

VOLUME SEVEN OF EIGHT VOLUMES

15698

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

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

The State,

Respondent,

versus

~~Billy Wayne Cope~~

James Edward Sanders

Appellant

RECORD ON APPEAL

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1 STRAIGHT AND THEN I'D BE RELEASED TO THE PUBLIC AGAIN
2 AND EVERYTHING WOULD BE FINE

3 Q THAT'S WHAT YOU --

4 A I-- THAT WAS A BETTER CHOICE THAN ANYTHING ELSE
5 THAT WAS BETTER THAN ANYTHING ELSE THAT I COULD, AT
6 THAT TIME I COULD THINK OF BECAUSE WHAT I WAS LOOKING
7 AT WAS EITHER LIFE IMPRISONMENT OR THE DEATH PENALTY
8 AND I DIDN'T KNOW FOR SURE THEN I WENT THROUGH THAT
9 WHOLE THING AND YOU SAW THE VIDEO I MEAN AND THEN
10 AFTER THAT I CAME BACK TO, CAME BACK TO THE POLICE
11 STATION AS A MATTER OF FACT, ON THAT DAY SOMETHING
12 ELSE HAD HAPPENED ANOTHER MURDER THERE WAS TWO
13 PEOPLE, A MAN AND WOMAN, WERE KILLED BY A YOUNG BOY
14 IN CHESTER OR I'M ASSUMING IT WAS ON THIS SIDE OF
15 CHESTER I CAN'T REMEMBER BUT WHEN THEY WERE
16 BRINGING ME IN THE CAMERA WERE ALL OUT THERE AND
17 THE CAMERA GOT A LOOK AT ME AND THEY SAID OH, THAT'S
18 MR COPE, THAT'S MR COPE AND HE SAID WE'RE GOING
19 TO TRY TO GET YOU IN HERE REAL QUICK AND SO THE
20 POLICE OFFICER TRIED TO RUSH ME IN TO THE SALLY PORT
21 WHERE THE CAMERA CAMERA WERE ALL STANDING AROUND
22 THE POLICE DEPARTMENT THEY WERE WAITING ON THEM TO
23 BRING THEM TWO BOYS OR THAT BOY OR WHOEVER IT WAS AND
24 THAT WAS THE WHOLE IDEA BEHIND I MEAN, I REMEMBER
25 THAT PART AND THEN I GOT BACK --

003000A

1 Q LET ME TALK TO YOU ABOUT THE VIDEO?

2 A OKAY

3 Q ON THAT VIDEO YOU TALK TO CAPTAIN CABANISS AND
4 CHARLENE ABOUT JUMPING ON YOUR DAUGHTER'S BACK?

5 A YES, SIR

6 Q WHAT ABOUT THAT?

7 A THAT WAS ALL PART OF THE DREAM I HAD
8 ENVISIONED IN MY DREAM THAT IT WAS TERESA I WASN'T
9 THINKING ABOUT AMANDA AND I SAID THAT IN THE DREAM
10 THAT I WAS TALKING ABOUT TERESA AND WHEN I JUMPED,
11 AFTER I JUMPED ON HER AND DONE WHAT I SAID IN THE
12 VIDEO, THEN THE, I SAID I GOT OFF OF THE BED AND I
13 PULLED HER BRITCHES DOWN AND RAMMED THE BROOM IN HER
14 AND CAME BACK, FELL, AND IT JARRED MY MEMORY REALIZED
15 WHAT I HAD DONE I KNEW ALL ALONG THAT I HADN'T DONE
16 NONE OF THAT THAT'S WHAT I, BECAUSE I KNEW I DIDN'T
17 DO IT, BUT HE SAID PROVE IT TO ME THAT WAS HIS
18 WORDS PROVE IT TO ME PROVE THAT THIS IS WHAT
19 HAPPENED AND I'LL BELIEVE IT I THOUGHT THE OTHER
20 ONE WAS THE REAL THING I THOUGHT THAT WAS THE TRUTH
21 BECAUSE THEY GAVE ME THE INFORMATION I REALLY
22 THOUGHT THAT THAT WAS TRUE

23 Q YOU THOUGHT ALL THE OTHER --

24 A ON THAT FIRST CONFESSION I THOUGHT EVERYTHING
25 THERE WAS THE TRUTH, EVERY BIT OF THAT HAPPENED,

1 BECAUSE THEY GIVE ME THE PIECES OF INFORMATION
2 EVERYONE GIVE ME INFORMATION I DIDN'T GET, I DIDN'T
3 KNOW ONE THING THAT HAPPENED

4 Q SO AT THAT TIME DID YOU THINK THAT THAT HAD
5 HAPPENED AND YOU WERE TRYING TO SAY THAT IT HAD
6 HAPPENED, YOU STILL BELIEVED THAT YOU HAD DONE IT?

7 A NO NO, I'M SAYING, AT THAT TIME --

8 Q AT WHAT TIME?

9 A I BELIEVED ALL OF THAT --

10 Q AT WHAT TIME?

11 A AT THE BEGINNING I BELIEVED EVERY BIT OF IT

12 Q AT THE BEGINNING OF WHAT?

13 A AT THE FIRST CONFESSION WHEN I LEFT THAT FIRST
14 CONFESSION I BELIEVED IT I SAT IN THEMSELVES AND I ^{cells}
15 KNEW I DIDN'T DO IT I KNEW I DIDN'T DO IT AND
16 THEN I MADE UP THIS STORY BECAUSE I KNEW THAT THAT
17 FIRST CONFESSION WOULD PROBABLY BE THE ONE THEY WENT
18 WITH BECAUSE THEY GAVE ME ALL THE INFORMATION
19 THAT'S WHAT I WAS GETTING AT I JUST SUPPLIED THE
20 MEANS, I MEAN THE, NOT THE MEANS, BUT THE, WHAT
21 HAPPENED TO THEIR MEANS THEY TOLD ME WHAT HAPPENED
22 AND I TOLD THEM HOW IT HAPPENED I MADE, I DIDN'T
23 KNOW IT WAS ONLY WHAT I THOUGHT, SOME, WHAT I
24 THOUGHT ABOUT WHO COULD HAVE DONE THAT I PUT THOSE
25 IMAGES IN MY HEAD BECAUSE I WANTED TO KNOW WHAT

1 HAPPENED TO MY DAUGHTER I SAID IT MANY A TIMES,
2 WHAT HAPPENED I'VE ASKED YOU I'VE ASKED PHIL
3 BAITY I'VE ASKED EVERYBODY WHAT HAPPENED I STILL
4 DON'T KNOW EVERYTHING THAT HAPPENED BECAUSE I'VE BEEN
5 SHIELDED FROM PHOTOGRAPHS AND A LOT OF THAT IS SELF
6 SHIELDED I DIDN'T WANT TO SEE THEM BECAUSE IT
7 BRINGS BACK MEMORIES OF THAT NIGHT

8 Q OR THAT MORNING?

9 A NO, THAT NIGHT WHEN SHE KISSED ME ON THE SIDE OF
10 THE FACE ALL THE MEMORIES BEFORE THAT I DON'T
11 LIKE TO PONDER ON THE PAST I CAN'T IT ABOUT KILLS
12 ME I DON'T HAVE PICTURE MY FAMILY SENT PICTURES
13 IN THEY ARE IN MY PROPERTY I DON'T WANT TO SEE
14 THEM I DON'T WANT TO SEE THEM I CAN'T HANDLE
15 THAT IT HURTS TOO BAD

16 Q YOU FEEL RESPONSIBLE?

17 A I DO I DON'T, I DIDN'T DO IT, BUT I FEEL
18 RESPONSIBLE, TOTALLY RESPONSIBLE BECAUSE WHAT MAN IS
19 IN HIS HOUSE AND HIS DAUGHTER IS KILLED AND HE HAS NO
20 EXPLANATION FOR WHAT HAPPENED HE DOESN'T, HE DIDN'T
21 HEAR NOTHING WHAT MAN DOES THAT? I'VE TALKED TO
22 MANY PEOPLE, I'VE TALKED TO YOU, I'VE TALKED TO PHIL,
23 AND BOTH OF Y'ALL AGREE I HEAR THINGS THAT HAPPEN IN
24 MY HOUSE BUT I DIDN'T HEAR IT AND I FELT RESPONSIBLE,
25 COMPLETELY RESPONSIBLE

003003

1 Q BEG THE COURT'S INDULGENCE JUST ONE SECOND, YOUR
2 HONOR

3 (BENCH CONFERENCE AT 12 29 PM)

4 THE COURT WE'LL STOP FOR LUNCH IT'S
5 ABOUT 12 30 SO WE'LL COME BACK AT 1 45 THAT IS AN
6 HOUR AND 15 MINUTES HAVE A GOOD LUNCH AND WE'LL SEE
7 YOU AT 1 45 THANK YOU

8 (THE JURY EXITS THE COURTROOM AT 12 30
9 PM)

10 THE COURT ALL RIGHT WE'LL BE AT EASE
11 UNTIL 1 45

12 MR POPE YOUR HONOR, WILL HE BE
13 SEQUESTERED FROM HIS COUNSEL

14 THE COURT RIGHT SINCE YOU ARE, MR
15 COPE, SINCE YOU ARE ON THE STAND YOU CAN'T DISCUSS
16 YOUR CASE WITH YOUR --

17 A I UNDERSTAND

18 THE COURT WELL --

19 A I UNDERSTAND I'LL BE LOCKED IN THE ROOM I
20 WON'T BE ABLE TO SAY NOTHING I WON'T BE ABLE TO
21 TALK TO NOBODY

22 THE COURT ANYTHING REGARDING THAT, MR
23 MORTON

24 MR MORTON I DON'T THINK SO

25 THE COURT OKAY THANK YOU

003004

1 (COURT'S IN RECESS AT 12 31 PM)
2 (COURT RESUMES)
3 THE COURT IS THE STATE READY
4 MR POPE YES, YOUR HONOR
5 THE COURT MR MORTON AND MR GREELEY
6 MR GREELEY YES
7 MR MORTON YES, SIR
8 THE COURT BRING IN THE JURY
9 (THE JURY RETURNS TO THE COURTROOM)
10 THE COURT YOU MAY PROCEED
11 DIRECT EXAMINATION CONTINUED BY MR MORTON
12 Q MR COPE, WE WERE TALKING ABOUT THE DEATH OF
13 AMANDA AND HOW YOU FELT RESPONSIBLE FOR THAT DO YOU
14 FEEL RESPONSIBLE FOR IT?
15 A YES, I DO
16 Q AND WHY IS THAT?
17 A YES, I DO BECAUSE I'M HER FATHER I WAS IN
18 THE HOUSE I SHOULD HAVE HEARD SOMETHING I FEEL
19 LIKE I SHOULD HAVE HEARD SOMETHING SHE'S MY
20 DAUGHTER I FEEL RESPONSIBLE
21 Q AFTER YOU FINISHED TALKING TO CAPTAIN CABANISS
22 AND MRS BLACKWELDER AND AFTER WHAT WE CALL THE VIDEO
23 RE-ENACTMENT, WHAT HAPPENED?
24 A WELL, I WAS TAKEN BACK, TAKEN BACK TO THE POLICE
25 DEPARTMENT AND PUT IN A CELL WHERE I HAD MY LUNCH

1 AND THEN SHORTLY AFTER THAT THEY BROUGHT ME BACK OUT
2 AND BROUGHT ME BACK IN THAT SAME ROOM AND THE FIRST
3 THING THAT WAS SAID ONCE WE GOT BACK IN THE ROOM WAS,
4 THE COMMENT WAS MADE BY CAPTAIN CABANISS, HE SAID I
5 DON'T BUY THAT I DON'T BELIEVE NONE OF IT I DON'T
6 BELIEVE THE FIRST ONE I DON'T BELIEVE THIS ONE I
7 DON'T BELIEVE NONE OF THEM HE SAID AND HE REACHED
8 OVER TO THE TELEPHONE AND HE PICKED UP THE TELEPHONE
9 AND HE HELD THE TELEPHONE HE SAID YOU WHO I'VE BEEN
10 ON THE PHONE WITH? AND I SAID WHO? HE SAID THE
11 SOLICITOR YOU KNOW, TOMMY POPE AND I SAID WHO?
12 HE SAID THE SOLICITOR THE SOLICITOR SAID EITHER YOU
13 TELL US THE TRUTH THIS TIME, NO MORE GAMES, WE'RE NOT
14 GOING TO BUY NO MORE OF YOUR GAMES, EITHER YOU TELL
15 US THE TRUTH OR HE IS GOING TO GO FOR THE DEATH
16 PENALTY, TAKE WHAT HE'S GOT AND WE JUST GO TO TRIAL
17 LIKE THIS AND THAT WAS HIS EXACT WORDS OR SOME CLOSE
18 TO THAT AND I GOT SCARED I GOT REAL SCARED
19 THERE WAS A LOT OF TALK THERE WAS, HE SAID YOU
20 KNOW, MR COPE, WE KNOW YOU ARE GUILTY KNOW IT
21 YOU KNOW IT, I KNOW IT, THAT POLYGRAPH KNEW IT, ALL
22 OF THEM KNOW IT, AND MRS BLACKWELDER WAS SITTING
23 THERE ACROSS THE TABLE AND SHE WAS SAYING MR COPE,
24 WE GOT EVIDENCE THAT YOU DIDN'T UNWRAP HER NECK WE
25 GOT EVIDENCE THAT YOU FAILED THE POLYGRAPH TEST WE

1 GOT ALL THIS EVIDENCE AGAINST YOU BETWEEN BEING
2 SCARED OUT OF MY WITS BY THE POLY, BY THE SOLICITOR'S
3 OFFICE AND TALKING TO CHARLENE BLACKWELDER, THEY WERE
4 JUST SAYING, I GIVE UP

5 Q AT SOME POINT CAPTAIN CABANISS, DID YOU STAND
6 UP?

7 A THERE WAS ONE POINT WHEN WE FIRST COME IN THE
8 ROOM AFTER HE STARTED TO TELL ME THAT I WAS GUILTY I
9 STOOD UP AND I SAID I DIDN'T DO IT, AND HE STOOD UP
10 AND HE HAD A SIDE ARM AND HE HAD HIS SIDE ARM ON THIS
11 SIDE AND HIS BEEPER ON THIS SIDE AND HE WAS WEARING
12 HIS BLUE POLICE SHIRT AND I THINK IT SAID SWAT TEAM
13 OR POLICE OR SOMETHING ON THE BACK AND THAT WAS WHAT
14 HE WAS WEARING THAT DAY AND I HAD SEEN HIM WALKING
15 PAST THE CELL, JUST SEVERAL TIMES AND ONCE TIME I
16 SEEN HIM IN HIS SUIT AND ANOTHER TIME I SEEN HIM IN
17 HIS BLUE SHIRT BUT THIS DAY HE WAS IN HIS BLUE
18 SHIRT AND THIS WAS THE FIRST TIME THAT I HAD SEEN HIM
19 SINCE ALL THIS TOOK PLACE SO I KNEW ABOUT THAT BLUE
20 SHIRT, YOU KNOW THAT'S ALL I SAW HIM IN AT THAT
21 TIME AND I SAID, I STOOD UP AND I SAID I DIDN'T DO IT
22 AND WHEN HE STOOD UP IT WAS LIKE HE STOOD UP OVER ME
23 LIKE THAT AND I SAT BACK DOWN REAL QUICK AND I WAS
24 SCARED OF HIM I MEAN I WAS SCARED OF HIM I WAS
25 SCARED HE HAD BEEN THREATENING ME HE HAD BEEN

1 TALKING, I MEAN I GOT SCARED OF HIM AND THEN WHEN
2 EVERYBODY TALKING ABOUT THE SAME THINGS OVER AND OVER
3 AND OVER ADDED THE GUILT THAT I FELT ALREADY, THE
4 RESPONSIBLE THAT I FELT, OF THE BEING IN THE HOUSE
5 I GIVE UP I SAY, YOU KNOW, IN MY OWN MIND I DIDN'T
6 SAY OUT LOUD BUT IN MY OWN MIND THE DEATH PENALTY
7 SOUNDS GOOD, SOUNDS GOOD I'M TIRED OF THE PRESSURE
8 I'M TIRED OF THE, THE JUNK THAT'S BEEN GOING ON, SO
9 THE DEATH PENALTY SOUNDS REAL GOOD TO ME RIGHT THEN
10 BECAUSE I DIDN'T, I GOT TIRED OF THE PRESSURE I GOT
11 TIRED OF BEING TOLD WHAT I DID WHAT I DIDN'T DO I
12 KNEW WHAT I DID OR WHAT I DIDN'T DO AND I DIDN'T DO
13 NONE OF THAT NONE OF IT NOT NOTHING I WAS, LIKE
14 I SAID BEFORE AND I'LL SAY IT A MILLION TIMES, I WAS
15 IN MY BED ASLEEP, BUT THE POLICE DEPARTMENT WOULD NOT
16 TAKE NO FOR AN ANSWER THEY WOULD NOT TAKE IT
17 EVERY TIME I TRIED THAT, WE DON'T WANT TO HEAR THAT,
18 WE DON'T WANT TO HEAR THAT MRS BLACKWELDER WE
19 DON'T WANT TO HEAR THAT MR CABANISS WE DON'T
20 WANT TO HEAR THAT MR BAKER WE DON'T WANT TO HEAR
21 THAT EVERYONE SAID THE SAME THING WE DON'T WANT
22 TO HEAR WHAT YOU GOT TO SAY, WE KNOW WHAT HAPPENED,
23 AND YOU KNOW WHAT HAPPENED SO THAT WAS IT FORGET
24 IT I GIVE UP AND I GAVE COMPLETELY UP I SAID
25 FINE THE DEATH PENALTY DOES SOUND GOOD WRITE WHAT

1 YOU WANT AND SHE STARTED TALKING TO ME AND I STARTED
2 TALKING TO HER AND SHE CAME UP WITH THAT LAST
3 CONFESSION SOMEWHERE IN THE MIDDLE OF THAT
4 CONFESSION OFFICER, I MEAN CAPTAIN CABANISS GOT A
5 PAGE AND HE LEFT THE ROOM SHE KEPT ON TALKING WE
6 KEPT ON TALKING AND HE CAME BACK IN THE ROOM, GOD
7 FORGIVE ME, HE WALKED IN ROOM AND HE GOT A PIECE OF,
8 HAD A PIECE OF PAPER IN HIS HAND AND HE WALKED, HE
9 JUST STORMS BACK IN THE ROOM AND HE SLAMS IT DOWN ON
10 THE PAPER AND HE SAYS DAMN AND I, I LOOKED AT HIM,
11 SHE LOOKED AT HIM AND HE LOOKED AT HER, SHE PICKS UP
12 PAPER AND SHE LOOKS AT IT SHE READS IT SHE PUTS
13 IT DOWN AND SHE LOOKS AT HIM ALMOST LIKE WHAT, WHAT
14 IS IT, YOU KNOW, AND THEN I SAID WHAT IS THAT HE
15 SAID WE'LL TALK ABOUT THAT LATER AND THEN WE KEPT
16 ON TALKING HE KEPT ON TALKING TO ME AND IT WAS A
17 CONSTANT BACK AND FORTH SHE WOULD TALK, HE WOULD
18 TALK, THEY GOT THEIR CONFESSION JUST ABOUT DOWN TO
19 THE END OF IT, AND HE SAID UH, MR COPE, DO YOU KNOW
20 WHO B J BARROWCLOUGH IS AND I SAID NO, SIR HE
21 SAID WELL HE SAYS HE'S YOUR ATTORNEY, HE'S OUT THERE,
22 DO YOU WANT TO TALK TO HIM? I DIDN'T FEEL NO NEED TO
23 TALK TO HIM I DIDN'T CARE NO MORE IT DIDN'T SEEM
24 LIKE I WAS GOING TO GET NOTHING DONE NOBODY DIDN'T
25 CARE ABOUT ME EVERYBODY WAS TELLING ME THE SAME

1 THING WE DON'T WANT TO HEAR YOU I SAID GO AHEAD
2 I SAID NO, I DON'T ALL I GOT LEFT TO DO IS TO SIGN
3 THIS SO HE LEFT I MEAN, HE WAS HAPPY AT FIRST
4 HE WAS REALLY SCARED, YOU KNOW, SORT OF LIKE THE WAY
5 HE MOVE AROUND THE SHIRT, HE WAS KIND OF SCARED
6 THEN HE GOT, HE HAD ASKED CHARLENE FOR A PIECE OF
7 PAPER AND CHARLENE AND HE SAT DOWN AND HE WROTE OUT
8 REAL FAST, HE SAID YOU SURE AND I SAID YEAH AND HE
9 SIGNED HE WAS CHEERFUL AFTER THAT HE WAS CHEERFUL
10 AFTER THAT I SIGNED IT HE SIGNED IT HE PUT THE
11 DATE ON IT AND THE TIME AND HE SAID, HE LOOKED AT
12 CHARLENE AND HE LEFT, HE WENT OUT AND HE TALKED TO
13 B J BARROWCLOUGH NOW IN BETWEEN THAT HE GOT
14 SEVERAL PAGES, I MEAN BECAUSE HE KEPT LOOKING AT,
15 IT WAS ALMOST LIKE HE KNEW THAT HE HAD TO GET TO HIM
16 TO TALK TO HIM TO TELL HIM SOMETHING, AND THEN AFTER
17 THAT HE COME BACK IN AND HE SAID NOW UH, AND CHARLENE
18 WAS TALKING ABOUT SOME MORE STUFF, AND AFTER WE GOT
19 THROUGH WITH THE INTERVIEW SHE SAID NOW I'M GOING TO
20 PUT YOU BACK IN THE CELL THIS WAS PROBABLY ABOUT
21 3 30-15 TO FOUR SO THEY PUT ME BACK IN THE CELL AND
22 I SIT IN THE CELL UNTIL ABOUT FOUR, PROBABLY ABOUT 15
23 TO FIVE, AND THEY COME BACK IN AND BROUGHT ME BACK IN
24 AND I SIGNED THE PAPER AND THEN
25 Q DID YOU READ THE PAPER?

1 A I DIDN'T I DIDN'T CARE SHE HAD ALREADY DONE
2 TOLD ME, SHE READ ABOUT WHAT SHE WAS WRITING, AND IT
3 DIDN'T MATTER TO ME I MEAN, I DIDN'T CARE TO
4 ANYMORE HONEST TO GOD I DIDN'T CARE ANYMORE

5 Q ANYTHING ON THAT STATEMENT ABOUT ANY BROOMS?

6 A NO, THERE WAS NO STATEMENT ON THE BROOM

7 Q SO SHE GAVE YOU THE STATEMENT?

8 A SHE GAVE ME THE STATEMENT, I SIGNED IT, AND
9 IMMEDIATELY AFTER THAT MR CABANISS SAID, B J
10 BARROWCLOUGH IS HERE, HE WANTS TO TALK TO YOU, SO
11 THEN THEY LEFT OUT OF THE ROOM AND SENT B J IN AND
12 B J COMES STORMING IN WITH A PIECE OF PAPER, DID YOU
13 SIGN THIS, AND SLAMMED IT DOWN ON THE TABLE I SAID
14 YES I SAID THEY FORCED ME, THEY TOLD ME THEY WERE
15 GOING TO GIVE ME THE DEATH PENALTY, AND THAT WAS THE
16 TRUTH

17 Q TALKING ABOUT THE STATEMENT?

18 A TALKING, I WAS TALKING ABOUT THE STATEMENT
19 THAT'S WHAT I THOUGHT HE WAS HOLDING IN HIS HAND I
20 DIDN'T KNOW HE WAS HOLDING THE OTHER THING AS HE HAD
21 TESTIFIED, I THOUGHT HE WAS HOLDING THE STATEMENT IN
22 HIS HAND

23 Q AND HE WAS HOLDING THE STATEMENT SAYING HE
24 DIDN'T WANT TO SEE YOU?

25 A YEAH I GUESS, THAT'S WHAT HE TESTIFIED TO I

1 THOUGHT IT WAS THE STATEMENT AND HE LAID IT DOWN AND
2 I TOLD HIM THE TRUTH I MEAN, AND THEN

3 Q TOLD HIM WHAT?

4 A I TOLD HIM THAT THEY FORCED, TOLD, THEY FORCED
5 ME TO SIGN, TALKING ABOUT THE DEATH PENALTY I MEAN
6 I DIDN'T CARE NO MORE HONEST TO GOD I DIDN'T CARE
7 ANYMORE ABOUT NONE OF IT I WAS TIRED OF THIS PLACE
8 I WAS TIRED OF THE JAIL SYSTEM I WAS TIRED OF THE
9 WAY THEY WERE DOING ME IN THERE, SO I, I SIGNED IT
10 AND GOT OUT OF THERE THAT'S WHAT I WANTING I
11 WANTED OUT

12 Q WHOSE POCKET BOOK IS THAT?

13 A IT'S MARY SUE'S THAT WAS ONE, THAT WAS HER
14 POCKET BOOK, IT WAS ALWAYS KEPT ON THE BOOK SHELF IN
15 THE HALL ON TOP MARY SUE DIDN'T CARRY HER POCKET
16 BOOK TO WORK WITH HER SHE ALWAYS CARRIED A LITTLE
17 PURSE WITH HER LICENSE AND A LITTLE BIT OF MONEY TO
18 GET HER SOMETHING TO EAT ON AND THAT WAS HER POCKET
19 BOOK

20 Q SO THAT POCKET BOOK THAT I SHOWED YOU ON STATE'S
21 EXHIBIT 68 WAS NOT SOMETHING THAT AMANDA WOULD KEEP
22 IN --

23 A NO, IT WOULD NOT BE IN HER ROOM WHEN Y'ALL,
24 WHEN Y'ALL SHOWED ME THAT PICTURE THE FIRST TIME I
25 SAID THE SAME THING I SAID THAT WAS MARY SUE'S

1 POCKET BOOK

2 Q AND AMY SIMMONS YOU KNEW AMY SIMMONS SORT OF
3 FROM, BECAUSE SHE WENT TO THE SAME CHURCH YOU DID,
4 RIGHT?

5 A WE MET, WE MET AMY, I AM THINKING IT WAS THE,
6 WHEN I MET AMY, I SHOULD SAY, THE EASTER BEFORE
7 AMANDA WAS KILLED THAT'S WHEN I, I'M ALMOST
8 POSITIVE THAT'S WHEN IT WAS IF IT WASN'T THAT ONE,
9 IT WAS THE EASTER BEFORE THAT BUT I DON'T THINK IT
10 WAS THAT FAR BACK BECAUSE WE HAD A EASTER EGG HUNT,
11 WE HAD A BIG PARTY, WE WERE TALKING ABOUT THE QUIZ
12 TEAM SHE HELPED OUT ON THE QUIZ TEAM BEFORE I TOOK
13 IT OVER, AND I HAD JUST TOOK IT OVER THAT YEAR, AND
14 SO IT HAD TO HAVE BEEN THAT EASTER WHEN I MET HER FOR
15 THE FIRST TIME WE WAS, IT WAS EASTER PARTY THAT WE
16 WERE HAVING AT CHURCH IN THE ACTIVITY CENTER

17 Q WERE Y'ALL CLOSE BEFORE AMANDA DIED?

18 A NO I DIDN'T REALLY KNOW AMY EXCEPT FOR THROUGH
19 THE CHURCH I MEAN, JUST HERE AND THERE I HAD
20 HEARD SOME THINGS AND I DIDN'T TRY TO GET IN THE
21 MIDDLE OF THAT AND IT WAS, SO I LEFT I REALLY
22 DIDN'T KNOW AMY I JUST KNEW HER FROM, LIKE I SAID,
23 THAT I THINK MAYBE ONE OR TWO ENCOUNTERS IS ALL I
24 REALLY HAD OF AMY

25 Q I BELIEVE WHEN MARY SUE PASSED AWAY WAS WHEN?

1 A WAS ON FEBRUARY FIRST OF 2002

2 Q AND SHE HAD BEEN STAYING WITH FRIENDS, SHE WAS
3 STAYING WITH AMY I BELIEVE AT THE TIME?

4 A WELL, SHE STAYED WITH LEILA FOR A SHORT TIME AND
5 THEN LEILA HAD TO HAVE SOME SURGERY AND THEN SHE WENT
6 AND STAYED WITH AMY AMY TOLD HER SHE WOULD TAKE
7 CARE OF HER FOR A FEW DAYS OR SO AND SO SHE WENT AND
8 STAYED WITH AMY I DON'T KNOW THIS AT THE TIME, I
9 DIDN'T LEARN THIS UNTIL THE DAY THAT, I DIDN'T -- I'M
10 THINKING BACK IF ANYBODY, IF ANYBODY HAD EVER SAID
11 ANYTHING ABOUT AMY AND MARY SUE STAYING AT AMY'S, MOM
12 MIGHT HAVE SAID SOMETHING ABOUT IT I DON'T KNOW
13 BUT

14 Q WHEN DID AMY SUE START WRITING YOU IN THE JAIL?

15 A WHEN DID WHO?

16 Q WHO DID AMY SUE START WRITING I'M SORRY WHEN
17 DID AMY START WRITING TO YOU?

18 A I RECEIVED, OKAY --

19 Q WHEN DID YOU START WRITING HER?

20 A IT STARTED, IT STARTED BACK, I THINK, IN APRIL

21 Q OF?

22 A OF THAT, LET'S SEE, 2003 AMY WAS OVER AT MOM'S
23 HOUSE AND I WAS TALKING TO MOM ON THE TELEPHONE AND
24 MOM WOULD SAY GUESS WHOSE HERE AND I SAID WHO AND SHE
25 SAID AMY AND I SAID AMY I DIDN'T KNOW AMY EXCEPT

1 I KNEW THAT AMY, WAS AMY WAS AT, I MEAN MARY SUE WAS
2 STAYING AT AMY'S HOUSE THE PREACHER HAD TOLD ME
3 THAT WHEN MARY SUE DIED AND SO I SAID WELL LET ME
4 TALK TO HER I WANT TO ASK HER A SPECIFIC QUESTION
5 BECAUSE A FEW DAYS PRIOR TO OR BEFORE MARY SUE'S
6 DEATH I DREAMED, I THOUGHT, I MEAN, I DREAMED THAT
7 MARY SUE HAD DIED AND I WANTED TO KNOW IF EXACTLY
8 WHAT I DREAMED WAS THE SAME THING BECAUSE I DREAMED
9 THAT SHE WAS LAYING ON THE FLOOR, YOU KNOW, CARPETED
10 ROOM I BELIEVE IT WAS GREEN CARPET AND THERE WAS A
11 WINDOW IN FRONT OF HER AND SOMEBODY WAS STANDING IN
12 FRONT OF THE WINDOW, BUT I COULDN'T TELL WHO IT WAS
13 AND I ASKED HER THAT ON THE TELEPHONE AND SHE
14 WOULDN'T TALK ABOUT IT WELL I ASKED HER ANOTHER
15 QUESTION AND I ASKED HER AND SINCE IT'S ALREADY BEEN
16 BROUGHT UP, I ASKED HER DID SHE KNOW ANYTHING
17 CONCERNING THE POLICE COERCEING MARY SUE, YEAH, MARY
18 SUE, AND SHE SAID SHE DID, SO I JUST LEFT THAT ALONE
19 SO I SAID AND MOMMA I SAID, MOMMA I SAID I WANT TO
20 TALK TO HIM, SO SHE GAVE MOMMA THE PHONE BACK AND
21 THEN MOM TALK

22 Q SO Y'ALL TALKED?

23 A I WROTE AMY THE NEXT WEEK, THAT WAS IN I THINK
24 IN APRIL, AND THAT WAS THE FIRST LETTER AND I WROTE
25 HER TO HER OLD ADDRESS WHERE HER MOMMA TOLD ME SHE

1 WAS STAYING, AND THEN I WAS TOLD SHE DIDN'T LIVE
2 THERE NO MORE, SO I ASSUMED SHE DIDN'T GET THE
3 LETTER AND THEN ON CHRISTMAS WEEK OF 2003 I
4 RECEIVED A LETTER FROM AMY AND THAT WAS THE START OF
5 IT IT WAS A CHRISTMAS CARD LETTER WRITTEN ON
6 CHRISTMAS STATIONERY WITH SANTA CLAUS AND ALL THIS
7 STUFF ALL AROUND IT THAT WAS THE FIRST LETTER THAT
8 I RECEIVED FROM AMY THAT WAS ON CHRISTMAS 2003

9 Q AND IN BETWEEN CHRISTMAS OF 2003 AND THE END OF
10 MAY OF 2004 DID YOU AND AMY CORRESPOND BACK AND
11 FORTH?

12 A WE WROTE WE WROTE QUITE A BIT WE DID

13 Q DID YOU HAVE FEELINGS FOR AMY?

14 A THE TRUTH IS I DID I STARTED TO HAVE FEELINGS
15 FOR AMY HER LETTERS, YOU KNOW, SHE WOULD TALK ABOUT
16 THINGS THAT HAPPENED AT HOME I WOULD WRITE BACK AND
17 TELL HER I WAS PRAYING FOR HER, PRAYING FOR THE
18 THINGS THAT WAS GOING ON AT HOME THERE WAS TIMES
19 WHEN MONEY WAS HARD THERE WAS TIMES WHEN JAMIE GOT
20 HURT AND THERE WAS DIFFERENT TIMES AND THAT'S WHAT I
21 WROTE ABOUT I WROTE HER ABOUT THAT THEN I WROTE
22 HER ABOUT MY OWN FEELINGS AND WHAT I WANTED TO DO
23 WHEN I GOT OUT OF JAIL AND I WROTE, LIKE I SAID, I
24 WROTE QUITE A FEW, YOU KNOW, I THINK WROTE 14 LETTERS
25 IN ALL THAT I CAN REMEMBER WRITING TO HER I'VE BEEN

1 SHOWN I THINK 11 AND THERE IS THREE I NOTICED THAT'S
2 NOT, THAT'S NOT BEEN -- LET ME CHANGE THAT THERE IS
3 THREE ENVELOPES THAT'S MISSING BECAUSE I KNOW I
4 DREW PICTURES ON THE ENVELOPES AFTER THE FIRST, THAT
5 LETTER YOU ARE HOLDING UP IN YOUR HAND, I STARTED
6 DRAWING PICTURES ON MY ENVELOPE BECAUSE I DIDN'T
7 TRUST NOBODY

8 Q LET ME DRAW YOU BACK TO THIS FIRST?

9 A OKAY

10 Q THIS IS A LETTER, STATE'S EXHIBIT STATE'S
11 EXHIBIT 90, THAT I GUESS ALL THIS GOES TOGETHER, THE
12 LETTER AND ENVELOPE GOES IN THE SAME EXHIBIT THIS
13 IS A LETTER THAT'S DATED, IT'S NOT DATED, AND IT'S IN
14 AN ENVELOPE ADDRESSED TO AMY SIMMONS AND IT'S POST
15 MARKED DECEMBER 31 THERE IS AN ENVELOPE POST MARKED
16 DECEMBER 31, ENVELOPE POST MARKED DECEMBER 31
17 ADDRESSED TO AMY SIMMONS 2425 ALLENDALE DRIVE,
18 ANDERSON, SOUTH CAROLINA, AND HAS A RETURN ADDRESS
19 THAT'S GOT COPE, GOT YOUR INMATE NUMBER, MOSS JUSTICE
20 CENTER, NOW IS THAT YOUR WRITING?

21 A THAT IS MY HANDWRITING THAT IS MY HANDWRITING
22 RIGHT THERE I DID WRITE THAT LETTER, THAT ENVELOPE
23 I DID NOT WRITE THAT LETTER

24 Q OKAY

25 A I DON'T KNOW WHERE THAT LETTER COME FROM

1 Q THIS ENVELOPE DOESN'T HAVE A DATE ON IT YOU
2 SEE THE KIND OF PAPER THAT IT IS ON?

3 A YES, SIR

4 THE COURT YOU ARE NOT SHOWING HIM THE
5 ENVELOPE NOW YOU'RE SHOWING HIM THE LETTER

6 Q I'M SORRY I'M SHOWING YOU THE LETTER NOW?

7 A YES, SIR

8 Q OKAY AND THE LETTER SAYS DEAR AMY, I NEED TO
9 SEE YOU IN-PERSON AS SOON AS POSSIBLE CAN YOU COME
10 TO ROCK HILL AND SEE ME NEXT WEEK ON MONDAY I HAD A
11 DREAM LAST NIGHT ABOUT YOU AND MARY SUE AND AMANDA
12 I NEED TO TELL YOU WHAT I REALLY DID TO AMANDA BEFORE
13 IT'S TOO LATE GOD WILL FORGIVE ME IF I CONFESS TO
14 ANOTHER CHRISTIAN AND REPENT KEEP THE FAITH,
15 ALWAYS, BILLY TINKER COPE, WITH THE CROSSES AND THE
16 FISH IT'S NOT, DOESN'T HAVE A DATE ON IT DID YOU
17 WRITE THAT LETTER?

18 A NO, I DID NOT

19 Q DO YOU HAVE THAT KIND OF PAPER IN JAIL?

20 A WE DO WE, YOU SAW THE THREE KINDS WE DON'T
21 HAVE, ALL WE HAVE IS THOSE THREE KINDS OF PAPER
22 THAT'S THE ONLY KIND WE CAN GET

23 Q SO YOU TELL THE JURY?

24 A I'M TELLING YOU, I DIDN'T WRITE THAT LETTER I
25 DON'T KNOW WHO WROTE IT I DON'T KNOW WHERE IT COME

1 FROM I KNOW I DIDN'T WRITE IT I KNOW I DIDN'T
2 WRITE IT THAT'S NOT EVEN MY HANDWRITING

3 Q AFTER THIS LETTER TURNED UP AND AMY GAVE IT TO
4 US AND WE GAVE IT TO OUR HANDWRITING EXPERT, WHAT DID
5 YOU START TO DO WITH THE LETTERS THAT YOU WROTE TO
6 ANYBODY, TO THE ENVELOPES I SHOULD SAY THAT YOU
7 WROTE?

8 A AFTER I TALKED WITH YOU AND YOU TOLD ME WHO
9 RECEIVED THE LETTER AND WHAT ALL WAS GOING ON ABOUT
10 IT, I DIDN'T TRUST ANYBODY I DIDN'T TRUST THE JAIL
11 I DIDN'T TRUST, I KNOW THAT, YOU KNOW, A LOT OF
12 THINGS GO ON BEHIND THE DOORS IN THE JAIL AND I DON'T
13 TRUST NOBODY SO I STARTED MY OWN LITTLE CODE I
14 STARTED DRAWING PICTURES ON THE FRONT OF THE
15 ENVELOPE

16 Q AND I'M GOING TO SHOW YOU THESE, WHAT'S MARKED
17 I'M GOING TO TRY AND, STATE'S EXHIBIT 37, 36 37 IS
18 A ROSE I BELIEVE?

19 A YES, SIR

20 Q 36 IS A POST MAN?

21 A THAT'S CORRECT

22 Q THIS ONE IS IN JULY SO THERE, JULY 203 SO THERE
23 WASN'T ANYTHING ON THERE, IS THAT RIGHT?

24 A THAT'S THE INITIAL ONE THAT I WROTE HER AFTER I
25 TALKED WITH HER ON THE TELEPHONE AT MOM'S

1 Q 21 OF APRIL OF 2004 IS A?

2 A TEDDY BEAR

3 Q TEDDY BEAR

4 A TEDDY BEAR SHE WASN'T THE ONLY ONE I DREW ONE
5 OF THOSE FOR I DREW ONE FOR MY MOM I DREW ONE FOR
6 SUSAN ARCHIE MY SISTER AND I ALSO DREW ONE FOR YOU

7 Q EXHIBIT 42 IS A PHOTOGRAPH, I MEAN NOT A
8 PHOTOGRAPH, AN ENVELOPE WITH THE DRAWING OF LOOKS
9 LIKE CAT IN THE HAT?

10 A CAT IN THE HAT AND THAT PICTURE SOME FRIENDS HAD
11 ANOTHER PICTURE, LET ME SEE ONE OF THOSE ENVELOPES
12 JUST ONE SECOND, INSTEAD OF HAVING THE PIGLET RIGHT
13 THERE OR WINNIE THE POOH RIGHT THERE, IT WOULD HAVE
14 THE CAT IN THE HAT UP THERE IN THE CORNER AND I TOOK
15 AND DREW THAT LARGER RIGHT THERE AND FROM SOMEONE
16 ELSE'S PICTURE AND THAT'S HOW I ENDED UP WITH THAT
17 ONE THAT WAS THE LAST LETTER THAT I SENT TO AMY
18 SIMMONS AND THAT LETTER WAS, THAT, THAT PICTURE WAS,
19 IS EXACTLY WHAT IT SAYS IT'S A MAN HOLDING, IT'S A
20 NEWSPAPER MAN HOLDING UP A NEWSPAPER AND IT SAYS
21 BILLY COPE FOUND INNOCENT OR NOT GUILTY ON THE FRONT
22 OF THE PAGE

23 Q AND THAT IS -- YOU HAVE NAMES FOR --

24 A THAT ONE IS CALLED POLLY IT HAS A LITTLE
25 PARROT UP IN THE TREE

003020

1 Q ROSE AGAIN?

2 A ROSE AGAIN THAT WAS AN EASTER ONE THAT ONE
3 THERE IS CALLED TINKER MOUSE IN A BUBBLE MY
4 NICKNAME IS TINKER AND THERE IS ACTUALLY TWO TINKER
5 MOUSE, ONE OF THEM YOU DON'T HAVE THE ENVELOPE FOR
6 IT'S A BOX OF CEREAL IN THE CORNER, IT'S GOT A BUSTED
7 HOLE AND THERE IS A MOUSE RUNNING AWAY FROM THE HOLE
8 AND THE CEREAL IS POURING OUT THEN THERE IS ANOTHER
9 MOUSE IN A MOUSE TRAP AND HE SITTING THERE LIKE THIS
10 RIGHT HERE, HE DON'T KNOW WHAT'S GOING ON, AND HE'S
11 GOT ON YCDC UNIFORM

12 Q IN THOSE LETTERS THAT HAD THOSE DRAWINGS ON
13 THOSE ENVELOPES ON THE OUTSIDE, WOULD THERE BE A
14 REFERENCE IN THE LETTER TO THE DRAWING ON THERE?

15 A IN MOST OF, MOST OF THE, IT STARTED LATER ON I
16 STARTED TO SAY, WELL, I'M NOT GOING TO JUST CODE IT
17 THIS WAY, BUT I'M GOING TO CODE IT BY PUTTING
18 REFERENCE TO THE THING ON THE OUTSIDE OF THE ENVELOPE
19 INSIDE THE LETTER WHAT I NOTICED WAS, WELL YOU
20 HADN'T GOT TO IT YET

21 Q WHAT DID YOU NOTICE ABOUT THE LAST?

22 A THE LAST LETTER IT'S IN THE RIGHT, IT'S IN THE
23 WRITE ENVELOPE AND IT SAYS, IT SAYS, I COME UP WITH
24 THIS IDEA, EXTRA, EXTRA READ ALL ABOUT IT THE POWER
25 WAS OFF AT THE JAIL, WE HAD A POWER SHORTAGE, AND WE

1 HAD TO SIT IN OUR CELL, THEY LOCKED US IN OUR CELL,
2 AND I SIT IN THE CELL AND JUST DREW I FIRST DREW IT
3 ON A PIECE OF CARDBOARD AND THEN I LATER PUT IT ON AN
4 ENVELOPE AND I EXPLAINED TO HER ABOUT BEING STUCK IN
5 THE CELL FOR

6 Q I'M GOING TO SHOW YOU, AND I DON'T THINK IT'S
7 BEEN SPECIFICALLY MARKED, IT'S STATE'S EXHIBIT 91,
8 THE SLED IDENTIFICATION LETTER IS L-0114271, IT'S TWO
9 PAGES, JUST AS AN EXAMPLE THAT IS A LETTER THAT YOU
10 WROTE TO AMY SIMMONS?

11 A THAT IS THE LETTER THAT I WROTE TO AMY SIMMONS
12 THAT WAS IN THE SO CALLED SECOND LETTER ENVELOPE

13 Q OKAY

14 A AND I KNOW BECAUSE OF THE REFERENCE

15 Q AND THIS IS YOUR HANDWRITING?

16 A YES, THAT'S MY HANDWRITING THAT'S MY LETTER
17 IT EVEN STATES IN THERE, HOW DO YOU LIKE THE OR I
18 HOPE YOU LIKE THE LION AND THE KITTIES AND THE REASON
19 THAT I KNOW THAT IS THE NEXT TO THE LAST LETTER I
20 WROTE IS BECAUSE THE VERY LAST LETTER I WROTE AND THE
21 LAST LETTER THAT SHE RECEIVED WAS THE ONE WITH THE
22 PAPER BOY HOLDING THE NEWSPAPER UP AND THE ONE RIGHT
23 BEFORE THAT WAS THE ONE THAT YOU ARE HOLDING IN YOUR
24 HAND RIGHT NOW THERE WAS NO OTHER REFERENCES TO
25 LION AND KITTY APPROXIMATELY IN THAT SAME MONTH,

1 EARLIER IN THE MONTH, SHE MADE REFERENCE TO, IN ONE
2 OF HER LETTERS TO ME, OF CUTE KITTEN ON THE COUCH,
3 AND IF YOU READ THE BACK OF MY ENVELOPES AND ON THAT
4 LETTER IT SAYS SEE C-K-A CUTE KITTEN ARTS THAT'S
5 WHERE I GOT THAT FROM AND THAT ONLY COME FROM THE
6 LETTER THAT SHE WROTE TO ME AND THE VERY LETTER THAT
7 I WROTE RIGHT AFTER THAT IS THAT ONE RIGHT THERE AND
8 I WROTE ONE AFTER THAT AND IT WAS THE LAST ONE THAT
9 SHE GOT AND SHE CALLED I THINK YOU SAID THE ENOCUOUS
10 LETTER

11 Q INNOCUOUS LETTER?

12 A INNOCUOUS LETTER

13 Q BECAUSE IT CAME AFTER THIS IN OTHER WORDS,
14 THESE WHICH HAVE BEEN BLOWN UP, THESE ENVELOPES
15 WRITTEN, STATE'S EXHIBIT 95, THIS ENVELOPE STATE'S
16 EXHIBIT 95 IS ADDRESSED TO AMY SIMMONS?

17 A THAT'S CORRECT

18 Q 2425 ALLENDALE ROAD, ANDERSON, SOUTH CAROLINA
19 DID YOU ADDRESS THIS ENVELOPE?

20 A I DID ADDRESS THAT ENVELOPE THAT'S MY DRAWING
21 AND ON THE BACK YOU GOT THE LITTLE KITTEN RIGHT HERE
22 WITH MY INITIALS RIGHT THERE AND THEN ON THE BACK OF
23 THE ENVELOPE IT SAYS, IT HAS ANOTHER LITTLE KITTEN AT
24 THE BACK PROBABLY RIGHT, RIGHT ABOUT HERE, AND IT
25 SAYS C-K-A UP UNDER IT

1 Q AND YOU SENT HER A LETTER IN THAT ENVELOPE?

2 A I DID AND I SEE THAT'S THE LETTER THAT YOU JUST
3 HELD UP

4 Q AND YOU LICKED THE ENVELOPE?

5 A I LICKED THE ENVELOPE AND SEALED IT AND HANDED
6 IT TO THE OFFICER AT ABOUT 15 MINUTES TO 12 ON THE
7 NIGHT BEFORE, ON THE 19TH OF MAY

8 Q AND THESE ENVELOPES HERE ARE ALSO YOUR WRITING?

9 A THAT'S CORRECT

10 Q YOU WROTE, YOU LICKED, YOU SEALED?

11 A THAT'S CORRECT

12 Q AND THIS ONE IS THE QUOTE INNOCUOUS LETTER THAT
13 SHE GOT?

14 A CORRECT

15 Q AFTER MAY WHATEVER 20, RIGHT?

16 A THAT'S CORRECT

17 Q BECAUSE RIGHT HERE AND I'M SORRY I APOLOGIZE
18 THEY HAD SCRATCHED THAT OUT AND PUT TWO BECAUSE SHE
19 HAD MOVED OR SOMETHING?

20 A RIGHT SHE HAD TOLD ME, SHE MADE REFERENCE TO A
21 NEW ADDRESS AND SHE NEVER GAVE ME THE NEW ADDRESS SO
22 I SENT IT, I ALWAYS SEND ALL HER LETTERS TO 2526
23 ALLENDALE ROAD

24 Q SEE THIS LETTER RIGHT HERE, STATE'S EXHIBIT 96?

25 A I DO I DO SEE IT

003024

1 Q DID YOU WRITE THAT?

2 A NO, I DID NOT I DO NOT I RECOGNIZE IT
3 BECAUSE YOU'VE SHOWED IT TO ME, BUT NO, I DID NOT
4 WRITE THAT

5 Q IS THAT YOUR WRITING?

6 A THE WORDS ARE MINE, THE SENTENCES ARE MINE, BUT
7 THANKS TO SOME GOOD DETECTIVE WORK, PEOPLE HAVE
8 SHOWED ME HOW THAT LETTER HAD BEEN REPRODUCED BY
9 TAKING ALL OF MY LETTERS AND REPRODUCING ONE SENTENCE
10 HERE, ONE SENTENCE THERE, CHANGING A WORD HERE IN THE
11 SENTENCE, AND PUTTING ANOTHER ONE IN

12 Q LET ME ASK YOU THIS DOES THAT LOOK LIKE YOUR,
13 DO YOU FORM YOUR PARAGRAPHS YOUR SENTENCES, MARGINS?

14 A NO, I DO NOT OH, YES MY LETTERS, FIRST OF
15 ALL ON MY LETTERS, MY LETTERS GO ALL THE WAY ACROSS
16 THE PAPER BECAUSE PAPER IS SO EXPENSIVE IN THE JAIL
17 AND WHAT I HAVE TO DO SINCE I'M ON INDIGENT I HAVE TO
18 GIVE UP A TRAY OF FOOD FOR A NOTE PAD SOMETIMES TWO
19 TRAYS OF FOOD, IT DEPENDS ON WHO YOU GET IT FROM, AND
20 I DON'T WRITE LETTERS WORD WHERE IT'S JUST LOOSE AND
21 JUST LAID OUT MY LETTERS GO ALL THE WAY ACROSS AND
22 I SQUEEZE IN AS MUCH AS I CAN GET IN THE LETTERS
23 YOU CAN READ EVERY ONE OF MY LETTERS THAT'S THERE
24 WITH EXCEPTION OF MAYBE THAT FIRST ONE THAT WAS BACK
25 IN APRIL BECAUSE I HAD A MORE ABUNDANT SUPPLY OF

003025

1 PAPER AT THAT TIME AND, BUT ALL MY LETTERS,
2 ABSOLUTELY, I WENT ALL THE WAY ACROSS I INDENT IN
3 MY LETTERS PARAGRAPHS ARE MADE THERE IS SOME
4 SENSE TO MY WRITING A LOT OF THAT LETTER DIDN'T
5 MAKE NO SENSE IN PUTTING IT INTO WORDS THE WAY THEY
6 PUT IT, BUT IT'S, I UNDERSTAND HOW COME IT'S LIKE
7 THAT BECAUSE THEY GOT ALL FROM ME THEY GOT IT FROM
8 EVERY ONE OF MY LETTERS EXCEPT FOR, I KNOW OF ONE
9 WORD AND I THINK THERE IS WAS SOME IDEA ABOUT THE
10 LORD'S STREETS BUT I FOUND THAT VERY SAME STREET IN
11 ONE OF MY LETTERS WHEN I WAS TALKING ABOUT SOMETHING
12 TOTALLY DIFFERENT WHAT I'M GOING TO DO WHEN I GET
13 ON THE STREET, THAT'S WHAT IT SAID, AND THEY JUST
14 ADDED AN 'S' TO IT AND PUT THE LORD'S STREETS SHE'S
15 IN THE LORD'S STREETS OR SOMETHING LIKE THAT I
16 DIDN'T WRITE THAT LETTER AND I KNEW I DIDN'T WRITE
17 THAT LETTER I KNEW I DIDN'T WRITE THE LETTER THE
18 DAY THAT Y'ALL BROUGHT IT TO ME AND SHOWED ME, I DO,
19 SCRIBBLE SOMETIMES, AND THE REASON I DO THAT, LORD
20 KNOWS I DON'T LIKE TO GET INTO JUDGING PEOPLE, BUT
21 I'VE HEARD AND SEEN WHERE PEOPLE IN THE JAIL HOLD
22 YOUR LETTERS UP TO THE LIGHT TO READ YOUR LETTERS I
23 DON'T THINK IT'S ANYBODY'S BUSINESS WHAT'S IN MY
24 LETTERS AND I WROTE AMY, I WROTE AMY MANY, I MEAN 14
25 LETTERS, 13 LETTERS I THINK IN ALL, AND I'VE ONLY

003026

1 SEEN 11, MAYBE 14 LETTERS, AND I THINK THE REASON
2 THAT I SAID THAT IS BECAUSE THERE WAS A LETTER IN THE
3 ENVELOPE THAT THAT FIRST LETTER CAME IN, THAT FIRST,
4 THAT LITTLE ONE, THERE WAS A LETTER THAT GOES TO THAT
5 ONE, IT'S MISSING I DON'T KNOW WHERE, I AIN'T SEE
6 IT AND THEN THERE IS THE TINKER MOUSE ENVELOPE,
7 THERE WAS A LETTER IN IT, THAT'S NOT THERE AND
8 THERE WAS ONE MORE ENVELOPE WHERE I HAD TINKER MOUSE
9 UNDER A GLASS I HAD THREE, THERE WAS A SERIES OF
10 THREE TICKER MOUSE ONE WAS HE WAS CAUGHT IN A TRAP
11 THE NEXT, IT WAS ACTUALLY -- YEAH, THAT WAS THE ONE
12 CALLED TINKER MOUSE THE OTHER ONE IS THE SOAP
13 BUBBLES AND BUBBLES GOING UP AND HE'S STUCK IN THERE
14 GOING, HELP, LET ME OUT AND THEN THERE IS THE THIRD
15 ONE WHERE HE IS STUCK UNDER A GLASS WITH THE WORDS
16 YCDC WROTE AT THE TOP

17 Q OKAY LET ME BILLY, YOU KNOW THIS MAN RIGHT
18 HERE?

19 A (NO RESPONSE) UNFORTUNATELY I KNOW HIM NOW
20 UNFORTUNATELY I KNOW HIM NOW

21 Q HOW DO YOU FEEL ABOUT THAT MAN?

22 A THE BIBLE, THE BIBLE SAYS LOVE THY NEIGHBOR AND
23 LOVE YOUR ENEMIES AND DO GOOD TO THEM, AND SO HELP ME
24 GOD I'VE TRIED, BUT I HATE HIM I HATE HIM SO BAD I
25 CAN'T STAND IT I SEE HIM WALK PAST ME, WALKING BACK

1 INTO THE JAIL SMIRKING AND YOU KNOW WHAT I DO? I HIT
2 THE WALL I CAN'T, I GET SO MAD PEOPLE SAY CALM
3 DOWN, CALM DOWN THE GUARDS SAY CALM DOWN BACK
4 THERE I HATE HIM

5 Q WHY?

6 A AND MY HEAD AND MY HEART CAN'T TAKE THAT BECAUSE
7 I KNOW WHAT I'M SUPPOSED TO DO TO BE A CHRISTIAN
8 BUT THEN YESTERDAY I WAS TALKING TO A BROTHER ABOUT
9 THIS VERY INCIDENT AND HE SHOWED ME A VERSE IN THE
10 BIBLE THAT WOULD HELP ME SAYS IN ECCLESIASTES THREE
11 AND IT'S THE 8 VERSE IT SAYS THERE IS A TIME TO LOVE
12 AND THERE IS A TIME TO HATE AND I HATE HIM I HATE
13 YOU FOR WHAT YOU DID DON'T SIT THERE LIKE THAT I
14 HATE YOU MANY TIMES I'VE EVEN TOLD PEOPLE JUST GIVE
15 ME ONE CHANCE, GIVE ME A MOP WRINGER AND ONE CHANCE
16 LET ME IN THE CELL WITH HIM WITH A MOP I WILL BEAT
17 THE MUD OUT OF HIM I HATE HIM I HATE HIM BAD I
18 DIDN'T WANT OH, I HATE THAT MAN

19 Q WHAT ARE YOU GOING TO DO?

20 A HE DIDN'T JUST TAKE MY DAUGHTER, BECAUSE OF THE
21 COMPLICATIONS MY WIFE IS DEAD I DON'T HAVE MY OTHER
22 TWO GIRLS I DON'T HAVE, I'M IN HERE I HATE HIM
23 I HATE HIM BAD

24 Q IF YOU GET OUT WHAT'S THE FIRST THING YOU ARE
25 GOING TO DO?

1 MR POPE OBJECTION TO RELEVANCE

2 THE COURT I SUSTAIN THE OBJECTION

3 DISREGARD THAT QUESTION DON'T ANSWER IT ASK

4 ANOTHER QUESTION

5 MR MORTON BEG THE COURT'S INDULGENCE,

6 YOUR HONOR

7 Q BILLY, PLEASE ANSWER ANY QUESTIONS ANYBODY MIGHT

8 HAVE

9 MR POPE YOUR HONOR, COULD I HAVE JUST

10 ONE MINUTE

11 THE COURT WE'LL TAKE A SHORT BREAK

12 BEFORE WE GET INTO CROSS EXAMINATION

13 (THE JURY EXITS THE COURTROOM AT 02 49

14 PM)

15 THE COURT MR COPE, YOU CAN STEP DOWN IF

16 YOU WISH AND GET REFRESHED

17 MR COPE I'M OKAY

18 (COURT'S IN RECESS AT 02 49 PM)

19 (COURT RESUMES AT 03 01 PM)

20 THE COURT IS THE STATE READY

21 MR POPE THE STATE IS READY, YOUR HONOR

22 THE COURT MR MORTON

23 MR MORTON YES, YOUR HONOR

24 THE COURT MR GREELEY

25 MR GREELEY YES, YOUR HONOR

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1 THE COURT BRING IN THE JURY

2 (THE JURY RETURNS TO THE COURTROOM AT
3 03 02 PM)

4 THE COURT MR POPE

5 MR POPE MAY IT PLEASE THE COURT, YOUR
6 HONOR

7 CROSS EXAMINATION BY MR POPE

8 Q MR COPE, I NOTICED WHEN YOU STARTED THIS
9 MORNING -- BY THE WAY, I AM TOMMY POPE I'M THE
10 SOLICITOR HERE I'VE BEEN TAKING NOTES OF WHEN YOU
11 ARE TESTIFYING, BUT IF SOMETHING I SAY DIFFERS FROM
12 THE WAY YOU TESTIFIED, IF YOU'LL CORRECT ME I GET
13 TO GOING KIND OF FAST SOMETIMES AND I JUST WANT TO
14 MAKE SURE YOU UNDERSTAND KIND OF THE GROUND RULES,
15 YOU UNDERSTAND THAT?

16 A YES

17 Q OKAY I NOTICED THAT WHEN YOU STARTED THIS
18 MORNING THAT YOU HAD SOME NOTES THAT YOU HAD WRITTEN,
19 COULD I SEE THOSE NOTES?

20 A YOU SURE CAN

21 Q OKAY DID YOU ALSO HAVE A LEGAL PAD UP HERE
22 THIS MORNING?

23 A NO, I DIDN'T

24 Q THIS IS THE ONLY SHEET?

25 A THAT'S ALL I HAD

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1 Q AND THIS IS JUST IN RELATION TO WHERE YOU WORKED
2 AT DIFFERENT TIMES?

3 A RIGHT

4 Q ALL RIGHT I NOTICED FROM YOUR TESTIMONY THAT
5 YOU ARE PRETTY GOOD WITH DATES AND NUMBERS?

6 A I TRY TO BE, YES, SIR

7 Q OKAY AS FAR AS WHEN YOU TOLD US A LETTER THAT
8 YOU MAILED AT 12 45 BACK MAY 20 OF LAST YEAR OR THIS
9 YEAR, IS THAT CORRECT? I'M SORRY 11 45?

10 A 11 45 THE REASON THAT I SAID THAT IS BECAUSE
11 WE GET LOCKED DOWN AT 12 O'CLOCK AND I MEAN AT 11
12 O'CLOCK AND OFFICER LEAVES THE BLOCK TO GO TO THE
13 NEXT BLOCK AT 12 O'CLOCK AND SHE CAME AROUND AND MADE
14 THAT LAST ROUND BEFORE AND I HANDED HER THE NOTE
15 SHE OPENED THE DOOR AND TOOK THE NOTE FROM ME
16 PERSONALLY HERSELF THAT'S HOW COME I REMEMBER THAT
17 Q SO YOU WERE ABLE TO ASSOCIATE EVENTS TO TELL YOU
18 KIND OF WHAT TIME THINGS HAPPEN, IS THAT A FAIR
19 STATEMENT?

20 A IN MOST CASES, YES, SIR I GUESS YOU COULD SAY
21 THAT

22 Q AND UNDERSTANDING YOUR EDUCATION, YOU GRADUATED
23 NORTHWESTERN HERE, IS THAT CORRECT?

24 A THAT'S CORRECT

25 Q OKAY AND THEN YOU'VE GOT TWO DIFFERENT DEGREES

1 FROM YORK TECH, IS THAT RIGHT?

2 A THAT'S ALSO CORRECT, YES, SIR

3 Q WHAT ARE THOSE DEGREES?

4 A ONE IS COMPUTER ENGINEER AND ONE IS ELECTRONIC
5 ENGINEER BOTH OF THEM ASSOCIATE DEGREES

6 Q OKAY AND I THINK YOU WERE TALKING ABOUT WHEN
7 YOU HAD THAT LIST YOU WERE TALKING ABOUT YOUR JOB
8 THAT THEY PRETTY MUCH CONSIDERED YOU MANAGER
9 MATERIAL, IS THAT YOUR TESTIMONY?

10 A IN SEVERAL OF THE JOBS, YES, SIR AT THE CONOCO
11 STATION THAT'S WHERE THAT, THAT'S WHERE THAT MAINLY
12 HAPPENED AT, YES, SIR

13 Q NOW IS THAT THE ONE YOU SAID YOU LOST THE JOB
14 AFTER AN INSPECTION?

15 A YES, SIR

16 Q OKAY AND THEN IN THIS PARTICULAR CASE, OF
17 COURSE THERE HAS BEEN A NUMBER OF LETTERS AND WE'LL
18 TALK ABOUT THAT A LITTLE BIT LATER, ALSO ARE THERE A
19 NUMBER OF OTHER MATERIALS THAT YOU HAVE REVIEWED IN
20 THIS CASE?

21 A I DON'T UNDERSTAND EXACTLY WHAT YOU ARE TALKING
22 ABOUT

23 Q OKAY ARE THERE OTHER DOCUMENTS THAT YOU LOOKED
24 AT IN THIS CASE?

25 A YES, SIR I'VE REQUESTED MY MOTION OF DISCOVERY

1 AND I HAVE RECEIVED IT

2 Q WHEN YOU SAY MOTION TO DISCOVERY, THE JURY MAY
3 NOT UNDERSTAND?

4 A ALL THE DISCOVERY FROM, THAT WAS FROM YOUR,
5 INITIALLY FROM YOUR OFFICE IT WAS GIVEN TO MY
6 ATTORNEYS, THEY GIVE IT TO ME

7 Q OKAY AND THAT WOULD BE ALL THE DOCUMENTS AND
8 REPORTS, ALL THE DIFFERENT STUFF THAT'S BEEN TALKED
9 ABOUT HERE, RIGHT?

10 A I WON'T SAY ALL OF THEM, NO, SIR, BECAUSE I A
11 LOT OF THEM I DIDN'T RECEIVE I DIDN'T RECEIVE
12 ANYTHING FROM ANY OF THE STATE'S WITNESSES OTHER THAN
13 WHAT YOU GAVE MY ATTORNEY THE INITIAL, THE INITIAL
14 PACKAGE AND I DIDN'T RECEIVE ANYTHING FROM MY
15 ATTORNEYS AS FAR AS THE, FROM MY, FROM MY WITNESSES
16 FOR THE MOST PART

17 Q SO YOU DIDN'T KNOW WHAT YOUR WITNESSES WOULD
18 TESTIFY TO?

19 A I HAD -- NO, SIR, NOT TOTALLY NO, SIR, I
20 DIDN'T I HAD A GENERAL IDEA, YOU KNOW, WHAT

21 Q AND HOW DID YOU GET THAT GENERAL IDEA?

22 A THE DIFFERENT, THE DIFFERENT INTERVIEWS WITH MY
23 ATTORNEYS

24 Q OKAY AND I THINK EARLIER YOU HAD MENTIONED
25 THAT YOU WERE TALKING ABOUT TELLING THE SAME STORY TO

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1 A NUMBER OF DIFFERENT PEOPLE AND YOU MENTIONED A
2 NUMBER OF YOUR ATTORNEYS, IS THAT CORRECT?

3 A YES I'VE TOLD QUITE A FEW ATTORNEYS

4 Q AND YOU'VE SAID MR MORTON?

5 A THAT'S CORRECT

6 Q MR BAITY?

7 A THAT IS CORRECT

8 Q MR SMITH?

9 A THAT'S CORRECT

10 Q WHOM AM I FORGETTING? MR WOOD?

11 A MR WOOD

12 Q MR BLOOM?

13 A THAT IS CORRECT

14 Q I THINK YOU SAID?

15 A THAT'S CORRECT

16 Q WHO ELSE?

17 A I TOLD, I STARTED TELLING MY STORY TO DATELINE

18 Q DATELINE OF COURSE, THEY ARE NOT ATTORNEYS I
19 GUESS THEY HAVE ATTORNEYS?

20 A I DIDN'T SAY ATTORNEYS I SAID PEOPLE

21 Q OH, OKAY

22 A I SAID PEOPLE DIFFERENT PEOPLE I DIDN'T SAY
23 DIFFERENT ATTORNEYS I SAID OF COURSE THERE WAS MY
24 ATTORNEYS BUT THEN THERE WAS OTHER PEOPLE I ALSO
25 STATED CAROL

002034

1 Q AND WHO IS CAROL?

2 A CAROL GABLE WORKS FOR DATELINE NBC

3 Q AND YOU'RE ON A FIRST NAME BASIS WITH HER?

4 A I WOULD ASSUME SHE HAS BEEN TO, YOUR KNOW, SHE
5 CAME ALONG WITH MY ATTORNEYS TO TALK, I MEAN, WE
6 TALK

7 Q SHE'S BEEN TO VISIT YOU?

8 A YES, SIR

9 Q WHERE IS THAT AT?

10 A AT THE YORK COUNTY DETENTION CENTER

11 Q OKAY AND BEFORE I LEAVE THE ATTORNEYS, WE KNOW
12 THERE WERE OTHER ATTORNEYS, WERE THERE, I THINK, YOU
13 SAID CORNELL STUDENTS OR SOMETHING, WHAT IS THAT?

14 A I NEVER SAID CORNELL STUDENTS

15 Q THERE WERE CORNELL STUDENTS?

16 A BUT, I NEVER SAID THOSE YOU, THERE WERE
17 CORNELL STUDENTS WHO COME TO VISIT ME I DIDN'T
18 ACTUALLY GIVE THEM THE STORY, NO, SIR

19 Q WHAT DID YOU DISCUSS WITH THEM?

20 A THEY WERE TALKING ABOUT MY FAMILY COURT ISSUE

21 Q OKAY OKAY AND YOU SAY YOU DIDN'T SAY CORNELL
22 STUDENTS IS IT POSSIBLE YOU SAID THAT IN SOME OF
23 THE WRITINGS WHERE THESE LETTERS THAT YOU ARE
24 REFERRING THAT YOU DISCUSSED CORNELL STUDENTS IN
25 THOSE LETTERS?

003025

1 A ACTUALLY, NO THE LETTER YOU ARE REFERRING TO
2 AMY SIMMONS TOLD ME ABOUT THE CORNELL STUDENTS

3 Q AND YOU MENTIONED IT IN YOUR LETTER?

4 A I DON'T REMEMBER WHETHER I MENTIONED IT TO HER
5 OR NOT I KNOW SHE MENTIONED TO ME I MAY HAVE OF
6 CORRESPONDED BACK WITH HER CONCERNING IT, BUT I DON'T
7 REMEMBER EXACTLY WHAT WAS SAID, IF IT WAS SAID I
8 MEAN, I'D HAVE TO SEE THE LETTER TO KNOW

9 Q I UNDERSTAND AND THE LETTERS THAT WE HAVE
10 HERE, THESE, YOU'VE HAD A CHANCE TO LOOK AT THESE?

11 A I'VE HAD A CHANCE TO LOOK AT THOSE, YES, SIR

12 Q AND THESE ARE THE ONES THAT YOU CONFIRMED TO MR
13 MORTON THAT YOU DID WRITE, IS THAT CORRECT?

14 A I DID WRITE, YES

15 Q AND ALL OF THESE ARE LETTERS THAT YOU SENT TO
16 HER, IS THAT CORRECT?

17 A YES THOSE ARE THE LETTERS THAT I SENT TO HER,
18 THAT IS CORRECT

19 Q OKAY NOW WHEN YOU TALKED, I THINK YOU ACTUALLY
20 ULTIMATELY ENDED UP WITH SO MANY ATTORNEYS YOU GAVE
21 THEM A NAME, DIDN'T YOU?

22 A THE FREEDOM TEAM

23 Q RIGHT OKAY AND THE FREEDOM TEAM, WHEN YOU
24 WOULD MEET WITH THE FREEDOM TEAM, WHERE WOULD YOU
25 MEET WITH THEM?

003036

1 A AT THE YORK COUNTY DETENTION CENTER

2 Q OKAY AND HOW WOULD YOU MEET WITH THEM? DID

3 YOU GET TO SIT DOWN AND TALK TO THEM?

4 A IT WAS CONTACT VISIT

5 Q WHAT DOES THAT MEAN?

6 A CONTACT VISIT MEANS THAT I'M BROUGHT FROM THE

7 CELL TO A ROOM AND I'M SIT DOWN WITH THEM AT A, IN A

8 LITTLE, IN A LITTLE ROOM, A LITTLE CUBICLE ROOM,

9 SEATS PROBABLY FIVE-SIX PEOPLE AT THE MOST

10 Q OKAY AND SO WOULD THERE BE TIME MORE OF THE

11 FREEDOM TEAM AND Y'ALL HAD ROOM TO SIT IN OR WOULD

12 THERE BE NO MORE THAN FIVE OR SIX THERE?

13 A MORE THAN THE FREEDOM TEAM?

14 Q ON THESE CONTACT VISITS?

15 A ON THE CONTACT VISITS, THE ONLY PERSONS THAT HAS

16 EVER COME TO VISIT ME WERE MY ATTORNEYS, THERE WAS A

17 COUPLE OF ATTORNEYS THAT WERE HELPING THEM THAT CAME,

18 AND THREE OF THE CORNELL STUDENTS

19 Q OKAY AND IT WAS CONTACT VISITS THEN?

20 A THAT WAS CONTACT VISIT

21 Q OKAY

22 A BUT ALL OF THEM DIDN'T COME AT THE SAME TIME

23 Q THE ROOM WOULDN'T HOLD THEM ALL?

24 A NO, IT WOULDN'T NO MORE THAN MAYBE FIVE PEOPLE

25 I THINK THE MOST HAS EVER BEEN TO VISIT ME

003037

1 Q OKAY AND WHEN YOU HAVE CONTACT VISITS AND
2 AGAIN I'M NOT WORRIED ABOUT SPECIFICALLY WHAT YOU
3 DISCUSSED, BUT YOU WOULD BE TALKING ABOUT YOUR CASE
4 OR LOOKING AT SOME OF THE DISCOVERY WE WERE TALKING
5 ABOUT DID YOU LOOK AT THE DIFFERENT DOCUMENTS WHERE
6 THEY WOULD ASK IF YOU HAD SIGNED THESE DOCUMENTS AND
7 THINGS OF THAT NATURE?

8 A I SAW MY MOTION OF DISCOVERY I SAW WHAT WAS IN
9 THE DISCOVERY, WHAT THEY BROUGHT ME, I SAW THAT, AND
10 THEY ASKED ME ABOUT MY STATEMENTS YES, SIR I MEAN
11 THE THINGS THAT WERE IN MY DISCOVERY I WAS GIVEN A
12 PACKAGE AND I PUT IT TOGETHER MYSELF AND I KNEW WHAT
13 WAS IN THAT PACK, YOU KNOW, WHAT WAS IN MY MOTION,
14 THE DISCOVERY

15 Q SO YOU UNDERSTOOD THE MATERIALS THAT WERE IN
16 THERE, IS THAT A FAIR STATEMENT?

17 A FOR THE MOST PART I DIDN'T UNDERSTAND HOW SOME
18 PEOPLE GOT SOME OF THE DISCOVERY THEY SAID, BUT YEAH
19 I

20 Q YOU MIGHT NOT AGREE WITH IT, BUT YOU UNDERSTOOD
21 IT?

22 A RIGHT I UNDERSTOOD WHAT IT WAS

23 Q AND WHEN YOU WERE IN THERE TALKING WITH THEM
24 WERE YOU ALLOWED TO TAKE NOTES?

25 A I MAY HAVE BEEN -- I WAS ALLOWED TO TAKE NOTES

003028

1 AT ANY TIME I'VE NEVER TAKEN NOTES AT ANY OF MY
2 MOTIONS, AT ANY OF MY VISITS WITH MY ATTORNEYS I
3 ALWAYS WENT BACK AND WROTE DOWN SOME THINGS
4 AFTERWARDS LIKE, YOU KNOW, SOME BRIEF THINGS ABOUT
5 EACH VISIT AND I KEPT UP WITH MY VISITS

6 Q NOW IS THAT PART OF YOUR JOURNAL, KEEPING THOSE
7 NOTES OF YOUR VISITS IN YOUR JOURNAL?

8 A NO, SIR THAT'S A PART OF MY LAW BOOK WHAT I
9 KEEP ALL THE STUFF ABOUT WHAT GOES ON IN MY CASE
10 THAT'S NOT A PART OF MY JOURNAL, NO

11 Q SO THE JOURNAL THAT YOU ARE WRITING IS SEPARATE,
12 IS THAT RIGHT?

13 A THAT'S CORRECT

14 Q OKAY AND WHEN YOU WERE TALKING TO THEM, WOULD
15 THEY WRITE THINGS DOWN?

16 A YES, SIR I THINK ANY ATTORNEY WOULD WHENEVER
17 THEY COME IN, EVEN EVERY ATTORNEY I HAVE EVER SEEN
18 HAS COME IN WITH A NOTE PAD AND PIECE OF PAPER AND
19 STARTED WRITING AS I WAS TALKING

20 Q OKAY AND NOW DID YOU GIVE THEM THAT PAPER?
21 THE NOTE PADS AND PAPER THAT THEY WERE WRITING ON?

22 A NO THEY BROUGHT THEIR OWN PAPER

23 Q OKAY AND THEY BROUGHT NOTE PAD, KIND OF LIKE
24 WHAT I HAVE?

003029

25 A THAT'S CORRECT

1 Q HOW MANY TIMES YOU THINK THE DIFFERENT PEOPLE
2 CAME IN THAT HAD LEGAL PADS THAT MET WITH YOU?

3 A HOW MANY? I'D SAY QUITE A FEW

4 Q QUITE A FEW PEOPLE AND QUITE A FEW TIMES?

5 A QUITE A FEW LEGAL PADS, YES, SIR

6 Q NOW THE --- MR MORTON HAS ALREADY ADDRESSED
7 THIS BACK IN 1999 YOU WERE FOUND GUILTY OF THREE
8 CHARGES, IS THAT CORRECT, THE CARRIED OVER A YEAR?

9 A THAT'S CORRECT MY WIFE AND I BOTH PLEADED
10 GUILTY TO THAT, YES

11 Q BUT NOW WHEN YOU STAND UP, YOU HAVE TO DO IT ON
12 YOUR OWN, IT'S NOT LIKE YOU DO WHATEVER SHE DOES,
13 RIGHT? I MEAN, YOU ARE YOUR OWN MAN, IS THAT A FAIR?

14 A RIGHT BUT WE BOTH WENT IN TOGETHER, WE BOTH
15 PLEAD TOGETHER SHE HAD HER ATTORNEY I HAD MY
16 ATTORNEY

17 Q I WANT TO ASK YOU ABOUT THAT TIME YOUR HOME,
18 WE'VE TALKED A LOT ABOUT IT AND YOU'VE TALKED A LOT
19 ABOUT IT TODAY, AS FAR AS THE SITUATION THAT WAS
20 GOING ON AT YOUR HOUSE BACK NOVEMBER 29 OF 2001

21 A THAT'S CORRECT

22 Q AGAIN I'VE TRIED TO TAKE NOTES, BUT IF I'VE MISS
23 WRITTEN SOMETHING YOU SAID, YOU CORRECT ME, OKAY
24 FROM A WORK STANDPOINT, YOU WORKED AT THE STEAK OUT
25 THERE IN ROCK HILL, IS THAT RIGHT?

003040

1 A THAT IS CORRECT I WORKED FOR STEAK OUT
2 APPROXIMATELY FIVE YEARS

3 Q OKAY FOR FIVE YEARS?

4 A APPROXIMATELY FIVE YEARS, YES

5 Q SO WHEN DID YOU START THEN, LIKE THE MID-90'S
6 LATE-90'S?

7 A '96

8 Q OKAY

9 A I WOULD SAY AROUND '96 I WAS STILL GOING TO
10 SCHOOL LET'S SEE IT WAS FOUR YEARS IT WAS FOUR
11 YEARS, NOT FIVE I SAID APPROXIMATELY FIVE IT'S
12 FOUR YEARS BECAUSE I STARTED IN '97 RIGHT AFTER I
13 STARTED WORKING, I MEAN, GOING TO SCHOOL

14 Q OKAY AND YOU WERE GOING TO SCHOOL AND SO YOU'D
15 WORK ABOUT 20 TO 25 HOURS A WEEK, DOES THAT SOUND
16 RIGHT?

17 A THERE, BUT I WAS ALSO WORKING AT THE HESS
18 STATION PART-TIME AT NIGHT

19 Q OKAY THIS WAS IN '97?

20 A THAT'S CORRECT

21 Q OKAY AND YOUR WIFE, WHEN WAS IT THAT SHE
22 STARTED WORKING THE THIRD SHIFT?

23 A SHE STARTED WORKING THE THIRD SHIFT IN '99

24 Q OKAY SO YOU LEFT THE HESS STATION IN '99?

25 A THAT IS CORRECT

003641

1 Q OKAY SO AFTER '99 YOU WERE JUST WORKING AT THE
2 STEAK OUT, IS THAT RIGHT?

3 A THAT'S CORRECT

4 Q OKAY AND YOU WOULD WORK DURING THE DAYTIME
5 HOURS?

6 A IN STEAK OUT, NO, I WOULD WORK UP UNTIL TIME FOR
7 HER TO GO TO WORK I WOULD WORK LIKE FOUR O'CLOCK IN
8 THE AFTERNOON UNTIL THE TIME FOR HER TO GO WORK I
9 WORK APPROXIMATELY FOUR, ABOUT FOUR OR FIVE NIGHTS A
10 WEEK AND THEN ON WEEKENDS I WORK UNTIL CLOSE WHICH
11 WAS 11 O'CLOCK ON FRIDAY NIGHT AND 12 O'CLOCK ON
12 SATURDAY

13 Q OKAY MARY SUE WORKED JUST DURING THE WEEK
14 DAYS?

15 A YES, THAT'S CORRECT

16 Q OKAY AND SO YOU WOULD GO IN AND YOU SAID YOU
17 WOULD GET HOME SOMETIME PRIOR TO MARY SUE GOING IN TO
18 WORK AND SHE WENT IN ABOUT 10 30 OR SO, IS THAT
19 RIGHT?

20 A SHE WENT, SHE WENT TO WORK AT, SHE LEFT THE
21 HOUSE AT ABOUT TEN O'CLOCK AND SHE HAD TO BE AT WORK
22 ABOUT 11 SHE WOULD STOP, GET HER SOMETHING TO
23 DRINK, SOME CRACKERS OR SOMETHING, AND GO ON TO WORK

24 Q NOW SHE WORKED, DID YOU SAY IS IT LIGHTNER?

25 A IT'S LEINER

003042

1 Q LEINER

2 A L-E-I-N-E-R

3 Q NOW WHERE IS IT LOCATED?

4 A IT'S A PHARMACEUTICAL COMPANY THAT'S IN FORT
5 MILL OVER THERE NEXT TO BLACK AND DECKER

6 Q SO SHE'D LEAVE IN TIME TO STOP AND GET HER
7 SOMETHING AND LET TO WORK BY?

8 A AND GET ON TO WORK, YES

9 Q AND HER HOURS WERE FROM ELEVEN UNTIL SEVEN, THAT
10 IS RIGHT?

11 A THAT IS CORRECT

12 Q OKAY NOW I'M CONFUSING AN ISSUE A LITTLE BIT
13 AS FAR AS YOU WORKING AT STEAK OUT I UNDERSTAND AT
14 THIS PARTICULAR NIGHT YOU WERE HOME, WERE YOU THE ONE
15 WHO USUALLY PICKED THE KIDS UP AT SCHOOL

16 A I AM THE ONE WHO USUALLY PICKS THE KIDS UP AT
17 SCHOOL I COME, WHAT I WOULD DO IS UP UNTIL, UP
18 UNTIL TWO WEEKS BEFORE THIS HAPPENED, I WAS WORKING
19 SOME MORNINGS, WORKING DOING THE SALADS I WOULD
20 MAKE THE SALADS AND TAKE CARE OF ALL OF THE TOMATO
21 AND LETTUCE AND STUFF LIKE THAT FOR THE SANDWICHES
22 AND THINGS THEN I WOULD LEAVE AND GO HOME AND COME
23 BACK AT FIVE O'CLOCK FOR THAT SHIFT AND I WOULD WORK
24 FROM FIVE UNTIL 9 30 - 15 TO TEN SO THAT I COULD GET
25 HOME JUST IN TIME FOR MARY SUE TO LEAVE AND I WOULD

003643

1 COME IN THE HOUSE

2 Q SO YOU SAID THAT WAS TWO WEEKS PRIOR TO THAT
3 WHAT CHANGE WHERE YOU ACTUALLY STARTED COMING AND
4 BEING HOME IN THE EVENING?

5 A HE NEEDED SOMEBODY TO WORK THE SALADS AND I
6 STARTED WORKING I MEAN, I STARTED COMING IN

7 Q SO YOU WORKED THE SALADS INSTEAD OF DELIVERY?

8 A NO, I DONE BOTH I WORKED SALADS AND THEN COME
9 BACK AT FIVE O'CLOCK AND WORK IN THE AFTERNOON

10 Q OKAY I GUESS WHAT I'M TRYING TO UNDERSTAND IS
11 THIS NIGHT OF THE 29, WHY WEREN'T YOU WORKING THEN?

12 A OKAY HE ONLY USED ME ON CERTAIN NIGHTS ON
13 WEDNESDAY NIGHT THAT WAS CHURCH, THAT WAS OUR CHURCH
14 NIGHT, AND HE HAD TOLD ME THAT, HE TOLD ME HE WOULD
15 GIVE ME WEDNESDAY NIGHTS OFF FOR CHURCH

16 Q OKAY SO THAT WAS, WAS THAT THE ONLY NIGHT YOU
17 ARE OFF?

18 A NO, SIR I WAS OFF ON, I WAS OFF ON SEVERAL
19 NIGHTS HE DIDN'T, HE WOULD ONLY USE ME WHEN HE
20 COULD BECAUSE HE HAD SO MANY DRIVERS AND HE DIDN'T
21 WANT TO OVERLAP AND I WAS ALREADY WORKING THE
22 MORNINGS I WOULD WORK EVERY MORNING FROM 8 O'CLOCK
23 UNTIL 12 DOING SALADS

24 Q SO YOU DROPPED THE GIRLS OFF AT SCHOOL AND THEN
25 GO ON AND DO THE SALADS

003044

1 A GO ON AND DO THE SALADS EXACTLY, THAT'S CORRECT

2 Q OKAY AND YOU ARE STILL, YOU'RE RUNNING ABOUT
3 20 TO 25 HOURS A WEEK, DOES THAT SOUND RIGHT?

4 A THAT IS CORRECT SOMEWHERE IN THAT NEIGHBORHOOD
5 I

6 Q NOW AT ONE POINT -- I DIDN'T MEAN TO INTERRUPT
7 YOU I'M SORRY GO AHEAD

8 A THAT'S OKAY I

9 Q AT SOME POINT HE OFFERED YOU MORE HOURS WITH
10 MORE DELIVERY YOU COULD MAKE MORE MONEY WITH MORE
11 DELIVERY, IS THAT RIGHT?

12 A HE DID OFFER ME TO WORK A LITTLE MORE DURING THE
13 WEEKENDS HE WORK, HE TRIED TO WORK ME AS MUCH AS HE
14 COULD, BUT HE ALSO UNDERSTOOD THAT I HAD TO BE HOME
15 IN ORDER TO PICK THE GIRLS UP FROM SCHOOL AND I ALSO
16 HAD TO BE HOME FOR WHEN MARY SUE WENT TO WORK

17 Q OKAY SO BASICALLY AS FAR AS THE GIRLS, YOUR
18 RESPONSIBLE FOR TAKING THEM TO SCHOOL, PICKING THEM
19 UP, AND RESPONSIBLE FOR THEM AFTER SHE GOES TO WORK,
20 IS THAT A FAIR STATEMENT?

21 A THAT'S CORRECT

22 Q OKAY AND AS FAR AS THE GIRLS, YOU HAD BEEN
23 KIND OF RUNNING THAT SCHEDULE FOR ABOUT THREE YEARS,
24 DOES THAT SOUND RIGHT? ABOUT THE TIME SHE STARTED
25 WORKING THE THIRD SHIFT?

003045

1 A NO THERE WAS ABOUT THREE WEEKS IN THERE THAT
2 MARY SUE WASN'T, IT WASN'T WORKING SHE, I'M TRYING
3 TO REMEMBER SHE HAD SOME, SOME FEMALE PROBLEMS AND
4 SHE HAD TO BE OUT OF WORK FOR A SHORT TIME

5 Q WHEN WOULD THAT HAVE BEEN?

6 A THAT WAS, UH IT WAS A SHORT TIME BEFORE ALL
7 THIS HAPPENED BECAUSE SHE HAD JUST GOT BACK TO WORK
8 GOOD AND WAS GOING, WAS GETTING BACK IN A REGULAR
9 ROUTINE

10 Q BUT RIGHT PRIOR TO THEN?

11 A RIGHT PRIOR, YES

12 Q SHE HAD FEMALE PROBLEMS THAT SHE HAD TO STAY
13 HOME?

14 A SHE WAS HOME, YES

15 Q NOW WAS SHE HOME THERE ALL THE TIME THEN? DID
16 YOU WORK A DIFFERENT SCHEDULE, WERE YOU GONE --

17 A NO, DURING THAT TIME I ACTUALLY WORKED EXTRA
18 HOURS AT WORK SHE WAS ABLE TO TAKE CARE OF THINGS
19 AROUND THE HOUSE THE ONLY THING WAS I HAD TO BE
20 HOME EARLY ENOUGH TO GET THE GIRLS, BUT THEN I COULD
21 WORK AND I COULD WORK UNTIL CLOSE WHICH WAS 11
22 O'CLOCK ON ANY GIVEN NIGHT

23 Q SO AT THAT POINT YOU WEREN'T, WITH THE EXCEPTION
24 OF THREE WEEKS DURING THAT THREE YEAR PERIOD, YOU
25 WERE THE RESPONSIBLE PARENT AT HOME IN THE NIGHTTIME

003046

1 EXCEPT FOR THAT THREE WEEK PERIOD, IS THAT A FAIR
2 STATEMENT?

3 A NO, SIR, BECAUSE I WAS ALSO GOING TO SCHOOL AT
4 THAT TIME I GRADUATED 2001 AND THERE WAS TIME IN
5 THERE THAT DURING THE DAYTIME I WENT TO SCHOOL AS A
6 MATTER OF FACT, DURING THAT TIME MARY SUE WOULD TAKE
7 ME TO SCHOOL, TAKE THE GIRLS, WOULD TAKE JESSICA AND
8 KYLA TO SCHOOL, TAKE ME TO SCHOOL, TAKE AMANDA TO
9 SCHOOL, AND THEN SHE WOULD COME BACK AFTER ME AND
10 THEN I TOOK CARE OF THE GIRLS AFTER THAT UNTIL IT WAS
11 TIME FOR ME TO GO TO WORK

12 Q OKAY

13 A AND THAT WENT ON FOR ABOUT, ABOUT TWO AND A HALF
14 YEARS

15 Q FROM NIGHTTIME AT TEN O'CLOCK WHEN SHE WENT TO
16 WORK UNTIL MORNING TIME WHEN BASICALLY IT WAS TIME TO
17 GO TO SCHOOL, SHE GOT OFF AT SEVEN, SHE WOULD COME
18 GET YOU ABOUT QUARTER TO 8, DOES THAT SOUND RIGHT, TO
19 GET THE GIRLS TO SCHOOL, SHE WOULD TAKE YOU TO
20 SCHOOL, ALL OF YOU TO SCHOOL TOGETHER?

21 A SHE WOULD BE, YEAH, SHE WOULD BE THERE BETWEEN
22 7 30 AND QUARTER OF 8, YES, SIR

23 Q OKAY ALL RIGHT AND I BELIEVE YOU TOLD DSS
24 DURING THAT TIME YOU HAD BUILT A ROUTINE OF WHAT TIME
25 THE GIRLS WENT TO BED, IS THAT CORRECT?

003047

1 A RIGHT

2 Q AND KYLA GOES TO BED AT?

3 A THEIR NORMAL BED TIMES, YES, SIR

4 Q 8 30, 9 30, AND 10 30, IS THAT CORRECT?

5 A THAT---YES, THAT'S CORRECT I HAD TO STOP AND
6 THINK IF IT WAS 9 30 I MEAN 8 30 --- 7 30, 8 30,
7 OR 9 30 OR 9 30 - 10 30 IT WAS IT WAS 8 30, 9 30,
8 AND 10 30 BECAUSE I ALWAYS GIVE AMANDA A LITTLE EXTRA
9 TIME TO PLAY HER VIOLIN SHE WOULD GO INTO THE
10 BEDROOM, CLOSE HER DOOR, AND PRACTICE THE VIOLIN A
11 LITTLE BIT AFTER MARY SUE WENT TO WORK IT WAS HARD
12 FOR HER TO PRACTICE IN THE HOUSE IF MARY SUE, WHILE
13 MARY SUE WAS SLEEPING

14 Q I GOT YOU BECAUSE SHE COULDN'T SLEEP?

15 A RIGHT

16 Q LET ME ASK YOU ABOUT THE SITUATION AT THE HOUSE
17 YOU TALK A LOT ABOUT THE COMPUTER YOU HAD A
18 COMPUTER AS YOU COME IN THE DOOR OVER THERE ON YOUR
19 DESK, THE ONE THAT KIND OF BLOCKED THAT OTHER DOOR?

20 A YEAH, THAT WAS, THAT WAS THE ONLY ACTUAL
21 OPERATIVE COMPUTER IN THE WHOLE HOUSE

22 Q SO THE TWO OTHER COMPUTERS IN THE HOUSE DIDN'T
23 WORK?

24 A THEY DID NOT WORK THEY WERE, ONE OF THEM WAS
25 MY MOM'S THE LIGHTNING RUN IN ON THE HARD DRIVE AND

002048

1 BLOW IT AND SHE AND RATHER THAN JUST GETTING ANOTHER
2 HARD DRIVE AND PUT IN IT, SHE SAID SHE JUST DIDN'T
3 WANT TO FOOL WITH IT NO MORE, SO I GOT IT AND PUT IT
4 IN THE CLOSET IN MY BEDROOM THE OTHER COMPUTER I
5 PICKED UP OFF THE SIDE OF THE ROAD IT WAS, IT WAS
6 SO OLD IT DIDN'T, IT DIDN'T HAVE A HARD DRIVE AS WE
7 CALL IT IT USED TAPE DRIVES AND DISK DRIVES AND YOU
8 DIDN'T, I DIDN'T HAVE THE PROPER DISKS TO RUN THAT
9 Q SO BASICALLY THAT ONE, WHEN YOU COME IN THE
10 DOOR, IS THE ONE THAT FUNCTIONED?
11 A THAT'S THE ONLY COMPUTER THAT FUNCTIONED IN THE
12 HOUSE
13 Q NOW WAS IT HOOKED UP TO THE INTERNET?
14 A YES, IT WAS
15 Q OKAY AND WHAT SERVICE, INTERNET SERVICE DID
16 YOU HAVE?
17 A RJS ON LINE DOT NET
18 Q OKAY AND YOU SAID THAT COMPUTER STAYED ON ALL
19 THE TIME?
20 A THAT COMPUTER STAYED ON 24 HOURS A DAY
21 Q NEVER GOT SHUT DOWN?
22 A NO, SIR
23 Q WHY WAS THAT?
24 A WELL, YOU KNOW, IN THE COMPUTER CLASS WE WERE
25 TAUGHT THAT IF YOU TURN THE COMPUTER ON AND TURN IT

003049

1 OFF, EACH TIME YOU TURN IT ON IT TAKES A LITTLE MORE
2 LIFE OF THE COMPUTER BECAUSE IT TAKES SO MUCH ENERGY
3 TO REBOOT THE SYSTEM UP AND TO RERUN ALL THE SYSTEM,
4 YOU WEAR OUT THE TRANSISTORS IN A LOT OF THE PARTS,
5 SO I ALWAYS LEFT MINE ON 24 HOURS A DAY

6 Q KIND OF LIKE CRANKING YOUR CAR, YOU WEAR YOUR
7 CAR OUT, RIGHT?

8 A RIGHT

9 Q SO YOU JUST LEFT IT RUNNING?

10 A WELL, I WON'T SAY I LEFT MY CAR RUNNING, NO
11 SIR BUT I LET THE COMPUTER RUN, YES, SIR

12 Q OKAY BUT YOU ALSO SAID THAT YOU HAD SOME
13 SOFTWARE THAT DID SOME STUFF ON THERE, SOME
14 MAINTENANCE SOFTWARE OR SOMETHING?

15 A YES, SIR

16 Q WELL, I THOUGHT THAT'S WHY YOU SAID YOU LEFT IT
17 RUNNING?

18 A WELL, THERE IS A MAINTENANCE PROGRAM THAT RUNS
19 IN THE BACKGROUND THAT IS, I THINK IT'S CALLED
20 WINDOWS ENHANCED, WINDOWS ENHANCED MAINTENANCE
21 SOFTWARE OR MAINTENANCE UTILITY, THAT'S WHAT IT IS,
22 SOMETHING LIKE THAT, AND WHAT IT DOES IT HAS VARIOUS
23 JOBS IT RUNS A, IT PERIODICALLY SHUTS DOWN THE
24 SYSTEM AND RUNS A TEST ON ALL THE HARD DRIVE SPACE
25 IT DOES QUITE A FEW THINGS TO THE COMPUTER THERE IS

003C50

1 A UTILITY THAT SHUTS IT DOWN AND GETS RID OF UNWANTED
2 FILES THERE IS A SYSTEM THAT GOES IN AND CLEANS OUT
3 THE TRASH CAN, THE VARIOUS TRASH CANS THROUGHOUT THE
4 COMPUTER, THE PROGRAM THERE IS, IT GETS RID OF ALL
5 THE DELETE FILES IT'S JUST A SYSTEM THAT SET UP AND
6 I HAD IT, I HAVE IT SET UP TO COME ON AT CERTAIN
7 TIMES THROUGHOUT THE SYSTEM

8 Q WHAT TIME DID YOU HAVE IT SET TO COME ON, DO YOU
9 KNOW?

10 A IT HAS A SET TIME BUT IT DEPENDS ON WHAT'S
11 RUNNING AND THE PROCESS SO I REALLY COULDN'T STATE A
12 TIME

13 Q AND THE THINGS YOU ARE TALKING ABOUT YOU CAN
14 ALSO DO MANUALLY IF YOU CHOOSE, LIKE EMPTY THE TRASH
15 AND THINGS OF THAT THE NATURE?

16 A YEAH THOSE THINGS, YEAH, I MEAN --

17 Q YOU KNOW HOW TO DO THEM IS WHAT I'M SAYING?

18 A OH, YES, SIR YES, SIR, OF COURSE BUT I
19 DIDN'T HAVE NO REASON TO WHENEVER THE SYSTEM DID IT
20 FOR ME

21 Q RIGHT?

22 A I DIDN'T --

23 Q SO IT TOOK CARE OF TAKING OUT THE TRASH SO TO
24 SPEAK?

25 A RIGHT IF I, YOU KNOW, AS I WAS SAYING, IF IT

1 AIN'T BROKE, DON'T FIX IT, SO I MEAN, I JUST LET IT
2 TAKE CARE OF ITSELF

3 Q NOW THE TRUTH IS YOU PROBABLY NEEDED ONE OF
4 THOSE FOR THE HOUSE TOO, DIDN'T YOU?

5 A ACTUALLY I COULD SAY SO, YES, SIR

6 Q YES, SIR BECAUSE THE CONDITION IN THE HOUSE, I
7 THINK YOU INDICATED, YOU WERE A PACK RAT, IS THAT
8 RIGHT?

9 A I WAS A PAT RAT, YES, SIR

10 Q AND SO THERE WAS, THERE WAS LOADS OF STUFF, YOU
11 JUST NAMED TWO THINGS YOU GOT A COMPUTER OFF THE
12 SIDE OF THE ROAD AND PUT IT IN THERE?

13 A THAT'S CORRECT, YES, SIR

14 Q OKAY AND YOU HAD STUFF IN THE FLOORS, YOU HAD
15 STUFF IN THE CLOSETS, YOU HAD STUFF IN THE CABINETS,
16 YOU NAME IT, IT WAS STUFFED IN THERE YOU HAD MORE
17 STUFF THAN YOU HAD HOUSE, DIDN'T YOU?

18 A YES, SIR WELL, YES, SIR I EVEN HAD BUILDING
19 OUT BACK THAT HAD A LOT OF STUFF IN IT, BUT THOSE,
20 BUT THE STUFF, THERE WASN'T ANYTHING IN THE CLOSET AT
21 THE TIME BECAUSE I HAD TAKEN EVERYTHING OUT OF THE
22 CLOSET WE HAD TAKEN MOST OF THE STUFF OUT OF THE
23 CLOSETS WE HAD TAKEN MOST OF THE CLOTHES BECAUSE WE
24 WERE SPRAYING

25 Q OKAY AND WHEN YOU TALK ABOUT THE SPRAYING, YOU

002652

1 WERE TALKING ABOUT BEFORE Y'ALL LEFT TOWN FOR THAT
2 WEEKEND YOU DID THE FOGGERS?

3 A THAT'S CORRECT

4 Q IS THAT RIGHT?

5 A YEAH WELL, YES, SIR IT WAS AROUND THAT TIME,
6 YES, SIR

7 Q WELL, I WANT TO MAKE SURE YOU UNDERSTAND YOU
8 SAY AROUND THAT TIME?

9 A YEAH, I'M THINKING THAT WAS ACTUALLY, THAT
10 ACTUALLY WAS DONE ON SUNDAY BEFORE WHILE WE WAS AT
11 CHURCH BECAUSE WE SPENT SUNDAY AFTERNOON AT MOMMA'S
12 HOUSE I'M THINKING THAT HAPPENED ON SUNDAY BECAUSE
13 THE DOOR, LIKE I SAID, IN MY KITCHEN WAS OPEN AND
14 THAT WASN'T NO, THAT WASN'T WORKED IN THE HOUSE
15 WHEN WE CAME HOME FROM CHURCH, THERE WAS, I WAS THE
16 LAST ONE, I WAS THE ONE THAT SET THOSE FOGGERS OFF
17 AND

18 Q THE LAST MAN OUT HAS GOT TO PULL THE PIN AND GET
19 OUT THE DOOR?

20 A YOU GOT THAT AND YOU HAD, AND YOU HAVE TO HAVE A
21 SPECIFIC WAY OF DOING IT LIKE I STARTED I THINK IN
22 AMANDA'S ROOM, FURTHEST HOUSE, AND THEN I SAT ONE,
23 YOU KNOW, ACTUALLY IN BETWEEN AMANDA'S ROOM AND
24 JESSICA'S ROOM BECAUSE ONE FIRE COVERED BOTH SPACES
25 IN THERE AND THEN I SET ONE OFF IN THE BATHROOM

003053

1 BECAUSE WE HAD THEM PRETTY BAD IN THE BATHROOM AND
2 THEN I WOULD SET ONE OFF IN MY BEDROOM, ONE OFF IN
3 THE KITCHEN, I MEAN THE LIVING ROOM, BUT ACTUALLY I
4 WOULD GO TO THE KITCHEN FIRST SET ONE OFF IN THE
5 KITCHEN, ONE OFF IN THE DINING ROOM, AND ONE OFF IN
6 THE LIVING AND OUT THE DOOR

7 Q SO YOU SAID OUT THE FRONT DOOR?

8 A I WENT OUT THE FRONT DOOR, YES, SIR

9 Q OKAY AND WHEN YOU COME BACK AT, AND AGAIN I
10 DON'T WANT TO PUT WORDS IN YOUR MOUTH, BUT THE WAY I
11 UNDERSTOOD IT YOU SAID WHEN YOU CAME BACK FROM YOUR
12 TRIP THAT'S WHEN THE DOOR WAS OPEN, RIGHT?

13 A THAT'S TRUE THE DOOR WAS OPEN

14 Q THE ROACHES WERE EVERYWHERE AND THE FOG POWDER
15 WAS EVERYWHERE?

16 A THERE WAS, I NEVER SAID THE ROACHES WERE
17 EVERYWHERE AND FOG WAS EVERYWHERE WHEN WE COME BACK
18 FROM THE TRIP I NEVER SAID THAT WE HAD ROACHES IN
19 THE HOUSE AT THAT TIME

20 Q I'M TALKING ABOUT THE DEAD ONES NOW?

21 A THAT WAS, I'M ALMOST POSITIVE THAT WAS SUNDAY
22 AFTER CHURCH I MEAN, DURING CHURCH BEFORE CHURCH
23 BECAUSE IF IT WASN'T THEN IT WAS THE DAY WE LEFT
24 BUT I'M THINKING I WAS THE LAST ONE SEE, I WASN'T
25 SURE ABOUT WHAT HAPPENED TO THE BACK DOOR I WASN'T

003054

1 SURE WHETHER SOMEBODY HAD ACTUALLY BROKE IN THE BACK
2 DOOR OR WHETHER MY DAUGHTERS HAD LEFT IT OPEN AND
3 SO---

4 Q WHEN THEY WERE TAKING THE TRASH OUT THE BACK?

5 A RIGHT, OUT THE BACK AND I THINK I STATED THAT
6 SO I'M, I'M ALMOST, I'M ALMOST POSITIVE THAT WE DONE
7 THAT WITH THE HOUSE, CLEARING OUT THE HOUSE, ON THE
8 SUNDAY BEFORE CHURCH BECAUSE I DID IT ON SATURDAY
9 AFTER I GOT IN, AFTER I GOT OUT FROM WORK BECAUSE MY
10 WIFE WAS THERE AT WORK AND I WAS CLEANING OUT, I MEAN
11 MY WIFE WAS IN THE BED AND I WAS CLEANING OUT THE
12 CLOSETS IN THE LIVING ROOM AND SUNDAY MORNING WE TOOK
13 CARE OF ALL THE OTHER STUFF ON FRIDAY BEFORE, THE
14 WEDNESDAY BEFORE WE LEFT, I ACTUALLY CLEANED OUT THE
15 CLOSETS AND WAS PREPARING, THAT'S WHY THERE WAS STUFF
16 SITTING ON MY BED, STUFF SITTING ON MY DRESSER, STUFF
17 SITTING ON THE, WE HAD EVERYTHING CLEARED OUT

18 Q AGAIN YOU HAD EVERYTHING CLEARED OUT BEFORE YOU
19 WENT ON YOUR TRIP?

20 A BEFORE WE WENT ON THE TRIP, YEAH

21 Q OKAY

22 A I'M NOT SURE, I HONESTLY CAN'T SAY, I'VE BEEN
23 THINKING ABOUT THIS SO LONG I REALLY CAN'T SAY
24 WHETHER WE ACTUALLY DID IT BECAUSE I REMEMBER THE
25 GIRLS WOULD HAVE BEEN THE ONES WHO BROUGHT THE TRASH

003655

1 CAN IN, SO I'M THINKING WE DIDN'T SET THE FOGGERS OFF
2 ON THAT DAY

3 Q THE DAY THE GIRLS BROUGHT THE TRASH CAN IN?

4 A THAT'S CORRECT

5 Q SO THE TRUTH OF THE MATTER IS YOU KNOW IT
6 HAPPENED BUT YOU CAN'T REMEMBER ALL THE SPECIFIC
7 DETAILS OF WHEN?

8 A I'M ALMOST POSITIVE IT WAS ON SUNDAY

9 Q AND THAT'S THE SUNDAY BEFORE AMANDA WAS KILLED?

10 A THE SUNDAY BEFORE AMANDA WAS KILLED, RIGHT

11 Q OKAY SO GOING BACK TO THE DOORS?

12 A YES

13 Q THE BACK DOOR I THINK YOU INDICATED OPENS A
14 LITTLE BIT THEN STICKS, IS THAT RIGHT?

15 A IT DOES STICK, YES, SIR

16 Q IT'S LIKE THE HOUSE IS OUT OF SQUARE OR
17 SOMETHING?

18 A ACTUALLY I THINK THE TERM FOR THAT IS ONE OF THE
19 JACKS IS FELL OUT FROM UNDER THE HOUSE

20 Q THAT SUPPORT --

21 A THE SUPPORT JACK

22 Q AND I'M SORRY I INTERRUPTED YOU

23 A THAT'S OKAY I THINK THE SUPPORT JAKE HAS
24 FALLEN IN SEVERAL PLACES UNDER THE HOUSE

25 Q ONE OF THE JACKS HAD FALLEN APPARENTLY UNDER

1 AMANDA'S DOOR?

2 A THAT'S CORRECT

3 Q BECAUSE THE SAME SITUATION, RIGHT?

4 A RIGHT

5 Q AND YOU COULD EITHER LIFT IT UP BUT YOU GOT TO

6 LIFT IT UP ENOUGH TO BREAK ENOUGH CONTACT BECAUSE IT

7 SCRAPES THOSE FLOORS, RIGHT?

8 A THE BATHROOM, I MEAN THE BACK DOOR DOES BUT

9 AMANDA'S DOOR, YOU JUST, YOU CAN PUSH IT AND IT WILL

10 PUSH RIGHT ON PAST

11 Q IT MAKES NOISE WHEN IT SCRAPES?

12 A IT MAKES A LITTLE NOISE, RIGHT

13 Q BUT YOU DON'T HAVE TO LIFT IT?

14 A I HADN'T EVER TRIED TO LIFT THAT DOOR I JUST

15 PUSH THAT DOOR

16 Q AND IT GOES ON IN?

17 A RIGHT

18 Q AND THEN YOUR DOOR, DID I UNDERSTAND YOU TO SAY

19 YOUR DOOR WAS BLOCKED OUT, LIKE BLOCKED OPEN?

20 A IT WAS OPEN, YEAH IT WAS OPEN

21 Q IT JUST STAYED OPEN?

22 A IT JUST, IT STAYED OPEN, YES

23 Q AND OF COURSE THE JURY HAS SEEN THE PICTURES BUT

24 SOMETIMES IT'S HARD TO VISUALIZE WITH PICTURES THIS

25 IS YOUR BEDROOM?

003057

1 A RIGHT

2 Q OR BETTER YET, YOU'RE IN YOUR BEDROOM?

3 A I'M IN MY BEDROOM, ALL RIGHT

4 Q BATHROOM IS RIGHT HERE?

5 A THAT'S, YEAH, YOU ARE TALKING ABOUT AMANDA'S

6 ROOM THAT WAY?

7 Q YES

8 A THE BATHROOM DOOR IS RIGHT THERE

9 Q SO YOU ARE SITTING ON THE CORNER OF YOUR BED?

10 A RIGHT

11 Q THE BATHROOM IS RIGHT HERE?

12 A THAT'S CORRECT

13 Q I'M STANDING LIKE AMANDA'S DOOR?

14 A JUST A LITTLE FURTHER BACK, ABOUT RIGHT THERE IS

15 AMANDA'S DOOR

16 Q I'M AT AMANDA'S DOOR AND YOU ARE SITTING?

17 A THIS IS MY DOOR RIGHT HERE, YES, SIR

18 Q OKAY SO THEN, AND THEN THE JESSICA AND KYLA'S

19 DOOR IS THIS, GOING IN THERE, THEY WOULD BE SITTING

20 WHERE THESE FOLKS ARE AT?

21 A IF WOULDN'T BE QUITE THAT FAR IF WHERE YOU ARE

22 STANDING IS AMANDA'S DOOR, KYLA AND JESSICA, THEY

23 WOULD BE EVEN WITH THAT, BUT SEE, YOU HAD STEPPED

24 OVER THAT WAY A LITTLE BIT, BUT IF YOU ARE STANDING

25 RIGHT WHERE YOU ARE AT NOW, YEAH, IT WOULD BE EVEN

1 WITH THAT RIGHT THERE

2 Q OKAY NOW DOES IT FACE TOWARD YOUR BEDROOM,
3 TOO?

4 A IT FACES TOWARD THE BATHROOM

5 Q OKAY AND THEN YOU COME ON OVER HERE, IT'S LIKE
6 THAT LITTLE TABLE AND STUFF AND YOU GO IN HERE TO GO
7 IN THE DEN, IS THAT RIGHT?

8 A WELL, YOU, ACTUALLY YOU CAN COME OUT OF MY ROOM,
9 TURN BACK, AND IT'S RIGHT THERE THE, MY DOOR FACING
10 IS HERE, RIGHT HERE, AND THE LIVING ROOM DOOR FACING
11 IS HERE, AND THERE IS A WALL RIGHT HERE THAT HAS THE
12 LIGHT SWITCH ON IT

13 Q THE LIGHT SWITCH WOULD BE LIKE RIGHT HERE COMING
14 OUT OF THE DOOR?

15 A YEAH, IN BETWEEN THE TWO

16 Q SO THE FRONT DOOR IS OVER HERE?

17 A THE FRONT DOOR WOULD BE RIGHT BACK HERE, YES

18 Q OKAY

19 A BEHIND THE WALL

20 Q OKAY AND WE WERE TALKING A LITTLE BIT ABOUT
21 THE LOCKS ON THE FRONT DOOR AND YOU'RE TALKING ABOUT
22 THE DIFFERENT KINDS OF LOCKS?

23 A THAT'S CORRECT

24 Q AND AT SOME POINT YOU WERE CONCERNED ABOUT IT
25 BEING LOOSE, SO YOU REPLACED THE FRONT LOCK?

003659

1 A THAT'S CORRECT, I DID

2 Q AND IF I UNDERSTOOD YOU SAID THAT YOU REPLACED
3 IT WITH THE KIND THAT DOESN'T HAVE A PIN?

4 A THAT'S CORRECT

5 Q WHAT DID YOU CALL THAT KIND?

6 A IT'S -- I THINK IT'S A DEAD LOCK

7 Q OKAY BUT THIS IS A DEAD LOCK?

8 A THAT'S A DEAD LOCK, SIR

9 Q AND YOU DIDN'T GET THE DEAD LOCK?

10 A NO, SIR

11 Q AND WHY DIDN'T YOU GET THE DEAD LOCK?

12 A IT COSTED MORE

13 Q IT COST MORE?

14 A IT WAS LIKE \$8 MORE

15 Q AND SO YOU SAID YOU COULDN'T AFFORD TO DO THAT?

16 A I COULDN'T AFFORD THAT AT THE TIME, NO, SIR

17 Q OKAY LET ME ASK YOU HOW MUCH DID YOUR
18 INTERNET SERVICE COST?

19 A INTERNET SERVICE WAS 995

20 Q A MONTH?

21 A A MONTH

22 Q YOU COULD HAVE DONE ONE MONTH WITHOUT INTERNET
23 AND YOU COULD HAVE HAD ONE OF THOSE LOCKS, COULDN'T
24 YOU?

25 A OH, YEAH, SURE COULD HAVE

003060

1 Q LET ME ASK YOU ABOUT YOUR TELEVISION YOU SAID
2 YOU WERE TALKING ABOUT THAT NIGHT ABOUT THREE O'CLOCK
3 IN THE MORNING WATCHING TV?

4 A THAT'S CORRECT

5 Q OKAY WHAT, DID YOU HAVE CABLE?

6 A NO, WE HAD, AT THE TIME WE JUST HAD REGULAR TV
7 WE HAD DIRECT TV

8 Q SO THAT'S WHAT THE DISH WAS OUT ON THE PORCH?

9 A THAT'S CORRECT

10 Q SO YOU HAD DIRECT TV?

11 A RIGHT

12 Q HOW MANY CHANNELS DID YOU HAVE ON DIRECT TV?

13 A I DON'T, I DON'T RECALL EXACTLY HOW MANY IT IS

14 Q A HUNDRED? A COUPLE HUNDRED?

15 A I GUESS I COULDN'T STATE EXACTLY

16 Q MORE THAN \$8 WORTH, RIGHT?

17 A IT WAS I THINK 3495 A MONTH

18 Q NOW YOU TALKED ABOUT THE ROACHES AND THE THINGS
19 YOU TRIED TO DO ABOUT THE ROACHES ACTUALLY DIXIE
20 EXTERMINATING HAD SENT YOU A CARD TO CONTACT THEM
21 SOMETIME I THINK ABOUT WHAT 2000, DOES THAT SOUND
22 RIGHT?

23 A WE HAD DIXIE TO COME OUT AND THEY SPRAYED, THEY
24 FOGGED MY HOUSE I MEAN, THEY, THEY USED ONE OF THEM
25 BIG FOG MACHINES AND SPRAYED MY HOUSE AND THEN FOGGED

003661

1 UNDER THE HOUSE AND FOGGED MY HOUSE TWO WEEKS LATER
2 WE STILL SAW A LOT OF ROACHES, SO I CALLED, I CALLED
3 THE LANDLORD AND HE CALLED THE DIXIE AND THEY CAME
4 BACK OUT AND DIXIE SAID THEY WENT IN AND FOGGED, HE
5 REDID THE THING AGAIN, FOGGED IT, AND SET IT UP AT
6 THAT TIME I WAS GOING TO PURCHASE THE \$25 I THINK IT
7 WAS A MONTH TO HAVE THEM TAKE CARE OF IT, BUT HE
8 TOLD, THE MAN TOLD ME THAT THE ROACHES WERE EMBEDDED
9 IN THE HOUSE HE SAID IT'S GOING TO BE HARD TO GET
10 RID OF THEM AND HE SAID YOU'LL BE BETTER OFF USING
11 FOGGERS AND JUST BUYING FOGGERS EVERY ONCE IN AWHILE
12 AND JUST SPRAYING

13 Q THAT IS WHAT THE DIXIE EXTERMINATING MAN WAS
14 TRYING TO SELL YOU \$25 A MONTH SAID?

15 A I WASN'T GOING PAY THE \$25

16 Q THAT'S MY POINT

17 A AND I TOLD THEM

18 Q YOU MADE A CONSCIOUS DECISION NOT TO PAY THAT
19 25?

20 A I DID BECAUSE IT WASN'T WORKING I NEVER SAW NO
21 DIFFERENCE IN THE ROACHES

22 Q OKAY

23 A THEY DIDN'T KILL THEM AND I TOLD HIM, THERE
24 WASN'T NO SENSE IN ME DOING THAT

25 Q AND DID I UNDERSTAND YOU TO SAY THAT WHEN YOU

003062

1 DID IT YOURSELF YOU CLEANED OUT THE HOUSE OR YOU JUST
2 TAKING ABOUT TAKING ALL THE JUNK OUT OF THE CLOSETS?

3 A I JUST SAID I CLEANED AWAY FROM THE WALLS AND
4 CLEANED OUT THE CABINETS, MOVED STUFF AWAY FROM THE
5 WALLS, BECAUSE THAT'S WHAT, THAT'S WHAT THE
6 EXTERMINATOR TOLD ME WAS THE BEST WAY TO DO IT

7 Q AND WHEN YOU RAN THAT, THAT WAS ON THE SUNDAY
8 BEFORE THAT THURSDAY, IS THAT CORRECT?

9 A THAT'S CORRECT

10 Q OKAY AND AT THAT POINT DID YOU HAVE
11 INFORMATION THAT DSS WAS COMING TO INSPECT YOUR HOME?

12 A WE DID HAVE, WE -- I THINK IF I'M NOT MISTAKEN
13 MARY SUE TOLD ME THAT DAY, THAT, THE 28 THAT

14 MR MORTON APPROACH JUST A MINUTE
15 THE COURT OKAY

16 (BENCH CONFERENCE AT 03 44 PM)

17 Q WHEN WE APPROACHED YOU SAID YOU FOUND OUT THAT
18 DAY AND THEN YOU WERE, YOU GUYS WERE TRYING TO SQUARE
19 UP THE HOUSE?

20 A WE TRIED TO SQUARE, TRY TO TAKE CARE OF THE
21 THINGS THAT NEEDED TO BE TAKEN CARE OF WE DIDN'T
22 KNOW EXACTLY WHEN THEY WERE COMING WE KNEW THEY HAD
23 SAID THEY WERE COMING THAT WEEK, BUT WE GOT WORD, I
24 THINK MARY SUE TOLD ME ON THE 28 THAT THEY WERE
25 COMING ON THE FOLLOWING TUESDAY

003663

1 Q OKAY

2 MR MORTON YOUR HONOR, MAY WE APPROACH
3 AGAIN

4 (BENCH CONFERENCE AT 03 45 PM)

5 Q YOU GUYS ALSO HAD CATS IN THE HOUSE?

6 A NO, WE DID NOT HAVE CATS IN THE HOUSE

7 Q YOU DIDN'T?

8 A NO, SIR, WE DID NOT THE POLICE OFFICERS LET
9 THOSE CATS IN THE HOUSE WHEN THEY LEFT THE DOOR OPEN
10 IN THE HOUSE THAT DAY

11 Q OKAY SO THE CATS NEVER BEEN IN THAT HOUSE?

12 A THE CATS DID NOT COME IN THE HOUSE IF THEY
13 COME IN THE HOUSE, WE TOOK THEM BACK OUT OF THE
14 HOUSE WHEN THE BACK DOOR WAS OPEN DURING THE TIME
15 WHILE WE WERE GONE, THE CATS GOT IN THE HOUSE AND WE
16 GOT THE CATS OUT OF THE HOUSE WHEN WE COME HOME

17 Q SO THE CATS BASICALLY WOULD COME IN THE HOUSE,
18 WOULD THEY JUST KIND OF HUNG AROUND THE PORCH OR
19 SOMETHING AND WAIT TO GET A CHANCE TO COME IN YOUR
20 HOUSE? DID Y'ALL FEED THEM OR SOMETHING?

21 A THEY WERE OUR CATS, BUT THEY WERE OUT DOOR CATS

22 Q I GOT YOU WOULD THEY KIND OF HANG OUT AND IF
23 THEY GOT A CHANCE, HANG OUT ON THE PORCH OR SOMETHING
24 AND IF THEY GET A CHANCE THEY WILL TRY TO SLIDE IN
25 THE HOUSE?

003064

1 A (NO RESPONSE)

2 Q BECAUSE YOU KEPT SAYING IF THEY COME IN THE
3 HOUSE I'LL TAKE THEM OUT OF THE HOUSE?

4 A WELL, I MEAN THERE WERE SEVERAL TIMES WHEN THEY
5 ACTUALLY DID COME IN THE HOUSE THEY WOULD COME IN
6 THE HOUSE, MOST OF THE TIME THEY GO TO THE, JUST LIKE
7 IN THE VIDEO, THEY GO STRAIGHT TO THE BATH TUB AND
8 START LAPPING AT THE WATER

9 Q IN THE BATH TUB?

10 A YEAH, IN THE BATH TUB

11 Q OR THE TOILET?

12 A NO, THE BATH TUB

13 Q I GOT YOU THEY DIDN'T HAVE WATER OUTSIDE?

14 A OH, THEY HAD WATER WE KEPT, WE FED THEM IF
15 YOU ARE INSINUATING WE DIDN'T TAKE CARE OF OUR CATS,
16 NO, WE TOOK CARE OF OUT CATS WE FED THEM WE TOOK
17 CARE OF THEM THEY STAYED OUTSIDE ONLY
18 OCCASIONALLY WHEN THE DOOR WAS LEFT OPEN THEY WOULD
19 COME IN AND WE WOULD HAVE TO GET THEM OUT OF THE
20 HOUSE

21 Q THAT'S BASICALLY WHAT I'M ASKING THEY GET IN
22 THE HOUSE BUT YOU DON'T HAVE THEM LIVING IN THE HOUSE
23 DEFECATING IN THE HOUSE?

24 A NO THEY DID NOT LIVE IN THAT HOUSE, NO

25 Q OKAY WERE THERE ANY CATS IN THE HOUSE THAT

1 MORNING WHEN YOU WOKE UP AND FOUND AMANDA?

2 A THERE WERE NO CATS IN THE HOUSE THAT MORNING
3 WHEN I FOUND AMANDA THE DOOR WAS LEFT OPEN WHEN THE
4 POLICE, WHEN THE POLICE, WHEN THE FIRE DEPARTMENT
5 CAME IN, EVERYBODY COME IN, THAT DOOR STAYED OPEN THE
6 WHOLE TIME THE SCREEN DOOR WAS OPEN PEOPLE WERE
7 COMING IN AND OUT OF THE HOUSE THE CATS CAME IN THE
8 HOUSE

9 Q AND THAT'S WHAT I'M ASKING I UNDERSTAND LAW
10 ENFORCEMENT, ONCE THEY STARTED WORKING THE CRIME
11 SCENE

12 A YEAH

13 Q THEY COME IN BUT WHAT I AM SAYING IS WHEN YOU
14 GOT UP THAT MORNING?

15 A NO, THERE WAS NO CATS IN THE HOUSE

16 Q I THINK THAT YOU HAD INDICATED THAT THE MORE
17 THAT MARY SUE WORKED THE LESS SHE CLEANED, IS THAT
18 RIGHT?

19 A I DIDN'T SAY THE MORE SHE WORKED I JUST SAID
20 OVER A PERIOD OF TIME SHE GOT TO THE POINT WHERE SHE
21 DIDN'T CLEAN AS MUCH AS SHE USED TO CLEAN WHEN WE
22 FIRST GOT MARRIED

23 Q AND THE, THE NIGHT WHEN YOU WERE THERE, I THINK
24 YOU SAID OFTEN TIMES YOU STAY UP ALL NIGHT ON THE
25 COMPUTER AND WATCH TV AND THINGS OF THAT NATURE,

003066

1 RIGHT?

2 A YES, SIR, I'M LAZY I'M LAZY I DON'T CLEAN
3 HOUSE LIKE I SHOULD HAVE

4 Q AND OF COURSE THAT'S ONE OF THE ISSUES HERE
5 THAT HOUSE WAS, USE THE TERM, IT WAS NASTY, WASN'T
6 IT?

7 A NASTY, UH IT WAS MESSED UP, YES, IT WAS I
8 WOULDN'T SAY IT'S NASTY-NASTY NO, I WOULDN'T SAY
9 THAT, NO

10 Q IT WAS CLOSE TO NASTY-NASTY, RIGHT?

11 A WELL, IT WASN'T, IT WAS NOT AS BAD AS WHAT I SAW
12 IN THE VIDEO

13 Q OH, REALLY?

14 A NO, IT WAS NOT NOT WHEN I LEFT THERE IT WAS
15 NOT

16 Q OKAY I'M TALKING ABOUT NOW --

17 A IF THAT WAS THE CASE THEN HOW COME THE DISHES,
18 AND WE SAW THE VIDEO, THE DISHES WERE IN THE DRAINER,
19 THEY HAD BEEN WASHED AND PUT AWAY

20 Q RIGHT

21 A THAT WAS IN THE WINDOW THAT WAS OPEN EVERYBODY
22 SAID YOU COULDN'T GET IN THERE BECAUSE THE DISHES
23 WERE IN THE WAY THERE WAS A FEW DISHES IN THE OTHER
24 SINK

25 Q THE TRUTH IS THAT BACK SINK AND MAYBE THE

1 BATHROOM WERE THE TWO CLEANEST PLACES?

2 A WELL --

3 Q IS THAT A FAIR STATEMENT YOU CAN EXPLAIN YOUR
4 ANSWERS BUT IS THAT A FAIR STATEMENT?

5 A I WON'T SAY THAT'S A FAIR STATEMENT I'LL SAY
6 THIS, I'LL SAY, AFTER ALL THE TRAMPLING THROUGH WITH
7 THE POLICE AND EVERYBODY ELSE, MY HOUSE BECOME A
8 DISASTER ZONE

9 Q MR COPE --

10 A I WON'T SAY IT'S TOTALLY OUR FAULT I WON'T SAY
11 IT'S TOTALLY THEIR FAULT, BUT OUR HOUSE WAS NOT AS
12 BAD AS WHAT Y'ALL DEPICTED IN THAT VIDEO

13 Q OKAY

14 A IT WASN'T

15 Q OKAY AND IN WHAT REGARD?

16 A IN WHAT REGARD

17 Q YOU TALK ABOUT THINGS BEING OUT PLACE?

18 A IN THE FIRST PLACE I THINK IT WAS KIND OF LOW
19 DOWN, IF YOU WANT TO KNOW THE TRUTH, THAT THEY WOULD
20 BRING THE VIDEO CAMERAS IN THERE AT NINE OR TEN
21 O'CLOCK AT NIGHT WHEN YOU KNOW THE ROACHES ARE OUT

22 Q YOU THINK LAW ENFORCEMENT PLANNED THAT TO --

23 A I CAN'T SAY THEY PLANNED IT, BUT I DON'T THINK
24 THAT WAS RIGHT I DON'T THINK IT WAS RIGHT TO SHOW A
25 VIDEO WITH THAT LIKE THAT BECAUSE THAT DID NOT DEPICT

1 THE WAY MY HOUSE USUALLY IS

2 Q LET ME ASK YOU, NINE OR TEN O'CLOCK AT NIGHT
3 YOUR WIFE IS AT WORK, GOES TO WORK AT TEN, RIGHT?

4 A THAT'S CORRECT

5 Q THE CHILDREN ARE HOME, RIGHT?

6 A YES, THAT'S CORRECT

7 Q STUDYING, READING, SLEEPING, THEY ARE THERE IN
8 THAT HOUSE AT NINE OR TEN O'CLOCK AT NIGHT, THAT'S
9 TRUE, RIGHT?

10 A THAT IS TRUE, YES, SIR

11 Q AND THEY WERE IN THOSE SAME CONDITIONS OF THE
12 BUGS, THEY DIDN'T PUT -- LAW ENFORCEMENT DIDN'T PUT
13 THE BUGS IN THERE, DID THEY?

14 A NO, SIR, THEY DID NOT PUT -- I TOLD YOU AMANDA'S
15 ROOM DIDN'T HAVE THAT, HARDLY NO ROACHES IN AMANDA
16 SLEPT IN HER BED THE OTHER IN JESSICA AND KYLA'S
17 ROOM, IT WAS THE FAN I THINK I STATED THAT, THAT
18 THE FAN BLOWING ACROSS THE BED KEPT MOST OF THE
19 ROACHES AWAY FROM THEM WE DIDN'T HAVE PROBLEM
20 EXCEPT AT NIGHT WITH THE ROACHES THEY WEREN'T REAL
21 BAD IN THE DAYTIME AND, YES, WE DID TRY TO GET RID OF
22 THEM MANY TIMES AND WHEN WE WOULD GET RID OF THEM
23 OR THINK WE GOT RID OF THEM, THE NEIGHBOR WOULD SPRAY
24 AND THEN WE WOULD END UP WITH THEM AGAIN SEEMED
25 LIKE WE NEVER GOT RID OF THEM I--- THAT'S JUST, I

1 MEAN, I'M NOT GOING TO SIT HERE AND SAY THAT WAS A
2 FAIR STATEMENT BECAUSE THAT WASN'T A FAIR STATEMENT

3 Q LET ME TRY ANOTHER FAIR STATEMENT THERE WERE
4 ROACHES PHYSICALLY IN THE FOOD IN THE REFRIGERATOR --

5 A AND THAT HAPPENED BECAUSE THEY OPENED THE
6 REFRIGERATOR AT NIGHT AND THE ROACHES WERE ALONG THE
7 SEAL IT'S GET COOL AROUND THE REFRIGERATOR AND
8 EVERYBODY KNOWS THAT ROACHES LIKE TO GET AROUND THAT
9 SEAL THEY OPEN IT UP, THEY FELL IN ON THE FOOD, AND
10 CRAWLED ACROSS THAT DID NOT HAPPEN, THAT WAS NOT
11 LIKE IN THERE, THEY COULD NOT HAVE LIVED INSIDE THAT
12 REFRIGERATOR WITH IT SHUT UP AND THE ROACHES IN
13 THERE

14 Q SO THE ROACHES WERE AROUND THE RIM OF THE
15 REFRIGERATOR AND FELL INTO THE REFRIGERATOR?

16 A THAT IS CORRECT

17 Q OKAY AND THE ROACHES THAT WERE CRUSHED IN THE
18 LINER OF THE REFRIGERATOR, NOW LAW ENFORCEMENT DIDN'T
19 DO THAT?

20 A NO, I WILL, NO, I WILL SAY THAT WAS PROBABLY
21 DONE BY US BECAUSE THE ROACHES WILL GET IN THE DOOR,
22 WE WOULD SHUT THE DOOR, OPEN IT UP BECAUSE THAT'S
23 WHERE THEY LIKED TO BE YEAH, I WILL ADMIT THAT

24 Q MR COPE, YOU AGREE THAT THESE WERE NOT PROPER
25 CONDITIONS FOR THOSE CHILDREN TO BE IN?

1 A (NO RESPONSE) I HAVE A PROBLEM WITH PROPER
2 CONDITIONS WE TOOK CARE OF OUR GIRLS THE WAY WE HAD
3 TO TAKE CARE OF OUR GIRLS WE, THE GIRLS WERE NOT IN
4 NO DANGER, WE TOOK CARE OF THE GIRLS THE GIRLS WERE
5 OUR LIFE

6 Q I'M SORRY

7 A THEY WERE OUR LIFE AND --

8 Q MORE SO THAN THE COMPUTER?

9 A MORE SO THAN THE COMPUTER, YES, SIR

10 Q MORE SO THAN THE TELEVISION?

11 A MORE SO THAN THE TELEVISION, YES, SIR

12 Q MORE SO THAN THE TELEPHONE?

13 A JUST BECAUSE WE HAD SOME OF THESE LUXURIES OR
14 THESE THINGS THAT SOME PEOPLE CALL LUXURIES, THIS
15 HAPPENED, THE ROACHES STARTED TO GET WORSE AND WORSE,
16 WE TRIED TO TAKE CARE OF THEM WE SPRAYED, WE BOUGHT
17 SPRAY LET ME TELL YOU, YOU TALK ABOUT MONEY, YOU
18 TALK ABOUT MONEY, WE SPENT A LOT OF MONEY ON FOGGERS
19 WE SPENT A LOT OF MONEY ON RAID CANS OF SPRAY WE
20 SPENT A LOT OF MONEY ON TRYING TO GET RID OF THE
21 ROACHES

22 Q YOU WOULDN'T SPENT 8 BUCKS ON A LOCK, RIGHT?
23 ACCORDING YOUR TESTIMONY?

24 A I WOULDN'T SPEND \$8 ON A DEAD LOCK I DIDN'T
25 SAY ON A LOCK I SPENT I THINK IT WAS \$11 ON THE

1 OTHER LOCK

2 Q LET'S TALK ABOUT THAT THE PURPOSE OF GETTING
3 THE OTHER LOCK WAS TO MAKE YOUR HOME MORE SECURE,
4 RIGHT?

5 A THE REASON -- OF COURSE, YEAH

6 Q OKAY

7 A AT FIRST I DIDN'T KNOW THE DIFFERENCE BETWEEN A
8 DEAD LOCK AND A LOCK AT THAT TIME

9 Q WHEN DID YOU LEARN THAT?

10 A WHEN DID I LEARN IT?

11 Q DID YOU LEARN IT FROM MRS POPE LAST FRIDAY?

12 A NO I LEARNED WHAT THE DIFFERENCE BETWEEN A
13 REGULAR LOCK AND A DEAD LOCK FROM HER, BUT I DID NOT
14 LEARN WHAT, I MEAN, I DIDN'T KNOW IT WAS MORE SECURE,
15 MORE, IT DIDN'T SAY THAT ON THE PACKAGE WHEN I WAS
16 GOING TO BUY IT

17 Q SO YOU BOUGHT A LOCK LIKE THIS THAT CAME WITH A
18 KEY?

19 A THAT'S CORRECT

20 Q OKAY AND IT WAS A LOCK LIKE THIS IT
21 DEFINITELY WAS NOT A LOCK WITH THIS PIN?

22 A NO, I DIDN'T SEE, THERE WAS NO PIN ON IT, AND IT
23 DIDN'T SAY DEAD LOCK ON THE BOX IT JUST SAID
24 STANDARD LOCK

25 Q OKAY WITH A KEY ON IT

003072

1 A WITH A KEY, IS THAT CORRECT WITH THOSE, THOSE,
2 IT COME WITH A DOOR HANDLES, THE WHOLE THING

3 Q THE WHOLE SHOOTING MATCH?

4 A THE DOOR KNOB AND EVERYTHING

5 Q YOU REPLACED IT TO SECURE YOUR HOME?

6 A YES

7 Q OKAY AND YOU ALSO HAD THE CHAIN LOCK ON THE
8 DOOR, IS THAT CORRECT?

9 A THE CHAIN LOCK WAS ONLY USED WHEN WE WERE ALL
10 HOME

11 Q OKAY AND WHAT WAS THE PURPOSE OF THAT?

12 A WELL, MARY SUE WOULD BE IN THE BED ASLEEP IF I
13 WAS ON THE COMPUTER, SOMEBODY KNOCKED ON THE DOOR,
14 SOMEBODY COULD GO, AMANDA OR EVEN I WOULD GO TO THE
15 DOOR AND LOOK, OPEN THE DOOR AND LOOK AND SEE WHO IT
16 WAS BUT WE DIDN'T USE THE LOCK AT NIGHT BECAUSE
17 MARY SUE HAD A HARD TIME TRYING TO GET IN THE DOOR
18 WHEN SHE COME IN, IF I OVERSLEPT, AND THAT HAPPENED
19 QUITE A FEW TIMES I MEAN, YOU CAN CHECK BACK ON THE
20 SCHOOL RECORDS, THEY WERE TARDY BECAUSE OF THAT

21 Q AND YOU WOULD OVERSLEEP AND SO THEY WOULDN'T GET
22 TO SCHOOL ON TIME, IS THAT RIGHT?

23 A THAT'S CORRECT

24 Q SO YOU CHOSE NOT TO EVER, EVER USE THAT CHAIN
25 LOCK, IS THAT CORRECT?

1 A I DIDN'T SAY I CHOSE NEVER TO EVER USE IT WE
2 JUST KIND OF LEARNED OUR LESSON ABOUT USING IT WHEN
3 MARY SUE WASN'T HOME

4 Q BECAUSE IT KEPT HER FROM GETTING IN THE DOOR?

5 A BECAUSE IT KEPT, SHE HAD TO COME AROUND, TRY TO
6 WAKE ME OR WAKE ONE OF US, THE GIRLS WERE LATE THE
7 GIRLS HAD TO BE READY TO GO TO SCHOOL BY THE TIME
8 MARY SUE GOT HERE BECAUSE THEN SHE WOULD COME, I
9 WOULD KISS HER, I WOULD GET IN THE VAN, THE GIRLS
10 WOULD GET IN THE VAN, AND WE WOULD LEAVE

11 Q LET ME ASK YOU THIS YOU HAVE A SMOKE ALARM IN
12 THE HOUSE?

13 A SMOKE ALARM?

14 Q YES

15 A THERE WAS, THERE WAS ONE IN THE HOUSE WHEN WE
16 MOVED THERE

17 Q YOU AGREE THAT WOULD BE APPROPRIATE TO PROTECT
18 YOUR CHILDREN, RIGHT?

19 A THAT WOULD BE APPROPRIATE, YES, SIR

20 Q OKAY SO DID YOU HAVE ONE?

21 A I THINK THERE WAS ONE IN THE HOUSE, YES, SIR

22 Q OKAY DID YOU SET IT OFF THAT DAY WHEN THE FOOD
23 BURNED?

24 A NO, SIR IT WAS, IT WAS IN THE, THE ONE THAT WE
25 HAVE IT WAS IN THE HALL I BELIEVE

003674

1 Q OKAY THE ONE IN THE HALL, WHAT KIND OF NOISE
2 DID THAT MAKE?

3 A IT MADE A HIGH PITCH WHINE

4 Q YOU'VE HEARD THAT ONE BEFORE?

5 A OH, I HEARD THAT ONE BEFORE, YES, SIR

6 Q WHEN DID YOU HEAR IT?

7 A UH, WHEN I TESTED IT TO SEE IF THE BATTERY WOULD
8 WORK

9 Q SO YOU DID TEST IT?

10 A OH, YEAH, I'VE TESTED IT SEVERAL TIMES

11 Q WHERE IS THIS LOCATED?

12 A I'M THINKING THAT'S THE ONE, THERE IS ONE IN THE
13 HALL THERE I CAN'T REMEMBER, YEAH, I THINK IT'S IN
14 THE HALL

15 Q WHERE IN THE HALL?

16 A I BELIEVE IT'S NEXT TO THE BATHROOM THAT'S
17 BEEN THREE YEARS AGO I CAN'T REMEMBER EXACTLY

18 Q YOU CAN'T REMEMBER STUFF --

19 A I THINK IT'S RIGHT THERE BETWEEN THE TWO, THE
20 TWO BEDROOMS IN THE HALLWAY

21 Q OKAY SO AT NIGHT WHEN YOUR WIFE WAS GOING TO
22 WORK FROM TEN O'CLOCK ON, WHAT WAS YOUR
23 RESPONSIBILITY?

24 A MY RESPONSIBILITY WAS TO MAKE SURE THE GIRL WERE
25 SAFE

003075

1 Q OKAY

2 A AND I DIDN'T DO THAT

3 Q OKAY LET'S TALK ABOUT THE OTHER THINGS YOU
4 ARE SUPPOSED TO MAKE SURE THEY ARE IN BED AT A
5 CERTAIN TIME?

6 A OH, YEAH AMANDA GOES TO BED, JUST LIKE WE
7 SAID, AT 8 30, 9 30, AND 10 30

8 Q THAT'S WHAT YOU TOLD DSS HAPPENED?

9 A THAT'S THE NORMAL, THAT'S THEIR NORMAL BED TIME
10 THAT'S WHAT I TOLD DSS THAT WAS THEIR NORMAL BED
11 TIME I NEVER SAID, MARY SUE NEVER SAID THIS WAS A
12 NORMAL NIGHT THEY NEVER ASKED US I THOUGHT THEY
13 HAD ALREADY DONE SEEN THE POLICE REPORT THEY DONE
14 BEEN TO THE POLICE STATION I'D SEEN THEM THERE

15 Q RIGHT

16 A SO I THOUGHT THEY KNEW THAT THE KIDS DIDN'T GO
17 TO BED UNTIL 1 O'CLOCK THEY NEVER ASKED ME ABOUT
18 THAT THEY ASKED ME WHAT WERE THE NORMAL BED TIMES
19 FOR THE GIRLS, AND THAT'S EXACTLY WHAT SHE TESTIFIED
20 TO IN HERE

21 Q I BELIEVE, THE JURY CAN DETERMINE WHAT SHE
22 TESTIFIED TO, BUT YOU ARE TALKING ABOUT THE YOUNG
23 LADY ON THE TELEVISION?

24 A I'M TALKING ABOUT MS HERRING, YES

25 Q AND SHE TESTIFIED SHE ASKED YOU SPECIFICALLY

1 ABOUT WHAT HAPPENED THAT NIGHT?

2 A NO, SHE DID NOT NO, SHE DID NOT AND THAT'S
3 NOT WHAT SHE TESTIFIED TO EITHER SHE SAID WHAT ARE
4 THE NORMAL HOURS, NORMAL BED TIME HOURS

5 Q YOU DO REMEMBER THAT SHE WAS THERE AND OFFICER
6 HUITT WAS THERE, RIGHT, DO YOU REMEMBER?

7 A OFFICER HUITT, HE GOT THAT THING ALL MIXED UP
8 I DON'T KNOW WHERE HE GOT THAT REPORT FROM

9 Q WHAT REPORT?

10 A THE REPORT THAT HE GAVE I GOT A COPY OF IT

11 Q YOU BEEN READING IT?

12 A I READ THAT REPORT, YES, SIR, I DID AND THAT
13 REPORT IS ALL WRONG

14 Q SO FOR EXAMPLE THE PART ABOUT AMANDA PRACTICING
15 HER VIOLIN, YOU NOW TELL US THAT SHE DIDN'T HAVE HER
16 VIOLIN

17 A SHE DID NOT HAVE HER VIOLIN THAT NIGHT IT WAS
18 LEFT, IT WAS LEFT AT SCHOOL SHE COME, SHE TOLD ME,
19 THE FIRST THING WHEN WE GOT IN THE VAN SHE SAID
20 DADDY, THE VIOLIN, SHE SAID, I COULDN'T GET MY VIOLIN
21 AND I SAID I'M SORRY I SAID YOU CAN DO WITHOUT IT
22 TONIGHT DON'T WORRY ABOUT IT EVERYTHING WILL BE
23 OKAY YOU CAN GET BY ONE NIGHT WITHOUT IT SHE DID
24 NOT HAVE THE VIOLIN THE VIOLIN WAS LEFT AT SCHOOL
25 HER TEACHER HAD TO LEAVE AND GO SOMEWHERE AND THEY

003677

1 LOCKED THE DOOR UP AND THE, MUSIC DOOR

2 Q SO THE VIOLIN WASN'T EVEN REALLY AN ISSUE IN
3 THIS CASE?

4 A NO, BUT HE MADE IT AN ISSUE WHEN HE SAID THAT
5 SHE PRACTICED THE VIOLIN THAT NIGHT SHE NEVER
6 PRACTICED THE VIOLIN THAT NIGHT I NEVER SAID THAT

7 Q WHEN DID YOU FIRST MET OFFICER HIT?

8 A I WASN'T FINISHED THEY SAID --

9 Q EXCUSE ME, SIR I EXTEND YOU THE COURTESY?

10 A I UNDERSTAND

11 Q I'LL LET YOU EXPLAIN ANY TIME?

12 A OKAY I UNDERSTAND

13 Q IF YOU ARE NOT FINISHED, GO AHEAD

14 A OKAY OFFICER HIT WAS STANDING THERE WHEN SHE
15 ASKED ME WHAT THE NORMAL BED TIME HOURS WERE THAT'S
16 WHAT HE WROTE DOWN HE WROTE, HE DIDN'T WROTE, I
17 DON'T KNOW WHERE HE GOT THAT REPORT FROM I LOOKED
18 AT THAT REPORT AND THAT'S NOT WHAT ME AND MY WIFE
19 EITHER ONE TOLD HER AND HE WAS JUST STANDING TO THE
20 SIDE WHERE HE GOT THAT REPORT WAS FROM HER REPORT
21 WHEN HE GOT BACK TO THE OFFICE BECAUSE HE, IT WAS
22 MENTIONED THAT HE LOOKED AT THE REPORT OR HE HAD THE
23 REPORT I HEARD HIM SAY SITTING RIGHT HERE IN THIS
24 CHAIR THAT HE SAID HE LOOKED AT THE REPORT

25 Q THE DSS REPORT?

003078

1 A YEAH, THE DSS REPORT

2 Q AND DID YOU TALK ABOUT THE VIOLIN THAT DAY?

3 A WE DID TRY SHE SAID --

4 Q THAT'S ALL --

5 A WHAT'S THE NORMAL HOURS AND I TOLD HER THE
6 NORMAL HOURS, THEIR NORMAL HOURS, AND I SAID THE
7 REASON THAT AMANDA STAYS UP FROM TEN, FROM TEN TO,
8 THAT EXTRA 30 MINUTES IS SO AFTER AMANDA, I MEAN
9 AFTER MARY SUE GOES TO WORK, AMANDA CAN PLAY HER
10 VIOLIN AND PRACTICE

11 Q LET'S TALK ABOUT YOUR HOUSE THAT NIGHT, OKAY?

12 A OKAY

13 Q WE'VE ALREADY KIND OF TALKED ABOUT THE
14 DIMENSIONS OF THE HOUSE, RIGHT?

15 A THAT'S CORRECT

16 Q AND DID YOU SEE ANY INDICATION OF ANY WINDOWS
17 THAT WERE AJAR OR BROKEN OR ANYTHING OF THAT NATURE?

18 A WHEN ARE YOU -- YOU SAID THAT NIGHT, ARE YOU
19 TALKING ABOUT THAT MORNING

20 Q WELL, LET ME ASK YOU THIS WHEN YOU GO TO BED
21 THAT NIGHT DID, YOU SAID IT YOURSELF, YOU ARE LAZY,
22 DO YOU JUST GO IN AND LET THE GIRLS LOCK UP THE HOUSE
23 AND TAKE CARE OF THE HOUSE?

24 A NO, I DON'T THE GIRLS WERE THE LAST ONES IN
25 THERE THEY ARE THE ONE WHO LOCKED THE DOOR AND

1 AMANDA CONFIRMED TO ME THAT SHE LOCKED THE DOOR,

2 Q OKAY SO AMANDA, AS FAR AS THE CONDITION OF THE
3 DOOR, AMANDA AND JESSICA WOULD BE IN A BETTER
4 POSITION TO KNOW ABOUT THE DOOR THAN YOU BECAUSE YOU
5 WERE IN LAYING IN YOUR BED RIGHT THERE, RIGHT?

6 A BUT I GOT UP --

7 Q YOU CAN ANSWER ME AND THEN YOU CAN EXPLAIN?

8 A YES YES WELL, TO A CERTAIN DEGREE I GOT UP
9 AT THREE O'CLOCK THAT CHAIN WAS NOT ON THE DOOR

10 Q AT THREE O'CLOCK?

11 A AT THREE O'CLOCK THAT CHAIN WAS NOT ON THE DOOR

12 Q YOU REMEMBER THAT SPECIFICALLY?

13 A YES, I DO BECAUSE I WENT TO THE DOOR

14 Q FOR WHAT PURPOSE?

15 A THE LIGHT, THE PORCH LIGHT WAS ON

16 Q OKAY

17 A I AM THE ONE WHO CUT THE PORCH LIGHT OFF AND I
18 CUT THE HALL LIGHT OFF AND I CUT THE LIVING ROOM
19 LIGHT OFF AND I WENT AND I GOT IN THE BED

20 Q WAS THE BACK DOOR LOCKED?

21 A I DIDN'T CHECK THE BACK DOOR

22 Q SO THE GIRLS WERE IN CHARGE OF SECURING THE
23 HOUSE THAT NIGHT?

24 A I WON'T ---

003680

25 Q IS THAT TRUE OR NOT?

1 A NO, SIR, THAT'S NOT TRUE THEY LOCKED THE DOOR
2 WE LOCKED THE DOOR AFTER MARY SUE LEFT AND WENT TO
3 WORK NORMALLY THEY DON'T GO BACK TO THE DOOR THE
4 DOOR WAS LOCKED AS SOON AS MARY SUE LEFT AND I ASKED
5 AMANDA WAS IT LOCKED AND SHE SAID YES

6 Q SO AT TEN O'CLOCK THAT NIGHT YOU GUYS WERE
7 LOCKED IN FOR THE EVENING?

8 A PRETTY MUCH, YES, SIR

9 Q OKAY OKAY AND WHEN YOU FIRST TALKED TO LAW
10 ENFORCEMENT YOU DIDN'T TALK ABOUT THREE O'CLOCK,
11 RIGHT?

12 A NO, SIR, I DIDN'T

13 Q OKAY AND THEN I'M GOING TO COME BACK TO THREE
14 O'CLOCK BUT LET ME ASK YOU, WHERE IS IT THAT YOU TOLD
15 LAW ENFORCEMENT ABOUT YOU CHECKING THE DOOR AT THREE
16 O'CLOCK, CHECKING THAT CHAIN LOCK AT THREE O'CLOCK?

17 A I DIDN'T, I SAID I CUT THE LIGHTS OFF

18 Q I WAS JUST ASKING YOU'VE BEEN IN THIS
19 COURTROOM DURING THIS WHOLE TRIAL, HADN'T YOU?

20 A THAT'S RIGHT

21 Q YOU'VE HEARD EVERYBODY'S TESTIMONY?

22 A THAT'S RIGHT

23 Q WHEN DID YOU TELL LAW ENFORCEMENT ABOUT THAT
24 CHAIN LOCK THAT YOU JUST TOLD ME ABOUT?

25 A (NO RESPONSE)

003681

1 Q IT ABSOLUTELY WASN'T ON I SAW IT AT THREE
2 O'CLOCK WHEN YOU DID TESTIFY TO THAT?

3 A IF YOU ARE INSINUATING THAT I DIDN'T CHECK THE
4 CHAIN, THAT'S NOT TRUE I CHECKED THE CHAIN I
5 DON'T HAVE, I DIDN'T, WHAT WAS I SUPPOSED TO DO, STOP
6 AND TELL HER EVERY LITTLE DETAIL, EVERY LITTLE THING?

7 Q SIR, YOUR DAUGHTER WAS LAYING DEAD, YOU HEARD
8 THAT A THOUSAND TIMES --

9 A I WAS --

10 Q WOULDN'T IT BE APPROPRIATE TO TELL EVERY LITTLE
11 THING

12 A I TOLD HER ALL THAT I KNEW AT THE TIME

13 Q OKAY SO YOU DON'T KNOW THAT AT THE TIME, IS
14 THAT YOUR POINT?

15 A WHAT I -- NO, I DIDN'T I DIDN'T EVEN REMEMBER
16 GETTING UP AT THREE O'CLOCK REMEMBER? YOU JUST GOT
17 THROUGH SAYING THAT I DIDN'T EVEN TELL IT TO LAW
18 ENFORCEMENT BUT THEN AFTER I SIT AND THOUGHT OF IT,
19 I REMEMBERED I HAD TO GO TO THE BATHROOM

20 Q OKAY AND WHEN YOU SAT THERE THEN YOU
21 REMEMBERED THE CHAIN LOCK?

22 A WHEN I SAT HERE? NO, SIR, I REMEMBERED THE
23 CHAIN LOCK A LONG TIME BEFORE THAT BUT, YOU KNOW,
24 AFTER I TALKED TO MY ATTORNEYS AND AFTER I TALKED TO
25 EVERYBODY, I DON'T GO BACK AND TALK TO THE POLICE I

003082

1 DON'T TRUST THEM

2 Q YOU DON'T?

3 A NO, I DON'T

4 Q SO YOU TALKED TO YOUR ATTORNEYS AND THAT'S WHEN
5 YOU MADE THESE DETERMINATIONS, RIGHT?

6 A NO, SIR I MADE THE DETERMINATION LONG TIME
7 BEFORE THAT

8 Q LET ME ASK YOU ABOUT, SO YOU TOLD LAW
9 ENFORCEMENT FROM THE BEGINNING THAT THE HOUSE WAS
10 SECURE, IS THAT A FAIR STATEMENT?

11 A I SAID -- YES, SIR, THAT'S TRUE BECAUSE I
12 THOUGHT, I THOUGHT THAT IT WAS, BUT I DIDN'T CHECK
13 THE WINDOWS I DIDN'T CHECK THE DOORS I MEAN, I
14 DIDN'T NOTHING ELSE ALL I CHECKED WAS THE TWO
15 DOORS

16 Q AND ---

17 A AND THAT'S EXACTLY WHAT I EXPLAINED TO THEM
18 REMEMBER, I SAID I LOOKED AT THE FRONT DOOR AND THEN
19 I WENT TO THE BACK DOOR I WENT TO THE KITCHEN DOOR
20 AND LOOKED IN THERE TO THE BACK DOOR AND IT WAS SHUT

21 Q RIGHT

22 A AND LOCKED

23 Q RIGHT

24 A THAT'S EXACTLY WHAT I TOLD THEM THAT NIGHT

25 Q THAT'S WHAT I'M GETTING AT WE GOT THE BACK

1 DOOR LOCKED, WE GOT THE FRONT DOOR LOCKED, NOW WE'RE
2 TALKING ABOUT THE WINDOWS, RIGHT?

3 A I DIDN'T LOOK AT THE WINDOWS I DIDN'T LOOK FOR
4 THE WINDOWS

5 Q THAT'S WHAT I, I WANT TO ASK YOU SOME QUESTIONS
6 ABOUT THE WINDOWS

7 A OKAY GO AHEAD

8 Q FOR STARTERS, OF COURSE YOU'VE SEEN THE TRIAL
9 AND YOU'VE SEEN THE PICTURES, RIGHT?

10 A I'VE SEEN THE TRIAL I'VE SEEN THE PICTURES

11 Q THE INSIDE OF THE HOUSE WAS NOT IN THE BEST OF
12 SHAPE, YOU AND I ALREADY DISCUSSED THAT, RIGHT?

13 A WE ALREADY DISCUSSED THAT

14 Q AT WHAT POINT DID YOU GO OUTSIDE AND CLEAN THE
15 WINDOWS AND CLEAN THE WINDOWS SILLS AND CLEANED THE
16 HOUSE?

17 A THEY WEREN'T THEY WEREN'T CLEAN

18 Q THEY WERE FILTHY, WEREN'T THEY?

19 A THEY WERE FILTHY

20 Q EVERY SINGLE ONE OF THEM WAS FILTHY?

21 A THAT'S TRUE THEY WERE REAL FILTHY I MEAN, SO
22 THAT, YOU KNOW

23 Q YOU WOULDN'T WANT TO CLIMB OVER IT IN YOUR WHITE
24 SHIRT, WOULD YOU?

25 A IT DEPENDS ON WHO I WAS AND WHAT I WAS DOING

003084

1 Q I GOT YOU

2 A IF I WAS, IF I WAS A THIEF AND I WAS GOING TO
3 BREAK IN A HOME, IT WOULDN'T MAKE NO DIFFERENCE
4 NORMALLY WHAT, I WOULDN'T, IT WOULDN'T HAVE MATTERED
5 TO ME

6 Q WELL, THEN YOU'D HAVE ONE CLEAN WINDOW, WOULDN'T
7 YOU?

8 A WOULDN'T IT HAVE BEEN CLEAN? I DON'T THINK IT
9 WOULD HAVE BEEN CLEAN NOT IF IT WAS AS FILTHY AS
10 WHAT MY MINE WAS

11 Q AND YOU DON'T THINK IT WOULD HAVE WIPED ANYTHING
12 OFF OF THAT LEDGE?

13 A NO, I DON'T THINK IT WOULD HAVE BEEN THAT BAD,
14 NO, I DON'T THERE WAS TOO MUCH DIRT, TOO MUCH DUST,
15 TOO MUCH LEAVES, THE WIND WAS BLOWING THAT NIGHT
16 THE WIND WOULD HAVE BLEW THE LEAVES BACK

17 Q WE'RE NOT EVEN TALKING ABOUT LEAVES NOW WE'RE
18 TALKING ABOUT GRIME, RIGHT?

19 A WE'RE TALKING ABOUT

20 Q WE'RE TALKING ABOUT BLACK MILDEW BASICALLY IS
21 WHAT IT WAS?

22 A I WOULDN'T SAY IT WAS MILDEW, NO

23 Q YOU DON'T THINK THAT'S WHAT IT WAS?

24 A NO, I DON'T THINK IT WAS MILDEW I THINK IT WAS
25 DIRT AND DEBRIS THAT JUST BLEW IT UP ON THE WINDOW

003685

1 THEM WINDOWS HAVE BEEN LIKE THAT, I MEAN, PROBABLY
2 SINCE WE'VE BEEN THERE

3 Q OKAY

4 A THE ONLY THING WE DONE IS CLEAN THE WINDOWS
5 THEMSELVES, THE GLASSES

6 Q I'M SORRY

7 A I SAID WE JUST CLEANED THE GLASSES THEMSELVES

8 Q OKAY THAT NIGHT, BETWEEN WHAT YOU KNEW, WHAT
9 THE GIRLS TOLD YOU THE HOUSE WAS SECURED, WE'RE
10 SQUARE ON THAT PART, RIGHT?

11 A I WOULD SAY SO, YES, SIR

12 Q OKAY OKAY AND THEN AS FAR AS AMANDA'S ROOM,
13 NOW ONE OF AMANDA'S WINDOWS DID HAVE PLASTIC OVER IT
14 WHERE KYLA OR JESSICA HAD BOUNCED INTO THE WINDOW,
15 RIGHT?

16 A ACTUALLY IT WAS KYLA KYLE WAS JUMPING, SHE
17 JUMPED OFF THE DRESSER, JUMPED ONTO THE BED, AND WAS
18 BOUNCING ON THE BED

19 Q WENT STRAIGHT ON IN TO THE WINDOW?

20 A FELL BACK ON THE WINDOW AND BUSTED IT AND SOME
21 OF THE BOARDS WERE BUSTED OUT AND THE BED WAS SHIFTED
22 AROUND, MOVED AROUND WE TOOK, WE TOOK THE BED APART
23 AT THAT TIME AND CHANGED IT AROUND BECAUSE SOME OF
24 THE SLATS ON THE BOTTOM WAS BROKEN AND WE FIXED IT SO
25 THAT AMANDA COULD USE IT AGAIN AND WE TURNED THE BED

1 SIDE WAYS SO THAT KYLA COULDN'T GET, JUMP TO THE BED
2 FROM THE DRESSER NO MORE

3 Q AND MARY SUE GOT SOME PLASTIC AND USED THE
4 STAPLER AND BASICALLY FIXED THE WINDOW SO BECAUSE I
5 MEAN THIS WAS WHAT NOVEMBER NOW, SO THERE WOULDN'T BE
6 WIND BLOWING IN ON AMANDA, RIGHT?

7 A I HONESTLY CAN'T SAY THAT SHE USED A STAPLER
8 BECAUSE I THOUGHT SHE HAD TOLD ME SHE USED TAPE AND
9 TAPED IT UP I REALLY CAN'T SAY FOR SURE

10 Q I GOT YOU OF COURSE, YOU LOOKED AT IT, RIGHT?

11 A I LOOKED AT IT? NO NO, BECAUSE IT WAS JUST A
12 COUPLE NIGHTS PRIOR TO THIS HAPPENING THAT SHE
13 ACTUALLY STAPLED IT UP SEE THE GIRLS, JESSICA AND
14 KYLA AND AMANDA, ALL SLEPT IN THE SAME BED FOR A
15 SHORT TIME UNTIL WE, UNTIL AMANDA GOT TIRED OF NOT
16 BEING ABLE TO SLEEP WITH THE NIGHT ON AND SHE ASKED
17 FOR HER ROOM BACK AND MARY SUE WENT IN THERE WHILE I
18 WAS AT WORK A COUPLE NIGHTS BEFORE THAT AND EITHER
19 STAPLED OR TAPED, BUT Y'ALL SAY STAPLED SHE TOLD
20 ME, I THOUGHT SHE TOLD ME, TAPED IT

21 Q BUT YOU SAW IT, RIGHT? YOU SAW IT THAT MORNING,
22 RIGHT?

23 A I SAW, I SAW THE PLASTIC, I DIDN'T SEE THE
24 STAPLES, I DIDN'T SEE THE TAPE, BECAUSE I WASN'T
25 LOOKING FOR THAT

1 Q OKAY LET ME ASK YOU THIS WHEN DID YOU CLEAN
2 OUT AMANDA'S CLOSET?

3 A AMANDA'S CLOSET SHE'S, SHE WAS RESPONSIBLE FOR
4 CLEANING THAT OUT A LOT OF HER STUFF WAS OUT AND IN
5 THE FLOOR OF HER, IN THE FLOOR THERE OF HER CLOSET
6 IT WAS BACK OVER IN THE CORNER

7 Q OKAY CLEARLY NOBODY COULD FIT IN THAT CLOSET,
8 COULD THEY?

9 A I WOULDN'T SAY THAT, NO, SIR I SAY THAT, YES,
10 SOMEBODY COULD AND I BELIEVE SOMEBODY DID

11 Q AND WHY DO YOU BELIEVE THAT?

12 A WHY, WHY ELSE WOULD THE DOOR IN, TO THE CLOSET
13 BE AJAR SO THAT I COULDN'T GET IN FROM THE DOOR THAT
14 MORNING?

15 Q COULD SHE HAVE HUNG HER STUFF UP BEFORE SHE WENT
16 TO BED?

17 A I DON'T THINK SO, NO I REALLY BELIEVE BECAUSE
18 OF WHAT HAPPENED, THE WAY IT ALL HAPPENED, THAT'S
19 EXACTLY WHAT IT WAS SOMEBODY WAS IN HER CLOSET

20 Q SOMEBODY HID IN THAT CLOSET GOT IN SOMETIME
21 EARLIER --

22 A I TOLD YOU THAT HER, THAT WAS, THAT THE, THE
23 FRONT DOOR WAS STANDING OPEN

24 Q NOW WHEN WAS THIS?

25 A THIS WAS WHEN I CAME HOME FROM WORK EARLIER THAT

003688

1 AFTERNOON

2 Q WAIT A MINUTE ALL RIGHT WHEN YOU TESTIFIED A
3 LITTLE BIT AGO ---

4 A RIGHT

5 Q YOU SAID THE FRONT DOOR WAS OPEN WHEN YOU CAME
6 HOME FROM WORK AND YOUR FAMILY IS ALL THERE AND THE
7 FRONT DOOR WAS OPEN?

8 A AND I QUESTIONED MARY SUE ABOUT IT, SHE SAID SHE
9 COULD HAVE LEFT IT OPEN

10 Q SO YOU THINK MAYBE SOMEBODY GOT IN THAT CLOSET
11 THEN?

12 A I DON'T KNOW IF THEY GOT IN THEN, BUT I KNOW
13 THAT I DIDN'T, AFTER I COME BACK FROM GETTING AMANDA
14 AT FIVE O'CLOCK AND MARY SUE LEFT AND WENT TO THE
15 STORY, I DIDN'T LEAVE THE HOUSE, AND I CAN'T THINK OF
16 NO OTHER WAY NOBODY GOT IN

17 Q OKAY BECAUSE IT WASN'T BREAKING IN, WAS IT?

18 A I CAN'T SAY THAT I DON'T KNOW

19 Q OKAY LET ME ASK YOU THIS HAD YOU BEEN IN HER
20 ROOM THAT WEEK?

21 A HAVE I?

22 Q HAVE YOU BEEN IN YOUR DAUGHTER'S ROOM IN THAT
23 SMALL HOUSE THAT WEEK?

24 A NO, I HAVE NOT I DIDN'T GO IN MY DAUGHTER'S
25 ROOM THAT WAS HER ROOM MARY SUE, IF SHE WANTED TO

1 HELP HER CLEAN IT, SHE HELPED HER CLEAN IT, BUT I
2 DIDN'T GO IN HER BEDROOM, NO, I DIDN'T

3 Q SO HOW DID YOU KNOW HER CLOSET WAS EMPTY?

4 A UH?

5 Q HOW DID YOU KNOW HER CLOSET WAS EMPTY?

6 A BECAUSE SHE TOLD ME SHE EMPTIED OUT THE CLOSET
7 SO THAT SHE COULD, SHE HAD CLEANED OUT HER CLOSET
8 BECAUSE WE WERE GOING TO, WE WERE SPRAYING

9 Q WHO TOLD YOU THAT?

10 A AMANDA TOLD ME THAT

11 Q SO AMANDA TOLD YOU SHE EMPTIED OUT THAT CLOSET,
12 SO THAT NIGHT WHEN YOU WERE TALKING TO JERRY WALDROP
13 AND THOSE GUYS, YOU GO, HEY, SOMEBODY COULD HAVE HID
14 IN THE CLOSET BECAUSE AMANDA HAD EMPTIED OUT THAT
15 CLOSET, RIGHT?

16 A NO, THAT'S NOT TRUE WHEN I DID THE FOGGERS HER
17 CLOSET DOOR WAS OPEN I COULD SEE IN HER CLOSET
18 HER CLOSET, SHE STILL HAD A FEW BAGS IN THE BOTTOM OF
19 IT, BUT I COULD SEE IN HER CLOSET I DIDN'T GO INTO
20 HER ROOM WE PUT, I PUT THE FOGGERS AT THE DOOR, AT
21 HER DOOR, SO THE TWO OF THEM, HER CLOSET DOOR WAS
22 OPENED AND HER STUFF WAS OUT LIKE SHE SAID SHE WOULD
23 DO

24 Q HER CLOSET DOOR WAS OPEN?

25 A YES

003090

1 Q SO HOW DID YOU GET HER DOOR OPEN IF HER CLOSET
2 DOOR WAS OPEN? I THOUGHT THEY HUNG UP ON EACH OTHER?

3 A NO NO NO I, THEY, IT'S THE WAY THEY HUNG
4 UP THE HANDLES HUNG UP ON THE TWO BUT YEAH, YOU
5 COULD OPEN HER DOOR AT ONE TIME AND THEN THE OTHER
6 ONE WOULD OPEN UP THE OPPOSITE THEY OPENED LIKE
7 THIS SO THEY BOTH WOULD OPEN, NOT AT THE SAME TIME,
8 BUT ONE RIGHT AFTER THE OTHER

9 Q WHEN YOU TALKED TO DSS YOU TOLD THEM THAT YOU
10 HAD NOT BEEN IN HER ROOM, YOU DENIED, YOU DON'T EVER
11 GO IN HER ROOM BASICALLY?

12 A NO, I DON'T GO HER ROOM

13 Q DO YOU GO IN THE OTHER GIRLS' ROOM?

14 A IN -- I

15 Q THE OTHER GIRLS' ROOM?

16 A VERY RARELY IF I DO I THINK I WENT THERE TO
17 HELP THEM SET THAT DESK UP IN THERE

18 Q OKAY THAT'S THE ROOM OVER HERE WE'RE TALKING
19 ABOUT, RIGHT? AND I'M STANDING IN AMANDA'S?

20 A IN JESSICA, IN JESSICA AND KYLA'S ROOM, YES

21 Q YOU SLEEP THERE, THE BATHROOM IS THERE, YOU
22 DON'T GO INTO THIS ROOM MAYBE OTHER THAN FOR ONE TIME
23 FOR SETTING UP A DESK, AND YOU DON'T GO IN THIS ROOM?

24 A I DON'T GO IN THE GIRLS' ROOM I RESPECT THEIR
25 PRIVACY

003091

1 Q BUT THEIR DOOR'S WIDE OPEN, RIGHT?

2 A YEAH, THEIR DOOR'S, MOST OF THE TIME THEIR DOORS
3 ARE OPEN, BUT AMANDA CLOSES HER DOOR AT NIGHT BEFORE
4 SHE GOES TO SLEEP

5 Q AND YOU MADE TO CLEAR TO DSS THAT YOU DON'T GO,
6 OR DIDN'T GO --

7 A I DON'T GO INTO THEIR ROOM

8 Q OKAY AND DID I UNDERSTAND YOU TO SAY THAT YOU
9 HAD HEARD THAT AMANDA AND THE NEIGHBOR TALK ALL THE
10 TIME?

11 A WHAT, WHAT I SAID WAS THE NEIGHBOR BESIDE OF US,
12 RANDY CROWDER WAS HIS NAME, WOULD TALK TO MARY SUE
13 AND AMANDA AND JESSICA AND KYLA FOR THAT MATTER FROM
14 HIS PORCH TO OUR LITTLE STOOP OF A PORCH THERE OR HE
15 WOULD COME TO THE FENCE AND TALK WHEN THEY WERE OUT
16 THERE I THINK THE LAST TIME THEY WERE WASHING THE
17 VAN AND MARY SUE TOLD ME THAT AS A MATTER OF FACT,
18 HE HAD PROMISED HER SOME TOMATOES AND WE NEVER GOT
19 THEM AND SHE WAS ASKING ABOUT THEM

20 Q NOW AS A STANDARD COURSE YOU PICKED THE GIRLS UP
21 AT SCHOOL YOU, I THINK I UNDERSTAND, YOU MADE TWO
22 TRIPS, IS THAT RIGHT?

23 A THAT'S CORRECT

24 Q AND WHEN YOU PICK AMANDA UP FROM SCHOOL, SHE
25 PRETTY MUCH STAYS WITH YOU UNTIL THE NEXT MORNING?

003692

1 I BELIEVE YOU SAID IN ONE OF YOUR STATEMENTS IN
2 OTHER WORDS, I MEAN, YOU WENT DIFFERENT PLACES, I'M
3 NOT SAYING THAT, BUT SHE'S WITH YOU THERE AT THE
4 HOUSE, SHE'S NOT GONE VISITING FRIENDS OR WALKING
5 AROUND THE NEIGHBORHOOD OR ANYTHING OF THAT NATURE

6 A NO, WE DIDN'T ALLOW HER TO WALK AROUND THE
7 NEIGHBORHOOD WE DIDN'T ALLOW HER TO GO OFF ON HER
8 OWN OR TO, SHE WOULD GO TO FRIENDS HOUSE SHE WENT
9 TO LEILA'S HOUSE AFTER CHURCH SEVERAL TIMES SHE'S
10 WENT TO, WE GO TO MY MOM'S HOUSE, THINGS LIKE THAT,
11 BUT YEAH, FOR THE MOST PART, SHE STAYS AT THE HOUSE

12 Q SCHOOL DAYS PARTICULARLY SHE COMES HOME?

13 A YEAH

14 Q SO SHE WAS BASICALLY WITH YOU FROM THE TIME SHE
15 GETS OUT OF SCHOOL TIL THE NEXT MORNING, RIGHT?

16 A WELL, EXCEPT WHEN I'M AT WORK

17 Q AND WHEN WOULD THAT BE?

18 A WELL, FROM FIVE O'CLOCK IN THE AFTERNOON UNTIL
19 TEN, UNTIL NINE, ABOUT 9 45

20 Q UNLESS IT'S WEDNESDAY OR SOME OTHER DAY?

21 A UNLESS IT'S ON WEDNESDAY, THEN WE HAVE CHURCH
22 AND WE WOULD ALWAYS GO TO CHURCH

23 Q OKAY AND YOU INDICATED AMANDA'S DOOR WAS HARD
24 TO OPEN, IT MAKES NOISE, BUT IT DOESN'T STICK, RIGHT?

25 I JUST WANT TO BE SURE ---

002693

1 A YOU SAID AMANDA'S

2 Q RIGHT

3 A NO, IT WOULD STICK IT DIDN'T MAKE NOISE IT
4 WASN'T LOUD LIKE, IT WASN'T LIKE, WHAT WAS LOUD WAS,
5 I THINK SHE HAD A LOCK OR SOMETHING ON THE BACK THAT
6 WOULD RATTLE, CLINK, CLINK, CLINK, YOU KNOW, MAKE A
7 RATTLE WHEN YOU PUSH ON IT, BUT HER DOOR IT MADE A
8 SCRAPINGNOISE, BUT IT WASN'T LOUD OR NOTHING LIKE
9 THAT

10 Q OKAY AND THAT PARTICULAR NIGHT AND I'VE SEEN
11 SEVERAL DIFFERENT VERSIONS SO AGAIN I WANT YOU TO
12 CORRECT ME THE GIRLS ARE DOING THEIR HOMEWORK IT
13 GETS TO BE ONE O'CLOCK, HAD YOU GONE TO BED BECAUSE I
14 THOUGHT IN ONE OF YOUR STATEMENTS YOU WENT TO BED AND
15 SET THE ALARM TO WAKE BACK UP, BUT YOU HEAR THE
16 STAPLER GOING RIGHT BEFORE YOUR ALARM GOES OFF?

17 A NO, SIR, THAT'S NOT WHAT THE, THAT'S NOT WHAT
18 THE STATEMENTS SUPPOSEDLY, SUPPOSED TO SAY I DON'T
19 KNOW I DON'T EVEN REMEMBER, I DON'T EVEN REMEMBER
20 SEEING THAT STATEMENT WHAT I SAID WAS AT 12 O'CLOCK
21 I GOT UP FROM THE COMPUTER OR SOMEWHERE AROUND ABOUT
22 12 O'CLOCK, AROUND MIDNIGHT, I GOT UP FROM THE
23 COMPUTER AND I WENT TO MY BEDROOM WITH MY BIBLE AND
24 WITH THE QUIZ BOOK, WITH THE, THE NOTE PAD WAS
25 ALREADY IN THE BEDROOM, THE LITTLE COMPOSITION

003094

1 BOOKLET, AND THEN THERE WAS A LIST OF QUESTIONS THAT
2 I WOULD HAVE FOR AMANDA WHAT I WOULD DO IS I WOULD
3 ASK HER QUESTIONS AND SHE WOULD JUMP UP AND ANSWER
4 THE QUESTIONS

5 Q THAT'S AROUND 12 O'CLOCK?

6 A THAT'S WHEN I WENT INTO THE BEDROOM AND I SAT
7 OPEN THE BED, AT THE FOOT OF THE BED

8 Q YOU SITTING ON YOUR BED AGAIN

9 A RIGHT

10 Q YOU ARE SITTING FACING THE DOOR?

11 A NO, I'M SITTING FACING THE FAN

12 Q THE FAN AT THE END OF YOUR BED DOWN THERE?

13 A WELL, IF I WAS TURNING, YES, I'D BE FACING THE
14 BED

15 Q OKAY SO YOU ARE FACING THE END WHERE THEY
16 WERE?

17 A THEY ARE IN THE LIVING ROOM

18 Q OKAY THAT'S WHAT I'M SAYING WHERE ARE THE
19 GIRLS AT?

20 A OH, THE GIRLS THEY ARE IN THE HALLWAY

21 Q SO RIGHT HERE?

22 A THEY COME OUT OF THE LIVING ROOM AND COME TO SIT
23 IN THE HALLWAY ON THE FLOOR FOR A SHORT TIME THEN
24 THEY GOT UP AND STOOD AT THE, WE HAD A SEWING MACHINE
25 SITTING RIGHT THERE IN THE HALL, WE HAD JUST GOT IT

1 I HADN'T HAD A CHANCE, LIKE I SAID, I WAS CLEANING
2 OUT THE BEDROOM SO WE COULD PUT SOME STUFF AWAY AND
3 THAT WAS ONE OF THE THINGS THAT WAS GOING IN THE
4 BEDROOM AND IT WAS SITTING IN THE HALLWAY, SORT OF
5 OUT OF THE WAY, AND THEY WERE, THEY WERE SITTING UP,
6 AT FIRST THEY WERE SITTING IN THE FLOOR THEN THEY
7 STOOD UP ON THE SEWING MACHINE AND AMANDA WAS HELPING
8 HER WITH HER HOMEWORK

9 Q NOW HOW LONG HAD THAT SEWING MACHINE BEEN OUT
10 THERE? DID I UNDERSTAND YOU TO SAY THAT YOU ARE
11 MOVING IT OUT OR SOMETHING?

12 A WE WERE MOVING IT TO OUR BEDROOM IT WAS, MY
13 MOM HAD JUST GIVE IT TO MY WIFE AND I

14 Q HOW LONG HAD IT BEEN OUT THERE?

15 A THREE OR FOUR DAYS

16 Q OKAY NOW IS THAT THE SAME TABLE THAT THE RAG
17 IS UNDER?

18 A NO

19 Q OKAY

20 A NO THAT WASN'T UNDER A TABLE THAT WAS UNDER
21 A BOOK SHELF THAT WAS IN THE, THERE WAS A BOOK
22 SHELF THERE AND THERE IS A BOOK SHELF HERE, AND IT
23 WAS UP UNDER, ACCORDING TO THE POLICE DOCUMENTS AND
24 ALL, WAS UP UNDER SIDE OVER THERE

25 Q SO THAT'S UNDER THAT BOOK SHELF, THAT RAG IS

003096

1 UNDER THAT BOOK SHELF FACING TOWARDS YOUR BEDROOM?

2 A FACING TOWARDS MY BEDROOM, YES

3 Q OKAY OKAY SO ANYWAY YOU WORK UNTIL ABOUT 12
4 AT WHAT POINT DO YOU GO TO SLEEP?

5 A I DID NOT GO TO SLEEP UNTIL AFTER THE GIRLS HAD
6 FINISHED THEIR HOMEWORK I WAS SITTING UP WORKING ON
7 THE BIBLE STUDY AND THE COMPUTER PROGRAM I MEAN THE
8 QUIZ PROGRAM

9 Q OKAY YOU ARE WORKING ON YOUR BIBLE QUIZ
10 PROGRAM FROM ROUGHLY 12 UNTIL ONE, IS THAT ABOUT
11 RIGHT?

12 A FROM 12, YEAH, ABOUT 12 TO ONE WELL, I STOPPED
13 LONG ENOUGH TO WRITE MY JOURNAL ENTRY OUT FOR THAT
14 DAY

15 Q OKAY NOW YOU TALK ABOUT AN ALARM THEN YOU TALK
16 ABOUT THE PHONE LET'S START WITH THE PHONES WHAT
17 PHONES DID YOU HAVE IN YOUR HOUSE?

18 A I HAD TWO PHONES I HAD ONE YOU SEEN IN THE
19 PICTURE, THAT ONE SIT ON THAT LITTLE TABLE, ACTUALLY
20 IT'S A STOOL WITH A COVER ON IT, IT SIT RIGHT BESIDE
21 OF MY DESK

22 Q THAT'S THE COMPUTER?

23 A RIGHT, RIGHT IN FRONT OF THE COMPUTER

24 Q OKAY

25 A AND THE COMPUTER SITS RIGHT THERE, THERE IS A

003697

1 LITTLE TABLE THAT SITS RIGHT HERE BESIDE OF THE DESK
2 AND IT HAS THE ONE PHONE ON IT THEN WE HAVE ANOTHER
3 PHONE IN THE BEDROOM THAT WAS A CORDLESS PHONE THAT
4 IT HAD A DISTINCT RING TO IT AND IT WOULD RING THE,
5 WHEN YOU CALLED WAKE UP, IT WOULD RING APPROXIMATELY
6 FIFTY TIMES AND THAT WOULD GET MY ATTENTION AND I
7 COULD HEAR IT AND I WOULD WAKE UP AND I THINK I
8 ANSWERED YOUR QUESTION

9 Q DID YOU HAVE AN ALARM IN THERE TOO?

10 A I DID HAVE AN ALARM CLOCK IN THERE

11 Q BUT YOU USED?

12 A AND IT HAD A LITTLE BEEP, BEEP, BEEP, THAT'S ALL
13 YOU HEAR

14 Q KIND OF LIKE A SMOKE ALARM ALMOST?

15 A ALMOST, YEAH

16 Q RIGHT AND SO YOU USED THAT ALARM? YOU USED
17 USE THE ALARM CLOCK AND THE PHONE?

18 A I USED, WELL, I USED THE PHONE IS WHAT I USE
19 BUT THE ALARM CLOCK IS JUST A SECONDARY, I HEAR BOTH,
20 I DON'T HEAR THE ALARM CLOCK UNTIL AFTER I HEAR THE
21 PHONE

22 Q AND THE PHONE, IS THAT SOME KIND OF SERVICE YOU
23 GOT WITH COMPORIUM OR SOMETHING?

24 A IT'S NOT, IS IT A SERVICE?

25 Q IS THAT THE PHONE COMPANY DOES THAT?

003098

1 A YEAH, THE PHONE COMPANY DOES IT

2 Q SO YOU PAY FOR THAT?

3 A I DON'T, I DON'T KNOW IF THAT WAS A CHARGE OR IF
4 THAT'S JUST PART OF THE PHONE SERVICE I CAN'T
5 REMEMBER

6 Q I GOT YOU AT SOME POINT THEN THEY FINISH UP
7 AND NOW I'M JUST TRYING TO PICTURE, YOU ARE THERE ON
8 YOUR BED, SO YOU CAN SEE WHATEVER THEY ARE DOING
9 RIGHT HERE COMING THROUGH THE HALL YOU CAN SEE
10 AMANDA'S ROOM, YOU CAN SEE THE OTHER GIRLS' ROOM,
11 RIGHT?

12 A THAT'S CORRECT

13 Q OKAY FROM RIGHT WHERE YOU ARE SITTING?

14 A THAT'S CORRECT

15 Q AND SO WHAT WAS TAKING PLACE?

16 A OKAY JESSICA AND KYLA WERE, I WAS SITTING,
17 LIKE I WAS FACING THE, THE JUDGE'S BENCH THERE AND
18 THE FAN WOULD BE SITTING RIGHT HERE ON THE DRESSER,
19 AND THEN I WAS SITTING ON AT THE FOOT OF THE BED LIKE
20 THIS AND I HAD MY BIBLE AND I HAD MY, THE QUIZ BOOK
21 AND THE QUESTIONS SITTING RIGHT HERE AT ONE POINT I
22 EVEN MADE THE STATEMENT TO AMANDA, YOU ONLY GOT A FEW
23 QUESTIONS, I THINK 8 OR 9 QUESTIONS THIS TIME

24 Q YOU TALKING ABOUT THE QUIZ BOOK YOU ARE NOT
25 TALKING ABOUT MATH NOW?

003099

1 A IN THE QUIZ BOOK, RIGHT AMANDA SAID OH, GOOD
2 I'M TIRED OF ALL OF THESE QUESTIONS AND THEN BUT --

3 Q WHERE WAS SHE WHEN YOU WERE TALKING, YOU WEREN'T
4 SEEING HER YOU WERE HEARING HER?

5 A NO, I WAS SEEING SHE WAS STILL SITTING THERE
6 IN THE HALL

7 Q IN THE HALLWAY?

8 A YEAH

9 Q OKAY OKAY?

10 A BECAUSE I LOOKED DIRECTLY IN HER FACE WHEN I
11 TOLD HER THAT

12 Q ALL RIGHT THEN AT SOME POINT WHEN YOU HEAR ALL
13 THE STAPLING AND STUFF, IS THAT IN HER BEDROOM?

14 A HER BEDROOM, SHE-- WHAT HAPPENED IS WHEN THEY
15 GOT UP AND I GUESS PROBABLY ABOUT 15 UNTIL THEY GOT
16 UNCOMFORTABLE AND THEY WENT TO HER BEDROOM AND SAT
17 DOWN ON HER BED AND FINISHED---

18 Q YOU COULD SEE HER STRAIGHT ACROSS FROM YOU?

19 A YOU CAN SEE INTO THE ROOM BUT YOU CAN'T SEE IF
20 ANYBODY'S WHERE THEY ARE AT I SAW THE SHADOWS

21 Q I GOT YOU

22 A IN THE ROOM AND I KNEW THEY WERE SITTING ON THE
23 BED DOING THE WORK AND THEN --

24 Q LET ME STOP YOU ONE SECOND SO AT THAT POINT
25 BOTH AMANDA AND JESSICA ARE IN THAT, IN AMANDA'S

003100

1 BEDROOM?

2 A THAT'S CORRECT

3 Q OKAY

4 A THAT'S CORRECT AND THEN AT ABOUT TWO OR THREE
5 MINUTES TIL THE PHONE, I SAID TWO OR THREE UNTIL ONE
6 BY THE PHONE, NOW I UNDERSTAND THAT THE PHONE HAS A
7 FIVE MINUTE LEEWAY EITHER, YOU KNOW, THAT IT EITHER
8 COMES ON OR IT COMES ON AT EITHER FIVE MINUTES AFTER
9 OR FIVE MINUTES TIL IT RINGS, BECAUSE SO MANY PEOPLE
10 ARE USING THAT SYSTEM SO, YOU KNOW, YOU CAN'T, YOU
11 DON'T KNOW IF YOU ARE GOING TO BE EXACTLY AT SIX
12 O'CLOCK OR AT WHATEVER TIME AT ONE O'CLOCK WHENEVER
13 I THOUGHT IT WAS EXACTLY ONE O'CLOCK AND SO I SAID
14 OKAY, GIRLS, THE PHONE WENT OFF, IT'S TIME TO GO TO
15 BED I HEARD THE STAPLER JUST BEFORE THE ALARM WENT
16 OFF AND I LOOKED AT AMANDA AND I SAID AMANDA, ARE
17 Y'ALL DONE AND SHE SAID YES, DADDY, AND JESSICA WAS
18 GETTING INTO HER BED

19 Q COULD YOU SEE THAT --

20 A I COULD SEE THAT

21 Q FROM HER GOING INTO THAT ROOM?

22 A I COULD SEE, YES

23 Q OKAY

24 A JESSICA WAS GETTING INTO HER BED AND AMANDA WAS,
25 SHE WAS AND SHE WAS COMING BACK TOWARDS ME I SAID

1 WILL YOU COME HERE A MINUTE AND SHE SAYS YUP

2 Q SO SHE COMES IN TO WHERE YOU ARE IN THE BEDROOM

3 A YEAH, AND I SCOOT BACK UP IN THE BED I ADMIT

4 I'M LAZY I SCOOT UP IN THE BED AND I ASK HER WOULD

5 SHE GO AHEAD AND TURN THE NIGHT OUT FOR ME, TURN THE

6 FAN ON, AND SHE DID

7 Q OKAY SO BEFORE THEY ARE THERE IN THE HALL IS

8 THAT WHEN YOU ARE LOCKING THE DOORS AND EVERYTHING?

9 A OH, THE DOORS WERE LOCKED THE DOOR WAS LOCKED
10 AT TEN O'CLOCK AMANDA TOLD ME SHE LOCKED -- WHEN

11 THEY WERE SITTING IN THE HALL SHE TOLD ME THE LIGHTS
12 WERE OFF AND THE DOORS WERE LOCKED

13 Q YOU ASKED HER THAT SPECIFICALLY?

14 A SHE TOLD ME I DIDN'T ASK HER ANYTHING

15 Q SHE'S SITTING IN THE HALL WORKING ON MATH AND
16 SHE SAID DADDY THE LIGHTS ARE OUT AND THE DOORS ARE
17 LOCKED?

18 A NO NO SHE SAID DADDY, WE ARE GOING TO SIT IN
19 HERE AND THE LIGHTS ARE OUT AND THE DOORS ARE LOCKED

20 Q OKAY

21 A AND THAT'S WHERE SHE SAT, THEY SAT

22 Q OKAY AND THEN AT THAT POINT AT ONE O'CLOCK
23 THEY GO TO BED, RIGHT? EVERYBODY GOES TO BED?

24 A YEAH, EVERYBODY GOES TO BED WELL, KYLA OF
25 COURSE SHE WAS ALREADY IN THE BED ASLEEP

003102

1 Q OKAY AND SHE SLEEPS SOLID, RIGHT?

2 A WELL SO DOES JESSICA THEY BOTH SLEEP PRETTY

3 SOLID

4 Q OKAY AND SO AMANDA GOES ON INTO HER ROOM, DO

5 YOU EVER GET OUT OF YOUR BED AT THAT POINT?

6 A AT THAT POINT? NO

7 Q OKAY

8 A NO SHE TURNED THE LIGHT OUT OH, SHE'S

9 STARTED OUT OF THE ROOM, THE PHONE BEEPED, THE --

10 Q WEAK BATTERY?

11 A THE CHARGER, WEAK BATTERY, AND I ASKED HER WOULD

12 SHE GIVE ME THE PHONE, SHE HANDED ME THE PHONE AND I

13 WENT AHEAD AND SET IT FOR SIX O'CLOCK AND TOLD HER TO

14 PUT IT ON THE CHARGER FOR ME AND SHE PUT IT ON THE

15 CHARGER

16 Q OKAY THE BED IS GOING ACROSS HERE NOW I'M

17 CREATING THIS ROOM

18 A RIGHT

19 Q NOW YOUR BED IS GOING ACROSS HERE YOUR CHARGER

20 IS UP HERE SOMEWHERE?

21 A IT WAS ON THE CORNER, IT WAS ON THE CORNER OF

22 THE DRESSER, BUT THE THING HAD FELL ON THE FLOOR AND

23 SHE SAID I CAN'T FIND IT AND I SAID LOOK DOWN ON THE

24 FLOOR AND SO SHE MOVED THE, OUR DRESSER, OUR DRESSER

25 HAS TWO DOORS THAT OPEN UP LIKE THIS, AND THEN THE

003103

1 DRAWERS COME OUT, AND ONE OF THE DOORS WAS LIKE THIS
2 RIGHT HERE, AND THE CHARGER WAS IN BEHIND IT

3 Q AND THAT'S AT THE FOOT OF YOUR BED?

4 A THAT'S AT THE FOOT OF THE BED

5 Q OKAY OKAY SO SHE GETS UP AND PUTS THE PHONE
6 ON THE CHARGER AND YOU ARE LAYING IN THE BED OVER
7 HERE?

8 A I'M ALREADY IN THE BED AND I GET THE MASK AND
9 PUT IT ON

10 Q TELL US ABOUT THAT MASK IT'S A CPAP, IS THAT A
11 GENERAL NAME OR SOMETHING IT'S BASICALLY YOU ARE
12 NOT GETTING ENOUGH OXYGEN IN AT NIGHT, RIGHT?

13 A WELL, WHAT HAPPENS IS, REMEMBER AT THAT TIME I
14 WAS 385 POUNDS

15 Q RIGHT

16 A AT 385 POUNDS IS A LOT OF FAT TISSUE RIGHT HERE
17 AND WHAT WAS CAUSING IT, IT WAS CAUSING ME NOT TO BE
18 ABLE TO GET ENOUGH AIR INTO MY SYSTEM AND I WOULD
19 SNORE, I WOULD SNORE REAL LOUD I MEAN, SOUNDED
20 LIKE, TO QUOTE WHAT MY WIFE SAID, A FREIGHT TRAIN,
21 AND SHE SAID AND SO I HAD A LOT OF PROBLEMS TRYING TO
22 GET HOME WHEN I WAS WORKING FOR CONOCO, AND I HAD A
23 LOT OF PROBLEMS ALMOST, ONCE I WAS DRIVING AND ALMOST
24 WENT OFF THE SIDE OF THE ROAD

25 Q WAS THAT WHEN YOU LOOKED AT THAT CHECK?

0C3104

1 A NO NO NO I WAS, THAT WAS YEARS BEFORE I
2 EVEN GOT MARRIED, BUT I WAS ON MY WAY HOME AND I FELL
3 ASLEEP I FELL ASLEEP AT THE WHEEL AND I CAUGHT
4 MYSELF JUST AS I WAS FIXING TO GO OFF THE SIDE OF THE
5 ROAD AND ONE TIME I ACTUALLY DID GO OFF THE SIDE OF
6 THE ROAD IT WAS RED RIVER ROAD RIGHT IN FRONT OF
7 ALL THOSE PEOPLE AND I WENT OFF THE ROAD AND SLID OFF
8 INTO, I WAS HEADING STRAIGHT FOR A TREE AND I SLAMMED
9 ON BRAKES AND TURNED AND THEY STARTED LAUGHING AT ME
10 ON THE PORCH

11 NOW I WAS WATCHING A EDUCATIONAL
12 PROGRAM ON ETV AND THEY WERE TALKING ABOUT SLEEP
13 APNEA ITSELF, AND I THOUGHT WELL MAYBE THAT'S THE
14 PROBLEM AND THEN I WENT TO, I HAD TO GO TO THE
15 HOSPITAL WHEN I WAS WORKING FOR WALMART FOR MY CHEST
16 STARTED HURTING AND MY WHOLE RIGHT SIDE WENT NUMB ON
17 ME I WAS UP ON A LADDER HELPING A CUSTOMER AND MY
18 WHOLE SIDE WENT NUMB AND SO I CALLED MY WIFE AND THEY
19 COME GOT ME AND TOOK ME TO THE HOSPITAL WHILE I WAS
20 IN THE HOSPITAL THEY RUN EXTENSIVE TESTS ON ME TO SEE
21 WHAT WAS CAUSING THAT AND THE MAN WAS PUTTING
22 SOMETHING ON MY, HE PUT SOMETHING ON MY, RIGHT THERE,
23 SOME ELECTRODES AND ALL AND HE ASKED ME TO GO TO
24 SLEEP AND I DOZED OFF WHILE HE WAS WORKING AND WHEN
25 I GOT UP HE SAID HAVE YOU EVER BEEN TESTED FOR SLEEP

003165

1 APNEA I SAID WHY HE SAID YOU WAKE UP QUITE OFTEN
2 IN YOUR SLEEP HE SAID YOU WAKE UP A WHOLE LOT AND
3 SO I SAID NO I'VE HEARD OF IT BUT I DON'T KNOW
4 EXACTLY WHAT IT IS, SO I THINK I WOULD HAVE IT TESTED
5 OUT WELL, THEY ADMITTED ME IN THE HOSPITAL AND I
6 WAS, I HAD, THEY HAD TO PUT A OXYGEN THING ON MY
7 FINGER AND MY WIFE HAD TO SIT BY THE BED THE WHOLE
8 NIGHT AND IF MY OXYGEN LEVEL GOT TOO LOW, SHE HAD TO
9 WAKE ME UP TO MAKE SURE I WAS BREATHING, TO MAKE SURE
10 I WAS OKAY, AND THAT HAPPENED QUITE OFTEN AND SO

11 Q SO IT IS A MASK THAT GIVES YOU OXYGEN

12 A YEAH, IT'S A MASK THAT GIVES ME OXYGEN

13 Q OKAY AND WHAT SIZE IS THE MASK THAT, THERE IS
14 DIFFERENT BRANDS, WHAT KIND OF MACHINE IS YOUR CPAP
15 MACHINE?

16 A I CAN'T REMEMBER THE NAME OF THAT MACHINE I'VE
17 HAD IT SO LONG I CAN'T REMEMBER THE NAME OF IT

18 Q OKAY DOES IT FUNCTION PROPERLY?

19 A YEAH, IT FUNCTIONS PROPERLY

20 Q OKAY AND IT BASICALLY A MASK, FROM WHAT I
21 UNDERSTAND, OF COURSE I DON'T HAVE ONE

22 A RIGHT

23 Q I KNOW A LOT OF PEOPLE DO, BUT IT'S A MASK AND
24 IT'S GOING TO MAKE SURE YOU KEEP GETTING SOME OXYGEN,
25 RIGHT?

003106

1 A RIGHT IT'S OVER YOUR NOSE AND IT'S GOT TWO
2 STRAPS ONE'S AT THE TOP PART OF THE MASK AND ONE IS
3 ON THIS SIDE AND IT COMES AROUND

4 Q AND THAT'S TO KEEP YOU FROM KNOCKING IT OFF AT
5 NIGHT

6 A RIGHT, THAT WAY KEEPS YOU SO YOU CAN MOVE AROUND
7 IN YOUR SLEEP

8 Q IS IT LIKE ELASTIC STRAPS?

9 A NO, SIR

10 Q WHAT'S THE STRAP MADE OUT OF?

11 A IT'S MADE OUT OF VELCRO

12 Q SO YOU VELCRO IT BACK HERE?

13 A RIGHT WELL, ACTUALLY YOU VELCRO IT AT THE
14 SIDES WHERE, THE WAY IT WORKS IS IS ONE PIECE HAS
15 GOT, IT'S GOT ACTUALLY FOUR STRAPS, ONE HERE, ONE
16 HERE AND ONE HERE AND ONE HERE AND YOU BRING THEM
17 AROUND AND THEY GO THROUGH THIS LITTLE HOLE ON THE
18 MASK AND THEN THEY ARE VELCROED DOWN ON THE SIDES

19 Q IT'S TO HOLD IT SO YOU CAN MOVE IN YOUR SLEEP,
20 RIGHT?

21 A YEAH, IT KEEPS YOU

22 Q OKAY AND IT ALSO HAS AN EXHAUST PORT, RIGHT
23 TOO, THAT LETS BAD AIR OUT SO TO SPEAK, RIGHT?

24 A IT'S GOT A LITTLE WHISPER VALVE IS WHAT I CALL
25 IT

003107

1 Q A DIAPHRAGM OR SOMETHING?

2 A RIGHT, AND IT JUST MAKES A HIGH SHHHH-SHHH
3 SOUND

4 Q AND WHAT'S THAT, THAT SHH-SHH, IS THAT FROM YOU
5 BREATHING OUT OR IS THAT THE AIR FROM THE MACHINE?

6 A ACTUALLY IT'S THE AIR THAT'S NOT MAKING IT INTO
7 MY LUNGS BECAUSE IT'S BEING FORCED OUT SO FAST AND
8 ALSO THE EXHAUST WHEN I'M BREATHING AND BREATHING
9 BACK IN THE MASK IT'S BLOWING BACK IN

10 Q SO THE NOISE THAT IT MAKES WITH THE AIR AND THE
11 SHHH-SHHH SOUND IS, IT'S NOT LOUD AS THE FREIGHT
12 TRAIN USED TO BE, RIGHT

13 A NO NO

14 Q OKAY YOU WERE MUCH LOUDER?

15 A BUT IT STILL KEPT MY WIFE AWAKE AND SO WHAT I
16 DONE WAS, I ASKED HER LET'S TRY THIS I TOOK A TOWEL
17 OR A SHEET AND I WOULD TAKE AND FOLD IT AND PUT IT
18 OVER MY FACE THAT WAY SHE WOULDN'T HAVE TO HEAR, IT
19 WOULD MUFFLE OUT A LOT OF SOUNDS FROM HER SHE
20 DIDN'T HEAR A LOT OF IT

21 Q OKAY SO YOU WOULD WRAP A TOWEL AND NOW WHEN
22 DID YOU START WRAPPING A TOWEL AROUND?

23 A OH, A LONG TIME AGO TO KEEP HER FROM, YOU KNOW,
24 WHEN SHE WAS, WHEN SHE WAS HOME NOT HAVING TO HEAR
25 IT, NOT HAVING TO, BUT IT WASN'T JUST THAT IT ALSO

1 KEPT LIGHT OUT OF MY FACE

2 Q SO YOU HAVE A TOWEL AROUND AT THIS PARTICULAR
3 NIGHT?

4 A YES, SIR I HAD IT AROUND EVERY NIGHT I STILL
5 DO IT TODAY

6 Q OF COURSE SHE WAS AT WORK, RIGHT?

7 A THAT'S CORRECT

8 Q BUT YOU HAD A TOWEL AROUND IT TO PREVENT---

9 A I DO IT EVERY NIGHT IT WAS A REGULAR HABIT
10 IT WAS A HABIT I ALWAYS DO IT

11 Q OKAY AND NOW WHEN YOU TALKED ABOUT YOUR
12 MACHINE YOU NEVER TOLD LAW ENFORCEMENT ABOUT WRAPPING
13 A TOWEL AROUND YOU?

14 A NO, I DIDN'T I DIDN'T TELL NOBODY I STILL DO
15 IT THOUGH

16 Q SITTING RIGHT THERE IS THE FIRST TIME WE HEARD
17 ABOUT A TOWEL BEING WRAPPED AROUND YOUR HEAD TODAY,
18 THOUGH, RIGHT?

19 A POSSIBLE IT IS THE FIRST TIME YOU HEARD IT

20 Q OKAY

21 A I CAN'T SAY THAT IT'S THE FIRST TIME THAT I'VE
22 SAID IT, BUT IT'S THE FIRST TIME THAT YOU'VE, YOU
23 PROBABLY HEARD IT OF COURSE, I'M NOT AROUND YOU
24 THAT OFTEN

25 Q OR ACTUALLY AT ALL UNTIL THIS TRIAL, RIGHT?

1 A NOPE, NOT UNTIL THIS TRIAL

2 Q AND THE --

3 THE COURT IS THIS A GOOD PLACE TO TAKE A
4 BREAK, MR POPE?

5 MR POPE YES, SIR, I BELIEVE IT WOULD
6 BE

7 THE COURT LET'S TAKE AN AFTERNOON BREAK
8 (THE JURY EXITS THE COURTROOM AT 04 36
9 PM AND COURT IS IN RECESS)

10 (COURT RESUMES AT 04 49 PM)

11 THE COURT BRING IN THE JURY WHILE THE
12 JURY IS COMING IN, WE WILL GO UNTIL ABOUT 6 30 OR SO
13 AND IF WE HAVE TO FINISH UP MR COPE TOMORROW
14 CERTAINLY WOULDN'T PRESENT A PROBLEM, BUT I DON'T
15 WANT TO GO MUCH LATER I CERTAINLY WANT YOU TO TAKE
16 ALL THE TIME YOU NEED

17 MR POPE YES, SIR

18 MR BAITY CAN I LET MY OTHER WITNESS GO
19 THEN?

20 THE COURT I WOULD SAY YES YOU CAN HOLD
21 ME TO THAT THEN

22 MR BAITY THANK YOU, YOUR HONOR

23 (THE JURY RETURNS TO THE COURTROOM)

24 THE COURT YOU MAY PROCEED

25 MR POPE MAY IT PLEASE THE COURT, YOUR

1 HONOR

2 CROSS EXAMINATION CONTINUED BY MR POPE

3 Q MR COPE, APPROXIMATELY ONE O'CLOCK THE GIRLS GO
4 TO BED AND YOU GO TO BED EVERYBODY IN THE HOUSE IS
5 EITHER ALREADY IN BED OR GOING TO BED, IS THAT A FAIR
6 STATEMENT?

7 A THAT'S A FAIR STATEMENT, YES, SIR, EVERYBODY
8 WENT TO BED AT ONE O'CLOCK

9 Q AND AT THAT JUNCTURE THE HOUSE IS LOCKED AND THE
10 LIGHTS ARE OUT?

11 A THE LIGHTS ARE OUT AND THE DOORS ARE LOCKED,
12 YES

13 Q OKAY AND THE NEXT THING YOU KNOW YOU WAKE UP
14 AT THREE O'CLOCK TO GO TO THE RESTROOM, RIGHT?

15 A THAT'S CORRECT

16 Q OKAY YOU COME OUT OF YOUR ROOM INTO THIS
17 BATHROOM, CORRECT?

18 A RIGHT

19 Q OKAY AND AT THAT POINT, AMANDA'S DOOR IS OPEN
20 OR SHUT?

21 A AMANDA DOOR IS CLOSED BECAUSE SHE SHUTS HER DOOR
22 AT NIGHT

23 Q OKAY AND AMANDA'S DOOR WAS SHUT WHEN YOU WENT
24 TO BED WELL, OF COURSE, YOUR HEAD WAS UP THAT WAY,
25 RIGHT?

OC2111

1 A THAT'S RIGHT

2 Q SO YOU ACTUALLY, THIS IS THE FIRST TIME YOU'VE
3 SEEN AMANDA'S DOOR, THAT NIGHT, RIGHT, ONCE YOU WENT
4 TO BED?

5 A THAT'S CORRECT

6 Q SO WHEN SHE WENT OFF TO BED YOU DON'T KNOW IF
7 SHE OPENED OR SHUT IT OR NOT, RIGHT?

8 A BUT THAT'S HER NORMAL PRACTICE IS TO

9 Q BUT OF COURSE ON THIS PARTICULAR NIGHT YOU
10 DIDN'T FOLLOW YOUR NORMAL PRACTICE WITH YOUR FAMILY
11 EITHER, DID YOU?

12 A THAT'S CORRECT I WAS IN MY BEDROOM, THAT IS
13 CORRECT

14 Q OKAY AND THEN JESSICA AND KYLA, THEIR DOOR WAS
15 OPEN?

16 A THEIR DOOR STAYS OPEN THERE WAS A FAN IN FRONT
17 OF IT

18 Q THERE IS A FAN IN FRONT OF THEIR DOOR?

19 A YES

20 Q OKAY AND YOU WOKE UP AT THREE O'CLOCK, WENT TO
21 THE RESTROOM, AND THEN DID WHAT?

22 A I WENT TO THE RESTROOM I, AS I WAS WALKING OUT
23 OF THE BATHROOM I NOTICED THAT JESSICA HAD A, I MEAN
24 KYLA HAD A COVER ON HER BECAUSE SHE'S THE ONE, SHE'S
25 THE ONE WHO KICKS IT OFF OF HER AND I LIKE TO, HER

000112

1 DOOR, HER DOOR IS OPEN

2 Q RIGHT YOU ARE COMING---

3 A OKAY

4 Q ---OUT OF THE BATHROOM AND THEY ARE OVER HERE,

5 RIGHT?

6 A RIGHT YOU CAN SEE STRAIGHT ACROSS INTO THEIR

7 BED ROOM AND THAT'S ALL THAT I NORMALLY CHECK

8 WHENEVER, AMANDA'S DOOR IS CLOSED, SHE IS FINE

9 THAT'S THE WAY IT NORMALLY IS WHEN I GET UP AT THREE

10 O'CLOCK I WOULD GO TO, I WALK INTO THE LIVING ROOM

11 THE HALL LIGHT WAS ON

12 Q WHICH LIGHT IS THE HALL LIGHT?

13 A WHERE I WAS JUST STANDING, THAT WAS ON WHEN I

14 GOT UP

15 Q IT WAS OFF WHEN YOU WENT TO BED?

16 A IT WAS OFF--- ALL THE LIGHTS WAS OFF EXCEPT FOR

17 KYLA'S BEDROOM, KYLA AND JESSICA'S BEDROOM LIGHT

18 Q THEY GOT THE MAIN LIGHT IN THEIR BEDROOM --

19 A RIGHT

20 Q ----OR A LITTLE LIGHT IN THE BEDROOM?

21 A HUH?

22 Q IS IT THE MAIN LIGHT OR JUST LIKE A NIGHT LIGHT

23 OR SOMETHING?

24 A NO, IT'S THEIR MAIN LIGHT

25 Q THAT'S THE ONLY LIGHT THAT WAS ON?

003113

1 A THAT'S CORRECT

2 Q OKAY SO NOW AT THREE O'CLOCK YOU GET UP?

3 A THE HALL LIGHT IS ON THAT'S THE FIRST THING I
4 NOTICED I WENT INTO THE BATHROOM, USED THE
5 BATHROOM, AND COME BACK, WENT INTO THE LIVING ROOM
6 THE LIVING ROOM LIGHT WAS ON AND THE PORCH LIGHT WAS
7 ON AND I THOUGHT THAT WAS ODD BECAUSE AMANDA HAD SAID
8 SHE CUT THE LIGHTS OFF AND LOCKED THE DOORS

9 Q LET ME ASK YOU THIS DID THE GIRLS GET UP
10 DURING THE NIGHT AND USE THE RESTROOM BEFORE THREE
11 O'CLOCK?

12 A I WOULDN'T KNOW ABOUT THAT

13 Q WHY IS THAT?

14 A BECAUSE I DON'T KNOW WHEN, YOU KNOW, IF THEY GET
15 UP, KYLA, KYLA WET THE BED OCCASIONALLY SO I
16 WOULDN'T SAY SHE WOULD I DON'T KNOW IF JESSICA OR
17 AMANDA EITHER ONE WOULD GET UP AND GO TO THE
18 BATHROOM

19 Q IS IT SOMETIMES SHE WETS THE BED AND YOU'LL HEAR
20 HER CRYING AT NIGHT? YOU KNOW, LIKE WHERE SHE WET
21 THE BED, DOES SHE COME AND TELL YOU WHEN SHE WET THE
22 BED?

23 A NO NO, SHE DIDN'T NO, SHE WILL TRY TO HIDE
24 IT FROM US SHE WOULDN'T TELL NOBODY ABOUT IT UNTIL
25 THE NEXT MORNING AND A LOT OF TIMES SHE WOULD TAKE

003114

1 HER SHEETS OFF THE BED

2 Q OKAY THE GIRLS EVER HAD NIGHTMARES AND YOU
3 HAVE TO GO IN AND CHECK ON THEM?

4 A NIGHTMARES

5 Q IS THERE ANY TIME THE WHOLE TIME YOU WERE
6 WATCHING THOSE GIRLS FOR THOSE THREE YEARS THEY EVER
7 WAKE UP AT NIGHT?

8 A I CAN'T, CAN'T RECALL NO NIGHTMARES, NOT THAT I
9 CAN RECALL, ESPECIALLY WITHIN THAT, THAT THREE YEAR
10 PERIOD AS I THINK YOU SAID OR ANY TIME THAT I CAN'T
11 REMEMBER ANY NIGHTMARES I REMEMBER WHEN AMANDA WAS
12 YOUNGER, A SMALL CHILD, SHE HAD NIGHTMARES

13 Q OKAY WAS THERE EVER A TIME IN THAT THREE YEAR
14 PERIOD THAT THEY WOULD CALL OUT TO YOU, YOU KNOW, OR
15 TO BE AFRAID YOU KNOW HOW YOUR KIDS DO, YOU KNOW
16 THEY CALL AND YOU KNOW HELP OR DADDY CHECK ON ME OR
17 WHATEVER?

18 A EVERY ONCE IN AWHILE I WOULD, AMANDA WOULD ASK
19 ME TO SHUT HER DOOR FOR HER AND IF IT DIDN'T SHUT
20 OPEN AND THE LIGHT WAS BOTHERING HER

21 Q LIKE SOMETIME ON INTO THE NIGHT OR SOMETHING?

22 A RIGHT, ESPECIALLY IF SHE, IF IT WAS BETWEEN, IT
23 WAS BEFORE I WENT TO BED AND IT WAS AFTER SHE WENT TO
24 BED, IT WAS AS I WAS COMING AROUND TO GO TO BED SHE
25 WOULD --

003115

1 Q ASK YOU TO SHUT THE DOOR?

2 A YEAH AND I WOULD SHUT THE DOOR

3 Q I'M TALKING ABOUT ONCE YOU GO TO BED DO YOU EVER
4 HAVE TO TEND TO THEM OR TAKE CARE OF THEM

5 A I NEVER HAD TO GET UP AND GO TO THEM, NO

6 Q HAVE YOU EVER HAD TO TALK TO THEM YOU KNOW HOW
7 SOMETIMES, LIKE MY LITTLE BOY WILL WAKE UP AND HE'S
8 GOING DADDY AND I'M GOING WHAT AND MAYBE YOU NEVER
9 GET UP GET OUT OF BED, WAS THERE EVER A TIME YOU
10 STAYED IN THE BED AND TALKED TO THEM YOU KNOW,
11 AGAIN THEY NEED SOMETHING OR WANT SOMETHING OR WANT
12 WATER OR WHATEVER THE CASE MAY BE?

13 A I CAN'T THINK OF NO TIME THERE WAS, THERE WAS
14 TIMES WHEN AMANDA WOULD, LIKE I SAID, AMANDA WOULD
15 CALL ME AND I WOULD GET UP AND GO AND CLOSE HER DOOR
16 FOR HER

17 Q THAT'S WHAT I AM SAYING

18 A YEAH BUT I MEAN THIS WAS BEFORE I WENT TO
19 SLEEP AND IT WAS AFTER SHE HAD SUPPOSEDLY BEEN TO BED
20 AND SHOULD HAVE BEEN ASLEEP IS ABOUT THE TIME I GO TO
21 BED

22 Q OKAY ANY TIME AFTER YOU WENT TO BED THAT
23 YOU'VE EVER TAKEN CARE OF YOUR CHILDREN IN THE MIDDLE
24 OF THE NIGHT?

25 A TO GET UP AND TO GO IN THERE TO TAKE CARE OF

003116

1 THEM

2 Q TEND TO THEM, CHECK ON THEM, DO ANYTHING, HELP
3 THEM OUT, WATCH OVER THEM IN ANY WAY?

4 A JESSICA GOT SICK ONE TIME AND SHE WAS THROWING
5 UP AND I WOULD, I WENT IN THE BATHROOM WITH HER AND
6 HELPED HER WHILE SHE WAS IN THE BATHROOM

7 Q THAT'S WHAT I AM SAYING PARENT STUFF?

8 A YEAH THOSE THINGS, YEAH

9 Q OKAY SO IT WASN'T NECESSARILY UNUSUAL YOU
10 GOT THREE KIDS IT'S NOT UNUSUAL THAT IN THE MIDDLE OF
11 THE NIGHT THERE WOULD BE SOME REASON THEY'D NEED YOU?

12 A I WOULDN'T SAY UNUSUAL BECAUSE I HADN'T REALLY,
13 THAT WAS WHEN JESSICA WAS A LOT YOUNGER AND I HADN'T
14 REALLY HAD NO PROBLEM SINCE THEN NO REAL PROBLEMS
15 WITH HAVING TO GET UP AND GO CHECK ON THEM OR TO SEE
16 WHAT WAS WRONG WITH THEM OR NOTHING NOTHING LIKE
17 THAT AT ALL

18 Q OKAY ALL RIGHT?

19 A AND BEFORE THAT MARY SUE WAS HOME, BEFORE THOSE,
20 THAT THREE YEAR PERIOD MARY SUE WAS HOME AND SHE
21 WOULD GO WHEN THEY HAD A STOMACHACHE OR SOMETHING
22 LIKE THAT OR WHATEVER

23 Q SO DURING YOUR THREE YEAR PERIOD?

24 A I CAN'T THINK OF

25 Q ---YOU HAD A PRETTY EASY WATCH?

003117

1 A I CAN'T THINK OF MAYBE ONE TIME WHEN JESSICA WAS
2 SICK THROWING UP, THAT'S THE ONLY THING I CAN THINK
3 OF

4 Q YOU HEARD CRYING OR CALLED OUT TO YOU OR
5 SOMETHING OF THAT NATURE?

6 A NO, SHE JUST STARTED THROWING UP AND I HEARD HER
7 AND WENT IN THERE TO HER

8 Q OKAY NOW YOU GET UP AT THREE O'CLOCK AND AGAIN
9 YOU'VE TALKED ABOUT THE DIFFERENCES IN THE LIGHTS AND
10 YOU GO IN AND YOU GET ON THE COMPUTER AND AGAIN I'M
11 TAKING YOU OUT OF YOUR ROOM THE COMPUTER IS --

12 A ACTUALLY NO, I GOT, I SAT DOWN ON THE COUCH I
13 WAS PUZZLED BECAUSE OF THE LIGHTS AND I THOUGHT,
14 WELL, MAYBE AMANDA LIED TO ME, MAYBE SHE DIDN'T CUT
15 THE LIGHTS OFF, BUT THAT'S NOT NORMAL FOR HER SHE'S
16 ALWAYS BEEN A PRETTY TRUTHFUL CHILD AND SO I WENT
17 AHEAD AND I ASSUMED THAT SHE LEFT THEM ON BY ACCIDENT
18 OR MAYBE SHE GOT UP, I DIDN'T KNOW SO I WENT AHEAD
19 AND WENT ON TO, I SAT THERE ON THE CHAIR AND I LOOKED
20 INTO THE HALL WAY AND WENT INTO THE DINING ROOM AND
21 THAT'S WHEN I SAW THE, THE DRYER DOOR WAS OPEN AND
22 THE LIGHT WAS ON THAT WAS THE FIRST THING THAT
23 CAUGHT MY ATTENTION

24 Q NOW WHICH LIGHT IS THAT, THE DRYER LIGHT?

25 A THE DRYER LIGHT

003118

1 Q OKAY SO YOU ARE SITTING ON THE COUCH AND YOU
2 SEE THE DRYER LIGHT IS ON AT THREE O'CLOCK IN THE
3 MORNING?

4 A RIGHT

5 Q OKAY AND WHAT DID YOU DO THEN?

6 A I SAW THE CLOTHES ON THE FLOOR I ASSUMED THE
7 GIRLS HAD WENT IN THERE AND GOT THEIR SCHOOL CLOTHES
8 OUT OF THE DRYER OR LOOKED FOR UNDERWEAR AND STUFF
9 LIKE THAT I WASN'T SURE

10 Q I GOT YOU

11 A WHAT WAS IN THERE

12 Q NOW IS THAT WHEN YOU STARTED PLAYING OR WORKING
13 ON THAT COMPUTER GAME, THE AGE OF EMPIRE?

14 A I GOT UP AND WENT TO THE COMPUTER AT THAT TIME,
15 YES, I DID

16 Q SO YOU ARE SITTING ON THE COUCH, THE TV IS RIGHT
17 THERE I TURNED THE HOUSE AROUND NOW I'M SITTING
18 ON THE COUCH, THE TV IS THERE AND THE KITCHEN AND THE
19 DINING ROOM GOES ON THROUGH THERE YOUR COMPUTER IS
20 OVER HERE, IS THAT RIGHT?

21 A NO, SIR IF I'M SITTING ON THE COUCH

22 Q RIGHT

23 A AND THE DINING ROOM IS THERE, THE TV WOULD BE
24 THERE

25 Q OKAY

003119

1 A THE COMPUTER WOULD BE OVER THERE

2 Q OKAY AND THAT'S --

3 A BUT IT'S FACING, THE COUCH IS FACING THE
4 COMPUTER

5 Q I GOT YOU SO IT'S OVER LIKE AGAINST THE, BE
6 BACK AGAINST YOUR BEDROOM, THE BACK OF THE COUCH?

7 A THE COUCH, YEAH, THE COUCH, YEAH

8 Q THE COUCH IS HERE AND THE COMPUTER IS OVER HERE
9 SO YOU GET UP AND GO TO THE COMPUTER?

10 A THAT'S CORRECT

11 Q AND IT'S THREE O'CLOCK IN THE MORNING, RIGHT,
12 OKAY AND WHAT WERE YOU DOING ON THE COMPUTER

13 A I WAS GOING TO PLAY THE AGES OF EMPIRE GAME BUT
14 WHEN I RUN IT I KILLED REAL QUICK IT DIDN'T RUN
15 RIGHT

16 Q AGE OF EMPIRE, IS THAT THE THING YOU WERE SAYING
17 YOU WERE PROGRAMMING EARLIER THAT AFTERNOON?

18 A YEAH, WHAT YOU DO IS YOU BUILD, I HAVE WHAT THEY
19 CALL THE SCENARIO BUILDER AND WHAT YOU DO IS YOU TAKE
20 THE SCENARIO AND YOU BUILD THE BOARD AND FROM THE
21 BOARD YOU PUT HOW MANY ANIMALS OR HOW MANY ENEMY YOU
22 WANT TO FIGHT AND ALL THAT, YOU PUT ALL THAT ON THE
23 BOARD YOU PUT HOW MANY PEOPLE YOU WANT WHAT YOU
24 HAVE TO DO IS YOU ACTUALLY HAVE TO GET BEYOND THAT
25 CIVILIZATION LEVEL YOU MIGHT BE IN IRON AGE AND YOU

003120

1 GOT TO MAKE IT TO THE ROMAN EMPIRE AGE AND --

2 Q NOW YOU WERE DOING THAT AT THREE, YOU WERE
3 BUILDING AT THREE O'CLOCK OR?

4 A I BUILT IT AT EARLIER, BUT I GOT KILLED REAL
5 QUICK IN THE SET BECAUSE I DIDN'T FINISH PUTTING MY
6 PEOPLE ON THERE I DIDN'T PUT, I PUT TOO MANY
7 ENEMIES FOR ME, TOO MANY ANIMALS ON A SET, AND I ONLY
8 HAD THREE PEOPLE I WAS GOING TO TRY TO SEE HOW FAST
9 I COULD BUILD MY WALLS AROUND, BUT THEY COME AND
10 DESTROYED ME REAL QUICK AND THAT WAS THE END OF IT

11 Q SO THE ONE YOU CREATED THERE AT NIGHT BUT THE
12 ENEMIES GOT ON YOU BEFORE YOU COULD FINISH THE GAME?

13 A NO, THAT GAME ENDED IT SAID GAME OVER BECAUSE
14 I KILLED ALL MY MEN OFF AND I DIDN'T HAVE NOBODY TO
15 PLAY

16 Q HOW LONG DID YOU THINK YOU PLAYED THAT GAME?

17 A PROBABLY ABOUT, I WOULDN'T SAY NO MORE THAN
18 MAYBE, I REALLY CAN'T SAY PROBABLY

19 Q YOU LOOSE TIME WHEN YOU GET TO PLAYING GAMES
20 LIKE THAT?

21 A SOMETIMES BUT NOT ON THIS NIGHT BECAUSE I DIDN'T
22 GET A CHANCE TO REALLY GET INTO THE GAME I DIDN'T
23 GET A CHANCE TO GET STARTED AND PROBABLY MAYBE
24 TEN-FIFTEEN MINUTES AT THE MOST

25 Q WHAT AGE DID YOU GET UP TO?

003121

1 A I DIDN'T I DIDN'T EVEN GET STARTED

2 Q OKAY AND THEN, SO AFTER YOU FINISHED THAT,
3 WHAT DID YOU DO THEN?

4 A I WENT BACK WELL, I TURNED OFF THE PORCH
5 LIGHT WELL, BOTH OF THE LIGHTS, THEY ARE ON THE
6 SAME SET, I JUST TURNED BOTH THE PORCH AND THE LIVING
7 ROOM OFF AT THE SAME TIME, WALKED INTO A HALLWAY, CUT
8 THE HALLWAY LIGHT, AND COME AND GOT IN BED

9 Q NOW IS THERE SOMETHING IN THE AGE OF EMPIRE THAT
10 WOULD STIMULATE YOU TO WANT TO MASTURBATE?

11 A NO, SIR

12 Q OKAY SO DID YOU MASTURBATE BEFORE YOU PLAYED
13 AGE OF EMPIRE OR AFTER YOU PLAYED AGE OF EMPIRE?

14 A FIRST OF ALL I SAID I DON'T REMEMBER IF I DID
15 MASTURBATE THAT NIGHT I CANNOT REMEMBER IF I DID OR
16 IF I DIDN'T I KNOW I JUST CAN'T REMEMBER I'VE
17 BEEN TRYING TO REMEMBER WHETHER I ACTUALLY DID OR DID
18 NOT THAT NIGHT, SO I REALLY CAN'T SAY

19 Q IS THE REASON IT WOULD BE BEFORE OR AFTER
20 PLAYING THE GAME OR THAT REALLY, THE GAME AND
21 MASTURBATION ARE UNRELATED?

22 A IT DIDN'T HAVE ANYTHING TO DO WITH THE
23 MASTURBATION SOMETIMES I GO TO THE COMPUTER,
24 SOMETIMES I JUST MASTURBATE AND JUST GO BACK TO BED

25 Q OKAY AND YOU STAND OUT IN THE HALL?

003122

1 A NO

2 Q WHEN YOU MASTURBATE

3 A NO NO NO IT'S EITHER THE BATHROOM OR FOR
4 THE MOST PART IT EITHER THE BATHROOM OR IN MY
5 BEDROOM

6 Q OKAY AND YOU MASTURBATE PRIMARILY INTO A RAG?

7 A THAT'S CORRECT

8 Q THEN YOU GOT THAT SPECIAL PLACE UNDER THE BOOK
9 SHELF THAT YOU STASH IT?

10 A THAT'S CORRECT

11 Q OKAY

12 A BECAUSE I DIDN'T WANT THE GIRLS TO GET A HOLD TO
13 IT OR NOT JUST THE GIRLS BUT MARY SUE OR ANYBODY

14 Q AND TRUTH IS NOBODY DID GET A HOLD OF IT UNTIL
15 YOU POINTED LAW ENFORCEMENT TO IT, RIGHT?

16 A YES, SIR I GUESS I MEAN

17 Q IT MUST HAVE BEEN A GOOD HIDING PLACE, WASN'T
18 IT?

19 A WELL, I MEAN, YOU CAN'T SAY THAT BECAUSE
20 ACCORDING TO WHERE THE LAW ENFORCEMENT FOUND IT IS
21 NOT WHERE I PUT IT

22 Q SO YOU THINK SOMEBODY DISCOVERED YOUR
23 MASTURBATION HIDING PLACE?

24 A I DON'T KNOW I DON'T KNOW WHAT HAPPENED THERE
25 I KEEP IT ON, I ALWAYS HIDE IT UP UNDER THE BOTTOM OF

003123

1 THE FULL, FULL BOOK SHELF, NOT THE ONE WITH THE LEGS
2 THAT'S OVER IN THE CORNER I DIDN'T STICK IT UP
3 UNDER I STICK IT ALL THE WAY UP UNDER THE BOOK
4 SHELF I NEVER STUCK IT OVER THERE WHERE IT WAS
5 REPORTED THAT WAS IT FOUND

6 Q YOU THINK SOMEBODY SAW YOU PUTTING IT THERE?

7 A I DON'T KNOW WHAT HAPPENED

8 Q WHEN YOU SAY YOU DON'T WHAT HAPPENED AS FAR AS
9 HOW IT CAME TO BE FROM YOUR HIDING PLACE TO UNDER
10 THE --

11 A THAT IS CORRECT, I DON'T KNOW HOW, I DON'T KNOW
12 HOW IT GOT THERE ALL I KNOW IS THAT'S NOT WHERE I
13 PUT IT

14 Q AND YOU TOLD LAW ENFORCEMENT WHERE YOU PUT IT?

15 A I SAID UNDER THE BOOK SHELF I DIDN'T SAY
16 WHERE WE GOT FIVE BOOK SHELVES IN THE HOUSE

17 Q DID YOU TELL THEM UNDER THE BOOK SHELF IN THE
18 HALL?

19 A I SAID UNDER THE BOOK SHELF IN THE HALL THERE
20 IS TWO BOOK SHELVES IN THE HALL

21 Q YOU TOLD THEM THAT IN CONJUNCTION WITH YOUR
22 STATEMENTS, RIGHT?

23 A THAT'S CORRECT, YES, SIR I TOLD THEM WHILE I
24 WAS TALKING

25 Q I'M SORRY, SIR?

003124

1 A YES, SIR I TOLD THEM WHILE I WAS TALKING
2 Q OKAY I WANT TO CALL YOUR ATTENTION NOW TO THAT
3 MORNING?
4 A OKAY
5 Q WHEN YOU CALLED LAW ENFORCEMENT, WHEN YOU CALLED
6 911 THAT MORNING?
7 A THAT'S CORRECT
8 Q OKAY WHEN YOU FIRST GET UP THAT MORNING YOU
9 SIT UP ON THE BED AND YOU CALL OUT AMANDA'S NAME?
10 A NO, I SAID I ROLLED OVER ON THE BED AND CALLED
11 AMANDA'S NAME I DIDN'T SAY I GOT UP
12 Q YOU DIDN'T EVEN SIT UP YOU JUST ROLLED OVER?
13 A I JUST ROLLED OVER AND CALLED AMANDA'S NAME I
14 DIDN'T GET A ANSWER
15 Q DID YOU CALL JESSICA AND KYLA?
16 A THAT'S NOT THE NORMAL THING BECAUSE KYLA AND
17 JESSICA NEVER HEAR ME I HAVE TO GO TO THEM AND
18 ACTUALLY SHAKE THEM SOMETIMES
19 Q OKAY BECAUSE THEY SLEEP THAT SOLID?
20 A THEY SLEEP SOLID
21 Q OKAY SO YOU CALL AMANDA, RIGHT?
22 A THAT'S CORRECT
23 Q OKAY THEN YOU CALL HER AGAIN?
24 A I CALLED HER TWICE, THAT'S CORRECT
25 Q OKAY ARE YOU CALLING HER LOUD OR QUIET?

003125

1 A I CALLED, CALLED HER LOUD ENOUGH FOR THEM, SHE'S
2 HEARD ME IN THE PAST

3 Q OKAY AND THEN YOU INDICATED FROM YOUR EARLIER
4 TESTIMONY THAT YOU TIPPED TOED OVER TO CHECK AND SEE
5 IF SHE WAS THERE, IS THAT RIGHT?

6 A NO, I TIPPED TOED TO CHECK TO SEE IF JESSICA AND
7 KYLA WERE IN THE BED BECAUSE OF THE RAPTURE

8 Q WE'RE GOING TO TALK ABOUT THAT, SO YOU DID TIP
9 TOE?

10 A YEAH

11 Q SO YOU CALLED HER NAME LOUD ENOUGH TO WAKE HER
12 UP, BUT THEN YOU TIP TOE OVER TO SEE IF THE OTHER
13 GIRLS ARE STILL IN BED, RIGHT?

14 A THAT'S CORRECT BECAUSE I, BECAUSE OF WHAT I
15 BELIEVED ABOUT THE RAPTURE IF THE OTHER TWO GIRLS
16 WAS THERE, THEN I KNOW THE RAPTURE DIDN'T TAKE PLACE

17 Q WELL, IF THE RAPTURE DID OR DIDN'T TAKE THEM
18 WHETHER YOU TIP TOE OR NOT IS REALLY OF NO INSTANCE?

19 A NO, I WAS CONCERNED I WAS NERVOUS I WAS
20 AFRAID TO GO IN AND ACTUALLY LOOK BECAUSE I WAS
21 AFRAID I WASN'T GOING TO FIND THEM

22 Q WERE YOU AFRAID OF WHAT YOU WERE GOING TO FIND
23 IN THAT OTHER ROOM?

24 A NO I DIDN'T KNOW WHAT WAS IN THAT OTHER ROOM

25 Q OKAY SO YOU GO AND YOU SEE THEM AND THEY ARE

003126

1 IN THERE SO THE RAPTURE HAS NOT COME SO THEN WHAT DO
2 YOU DO?

3 A THEN I TURN AND HOLLER AMANDA'S NAME, SCREAM
4 AMANDA'S NAME REAL LOUD, AND I BEAT ON HER DOOR

5 Q YOU ARE SCREAMING NOW RIGHT HERE I'M HER DOOR,
6 RIGHT, I'M RIGHT HERE, AND HERE'S THE LITTLE GIRL'S
7 ROOM?

8 A RIGHT AND I'M TRYING TO GET HER DOOR, AND I'M
9 TRYING TO GET HER DOOR OPEN, YES, SIR

10 Q OKAY YOU ARE SCREAMING RIGHT HERE AT THIS
11 DOOR?

12 A RIGHT

13 Q WHAT ARE YOU SCREAMING?

14 A AMANDA'S NAME

15 Q OKAY SO YOU YELLED IT KIND OF AVERAGE OVER
16 THERE TWICE, AND THEN YOU COME OUT HERE TIP TOE INTO
17 HERE AND THEN START SCREAMING RIGHT HERE?

18 A I'M SCREAMING I'M, I AM TURNED, I LOOK IN, I
19 PEAK IN ON JESSICA AND KYLA I SEE THEY ARE THERE
20 AND I RUN OVER TO HER DOOR AND I PUSH ON HER DOOR AND
21 SCREAM REAL LOUD HER NAME I CAN'T, I CAN'T GET HER
22 ATTENTION NO, I DON'T HEAR NOTHING FROM HER, AND
23 THEN I GET REAL WORRIED AND THEN I START PUSHING AND
24 SHOVING ON THE DOOR AND THE DOOR GIVE BUT IT WON'T
25 OPEN

003127

1 Q OKAY AND THE THING THAT'S CAUSED YOU SO MUCH
2 CONCERN IS WHEN YOU WAKE UP AND SHE DOESN'T ANSWER
3 YOU BELIEVE THAT THE RAPTURE MAY HAVE COME?

4 A WELL, I HAD A DREAM ABOUT THE RAPTURE I
5 THOUGHT MAYBE MY DREAM WASN'T JUST A DREAM, MAYBE IT
6 WAS FOR REAL

7 Q AND IN THAT DREAM AMANDA WENT UP OR WAS CALLED
8 UP, IS THAT RIGHT?

9 A ALL OF THEM BUT I HEARD AMANDA SAY, I LOVE YOU,
10 DADDY

11 Q AND THAT WAS IN THE DREAM THAT NIGHT?

12 A WELL, THAT'S IN MOST OF THE DREAMS, NOT JUST
13 AMANDA, BUT ALL OF THEM, BUT I DISTINCTLY HEARD
14 AMANDA'S VOICE THAT NIGHT

15 Q OKAY AND SO THAT MORNING AND I THINK MR
16 MORTON TOUCHED ON THIS WITH YOU, THAT MORNING YOU
17 BELIEVED THE RAPTURE MIGHT HAVE COME, BUT YOU ARE
18 STILL HERE?

19 A WELL, I --

20 Q IS THAT CORRECT?

21 A I THINK I EXPLAINED THAT BY SAYING THAT I WAS
22 ASHAMED OF MASTURBATION

23 Q THE NIGHT BEFORE?

24 A I WON'T, I WON'T, I DON'T KNOW WHEN I
25 MASTURBATED, BUT IT IS NOT, THAT IS MY OPINION

1 MASTURBATION IS A SIN

2 Q OKAY

3 A TO ME IT IS ANYWAY

4 Q SO YOU GET THE DOOR OPEN AND SHE IS LAYING ON
5 THE BED AS YOU COME IN THE BED, IN THE BEDROOM, SHE'S
6 THERE IN FRONT OF YOU, IS THAT RIGHT?

7 A SHE'S LAYING ON THE BED, STRAIGHT IN HER BED
8 JUST LIKE SHE WAS JUST LAYING THERE, BUT HER HANDS
9 WAS LIKE I SAID SHE WAS LAYING FACE DOWN ON THE
10 VIDEO GAME WITH HER HANDS UP LIKE THIS SHE WAS
11 DOWN HER SHIRT WAS RAISED UP AROUND HER NECK

12 Q OF COURSE AT THIS POINT YOU CAN'T SEE HER HANDS,
13 RIGHT?

14 A NO, I COULD ONLY, I REMEMBER WHAT HAPPENED WHEN
15 I ROLLED HER OVER HER HANDS---

16 Q LET'S TAKE IT ONE STEP AT A TIME WHEN YOU COME
17 SHE'S LAYING AND SHE'S LAYING ON HER HANDS BUT OF
18 COURSE ALL YOU SEE IS HER BACK?

19 A ALL I SEE IS ELBOWS WHERE SHE'S LAYING

20 Q AND HER SHIRT IS UP?

21 A RIGHT

22 Q WAS HER BRA SNAPPED OR UNSNAPPED?

23 A I CAN'T TELL THAT BECAUSE ALL THAT WAS UP UNDER
24 THE SHIRT

25 Q OKAY AND AS YOU FACE THEN YOU GO, NOW WHICH

1 SIDE OF THE BED DO YOU GO TO?

2 A I WAS, I COULDN'T GET TO THAT SIDE OF THE BED

3 Q WHY IS THAT?

4 A BECAUSE THERE WAS BAGS OF SHOES AND BAGS OF
5 CLOTHES AND THERE IS A COMPUTER OVER THERE AND A
6 COUPLE OTHER THINGS I WENT STRAIGHT TO HER BED
7 RIGHT HERE

8 Q NOW WAS ANYBODY IN THAT CLOSET WHEN YOU WENT BY
9 THAT CLOSET?

10 A I DIDN'T PAY NO ATTENTION TO THAT CLOSET AT THAT
11 TIME

12 Q HOW BIG IS THAT CLOSET?

13 A IT'S --

14 Q BIG AS THIS TABLE?

15 A IT'S ABOUT, I WOULD SAY IT'S ABOUT THAT SIZE BUT
16 IT'S, YEAH

17 Q AND THE DOOR, IS IT'S BASICALLY JUST A TAD WIDER
18 THAN THE DOOR, RIGHT?

19 A WELL, YEAH, I WOULD SAY IT'S JUST A LITTLE BIT
20 BIGGER THAN THE DOOR, BUT I MEAN

21 Q THE DOOR IS OPEN NOW, RIGHT?

22 A SOMEBODY COULD FIT INSIDE OF IT IF THAT'S WHAT
23 YOU ARE ASKING, YES

24 Q I'M JUST ASKING WHAT YOU SAW?

25 A WHAT I SAW -- I DIDN'T PAY NO ATTENTION TO THAT

003130

1 I WAS MORE CONCERNED ABOUT HER
2 Q OKAY BUT THE DOOR IS OPEN NOW, RIGHT?
3 A YEAH, BOTH OF THEM WERE FLUNG OPEN, YEAH
4 Q OKAY AND THEN YOU GO AND YOU GO AROUND THIS
5 SIDE OF THE BED AND SHE'S FACE DOWN, RIGHT?
6 A SHE'S FACE DOWN STRAIGHT ON HER STOMACH RIGHT
7 JUST LIKE AND I KNELT DOWN THERE AT HER HEAD
8 Q OKAY AND WHAT DID YOU DO? DID YOU SIT DOWN ON
9 THE BED?
10 A NO, I DIDN'T SIT DOWN ON THE BED
11 Q WHAT DID YOU DO?
12 A I SAID I KNELT DOWN
13 Q YOU KNEELING ON THE FLOOR OR I'M JUST TRYING TO
14 UNDERSTAND WHAT YOU ARE SAYING?
15 A I'M SAYING I GOT DOWN LIKE THIS RIGHT HERE, DOWN
16 HERE TO HER AND I TRIED, I ROLLED HER OVER WHEN I
17 ROLLED HER OVER, THAT'S WHEN I SAW HER HANDS DROP
18 Q SO YOU ARE KNEELING DOWN HERE
19 A RIGHT, BECAUSE I'M GOING TO PUT HER UP HERE TO
20 MY CHEST AND I DID
21 Q OKAY WE'LL GET TO THAT
22 A OKAY
23 Q YOU ROLLED HER OVER AWAY FROM YOU, RIGHT?
24 A NO YES, I ROLLED, I PUSHED, I ROLLED HER AWAY
25 TO SEE WHAT WAS WRONG WITH HER BECAUSE I DIDN'T KNOW

003131

1 Q OKAY SHE'S FLAT AND WHEN YOU ROLLED HER, YOU
2 ROLLED HER ALL THE WAY OVER OR YOU ROLLED HER JUST
3 HALFWAY UP?

4 A I JUST ROLLED HER OVER WITH HER HANDS DROP DOWN
5 AND THAT'S WHEN I SAW THE GREEN RIGHT THERE

6 Q LET ME ASK YOU THIS FIRST YOU ROLL HER OVER,
7 HER HANDS DROP DOWN, SHE'S NOW LAYING ON HER BACK?

8 A THAT'S CORRECT

9 Q AND HER HANDS ARE DOWN BY HER SIDE?

10 A RIGHT

11 Q AND THE FIRST THING YOU SEE IS THE GREEN FROM
12 THIS BLANKET, IS THAT RIGHT?

13 A THAT'S ABSOLUTELY CORRECT

14 Q NOW ARE YOU STANDING ON THIS BLANKET AT THIS
15 POINT?

16 A NO, I'M RIGHT HERE NEXT TO THE BLANKET, NOT ON
17 THE BLANKET, THE BLANKET IS RIGHT HERE, AND I'M
18 STANDING RIGHT HERE

19 Q OKAY

20 A AT HER THE BLANKET IS RIGHT HERE ON THE FLOOR
21 BESIDE HER I DIDN'T SEE ALL THAT

22 Q OKAY YOU DIDN'T SEE THE BLANKET?

23 A NO, I DIDN'T SEE THAT

24 Q BUT YOU ARE SQUATTING RIGHT HERE AND SHE'S RIGHT
25 HERE, RIGHT?

003132

1 A THAT'S CORRECT

2 Q AND THIS IS ROUGHLY PROXIMITY TO THE BLANKET?

3 A THAT'S CORRECT

4 Q YOU ROLL HER OVER, HER HANDS GO DOWN, AND THAT'S

5 WHEN YOU SEE IT WRAPPED AROUND HER NECK?

6 A WELL, ACTUALLY I SAW HER BREAST AND I PULLED HER

7 SHIRT DOWN WHEN I PULLED HER SHIRT DOWN IS WHEN I

8 SAW THE GREEN

9 Q AND YOU INDICATED THAT HER SHIRT WAS UP --

10 A AND I COULD SEE HER RIGHT BREAST AND THAT'S THE

11 ONLY SIDE I COULD, WHEN I ROLLED UP, THAT'S WHAT I

12 SAW

13 Q LET'S SEE SHE IS ON BOTTOM, THEN YOU ROLL HER

14 OVER?

15 A RIGHT

16 Q OKAY

17 A I DIDN'T ROLL HER ALL THE WAY OVER, NO, SIR

18 Q THAT'S WHAT I'M TRYING TO UNDERSTAND?

19 A I ROLLED HER ON HER SIDE

20 Q SO HER SIDE IS NOW FACING TOWARD YOU?

21 A YEAH, I'M HOLDING HER UP AND HER HANDS DROP AND

22 ALL I CAN SEE IS RIGHT HERE

23 Q HER HANDS DROP TOWARD YOU?

24 A AND I CAN SEE HER BREAST

25 Q HER HANDS DROP TOWARD YOU?

003133

1 A THEY DROP DOWN LIKE THAT

2 Q OKAY

3 A YES

4 Q AND NOW YOU SEE HER RIGHT BREAST EXPOSED?

5 A THAT'S CORRECT

6 Q WHICH WOULD BE IN FRONT AND YOU PULLED THAT
7 DOWN?

8 A I PULLED HER SHIRT DOWN BECAUSE I HADN'T EVER
9 LOOKED AT HER BREAST

10 Q YOU COVERED HER RIGHT BREAST

11 A I COVERED HER RIGHT, YES

12 Q YOU DID NOT COVER HER LEFT BREAST?

13 A NO, I DID NOT

14 Q OKAY AND SO YOU LEFT HER COVERED, HER BODY
15 COVERED OR SHIRT PULLED DOWN?

16 A I PULLED IT DOWN ON THE SIDE HERE AND THEN SHE
17 ROLLED OVER

18 Q ROLLED OVER WHICH WAY?

19 A WELL, WHEN I, WHEN I --- AFTER I LAID HER DOWN
20 SHE ROLLED OVER LIKE THIS ON HER BACK SHE WAS UP
21 AGAINST I THINK IT WAS SOME BOOKS OR SOMETHING UP
22 UNDER HER OR

23 Q ---ON HER BED?

003134

24 A BLANKET OR PILLOW SOMETHING

25 Q WHERE WERE HER HANDS AT THAT POINT?

1 A HER HANDS WERE LIKE THIS RIGHT HERE
2 Q SO HER HANDS WERE BESIDE HER
3 A THAT IS CORRECT
4 Q AND YOU COVERED HER RIGHT BREAST?
5 A THAT IS CORRECT
6 Q OKAY OKAY AND YOU NOTE THE GREEN BLANKET,
7 THIS I THINK IT IS CALLED SELVAGE, THIS IS WRAPPED
8 AROUND HER NECK
9 A THAT'S WRAPPED AROUND HER NECK ABOUT FOUR OR
10 FIVE TIMES
11 Q AND YOU SAID THAT SEVERAL TIMES?
12 A AND I UNWRAPPED IT MYSELF
13 Q SO IT WAS WRAPPED AROUND HER NECK FOUR OR FIVE
14 TIMES?
15 A YES, SIR
16 Q RIGHT? OKAY AND THEN YOU UNWRAPPED IT?
17 A I UNWRAPPED IT
18 Q YOU UNWRAPPED IT?
19 A I WAS HOLDING HER HEAD UP AND DOING LIKE THIS
20 RIGHT HERE I MEAN IT WAS FLINGING AGAINST HER HAIR
21 AND ALL THAT, BUT I UNWRAPPED IT, YES, I DID
22 Q OKAY AND HOW DO YOU KNOW THE FOUR OR FIVE?
23 YOU WERE COUNTING?
24 A I SAID APPROXIMATELY FOUR OR FIVE
25 Q A BUNCH OF TIMES?

003135

1 A YEAH, IT WAS ABOUT FOUR OR FIVE TIMES I CAN'T
2 SAY EXACTLY HOW MANY IT WAS BUT IT WAS A BUNCH OF
3 TIME

4 Q IT WASN'T JUST LOOPED AROUND HER NECK?

5 A NO

6 Q IT WAS AROUND HER NECK?

7 A IT WAS AROUND HER NECK

8 Q OKAY

9 A THAT'S WHY I THOUGHT SHE HAD STRANGLED HERSELF

10 Q BECAUSE YOU TOLD LAW ENFORCEMENT FROM THE
11 BEGINNING THAT YOU HAD WARNED HER ABOUT THAT BLANKET

12 A I HAVE WARNED HER ABOUT THAT BLANKET I WARNED
13 ALL OF THEM ABOUT THAT BLANKET BUT PARTICULARLY HER
14 BECAUSE THAT WAS HER FAVORITE BLANKET

15 Q OKAY AND THAT WAS HER FAVORITE BLANKET THAT
16 STAYED ON THE COUCH BUT SHE'D SLEEP WITH IT?

17 A SHE GOT IT, SHE HAD IT, I CAN'T REMEMBER WHEN IT
18 WAS I REMEMBER SOMETIME BACK I TOLD HER DO NOT
19 SLEEP WITH THE BLANKET NO MORE BECAUSE YOU CAN GET
20 CHOKED ON IT AND I MEAN, I WAS BEING SERIOUS WITH
21 HER I WAS BEING THE PARENT THAT I THOUGHT I WAS
22 SUPPOSED TO BE I DIDN'T WANT HER TO GET CHOKED ON
23 IT

24 Q AND WAS SHE THE ONE MOST INCLINED OF YOUR THREE
25 KIDS TO ROLL IN HER SLEEP?

003136

1 A OF THE -- YEAH, AMANDA ROLLED IN HER SLEEP QUITE
2 A BIT, YEAH

3 Q SHE WAS THE MOST ROLLING ONE?

4 A THE MOST ROLLING ONE?

5 Q WELL, THAT'S PROBABLY NOT THE BEST ENGLISH?

6 A SHE DIDN'T ROLL EVERY NIGHT, BUT I MEAN, THERE
7 WAS SOME ROLLING YEAH, SHE DID ROLL IN HER SLEEP

8 Q AND YOU TOLD EVERYBODY THAT?

9 A I TOLD THE POLICE THAT, I DID

10 Q THAT SHE HAD A HISTORY OF ROLLING?

11 A YES, I THINK I TOLD 911 THAT TOO

12 Q AND YOU BELIEVE THAT SHE ROLLED --

13 A I THOUGHT SHE---

14 Q AT LEAST FIVE TIMES AND WRAPPED THAT AROUND HER
15 NECK?

16 A BECAUSE WHEN WE WERE LITTLE AS LITTLE KIDS THERE
17 WAS A BABY THAT WE HEARD ABOUT THAT HAD GOTTEN, THE
18 CRIB WAS PUSHED UP TOO CLOSE TO THE WINDOW BLINDS AND
19 THE STRINGS WERE HANDING DOWN, THIS BABY GOT HER/HIS
20 NECK WRAPPED UP IN IT AND

21 Q SO YOU HAD SEEN SOMETHING LIKE THAT BEFORE?

22 A I HAD HEARD SOMETHING ABOUT THAT BEFORE MOMMA
23 HAD TOLD US WHEN ABOUT IT WHEN WE WAS YOUNGER

24 Q AMANDA IS 12 YEARS OLD, RIGHT?

25 A THAT'S CORRECT

003137

1 Q OKAY THEN YOU CALLED 911 AT THAT POINT, IS
2 THAT RIGHT?

3 A THAT'S CORRECT

4 Q OKAY NOW WHEN YOU LEFT HER ON THE BED HOW IS
5 SHE LAYING?

6 A SHE WAS LAYING JUST LIKE, JUST LIKE THE
7 PHOTOGRAPH SHOWED THAT'S THE WAY I LEFT HER

8 Q OKAY AND YOU SAID THAT YOU WERE CALM ON 911
9 BECAUSE YOU GOT RED CROSS TRAINING, IS THAT RIGHT?

10 A THAT WAS NORMAL PRACTICE, YEAH I TRIED TO BE
11 CLEAR AND CONCISE WHEN I TALK ON THE TELEPHONE
12 PERIOD BUT YEAH, IT WAS BECAUSE OF THE, BECAUSE OF
13 THE TRAINING WITH THE RED CROSS

14 Q AND YOU TOLD THEM ON 911 THAT IT WAS AT TWO
15 O'CLOCK AND THEN YOU CAUGHT YOURSELF?

16 A I SAID TWO O'CLOCK I SAID I MEAN ONE O'CLOCK
17 THAT'S CORRECT

18 Q OKAY NOW YOU TOLD THE FIRST RESPONDERS THAT
19 SHE HAD BEEN DEAD FOR FOUR HOURS AND YOU DIFFERED
20 WITH THAT?

21 A NO, I DID NOT SAY THAT

22 Q OKAY YOU SAID SHE'S BEEN DEAD FOR HOURS?

23 A I SAID FOR HOURS I DIDN'T SAY FOUR HOURS

24 Q OKAY YOU SAID AGAIN, TELL ME WHAT YOU SAID?

25 A I DID NOT SAY FOUR HOURS I SAID FOR HOURS

1 Q FOR HOURS?

2 A FOR HOURS

3 Q OKAY

4 A NOT FOUR HOURS

5 Q OKAY SHE'S BEEN DEAD FOR HOURS AND THAT WAS
6 BASED ON YOUR RED CROSS TRAINING TOO?

7 A THAT WAS BASED ON THE FACT THAT SHE WAS ALREADY
8 STARTING TO STIFFEN

9 Q OKAY AND THEN THE, THE CLOTHING THAT SHE HAD
10 ON AT THAT POINT WAS WHAT? WHAT WAS SHE WEARING?

11 A WHAT WAS SHE WEARING? SHE WAS WEARING A PINK
12 SHIRT AND A BLACK PAIR OF SWEAT PANTS HAS I THINK TWO
13 STRIPES ON THE SIDES

14 Q YOU SEEN THOSE IN THE COURTROOM TOO?

15 A I SEEN THEM IN THE COURTROOM TOO, THAT IS
16 CORRECT

17 Q AND SO YOU DISPUTE THAT YOU TOLD THE FIRST
18 RESPONDERS THAT SHE WAS NAKED WHEN YOU FOUND HER?

19 A ABSOLUTELY I DISPUTE THAT BECAUSE I DIDN'T SAY
20 THAT

21 Q SO YOU DIDN'T SAY NAKED, YOU SAID SHE DIDN'T
22 HAVE COVERS ON?

23 A THAT'S EXACTLY RIGHT I DIDN'T SAY NAKED I
24 SAID SHE DIDN'T HAVE COVERS ON

25 Q OKAY YOU DIDN'T SAY SHE DIDN'T HAVE CLOTHES

003139

1 ON YOU SAID COVERS --

2 A I DIDN'T SAY SHE DIDN'T HAVE CLOTHES ON

3 Q ALL RIGHT THEN ONCE YOU CALLED 911 WHERE DO
4 YOU GO THEN?

5 A I'M STILL ON THE PHONE I CALLED MY, I TRIED TO
6 CALL MY WIFE AT WORK AT LEINER

7 Q AND THAT'S WHEN YOU WERE SITTING AT THE
8 COMPUTER, YOU WOULD HAVE BEEN THERE?

9 A I'M SITTING AT THE COMPUTER THE PHONE IS SITTING
10 RIGHT IN FRONT OF ME THAT'S WHY YOU SEE IT IN THE
11 ALL THE PICTURES

12 Q OKAY

13 A I COULDN'T SEE THE PHONE

14 Q AND ULTIMATELY, START WITH THAT MORNING, LAW
15 ENFORCEMENT TALKS TO YOU A LITTLE BIT WHILE YOU ARE
16 THERE AT THE BEGINNING, RIGHT? THE FIRST RESPONERS

17 A THE FIRST RESPONDERS, THE FIRST RESPONDERS COME
18 UP WHILE I'M ON THE PHONE TRYING TO GET SOMEBODY AND
19 I GO TO THE DOOR, OPEN THE DOOR, AND LET THEM IN
20 AND THEN I GO BACK TO THE PHONE AND WORK AND WELL, I
21 SHOWED THEM WHERE, I GO IN THERE AND SHOWED THEM
22 WHERE AMANDA IS AT AND THEN I COME BACK AND I GO ON
23 THE PHONE AND I GET ON THE PHONE AND THAT'S WHERE I,
24 I'M STILL TRYING TO GET IN TOUCH WITH MY WIFE

25 Q YOU ARE TRYING TO CONTACT YOUR WIFE AND

003140

1 DIFFERENT PEOPLE?

2 A MY WIFE I'M TRYING TO CONTACT --

3 Q AND DIFFERENT ONES, FIRE FIGHTERERS AND
4 DIFFERENT PEOPLE, COMING UP AND TALKING AND THAT'S
5 WHEN YOU TOLD THEM THE HISTORY OF HER ROLLING IN HER
6 SLEEP

7 A THAT'S CORRECT

8 Q THAT YOU TOLD HER TO GET RID OF THIS SHEET?

9 A I DIDN'T SAY GET RID OF IT, I NEVER TOLD HER TO
10 GET RID OF THIS SHEET OR THE BLANKET OR THE SPREAD OR
11 NOTHING ELSE WHAT I SAID WAS NOT TO SLEEP WITH THE
12 SHEET DO YOU NEED, YOU NEED TO LEAVE THIS ON THE
13 COUCH WE USE THAT AS A COVER FOR COVERING AT WHEN
14 WE WATCH TV AT NIGHT

15 Q ISN'T THE TRUTH THIS WAS HER FAVORITE BLANKET

16 A THAT WAS HER FAVORITE BLANKET BUT SHE DIDN'T, WE
17 DIDN'T ALLOW HER TO TAKE IT TO BED WITH HER IF SHE
18 USED IT IT WAS ON THE AND THE SEWING MACHINE SINCE WE
19 GOT IT, MARY SUE WAS GOING TO SEW THE SELVAGE BACK
20 ON

21 Q WHEN YOU SAY YOU DIDN'T ALLOW HER TO TAKE IT TO
22 BED WITH HER, YOU WOULD HAVE DEALT WITH THAT WHEN YOU
23 TUCKED HER IN AT A NIGHT?

24 A NO IT WAS USUALLY ON THE COUCH WHENEVER I WAS
25 IN THERE ON THE COMPUTER THAT'S HOW I KNEW SHE DIDN'T

1 HAVE IT

2 Q OKAY SO IT'S UNUSUAL THIS NIGHT THAT YOU'D BE
3 LAYING IN BED WHEN SHE GOES TO BED?

4 A THAT WAS UNUSUAL, YEAH, BECAUSE I'M USUALLY ON
5 THE COMPUTER WHEN SHE GOES TO BED

6 Q AND WHEN LAW ENFORCEMENT WAS THERE AT THE HOUSE
7 THAT'S WHEN YOU ASKED THEM DIRECTLY IS ANYTHING BAD
8 GOING TO HAPPEN TO YOU BECAUSE YOUR DAUGHTER HAS BEEN
9 FOUND IN THERE STRANGLED BY HER BLANKET, RIGHT?

10 A THAT'S CORRECT I DIDN'T KNOW, I DIDN'T KNOW
11 WHAT WAS GOING TO HAPPEN I DIDN'T KNOW, THEY WERE
12 STARTING TO PUT UP YELLOW TAPE, THEY WERE TALKING, I
13 DIDN'T KNOW WHAT WAS GOING ON

14 Q I MEAN IN YOUR MIND IT WAS AN ACCIDENT, RIGHT?

15 A I THOUGHT IT WAS AN ACCIDENT AND I STILL --
16 WELL, I WOULD STILL BELIEVE THAT TODAY BUT WE KNOW
17 DIFFERENT BECAUSE OF THE EVIDENCE

18 Q OKAY AND THEN ULTIMATELY DURING THAT DAY YOU
19 BEGAN A SERIES OF STATEMENTS TO LAW ENFORCEMENT,
20 RIGHT? I MEAN IN ADDITION TO THE ONES WE JUST TALKED
21 ABOUT SHOWING UP, ULTIMATELY YOU WENT AND HAD SOME
22 MORE FORMAL STATEMENTS WHERE YOU WENT AND TALKED TO
23 LAW ENFORCEMENT, RIGHT?

24 A I TALKED WITH BURRIS

25 Q AND HERRING AND WALDROP AND HERRING ON INTO THE

1 EVENING?

2 A RIGHT

3 Q CORRECT? OKAY AS A MATTER OF FACT, YOU TALKED
4 TO DSS THAT DAY ALSO?

5 A THAT'S CORRECT I DID TALK TO DSS

6 Q AND YOU STATED IN THAT FIRST TAPE THAT YOU
7 UNDERSTOOD LAW ENFORCEMENT HAD A JOB TO DO IN THIS
8 CASE, RIGHT?

9 A THAT'S CORRECT

10 Q OKAY I MEAN, YOU UNDERSTOOD THAT FROM --

11 A RIGHT

12 Q AND YOU WERE COOPERATIVE

13 A AND I THOUGHT THAT'S WHAT THEY WERE DOING UNTIL
14 THEY STARTED POINTING THE FINGER AT ME

15 Q SO IT'S OKAY FOR THEM TO DO THE BEST JOB THEY
16 CAN AS LONG AS THEY ARE NOT POINTING A FINGER AT YOU?

17 A NO NO, I DIDN'T SAY IT THAT WAY I'M SAYING I
18 THOUGHT THEY WERE DOING THEIR JOB BUT THEN THEY
19 STARTING POINTING THE FINGER AT ME AND THEN I KNEW
20 THEY WEREN'T DOING THEIR JOB BECAUSE THEY WERE
21 LOOKING AT THE WRONG MAN

22 Q OKAY SO LET ME ASK YOU AT THE BEGINNING YOU
23 VOLUNTEERED ASSISTANCE?

24 A YEAH, I VOLUNTEERED AND CONTINUED TO VOLUNTEER
25 AND CONTINUE TO VOLUNTEER

1 Q OKAY NOW YOU GAVE THEM ACCESS TO YOUR HOUSE?

2 A THAT'S CORRECT

3 Q OKAY YOU SIGNED THESE CONSENTS THAT WE HAVE IN
4 EVIDENCE?

5 A SURE DID SURE DID

6 Q SIGNED CONSENTS TO GIVE BODY FLUIDS AND THINGS
7 OF THAT NATURE?

8 A THAT'S CORRECT

9 Q OKAY

10 A BECAUSE I, I DIDN'T, I KNEW THEY WASN'T GOING TO
11 FIND NOTHING, I MEAN, ON ME I KNEW I DIDN'T DO
12 NOTHING

13 Q THEY WEREN'T GOING TO FIND ANYTHING ON YOU
14 THEY WEREN'T GOING TO FIND YOUR SEMEN ON AMANDA, WERE
15 THEY?

16 A DID THEY FIND IT?

17 Q I THINK I ASKED YOU THEY WEREN'T GOING TO FIND
18 YOUR --

19 A I'M TELLING YOU --

20 Q YOU KNEW THAT NIGHT THEY WEREN'T GOING TO FIND
21 IT, RIGHT?

22 A HOW DID I KNOW THAT? I KNEW THAT BECAUSE I KNEW
23 I DIDN'T DO IT

24 Q WELL, I THINK ALSO BECAUSE YOU MASTURBATED IN A
25 RAG AND HIDE IT, RIGHT?

003144

1 A (NO RESPONSE) YES, I MASTURBATE IN A RAG AND
2 HIDE IT, BUT I DIDN'T HIDE IT THAT NIGHT

3 Q THEY WOULDN'T HAVE --

4 A THAT I KNOW OF

5 Q OKAY

6 A SO LET'S DON'T

7 Q WELL, LET'S DON'T

8 A I'M JUST TELLING YOU

9 Q OKAY SO MAYBE YOU DID, MAYBE YOU DIDN'T?

10 A I CAN'T SAY THAT I DID THAT'S NORMAL --

11 Q THAT'S A PRETTY IMPORTANT ISSUE, YOU AGREE WITH
12 THAT?

13 A THAT'S SOMETHING NORMALLY DO AT NIGHT

14 Q I'M SORRY, SIR

15 A THAT IS SOMETHING THAT I NORMALLY DO AT NIGHT IS
16 MASTURBATE I DON'T KNOW HOW COULD I SAY WHICH ONE
17 I DID? WHETHER DID I DO IT THAT NIGHT OR THIS NIGHT
18 I CAN'T REMEMBER

19 Q WELL, SIR, I GUESS --

20 A I DO IT, I DID IT QUITE OFTEN

21 Q WITH YOUR DAUGHTER BEING FOUND AND THE CONDITION
22 THAT SHE WAS BEING FOUND, WITH YOU BEING ABLE TO
23 EXPLICITLY REMEMBER THE AGE OF THE EMPIRE GAME THAT
24 YOU CREATED, IT MIGHT BE OF INSTANCE THAT YOU WOULD
25 REMEMBER SOMETHING LIKE THAT YOU AGREE WITH THAT,

003145

1 WOULDN'T YOU?

2 A WELL, YEAH, BUT I, I MEAN, I DON'T THINK I DID
3 BECAUSE I CAN'T REMEMBER DOING IT

4 Q OKAY SO ULTIMATELY YOU GO AND YOU TALK TO MR
5 BURRIS, RIGHT?

6 A THAT'S CORRECT

7 Q OKAY AND YOU HAVE BASICALLY, A BASIC STATEMENT
8 IN WHICH YOU BASICALLY REITERATE WHAT WE'VE HEARD
9 TODAY, RIGHT? AS FAR AS WHAT YOU FOUND, WHAT WAS
10 GOING ON, THINGS OF THAT NATURE?

11 A CORRECT THAT'S CORRECT

12 Q OKAY AND THEN YOU INDICATED YOU TALKED TO
13 BURRIS AND HERRING THERE AT THE POLICE DEPARTMENT,
14 RIGHT?

15 A THAT'S CORRECT

16 Q OKAY AND THEN THAT EVENING YOU TALKED TO
17 WALDROP AND HERRING, RIGHT?

18 A THAT'S CORRECT

19 Q OKAY AND YOU WOULD AGREE FROM THAT TAPE, MUCH
20 LIKE YOU AND I HAVE BEEN DOING TODAY, THEY ALLOWED TO
21 YOU TALK?

22 A THAT'S CORRECT

23 Q AND SO PART OF THE REASON THAT THAT THING WENT
24 FOR FOUR HOURS IS THERE WAS A LOT OF EXPLAINING YOU
25 DID ON A LOT OF OTHER ISSUES, DIDN'T IT?

003146

1 A FOR FOUR -- NO I WOULDN'T SAY THAT, NO, SIR,
2 BECAUSE EVERY ONE OF THE QUESTIONS I ANSWERED, I
3 ANSWERED THE QUESTIONS THEY ASKED ME IT MIGHT HAVE
4 BEEN A LITTLE BIT LONGER, I MIGHT HAVE SAID A LITTLE,
5 A COUPLE WORDS EXTRA OR A COUPLE SENTENCES EXTRA
6 NO, I DIDN'T SPEND A WHOLE LOT OF TIME THE FIRST, I
7 THINK THE FIRST 15 MINUTES WAS THE LONGEST TWO
8 CONVERSATIONS THAT I HAD

9 Q OKAY THEN DURING, YOU HAVE THAT CONVERSATION
10 WITH THEM AND THEN AFTER THAT'S OVER, TALKING ABOUT
11 WALDROP AND HERRING

12 A RIGHT

13 Q AFTER THAT'S OVER IN THE MORNING HOURS, YOU ARE
14 ARRESTED, RIGHT?

15 A THAT'S CORRECT

16 Q AND YOU ARE SERVED A WARRANT FOR AMANDA MURDER,
17 RIGHT?

18 A I'M TOLD THAT THEY ARE GOING TO HOLD ME UNTIL
19 THE NEXT MORNING, THAT'S CORRECT

20 Q YOU WERE SERVED A WARRANT---

21 A THEY DID GIVE ME A WARRANT, BUT HE TOLD ME
22 EXPLICITLY HIMSELF THAT THAT WOULD, THAT WAS ONLY
23 UNDER THE CONDITION THAT I FAILED THE POLYGRAPH
24 THAT I WOULD BE LET GO IF I PASSED THE POLYGRAPH

25 Q WELL, AND LET ME ASK YOU, WHAT WERE YOU WEARING

1 AT THAT TIME?

2 A I WAS WEARING MY CLOTHES I WAS WEARING MY
3 CLOTHESS

4 Q OKAY AND YOUR CLOTHES BEING WHAT?

5 A BEING THE BLUE SHIRT THAT I HAD ON, A PAIR OF
6 DARK SWEAT PANTS AND MY SHOES I HAD A PAIR OF
7 SHOES, BLACK SHOES, ESPECIALLY MADE SHOES FROM VOC
8 REHAB

9 Q IS THAT THE \$400 SHOES?

10 A THAT'S CORRECT

11 Q IS THAT THE ONES THAT YOU WONDER WHAT HAPPENED
12 TO THEM?

13 A I WOULD LIKE TO KNOW WHERE THEY AT, YES

14 Q WELL, YOU THINK LAW ENFORCEMENT TOOK THOSE
15 SHOES?

16 A I DON'T KNOW WHAT HAPPENED I THINK THEY MIGHT
17 HAVE MISPLACED THEM I'VE HEARD QUITE A BIT OF
18 MISPLACING OF PROPERTY

19 Q OF SHOES?

20 A OF PROPERTY

21 Q I GOT YOU LET ME ASK YOU THIS, THAT MORNING
22 WHEN YOU WOKE UP WHEN YOU WERE TALKING TO LAW
23 ENFORCEMENT AT THE HOUSE, YOU HAD ON, DID I
24 UNDERSTAND YOU TO SAY YOUR DAUGHTER'S SWEAT PANTS AND
25 YOUR UNDERWEAR?

003148

1 A NO I SAID DARK SWEAT PANTS
2 Q IT'S NOT YOUR DAUGHTER'S SWEAT PANTS?
3 A NO
4 Q AREN'T THESE IN FACT FEMALE SWEAT PANTS THAT YOU
5 HAD ON?
6 A THEY MIGHT HAVE BEEN MARY SUE'S
7 Q OKAY
8 A I WORE HER SWEAT PANTS OCCASIONALLY I THINK SHE
9 GAVE THEM TO ME
10 Q SO THEY COULD BE FEMALE SWEAT PANTS THEN?
11 A SURE
12 Q OKAY AND YOU HAVE THAT AND UNDERWEAR ON,
13 THAT'S ALL YOU HAD ON AT THE HOUSE?
14 A AT THE HOUSE WHEN EVER?
15 Q WHEN ALL THIS TOOK PLACE?
16 A YEAH, THAT'S ALL I HAD ON
17 Q AND THEN WHEN YOU, ON DOWN AT THE POLICE STATION
18 THAT'S THE SAME SWEAT PANTS AND UNDERWEAR THAT YOU
19 HAD ON?
20 A OF COURSE, IT IS, SIR THAT'S WHAT I SAID,
21 THAT'S ALL I HAD ON
22 Q THAT'S WHAT I WANTED TO MAKE SURE I UNDERSTAND
23 A SURE
24 Q SO THAT'S WHAT YOU HAD WHEN YOU WENT DOWN THERE
25 AND THEN LET'S SEE, AT FOUR O'CLOCK IN THE MORNING

003149

1 WHEN THEY WENT AND SERVED THE WARRANT ON YOU, THEY
2 TOOK THOSE PANTS AND THOSE UNDERWEAR FROM YOU AT THAT
3 POINT AND PUT YOU IN A JUMP SUIT, DON'T THEY?

4 A NO, THEY DID NOT

5 Q ARE YOU SURE ABOUT THAT?

6 A I'M ALMOST POSITIVE

7 Q ALMOST POSITIVE

8 A I WOULD SAY I'M POSITIVE BECAUSE THEY DID NOT

9 Q TELL ME THE TIME THEY RECOVERED THOSE ITEMS FROM
10 YOU ON THIS BAG RIGHT HERE PLEASE SIR?

11 A SAYS 4 10 AM ON 11/31 I MEAN 11/30 THEY DID
12 NOT THAT NIGHT

13 Q SO THEY LEFT YOU IN, YOU'RE IN THE JAIL AND JUST
14 YOUR WHITE SWEAT PANTS AND YOUR UNDERWEAR

15 A RIGHT

16 Q AND --

17 A AND MY SWEAT PANTS AND MY SHIRT AND MY SHOES

18 Q OKAY YOU HAD THOSE \$400 SHOES ON THEN TOO?

19 A YES

20 Q OKAY AND THEN FRIDAY MORNING COMES AND THEY
21 GIVE YOU BREAKFAST, RIGHT?

22 A FRIDAY, THAT'S CORRECT

23 Q OKAY AND AT SOME POINT LES HERRING IS RUNNING
24 A LITTLE BIT LATE, BUT YOU END UP LOADING UP OVER
25 HERE AND COMING TO TAKE YOUR POLYGRAPH, RIGHT?

003150

1 A THAT'S CORRECT

2 Q WITH MIKE BAKER, RIGHT?

3 A YEAH, THAT WAS ABOUT, I THINK WE LEFT OUT ABOUT

4 15 TIL OR SOMETHING LIKE

5 Q 15 TIL WHAT?

6 A I MEAN 15 AFTER NINE, SOMETHING LIKE THAT

7 Q OKAY

8 A WE WERE SUPPOSED TO LEAVE I THINK, I THINK HE

9 WANTED, NO, HE WANTED TO LEAVE AT 9 15 WE LEFT AT

10 9 30 THAT'S WHAT IT WAS HE SAID WE'RE RUNNING A

11 LITTLE BIT LATE, BUT HE WANTED TO GET OVER HERE,

12 SPEND A LITTLE BIT OF TIME WITH HIM

13 Q AND YOU WANTED TO GO, RIGHT?

14 A YEAH, I WANTED TO GO I AIN'T DONE NOTHING

15 WRONG

16 Q AND YOU HAD YOUR JUMP SUIT ON THEN?

17 A I DID NOT HAVE A JUMP SUIT ON

18 Q YOU ARE STILL WEARING THOSE CLOTHES?

19 A YES I MEAN, THAT'S WHAT I CAN REMEMBER, YES,

20 SIR

21 Q COULD IT BE THEY GOT THEM AT FOUR AND YOU ARE

22 JUST WRONG ABOUT A POINT SUCH AS THE JUMP SUIT?

23 A (NO RESPONSE) I DON'T THINK SO, NO, SIR

24 Q OKAY YOU THINK THAT'S WHAT YOU WERE WEARING?

25 A I THINK, I'M ALMOST POSITIVE I WAS WEARING MY

002151

1 OWN CLOTHES

2 Q SO YOU COME OVER HERE IN YOUR OWN CLOTHES AND
3 YOU GO TO THE POLYGRAPH AND HE READS YOU YOUR RIGHTS,
4 RIGHT?

5 A THAT'S CORRECT

6 Q AND STATE'S EXHIBIT 11, IS THAT THE RIGHTS FORM?
7 IF YOU WOULD TAKE A MINUTE AND LOOK AT THAT?

8 A (EXAMINES DOCUMENT)

9 Q IS THAT THE RIGHTS FORM THAT YOU HAD THAT
10 MORNING?

11 A THAT'S CORRECT, IT IS

12 Q OKAY AND DID YOU SIGN THAT?

13 A I DID SIGN IT

14 Q AND YOU FREELY CONSENTED TO DO THAT, RIGHT?

15 A RIGHT

16 Q NOBODY IS THREATENING YOU IN ANY WAY?

17 A THAT'S CORRECT

18 Q NOBODY IS PROMISING YOU ANYTHING?

19 A NO I WANTED TO GET THIS OUT I WANTED TO
20 PROVE MY INNOCENCE

21 Q OKAY SO YOU ARE MORE THAN WILLING TO DO THIS,
22 YOU, BASICALLY YOU WAIVED ALL YOUR RIGHTS AND SAID
23 I'M MORE THAN WILLING TO TALK TO YOU, THERE IS NO
24 THREATS, NO PRESSURE, NO NOTHING, RIGHT?

25 A AT THAT TIME THERE WAS NONE, NO, SIR

003152

1 Q SO UP UNTIL THAT POINT EVERYTHING THAT WE HAVE
2 THUS FAR THERE IS NO PRESSURE ON YOU, IS THAT WHAT
3 YOU ARE SAYING?

4 A WELL, I'M SAYING THAT I, AT THAT TIME WHEN I
5 SIGNED THAT PAPER I WANTED TO GET, I WANTED TO GET
6 THE STORY, I WANTED THE TRUTH I WANTED PEOPLE TO
7 SEE I WAS INNOCENT AND I WAS TOLD, I WAS TOLD, OVER
8 REPEATEDLY AND REPEATEDLY AND REPEATEDLY THAT I HAD
9 DONE SOMETHING THAT I DIDN'T DO

10 Q YOU WANTED THE POLYGRAPH?

11 A I WANTED THAT POLYGRAPH TEST

12 Q AND THEY BROUGHT AND GAVE YOU ONE, DIDN'T THEY?

13 A THAT'S CORRECT

14 Q AND YOU ACTUALLY SIGNED THIS ALSO, YOU TAKE A
15 LOOK AT THAT, DO YOU RECOGNIZE THAT DOCUMENT?

16 A YES, I SIGNED THAT

17 Q OKAY AND WHAT WAS THAT FOR?

18 A THAT WAS THE CONSENT TO POLYGRAPH

19 Q AND IT SAYS YOU HAVE THE RIGHT TO REFUSE TO TAKE
20 THE POLYGRAPH, YOU READ THAT, RIGHT?

21 A BUT I WANTED TO TALK THE POLYGRAPH

22 Q I UNDERSTAND I'M JUST TALKING ABOUT THE FORM
23 NOW THIS IS STATE'S EXHIBIT 12?

24 A YES, BUT I WANTED TO TAKE THE POLYGRAPH I WAS
25 EAGER TO SIGN I WAS WILLING TO SIGN

003153

1 Q YOU WAIVED ALL YOUR RIGHTS, LAW ENFORCEMENT,
2 NOBODY IS THREATENING YOU OR DOING ANYTHING Y'ALL
3 ARE ON THE SAME SHEET OF MUSIC AT THIS POINT?

4 A ALL I WANTED TO DO WAS PROVE MY INNOCENCE

5 Q OKAY AND SO YOU ARE READY TO DO IT?

6 A I WAS WANTING TO PROVE MY INNOCENCE

7 Q SO WHEN YOU GAVE THE PRETEST INTERVIEW, YOU
8 KNOW, HE HAS TO ASK -- OF COURSE, MIKE BAKER WORKS
9 WITH THE SHERIFF'S OFFICE, RIGHT?

10 A THAT'S CORRECT

11 Q BECAUSE YOU CAME OVER HERE, RIGHT? IT'S NOT
12 LIKE HE WAS ONE OF THOSE ROCK HILL FOLKS, RIGHT?

13 A RIGHT

14 Q SO HE WORKS WITH THE SHERIFF'S DEPARTMENT HE
15 DOESN'T REALLY KNOW ANYTHING ABOUT THE CASE OTHER
16 THAN WHAT LES HERRING TELLS HIM ON THE FRONT END, IS
17 THAT RIGHT?

18 A WHAT LES HERRING TELLS HIM, YEAH, THAT'S TRUE
19 I MEAN

20 Q I MEAN, HE DIDN'T INVESTIGATE, HE WASN'T
21 AROUND --

22 A NO, BUT HE HAD TOLD ME HE HAD HEARD SOME STUFF
23 EARLIER ABOUT THE CASE BEFORE

24 Q NOW WHEN WOULD HAVE THAT BEEN IF ---

25 A IT WAS EARLIER IN THE DAY HE MENTIONED IT, WHEN

003154

1 I TALKED TO HIM HE HAD MENTIONED THAT HE ALREADY
2 HEARD SOME OF THE CASE BEFORE HERRING AND HE ALSO, IF
3 I RECALL CORRECTLY TESTIFIED THAT HE DID

4 Q THAT HE HEARD THAT MORNING I'M SAYING HE
5 WASN'T THERE AT YOUR HOUSE --

6 A NO NO HE DIDN'T COME AND INVESTIGATE, NO,
7 BUT HE DID SAY THAT HE HAD HEARD ABOUT THE CASE
8 BEFORE HE WAS TOLD

9 Q OKAY AND THEN YOU ACTUALLY TAKE THE TEST, THE
10 POLYGRAPH TEST, FROM MR BAKER AT ABOUT 11 50 IN THE
11 MORNING, RIGHT?

12 A I DON'T REMEMBER EXACTLY WHAT TIME IT WAS

13 Q OKAY YOU DID THE TALKING, DID THE PRETEST, YOU
14 TALKED ABOUT DIFFERENT THINGS, YOU TOLD HIM WHAT THE
15 DEAL WAS, AND THEN YOU TAKE THE POLYGRAPH, RIGHT?

16 A WE, WE TALKED, THAT'S RIGHT YEAH, I DON'T KNOW
17 EXACTLY WHAT TIME THE POLYGRAPH WAS TAKEN, BUT, YEAH,
18 I TOOK THE POLYGRAPH TEST EVENTUALLY

19 Q OKAY NOW YOU TOLD HIM AT FIRST THAT YOU DIDN'T
20 SAY ANYTHING ABOUT GETTING OUT OF BED AT THREE
21 O'CLOCK AND THEN YOU TOLD HIM, AFTER YOU TALKED A
22 LITTLE BIT MORE, BEFORE THE POLYGRAPH, AND THEN YOU
23 TOLD HIM ABOUT GETTING UP, THAT YOU WERE UP AT THREE
24 O'CLOCK, RIGHT?

25 A I TOLD HIM THAT -- WELL, I DIDN'T REMEMBER ABOUT

1 THE THREE O'CLOCK SO I, THAT WAS WHEN I FIRST STARTED
2 TO REMEMBER ABOUT THE THREE O'CLOCK

3 Q OKAY OF COURSE, YOU DIDN'T SAY ANYTHING ABOUT
4 MASTURBATION AT THAT POINT, RIGHT?

5 A NO, SIR

6 Q AND AGAIN AT THIS POINT REALLY HE'S JUST TALKING
7 TO YOU TO KIND OF GET THE GROUND WORK LAID OUT FOR
8 THE POLYGRAPH, RIGHT? ISN'T THAT WHY Y'ALL TALK AT
9 THE BEGINNING?

10 A I DON'T KNOW IF HE WAS DOING THAT OR IF HE WAS
11 JUST TRYING TO INTERVIEW ME TO GET ALL THE
12 INFORMATION HE CAN FROM ME

13 Q OKAY AND YOU TOLD HIM WHEN YOU WOKE UP AT SIX
14 O'CLOCK YOU HAD A DREAM OF GOD SAYING COME UP AND
15 THAT'S ABOUT THE RAPTURE AGAIN, IS THAT RIGHT?

16 A THAT'S RIGHT

17 Q AND THEN ULTIMATELY HE GIVES YOU THE POLYGRAPH,
18 RIGHT?

19 A HE DOES GIVE ME THE POLYGRAPH

20 Q OKAY AND YOU FAILED THAT TEST, RIGHT?

21 A THAT'S WHAT YOU SAY

22 Q I DIDN'T SEE IT --

23 A I DON'T TOTALLY BELIEVE THAT

24 Q YOU DON'T BELIEVE YOU FAILED?

25 A NO, SIR I BELIEVE IT WAS A TACTIC AND A LIE

003156

1 PLANTED BY ROCK HILL AND SHERIFF'S DEPARTMENT TO TRY
2 TO COERCE A STATEMENT OUT OF ME

3 Q OKAY SO THEY WORKED TOGETHER TO COERCE THE
4 STATEMENT OUT OF YOU BY TELLING YOU YOU DIDN'T PASS
5 THE POLYGRAPH?

6 A WELL, HE SAID I DIDN'T PASS THE POLYGRAPH I
7 JUST DON'T BELIEVE THAT BECAUSE I HAD NOTHING TO
8 HIDE I DIDN'T DO IT

9 Q OKAY

10 A I DIDN'T HAVE NOTHING TO DO WITH IT AND
11 FRANKLY, I DON'T UNDERSTAND WHY PEOPLE DON'T
12 UNDERSTAND THAT BECAUSE

13 Q IN FAIRNESS, YOU CAN SEE YOU'VE TOLD SO MANY
14 DIFFERENT STORIES THAT THERE MAY BE DIFFICULT FOR
15 PEOPLE TO KNOW WHAT YOU --

16 A DIFFERENT STORIES I WOULDN'T SAY DIFFERENT
17 STORIES I'VE TOLD, I'VE ADDED, I PROGRESSED TO IT
18 I DIDN'T TELL EVERYTHING BECAUSE I DIDN'T REMEMBER
19 EVERYTHING MY MEMORY WASN'T ALL BUT I DO KNOW THAT
20 I DID NOT DO IT

21 Q OKAY DO YOU KNOW WHO DID?

22 A NO, SIR ALL I KNOW IS WHAT THE EVIDENCE POINTS
23 TO

24 Q SO AFTER YOU FINISHED THE POLYGRAPH, HE
25 EXPLAINED THAT THIS COULD NOT HAVE HAPPENED, AND YOU

1 ASKED HIM, YOU SAID COULD I HAVE DONE IT AND NOT
2 REMEMBER, YOU SAID THAT?

3 A WELL, I MEAN, LIKE I SAID --

4 Q YOU CAN EXPLAIN, SIR IF YOU'LL JUST ANSWER,
5 DID YOU SAY THAT?

6 A I SAID IT AND I EVEN TESTIFIED THAT I SAID IT
7 BUT IT'S THE CIRCUMSTANCES BEHIND IT

8 Q OKAY AT THAT POINT YOU SAID COULD I HAVE DONE
9 IT AND NOT REMEMBERED?

10 A WELL, I MEAN WITH WHAT HE WAS SAYING TO ME IS
11 TRUE, YES I MEAN, HE KEPT TALKING TO ME AND KEPT
12 TELLING ME AND I FAILED IT HE WAS TALKING ABOUT THE
13 GREEN WRAP, HE WAS TALKING ABOUT ALL THIS THING, WHAT
14 ELSE WAS I SUPPOSED TO -- I MEAN, I COULDN'T
15 CONCENTRATE

16 Q SO YOUR ANSWER IS YOU DID SAY COULD I HAVE DONE
17 IT AND NOT REMEMBER IT?

18 A I DID

19 Q OKAY

20 A BECAUSE I DIDN'T KNOW I MEAN, I TRUSTED THE
21 POLYGRAPH MACHINE

22 Q OKAY AND HE SAID NO HE TOLD YOU, NO, YOU
23 COULDN'T HAVE DONE IT AND NOT REMEMBER, DIDN'T HE?

24 A HE SAID NO, I DON'T THINK SO

25 Q OKAY THEN YOU SAID COULD I HAVE DONE IT IN MY

1 SLEEP, LIKE SLEEP WALKING THING OR A DREAM?

2 A I SAID COULD I HAVE DONE IT IN MY SLEEP I DID
3 SAY THAT, YES

4 Q AND HE SAID NO, RIGHT?

5 A HE SAID, ACTUALLY HE SAID I DON'T THINK SO
6 BECAUSE I JUST DON'T THINK THAT'S POSSIBLE

7 Q BECAUSE YOU WOULDN'T HAVE KNOWLEDGE OF IT, IS
8 THAT RIGHT?

9 A WELL, I MEAN ---

10 Q IS THAT WHAT HE EXPLAINED TO YOU THAT YOU
11 WOULDN'T HAVE KNOWLEDGE OF IT IF YOU HAD DONE IT IN A
12 DREAM OR YOU DONE IT AND NOT KNOWING, THEN YOU
13 WOULDN'T FAIL THE POLYGRAPH BECAUSE YOU WOULDN'T HAVE
14 KNOWLEDGE OF IT, WOULD YOU?

15 A WELL, THAT'S THE TRUTH

16 Q THAT'S WHAT HE TOLD YOU --

17 A THAT'S BASICALLY -- WELL, WHAT HE TOLD ME WAS
18 NO, I DON'T THINK SO AND I SAID WELL, WHAT ABOUT IF
19 I-- I SAID WHAT ABOUT COULD I HAVE DONE IT IN A DREAM
20 OR IN MY SLEEP AND HE SAID

21 Q HE SAID NO

22 A HE SAID I DON'T THINK SO HE DIDN'T SAY NO HE
23 SAID I DON'T THINK SO

24 Q OKAY SO HE TELLS YOU RIGHT UP FRONT, RIGHT
25 AFTER YOU FAILED THE POLYGRAPH, THAT COULD HAVE DONE

003159

1 IT AND NOT REMEMBER IS NOT REALLY AN OPTION HE SAYS
2 NO I DON'T THINK SO SLEEPING AND DOING IT IS NOT AN
3 OPTION HE SAID I DON'T THINK SO, RIGHT?

4 A WELL, I MEAN HE WAS TRYING TO MAKE HIS POINT
5 THAT HE DIDN'T THINK IT COULD HAPPEN, NO

6 Q DID HE TRY TO GET YOU TO SAY, YOU KNOW, MAYBE
7 YOU DREAMED IT AND THAT'S HOW IT HAPPENED? HE DIDN'T
8 DO THAT, DID HE?

9 A WHAT HE SAID WAS EXACTLY WHAT I SAID BEFORE, HE
10 WAS, WE WENT THROUGH THIS TIME WHERE HE KEPT TELLING
11 ME ABOUT THE BLANKET, HE KEPT TELLING ME ABOUT THE
12 POLYGRAPH MACHINE, BEING, CALLING ME A LIAR

13 Q HE WAS CALLING YOU A LIAR?

14 A I SAID THE MACHINE WAS CALLING ME A LIAR I'M
15 NOT A LIAR I DIDN'T DO IT I DIDN'T KNOW WHO DID
16 IT I DIDN'T SEE WHO DID IT I WAS IN THE BED
17 ASLEEP AND I KNEW THAT

18 Q OF COURSE, WE'VE HEARD YOU SAY THAT FOUR HOURS
19 ON THE AUDIO TAPE?

20 A YEAH, AND ABOUT SIX HOURS IN HERE TODAY

21 Q ALL RIGHT AT SOME POINT AFTER THAT, AFTER YOU
22 ARE CONFRONTED THAT WHAT YOU ARE SAYING CAN'T BE
23 TRUE, THEN YOU TELL A DIFFERENT STORY, DON'T YOU?

24 A WHEN I HAD BEEN TOLD OVER AND OVER REPEATEDLY
25 THAT WHAT I SAID I DID ABOUT THE BLANKET I DIDN'T DO,

003160

1 THEY HAD PICTURES TO PROVE IT, WHAT THE POLYGRAPH,
2 WHAT I BELIEVED THE POLYGRAPH WOULD SAY WAS NOT WHAT
3 IT SAID

4 Q WELL, LET'S TALK ABOUT THE BLANKET THING FOR A
5 SECOND WE KEEP SAYING THEY ARE TELLING YOU YOU
6 DIDN'T UNWRAP THE BLANKET AROUND HER NECK?

7 A THAT'S EXACTLY WHAT THEY WERE SAYING

8 Q AND YOU WENT IN, YOU KNEW THAT, YOU WEREN'T
9 ASLEEP, YOU WEREN'T ANYTHING YOU KNEW YOU WENT IN
10 AND UNWRAPPED THAT BLANKET?

11 A THAT'S RIGHT I KNEW THAT I HAD UNWRAPPED THE
12 BLANKET

13 Q YOU TOLD 911 --

14 A I POINTED TO IT

15 Q YOU TOLD LAW ENFORCEMENT WHEN THEY GET THERE?

16 A RIGHT BUT EVERYBODY KEPT TELLING ME THAT IT
17 WASN'T TRUE, THAT THE BLANKET WAS STILL WRAPPED
18 AROUND HER NECK THEY KEPT TELLING ME, YEAH, WE GOT
19 PICTURES TO PROVE IT WE GOT A POLICE REPORT THAT
20 PROVES IT

21 Q OKAY AND SO THAT BEING WRAPPED AROUND HER NECK
22 WHEN YOU BELIEVED YOU UNWRAPPED IT, SUDDENLY MADE YOU
23 THINK YOU DID IT?

24 A IT WASN'T THAT IT WAS EVERYTHING BUT THAT HAD,
25 THAT WAS PROBABLY THE BIGGEST PART THAT'S WHAT THEY

003161

1 KEPT SAYING THE MOST IS WHAT THEY KEPT TALKING
2 ABOUT THE MOST

3 Q THAT IT WAS STILL WRAPPED AROUND HER NECK?

4 A THAT IT WAS STILL WRAPPED AROUND HER NECK

5 Q OKAY

6 A AND HE ALSO TALKED ABOUT THE POLYGRAPH MACHINE
7 HE TALKED ABOUT THE FACT THAT I LIED ABOUT THE DILDO

8 Q AND YOU ADMITTED TO LYING ABOUT THAT, RIGHT?

9 A YEAH, I ADMITTED ABOUT LYING ABOUT THAT

10 Q OKAY HE SAYS THAT ONCE, AT SOME POINT AFTER HE
11 CHALLENGED YOUR DIFFERENT THEORIES ABOUT SLEEPING AND
12 DREAMING AND NOT REMEMBERING, THEN YOU SAID I MUST
13 HAVE DONE RIGHT IT, RIGHT?

14 A WELL, HE SAID AFTER I THINK HE SAID ABOUT, TEN
15 OR 15 MINUTES LATER I, I SAID I MUST HAVE DONE IT AND
16 DON'T REMEMBER IT WAS ACTUALLY A LITTLE BIT LONGER
17 THAN THAT AND IT WAS AFTER I HAD BEEN REPEATEDLY TOLD
18 THE SAME THING OVER AND OVER AND OVER

19 Q BUT YOU, THE NIGHT BEFORE YOU WERE TOLD, JERRY
20 WALDROP WAS FIRE AND BRIMSTONE AND YOU MAINTAINED?

21 A BUT IT WAS -- I TRUSTED THE POLYGRAPH WHAT WAS
22 THE ONE THING, THE ONE THING THAT I BELIEVED WAS THE
23 POLYGRAPH WOULD PROVE MY INNOCENCE I BELIEVE IN
24 THAT POLYGRAPH I BELIEVED THAT IT WOULD SHOW THAT I
25 WAS TELLING THE TRUTH

003162

1 Q OKAY

2 A THEN I WAS TOLD A LIE, WASN'T I?

3 Q APPARENTLY NOT

4 A WELL

5 Q THE POLYGRAPH IS ACCURATE THEN YOU, TO USE YOUR

6 WORDS, YOU MUST HAVE DONE IT, RIGHT?

7 A I SAID THAT AFTER HE KEPT ON SAYING THAT ABOUT

8 THE POLYGRAPH MACHINE AND ABOUT THE BLANKET AND ABOUT

9 THE DILDO AND ABOUT THE PICTURES AND THE POLICE

10 REPORT

11 Q OKAY BUT YOU DIDN'T SAY I MUST HAVE DONE IT

12 AND I DON'T KNOW HOW OR WHY OR WHAT HAPPENED YOU

13 JUST SAID I MUST HAVE DONE IT, RIGHT, AND THEN YOU

14 START EXPLAINING, DIDN'T YOU?

15 A I THOUGHT THAT I HAD DONE IT

16 Q OKAY

17 A I WAS TOLD THAT

18 Q OKAY

19 A OVER AND OVER AND OVER

20 Q SO NOW AT THIS POINT, BECAUSE IT CHANGES A LOT,

21 NOW AT THIS POINT IN THE POLYGRAPH, AFTER THE

22 POLYGRAPH, NOW YOU'VE DECIDED, I MUST HAVE DONE IT,

23 AND YOU ARE TELLING US IN YOUR MIND YOU HAD AT THAT

24 POINT BELIEVED YOU DID IT?

25 A WAIT A MINUTE I SAID -- YES, I BELIEVE THAT

1 I BELIEVED IN MY MIND, YES

2 Q OKAY RIGHT THEN YOU BELIEVED YOU DID IT, SO
3 THAT'S WHEN YOU STARTED TELLING THAT EVERYTHING I
4 SAID IS PRETTY TRUE, BUT YOU DID REMEMBER THAT YOU
5 HAD GONE INTO AMANDA'S ROOM AFTER YOU WENT TO THE
6 BATH ROOM AT THREE O'CLOCK, YOU TOLD HIM THAT, RIGHT?

7 A AS HE WAS TALKING TO ME, YES, AFTER THAT AND
8 AFTER I THOUGHT ABOUT ALL THE IMAGES THAT I HAD
9 STARTED FORMING IN MY HEAD SOMEBODY HAD TO GO IN
10 AMANDA'S ROOM AND SO I KNEW SOMEBODY HAD TO GO IN
11 AMANDA'S ROOM, I KNEW THAT AMANDA'S, HAD BEEN
12 SODOMIZED BECAUSE JERRY WALDROP ME TOLD ME THAT I
13 KNEW EVERY OTHER PIECE OF DETAIL THAT'S MENTIONED IN
14 THAT REPORT

15 Q OKAY WHEN WAS IT THAT LAW ENFORCEMENT DECIDED
16 THAT YOU HAD A HARD ON AT 3 O'CLOCK IN THE MORNING?

17 A I SAID THAT BECAUSE THAT'S THE ONLY LOGICAL
18 THING THAT I COULD HAVE THOUGHT OF AT THE TIME THEY
19 SAID THEY FOUND A SPOT OF SEMEN ON AMANDA OR THEY
20 THOUGHT IT WAS A SPOT OF SEMEN AND THEY HAD ME DO A
21 TEST SO, AND I MEAN, AND SO I THOUGHT, OKAY, I MUST
22 HAVE WENT INTO, THE FIRST THING I DONE IS WENT INTO
23 HER BEDROOM AND JACKED OFF ON HER BED OVER HER, BUT I
24 DIDN'T

25 Q BUT YOU DIDN'T?

003164

1 A NO, I DIDN'T

2 Q BUT YOU TIED THAT IN TO THE I MASTURBATED QUITE
3 FREQUENTLY AND SO THAT'S WHERE YOU GOT THAT PICTURE
4 FROM? WHERE DID YOU GET THAT PICTURE FROM?

5 A WHERE DID I GET THAT PICTURE FROM?

6 Q THAT'S WHAT YOU ARE TELLING, ALL THESE PICTURES?

7 A THEY SAID I, THEY SAID, I WAS TRYING TO PIECE
8 TOGETHER WHAT EVERYBODY SAID ABOUT AMANDA WHAT WAS,
9 WHERE SHE WAS RAPED, WHERE SHE WAS HARMED, THE
10 SODOMY, THE EVERYTHING, I WAS LOOKING AT ALL THOSE
11 PIECES I WAS LISTENING TO WHAT EVERYBODY WAS
12 TELLING ME

13 Q OKAY AND YOU STATED --

14 A AND I KNEW I WAS INNOCENT

15 Q OKAY YOU KNEW YOU WERE INNOCENT THEN? I
16 THOUGHT YOU JUST TOLD US THAT YOU THOUGHT YOU DID IT?

17 A I SAID I KNEW I WAS INNOCENT FROM THE BEGINNING
18 BY THE TIME THAT HE HAD HOUNDING ME ABOUT THE
19 MACHINE, ABOUT THE BLANKET, ABOUT THE PICTURES, ABOUT
20 EVERYTHING

21 Q NOW THIS IS MR BAKER HOUNDING YOU?

22 A MR BAKER

23 Q THIS IS MR SOFT SPOKEN MR BAKER?

24 A AND HE WAS SPEAKING SOFTLY IT WAS A HOUNDING
25 YES, SIR, IT WAS A HOUNDING, BUT IT WASN'T A HOUNDING

1 LIKE, LIKE YOU'VE BEEN DOING, OR LIKE SOME OF THE
2 OTHERS HAVE BEEN DOING THAT'S NOT THE WAY HE WAS
3 HOUNDING HE WAS HOUNDING ME LIKE, MR COPE, YOU
4 KNOW, WE HAVE PICTURES WE HAVE PROOF

5 Q SO HE WAS LESS STRIDENT THAN EVEN I'VE BEEN WITH
6 YOU, RIGHT?

7 A YES

8 Q YOU WOULD ADMIT I'VE BEEN FAIRLY COURTEOUS TO
9 YOU, HAVE I NOT?

10 A YES, SIR I WOULD SAY YOU'VE BEEN COURTEOUS I
11 MEAN, INTERRUPT ME A COUPLE TIMES, I MEAN

12 Q BUT I THINK WE'VE DONE THAT TO EACH OTHER?

13 A AND I'VE DONE THAT I'LL AGREE, YES, SIR

14 Q BUT LET ME ASK YOU A QUESTION I'LL TRY TO GET
15 US BACK ON TRACK, YOU TOLD HIM THAT YOU DON'T
16 REMEMBER EJACULATING BUT YOU MUST HAVE EJACULATED
17 BECAUSE YOU REMEMBER IT FEELING GOOD, DO YOU REMEMBER
18 TELLING HIM THAT?

19 A WELL, I DID TELL HIM THAT BECAUSE FIRST I KNEW
20 ABOUT THE SPOT OF SEMEN THAT WAS ON AMANDA

21 Q OKAY YOU TOLD HIM YOU NORMALLY MASTURBATE IN A
22 WASH CLOTHE BUT YOU HAD NOT BROUGHT THE WASH CLOTH
23 WITH YOU INTO AMANDA'S ROOM, RIGHT?

24 A I DID TELL HIM THAT BUT I DON'T NORMALLY GO, I
25 DON'T NEVER EVER GO TO AMANDA'S ROOM TO MASTURBATE

1 I ALWAYS GO TO EITHER THE BATHROOM OR MY BEDROOM

2 Q OKAY AND YOU SAID YOU DID NOT KNOW WHERE IT
3 WENT, BUT YOU DIDN'T CLEAN IT UP, RIGHT?

4 A I DIDN'T I -- THAT'S WHAT I TOLD HIM I DIDN'T
5 CLEAN IT UP BECAUSE THEY SAID THERE WAS A SPOT OF
6 SEMEN ON HER

7 Q AND THESE ARE IMAGES THAT WERE IN YOUR HEAD AND
8 ALL BOTTLED UP INSIDE, RIGHT?

9 A I DIDN'T SAY THEY WERE ALL BOTTLED UP INSIDE I
10 SAID THESE WERE IMAGES THAT WAS IN MY HEAD AND THAT'S
11 ALL I, THAT'S ALL I KNEW TO GO BY

12 Q SO COPE STATED IT WAS ALL BOTTLED UP INSIDE ME
13 YOU DIDN'T SAY THAT?

14 A I DIDN'T THINK I SAID IT, NO, SIR

15 Q OKAY AND THEN --

16 A BECAUSE, I MEAN, HE'S NOT, HE'S WRITING FROM HIS
17 NOTES AND HE'S ALSO WRITING FROM HIS MEMORY HE EVEN
18 STATED THAT

19 Q WHAT ARE YOU TESTIFYING FROM?

20 A I'M TESTIFYING FROM WHAT I KNOW

21 Q OKAY

22 A THE TRUTH

23 Q OKAY

24 A THAT NEEDS TO BE BROUGHT UP

25 Q THAT'S WHAT I'M TRYING TO DO, SIR

003167

1 A WELL, IT'S OUT ACTUALLY

2 Q APPARENTLY SO, WE'RE HERE, AREN'T WE?

3 A I --

4 Q OKAY IT'S BEEN REPORTED THAT AMANDA HAD WOKE
5 WHILE HE WAS MASTURBATING OVER HER AND SAID OH GROSS
6 DADDY?

7 A RIGHT, OKAY WHERE DID HE GET THAT FROM BECAUSE
8 I DIDN'T SAY THAT

9 Q YOU DIDN'T SAY THAT?

10 A NO, I DIDN'T SAY THAT I SAID THAT THE NIGHT
11 BEFORE THAT WAS SOMETHING THAT HERRING MUST HAVE
12 TOLD HIM

13 Q YOU ARE SAYING YOU SAID THAT THE NIGHT BEFORE ON
14 THE TAPE?

15 A RIGHT WHEN WE WERE TALKING ABOUT WHAT MOMMA
16 DOES I NEVER SAID THAT ABOUT HER HE SAID THAT
17 MUST BE WHERE, WHEN YOU HEARD OH GROSS DADDY I
18 NEVER SAID THAT

19 Q OKAY YOU NEVER SAID THAT IN THERE WITH HIM?

20 A NO

21 Q OKAY SO THE NIGHT BEFORE YOU WHEN YOU TALKED
22 TO THE OFFICERS ON THAT FOUR HOUR RECORDING, YOU ARE
23 SAYING THAT'S WHERE THAT CAME FROM?

24 A WHAT I SAID WHEN I TALK ON THE FOUR, ON THE FOUR
25 HOUR CONVERSATION WAS, WHEN AMANDA, WHEN ME AND MARY

1 SUE WOULD KISS AMANDA WOULD SAY, OH GROSS DADDY
2 Q ACTUALLY IT'S ON THE TAPE SHE SAYS EW, RIGHT?
3 A SHE SAYS OH GROSS DADDY
4 Q OKAY BUT YOU DIDN'T SAY THAT THAT NIGHT BEFORE
5 AND THAT'S NOT ON THAT TAPE, IS IT?
6 A SHE SAYS EW GROSS DADDY HE SAID OH GROSS
7 DADDY, NOT ME
8 Q OKAY BUT ON THE TAPE THE NIGHT BEFORE WHEN YOU
9 WERE EXPLAINING ABOUT SEEING YOUR WIFE KISSING, YOU
10 SAID AMANDA SAID EW, SO NO WHERE DID OH GROSS DADDY
11 COME FROM THE NIGHT BEFORE, DID IT?
12 A IT SAYS EW GROSS DADDY
13 Q YOU ARE SURE ABOUT THAT, SIR?
14 A I KNOW IT SAYS IT
15 MR POPE BEG THE COURT'S INDULGENCE
16 A BECAUSE SHE SAYS EW, GROSS MOMMA EW, GROSS
17 DADDY EW GROSS IT'S THERE
18 MR POPE BEG THE COURT'S INDULGENCE
19 Q MY DAUGHTER DID NOT EVEN, SHE WAS LIKE OOOH WHEN
20 ME AND MY WIFE WOULD KISS?
21 A THERE IS ANOTHER PLACE ON THERE WHERE IT SAYS OH
22 GROSS
23 Q SHE WOULD SAY EW GROSS MOMMA?
24 A OR EW GROSS DADDY I SAID THAT
25 Q SO THAT'S WHERE HE GOT THAT FROM?

003169

1 A THAT'S WHERE THEY GOT THAT FROM I DIDN'T SAY
2 THAT

3 Q YOU STATED THAT THAT WAS THE SAME VOICE THAT YOU
4 HAD HEARD WHEN YOU WERE REFERRING TO THE, SAID THE
5 SAME VOICE IN THE RAPTURE, THAT'S THE SAME VOICE YOU
6 HEARD THAT SAID EW GROSS?

7 A WELL, THE SAME VOICE THAT I HEARD IN RAPTURE?
8 NO, THAT WASN'T NO, IT WAS THE I LOVE YOU DADDY
9 PART

10 Q WHERE DID I LOVE YOU DADDY COME IN?

11 A WELL, I TOLD HIM THAT AND I TOLD EVERYONE THAT
12 THAT I HEARD HER SAY OH I LOVE YOU DADDY

13 Q OKAY AND THAT WAS IN YOUR DREAM?

14 A THAT WAS IN THE DREAM, YES

15 Q AND SO OH GROSS DADDY CAME FROM THE NIGHT
16 BEFORE, RIGHT? THAT'S AMANDA SPEAKING, RIGHT? WHEN
17 SHE SAYS THAT THAT CAME FROM THAT STATEMENT BEFORE?

18 A RIGHT IT ALSO COMES FROM THE NOODLES THAT WAS

19 Q SO MIKE BAKER GOT THAT FROM THERE?

20 A I DON'T KNOW WHETHER HE GOT IT FROM THERE OR
21 WHETHER HE GOT IT FROM HERRING I MEAN HERRING
22 MENTIONED IT A COUPLE TIMES HE MAY HAVE WROTE IT
23 DOWN AND TOLD HIM I DON'T KNOW

24 Q OKAY NOW ON 12-3 IN THE STATEMENT YOU GAVE SHE
25 SAID DADDY HELP ME?

003170

1 A I DID SAY -- I SAID HELP ME BECAUSE THE, I
2 THOUGHT THAT THAT'S WHAT I HAD HEARD AT FIRST I
3 THOUGHT SHE WAS SAYING HELP ME BECAUSE IT BOTHERED ME
4 A LITTLE BIT THE FACT THAT I WASN'T, I DIDN'T HEAR
5 NOTHING AND I WASN'T THERE AND ALL, AND SO I
6 STARTED TO FORMULATE THE FACT THAT, I SAID SHE SAID
7 HELP ME DADDY, THAT WOULD MAKE ME FEEL A LITTLE
8 BETTER THAT HELP ME --

9 Q THAT MAKE YOU FEEL BETTER IF SHE WAS SAYING HELP
10 ME DADDY?

11 A WELL, NO, IT WAS--I SAID HELP ME DADDY BECAUSE
12 AMANDA, IF I KNEW THAT SHE SAID HELP ME DADDY AND
13 FEAR CAME UPON ME, I WOULDN'T HEAR HER I MEAN, I
14 COULDN'T MOVE, I COULDN'T GO TO HER, AND I FELT
15 DIFFERENT I SAID THAT I'VE STATED THAT, I'VE
16 STATED THAT A COUPLE OF TIMES, BUT IT WASN'T THE
17 TRUTH WHAT WAS THE TRUTH WAS, THE OH GROSS DADDY IS
18 WHAT HE SAID AND I SAID IT SHE SAID---

19 Q WHAT DID AMANDA SAY?

20 A IN MY DREAMS SHE SAID I LOVE YOU

21 Q OKAY IN YOUR DREAMS SHE SAID LOVE YOU WHAT
22 DID SHE SAY THAT NIGHT?

23 A I DON'T KNOW BECAUSE I DIDN'T HEAR NOTHING

24 Q OKAY WHAT ABOUT, YOU'D ALSO INDICATED IN ONE
25 OF YOUR LETTERS AS FAR AS HEARING HER SAY STUFF, WHEN

1 YOU HEARD THE ANGEL MUSIC, SHE SAID DADDY I LOVE YOU
2 GOODBYE?

3 A BECAUSE

4 Q DO YOU REMEMBER THAT?

5 A WHEN MY GRANDMOTHER DIED I WAS, WE WERE GOING,
6 ME AND MY WIFE AND ALL WERE GOING TO, WE WERE COMING
7 AWAY FROM THE HOSPITAL, I DIDN'T WANT TO BE THERE IN
8 THE HOSPITAL WHEN MY GRANDMOTHER DIED NOW I HEARD
9 THIS BEAUTIFUL MUSIC AND I HEARD MY GRANDMOTHER SAY
10 IT IS FINISHED

11 Q YOU HEARD THAT WHEN YOU HEAD HER STATE IT OR YOU
12 HEARD THAT IN YOUR MIND?

13 A NO I HEARD THAT AND I LOOKED AT MY GRANDMOTHER
14 AND I SAID, I LOOKED AT MARK AND I SAID MARK GRANDMA
15 JUST PASSED AWAY MARK WAS MY COUSIN I SAID WHAT
16 TIME IS IT AND HE TOLD ME IT WAS LIKE I THINK 1 15
17 WHEN I GOT BACK TO THE HOSPITAL I SAW MY MOM, MY
18 WIFE'S, I MEAN MY GRANDMOTHER'S PREACHER SITTING
19 THERE AND I ASKED HIM I SAID WHAT TIME DID SHE PASS
20 AWAY AND HE SAID AT 1 15 AND THAT WAS EXACTLY WHAT
21 TIME MARK TOLD ME IN THE CAR WHEN THEY WERE LEAVING
22 THE AWAY FROM THE HOSPITAL WE WAS CROSSING OVER THE
23 RAILROAD TRACKS THAT'S WHEN I HEARD IT

24 Q SO YOU HEARD --

25 A AND I BELIEVE THAT IN MY DREAM I, THAT WAS TAKEN

1 PLACE AT THE RAPTURE THAT I ACTUALLY HEARD THE ANGEL
2 MUSIC AND THAT AMANDA SAY I LOVE YOU DADDY, BYE
3 Q NOW THIS IS THE SAME DREAM THAT YOU ARE HAVING?
4 A ABOUT THE RAPTURE
5 Q THAT NIGHT?
6 A YES
7 Q OKAY SO YOU HAD A DREAM THAT NIGHT ALSO NOW
8 YOU ARE TALKING ABOUT YOUR GRANDMOTHER?
9 A NO NO NO I'M TALKING ABOUT AMANDA NOW I'M
10 TALKING ABOUT THAT NIGHT
11 Q YOU ARE TALKING ABOUT YOUR GRANDMOTHER, THAT
12 WASN'T --
13 A NO, THAT WAS NOT A DREAM
14 Q SO WHEN YOU HEARD AMANDA SAY DADDY I LOVE YOU
15 AND GOODBYE AND YOU HEARD THE ANGEL MUSIC, THAT WAS
16 THE NIGHT SHE DIED? THAT WAS AT THE MOMENT SHE DIED?
17 A I DON'T KNOW THAT FOR SURE I DON'T KNOW I
18 KNOW I HAD A DREAM THE DREAM -- NO, IT COULDN'T
19 HAVE BEEN BECAUSE I HAD THE DREAM BETWEEN THE TIME
20 AFTER I GOT UP AT THREE O'CLOCK AND THE TIME THAT I,
21 SIX O'CLOCK IN THE MORNING, THAT'S WHEN I HAD THE
22 DREAM ABOUT THE RAPTURE
23 Q OKAY SO THE DREAM CAME AFTER SHE WAS DEAD,
24 BETWEEN TWO AND THREE?
25 A RIGHT

1 Q OKAY AND ONCE YOU FINISHED UP AT THE POLYGRAPH
2 YOU WENT THROUGH A NUMBER OF DETAILS AND YOU'RE
3 SAYING EACH AND EVERY DETAIL LAW ENFORCEMENT GAVE TO
4 YOU AND YOU DIDN'T, YOU DIDN'T GIVE THEM ANY DETAILS
5 ON, ALL THE ISSUES, ALL THE PHRASES, THEY CAME UP
6 WITH ALL OF THAT?

7 A THEY CAME UP WITH, WHAT THEY CAME UP WITH THEY
8 TOLD ME, YES, AND I PUT ALL THESE IMAGES INTO MY HEAD
9 AS TO WHO THAT PERSON COULD HAVE BEEN WHO DONE THAT
10 I WAS TRYING TO HELP THEM

11 Q AND YOU HELPED THEM BY SAYING THAT YOU BECAME
12 ENRAGED AND JUMPED ON AMANDA AND BEGAN TO BEAT HER,
13 RIGHT?

14 A I SAID THAT BECAUSE I THOUGHT I WAS THAT PERSON

15 Q YOU EVEN SHOWED THEM HOW YOU SWUNG YOUR HANDS,
16 DIDN'T YOU?

17 A I SURE DID I THOUGHT I WAS THAT PERSON

18 Q OKAY AND YOU THOUGHT YOU WERE THAT PERSON FROM
19 THE END OF THE POLYGRAPH THROUGH SOME TIME THAT
20 WEEKEND, YOU THOUGHT YOU WERE THAT PERSON, RIGHT?

21 A I THOUGHT I WAS THAT PERSON

22 Q OKAY AND YOU TOLD THEM ABOUT HER FACE AND HOW
23 YOU SLAMMED HER FACE AND HOW HER FACE GOT MESSED UP
24 YOU PHYSICALLY DEMONSTRATED AND THEY ASKED YOU EVEN
25 ABOUT PUTTING THE KNEE, THEY KIND OF SUGGESTED ABOUT

003174

1 PUTTING THE KNEE IN HER STOMACH AND YOU SAID NO, I
2 STRADDLED HER, RIGHT?

3 A I SAID THAT BECAUSE OF THE WAY, THE WAY THEY
4 SAID THAT I HAD, SHE WAS ON HER STOMACH AND I, WHAT
5 I SAID WAS, I SAID NO I DIDN'T PUT MY KNEE INTO HER
6 BACK I PUT MY KNEE, I STRADDLED HER I DID SAY
7 THAT, YES

8 Q AND THEN THEY KIND OF TRIED TO GET YOU TO SAY
9 YOU DID IT WITH ONE HAND AND YOU SAID NO, I DID IT
10 WITH TWO?

11 A THEY EVER SAID THAT THEY ASKED NEVER ASKED ME
12 IF I DID IT WITH ONE HAND

13 Q THEY ASKED YOU IF YOU HAD CHOKED HER WITH ONE
14 HAND AND YOU REPLIED NO, THAT YOU USED TWO HANDS AND
15 YOU DEMONSTRATED IT WITH YOUR THUMBS AND INDEX
16 FINGERS

17 A NO WHAT THEY SAID WAS, WAS IT ONE HAND OR TWO
18 HANDS

19 Q THAT'S WHAT I SAID

20 A IS WHAT I SAID THEY ASKED ME DID I DO IT WITH
21 ONE HAND AND THEY DIDN'T, THEY SAID, DID YOU DO IT
22 WITH ONE HAND OR TWO HANDS AND THEN I SAID WELL TWO
23 HANDS LIKE THIS BECAUSE I DIDN'T REALLY KNOW

24 Q BUT I THOUGHT AT THAT POINT YOU THOUGHT YOU HAD
25 DID IT, RIGHT?

003175

1 A I DID I DID BUT I DIDN'T KNOW HOW SHE WAS
2 KILLED I DIDN'T -- I DIDN'T KNOW IF IT WAS TWO
3 HANDS OR ONE HAND

4 Q OKAY AND YOU SAID YOU HELD HER FOR AWHILE

5 A I DID HOLD HER FOR AWHILE

6 Q I'M TALKING ABOUT CHOKING HER

7 A YES, IN MY, IN MY, IN MY VISION WHAT I SAW, THE
8 IMAGES IN MY HEAD, YES

9 Q AND THEN THEY ASKED ABOUT THE BLANKET AND YOU
10 EXPLAINED HOW YOU WRAPPED IT AROUND HER HEAD?

11 A I DID SAY THAT BECAUSE I KNEW THE BLANKET WAS ON
12 HER NECK ALL THESE IS THE IMAGES THAT WAS IN MY
13 HEAD, YES

14 Q AND THEY DIDN'T ASK YOU TO DEMONSTRATE, YOU
15 SHOWED, YOU EVEN WENT AND YOU SHOWED THEM HOW YOU DID
16 IT, RIGHT?

17 A I THOUGHT I HAD DID IT

18 Q AND YOU SHOWED THEM?

19 A I THOUGHT I HAD DID IT, SO I MEAN, I DIDN'T HAVE
20 MUCH CHOICE I MEAN, THAT'S THE WAY IT WAS

21 Q AND YOU CONTINUED TO CHOKE HER TO SHUT HER UP,
22 RIGHT?

23 A I JUST --IN MY VISION I SAID I KEPT MY HANDS ON
24 HER FOR AND I KEPT HOLDING HER AND HOLDING HER AND
25 THEN I WRAPPED THE STRING AROUND HER

003176

1 Q WAS SHE SCREAMING AT THAT POINT OR WAS SHE JUST
2 MOANING OR WHAT? YOU KNOW WHEN IT SAYS TO SHUT HER
3 UP, WHAT WAS HAPPENING THERE?

4 A WELL, SHE WAS ON HER BACK I DIDN'T REALLY HEAR
5 HER SCREAMING I WAS HOLDING HER DOWN AND

6 Q I GOTCHA THEN THEY WERE ASKING, NOW AFTER THAT
7 THEY ASKED YOU ABOUT THE INJURIES TO HER ANUS AND HER
8 VAGINA, RIGHT?

9 A RIGHT

10 Q AND THIS WAS AFTER YOU HAD TOLD THEM ALL THIS
11 STUFF, RIGHT? THAT THEY START ASKING ABOUT HER
12 SEXUAL INJURIES FOR LACK OF A BETTER TERM, RIGHT?

13 A RIGHT THIS WAS, HE SAID, HE SAID, THEN WHAT
14 DID YOU DO? I MEAN, DID YOU -- HE WAS ASKING ME
15 QUESTIONS ABOUT WHAT INJURIES DID I DO HOW DID I DO
16 IT HE WAS ASKING ABOUT --

17 Q YOU TOLD HIM YOU COULDN'T HAVE DONE SOMETHING
18 LIKE THAT, RIGHT? THE SEXUAL PART OF IT?

19 A I DID I---

20 Q AT THAT JUNCTURE YOU TOLD HIM YOU COULDN'T HAVE
21 DONE SOMETHING LIKE THAT?

22 A RIGHT, I COULDN'T -- BECAUSE I STILL HAD MY OWN
23 THOUGHTS THAT I JUST COULDN'T HAVE DONE IT, BUT I
24 MEAN, I WASN'T, ALL I SAW WAS WHAT WAS IN MY HEAD

25 Q OKAY A MINUTE AGO YOU WERE TELLING ME AT THAT

1 POINT YOU WERE CONVINCED THAT YOU DID DO IT?

2 A I WAS I MEAN I WAS CONVINCED, BUT STILL
3 SOMEWHERE I COULDN'T HAVE DONE THAT I MEAN, I SAW
4 IT, IT WAS MY, THEY WERE TALKING ABOUT MY DAUGHTER
5 THERE

6 Q OKAY AND YOU SAID THAT YOU BROUGHT UP THE
7 WOODEN HANDLE BROOM, RIGHT?

8 A THEY SAID, HE SAID THAT IT WAS RAMMED UP IN HER
9 DEEP HE SAID IT WAS LONG AND IT WAS HARD AND THE
10 PATHOLOGIST SAID THAT IT WAS NOT A HUMAN PENIS

11 Q RIGHT AND SO AT THAT POINT YOU SAID THERE WERE
12 TWO BROOMS IN THE HOUSE ONE HAD A PLASTIC HANDLE
13 AND THE OTHER ONE HAD A WOODEN HANDLE, RIGHT? AND
14 YOU STATED YOU USED THE WOODEN HANDLE ON HER?

15 A I DID SAY I USED THE WOODEN HANDLE

16 Q OKAY SO YOU DISTINGUISHED AGAIN, YOU GAVE THEM
17 THAT IMAGE, RIGHT?

18 A THAT'S WHAT I WAS, THAT WAS THE IMAGE, YEAH
19 THAT'S THE ONLY THING I COULD THINK OF I MEAN, THE
20 PLASTIC HANDLE, I DIDN'T KNOW I MEAN, I DIDN'T
21 KNOW I JUST ASSUMED THE WOODEN HANDLE BECAUSE IT
22 WAS, THE WAY THAT, THE WAY HE WAS TALKING THAT IT WAS
23 LONG AND HARD AND IT WAS DEEP UP IN HER

24 Q OKAY AND YOU STATED THAT YOU POKED THE BROOM
25 IN HER BUTT FIRST, I'M QUOTING HERE, IS THAT RIGHT?

003178

1 A I THINK THAT WAS THE IMAGE IS IN MY HEAD, YES

2 Q OKAY AND THEN YOU POKED HER UP FRONT,
3 REFERRING TO HER VAGINA, RIGHT?

4 A THAT'S WHAT I SAID, YEAH

5 Q WAS SHE ON HER STOMACH OR ON HER BACK WHEN THE
6 BROOM WAS POKED IN HER REAR END?

7 A SHE WAS ON HER STOMACH

8 Q OKAY WAS SHE ON HER STOMACH OR HER BACK WHEN
9 SHE WAS POKED IN THE VAGINA?

10 A I NEVER STATED IT I NEVER SAID IT

11 Q OKAY WHAT DO YOU RECALL?

12 A I RECALL I DIDN'T DO IT I RECALLED THAT WAS
13 IMAGES IN MY HEAD

14 Q OKAY THESE WERE IMAGES IN YOUR HEAD

15 A THESE WERE IMAGES IN MY HEAD THESE WERE IMAGES
16 THAT I THOUGHT I HAD DONE, SO THESE WERE IMAGES WAS
17 THERE THESE WERE THE IMAGES THAT I TRIED TO FIND
18 WHAT WAS GOING ON THEY HAD TOLD ME ALL THE PIECES

19 Q THEY GAVE YOU ALL THE PIECES?

20 A THEY GAVE ME THE PART ABOUT THE, HER VAGINA,
21 THEY TOLD ME ABOUT HER ANUS, THEY TOLD ME ABOUT
22 HER --

23 Q AND YOU JUST PUT THE PIECES TOGETHER FOR THEM?

24 A I STARTED PUTTING THE PIECES TOGETHER

25 Q OKAY

003179

1 A BECAUSE THAT'S WHAT I SAW IN MY HEAD

2 Q AND YOU STATED TO THEM, THEY SAID WELL, YOU
3 KNOW, YOU JUST SAID YOU MASTURBATED, RIGHT THEY
4 SAID, YOU JUST TOLD US YOU MASTURBATED SO WHY ARE YOU
5 SEXUALLY ASSAULTING HER NOW IF YOU MASTURBATED OVER
6 HER AND SHE BASICALLY CAUGHT YOU MASTURBATING, WHY
7 YOU SEXUALLY ASSAULTING HER NOW, AND YOU SAID, I JUST
8 WANTED TO PLAY WITH MY DAUGHTER?

9 A I DIDN'T KNOW ANY OTHER REASON TO, FOR THAT, FOR
10 THAT TO BE I MEAN, I WAS CONVINCED THAT I DID IT

11 Q SO AS FAR AS SEXUAL GRATIFICATION, THAT HAPPENED
12 THROUGH MASTURBATION, IS THAT RIGHT?

13 A IN MY, IN MY -- I WAS CONVINCED THAT I DID IT
14 I DIDN'T --

15 Q YOU UNDERSTAND WHAT I'M ASKING?

16 A YEAH, I KNOW WHAT YOU'RE SAYING WHEN I, WHEN I
17 SUPPOSEDLY MASTURBATED THAT WOULD HAVE BEEN CORRECT,
18 BUT I DIDN'T MASTURBATE THAT NIGHT OVER HER

19 Q OVER HER?

20 A NO, I DIDN'T

21 Q YOU MASTURBATED INTO A RAG?

22 A I DIDN'T MASTURBATE IN A RAG I DO NOT KNOW
23 WHETHER I MASTURBATED OR NOT I CAN'T SAY I DO
24 MASTURBATE IN A RAG EVERY ONCE IN A WHILE

25 Q OKAY DID YOU STATE ALSO THAT YOU REMEMBER, YOU

1 DID NOT REMEMBER WHAT YOU DID WITH THE BROOM, RIGHT?

2 A YEAH, I SAID THAT

3 Q OKAY AND THAT WAS A WOODEN BROOM, NOT ALL
4 THESE OTHER BROOMS, RIGHT?

5 A IT WAS JUST WHATEVER I COULD THINK OF I SAID A
6 WOODEN BROOM BECAUSE I THOUGHT WE HAD A BROOM IN THE
7 HOUSE AND I THOUGHT WE HAD A PLASTIC BROOM IN THE
8 HOUSE I DIDN'T KNOW WE HAD TEN THOUSAND BROOMS

9 Q BUT THOSE TEN THOUSAND BROOMS, THEY DIDN'T COME
10 AND GET YOU TO SAY WHETHER IT WAS THIS ONE OR THIS
11 ONE, DID THEY? THEY DIDN'T GET YOU TO IDENTIFY ONE
12 OF THESE, DID THEY?

13 A I JUST SAID WHAT WAS ON, WHAT WAS IN MY HEAD

14 Q OKAY AND THEN AT THAT POINT WHEN THAT FINISHES
15 YOU GAVE A STATEMENT, IS THAT CORRECT?

16 A YEAH

17 Q GAVE A WRITTEN STATEMENT?

18 A HE WENT YOU WANT TO MAKE A STATEMENT AND I TOLD
19 HIM THE SAME THING, PRETTY MUCH THE SAME THING I
20 KNOW THAT THERE IS--

21 Q AND YOU WERE KIND OF DESCRIBING IT AS, SO IT IS
22 YOU AND MIKE BAKER AND LES HERRING COMES IN AND LES
23 IS DOING THE WRITING AND MIKE IS KIND OF ASKING YOU
24 QUESTIONS AGAIN?

25 A NO, HE IS NOT ASKING ME, HE JUST SAYS OKAY NOW,

003181

1 HE'S TRYING, HE'S MORE OR LESS NOT COACHING BUT HE'S
2 JUST TRYING TO LEAD ME ON TO SAY EVERYTHING I SAID
3 BAKER COULD WRITE IT DOWN EXACTLY LIKE HE HAD IT

4 Q AND STATE'S EXHIBIT FOUR, YOU TAKE A LOOK AT
5 THAT YOU SEEN THAT BEFORE?

6 A YES, I'VE SEEN THIS

7 Q WHAT IS THAT ITEM?

8 A THIS IS THE VOLUNTARY STATEMENT THAT I GAVE

9 Q AND YOU GAVE TO HIM, RIGHT?

10 A I GAVE IT

11 Q BECAUSE AT THAT POINT YOU BELIEVE THAT YOU
12 COMMITTED THE CRIME, RIGHT?

13 A THAT'S CORRECT

14 Q OKAY AND YOU STATED THAT YOU GOT UP AND WENT
15 TO THE BATHROOM AT THREE O'CLOCK YOU HAD A HARD ON
16 AFTER URINATING WENT IN MY DAUGHTER AMANDA'S
17 BEDROOM WHILE IN THE ROOM BEGAN MASTURBATING
18 WHILE I'M DOING THIS AMANDA WOKE UP REMEMBER
19 HEARING AMANDA SAY OH GROSS DADDY I THEN JUMPED ON
20 TOP OF HER, STRADDLED HER, AND I THEN BEGAN TO HIT
21 HER WITH MY HANDS ON THE SIDE TO THE TOP OF HER HEAD
22 SHE WAS STRUGGLING I GRABBED HER BY THE NECK I
23 TOOK HER HEAD AND BEAT IT DOWN ON BED ON TOP OF VIDEO
24 GAME SHE SLOWED UP IN HER STRUGGLE AND BECAME LIMP
25 I THEN GRABBED THE END OF PART OF THE BLANKET AND

1 WRAPPED IT AROUND HER NECK I THEN GRABBED A WOODEN
2 BROOM I STARTED TO POKE IT INTO HER I THINK I
3 POKED IT INTO HER BUTT FIRST AND THEN HER VAGINA I
4 THEN WENT BACK INTO MY BED, PUT MY BREATHING MASK
5 BACK ON AND WENT TO SLEEP THESE ARE THE IMAGES THAT
6 COME TO MY MIND?

7 A THAT'S CORRECT

8 Q THAT'S RIGHT OKAY AND YOU SIGNED THAT
9 PARTICULAR STATEMENT, RIGHT?

10 A THAT'S CORRECT

11 Q OKAY AND THEN YOU GO WHERE FROM THERE? YOU GO
12 BACK TO THE LAW ENFORCEMENT CENTER?

13 A YES, SIR

14 Q OKAY AND WHEN YOU GET BACK TO THE LAW
15 ENFORCEMENT CENTER?

16 A THAT'S WHEN I'M TOLD I'M ARRESTED

17 Q NOW YOU WERE ARRESTED THE NIGHT BEFORE, RIGHT?

18 A BUT THAT'S WHEN HE SAID THAT IT STUCK THAT I
19 WAS FORMALLY ARRESTED AS A MATTER OF FACT I WORE
20 HANDCUFFS BACK TO THE POLICE STATION

21 Q SO THEY DIDN'T PUT YOU IN HANDCUFFS BEFORE?

22 A NO

23 Q OKAY AND SO WHEN YOU'RE BROUGHT BACK, THEY
24 BROUGHT YOU IN HANDCUFFS OF COURSE, A WARRANT HAD
25 BEEN SERVED THE NIGHT BEFORE, RIGHT?

003183

1 A THAT'S CORRECT

2 Q OKAY AND SO THEN YOU GAVE THAT STATEMENT TO
3 LES HERRING AND THEN YOU SAID YOU WENT BACK AND READ
4 THE BIBLE ALL NIGHT LONG?

5 A I READ THE BIBLE, YEAH I WOULDN'T SAY ALL
6 NIGHT BUT PRETTY MUCH

7 Q THAT'S WHAT YOUR TESTIMONY WAS EARLIER?

8 A RIGHT I SAID PRETTY MUCH ALL NIGHT

9 Q YOU ATE DINNER THAT NIGHT?

10 A YEAH, I ATE DINNER

11 Q AND THAT WAS OVER AT ROCK HILL CITY?

12 A THAT'S CORRECT

13 Q SO AT THIS POINT IN TIME THAT NIGHT IS NOW
14 FRIDAY NIGHT, YOU HAD THE POLYGRAPH THAT MORNING, AND
15 WHERE ARE YOU AT THAT NIGHT? DID YOU STILL DO IT
16 THEN? OR HAVE YOU DECIDED YOU DIDN'T DO IT THEN?

17 A I'M NOT SURE THAT'S PROBABLY ONE REASON WHY
18 I'M READING THE BIBLE I WANT SOME ANSWERS I WANT
19 TO KNOW FIRST OF ALL KNOW WHY GOD LET ME DOWN

20 Q OKAY GOD LET YOU DOWN ON THIS?

21 A I FELT LIKE GOD DID BECAUSE I KNEW I WAS
22 INNOCENT

23 Q OKAY AND SO THAT NIGHT, YOU GET UP THE NEXT
24 MORNING AND THE NEXT MORNING YOU WAKE UP AND THEY
25 FEED YOU BREAKFAST, RIGHT?

003184

1 A YEAH, THEY FEED ME BREAKFAST

2 Q OKAY AND THE NEXT MORNING WHERE ARE YOU AT
3 NOW? HAVE YOU DECIDED THAT YOU DIDN'T DO IT AGAIN OR
4 DO YOU STILL THINK YOU DID DO IT OR YOU, I'M JUST
5 TRYING TO UNDERSTAND WHAT YOU ARE TELLING US HERE
6 DID YOU, SATURDAY MORNING ARE YOU NOW CONVINCED YOU
7 DID IT OR YOU THINKING MAYBE YOU DIDN'T DO IT?

8 A I'M, THAT PART OF THE TIME I'M THINKING THAT
9 MAYBE, THAT I DIDN'T DO IT, THAT I'M STARTING TO
10 THINK I'M ALL WRONG THIS IS NOT RIGHT I DIDN'T DO
11 IT

12 Q AND UP UNTIL THIS POINT HAS LAW ENFORCEMENT
13 FORCED YOU TO DO ANYTHING?

14 A HAVE THEY FORCED ME TO DO ANYTHING? WELL, IT
15 DEPENDS ON THE WAY YOU USE THE WORD FORCE I MEAN IF
16 YOU --

17 Q WHEN THEY TOLD YOU ARE LYING, YOU CONSIDER THAT
18 FORCE?

19 A (NO RESPONSE) I WON'T SAY THEY FORCED ME THAT
20 AWAY THEY JUST, I MEAN THEY WORKED WITH MY MIND
21 I MEAN MY MIND WAS GONE I WAS CONVINCED I DID IT

22 Q OKAY

23 A AND WHENEVER I WAS CONVINCED, I MEAN, I FELT, I
24 FELT IN A WAY I WAS FORCED

25 Q OKAY

003185

1 A BECAUSE I KNEW I DIDN'T BUT THEY KEPT TELLING ME
2 LIES THEN THEY TOLD ME THAT THAT WASN'T TRUE ABOUT
3 THE GREEN BLANKET

4 Q YOU KNEW THE TRUTH, RIGHT?

5 A I KNEW THAT BUT WHY WERE THEY SAYING PICTURES
6 I TRUST THE POLICE OFFICERS

7 Q OKAY

8 A I TRUST THEM

9 Q AND YOU TRUST THE POLICE OFFICERS AND YOU TRUST
10 THE POLYGRAPH AND THE POLICE OFFICERS AND POLYGRAPH
11 TELL YOU YOU DID THIS THEN YOU MUST HAVE DONE IT?

12 A THAT'S WHAT

13 Q OKAY AND THAT EFFECT --

14 A WAS GOING THROUGH MY MIND

15 Q AND THAT LASTED UNTIL, WHAT, MAYBE IS IT EVEN 24
16 HOURS? THAT NIGHT YOU SAY, SO 12 HOURS? WHEN DID
17 THAT SPELL WEAR OFF THAT LAW ENFORCEMENT PUT ON YOU?

18 A IT WASN'T A SPELL I MEAN IT WAS, THEY WERE, MY
19 MIND WAS NOT, WAS NOT WORKING I WAS BEING TOLD OVER
20 AND OVER AND OVER I MEAN

21 Q OKAY WHEN YOU WERE LAYING THERE READING THE
22 BIBLE WHO IS TELLING YOU THAT?

23 A WHO IS TELLING ME WHAT?

24 Q WHO IS TALKING TO YOU ONCE LEAVE THE POLYGRAPH,
25 WHO IS TALKING TO YOU?

003186

1 A NOBODY I'M STARTED TO PIECE THINGS TOGETHER
2 AGAIN AND I KNOW I WASN'T WRONG I WAS TELLING THE
3 TRUTH I DIDN'T DO IT

4 Q SO STARTING THAT NIGHT, OF COURSE, YOU COME BACK
5 OVER HERE ABOUT WHAT MIDAFTERNOON, COME EAT SUPPER AT
6 THE ROCK HILL CITY, YOU COME BACK ABOUT MIDAFTERNOON,
7 IS THAT RIGHT? BECAUSE THE STATEMENT WAS LIKE AT TWO
8 OR SOMETHING?

9 A I THINK THEY EAT SOMEWHERE AROUND SIX THE SAME
10 LIKE THE JAIL HOUSE

11 Q SO YOU WENT, YOU WERE AT ROCK HILL BY SUPPER
12 TIME

13 A BY SUPPER TIME

14 Q SO SUPPER TIME YOU GO IN AND START READING YOUR
15 BIBLE IN THERE AND THEN NOBODY IS TELLING YOU
16 ANYTHING AND NOW YOU ARE THINKING AGAIN YOU DIDN'T DO
17 IT, FRIDAY NIGHT?

18 A I AIN'T SAYING I'M THINKING I DIDN'T DO IT I'M
19 STARTING TO PIECE THINGS BACK TOGETHER

20 Q PIECE WHAT BACK TOGETHER?

21 A THAT WHAT THEY SAID IS NOT TRUE, ABOUT THAT
22 POLYGRAPH, THAT MAN LIED ABOUT THE POLYGRAPH I
23 WASN'T SURE ANYMORE I MEAN HE SHOWED ME 97 PERCENT
24 IN THE GREEN AT THE TIME I DIDN'T THINK ABOUT IT
25 BUT GREEN DON'T MEAN BAD GREEN USUALLY MEANS GOOD

1 RED MEANS BAD I SAW RED AND GREEN THERE I STARTED
2 TO PIECE THESE THINGS BACK TOGETHER IN MY HEAD I'M
3 AWAKE NOW, SOMETHING IS NOT RIGHT

4 Q IF THAT IS THE CASE HE COULD HAVE NOT EVEN RUN
5 THE POLYGRAPH, COULDN'T HE? HE COULD HAVE JUST
6 SHOWED YOU THE GREEN LIGHT AND RED LIGHT AND TOLD YOU
7 THAT YOU FAILED?

8 A NO, I WOULDN'T SAY THAT BUT

9 Q WELL, THAT'S MY POINT

10 A HE TOLD ME I FAILED

11 Q YOU'RE COLLEGE EDUCATED, RIGHT?

12 A YEAH, I'M COLLEGE EDUCATED

13 Q YOU ARE A SMART MAN, RIGHT?

14 A (NO RESPONSE)

15 Q YOU'RE --

16 A I DON'T KNOW IF YOU CALL ME SMART, BUT YEAH, I'M
17 PRETTY SMART, BUT I TRUSTED THE POLYGRAPH MACHINE I
18 TRUST THE POLICE OFFICERS

19 Q SO YOU TRUST, SO REALLY THAT WAS THE END OF THE
20 CASE IF YOU TRUSTED ALL THAT, HOW COME FRIDAY NIGHT
21 YOU START CHANGING YOUR MIND?

22 A BECAUSE I STARTED TO PIECE BACK TOGETHER, WAIT A
23 MINUTE, I DID TAKE THE BLANKET OFF OF HER NECK THEY
24 CAN'T, THEY AIN'T NO WAY I DID DO THAT I DID TAKE
25 THE BLANKET OFF I-- THE POLYGRAPH I WASN'T SURE

1 ABOUT I KNEW THERE WAS SOME RED THERE AND I KNEW
2 THERE WAS SOME GREEN AND I KNEW THAT THE, IT SAID 97
3 PERCENT AND IT WAS IN GREEN

4 Q YOU KNOW WHAT 97 PERCENT EVEN MEANS?

5 A NO, I DO NOT, BUT HE SAID IT MEANT THAT I WAS 97
6 PERCENT A LIAR

7 Q I GOT YOU

8 A AND GREEN, I WASN'T SURE I STARTED TO
9 THINKING, OKAY, WELL DOES IT MEAN 97 PERCENT IT WAS
10 TELLING ME I WAS A LIAR THAT IT WAS GREEN MEANT
11 POSITIVE YOU'RE A LIAR OR THE RED MEANT YOU'RE A
12 LIAR I WASN'T SURE

13 Q SO YOU PUT SOME THOUGHT INTO IT?

14 A I STARTED TO THINK ABOUT IT, YEAH, FOR A GOOD
15 BIT OF TIME

16 Q BECAUSE YOU KNEW WHAT YOU KNEW?

17 A I KNEW---

18 Q YOU KNEW WHAT YOU KNEW

19 A I KNEW WHAT I KNEW

20 Q BECAUSE YOU WERE THERE THAT NIGHT

21 A THAT I WAS INNOCENT I KNEW THAT

22 Q YOU LIVED THAT NIGHT OKAY SO THE NEXT
23 MORNING YOU GET UP, AND I'M TRYING TO GET IT AND MOVE
24 US ON NOW, AND IT'S SATURDAY MORNING, OKAY

25 A RIGHT

003189

1 Q GET UP AND EAT BREAKFAST YOU HAD ALL NIGHT TO
2 THINK ABOUT IT AND YOU NOW DECIDED YOU DIDN'T DO IT
3 AGAIN, RIGHT?

4 A I'M PRETTY MUCH CONVINCED THAT I DID NOT DO IT

5 Q OKAY SO AGAIN, I CALLED IT A SPELL, WHATEVER
6 THEIR EFFECT PRETTY MUCH WORE OFF WHEN THEY PARTED
7 COMPANY FROM YOU, RIGHT?

8 A IT STARTED WEAR, IT STARTED WEARING OFF BECAUSE
9 I DIDN'T HAVE SOMEBODY BOMBARDING ME

10 Q I UNDERSTAND

11 A SPEAKING TO ME OVER AND OVER AND OVER AND HE
12 WASN'T TELLING ME THE SAME THINGS

13 Q YOU GET THE CHANCE TO GET IN THE WORD AND THINK
14 ABOUT IT AND THINK THINGS OUT, RIGHT?

15 A RIGHT

16 Q OKAY AND THEN THE NEXT MORNING, NOW YOU DIDN'T
17 BELIEVE THAT YOU DID IT AGAIN, RIGHT?

18 A I'M START, YEAH, I'M, I'M STARTING TO THAT I'M
19 ALMOST CONVINCED THAT I DIDN'T DO IT

20 Q OKAY AND THE NEXT MORNING YOU BELIEVE THAT YOU
21 DIDN'T DO IT AND IS THAT WHEN YOU CALLED LAW
22 ENFORCEMENT AND SAID HEY COME HERE, I DIDN'T DO IT?

23 A NO, IT'S NOT

24 Q OKAY

25 A IT WAS, I SAW HARMON BROUGHT ME BACK OVER HERE

1 AND WHEN HE BROUGHT, BEFORE HE BROUGHT ME HERE, ON
2 THE WAY OUT OF THE DOOR I WAS TELLING HIM I MADE A
3 MISTAKE

4 Q OKAY AND ANYBODY ELSE THAT DAY, THAT MORNING,
5 DID YOU SEE SOMEBODY AND SAID HEY, YOU KNOW, YOU
6 DON'T UNDERSTAND I CONFESSED TO KILLING MY DAUGHTER
7 YESTERDAY BUT I DIDN'T DO IT WHO DID YOU TELL THAT
8 TO?

9 A I DIDN'T TELL IT TO NOBODY BECAUSE I DIDN'T
10 TRUST THEM NO MORE

11 Q YOU DIDN'T?

12 A THEY'D BEEN LYING TO ME NO

13 Q OKAY

14 A THEY LIED TO ME

15 Q SO AT THAT POINT YOU REALLY DIDN'T HAVE ANYBODY
16 TO TELL, YOU COULDN'T TRUST LAW ENFORCEMENT, RIGHT?

17 A I --

18 Q IS THAT A FAIR STATEMENT?

19 A I DIDN'T TALK TO NOBODY I JUST TOLD HARMON I
20 WANTED TO TALK TO DETECTIVES AGAIN I WANT TO TELL
21 THEM THE TRUTH THAT'S THE WAY OUT DOOR BECAUSE I
22 KNEW WHERE WE WERE HEADING, WE WERE HEADING BACK TO
23 THE JAIL WE WERE HEADING BACK TO THE JAIL

24 Q WHAT TIME DID Y'ALL COME OVER HERE THAT DAY?

25 A IT WAS EARLY IN THE MORNING, ABOUT 8 O'CLOCK I

003191

1 GUESS

2 Q BUT BEFORE YOU LEFT THERE

3 A I MADE THAT STATEMENT TO HIM

4 Q YOU TALKED TO A JUDGE RAY LONG, RIGHT?

5 A I DID TALK TO RAY LONG, YES

6 Q AND YOU ACTUALLY, WHEN YOU TALKED TO RAY LONG,
7 IT WAS JUST AND RAY LONG IN THAT LITTLE ROOM WITH
8 THAT LITTLE DESK, NOT THE SAME LITTLE ROOM I DON'T
9 GUESS?

10 A RIGHT

11 Q BUT IN HIS OFFICE?

12 A AND HE TOLD ME WHAT MY CHARGE WAS AND

13 Q TALKED ABOUT --

14 A SETTING MY BOND

15 Q AND SO TALK ABOUT BOND AND PAPER WORK AND?

16 A RIGHT

17 Q OUR SYSTEM AND HOW YOU GET COUNSEL APPOINTED AND
18 ALL THAT STUFF, RIGHT?

19 A I WOULDN'T SAY HE WENT INTO ALL THAT HE DID
20 SAY, HE DID SAY I'LL SET YOU UP FOR A PUBLIC
21 DEFENDER, HE DID SAY THAT

22 Q AND YOU WERE ASKING FOR A PUBLIC DEFENDER THEN,
23 THAT WAS PART OF THE PROCESS, RIGHT?

24 A THAT WAS, YES, IT WAS PART OF THE PROCESS

25 Q SO I MEAN YOU DIDN'T SAY, RAY LONG, THANK GOD

1 YOU'RE HERE, I NEED TO ASSERT MY RIGHTS, YOU DIDN'T
2 DO THAT, DID YOU?

3 A NO, SIR, I DIDN'T

4 Q OKAY AS A MATTER OF FACT, WHEN YOU AND RAY
5 LONG WERE IN THERE WITH THAT DOOR SHUT YOU DIDN'T
6 SAY, JUDGE, HE'S TELLING YOU ABOUT YOUR RIGHTS AND
7 STUFF, AND HE'S GETTING YOU AN ATTORNEY APPOINTED AND
8 ALL KINDS OF STUFF, RIGHT?

9 A THAT'S RIGHT

10 Q YOU DIDN'T SAY, JUDGE, YESTERDAY THE DAMNDEST
11 THING HAPPENED, I CONFESSED TO SOMETHING I REALIZE I
12 DIDN'T DO AND I PRAYED ABOUT IT ALL NIGHT AND I
13 THOUGHT ABOUT IT ALL NIGHT, AND NOW I WANT TO TELL
14 YOU, RAY, WHAT I DIDN'T DO

15 A WELL --

16 Q YOU CAN EXPLAIN

17 A OKAY I'M SORRY

18 Q YOU DIDN'T TELL ONE WORD ABOUT THAT, DID YOU?

19 A NO, I DIDN'T SAY NOTHING TO HIM BECAUSE I DIDN'T
20 KNOW HE COULD HELP ME

21 Q SO THEN YOU GO GET, YOU DON'T SAY ANYTHING TO
22 RAY LONG ABOUT YOUR KIND OF SPELL WORE OFF, YOU DON'T
23 TELL RAY LONG ANYTHING ABOUT THAT, IS THAT RIGHT?

24 A IT WASN'T A SPELL BUT NO, I DIDN'T SAY ANYTHING
25 TO HIM ABOUT THAT ALL I SAID, I JUST GOT WHAT I

1 NEEDED TO GET FROM HIM AND WE WENT ON OUT THE DOOR

2 Q AND HE WASN'T LAW ENFORCEMENT, RIGHT? THAT WAS
3 A NEUTRAL JUDGE, RIGHT?

4 A I DIDN'T KNOW THAT HE WAS IN THE POLICE
5 DEPARTMENT

6 Q TALKING ABOUT YOUR RIGHTS AND WHAT HE COULD DO
7 FOR YOU, RIGHT?

8 A HE DIDN'T SAY WHAT HE COULD DO FOR ME HE JUST
9 TOLD ME ---

10 Q YOU APPOINTED YOU AN ATTORNEY, DIDN'T HE?

11 A THAT'S ALL HE DONE WAS APPOINTED ME ATTORNEY

12 Q AND HE WENT THROUGH YOUR BOND?

13 A AND HE GAVE ME A BOND AND HE TOLD ME THAT HE
14 DENIED MY BOND THAT MORNING THAT'S ALL HE SAID

15 Q SO THEN YOU PACK UP AND COME ON OVER HERE TO
16 YORK, RIGHT?

17 A THAT'S CORRECT

18 Q AND --

19 A WELL BEFORE I LEAVE HERE I TELL HARMON ON THE
20 WAY OUT THE DOOR

21 Q YOU TELL HARMON?

22 A THAT I WANTED TO TALK TO THE DETECTIVE BUT HE
23 DIDN'T, HE SAID YOU'LL HAVE TO DO THAT WHEN YOU GET
24 OVER HERE TO CALL THEM AND LET THEM KNOW AND THEY
25 WILL BRING YOU BACK OVER

003194

1 Q SO YOU WANTED TO TALK TO THOSE FOLKS THAT YOU
2 COULDN'T TRUST, RIGHT?

3 A I WANTED TO TALK TO SOMEONE I WANTED TO TALK
4 TO WALDROP AND I WANTED TO TALK TO HERRING BECAUSE I
5 TOLD THEM I DIDN'T DO IT AND I DIDN'T DO IT AND I
6 FIGURED THEY WOULD BE THE ONES TO TALK TO

7 Q OKAY SO YOU GET OVER HERE SATURDAY AND YOU ARE
8 HERE ALL DAY SATURDAY NOW IN YOUR MIND YOU CLEARLY
9 HADN'T DONE IT, RIGHT?

10 A NO, I KNEW I DIDN'T DO IT THEN

11 Q OKAY AND THEN YOU ARE HERE INTO THE DAY SUNDAY
12 AT WHICH POINT YOU CALL ONE OF THE LADIES HERE AT THE
13 JAIL AND KIND OF FLAG HER DOWN AND SAY SOMETHING TO
14 THE EFFECT THAT YOU WANT TO GO, YOU NEED TO TALK TO
15 LAW ENFORCEMENT AND YOU WANTED TO TELL THEM ABOUT
16 WHAT HAPPENED WITH AMANDA, RIGHT?

17 A I DID TALK TO POLICE OFFICER BUT THE REASON, I
18 MEAN I TALKED TO AN OFFICER IN THE JAIL ACTUALLY I
19 TALKED TO SEVERAL OFFICERS I TALKED TO NUMEROUS
20 OFFICERS BUT THEY WERE, THERE WAS ONLY TWO OF THEM
21 THAT HAVE ACTUALLY, WELL, ONE OF THEM ACTUALLY IT
22 SEEMED LIKE CAME THROUGH THE OTHER ONE JUST MADE A
23 STATEMENT AFTERWARDS

24 Q OKAY AND NOW THIS, AGAIN THIS IS THE SHERIFF'S
25 OFFICE HERE, THE JAIL OR DETENTION CENTER OVER HERE

003135

1 YOU ARE TALKING ABOUT NOW, CORRECT?

2 A DETENTION CENTER, THAT'S CORRECT

3 Q SO THOSE FOLKS WORK FOR THE SHERIFF'S DEPARTMENT
4 NOT FOR ROCK HILL CITY, RIGHT?

5 A THAT'S CORRECT

6 Q OKAY AND ONE OF THEM ACTUALLY LISTENED TO YOU
7 AND TALKED TO YOU, RIGHT?

8 A YES, SHE

9 Q WHAT WAS IT YOU TOLD HER? WHAT WAS IT YOU TOLD
10 HER YOU WANTED TO DO?

11 A SAID I, SAID I WANTED --WELL, I TRIED TO GET HER
12 ATTENTION I TRIED TO GET ALL OF THEM'S ATTENTION
13 I WANTED TO COME OVER HERE AND I WANTED TO GO BACK TO
14 ROCK HILL AND TELL THEM I DIDN'T DO IT, BUT THEY
15 WASN'T LISTENING TO ME SO I SAID, I NEED TO TALK TO
16 THE OFFICER WALDROP AND SHE SAID, SHE SAID WHAT'S IT
17 ABOUT AND I SAID AND I THOUGHT I DONE TRIED
18 EVERYTHING ELSE, THEY ARE NOT LISTENING TO ME, SO I
19 SAID I WANT TO TELL THEM WHAT I DONE TO MY DAUGHTER,
20 WORD FOR WORD

21 Q WORD FOR WORD THAT'S WHAT YOU SAID?

22 A CLOSE TO IT

23 Q OKAY YOU TOLD THEM YOU WANTED TO TELL THEM
24 WHAT YOU HAD DONE TO YOUR DAUGHTER, OKAY AND THAT
25 WAS ON SUNDAY?

003196

1 A THAT WAS ON SUNDAY AND SHE CAME BACK AND TOLD ME
2 THAT WAS -- WELL, SHE TOLD ME SHE WAS GOING TO GO
3 TALK TO LIEUTENANT WALDEN WHO IS HER LIEUTENANT AND
4 HE TOLD HER THAT, HE TOLD HER THAT HE WOULD CONTACT
5 THE ROCK HILL POLICE DEPARTMENT HE CONTACTED THEM
6 AND TOLD HER THAT THEY SAID THAT IT WOULD BE MONDAY
7 MORNING BEFORE THEY COULD GET TO ME THAT WAS ON THE
8 NEXT DAY AND SO I SAT IN THE CELL THAT DAY AND I
9 STARTED TO, ACTUALLY I STARTED FORMULATING THIS STORY
10 ON, WHEN I FIRST, AFTER I FIRST GOT OVER TO THE
11 BLOCK, OVER TO THE CELL OVER HERE

12 Q OVER TO HERE?

13 A OVER TO HERE

14 Q HERE AT MOSS JUSTICE?

15 A MOSS JUSTICE BECAUSE I KNEW I DIDN'T DO ANYTHING
16 WRONG

17 Q SO YOU GOT OVER HERE SATURDAY MORNING SO THAT'S
18 WHEN YOU START WORKING ON THE NEW STORY, RIGHT?

19 A RIGHT, SATURDAY MORNING

20 Q AND YOUR NEW STORY ISN'T I DIDN'T DO IT, YOUR
21 NEW STORY IS ABOUT THIS DREAM ABOUT AN ABORTION,
22 RIGHT?

23 A THAT'S RIGHT

24 Q OKAY SO WHAT, WHEN YOU SAY YOU KIND OF WORKED
25 ON THAT OVER THE WEEKEND IN YOUR MIND, HOW DID YOU

003197

1 WORK THAT OUT?

2 A WELL, I WAS TRYING TO COME UP WITH SOMETHING
3 THAT WOULD HELP ME GET, IT WOULD HELP ME GET MAYBE A
4 CRAZY INSTITUTION BECAUSE I KNEW I DIDN'T DO IT AND I
5 DIDN'T WANT TO GO TO PRISON BECAUSE I DIDN'T DO IT

6 Q RIGHT

7 A AND I HAD GAVE A CONFESSION TO SOMETHING THAT
8 WAS IMAGES IN MY HEAD

9 Q OKAY AND YOU GAVE A CONFESSION TO THOSE IMAGES
10 AND THEN THE NEXT DAY YOU START WORKING ON YOUR CRAZY
11 DEFENSE BASICALLY, RIGHT?

12 A PRETTY MUCH, YEAH I GUESS I WANTED OUT I
13 WANTED OUT OF THAT

14 Q SO YOU COME UP WITH THE CRAZY DEFENSE AND YOU
15 INTERJECT, NOW YOU DON'T HAVE LAW ENFORCEMENT GIVING
16 YOU IDEAS THEN BECAUSE YOU'RE BY YOURSELF NOW?

17 A I'M BY MYSELF

18 Q SO YOU ARE HAVING TO COME UP WITH THEM ON YOUR
19 OWN NOW, RIGHT?

20 A PRETTY MUCH I TRIED TO USE THE SAME FORMAT
21 THAT WAS IN THE

22 Q BUT YOU INTERJECTED THIS LADY, WHAT WAS HER
23 NAME?

24 A HER NAME WAS TERESA GARRISON TERESA ALMOND
25 ACTUALLY

003198

1 Q NOW YOU SAID THAT YOU DREAMED THAT SHE HAD, THAT
2 SHE HAD AN ABORTION AND SHE WAS LAUGHING AT YOU

3 A NO, SHE HAD AN ABORTION AND SHE ACTUALLY DID
4 LAUGH I WAS DREAMING AND I SAID I WAS DREAMING
5 ABOUT WHAT SHE ACTUALLY DID

6 Q ALL RIGHT LET ME BREAK IT DOWN A LITTLE BIT

7 A OKAY

8 Q YOU TOOK SOMETHING THAT REALLY HAPPENED, SHE HAD
9 AN ABORTION, THAT'S TRUE?

10 A THAT'S RIGHT THAT'S CORRECT

11 Q OKAY AND SHE WAS LAUGHING ABOUT IT?

12 A RIGHT

13 Q AND YOU TOOK THAT AND PUT IT IN FOR SOMETHING
14 YOU TOLD LAW ENFORCEMENT?

15 A A DREAM, THAT'S CORRECT

16 Q SO YOU TOOK THAT IN YOUR DREAM SO YOU TOOK
17 THINGS THAT REALLY HAPPENED AND KIND OF FLOWED THEM
18 INTO A DREAM, WRAPPED IT IN A DREAM KIND OF, RIGHT?

19 A I SEE WHERE YOU ARE GOING NO, I SEE--- NO, I
20 DID NOT DO THAT WHAT I'M SAYING IS I CREATED THIS,
21 THIS WHOLE DREAM FROM SOMETHING, YES, THAT REALLY
22 HAPPENED BUT IT HAPPENED FROM ABOUT THREE YEARS PRIOR
23 TO THAT NO, ACTUALLY, I'M SORRY THREE YEARS
24 BEFORE I GOT MARRIED ABOUT 15-16 YEARS AGO

25 Q AND YOU USE THAT, DID I UNDERSTAND FROM YOUR

003199

1 TESTIMONY, YOU USED THAT BECAUSE YOU WANTED SOMETHING
2 THAT WOULD MAKE YOU ANGRY, DID I UNDERSTAND THAT
3 RIGHT? THAT MADE YOU ANGRY, THAT REALLY MADE YOU
4 ANGRY AND YOU WANTED TO USE SOMETHING IN THE DREAM
5 THAT WOULD MAKE YOU ANGRY?

6 A WELL, THE WAY HE EXPLAINED IT TO ME WAS THAT IT
7 WAS, IT WAS FORCED AND IT WAS FORCED UP INTO HER REAL
8 DEEP AND I SAID WELL WHAT COULD CAUSE SOMEBODY TO DO
9 THAT AND THEN SO I CREATED THE ANGER IMAGE

10 Q OKAY SO THE ANGER IMAGE YOU WROTE IN THERE TO
11 EXPLAIN WHY YOU DID IT, RIGHT?

12 A PRETTY MUCH, YES, SIR

13 Q OKAY AND SO YOU WORKED ON THAT, ONCE YOU GOT
14 OVER HERE, SO SATURDAY AND SUNDAY YOU WORK ON YOUR
15 MONDAY STORY WITHOUT ANY HELP FROM LAW ENFORCEMENT,
16 RIGHT?

17 A RIGHT BECAUSE I WAS, I MEAN, I WAS SITTING IN
18 THE CELL TRYING TO HELP MYSELF, TRYING TO GET OUT OF
19 SOMETHING THAT WAS NOT TRUE

20 Q OKAY YOU TALKED A LOT ABOUT HELPING YOURSELF
21 AND GETTING OUT OF STUFF, YOU HEARD YOUR EXPERT
22 TESTIFY ABOUT THAT KIND OF STUFF, DIDN'T YOU?

23 A I CAME UP WITH THIS, THIS LONG TIME, THIS IS
24 WHAT HAPPENED TO ME AND I COME UP WITH THIS A LONG
25 TIME AGO BEFORE, BEFORE EVEN CAME INTO THE PICTURE

003200

1 I DIDN'T EVEN KNOW WHAT HE WAS GOING TO TESTIFY
2 ABOUT

3 Q I GOT YOU SO YOU CAME UP WITH IT AND THEN THEY
4 GOT HIM?

5 A OH, SO I JUST HEARD ABOUT IT WHAT THREE DAYS
6 AGO, FOUR DAYS NO, TWO DAYS AGO, THREE DAYS AGO I
7 HAD THAT MUCH TIME TO SIT DOWN AND FIGURE ALL THIS
8 OUT, NO, I DON'T THINK SO IT WAS A LONG TIME

9 Q WELL, THIS IS THE FIRST --

10 A BECAUSE I KNEW WHAT HAPPENED

11 Q WELL, YOU ADMIT THAT TODAY IS THE FIRST TIME
12 WE'VE HEARD THE EXPLANATION OF OH, I REALLY DID
13 BELIEVE THAT I REALLY DIDN'T BELIEVE THAT I DIDN'T DO
14 THIS YOU KNOW, BECAUSE WHEN YOU SHOW UP TO LAW
15 ENFORCEMENT YOU'RE NOT SAYING, OH, NOW HERE'S MY
16 CRAZY STORY?

17 A NO

18 Q YOU ARE SELLING IT FOR WHAT IT'S WORTH, RIGHT?

19 A BECAUSE THAT'S --

20 Q YOU ARE TRYING TO CONVINCING THEM OF THAT, RIGHT?

21 A RIGHT HE TOLD ME IN THEIR, OFFICER, I MEAN,
22 CAPTAIN CABANISS TOLD ME HE WOULDN'T BELIEVE IT
23 UNLESS WE WENT OVER AND PROVED IT I --

24 Q WE'RE NOT EVEN TO THE HOUSE YET YOU ARE ARMED
25 WITH THE CRAZY STORY

003201

1 A THE CRAZY STORY, YEAH, I WANTED, I TOLD HIM
2 EXACTLY WHAT HAPPENED AND THEN I HAD TO WRITE IT
3 DOWN, THAT'S CORRECT

4 MR POPE PLEASE THE COURT, YOUR HONOR,
5 I'M HEADING INTO

6 THE COURT IT IS FRIDAY, I THINK THIS IS
7 PROBABLY A GOOD PLACE TO STOP FOR THE DAY IT'S
8 ABOUT 6 30 WE'LL START BACK AT NINE YOU ARE NOT
9 YET TO MAKE UP YOUR MIND OR DISCUSS THE CASE OR LET
10 YOURSELF BE EXPOSED TO ANY NEWS COVERAGE WE'LL SEE
11 YOU BACK AT NINE IN THE MORNING THANK YOU

12 (THE JURY EXITS THE COURTROOM AT 06 27
13 PM)

14 THE COURT ANYTHING FROM THE STATE BEFORE
15 WE ADJOURN

16 MR POPE NO, SIR, OTHER THAN EXPLAINING
17 TO MR COPE THAT HE'S STILL ON THE STAND

18 THE COURT OKAY ANYTHING FROM THE
19 DEFENSE

20 MR MORTON YOUR HONOR, THE ONLY THING WE
21 WANTED TO DO, I THINK WE MADE THE MOTION ABOUT IT
22 EARLIER, I'M NOT QUITE SURE TO BE HONEST, WE WANTED
23 TO SEE IF WE COULD GET A PHOTOGRAPH OF THE HOLDING
24 CELL HE WAS HELD IN IT PROBABLY WOULDN'T TAKE BUT
25 JUST A MINUTE I DON'T THINK IT WOULD BE TOO

003202

1 INCONVENIENT FOR THEM FOR US TO JUST GET A PHOTOGRAPH
2 OF AN EMPTY HOLDING CELL THAT HE WAS HELD IN THOSE
3 FIRST COUPLE OF DAYS

4 THE COURT MR GREELEY

5 MR GREELEY NOTHING FROM US

6 THE COURT WHAT'S THE STATE'S POSITION ON
7 THAT?

8 MR POPE BEG THE COURT'S INDULGENCE

9 MR BRACKETT CAN WE TALK ABOUT IT AND
10 COME UP WITH AN ANSWER IN THE MORNING I HAVE NO
11 IDEA WHAT THIS HOLDING CELL LOOKS LIKE

12 THE COURT YOU NEED THE WHOLE NIGHT TO
13 COME UP WITH AN ANSWER?

14 MR BRACKETT WE JUST HAD 30 SECONDS TO
15 HEAR ABOUT IT

16 THE COURT ALL RIGHT YOU ARE STILL ON
17 THE STAND, MR COPE AND SO YOUR LAWYERS, OF COURSE,
18 WOULDN'T BE TALKING TO YOU ABOUT THE CASE

19 A CORRECT

20 THE COURT YOU UNDERSTAND

21 A I UNDERSTAND

22 THE COURT OKAY WE'LL SEE YOU BACK AT
23 NINE IN THE MORNING

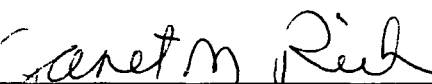
24 (COURT'S IN RECESS AT 06 29 PM)

25

0032C3

1
2
3 I, JANET RICH, OFFICIAL COURT REPORTER FOR THE
4 SIXTEENTH CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO
5 HEREBY CERTIFY THAT THE FORGOING IS A TRUE, ACCURATE,
6 AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE
7 PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL
8 OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE
9 CIRCUIT COURT FOR YORK COUNTY, SOUTH CAROLINA, ON THE
10 20TH 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
17
18
19
20
21
22
23
24
25

JANET M RICH

003204

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

4 BILLY WAYNE COPE &
5 JAMES EDWARD SANDERS

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

8 HEARD AT THE MOSS JUSTICE CENTER,
9 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON
10 TUESDAY, SEPTEMBER 21, 2004, BEFORE THE
 HONORABLE JOHN C HAYES, III AND A JURY

11 APPEARANCES

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

18 JAMES MORTON
19 DAVID WOOD
20 MICHAEL SMITH
21 MORTON & GETTYS
22 1051 OAKLAND AVENUE
23 ROCK HILL, SC 29732

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

26 LELAND GREELEY
27 128 E MAIN STREET SUITE 102
28 ROCK HILL, SC 29732
29 REPRESENTING JAMES EDWARD SANDERS

30 REPORTED BY JANET M RICH
31 CIRCUIT COURT REPORTER
32 1992 DOWNEY STREET
33 ROCK HILL, SC 29732

003205

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003208

1 (COURT RESUMES ON SEPTEMBER 21, 2004 AT 09 05 AM)

2 THE COURT MR GREELEY

3 MR GREELEY YOUR HONOR, I HAVE TWO ITEMS
4 PRIOR TO THE JURY RETURNING MR MORTON SPOKE TO ME
5 THIS MORNING AT NINE O'CLOCK THE FIRST ONE INVOLVES
6 I BELIEVE HIS HONOR WILL REMEMBER IN PRE-TRIAL
7 HEARINGS WE HAD A LETTER THAT MY CLIENT HAD WRITTEN
8 TO THE SOLICITOR AND WE HAD SOME DISCUSSION ABOUT
9 THAT MR MORTON INDICATED TO ME THAT HE PROBABLY
10 WOULD LIKE TO INTRODUCE THAT LETTER INTO EVIDENCE I
11 TALKED WITH HIM, TOLD HIM THAT I DID NOT FEEL AT THIS
12 POINT IN TIME THAT I WOULD HAVE AN OBJECTION TO IT AS
13 LONG AS EVERYTHING WAS REDACTED EXCEPT FOR THAT PART
14 THAT HE WANTED TO COME IN, SO I WANTED THE COURT TO
15 KNOW ABOUT IT AND SO HE AND I WOULD HAVE TO WORK AT
16 THE BREAK IN REGARDS TO REDACTION OF THAT LETTER

17 THE SECOND THING THAT HE TOLD ME AT 9
18 O'CLOCK WAS THAT THERE IS A GENTLEMAN IN THE JAIL BY
19 THE NAME OF JAMES HILL WHO MR MORTON TELLS ME THAT
20 HE BELIEVES TO BE A JAIL HOUSE CONFESSION WITNESS IN
21 REGARDS TO MY CLIENT THIS IS THE FIRST THAT I HAVE
22 HEARD ABOUT MR HILL THEY HAVE HAD, HE DID TELL ME
23 THAT THEY HAVE KNOWN HIM ABOUT HIM FOR MONTHS IN
24 REVIEWING IT I DON'T BELIEVE I HAVE EVER REPRESENTED
25 A JAMES HILL AND I'M GLAD FOR THAT BECAUSE THAT WOULD

1 REALLY PUT US IN A BIND AT THIS POINT IN TIME IF I
2 HAD HE SAID THAT HE HAS NOT DECIDED WHETHER OR NOT
3 TO CALL HIM, BUT I WOULD JUST LET THE COURT KNOW THAT
4 IF MR MORTON DOES DECIDE TO CALL HIM I'M GOING TO
5 HAVE AN OBJECTION TO THAT BASED UPON MY PRETRIAL
6 MOTION REGARDING THIRD PARTY EVIDENCE AND I WOULD ASK
7 THE COURT IF MR MORTON INSISTS THAT WE DO HAVE A
8 PROFFER OF THAT TESTIMONY

9 THE COURT YES, WE WILL HAVE HIM BROUGHT
10 OVER HE'S STILL HERE, HE HADN'T GONE ANYWHERE YET?

11 MR MORTON YES, SIR, HE'S HERE HE'S
12 HERE

13 THE COURT WE'LL BRING HIM OVER AND DO A
14 PROFFER JUST LET US KNOW THE TIME, AGAIN I'M NOT
15 TRYING TO MAKE YOU OUTLINE YOUR CASE

16 MR MORTON I UNDERSTAND

17 THE COURT BUT IF YOU GET UP AND SAY IT
18 IS TIME TO DO IT AND WE HAVE TO BRING HIM OVER AND DO
19 THAT PROFFER, I'D LIKE TO HAVE A LITTLE ADVANCE
20 NOTICE ALL RIGHT BRING IN THE JURY

21 (THE JURY RETURNS TO THE COURTROOM AT
22 09 07 AM)

23 THE COURT GOOD MORNING YOU MAY
24 PROCEED

25 MR POPE PLEASE THE COURT, YOUR HONOR

1 THE COURT WAIT JUST ONE SECOND UNTIL WE
2 GET ORDER IN THE COURTROOM

3 MR POPE MAY IT PLEASE THE COURT

4 THE COURT YES, SIR

5 MR POPE THANK YOU

6 CROSS EXAMINATION CONTINUED BY MR POPE

7 Q MR COPE, YESTERDAY I KEPT TRYING TO KIND OF
8 CREATE A PICTURE OF, THAT WAS YOUR BED I WOULD BE
9 STANDING IN AMANDA'S DOOR THE GIRLS, THE OTHER
10 GIRL'S ROOM WAS HERE, AND THEN THERE IS THE DESK,
11 BOOK SHELVES IN THE HALL, AND THEN THERE IS A VIEW ON
12 INTO THE DEN AS YOU STEP OUT OF YOUR DOOR, IS THAT
13 CORRECT?

14 A YES, THAT'S CORRECT

15 Q THE WAY WE WERE TALKING YESTERDAY?

16 A YES

17 Q I SHOW YOU WHAT'S BEEN MARKED STATE'S EXHIBIT
18 103 FOR IDENTIFICATION ASK YOU TO TAKE A LOOK AT
19 THAT ITEM

20 A YES, SIR

21 Q YOU RECOGNIZE THAT?

22 A I DO RECOGNIZE THAT

23 Q OKAY WOULD THAT BE THE VIEW IF I STEPPED OUT
24 OF YOUR BEDROOM AND LOOKED KIND OF TOWARD THE FRONT
25 DOOR AND INTO THE DEN OVER IN THAT DIRECTION?

003211

1 A YES, SIR

2 Q OKAY

3 MR POPE YOUR HONOR, I MOVE STATE'S
4 EXHIBIT 103 FOR IDENTIFICATION INTO EVIDENCE

5 MR MORTON NO OBJECTION, YOUR HONOR

6 MR GREELEY I HAVE VIEWED THE PICTURE
7 AND I HAVE NO OBJECTION

8 THE COURT BE RECEIVED WITHOUT OBJECTION
9 (STATE'S EXHIBIT 103 PHOTO RECEIVED INTO
10 EVIDENCE)

11 Q MR COPE, YESTERDAY WHEN WE WERE TALKING YOU HAD
12 SOME NOTES ON THE STAND, IS THAT CORRECT?

13 A THAT'S CORRECT

14 Q AND THAT WAS ONE PAGE ABOUT WHERE YOU WORKED
15 AND --

16 A THAT'S CORRECT

17 Q ---THAT NATURE I NOTICED TODAY WHEN YOU CAME
18 IN YOU HAD A LARGE VOLUME OF WRITTEN MATERIALS ARE
19 THOSE MATERIALS YOU REVIEWED IN PREPARATION OF YOUR
20 TESTIMONY?

21 A IN PREPARATION FOR MY TESTIMONY, NO, SIR MY
22 TESTIMONY IS THE SAME I MEAN I CAN'T SAY THE TRUTH
23 NO OTHER WAY MY TESTIMONY IS THE SAME BUT THAT'S
24 MY MOTION OF DISCOVERY AND THE NOTES THAT I TOOK
25 AFTER I COME BACK FROM MY ATTORNEY VISITS

003212

1 Q SO THAT'S THE, DID YOU REVIEW THOSE NOTES TO
2 PREPARE YOU TO TESTIFY TODAY?

3 A NO, SIR

4 Q OR BETWEEN YESTERDAY?

5 A NO, SIR I DID NOT OPEN THAT BOOK UP TODAY

6 Q LAST NIGHT YOU DID?

7 A DID NOT

8 Q HOW ABOUT THE NIGHT BEFORE LAST BEFORE YOU
9 TESTIFIED?

10 A NO, SIR

11 Q OKAY THAT'S WHAT I WANTED TO KNOW NOW
12 BRINGING YOUR ATTENTION BACK TO WHERE WE WERE
13 YESTERDAY THE INCIDENT HAD HAPPENED WEDNESDAY
14 NIGHT/THURSDAY MORNING, RIGHT? AND THEN YOU WOKE UP
15 THURSDAY MORNING AND FOUND AMANDA, RIGHT?

16 A YES

17 Q OKAY

18 A NO THAT WAS THURSDAY MORNING, YES, SIR, THAT'S
19 CORRECT

20 Q THURSDAY MORNING AND THEN ON FRIDAY MORNING,
21 YOU CAME UP HERE AND DID POLYGRAPH, RIGHT?

22 A THAT'S CORRECT

23 Q OKAY

24 A I, I WAS JUST GOING TO SAY, YES, SIR THAT'S
25 WHAT I DID I CAME UP HERE IT WAS ABOUT TEN

003213

1 O'CLOCK I GUESS

2 Q AND GOT FINISHED UP HERE SOMETIME AFTER TWO
3 AFTER THE STATEMENT THAT WE TALKED ABOUT YESTERDAY,
4 RIGHT?

5 A SOMEWHERE BETWEEN, YEAH ABOUT, WELL, LET'S SEE
6 IT WAS RIGHT AROUND TWO WELL, ACTUALLY, NO, IT WAS
7 ABOUT 2 30

8 Q AND THEN YOU HEAD BACK DOWN TO ROCK HILL, RIGHT?
9 WHEN YOU FINISH---

10 A THAT'S CORRECT

11 Q OKAY AND YOU WERE TELLING THE JURY YESTERDAY
12 WHEN YOU LEFT MOSS JUSTICE CENTER OVER AT THE
13 SHERIFF'S OFFICE THAT FRIDAY AT 2 30 IN YOUR MIND YOU
14 COMMITTED THIS CRIME?

15 A THAT'S CORRECT

16 Q OKAY AND THEN YOU WENT BACK TO ROCK HILL CITY
17 WHERE YOU SPENT THE NIGHT, CORRECT?

18 A THAT'S CORRECT

19 Q OKAY HAD DINNER OVER THERE, RIGHT?

20 A RIGHT I HAD TIME TO START TO THINK

21 Q RIGHT AND AT SOME POINT ONCE YOU HAD TIME TO
22 START TO THINK AWAY FROM THAT PRESSURE FROM MIKE
23 BAKER, WAY FROM THAT PRESSURE, YOU STARTED THINKING
24 YOU GOING, HEY, I REALLY DIDN'T DO THIS, RIGHT?

25 A YES, SIR I -- THAT'S WHAT I STARTED TO THINK,

003214

1 YEAH, I DID

2 Q OKAY SO WHEN DO YOU THINK YOU REALIZED AGAIN
3 THAT YOU DIDN'T DO IT?

4 A SOMETIME OVER IN THE MORNING WHILE I WAS
5 SITTING BECAUSE THAT NEXT MORNING I GOT, THE NEXT
6 MORNING AT 8 O'CLOCK WHENEVER WE STARTED TO LEAVE OUT
7 TO COME OVER HERE, I TOLD HIM, HEY, I MADE A MISTAKE
8 I NEED TO TALK TO THE DETECTIVES AGAIN

9 Q SO OVER THE NIGHT YOU DECIDED THAT YOU DIDN'T DO
10 IT, RIGHT?

11 A THAT'S CORRECT

12 Q FRIDAY NIGHT, OKAY AND THEN LET ME ASK YOU
13 FRIDAY AROUND SUPPER TIME DID YOU STILL THINK YOU DID
14 IT?

15 A FRIDAY AROUND SUPPER TIME I WASN'T SURE I
16 MEAN, I REMEMBER WHEN MRS BLACKWELDER CAME IN AND
17 WAS ASKING ME ABOUT THE BROOM I WASN'T SURE

18 Q AND YOU WERE TELLING HER WHICH BROOM AT THAT
19 POINT?

20 A I SAT IN THE, I SAID IN THE ROOM IT REALLY
21 DIDN'T START TO HIT ME UNTIL LATER ON THAT EVENING
22 AFTER I STARTED THINKING ABOUT -- AS A MATTER OF
23 FACT, I THINK IT WAS THE BROOM THAT STARTED IT I
24 DIDN'T DO THAT

25 Q OKAY AND SO WHEN YOU TALKED TO MRS

1 BLACKWELDER AROUND 6 25 SHE WASN'T THREATENING YOU OR
2 ANYTHING AT THAT POINT, RIGHT?

3 A SHE JUST CAME TO THE DOOR SAID MR COPE, WAS
4 THAT A BLUE BROOM OR A RED BROOM

5 Q AND YOU SAID --

6 A ACTUALLY I THINK SHE HAD THE BROOMS WITH HER AND
7 SHE SHOWED ME THE BROOMS

8 Q SHE SHOWED YOU THE BROOMS THERE THAT FRIDAY
9 NIGHT IN THE HOLDING CELL OR IN THE, AT ROCK HILL?

10 A AT THE CITY SHE SAID WAS IT THIS RED BROOM OR
11 THIS BLUE BROOM

12 Q AND YOU SAID IT WAS DEFINITELY THE BLUE HANDLED
13 BROOM AND NOT THE DUST MOP, RIGHT?

14 A THAT'S EXACTLY WHAT I SAID, YES, SIR

15 Q THEN YOU TOLD HER YOU DIDN'T RECALL WHAT YOU DID
16 WITH THE BROOM AFTERWARDS, BUT YOU ARE TELLING US
17 THAT SHE HAD THE BROOMS IN HER HAND, RIGHT?

18 A WELL I MEAN, THEY WENT, SHE SAID THEY WENT BACK
19 AND THEY HAD FOUND THE BROOMS, WENT TO THE HOUSE AND
20 FOUND BROOMS AND THAT'S WHAT I TOLD HER

21 Q THEY DIDN'T FIND THE BROOM YOU ARE TALKING
22 ABOUT, DID THEY?

23 A THE BROOM I'M TALKING ABOUT? I DON'T KNOW WHAT
24 BROOM IT WAS IF IT WAS A BROOM

25 Q OKAY ALL RIGHT SO SATURDAY MORNING NOW

1 YOU'VE DECIDED YOU DIDN'T DO IT AGAIN, RIGHT?

2 A SATURDAY MORNING, YES, SIR

3 Q OKAY AND YOU SAID YOU MADE A MISTAKE, RIGHT?

4 A I TOLD HARMON THAT I MADE A MISTAKE, THAT I
5 WANTED TO TALK TO THE DETECTIVES

6 Q YOU WANTED TO TALK TO DETECTIVES YOU DIDN'T
7 TELL HIM YOU DIDN'T DO IT OR ANYTHING YOU SAID I
8 MADE A MISTAKE, I WANT TO TALK TO THE DETECTIVES,
9 RIGHT?

10 A RIGHT

11 Q ALL RIGHT WHEN YOU WANTED TO TALK TO THE
12 DETECTIVES AT THAT POINT WAS THAT WHEN YOU KIND OF
13 WORKED UP YOUR INSANITY STORY, THAT SATURDAY MORNING?
14 DID YOU HAVE AN INSANITY STORY BY THEN?

15 A NO, SIR I WAS GOING TO TELL THEM THAT I DIDN'T
16 DO IT

17 Q OKAY THAT'S WHAT YOU WERE GOING TO TELL THEM
18 SATURDAY MORNING?

19 A RIGHT, THE SAME THING THAT I TOLD THEM BEFORE I
20 SAID THE INSANITY STORY

21 Q OKAY AND THAT'S WHAT I'M TRYING TO GET, WE
22 KIND OF WENT INTO THIS YESTERDAY, BUT I'M TRYING TO
23 UNDERSTAND SO THE INSANITY STORY STARTS WHEN? WHEN
24 DID YOU START WORKING --

25 A WHEN I GOT BACK OVER HERE TO THE CELL

003217

1 Q OVER HERE AT MOSS JUSTICE?

2 A IT WAS AFTER THEY STARTED TALKING ABOUT HEARING
3 VOICES IN THE, IN MY, THEY WERE BOOKING ME IN, THEY
4 WERE ASKING ME QUESTIONS THEY ASKED ME ABOUT DO YOU
5 HEAR VOICES AT THAT TIME I SAID NO BUT THEN I GOT
6 TO BACK TO THE CELL AND I STARTED THINKING ABOUT IT

7 Q I GOT YOU OKAY SO WHEN YOU COME UP HERE THAT
8 SATURDAY MORNING AND THEY BOOK YOU IN HERE BECAUSE
9 YOU HADN'T BEEN BOOKED IN OVER HERE YET, RIGHT?

10 A NO

11 Q BECAUSE YOU WERE IN ROCK HILL'S CUSTODY NOT THE
12 SHERIFF'S DEPARTMENT, RIGHT?

13 A RIGHT

14 Q WHEN THEY BOOK YOU IN THEY GOT THAT LIST OF
15 QUESTIONS LIKE ARE YOU TAKING ANY MEDICINE, ARE YOU
16 SUICIDAL, DO YOU HEAR VOICES, THEY WERE ASKING ALL
17 THAT STUFF AND YOU GOT --

18 A I GOT THAT IDEA FROM THERE

19 Q OKAY AND SO NOW YOU'RE OVER HERE AND IT'S
20 SATURDAY AND SUNDAY AND YOU START WORKING THAT
21 INSANITY IDEA AND YOU SEND WORD BECAUSE IT DOESN'T DO
22 YOU ANY GOOD TO HAVE AN INSANITY IDEA IF YOU DON'T
23 TELL IT, RIGHT?

24 A WELL, I TRIED TO GET THEIR ATTENTION AND TELL
25 THEM LOOK, I WANT TO TALK TO SOMEBODY AT ROCK HILL

1 THAT AND I THINK I KNOW THAT WHEN MRS HUDDLESTON,
2 WHO IS NOW MRS MCGEE, WHEN SHE CAME IN I SAID I WANT
3 TO TALK TO WALDROP, BUT AT ONE POINT I SAID I WANT TO
4 TALK TO ANYBODY, ANYBODY

5 Q ANYBODY FROM ROCK HILL?

6 A YEAH, ANYBODY FROM ROCK HILL, BUT NOBODY, THEY
7 WASN'T LISTENING TO ME AT THE JAIL THEY WERE KIND
8 OF IGNORING ME THEY HAVE SO MANY PEOPLE BEATING ON
9 THE DOOR TO USE THE BATHROOM AND EVERYTHING ELSE

10 Q I THINK YOU SAID IT WAS CROWDED THAT WEEKEND,
11 WASN'T IT?

12 A IT WAS CROWDED AROUND BUT I WAS THE ONLY ONE IN
13 THAT CELL

14 Q I MEAN AS FAR AS THE NUMBER OF PEOPLE COMING
15 THROUGH FROM WHERE YOU WERE IN THE CELL YOU CAN SEE
16 THEM BOOKING PEOPLE IN?

17 A WELL, I SEEN PEOPLE AROUND I SEEN A COUPLE
18 GUYS WALKING BY I SEEN ONE GUY GRABBED A BROOM, LIKE
19 I SAID, AND HE SAID I'M GOING TO USE THIS ON YOU

20 Q ON YOU?

21 A ON ME, YES

22 Q I GOT YOU NOW WERE YOU THINKING INSANITY AT
23 THAT POINT OR WHERE WE AT ON INSANITY THOUGHTS?

24 A I'M STARTING TO, I MEAN, I'M STARTING TO -- I
25 DON'T WANT TO GO TO PRISON I SAW WHAT HE WAS SAYING

1 AND HE WAS TALKING AND HE TOLD ME, HE SAID, I'M GOING
2 TO USE, HE SAID -- HE WAS IN A BLUE CLOTHES, HE WAS
3 ONE OF THE CHAIN GANG GUYS, I GUESS, HE WAS WALKING
4 BY THE BOOKING AND HE HAD A MOP BUCKET IN HIS HAND
5 AND HE GRABBED THE MOP OR THE BROOM AND WHATEVER IT
6 WAS AND HE SAID I'M GOING TO USE THIS ON YOU I'M
7 GOING TO MAKE SURE I GO BACK TO THE PRISON THAT YOU
8 AT AND I'M GOING TO USE THIS ON YOU LIKE YOU DID THAT
9 LITTLE GIRL

10 Q THAT'S THE FIRST TIME WE HEARD THAT TOO, RIGHT?
11 YOU DIDN'T TELL THAT IN YOUR DIRECT TESTIMONY, DID
12 YOU?

13 A THAT'S WHAT HE SAID IN THE ROOM

14 Q OKAY AND SO NOW IT'S SATURDAY, NOW IT'S INTO
15 SUNDAY, AND YOU CALLING AND FINALLY GET AN OFFICER'S
16 ATTENTION AND YOU TELL HER THAT YOU WANT TO TELL THE
17 ROCK HILL PEOPLE WHAT YOU DID TO YOUR DAUGHTER?

18 A WELL, I TOLD THEM, AT FIRST I TRIED TO GET THEIR
19 ATTENTION TO TELL THEM JUST TO GET SOMEBODY, I WANT
20 TO TALK TO SOMEBODY, THEY WOULDN'T LET ME I WANTED
21 TO COME BACK AND SAY LOOK I DIDN'T DO IT

22 Q WAIT A MINUTE NOW I'M GETTING A LITTLE
23 CONFUSED ON SUNDAY I THOUGHT YOU WERE WORKING ON
24 YOUR INSANITY STORY?

25 A I WAS WORKING ON MY INSANITY PLEA, BUT DID I NOT

1 SAY, THE FIRST THING I TOLD CABANISS WAS I DIDN'T DO
2 IT AND THEY DIDN'T LISTEN, SO I USED THE INSANITY
3 PLEA THAT I SIT THERE AND WORKED UP

4 Q SO YOU THOUGHT YOU'D GIVE IT ONE MORE SHOT --

5 A ONE MORE CHANCE

6 Q AND IF THAT DIDN'T WORK YOU HAVE THE INSANITY --

7 A AND I THINK I TESTIFIED THAT I WOULD DO THAT,
8 YES, SIR

9 Q OF COURSE, SHE'S TAKING DOWN?

10 A RIGHT

11 Q OKAY SO SUNDAY WHAT IS IT YOU TELL HER? WHAT
12 IS IT YOU TELL HER TO GET YOU IN CONTACT WITH LAW
13 ENFORCEMENT, MRS HUDDLESTON?

14 A THAT I DONE SOMETHING, THAT I WANTED TO TELL
15 THEM WHAT I DONE TO MY, MY KIDS I THINK I SAID OR
16 CHILDREN OR DAUGHTER

17 Q DAUGHTERS TELL THEM WHAT YOU DID TO YOUR
18 DAUGHTERS?

19 A I SAID DAUGHTER

20 Q OKAY

21 A I THINK

22 Q YOU THINK?

23 A I'M ALMOST POSITIVE I THINK SHE MIGHT--I HAVE
24 SEEN THAT I THINK SHE MISQUOTED THAT I SAID MY
25 DAUGHTER

003221

1 Q OKAY AND THEN, SO IT WAS ARRANGED, THEY DIDN'T
2 TALK TO YOU THAT DAY, RIGHT?

3 A NO, THEY DIDN'T TALK TO ME THAT DAY

4 Q OKAY

5 A SHE CAME BACK LATER THAT AFTERNOON AND TOLD ME

6 Q THAT THEY WOULD COME SEE YOU, YOU HAD WORD SO
7 SOMEBODY WAS COMING TO SEE YOU OR COMING TO GET YOU
8 MONDAY MORNING?

9 A THAT'S CORRECT

10 Q OKAY AND SO JUST TO RECAP FRIDAY YOU GO IN
11 BELIEVING YOU DIDN'T DO IT, YOU COME OUT BELIEVING
12 ABSOLUTELY YOU DID DO IT, RIGHT?

13 A WELL, I MEAN IF YOU HAVE SOMEBODY STANDING OVER
14 YOU TELLING YOU DID IT, YOU DID IT, THE COMPUTER SAYS
15 IT, AND I WAS BELIEVING IT I STARTED TO BELIEVE IT

16 Q THAT'S MY POINT ---

17 A NOW WAIT A MINUTE SO YEAH, I WAS TOTALLY
18 CONVINCED I HAD DONE IT YES, I WAS

19 Q AND YOU WERE CONVINCED YOU HAD DONE IT AND THEN
20 THAT EVENING OVER IN THE NIGHT YOU START THINKING YOU
21 DIDN'T DO IT AGAIN AND THAT SATURDAY MORNING YOU GET
22 UP AND YOU CLEARLY THINK YOU DIDN'T DO IT, BUT YOU
23 START WORKING THE INSANITY THING SATURDAY PRETTY MUCH
24 WHEN YOU GET OVER HERE AND THAT'S THE FIRST TIME
25 INSANITY EVER CROSSED YOUR MIND, RIGHT?

003222

1 A THE FIRST TIME? I NEVER THOUGHT ABOUT NOTHING
2 ELSE AT THAT TIME I WAS CONVINCED I DID IT

3 Q I UNDERSTAND AND YOU'VE EXPLAINED WHY WE'RE
4 GOING TO TALK ABOUT THE INSANITY PORTION, BUT YOU
5 REALLY CRAZY PORTION YOU THOUGHT AFTER YOU HEARD
6 BROOM MAN OVER HERE, RIGHT? THAT'S WHEN YOU STARTED
7 THINKING ABOUT THAT WHEN YOU GOT THE --

8 A THAT AND THE FACT THAT THEY HAD ASKED ME DID I
9 HEAR VOICES, SO I SAID WELL, THAT'S A GOOD IDEA
10 MAYBE THAT'S SOMETHING I CAN LOOK INTO BECAUSE I
11 DIDN'T KNOW I KNEW THAT I DIDN'T DO IT BY THAT
12 TIME I SIT THERE ALL NIGHT THINKING, READING THE
13 BIBLE, THINKING, PRAYING, TRYING TO FIND OUT I
14 THOUGHT GOD HAD LET ME DOWN

15 Q SO THEY REALLY PLANTED THAT INSANITY SEED KIND
16 OF WHEN YOU HAD INTAKE OVER HERE, RIGHT?

17 A THAT'S WHEN, THAT'S WHEN IT MAINLY STARTED, YES,
18 SIR, WHEN I GOT BACK OVER HERE

19 Q FRIDAY WHEN YOU TALKED TO MIKE BAKER, WHEN YOU
20 BELIEVED YOU DID IT, YOU SAID YOU WANTED TO KNOW IF
21 YOU COULD PLEAD INSANITY AND HE TOLD YOU I CAN'T
22 ANSWER THAT QUESTION?

23 A WELL, I DID ASK HIM THAT QUESTION AND THAT'S IN
24 HIS STATEMENT I DID ASK HIM THAT QUESTION AND HE
25 SAID NO BUT THAT WASN'T, THAT'S NOT WHERE THAT

1 STARTED THAT I -- I HAD THOUGHT ABOUT THAT BUT IT
2 WASN'T RIGHT THEN HE CONVINCED ME, TOTALLY
3 CONVINCED ME, THAT I WAS GUILTY WHEN HE TOTALLY
4 CONVINCED ME THEN I DIDN'T CARE ABOUT NOTHING ELSE

5 Q HE TOTALLY CONVINCED YOU YOU WERE GUILTY, YOU
6 ARE SO GUILTY YOU CONFESSED, AND THEN YOU STILL ASKED
7 ABOUT INSANITY, DIDN'T YOU?

8 A I'M TELLING YOU, SIR, I DIDN'T DO IT, OKAY
9 THAT'S ALL I GOT TO SAY I DIDN'T DO THAT

10 Q THAT'S YOUR ANSWER?

11 A THAT'S MY ANSWER I DIDN'T DO IT

12 Q THEN YOU COME OVER MONDAY AND THE FIRST THING
13 THEY DO WHEN THEY SIT DOWN IS ADVISE YOU OF YOUR
14 RIGHTS, CORRECT?

15 A YOU KNOW, I DON'T REMEMBER THEM ADVISING ME OF
16 MY RIGHTS I REMEMBER SIGNING A FEW PAPERS, BUT I
17 DON'T EVER REMEMBER SEEING NO RIGHTS PAPER

18 Q SHOW YOU STATE'S EXHIBIT FIVE AND I THOUGHT YOU
19 TESTIFIED ABOUT THIS ON DIRECT IF YOU, READ THAT
20 AND TELL ME IF YOU SIGNED THAT DOCUMENT?

21 A OKAY YES, SIR, I SIGNED THE DOCUMENT, BUT CAN
22 YOU SHOW ME A DATE

23 Q SO YOU DIDN'T SIGN IT THAT MORNING?

24 A I DON'T THINK I SIGNED IT THAT MORNING, NO

25 Q WHEN DID YOU SIGN THIS?

003224

1 A I--LET ME SEE I DON'T KNOW I DON'T REMEMBER
2 SIGNING NO CONSENT FORM WITH HER

3 Q OKAY SO MAYBE YOU DIDN'T SIGN THIS ONE, YOU
4 THINK? YOU THINKING SOMEBODY --

5 A THAT'S MY SIGNATURE

6 Q YOU THINK SOMEBODY WROTE THAT ON THERE?

7 A BUT WHERE'S THE DATE? I DON'T SEE A DATE ON
8 THAT ONE

9 Q WELL, SIR, YOU LIVED IT AND I DIDN'T DID YOU
10 SIGN IT THAT DAY?

11 A I CAN'T SAY THAT I DID AND I CAN'T SAY THAT I
12 DIDN'T I JUST SAY THERE IS NO DATE ON IT

13 Q SUBSEQUENT TO THAT DID YOU TELL, DID YOU TELL
14 CAPTAIN CABANISS THAT I WANT TO REMAIN QUIET, I WANT
15 AN ATTORNEY BECAUSE I'M INNOCENT?

16 A NO, SIR, I DIDN'T I DIDN'T HAVE AN ATTORNEY AT
17 THAT TIME AS FAR AS I KNEW I WENT TO HIM I JUST
18 SAID LOOK, I DIDN'T DO IT

19 Q OKAY YOU NOW DECIDED THAT MAYBE YOU DIDN'T
20 SIGN THIS ONE, YOU DON'T DISPUTE --

21 MR MORTON YOUR HONOR, THAT'S NOT WHAT
22 HE SAID

23 THE COURT WELL, I'LL LET HIM ASK THE
24 QUESTION IF HE SAYS THAT'S NOT WHAT HE SAID HE CAN
25 SAY THAT'S NOT WHAT HE SAID

003225

1 Q MR COPE, YOU SAY --

2 A I SAID I CAN'T SAY WHETHER I DID OR I DIDN'T
3 SIGN THAT ONE

4 Q YOU ARE NOT DISPUTING IN FRONT OF THIS JURY THAT
5 THROUGHOUT THIS PROCESS AT THE APPROPRIATE TIMES YOU
6 WERE GIVEN YOUR RIGHTS, WEREN'T YOU?

7 A I DID SAY THAT I WAS GIVEN MY RIGHTS THE FIRST
8 TIME I WAS GIVEN MY RIGHTS WAS WITH MR BAKER

9 Q RIGHT THAT'S THE FIRST TIME YOU WERE IN
10 CUSTODY AND NOT FREE TO LEAVE, RIGHT?

11 A I WAS, ACCORDING TO Y'ALL, ARRESTED BEFORE THAT
12 BUT I DIDN'T, BUT THEY DIDN'T TELL ME I WAS ARRESTED
13 UNTIL AFTER I COME BACK

14 Q BUT YOU ALSO WEREN'T QUESTIONED AFTER YOU WERE
15 ARRESTED UNTIL YOU WENT TO MR BAKER, WERE YOU?

16 A I THINK THAT INTERROGATION SAYS, SPEAKS FOR
17 ITSELF

18 Q OKAY WERE YOU ARRESTED THEN?

19 A NO, SIR

20 Q OKAY ALL RIGHT SO REGARDLESS, YOU UNDERSTAND
21 WHAT YOUR RIGHTS WERE AND YOU KNEW WHAT YOUR RIGHTS
22 WERE AT THAT TIME TO HAVE AN ATTORNEY, TO STOP
23 TALKING AT ANY TIME, NOT TO GIVE A STATEMENT, YOU
24 KNEW ALL OF THAT, CORRECT?

25 A I KNEW THAT I HAD GIVEN MY RIGHTS, YES, SIR, AND

1 I HAD SIGNED THE RIGHTS PAPER

2 Q SIR, YOU GOT TWO COLLEGE DEGREES, CORRECT?

3 A THAT'S CORRECT

4 Q YOU GRADUATED HIGH SCHOOL?

5 A WHAT DOES GRADUATE -- I MEAN, WHAT DOES THAT
6 HAVE TO DO WITH ANYTHING? I MEAN, I WAS DISTRAUGHT
7 MY DAUGHTER HAD BEEN KILLED

8 Q DID YOU GRADUATE HIGH SCHOOL?

9 A I HAD BEEN TOLD ALL KIND OF INFORMATION

10 Q DID YOU GRADUATE HIGH SCHOOL?

11 A YES, SIR I SAID I DID GRADUATED HIGH SCHOOL

12 Q I THINK --

13 A I THINK I TESTIFIED TO THAT

14 Q I THINK YOU TOLD THE JURY YOU WATCH COURT TV ALL
15 THE TIME, YOU KNOW YOUR RIGHTS, YOU HAD YOUR RIGHTS
16 EXPLAINED TO YOU, THAT'S ALL I'M ASKING YOU KNEW
17 AND UNDERSTOOD YOUR RIGHTS, DID YOU NOT?

18 A YES, SIR, I KNEW MY RIGHTS

19 Q OKAY AND AT THAT POINT, NOW THIS IS MONDAY
20 NOW, RIGHT, SO THIS IS INSANITY DAY?

21 A THAT'S CORRECT

22 Q AND THAT MONDAY YOU WERE GIVEN A SHEET OF PAPER
23 AND ASKED TO WRITE WHAT HAPPENED, RIGHT?

24 A I WAS GIVEN A SHEET OF PAPER AFTER I TOLD HIM I
25 DIDN'T DO IT AND HE DIDN'T ACCEPT IT AND THEN I TOLD

003227

1 HIM THAT STORY THEN I WROTE IT DOWN FOR HIM AFTER HE
2 ASKED ME TO

3 Q DID THEY ONLY HAVE ONE SHEET OF PAPER?

4 A I DON'T REMEMBER ALL I KNOW IS THAT'S WHAT
5 THEY HANDED ME AND THAT'S WHAT I WROTE

6 Q OKAY YOU DIDN'T WRITE ANYTHING ON THE BACK,
7 DID YOU?

8 A NO, SIR

9 Q NOTHING PREVENTED YOU FROM WRITING WHAT YOU ARE
10 TELLING US NOW, DID IT?

11 A NOTHING PREVENTED ME FROM TELLING YOU -- I MEAN,
12 FROM WRITING WHAT I'M TELLING YOU NOW?

13 Q I DID NOT DO IT I THOUGHT I DID IT FRIDAY, BUT
14 I DIDN'T DO IT I REALIZED SATURDAY I DIDN'T DO IT
15 AND I DID NOT DO IT I DID NOT DO IT NOTHING
16 PREVENTED YOU FROM WRITING THAT, DID IT?

17 A NO, SIR, BUT I DIDN'T DO IT SO I MEAN I CAN ONLY
18 TELL YOU THE TRUTH

19 Q YOU DON'T HAVE TO WRITE THAT BECAUSE YOU DIDN'T
20 DO IT, RIGHT? YOU HAVE TO WRITE IT, RIGHT?

21 A I DIDN'T DO IT

22 Q SIR?

23 A I DIDN'T DO IT

24 Q OKAY BILLY COPE, NOW THIS HAS A DATE, RIGHT?

25 A IT HAS A DATE

003228

1 Q DECEMBER THIRD 2001 9 45?

2 A THAT'S CORRECT

3 Q OKAY WHO WROTE THIS?

4 A I WROTE THAT

5 Q OKAY TELL ME WHAT IT SAYS

6 A SAYS I WAS ASLEEP IN MY BED I HAD A BAD DREAM
7 ABOUT AN OLD GIRLFRIEND WHO HAD AN ABORTION THE
8 THOUGHTS OF HER MAKES ME CRINGE IN MY DREAM SHE WAS
9 TELLING ME THAT I HAD AN ABORTION WITH YOUR CHILD AND
10 I TOLD HER NO I BECAME SO ENRAGED THAT I GOT OUT OF
11 BED, ALL I COULD HEAR WAS THAT LAUGHING SOUND I DO
12 NOT KNOW WHAT CAME OVER ME BUT I SNAPPED AND I JUMPED
13 ON THE BED AND STRADDLED HER AND I HIT HER IN THE
14 HEAD AND STARTED CHOKING HER I DID NOT KNOW IT WAS
15 MY OWN DAUGHTER UNTIL AFTER I HAD SHOVED A BROOM
16 STICK IN HER PRIVATES I FELL BACK JARRING ME TO MY
17 SENSES AND I REALIZED IT WAS MY DAUGHTER I BECAME
18 SO CONFUSED THAT I TRIED TO RID THE HOUSE OF ALL THE
19 STUFF IN THE HOUSE THAT WOULD MAKE ME LOOK GUILTY I
20 GRABBED A BROOM AND PULLED IT FROM HER VAGINAL I
21 PULLED HER PANTIES AND PANTS UP I DID NOT KNOW IT
22 WAS MY OWN DAUGHTER UNTIL I FELL BACKWARDS THE NEXT
23 MORNING AT 6 02 WHEN THE ALARM AND PHONE RANG OUT I
24 WAS HOPING IT WAS A VERY BAD DREAM

25 Q OKAY NOW THAT'S YOUR INSANITY DEFENSE?

1 A THAT'S WHAT I TOLD THEM

2 Q THEN AT SOME POINT IT WAS DETERMINED THAT YOU
3 WOULD GO TO THE HOUSE, RIGHT?

4 A YEAH HE SAID HE DIDN'T BELIEVE WHAT I SAID
5 THE ONLY WAY HE WOULD BELIEVE IT IS IF I ONLY WENT
6 THERE AND CONVINCED ME HIM THAT'S WHAT HAPPENED
7 HE DIDN'T BELIEVE HE SAID HE DIDN'T BELIEVE NEITHER
8 STORY, NONE IT?

9 Q HE DIDN'T BELIEVE YOUR INSANITY?

10 A HE DIDN'T BELIEVE NONE OF IT, THE INSANITY, THE
11 DREAM, NONE OF IT

12 Q TELL US HOW YOU CAME UP WITH THIS STORY? TELL
13 ME HOW YOU CAME UP WITH THIS STORY?

14 A I TOLD YOU THAT I THOUGHT ABOUT THE FACT THAT IT
15 TOOK A PERSON WHO WAS ENRAGED I MADE UP THE DREAM
16 BECAUSE OF AN EX-GIRLFRIEND NAMED TERESA SHE HAD AN
17 ABORTION WITH MY CHILD AND IT MADE ME VERY ANGRY AND
18 I SAID THAT'S THE ONLY KIND OF RAGE THAT COULD DO
19 SOMETHING LIKE THAT BECAUSE MR BAKER SAID THAT
20 WHATEVER IT WAS WAS RAMMED UP IN HER WAS RAMMED UP IN
21 HER DEEP AND SO, SO I STARTED TO PUT THINGS TOGETHER
22 IN MY HEAD AND THAT'S THE STORY I CAME UP WITH

23 Q OKAY NOW SO YOU NEEDED TO DO SOMETHING THAT
24 MADE YOU RAGED, RIGHT? YOU NEEDED TO CREATE
25 SOMETHING THAT MADE YOU ENRAGED AND SHE ---

003230

1 A BECAUSE I'M NOT A, I'M NOT AN ENRAGED PERSON
2 Q YOU'RE NOT?
3 A I'M NOT A VIOLENT PERSON
4 Q YOU'RE NOT?
5 A NO, SIR
6 Q YOU DON'T HAVE A TEMPER?
7 A I HAVE A TEMPER SOMETIMES, YES, SIR, BUT I DON'T
8 HAVE NO, NOT A TEMPER THAT WOULD KILL SOMEBODY
9 Q AND THE DAMAGE DONE TO IN YOUR DAUGHTER COULD BE
10 DONE BY AN ENRAGED PERSON?
11 A COULD HAVE BEEN, YES, SIR
12 Q COULD HAVE BEEN DONE BY A DELIBERATE PERSON,
13 COULDN'T IT?
14 A I DON'T KNOW ABOUT THAT I THINK IT HAD TO BE
15 DONE BY SOMEBODY WHO IS ENRAGED
16 Q WHAT KIND OF, YOU KNOW, WHAT WOULD MAKE SOMEBODY
17 ENRAGED LIKE THAT?
18 A I DON'T KNOW I DON'T KNOW I NEVER REALLY
19 THOUGHT ABOUT THAT
20 Q YOU THINK AMANDA THREATENING TO TELL HER MOTHER
21 THINGS WOULD ENRAGE SOMEBODY?
22 A AMANDA HAD NOTHING TO TELL
23 Q SHE DID THAT NIGHT, DIDN'T SHE?
24 A NO, SHE DID NOT I DONE TOLD YOU, I DIDN'T DO
25 IT I WAS NOT IN THAT SECTION AT ALL, WAS NO WHERE

003221

1 AROUND THESE PEOPLE

2 Q WHAT PEOPLE?

3 A WHOEVER BROKE IN MY HOUSE AND MY DAUGHTER

4 Q OKAY SO YOU GO TO YOUR HOUSE AND CAPTAIN

5 CABANISS HAD ASKED YOU TO GO SHOW HIM WHAT TOOK

6 PLACE, RIGHT?

7 A THAT'S CORRECT

8 Q OKAY AND HE BASICALLY, OF COURSE, THE VIDEO

9 SPEAKS FOR ITSELF?

10 A THAT'S CORRECT

11 Q OKAY AND HE BASICALLY GAVE YOU FREE REIGN TO

12 SHOW HIM, RIGHT?

13 A AND THAT WAS PURE DREAM TOO

14 Q WHAT?

15 A I SAID DREAM AT THE BEGINNING, I SAID THIS IS

16 JUST WHAT I DREAMED THIS IS THE IMAGES IN MY HEAD

17 Q THAT'S WHAT YOU'VE BEEN SAYING ALL ALONG, RIGHT?

18 A THAT'S CORRECT BECAUSE THAT'S THE TRUTH

19 Q OKAY YOU'VE ALWAYS CALLED IT IMAGES OR DREAM,

20 YOU NEVER ACKNOWLEDGED SEEING THAT CHILD'S FACE, HAVE

21 YOU?

22 A I DIDN'T SEE HER FACE UNTIL WHEN I WENT IN THERE

23 AND WOKE HER UP AND SAW, AND TRIED TO WAKE HER UP AND

24 SAW WHAT I SAW

25 Q BECAUSE YOU SAID IF YOU HAD SEEN HER FACE, YOU

1 WOULD HAVE SNAPPED OUT IT, RIGHT?

2 A THAT'S WHAT I SAID IN THE DREAM THING, YES

3 Q OKAY SO WHEN WE'RE AT THE HOUSE, THE HOUSE IS
4 JUST AN EXTENSION OF THIS STATEMENT, THE HOUSE IS THE
5 DREAM STORY?

6 A THAT'S CORRECT

7 Q OKAY AND YOU WERE USING YOUR DREAM THAT YOU
8 WORKED TOGETHER COUPLED WITH PIECES OF WHAT LAW
9 ENFORCEMENT SAID, RIGHT?

10 A THAT'S CORRECT

11 Q OKAY AND YOU WERE TRYING TO JUST COMPLY WITH
12 WHAT THEY WERE GIVING YOU AND FIT THOSE THINGS
13 TOGETHER, RIGHT?

14 A THAT'S EXACTLY WHAT I WAS TRYING TO DO, YES,
15 SIR

16 Q OKAY AND SO WHATEVER THEY SAID WENT WITH YOU
17 PRETTY MUCH, RIGHT?

18 A I WOULDN'T SAY -- WELL, I MEAN, I TRUSTED THEM,
19 THEY WERE SUPPOSED TO BE TELLING ME THE TRUTH I
20 THOUGHT THEY WERE TELLING ME THE TRUTH I THOUGHT
21 THEY WERE TELLING ME EVERY LITTLE PIECE OF DETAIL AS
22 IT WAS

23 Q SO IF THEY HANDED YOU THIS BROOM AND SAID WAS
24 THIS THE BROOM, WHY DIDN'T YOU JUST SAY YEAH, THAT IS
25 THE BROOM?

003233

1 A BECAUSE I DIDN'T KNOW I DIDN'T KNOW WHAT BROOM
2 IT WAS

3 Q BUT YOU JUST TOLD US YOU ARE COOKING THIS STORY
4 UP JUST TO MAKE THEM HAPPY?

5 A I WAS COOKING THE STORY UP BUT WHAT WAS I
6 SUPPOSED TO DO, JUST COME OUT RIGHT AND SAY OH,
7 THAT'S IT RIGHT THERE?

8 Q IT WASN'T IT, WAS IT?

9 A THERE WAS NO BROOM AS FAR I KNOW

10 Q NOT IN THAT HOUSE, WAS THERE?

11 A THERE WAS NO BROOM USED

12 Q IS THAT RIGHT? HOW DO YOU KNOW?

13 A THAT'S CORRECT I HEARD THE DOCTOR SAY WHAT HE
14 THINKS HAPPENED AND I BELIEVE THAT

15 Q OH, YOU DO?

16 A I SURE DO

17 Q OKAY BASED ON WHAT?

18 A BASED ON THE FACTS, THE EVIDENCE

19 Q WHAT FACTS?

20 A WHAT'S THE EVIDENCE, THE FACTS OF THE EVIDENCE

21 Q WELL, TELL ME YOU DECIDED THE BROOM WASN'T
22 USED IN THIS CASE EVEN THOUGH YOU'VE TOLD LAW
23 ENFORCEMENT THROUGHOUT A BROOM WAS USED, EVEN YOU
24 SAID A WOODEN BROOM WITHOUT A CAP, RIGHT?

25 A THAT'S CORRECT

003234

1 Q OKAY SO YOU THAT, DID THAT COME FROM THE OLD
2 GIRLFRIEND, SHE USED TO HAVE A BROOM LIKE THAT?

3 A NO, NOT IN MY MIND

4 Q WHERE DID YOU COME UP WITH A BLUE WOODEN BROOM
5 WITHOUT A CAP?

6 A HE SAID IT WAS SOMETHING DEEP I DIDN'T KNOW
7 WHAT IT WAS

8 Q OKAY

9 A I ASSUMED BECAUSE THE, BECAUSE SHE WAS TORN UP I
10 FIGURED THAT IT WASN'T BROOM WITH A CAP

11 Q OKAY AND AFTER YOU GO DOWN TO THE HOUSE, YOU
12 COME BACK AND YOU GET SOME LUNCH THEN, IS THAT RIGHT?

13 A I WAS GIVEN LUNCH, YES, SIR

14 Q YOU HAD ABOUT AN HOUR AND A HALF FOR LUNCH,
15 SOMETHING LIKE THAT? YOU WENT TO ANOTHER PLACE, YOU
16 DIDN'T HAVE TO SIT THERE AND EAT LUNCH WITH CAPTAIN
17 CABANISS, DID YOU?

18 A NO I SAT IN THE HOLDING CELL I DON'T KNOW
19 HOW LONG WE WAS IN THERE

20 Q OKAY BUT YOU HAD LUNCH?

21 A I DON'T THINK IT WAS NO HOUR AND A HALF THOUGH
22 IT PROBABLY ABOUT 45 MINUTES

23 Q YOU WERE HAVING LUNCH AND YOU WERE AWAY FROM
24 THEM, RIGHT?

25 A FOR A SHORT TIME, YES

003235

1 Q TELL THE JURY WHAT YOU ARE THINKING NOW YOU'VE
2 GONE TO THE HOUSE, YOU'VE GIVEN THIS STATEMENT THAT
3 YOU WROTE IN YOUR OWN HANDWRITING, RIGHT?

4 A RIGHT

5 Q OKAY AND THEN YOU HAVE GONE TO THE HOUSE AND
6 DONE THIS VIDEO, RIGHT?

7 A THAT'S RIGHT

8 Q OKAY SO NOW YOU ARE BACK AT THE POLICE STATION
9 BY YOURSELF, WHAT ARE YOU THINKING AS FAR AS THE
10 INSANITY STORY VERSUS BELIEVING YOU DID IT VERSUS I
11 DIDN'T DO IT, WHAT ARE YOU THINKING NOW?

12 A I'M THINKING, HE PROBABLY THINKS THAT'S WHAT
13 HAPPENED BECAUSE I GAVE THE STORY AND I LEFT IT AT
14 THAT BECAUSE I DIDN'T KNOW

15 Q SO AT THAT POINT YOU ARE THINKING HE BOUGHT THE
16 INSANITY STORY EVEN THOUGH YOU ADMIT SOME OF THE
17 STUFF YOU ARE SAYING ON THAT VIDEO IS INCREDULOUS,
18 RIGHT, THE WAY YOU TELL IT?

19 A LIKE, WHAT DO YOU MEAN?

20 Q LET'S SEE YOU'RE DREAMING, BUT YOU THINK
21 YOU'RE DREAMING BUT YOU WOKE UP, BUT YOU GO IN THERE
22 BUT YOU ARE REALLY DREAMING, AND THEN YOU WAKE UP IN
23 THE MORNING AND YOU THINK YOU WERE DREAMING YOU
24 KNOW, THAT'S NOT CREDIBLE, IS IT?

25 A IT'S --

003236

1 Q HE DIDN'T BELIEVE THAT, DID HE?

2 A HE DIDN'T -- NO, HE DIDN'T BELIEVE IT BECAUSE HE
3 TOLD ME HE DIDN'T BELIEVE IT WHEN HE COME BACK

4 Q THE FACT THAT YOU DREAMED IT, HE DIDN'T BELIEVE,
5 DID HE?

6 A HE DIDN'T BELIEVE IT WAS A DREAM, NO

7 Q HE DIDN'T BELIEVE THAT YOU STARTED THE ASSAULT
8 AND DIDN'T REALIZE THAT IT WAS AMANDA BECAUSE I THINK
9 YOU SAID SOMEWHERE IF YOU HAD ONLY SEEN HER FACE YOU
10 WOULD HAVE SNAPPED OUT OF IT, RIGHT?

11 A I SAID THAT IN THE DREAM, YEAH

12 Q YOU SAID THAT IN THE DREAM?

13 A I SAID THAT IN THE DREAM STATEMENT, IN THE
14 STATEMENT

15 Q DREAM STATEMENT?

16 A IT WAS A DREAM, THAT IS CORRECT

17 Q AND THE DREAM STATEMENT IS THE HANDWRITTEN
18 STATEMENT?

19 A THAT'S CORRECT

20 Q SO THEN AFTER LUNCH YOU SIT BACK DOWN WITH THEM,
21 RIGHT?

22 A THAT'S CORRECT

23 Q OKAY AND HE SAYS HE DOESN'T BELIEVE YOU?

24 A HE DOESN'T BELIEVE ME

25 Q OKAY AND IN YOUR MIND ARE YOU STILL GOING TO

1 SELL HIM THE INSANITY STORY AGAIN?

2 A NO-- WELL, THEY DIDN'T BUY IT HE SAID HE
3 DIDN'T BUY IT, SO I DIDN'T KNOW WHAT ELSE TO DO AND
4 THEN THEY STARTED ON ME ABOUT THE GREEN, THE GREEN
5 WRAP AND THEY SAID, YOU KNOW, WELL, THE GREEN WRAP
6 PROVES IT AND THE, AND WE TALKED ABOUT HER CLOTHES
7 WE TALKED ABOUT THE, EVERYTHING I TALKED ABOUT ALL
8 THE, ALL THE PIECES OF THE EVIDENCE AND THAT WAS, I
9 JUST GIVE UP I GAVE UP I DIDN'T CARE NO MORE HE
10 HAD THREATENED ME AND WHEN HE HAD THREATENED ME, I
11 MEAN, I DIDN'T CARE NO MORE I SAID HEY, MAYBE THE
12 DEATH PENALTY SOUNDS GOOD IN THIS CASE

13 Q SO ONCE HE THREATENED YOU, AS YOU SAY, THEN YOU
14 BAILED ON THE INSANITY PART, RIGHT?

15 A WELL, HE DIDN'T BUY IT

16 Q SO YOU ARE NOT SELLING IT IF HE AIN'T BUYING?

17 A I SAID HE DIDN'T BUY IT SO, I MEAN, I DIDN'T
18 KNOW WHAT ELSE TO SAY HE SAID I DON'T BUY IT I
19 DON'T BUY THE FIRST ONE I DON'T BUY THIS ONE I
20 WANT TO KNOW WHAT HAPPENED

21 Q OKAY AT THAT POINT DID YOU -- WHAT ABOUT GOING
22 BACK TO THE TRUTH AS YOU CALLED IT AND YOU DIDN'T DO
23 IT?

24 A I DID I HAD BEEN SAYING I DIDN'T DO IT I
25 STOOD UP AND SAID I DIDN'T DO IT

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1 Q DID YOU SAY GIVE ME ANOTHER PIECE OF PAPER, I
2 WANT TO WRITE OUT ANOTHER ONE?

3 A NO, I DID NOT

4 Q AND ULTIMATELY THAT AFTERNOON AFTER TALKING TO
5 HIM, THERE WAS ANOTHER STATEMENT THAT YOU MADE OF
6 YOUR OWN FREE WILL AND ACCORD, WITHOUT HOPE, REWARD
7 OR HOPE OF REWARD, AND HAVE NOT BEEN MISTREATED OR
8 THREATENED IN ANY WAY ALL THE ABOVE IS THE TRUTH,
9 THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH SO HELP ME
10 GOD I HAD READ OR HAD READ TO ME STATEMENT THAT IS
11 CONSISTING OF TWO PAGES AND RECEIVED A COPY OF THE
12 SAME IS THAT YOUR SIGNATURE THERE?

13 A THAT IS, THAT'S MY SIGNATURE

14 Q YOU REVIEWED THIS DOCUMENT?

15 A I DIDN'T REVIEW IT

16 Q STATE'S EXHIBIT 9?

17 A SHE READ IT TO ME, YES

18 Q OKAY SHE READ IT TO YOU?

19 A AND I SIGNED BOTH PAGES AND

20 Q OKAY LET'S TELL THE JURY WHAT THAT ONE SAYS

21 A ON NOVEMBER 29, 2001, JESSICA HAD HOMEWORK I
22 HELPED HER A COUPLE OF HOURS AND THEN I GOT
23 FRUSTRATED AND QUIT AND TOOK A BREAK AMANDA SAID I
24 WILL HELP JESSICA I THEN GOT SOME JOKES OFF OF THE
25 COMPUTER AND I SAID I'M GOING TO LAY DOWN AND STUDY

1 FOR MY BIBLE STUDY AMANDA SAID I WILL HELP HER AND
2 I SAID OKAY

3 Q STOP RIGHT THERE, MR COPE

4 MR POPE BEG THE COURT'S INDULGENCE

5 Q I'M SORRY, MR COPE IF YOU'LL CONTINUE PLEASE,
6 SIR, FOR THE JURY?

7 A AMANDA SAID I WILL HELP HER AND I SAID OKAY BUT
8 ALL HOMEWORK STOPS AT ONE AM I SET THE ALARM FOR
9 ONE AM AND AT ONE AM IT WENT OFF AND I SAID ARE Y'ALL
10 FINISHED AMANDA SAID YES I SAID GOOD Y'ALL CAN
11 GET IN THE BED I CALLED AMANDA BACK INTO MY BEDROOM
12 TO COME AND TURN THE LIGHTS OUT AND PUT THE PHONE ON
13 THE CHARGER I TOLD AMANDA TO TURN THE LIGHTS OUT
14 AND SHE DID I PULLED MY MASK ON AND I WENT TO
15 SLEEP I WOKE UP AT THREE AM I WENT TO THE
16 BATHROOM THEN I WENT INTO AMANDA'S ROOM I HAD A
17 HARD ON I JACKED OFF IN THE ROOM AND THEN I USED A
18 BLUE TOWEL TO CLEAN IT UP OR TO CLEAN UP I STARTED
19 GOING INTO AMANDA'S ROOM ABOUT THE END OF OCTOBER
20 THROUGH THE FIRST PART OF NOVEMBER PLAYING WITH HER
21 AND RUBBING HER AND FINGERING HER WHILE SHE WAS
22 ASLEEP THAT PART WAS STATED BECAUSE SHE ASKED ME
23 HAD THIS BEEN GOING ON FOR A LONG TIME I DIDN'T
24 CARE ANYMORE I DIDN'T CARE WHAT THEY THOUGHT THE
25 DEATH PENALTY SOUNDED GOOD SO I SAID OKAY

003240

1 Q SO YOU JUST THREW THAT ONE IN THERE --

2 A JUST DO IT RIGHT NOW I'VE BEEN GOING ON SINCE
3 OCTOBER

4 Q OKAY

5 A I NEVER TOUCHED MY DAUGHTER NEVER

6 Q NOW WHERE IS THAT IN HERE?

7 A IT'S NOT I'M STATING THAT NOW

8 Q IF YOU WOULD, OKAY FINGER HER WHILE SHE WAS
9 ASLEEP, IF YOU'LL CONTINUE ON?

10 A AMANDA WAS ASLEEP ON HER STOMACH I THINK THE
11 DILDO INSIDE HER IS WHAT WOKE HER UP WHEN SHE WOKE
12 UP I JUMPED ON TOP OF HER TO KEEP HER FROM TURNING
13 AND LOOKING AT ME THEN I HEARD HER SAY DADDY HELP ME
14 I STARTED STRANGLING HER WITH MY HANDS AMANDA WAS
15 PULLING AT MY HANDS AND I LET GO AND STARTED HITTING
16 HER IN THE HEAD THEN I WENT BACK TO STRANGLING
17 THEN SHE WENT LIMP I GOT UP, I SAW THE GREEN STRING
18 ON HER BLANKET, AND I WAS THINKING TO MYSELF THIS
19 WOULD LOOK LIKE SHE STRANGLED HERSELF I TOOK THE
20 GREEN STRIP AND WRAPPED IT AROUND HER NECK I WENT
21 STRAIGHT FOR THE WRAP FROM OFF OF THE FLOOR I WENT
22 STRAIGHT WITH THE WRAP FROM OFF OF THE FLOOR AND I
23 WRAPPED IT AROUND HER THROAT I PULLED BOTH ENDS SO
24 IT WOULD GOOD AND TIGHT HER HANDS WERE ALREADY AT
25 HER NECK SO I LEFT THEM THERE I JUMPED OFF THE BED

1 AND WENT AND PUT THE DILDO UP I WIPED IT OFF FIRST
2 WITH THE BLUE TOWEL THEN I PUT IT UP UNDER THE BED ON
3 THE FLOOR IN THE BEDROOM NORMALLY I PUT IT BETWEEN
4 THE MATTRESS AT THE HEAD OF THE BED, BUT IT HAD
5 FALLEN SO I PUT IT AT THE HEAD OF THE BED ON THE
6 FLOOR WHERE IT WAS THEN I FIXED THE DOORS IN
7 AMANDA'S ROOM SO THAT THEY WOULD LOCK I PULLED THE
8 CLOSET AND MAIN DOORS TOGETHER THAT IS HOW I LOCKED
9 THEM I DID THIS SO THAT THE KIDS WOULD NOT WAKE UP
10 AND SEE HER BEFORE MORNING I GOT BACK IN MY BED SO
11 I PUT MY MASK ON AND WENT TO SLEEP THEN I WOKE UP A
12 AT 6 02 AM ACCORDING TO THE CLOCK IN MY BEDROOM I
13 SAT UP, CALLED AMANDA TWICE, SOMEHOW I KNEW SHE WAS
14 NOT GOING TO ANSWER IT WAS LIKE A DREAM I THOUGHT
15 IT WAS A DREAM I DID NOT HEAR FROM AMANDA THOSE TWO
16 TIMES I CALLED HER SIR OR YES, SIR NO I CALLED
17 HER I DID NOT HEAR FROM AMANDA THOSE TWO TIMES I
18 CALLED HER, SIR OR YES, SIR, SO I YELLED AT THE TOP
19 OF MY LUNGS 'AMANDA' REAL LOUD I THOUGHT THAT THE
20 RAPTURE HAD TAKEN PLACE BECAUSE I HAD JUST FINISHED
21 READING THE LEFT BEHIND SERIES ABOUT ONE MONTH AGO
22 I HAD HOPED THE RAPTURE HAD TAKEN PLACE I WAS
23 PRAYING IT HAD HAPPENED I GOT UP AND LOOKED IN ON
24 KYLA AND JESSICA AND THEY WERE STILL ASLEEP I WENT
25 TO AMANDA'S DOOR AND I FORGET I HAD SET THE DOORS SO

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1 I PUSHED ON THE DOOR AND THEY WOULD NOT OPEN I
2 KICKED THE DOOR OPEN AND SAW AMANDA LAYING THERE
3 PURPLE I WALKED OVER TO HER AND TRIED TO WAKE HER
4 SHE WAS COLD I SCREAMED, I UNWRAPPED THE CORD THAT
5 I HAD PUT ON HER NECK KYLA AND JESSICA WALKED INTO
6 THE ROOM AND KYLA STARTED SCREAMING JESSICA SAID
7 DADDY IS SHE DEAD AND I SAID YES, GO AND GET ON THE
8 COUCH AND PRAY AS HARD AS YOU CAN AND REMEMBER ONE
9 THING SHE IS WITH JESUS I RAN TO THE TELEPHONE
10 WHICH IS EXACTLY IN FRONT OF THE COMPUTER AND I
11 CALLED 911 I SAID MY DAUGHTER WAS DEAD AND SHE'S
12 COLD AS A CUCUMBER THE REALITY HAD NOT SET IN
13 THEY ASKED ME FIRE, POLICE, OR MEDICAL I SAID
14 MEDICAL AND THE LADY SAID DESCRIBE YOUR DAUGHTER I
15 SAID SHE WAS 11 OR 12 AND THEN I CALLED MY WIFE'S
16 WORK AT 802-1100 AND I GOT AN ANSWERING MACHINE
17 THEN I DIALED 802-1199 I DID NOT GET AN ANSWER I
18 CALLED MY SISTER-IN-LAW AT 802-8937 I ASKED HER DID
19 SHE KNOW ANOTHER NUMBER TO CALL LEINER HER HUSBAND
20 WORKS THERE ALSO SHE SAID NO WHY? WHAT'S WRONG?
21 I SAID AMANDA IS DEAD THEN I HUNG UP AND CALLED THE
22 NUMBER AGAIN FOR LEINER I TOLD THE MALE SUBJECT
23 THAT ANSWERED THE PHONE THAT HE NEEDED TO HAVE MIKE
24 COPE BRING MARY COPE HOME IMMEDIATELY AND THAT OUR
25 DAUGHTER HAD BEEN FOUND DEAD THE POLICE STARTED

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1 COMING IN THE HOUSE AND THE PHONE RANG AND IT WAS MY
2 WIFE SHE WANTED TO KNOW WHAT WAS WRONG I TOLD HER
3 THAT I DID NOT WANT TO TELL HER ON THE PHONE BUT SHE
4 MADE ME TELL HER I THEN TOLD HER THAT AMANDA WAS
5 DEAD THEN I CALLED MY PASTOR AND SPOKE WITH HIS
6 WIFE I TOLD HER AND SHE SAID THAT THE PASTOR WOULD
7 BE RIGHT OVER THEN THE POLICE HAD ARRIVED AND
8 SEALED OFF EVERYTHING AND THE PASTOR COULD NOT GET
9 IN MY DADDY DID COME AND GET MY GIRLS NOT UNTIL
10 12/03/01 HAVE I REALIZED WHAT I DONE UP UNTIL NOW
11 AFTER TAKING ME, TALKING WITH YOU AND THE OTHER GUY,
12 I HAVE BLOCKED STUFF OUT I'M TELLING THE TRUTH THIS
13 TIME EVERYTHING I SAID BEFORE NOW IS NOT THE TRUTH
14 WHEN I PUT MY FINGERS INSIDE AMANDA I PULLED HER
15 PANTS AND PANTIES DOWN AND USED MY TWO FINGERS I
16 COULD HAVE JAMMED MY WHOLE HAND INSIDE I REMEMBER I
17 HAD WATERED DOWN JELLY ON MY FINGERS AROUND THE
18 FIRST OF OCTOBER WAS WHEN I STARTED MESSING WITH
19 AMANDA AT NIGHT WHILE SHE WAS ASLEEP AND I WOULD GO
20 INTO HER BEDROOM AND I WOULD FINGER HER AND USE A
21 DILDO ON HER I DID THIS MANY TIMES

22 Q MR COPE, WHILE YOU GOT THAT IN YOUR HAND, YOU
23 SAID YOU COULD HAVE JAMMED YOUR WHOLE HAND INSIDE
24 HER, COULD YOU TELL ME WHAT THAT LINE SAYS?

25 A SHE ASKED ME DID I USE MY FINGERS OR MY HAND AND

003244

1 I SAID I REALLY DON'T KNOW IT COULD HAVE BEEN MY
2 HAND AND SHE SAID, SHE SAID OKAY, SO THAT'S WHAT
3 SHE PUT DOWN

4 Q YOU JUST TOLD ME I COULD HAVE JAMMED MY WHOLE
5 HAND INSIDE HER, WHAT DOES THAT DOCUMENT SAY?

6 A I COULD HAVE JAMMED MY HAND INSIDE OF HER

7 Q OKAY I WANT TO CALL YOUR ATTENTION NOW TO
8 WHERE YOU'RE TALKING ABOUT YOUR SISTER-IN-LAW'S PHONE
9 NUMBER 802-8937?

10 A THAT'S CORRECT

11 Q WHAT IS THOSE INITIALS RIGHT ABOVE THAT NUMBER?

12 A BW COPE

13 Q WHAT IS THAT?

14 A THAT'S WHERE --

15 Q WHAT'S THAT TALKING ABOUT?

16 A THAT'S WHERE I SCANNED OVER AND SEEN THE NUMBER
17 WAS WRONG -- NO, SHE, SHE DID IT SHE MARKED IT WHEN
18 SHE WAS READING IT TO ME, SHE MARKED IT AND THEN SHE
19 TOLD ME TO SIGN IT RIGHT THERE THERE WAS ANOTHER
20 PLACE THAT WAS SIGNED BUT IT'S BEEN WHITED OUT RIGHT
21 NOW

22 Q OKAY AND SO THERE WERE PLACES WHERE YOU
23 INITIALED OR SOMETHING WAS WRONG?

24 A I INITIALED SHE MARKED IT AND HANDED IT TO ME
25 AND SHOWED ME WHERE IT WAS AT

003245

1 Q SO THERE WAS AT LEAST TWO PLACES THAT YOU MARKED
2 AND CHANGED THAT DOCUMENT?

3 A THAT'S CORRECT

4 Q I MEAN TO MAKE SURE THAT NOBODY CHANGED IT AFTER
5 YOU GOT THROUGH WITH IT, RIGHT? DID YOU MAKE ANY
6 OTHER CHANGES ON THAT? I MEAN YOU CHANGED THE PHONE
7 NUMBER, YOU CHANGED SOMETHING ELSE, DID YOU MAKE ANY
8 OTHER CHANGES?

9 A NO, SIR

10 Q AND SO AT THAT POINT WHEN YOU HAD THAT STATEMENT
11 THAT WAS THE LAST WRITTEN STATEMENT YOU GAVE?

12 A YES, SIR, BUT IF YOU ALSO NOTICE THAT THAT
13 CORRELATES A LOT WITH WHAT REALLY HAPPENED UP THE
14 UNTIL THE POINT THAT WHERE I DON'T KNOW HAPPENED
15 BECAUSE I WASN'T THERE, SO I FILLED IT IN WITH WHAT I
16 THOUGHT IT WAS AND I DIDN'T CARE BUT I KNEW WHAT,
17 WHAT HAPPENED WHEN I WOKE UP

18 Q SO PARTS OF THIS IS THE TRUTH?

19 A THE PARTS WHERE I WOKE UP AND WENT IN THERE AND
20 CHECKED HER IS THE TRUTH

21 Q OKAY AND THE PART ABOUT WHEN YOU WENT TO BED
22 IS THE TRUTH?

23 A AND THE PART WHERE I WENT TO BED IS THE TRUTH

24 Q OKAY

25 A BUT THE STUFF IN BETWEEN ANYTHING THAT HAPPENED

1 TO HER, I DID NOT DO IT

2 Q THE BLUE TOWEL IS NOT THE TRUTH, IS IT?

3 A I'M TELLING YOU I DID NOT DO IT

4 Q I ASKED YOU, THE BLUE TOWEL IS NOT THE TRUTH, IS
5 IT?

6 A THE BLUE TOWEL IS NOT THE TRUTH, NO, IT'S NOT

7 Q IT'S ACTUALLY A WHITE RAG, ISN'T IT?

8 A I DON'T KNOW ABOUT THE WHITE RAG THE WHITE RAG
9 WAS, HAD MY SEMEN ON IT IT DIDN'T HAVE NOTHING
10 ELSE

11 Q RIGHT HAD YOUR SEMEN ON IT FROM THAT NIGHT?

12 A I CAN'T SAY IT WAS THAT NIGHT

13 Q YOU KNOW WHETHER IT WAS THAT NIGHT OR NOT?

14 A I TOLD YOU I DIDN'T -- I DO NOT KNOW WHETHER IT
15 WAS THAT NIGHT

16 Q OKAY BECAUSE YOU HAD THIS LITTLE SPOT WHERE
17 YOU HID YOUR RAGS WHEN YOU MASTURBATED?

18 A THAT'S CORRECT

19 Q AND YOU SAID THE PLACE THAT, THE JURY IS GOING
20 TO SEE THE PICTURE WHERE IT'S FOUND UNDER THE BOOK
21 CASE, IT REALLY WASN'T THAT BOOK CASE IT WAS THE
22 PLACE --

23 A IT WAS UNDER THE OTHER BOOK CASE, THAT'S
24 CORRECT

25 Q OKAY AND YOU WOULD HIDE THOSE RAGS THERE FOR

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1 LONG?

2 A I DON'T KNOW FOR A, FOR A GOOD LONG TIME

3 Q HOW MANY RAGS WOULD YOU BUILD UP UNDER THERE?

4 A OH, NONE I WOULD, THERE WOULD USUALLY BE,
5 SOMETIMES IT WOULD GO TWO OR THREE DAYS BEFORE I
6 WOULD CHANGE THE RAG

7 Q OKAY AND SO IT WOULD BE HIDDEN UP UNDER THAT
8 BOOK SHELF?

9 A THAT'S CORRECT

10 Q RIGHT THERE IN THE HALL, RIGHT HERE IN THE HALL
11 WHERE WE WERE TALKING ABOUT, RIGHT?

12 A THAT'S CORRECT

13 Q THAT'S WHERE THE BOOK SHELF IS?

14 A YES, SIR

15 Q AND SO THIS STATEMENT DOESN'T SAY ANYTHING ABOUT
16 THAT NIGHT THAT YOU MASTURBATE, DOES IT?

17 A NO, SIR I TOLD YOU THAT RAG PROBABLY HAD BEEN
18 THERE A COUPLE OF DAYS I DIDN'T MAST--I PROBABLY
19 DIDN'T MASTURBATE THAT NIGHT

20 Q OKAY WELL, YOU ACTUALLY TOLD US THAT RAG
21 WASN'T EVEN IN THE PLACE WHERE ---

22 A IT'S NOT

23 Q OKAY

24 A IT'S NOT IN THE RIGHT PLACE

25 Q AND THAT PARTICULAR NIGHT, AND OF COURSE, YOU

1 TOLD LAW ENFORCEMENT ABOUT CLEANING UP IN THESE
2 STATEMENTS, RIGHT? CLEANING UP AND TRYING TO GET RID
3 OF EVERYTHING OUT OF THE HOUSE, RIGHT?

4 A I DID SAY THAT YES, I DID

5 Q SO THE BLUE WOODEN BROOM WASN'T IN THE HOUSE,
6 WAS IT? THAT NEXT MORNING THE BLUE WOODEN BROOM
7 WASN'T IN THE HOUSE, WAS IT?

8 A I DON'T KNOW I MEAN, ALL I KNOW IS WHAT YOU
9 SAID YOU FOUND

10 Q OKAY YOU DON'T KNOW WHERE THE BROOM WAS?

11 A I DIDN'T -- I DIDN'T DO NOTHING I TOLD YOU
12 THAT ALREADY

13 Q OKAY LET ME ASK YOU THIS THE RAG THAT THEY
14 FOUND YOU DIRECTED THEM TO, THAT PART IS TRUE, RIGHT?

15 A YEAH I KNEW THERE WAS A RAG THERE THAT I HAD
16 USED PREVIOUSLY

17 Q AND SO YOU KIND OF GAVE THEM THAT JUST TO KIND
18 OF SPICE UP THIS STORY A LITTLE BIT?

19 A NO, SIR I JUST -- IT WASN'T THAT I JUST KNEW
20 THAT I HAD THE RAG THERE AND THEN I HAVE BECAUSE I
21 HAD MASTURBATED SEVERAL DAYS BEFORE MORE OR LESS

22 Q NOW SEVERAL DAYS BEFORE --

23 A I'M NOT SAYING WHETHER I DID OR NOT I DO NOT
24 REMEMBER THAT'S ALL I'M SAYING

25 Q ALL RIGHT YOU'VE TOLD ME THAT SEVERAL TIMES

1 I UNDERSTAND THAT

2 A SEVERAL TIMES

3 Q YOU ARE SAYING, JUST TO MAKE CLEAR

4 A THAT'S RIGHT

5 Q SOMETIMES I ASK CONFUSING QUESTIONS THAT NIGHT
6 AMANDA'S IN THERE IN HER ROOM AND YOU CAN'T SAY THAT
7 NIGHT WHETHER YOU MASTURBATED ON THAT RAG OR NOT, YOU
8 DON'T REMEMBER, THAT'S YOUR TESTIMONY, RIGHT?

9 A I'M SAYING I DON'T REMEMBER WHEN I GOT UP OUT OF
10 THE BED AND WENT TO THE BATHROOM IF I WENT BACK TO MY
11 ROOM AND MASTURBATED BEFORE I WENT TO SLEEP

12 Q I GOT YOU OKAY AND THIS STATEMENT IT DOESN'T
13 TELL ANYTHING ABOUT WATCHING MR SANDERS, DOES IT?

14 A WATCHING WHO? I DID NOT SEE NO MR SANDERS I
15 DIDN'T EVEN KNOW WHO MR SANDERS WAS

16 Q OKAY IT DOESN'T SAY ANYTHING ABOUT YOU
17 WATCHING MR SANDERS AND YOU MASTURBATING IN THE
18 HALL, DOES IT?

19 A IT DOESN'T SAY THAT BECAUSE IT COULDN'T HAVE
20 HAPPENED I DON'T KNOW WHAT HAPPENED

21 Q OKAY LET ME ASK YOU THE SEXUAL ISSUE, YOU
22 HAD INDICATED THAT YOUR WIFE -- OF COURSE, YOU'VE
23 INDICATED IN HERE THAT YOU WERE ABUSING YOUR
24 DAUGHTER, RIGHT?

25 A I INDICATED IN THAT, YES, I DID

003250

1 Q OKAY AND YOU EVEN WENT AS FAR AS TELLING WITH
2 WHAT AND HOW, RIGHT?

3 A I WAS TRYING TO JUICE IT UP BECAUSE I DIDN'T
4 CARE ANY MORE

5 Q SO IF YOU DON'T CARE, YOU MINE AS WELL MAKE IT
6 GOOD, RIGHT?

7 A HE SAID HE WAS GOING TO GO WITH THE DEATH
8 PENALTY, WHAT ELSE COULD I-- I SAID IT SOUNDS GOOD TO
9 ME

10 Q OKAY

11 A SO

12 Q SO YOU ARE TRYING TO HELP HIM MAKE SURE HE GOT
13 THE DEATH PENALTY?

14 A IT DIDN'T MAKE NO DIFFERENCE NO MORE I DIDN'T
15 CARE

16 Q OKAY THE DILDO WAS ACTUALLY MARY SUE'S, RIGHT?

17 A THE DILDO WAS MARY SUE'S, THAT'S CORRECT

18 Q OKAY AND ACTUALLY SHE HAD SOME FEMALE SURGERY
19 EARLIER SO YOU GUYS WEREN'T HAVING SEX, RIGHT?

20 A NOT REGULARLY, NO WELL, SHE HADN'T HAD THE
21 SURGERY AT THAT TIME, NO IT HAD BEEN EARLIER THAN
22 THAT

23 Q OKAY AND YOU OFTEN TIMES HAD DIFFICULTIES
24 GETTING ERECTIONS, DIDN'T YOU?

25 A NO, SIR WELL, SOMETIMES THERE, EVERY ONCE IN A

1 WHILE, YES, SIR

2 Q AND OFTEN TIMES MARY SUE AND TERESA, YOU WOULD
3 TALK ABOUT HAVING A THREE-SOME WITH A MAN OR A WOMAN
4 IN ORDER TO GET SIMULATED, WOULDN'T YOU?

5 A I NEVER NOTHING LIKE THAT, NO

6 MR MORTON YOUR HONOR --

7 THE COURT LET ME LET THE JURY GO TO THE
8 JURY ROOM FOR JUST A MINUTE WHILE WE TAKE UP A
9 MATTER

10 (THE JURY EXITS THE COURTROOM AT 09 56
11 AM)

12 MR POPE YOUR HONOR, I MOVE THIS WITNESS
13 BE EXCUSED

14 THE COURT WELL, NO, HE'S THE DEFENDANT
15 HE CAN'T

16 MR POPE WELL, HE CAN'T -- WE NEED TO
17 APPROACH THE BENCH TO ADDRESS THIS ISSUE

18 MR MORTON I MOVE FOR A MISTRIAL
19 WHAT'S HE DOING?

20 THE COURT ALL RIGHT WHAT WAS THE
21 QUESTION AGAIN THAT YOU ARE MOVING TO, ON WHAT BASIS
22 ARE YOU MOVING FOR A --

23 MR MORTON I'M MOVING FOR A MISTRIAL ON
24 THE FACT THAT MR POPE IS NOW BRINGING UP SOME KIND
25 OF EXTRANEIOUS MATTERS ABOUT MY CLIENT HAVING A

1 THREE-SOME WITH MEN AND WITH WOMEN IN FRONT OF THIS
2 JURY

3 THE COURT WHAT'S THE --

4 MR POPE PLEASE THE COURT, YOUR HONOR

5 THE COURT HOW DOES THAT GET INTO --

6 MR POPE I HAVE A GOOD FAITH BASIS OF
7 MARY COPE STATED THAT BILLY WOULD ALWAYS TALK ABOUT
8 HAVING A THREE-SOME WITH A MALE OR FEMALE THAT HE
9 WANTED, WHEN HE WANTED SEX, HE WOULD TALK OF
10 THREE-SOME ACTIVITIES TO GET AN ERECTION AND
11 MASTURBATE WE ARE TALKING ABOUT MASTURBATION, WE'RE
12 TALKING ABOUT ERECTIONS ISSUES, AND IT'S -- I GOT A
13 GOOD FAITH BASIS FOR ASKING IT

14 THE COURT WELL, YOU GOT A GOOD FAITH
15 BASIS ASKING IT BUT HOW IS IT RELEVANT?

16 MR POPE I THINK IT IS RELEVANT---

17 THE COURT I MEAN I CAN SEE HOW IT'S
18 RELEVANT BUT BASED ON WHAT'S IN THE RECORD

19 MR POPE YES, SIR

20 THE COURT HOW IS IT RELEVANT?

21 MR POPE THIS IS EXACTLY HOW IT IS
22 RELEVANT THE EVIDENCE INDICATES THAT TWO
23 INDIVIDUALS WERE INVOLVED THAT PARTICULAR NIGHT
24 AND --

25 MR MORTON THE EVIDENCE DOESN'T POINT TO

1 ANY SUCH THING

2 MR POPE WE GOT HIM CONFESSING TO DOING
3 IT, YOU GOT HIM, THE SAME CASE THAT YOU'VE HEARD THE
4 WHOLE TIME, AND THERE IS A CLEAR INDICATION THAT HE
5 DID IN FACT MASTURBATE THAT NIGHT AND THERE IS A
6 CLEAR INDICATION THAT HE MASTURBATED WITH THE TIME
7 FRAMES WHILE WATCHING THIS MAN HAVE SEX WITH HIS
8 DAUGHTER

9 THE COURT ALL RIGHT BUT THAT'S BASED
10 ON WHAT NOW? A STATEMENT BY HIS DECEASED WIFE?

11 MR POPE RIGHT, TO LAW ENFORCEMENT

12 THE COURT HOW DOES THAT GET IN?

13 MR POPE SIR?

14 THE COURT HOW DID YOU GET THAT IN?

15 THAT'S HEARSAY

16 MR POPE I HAVE GOOD FAITH BASIS FOR
17 QUESTIONING HIM JUST LIKE MR MORTON DID EARLIER IN
18 THE TRIAL AND SAYING, YOU KNOW, WHY WOULD SO AND SO
19 SAY SUCH AND SUCH AND YOU ALLOWED THAT TO COME IN
20 YOU CAN ASK HIM THAT, THAT I MAY BE STUCK WITH HIS
21 ANSWER, OF COURSE HE'S ALREADY ANSWERED IT, BUT I
22 HAVE A GOOD FAITH BASIS FOR ASKING IT AND WOULD BE
23 ALLOWED TO PURSUE IT

24 THE COURT ANYTHING ELSE, MR MORTON?

25 MR MORTON I MOVE FOR A MISTRIAL THIS

1 JURY HAS BEEN PREJUDICED BY THIS OUTRAGEOUS COMMENT
2 BY THE SOLICITOR IN FRONT OF THIS JURY IT DOESN'T
3 HAVE ANYTHING TO DO WITH THIS TRIAL YOU KNOW,
4 WHETHER IT COMES FROM A STATEMENT OR ANYTHING, YOU
5 DON'T BRING THAT UP IN FRONT OF THE JURY 10 DAYS INTO
6 A TRIAL ABOUT HIM HAVING A SEX WITH MEN AND OTHER
7 WOMEN AND YOU KNOW WHAT IF IT HAD SAID A DOG OR
8 SOMETHING? I MEAN, IT'S RIDICULOUS

9 MR POPE WELL, YOU GOT TO HAVE A GOOD
10 FAITH BASIS --

11 MR MORTON HE'S BEEN PREJUDICED BY IT
12 AND THIS JURY HAS BEEN TAINTED BY IT AND I MOVE FOR A
13 MISTRIAL

14 THE COURT WELL, I'M GOING TO DENY THE
15 MOTION FOR A MISTRIAL I WILL GIVE A CURATIVE
16 INSTRUCTION

17 MR MORTON YOUR HONOR, I WANT, YOU KNOW,
18 I MOVING FOR, I AM REALLY MOVING FOR A MISTRIAL

19 THE COURT WELL, I HEARD YOU

20 MR MORTON THIS JURY DOESN'T NEED TO
21 HEAR ALL THAT AND HE NEEDS TO BE ADMONISHED AND THEY
22 NEED TO BE TOLD THAT THEY ARE NOT TO CONSIDER ANY
23 SUCH LUDICROUS THING

24 THE COURT WELL, THAT'S WHAT I'M GOING TO
25 DO IF YOU OVER THE BREAK WILL DRAW UP AND YOU DON'T

1 HAVE TO ACCEPT A CURATIVE INSTRUCTION, BUT IF YOU
2 WILL, IF YOU WOULD LIKE, IF YOU WILL DRAW UP A
3 CURATIVE INSTRUCTION OR WOULD YOU RATHER ME JUST DO
4 IT? YOU ARE NOT WAIVING YOUR --

5 MR MORTON I UNDERSTAND I'LL BE GLAD TO
6 DO IT

7 THE COURT ---YOUR MISTRIAL WE'LL TAKE
8 A SHORT BREAK

9 MR MORTON THANK YOU, YOUR HONOR
10 (COURT'S IN RECESS AT 09 59 AM)

11 THE COURT I HAVE THE CURATIVE
12 INSTRUCTION AND COMMENTS FROM THE STATE

13 MR POPE YES, SIR, YOUR HONOR RULE 611
14 B, SCOPE OF CROSS EXAMINATION, A WITNESS MAY CROSS
15 EXAMINE ON ANY MATERIAL RELEVANT TO ANY ISSUE IN THE
16 CASE INCLUDING CREDIBILITY YOUR HONOR, THIS
17 PARTICULAR CASE YOU CLEARLY ACKNOWLEDGE YOURSELF YOU
18 SEE THE RELEVANCE IN THIS PARTICULAR ISSUE I DIDN'T
19 CUT IT OUT OF WHOLE CLOTH IT CAME OUT OF THE
20 DISCOVERY MATERIALS THAT THE DEFENSE HAS HAD I GOT
21 A GOOD FAITH BASIS FOR ASKING IT THE FACT THAT MR
22 MORTON DECIDES TO GET MORE OUTRAGED DOES NOT CHANGE
23 THE RULES OF EVIDENCE, YOUR HONOR, AND I SUBMIT TO
24 GIVE -- NOW YOU'VE STRICKEN THINGS BEFORE AND I
25 RESPECT THE COURT'S DETERMINATION IF YOU CHOOSE TO

1 STRIKE IT, BUT TO GIVE A CURATIVE INSTRUCTION ON THIS
2 AREA BECAUSE MR MORTON IS SOMEHOW MORE OUTRAGED WHEN
3 THIS IS CLEARLY RELEVANT TO THE CASE WOULD IN ESSENCE
4 BE HAVING YOU COMMENT THAT SOMEHOW THAT QUESTION WAS
5 IMPROPER AND I SUBMIT TO YOU IT'S NOT IMPROPER, YOUR
6 HONOR

7 THE COURT NOW TELL ME AGAIN, I KNOW THE
8 QUESTION HAD TO DO WITH THE THREE-SOME, LET'S CALL
9 IT, AND IT CAME FROM WHAT?

10 MR POPE MARY COPE WAS ASKED BECAUSE
11 OBVIOUSLY THE MASTURBATION ISSUE HAD COME UP, THEN
12 MARY COPE WAS ASKED ABOUT THEIR SEXUAL SITUATION
13 BASED ON THE SEXUAL NATURE OF THIS CASE AND SHE
14 STATED THAT BILLY WOULD ALWAYS TALK ABOUT HAVING A
15 THREE-SOME WITH A MALE OR A FEMALE, SAID THAT
16 WHENEVER BILLY WANTED SEX HE WOULD TALK OF A
17 THREE-SOME ACTIVITIES TO GET AN ERECTION AND
18 MASTURBATE, SO THAT'S THE QUESTION THAT I POSED AND
19 OF COURSE HE DENIED IT BUT I AM CONCERNED -- I
20 UNDERSTAND MR MORTON'S OUTRAGE BUT JUST BECAUSE HE'S
21 OUTRAGED AND THEN WE COME AND SAY SOMEHOW THE
22 PROSECUTION HAS DONE SOMETHING IMPROPER, WHICH IS
23 CLEARLY NOT THE CASE, YOUR HONOR AND MY CONCERN IS
24 BY GIVING SOME INSTRUCTION MUCH LIKE YOU HAD THEN
25 SOMEHOW THE SOLICITOR HAS DONE SOMETHING IMPROPER AND

1 THAT'S JUST NOT THE CASE, YOUR HONOR

2 THE COURT ANYTHING ELSE, MR MORTON?

3 MR MORTON YES, SIR, I STILL MOVE FOR A
4 MISTRIAL AS OPPOSED TO A CURATIVE INSTRUCTION

5 THE COURT I'M GOING TO, RULE 430 ALLOWS
6 THE COURT EVEN IF IT IS RELEVANT TO EXCLUDE EVIDENCE
7 IF ITS PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGHED BY
8 THE DANGER OF UNFAIR PREJUDICE I'M GOING TO GIVE A
9 CURATIVE INSTRUCTION, BUT I'M NOT GOING TO GO INTO AS
10 MUCH DETAIL AS THE DEFENSE ASKED I'M JUST GOING TO
11 INSTRUCT THE JURY, WITHOUT COMMENTING, TO DISREGARD
12 THE LAST QUESTION AND ANSWER QUESTION BY THE STATE
13 AND THE ANSWER, OF COURSE HE DENIED IT, SO THE ANSWER
14 BUT YOU CAN'T HAVE AN ANSWER WITHOUT A QUESTION, SO
15 I'M JUST GOING TO TELL THEM TO DISREGARD THE QUESTION
16 AND ANSWER ALL RIGHT

17 MR MORTON YOUR HONOR AND I'LL ASK THAT
18 THE COURT, TELL THE JUDGE THAT THEY ARE TO CONSIDER
19 THE FACTS OF THIS CASE AND THESE ARE NOT THE FACTS OF
20 THIS CASE

21 THE COURT WELL, I'M GOING TO TELL THEM
22 THAT AT THE END I'M NOT GOING TO GIVE A MINI
23 CHARGE

24 MR MORTON I WILL -- I'M SORRY I WANT
25 THE RECORD TO REFLECT THAT IT'S MY PROPOSED

003258

1 INSTRUCTION AS SOMETHING THE COURT ASKED ME TO ASSIST
2 HIM, BECAUSE I'M NOT PROPOSING AN INSTRUCTION, I'M
3 PROPOSING A MISTRIAL

4 THE COURT WELL, I'LL MAKE YOUR FORCED
5 PROPOSAL OR WHATEVER YOU WANT TO CALL IT, YOUR
6 PROPOSAL OVER YOUR OBJECTION --

7 MR MORTON WELL, YOU ASKED ME TO DO
8 THAT

9 THE COURT I KNOW I'M JUST TRYING TO
10 PUT IT IN LANGUAGE THAT SAYS WHAT YOU WANT IT TO SAY
11 Y'ALL UNDERSTAND

12 MR MORTON I UNDERSTAND

13 THE COURT YOU DIDN'T WANT TO DO THIS,
14 THIS WAS FORCED, AND YOU DID A GOOD JOB, BUT I'M
15 GOING TO MAKE IT PART OF THE RECORD AND NOT USE IT

16 MR MORTON OKAY

17 THE COURT BRING IN THE JURY

18 (THE JURY RETURNS TO THE COURTROOM AT
19 10 19 AM)

20 THE COURT MEMBERS OF THE JURY PANEL, THE
21 LAST QUESTION POSED BY THE STATE AND THE LAST ANSWER
22 THE RESPONSE THERE TO I'M GOING TO STRIKE FROM THE
23 RECORD, SO YOU ARE TO DISREGARD AND GIVE NO, NOT
24 CONSIDER IN ANY FASHION THE LAST QUESTION AND THE
25 ANSWER BY MR COPE THANK YOU

003259

1 MR POPE PLEASE THE COURT, YOUR HONOR
2 MR MORTON AND MY OBJECTION IS NOTED FOR
3 THE RECORD CAN WE APPROACH

4 (BENCH CONFERENCE AT 10 21 AM)

5 MR POPE PLEASE THE COURT, YOUR HONOR

6 CROSS EXAMINATION CONTINUED BY MR POPE

7 Q MR COPE, WE WERE TALKING ABOUT STATE'S EXHIBIT
8 NINE?

9 A THAT'S CORRECT

10 Q OKAY AND THAT WAS THE LAST WRITTEN STATEMENT
11 THAT YOU GAVE ON THIS MATTER, IS THAT CORRECT?

12 A THE LAST WRITTEN STATEMENT YES, SIR, THIS IS
13 THE LAST STATEMENT, WRITTEN STATEMENT

14 Q SO THAT MONDAY, ON INSANITY DAY, THE FIRST
15 STATEMENT YOU GAVE WAS THE HANDWRITTEN ONE THAT YOU
16 WROTE OUT, RIGHT?

17 A THAT IS CORRECT

18 Q OKAY AND THEN OF COURSE WE HAVE A VIDEO?

19 A THAT IS CORRECT

20 Q OKAY AND SO THE HANDWRITTEN STATEMENT AND THE
21 VIDEO ARE UNDER THE INSANITY THEORY, RIGHT?

22 A YES, SIR

23 Q OKAY AND THEN THIS STATEMENT DONE IN THE
24 AFTERNOON KIND OF BAILS ON THE INSANITY THEORY, THIS
25 IS JUST I'LL TELL EVERYTHING YOU WANT YOU, Y'ALL PUT

1 WHAT YOU WANT HERE, RIGHT?

2 A IT'S NOT A THEORY, SIR, IT'S THE TRUTH

3 Q SO THAT'S WHERE YOU ARE AT HERE YOU PUT, YOU
4 JUST BASICALLY, THIS CONTAINS WHATEVER THEY WANTED TO
5 PUT?

6 A I, THAT'S CORRECT, YES, SIR

7 Q AND YOU DIDN'T REALLY HAVE A HAND IN THIS?

8 A I DIDN'T SAY I DIDN'T HAVE A HAND IN IT THEY
9 TALKED TO ME, I TOLD THEM, THEY WROTE IT DOWN

10 Q SO THEY WROTE WHAT YOU TOLD THEM?

11 A YES, SIR

12 Q OKAY NOW WE TOUCHED ON THIS YESTERDAY IN
13 ALMOST EVERY STATEMENT YOU HAVE YOU HAVE SOMETHING
14 ABOUT AMANDA SPEAKING, DO YOU RECALL THAT?

15 A YES, SIR, I CAN REMEMBER THAT

16 Q OKAY AND AT ONE POINT AND EVEN ON THE VIDEO I
17 THINK IT'S COME HERE DADDY OR COME, IS IT COME UP
18 HERE DADDY, COME HERE DADDY, WHAT IS IT SHE IS
19 TELLING YOU ON THE VIDEO?

20 A (NO RESPONSE) I DON'T REMEMBER EXACTLY

21 Q OKAY

22 A BECAUSE I MEAN I CAN'T REMEMBER ONE TO THE NEXT
23 BECAUSE IT WAS A LIE THAT ONE WAS A LIE ALL OF
24 THEM WAS A LIE

25 Q SO DADDY HELP ME WAS A LIE TOO?

003261

1 A THAT'S CORRECT IT WAS A LIE

2 Q OKAY AND OH GROSS DADDY THAT WAS A LIE?

3 A THAT ONE WAS BROUGHT FROM WHAT I SAID EARLIER
4 WHEN THEY WERE, WHEN ME AND HERRING WAS TALKING AND
5 MR BAKER BROUGHT UP THAT PART

6 Q SO MR BAKER, YOU ARE SAYING MR BAKER GOT IT
7 FROM THAT NIGHT BEFORE WHERE YOU SHOWED ME ON THE
8 SHEET YESTERDAY?

9 A WHEN WE WERE TALKING ABOUT EW GROSS DADDY, YES

10 Q SO MISTER --

11 A OR EW GROSS MOMMA

12 Q MR BAKER WASN'T INVOLVED THAT NIGHT BEFORE?

13 A HE WASN'T INVOLVED, NO, BUT HE GOT THE NOTES
14 FROM MR HERRING THE NEXT MORNING HE GOT A LOT OF
15 NOTES AND STUFF

16 Q SO HE GOT THE NOTES WHERE SHE SAID EW GROSS
17 DADDY?

18 A AND THEY BROUGHT UP OH GROSS

19 Q ALL RIGHT AND THEN YOU ALSO HEARD HER VOICE IN
20 THE DREAM HOW MANY DIFFERENT DREAMS DID YOU HAVE ON
21 THAT NIGHT?

22 A HOW MANY DREAMS, I HAD JUST, THAT I CAN RECALL
23 IS THE ONE THAT I WOKE UP WITH

24 Q OKAY AND YOU HEARD HER VOICE IN THAT DREAM?

25 A THAT'S CORRECT

003262

1 Q OKAY NOW THE ANGEL MUSIC PART, YOU KNOW, WHERE
2 YOU HEAR ANGLE MUSIC LIKE AT THE EXACT TIME THAT
3 PEOPLE DIE AND SHE SAID DADDY I LOVE YOU, GOODBYE,
4 WAS THAT IN THAT DREAM OR IS THAT SOMETHING YOU
5 ACTUALLY HEARD?

6 A THAT WAS--IT WAS IN THE DREAM I THOUGHT IT WAS
7 THE RAPTURE

8 Q OKAY WE'VE BEEN OVER THIS MASTURBATION, ONE
9 TIME YOU SAY BLUE TOWEL, THEN YOU SAY NO TOWEL, WHITE
10 RAG I THINK WHEN YOU TESTIFIED FIRST YOU SAID YOU
11 CAN'T REMEMBER THAT NIGHT WHETHER IT WAS A WASH CLOTH
12 OR OLD T-SHIRT?

13 A I SAID IT DIDN'T, IT JUST VARIED FROM WHATEVER
14 IT COULD BE A WASH CLOTH, TOWEL, T-SHIRT

15 Q OKAY AND YOU SAID THAT YOU HAD THAT HIDING
16 PLACE BECAUSE SOMEBODY MIGHT GET A HOLD OF IT, RIGHT?

17 A THAT'S CORRECT

18 Q SO YOU ARE HIDING IT FROM YOUR FAMILY OR
19 SOMETHING?

20 A I DIDN'T WANT A, ME AND MY WIFE, YOU KNOW, I
21 DIDN'T WANT TO MAKE HER FEEL BAD BECAUSE I KNOW, YOU
22 KNOW, THAT SHE HAVE HAVING PROBLEMS

23 Q OKAY AND YOU CALLED IT YOUR SPECIAL HIDING
24 PLACE?

25 A I DIDN'T SAY IT WAS MY SPECIAL HIDING PLACE

1 IT'S JUST PLACE WHERE I HID IT

2 Q THAT'S ALWAYS THE PLACE YOU USED, RIGHT?

3 A YES, SIR

4 Q OKAY AS FAR AS THE DILDO, SOME STATEMENTS YOU
5 SAID YOU USED IT ON AMANDA AND SOMETIMES YOU SAID
6 ONLY THE BROOM, IS THAT RIGHT?

7 A I THINK THE DILDO AND THE BROOM WERE THE TWO
8 ITEMS THAT WERE SAID THAT WAS USED, YES, SIR

9 Q OKAY SO THAT'S THE ONES THAT YOU USED IN YOUR
10 STORY?

11 A IN THE STORIES THAT I TOLD AND WHEN I DIDN'T
12 CARE NO MORE I JUST SAID WHATEVER WAS ON MY MIND
13 I DIDN'T CARE

14 Q WHATEVER WAS ON YOUR MIND?

15 A THAT'S RIGHT

16 Q OKAY AND THEN AS FAR AS THE BROOM, AGAIN
17 YOU'VE BEEN IN COURT, THERE HAVE BEEN A NUMBER OF
18 BROOMS AND YOU CONSISTENCY TOLD THEM IT'S A BLUE
19 WOODEN BROOM WITH NO CAP ON THE END, RIGHT?

20 A I SAID BLUE WOODEN BROOM I SAID NO CAP ON THE
21 END BECAUSE SHE SHOWED ME TWO WITH A CAP

22 Q OKAY YOU UNDERSTAND NOW ABOUT THE WAY SHE WAS
23 THERE THAT DAY THAT THE SCENE WAS STAGED THAT IT
24 WAS MADE TO LOOK LIKE SOMETHING IT REALLY WASN'T,
25 RIGHT?

003264

1 A WHAT DO YOU MEAN BY THAT?

2 Q YOU'RE AWARE NOW FROM ALL THAT YOU'VE READ THAT
3 SHE WASN'T STRANGLED WITH THIS GREEN BLANKET, RIGHT?

4 A I'M AWARE THAT'S WHAT THEY SAID, YES, SIR

5 Q YOU THINK MAYBE SHE STILL WAS STRANGLED BY THE
6 BLANKET?

7 A I, ALL I KNEW IS WHAT I SAW WHEN I WENT IN THERE
8 AND HOW HER HANDS WAS

9 Q OKAY AND YOU, OF COURSE, HAVE GIVEN STATEMENTS
10 ABOUT YOU WRAPPING IT AROUND TO LOOK LIKE SHE WAS
11 KILLED, RIGHT?

12 A WELL, I MEAN, THAT'S ALL I KNEW SO I PUT DOWN
13 WHAT I--THE PARTS THAT I KNEW

14 Q AND OF COURSE HER BRA WAS LOOSE THAT MORNING,
15 RIGHT?

16 A I SAID I DIDN'T KNOW BECAUSE I DIDN'T SEE HER
17 BRA

18 Q OKAY IT WAS PLACED ON HER, RIGHT?

19 A I DON'T KNOW THAT

20 Q OKAY YOU SAW HER BREAST, YOU SAW YOUR RIGHT
21 BREAST?

22 A I SAW HER RIGHT BREAST WHEN SHE ROLLED OVER AND
23 HER HANDS DROPPED DOWN, I SAW HER RIGHT BREAST

24 Q AND, OF COURSE, HER PANTS WERE PULLED UP AND THE
25 DOCTOR TESTIFIED ABOUT SOMEBODY ELSE BY THE WAY IT

1 ROLLED UNDER, RIGHT?

2 A I GUESS SO

3 Q OKAY AND YOU TOLD THEM THAT MORNING OF THE
4 THIRD THAT I TRIED TO RID THE HOUSE OF ALL THE STUFF
5 THAT WOULD MAKE ME LOOK GUILTY, RIGHT?

6 A THAT'S CORRECT BECAUSE I HAD BEEN TOLD THINGS
7 WERE MISSING, I WAS TOLD THAT A DILDO WAS MISSING SO,
8 AND I HAD ALREADY TOLD THEM IN THAT STATEMENT TO
9 BAKER THAT I HAD RID THE HOUSE, I PUT, I THREW
10 STUFF OUT OF THE BACK DOOR

11 Q OKAY

12 A ALL RIGHT

13 Q LET ME ASK A LITTLE BIT ABOUT THESE LETTERS AND
14 YOUR ART WORK AND STUFF, YOU'VE HAD A CHANCE TO LOOK
15 AT THESE?

16 A YES, SIR

17 Q AND THAT'S STATE'S EXHIBIT NUMBER 91 NOW THESE
18 I THINK YOU TALKED IN DETAIL YESTERDAY, THESE ARE
19 LETTERS THAT YOU WROTE AND YOU PUT ART WORK ON THE
20 OUTSIDE OF THE LETTERS, IS THAT CORRECT?

21 A THAT'S CORRECT

22 Q SO YOU HAD A CHANCE TO LOOK AT THEM, RIGHT?

23 A YES, I'VE HAD A CHANCE TO LOOK AT THEM

24 Q SO THESE ARE YOUR ENVELOPES?

25 A THOSE ARE MY ENVELOPES

003266

1 Q YOUR SIGNATURES?

2 A THOSE ARE MY SIGNATURES

3 Q I SAY SIGNATURES, ADDRESSES?

4 A YES

5 Q AND THEN THIS WRITING IS ALL YOUR WRITING, IS
6 THAT RIGHT?

7 A YES, SIR I THINK SO, YES, SIR

8 Q OKAY AND THESE WERE ONES THAT YOU JUST SENT TO
9 AMY SIMMONS, IS THAT RIGHT?

10 A YES, SIR

11 Q AND IF I UNDERSTOOD FROM WHAT YOU SAID
12 YESTERDAY, I THINK THESE ARE DEFENSE EXHIBITS, I
13 THINK WHEN MR BAITY PUT THEM UP IN THE FIRST PLACE
14 NO LONGER ARE THE LETTERS TIED TO THE PROPER
15 ENVELOPES, THEY'VE BEEN MIXED UP, THAT'S WHAT YOU'VE
16 TESTIFIED TO?

17 A NO, SIR I SAID THAT THE ENVELOPE THAT THE
18 SECOND CONFESSION LETTER CAME IN IS NOT THE PROPER
19 ENVELOPE FOR THAT LETTER AND IT'S NEVER BEEN REMOVED
20 FROM THE TWO

21 Q OKAY AND NOW, BUT I'M SAYING THESE LETTERS,
22 I'M NOT EVEN TALKING ABOUT THOSE LETTERS YET, THESE
23 LETTERS HAVE BEEN MIXED UP TOO, RIGHT?

24 A WELL, I MEAN, THERE HAS BEEN A LOT OF PEOPLE
25 HANDLING THOSE LETTERS

003267

1 Q FROM THE FIRST DAY WHEN WE HAD TO TAKE A BREAK
2 BECAUSE THEY WERE SO MIXED UP?

3 A LETTERS HANDLED FROM ONE PLACE TO THE NEXT, YES,
4 SIR

5 Q NOW THESE LETTERS ARE LETTERS THAT YOU SENT TO
6 AMY SIMMONS, RIGHT?

7 A THAT'S CORRECT

8 Q AND YOU SAID I THINK THERE WAS 13 OR 14 AND
9 YOU'VE ONLY SEEN 11 OF THEM?

10 A I THINK I'VE SEEN 11, YES, SIR

11 Q OKAY NOW THESE WERE LETTERS THAT AMY HAD AND
12 THEN AMY ALSO SENT YOU LETTERS, RIGHT?

13 A YES, SIR YES, SIR

14 Q OKAY AND WHAT DID YOU DO WITH THOSE LETTERS?

15 A I GAVE THEM TO MY ATTORNEYS

16 Q OKAY AND THEN IN ADDITION TO THESE LETTERS TO
17 AMY, DID YOU SEND OTHER PEOPLE LETTERS TOO?

18 A YES, SIR, I DID

19 Q I MEAN, LIKE YOUR MOM OR SOMETHING?

20 A YES, I DID

21 Q WHATEVER, OKAY HOW MANY DIFFERENT PEOPLE DID
22 YOU WRITE TO, YOU THINK?

23 A OH, I WROTE TO A GROUP OF CHURCHES I WROTE TO
24 SOME CHURCHES I THINK THERE WAS 27 DIFFERENT
25 CHURCHES I WROTE TO ASKING THEM FOR PRAYER I ALSO

003268

1 WROTE TO AMY I WROTE TO MY MOM I WROTE TO MY
2 SISTER I WROTE TO MY BOSS AND I WROTE ONE TO MY
3 COUSIN

4 Q OKAY

5 A AND I THINK I ALSO WROTE ONE TO MY WIFE BEFORE
6 SHE DIED

7 Q ALL RIGHT AND THEN WHAT, WOULD ALL OF THEM BE
8 PRETTY MUCH THE SAME FORMAT YOU WROTE PRETTY
9 EXTENSIVELY, DIDN'T YOU?

10 A NO, SIR I STARTED WRITING WITH THAT FORMAT
11 THERE WAS ALL THE WAY ACROSS WHEN PAPER BECOME REAL
12 SHORT WHEN I COULDN'T AFFORD IT IT WAS USUALLY, I
13 GUESS IT WAS PROBABLY THE BEGINNING OF THIS YEAR OR
14 MIDDLE OF LAST YEAR

15 Q IS WHEN PAPER BECAME SHORT?

16 A IS WHEN IT BECOME HARDER TO GET PAPER

17 Q HOW DO YOU GET PAPER?

18 A WELL, I USED TO HAVE MONEY COMING IN MY ACCOUNT
19 I COULD GET PAPER, BUT BECAUSE OF MY HIGH BLOOD
20 PRESSURE BECAUSE OF MY MEDICATION IT COST ME LIKE \$80
21 EVERY FIFTY DAYS, A 100 PILLS IS \$80 DOLLARS AND IT
22 KEEPS ADDING UP ON MY ACCOUNT AND MY MOM COULDN'T
23 AFFORD TO PAY IT OFF SO I SAID JUST LET IT GO I'LL
24 JUST DO WHAT I CAN FOR PAPER AND SO I STARTED, I
25 STARTED HAVING TO UH SELL TRAYS, YOU KNOW, SELL TWO

1 OF MY TRAYS OF FOOD AND GO HUNGRY

2 Q WHAT DOES THAT MEAN YOU TRADE OUT A TRAY?

3 A TRADE OUT A TRAY, YEAH

4 Q YOU TOLD ME I THINK EARLIER YOU WRITE IN A
5 JOURNAL?

6 A YES, I KEEP A JOURNAL

7 Q OKAY AND YOU USE PAPER FOR THAT TOO?

8 A I DO USE PAPER FOR THAT

9 Q OKAY AND IN ADDITION YOU SAID AS FAR AS YOUR
10 DRAWINGS, NOW YOU DRAW THOSE ON PAPER TOO?

11 A I DRAW ON PAPER, YES

12 Q OKAY AND I THINK YOU SAID YOU DRAW ON
13 CARDBOARD SOMETIMES?

14 A YEAH, ON THE BACK OF, ON THE BACK OF CARDBOARD
15 PAD, THE PAD IT COMES IN, THE PAPER COMES ON

16 Q LIKE THE LEGAL PAD?

17 A YEAH

18 Q I GOT YOU

19 A TYPE OF LEGAL TYPE PAD

20 Q SO YOU KEPT THE BACK PART OF THE CARDBOARD PART
21 OF THAT LEGAL PAD AND YOU DRAW ON THAT?

22 A YEAH

23 Q AND THEN YOU DRAW ON THE LEGAL PAD PAPER TOO?

24 A LEGAL PAD PAPERS, SOMETIMES, NOT OFTEN USUALLY
25 IT'S WHITE PAPER FROM INDIGENT PROGRAM

003270

1 Q I GOT YOU AND THEN IN THESE LETTERS, I THINK
2 IN ONE OF THESE, I MEAN YOU TALK ABOUT ALL KINDS OF
3 STUFF, JUST WHATEVER'S ON YOUR MIND?

4 A USUALLY, USUALLY I'M REFERRING BACK TO WHAT SHE
5 SAID THEN I WOULD TELL HER HOW I WAS FEELING

6 Q KIND OF LIKE A PEN PAL KIND OF THING?

7 A YEAH, IT WAS AT ONE POINT, BUT THEN IT SEEMED TO
8 GET SERIOUS I EVEN THINK I TOLD HER I STARTED
9 CARING ABOUT HER IN ONE OF THE LETTERS

10 Q RIGHT AND WHEN WAS THAT TAKING PLACE, DO YOU
11 REMEMBER?

12 A IT WAS TOWARD THE END OF THE LETTERS

13 Q OKAY NOW I THINK, WHEN DID THE LETTERS START?

14 A I THINK THE FIRST ONE STARTED, I THINK I SAID
15 APRIL BUT I MISSPOKE I THINK IT'S JULY OF 2003
16 THAT'S WHEN THE FIRST LETTER STARTED

17 Q OKAY AND THEN WHAT MADE YOU REMEMBER THAT WHEN
18 YOU SAID APRIL AND THEN --

19 A BECAUSE THEY, HE SHOWED ME THE LETTERS YESTERDAY
20 AND I SAW THE--- HE SAID THAT'S THE JULY LETTER AND
21 THAT'S HOW I REMEMBER IT WAS JULY AND NOT APRIL

22 Q I GO YOU SO STARTED IN JULY OF 2003?

23 A WELL, THAT WAS THE FIRST INITIAL LETTER

24 Q RIGHT

25 A THEN THERE WAS LIKE A LONG TIME AFTER THAT

003271

1 BEFORE I WROTE HER AGAIN BECAUSE SHE WROTE ME THE
2 NEXT TIME FIRST AND THEN I STARTED WRITING HER

3 Q I GOT YOU NOW WERE THERE LETTERS TOO THAT YOU
4 WROTE HER OR DIFFERENT PEOPLE THAT YOU NEVER SENT?

5 A THERE IS SOME LETTERS, YEAH I WROTE THEM AND
6 THEN I DIDN'T SEND THEM AND

7 Q SOMETIMES I THINK YOU SAID IN HERE, OF COURSE
8 I'LL LET YOU LOOK AT THEM IF YOU NEED TO, BUT
9 SOMETIMES YOU SAID IN HERE, I WROTE A LETTER AND THEN
10 TORN IT UP AND FLUSHED IT AND REWRITE IT AGAIN?

11 A I DIDN'T FLUSH --WELL, I DID TEAR SOME OF THEM
12 UP AND THROW THEM IN THE GARBAGE OR THREW THEM IN THE
13 OR FLUSH THEM BECAUSE I DON'T LIKE PEOPLE GOING IN MY
14 STUFF I DON'T TRUST PEOPLE I QUIT TRUSTING ANY
15 KIND OF OFFICIAL, SO I JUST DON'T, I MEAN

16 Q THAT'S WHAT --

17 A I DIDN'T HIDE, I JUST DON'T WANT ANYBODY TO KNOW
18 WHAT I SAID IN MY LETTER IT WAS ACTUALLY EVERY ONE
19 OF THEM WAS I'M BEGINNING TO FALL IN LOVE WITH YOU

20 Q I GOT YOU

21 A AND THAT'S THE TRUTH I MEAN, I'M SORRY

22 Q WHAT?

23 A I MEAN

24 Q WHAT, SORRY?

25 A I'M SORRY THAT I EVEN THOUGHT THAT WAY

1 Q I'M SORRY I'M NOT --

2 A THAT I EVEN THOUGHT THAT I LOVED HER I'M SORRY
3 BECAUSE OF WHAT I'VE SEEN AS EVIDENCE SHE WAS TRYING
4 TO SET ME UP

5 Q OH, OKAY OKAY AND YOU'VE SEEN THAT EVIDENCE,
6 WHEN DID YOU SEE THAT EVIDENCE?

7 A I SAW THAT EVIDENCE SHORTLY, SHORTLY BEFORE IT
8 WAS SHOWED IN HERE I CAN'T SAY, PROBABLY A WEEK
9 BEFORE IT WAS SHOWED IN HERE

10 Q YOU TALKING WHEN MR BAITY DID THE THING WITH
11 TALKING YOUR STUFF?

12 A THAT'S CORRECT

13 Q I GOT YOU SO YOU ACTUALLY, YOU TALKED ABOUT
14 THE SECURITY THING, YOU SAID YESTERDAY THAT SOMETIME
15 YOU DO DO THE SCRIBBLE THINGS SO PEOPLE, ABOUT NOT
16 TRUSTING PEOPLE?

17 A I DO, YEAH, BECAUSE I DON'T TRUST PEOPLE TO, YOU
18 KNOW I MEAN, ESPECIALLY, IT ALL REALLY COMES DOWN TO
19 WHEN I WRITE MY ATTORNEYS I DON'T WANT PEOPLE TO
20 KNOW WHAT I WRITE MY ATTORNEYS ABOUT

21 Q YOU PUT SOMETHING LIKE AROUND IT, SCRIBBLE, SO
22 THEY CAN'T HOLD IT UP AND LOOK AT IT LIKE YOU ARE
23 SAYING?

24 A THAT'S CORRECT

25 Q OKAY AND THEN I THINK IN ONE OF YOUR LETTERS

1 YOU END UP EXPLAINING TO AMY HOW YOU DEVELOPED, YOU
2 TALKED ABOUT THIS YESTERDAY, DEVELOPED YOUR KIND OF
3 CODE WHERE YOU'LL DRAW PICTURES?

4 A RIGHT

5 Q AND DRAW PICTURES AND REFERENCE THEM IN THE
6 LETTER, IS THAT CORRECT?

7 A THAT'S RIGHT

8 Q THAT'S A SECURITY CODE TOO, SO YOU DID THAT TOO?

9 A THAT'S CORRECT

10 Q OKAY YOU WERE TELLING ME, YOU GET LETTERS, YOU
11 GOT LETTERS FROM AMY, WHAT WAS THE OTHER LADY THAT
12 TESTIFIED, LEILA?

13 A LEILA, YEAH I ACTUALLY WROTE LEILA ONE OR TWO
14 I THINK AND SHE SENT ME TWO CARDS

15 Q NOW WAS LEILA MEETING WITH YOUR ATTORNEYS?

16 A NO, SHE WAS NOT NOT TO MY KNOWLEDGE SHE WAS
17 NOT

18 Q OKAY YOU DIDN'T DISCUSS THAT WITH YOUR
19 ATTORNEY?

20 A NO, I DID NOT

21 Q WAS AMY MEETING WITH YOUR ATTORNEY?

22 A SHE WAS

23 Q OKAY AND WAS THERE A TIME WHEN YOU WERE
24 CONCERNED THAT LEILA WAS AGAINST YOU?

25 A ACTUALLY THERE WAS

003274

1 Q ALL RIGHT AND YOU WROTE AMY ABOUT THAT, RIGHT?

2 A WELL, I THINK SHE STARTED WRITING ABOUT IT
3 BECAUSE SHE SAID DON'T TRUST NOBODY IN YOUR LETTERS
4 AND SO

5 Q AMY TOLD YOU THAT?

6 A YEAH, SHE SAID THAT

7 Q OKAY AND LET ME SEE SO YOU GOT LETTERS FROM
8 AMY OR SENDING LETTERS TO AMY JULY 2003, IS THAT
9 RIGHT?

10 A THAT'S CORRECT

11 Q AND THAT CONTINUED ON UP TO WHEN?

12 A THAT CONTINUED TIL MAY 2004

13 Q AND SO THE LETTERS THAT YOU ARE TALKING ABOUT
14 THAT WE DON'T HAVE, WOULD THAT BE AFTER MAY OR
15 SOMETIME IN BETWEEN?

16 A WHAT LETTERS ARE YOU TALKING ABOUT? THE ONES
17 THAT I WROTE AND I DIDN'T --

18 Q THE ONES YOU SAID YOU HADN'T SEEN?

19 A OH, THE ONES I HADN'T SENT, YOU MEAN

20 Q SEEN I'M SORRY YOU SAID THERE WAS 13 OR 14
21 LETTERS BUT YOU --

22 A OH, THOSE WERE WRITTEN, LET'S SEE, THERE WAS ONE
23 WRITTEN, IT WAS PRIOR TO TINKER MOUSE IN A BUBBLE
24 BECAUSE THE NAME OF IT WAS CALLED TINKER MOUSE IT
25 WAS THE FIRST ONE THAT I STARTED AND THE ONE BEFORE

1 THAT WAS, I'M NOT SURE THERE WAS TWO LETTERS THAT
2 DIDN'T HAVE ENVELOPES I COULDN'T, I THINK THERE WAS
3 ONE THAT---I THINK THAT WAS THE ONLY ONE THAT I
4 TESTIFIED TO WAS TINKER MOUSE BECAUSE THE OTHER ONES
5 WERE, THERE WERE TWO LETTERS THERE WITH NO ENVELOPES

6 Q IN THIS PACK?

7 A YEAH AND I NEVER SENT TWO LETTERS IN ONE
8 ENVELOPE

9 Q SO LIKE THERE WAS, MAYBE WHEN SHE TURNED THEM IN
10 THERE IS MORE LETTERS THAN THERE ARE ENVELOPES HERE
11 IS WHAT YOU ARE SAYING?

12 A TO A CERTAIN DEGREE BUT THEN THERE IS ONE LETTER
13 THAT'S NOT THERE THAT TALKS ABOUT TINKER MOUSE
14 BECAUSE I ACTUALLY EXPLAIN TO HER ABOUT TINKER MOUSE
15 IN THE LETTER

16 Q OKAY OKAY AND NOW YOU ARE SENDING LETTERS TO
17 HER STARTING IN JULY 2003 ALL THE WAY YOU SAID MAY OF
18 2004?

19 A ACTUALLY, NO, SIR, I SAID I, I WROTE HER FIRST
20 LETTER IN, IN 2003 I DID NOT KNOW IF SHE GOT THAT
21 LETTER OR NOT THEN IN 2000, IN DECEMBER OF 2003 I
22 GOT FIRST WORD FROM MY MOM YOU ARE GOING TO RECEIVE A
23 LETTER FROM AMY AND I SAID OKAY THEN ABOUT, I
24 WAITED AND I WAITED AND I NEVER GOT THE LETTER SO
25 MOM OR SUSAN CONTACTED AMY AND TOLD AMY THAT I NEVER

1 GOT THE LETTER SO SHE SAID IN HER NEXT LETTER SHE
2 WROTE TO ME I DON'T KNOW WHY YOU DIDN'T GET THE
3 LETTER I USED THAT ADDRESS YOU SENT ME AND YOU GIVE
4 OR I WAS GIVEN OR YOU GAVE ME OR SOMETHING I DON'T
5 KNOW HOW SHE SAID IT I SAID AND I SAID, I MEAN THEN
6 HER LETTER SAID BUT HERE'S ANOTHER ONE INSTEAD AND IT
7 WAS A CHRISTMAS ONE THAT WAS THE FIRST ONE IN THE
8 SERIES THAT STARTED

9 Q THAT IS THE FIRST --

10 A THAT IS THE FIRST ONE I RECEIVED FROM HER

11 Q AND THAT WAS DECEMBER OF 2003?

12 A THAT'S CORRECT

13 Q AND THEN YOU KIND OF BECAME PEN PALS FROM THERE,
14 IS THAT RIGHT?

15 A THAT'S CORRECT, YES

16 Q OKAY AND IN THE LETTERS YOU WROTE YOUR MOM
17 SPOKE HIGHLY OF HER AND YOU WERE GLAD TO HAVE A TRUE
18 FRIEND LIKE HER, IS THAT CORRECT?

19 A THAT'S CORRECT

20 Q OKAY

21 A BECAUSE I THOUGHT SHE WAS BEING A TRUE FRIEND

22 Q OKAY WILL YOU SAY THANK YOU FOR YOUR
23 FRIENDSHIP FROM MY ATTORNEYS AND MYSELF?

24 A CORRECT

25 Q OKAY JUST WANTED YOU TO KNOW THAT I'M GLAD TO

003277

1 HAVE YOU ON MY SIDE?

2 A RIGHT

3 Q I THINK YOU MADE HER A VALENTINE, RIGHT?

4 A I DID I DID MAKE A VALENTINE I DIDN'T SEND
5 IT FOR A LONG TIME BECAUSE I WASN'T SURE HOW MY
6 FEELINGS WERE IT WASN'T FEELINGS IN FEBRUARY I
7 JUST WANTED, YOU KNOW, TO SEND, I SEND VALENTINE'S
8 I SENT MY MOM CARDS I SENT EVERYBODY A VALENTINE AT
9 THAT TIME

10 Q YOU SAID THAT YOU SENT, WAS GOING TO SEND A
11 VALENTINE BESIDES I WAS STILL NOT ABLE TO WRITE AT
12 THAT TIME?

13 A I WASN'T ABLE TO WRITE BECAUSE THE FIRST LETTER
14 CAME OUT, THAT FIRST LETTER CAME OUT, AND I DIDN'T
15 TRUST NOBODY AND ACTUALLY TRUTHFULLY NEITHER DID MY
16 ATTORNEYS OR ANYBODY ELSE IN MY FAMILY WE WASN'T
17 SURE WHAT TO TRUST AND THEN THINGS STARTED CHANGE I
18 REALLY DON'T KNOW THE BACKGROUND BEHIND IT ALL I
19 KNOW IS IT WAS OKAY FOR ME TO START WRITING AGAIN

20 Q OKAY

21 A SO I STARTED WRITING AGAIN

22 Q WHO SAID IT WAS OKAY?

23 A MY ATTORNEYS

24 Q OKAY SO WHEN THAT FIRST LETTER, AMY GAVE THAT
25 FIRST LETTER, LET'S SEE I THINK IT'S STATE'S

1 EXHIBIT 90 AMY GAVE THAT FIRST LETTER TO YOUR
2 ATTORNEYS RIGHT THE FIRST OF JANUARY, IS THAT RIGHT?

3 A YES, SOMEWHERE IN THERE

4 Q OKAY WHEN DID YOU FIRST SEE IT?

5 A SHORTLY AFTER THAT AS A MATTER OF FACT,
6 PROBABLY, IF I HAD MY BOOK, I COULD TELL YOU EXACTLY
7 WHEN IT WAS

8 Q OKAY WHEN YOU SAW IT?

9 A BECAUSE I KEEP UP WITH ALL --

10 Q YOU WANT YOUR BOOK? YOU NEED IT?

11 A YEAH, GO AHEAD

12 MR POPE HE NEEDS HIS BOOK

13 A HE WANTS TO KNOW WHEN I RECEIVED, WHEN I SAW
14 THAT LETTER

15 MR MORTON YOUR HONOR, MAY WE APPROACH
16 THE BENCH

17 (BENCH CONFERENCE AT 10 45 AM)

18 A I RECEIVED THE, JANUARY THE 12

19 Q OKAY SO JANUARY 12 THAT'S WHEN YOU HAD AN
20 OPPORTUNITY TO VIEW STATE'S EXHIBIT 90, IS THAT
21 RIGHT?

22 A THAT'S THE FIRST TIME I SEEN IT, YES, SIR THEY
23 HAD IT IN A BAG AND WOULDN'T LET ME TOUCH IT

24 Q THE DEFENSE DID?

25 A YES

003279

1 Q OKAY AND SO AMY, TO YOUR KNOWLEDGE, AMY HAD
2 BROUGHT THAT TO THEM SHE HAD RECEIVED IT FROM YOU
3 AND BROUGHT TO THEM?

4 A THAT'S CORRECT SHE SAID THAT SHE RECEIVED IT
5 FROM ME

6 Q OKAY AND THEN LET'S SEE, THAT WAS JANUARY, SO
7 ANYWAY THE PEN PAL THING CONTINUES UNTIL MAY, WHAT
8 DID YOU SAY, MAY 20 I THINK YOU GOT THAT DATE?

9 A MAY 20 WAS I THINK WHEN I WROTE THE LAST LETTER,
10 YES AND I THINK SHE RECEIVED THAT LETTER THERE THAT
11 SHE SAYS SHE RECEIVED ON THAT DAY AND THEN THERE WAS
12 ANOTHER LETTER AFTER THAT THAT I HAD WRITTEN THAT WAS
13 ACTUALLY I THINK IT WAS ON MAY 19 AND SHE RECEIVED IT
14 A COUPLE DAYS LATER OR ACTUALLY IT WAS LIKE A WEEK
15 AND A HALF LATER BECAUSE I THINK IT GOT REDIRECTED
16 BACK TO THE JAIL THEN AND THEN FOR SOME ODD REASON
17 INSTEAD OF BEING PUT IN MY PROPERTY LIKE IT WAS
18 SUPPOSED TO, IT WAS SENT RIGHT BACK TO HER HOUSE

19 Q KIND OF RETURN AND SPUN BACK OUT?

20 A THAT'S NOT NORMAL THAT'S NOT NORMAL PRACTICE
21 FOR THE JAIL I DIDN'T UNDERSTAND WHY THAT HAPPENED

22 Q OKAY AND THEN SO YOU MADE A DECISION TO QUIT
23 WRITING HER ON THE 20TH?

24 A I DID THE SAME THING WE DID FROM THE BEGINNING,
25 WE STOPPED TO SEE WHAT WAS GOING ON I DIDN'T KNOW

003280

1 WHAT HAD HAPPENED I JUST KNEW I DIDN'T WRITE THAT
2 LETTER AND I SAW THE, I SAW THAT LETTER, THE FIRST
3 TIME I SAW THAT LETTER WAS AT ONE OF MY FAMILY COURT
4 HEARINGS

5 Q SO THAT'S ON IN JUNE SOMETIME, THE FIRST TIME
6 YOU SAW THAT?

7 A THAT WAS I THINK A WEEK OR TWO WEEKS, ABOUT A
8 WEEK BEFORE MY TRIAL

9 Q OKAY BECAUSE THAT SECOND LETTER INSTEAD OF
10 TAKING IT TO YOUR ATTORNEY SHE BROUGHT IT TO ANDERSON
11 SHERIFF'S DEPARTMENT, RIGHT?

12 A I'M NOT SURE WHERE ALL IT WENT I'VE HEARD SO
13 MANY STORIES I DON'T REALLY KNOW

14 Q WELL, YOU UNDERSTAND YOUR ATTORNEY STIPULATED
15 THAT'S WHERE IT WENT?

16 A OKAY

17 Q OKAY THEN WENT TO SLED?

18 A INITIALLY, I MEAN, EVENTUALLY, YES

19 Q DO YOU KNOW WHEN YOUR EXPERT LOOKED AT THE FIRST
20 LETTER SHE BROUGHT?

21 A I DO NOT

22 Q OKAY SO WAS THAT THE LAST CONTACT YOU HAD WITH
23 HER ON THE 19-20?

24 A THAT LAST LETTER THAT I ACTUALLY WROTE HER WAS
25 THE LAST TIME I HAD CONTACT WITH HER, YES, SIR

003281

1 Q AND PRIOR TO THAT, LIKE THROUGH APRIL AND INTO
2 MAY, I MEAN HECK, SOME DAYS YOU'D SEND AN EIGHT PAGE
3 LETTER OR LONG LETTERS?

4 A SOMETIMES, YEAH I THINK THERE WAS 19-20 PAGE
5 LETTER ONE TIME

6 Q SOMETIMES YOU WOULD WRITE A LETTER AND COME BACK
7 AND KEEP WRITING IT, RIGHT?

8 A RIGHT

9 Q OKAY I THINK YOU TOLD HER IN ONE OF THE
10 LETTERS THAT, SOMETHING ABOUT THAT YOUR HANDWRITING
11 WOULD BE DIFFERENT IN DIFFERENT LETTERS I THINK YOU
12 APOLOGIZED FOR THAT?

13 A THAT'S, THAT'S, YEAH BECAUSE THAT'S THE WAY I'M
14 SITTING OR THE WAY I'M STANDING OR YOU KNOW THE WAY
15 I, THE WAY I AM WHETHER I LAID DOWN OR WHETHER I
16 SIT A LOT OF TIMES I NOTICED MY HANDWRITING, I
17 WRITE KIND OF SIDE WAYS WHEN I LAY DOWN OR IF I'M
18 SITTING UP I WRITE ONE WAY OR IF I'M AT THE TABLE OR
19 A DESK OUTSIDE MY ROOM I WRITE A DIFFERENT WAY

20 Q AND YOU TOLD HER ONE TIME, YOU SAID AND THIS IS
21 IN YOUR, MAKE SURE I TELL YOU THE RIGHT DATE, APRIL
22 22 LETTER, YOU SAID PLEASE EXCUSE ME IF I HAVE
23 DIFFERENT HANDWRITING, THAT'S WHAT YOU WERE TALKING
24 ABOUT?

25 A THAT'S CORRECT, YEAH

003282

1 Q AND SOMETIMES I NOTICE YOU WRITE, SOMETIMES YOU
2 PRINT AND SOMETIMES YOU WRITE, SOMETIMES YOU ARE IN A
3 BIG HURRY BECAUSE IN THE LETTER YOU SAY YOU GOT TO
4 GET IT OUT BY THE DEADLINE, IS THAT RIGHT, SO
5 SOMETIMES YOU WRITE FASTER THAN OTHERS TOO, RIGHT?

6 A IF I WANTED A LETTER OUT, THE MAIL GOES OUT BUT
7 FOR THE LAST TIME AT THE JAIL ON THURSDAY AFTERNOON
8 I MEAN THURSDAY NIGHT AT MIDNIGHT, THAT'S THE LAST
9 TIME WE HEAR FROM THE, YOU KNOW, MAIL IS STOPPED
10 UNTIL WE RECEIVE MAIL ON FRIDAY, BUT ANY MAIL WE
11 GIVE THEM ON FRIDAY IT'S HELD OVER UNTIL SUNDAY,
12 UNTIL MONDAY MORNING WHEN THE WOMAN COMES IN

13 Q OKAY AND SO THERE ARE TIMES WHEN YOU ARE
14 TRYING TO BEAT THE DEADLINE WHEN YOU WRITE?

15 A SOMETIMES, YES, SIR

16 Q YOU SAY THAT IN YOUR LETTERS?

17 A YEAH, I MEAN

18 Q THAT'S ALL I'M ASKING ACTUALLY THAT MAY 19
19 LETTER IS WHEN YOU TELL HER ABOUT YOUR CODE ABOUT
20 DRAWING AND THE MATCHING THE DRAWINGS WHERE YOU SAY,
21 YOU DO KNOW WHY I DRAW THEM ON THERE, DON'T YOU, AND
22 YOU EXPLAIN THAT, RIGHT?

23 A THE MAY 19 LETTER

24 Q YES, SIR YOU NEED TO SEE IT WOULD THAT HELP
25 YOU?

003283

1 A THAT'S PROBABLY, THAT MAY BE TRUE BUT I HAD
2 STARTED THE CODE A LONG TIME BEFORE THAT I THOUGHT
3 SHE RECOGNIZED IT SO I TOLD HER I JUST TOLD HER IN
4 THE LETTER

5 Q TOLD HER WHY YOU WERE --

6 A YEAH

7 Q I GOT YOU

8 A THAT DIDN'T COME UNTIL LATER ON ANYWAY I JUST
9 DONE THE DRAWING AND REALLY TRUTHFULLY TO BE HONEST,
10 I DIDN'T TRUST THE JAIL I THOUGHT THAT THE JAIL WAS
11 ACTUALLY CHANGING MY ENVELOPES BECAUSE I DIDN'T, I
12 DIDN'T KNOW THAT WAS MY SIGNATURE I LOOKED AT THE
13 ENVELOPE AND I SAID WELL, YOU KNOW THAT'S A
14 SIGNATURE, PEOPLE CAN'T FORGE IT, AND I THOUGHT IT
15 WAS MY ENVELOPE I MEAN IT WAS NOT MY ENVELOPE SO I
16 THOUGHT MAYBE THE JAIL WAS CHANGING THEM OR THERE WAS
17 SOMEBODY, SOMEBODY WAS, MAYBE ONE OF THE INMATES WAS
18 GETTING THE MAIL OUT OF THE BOX, OPENING IT UP,
19 PUTTING ANOTHER LETTER IN

20 Q SO YOU TRIED TO BUILD IN DIFFERENT KIND OF FAIL
21 SAFES IF SOMEBODY FOUND YOUR STUFF, YOU'D BE COVERED?

22 A WELL, IT WASN'T THAT I JUST WANTED TO KNOW WHO
23 WAS DOING IT I FIGURED I'D FIND A WAY TO FIND OUT
24 WHO WAS ACTUALLY DOING THIS, YOU KNOW, AND PREVENT IT
25 FROM HAPPENING

003284

1 Q KIND OF LIKE A DETECTIVE?

2 A I WOULDN'T SAY A DETECTIVE, NO, SIR I JUST

3 MR POPE BEG THE COURT'S INDULGENCE

4 Q MR COPE, WE'RE GOING TO WRAP IT UP I ASKED
5 YOU ABOUT, YOU HAD TOLD US AT THE BEGINNING ALL THE
6 PEOPLE YOU TALKED TO NOW YOU TOLD US ABOUT THE
7 FREEDOM TEAM AND THEN YOU TOLD US ABOUT THE LADY
8 FIRST NAME -- CAROL?

9 A THAT'S CORRECT

10 Q YOU SAID THAT WAS CAROL, WHAT WAS HER LAST NAME?

11 A GABLE

12 Q WHERE SHE FROM?

13 A SHE'S FROM ANDERSON, SOUTH CAROLINA, FROM WHAT I
14 HEAR

15 Q HOW DID YOU COME IN CONTACT WITH HER?

16 A MY ATTORNEYS TOLD ME ABOUT HER

17 Q OKAY WHAT'S SHE DO?

18 A SHE WORKS FOR DATELINE NBC

19 Q YOU HAD CONVERSATIONS WITH HER, RIGHT?

20 A SHE'S THE PRODUCTION MANAGER I THINK

21 Q OKAY YOU'VE HAD CONVERSATIONS ON CAMERA WITH
22 DATELINE, RIGHT?

23 A THAT'S CORRECT

24 Q OKAY NOW IN ONE OF YOUR LETTERS TO AMY YOU
25 TELL HER ABOUT, AND LET ME JUST MAKE SURE I TELL YOU,

1 THE MARCH 16 LETTER?

2 A OKAY

3 Q YOU REMEMBER THAT LETTER?

4 A YES, SIR

5 Q TELL HER ABOUT THE PROPHET COMING TO JAIL?

6 A YES, SIR

7 Q OKAY HE SAW YOU ON A TV SHOW HOLDING UP A
8 BOOK?

9 A THAT'S CORRECT THAT IS CORRECT

10 Q HE SAW YOU IN A NICE SUIT STANDING BEFORE A
11 LARGE CONGREGATION PREACHING THE WORD?

12 A THAT IS CORRECT, SIR

13 Q AND HE SAW YOU WITH LOTS OF MONEY?

14 A YES, SIR THERE WAS A GUY BY THE NAME OF WILLIE
15 MCMULLEN WHO WAS ACTUALLY AN INMATE AND HE CAME UP
16 AND WE WAS TALKING ONE AFTERNOON AND HE SAID
17 MR COPE, I HAD A VISION ABOUT YOU LAST NIGHT I
18 SAID YOU DID HE SAID YES, SIR I SAW YOU IN THREE
19 STAGES OF YOUR LIFE HE SAID I SAW YOU, YOU WERE
20 STANDING BEFORE A CONGREGATION PREACHING TO,
21 PREACHING TO A MULTITUDE OF PEOPLE, AND HE SAID THERE
22 WAS, ALSO A TALK SHOW, YOU WERE STANDING, YOU WERE ON
23 A TV TALK SHOW, AND YOU WERE HOLDING UP A BOOK AND I
24 SAID YES AND HE SAID AND I SAW YOU WITH A LOT OF
25 MONEY AND I SAID OKAY THEN HE GOES, THEN HE SAYS DO

1 YOU KNOW ANYTHING ABOUT THIS I SAID WELL GOD HAS
2 CALLED ME TO PREACH AND I SAID AND I SAID AND YOU
3 ARE A WITNESS TO THAT I MEAN YOU'VE SEEN ME HERE IN
4 THE JAIL AND HE SAID YES, SIR AND I SAID AND I SAID
5 I AM WRITING A BOOK I HAVE BEEN WRITING, IT'S A
6 JOURNAL IT'S BEEN MY JOURNAL SINCE THE 26ND DAY OF
7 JANUARY WHEN I FIRST GOT NOTEBOOK PAPER TIL THEN I
8 NEVER HAD NOTEBOOK PAPER NEVER HAD ANY KIND OF
9 PAPER I WAS IN MAX I COULDN'T GET NOTHING
10 DIDN'T KNOW ABOUT THE INDIGENT PROGRAM DIDN'T EVEN
11 HAVE A INK PEN THEN HE SAID OKAY AND I SAID, HE
12 SAID AND I ALSO SEE YOU ON A TALK SHOW AND I SAID,
13 I SAID AS LONG AS IT WASN'T, I CAN'T THINK OF THE
14 WOMAN, ONE OF THE RISQUE SHOWS, I SAID AS LONG AS IT
15 IS NOT SOMEONE LIKE THAT I'M FINE WITH THAT AND HE
16 SAID AND OTHER THAN THAT I DON'T KNOW HE SAID HE
17 SAID, I SAID OTHER THAN THAT I DON'T KNOW AND HE
18 SAID, HE SAID WELL EVERYTHING IS GOING TO GO GOOD FOR
19 YOU AND I SAID OKAY AND I TOLD HER ABOUT IT BUT
20 THAT HAPPENED TWO YEARS BEFORE I WROTE THAT LETTER
21 Q YOU TOLD HER THAT, I MEAN, IN THE LETTER THAT
22 YOU ARE ON TELEVISION AND YOU ARE HOLDING UP THAT
23 BOOK?
24 A THAT'S CORRECT
25 Q YOU TOLD HIM YOU HAD THAT JOURNAL AND YOU WERE

1 INTENDING TO PUBLISH IT, RIGHT?

2 A I DID TELL HIM THAT

3 Q AND THAT JOURNAL IS GOING TO TELL WHAT HAPPENED,
4 RIGHT?

5 A THAT JOURNAL IS THE TRUTH IT'S, ACTUALLY IT'S,
6 THE JOURNAL IS ABOUT WHAT HAPPENED IN THIS JAIL, ALL
7 THE THINGS THAT HAPPENED IN THIS JAIL

8 Q OKAY ACTUALLY ONE OF THE LETTERS YOU EXPLAIN
9 THAT YOU WERE WRITING BOOKS ONE BOOK IS ABOUT SOME
10 MAN DYING OF A HEART ATTACK AND THE OTHER BOOK YOU
11 ARE WRITING WHAT HAPPENED THAT NIGHT --

12 A THAT'S CORRECT

13 Q AND WHAT'S HAPPENED SINCE?

14 A THAT'S CORRECT

15 Q SO IN YOUR BOOK ARE YOU GOING TO WRITE A VERSION
16 OF THE TRUTH THEN?

17 A IT IS THE TRUTH AND IT'S EXACTLY WHAT I'VE BEEN
18 TRYING TO TELL EVERYBODY I WANT THE TRUTH OUT I'M
19 TIRED OF BEING HOUNDED BY PEOPLE LIKE YOU AND BY
20 PEOPLE LIKE THE POLICE DEPARTMENT AND EVERYBODY ELSE
21 AND ALL THE PEOPLE, THE PUBLIC WILL KNOW THE TRUTH,
22 AND NOW THEY DO KNOW THE TRUTH

23 Q I THINK YOU ARE RIGHT, SIR I HAVE NO FURTHER
24 QUESTIONS

25 A I --

003288

1 THE COURT MR GREELEY

2 MR GREELEY MAY IT PLEASE THE COURT

3 THE COURT CERTAINLY

4 CROSS EXAMINATION BY MR GREELEY

5 Q GOOD MORNING, MR COPE

6 A GOOD MORNING, SIR

7 Q I WILL TELL YOU THAT I WILL TRY NOT TO HOUND
8 YOU, OKAY?

9 A I WILL TRY TO BELIEVE YOU

10 Q OKAY LET'S SHIFT GEARS, OKAY I'M WANT TO GO
11 BACK AND JUST TALK A LITTLE BIT ABOUT THE DAY BEFORE
12 AND BASICALLY YOU AND YOUR FAMILY THERE AT THE HOUSE?

13 A OKAY

14 Q OKAY NOW YOU'VE ALREADY TESTIFIED THAT ONE OF
15 YOUR DOWN FALLS IS THAT, THAT YOU WERE LAZY?

16 A I WAS LAZY, YES, SIR WELL I WAS VERY LAZY
17 I'M NOT ACTUALLY LAZY ANYMORE BECAUSE I DON'T HAVE
18 THE WEIGHT THAT I USED TO I USED TO WEIGHT 385
19 POUNDS WHEN I CAME TO JAIL NOW I EXERCISE A LITTLE
20 MORE, DO A LITTLE MORE, WORK OUT, THINGS LIKE THAT

21 Q AND SO NOW YOU ARE NOT LAZY, IS THAT CORRECT?

22 A I WOULDN'T SAY I'M NOT LAZY I'M NOT AS LAZY AS
23 I USED TO BE I HAVE TO CLEAN MY ROOM AND I HAVE TO
24 DO CERTAIN CHORES AROUND THE JAIL

25 Q AND I JUST REMEMBER IN SOME OF THE EVIDENCE THAT

1 I'VE SEEN AND STATEMENTS THAT I'VE HEARD, I THINK
2 MARY SUE WORKED AND YOU HAVE ALREADY SAID SHE WENT IN
3 AT TEN AND SHE WOULD GET HOME ABOUT 7 30, IS THAT
4 CORRECT?

5 A WELL, YEAH, THAT'S ABOUT TRUE BY 7 30

6 Q AND SHE WORKED DURING THE WEEK MONDAY THROUGH
7 FRIDAY?

8 A THAT'S CORRECT

9 Q AND THIS, THIS WAS A WEDNESDAY EVENING, THE
10 EVENING LEADING UP TO THIS INCIDENT?

11 A THAT'S CORRECT

12 Q AND SO THAT WAS DURING THE WEEK AND SHE WAS
13 WORKING THAT WEEK, IS THAT CORRECT?

14 A THAT'S CORRECT

15 Q OKAY AND THAT EVENING IT HAS BEEN DISCUSSED AS
16 TO WHAT WAS EATEN FOR SUPPER AND I THINK YOU SAID
17 THAT MARY SUE COOKED SUPPER THAT NIGHT, IS THAT
18 RIGHT?

19 A SHE DID SHE COOKED SUPPER, THAT'S CORRECT

20 Q AND I BELIEVE THAT YOU HAD EVEN SAID THAT A LOT
21 OF THE CLOTHES WERE OUT AROUND BECAUSE Y'ALL HAD
22 FOGGED THE HOUSE AND MARY SUE HAD NOT HAD TIME TO
23 WASH THOSE CLOTHES YET, IS THAT CORRECT?

24 A SOME OF THE CLOTHES A LOT OF THE CLOTHES WERE
25 THE CLOTHES WE BROUGHT BACK FROM THE MOUNTAINS WITH

1 US

2 Q OKAY BUT MARY SUE HAD NOT HAD TIME TO DO THAT?

3 A NOT ALL OF THEM, NO I NOTICED SHE HAD GOTTEN
4 SOME OF THE KITCHEN DONE, HER AND AMANDA I THINK
5 WORKED SOME IN THE KITCHEN, SOME IN THE BATHROOM, AND
6 A LITTLE IN THE LIVING ROOM THE LIVING ROOM LOOKED
7 A LITTLE WORSE THAN WHAT IT WAS BEFORE

8 Q AND AMANDA BEING THE OLDEST DAUGHTER WOULD HELP
9 HER MOTHER FROM TIME TO TIME?

10 A ALL THREE OF THEM WOULD, YES, SIR

11 Q SO ALL THREE OF THE DAUGHTERS WOULD HELP MARY
12 SUE IN TRYING TO KEEP UP WITH THE HOUSE AND KEEP UP
13 WITH THE FAMILY, IS THAT A FAIR STATEMENT?

14 A I WOULD SAY THAT'S A FAIR STATEMENT, YES, SIR

15 Q OKAY

16 A THEY HELPED OUT I MEAN THEY DONE THEIR PARTS
17 THEY HAD CHORES THAT THEY HAD TO DO AND THEY TOOK
18 CARE OF IT I MEAN, WE DIDN'T HAVE NO PROBLEMS

19 Q AND I THINK THAT YOU MENTIONED THAT AMANDA WAS
20 RESPONSIBLE FOR CLEANING HER ROOM AND HER CLOSET, IS
21 THAT CORRECT?

22 A FOR, FOR, SHE WAS RESPONSIBLE FOR REMOVING THE
23 CLOTHES AND STUFF OUT OF HER CLOSET SO WE COULD SPRAY
24 FOR THE ROACHES AND SHE WAS RESPONSIBLE FOR CLEANING
25 HER ROOM WHICH SHE NEVER DONE THAT SHE WAS ALWAYS

1 DOING OTHER THINGS SHE WAS HELPING MOM DO
2 EVERYTHING ELSE MOM HELPED HER IN HER ROOM QUITE
3 OFTEN TOO

4 Q OKAY AND I THINK THAT DAY THAT YOU INDICATED
5 THAT AFTER YOU PICKED UP AMANDA FROM SCHOOL YOU HAD
6 TO STOP BY THE SCHOOL BECAUSE MARY SUE HAD ASKED YOU
7 TO GET SOMETHING?

8 A THAT'S CORRECT WHEN I COME IN FROM WORK THAT
9 MORNING AND I HAD TALKED WITH MARY SUE SHE SAID
10 SOMETHING ABOUT PICKING UP SOME WASHING POWDERS AND
11 PICKING UP SOME, I THINK IT WAS SOME SUGAR OR
12 SOMETHING

13 Q OKAY AND WHEN YOU GOT TO THE STORE YOU ALLOWED
14 AMANDA TO GO IN AND GET THAT?

15 A AMANDA ASKED ME COULD SHE GO IN AND I TOLD HER I
16 WOULD LET HER AND THEN I RODE AROUND THE BLOCK MY
17 ATTORNEY DIDN'T LET ME FINISH THAT BUT I UNDERSTAND
18 FOR THE SAKE OF TIME I'M GOING TO FINISH IT NOW, IF
19 YOU DON'T KNOW MIND

20 Q GO RIGHT AHEAD?

21 A I WAS, AS I WAS CIRCLING AROUND WE STOPPED I
22 SAW THIS CHRISTMAS ORNAMENTS IN THE SALVATION ARMY
23 WINDOW, A BIG PLAQUE OF SANTA CLAUSE AND A REINDEER

24 Q AND LET ME SEE IF I CAN ASK IF I HAVE THIS
25 CORRECTLY, YOU SAW THOSE AND THEY CAUGHT YOUR EYE

1 BECAUSE THEY WERE ORNAMENTS THAT YOU REMEMBERED AS A
2 CHILD?

3 A THAT'S CORRECT

4 Q OKAY AND SO YOU GOT OUT OF THE TRUCK AND YOU
5 WENT IN TO SEE IF YOU COULD SOMEHOW BARTER WITH THEM
6 TO ACQUIRE THESE ORNAMENTS THAT WERE SPECIAL TO YOU
7 AS A CHILD?

8 A NO, I WON'T SAY I --- WELL, FIRST OF ALL IT WAS
9 A VAN WITH MY, I PULLED INTO THE PARKING LOT WE
10 WENT IN, I WENT INTO THE STORE, AND I ASKED THE MAN
11 HOW MUCH WERE THEY HE TOLD ME THEY WERE NOT FOR
12 SALE, THEY WERE STORE PROPERTY, BUT THE THING WAS, I
13 BEEN IN THE SALVATION ARMY A THOUSAND TIMES OR MORE
14 AND WHEN YOU GO IN THERE AND THERE IS A STORE, STORE
15 PROPERTY ITEM THEY HAVE A GREAT BIG PIECE OF TAPE
16 WRITTEN ON THE BACK AND IT SAYS STORE PROPERTY THIS
17 DID NOT IT HAD A PRICE ON IT I WAS ACTUALLY GOING
18 TO PURCHASE THEM I WANTED TO KNOW IF BOTH OF THEM
19 WERE THE SAME PRICE HE SAID THEY ARE NOT FOR SALE,
20 SO I DIDN'T GET THEM

21 Q OKAY

22 A AND WE --

23 Q BUT THEY CAUGHT YOUR EYE BECAUSE THEY WERE
24 SOMETHING YOU REMEMBERED AS A CHILD?

25 A RIGHT THERE WAS A CONFRONTATION THERE BETWEEN

1 ME AND HIM AT THAT TIME ALSO AND I WAS A LITTLE UPSET
2 WITH HIM

3 Q OKAY AND THEN YOU WENT BACK TO THE STORE TO
4 PICK UP AMANDA?

5 A ACTUALLY, NO SHE CAME INTO, SHE WALKED TO, THE
6 SALVATION ARMY IS RIGHT BESIDE THE DOLLAR GENERAL
7 WHERE WE WERE AT, SHE JUST WALKED RIGHT OVER THERE
8 WHERE I WAS AT

9 Q OKAY NOW ALSO THAT EVENING NOW JESSICA WAS
10 HAVING HOMEWORK PROBLEMS?

11 A THAT'S CORRECT

12 Q AND SHE WAS IN THE FIFTH GRADE AT THAT TIME, IS
13 THAT CORRECT?

14 A THAT'S, THAT'S CORRECT

15 Q AND YOU WORKED WITH HER FOR A LITTLE BIT,
16 CORRECT?

17 A I WORKED WITH HER FOR TWO HOURS MARY SUE
18 WORKED WITH HER FOR TWO HOURS AND AMANDA WORKED WITH
19 HER FOR TWO HOURS

20 Q AND EVENTUALLY AMANDA BEGAN TO WORK WITH HER AND
21 THAT'S WHAT TOOK IT LATE INTO THE EVENING IS BECAUSE
22 OF HER HOMEWORK, IS THAT CORRECT?

23 A THAT'S, THAT'S CORRECT WE STARTED, WE STARTED
24 THE HOMEWORK EARLY SHE STARTED THE HOMEWORK WHEN
25 SHE COME IN AND SHE WAS DOING ALL THE OTHER HOMEWORK

1 AND THEN WHEN IT COME DOWN TO THE MATH, YES, SIR, WE
2 STARTED DOING THAT AND IT DID TAKE A LONG TIME

3 Q AND WHEN AMANDA BEGAN TO ASSIST JESSICA YOU WENT
4 TO THE COMPUTER?

5 A THAT IS CORRECT

6 Q OKAY

7 A ACTUALLY, NO, SIR THAT WAS WHILE MARY SUE WAS,
8 IT STARTED WITH MARY SUE THEN MARY SUE GOT UP AND
9 SAID SHE WAS GOING TO BED AND THEN I HELPED AND THEN
10 AFTER I HELPED, AMANDA SAID SHE WOULD HELP AND THEN I
11 WENT BACK TO THE COMPUTER

12 Q AT BED TIME THAT EVENING YOU WERE IN YOUR
13 BEDROOM?

14 A THAT'S CORRECT

15 Q AND I BELIEVE THAT THE PHONE RANG AT ABOUT ONE
16 O'CLOCK OR SO LETTING KNOW THAT IT WAS TIME FOR THE
17 GIRLS TO GO TO BED, CORRECT?

18 A THAT'S CORRECT

19 Q AND YOU ASKED AMANDA TO COME TO YOUR BEDROOM TO
20 CUT OFF THE LIGHT, CORRECT?

21 A CUT OFF THE LIGHT, TURN ON THE FAN, GIVE ME A
22 KISS, AND THEN THE PHONE, THE PHONE BEEPED AND I
23 ASKED WOULD SHE PUT IT ON THE CHARGER AFTER I SET IT
24 FOR SIX AM

25 Q AND SO YOU DIDN'T HAVE TO GET OUT OF THE BED OR

1 GET OFF OF YOUR BED TO MAKE SURE THAT THEY GOT INTO
2 BED THAT NIGHT BECAUSE THAT WAS YOUR ROUTINE, IS THAT
3 CORRECT?

4 A THAT'S CORRECT THAT IS NOT MY ROUTINE, NO,
5 SIR MY ROUTINE IS NORMALLY I SIT UP I'M USUALLY
6 IN THE LIVING ROOM AT THE COMPUTER WHEN THEY GO TO
7 BED

8 Q OKAY AND YOU WOULD JUST TELL THEM TO GO TO
9 BED?

10 A THAT'S CORRECT I HAD GOTTEN FRUSTRATED WITH
11 THE COMPUTER, I GOT FRUSTRATED IN TRYING TO HELP HER,
12 AND I KNEW THAT WE HAD, THIS BEING WEDNESDAY AND
13 SUNDAY IS WHEN I HELPED HER WITH HER QUIZZING SO WE
14 HAD THE, I HAD THE CHILDREN QUIZZING ON WEDNESDAY
15 NIGHT AND I HAD THE TEAM QUIZZING ON SUNDAY
16 AFTERNOON

17 Q NOW THE NEXT MORNING I BELIEVE THAT YOU SAID
18 THAT YOU CALLED FOR AMANDA AND YOU HAVE TESTIFIED
19 THAT THAT WAS YOUR NORMAL ROUTINE, CORRECT?

20 A THAT WAS MY NORMAL ROUTINE, YES

21 Q OKAY YOU WOULD CALL HER FOR HER TO WAKE UP AND
22 TO GET UP, CORRECT?

23 A THAT'S CORRECT

24 Q AND AT THE TIME THAT YOU WOULD DO THAT YOU WOULD
25 NOT HAVE YET GOTTEN OUT OF BED?

003296

1 A NO, SIR

2 Q OKAY

3 A I WAS LAZY

4 Q OKAY NOW YOU'VE TESTIFIED THAT TWO WEEKS PRIOR
5 TO THIS INCIDENT WAS THE TIME THAT YOU BEGAN TO SLEEP
6 IN THE EVENINGS DURING THIRD SHIFT, CORRECT?

7 A THAT'S WHEN I GOT THE JOB WITH STEAK OUT

8 Q RIGHT YOU STARTED DOING THE SALADS?

9 A IN THE MORNING, RIGHT, SALADS

10 Q SO YOU WERE TRYING TO REST AND GET SLEEP IN THE
11 EVENINGS?

12 A THAT'S CORRECT NOW I DID HAVE SALADS ONCE
13 BEFORE THEN HE HIRED, HE FINALLY GOT A SALAD PERSON
14 HIRED AND I -- BUT THAT'S WHEN THAT RESTARTED, YES

15 Q BUT PRIOR TO THAT TWO WEEK PERIOD YOU WOULD STAY
16 AND I BELIEVE YOU TESTIFIED TO THIS, THAT YOU WOULD
17 STAY UP AT NIGHTTIME SO THAT YOU COULD GO TO BED WITH
18 MARY SUE IN THE MORNING WHEN SHE WOULD COME HOME?

19 A THAT'S CORRECT

20 Q OKAY AND MARY SUE HAD BEEN WORKING THIRD SHIFT
21 FOR THREE YEARS, CORRECT?

22 A THAT'S CORRECT

23 Q OKAY

24 A BUT THAT DIDN'T ALWAYS HAPPEN NOW BECAUSE I WAS
25 ALSO WORKING AND GOING TO SCHOOL

003297

1 Q RIGHT?

2 A AND WHEN I WAS GOING TO SCHOOL THOSE FIRST, SEE
3 I HAD ONLY BEEN OUT OF SCHOOL SINCE MAY 11 SO

4 Q RIGHT AND SO PROBABLY AT LEAST SINCE MAY 11 IT
5 WAS YOUR NORMAL ROUTINE UP UNTIL TWO WEEKS PRIOR TO
6 THE INCIDENT TO STAY UP IN THE EVENINGS SO THAT YOU
7 COULD GO TO BED WITH MARY SUE?

8 A TO STAY UP FOR MOST PART, YES, SIR

9 Q OKAY

10 A I MEAN SOMETIMES I WOULD LAY DOWN AND GO TO
11 SLEEP AND THAT'S ONE REASON WHY I WOULD HAVE A
12 PROBLEM HEARING HER OR WAKING UP WITH THE PHONE OR
13 WHENEVER SHE CALLED BECAUSE I WOULD LAY DOWN, I MIGHT
14 LAY DOWN ABOUT FOUR OR FIVE O'CLOCK IN THE MORNING
15 AND I GET SO TIRED I COULDN'T THAT'S, YOU KNOW

16 Q AND SO THE CHILDREN I BELIEVE YOU'VE TESTIFIED
17 THEIR NORMAL, NORMAL BEDROOM TIMES WAS 8 30, 9 30,
18 10 30

19 A THAT'S RIGHT

20 Q THAT'S IN SUCCESSIVE OF AGE?

21 A THAT'S RIGHT

22 Q OKAY AND SO IF AMANDA WENT TO BED AT 10 30 AND
23 LET'S SAY SHE FELL ASLEEP BY 11 O'CLOCK THEN AND IF
24 YOU STAYED UP, IF YOU STAYED UP THE WHOLE EVENING
25 UNTIL MARY SUE GOT HOME, YOU HAVE ABOUT 8 HOURS THERE

003298

1 AT THE HOUSE BY YOURSELF?

2 A THAT'S CORRECT

3 Q OKAY AND YOU CAN'T LEAVE THE HOUSE BECAUSE YOU
4 HAVE THE CHILDREN THERE, CORRECT?

5 A THAT'S RIGHT

6 Q AND SO YOU WOULD SPEND THE NEXT 8 HOURS DOING
7 VARIOUS THINGS, IS THAT CORRECT?

8 A WORK ON THE COMPUTER, READ, AND SOME, BUT MOST
9 OF THE TIME ABOUT FOUR O'CLOCK I WAS TIRED, SOMETIMES
10 EVEN I GO AND LAY DOWN

11 Q ALL RIGHT SO YOU WOULD STAY UP UNTIL SOMETIMES
12 FOUR OR FIVE IN THE MORNING AND THEN YOU WOULD GO TO
13 BED, CORRECT?

14 A THAT'S TRUE

15 Q AND THAT'S WHAT WOULD CAUSE YOU TO SLEEP LATE IN
16 THE MORNINGS SOMETIMES?

17 A SOMETIMES, YES, SIR

18 Q AND THAT'S WHY THE CHILDREN WERE TARDY FROM
19 SCHOOL?

20 A THAT'S CORRECT

21 Q NOW YOU SAID YOU WOULD SPEND TIME ON THE
22 COMPUTER DURING THE EVENINGS WOULD YOU SPEND ON
23 LINE DURING THE EVENINGS?

24 A SOMETIMES, YES, SIR

25 Q OKAY AND I BELIEVE YOU WOULD AGREE WITH ME

1 THAT YOU SPENT A GOOD BIT OF TIME ON THE COMPUTER
2 EITHER DURING THE DAY OR IN THE EVENING OR WHENEVER?

3 A I WAS A COMPUTER PROGRAMMER, YES I PROGRAM IN
4 THREE DIFFERENT LANGUAGES I CREATED A LOT OF
5 PROGRAM AND A LOT OF GAMES I MEAN, YOU'VE SEEN THE
6 DOCUMENTS SHOWING --

7 Q IS IT A FAIR STATEMENT TO SAY THAT IT WAS ONE OF
8 YOUR PRIMARY INTERESTS?

9 A WELL, YES, SIR COMPUTERS ELECTRONICS,
10 ENGINEERING, THAT WAS ONE OF MY, THAT'S MOSTLY WHAT I
11 DONE WAS WORK ON THE COMPUTER, PROGRAMS, STUFF LIKE
12 THAT

13 Q OKAY

14 A PLAYED GAMES

15 Q NOW YOU INDICATED, AND I'M NOT GOING TO DWELL A
16 LONG TIME ON THIS, BUT YOU INDICATED THAT YOU WOULD
17 MASTURBATE IN THE EVENINGS, CORRECT?

18 A AT NIGHT, YEAH WELL, EARLY MORNINGS ACTUALLY,
19 SOMETIME AROUND THREE - FOUR O'CLOCK IN THE MORNING

20 Q OKAY AND WOULD YOU DO THAT AFTER YOU HAD BEEN
21 ON THE COMPUTER?

22 A AFTER I'VE BEEN ON THE COMPUTER?

23 Q YES, SIR

24 A (NO RESPONSE) NO MOST OF THE TIME IT WAS---IT
25 WAS USUALLY AFTER I, ABOUT BEFORE I WENT TO BED

1 USUALLY I WOULD READ A LITTLE WHILE THEN I WOULD GO
2 TO BED THEN THAT'S WHEN I WOULD MASTURBATE

3 MR MORTON MAY WE APPROACH THE BENCH

4 (BENCH CONFERENCE AT 11 13 AM)

5 Q NOW MR COPE, I WANT TO TALK TO YOU YOU HAD
6 MENTIONED THAT, FOR YOU, YOU BELIEVE THAT
7 MASTURBATION IS A SIN?

8 A THAT IS CORRECT I BELIEVE

9 Q AND THAT --

10 A MY DENOMINATION AND MY -- WELL, MY DENOMINATION
11 OR WHAT USED TO BE MY DENOMINATION WHICH I FEEL IS NO
12 DENOMINATION IS THAT, IS ARMENIAN WHICH MEANS WE
13 BELIEVE THAT SIN IS SIN YOU KNOW, THERE IS NO SUCH
14 THING AS A ONCE SAVED ALWAYS SAVED, AS FAR AS I'M
15 CONCERNED

16 Q RIGHT NOW YOUR PRIOR CHURCH WAS CHURCH OF
17 NAZARENE?

18 A IS THAT CORRECT

19 Q AND THAT'S JUST ANOTHER WORD FOR THE CHURCH OF
20 THE JESUS BECAUSE HE WAS THE NAZARENE, JESUS OF
21 NAZARETH, IS THAT CORRECT?

22 A THAT'S CORRECT, BUT IT WAS A DENOMINATION, YES

23 Q RIGHT THIS IS THE ONE THAT YOU GREW UP IN

24 A I WON'T SAY I GREW UP IN I GREW UP IN CHURCH
25 OF GOD, BUT I STARTED GOING TO THE NAZARENE CHURCH

1 PROBABLY ABOUT NINE YEARS PRIOR TO THIS

2 Q AND IN YOUR BELIEF EVERYBODY SINS, CORRECT? I
3 MEAN, THAT'S PART OF THE HUMAN CONDITION, CORRECT?

4 A THAT'S CORRECT, YES

5 Q AND THAT'S THE STRUGGLE THAT THAT BELIEVERS HAVE
6 IS TRYING NOT TO SIN AND YET STILL DOING IT
7 SOMETIMES, IS THAT CORRECT?

8 A BUT THE NAZARENE BELIEVE THAT YOU CAN LIVE ABOVE
9 SIN

10 Q OKAY

11 A THEY BELIEVE THAT WITH THE HELP OF THE HOLY
12 SPIRIT THAT THE HOLY SPIRIT WILL KEEP YOU JESUS
13 SAID BE THEREFORE PERFECT EVEN AS YOUR FATHER IS
14 PERFECT AND I BELIEVE THAT YES, YOU CAN

15 Q AND THAT WAS, THAT WAS YOUR GOAL?

16 A THAT WAS MY GOAL, YES, SIR

17 Q AND THAT'S WHY YOU WERE STRUGGLING WITH THE FACT
18 OF THIS MASTURBATION THAT YOU DOING, ISN'T THAT
19 CORRECT?

20 A YES, SIR

21 Q BECAUSE YOU WANTED TO LIVE ABOVE SIN BUT YOU
22 KEPT GOING BACK AND SUBJECTED YOURSELF TO THE
23 TEMPTATION OR WHATEVER IT MAY HAVE BEEN, CORRECT?

24 A YES, SIR I MEAN, YOU KNOW, I'VE COME TO THE
25 CONCLUSION THAT, YOU KNOW, I CAN'T BELIEVE THAT YOU

1 CAN LIVE ABOVE SIN YOU HAVE TO DAILY, PAUL SAID I
2 DIE DAILY, SO I HAVE TO DIE DAILY TO SIN

3 Q AND WHEN YOU DIE DAILY THE WONDERFUL THING ABOUT
4 IT IS THAT THERE IS REBIRTH AFTER THAT DYING?

5 A THAT'S CORRECT

6 Q ISN'T THAT TRUE?

7 A THAT'S CORRECT, YES, SIR

8 Q AND SO WE HAVE THE POSSIBILITY OF REBIRTH EVEN
9 THOUGH WE HAVE THIS SIN THAT WE'RE TRYING TO FIGHT
10 AGAINST, CORRECT?

11 A THAT'S CORRECT

12 Q OKAY NOW AND THERE ARE MANY DIFFERENT TYPES OF
13 SIN, CORRECT? WE KNOW THE TOP TEN

14 A THERE IS THE SIN OF OMISSION AND THE SIN OF
15 COMISSION, THAT'S THE TWO TYPES, EITHER YOU KNOW
16 ABOUT IT OR YOU DON'T KNOW ABOUT IT

17 Q RIGHT NOW ONE OF THE SINS IS BEARING FALSE
18 WITNESS, IS THAT CORRECT?

19 A AND THAT'S ABSOLUTE RIGHT THAT'S THE NINETH
20 COMMANDMENT THOU SHALL NOT BEAR FALSE WITNESS AGAINST
21 THY NEIGHBOR

22 Q NOW I WANT TO ASK YOU ABOUT THIS A LITTLE BIT
23 THE FACT THAT YOU'VE ALREADY TESTIFIED BEFORE THIS
24 JURY, OKAY?

25 A YES, SIR

003303

1 Q THAT IN THESE STATEMENTS?

2 A YES, SIR

3 Q FOLLOWING THE FIRST ONE GIVEN TO DETECTIVE
4 BAKER?

5 A THAT'S CORRECT

6 Q THAT YOU LIED?

7 A I LIED

8 Q NOW YOU WERE BEARING FALSE WITNESS AGAINST
9 YOURSELF THOUGH, RIGHT?

10 A THAT'S CORRECT

11 Q OKAY DO YOU STILL CONSIDER YOU TO HAVE SINNED
12 FOR THAT?

13 A GOD HAS FORGIVEN ME FOR IT

14 Q OKAY SO YOU DO CONSIDER THAT THAT WAS A SIN?

15 A THAT WAS A SIN

16 Q OKAY AND SO ONCE AGAIN WE GET, BELIEVERS GET
17 CAUGHT IN THE TEMPTATION AND HAVING TO BE REBORN FROM
18 THE SIN, IS THAT CORRECT?

19 A WE HAVE A PROBLEM WITH SIN AND WE HAVE TO ASK
20 GOD TO FORGIVE US, THAT'S CORRECT

21 Q OKAY AND WOULD YOU AGREE THAT MANY TIMES
22 SINNERS, EVEN THOUGH GOD KNOWS EVERYTHING THAT WE DO,
23 MANY TIMES SINNERS WANT TO HIDE THEIR SIN, THEY ARE
24 SHAMEFUL OF IT?

25 A I THINK WITH THE HELP OF THE HOLY SPIRIT, NO,

1 SIR, THAT'S NOT CORRECT THE HOLY SPIRIT HELP US NOT
2 TO HIDE IT HE LETS US KNOW WHAT OUR SIN IS SO WE
3 CAN GET IT OUT

4 Q I UNDERSTAND LISTEN TO MY QUESTION

5 A I DID AND I DON'T THINK I, I DON'T THINK THEY
6 TRIED TO HIDE IT

7 Q THERE ARE MANY SINNERS I'M JUST SAYING IN
8 GENERAL SINNERS?

9 A I CAN'T SAY THAT I'M NOT MANY PEOPLE

10 Q OKAY BUT WOULD YOU AGREE THAT SIN SOMETIMES
11 CAUSES PEOPLE TO HAVE SECRETS?

12 A SIN CAUSES

13 Q RIGHT

14 A SECRETS

15 Q YES

16 A NO, SIR I THINK THE BIBLE PLAINLY SPEAKS
17 AGAINST SECRETIVE, TO BE OF SECRET LIKE THAT SO I
18 CAN'T SAY EVERYBODY AND AGAIN I'M NOT MOST PEOPLE

19 Q OKAY BUT YOU HAVE THE SIN OF MASTURBATION
20 ACCORDING TO YOUR BELIEF?

21 A THAT'S CORRECT

22 Q AND YOU HAD A SECRET PLACE THAT YOU WOULD PUT
23 THIS RAG TO HIDE?

24 A I NEVER IT WAS A SECRET PLACE I TOLD YOU, I
25 SAID BEFORE THAT WASN'T A SECRET PLACE, JUST A PLACE

1 THAT I PUT IT THE NORMAL PLACE I PUT IT IT WASN'T
2 SECRETIVE

3 Q WELL, YOUR WIFE DIDN'T KNOW WHERE YOU PUT IT?

4 A NO, SHE DIDN'T KNOW ABOUT IT I DIDN'T WANT TO
5 HURT HER FEELINGS

6 Q I UNDERSTAND AND THE CHILDREN DIDN'T KNOW
7 ABOUT IT, DID THEY?

8 A NO, THE CHILDREN DIDN'T KNOW THEY DIDN'T NEED
9 TO KNOW ABOUT IT I MEAN, MY WIFE KNEW I MASTURBATED
10 BUT I DIDN'T BRAG I DIDN'T BRING IT OUT HEY, YOU
11 KNOW, I MASTURBATED TODAY NO, THAT WAS MY PLACE TO
12 PUT IT SO SHE WOULDN'T WORRY

13 Q OKAY OKAY BUT YOU DIDN'T PUT IT ON TOP OF
14 THE BOOK SHELF?

15 A NO, SIR

16 Q YOU PUT UNDER THE BOOK SHELF?

17 A WHERE THE KIDS COULDN'T GET TO IT YOU KNOW,
18 THEY COULDN'T SEE IT YOU KNOW, THEY DON'T GO UP
19 UNDER THERE

20 Q RIGHT SO THAT THEY WOULDN'T SEE IT AND SO IT
21 WAS HIDDEN FROM THEM, CORRECT?

22 A IT WAS HIDDEN FROM THEIR EYES, YES, THAT'S
23 CORRECT

24 Q OKAY NOW PEOPLE WHEN THEY COMMIT THE SIN OF
25 LYING WILL SOMETIMES COMMIT THAT SIN BECAUSE THEY ARE

1 TRYING TO HELP THEMSELVES, IS THAT CORRECT?

2 A I'M NO THEOLOGIAN I CAN'T SAY WHY PEOPLE SIN

3 Q OKAY YOU ARE A THEOLOGIAN?

4 A I SAID I'M NO THEOLOGIAN

5 Q YOU ARE NO THEOLOGIAN OKAY WHEN PEOPLE LIE

6 DO THEY SOMETIMES DO IT TO TRY TO HELP THEMSELVES?

7 WE'LL TAKE IT OUT OF THE CATEGORY OF SIN AND JUST --

8 A I CAN'T, I CAN'T SAY THAT IT'S, THAT IS ALL THE,

9 EVERY TIME THEY LIE THAT'S WHAT THEY ARE TRYING TO

10 DO NO, I CAN'T SAY THAT

11 Q I'M NOT ASKING YOU ABOUT --

12 A MAYBE IN SOME CASES MAYBE, YEAH, THAT'S TRUE

13 Q OKAY SO YOU AND I AGREE CAN THAT SOMETIMES

14 PEOPLE LIE TO HELP THEMSELVES?

15 A YES, I CAN SAY THAT SOMETIMES, YEAH, MAYBE

16 Q OKAY AND IN THIS PARTICULAR CASE WHEN YOU WENT

17 TO, WHEN YOU WENT TO CAPTAIN CABANISS ON MONDAY

18 MORNING?

19 A RIGHT

20 Q YOU WENT AND I BELIEVE THE TERM YOU USED WAS

21 PREFABRICATION, IS THAT CORRECT?

22 A I THINK I DID SAY THAT, YES, SIR

23 Q YES, SIR YOU PREFABRICATED THIS STORY BECAUSE

24 YOU WANTED TO BE PUT TO A HOSPITAL RATHER THAN A

25 PRISON?

003207

1 A I CAN SAY, YEAH, I WAS TRYING TO HELP MYSELF,
2 YES

3 Q OKAY SO IN THIS CIRCUMSTANCE YOU ADMIT YOU
4 TOLD MANY LIES THROUGHOUT THE COURSE OF THE DAY?

5 A YES, SIR, I WILL ADMIT THAT

6 Q IN ORDER TO HELP YOURSELF?

7 A I DIDN'T CARE ANYMORE YOU KNOW I MEAN I JUST
8 DIDN'T CARE

9 Q WELL, THAT HAPPENED AFTER LUNCH, IS THAT
10 CORRECT?

11 A THE ONES BEFORE THAT, YES THAT

12 Q OKAY

13 A BUT I DIDN'T CARE, YOU KNOW

14 Q RIGHT SO YOU TOLD LIES IN ORDER TO HELP
15 YOURSELF?

16 A I CONSIDER, YES, I DID I DID

17 Q ALL RIGHT AND ONE OF THE THINGS THAT YOUR LIES
18 DID, IF THEY WERE LIES AS YOU SAY THEY ARE, IS THAT
19 THEY MISLEAD THE POLICE, CORRECT?

20 A I WASN'T TRYING TO MISLEAD THE POLICE I WAS
21 JUST TRYING TO GET A BETTER STORY I MEAN, I DIDN'T
22 --- THEY WERE LIES

23 Q OKAY BUT THE EFFECT OF IT, WHETHER YOU WERE
24 TRYING TO MISLEAD THE POLICE OR NOT, THE EFFECT OF IT
25 WAS FOR THE POLICE TO BE MISLEAD BY YOUR STATEMENT?

1 A I--

2 Q CORRECT?

3 A ---NO, THAT'S NOT CORRECT THAT WAS NOT THE

4 INTENT THE INTENT WAS --

5 Q I UNDERSTAND THE INTENT I'M TALKING ABOUT THE

6 EFFECT?

7 A OKAY

8 Q OKAY I WILL SAY YOU DID NOT INTEND TO MISLEAD

9 THE POLICE, OKAY?

10 A I DID NOT INTEND TO MISLEAD THE POLICE

11 Q BUT THE EFFECT, NOT THE INTENT, BUT THE EFFECT

12 OF YOUR LIES COULD HAVE RESULTED IN MISLEADING THE

13 POLICE IF THEY BELIEVED WHAT YOU WERE SAYING WAS

14 TRUE, ISN'T THAT CORRECT?

15 A MAYBE I CAN'T SAY FOR SURE

16 Q THE REASON I ASK THIS YOU HAVE SAID THAT THE

17 POLICE HAVE NOT DONE A GOOD JOB IN THIS CASE,

18 CORRECT, AND YOU DON'T TRUST THEM?

19 A THAT'S CORRECT

20 Q OKAY AND --

21 A THEY WERE STILL POINTING THEIR FINGER AT ME I

22 DIDN'T DO NOTHING WRONG

23 Q I UNDERSTAND THAT BUT YOU DID TELL THEM YOU DID?

24 A BUT, BUT THAT WAS AFTER THEY HAD DONE STARTED

25 POINTING THE FINGER AT ME AND CONVINCED ME THAT I DID

1 IT

2 Q BUT ISN'T IT REASONABLE FOR THEM TO BELIEVE THAT
3 WHAT YOU TOLD THEM WAS TRUE?

4 A FOUR HOURS OF INTERROGATION SHOULD HAVE LED THEM
5 SOMEWHERE ELSE

6 Q OKAY

7 A I DIDN'T DO IT

8 Q AND SO ---

9 A AND I KEPT REPEATINGLY SAYING THAT

10 Q AND SO YOU ARE SAYING YOUR ACTIONS THAT DAY OF
11 LYING TO THEM ON MONDAY SHOULD NOT BE CONSIDERED IN
12 THE FORMULUA OF THE POLICE ALLEGEDLY BEING MISLEAD IN
13 THIS CASE?

14 A I CAN'T SAY THAT I REALLY DON'T KNOW WHAT'S ON
15 THEIR MIND

16 Q OKAY WELL, ISN'T IT TRUE THAT YOU HAVE MADE
17 ACCUSATIONS THAT THE POLICE DIDN'T DO THEIR JOB AND
18 THAT THEY HAD CONSPIRED AGAINST YOU?

19 A THAT'S CORRECT, I SAID THAT

20 Q OKAY AND YET --

21 A EVIDENCE SHOWS IT

22 Q DIDN'T THE POLICE HAVE STATEMENTS FROM YOU OF
23 DOING HORRIBLE, HORRENDOUS THINGS TO YOUR NATURAL
24 CHILD?

25 A THE STATEMENTS WERE -- YES, SIR

003210

1 Q OKAY AND ISN'T IT REASONABLE TO BELIEVE THAT
2 IT'S UNUSUAL FOR A NATURAL FATHER TO MAKE SUCH
3 ALLEGED ADMISSIONS OF THESE HORRIBLE ACTS AGAINST
4 THEIR NATURAL CHILD IF THEY WERE NOT TRUE?

5 A YOU WEREN'T THERE YOU DON'T KNOW WHAT I WENT
6 THROUGH

7 Q UNDERSTAND THAT?

8 A YOU DO NOT KNOW WHAT I WENT THROUGH AT THE, AT
9 THE MOUTHS OF THESE PEOPLE YOU WEREN'T THERE YOU
10 DIDN'T HEAR IT

11 Q I UNDERSTAND THAT

12 A I HAD TO PUT UP WITH A LOT OF ABUSE

13 Q OKAY AND SO, AND I BELIEVE THAT YOU TESTIFIED
14 THAT AT THAT POINT IN THE AFTERNOON TO WHERE YOU GAVE
15 THE STATEMENT TO DETECTIVE CABANISS YOU SAID NOBODY
16 CARED ABOUT ME YOU TESTIFIED TO THAT ON DIRECT, IS
17 THAT CORRECT?

18 A THAT'S CORRECT

19 Q OKAY AND SO YOUR ATTENTION AT THAT POINT IN
20 TIME WAS ON YOU?

21 A NO, SIR I WANTED THEM TO FIND WHO DID IT

22 Q BUT YOU SAID NOBODY CARES ABOUT ME?

23 A WELL, THEY DON'T I MEAN THEY DIDN'T THEY
24 WERE CONCERNED ABOUT, ALL THEY WANTED TO DO WAS TO
25 DESTROY ME THAT'S ALL THEY WERE OUT TO DO

003211

1 Q OKAY ALL RIGHT SO THE POLICE WERE OUT TO
2 DESTROY YOU?

3 A THAT'S CORRECT

4 Q AND NOBODY CARED ABOUT YOU, CORRECT?

5 A NOBODY CARED ABOUT THE TRUTH, I'LL PUT IT THAT
6 WAY, AND IT SEEMS THEY STILL DON'T

7 Q BUT THE FACT THAT YOU DID GIVE, LIE TO THEM IN
8 STATEMENTS, YOU CAN'T HOLD THEM COMPLETELY
9 RESPONSIBLE FOR NOT CARING ABOUT THE TRUTH?

10 A I DID SAY LIE I DID SAY THAT I DID LIE TO
11 THEM, YES, I DID

12 Q OKAY NOW IN THE VIDEO THAT YOU DID AND YOU'VE
13 SAID THAT THIS WAS THE PREFABRICATION STORY, ALMOST
14 EVERYTHING THAT YOU SAID ON THAT VIDEO EACH SENTENCE
15 WAS A LIE THAT YOU MADE UP?

16 A (NO RESPONSE) THAT WAS THE SAME, YEAH, THAT
17 WAS A LIE THAT WAS, PART OF THAT HAD SOMETHING TO
18 DO WITH WHAT I HAD SAID EARLIER

19 Q OKAY BUT --

20 A BUT IT WAS ALL BUILDING AROUND THE DREAM

21 Q RIGHT AND BUT ONE OF THE THINGS THAT YOU
22 TESTIFIED, NOT IN THE VIDEO BUT ABOUT THE VIDEO, IS
23 THAT YOU HAD TO COME UP WITH AN IDEA THAT WOULD MAKE
24 YOU ANGRY AND THAT'S WHY YOU CAME UP IN REGARDS TO
25 THE IDEA ABOUT THE DREAM OF MS GARRISON I BELIEVE?

1 A RIGHT I DO HAVE ANOTHER REASON THAT I AM MORE
2 ANGRY THAN I CAN SAY TOWARD THAT TERM THERE AND I
3 THINK WE ALL KNOW WHAT THAT IS

4 Q I UNDERSTAND

5 A AND I THINK I'M --

6 Q LISTEN TO MY QUESTION NOW SO WHEN YOU WERE
7 REENACTING THIS VIDEO OR WHEN YOU WERE ACTING THIS
8 VIDEO THAT YOU PUT ON, YOU PUT IN YOUR MIND AT THAT
9 TIME WHAT THIS WOMAN HAD DONE TO YOU, CORRECT?

10 A THAT'S CORRECT

11 Q AND I BELIEVE THAT IN YOUR OWN TESTIMONY YOU
12 SAID THAT IS WHAT YOU GAVE YOU THE MOTIVATION TO ACT
13 IN THE WAY YOU NEEDED TO SHOW THE RAGE THAT WOULD
14 CAUSE YOU TO DO SOMETHING LIKE THIS?

15 A I NEVER SAID IT DID LIKE THAT, NO, SIR I SAID,
16 I SAID I WAS THINKING ABOUT WHAT KIND OF RAGE IT
17 WOULD TAKE FOR A PERSON TO BE THAT PERSON WHO WOULD
18 DO SOMETHING LIKE THAT

19 Q OKAY

20 A SO I THOUGHT ABOUT THAT RAGE

21 Q OKAY AND IT DID MAKE YOU VERY, VERY ANGRY?

22 A YES, SIR BUT IF YOU ARE INSINUATING THAT MY
23 ANGER

24 Q I'M JUST ASKING A QUESTION

25 A IF YOU INSINUATING THAT MY ANGER THE OTHER DAY

1 WAS BROUGHT OUT BECAUSE OF THAT, I MEAN, YESTERDAY
2 WAS BROUGHT OUT BECAUSE OF MAYBE WHAT I WAS THINKING,
3 THAT'S THE FARTHEST THING FROM THE TRUTH

4 Q NO I'M TALKING WITH YOU ABOUT TERESA GARRISON
5 THAT'S ALL?

6 A RIGHT BUT I KNOW WHERE THIS IS GOING IT SEEMS
7 LIKE

8 Q NOW BUT IN REGARDS TO MS GARRISON YOU HAD TO
9 THINK OF SOMETHING THAT WOULD HAVE MADE YOU MAD
10 ENOUGH, THAT WOULD CAUSE RAGE ENOUGH, TO ACT THAT
11 WAY, CORRECT?

12 A THAT'S WHAT I STATED, YES

13 Q RIGHT IT HAD TO BE REAL LOOKING, RIGHT?

14 A I WOULDN'T SAY IT HAD TO BE REAL LOOKING, BUT I
15 WAS TRYING TO CONVINCE THE MAN THAT BECAUSE HE SAID
16 THAT IF I DIDN'T CONVINCE HIM AND I WAS WANTING TO
17 CONVINCE HIM

18 Q NOW --

19 THE COURT MR GREELEY, WHY DON'T WE TAKE
20 A BREAK AT THIS POINT

21 MR GREELEY OKAY, I AM AT A BREAKING
22 POINT

23 THE COURT IT LOOKED LIKE YOU WERE AT A
24 BREAKING POINT LET'S TAKE A SHORT BREAK

25 (COURT IN RECESS AT 11 30 AM)

1 (COURT RESUMES AT 11 39 AM)

2 MR MORTON I JUST WANTED TO MAKE MY
3 NOTICE ON THE RECORD THAT AT THE BENCH CONFERENCE
4 AFTER MR COPE, AFTER MR POPE'S COMMENT AND AFTER
5 THE CURATIVE INSTRUCTION WAS READ BY THE COURT THAT I
6 OBJECTED TO A CURATIVE INSTRUCTION AT ALL AND I THINK
7 IT'S CLEAR THAT I WANTED A MISTRIAL WHICH WAS DENIED
8 AND THEN I OBJECTED TO THE SUFFICIENCY OF THE
9 CURATIVE INSTRUCTION AND THE COURT HAS PUT WHAT I
10 PROPOSED IN THE RECORD AT THAT POINT

11 THE COURT THAT'S CORRECT

12 MR MORTON THANK YOU, YOUR HONOR

13 THE COURT BRING IN THE JURY

14 (THE JURY RETURNS TO THE COURTROOM AT
15 11 41 AM)

16 THE COURT MR GREELEY

17 MR GREELEY THANK YOU, JUDGE

18 CROSS EXAMINATION CONTINUED BY MR GREELEY

19 Q MR COPE, I WANT TO GO BACK ON SOMETHING THAT WE
20 TOUCHED ON ALREADY IN THE CHRISTIAN TRADITION THERE
21 IS A VERY BIG PART OF THE CHRISTIAN TRADITION IS THE
22 ASPECT OF REBIRTH, ISN'T THAT CORRECT?

23 A THAT'S CORRECT

24 Q AND I BELIEVE THAT YOU'VE ALREADY STATED THAT IN
25 YOUR BELIEF NOW IS THAT THERE CAN BE MANY INSTANCES

1 OF REBIRTH OF SOMEONE, ISN'T THAT CORRECT? NOT
2 NECESSARILY SPIRITUALLY BUT TO BECOME ANEW, AGAIN?

3 A I WOULD SAY THAT YOU CAN ONLY BE BORN AGAIN
4 ONCE, BUT YOU JUST BE RENEWAL

5 Q EXACTLY AND I BELIEVE ALSO THE CHRISTIAN
6 TRADITION TEACHES THAT OUT OF VERY BAD THINGS GOOD
7 CAN COME AND THAT'S THE HOPE FOR THE FUTURE, IS THAT
8 CORRECT?

9 A YEAH, JESUS CHRIST IS THE HOPE HE'S THE GREAT
10 HOPE

11 Q AND SO WE HAVE THE HOPE FOR THE FUTURE DUE TO
12 THESE REBIRTHS, IS THAT CORRECT, AND THE AVAILABILITY
13 OF THOSE IF WE WILL TAKE ADVANTAGE OF THEM?

14 A YES, SIR I CAN AGREE WITH THAT

15 Q MAY I SHOW YOU MY TIE CAN YOU LOOK AND SEE
16 WHAT'S ON MY TIE

17 A (COMPLIES) ABSOLUTELY

18 Q WHAT ARE THOSE?

19 A THOSE ARE BUTTERFLIES

20 Q EXACTLY THOSE ARE BUTTERFLIES AND THE
21 BUTTERFLY IS A SYMBOL OF REBIRTH, ISN'T IT? OF BEING
22 NEW AGAIN? OF LIFE?

23 A ACTUALLY I THINK IT'S A SYMBOL OF CHANGE BECAUSE
24 YOU USED TO ONCE BE A CATERPILLAR

25 Q RIGHT

003L16

1 A AND IT CHANGES INTO A MOTH
2 Q RIGHT
3 A DOESN'T LAST LONG AND THEN IT DIES
4 Q RIGHT BUT IN THAT, IN THAT SCENARIO THERE IS
5 CHANGE?
6 A I CAN'T SAY---
7 Q AND REBIRTH?
8 A I CAN'T SAY IT'S REBIRTH BECAUSE IT WOULD, HE
9 WAS STILL A CATERPILLAR AND HE WAS STILL ALIVE HE
10 DIDN'T DIE AND THEN COME ALIVE AGAIN ONLY ONE
11 PERSON HAS EVER DONE THAT EVER
12 Q BUT THERE IS CHANGE IN REBIRTH, ISN'T THERE?
13 THE OLD DIES AWAY AND YOU BECOME NEW, THAT'S IN THE
14 GOSPELS, CORRECT?
15 A TO SOME DEGREE, YES, SIR
16 Q OKAY AND --
17 A AS A MATTER OF FACT WHAT I THINK YOU WERE
18 QUOTING WAS IN, IT'S NOT IN THE GOSPEL, IT'S ACTUALLY
19 IN FIRST CORINTHIANS 5 17 IT SAYS --
20 Q SO PAUL WROTE IT?
21 A YEAH, PAUL WROTE IT
22 Q OKAY ALL RIGHT AND YOU HAD TALKED ABOUT
23 SINCE THIS HORRIBLE ORDEAL THAT YOU'VE GONE THROUGH
24 YOU'VE LOST 200 POUNDS, IS THAT CORRECT?
25 A YES, SIR

003317

1 Q I MEAN YOU'VE TAKEN ON A WHOLE DIFFERENT LOOK,
2 CORRECT?

3 A BUT THAT WASN'T MY IDEA THAT'S, YOU KNOW, THIS
4 THE JAIL, YOU KNOW, THEY DON'T FEED YOU LIKE I WAS
5 EATING ON THE STREET

6 Q I UNDERSTAND BUT SURELY HEALTH WISE YOU ARE
7 BETTER?

8 A I CAN SAY, YEAH YES, SIR, I'M BETTER I THINK
9 A LOT OF THAT HAS TO DO WITH, WITH MY EATING HABITS,
10 WITH THE EXERCISE ALSO I THINK A LOT OF IT HAVE TO
11 DO WITH SPIRITUAL IT'S A SPIRITUAL ASPECT BECAUSE
12 WHEN I FIRST CAME TO JAIL I WAS PRAYING, ASKING GOD,
13 YOU KNOW, WHAT'S GOING TO TAKE PLACE WHAT AM I
14 GOING TO GO, YOU KNOW AND AS I STARTED TO, GOD
15 STARTED SHOWING ME THINGS AND ONE THING WAS IN THE
16 BOOK OF DANIEL NOW HE, HOW HE WAS GIVEN THE KING'S
17 MEAT TO EAT AND HE REFUSED IT HE ASKED FOR PULSE
18 AND WATER WHICH IS A SOUP, A STEW AND WATER, SO WHAT
19 I DONE WAS I TOOK MY FOOD ON A DAY-TO-DAY BASIS AND
20 MADE A SOUP OUT OF IT

21 Q OKAY

22 A AND A LOT PEOPLE SAY, YOU KNOW, JENNY CRAIG EAT
23 YOUR HEART OUT BECAUSE OF THE FACT I'VE LOST THE
24 WEIGHT AND I DIDN'T HAVE TO HAVE NO JENNY CRAIG DIET
25 OR ANYTHING ELSE

003318

1 Q AND YOU'VE HAD THE OPPORTUNITY TO MEET WHAT YOU
2 REFER TO AS YOUR FREEDOM TEAM, THESE LAWYERS WHO ARE
3 ACTING IN YOUR INTEREST, IS THAT CORRECT?

4 A WELL, THE HEAD OF MY FREEDOM --

5 Q IS THAT CORRECT?

6 A THAT'S CORRECT TO ONE DEGREE, BUT THE HEAD OF MY
7 FREEDOM TEAM -- YOU SHOWED ME SOMETHING CAN I SHOW
8 YOU SOMETHING

9 Q NO JUST GO AHEAD AND ANSWER THE QUESTIONS

10 A I JUST WANT TO SHOW YOU WHO THE HEAD OF MY
11 FREEDOM TEAM

12 Q I HAVE AN IDEA OF WHO YOU BELIEVE

13 A GOD IS THE HEAD OF MY FREEDOM TEAM

14 Q OKAY AND, AND YOU'VE ALSO HAD THE OPPORTUNITY
15 TO MEET SOMEONE FROM A MAJOR NEWS NETWORK, IS THAT
16 CORRECT?

17 A THAT CAME ABOUT TOWARD THE END OF LAST YEAR OR
18 EARLY PART OF THIS YEAR

19 Q OKAY SO THAT BEGAN IN DECEMBER OR JANUARY OF
20 THIS PAST YEAR, CORRECT?

21 A I'M THINKING THAT IT ALL STARTED ON NOVEMBER THE
22 17

23 Q AND IN FACT, YOU HAVE A MAJOR NEWS CHANNEL THAT
24 IS FILMING THIS ENTIRE TRIAL, ISN'T THAT CORRECT?

25 A YES, SIR, BUT THAT'S NOT, THAT'S NOT MY DOING

003319

1 Q I UNDERSTAND BUT THEN YOU'VE GIVEN ON CAMERA
2 INTERVIEWS, CORRECT?

3 A I ATTEMPTED TO I WILL SAY I ATTEMPTED TO BUT
4 I ALSO THINK THAT, YOU KNOW, THEY KNOW THE TRUTH TOO
5 AND THEY WANT TO SEE IT

6 Q OKAY

7 A THEY WANT TO SEE JUSTICE

8 Q AND SO NBC DATELINE BROUGHT A CAMERA IN AND
9 ACTUALLY SAT DOWN WITH SOMEBODY TO INTERVIEW YOU ON
10 CAMERA AND TO TALK, FOR YOU TO TALK WITH THEM ABOUT
11 THIS, ISN'T THAT CORRECT?

12 A YES, SIR

13 Q OKAY

14 A THAT IS CORRECT

15 Q ALL RIGHT AND THE, YOU EVEN HAVE TOLD THE JURY
16 BASED UPON THE CROSS EXAMINATION OF THE STATE THAT A
17 HAD A FORMER INMATE TO COME IN AND PROPHECY FOR YOU,
18 IS THAT CORRECT?

19 A I SAID HE CAME IN AND PROPHECY TO ME I DIDN'T
20 HAVE HIM COME IN AND PROPHECY ANYTHING

21 Q OKAY

22 A HE CAME TO ME THE SECOND DAY AFTER HE CAME TO
23 JAIL HE WAS ONLY HERE FOR TWO WEEKS

24 Q I REMEMBER IN YOUR DIRECT TESTIMONY YESTERDAY
25 ONE OF THE THINGS YOU SAID THAT YOU, WHEN YOU WERE

1 MAKING THE STATEMENT WAS, YOU SAID I DO NOT DWELL ON
2 THE PAST AND IN REBIRTH YOU DON'T DWELL ON THE
3 PAST, DO YOU, MR COPE?

4 A NO, SIR, YOU DON'T

5 Q YOU ONLY LOOK TOWARDS THE FUTURE, IS THAT
6 CORRECT, WITH HOPE?

7 A NO BECAUSE I THINK THERE IS, THE BIBLE SAYS A
8 MAN WHO PUTS HIS HAND TO THE PLOW AND THEN LOOKS BACK
9 IS NOT FIT FOR THE KINGDOM OF GOD I THINK WHAT HE'S
10 TALKING ABOUT HERE, WHAT I UNDERSTAND THE HOLY SPIRIT
11 TO TELL ME IS, THAT IF I'M STARTING TO WALK WITH THE
12 LORD AND THEN I TURN BACK TO THE OLD WAYS, THERE IS A
13 DIFFERENCE BETWEEN LOOKING BACK TO THE OLD WAYS AND
14 GOING BACK TO THE OLD WAYS AND I BELIEVE IN MY HEART
15 THAT A PERSON WHO HAS TO LOOK BACK TO SEE WHERE GOD
16 HAS BROUGHT YOU FROM IN ORDER TO REALIZE WHERE THE
17 FUTURE LEADS YOU

18 Q RIGHT AND YOU DON'T CARE TO GO BACK TO THE OLD
19 WAYS, DO YOU, MR COPE?

20 A I DON'T KNOW WHY YOU WOULD SAY THAT

21 Q NOW --

22 A I DON'T WANT TO GO BACK TO THE 385 POUNDS I
23 DON'T WANT TO GO BACK TO THE MASTURBATION

24 Q NOW IN YOUR STATEMENTS, IN EVERY STATEMENT I
25 BELIEVE AND EVEN IN YOUR FIRST INTERVIEW, YOU TALKED

1 ABOUT YOUR EXPERIENCE THAT YOU HAD WITH THE DREAM
2 ABOUT THE RAPTURE?

3 A THAT'S CORRECT

4 Q OKAY NOW THE RAPTURE IS A WONDERFUL THING,
5 ISN'T IT?

6 A BEAUTIFUL THING

7 Q IT'S PART OF THE SECOND COMING?

8 A IT IS THE SECOND COMING OF THE CHRIST

9 Q WELL, IT'S PHASE ONE OF THE SECOND COMING, IS
10 THAT CORRECT?

11 A IT IS THE INITIAL COMING OF CHRIST I'LL SAY
12 THAT

13 Q RIGHT SOME, SOME BELIEVERS OR SOME THEOLOGIAN
14 DIVIDE IT, ISN'T IT TRUE, THEY DIVIDE IT INTO TWO
15 PHASES YOU HAVE THE RAPTURE AND THEN YOU HAVE THE
16 TRIBULATION, CORRECT? BUT THE RAPTURE IS A WONDERFUL
17 THING WE CAN AGREE ON THAT, ISN'T THAT CORRECT?

18 A RIGHT I CAN'T SAY THAT IT'S THE RAPTURE THEN
19 THE TRIBULATION I THINK IT'S THE INITIAL COMING IS
20 JESUS CHRIST AND AFTER HE LEAVES THEN THERE IS
21 TRIBULATION ON EARTH, BUT THEN THE SECOND PART

22 Q RIGHT?

23 A THAT THEOLOGIAN TALKING ABOUT IS THE OFFICIAL
24 COMING OF, THE SECOND COMING OF THE LORD, WHICH WHEN
25 HE STEPS DOWN ON MOUNT ARARAT WHEN THE MOUNTAINS WILL

003322

1 BE SPLIT OPEN

2 Q THAT'S WHEN HE REUNITES HEAVEN AND EARTH UNDER
3 HIS GUISE?

4 A THAT'S CORRECT, YES

5 Q NOW AND THAT'S THE ULTIMATE COMING OF CHRIST BUT
6 THE BELIEF IN THE RAPTURE IS THAT AT SOME POINT IN
7 TIME HIS TRUE BELIEVERS?

8 A THAT'S CORRECT

9 Q ARE GOING TO BE CALLED UP, ACTUALLY NOT EVEN
10 CALLED UP, I BELIEVE RAPTURE COMES FROM THE GREEK
11 WORD OF BEING SNATCHED UP, IS THAT CORRECT?

12 A IT COMES FROM THE GREEK WORD THAT MEANS CAUGHT
13 UP, YES, SIR

14 Q OKAY AND SO AT SOME POINT IN TIME AND WE DON'T
15 KNOW WHERE THAT'S GOING TO BE?

16 A NO, SIR, WE DON'T

17 Q AT SOME POINT IN TIME JESUS IS GOING TO COME AND
18 EITHER CALL UP OR SNATCH UP HIS TRUE BELIEVERS INTO
19 THE HEAVENS TO BE WITH HIM AND THEN TO GO TO HEAVEN
20 WITH HIM AND AT SOME POINT IN TIME THEY WILL COME
21 BACK FOR THE FULL SECOND COMING?

22 A WELL, THAT'S --

23 Q IS THAT CORRECT?

24 A THAT'S WHEN WAR ON THE DEVIL AND THE ARCH
25 ANGELS

003323

1 Q OKAY

2 A THE DEMONS, YES

3 Q AND I BELIEVE THAT THE RAPTURE TALKS ABOUT HOW
4 JESUS WILL CALL UP OR SNATCH UP HIS TRUE BELIEVERS IN
5 THEIR PHYSICAL GLORY, ISN'T THAT CORRECT?

6 A REPEAT THAT ONE MORE TIME?

7 Q HE WILL CALL UP OR SNATCH UP TRUE BELIEVERS IN
8 THEIR PHYSICAL GLORY WHAT THAT MEANS IS, ISN'T IT
9 TRUE, THAT YOU SEE THE BUMPER STICKER SOMETIMES THAT
10 SAYS IF THE RAPTURE APPEARS THIS CAR WILL BE
11 UNOCCUPIED?

12 A THAT'S CORRECT AND THE REASON FOR THAT IS
13 FIRST JOHN ONE, I MEAN, FIRST, FIRST JOHN 3 2 SAYS WE
14 WILL SEE HIM AS HE IS BECAUSE WE WILL BE LIKE HIM
15 WHEN HE COMES

16 Q RIGHT AND SO THAT MORNING WHEN YOU AWAKE IT
17 WAS YOUR INITIAL THOUGHT AFTER YOU CALLED AMANDA
18 TWICE AND YOU DIDN'T GET AN ANSWER, IT WAS YOUR
19 INITIAL THOUGHT THAT PERHAPS THE RAPTURE HAD
20 OCCURRED?

21 A THAT'S CORRECT, I HAD DREAMED THIS, SO I THOUGHT
22 THAT IT HAD ACTUALLY TOOK PLACE IN MY DREAM, YES

23 Q ALL RIGHT

24 A AND THAT IT WAS FOR REAL

25 Q AND YOU DREAMED IT THAT NIGHT JUST RIGHT BEFORE

003324

1 WAKING UP?

2 A RIGHT I DREAMED IT RIGHT BEFORE I WOKE UP AND
3 THAT'S NOT A NORMAL, THAT'S NOT ABNORMAL THING, THAT
4 HAPPENS QUITE OFTEN I DREAM ABOUT THE RAPTURE

5 Q RIGHT

6 A FOR ONE THING WAS THE MASTURBATION

7 Q AND HAD THE RAPTURE OCCURRED THAT MORNING IT
8 WOULD HAVE BEEN A GLORIOUS THING?

9 A IT WOULD HAVE

10 Q FOR AMANDA?

11 A IT WOULD HAVE BEEN GLORIOUS THING FOR EVERYBODY
12 WHO WAS PREPARED

13 Q IT WOULD HAVE BEEN GLORIOUS THING FOR EVERYBODY,
14 WOULDN'T IT?

15 A YES, SIR, FOR THOSE WHO WERE PREPARED

16 Q OKAY ONE OTHER THING HAD THE RAPTURE
17 OCCURRED THAT MORNING NOT ONLY WOULD IT HAVE BEEN A
18 GLORIOUS THING BUT AMANDA'S BODY WOULD HAVE BEEN GONE
19 AND HER BEDROOM WOULD HAVE BEEN EMPTY?

20 A THAT'S CORRECT, IT WOULD HAVE

21 Q THANK YOU, SIR

22 A AND SO WOULD JESSICA AND KYLA THAT'S WHY I
23 LOOKED

24 THE COURT REDIRECT

25 MR MORTON JUST A COUPLE OF THINGS, YOUR

1 HONOR

2 REDIRECT EXAMINATION BY MR MORTON

3 Q MR COPE, MR POPE ASKED YOU ABOUT LETTERS THAT
4 AMY HAD SENT TO YOU

5 A THAT'S CORRECT

6 Q AND I BELIEVE THAT WE HAVE COPIES OF THOSE
7 LETTERS, BUT I BELIEVE THE SOLICITOR'S OFFICE HAS
8 THOSE LETTERS, THE ORIGINAL LETTERS, THAT AMY SENT
9 TO, ARE THEY IN EVIDENCE?

10 MR POPE YES, SIR

11 MR MORTON THE LETTERS THAT AMY SENT TO
12 HIM

13 Q WE'RE GOING TO GET THE ORIGINAL, MR COPE, AND
14 WE'LL INTRODUCE THOSE LETTERS INTO EVIDENCE

15 A OKAY

16 Q THIS LETTER THAT IS SIGNED, NOT SIGNED, BUT IS
17 NUMBER BY SLED 1523, 1524, 1525, 1526, AND 1527, FROM
18 THE SLED NUMBERS WHICH INDICATE THAT THIS LETTER I'M
19 GOING TO SHOW YOU INSTEAD OF DIGGING IT OUT, I WOULD
20 ASK PERMISSION JUST TO SHOW A COPY?

21 MR POPE NO OBJECTION

22 Q THIS LETTER WHICH AND I WON'T HAVE YOU READ IT
23 ALL, BUT IT REFERS TO HAPPY BELATED MOTHER'S DAY,
24 CORRECT?

25 A THAT'S CORRECT

003326

1 Q AND THIS LETTER IS NOT, DOESN'T HAVE DATE ON IT?

2 A THAT IS CORRECT

3 Q AND IT ALSO REFERS TO WELL COURT COMES UP,
4 FAMILY COURT IN LESS THAN THREE WEEKS?

5 A THAT IS CORRECT

6 Q WHICH WAS ON JUNE SEVEN?

7 A THAT IS CORRECT

8 Q BUT THE ENVELOPE THAT THIS LETTER CAME OUT OF
9 WHEN SLED RETRIEVED IT, WAS AN ENVELOPE DATED MAY 7,
10 IS THAT RIGHT?

11 A IT SAYS MAY 7, THAT IS CORRECT

12 Q OKAY AND ALL ACTUALITY THIS LETTER WHICH
13 REFERS TO A HAPPY BELATED MOTHER'S DAY AND FAMILY
14 COURT COMING UP IN LESS THREE WEEKS SHOULD BE IN THE
15 MAY 20 ENVELOPE, CORRECT?

16 A THAT IS CORRECT

17 Q AND THE MAY 20 ENVELOPE IS THE I AIN'T LYING
18 ENVELOPE?

19 A THAT IS CORRECT

20 Q AND THE MAY 20 ENVELOPE WAS THE ENVELOPE THAT
21 AMY SIMMONS SAYS THE FORGED LETTER CAME IN?

22 A THAT IS CORRECT, SIR

23 Q OKAY

24 A IT EVEN STATES IT IN THAT LETTER THAT THE
25 ENVELOPE SAYS RIGHT HERE, WHERE IT ACTUALLY SAYS I

1 HOPE YOU LIKED THE KITTENS AND THE LION I HOPE, I
2 DON'T EVEN SAY I HOPED, YOU LIKE I SAID I HOPE AS IN
3 THIS IS WHAT WAS IN THE ENVELOPE THAT WAS SENT TO
4 HER HOW, IF SHE NEVER RECEIVED IT, HOW DO WE HAVE A
5 COPY OF IT? THAT'S WHAT I'M SAYING I WAS SET UP
6 THERE IS FURTHER PROOF

7 Q AND THIS ENVELOPE DATED MAY 7, POST MARKED MAY 7
8 TALK ABOUT HAPPY BELATED MOTHER'S DAY WHICH I BELIEVE
9 WAS ON MAY 9?

10 A THAT'S CORRECT

11 Q IT'S ALSO BEEN REFERENCE TO A LETTER THAT YOU
12 WROTE TO AMY SIMMONS BY MR POPE IN WHICH YOU
13 DESCRIBE TO HER IN THE LETTER ABOUT ANOTHER INMATE
14 COMING TO YOU PROPHECYING AND HAVING SEEN YOU?

15 A YES

16 Q SOMETHING ABOUT YOU'RE GOING TO BE SELLING BOOKS
17 AND MAKING LOTS OF MONEY OR SOMETHING LIKE THAT, YOU
18 REMEMBER THAT?

19 A I REMEMBER THAT, YES, SIR

20 Q NOW I'M GOING TO SHOW YOU WHAT'S BEEN IDENTIFIED
21 BY SLED AS 1515 AND I'M NOT SURE WHICH ACTUAL COURT'S
22 IDENTIFICATION NUMBER IT IS AND READ THOSE LAST, THAT
23 SENTENCE RIGHT THERE?

24 A I SHARED WITH HIM THAT I AM KEEPING A JOURNAL
25 AND HOPE TO PUBLISH IT I TOLD HIM THAT I WAS CALLED

1 TO PREACH AND, AND THE PART ABOUT THE MONEY, I'M NOT
2 SURE ABOUT SINCE I DON'T CARE ABOUT MONEY

3 Q THANK YOU NOW YOU DIDN'T KNOW THAT THEY WERE
4 GOING TO HAVE COPY OF THESE OR INTRODUCE THESE OR
5 ANYTHING?

6 A NO, SIR, I DIDN'T

7 Q OKAY AND YOU DIDN'T KNOW ANYTHING -- I'M
8 SORRY

9 A IF THE TRUTH BE KNOWN I WAS JUST GOING TO SAY
10 THAT ALSO I PLANNED TO HELP OTHERS WITH WHATEVER
11 MONEYS THAT I RECEIVE FROM MY BOOKS, IF THAT EVER
12 HAPPENS

13 Q NOW EVERYONE WANTS TO WRITE A BOOK AND MAKE A
14 LOT OF MONEY?

15 A OF COURSE AND IF IT HAPPENS AND I DO, THERE IS
16 ACTUALLY TWO THINGS I'M ACTUALLY GOING TO DO FIRST
17 I'M GOING TO MARY SUE LOVED TO PLAY THE PIANO, SO I'M
18 GOING TO SET UP TWO MUSICAL SCHOLARSHIPS WITH, WITH
19 COLLEGES, ONE IN THE VIOLIN BECAUSE AMANDA PLAYED THE
20 VIOLIN AND ONE WITH MARY SUE BECAUSE, FOR MARY SUE
21 BECAUSE SHE PLAYED THE PIANO A LOT THOSE ARE THE
22 TWO MAIN THINGS I INTEND TO DO WITH ANY, ANY KIND OF
23 MONEY THAT I GET

24 Q DON'T FORGET ABOUT ME

25 A WELL, YOU'D BE SURPRISED HOW MANY PEOPLE HAVE

1 ACTUALLY SAID THAT, DON'T FORGET ABOUT ME, BILLY

2 Q BECAUSE ON THE FREEDOM TEAM YOU REALIZE THAT MR
3 BAITY AND I WERE APPOINTED TO REPRESENT YOU, RIGHT?

4 A THAT'S CORRECT

5 Q YOU REALIZE THAT THESE PEOPLE RIGHT HERE ARE
6 WORKING FOR FREE?

7 A I DO REALIZE THAT AS A MATTER OF FACT, I CAN
8 RECALL ON THE 15TH OF, GOD HAS WITH ME FOR A LONG
9 TIME, I GUESS I'M GIVING MY TESTIMONY SO THIS IS THE
10 PROPER TIME I GUESS TO DO THIS I WILL SAY THAT ON
11 15TH OF DECEMBER OF 2001 I PRAYED AND ASKED FOR A
12 GOOD ATTORNEY AND I WAS APPOINTED MR BAITY AND MR
13 BAITY HAS BEEN WITH ME EVER SINCE TWO DAYS LATER I
14 RECEIVED A LETTER STATING THAT HE WAS MY ATTORNEY
15 TWO DAYS AFTER I PRAYED THAT, AND HE HAS BEEN MY
16 ATTORNEY EVER SINCE THE 17 OF DECEMBER 2001 AND SINCE
17 THEN GOD HAS MOVED IN NUMEROUS PEOPLE INTO MY LIFE
18 I HAVE BEEN INVOLVED IN MANY THINGS IN THE JAIL WHERE
19 I MET MANY INMATES, 500 OR MORE, A LOT OF THEM HAVE
20 COME TO KNOW THE LORD

21 Q DID YOU KNOW WHEN YOU STARTED WRITING, I'M GOING
22 TO CHANGE THE SUBJECT ON YOU

23 A ALL RIGHT

24 Q DID YOU KNOW BEFORE YOU STARTED YOUR WRITING TO
25 AMY SIMMONS --

003330

1 MR POPE YOUR HONOR, I OBJECT TO
2 LEADING IF HE WANTS TO ASK WHAT HE DID

3 THE COURT I SUSTAIN THE OBJECTION
4 REPHRASE YOUR QUESTION

5 Q BEFORE YOU STARTED WRITING TO AMY SIMMONS?

6 A THAT'S CORRECT, YES, SIR

7 Q DID YOU REALIZE THAT SHE WAS IN TROUBLE?

8 MR POPE OBJECTION, YOUR HONOR, DID YOU
9 REALIZE

10 THE COURT I SUSTAIN THE OBJECTION

11 MR POPE ASK HIM WHAT HE DID

12 MR MORTON THAT'S WHAT I AM GOING TO ASK
13 HIM I DON'T KNOW ELSE HOW TO ASK IT

14 Q DID YOU KNOW THAT SHE WAS IN TROUBLE FOR FORGING
15 SIGNATURES?

16 MR POPE WHAT DID YOU KNOW, HE KNOWS HOW
17 TO ASK A QUESTION

18 THE COURT I'LL ALLOW THE QUESTION GO
19 AHEAD

20 Q DID YOU KNOW SHE WAS IN TROUBLE FOR FORGING
21 SIGNATURES AND DIVERTING NARCOTICS?

22 A NO, SIR I FOUND OUT ABOUT A, PROBABLY ABOUT A
23 MONTH, A MONTH AFTER, A MONTH BEFORE THIS TRIAL
24 STARTED IF THAT LONG

25 Q MR POPE IS VERY ELOQUENT AND ARTICULATE IN HIS

003331

1 QUESTIONS AND HE ASKED YOU ONE TIME THAT YOU GAVE A
2 STATEMENT THAT THE GREEN, THAT THIS GREEN THING
3 WRAPPED AROUND HER THAT YOU WRAPPED THIS GREEN THING
4 AROUND HER NECK TO MAKE IT LOOK GOOD?

5 A I DIDN'T MEAN, I DIDN'T, TO MAKE IT LOOK GOOD?
6 I SAID TO MAKE IT APPEAR TO BE AN ACCIDENT AND THAT'S
7 WHAT I SAID IN ONE OF MY STATEMENTS

8 Q THAT'S WHAT YOU SAID TO THE POLICE?

9 A THAT'S CORRECT

10 Q NOW WAS THAT ACTUALLY WHAT HAPPENED?

11 A NO, THAT'S NOT WHAT HAPPENED

12 Q OKAY HE ALSO TALKS ABOUT YOU WORKING ON YOUR
13 INSANITY PLEA AND THIS IS YOUR INSANITY DAY AND SO
14 FORTH, BILLY, THIS PROCESS FROM BEGINNING TO END WITH
15 THE POLICE I THINK STARTED ON THAT THURSDAY MORNING
16 AT ABOUT SIX O'CLOCK, CORRECT

17 MR POPE I OBJECT TO MR MORTON
18 TESTIFYING

19 MR MORTON I'M SORRY

20 Q WHEN DID YOU TALK TO THE POLICE THE FIRST TIME?

21 A THE FIRST TIME? AT MY HOME THAT MORNING

22 Q WHEN DID YOU TALK TO THEM THE NEXT TIME?

23 A ACTUALLY THERE WAS LIKE THREE OR FOUR DIFFERENT
24 QUICK INTERVIEWS WITH DIFFERENT OFFICERS ASKING ME
25 AND THIS AND THAT AT THE HOUSE AFTER THAT I WAS

003332

1 CARRIED DOWNTOWN

2 Q WHEN DID YOU TALK TO MR BURRIS?

3 A I TALKED TO MR BURRIS AS SOON AS I GOT INTO, AS
4 SOON AS I GOT -- WELL, ABOUT 30 MINUTES AFTER I GOT
5 INTO THE POLICE STATION

6 Q WHEN DID YOU VOLUNTARILY GO TO THE HOSPITAL?

7 A SHORTLY AFTER THAT HE ASKED ME WOULD I GO DOWN
8 TO THE HOSPITAL AND WOULD I BE WILLING TO DO A DNA
9 SAMPLE AND I TOLD HIM, YES, SIR

10 Q WHEN DID YOU COME BACK AND TALK TO MR HERRING
11 AND MR BURRIS AGAIN?

12 A IMMEDIATELY AFTER THAT I MEAN, THEY SENT ME
13 OUT INTO THE LOBBY FOR A SHORT TIME I'M STILL NOT
14 SURE WHETHER THEY SENT ME TO THE LOBBY FIRST OR
15 WHETHER I WENT AND TALKED TO HIM AND THEN WENT TO THE
16 LOBBY OR WHETHER I WENT TO THE LOBBY THEN WAS CALLED
17 TO HIM THAT'S ONE THING I JUST CAN'T SEEM TO
18 REMEMBER EXACTLY I KNOW I REMEMBER MEETING THE
19 PASTOR OUT THERE ONE TIME I REMEMBER MEETING THE
20 PASTOR OUT THERE AND THEN MY WIFE CAME OUT THERE ONE
21 TIME SO I DON'T KNOW I CAN'T REMEMBER AS TO WHETHER
22 WHEN I COME BACK FROM THE HOSPITAL IF I WAS USHERED
23 OUTSIDE AND THEN BROUGHT BACK IN OR WHETHER I WAS
24 BROUGHT STRAIGHT IN AND TAKEN STRAIGHT TO HIS OFFICE

25 Q AND AFTER YOU TALKED TO MR BURRIS YOU LATER

003333

1 TALKED IN THE AFTERNOON TO ANOTHER POLICE OFFICER AND
2 A DSS WORKER WHO CAME TO YOUR HOUSE, IS THAT CORRECT?

3 A THAT IS CORRECT

4 Q THEN I BELIEVE YOU TALKED --

5 A ACTUALLY I DIDN'T TALK TO THE POLICE OFFICER
6 THE POLICE OFFICER STOOD PROBABLY ABOUT AS FAR FROM
7 HERE AS I AM TO HER HE STOOD AT THE BOTTOM OF THE
8 PORCH AND ME AND MARY SUE SIT IN THE CHAIR ON THE
9 PORCH WITH THE, WITH MRS HERRING

10 Q AND THEN LATER THAT NIGHT YOU SPOKE WITH
11 DETECTIVES WALDROP AND HERRING, CORRECT?

12 A THAT IS CORRECT, YES

13 Q AND YOU SPOKE WITH THEM FOR ALMOST FOUR HOURS,
14 CORRECT?

15 A YEAH I SAY PROBABLY LONGER THAN, LONGER THAN
16 FOUR HOURS

17 Q AND DURING THAT INTERVIEW DID YOU, WERE YOU, DID
18 YOU INSIST ON TAKING A POLYGRAPH?

19 A I INSISTED, I COUNTED I THINK 13 TIMES I THINK
20 IT'S ALSO BEEN STATED IN THE RECORD 13 TIMES

21 Q OKAY AND THEN THE NEXT MORNING YOU WERE TAKEN
22 AND SPOKE TO MR BAKER AND MR HERRING AGAIN?

23 A THAT IS CORRECT

24 Q AND YOU GOT OVER THERE ABOUT QUARTER TO TEN, IS
25 THAT WHAT YOU SAID, OR TEN O'CLOCK?

003334

1 A NO, IT WASN'T MR BAKER OH, YEAH, MR BAKER
2 AT THAT TIME, YES IT WAS, I WOULD SAY WE PROBABLY
3 GOT THERE ABOUT RIGHT AROUND TEN, RIGHT AROUND TEN
4 O'CLOCK, YES, SIR

5 Q AND THAT INTERVIEW LASTED UNTIL 2 25?

6 A THE LEAST 2 25, YES

7 Q OKAY AND THEN ON DECEMBER THIRD YOU GAVE A
8 STATEMENT TO MR CABANISS AND MRS BAKER AND, I'M
9 SORRY, MRS BLACKWELDER THAT STATEMENT, STATEMENT
10 IN THE AFTERNOON, LASTED FROM 1 30 UNTIL FIVE
11 O'CLOCK

12 A THERE WAS A SHORT, A SHORT ABOUT 45 MINUTES
13 WHERE I ATE, ATE LUNCH IN BETWEEN THAT, BUT, YES,
14 SIR, PRETTY MUCH

15 Q MR POPE HAD YOU, MR COPE, READ THIS STATEMENT?

16 A THAT IS CORRECT

17 Q OKAY AND IT TOOK YOU THREE TO FOUR MINUTES TO
18 READ THIS STATEMENT, RIGHT?

19 A THAT IS CORRECT

20 Q WAS THIS A THREE OR FOUR MINUTE ORDEAL?

21 A NO, SIR

22 Q TELL THE JURY WHAT YOU FELT LIKE AND WHAT YOU
23 WENT THROUGH ON THOSE DAYS WHEN YOU GAVE THOSE
24 STATEMENTS HAD YOU EVER HAD YOUR DAUGHTER MURDERED
25 AND RAPED IN YOUR HOME BEFORE?

003335

1 A NO, SIR, THAT WAS THE FIRST TIME I DIDN'T---I
2 WAS SHOCKED I DIDN'T KNOW WHAT--I--I DIDN'T KNOW
3 WHAT TO THINK I DIDN'T KNOW WHAT TO DO I DIDN'T
4 KNOW WHAT TO DO SAY I DIDN'T KNOW HOW TO ACT I
5 DIDN'T KNOW ANYTHING THEN I STARTED GETTING
6 BOMBARDED WITH QUESTIONS IT STARTED OUT AS A
7 INNOCENT INTERVIEW AND I THINK THAT LASTED MAYBE,
8 MAYBE 30 MINUTES, MAYBE 30 MINUTES, AND THEN IT WENT
9 INTO AN INTERROGATION THEY STARTED ACCUSING ME
10 TALKING ABOUT, DO YOU, I THINK THERE WAS SOME
11 QUESTIONS IN THERE WHERE THEY SAID DO YOU ACTUALLY,
12 DO YOU HAVE SOMETHING THAT YOU NEED TO GET OFF YOUR
13 CHEST DO YOU, IS THERE, IS THERE SOMETHING THAT THE
14 LORD NEEDS TO, TO FORGIVE YOU FOR IS THERE
15 SOMETHING YOU NEED TO TALK TO THE LORD ABOUT YOU
16 KNOW, GOD ALMIGHTY ABOVE IS LOOKING DOWN ON YOU

17 Q SO HOW DID THAT MAKE YOU FEEL?

18 A DURING THAT INTERVIEW I WAS ANGRY BECAUSE I
19 HADN'T DONE NOTHING AND I KEPT STATING THAT NO,
20 SIR NO, SIR NO, SIR NO, SIR, I DIDN'T NO,
21 SIR AND I HAD ALL RESPECT FOR AUTHORITIES I THINK
22 I COUNTED, OF COURSE, BECAUSE I'M THE ONE WHO
23 REVEALED IT TO EVERYONE ELSE, 660 -- LORD FORGIVE
24 ME -- 666 TIMES AND I ASKED, I ASKED YOU AND MR
25 BAITY NOT TO USE 666 YOU USED 665 BECAUSE THAT WAS

1 THE, NOT A NUMBER THAT I LIKED

2 Q OKAY YOU ARE AWARE THAT ALL THIS EVIDENCE
3 THAT'S COME BACK, THE BROOMS?

4 A YES I AM AWARE OF IT, YES, SIR

5 Q AND YOU ARE AWARE THAT THERE IS NO PHYSICAL
6 EVIDENCE AT ALL ON THE BROOMS OR ON THE DILDO OR
7 ANYTHING ELSE?

8 A THAT'S CORRECT, SIR

9 Q WHY IS THAT?

10 A BECAUSE I DIDN'T DO NOTHING BECAUSE I DIDN'T
11 DO NOTHING AT ALL

12 Q YOU KNOW THIS MAN?

13 MR GREELEY OBJECTION, THAT IS OUTSIDE
14 THE SCOPE

15 THE COURT I SUSTAIN THE OBJECTION I
16 SUSTAIN THE OBJECTION, MR MORTON

17 MR MORTON YOUR HONOR

18 THE COURT I SUSTAIN THE OBJECTION, MR
19 MORTON

20 Q HAVE YOU EVER SEEN THIS MAN?

21 MR GREELEY OBJECTION

22 THE COURT I SUSTAIN THE OBJECTION YOU
23 WENT OVER THIS ON DIRECT

24 MR MORTON I THINK HE BROUGHT IT UP IN
25 CROSS

003337

1 THE COURT LET'S GET TO IT HE'S
2 ANSWERED IT BEFORE I THINK

3 MR MORTON ALL RIGHT

4 Q HAVE YOU EVER SEEN THIS MAN?

5 A WHEN?

6 Q BEFORE NOVEMBER 29 AND BEFORE YOU CAME TO JAIL?

7 A NO, SIR BEFORE I CAME TO JAIL I DID NOT, I DID
8 NOT SEE THIS MAN AS A MATTER OF FACT, I WAS PLACED
9 IN A CELL WITH THIS, IN A, IN THE JAIL WITH THIS MAN
10 IN A ROOM AND DIDN'T EVEN KNOW WHO HE WAS THAT
11 HAPPENED IN JUNE OF 2002 I DID NOT KNOW WHO HE WAS
12 HE ACTUALLY TOLD ME HE KNEW --

13 MR GREELEY OBJECTION, YOUR HONOR

14 THE COURT I SUSTAIN THE OBJECTION

15 MR GREELEY IT'S NOT RESPONSIVE TO THE
16 QUESTION

17 Q THAT'S GOOD MR COPE

18 A YES

19 Q ARE THESE LETTERS THAT YOU RECEIVED FROM --

20 A YES

21 Q ---AMY SIMMONS AND HOW DO YOU KNOW THAT THEY
22 ARE LETTERS FROM AMY SIMMONS, DO YOU RECOGNIZE HER
23 WRITING?

24 A YES, I DO

25 Q AND DO YOU KNOW THAT THOSE ARE LETTERS THAT YOU

1 RECEIVED FROM HER?

2 A YES, I DO

3 MR MORTON I WOULD MOVE TO INTRODUCE
4 THESE AT THIS TIME, YOUR HONOR

5 THE COURT ANY OBJECTION?

6 A THAT'S THE FIRST LETTER, THE CHRISTMAS LETTER I
7 WAS TALKING ABOUT THAT'S THE VERY FIRST LETTER I
8 RECEIVED FROM HER

9 THE COURT ANY OBJECTION?

10 MR POPE YES, SIR I GUESS I WOULD
11 OBJECT TO THE AUTHENTICITY OF IT I UNDERSTAND
12 MR COPE HAD THESE LETTERS AND GAVE THEM TO THE
13 DEFENSE THAT WE RECEIVED FROM THEM YESTERDAY BUT MY
14 OBJECTION IS AUTHENTICITY HE'S SAYING THIS IS AMY'S
15 HANDWRITING AMY SIMMONS' HANDWRITING AND I'M NOT
16 SURE HOW TO AUTHENTIC THAT

17 A THESE ARE THE LETTERS --

18 THE COURT WAIT WAIT, MR COPE ALL
19 RIGHT, MR GREELEY

20 MR GREELEY I HAVE AN OBJECTION, YOUR
21 HONOR, BECAUSE I HAVE NO INFORMATION ABOUT THE
22 CONTENT OF THE LETTERS

23 THE COURT I SUSTAIN THE OBJECTION

24 Q MR COPE, LET ME ASK YOU ABOUT THESE, ABOUT THE
25 LETTERS

003519

1 A YES

2 Q DID YOU--WHEN THIS LETTER, WHEN AMY CALLED
3 CHARLENE BLACKWELDER AND TOLD HER THAT SHE HAD THIS
4 LETTER, STATE'S EXHIBIT 96?

5 A CAN I SEE THE ORIGINAL?

6 Q WELL

7 A WHILE YOU ARE HOLDING THAT UP I JUST WANT TO SEE
8 THE ORIGINAL TO THAT YES

9 Q STATE'S EXHIBIT 89?

10 A YES

11 Q CORRECT?

12 A THAT'S CORRECT

13 Q AND YOU WERE ASKED TO GIVE HANDWRITING
14 EXEMPLARS, WERE YOU NOT?

15 A I WAS

16 Q AND DID YOU VOLUNTEER TO DO THAT?

17 A OF COURSE, I DID I STARTED OFF ---CAN I SEE
18 THE OTHER LETTERS A SECOND

19 Q WHICH ONES?

20 A THE ONES THAT SHE WROTE ME

21 THE COURT WAIT JUST A MINUTE NOW THE
22 WAY THIS WORKS, HE'S GOING TO ASK YOU QUESTIONS

23 A I'M SORRY I JUST WANTED TO SEE THE ORIGINALS

24 THE COURT YOU GOT TO ANSWER QUESTIONS

25 Q YOU VOLUNTEERED TO GIVE YOUR HANDWRITING

1 EXEMPLARS TO --

2 A I DID

3 Q AND YOU'RE AWARE THAT WE REQUESTED FINGERPRINTS
4 BE TAKEN ON THOSE LETTERS, CORRECT?

5 A YES, I'M AWARE OF THAT

6 Q OKAY I'M GOING TO SHOW YOU THESE LETTERS FROM
7 MS SIMMONS AGAIN

8 A RIGHT

9 Q AND ASK YOU TO TAKE A LOOK AT THEM

10 A THAT'S CORRECT I SEE THEM

11 Q DO YOU RECOGNIZE THEM?

12 A I DO RECOGNIZE THEM I RECOGNIZE THEM AS BEING
13 THE VERY LETTERS THAT SHE WROTE ME THERE IS CARDS
14 ONE WITH --

15 THE COURT HE JUST ASKED YOU IF YOU
16 RECOGNIZE THEM?

17 A YES, I RECOGNIZE THEM

18 Q HOW DO YOU RECOGNIZE THEM?

19 A I RECOGNIZE THEM BECAUSE THESE ARE THE VERY
20 LETTERS THAT CAME IN THE VERY ENVELOPES THAT HAD HER
21 NAME ON THEM

22 Q ARE THOSE, DO THOSE LETTERS CONTAIN THE CONTENTS
23 OF THE LETTERS THAT SHE WROTE TO YOU?

24 A THAT IS CORRECT THESE LETTERS, THESE VERY
25 LETTERS THAT I HANDED YOU, ALL THE LETTERS THAT SHE

1 WROTE ME

2 Q DO THEY CONTAIN THE SUBSTANCE OF WHAT SHE WROTE
3 YOU?

4 A YES, THEY DO

5 Q OKAY CAN YOU TELL FROM LOOKING AT THOSE
6 LETTERS THAT THOSE ARE THE LETTERS THAT ARE
7 DISTINCTIVE TO HER?

8 A YES THEY HAVE JAMIE'S NAME ON THEM THEY
9 HAVE--- YES, THEY DO

10 MR MORTON YOUR HONOR, I MOVE TO
11 INTRODUCE THOSE LETTERS, YOUR HONOR, UNDER RULE 901

12 THE COURT 901 B TWO

13 MR MORTON AND B FOUR

14 MR GREELEY YOUR HONOR, I STILL HAVE MY
15 OBJECTION I HAVE NO IDEA WHAT THE CONTENT IS IN THE
16 LETTERS I'VE NEVER SEEN THEM

17 THE COURT I SUSTAIN THE OBJECTION

18 MR MORTON I'M SORRY?

19 THE COURT I SUSTAIN THE OBJECTION MR
20 GREELEY HADN'T SEEN THEM

21 MR MORTON OKAY

22 THE COURT HADN'T HAD A CHANCE TO REVIEW
23 THEM

24 (HANDED TO MR GREELEY)

25 MR GREELEY JUST FOR THE COURT TO KNOW,

1 THESE ARE A NUMBER OF LETTERS WITH A NUMBER OF PAGES
2 AND IT IS GOING TO TAKE ME JUST A FEW MINUTES TO READ
3 THEM

4 MR MORTON YOUR HONOR, THAT'S ALL I HAVE
5 OF THIS WITNESS IF YOU WANT TO DO THAT

6 THE COURT OVER LUNCH?

7 MR MORTON YES, SIR

8 THE COURT ALL RIGHT LET'S SEE WELL,
9 YOU MIGHT HAVE SOME RECROSS WE'LL BREAK FOR LUNCH
10 THEN IT'S 12 20 LET'S BE BACK AT, LET'S SAY 1 30
11 (THE JURY EXITS THE COURTROOM AT 12 20
12 PM)

13 THE COURT ANYTHING FROM THE STATE BEFORE
14 LUNCH?

15 MR POPE NO, SIR, YOUR HONOR

16 THE COURT THE DEFENSE

17 MR MORTON NO

18 THE COURT MR GREELEY

19 MR GREELEY NO, YOUR HONOR

20 THE COURT WE'LL RECONVENE AT 1 30

21 MR COPE, YOU CAN STEP DOWN

22 (COURT'S IN RECESS AT 12 20 PM)

23 (COURT RESUMES AT 01 36 PM)

24 MR MORTON WE HAD MOVED TO INTRODUCE
25 THESE LETTERS

1 THE COURT ALL RIGHT ANY OBJECTION?

2 MR GREELEY I'VE HAD A CHANCE I'M

3 SORRY

4 THE COURT ANY OBJECTION, THE STATE

5 OBJECTS I BELIEVE

6 MR POPE AS TO AUTHENTICITY I MEAN, I
7 UNDERSTAND IT COMPORTS, MY CONCERN IS, I DON'T OPPOSE
8 WHETHER THEY ARE IN OR OUT MY CONCERN IS I'M NOT
9 STIPULATING THEY ARE AUTHENTIC

10 THE COURT ALL RIGHT MR GREELEY

11 MR GREELEY YOUR HONOR, I HAVE HAD A
12 CHANCE TO REVIEW THE LETTERS OVER LUNCH AND I HAVE NO
13 POSITION

14 THE COURT I THINK UNDER THE RULES THAT,
15 THEY'VE BEEN MAYBE NOT AUTHENTICATED COMPLETELY, THEY
16 AT LEAST FALL WITHIN THE RULES, SO I'M GOING TO ALLOW
17 THEM IN ALL RIGHT READY FOR THE JURY

18 MR MORTON YES, SIR

19 (DEFENSE EXHIBIT NUMBER 75 LETTERS IN
20 A MANILA FOLDER WITH LETTERS RECEIVED IN EVIDENCE)

21 (THE JURY RETURNS TO THE COURTROOM)

22 MR MORTON WITHOUT OBJECTION I BELIEVE
23 THAT WE WANTED TO INTRODUCE THESE PHOTOGRAPHS OF THE
24 HOLDING CELL THAT MR COPE WAS IN

25 THE COURT YOU WANT TO GET HIM TO

1 IDENTIFY THEM FIRST?

2 REDIRECT EXAMINATION BY MR MORTON

3 Q MR COPE, DO YOU RECOGNIZE THESE PHOTOGRAPHS?

4 A YES, SIR THIS IS THE FRONT OF --

5 Q ARE THOSE THE HOLDING CELLS --

6 A I THINK IT'S THE ACTUAL SAME HOLDING CELL

7 THE COURT ANY OBJECTION?

8 MR POPE NO OBJECTION, YOUR HONOR

9 MR GREELEY NO OBJECTION, YOUR HONOR

10 THE COURT BE RECEIVED WITHOUT OBJECTION

11 (DEFENSE EXHIBIT 76 PHOTOGRAPH

12 RECEIVED INTO EVIDENCE)

13 THE COURT THE LETTERS ARE IN SUBJECT TO

14 MY RULING OVER OBJECTION

15 MR MORTON THAT'S ALL I HAVE

16 RE CROSS EXAMINATION BY MR POPE

17 Q JUST QUICKLY, MR COPE THE LETTERS MARKED
18 DEFENSE EXHIBIT 75, WHAT ARE THESE LETTERS? YOU'VE
19 INDICATED BEFORE THE JURY WENT OUT, DID YOU LOOK AT
20 THAT AND TELL ME WHAT THOSE ARE?

21 A THESE ARE LETTERS AND CARDS THAT AMY WROTE ME OR
22 SENT ME I RECOGNIZE THEM ALL AS SUCH

23 Q OKAY AND SO YOU RECEIVED THOSE HERE AT MOSS
24 JUSTICE CENTER?

25 A YES, SIR

003245

1 Q IS THIS ALL THE LETTERS THAT SHE WROTE YOU?

2 A THAT'S ALL -- YES, SIR, BECAUSE THAT'S ALL THAT
3 I HAVE I MEAN I DON'T KNOW IF THAT IS EVERY ONE OF
4 THEM THAT'S BEEN INTRODUCED INTO, YOU KNOW, THE ONES
5 THAT HAVE BEEN INTRODUCED INTO EVIDENCE, THAT'S ALL I
6 GAVE MY ATTORNEY I CAN'T SAY THAT THAT'S, YOU KNOW,
7 THEY WERE IN YOUR POSSESSION OR IN, IN THE
8 SOLICITOR'S OFFICE POSSESSION AFTER THEY WERE PAST, I
9 MEAN, THEY WERE JUST PAST TO MY ATTORNEY JUST A FEW
10 MINUTES AGO I CAN'T SAY WHETHER THEY ARE ALL THERE
11 NOW

12 Q LET ME JUST MAKE SURE I UNDERSTAND, YOU GAVE
13 THEM TO YOUR ATTORNEY WHEN?

14 A SOMETIME BACK AFTER, IF I HAD MY BOOK, I CAN
15 TELL YOU EXACTLY WHEN

16 Q LET ME GET YOUR BOOK FOR YOU

17 A ACCORDING TO MY RECORDS JUNE THIRD

18 Q JUNE THIRD YOU TOOK THESE LETTERS THAT YOU
19 RECEIVED FROM MS SIMMONS AND GAVE THEM TO YOUR
20 ATTORNEYS, RIGHT?

21 A THAT IS CORRECT

22 Q AND YOU GAVE THEM ALL OF THE LETTERS YOU'VE
23 RECEIVED FROM MS SIMMONS?

24 A THAT IS CORRECT

25 Q OKAY I'M GOING TO ASK YOU IF YOU'D TAKE A

1 LOOK I NOTICE THIS HERE ON TOP HERE IT HAS TWO
2 CIRCLED IT SAYS FRIEND PERIOD I HAD PHYSICAL
3 THERAPY THIS MORNING COULD YOU TELL ME, AND I KNOW
4 THEY APPEAR TO BE MIXED UP THERE, COULD YOU TELL ME
5 WHERE SIDE ONE IS TO THAT?

6 A I DON'T SEE PAGE ONE FOR THIS ONE

7 Q WAS THERE A PAGE ONE FOR THAT ONE?

8 A YES, THERE WAS

9 Q OKAY DID YOU TURN THAT OVER TO YOUR ATTORNEY?

10 A I WOULD THINK SO, YES I MEAN, THEY WERE ALL
11 PUT BACK IN THE ENVELOPES, PUT BACK IN THE THING I
12 WOULD SAY, YES, THEY WERE I DON'T KNOW

13 Q SO WITH THE EXCEPTION OF THAT PAGE ONE, THAT'S
14 EVERYTHING YOU RECEIVED FROM AMY SIMMONS?

15 A WITHOUT GOING BACK TO MY JOURNAL WHICH IS

16 Q YOU HAVE YOUR JOURNAL THERE WITH YOU?

17 A NO I DON'T, I AIN'T KEPT UP WITH, THIS IS MY
18 COURT JOURNAL THIS WASN'T LETTERS AND STUFF LIKE
19 I KEPT THOSE IN MY JOURNAL ABOUT EACH DAY AND THOSE
20 ARE IN MY ROOM

21 Q OKAY

22 A WITHOUT THAT I COULDN'T TELL YOU EXACTLY THAT
23 THIS WAS THE, FOR A KNOWN FACT, THAT THIS WAS ALL THE
24 LETTERS I MEAN, I DON'T KNOW SOME HAS BEEN REMOVED

25 Q SO YOU GAVE ALL THESE TO YOUR ATTORNEY BUT THESE

1 MAY NOT BE ALL OF THEM, IS THAT CORRECT?

2 A I CAN ONLY SAY THAT THESE HERE THAT ARE SITTING
3 HERE DOES NOT SHOW ALL OF THE LETTERS BECAUSE OF THAT
4 ONE PAGE IS MISSING BUT I MEAN, THAT'S ALL I CAN
5 SAY

6 Q THANK YOU, SIR LET ME ASK YOU REAL QUICK YOU
7 TALKING ABOUT YOUR JENNY CRAIG PLAN?

8 A THAT'S CORRECT

9 Q WHEN YOU WERE BOOKED IN AT THE JAIL YOU GAVE
10 THEM YOUR HEIGHT AND WEIGHT AND ALL THAT STUFF AT THE
11 JAIL WHEN YOU ARE BOOKED IN DOWN AT ROCK HILL CITY,
12 IS THAT RIGHT?

13 A SOMEWHERE AROUND THERE

14 Q SIR?

15 A I SAY YEAH YOU MEAN AT THE ROCK HILL CITY

16 Q RIGHT

17 A I DON'T REMEMBER GIVING THEM MY WEIGHT AND ALL
18 THAT

19 Q DO YOU REMEMBER GIVING THEM HEIGHT 5'11" AND
20 WEIGHT 330?

21 A NO, SIR I DON'T EVER REMEMBER TELLING THEM 330
22 BECAUSE I KNEW I WAS 365

23 Q I THOUGHT YOU WERE 385?

24 A IT WAS 365

25 Q OKAY

003348

1 A THAT'S WHAT THEY HAVE ME HERE AT THE JAIL 385
2 IS WHAT I WAS THE LAST TIME I WENT TO THE DOCTOR

3 Q THANK YOU, SIR

4 THE COURT MR GREELEY

5 MR GREELEY NO QUESTIONS, YOUR HONOR

6 THE COURT YOU CAN STEP DOWN, MR COPE

7 AT 01 48 PM

8 THE COURT MR MORTON, CALL YOUR NEXT

9 WITNESS

10 MR BAIT^rY YOUR HONOR, WE WOULD CALL

11 MICKEY DAWSON TO THE STAND

12 MICKEY DAWSON, BEING FIRST DULY

13 SWORN, TESTIFIED AS FOLLOWS

14 DIRECT EXAMINATION BY MR BAITY

15 Q MR DAWSON, I'M GOING TO ASK YOU TO PULL THAT
16 MICROPHONE UP AS CLOSE TO YOU AS YOU CAN AND SPEAK
17 INTO IT IT DOESN'T GIVE MUCH AND NEITHER DOES YOUR
18 CHAIR COULD YOU GIVE US YOUR FULL NAME AND ADDRESS
19 PLEASE?

20 A MARVIN H DAWSON, JR KNOWN AS MICKEY DAWSON
21 I LIVE IN SPARTANBURG, SOUTH CAROLINA

22 Q MR DAWSON, WHAT'S YOUR PROFESSION AND CURRENT
23 EMPLOYER?

24 A I'M A FORENSIC DOCUMENT EXAMINER I'M, I HAVE A
25 PRIVATE PRACTICE SINCE MY RETIREMENT FROM THE STATE

1 Q AND YOU RETIRED FROM WHERE?

2 A THE STATE OF SOUTH CAROLINA I WORKED FOR THE
3 STATE OF SOUTH CAROLINA 27 AND A HALF YEARS AS A
4 FORENSIC DOCUMENT EXAMINER AS A STATE LAW
5 ENFORCEMENT

6 Q IS THAT WITH SLED OR STATE LAW ENFORCEMENT?

7 A I WAS WITH SLED ABOUT 16 - 17 YEARS AND THE REST
8 OF THAT WITH OTHER STATE AGENCIES AS A DOCUMENT
9 EXAMINER

10 Q HOW LONG HAVE YOU BEEN A FORENSIC DOCUMENT
11 EXAMINER?

12 A APPROXIMATELY 30 YEARS

13 Q AND YOU WERE ENGAGED IN A PRIVATE PRACTICE OR A
14 PRIVATE BUSINESS OF THE SAME THING?

15 A YES I'VE HAD A PRIVATE PRACTICE SINCE 1986

16 Q AND THAT IS LOCATED WHERE?

17 A SPARTANBURG, SOUTH CAROLINA

18 Q ALL RIGHT PLEASE GIVE US BRIEFLY YOUR
19 EDUCATIONAL AND WORK EXPERIENCE?

20 A I'VE UNDERGRADUATE AND GRADUATE DEGREES FROM THE
21 UNIVERSITY OF SOUTH CAROLINA MY WORK EXPERIENCE
22 TRAINING WOULD BE APPROXIMATELY, I WENT TO WORK WITH
23 SLED IN 1972, SOUTH CAROLINA LAW ENFORCEMENT
24 DIVISION SHORTLY THEREAFTER I BEGAN A TWO YEAR
25 INTERNSHIP WHILE EMPLOYED WITH SLED WITH THE GEORGIA

1 BUREAU OF INVESTIGATION AS DOCUMENT LABORATORY
2 AFTER TWO YEAR TRAINING PROGRAM I STARTED THE SLED
3 DOCUMENT LABORATORY, FORENSIC DOCUMENT LABORATORY
4 OVER THE PERIOD OF YEARS I'VE ATTENDED NUMEROUS
5 TRAINING COURSES, SCHOOLS WITH THE FBI, TREASURY,
6 SECRET SERVICE, ET CETERA, SHORT COURSES AND SEMINARS
7 THROUGHOUT THE UNITED STATES I AM BOARD CERTIFIED
8 BY THE AMERICAN BOARD OF FORENSIC DOCUMENT EXAMINERS
9 AND MAINTAIN A CURRENT CERTIFICATION

10 Q WHAT DOES IT MEAN TO BE BOARD CERTIFIED, MR
11 DAWSON?

12 A BOARD CERTIFIED IS A CERTIFICATION PROCESS
13 BOARD CERTIFICATION, AS MANY PROFESSIONAL
14 ORGANIZATIONS HAVE, WHERE THE PARENT ORGANIZATION OR
15 SPONSORING ORGANIZATION WILL PREPARE A SERIES OF
16 TESTS KNOWN AS WRITTEN TESTS, PRACTICAL EXERCISES AND
17 ORAL BOARDS AND IT GUARANTEES INDIVIDUALS THAT
18 SOMEONE BOARD CERTIFIED HAS MET CERTAIN
19 QUALIFICATIONS

20 Q AND IS THAT A PROCESS THAT'S ONGOING?

21 A YES, IT IS

22 Q AND ARE YOU AFFILIATED WITH ANY OTHER
23 PROFESSIONAL ASSOCIATIONS OR ORGANIZATIONS?

24 A YES, I AM I'M A MEMBER OF THE AMERICAN SOCIETY
25 OF QUESTION DOCUMENT EXAMINERS DOCUMENT SECTION OF

1 THE AMERICAN ACADEMY OF FORENSIC SCIENCES AND A
2 CHARTER MEMBER OF SOUTHERN ASSOCIATION OF FORENSIC
3 SCIENTISTS

4 Q DO YOU ATTEND THEIR SEMINARS AND CONFERENCES AND
5 CONVENTIONS?

6 A YES, I DO IN FACT, I'VE GIVEN PAPERS ON
7 NUMEROUS OCCASIONS TO THE NATIONAL MEETINGS AND MADE
8 PRESENTATION OF WORK

9 Q MR DAWSON, HOW MANY, HOW MANY QUESTION
10 DOCUMENTS HAVE YOU EXAMINED DURING THE COURSE OF YOUR
11 CAREER?

12 A I HAVE NO WAY OF KNOWING I THINK A
13 CONSERVATIVE ESTIMATE WOULD BE TEN OF THOUSANDS
14 REALLY

15 Q HAVE YOU EVER QUALIFIED AS AN EXPERT IN ANY
16 CIVIL OR CRIMINAL PROCEEDING?

17 A NUMEROUS TIMES, YES

18 Q YOU'VE TESTIFIED IN COURT AS AN EXPERT?

19 A APPROXIMATELY 300 TIMES, YES

20 Q AND IS THAT IN THE STATE OF SOUTH CAROLINA?

21 A STATE OF SOUTH CAROLINA, GEORGIA, NORTH
22 CAROLINA

23 Q THE STATE AND FEDERAL COURT?

24 A YES

25 Q HAVE YOU EVER TESTIFIED FOR THE PROSECUTION OR

1 THE STATE IN THOSE PROCEEDINGS, SIR?

2 A YES, I HAVE

3 Q AND HAVE YOU TESTIFIED ON BEHALF OF THE
4 DEFENDANT?

5 A FROM TIME TO TIME, YES

6 Q WHICH WOULD YOU SAY THAT YOU'VE DONE MORE OF?

7 A I HAVE TESTIFIED FOR THE STATE IN FEDERAL COURTS
8 MORE THAN FOR THE DEFENDANTS, OF COURSE

9 Q ALL RIGHT

10 MR BAITY YOUR HONOR, AT THIS TIME WE
11 WOULD OFFER MR MICKEY DAWSON AS AN EXPERT IN
12 FORENSIC DOCUMENT EXAMINATION

13 THE COURT VOIR DIRE?

14 MR POPE NO, SIR, YOUR HONOR

15 THE COURT MR GREELEY

16 MR GREELEY NO OBJECTION

17 THE COURT I FIND HE'S QUALIFIED

18 MR BAITY THANK YOU, YOUR HONOR

19 Q I HAVE ALREADY PROVIDED A COPY OF HIS CV TO
20 COUNSEL DO YOU RECOGNIZE THIS, SIR?

21 A YES, I DO

22 Q COULD YOU TELL US WHAT IT IS?

23 A IT IS MY CV I PREPARE AND PROVIDE TO INTRODUCE
24 MYSELF TO CLIENTS

25 Q ALL RIGHT, SIR

003353

1 MR BAITY YOUR HONOR, I WOULD MOVE AT
2 THIS TIME TO HAVE THIS INTRODUCED INTO EVIDENCE

3 MR POPE NO OBJECTION

4 MR GREELEY NO OBJECTION

5 THE COURT WITHOUT OBJECTION

6 (DEFENSE EXHIBIT 77 CV RECEIVED INTO
7 EVIDENCE)

8 Q MR DAWSON, IF YOU WOULD PLEASE GIVE THE LADIES
9 AND GENTLEMEN OF THE JURY A BRIEF OVERVIEW OF
10 FORENSIC DOCUMENT EXAMINATION?

11 A FORENSIC DOCUMENT EXAMINATION AND PRETTY MUCH
12 RELATED TO HANDWRITING FOR ALL PURPOSES, HOWEVER, IT
13 DOES COVER MANY, MANY THINGS HANDWRITING,
14 TYPEWRITING, MECHANICAL IMPRESSIONS, HAND PRINTING
15 OBLITERATIONS, ALTERATIONS, WITH WATER SOAKED
16 DOCUMENTS, CHARRED DOCUMENTS, A LITANY OF PROBLEMS
17 WHERE SOMEONE MAY HAVE A DOCUMENT WITH A PROBLEM IN
18 THIS CASE WE'RE SPEAKING OF HANDWRITING AND HAND
19 PRINTING THAT'S A DOCUMENT THAT'S CONSIDERED A
20 QUESTION DOCUMENT A DOCUMENT WHICH THERE IS AN ISSUE
21 AS TO AUTHENTICITY OR AUTHORSHIP ON THE OTHER SIDE
22 AS A COMPARISON WE HAVE KNOWN STANDARDS OR KNOWN
23 EXEMPLARS THOSE ARE WRITINGS, SIGNATURES, EXTENDED
24 WRITINGS IN THIS CASE, FROM INDIVIDUALS AND THESE ARE
25 USED FOR SIDE BY SIDE COMPARISONS AS WELL AS FOR

1 EXAMINATION IN DOCUMENT EXAMINATION WE'RE LOOKING
2 FOR UNIQUENESSES OF THE WRITING

3 A PERSON, FOR EXAMPLE, STARTS WRITING
4 EARLY IN SCHOOL SYSTEM THEY USE A COPY BOOK IN
5 PREPARING PRINTED LETTERS, BLOCK LETTERS SEVERAL
6 YEARS LATER THEY BEGAN CONNECTING THOSE LETTERS INTO
7 CURSIVE WRITING THROUGHOUT THEIR EDUCATIONAL SYSTEM
8 THEY DEVELOP PRETTY MUCH A SET PATTERN OF WRITING
9 TO A DOCUMENT EXAMINER WE SAY A PERSON'S WRITING
10 MATURES, IF YOU WOULD, LATE TEENS EARLY 20'S IT'S
11 NOT EMOTIONAL AND MENTAL MATURITY THAT JUST MEANS
12 THAT THE PERSON HAS SORT OF GOT INTO A PERMANENT
13 HABIT

14 A PERSON'S HANDWRITING IS IDENTIFIABLE
15 BASED UPON OUR SLOPPINESS HOW WE DEVIATE FROM THE
16 WAY WE WERE TAUGHT TO WRITE THEY START MAKING,
17 PARDON ME, INSTEAD OF A ROUND TEXTBOOK A, AN OBLONG
18 A INSTEAD OF A Y EXTENDER COMING DOWN, THE LOWER
19 PART OF THE Y AND CIRCLING BACK UP, WE MAY ABBREVIATE
20 IT IN SOME FORM BUT GENERALLY WE HAVE SOME HABITS
21 THAT ARE UNIQUE TO OURSELVES AND OURSELVES ONLY NOW
22 MANY PEOPLE IN HERE MAY WRITE THE SAME A OR Z OR B OR
23 N, BUT NO ONE IN THIS ROOM OR CITY WILL HAVE THE SAME
24 TYPE OF WRITINGS, SAME TYPE OF WRITING, AND SAME
25 LETTER COMPOSITION THAT'S WHAT MAKES A PERSON'S

003255

1 WRITING UNIQUE IN WRITING, WE ALSO IN TAKING THAT
2 CASE IN WE START LOOKING FOR SOME THINGS WE TAKE
3 THE QUESTION DOCUMENT AND LOOK AT THE SUBSTRATE IT IS
4 ON, THE PAPER IT'S ON WE EXAMINE THE WRITING
5 LOOKING FOR NATURALNESS, GENERALNESS, DOES THE
6 SIGNATURE, DOES THE WRITING FLOW DOES THE PRINTING
7 FLOW OR IS IT STILTED OR DOES IT EXHIBIT
8 CHARACTERISTICS OF SIMULATION OR CHARACTERISTICS OF
9 GENUINE WRITING THEN WE EXAMINE THE SPECIMEN
10 SIGNATURES, THE KNOWN WRITING, AND WE EXAMINE THOSE
11 FOR CONSISTENCY TO SEE IF ALL OF THE KNOWN SAMPLES
12 WERE PREPARED BY COMMON AUTHOR SO ONCE WE HAVE
13 LOOKED MICROSCOPE, EXAMINE MICROSCOPICALLY THE
14 DOCUMENTS AND LOOK FOR CHARACTERISTICS THEN WE START
15 COMPARING THE TWO AND LOOKING FOR UNIQUE INDIVIDUAL
16 CHARACTERISTICS DID A PERSON WRITE THIS OR NOT
17 THOSE ARE THE ISSUES

18 Q THANK YOU HAVE YOU BEEN ASKED TO EXAMINE SOME
19 QUESTION DOCUMENTS IN THIS CASE?

20 A YES, I HAVE

21 Q IF I MAY APPROACH THE WITNESS, YOUR HONOR I'M
22 GOING TO ASK IF YOU RECOGNIZE WHAT'S BEEN MARKED AS
23 STATE'S EXHIBIT -- WELL IT SEEMS TO BE MISSING, BUT I
24 KNOW IT'S NUMBER 90 HAVE YOU EXPLAINED THAT
25 DOCUMENT, SIR?

003356

1 A I HAVE

2 Q THE STATE FOR SOME REASON IT'S MISSING BUT I'M?

3 A I HAVE WHAT'S REFERRED TO AS A DEAR AMY LETTER

4 I NEED TO SEE YOU IN PERSON I HAVE MY MARK AS

5 Q-TWO, QUESTION TWO ON THIS DOCUMENT ALONG WITH

6 THIS DOCUMENT IS AN ENVELOPE TO AMY SIMMONS DATED

7 DECEMBER 31, 2003 I HAVE EXAMINED THAT DOCUMENT

8 THAT BEARS OR USED TO BEAR ONE OF MY NUMBERS ON IT

9 YES, I'VE EXAMINED THESE TWO DOCUMENTS

10 Q ALL RIGHT, SIR I'M GOING TO ASK YOU IF YOU

11 RECOGNIZE WHAT HAS BEEN MARKED STATE'S EXHIBIT NUMBER

12 89?

13 A STATE'S EXHIBIT 89 IS, YES, I'VE EXAMINED THIS

14 DOCUMENT IT'S START OFF DEAR AMY, GOD TOLD ME TO

15 TELL YOU THERE IS A PAGE ONE AND PAGE TWO OF THIS

16 DOCUMENT I'VE EXAMINED IT, YES

17 Q ALL RIGHT, SIR ARE THESE THE QUESTION

18 DOCUMENTS THAT YOU'VE BEEN ASKED TO EXAMINE IN THIS

19 CASE?

20 A YES, THEY ARE

21 Q AND WERE YOU PROVIDED ANY MATERIALS IN ADDITION

22 TO COPIES OR THE ORIGINAL -- WELL, FIRST OF ALL, HAVE

23 YOU SEEN THE ORIGINAL OF BOTH OF THOSE LETTERS?

24 A YES, I HAVE

25 Q AND YOU'VE SEEN COPIES OF THOSE?

003357

1 A COPIES AND ORIGINAL, YES, SIR

2 Q IN ADDITION TO THE QUESTION DOCUMENTS WHAT
3 MATERIALS HAVE BEEN YOU PROVIDED FROM ANY SOURCE TO
4 ASSIST YOU IN YOUR EXAMINATION?

5 A I WAS PROVIDED LETTERS, HANDWRITTEN MATERIAL
6 FROM A BILLY COPE, AND I WAS PROVIDED LETTERS AND
7 CORRESPONDENCE FROM AMY SIMMONS I BELIEVE

8 Q ALL RIGHT, SIR AGAIN YOU WERE PROVIDED THE
9 QUESTION DOCUMENTS AS WELL?

10 A YES, SIR

11 Q ALL RIGHT, SIR WERE YOU PROVIDED ANY EXEMPLARS
12 FROM MR COPE?

13 A YES, I RECEIVED SOME REQUESTED EXEMPLARS TO
14 DOCUMENT EXAMINER WE HAVE TWO TYPES OF EXEMPLARS
15 COLLECTED WHICH MEANS MATERIAL FROM NORMAL COURSE OF
16 BUSINESS, AND REQUESTED WHEN YOU ASK AN INDIVIDUAL TO
17 SIT DOWN AND WRITE FOR THE PURPOSE OF EXAMINATION I
18 RECEIVED BOTH TYPES OF EXEMPLARS

19 Q AND WERE YOU ABLE TO OBTAIN APPROPRIATE AND
20 DISTINCT COPIES OF THESE MATERIALS AS WELL LOOK AT
21 THE ORIGINALS?

22 A YES, I DID

23 Q ARE YOU SATISFIED THAT YOU HAD ALL THE MATERIALS
24 YOU NEED TO MAKE A PROPER EXAMINATION?

25 A YES, I AM

003358

1 Q MR DAWSON, IN GOING ABOUT YOUR BUSINESS HERE,
2 YOUR EXAMINATION, IS THIS A DIFFICULT CASE?

3 A YES AND NO IT'S DIFFICULT AND IT WAS EXTENDED
4 WRITING NORMALLY A DOCUMENT EXAMINER WILL HAVE A
5 PROBLEM OF A SINGLE SIGNATURE, SEVERAL SIGNATURES,
6 MAYBE A HALF SENTENCE OR A SENTENCE IN A SUICIDE
7 NOTE OR SOMETHING SEVERAL SENTENCES, BUT THIS IS
8 EXTENDED WRITING WHICH IS USUALLY MORE DIFFICULT,
9 MORE TIME CONSUMING AND HAS A LOT MORE VARIATION WE
10 ALL HAVE NATURAL VARIATIONAL WRITING AS WELL AS
11 CERTAIN PATTERNS IN OUR WRITING HOWEVER AS FAR AS
12 IDENTIFYING THE PROBLEMS WITH OR PROBLEMS IS RELATIVE
13 SIMPLE CASE, VERY BASIC, VERY STRAIGHT FORWARD, RIGHT
14 OUT OF THE TEXT BOOK

15 Q IN YOUR EXAMINATION DID YOU REFER TO ANY
16 REFERENCE BOOKS OR ANY LEARNED TREATISE ON THE
17 SUBJECT OF FORENSIC DOCUMENT EXAMINATION?

18 A YES I WENT BACK AND REVIEWED SOME OF THE
19 LITERATURE AS I NORMALLY DO ON CASES FROM TIME TO
20 TIME

21 Q IS THERE ANY PARTICULAR PASSAGE OR SPECIFIC
22 PREMISE THAT YOU LOOKED AT IN THESE LEARNED
23 DOCUMENTS?

24 A YES IN FACT I BROUGHT A COUPLE WITH ME, VERY
25 SHORT QUOTES AS TO SPEAK SPECIFICALLY TO THE ISSUES

1 IN THIS CASE

2 Q COULD YOU TELL US WHAT'S THOSE WERE AND DESCRIBE
3 THOSE TO THE JURY?

4 A YES THERE ARE A HALF DOZEN BASIC TEXT BOOKS IF
5 YOU WOULD BUT BOOKS IN OUR FIELD BY WELL KNOWN
6 AUTHORS ONE ORDWAY HILTON ORDWAY WAS IN NEW YORK
7 FOR MANY YEARS HE MOVED TO ATLANTA AND DIED SEVERAL
8 YEARS AGO HE WAS A PROLIFIC WRITER AND RESEARCHER
9 HE HAD A NUMBER OF PUBLICATIONS, NUMBER OF BOOKS HE
10 WROTE ONE OF THE BASIC THINGS IN THIS CASE IS IF
11 TWO WRITINGS ARE BY A SINGLE PERSON THEN NO
12 FUNDEMENTAL DIFFERENCES SHOULD EXIST CONVERSELY IF
13 THERE WERE ANY BASIC DISSIMILARITIES THAT CANNOT BE
14 ACCOUNTED BY FOR LOGICAL COMMON SENSE EXPLANATION,
15 THEN THE TWO WRITINGS MUST HAVE BEEN PREPARED BY
16 DIFFERENT WRITERS IT SAYS IF THAT'S A BASIC
17 DIFFERENCE THE SAME WRITER DID NOT WRITE IT AND HE
18 ALSO POINTS OUT UNDER A FORGERY ISSUES, THE ACTUAL
19 FORGERY IS PRODUCED NOT BY WRITING PROCESS BUT BY
20 DRAWING THAT MEANS A FORGER WOULD BE DRAWING, VERY
21 FULL FORM, VERY STICK FORM ONLY THE EXCEPTIONAL
22 INDIVIDUAL CAN PRACTICE FAST THE FALSE OF THE FREE
23 HAND OR A SIMULATED FORGERY, THE TYPICAL FORGE IS
24 DRAWN WITH A SLOW MEASURED STROKE WHICH IS USUALLY
25 FILLED WITH POINTS OF HESITATION, UNCERTAIN MOVEMENT,

1 CERTAIN ABRUPT TURNS OR JOGS THIS CLOSE OF FORGERY
2 TYPICALLY CONTAINS A UNIFORMLY HEAVY STROKE THAT
3 LACKS NATURAL SHADING OR PEN EMPHASIS COMMON TO
4 NATURAL WRITING

5 THE OTHER ONE I SELECTED FOR THE
6 BREVITY OF THE EXPLANATION IS CONWAY MR CONWAY IS
7 RETIRED, WAS HEAD POSTAL LABORATORY IN CALIFORNIA, A
8 VERY WELL KNOWN AND ALSO A PROLIFIC WRITER OF THE
9 LITERATURE UNDER THE CHAPTER SIMULATED FORGERIES
10 THE MOST COMMON INVOLVES USE OF ACTUAL MODEL
11 DOCUMENT THE MODEL IS PLACED IN PROXIMITY TO THE
12 DOCUMENT TO BE FORGED THAT IS A SIMULATION IS A
13 FORGERY WHERE YOU HAVE MODELS OF WRITING SIGNATURE
14 AND YOU START TO SLOWLY DRAW A COPY THE MODEL A
15 STUDIED SIMULATION FROM A MASTER MODEL USUALLY
16 EMBODIES A SLOW JOINED MOVEMENT, A NATURAL STOP AND
17 STARTS, AND A LACK OF RHYTHM AND UNCERTAINTY OF
18 LETTER CONFORMATIONS TOUCH UP STROKES AND PATCHINGS
19 ARE COMMON ALSO BECAUSE THE FORGER BY SITUATION IS
20 A SEVEREST CRITIC HE GOES BACK AND PATCHES THINGS
21 UP

22 NOW THE LAST REFERENCE WOULD BE THE
23 VARIOUS STYLES OF, I'M SORRY THE LAST REFERENCE
24 SPEAKS TO TWO HANDWRITINGS CANNOT BE DEEMED TO BE THE
25 WRITING OF ONE AND THE SAME PERSON UNLESS THEY AGREE

1 IN EVERY FUNDAMENTAL ELEMENT AND EMBODY NO BASIC
2 DIFFERENCES CONWAY, AS ALL THE AUTHORS POINT OUT,
3 IS THAT TWO SIGNATURES, TWO WRITINGS IN THIS CASE
4 MUST AGREE AND THERE IS A SINGLE DIFFERENCE OF MAJOR
5 CONSEQUENCE THEN IT CANNOT BE OF COMMON AUTHORSHIP
6 BUT THE WRITERS ALSO POINT OUT THAT IT'S, IN MANY
7 TIMES, IT IS YOU HAVE MORE SIMILARITIES THAN
8 DIFFERENCES AND IT ONLY TAKES ONE SMALL DIFFERENCE TO
9 STATE THERE ARE TWO WRITERS AND NOT A SINGLE
10 AUTHOR

11 Q NOW EXACTLY HOW DID YOU GO ABOUT CONDUCTING THIS
12 EXAMINATION OF STATE'S EXHIBIT 89 AND OF STATE'S
13 EXHIBIT 90, PRECISELY WHAT WAS YOUR METHODOLOGY, IF I
14 CAN USE THAT TERM, WHAT WERE YOU LOOKING FOR IN THIS
15 EXAMINATION?

16 A IT WAS A STANDARD TYPE OF EXAMINATION YOU
17 FIRST LOOK AT THE PAPERS IF THERE IS ANYTHING
18 UNUSUAL, LOOK AT THE DOCUMENT, YOU VALIDATE, VERIFY,
19 THAT ALL OF THE KNOWN WRITINGS ARE FROM A COMMON
20 AUTHOR, COMMON AUTHORSHIP, IN THIS CASE I HAD TWO
21 INDIVIDUALS AND THEN YOU TAKE THE QUESTION DOCUMENT,
22 IN THIS CASE THE EXTENDED WRITING, AND START LOOKING
23 AT THE WRITING YOU ARE LOOKING FOR NATURALNESS,
24 FLOWINGNESS AND IN THIS PARTICULAR CASE I DID NOT SEE
25 THAT I SAW INSTEAD A VERY HEAVY DRAWN LINE

1 RETOUCHING, PATCHING, PEN STOPS, PEN LIFTS, STOPS,
2 ALL THE CHARACTERISTICS OF SIMULATION, OR THE
3 CHARACTERISTICS FORGERY IN FACT, AS, A TERM USED
4 FLAGS OF FORGERY AND ALL THE CHARACTERISTICS WERE
5 THERE INDICATING SIMULATION OR NON GENUINE WRITING

6 Q NOW MR DAWSON, YOU SAID THAT YOU FOUND
7 CHARACTERISTICS OF SIMULATION, IS THAT IN STATE'S
8 EXHIBIT NUMBER 90 AND 89, BOTH OF THEM, ONE OF THEM,
9 WHERE DID YOU FIND THOSE CHARACTERISTICS OF
10 SIMULATION?

11 A STATE'S EXHIBIT 89 AND 90, BOTH QUESTION
12 DOCUMENT PACKAGES CONTAINED CHARACTERISTICS OF
13 SIMULATION

14 Q DID YOU PREPARE ANY EXHIBITS THAT WOULD
15 ILLUSTRATE THE POINTS THAT YOU'VE JUST TESTIFIED
16 ABOUT?

17 A YES, I DID

18 Q AND DID YOU BRING THOSE TO COURT TODAY WITH YOU?

19 A YES, HERE

20 Q ARE THESE THOSE?

21 A YES, SIR

22 Q ALL RIGHT, SIR MAYBE COULD YOU STEP DOWN HERE
23 AND BRIEFLY EXPLAIN WITHOUT GOING INTO, IF THAT'S ALL
24 RIGHT WITH THE COURT, BRIEFLY EXPLAIN, IDENTIFY THESE
25 AS EXHIBITS AND LET'S GET THEM INTRODUCED INTO

1 EVIDENCE, AND THEN YOU CAN GO INTO MORE DETAILED
2 EXPLANATION?

3 A THESE ARE ENLARGEMENTS, SCANNED ENLARGEMENTS,
4 EACH OF WHICH IS FROM THE EVIDENCE WE HAVE RIGHT HERE
5 TODAY EITHER QUESTIONED AND KNOWN THESE WERE
6 PREPARED AS A MODEL AND TAKEN AND ENLARGED SO THESE
7 ARE ENLARGED EXHIBITS INCORPORATING THE MATERIAL I
8 HAD TO EXAMINE, THE MATERIAL I EXAMINED, AND THESE
9 ARE TO DEMONSTRATE MY FINDINGS IN THIS CASE

10 MR BAITY OKAY I MOVE THAT THEY BE
11 ADMITTED INTO EVIDENCE AT THIS TIME FOR DEMONSTRATIVE
12 PURPOSES

13 MR POPE NO OBJECTION

14 MR GREELEY NO OBJECTION FOR
15 DEMONSTRATIVE PURPOSES

16 THE COURT BE RECEIVED FOR DEMONSTRATIVE
17 PURPOSES ONLY

18 Q ALL RIGHT MR DAWSON, WOULD AN EASEL ASSIST
19 YOU IN ANY WAY?

20 A YES, SIR

21 Q PLEASE SHOW US ANY CHARACTERISTICS OR SIMULATION
22 YOU MAY HAVE FOUND, SIR?

23 A THE FIRST CHART REPRESENTS --

24 THE COURT YES, MA'AM, YOU CAN'T SEE
25 THE PODIUM IS IN THE WAY

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1 MR BAITY I APOLOGIZE

2 A THE FIRST CHART REPRESENTS WORDS FROM STATE'S
3 EXHIBIT 90 I BELIEVE THIS IS THE DOCUMENT, SHORT
4 DOCUMENT, WHICH WAS OVERWRITTEN THE SELECTION OF
5 WORDS IN THIS PARTICULAR DOCUMENT, WHAT WE'RE LOOKING
6 FOR UNNATURAL, WE SEE FIRST STARTING WITH THE COME,
7 C-O-M-E, IF YOU WILL NOTICE HAVE A LINE QUALITY THAT
8 IS VERY ABRUPT IT IS NOT SMOOTH IT DOES NOT FLOW
9 YOU SEE A PEN STOP AT THE TOP OF THE C THERE IS A
10 PEN STOP AT THE BOTTOM PEN STOP ON THE RIGHT OF THE
11 C

12 GO TO THE O, START WITH INITIAL STROKE
13 AND COMING DOWN MANY TIMES A PEN, A BALL POINT PEN
14 HAS INK ON THE END OF IT, THAT WILL KIND OF COME OFF,
15 WE HAVE ALL SMEARED BEFORE, WE CALL IT GOOP IN THIS
16 CASE UNDER THE MICROSCOPE YOU CAN SEE A LITTLE IN THE
17 PAPER WHERE IT'S HESITATIONS THIS IS NOT A
18 DEFECTIVE PEN

19 CONTINUE INTO THE BOTTOM OF THE O
20 THERE IS A PEN STOP CONTINUE TO THE RIGHT HAND SIDE
21 OF THE O UP THE M FORM THE M FORMATION, INITIAL
22 STROKE COMES ACROSS AND DOWN AND THEN STOPS AROUND
23 IT STOPS CONTINUES TO THE CENTER POST OF THE M BACK
24 UP TO THE RIGHT SIDE

25 THE E IS A STROKE COMING AND YOU HAVE

1 TWO PAUSES AT THE TOP AND AROUND WHY YOU HAVE
2 THOSE? THOSE ARE WHEN SOMEONE MAY HAVE A MODEL IN
3 FRONT OF THEM AND THEY ARE FOLLOWING THAT MODEL AND
4 STOPPING AND LOOKING TO MAKE SURE THEY HAVE THE RIGHT
5 RELATIONSHIP OF THE WORDS, THE LETTERS THE WORD
6 NIGHT A VERY ABRUPT INITIAL STROKE A GENERAL
7 WRITING YOUR PEN HITS THE PAPERS SORT OF FEATHERS
8 YOU TOUCH THE PAPER LIGHTLY AND IT FEATHERS YOU
9 HAVE AN INITIAL STROKE AND A TERMINAL STROKE UNDER
10 SIMULATIONS OF FORGERIES IT'S A CONSCIOUS ACT AND
11 WHAT HAPPENS THE PEN HITS THE PAPER AND YOU START
12 YOUR LINE FORM, YOU STOP AND LIFT IT UP, THAT IS THE
13 BLUNT INITIAL STROKE AND TERMINAL STROKE REFERENCED
14 IN LITERATURE AND I'VE DEMONSTRATED HERE THE
15 INITIAL STROKE COMES DOWN THERE IS A PEN STOP
16 COMING UP THE END GOES AROUND

17 THE I COMES AROUND AND STOPS THE G
18 SEVERAL PEN MOVEMENTS AT THE TOP OF THE G COMING
19 AROUND AND STOP YOU COME STRAIGHT DOWN AT THE
20 BOTTOM OF G AND THERE IS PEN STOP YOU SEE
21 ABRUPTNESS OF IT CHANGE DIRECTION COMES DOWN TO THE
22 BOTTOM OF THE G, THE LOWER EXTENT OF THE G, THERE IS
23 A PEN STOP THERE STROKE UP COMES IT PAUSES
24 BETWEEN THE G AND THE H AND IT CONTINUES TO THE TOP
25 OF THE H, COMES BACK DOWN WITH A PEN STOP AT THE BASE

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1 OF THE H A STOP AND LIFT AT THE BOTTOM OF THE H
2 CONTINUING TO THE I FORM THAT IS NOT NATURAL
3 WRITING YOU DON'T WRITE LIKE THAT
4 CONTINUING TO THE TELL, T-E-L-L AS YOU
5 SEE THE STROKE COMING FROM THE BASE LINE, UP TO TOP,
6 COME DOWN, AND PAUSE, CONTINUE AROUND, AND THEN SEE
7 THE PEN LIFT BETWEEN THE T AND THE E LOOK AT THE
8 L-L COMBINATION HAVE BLUNT, ALL OF THIS VERY HEAVILY
9 WRITTEN, NO SHADING OF THE LINES, THERE IS A LOT OF
10 PRESSURE CHARACTERISTICS OF SIMULATION
11 THE I THE INITIAL STROKE COMES
12 ACROSS AND YOU CAN SEE THE CHANGE IN DIRECTION OF THE
13 PEN STOP, MOVES JUST A LITTLE BIT, STOP THERE, THEN
14 COMES AROUND SO YOU HAVE A NUMBER OF PEN STOPS AND
15 PEN LIFT ON THIS PARTICULAR COMBINATION OF THE
16 LETTERS
17 CONTINUING THE WORDS FROM THIS
18 DOCUMENT YOU'LL FIND THE TWO WORDS CHRISTIAN AND
19 FIND THE WORD FAITH THE C, A FALSE START GOING INTO
20 IT, COMES AROUND AND ROUGH PART OF THE BASE THE H
21 COMES DOWN ROLLS AROUND THE LOWER H THIS LOOKS LIKE
22 A CHANGE IN PRESSURE BUT UNDER A MICROSCOPIC YOU CAN
23 SEE A SMALL CAVITY WHERE THE PEN ACTUALLY STOPPED AND
24 THEN THEY CONTINUED WITH THEIR STROKE GOING UP THE
25 R COMES AROUND THERE IS A PEN PAUSE THERE AT THE

1 BASE OF THE R YOU CAN ABRUPT CHANGE IN DIRECTION AS
2 THE PEN STOP THERE GOING INTO THE I, STOP, AND THE
3 S IT LOOKS AS THOUGH THIS IS ACTUALLY DRAWN LETTER
4 BY LETTER THE S STARTED AND CAME BACK AROUND THE T
5 STOPS BEFORE THE I THERE IS A PEN LIFT AT THE END
6 OF I THE PEN IS TAKEN UP THE A IS DRAWN IN THE
7 PEN IS TAKEN UP WHERE THE R COMES UP THERE IS A
8 STOP CROSS BAR, A STOP, AND COMES AROUND THAT IS
9 NOT NATURAL WRIT THE WORD CHRISTIAN IS DRAWN LETTER
10 BY LETTER AS YOU CONTINUE ACROSS

11 FAITH INITIAL STROKE VERY HEAVY
12 WRITING PRESSURE, NO SHADING AT ALL, COMES UP AND
13 STOPS AT THE TOP SWOOPS DOWN TO THE BASE OF THE F
14 ACROSS TO THE A A FORMS IS MADE THERE IS YOUR PEN
15 STOP AGAIN WE ARE LOOKING FOR COMES ACROSS TO THE
16 I PEN STOP BACK DOWN THERE IT IS COMES ACROSS
17 THE I UP TO THE T BACK AROUND AND THAT'S A STOP RIGHT
18 BEFORE THE TURN OF THE T AND A PAUSE AT THE BOTTOM OF
19 THE T AS IF SOMEONE WANTED TO MAKE SURE THEY HAD THAT
20 FORM EXACTLY LIKE THE MODEL THAT THEY ARE FOLLOWING
21 THE H FORM STARTS HERE, GOES UP, COMES DOWN AND
22 AROUND AND THE PAUSE IN THE BOW OF THE H JUST TO SEE
23 EXACTLY HOW THE BOW IS GOING THAT IS NOT NATURALLY
24 EXECUTED IT DOESN'T FLOW THAT'S NOT NATURAL
25 WRITING

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1 AND ONE MORE CHART ON THAT PARTICULAR
2 DOCUMENT REALLY, R-E-A-L-L-Y VERY HEAVY STROKE
3 A FALSE START COMING UP THE PEN LIFT, IT'S BEEN
4 LIFTED AND YOU CAN SEE IT CLOSER LATER AND THEN PUT
5 BACK ON THE PAPER AGAIN AND CONTINUES INTO THE LETTER
6 FORM THERE YOU HAVE THE STOP AT THE E GOING OVER
7 TO THE A, BACK AROUND, STOP AGAIN, AND GOES UP PEN
8 LIFT PEN COMES DOWN BETWEEN A LEADING CONNECTING TO
9 L TO BASE LINE TOP UP TO THE L AROUND AND YOU HAVE A
10 STOP COMING DOWN TO THE BASE OF THE LINE WITH A VERY
11 HEAVY BROAD ENDING THE SECOND L IS VERY AWKWARDLY
12 MADE, PEN STOP HERE THE Y STOPPED IN THE MIDDLE,
13 TAKE A LOOK AT IT, COMING UP HE TOOK THE LOWER STEM
14 OF THE Y COME DOWN AND STOP HERE ONCE AGAIN WE MAKE
15 THAT TURN, COMES AROUND TO THE OTHER SIDE, GOT AN
16 IDEA OF WHAT IT LOOKS LIKE NOW, THEN STRAIGHT UP
17 YOU CAN SEE THE TREMOR IN THIS THIS IS CALLED
18 TREMOR FORGER GOT CHAPTERS WRITTEN ON IT WHEN A
19 PERSON IS SIMULATING A FORGERY THEY DO NOT WRITE
20 NATURALLY THERE IS VERY SLIGHT TREMOR THAT YOU CAN
21 REALLY SEE MICROSCOPICALLY, IT'S VERY DIFFICULT TO
22 SEE WITH THE NAKED EYE UNLESS YOU DO A POOR JOB
23 THIS IS SUBTLE TREMOR FORGERY SUCH HAS THE CIRCULAR
24 MOVEMENT ON THE BASE OF THAT B YOU NOTICE THE B
25 INITIAL STROKE STARTS HERE, THE STOP HERE, STOP

1 THERE, CONTINUES AROUND LOOK AT THE TREMOR, THE
2 SHAKINESS OF THE LINES YOU CAN SEE UNDER THE
3 MICROSCOPIC AND THEY STRAIGHTENED BAR COMING DOWN TO
4 THE B YOU SEE QUIVER IN THE BAR THIS IS TREMOR
5 NOW THERE IS ANOTHER TYPE OF TREMOR SOMEONE IS TRYING
6 TO SIMULATE AN ELDERLY PERSON, YOU SEE ELDERLY A LOT,
7 AND IF SOMEONE IS TRYING TO SIMULATE A CHECK OR
8 ENDORSEMENT OF AN ELDERLY PERSON, THEY MAY INJECT
9 SOME TREMOR INTO IT BECAUSE THEY THINK THE ELDERLY
10 MAY HAVE PALSEY OR WHATEVER BUT THIS IS JUST PLAIN
11 OLD FASHION TEXTBOOK 101 TREMOR OF FORGERY,
12 SIMULATION

13 WE GO TO THE E AGAIN IN THE WORD
14 BEFORE INITIAL STROKE A BROAD HEAVY COMING UP STOP
15 OVER LIFT HERE'S THE F AGAIN THE SAME TYPE OF
16 FORM, VERY SHAKY COMING AROUND LOOK AT THE POOR
17 LINE QUANTITY AT THE TERMINAL STROKE OF F THE O,
18 THEY HAVE A LITTLE PROBLEM RIGHT THERE DECIDING WHAT
19 THEY WANT TO DO AND SORT OF GUMPED UP AND COME
20 AROUND PEN LIFT, YOU HAVE R-E COMBINATION, AND THEN
21 YOU HAVE A BREAK IN THE E

22 THE WORD GOD IF YOU'LL NOTICE COMES
23 AROUND LIKE A C, LIFT ALL TOGETHER, THEN GO BACK AND
24 HAVE THIS VERY SHAKY LINE AS A CROSS BAR UP CLOSE
25 YOU'LL SEE THAT THE O AND D HAVE A LITTLE STRENGTH OF

1 THE HAND BUT IT'S STILL VERY HEAVILY WRITTEN AND THE
2 MOVEMENTS HAVE JUST A TINY BIT OF SHAKE TO THEM,
3 QUIVER TO THEM F, I-F, INITIAL STROKE STARTS UP
4 HIGH, COMES AROUND, PEN STOP, PEN STOP, THEN WE
5 CONTINUE ON THERE WHERE THE PEN HIT THE PAPER AND
6 CONTINUE

7 SO WHAT I HAVE DEMONSTRATED WITH THIS
8 DOCUMENT IS THAT YOU HAVE ALL THE CHARACTERISTICS OF
9 FORGERY OR SIMULATION HEAVY LINE PRESSURE, PEN
10 STOPS, PEN STARTS, PATCHING, VERY POOR QUALITY, VERY
11 DRAWN IN FACT, ONE OF THE LETTERS WAS ACTUALLY
12 COMPOSED AS ALMOST A LETTER BY LETTER TO COMPOSE A
13 WORD THIS IS WHAT YOU WILL FIND THAT OSBOURNE HAS
14 IN HIS BOOK MANY TIMES IN FORGERY THEY ACTUALLY
15 CONSTRUCT LETTER BY LETTER, SO THIS PARTICULAR
16 DOCUMENT EXHIBITS UP FRONT ON THE FACE
17 CHARACTERISTICS ASSOCIATED WITH SIMULATION YOU
18 REALLY DON'T NEED TO GO MUCH FURTHER ON THIS THERE
19 IS NO NEED TO GET VERY COMPLICATED OR FANCY WITH IT
20 YOU GOT SIMULATION TO START WITH SIMULATION IS VERY
21 DIFFICULT TO IDENTIFY WHO THE FORGER WAS BECAUSE THE
22 PURPOSE OF SIMULATION IS TO DUPLICATE THE LETTERS,
23 LETTER FORMS, LETTER COMBINATIONS, TO GET PAST A
24 GATEKEEPER, TO GET PAST A CHALLENGE SOMEWHERE, SO THE
25 IDEA IS TO MAKE IT LOOK AS CLOSE TO POSSIBLE AS THE

1 MODEL AND WHEN YOU DO EXTENDED WRITING IT'S VERY,
2 VERY DIFFICULT THE POINT BEING THAT NORMALLY YOU
3 CANNOT TELL WHO DID THE SIMULATION IF YOU HAVE A
4 CLOSE POPULATION OF FIVE OR SIX INDIVIDUALS IN
5 FINANCE OFFICE OR A DOZEN DIFFERENT PEOPLE IN A
6 SHIPPING AREA, YOU CAN NORMALLY TAKE THE HAND
7 WRITINGS OF THOSE PEOPLE AND TELL THE INVESTIGATOR
8 THIS PERSON LOOKS LIKE HE'S A GOOD SUSPECT, GO FOR
9 IT, BASED ON SUBTLETIES IN IT BECAUSE EVEN IN
10 SIMULATION PEOPLE A LOT OF TIMES WILL INTERJECT SOME
11 OF THAT, UNCONSCIOUSLY INTERJECT SOME OF THEIR HABITS
12 IN MAKING MISTAKES IF YOU WILL, AND A LOT OF TIMES
13 THOSE MISTAKES YOU CAN PRETTY MUCH FOCUS INTO AN AREA
14 OF INTEREST, DEVELOP A PERSON OF INTEREST, ALTHOUGH
15 YOU MAY NOT ACTUALLY IDENTIFY THE PERSON AS THE
16 WRITER SO THIS IS THE FIRST STEP ON THIS DOCUMENT
17 HERE

18 Q DO YOU HAVE ANY ILLUSTRATIONS OF THE SECOND
19 DOCUMENT, MR DAWSON?

20 A YES, I DO THE SECOND DOCUMENT, STATE'S EXHIBIT
21 89 I BELIEVE, IS THE AMY GOD TOLD ME LETTER ON THE
22 LEFT HAND SIDE I CALLED IT Q-THREE DOCUMENT MY
23 Q-THREE FOR REFERENCE WILL ACTUALLY BE STATE'S
24 EXHIBIT 89 TOOK A COMBINATION OF ANDS AND GODS UP
25 CLOSE YOU'LL FIND THERE ARE SOME PEN LIFTS IN HERE

1 BUT MORE IMPORTANTLY YOU SEE THE VERY POOR SHAKY LINE
 2 QUALITY AND THAT'S VERY GROTESQUE IN THE GENRE THIS
 3 IS ACTUALLY DONE A LITTLE BIT BETTER THAN THIS IS BUT
 4 WHEN YOU LOOK AT IT CLOSELY YOU'LL FIND THAT YOU HAVE
 5 THE SAME BASIC CHARACTERISTICS OF SIMULATION THAT YOU
 6 HAD IN THE FIRST NOTE WE LOOKED AT YOU LOOK AT HOW
 7 POOR THE WORD GOD IS CONSTRUCTED AT THE BOTTOM YOU
 8 HAVE DIFFERENT TYPES OF D'S IN THERE THESE EXHIBITS
 9 EXHIBIT Q-THREE, THE AMY GOD TOLD ME LETTER, ALSO IS
 10 VERY BADLY COMPOSED AND EXHIBITS CHARACTERISTICS OF
 11 SIMULATION AND I WOULD CONSIDER A SIMULATEED
 12 DOCUMENT

13 Q LET ME MAKE SURE WE UNDERSTAND THAT THIS
 14 QUESTION Q-THREE THAT IS STATE'S EXHIBIT NUMBER 89?

15 A YES, SIR, I'M SORRY

16 Q ALL RIGHT, SIR YOU PROBABLY SAID I JUST
 17 WANTED TO MAKE SURE

18 A THIS IS STATE'S EXHIBIT 89 THIS IS THE
 19 DOCUMENT WE'RE TALKING ABOUT ON THE COLUMN ON YOUR
 20 LEFT NOW AS YOU RECALL I ALSO HAD SOME KNOWN
 21 WRITINGS OF INDIVIDUALS THERE WERE TWO INDIVIDUALS
 22 ONE IS IN THE MIDDLE AND ONE IS ON THE RIGHT HAND
 23 SIDE KEEP IN MIND THAT SIMULATIONS ARE DESIGNED BY
 24 PURPOSE TO LOOK LIKE ANOTHER PERSON'S SIGNATURE BUT
 25 SOMETIMES WE INTERJECT SOME OF OUR CHARACTERISTICS IN

1 IT IN THE, WHAT I CALL K-TWO YOU'LL NOTICE HOW THE
2 D'S ARE OBLONG YOU'LL FIND OBLONG D'S OVER HERE
3 THE TERMINAL STROKE D COMES AND HOOKS AROUND YOU'LL
4 PICK THAT UP IN A COUPLE OF THESE THE A-N
5 COMBINATION IS ROUND AND SITS TO THE LEFT OF THE D
6 YOU'LL ALSO FIND THIS FORMATION AND THE GENERAL
7 RELATIONSHIP OF THE LETTERS TO YOUR RIGHT IS A
8 WRITER IDENTIFIED AS Q-ONE NOW THIS IS WHAT NATURAL
9 SIGNATURE LOOKS LIKE A NATURAL WRITING LOOKS LIKE
10 SMOOTH, FLOWING, AS COMPARED TO THIS WE HAVE
11 DIFFERENT SKILL LEVELS WE HAVE HIGH SKILL WRITERS,
12 LOW SKILL WRITERS EINSTEIN IN HIS BRILLIANCE WAS A
13 LOW SKILL WRITER BUT THIS IS A GENERALLY ACCEPTED
14 NATURALLY EXECUTED SKILL LETTER IF YOU HAVE
15 ENTIRELY DIFFERENT FROM WHAT WE HAVE HERE AND WHAT WE
16 HAVE HERE

17 THE K-ONE WRITER AS YOU'LL NOTE HAS A
18 DIFFERENT TYPE OF D FORMATION IT'S A ROUNDER
19 FORMATION, DIFFERENT WAY OF MAKING THE G, THE CROSS
20 PART OF THE G THE PENMANSHIP IS BETTER, THE LINE
21 QUALITY IS BETTER AND EXHIBITS CHARACTERISTICS OF
22 NATURALNESS YOU HAVE MORE AGREEMENT WITH THE K-TWO
23 WRITER THEN YOU HAVE WITH THE K-ONE WRITER

24 Q AND WHO IS THE K-ONE WRITER?

25 A THE K-ONE WRITER IS MR COPE AND THE K-TWO

1 WRITER IS MS SIMMONS

2 Q AND YOU WOULD FIND IN THESE COLUMNS, MR DAWSON,
3 THIS IS THE QUESTION DOCUMENT, IS THAT CORRECT?

4 A THAT IS CORRECT

5 Q AND IN YOUR OPINION DOES THIS COLUMN OF THESE
6 WORDS AGREE OR RELATE MORE TO THE FIRST COLUMN OR THE
7 SECOND COLUMN THAT YOU COMPARED THEM TO?

8 A TO THE FIRST COLUMN

9 Q AND THAT WOULD BE, THE WRITER WOULD BE?

10 A THE WRITER WOULD BE MS SIMMONS, AMY SIMMONS

11 Q ALL RIGHT, SIR DO YOU HAVE ANY OTHERS?

12 A LOOKING FOR INDIVIDUAL CHARACTERISTICS, ON THE
13 LEFT ARE QUESTION WRITINGS OR QUESTION WORDS IF YOU
14 WOULD LOOKING AT THE M IN BOTH THE 89 AND 90 THE
15 M, I JUST SELECTED A FEW THESE ARE NOT ALL I
16 SELECTED A FEW FOR DEMONSTRATION NOT TO LITTER THE
17 WHOLE PLACE UP THE M IS ALMOST FOUR POINTS GOING
18 ACROSS IF YOU WOULD VERTICAL, VERY RAPIDLY MADE,
19 AND THE LEFT HAND SIDE IS, COMES UP HIGH TO A POINT,
20 TO A PEAK, AND THEN GOES INTO THE STANDARD LETTER
21 FORM VERY CONSISTENT WITH THE M YOU'LL FIND IN THE
22 NAME AMY I BELIEVE THAT'S REMEMBER RIGHT THERE
23 WHERE YOU HAVE ROUNDED M, NATURAL VARIATIONS THERE
24 NOW MR COPE MAKES AN M SOMEWHAT SIMILAR TO THIS OR
25 HE STARTS UP HIGH AT 12 O'CLOCK AND COMES DOWN NOW

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1 THIS IS CURSIVE AND THE OTHER PRINTED IN HIS
2 PRINTED M, IN HIS CURATIVE M'S STILL HAVE A DIFFERENT
3 SHAPE AND FORM THAN THESE DO I JUST FOUND A
4 SIMILARITY BETWEEN THE M'S OF AMY AND THE M'S IN THE
5 QUESTION DOCUMENTS

6 Q DO YOU HAVE ANY OTHER ILLUSTRATION?

7 A YES

8 Q I CAN TAKE CARE OF THAT

9 A I WAS ASKED TO EXAMINE A ONE OR TWO PAGE
10 SENTENCE ON THE BACK OF ONE OF THE DOCUMENTS AND TAKE
11 A LOOK AT IT AND SEE WHAT I DETERMINED ON YOUR LEFT
12 IS THE WORD TINKER, T-I-N-K-E-R, CAME OFF OF THE
13 QUESTION DOCUMENTS I'M SORRY THE WORD TINKER CAME
14 OFF OF THE NOT QUESTION DOCUMENT I CONSIDER IT A
15 QUESTION DOCUMENT THE WORD TINKER CAME OFF OF THE
16 NOTE ON THE BACK OF ONE OF THE LETTERS THAT AMY WROTE
17 MR COPE SO THE E-R COMBINATION AND THIS IS A
18 PRINTED WORD AND THOUGHT WELL IF THEY MAKE E-R
19 COMBINATION LIKE THAT THAT MAYBE AN INDIVIDUAL
20 CHARACTERISTIC OF THAT PARTICULAR WRITER KEEP IN
21 MIND WE'RE LOOKING AT INDIVIDUAL CHARACTERISTICS
22 EVEN THE SIMULATION A VERY DIFFICULT TO FIND SO I
23 WENT OVER SOME KNOWN WRITING OF AMY AND I SAW DEAR
24 TINKER, IT'S ONE OF THE LETTER SHE WROTE AND NOTICE
25 THE E-R COMBINATION IN THE TICKER AS COMPARED TO THE

1 E-R COMBINATION HERE THE INITIAL STROKE OF THE E
2 STARTS HORIZONTALLY, MOVES ACROSS INTO MORE OF A
3 SPEED R IF YOU WOULD YOU FIND THE SAME E-R
4 COMBINATION UNDER KNOWN H-E-R, HER, IS ALSO FROM
5 AMY'S WRITINGS I HAVE IDENTIFIED AS Q-2 1 B
6 DOCUMENTS IN MY FILES BUT THESE ARE AMY'S WRITINGS
7 AS WELL AND E-R COMBINATION AGREES QUITE WELL WHEN
8 I SAW THAT I THOUGHT, WELL, LET'S TAKE A CLOSER LOOK
9 AND SEE IF ANY COMBINATIONS OR ARE THERE ANY PATTERNS
10 TO THE E-R COMBINATION I TOOK ALL THE QUESTION
11 DOCUMENTS, STATE'S EXHIBIT 89, STATE'S EXHIBIT 90,
12 AND THE WRITING ON THE BACK OF AMY'S LETTER WHICH WAS
13 QUESTION TO ME, AND I PULLED OUT ALL THE WORDS THAT
14 HAD AN R IN THEM THAT'S IN QUESTION ARE THE WORDS
15 WITH R IN THE QUESTION MATERIAL BEFORE THE COURT
16 TODAY I THINK PRETTY MUCH ARE, I MAY HAVE MISSED ONE,
17 IN THIS PARTICULAR BLOCK OF WRITING

18 TO YOUR LEFT IS THE WRITING OF
19 MR COPE THAT CAME FROM PAGE K-1 16 B TO THE RIGHT
20 IS MR POPE K1 17 THE CENTER IS AMY K-2 1 WOULD
21 YOU HOLD THIS PLEASE THE POINT OF THIS EXERCISE WAS
22 TO SEE WHERE I WOULD FIND THE MOST R'S THAT HAD THE
23 LITTLE HALF GOLD WING COMING UP IF YOU'LL NOTICE IN
24 THE QUESTION FOUR LETTER, NOW THERE IS DIFFERENT R'S
25 IN HERE, REMEMBER THIS IS A COMBINATION OF

1 SIMULATION, COPYING IF YOU WILL, BUT GENERALLY IN ALL
2 THE QUESTION MATERIAL YOU'LL FIND THAT LITTLE R FORM
3 ONE WAY OR THE OTHER, PARTICULARLY THE E-R
4 COMBINATION

5 COME OVER TO MR COPE NOW I HAVE TWO
6 STYLES OF HIS WRITING HERE TO BE COMPLETELY FAIR ON
7 THE RIGHT HAND SIDE IS HIS PRINTING WHEN HE PRINTS
8 VERY SLOW DISTINCT ON THE LEFT HAND SIDE IS HIS
9 PRINTING WHEN HE INTERJECTS A FEW CURSIVE, MORE
10 RAPIDLY EXECUTED SO THIS GIVES YOU AN IDEA ALSO OF
11 HOW GENUINE OR SLOW A WRITING OR A PRINTING SHOULD
12 LOOK YOU CAN SEE THE INITIAL STROKES, TERMINAL
13 STROKES, SHADING EVEN THOUGH THIS IS A REPRODUCED,
14 PHOTOCOPY IF YOU WOULD, OF THIS PARTICULAR CHART, YOU
15 SEE STILL THE NATURALNESS AND THE FLOW, THE CHANGE OF
16 THE INK FLOWING LOOK HOW HE MAKES HIS R'S HERE,
17 COMING UP, DOWN ON THE OTHER SIDE, HE HAS MORE OF A
18 VARIATION OF HIS R FORM THERE IS ONE THAT'S ALMOST
19 PERFORMED LIKE THIS EXCEPT HAS TENDENCY OF ROUNDING
20 OFF THE RIGHT HAND EDGE HE HAS MORE VARIATION OF
21 R'S OVER HERE

22 LET'S COME TO THE CENTER OF AMY'S R'S
23 ARE HOW WOULD YOU COMPARE THOSE? IN ORDER TO
24 PREPARE THIS CHART I JUST TOOK ONE PAGE OF PRINT FROM
25 AMY, TWO PAGES OF PRINTING FROM MR COPE, AND USED

1 ALL OF THE WORDS IN EACH OF THOSE PAGES HAD R IN IT
2 I DID NOT CHERRY PICK FROM DIFFERENT PARTS OF ALL THE
3 FILES I JUST TOOK ONE-PAGE EACH AND SAID LET'S SEE
4 WHAT THE HABITS ARE IN THIS NATURAL WRITING THIS IS
5 THE RESULT OF THE CHART AMY'S R'S AND E-R
6 COMBINATIONS COMPARED MORE CLOSELY TO THE QUESTION
7 DOCUMENT, THE DOCUMENTS THAN MR COPE WE ALL HAVE
8 NATURAL VARIATION WE ALL HAVE A NUMBER OF WAYS TO
9 MAKE AN R OUR NATURAL VARIATION OR ACCIDENTAL
10 LETTER FORMS SO THERE ARE A LOT OF DIFFERENT LETTER
11 FORMS WE CAN MAKE WE NORMALLY HAVE ONE OR TWO, BUT
12 IT'S ALWAYS ONE WE GO TO AS A PRIMARY, BASIS FORM AND
13 I THINK THIS CHART HERE REPRESENTS THAT FORM
14 Q DO YOU HAVE OTHER EXAMPLES, MR DAWSON?
15 A YES, SIR I ONLY HAVE TWO CHARTS, ACTUALLY I
16 PUT TOGETHER SIX OR SEVEN, BUT THESE CHARTS REPRESENT
17 THE STATE'S EXHIBIT 90 WHERE THERE ARE CERTAIN
18 PHRASES AND WORD COMBINATIONS AND SENTENCES LIKE
19 CAUGHT MYSELF PRAISING THE LORD YOU'LL ALSO FIND
20 CAUGHT MYSELF PRAISING THE LORD IN SOME OF MR COPE'S
21 WRITINGS I GOT THESE FROM THE LETTERS HE SENT AMY
22 AND THROUGH THE INVESTIGATION THESE LETTERS IN AMY'S
23 POSSESSION CAME DOWN TO THE DEFENSE SIDE AND THAT'S
24 HOW I HAD ACCESS TO THOSE BUT IT WAS POINTED OUT
25 THAT JUST ABOUT THE ENTIRE LETTER OF THE AMY GOD TOLD

1 ME IS COMPOSED OF DIFFERENT PHRASES, SENTENCES, AND
2 COMBINATIONS FROM MR COPE'S LETTERS THAT HE HAD
3 MAILED TO AMY AND SHE HAD IN HER POSSESSION IF
4 YOU'LL LOOK THROUGH HERE THERE ARE A NUMBER OF
5 DIFFERENCES AS WELL AS SOME SIMILARITIES JUST FOR
6 GENERAL PURPOSES I ONCE HAD A, MY PRIMARY INSTRUCTOR
7 ONCE SAID YOU CAN TELL A PERSON BY THE I DOTS HOW
8 MANY PEOPLE HERE WOULD THINK THEY WERE WRITING A
9 HUSBAND OR SPOUSE'S SIGNATURE HOW TO MAKE THE I DOTS
10 THAT'S A VERY SUBTLE THING THE MAJORITY OF THE I
11 DOTS IN THE QUESTION MATERIAL, THE Q IS, OKAY, NOTICE
12 THE I DOTS WHEN YOU GET UP CLOSE YOU'LL FIND ARE JUST
13 THAT I DOTS MR COPE MAKES A SLASH FOR AN I DOT
14 IT'S CONSISTENTLYDIFFERENT ALL THE WAY THROUGH THIS
15 YOU'LL ALSO FIND THAT IN GENERALLY THE QUESTION
16 MATERIAL, THE O'S, THE A'S, THE P'S, ARE OBLONG
17 GENERALLY MR COPE MAKES ROUND LETTER FORMS YOU'LL
18 FIND THAT IN SOME CASES THE R'S, HERE'S THE E-R THE
19 QUESTION SIGNATURE I THINK WE SAW THAT AWHILE AGO
20 RIGHT THERE THERE IS ANOTHER ONE AND THERE IS A
21 THIRD ONE WE ALSO SEE THAT HE HAS A DIFFERENT R
22 FORM YOU'LL FIND IN THE QUESTION MATERIAL, YOU'LL
23 FIND SOME R FORMS THAT VERY MUCH ALIKE, BUT GENERALLY
24 THEY DIFFER THE U IS MORE ELONGATED AND DEEPER
25 THIS D LOT OF TIMES WILL BE A OBLONG BOLD MOVEMENT,

1 SINGLE YOU'LL FIND THAT GENERALLY MR COPE WOULD
2 MAKE A STAFF AND A CIRCLE ALTHOUGH HE DOES MAKE A
3 DIFFERENT D FORM TOO THERE IS JUST SO MANY
4 DIFFERENCES IN HERE THAT YOU CAN LOOK AT A TEXTBOOK
5 AND THERE IS ONE MAJOR DIFFERENCE, IT'S NOT A COMMON
6 WRITER I DOTS, R'S, D'S YOU'LL FIND THE, A NUMBER
7 OF DIFFERENCES IN HERE SO BASED UPON THE
8 EXAMINATION OF THE QUESTION KNOWN, I REACHED AN
9 OPINION

10 Q MR DAWSON IN EXAMINING THESE DOCUMENTS AS
11 YOU'VE ILLUSTRATED AND IN OTHER PLACES, YOU HAVE
12 REACHED AN OPINION AS TO THE GENUINENESS OF THE
13 DOCUMENTS THAT ARE COMPRISING STATE'S EXHIBIT NUMBER
14 90, THIS SMALL LETTER?

15 A YES, SIR

16 Q AND KIND OF GOT IT SEPARATED HERE BUT, AND THE
17 STATE'S EXHIBIT NUMBER 89, HAVE YOU FORMED AN OPINION
18 AS TO THE GENUINENESS OF THESE DOCUMENTS, SIR?

19 A YES, I HAVE

20 Q COULD YOU TELL THE LADIES AND GENTLEMEN OF THE
21 JURY WHAT YOUR OPINION IS?

22 A IT IS MOST PROBABLY A SIMULATION BOTH
23 DOCUMENTS ARE SIMULATIONS

24 Q NOW A MOMENT AGO YOU POINTED OUT THE
25 SIMILARITIES BETWEEN, IN SOME OF THE LETTERING,

1 BETWEEN THE QUESTION DOCUMENTS AND MS AMY SIMMONS
2 NOW CAN YOU POSITIVELY IDENTIFY HER AS THE AUTHOR?

3 A NO, I CANNOT

4 Q ALSO A MOMENT AGO YOU MENTION THAT IF HAD YOU A
5 KNOWN POPULATION, PERHAPS A SMALL NUMBER OF PEOPLE
6 THAT MIGHT BE SUSPECTED, FOUR OR FIVE IN A LOADING
7 DOCK OR TWO OR THREE IN A DOCTOR'S OFFICE, YOU WOULD
8 MAKE AN INDICATION BASED ON YOUR EXPERIENCE TO
9 INVESTIGATORS AS WHO TO SUSPECT MIGHT HAVE EXECUTED
10 THESE DOCUMENTS?

11 A YES, SIR

12 Q WOULD, IN SUCH A CASE WOULD YOU INDICATE EITHER
13 MR COPE OR MS SIMMONS IN THIS CASE?

14 A SINCE IT'S A SIMULATION AND WE HAVE SEVERAL
15 INDICATORS I WOULD SAY MRS -- I WOULD TELL
16 INVESTIGATE PROBABLY TO LOOK MORE CLOSELY AND FOCUS
17 ON MRS COPE IN THIS PARTICULAR SITUATION I'M
18 SORRY MS SIMMONS IN THIS SITUATION NOT MR COPE
19 MR BAITY THE COURT'S INDULGENCE, YOUR
20 HONOR

21 Q MR DAWSON, I'M GOING TO SHOW YOU A BLOWUP OF
22 STATE'S EXHIBIT NUMBER 89 DO YOU RECOGNIZE THIS AS
23 SUCH?

24 A YES, SIR, I DO

25 Q ALL RIGHT, SIR AND OF COURSE YOU ARE FAMILIAR

1 WITH THE WRITINGS THAT MR COPE SENT TO MS SIMMONS,
2 ARE YOU NOT?

3 A YES, I AM

4 Q AND ARE YOU AWARE I BELIEVE YOU'VE ALREADY
5 TESTIFIED TO IT THAT A NUMBER OF PHRASES AND
6 SENTENCES WERE TAKEN FROM HIS KNOWN WRITINGS AND THEY
7 COMPRISE THE HIGHLIGHTED PORTION OF DEFENSE, EXCUSE
8 ME, STATE'S EXHIBIT NUMBER 89, IS THAT CORRECT?

9 A YES, SIR

10 Q AND HAVE YOU EXAMINED -- APPROACH THE WITNESS,
11 YOUR HONOR, THE SPECIFIC PHRASES THAT WERE TAKEN FROM
12 MR COPE'S WRITING?

13 A YES, I HAVE

14 Q AND UNDERLINED THEM?

15 A I'M AWARE

16 Q UNDERLINED THEM IN THAT COLLECTION?

17 A YES, SIR

18 MR BAITY MOVE THESE BE ADMITTED INTO
19 EVIDENCE

20 MR POPE BEG THE COURT'S INDULGENCE NO
21 OBJECTION

22 MR GREELEY NO OBJECTION

23 THE COURT BE RECEIVED WITHOUT OBJECTION

24 (DEFENDANT'S EXHIBIT NUMBER 78

25 RECEIVED INTO EVIDENCE)

003383

1 Q NOW MR DAWSON, I'M HANDING YOU WHAT'S BEEN
2 MARKED DEFENSE EXHIBIT 78 WHICH IS A PORTION OF THE
3 LETTERS THAT HAVE BEEN, THAT APPEAR IN THE BLOWUP?

4 A YES, SIR

5 Q I BELIEVE YOU WOULD AGREE WITH ME THAT MORE THAN
6 95 PERCENT OF THE LETTERS COMPRISED OF WHAT YOU HOLD
7 IN YOUR HAND, WOULD YOU AGREE WITH THAT?

8 A THAT IS CORRECT, SIR

9 Q IS THAT A FAIR STATEMENT?

10 A YES, SIR

11 Q WOULD YOU FIND THAT IN ANY WAY UNUSUAL OR
12 REMARKABLE?

13 A QUITE FRANKLY I FIND IT BEYOND COINCIDENCE
14 IT'S VERY USUAL

15 Q PEOPLE DO REPEAT THEMSELVES, DO THEY NOT?

16 A THEY DO NORMALLY IT IS IN A SALUTATION OR A
17 CLOSING OR POPULAR CLICHE BUT NOT THE ENTIRETY OF,
18 NOT TO BELITTLE, BUT MUNDANE STATEMENTS OR GENERAL
19 STATEMENTS

20 Q AND HAVE YOU EVER SEEN SUCH A PATTERN SUCH AS
21 THIS IN OTHER WRITINGS OR DOCUMENTS THAT YOU'VE
22 EXAMINED OR THAT YOU HAVE KNOWLEDGE OF?

23 A NOT TO THAT EXTENT YOU MAY FIND ONE ONCE IN
24 AWHILE, IT'S A RARITY, BUT NO, NOT LIKE THAT, NOTHING
25 LIKE THAT

003384

1 Q THANK YOU

2 MR BAITY COURT'S INDULGENCE, YOUR
3 HONOR I'M ALMOST THROUGH

4 Q MR DAWSON, DO YOU BELIEVE THAT THE, THAT BEYOND
5 THE TECHNICAL EXAMINATION THAT YOU'VE MADE FROM
6 BLOWING UP AND MICROSCOPICALLY EXAMINING THE LETTERS
7 AND SO FORTH, DO YOU BELIEVE THAT THERE ARE OTHER
8 FACTORS THAT A HAND WRITING ANALYSIS SHOULD INCLUDE?

9 A YOU NORMALLY LOOK AT THE DOCUMENT IT DEPENDS
10 ON A CASE BY CASE BASIS, IF THERE WAS AN ILLNESS
11 SOMEWHERE, AN OLDER PEOPLE, WHATEVER, IT DEPENDS ON A
12 CASE BY CASE BASIS

13 Q WOULD THE TYPE OF PAPER USED IN THE QUESTION
14 DOCUMENT BEAR ANY SIGNIFICANCE?

15 A IT MAY BEAR SOME SIGNIFICANCE OR

16 Q ALL RIGHT, SIR?

17 A OR HAVE SOME MEANING DOWN THE LINE SOMEWHERE,
18 YES

19 Q NOW I'M GOING TO SHOW YOU AN EXHIBIT THAT'S
20 COLLECTIVELY MARKED DEFENSE EXHIBIT 75 AND I WOULD
21 TELL YOU THAT THESE ARE THE LEAST SOME OF THE
22 WRITINGS OF AMY SIMMONS AND I WANT YOU TO EXAMINE THE
23 TYPE OF PAPER THAT IS USED IN THOSE LETTERS PLEASE,
24 SIR

25 A YES, SIR

003385

1 Q ALL RIGHT PLEASE SET THOSE ASIDE AND LET'S NOT
2 GET THEM MIXED UP

3 A I JUST LOOKED AT DEFENSE EXHIBIT 75

4 Q YES, SIR AND I'M GOING TO SHOW YOU STATE'S
5 EXHIBIT NUMBER 91 AND I'D LIKE YOU TO OPEN THAT AND
6 TAKE A LOOK AT THE TYPE OF PAPER THAT IS USED IN
7 THOSE WRITINGS AND I WOULD ADVISE YOU THAT THOSE ARE
8 KNOWN WRITING OF BILLY WAYNE COPE TO AMY SIMMONS AND
9 TAKE A LOOK AT THE TYPE OF PAPER USED THERE

10 A I MADE A CURSORY VIEW OF THE DOCUMENT, SIR

11 Q NOW I'M GOING TO SHOW YOU STATE'S EXHIBIT NUMBER
12 89, SIR, AND ASK YOU TO TAKE PARTICULAR NOTE OF ITS
13 COLOR AND THE MARGIN ON THE LEFT, THE TYPE OF PAPER
14 THAT IT IS, DO YOU FIND ANY PAPER IN STATE'S EXHIBIT
15 91, MR COPE'S WRITING, THAT WOULD MATCH THE TYPE OF
16 PAPER USED IN THIS EXHIBIT?

17 A NO, I DO NOT

18 Q DO YOU FIND SUCH A DOCUMENT OR SUCH PAPER IN MS
19 SIMMONS' LETTERS?

20 A YES, I DO THE PURPLISH IS A CHEMICAL PROCESS,
21 I WOULD ASSUME, IS NINHYDRIN TO LOCATE FINGERPRINTS
22 ORIGINALLY I CAN RECALL THIS AS BEING A WHITE PAPER,
23 BLUE LINES, AND THE UNIQUE CHARACTERISTIC IS THERE
24 ARE THREE RED MARGINS LINES ON THE LEFT HAND SIDE I
25 FOUND THERE ARE TWO SUCH SHEETS OF PAPER IN MS

1 SIMMONS PACKET, PAPER IS VERY SIMILAR, IS WHITE, BLUE
 2 LINES, WITH THREE RED MARGIN LINES ON THE LEFT I
 3 DID NOT FIND ANY SUCH PAPER IN MR COPE'S PACKET
 4 Q THANK YOU
 5 MR BAITY COURT'S INDULGENCE, YOUR
 6 HONOR
 7 Q MR DAWSON, PLEASE ANSWER ANY QUESTIONS COUNSEL
 8 WOULD HAVE FOR YOU THANK YOU
 9 THE COURT THE STATE
 10 MR POPE CAN WE HAVE A BRIEF BREAK, YOUR
 11 HONOR
 12 THE COURT WE'LL TAKE A SHORT BREAK
 13 (COURT'S IN RECESS AT 02 49)
 14 (COURT RESUMES AT 02 59 PM)
 15 THE COURT BRING THE JURY IN
 16 (THE JURY RETURNS TO THE COURTROOM AT
 17 02 59 PM)
 18 MR POPE MAY IT PLEASE THE COURT, YOUR
 19 HONOR
 20 CROSS EXAMINATION BY MR POPE
 21 Q DR DAWSON, YOU INDICATED FROM YOUR RESUME THAT
 22 YOUR RETIRED FROM THE STATE OF SOUTH CAROLINA IN JUNE
 23 OF '99, IS THAT CORRECT?
 24 A 2000 I BELIEVE, SIR
 25 Q YOUR RESUME IS INCORRECT? I CAN SHOW YOU THE

1 DEFENSE EXHIBIT

2 A NO, THIS ONE OF MY OLDER ONES IT SHOULD BE THE
3 YEAR 2000

4 Q OKAY WHERE WERE YOU WORKING ON -- IS THAT ON
5 DEFENSE EXHIBIT?

6 A SURE

7 Q THAT'S 77 WHERE WERE YOU WORKING WHEN YOU
8 RETIRED THERE?

9 A DEPARTMENT OF SOCIAL SERVICES I WAS DOING
10 FORENSIC DOCUMENT EXAMINATION FOR CASE WORK

11 Q AND YOU BEGAN OUT AT SLED IN '72--

12 THE COURT MR POPE, YOU ARE TALKING
13 DOWN AND SOFT AND I'M SURE THIS LADY MIGHT BE HAVING
14 A LITTLE TROUBLE HEARING YOU

15 MR POPE MY PAD CAN HEAR ME, YOUR HONOR

16 Q YOU STARTED AT SLED IN 1972?

17 A THAT'S CORRECT

18 Q OKAY AND YOU WERE WITH SLED AND ACTUALLY
19 INVOLVED IN STARTING THE QUESTION DOCUMENT LAB AT
20 SLED, IS THAT CORRECT?

21 A THAT'S CORRECT

22 Q AND YOU WERE AT SLED THROUGH 1988, IS THAT
23 CORRECT?

24 A THAT'S CORRECT

25 Q AND THEN YOU WENT TO THE DEPARTMENT OF, DID YOU

1 SAY SOCIAL SERVICES?

2 A YES, SIR I RETIRED FROM THE DEPARTMENT OF
3 SOCIAL SERVICES

4 Q OKAY SO YOU LEFT IN '88 AND WENT THERE SO YOU
5 WERE WITH SLED WHAT 16 YEARS?

6 A 16 YEARS

7 Q OKAY AND DURING THAT TIME YOU WERE INITIALLY A
8 ONE MAN SHOW AT SLED AS FAR AS DOCUMENT EXAMINATION?

9 A YES, THAT'S CORRECT

10 Q OKAY AND SUBSEQUENTLY YOUR DEPARTMENT EXPANDED
11 AND I THINK GAIL HEATH WHO IS IN CHARGE OF THE
12 DOCUMENT EXAMINATION DEPARTMENT, QUESTION DOCUMENT
13 DEPARTMENT, SHE CAME TO WORK WITH YOU, IS THAT
14 CORRECT?

15 A LIEUTENANT HEATH, WAS HIRED BY MYSELF AND SLED
16 SHE TRAINED AT SLED SHE IS PRESENTLY CHIEF
17 EXAMINER, DEPARTMENT HEAD, OF THAT AGENCY, AND SITS
18 ON THE FRONT ROW, YES, SIR

19 Q OKAY AND OF COURSE, SHE'S CERTIFIED, YOU WERE
20 TALKING BEING CERTIFIED, SHE'S CERTIFIED ALSO, IS
21 THAT CORRECT?

22 A SHE'S BOARD CERTIFIED AS WELL, YES

23 Q AND AS FAR AS AT SLED, WHEN YOU WORKED AT SLED,
24 YOU WERE CALLED UPON TO REVIEW QUESTION DOCUMENTS, IS
25 THAT CORRECT?

1 A YES, SIR

2 Q AND YOU CAME AS A SCIENTIST IN OTHER WORDS,
3 YOU DIDN'T HAVE FRIENDS TO REWARD OR ENEMIES TO
4 PUNISH?

5 A THAT'S TRUE

6 Q AND THE ITEMS THAT WERE TAKEN TO YOU AT SLED
7 BASICALLY THEY EMPLOY THE SAME TECHNIQUES THAT WE
8 HEARD BOTH FROM SLED EXPERT AND YOURSELF AS FAR AS
9 HOW YOU LOOK AT QUESTION DOCUMENT, IS THAT A FAIR
10 STATEMENT?

11 A SOLICITOR, I THINK I UNDERSTOOD WHAT YOU SAID

12 Q OKAY

13 A CAN YOU DO THAT AGAIN PLEASE

14 Q THE TECHNIQUES THAT YOU EMPLOYED AT SLED, THE
15 TECHNIQUES THAT ARE EMPLOYED IN ANALYZING THE
16 QUESTION DOCUMENTS?

17 A YES, SIR

18 Q ARE THE SAME TECHNIQUES THAT YOU TALKED ABOUT
19 TODAY? THE SAME TECHNIQUES THAT WERE TESTIFIED TO --

20 A YES, IT INVOLVES A CASE BY CASE BASIS IT
21 DEPENDS ON WHAT THE PROBLEM IS

22 Q OKAY NOW THE SLED LAB IS ALSO IS IT ASCLAD
23 CERTIFIED, IS THAT CORRECT?

24 A THAT'S MY UNDERSTANDING, YES

25 Q AND WHAT IS ASCLAD, DO YOU KNOW?

003390

1 A IT'S A AGENCY THAT CERTIFIES YOUR LABORATORIES,
2 MOSTLY YOUR LARGER LABORATORIES VERY FEW PRIVATE
3 LABORATORIES ARE CERTIFIED IN THAT MANNER

4 Q IS YOUR LABORATORY CERTIFIED IN THAT MANNER?

5 A NO, IT IS NOT

6 Q OKAY AND ONE OF THE REQUIREMENTS OF THE, OF
7 THAT ACCREDITATION IS THAT THEY HAVE CERTAIN STEPS
8 THAT YOU HAVE TO TAKE AS FAR AS THE WAY YOU ANALYZE
9 THE EVIDENCE AND THERE IS A LOT OF PROTOCOL INVOLVED
10 IN ASCLAD, IS THAT CORRECT?

11 A THAT'S MY UNDERSTANDING, THAT IS CORRECT

12 Q OKAY AND WHEN YOU WERE AT SLED IT WASN'T
13 ASCLAD CERTIFIED, RIGHT?

14 A NO, IT WAS NOT

15 Q OKAY AND ONE OF THE REQUIREMENTS IS PEER
16 REVIEW, CAN YOU EXPLAIN THAT WHAT?

17 A CERTAINLY PEER REVIEW IS A QUALIFICATION WHERE
18 YOU HAVE ANOTHER EXAMINER RENEW YOUR WORK IT'S MY
19 UNDERSTANDING THAT I DON'T BELIEVE, MRS HEATH CAN
20 ANSWER BETTER THAN I, BUT I DON'T BELIEVE ASCLAD HAS
21 A SPECIFIC SOME AGENCIES HAVE EVERY CASE REVIEW,
22 SOME EVERY 10, ONE OUT OF EVERY 20, OR WHATEVER IT
23 MAY BE

24 Q AND ONE OF THE ASCLAD REQUIREMENT IS SETTING UP
25 PROTOCOLS AND THEY APPROVE THEM AND THINGS OF THAT

1 NATURE, IS THAT RIGHT?

2 A I WOULD ASSUME SO

3 Q OKAY OKAY BECAUSE THAT TOOK PLACE AFTER YOU
4 LEFT, RIGHT?

5 A THAT'S CORRECT

6 Q OKAY NOW WHEN YOU WERE AT SLED AGAIN YOUR JOB
7 WAS TO BE NEUTRAL AND DETACHED AND REVIEW THE
8 EVIDENCE AND TESTIFY APPROPRIATELY, IS THAT CORRECT?

9 A SOLICITOR, I'VE NEVER TESTIFIED OR WORKED A CASE
10 I WAS NOT NEUTRAL AND DETACHED

11 Q OKAY AND SO AS FAR AS -- NOW WHEN YOU LEFT
12 SLED AND LEFT STATE RETIREMENT AND RETIRE, YOU WENT
13 OUT INTO PRIVATE PRACTICE THEN, IS THAT CORRECT?

14 A ACTUALLY I HAD A PRIVATE PRACTICE BEFORE I LEFT
15 SLED IN 1986 I'VE HAD A CONTINUAL PRIVATE PRACTICE
16 SINCE THEN

17 Q YOU SAID IN '86?

18 A YES, SIR

19 Q OKAY SO WHEN YOU HAD THE PRIVATE PRACTICE IN
20 '86 THAT WAS TO SUPPLEMENT YOUR INCOME?

21 A ABSOLUTELY

22 Q OKAY YOU ARE NOT GOING TO MAKE YOUR FIRST
23 MILLION WORKING FOR THE STATE, ARE YOU?

24 A AS YOU KNOW, SIR

25 Q YES, SIR AND IN WORKING AS A SLED AGENT WHEN

1 YOU COME TO COURT YOU DIDN'T GET PAID ANY DIFFERENT
2 FOR COMING TO COURT, DID YOU?

3 A NO, SIR

4 Q OKAY SO I GUESS IN SOME FASHION IF THE SLED
5 FOLKS COULD NOT FIND ANY RESULTS, THEY COULD BE BACK
6 AT THE OFFICE INSTEAD OF HAVING TO COME TESTIFY,
7 COULDN'T THEY?

8 A YOU HAVE TO ASK THEM THAT I HAVE NO ANSWER FOR
9 THAT

10 Q BUT YOU WERE AT SLED, YOU HAD TO GO BASED,
11 TESTIFY BASED ON THE EVIDENCE YOU FOUND, RIGHT?

12 A SOMETIMES OTHER TIMES I WAS ASKED TO SIT IN
13 THE COURTROOM

14 Q OKAY AND THE ITEMS THAT YOU RECEIVED TO
15 EXAMINE IN THIS CASE WHEN FIRST DID YOU COME ON THIS
16 CASE?

17 A IF MY MEMORY SERVES ME CORRECT IT PROBABLY WOULD
18 BE SOMEWHERE IN MAY OF THIS YEAR, SIR

19 Q AND WHAT ITEMS DID YOU REVIEW IN MAY OF THIS
20 YEAR?

21 A A NUMBER OF ITEM WERE SUBMITTED TO ME INITIALLY
22 I REQUESTED ADDITIONAL, MADE ADDITIONAL REQUEST, AND
23 I RECEIVED ADDITIONAL ITEMS THROUGHOUT THE SUMMER

24 Q OKAY WELL, LET'S WALK THROUGH, YOU DESIGNATE
25 THEM AS Q FOR QUESTION?

003393

1 A YES, SIR

2 Q AND K FOR KNOWN, IS THAT CORRECT?

3 A YES, SIR, I EVEN REFERENCE IN MY REPORT

4 Q YES, SIR?

5 A MY INITIAL REPORT

6 Q YES, SIR?

7 A OKAY

8 Q AND I HAVE A REPORT FROM YOU DATED JUNE SIX OF
9 2004, THAT IS YOUR REPORT, IS THAT CORRECT?

10 A I'M SURE IT IS, SOLICITOR YES, THAT'S CORRECT

11 Q OKAY AND THAT'S ONE OF THE THINGS THAT YOU DID
12 AT SLED TOO, ANY FINDINGS YOU HAD YOU ISSUED A
13 REPORT, IS THAT CORRECT?

14 A THAT'S CORRECT

15 Q OKAY AND I NOTICE THAT YOU LOOKED AT Q-ONE AND
16 Q-TWO AND Q-THREE AND THAT Q-ONE WAS AN ENVELOPE
17 WHICH I BELIEVE IS REFLECTED IN STATE'S EXHIBIT
18 NUMBER, STATE'S EXHIBIT 90, IS THAT CORRECT?

19 A I'M QUITE SURE IT IS YES, SIR

20 Q OKAY Q-TWO, WHILE YOU HAVE IN YOUR HAND, WOULD
21 BE THE LETTER THAT'S CONTAINED WITH STATE'S EXHIBIT
22 90?

23 A YES, THAT IS CORRECT

24 Q OKAY AND THEN Q-THREE WOULD BE A COPY OF
25 WHAT'S WAS STATE'S EXHIBIT 89, INITIALLY YOU DID NOT

1 SEE THE ORIGINAL, IS THAT CORRECT?

2 A NO, SIR, I DID NOT

3 Q OKAY AND THAT INCLUDED, THE COPY YOU SAW
4 INITIALLY WAS REPRESENTATIVE OF THE FOUR ITEMS IN
5 THAT PACKAGE, IS THAT CORRECT?

6 A YES, SIR

7 Q OKAY NOW IN ADDITION AT THAT TIME THE TIME YOU
8 FIRST REPORT WHAT ITEMS DID YOU REVIEW AS KNOWN
9 ITEMS?

10 A IT WAS A PACKET OF ITEMS SUBMITTED TO ME AS THE
11 KNOWN ITEMS, PHOTOCOPY OF KNOWN ITEMS OF MR COPE AND
12 A PACKET SUBMITTED TO ME AS PHOTOCOPIES FROM MS
13 SIMMONS

14 Q WHEN DID YOU BEGIN ON THIS CASE?

15 A I THINK THIS WAS MAY OF THIS YEAR MY REPORT
16 SHOULD INDICATE, THAT FIRST SENTENCE

17 Q SO THAT WAS MAY 21 YOU FIRST RECEIVED DOCUMENT?

18 A THAT SHOULD BE PRETTY CLOSE TO IT, SIR

19 Q AND HAVE YOU HAD A CHANCE TO LOOK AT STATE'S
20 EXHIBIT 91 TO DETERMINE IF THOSE WERE THE KNOWN OF
21 THE MR COPE THAT YOU LOOKED AT?

22 A I RECEIVED SO MANY OF THESE, VERY WELL COULD BE,
23 I RECALL A LOT OF EMPTY ENVELOPES, BUT AS EACH ONE
24 INDIVIDUALLY, THIS WOULD BE CONSISTENT OF WHAT I
25 EXAMINED SO

003395

1 Q OKAY AND THEN YOU ALSO RECEIVED WHAT YOU SAY
2 WERE THE KNOWN OF MS SIMMONS?

3 A YES, SIR

4 Q AND WHAT ITEMS WAS THAT THAT YOU LOOKED THROUGH?

5 A THE ORIGINALS THAT I FURNISHED YOUR OFFICE LAST
6 EVENING

7 Q OKAY AND SO YOU HAD THESE ORIGINALS IN YOUR
8 CUSTODY --

9 A YES, SIR

10 Q ---SINCE MAY?

11 A PROBABLY NOT SINCE MAY THEY WERE PROBABLY
12 SUBMITTED TO ME AWHILE BACK I DO NOT RECALL MAYBE
13 AUGUST, MAYBE SEPTEMBER

14 Q OKAY AND I NOTICED THERE ARE A NUMBER OF
15 STICKERS, THIS WOULD BE DEFENSE EXHIBIT 75, THERE ARE
16 A NUMBER OF STICKERS, ARE THOSE YOUR STICKERS?

17 A YES, SIR

18 Q AND I NOTE LIKE YOU HAVE K-2 1 B AND THINGS OF
19 THAT NATURE, IS THAT CORRECT?

20 A THAT'S CORRECT

21 Q AND THE K-TWO STANDS FOR THE KNOWN WRITINGS OF
22 AMY SIMMONS, IS THAT RIGHT?

23 A YES, SIR

24 Q AND I SEE A K-TWO ONE B, CAN YOU TELL ME WHERE
25 K-TWO ONE A IS?

003396

1 A I WAS THINKING I MAY HAVE A COPY OF IT A
2 CURSORY VIEW, SOLICITOR, I DO NOT SEE IT IN THERE
3 I'LL BE GLAD TO CHECK MY PHOTOCOPIES AND SEE IF I
4 HAVE COPY OF IT

5 Q THANK YOU, SIR AND SO AT SOME POINT THERE WAS
6 A Q-TWO ONE A

7 A YES, THERE WAS I DID NOT INVENTORY WHEN I
8 HANDED OVER LAST I APOLOGIZE I SHOULD HAVE

9 Q AND SO THE K-TWO 1 THROUGH 9 EXHIBITS THAT YOU
10 HAD THE KNOWN WRITING OF MS SIMMONS, YOU CONFIRMED
11 WITH HER THAT WAS HER KNOWN WRITING?

12 A NO, SIR, I DID NOT

13 Q HOW DID YOU DETERMINE THAT WAS HER KNOWN
14 WRITING?

15 A THEY WERE SUBMITTED TO ME AS THE KNOWN WRITING
16 OF MS SIMMONS THEY WERE ADDRESSED TO HER THE
17 WRITING WAS NATURALLY EXECUTED, VERY NORMAL, AND IT
18 WAS REPRESENTED TO ME BY THE ATTORNEYS THAT THIS WAS
19 HER KNOWN WRITING

20 Q AND DO YOU KNOW WHERE THEY RECEIVED THOSE
21 LETTERS FROM?

22 A I DO NOT REALLY THE ONLY THING I KNOW ABOUT
23 THIS CASE IS THAT IT'S SIMULATED WRITING I DON'T
24 KNOW THE HISTORY OF HOW IT WAS OBTAINED OR ANYTHING
25 ELSE

003397

1 Q OKAY THE KNOWN WRITINGS, YOUR K-ONE, THE KNOWN
2 WRITINGS OF MR COPE, WERE THE LETTERS CONTAINED IN
3 91, OKAY, DID YOU ALSO REQUEST MR COPE TO SUPPLY YOU
4 WRITING?

5 A I DIDN'T, SOLICITOR, BECAUSE THE KEY TO THIS
6 CASE IS THAT THE SIMULATION AND IT'S PRETTY MUCH BAD
7 ON THE FACE TO USE A TERM LIKE THAT IT WASN'T ANY
8 NEED TO REALLY GET INTO A LOT OF THE TRADITION
9 EXAMINATION METHODOLOGY I DID ASK FOR ADDITIONAL
10 WRITINGS OF BOTH, ORIGINAL WRITINGS OF BOTH, TO MAKE
11 SURE THAT ALL OF THE FORMS WERE THERE, BUT THIS, THIS
12 EVIDENCE IS BAD ON THE FACE OF IT

13 Q SO ONE OF YOUR PROCEDURES IS TO TAKE A KNOWN
14 WRITING WHERE YOU CAN SIT THERE AND EYE BALL ME AND
15 ASK ME TO WRITE THINGS, CORRECT?

16 A THAT'S CALLED REQUESTED WRITING WHICH IS
17 NORMALLY NOT IDEAL, WE PREFER COLLECTIVE WRITING, BUT
18 REQUESTED WRITING IS, DOES ASSIST FROM TIME TO TIME

19 Q AND YOU DIDN'T REQUEST ANY WRITING, RIGHT?

20 A NO, I HAD NO NEED TO

21 Q DID YOU REQUEST ANY WRITING FROM MS SIMMONS?

22 A NO, I DID NOT

23 Q WERE YOU AWARE THAT SHE WAS WORKING AND
24 COOPERATIVE WITH THE DEFENSE?

25 A NO, I WAS NOT

003398

1 Q OKAY SO YOU MADE YOUR DECISION BASED ON WHAT
2 YOU HAD GIVEN TO YOU WITHOUT LOOKING FURTHER, IS THAT
3 A FAIR STATEMENT?

4 A I MADE A DECISION BASED ON THE FACTS IN FRONT OF
5 ME, THAT IS CORRECT, AND I REPORT ON THOSE FACTS THIS
6 MORNING

7 Q OKAY AND YOU SAY YOU REPORTED THIS MORNING I
8 HAVE YOUR REPORT THAT YOU ISSUED ON JUNE SIX AND IT
9 DOESN'T REFLECT WHAT YOU TESTIFIED TODAY DO YOU
10 HAVE A REPORT OF WHAT YOU TESTIFIED TO TODAY?

11 A NO, I DO NOT BECAUSE OF A LOT OF THIS HAS JUST
12 CULMINATED IN THE PAST FEW WEEKS AS ADDITIONAL
13 MATERIAL CAME TO THEM AS THE CASE SORT OF CAME
14 TOGETHER FROM MY PROSPECTIVE

15 Q MR DAWSON, WHEN YOU WERE AT SLED IF YOU DID
16 ADDITIONAL TESTING YOU PROVIDE'S AN ADDITIONAL
17 REPORT, DIDN'T YOU?

18 A I DID

19 Q YES, SIR AND IN THIS PARTICULAR CASE YOU DID
20 NOT PROVIDE A REPORT THAT REFLECTS WHAT YOU SAID
21 TODAY, RIGHT?

22 A THIS REPORT ON MY TESTIMONY TODAY WOULD NOT HAVE
23 BEEN COMPLETED UNTIL 7 30 THIS MORNING WHEN I HAD MY
24 LAST CHART MADE AT KINKO'S

25 Q SO YOU DIDN'T DECIDE UNTIL 7 30 THIS MORNING

1 WHAT YOUR TESTIMONY WOULD BE BEFORE THIS JURY?

2 A NO, SIR, I SAID MY REPORT WOULD NOT BE FINISHED
3 I HAVE HAD, IT'S OBVIOUS THE FIRST TIME YOU EXAMINE
4 THE ORIGINALS, STATE'S EXHIBIT 89 AND 90, WHAT THE
5 PROBLEM IS IT'S NOT NATURAL WRITING IT'S VERY
6 STILTED PEN LIFTS, PEN STOPS, EVERYTHING YOU FIND
7 IN THE TEXTBOOK FOR SIMULATION THE REST OF IT IS
8 JUST EXAMINING THE ORIGINAL WRITING

9 Q YES, SIR AND WHEN DID YOU ISSUE YOUR REPORT
10 THAT SAID THAT PRIOR TO HERE IN THIS COURTROOM?

11 A AS I STATED BEFORE, I HAVE NOT ISSUED A REPORT

12 Q OKAY WAS THAT YOUR DECISION?

13 A I'VE NOT BEEN ASKED FOR A REPORT THIS HAS BEEN
14 A CONTINUAL INVESTIGATION AND EXAMINATION FOR ME

15 Q SIR, WERE YOU ASKED FOR A REPORT THE FIRST TIME?

16 A I WAS

17 Q OKAY YOU WEREN'T ASKED FOR A REPORT THIS TIME?

18 A NO I WAS NOT

19 Q THEREFORE THAT'S WHY YOU DIDN'T PROVIDE A
20 REPORT?

21 A ALSO AS I TESTIFIED AWHILE AGO I WAS NOT
22 COMPLETE IN MY EXAM

23 Q UNTIL THIS MORNING?

24 A I HAD LAST PART OF MY TESTIMONY PREPARED THIS
25 MORNING WHEN I HAD A CHART PREPARED, THAT IS CORRECT

1 Q SIR, YOU WERE HERE, YOU'VE BEEN HERE SEVERAL
2 DAYS

3 A THAT'S RIGHT

4 Q PREPARED TO TESTIFY?

5 A CORRECT THAT'S CORRECT

6 Q AND SO THE REPORT THAT I HAVE FROM YOU SAYS THAT
7 YOU LOOKED AND YOU SAY THAT THE ENVELOPE IS
8 MR COPE'S WRITING?

9 A THAT IS CORRECT

10 Q OKAY AND THAT YOU BELIEVED THAT THIS IS A
11 SIMULATION, THE LETTER THAT WAS CONTAINED IN THE
12 ENVELOPE, RIGHT?

13 A THAT'S CORRECT

14 Q OKAY DID YOU EXAMINE THE ENVELOPE IN STATE'S
15 EXHIBIT I BELIEVE IT'S GOING TO BE 89?

16 A LET ME TAKE A LOOK AT IT MAY I HANDLE THIS?

17 Q YES, SIR

18 A YES

19 Q AND DID YOU HAVE A RESULT ON THAT?

20 A THAT IS CONSISTENT WITH MR COPE'S WRITING, YES

21 Q AND DO YOU HAVE DIFFERENT LEVELS OF CERTAINTY
22 THAT YOU USE IN, AND I KNOW YOU DON'T KNOW HAVE A
23 NUMBER LIKE IN DNA WHERE YOU GO ONE IN A TRILLION OR
24 WHATEVER DO YOU HAVE CERTAIN LEVELS OF CERTAINTY
25 THAT YOU USE IN YOUR EXAMINATIONS?

003401

1 A STATISTICALLY OR VERBIAGE-WISE

2 Q VERBIAGE-WISE?

3 A YES, I DO

4 Q WHAT ARE THEY?

5 A IN THIS CASE I SAID AS A PROBABILITY THAT HE
6 WROTE THIS THAT PROBABILITY THAT IS A SIMULATION

7 Q OKAY IS THAT, HOW DO YOUR DEGREES WORK ON
8 THAT, WHAT ARE YOUR POSSIBLE REPORTINGS OUT?

9 A YOU HAVE A PROBABLE, AND IDENT, A PROBABLE, SOME
10 REASON TO BELIEVE, AND INCONCLUSIVE IT'S A SEVEN
11 POINT SYSTEM I USE

12 Q TELL ME YOUR SEVEN POINTS AGAIN?

13 A YOU WOULD HAVE A ELIMINATION, STRONG REASON TO
14 BELIEVE, SOME REASON TO BELIEVE, INCONCLUSIVE, SOME
15 REASON TO BELIEVE THEY DID SOME REASON TO BELIEVE,
16 STRONG REASON TO BELIEVE THEY DID, AND
17 IDENTIFICATION

18 Q AND YOUR PROBABLE IS WHERE IN THERE?

19 A PROBABLE WHICH THE TERM I USED A WHILE AGO IS A
20 TERM USED THROUGH THE ASTM AND PROBABLE WOULD BE THE
21 MID POINT OF IDENTIFICATION

22 Q OKAY

23 A OR MID POINT OF A POSITIVE STATEMENT

24 Q SO BEING THE MID POINT IT'S NOT AN ABSOLUTE BUT
25 IT LEAVES ROOM?

003402

1 A IT'S NOT ABSOLUTE, THAT IS CORRECT, SIR I
2 AGREE WITH YOU

3 Q OKAY AND AS I UNDERSTAND, I APOLOGIZE I
4 COULDN'T SEE ALL THE CHARTS WHEN YOU WERE GOING
5 THROUGH THE CHARTS, YOU FIRST COMPARED TO SEE IF
6 MR COPE'S WRITING MATCHED UP WITH THE UNKNOWNNS, IS
7 THAT CORRECT

8 A THAT WAS THE LESSER PART OF THE EXAM OF
9 COURSE, IN SIMULATION, THE IDEA OF A SIMULATION IS
10 MAKE EVERYTHING AGREE WITH SOMEONE'S WRITING, SO WHAT
11 YOU ARE LOOKING FOR IN ANY TENDENCIES OF TRENDS OR
12 UNIQUE INDIVIDUAL CHARACTERISTICS, SO I WASN'T
13 LOOKING TO SEE IF IT MATCH AS MUCH AS TO SEE WHAT THE
14 LEVEL OF AGREEMENT

15 Q MATCH IS PROBABLY A BAD TERM ON MY PART, OKAY
16 AND THEN YOU LOOKED AT MS SIMMONS, YOU WERE ASKED TO
17 LOOK AND SEE COULD SHE HAVE WRITTEN THIS OTHER,
18 RIGHT?

19 A I WAS ACTUALLY ASKED INITIALLY TO EXAMINE THEM
20 AND GIVE A COMMENT ON WHAT I FOUND I WASN'T ASKED
21 TO DO THIS, DO THAT, OR DO THE OTHER IT WAS NEUTRAL
22 EXAMPLE

23 Q OKAY AND YOU GAVE A REPORT, RIGHT?

24 A YES, SIR

25 Q OKAY BUT NOW THE ADDITIONAL AMY SIMMONS YOU

1 DON'T REFLECT ANY COMMENTS ON AMY SIMMONS IN THIS,
2 DID YOU?

3 A NO, I DID NOT HAVE THE MATERIAL IF YOU'LL
4 NOTICE I HAD A PHOTOCOPY OR MACHINE COPY OF EXHIBIT
5 THREE FOR QUESTIONING

6 Q LET ME MAKE SURE I UNDERSTAND THE QUESTIONED
7 TWO I'M SORRY YEAH, THE QUESTION-TWO, WHICH IS
8 THE SMALLER LETTER, DID I UNDERSTAND YOU TO TESTIFY
9 THAT YOU THOUGHT AMY SIMMONS MAY HAVE WRITTEN THAT
10 ONE ALSO?

11 A I SAID THAT CHARACTERISTICS CONSISTENT WITH THE
12 QUESTION LETTER AND AMY SIMMONS

13 Q OKAY

14 A I DID NOT BELIEVE I ADDRESSED THE PROBABILITY OF
15 HER DOING ANYTHING

16 Q OKAY SO YOU ARE JUST SAYING THERE IS SOME
17 CHARACTERISTICS THAT ARE SIMILAR IN HER WRITING?

18 A THAT IS CORRECT

19 Q THERE IS SOME CHARACTERISTICS THAT ARE SIMILAR
20 IN MR COPE'S WRITING ALSO, ISN'T IT?

21 A THERE ARE BUT ONCE AGAIN THEY ARE SIMULATIONS
22 AND I WOULD EXPECT A TREMENDOUS AMOUNT OF
23 CHARACTERISTICS, IF YOU WOULD -- MAY I EXPLAIN IT
24 THIS WAY IF A, WHEN A PERSON, TO USE THE TERM
25 LAYMAN, LOOKS AT A WRITING, THEY LOOK AT IT

1 PICTORIALY YOU SEE A LETTER IN YOUR MAILBOX AND
2 YOU CAN TELL WHETHER IT CAME FROM AN AUNT, UNCLE,
3 SON, WHOMEVER, YOU RECOGNIZE THE WRITING A DOCUMENT
4 EXAMINER APPROACHES THE PROBLEM DIFFERENTLY A
5 DOCUMENT EXAMINER LOOKS AT THE LETTER, THE LETTER
6 FORMED THE CONSTRUCTION OF IT, AND THEN WHEN
7 NECESSARY LOOKS TO SEE IF THERE ARE CHARACTERISTICS
8 CONSISTENT WITH GENUINENESS OR CHARACTERISTICS
9 CONSISTENT WITH SIMULATION A DOCUMENT EXAMINER
10 LOOKS AT IT MORE TECHNICALLY RATHER THAN PICTORIALY
11 PICTORIALY THERE IS A TREMENDOUS AMOUNT, A LARGE
12 NUMBER OF SIMILARITIES, IF YOU WOULD, AND THAT SAYS
13 OSBORN PUTS THAT IN HIS BOOK, PUBLISHES IN HIS BOOK,
14 THAT YOU WILL HAVE THOSE SIMILARITIES YOU HAVE
15 THOSE LIKENESSES, BUT IT'S THE DISSIMILARITIES THAT
16 DETERMINES WHETHER YOU HAVE ONE OR TWO WRITERS
17 Q AND IF YOU HAVE DISSIMILARITIES THEN YOU
18 EXCLUDE, I THINK WHAT YOU SAID FROM THE BOOK, IF YOU
19 HAVE DISSIMILARITIES, THEN YOU COULDN'T SAY THEY WERE
20 THE SAME WRITER, IS THAT CORRECT?
21 A THAT'S TRUE
22 Q AND DID YOU COMPARE MR COPE'S WRITINGS TO EACH
23 OTHER?
24 A I DID
25 Q OKAY WERE THERE DISSIMILARITIES IN HIS

1 WRITING?

2 A THERE WERE GENERAL SIMILARITIES AND CONSISTENCY
3 AND NATURAL VARIATION

4 Q OKAY DO YOU TAKE INTO CONSIDERATION THE
5 WRITING SURFACE OR THE WRITING IMPLEMENT WHEN YOU
6 TALK ABOUT THE BREAKS AND THE STOPS AND THINGS OF
7 THAT NATURE?

8 A THERE IS A LOT IN THE LITERATURE AND WRITING ON
9 THAT, SOLICITOR NORMALLY ON A SURFACE LIKE THAT WE
10 HAVE A SURFACE PROBLEM THAT YOU MAY BE SUGGESTING YOU
11 ARE GOING TO HAVE A WOOD GRAIN DESK AND YOU PICK UP
12 THE RIPPLES IN THE WRITING WHERE THE PEN GOES ACROSS
13 THE WOOD GRAIN, WHEN YOU HAVE THAT, YOU HAVE A
14 PATTERN IT'S VERY EASILY DETERMINED BY AN EXAMINER
15 IN THIS PARTICULAR CASE THESE ARE RANDOM AND THEY
16 STOP AT A POINT WHERE YOU WOULD EXPECT THEM TO STOP
17 FOR SIMULATION

18 Q LET ME ASK YOU THIS, IF I AM WRITING ON THIS
19 PAD?

20 A YES, SIR

21 Q I'M HOLDING THIS PAD AND WRITING

22 A YES

23 Q AND I SIT DOWN AT THE DESK AND WRITING WITH THIS
24 PAD?

25 A YES, SIR

003406

1 Q WOULD YOU EXPECT TO SEE A DIFFERENCE?

2 A PROBABLY, YES

3 Q OKAY IF I'M WRITING WITH THIS PEN?

4 A UH-HUH

5 Q ARE YOU FAMILIAR WITH THESE? HAVE YOU SEEN
6 THESE?

7 A SURE I HAVE ONE IN MY FILE OVER HERE
8 SOMEWHERE

9 Q WHAT ARE THESE?

10 A A PEN SUCH AS THIS WAS SUBMITTED TO ME AS
11 IDENTIFIED, THIS IS THE PEN THAT INMATES USE, THE
12 TYPE OF WRITING INSTRUMENT INMATES USE, THEY ARE
13 GIVEN THIS FILLER WHICH IS VERY FLEXIBLE, AND I THINK
14 PROBABLY WOULD BE DIFFICULT TO WRITE BY AND A
15 QUESTION I ASKED WAS WERE ALL OF THE STANDARDS
16 PROVIDED TO ME BY MRS COPE, MR COPE, I'M SORRY,
17 WRITTEN BY AN INSTRUMENT SUCH AS THIS AND THE ANSWER
18 WAS YES AND HE'S GOT SOME PRETTY WRITING ON THERE
19 IT'S VERY NICE FOR AN INSTRUMENT LIKE THAT

20 Q OKAY SO THIS TYPE OF INSTRUMENT AND IT'S
21 BASICALLY FLEXIBLE ASSUME FOR SECURITY REASONS?

22 A I WOULD HAVE TO ASSUME SO I'M NOT FAMILIAR
23 WITH THAT FEATURE

24 Q AND HE DID IN HIS WRITINGS THAT AGAIN THE JURY
25 WILL HAVE, HE HAS SOME AS YOU --

003407

1 A VERY NICE, BEAUTIFUL

2 Q HE HAD SOME SLOPPIER WRITING, DIDN'T HE?

3 A YES, HE DID

4 Q HE HAD SOME FAST WRITING, DIDN'T HE?

5 A YES

6 Q HE HAD SOME SLOW WRITING?

7 A ALL OF THIS NATURALLY PREPARED AND ALL OF IT
8 LOOKED GOOD UNDER A MICROSCOPE IT DID NOT LOOK LIKE
9 THE SIMULATION

10 Q OKAY AND HAVE YOU HAD AN OPPORTUNITY TO LOOK
11 AT STATE'S EXHIBIT SIX?

12 A I AM NOT FAM---I DON'T RECALL THIS DOCUMENT,
13 SOLICITOR

14 Q IS THERE STOPS AND STARTS IN THAT?

15 A I WOULD NOT EXAMINE, WITH ALL RESPECT TO THE
16 COURT, I DO NOT EXAMPLE FROM THE WITNESS STAND I'LL
17 BE GLAD TO TAKE THIS BACK TO MY LABORATORY IN DUE
18 TIME AND EQUIPMENT TO LOOK AT IT

19 Q WELL, LET ME ASK YOU THIS, MR DAWSON, I MEAN
20 EVEN A LAY PERSON CAN SEE THERE IS OVERWRITING HERE,
21 IS THAT A FAIR STATEMENT?

22 A I DON'T GIVE A LAY OPINION, SIR

23 Q MR DAWSON, WOULD YOU ACKNOWLEDGE THAT SOMEBODY
24 HAD WRITTEN OVER THE WORD BEDS AND STRADDLED HER?

25 A SOLICITOR, I AGREE WITH YOU YOU ARE RIGHT

1 Q THANK YOU, SIR I GUESS I GOT MY LAY OPINION?

2 A YOU ARE DOING GOOD

3 Q AND, AND SO AS TO STATE'S EXHIBIT 89 YOU BELIEVE
4 THIS TO BE A SIMULATION, IS THAT CORRECT?

5 A YES, SIR AND I ALSO DEMONSTRATED THIS MORNING,
6 THIS AFTERNOON

7 Q OKAY AND YOU BELIEVE THAT PROBABLY MS SIMMONS
8 WROTE IT?

9 A NO, SIR, I DID NOT SAY PROBABLY SHE WROTE IT I
10 SAID SHE HAS CHARACTERISTICS IN HER WRITING
11 CONSISTENT WITH THAT I'VE NOT IDENTIFIED HER AS THE
12 WRITER

13 Q WELL THEN, WHAT DID THAT MEAN? WHAT WERE YOU
14 TELLING US? THAT SHE, IS IT POSSIBLE THAT I COULD
15 HAVE CHARACTERISTICS SIMILAR TO THAT TOO?

16 A I COULD NOT ELIMINATE YOU AT THIS TIME, NO, SIR

17 Q OKAY NOW ON THE FIRST ITEM BASICALLY YOU ARE
18 SAYING BOTH ITEMS ARE SIMULATION, IS THAT CORRECT?

19 A YES, SIR, BOTH ITEMS HAVE CHARACTERISTICS
20 CONSISTENT WITH SIMULATION

21 Q OKAY IS IT POSSIBLE FOR ME TO WRITE A
22 SIMULATION MYSELF IN OTHER WORDS, TO WRITE MY
23 HANDWRITING DIFFERENTLY?

24 A YOU COULD, THAT WOULD BE CALLED DISGUISE, BUT
25 THERE ARE ALSO CHARACTERISTICS OF DISGUISE DISGUISE

1 AS I UNDERSTAND IT HAS CHARACTERISTICS THAT SOMEWHAT
2 MIMIC THIS BUT IS ENTIRELY DIFFERENT FROM THIS THE
3 BOOK SPEAKS VERY MUCH TOWARDS DISGUISED WRITING

4 Q TELL ME ABOUT DISGUISE THAT'S ME TRYING TO
5 MAKE MY WRITING LOOK DIFFERENT?

6 A YES, SIR

7 Q OKAY AND YOU SAY THIS DOES HAVE ASPECTS OF
8 DISGUISE ALSO?

9 A I SAID THIS COULD HAVE CHARACTERISTICS SOMETIMES
10 ASSOCIATED WITH DISGUISE, BUT THIS IS NOT DISGUISE
11 WRITING

12 Q OH, IT'S NOT?

13 A NO, DISGUISED WRITING HAS OTHER CHARACTERISTICS
14 ASSOCIATED WITH THEM

15 Q SIMULATED

16 A SIMULATED HAS ALL THE CHARACTERISTICS OF
17 SIMULATION DISGUISE WRITING, DISGUISE WRITING IS A
18 CLASS ALL OF ITS OWN DISGUISED WRITING THAT WAS
19 MENTIONED, NORMALLY YOU'D CHANGE A SLANT SIZE, SPEED,
20 BUT THE KEY TO DISGUISE WRITING IS THAT YOU WILL
21 HAVE, BE MORE NATURALLY EXECUTED, NOT NEARLY AS MUCH
22 TREMOR IN IT, AND YOU MAY ONLY HAVE ONE OR TWO STOPS
23 IN IT A PERSON CHANGES DISGUISE BY THE PICTORIAL
24 EFFECT NOT BY LETTER COMPOSITION THIS IS CHANGED BY
25 LETTER CONSTRUCTION, LETTER COMPOSITION

003410

1 Q THIS, THESE LETTERS?

2 A THIS SIMULATED, YES, SIR

3 Q OKAY AND IN THOSE PARTICULAR ITEMS AS I
4 UNDERSTOOD YOUR EXPLANATION WAS, THAT MR BAITY --
5 DID YOU COME UP WITH THE THEORY WHEN THEY HAD WITH
6 THE CHART OF IT BEING TAKEN FROM ALL THESE LETTERS?

7 A NO, SIR

8 Q WHERE DID THAT THEORY COME FROM?

9 A I HAVE NO IDEA

10 Q OKAY

11 A I WAS ASKED TO LOOK AT IT, TO EXAMINE IT, AND
12 GIVE MY OPINION ON IT

13 Q OKAY AND THE CONSTRUCTION OF THE LETTER, IF I
14 UNDERSTOOD WHAT YOU WERE SAYING, AGAIN YOU CORRECT ME
15 IF I'M WRONG, WHAT YOU WERE SAYING THAT SIMULATION
16 APPEARS TO BE CONSISTENT, BOTH OF THEM ACTUALLY,
17 APPEAR TO BE CONSISTENT WITH SOMEBODY TAKING THE
18 KNOWN AND LOOK AT IT AND DRAWING THE PHRASES, IS THAT
19 CORRECT?

20 A YES, SIR, THAT'S FAIR ESTIMATION

21 Q AND THAT IS AS TO, I KNOW IT'S KIND OF ODD THE
22 NUMBERS ARE BACKWARDS, BUT 90 AND 89?

23 A YES, SIR

24 Q OKAY

25 MR POPE BEG THE COURT'S INDULGENCE

1 Q MR DAWSON, YOU ARE NOW RETIRED FROM THE STATE
2 AND DO THIS JOB FULL TIME, IS THAT CORRECT?

3 A THAT IS CORRECT, YES

4 Q OKAY AND I THINK A CHECK OF THE INTERNET TELLS
5 ME THAT YOU ACTUALLY RUN ADS IN THE BAR MAGAZINE, THE
6 ATTORNEY MAGAZINE, IS THAT CORRECT?

7 A YES, I DO

8 Q OKAY AND HAVE YOU BEEN PAID FOR YOUR WORK IN
9 THIS CASE?

10 A I'VE BEEN PAID SOME, YES

11 Q DO YOU INTEND TO BE PAID MORE?

12 A I HAVE NOT FILED A BILL YET

13 Q DO YOU INTEND TO FILE A BILL?

14 A I DO

15 Q OKAY AND HOW MUCH DO YOU CHARGE AN HOUR?

16 A ROUTINE IS 130 AN HOUR

17 Q 130 AN HOUR AND HOW MUCH IS IT WHEN YOU ARE IN
18 COURT?

19 A 175 AN HOUR

20 Q AND WHAT PERCENTAGE OF YOUR INCOME COMES FROM
21 DOING THE DOCUMENT EXAMINATION NOW?

22 A I'VE GOT TO ASK MY ACCOUNTANT I HAVE NO IDEA

23 Q AND HOW MANY HOURS SINCE MAY HAVE YOU PUT INTO
24 THIS CASE?

25 A I DO NOT RECALL I DO NOT HAVE THOSE HOURLY

1 RECORDS THEY ARE BACK IN MY OFFICE

2 Q DO YOU HAVE A ROUGH ESTIMATE OF HOW MANY HOURS
3 YOU WORKED ON THIS CASE?

4 A I WOULD HESITATE TO STATE BECAUSE YOU WORK A
5 COUPLE HOURS A DAY, HOUR HERE, CONFERENCE HERE, THREE
6 HOURS A DAY, I REALLY DON'T RECALL

7 Q YOU WORKING UP TO 7 30 THIS MORNING ON IT, IS
8 THAT CORRECT?

9 A I WAS UP AT 7 30 THIS MORNING, THAT IS CORRECT

10 Q UP AT 7 30 OR WORKING UNTIL 7 30?

11 A ACTUALLY I GOT UP 6 30 I HAD COFFEE AND CEREAL
12 AND WENT TO KINKO'S

13 Q DID YOU CHARGE THEM FOR THAT BREAKFAST YOU HAD?

14 A NOT YET

15 Q OKAY ALL RIGHT AND THEN SO THE 175 IN COURT,
16 YOU'VE BEEN HERE SEVERAL DAYS NOW, IS THAT CORRECT?

17 A I HAVE I'VE BEEN HERE FRIDAY, YESTERDAY, AND
18 TODAY

19 Q AND DO YOU CHARGE THOSE ON COURT HOURS?

20 A I CHARGE THOSE ONE COURT HOURS WITH A DAILY
21 MAXIMUM, THAT IS CORRECT

22 Q OKAY NOW OF COURSE YOU DO YOUR WORK THAT YOU
23 WERE CONTRACTED TO BUT YOU WOULD NOT BE TESTIFYING IF
24 YOU ACHIEVED THE SAME RESULT AS THE STATE, IS THAT
25 CORRECT?

1 A I'M SORRY, SIR

2 Q YOU WOULD NOT BE TESTIFYING, YOU WOULDN'T BE
3 GETTING COURT HOURS IF YOU HAD THE SAME ANSWER THAT
4 THE STATE HAD, WOULD YOU?

5 A I HAVE NO IDEA YOU HAVE TO ASK COUNSEL FOR
6 THAT

7 Q OKAY THANK YOU, SIR

8 MR POPE BEG THE COURT'S INDULGENCE

9 Q MR DAWSON, I REALIZE YOU CAN'T KEEP WITH ALL
10 THE HOURS, YOU GOT THEM AT HOME AND YOU WILL SUBMIT
11 THEM LATER, RIGHT?

12 A I WILL WHEN THIS CASE IS FINISHED, YES, SIR

13 Q OKAY

14 A SOLICITOR, THE PROBLEM I HAVE IS NUMBER ONE I AM
15 A POOR BUSINESS MAN NUMBER TWO, I DON'T BILL ALL
16 THE HOURS I WORK, QUITE FRANKLY WANT TO KNOW THE
17 TRUTH ABOUT IT SO I REALLY DON'T KNOW HOW MANY HOURS
18 I GOT I PROBABLY GOT A LOT OF HOURS OF WORK I DO
19 NOT HAVE RECORDED AND I WILL NOT BILL FOR

20 Q WHAT'S THE MOST HOURS YOU'LL CHARGE IN A DAY?

21 A IT DEPENDS ON HOW MUCH I WORK

22 Q THANK YOU, SIR

23 THE COURT MR GREELEY

24 MR GREELEY I DON'T HAVE ANY QUESTIONS

25 THE COURT MR BAITY

1 MR BAITY JUST A FEW, YOUR HONOR

2 REDIRECT EXAMINATION BY MR BAITY

3 Q MR DAWSON, MR POPE -- APPROACH THE WITNESS,
4 YOUR HONOR, ASKED YOU ABOUT YOUR REPORT?

5 A YES, SIR

6 Q IS THAT AN ACCURATE COPY OF YOUR REPORT?

7 A YES, SIR, IT IS

8 Q IS THIS THE REPORT THAT YOU SUBMITTED TO MR
9 MORTON ON JUNE 6, 2004

10 A YES, IT IS

11 Q MR POPE JUST ASKED YOU ABOUT THAT?

12 A HE ASKED FOR THE INITIAL REPORT AND THAT'S
13 CONSIDERED MY INITIAL REPORT, YES, SIR

14 MR POPE NO OBJECTION

15 MR GREELEY NO OBJECTION

16 THE COURT BE RECEIVED WITHOUT OBJECTION

17 MR BAITY THANK YOU, YOUR HONOR

18 (DEFENSE EXHIBIT 79 REPORT RECEIVED
19 INTO EVIDENCE)

20 Q MR DAWSON, I'M GOING TO HAND THIS BACK TO YOU
21 IT'S BEEN MARKED DEFENSE EXHIBIT 79 NOW WAS THAT
22 REPORT REQUESTED BY DEFENSE COUNSEL?

23 A YES, SIR

24 Q AND IT WAS TO BE CONSIDERED YOUR FINAL REPORT OR
25 INTERIM REPORT OR WHAT TYPE OF REPORT WAS IT?

1 A AS I'VE TESTIFIED, IT WAS AN INITIAL REPORT I
2 GUESS HE WANTED TO GET SOMETHING ON WRITING THAT I
3 WAS EMPLOYED BY HIM I HAVE NO IDEA

4 Q AND THAT WAS DATED WHAT?

5 A JUNE 6, 2004

6 Q ALL RIGHT, SIR NOW MR DAWSON, DID THAT REPORT
7 STATE CONCLUSIVELY ANY OF YOUR OPINIONS WITH RESPECT
8 TO STATE'S EXHIBIT NUMBER 89 OR STATE'S EXHIBIT
9 NUMBER 90 THAT WASN'T MARKED THAT WAY BACK THEN, BUT
10 AS TO THE QUESTION DOCUMENTS 89, THE BIG LETTER, AND
11 90, THE SMALL LETTER? DID IT ASK, DID IT STATE YOUR
12 OPINION AS TO EITHER ONE OF THOSE?

13 A THE ENVELOPE, THERE IS A STRONG REASON TO
14 BELIEVER THE WRITER K-ONE BILLY WAYNE COPE WROTE THE
15 Q-1 ENVELOPE ADDRESSED TO AMY SIMMONS AND WE
16 TESTIFIED TO, YES, HE DID NUMBER TWO, THERE IS A
17 STRONG REASON TO BELIEVE THAT Q-TWO LETTER IS A
18 SIMULATION AND NOT THE GENUINE WRITING OF BILLY WAYNE
19 COPE

20 NEXT EXAMINATION OF Q-THREE WHICH IS
21 STATE'S EXHIBIT NUMBER 89, THE AMY GOD TOLD ME
22 LETTER, IS INCONCLUSIVE DUE TO THE QUALITY, POOR
23 QUALITY OF THE MACHINE COPY I HAVE ALSO REMARKS
24 SECTION ON THIS LETTER THE ABOVE IS QUALIFIED UPON
25 ADDITIONAL AUTHENTICATED WRITING OF K-ONE BILLY WAYNE

1 COPE AND HE IS AUTHENTICATED WRITING BECAUSE ALL I
2 WAS HANDED WAS PHOTOCOPIES, GENERAL WRITING TWO, I
3 WOULD NEED TO EXAMINE EXHIBIT Q-THREE, THE AMY GOD ME
4 LETTER, AND IN OUR LABORATORY SETTING TO COMPLETE
5 THIS EXAMINATION I DID NOT HAVE AN ADEQUATE WORK,
6 EXHIBIT TO WORK WITH THREE, I AM REQUESTING ALL
7 CORRESPONDENCE, LETTERS, CARDS, NOTES, ENVELOPES ET
8 CETERA SENT TO AMY SIMMONS K-TWO BY BILLY WAYNE COPE
9 GIVE ME MORE AUTHENTICATED KNOWN WRITINGS OF AMY
10 SIMMONS FOUR, ALL EXHIBITS ARE BEING RETAINED IN
11 DFLD FILE 047 AWAITING FURTHER INSTRUCTIONS THAT IS
12 A PRELIMINARY INITIAL REPORT

13 Q NOW MR DAWSON, WHEN YOU ISSUED THIS REPORT ON
14 JUNE 6 OF THIS YEAR, HAD YOU SEEN THE ORIGINAL OF
15 STATE'S EXHIBIT NUMBER 90?

16 A YES

17 Q THE SMALL LETTER?

18 A YES, SIR

19 Q SO CALLED SMALL LETTER?

20 A YES

21 Q AND IS THAT THE LETTER THAT YOU ISSUED YOUR
22 OPINION ON AS TO ITS GENUINENESS?

23 A YES

24 Q AND YOUR OPINION WAS TO ITS GENUINENESS WAS THAT
25 WAS IT GENUINE OR NOT GENUINE?

1 A SIMULATION, HOWEVER, UNDER REMARKS I STILL ASK
2 FOR ADDITIONAL WRITING WHICH MEANS I WAS NOT THROUGH
3 YET

4 Q YES, SIR NOW WHEN YOU ISSUED THAT REPORT ON
5 JUNE SIX HAD YOU SEEN THE ORIGINAL OF STATE'S EXHIBIT
6 NUMBER 89, OF THE LARGER LETTER?

7 A NO

8 Q DID THAT BEAR ANY SIGNIFICANCE TO YOUR REPORT?

9 A CERTAINLY THE REPORT STATES THAT I DID NOT
10 HAVE, I COULD NOT EXAMINE THREE I CANNOT EXAMINE
11 THIS DOCUMENT IT WAS A POOR PHOTOCOPY I WANTED TO
12 SEE THE ORIGINAL

13 Q NOW AS MR DAWSON, WOULD YOU ISSUE A REPORT, A
14 FINAL REPORT, WITHOUT HAVING SEEN THE ORIGINAL?

15 A CERTAINLY NOT

16 Q AND MR DAWSON, WHO HAD THE ORIGINAL OF STATE'S
17 EXHIBIT NUMBER 89, THE LARGE LETTER?

18 A I REALLY DON'T KNOW

19 Q WELL, DID YOU FINALLY GET TO SEE IT?

20 A YES, I DID

21 Q AND IN WHOSE POSSESSION WAS IT WHEN YOU FINALLY
22 SAW IT?

23 A I DON'T RECALL I THINK I MAY HAVE EXAMINED
24 THAT UP HERE

25 Q UP HERE IN ROCK HILL?

003418

1 A YES

2 Q YOU DID MAKE A TRIP TO GO SEE IT, DID YOU NOT?

3 A I BELIEVE SO, YES

4 Q IT WASN'T IN MY POSSESSION, WAS IT?

5 A NO, SIR, IT WAS NOT

6 Q AND MR MORTON HAVE IT?

7 A NO, I BELIEVE I EXAMINED IT HERE AT THE
8 SOLICITOR'S OFFICE

9 Q IT WAS IN THE POSSESSION OF THE STATE?

10 A YES, SIR, AS I RECALL

11 Q NOW YOU DIDN'T GET ALL OF THIS MATERIAL OR
12 ACCESS TO THE ORIGINAL OF THESE DOCUMENTS ALL AT THE
13 SAME TIME, DID YOU?

14 A NO AS MY REPORT INDICATES IT FILTERED IN UP TO
15 A POINT AND THEN AFTER THAT THEY HAD BEEN CONTINUALLY
16 FILTER AS I REQUEST ADDITIONAL EXHIBITS UP TO LAST
17 WEEK

18 Q AND DID YOU, IN FACT, CONTINUE YOUR EXAMINATION
19 WHILE YOU WERE WAITING FOR TRIAL?

20 A I DID

21 Q WOULD YOUR REPORT HAVE BEEN THE SAME TODAY AS IT
22 WOULD HAVE BEEN SAY DAY BEFORE YESTERDAY?

23 A IT WOULD HAVE I WOULD NOT HAVE HAD AN EXHIBIT
24 THERE I USED EXHIBIT TO BETTER DEMONSTRATE MY
25 FINDINGS

003419

1 Q WAS THIS AN ONGOING EXAMINATION, AN ONGOING
2 PROCESS?

3 A IT WAS

4 Q AND YOU PREPARED YOUR LAST EXHIBIT WHEN?

5 A THIS MORNING I HOPE

6 Q MR DAWSON, ARE YOU PAID FOR YOUR TESTIMONY?

7 A NO, I'M NOT MY TESTIMONY CAN'T BE BOUGHT I
8 MA PAID FOR MY TIME

9 MR BAITY NOTHING FURTHER, YOUR HONOR
10 THANK YOU

11 MR POPE BRIEFLY, YOUR HONOR

12 RE CROSS EXAMINATION BY MR POPE

13 Q MR DAWSON, YOU SAID I ASKED YOU FOR WHETHER YOU
14 HAD A INITIAL REPORT?

15 A YES, SIR

16 Q I ASKED YOU ABOUT ANY REPORTS, DIDN'T I?

17 A YES, SIR

18 Q AND WE MADE PERFECTLY CLEAR TO THIS JURY THERE
19 IS SUBSEQUENT REPORT, RIGHT?

20 A THAT IS CORRECT, SIR

21 Q AND YOUR COUNSEL ASKED YOU ABOUT THE STATE
22 HAVING THE LETTER, OKAY YOU RECALL COMING
23 PHYSICALLY TO HERE, ACTUALLY IN THE JURY ROOM HERE,
24 WITH YOUR EQUIPMENT ON AUGUST SECOND OF 2004?

25 A THAT'S CORRECT

003420

1 Q AND YOU ACTUALLY SAT RIGHT IN THAT ROOM WITH
2 YOUR MICROSCOPE AND DID YOUR WORK WHILE DATELINE
3 FILMED YOU, DIDN'T IT?

4 A AND YOU WERE THERE, YES, SIR

5 Q YES, SIR I WAS SITTING AT THE END OF THE TABLE
6 WHEN YOU DID THAT WORK?

7 A YES, SIR

8 Q YES, SIR

9 A YES, THAT'S CORRECT

10 Q YOU RECEIVED THE ORIGINAL ON AUGUST SECOND AND
11 WHAT DID YOU MAKE YOUR DETERMINATION IN THIS CASE?

12 A REVIEWING THE ORIGINAL JUST REINFORCED MY
13 THOUGHTS THAT IT WAS SIMULATION, REVIEWING THE
14 ORIGINAL UNDER THE MICROSCOPE WHERE YOU CAN SEE THE
15 POOR LINE QUALITY, YOU CAN SEE THE VERY DRAWN LOOK,
16 YOU CAN SEE THE HEAVY LINES, THE LACK OF INITIAL AND
17 TERMINAL STROKES REVIEWING AUGUST UNDER THE
18 MICROSCOPE WHEN I COULD SEE ALL THE PROBLEMS, ALL THE
19 CHARACTERISTICS OF SIMULATION, THAT JUST REINFORCED
20 THE CONSISTENCY OF THE PROBLEM, AND IT JUST
21 REINFORCED EXACTLY LIKE STATE'S EXHIBIT NUMBER 90,
22 ALL OF IT IS PRETTY MUCH THE SAME

23 Q AND YOU CONFIRMED THAT TO ME RIGHT THERE THAT
24 DAY, DIDN'T YOU?

25 A I DON'T RECALL WHETHER I DID I DON'T RECALL

1 I MUST SAY I DIDN'T, SOLICITOR I DO NOT RECALL
2 DOING THAT I COULD HAVE

3 Q THE TRUTH IS YOU DIDN'T AND YOU DIDN'T EXECUTE A
4 REPORT ON IT AT ALL, RIGHT?

5 A I DID NOT, NO

6 Q THANK YOU

7 THE COURT MR GREELEY

8 MR GREELEY NO QUESTIONS

9 THE COURT CAN THIS WITNESS BE EXCUSED

10 MR BAITY YES, SIR, PLEASE

11 THE COURT WE APPRECIATE YOUR TIME

12 THANK YOU A LOT WE EXCUSE YOU FEEL FREE TO LEAVE

13 CALL YOUR NEXT WITNESS

14 MR SMITH PETER SKIDMORE

15 PETER SKIDMORE, BEING FIRST DULY

16 SWORN, TESTIFIED AS FOLLOWS

17 DIRECT EXAMINATION BY MR SMITH

18 Q GOOD AFTERNOON, MR SKIDMORE?

19 A GOOD AFTERNOON

20 Q I BELIEVE YOU'VE BEEN IN THIS POSITION BEFORE?

21 A YES

22 Q YOU HAVE ALREADY INTRODUCED YOURSELF TO THE

23 JURY, BUT IF YOU WOULD PLEASE RESTATE YOUR FULL NAME

24 FOR THE COURT AND THE JURY

25 A PETER MATTHEW SKIDMORE

1 Q AND MR SKIDMORE, I WON'T GO INTO A LOT OF
2 DETAILS BUT WHAT'S YOUR OCCUPATION?

3 A I AM A LICENSED PRIVATE INVESTIGATOR

4 Q AND WHO DO YOU WORK FOR?

5 A SKIDMORE AND ASSOCIATES

6 Q OKAY AND DID YOU COMPLETE A VIDEO TAPE IN THIS
7 CASE?

8 A YES, I DID

9 Q AND IS THAT A COPY OF IT?

10 A YES, IT IS

11 Q WHEN IS THE LAST TIME YOU REVIEWED THAT?

12 A SEPTEMBER 18 I REVIEWED IT

13 Q WHEN DID YOU ACTUALLY TAPE THE---

14 A SEPTEMBER 18 I TOOK IT

15 Q YOU MADE IT ON SEPTEMBER 18?

16 A YES, I DID

17 Q ARE YOU AWARE OF ANY CHANGES OR ADDITIONS OR
18 DELETIONS THAT HAVE BEEN MADE TO THAT VIDEO TAPED?

19 A I'VE NOT CHANGED IT

20 Q AND WHAT DOES IT DEPICT?

21 A IT SHOWS RICH STREET AND THE SURROUNDING AREA

22 Q AND THAT'S IN ROCK HILL?

23 A YES, IT IS IN ROCK HILL, SOUTH CAROLINA

24 MR SMITH JUDGE, I WOULD ASK PERMISSION
25 TO PUBLISH THAT TO THE JURY

003423

1 THE COURT ANY OBJECTION? IT'S NOT IN
2 EVIDENCE

3 MR SMITH YES, SIR, I MOVE IT INTO
4 EVIDENCE

5 MR BRACKETT WE'VE SEEN THE TAPE NOW AND
6 WE HAVE NO OBJECTION

7 MR GREELEY YOUR HONOR, I HAVE SEEN THE
8 TAPE I HAVE NO OBJECTION AS LONG AS IT IS PUBLISHED
9 WITHOUT NARRATION

10 THE COURT OKAY THANK YOU

11 (DEFENDANT'S EXHIBIT 80 VIDEO TAPE IN
12 EVIDENCE)

13 THE COURT ADMITTED INTO EVIDENCE AND NOW
14 YOU CAN PUBLISH IT

15 Q LET ME ASK YOU BEFORE WE PLAY THAT DO YOU KNOW
16 WHO LIVED AT 407 RICH STREET ON NOVEMBER 29, 2001?

17 A YES

18 Q AND WHO WAS THAT?

19 A MR COPE

20 Q AND WHAT ABOUT 811 JEFFERSON AVENUE?

21 MR GREELEY OBJECTION, HEARSAY

22 THE COURT I SUSTAIN THE OBJECTION

23 (THE VIDEO TAPE IS PLAYED FOR THE
24 JURY)

25 Q MR SKIDMORE, DID YOU MEASURE THE DISTANCE

1 BETWEEN 407 STREET AND 811 JEFFERSON AVENUE?

2 A I DID

3 MR GREELEY OBJECTION, YOUR HONOR I
4 HAVE A MATTER FOR THE JURY

5 THE COURT BEG YOUR PARDON

6 MR GREELEY I HAVE A MATTER FOR THE
7 JURY I OBJECT

8 THE COURT I SUSTAIN THE OBJECTION

9 Q PLEASE ANSWER ANY QUESTIONS THE STATE MAY HAVE
10 OR MR GREELEY MAY HAVE FOR YOU

11 MR BRACKETT NO QUESTIONS

12 THE COURT MR GREELEY

13 MR GREELEY NO QUESTIONS

14 THE COURT YOU CAN STEP DOWN AND BE

15 EXCUSED WE APPRECIATE YOUR TIME THANK YOU CALL
16 YOUR NEXT WITNESS Y'ALL NEED A BREAK LET'S TAKE A
17 BREAK WE'LL TAKE A SHORT BREAK

18 (THE JURY EXITS THE COURTROOM AT 04 01
19 PM AND COURT IS IN RECESS)

20 (COURT RESUMES AT 04 12 PM)

21 THE COURT I UNDERSTAND WE NEED A PROFFER
22 OF THE NEXT WITNESS PUT YOUR LEFT HAND ON THE BIBLE
23 AND RAISE YOUR RIGHT

24 JAMES M HILL, BEING FIRST DULY
25 SWORN, TESTIFIED AS FOLLOWS

1 THE COURT HAVE A SEAT UP HERE AND TELL
2 US YOUR NAME AND WHILE YOU ARE DOING THAT WE'LL BRING
3 IN THE DEFENDANTS

4 Q MY NAME IS JAMES MICHAEL HILL

5 THE COURT WE'RE JUST GETTING HIS NAME
6 ALL RIGHT THE DEFENDANTS BOTH ARE PRESENT YOU CAN
7 GO FORWARD, MR WOOD

8 MR WOOD PLEASE THE COURT
9 DIRECT EXAMINATION BY MR WOOD

10 Q MR HILL, COULD YOU PLEASE STATE YOUR FULL NAME

11 A JAMES MICHAEL HILL

12 Q MR HILL, WHERE DO YOU CURRENTLY RESIDE?

13 A PERRY CORRECTIONAL IN PELZER

14 Q YOU CURRENTLY SERVING A SENTENCE IN THE SOUTH
15 CAROLINA DEPARTMENT OF CORRECTIONS?

16 A YES, SIR

17 Q HOW LONG IS THAT SENTENCE?

18 A 18 YEARS

19 Q AND WHAT WERE YOU SENTENCED TO 18 YEARS FOR?

20 A BURGLARY SECOND

21 Q WHEN WERE YOU CONVICTED, MR HILL?

22 A AUGUST 28 OF 2003

23 Q DO YOU CURRENTLY HAVE ANY PENDING CRIMINAL
24 CHARGES?

25 A NO, SIR, I DO NOT

003426

1 Q HAVE YOU BEEN OFFERED ANY PROMISES FOR YOUR
2 TESTIMONY TODAY?

3 A NO, SIR, I HAVE NOT

4 Q ANY INDUCEMENTS OR OFFERS OF REWARD?

5 A NO, SIR

6 Q MR HILL, IF YOU TESTIFY IN THIS CASE, WILL IT
7 MAKE YOUR LIFE ANY EASIER ON THE INSIDE OF THE
8 DEPARTMENT OF CORRECTIONS?

9 A NO, SIR IF ANYTHING IT WILL MAKE IT MORE
10 DIFFICULT

11 Q AND WHY IS THAT?

12 A WELL, I'VE GOT AN 18 YEAR SENTENCE I'VE DONE
13 TWO YEARS I DON'T FEEL LIKE DOING THE REST OF MY
14 TIME HAVING TO LOOK OVER MY SHOULDER FOR A KNIFE IN
15 MY BACK FOR MY TESTIMONY HERE TODAY

16 Q WHAT HAPPENED TO YOUR ARM THERE, MR HILL?

17 A I WAS JUMPED AT LEE COUNTY

18 Q DO PRISONS LOOK KINDLY ON PRISONERS OR INMATES
19 THAT TESTIFY AGAINST OTHER DEFENDANTS?

20 A NO, SIR, THEY DO NOT

21 Q IS THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
22 A VIOLENT PLACE?

23 A YES, SIR

24 Q HOLD YOUR ARM UP? WERE YOU CUT?

25 A I WAS STABBED UP MY LEFT FOREARM WAS BROKEN

1 I HAD TO HAVE SURGERY TO FIX IT

2 Q MR HILL, DO YOU KNOW JAMES SANDERS?

3 A YES, SIR, I DO

4 Q IS HE HERE IN THE COURTROOM TODAY?

5 A YES, SIR

6 Q COULD YOU POINT HIM OUT PLEASE?

7 A HE'S SITTING OVER THERE

8 Q AND HOW DO YOU KNOW MR SANDERS?

9 A I WAS IN SEGREGATION UNIT WITH HIM

10 Q AND WHEN YOU WERE IN SEGREGATION UNIT DO YOU
11 RECALL ABOUT WHAT TIME THAT WAS?

12 A THE LATTER COUPLE OF MONTHS OF 2002

13 Q THE LATTER COUPLE OF MONTHS OF 2002?

14 A I BELIEVE IT WAS AROUND NOVEMBER OR DECEMBER

15 Q OKAY DID YOU HAVE OCCASION TO HEAR MR SANDERS
16 MAKE A STATEMENT ABOUT GETTING AWAY WITH WHAT HE DID
17 TO A LITTLE GIRL IN ROCK HILL?

18 A YES, SIR, I DID

19 Q WHERE WERE YOU WHEN YOU HEARD IT?

20 A I WAS IN MY CELL

21 Q IS THERE ANYTHING IN PARTICULAR THAT YOU MIGHT
22 RECOGNIZE ABOUT JAMES SANDERS, ABOUT HIS VOICE?

23 A HE HAD A VERY, HE HAD LIKE AN OLD MAN'S VOICE, A
24 RASPY-ISH VOICE

25 Q AND YOU HEARD MR SANDERS TALKING?

003428

1 A YES, SIR, I DID

2 Q WHAT DID YOU HEAR HIM SAY?

3 A EXCUSE ME WELL, I HEARD HIM IN CONVERSATION
4 WITH ANOTHER INMATE

5 Q WHAT WAS HIS NAME?

6 A I BELIEVE IT WAS HOLLY, BUT I'M NOT SURE I
7 TRIED TO STAY TO MYSELF BACK THERE BUT HE WAS IN
8 CONVERSATION WITH ANOTHER INMATE AND THEY GOT TO THE
9 SUBJECT OF CRIMES AND CRIMINAL HISTORY AND THEY GOT
10 TO JOKING ABOUT THE--THEY GOT JOKING ABOUT THE POLICE
11 FORCE, ABOUT HOW THEY COULD GET, HOW THEY WEREN'T
12 DOING THEIR JOBS, THAT IT WAS EASY TO GET AWAY FROM
13 THEM, TO DELUDE THEM, AND HE MADE THE COMMENT THAT HE
14 WAS GOING TO GET AWAY WITH WHAT HE DID TO THAT LITTLE
15 GIRL IN ROCK HILL AND HE WENT ON TO EXPLICITLY
16 DESCRIBE WHAT HE HAD DONE AND THEN IN GETTING BE AWAY
17 AND AT THE TIME I DIDN'T THINK NOTHING OF IT

18 Q BUT WHAT DID HE SAY?

19 A (NO RESPONSE) HE MADE REMARKS ABOUT, HE MADE
20 REMARKS ABOUT ORAL AND ANAL SODOMY HE MADE REMARKS
21 OF, I BELIEVE, HE SAID SMOTHERING THE CHILD

22 Q ANY PARTICULAR STATEMENT YOU HEARD HIM SAY ABOUT
23 WHAT HE DID TO AMANDA COPE, EXCUSE ME?

24 MR GREELEY OBJECTION

25 THE COURT REPHRASE YOUR QUESTION

1 Q EXCUSE ME WHAT DID HE SAY HE DID TO THE LITTLE
2 GIRL?

3 A HIS WORDS WERE THAT HE FUCKED HER HE FUCKED
4 HER GOOD

5 Q DID YOU KNOW BILLY WAYNE COPE AT THE TIME?

6 A NOT AT THE TIME, NO, SIR I DIDN'T MEET
7 MR COPE UNTIL FOUR OR FIVE MONTHS AFTER AT THAT

8 Q WHERE DID YOU MR COPE?

9 A I MET HIM IN F-BLOCK THE F-UNIT

10 Q IS THERE ANOTHER NAME THE F-UNIT GOES BY?

11 A LIFE SKILLS

12 Q IS THAT THE CHRISTIAN BLOCK?

13 A YES, SIR, IT IS

14 Q WAS THERE ANYTHING THAT HAPPENED WHEN YOU IN
15 WERE IN THE F-BLOCK ONCE YOU MET MR COPE THAT YOU
16 MADE REALIZE THE SIGNIFICANCE OF WHAT YOU HEARD
17 MR SANDERS SAY?

18 A NOT AT FIRST BECAUSE LIKE I SAID I TRIED TO STAY
19 TO MYSELF, AND I OVERHEARD HIM AND MR KENNEDY,
20 MICHAEL KENNEDY, TALKING ABOUT BILLY'S CASE AND KENNY
21 BROUGHT UP THE NAME OF SANDERS AND MENTIONED THAT HE
22 WAS IN C BLOCK WHEN HE MENTIONED THE NAME IN
23 RELATION TO WHAT THEY WERE TALKING ABOUT OF BILLY'S
24 CASE, ALL OF THAT, WHAT I REMEMBERED IT, JUST, IT
25 JUST CAME RUSHING BACK I TOLD BILLY, I WAS LIKE

1 DUDE, YOU NEED TO SIT DOWN, I GOT SOMETHING TO TELL
2 YOU, AND YOU PROBABLY AIN'T GOING TO LIKE IT, AND I
3 PROCEEDED TO TELL HIM WHAT I JUST TOLD Y'ALL AND HE
4 RELAYED THAT TO HIS LAWYERS AND THEY RELATED IT ALL
5 AND EVENTUALLY THEY GOT BACK TO ME

6 Q DID YOU HEAR JAMES SANDERS SAY ANYTHING HOW HE
7 GOT IN THE HOUSE?

8 MR GREELEY OBJECTION, LEADING
9 THE COURT THAT'S A LEADING QUESTION I
10 SUSTAIN THE OBJECTION

11 Q WHAT IF ANYTHING ELSE DID YOU HEAR JAMES SANDERS
12 SAY?

13 A HE ALLUDED TO THE FACT THAT HE HAD GOT IN
14 THROUGH A WINDOW IN THE HOUSE AND THAT HE HAD LEFT
15 THROUGH THE SAME WINDOW AND PROCEEDED TO GO TO A
16 ANOTHER INDIVIDUAL'S HOUSE

17 Q MR HILL, YOU DON'T WANT TO BE --- DO YOU WANT
18 TO BE OUT HERE TESTIFYING?

19 A NOT, NOT REALLY, NO

20 MR WOOD THAT'S THE END OF THE PROFFER,
21 YOUR HONOR

22 THE COURT ALL RIGHT THE STATE

23 MR BRACKETT COURT'S INDULGENCE ONE
24 MOMENT

25 CROSS EXAMINATION BY MR BRACKETT

003431

1 Q MR HILL, YOU NEVER TOLD ANYBODY BEFORE TODAY,
2 THAT'S THE FIRST TIME THE STATE'S HEARING ABOUT THIS,
3 RIGHT, BEFORE TODAY?

4 A UH

5 Q YESTERDAY OR ANY DAY PRIOR TO YESTERDAY DID YOU
6 EVER WRITE A LETTER TO THE SOLICITOR'S OFFICE OR LAW
7 ENFORCEMENT TO TELL THEM ABOUT THIS INFORMATION?

8 A NO, SIR

9 Q OKAY SO NO POLICE OFFICER KNEW ABOUT THIS,
10 CORRECT?

11 A YES, SIR

12 Q NO SOLICITOR KNEW ABOUT THIS, IS THAT CORRECT?

13 A YES, SIR

14 Q OKAY

15 MR BRACKETT NOTHING FURTHER

16 THE COURT MR GREELEY

17 MR GREELEY YOUR HONOR, I WOULD LIKE TO
18 RESERVE MY RIGHT TO CROSS BUT I WOULD HAVE A MOTION
19 IN REGARDS TO HIS TESTIMONY

20 THE COURT ALL RIGHT

21 MR GREELEY IT'S MY UNDERSTANDING THAT
22 THEY HAVE MADE THEIR PROFFER AND I WOULD LIKE TO
23 CROSS EXAMINE IF THE COURT DOES NOT GRANT MY MOTION,
24 BUT I WOULD MOVE TO HAVE THIS SUPPRESSED AND THE
25 REASON IS BECAUSE THERE IS NOTHING THAT THIS MAN HAS

1 SAID THAT HAS TIED UP ANY OF THESE ALLEGED FACTS THAT
2 ALLEGEDLY MY CLIENT SAID TO THIS CASE THERE IS NO
3 IDENTIFICATION WHATSOEVER WITH THIS CASE, AND SO
4 THEREFORE THEY MADE THEIR PROFFER AND I WOULD ASK THE
5 COURT TO GO AHEAD AND RULE THAT IT IS NOT RELEVANT TO
6 THIS CASE BECAUSE THERE HAS BEEN NO IDENTIFYING
7 CHARACTERISTICS HIS HONOR KNOWS THAT MY CLIENT HAS
8 MANY, MANY ALLEGATIONS AGAINST HIM IN REGARDS TO
9 OTHER THINGS, AND SO THERE IS NOTHING THAT MAKES IT
10 RELEVANT TO THIS CASE

11 THE COURT LET ME HEAR FROM MR WOOD
12 MR WOOD YOUR HONOR, THE FACT THAT JAMES
13 SANDERS' DNA WAS FOUND ON AMANDA COPE MAKES IT
14 RELEVANT TO THIS CASE IT'S THE ONLY LITTLE GIRL WE
15 KNOW OF WITH JAMES SANDERS DNA WAS FOUND ON

16 THE COURT ONLY ONE YOU KNOW OF, THERE
17 HAS BEEN NO TESTIMONY AS TO TIME, PLACE, OTHER
18 CIRCUMSTANCES, I SUSTAIN THE OBJECTION I WON'T
19 ALLOW THE TESTIMONY THANK YOU, MR HILL YOU CAN
20 STEP DOWN ALL RIGHT READY FOR THE JURY

21 MR WOOD YES, YOUR HONOR

22 THE COURT BRING IN THE JURY

23 (THE JURY RETURNS TO THE COURTROOM AT
24 04 28 PM)

25 THE COURT CALL YOUR NEXT WITNESS

1 MR MORTON MR COPE RESTS, YOUR HONOR

2 THE COURT ALL RIGHT MR GREELEY

3 MR GREELEY YOUR HONOR, MR SANDERS

4 RESTS

5 THE COURT ALL RIGHT ANY REPLY?

6 MR BRACKETT YES, YOUR HONOR, THERE WILL
7 BE SOME REPLY

8 THE COURT IT'S 4 30, CALL YOUR FIRST
9 WITNESS

10 MR BRACKETT WELL, YOUR HONOR, I NEED
11 SOME TIME TO PREPARE SOME OF THESE WITNESSES WE
12 JUST HEARD FROM, MR DAWSON, SO FORTH, WE'D LIKE SOME
13 TIME TO CONSULT AND GET ORGANIZED I DIDN'T REALIZE
14 HOW LONG---

15 THE COURT LET ME SEE COUNSEL AT THE
16 BENCH

17 (BENCH CONFERENCE AT 04 30 PM)

18 THE COURT MEMBERS OF THE JURY PANEL, THE
19 STATE NEEDS A FEW MINUTES THEY WEREN'T QUITE, THE
20 LAWYERS DON'T ALWAYS HAVE TO TELL HOW THEY ARE
21 PROCEEDING IT'S CALLED, THEY GOT CONTROL OF THEIR
22 OWN CASE THEY GOT THEIR WITNESSES HERE BUT THEY
23 NEED TO CHAT WITH THEM A FEW MINUTES, SO WE'LL TAKE
24 ANOTHER SHORT BREAK

25 (THE JURY EXITS THE COURTROOM AT 04 32

1 PM)

2 THE COURT PRIOR TO COPE COUNSEL RESTING,
3 IT WAS BROUGHT TO MY ATTENTION AT A BENCH CONFERENCE
4 THAT THEY DID WANT, COUNSEL OF MR COPE WANTED TO
5 INTRODUCE A LETTER THAT MR JAMES SANDERS WROTE TO I
6 THINK IT WAS THE SOLICITOR'S OFFICE CONCERNING MR
7 GREELEY'S REPRESENTATION, WE DEALT WITH THAT AT AN
8 EARLIER TIME, AND I HAVE LOOKED AT THE LETTER AND THE
9 COUNSEL OF MR COPE HAD INDICATED, THEY WOULD REDACT
10 THE LETTER AND GET RID OF SOME INFORMATION SET FORTH
11 THEREIN THE PART THAT THEY PARTICULARLY WANT IN I
12 HAVE RULED I'M NOT GOING TO LET IT IN, SO WE'LL MAKE
13 THAT A COURT'S EXHIBIT, BUT BEFORE I MOVED FORWARD I
14 WANT TO HEAR AND LET MR MORTON PUT WHATEVER HE
15 WISHES ON THE RECORD

16 MR MORTON THANK YOU, YOUR HONOR THE
17 PART I WISH TO PUT ON THE RECORD WAS THIS WAS A
18 LETTER AND I WOULD HAVE IT MARKED FOR COURT
19 IDENTIFICATION

20 (COURT EXHIBITS NUMBER 13 LETTER
21 MARKED INTO EVIDENCE)

22 MR MORTON COURT EXHIBIT 13, YOUR
23 HONOR, IS A THREE PAGE LETTER I THINK MR GREELEY
24 HAS --

25 THE COURT I WAS GOING TO PUT THAT ON THE

1 RECORD HE HAS CONCEDED AUTHENTICITY THAT'S NOT AN
2 ISSUE, SO IT'S NOT AN ISSUE WHETHER OR NOT

3 MR SANDERS WROTE THE LETTER

4 MR MORTON RIGHT THANK YOU, YOUR
5 HONOR

6 THE COURT IS THAT CORRECT, MR GREELEY

7 MR GREELEY THAT IS CORRECT, YOUR HONOR

8 MR MORTON IT IS DATED AUGUST THIRD

9 IT'S ADDRESSED FROM MR SANDERS TO MR WILLY THOMPSON

10 OF THE SOLICITOR IT'S A THREE PAGE LETTER THE

11 PART THAT I WANTED TO INTRODUCE IS THAT TOP OF PAGE

12 TWO THAT MR SANDERS WROTE THAT MR GREELEY IS NOT

13 READY TO TAKE ON THE COPE CASE BECAUSE I NEVER HAD

14 DISCUSSED ANYTHING WITH HIM ABOUT SOMEONE I HAVE

15 NEVER SEEN BEFORE IN MY INTERPRETATION THAT GOES TO

16 THE, THAT HE'S TALKING ABOUT MR COPE, THE JURY

17 SHOULD BE ABLE TO CONSIDER THAT I DON'T BELIEVE

18 THAT RELIABILITY OR THE TRUSTWORTHINESS OR THE NEED

19 TO CROSS EXAMINE IS REALLY AN ISSUE AND FOR THOSE

20 REASONS AT A BENCH CONFERENCE BEFORE WE RESTED I

21 MOVED TO INTRODUCE THIS LETTER INTO EVIDENCE

22 THE COURT AND MR GREELEY OBJECTED

23 MR GREELEY YES, I OBJECT

24 THE COURT AND THE STATE

25 MR BRACKETT YES, SIR

003436

1 THE COURT AND THE STATE OBJECTED

2 MR BRACKETT OBJECTS, YES, SIR

3 THE COURT AND I RULE IT INADMISSIBLE I
4 FIND IT'S VAGUE THE PORTION THAT YOU WISH TO
5 INTRODUCE IS OUT OF CONTEXT, VAGUE, AND EVEN IN
6 CONTEXT IS SOMEWHAT VAGUE, AND ALSO THAT IT DOESN'T
7 STAND ALONE THAT IS, JUST AS YOU SAID, YOUR
8 INTERPRETATION IS X AND THAT'S WHAT IT IS IS AN
9 INTERPRETATION THANK YOU WE WILL BE AT EASE FOR A
10 FEW MINUTES

11 MR GREELEY YOUR HONOR, IF I MAY FOR THE
12 RECORD I DON'T KNOW IF IT WOULD BE TIME, I WOULD
13 JUST RENEW MY PREVIOUS MOTIONS FOR A DIRECTED VERDICT
14 ON BEHALF OF MY CLIENT IN REGARDS TO --

15 THE COURT I THINK TECHNICALLY THAT
16 OUGHT TO COME AFTER THE REPLY

17 MR GREELEY AFTER REPLY

18 THE COURT UNLESS YOU DECIDE YOU WANT TO
19 MAKE IT NOW, I WILL BE GLAD TO ----

20 MR GREELEY I WANT TO MAKE IT NOW AND
21 THEN I'M GOING TO MAKE IT AFTER THE REPLY

22 THE COURT OKAY GO AHEAD

23 MR GREELEY I JUST RENEW IT ON THE SAME
24 GROUNDS FOR THE SAME INDICTMENTS THAT I PREVIOUSLY
25 MADE I WOULD SUBMIT TO THE COURT THAT THE EVIDENCE

1 THAT'S BEEN PUT IN SINCE THAT TIME HAS NOT CHANGED
2 ANYTHING IN REGARDS TO THOSE, MY POSITIONS

3 MR MORTON MYSELF ON BEHALF OF MR COPE,
4 YOUR HONOR

5 THE COURT WELL, I DENY THE MOTION JUST
6 AS I DID AT THE END OF THE PRESENTATION OF THE
7 STATE'S CASE I DO QUITE FRANKLY THINK THEY ARE
8 PREMATURE BECAUSE I THINK THEY DON'T COME IN UNTIL
9 ALL THE EVIDENCE IS IN, AND WE'RE BEING TOLD THAT
10 THEY ARE GOING TO SCURRY AROUND AND HAVE US THREE
11 REPLY WITNESSES

12 MR BRACKETT VERY SHORT, VERY SWEET
13 THE COURT WE WILL TAKE A FIVE MINUTE
14 BREAK

15 MR BRACKETT WE MIGHT NEED A LITTLE BIT
16 MORE, IF WE CAN GET TEN

17 THE COURT TEN MINUTE BREAK

18 (COURT'S IN RECESS AT 04 37 PM)

19 (COURT RESUMES AT 04 56 PM)

20 THE COURT THE STATE READY

21 MR BRACKETT YES, SIR

22 MR BAITY YES, YOUR HONOR, WE'RE READY

23 THE COURT BRING IN THE JURY

24 (THE JURY RETURNS TO THE COURTROOM AT
25 04 57 PM)

003438

1 THE COURT CALL YOUR WITNESS

2 MR BRACKETT THE STATE WOULD CALL AGENT
3 SKIP MITCHELL

4 WAYNE MITCHELL, BEING
5 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

6 MR BAITY MAY WE APPROACH THE BENCH
7 (BENCH CONFERENCE)

8 DIRECT EXAMINATION BY MR BRACKETT

9 Q GOOD AFTERNOON, SIR HOW ARE YOU?

10 A JUST FINE

11 Q YOUR FULL NAME IF YOU WOULD FOR THE RECORD

12 A WAYNE A MITCHELL

13 Q AND WHERE ARE YOU EMPLOYED, SIR?

14 A THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION

15 Q WHAT DO YOU DO FOR THE SOUTH CAROLINA LAW
16 ENFORCEMENT DIVISION?

17 A I AM THE SUPERVISOR LIEUTENANT IN CHARGE OF
18 POLYGRAPH

19 Q OKAY AND HOW LONG HAVE YOU BEEN THE SUPERVISOR
20 OVER THE POLYGRAPH DIVISION OF SLED?

21 A APPROXIMATELY FOUR YEARS, GOING ON FIVE

22 Q OKAY AND HOW MANY YEARS EXPERIENCE DO YOU HAVE
23 IN ADMINISTERING POLYGRAPHS?

24 A 25 YEARS

25 Q CAN YOU GIVE US SOME IDEA OF YOUR BACKGROUND AND

1 TRAINING IN THE ARE OF POLYGRAPH EXAMINATION?

2 A I GRADUATE 1974 BA HISTORY AT THE CITADEL I
3 ATTENDED THE CRIMINAL JUSTICE ACADEMY IN 1975 I
4 ATTENDED THE AMERICAN POLYGRAPH ASSOCIATION
5 ACCREDITED SCHOOL IN 1979 AND ADVANCED TRAINING FROM
6 THE DEPARTMENT OF DEFENSE POLYGRAPH INSTITUTE IN '91

7 Q AND WHERE WAS THE DEPARTMENT OF DEFENSE
8 POLYGRAPH INSTITUTE LOCATED IN '91?

9 A AT THAT TIME IT WAS IN FORT MCKELLAN, ALABAMA

10 Q ALL RIGHT, SIT AND WHERE IS IT LOCATED NOW?

11 A FORT JACKSON, SOUTH CAROLINA

12 Q THEY JUST ---

13 A THEY MOVED THERE APPROXIMATELY FIVE YEARS AGO

14 Q ALL RIGHT APPROXIMATELY HOW MANY POLYGRAPH
15 TESTS HAVE YOU ADMINISTERED IN YOUR LIFE?

16 A I WOULD ESTIMATE IN THE AREA OF TEN THOUSAND I
17 SUPPOSE

18 Q OKAY AND DO YOU ATTEND TRAINING AND SEMINARS
19 TO KEEP UP IN THE LATEST DEVELOPMENTS IN THAT FIELD?

20 A YES, I DO IN FACT, I REQUIRE OF OUR AGENTS, I
21 WAS RECENTLY PRESIDENT OF SOUTH CAROLINA ASSOCIATION
22 OF POLYGRAPH EXAMINERS AND ARRANGED TRAINING FOR OUR
23 EXAMINERS AT THESE MEETINGS WE WERE BY AND LARGE
24 DEPARTMENT OF DEFENSE POLYGRAPH INSTRUCTORS THAT
25 WOULD INSTRUCT US IN THE LATEST TECHNIQUES AND

1 FORMATS AVAILABLE

2 Q ALL RIGHT, SIR AND I BELIEVE IT'S ALREADY BEEN
3 TESTIFIED TO EARLIER BUT THE DEPARTMENT OF DEFENSE
4 POLYGRAPH INSTITUTE, IS THAT A WIDELY RECOGNIZE---

5 A IT IS IT IS THE PREMIER TEACHING AND RESEARCH
6 CENTER FOR POLYGRAPH IN THE WORLD

7 Q ALL RIGHT DO YOU ALSO PERSONALLY TRAIN AND
8 OVERSEE, SUPERVISE THE TRAINING OF NEW INDUCTEES TO
9 THE WORLD OF POLYGRAPH ADMINISTRATION?

10 A I DO WHEN WE GET PER SOUTH CAROLINA LAW
11 40-53-310 POLYGRAPH EXAMINERS ACT EVERY EXAMINER HAS
12 TO SERVE AN INTERNSHIP FOR A PERIOD, MINIMUM PERIOD
13 OF UP TO SIX MONTHS AND UP TO 18 MONTHS UPON
14 GRADUATION FROM THE POLYGRAPH SCHOOL WE GET A LARGE
15 PORTION OF THE LAW ENFORCEMENT EXAMINERS THAT
16 GRADUATE EITHER FROM DODPIE OR SOME OTHER AMERICAN
17 POLYGRAPH ASSOCIATION ACCCREDITED SCHOOL AND WE
18 OVERSEE THEIR TRAINING WHEN I SAY THAT I MEAN THEY
19 CONDUCT THE EXAMINATION BUT IT'S UNDER THE
20 OBSERVATION FROM US AND ADVISE AND FORMATION OF
21 QUESTIONS AND GOING OVER THE SCORING AFTERWARDS SO
22 THAT UPON COMPLETING THEIR INTERNSHIP THEY CAN BE
23 CERTIFIED AS LICENSED EXAMINERS

24 Q ALL RIGHT, SIR APPROXIMATELY HOW MANY PEOPLE
25 HAVE YOU TRAINED IN THIS MANNER?

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1 A FIFTY I SUPPOSE I REALLY HADN'T PUT A NUMBER
2 ON IT

3 Q HAVE YOU EVER BEEN QUALIFIED TO TESTIFY AS AN
4 EXPERT BEFORE IN STATE AND FEDERAL COURT?

5 A STATE AND FEDERAL, YES, SIR

6 Q IN THE AREA OF POLYGRAPH?

7 A IN THE AREA OF POLYGRAPH, YES

8 MR BRACKETT YOUR HONOR, AT THIS TIME I
9 WOULD TENDER LIEUTENANT MITCHELL AS AN EXPERT IN THE
10 ADMINISTRATION OF THE POLYGRAPH

11 THE COURT ANY VOIR DIRE?

12 MR GREELEY NONE BY MR SANDERS AND WE
13 HAVE NO OBJECTION

14 MR BAITY JUST A LITTLE VOIR DIRE, YOUR
15 HONOR

16 VOIR DIRE EXAMINATION BY MR BAITY

17 Q GIVE ME YOUR EDUCATIONAL BACKGROUND, WHERE YOU
18 WENT TO SCHOOL, AND WHAT YOU STUDIED?

19 A IN 1974 THE CITADEL THE SOUTH CAROLINA
20 CRIMINAL JUSTICE ACADEMY IN 1975 THE POLICE
21 TRAINING COURSE POLYGRAPH SCHOOL IN 1979 FROM,
22 I DON'T REMEMBER THE TIMES, I THINK IT IS APRIL TO
23 JUNE AND THEN IN 1991 DEPARTMENT OF DEFENSE

24 Q HOW LONG DID THAT LAST?

25 A TWO WEEK

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1 Q TWO WEEKS ALL RIGHT, SIR WHAT DID YOU STUDY
2 AT THE CITADEL?

3 A HISTORY

4 Q ALL RIGHT, SIR DO YOU HAVE ANY TRAINING IN
5 PSYCHOLOGY?

6 A THERE IS A TRAINING COURSE IN THE POLYGRAPH
7 EDUCATION COURSE ON PSYCHOLOGY, YES

8 Q HOW MUCH TIME DID YOU SPEND ON PSYCHOLOGY IN
9 THAT?

10 A IN THAT COURSE IT WAS PROBABLY TWO WEEKS ON THAT
11 AND THEN I HAD A COUPLE COURSES IN COLLEGE ON THE
12 BASIC PSYCHOLOGY

13 Q YOU DON'T HAVE ANY KIND OF DEGREE OR ANYTHING OF
14 THAT NATURE AND YOU ARE NOT A PSYCHOLOGIST?

15 A NO, I'M NOT

16 Q ALL RIGHT, SIR AND OTHER THAN YOUR DEGREE FROM
17 THE CITADEL, YOU HAVE NO OTHER DEGREES?

18 A NO

19 Q OKAY

20 MR BAITY BEG THE COURT'S INDULGENCE,
21 YOUR HONOR

22 Q MR MITCHELL, HAVE YOU PUBLISHED ANY WORKS OR
23 ARTICLES IN ANY LEARNED TREATISES?

24 A NO, I HAVE NOT

25 Q AND CAN YOU, HAVE YOU WRITTEN ANY BOOKS ON THE

1 SUBJECT?

2 A NO

3 Q ARE YOU AFFILIATED WITH ANY OF THE PROFESSIONAL
4 ASSOCIATIONS?

5 A THE AMERICAN POLYGRAPH ASSOCIATION AND THE SOUTH
6 CAROLINA ASSOCIATION OF POLYGRAPH EXAMINERS

7 Q AND ARE YOU BOARD CERTIFIED?

8 A YES, SIR

9 MR BAITY NOTHING FURTHER, YOUR HONOR
10 I HAVE NO OBJECTION

11 THE COURT I FIND HE'S QUALIFIED

12 MR BRACKETT THANK YOU, YOUR HONOR

13 DIRECT EXAMINATION CONTINUED BY MR BRACKETT

14 Q NOW YOU SAID ABOUT TEN THOUSAND POLYGRAPH
15 EXAMINATIONS?

16 A YES, SIR

17 Q YOU DON'T HAVE TIME TO WRITE ANY BOOKS OR
18 PAPERS, DO YOU?

19 MR BAITY OBJECTION

20 THE COURT I SUSTAIN THE OBJECTION

21 THAT'S A LEADING QUESTION AND LET'S GET TO THE HEART
22 OF THE MATTER

23 MR BRACKETT YES, SIR

24 Q NOW WERE YOU ASKED TO REVIEW AND PERFORM A
25 QUALITY CONTROL ANALYSIS ON A POLYGRAPH ADMINISTERED

1 BY DETECTIVE BAKER IN THE CASE OF STATE OF SOUTH
2 CAROLINA VERSUS BILLY WAYNE COPE?

3 A I WAS

4 Q ALL RIGHT, SIR AND DID YOU GET A CHANCE TO
5 REVIEW THE ACTUAL RUN SHEET?

6 MR BAITY YOUR HONOR, I'M GOING TO
7 OBJECT TO THIS LINE OF QUESTIONING AS TO THE
8 POLYGRAPH THE RESULTS THAT HAVE ALREADY BEEN
9 INTRODUCED BY THE STATE IN THE CASE IN CHIEF AND I
10 WOULD LIKE TO BE HEARD ON THAT

11 THE COURT LET ME LET THE JURY GO TO THE
12 JURY ROOM JUST FOR A MINUTE

13 (THE JURY EXITS THE COURTROOM AT 05 08
14 PM)

15 THE COURT LET'S START BY ASKING THE
16 STATE TO WHAT NEW MATTER IS THIS IN REPLY?

17 MR BRACKETT YOUR HONOR, THE VALIDITY OF
18 THE RESULTS OF THE POLYGRAPH WERE NOT INTRODUCED, IT
19 WAS NOT INTRODUCED FOR ITS SUBSTANTIVE VALUE AND IN
20 FACT THE COURT EXPRESSLY INFORMED THE JURY THAT THEY
21 SHOULD NOT CONSIDER THE RESULTS WE NEVER INTENDED
22 TO ARGUE WHETHER OR NOT HE ACTUALLY PASSED OR FAILED
23 BECAUSE IT WASN'T RELEVANT IT WAS ADMITTED, IT WAS
24 ADMITTED INTO EVIDENCE SOLELY TO DEMONSTRATE THE
25 CIRCUMSTANCES OF HIS FIRST CONFESSION TO DETECTIVE

1 BAKER HOWEVER, WHEN THE DEFENSE PUT ITS CASE UP
2 THEY ATTACK IT SUBSTANTIVELY, ATTACKED THE VALIDITY
3 OF THE SCORING IN THIS PARTICULAR ISSUE, AND SAID
4 THAT THE POLICE SPECIFICALLY MISLEAD MR COPE SO AS
5 TO PRESENT TO HIM FALSE EVIDENCE, AND THUS COMPELLING
6 DRIVING FORWARD THEIR FALSE CONFESSION THEORY

7 THE COURT ALL RIGHT LET ME HEAR FROM
8 MR BAITY YOU ARE HANDING EVERYBODY A CASE, HAVE
9 YOU GOT ONE FOR ME?

10 MR BAITY I GOT ONE FOR YOU, YOUR HONOR

11 THE COURT ALL RIGHT

12 MR BAITY YOUR HONOR, I WOULD DISAGREE
13 WITH COUNSEL'S CHARACTERIZATION OF MR BAKER
14 TESTIMONY MR BAKER MOST CLEARLY SAID THAT HE
15 INDICATED THAT MR COPE HAD FAILED THE POLYGRAPH AND
16 HE WAS TOLD THAT AND THAT CAME OUT DURING THE STATE'S
17 CASE IN CHIEF AND HE CERTAINLY HAD THE OPPORTUNITY AT
18 THAT TIME TO PUT IN ANY TYPE OF POLYGRAPH CHARTS OR
19 ANY OTHER KIND OF INFORMATION OR EVIDENCE THAT HE
20 USED TO ARRIVE AT THAT CONCLUSION THAT HE HAD FAILED
21 THE POLYGRAPH WHICH WOULD HAVE JUSTIFIED HIS
22 STATEMENTS MADE TO MR COPE, BUT HE CHOSE NOT TO DO
23 THAT AT THAT TIME THE STATE HAS RESTED THE STATE
24 CHOSE NOT TO MAKE IT PART OF THEIR CASE AND CHIEF AND
25 NOW AFTER MR COPE HAS CHALLENGED MR BAKER'S

1 ASSERTION THAT HE HAD FAILED THE POLYGRAPH IT SEEMS A
2 VIOLATION OF THE RESTRICTION ON REPLY TESTIMONY BEING
3 LIMITED TO ISSUES RAISED BY THE DEFENSE AND NOT BY
4 THE PROSECUTION, BEING LIMITED TO NEW MATTERS I
5 WOULD CERTAINLY OBJECT TO THEIR PLACING SOME WITNESS
6 UP HERE TO SIMPLY BOLSTER THE TESTIMONY THAT'S
7 ALREADY BEEN INTRODUCED IN THE CASE AND CHIEF AND I
8 WOULD AGAIN I JUST AND I'VE HANDED THIS CASE UP, THE
9 MCGEHEY CASE AND YOUR HONOR, MCGEHEY IF I AM
10 PRONOUNCING THAT RIGHT VERSUS MOSELY IS A CIVIL CASE
11 I WON'T TROUBLE THE COURT WITH IT, BUT THERE IS A
12 CRIMINAL CASE I BELIEVE IT IS STATE VERSUS FARROW AND
13 I DO HAVE THAT IF THE COURT WISHES TO SEE IT
14 THE COURT LET ME SEE IT
15 MR BAITY WHERE ESSENTIALLY THE
16 PRINCIPLES OF REPLY WHICH I BELIEVE WERE MORE OR LESS
17 FORMULATED ON THE CIVIL SIDE AT LEAST, AT LEAST IT
18 HAS BEEN IN THE CASE LAW, ARE APPLIED TO THE --
19 THE COURT YOU HAND ME THAT
20 MR BAITY TO THE CRIMINAL SIDE, YOUR
21 HONOR AND I'VE GOT SOMETHING FOR COUNSEL AS WELL
22 AND AGAIN IT STANDS FOR THE PROPOSITION, YOUR HONOR,
23 THAT IT HAS TO BE A NEW MATTER AND IT HAS TO BE
24 SOMETHING THAT WAS BROUGHT UP BY THE DEFENSE AND NOT
25 BY THEM ON THEIR CASE AND CHIEF, SO THIS ESSENTIALLY

1 GIVES THEM THE SECOND BITE AT THE APPLE AND I OBJECT
2 ON THOSE GROUNDS

3 THE COURT WELL, I'M GOING TO ALLOW IT
4 IN THIS IS KIND OF A FINE LINE BUT THIS IS ALSO,
5 ALTHOUGH POLYGRAPHS ARE NOT PER SE INADMISSIBLE, THEY
6 ARE ADMISSIBLE FOR CERTAIN REASONS, AND FOR THIS
7 REASON IT WAS FOR A LIMITED PURPOSE AND I EVEN
8 INSTRUCTED THE JURY AS TO THAT, THAT IT WAS NOT BEING
9 OFFERED, AS I RECALL CORRECTLY, IT WAS NOT BEING
10 OFFERED TO ESTABLISH WHETHER OR NOT HE PASSED OR NOT
11 BUT SIMPLY BE ALLOWED TO TELL HE TOOK THE POLYGRAPH
12 AND THAT'S WHAT HE WAS TOLD BECAUSE IT WAS AN
13 INTEGRAL PART OF HIS CONFESSIONS HOWEVER, THE
14 DEFENSE HAS PUT UP A WITNESS THAT DID INTRODUCE NEW
15 MATTER IN THIS COURT'S OPINION, AND I KNOW IT'S A
16 FINE LINE, AND IN THIS JUDGE'S OPINION, IN THIS
17 COURT'S OPINION, THAT WHEN IT WENT DEEPER THAN THE
18 ISSUE PRESENTED IN THE CASE IN CHIEF CONSTITUTING NEW
19 MATTER I'VE ALSO WEIGHED THE PREJUDICIAL EFFECT
20 AGAINST THE PROBATIVE VALUE AND FIND THAT THE
21 PROBATIVE VALUE OUTWEIGHS PREJUDICE, SO I'M GOING TO
22 ALLOW THE REPLY BRING IN THE JURY MR GREELEY, I
23 DIDN'T HEAR FROM YOU

24 MR GREELEY I HAVE NO POSITION

25 THE COURT BRING THEM IN

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1 (THE JURY RETURNS TO THE COURTROOM AT
2 05 13 PM)

3 THE COURT YOU MAY PROCEED

4 MR BRACKETT THANK YOU, YOUR HONOR

5 DIRECT EXAMINATION CONTINUED BY MR BRACKETT

6 Q LIEUTENANT MITCHELL, I WAS IN THE PROCESS OF
7 SHOWING YOU A FORM AND ASKING YOU IF YOU COULD
8 IDENTIFY WHAT, FIRST WHAT IS THIS?

9 A THOSE ARE THE ACTUAL, WHAT WE CALL POLYGRAMS OF
10 THE POLYGRAPH CHARTS, THE INK TRACINGS OF THE
11 EXAMINATION

12 Q OKAY AND WHAT DO THEY, TO THE LAY PERSON THAT
13 LOOKS LIKE A LOT OF SQUIGGLES, WHAT EXACTLY ARE
14 THOSE, DO THOSE LINES REPRESENT?

15 A WELL, ACTUALLY YOU'VE GOT IT UPSIDE DOWN

16 Q WELL SEE

17 A WE HAVE THE CARDIO TRACINGS AT THE BOTTOM WHICH
18 ARE BLOOD PRESSURE AND PULSE RATE ELECTRODERMAL
19 ACTIVITY WHICH IS THE ELECTRIC ACTIVITY WITHIN THE
20 BODY AND THEN WE HAVE RESPIRATION OF THE TWO TOP
21 TRACING

22 Q ALL RIGHT AND I BELIEVE YOU IDENTIFIED THIS IS
23 THE POLYGRAM FOR WHO DOES IT IDENTIFY?

24 A BILLY COPE ADMINISTERED BY M L BAKER

25 Q DOES IT GIVE A DATE?

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1 A NOVEMBER 30, 2001

2 Q ALL RIGHT, SIR

3 MR BRACKETT YOUR HONOR, I WOULD
4 OFFER THIS AS STATE'S EXHIBIT

5 THE COURT OVER OBJECTION

6 MR BAITY YES, YOUR HONOR

7 THE COURT MR GREELEY

8 MR GREELEY NO OBJECTION

9 THE COURT ADMITTED OVER OBJECTION

10 (STATE'S EXHIBIT 104 POLYGRAM RECEIVED
11 IN EVIDENCE)

12 Q DID YOU HAVE AN OPPORTUNITY TO EXAMINE THIS
13 POLYGRAM IN ITS ENTIRETY?

14 A I DID

15 Q ALL RIGHT, SIR AND DID YOU ALSO HAVE AN
16 OPPORTUNITY TO SPEAK WITH DETECTIVE BAKER ABOUT THE
17 ACTUAL ADMINISTRATION OF THIS POLYGRAPH?

18 A YES, I DID

19 Q AND WERE YOU ABLE TO ACQUAINT YOURSELF WITH
20 SUFFICIENT FACTS AND CIRCUMSTANCES TO FORM AN OPINION
21 AS TO THE, WHETHER OR NOT THE POLYGRAPH ADMINISTERED
22 TO MR COPE ON NOVEMBER 30, 2001 BY DETECTIVE BAKER
23 WHETHER THERE WAS DECEPTION INDICATED OR NOT?

24 A I WAS

25 Q AND WHAT WAS YOUR OPINION?

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1 A THERE WAS RESPONSES INDICATIVE OF ATTEMPTED
2 DECEPTION IN MY OPINION

3 Q NOW WHAT SCORING, WHAT IS THE SCORING, THERE ARE
4 DIFFERENT, IT WAS TESTIFIED TO EARLIER THERE ARE
5 DIFFERENT TYPES OF SCORING METHODS, I THINK IS THAT
6 THE RIGHT WAY TO SAY IT?

7 A THERE ARE THERE ARE ONLY TWO THAT ARE USED BY
8 THE DEPARTMENT OF DEFENSE AND ONLY ONE USED BY US
9 THERE'S THE, WHAT WE CALL THE THREE POINT SCORING
10 SYSTEM OR THE SEVEN POINT SCORING SYSTEM THE SEVEN
11 POINT SCORING SYSTEM IS A LITTLE MORE SUBJECTIVE
12 HOWEVER THE END RESULTS ARE THE SAME THE, I USE THE
13 THREE POINT SCORING SYSTEM TO REVIEW THESE CHARTS

14 Q ALL RIGHT AND BASED ON THAT SCORING SYSTEM YOU
15 HAVE THE OPINION, WHAT WAS YOUR OPINION?

16 A RESULTS DECEPTIVE I SCORED IT AS A MINUS SIX
17 A MINUS THREE IS WHAT IS NECESSARY TO BE DETERMINED A
18 DECEPTIVE CHART MINUS THREE OR LESS WOULD BE
19 DECEPTIVE PLUS THREE OR GREATER IS NOT DECEPTIVE
20 MINUS TWO TO PLUS TWO WOULD BE INCONCLUSIVE OR NO
21 OPINION

22 Q ALL RIGHT, SIR DID YOU ALSO HAVE THE
23 OPPORTUNITY TO REVIEW A REPORT ISSUED BY THE
24 DEPARTMENT OF DEFENSE POLYGRAPH INSTITUTE ON THIS
25 POLYGRAPH?

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1 A YES, I DID

2 Q AND DID THEY ANALYZE AND DO A QUALITY CONTROL ON
3 THIS?

4 A THEY DID

5 Q AND WHAT WAS THEIR --

6 MR BAITY OBJECTION

7 THE COURT I SUSTAIN THE OBJECTION

8 MR BRACKETT AS AN EXPERT

9 THE COURT I SUSTAIN THE OBJECTION

10 MR BRACKETT YES, SIR

11 Q SIR, IF IN THE MIDDLE OF THAT POLYGRAM
12 EXAMINATION, I'LL ASK YOU A HYPOTHETICAL QUESTION, OR
13 ANY POLYGRAPH, NOT NECESSARILY JUST THIS ONE, BUT IN
14 ANY POLYGRAPH, SUPPOSE RIGHT IN THE MIDDLE OF IT
15 RIGHT OUTSIDE THE DOOR OF THE ROOM WHERE IT WAS BEING
16 ADMINISTERED A WOMAN SCREAMED, WOULD YOU BE ABLE TO
17 DETERMINE OR WOULD THERE BE A SIGNIFICANT DIFFERENCE
18 ON THAT?

19 A THERE MOST LIKELY WOULD BE AND WHICH CASE SHOULD
20 THAT OCCUR THAT SPOT WOULD NOT BE SCORED AND A
21 NOTATION OF OUTSIDE NOISE WOULD BE MADE BUT IN ALL
22 PROBABILITY THERE WOULD BE PROBABLY BE A REACTION IF
23 THAT SHOULD OCCUR

24 Q OKAY LIKEWISE IF SOMEONE FELL ASLEEP, DOZED
25 OFF IN THE MIDDLE OF THE POLYGRAPH, WOULD THE CHARTS

1 ALSO REFLECT THAT?

2 A OH, YES

3 Q OKAY AND HOW WOULD THEY? IN WHAT MANNER?

4 A THE REACTION WOULD BE CONSIDERABLY DEPRESSED
5 THERE WOULD BE A SHALLOW BREATHING, THE ELECTRODERMAL
6 ACTIVITY WOULD BE RELATIVELY FLAT CARDIO WOULD
7 SLOW IT WOULD BE READILY APPARENT IF SOMEONE HAD
8 FELL ASLEEP

9 Q ANY INDICATION THAT MR COPE FELL ASLEEP DURING
10 THIS, THE MIDDLE OF THIS POLYGRAPH?

11 A NO

12 Q THANK YOU VERY MUCH, SIR
13 CROSS EXAMINATION BY MR BAITY

14 Q YOU DON'T KNOW FOR A FACT, DO YOU SIR, WHO WAS
15 TESTED?

16 A NO, I DON'T

17 Q YOU WEREN'T THERE?

18 A MY OPINION --

19 THE COURT HE JUST ASKED YOU IF YOU KNOW
20 WHO, HE ASKED WERE YOU THERE BASICALLY

21 A NO, I WAS NOT

22 Q ALL RIGHT, SIR AND NOW YOU DO WORK FOR THE
23 STATE LAW ENFORCEMENT DIVISION, CORRECT?

24 A I DO

25 Q ALL RIGHT AND YOU WORK -- HOW LONG HAVE YOU

1 WORKED THERE, 25 YEARS?

2 A AT SLED 21

3 Q 21 YEARS, ALL RIGHT AND WHEN DID YOU ACTUALLY
4 REVIEW MR BAKER'S CHARTS?

5 A AT APPROXIMATELY 12 30 TODAY

6 Q TODAY SO YOU'VE HAD ESSENTIALLY THREE AND A
7 HALF FOUR HOURS TO FORM THIS OPINION?

8 A WELL, THE OPINION WAS FORMED AT THE CONCLUSION
9 OF THE CHART EVALUATION, THE ANALYSIS OF TEST DATA,
10 JUST PUTTING NUMBERS ON THE, TO THAT CHART

11 Q AND YOU MET WITH DETECTIVE BAKER WHEN YOU
12 EXAMINED THIS REPORT?

13 A I DID, YES

14 Q DID YOU MEET WITH ANY ONE FROM THE DEFENSE AT
15 ALL?

16 A NO

17 Q DID YOU SPEAK WITH DR CHARLES HONTS BY CHANCE?

18 A I HAVE NOT

19 Q AND YOU DIDN'T, I MEAN, YOU DID COMPARE YOUR
20 OWN, YOU DID MAKE YOUR OWN SCORING OF THIS?

21 A I DID A BLIND SCORE I DID NOT OBSERVE ANYONE
22 ELSE'S EVALUATION UNTIL I HAD DONE MINE

23 Q SO YOU WERE NOT AWARE THAT MR BAKER INDICATED
24 THAT MR COPE HAD FAILED THIS BEFORE YOU --

25 A I WAS A INFORMED OF THAT

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1 Q LET ME GET THE WHOLE QUESTION OUT WERE YOU
2 AWARE THAT MR BAKER HAD INDICATED A FAILURE ON THE
3 PART OF MR COPE WHEN YOU FIRST GOT INVOLVED IN THIS
4 CASE?

5 A YES, HE EXPLAINED HIS OPINION

6 Q ALL RIGHT AND WERE YOU AWARE THAT DR CHARLES
7 HONTS HAD REACHED A DIFFERENT CONCLUSION?

8 A I WAS TOLD THAT, YES

9 Q ALL RIGHT, SIR DID YOU COMPARE YOUR SCORING
10 WITH THAT OF DR HONTS IN ANY WAY?

11 A I DID NOT

12 Q DO YOU KNOW OF THE SETTING IN WHICH THIS
13 POLYGRAPH EXAMINATION WAS CONDUCTED, SIR?

14 A I WAS SHOWN WHERE IT WAS CONDUCTED

15 Q YOU WERE SHOWN WHERE?

16 A YES

17 Q YOU WERE SHOWN THE ROOM?

18 A YES, SIR

19 Q DID YOU EXAMINE THE MACHINE?

20 A I'M SORRY?

21 Q DID YOU EXAMINE THE MACHINE?

22 A NO

23 Q THE POLYGRAPH MACHINE ITSELF?

24 A NO, I DID NOT

25 Q SO YOU CAN'T TELL THIS JURY WHETHER YOU KNOW

1 ANYTHING ABOUT THE WAY IT FUNCTIONS AT ALL?

2 A I CANNOT

3 Q AND ARE YOU AWARE OF THE SETTING BEYOND JUST THE
4 PHYSICAL LOCATION? DO YOU KNOW ANYTHING ABOUT THE, I
5 GUESS I WOULD CALL IT, THE HUMAN SETTING? IN OTHER
6 WORDS, FOR EXAMPLE, DO YOU KNOW HOW MUCH SLEEP
7 MR COPE HAD WHEN HE TOOK THIS TEST?

8 A ONLY WHAT WAS IN THE CASE FILE THAT WERE THE
9 DOCUMENTATION THAT DETECTIVE BAKER HAD PROVIDED BUT
10 OF MY OWN PERSONAL KNOWLEDGE, NO

11 Q ALL RIGHT, SIR AND MR BAKER INDICATED THAT HE
12 THOUGHT THAT MR COPE HAD SUFFICIENT SLEEP, IS THAT
13 CORRECT?

14 A I BELIEVE SO, YES

15 Q IF I WERE TO TELL YOU THAT MR COPE HAD TWO
16 HOURS SLEEP IN THE 28 HOURS THAT PRECEDED HIS TEST DO
17 YOU THINK THAT WOULD BE THE APPROPRIATE AMOUNT OF
18 SLEEP FOR A SUBJECT?

19 A NO, I UNDERSTAND THAT THEIR TEST WERE REQUESTED
20 AT THREE IN THE MORNING WAS DENIED

21 Q YES, SIR

22 A WHICH WOULD BE AN APPROPRIATE --

23 Q THAT'S NOT MY QUESTION MY QUESTION IS IF I
24 WERE TO TELL YOU THAT MR COPE HAD TWO HOURS OF SLEEP
25 IN THE 28 HOURS PRECEDING THE TEST, I'M JUST ASKING

1 YOU ON THOSE FACTS, WOULD THAT BE AN APPROPRIATE
2 AMOUNT OF SLEEP FOR A MAN TO HAVE TO BE GIVEN A
3 POLYGRAPH?

4 A NO, IT WOULD NOT

5 Q IF I TOLD YOU THAT HE HAD TAKEN A TRANQUILIZER
6 OR ANTIDEPRESSANT A FEW HOURS BEFORE THE TEST, WOULD
7 THAT BE AN APPROPRIATE SUBJECT --

8 MR BRACKETT OBJECTION

9 THE COURT I SUSTAIN THE OBJECTION

10 Q I'LL MOVE ON IF I WERE TO TELL YOU THAT
11 MR COPE WAS, WAS INTERROGATED BY MR BAKER AS TO THE
12 FACTS OF THE CASE PRIOR TO HIS BEING GIVEN A TEST,
13 WOULD YOU BELIEVE THAT WOULD BE APPROPRIATE?

14 A THAT WOULD NOT BE APPROPRIATE PRIOR TO AN
15 EXAMINATION

16 Q NOW YOU SAID THAT THERE WERE TWO METHODS THAT
17 ARE USED IN SCORING A THREE POINT SCORING AND A
18 SEVEN POINT SCORING AND THE SEVEN POINT IS MORE
19 EXTENSIVE OR MORE DETAILED THAN THE THREE POINT?

20 A NO, THE SEVEN POINT WHEN I SAY IT WAS MORE
21 SUBJECTIVE, IF A RESPONSE IS THREE TIMES GREATER TO A
22 RELEVANT THAN SAY TO A COMPARISON THE EXAMINER MAY
23 SCORE THAT A PLUS OR MINUS TWO OR THREE DEPENDING ON
24 HOW HE FEELS ON THE THREE POINT SYSTEM THE GREATER
25 REACTION GIVES THE SCORE EITHER THE PLUS OR THE

1 MINUS

2 Q WELL, I MEAN HOW DOES THAT COMPARE TO THE OTHER
3 SCORING, THAT'S WHAT I'M TRYING TO GET AT?

4 A WELL, IT'S ESSENTIALLY THE SAME A DECEPTIVE OR
5 NON-DECEPTIVE CHART BY THE SEVEN POINT SCALE WOULD,
6 PROBABLY THE NUMBERS WOULD BE A LITTLE HIGHER, BUT
7 THE END RESULT IS THE SAME A MINUS 15 IS AS
8 DECEPTIVE AS A MINUS FIVE

9 Q AND SO BY YOUR SCORING UTILIZING THIS THREE
10 POINT SYSTEM YOU FOUND THAT MR COPE'S PERFORMANCE
11 WAS A MINUS SIX?

12 A I DID

13 Q ARE YOU AWARE THAT MR BAKER'S WAS LOWER THAN
14 THAT?

15 A YES

16 Q MR BAKER'S WAS TWICE AS LOW, WASN'T IT?

17 A YEAH

18 Q SO YOUR SCORING DOES NOT AGREE WITH MR BAKER'S,
19 DOES IT?

20 A WELL, IT DOES THE END RESULT DECEPTION IS
21 DECEPTION THE, IF YOU ASSIGN A FIGURE OF A MINUS
22 THREE WHICH MAYBE THE APPROPRIATE IF YOU ARE USING
23 THE SEVEN POINT SCALE, I WOULD JUST GIVE IT A MINUS
24 ONE SIMPLY BECAUSE THAT'S THE SCORE SYSTEM WE USE
25 IF I'D ASSIGNED IT, IF I HAD SCORED THE SAME SEVEN

1 POINT SCALE AS HE DID, I WOULD SAY THE SCORES WOULD
2 BE ROUGHLY THE SAME

3 Q SO YOU USED A DIFFERENT SCORING METHOD, DID YOU
4 NOT?

5 A THE METHOD IS THE SAME IT'S JUST THE VALUES
6 ARE A LITTLE DIFFERENT

7 Q ALL RIGHT, SIR

8 MR BAITY COURT'S INDULGENCE, YOUR
9 HONOR NOTHING FURTHER, YOUR HONOR THANK YOU

10 THE COURT MR GREELEY

11 MR GREELEY NO QUESTIONS

12 MR BRACKETT BRIEFLY, ONE QUESTION
13 REDIRECT EXAMINATION BY MR BRACKETT

14 Q MR BAITY ASKED YOU ABOUT IF IT, WOULD IT BE
15 APPROPRIATE TO TEST SOMEBODY WHO HAD BEEN
16 INTERROGATED, IS THERE A PRETEST INTERVIEW THAT'S
17 DONE TYPICALLY BEFORE POLYGRAPH?

18 A THERE IS MOST ASSUREDLY A PRETEST INTERVIEW IT
19 IS NOT AN INTERROGATION

20 Q OKAY IS THAT APPROPRIATE?

21 A THAT IS VERY APPROPRIATE THAT IS NECESSARY FOR
22 THE TESTING TECHNIQUE

23 Q YES, SIR AND COULD THEY ASK, DO THEY ASK, WHAT
24 DO YOU ASK IN A PRETEST INTERVIEW?

25 A WELL, YOU WOULD GET THEIR VERSION OF THE STORY

1 AMONG OTHER THINGS, BUT IT IS NOT ACCUSATORY

2 Q I SEE THANK YOU VERY MUCH

3 THE COURT MR BAITY

4 RE CROSS EXAMINATION BY MR BAITY

5 Q AND THAT WOULD BE MY QUESTION IF ACCUSATORY
6 QUESTIONS WERE ASKED THAT WOULD NOT BE APPROPRIATE,
7 WOULD YOU AGREE?

8 A WELL --

9 Q I MEAN, ISN'T THAT WHAT YOU JUST TESTIFIED?

10 A NOT TO, ACCUSATORY TO ME IS YOU ARE ACCUSING
11 SOMEBODY THAT THEY COMMITTED THIS CRIME AS OPPOSED TO
12 ASKING SOMEONE THEIR VERSION OF WHAT HAPPENED

13 Q YES, SIR I MEAN, SO IF SOMEBODY ASKED MR COPE
14 DID YOU HAVE ANY TYPE OF SEXUAL FEELINGS TOWARD YOUR
15 DAUGHTER, THAT'S NOT JUST GETTING TO KNOW HIM, IS IT,
16 OR GIVING HIM HIS VERSION?

17 A WELL, THAT --

18 MR BRACKETT OBJECTION, THAT'S OUT OF
19 THE RECORD

20 MR BAITY I DISAGREE

21 THE COURT I OVERRULE THE OBJECTION

22 A I'M SORRY

23 Q HE OVERRULED IT

24 THE COURT GO AHEAD AND ANSWER THE
25 QUESTION

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1 A REPEAT THE QUESTION

2 Q IF SOMEONE WERE TO, WERE TO HAVE ASKED A SUBJECT
3 IN A RAPE OR MURDER CASE, IF THAT SUBJECT, YOU KNOW,
4 DO YOU HAVE FEELINGS, SEXUAL FEELINGS, TOWARD YOUR
5 DAUGHTER, WOULD THAT BE AN APPROPRIATE QUESTION IN AN
6 INTERVIEW?

7 A WELL, THAT WOULD NOT TO ME BE AN ACCUSATORY
8 QUESTION AN ACCUSATORY QUESTION, YOU HAVE SEXUAL
9 FEELINGS FOR YOUR DAUGHTER, DON'T YOU AS OPPOSED TO
10 ASKING SOMEONE IF IT'S IN THE REALM OF WHAT'S BEING
11 INVESTIGATED OR IF THAT'S IN THE NATURE OF THE
12 TESTING SCENARIO THEN IT MAY BE

13 Q OKAY AND IF THE REPORT SAID HE DENIED HAVING
14 ANY SEXUAL FEELINGS THAT WOULD BE IN RESPONSE TO THAT
15 TYPE OF AN ACCUSATION, WOULD IT NOT?

16 A IN THE REPORT?

17 Q YES, SIR

18 A WELL, IT MAY BE BUT IN THE PRETEST INTERVIEW YOU
19 WOULD CERTAINLY GO INTO A CERTAIN NUMBER OF THINGS IN
20 A NON-ACCUSATORY MANNER

21 Q DID YOU NOT READ MR BAKER'S REPORT?

22 A NOT FULLY, NO

23 Q SO YOU DON'T KNOW THAT THAT'S IN THERE OR NOT?

24 A NO, I DIDN'T GO INTO THE FULL REPORT

25 MR BAITY NOTHING FURTHER, YOUR HONOR

1 THANK YOU

2 THE COURT YOU CAN STEP DOWN AND BE
3 EXCUSED WE APPRECIATE YOUR TIME

4 A THANK YOU

5 THE COURT THANK YOU CALL YOUR NEXT
6 WITNESS

7 MR THOMPSON CALL CORPORAL CHERYL
8 GUZMAN

9 CHERYL GUNMAN, AFTER BEING
10 FIRST DULY SWORN TESTIFIES AS FOLLOWS

11 DIRECT EXAMINATION BY MR THOMPSON

12 Q IF YOU GIVE YOUR FULL NAME AND SPELL IT FOR THE
13 COURT?

14 A CHERYL HALE GUZMAN C-H-E-R-Y-L H-A-L-E
15 G-U-Z-M-A-N

16 Q CORPORAL, WHERE DO YOU WORK?

17 A YORK COUNTY SHERIFF'S OFFICE IN THE DETENTION
18 DIVISION

19 Q HOW LONG HAVE YOU WORKEDTHERE?

20 A SINCE MAY OF 1993

21 Q WHAT ARE SOME OF YOUR DUTIES THERE?

22 A I AM THE SYSTEM TECHNICIAN I MAINLY TAKE CARE
23 OF ALL THE COMPUTER SYSTEMS, SECURITY SYSTEM, GENERAL
24 MANAGEMENT SYSTEM I ALSO WORK ON THE INMATE
25 TELEPHONE SYSTEMS AND I'M CROSS TRAINED IN MOST OF

1 THE OTHER ADMINISTRATIVE DUTIES

2 Q OKAY AND AS PART OF YOUR DUTIES ARE YOU
3 FAMILIAR WITH THE DETENTION CENTER POLICIES REGARDING
4 THE PROVIDING PAPER TO INMATES?

5 A YES, SIR

6 Q AND WHAT IS THAT?

7 A THEY CAN PURCHASE TABLETS OF PAPER FROM THE
8 SWANSON COMMISSARY IF THEY ARE INDIGENT THEY ARE
9 GIVEN A CERTAIN AMOUNT OF PAPER, WRITING MATERIALS,
10 EACH WEEK

11 Q OKAY AND CAN YOU TELL ME, DO INMATES GET
12 PAPERS FROM OTHER WAYS?

13 A YES, SIR

14 Q IN YOUR EXPERIENCE WHAT OTHER WAYS DO THEY GET
15 PAPER?

16 A THEY HAVE BEEN KNOWN TO GET PAPER WHEN AN
17 ATTORNEY MAY COME TO VISIT SOMETIMES THEY WILL HAVE
18 SOME PAPERS OUT FOR THEM, LEAVE THEM SOME PAPER
19 BEHIND THEY CAN GET PAPER IN ATTORNEY MAIL THAT IS
20 NOT OPENED AND CHECKED IN THE MAIL ROOM IT'S OPENED
21 AND CHECKED DOWN IN THE UNIT IN FRONT OF THE INMATE
22 SO THERE IS A POSSIBILITY GIVEN THAT WAY OUR
23 VOLUNTEERS OFTEN TIMES BRING IN PAPER AS PART OF
24 THEIR SUPPLIES

25 Q ARE THERE A LOT OF VOLUNTEERS THAT COME TO

1 DETENTION CENTER?

2 A THERE ARE SOMETHING OVER A HUNDRED

3 Q OKAY AND DO THEY GENERALLY WORK IN THE LIFE
4 SKILLS AREA OF THE DETENTION CENTER?

5 A THEY DO WORK IN LIFE SKILLS BUT WE DO HAVE
6 VOLUNTEERS THAT GO TO ALL THE AREAS, ALL OF THE
7 HOUSING UNITS

8 Q ALL RIGHT AND DO THOSE VOLUNTEERS, ARE THEY
9 ALLOWED TO BRING PAPER IN WHEN, FOR THE WORK THAT
10 THEY DO?

11 A YES, SIR, THEY ARE

12 Q AND IS IT COMMON TO FIND PAPER OTHER THAN THE
13 PAPER THAT YOU DISTRIBUTE TO THE DEFENDANTS IN THEIR
14 HANDS?

15 A IT'S NOT UNCOMMON

16 Q OKAY AND AS A MATTER OF FACT, YOU HAVEN'T BEEN
17 THERE 12 YEARS, DO YOU RECALL SOME OF THE PAPER THAT
18 WAS DISTRIBUTED EVEN BEFORE SWANSON ARRIVED?

19 A YES, SIR

20 Q AND WAS IT ALWAYS YELLOW LEGAL PADS THAT WERE
21 DISTRIBUTED?

22 A NO, SIR, I DON'T BELIEVE SO

23 Q WHAT OTHER KINDS OF THINGS WERE DISTRIBUTED
24 BEFORE SWANSON?

25 A THERE WERE WHITE TABLETS BEFORE THE YELLOW ONES

1 Q OKAY AND IS IT UNCOMMON, WHAT DO Y'ALL DO IF
2 YOU FIND AN INMATE WITH A FEW PIECES OF PAPER THAT
3 DON'T APPEAR TO HAVE COME FROM THE DETENTION CENTER
4 COMMISSARY?

5 A IF IT'S NOT VERY OBVIOUSLY NOT DISTRIBUTED BY
6 US, IF IT'S SCENTED STATIONERY OR SOMETHING THAT VERY
7 OBVIOUSLY DID NOT COME FROM THE DETENTION CENTER, IT
8 WOULD BE CONFISCATED AS CONTRABAND, BUT WE CAN'T TELL
9 EVERY KIND OF LINED PAPER WHETHER IT'S COME FROM US
10 OR FROM THE OUTSIDE, SO THAT WOULD BE PROBABLY LEFT
11 IN PLACE SO THEY COULD USE IT TO WRITE TO THEIR
12 FAMILIES

13 Q ALL RIGHT THANK YOU NO FURTHER QUESTIONS
14 CROSS EXAMINATION BY MR BAITY

15 Q DO YOU RECALL, MRS GUZMAN, WHEN SWANSON FIRST
16 STARTED SUPPLYING THE COMMISSARY?

17 A WHEN THEY FIRST STARTED SUPPLYING COMMISSARY
18 SWANSON HAS BEEN DOING IT A NUMBER OF YEARS I
19 COULDN'T GIVE YOU AN EXACT DATE

20 Q IT'S MORE THAN TWO YEARS, ISN'T IT?

21 A YES, SIR

22 Q IT'S CERTAINLY BEEN NOT JUST 2004 BUT THE YEAR
23 BEFORE THAT AT LEAST?

24 A YES

25 Q CORRECT AND WHEN YOU HAVE VOLUNTEERS AND

1 REGULAR VISITORS AND PERSONS OF THAT NATURE THAT COME
2 TO VISIT INMATES, THEY ARE MADE AWARE, ARE THEY NOT,
3 THAT THEY ARE NOT TO BRING ANYTHING IN THAT'S NOT
4 AUTHORIZED?

5 A YES, SIR, THEY ARE

6 Q AND IF THEY WERE TO BRING WRITING PAPER IN, IT
7 WOULD BE CONTRABAND, WOULD IT NOT?

8 A IF IT WEREN'T, IF IT WERE BROUGHT IN BY A
9 REGULAR VISITOR, YES, IT WOULD BE BY VOLUNTEERS
10 IT'S APPROVED BECAUSE THEY USE IT FOR THEIR CLASSES,
11 THE BIBLE STUDIES TESTS

12 Q WELL, I MEAN ANY PAPER THAT IS NOT GOTTEN
13 THROUGH THE COMMISSARY AND NOT GOTTEN THROUGH THE
14 INDIGENT PROGRAM, ANY WRITING PAPER IS CONTRABAND,
15 ISN'T IT? ISN'T THAT WHAT THAT SAYS IN YOUR
16 HANDBOOK?

17 A YES, SIR

18 Q AND YOU ARE SWORN AND BOUND TO ENFORCE THAT
19 HANDBOOK, AREN'T YOU?

20 A YES, SIR

21 Q AND ARE YOU SAYING THAT IT'S PERFECTLY ALL RIGHT
22 AND IT'S A COMMON PRACTICE THAT YOU JUST SORT OF WINK
23 AT SOME OF THE CONTRABAND THAT COMES IN THERE?

24 A NO, SIR

25 Q AND IN FACT, IF YOU SEE CONTRABAND YOU ARE

1 SUPPOSED TO CONFISCATE IT, ARE YOU NOT?

2 A YES, SIR

3 Q AND IF YOU SEE ANY EVIDENCE OF USE OF
4 CONTRABAND, YOU ARE SUPPOSED TO DO SOMETHING ABOUT
5 IT, AREN'T YOU?

6 A YES, SIR

7 Q AND YOU TAKE YOUR DUTY SERIOUSLY, DON'T YOU?

8 A YES, I DO

9 MR BAITY NO FURTHER QUESTIONS

10 THE COURT MR GREELEY

11 MR GREELEY NO QUESTIONS

12 MR THOMPSON NOTHING FURTHER, YOUR

13 HONOR

14 THE COURT YOU CAN STEP DOWN AND BE

15 EXCUSED WE APPRECIATE YOUR TIME

16 MR POPE THE STATE WOULD CALL GAIL HEATH
17 TO THE STAND AND YOUR HONOR, THIS WILL BE OUR LAST
18 WITNESS

19 GAIL HEATH, AFTER BEING DULY SWORN,
20 TESTIFIED AS FOLLOWS

21 DIRECT EXAMINATION BY MR POPE

22 Q LIEUTENANT HEATH, IS THAT CORRECT?

23 A THAT'S CORRECT

24 Q COULD YOU STATE YOUR NAME AND SPELL YOUR LAST
25 NAME FOR THE COURT REPORTER?

1 A OKAY MY NAME IS BRENDA GAIL HEATH H-E-A-T-H

2 Q AND COULD YOU TELL THE JURY WHERE YOU ARE
3 EMPLOYED?

4 A I'M EMPLOYED BY THE SOUTH CAROLINA LAW
5 ENFORCEMENT DIVISION COMMONLY REFERRED TO AS SLED

6 Q AND IN WHAT CAPACITY?

7 A I AM THE SUPERVISING LIEUTENANT OF THE QUESTION
8 DOCUMENT AND PHOTOGRAPHY DEPARTMENT

9 Q AND WHAT ACTUALLY IS YOUR JOB DAY-TO-DAY, WHAT
10 IS IT THAT YOU DO?

11 A MY ACTUAL TRAINING IS IN FORENSIC DOCUMENT
12 EXAMINATION I AM QUESTION DOCUMENT EXAMINER BY
13 TRADE

14 Q OKAY AS FAR AS DAY IN DAY OUT AT SLED, OF
15 COURSE, YOU'RE A SUPERVISOR, RIGHT?

16 A YES, SIR

17 Q WHAT ARE YOUR ACTUAL DUTIES? YOU ANALYZE
18 QUESTION DOCUMENTS?

19 A I DO MY OWN CASE WORK AND I SUPERVISE THE CASE
20 WORK OF ANOTHER EXAMINER I ALSO HAVE A TECHNICIAN
21 THAT I SUPERVISE THEIR CASE WORK AND I HANDLE ANY OF
22 THE ADMINISTRATIVE NEEDS OF THE DEPARTMENT

23 Q OKAY CAN YOU TELL THE JURY THE BACKGROUND AND
24 EDUCATION AND TRAINING THAT YOU HAVE THAT ALLOWS YOU
25 TO DO THESE EXAMINATIONS?

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1 A YES, SIR I HAVE TWO UNDERGRADUATE DEGREES FROM
2 THE UNIVERSITY OF SOUTH CAROLINA I'M A GRADUATE OF
3 THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY I'M A
4 GRADUATE OF THE FEDERAL LAW ENFORCEMENT TRAINING
5 CENTER I COMPLETED A TWO YEAR INTERNSHIP AT THE
6 SLED FORENSIC LABORATORY WHERE I BECAME PROFICIENT IN
7 THE USE OF THE EQUIPMENT AND TERMINOLOGY AND
8 EXAMINATIONS OF CASE WORK AND I AM CERTIFIED BY THE
9 AMERICAN BOARD OF FORENSIC DOCUMENT EXAMINERS

10 Q AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

11 A I'VE BEEN IN LAW ENFORCEMENT SINCE 1978

12 Q OKAY AND HOW LONG HAVE YOU BEEN IN QUESTION
13 DOCUMENTS?

14 A I'VE BEEN IN QUESTION DOCUMENTS FOR 20 YEARS

15 Q OKAY AND THE SLED LAB, YOU SAID YOU SUPERVISE
16 A NUMBER OF PEOPLE WOULD YOU TELL THE JURY, WHAT IS
17 ASCLAD? WHAT DOES THAT MEAN?

18 A ASCLAD STANDS FOR THE AMERICAN SOCIETY OF CRIME
19 LABORATORY DIRECTORS IT IS A BODY OF CRIME
20 LABORATORY DIRECTORS THAT GOT TOGETHER AND
21 ESTABLISHED TRAINING REGULATIONS AND PROTOCOLS FOR
22 CASE EXAMINATIONS THAT COULD BE CONSISTENT THROUGHOUT
23 THE COUNTRY AND A LOT OF THESE STATE AND FEDERAL
24 LABORATORY APPLY FOR THIS ACCREDITATION AND IN FACT
25 SLED WILL BE GOING THROUGH THEIR SECOND

1 RE-ACCREDITATION STARTING THIS COMING SUNDAY

2 Q SO WHAT WAS THE PROCESS IN WHICH SLED LAB
3 ACTUALLY GOT ACCREDITED? WHAT DID THAT ACTUALLY
4 INVOLVE?

5 A OKAY IT INVOLVES A LOOK AT THE PHYSICAL PLANT,
6 THE SECURITY OF THE PHYSICAL PLANT, HEALTH AND
7 TRAINING ISSUES, PROTOCOLS AND PROCEDURES FOR CASE
8 EXAMINATION, AND POLICIES AND PROCEDURES FOR CASE
9 EXAMINATION, ADMINISTRATIVE POLICIES AND WRITTEN
10 RULES AND REGULATIONS ON HOW LABORATORY PROCEDURES
11 SHOULD PROGRESS

12 Q AND WERE YOU INVOLVED IN SLED, THE QUESTION
13 DOCUMENT PORTION OF SLED GETTING ACCREDITED?

14 A YES, SIR, I WAS

15 Q OKAY AND IS ACCREDITATION OF THE LAB KIND OF
16 LIKE BOARD CERTIFICATION OF THE INDIVIDUAL OR IS IT
17 KIND OF THE SAME THING?

18 A SOMEWHAT SIMILAR, YES, SIR

19 Q AND YOU ARE BOARD CERTIFIED?

20 A YES, SIR, THAT IS CORRECT

21 Q HAVE YOU HAD OPPORTUNITY TO COME IN COURT AND
22 TESTIFY AS FAR AS QUESTION DOCUMENTS IN THE PAST?

23 A YES, I HAVE

24 Q DO YOU KNOW HOW MANY TIMES?

25 A 139

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1 Q OKAY

2 MR POPE YOUR HONOR, AT THIS TIME I
3 WOULD TENDER LIEUTENANT HEATH AS AN EXPERT IN
4 QUESTION DOCUMENT ANALYSIS

5 MR BAITY NO OBJECTION, YOUR HONOR

6 MR GREELEY NO OBJECTION

7 THE COURT SHE'S QUALIFIED

8 Q LIEUTENANT, AS PART OF YOUR DUTIES IN THIS
9 PARTICULAR CASE DID YOU HAVE, YOUR DEPARTMENT HAVE
10 THE OPPORTUNITY TO REVIEW CERTAIN ITEMS OR QUESTION
11 DOCUMENTS IN THIS CASE?

12 A YES, SIR EVIDENCE WAS SUBMITTED TO ME

13 MR BAITY OBJECTION, YOUR HONOR AGAIN
14 MAY WE APPROACH

15 THE COURT YEAH, APPROACH

16 (BENCH CONFERENCE AT 05 39 PM)

17 Q MA'AM, YOU WERE PRESENT WHEN MR DAWSON
18 TESTIFIED TODAY?

19 A YES, SIR, I WAS

20 Q OKAY AND HE REFERENCED LETTERS PURPORTEDLY
21 FROM AMY SIMMONS THAT HE HAD EVALUATED THAT WERE
22 TURNED OVER TO THE STATE LAST NIGHT?

23 A YES, SIR

24 Q DID YOU HAVE AN OPPORTUNITY TO DO ANY TESTING ON
25 THOSE?

1 A NO, SIR, I HAVE NOT SEEN THOSE

2 Q OKAY

3 MR BAITY NO QUESTIONS, YOUR HONOR

4 MR POPE YOUR HONOR, SUBJECT -- THAT'S

5 IT THAT IS ALL THE QUESTIONS

6 THE COURT OKAY ALL RIGHT THANK YOU

7 WE APPRECIATE YOUR TIME YOU CAN BE EXCUSED

8 A THANK YOU

9 THE COURT THAT WAS THE LAST WITNESS?

10 MR POPE YES, SIR

11 MR BAITY NOTHING FURTHER

12 THE COURT OKAY

13 MR GREELEY NOTHING FURTHER

14 THE COURT ALL RIGHT MEMBERS OF THE

15 JURY PANEL, YOU'VE NOW RECEIVED ALL THE EVIDENCE AND

16 WE'RE AT THE NEXT STAGE OF THE TRIAL, I TOLD YOU

17 ABOUT THE STAGES, WILL BE THE ARGUMENTS OF THE

18 ATTORNEYS AND MY CHARGE OF COURSE, WE'RE NOT GOING

19 TO START THAT AT QUARTER TO SIX TONIGHT I'LL ASK

20 YOU TO BE BACK AT 9 30, NOT NINE O'CLOCK, BUT 9 30

21 WE HAVE GOT A LITTLE BIT MORE WORK TO DO TONIGHT, I

22 HAVE PREPARED MY PROPOSED CHARGE AND GIVEN IT TO THE

23 ATTORNEYS, I HAVEN'T ASKED THEM, WHEN THEY GOT ALL

24 THIS OTHER STUFF TO DO TO WORRY ABOUT THAT, SO I'M TO

25 GIVE THEM OVERNIGHT TO LOOK AT MY PROPOSED CHARGE AND

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1 TELL ME WHAT THEY THINK ABOUT IT AND WE'LL DO THAT
2 BEFORE Y'ALL GET HERE, SO WE'RE GOING TO START AT
3 NINE AND HAVE YOU COME IN AT 9 30 BUT YOU ARE STILL
4 NOT YET IN THE POSITION TO MAKE UP YOUR MIND BECAUSE
5 YOU STILL DON'T HAVE ALL THE TOOLS DON'T LET ANYONE
6 DISCUSS THE CASE WITH YOU AND DON'T LET YOURSELF BE
7 EXPOSED TO ANY NEWS COVERAGE SO WE WILL SEE YOU BACK
8 AT 9 30 ANYTHING ELSE BEFORE THE JURY IS DISMISSED
9 FOR THE EVENING

10 MR BRACKETT NO, SIR, YOUR HONOR

11 MR GREELEY NO, SIR

12 MR MORTON NO

13 THE COURT THANK YOU SEE YOU IN THE
14 MORNING

15 (THE JURY EXITS THE COURTROOM AT 05 44
16 PM)

17 THE COURT BEFORE WE HEAR MOTIONS I KNOW
18 THE STATE WANTS TO PUT SOMETHING ON THE RECORD
19 CONCERNING THAT LAST WITNESS, BUT I DON'T USUALLY
20 REVISIT MY RULINGS BUT I HAVE THOUGHT A LITTLE BIT
21 MORE ABOUT THE REPLY TESTIMONY OF THE FIRST WITNESS
22 AS TO POLYGRAPH, AGAIN I STILL FEEL THAT WAS
23 ADDRESSING NEW MATTER, IT WASN'T COLLATERAL MATTER,
24 AND IN ADDITION TO WHAT I SAID EARLIER, MR COPE
25 TESTIFIED THAT MR BAKER SHOWED HIM FALSE RESULTS,

1 LIED ABOUT THE RESULTS, SHOWED HIM SOMETHING IN THE
2 GREEN AREA, HAD A 97 AND COVERED UP THE REST OF THE
3 REPORT, SO I FEEL THAT ADDITIONALLY ALLOWED REPLY
4 TESTIMONY REGARDING THE POLYGRAPH RESULTS ANY
5 MOTIONS BY THE STATE? I KNOW YOU WANT TO PUT
6 SOMETHING ABOUT

7 MR POPE I DON'T HAVE ANYTHING TO PUT ON
8 THE RECORD

9 THE COURT ANYTHING, ANY MOTIONS ON
10 BEHALF OF MR COPE

11 MR MORTON WE WOULD RENEW OUR MOTIONS
12 FOR A DIRECTED VERDICT, YOUR HONOR I WOULD ALSO
13 RENEW MY MOTION SPECIFICALLY AS TO THE LACK OF
14 PROBABLE CAUSE FOR THE ARREST WARRANT AND THE
15 SUBSEQUENT STATEMENTS THAT WERE TAKEN AS A RESULT
16 THEREOF I KNOW THE COURT HAS ALREADY HEARD ME A
17 COUPLE TIMES ON THIS MRS BLACKWELDER TESTIFIED
18 THAT SHE HAD HER REPORT WHICH I BELIEVE I PUT INTO
19 THE RECORD THAT THE WARRANT FOR UNLAWFUL NEGLECT WAS
20 NOT SERVED ON MR COPE UNTIL AFTER HE RETURNED FROM
21 THE MOSS JUSTICE CENTER ON DECEMBER 30 WHICH WAS IN
22 CONTRADICTION TO HER PREVIOUS SWORN TESTIMONY IN THE
23 HEARINGS THAT WE HAD BEGINNING ON AUGUST 23 ALSO
24 MR COPE TESTIFIED THAT HE WAS NOT SERVED UNLAWFUL
25 NEGLECT WARRANTS UNTIL AFTER HE RETURNED FROM THE

1 MOSS JUSTICE CENTER ON THE 30TH, SO HAVING DISCOVERED
2 THAT NEW MATTER I THINK THE STATEMENTS SHOULD HAVE
3 BEEN SUPPRESSED, I THINK THAT NOT TO SUPPRESS THEM
4 REALLY AT THIS POINT IS PREJUDICIAL TO MR COPE TO
5 SUCH AN EXTENT THAT A MISTRIAL IS PROBABLY IN ORDER

6 THE COURT YOU ASKING FOR A MISTRIAL OR
7 DIRECTED VERDICT?

8 MR MORTON I'M ASKING FOR A DIRECT
9 VERDICT I'M ASKING THAT THE STATEMENTS BE
10 SUPPRESSED I'M ASKING BECAUSE THE STATEMENTS, IF
11 THE COURT WOULD TELL THE COURT, THEY ARE NOT TO
12 CONSIDER THOSE STATEMENTS, I'M ASKING, I'M -- I
13 HADN'T GOTTEN TO MY DIRECTED VERDICT MOTION YET MY
14 MOTION IS --

15 THE COURT LET'S TAKE THEM ONE AT A TIME

16 MR MORTON THAT THE STATEMENTS BE
17 SUPPRESSED BASED ON THE NEW EVIDENCE THAT HAS BEEN
18 GIVEN TO THE COURT

19 THE COURT SO SORT OF IN ORDER THEN AND
20 I'LL ELABORATE ON PROBABLE CAUSE, I ALREADY RULED ON
21 THAT AND I DENY YOUR MOTION TO -- WHAT EXACTLY IS IT
22 YOU ARE ASKING ON THAT? YOU ASK FOR IT TO BE
23 DISMISSED

24 MR MORTON I'M ASKING THAT THE COURT
25 INSTRUCT THE JURY THAT THEY ARE NOT TO CONSIDER THOSE

1 STATEMENTS

2 THE COURT I'M TALKING ABOUT PROBABLE
3 CAUSE YOU TALKING ABOUT THE WHOLE FRUIT OF THE
4 POISONOUS TREE?

5 MR MORTON YES, SIR

6 THE COURT WELL, I FIND THAT THERE WAS
7 PROBABLE CAUSE I ALREADY RULED ON THAT AS TO THE
8 OTHER EVIDENTIARY ISSUES INCLUDING THE STATEMENT, I
9 STAND BY THE RULINGS THAT I PREVIOUSLY MADE FOR THE
10 REASONS I STATED ON THE RECORD NOW AS TO DIRECTED
11 VERDICT

12 MR MORTON AS TO DIRECTED VERDICT, WE
13 MOVE ON ALL THE CHARGES AGAINST MR COPE IN DETAIL
14 I MOVE FOR A DIRECTED VERDICT ON THE CHARGE OF
15 CONSPIRACY THEY HAVE CHARGED MR COPE WITH
16 CONSPIRING WITH MR SANDERS TO RAPE AMANDA COPE
17 THERE IS ABSOLUTELY NO EVIDENCE IN THE RECORD,
18 ABSOLUTELY NONE, THAT SAYS THAT THESE MEN HAD ANY
19 KIND OF CONSPIRACY, ANY MEETING OF THE MINDS, ANY
20 AGREEMENT, WHATSOEVER THAT TAKEN IN THE LIGHT MOST
21 FAVORABLE TO THE STATE WOULD ALLOW ANY JURY ANYWHERE
22 ANY TIME TO SAY THAT THERE WAS CONSPIRACY BETWEEN
23 THESE TWO MEN CANNOT JUST BE SUSPICION, CANNOT BE
24 CONJECTURE, IT CANNOT BE THE FACT THAT THEY DIDN'T
25 FIND ANY SIGNS OF FORCED ENTRY, AND HIS SEMEN WAS

1 FOUND ON AMANDA COPE'S LEG, THAT DOES NOT RISE TO THE
2 LEVEL OF A CONSPIRACY AS I UNDERSTAND IT, YOUR HONOR

3 THE COURT YOU GOT THE CHAIN LATCH, TOO
4 YOU GOT SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE

5 MR MORTON YOUR HONOR, I THINK AS FAR AS
6 THE CONSPIRACY IS CONCERNED THEY HAVE TO PROVE THAT
7 THESE TWO MEN HAVE A MEETING OF THE MINDS AND THAT
8 THEY HAD AN AGREEMENT TO DO THIS TO AMANDA COPE AND
9 THE FACT THAT JESSICA COPE COMES IN HERE THREE YEARS
10 LATER AND SAYS THERE IS A CHAIN ON THE DOOR

11 THE COURT YOU ARE GOING INTO THE JURY
12 ARGUMENT NOW I JUST GOT TO LOOK AT THE ABSENCE OF
13 EVIDENCE OR THE PRESENCE OF EVIDENCE AND I FIND THAT
14 AS TO ALL THERE IS DIRECT EVIDENCE AND THERE IS
15 SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE AS TO ALL CHARGES
16 REGARDING MR COPE, SO I DENY YOUR MOTION FOR
17 DIRECTED VERDICT

18 MR MORTON THANK YOU, YOUR HONOR

19 THE COURT MR GREELEY

20 MR GREELEY YOUR HONOR, I WOULD MOVE FOR
21 A DIRECTED VERDICT AT THIS TIME ON EACH OF THE FOUR
22 INDICTMENTS THAT MY CLIENT IS CHARGED AND BEEN TRIED
23 WITH I BELIEVE THEY ARE INDICTMENT 2000-196, 197,
24 198, AND 199 CHARGED WITH MURDER, TWO COUNTS OF
25 CRIMINAL SEXUAL CONDUCT, ONE COUNT OF CONSPIRACY

1 THE GROUNDS FOR MY MOTION ARE THE SAME AS THOSE
2 STATED AFTER THE STATE CLOSED ITS CASE, AND I WOULD
3 SUBMIT TO THE COURT THAT THE EVIDENCE IS INSUFFICIENT
4 FOR THIS COURT TO ALLOW THOSE CHARGES AGAINST MY
5 CLIENT TO GO TO THE JURY AND I WOULD ASK FOR A
6 DIRECTED VERDICT ON THOSE

7 THE COURT I DENY THE MOTION AGAIN, I
8 FIND AS MR SANDERS AND I BELIEVE I ADDRESSED AT THE
9 END OF THE STATE'S CASE THAT THERE IS DIRECT EVIDENCE
10 AND I'M NOT GOING TO ELABORATE ON ALL OF IT, BUT JUST
11 AN EXAMPLE, HIS DNA BEING PRESENT AND THERE WAS
12 SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE THAT THE DNA WAS,
13 IN FACT, IT IS MORE LIKE DIRECT, THAT IT WAS PLACED
14 ON HER AT ABOUT THE TIME OF HER DEATH, SO I DENY THE
15 MOTION FOR DIRECTED VERDICT ALL RIGHT ANYTHING
16 ELSE WE CAN DO THIS EVENING?

17 MR MORTON NO, SIR, YOUR HONOR IF YOU
18 WANT TO WAIT TO DISCUSS THE CHARGES IN THE MORNING
19 I HADN'T HAD A CHANGE TO LOOK AT THEM

20 THE COURT THAT'S WHY I THOUGHT WE WOULD
21 WAIT AND DO THAT AT NINE, SO, I MEAN, I KNOW Y'ALL
22 HAD A PRETTY ACTIVE TEN DAYS OR HOWEVER LONG IT'S
23 BEEN I'M GOING TO GIVE YOU OVERNIGHT TO TAKE A LOOK
24 AT THE CHARGE AND GIVE YOU REQUEST OF CHARGE DO YOU
25 HAVE ANY REQUEST OF CHARGE I MAY LOOK REAL QUICK

1 BEFORE I LEAVE THIS AFTERNOON

2 MR GREELEY I WANT TO LOOK AT YOURS
3 FIRST

4 THE COURT LOOK AT MINE AND HAND ME THOSE
5 UP A FEW MINUTES BEFORE NINE AND WE'LL RECONVENE AT
6 NINE

7 MR MORTON ARE WE GOING TO TALK ABOUT
8 THE ORDER?

9 THE COURT WELL, I THINK THE LAW IS
10 PRETTY CLEAR THAT THE STATE HAS A RIGHT TO CLOSE
11 WHERE ANY DEFENDANT PLACES EVIDENCE IN THE RECORD AND
12 I THINK THAT STATE VERSUS CROW AND MAY EVEN BE
13 ANOTHER CASE BUT

14 MR GREELEY YOUR HONOR, IF I JUST MAY BE
15 HEARD ON THAT I DO UNDERSTAND THAT THE STATE VERSUS
16 CROW A 1972 CASE DOES HOLD THAT IF YOU HAVE JOINT
17 DEFENDANTS AND ONE OF THEM PUTS EVIDENCE IN THE
18 RECORD THEN THE STATE HAS THE RIGHT TO CLOSE
19 HOWEVER WHERE A DEFENDANT IS TRIED ALONE AND THE
20 DEFENDANT DOES NOT PUT ANY EVIDENCE IN THE RECORD,
21 THE DEFENDANT IS GIVEN THE RIGHT TO CLOSE IN THIS
22 PARTICULAR CIRCUMSTANCE IN THIS PARTICULAR CASE WE
23 HAVE DONE NOTHING TO GIVE UP OUR RIGHT TO CLOSE
24 WHAT HAS OCCURRED IS THAT THE STATE HAS CHOSEN TO
25 BRING THE CHARGES IN A CERTAIN WAY AND THE

1 CO-DEFENDANT WHO IN THIS PARTICULAR CASE HAS BEEN
2 QUITE ADVERSIAL TOWARDS MR SANDERS HAS CHOSEN TO
3 PRESENT EVIDENCE AND SO THERE IS A WAY THAT DUE TO
4 ACTIONS OF THE STATE AND ACTIONS OF THE VERY
5 ADVERSIAL DEFENDANT, CO-DEFENDANT, AND NO ACTION ON
6 OUR PART, WE ARE GIVING UP A SUBSTANTIAL RIGHT THAT
7 WE WOULD HAVE HAD HAD IT BEEN TRIED TOGETHER

8 THE COURT SEPARATE

9 MR GREELEY AND I BELIEVE THE COURT HAS
10 FOUND THAT THE LAST ARGUMENT CAN BE A SUBSTANTIAL
11 STRATEGIC ASPECT, AND SO BASED UPON THAT AND BASED
12 UPON THE CIRCUMSTANCES OF THIS PARTICULAR CASE AND
13 OUR INACTIVITY OF NOW BEING PRECLUDED FROM THE LAST
14 ARGUMENT I WOULD ASK THE COURT TO ALLOW MR SANDERS
15 TO PRESENT HIS ARGUMENT LAST

16 THE COURT I DENY THAT MOTION I THINK
17 THE LAW IS CLEAR AND OF COURSE MR SANDERS HAS
18 EXERCISED HIS RIGHT TO REMAIN SILENT THAT WAS YOUR
19 CHOICE, MR SANDERS

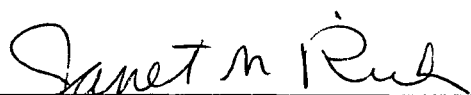
20 MR SANDERS YES, SIR

21 THE COURT OKAY ALL RIGHT WELL, IF
22 YOU'LL HAND ME THE CHARGES A FEW MINUTES BEFORE NINE
23 WE'LL RECONVENE AT NINE AND YOU WILL LOOK AT THE
24 LETTER I PUT ON YOUR DESK AND ADDRESS THAT AND ALSO
25 ADDRESS ANY REQUEST OF CHARGE

1 MR BRACKETT THANK YOU, YOUR HONOR
2 THE COURT HAVE A GOOD EVENING
3 (COURT IS IN RECESS)
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1 I, JANET RICH, OFFICIAL COURT REPORTER FOR THE
2 SIXTEENTH CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO
3 HEREBY CERTIFY THAT THE FORGOING IS A TRUE, ACCURATE,
4 AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE
5 PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL
6 OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE
7 CIRCUIT COURT FOR YORK COUNTY, SOUTH CAROLINA, ON THE
8 21 DAY OF SEPTEMBER 2004

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

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JANET M RICH

003482

1 IN THE CIRCUIT COURT OF YORK COUNTY, SOUTH CAROLINA

2 STATE OF SOUTH CAROLINA

3 VERSUS

4 BILLY WAYNE COPE &
5 JAMES EDWARD SANDERS

6 INDICTMENT NUMBERS 2002-GS-46-3232-3234
7 2003-GS-46-1843-1844
8 2004-GS-46-2614-2618
9 2004-GS-46-196-199

10 HEARD AT THE MOSS JUSTICE CENTER,
11 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON
12 WEDNESDAY, SEPTEMBER 22, 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 22, 2004 AT 09 07 AM)

2 THE COURT GOOD MORNING WE HAVE
3 EVERYBODY, I GUESS EVERYBODY, THAT WANTS TO TALK
4 ABOUT THE CHARGE IS PRESENT IN ADDITION TO WHAT I
5 HANDED OUT YESTERDAY I HANDED UP, HANDED OUT TODAY
6 WHAT I HAD NEGLECTED TO PUT IN REGARDING THE
7 ADMISSIBILITY OF THE POLYGRAPH TEST AND I HAVE YET TO
8 RECEIVE ANY REQUEST OF CHARGE DID YOU HAND SOME UP?

9 MR THOMPSON YES, SIR, YOUR HONOR

10 MR SMITH JUDGE, WE HAVE A NUMBER OF
11 REQUEST OF CHARGE ALSO

12 MR GREELEY AND MR SANDERS DOES NOT I
13 LOOKED AT YOUR CHARGE AND I'M SATISFIED WITH IT

14 THE COURT THE STATE HAS REQUEST OF
15 CHARGE NUMBER ONE PARENT'S DUTY WHOSE SPEAKING
16 FOR THE DEFENSE FOR MR COPE?

17 MR SMITH I'LL BE GLAD TO, YOUR HONOR

18 THE COURT PARENT'S DUTY STATE'S
19 REQUEST NUMBER ONE

20 MR SMITH I DON'T THINK WE HAVE ANY
21 OBJECTION TO THAT

22 MR GREELEY NO OBJECTION FROM
23 MR SANDERS

24 THE COURT NUMBER TWO, AND I DID LEAVE
25 THIS OUT, THE HAND OF ONE IS THE HAND OF ALL IS AN

1 APPROPRIATE CHARGE ANY COMMENT

2 MR GREELEY YOUR HONOR, IF I MAY THE
3 HAND OF ONE IS THE HAND OF ALL IS THE PRINCIPLE
4 DEALS -- WELL, IT'S THE IDEA OF THE LAW THAT DEALS
5 WITH PRINCIPALS IT'S MY UNDERSTANDING THAT THE
6 THEORY OF THE STATE'S CASE AND WHAT THEY HAVE DONE IN
7 THIS CASE AND WHAT THEY ARE ATTEMPTING TO PROVE IS A
8 CONSPIRACY WHICH GOES ANOTHER LEVEL AND HAS ANOTHER
9 ELEMENT OF PROOF JUST BEYOND THE ASPECT OF A
10 PRINCIPAL BEING INVOLVED BASED ON THE EVIDENCE THAT
11 IS IN THE RECORD AND THE EVIDENCE THAT IS NOT IN THE
12 RECORD I WOULD JUST PUT AN OBJECTION ON THE RECORD TO
13 THE LAW OF PRINCIPALS BEING CHARGED IN THIS

14 THE COURT ALL RIGHT

15 MR SMITH JUDGE, WE WOULD JOIN IN THAT
16 OBJECTION, THE SAME ARGUMENT FOR STATE'S REQUEST
17 NUMBER THREE AS WELL

18 THE COURT LET'S TAKE THEM ONE AT A TIME
19 I'M GOING TO CHARGE NUMBER TWO I'M GOING TO CHARGE
20 THE HAND OF ONE IS THE HAND OF ALL I'M NOT SURE I
21 HAVE A PRESENT AIDING AND ABETTING CHARGE, BUT WE'LL
22 SEE, BUT IF I CAN FIND THAT, I'LL CHARGE THAT TOO
23 ANY COMMENT BY, MR COPE'S ALREADY SAID THAT THEY
24 OBJECT TO IT

25 MR GREELEY AND I WOULD OBJECT TO THAT

1 ON THE SAME BASIS AS I OBJECTED TO NUMBER TWO BECAUSE
2 I BELIEVE THAT THAT IS A CHARGE THAT GOES TO THE LAW
3 OF PRINCIPAL AS WELL

4 THE COURT YOU ALREADY SAID

5 MR SMITH YES, THE SAME OBJECTION

6 THE COURT NUMBER FOUR ANY OBJECTION

7 MR GREELEY YES, YOUR HONOR, ON BEHALF

8 MR SANDERS I WOULD OBJECT TO THE COURT TELLING THE
9 JURY WHAT THE STATE HAS TO SPECIFICALLY NOT PROVE IN
10 THIS PARTICULAR CASE BECAUSE I BELIEVE THAT THE
11 EVIDENCE IS LACKING IN REGARDS TO THAT AND AN
12 INSTRUCTION TO THE JURY IS GOING TO HELP THEM
13 OVERLOOK THAT EVIDENCE AND SO I WOULD OBJECT TO THAT

14 MR SMITH WE OBJECT AS WELL, YOUR HONOR

15 THE COURT I DON'T SEE ANY CITES FOR

16 THAT WHERE DID YOU COME UP WITH THAT?

17 MR THOMPSON WELL, YOUR HONOR, SIMPLY,
18 IT IS SIMPLY JUST NOT AN ELEMENT OF THOSE CHARGES AND
19 I WOULD ASK THAT THEY --

20 THE COURT I'M NOT GOING TO CHARGE THAT

21 MR THOMPSON IN THE ALTERNATIVE WOULD I
22 ASK IT BE CHARGED WITH THE CONSPIRACY CHARGE SINCE
23 THAT TALKS ABOUT UNITING AND COMBINING AND CONSPIRING
24 BECAUSE IT TELLS WHAT CONSPIRY IS IT WOULD
25 STRAIGHTEN OUT THAT HE WOULDN'T NECESSARILY HAVE TO

1 PROVE THAT THEY KNEW EACH OTHER PRIOR TO THE
2 CONSPIRACY

3 THE COURT WELL, I HAVE ADOPTED SORT OF A
4 PHILOSOPHY, WHETHER IT'S GOOD OR NOT, TO NOT CHARGE
5 IN THE NEGATIVE IF IT CAN BE AVOIDED IN OTHER
6 WORDS, I CHARGE WHAT THE STATE HAS TO PROVE AS FAR
7 AS WHAT THEY DON'T HAVE TO PROVE I DON'T CHARGE THAT
8 THAT'S JUST IN MY PRACTICE IN EVERY CASE, CIVIL AND
9 CRIMINAL, SO I'M NOT GOING TO CHARGE IT

10 NOW THIS NEXT ONE DOES, HAS BEEN
11 BANDED ABOUT BY OUR COURTS WHAT'S THE CURRENT STATE
12 OF THE LAW ON THAT

13 MR THOMPSON YOUR HONOR, I'LL TELL THE
14 REASONING BEHIND THE STATE'S REQUEST IN THIS
15 PARTICULAR CASE, I JUST WANT THAT ONE PHRASE IF YOU
16 LOOK A LITTLE FURTHER IN THAT SAME, IN THAT SAME
17 CHARGE, IT DOES GO ON TO SAY THAT AT THE VERY END OF
18 IT IT ASSUMES CIRCUMSTANCES ARE TRUE THERE IS A
19 REASONABLE HYPOTHESIS WHICH DOES NOT INCLUDE THE
20 GUILT OF THE ACCUSED THE PROOF HAS FAILED, THAT I
21 THINK IS A LITTLE MORE CLEARER ON LETTING THE JURY
22 KNOW EXACTLY WHAT THEY ARE LOOKING FOR BECAUSE IF YOU
23 JUST HAVE IN THE EXCLUSION OF EVERY OTHER REASONABLE
24 HYPOTHESIS, THAT DOESN'T ACTUALLY MEAN EVERY
25 REASONABLE HYPOTHESIS THAT WOULD INCLUDE GUILT FOR

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1 INSTANCE, IN THIS CASE THE JURY WOULD HAVE THE OPTION
2 OF CHOOSING THAT BOTH DEFENDANTS ARE GUILTY OF ALL
3 CHARGES BY DETERMINING THE NUMBER OF DIFFERENT WAYS
4 THAT IT COULD HAVE HAPPENED THAT THEY THINK IS
5 REASONABLE AND THEY THINK THERE IS NO OTHER
6 REASONABLE WAY THAT THEY WOULD NOT BE GUILTY AND
7 WHAT I'M TRYING TO SAY IS, BASICALLY THIS DOESN'T,
8 THAT ONE PHRASE TO THE EXCLUSION OF EVERY OTHER
9 REASONABLE HYPOTHESIS DOES NOT TELL THE JURY TO EVERY
10 OTHER REASONABLE HYPOTHESIS AS IT DEALS WITH GUILT,
11 THAT PROVES THEM GUILTY OR NOT GUILTY THEY COULD
12 HAVE OTHER REASONABLE HYPOTHESIS THAT PROVE GUILT
13 IF THEY HAVE MORE THAN ONE REASONABLE HYPOTHESIS THAT
14 PROVES GUILT, THEY CAN RELY ON EITHER THEY DON'T
15 HAVE TO EXCLUDE THE OTHER ONE WHEREAS IF THEY HAVE
16 REASONABLE HYPOTHESIS THAT WOULD BE NOT GUILTY THEN
17 THEY WOULD HAVE TO GO WITH THAT I THINK THAT'S
18 ADDRESSED AT THE END OF THAT CHARGE THIS MAKES IT A
19 LITTLE MORE CONFUSING BECAUSE IT JUST SAYS---

20 THE COURT WELL, I KNOW, BUT ISN'T THAT
21 THE LANGUAGE THAT THE COURT'S HAVE, I KNOW WE'VE GOT
22 THE GRIPPON MORE SHORTER CIRCUMSTANTIAL EVIDENCE
23 WHICH IS AN OPTION BUT DOESN'T THE COURT IN THE
24 GRIPPON OR MAYBE ONE OF THE FOLLOWING CASES SAY THAT
25 DOES NOT KICK OUT THE PREVIOUS CIRCUMSTANTIAL

1 EVIDENCE CHARGE WHICH HAS THAT LANGUAGE IN IT

2 MR THOMPSON THAT'S CORRECT, YOUR HONOR,
3 BUT I'M NOT ASKING THAT THAT WHOLE CHARGE BE KICKED
4 OUT I'M ASKING IT JUST TO BE CLARIFIED, THE SECOND
5 PART THAT TALKS ABOUT THE REASONABLE HYPOTHESIS AS
6 REGARDS TO GUILT THIS DOES NOT MENTION GUILT WE
7 HAVE A SPECIFIC CASE HERE THAT DEALS WITH TWO
8 DEFENDANTS AND THE JURY HAS A NUMBER OF HYPOTHESIS
9 THAT THEY COULD CHOOSE THAT WOULD LEAD TO GUILT IF
10 THEY HEAR THE CONSTRUCTION FROM THE COURT THAT THEY
11 COME TO ANOTHER REASONABLE HYPOTHESIS, THEY CAN'T
12 FIND HIM GUILTY, IF THEY THINK, WELL, WE FIND HIM
13 GUILTY UNDER THIS HYPOTHESIS AND WE FIND HIM GUILTY
14 UNDER THIS HYPOTHESIS, DOES THAT MEAN WE CAN'T FIND
15 HIM GUILTY BECAUSE WE HAVE TWO REASONABLE HYPOTHESIS
16 AS TO HIS GUILT

17 THE COURT I SEE WHAT YOU ARE SAYING
18 BUT --

19 MR THOMPSON IT'S CLARIFIED LATER IN THE
20 SAME THING I'M NOT ASKING YOU TO TAKE THAT ALL OUT
21 BECAUSE I THINK IT'S---

22 THE COURT LET ME HEAR FROM

23 MR WOOD JUDGE, I JUST GOT A CASE USING
24 THAT EXACT LANGUAGE I HANDED OVER TO MR THOMPSON
25 AND MR GREELEY ALSO I JUST WANT TO PASS IT UP TO

1 YOU IT'S STATE VERSUS EDWARDS AND I HIGHLIGHTED ALL
2 THE CASES

3 THE COURT I QUITE CANDIDLY LIKE THE
4 SHORTER VERSION, BUT THE COURT HAS LEFT THE DOOR OPEN
5 FOR THAT LANGUAGE AND I'M GOING TO INCLUDE IT

6 MR THOMPSON ALL RIGHT

7 THE COURT ALL RIGHT NOW TESTIMONY OF
8 THE CHILDREN YOU DON'T WANT ME TO CHARGE THAT?

9 MR THOMPSON YES, YOUR HONOR AS TO
10 RULE 601 THE GENERAL RULES OF COMPETENCY IT SAYS
11 EVERY PERSON IS COMPETENT TO BE A WITNESS EXCEPT AS
12 OTHERWISE PROVIDED BY STATUTE OR THESE RULES AND IT
13 ASSUMES THAT CHILDREN ARE COMPETENT WITNESSES UNLESS
14 THEY ARE OTHERWISE, SOMETHING OTHERWISE SHOWN
15 DIFFERENT THERE WAS NOTHING THAT CONTESTED THEIR
16 COMPETENCY IN THIS CASE I THINK THIS PARTICULAR
17 INSTRUCTION IS ONE WHEN WE HAD THE RULE THAT CHILDREN
18 UNDER A CERTAIN AGE WERE NOT NECESSARILY DEEMED
19 COMPETENT AND WE HAD TO SHOW COMPETENCY THERE HAS
20 BEEN NO QUESTION REGARDING COMPETENCY WHEN THEY
21 TESTIFIED IN FRONT OF THE JURY, SO TO BRING ATTENTION
22 TO A CHILD'S TESTIMONY ABOVE OTHERS AT THIS TIME I
23 THINK WOULD BE IMPROPER I THINK IT SHOULD BE AS
24 ANYONE ELSE'S TESTIMONY

25 THE COURT ALL RIGHT

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1 MR SMITH JUDGE, WE BELIEVE THE CHARGE
2 IS APPROPRIATE AS THE COURT HAS GIVEN US AND WE WOULD
3 JUST ASK THAT IT BE KEPT IN --

4 MR GREELEY WE TAKE NO POSITION ON THAT
5 CHARGE

6 THE COURT WELL, THIS CHARGE COMES FROM
7 AMJUR WE APPARENTLY DON'T HAVE A SOUTH CAROLINA
8 CASE ON IT

9 MR THOMPSON YOUR HONOR, THE STATE'S
10 POSITION SINCE IT'S NOT BEEN MADE AN ISSUE BY EITHER
11 OF THE DEFENSE I THINK IT WOULD BE AN IMPROPER
12 COMMENT AS TO THE CHILD WITNESSES BY THE COURT

13 THE COURT WHAT DO YOU MEAN IT HADN'T
14 BEEN AN ISSUE

15 MR THOMPSON THEY DID NOT MAKE IT AN
16 ISSUE, WHEN THEY WERE IN FRONT OF THE JURY AND THEY
17 QUESTIONED THE GIRLS, THERE WAS NO QUESTIONS AS TO
18 COMPETENCY OF THOSE GIRLS NO QUESTIONING OF THE
19 GIRLS THEMSELVES ABOUT IT, NO PUTTING SOMEONE ELSE UP
20 ABOUT IT, IT WAS NOT AN ISSUE BEFORE THE JURY

21 THE COURT YOU MEAN JUST BECAUSE THE
22 GIRLS TESTIFIED TO SOMETHING AND THEY COULDN'T REFUTE
23 IT THAT THEY ACCEPTED IT?

24 MR THOMPSON NO, YOUR HONOR, THEY ARE
25 NOT CHALLENGING THEIR COMPETENCY THOUGH

1 THE COURT BUT THEY ARE ALL RIGHT LET
2 ME HEAR FROM MR SMITH

3 MR SMITH JUDGE, I DON'T BELIEVE THE
4 CHARGE IS ABOUT THEIR COMPETENCY IT'S ABOUT THEIR
5 CREDIBILITY AND WE CERTAINLY QUESTION THEIR
6 CREDIBILITY I REMEMBER ONE SPECIFIC LINE OF
7 QUESTIONING WHERE MR MORTON QUESTIONED HOW RECENTLY
8 THE CHILD'S TESTIMONY WAS OR WHEN SHE FIRST TESTIFIED
9 TO THIS INFORMATION INFERRING THAT IT WAS JUST
10 RECENTLY CONCOCTED WE CERTAINLY QUESTION THEIR
11 CREDIBILITY

12 THE COURT I'M GOING TO LEAVE IT IN BUT
13 I'M GOING TO DOCTOR IT A LITTLE BIT ON PAGE 14 I
14 HAVE MY OLD CHARGE, I APPARENTLY LEFT MY REVISED BUT
15 IT'S BASICALLY THE SAME, ANYWAY, ON THE CHILD
16 TESTIMONY I'M GOING TO AFTER IT SAYS OBSERVED AND
17 REMEMBER FACTS, I'M GOING TO LEAVE OUT THE CHILD'S
18 ABILITY TO UNDERSTAND AND ANSWER QUESTIONS BECAUSE
19 THE YOUNG CHILD MAY NOT FULLY UNDERSTAND WHAT IS
20 HAPPENING HERE IT'S UP TO YOU TO DECIDE WHETHER THE
21 CHILD UNDERSTOOD THE SERIOUSNESS OF APPEARING AT THIS
22 POINT IN THE TRIAL ALL OF THAT I'M LEAVING OUT
23 THAT IS, I'M GOING TO STOP TO WITH THE ABILITY TO
24 REMEMBER FACTS BECAUSE YOU GET DOWN THERE WHERE THE
25 CHILD UNDERSTANDS THE DIFFERENCE BETWEEN LYING AND

1 TELLING THE TRUTH, WE USED TO RUN THROUGH THAT AS A
2 JUDGE AS A GATEKEEPER TO EVEN LET THE CHILD TESTIFY
3 AND THE COURT HAS NOW BASICALLY PUT THE CHILDREN IN
4 THE SAME CATEGORY AS OTHER WITNESSES, BUT I DO
5 BELIEVE THAT IT WOULD BE APPROPRIATE TO CHARGE THAT
6 SHORT PART THAT I'M SAYING I'M GOING TO CHARGE ALL
7 RIGHT THAT TAKES CARE OF THE STATE'S

8 NOW THE DEFENSE COPE, AND I DON'T KNOW
9 HOW MANY TIMES I'VE ASKED THIS, PROBABLY NOT TO YOU
10 SO, BUT IT REALLY HELPS IF YOU PUT A NUMBER ON THESE
11 AND PARTICULARLY WHERE IT SAYS DEFENDANT INSTRUCTION
12 NUMBER AND IT'S BLANK IT JUST EASIER FOR ME TO
13 REFER TO THEM BY NUMBER BUT SINCE THERE IS NO NUMBER
14 WE'LL START WITH THE MERE PRESENCE

15 MR SMITH YES, YOUR HONOR WE CITED ---
16 THE COURT LET'S SEE IF THERE IS ANY
17 OBJECTION FIRST BEFORE YOU DEFEND IT

18 MR THOMPSON I HAVE NO OBJECTION TO MERE
19 PRESENCE, YOUR HONOR

20 MR GREELEY AND GIVEN THE PRINCIPAL
21 CHARGE THAT'S GOING TO BE, WE THINK THAT'S GOING
22 APPROPRIATE

23 THE COURT I'M GOING TO CHARGE THAT
24 NEXT POLICE OFFICERS TESTIMONY, I CAN TELL YOU THAT
25 MY INCLINATION IS NOT TO CHARGE THAT, BUT DOES THE

1 STATE OBJECT?

2 MR THOMPSON YES, YOUR HONOR, WE DO
3 OBJECT I THINK-ONCE AGAIN IT CALLS IN --

4 THE COURT I HAVE NEVER, QUITE OFTEN IN
5 VOIR DIRE DEFENSE COUNSEL WANTS ME TO ASK QUESTIONS
6 ALONG THESE LINES, WOULD YOU BELIEVE, I'M NOT GOING
7 TO CHARGE THIS I'LL MAKE IT A COURT'S EXHIBIT

8 MR SMITH YES, YOUR HONOR

9 THE COURT ALL RIGHT USE OF CLOSED
10 CIRCUIT TELEVISION I DON'T HAVE ANY PROBLEM WITH
11 THAT

12 MR THOMPSON I DON'T OBJECT TO THAT,
13 YOUR HONOR

14 MR GREELEY NO OBJECTION FROM
15 MR SANDERS

16 THE COURT OKAY AND THE NO REQUEST OF
17 CHARGE FROM MR SANDERS NOW ANYTHING ELSE IN
18 GENERAL CHARGE THAT NEEDS TO BE CORRECTED OR IS
19 MISSING LET ME GO TO THE STATE FIRST

20 MR SMITH YES, SIR

21 MR THOMPSON I DON'T BELIEVE SO, YOUR
22 HONOR IN LOOKING AT THE JURY CHARGE ON CONFESSIONS
23 THOUGH I, THE ONLY THING THAT COMES TO MIND WAS AS I
24 WAS SITTING HERE WOULD BE THAT, OF COURSE, SOME OF
25 THE STATEMENTS OF THE DEFENDANT WERE ACTUALLY DONE

1 BEFORE IN AN INTERVIEW SETTING RATHER THAN
2 INTERROGATION SETTING AND I DON'T KNOW IF THERE
3 SHOULD BE A CHARGE TO CLARIFY THE DIFFERENCE BETWEEN
4 WHAT, SO THE JURY UNDERSTANDS YOU DON'T HAVE TO HAVE
5 YOUR RIGHTS READ TO YOU IN AN INTERVIEW SETTING AS
6 COMPARED TO AN INTERROGATION TYPE SETTING

7 THE COURT I WAS TRYING TO FIGURE OUT
8 HOW

9 MR THOMPSON THAT COULD BE REMEDIED BY
10 PUTTING IN SOMETHING LIKE MIRANDA RIGHTS ARE ONLY
11 REQUIRED DURING CUSTODIAL INTERROGATIONS

12 THE COURT WHAT DOES MR COPE'S COUNSEL
13 HAVE TO SAY TO THAT

14 MR SMITH JUDGE, WE DON'T NECESSARILY
15 OBJECT TO THE LANGUAGE THAT MR THOMPSON JUST
16 SUGGESTED THERE WERE I BELIEVE TWO, LET'S SEE, TWO
17 INTERVIEWS BEFOREHAND IN WHICH MIRANDA WARNINGS WERE
18 NOT NECESSARY, SO WE WOULDN'T NECESSARILY OBJECT TO
19 THAT LANGUAGE

20 THE COURT ALL RIGHT

21 MR GREELEY WE TAKE NO POSITION, YOUR
22 HONOR

23 THE COURT WE'LL MAKE CHANGES THERE
24 ANYTHING ELSE ANYTHING ELSE FROM MR COPE

25 MR SMITH YES, SIR I ALSO HANDED TO

1 THE COURT A CASE STATE VERSUS BILLY RAY WOODS WITH
2 THE REQUEST THAT THE COURT CHARGE SUSPECION HOWEVER
3 STRONG DOES NOT SUFFICE TO SUSTAIN A CONVICTION
4 IT'S ON PAGE TWO OF TWO, THE LAST SENTENCE OF THE
5 NEXT TO THE LAST PARAGRAPH CITED IN STATE VERSUS
6 HYDER

7 THE COURT ANY OBJECTION FROM THE STATE

8 MR THOMPSON NO, YOUR HONOR

9 MR GREELEY WE WOULD JOIN IN THE
10 REQUEST

11 THE COURT ALL RIGHT I'LL CHARGE THAT
12 ANYTHING ELSE FROM MR COPE

13 MR SMITH NO, YOUR HONOR

14 THE COURT ANYTHING FROM MR SANDERS

15 MR GREELEY NO, YOUR HONOR

16 THE COURT HOW ABOUT MY PROPOSED CHARGE
17 ON ADMISSIBILITY OF POLYGRAPH TEST ANY COMMENT BY
18 THE STATE

19 MR THOMPSON NO OBJECTION FROM THE
20 STATE, YOUR HONOR

21 THE COURT MR COPE

22 MR SMITH NO, SIR, YOUR HONOR

23 THE COURT MR SANDERS

24 MR GREELEY NO, YOUR HONOR

25 THE COURT ALL RIGHT WE'LL TAKE A BREAK

1 UNTIL TIME LET ME JUST ASK YOU, THIS FOR LOGISTICAL
2 PURPOSES, AFTER TAKING AT LEAST TEN DAYS OF TESTIMONY
3 I GUESS AND SO CERTAINLY I'M NOT GOING TO ASK EACH OF
4 YOU, ALL OF YOU TO SUM UP IN TEN MINUTES, HOW LONG
5 DOES THE STATE THINK IT NEEDS?

6 MR BRACKETT AN HOUR AND A HALF, MAYBE A
7 LITTLE MORE

8 THE COURT MR MORTON

9 MR MORTON I DIDN'T PLAN ON GOING QUITE
10 THAT LONG

11 THE COURT AN HOUR? I'M NOT GOING TO
12 HOLD YOU TO IT I AM JUST TRYING TO MAKE MY PLANS
13 FOR --

14 MR MORTON PROBABLY AN HOUR

15 THE COURT MR GREELEY

16 MR GREELEY I WOULD THINK NO MORE THAN
17 AN HOUR TO AN HOUR AND A HALF

18 THE COURT OKAY ALL RIGHT WELL, WE'LL
19 TAKE A BREAK PROBABLY AFTER EACH ARGUMENT AND THEN
20 WE'LL GET TO THE CHARGE AS SOON AS THE JURY IS HERE
21 WE'LL GET STARTED

22 MR GREELEY I WAS JUST, I DON'T KNOW,
23 THERE WAS A MATTER THAT YOU SHOWED US YESTERDAY, A
24 LETTER, ARE WE GOING TO DISCUSS THAT?

25 THE COURT I CAN'T REMEMBER IT

1 MR GREELEY THE NBC LETTER

2 THE COURT OH, YEAH ANYBODY HAVE ANY
3 COMMENT ABOUT THE DATELINE REQUEST

4 MR GREELEY I DO

5 MR BRACKETT I HAD JUST STUCK IT IN MY
6 BOOK THE ONLY ISSUE REGARDING THIS IS I THINK WE
7 HAVE SOME GUIDANCE FROM THE LEGISLATURE AND THE
8 SUPREME COURT ON THIS ISSUE AND IT'S NOT NECESSARILY
9 IN THE CONTEXT OF A MURDER CASE, BUT I THINK IT GIVES
10 US AN IDEA OF WHAT THEIR MIND IS ON THIS SUBJECT
11 16-3-21 IS, IT'S THE STANDARD JURY INSTRUCTION AFTER
12 A CAPITAL CASE AND YOU KNOW IT'S SAYS CAPITAL CASE
13 AND THIS IS NOT A CAPITAL CASE, BUT LIKE I SAID WHEN
14 YOU --

15 THE COURT I'M GOING TO TELL THEM THEY
16 DON'T HAVE TO DO ANYTHING I'M GOING TO TELL THEM
17 THAT THIS IS A REQUEST THAT THEY DON'T HAVE TO TALK
18 TO ANYBODY THAT IF SOMEBODY ASKS THEM TO TALK AND
19 THEY SAY THEY DON'T WANT TO AND THE PERSON PERSISTS
20 THAT THEY REPORT BACK TO ME

21 MR BRACKETT AS FAR AS A JUDICIAL
22 COMMENT THAT I THINK IS FINE AS FAR AS THE LETTER
23 IS CONCERNED IT'S A FREE COUNTRY AND THEY ARE
24 CERTAINLY ENTITLED TO SEND A LETTER TO WHOEVER THEY
25 WANT AND THOSE PEOPLE ARE ENTITLED TO TALK OR NOT

1 THE COURT THE ISSUE IS MORE NOT THAT
2 THEY INTEND TO SEND IT TO THEM, THEY INTEND TO
3 DISTRIBUTE IT AFTER THE TRIAL SO THAT THEY WOULD HAVE
4 THESE INDIVIDUALS AVAILABLE

5 MR BRACKETT THAT MIGHT BE A LITTLE
6 BIT --

7 THE COURT THINK ABOUT IT BUT THAT'S
8 MR GREELEY YOUR HONOR, ON BEHALF OF MR
9 SANDERS MY POSITION IS IS THAT I WOULD JUST LIKE TO
10 MAKE SURE THAT THE LETTER, OF COURSE, YOU HAD SAID
11 AFTER THE TRIAL AND AFTER THE RESULTS, IT'S NOT GIVEN
12 TO THE JUROR PRIOR TO THEM REACHING THEIR FINAL
13 DECISION

14 THE COURT OF COURSE NOT, NO
15 MR GREELEY AND THE SECOND THING IS THAT
16 GIVEN THE NATURE OF THIS CASE AND THE WORK THAT THIS
17 JURY HAS BEEN DOING FOR THREE WEEKS AND THEY HAVE
18 BEEN VERY ATTENTIVE THE WHOLE TIME AND IT'S QUITE AN
19 EMOTIONAL MATTER, I WOULD ASK FOR THE COURT TO
20 REQUIRE THAT THE JURORS NOT BE CONTACTED ON COURT
21 HOUSE GROUNDS BECAUSE I DON'T KNOW HOW THE JURORS
22 WOULD FEEL IF THEY ARE APPROACHED IMMEDIATELY AFTER
23 RETURNING A VERDICT IN THIS CASE AND THEY'VE BEEN
24 RELEASED I WOULD LIKE TO GIVE THE JURY SOME COMFORT
25 PERIOD RATHER THAN, SO THAT'S MY POSITION