH

Q A LOT OF THAT, CAPTAIN CABANISS IS YOUR OPINION?

A THAT'S CORRECT

Q OKAY MY QUESTION WAS WHAT EVIDENCE DO YOU HAVE
OTHER THAN THE FACT THAT YOU SAY YOU COULDN'T FIND
ANY SIGNS OF FORCED ENTRY -- LET'S TAKE IT STEP BY
STEP YOU SAID YOU COULDN'T FIND ANY SIGNS OF FORCED
ENTRY, CORRECT?

1 A NO, SIR I HAD MY CRIME SCENE INVESTIGATORS I
2 WAS NOT IN ROCK HILL WHEN IT HAPPENED I RELIED ON
3 THEIR EXPERTISE TO TELL ME AND I REITERATED THAT BOTH
4 ON THE PHONE AND AFTER I GOT BACK TO ROCK HILL

5 Q YOUR DEPARTMENT?

6 A YES, SIR

7 Q OKAY AND THE FACT THAT HIS SEMEN AND SALIVA
8 WAS FOUND ON AMANDA COPE?

9 A AND HER CLOTHES, YES, SIR

10 Q OKAY AND BASED ON THAT AND YOUR OPINION YOU
11 BELIEVE THAT MR SANDERS WAS INVOLVED?

12 A YOU'VE SPOKE OF THE PHYSICAL EVIDENCE, THE
13 CIRCUMSTANTIAL EVIDENCE, AND THERE IS, YOU KNOW,
14 FACTS THAT I DETERMINED FROM THE INVESTIGATION, ALL
15 OF THAT, THE TOTALITY OF THE CIRCUMSTANCES LEADS ME
16 TO BELIEVE THAT, YES, SIR

17 Q I'M NOT CLEAR ON WHAT THE OTHER CIRCUMSTANCES
18 ARE?

19 A THE PART --

20 Q LET ME ASK YOU THIS WAY, IF I CAN?

21 A YES, SIR

22 Q DO YOU HAVE ANYTHING TO SHOW THAT THESE TWO MEN
23 KNEW EACH OTHER?

24 A NO, SIR

25 Q DO YOU HAVE ANYTHING TO SHOW THAT THEY WORKED

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1 TOGETHER, THAT THEY TALKED ON THE PHONE TOGETHER,
2 THAT THEY WERE FRIENDS, THAT THEY WERE PEN PALS,
3 ANYTHING?

4 A MR SANDERS HAD JUST RECENTLY BEEN IN THE
5 NEIGHBORHOOD, MOVED INTO THE NEIGHBORHOOD

6 Q JUST RECENTLY?

7 A RIGHT AROUND THE CORNER FROM MR COPE

8 Q RIGHT

9 A I DO NOT HAVE ANY DIRECT EVIDENCE THAT THEY WERE
10 FRIENDS

11 Q OKAY ANY DIRECT EVIDENCE OF ANY CONTACT
12 BETWEEN THEM AT ALL?

13 A NO, SIR

14 Q HE HAD IN FACT JUST MOVED INTO THE NEIGHBORHOOD?

15 A SIX WEEKS I BELIEVE PRIOR

16 Q TWO BLOCKS DOWN

17 A I WOULD SAY A BLOCK AND A HALF

18 Q OKAY BUT YOU HAVE NO EVIDENCE TO LINK THEM
19 TOGETHER, PHYSICAL OR KNOWLEDGE OF EACH OTHER OR
20 FRIENDSHIP OR ANYTHING LIKE THAT?

21 A NO, SIR

22 Q SO THE CONCLUSION THAT Y'ALL HAD REACHED IS THAT
23 THIS MAN LET THIS MAN, WAS HE A STRANGER?

24 A I DO NOT KNOW, SJR

25 Q YOU DON'T KNOW?

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1 A NO, SIR

2 Q YOU CAN'T TELL THIS JURY WHETHER HE WAS A
3 STRANGER OR WHETHER HE WAS A FRIEND, YOU JUST DON'T
4 HAVE ANY EVIDENCE?

5 A THAT'S CORRECT

6 Q WHAT DO THE NEIGHBORS SAY?

7 A SOME PEOPLE IN THE NEIGHBORHOOD THOUGHT THAT
8 THEY HAD SEEN MR SANDERS

9 Q OKAY WHO IS THEY?

10 A I'M NOT SURE, SIR

11 MR GREELEY OBJECT TO HEARSAY AS TO
12 ANYTHING IN REGARDS TO MY CLIENT

13 THE COURT I SUSTAIN THE OBJECTION

14 Q DO YOU HAVE A STATEMENT?

15 A NO, SIR

16 Q SO YOU TALKED TO SOME NEIGHBORS, IS THAT
17 CORRECT?

18 A I DID NOT PERSONALLY IN MY INVESTIGATION

19 Q YOU THINK SOMEBODY FROM YOUR DEPARTMENT?

20 THE COURT JUST LET HIM FINISH HIS
21 ANSWER HE'S GOT A SLOW SPEAKING PATTERN WE ALL
22 KIND OF OUGHT TO KNOW BY NOW

23 Q I'M SORRY

24 A DO NOT HAVE A STATEMENT OR A PERSONAL KNOWLEDGE
25 OF AN INDIVIDUAL WHO STATES THAT MR SANDERS KNEW

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1 MR COPE

2 MR MORTON BEG THE COURT'S INDULGENCE

3 Q THAT'S ALL I HAVE, CAPTAIN CABANISS THANK YOU?

4 A YES, SIR

5 THE COURT I BELIEVE WE'LL BREAK FOR
6 LUNCH AT THIS TIME, IT'S 1 30 AND --

7 MR MORTON YOUR HONOR, I'M SORRY

8 THE COURT YES, SIR

9 MR MORTON I'M SORRY ARE WE FINISHED
10 WITH THIS WITNESS?

11 THE COURT NO, I DON'T THINK SO

12 MR MORTON I APOLOGIZE

13 THE COURT I'M GOING TO ASK YOU TO BE
14 BACK AT, LET'S SAY QUARTER TO THREE, THAT'S A LITTLE
15 OVER AN HOUR, SO WE'LL SEE YOU BACK AT QUARTER TO
16 THREE

17 (THE JURY EXITS THE COURTROOM AT
18 1 31)

19 THE COURT I'M SURE CAPTAIN CABANISS IS
20 AWARE HE'S NOT SUPPOSED TO DISCUSS THE CASE WITH
21 ANYONE SINCE HE'S ON THE STAND

22 MR MORTON INCLUDING THE SOLICITOR I'M
23 SORRY

24 THE COURT INCLUDING EVERYONE

25 MR MORTON YES, SIR

1 THE COURT HE'S STILL SUBJECT TO BEING
2 EXAMINED ALL RIGHT THANK YOU

3 (COURT'S IN RECESS AT 01 32 PM)

4 (COURT RESUMES 02 50 PM)

5 THE COURT IS THE STATE READY

6 MR BRACKETT YES, SIR

7 THE COURT THE DEFENSE

8 MR GREELEY MR SANDERS IS READY

9 MR MORTON YES, SIR

10 THE COURT BRING IN THE JURY

11 (THE JURY RETURNS TO THE COURTROOM)

12 THE COURT MR GREELEY

13 MR GREELEY MAY IT PLEASE THE COURT

14 CROSS EXAMINATION BY MR GREELEY

15 Q CAPTAIN CABANISS GOOD AFTERNOON

16 A GOOD AFTERNOON, SIR

17 Q I WANT TO GO BACK IF YOU WILL THE SOLICITOR ON
18 DIRECT EXAMINATION HAD TALKED WITH YOU IN REGARDS TO
19 STAGING?

20 A YES, SIR

21 Q AND WHAT HAD YOU LEARNED AND YOUR EXPERIENCE IN
22 STAGING OF CRIME SCENE NOW YOU HAVE A LOT OF YEARS
23 OF EXPERIENCE, CORRECT?

24 A YES, SIR

25 Q YOU ALSO HAVE TRAINING IN INTERVIEW AND

INTERROGATION, IS THAT CORRECT?

A YES, SIR

Q AND THERE CAN ALSO BE, I BELIEVE THAT YOU
DEFINED STAGING AS, OFFICIALLY, AS WHEN SOMEONE
ATTEMPTS, AND I WROTE THIS DOWN, SOMEONE ATTEMPTS TO
SHIFT THE GUILT TO SOMEONE ELSE OR TO SOMETHING ELSE,
IS THAT CORRECT?

A OR TO LEAD THE INVESTIGATORS IN ANOTHER
DIRECTION

Q CORRECT, DIVERSION, DIVERT?

A CORRECT

Q AND A LOT OF TIMES IN INTERROGATION AND
INTERVIEWS OF PEOPLE WHO ARE SUSPECTS IN A CRIME WHO
MAYBE GUILTY OF THAT CRIME THEY WILL ALSO DO THAT
DURING THE INTERVIEW AND THE INTERROGATION IN
DIFFERENT WAYS, ISN'T THAT CORRECT?

A YES, SIR, IT IS

Q OKAY NOW IN REGARDS TO THE SCENE IN THIS
PARTICULAR CASE WE HAVE TESTIMONY FROM DIFFERENT
STATEMENTS THAT MR COPE PUT A BLANKET SELVAGE AROUND
HIS DAUGHTER'S NECK AND TIGHTENED IT AND I BELIEVE
THAT FROM THE VIDEO, THIS WAS IN AN ATTEMPT TO MAKE
IT LOOK AS IF IT WAS AN ACCIDENT, IS THAT CORRECT?

A YES, IT IS

Q AND THAT IS ONE OF THOSE THINGS TO WHERE HE IS

1 TRYING TO DIVERT THE INVESTIGATION AWAY FROM THE
2 ACTUAL FACTS OF THE CASE, ISN'T THAT CORRECT?

3 A THAT'S CORRECT

4 Q OKAY NOW AND HE DID OTHER THINGS SUCH AS THE
5 CLEANING UP PROCESS IF SOMEONE IS GOING TO STAGE A
6 CRIMINAL ACT AS OPPOSED TO LEAVING THE REAL INCIDENT
7 THAT OCCURRED, THERE CAN BE IN THOSE CIRCUMSTANCES A
8 CLEAN UP PROCESS, IS THAT CORRECT?

9 A YES, SIR MR SANDERS EXCUSE ME, MR COPE
10 STATED SEVERAL TIMES THAT HE CLEANED UP

11 Q HE CLEANED UP?

12 A YES, SIR

13 Q NOW ANOTHER EXAMPLE OF POTENTIAL STAGING IN THIS
14 PARTICULAR CASE IS IN HIS FOURTH STATEMENT I BELIEVE
15 TO YOU IN THE AFTERNOON OF MONDAY, WAS THE WAY THAT
16 HE SET THE BEDROOM DOORS AND THE CLOSET DOORS, IS
17 THAT CORRECT?

18 A THAT'S CORRECT

19 Q AND IT, WOULD IT BE CONSISTENT WITH HIS THOUGHT
20 PATTERN THAT HE NEEDED TO DISCOVER AMANDA IN HER
21 CONDITION AS OPPOSED TO HIS LITTLE GIRLS WHO WERE IN
22 THE OTHER ROOM, AND SO THE DOORS WERE STAGED TO MAKE
23 SURE THAT THE LITTLE GIRLS WOULD NOT DISCOVER HER
24 FIRST?

25 A THAT IS A POSSIBILITY, YES, SIR

1 Q OKAY AND SO DURING THIS EVENING BEFORE, HE DID
2 SEVERAL THINGS TO ATTEMPT TO STAGE THE CRIME SCENE,
3 IS THAT A FAIR STATEMENT?

4 A THE EARLY MORNING, YES, SIR

5 Q YES, SIR OKAY AND THEN THE NEXT MORNING HE
6 INDICATES HE WOKE, HE AWOKE AND CALLED OUT AMANDA'S
7 NAME, IS THAT CORRECT?

8 A YES, SIR, THAT'S TRUE

9 Q OKAY AND THEN AFTER HE DID THAT HE TESTIFIED
10 WENT IN, HE DIDN'T TESTIFY, HE GAVE A STATEMENT THAT
11 HE FOUND AMANDA AND THEN THERE IS A 911 TELEPHONE
12 CALL WHEREIN, IT APPEARS TO BE HIS VOICE, CALLS AND
13 INDICATES THAT HIS DAUGHTER IS DEAD AND THAT IT
14 APPEARS TO HAVE BEEN AN ACCIDENT, IS THAT CORRECT?

15 A THAT'S CORRECT

16 Q AND SO ONCE AGAIN THIS IS A POTENTIAL, CAN BE
17 VIEWED AS A DIVERSIONARY TACTIC?

18 A TRYING TO SHIFT THE BLAME FROM THE REAL PEOPLE
19 AND THWART THE INVESTIGATION, YES, SIR

20 Q OKAY NOW LATER IN THE DAY, ALTHOUGH YOU WERE
21 IN VIRGINIA BEACH, LATER IN THE DAY HE BEGAN TO HAVE
22 AT LEAST TWO INTERVIEWS ONE THAT WENT LATE INTO THE
23 EVENING WITH DETECTIVE, THE ONE LATE IN THE EVENING
24 WAS DETECTIVE WALDROP AND DETECTIVE HERRING NOW IN
25 YOUR TRAINING, IN YOUR EXPERIENCE IN INTERROGATIONS

001871

1 AND INTERVIEWS, IS IT SURPRISING TO FIND PEOPLE TO
2 INITIALLY STATE THEIR INNOCENCE IN THE MATTER?

3 A NO, SIR

4 Q OKAY AND IS IT UNCOMMON FOR A PERSON TO BEGIN
5 TO THEORIZE AS TO WHAT THEY THINK MAY HAVE HAPPENED
6 OR THAT THEY DON'T KNOW WHAT HAPPENED, IS THAT
7 UNCOMMON IF THEY ARE STATING THEIR INNOCENCE?

8 A THAT'S NOT UNCOMMON

9 Q OKAY NOW IN MR COPE'S INTERVIEW OF THAT
10 MORNING AT ONE POINT IN TIME HE EVEN, HE TOLD THE
11 DETECTIVES AND BROUGHT UP THE ASPECT OF HIS NEXT DOOR
12 NEIGHBOR AS A POSSIBLE SUSPECT, ARE YOU FAMILIAR WITH
13 THAT?

14 A VAGUELY, NOT SPECIFICALLY, BUT YES, SIR

15 Q OKAY NOW IS THAT AN EXAMPLE OF NOT NECESSARILY
16 DIVERSION BUT AN EXAMPLE OF ATTEMPTING TO SHIFT THE
17 GUILT TO SOMEONE ELSE?

18 A IT'S MORE OF DENYING IT AND TRYING TO FIND
19 QUESTIONS THAT WE'LL BELIEVE THE ANSWERS TO

20 Q OKAY AND SO DURING THAT PROCESS OF HIM BEING
21 INTERVIEWED LET ME ASK -- LET ME GO AND ASK YOU THIS
22 QUESTION UNDER THE THEORY OF STAGING AND SHIFTING
23 GUILT TO SOMEONE ELSE OR DIVERTING THE POLICE MANY
24 TIMES AND ESPECIALLY IN INTERROGATION SITUATIONS, IS
25 IT UNCOMMON FOR THE PERSON TO TRY AND HOLD OUT LONG

1 ENOUGH OR DIVERT LONG ENOUGH UNTIL THE POLICE WILL
2 LEAVE THEM ALONE?

3 A YES, SIR

4 Q NEED TO GET TO THAT POINT WHERE THE POLICE WILL
5 LEAVE THEM ALONE AND THEN THEY WILL BE OKAY, IS THAT
6 CORRECT?

7 A YES, SIR

8 Q AND IS IT UNCOMMON IN INTERROGATIONS AND
9 INTERVIEWS FOR PEOPLE WHO ASSERT THEIR INNOCENCE TO
10 VEHEMENTLY REQUEST A POLYGRAPH?

11 A THAT IS NOT UNCOMMON

12 Q OKAY IS THAT A POTENTIAL OTHER DIVERSION
13 ATTEMPT?

14 A YES, SIR

15 Q OKAY AND SO WOULD IT BE A FAIR STATEMENT THAT
16 BETWEEN THE TIME OF AMANDA COPE'S DEATH AND THE TIME
17 THAT MR COPE TOOK THE POLYGRAPH EXAM THAT HE WAS
18 EXPENDING A GOOD BIT OF ENERGY AND TIME FORMULATING
19 HIS DIVERSION OR GUILT OF SOMEONE ELSE PLAN OR HOPE?

20 A THAT IS A THEORY, YES, SIR

21 Q IS IT A FAIR STATEMENT TO SAY THAT DURING THAT
22 PERIOD OF TIME HE WAS ACTING IN THAT FASHION?

23 A YES, SIR

24 Q THANK YOU?

25 A YES, SIR

001873

1 MR BRACKETT COURT'S INDULGENCE ONE
2 MOMENT

3 REDIRECT EXAMINATION BY MR BRACKETT

4 Q CAPTAIN CABANISS WHEN MR MORTON WAS QUESTIONING
5 YOU A FEW MINUTES AGO HE HAD ASKED YOU ABOUT CHANGES
6 IN THE STORY AND YOU HAD STARTED TO ANSWER THAT HE
7 MADE SOME CHANGES EVEN ON THE VIDEO?

8 A YES, SIR

9 Q WHAT WERE YOU REFERRING TO?

10 A SOMETIMES MR COPE EVEN ON THE STATEMENTS THAT
11 HE GAVE US AND ON THE VIDEO HE COULDN'T, HE MADE SOME
12 CHANGES, EVEN IN THE SAME STATEMENT NOT FROM MORNING
13 TO AFTERNOON, BUT EVEN AT THE SAME TIME ONE
14 PARTICULAR ON THE VIDEO THAT I REMEMBER WAS WHERE HE
15 SAID HE DIDN'T HIT HER AND THEN HE SAID HE JUMPED UP
16 ON THE BED AND HE DIDN'T BEAT HER WITH HIS FISTS AND
17 THEN LATER HE DID STATE THAT WHILE HE WAS BEATING
18 HER, SO IT WAS JUST DIFFERENT CHANGES IN THE STORY
19 THROUGHOUT THE DAY

20 Q ALL RIGHT, SIR TURNING YOUR ATTENTION TO THE
21 STATEMENT THAT YOU WROTE OUT REGARDING THE VISIT FROM
22 MR BARROWCLOUGH?

23 A YES, SIR

24 Q WHY DID YOU DECIDE TO MEMORIALIZE THAT IN A
25 WRITTEN FORM WITH HIS SIGNATURE ON IT?

001874

1 A TO FURTHER DOCUMENT THE FACT THAT HE DID NOT
2 WISH TO SEE HIS ATTORNEY, THAT HE WISHED TO TALK,
3 THAT HE WANTED TO CONTINUE TALKING TO US AND NOT STOP
4 AND TALK TO HIS ATTORNEY AT THAT TIME

5 Q ALL RIGHT AND I UNDERSTAND MR BARROWCLOUGH
6 MAY HAVE WANTED TO SEE HIM, BUT DID MR COPE EVER
7 INDICATE AT ANY TIME THAT HE WANTED TO SEE MR
8 BARROWCLOUGH OR ANY OTHER ATTORNEY?

9 A HE DID NOT AND WE SPECIFICALLY ASKED HIM THAT ON
10 SEVERAL OCCASIONS AND HE EACH TIME AFFIRMED HE DID
11 NOT

12 Q OKAY MR MORTON ASKED YOU ABOUT GOING BACK TO
13 THE HOUSE THAT MORNING?

14 A YES, SIR

15 Q AND ASKED YOU HOW DID YOU GET INTO THAT HOUSE
16 THAT MORNING PRIOR TO LEAVING TO THE HOUSE DID
17 MR COPE EXECUTE A CONSENT TO ENTER HIS HOME?

18 A YES, SIR, HE DID THIS ONE IS SIMILAR TO, IT'S
19 ON THE SAME FORM AS THE ONE WHERE THE OFFICERS WENT
20 BACK AND, CRIME SCENE INVESTIGATORS WENT BACK AND
21 RETRIEVED THE RAG THAT I INSTRUCTED THEM TO ON THE
22 RADIO, THIS IS THE CONSENT FORM THAT MR COPE SIGNED
23 THAT MORNING AT 10 45 AM WHEN WE ACCOMPANIED HIM BACK
24 TO THE HOUSE

25 Q AUTHORIZING YOU TO ENTER HIS HOME?

001875

1 A YES, SIR

2 Q ALL RIGHT

3 MR BRACKETT YOUR HONOR, I ASK THIS BE
4 MARKED AS STATE'S EXHIBIT 85

5 MR MORTON NO OBJECTION

6 MR GREELEY NO OBJECTION

7 THE COURT BE RECEIVED WITHOUT OCCASION

8 (STATE'S EXHIBIT 85 CONSENT FORM
9 RECEIVED INTO EVIDENCE)

10 Q STATE'S 85 IN EVIDENCE AND FINALLY, SIR, YOU
11 SEARCHED OR YOUR DEPARTMENT SEARCHED THAT HOUSE
12 THOROUGHLY DID YOU EVER LOCATE A BLUE WOODEN BROOM
13 THAT FIT THE DESCRIPTION THAT YOU WERE BEING GIVEN BY
14 MR COPE?

15 A NO, SIR, WE NEVER DID LOCATE THE BROOM THAT
16 MR COPE TOLD US ABOUT, SEEMED PERPLEXED THAT WE
17 COULDN'T FIND I BELIEVE AT ONE POINT HE THOUGHT WE
18 DID HAVE THE BROOM, BUT WE NEVER HAVE BEEN ABLE TO
19 LOCATE THAT BROOM

20 Q THANK YOU VERY MUCH, CAPTAIN CABANISS

21 A YES, SIR

22 RE CROSS EXAMINATION BY MR MORTON

23 Q CAPTAIN CABANISS, FIRST OF ALL I'M GOING TO HAVE
24 YOU LOOK AT A COPY OF THE WARRANT, THE MURDER
25 WARRANT?

001876

1 MR BRACKETT WHICH ONE?

2 MR MORTON THE MURDER WARRANT ON MR
3 COPE

4 MR BRACKETT OKAY

5 A YES, SIR

6 Q OKAY ISN'T IT TRUE THAT LEGALLY TO GET A
7 WARRANT FOR SOMEONE YOU HAVE TO HAVE WHAT WE CALL IN
8 LEGAL CIRCLES AS PROBABLE CAUSE?

9 A THAT'S CORRECT

10 MR BRACKETT YOUR HONOR, I OBJECT THIS
11 EXCEEDS THE SCOPE OF THE REDIRECT AND IT ALSO IS
12 CALLING FOR A LEGAL CONCLUSION APPARENTLY

13 THE COURT WELL, I OVERRULE THE OBJECTION
14 AT THIS TIME I DON'T KNOW WHAT THIS IS IN REPLY TO

15 MR MORTON WELL, I'M JUST GOING TO ASK
16 HIM ONE MORE QUESTION

17 THE COURT I KNOW BUT LET ME SEE WHAT THE
18 QUESTION IS THEN SEE IF YOU OBJECT

19 Q WHAT IS THE PROBABLE CAUSE ON THIS WARRANT?

20 MR BRACKETT YOUR HONOR --

21 THE COURT I SUSTAIN THE OBJECTION

22 Q WHAT PROBABLE CAUSE --

23 THE COURT I SUSTAIN THE OBJECTION

24 Q MR CABANISS

25 A YES, SIR

001877

1 Q THIS IS A MAN, IN RESPONSE TO MR GREELEY'S
2 QUESTION, AND AGAIN YOU HAVEN'T TAKEN THE TIME,
3 DIDN'T THINK IT WAS IMPORTANT ENOUGH, TO LISTEN TO
4 THIS THREE AND A HALF HOUR CONVERSATION BETWEEN
5 MR COPE AND MR WALDROP AND MR HERRING, YOU HAVEN'T
6 HEARD THAT TAPE?

7 A NO, SIR

8 Q AND SO YOU DON'T KNOW WHETHER MR COPE TRIED TO
9 SHIFT THE BLAME TO ANYBODY ELSE ON THAT TAPE OR NOT,
10 DO YOU?

11 A ONLY WHAT LIEUTENANT HERRING AND LIEUTENANT
12 WALDROP TOLD ME

13 Q OKAY DO YOU KNOW WHAT'S ON THAT TAPE?

14 A NO, SIR

15 Q REGARDING ANY KIND OF SHIFTING OF BLAME?

16 A NO, SIR

17 Q ALL RIGHT AND DO YOU KNOW HOW MANY TIMES HE
18 INSISTED ON TAKING THE POLYGRAPH?

19 A NO, SIR

20 Q OKAY AND WHAT YOU ARE TELLING US IS THAT
21 SOMEONE WHO INSISTS REPEATEDLY ON TAKING POLYGRAPH IS
22 SOMEHOW TRYING TO DIVERT YOU? THAT'S NOT CORRECT, IS
23 IT?

24 A THE QUESTION THAT I WAS ASKED DOES SOMETIME A
25 PERSON WHEN TRYING TO DIVERT THE POLICE OFFICER, THE

001878

1 INVESTIGATOR, DO THEY INSIST AND TRY TO PERSUADE YOU
2 AND INSIST THAT THEY WANT TO TAKE A POLYGRAPH AND MY
3 ANSWER WAS, IN SOME CASES, YES, THAT IS TRUE

4 Q WOULD YOU AGREE WITH ME THAT USUALLY WHEN YOU
5 ARE INTERROGATING SOMEBODY AND ONE OF THE THINGS THAT
6 YOU ASK THEM IS WOULD YOU BE WILLING TO TAKE A
7 POLYGRAPH?

8 A YES, SIR, I WOULD

9 Q AND WOULD YOU AGREE WITH ME THAT MORE OFTEN THAN
10 NOT PEOPLE THAT GO, NO, I WON'T DO THAT IS AN
11 INDICATOR TO YOU THAT THAT PERSON MAY NOT BE TELLING
12 YOU THE TRUTH?

13 A I WOULD SAY EACH CASE DEPENDS ON A CASE BY CASE
14 BASIS I'D HAVE TO KNOW THE WHOLE TOTALITY OF THE
15 CIRCUMSTANCES I WOULDN'T MAKE A BLANKET STATEMENT
16 SAYING THAT, NO, SIR

17 Q WELL, MR GREELEY ASKED YOU TO MAKE A BLANKET
18 STATEMENT AND I'M GOING TO ASK YOU TO MAKE A BLANKET
19 STATEMENT USUALLY WHEN YOU ARE INTERROGATING
20 SOMEBODY AND THEY TELL SOMETHING THEY TELL YOU THAT
21 THEY WENT TO SLEEP, THAT THEY DIDN'T HEAR A THING,
22 THAT THEIR CHILDREN DIDN'T HEAR A THING, THAT THEY
23 DON'T KNOW HOW THEIR DAUGHTER GOT RAPED AND MURDERED,
24 THAT THEY ARE WILLING TO TAKE A POLYGRAPH, IS THAT
25 MORE INDICATIVE, THEIR WILLINGNESS TO TAKE A

001879

1 POLYGRAPH OF SOMEONE WHO IS AT LEAST VOLUNTEERING TO
2 YOU TO TRY TO FIND OUT MORE ABOUT THIS CRIME OR
3 SOMEONE WHO IS NOT? DOES THAT QUESTION MAKE ANY
4 SENSE?

5 A NO, SIR I'M SORRY

6 Q OKAY PEOPLE WHO VOLUNTARILY, I'LL JUST ASK
7 THIS QUESTION, PEOPLE WHO VOLUNTARILY SAY I WANT TO
8 TAKE A POLYGRAPH, IN YOUR EXPERIENCE IS THAT MORE
9 INDICATIVE OF SOMEONE WHO IS TELLING THE TRUTH OR
10 SOMEBODY WHO IS TRYING TO HIDE BEHIND SOMETHING?

11 A TRUTH, MR MORTON, CAN GO BOTH WAYS I'D HAVE
12 TO KNOW HOW THE OFFER WAS MADE, THE TOTALITY OF THE
13 CIRCUMSTANCES, IT COULD GO EITHER WAY

14 Q OKAY MR GREELEY TALKED TO YOU ABOUT STAGING
15 THE SCENE AND WHAT YOU HAVE TESTIFIED TO EARLIER IS
16 THAT YOU THOUGHT HE TRIED TO STAGE THE SCENE

17 A YES, SIR

18 Q WOULD YOU AGREE WITH ME THAT IF HE TRIED TO
19 STAGE THE SCENE IT WASN'T GOING TO GET HIM VERY FAR?

20 A I WOULD AGREE WITH YOU IT DIDN'T GET HIM VERY
21 FAR THAT WAS A POOR JOB

22 Q THAT IT WAS A PCOR ATTEMPT TO STAGE A SCENE?

23 A AS I STATED EARLIER HE ONLY HAD A LITTLE BIT TO
24 WORK WITH

25 Q RIGHT POSSIBLY HE WAS TELLING THE TRUTH

001880

BECAUSE IN ORDER TO BELIEVE THAT HE'S NOT TELLING THE
TRUTH YOU HAVE TO BELIEVE BASICALLY THAT THIS MAN IS,
WOULD YOU AGREE WITH ME, A MANIAC, THAT HE LETS A
STRANGER IN HIS HOUSE TO RAPE AND MURDER HIS OWN
DAUGHTER AND LEAVES HER LYING IN THE BED, TRIES TO
WRAP A BLANKET AROUND HER NECK TO STAGE THE SCENE?
THAT'S WHAT WE HAVE TO BELIEVE HERE

A I DON'T UNDERSTAND THE QUESTION

Q IS THAT WHAT WE HAVE TO BELIEVE IN ORDER TO
BELIEVE THAT HE DID THIS?

A WE HAVE TO BELIEVE?

Q DO WE HAVE TO BELIEVE THAT HE LETS A STRANGER IN
HIS HOUSE, RIGHT?

A I NEVER SAID THEY WERE STRANGERS YOU DID, SIR

Q WELL, DO YOU HAVE ANY PROOF, AGAIN, THAT, ANY
EVIDENCE, THAT THEY KNEW EACH OTHER AT ALL?

A NO, SIR, I DO NOT

Q I'M SORRY

A OTHER THAN THE FACT THAT THEY ACTED TOGETHER
THAT NIGHT AND --

Q WELL --

A I HAVE NO INDICATION THAT THEY WERE FRIENDS, NO,
SIR NO EVIDENCE

Q WHAT INDICATION DO YOU HAVE THAT THEY ACTED
TOGETHER THAT NIGHT?

001881

1 A EVERYTHING THAT I HAVE TESTIFIED TO AND THE
2 FACT --

3 Q I DON'T -- YOU SAY THAT THEY ACTED TOGETHER AND
4 THAT'S YOUR PREMISE THAT THEY ACTED TOGETHER, BUT DO
5 WE HAVE ANY PROOF THAT THEY ACTED TOGETHER?

6 A THERE IS NO POSSIBLE WAY THAT THAT CRIME WAS
7 COMMITTED ON THAT 12 YEAR OLD WITHOUT EVERYONE IN THE
8 HOUSE KNOWING IT

9 Q SO JESSICA AND KYLA -- PEOPLE, CAPTAIN CABANISS,
10 ARE MURDERED IN THEIR HOME IN THIS CITY WITH OTHER
11 PEOPLE IN THE OTHER ROOM WHO NEVER HEAR A WORD?

12 A NOT IN THE WAY THAT YOUNG LADY WAS MURDERED, NO,
13 SIR

14 Q PEOPLE WERE SHOT IN THE HEAD, CORRECT?

15 A WHAT'S THE QUESTION

16 Q PEOPLE ARE MURDERED IN THEIR HOUSES WHEN OTHER
17 PEOPLE ARE IN THE HOUSE AND NOBODY EVER HEARS A
18 THING?

19 A MY ANSWER NOT THE WAY THAT THAT 12 YEAR OLD WAS
20 BEATEN AND MURDERED THAT NIGHT

21 Q LET ME ASK YOU THIS IF MR SANDERS SNUCK IN
22 THAT HOUSE THAT NIGHT IN ORDER TO INCAPACITATE AMANDA
23 COPE, ALL HE WOULD HAVE TO DO WOULD BE TO GO IN THERE
24 AND (CLAPS HANDS TOGETHER) HIT HER IN THE HEAD I'M
25 SORRY

1 A IF THAT WAS THE CASE HE WOULD NEVER HAVE STAYED
2 IN THE HOUSE LONG ENOUGH TO PULL HER PANTS BACK UP TO
3 MAKE IT LOOK LIKE THAT SHE HAD NEVER BEEN ASSAULTED

4 Q SO HE WOULDN'T HAVE DONE THAT, BUT BILLY COPE
5 WOULD HAVE LEFT HIS OWN DAUGHTER LYING IN THIS BED
6 RAPED AND MURDERED AND EXPECTED SOMEHOW TO GET AWAY
7 WITH IT? DOES THAT MAKE SENSE TO YOU?

8 A IT DON'T MAKE SENSE THAT BILLY COPE FINDING HER
9 LIKE THAT CALL 911 SAYING HIS DAUGHTER, IT WAS AN
10 ACCIDENT, SHE HAD STRANGLED HERSELF, AND STICK TO
11 THAT STORY FOR A DAY --

12 Q ---UNLESS THAT'S WHAT HAPPENED --

13 THE COURT WE'RE GETTING BACK TO SAME
14 PATTERN LET HIM FINISH HIS ANSWER

15 Q UNLESS HE THOUGHT THAT'S WHAT HAPPENED?

16 A NO, SIR, HE ---

17 Q WE DON'T HAVE ANYTHING ELSE, CAPTAIN CABANISS WE
18 DON'T HAVE ANYTHING ELSE, NO PHYSICAL EVIDENCE, TO
19 PROVE YOUR BELIEF IN WHAT HAPPENED?

20 A YES, SIR, WE DO

21 Q TELL ME WHAT PHYSICAL EVIDENCE WE HAVE?

22 A AGAIN WE HAVE MR COPE'S SEMEN THE PANTS LEG

23 Q NO, MR SANDERS?

24 A I'M SORRY YOU ARE CORRECT EXCUSE ME

25 MR SANDERS --

001883

1 Q ALL RIGHT

2 A GO AHEAD

3 Q YOU HAVE THAT PHYSICAL EVIDENCE?

4 A THAT'S CORRECT

5 Q OKAY BUT WHAT OTHER PHYSICAL EVIDENCE DO WE

6 HAVE?

7 A THE SALIVA ON HER BREAST, MR SANDERS

8 Q THIS SAYS MR COPE DID IT?

9 A THAT'S CORRECT

10 Q SEMEN SAYS MR SANDERS DID IT?

11 A THAT'S CORRECT

12 Q THE SALIVA SAYS MR SANDERS DID IT?

13 A IT SAYS HE WAS PRESENT AT THE SCENE

14 Q OKAY

15 A OKAY WE HAVE ALL OF MR COPE'S STATEMENTS

16 Q OKAY

17 A ALL OF HIS ADMISSIONS

18 Q INCLUDING HIS STATEMENT OF THREE AND HALF HOURS

19 THE NIGHT BEFORE?

20 A CORRECT

21 Q OKAY

22 A AND INCLUDING THE NEXT DAY WHEN WE HAD THE

23 ACTUAL RE-ENACTMENT THAT NO ONE ASKED HIM, NO ONE

24 SHOWED HIM, AND HE DESCRIBED HOW THE PHYSICAL

25 EVIDENCE FROM THE AUTOPSY, THE HORRIFIC INJURIES THAT

1 WAS DONE TO THIS YOUNG LADY, NOT JUST THAT NIGHT BUT
2 PREVIOUS NIGHT, BUT HOW SHE WAS KILLED THAT NIGHT,
3 HOW SHE WAS STRANGLED BY SOMEONE'S HANDS, WE HAVE ALL
4 THAT INJURIES THAT MR COPE DEPICTED IN THE VIDEO
5 TAPE

6 Q BUT, CAPTAIN CABANISS, HE HAD BEEN TOLD ALL THAT
7 STUFF, CORRECT?

8 A I DO NOT KNOW ANYONE THAT TOLD HIM HOW HE JUMPED
9 UP ON THE BED, HELD HER DOWN AND STRANGLED HER AND
10 BEAT HER

11 Q AND THAT FACT DOES NOT MATCH THE EVIDENCE, DOES
12 IT?

13 A MOST OF IT, A LOT OF IT DOES, YES, SIR

14 Q WHAT DOES?

15 A THE INJURY --

16 Q WHAT ABOUT HIM STRANGLING HER FROM BEHIND
17 MATCHES THE EVIDENCE?

18 THE COURT I HATE TO KEEP BUTTING IN, MR
19 MORTON, BUT THE ONLY REASON TO ASK A QUESTION IS TO
20 GET AN ANSWER AND WHEN YOU ASK HIM ONE, GET AN
21 ANSWER

22 MR MORTON I THOUGHT HE STOPPED, YOUR
23 HONOR

24 THE COURT HE HADN'T EVEN STARTED THAT
25 TIME

1 MR MORTON I THOUGHT HE HAD STOPPED AND
2 I ASKED A QUESTION AND THEN HE STARTED AGAIN

3 MR BRACKETT IN ADDITION, YOUR HONOR, I
4 WOULD OBJECT THIS IS NOT IN RESPONSE TO ANY OTHER
5 QUESTIONING THAT WAS DONE IT WAS GONE OVER IN
6 EXHAUSTIVE DETAIL ON THE ORIGINAL CROSS BUT I SUBMIT
7 THIS IS CUMULATIVE

8 THE COURT I OVERRULE THE OBJECTION I'M
9 GOING TO ALLOW HIM TO, MAKE SURE IT IS IN RESPONSE
10 OF COURSE, MR GREELEY WAS PRETTY BROAD IN HIS, HE
11 WAS SHORT, BUT IT WAS PRETTY BROAD SO

12 A I'M SORRY CAN YOU PLEASE ASK THE QUESTION
13 AGAIN

14 Q OKAY HIS VIDEO?

15 A YES, SIR

16 Q RE-ENACTMENT OF JUMPING ON AMANDA FROM BEHIND
17 AND STRADDLING HER AND CHOKING HER FROM THE BACK,
18 DOES OR DOES NOT MATCH THE EVIDENCE?

19 A HE ALSO, REMEMBER, HE'S TALKING SHE --

20 Q IF YOU CAN ANSWER MY QUESTION THEN EXPLAIN?

21 A IT DOES NOT MATCH FROM THE BEHIND BUT IF YOU
22 WILL ALSO LET ME EXPLAIN THAT HE TALKED ABOUT WHERE
23 SHE WAS TRYING TO GRAB HER HANDS OFF OF HIM AND AS I
24 PREVIOUSLY TESTIFIED I AT ONE POINT I THINK THAT SHE
25 TURNED OVER AND SHE WAS LAYING FACE UP HE AGAIN

SAID THAT WHEN HE SAYS HE WOKE UP FROM THIS DAZE
NIGHTMARE THAT SHE WAS LAYING ON HER BACK WITH THE
BROOM IN HER VAGINA

Q SO AGAIN, ARE YOU FINISHED? MY QUESTION IS DOES
THE EVIDENCE THAT WHEN HE SAYS IN THAT RE-ENACTMENT
THAT HE SAYS HE JUMPED ON HER FROM THE BACK,
STRANGLED HER FROM BACK WITH TWO HANDS, DOES THAT
MATCH, DOES THAT STATEMENT MATCH THE EVIDENCE?

A IN MY OPINION, YES, SIR, IT IS DOES

Q I'M SORRY?

A YES, SIR, IT DOES

Q OKAY AND HOW SO?

A FROM THE INJURIES TO HER BODY AND THE WAY THAT
HE RE-ENACTED HOW HE BEAT, STRANGLED, PUSHED THE
BROOM INTO HER THAT NIGHT

Q OKAY AND AGAIN YOU'RE AWARE, EVEN THOUGH YOU
HAVEN'T HEARD THE TAPE, THAT MR COPE HAD BEEN TOLD
SHE HAD BEEN BEATEN, STRANGLED, SODOMIZED, HE HAD
BEEN TOLD ALL THAT?

A I'M NOT COMPLETELY SURE WHAT ALL HE HAD BEEN
TOLD, BUT I WILL NOT DISPUTE THAT FACT, NO, SIR

MR MORTON THAT'S ALL I HAVE, YOUR
HONOR

THE COURT MR GREELEY

MR GREELEY I HAVE NONE

1 THE COURT YOU CAN STEP DOWN AND BE
2 EXCUSED WE APPRECIATE YOUR TIME THANK YOU CALL
3 YOUR NEXT WITNESS

4 MR POPE THE NEXT WITNESS WOULD BE JAN
5 BRYSON WHO IS FORENSIC TECHNICIAN THAT RECEIVED THE
6 EVIDENCE YOUR HONOR, SHE'S GOING TO BE GOING
7 EXTENSIVELY THROUGH THE EVIDENCE I THINK IN THE
8 JURY'S INTEREST IF I HAD ABOUT TEN MINUTES I CAN GET
9 IT SQUARED AWAY

10 THE COURT LET THE JURY GO TO THE JURY
11 ROOM SO THEY CAN GET THE THING IN ORDER FOR THIS
12 WITNESS LET ME KNOW WHEN YOU ARE READY, MR POPE

13 MR POPE YES, SIR THANK YOU, YOUR
14 HONOR

15 (THE JURY EXITS THE COURTROOM AT 03 20
16 PM AND COURT'S IN RECESS AT 03 21 PM)

17 (COURT RESUMES AT 03 44 PM)

18 THE COURT IS THE STATE READY

19 MR BRACKETT YES, YOUR HONOR

20 THE COURT THE DEFENSE

21 MR WOOD YES

22 MR GREELEY YES

23 THE COURT BRING IN THE JURY

24 (THE JURY RETURNS TO THE COURTROOM AT
25 03 45 PM)

001888

1 THE COURT CALL YOUR NEXT WITNESS

2 MR POPE THE STATE WOULD CALL JANICE S
3 BRYSON TO THE STAND PLEASE

4 JAN BRYSON, BEING FIRST DULY
5 SWORN, TESTIFIED AS FOLLOWS

6 DIRECT EXAMINATION BY MR POPE

7 Q MRS BRYSON, YOU WOULD STATE YOUR FULL NAME AND
8 SPELL YOUR LAST FOR THE COURT REPORTER PLEASE, MA'AM?

9 A JANICE BRYSON B-R-Y-S-O-N

10 Q AND MRS BRYSON, COULD YOU TELL THE JURY WHERE
11 YOU ARE EMPLOYED?

12 A SOUTH CAROLINA LAW ENFORCEMENT DIVISION

13 Q AND HOW LONG HAVE YOU BEEN EMPLOYED WITH SOUTH
14 CAROLINA LAW ENFORCEMENT DIVISION?

15 A 15 YEARS

16 Q OKAY IS THERE ANOTHER NAME THEY GO BY OTHER
17 THAN SOUTH CAROLINA LAW ENFORCEMENT DIVISION?

18 A YES, SIR, IT'S SLED

19 Q HAVE YOU BEEN THERE 15 YEARS?

20 A THAT'S CORRECT

21 Q AND WHAT DID YOU DO IN YOUR CAPACITY AT THE
22 STATE LAW ENFORCEMENT DIVISION?

23 A I'M FOR EVIDENCE TECHNICIAN IN THE EVIDENCE
24 PROCESSING DEPARTMENT

25 Q CAN YOU TELL THE JURY BASICALLY IN JUST EVERY

001889

1 DAY TERMS WHAT IS A FORENSIC EVIDENCE TECHNICIAN,
2 WHAT DO YOU DO?

3 A WHENEVER THERE IS ITEMS OF EVIDENCE ASSOCIATED
4 WITH A CRIME THAT IS SUBMITTED TO THE LAB WITH THE
5 REQUEST FOR HAIR AND FIBER, BLOOD OR SEMEN, IT'S MY
6 RESPONSIBILITY TO GO THROUGH THAT EVIDENCE AND
7 COLLECT THE EVIDENCE AND SEND IT TO THE APPROPRIATE
8 DEPARTMENT

9 Q OKAY AND I THINK YOU SAID YOU WORK IN THE
10 EVIDENCE PROCESSING DEPARTMENT?

11 A YES, SIR

12 Q IS THAT EXACTLY WHAT IT SOUNDS LIKE, YOU PROCESS
13 EVIDENCE?

14 A THAT'S CORRECT

15 Q OKAY AND THE EVIDENCE YOU RECEIVE, WHERE DOES
16 IT COME FROM?

17 A A LAW ENFORCEMENT AGENCY

18 Q OKAY ARE YOU ASSIGNED A CERTAIN AREA OR HOW
19 BIG AN AREA DOES THE STATE LAW ENFORCEMENT DIVISION
20 COVER?

21 A 46 COUNTIES, IS THAT WHAT YOU MEAN

22 Q YES MA'AM YES, MA'AM SO YOU RECEIVE
23 EVIDENCE ON DIFFERENT CASES FROM DIFFERENT LAW
24 ENFORCEMENT AGENCIES?

25 A THAT'S CORRECT

Q CORRECT AND DURING YOUR WORK DAY WHAT IS IT, TELL THE JURY, WHAT IS IT YOU PHYSICALLY, OBVIOUSLY YOU COME TO COURT FOR ONE, BUT WHAT OTHER DAY TO DAY, IF YOU WERE AT SLED TODAY WHAT IS THE WORK YOU WOULD ACTUALLY BE DOING?

A I WOULD GOING THROUGH DIFFERENT, A VARIETY OF ITEMS, COLLECTING HAIR, FIBER, AND I PERFORM CHEMICAL AND SEROLOGICAL TESTING ON STAINS FOR THE PRESENCE OF BLOOD AND SEMEN

Q NOW DO YOU HAVE A CERTAIN PROTOCOL THAT YOU FOLLOW, A CERTAIN STEPS THAT YOU TAKE THERE?

A YES, SIR, WE HAVE A PROTOCOL MANUAL

Q OKAY AND WERE YOU TRAINED IN FOLLOWING OR USING THAT PROTOCOL?

A YES, I WAS

Q CAN YOU TELL THE JURY WHAT EDUCATION AND TRAINING YOU HAVE THAT ALLOWS YOU TO PERFORM THESE DIFFERENT STEPS AND TESTS THAT YOU INDICATED?

A I HAVE AN ASSOCIATE'S DEGREE FROM THE UNIVERSITY OF SOUTH CAROLINA AND WHILE AT SLED I TRAINED UNDER COURT QUALIFIED FORENSIC EXPERTS IN THE AREAS OF SEROLOGY, TRACE AND DNA, AND I'VE ATTENDED NUMEROUS SEMINARS IN RELATION TO CRIME SCENE INVESTIGATION, BLOOD SPLATTER RECOGNITION, AND I ALSO TRAINED FOR A YEAR UNDER THE SENIOR TECHNICIAN IN OUR DEPARTMENT

001891

1 AND SLED IS NATIONALLY ACCREDITED BY THE AMERICAN
2 SOCIETY OF CRIME LABORATORY DIRECTORS AND IT'S A
3 REQUIREMENT OF ASCLD EACH ANALYST AND TECHNICIAN BE
4 CERTIFIED IN THEIR AREAS OF EXPERTISE AND I HAVE BEEN
5 CERTIFIED IN THE COLLECTION OF HAIR, FIBER, BLOOD,
6 AND SEMEN

7 Q OKAY AND AS FAR AS BEING AT SLED, HOW LONG
8 HAVE YOU BEEN ASSIGNED PARTICULARLY TO EVIDENCE
9 PROCESSING?

10 A 8 YEARS

11 Q OKAY DO YOU HAVE ANY ESTIMATION AS FAR AS YOUR
12 ACTUAL CASE WORK HOW MANY CASES YOU'VE DONE OVER
13 THOSE EIGHT YEARS?

14 A WELL, PROBABLY OVER A THOUSAND AND I'VE PROBABLY
15 PERFORMED THREE OR FOUR THOUSAND CHEMICAL AND
16 SEROLOGICAL TESTING

17 Q OKAY AND WHEN YOU RECEIVE ITEMS, FOR EXAMPLE,
18 IN THIS CASE FOR THE JURY HAS SEEN A LARGE NUMBER OF
19 ITEMS, IN A GIVEN CASE YOU MAY RECEIVE A LOT OR A FEW
20 ITEMS, IT JUST DEPENDS ON A GIVEN CASE, IS THAT
21 CORRECT?

22 A THAT'S CORRECT

23 Q OKAY HAVE YOU HAD THE OPPORTUNITY IN ADDITION
24 TO THAT, THE TESTING WORK THAT YOU DO, HAVE YOU HAD
25 THE OPPORTUNITY TO IN THE PAST TO COME INTO THE COURT

001892

1 AND TESTIFY AS AN EXPERT IN THIS AREA OF FORENSIC
2 EVIDENCE PROCESSING?

3 A YES, SIR, I HAVE

4 Q AND YOU'VE BEEN QUALIFIED AS AN EXPERT IN COURTS
5 IN THIS STATE?

6 A YES, SIR, I HAVE

7 MR POPE YOUR HONOR, AT THIS TIME I
8 TENDER MRS BRYSON AS AN EXPERT IN FORENSIC EVIDENCE
9 PROCESSING

10 THE COURT ANY VOIR DIRE?

11 MR WOOD NO VOIR DIRE

12 MR GREELEY NO OBJECTION TO THAT
13 DESIGNATION AS AN EXPERT

14 THE COURT WHAT'S THE EXACT FORENSIC?

15 MR POPE FORENSIC EVIDENCE PROCESSING

16 THE COURT I FIND SHE'S QUALIFIED

17 Q MRS BRYSON, IF YOU WOULD, IF YOU COULD JUST
18 EXPLAIN BRIEFLY TO THE JURY, AND I KNOW IN THIS
19 PARTICULAR CASE YOU RECEIVED OR AT LEAST PAST THROUGH
20 TO YOU A LARGE NUMBER OF ITEMS OF EVIDENCE, IS THAT
21 CORRECT?

22 A THAT'S CORRECT

23 Q CAN YOU DESCRIBE TO THE JURY, YOU TOUCHED ON IT
24 EARLIER AS YOU SAID WHEN YOU SAID WHAT YOUR JOB IS,
25 CAN YOU TELL WHAT YOU ACTUALLY DO WHEN SAY EVIDENCE

1 COMES IN, WHAT IT IS YOU DO, WHAT IT IS YOU ARE
2 LOOKING FOR, WHAT IS THE PROCEDURE?

3 A WHEN THE EVIDENCE COMES IN I TAKE THAT EVIDENCE
4 INTO MY CUSTODY AND I PLACE A WHITE PIECE OF BUTCHER
5 BLOCK PAPER AND I EMPTY THE CONTENTS OF THE BAG ON TO
6 THAT PAPER AND I SCRAPE IT DOWN FOR HAIR OR FIBER AND
7 I SAVE THAT PAPER AND TRANSFER IT TO THE TRACE OR DNA
8 DEPARTMENT AND WHEN I'M LOOKING FOR SEMEN, I USE AN
9 ALTERNATE LIGHT SOURCE WHICH WILL FLUORESCENCE STAINS
10 AND THE ROOM IS DARK AND WE USE PROTECTIVE SIGHT WEAR
11 AND I CIRCLE THE AREAS THAT FLUORESCENCE AND I GO BACK
12 AND DO A SPOT TEST LOOKING FOR SEMEN AND BLOOD IS
13 JUST A VISUAL AND THEN WE USE A THREE STEP CHEMICAL
14 TEST TO SEE IF THE STAIN MAY BE POTENTIAL BLOOD

15 Q OKAY AND WHAT, WHEN YOU TALKED ABOUT THESE
16 DIFFERENT TESTS COULD YOU TELL THE JURY WHAT IS A
17 PRESUMPTIVE TEST, WHAT DOES THAT MEAN?

18 A IT MEANS THAT THERE IS A POSSIBILITY THAT THAT
19 STAIN IS POSITIVE FOR SEMEN OR BLOOD AND I KNOW FROM
20 THE OUTCOME OF THAT TEST WHETHER I NEED TO FORWARD
21 THE, TAKE A SAMPLE AND FORWARD IT TO THE APPROPRIATE
22 DEPARTMENT

23 Q OKAY WHEN YOU TALK ABOUT TAKING A SAMPLE, HOW
24 WOULD THAT OCCUR?

25 A IF THE TESTING THAT I DO IS POSITIVE FOR BLOOD

001894

1 OR SEMEN THAT AREA I'LL CUT IT OUT AND GIVE IT A
2 NUMBER AND SEND IT TO THE DNA DEPARTMENT

3 Q OKAY IF, FOR EXAMPLE, YOU HAVE, YOU SAID THAT
4 THE FIRST STEP YOU ARE LOOKING FOR HAIRS AND FIBERS,
5 IF YOU HAVE HAIRS AND FIBERS IN A CASE WHAT
6 DEPARTMENT DOES THAT GO TO?

7 A NORMALLY IT GOES TO TRACE BUT IT JUST DEPENDS ON
8 THE EXAMINATION THEY ARE REQUESTING

9 Q TRACE, THAT'S TRACE EVIDENCE, TRACES OF HAIRS
10 AND FIBERS, THINGS THAT HAIRS AND FIBERS?

11 A THAT'S CORRECT

12 Q OKAY AND IN DOING YOUR PROCESS IF YOU RECEIVED
13 A NUMBER OF ITEMS OF EVIDENCE, DO YOU OPEN THEM ALL
14 UP AT ONE TIME?

15 A NO, SIR I TAKE EACH INDIVIDUAL BAG AND OPEN IT
16 AT ONE TIME

17 Q AND YOU SAID BASICALLY ARE YOU LOOKING FOR BLOOD
18 OR SEMEN, IS THAT CORRECT?

19 A THAT'S CORRECT

20 Q OKAY AND ALSO OF COURSE HAIR AND FIBER, IS
21 THAT CORRECT?

22 A RIGHT

23 Q AND YOU HAVE A WORK SHEET THAT YOU USE TO KIND
24 HELP YOU KEEP ORGANIZED IN PROCESSING?

25 A YES, SIR, I DO

001895

1 Q OKAY I'M GOING TO SHOW YOU WHAT'S, IF I CAN
2 HAVE THIS MARKED FOR IDENTIFICATION PLEASE, MA'AM
3 (STATE'S EXHIBIT 86 WORKSHEET MARKED
4 FOR IDENTIFICATION)

5 Q THIS IS STATE'S EXHIBIT 86 FOR IDENTIFICATION
6 BY WAY OF EXAMPLE, IS THIS ONE OF THE SHEETS YOU
7 ACTUALLY DID IN THIS PARTICULAR CASE?

8 A YES, SIR, IT IS

9 Q OKAY AND DO YOU ACTUALLY HAVE WHAT'S CALLED A
10 SLED NUMBER?

11 A THAT'S CORRECT

12 Q OKAY AND IS THAT JUST A NUMBER THAT'S ASSIGNED
13 TO HELP YOU IDENTIFY THAT PIECE OF EVIDENCE?

14 A WHEN THE EVIDENCE COMES IN TO SLED THE EVIDENCE
15 CONTROL DEPARTMENT ASSIGNED IT A SLED LAB NUMBER

16 Q OKAY THANK YOU

17 MR POPE YOUR HONOR, THIS IS STATE'S
18 EXHIBIT 86 FOR IDENTIFICATION THIS INVENTORY WORK
19 SHEET, I'M NOT PUTTING IT IN, IT'S JUST FOR PURPOSES
20 OF HER EXPLAINING WHAT EXACTLY SHE DOES MY
21 UNDERSTANDING FROM BOTH SIDES --

22 THE COURT ANY OBJECTION?

23 MR GREELEY NONE AS TO DEMONSTRATIVE
24 EVIDENCE WE UNDERSTAND

25 Q MRS BRYSON, CAN YOU SEE THIS?

001896

1 A YES, SIR, I CAN SEE IT

2 Q DO YOU NEED TO STEP ON DOWN OR ARE YOU
3 COMFORTABLE WHERE YOU ARE SEEING IT?

4 A I CAN SEE IT IF I NEED TO I'LL STEP DOWN

5 Q ALL RIGHT THANK YOU I JUST ASK YOU AND THIS
6 IS ACTUALLY THE FIRST SHEET IN YOUR FILE OF YOUR
7 SERIES OF SHEETS WHEN YOU DID TESTING, IS THAT
8 CORRECT?

9 A MY FIRST WORK SHEET

10 Q OKAY AND COULD YOU DESCRIBE TO THE JURY JUST
11 BASICALLY WHAT THESE ITEMS ARE? MAYBE I'D FEEL
12 BETTER IF YOU'D STEP DOWN AND LET YOU SEE EVERYTHING

13 A OKAY

14 Q USE THIS RIGHT HERE I'M JUST GOING TO ASK YOU
15 IF YOU CAN EXPLAIN WHAT EACH OF THE COLUMNS IS PLEASE
16 MA'AM

17 A THAT'S THE SLED LAB NUMBER THAT IS ASSIGNED TO
18 THE EVIDENCE WHEN IT COMES IN THE DOOR THIS IS THE
19 DAY I PROCESS IT THESE ARE MY INITIALS AND THE
20 TECHNICIAN THAT WAS IN THE ROOM WITH ME WHEN I
21 PROCESSED IT THAT'S THE VICTIM'S NAME, THE SUSPECT,
22 THE ITEM NUMBER THAT IT'S ASSIGNED WHEN IT COMES IN
23 THE DOOR, AND WE TRACK IT BY AN E NUMBER AND THAT'S E
24 NUMBER ASSIGNED TO THE HEAT SEALED POUCH AND THESE
25 WERE THE ACTUAL PANTIES THAT I PROCESSED AND THESE

1 ARE MY NOTES AND IT WAS POSITIVE, IT WAS A WEAK
2 POSITIVE, FOR APS WHICH IS ACID PHOSPHATE SPOT TEST
3 WHICH SUGGESTS THE PRESENCE OF SEMEN SO I TOOK A
4 CUTTING, I ASSIGNED IT A NUMBER, AND I DID A DIAGRAM
5 OF WHERE I TOOK MY CUTTING
6 Q OKAY IF YOU'D HAVE SEAT PLEASE MA'AM YOU HAD
7 INDICATED THAT THERE BASICALLY THREE OR FOUR
8 DIFFERENT TESTS YOU USE FIRST YOU PROCESS FOR HAIR
9 AND FIBER, IS THAT CORRECT?
10 A THAT'S CORRECT
11 Q OKAY AND THEN YOU HAVE THE ALTERNATIVE LIGHT
12 SOURCE AND THAT'S FOR LOOKING AT THINGS THAT WOULD
13 FLUORESC, RIGHT?
14 A THAT'S CORRECT
15 Q NOW WHAT KIND OF THINGS WOULD FLUORESC?
16 A VAGINAL SECRETIONS WILL FLUORESC, URINE,
17 SALIVA, SEMEN, PERSPIRATION, AND THERE IS SOME FOODS
18 THAT WILL FLUORESC, DETERGENTS AND FECES AND VOMIT
19 Q SO IN LOOKING AT THE LIGHT SOURCE THAT'S
20 REPRESENTED BY LL ON YOUR WORK SHEET, IS THAT
21 CORRECT?
22 A THAT'S CORRECT IT MEANS THAT THERE WERE STAINS
23 THAT I CIRCLED TO GO BACK AND TO SPOT TEST
24 Q SO YOU LOOKED AT IT WITH THE LIGHT AND THEN YOU
25 GO BACK AND THE TWO TESTS THAT YOU USE AT THIS STAGE

1 WOULD BE THE APS WHICH IS LOOKING FOR SEMEN, IS THAT
2 CORRECT?

3 A THAT'S CORRECT

4 Q ALL RIGHT AND THE OTHER IS THE PHEM THAT IS
5 PHENOLPHTHALEIN?

6 A PHENOLPHTHALEIN, BUT I DIDN'T DO ANY TESTING FOR
7 BLOOD

8 Q ON THIS PARTICULAR ONE?

9 A THAT'S CORRECT

10 Q OKAY AND DESCRIBE AND OF COURSE WE'RE GOING TO
11 LOOK AT SPECIFIC ITEMS, BUT YOU USE THE LIGHT SOURCE
12 TO SEE IF ANYTHING FLUORESCES, CORRECT?

13 A THAT'S CORRECT

14 Q THEN YOU WOULD CHECK IT FOR THE APS TEST IF IT
15 FLUORESCED, IS THAT CORRECT?

16 A THAT'S CORRECT

17 Q NOW EXPLAIN TO THE JURY, WHEN YOU ARE LOOKING AT
18 AN ITEM HOW DO YOU DO THE VISUAL OR OTHERWISE FOR
19 BLOOD, HOW DO YOU DO THAT?

20 A I JUST LOOK ON THE ITEM TO SEE IF THERE IS ANY
21 STAINS THAT MAY APPEAR TO BE BLOOD

22 Q SO THE LIGHT, THAT LL, THE LIGHT IS REALLY NOT
23 INVOLVED IN THE BLOOD COMPONENT OF YOUR TESTING, IS
24 THAT RIGHT?

25 A THAT'S CORRECT

001899

1 Q OKAY AND IF YOU SEE ANYTHING THAT APPEARS TO
2 BE BLOOD, THEN YOU DO THE PHENOLPHTHALEIN TEST, IS
3 THAT CORRECT?

4 A THAT'S CORRECT BUT THERE MAY HAVE BEEN BLOOD
5 ON THESE PANTIES AND IT MAY HAVE BEEN HERS AND
6 NORMALLY WE DON'T COLLECT VICTIM'S BLOOD FOR VICTIMS

7 Q I GOT YOU

8 A VICTIM'S BLOOD

9 Q LET ME ASK YOU FROM A PROTOCOL STANDPOINT DOES
10 EVERY ITEM WHEN YOU FIRST RECEIVE IT, YOU
11 AUTOMATICALLY DO EVERY SINGLE TEST? IN OTHER WORDS,
12 YOU JUST USE, FOR EXAMPLE, YOU DON'T NORMALLY
13 VICTIM'S BLOOD ON VICTIM'S CLOTHING?

14 A RIGHT

15 Q THINGS OF THAT NATURE DO YOU AUTOMATICALLY
16 TEST EACH ITEM THAT COMES IN OR DO YOU RANK THEM
17 SOMEHOW OR PRIORITIZE THEM SOMEHOW I SHOULD SAY?

18 A USUALLY WHEN THE EVIDENCE IS SUBMITTED THE LAW
19 ENFORCEMENT AGENCY FILLS OUT A SHEET REQUESTING WHAT
20 EXAMS THEY WANT ME TO LOOK FOR

21 Q OKAY AND AS A PRACTICAL MATTER IN THIS CASE
22 YOU DO KIND OF A SERIES OF TESTING YOU TESTED SOME
23 OF THE ITEMS THAT YOU RECEIVED AND DID A REPORT AND
24 SOME OF THE ITEMS YOU MAY NOT HAVE TESTED INITIALLY,
25 BUT THEN GO BACK AND TEST, IS THAT CORRECT?

001900

1 A THAT'S CORRECT WE START WITH THE BEST EVIDENCE
2 FIRST AND WORK OUR WAY DOWN

3 Q OKAY AND WE TALKED ABOUT YOUR TESTING BEING
4 PRESUMPTIVE THE FACT THAT YOU HAVE BLOOD OR HAVE
5 WHAT APPEARS TO BE BLOOD OR APPEARS TO BE SEMEN, FOR
6 EXAMPLE, THAT JUST DIRECTS YOU TO DO WHAT WITH IT?

7 A SEND IT TO THE APPROPRIATE DEPARTMENT

8 Q OKAY AND THAT WOULD BEING SEROLOGY, DNA,
9 WHATEVER THE CASE MAY BE?

10 A THAT'S CORRECT

11 Q I'M NOW GOING TO REFER YOU TO THE ITEMS IN THIS
12 PARTICULAR CASE AND WHILE WE WERE ON A BREAK DID
13 YOU HAVE AN OPPORTUNITY TO REVIEW THESE ITEMS AND
14 HAVE A CURSORY LOOK AT THESE ITEMS?

15 A YES, SIR, I HAVE

16 Q AND WHEN YOU RECEIVE EVIDENCE IN YOUR LAB I
17 NOTICE SINCE THE TIME THAT WE'VE SPENT THAT ITEMS
18 HAVE BEEN CUT OPEN HERE IN COURT AND THINGS OF THAT
19 NATURE, OR PUT IN DIFFERENT ENVELOPES OR RENUMBERED
20 WHEN YOU RECEIVED IT THERE AT SLED HOW WAS IT
21 PACKAGED?

22 A IT'S SECURED

23 Q OKAY WHEN YOU SAY SECURED WHAT DO YOU MEAN?

24 A THE HEAT SEALED POUCH IS SECURED AND IT HAS THE
25 INITIALS OF WHOEVER SUBMITTED THE EVIDENCE

001901

1 Q OKAY IF YOU RECEIVE SOMETHING THAT WASN'T
2 SECURED, YOU KNOW, WAS OPENED OR APPEARED TO BE
3 TAMPERED WITH OR SOMETHING OF THAT NATURE, WOULD YOU
4 NOTE THAT AS PART OF YOUR PROCEDURE?

5 A YES, SIR, I WOULD

6 Q AND ANY OF THE ITEMS THAT YOU RECEIVED IN THIS
7 CASE AND I KNOW THEY WERE NUMEROUS, DID ANY APPEAR TO
8 HAVE BEEN ALTERED OR TAMPERED WITH FROM WHAT YOU
9 COULD OBSERVE IN YOUR INITIAL TESTING?

10 A NO, SIR

11 Q OKAY NOW I'M GOING TO ASK YOU, YOU RECEIVED
12 ITEMS DESIGNATED AS THE VICTIM'S CLOTHING, ALSO A
13 NUMBER OF ITEMS FROM THE VICTIM'S BED, IS THAT
14 CORRECT?

15 A THAT'S CORRECT

16 Q WHEN I SAY DESIGNATE, YOU DON'T PHYSICALLY COME
17 TO YORK COUNTY AND COLLECT THESE THINGS, IS THAT
18 CORRECT?

19 A THAT'S CORRECT

20 Q YOU JUST RECEIVE THEM, KIND OF IN THE BLIND SO
21 TO SPEAK, YOU JUST RECEIVE THEM AS THEY WERE BROUGHT
22 TO YOU?

23 A THAT'S CORRECT

24 Q OKAY ALSO YOU RECEIVED A NUMBER OF HANDLED
25 ITEMS, HANDLED AS IN BROOM HANDLES, MOP HANDLES,

001902

1 THINGS OF THAT NATURE, CORRECT?

2 A YES, SIR

3 Q ALSO SEVERAL OTHER ITEMS FROM THE HOME INCLUDING
4 TOWELS AND THINGS OF THAT NATURE, IS THAT CORRECT?

5 A YES, SIR

6 Q AND FINALLY YOU ALSO RECEIVED WHAT WAS
7 REPRESENTED TO YOU AS THE DEFENDANT'S CLOTHING AND
8 YOU PROCESSED THAT, IS THAT CORRECT?

9 A THAT'S CORRECT

10 Q OKAY I'M GOING TO FIRST CALL YOUR ATTENTION TO
11 STATE'S EXHIBIT 28 AND I WILL REFER TO YOUR SLED
12 NUMBER AS SLED 1 14 WOULD YOU LIKE TO PUT ON THOSE
13 GLOVES NOW?

14 A OKAY

15 Q OKAY

16 MR POPE WITH THE COURT'S PERMISSION I'M
17 GOING TO ASK THE WITNESS TO STEP DOWN

18 THE COURT CERTAINLY

19 Q I SHOW YOU WHAT'S BEEN MARKED STATE'S EXHIBIT
20 28 1 AND IT WAS ORIGINALLY RETRIEVED FROM STATE'S
21 EXHIBIT NUMBER 28 YOU RECOGNIZE THE SEXUAL ASSAULT
22 KIT?

23 A NO, SIR I JUST RECEIVED THE HEAT SEALED POUCH
24 FROM THE SEXUAL ASSAULT KIT

25 Q OKAY SO THIS IS ACTUALLY BROKEN UP AND YOUR

1 PORTIONS ARE SENT TO YOU PRIOR TO YOU DO TESTING ON
2 THEM?

3 A THAT'S CORRECT

4 Q AND DID YOU RECEIVE WHAT'S BEEN MARKED AS
5 STATE'S EXHIBIT 28 1 THE VICTIM'S PANTY?

6 A YES, SIR

7 Q OKAY AND COULD YOU TELL THE JURY WHAT TESTING
8 YOU DID IN THAT PARTICULAR ITEM?

9 A I TESTED THE PANTIES FOR POSSIBLE SEMEN

10 Q OKAY AND AGAIN USING THE PANTIES AS A FIRST
11 EXAMPLE, EXPLAIN TO THE JURY HOW YOU MADE THE
12 DETERMINATION TO TEST FOR SEMEN AND WHAT STEPS YOU
13 TOOK TO TEST THOSE PANTIES?

14 A WHEN I'M LOOKING FOR SEMEN I USE THE ALTERNATE
15 LIGHT SOURCE THE ROOM IS DARK, AND WE USE
16 PROTECTIVE EYE WEAR AND I CIRCLE AREAS ON THE PANTIES
17 THAT FLUORESCES AND THEN I GO BACK AND DO A SPOT TEST
18 USING ACID PHOSPHATE SPOT TEST WHICH TESTS FOR ACID
19 PHOSPHATES WHICH IS FOUND IN SEMEN I PUT A SALINE
20 ON A SWAB AND THEN I GENTLY RUB THE AREA THAT I
21 CIRCLE AND I DROP A DROP OR TWO OF AP ON THE SWAB AND
22 IF THE SWAB TURNS A PURPLE COLOR I KNOW THAT THAT
23 TEST WAS POSITIVE FOR THE PRESUMPTIVE TEST OF SEMEN
24 AND I KNOW TO CUT THE AREA OUT WHERE I CIRCLED IT AND
25 SEND IT TO DNA FOR FURTHER TESTING

001904

1 Q AND IN THIS PARTICULAR CASE, SO WHAT WERE THE
2 RESULTS OF YOUR INITIAL LIGHT TEST ON THIS PARTICULAR
3 CASE?

4 A IT WAS POSITIVE I CIRCLED AREAS THAT
5 FLUORESCED

6 Q AND ONCE THEY FLUORESCED WHAT WAS YOUR NEXT
7 STEP?

8 A TO DO THE SPOT TEST FOR SEMEN

9 Q WHAT WAS THE RESULT OF THAT TEST?

10 A IT WAS A WEAK POSITIVE SO I TOOK A CUTTING FROM
11 THE AREA THAT I CIRCLED

12 Q OKAY THIS IS MARKED AS YOUR ITEM 1 14, IS THAT
13 CORRECT?

14 A THAT'S CORRECT DO YOU WANT ME TO PULL IT OUT?

15 Q YES, MA'AM I WOULD ASK YOU TO INDICATE WHAT
16 YOU HAVE AND WHAT YOU OBSERVED?

17 A THESE ARE THE PAIR OF PANTIES THAT I PROCESSED
18 THESE ARE ANY INITIALS AND THE ITEM NUMBER

19 Q I THINK I'M GOING TO ASK YOU IF YOU CAN STEP
20 DOWN SO THE JURY CAN SEE PLEASE MA'AM IF YOU'D
21 INDICATE YOUR MARKINGS ON THERE PLEASE?

22 A THESE ARE THE AREAS THAT I FLUORESCED WELL, I
23 FLUORESCED THE WHOLE PANTIES AND THESE ARE THE AREAS
24 THAT CIRCLE AND I GO BACK AND DO THE SPOT TEST AND IF
25 IT'S NEGATIVE I WRITE, I WAS TRAINED TO USE AN EQUAL

001905

1 MARK WITH A CIRCLE THAT IT WAS NEGATIVE FOR APS AND
2 THIS IS THE CUTTING THAT I TOOK AND THIS IS THE ITEM
3 NUMBER THAT I GAVE IT 1 14 1 AND I SEND THIS AREA
4 THAT I CUT TO THE DNA DEPARTMENT FOR FURTHER
5 ANALYSIS

6 Q OKAY AND YOU SAID IF IT WAS NEGATIVE YOU DID
7 AN EQUALS MARK, YOU WERE TRAINED TO DO AN EQUALS
8 MARK, WHY IS THAT?

9 A I WAS TOLD SO NO ONE COULD GO BEHIND ME AND PUT
10 A POSITIVE SIGN IN THERE

11 Q SO IF YOU JUST DID ONE LINE IT WOULD BE A
12 POSITIVE?

13 A RIGHT

14 Q OKAY TELL ME, IF YOU WANT YOU CAN PUT THAT ON
15 THAT PODIUM IF THAT WOULD ASSIST YOU

16 A OKAY

17 Q I ASK YOU WHAT IF ANYTHING DID YOU NOTE, IN
18 ADDITION TO YOUR TESTING, WHAT DID YOU NOTE ABOUT THE
19 CONDITION OF THIS ITEM AT THAT TIME?

20 A I NOTED THAT THERE WAS A HOLE IN THE FRONT ABOVE
21 ON THE CROUCH AREA AND THAT IT WAS A STRONG ODOR OF
22 URINE AND THAT THE PANTIES WERE SOILED

23 Q DID YOU SEE --- WHEN YOU SAY SOILED, WHAT DO YOU
24 MEAN BY SOILED?

25 A THEY WERE DIRTY

001906

Q DID YOU SEE ANY INDICATION OF FECAL MATERIAL
HERE?

A I DIDN'T MAKE ANY NOTE OF IT

Q OKAY THEN YOU SAID THE CUTTING THAT YOU TOOK,
YOU SENT ON UP, YOU SECURED, WHAT DO YOU ACTUALLY DO,
YOU PHYSICALLY MADE A CUTTING, YOU SHOWED THE JURY,
IS THAT CORRECT?

A THAT'S CORRECT

Q AND THEN WHAT DO YOU DO WITH THAT ITEM?

A I PLACE THE CUTTING IN A GOLD COIN ENVELOPE AND
I WRITE ON THE OUTSIDE THE ITEM NUMBER, THE PANTIES
AND THE SLED LAB NUMBER AND IF THE CUTTING WAS MADE
FOR SEMEN AND THEN I INITIAL THE BACK OF THE ENVELOPE
TAPE IT AND SEAL IT AND GENERATE THIS HEAT SEALED
POUCH TO BE TRANSFERRED TO THE DNA DEPARTMENT

Q OKAY AND THAT'S WHAT YOU DID IN THIS
PARTICULAR CASE?

A YES, SIR

Q OKAY SO STATE'S EXHIBIT 28 1 1 WOULD ACTUALLY
BE CUTTING FROM PANTIES AND DESIGNATED ON THAT
ENVELOPE AS PANTIES?

A YES, SIR

Q OKAY CALLING YOUR ATTENTION IF YOU WOULD TO
THE NEXT ITEM THAT YOU PROCESSED DID YOU ALSO HAVE
AN OPPORTUNITY TO PROCESS THE VICTIM'S CLOTHING?

001907

1 A YES, SIR, I DID

2 Q AND I'M GOING TO CALL YOUR ATTENTION TO STATE'S
3 EXHIBIT 56 YOU HAD AN OPPORTUNITY TO LOOK AT THIS?

4 A YES, SIR THIS IS THE BAG I RECEIVED IT IN
5 THESE ARE MY INITIALS, THE SLED LAB NUMBER, THE ITEM
6 NUMBERS, AND THE DATE THAT I PROCESSED THE EVIDENCE

7 Q OKAY COULD YOU TELL FIRST STARTING I BELIEVE
8 WITH THE BLACK PANTS OF THE VICTIM, COULD YOU TELL
9 THE JURY WHAT YOU DID FROM A LIGHTING SOURCE AND
10 PRESUMPTIVE TESTING STANDPOINT AND WHAT THE RESULTS
11 OF THOSE WERE?

12 A I USED THE ALTERNATE LIGHT SOURCE TO FLUORESCENCE
13 ANY STAINS AND I CIRCLE THE AREAS THAT FLUORESCENCE AND
14 THEN I GO BACK AND DO A SPOT TEST FOR APS AND IF IT'S
15 POSITIVE OR NEGATIVE IF IT'S NEGATIVE I WRITE
16 NEGATIVE APS BY THAT STAIN, BUT IF IT'S POSITIVE I
17 TAKE A CUTTING AND I GIVE THIS SUB ITEM NUMBER AND
18 SEND IT TO THE DNA DEPARTMENT

19 Q SO THE ITEMS THAT YOU ARE CUTTING WITH APS YOU
20 ARE LOOKING FOR SEMEN, IS THAT CORRECT?

21 A THAT'S CORRECT

22 Q SO IF IT WAS VAGINAL FLUID, FOR EXAMPLE, HERE I
23 IT MAYBE A CIRCLE, BUT YOU WOULD NOT HAVE MADE A
24 CUTTING, IS THAT CORRECT?

25 A IF IT'S NOT POSITIVE I DON'T TAKE A CUTTING

-
001908

1 Q AND THAT WOULD BE POSITIVE FOR SEMEN?

2 A THAT'S CORRECT

3 Q OKAY DID YOU ALSO HAVE A DIAGRAM OF THE
4 CUTTINGS THAT YOU TOOK IN THIS PARTICULAR CASE?

5 A YES, SIR, I DO

6 Q AND YOUR DIAGRAM WOULD THAT ASSIST THE JURY IN
7 UNDERSTANDING WHERE THE CUTTINGS IN FACT HAD TAKEN
8 PLACE?

9 A YES, SIR

10 Q OKAY AND THIS ACCURATELY DEPICTS THE AREAS OF
11 THE CUTTINGS?

12 A THERE ABOUT APPROXIMATELY

13 Q I MEAN, I DREW THIS CONTEMPORANEOUS WITH MAKING
14 THESE CUTTINGS?

15 A THAT'S CORRECT

16 THE COURT NO OBJECTION, BE ADMITTED
17 INTO EVIDENCE

18 MR POPE THAT WOULD BE STATE'S EXHIBIT

19 87

20 (STATE'S EXHIBIT 87 DIAGRAM RECEIVED
21 INTO EVIDENCE)

22 Q IF COULD YOU DESCRIBE HOW MANY CUTTINGS YOU MADE
23 OUT OF THIS PARTICULAR GARMENT?

24 A I TOOK THREE CUTTINGS THAT WERE POSITIVE FOR THE
25 PRESUMPTIVE TEST OF SEMEN

001909

1 Q AND FIRST STARTING WITH 6 1 3 COULD YOU TELL
2 WHERE THAT CAME FROM?

3 A IT'S ON THE FRONT OF THE PANTS RIGHT HERE
4 RIGHT THERE

5 Q OKAY AND 6 1 2?

6 A WAS MADE FROM THE BACK OF THE PANTS CLOSE TO THE
7 HIP AREA AND 6 1 1 IS FROM THE CENTER OF THE PANTS

8 Q OKAY SO YOU HAVE TWO IN THE CENTER AND ONE OFF
9 THE FRONT?

10 A THAT'S CORRECT

11 Q IS THAT CORRECT OKAY I WANT TO DRAW YOUR
12 ATTENTION TO ITEMS MARKED STATE'S EXHIBIT 56 1 1,
13 56 1 2, 56 1 3, WHICH ARE DESIGNATED YOUR 6 1 AND
14 6 2, AND 6 3

15 A ALL RIGHT

16 Q ARE THESE THE CUTTINGS YOU TOOK AND SENT TO THE
17 DNA LAB?

18 A YES, SIR

19 Q DID YOU DO THAT IN THE SAME FASHION? IN OTHER
20 WORDS, THE PIECE THAT'S MISSING FROM THE PANTS WE
21 SHOWED THE JURY CONTAINED IN THIS ENVELOPE AND WENT
22 TO DNA?

23 A THAT'S CORRECT

24 Q OKAY NOW SUBSEQUENTLY WHEN THEY RECEIVED THEM
25 UPSTAIRS IN DNA THEY MAY HAVE CUT THEM OR PROCESS

001910

1 THEM FURTHER THAN WHAT YOU DID, THAT WOULD BE
2 SOMETHING THAT MR LAMBERT WOULD DISCUSS?

3 A THAT'S CORRECT

4 MR POPE YOUR HONOR, I MOVE STATE'S
5 EXHIBIT 56 1 1, 56 1 2, AND 56 1 3 INTO EVIDENCE
6 ACTUALLY I BELIEVE THESE ITEMS ARE IN AS PART OF 56
7 WHEN THEY WENT IN INITIALLY, BUT IF THERE IS ANY
8 QUESTION I WANT TO ADDRESS THAT

9 MR WOOD NO OBJECTION

10 MR GREELEY YOUR HONOR, I OBJECT MY
11 PREVIOUS OBJECTION TO THAT WHICH HAS ALREADY BEEN PUT
12 IN THE RECORD, THE SAME GROUNDS

13 THE COURT OVER OBJECTION OF MR SANDERS
14 AND WITHOUT OBJECTION FROM MR COPE THEY ARE IN
15 EVIDENCE

16 Q NEXT I CALL YOUR ATTENTION IN ITEM 56 TO THE
17 WHITE SHIRT AND TELL ME WHAT IF ANY INDICATION YOU
18 HAD FROM THAT TEST?

19 A IT WAS A LONG SLEEVE SHIRT I TOOK ONE CUTTING
20 THAT WAS WEAK POSITIVE FOR APS AND I TOOK ONE CUTTING
21 THAT WAS POSITIVE FOR THE PRESUMPTIVE TEST OF BLOOD

22 Q CAN YOU TELL THE LOCATION OF THAT?

23 MR POPE MOVE STATE'S EXHIBIT 88 INTO
24 EVIDENCE, YOUR HONOR

25 MR WOOD WITHOUT OBJECTION

1 MR GREELEY NO OBJECTION
2 THE COURT BE RECEIVED WITHOUT OBJECTION
3 (STATE'S EXHIBIT 88 DIAGRAM RECEIVED
4 INTO EVIDENCE)
5 Q REFERRING TO STATE'S EXHIBIT 88 AGAIN IF YOU CAN
6 TELL WHICH WHAT YOU OBSERVED ON THIS PARTICULAR ITEM?
7 A THIS IS A DIAGRAM THAT I MADE OF THIS SHIRT AND
8 I MADE A NOTE THAT THERE WAS POSSIBLE URINE AND BLOOD
9 ON THE BACK AND IT WAS POSITIVE FOR PHENOL BUT I
10 DIDN'T COLLECT IT, THEN I TOOK TWO CUTTINGS ONE AT
11 THE TOP OF THE SHOULDER THAT WAS POSITIVE FOR PHENOL
12 AND THEN I TOOK A CUTTING THAT WAS POSITIVE FOR THE
13 PRESUMPTIVE TEST OF SEMEN
14 Q WHERE WERE THEY LOCATED, ON THE SLEEVE?
15 A THE SEMEN WAS ON THE SLEEVE IT WAS PROBABLY
16 CUT BY EMS, SO IT'S HARD
17 Q THAT WAS GOING TO BE MY NEXT QUESTION I NOTICE
18 IT HAD BEEN CUT APPARENTLY FROM CENTER, DID YOU DO
19 THAT CUTTING?
20 A NO, SIR
21 Q THAT WAS HOW YOU RECEIVED IT?
22 A THAT'S CORRECT THIS WAS THE CUTTING 6 3 2 IS
23 THE CUTTING I MADE FOR PHENOL AND THEN I TOOK A
24 CUTTING FROM THE SLEEVE RIGHT HERE
25 Q STEP AROUND SO THEY CAN SEE

001912

1 A THAT WAS, THIS CUTTING FOR THE PRESUMPTIVE TEST
2 OF SEMEN AND THESE ARE THE AREAS THAT I CIRCLED THAT
3 WERE NEGATIVE FOR APS

4 Q OKAY LIKEWISE THE CUTTINGS THAT YOU TOOK ON
5 THAT, OFF OF THAT PARTICULAR GARMENT, 56 3 1 AND 3 2,
6 LIKEWISE DID YOU SEND THOSE TO THE DNA LAB?

7 A YES, SIR

8 MR POPE YOUR HONOR, AGAIN I MOVE THESE
9 INTO EVIDENCE

10 MR GREELEY NO OBJECTION

11 MR WOOD WITHOUT OBJECTION, YOUR HONOR

12 THE COURT BE RECEIVED WITHOUT OBJECTION

13 (STATE'S EXHIBITS 56 3 1 & 56 3 2
14 RECEIVED INTO EVIDENCE)

15 Q NOW I CALL YOUR ATTENTION FINALLY IN THIS ITEM
16 THE VICTIM'S BRASSIERE, WHAT TESTING DID YOU DO OR
17 WHAT DID YOU NOTE ABOUT IT?

18 A IT WAS NEGATIVE FOR LUMINLIGHT MEANING THAT
19 THERE WAS NO AREAS ON HER BRA THAT FLUORESCED THAT I
20 NEEDED TO GO BACK AND SPOT TEST

21 Q I CALL YOUR ATTENTION NEXT TO WHAT'S BEEN MARKED
22 STATE'S EXHIBIT 55, 55 1, CAN YOU TELL ME WHAT THIS
23 ITEM IS?

24 A IT'S A SANITY NAPKIN FROM THE VICTIM

25 Q COULD YOU THE TELL THE JURY THE RESULTS OF YOUR

001913

1 TESTING IN THAT REGARD?

2 A IT WAS NEGATIVE FOR THE PRESUMPTIVE TEST OF
3 SEMEN

4 Q OKAY AND COULD YOU TELL US THE CONDITION AS
5 FAR AS ANY OTHER MATERIALS ON IT?

6 A I MADE A NOTE THAT THERE WAS A STRONG URINE ODOR
7 POSITIVE FOR WEAK PHENOL, POSSIBLE FECES ON THE BACK
8 SIDE AND I EXAMINED THE ENTIRE NAPKIN

9 Q AND YOU SAID WEAK PHENOL, PHENOL IS CHECKING FOR
10 BLOOD?

11 A THAT'S CORRECT

12 Q OKAY SO IN THIS PARTICULAR SANITY NAPKIN DID
13 IT APPEAR THAT IT WAS AN EXTENSIVE AMOUNT OF BLOOD ON
14 THIS ITEM, DO YOU NEED TO SEE IT?

15 A UH

16 Q BASED ON THE PHENOL TEST?

17 A NO, SIR, THERE IS NOT A WHOLE LOT OF BLOOD ON
18 HERE

19 Q OKAY AND THE FECAL MATTER, YOU SAID THAT
20 POSSIBLE FECES WAS WHERE ON THE NAPKIN?

21 A I JUST MADE A NOTE THAT THERE WAS POSSIBLE,
22 WELL, FECES ON THE BACK SIDE

23 Q OKAY

24 MR POPE YOUR HONOR, THIS IS 55 1

25 AGAIN 55 IS IN EVIDENCE, BUT JUST TO BE SAFE 55 1 I

1 MOVE INTO EVIDENCE

2 MR WOOD WITHOUT OBJECTION

3 MR GREELEY NO OBJECTION

4 THE COURT BE RECEIVED

5 (STATE'S EXHIBIT NUMBER 55 1 RECEIVED

6 IN EVIDENCE)

7 Q NOW ALSO DID YOU HAVE THE OPPORTUNITY IN
8 RECEIVING THIS EVIDENCE, DID YOU ALSO RECEIVE WHAT'S
9 BEEN MARKED STATE'S EXHIBIT 29 THAT ARE ANAL AND
10 RECTUM SWABS, ADDITIONAL SWABS THAT WERE TAKEN AT
11 AUTOPSY, DID YOU RECEIVE THOSE INITIALLY IN YOUR LAB?

12 A YES, SIR, I DO

13 Q NOW DO YOU TESTING OF SWABS FOR THE DNA AND
14 THINGS OF THAT NATURE DOWN WHERE YOU ARE DOING
15 EVIDENCE PROCESSING?

16 A NO, SIR I JUST SEND THAT ITEM STRAIGHT TO THE
17 DNA DEPARTMENT

18 Q SO 29 YOU RECEIVED IT IN EVIDENCE BUT IT WAS
19 PROCESSED ON UP TO DNA?

20 A THAT'S CORRECT

21 Q ALL RIGHT NOW I WANT TO CALL YOUR ATTENTION TO
22 STATE'S EXHIBIT 53 WHICH WAS INDICATED ON, AS YOUR
23 SLED NUMBER SEVEN, PARTICULARLY I WANT TO CALL YOUR
24 ATTENTION TO 53 8 AND ASK IF YOU CAN TELL ME DID YOU
25 GET AN OPPORTUNITY TO OBSERVE OR TEST THIS ITEM?

1 A YES, SIR THAT'S THE GREEN BLANKET AND I WAS
2 LOOKING FOR SEMEN ON THIS BLANKET AND THESE ARE THE
3 AREAS THAT I CIRCLED THAT FLUORESCED AND I WENT BACK
4 AND DID A SPOT TEST ON EACH ITEM, EACH AREA THAT I
5 CIRCLED, AND ONE CUTTING THAT I MADE THAT WAS
6 POSITIVE FOR THE PRESUMPTIVE TEST OF SEMEN AND I GAVE
7 IT A SUB ITEM NUMBER

8 Q AND SO OF ALL DIFFERENT ITEMS THAT FLUORESCED
9 THAT YOU CHECKED ULTIMATELY THE ONLY ONE THAT YOU CUT
10 WAS THE ONE HOLE HERE IN THE CENTER OF THE BLANKET?

11 A YES, SIR

12 Q AND LIKEWISE WHAT DID YOU DO WITH THAT
13 PARTICULAR ITEM?

14 A I SENT IT TO THE DNA DEPARTMENT

15 Q OKAY MARKED YOUR EXHIBIT 7 8 1 STATE'S
16 EXHIBIT 53 8 1 YOU SENT THAT ALSO TO THE DNA
17 DEPARTMENT?

18 A THAT'S CORRECT

19 MR POPE AGAIN I WOULD MOVE THAT ITEM
20 INTO EVIDENCE, YOUR HONOR

21 MR WOOD NO OBJECTION

22 MR GREELEY THAT'S THE CUTTING?

23 MR POPE YES, SIR

24 MR GREELEY NO OBJECTION

25 THE COURT BE RECEIVED

001916

1 (STATE'S EXHIBIT 53 8 1 RECEIVED INTO
2 EVIDENCE)

3 Q AND I NOW CALL YOUR ATTENTION TO WHAT WOULD BE
4 MARKED AS YOUR EXHIBIT 34 DID YOU ALSO RECEIVE A
5 BOX OF MISCELLANEOUS ITEMS FROM THE VICTIM'S BED?

6 A YES, SIR, I DID

7 Q AND TELL THE JURY WHAT TESTING YOU WERE ABLE TO
8 DO ON THAT?

9 A I WAS LOOKING FOR SEMEN ON ALL THE ITEMS THAT
10 WERE FROM THE VICTIM'S BED

11 Q OKAY DID YOU ALSO DO THE HAIR AND FIBER
12 TESTING ON THOSE ITEMS?

13 A YES, SIR, I DID PROCESS IT FOR HAIR

14 Q AND WHAT WERE THE RESULTS OF THAT TESTING?

15 A ALL THE ITEMS WERE PACKAGED TOGETHER SO I TOOK,
16 I COLLECTED THE HAIR FROM ITEMS 34 2 THROUGH 34 21
17 34, RIGHT 34 2 THROUGH 34 21

18 Q OKAY AND BASICALLY THESE ITEMS THAT ARE LISTED
19 AS MISCELLANEOUS ITEMS FROM THE VICTIM'S BED, YOU
20 PROCESSED THESE AND YOU DIDN'T HAVE ANY INDICATION OF
21 SEMEN, IS THAT CORRECT?

22 A THAT'S CORRECT

23 Q YOU ALSO PROCESSED IT FOR HAIR, IS THAT CORRECT?

24 A YES, SIR, I DID

25 Q AND ANY HAIRS THAT YOU RETRIEVED DID YOU FORWARD

001917

1 THEM ON UP TO THE OTHER LABS?

2 A YES, SIR, I DID

3 Q I NOW CALL YOUR ATTENTION TO YOUR EXHIBIT TEN
4 WOULD BE STATE'S EXHIBIT NUMBER 57 INDICATED THE
5 BLUE METAL HANDLE BROOM

6 A OKAY

7 Q DID YOU RECEIVE THIS ITEM ALSO?

8 A YES, SIR, I DID

9 Q OKAY CAN YOU TELL THE JURY WHAT IF ANY
10 PROCESSING YOU DID ON THIS PARTICULAR ITEM?

11 A I WAS ALSO LOOKING FOR BLOOD, SEMEN, AND HAIR ON
12 THIS ITEM

13 Q OKAY AND WHAT WERE THE RESULTS OF THAT TEST?

14 A I COLLECTED HAIR FROM THE BLUE BROOM IT WAS
15 NEGATIVE FOR THE PRESUMPTIVE TEST OF SEMEN, AND I
16 TOOK ONE SWAB THAT WAS POSITIVE FOR THE PRESUMPTIVE
17 TEST OF BLOOD

18 Q COULD YOU TELL THE JURY THE PRESUMPTIVE TEST FOR
19 BLOOD, YOU HAVE A DIAGRAM OF THAT ALSO?

20 A OF THE BROOM?

21 Q YES, MA'AM

22 A YES, SIR, I DO

23 Q COULD YOU TELL THE JURY WHERE THE POSITIVE WAS
24 FOR THE PRESUMPTIVE TEST OF BLOOD?

25 A IT WAS RIGHT HERE ON THE LOWER PORTION OF THE

1 BROOM

2 Q AND SO ONCE YOU HIT THAT PRESUMPTIVE TEST DID
3 YOU SEND THAT ON UP TO THE DNA LAB?

4 A THAT'S CORRECT

5 Q LIKEWISE, DID YOU DO PROCESSING UP AROUND THE
6 HANDLE AREA?

7 A I DID

8 Q OKAY AND WHAT IF ANY THINGS DID YOU RECOVER
9 THERE?

10 A I TOOK TWO SWABS I TOOK A SWAB FROM THE BLACK
11 TIP OF THE HANDLE AND I TOOK THREE SWABS FROM THE
12 INSIDE OF THE BLACK TIP AND THE TOP OF THE BROOM
13 RIGHT HERE

14 Q OKAY DID YOU ALSO FORWARD THOSE UP TO THE LAB?

15 A YES, SIR

16 Q OKAY IF YOU HAVE ANYTHING THAT APPEARS TO BE
17 FIBER OR HAIR OR ANYTHING OF THAT NATURE, YOU ALSO
18 SAID YOU SEND THAT TO THE TRACE LAB OR THE DNA LAB?

19 A THAT'S CORRECT

20 Q OKAY AND DID YOU ALSO HAVE SOMETHING THAT MAY
21 HAVE BEEN A HAIR IN THIS PARTICULAR CASE?

22 A YES, SIR, I DID

23 Q DID YOU FORWARD THAT UP ALSO?

24 A I SENT IT TO THE TRACE DEPARTMENT

25 Q I SHOW YOU WHAT'S BEEN MARKED FIRST IS 57 3

001919

1 DESIGNATED THE HAIR FROM THE BROOM, YOUR 10 3, YOU
2 SAY YOU SENT THAT TO THE TRACE LABORATORY, IS THAT
3 CORRECT? YOU NEED TO OPEN THAT ITEM TO SEE IT?

4 A YES, SIR, IT IS I SEE IT IN THERE

5 Q THE HAIR THAT WAS RECOVERED FROM THE BROOM?

6 A YES, SIR

7 Q OKAY AND YOU SENT THAT TO THE TRACE LAB
8 SUBSEQUENTLY ON TO DNA, BUT AS FAR AS YOU WERE
9 CONCERNED YOU SENT IT TO TRACE?

10 A THAT'S CORRECT

11 Q OKAY

12 MR POPE YOUR HONOR, I MOVE 57 3 INTO
13 EVIDENCE

14 MR GREELEY NO OBJECTION

15 MR WOOD WITHOUT OBJECTION

16 THE COURT BE RECEIVED

17 (STATE'S EXHIBIT 57 3 RECEIVED INTO
18 EVIDENCE)

19 Q YOU INDICATED TO THE JURY THAT YOU TOOK SWABS
20 ONE FOR POSSIBLY BLOOD DESIGNATED AS YOUR 10 4
21 DESIGNATED HERE AS 57 4?

22 A THAT'S CORRECT

23 Q AND LIKEWISE YOU TOOK SOME SWABS UP ON THE
24 HANDLE OF THIS, DESIGNATED YOUR 10 2 AND 10 1,
25 DESIGNATED HERE AS 57 2 AND 57 1, IS THAT CORRECT?

1 A THAT'S CORRECT

2 Q OKAY AND YOU SENT THESE ON TO AGAIN TO THE?

3 A DNA LAB

4 Q DNA LAB

5 MR POPE YOUR HONOR, I MOVE 57 1, 57 2,
6 57 4 INTO EVIDENCE

7 MR WOOD WITHOUT OBJECTION

8 MR GREELEY NO OBJECTION

9 THE COURT BE RECEIVED

10 (STATE'S EXHIBITS 57 1, 57 2, 57 4
11 RECEIVED INTO EVIDENCE)

12 Q AGAIN WHEN WE KEEP TALKING ABOUT SWABS IN THESE
13 PARTICULAR CASES CAN YOU TELL THE JURY WHAT ARE WE
14 TALKING ABOUT? WHAT ACTUALLY IS IT?

15 A THE SWABS THAT I TOOK FOR BLOOD I TAKE A, PUT A
16 DROP OF SALINE ON THE SWABS AND I RUB THE AREA THAT I
17 THINK MAYBE BLOOD I SAVE THAT SWAB AND THEN I GO
18 BACK AND USE ANOTHER SWAB AND SWAB RIGHT BEHIND THE
19 AREA THAT I FIRST SWABBED AND DO THE CHEMICAL TESTING
20 FOR BLOOD AND IF IT COMES UP POSITIVE I SAVE THAT
21 SWAB AND FORWARD IT TO THE DNA DEPARTMENT

22 Q OKAY AND THEN WHEN WE TALK ABOUT CUTTINGS,
23 THAT WOULD BE ACTUALLY THE PHYSICAL CUTTING THAT
24 WE'VE DISCUSSED THAT THEY HAD SEEN COME OUT OF THE
25 DIFFERENT ITEM, IS THAT CORRECT?

001921

1 A THAT'S CORRECT

2 Q OKAY GOING TO THE BROOM NOW YOU SAY YOU TESTED
3 FOR SEMEN, WHAT WERE THE RESULTS OF ANY SEMEN TEST?

4 A IT WAS NEGATIVE

5 Q THEN AS FAR AS THE TESTING FOR THE
6 PHENOLPHTHALEIN, THE BLOOD, POSSIBLY AT THE VERY
7 BOTTOM OF THE BROOM, IS THAT CORRECT?

8 A THAT'S CORRECT

9 Q DID YOU DO ANY OTHER PRESUMPTIVE TESTING ON
10 THOSE OTHER SWABS THAT WE JUST DISCUSSED?

11 A NO, SIR, I DIDN'T

12 Q AND WHY WAS THAT?

13 A BECAUSE I DIDN'T WANT TO, THERE IS NOT ANY
14 CHEMICAL TEST THAT I COULD DO ON THOSE SWABS WE'RE
15 LOOKING FOR POSSIBLE DNA

16 Q SO YOU SEND IT ON UP TO?

17 A THAT'S CORRECT

18 Q SO BASICALLY YOU DO WHAT TESTING YOU CAN AND YOU
19 SEND IT UP IF THERE IS SOME QUESTION FOR IT?

20 A THAT'S CORRECT

21 Q NOW IN ADDITION WAS THIS THE ONLY BROOM THAT YOU
22 RECEIVED?

23 A NO, SIR

24 Q IN FACT, YOU RECEIVED WHAT'S BEEN MARKED AS YOUR
25 NUMBER 20 THROUGH 25, MARKED AS STATE'S EXHIBIT 58,

59, 60, 61, 62, AND 63 YOU RECEIVED A NUMBER OF
HANDLED ITEMS INCLUDING MOPS AND BROOMS AND CANES AND
THINGS OF THAT NATURE, IS THAT CORRECT?

A YES, SIR

Q AND WHAT TESTING COULD YOU TELL THE JURY ON THAT
AGAIN REFERRING TO YOUR ITEMS 20 THROUGH 25, WHAT
TESTING DID YOU DO ON THOSE ITEMS?

A THE BROOM WITH THE RED HANDLE, IT WAS NEGATIVE
FOR PHENOL, BUT I TOOK TWO SWABS FROM THE BROOM AND
TRANSFERRED THE SWABS TO THE DNA DEPARTMENT THEN
THERE WAS A DUST PAN WITH A LONG HANDLE, IT WAS
NEGATIVE FOR PHENOL AND I TOOK A SWAB FROM THE END OF
THE HANDLE APPROXIMATELY NINE INCHES AND THEN THERE
IS A YELLOW DUST MOP WITH A WHITE HANDLE SLASH BACK
TIP, IT WAS NEGATIVE FOR PHENOL AND I TOOK A SWAB
FROM THE END OF THAT HANDLE APPROXIMATELY 12 INCHES
AND THEN THERE WAS A GREEN HANDLED BLACK TIP AT ONE
END AND BROKEN, IT WAS BENT OFF AT ONE END, IT WAS
NEGATIVE FOR PHENOL AND I TOOK TWO SWABS

Q OKAY AND ANY OF THESE SWABS ON ANY OF THE
BROOMS THAT WE'RE TALKING ABOUT THESE ITEMS, YOUR 20
THROUGH 25, WERE ANY OF THEM POSITIVE FOR BLOOD?

A I DIDN'T DO ANY CHEMICAL TESTING ON THOSE SWABS

Q OKAY AGAIN ON THE SWABS THEMSELVES YOU TESTED
FOR PHENOL ON THOSE FIRST, THOUGH, IS THAT CORRECT,

001923

1 ON THE BROOM?

2 A THAT'S CORRECT

3 Q OKAY SO BASICALLY IN LAYMAN'S TERMS YOU GOT NO
4 INITIAL INDICATION OF ANY BLOOD ON ANY OF THESE
5 ITEMS, IS THAT CORRECT?

6 A THAT'S CORRECT

7 Q WITH THE EXCEPTION OF THE BASE OF THIS ITEM THAT
8 WE TALKED ABOUT EARLIER?

9 A THAT'S CORRECT

10 Q OKAY BUT YOU STILL TOOK SWABS, SENT THEM TO
11 DNA TO SEE IF THERE WAS ANY FURTHER PROCESSING THEY
12 COULD DO?

13 A THAT'S CORRECT

14 Q NOW I CALL YOUR ATTENTION TO WHAT WOULD BE YOUR
15 ITEM NUMBER 11 AND IT'S LISTED AS STATE'S EXHIBIT 34
16 IT'S LABELED DILDO AND TUBE OF EQUATE LUBRICATING
17 JELLY?

18 A THAT'S CORRECT

19 Q COULD YOU TELL THE JURY WHAT IF ANY TESTING
20 FIRST YOU DID ON THAT LABELED HERE AT 34 1 COULD YOU
21 TELL THE JURY WHAT DID YOU ON 11 1?

22 A I JUST SWABBED THE ENTIRE ITEM AND SENT THAT
23 SWAB UP TO THE DNA DEPARTMENT

24 Q THEN AS FAR AS THE, YOUR 11 2 OUR 34 2 WHAT IF
25 ANY OBSERVATION OR RESULTS DID YOU GET FROM THAT?

001924

A IT WAS A TUBE OF EQUATE LUBRICATING JELLY
SOLUTION AND TWO VERY DILUTED, NO ODOR, CONSISTENCY
OF WATER, AND THERE WAS NO EXAM PERFORMED

Q SO BASICALLY YOU OPENED IT AND LOOKED AT IT TO
SEE WHAT WAS INSIDE?

A YES, SIR

Q AND IT WAS DILUTED BUT AS FAR AS ANY TESTING
THERE WAS NOTHING FURTHER THAT YOU DID?

A THAT'S CORRECT

Q OKAY THEN YOU RETAINED THIS AS EVIDENCE?

A YES, SIR

Q ON THE SWAB THAT YOU DID FROM ITEM NUMBER ONE,
WHAT DID YOU DO WITH THAT SWAB?

A WHICH ONE IS THAT?

Q THE SWAB FROM ITEM ONE WHICH IS DESIGNATED
DILDO?

A I SWABBED THE ENTIRE AREA OF THE DILDO AND I PUT
THAT SWAB IN AN ENVELOPE AND TRANSFERRED IT TO DNA

Q SO 11 1 1 THAT'S YOUR WRITING, THAT'S YOUR
ENVELOPE?

A YES, THAT'S MINE

Q AND 34 1 1 WOULD BE SWAB FROM THAT DILDO, IS
THAT CORRECT?

A 11 1 1

Q OKAY

1 MR POPE 34 1 1 FOR STATE'S EXHIBIT
2 PURPOSES I MOVE THAT INTO EVIDENCE

3 MR WOOD NO OBJECTION

4 MR GREELEY NO OBJECTION

5 THE COURT IT'S IN EVIDENCE

6 (STATE'S EXHIBITS 34 1 1 RECEIVED IN
7 EVIDENCE)

8 Q I NEXT CALL YOUR ATTENTION TO WHAT YOUR EXHIBIT
9 12, STATE'S EXHIBIT I BELIEVE 64, AND ASK IF YOU ALSO
10 RECEIVED THIS ITEM DESIGNATED AS THE BLUE TOWEL?

11 A YES, SIR, I DID

12 Q COULD YOU TELL THE JURY WHAT PROCESSING YOU DID
13 AND WHY THE DESIGNATION ON THERE, WHAT RESULTS YOU
14 HAD?

15 A THESE ARE THE AREAS THAT I CIRCLED ON THE TOWEL
16 THAT WERE POSITIVE FOR LUMINALIGHT THEN I GO BACK AND
17 DO THE SWAB TESTING FOR THE PRESUMPTIVE OF SEMEN AND
18 OF THE AREAS I MARK ARE NEGATIVE FOR THE PRESUMPTIVE
19 TEST OF SEMEN AND ALSO ON THE BACK

20 Q OKAY SO THE AREA THAT YOU INDICATE WITH THE
21 CIRCLE LIT UP BUT THEN WHEN YOU DID THE BLOOD TEST OR
22 THE SEMEN TEST NONE OF THEM WERE POSITIVE?

23 A THAT'S CORRECT

24 Q SO THERE WOULD BE NO CUTTINGS THAT WENT ANY
25 FURTHER ON THIS ITEM BASED ON THAT PRESUMPTIVE TEST?

1 A THAT'S CORRECT

2 Q I CALL YOUR ATTENTION TO WHAT YOU HAVE
3 DESIGNATED AS YOUR ITEM 13 AND 14 AND ASK YOU IF YOU
4 CAN TELL ME WHAT THOSE ITEMS ARE PLEASE?

5 A ITEM 13 IS A GREEN WASH CLOTH AND ITEM 14 IS A
6 WHITE WASH CLOTH

7 Q THAT WOULD BE DESIGNATED AS STATE'S EXHIBIT 65
8 I SHOW YOU STATE'S EXHIBIT 65 IS THE GREEN AND WHITE
9 WASH CLOTH, YOU DEALT WITH THEM SEPARATELY, YOU DEALT
10 WITH ITEM 13 AND ITEM 14, IS THAT CORRECT?

11 A THEY WERE PACKAGED TOGETHER, YES, SIR

12 Q AND FIRST ON THE GREEN WASH CLOTH I WOULD ASK IF
13 YOU COULD INDICATE TO THE JURY WHAT IF ANY TESTING
14 YOU DID AND WHAT RESULTS OF THAT PARTICULAR ITEM?

15 A THIS AREA THAT I CIRCLED HERE WAS NEGATIVE FOR
16 THE PRESUMPTIVE TEST OF BLOOD I WRITE NEGATIVE
17 PHENOL ON THE WASH CLOTH THE OTHER AREAS THAT I
18 CIRCLE WERE FOR THE PRESUMPTIVE TEST OF SEMEN AND
19 THEY WERE ALL NEGATIVE AND THIS AREA TOO THAT I
20 TESTED THAT WAS NEGATIVE FOR THE PRESUMPTIVE TEST OF
21 BLOOD

22 Q SO WAS THERE ANYTHING OFF OF THE GREEN WASH
23 CLOTH THAT YOU WERE ABLE TO SEND FURTHER UP THROUGH
24 ANY FURTHER TESTING?

25 A NO, SIR

001927

1 Q OKAY SO AGAIN THE CIRCLES, DID THEY IN FACT
2 FLUORESCCE UNDER THE INITIAL LIGHT SOURCE, IS THAT WHY
3 THEY ARE CIRCLED?

4 A YES, SIR, THE ONES WITH NEGATIVE APS AND THIS
5 ONE I CIRCLED BECAUSE THIS IS THE AREA THAT I TESTED
6 FOR BLOOD

7 Q OKAY AND AGAIN SO IT MAY HAVE DRAWN YOUR
8 ATTENTION BUT NOTHING THAT ULTIMATELY WOULD WARRANT
9 GOING UPSTAIRS TO DNA?

10 A THAT'S CORRECT

11 Q AND THE SECOND ITEM IN STATE'S EXHIBIT 65 REFERS
12 YOUR ITEM 14 IF YOU CAN TELL US WHAT THIS ITEM 14
13 IS PLEASE, MA'AM?

14 A THIS WAS A WHITE WASH CLOTH THESE ARE MY
15 INITIALS AND THE ITEM NUMBER AND I TOOK THE CUTTING
16 THAT WAS POSITIVE FOR THE PRESUMPTIVE TEST OF SEMEN
17 I TOOK THREE CUTTINGS

18 Q EXCUSE ME

19 A I'M SORRY

20 Q SO WHEN YOU INITIALLY RECEIVED THIS WAS THIS ALL
21 ONE INTACT WASH CLOTH?

22 A YES, SIR

23 Q SO CAN YOU SHOW TO THE JURY WHERE THESE CUTTINGS
24 WERE TAKEN FROM HERE?

25 A YEAH 1 14 1 IS THIS AREA HERE 1 14 2 IS FROM

001928

1 THE EDGE AND THIS IS THE 1 14 3 RIGHT THERE

2 Q SO EACH, AGAIN YOU MADE, YOU BASICALLY HAD AN
INTACT WASH CLOTH AND BASED ON YOUR TESTING YOU MADE
CUTTINGS TO SEND ON UP TO DNA, IS THAT CORRECT?

3 A THAT'S CORRECT

4 Q I'M GOING TO REFER YOU TO NOW AS YOUR 14 1,
14 2, AND 14 3 FOR STATE'S EXHIBIT PURPOSES 65 1,
65 2, AND 65 3 I ASK YOU IF YOU HAD AN OPPORTUNITY
TO LOOK AT THESE ITEMS?

5 A THESE ARE THE ENVELOPES THAT I GENERATED AND
SENT TO THE DNA DEPARTMENT

6 Q SO THESE WOULD BE THE CUTTINGS THAT HAD BEEN
REMOVED FROM THIS PARTICULAR ITEM?

7 A THAT'S CORRECT

8 MR POPE YOUR HONOR, AT THIS TIME I MOVE
14 1, 14 2, 14 3 I'M SORRY MADAM COURT REPORTER,
65 1, 65 2, AND 65 3 INTO EVIDENCE

9 MR WOOD WITHOUT OBJECTION

10 MR GREELEY NO OBJECTION

11 THE COURT BE RECEIVED WITHOUT OBJECTION

12 (STATE'S EXHIBITS 65 1-65 3 RECEIVED
INTO EVIDENCE)

13 Q FINALLY MA'AM, I'M GOING TO BRING YOUR ATTENTION
14 TO WHAT'S BEEN MARKED STATE'S EXHIBIT 82 DESIGNATED
15 AS DEFENDANT COPE'S CLOTHES DID YOU HAVE AN

001929

1 OPPORTUNITY TO PROCESS THE TWO ITEMS DESIGNATED AS
2 HIS CLOTHING?

3 A YES, SIR, I DID

4 Q CAN YOU TELL FIRST WHAT PROCESSING YOU DID AS TO
5 THIS ITEM OF HIS UNDERWEAR?

6 A IT WAS A PAIR OF MEN'S UNDERWEAR IT WAS 39 1
7 AND IT WAS NEGATIVE FOR PRESUMPTIVE TEST OF SEMEN AND
8 NEGATIVE FOR PRESUMPTIVE TEST OF BLOOD

9 Q OKAY I NOTICE YOU HAD A NUMBER OF CIRCLES, WAS
10 THIS AREA THAT, SHOW THE JURY, IS THIS AREAS THAT IN
11 FACT FLUORESCED?

12 A THESE ARE THE AREAS THAT I MARKED USING THE
13 ALTERNATE LIGHT SOURCE THAT WERE POSITIVE FOR THE
14 LIGHT SOURCE AND THEN I WENT BACK AND SPOT TEST ON
15 EACH AREA THAT I CIRCLED AND THEY WERE ALL NEGATIVE
16 FOR THE PRESUMPTIVE TEST OF SEMEN

17 Q OKAY SO WERE THERE ANY AREAS THAT YOU WERE
18 ABLE TO, TOOK A CUTTING OUT OF THOSE ITEMS?

19 A NO, SIR, AND I TOOK, IN THIS AREA I TESTED FOR
20 BLOOD AND IT WAS NEGATIVE FOR BLOOD

21 Q BUT DID YOU NOTE IN YOUR REPORT ANY OTHER
22 MATERIAL THAT POSSIBLY COULD HAVE BEEN IN THIS ITEM?

23 A I MADE A NOTE THAT THERE WAS PROBABLY FECES ON
24 THE ITEM

25 Q WHERE WAS THAT LOCATED?

001930

1 A I BELIEVE IT WAS IN THE BACK OF THE, IN THE BACK
2 RIGHT HERE

3 Q THANK YOU, MA'AM THEN THE SECOND ITEM, THE
4 BLACK SWEAT PANTS, WHAT IF ANY TESTING WERE YOU ABLE
5 TO DO ON THOSE?

6 A I PROCESSED THE PANTS FOR SEMEN AND BLOOD AND I
7 CIRCLED THE AREAS THAT FLUORESCED AND I WENT BACK AND
8 DID SPOT TEST AND IT WAS NEGATIVE FOR APS AND THERE
9 WERE NO VISIBLE STAINS FOR BLOOD, POSSIBLE BLOOD

10 Q AND SO ON THIS ITEM DID YOU ALSO PROCESS FOR
11 HAIR AND FIBERS?

12 A YES, SIR, I DID

13 Q AND DID YOU IN FACT RETRIEVE SOME HAIRS FROM
14 THESE ITEMS AND SEND THEM TO THE DNA LAB?

15 A YES, SIR, I DID

16 Q BUT AS FAR AS ANY CUTTINGS, ANY SWABBING OFF OF
17 ANYTHING THAT MR COPE'S CLOTHES, THERE WAS NOTHING
18 TO SEND UP FURTHER, IS THAT CORRECT?

19 A THAT'S CORRECT

20 Q OKAY MA'AM, YOU CAN HAVE SEAT AGAIN

21 MR POPE BEG THE COURT'S INDULGENCE

22 Q MA'AM, I'M GOING TO CALL YOUR ATTENTION BACK TO
23 THE FIRST ITEM THAT YOU TESTED, ITEM ONE WHICH WAS
24 THE VICTIM'S PANTIES, I NOTICE THAT IN SOME PLACES
25 WHERE YOU DESIGNATE, YOU DESIGNATE SOILED AS YOU DID

1 IN THE PANTIES?

2 A THAT'S CORRECT

3 Q YOU INDICATED I THINK AN ODOR OF URINE OR URINE
4 SOILED, WHEN YOU SAY SOILED, I NOTICE IN OTHER PLACES
5 WHEN YOU HAD AN ITEM YOU DESIGNATED FECES, WHEN YOU
6 SAY SOILED, DO YOU JUST MEAN DIRTY OR WAS THERE AN
7 INDICATION OF FECES IN THOSE PANTIES?

8 A I JUST MADE A NOTATION THAT THE PANTIES WERE
9 SOILED, THAT THEY WERE DIRTY, AND THEY DARK AREAS IN
10 IT

11 Q LIKEWISE, IN THE PANTS THAT SHE WAS WEARING, IN
12 ITEM, THE BLACK PANTS ITEM 6 1, YOUR 6 1, STATE'S
13 EXHIBIT 56, DID YOU NOTE ANY INDICATION OF FECAL
14 MATERIAL IN THOSE PANTS?

15 A NO, SIR, I JUST MADE A NOTE THAT THERE WAS A
16 STRONG URINE ODOR

17 Q NOW EACH OF THE ITEMS THAT WE'VE DISCUSSED IF
18 YOU SAW SOMETHING THAT WARRANTED FURTHER TESTING YOU
19 TOOK A SWAB OR DID A CUTTING, IS THAT CORRECT?

20 A THAT'S CORRECT

21 Q OKAY NOW THERE WERE SOME ITEMS ON HER BED DID
22 YOU FIND SOME INDICATION OF BLOOD BUT MAYBE NOT TO
23 THE EXTENT THAT YOU SENT UP TO DNA LAB?

24 A ANY SPECIFIC ITEM?

25 MR POPE BEG THE COURT'S INDULGENCE

001932

1 Q REFERRING TO YOUR ITEM NUMBER SEVEN WHICH WAS
2 THE BOX THAT HAD THE GREEN BLANKET AND ALL THE OTHER
3 ITEMS IN IT, WERE THERE SOME ITEMS THAT MAY TEST
4 POSITIVE FOR PHENOL OR BE LIKE 7 3 FOR EXAMPLE THE
5 BLUE AND WHITE SHIRT?

6 A I MADE A NOTE ON MY WORK SHEET OF THE BLUE AND
7 SHIRT THAT STAINS THAT APPEAR TO BE DILUTED BLOOD AND
8 IT WAS POSITIVE FOR THE PRESUMPTIVE TEST OF PHENOL

9 Q WAS IT TO THE EXTENT THAT THERE WAS VOLUME THAT
10 YOU SENT UPSTAIRS TO DNA ON THOSE ITEMS?

11 A NO, SIR, I DIDN'T COLLECT ANYTHING FROM THAT
12 ITEM

13 Q AND THAT WOULD BE BASICALLY THE BOX OF ITEMS
14 THAT CAME OFF OF THE BED THAT INCLUDED THE GREEN
15 BLANKET, IS THAT CORRECT?

16 A THAT'S CORRECT

17 Q OKAY IN YOUR YEARS OF WORKING THESE PARTICULAR
18 CASES YOU HAVE RECEIVED SOME BLOODY CRIME SCENE
19 EVIDENCE, IS THAT A FAIR STATEMENT?

20 A THAT'S CORRECT

21 Q OKAY WERE THESE ITEMS PARTICULARLY BLOODY
22 COMPARED TO SAY A SHOOTING OR A STABBING, WAS THERE A
23 LOT OF BLOOD IN THIS SCENE IN YOUR OPINION?

24 A NO, SIR

25 Q OKAY THANK YOU

001933

1 MR POPE BEG THE COURT'S INDULGENCE,
2 I WANT TO CONFIRM WITH THE COURT REPORTER, WE WENT
3 THROUGH A LOT OF NUMBERS MAKE SURE SHE IS COMFORTABLE
4 WHERE WE'RE AT

5 Q THANK YOU, MA'AM ANSWER ANY QUESTIONS THE
6 DEFENSE MAY HAVE

7 THE COURT MR WOOD
8 CROSS EXAMINATION BY MR WOOD

9 Q GOOD AFTERNOON, MRS BRYSON

10 A GOOD AFTERNOON

11 Q HOW YOU DOING

12 A FINE THANKS

13 Q GOOD GOOD NOW IN ORDER FOR YOU TO TEST AN
14 ITEM OF EVIDENCE THAT ITEM OF EVIDENCE HAS TO BE
15 SUBMITTED TO YOU BY THE LOCAL LAW ENFORCEMENT AGENCY
16 THAT'S INVESTIGATING CASE, IS THAT CORRECT?

17 A THAT'S CORRECT

18 Q OKAY AND LIKE MR POPE SAID, YOU DON'T GO OUT
19 TO LOCAL LAW ENFORCEMENT AGENCY AND PICK EVIDENCE UP,
20 THEY BRING IT DOWN TO SLED FOR YOU TO TEST?

21 A THAT'S CORRECT

22 Q AND ALSO WHEN THEY SUBMIT EVIDENCE TO SLED THEY
23 FILL OUT A FORM THAT LISTS THE ITEM OF EVIDENCE AND
24 ALSO THE TEST THEY WOULD LIKE PERFORMING, IS THAT
25 CORRECT?

001934

1 A THAT'S CORRECT

2 Q AND THAT'S HOW YOU KNOW WHAT TEST TO PERFORM ON
3 A SPECIFIC ITEM OF EVIDENCE THEY SUBMITTED, IS THAT
4 RIGHT?

5 A THAT'S CORRECT

6 Q WE'VE TALKED SOME OF THE ACID PHOSPHATE TEST
7 NOW THAT TEST IS PRESUMPTIVE FOR SEMEN BUT THAT TEST
8 IS ALSO PRESUMPTIVE FOR VAGINAL FLUID, IS THAT RIGHT?

9 A YES, SIR, IT CAN BE

10 Q AND THAT'S BECAUSE THE VAGINA HAS VAGINAL ACID
11 PHOSPHATE, THAT IS RIGHT?

12 A I'D ASK THE DNA ANALYST MORE ALONG THOSE LINES

13 Q IN ORDER TO CONFIRM WHETHER THAT IS IN FACT
14 SEMEN THERE IS A TEST THAT YOU DO A STEP FURTHER, IS
15 THAT RIGHT, THE P-30 TEST?

16 A NO, SIR, I DON'T I JUST DO THE PRESUMPTIVE
17 TEST WITH ACID PHOSPHATASE AND THEN I FORWARD IT TO
18 DNA AND THEY DO ADDITIONAL TESTING

19 Q AND YOU PERFORM TESTS ON EVIDENCE SUBMITTED TO
20 YOU THAT IDENTIFIES THE SOURCE OF THE MATERIAL, IS
21 THAT RIGHT, AND BY SOURCE I MEAN WHETHER IT IS SEMEN
22 OR WHETHER IT'S HUMAN BLOOD, IS THAT ACCURATE?

23 A COULD YOU REPEAT THAT?

24 Q SURE SURE YOU GET AN ITEM OF EVIDENCE AND IN
25 ORDER FOR YOU TO IDENTIFY A SUBSTANCE ON THAT

001935

1 EVIDENCE THERE ARE SPECIFIC TESTS YOU CAN RUN TO
2 IDENTIFY WHETHER THAT'S SEMEN, IS THAT RIGHT?

3 A THAT'S CORRECT

4 Q WHETHER THAT'S HUMAN BLOOD?

5 A THAT'S CORRECT BUT THE TESTING THAT I DO
6 DOESN'T CONFIRM WHETHER IT IS BLOOD OR SEMEN IT
7 SUGGESTS TO ME THAT THAT AREA IS POSITIVE FOR THE
8 PRESUMPTIVE TEST AND I KNOW TO TAKE A CUTTING OR SWAB
9 FROM THAT AREA AND SEND IT TO DNA FOR FURTHER
10 TESTING

11 Q NOW WHEN YOU PERFORM THESE TESTS IN A LAB YOU
12 WORE GLOVES, CORRECT?

13 A YES, SIR, I DO

14 Q AND YOU WEAR GLOVES TO PREVENT CONTAMINATION?

15 A THAT'S CORRECT

16 Q AND THAT'S BECAUSE THIS TECHNOLOGY IS SENSITIVE
17 AND IT JUST TAKES A VERY LITTLE AMOUNT OF MATERIAL
18 FOR YOU TO GET A TEST RESULT, IS THAT RIGHT?

19 A WE WEAR GLOVES IN ORDER TO PROTECT OURSELVES
20 MORE SO

21 Q BUT IT DOESN'T HAVE TO BE A PINT OF BLOOD FOR
22 YOU TO DETECT HUMAN BLOOD IT COULD BE A LITTLE
23 SPECK OF BLOOD, ISN'T THAT RIGHT?

24 A I DO THE PRESUMPTIVE TESTING FOR BLOOD I DON'T
25 CONFIRM WHETHER IT IS BLOOD OR NOT AND IT COULD BE

1 JUST A TINY SPECK THAT COMES UP POSITIVE FOR THE
2 PRESUMPTIVE TEST OF BLOOD

3 Q NOW DO YOU HAVE A COPY OF YOUR REPORT IT MIGHT
4 MAKE IT A LITTLE EASIER IF YOU ARE REFERRING TO THE
5 REPORT AT THE SAME TIME I AM?

6 A WHICH ONE?

7 Q THE SUPPLEMENTAL REPORT THAT LISTS THE ITEM OF
8 EVIDENCE THAT YOU TESTED?

9 A YES, SIR, I DO

10 Q NOW ITEM TEN ISN'T ACTUALLY LISTED ON THERE BUT
11 ITEM TEN IS THE BLUE HANDLED BROOM WE TALKED ABOUT
12 THERE IS A WORK SHEET THAT WENT ALONG WITH THAT
13 WOULD THAT HELP YOU OUT TO LOOK AT THAT AT THE SAME
14 TIME I AM?

15 A ITEM TEN

16 Q DO YOU HAVE A COPY THAT?

17 A YES, SIR, I HAVE A COPY

18 Q WE'RE LOOKING AT THE SAME SHEET OF PAPER NOW
19 YOU SWABBED, IT'S RIGHT HERE, YOU SWABBED THE END OF
20 THAT BROOM, RIGHT?

21 A THAT'S CORRECT

22 Q AND WHEN YOU DID THE PHENOL TEST THAT WAS
23 NEGATIVE FOR HUMAN BLOOD, IS THAT RIGHT?

24 A NO, SIR, I DIDN'T ON THOSE SWABS THAT I
25 COLLECTED FROM THE END OF THE BROOM I DID NOT DO ANY

001937

1 CHEMICAL TESTING ON THOSE SWABS

2 Q WHEN I'M LOOKING AT YOUR DIAGRAM IT INDICATES
3 RIGHT UP HERE AT THE TOP THAT'S NEGATIVE FOR PHENOL
4 AND THAT'S FOR HUMAN BLOOD, IS THAT RIGHT?

5 A RIGHT THAT'S BELOW THE AREA THAT I TOOK THE
6 SWAB FROM

7 Q OKAY BUT THAT'S STILL UP AROUND THE TOP OF THE
8 BROOM, RIGHT?

9 A YES, SIR, IT IS

10 Q AND YOU TESTED TWO AREAS THAT YOU VISUALLY
11 NOTICED AND THEY WERE NOT HUMAN BLOOD, CORRECT?

12 A THEY WEREN'T POSITIVE FOR THE PRESUMPTIVE TEST
13 OF BLOOD

14 Q OKAY AND IS IT FAIR TO SAY THAT THAT SUBSTANCE
15 WAS NOT HUMAN BLOOD?

16 A YES, SIR

17 Q OKAY NOW GOING BACK TO THE LIST I REFERRED TO
18 BEFORE YOUR ACTUAL REPORT GOING RIGHT TO ITEM 20
19 THAT'S THE BROOM WITH THE RED HANDLE THAT WAS
20 SUBMITTED TO YOU?

21 A YES, SIR

22 Q THAT WAS NO BLOOD DETECTED ON RED HANDLE, IS
23 THAT RIGHT?

24 A THAT'S CORRECT

25 Q NOW THE DUST PAN THAT WAS SUBMITTED TO YOU,

1 THAT'S ITEM 21?

2 A YES, SIR

3 Q THERE IS NO HUMAN BLOOD DETECTED ON THE HANDLE
4 OF THAT DUST PAN, IS THAT RIGHT?

5 A THERE WAS NO BLOOD DETECTED I DON'T MAKE A
6 DETERMINATION IF IT'S HUMAN OR ANIMAL

7 Q GOT YOU NO BLOOD DETECTED?

8 A NO BLOOD DETECTED

9 Q THE YELLOW DUST MOP, THE WHITE HANDLE, NO BLOOD
10 DETECTED, CORRECT?

11 A THAT'S CORRECT

12 Q THE GREEN HANDLE THERE IS ACTUALLY A DIAGRAM
13 THAT GOES ALONG WITH THE TEST YOU PERFORMED ON THE
14 GREEN HANDLE BROOM, DO YOU HAVE A COPY THAT?

15 A FOR ITEM 23?

16 Q YES, MA'AM I MAY HAVE A EXTRA COPY IF THAT
17 WOULD HELP YOU OUT

18 A I HAVE ONE

19 Q YOU GOT ONE?

20 A YES, SIR

21 Q GREAT NOW NO BLOOD DETECTED ON THAT HANDLE IS
22 THAT RIGHT?

23 A THAT'S CORRECT

24 Q AND ALSO AT THIS TIME IT APPEARS THAT VAGINAL
25 FLUID OR SEMEN WAS DETECTED ON IT, IS THAT CORRECT?

001939

1 A FOR ITEM 23?

2 Q YES ACTUALLY IT DOESN'T LOOK LIKE YOU
3 PERFORMED THE AP TEST ON THAT?

4 A I DIDN'T DO ANY PRESUMPTIVE TEST FOR SEMEN ON
5 THAT ITEM AND IT WAS NEGATIVE FOR BLOOD

6 Q NEGATIVE FOR BLOOD, ALL RIGHT WOODEN WALKING
7 CANE, THAT WAS SUBMITTED TO YOU?

8 A YES, SIR

9 Q AND NO BLOOD WAS DETECTED ON THAT WALKING CANE,
10 IS THAT RIGHT?

11 A THAT'S CORRECT

12 Q AND THERE WAS ANOTHER RED HANDLE THAT WAS
13 SUBMITTED IN EVIDENCE, THAT WAS TESTED FOR BLOOD AND
14 THERE WAS NO BLOOD ON THAT RED HANDLE, IS THAT
15 CORRECT?

16 A THAT'S CORRECT

17 MR WOOD BEG THE COURT'S INDULGENCE

18 Q THANK YOU SO MUCH IF YOU'D ANSWER ANY
19 QUESTIONS MR GREELEY HAS FOR YOU

20 A OKAY

21 CROSS EXAMINATION BY MR GREELEY

22 Q AGENT BRYSON, DOES EVERYTHING COME THROUGH YOU
23 OR ARE THERE SOME THINGS THAT JUST GO DIRECTLY TO THE
24 DNA LAB AND DO NOT COME THROUGH YOU?

25 A THERE ARE SOME THINGS THAT DO GO STRAIGHT TO THE

DNA LAB

Q OKAY NOW I'M NOT SURE WHERE IT IS, IF I CAN
FIND IT I DON'T BELIEVE THAT'S THE BOX LET ME
CHECK MY NOTES I THINK IT'S THIS ONE STATE'S
EXHIBIT NUMBER 56 NUMBER 56 THESE WERE THE PANTS I
BELIEVE?

A YES, SIR, VICTIM'S PANTS

Q AND YOU MADE THREE CUTTINGS FROM THESE PANTS, IS
THAT CORRECT?

A YES, SIR, I DID

Q AND THE FIRST CUTTING THAT YOU MADE -- WELL,
WHEN YOU ANALYZE THESE PANTS THEY HAVE TWO SIDES TO
THE PANTS OF COURSE, IF YOU ARE GOING TO IRON PANTS
YOU GOT TO IRON ONE SIDE AND THEN IRON ANOTHER SIDE,
IS THAT CORRECT?

A THAT'S CORRECT

Q AND WHEN YOU ANALYZE THE PANTS DO YOU DO IT THE
SAME WAY? DO YOU TAKE IT AND PUT IT UNDER THE LIGHT
SOURCE, LOOK AT IT, ANALYZE IT UNDER THE LIGHT SOURCE
ON ONE SIDE OF THE PANTS, MAKE YOUR MARKINGS AND THEN
TAKE THE PANTS AND TURN THEM OVER?

A YES, SIR, I DO

Q AND THEN YOU ANALYZE THE OTHER SIDE?

A YES, SIR, I DO OR WE HAVE A ROLL BAR

SOMETIMES I HANG THEM OVER THE ROLL BAR AND PUT THE

001941

1 LIGHT TO THEM THAT WAY

2 Q OKAY AND ON THIS PARTICULAR EXAMINATION, YOU
3 DON'T REMEMBER WHETHER YOU USED THE ROLL BAR ON THIS
4 OR NOT, DO YOU?

5 A NO, SIR, I DON'T

6 Q YOU ANALYZE A LOT OF THINGS, DON'T YOU?

7 A YES, SIR

8 Q OKAY THIS PARTICULAR EXAMINATION YOU ANALYZE
9 ONE SIDE AND LET'S JUST SAY FOR PURPOSES HERE THE
10 FRONT SIDE OF THE PANTS YOU HAD SOME ITEMS MORE OR
11 LESS, YOU MARKED THEM, THEN YOU WENT BACK THROUGH
12 WITH YOUR CHEMICAL TEST?

13 A THAT'S CORRECT

14 Q AND ON THE FRONT SIDE OF THESE PANTS YOU HAD ONE
15 LOCATION THAT TESTED POSITIVE CHEMICALLY, IS THAT
16 CORRECT?

17 A FOR THE PRESUMPTIVE TEST OF SEMEN

18 Q YES AND YOU MADE A CUTTING OF THAT FROM THE
19 FRONT SIDE OF THE PANTS?

20 A THAT'S CORRECT

21 Q OKAY AND THEN EITHER THROUGH THE ROLL BAR OR
22 THROUGH TURNING THE PANTS OVER, YOU FLUORESCED THE
23 PANTS AGAIN?

24 A YES, SIR

25 Q AND IN FLUORESCING THE PANTS AGAIN YOU NOTICED,

001942

1 YOU HAD A FEW HITS ON THE FLUORESCENT LIGHT?

2 A YES, SIR

3 Q OKAY AND YOU MARKED THOSE ON THE PANTS AND
4 THEN YOU WENT THROUGH AND YOU DID CHEMICAL ANALYSIS
5 ON THOSE PARTS THAT YOU HAD MARKED, IS THAT CORRECT?

6 A THAT'S CORRECT

7 Q AND ON THE PARTS THAT YOU HAD MARKED THERE WERE
8 TWO PARTS THAT TESTED POSITIVE FOR APS, IS THAT
9 CORRECT?

10 A I TOOK TWO CUTTINGS FROM THE BACK SIDE OF THE
11 PANTS

12 Q RIGHT AND SO THEY WERE ON THE OPPOSITE SIDE OF
13 THE PANTS WHERE THOSE TWO CUTTINGS WERE TAKEN, IS
14 THAT CORRECT?

15 A THEY WERE ON THE BACK SIDE, RIGHT

16 Q SO YOU HAD ONE CUTTING FROM THE FRONT OF THE
17 PANTS?

18 A YES, SIR

19 Q AND YOU HAD TWO CUTTINGS FROM THE BACK OF THE
20 PANTS?

21 A YES, SIR

22 Q AND I NOTICED THAT YOU HAD EXAMINED, WHEN YOU
23 EXAMINED THE PANTS OR OTHER ITEMS LIKE THAT, YOU TURN
24 THEM RIGHT SIDE OUT?

25 A YES, SIR

001943

1 Q NOW IN REGARDS TO THE, I'M LOOKING FOR THE BOX,
2 THE BEDDING?

3 A OKAY

4 Q YOU RECEIVED A LARGE BOX OR BAG OF BEDDING?

5 A YES, SIR

6 Q FROM AMANDA'S BED?

7 A RIGHT

8 Q IS THAT CORRECT INCLUDED, LET ME -- LET'S SEE
9 WE HAVE, HERE'S THE BOX I'M LOOKING FOR THERE WE
10 GO NOW YOU RECEIVED OF EITHER A BIG BAG OR A BIG
11 BOX OF ALL HER BED THAT CAME FROM HER BED, IS THAT
12 CORRECT?

13 A YES, SIR

14 Q OKAY AND YOU DID THE SAME TYPE OF EXAMINATION
15 WITH HER BEDDING THAT YOU HAD DONE --

16 A YES, SIR

17 Q ---WITH THE OTHER ITEMS?

18 A THAT'S CORRECT

19 Q YOU DID A LIGHT SOURCE?

20 A RIGHT

21 Q ON ALL HER BEDDING OKAY AND OUT OF THE
22 BEDDING YOU ENDED UP MAKING ONE CUTTING FROM THE
23 BEDDING, IF I AM CORRECT, AND THAT WOULD BE IN
24 REGARDS TO THE GREEN BLANKET AND I WILL TRY AND
25 REFRESH YOUR MEMORY WITH THE NUMBER I WROTE IT

DOWN WELL, YOU REMEMBER YOU MADE THIS CUTTING FROM
THIS GREEN BLANKET?

A IT WAS ITEM 7 8

Q OKAY AND YOU MADE ONLY ONE CUTTING FROM THAT
BLANKET?

A YES, SIR

Q OKAY EVEN THOUGH YOU HAD OTHER HITS UNDER THE
FLUORESCENCE, WHEN YOU FLUORESCED IT, AFTER YOU DID THE
CHEMICAL TEST YOU ENDED ONLY TAKING ONE CUTTING FROM
THAT BLANKET?

A YES, SIR

Q THE OTHER BEDDING AND THE OTHER BLANKETS THAT
YOU HAD FROM HER BEDDING YOU DID NOT SEND, YOU DIDN'T
MAKE ANY CUTTINGS OR SEND ON TO, FOR FURTHER ANALYSIS
ON THOSE, DID YOU?

A THAT'S CORRECT

Q OKAY AND YOU FLUORESCED ALL THAT BEDDING,
DIDN'T YOU?

A YES, SIR

Q AND THAT'S A COMMON PLACE TO FLUORESCENCE IN A CASE
THAT HAS A SEXUAL ASSAULT ALLEGATION IN IT?

A THAT'S CORRECT

Q AND THEN YOU RECEIVED A BOX OF ALL THE ITEMS
THAT WERE ON HER BED?

A YES, SIR

001945

1 Q IS THAT CORRECT? AND THERE WAS A GOOD NUMBER OF
2 ITEMS, WASN'T THERE?

3 A YES, SIR

4 Q AND YOU EXAMINED THOSE?

5 A YES, SIR

6 Q YOU FLUORESCED ALL THOSE ITEMS?

7 A RIGHT

8 Q AND IF THEY FLUORESCED YOU RAN A CHEMICAL TEST
9 ON THEM, IS THAT CORRECT?

10 A YES, SIR

11 Q BUT NONE OF THE ITEMS THAT WERE ON HER BED WERE
12 PASSED ON FOR FURTHER ANALYSIS, WERE THEY?

13 A OTHER THAN THAT GREEN BLANKET

14 Q OTHER THAN THE GREEN BLANKET WITH THE ONE
15 CUTTING?

16 A THAT'S CORRECT

17 Q THANK YOU, AGENT BRYSON

18 A OKAY

19 THE COURT REDIRECT

20 MR POPE NO, SIR, YOUR HONOR

21 THE COURT ALL RIGHT YOU CAN STEP DOWN
22 AND BE EXCUSED WE APPRECIATE YOUR TIME THANK YOU

23 MR BRACKETT THE STATE WOULD CALL AMY
24 SIMMONS

25 MR MORTON YOUR HONOR, CAN WE APPROACH

(BENCH CONFERENCE)

THE COURT WE'LL TAKE A SHORT REFRESHER
BREAK

(COURT'S IN RECESS AT 05 05 PM)

(COURT RESUMES AT 05 17 PM)

THE COURT STATE READY THE DEFENDANTS
ARE PRESENT BRING IN THE JURY

(THE JURY RETURNS TO THE COURTROOM AT
05 18 PM)

MR BRACKETT THE STATE WOULD CALL AMY
SIMMONS

AMY SIMMONS, BEING FIRST
DULY SWORN, TESTIFIED AS FOLLOWS

DIRECT EXAMINATION BY MR BRACKETT

Q GOOD AFTERNOON, MA'AM WOULD YOU PLEASE STATE
YOUR FULL NAME FOR US PLEASE?

A AMY COLEMAN SIMMONS

Q WHERE DO YOU LIVE, AMY?

A IN ANDERSON, SOUTH CAROLINA

Q OKAY YOU'VE GOT A SOFT VOICE I CAN BARELY
HEAR YOU OVER HERE, SO THAT MEANS THESE FOLKS OVER
HERE CAN'T HEAR YOU TOO WELL?

A OKAY

Q YOU'LL HAVE TO LEAN FORWARD TO GET TO THE
MICROPHONE BECAUSE THE CHAIR DOESN'T MOVE

1 A OKAY

2 Q JUST REMEMBER TO KEEP YOUR VOICE UP SO EVERYONE
3 CAN HEAR YOU YOU SAID YOU LIVED IN ANDERSON, SOUTH
4 CAROLINA?

5 A YES, SIR

6 Q HOW LONG HAVE YOU LIVED IN ANDERSON?

7 A JUST OVER A YEAR

8 Q OKAY PRIOR TO LIVING IN ANDERSON WHERE DID YOU
9 LIVE?

10 A IN ROCK HILL, SOUTH CAROLINA

11 Q OKAY NOW DO YOU KNOW THE DEFENDANT SEATED OVER
12 HERE MR BILLY WAYNE COPE?

13 A I DO

14 Q HOW LONG HAVE YOU KNOWN HIM?

15 A I KNEW HIM FOR ABOUT TWO YEAR PRIOR TO AMANDA'S
16 DEATH SO ALMOST FIVE YEARS MAYBE

17 Q AND WHERE DID YOU MEET HIM? WHAT ASSOCIATION
18 DID YOU MEET HIM THROUGH?

19 A THROUGH CHURCH AT WEST MAIN NAZARENE AND THROUGH
20 HIS SISTER WHO IS ONE OF MY BEST FRIENDS

21 Q AND WHAT'S HER NAME?

22 A HER NAME IS SUSAN ARCHIE

23 Q SHE'S SEATED OVER HERE I BELIEVE?

24 A YES, SIR

25 Q NOW DID YOU AFTER, DID YOU KNOW MARY SUE COPE AS

1 WELL?

2 A YES, SIR

3 Q AFTER AMANDA'S DEATH WOULD YOU JUST BRIEFLY
4 DESCRIBE YOUR RELATIONSHIP WITH MARY SUE, NOT
5 ANYTHING THAT WAS EVER SAID, BUT JUST TELL US A
6 LITTLE BIT ABOUT HOW YOU KNOW HER?

7 A MARY SUE AND SUSAN AND MYSELF AND ONE OF OUR
8 OTHER FRIEND FROM CHURCH WERE JUST A GOOD SUPPORT
9 SYSTEM FOR EACH OTHER THROUGH CHURCH AND AS FRIENDS
10 AND MARY SUE SPENT A LOT TIME WITH US AFTER AMANDA'S
11 DEATH, TAKING TURNS STAYING AT DIFFERENT HOUSES, AND
12 HAVING MEALS WITH US AND THAT KIND OF THING

13 Q WHEN DID MARY SUE PASS AWAY?

14 A IN FEBRUARY AFTER AMANDA DIED IN NOVEMBER

15 Q FEBRUARY OF 2002?

16 A CORRECT

17 Q ALL RIGHT NOW DID YOU, AFTER THAT TIME PERIOD,
18 DID YOU CONTINUE TO HAVE SOME SORT OF
19 RELATIONSHIP-CORRESPONDENCE WITH THE DEFENDANT
20 MR COPE?

21 A I DID WE HAVE WRITTEN LETTERS BACK AND FORTH
22 SINCE HE'S BEEN IN JAIL

23 Q OKAY NOW THE LETTERS THAT HE WROTE YOU HE
24 WROTE THEM AND THEY ARRIVED AT YOUR HOUSE?

25 A YES, THEY DID

001950

001950

1 Q AND DID YOU RESPOND TO SOME OF THESE LETTERS?

2 A YES, SIR, I DID

3 Q ALL RIGHT AND DID HE RESPOND TO YOUR LETTERS?
4 IN OTHER WORDS, WAS THERE AN EXCHANGE OF IDEAS AND
5 CONVERSATION AND LETTERS?

6 A YES

7 Q OKAY CALLING YOUR ATTENTION TO WHAT'S BEEN
8 MARKED AS STATE'S EXHIBIT 89, 90, AND 91 AND I'LL
9 GIVE THEM TO YOU IN THE REVERSE ORDER AND ASK IF YOU
10 CAN IDENTIFY THOSE ITEMS?

11 A OKAY THESE ARE LETTERS THAT HE WROTE TO ME

12 Q OKAY AND DO YOU RECOGNIZE EACH OF THOSE AS
13 BEING A LETTER YOU RECEIVED FROM HIM?

14 A YES

15 Q OKAY PLACE THOSE BACK IN THE ENVELOPE

16 A (COMPLIES)

17 Q AND STATE'S EXHIBIT 90, DO YOU RECOGNIZE THAT
18 ITEM?

19 A YES

20 Q OKAY WHAT IS THAT?

21 A THIS IS A LETTER THAT I RECEIVED AT MY HOME AS
22 WELL

23 Q OKAY AND WHO DID YOU RECEIVE THAT FROM?

24 A FROM BILLY

25 Q ALL RIGHT AND HOW DID YOU KNOW IT WAS FROM

001951

BILLY?

A IT CAME LIKE THE OTHERS IN THE MAIL IT HAS A
RETURN ADDRESS FROM THE JUSTICE CENTER

Q ALL RIGHT DO YOU REMEMBER APPROXIMATELY WHEN
YOU RECEIVED THIS LETTER?

A WITHOUT LOOKING AT THAT ONE I DON'T WANT TO SAY
THE WRONG DATE I THINK THAT WAS THE FIRST ONE

Q I WANT TO FIND WHERE MR POPE PUT THE SCISSORS
HERE'S THE LETTER AND THE POST MARK, DOES THAT HELP
YOU REFRESH YOUR MEMORY?

A THE POST MARK ON THE LETTER IS DECEMBER 2003

Q OKAY AND WHAT DID YOU DO WHEN YOU GOT THAT
LETTER, WHAT DID YOU DO WITH IT?

A I CALLED BILLY'S ATTORNEY TO LET HIM KNOW THAT I
HAD GOTTEN A LETTER THAT CONCERNED ME AND THEN I GAVE
THE LETTER TO HIS ATTORNEY

Q WHICH ATTORNEY DID YOU GIVE IT TO?

A THEY WERE A TEAM THERE AT THE TIME I THINK

Q DO YOU REMEMBER WHICH ONE YOU SPOKE?

A I THINK I ACTUALLY SPOKE WITH JIM MORTON BUT I
THINK ACTUALLY MAYBE HANDED THE LETTER TO, IF I
REMEMBER CORRECTLY, TO PETE SKIDMORE ONE OF THEIR
INVESTIGATORS, BUT IT WAS AT THEIR OFFICE

24 Q OKAY DID YOU KEEP A COPY THAT LETTER?

5 A I DID

001952

1 Q DID YOU CALL LAW ENFORCEMENT IN REGARDS TO THIS
2 LETTER?

3 A EVENTUALLY, YES

4 Q DO YOU REMEMBER WHO YOU CALLED IN LAW
5 ENFORCEMENT?

6 A I SPOKE WITH CHARLENE BLACKWELDER

7 Q THIS LADY SEATED HERE?

8 A YES

9 Q AND WHAT DID YOU TELL MRS BLACKWELDER?

10 A I LET HER KNOW THAT I HAD A LETTER THAT
11 CONCERNED ME, THAT I HAD TURNED IT OVER TO THE
12 DEFENSE ATTORNEYS, AND THAT THEY WOULD GET A COPY TO
13 HER THIS WAS A TIME PERIOD LATER AFTER I HAD GIVEN
14 IT TO THEM

15 Q WHO WOULD GET A COPY TO HER?

16 A THAT THE DEFENSE TEAM HAD IT AND HAD TOLD ME
17 THAT IF THEY WERE REQUIRED TO PRODUCE IT THAT THEY
18 WOULD DO SO, THAT I DIDN'T NEED TO WORRY ABOUT GIVING
19 IT TO ANYBODY ELSE, THAT THEY WOULD TAKE CARE OF IT
20 AND DO THE RIGHT THING

21 Q WHEN, HOW SOON AFTER YOU RECEIVED THIS LETTER
22 DID THAT HAPPEN?

23 A WHEN CHARLENE BLACKWELDER AND I HAD A
24 CONVERSATION?

25 Q YEAH, AND YOU GAVE IT TO THE DEFENSE ATTORNEYS

001953

AND ALL THAT

A WHEN WE ACTUALLY TALKED ABOUT THAT

Q APPROXIMATELY HOW QUICKLY AFTER RECEIVING THIS
LETTER DID THAT HAPPEN?

A MAYBE LIKE FIVE MONTHS AFTER I HAD ANOTHER
LETTER IT WAS IN MAY I THINK

Q WHEN DID YOU GIVE IT TO MR MORTON?

A SHORTLY AFTER I RECEIVED IT

Q OKAY AND WHEN DID YOU FIRST SPEAK TO CHARLENE
BLACKWELDER ABOUT IT?

A I BELIEVE IN MAY WHEN I ACTUALLY GOT THE OTHER
LETTERS

Q OKAY DID YOU HAVE -- DID YOU EVER ATTEMPT TO
GET THIS LETTER BACK FROM MR MORTON?

A I DID CALL HIM AND TELL HIM AFTER CHARLENE AND I
TALKED ABOUT THAT SPECIFIC LETTER THAT SHE HAD ASKED
ME TO SEE IF I COULD GET A COPY OR SEE IF I COULD GET
THE LETTER BACK SO THAT IT COULD, THEY COULD GET IT
BECAUSE THEY DIDN'T HAVE IT, AND MR MORTON SAID THAT
THEY COULD GET IT THROUGH COURT HEARINGS OR
PROCEEDINGS IF THEY NEEDED IT THAT I COULDN'T GET
IT BACK FROM HIM HE WOULD TAKE CARE OF IT AND DO
THE RIGHT THING WITH IT

Q BUT THIS IS THE LETTER THAT YOU RECEIVED IN THE
MAIL?

001954

1 A YES

2 MR GREELEY NO OBJECTION

3 MR BAITY NO OBJECTION

4 THE COURT ALL RIGHT

5 (STATE'S EXHIBIT 90 LETTER RECEIVED

6 INTO EVIDENCE)

7 Q HOW DID HE SIGN THIS LETTER?

8 A KEEP THE FAITH ALWAYS BILLY TINKER COPE

9 Q AND WHO IS TINKER, WHAT IS TINKER?

10 A TINKER IS JUST HIS NICKNAME

11 Q WHAT ARE THE SYMBOLS DRAWN RIGHT UNDERNEATH HIS

12 NAME?

13 A LIKE A FISH AND CROSSES, RELIGIOUS SYMBOL

14 Q A CHRISTIAN FISH?

15 A UH-HUH

16 MR BRACKETT YOUR HONOR, I SEEK TO

17 INTRODUCE STATE'S EXHIBIT NUMBER 90 AT THIS TIME

18 THE COURT IT'S ALREADY BEEN ADMITTED

19 WITHOUT OBJECTION SO IT'S RECEIVED WITHOUT OBJECTION

20 MR BRACKET AND I WOULD MOVE TO PUBLISH

21 THE LETTER

22 THE COURT OKAY

23 MR BRACKETT DEAR AMY, I NEED TO SEE

24 YOU IN-PERSON AS SOON AS POSSIBLE CAN YOU COME TO

25 ROCK HILL AND SEE ME NEXT WEEK ON MONDAY I HAD A

001955

DREAM LAST NIGHT ABOUT YOU, MARY SUE, AND AMANDA I
NEED TO TELL YOU WHAT I REALLY DID TO AMANDA BEFORE
IT'S TOO LATE GOD WILL FORGIVE ME IF I CONFESS TO
ANOTHER CHRISTIAN AND REPENT KEEP THE FAITH ALWAYS
BILLY TINKER COPE

Q DID YOU, SHOW YOU STATE'S EXHIBIT 89 FOR
IDENTIFICATION AND ASK YOU IF YOU CAN IDENTIFY THAT
FOUR PAGE DOCUMENT?

A IT'S, THIS IS ANOTHER LETTER THAT I GOT IN THE
MAIL

Q AND APPROXIMATELY WHEN DID YOU RECEIVE THAT
LETTER?

A THIS WAS TOWARDS THE END OF MAY, MAY 20, IS THE
POST MARK

Q OF WHAT YEAR?

A 2004

Q THIS YEAR?

A THIS YEAR

Q ALL RIGHT AND WHAT DID YOU, IT ARRIVED LIKE
THE OTHERS DID?

A YES

Q OKAY NOW WHAT, WHO DOES IT APPEAR TO BE FROM?

A IT'S SIGNED FROM TINKER WITH MUCH LOVE TINKER

Q THE BLUE STUFF THAT'S ALL OVER IT WAS THAT THERE
WHEN YOU GOT IT?

001956

1 A NO

2 Q WHAT DID YOU DO WHEN YOU RECEIVED THAT LETTER?

3 A I AGAIN LET JIM MORTON KNOW THAT I HAD GOTTEN A
4 LETTER THAT CONCERNED ME I FAXED HIM A COPY I
5 BELIEVE, DISCUSSED IT WITH SOMEONE FROM MY CHURCH AND
6 WITH MY FAMILY, AND TURNED IT OVER TO THE POLICE

7 Q OKAY AND DO YOU REMEMBER WHICH POLICE AGENCY
8 SPECIFICALLY

9 A ANDERSON SHERIFF'S OFFICE CAME AND GOT IT

10 Q WHEN THEY PICKED THAT LETTER UP DID THEY PICK
11 ANY OTHER LETTERS UP FROM YOU AT THAT TIME?

12 A NO

13 Q WHEN YOU RECEIVED THAT LETTER WHERE DID YOU PUT
14 IT? WHAT DID YOU DO WITH IT WHILE YOU WERE TALKING
15 TO FAMILY AND FRIENDS, PEOPLE AT CHURCH?

16 A I KEPT IT IN MY CAR IN MY GLOVE BOX

17 Q ALL RIGHT NOW THE LETTER THAT YOU TURNED OVER,
18 IS THAT IN FACT THE LETTER YOU GAVE TO ANDERSON
19 COUNTY SHERIFF'S OFFICE?

20 A YES

21 Q AND DID YOU TURN IT OVER WITH THE ENVELOPE THAT
22 YOU RECEIVED IT IN?

23 A YES

24 Q AND THE ENVELOPE THAT'S ATTACHED TO THAT STATE'S
25 EXHIBIT 89, IS THAT IN FACT THE ENVELOPE THAT THAT

001957

1 LETTER ARRIVED IN?

2 A YES

3 Q OKAY WAS IT UNCOMMON FOR THERE TO BE DRAWINGS
4 ON THE ENVELOPE?

5 A NO, BILLY ALWAYS PUTS DRAWINGS ON THE LETTERS

6 Q AND HOW ABOUT THE THIRD PAGE IN THERE WITH ALL
7 THE ALL SQUIGGLY LINES ACROSS IT, WHAT, WAS THAT
8 TYPICAL FOR HIM TO HAVE THAT?

9 A NO

10 MR GREELEY NO OBJECTION

11 MR BRACKETT SEEK TO INTRODUCE STATE'S
12 EXHIBIT 89 INTO EVIDENCE

13 MR BAITY NO OBJECTION

14 THE COURT BE RECEIVED WITHOUT OBJECTION

15 (STATE'S EXHIBIT 89 LETTER RECEIVED
16 INTO EVIDENCE)

17 MR BRACKETT MOVE TO PUBLISH STATE'S
18 EXHIBIT 89

19 THE COURT GO AHEAD

20 MR BRACKETT DEAR AMY, GOD TOLD ME TO
21 TELL YOU THAT I KILLED AMANDA I HAVE SECRETLY
22 QUESTIONED GOD AND I CAUGHT MYSELF PRAISING THE LORD
23 OVER THE ENDING I GOT MY FEELINGS HURT WHEN I
24 TALKED TO MY ATTORNEYS THE STORY WAS NOT GOING TO END
25 ON A HAPPY NOTE AMANDA IS IN THE LORD STREETS

001958

1 STANDING OVER HER I SAW HER SCREAM MY GIRL WAS
2 RETURNED TO THE SPOT WHERE SHE BELONGS AND MY ENEMIES
3 FOLLOW ME SCOFFING I DON'T KNOW WHICH WAY THAT I
4 SHOULD TURN I DIDN'T REALIZE WHAT I DID UNTIL AFTER
5 PASTOR POWELL TOLD ME THAT SHE WAS DEAD I JUST WANT
6 TO KNOW IF GOD WAS TRYING TO SHARE WITH ME BEFORE IT
7 HAPPENED PLEASE FORGIVE ME GOD IS GOING TO REMOVE
8 IT SOON I WISH THAT HE HAD CREEPED INTO MY HEAD AND
9 KILLED ME INSTEAD
10 HOW IS BRIAN AND JAMIE I DON'T KNOW
11 WHETHER THEY REMEMBER ME OR NOT I HOPE YOU DON'T
12 MIND THE DRAWINGS ON THE ENVELOPES I HOPE THAT YOU
13 ARE NOT MAD OR ANGRY I JUST THOUGHT YOU SHOULD
14 KNOW PLEASE DON'T STOP WRITING I HAVE TO GET ON
15 WITH MY LIFE I NEED TO TELL YOU THAT A CERTAIN
16 POLICE WOMAN AS ALWAYS CAME OUT VICTORIOUS MAY GOD
17 BLESS YOU WITH COMFORT TODAY WITH MUCH LOVE TINKER
18 A SYMBOL OF A FISH THREE CROSSES SIGNED PSALM 37 4
19 THEN ON THE THIRD PAGE, THE COVER SHEET, WITH
20 SQUIGGLES THIS IS A COVER SHEET TO PREVENT
21 WANDERING EYES
22 Q NOW AT SOME TIME AFTER YOU TURNED THIS OVER TO
23 THE SHERIFF'S OFFICE DID THE SHERIFF'S OFFICE IN
24 ANDERSON RETURN TO PICK UP THESE ITEMS?
25 A YES

001959

1 Q OKAY NOW STATE'S EXHIBIT 91 IS WHAT I'M
2 REFERENCING RIGHT NOW CONTAINS A NUMBER OF LETTERS
3 AND WHO DID ALL THESE LETTERS COME TO YOU FROM?

4 A FROM BILLY

5 Q AND WERE THEY IN RESPONSE TO, SOME OF THEM, TO
6 CORRESPONDENCE HAD YOU SENT TO HIM?

7 A YES

8 Q DID YOU KNOW THESE TO BE FROM BILLY FOR THAT
9 REASON?

10 A I BELIEVED THEM TO BE, YES

11 MR BRACKETT YOUR HONOR, I SEEK TO
12 INTRODUCE STATE'S EXHIBIT NUMBER 91 AT THIS TIME

13 MR BAITY NO OBJECTION, YOUR HONOR

14 MR GREELEY NO OBJECTION

15 MR BRACKETT THESE LETTERS, SO THE
16 RECORD IS CLEAR, THERE IS ONE POST MARK 7 MAY 2004,
17 ONE 14 APRIL 2004, ONE 16 JULY 2003 ONE 19 MARCH
18 2004 ONE IS 8 APRIL 2004 ONE IS POST MARKED 10
19 APRIL 2004, 14 APRIL 2004, 19 APRIL 2004, 21 APRIL
20 2004, 23 APRIL 2004, AND ONE IS DOUBLE POST MARKED, I
21 CAN'T MAKE OUT THE DATE, BUT IT'S GOT A RECTANGULAR
22 RECEIVED STAMP MAY 24, 2004, RIGHT OVER THE POST
23 MARK ALL OF THESE WILL BE CONTAINED WITHIN STATE'S
24 EXHIBIT 91 AND WE WOULD SEEK TO INTRODUCE THIS INTO
25 EVIDENCE

001960

1 THE COURT WITHOUT OBJECTION IT'S
2 ADMITTED

3 (STATE'S EXHIBIT 91 LETTERS RECEIVED
4 IN EVIDENCE)

5 Q MA'AM, WAS THIS EASY FOR YOU TO COME HERE TODAY?

6 A NO

7 Q AND DISCUSS THESE LETTERS?

8 A NO SUSAN IS ONE OF MY BEST FRIENDS IN THE
9 WORLD I LOVE HER I LOVE THE FAMILY I LOVE MARY
10 SUE AND I JUST, YOU KNOW, I DON'T WANT TO BELIEVE
11 THAT BILLY COULD HAVE HAD ANYTHING TO DO WITH THIS
12 AND RATHER NOT BE HERE

13 Q THANK YOU VERY MUCH PLEASE ANSWER ANY
14 QUESTIONS MR BAITY MAY HAVE FOR YOU
15 CROSS EXAMINATION BY MR BAITY

16 Q MA'AM, YOU DIDN'T KNOW BILLY COPE VERY WELL
17 BEFORE AMANDA'S MURDER, DID YOU?

18 A NO, ONLY FROM CHURCH

19 Q YOU KNEW MARY SUE HIS WIFE?

20 A YES

21 Q AND SUSAN ARCHIE?

22 A CORRECT

23 Q AND YOU SAW MR COPE WHEN HE ATTENDED CHURCH?

24 A CORRECT

25 Q THE COPE FAMILY WAS REGULAR ATTENDERS AT CHURCH?

001961

1 A YES

2 Q THE CHURCH THAT YOU ATTEND?

3 A YES, THEY WERE

4 Q RIGHT?

5 A YES

6 Q BUT YOU REALLY DIDN'T HAVE ANY KIND OF PERSONAL

7 RELATIONSHIP, Y'ALL WEREN'T CLOSE OR INTIMATE OR

8 ANYTHING OF THAT NATURE?

9 A NOT INTIMATE, NO

10 Q OR CLOSE IN ANY WAY? AND I MEANT THAT IN THE

11 BROADER SENSE OF THE WORD?

12 A I MEAN, OUR KIDS DID THINGS TOGETHER WE HAD

13 FUNDRAISERS AND SPECIAL EVENTS IN CHURCH, BUT WE KNEW

14 EACH OTHER FROM CHURCH

15 Q AND YOU CERTAINLY ---I'M SORRY

16 A AND THROUGH SUSAN

17 Q I DIDN'T MEAN TO CUT YOU OFF

18 A NO, IT'S OKAY

19 Q YOU CERTAINLY WEREN'T WRITING LETTERS TO HIM

20 BEFORE AMANDA WAS KILLED?

21 A NO

22 Q IS THAT RIGHT AND YOU DIDN'T WRITE HIM ANY

23 LETTERS UP UNTIL FAIRLY RECENTLY, ISN'T THAT CORRECT?

24 A MAYBE THE PAST YEAR

25 Q UH-HUH

001962

1 A YEAR AND A HALF MAYBE

2 Q OKAY NOW WHEN AMANDA WAS KILLED YOU AND OTHER
3 FAMILY/FRIENDS WERE CONTACTED BY THE ROCK HILL POLICE
4 DEPARTMENT, WERE THEY NOT? WERE YOU NOT?

5 A YES

6 Q AND THEY WANTED TO KNOW WHATEVER INFORMATION YOU
7 KNEW ABOUT THE FAMILY, ABOUT MR COPE, ABOUT THE
8 CHILDREN, ABOUT MARY SUE?

9 A I TALKED TO PEOPLE FROM THE ROCK HILL POLICE
10 DEPARTMENT EARLY ON, YES

11 Q RIGHT AND THEY TOOK STATEMENTS FROM YOU AND
12 ASKED YOU A WHOLE BUNCH OF QUESTIONS ABOUT THIS CASE,
13 DIDN'T THEY?

14 A NEVER GAVE AN OFFICIAL STATEMENT, LIKE A SIGNED
15 STATEMENT, BUT I'M AWARE OF PEOPLE BEING ASKED
16 THINGS

17 Q WELL, YOU WERE AWARE BECAUSE YOU SAW
18 MRS CHARLENE BLACKWELDER ASKING YOU AND A NUMBER OF
19 YOUR FRIENDS ABOUT THE COPE FAMILY?

20 A I DID TALK TO CHARLENE

21 Q UH-HUH?

22 A IN HER OFFICE

23 Q YOU TALKED TO HER FAIRLY OFTEN, DIDN'T YOU?

24 A I WOULDN'T SAY FAIRLY OFTEN

25 Q IT WASN'T JUST ONE TIME?

001963

1 A SHE CALLED WHEN MARY SUE DIED I MEAN, I TALKED
2 TO HER IN HER OFFICE I TALKED TO HER RECENTLY

3 Q TALKED TO HER ON THE PHONE?

4 A YES

5 Q SHE CAME AND SPOKE TO YOU RIGHT AFTER AMANDA'S
6 DEATH, CORRECT?

7 A I SAW HER IN HER OFFICE SHORTLY AFTER THAT, YES

8 Q AND MARY SUE EVENTUALLY CAME TO LIVE WITH YOU,
9 DID SHE NOT?

10 A SHE STAYED WITH ME, YES

11 Q WELL, STAYED IN YOUR HOUSE, LIVED WITH YOU?

12 A YES

13 Q WHATEVER AND SHE STAYED WITH YOU IN YOUR
14 RESIDENCE RIGHT UP UNTIL THE TIME THAT SHE TRAGICALLY
15 DIED, ISN'T THAT CORRECT?

16 A YEAH, SHE WAS THERE A FEW DAYS BEFORE SHE DIED

17 Q OKAY AND SHE DEAD IN A BED IN YOUR HOUSE?

18 A YES

19 Q AND MRS BLACKWELDER CAME AND TALKED TO YOU
20 ABOUT THAT TOO, DIDN'T SHE?

21 A THAT WAS THE FORT MILL POLICE DEPARTMENT

22 Q OKAY

23 A THAT

24 Q ALL RIGHT BUT BEFORE MARY SUE DIED

25 MRS BLACKWELDER HAD FREQUENT CONTACT WITH MARY SUE

001964

1 AT YOUR HOUSE?

2 A DO YOU WANT ME TO SAY WHAT MARY SAID TO ME

3 Q NO, MA'AM I'M ASKING YOU DID SHE HAVE CONTACT

4 I TRYING TO FIGURE OUT HOW MUCH CONTACT YOU HAD WITH

5 CHARLENE BLACKWELDER SO SHE WAS STILL AROUND IN

6 YOUR LIFE, WASN'T SHE? SHE WAS STAYING IN TOUCH WITH

7 YOU?

8 A I MEAN, I SPOKE TO HER ON MORE THAN ONE OCCASION

9 AFTER AMANDA'S DIED, YES

10 Q AND SHE WANTED TO KNOW EVERYTHING YOU KNEW ABOUT

11 THE FAMILY AND ABOUT BILLY COPE, DIDN'T SHE?

12 A IF I, I THINK SHE WANTED TO KNOW IF I KNEW

13 ANYTHING PERTINENT, YES

14 Q RIGHT NOW THIS CONTACT WITH MRS BLACKWELDER

15 MADE YOU KIND OF UNCOMFORTABLE, DIDN'T IT?

16 A ACTUALLY EARLY ON IN THE INVESTIGATION AND WITH

17 EVERYTHING, YES, I FELT -- I HAD CONCERNS ABOUT THE

18 WAY THE POLICE WERE HANDLING THE INVESTIGATION BASED

19 ON WHAT OTHER PEOPLE WERE TELLING ME AND, YES, I WAS,

20 I WAS UNCOMFORTABLE WITH THE WHOLE SITUATION

21 Q YOU COMPLAINED---

22 A THAT'S FAIR

23 Q YOU COMPLAINED TO YOUR GOOD FRIEND SUSAN ARCHIE

24 THAT YOU THOUGHT SHE WAS PUSHING AND PRESSING YOU TOO

25 HARD?

1 A WE DID HAVE CONVERSATIONS ABOUT THE POLICE
2 DEPARTMENT

3 Q YOU COMPLAINED ABOUT THAT TO A NUMBER OF PEOPLE?
4 LELAND?

5 A LELAND, SUSAN, AND I MET TOGETHER I MEAN WE
6 WERE GOOD FRIENDS, AND, YES, WE DID HAVE
7 CONVERSATIONS ABOUT OUR CONCERNS ABOUT WHAT WAS GOING
8 ON EARLY WITH THINGS, YES

9 Q AND THE CONTACT AND THE PRESSURE THAT WAS BEING
10 PUT ON YOU, RIGHT?

11 A UH-HUH, YES

12 Q AND YOU HAD SOME SPECIAL PRESSURE ON YOU, DIDN'T
13 YOU?

14 A I DON'T KNOW WHAT YOU MEAN

15 Q YOU SURE?

16 A SOME SPECIAL PRESSURE?

17 Q YOU HAD --

18 A I DON'T KNOW WHAT THAT MEANS

19 Q YOU HAD SOME KIND OF PROBLEM --

20 THE COURT LET HER FINISH

21 MR BAITY I'M SORRY, YOUR HONOR

22 THE COURT BEFORE YOU ASK THE NEXT
23 QUESTION

24 MR BRACKETT PLEASE THE COURT, THIS MAY
25 BE A MATTER WE NEED TO TAKE UP OUTSIDE, I WOULD ASK

1 FOR A, MAYBE I COULD SPEAK TO MR BAITY AND CLEAR IT
2 UP BUT OTHERWISE

3 THE COURT LET ME LET THE JURY GO OUT
4 WE OUGHT TO PUT THIS ON THE RECORD TAKE THE JURY TO
5 THE JURY ROOM JUST FOR A MINUTE WHILE WE RESOLVE IT

6 (THE JURY EXITS THE COURTROOM AT 05 42
7 PM)

8 MR BAITY WE WOULD ASK SHE BE EXCUSED AS
9 WELL, YOUR HONOR

10 THE COURT YOU WANT HER EXCUSED?

11 MR BAITY I MEAN, SEQUESTERED

12 THE WITNESS I WOULD ASK THAT IF IT'S
13 ABOUT ME I BE ALLOWED TO HEAR IT BUT

14 THE COURT WELL, I'M GOING TO LET HER
15 STAY IN BUT WHAT'S --

16 MR BRACKETT I BELIEVE HE'S ABOUT TO GO
17 INTO SOME CRIMINAL ALLEGATIONS

18 MR BAITY CRIMINAL AND PROFESSIONAL

19 MR BRACKETT I WOULD LIKE TO HAVE THAT
20 DONE --

21 THE COURT LET'S HAVE A PROFFER I'M
22 GOING TO LET HIM YOU SOME QUESTIONS OUTSIDE THE
23 PRESENCE OF THE JURY

24 A YES, SIR

25 THE COURT AND FIND OUT WHETHER OR NOT

001967

1 IT'S ADMISSIBLE OR NOT

2 A OKAY

3 IN CAMERA TESTIMONY BY MR BAITY

4 Q MS SIMMONS YOU ARE A NURSE, ARE YOU NOT?

5 A YES, I AM

6 Q AND YOU WERE INVESTIGATED BY THE NURSING BOARD
7 IN 2003?

8 A MR BAITY, I'LL ANSWER YOUR QUESTION BUT I WOULD
9 LIKE TO PREFACE IT BY SAYING THAT I HAVE COOPERATED
10 FULLY WITH YOU, MR MORTON, AND YOUR TEAM I HAVE
11 BEEN FAIR AND HONEST WITH EVERYBODY AND THAT I AM IN
12 THIS POSITION BECAUSE OF YOUR CLIENT, NOT MYSELF, AND
13 I DON'T FEEL THAT ANYTHING ABOUT MY NURSING CAREER OR
14 MY PERSONAL LIFE HAS ANY BEARING WHATSOEVER WITH
15 WHATEVER HAPPENED TO AMANDA COPE

16 MR MORTON YOUR HONOR, IF I MIGHT I
17 HATE TO INTERRUPT I THINK WE NEED TO HAVE THIS
18 DISCUSSION OUTSIDE OF HER PRESENCE

19 THE COURT YOU ARE TALKING ABOUT HER I
20 MEAN, SHE'S GOT THE RIGHT TO, I MEAN HOW YOU GOING TO
21 HAVE A PROFFER IN HER ABSENCE?

22 MR BAITY I'M SORRY

23 A AND THE LAST CONVERSATION THAT I HAD WITH MR
24 MORTON I WAS ASSURED THAT MY CREDIBILITY WOULD NOT BE
25 ATTACKED AND THAT HE APPRECIATED MY HELP WITH THIS

1 CASE AND SO I WOULD RESPECTFULLY ASK THAT YOU SHOW ME
2 THE RESPECT THAT I HAVE SHOWN YOU ALL FOR THREE
3 YEARS

4 Q MS SIMMONS, MY QUESTION IS THAT YOU WERE
5 INVESTIGATED BY YOUR NURSING BOARD RECENTLY, WERE YOU
6 NOT?

7 A REGARDING?

8 Q WELL, IS THAT TRUE OR NOT? HAVE YOU BEEN
9 INVOLVED IN AN INVESTIGATION WITH THE DEPARTMENT OF
10 LABOR, LICENSING, AND WHATEVER LLR STANDS FOR?

11 A NO, I'VE NOT BEEN INVOLVED IN AN INVESTIGATION
12 I HAD A SITUATION THAT I MADE, I ENTERED A
13 STIPULATION INTO WITH THE BOARD OF NURSING IT WAS
14 NOT INVESTIGATION I STIPULATED AND I HAVE RESOLVED
15 THOSE ISSUES AND I'M PRACTICING IN GOOD STANDING NOW

16 Q YOU WERE ACCUSED, WERE YOU NOT, OF FORGERY,
17 FORGING PATIENT RECORDS, WERE YOU NOT?

18 A YES

19 Q AND YOU WERE ACCUSED OF DIVERTING DRUGS FROM
20 PATIENTS?

21 A YES, I WAS THOSE CHARGES ARE PENDING AND HAVE
22 NOT BEEN RESOLVED

23 Q AND THIS, THIS FORGERY THAT YOU WERE CHARGED
24 WITH BY THE BOARD INVOLVED THE SIGNATURE OF SOME OF
25 YOUR PATIENTS OR THEIR CAREGIVERS OR THEIR FAMILY

1 MEMBERS ON RECORDS?

2 A THAT'S NOT, THAT'S INCORRECT THE PATIENTS AND
3 FAMILY MEMBERS SIGNED BUT I DIDN'T DO ON THE
4 APPROPRIATE BILLING LOGS WITH THE HOME HEALTH
5 COMPANY

6 Q AND YOU ADMITTED, DID YOU NOT, IN A STIPULATION
7 AND PETITION THAT WAS SIGNED IN DECEMBER OF 2003
8 ABOUT THE TIME YOU STARTED WRITING TO MR COPE THAT
9 RESPONDANT ADMITS THAT ON OR ABOUT SEPTEMBER 26,
10 2003, THROUGH OCTOBER 16, 2003, WHILE AN EMPLOYEE AT
11 THE HOME HEALTH CARE IN FLORENCE SHE FALSIFIED THE
12 RECORDS OF 21 PATIENTS AND HER TIME SHEETS RESULTING
13 IN A COST OF \$4,569 TO HOME HEALTH SHE ALSO ADMITS
14 ON SEPTEMBER 19, 2003 THROUGH SEPTEMBER 19---NO, I
15 GUESS THAT'S ONE DAY, SHE DIVERTED KLONOPIN,
16 HYDROCODONE, ALPRAZOLAM WHILE EMPLOYED AT BROOKSIDE
17 NURSING CENTER IN ANDERSON?

18 A I DID ENTER THAT STIPULATION I HAVE DENIED
19 THOSE CHARGES IN THE SOLICITOR'S OFFICE THERE ARE
20 EXTENUATING CIRCUMSTANCES THERE IS A CASE FILE A
21 MILE LONG AND I'LL BE GLAD TO PROVIDE THAT IF
22 NECESSARY BUT I STILL FAIL TO SEE WHAT THAT HAS TO DO
23 WITH WHAT HAPPENED WITH BILLY COPE AND AGAIN I WOULD
24 ASK THAT YOU RESPECT ME AS I HAVE YOU

25 Q AND YOU TOLD OUR INVESTIGATOR AND YOU TOLD SUSAN

1 ARCHIE AND SOME OTHER FOLKS THAT CHARLENE BLACKWELDER
2 KNEW ABOUT THESE CHARGES AND TOLD YOU THAT SHE COULD
3 MAKE THEM GO AWAY?

4 A ABSOLUTELY NOT THAT'S TOTALLY UNTRUE THAT IS
5 ABSOLUTELY UNTRUE

6 MR BAITY YOUR HONOR, I WOULD THINK
7 THESE ARE PRIOR BAD ACTS WHICH ARE CERTAINLY RELEVANT
8 AND ARE ALLOWED UNDER THE IMPEACHMENT OF WITNESSES,
9 THAT WOULD BE RULE 609 SOUTH CAROLINA RULES OF
10 EVIDENCE AND I QUOTE BY SHOWING THE WITNESS HAS
11 BEEN GUILTY OF BAD CONDUCT THAT WAS NOT THE SUBJECT
12 OF A CONVICTION

13 A MR BAITY

14 MR BAITY JUST A MOMENT PLEASE
15 THE COURT WHERE ARE YOU ON 609?

16 MR BAITY YES, YOUR HONOR OH, I'M
17 SORRY 609 SR, SCRE TWO I BELIEVE I'M READING FROM A
18 BOOK THAT'S QUOTING THE RULE

19 THE COURT I'D RATHER YOU QUOTE THE RULE

20 MR BAITY ALL RIGHT I WILL, YOUR
21 HONOR

22 THE COURT THAT'S WHAT I'M LOOKING AT I
23 DON'T HAVE YOUR BOOK YOU TALKING ABOUT 608

24 MR BAITY YES, YOUR HONOR, DID I SAY
25 609 I'M SORRY 608 SPECIFIC INSTANCES OF THE

1 CONDUCT OF A WITNESS FOR THE PURPOSE OF ATTACKING OR
2 SUPPORTING THE WITNESS'S CREDIBILITY OTHER THAN
3 CONVICTION OF A CRIME AS PROVIDED BY 609

4 I WAS FRANKLY DON'T KNOW WHETHER SHE'S
5 BEEN CONVICTED I KNOW THE CHARGES ARE PENDING

6 A NO, I HAVEN'T

7 THE COURT THE STATE

8 MR BRACKETT THE RECORD RUN TODAY SAYS
9 SHE HAS NOT

10 A NO, I AM NOT

11 THE COURT DOES THE STATE WANT TO DO ANY
12 QUESTIONING

13 MR BRACKETT YES, SIR

14 THE COURT OKAY

15 IN CAMERA EXAMINATION BY MR BRACKETT

16 Q SORRY WE HAVE TO GO THROUGH THIS WHAT ARE THE
17 CIRCUMSTANCES? YOU SAID THERE WERE SOME EXTENUATING
18 CIRCUMSTANCES?

19 A YES

20 Q WHAT ARE THOSE?

21 A I WAS ACTUALLY A CHARGE NURSE WITH BROOKSIDE
22 WHEN MEDICATION BECAME MISSING WHAT HE'S TALKING
23 ABOUT WITH THE HOME HEALTH SITUATION HAD BEEN
24 REPORTED TWO YEARS PRIOR, ORDER OF NURSING CHOSE NOT
25 TO PURSUE IT AFTER I SENT A LETTER OF EXPLANATION

1 AT BROOKSIDE NURSING CENTER WHEN I FIRST MOVED TO
2 THIS TOWN, THERE WERE SOME MEDICATIONS THAT WERE
3 MISSING WHEN I WAS A CHARGE NURSE, NOT EVEN WORKING
4 IN THE AREA WHERE MEDICATIONS WERE MISSING DHEC
5 CAME IN AND DID AN INVESTIGATION I WAS HELD
6 RESPONSIBLE I WAS ADVISED BY AN ATTORNEY TO ENTER A
7 STIPULATION SO THAT I COULD CONTINUE TO WORK AS A
8 NURSE WHILE I RESOLVED THE MATTER I'M A SINGLE
9 PARENT AND HAVE TO WORK THE CASE HAS BEEN PENDING
10 IN ANDERSON COUNTY FOR OVER A YEAR WE'RE WORKING ON
11 HAVING THE CHARGES DISMISSED THERE IS A NURSE
12 INVOLVED WHO WAS PRESENT AT THE TIME THE MEDICATIONS
13 WERE MISSING WHO HAS SINCE LOST HER NURSING LICENSE
14 FOR DIVERTING MEDICATIONS FROM THE SAME FACILITY AND
15 HAS SOME ISSUES SO I FULLY EXPECT TO BE CLEARED OF
16 THE WRONGDOING I'M PRACTICING NURSING WITH NO
17 PROBLEMS MY EMPLOYER IS AWARE OF ALL OF THIS THEY
18 ARE SENDING MONTHLY REPORTS

19 Q OKAY SO YOU ENTERED INTO A STIPULATION SOLELY
20 TO BE ABLE TO KEEP --

21 A SO I THAT COULD PRACTICE NURSING, CORRECT, AND
22 FEED MY CHILDREN WHILE I COULD OUT

23 THE COURT COULD I SEE THE STIPULATION

24 MR BAITY YES, YOUR HONOR

25 THE COURT GO AHEAD

001973

1 MR BRACKETT I WOULD LIKE TO SEE IT AS
2 WELL, YOUR HONOR, WHEN YOU ARE DONE I'M NOT SURE I
3 HAVE A COPY

4 MR BAITY THAT'S THE ONLY COPY I HAVE
5 A MR BRACKETT

6 Q ONE MOMENT WHAT DOES DIVERTING MEDICATION
7 MEAN?

8 A IT MEANS THAT THERE WAS MEDICATION THAT WAS
9 MEANT, SCHEDULED FOR A PATIENT OR THERE TO BE
10 DISTRIBUTED TO A PATIENT AND THAT THAT MEDICATION WAS
11 FOR NOT GIVEN TO THE PATIENT, USED FOR ANOTHER
12 PURPOSE, PUT SOMEWHERE ELSE I WOULD ALSO LIKE TO
13 ADD TO THAT THAT AS PART OF THAT STIPULATION I WAS
14 REQUIRED TO UNDERGO AT MY OWN EXPENSE A MENTAL HEALTH
15 AND ALCOHOL AND DRUG ASSESSMENT WHICH I DID AND WAS
16 FOUND TO HAVE NO PROBLEMS IN THE MENTAL HEALTH, DRUG
17 OR ALCOHOL AREA, THEREFORE I WAS NOT REQUIRED TO GO
18 THROUGH ANY EXTRA COURSES OR ANYTHING WITH THE BOARD
19 OF NURSING I WAS CLEARED

20 Q AT THE TIME YOU SIGNED THIS STIPULATION WAS YOUR
21 LICENSE SUSPENDED?

22 A IT WAS

23 Q AS A RESULT OF ACCEPTING THIS STIPULATION YOUR
24 LICENSE WAS RESTORED?

25 A IMMEDIATELY RE-INSTATED AND I FOLLOWED EVERY

001974

1 STEP TO CLEAR MYSELF THAT THEY HAVE ASKED ME TO DO

2 Q AND THAT WAS PART OF THE UNDERSTANDING WITH THE
3 STIPULATION IS THAT IF YOU ENTERED INTO THIS
4 STIPULATION AND THEY ACCEPTED IT, YOUR LICENSE WOULD
5 BE IMMEDIATELY RESTORED AND YOU'D BE ABLE TO GO BACK
6 TO WORK?

7 A ABSOLUTELY AND I REALLY HAD A HARD TIME DECIDING
8 WHETHER TO SIGN IT AND DO THAT, BUT AGAIN I'M A
9 SINGLE PARENT, I HAD TO WORK I WOULD ALSO LIKE TO
10 ADD THAT THE DEFENSE KNOWS ABOUT THIS FROM
11 CONVERSATIONS THAT I'VE HAD IN THEIR OFFICE AND IN
12 SHARING THINGS AND AGAIN I HAVE SHOWED THEM THE
13 COURTESY OF NOT DIVULGING THINGS THAT THEY SAID EVEN
14 THOUGH I HAVE BEEN DIRECTED AT TIMES TO DO THINGS
15 WERE NOT APPROPRIATE OR PROFESSIONAL, BUT I HAVE NOT
16 DIVULGED THAT AND I WOULD APPRECIATE THE SAME
17 RESPECT

18 Q WELL, MA'AM, LET ME ASK YOU THIS DID YOU HAVE
19 COUNSEL DURING THIS TIME PERIOD?

20 A UNOFFICIALLY I SPOKE WITH A FRIEND WHO IS AN
21 ATTORNEY

22 Q OKAY DID THEY GIVE YOU ANY ADVICE REGARDING
23 THIS ISSUE?

24 A NO, THEY LAUGHED AT IT BASICALLY REASSURED ME
25 THAT THEY KNEW I DIDN'T HAVE A PROBLEM THE ONLY

001975

1 PRESSURE AS MR BAITY REFERS TO IS THE PRESSURE THAT
2 I'M APPARENTLY GETTING FROM THEM THEY ARE DIGGING
3 AT STRAWS HERE I GUESS

4 Q SO YOU DENY THAT YOU IN FACT DID ANY OF THIS,
5 YOU SIMPLY SIGNED THIS STIPULATION

6 A ABSOLUTELY

7 Q TO RETURN TO YOUR --

8 A ABSOLUTELY, TO GO BACK TO WORK AND HAD THAT
9 CONVERSATION WITH THE BOARD OF NURSING

10 MR BAITY I HAVE SOME FOLLOW UP
11 QUESTIONS, JUST A FEW

12 THE COURT I'M GOING TO ALLOW IT IN I
13 MEAN, SHE'S GOT AN EXPLANATION MA'AM, I'M SORRY YOU
14 ARE IN THIS SITUATION BUT YOU HAVE SIGNED IT AND
15 ADMIT CERTAIN ACTS THAT I FIND FALL UNDER 608 (B) SO
16 BRING THE JURY BACK IN PLEASE BUT IT'S LIMITED TO
17 WHAT'S IN THE STIPULATION

18 MR BAITY YES, YOUR HONOR

19 MR BRACKETT THE FACT THAT A CRIMINAL
20 CHARGE THAT'S NOT BEEN ADJUDICATED I WOULD OBJECT TO
21 THAT THEY CAN GET IN THE ADMISSION

22 THE COURT I SAID JUST TO THE
23 STIPULATION THAT'S ALL THAT THEY CAN AT THIS
24 POINT THAT'S THE ONLY EVIDENCE I FIND OF SPECIFIC
25 INSTANCE OF CONDUCT UNDER RULE 608 (B)

001976

1 (THE JURY RETURNS TO THE COURTROOM AT
2 6 O'CLOCK)

3 MR BAITY MAY IT PLEASE THE COURT, YOUR
4 HONOR

5 CROSS EXAMINATION CONTINUED BY MR BAITY

6 Q MS SIMMONS, I BELIEVE I ASKED YOU THAT IN THIS
7 PERIOD OF TIME WHEN YOU WERE WRITING TO MR COPE THAT
8 YOU WERE UNDER INVESTIGATION BY THE NURSING BOARD,
9 ISN'T THAT CORRECT?

10 A I WAS NOT UNDER INVESTIGATION THERE WAS A
11 COMPLAINT MADE BUT IT DID NOT GO TO FORMAL
12 INVESTIGATION

13 Q WAS THAT COMPLAINT INVESTIGATED BY THE BOARD?

14 A NO

15 Q ALL RIGHT AND OF COURSE, YOU ARE A NURSE, IS
16 THAT CORRECT?

17 A YES, SIR

18 Q YOU ARE A LICENSED NURSE?

19 A I'M A REGISTERED NURSE

20 Q A REGISTERED NURSE AND WHEN THIS COMPLAINT OR
21 INVESTIGATION OR WHATEVER COMMENCED YOUR LICENSE WAS
22 SUSPENDED, WAS IT NOT?

23 A YES, IT WAS

24 Q AND EVENTUALLY YOU ENTERED INTO A STIPULATION
25 AND PETITION WITH YOUR LICENSING BOARD IN WHICH YOU

001977

1 ADMITTED CERTAIN MISCONDUCT, ISN'T THAT CORRECT?

2 A THAT IS CORRECT, I ENDED A STIPULATION

3 Q AND SPECIFICALLY YOU ADMITTED THAT IN SEPTEMBER
4 OF 2003 AND OCTOBER OF 2003 WHILE YOU WERE IN AN
5 EMPLOYEE AT HOME HEALTH CARE IN FLORENCE, SOUTH
6 CAROLINA, THAT YOU FALSIFIED THE RECORDS OF 21 OF THE
7 PATIENTS IN YOUR CARE AND YOUR TIME SHEETS RESULTING
8 IN A COST OF OVER \$4,569 TO HOME HEALTH CARE?

9 A THAT STATEMENT IS IN THE STIPULATION I DID NOT
10 ADMIT TO DOING THAT I SPOKE WITH A REPRESENTATIVE
11 FROM THE BOARD OF NURSING AND ENTERED INTO A
12 STIPULATION MY LICENSE WAS PLACED ON SUSPENSION
13 STATUS WHEN THE COMPLAINT WAS MADE I SPOKE WITH A
14 REPRESENTATIVE IN REFERENCE TO HOW TO CORRECT THE
15 PROBLEM AND BE ABLE TO PRACTICE NURSING IMMEDIATELY
16 AGAIN BECAUSE I'M A SINGLE MOTHER AND NEEDED TO GO
17 BACK TO WORK I WAS ADVISED THAT I HAD TWO OPTIONS
18 ONE WAS TO LET THE COMPLAINT GO TO A FORMAL
19 INVESTIGATION AND BE RESOLVED THAT WAY THE OTHER
20 WAS TO ENTER INTO A STIPULATION AND PETITION WHICH
21 REQUIRES THAT YOU NOT BE ABLE TO CHALLENGE ANY OF THE
22 CHARGES, YOU ADMIT TO THE CHARGES, AND BY SIGNING THE
23 STIPULATION YOU AGREE THAT YOU WILL DO WHATEVER THE
24 BOARD OF NURSING ASKED YOU TO DO IN ORDER FOR YOU TO
25 GO BACK AND SAFELY PRACTICE NURSING AND TO RESOLVE

001978

1 ANY ISSUES THAT THERE MAY BE

2 Q THE STIPULATION THAT YOU SIGNED SAID THAT YOU
3 ADMITTED TO THAT CONDUCT?

4 A THAT IS CORRECT I'M JUST EXPLAINING TO YOU HOW
5 THAT UNFOLDED UNTIL I KNEW THAT---I'M NOT ADMITTING
6 TO THAT TODAY I'M TELLING YOU THAT I ENTERED THAT
7 STIPULATION AND HAVE BEEN SUCCESSFULLY PRACTICING
8 NURSING SINCE THAT TIME

9 Q YOU'VE BEEN ON PROBATION NOW

10 A I'M ON PROBATION AND SUCCESSFULLY COMPLETING
11 PROBATION WITH MY CURRENT EMPLOYER'S ASSISTANCE

12 Q AND IN ADDITION TO FALSIFYING THOSE WRITTEN
13 RECORDS IN WHICH YOU WERE ABLE TO BE PAID FOR
14 SERVICES THAT YOU DIDN'T ACTUALLY RENDER, ISN'T THAT
15 WHAT THAT'S ABOUT?

16 A NO, THAT'S UNTRUE DID RENDER THE SERVICES,
17 SIR

18 Q THEN WHY WOULD YOU ADMIT THAT?

19 A I JUST EXPLAINED TO YOU I WAS A SINGLE PARENT
20 AND I WAS LOOKING AT WAITING A YEAR FOR AN
21 INVESTIGATION OR BEING ABLE TO GO BACK TO WORK
22 IMMEDIATELY

23 Q WELL, IF YOU WERE INNOCENT THEN WHY WOULD YOU
24 ADMIT SUCH A THING?

25 A MR BAITY, IT'S A LITTLE BIT DIFFERENT TO ADMIT

1 TO SOMETHING TO GET YOUR NURSING LICENSE BACK OR TO
2 ADMIT TO KILLING SOMEBODY IF YOU DIDN'T DO IT, IF
3 THAT'S WHERE YOU ARE GOING

4 Q THAT'S NOT WHERE I'M GOING AT ALL YOU ALSO
5 ADMITTED IN THIS SAME STIPULATION THAT IN SEPTEMBER
6 OF 2003 YOU DIVERTED KLONOPIN, HYDROCODONE, AND
7 ALPRAZOLAM, FORGIVE ME IF I'M MISPRONOUNCING THAT,
8 WHICH ARE SCHEDULED NARCOTICS, YOU DIVERTED THEM AWAY
9 FROM YOUR PATIENTS TO YOUR OWN USE --

10 A NO, SIR

11 Q OR POSSESSION?

12 A NO, SIR I WAS A CHARGE NURSE AT THE TIME THAT
13 THE MEDICATIONS WERE MISSING I WAS HELD RESPONSIBLE
14 FOR THE CART THAT THE LPN WAS WORKING ON AS I JUST
15 EXPLAINED TO YOU PART OF THE BOARD OF NURSING'S
16 REQUIREMENT WAS THAT I UNDERGO IMMEDIATE DRUG AND
17 ALCOHOL TESTING HAIR SAMPLING FOR TESTING,
18 PSYCHOLOGICAL EVALUATION WHICH I DID, AND PASSED
19 EVERYTHING

20 Q WHAT WERE YOU DOING WITH THE DRUGS?

21 A I NEVER HAD THE DRUGS IN MY POSSESSION AND
22 THAT'S NEVER ALLEGED

23 Q BUT YOU ADMITTED TO THAT?

24 A I STIPULATED

25 Q IN THE STIPULATION?

001980

1 A I STIPULATED IN ORDER TO GET MY LICENSE BACK,
2 YES, I DID

3 Q WHAT DOES STIPULATE MEAN IN YOUR --

4 A IT MEANS --

5 Q --LEXICON?

6 A IT MEANS THAT YOU AGREE TO IT BUT I AGREED TO IT
7 WITH THE UNDERSTANDING -- YOU MIGHT WANT TO ALSO
8 POINT OUT THAT CRIMINAL CHARGES WERE BROUGHT BUT HAVE
9 NEVER BEEN PROVEN

10 Q YOU SAID THERE IS CRIMINAL CHARGES AS WELL?

11 A YES, BUT HAVE NEVER BEEN PROVEN

12 Q ARE THEY STILL PENDING?

13 A THEY ARE STILL PENDING

14 Q SO IN ADDITION TO THE LICENSING PROBLEMS THAT
15 YOU HAD WITH YOUR NURSING BOARD WHICH RESULTED AT
16 LEAST FOR AWHILE IN THE SUSPENSION OF YOUR NURSING
17 LICENSE, YOU ARE ALSO FACING CRIMINAL CHARGES, ISN'T
18 THAT CORRECT?

19 A THEY ARE THERE I HAVE ALL CONFIDENCE THAT I
20 WON'T HAVE A PROBLEM, AND THIS, YOU KNOW, I HAVE
21 MOVED ON WITH MY LIFE THIS IS SOMETHING THAT
22 HAPPENED, I PUT MY LIFE BACK TOGETHER, AND I'VE MOVED
23 ON

24 Q WELL, DID YOU NOT TELL YOUR FRIENDS THAT
25 CHARLENE BLACKWELDER WAS PUTTING PRESSURE ON YOU

001981

1 ABOUT THIS?

2 A ABSOLUTELY NOT I HAVE NEVER SAID THAT CHARLENE
3 HAD ANYTHING TO DO WITH THESE CHARGES I DON'T EVEN
4 KNOW THAT SHE WAS AWARE OF THEM

5 Q AND YOU DIDN'T TELL YOUR FRIENDS SUSAN ARCHIE
6 AND OTHERS AND OUR INVESTIGATOR --

7 A NO, ACTUALLY --

8 Q ---LET ME GET THE QUESTION OUT?

9 A WELL, SIR, SHE IS SHAKING HER HEAD NO THAT I
10 DIDN'T HERE IN THE COURTROOM TODAY, SO NO, I DIDN'T

11 Q DID YOU NOT TELL YOUR FRIENDS THAT CHARLENE
12 BLACKWELDER TOLD YOU THAT SHE COULD GET RID OF THESE
13 PROBLEMS FOR YOU?

14 A NEVER

15 Q IF YOU AGREE TO COOPERATE --

16 A ABSOLUTELY NOT AND SUSAN ARCHIE---

17 MR BRACKETT OBJECTION

18 THE COURT WAIT WAIT WAIT

19 A IS SHAKING HER HEAD, SHE'S SHAKING HER HEAD IN
20 THE COURTROOM, SIR, SHE'S SAYING NO RIGHT THERE

21 THE COURT WELL, SHE'S ANSWERED THE
22 QUESTION SHE SAID NO

23 MR BAITY THANK YOU, YOUR HONOR

24 Q YOU TOLD YOUR FRIENDS THAT CHARLENE BLACKWELDER
25 WAS GIVING YOU A LOT OF PRESSURE ABOUT THIS, WEREN'T

001982

1 YOU?

2 A EARLY ON WE HAD CONVERSATIONS REGARDING THE
3 PRESSURE THAT WE FELT THAT THE POLICE HAD ON
4 EVERYBODY REGARDING THE INVESTIGATION

5 Q IT'S YOUR TESTIMONY THAT YOU NEVER SPOKE TO
6 CHARLENE BLACKWELDER ABOUT THESE PROBLEMS WE JUST
7 TALKED ABOUT?

8 A NO, I'VE NEVER DISCUSSED THIS WITH HER TO MY
9 KNOWLEDGE

10 Q OKAY SO BASICALLY THIS IS ABOUT THE SAME TIME
11 YOU STARTED WRITING BILLY WAYNE COPE IN JAIL, DIDN'T
12 YOU?

13 A IT HAD NO RELEVANCE IN THAT TIME FRAME AND
14 ACTUALLY I HAD NOT RESPONDED TO HIS LETTERS
15 PREVIOUSLY BECAUSE I REALLY DIDN'T WANT TO BE
16 INVOLVED I STARTED TO FEEL SORRY FOR HIM AND FELT
17 LIKE HE NEEDED CHRISTIAN SUPPORT

18 Q WELL, AMY SIMMONS, YOU DID START WRITING TO HIM
19 ABOUT THIS SAME TIME, DIDN'T YOU?

20 A I CAN'T TELL YOU THAT BECAUSE I DON'T KNOW WHAT
21 TIMEFRAME YOU KNOW, IT'S BEEN A LEAST A YEAR AND A
22 HALF

23 Q WELL, IF I WERE TO SHOW YOU SOME COPIES OF SOME
24 OF YOUR LETTERS AND CARDS TO MR COPE, WOULD THAT
25 REFRESH YOUR MEMORY?

1 A YES, SIR

2 MR BAITY MAY I APPROACH THE WITNESS

3 I'M SORRY, YOUR HONOR

4 Q THERE YOU GO

5 A THANK YOU

6 Q TAKE A LOOK AT THAT AND TELL ME WHAT DATES DO
7 YOU SEE ON THOSE LETTERS AND CARDS?

8 A SOME OF THESE AREN'T MINE

9 Q OH, REALLY

10 A REALLY

11 Q OKAY

12 A YEAH

13 Q OKAY HOW MANY OF THEM ARE YOURS?

14 A YOU WANT ME TO GO BACK AND COUNT SPECIFICALLY?

15 Q ARE SOME OF THEM ---

16 A I'M SEEING ONE PAGE THAT'S NOT MINE

17 Q OKAY SET THAT ASIDE FOR ME THANK YOU

18 A OKAY (GOING THROUGH THE PAPERS AT 06 05 PM)

19 THIS PAGE IS NOT MINE THE REMAINDER OF THE PAGES
20 LOOK LIKE THEY WERE INITIALLY MINE, BUT THEY HAVE
21 BEEN, SOME OF THE LETTERS WRITTEN OVER, HIGHLIGHTED
22 AND IT APPEARS THAT HAVE BEEN FAXED BACK TO YOU FROM
23 A FORENSIC COMPANY, SO I DON'T KNOW WHOSE DONE WHAT

24 Q OKAY BUT THOSE ARE YOUR LETTERS? I'M JUST
25 TRYING TO GET ESTABLISHED THAT YOU DID START WRITING

001984

1 MR COPE SOME LETTERS?

2 A YES, I DID

3 Q CORRECT?

4 A YES

5 Q AND THE DATES ON THOSE LETTERS RANGE FROM
6 FEBRUARY, ACTUALLY YOU SENT A CHRISTMAS CARD TO HIM,
7 DIDN'T YOU?

8 A I THINK SO, YES

9 Q CHRISTMAS OF 2003?

10 A YES

11 Q RIGHT?

12 A YES

13 Q THAT'S ABOUT THE FIRST THING YOU SENT TO HIM,
14 WASN'T IT?

15 A I DON'T BELIEVE SO

16 Q YOU SENT HIM SOMETHING BEFORE THAT?

17 A YES, BECAUSE LOOKING AT THIS CHRISTMAS LETTER
18 THIS WASN'T LIKE I JUST STARTED WRITING THESE ARE
19 NOT ALL THE LETTERS THAT I EVER WROTE THERE WERE
20 FAR MORE

21 Q BUT YOU DID WRITE HIM IN DECEMBER AND YOU WROTE
22 HIM IN JANUARY AND YOU WROTE HIM IN FEBRUARY AND IN
23 MARCH?

24 A DO YOU WANT ME TO GO THROUGH EACH ONE?

25 Q NO, MA'AM

1 A OKAY

2 Q I'M JUST SAYING GENERALLY YOU'VE SEEN THOSE
3 DATES IN THERE, HAVEN'T YOU?

4 A I SEE DECEMBER, APRIL, IT LOOKS LIKE THESE ARE
5 JUST ONE DECEMBER FORWARD

6 Q OKAY SO DECEMBER, JANUARY, FEBRUARY MAY I
7 HAVE THEM BACK?

8 A I MEAN, I CAN GO THROUGH THEM INDIVIDUALLY I'M
9 NOT GOING TO SAY EVERY MONTH IS THERE UNLESS YOU WANT
10 ME TO GO THROUGH ONE BY ONE

11 Q THAT'S FINE AND THESE ARE NOT ALL THE LETTERS
12 YOU WROTE TO MR COPE?

13 A NO

14 Q DID YOU SEE ANY IN HERE BEFORE YOUR TROUBLES
15 WITH THE NURSING BOARD?

16 A THE THING WITH THE NURSING BOARD HAPPENED FAR,
17 FAR BACK FROM WHAT YOU ARE REFERRING TO IT WAS IN
18 2001

19 Q WELL YOU SIGNED THIS STIPULATION THAT WE JUST
20 DISCUSSED IN DECEMBER OF 2003, DIDN'T YOU?

21 A YES, I DID

22 Q OKAY SO MY QUESTION IS BEFORE 2003, BEFORE
23 DECEMBER OF 2003, THIS LAST DECEMBER, YOU -- THERE IS
24 NOTHING IN HERE SHOWING THAT YOU WROTE MR COPE ANY
25 LETTERS?

001986

1 A YOU ARE NOT HOLDING ANY COPIES BUT I'M TELLING
2 YOU THAT I DID

3 Q OKAY ALL RIGHT BUT YOU WROTE HIM A NUMBER
4 OF LETTERS?

5 A YES

6 Q IN DECEMBER, JANUARY, AND FEBRUARY AFTER THAT

7 A NO MORE THAN WHAT I HAD DONE BEFORE

8 Q OKAY AND MR COPE WROTE YOU BACK, DIDN'T HE?

9 A YES

10 Q NOW HE HADN'T, YOU TWO DIDN'T REALLY START
11 CORRESPONDING UNTIL THIS YEAR AND BY THAT I MEAN YOU
12 WRITE A LETTER AND HE WRITES YOU RIGHT BACK AND YOU
13 WRITE HIM BACK AND SO FORTH?

14 A NO, THAT'S BEEN MORE LIKE A YEAR, A YEAR AND A
15 YEAR HALF I MEAN, THAT'S BEEN FURTHER BACK THAN
16 THAT

17 Q DO YOU SPECIFICALLY REMEMBER THAT?

18 A I BELIEVE SO I MEAN, I KNOW THAT I HAD LETTERS
19 FROM HIM AS FAR BACK AS TWO YEARS AGO

20 Q OKAY BUT YOU SAY YOU STARTED CORRESPONDING
21 ABOUT A YEAR BACK, IS THAT WHAT YOU SAID?

22 A I COULDN'T TELL YOU THE EXACT DATE I MEAN, I
23 DIDN'T KEEP COPIES OF THE LETTERS I SENT HIM JUST
24 LIKE I DIDN'T KEEP COPIES OF EVERY LETTER THAT HE
25 SENT ME

001987

1 Q BUT ABOUT A YEAR BACK?

2 A I'M NOT TO GOING SAY THAT BECAUSE I'M NOT SURE
3 WITHOUT HAVING SOMETHING IN MY HANDS I DON'T WANT
4 TO GIVE YOU THE WRONG----

5 Q ISN'T THAT WHAT YOU JUST --

6 A I SAID I THINK THAT IT WAS ABOUT THAT TIME
7 PERIOD TIME, BUT IF YOU WANT TO PINPOINT ME, I'M NOT
8 GOING TO TELL YOU SOMETHING THAT --

9 Q YOU THINK IT WAS ABOUT A YEAR BACK AND WASN'T IT
10 ABOUT A YEAR BACK WHEN YOU ADMITTED TO THIS
11 MISCONDUCT TO THE NURSING BOARD, SEPTEMBER 26,
12 OCTOBER 16, WASN'T THAT ABOUT A YEAR BACK?

13 A NO, THAT'S NOT A YEAR THAT'S MORE LIKE 7 OR 8
14 MONTHS, BUT I MEAN NEITHER ONE HAD ANY BEARING ON THE
15 OTHER I WAS TRYING TO BE SUPPORTIVE SUSAN AND HER
16 FAMILY ASKED ME TO BE SUPPORTIVE AND ASKED ME TO
17 WRITE HIM I ALSO ASKED MY CHURCH MEMBERS TO WRITE
18 HIM WHICH THEY DID SO WE WERE ALL TRYING TO BE
19 SUPPORTIVE AT THAT POINT

20 Q SO IN SEPTEMBER OF 2003 IS WHEN YOU ADMITTED THE
21 MISCONDUCT TO THE NURSING BOARD?

22 A I'M NOT GOING TO SAY THAT WITHOUT SEEING THAT IN
23 WRITING THAT SOUNDS ABOUT THE RIGHT TIMEFRAME BUT --

24 Q WOULD YOU LIKE TO SEE IT?

25 A I SIGNED IT IN DECEMBER

001988

1 Q I'M ASKING ABOUT THE CONDUCT THAT YOU ADMITTED,
2 MS SIMMONS?

3 A I SIGNED THE STIPULATION IN DECEMBER

4 Q MAY I APPROACH THE WITNESS?

5 A AND I DID NOT ADMIT ANY MISCONDUCT EVER

6 Q MS SIMMONS, DOES IT NOT SAY RESPONDENT, THAT
7 WOULD BE YOU, CORRECT? RESPONDENT ADMITS ON OR
8 ABOUT SEPTEMBER 26, 2003, THROUGH OCTOBER 16, 2003
9 SHE FALSIFIED RECORDS OF 21 PATIENTS AND HER TIME
10 SHEETS, IS THAT NOT WHAT THAT SAYS?

11 A WHAT YOU ARE REFERRING TO, SIR, IS -- NO NO
12 NOT ADMITTING TO YOU TO DOING THAT THIS DID NOT
13 ACTUALLY HAPPEN I'M NOT ADMITTING TO ANY MISCONDUCT
14 IF THAT'S WHAT YOU ARE ASKING ME TO SAY

15 Q NO, MA'AM I'M ASKING YOU WHAT YOU SIGNED
16 THAT'S ALL?

17 A I SIGNED THIS STIPULATION IN DECEMBER IS WHAT
18 I'M TELLING YOU

19 Q IT'S, IT ALLEGES THAT YOUR MISCONDUCT OCCURRED
20 IN SEPTEMBER?

21 A ALLEGES, CORRECT

22 Q DOESN'T IT?

23 A THAT'S WHAT IT ALLEGATIONS AND I'M TELLING YOU I
24 SIGNED --

25 Q AND THE ALLEGATION WAS ADMITTED BY YOU?

001989

1 A NO, I ENTERED A STIPULATION TO GET MY NURSING
2 LICENSE BACK

3 Q ALL RIGHT THAT'S FINE SO THIS IS SEPTEMBER
4 2004, DOESN'T IT?

5 A CORRECT

6 Q AND SEPTEMBER OF 2003 WOULD BE A YEAR AGO?

7 A AND ACTUALLY THOSE ARE THE WRONG DATES BECAUSE I
8 DIDN'T WORK FOR THAT COMPANY THEN

9 Q OKAY

10 A I MEAN, YOU CAN VERIFY THAT BUT THAT WOULD HAVE
11 BEEN 2001 OR 2002 I WAS LIVING IN ANDERSON IN
12 SEPTEMBER OF 2003

13 Q NOW MR COPE, AFTER YOU STARTED WRITING HIM
14 RESPONDED TO YOUR LETTERS WITH LETTERS OF HIS OWN, IS
15 THAT NOT CORRECT?

16 A HE STARTED WRITING ME FIRST

17 Q OKAY

18 A IS THAT WHAT YOU ARE ASKING, WHO WROTE FIRST

19 Q NO, MA'AM, NOT REALLY, BUT THAT'S FINE

20 A OKAY

21 Q AND THESE ARE THE LETTERS, IS THAT CORRECT?

22 A THOSE ARE THE LETTERS THAT I STILL HAD IN MY
23 POSSESSION WHEN THE ANDERSON COUNTY SHERIFF'S OFFICE
24 CAME TO MY HOME AND ASKED ME TURN OVER ANY LETTERS
25 THAT I HAD FROM HIM, YES

001990

1 Q HOW MANY LETTERS ARE RIGHT THERE?

2 A 11 ARE RIGHT HERE

3 Q OKAY YOU KEEP THEM IN ORDER

4 A I BELIEVE SO

5 MR BAITY I'D LIKE TO HAVE THESE MARKED
6 INDIVIDUALLY SO I CAN REFER TO THEM AND KEEP THE
7 RECORD STRAIGHT

8 THE COURT BE RECEIVED, BE MARKED WITHOUT
9 OBJECTION DEFENDANT'S WHATEVER

10 (DEFENDANT'S EXHIBITS 35 THROUGH 45
11 LETTERS RECEIVED INTO EVIDENCE)

12 Q NOW MS SIMMONS, THE LETTERS THAT WE'VE JUST HAD
13 MARKED INDIVIDUALLY FROM BILLY TO YOU THOSE WERE
14 FAIRLY LENGTHY LETTERS, WERE THEY NOT?

15 A SOME OF THEM WERE

16 Q AND OF COURSE HE WAS RESPONDING TO SOME LENGTHY
17 LETTERS THAT YOU WROTE TO HIM?

18 A THAT'S FAIR TO SAY, YES

19 Q HERE'S ONE THAT'S THREE PAGES LONG AND HIS WERE
20 THREE AND FOUR PAGES LONG, IS THAT A FAIR STATEMENT?

21 A YES I'VE WRITTEN HIM LETTERS THAT WERE
22 MULTIPLE PAGES

23 Q ALL RIGHT GOOD ALL RIGHT AND HE WAS
24 COMMENTING ON A VARIETY OF SUBJECTS, WAS HE NOT?
25 RELIGION, HIS PHILOSOPHY OF LIFE, CHILDREN?

1 A YES

2 Q POLITICS?

3 A YES

4 Q AND I MEAN EACH LETTER WAS DIFFERENT FROM THE
5 LAST, WOULDN'T YOU SAY THAT'S CORRECT?

6 A SOME OF THEM CONTAINED DIFFERENT THINGS BUT THEY
7 ALL CONTAIN SOME OF THE SAME THINGS AND SOME OF THE
8 SAME THINGS THAT WE CONSISTENCY TALKED ABOUT

9 Q UH-HUH AND HE BEGAN TO TELL YOU MORE AND MORE
10 ABOUT HIMSELF?

11 A I THINK THAT'S FAIR, YES

12 Q AND THE LETTERS BECAME WARMER AND MORE INTIMATE
13 IN THE BROADER SENSE?

14 A NO, I WOULDN'T SAY THAT

15 Q HE DIDN'T SHARE HIS FAITH IN GOD WITH YOU?

16 A I KNEW ABOUT HIS FAITH IN GOD FROM BEING IN
17 CHURCH WITH HIM I KNOW THAT HE HAS A STRONG FAITH
18 IN GOD

19 Q HE DIDN'T TALK TO YOU ABOUT HIS DECEASED WIFE?

20 A HE MENTIONED HER FROM TIME TO TIME IN LETTERS

21 Q WELL, HE WROTE YOU ONE REALLY LONG LETTER ABOUT
22 HER, DIDN'T HE?

23 A I CAN'T ANSWER THAT WITHOUT SEEING THE LETTER
24 I'M SORRY

25 Q OKAY AND HE WAS GETTING MORE AND MORE

1 INTERESTED IN YOU, DON'T YOU THINK THAT'S CORRECT?

2 A NO

3 Q YOU DON'T THINK HE WAS GETTING SOME FEELINGS FOR
4 YOU?

5 A ABSOLUTELY NOT

6 Q AND YOU WEREN'T LEADING HIM ON JUST A LITTLE
7 BIT?

8 A ABSOLUTELY NOT

9 Q AND ISN'T IT TRUE THAT WHENEVER YOU GOT A LETTER
10 FROM BILLY OR WHENEVER YOU HEARD FROM HIM, YOU WENT
11 AND REPORTED THAT TO CHARLENE BLACKWELDER, DIDN'T
12 YOU?

13 A THAT IS NOT TRUE

14 Q DIDN'T YOU TELL OUR INVESTIGATOR THAT YOU BEEN
15 TALKING TO HER ON A REGULAR BASIS?

16 A NO, I TOLD YOUR INVESTIGATOR THAT I TALKED TO
17 HERE ABOUT THE LETTERS THAT WERE BEING TURNED OVER

18 Q OKAY

19 A AND THAT WAS WHEN YOUR INVESTIGATOR CAME TO MY
20 TOWN AND CORNERED ME AND ASKED ME, SO, YES, I DID
21 TELL HIM

22 Q UH-HUH AND YOU CAME AND ACTUALLY MET WITH
23 MR COPE'S ATTORNEYS, YOU DIDN'T JUST WRITE HIM
24 LETTERS, BUT YOU CAME AND MET WITH MR MORTON AND MR
25 WOODS AND --

001993

1 A Y'ALL --

2 Q MR SMITH AND MYSELF?

3 A YOU ALL INVITED ME AND YOU CALLED ME ON MULTIPLE
4 OCCASIONS AND I MADE MULTIPLE LONG DISTANCE, TWO AND
5 A HALF THREE HOUR TRIPS AT YOUR REQUEST

6 Q YOU CAME IN THERE AND YOU WOULD HAVE HOUR LONG
7 MEETINGS WITH US OR EVEN LONGER?

8 A AT YOUR REQUEST ABSOLUTELY

9 Q TALK MR MORTON ON THE PHONE?

10 A WHEN HE CALLED OR I HAD CALLED HIM TO RETURN HIS
11 CALL ABOUT AN ISSUE, YES

12 Q YOU WERE VITALLY INTERESTED IN THIS CASE,
13 WEREN'T YOU?

14 A NO I FELT I HAD BEEN, I WAS BEING SUPPORTIVE
15 OF SUSAN, I HAD BEEN ASKED BY HER AND BY HER FAMILY
16 AND I HAD BEEN ASKED BY YOU ALL TO COME AND DO THIS

17 Q EVERY TIME YOU HAD A CONVERSATION WITH MR
18 MORTON, YOU WOULD TELL CHARLENE BLACKWELDER EXACTLY
19 WHAT MR MORTON TOLD YOU?

20 A ABSOLUTELY NOT TRUE I RESPECTED WHAT WAS SAID
21 IN THOSE MEETINGS I DID NOT SHAKE

22 Q YOU DIDN'T TELL THAT TO OUR INVESTIGATOR OR TO
23 YOUR FRIENDS?

24 A NO, I DID NOT AND I DID NOT SHAKE YOUR DEFENSE
25 STRATEGIES OR THINGS THAT YOU HAD ASKED ME TO DO, NO

001994

1 Q WERE YOU A MOLE?

2 A NO, I WAS NOT A MOLE I THINK A MOLE IS SELF
3 PLANTS I DON'T THINK MOLES ARE INVITED IN AND ASKED
4 TO PARTICIPATE

5 Q NOW YOU'VE ADMITTED TO FORGING OR FALSIFYING
6 PATIENT'S SIGNATURES?

7 A NO, SIR, I HAVE NOT

8 Q OKAY SO YOU MIGHT KNOW A THING OR TWO ABOUT
9 FORGERY, WOULDN'T YOU SAY?

10 A NO, SIR

11 Q AND WOULD YOU AGREE THAT IT'S NOT ALL THAT
12 DIFFICULT TO FORGE A PATIENT'S SIGNATURE OR JUST ONE
13 LITTLE WORD OR ONE LITTLE PHRASE OR SOMETHING OF THAT
14 NATURE?

15 A I WOULD HAVE NO IDEA BECAUSE I'VE NEVER DONE
16 THAT

17 Q BUT IT WOULD BE REALLY HARD TO WRITE A WHOLE
18 LETTER, WOULDN'T IT?

19 A I HAVE NO IDEA I HAVE NEVER DONE THAT

20 Q BECAUSE WHEN YOU ARE FORGING A SIGNAL, I MEAN A
21 SIGNATURE, YOU JUST GOT ONE LITTLE MODEL THERE AND
22 YOU CAN PRACTICE THAT AND GET IT RIGHT?

23 A I HAVE NO IDEA

24 Q IS THAT HOW YOU FALSIFIED THE RECORDS?

25 A I DID NOT FALSIFY ANY RECORDS, SIR

001995

1 Q BUT WHEN YOU DON'T HAVE A MODEL IT'S KIND OF
2 HARD TO FORGE, WOULDN'T YOU AGREE?

3 A I HAVE NO IDEA

4 Q YOU HAVE NO IDEA?

5 A NO

6 MR BAITY YOUR HONOR, I HAVE AN EXHIBIT

7 MR BRACKETT MAY I SEE IT BEFORE IT IS

8 MR BAITY OF COURSE, IT'S A LETTER

9 Q NOW MS SIMMONS, I'M GOING TO SHOW YOU WHAT'S
10 BEEN MARKED AS STATE'S EXHIBIT NUMBER 89 YOU WANT
11 TO HOLD THAT FOR A MOMENT

12 A OKAY

13 Q THANK YOU AND I'M GOING TO TIP THIS OVER SO
14 YOU CAN SEE IT I WANT YOU TO COMPARE THE TWO IS
15 THIS NOT A BLOWUP OF THE TWO PAGE LETTER THAT YOU
16 TESTIFIED JUST A MOMENT AGO YOU RECEIVED FROM BILLY
17 WAYNE COPE?

18 A I CAN'T SAY IT'S AN EXACT BLOWUP LOOKING AT IT
19 AND LOOKING AT THIS, IT APPEARS TO BE

20 Q OKAY SO YOU THINK THIS IS A, AN ACCURATE COPY
21 OF THAT? YOU WANT TO LOOK AT THE SECOND PAGE

22 A I'M NOT A HANDWRITING EXPERT SO I CANNOT SAY
23 THAT

24 Q I REALIZE THAT, BUT THIS WOULD BE A COPY OF
25 THAT DOESN'T IT HAVE THE SAME WRITING ON IT?

1 A THIS ONE HAS GOT PURPLE STUFF ON IT NOW BUT

2 Q IT'S NOT THE SAME COLOR?

3 A RIGHT AND IT'S A LITTLE BIT HARDER TO SEE BUT
4 IT APPEARS TO BE BUT AGAIN I'M NOT AN EXPERT

5 Q YES, MA'AM I UNDERSTAND NOW IS THERE
6 ANYTHING STRANGE ABOUT THAT LETTER THAT JUST SORT OF
7 PRESENTS ITSELF WHEN YOU LOOK AT IT?

8 A I'M NOT SURE WHAT YOU ARE ASKING ME

9 Q WELL, I KNOW YOU'RE NOT A HANDWRITING EXPERT BUT
10 WHEN YOU LOOK AT IT ISN'T IT KIND OF STRANGE TO YOU
11 THAT IN SOME CASES THE LETTERS ARE STRAIGHT UP AND
12 DOWN AND IN OTHER CASES THE LETTERS ARE SLANTED TO
13 THE SIDE?

14 A I'M NOT SURE WHAT YOU ARE ASKING ME IF YOU'RE
15 ASKING IN REFERENCE IN OTHER LETTERS, THIS IS WHAT HE
16 DID AND HE WOULD WRITE IN CURSIVE SOMETIMES AND IN
17 PRINT SOMETIMES, IF THAT'S WHAT YOU'RE ASKING

18 Q I'M NOT ASKING CURSIVE AND PRINT I'M TALKING
19 ABOUT THE SLANTS OF THE LETTERS I MEAN, YOU CAN SEE
20 SOME OF THESE ARE STRAIGHT UP AND DOWN AND OTHERS ARE
21 TILTED, WOULD YOU AGREE WITH THAT?

22 A I HAVE NO IDEA WHAT YOU ARE ASKING ME

23 Q AND WOULD YOU AGREE THAT SOME OF THE WRITING IS
24 KIND OF HEAVY AND DARK AND THE LETTERS ARE LARGE AND
25 OTHER PARTS OF THE WRITING ARE KIND OF SMALL?

001997

1 A AS COMPARED TO WHAT? I MEAN, I'M NOT SURE WHAT
2 YOU ARE ASKING ME

3 Q AND IN THE SYNTAX OF THE LETTERS, I MEAN IN THE
4 WORDING OF THE LETTERS, KIND OF STRANGE ISN'T IT I
5 MEAN FOR HIM TO BE TALKING IN AND OUT OF THE PRESENT
6 TENSE AND THEN TALKING ABOUT THIS HORRIBLE CRIME AND
7 THEN DOWN HERE HOW IS BRIAN AND JAMIE I MEAN, ISN'T
8 THAT KIND OF JUXTAPOSITION FUNNY?

9 A I CAN'T --

10 Q ---DON'T YOU THINK?

11 A I CAN'T TELL YOU WHY HE WROTE IT THAT WAY I'M
12 NOT IN HIS MIND

13 Q UH-HUH THERE IS ALL SORTS OF STRANGE RELIGIOUS
14 REFERENCES IN HERE?

15 A I DON'T KNOW WHAT YOU MEAN BY STRANGE HE
16 REFERENCES GOD

17 Q OKAY AMY, I WANT TO GIVE YOU AN OPPORTUNITY TO
18 TELL THIS JURY EXACTLY WHAT THIS LETTER REALLY IS

19 A IT'S A LETTER THAT I RECEIVED IN MY MAILBOX

20 Q I WANT -- I'M GOING TO GIVE YOU AN OPPORTUNITY?

21 A THIS IS

22 Q THAT LETTER OF COURSE?

23 A I DON'T KNOW ABOUT THAT BUT THIS IS

24 Q I WANT TO GIVE YOU AN OPPORTUNITY TO TELL THE
25 JURY THAT YOU FORGED THAT LETTER?

001998

1 A THAT IS ABSOLUTELY LUDICROUS

2 Q YOU FORGED THAT LETTER BY USING SENTENCES AND
3 PHRASES FROM MR COPE'S LETTERS?

4 MR BRACKETT PLEASE THE COURT, MAY WE
5 APPROACH

6 THE COURT NO

7 MR POPE WE NEED TO APPROACH THE BENCH,
8 YOUR HONOR

9 (BENCH CONFERENCE AT 06 23 PM)

10 THE COURT YOU MAY PROCEED

11 MR BAITY THANK YOU, YOUR HONOR

12 Q MS SIMMONS, WHAT YOU DID IS YOU FORGED THIS
13 LETTER AND THE WAY YOU DID IT IS THAT YOU TOOK
14 SENTENCES AND PHRASES FROM THE LETTERS YOU RECEIVED
15 FROM MR COPE AND YOU USED THOSE SENTENCES AND
16 PHRASES AS A MODEL TO SKETCH IT OUT PERFECTLY, THE
17 WAY YOU WOULD A SIGNATURE ON A TIME SHEET, OR A, OR
18 ON A PATIENT RECORD, THE SAME WAY YOU DID THOSE?

19 A NO MR BAITY, IF YOU BELIEVE THAT I FORGED
20 THESE LETTERS I WONDER WHY YOU ASKED ME AND YOUR TEAM
21 OF LAWYERS ASKED ME TO TEAR THEM UP RATHER THAN GIVE
22 THEM TO THE POLICE

23 Q WELL, I'M NOT GOING TO ANSWER ANY QUESTIONS

24 A THAT'S FINE

25 Q RIGHT NOW YOU KNOW THAT'S NOT TRUE THOUGH

001999

1 A THAT IS VERY TRUE

2 Q YOU KNOW THAT IS AN ABSOLUTE LIE

3 A NO, SIR

4 THE COURT WHOA, WHOA, WHOA, LET'S DON'T
5 ARGUE YOU ASKED A QUESTION AND YOU ANSWER THE
6 QUESTIONS

7 MR BAITY VERY GOOD, YOUR HONOR

8 THE COURT DON'T ARGUE WITH THE WITNESS

9 Q SO IT'S YOUR TESTIMONY THAT YOU DID NOT USE
10 PHRASES AND SENTENCES FROM HIS OTHER LETTERS TO
11 CONSTRUCT THIS FORGERY?

12 A ABSOLUTELY NOT AND I WOULD ALSO LIKE TO SAY THAT
13 IF I HAD HAD ANY EVIL INTENTION I WOULD NOT HAVE
14 TURNED OVER THE FIRST CONCERNING LETTER TO YOU AND
15 YOUR PARTNERS AND GIVEN YOU FIVE MONTHS TO DO THE
16 RIGHT WRONG WITH IT I WOULD HAVE GONE STRAIGHT TO
17 THE POLICE IF I WANTED TO CAUSE TROUBLE

18 Q WELL, IF YOU WERE A MOLE AND TRYING TO CURRY
19 FAVOR WITH US YOU MIGHT HAVE DONE THAT, WOULDN'T YOU?

20 A THAT IS ABSOLUTELY NOT TRUE I DID, AND LET ME
21 ALSO SAY SINCE YOU ASKED THE QUESTION, NOT ONLY DID
22 YOU INVITE ME INTO YOUR OFFICES, BUT YOU'VE HAD YOUR
23 PRIVATE INVESTIGATORS AND SOME OF THE ATTORNEYS IN
24 THIS ROOM DRIVE TO MY HOUSE TWO AND A HALF HOURS AWAY
25 AT 11 AND 12 O'CLOCK AT NIGHT TO TRY AND RETRIEVE