

VOLUME EIGHT OF EIGHT VOLUMES

15608

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

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

The State,

Respondent,

versus

~~Willie Wayne Cope~~

James Edward Sanders

Appellant

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1 THE COURT ALL RIGHT ANYBODY ON BEHALF
2 OF MR COPE

3 MR SMITH WE DON'T HAVE A POSITION ON
4 IT, YOUR HONOR

5 THE COURT ALL RIGHT I'LL MAKE A FINAL
6 DECISION DURING THE ARGUMENTS, BUT RIGHT NOW I'M JUST
7 THINKING ABOUT GIVING THE STATUTORY INSTRUCTIONS FROM
8 THE CAPITAL AND JUST LET IT GO AT THAT AND LET THEM
9 IF THEY WANT AS FAR AS DISTRIBUTING A LETTER I'LL
10 MAKE A DETERMINATION, BUT IT MAYBE BEST FOR ME TO
11 JUST INFORM THEM THAT PEOPLE HAVE A RIGHT TO TALK TO
12 THEM AND THEY HAVE A RIGHT TO BE QUIET

13 MR POPE PLEASE THE COURT, YOUR HONOR, I
14 THINK FROM YOUR CAPITAL CASE YOU ACTUALLY HAVE THAT
15 SHEET THAT MATCHES THE STATUTE THAT TELLS THEM THAT,
16 GIVES THEM A CONTACT NUMBER IF THEY ARE HARASSED,
17 KIND OF COVERS THE WHOLE THING I PROPOSE THAT YOU
18 GIVE THEM A SHEET JUST LIKE YOU DO IN THE DEATH
19 PENALTY CASE PURSUIT TO 16-3-21

20 THE COURT WELL, WE'RE MOVING INTO

21 MR POPE IT'S FOR THEIR PROTECTION

22 THE COURT I UNDERSTAND AND SINCE THIS
23 ISN'T A DEATH PENALTY CASE, I'LL THINK ABOUT THAT,
24 BUT RIGHT NOW MY INCLINATION IS JUST TO GIVE THEM THE
25 STANDARD, NOT THE STANDARD, BUT THE CHARGE WHICH I

003501

1 QUITE FRANKLY GIVE IN A NON CAPITAL CASE ANYWAY THAT
2 EACH SIDE HAS A RIGHT OR ANYBODY HAS A RIGHT TO SPEAK
3 TO YOU ABOUT THE CASE AND THEY HAVE A RIGHT TO REMAIN
4 SILENT SO TO SPEAK LET'S TAKE A SHORT REFRESHER
5 BREAK AND THEN WE'LL GET THE JURY IN AND WE'LL GET
6 STARTED COPE WILL OPENING AND THEN SANDERS AND
7 THEN THE STATE OR THE STATE GOING TO BE REQUIRED TO
8 OPEN DO YOU REQUIRE---

9 MR BRACKETT THE STATE WAIVES OPENING ON
10 THE LAW

11 MR MORTON I WON'T, NO, SIR

12 THE COURT YOU REQUIRE THEM

13 MR GREELEY NO, YOUR HONOR

14 THE COURT ALL RIGHT SO IT WILL BE
15 COPE, SANDERS, STATE THANK YOU

16 (COURT'S IN RECESS AT 09 32 AM)

17 (COURT RESUMES AT 9 40 AM)

18 THE COURT IS THE STATE READY

19 MR BRACKETT THE STATE IS READY

20 THE COURT COUNSEL FOR COPE READY

21 MR MORTON YES, YOUR HONOR, I GUESS

22 THE COURT COUNSEL FOR SANDERS READY

23 MR GREELEY WE ARE

24 THE COURT ALL RIGHT BRING IN THE JURY

25 (THE JURY RETURNS TO THE COURTROOM AT

1 09 41 AM)

2 THE COURT MEMBERS OF THE JURY PANEL, AT
3 THIS TIME NOW THE ATTORNEYS WILL MAKE FOR YOU THEIR
4 CLOSING ARGUMENTS THE CASE HAS TAKEN ABOUT TEN DAYS
5 TO PRESENT EVIDENCE SO I DON'T EXPECT, I DO EXPECT
6 THE ARGUMENTS TO TAKE SOME TIME TO PUT TOGETHER EACH
7 DEFENDANT'S AND THE STATE POSITIONS WE WILL TAKE A
8 BREAK, JUST SO YOU'LL KNOW, BETWEEN THE ARGUMENTS AND
9 THEN AFTER YOU HEAR THEM YOU WILL HEAR MY CHARGE ON
10 THE LAW ALL RIGHT, MR MORTON
11 CLOSING STATEMENT BY MR MORTON

12 THANK YOU VERY MUCH, YOUR HONOR
13 LADIES AND GENTLEMEN, FIRST OF ALL I WANT TO THANK
14 YOU FOR BEING HERE AND DOING YOUR DUTY I KNOW THAT
15 IT'S A DIFFICULT JOB WINSTON CHURCHHILL SAID THAT
16 IT'S THE HIGHEST OBLIGATION A CITIZEN CAN PERFORM FOR
17 THEIR COUNTRY IN TIME OF PEACE IT'S AN AWESOME
18 RESPONSIBILITY AND IT'S AN AWESOME DUTY WE ARE ALL,
19 MR BRACKETT AND MR GREELEY AND MYSELF ARE GOING TO
20 SPEAK TO YOU FOR AN HOUR OR SO, MAYBE AN HOUR AND A
21 HALF OR SO I HAVEN'T TIMED WHAT I'M GOING TO SAY
22 I DON'T KNOW THAT THEY HAVE JUST TO GIVE YOU A
23 LITTLE OVERVIEW OF WHERE, WE KNOW YOU'VE HEARD THE
24 EVIDENCE, I'M NOT GOING TO GO THROUGH AND TRY TO
25 SUMMARIZE EVERY LITTLE PIECE OF THE EVIDENCE FOR YOU

003503

1 THE EVIDENCE OR LACK THEREOF IS HERE FOR YOU TO LOOK
2 AT YOU'LL BE ABLE TO TAKE THIS EVIDENCE BACK TO
3 YOUR JURY ROOM, YOU'LL BE ABLE TO WATCH THE VIDEOS,
4 YOU'LL BE ABLE TO LISTEN TO AUDIO RECORDINGS, YOU'LL
5 BE ABLE TO DISCUSS ALL THIS EVIDENCE BY YOURSELVES
6 AMONGST YOURSELVES FOR AS LONG AS YOU WANT TO

7 LIKE I SAY, I KNOW IT'S BEEN A
8 DIFFICULT TWO WEEKS, IT'S BEEN A DIFFICULT TWO WEEKS
9 FOR ALL OF US IT'S BEEN A DIFFICULT THREE YEARS FOR
10 BILLY COPE, FOR HIS FAMILY, AND I KNOW IT'S GOING TO
11 BE DIFFICULT ON YOU I THINK THE MOST FRIGHTENING
12 THING FOR YOU IS THAT THIS MAN RIGHT HERE, THIS MAN
13 SITTING IN THE BLUE SHIRT RIGHT THERE, THIS MAN IS AN
14 INNOCENT MAN THAT MAN RIGHT THERE IS AN INNOCENT
15 MAN I'M PROUD TO BE HERE I'M PROUD TO REPRESENT
16 THAT MAN

17 THE STATE OF SOUTH CAROLINA HAS
18 CHARGED BILLY COPE ALMOST THREE YEARS AGO WITH THE
19 RAPE AND THE MURDER OF HIS 12 YEAR OLD, BIBLE QUIZ
20 TEAM, HONOR ROLL, VIOLINIST AND I'M GOING TO ASK YOU
21 IN HERE TODAY HOW MUCH SENSE THAT MAKES YOU PEOPLE
22 HAVE BEEN CHOSEN, AS ALL JURORS ARE, YOU ARE
23 REPRESENTATIVES OF THIS COMMUNITY YOU BRING INTO
24 THIS COURTROOM A LIFETIME OF EXPERIENCE AND VALUES
25 AND COMMON SENSE YOU BRING COMMON SENSE THIS IS A

1 HEINOUS, HORRIBLE, THING, CRIME, THAT HAPPENED TO
2 AMANDA COPE IT DOESN'T GET ANY WORSE THAN THIS IT
3 DOESN'T GET ANY WORSE THAN THAT TO RAPE AND MURDER
4 YOUR OWN DAUGHTER, AS BILLY COPE STATED, IT TAKES A
5 MONSTER IT TAKES A MONSTER AND IF YOU FIND THAT
6 THIS MAN WHO WAS TEACHING HIS CHILDREN THE BIBLE, WHO
7 WATCHED TOUCHED BY AN ANGEL, WHO HAD THE CHRISTMAS
8 ORNAMENTS OUT, HAD AN HONOR ROLL STUDENT, HE WASN'T
9 PERFECT HE AND MARY SUE WERE NOT PERFECT PARENTS
10 NOBODY IS PERFECT THERE IS AN IRISH PROVERB THAT
11 SAYS EVEN THE BEST OF MEN, EVEN THE BEST OF MEN IF
12 FORCED TO WRITE THEIR FAULTS ON THEIR FOREHEAD WOULD
13 PULL DOWN THEIR CAP IN SHAME BILLY COPE AND MARY
14 SUE COPE WERE NOT PERFECT PARENTS THEY WERE POOR
15 PEOPLE, THEY WERE STRUGGLING, THEY WERE DOING THE
16 BEST THEY COULD THEY MADE MISTAKES YOU DIDN'T
17 HEAR THE STATE COMING IN HERE TALKING ABOUT BILLY
18 COPE AND MARY SUE COPE HANGING OUT AT JOE'S BAR AND
19 GRILL YOU DIDN'T HEAR THEM COME IN AND TALK ABOUT
20 THE DRUGS THAT THEY FOUND OR THE LIQUOR THAT THEY
21 FOUND OR EVEN THE CIGARETTES THAT THEY FOUND THEY
22 WEREN'T PERFECT NONE OF US ARE PERFECT THEY
23 WEREN'T PERFECT PEOPLE BILLY COPE HAD A TREMENDOUS
24 FAITH IN HIS GOD THIS ISN'T SOME JAIL HOUSE
25 RELIGION IT'S NOT SOME JAIL HOUSE RELIGION BILLY

003505

1 COPE HAD A TREMENDOUS FAITH IN PEOPLE HE HAD FAITH
2 IN PEOPLE HE TRUSTED PEOPLE HE WORKED WITH THE
3 POLICE HE WAS BELIEVABLE HE BELIEVED THEM HE
4 HAD FAITH IN THEM HE HAD FAITH IN GOD AND WHEN
5 THEY TOLD HIM THAT YOU DID IT, YOU DID IT, NO TWO
6 WAYS ABOUT IT, WE HAVE EVIDENCE, WE HAVE PICTURES, WE
7 HAVE MACHINES THAT DON'T LIE, AND YOU DID IT AND HE
8 BEGAN TO DOUBT HIS OWN CORE, HIS OWN SELF HE SAYS,
9 YOU CAN TAKE THOSE STATEMENTS BACK IN THE ROOM, YOU
10 CAN TAKE THE STATEMENTS BACK OF THE POLICE AND READ
11 THEM COULD I HAVE DONE THIS? I DON'T REMEMBER
12 DOING THIS THERE IS NOTHING, NOTHING IN MY MIND,
13 THAT TELLS ME THAT I DID THIS OH, YEAH, YOU DID
14 YOU DID IT YOU DID IT WE GOT PROOF WE GOT PROOF
15 THAT YOU DID IT IT CRUSHED HIM TO HIS VERY SOUL
16 NOBODY, NOT YOU, NOT ME, I HOPE NOT
17 YOU, I HOPE NOBODY IN THIS COURTROOM HAS EVER BEEN IN
18 A SITUATION THAT BILLY COPE WAS IN MY DAD USED TO
19 ALWAYS TELL ME WALK A MILE IN SOMEBODY ELSE'S SHOES
20 YOU WALK A MILE IN BILLY'S SHOES HE'S DONE
21 EVERYTHING HE CAN TO LET YOU KNOW WHO HE IS, WHAT
22 HE'S ABOUT, WHAT HAPPENED TO HIM, NEVER, NEVER, NOT
23 ONCE, WHEN GIVEN THE OPPORTUNITY, AS HE SAID, I DON'T
24 WANT TO TALK NOT ONCE BECAUSE YOU KNOW WHY?
25 BECAUSE THIS MAN WANTS THE TRUTH TO COME OUT HE HAS

003506

1 VOLUNTEERED HE HAS GIVEN POLYGRAPHS HE HAS GIVEN
2 SAMPLES HE HAS CALLED THE POLICE HE HAS WANTED TO
3 TALK AND HE HAS AND HE HAS HE IS INNOCENT AND
4 HE BARED HIS SOUL, HE BARED HIS SOUL TO ANYBODY WHO
5 WAS WILLING TO LISTEN, AND HE'S BARED HIS SOUL TO YOU
6 ALL

7 THE POLICE, THROUGH THEIR OWN
8 ADMISSIONS, HAVE TAKEN THIS TO EXTREMES THAT WAS
9 EGREGIOUS, IT WAS BAD YOU DON'T HAVE TO TELL A
10 MAN'S WIFE, KNOWING IT TO BE UNTRUE, THAT HER
11 HUSBAND'S DNA WAS FOUND ON THEIR DAUGHTER'S BODY
12 YOU DON'T HAVE TO DO THAT THAT'S NOT SOMETHING THAT
13 WE SHOULD BE PROUD OF IT'S AN INDICATION OF WHAT
14 THEY FELT THEY HAD TO DO CHARLENE BLACKWELDER FELT
15 SHE HAD TO DO THAT ON DECEMBER 31 OF 2001 SHE FELT
16 SHE DIDN'T HAVE ENOUGH EVIDENCE AND SHE TOLD YOU
17 RIGHT HERE ON THAT STAND THAT SHE WIRED MARY SUE COPE
18 UP SECRETLY UNBEKNOWNST TO THAT MAN RIGHT THERE, THE
19 MAN'S WIFE SHE'S LOST HER DAUGHTER, HAD HER OTHER
20 TWO CHILDREN TAKEN AWAY, HER HUSBAND IS IN JAIL, AND
21 SHE'S TOLD WE GOT HIS DNA HE'S CONFESSED TO US

22 CAPTAIN CABANISS, HE'S A CAPTAIN OF
23 THIS INVESTIGATION, DOESN'T EVEN TAKE THE TIME TO
24 LISTEN TO THE TAPE RECORDED CONVERSATION WITH JERRY
25 WALDROP AND LES HERRING DOESN'T EVEN TAKE THE TIME

1 TO REVIEW THE EVIDENCE THIS IS A MURDER AND A RAPE
2 CASE

3 - - THOSE THINGS TO ME ARE INDICATIVE OF
4 THEIR HAVING MADE THEIR MIND UP THEY MADE THEIR
5 MIND UP EARLY ON THAT THIS WAS THE MAN IF THEY HAD
6 KNOWN ON NOVEMBER 29 AT TEN O'CLOCK AT NIGHT WHEN
7 THEY PICKED HIM UP, THEY KNEW HE WASN'T COMING HOME
8 THEY KNEW HE WASN'T COMING HOME THEY HAD MADE THEIR
9 MIND UP THEN AND EVERY DAY, EVERY DAY, SINCE THAT
10 DAY, THEY HAVE HAD THE POWER TO CHANGE THAT THEY
11 HAVE HAD THE POWER, THE DUTY, THE RESPONSIBILITY, THE
12 OBLIGATION, TO LOOK AT WHAT THEY'VE DONE, AND COME IN
13 HERE OR THREE YEARS AGO SAY WE MADE A MISTAKE AND
14 THEY HAVEN'T DONE THAT WELL, I TRY AND UNDERSTAND
15 I TRY AND UNDERSTAND AND THERE IS A PART OF ME
16 REALLY THAT, THAT DOESN'T UNDERSTAND THE LACK OF
17 COMING FORWARD, BUT THERE IS AN UNDERSTANDING OF WHAT
18 HAPPENED ON THAT DAY AND WHAT THEY WERE FACED WITH
19 AND WHY THEY DID WHAT THEY FELT THEY HAD TO DO AND AT
20 THE TIME THEY FELT THEY WERE DOING THE RIGHT THING
21 YOU HAVE TO LOOK AT IT FROM THEIR PROSPECTIVE YOU
22 HAVE TO LOOK AT IT FROM THEIR PROSPECTIVE THEY GET
23 A CALL, EARLY MORNING HOURS, THEY GO TO A FILTHY,
24 NASTY, ROACH INFESTED HOUSE THEY SEE A BIG FAT GUY
25 WITH NO SHIRT, NO SHOES, WALKING AROUND THEY HAVE A

003508

1 DEAD, RAPED, SODOMIZED, 12 YEAR OLD DAUGHTER, 12 YEAR
2 OLD GIRL, IN THAT HOUSE THAT DON'T HAPPEN VERY
3 MUCH IT DON'T HAPPEN HERE IT DOESN'T HAPPEN
4 ANYWHERE CAN YOU IMAGINE BEING IN CHARGE, BEING A
5 POLICE OFFICER, BEING FACED WITH THAT SITUATION?
6 THEIR OBLIGATION IS TO PROTECT THE PUBLIC I
7 UNDERSTAND THAT THAT'S THEIR DUTY THAT'S WHAT
8 THEY ARE SWORN TO DO THAT'S WHAT THEY ARE SUPPOSED
9 TO DO THEY HAVE A RAPED, SODOMIZED 12 YEAR OLD WITH
10 THIS MAN WHO TO THEM IS NOT SHOWING THE KIND OF
11 EMOTION THAT THEY THINK HE SHOULD SHOW OF COURSE,
12 THEY DON'T KNOW HIM, BUT TO THEM HE'S THE ONLY ADULT
13 IN THAT HOUSE HE'S THE ONLY ADULT IN THAT HOUSE
14 WHAT IS HE SUPPOSED TO DO? THEY ARE SUPPOSED TO
15 GO -- LET'S START WITH HIM, LET'S FIND OUT, LET'S
16 INVESTIGATE THIS THING REMEMBERING ALL THE TIME
17 THEY HAVE A DEAD, RAPED, STRANGLED, SODOMIZED, 12
18 YEAR OLD I UNDERSTAND THE EMOTIONALLY, I UNDERSTAND
19 FROM A POLICE PROSPECTIVE, WHY THEY WANTED TO TALK TO
20 BILLY COPE

21 ON TOP OF THAT THEY SAY, WE COULDN'T
22 FIND ANY WAY THAT ANYBODY GOT IN WE COULDN'T FIND A
23 WAY THAT ANYBODY BROKE IN THIS HOUSE HE WAS THE
24 ONLY ONE THERE JUST BECAUSE YOU CAN'T FIND ANY
25 SIGNS OF FORCED ENTRY DOESN'T MEAN IT ISN'T EASY TO

1 GET IN THAT 407 RICH STREET HOUSE YOU HEARD RON
2 GUERRETTE TESTIFY THAT A THIRD, NOT A FEW, NOT ONCE
3 IN AWHILE, NOT A TENTH, BUT FULLY ONE-THIRD IN SPITE
4 WHAT THEY SAY, DESPITE WHAT THEY SAY, AND WHAT THEY
5 SAY IS HORSE MANURE, PEOPLE GET IN HOUSES ALL THE
6 TIME THIS AIN'T SECURITY SYSTEMS THIS AIN'T DEAD
7 BOLT LOCKS THIS ISN'T CHAIN LOCKS HAVE NEVER
8 HEARD A WORD ABOUT A CHAIN LOCK BEING UP UNTIL THE
9 OTHER DAY FROM A GIRL, GOD BLESS HER SOUL, GOD
10 BLESS THEM, 11 YEARS OLD AND SEVEN YEARS OLD, SISTER
11 WAS MURDERED AND RAPED IN THEIR OWN HOUSE WHILE THEY
12 SLEPT, JUST LIKE WHILE BILLY COPE SLEPT, THEY DIDN'T
13 HEAR ANYTHING, AND FOR THE FIRST TIME THEY TELL
14 MR WILLY THOMPSON THAT, OH YEAH, I REMEMBER PUTTING
15 THE CHAIN LOCK UP NEVER SAID IT BEFORE IT'S
16 INCREDIBLE TESTIMONY, INCREDIBLE IT DON'T TAKE,
17 LIKE I SAID BEFORE AND I DON'T MEAN TO BE FLIPPANT,
18 BUT THAT HOUSE YOU CAN GET IN THESE LOCKS THAT
19 GEORGIA POPE CAME AND SHOWED YOU THAT DON'T HAVE A
20 SAFETY PIN, YOU CAN GET IN THAT HOUSE WITH A CREDIT
21 CARD, A SCREWDRIVER, A DRIVER'S LICENSE, IT DON'T
22 TAKE MUCH TO GET IN THAT HOUSE, SO THE POLICE WERE
23 ACTING FROM EMOTION AND FROM A FAULTY PREMISE AND
24 THEY ASKED BILLY COPE WHAT DID HE HEAR, WHAT DOES HE
25 KNOW, AND HE TOLD THEM

003510

1 THEY SAY HE STAGED THE SCENE I WANT
2 YOU TO GO BACK AND LISTEN TO HIS TESTIMONY AND JERRY
3 WALDROP AND LES HERRING ON THE NIGHT THIS THING
4 HAPPENED I WANT YOU TO, IF YOU WANT, TO LISTEN TO
5 HIS TESTIMONY FROM THAT WITNESS STAND AGAIN HE WAS
6 TRYING TO HELP SOLVE WHO DID THIS HE WASN'T TRYING
7 TO BLAME ANYBODY ELSE IF SOMEBODY IS TRYING TO
8 STAGE THE SCENE WOULDN'T IT BE A LOT EASIER TO SAY
9 OH, MY DOOR WAS CLOSED MY DOOR WAS CLOSED HE
10 DOESN'T SAY THAT HE REPEATEDLY, REPEATEDLY, WAS
11 TRYING TO HELP THEM FIND OUT WHO MURDERED HIS
12 DAUGHTER DESPITE THEIR FOCUS AND THEIR ATTENTION ON
13 HIM HE REPEATEDLY SAID I DON'T KNOW I DON'T KNOW
14 I DIDN'T HEAR IT I FEEL RESPONSIBLE I FEEL
15 RESPONSIBLE I FEEL LIKE IT'S MY FAULT THIS WAS MY
16 DAUGHTER THIS WAS MY FIRST BORN THIS IS MY
17 VIOLINIST THIS IS THE GIRL THAT I WAS SO PROUD TO
18 HAVE ON MY BIBLE QUIZ TEAM I WANT TO FIND OUT I
19 WANT TO TAKE A POLYGRAPH IF Y'ALL ARE SAYING THAT I
20 HAD ANYTHING TO DO WITH IT JERRY WALDROP, THEY
21 WEREN'T GOING TO TAKE NO FOR AN ANSWER, HE SAID
22 BILLY, YOU GOT A SERIOUS PROBLEM HERE WE GOT A
23 SERIOUS PROBLEM AND BILLY COPE SAYS, NEVER USED A
24 CUSS WORD, NOT ONCE, WE SURE DO WE GOT A REAL
25 SERIOUS PROBLEM BECAUSE SOMEBODY CAME IN MY HOUSE AND

1 RAPED MY DAUGHTER AND MURDERED HER AND WE NEED TO
2 FIND OUT WHO IT IS AND I'LL DO ANYTHING YOU WANT ME
3 TO DO TO FIND OUT AND HE DID AND HE HAS AND HE
4 WILL IS THAT SOMEBODY DIVERTING ATTENTION? IS THAT
5 SOMEBODY STAGING A SCENE? DOES THAT MAKE SENSE?
6 DOES IT MAKE SENSE TO YOU THAT THIS MAN GOES IN HIS
7 DAUGHTER'S BEDROOM OR ALLOWS THIS MAN IN HIS HOUSE?
8 HE DOESN'T KNOW THIS MAN NEVER SEEN HIM NEVER
9 HEARD OF HIM NEVER KNEW HIM A COMPLETE STRANGER
10 DOESN'T KNOW HIM TO THIS DAY EXCEPT WHEN HE WALKS
11 BY AND SMIRKS AT HIM IN THE HOLDING CELL WE ASKED,
12 WE CHALLENGE YOU TO CHALLENGE THE STATE TO SHOW WITH
13 ALL THEIR RESOURCES, AND WE'RE GOING TO TALK ABOUT
14 RESOURCES, TO CHALLENGE YOU TO TELL US HOW THIS MAN
15 KNOWS THIS MAN WE WANT TO FIND OUT WE CALLED
16 CHARLENE BLACKWELDER TO THE STAND THE STATE OF
17 SOUTH CAROLINA TRYING TO PROVE THIS CASE TO YOU
18 BEYOND ANY REASONABLE DOUBTS THAT YOU MAY HAVE, HIS
19 HONOR WILL TELL YOU WHAT THE LAW IS, THEY DON'T CALL
20 THEIR CHIEF INVESTIGATING OFFICER SO THAT YOU CAN
21 HEAR FROM HER WE DO THAT AND WE DO IT BECAUSE WE
22 KNOW THAT THIS MAN RIGHT HERE WENT IN THE COPE
23 HOUSEHOLD THAT NIGHT AND RAPED AND MURDERED AMANDA
24 COPE HOW DO WE KNOW IT? HOW DO WE KNOW IT?
25 EVIDENCE DOESN'T GET ANY BETTER THE EVIDENCE CANNOT

1 BE ANY STRONGER AGAINST THIS MAN RIGHT HERE THEY
2 GOT HIS DNA ON THE POOR CHILD'S BODY YOU CAN HAVE
3 EYE WITNESSES AND- NOT HAVE A BETTER CASE EYE
4 WITNESS, OH YOU DIDN'T SEE WHAT, OH YOU DIDN'T
5 OBSERVE, OR WHATEVER THEY GOT HIS DNA ON THIS POOR
6 LITTLE GIRL'S BODY CAN YOU IMAGINE? CAN YOU
7 IMAGINE HOW SHE FELT? WHAT SHE WAS GOING THROUGH?
8 IT DOESN'T TAKE MUCH TO GO IN AND SUBDUE AND STRANGLE
9 AND STIFLE AND BEAT AND RAPE A 12 YEAR OLD GIRL
10 (CLAPS HANDS) YOU HEARD DR NICHOLS YOU HEARD THE
11 PATHOLOGIST IN THIS STATE TESTIFY ABOUT HOW THIS
12 CHILD DIED SHE DIED BY BEING STRANGLED WITH ONE
13 HAND FROM THE FRONT SHE WAS ASSAULTED FROM THE
14 FRONT DR NICHOLS WHO IS A BOARD CERTIFIED FORENSIC
15 PATHOLOGIST WHO CAME IN HERE AND TESTIFIED THAT WE
16 WERE LUCKY TO HAVE JIM MAYNARD BUT HE DISAGREED WITH
17 SOME OF THE THINGS THAT HE SAID CLAY NICHOLS TAUGHT
18 OUR STUDENTS TO BE DOCTORS HE TAUGHT PATHOLOGY HE
19 IS A BOARD CERTIFIED FORENSIC PATHOLOGIST WHO
20 SPECIALIZES IN CHILD ABUSE AND HE SAID THAT THIS
21 LITTLE GIRL WAS NOT ATTACKED FROM THE BACK SHE WAS
22 ATTACKED FROM THE FRONT, THAT BROOMS NOR DILDOS
23 PLAYED ANY PART THAT THE INJURIES SHE SUSTAINED
24 WERE FROM SOMEONE BEATING HER FROM THE FRONT AND
25 STRANGLING HER FROM THE FRONT THAT BROOM, TAKE

1 THESE BROOMS, PULL THEM OUT OF THE BAGS, LOOK AT
2 THEM, USE YOUR COMMON SENSE YOU HEARD CLAY NICHOLS
3 TESTIFY THAT IF THAT LITTLE GIRL HAD BEEN RAPED WITH
4 A BROOM, YOU HEARD THE DNA EXPERTS, THEIR EXPERTS
5 TESTIFY, NO DNA, NO BLOOD, NO FLUID, NO NOTHING
6 THERE IS A REASON FOR THAT THERE IS A REASON FOR
7 THAT, A GOOD SIMPLE EASY COMMON SENSE REASON, AND THE
8 REASON IS IT DIDN'T HAPPEN

9 I CHALLENGE YOU, I CHALLENGE YOU, TO
10 CHALLENGE THE STATE TO COME IN HERE AND EXPLAIN TO
11 Y'ALL HOW BILLY COPE WITHOUT THERE BEING ANY
12 EVIDENCE, THERE IS NO EVIDENCE -- THIS ISN'T TV
13 THIS ISN'T GUESSING GAMES THIS IS LIFE AND DEATH
14 THIS ISN'T HORSESHOES THIS ISN'T WELL MAYBE THROW
15 IT OUT THERE AND SEE WHAT STICKS THAT'S NOT WHAT IT
16 IS THIS IS REAL LIFE AND DEATH AND THIS IS A
17 COURTROOM WHERE YOU HAVE AN AWESOME RESPONSIBILITY TO
18 LOOK AT THE EVIDENCE, TO LISTEN TO THE EVIDENCE, TO
19 LISTEN TO WHAT THESE PEOPLE HAD TO SAY, WHAT THESE
20 EXPERTS HAVE TO SAY, AND THE STATE HAS ATTACKED US
21 FOR HAVING TO PAY EXPERTS TO COME INTO THIS
22 COURTROOM WE'RE NOT THE STATE WE DON'T HAVE THE
23 RESOURCES WE'RE NOT PAID OUR PEOPLE AREN'T PAID
24 THESE PEOPLE WORK FOR THE STATE AND THAT'S THE WAY
25 THE SYSTEM HAS TO WORK THEY SNAP THEIR FINGER AND

003514

1 THEY GOT SOMEBODY HERE AND TO SAY OR TO INSINUATE
2 THAT WE ARE BUYING TESTIMONY, THAT WE ARE PAYING
3 THESE PEOPLE THAT YOU HEARD, THESE ARE WORLD, THESE
4 PEOPLE ARE NATIONALLY IF NOT WORLD RENOWNED EXPERTS
5 IN THEIR FIELD YOU HEARD THEIR CREDENTIALS YOU
6 HEARD DR HONTS WHO TESTIFIED ABOUT THE POLYGRAPH
7 HE IS AN EXPERT ALL OVER THE WORLD HE GIVES
8 SEMINARS AND LECTURES AND PUBLISHES ARTICLES AND
9 PUBLISHES BOOK FOR THE CIA, FOR THE SECRET SERVICE,
10 FOR THE DEPARTMENT OF DEFENSE, FOR THE ROYAL CANADIAN
11 MOUNTED POLICE, FOR FOREIGN COUNTRIES SAUL KASSIN,
12 ONE OF THE MOST PRESTIGIOUS SOCIAL PSYCHOLOGIST FALSE
13 CONFESSION EXPERTS IN THE WORLD THESE PEOPLE DO NOT
14 GET THEIR PRESTIGE AND THEIR REPUTATION BY JUST
15 SAYING WHAT THEY THINK WILL HELP THEY ARE NOT GOING
16 TO COME IN THIS COURTROOM IN YORK, SOUTH CAROLINA,
17 AND RISK THEIR REPUTATION IF IT'S NOT SOMETHING THAT
18 THEY DON'T BELIEVE NOT FOR ME NOT FOR BILLY COPE
19 NOT FOR ANYBODY AND YOU HEARD THEM TESTIFY YOU
20 HEARD SAUL KASSIN TESTIFY ABOUT FALSE CONFESSIONS
21 AND I DON'T CARE WHO IT IS YOU OR ME OR ANYBODY
22 ELSE, IT'S HARD, YOU THINK, GOOD GOSH, YOU KNOW HOW
23 DO YOU, HOW DO YOU CONFESS TO SOMETHING YOU DIDN'T
24 DO? HOW DO YOU CONFESS TO RAPING AND MURDERING YOUR
25 DAUGHTER IF YOU DIDN'T DO IT? I UNDERSTAND EVERYBODY

003515

1 HAS THAT QUESTION I UNDERSTAND THAT IT HAPPENS
2 AND IT HAPPENED IN THIS CASE AND IT HAPPENS AND IT
3 HAPPENED BECAUSE YOU HAD A GULLIBLE, ALMOST TRUSTING,
4 BELIEVABLE, FAITHFUL, MAN WHO HAS JUST LOST HIS
5 DAUGHTER TO A MURDER IN HIS OWN HOUSE YOU GOT TO
6 WALK A MILE IN HIS SHOES AS HE TOLD MR POPE YOU
7 WEREN'T WHERE I WAS, YOU DON'T KNOW WHAT I WAS GOING
8 THROUGH, YOU DON'T KNOW HOW I FELT YOU DON'T KNOW
9 THE PRESSURE THAT I WAS UNDER YOU DON'T KNOW
10 THESE OFFICERS WERE DESPERATE TO SOLVE A CRIME THEY
11 THOUGHT THEY HAD THE RIGHT MAN THEY PUT THE CART
12 BEFORE THE HORSE ASK YOURSELVES AGAIN IF THEY HAD
13 KNOWN THEN THAT THIS MAN'S SEMEN WAS ON AMANDA COPE'S
14 LEG, WOULD WE BE HERE TODAY? THE PIECES DON'T FIT
15 THE PIECES DON'T FIT
16 THE EVIDENCE LOOK AT THE EVIDENCE
17 LISTEN TO BILLY COPE YOU KNOW THERE IS NOT A WHOLE
18 LOT OF DIFFERENCE IN WHAT THEY SAY BILLY COPE SAYS
19 AND WHAT BILLY COPE SAYS HE SAYS THE DIFFERENCE IS
20 IN THE PROSPECTIVE THE DIFFERENCE IS IN THE
21 INTERPRETATION OF WHAT WENT ON YOU LISTEN TO THESE
22 TAPES YOU LISTEN TO BILLY COPE TESTIFY LIVE
23 IN-PERSON, HERE I AM THE VIDEO, EVEN THEY DON'T
24 BELIEVE THE VIDEO THE VIDEO IS A DESPERATE MAN
25 TRYING TO MAKE THEM BELIEF HE'S INSANE HE ADMITS

003516

1 THAT THE DIFFERENCE AND WHY WE'RE HERE IS THE
2 PERSPECTIVES YOU HAVE TO DETERMINE WHICH IS THE
3 MOST ACCURATE DETECTIVE BAKER, BLACKWELDER, AND
4 CABANISS, THEY DID NOT PROVIDE YOU WITH A TAPE
5 RECORDED STATEMENT THEY ARE ALLOWED THE
6 INTERPRETATION TO YOU THEY ARE ASKING YOU TO DO
7 THEIR JOB TRUST ME IT'S NOT HOW IT'S SUPPOSED TO
8 WORK THIS MAN'S JOB RIGHT HERE IS TO PROSECUTE
9 MINE IS TO DEFEND MY CLIENT AND MR GREELEY'S IS
10 THE JUDGE'S JOB IS TO TELL YOU WHAT THE LAW IS, TO
11 TELL YOU WHAT EVIDENCE YOU ARE TO CONSIDER THE
12 POLICE'S JOB IS TO INVESTIGATE THEIR JOB IS TO
13 INVESTIGATE YOUR JOB IS TO DECIDE WHAT HAPPENED
14 YOU ARE THE JURY THEY DECIDED TO BE THE JURY THEY
15 DECIDED TO BE THE JURY THEY DECIDED WHAT HAPPENED
16 LADIES AND GENTLEMEN, IT CAN'T WORK THAT WAY IT
17 CAN'T WORK THAT WAY OUR COUNTRY WAS BUILT ON A
18 FOUNDATION OF FREEDOM THAT NOBODY CAN DECIDE WHETHER
19 ANOTHER PERSON HAS COMMITTED A WRONG OR NOT NOBODY
20 I CAN'T THEY CAN'T NOBODY IN THIS COURTROOM CAN
21 EXCEPT YOU YOU DECIDE THEY GATHERED THE EVIDENCE
22 THEY GIVE IT TO YOU YOU DECIDE BUT WHAT HAPPENED
23 IN THIS CASE IS THEY DECIDED, THAT'S WHERE THE
24 MISTAKE WAS MADE, THEY DECIDED THEY ARE ASKING YOU
25 TO DO THEIR JOB FOR THEM THEY DECIDED ONCE THEY

003517

1 DECIDED ALL THIS ABOUT IS TRYING TO MAKE YOU BELIEVE
2 THAT WHAT THEY DECIDED IS RIGHT THEY HADN'T GIVEN
3 YOU THE EVIDENCE THEY HADN'T TAPE RECORDED THE
4 CONVERSATIONS THE EVIDENCE IS ALL RIGHT HERE TAKE
5 IT ALL WE WANT YOU TO TAKE IT ALL WE WANT YOU TO
6 HAVE IT ALL WE PUT A LOT OF IT IN
7 AMY SIMMONS LET'S TALK ABOUT AMY
8 SIMMONS WE SHOWED YOU WHAT AMY SIMMONS DID AND
9 AMY SIMMONS' LETTERS, GO READ HER LETTERS, SHE TALKS
10 ABOUT HAVING CONTACT WITH SOMEONE AT THE POLICE
11 DEPARTMENT AMY SIMMONS, COULDN'T BE CLEARER, AMY
12 SIMMONS, AN ADMITTED FORGER, SOMEONE WHO HAS ADMITTED
13 TO FORGING DOCUMENTS AND SIGNATURES AND DIVERTING
14 NARCOTICS TO HER OWN USE, SHE TAKES BILLY COPE
15 LETTERS, SHE TAKES A PHRASE OR A SENTENCE OR TWO OUT
16 OF EACH ONE, AND SHE MAKES UP THE CONFESSION SHE
17 TRIES TO MAKE TWO THE FIRST ONE I NEED TO TELL
18 YOU WHAT I REALLY DID TO AMANDA YOU HEARD MICKEY
19 DAWSON TESTIFY, WAS A CLEARLY A SIMULATION AND A
20 FORGERY WASN'T ENOUGH SHE TRIED AGAIN SHE TRIED
21 AGAIN BY TAKING PHRASES AND NOT A BUNCH OF REPEATED
22 PHRASES, GO THROUGH THEM GO THROUGH THEM I WANT
23 YOU TO GO THROUGH THEM AND SHE GOT THOSE PHRASES
24 AND SHE WROTE THEM OUT LITTLE BY LITTLE ON THAT
25 FORGED LETTER YOU CAN TAKE IT BACK THERE AND LOOK

003518

1 AT IT YOURSELF LOOK AT THE PAPER AND AMY SIMMONS
2 MADE A FATAL MISTAKE SHE USED PAPER BILLY COPE
3 DOESN'T GET THE STATE CAN INSINUATE AND THEY CAN
4 TRY THAT VOLUNTEERS BRING PAPER IN AND ALL OF THAT
5 THIS IS COURT THIS IS COURT THIS IS PROOF
6 THIS IS WHAT THE JUDGE WILL CHARGE
7 YOU, WHEN WE SAY CHARGE WE MEAN THIS IS WHAT HE WILL
8 TELL YOU THE LAW IS, THAT WHEN THE STATE RELIES ON
9 CIRCUMSTANTIAL EVIDENCE YOU MAY NOT CONVICT A
10 DEFENDANT UNLESS EVERY CIRCUMSTANTIAL RELIED UPON BY
11 THE STATE IS PROVEN BEYOND A REASONABLE DOUBT AND
12 TO LET ME INTERRUPT THERE, A REASONABLE DOUBT IS A
13 DOUBT WHICH CAUSES A REASONABLE PERSON TO HESITATE TO
14 ACT AND ALL OF THE CIRCUMSTANCES SO PROVEN ARE
15 CONSISTENT WITH EACH OTHER AND TAKEN TOGETHER POINT
16 CONCLUSIVELY TO THE GUILT OF THE ACCUSED TO THE
17 EXCLUSION OF EVERY OTHER REASONABLE HYPOTHESIS
18 THAT'S THEIR BURDEN YOU MAY NOT CONVICT A DEFENDANT
19 UNLESS EVERY CIRCUMSTANTIAL RELIED UPON BY THE STATE
20 IT PROVEN BEYOND A REASONABLE DOUBT AND ALL THE
21 CIRCUMSTANCES SO PROVEN ARE CONSISTENT WITH EACH
22 OTHER AND TAKEN TOGETHER POINT EXCLUSIVELY TO THE
23 GUILT OF THE ACCUSED AND TO THE EXCLUSION OF EVERY
24 OTHER REASONABLE HYPOTHESIS IT IS NOT SUFFICIENT
25 THAT THE CIRCUMSTANCES CREATE A PROBABILITY EVEN IF

1 IT IS A STRONG ONE IF ASSUMING THE CIRCUMSTANCES
2 ARE TRUE THERE IS A REASONABLE HYPOTHESIS WHICH DOES
3 NOT INCLUDE THE GUILT OF THE ACCUSED, THE PROOF HAS
4 FAILED

5 LADIES AND GENTLEMEN, THE STATE RUSHED
6 TO JUDGMENT, THEY MADE A MISTAKE, AND AS I SAID I
7 HAVE TRIED TO UNDERSTAND HOW THAT CAME ABOUT THE
8 FACT IS THAT THEY RUSHED TO JUDGMENT, THEY MADE A
9 MISTAKE, THEY DIDN'T KNOW ALL OF THE EVIDENCE, AND
10 THEY ARE TRYING TO MAKE IT FIT

11 LOOK AT ALL THE EVIDENCE IN THIS CASE
12 FLASHLIGHT WHERE DID THAT FLASHLIGHT COME FROM?
13 WHERE DID THAT FLASHLIGHT COME FROM? TODD GARDNER
14 SAID IT WAS TESTED TESTED BY WHOM? WHAT WERE THE
15 RESULTS

16 THE POCKET BOOK MARY SUE COPE'S
17 POCKET BOOK WAS ON AMANDA COPE'S BED YOU HEARD THE
18 STATE'S OWN EXPERT, THEY CALL HE'S HERE FROM COLUMBIA
19 FROM SLED, RELUCTANTLY SAID I THINK I WOULD HAVE
20 TESTED THAT POCKET BOOK I WOULD HAVE TRIED TO FIND
21 SOME PRINTS THERE WERE THINGS THAT THE POLICE DID
22 NOT DO BECAUSE THEY RUSHED TO JUDGMENT, THEY MADE UP
23 THEIR MINDS

24 BILLY COPE'S STATEMENTS DO NOT MATCH
25 THE EVIDENCE THEY DO NOT MATCH EACH OTHER THERE

1 IS A REASON FOR THAT THERE IS A REASON FOR THAT
2 HE WAS MAKING IT UP HE WAS TRYING TO PLEASE HE
3 WAS JUST TRYING TO PLEASE HE DIDN'T KNOW THEY
4 TOLD HIM YOU DID IT WE'VE GOT A PICTURE OF A GREEN
5 STRIP AROUND HER NECK THEY DIDN'T HAVE THAT THEY
6 TOLD HIM HE FAILED THE POLYGRAPH HE BELIEVED IN IT
7 HE INSISTED ON IT 12 TIMES, 13 TIMES HE WANTED IT
8 666 TIMES HE TOLD THEM THE NIGHT BEFORE I DIDN'T DO
9 IT I DIDN'T DO IT HE TOLD THEM THEY WERE, HE
10 PULLED THE STRAP TIGHT THAT'S WHAT THEY TOLD HIM
11 ASK DR MAYNARD'S, LOOK AT DR MAYNARD'S TESTIMONY OR
12 DR NICHOLS' TESTIMONY ARE THERE ANY LIGATURE MARKS
13 ON HER NECK? NO THERE IS A REASON FOR THAT THERE
14 IS A REASON THAT BILLY COPE'S STATEMENTS DO NOT MATCH
15 THE EVIDENCE IN THIS CASE, THERE IS A REASON THAT
16 BILLY COPE'S STATEMENTS DO NOT MATCH EACH OTHER, HE
17 WAS TRYING TO HELP WHEN HE TALKED TO MIKE BAKER
18 THEY CONVINCED HIM HE HAD NO REASON TO DOUBT THEM
19 HE PUT HIS FAITH IN THEM HE PUT HIS FAITH IN GOD
20 HE HAD NO REASON TO DOUBT HE DID IT AND HE SAYS
21 COULD I HAVE DONE THIS? COULD I HAVE DONE THIS AND
22 NOT REMEMBERED IT? WHAT DID DR SAUL KASSIN
23 TESTIFIED TO YOU WAS CLASSIC, CLASSIC INDICATIONS OF
24 SOMEONE WHO YOU JUST GET BROKEN DOWN AND YOU SAY, I
25 CAN'T REMEMBER COULD I? YOU ARE TELLING ME I DID

003521

1 IT COULD I HAVE DONE IT? WHAT DID I DO? MY MIND
2 JUST LEFT ME MY MIND IS GONE THEY PUT HIM IN THAT
3 CELL FOR TWO DAYS BY HIMSELF AND HE SAYS I DIDN'T DO
4 IT THEY HAD QUESTIONED BILLY COPE FOR HOURS AND
5 HOURS AND HOURS YOU HEARD JERRY WALDROP AND LES
6 HERRING IT'S THEIR OBLIGATION TO LET YOU HEAR MIKE
7 BAKER AND BILLY COPE AND CHARLENE BLACKWELDER AND
8 BILLY COPE FOR HOURS AND HOURS AND HOURS THEY PUT
9 HIM THROUGH THIS AND HE FINALLY, HE DIDN'T CARE
10 HE GAVE UP THERE WAS NOTHING THAT BILLY COPE COULD
11 DO HE WAS HELPLESS HE WAS DESTROYED HE WAS
12 BEATEN HE NEVER ASKED FOR A LAWYER THEY WOULDN'T
13 LET HIM SEE HIS LAWYER DO YOU THINK FOR ONE MINUTE
14 THAT BILLY COPE IS IN THAT ROOM WITH CAPTAIN CABANISS
15 AND CHARLENE BLACKWELDER WITHOUT A LAWYER? THEY JUST
16 WRITE IT OUT THEY WRITE OUT WHAT THEY NEED THEIR
17 TESTIMONY, THEIR EVIDENCE, DOESN'T MATCH THE
18 EVIDENCE THEIR WORDS DO NOT MATCH BILLY COPE'S
19 OTHER STATEMENTS THEY DON'T EVEN TALK ABOUT A DIL--
20 ABOUT A BROOM THEY DON'T EVEN TALK ABOUT A BROOM
21 NOT ON THERE SO WE GO FROM BROOM TO DILDO TO LET'S
22 JUST THROW IT UP AND SEE WHAT STICKS NOT IN THIS
23 COUNTRY NOT IN THIS COURTROOM I CHALLENGE--BLUE
24 TOWEL BILLY COPE IS GUILTY OF MASTURBATING HE'S
25 GUILTY OF THAT THEY TALK ABOUT A BLUE TOWEL AND HE

003522

1 WIPED IT UP WITH A BLUE TOWEL WHERE IS THE BLUE
2 TOWEL WITH SEMEN ON IT? WHERE IS IT? IT AIN'T
3 THERE BECAUSE YOU KNOW WHY? IT DIDN'T HAPPEN IT
4 DIDN'T HAPPEN

5 I CHALLENGE YOU TO MAKE THE STATE TELL
6 YOU WHAT HAPPENED I'M ASKING I'M PRAYING BILLY
7 COPE IS WE KNOW ONE THING, WE KNOW ONE THING FOR
8 SURE, THIS MAN'S DNA, HIS SEMEN, HIS SALIVA, WAS
9 FOUND ON AMANDA COPE'S BODY RAPE CASES DON'T GET
10 ANY BETTER DO YOU THINK HE HAD A RELATIONSHIP WITH
11 HER? WITH THIS 12 YEAR OLD HONOR ROLL STUDENT,
12 VIOLIN PLAYING, CHURCH GOING LITTLE GIRL? HE RAPED
13 HER DO YOU THINK THAT HE RAPED HER? JUST WALKED ON
14 OFF INTO THE NIGHT? DO YOU THINK AMANDA COPE JUST
15 LAY THERE? SHE DIDN'T LAY THERE SHE FOUGHT BACK
16 SHE WAS SCARED TO DEATH AND SHE FOUGHT BACK AND HE
17 MUFFLED HER AND HE STRANGLED HER AND HE KILLED HER
18 AND HE LEFT NOTHING ELSE IN THIS CASE MAKES ANY
19 SENSE JUST DOESN'T MAKE ANY SENSE FOR THEM TO SAY
20 THAT BILLY COPE HAD SOMETHING TO DO WITH THAT IS
21 ABSURD HE'S INNOCENT

22 YOU TAKE YOUR COMMON SENSE BACK IN
23 THAT JURY ROOM, YOU ASK YOURSELF, YOU HEARD THIS MAN,
24 YOU HEARD HIM ON TAPE, YOU HEARD HIM IN HERE, DOES IT
25 MAKE SENSE? DOES ANY OF THIS MAKE SENSE THE WAY THEY

1 WANT TO HAVE YOU BELIEVE IT? THAT THIS MAN JUST GETS
2 UP IN THE MIDDLE OF THE NIGHT, GOING TO GO IN THERE
3 AND MASTURBATE AND DAUGHTER IS GOING TO WAKE UP AND
4 HE'S GOING JUMP ON HER FROM BEHIND, STRANGLE HER WITH
5 TWO HANDS, RAPE HER WITH A BROOM, PUT HIS CPAP
6 MACHINE ON, GO TO BED? IT DIDN'T HAPPEN

7 I KNOW WHAT I'LL DO, I'LL JUST GO ON
8 BACK IN AND GO TO BED MY WIFE WILL BE HOME SOON
9 MY DAUGHTERS WILL BE UP WE'LL GET READY TO GO TO
10 SCHOOL AND I'LL GO IN THERE AND GO, OH, MY GOD,
11 AMANDA IS DEAD HE'S GOING TO DO THAT? HE'S GOING
12 GO IN HIS DAUGHTER'S ROOM AND DO THAT, GET UP THE
13 NEXT DAY, IF YOU ARE GOING TO STAGE A SCENE WHY DON'T
14 YOU LEAVE THE BLANKET WRAPPED AROUND THE THROAT? WHY
15 DO YOU TELL THE POLICE YOU TOOK IT OFF? WHY DO YOU
16 TELL THEM THE DOOR'S OPEN AND YOU DIDN'T HEAR
17 ANYTHING, JUST LIKE YOUR DAUGHTERS DIDN'T HEAR
18 ANYTHING CALL THE POLICE HE COOPERATED WITH THEM
19 EVERY STEP OF THE WAY YOU INSIST ON BEING TESTED
20 YOU INSIST ON TAKING A POLYGRAPH IS THAT SOMEBODY
21 WHO IS TRYING TO HIDE? IS THAT SOMEBODY WHO IS
22 TRYING TO STAGE A SCENE? IF HE DID THAT, HE'S THE
23 GREATEST CRIMINAL EVER IF HE DID THAT, IF HE WAS
24 ACTING WHEN HE TALKED TO JERRY WALDROP AND TO LES
25 HERRING AND TO YOU FOLKS, IF HE'S LYING ABOUT IT ALL,

003524

1 THEN TOM HANKS AND ROBERT DENIRO MOVE OVER BECAUSE
2 HE'S THE GREATEST ACTOR THAT'S EVER BEEN IF HE
3 PULLED OFF THIS STUNT, HE'S STAGED THIS SCENE, AND HE
4 VOLUNTEERED AND HE COOPERATED AND HE TOOK EVERY TEST
5 THEY SAID, BILLY, WHAT IF THE SEMEN COMES BACK TO
6 YOUR BODY, COMES BACK FROM YOUR GIRL'S BODY AND IT
7 MATCHES YOU? WHAT DID HE SAY WITHOUT HESITATION, NOT
8 A DOUBT, WHAT DID HE SAY? IT WON'T LET'S DO IT
9 IT WON'T I NEVER DID ANYTHING TO MY DAUGHTER
10 NEVER DID, NEVER WOULD, NEVER COULD IT'S MY
11 DAUGHTER I LOVE MY DAUGHTER

12 AND IF Y'ALL CAN GO IN THAT ROOM AND
13 TELL ME THAT BILLY COPE WAS ACTING WHEN HE TOLD YOU
14 HOW MUCH HE HATED THAT MAN, FIND HIM GUILTY IF YOU
15 CAN GO IN THAT ROOM AND TELL ME BEYOND A REASONABLE
16 DOUBT, BEYOND ANY KIND, I DON'T CARE, IF YOU CAN TELL
17 ME THAT BILLY COPE WHEN HE TOLD YOU THAT HE
18 STRUGGLED, BECAUSE HE KNOWS WHAT HE'S BEEN TAUGHT,
19 HE'S BEEN TAUGHT TO HAVE FAITH, HE'S BEEN TAUGHT NOT
20 TO HATE, IF YOU CAN TELL ME THAT BILLY COPE WAS
21 ACTING WHEN HE TOLD YOU THAT HE COULDN'T HELP IT, HE
22 HATED THIS MAN, HE HATED HIM, FOR WHAT HE DID TO HIS
23 DAUGHTER THAT AIN'T ACTING Y'ALL KNOW PEOPLE
24 Y'ALL KNOW PEOPLE Y'ALL SEE PEOPLE, LIVE WITH
25 PEOPLE, THAT'S THE TRUTH BILLY COPE IS INNOCENT

1 BILLY COPE IS INNOCENT AND YOU PEOPLE AND WE AND
2 ALL OF US WILL REMEMBER THIS THE REST OF OUR LIVES
3 EVERY TIME YOU RIDE BY THIS COURT HOUSE, EVERY TIME
4 YOU RIDE BY THIS COURT HOUSE, YOU'LL REMEMBER THESE
5 TWO WEEKS AND YOU'LL THINK DID I DO THE RIGHT
6 THING DID I DO THE RIGHT THING? WE WANT YOU TO
7 LISTEN TO THE FACTS WE WANT YOU TO LISTEN TO THE
8 LAW I'M NOT GOING TO TELL YOU WHAT THE LAW IS THAT
9 YOU APPLY THE JUDGE WILL TELL YOU, THE JUDGE IS
10 GOING TO TELL YOU, AND HE'S GOING TO TELL YOU THAT
11 THE LAW SAYS THAT IF YOU HAVE THAT WONDER, IF YOU
12 HAVE THAT DOUBT, OUR COUNTRY IS NOT GOING TO FALL
13 APART, OUR COUNTRY WILL FALL APART IF GOOD PEOPLE
14 LIKE YOU DO NOT FOLLOW THE LAW BECAUSE IT'S WHAT IT'S
15 ALL BASED ON IT'S WHAT MAKES US FREE IT'S WHAT
16 MAKES US DIFFERENT FROM ANYBODY IS YOU PEOPLE
17 FOLLOWING THE LAW AND APPLYING IT THEY WILL GO ON
18 WE'LL GO ON ROCK HILL POLICE DEPARTMENT WILL GO ON,
19 HOPEFULLY, AND BE BETTER HOPEFULLY MISTAKES WON'T
20 BE MADE AGAIN AND EVERYBODY MAKES MISTAKES, BUT
21 MISTAKE HAS BEEN MADE IN THIS CASE YOU PEOPLE NEED
22 TO HAVE THE COURAGE, AND I KNOW THAT YOU DO, TO SAY
23 WE'RE NOT GOING TO COMPOUND THIS MISTAKE THE
24 EVIDENCE ISN'T HERE, IT JUST DOESN'T ADD UP, AND FIND
25 BILLY COPE INNOCENT OF THESE CHARGES THANK YOU VERY

003526

1 MUCH

2 THE COURT ALL RIGHT MEMBERS OF THE
3 JURY PANEL, WE'LL TAKE A BREAK AT THIS TIME AND IN
4 THE JURY ROOM YOU WILL BE, IF THEY ARE NOT ALREADY IN
5 THERE THEY WILL BE BROUGHT IN, WILL BE MENUS FOR
6 SUBWAY THAT'S WHAT WE'LL HAVE FOR LUNCH TODAY IF
7 YOU'LL JUST MARK IT, THE INSTRUCTIONS ON THERE, WRITE
8 YOUR NAME AND THEN PUT WHAT YOU'D LIKE AND WE'LL SEND
9 FOR YOU AFTER WE'VE HAD A BREAK

10 (THE JURY EXITS THE COURTROOM AT 10 52
11 AM AND COURT'S IN RECESS AT 10 52 AM)

12 (COURT RESUMES AT 11 15 AM)

13 THE COURT BEFORE WE GET THE JURY IN,
14 IT'S BEEN CALLED TO MY ATTENTION THAT SOME MEMBERS OF
15 THE, SOME OF THE SPECTATORS ARE MAKING SOME FACIAL
16 EXPRESSIONS AND SHOWING EITHER PLEASURE OR DISGUST
17 WITH INDIVIDUALS AND CERTAIN STATEMENTS BEING MADE,
18 JUST DON'T DO IT IT'S NOT PROPER IF YOU CAN'T
19 CONTROL YOURSELF YOU SHOULDN'T BE IN THE COURT ROOM
20 ALSO I'LL GO AHEAD AND TELL YOU NOW THAT IT MAY NOT
21 PARTICULARLY APPLY TO YOU WHEN WE GET THERE, BUT WHEN
22 WE GET TO THE PART OF THE CASE WHERE I CHARGE THE
23 JURY, THE COURTROOM IS LOCKED DOWN, THAT IS, EITHER
24 IN OR OUT IF YOU WANT TO LISTEN TO THAT, YOU ARE
25 CERTAINLY WELCOME TO BE IN HERE IF YOU DON'T WANT

1 TO LISTEN TO IT YOU ARE WELCOME NOT TO BE IN HERE,
2 BUT YOU ARE NOT TO BE COMING IN AND OUT THERE WON'T
3 BE ANY INGRESS OR EGRESS TO OR FROM THE COURTROOM
4 DURING THAT TIME ALL RIGHT BRING IN THE JURY

5 (THE JURY RETURNS TO THE COURTROOM AT
6 11 17 AM)

7 THE COURT ALL RIGHT MR GREELEY
8 CLOSING STATEMENT BY MR GREELEY

9 MAY IT PLEASE THE COURT GOOD
10 MORNING (THE JURY GOOD MORNING)
11 IT'S BEEN QUITE A RIDE YOU KNOW SOMETIMES THERE ARE
12 TIMES TO BE QUIET AND NOT TO SAY MUCH AND OTHER TIMES
13 IT'S TIME TO SPEAK AND MY JOB IN THIS CASE, WHICH I
14 ACCEPT, IS TO BE MR SANDERS' ADVOCATE AND AS HIS
15 ADVOCATE I'VE BEEN QUIET, BUT NOW THE TIME HAS COME
16 AS HIS ADVOCATE FOR ME NOT TO BE I ASK THAT YOU BE
17 PATIENT WITH ME THIS IS THE LAST TIME I'M GOING TO
18 HAVE AN OPPORTUNITY TO SPEAK TO YOU ON HIS BEHALF
19 ONCE I FINISH I'M DONE AND IF I FORGET SOMETHING I
20 CAN'T BRING IT BACK AND I CAN'T SAY IT TO YOU AND SO
21 I'M GOING TO TRY AND TAKE MY TIME AND SPEAK TO YOU
22 ABOUT THIS COMPLICATED HORRENDOUS CASE

23 THE FIRST THING I WANT TO TALK TO YOU
24 ABOUT IS I'M GOING TO TALK TO YOU A LITTLE ABOUT THE
25 LAW IT'S NOTHING THAT'S EXCITING AND SUSPENSEFUL

1 IT'S THE BASICS OF THIS CASE BECAUSE AT THE END OF
2 THIS HIS HONOR IS GOING TO CHARGE YOU THE LAW AND
3 THERE IS A GOOD BIT IN THERE THAT YOU ARE GOING TO
4 HAVE TO LISTEN TO AND YOU ARE GOING TO HAVE TO TAKE
5 IT ALL IN AND LISTEN TO IT AND ALTHOUGH IT MAY NOT BE
6 THE MOST EXCITING PART OF THE CASE IT'S ONE OF THE
7 MOST IMPORTANT BECAUSE THIS IS A COURT OF LAW AND YOU
8 NEED TO UNDERSTAND WHAT THE LAW IS IN THIS CASE
9 BECAUSE WHAT YOU ARE SUPPOSED TO DO IS TO APPLY WHAT
10 YOU'VE HEARD AND SEEN OVER THE LAST TWO AND A HALF
11 WEEKS TO THE LAW AND AFTER THAT YOU ARE TO DISCUSS IT
12 AND SEE IF YOU CAN REACH A UNANIMOUS VERDICT BECAUSE
13 THE COURT IS GOING TO TELL YOU WHATEVER VERDICT YOU
14 REACH IN THIS CASE HAS TO BE UNANIMOUS

15 BEFORE I GO INTO SOME OTHER LAW I WANT
16 YOU TO UNDERSTAND WHAT MY CLIENT IS ACCUSED OF YOU
17 WILL HAVE THESE BACK IN THE JURY ROOM WITH YOU THEY
18 ARE NOT EVIDENCE THEY ARE NOT CONSIDERED EVIDENCE
19 THESE ARE JUST THE CHARGING PAPERS OF THE STATE
20 THESE GIVE NOTICE TO MR SANDERS AS TO WHAT THE STATE
21 IS GOING TO TRY AND PROVE AGAINST HIM AND THERE ARE
22 FOUR INDICTMENTS THAT MR SANDERS HAS BEEN CHARGED
23 WITH AND I WANT YOU TO UNDERSTAND THE SUBSTANCE OF
24 THE FOUR AND WHAT THE FOUR ACTUALLY ARE TALKING ABOUT
25 FACTUALLY IN THIS CASE

1 THE FIRST ONE IS INDICTMENT NUMBER 196
2 AND MR SANDERS IS ACCUSED OF MURDERING IN THIS AND
3 OF COURSE THE FACTUAL CIRCUMSTANCES THAT THEY ARE
4 ACCUSING HIM OF IS THE ACTUAL MURDER OF AMANDA COPE

5 THE SECOND AND THIRD INDICTMENTS IS
6 197 AND 198 AND 197 HAS TO DO WITH THE DAMAGE THAT
7 WAS DONE TO AMANDA'S VAGINA BECAUSE YOU SEE WITH
8 CRIMINAL SEXUAL CONDUCT, ONE OF THE ELEMENTS, ONE OF
9 THE REQUIRED ELEMENTS THAT THEY HAVE TO PROVE IF
10 SOMEBODY IS ACCUSED OF THAT, IS SEXUAL ASSAULT OR
11 SEXUAL BATTERY, SEXUAL BATTERY IT'S ACTUALLY
12 DEFINED IN LAW WHAT SEXUAL BATTERY IS, AND ONE OF THE
13 KEY ELEMENTS OF A SEXUAL BATTERY IS PENETRATION AND
14 THE COURT WILL PROBABLY INSTRUCT YOU THAT PENETRATION
15 IS REQUIRED HOWEVER SLIGHT BUT PENETRATION IS
16 REQUIRED AND SO MR SANDERS HAS BEEN CHARGED WITH
17 THE PENETRATION OF AMANDA'S VAGINA AND THAT WOULD BE
18 THE DAMAGES THAT YOU HAVE SEEN AND HEARD ABOUT

19 INDICTMENT NUMBER 198 IS OF THE SAME
20 TYPE BUT IT DEALS WITH PENETRATION OF AMANDA'S ANUS
21 AND SO THOSE ARE THE SPECIFIC FACTS THAT MR SANDERS
22 IS ACCUSED OF IN THESE INDICTMENTS

23 THE FOURTH IS CRIMINAL CONSPIRACY AND
24 THIS IS WHERE THE STATE IS ATTEMPTING TO TIE ALL OF
25 THIS STUFF TOGETHER AND WHAT THEY ACCUSE MR SANDERS

1 OF IN THIS INDICTMENT IS HAVING AN AGREEMENT WHETHER
2 IT BE EXPRESSED OR IMPLIED WITH MR COPE TO COMMIT
3 THE SEXUAL BATTERIES AGAINST AMANDA COPE IT'S NOT A
4 CONSPIRACY TO COMMIT MURDER IT'S AN ALLEGED
5 CONSPIRACY TO HAVE THIS SEXUAL PENETRATION WITH
6 AMANDA COPE AND AN AGREEMENT BETWEEN THE TWO SO YOU
7 SEE, THESE ARE THE SPECIFIC CHARGES, NOTHING ELSE, NO
8 OTHER CHARGES, THESE THAT THEY HAVE SPENT QUITE
9 AWHILE ATTEMPTING TO PROVE IN REGARDS TO MR SANDERS
10 SOME OF THE OTHER LAW THAT THE JUDGE
11 IS GOING TO TALK WITH YOU ABOUT THAT IS VERY
12 IMPORTANT, ONE IS THAT THERE ARE A LOT OF CHARGES IN
13 THIS CASE MR SANDERS HAS FOUR I BELIEVE MR COPE
14 MAY HAVE FOUR OR FIVE BUT YOU ARE TO TREAT EVERY
15 CHARGE OF EVERY DEFENDANT SEPARATELY, SEPARATELY, IN
16 REACHING A VERDICT YOU ARE TO CONSIDER EACH CHARGE
17 OF EACH DEFENDANT SEPARATELY AND THE JUDGE WILL
18 ALSO CHARGE YOU THAT IF YOU FIND ONE DEFENDANT NOT
19 GUILTY OF CONSPIRACY, IT WILL BE NECESSARY TO FIND
20 THE OTHER ONE NOT GUILTY OF CONSPIRACY THAT MAKES
21 SENSE THAT'S LOGICAL THAT'S NOT HARD BECAUSE YOU
22 HAVE TO BOTH OF THEM FOR A CONSPIRACY

23 THE JUDGE IS ALSO GOING TO CHARGE YOU
24 ON CIRCUMSTANTIAL EVIDENCE AND DIRECT EVIDENCE, AND
25 I'M GOING TO GET TO THAT IN JUST A MINUTE, A LITTLE

1 BIT MORE OF AN EXPLANATION I'M GOING TO USE THAT IN
2 SOMETHING ELSE THAT I'M GOING TO TALK ABOUT HE'S
3 ALSO GOING TO CHARGE YOU, AS MR MORTON TOLD YOU,
4 REASONABLE DOUBT, WHAT DOES IT MEAN? WHAT DOES IT
5 MEAN? I SUBMIT YOU ARE GOING TO HEAR A DEFINITION
6 THAT THE COURT WILL GIVE YOU AND IT'S THE ONE THAT
7 MR MORTON TALKED ABOUT REASONABLE DOUBT IS ANY
8 DOUBT THAT WILL CAUSE A REASONABLE PERSON TO HESITATE
9 TO ACT

10 NOW WHEN WE CHOOSE A JURY WE TRY AND
11 CHOOSE REASONABLE PEOPLE THERE IS AN ASSUMPTION
12 THAT THE JURY WILL CONSISTENT OF REASONABLE PEOPLE
13 AND MOST JURIES THAT I HAVE SEEN DO CONSISTENT OF
14 REASONABLE PEOPLE AND SO WHAT THAT DEFINITION I
15 SUBMIT TO YOU MEANS IS THAT IF YOU FIND SOMETHING IN
16 THE CASE THAT CAUSES YOU TO HESITATE TO ACT, HESITATE
17 TO CONVICT, YOU THEN MUST RESOLVE THAT IN FAVOR OF
18 MR SANDERS AND FIND HIM NOT GUILTY YOU NOTICE THAT
19 THE DEFINITION DOES NOT SAY THAT WHICH CAUSES A
20 REASONABLE PERSON NOT TO ACT? IT SAYS THAT WHICH
21 CAUSES A REASONABLE PERSON TO HESITATE TO ACT AND SO
22 THE STANDARD, THE HINGE PIN, IS THE HESITATION

23 NOW THAT I HAVE TALKED WITH YOU ABOUT
24 THE LAW YOU MAY HAVE A BETTER UNDERSTANDING AS TO
25 WHAT I MENTIONED TWO AND A HALF WEEKS AGO IN MY

1 OPENING THAT ACTUALLY THE STATE IS ALWAYS ON TRIAL
2 IN ANY CRIMINAL CASE AND THE REASON IS IS BECAUSE
3 THEY HAVE THE BURDEN OF PROOF THEIR PROOF IS ON
4 TRIAL THEIR CASE IS ON TRIAL A DEFENDANT IN THIS
5 COUNTRY DOES NOT, IS NOT, REQUIRED AT ALL TO PRESENT
6 ANYTHING AND THAT'S ONE OF THE VERY, VERY, VERY MOST
7 IMPORTANT ASPECTS OF OUR LAW AND YOU ARE GOING TO
8 HEAR A JURY CHARGE FROM THE JUDGE THAT IN NO WAY CAN
9 YOU CONSIDER, EVEN DISCUSS, DISCUSS BEING THE OUTWARD
10 ACTION, CONSIDER BEING THE MENTAL ACTION THAT YOU
11 KEEP TO YOURSELF, YOU WANT TO BE TRUE TO YOUR OATH,
12 IN NO WAY CAN YOU DISCUSS NOR CONSIDER IN ANY
13 CRIMINAL CASE THE FACT THAT A DEFENDANT HAS REMAINED
14 SILENT AND HAS PRESENTED NO EVIDENCE IT'S NOT THE
15 DEFENDANT'S JOB IT'S NOT THEIR REQUIREMENT AND SO
16 YOU CAN'T DO THAT

17 I WANT TO TALK TO YOU A LITTLE BIT
18 ABOUT YOUR ROLE AS A JUROR IT'S A VERY DIFFICULT
19 ROLE YOU WILL HAVE TO GO BACK AND YOU WILL HAVE TO
20 DISCUSS AND DELIBERATE AMONGST EACH OTHER, BUT EACH
21 ONE OF YOU IS A SEPARATE JUROR EACH ONE OF YOU HAS
22 COMMON SENSE EACH ONE OF YOU HAS LIFE EXPERIENCE
23 EACH ONE OF YOU WILL AND SHOULD CONTRIBUTE YOUR IDEAS
24 AND YOUR THOUGHTS TO THE WHOLE GROUP HOWEVER, NONE
25 OF YOU, NONE OF YOU, ARE REQUIRED IF YOU HAVE GOTTEN

1 TO THE POINT TO WHERE YOU HAVE A STRONG OPINION, YOU
2 ARE NOT REQUIRED TO UNLOAD THAT JUST FOR THE PURPOSE
3 OF A UNANIMOUS VERDICT THE JURY IS TO DISCUSS, THE
4 JURY IS TO DELIBERATE, THE JURY IS TO LOOK OVER THE
5 FACTS AND TO CONTRIBUTE, BUT YOU ARE NOT REQUIRED TO
6 JUST GIVE UP ANY STRONG OPINION THAT YOU MAY HAVE
7 BECAUSE YOU MIGHT BE IN DISAGREEMENT WITH EVEN A
8 MAJORITY OF THE REST, SO THAT IS VERY IMPORTANT I
9 WANT YOU TO REMEMBER THAT I'M GOING TO GET A CUP OF
10 WATER OKAY

11 NOW I WANT TO TALK ABOUT THE
12 INTERESTING STUFF IN THIS CASE I WAITED A LONG TIME
13 TO TALK ABOUT IT, NOW I GET TO TALK ABOUT IT, SO I'M
14 GOING TO TALK TO YOU ABOUT IT THE FIRST THING RIGHT
15 OUT OF THE SHOOT I'M GOING TO TALK TO YOU ABOUT IS
16 DNA YOU'VE HEARD DNA EVIDENCE I'M NOT GOING TO
17 SIT UP HERE AND I'M NOT GOING TO TELL YOU DON'T
18 BELIEVE THE DNA EVIDENCE, OKAY I WOULD BE A FOOL IF
19 I GOT UP HERE AND I TOLD YOU THAT BECAUSE WE HEAR SO
20 MUCH ABOUT DNA NOW DNA DOES THIS DNA THAT WE
21 PUT A LOT OF TRUST, WE PUT A LOT OF STOCK INTO IT, SO
22 I'M NOT GOING TO TALK ABOUT IT VERY LONG I WILL SAY
23 THIS, JUST FOR YOUR CONSIDERATION, REALIZE THAT IT IS
24 A DEVELOPING SCIENCE AS ALL SCIENCE IS, REALIZE THAT
25 ACCORDING TO THE TESTIMONY WE HAVE 30 TO 36,000

1 DIFFERENT UNIQUE SITES IN DNA, AND REALIZE THAT THEY
2 ARE ONLY USING NINE NOW, AND THAT ALL THEIR RESULTS
3 AND ALL THEIR CONCLUSIONS ARE BASED ON THE NINE OUT
4 OF THE 30 OR 36,000 THE TECHNOLOGY HAS NOT REACHED
5 THE POINT WHERE WE CAN ANALYZE AND COMPARE THE NINE
6 TO THE OTHER 30 OR 36 TO SEE WHAT IF ANY CHANGES OR
7 DIFFERENCES IT WOULD MAKE BUT GIVEN THE CURRENT
8 STATE OF TECHNOLOGY WE ONLY DEAL WITH NINE AND SO
9 THAT'S WHY THE NUMBERS GETS SO BIG WHEN THEY TALK
10 ABOUT ONE IN A MILLION BECAUSE OF THE EXPEDIENTIAL
11 EFFECT OF JUST NINE NUMBERS, BUT THEY DON'T COMPARE
12 THE EXPEDIENTIAL EFFECT OF THE NINE NUMBERS AGAINST
13 THE OTHER 30 OR 35,000 AND SO THE TECHNOLOGY STILL
14 HAS A WAYS TO GO BUT PERHAPS IT'S HEADED IN THE
15 RIGHT DIRECTION AND THAT'S GOOD THING THAT'S A GOOD
16 THING

17 AND ALSO AN INTERESTING SIDE I WOULD
18 SUBMIT TO YOU THAT WAS JUST RECENTLY DISCOVERED BY ME
19 IS THE WAY THEY USE CLONING I DIDN'T REALIZE THAT
20 BUT ACTUALLY IT IS A CLONING SYSTEM SO THAT WHEN THEY
21 SAY THEY TEST SOMEBODY'S BLOOD THEY ARE NOT ACTUALLY
22 TESTING THAT BLOOD THEY ARE TESTING A REPRODUCTION OF
23 THAT BLOOD MILLION OF TIMES AND THAT IS JUST
24 INTERESTING THAT'S SOMETHING FOR YOU TO THINK
25 ABOUT I'M NOT GOING TO SIT HERE AND TELL YOU DON'T

1 BELIEVE THE DNA, THINGS LIKE THAT, BECAUSE GUESS
2 WHAT, I DON'T HAVE TO I DON'T HAVE TO I CAN
3 ACCEPT THE DNA AND IT DOESN'T CHANGE THINGS SEEMS
4 ODD, DOESN'T IT? SEEMS ODD
5
6 THROUGHOUT THIS CASE ALLEGEDLY WHEN
7 MR SANDERS' DNA WAS FOUND EVERYTHING CHANGES,
8 EVERYTHING CHANGES OKAY ALL OF A SUDDEN THE
9 STATE'S THEORY CHANGED, OKAY WE'VE GOT THIS OTHER
10 PERSON THEY ARE SAYING, OH, THERE IS THIS OTHER
11 PERSON WHO WAS IN THE HOUSE WHAT ARE WE GOING TO
12 DO? BECAUSE WE GOT MR COPE AND I SUBMIT TO YOU THEY
13 GOT MR COPE AND I'LL TALK TO YOU MORE ABOUT THAT IN
14 A MINUTE BUT WHAT ABOUT THIS OTHER PERSON? AND SO
15 YOU'VE HEARD THE TESTIMONY, YOU HEAR THE STATE'S
16 THEORY, AND I'M GOING TO TALK ABOUT THEIR THEORY
17 AND WE'VE GOT THIS DNA THAT MR MORTON KEPT SAYING
18 YOU CAN'T HAVE BETTER EVIDENCE YOU CAN'T HAVE
19 BETTER EVIDENCE WELL, YEAH, YOU CAN YOU CAN
20 IT'S NOT THE END OF IT IT'S NOT THE END ALL THERE
21 IS SOMETHING THAT EVERYBODY, OTHER THAN MR GREELEY,
22 HAS BEEN IGNORING AND I'M GOING TO TELL YOU WHAT THAT
23 IS, ALL RIGHT WHEN THE JUDGE GIVES YOU THE CHARGE
24 ON, AND THIS IS WHERE THE CIRCUMSTANTIAL EVIDENCE
25 PART COMES UP I TOLD YOU I WAS GOING TO TALK ABOUT IN
A MINUTE, OKAY, HERE IT COMES THE JUDGE IS GOING TO

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1 GIVE YOU CIRCUMSTANTIAL EVIDENCE CHARGE AND
2 CIRCUMSTANTIAL EVIDENCE CHARGE IS JUST WHAT MR
3 MORTON PUT UP THERE, OKAY, AND IF YOU HAVE A CASE
4 THAT IS SOLELY CIRCUMSTANTIAL EVIDENCE AGAINST
5 SOMEBODY, NO DIRECT EVIDENCE, THEN THAT CASE, THAT
6 EVIDENCE, HAS TO PROVE THE DEFENDANT GUILTY TO THE
7 EXCLUSION OF EVERY OTHER REASONABLE HYPOTHESIS, IDEA,
8 HYPOTHESIS A FACT NOT TESTED TRUE TO THE EXCLUSION
9 OF EVERY OTHER HYPOTHESIS ALL RIGHT WELL, THIS IS
10 WHY I WANTED TO SHOW YOU THE INDICTMENTS AND WHAT
11 MR SANDERS IS CHARGED WITH MR MORTON SAID YOU
12 DON'T GET ANY BETTER THAN THAT I SUBMIT TO YOU IN
13 THIS CASE IF YOU ACCEPT THE DNA, WHICH I EXPECT YOU
14 TO DO, NOT BEING A FOOL, IF YOU ACCEPT THE DNA THE
15 DNA IS NOT DIRECT EVIDENCE OF MR SANDERS'
16 INVOLVEMENT IT'S NOT DIRECT EVIDENCE LET ME SHOW
17 YOU MR EVIDENCE, NOT MR EVIDENCE, MR SANDERS IS
18 CHARGED WITH TWO COUNTS OF CRIMINAL SEXUAL CONDUCT
19 ONE INVOLVING THE VAGINA OF AMANDA COPE, ONE
20 INVOLVING THE ANUS OF AMANDA COPE, AND IT'S AN AWFUL
21 THING TO SAY AND IT'S DIFFICULT FOR ME TO TALK ABOUT
22 AND IT'S HARD FOR ME TO HEAR THAT, BUT THIS IS WHY
23 WE'RE HERE AND THE WHOLE CASE IS TOUGH IF
24 MR SANDERS' DNA HAD BEEN FOUND IN OR AROUND THE
25 OUTSIDE OF AMANDA COPE'S VAGINA THAT WOULD BE DIRECT

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1 EVIDENCE TO THE CHARGE BECAUSE THE CHARGE IS, HAS TO
2 DO WITH PENETRATION IF IT WAS FOUND ON OR AROUND
3 AMANDA COPE'S ANUS THAT WOULD BE DIRECT EVIDENCE BUT
4 IT WAS NOT IT WAS NOT SO YOU SAY WELL SO WHAT
5 THE SEMEN AND THE SALIVA WERE FOUND -- THE SEMEN,
6 LET'S TAKE THEM ONE AT A TIME, THE SEMEN WAS FOUND ON
7 THE PANTS OF AMANDA COPE THE SALIVA WAS FOUND ON
8 THE BREAST OF AMANDA COPE IF MR SANDERS WAS
9 CHARGED IN THIS CASE WITH A CRIMINAL STATUTE THAT WE
10 HAVE IN SOUTH CAROLINA CALLED LEWD ACT ON A CHILD
11 THEN THE DNA WOULD BE DIRECT EVIDENCE OF THAT
12 OFFENSE, BUT HE'S NOT CHARGED WITH THAT HE'S NOT
13 CHARGED, THAT CHARGE, THAT POTENTIAL CHARGE IS NOT
14 INVOLVED IN THIS CASE IT'S NOT INVOLVED IN THIS
15 CASE IT'S NOT BEFORE YOU SO THE DNA, CONTRARY TO
16 WHAT THE STATE AND MR MORTON AND THE FREEDOM TEAM
17 HAVE BEEN GOING ON FOR SIX MONTHS, DOES NOT PLACE
18 MR SANDERS IN THE HOUSE AT THE TIME OF THIS
19 INCIDENT

20 NOW I'M NOT A FOOL THERE IS
21 SOMETHING ELSE MR BRACKETT IS GOING TO HOLLER
22 ABOUT IT SO I'M GOING TO DEAL WITH IT NOW YOU
23 REMEMBER DR MAYNARD WHO TALKED ABOUT THE BITE MARK,
24 THE ALLEGED BITE MARK, WHAT THEY BELIEVED TO BE A
25 BITE MARK, AND HE EVEN ADMITTED ON THE STAND THAT IT

1 WAS NOT OF THE SAME NATURE, NOT OF THE SAME NATURE OF
2 INJURIES AS THE OTHER INJURIES THAT HAVE BEEN
3 -BESTOWED ON AMANDA THAT NIGHT, BUT HE BELIEVED THAT
4 IT WAS AT APPROXIMATELY THE SAME TIME BUT THEN HE
5 DEFINED APPROXIMATELY AND IF AMANDA COPE DIED AT
6 TWO AM, AND SEE THERE IS SOME WINDOW THERE ANYWAY,
7 BUT THAT'S AN ESTIMATE, THEN WE'VE GOT A WINDOW OF
8 ABOUT FOUR HOURS, EVEN IF, EVEN IF WE TAKE WHAT THE
9 PATHOLOGIST SAID COMPLETELY, WE GOT A WINDOW OF ABOUT
10 FOUR HOURS THERE IF HE WAS RIGHT THAT THE BRUISE
11 WAS A RECENT BRUISE, IF HE WAS RIGHT, AND THEN YOU
12 REMEMBER SINCE IT WAS NOT A WOUND THAT WAS OF THE
13 SAME NATURE AS THE OTHER WOUNDS, YOU REMEMBER HE
14 TESTIFIED AND HE SAID THAT IT COULD HAVE TAKEN A
15 LITTLE LONGER FOR THE, I CAN'T REMEMBER THE NAME OF
16 THEM, BUT THE LITTLE THINGS THAT COME TO FIX, IT'S
17 KIND OF LIKE THE FIRST RESPONDERS, HE SAID IT COULD
18 HAVE TAKEN A LITTLE BIT LONGER, SO THAT OPENS UP THE
19 WINDOW OF A TIMEFRAME OKAY SO YOU SEE THE DNA
20 EVIDENCE IS MERELY CIRCUMSTANTIAL EVIDENCE AND IT
21 DOES NOT PLACE MR SANDERS IN THE HOUSE AMANDA COPE
22 BEFORE SHE DIED WAS MOBILE HER PANTS WERE MOBILE
23 YOU REMEMBER HE TESTIFIED THAT HE BELIEVED AND THERE
24 WAS NO EVIDENCE TO CONTRADICT THIS, HE TESTIFIED THAT
25 HE BELIEVED THAT SHE HAD NOT BATHED IN TWO DAYS NOW

1 HE ALSO TESTIFIED, NO HE DID NOT TESTIFY BUT IT CAME
2 OUT IN EVIDENCE, THAT THESE WERE NOT PAJAMAS THESE
3 WERE NOT, HE HAD USED THE TERM BED CLOTHES, AND I
4 ASKED HIM ABOUT THAT YOU MEAN THE CLOTHES SHE HAD
5 ON IN THE BED AND HE SAID THAT'S CORRECT BUT THEY
6 WEREN'T BED CLOTHES THESE WERE THE CLOTHES THAT SHE
7 HAD WORN ALL DAY THESE WERE THE CLOTHES THAT SHE
8 HAD WORN ALL DAY SO YOU SEE JUST THE PRESENCE OF
9 DNA ON HER BREAST AND ON HER PANTS DO NOT PLACE
10 MR SANDERS IN THE HOUSE

11 WHAT ELSE DOESN'T PLACE MR SANDERS IN
12 THE HOUSE? I'M NOT GOING TO GO INTO IT, YOU'VE HEARD
13 IT, WE'RE ALL TIRED OF IT, BUT THERE WAS NO EVIDENCE
14 OF FORCIBLE ENTRY, NONE NO EVIDENCE OF FORCIFUL
15 ENTRY WHATSOEVER AND THAT WAS FROM MR COPE'S MOUTH
16 IN AGREEMENT WITH DETECTIVE WALDROP ON THAT FIRST
17 NIGHT NO EVIDENCE WHATSOEVER OF FORCIBLE ENTRY, SO
18 WE DON'T HAVE EVIDENCE OF SOMEBODY FROM THE OUTSIDE
19 COMING IN THIS IS ANOTHER REASON THAT THE STATE HAS
20 A THEORY ABOUT CONSPIRACY BECAUSE ALL THE DOORS WERE
21 LOCKED AND THERE WAS NO EVIDENCE OF FORCIFUL ENTRY
22 AND SO WHAT THEY ARE GOING TO ARGUE TO YOU IS THAT
23 MR COPE WENT TO THE FRONT DOOR AND LET MR SANDERS
24 COME IN AND I'M GOING TO TALK TO YOU ABOUT HOW THAT
25 THEORY REALLY THEIR, THEY ARE TRYING HARD, I GIVE

1 THEM CREDIT FOR THAT, BUT IT DOESN'T MAKE IT BECAUSE
2 THEY'VE GOT THIS STRANGE CASE BUT IT DOESN'T MAKE IT
3 BUT THERE IS NO FORCIBLE ENTRY SO THAT'S ALL I'M
4 GOING SAY ABOUT THAT WE'VE HEARD ENOUGH ABOUT
5 FORCIBLE AND NOT FORCIBLE

6 YOU REMEMBER WHEN I CROSS EXAMINED THE
7 PATHOLOGIST AND I HAD TO ASK HIM QUESTIONS THAT
8 SOMETIMES COULD BE EMBARRASSING, AT LEAST STUFF IN
9 OUR CULTURE WE DON'T LIKE TO TALK ABOUT A LOT, SEX,
10 THINGS ABOUT SEX, BUT SOMETIMES IT'S IMPORTANT TO
11 TALK ABOUT THOSE ESPECIALLY WHEN THEY CAN BE CENTRAL
12 TO AN ISSUE SUCH AS THIS ALL RIGHT NOW ACCORDING
13 TO THE STATE, I'M SURE THAT THEY ARE GOING TO ARGUE,
14 THAT MR SANDERS' SEMEN GOT ON AMANDA COPE THAT NIGHT
15 IN HER BEDROOM ON HER PANTS THEY HAVE TO ARGUE
16 THAT IT'S CONSISTENT WITH THEIR THEORY THAT'S WHY
17 I ASKED THE PATHOLOGIST ABOUT THE CIRCUMSTANCES OF
18 EJACULATION OKAY

19 YOU REMEMBER THEY TOOK A LIGHT IN
20 THERE THAT MORNING, THEY WENT BACK LATER THAT MORNING
21 THEY TOOK ANOTHER LIGHT OR THE SAME LIGHT BUT THEY
22 DID IT TWICE, WHEN THEY ESPECIALLY FOUND OUT THAT
23 THIS WAS GOING TO BE A SEX CASE, THEY WENT BACK AND
24 THEY DID IT TWICE THEY DID A LIGHT DOWN AT SLED ON
25 THE BED LINENS THEY HAD DONE A LIGHT AT LEAST THREE

1 TIMES ON THE EVIDENCE IN THIS CASE NOW WHY DIDN'T
2 MR SANDERS SHOW UP ANYWHERE ELSE? WHEN YOU THINK
3 ABOUT THE PHYSICAL ACTIVITY OF EJACULATION AND WHAT
4 OCCURS, WHY IS THERE ONE SPOT ON THE BACK OF HER
5 PANTS IF IT HAPPENED IN THE HOUSE? WHY IS IT ON THE
6 BED SPREAD? IT'S NOT ON THE BED SPREAD IT'S NOT ON
7 THE FLOOR IT'S NOT ANYWHERE ELSE IS THAT
8 CONSISTENT? IS THAT CONSISTENT WITH THE EVIDENCE?
9 IS THAT CONSISTENT WITH COMMON SENSE? THE LIGHT AT
10 LEAST ON THE SECOND OR THIRD TIME WOULD HAVE PICKED
11 UP ANOTHER OR TWO MORE UNKNOWN SPOTS IF MY CLIENT HAD
12 EJACULATED IN THE BEDROOM SOMEWHERE IN THAT HOUSE,
13 EITHER ON THE RAGS TESTED OR ON THE BED OR ON THE
14 FLOOR, IT WOULD HAVE SHOWN UP AGAIN BUT IT DIDN'T
15 AND SO YOU SEE THAT'S EVIDENCE THAT HE WASN'T IN THE
16 HOUSE HE WAS NOT IN THE HOUSE SO WE GOT NO
17 BREAKING AND ENTERING WE GOT NO FORCED ENTRY WE
18 HAVE GOT NO DIRECT EVIDENCE THAT HE WAS EVER IN THAT
19 HOUSE AND I AGREE WITH MR MORTON THERE IS NO
20 EVIDENCE THAT THESE TWO MEN EVER KNEW EACH OTHER
21 THERE IS NO EVIDENCE WHATSOEVER OF ANY CONTACT
22 BETWEEN THEM THE RECORD IS DEVOID OF IT THE
23 RECORD IS DEVOID OF ANY CONSPIRACY EVIDENCE BETWEEN
24 THEM REMEMBER YOU HAVE TO LOOK AT EACH CHARGE AND
25 THE RECORD IS DEVOID OF ANY CONSPIRACY EVIDENCE ABOUT

1 THEM AND SO THAT DOESN'T PLACE HIM IN THE HOUSE

2 WHAT DO WE KNOW? WE'VE HEARD A LOT
3 ABOUT THE EVENING THAT NIGHT WE'VE HEARD A LOT FROM
4 MR COPE ABOUT THE EVENING THAT NIGHT WE HEARD A
5 LITTLE BIT FROM THE LITTLE GIRLS ABOUT THE EVENING
6 THAT NIGHT WHAT WE LEARNED FROM AT IS AT 8 O'CLOCK
7 OR AROUND 8 O'CLOCK THEY ALL ATE DINNER AMANDA ATE
8 DINNER, BLESS HER HEART, WE KNOW THAT FROM THE
9 AUTOPSY OKAY SHE DID SHE ATE DINNER AND THE
10 NEXT TIME WE HEAR ABOUT AMANDA IS WHEN SHE BEGINS
11 WORKING WITH JESSICA'S HOMEWORK AT 10 30 WHICH WOULD
12 HAVE HAPPENED TO BE UNTIL BED TIME OKAY AND WE
13 DON'T HEAR ANYTHING ELSE ABOUT HER THAT NIGHT THERE
14 IS NO SPECIFIC EVIDENCE ANYTHING ABOUT HER IN THIS
15 TIME PERIOD I MEAN THAT'S WHAT WE HAVE AND THAT'S
16 WHAT WE DON'T HAVE OKAY

17 ONE OF THE INTERESTING THINGS IS IS
18 SHE PICKS UP AND STARTS HELPING JESSICA AT 10 30 AND
19 MARY SUE LEFT FOR WORK AT TEN AND CONTRARY TO
20 MR COPE'S TESTIMONY, DO YOU THINK HE WAS REALLY HELP
21 WITH HOMEWORK THAT NIGHT? I SUBMIT TO YOU HE WAS
22 NOT

23 NOW I'VE TALKED TO YOU ABOUT THE
24 ALLEGED EVIDENCE AGAINST MY CLIENT THE DIRECT,
25 ACTUALLY THE CIRCUMSTANTIAL EVIDENCE AGAINST MY

1 CLIENT, I'VE TALKED TO YOU ABOUT HOW IT DOES NOT PUT
2 HIM IN THE HOUSE I'VE TALKED TO YOU ABOUT HOW IT
3 DOES NOT PUT HIM WITH THESE INDICTMENTS AS TO THESE
4 ACTIONS AND I'VE TALKED TO YOU ABOUT THE ABSENCE OF
5 EVIDENCE THAT SHOULD HAVE BEEN THERE HAD HE BEEN IN
6 THE HOUSE NOW I'M GOING TO TALK TO YOU ABOUT SOME
7 OF THE REST OF THE CASE AND I'M GOING TO SHOW YOU
8 HOW THE STATE IS NOT GOING TO BE ABLE TO PROVE THEIR
9 THEORY OF MY CLIENT BEING IN THE HOUSE
10 CONSPIRACY YOU KNOW, I DON'T KNOW IF
11 Y'ALL KNOW GARRISON KEELER GARRISON KEELER IS A MAN
12 WHO DOES A RADIO SHOW FROM MINNESOTA AND HE'S A STORY
13 TELLER, MODERN DAY STORY TELLER AND HE'S VERY GOOD
14 AND I REMEMBER WHEN I'M THINKING ABOUT THIS CASE AND
15 I'M THINKING ABOUT MR COPE AND I'M THINKING ABOUT
16 MR COPE'S STATEMENT TO THE POLICE, I THOUGHT I'M
17 GOING TO TALK ABOUT THAT BECAUSE IT REMINDED ME OF
18 THAT GARRISON KEELER DID A CD ONE TIME IT WAS
19 CALLED A PRETTY GOOD NIGHT AT CARNEGIE HALL AND HE
20 WAS AT CARNEGIE HALL DOING A SHOW AND ONE OF HIS
21 THINGS WAS TALKING ABOUT GOSPEL MUSIC AND HOW WE NEED
22 MUSIC GOSPEL AND HE SAID THE REASON WE NEED GOSPEL
23 MUSIC IS BECAUSE WE DON'T HAVE GUILT ANYMORE HE
24 SAID THERE IS NO GUILT HE SAYS THERE IS JUST
25 PSYCHOLOGY PSYCHOLOGY HAS BECOME HELPING US TO

1 EXPLAIN WHAT WE DO RATHER THAN GUILT AND HE SAID
2 SOMETHING IN THAT THAT IS APPLICABLE TO THIS CASE AND
3 EXPLAINS MR COPE'S ACTIONS THAT WEEKEND HE SAID
4 GUILT IS THE GIFT THAT KEEPS ON GIVING AND THAT'S
5 EXACTLY WHAT HAPPENED IN THIS CASE WITH MR COPE
6 GUILT IS THE GIFT THAT KEEPS ON GIVING WE DON'T
7 NEED THE PSYCHOLOGY, WE DON'T NEED MR KASSIN, OKAY
8 LET'S GET BACK TO THE BASICS WE DON'T NEED EXPERTS
9 TO GIVE AN EXPLANATION LET'S GET BACK TO THE
10 BASICS, OKAY AND WHAT ARE THE BASICS IN THIS CASE?
11 THE BASICS IN THIS CASE IS AND THE OTHER THING, IN
12 THE LIVING ROOM THAT MR COPE CAN DENY BUT CAN'T GET
13 RID OF IS THIS WE HAVE A NATURAL FATHER WHO GAVE A
14 CONFESSION, AN ADMISSION, SOON AFTER THE EVENT, OF
15 HORRIBLE DESPICABLE AND MURDEROUS ACTS ON HIS 12 YEAR
16 OLD DAUGHTER WE'RE NOT TALKING ABOUT SOMEBODY WHO
17 MIGHT BE CONFESSING TO A DRUG CHARGE WE'RE NOT
18 TALKING TO SOMEBODY WHO MIGHT BE CONFESSING BECAUSE
19 THEY EMBEZZLED MONEY AND DEFRAUDED A BANK THINK OF
20 IT, GET BACK TO THE BASICS, FORGET THE EXPERTS, IS
21 THAT LIKELY FOR A FATHER TO NOT ONLY GIVE THE
22 STATEMENT BUT TO BE ABLE TO SAY THE THINGS HE SAID
23 AND TO ACT OUT THE THINGS HE DID IF HE DOESN'T KNOW
24 ANYTHING ABOUT IT? IF HE WASN'T INVOLVED? IF HE
25 DIDN'T DO IT? FATHER'S DON'T DO THAT FATHER'S

1 DON'T SAY THAT THEY PUT A DILDO IN THEIR 12 YEAR OLD
2 DAUGHTER IF THEY DIDN'T DO IT FATHER'S DON'T SAY
3 THAT THEY WRAPPED THEIR HANDS AROUND HER NECK AND
4 CHOKED THE LIFE OUT OF HER IF THEY DIDN'T DO IT
5 IT'S GOT NOTHING TO DO WITH EXPERTS HE DENIED IT
6 FOR THE FIRST FEW HOURS -- 666 TIMES -- BUT GUILT IS
7 THE GIFT THAT KEEPS ON GIVING REMEMBER WHAT HE SAID
8 TO DETECTIVE BAKER WHEN HE TOLD DETECTIVE BAKER THE
9 FIRST INCIDENT? HE WAS RELIEVED HE WAS RELIEVED
10 A FATHER WILL NOT BE RELIEVED UNLESS HE'S ABLE TO
11 UNLOAD HIS GUILT ESPECIALLY IN A CASE LIKE THIS BUT
12 GUILT IS THE GIFT THAT KEEPS ON GIVING AND SO HE
13 CAME BACK AND HE WAS IN A CELL OVER THE WEEKEND AND
14 HE THOUGHT AND THE GUILT IS STILL THERE IT KEPT
15 GIVING BECAUSE HE HADN'T TOLD EVERYTHING HE HADN'T
16 TOLD EVERYTHING SO HE CAME BACK ON MONDAY AND HE TOLD
17 MORE AND HE TALKED ABOUT A DREAM HE TALKED ABOUT
18 A DREAM AND THIS IS IMPORTANT HE TALKED ABOUT A
19 DREAM IN REGARDS TO MS GARRISON HE TALKED ABOUT
20 THAT BECAUSE HE COULDN'T ADMIT THE RAGE THAT HE HAD
21 FOR HIS DAUGHTER THAT NIGHT AND SO HE PERSONIFIED
22 IT TO MS GARRISON BUT WHAT HE TOLD THAT DAY ON THE
23 VIDEO, MOST OF IT IS TRUE, MOST OF IT IS TRUE AS HE
24 REMEMBERS IT TO BE MR MORTON SAYS OH, WELL, IT
25 DOESN'T MATCH UP WITH THE EVIDENCE IT DOES WELL

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1 ENOUGH IT DOES WELL ENOUGH AND THEN CAPTAIN
2 CABANISS, OF COURSE, DOES NOT BELIEVE THE DREAM
3 STORY, WHO WOULD BELIEVE THE DREAM STORY, AND SO THEY
4 COME BACK AND SAID DON'T BELIEVE IT AND AT THAT POINT
5 IN TIME HE BEGINS TO INCLUDE EVERYTHING ELSE BECAUSE
6 IT WAS TRUE IT WAS TRUE HE HAD BEEN HAVING A
7 RELATIONSHIP WITH HIS DAUGHTER I SUBMIT TO YOU THE
8 EVIDENCE SHOWS THAT, THAT COMBINED WITH HIS
9 ADMISSION, AND A FATHER DOES NOT ADMIT TO SUCH THINGS
10 IF THEY ARE NOT TRUE, SO THEY WERE HAVING A
11 RELATIONSHIP AND HE WAS USING THE DILDO AND HE WAS
12 USING THE DILDO THAT NIGHT AND HE WAS MASTURBATING
13 THAT NIGHT REMEMBER THIS IS A MAN THAT USED TO STAY
14 UP FOR THREE YEARS ALL NIGHT, HE WAS USED TO BEING UP
15 AT NIGHT AND IT HAPPENED THAT WAY AND SOMETHING
16 HAPPENED AND HE ENDED UP KILLING AMANDA AND HE ENDING
17 UP SEXUALLY MUTILATING AMANDA THAT'S ANOTHER
18 DISTINCTION I WANT YOU TO REMEMBER AND BE AWARE OF
19 THEY INDICATE THAT MY CLIENT ALLEGEDLY WENT IN THE
20 HOUSE FOR THE PURPOSE OF SEXUAL GRATIFICATION, RAPE,
21 OKAY AND RAPE IS VIOLENT, BUT WE'RE TALKING ABOUT A
22 DIFFERENT ACT THAN WHAT OCCURRED TO HER BLESS HER
23 HEART, SHE WAS SEXUALLY MUTILATED THAT NIGHT IT HAD
24 NOTHING TO DO WITH SEXUAL GRATIFICATION IT HAD TO
25 DO WITH PUNISHMENT AND THAT DISTINGUISHES THE CASE

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1 THAT DISTINGUISHES THE CASE

2 NOW YOU CAN BELIEVE MR COPE WHO SAYS

3 THEY WERE MEAN TO ME NOBODY WOULD LISTEN TO ME

4 REMEMBER WHAT HE SAID? NOBODY, THIS WAS ON MONDAY

5 WHEN HE WAS WITH CAPTAIN CABANISS, HE INDICATED THAT

6 NO ONE CARED ABOUT HIM THREE DAYS, FOUR DAYS, FIVE

7 DAYS AFTER THE EVENT OF HIS DAUGHTER NOBODY CARED

8 ABOUT HIM BECAUSE PEOPLE WERE ASKING HIM HARD

9 QUESTIONS AND THEY WERE TALKING TO HIM HARD AND

10 MR CABANISS ONE TIME STOOD UP, WHICH WOULD CAUSE ANY

11 385 POUND MAN TO COWER AND ADMIT TO DOING HORRIBLE

12 THINGS TO HIS DAUGHTER THAT HE NEVER DID HOG WASH

13 HE TALKED ABOUT HOW HE COULDN'T TAKE THE PRESSURE AND

14 HE GAVE UP I SUBMIT TO YOU THAT'S NOT PRESSURE

15 MR COPE COULDN'T TAKE THE PRESSURE MR COPE

16 DOESN'T KNOW WHAT PRESSURE IS THAT'S NO PRESSURE

17 THAT'S NOTHING LIKE THE PRESSURE OF TWO LITTLE GIRLS

18 WHO ARE REQUIRED TO HUDDLE IN THEIR BED AT NIGHT,

19 EVERY NIGHT, WITH A FAN ON TO KEEP THE COCK ROACHS

20 OFF OF THEM THAT'S PRESSURE THAT'S PRESSURE

21 WHAT ELSE IS PRESSURE? A YOUNG GIRL WHOSE BECOMING A

22 TEENAGER WHO MIGHT BE AN HONOR STUDENT, WHO LIVES IN

23 FILTH AND COMES HOME TO IT EVERYDAY AND PROBABLY

24 DOESN'T GET THE ATTENTION FROM HER DAD BECAUSE HE'S

25 ON THE COMPUTER UNTIL SHE GOES TO BED AT NIGHT AND

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1 SHE'S AN HONOR STUDENT AND THE PRESSURE IS IS THAT
2 SHE KNEW THE DIFFERENCE SHE KNEW THE DIFFERENCE OF
3 WHERE SHE WAS LIVING AND THE CONDITION SHE WAS LIVING
4 IN THAT'S PRESSURE NOT HE'S BEING TALKED TO
5 BECAUSE YOU SEE WITHIN FOUR OR FIVE DAYS AFTER AMANDA
6 DIED ONCE AGAIN THE WORLD TURNS ON MR COPE, HE'S THE
7 MAN, HE'S THE IMPORTANT ONE, AND HE'S BEEN THE
8 IMPORTANT ONE FOR THE PAST THREE YEARS YOU KNOW HE
9 SAYS HE DOESN'T LIKE TO LOOK BACK BUT SOMETIMES YOU
10 HAVE TO TIE UP STRINGS BEFORE YOU CAN GO FORWARD AND
11 THERE ARE SOME SPRINGS HERE

12 LET ME ASK YOU THIS THE STATE IS
13 GOING TO SAY, THE STATE IS GOING TO SAY OF COURSE
14 THAT MY CLIENT WAS LET IN BY MR COPE, THEY WENT
15 THROUGH THE HOUSE, MR COPE ALLOWED MY CLIENT TO HAVE
16 HIS WAY WITH HIS DAUGHTER AND THEY ARE PROBABLY GOING
17 TO SAY THAT MR COPE ENDED UP KILLING AMANDA BECAUSE
18 SHE SAID SHE WAS GOING TO TELL HER MOMMA THAT'S
19 THEIR THEORY THERE ARE SEPARATE THEORIES IN THIS
20 CASE OKAY AND IT'S BECAUSE WE DON'T HAVE A VIDEO
21 RECORDING TO SEE THE WHOLE EVENT, OKAY THAT'S GOING
22 TO BE THEIR THEORY AND THEY ARE GOING TO ARGUE THAT
23 TO YOU, ALL RIGHT FIRST OF ALL I WANT YOU TO THINK
24 ABOUT THIS WOULD MR COPE HAVE BROUGHT A STRANGER
25 INTO THAT RANCID HOUSE SECOND OF ALL, MR COPE WAS

1 HAVING A RELATIONSHIP WITH HIS DAUGHTER, HE WAS A
2 HAVING A LURID RELATIONSHIP WITH HIS DAUGHTER I
3 SUBMIT TO YOU HIS DAUGHTER HAD TAKEN THE PLACE OF HIS
4 WIFE DO YOU THINK HE WOULD HAVE JUST ALLOWED
5 SOMEBODY TO COME IN AND TO BE WITH HIS DAUGHTER? NO
6 ABSOLUTELY NOT THAT'S BEYOND THE SCOPE OF REASON IF
7 YOU LOOK AT IT AND YOU ANALYZE IT HE'S NOT GOING TO
8 ALLOW THAT TO HAPPEN BESIDE THE FACT THAT HE'S GOT A
9 WITNESS, OKAY SEE MR COPE KEPT SECRETS HE KEPT
10 SECRETS JUST LIKE HE KEPT THE RAG UP UNDER THE BOOK
11 SHELF HE KEPT SECRETS AND THIS WAS A SECRET THAT HE
12 HAD WITH HIS DAUGHTER HE'S NOT GOING TO INTRODUCE A
13 THIRD PARTY INTO IT

14 THE THIRD THING IS THIS DO YOU
15 REMEMBER CAPTAIN CABANISS' TESTIMONY AND TALKED ABOUT
16 AND MR MORTON TRIED TO DIVERT THE GUILT AWAY FROM
17 YOU, TRY TO DIVERT THE POLICE, AND I ASKED CAPTAIN
18 CABANISS AND HE ANSWERED IN THE AFFIRMATIVE, FOR A
19 DAY AND A HALF MR COPE SPENT A LOT OF TIME AND
20 ENERGY ATTEMPTING TO DIVERT THE FOCUS AWAY FROM HIM
21 NOW LET'S HYPOTHESIZE AND SAY THAT MY CLIENT WAS IN
22 THE HOUSE WITH MR COPE JUST AS THE STATE IS GOING TO
23 ARGUE MR COPE FIRST OF ALL WOULD HAVE BEEN, IF MY
24 CLIENT HAD EJACULATED IN HOUSE, MR COPE WOULD HAVE
25 SEEN THAT, AND YOU KNOW HE KNEW ABOUT DNA, WATCHES

1 COURT TV, TOLD THE POLICE THERE WON'T BE ANY DNA OF
2 COURSE THERE WASN'T GOING TO BE ANY HE KNEW THAT
3 HE HAD FOUR HOURS I'LL TALK ABOUT THAT IN A MINUTE
4 BUT HE WOULD HAVE SEEN MY CLIENT EJACULATE, HE WOULD
5 HAVE KNOWN THAT THERE WAS DNA IN THE HOUSE, HE WOULD
6 HAVE KNOWN THAT MY CLIENT WAS FROM THE NEIGHBORHOOD,
7 AND DID YOU SEE THE INDICTMENT OF THE NEIGHBORHOOD
8 THAT THEY SHOWED YESTERDAY? WHY DID THEY SHOW THAT?
9 WHY DID THEY SHOW THAT? I SUBMIT TO YOU THEY SHOWED
10 IT BECAUSE THEY WANT TO SHOW WHAT KIND OF A BAD
11 NEIGHBORHOOD IT IS THE KIND OF NEIGHBORHOOD THAT
12 MR COPE DIDN'T WANT TO LIVE IN AND YOU SAW THE FOCUS
13 OF THE VIDEO SO THROUGH HIS VIDEO HE INVITES THE
14 NEIGHBORHOOD THAT HE WAS LIVING IN AND AS YOU AND
15 EVERYBODY ELSE KNOWS THE PROBLEM WASN'T WITHOUT THE
16 HOUSE, THE PROBLEM WAS WITHIN THE HOUSE, SO ONCE
17 AGAIN HE'S TRYING TO DIVERT BUT HE WOULD HAVE HAD
18 SOMEBODY IN THE NEIGHBORHOOD, HE WOULD HAVE HAD DNA
19 THERE WHAT BETTER DIVERSION WOULD HE HAVE HAD? IF
20 THE STATE IS CORRECT MR COPE WOULD NOT HAVE A SPENT
21 A DAY AND A HALF TALKING TO THE POLICE IF HE KNEW
22 THAT MY CLIENT ALLEGEDLY WAS IN THE HOUSE BECAUSE IT
23 WOULD HAVE BEEN VERY, VERY EASY FOR HIM TO DIVERT THE
24 ATTENTION AWAY FROM HIM BUT HE NEVER DID

25 NOW THE STATE WILL PROBABLY SAY HE

1 DIDN'T DO THIS BECAUSE HE DIDN'T WANT TO ADMIT THAT
2 HE HAD BROUGHT SOMEBODY ELSE IN THE HOUSE TO HAVE SEX
3 WITH HIS DAUGHTER, OKAY YOU GIVE A STATEMENT
4 SEXUALLY ABUSING YOUR DAUGHTER, PUT A BROOM STICK IN
5 HER AND KILLING HER, THE OTHER ALLEGATION DOESN'T
6 EVEN COME CLOSE, OKAY IT'S A NICE TRY, IT'S WHAT
7 THEY GOT, THEY HAVE TO ARGUE IT, BUT IT DOESN'T GET
8 THERE THAT'S NOT IT THAT'S NOT IT SO YOU SEE
9 THE THEORY ABOUT THE CONSPIRACY IS NOT GOING TO MAKE
10 IT IT'S NOT GOING TO FAIL IT'S GOING TO FAIL
11 BECAUSE THERE IS TOO MANY HOLES, THERE IS TOO MANY
12 UNANSWERED QUESTIONS AND REMEMBER THE STATE HAS TO
13 PROVE EACH DEFENDANT GUILTY OF EACH CHARGE BEYOND A
14 REASONABLE DOUBT AND THEY HAVE TO PROVE EACH ELEMENT
15 BEYOND A REASONABLE DOUBT, OKAY

16 YOU KNOW MR COPE TALKED YESTERDAY OR
17 THE DAY BEFORE ABOUT WHAT HE THOUGHT ABOUT SO THAT HE
18 COULD DO THE VIDEO CONVINCINGLY OKAY AND HE SAID
19 I HAD TO THINK OF SOMETHING THAT WOULD MAKE ME ANGRY
20 ENOUGH TO BE ABLE TO DO THAT WELL, MR COPE RIGHT
21 THERE HAS TOLD YOU THAT IF HE GETS ANGRY ENOUGH HE
22 CAN USE A BROOM AND HE CAN KILL SOMEBODY HE HAD TO
23 THINK OF SOMETHING, OKAY BUT HE POINTED IT OUT, AND
24 YOU REMEMBER IN OPENING STATEMENT I SAID WHAT, AND
25 THIS IS THE CENTRAL ISSUE, OKAY, WHAT REASON WERE THE

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1 ACTIONS AGAINST AMANDA SO EXTREME? WHAT REASON WERE
2 THE ACTIONS AGAINST AMANDA SO EXTREME? AND I SUBMIT
3 TO YOU I ACTUALLY THOUGHT THAT I WAS GOING TO STAND
4 UP HERE AND GIVE YOU THE IDEA FOR THE FIRST TIME I
5 THOUGHT ABOUT IT LONG BEFORE COURT THAT'S WHY I HAD
6 IT IN MY OPENING BUT MY CREATIVITY HAS BEEN
7 PREEMPTED IN THIS CASE YOU KNOW WHAT THE ANSWER IS?
8 RAGE RAGE AND WHO GAVE US THE ANSWER TWO DAYS AGO
9 ON THE STAND? BILLY COPE HE SAID HE HAD TO THINK
10 OF SOMETHING THAT WOULD MAKE HIM ENRAGED HE
11 UNDERSTOOD THIS WAS NOT JUST A SEXUAL ASSAULT HE
12 UNDERSTOOD AND HE SAYS HE GOT THAT IDEA BECAUSE OF
13 WHAT THE POLICE HAD TOLD HIM NO, HE GOT THAT IDEA
14 BECAUSE HE WAS THERE AND HE WAS THE ONE WHO WAS
15 ENRAGED HE WAS THE ONE WHO WAS ENRAGED AND HE DID
16 THIS TO HIS DAUGHTER HE DID IT
17 YOU KNOW MR COPE HAS TALKED A LOT
18 ABOUT HIS RELIGION AND THAT'S A GOOD THING RELIGION
19 HELPS US WHEN WE STRUGGLE AND HE'S TALKED A LOT
20 ABOUT HIS FAITH AND THAT'S A GOOD THING BUT YOU
21 SEE, IT CAN ALSO HELP EXPLAIN THINGS MR COPE HAS A
22 NEW LIFE, HE HAS A NEW LIFE, AND HE TALKED ABOUT THAT
23 YESTERDAY AND HE SEES IT AS A NEW LIFE AND MR COPE
24 DOESN'T LIKE TO LOOK BACK AS HE SAID THE DAY BEFORE
25 YESTERDAY IN HIS DIRECT, BUT SOMETIMES TO TIE UP

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1 STRINGS YOU HAVE TO LOOK BACK BEFORE YOU CAN MOVE
2 FORWARD AND ALL THE STRINGS HADN'T BEEN TIED UP YET
3 AND SO HE CAME BEFORE YOU NOT WHOLE THERE IS ONE
4 PARTICULAR THING IN THIS CASE THAT PROVES BEYOND A
5 REASONABLE DOUBT THAT MR COPE KNEW AMANDA WAS DEAD,
6 IT PROVES BEYOND A REASONABLE DOUBT THAT HE KNEW SHE
7 HAD BEEN DEAD FOR SOMETIME, AND I'M NOT EVEN TALKING
8 ABOUT THE STATEMENT OF THE DAUGHTER WHO SAID DADDY
9 SAID SHE HAD BEEN DEAD FOR HOURS WE CAN TALK
10 SEMANTICS ALL YOU WANT TO, IT JUST SO HAPPENED SIX
11 O'CLOCK A LITTLE AFTER SIX IS ABOUT THE TIME THAT
12 THEY THOUGHT SHE HAD DIED TOO, BUT THAT'S NOT IT
13 MR COPE HAD A DREAM THAT NIGHT AND HE SAYS HE HAD A
14 DREAM ABOUT THE RAPTURE AND WE DISCUSSED THE RAPTURE
15 YESTERDAY AND WE DISCUSSED THE THEOLOGY OF THE
16 RAPTURE AND IN EVERY STORY THAT HE'S EVER TOLD HE'S
17 TALKED ABOUT THE RAPTURE AND SEE WITH THE RAPTURE,
18 WHEN PEOPLE ARE TAKEN UP TO HEAVEN TO BE WITH JESUS
19 THEY ARE SNATCHED UP AND THIS IS A THEOLOGY, A
20 THEOLOGICAL BELIEF OF A CERTAIN GROUP OF CHRISTIANS
21 AND IT'S THE TRUE BELIEVERS AND IS THE CHILDREN WHO
22 HAVE NOT REACHED THE AGE OF ACCOUNTABILITY WHO ARE
23 SNATCHED UP AND THE WAY THEY ARE SNATCHED UP IS NOT
24 JUST SPIRITUALLY THEY ARE SNATCHED UP SPIRITUALLY
25 AND PHYSICALLY AND EVEN IF THEY HAD PREVIOUSLY DIED

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1 THEIR BODY WILL BE RAISED TO BE WITH CHRIST, OKAY
2 MR COPE SAYS HE WENT TO SLEEP THAT NIGHT AND HAD A
3 DREAM I DON'T THINK HE DID I SUBMIT TO YOU HE
4 KILLED HIS DAUGHTER, HER BODY WAS IN THE BEDROOM, HE
5 CLEANED UP, AND HE LAID BACK DOWN AFTER HE CLEANED UP
6 AND HE PRAYED HE DIDN'T GO TO SLEEP HE PRAYED
7 BECAUSE HE HAD A PROBLEM HE HAD BECOME ENRAGED, HE
8 HAD DONE AN AWFUL THING TO HIS DAUGHTER, AND HE HAD A
9 PROBLEM AND SO HE PRAYED FOR THE RAPTURE THAT'S
10 WHY HE WAS SO OBSESSED WITH THE RAPTURE THAT MORNING
11 BECAUSE YOU SEE IF GOD HAD GIVEN HIM HIS PRAYER
12 AMANDA AND HER BODY WOULD HAVE BEEN TAKEN TO HEAVEN
13 AND IT WOULD NOT HAVE BEEN IN THE BEDROOM AND HE
14 WOULDN'T HAVE TO DEAL WITH IT THAT TELLS THE TRUTH
15 OF THIS CASE THAT TELLS THE TRUTH HE KNEW THAT
16 SHE WAS IN THE BEDROOM, HE KNEW THAT SHE WAS DEAD,
17 AND WHEN HE AWOKE HE WAS HOPING THE RAPTURE HAD TAKEN
18 PLACE, HE HAD PRAYED FOR IT, AND IF YOU NOTICE HE
19 SAYS HE SCREAMED AFTER HE SAW HIS OTHER TWO CHILDREN
20 AND THE REASON WAS BECAUSE HE KNEW HER BODY WAS STILL
21 THERE AND HE WAS GOING TO HAVE TO DEAL WITH IT HE
22 DID IT HE DID IT ENRAGED AND WHAT WE DON'T KNOW IS
23 WHY HE'S NEVER SAID PROBABLY WILL NEVER SAY THE
24 QUESTION IS WHAT DID HE LEARN THAT NIGHT WHEN HE WENT
25 IN TO HAVE HIS RELATIONSHIP WITH HIS DAUGHTER AFTER

1 THE OTHER TWO GIRLS HAD GONE TO BED? WHAT DID HE
2 LEARN FROM HER OR WHAT DID HE UNCOVER THAT THREW HIM
3 INTO A RAGE THAT CAUSED HIM NOT ONLY TO KILL HIS
4 DAUGHTER, BUT AS A SIGN OF HIS ANGER TO SEXUAL
5 MUTILATE HER? I ASK THAT YOU FIND JAMES SANDERS NOT
6 GUILTY ON ALL THE CHARGES IN THIS CASE THANK YOU

7 THE COURT ALL RIGHT MEMBERS OF THE
8 JURY PANEL, WE'LL BREAK FOR LUNCH IT SHOULD BE HERE
9 FAIRLY SOON AND IF IT IS WE'LL TAKE A LITTLE BIT OF
10 TIME AND WE'LL COME BACK HAVE A PLEASANT LUNCH

11 (THE JURY EXITS THE COURTROOM AT 12 20
12 PM)

13 THE COURT WE'LL BE AT EASE SUBJECT TO
14 CALL TO COURT WHICH I IMAGINE WILL BE AROUND 1 30

15 (COURT'S IN RECESS AT 12 20 PM)

16 (COURT RESUMES AT 1 32 PM)

17 THE COURT IS THE STATE READY

18 MR BRACKETT THE STATE IS READY

19 THE COURT MR MORTON, YOU READY

20 MR MORTON YES, YOUR HONOR

21 MR GREELEY YES, YOUR HONOR

22 THE COURT BRING IN THE JURY

23 (THE JURY RETURNS TO THE COURTROOM AT
24 01 33 PM)

25 THE COURT ALL RIGHT, MR BRACKETT

1 CLOSING STATEMENT BY MR BRACKETT

2 HOW CAN THIS BE? WE'VE BEEN IN TRIAL NOW
3 FOR 11 DAYS AND BOTH OF THESE MEN ARE INNOCENT? YOU
4 JUST HEARD MR MORTON VERY PERSUASIVELY AND
5 PASSIONATELY (POUNDS ON THE RAIL) HE'S INNOCENT, HE'S
6 INNOCENT MR GREELEY (POUNDS) HE DIDN'T PROVE IT,
7 FOLKS HE'S GUILTY MY GUY IS INNOCENT VERY
8 ARTFUL VERY ENTERTAINING BUT LADIES AND GENTLEMEN
9 OF THE JURY, LET'S IN THE WORDS OF JERRY WALDROP,
10 LET'S TALK ABOUT AMANDA LET'S TALK ABOUT THE FACTS
11 AND THE EVIDENCE LET'S TALK ABOUT THE TRAGEDY THAT
12 HAPPENED AT 407 RICH STREET LET'S STEP THROUGH IT
13 PIECE BY PIECE, EVERY BIT OF EVERY BIT, AND DECIDE
14 EXACTLY WHAT HAPPENED

15 I'M NOT GOING TO -- THIS IS A VERY
16 EMOTIONAL CASE, A 12 YEAR OLD IS DEAD AND RAPED AND
17 MY CHEST TIGHTENS EVERY TIME, I'VE BEEN LIVING THIS
18 CASE FOR THREE AND A HALF YEARS, IT'S HARD AND IT'S
19 HARD FOR YOU AND I APPRECIATE THAT I DO I CAN'T
20 DELIVER A SUMMATION TO DO JUSTICE BY THIS GIRL
21 WITHOUT GETTING EMOTIONAL I CAN'T SHOW YOU THIS
22 EVIDENCE WITHOUT IT PROVOKING AN EMOTIONAL REACTION
23 IN YOU, BUT I WANT YOU TO UNDERSTAND SOMETHING, I
24 DON'T WANT YOU TO DECIDE THIS CASE ON PASSION OR
25 EMOTION OR BECAUSE IT'S A HORRIBLE CASE AND A

1 HORRIBLE THING HAPPENED TO A LITTLE GIRL
2 I DON'T WANT YOU TO DO THAT MOSTLY BECAUSE YOU DON'T
3 NEED TO YOU CAN DECIDE THIS CASE ON REASON AND
4 LOGIC, BUT I'M GOING TO HAVE TO SHOW YOU SOME
5 TERRIBLE, TERRIBLE THINGS I'M GOING TO HAVE TO SAY
6 SOME HORRIBLE THINGS AND I WANT YOU TO UNDERSTAND UP
7 FRONT, I'M SORRY AND I KNOW HOW IT AFFECTS YOU JUST
8 BEAR WITH ME JURY SERVICE ISN'T EASY THIS WASN'T
9 EASY FOR AMANDA SHE SUFFERED THROUGH THAT Y'ALL
10 CAN SUFFER THROUGH IT A LITTLE MORE WITH ME JUST FOR
11 A LITTLE WHILE JUST FOR A LITTLE WHILE

12 THE FIRST THING I WANT TO TALK TO YOU
13 ABOUT, MADAM CLERK, IF YOU WOULD (THE LIGHTS ARE
14 DIMMED) I TOLD YOU THIS CASE WOULD BE DECIDED USING
15 REASON AND LOGIC THE FIRST THING I THOUGHT ABOUT,
16 WHAT DO I EVEN USE TO CONVINCE PEOPLE? WHAT DO WE DO
17 WHEN WE HAVE A SITUATION LIKE THIS? YOU SIT BACK AND
18 YOU SAY, OKAY, WHAT ARE ALL THE THINGS THAT COULD
19 HAVE HAPPENED, WHAT ARE ALL THE POSSIBILITIES IN THIS
20 CASE, BASED ON THE EVIDENCE THAT WE HAVE, WHAT COULD
21 HAVE HAPPENED IN THIS CASE? THE FIRST THING THAT
22 COULD HAVE HAPPENED REALISTICALLY, NOT NECESSARILY
23 PROBABLY, BUT I'M GIVING YOU EVERYTHING OKAY, MAYBE
24 COPE CAUGHT SANDERS IN THE HOUSE ASSAULTING HIS
25 DAUGHTER? MAYBE COPE AND SANDERS BOTH ASSAULTED

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1 AMANDA INDEPENDENT OF ONE ANOTHER AND UNBEKNOWNST TO
2 EACH OTHER? AND LADIES AND GENTLEMEN, I'LL SAY IT, I
3 DIDN'T COUNT THIS AS A SERIOUS POSSIBILITY, UNTIL MR
4 GREELEY'S CLOSING ARGUMENT I DIDN'T THINK ANYBODY
5 WOULD VENTURE TO MAKE THIS ARGUMENT BECAUSE IT'S
6 ABSURD AND I'LL DEAL WITH THAT MOMENTARILY MAYBE
7 COPE DID IT BY HIMSELF? MAYBE SANDERS DID IT BY
8 HIMSELF? AND THAT'S REALLY THE THRUST OF MY ARGUMENT
9 RIGHT THERE, THAT'S WHAT I HAVE TO DEAL WITH RIGHT
10 THERE, BECAUSE THAT IS COPE'S DEFENSE HE'S PUTTING
11 IT ON ALL SANDERS, SO I HAVE TO PROSECUTE COPE
12 BECAUSE, LADIES AND GENTLEMEN, SANDERS IS BOUGHT AND
13 PAID FOR MR SANDERS' DNA, HIS SEMEN, IS ON A DEAD
14 12 YEAR OLD GIRL HIS SALIVA IS HER ON BREAST OVER A
15 BRUISE THAT IS ROUGHLY THE SAME AGE AS THE CHOKE
16 MARKS THAT KILLED HER MR SANDERS IS GUILTY THERE
17 IS NO QUESTION ABOUT THAT THAT CANNOT SERIOUSLY BE
18 DISPUTED, NOT WITH A STRAIGHT FACE THE FINAL
19 POSSIBILITY IS COPE AND SANDERS DID IT TOGETHER
20 NOW BEFORE I MOVE ON AND GO THROUGH EACH
21 OF THESE POSSIBILITIES ONE BY ONE, THE ONE THING I
22 WANT TO TELL YOU, MR MORTON LAID DOWN THE GAUNTLET,
23 MR BRACKETT, I CHALLENGE YOU TO TELL ME WHERE THESE
24 TWO PEOPLE MET I CHALLENGE YOU TO TELL ME HOW LONG
25 THEY'VE KNOWN EACH OTHER I CHALLENGE YOU TO GIVE ME

1 A HISTORY OF THEIR RELATIONSHIP WHEN YOU LISTEN TO
2 THE JUDGE CHARGE YOU ON CONSPIRACY, LISTEN VERY
3 CAREFULLY, BECAUSE YOU ARE GOING TO HEAR A LOT OF
4 THINGS, YOU ARE TO GOING HEAR A LOT OF TALK ABOUT AN
5 AGREEMENT, A MEETING OF THE MINDS, TO COMMIT A CRIME
6 AND SOME ACT IN FURTHERANCE OF THAT CONSPIRACY
7 THOSE ARE THE THINGS YOU ARE GOING TO HEAR LET ME
8 TELL YOU WHAT YOU ARE NOT GOING TO HEAR YOU ARE NOT
9 GOING TO HEAR THE JUDGE TELL YOU AND THE STATE MUST
10 PROVE WHERE AND WHEN THEY MET, HOW LONG THEY HAVE
11 KNOWN EACH OTHER, WERE THEY GOOD FRIENDS OR CASUAL
12 ACQUAINTANCES NO WE DON'T HAVE TO PROVE THAT WE
13 DON'T HAVE TO PROVE THAT THEY KNEW EACH OTHER IF I
14 CONVINCED YOU THAT MR COPE IS GUILTY BEYOND A
15 REASONABLE DOUBT AND I SUBMIT BY THE TIME I SIT DOWN
16 I WILL HAVE DONE THAT, IF MR GREELEY HASN'T ALREADY,
17 AND I CONVINCED YOU THAT MR SANDERS IS GUILTY, AND I
18 SUBMIT THAT BY THE TIME I SIT DOWN I WILL CONVINCED
19 YOU OF THAT, IF MR MORTON HAS NOT ALREADY, THEN THEY
20 HAD TO DO IT TOGETHER THEY CAN'T BOTH BE GUILTY OF
21 THESE CRIMES AND NOT HAVE DONE IT TOGETHER THEY
22 COULDN'T HAVE BOTH BEEN STANDING IN THE ROOM DOING
23 THE SAME THING AND NOT KNOWN, THAT'S JUST ABSURD IF
24 THEY ARE BOTH GUILTY THEN THEY DID IT TOGETHER THEY
25 HAD TO CONSPIRE OKAY

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1 NOW I'LL GIVE YOU AN EXAMPLE BECAUSE THIS
2 CASE IS SO CONVOLUTED WITH FACTS LET ME GIVE YOU A
3 VERY STRAIGHT FORWARD SIMPLE EXAMPLE OF WHAT I AM
4 SAYING THAT WILL ILLUSTRATE THE POINT SUPPOSE
5 SOMEBODY BROKE INTO A FAMOUS MUSEUM AND CUT OUT A
6 PICTURE, SAY THE MONA LISA, AND THEY RUN AWAY AND
7 WITHIN FIVE MINUTES, THE GUY, WHO IS ON VIDEO TAPE,
8 IS CAUGHT WITH THE RAZOR BLADE STILL IN HIS POCKET
9 THAT HAS THE LITTLE PAINTS CHIPS ON IT THAT ARE
10 CLEARLY BELONGING TO THE MONA LISA NO QUESTION
11 ABOUT IT, THIS IS THE SAME GUY, HE'S ON VIDEO, DOZENS
12 OF PEOPLE SAW HIM, AND HE ADMITS, YEAH, IT WAS ME,
13 BUT HE DOESN'T HAVE THE PAINTING FIVE MINUTES LATER
14 SPEEDING AWAY IN A CAR ANOTHER GUY IS PULLED OVER FOR
15 SPEEDING AND INSIDE INSIDE OF A PLASTIC OR A
16 CARDBOARD TUBE ROLLED UP IS THE MONA LISA SUPPOSE
17 THAT THERE IS NO WAY TO PROVE HOW THESE TWO PEOPLE
18 EVER KNEW EACH OTHER, CAN THERE BE ANY DOUBT THAT
19 THEY WERE ACTING TOGETHER? CAN THERE BE ANY REAL
20 DOUBT? THAT'S WHAT WE HAVE HERE THEY ARE BOTH
21 CAUGHT INDEPENDENT OF ONE ANOTHER AND I DON'T KNOW
22 HOW THEY KNEW EACH OTHER BUT RAPE ISN'T THE KIND OF
23 CRIME THAT YOU SIGN AN AGREEMENT, WRITE OUT A
24 CONTRACT AND SAY, JAMES SANDERS PARTY OF THE FIRST
25 PART WILL MEET WITH BILLY COPE THE PARTY OF THE

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1 SECOND PART AND MEET AT TWO O'CLOCK IN THE MORNING AT
2 407 RICH STREET FOR THE PURPOSE OF COMMITTING RAPE
3 AND WE'RE GOING TO FILE THAT DOWN AT THE COURT HOUSE
4 RAPE IS A SECRETATIVE CRIME RAPE ISN'T SOMETHING
5 YOU DO ON THE STREETS RAPE IS SOMETHING YOU DO
6 AFTER YOU'VE DRAWN THE CURTAINS AND CLOSED THE DOOR
7 WHEN YOU RAPE SOMEONE YOU DON'T WANT OTHER PEOPLE TO
8 KNOW ABOUT IT I DON'T KNOW WHAT KIND OF
9 RELATIONSHIP THESE TWO MEN HAD I DON'T KNOW THE
10 EXTENT OF IT WAS IT FRIENDSHIP, AN
11 ACQUAINTANCESHIP, SOMETHING MORE PERSONAL THAN THAT?
12 I DON'T KNOW I DON'T KNOW I DON'T HAVE TO KNOW
13 ALL I HAVE TO DO IS SATISFY EACH OF YOU THAT EACH ONE
14 OF THEM IS GUILTY AND IF THEY WERE BOTH GUILTY THEN
15 THEY HAD TO DO IT TOGETHER SO LET'S RUN THROUGH THE
16 POSSIBILITIES

17 IF COPE CAUGHT SANDERS IN THE HOUSE, COPE
18 WOULD HAVE KILLED SANDERS, WE WOULD HAVE A KILLING ON
19 OUR HANDS, AND SANDERS WOULD BE DEAD ASSUMING COPE
20 IS INNOCENT, RIGHT, ISN'T THAT WHAT WOULD HAVE
21 HAPPENED? ANY NORMAL FATHER WALKS IN, FINDS SOMEBODY
22 RAPING HIS DAUGHTER, KILLING HIS DAUGHTER, DOING
23 SOMETHING LIKE THAT, IN HIS BEDROOM WITH HIS
24 DAUGHTER, NOT THEN NECESSARILY DOING SOMETHING, AT
25 TWO O'CLOCK IN THE MORNING, THERE IS GOING TO BE SOME

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1 BLOOD ON THE FLOOR HE WOULD HAVE CALLED THE POLICE
2 HE WOULD NOT HAVE HAD ANY REASON TO LEAVE HIM OUT OF
3 THE CONFESSION AT THAT POINT THERE REALLY WOULD
4 HAVE BEEN NO CONFESSION IT WOULD HAVE BEEN A
5 STATEMENT THAT'S NOT A REASONABLE POSSIBILITY
6 COPE AND SANDERS ACTED INDEPENDENTLY OF EACH OTHER
7 LADIES AND GENTLEMEN, MR GREELEY VERY ARTFULLY TRIED
8 TO LAY THIS ARGUMENT OUT IT WAS CLEVER ONE
9 FALLACY THOUGH, ONE LITTLE SMALL PROBLEM, HE HAD TO
10 STRETCH THE TIME BACK EARLY IN THE EVENING, SEVEN
11 O'CLOCK, SIX O'CLOCK THE PATHOLOGIST SAID SHE DIED
12 BETWEEN TWO AND FOUR, SO MR GREELEY FIRST HAD TO
13 ASSUME THAT SHE DIED AT TWO, THE EARLIEST POSSIBLE
14 TIME BY THE PATHOLOGIST'S RECKONING THEN HE SAID
15 THE BRUISE COULD NOT HAVE BEEN ANY OLDER THAN FOUR
16 HOURS, THAT MEANS NO MORE THAN TEN O'CLOCK AT TEN
17 O'CLOCK MARY COPE WAS LEAVING FOR WORK, THEY HAD
18 EATEN DINNER AT 8 30, THEY WERE IN THE HOUSE, AND
19 AMANDA WAS JUST ABOUT TO START HELPING JESSICA WITH
20 THE HOMEWORK WHICH SHE DID UP UNTIL THE TIME THEY
21 WENT TO BED ABOUT 1 15 IN ADDITION TO THAT,
22 REMEMBER THE TAPES THAT WE HAD TO SUFFER THROUGH, THE
23 FOUR-HOUR LONG AUDIO TAPES OF DRIBBLE, REMEMBER ONE
24 OF THE THINGS THAT MR COPE SAID, AND THIS IS ONE OF
25 THOSE LITTLE INNOCUOUS QUESTIONS THAT WAS ASKED OF

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1 HIM SO HE REALLY HAD NO REASON TO LIE ABOUT THIS, IT
2 WASN'T REALLY PERTAINING TO THE CASE IT WAS JUST ONE
3 OF THOSE GENERAL QUESTIONS THAT THEY THREW OUT, DO
4 YOU LET THE KIDS RUN AROUND THE NEIGHBORHOOD? THIS
5 WAS RIGHT AROUND THE TIME HE SAID HIS MOM WAS
6 CONCERNED ABOUT THE NEIGHBORHOOD AND CONCERNED ABOUT
7 THE KIDS RUNNING AROUND THE NEIGHBORHOOD, HE SAID NO,
8 I DON'T WE ARE PRETTY MUCH A HOME BODY FAMILY WE
9 STAY AT HOME, WE WATCH SEVENTH HEAVEN AND CHRISTMAS
10 SHOWS, AND BASICALLY SIT AROUND AND READ THE BIBLE
11 THAT'S WHAT HE WAS SAYING SO EVEN HE ADMITTED WHEN
12 IT DIDN'T MATTER THAT THE KIDS DON'T GO OUT, SO SHE
13 WASN'T GOING TO GO OUT AT TEN O'CLOCK AT NIGHT SHE
14 WASN'T BUT EVEN IF YOU BELIEVE THAT, WHAT'S HE
15 REALLY SAYING? WHAT'S MR GREELEY SAYING? OH, NO,
16 JAMES SANDERS DIDN'T SEXUALLY ASSAULT HER AT TWO
17 O'CLOCK IN THE MORNING HE SEXUALLY ASSAULTED HER
18 EARLIER WHAT KIND OF DEFENSE IS THAT? YOU REALLY
19 THINK LIGHTENING HIT THIS CHILD TWICE IN THE SAME
20 NIGHT? IF YOU DO SEND MR SANDERS HOME I SUBMIT
21 THAT'S ABSURD THAT IS NOT A REALISTIC POSSIBILITY
22 AND NEITHER IS COPE ACTED ALONE FOR THE SIMPLE REASON
23 THAT MR SANDERS' SEMEN AND SALIVA IS ALL OVER THIS
24 POOR CHILD

25 SANDERS ACTED ALONE OKAY, THAT'S MR

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1 COPE'S CURRENT EXPLANATION THAT'S THE LATEST
2 VERSION OF THE COPE SPIN ON WHAT HAPPENED IN THIS
3 HOUSE THAT NIGHT MR SANDERS BROKE IN AND DID THIS
4 BY HIMSELF AND THIS IS WHAT THE MAJORITY OF MY
5 CLOSING ARGUMENT IS GOING TO BE FOCUSED ON I'M
6 GOING TO CONVINCING YOU THAT MR COPE WAS GUILTY TOO IN
7 ADDITION TO MR SANDERS (PLAYING THE 911 TAPE)
8 IT'S A WHITE HOUSE I'LL LEAVE THE LIGHT ON
9 PEPPERONI, MUSHROOM, SAUSAGE, AND GREEN PEPPERS, IS
10 HE ORDERING A PIZZA? LISTEN TO THAT GUY THIS IS
11 WHAT THIS MAN SAID TO 911 WHILE HIS DAUGHTER IS
12 LAYING THERE IN THE BED YOU SAW HER THAT'S WHAT
13 HE JUST WALKED OUT OF THAT'S WHAT HE JUST WALKED
14 OUT OF THAT'S HIS CHILD THAT'S HIS LITTLE GIRL,
15 HIS FIRST BORN SHE IS LAYING IN THERE LOOKING LIKE
16 THAT, THAT'S EXACTLY WHAT HE JUST SAW, WALKED OVER
17 AND PICKED UP THE PHONE AND HEARD AND SAID JUST WHAT
18 YOU JUST HEARD (POUNDS ON THE RAIL) SHE IS DEAD
19 SHE'S COLD AS A CUCUMBER NO, THERE IS NO POINT IN
20 TRYING TO DO CPR YOU DON'T HEAR HIM GOING, OH, MY
21 GOD PLEASE PLEASE HURRY BRING SOMEBODY TO
22 HELP HER PLEASE HELP MY CHILD THAT'S WHAT A
23 FATHER WOULD SAY IF HE COULD EVEN GET THAT MUCH
24 OUT AND THAT'S WHAT THE POLICE KNEW THEY KNEW
25 THAT AND THEY WANT TO BLAME THEM BECAUSE THEY WERE

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1 SUSPICIOUS OF HIM AT FIRST Y'ALL GOT COMMON SENSE
2 WHAT WOULD Y'ALL, WHAT WOULD ANY REASONABLE PERSON
3 THINK HEARING THAT TAPE, SEEING THAT PICTURE, THOSE
4 POLICE OFFICERS WALKED IN, THEY SAW THE SAME THING
5 OF COURSE THEY WERE WONDERING ABOUT HIM HE EVEN
6 ACKNOWLEDGED IN ONE OF THOSE LETTERS IN EVIDENCE THAT
7 HE WROTE TO HIS OLD BOSS, I'LL REFER TO IT AGAIN
8 LATER, HE SAYS, I'M NO DUMMY I KNOW THE FIRST
9 SUSPECT IS GOING TO BE IN THE HOUSE HE'S NO DUMMY
10 YOU SAW HIM TESTIFY HE IS NO DUMMY HE'S CAGEY
11 HE KNEW THAT THE POLICE, THE FIRST SUSPECT WAS GOING
12 TO BE IN THE HOUSE, OF COURSE, HE DID, AND OF COURSE
13 THE POLICE ARE GOING TO LOOK AT HIM HE'S THE ONLY
14 GUY IN THE HOUSE YOU HEARD DETECTIVE WALDROP SAY HE
15 WALKED AROUND THAT HOUSE AND LOOKED AT THE SAME
16 WINDOWS TODD GARDNER TESTIFIED ABOUT THEY KNEW
17 THEY WERE LOOKING AT THE SITUATION, THEY ARE
18 REASONABLE PEOPLE, OF COURSE THEY ARE GOING TO TALK
19 TO HIM THEY CAN'T FAULT HIM FOR THAT SO THE CLOUD
20 OF SUSPICION FORMED OVER BILLY COPE, BIG DEAL DID
21 YOU HEAR THAT TAPE? SO THEY TALKED TO HIM AND HE
22 GAVE A NUMBER OF STATEMENTS AND WE WILL GO THROUGH
23 THOSE IN DETAIL

24 AT THE SCENE WHAT DOES HE SAY? IT WAS AN
25 ACCIDENT THERE WAS AN ACCIDENT SHE ROLLED AROUND

1 SHE HAS A HISTORY OF ROLLING YOU KNOW HAS A HISTORY
2 OF ROLLING? SHE'S 12 YEARS OLD FOR GOD SAKES SHE
3 HAS A HISTORY OF ROLLING? LADIES AND GENTLEMEN, KIDS
4 DO CHOKE ON THINGS THEY, TODDLERS CHOKE ON THINGS
5 MR COPE TESTIFIED HE HEARD ABOUT A KID WHO HUNG ON A
6 BLINDS CORD YEAH, THAT HAPPENS TO TODDLERS, TO
7 INFANTS, AND THE REASON THAT THAT KILLS THEM, IT'S
8 NOT THE FACT OF A LONG PIECE OF CORD OR FABRIC,
9 THAT'S NOT WHAT KILLS YOU IT'S THE FACT THAT ONE
10 END IS NAILED OR SCREWED IN THE WALL AT THE TOP AND
11 THEIR FEET DON'T REACH THE BOTTOM AND GRAVITY IS
12 PULLING THEM DOWN AND THE NAIL IS HOLDING THE CORD
13 UP, THAT'S WHAT KILLS THEM YOU CAN'T JUST KILL
14 SOMEBODY WITH A CORD LADIES AND GENTLEMEN, YOU
15 COULD SLEEP ON A PILE OF ROPES, YOU COULD USE A BUNCH
16 OF ROPES AS A PILLOW AND NOT CHOKE TO DEATH AND A
17 12 YEAR OLD COULD TOO IF IT GETS AROUND YOUR NECK
18 YOU ARE GOING TO WAKE UP AND YOU ARE GOING TO PULL IT
19 OFF, BUT IT'S NOT GOING TO CHOKE YOU SO MUCH THAT YOU
20 WOULD EVEN WAKE UP BECAUSE NOBODY IS PULLING ON THE
21 ENDS IT'S NOT NAILED IN ANYWHERE AND GRAVITY IS NOT
22 PULLING IT DOWN IT'S ABSURD EVEN IF I LAID THIS
23 OUT RIGHT NOW AND I ROLLED AROUND AND TRIED TO ROLL
24 IT AROUND MY NECK, SHE'D ROLL OFF THE BED BEFORE IT
25 GOT WRAPPED AROUND HER NECK THAT'S STUPID BUT

003567

1 THAT'S WHAT HE TELLS THE POLICE AND HE WONDERS WHY
2 THEY ARE SUSPICIOUS WHY? WHY WERE THEY SUSPICIOUS
3 OF ME? POOR BILLY POOR BILLY THEY DID THIS
4 BECAUSE HIS HOUSE LOOKED LIKE A MESS POOR BILLY
5 NOTHING THEY DID IT BECAUSE THE STORY DIDN'T ADD
6 UP RIGHT FROM THE VERY BEGINNING IT LOOKED
7 SUSPICIOUS, FROM THE TAPE, FROM THE FIRST THINGS HE
8 SAID, HISTORY OF ROLLING, WARNED HER ABOUT THAT
9 BLANKET, NOT ACCORDING TO JESSICA, THAT WAS NEWS TO
10 HER, NEVER HEARD THAT BEFORE WHY WOULD TIFFANY
11 BARNETTE AND JASON DILLON BOTH SAY THAT -- NAKED WHEN
12 I FOUND HER YOU KNOW WHAT IT WAS? HE WAS MAKING
13 HIS STORY UP AS HE WENT ALONG AND HE TOLD THAT TO THE
14 FIRST PEOPLE AND THEN HE THOUGHT BETTER OF IT AND HE
15 DECIDED TO CHANGE HIS STORY THAT DIDN'T MAKE SENSE
16 HE'S STILL TRYING TO FIGURE OUT WHAT'S THE BEST ANGLE
17 ON THIS THING I GOT TO WORK THIS WITH THE POLICE
18 DEAD FOR FOUR HOURS TIFFANY BARNETTE SAID DEAD FOR
19 ABOUT FOUR HOURS ABOUT AIN'T FOR FOR HOURS, FOUR
20 HOURS, THIS ISN'T THE FIRST TIME HE MAKES THIS
21 MISTAKE THAT TAPE, WHEN WAS THE LAST TIME YOU SAW
22 HER, SIR? ABOUT TWO UH, ABOUT ONE ABOUT FOUR
23 HOURS EARLIER

24 AND THEN FINALLY, ANYTHING BAD GOING
25 TO HAPPEN TO ME BECAUSE MY DAUGHTER IS DEAD? WHY

1 WOULD A FELLOW THINK THAT? HE JUST FOUND HIS
2 DAUGHTER DEAD NOW LET'S JUST IMAGINE FOR JUST A
3 SECOND, IF YOU CAN, IF YOUR IMAGINATION IS THIS GOOD
4 THAT BILLY COPE IS IN FACT INNOCENT AND HE'S STANDING
5 THERE, HE JUST FOUND HER, HE IS ALL DISTRAUGHT AND
6 UPSET OR WHATEVER, AND HE IS THINKING OF HIMSELF, IS
7 ANYTHING BAD GOING TO HAPPEN TO ME YOU KNOW WHAT
8 HE'S REALLY THINKING Y'ALL CATCHING ON TO THIS YET?
9 ARE YOU BUYING IT? IS THIS WORKING? GOOD ENOUGH?
10 YEAH ALL THE OFFICERS SAID SAME DEMEANOR HE TRIED
11 TO TESTIFY HE WAS LAYING ON THE FLOOR CRYING NO
12 OFFICER HEARD HIM LAYING ON THE FLOOR CRYING THEY
13 SAW HIM TYPING ON THE COMPUTER, TALKING ON THE
14 TELEPHONE, NO, THIS WASN'T A MAN WHO JUST FOUND HIS
15 DAUGHTER DEAD THIS WAS A MAN WHO KNEW SHE HAD BEEN
16 DEAD FOR SOME PERIOD OF TIME AND HAD BEEN WORKING ON
17 HIS STORY, CLEANING UP THE SITUATION, STAGING THE
18 CRIME SCENE, FIXING IT UP SO THAT AT SIX O'CLOCK WHEN
19 THE ALARM WENT OFF HE COULD YELL OUT AND WAKE HIS
20 KIDS UP AND START HIS SHOW

21 SO DETECTIVE BURRIS TAKES HIM BACK TO THE
22 ROCK HILL POLICE DEPARTMENT AND TALKS TO HIM THIS
23 IS INFORMATIONAL, NON-CONFRONTATIONAL, HE SAID SO
24 ALL THEY ARE DOING IS INTERVIEWING ME THEY ARE
25 TALKING TO ME HE'S NOT UNDER ARREST NOW THE JUDGE

1 IS GOING TO CHARGE YOU ABOUT THE STATEMENTS THAT HE'S
2 MADE AND YOU NEED TO UNDERSTAND SOMETHING, THIS IS A
3 POINT OF LAW, IF YOU ARE NOT UNDER ARREST YOU DON'T
4 NEED YOUR MIRANDA WARNING YOU HAVE THE RIGHT TO
5 REMAIN SILENT, ANYTHING YOU SAY CAN AND WILL BE USED
6 AGAINST YOU, ALL THIS STUFF YOU SEE ON TV, THAT ONLY
7 APPLIES ONCE YOU ARE PLACED UNDER ARREST OR
8 QUESTIONED YOU COULD BE ARRESTED AND NOT QUESTIONED
9 AND YOU STILL DON'T NEED MIRANDA WARNINGS THE ONLY
10 TIME YOU GET IT IS WHEN YOU ARE IN CUSTODY, YOU'RE
11 NOT FREE TO LEAVE, AND THE POLICE ARE QUESTIONING
12 YOU BEFORE YOU CAN ASK QUESTIONS UNDER THOSE
13 CIRCUMSTANCES THAT'S WHEN YOU GET THE RIGHTS READ TO
14 YOU HE WASN'T IN CUSTODY HE WAS SITTING AT THE
15 POLICE DEPARTMENT GIVING AN INTERVIEW TO MR BURRIS
16 SEATED OVER HERE, THIS NICE GENTLEMAN WHO YOU HEARD
17 FROM, NOT UNDER ARREST, ASKED HIM WHAT HAPPENED
18 YOU'D EXPECT THAT FROM THE POLICE, WOULDN'T YOU?
19 HE'S RIDING THAT ACCIDENT STORY THAT'S WHAT
20 HAPPENED BUT HE DOES START THE VERY FIRST SEEDS OF
21 HIS BACK UP, THE BACK UP PLAN IN CASE PLAN A FALLS
22 THROUGH PLAN B YOU KNOW I SLEEP WITH THIS CPAP
23 MACHINE, IT MAKES A LOT OF NOISE, SO THAT'S THE FIRST
24 TIME WE HEAR ABOUT THAT ALSO SHE'S SCRATCHED MY
25 BACK IN CASE YOU FIND ANY OF MY DNA UNDERNEATH HER

003570

1 FINGERNAILS, LIKE MAYBE SOMEBODY WOULD IF THEY WERE
2 FIGHTING FOR THEIR LIFE, SHE SCRATCHED MY BACK AND
3 THAT'S HOW IT GOT THERE THAT'S A LITTLE BIT ODD,
4 DON'T YOU THINK? WHAT'S HE THINKING WHEN HE SAYS
5 THAT?

6 STATEMENT TO BURRIS AND HERRING, AGAIN
7 INFORMATIONAL, NOT UNDER ARREST, NO MIRANDA, HE'S
8 JUST SITTING OUT IN THE LOBBY AND THEY NOTICE HIM OUT
9 THERE AND SAID LET'S ASK HIM A FEW MORE QUESTIONS, WE
10 GOT A LITTLE MORE INFORMATION, LET'S ASK HIM ABOUT
11 THIS SAME BASIC STORY NEITHER OF THESE STATEMENTS
12 DOES HE MENTION GETTING UP AT THREE O'CLOCK IN THE
13 MORNING AND THAT'S SIGNIFICANT, THAT PIECE OF
14 INFORMATION PLAYS ALL THE WAY THROUGH THIS ENTIRE
15 CASE, DIDN'T GET AND DOESN'T SAY ANYTHING ABOUT
16 GETTING UP AT THREE O'CLOCK IN THE MORNING AND YOU
17 CAN BET THEY ARE ASKING HIM, THEY WANT EVERY DETAIL,
18 THEY DON'T WANT HALF THE STORY, JUST A LITTLE BIT,
19 JUST TELL ME WHAT, YOU KNOW, THEY ARE ASKING HIM,
20 GIVE US THE DETAILS, EVERY SINGLE THING, WHAT
21 HAPPENED LAST NIGHT, WHAT HAPPENED THIS MORNING FROM
22 THE TIME YOU WOKE UP, GIVE ME EVERY SINGLE DETAIL,
23 AND THIS IS THE FIRST PLACE HE STARTS TALKING ABOUT
24 THE RAPTURE AND THIS IS THE FIRST PLACE HE STARTS
25 HAVING TO TALK ABOUT KICKING THE DOOR IN NO MENTION

1 OF THAT ON THE SCENE NO MENTION OF THAT TO MR
2 BURRIS AT 8 O'CLOCK THAT MORNING AT THE POLICE
3 DEPARTMENT NO MENTION OF IT AT ALL HE CHANGES THE
4 BED TIME A LITTLE ABOUT FROM 12 30 TO ABOUT ONE, AND
5 HE STILL BELIEVES THAT IT WAS AN ACCIDENT HOW DO
6 YOU THINK THIS HAPPENED, SIR? OH, I THINK IT WAS AN
7 ACCIDENT SHE ROLLED AROUND HE'S STILL RIDING THIS
8 STORY BECAUSE HE HADN'T QUITE BEEN SHOOK OF IT YET
9 THEY HAVEN'T GIVEN HIM ENOUGH INFORMATION TO BACK HIM
10 OFF OF IT SO HE IS STICKING WITH THE ACCIDENT THEORY
11 HE DID SAY, AND HE'S THE BEST JUDGE OF THIS BECAUSE
12 HE'S THE GUY THAT ACTUALLY LIVES THERE AND HE'S THE
13 ONE WITH THE FANS IN HIS ROOM AND THE SLEEP MACHINE
14 AND SLEEP APNEA AND ALL THAT OTHER STUFF, HE SAYS HE
15 CAN'T BELIEVE HE DIDN'T HEAR ANYTHING JOIN THE
16 CREW NOBODY ELSE CAN EITHER CAN'T BELIEVE I
17 DIDN'T HEAR ANYTHING AND THEY TOLD HIM THEN, WE'RE
18 GOING TO GET BACK IN TOUCH WITH YOU AFTER THE AUTOPSY
19 RESULTS COME IN HANG TIGHT, ONCE WE HAVE SOME MORE
20 INFORMATION WE'LL BE IN TOUCH

21 NOW THE THREE O'CLOCK INTERVIEW WAS REALLY
22 NOT TO LAW ENFORCEMENT AT ALL IT WAS TO DSS
23 JESSICA'S ASLEEP BY 10 30, AMANDA ASLEEP BY 11 30,
24 THAT'S AN HOUR AND A HALF OFF YOU KNOW HE'S NOT
25 TELLING DSS THE TRUTH WHAT'S HIS MOTIVE TO LIE

003572

1 ABOUT THIS? SHE WAS VERY CLEAR ON THAT POINT SHE'S
2 THE LADY THAT TESTIFIED FROM, AND OFFICER HUITT
3 TESTIFIED AS WELL, BUT SHE'S THE ONE WHO TESTIFIED
4 FROM MOBILE, ALABAMA, VIA THE TELEVISION, WHAT SEEMED
5 LIKE A YEAR AGO, SHE WAS QUESTIONED ABOUT THAT THEY
6 TRIED TO HIT HER, SHE WOULDN'T SHAKE NO, SIR WHY
7 DO I CARE WHAT HE NORMALLY DOES? SHE WAS KILLED LAST
8 NIGHT I NEED TO KNOW WHAT HAPPENED LAST NIGHT
9 ASLEEP BY 10 30 AND HE EVEN THREW IN THAT SHE
10 PRACTICED HER VIOLIN BEFORE SHE WENT TO BED AFTER
11 MOM LEFT SHE PRACTICED HER VIOLIN FOR AWHILE BEFORE
12 SHE WENT TO BED COMPLETELY DIFFERENT STORY,
13 COMPLETELY DIFFERENT

14 THE OTHER THING THAT WAS INTERESTING ABOUT
15 THIS IS THAT HE TOLD HER THAT HER ARMS WERE FOUND
16 HERE, LIKE THIS, AND WHEN HE TOOK THEM OUT AND PUSHED
17 THEM DOWN THEY AUTOMATICALLY CAME UP AS IF SHE WAS IN
18 AN ADVANCED STATE OF RIGOR MORTIS REMEMBER WHAT DR
19 MAYNARD TESTIFIED ABOUT RIGOR MORTIS, IT'S A
20 STIFFENING OF THE BODY, IT LASTS FOR ABOUT 24 HOURS,
21 IT STARTS AFTER ABOUT FOUR HOURS AND PEAKS AT ABOUT
22 24, AND THEN STARTS TO SUBSIDE AND THE BODY RELAXES
23 AGAIN AT ITS MAXIMUM YOUR BODY IS TOTALLY STIFF AND
24 IF YOU HAD DONE THAT IT WOULD HAVE COME BACK UP, BUT
25 THAT'S A PICTURE THAT WAS TAKEN AT ABOUT 6 15 OR SO

1 BY INVESTIGATOR JORDAN WITH HIS DIGITAL CAMERA
2 SHORTLY AFTER EMS TRIED TO PUT THE LIFE PACK ON HER
3 JUST TO RUN TO SEE IF THERE WAS ANY HOPE OF A PULSE
4 WHY AREN'T HER ARMS RIGHT HERE? HE EMBELLISHED THE
5 STORY WHAT DID SHE SAY? WHAT DID SHE SAY ABOUT
6 MRS COPE'S DEMEANOR -- MOM, THE ONE WHO WAS WORKING
7 THIRD SHIFT AND WASN'T IN THE HOUSE THAT NIGHT, SHE
8 WAS OVER AT LEINER OVER THERE UP NEAR BLACK AND
9 DECKER, CAROWINDS BOULEVARD AND PLEASANT ROAD, ABOUT
10 20 OR 30 MINUTES FROM RICH STREET, WHAT DID SHE SAY?
11 MRS COPE WAS HYSTERICAL AND SHE LISTENED TO THE
12 DETAILS OF WHAT HAPPENED AS IF SHE HEARD THEM FOR THE
13 FIRST TIME HE WAS CALM THAT'S HOW SOMEBODY REACTS
14 WHEN YOUR CHILD, THAT'S HOW YOU REACT WHEN YOU LOSE A
15 CHILD HIM ON THE OTHER HAND, NO, SIR

16 NOW HERE'S THE, THIS IS THE STATEMENTS TO
17 WALDROP AND HERRING, THIS IS 10 45, WE FAST FORWARD,
18 AND BEAR IN MIND FROM THE TIME THEY LEFT HERRING AND
19 BURRIS AT 12 40 HE'S ON HIS OWN, HE'S ON HIS OWN
20 UNTIL 10 45 EXCEPT FOR THE BRIEF TIME WHEN DSS COMES
21 TO SEE HIM, BUT THEY GO TO HIS HOUSE, HE DOESN'T HAVE
22 TO GO TO THE POLICE DEPARTMENT, THAT WAS AT THE PORCH
23 OF HIS, ON THE PORCH OF HIS MOTHER'S HOUSE AT THREE
24 O'CLOCK SO HE'S ON HIS OWN THAT WHOLE TIME DID HE
25 SLEEP? DID HE EAT? WHO KNOWS WHAT HE DID BUT HE

003574

1 WASN'T IN CUSTODY, HE WASN'T BEING INTERROGATED FOR
2 HOURS AND HOURS, AND THEY WERE TURNING ON THE KLIEG
3 LIGHTS AND SPEAKING WITH A GERMAN ACCENT AND BEATING
4 HIM WITH A PHONE BOOK IT WASN'T NONE OF THAT HE
5 WASN'T EVEN THERE AND DO YOU THINK MR BURRIS AND MR
6 HERRING HAD THAT IN THEM? THEY DIDN'T DO THAT THE
7 QUESTIONS THAT THEY WERE ASKING DON'T EVEN INDICATE
8 THAT THE SUMMARIES WHICH YOU HAVE IN EVIDENCE THEY
9 WERE JUST TRYING TO GET SOME INFORMATION HE HADN'T
10 EVEN BEEN INTERROGATED YET 10 45 HE MET MR
11 WALDROP NOW THAT'S WHERE THE INTERROGATION STARTED
12 AFTER ABOUT AN HOUR IT STARTED, BUT HE WAS REALLY
13 ONLY INTERROGATED FOR ABOUT THREE HOURS NOT FOUR
14 BECAUSE THE FIRST HOUR, REMEMBER THE CHICKEN RUN, THE
15 SALVATION ARMY, ALL THAT STUFF, THAT INTERVIEW WENT
16 THAT LONG BECAUSE THIS MAN RAMBLES HE DID IT ON THE
17 STAND WHEN HE WAS IN HERE -- YAK, YAK, YAK, WANT TO
18 TALK ABOUT ANYTHING BUT WHAT WE NEED TO TALK ABOUT
19 AND THAT AROUSED MR WALDROP AND MR HERRING'S
20 SUSPICION AS WELL WHAT DID HE SAY TO THEM? HE WAS
21 RAMBLING, HE WAS UNEMOTIONAL, YOU HEARD THIS ON THE
22 TAPE, YOU DON'T NEED TO, THIS ONE WAS RECORDED, YOU
23 DON'T NEED TO TAKE ANYBODY'S WORD FOR IT, IT'S THERE
24 YOU HEARD IT HE AGREES THERE WAS NO SIGN OF A BREAK
25 IN DID HE SEEM LIKE THE KIND OF GUY WHO WAS GOING

003575

1 TO BREAK TO YOU? LISTENING TO THAT TAPE DID HE SEEM
2 LIKE THE KIND OF GUY WHO WAS JUST, COULD EASILY BE
3 PUSHED AROUND? HE'S NO MARSHMALLOW HE HUNG IN
4 THERE THEY WERE HITTING HIM WITH THE HIGH HEAT AND
5 HE DIDN'T BREAK WALDROP DID PRESERVE THE TAPES
6 THEY ATTACKED HIM NOW YOU HAD THOSE TAPES IN YOUR
7 DESK YOU DIDN'T BRING THOSE TAPES AND PUT THEM INTO
8 EVIDENCE SO WHAT? YOU HEARD HIM, DIDN'T YOU? THEY
9 WERE PRESERVED NOBODY DISPUTED THAT THE CONTENTS
10 WERE ACCURATE, NOT MR COPE, NOBODY, SO WHAT WAS THE
11 WHOLE POINT OF THAT? HE KEPT THEM IN HIS DESK, SO
12 WHAT LET'S LISTEN TO A LITTLE BIT OF IT (PLAYING
13 THE TAPE)

14 IF I TOLD YOU YOUR DAUGHTER HAD BEEN
15 BEATEN SEVERELY (PLAYS THE TAPE) WHAT'S HE SAY?
16 IF I TOLD YOU YOUR DAUGHTER HAD BEEN BEATEN SEVERELY
17 WHAT WOULD YOUR REACTION BE? WHAT WAS HIS REACTION?
18 IT WAS TO TELL THEM ABOUT HIS VISIT TO THE SLEEP
19 APNEA DOCTOR NOW REMEMBER THIS GUY SUPPOSEDLY STILL
20 THINKS IT IS AN ACCIDENT THIS IS ALL NEWS TO HIM,
21 SO HE'S JUST HEARING FOR THE FIRST TIME THAT HIS
22 DAUGHTER HAS BEEN BEATEN SEVERELY AND HIS REACTION
23 IS WELL, YOU KNOW, I GOT THIS SLEEP APNEA AND I, I
24 WAKE UP 90 TIMES A MINUTE AND MY HEART STOPS BEATING
25 AND I WENT AND SAW DR JEFFREY COX DID I EVER TELL

1 YOU ABOUT DR COX? YEAH, HE GAVE ME THIS MACHINE
2 THAT I WEAR HIS IMMEDIATE REACTION IS TO TELL THEM
3 ABOUT HOW COME HE COULDN'T HEAR NOTHING THAT NIGHT
4 NOT -- OH, MY GOD WHAT ARE YOU TALKING ABOUT?
5 BEATEN SEVERELY I THOUGHT IT WAS AN ACCIDENT
6 CRUMBLLED INTO A POOL OF TEARS HE DIDN'T DO THAT
7 HE KNEW SHE HAD BEEN BEATEN SEVERELY
8 HOW ABOUT THIS? (PLAYS THE TAPE)
9 THAT'S THE WAY YOU GET TO THE TRUTH THIS IS ABOUT
10 THREE QUARTERS OF THE WAY THROUGH THAT TAPE THEY
11 WANT TO SAY THAT THEY WERE COERCEING HIM, THEY WANT
12 TO SAY THAT BILLY WAS BEING COERCED AND PRESSURED
13 INTO GIVING A FALSE CONFESSION TO RAPING AND KILLING
14 HIS DAUGHTER, EVEN BILLY SAYS I UNDERSTAND THIS IS
15 WHAT YOU GOT TO DO THIS IS EXACTLY WHAT YOU GOT TO
16 DO HE DOESN'T SOUND LIKE HE'S THE VICTIM OF ANY
17 COERCION OR PRESSURE OR INTIMIDATION THINK ABOUT IT
18 FROM THIS PROSPECTIVE HOW WOULD A FATHER REACT TO
19 THIS KIND OF INTERVIEW? OKAY AND I WANT YOU TO USE
20 YOUR COMMON SENSE AND THINK ABOUT IT YOU HAVE TO
21 KIND OF PUT YOURSELF, YOU HAVE TO KIND OF THINK ABOUT
22 THE QUESTIONS BEHIND THE ISSUES, ALL RIGHT A GUY
23 WALKS INTO AN INTERROGATION ROOM UNDER THESE
24 CIRCUMSTANCES AND HE'S INNOCENT, ASSUME FOR THE SAKE
25 OF ARGUMENT THAT HE'S INNOCENT, WHAT IS HIS WHOLE

003577

1 OUTLOOK GOING TO BE? FIRST, HE'S GOING TO BE TOTALLY
2 DISTRAUGHT HIS DAUGHTER IS RAPED AND KILLED HE'S
3 TOTALLY DISTRAUGHT WHAT HIS DAUGHTER IS DEAD AND HE
4 DOESN'T KNOW ABOUT IT, ASSUME HE REALLY DIDN'T KNOW
5 AT THAT POINT, BUT HE'S STILL, HIS DAUGHTER IS DEAD,
6 HE'S GOING TO BE TOTALLY DISTRAUGHT, TOTALLY
7 OVERWHELMED WITH GRIEF HE'S GOING TO WANT TO HELP
8 HE'S GOING TO TRY TO GET WHAT LITTLE INFORMATION HE
9 CAN BUT WHEN THE POLICE START SAYING, DID DO YOU
10 IT? ANYTHING YOU WANT TO TELL ME? YOU GOT ANYTHING
11 YOU NEED TO SAY? ANYTHING TO GET OFF YOUR CHEST?
12 WHAT WOULD A NORMAL FATHER'S REACTION BE AFTER A
13 COUPLE OF TIMES? NO, I GOT NOTHING ELSE TO SAY NO,
14 I GOT NOTHING ELSE TO TELL YOU YOU SAY THAT ONE
15 MORE TIME I'M COMING OVER THIS DESK YOU BETTER GET
16 YOUR BUTT OUT OF THERE AND GO FIND THE GUY THAT DID
17 THIS I AIN'T GOING TO LISTEN TO THIS FOR ABOUT
18 ANOTHER FIVE SECONDS I DON'T WANT TO HEAR ANY MORE
19 ABOUT HAVE I GOT ANYTHING, WHY DON'T YOU GET OFF YOUR
20 BUTT AND GO FIND THE GUY WHO DID IT, AND I AIN'T
21 GOING TO HEAR ANYMORE OF IT HE'D GONE TO JAIL, A
22 NORMAL FATHER WOULD HAVE GONE TO JAIL THAT NIGHT BUT
23 IT WOULDN'T FOR MURDER, IT WOULD HAVE BEEN FOR
24 JUMPING OVER THE DESK AND BEATING JERRY WALDROP OVER
25 THE HEAD BECAUSE YOU WOULDN'T PUT UP WITH THAT

003578

1 WHAT DOES THE GUILTY GUY, THOUGH, WHAT'S
2 HIS ATTITUDE? WHAT'S HIS OWN SITUATION WHEN THE
3 GUILTY MAN WALKS INTO THE INTERROGATION ROOM? HE
4 KNOWS HE'S GUILTY HE'S GOT TO BE ON THE DEFENSIVE
5 HE'S GOT TO CONSTANTLY BE THINKING ABOUT THE ANGLES
6 WHAT ARE THEY SAYING? JUST LIKE HE WAS ON THE STAND
7 OVER HERE REMEMBER -- I KNOW WHAT YOU ARE GETTING
8 AT I KNOW WHAT YOU ARE INSINUATING I KNOW WHAT
9 YOU ARE TRYING TO SAY HE WAS CONSTANTLY ONE STEP
10 AHEAD, LISTENING TO THE QUESTION, CONSTANTLY FIGURING
11 THE ANGLE, FOR FOUR HOURS HE DID THE SAME THING AND
12 HE AVOIDED TALKING ABOUT THE SUBJECT HE AVOIDED
13 TALKING ABOUT THE SUBJECT BECAUSE THE LAST THING HE
14 WANTED TO DO WAS TALK ABOUT WHAT HAPPENED BECAUSE AS
15 LONG AS HE'S AVOIDING THAT SUBJECT HE'S ON SAFE
16 GROUND IF YOU ARE TALKING ABOUT CHICKEN RUNS TO
17 LANCASTER, GOING TO THE SALVATION ARMY, OR THE DOLLAR
18 GENERAL TO BUY SUGAR, YOU CAN'T GET TRIPPED UP THERE
19 YOU CAN'T ACCIDENTALLY SAY SOMETHING THAT IS GOING TO
20 INCRIMINATE YOU OR AROUSE THEIR SUSPICION IT'S ONLY
21 WHEN YOU ARE TALKING ABOUT WHAT HAPPENED YOU MIGHT
22 ACCIDENTALLY HAVE A SLIP OF THE LIP AND SAY TWO
23 INSTEAD OF ONE THAT YOU MIGHT SAY, I GOT UP TO GO
24 TO THE BATHROOM AROUND THREE OH, I DIDN'T SAY THAT
25 BEFORE, DID I? OH, I JUST WENT IN TO USE THE

003579

1 BATHROOM AND I WENT STRAIGHT TO BED I LOOKED IN ON
2 THE OTHER KIDS AND, YOU KNOW, THEY KICK THE BLANKET
3 OFF OF THEMSELVES SO I JUST WANTED TO MAKE SURE THEY
4 ARE COVERED UP BECAUSE I'M SUCH A GOOD DADDY THAT'S
5 WHAT WENT ON IN THAT INTERVIEW AND THESE GUYS, 30
6 YEARS EXPERIENCE, LES HERRING 25-26 YEARS OF
7 EXPERIENCE, FIFTY PLUS YEARS BETWEEN THE TWO OF THEM,
8 HOW MANY PEOPLE YOU THINK THEY HAVE INTERVIEWED?
9 THEY KNOW WHAT THEY ARE LOOKING FOR THEY KNOW
10 EXACTLY WHAT THEY ARE LOOKING FOR AND THEY SAW IT
11 NO GRIEF, NO SORROW, NO EMOTION, NORMAL, FLAT, CALM
12 DEMEANOR, ONLY THINKING ABOUT HIMSELF, AND AVOIDING
13 THE SUBJECT DON'T WANT TO TALK ABOUT HOW SHE DIED
14 HE SAID, I KNOW IT WON'T MATCH ME ALL
15 RIGHT THERE IS TWO REASONS THAT SOMEONE COULD KNOW
16 THAT THE SEMEN ON HIS DAUGHTER WOULDN'T MATCH HIM,
17 TWO REASONS THE FIRST ONE, THEY DIDN'T DO ANYTHING
18 THEY KNOW THEY ARE INNOCENT THEY DIDN'T HAVE
19 ANYTHING TO DO WITH IT I KNOW IT WON'T MATCH ME
20 BUT JUST AS STRONG A POSSIBILITY THEY COULD KNOW
21 THAT THEY WERE STANDING 6 TO 8 FEET AWAY MASTURBATING
22 INTO A WASH RAG IF YOU KNOW THAT YOU EJACULATED
23 INTO A RAG AND THREW IT UP UNDERNEATH A BOOKCASE AND
24 YOU WERE STANDING SOME FEET AWAY FROM HER, OF COURSE,
25 YOU ARE GOING TO BE ABLE TO SAY THAT WITH CONFIDENCE,

1 TO BRING IT ON, IT AIN'T GOING TO MATCH ME BECAUSE I
2 WAS MASTURBATING OVER THERE INTO THAT RAG WHICH IS UP
3 UNDERNEATH THE BOOKCASE WHICH HE KNEW AT THAT TIME
4 HE'S TALKING TO WALDROP AND HERRING THAT NIGHT, HE
5 KNEW THAT THAT WAS THERE OF COURSE HE COULD SAY
6 THAT WITH CONFIDENCE THE DEFENSE TROTS THAT OUT
7 LIKE IT'S SOME PROOF POSITIVE THAT THIS MAN IS
8 INNOCENT HE TOLD THEM THAT SEMEN IS GOING TO MATCH
9 SOMEONE ELSE YOU WAIT AND SEE HE KNEW THAT IT WAS
10 GOING TO MATCH SOMEONE ELSE BECAUSE HE KNEW SOMEONE
11 ELSE WAS IN THERE BECAUSE HE KNEW HE LET THEM IN AND
12 HE KNEW HE LET THEM OUT (PLAYS THE TAPE) NOT
13 GOING TO BE MINE NOT GOING TO MATCH
14 THEY TRIED TO GIVE HIM A POLYGRAPH
15 THAT NIGHT DETECTIVE BAKER FOLLOWED PROCEDURE NO,
16 I'M NOT GOING TO GIVE HIM A POLYGRAPH HE'S BEEN
17 INTERROGATED FOR FOUR HOURS, IT'S TOO LATE IN THE
18 NIGHT, BRING HIM BY IN THE MORNING, WE'LL TAKE CARE
19 OF IT THEN TEN O'CLOCK IN THE MORNING HE COMES BY
20 EVEN THEIR GUY SAYS THAT EVERYTHING THAT DETECTIVE
21 BAKER DID DURING THE POLYGRAPH, EVERYTHING WAS RIGHT,
22 EVERYTHING NO PROBLEMS WITH THE POLYGRAPH
23 PROCEDURE, THE QUESTIONS WERE PROPER, EVERYTHING WAS
24 RIGHT, JUST THE SCORING WAS OFF THAT'S ALL THAT HE
25 SAYS BUT AS FAR AS HIS PROCEDURES, WHAT HE DID, THE

003581

1 PRETEST INTERVIEW, THE INFORMATION THAT HE GOT FROM
2 HIM, ALL, EVERYTHING HE DID UP TO THAT POINT WAS NO
3 PROBLEM MR BAITY, WHEN WE PUT SKIP MITCHELL UP
4 FROM SLED, ONE OF OUR VERY LAST WITNESSES ON REPLY,
5 REMEMBER HIM, MR BAITY STOOD UP AND SAID, WOULD IT
6 BE PROPER TO GIVE A POLYGRAPH TO A MAN WHO SLEPT ONLY
7 TWO HOURS, ONLY TWO HOURS? WOULD IT? SKIP SAID NO,
8 OF COURSE NOT BUT WAIT A MINUTE ABOUT OH, THREE
9 OR FOUR HOURS BEFORE WHEN MR COPE WAS ON THE STAND,
10 BY HIS OWN ADMISSION, HE SAID HE SLEPT FOR FIVE
11 REMEMBER SLEPT FROM ABOUT 4 30 TO 6 30, GOT UP, ATE
12 BREAKFAST, WENT BACK TO BED AND SLEPT UNTIL 9 15 OR
13 9 30 ABOUT FIVE HOURS DIDN'T ASK SKIP MITCHELL
14 THAT BECAUSE THAT'S PROBABLY ENOUGH I SUBMIT IT'S
15 PLENTY WHO ELSE DO WE KNOW WAS OUT THERE THAT NIGHT
16 SERVING THE WARRANT ON HIM BEFORE HE FELL ASLEEP IN
17 HIS CELL -- LES HERRING, WHO'S SITTING OVER THERE
18 NEXT TO MR BURRIS, AND WHAT DID LES SAY? HE WENT
19 HOME AFTER THAT AND HE WAS BACK AT THE STATION AT 8
20 O'CLOCK, AN HOUR AND 15 MINUTES OR AN HOUR AND A HALF
21 BEFORE BILLY WOKE UP BUT MR HERRING WAS THERE ALL
22 DAY DOING HIS JOB HE MANAGED TO GET HIM DOWN THERE,
23 GET THE POLYGRAPH, WRITE-UP A STATEMENT, GET SOME,
24 YOU KNOW, TAKE CARE OF BUSINESS, DRIVE HIM BACK TO
25 ROCK HILL POLICE DEPARTMENT, HE WAS ABLE TO DO HIS

003582

1 JOB ON LESS SLEEP THAN BILLY HAD

2 "THESE ARE THE IMAGES THAT COME INTO MY

3 MIND " LADIES AND GENTLEMEN, MR COPE WAS PLANTING

4 THE SEEDS OR FLIRTING WITH A MENTAL DEFENSE FROM THE

5 VERY BEGINNING THE WAY HE GAVE THAT CONFESSION,

6 IT'S HARD, REMEMBER WHAT DETECTIVE BAKER SAID, HOW

7 HARD WOULD IT BE TO SAY THAT, YOU ARE GUILTY, YOU

8 KNOW YOU DID IT, YOU FEEL LIKE YOU HAVE TO CONFESS,

9 IT'S BOTTLED UP INSIDE OF HIM, BUT IT'S STILL HARD

10 YOU DON'T WANT TO JUST GIVE SOME COOL RECOUNTING OF

11 IT YOU WANT PEOPLE TO LIKE YOU, YOU WANT PEOPLE TO

12 UNDERSTAND YOU, AND THAT'S, THAT'S REALLY HOW

13 DETECTIVE BAKER GOT THE CONFESSION IN THIS CASE IT

14 WASN'T BECAUSE OF SOME HIGH PRESSURE TACTIC IT WAS

15 QUITE THE OPPOSITE HE TALKED TO HIM AND LET HIM

16 UNDERSTAND, WHATEVER YOU HAVE TO SAY, MR COPE, IT'S

17 GOING TO BE ALL RIGHT I'M NOT GOING TO HATE YOU

18 YOU JUST NEED TO TELL ME THE TRUTH I UNDERSTAND

19 IF YOU HAVE SOMETHING YOU NEED TO SAY I UNDERSTAND,

20 GO AHEAD AND LET IT OUT AND THAT'S WHAT BILLY COPE

21 RESPONDED TO AND THAT'S WHY HE TOLD WHAT HE DID BUT

22 HE STILL JUST CAN'T BRING HIMSELF TO JUST SAY IT

23 LIKE, YEAH THEN I DID THIS, THEN I DID THAT HE HAS

24 TO COUCH IT IN THESE TERMS THAT MAKE IT SEEM LIKE

25 MAYBE HE WASN'T QUITE RIGHT BECAUSE HE'S WORRIED

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1 ABOUT THE CONSEQUENCES OF WHAT HE'S SAYING TOO ANY
2 NORMAL PERSON WOULD THE STRONGEST INSTINCT ANY
3 PERSON HAS IS FOR SELF-PRESERVATION YOU WORRY ABOUT
4 WHAT'S GOING TO HAPPEN TO YOU ESPECIALLY WHEN YOU
5 ARE IN A SITUATION LIKE THIS AND YOU KNOW YOU DID
6 SOMETHING WRONG SO HE COUCHED IT AND HE ASKED MR
7 BAKER THAT DAY, IS THERE ANYWAY I COULD PLEAD
8 INSANITY DETECTIVE BAKER SAID, I CAN'T TELL YOU
9 THAT IT WAS ON HIS MIND HE TOLD HIM HE
10 MASTURBATED USUALLY INTO A RAG BUT NOT THAT NIGHT
11 HE SAID HE USED A BROOM TO ASSAULT HER WE'LL TALK
12 ABOUT THAT A LITTLE BIT MORE NO ONE HAD SUGGESTED A
13 FOREIGN OBJECT TO HIM I ASKED MR BAKER THIS
14 SPECIFIC QUESTION, DID YOU KNOW ENOUGH TO KNOW, DID
15 YOU KNOW ENOUGH ABOUT THE SEVERITY OF THE INJURIES TO
16 HER VAGINA AND TO HER ANUS TO KNOW THAT A FOREIGN
17 OBJECT HAD BEEN USED, HAD YOU BEEN MADE AWARE OF THE
18 AUTOPSY RESULTS TO THAT EXTENT, AND DETECTIVE BAKER
19 SAID NO ALL I KNEW THAT GENERALLY IT WAS A SEXUAL
20 ASSAULT HE DID NOT KNOW YOU HEARD THE TAPE FROM
21 THE NIGHT BEFORE WHERE THEY WERE INTERROGATING HIM
22 NO CONVERSATION BEFORE THE TAPE STARTED, NO
23 CONVERSATION AFTER THE TAPE ENDED, EVERYBODY AGREES
24 THAT TAPE REPRESENTS WHAT WAS TOLD TO HIM THEY
25 MENTION THAT SHE WAS SEXUALLY ASSAULTED, THEY SAID

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1 SEVERELY SEXUALLY ASSAULTED AND THEY SAID SODOMIZED,
2 BUT NOBODY SUGGESTED THAT IT WENT 8 INCHES UP INTO
3 HER RECTUM NOBODY SAID THAT HE'S THE FIRST ONE
4 THAT BROUGHT OUT THAT A FOREIGN OBJECT WAS USED TO
5 PERPETRATE THIS ASSAULT HE'S THE FIRST ONE WHO SAID
6 IT SAYS HE WAS ENRAGED BY HER SAYING, GROSS DADDY
7 I AGREE WITH MR GREELEY, HE WAS ENRAGED HE WAS
8 EXTREMELY ANGRY AND THIS IS NOT A CRIME OF, THE
9 SEXUAL ASSAULT TO HER ANUS AND TO HER VAGINA, THE
10 DAMAGE THAT WAS DONE, THAT REFLECTS A CERTAIN LEVEL
11 OF RAGE AND ANGER AND HATRED ON THE PART OF THE
12 PERSON WHO DID THAT TO HER THEN HE THANKED HIM FOR
13 HELPING HIM GET IT OFF OF HIS CHEST AND OFFERED HIS
14 HAND TO DETECTIVE BAKER I THANK YOU I APPRECIATE
15 THAT AND THEN TOLD A COUPLE OF JOKES TO DETECTIVE
16 HERRING ON THE WAY BACK TO THE ROCK HILL POLICE
17 DEPARTMENT NO THREATS, COERCION, PROMISES, OR
18 ANYTHING OF THAT NATURE HE WAS READ HIS RIGHTS
19 YOU'LL HAVE THE RIGHTS FORM IN THERE YOU ARE GOING
20 TO HAVE TO FIND THAT THE STATEMENT WAS MADE AFTER HE
21 HAD BEEN READ HIS RIGHTS AND PROPERLY INFORMED OF HIS
22 MIRANDA RIGHTS AND THAT WAS IT VOLUNTARY THERE IS
23 NOTHING TO SUGGEST THAT THIS STATEMENT WAS
24 INVOLUNTARY EXCEPT THE DEFENSE EXPERTS WHO WE'LL GET
25 TO A LITTLE BIT LATER

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1 THAT WEEKEND HE GOES BEFORE JUDGE RAY
2 LONG NOW IF HIS VERSION OF EVENTS WAS RIGHT, WHAT
3 DO YOU THINK HE SHOULD HAVE SAID TO JUDGE LONG? HE
4 DIDN'T SAY ANYTHING TO HIM BUT HE DIDN'T THINK HE
5 COULD HELP HIM THIS IS THE FIRST NON-POLICE OFFICER
6 HE'S SEEN HE'S BEEN DEALING WITH POLICE OFFICERS UP
7 TO THIS POINT THE MAN IS A JUDGE WHAT DO YOU MEAN
8 WHAT DO YOU THINK HE COULD DO TO HELP YOU IF YOU
9 HAD BEEN INTIMIDATED, COERCED, PRESSURED, HASSLED,
10 AND FORCED INTO MAKING THESE STATEMENTS, THAT'S THE
11 PERFECT PERSON, THAT'S WHY THEY HAVE TO BE BROUGHT IN
12 FRONT OF A MAGISTRATE WITHIN 24 HOURS, WITHIN A
13 REASONABLE PERIOD OF TIME AFTER THE ARREST, IS TO
14 GUARANTEE THAT THEY HAVE THE OPPORTUNITY TO GO IN
15 FRONT OF SOME NEUTRAL DETACHED PERSON WHO IS NOT A
16 PART OF THE POLICE, THAT'S THE WHOLE REASON HE WAS
17 BROUGHT IN FRONT OF HIM, AND HE DIDN'T SAY A WORD TO
18 JUDGE LONG, NOT A SINGLE WORD DIDN'T THINK IT WOULD
19 BE WORTH IT DIDN'T THINK HE COULD HELP DIDN'T
20 THINK IT MATTERED

21 SUNDAY, DECEMBER SECOND IN THE EVENING
22 HOURS HE GOES AND CALLS OVER FRAN MCGEE YOU
23 REMEMBER FRAN MCGEE TESTIFIED, SHE WAS THE DETENTION
24 CENTER OFFICER, HE CALLS HER OVER, SAYS I NEED TO
25 SPEAK WITH DETECTIVE WALDROP DETECTIVE WALDROP, THE

1 MAN HE CLAIMS IS INTIMIDATING HIM, HE ASKED TO SPEAK
2 TO THAT GUY HE'S THE ONE WHO INITIATED THE CONTACT,
3 HE'S THE ONE THAT STARTED THE CONVERSATION WITH HIM,
4 AND NEVER ASKED HER FOR AN ATTORNEY, NEVER SAID I
5 NEED HELP, NEVER SAID, PLEASE HELP ME, I'M BEING
6 INTIMIDATED AND HARASSED, AND HERRING CONFIRMED THAT
7 IN FACT HE DID GET A CALL THAT NIGHT SAYING COPE
8 WANTED TO TALK TO HIM AT THE JAIL SO THEY BRING HIM
9 OVER MONDAY, DECEMBER THIRD, CABANISS AND
10 BLACKWELDER INTERVIEW HIM, THREE STATEMENTS ARE
11 OBTAINED AGAIN HE'S READ HIS RIGHTS, THE FORM IS
12 FILLED OUT PROPERLY, HE SIGNS IT, YOU CAN LOOK IF I
13 CAN GET THIS THING TO WORK I'M HAVING TECHNICAL
14 DIFFICULTIES IF YOU LOOK ON THAT FORM AT THE TOP,
15 IT WAS SUPPOSED TO HIGHLIGHT IT, AT THE VERY TOP,
16 RIGHT IN HERE, IF YOU WISH YOU MAY ANSWER QUESTIONS
17 WITHOUT THE PRESENCE OF A LAWYER AND YOU MAY STOP
18 ANSWERING ANY TIME YOU DESIRE UNTIL A LAWYER IS
19 PRESENT I HAVE READ OR HAD READ TO ME THE STATEMENT
20 OF THE RIGHTS ABOVE SHOWN ABOVE I UNDERSTAND WHAT
21 MY RIGHTS ARE AND I'M WILLING TO MAKE A STATEMENT
22 AND MY COMPUTER HAS TOTALLY FROZEN UP, MR SMITH
23 ANYWAY, THEY INTERVIEW HIM AND HE COMES IN THE FIRST
24 THING IN THE MORNING, THEY READ HIM HIS RIGHTS, HE
25 SIGNS ACKNOWLEDGING THAT HE UNDERSTANDS WHAT HIS

1 RIGHTS ARE, AND THEY BRING HIM INTO THE ROOM WHERE
2 DETECTIVE BLACKWELDER AND CABANISS ARE AND THEY ASK
3 HIM YOU WANTED TO US SEE, RIGHT HE ACKNOWLEDGES
4 YES AND THEY SAID WHAT HAVE YOU GOT TO SAY HE
5 SAYS I'VE GOT A LITTLE BIT MORE INFORMATION I NEED TO
6 TELL YOU I WAS CRAZY I WAS OUT OF MY HEAD I WAS
7 A LUNATIC AND NOW THE INTERESTING THING IS IS THAT
8 THE WAY HE'S DEALING WITH THAT NOW IS HE'S SAYING HE
9 FELT LIKE HE HAD NO CHOICE, AND WE'LL TALK ABOUT THIS
10 IN A LITTLE MORE DETAIL, BUT LADIES AND GENTLEMEN, IF
11 YOU'VE JUST MADE THAT STATEMENT TO DETECTIVE BAKER ON
12 FRIDAY, WHAT ARE THE ODDS THAT YOU ARE GOING TO GO IN
13 AND COMPOUND IT BY MAKING A VIDEO, STANDING IN YOUR
14 DAUGHTER'S ROOM WHERE YOU FOUND HER DEAD FOUR DAYS
15 BEFORE, WHAT ARE THE ODDS THAT YOU ARE GOING TO DO
16 THAT? IS THAT REASONABLE? IS THAT WHAT A REASONABLE
17 PERSON WOULD DO? NO, SIR NO, MA'AM THAT'S NOT
18 WHAT A REASONABLE PERSON WOULD DO A REASONABLE
19 PERSON WOULD NOT GO TO THE POLICE AND TELL THEM THAT
20 HE WAS CRAZY, MAKING IT UP, SOLELY FOR ANY OTHER
21 REASON THAN HE'S TRYING TO GET ON THE CRAZY TRAIN
22 HE'S TRYING TO GET ON THE CRAZY TRAIN AND HE'S TRYING
23 TO TELL THEM NOW I'M INSANE AND THAT'S MY NEW
24 DEFENSE HE STAYED ON THE CRAZY TRAIN ALL DAY LONG
25 NOW THEY ASKED CAPTAIN CABANISS WHEN HE WAS ON THE

1 WITNESS STAND, THEY ASKED HIM, THEY SAID, ALL RIGHT,
2 EXPLAIN TO ME IF YOU CAN WHY IT IS HE DIDN'T MENTION
3 SANDERS AND CAPTAIN CABANISS ANSWERED THE QUESTION
4 VERY WELL HE ASKED HIM, CABANISS TOLD HIM, WHY
5 DOESN'T HE MENTION SANDERS? TWO REASONS THE FIRST
6 THING IS AS BAD AS IT IS TO DO THIS TO YOUR DAUGHTER,
7 IT'S EVEN WORSE TO GET UP AND ADMIT THAT YOU SERVED
8 YOUR DAUGHTER UP TO ANOTHER MAN WHILE YOU STOOD THERE
9 WATCHING THAT IS HORRIBLE I SUBMIT THAT IS WORSE
10 MR GREELEY SAYS, OH, NO, THAT'S NOT WORSE THAT'S A
11 LOT WORSE

12 THE OTHER PROBLEM WITH IT IS, THE
13 OTHER PROBLEM WITH IT IS THAT HOW CAN HE SAY I WAS
14 CRAZY, HOW CAN HE SAY I WAS INSANE, AND I INVITED
15 THIS OTHER GUY OVER TOO HE WAS INSANE, WE WERE BOTH
16 INSANE TOGETHER, WE WERE BOTH ON THE CRAZY TRAIN
17 THAT DOESN'T MAKE ANY SENSE AT ALL THE REASON, THE
18 REASON THAT HE COULDN'T TELL THEM ABOUT SANDERS IS HE
19 CAN'T BE CRAZY AND INVOLVED WITH ANOTHER PERSON
20 INSANE PEOPLE DON'T KNOW THAT WHAT THEY ARE DOING IS
21 WRONG YOU CAN'T INVITE SOMEBODY OVER TO COMMIT A
22 CRIME WITH YOU AND ONE OF THEM BE CRAZY AND THE OTHER
23 ONE NOT THAT'S CRAZY

24 NOW WE'RE BACK THE COMPUTER IS WORKING
25 THERE IS THE STATEMENT THAT HE WROTE OUT AT 9 45 I

1 WAS ASLEEP IN MY BED I HAD A BAD DREAM THIS IS
2 THE OLD CRAZY STORY I WAS NOT IN MY RIGHT MIND I
3 HAD A DREAM I HEARD LAUGHING VOICES I AM NOT
4 GOING TO GO THROUGH THAT WHOLE TAPE WITH YOU YOU
5 CAN GO BACK, YOU'LL HAVE THE VIDEO TAPE, IF YOU WANT
6 TO WATCH IT YOU CAN HAVE A TV BACK THERE AND YOU CAN
7 WATCH IT AS MANY TIMES AS YOU CAN MR GREELEY WAS
8 ABSOLUTELY RIGHT ON THIS POINT LADIES AND
9 GENTLEMEN, NO MAN WOULD EVER SAY THAT IF HE WASN'T
10 GUILTY I DON'T CARE HOW MANY PEOPLE YOU BRING DOWN
11 FROM MASSACHUSETTS OR BOISE OR ANY OTHER PLACE, NO
12 MAN IN HIS RIGHT MIND IS GOING TO SAY I MOLESTED AND
13 KILLED MY DAUGHTER UNLESS HE DID IT THERE IS
14 ABSOLUTELY NO, IT DEFIES COMMON SENSE, IT DID NOT
15 HAPPEN THAT WAY

16 CAPTAIN CABANISS SAID I BELIEVED PART OF
17 WHAT HE WAS SAYING, BUT HE WASN'T TELLING ME THE
18 WHOLE TRUTH HE WAS TELLING THE TRUTH ABOUT KILLING,
19 HE WAS TELLING THE TRUTH ABOUT RAPING, BUT HE HAD TO
20 CONFORM THE DETAILS OF THE CRIME TO MATCH HIS CRAZY
21 PERSON STORY FOR EXAMPLE, SHE WAS ON HER BACK IF
22 I HAD SEEN HER, IF I HAD SEEN HER FACE I WOULD HAVE
23 CRUMBLER CAN YOU SEE THAT GUY CRUMBLING? ANYWHERE
24 IN ANY OF THIS EVIDENCE? CAN YOU EVER SEE HIM
25 CRUMBLING? CAN'T REMEMBER WHAT I DID WITH THE BROOM

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1 HE NEVER DID I D THE BROOM REMEMBER IN THE VIDEO,
2 GO BACK AND WATCH, AT THE VERY END THEY BRING IN A
3 SERIES OF BROOMS FOR HIM TO LOOK AT, GO BACK AND FAST
4 FORWARD TO THAT POINT AND LOOK THROUGH, YOU MIGHT NOT
5 HAVE TO HERE'S ONE CLIP (PLAYS PART OF THE
6 VIDEO) LISTEN HE LOOKS PRETTY CERTAIN ABOUT THAT
7 THAT'S NOT THE KIND OF THING THAT HE'S MAKING UP AS
8 HE GOES ALONG, THAT'S NOT PART OF THE ACT, THEY ARE
9 ASKING HIM QUESTIONS, IF HE'S CRAZY AND HE'S JUST
10 RIDING ALONG WITH WHATEVER THEY WANT TO SAY LIKE HE
11 SAID, WHY DIDN'T HE JUST PICK UP ONE OF THESE BROOMS
12 THAT'S IN EVIDENCE OVER HERE AND JUST GO, YEAH, IT
13 WAS THIS BROOM YEAH, THAT LOOKS LIKE THE RIGHT ONE
14 THEY SHOWED HIM EVERY BROOM AND MOP THAT THEY COULD
15 FIND IN THAT HOUSE AND HE SAID, NO, THAT'S NOT IT,
16 THAT'S NOT IT, IT WAS A WOODEN BROOM IT WAS A BLUE
17 WOODEN BROOM IT WAS A BLUE WOODEN BROOM THAT DIDN'T
18 HAVE A CAP ON IT EARLIER IN THE VIDEO, I DON'T HAVE
19 THAT CLIP ON HERE, THERE IS A SECTION WHERE HE'S
20 DESCRIBING, YOU KNOW, LIKE THE LITTLE SWIVEL WIRE
21 THAT GOES ON TOP OF IT, HE'S SAYING THAT IT DIDN'T
22 HAVE THAT ON IT, IT WAS JUST A PLAIN BLUE WOODEN
23 BROOM HE'S VERY SPECIFIC ABOUT THIS IT WASN'T IN
24 THAT HOUSE THAT BLUE BROOM WAS NOT IN THAT HOUSE
25 NONE OF THOSE HAVE THE DNA, NONE OF THE BROOMS IN

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1 EVIDENCE, THE STATE IS NOT GOING TO CONTEND FOR ONE
2 SECOND, THAT ANY OF THE BROOMS THAT WERE IN EVIDENCE
3 ARE THE ONES THAT HE USED THAT IS NOT WHAT WE ARE
4 SAYING THE ONE THAT HE USED WAS CARRIED OFF BY
5 SOMEBODY ELSE I SUBMIT TO YOU THE ONE THAT HE USED
6 WASN'T IN THAT HOUSE BECAUSE SOMEBODY ELSE TOTTED IT
7 OFF, BROKE IT INTO A COUPLE OF PIECES, THREW IT IN A
8 FIELD OR SOMEBODY ELSE'S GARBAGE CAN, THAT BROOM
9 WASN'T USED YOU COULDN'T HAVE CLEANED IT OFF
10 REMEMBER WHAT THE GUY SAID FROM THE DNA LAB, YOU ONLY
11 NEED 140 CELLS YOU KNOW, IF YOU TOOK BLEACH AND
12 POURED RAW BLEACH OVER IT AND SCRUBBED, YEAH, YOU
13 COULD PROBABLY OBLITERATE ANY TRACE OF DNA ON IT, BUT
14 IT'S ALSO EASIER JUST TO TOT IT OFF AND PUT IT
15 SOMEWHERE WHERE NO ONE WOULD THINK TO LOOK FOR IT AND
16 THAT'S WHAT HAPPENED TO THE BROOM THERE WAS A
17 BROOM I SUBMIT THAT HE DIDN'T MAKE THAT UP THAT
18 WAS SOMETHING TRUE HE KNEW THAT IT WAS A FOREIGN
19 OBJECT HE KNEW THAT IT WAS A LONG FOREIGN OBJECT
20 THAT HAD TO CAUSE THE DAMAGE TO HER BECAUSE HE WAS
21 THERE AND HE SAW WHAT HAD HAPPENED

22 HE GIVES A LONG STATEMENT, THE FINAL
23 STATEMENT THAT HE GAVE TO LAW ENFORCEMENT, THE
24 TWO-PAGE TYPED STATEMENT YOU'LL HAVE ALL THESE
25 STATEMENTS BACK WITH YOU IN EVIDENCE AND YOU'LL BE

1 ABLE TO LOOK AT THEM ALL ON THE TYPED STATEMENT HE
2 SAYS BASICALLY HE NEVER REALLY, HE SAYS THIS IS WHEN
3 I JUST GAVE UP, JUST SAID WHATEVER THEY WANTED TO
4 HEAR, BUT IN REALITY THERE IS A FEW MENTIONS IN
5 THERE, THERE IS A FEW PLACES IN THERE WHERE HE TALKS
6 ABOUT "THESE ARE IMAGES" AND "THIS IS WHAT I SAW," HE
7 LEAVES ENOUGH IN THERE ALL OF HIS CONFESSIONS HE
8 ADMITS TO STAGING THE SCENE, ALL OF HIS CONFESSIONS
9 HE TALKS ABOUT WRAPPING THE THING AROUND HER NECK,
10 ALWAYS ADMITS TO RAPING, ALWAYS ADMITS TO KILLING
11 THE INTERVIEW WHAT DID DR KASSIN,
12 THEIR EXPERT WHO I'LL TALK TO YOU ABOUT IN JUST A
13 MINUTE, WHAT DID HE SAY? A TRUE CONFESSION SHOULD
14 LEAD POLICE TO NEW EVIDENCE THAT THEY DIDN'T KNOW
15 ABOUT THAT IS THE HALLMARK OF A TRUE CONFESSION
16 ALSO IT SHOULD CONTAIN DETAILS KNOWN ONLY TO THE
17 GUILTY PARTY AND NOT LEARNED THROUGH OTHER MEANS
18 WHAT ABOUT THAT? WELL, WE CERTAINLY DIDN'T KNOW
19 ABOUT THAT UNTIL HE CONFESSED AS MATTER OF FACT,
20 WHEN THEY WERE MAKING THAT VIDEO WE JUST SAW, THEY
21 WALKED RIGHT BY THAT THEY WALKED RIGHT THROUGH THE
22 HALLWAY WHERE THAT RAG LAY UNDERNEATH THAT BOOKCASE
23 RIGHT THERE AT THE TIME BILLY COPE STOOD THERE
24 KNOWING THIS WAS THERE BUT HE ONLY TOLD THEM ABOUT
25 IT LATER WHEN CAPTAIN CABINESS AND CHARLENE

1 BLACKWELDER BROUGHT HIM BACK TO THE POLICE STATION
2 AND SAID WE AIN'T BUYING THE CRAZY TRAIN STORY,
3 BUDDY THAT'S JUST NOT THE WAY IT HAPPENED YOU ARE
4 GOING TO HAVE TO DO BETTER THAN THAT DURING THAT
5 INTERVIEW IS WHEN THAT BECAME APPARENT YOU WANT
6 SOME NEW EVIDENCE THAT THE POLICE DIDN'T KNOW ABOUT,
7 THERE IT IS, HIS WASH RAG WITH HIS SEMEN ALL OVER IT
8 I DON'T ENJOY SHOWING YOU THESE
9 PICTURES, LADIES AND GENTLEMEN THESE ARE HARD TO
10 LOOK AT, BUT LOOK WHAT HAPPENED TO THAT CHILD THEY
11 WANT TO SAY THAT A PENIS DID THAT THEY WANT TO SAY
12 THAT A MAN STUCK HIS PENIS IN THAT CHILD AND DID
13 THAT? LADIES AND GENTLEMEN, THAT DIDN'T HAPPEN IF
14 THAT HAD HAPPENED THE PENIS WOULD BE IN FAR WORSE
15 SHAPE, THEY SWABBED INSIDE OF THERE LOOKING FOR SOME
16 KIND OF DNA, BUT THEY FOUND NONE THAT PENIS WOULD
17 HAVE BEEN TORN UP, IT WOULD HAVE LEFT BLOOD INSIDE OF
18 HER, AND THEY WOULD HAVE FOUND IT AND THEY WOULD HAVE
19 BEEN ABLE TO IDENTIFY IT THAT WAS A FOREIGN OBJECT,
20 LADIES AND GENTLEMEN LOOK AT THIS PICTURE HERE, I
21 HATE TO SHOW YOU THESE THINGS, BUT YOU NEED TO LOOK
22 AT IT YOU NEED TO LOOK AT IT BECAUSE THIS IS WHAT
23 SHE WENT THROUGH IS THE OPENING, ALL THE WAY UP
24 INSIDE OF THERE, THE BRUISING THAT WAS DONE DR
25 MAYNARD SAID NO PENIS COULD DO THIS WHY DID HE SAY

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1 THAT? WHAT DID HE SAY? BECAUSE THE LATERAL
2 PRESSURE, THE LATERAL PRESSURE FROM THE OBJECT THAT
3 WAS INSERTED INSIDE THERE, WHAT HE MEANS IS AND WHAT
4 HE WAS SAYING, IT WAS TORQUED LIKE THIS AT AN ANGLE
5 AND THE TIP OF A PENIS IS TOO SOFT TO CAUSE THE
6 DAMAGE THAT WAS DONE ALL THE WAY UP HERE THERE IS
7 NO WAY THAT A PENIS COULD DO THAT NOW THEIR EXPERT
8 SAID A PENIS COULD DO THAT I WANT YOU TO LOOK AT
9 THAT PHOTOGRAPH JUST FOR ONE MORE SECOND BECAUSE
10 THOSE ARE DR MAYNARD'S HANDS, THOSE ARE DR
11 MAYNARD'S HANDS, LADIES AND GENTLEMEN, WHEN HE PICKED
12 THAT UP AND TURNED IT OVER HE SAW THE UNDERSIDE OF
13 THAT WHEN HE PROBED IT AND CUT INTO IT HE SAW
14 INSIDE OF WHAT ACTUALLY WAS IN THERE HE COULD PICK
15 IT UP, TURN IT AROUND, AND LOOK AT IT FROM EVERY
16 ANGLE WHAT, WHAT DID DR NICHOLS SEE WHEN HE TURNED
17 OVER THE PHOTOGRAPH THAT HE BASED HIS OPINION ON? HE
18 SAW THAT HE SAW NOTHING DR MAYNARD, A FINE, A
19 FINE, FINE FORENSIC PATHOLOGIST ACCORDING DR
20 NICHOLS, HE DIDN'T HAVE WHAT DR MAYNARD HAD DR
21 MAYNARD WAS THERE DR MAYNARD LIVED IT DR
22 MAYNARD DIDN'T READ ABOUT IT DR MAYNARD DIDN'T
23 HEAR ABOUT IT FROM SOMEBODY ELSE DR MAYNARD DIDN'T
24 SEE PICTURES OF IT DR MAYNARD HELD IT IN HIS HANDS
25 AND LOOKED AT IT AND HE SAID NO PENIS DID THAT AND

1 THAT WAS A FOREIGN OBJECT, LADIES AND GENTLEMEN
2 THAT CHILD WAS BRUTALIZED

3 LET'S TALK ABOUT THE CRIME SCENE THE
4 WINDOWS, THE DOORS, THE HOUSE PROCESSING, AND THE
5 STAGING FIRST THE WINDOWS TODD GARDNER TESTIFIED
6 THEY TOOK PICTURES OF EVERY SINGLE WINDOW THEY
7 SHOWED YOU EVERY SINGLE WINDOW FROM BOTH SIDES WHAT
8 DOES THAT TELL YOU? WHAT CAN YOU DEDUCE FROM THAT?
9 THEY KNEW THAT DAY, THEY KNEW THAT DAY HOW IMPORTANT
10 THIS ISSUE WAS THEY DIDN'T JUST SAY, WE LOOKED
11 AROUND, WRITE IT IN A REPORT THEY SAID, YOU KNOW
12 WHAT, THIS HOUSE IS SECURE NOBODY BROKE INTO THIS
13 HOUSE NOBODY BROKE INTO THIS HOUSE WE BETTER
14 DOCUMENT THIS BECAUSE SOMEBODY, SOMEBODY ONE DAY IS
15 GOING TO COME TO US AND SAY, WELL YOU DIDN'T TAKE
16 PICTURES TO SHOW US, DID YOU? YOU DIDN'T BRING ANY
17 OF THIS TO US FOR US TO SEE WITH OUR OWN EYES, SO HE
18 WENT AROUND TO EACH AND EVERY WINDOW AND PHOTOGRAPHED
19 EACH AND EVERY ONE FROM THE INSIDE AND FROM THE
20 OUTSIDE HE LOOKED AT THE GROUND HE LOOKED AT THE
21 SIDE OF THE HOUSE TO SEE THERE IS ANY INDICATION THAT
22 SOMEBODY COULD HAVE BROKE INTO THIS HOUSE ANYTHING
23 INDICATION WHATSOEVER NO WINDOW WAS ENTERED, LADIES
24 AND GENTLEMEN THEY ARE NAILED IN BOTH WALDROP AND
25 GARDNER TESTIFIED TO THAT THERE IS DUST, THERE IS

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1 LEAVES, THERE IS COBWEBS, NAILS, SCREWS, PLASTIC OVER
2 A COUPLE OF THE WINDOWS OR ONE OF THE WINDOWS, AND
3 THE SCREENS ARE ALL INTACT AND THE SCREENS ARE EITHER
4 NAILED IN, STAPLED IN, LADIES AND GENTLEMEN, NOBODY
5 WENT THROUGH ANY OF THE WINDOWS NOBODY TODD
6 GARDNER WAS ADAMANT

7 THAT LEAVES US WITH THE DOORS JESSICA
8 TOLD YOU SHE LOCKED THE DOOR, LOCKED, AND THE FRONT
9 DOOR WAS LATCHED WHEN THEY WENT TO BED NOW THE
10 FRONT DOOR, ACCORDING TO JESSICA, THAT MORNING WAS
11 UNLATCHED WHEN SHE WENT INTO THE LIVING ROOM AND SHE
12 WAS, SHE LEFT OUT OF AMANDA'S ROOM BEFORE BILLY COPE
13 DID, SHE WALKED OUT AND SAT ON THE COUCH WITH KYLA,
14 REMEMBER SHE SAID SHE LOOKED AT THE DOOR AND THE
15 FRONT DOOR WAS UNLATCHED THE NEXT MORNING IT WAS
16 LATCHED THE NIGHT BEFORE, UNLATCHED NOW MR MORTON
17 WANTS TO SAY, WELL, NOBODY EVER TOLD, NOBODY EVER
18 SAID ANYTHING ABOUT THAT BEFORE SHE TOLD YOU WHO
19 ELSE MATTERS? WHO IS MAKING THE DECISION IN THIS
20 CASE? SHE TOLD YOU, SHE SAT THERE UNDER OATH AND
21 SAID THAT DOOR WAS LATCHED THE DOORS WERE LOCKED
22 COPE IN HIS STATEMENTS SAYS HE SPECIFICALLY ASKED
23 AMANDA IF THE DOORS WERE LOCKED BEFORE HE WENT TO
24 BED SHE SAID YES

25 THERE IS A BACK DOOR THIS IS WHAT COPE

1 HAD TO SAY ABOUT IT (PLAYING THE TAPE) NO WAY
2 ANYBODY COULD HAVE GOTTEN THAT BACK DOOR BECAUSE OF
3 THE STUFF THAT WAS IN FRONT OF IT AND THERE IS A
4 PICTURE OF THE BACK DOOR AS IT WAS WHEN THEY FOUND
5 IT, THAT FAN IS RIGHT IN FRONT OF THE BACK DOOR, AND
6 THAT GARBAGE CAN IS RIGHT NEXT TO IT, AND HERE FROM
7 THE VIDEO IS BILLY COPE AT THE BACK DOOR SHOWING YOU
8 HOW HARD IT IS TO CLOSE AND THE NOISE THAT IT MAKES
9 (PLAYS THE VIDEO) NICE OF HIM TO MOVE THE FAN BACK
10 OVER TO WHERE HE PUT IT THE NIGHT BEFORE THAT'S
11 WHERE WE FOUND IT, THAT'S WHERE HE SAID, HE DIDN'T
12 HAVE ANY PICTURES OF THE BACK DOOR AT THE TIME HE DID
13 THAT HE KNEW THE FAN WAS THERE BECAUSE HE LIVED
14 THERE, BUT THAT'S WHAT HE SAID HE DID AND THAT'S WHAT
15 THE POLICE PICTURE SHOWS THEY FOUND HE PUT THAT FAN
16 BACK OVER THE DOOR YOU GOT THE TESTIMONY OF JESSICA
17 THAT THEY WERE LOCKED AND LATCHED

18 ALL THE DOORS IN THE HALLWAY WERE OPEN,
19 THE THREE DOORS THAT MATTER, HIS DOOR, KYLA AND
20 JESSICA'S, AND AMANDA'S WERE OPEN WHEN SHE WENT TO
21 BED NOW I WANT YOU TO WATCH AS MR COPE GOES INTO
22 AMANDA'S ROOM (PLAYS THE VIDEO) IT'S HARD TO OPEN
23 LIKE THAT GUESS HOW HARD IT IS TO CLOSE THAT DOOR
24 WAS OPEN BEFORE THEY WENT TO BED, CLOSED WHEN THEY
25 WOKE UP IN THE MORNING THAT'S IMPORTANT YOU SEE

1 THAT LITTLE BULLETIN BOARD THAT WAS ON THERE, IT WAS
2 BANGING BACK AND FORTH AS HE TRIED TO SHOVE THE DOOR
3 OVER THE UNEVEN GROUND, YOU'LL HAVE A CHANCE TO SEE
4 IT AGAIN BECAUSE I AM GOING TO SHOW YOU THIS VIDEO IN
5 JUST A SECOND THE OTHER ISSUE YOU CAN SEE IN THIS
6 VIDEO HE JUST SHUT THE CLOSET DOOR REMEMBER ON THE
7 STAND HE TOLD YOU, HE STILL BELIEVES TODAY, AMAZINGLY
8 ENOUGH, THAT SOMEBODY WAS HIDING IN THAT CLOSET ALL
9 DAY LONG WAITING FOR THE RIGHT MOMENT TO SPRING OUT
10 AND ATTACK POOR AMANDA THAT'S HIS STORY AND HE'S
11 APPARENTLY STICKING TO IT NOW WHAT DID HE SAY ABOUT
12 THAT CLOSET? BECAUSE JESSICA SAID SHE COULDN'T FIT
13 IN THE CLOSET IT WAS PACKED COULDN'T GET IN
14 THERE A CHILD COULDN'T GET IN THERE HOW COULD A
15 FULL GROWN MAN SUPPOSED TO HIDE IN THERE? DIDN'T
16 HAPPEN HE SAYS OH, NO, THE CLOSET HAD BEEN EMPTIED
17 BECAUSE WE HAD SET OFF THOSE FOGGERS AND THE CLOSET
18 WAS EMPTY SEE THAT IN JUST A SECOND OFFICERS
19 TESTIFIED ABOUT THE CONDITIONS OF THE DOORS, TOOK
20 PICTURES, THEY KNEW IT WAS IMPORTANT, NO SIGN OF
21 FORCIBLE ENTRY, AND HE AGREED TO IT AT THE START OF
22 HIS INTERVIEW

23 THE LATCHING MECHANISM, TALK ABOUT THAT
24 FOR JUST A SECOND MRS POPE, THE MOST CREDIBLE
25 EXPERT WITNESS CALLED BY THE DEFENSE IN THIS CASE,

1 MRS GEORGIA POPE FROM CHARLIE'S LOCK AND KEY IN FORT
2 MILL GOD BLESS HER I BELIEVE EVERY WORD SHE SAID
3 LADIES AND GENTLEMEN, I SUBMIT YOU SHOULD TOO THIS
4 IS A REGULAR BATHROOM LATCH IT IS EASY TO OPEN
5 ANYBODY CAN OPEN THAT THAT IS NOT A FRONT DOOR
6 LATCH THAT'S WHAT GOES ON THE INTERIOR DOOR IN THE
7 HOUSE THIS, ON THE OTHER HAND, HAS A SAFETY
8 MECHANISM ON THAT SEE THAT THAT IS WHAT PREVENTS
9 ANYBODY FROM BEING ABLE TO USE A CREDIT CARD OR SOME
10 OTHER TYPE OF OBJECT LIKE A PUTTY KNIFE SAY, IN THE
11 HANDS OF A THREE YEAR OLD SAY, FROM OPENING THIS
12 THING THAT'S A SAFETY LATCH THAT IS THE FRONT
13 DOOR OF THE COPE HOUSE THAT IS THE LOCATION WHERE
14 THE SAFETY LATCH SHOULD BE LET'S TAKE A CLOSE LOOK
15 AT IT THAT IS WHERE THE SAFETY LATCH IS YOU WILL
16 HAVE THIS PHOTOGRAPH, HERE IT IS, STATE'S EXHIBIT
17 41-E IT IS VAGUE, IT IS FAINT, BECAUSE IT WASN'T
18 TAKEN AT A STRAIGHT ON ANGLE, BUT IN THIS PHOTOGRAPH
19 YOU WILL BE ABLE TO SEE WHEN YOU LOOK THAT IT HAS A
20 SAFETY LATCH ON IT

21 LET ME DO SOMETHING HERE I'M NOT
22 SURE WHERE THAT VIDEO IS I WANT TO TAKE YOU BACK
23 WATCH THIS VIDEO AGAIN HE OPENS THE DOOR THEN AFTER
24 HE OPENS THE DOOR LOOK AT THE CLOSET BEFORE HE CLOSES
25 THE DOOR (PLAYS THE VIDEO) IT DOESN'T LOOK EMPTY

1 YOU CAN SEE THE CLOTHES HANGING ON THE DOOR YOU CAN
2 SEE CLOTHES HANGING ON THE BAR INSIDE IF YOU HAVE
3 ANY FURTHER QUESTIONS GO BACK AND LOOK AT THE VIDEO,
4 LOOK THROUGH THE VIDEO, AND YOU WILL SEE IT FOR
5 YOURSELF THIS IS KIND OF A GRAINY PICTURE BECAUSE
6 WE HAD TO CAPTURE IT FOR DIGITAL PROJECTION SO IT'S
7 NOT THE SAME QUALITY AS THE VIDEO THAT YOU ARE GOING
8 TO HAVE IN THE EVIDENCE ROOM, YOU CAN GO BACK AND
9 LOOK AT THAT AGAIN YOURSELF THEN THROUGH THE DOORS
10 NOW LET'S TALK ABOUT THE HOUSE PROCESSING
11 TODD GARDNER SAID THE PLACE WAS FILTHY NO QUESTION
12 ABOUT THAT YOU SAW THE VIDEO YOURSELF COCK
13 ROACHES RUNNING EVERYWHERE THE PLACE WAS
14 DISGUSTING IT WAS NOT FIT FOR A CHILD TO LIVE
15 THERE THERE IS NO QUESTION THESE CHILDREN WERE
16 NEGLECTED BASED ON THAT VIDEO ALONE YOU DIDN'T NEED
17 ANY OTHER TESTIMONY BUT EVEN MR COPE SAID IN HIS
18 FIRST INTERVIEW WITH DETECTIVE BURRIS, WE DON'T HAVE
19 VISITORS OVER BECAUSE OF THE ROACH PROBLEM, THEY'LL
20 PICK THEM UP AND CARRY THEM OFF TO THEIR LAIR, SO NO
21 VISITORS WILL COME TO VISIT US SO I SUBMIT TO YOU
22 THERE IS NO QUESTION HE'S GUILTY OF NEGLECT THE
23 FILTH AND DISARRAY MADE IT DIFFICULT FOR THEM TO
24 PROCESS THIS SCENE YOU GO INTO A NORMAL HOUSE, A
25 NORMAL CLEAN HOUSE, WHEN MAGAZINES ARE THROWN OFF THE

003600

1 COFFEE TABLE, DOORS, DRAWERS ARE PULLED OUT, AND
2 CLOTHES ARE FLUNG ON THE FLOOR, YOU CAN SAY, THIS
3 HOUSE HAS BEEN RANSACKED A BURGLAR HAS BEEN IN HERE
4 AND TOSSED IT IT'S EASY TO SEE WHERE YOU SHOULD
5 DUST FOR FINGERPRINTS BUT IF YOU WALK THROUGH THE
6 HOUSE AND IT IS FILTH AND GRIME AND DIRT AND ROACHES
7 AND CLOTHES AND GARBAGE EVERYWHERE, HOW ARE YOU
8 SUPPOSED TO KNOW WHERE TO DO ANYTHING BECAUSE THE
9 WHOLE PLACE LOOKS LIKE IT'S BEEN A CRIME SCENE SO
10 YOU DO THE BEST YOU CAN YOU FIND OUT FROM THE
11 DOCTOR, SHE WAS RAPED, THIS WAS A SEXUAL ASSAULT, SO
12 YOU GO BACK AT 8 O'CLOCK, AND YOU USE THE ALTERNATE
13 LIGHT SOURCE THEY DID THE BEST THEY COULD UNDER THE
14 CIRCUMSTANCES AND THEY COLLECTED ALL THE IMPORTANT
15 EVIDENCE I SUBMIT TO YOU THEY COLLECTED EVERYTHING
16 THAT POSSIBLY COULD BE CONNECTED WITH THE CRIME
17 UNDER THE CIRCUMSTANCES OF THIS PARTICULAR HOUSE AND
18 THIS CRIME SCENE THEY DID AN OUTSTANDING JOB AND HAVE
19 NOTHING TO BE ASHAMED OF DID THEY MISS SOMETHING?
20 THEY DID THEY MISSED THE PURSE THE PURSE THAT
21 WOULD HAVE SOLVED EVERYTHING IF ONLY WE WOULD HAVE
22 GOTTEN THE PURSE OH, MY GOD, THE CASE IS RUINED
23 BECAUSE WE DIDN'T GET THE PURSE LADIES AND
24 GENTLEMEN, THIS IS A CRIME SCENE, THERE IS A CHILD
25 DIED ON THE BED, FIREFIGHTERS, EMS, ALL THESE PEOPLE

003601

1 COME THROUGH, THAT PICTURE WAS TAKEN VERY EARLY ON IN
2 THE PROCESS, THEY DIDN'T HAVE ACCESS TO THAT PICTURE
3 THEY DIDN'T KNOW THAT THE PURSE HAD FALLEN ON THE
4 GROUND, SO WHEN THEY PICKED ALL THE LINENS UP AND
5 CAREFULLY FOLDED THEM OVER HER BODY TO CAPTURE
6 EVERYTHING THAT COULD POSSIBLY BE ON THAT BED, THE
7 PURSE HAD FALLEN OFF, THEY DIDN'T REALIZE IT SO IT
8 WAS LEFT BEHIND ON THE FLOOR THAT IS NOT FATAL TO
9 THE STATE'S CASE IT IS NOT NEGLIGENCE IT IS NOT
10 AN OVERSIGHT IT IS ONE OF THOSE THINGS THAT HAPPENS
11 AND WHEN YOU HAVE SOMEBODY WHOSE GOT TWO AND A HALF
12 YEARS TO SIT BACK AND NITPICK EVERY DECISION THAT YOU
13 HAVE TO MAKE IN TWO SECONDS WHEN YOU ARE STANDING IN
14 A CRIME SCENE OR TWO MINUTES OR TEN MINUTES, OF
15 COURSE, THEY ARE GOING TO COME BACK AND FIND THINGS
16 THAT THEY WOULD HAVE DONE DIFFERENTLY IF ONLY THEY
17 HAD BEEN THERE TO DO IT

18 THEY SECURED THE CRIME SCENE THEY MADE A
19 BIG DEAL ABOUT IT LADIES AND GENTLEMEN, THE FIRST
20 16 PEOPLE ON THAT LIST WERE EMS, FIREFIGHTERS, FIRST
21 RESPONDERS WHO WERE SECURING THE SCENE, AND FIVE
22 MEMBERS OF THE COPE FAMILY INCLUDING AMANDA NOW
23 THEY WANT TO SAY IT'S A HERD OF BUFFALO TRAMPLING
24 THROUGH THERE NO THOSE ARE PEOPLE THAT NEED TO GO
25 IN THE SCENE EVEN THEIR OWN INVESTIGATOR AGREED

1 WITH THAT HOW DO YOU KNOW WHAT YOU ARE GETTING
2 INTO? YOU GOT TO HAVE POLICE OFFICERS IN THERE,
3 PATROLMAN, THE FIRST GUYS WHO SHOW UP, YOU DON'T KNOW
4 WHAT YOU ARE WALKING INTO YOU CAN'T -- FIREFIGHTERS
5 ARE RELUCTANT TO GO INTO A CRIME SCENE DILLON
6 TESTIFIED YOU WANT TO HAVE THE POLICE THERE YOU
7 DON'T KNOW WHAT YOU ARE WALKING INTO YOU WANT TO
8 HAVE PEOPLE THERE IN CASE IT'S A BAD SITUATION AND
9 YOU NEED HELP THEY WATCHED THE CLOCK, THEY WATCHED
10 THAT HOUSE, THE POSTED GUARDS ON IT OVERNIGHT UNTIL
11 THEY COLLECTED ALL THE EVIDENCE THAT THEY SAW FIT
12 THAT POSSIBLY COULD HAVE ANYTHING TO DO WITH THIS
13 CASE THE ONLY REAL PIECE OF EVIDENCE THAT THEY
14 COLLECTED AFTERWARDS WAS THE RAG THAT ONLY BILLY COPE
15 KNEW ABOUT

16 NOW THE CRIME SCENE BEING STAGED IS A HUGE
17 ISSUE FOR MR COPE IT'S A BIG, BIG PROBLEM THE
18 REASON IT'S A BIG PROBLEM IS BECAUSE MR SANDERS
19 REALLY HAS NO MOTIVE TO CLEAN UP THE SCENE HE HAS
20 NO MOTIVE TO MISDIRECT THE POLICE IF HE IS TRULY A
21 STRANGER AND HE KNOWS THAT NOBODY IS GOING TO
22 NATURALLY SUSPECT HIM WHY DOES HE CARE? SO IF --
23 WE'LL GO THROUGH THIS A LITTLE BIT AND LET'S TALK
24 FIRST, BEFORE I GET TO THE GIST OF IT, LET'S TALK
25 ABOUT HOW THE CRIME SCENE WAS STAGED ANAL AND

003603

1 VAGINA AREAS CLEANED UP REMEMBER THE PICTURE THAT I
2 SHOWED YOU BEFORE THAT I AM NOT GOING TO SHOW YOU
3 AGAIN, DR MAYNARD TESTIFIED THAT THERE WOULD HAVE
4 BEEN MORE FECES AFTER THAT ASSAULT, FECAL MATTER
5 WOULD HAVE COME OUT, YOU CAN SEE SOME AND YOU'LL HAVE
6 THE PICTURES BACK THERE, IF YOU CAN BARE TO LOOK AT
7 THEM, AND I SUBMIT YOU HAVE TO, IF YOU NEED TO DO
8 JUSTICE IN THIS CASE EVERY PIECE OF EVIDENCE NEEDS TO
9 BE LOOKED AT, YOU CAN SEE A SLIGHT STAIN UP AROUND A,
10 PATCHY BROWN AREAS AROUND HER ANUS, AROUND HER RECTAL
11 OPENING THERE WAS MORE THERE AND IT WAS CLEANED
12 OFF DR MAYNARD SAID I'M NOT THE ONE WHO CLEANED
13 THIS THIS IS HOW I FOUND IT THIS IS HOW I FOUND
14 IT SOMEBODY PUT THE CLOTHES ON HER YOU SAW THE
15 PICTURES OF HER PANTS, THEY'D BEEN ROLLED UP AT THE
16 TOP, THAT'S NOT HOW PEOPLE PUT THEIR CLOTHES ON
17 SOMEBODY ELSE PUT THE CLOTHES ON HER HE ADMITTED TO
18 THAT THE BLANKET EDGING WAS PLACED AROUND HER
19 THROAT, WE GOT THAT FROM HIM, IT WAS OFF BY THE TIME
20 THE POLICE GOT THERE THE DOOR TO THE ROOM WAS
21 CLOSED

22 THEY HAD THE LETTER, I MENTIONED THIS
23 EARLIER, HE'S NO DUMMY, I KNEW I WAS THE FIRST
24 SUSPECT IN THE HOUSE I WAS ONLY THE ADULT IN THE
25 HOUSE WHY ARE CRIME SCENES STAGED? CAPTAIN

1 CABINESS TALKED ABOUT THIS, MISDIRECT THE POLICE
2 THE PERSON WITH A MOTIVE TO MISDIRECT THE POLICE --
3 BILLY WAYNE COPE HE KNEW THAT HE WOULD BE A NATURAL
4 SUBJECT HE'S THE ONE WHO HAS TO STAGE THE CRIME
5 SCENE HE'S THE ONE WHO HAS TO MISDIRECT THE POLICE
6 HE'S THE ONE WHO STAYED BEHIND TO CLEAN UP THE MESS
7 IF SANDERS DID THIS ALONE, THINK ABOUT IT, AND HE'S
8 TRULY A STRANGER, WHY WOULD HE GO TO ALL THIS EXTRA
9 TROUBLE HE'S STANDING IN THIS HOUSE BY HIMSELF IN
10 THE MIDDLE OF THE NIGHT COPE IS SLEEPING IN HIS
11 ROOM, TWO LITTLE GIRLS ARE SLEEPING IN THEIR ROOM,
12 AND HE DECIDED TO STICK AROUND, CLEAN UP HER ANUS,
13 AND DO WHAT WITH THE RAG I DON'T KNOW, PUT HER
14 CLOTHES BACK ON HER, WRAP THIS THING AROUND HER NECK,
15 AND CLOSE THE DOORS BEFORE HE GOT OUT OF THE HOUSE?
16 HOW MUCH EXTRA TIME WOULD HE HAVE TO STAY IN THE
17 HOUSE? IF HE FINISHED HIS BUSINESS AND HE WAS
18 OPERATING ALONE, WHAT WOULD THE FIRST HE WOULD DO?
19 GET OUT I DON'T CARE NOBODY IS GOING TO SUSPECT
20 ME, I DON'T KNOW THESE PEOPLE, SO I'M GONE THE
21 PERSON WHO DID THAT WASN'T CONCERNED ABOUT TIME AND
22 THEY WEREN'T CONCERNED ABOUT ANYBODY WALKING IN ON
23 THEM, THEY WEREN'T CONCERNED ABOUT ANYTHING THEY
24 FELT COMFORTABLE AND AT THE SAME TIME, IF YOU DID
25 ALL THIS, HE HAD TO KNOW THE SEMEN WAS ON HIM HE

1 EJACULATED ON HER PANTS

2 LET'S TALK ABOUT MR SANDERS FOR JUST A
3 SECOND BECAUSE THAT'S ONE QUINTILLION ON 300
4 QUADRILLION REASONS WHY MR SANDERS IS GUILTY AND IF
5 THAT AIN'T ENOUGH ON HER BREAST THAT'S THREE
6 QUADRILLIONS 600 TRILLION, BEAR IN MIND THERE IS ONLY
7 SEVEN BILLION PEOPLE IN THE WORLD, YOU WOULD HAVE TO
8 GO THROUGH THE ENTIRE POPULATION OF THE EARTH A
9 MILLION TIMES BEFORE YOU FOUND ANOTHER PERSON THAT
10 MATCHED MR SANDERS' DNA NOW HE TALKED ABOUT THEY
11 ONLY USED NINE SPOTS THEY ONLY USE NINE BECAUSE
12 THEY COULD KEEP GOING, HE SAID WE COULD USE 10, 12,
13 15, 20 BUT YOU ONCE YOU REACH ONE QUADRILLION, SEE
14 EACH SPOT HAS A SPECIAL FORMULA, HOW OFTEN DOES THIS
15 PARTICULAR TYPE OF DNA END UP AT THIS SPOT? IT ONLY
16 ENDS UP IN THAT SPOT FOR 1 IN 100 PEOPLE HOW OFTEN
17 DOES THIS TYPE END UP IN SPOT TWO? 1 IN 50 THIS
18 ONE? 1 IN 10 1 IN 5, 1 IN 25, 1 IN 30 WHEN YOU
19 ADD UP 100 TIMES 50 TIMES 25 TIMES 10 TIMES 2 TIMES
20 30 TIMES 75, OVER NINE TIMES, THAT'S WHEN YOU START
21 GETTING TO THOSE KIND OF NUMBERS SO WHAT YOU WANT TO
22 USE ANOTHER TWO, THREE SPOTS, FOUR SPOTS, FIVE SPOTS,
23 AND GET THE NUMBER UP UNTIL I HAVEN'T GOT ENOUGH ROOM
24 ON THE WALL FOR THE ZEROS IT'S MR SANDERS THAT'S
25 HIS SEMEN THIS IS A RAPE THIS IS A SEXUAL

1 ASSAULT HIS SALIVA IS ON HER BREAST IT HAD TO BE
2 WITHIN FOUR HOURS AT THE EARLIEST IT WAS TEN
3 O'CLOCK SHE DIED NO EARLIER THAN TWO FOUR HOURS
4 BEFORE WOULD HAVE BEEN TEN SHE WAS DOING HER
5 HOMEWORK WITH JESSICA MOM WAS LEAVING AT TEN
6 O'CLOCK DON'T YOU THINK MOM WOULD HAVE SAID HEY,
7 WHERE'S AMANDA? THEY DIDN'T LET THE KIDS PLAY OUT
8 THERE THIS IS NOVEMBER IT'S DARK, IT'S COLD, TEN
9 O'CLOCK ON A SCHOOL NIGHT, SHE WASN'T OUT RUNNING THE
10 STREETS, LADIES AND GENTLEMEN THAT DIDN'T HAPPEN
11 SHE WAS INSIDE THAT HOUSE SANDERS CAME IN LATER
12 SANDERS CAME IN AFTER THE KIDS HAD GONE TO BED AND
13 SANDERS CAME IN WHEN COPE OPENED THE FRONT DOOR AND
14 TOOK THE LATCH OFF THAT JESSICA AND AMANDA HAD PUT ON
15 BEFORE THEY WENT TO BED NO QUESTION DNA IS WIDELY
16 KNOWN AND ACCEPTED MEDICAL DIAGNOSES, TRUSTED FOR
17 THAT PATERNITY TESTS SOLDIERS WHO REMAINS ARE
18 FOUND IN VIETNAM, THEY WANT TO KNOW IS THIS CERTAIN
19 PERSON WHO HAS BEEN LISTED AS MISSING IN ACTION, IF
20 THEY HAVE A DNA SAMPLE FROM A HAIR BRUSH OR A
21 TOOTHBRUSH OR SOME SORT OF PARTICLE THEY CAN IDENTIFY
22 SOLDIERS REMAINS USING DNA NO QUESTION, THAT'S
23 ABSOLUTELY BEYOND DOUBT
24 AGAIN THEY HAD DINNER AT 8 30, REMEMBER
25 THE TESTIMONY ABOUT THAT, AMANDA WAS THERE FOR

003607

1 DINNER MOM LEAVES AT TEN THEY WENT TO BED BETWEEN
2 1 AND 1 15 SHE DIED BETWEEN TWO AND FOUR AM ALL
3 THE WOUNDS WERE CONTEMPORANEOUS ALL THE WOUNDS TO
4 THIS CHILD OCCURRED AT THE SAME TIME THE LATCH WAS
5 OFF THE DOOR MR GREELEY SIMPLY HAS TO PUSH THIS
6 BACK TOO FAR HE'S GOT TO GO BACK TO 7 O'CLOCK, 6
7 O'CLOCK, THAT DOESN'T WASH THAT WON'T WASH AND IT
8 DOESN'T MAKE ANY SENSE THAT SHE'D BEEN SEXUALLY
9 ASSAULTED TWICE IN ONE NIGHT AND COME BACK TO THE
10 HOUSE AND NOT SAID ANYTHING ABOUT IT TO ANYBODY
11 COPE SAYS HE NEVER LETS THE KIDS OUT TO PLAY MOM IS
12 THERE UNTIL TEN SHE DIDN'T GET STRUCK TWICE THAT
13 NIGHT SHE GOT STRUCK ONCE BY TWO PEOPLE THEY
14 DIDN'T FIND ANY FECES ON THE BED IF SHE HAD BEEN
15 LAYING ON THE BED AND ATTACKED IN THAT FASHION
16 WOULDN'T YOU EXPECT THERE TO BE SOME FECES ON THE
17 BED NONE WERE FOUND ON THE BED THAT WAS CLEANED
18 UP TOO OR SHE WAS ON TOP OF SOMETHING THAT WAS
19 SUBSEQUENTLY THROWN OUT THE TWO HANDS ARE ONE FOR
20 THE CHOKING, TWO HANDS ARE ONE DR MAYNARD SAID IT
21 COULD BE ANY NUMBER OF THINGS HE COULD HAVE USED
22 TWO HANDS, HE COULD HAVE USED ONE HAND CHRONIC
23 SEXUAL ASSAULT NO HYMEN THERE WAS A HYMEN IN '99,
24 NO HYMEN NOW WHAT DO THEIR EXPERT SAY? NO CHANCE
25 I WOULD HAVE MISSED IT NO WAY MAYNARD IS THE BEST

003608

1 JUDGE OF THAT THIS IS A SEXUAL ASSAULT HE WASN'T
2 LOOKING FOR A HYMEN THAT'S WHAT HE WOULD HAVE BEEN
3 GOING TO TRY TO FIND, A HYMEN OR ANY PART OF THE
4 HYMEN, HE FOUND NONE SAID THAT OTHER THINGS COULD
5 HAVE CALLED THIS TAMPONS, DOUCHING, OR ALLERGY HE
6 SAID HE SAW NO NATURAL, NO SIGNS OF ANY NATURAL CAUSE
7 FOR ANY OF THESE CHRONIC INFLAMMATION THAT HE SAW
8 SHE HAD A PAD ON SHE WASN'T USING TAMPONS DO YOU
9 THINK SHE WAS DOUCHING? IS THAT A REALISTIC? THEY
10 THREW THAT OUT LIKE IT WAS A POSSIBILITY LADIES AND
11 GENTLEMEN, I SUBMIT THAT IS ABSURD DEFINITELY NO
12 HYMEN THE DAMAGE WAS IN THE RECTAL CANAL AS WELL
13 DO YOU THINK IT IS A COINCIDENCE THAT BOTH HER
14 RECTUM, SHE WAS ASSAULTED IN THIS ASSAULT, BOTH HER
15 RECTUM AND HER VAGINA BOTH HAD SIGNS OF CHRONIC
16 INFLAMMATION LADIES AND GENTLEMEN, HE SAID HE HAD
17 BEEN MOLESTING HIS DAUGHTER FOR SOMETIME HE'D BEEN
18 MOLESTING HIS DAUGHTER FOR SOMETIME, SINCE ABOUT
19 EARLY OCTOBER WHEN HE STARTING SLIPPING IN THERE AND
20 USING THE DILDO AND FINGERING HER

21 THE SIMMONS LETTERS I'M NOT GOING TO GO
22 THROUGH THIS FOR TOO LONG, BUT LADIES AND GENTLEMEN,
23 I SUBMIT THOSE LETTERS ARE LEGITIMATE YOU GO BACK
24 AND LOOK AT THEM YOURSELF OUR EXPERT SAYS HE
25 PROBABLY AUTHORED THE FIRST ONE, CAN'T SAY POSITIVELY

1 BECAUSE OF THE OVERWRITING AND THE LACK OF THE
2 CURSIVE STANDARDS ON THAT FIRST LETTER HE DOESN'T
3 HAVE ENOUGH EXAMPLES OF HIS WRITING IN CURSIVE TO SAY
4 CONCLUSIVELY IT WAS HIS HE SAYS HE DEFINITELY WROTE
5 THE SECOND LETTER HE COULDN'T DUPLICATE THOSE HE
6 KNOWS WHAT A HANDWRITING EXPERT IS GOING TO BE
7 LOOKING FOR AND HE COULDN'T EVEN DO THAT KIND OF
8 FORGERY HE HAS NO WAY OF DOING THAT AND THEY SAID
9 SHE'S BEEN CONVICTED, SHE'S A KNOWN FORGER LADIES
10 AND GENTLEMEN, WHAT SHE SAID WAS SHE ALTERED SOME
11 TIME RECORDS, ALTERED SOME TIME RECORDS, THAT'S NOT
12 LIKE SHE IS SOME MASTER FORGER TURNING OUT HUNDRED
13 DOLLAR BILLS SHE'S A NURSE AND SHE'S BEEN AND THEIR
14 EXPERT SAYS THAT THIS NURSE FROM ANDERSON, SOUTH
15 CAROLINA, COULD DO WHAT HE HIMSELF WITH 12 YEARS
16 EXPERIENCE IS INCAPABLE OF DOING IF I GAVE HIM A YEAR
17 TO DO IT THEIR EXPERT COULDN'T EVEN SAY THEY
18 DEFINITELY WERE FORGERIES THEY SAID THEY WERE
19 PROBABLY FORGERIES THAT'S ALL THEY COULD BRING
20 THEMSELF TO SAY DOTTING THE I'S GO BACK AND LOOK
21 AT THE KNOWN LETTERS OF BILLY COPE HE SAYS BILLY
22 COPE DIDN'T USE A DOT, HE USED A SLASH, GO LOOK AT
23 THE LETTERS AND YOU'LL SEE SOME DOTS

24 THE FIRST LETTER COMES IN DECEMBER 2003
25 TURNED IT OVER TO JIM MORTON HE DIDN'T GIVE IT TO

1 THE POLICE UNTIL MAY OR JUNE HE HELD ON TO THAT
2 LETTER ALL THAT TIME NOW HE WRITES THIS LETTER,
3 ASSUME THAT HE DOESN'T WRITE THE LETTER JUST FOR THE
4 SAKE OF ARGUMENT, ASSUME HE DID NOT WRITE THE FIRST
5 LETTER, HE KNEW ABOUT THE FIRST LETTER BACK IN
6 JANUARY IF HE THOUGHT SHE WAS FORGING THESE LETTERS
7 AND HE THOUGHT SHE FORGED THE FIRST LETTER WHY WOULD
8 HE CONTINUE TO WRITE TO HER OVER THE NEXT FOUR OR
9 FIVE MONTHS? IT DOESN'T MAKE SENSE SHE SAID THEY
10 TOLD ME TO DESTROY THE LETTERS

11 THE PAPER THAT IT IS WRITTEN ON,
12 LADIES AND GENTLEMEN, THE DETENTION CENTER I SUBMIT
13 TO YOU HAS RULES AND THEY ARE GOING TO SAY WE FOLLOW
14 OUR RULES BUT IN THE GRAND SCHEME OF THINGS PAPER
15 AIN'T HIGH ON THE LIST OF CONTRABAND THEY ARE NOT
16 GOING TO GO TO TOWN TRYING TO FIND EVERY SCRAP OF
17 PAPER OUT THERE THEY ARE LOOKING FOR GUNS, DRUGS,
18 KNIVES, THINGS THAT COULD BE USED TO HURT PEOPLE
19 PAPER -- THAT'S WAY DOWN HERE ON THE LIST WHY WOULD
20 SHE KEEP THOSE OTHERS LETTERS? IF SHE USED THEM WHY
21 WOULD SHE TURN THEM OVER? IF SHE USED THOSE TO MODEL
22 WHY WOULD SHE TURN THEM OVER? IT DOESN'T MAKE SENSE
23 AND WHAT DID SHE USE AS A MODEL FOR THE FIRST LETTER
24 IF SHE FORGED THAT? NOBODY SAYS THAT THAT WAS
25 WRITTEN ON ANYTHING WHAT DID SHE USE FOR THAT? WHY

1 GIVE THE FIRST ONE TO MORTON? WHY NOT JUST GIVE IT
2 TO THE POLICE? I NEED TO CONFESS TO YOU, WHY NOT
3 HAND THAT OVER TO THE POLICE? SHE GAVE IT TO JIM
4 MORTON COPE'S SISTER, WHO IS SITTING OVER HERE, AND
5 NODDED ENTHUSIASTICALLY WITH HER A COUPLE OF TIMES
6 DURING HER TESTIMONY SAID, SHE'S HER BEST FRIEND, WHY
7 WOULD SHE DO THIS? WHAT IS HER MOTIVATION? THIS
8 LETTER, IT'S IN THE BAG OF ADMITTED COPE LETTERS, IT
9 STARTS OUT HOPE THIS LETTER FINDS YOU IN THE BEST
10 OF SPIRITS AND FINEST OF HEALTH ON THE BACK, PART
11 THREE LATER, I'M GOING TO TELL YOU ALL OF THE LETTER
12 WHEN I'M READY TO MAKE ALL RIGHT BY AMANDA I KNOW
13 YOU WILL FORGIVE AND STAND BY ME TINKER THAT
14 SEEMS TO GO ALONG WITH WHAT THE FIRST LETTER SAID
15 YOU DON'T NEED THE LETTERS TO CONVICT THIS MAN
16 HE'S, HE'S GOT PLENTY OF EVIDENCE IF YOU DON'T
17 THINK THE LETTERS, IF YOU ARE WORRIED ABOUT THEM, AND
18 YOU GOT TWO EXPERTS SAYING, ONE SAYING ONE THING ONE,
19 I DON'T CARE I THINK, I SUBMIT TO YOU THE LETTERS
20 ARE GENUINE, I SUBMIT THAT NOBODY COULD FORGE THAT,
21 GO BACK AND LOOK AT THE HANDWRITING ON THE LETTERS
22 AND COMPARE IT TO BILLY'S, MAKE YOUR OWN JUDGMENT
23 LOOK FOR DOTS VERSUS SLASHES IF IT MEANS ANYTHING TO
24 YOU IF IT IS THAT IMPORTANT THE LETTERS I SUBMIT
25 ARE AUTHENTIC, I SUBMIT HE WROTE THEM, I SUBMIT HE

003612

1 HAS A GUILTY CONSCIOUS, AND HE WANTS SOMEBODY TO
2 UNDERSTAND AND ACCEPT HIM JUST LIKE HE DID WITH MR
3 BAKER THAT DAY

4 WHAT DID JESSICA TESTIFY TO? THE DOORS
5 WERE LOCKED AND LATCHED SHE ALSO SAID THAT HE WAS
6 ASLEEP AT ONE AM AND WEARING THE CPAP, SHE COULD HEAR
7 IT REMEMBER, THEY ARE DOING THE HOMEWORK, THE PHONE
8 RINGS, IT WAKES HIM UP, AND HE YELLS OUT TO THEM, ARE
9 Y'ALL GOING TO GO TO BED NOW? WASN'T SO LOUD WITH
10 THAT CPAP MACHINE THAT HE COULDN'T HEAR THE PHONE
11 RINGING SAID SHE COULDN'T FIT IN AMANDA CLOSET,
12 NEVER HAD ANY WARNINGS ABOUT THE BLANKET, AMANDA
13 SLEPT WITH IT EVERY SINGLE NIGHT, IT WAS HER FAVORITE
14 BLANKET SAID THAT THAT MORNING AT SIX O'CLOCK HE
15 DIDN'T SAY AMANDA, AMANDA, LIKE HE SAID HE SAID
16 AMANDA, AMANDA, AND THEN CAME RUNNING, NEVER RAN, BUT
17 HE WAS RUNNING THROUGH THE HALLWAY AND WHERE WAS HE
18 RUNNING FROM? HE WAS RUNNING FROM THE LIVING ROOM,
19 NOT HIS BEDROOM SHE SAID HE CAME FROM THE LIVING
20 ROOM HE'D BEEN UP FOR A GOOD WHILE

21 LET'S TALK ABOUT THE DEFENSE CASE
22 REMEMBER THE SCENE FROM THE WIZARD OF OZ, WHERE THEY
23 ARE UP AT THE EMERALD CASTLE AND THEY ARE TALKING TO
24 THE WIZARD AND THEY GOT THE BROOM AND NOW THE SCARE
25 CROW WANTS HIS BRAIN AND THE LION WANTS THE COURAGE

1 AND ALL OF THAT AND THE WIZARD SAYS I'M NOT GOING TO
2 GIVE YOU ANY OF THAT, AND THEN TOTO RUNS OVER AND
3 GRABS THE CURTAIN AND PULLS IT BACK AND THEN YOU SEE
4 THE REAL WIZARD AND HE'S WORKING THE MACHINERY BACK
5 THERE, THAT'S WHAT HAPPENED HERE

6 THIS WAS A VERY INTERESTING CROSS
7 EXAMINATION, THE FIRST TWO DEFENSE WITNESSES THAT WE
8 HAD, YOU'LL RARELY GET A GLIMPSE, A PEEK, INTO THE
9 MACHINERY OF HOW A CASE LIKE THIS IS PUT TOGETHER BUT
10 YOU GOT TO SEE IT HERE REMEMBER MR HONTS, WHAT DID
11 YOU RELY ON? HE SAYS, COPE PASSED THE POLYGRAPH
12 TEST THEY USED THE MILITARY METHOD FOR SCORING SO
13 I GET UP AND I SAY, WHAT DID YOU RELY ON? HE SAID, I
14 RELIED ON THE E-MAIL SO I GOT TO TAKE A LOOK AT THE
15 E-MAIL HE AGREES MOST OF THE E-MAIL WAS JUST THE
16 DEFENSE VERSION OF THE CASE THEIR SPIN ON HOW THIS
17 THING TOOK PLACE THEN WE TALKED TO HIM ABOUT HIS
18 PRIOR ARTICLE WHERE HE TALKS ABOUT DODPIE AND HOW
19 GREAT DODPIE IS AND THE MILITARY SCORING IS THE BEST
20 IN THE WORLD REMEMBER THAT AFTER JUST SAYING THE
21 MILITARY SCORING, I LIKE THE UTAH SYSTEM YOU KNOW
22 UNDER THE UTAH SYSTEM MY CLIENTS ARE NOT TO
23 DECEPTIVE THEN HE HEADS BACK TO IDAHO WITH \$5,000
24 IN HIS POCKET

25 THEN MR KASSIN TAKES THE STAND NOW

1 REMEMBER MR KASSIN SAID THERE WERE TWO THINGS, TWO
2 THINGS, THE LENGTH OF THE INTERROGATION AND THE
3 PRESENTATION OF FALSE EVIDENCE THE POLYGRAPH, THE
4 MOST IMPORTANT THING SO HE SAYS THAT'S WHAT PEOPLE
5 NEED TO LOOK AT, THESE TWO THINGS WELL, HE AGREES
6 ON CROSS EXAMINATION THE LENGTH OF POLYGRAPH OR THE
7 LENGTH OF THE INTERROGATION REALLY WASN'T THAT LONG,
8 IT HAPPENED LATE AT NIGHT, BUT IT REALLY WASN'T THAT
9 LONG THEN I ASKED HIM, ISN'T IT TRUE THAT YOU TOLD
10 MR BAITY THAT HE NEEDED TO GO FIND HIM AN EXPERT
11 THAT COULD TESTIFY THAT THE POLYGRAPH WAS FALSE AND
12 THAT YOU RECOMMENDED HE CONTACT MR HONTS, AND HE
13 SAID, WHAT? NO, SIR, I DIDN'T DO THAT AND I SAID
14 MAY I SEE THE E-MAIL PLEASE AND MR KASSIN WAS
15 FORCED TO SAY IN FACT I DID TELL MR BAITY TO CALL
16 MR HONTS YES, THAT'S TRUE IN FACT I DID TELL HIM
17 THAT WE NEEDED SOMEBODY TO TESTIFY TO IMPROPER
18 POLYGRAPH USE IN THIS CASE MR HONTS WAS HIRED SO
19 THAT MR KASSIN COULD COME IN HERE AND SAY WHAT HE
20 HAD TO SAY MR KASSIN KNEW I CAN'T GIVE YOU AN
21 OPINION THAT THIS IS A FALSE CONFESSION UNTIL FIRST
22 WE GET SOMEBODY TO COME IN AND SAY THE POLYGRAPH WAS
23 BAD SO PROFESSOR POLYGRAPH AND CAPTAIN CONFESSION
24 SHOW UP HERE IN YORK COUNTY WITH THEIR SONG AND DANCE
25 AND START TALKING ABOUT HOW IT'S ALL VERY SUSPICIOUS

1 AND YOU SHOULD BE CAREFUL LADIES AND GENTLEMEN,
2 THIS WHOLE THING WAS COOKED UP HE KNEW HE COULD
3 COUNT ON MR HONTS FROM IDAHO TO COME HERE AND SAY
4 THAT SO HE SENT MR BAITY OVER TO SEE HIM BECAUSE HE
5 KNEW THAT NO MATTER WHAT THAT POLYGRAPH LOOKED LIKE
6 MR HONTS FOR FIVE GRAND IS WILLING TO COME TO YORK
7 COUNTY AND SAY ABSOLUTELY THAT'S A BAD POLYGRAPH, HE
8 PASSED MR KASSIN HEADS BACK TO MASSACHUSETTS
9 13-\$15,000 MORE THAN WHEN HE GOT HERE WHAT DO WE
10 THINK OF THAT? THEY HAD NO IDEA BEFORE THAT E-MAIL
11 WAS SENT WHETHER THE POLYGRAPH WAS GOOD OR NOT THEY
12 DIDN'T CARE THE ONLY THING THAT MATTERED WAS
13 GETTING SOMEBODY DOWN HERE TO SAY THAT IT WAS BAD SO
14 CONFESSION KASSIN COULD SAY THE CONFESSION WAS
15 SUSPECT HONTS, HE CLEARLY DIDN'T KNOW WHAT HE WAS
16 TALKING ABOUT, THE MILITARY SCORING SYSTEM IS NOT TO
17 BE TRUSTED, THE UTAH SYSTEM, THAT WAS, THERE IS NO
18 QUESTION, HE'S TOTALLY CONTRADICTED ON THAT POINT
19 THE WHOLE THING WAS MADE UP OUT OF THIN AIR AND IF IT
20 ISN'T A FALSE CONFESSION, LADIES AND GENTLEMEN, IT
21 MUST BE A TRUE ONE YOU KNOW THAT'S ONE OF THE
22 BEAUTIFUL THINGS ABOUT MY JOB, I REALIZED AS I WAS
23 TALKING ABOUT IT, I GOT THE FALSE CONFESSION EXPERT
24 TO CONFESS HOW BEAUTIFUL IS THAT? THIS GUY WAS
25 BROUGHT INTO COURT AND HE DENIED SOMETHING AND THEN

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1 WHEN CONFRONTED WITH THE TRUTH HE WAS FORCED TO
2 CONFESS JUST LIKE MR COPE WAS WHEN HE MET MR BAKER
3 WHAT WOULD THEY BE SAYING IF THAT HAD BEEN OUR E-MAIL
4 FROM CHARLENE TO STEVE LAMBERT WE REALLY NEED SOME
5 DNA ON THIS GUY OH, MY GOD, YOU WOULD NEVER HEAR
6 THE END OF IT WE WOULDN'T EVEN BE STANDING HERE
7 TODAY

8 HOW ABOUT THE REST OF THEIR EXPERTS?

9 WELL, I DON'T HAVE ALL THE E-MAILS THAT WERE SENT TO
10 HIRE THESE PEOPLE, BUT LADIES AND GENTLEMEN, I SUBMIT
11 TO YOU THAT THAT EXPERIENCE WITH MR HONTS AND MR
12 KASSIN WAS A STINK BOMB AND THE STINK LANDED ON EVERY
13 SINGLE ONE OF THEIR EXPERTS WITH THE EXCEPTION OF
14 MRS POPE GOOD MRS POPE OTHER THAN THAT I SUBMIT
15 TO YOU IT CAUSED HIM TO QUESTION THE VALIDITY AND
16 CREDIBILITY OF EVERYONE SINGLE ONE OF THE EXPERTS
17 THAT THEY CALLED RON GUERRETTE, WHAT DO WE KNOW
18 ABOUT HIM? 120 HOURS, 50 BUCKS AN HOUR, OVER \$5,000,
19 AND HE DIDN'T EVEN KNOW WHAT BREAST SHE WAS BITTEN
20 ON, HE HADN'T READ THE REPORTS, HADN'T CALLED
21 ANYBODY, HADN'T DONE ANYTHING I DON'T KNOW WHAT HE
22 DID FOR 120 HOURS HE SHOULD HAVE AT LEAST READ THE
23 FILE, WOULDN'T YOU EXPECT, FOR 120 HOURS AT 50 BUCKS
24 AN HOUR SEEMED CONFUSED THINK BACK BETWEEN
25 GUERRETTE VERSUS CABANISS AND BAKER, WHO IS THE REAL

1 INVESTIGATOR? WHO IS THE PERSON WHO SEEMED TO KNOW
2 WHAT THEY WERE TALKING ABOUT, TO GIVE YOU GOOD
3 ANSWERS, KNEW THE EVIDENCE, UNDERSTOOD THE FACTS AND
4 CIRCUMSTANCES OF THIS CASE GUERRETTE, HE AIN'T FROM
5 HERE, HE'S NOT FROM HERE, AND I'LL TALK ABOUT THE
6 WINN DIXIE TEST IN JUST A SECOND NICHOLS, HE'S
7 AMAZING DIDN'T ASK HOW MUCH HE IS PAID, BUT I CAN
8 IMAGINE IT WAS A FAIR AMOUNT TOO TALKED ABOUT HOW
9 COMPETENT MAYNARD WAS AS LONG AS IT WASN'T ANY OF THE
10 CRUCIAL ISSUES IN THOSE CASES, MAYNARD WAS WRONG OR
11 MAYNARD MADE A MISTAKE ON THESE SPECIFIC ISSUES,
12 EVERYWHERE ELSE, ON THE STUFF THAT DON'T MATTER,
13 MAYNARD'S THE MAN, BUT AS FAR AS THE HYMEN AND
14 WHETHER IT WAS A PENIS OR A FRONTAL OR ANY, THEN
15 MAYNARD REALLY IS A LITTLE CONFUSED ON THOSE ISSUES
16 BLOODY MESS THE WHOLE AUTOPSY IS A BLOODY MESS
17 MR GREELEY GOT UP AND SAID, WHAT DO YOU MEAN A
18 BLOODY MESS HE SAID HE COULDN'T FIND THE HYMEN
19 BECAUSE IT WAS A BLOODY MESS LADIES AND GENTLEMEN,
20 THERE IS NO AUTOPSY THAT'S NOT A BLOODY MESS YOU
21 ARE CUTTING INTO A HUMAN BEING, BUT DR MAYNARD, HE
22 WAS UNDER NO TIME CONSTRAINTS, HE TOOK HIS TIME AND
23 SAID, THERE WAS NOT ONLY NO HYMEN, THERE WAS NO TRACE
24 OF A HYMEN

25 I CALL YOUR ATTENTION TO A RULE FROM

1 THE U S NAVY BECAUSE I THINK IT'S A GOOD ONE THE
2 LOWEST RANKING OFFICER ON A SHIP, COULD BE A ENSIGN,
3 IF HE IS THE RANKING OFFICER ON THE SHIP AND THE SHIP
4 IS IN BATTLE AN ADMIRAL DOES NOT HAVE THE RIGHT TO
5 RADIO IN TO THAT ENSIGN AND GIVE HIM ANY ORDERS
6 BECAUSE THE GUY WHO IS ACTUALLY ON THE SCENE IN THE
7 MIDDLE OF THE BATTLE IS IN THE BEST POSITION TO MAKE
8 THE DECISIONS AS TO HOW THAT BATTLE SHOULD BE
9 CONDUCTED BECAUSE HE'S IN THE BEST POSITION TO ASSESS
10 THE SITUATION AND NO GENERAL OR ADMIRAL CAN TELL HIM
11 DIFFERENT I SUBMIT TO YOU THAT RULE SHOULD APPLY
12 WITH MOST IF NOT ALL OF THEIR EXPERTS OUR PEOPLE
13 WERE LOOKING AT THE ACTUAL AUTOPSY, NOT AT A
14 PHOTOGRAPH OUR PEOPLE WERE LOOKING AT THE HOUSE AS
15 IT WAS THAT DAY, NOT AT A PHOTOGRAPH OF THE HOUSE
16 OUR PEOPLE WERE TALKING TO THE WITNESSES AND
17 INTERVIEWING MR COPE, OUR PEOPLE WERE ON THE GROUND
18 IN THE MIDDLE OF THE FIGHT, NOT READING ABOUT IT FROM
19 A HUNDRED MILES AWAY ON AN E-MAIL OR LISTENING TO
20 SOME AUDIO TAPE AND GETTING SOME DEFENSE SPIN ON WHAT
21 HAPPENED OUR PEOPLE WERE INVOLVED, OUR PEOPLE WERE
22 IN THE MIDDLE OF IT, AND OUR PEOPLE ARE IN THE BEST
23 POSITION TO TELL YOU WHAT HAPPENED OUR PEOPLE ARE
24 ALSO, NONE OF THEM, GOT QUESTIONED ABOUT HOW MUCH
25 MONEY THEY GOT PAID BECAUSE YOU KNOW WHAT THEIR

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1 PAYCHECK DOESN'T CHANGE FROM CASE TO CASE THEIR PAY
2 CHECK DOESN'T CHANGE BASED ON THE RESULTS THAT THEY
3 SUBMIT TO THIS COURT THEIR PAYCHECK STAYS THE SAME
4 WHETHER THE RESULTS ARE POSITIVE OR WHETHER THE
5 RESULTS ARE NEGATIVE OUR GUY FROM SLED, HE DIDN'T
6 COME IN HERE AND SAY, OH THE FIRST ONE IS DEFINITELY
7 A MATCH HE SAID I CAN'T TELL YOU HE SAID I CAN'T
8 TELL YOU I DON'T HAVE ENOUGH ON THAT FIRST LETTER
9 OUR PEOPLE TELL THE TRUTH OUR PEOPLE TELL YOU WHAT
10 THEY FIND BECAUSE IT MAKES NO DIFFERENCE TO THEM IT
11 MAKES NO DIFFERENCE TO THEM THEY STAND TO GAIN NO
12 MORE OR LESS, UNLIKE SAY MICKEY DAWSON, WHO SPENT
13 THREE DAYS STANDING AROUND HERE WAITING TO TESTIFY
14 IF HIS RESULTS WEREN'T GOOD, HE WOULDN'T HAVE STOOD
15 AROUND HERE FOR THREE DAYS, 8 HOURS A DAY TIMES 3 IS
16 24 AT A \$175 AN HOUR, THERE IS ALMOST ANOTHER \$5,000
17 HE GOT BECAUSE HIS RESULTS WERE POSITIVE IF THEY
18 HADN'T BEEN GOOD FOR THEM HE WOULDN'T HAVE EVER SAT
19 AROUND HERE FOR 24 HOURS AT 175 BUCKS AN HOUR HE
20 DOESN'T HAVE A STAKE IN THIS? HE'S ALWAYS NEUTRAL
21 AND DETACHED? \$5,000 LADIES AND GENTLEMEN, PLEASE
22 THE WINN DIXIE TEST WHO OUT OF ALL
23 THEIR EXPERTS ARE YOU GOING RUN INTO AT THE WINN
24 DIXIE? GEORGIA POPE MR KASSIN'S GOT HIS \$15,000
25 AND HE'S MAKING HIS PAYMENT ON HIS BOAT OR WHATEVER

003620

1 IT IS HE DOES HONTS IS BACK IN IDAHO DO THEY CARE
2 ABOUT WHETHER JUSTICE IS DONE IN YORK COUNTY? DO
3 THEY CARE WHETHER JUSTICE IS DONE BY AMANDA OR
4 WHETHER THIS MAN IS GUILTY OR INNOCENT? I SUBMIT
5 THEY DON'T THEY CARE ABOUT THE CHECK THEY ARE
6 GETTING
7 WHAT DID BILLY COPE SAY? HE TOLD THEM THE
8 TRUTH THURSDAY NIGHT AND FRIDAY FALSE POLYGRAPH
9 PLUS PICTURE OF GREEN EDGING, NO CHOICE BUT TO
10 CONFESS, HE BELIEVED HE'D DONE IT IS THAT
11 BELIEVABILITY THAT THOSE TWO THINGS COULD CAUSE A MAN
12 TO SAY GOSH, I FAILED THE POLYGRAPH AND YOU SAY YOU
13 HAVE A PICTURE OF THE GREEN BLANKET STILL AROUND HER
14 NECK WELL, OKAY THEN I RAPED AND KILLED MY
15 DAUGHTER, ALTHOUGH I DIDN'T, YOU KNOW, BUT I'LL SAY
16 IT IF THAT'S WHAT YOU SAY YOU GOT LADIES AND
17 GENTLEMEN BILLY COPE, YOU SAW HIM TESTIFY, WHAT BILLY
18 COPE WOULD HAVE SAID WAS, SHOW ME THE PICTURE YOU
19 SAY YOU GOT THIS PICTURE, I KNOW I TOOK THAT OFF OF
20 HER NECK, YOU SAY YOU GOT A PICTURE, WHERE IS THE
21 PICTURE? THE BILLY COPE YOU SAW OVER THERE SPARRING
22 WITH THE DEFENSE, SPARRING WITH THE STATE AND MR
23 GREELEY, HE WOULD HAVE ASKED TO SEE THE PICTURE YOU
24 SAY YOU GOT IT, SHOW IT TO ME HE DIDN'T HE
25 CONFESSED BECAUSE HE'S GUILTY SO I STARTED TO

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1 BELIEVE THAT I DID IT, THEN LATER I REALIZED THAT I
2 HADN'T, SO I DECIDED I NEEDED TO SAY I WAS CRAZY TO
3 EXPLAIN THE FIRST CONFESSION THEN I DIDN'T SAY
4 ANYTHING ABOUT IT TO JUDGE LONG AND TOOK THE STORY
5 OUT FOR A TEST DRIVE WITH CABANISS ON MONDAY HE
6 WASN'T BUYING IT AND THEN HE JUST GAVE UP AND SAID
7 WHATEVER THEY WANTED TO HEAR HE ADMITTED THAT HE
8 DIDN'T WANT TO TALK TO BARROWCLOUGH THEY STARTED TO
9 RAISE THAT ISSUE THEY KEPT HIM FROM HIS ATTORNEY
10 HE TOOK THE STAND AND SAID I TOLD THEM I DID NOT WANT
11 TO SPEAK TO MR BARROWCLOUGH I AGREE WITH THAT HE
12 SAID THAT AND MR BARROWCLOUGH POINTED OUT THE LAW
13 OR AGREED THAT THE LAW IS, MR BARROWCLOUGH DOES NOT
14 HAVE A RIGHT TO A CLIENT THE CLIENT HAS A
15 CONSTITUTIONAL RIGHT TO AN ATTORNEY SO NO, NOTHING
16 IMPROPER WAS DONE ON MONDAY THEY DID MORE THAN THEY
17 HAD TO THEY DIDN'T EVEN NEED TO TELL MR COPE THAT
18 BARROWCLOUGH WAS OUT IN THE HALLWAY THEY COULD HAVE
19 JUST SAID WE'RE NOT TELLING HIM, COOL YOUR HEELS,
20 WE'LL BE IN TOUCH THEY DID MORE THAN THEY HAD TO
21 THEY SAID THERE IS A GUY OUTSIDE WHO IS AN ATTORNEY
22 WHO WANTS TO TALK TO YOU DO YOU WANT TO TALK TO
23 HIM? HE SAID HE WANTED TO JUICE IT UP, THE STORY
24 HE SAID THAT'S WHY I TOLD THEM ABOUT THE RAG I REALLY
25 WANTED TO MAKE IT BELIEVABLE I WANTED THEM TO

003622

1 BELIEVE IT MR MORTON IN HIS CLOSING ARGUMENT SAID
2 HE WAS JUST TRYING TO PLEASE THEM HE WAS TRYING TO
3 PLEASE THEM PLEASE THEM? I RAPED MY DAUGHTER I
4 KILLED HER YOU LIKE ME NOW? ARE WE BUDDIES? WHO
5 IS YOUR BUDDY? I RAPED HER PLEASE THEM? PLEASE
6 WHAT NEW INFORMATION DID WE GET FROM MR
7 COPE ON THE STAND? IN THE EVER CHANGING COPE SAGA
8 WHAT DID WE FIND OUT? THE FRONT DOOR WAS OPEN THAT
9 DOOR MORNING, THAT AFTERNOON WHEN I CAME BACK FROM
10 DOING SOMETHING OR WHATEVER IT WAS HE DOES DURING THE
11 DAY, I CAME HOME AND I REMEMBER THE FRONT DOOR WAS
12 CRACKED OPEN REMEMBER HE TOLD YOU THAT THIS IS
13 THE SOUND OF MR COPE TELLING THAT FACT TO HERRING
14 AND WALDROP DURING THE INTERVIEW (SILENCE) AIN'T
15 THERE HE NEVER TOLD ANYBODY THAT UNTIL HE TOLD US
16 IN COURT THE OTHER DAY HE NEVER SAID THAT AND THEY
17 WERE ASKING HIM, REMEMBER, WHAT'S YOUR THEORY? HOW
18 DO YOU THINK THIS HAPPENED? THERE WAS A GUY IN THE
19 CLOSET THAT'S WHAT HAPPENED DUDE IN THE CLOSET
20 HE WAITED THERE ALL DAY, 10-12 HOURS, I DON'T KNOW,
21 HE JUST HUNG OUT UNTIL IT GOT DARK AND QUIET AND THEN
22 CAME OUT AND LEAPED ON HER THAT'S WHAT HAPPENED
23 THAT'S WHAT I THINK HAPPENED WELL, EXCUSE ME BUT IF
24 YOU CAME HOME AND FOUND YOUR FRONT DOOR OPEN AND THEN
25 LATER ON YOUR DAUGHTER IS DEAD AND KILLED AND YOUR

1 THEORY IS SOMEBODY WAS HIDING IN CLOSET AND THE
2 POLICE ARE ASKING YOU ABOUT IT, DON'T YOU THINK THAT
3 WOULD BE A GOOD TIME TO TELL THEM THAT THE FRONT DOOR
4 WAS OPEN? I THINK IT WOULD HE DIDN'T TELL THEM
5 BECAUSE HE JUST MADE IT UP WENT INTO THE LIVING
6 ROOM, READ A BOOK, AND PLAYED COMPUTER GAMES FOR 30
7 TO 45 MINUTES FIRST TIME ANYBODY'S EVER HEARD OF
8 THAT ON THE STAND THE OTHER DAY, NOBODY, NEVER SAID
9 THAT BEFORE AS A MATTER OF FACT HE WAS SPECIFICALLY
10 ASKED ABOUT THAT THERE IS THE VIEW FROM THE HALLWAY
11 INTO THE LIVING ROOM LET'S HEAR WHAT MR COPE HAD
12 TO SAY AND THIS IS WHEN THEY ARE ASKING HIM,
13 REMEMBER, WHEN YOU WOKE UP THAT MORNING DID YOU
14 NOTICE UNUSUAL? YEAH, I DID THE LIGHT WAS ON IN
15 THE LIVING ROOM AND THE DINING ROOM DOOR WHICH IS TO
16 THE LEFT AFTER YOU GO THROUGH THERE, TO LEFT, THE
17 DINING ROOM DOOR WAS CLOSED WE NEVER CLOSE THAT
18 DOOR YOU REMEMBER HE SAID THAT (PLAYS THE TAPE)
19 THE DOOR WAS SHUT AND THE LIGHT WAS ON SO HE IS A
20 TALKING ABOUT WHAT HE FOUND AT THE, AT SIX O'CLOCK IN
21 THE MORNING NOW LISTEN TO THIS WHEN THEY ASK HIM
22 THIS QUESTION (PLAYS THE TAPE) I DON'T KNOW I
23 DIDN'T GO THAT WAY I DIDN'T GO INTO THE LIVING
24 ROOM IT'S ON THE TAPES THEY ASKED HIM WHEN YOU
25 GOT UP TO GO TO THE BATHROOM AT THREE O'CLOCK IN THE

1 MORNING, WAS THAT DINING ROOM DOOR SHUT? I DON'T
2 KNOW I DIDN'T GO THAT WAY I DIDN'T EVEN GO INTO
3 THE LIVING ROOM THEY ARE SPECIFICALLY ASKING HIM
4 ABOUT IT, BUT LO AND BEHOLD THIS WHOLE SITTING ON THE
5 COUCH READING FOR 30 MINUTES AND PLAYING HIS GAME ON
6 THE COMPUTER FOR 15 OR SO MINUTES, THAT JUST TOTALLY
7 SLIPS HIS MIND HE'S UP FOR 45 MINUTES IN THE MIDDLE
8 OF THE NIGHT AND THE FIRST TIME ANYBODY HEARS ABOUT
9 IT IS ON THE STAND HERE CAN'T REMEMBER IF HE
10 MASTURBATED LADIES AND GENTLEMEN, YOUR DAUGHTER IS
11 DEAD AND RAPED, I THINK YOU'D REMEMBER EVERY SINGLE
12 DETAIL AND HE SITS ON THE STAND AND SAYS, I REALLY
13 CAN'T REMEMBER WHETHER IT WAS THAT NIGHT OR NOT THAT
14 NIGHT THAT IS IMPLAUSIBLE WHEN HE WOKE UP NO CATS
15 IN THE HOUSE SOMEBODY ELSE BROKE IN, LEAVES THE
16 DOOR OPEN FOR A PERIOD OF TIME, REMEMBER, ALL THE
17 CATS TRYING TO GET IN, NEVER SAID ANYTHING ABOUT ANY
18 CATS IN FACT, NO CATS, THERE WERE NO CATS IN THE
19 HOUSE AND HE ALSO BELIEVED THAT IF YOU CRAWL
20 THROUGH THOSE GRIMY WINDOWS THAT WOULDN'T LEAVE ANY
21 TRACE

22 I'VE TALKED ABOUT HOW HE THOUGHT HE WAS
23 COERCED WITH THE PHOTO OF THE GREEN BLANKET AROUND
24 HIS NECK, HE WOULD HAVE ASKED TO SEE THAT PICTURE
25 THERE IS NO QUESTION ABOUT IT, HE'S VERY CAGY, HE

1 KNEW HOW TO HANDLE HIMSELF ON THE STAND, HE WAS
2 PREPARED, HE COUCHED IT AND HE SAID, I KNOW WHERE YOU
3 ARE GOING I KNOW WHAT YOU ARE INSINUATING I KNOW
4 WHAT YOU ARE GETTING AT REMEMBER, COULDN'T SEE THE
5 PHONE WITHOUT MY GLASSES COULDN'T SEE ANYTHING
6 WITHOUT MY GLASSES COULDN'T EVEN MAKE OUT THE
7 NUMBER COULD BARELY SEE YOU IS THAT YOU, MR
8 MORTON? I THINK THAT'S YOUR VOICE FROM THE STAND
9 IF I HAVEN'T GOT MY GLASSES I CAN'T SEE ANYTHING I
10 HAVE TO GO LIKE THIS TO DIAL THE PHONE I COULDN'T
11 SEE NOTHING BLIND BUT THAT FIRST NIGHT WHAT DID
12 HE SAY HE DID IN THE CELL? HE READ HIS BIBLE HE
13 DIDN'T HAVE HIS GLASSES HE PUTS THE TOWEL OVER HIS
14 FACE TO LESSEN THE NOISE FROM MARY SUE WOULDN'T
15 THAT LESSEN THE NOISE FOR HIM TOO? WOULDN'T THAT
16 INCREASE THE LIKELIHOOD THAT HE WOULD HAVE HEARD
17 SOMETHING? HE, EVEN TODAY, EVEN IN THIS COURTROOM
18 ADMITS THAT HE SHOULD HAVE HEARD SOMETHING AND ADMITS
19 THAT ON OTHER NIGHT HE HEARD JESSICA THROWING UP AND
20 HE GOT UP TO SEE IF HE COULD HELP HER JESSICA SAYS
21 HE HEARD THE PHONE RING AT ONE YOU HEARD THE DOOR
22 (PLAYS THE TAPE) THINK HE'D HEARD THAT IN THE
23 MIDDLE NIGHT? IN A QUIET HOUSE
24 (PLAYS THE TAPE) ANOTHER LOOK AT THE
25 CLOSET BILLY COPE HAS ALWAYS BEEN OUT FOR BILLY

1 COPE AND NOW HE COMES INTO COURT AND SAYS EVERY TIME
2 I EVER SAID ANYTHING THAT INCRIMINATES ME I WAS
3 EITHER LYING, DELUDED, PRESSURED, ALL THAT STUFF IS
4 NOT TRUE THE GOOD STUFF, I DIDN'T DO IT, THAT'S THE
5 STUFF I WANT YOU TO BELIEVE NO MAN COULD SAY THIS
6 STUFF, LADIES AND GENTLEMEN NO MAN COULD SAY THIS,
7 IF YOU DIDN'T DO THIS YOU WOULD NEVER ADMIT TO IT
8 BEATEN, TORTURED, BROKEN BONES, LEFT IN SOLITARY
9 CONFINEMENT FOR 6, 8, 10 MONTHS, A YEAR, PEOPLE LIKE
10 JOHN MCCAIN AND POWS IN NORTH VIETNAM NEVER BROKE AND
11 SIGNED CONFESSIONS THAT THEY HAD COMMITTED WAR
12 CRIMES, BUT MIKE BAKER AND HIS POLYGRAPH MACHINE IN
13 AN HOUR AND A HALF HAS FORCED THIS MAN TO SAY THAT HE
14 RAPED AND KILLED HIS DAUGHTER WHEN HE DIDN'T DO IT?
15 LADIES AND GENTLEMEN, I SUBMIT TO YOU BILLY COPE IS
16 GUILTY, THERE IS NO QUESTION ABOUT IT, ALL THE
17 EVIDENCE SHOWS THAT HE STAYED IN HIS DAUGHTER'S
18 ROOM STILL NOT SHOWING ANY EMOTION THAT'S THE FIRST
19 TIME HE'S EVER BEEN IN THERE SINCE THIS CRIME HAS
20 HAPPENED AND HE'S ABSOLUTELY EMOTIONLESS AS HE WALKS
21 INTO THAT ROOM

22 THE DEFENSE ARGUMENT WE HAD TO CALL
23 CHARLENE CHARLENE DIDN'T REALLY ADD ANYTHING
24 WE'RE GOING TO WASTE YOUR TIME WE'RE NOT, SHE
25 DIDN'T SAY ANYTHING NEW THAT WASN'T REPEATED BY OTHER

1 WITNESSES WE HAD TO CALL HER SHE IS THE CHIEF
2 INVESTIGATING OFFICER WHAT DOES THAT MEAN? SHE'S
3 THE ONE WHO IS RESPONSIBLE FOR MAKING SURE ALL THE
4 EVIDENCE IN THE FILE GETS TOGETHER PROPERLY THIS IS
5 LIFE AND DEATH MR MORTON SAID LADIES AND
6 GENTLEMEN, THIS IS NOT A DEATH PENALTY CASE THIS IS
7 A REGULAR MURDER TRIAL THERE HAS BEEN A DEATH,
8 AMANDA COPE'S, BUT THIS IS NOT A DEATH PENALTY TRIAL,
9 AND I WANT YOU TO UNDERSTAND THAT FROM THE BEGINNING
10 DON'T GET CONFUSED ABOUT THAT HE ASKED WHY WASN'T
11 THERE DNA ON THE BROOM WE TALKED ABOUT THAT A
12 LITTLE BIT NONE OF THESE BROOMS WERE THE ONE USED
13 I SUBMIT THE BROOM THAT WAS USED WASN'T IN THE HOUSE
14 HE SAYS THAT THE DNA AND MR GREELEY SAID, YOU KNOW,
15 IT'S ALL CIRCUMSTANTIAL EVIDENCE CIRCUMSTANTIAL
16 EVIDENCE LADIES AND GENTLEMEN, CONFESSIONS ARE NOT
17 CIRCUMSTANTIAL EVIDENCE A CONFESSION IS DIRECT
18 EVIDENCE OF GUILT, SO THE CIRCUMSTANTIAL EVIDENCE
19 RULE THAT HE PUT UP THERE DOESN'T APPLY IF YOU
20 BELIEVE THE CONFESSION THAT'S IT, HE'S GUILTY, END OF
21 STORY AND THE DNA? IT IS CIRCUMSTANTIAL EVIDENCE
22 OF A SEXUAL ASSAULT IT IS DIRECT EVIDENCE OF HIS
23 PRESENCE IN THE HOUSE THAT DAY, COUPLED WITH THE FACT
24 OF THE LATCH, AND THE TESTIMONY ABOUT THE HOUSE NOT
25 BEING BROKEN INTO I SUBMIT IT IS DIRECT EVIDENCE OF

1 HIS PRESENCE, COUPLED WITH EVERYTHING ELSE, IT IS
2 OVERWHELMING CIRCUMSTANTIAL EVIDENCE OF A CONSPIRACY
3 BETWEEN THESE TWO MEN I TOLD YOU AT THE BEGINNING
4 IF THEY ARE BOTH GUILTY INDEPENDENT OF ONE ANOTHER
5 AND IF I SHOW YOU AND CONVINCE YOU THAT THEY ARE EACH
6 GUILTY THEY HAD TO BE WORKING TOGETHER

7 MR GREELEY ASKED YOU WHERE, WHAT
8 HAPPENED? HOW COME THERE WASN'T ANYMORE SEMEN IN
9 THIS ROOM? WELL, THAT ASSUMES ONE THING THAT WE KNEW
10 WHEN THE PANTS WERE WHEN HE EJACULATED I SUBMIT
11 THAT THEY WERE OFF HER BODY HE COULD HAVE
12 EJACULATED DIRECTLY ON TO THE PANTS HE MAY, HIS DNA
13 WAS FOUND IN TWO SPOTS ON THAT, A COMBINATION ON ONE
14 SIDE AND A LARGE GLOB ON THE OTHER SIDE I SUBMIT,
15 LADIES AND GENTLEMEN, THAT HIS DNA COULD HAVE GOTTEN
16 ON THERE, HE COULD HAVE HELD THAT, HER PANTS UP TO
17 HIS PENIS AS HE EJACULATED AND IT ALL COULD HAVE
18 GOTTEN RIGHT ON THE PANTS FROM THAT FASHION WE
19 DON'T KNOW EXACTLY HOW THIS WENT DOWN ALL WE CAN
20 TELL YOU IS HIS SEMEN WAS NOT ANYWHERE ELSE IN THAT
21 ROOM, BUT IT WAS ON HER PANTS NOW WHERE HER PANTS
22 WERE WHEN HE EJACULATED IS A DIFFERENT QUESTION

23 HE DOESN'T DISPUTE THE DNA
24 ESSENTIALLY, SAYS HE DIDN'T SEXUALLY ASSAULT HER THAT
25 TIME, MAYBE HE DID IT EARLIER IS THAT A DEFENSE?

1 THE KIDS WEREN'T ALLOWED TO GO OUT, WE WENT THROUGH
2 THAT REASONABLE DOUBT THE KIND OF DOUBT THAT CAUSES
3 A REASONABLE PERSON TO HESITATE TO ACT THAT'S NOT
4 THE FULL DEFINITION YOU ARE GOING TO HEAR THE FULL
5 DEFINITION FROM THE JUDGE IT'S A DOUBT THAT LEAVES
6 YOU, IF IT'S EVIDENCE BEYOND A REASONABLE DOUBT
7 LEAVES YOU FIRMLY CONVINCED OF THE PERSON'S GUILT IT
8 IS THE KIND OF EVIDENCE THAT LEAVES YOU FIRMLY
9 CONVINCED AND I DON'T WANT TO YOU MISTAKE HESITATION
10 WITH DELIBERATION YOU ARE EXPECTED TO DELIBERATE
11 THE FACT THAT YOU ARE DISCUSSING SOMETHING IS NOT A
12 HESITATION EVERYBODY, THERE ARE CHAIRS IN THERE FOR
13 A REASON, YOU HAVE TO SIT DOWN, THERE IS OVER 200
14 EXHIBITS YOU'RE GOING TO HAVE TO GO THROUGH, YOU HAVE
15 TO SIT DOWN AND GO THROUGH EVERY SINGLE ONE OF THEM
16 IT'S GOING TO TAKE SOME TIME DON'T CONFUSE
17 DELIBERATION WITH HESITATION

18 IF SANDERS DID IT ALONE WHAT ELSE WOULD
19 HAVE TO BE TRUE? THERE IS NO SIGN OF FORCED ENTRY,
20 NO SOUND IN THE NIGHT, NO NOISES AS HE MAKES HIS WAY
21 THROUGH THE HOUSE, NOTHING REPORTED STOLEN, NO CATS
22 HE ARRIVES IN THE HALLWAY, HE HAS TO MAKE A DECISION,
23 HE SEES COPE AND THE TWO GIRLS, HE CAN ATTACK AMANDA,
24 BUT WHAT IF HE DOES? HE LEAVES HIMSELF EXPOSED SHE
25 MIGHT GET LOOSE AND SCREAM HE IS IN A TINY LITTLE

1 DIRTY HOUSE THAT'S CLUTTERED, NO ROOM TO MANEUVER,
2 COPE LOOKS HUGE LAYING IN THAT BED KIDS OR COPE
3 MIGHT WAKE UP TO USE THE BATHROOM, THEY DON'T EVEN
4 NEED TO SCREAM, THEY COULD JUST GET UP HIS BACK
5 WOULD BE TO THE DOOR DURING THE ATTACK HE WOULDN'T
6 EVEN BE ABLE TO SEE COPE BEARING DOWN ON HIM HE
7 WOULDN'T HAVE DONE THAT THE BED CAME OFF OF ITS
8 FRAME JESSICA AND HE SAID THE BED WAS ON ITS FRAME
9 HOW MUCH NOISE DO YOU THINK THAT MAKES WHEN THE BED
10 WAS KNOCKED OFF OF ITS FRAME? AND THE STRUGGLE TOOK
11 PLACE ACCORDING TO MAYNARD, A STRUGGLE TOOK PLACE IN
12 THAT BED AS SHE FOUGHT FOR HER LIFE SHE WAS A HIGH
13 RISK TARGET SANDERS WOULD NOT HAVE WALKED INTO THAT
14 HOUSE AND ATTACKED HER IN THAT BED BY HIMSELF HE
15 WOULDN'T HAVE DONE IT THEY TOOK THEIR TIME WITH
16 THIS THE ONLY WAY WE KNOW SANDERS WAS THERE, THE
17 ONLY WAY HE WOULD HAVE DONE IT IS IF HE WOULD HAVE
18 HAD COPE STANDING THERE WITH HIM SO THAT THERE WASN'T
19 ANY DANGER OF GETTING CAUGHT, NO DANGER WHATSOEVER,
20 AND LADIES AND GENTLEMEN, I DON'T KNOW WHAT THOSE
21 GIRLS HEARD, I DON'T KNOW WHAT THEY HEARD IN THEIR
22 ROOM, WHETHER THEIR DOOR WAS CLOSED I SUBMIT
23 CHARLIE CABANISS IS RIGHT, THOSE GIRLS ARE TERRIFIED
24 IF THEY WERE AWAKE AND THEY HEARD WHAT HAPPENED AND
25 IT WAS COPE AND SANDERS, WHAT DO YOU THINK IS GOING

1 ON IN THOSE GIRLS HEADS EVEN TODAY? EVEN TODAY
2 THEY ARE SITTING OVER THERE LISTENING TO THEIR SISTER
3 DIE, WHAT DO YOU THINK IS GOING ON IN THEIR HEADS? I
4 DON'T KNOW WHAT THOSE GIRLS HEARD I SUBMIT TO YOU
5 THERE IS A VERY GOOD CHANCE THEY HEARD EVERYTHING AND
6 THEY JUST DON'T WANT ANY PART OF IT AND DON'T WANT TO
7 SAY WE DON'T KNOW ALL THE DETAILS OF THIS HORROR
8 SHOW

9 DR MAYNARD SAID IT WAS A BRUTAL BEATING,
10 NOISE SHOULD HAVE BEEN MADE, THE RAPE TOOK TIME HE
11 HAD TO DO ALL THESE THINGS TO STAGE THE SCENE IF
12 SANDERS WAS DOING THIS BY HIMSELF WHY WOULD HE TAKE
13 SUCH A RISK? WHY WOULD HE CLEAN IT UP? WHY WOULD HE
14 STAY IN THE HOUSE THAT LONG? WHAT DID HE DO WITH THE
15 RAGS? WHY REDRESS HER? WHY WRAP THE BLANKET AROUND
16 HER NECK TO MAKE IT APPEAR AS IF IT WERE AN ACCIDENT?
17 AND THIS IS SOMETHING VERY CRITICAL IF SANDERS DID
18 THIS BY HIMSELF, LADIES AND GENTLEMEN, WHAT ARE THE
19 ODDS THAT AS HE STOOD IN THE ROOM, HE'S RAPED HER AND
20 KILLED HER AND HE'S STANDING THERE THINKING TO
21 HIMSELF, OKAY, I GOT TO STAGE THIS TO TRY TO MAKE IT
22 LOOK LIKE AN ACCIDENT WHAT ARE THE ODDS THAT HE'S
23 GOING TO GO AND REACH FOR THIS SAME BLANKET THAT COPE
24 SUPPOSEDLY WARNED HIS DAUGHTER ABOUT, WHAT ARE THE
25 ODDS HE'S GOING TO SETTLE ON THIS SAME FLIMSY REASON,

1 THIS SAME FLIMSY EXCUSE, TO TRY TO MAKE IT LOOK LIKE
2 AN ACCIDENT IT'S UNBELIEVABLE THAT A 12 YEAR OLD
3 COULD EVER CHOKE HERSELF, YET IN ORDER FOR SANDERS TO
4 DO THIS BY HIMSELF YOU HAVE TO BELIEVE THAT BOTH
5 SANDERS AND COPE, INDEPENDENT OF ONE ANOTHER, BOTH
6 DECIDED THAT THAT WAS A GOOD WAY FOR SOME CHILD TO
7 KILL HERSELF ACCIDENTALLY AND THAT'S JUST INCREDIBLE
8 NO REASON A PERSON COULD CONCLUDE THAT
9 THE FINAL POSSIBILITY, LADIES AND
10 GENTLEMEN, MR SANDERS WAS LET INTO THAT HOUSE BY MR
11 COPE AND TOGETHER THEY ATTACKED AND BRUTALIZED THAT
12 CHILD IN THE BED THEY DON'T KNOW WHERE THIS
13 FLASHLIGHT CAME FROM THE DEFENSE SAY WELL, YOU
14 WOULDN'T BE SITTING ON THIS JURY IF YOU WEREN'T 12
15 YEARS OLD AT ONE POINT IN YOUR LIFE EVERYBODY WHO
16 HAS EVER BEEN 12 KNOWS YOU GOT TO KEEP A FLASHLIGHT
17 BY YOUR BED BECAUSE THERE IS MONSTERS OUT THERE, IT'S
18 SCARY, AND IT'S DARK, YOU WANT TO TURN ON THE LIGHT
19 I SUBMIT THIS IS AMANDA'S FLASHLIGHT I ALSO SUBMIT
20 TO YOU, LADIES AND GENTLEMEN, YOU'LL HAVE A PICTURE,
21 ALTHOUGH I DON'T THINK YOU WILL FORGET IT, THIS IS
22 THEIR DAY IN COURT, SANDERS AND COPE, THIS IS A
23 PICTURE SHE HAD ON HER BED THIS IS AMANDA COPE IN
24 LIFE I SUBMIT TO YOU, LADIES AND GENTLEMEN, THERE
25 IS ONE THING FOR SURE THAT MR COPE HEARD THAT NIGHT,

1 AS HE AND MR SANDERS BRUTALIZED THIS CHILD AND I
2 SUBMIT TO YOU HE SHOULD SIT SOMEWHERE AND THINK ABOUT
3 IT AND MR SANDERS AS WELL FOR A LONG, LONG TIME TO
4 HEAR THE VOICE OF HIS DAUGHTER, HEAR THE VOICE OF
5 AMANDA COPE IN HIS HEAD SAYING HELP ME, DADDY HELP
6 ME, DADDY SHE SAID THAT THAT NIGHT TO THE MAN WHO
7 SWORN UNDER THE LAW OF THIS STATE AND THE LAWS OF
8 NATURE TO PROTECT AND DEFEND HIS CHILD AND KEEP HER
9 SAFE FROM HARM AND HE LET HER DOWN IT WAS THAT MAN
10 RIGHT THERE, JAMES SANDERS AND BILLY WAYNE COPE, IT
11 WAS THOSE FACES THAT THAT CHILD SAW AS SHE DIED IN
12 HER BED THAT NIGHT AND TODAY IS THEIR DAY OF
13 JUDGMENT TODAY IS THE DAY THEY ARE GOING TO BE HELD
14 ACCOUNTABLE IT'S BEEN A LONG TIME COMING THIS
15 CASE HAS BEEN A HEAVY BURDEN, IT'S A HEAVY BURDEN ON
16 US, IT'S A HEAVY ON BURDEN ON YOU, AND I APPRECIATE
17 IT I REALLY DO I APPRECIATE YOUR TIME I KNOW
18 YOU WILL DO JUSTICE FOR THIS GIRL I KNOW YOU WILL
19 RETURN A VERDICT THAT SPEAKS THE TRUTH, THAT'S WHAT
20 VERDICT MEANS, TO SPEAK THE TRUTH NO 25 CPAP
21 MACHINES OR A HUNDRED FANS COULD DROWN OUT THE TRUTH
22 OF THIS EVIDENCE AND THESE MEN BRUTALIZED AND HURT
23 THAT CHILD, THEY DID UNSPEAKABLE THINGS TO HER, TODAY
24 IS THE DAY THEY PAY THANK YOU
25 THE COURT BEFORE I CHARGE YOU AND

1 BEFORE, OF COURSE, YOU CAN'T START DELIBERATING UNTIL
2 I CHARGE YOU SO WHEN YOU GO BACK NOW WE'LL TAKE A
3 BREAK, DON'T DISCUSS THE CASE YET WHEN WE COME BACK
4 I'LL CHARGE YOU THE LAW THEN YOU'LL HAVE THE CASE IN
5 YOUR HANDS FOR YOUR CONSIDERATION

6 (THE JURY EXITS THE COURTROOM AT 03 31
7 PM AND COURT'S IN RECESS)

8 (COURT RESUMES AT 03 40 PM)

9 THE COURT I BELIEVE EVERYONE IS BACK
10 NOW MR MORTON MENTIONED OVER LUNCH HE WANTED TO
11 ADDRESS A CHARGE ONE MORE TIME YOU WANT TO DO THAT
12 AT THIS TIME

13 MR MORTON YES, SIR, AND I APOLOGIZE
14 ONE THING WAS IN YOUR HONOR'S REQUEST OF CHARGE YOU
15 TALK ABOUT TYPES OF DEADLY WEAPONS I DON'T THINK
16 THERE IS ANY DISPUTE IN THIS CASE THAT IF THERE WAS,
17 IF SHE WAS BEATEN TO DEATH IT WAS FROM A HAND I
18 DON'T THINK THERE HAS BEEN ANY OTHER KIND OF MENTION
19 OF ANY OTHER KIND OF EVIDENCE AND THEREFORE IF YOU
20 START TALKING ABOUT DEADLY WEAPONS IT WOULD BE
21 CONFUSING TO THE JURY

22 THE COURT BEFORE YOU GO TOO FAR, WHAT I
23 HAVE IS I'M STRIKING OUT ANYTHING DEALING WITH, I'M
24 GOING TO SAY INFERRED MALICE MAY ALSO ARISE WITH THE
25 USE OF A DEADLY WEAPON OR ANY ARTICLE, INSTRUMENT, OR

1 SUBSTANCE WHICH IS LIKELY TO CAUSE DEATH OR GREAT
2 BODILY HARM WHETHER AN INSTRUMENT HAS BEEN USED AS
3 A DEADLY WEAPON DEPENDS ON THE FACTS AND
4 CIRCUMSTANCES OF A CASE NOW LEAVING ALL THIS ABOUT
5 GUNS I'M ONLY GOING TO CHARGE HAND OR FIST AND THEN
6 DOWN TO THE ORDINARY OBJECTS MAY BECOME DEADLY
7 WEAPONS I WAS LEAVING OUT BB GUN, SHOTGUN, RIFLE

8 MR MORTON YOUR HONOR, I THINK THE
9 COMMENT ON THE FIST OR THE HAND WOULD BE A COMMENT ON
10 THE FACTS I DON'T THINK THAT NEEDS REALLY TO BE
11 CHARGED I DON'T THINK IT WAS ANY DISPUTE AS TO WHAT
12 IT WAS AND TO CHARGE THAT, I'M AFRAID THEY WOULD
13 CONSIDER THAT A COMMENT ON THE FACTS BY YOU

14 THE COURT OKAY YOU ARE ON RECORD ON
15 THAT I'M GOING TO CHARGE IT THOUGH I THINK THAT'S
16 A CHARGE AND HAS TO DO WITH MALICE IT HAS TO DO
17 WITH INFERENCE OF MALICE SO IF WE LEAVE IT OUT THEN
18 THEY ARE MISSING A PART OF THE CHARGE THAT IN WHICH
19 THEY COULD CONCLUDE THAT THIS ACTION IS MALICE THEY
20 COULD INFER, OKAY

21 MR MORTON I RESPECTFULLY DISAGREE WITH
22 YOU

23 THE COURT ALL RIGHT

24 MR MORTON THE SECOND, I'VE GOT PAGE
25 THREE ON YOUR PRESUMPTION OF INNOCENCE SECOND

1 PARAGRAPH, CHARGE YOU IT'S IMPORTANT RULE OF LAW THE
2 DEFENDANT IN A CRIMINAL TRIAL NO MATTER WHAT THE
3 SERIOUSNESS IS PRESUMED TO BE INNOCENT OF THE CRIME
4 FOR WHICH THE INDICTMENT WAS ISSUED UNLESS GUILT HAS
5 BEEN PROVEN, I THINK THAT'S FINE ONE, TWO, THREE,
6 FOUR, FIFTH LINE DOWN, ACCOMPANIES THE DEFENDANT
7 THROUGHOUT THE CRIME AND INURES TO A DEFENDANT'S
8 BENEFIT EVEN AS YOU DELIBERATE UNTIL, I THINK I
9 SHOULD BE CHARGED TO UNLESS

10 THE COURT UNTIL YOU REACH A VERDICT
11 GUILTY IF YOU DO

12 MR MORTON IF YOU UNLESS IS, I WANTED
13 POINT OUT UNLESS WAS USED PREVIOUSLY USED IN THE LAST
14 PARAGRAPH TOO AND I WOULD ASK THE COURT TO INSERT
15 UNLESS IN PLACE OF UNTIL

16 THE COURT I DON'T HAVE ANY PROBLEM WITH
17 THAT ANYTHING ELSE?

18 MR MORTON NO, SIR THANK YOU

19 THE COURT LET'S BRING IN THE JURY
20 ANYTHING FROM THE STATE REAL QUICK

21 MR THOMPSON NO, YOUR HONOR

22 THE COURT MR GREELEY

23 MR GREELEY NO, YOUR HONOR

24 THE COURT THANK YOU

25 (THE JURY RETURNS TO THE COURTROOM AT

1 03 44 PM)

2 JURY CHARGE BY THE COURT

3 MEMBERS OF THE JURY, FIRST LET ME
4 THANK YOU FOR THE ATTENTION AND YOUR PATIENCE
5 YOU'VE BEEN VERY PATIENT WITH ME THIS HAS BEEN A
6 QUITE A LENGTHY -- WELL, I HATE TO SAY LENGTHY BUT IT
7 HAS CONSUMED SOME TIME AND YOU RECEIVED A LOT OF
8 EVIDENCE I THINK YOU RECEIVED ABOUT TEN DAYS OF
9 EVIDENCE SO I APPRECIATE YOUR PATIENCE AND YOUR KIND
10 ATTENTION NOW THESE TWO MEN, MR COPE AND MR
11 SANDERS, ARE CHARGED IN SEPARATE INDICTMENTS WITH
12 MURDER, CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE
13 AND THERE ARE TWO COUNTS AGAINST EACH OF THEM AS TO
14 CRIMINAL SEXUAL CONDUCT ONE DEALING WITH ANAL
15 PENETRATION AND ONE IS WITH VAGINAL, AND THEY ARE
16 ALSO CHARGED BOTH CRIMINAL CONSPIRACY ADDITIONALLY
17 MR COPE IS CHARGED WITH UNLAWFUL NEGLECT TOWARDS A
18 CHILD

19 THE FACT THAT THE DEFENDANTS HAVE BEEN
20 ARRESTED, CHARGED, AND INDICTED IS NOT EVIDENCE IN
21 THIS CASE YOU CANNOT AND MUST NOT CONSIDER AS
22 EVIDENCE OF GUILT THE FACT THAT THEY HAVE BEEN
23 ARRESTED, CHARGED, AND INDICTED IT IS DOES CREATE
24 ANY PRESUMPTION OR INFERENCE OF GUILT THE
25 INDICTMENT IS SIMPLY A FORMAL WRITTEN DOCUMENT, AND

1 YOU'LL HAVE THESE BY THE WAY IN YOUR JURY ROOM WITH
2 YOU, THEY ARE NOT EVIDENCE THEY ARE THE PAPERWORK
3 BY WAY OF WHICH THESE CASES HAVE BEEN PROCESSED
4 THROUGH OUR COURT SYSTEM THEY ARE FORMAL DOCUMENT
5 WHERE THE UNANIMOUS VERDICT WILL ULTIMATELY BE SIGNED
6 ON BEHALF OF THE JURY BY THE FOREMAN THE
7 INDICTMENTS ALLEGE SEVERAL DIFFERENT OFFENSES AGAINST
8 EACH OF THE DEFENDANTS EACH INDICTMENT CHARGES A
9 SEPARATE AND DISTINCT OFFENSE YOU MUST DECIDE EACH
10 INDICTMENT SEPARATELY ON THE EVIDENCE AND THE LAW
11 APPLICABLE TO THAT INDICTMENT UNINFLUENCED BY YOUR
12 DECISION AS TO ANY OTHER INDICTMENT EXCEPT AS TO THE
13 CONSPIRACY CHARGE THE VERDICT AS TO CONSPIRACY
14 WOULD AUTOMATICALLY BE NOT GUILTY AS TO ONE IF YOU
15 FIND ONE OR BOTH THE DEFENDANTS NOT GUILTY OF
16 CRIMINAL SEXUAL CONDUCT THAT IS, THERE COULD NOT BE
17 A CONSPIRACY TO COMMIT CRIMINAL SEXUAL CONDUCT IF YOU
18 FIND THAT THEY ARE, ONE OR BOTH, ARE NOT GUILTY OF
19 CRIMINAL SEXUAL CONDUCT YOUR VERDICTS MAYBE FOR
20 CONVICTION OR ACQUITAL ON ANY OR ALL OF THE OFFENSES
21 CHARGED AND AT THE END I WILL GO OVER THE INDICTMENTS
22 AND TELL YOU, MR FOREMAN, HOW YOU ENROLL THE VERDICT
23 OF THE JURY AND WILL BE A SEPARATE VERDICT ON EACH
24 INDICTMENT

25 I CHARGE YOU THAT THE FACT THAT THERE

1 ARE IN FACT TWO DIFFERENT DEFENDANTS IN THIS CASE
2 CHARGED WITH THOSE OFFENSES MAKES NO DIFFERENCE THE
3 EVIDENCE AND THE LAW AS TO EACH DEFENDANT SHOULD BE
4 CONSIDERED SEPARATELY AND INDIVIDUALLY AS TO EACH
5 YOUR VERDICT DOES NOT HAVE TO BE THE SAME FOR BOTH
6 DEFENDANTS THE FACT THAT YOU MAY FIND ONE DEFENDANT
7 GUILTY OR NOT GUILTY SHOULD NOT CONTROL YOUR VERDICT
8 AS TO THE OTHER DEFENDANT AGAIN EXCEPT THAT YOU
9 CANNOT FIND ONLY ONE GUILTY OF THE CONSPIRACY,
10 HOWEVER, WHERE MORE THAN ONE PERSON IS CHARGED WITH A
11 CRIME IF THE EVIDENCE WARRANTS IT EXCEPT ON THAT AS
12 TO CONSPIRACY YOU MAY CONVICT ONE AND ACQUIT THE
13 OTHER OR YOU MAY ACQUIT BOTH OR YOU MAY CONVICT BOTH
14 THIS DEPENDS UPON YOUR VIEW OF THE TESTIMONY AND THE
15 EVIDENCE AND APPLYING THE LAW YOU MUST TAKE EACH
16 DEFENDANT AND CONSIDER THE EVIDENCE AS TO THAT
17 DEFENDANT AND THESE INSTRUCTIONS AND WRITE A SEPARATE
18 VERDICT AS TO EACH INDIVIDUAL DEFENDANT

19 AS TO THESE CHARGES BOTH DEFENDANTS
20 HAVE ENTERED PLEAS OF NOT GUILTY TO ALL OF THE
21 INDICTMENTS THESE PLEAS PLACE ON THE STATE THE
22 BURDEN OF PROOF, THAT IS, THE BURDEN OF PROVING THE
23 ELEMENTS ON EACH INDICTMENT AS TO EACH DEFENDANT
24 BEYOND A REASONABLE DOUBT ANYONE CHARGED WITH AN
25 OFFENSE IN OUR SYSTEM IS NOT REQUIRED TO PROVE

1 THEMSELVES INNOCENT

2 IT IS IMPORTANT RULE OF LAW THAT ANY
3 DEFENDANT CHARGED WITH ANY OFFENSE IN OUR JUDICIAL
4 SYSTEM NO MATTER HOW SERIOUS IS PRESUMED INNOCENT OF
5 THAT CHARGE UNTIL SUCH TIME AS THE STATE IF IT CAN
6 HAS PROVEN THAT PERSON'S GUILT TO YOUR SATISFACTION
7 BEYOND A REASONABLE DOUBT

8 THE PRESUMPTION OF INNOCENCE IS NOT A
9 MERE LEGAL THEORY OR A MERE LEGAL PHRASE IT IS A
10 SUBSTANTIAL RIGHT IT IS A RIGHT WHICH ATTACHES TO
11 AN INDIVIDUAL AT THE TIME OF THEIR ARREST, REMAINS
12 WITH THEM AS THEIR CASE IS PROCESSED THROUGH OUR
13 COURT SYSTEM, AND THE PRESUMPTION OF INNOCENCE INURES
14 AS TO THEIR BENEFIT EVEN AS YOU DELIBERATE THE
15 PRESUMPTION OF INNOCENCE IN EACH DEFENDANT'S FAVOR IS
16 REMOVED IF AND WHEN AND ONLY IF AND WHEN YOU AS THE
17 TRIERS OF FACT FIND THAT THE STATE HAS PROVEN THAT
18 INDIVIDUAL'S GUILT AS TO A PARTICULAR INDICTMENT
19 BEYOND A REASONABLE DOUBT

20 PROOF BEYOND A REASONABLE DOUBT IS
21 PROOF THAT LEAVES ONE FIRMLY CONVINCED OF SOMEONE'S
22 GUILT THERE ARE VERY FEW THINGS IN OUR WORLD THAT
23 WE CAN KNOW WITH ABSOLUTE CERTAINTY AND THE LAW DOES
24 NOT REQUIRE THAT IN THIS TYPE CASE IF BASED ON YOUR
25 CONSIDERATION OF THE EVIDENCE YOU ARE FIRMLY

1 CONVINCED THAT A DEFENDANT IS GUILTY AS TO AN OFFENSE
2 YOU MUST FIND THAT DEFENDANT GUILTY ON THE OTHER
3 HAND, IF YOU FIND THERE IS A REASONABLE POSSIBILITY
4 THAT A DEFENDANT IS NOT GUILTY YOU MUST GIVE HIM THE
5 BENEFIT OF THAT DOUBT AND FIND HIM NOT GUILTY

6 A REASONABLE DOUBT HAS BEEN DESCRIBED
7 AS THE KIND OF DOUBT THAT WOULD CAUSE A REASONABLE
8 PERSON TO HESITATE TO ACT REASONABLE DOUBT MAY
9 ARISE FROM THE EVIDENCE PRESENTED IN THE CASE OR FROM
10 THE LACK OF EVIDENCE IN THE CASE SUSPICION HOWEVER
11 STRONG DOES NOT SUFFICE TO SUSTAIN A CONVICTION

12 WE HAVE IN OUR LAW A CONCEPT CALLED
13 THE HAND OF ONE IS THE HAND OF ALL AND IT STATES THAT
14 TWO OR MORE PEOPLE ARE TOGETHER, ACTING TOGETHER,
15 ASSISTING EACH OTHER IN COMMITTING AN OFFENSE, THE
16 ACT OF ONE IS THE ACT OF ALL OR AS IT IS SOMETIMES
17 SAID THE HAND OF ONE IS THE HAND OF ALL GUILT AS A
18 PRINCIPAL AS TO AN OFFENSE IS SHOWN BY ACTUAL OR
19 CONSTRUCTIVE PRESENCE AT THE SCENE AS A RESULT OF
20 PRIOR ARRANGEMENTS THEREFORE A FINDING OF PRIOR
21 ARRANGED PLAN OR COMMON SCHEME IS NECESSARY FOR
22 FINDING ONE GUILTY AS A PRINCIPAL UNDER THIS DOCTRINE
23 OF THE HAND OF ONE IS THE HAND OF ALL THE STATE
24 MUST PROVE BEYOND A REASONABLE DOUBT AND BY COMPETENT
25 EVIDENCE THE THEORY OF THE HAND OF ONE BEING THE HAND

1 OF ALL A PRINCIPAL IN A CRIME IS ONE WHO ACTUALLY
2 COMMITS THE CRIME OR WHO IS PRESENT AIDING, ABETTING,
3 OR ASSISTING IN COMMITTING THE CRIME WHEN A PERSON
4 DOES AN ACT IN THE PRESENCE OF AND WITH THE
5 ASSISTANCE OF ANOTHER, THE ACT IS DONE BY BOTH
6 WHERE TWO OR MORE ACTING WITH A COMMON PLAN OR INTENT
7 ARE PRESENT AT THE COMMISSION OF A CRIME IT DOES NOT
8 MATTER WHO ACTUALLY COMMITS THE CRIME, ALL ARE
9 GUILTY THE HAND OF ONE, AS I SAID, IS THE HAND OF
10 ALL PRESENT AT THE COMMISSION OF A CRIME MEANS TO
11 BE SUFFICIENTLY NEAR TO SO AS TO BE ABLE TO AID,
12 ABET, AND ASSIST IN THE COMMISSION OF THAT CRIME
13 HOWEVER, MERE PRESENCE AT THE SCENE OF A CRIME ALONE
14 IS NOT SUFFICIENT TO CONVICT ONE AS A PRINCIPAL ON
15 THIS THEORY OF AIDING AND ABETTING

16 ADDITIONALLY INTENT IS A NECESSARY
17 ELEMENT FOR THERE MUST HAVE BEEN A COMMON DESIGN OR
18 INTENT TO COMMIT A CRIME AND THE CRIME MUST HAVE BEEN
19 COMMITTED PURSUANT THERETO WITH THE PERSON AIDING AND
20 ABETTING BY SOME OVERT ACT INTENT MEANS INTENDING,
21 THAT IS, INTENDING THE RESULT WHICH ACTUALLY OCCURS
22 IT DOES NOT MEAN ACCIDENTALLY OR INVOLUNTARY INTENT
23 MAYBE SHOWN BY ACTION AND CONDUCTS OF A DEFENDANT AND
24 OTHER CIRCUMSTANCES IN WHICH YOU MAY NATURALLY AND
25 REASONABLY INFER TO INTEND THE STATE MUST PROVE

1 THESE ELEMENTS BEYOND A REASONABLE DOUBT

2 AS TO AIDING AND ABETTING, A PERSON
3 WHO IS PRESENT AT THE SCENE OF A CRIME AND
4 INTENTIONALLY OR THROUGH A COMMON PLAN AIDED,
5 ABETTED, OR ASSISTED IN THE COMMISSION OF THAT CRIME
6 THROUGH SOME OVERT ACTS IS GUILTY AS AN ACCOMPLICE
7 TO BE LIABLE AS AN ACCOMPLICE THAT PARTY MUST HAVE
8 KNOWLEDGE OF THE PRINCIPAL'S CRIMINAL CONDUCT AND AS
9 I HAVE SAID MERE PRESENCE OF THE SCENE OF THE CRIME
10 IS NOT SUFFICIENT TO ESTABLISH GUILT AS AN
11 ACCOMPLICE INTENTIONALLY MEANS WILLFULLY INTENDING
12 THE RESULT WHICH ACTUALLY OCCURS NOT ACCIDENTAL OR
13 INVOLUNTARY

14 IF YOU FIND FROM ALL THE EVIDENCE THAT
15 A DEFENDANT WAS MERELY PRESENT AT OR NEAR THE SCENE
16 OF THE ALLEGED CRIME ON THE DATE IN QUESTION, YOU
17 INSTRUCTED THAT SUCH PRESENCE AT OR NEAR THE SCENE OF
18 THE CRIME ALONE WOULD NOT SUPPORT A FINDING OF GUILT
19 AS I SAID MERE PRESENCE CAN ONLY CREATE A SUSPICION
20 AND YOU CANNOT FIND ONE GUILTY BECAUSE OF SUSPICION
21 MERE PRESENCE AT OR NEAR THE SCENE OF A CRIME DOES
22 NOT OF ITSELF PERMIT AN INFERENCE TO BE DRAWN BY YOU
23 THAT THE DEFENDANT HAD KNOWLEDGE OF ANY CRIMINAL PLAN
24 WHICH MIGHT HAVE BEEN FORMED NOR DOES MERE PRESENCE
25 SUPPORT AN INFERENCE OF INTENT TO ENGAGE IN OR TO AID

1 CRIMINAL CONDUCT

2 NOW DURING THIS CHARGE, DURING THIS
3 TRIAL AS I TOLD YOU WHEN WE STARTED, I AM THE SOLE
4 JUDGE OF THE LAW AND YOU MUST TAKE, ACCEPT, AND APPLY
5 THE LAW AS I CHARGE IT TO YOU THIS IS TRUE EVEN IF
6 YOU THINK I CHARGE YOU THE LAW IN ERROR OR EVEN IF
7 YOU THINK THE LAW SHOULD BE DIFFERENT BY LAW A
8 JUDGE, A TRIAL JUDGE IN A CASE, IS NOT ALLOWED TO
9 FORMULATE OR TO EXPRESS TO A JURY ANY OPINION ON THE
10 CASE IF YOU HAVE INFERRED FROM ANYTHING I HAVE SAID
11 OR DONE OR IF YOU NOW INFER ANYTHING THAT I SAY OR DO
12 TO BE AN INDICATION OF AN OPINION OF MINE ON THE
13 FACTS YOU WOULD BE WRONG BECAUSE I CANNOT FORMULATE
14 OR EXPRESS TO YOU ONE YOU ARE THE SOLE JUDGES OF
15 THE FACTS IN THIS CASE IT IS SOLELY UP TO YOU TO
16 EXAMINE THE EVIDENCE AND GIVE TO THE EVIDENCE THE
17 VALUE, THE EFFECT, THE WEIGHT, AND THE TRUTH YOU
18 BELIEVE THE EVIDENCE SHOULD HAVE IN DOING THIS YOU
19 CAN BEEN BELIEVE ONE WITNESS AS OPPOSED TO SEVERAL,
20 SEVERAL WITNESSES AS OPPOSED TO ONE YOU MAY BELIEVE
21 ALL, PART, OR NONE OF A WITNESS' TESTIMONY USE YOUR
22 COMMON SENSE, YOUR SENSE OF LOGIC, YOUR SENSE OF
23 REASON, YOUR EXPERIENCES IN LIFE IN ANALYZING THE
24 EVIDENCE AS JUDGES OF THE FACTS YOU OF NECESSITY
25 MUST JUDGE THE CREDIBILITY, THAT IS, THE

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1 BELIEVABILITY OF THE WITNESSES WHO HAVE TESTIFIED
2 IN ASSESSING CREDIBILITY OR BELIEVABILITY YOU USE
3 THOSE THINGS I HAVE JUST DISCUSSED, YOU USE THOSE
4 THINGS THAT YOU IN YOUR DAY TO DAY LIFE FIND AS BEING
5 INDICATION OF TRUTHFULNESS YOU CAN USE CERTAIN
6 EVALUATORS WHEN YOU LOOK AT CREDIBILITY A WITNESS'
7 DEMEANOR, HOW THEY ACT ON THE STAND, ARE THEY
8 HESITANT OR STRAIGHT FORWARD YOU MAY CONSIDER THE
9 OPPORTUNITY A WITNESS HAD TO KNOW THOSE THINGS ABOUT
10 WHICH THE WITNESS TESTIFIED YOU CAN DETERMINE
11 WHETHER A WITNESS AND EVALUATE WHETHER A WITNESS HAS
12 ANY BIAS OR PREJUDICE, THAT IS, WHETHER THEY WISH TO
13 HELP OR HURT ONE SIDE OR THE OTHER AND YOU CAN LOOK
14 AT CONSISTENCIES OR INCONSISTENCIES WITHIN THEIR
15 TESTIMONY

16 NOW AS TO A WITNESS'S CRIMINAL RECORD
17 IF A WITNESS HAD SUCH, THE ISSUE OF CRIMINAL RECORD
18 CANNOT BE USED IN ANY WAY TO DETERMINE ONE'S GUILT AS
19 TO THE OFFENSES FOR WHICH THEY ARE NOW CHARGED YOU
20 CAN ONLY CONSIDER ONE'S PAST CRIMINAL RECORD IN
21 DETERMINING THE TRUTHFULNESS OF THAT WITNESS, THAT
22 IS, ON THE ISSUE OF CREDIBILITY

23 NOW THERE ARE TWO TYPES OF EVIDENCE
24 WHICH ARE GENERALLY PRESENTED IN A TRIAL AND THAT IS
25 DIRECT AND CIRCUMSTANTIAL EVIDENCE DIRECT EVIDENCE

1 IS THE TESTIMONY OF A PERSON WHO CLAIMS TO HAVE
2 ACTUAL KNOWLEDGE OF A FACT SUCH AS AN EYE WITNESS
3 IT IS EVIDENCE WHICH IMMEDIATELY ESTABLISHES THE MAIN
4 FACT TO BE PROVEN CIRCUMSTANTIAL EVIDENCE IS PROOF
5 OF A CHAIN OF FACTS AND CIRCUMSTANCES INDICATING THE
6 EXISTENCE OF A FACT IT IS EVIDENCE WHICH
7 IMMEDIATELY ESTABLISHES COLLATERAL FACTS FROM WHICH
8 THE MAIN FACT MAY BE INFERRED CIRCUMSTANTIAL
9 EVIDENCE IS BASED ON INFERENCE AND NOT ON PERSONAL
10 KNOWLEDGE OR OBSERVATION THE LAW MAKES ABSOLUTELY
11 NO DISTINCTION BETWEEN THE WEIGHT OR VALUE TO BE
12 GIVEN TO EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE
13 NOR IS A GREATER DEGREE OF CERTAINTY REQUIRED OF
14 CIRCUMSTANTIAL EVIDENCE AS OPPOSED TO DIRECT
15 EVIDENCE

16 YOU SHOULD WEIGH ALL OF THE EVIDENCE
17 IN THIS CASE AFTER WEIGHING ALL OF THE EVIDENCE IF
18 YOU ARE NOT CONVINCED OF THE GUILT OF A DEFENDANT AS
19 TO A PARTICULAR CHARGE BEYOND A REASONABLE DOUBT YOU
20 MUST FIND THAT DEFENDANT NOT GUILTY WHERE THE STATE
21 RELIES ON CIRCUMSTANTIAL EVIDENCE YOU MAY NOT CONVICT
22 A DEFENDANT UNLESS EVERY CIRCUMSTANCE RELIED ON BY
23 THE STATE IS PROVEN BEYOND A REASONABLE DOUBT AND ALL
24 THE CIRCUMSTANCES SO PROVEN ARE CONSISTENT WITH EACH
25 OTHER AND TAKEN TOGETHER POINT CONCLUSIVELY TO THE

1 GUILT OF THE ACCUSED TO THE EXCLUSION OF EVERY OTHER
2 REASONABLE HYPOTHESIS IT IS NOT SUFFICIENT THAT THE
3 CIRCUMSTANCES CREATE A PROBABILITY EVEN IF IT BE A
4 STRONG ONE ASSUMING THE CIRCUMSTANCES ARE TRUE
5 THERE IS A REASONABLE HYPOTHESIS WHICH DOES NOT
6 INCLUDE THE GUILT OF THE ACCUSED THEN THE STATE'S
7 PROOF HAS FAILED

8 NOW IN THIS CASE YOU HAVE HAD SEVERAL
9 WITNESSES WHO HAVE TESTIFIED AS EXPERTS GENERALLY
10 ONE CAN ONLY TESTIFY AS TO SOMETHING THEY'VE SENSED
11 WITH ONE OF THEIR FIVE SENSES IT'S USUALLY SIGHT OR
12 SOUND OR IT COULD BE TASTE, TOUCH, OR SMELL BUT
13 WHERE ONE HAS CERTAIN TRAINING, EXPERIENCE,
14 KNOWLEDGE, THAT PERSON CAN GIVE AN OPINION NOW
15 OPINIONS BY EXPERTS ARE GIVEN TO ASSIST YOU THEY
16 ARE NOT BINDING ON YOU YOU ARE TO LOOK AT THE
17 TESTIMONY OF AN EXPERT JUST LIKE YOU LOOK AT THE
18 TESTIMONY OF ANY WITNESS YOU USE THOSE SAME FACTORS
19 I WENT OVER JUDGE THE CREDIBILITY, ALL THE THINGS I
20 DISCUSSED EARLIER ALSO AS TO AN EXPERT AND AS TO
21 THAT EXPERT'S OPINION YOU CAN LOOK AT THE EXPERT'S
22 QUALIFICATION, THAT IS, WHETHER OR NOT YOU ARE
23 CONVINCED THAT PERSON HAD THE EXPERTISE, EVEN THOUGH
24 I ALLOWED THEM TO TESTIFY, IT'S STILL UP TO YOU TO
25 DETERMINE WHETHER OR NOT THEY HAD THE EXPERTISE TO

1 REACH THAT OPINION AND YOU CAN ALSO EXAMINE THE
2 REASONS THEY GAVE FOR THAT OPINION YOU MAY ACCEPT
3 OR REJECT IN WHOLE OR IN PART AN EXPERT'S OPINION
4 AS I TOLD YOU, EXPERT'S OPINIONS ARE SIMPLY EVIDENCE
5 TO BE CONSIDERED BY YOU WITH ALL THE OTHER EVIDENCE
6 AND THEIR OPINION IS NOT BINDING ON YOU YOU ARE THE
7 SOLE DETERMINERS OF THE FACTS IN THIS CASE

8 NOW I INSTRUCT YOU AND EMPHASIZE TO
9 YOU THE FACT THAT MR SANDERS CHOOSE TO EXERCISE HIS
10 CONSTITUTIONAL RIGHT TO REMAIN SILENT IS A FACT WHICH
11 MAY NOT BE CONSIDERED BY YOU IN ANY FASHION IN YOUR
12 DELIBERATION YOU MAY NOT DISCUSS, CANNOT EVEN
13 MENTION, IN THE JURY ROOM THE FACT THAT MR SANDERS
14 EXERCISED THAT CONSTITUTIONAL RIGHT TO REMAIN SILENT
15 YOU CANNOT EVEN FACTOR INTO YOUR OWN DETERMINATION AS
16 TO THE ISSUES IN THIS CASE ANYONE CHARGED WITH ANY
17 OFFENSE HAS A CONSTITUTIONAL RIGHT TO REMAIN SILENT
18 THE EXERCISE OF THAT RIGHT DOES NOT ALLEVIATE THE
19 STATE FROM ITS BURDEN OF PROOF THAT IS, AS I TOLD
20 YOU EARLIER, MR SANDERS IS PRESUMED INNOCENT OF
21 THESE CHARGES AND HE NEED NOT PROVE ANYTHING THE
22 BURDEN IS ON THE STATE TO PROVE HIS GUILT BEYOND A
23 REASONABLE DOUBT AND THE FACT THAT HE CHOSE TO REMAIN
24 SILENT CANNOT BE USED IN ANY FASHION BY YOU

25 NOW DURING THIS TRIAL YOU'VE HEARD

1 TESTIMONY FROM CHILDREN WHERE A WITNESS IS A CHILD
2 YOU MUST DETERMINE THE SAME THING THAT YOU DO WITH
3 OTHERS,- JUST LIKE I JUST DISCUSSED, YOU MUST
4 DETERMINE WHETHER THEIR TESTIMONY IS BELIEVABLE YOU
5 MAY CONSIDER THOSE THINGS WHICH I HAVE MENTIONED AND
6 YOU CAN ALSO CONSIDER AS TO CHILDREN THEIR AGE, THEIR
7 ABILITY TO OBSERVE AND REMEMBER THE FACTS, AND THEIR
8 ABILITY TO UNDERSTAND AND ANSWER QUESTIONS THE USE
9 OF CLOSED CIRCUIT TELEVISION FOR PRESENTING CERTAIN
10 TESTIMONY IN THIS CASE DOES NOT IMPLY ANYTHING ABOUT
11 THE WITNESS'S CREDIBILITY OR ABOUT ANYTHING IN THIS
12 CASE FOR THAT MATTER THEREFORE YOU SHOULD PAY NO
13 ATTENTION AND SHOULD NOT DISCUSS THE USE OF CLOSED
14 CIRCUIT TELEVISION FORMAT THEIR TESTIMONY EVEN IS
15 TO BE TREATED AS THOUGH THEY WERE PRESENT AND
16 TESTIFIED HERE IN YOUR PRESENCE

17 NOW YOU'VE HEARD DISCUSSIONS OR
18 MENTIONED QUITE FREQUENTLY CONFESSION AND INTERVIEWS
19 I'M NOW GOING TO CHARGE YOU THE LAW THAT YOU WILL
20 APPLY IN DETERMINING WHETHER OR NOT TO ACCEPT OR
21 REJECT A CONFESSION OR A STATEMENT THIS CHARGE
22 APPLIES TO ONLY CONFESSIONS AND STATEMENTS GIVEN
23 DURING CUSTODIAL AN INTERROGATION BY LAW ENFORCEMENT
24 NOW I HAVE ALREADY RULED AND ALLOWED INTO EVIDENCE
25 CERTAIN STATEMENTS BUT YOU ARE THE FINAL DETERMINERS

1 OF WHETHER OR NOT TO ACCEPT THAT STATEMENT FOR ANY
2 PURPOSE IN ORDER TO DO THAT YOU MUST FIRST
3 DETERMINE THAT, YOU MUST CONSIDER THESE FACTORS
4 FIRST, DID THE DEFENDANT IN FACT MAKE A STATEMENT
5 SECOND, PRIOR TO MAKING THE STATEMENT WAS HE WARNED
6 OF HIS CONSTITUTIONAL RIGHTS
7 THIRD, DO HE KNOWINGLY AND INTELLIGENTLY WAIVE HIS
8 CONSTITUTIONAL RIGHTS
9 AND FOURTH WAS THE STATEMENT GIVEN VOLUNTARILY
10 AGAIN THE FACT THAT I HAVE ADMITTED THE STATEMENT
11 INTO EVIDENCE IS NOT TO BE CONSIDERED BY YOU IN ANY
12 WAY WHATSOEVER THE STATE MUST PROVE THOSE ELEMENTS
13 BEYOND A REASONABLE DOUBT BEFORE YOU CAN CONSIDER THE
14 STATEMENTS AS EVIDENCE FOR ANY PURPOSE WHATSOEVER
15 EVEN THOUGH I HAVE ALLOWED IT IN THE RECORD
16 NOW FIRST DID THE DEFENDANT MAKE THIS
17 STATEMENT IF YOU CONCLUDE THAT HE, AND THE
18 STATEMENT OF COURSE HERE THE ONLY ONES ARE THOSE OF
19 MR COPE, IF YOU DETERMINE THAT HE DID IN FACT NOT
20 MAKE A STATEMENT, THEN OF COURSE YOU COMPLETELY
21 DISREGARD THE ALLEGED STATEMENT IF YOU CONCLUDE
22 THAT HE DID NOT MAKE A STATEMENT THEN YOU CANNOT
23 CONSIDER IT TO ANY DEGREE WHATSOEVER IF YOU FIND
24 THAT HE DID IN FACT MAKE A STATEMENT, ANY ONE OR ALL
25 OF THOSE UNDER CONSIDERATION, YOU MUST DETERMINE

1 WHETHER OR NOT HE WAS WARNED PRIOR TO MAKING THE
2 STATEMENT OF HIS CONSTITUTIONAL RIGHTS WHEN AN
3 INDIVIDUAL IS TAKEN INTO CUSTODY OR OTHERWISE
4 DEPRIVED OF THEIR FREEDOM OF ACTION IN ANY
5 SIGNIFICANT WAY BY POLICE OR LAW ENFORCEMENT, THEN HE
6 MUST BE WARNED OF THEIR CONSTITUTIONAL RIGHTS PRIOR
7 AND BEFORE ANY CUSTODIAL INTERROGATION OR CUSTODIAL
8 QUESTIONING OCCURS HE MUST BE WARNED THAT, HE OR
9 SHE, A DEFENDANT MUST BE WARNED THAT THEY HAVE THE
10 RIGHT TO REMAIN SILENT, THAT ANY STATEMENT THAT THEY
11 MAKE CAN AND WILL BE USED AGAINST THEM IN A COURT OF
12 LAW, THAT THEY HAVE A RIGHT TO SELECT A LAWYER OF
13 THEIR CHOICE, BUT IF THEY DO NOT HAVE THE MONEY TO
14 HIRE AN ATTORNEY OR THE RESOURCES TO EMPLOY AN
15 ATTORNEY, THE COURT WILL APPOINT AND PROVIDE AN
16 ATTORNEY TO REPRESENT THEM WITHOUT COST OR EXPENSE TO
17 THEM IF THEY SO DESIRE NEXT THEY MUST BE ADVISED
18 THAT THEY HAVE THE RIGHT TO CONSULT A LAWYER BEFORE
19 ANSWERING ANY QUESTION OR MAKING ANY STATEMENTS, AND
20 THAT THEY HAVE A RIGHT TO HAVE THE LAWYER PRESENT
21 WITH THEM AT ALL TIMES DURING ALL INTERVIEWS AND ALL
22 INTERROGATIONS IF YOU DETERMINE THESE
23 CONSTITUTIONAL WARNINGS WERE NOT GIVEN TO MR COPE
24 PRIOR TO AN INTERROGATION AND TAKING OF A STATEMENT
25 OR THAT HE WAS NOT AFFORDED THE OPPORTUNITY TO

1 EXERCISE THESE RIGHTS, YOU MUST COMPLETELY DISREGARD
2 THE STATEMENT AND YOU CANNOT CONSIDER THE STATEMENT
3 AS EVIDENCE IN ANY MANNER WHATSOEVER IF YOU FIND
4 THAT MR COPE DID IN FACT MAKE A STATEMENT AND IF YOU
5 CONCLUDE THAT THESE CONSTITUTIONAL WARNINGS WERE IN
6 FACT GIVEN TO HIM AND THAT HE WAS AFFORDED AN
7 OPPORTUNITY TO EXERCISE THESE CONSTITUTIONAL RIGHTS
8 THEN YOU MUST DETERMINE WHETHER HE KNOWINGLY AND
9 INTELLIGENTLY WAIVED THOSE CONSTITUTIONAL RIGHTS
10 BEFORE YOU COULD CONSIDER ANY STATEMENT AS EVIDENCE
11 IT MUST BE PROVEN BY THE STATE BEYOND A REASONABLE
12 DOUBT THAT MR COPE, AFTER BEING GIVEN HIS
13 CONSTITUTIONAL WARNINGS, KNOWING AND INTELLIGENTLY
14 WAIVED THESE CONSTITUTIONAL RIGHTS AND AGREED TO
15 ANSWER QUESTIONS AND MAKE A STATEMENT THEREFORE, IF
16 YOU FIND THAT MR COPE DID NOT KNOWINGLY AND
17 INTELLIGENTLY WAIVE HIS CONSTITUTIONAL RIGHTS THEN
18 ANY ANSWER GIVEN BY HIM OR ANY STATEMENT MADE BY HIM
19 CANNOT BE USED AGAINST HIM AND YOU MUST COMPLETELY
20 DISREGARD ALL THE TESTIMONY CONCERNING SUCH
21 STATEMENT IF YOU FIND THAT MR COPE DID MAKE THE
22 STATEMENT AND IF YOU CONCLUDE THAT THE WARNINGS WERE
23 IN FACT GIVEN TO HIM AND THAT HE WAS AFFORDED AN
24 OPPORTUNITY TO EXERCISE THESE RIGHTS AND IF YOU
25 FURTHER FIND THAT HE KNOWINGLY AND INTELLIGENTLY

1 WAIVED THESE RIGHTS, THEN YOU WOULD CONSIDER WHETHER
2 THE STATEMENT WAS IN FACT GIVEN VOLUNTARILY THE
3 WORD VOLUNTARILY MEANS THAT THE STATEMENT WAS THE
4 EXPRESSION OF MR COPE'S OWN FREE WILL AND NOT
5 INDUCED BY PRESSURE, FORCE OR FEAR, OR THE INFLUENCE
6 OR THE HOPE OR PROMISE OF SOME BENEFIT OR REWARD OR
7 EXTRACTED BY THREATS, COERCION, OR INTIMIDATION A
8 STATEMENT IS NOT VOLUNTARY AND MAY NOT BE USED
9 AGAINST MR COPE UNLESS IT IS THE PRODUCT OF AN
10 ESSENTIALLY FREE AND UNCONSTRAINED CHOICE BY HIM IF
11 THE STATEMENT IS VOLUNTARY AND IF HE HAS WILLED TO
12 MAKE THE STATEMENT, IT CAN BE USED AGAINST HIM IF
13 THE STATEMENT IS INVOLUNTARY, THAT IS, IF IT'S NOT
14 VOLUNTARILY GIVEN, IT CANNOT BE USED AGAINST HIM
15 THE TRUE TEST TO BE APPLIED IS WHETHER SUCH STATEMENT
16 IS FREELY, VOLUNTARILY, AND UNDERSTANDINGLY AND
17 WITHOUT COMPULSION OR INDUCEMENT IN DETERMINING
18 WHETHER OR NOT THE ALLEGED STATEMENT WAS VOLUNTARY
19 YOU MAY CONSIDER ALL THE FACTS AND CIRCUMSTANCES
20 SURROUNDING THE TAKING OR THE MAKING OF THE STATEMENT
21 CONCERNING AND RELATING TO THE VOLUNTARY OR
22 INVOLUNTARY CHARACTER THEREOF AND YOU MAY CONSIDER
23 ALL THE EVIDENCE IN THE CASE IN REACHING THE ULTIMATE
24 CONCLUSION AS TO THE VOLUNTARY OR INVOLUNTARY
25 CHARACTER OF ANY SUCH STATEMENT THE ULTIMATE

1 QUESTION TO BE RESOLVED BY YOU WITH RESPECT TO
2 ALLEGED STATEMENT IN ADDITION TO THE QUESTION OF
3 WHETHER OR NOT HE IN FACT MADE IT IS WHETHER OR NOT
4 HIS CONSTITUTIONAL RIGHTS WERE OBSERVED AND HE
5 KNOWINGLY AND INTELLIGENTLY WAIVED THOSE RIGHTS
6 THAT IS, WAS THE STATEMENT THE EXPRESSION OF
7 MR COPE'S OWN FREE WILL MADE WITHOUT COMPULSION OR
8 INDUCEMENT BUT REPRESENTING INSTEAD AN ESSENTIALLY
9 FREE AND UNCONSTRAINED CHOICE BY HIM OR WAS IT THE
10 PRODUCT OF AN OVERBORNE WILL OR PRODUCT OF HIS WILL
11 BEING OVERBORNE

12 WITH REGARD TO THE ALLEGED STATEMENT I
13 INSTRUCT YOU THAT THE STATE MUST PROVE BY EVIDENCE
14 EACH AND EVERY REQUIREMENT THAT I HAVE INSTRUCTED YOU
15 AND THAT PROOF MUST BE LIKE ANYTHING IN THIS CASE
16 PROVEN TO YOU BEYOND A REASONABLE DOUBT ABSENT ANY
17 OF THE REQUIREMENTS ABOVE WHICH I HAVE INSTRUCTED YOU
18 THE ALLEGED STATEMENT MUST BE DISREGARDED IN ITS
19 ENTIRETY AND AFFORDED NO EVIDENTIARY WEIGHT ON THE
20 OTHER HAND, IF YOU FIND BEYOND A REASONABLE DOUBT HE
21 MADE A STATEMENT, THAT HE DID IT AFTER RECEIVING THE
22 REQUIRED CONSTITUTIONAL WARNINGS, THAT HE GAVE THE
23 STATEMENT KNOWINGLY AND INTELLIGENTLY AND WAIVED HIS
24 CONSTITUTIONAL RIGHTS, THEN YOU MAY CONSIDER HIS
25 STATEMENTS TOGETHER WITH ALL THE OTHER EVIDENCE IN

1 THE CASE AND GIVE ANY SUCH STATEMENT SUCH WEIGHT AND
2 VALUE AS YOU CONCLUDE IT IS ENTITLED TO

3 IN THIS CASE THE FACT THAT MR COPE
4 SUBMITTED TO A POLYGRAPH TEST WAS ADMITTED FOR A
5 LIMITED PURPOSE I TOLD YOU THAT AT THE TIME IN
6 YOUR DELIBERATION THE POLYGRAPH MAYBE ONLY CONSIDERED
7 AS TO THAT LIMITED PURPOSE THE RESULTS OF THE
8 POLYGRAPH TEST ITSELF MAY NOT BE CONSIDERED IN
9 DETERMINING MR COPE'S GUILT OR INNOCENCE

10 NOW MR COPE AND MR SANDERS ARE
11 CHARGED WITH MURDER THE STATE MUST PROVE BEYOND A
12 REASONABLE DOUBT THAT ONE OR BOTH OF THE DEFENDANTS,
13 LET ME STATE IT THIS WAY TO FIND A DEFENDANT EITHER
14 OR BOTH GUILTY OF MURDER YOU MUST FIND THAT THEY
15 KILLED ANOTHER PERSON WITH MALICE AFORETHOUGHT
16 MALICE IS DEFINED BY OUR LAW AS HATRED, ILL WILL, OR
17 HOSTILITY TOWARD ANOTHER PERSON MALICE SPRINGS FROM
18 DEPRAVITY, FROM A HEART DEPRAVED OF SOCIAL DUTY, AND
19 FATALLY BENT ON MISCHIEF IT IS THE INTENTIONAL
20 DOING OF A WRONGFUL ACT WITHOUT JUST CAUSE OR EXCUSE
21 AND WITH AN INTENT TO INFLICT INJURY OR UNDER
22 CIRCUMSTANCES THAT THE LAW WOULD INFER AN EVIL
23 INTENT MALICE AFORETHOUGHT DOES NOT REQUIRE MALICE
24 EXIST FOR ANY PARTICULAR TIME BEFORE THE ACT IS
25 COMMITTED, BUT MALICE MUST EXIST IN THE MIND OF A

1 DEFENDANT JUST BEFORE AND AT THE TIME OF THE ACT
2 BEING COMMITTED THEREFORE THERE MUST BE A
3 COMBINATION OF THE PREVIOUS EVIL INTENT AND THE ACT
4 ITSELF MALICE AFORETHOUGHT MAY BE EXPRESS OR
5 INFERRED THESE TERMS EXPRESSED AND INFERRED DO NOT
6 MEAN DIFFERENT KINDS OF MALICE BUT MERELY THE MANNER
7 IN WHICH MALICE MAY BE SHOWN TO EXIST, THAT IS,
8 EITHER BY DIRECT EVIDENCE OR BY INFERENCE FROM FACTS
9 AND CIRCUMSTANCES WHICH ARE PROVEN

10 EXPRESS MALICE IS SHOWN WHEN A PERSON
11 SPEAKS WORDS WHICH EXPRESS HATRED OR ILL WILL FOR
12 ANOTHER OR WHEN THE PERSON PREPARED BEFOREHAND TO DO
13 THE ACT WHICH WAS LATER ACCOMPLISHED FOR EXAMPLE,
14 LYING IN WAIT OR MAKING OTHER ACTS OR PREPARATION
15 GOING TO THE DEED WHICH WAS WITHIN THE DEFENDANT'S
16 MIND, THIS WOULD BE EXPRESS MALICE

17 INFERRED MALICE MAY ARISE WHEN A DEED
18 IS DONE WITH A DEADLY WEAPON A DEADLY WEAPON IS ANY
19 ARTICLE, INSTRUMENT, OR SUBSTANCE WHICH IS LIKELY TO
20 CAUSE DEATH OR GREAT BODILY HARM WHETHER AN
21 INSTRUMENT HAS BEEN USED AS A DEADLY WEAPON DEPENDS
22 ON THE FACTS AND CIRCUMSTANCES OF EACH CASE A HAND
23 OR FIST IS NOT NORMALLY CONSIDERED A DEADLY WEAPON
24 HOWEVER, UNDER SOME CIRCUMSTANCES DEPENDING ON THE
25 MANNER AND MEANS OF ITS USE, WOUNDS INFLICTED AND

1 OTHER RELEVANT FACTS, THE HAND OR FIST MAYBE
2 CONSIDERED A DEADLY WEAPON IT IS FOR YOU TO DECIDE
3 IN THIS CASE BEYOND A REASONABLE DOUBT WHETHER OR NOT
4 A HAND OR A FIST IS TO BE CONSIDERED A DEADLY WEAPON
5 ADDITIONALLY ORDINARY OBJECTS MAY BECOME DEADLY
6 WEAPON WHEN THE FACTS SHOW THAT THEY HAVE BEEN USED
7 TO INFLICT SERIOUS BODILY HARM OR DEATH

8 NOW BOTH DEFENDANTS ARE CHARGED WITH
9 CONSPIRACY THE STATE MUST PROVE BEYOND A REASONABLE
10 DOUBT THAT AS TO EACH HE COMBINED ONE OR MORE PERSONS
11 FOR THE PURPOSE OF COMMITTING AN UNLAWFUL ACT THERE
12 MUST BE A MUTUAL UNDERSTANDING OR AGREEMENT OR COMMON
13 INTENTION AND PLAN MERE PASSIVE KNOWLEDGE OF OR
14 CONSENT TO CRIMINAL CONDUCT OF ANOTHER IS NOT ENOUGH
15 TO MAKE A PERSON A CONSPIRATOR IT MUST BE GUILTY
16 KNOWLEDGE AND PARTICIPATION SIMILARLY, THE MERE
17 FACT THAT A DEFENDANT MAY HAVE ASSOCIATED WITH
18 ANOTHER PERSON OR MEET WITH ANOTHER PERSON AND
19 DISCUSSED COMMON AIMS AND INTERESTS DOES NOT
20 NECESSARILY ESTABLISH PROOF OF THE EXISTENCE OF A
21 CONSPIRACY OR THAT A DEFENDANT WAS INVOLVED IN A
22 CONSPIRACY ON THE OTHER HAND, IT IS NOT NECESSARY
23 THAT THE AGREEMENT BETWEEN THE TWO BE A FORMAL ONE
24 NO REQUIREMENT BEING RIGHT IT'S NOT REQUIRED THAT
25 THE INDIVIDUALS HOLD A MEETING AND EXPRESSLY STATE

1 THE TERMS OF THEIR COMMON PLAN NOR NEED THE
2 AGREEMENT EVEN BE STATED IN WORDS BETWEEN THEM THE
3 AGREEMENT OF THE CRIMINAL CONSPIRACY MAY COME INTO
4 BEING THROUGH AN IMPLIED MUTUAL UNDERSTANDING THE
5 WILLFUL, INTENTIONAL, AND KNOWING ADOPTION BY TWO OR
6 MORE PERSONS OF A COMMON PLAN IS SUFFICIENT OVERT
7 ACTS NEED NOT BE SHOWN TO ESTABLISH CONSPIRACY A
8 CONSPIRACY MAYBE SHOWN BY CIRCUMSTANTIAL EVIDENCE AND
9 BY THE CONDUCT OF THE PARTIES IN ORDER TO CONVICT A
10 DEFENDANT OF CONSPIRACY THE STATE MUST PROVE BEYOND A
11 REASONABLE DOUBT NOT ONLY THAT A DEFENDANT KNEW OF
12 THE UNLAWFUL CONDUCT BUT THE DEFENDANT AGREED TO
13 COMBINE WITH THE OTHER PERSON FOR THE PURPOSE OF
14 ACCOMPLISHING THE UNLAWFUL CONDUCT

15 NOW AS TO THE CHARGE OF CRIMINAL
16 SEXUAL CONDUCT THE DEFENDANTS ARE BOTH CHARGED WITH
17 TWO COUNTS OF CRIMINAL SEXUAL CONDUCT IN THE FIRST
18 DEGREE ONE DEALING WITH ANAL PENETRATION AND ONE
19 WITH VAGINAL PENETRATION THE FIRST ELEMENT WHICH
20 THE STATE MUST PROVE AS TO THESE CHARGES BEYOND A
21 REASONABLE DOUBT IS THAT A DEFENDANT ENGAGED IN
22 SEXUAL BATTERY WITH THE VICTIM A SEXUAL BATTERY IS
23 SEXUAL INTERCOURSE, CUNNILINGUS, FELLATIO, ANAL
24 INTERCOURSE, OR ANY INTRUSION HOWEVER SLIGHT INTO ANY
25 PART OF A PERSON'S BODY OR OF ANY OBJECT INTO THE

1 GENITAL OR ANAL OPENINGS OF ANOTHER PERSON'S BODY
2 EXCEPT WHEN THE INTRUSION IS ACCOMPLISHED FOR
3 MEDICALLY RECOGNIZED TREATMENT OR DIAGNOSTIC
4 PURPOSES IF YOU FIND THAT THE STATE HAS NOT SHOWN
5 BEYOND A REASONABLE DOUBT THAT SEXUAL BATTERY
6 OCCURRED, YOU WOULD STOP DELIBERATING AND YOUR
7 VERDICT WOULD BE NOT GUILTY IF YOU FIND THAT A
8 SEXUAL BATTERY DID OCCUR, THEN YOU MUST DECIDE
9 WHETHER THE STATE HAS PROVEN BEYOND A REASONABLE
10 DOUBT WHETHER THE DEFENDANTS USED AGGRAVATED FORCE TO
11 ACCOMPLISH THE SEXUAL BATTERY AGGRAVATED FORCE
12 MEANING THE USE OF PHYSICAL FORCE OR PHYSICAL
13 VIOLENCE OF A HIGH AND AGGRAVATED NATURE TO OVERCOME
14 THE VICTIM YOU MUST CONSIDER THAT OR WHETHER THE
15 VICTIM SUBMITTED TO A SEXUAL BATTERY WHILE THE VICTIM
16 WAS ALSO THE VICTIM OF FORCIBLE CONFINEMENT AND YOU
17 MUST FIND THOSE ELEMENTS BEYOND A REASONABLE DOUBT
18 BEFORE YOU COULD CONVICT EITHER OR BOTH OF THE
19 DEFENDANTS AS TO THOSE CHARGES

20 AS TO THE FOURTH CHARGE WHICH APPLIES
21 ONLY TO MR COPE IS THAT OF UNLAWFUL CONDUCT TOWARD A
22 CHILD THE STATE MUST PROVE BEYOND A REASONABLE
23 DOUBT THAT MR COPE HAD CHARGE OR CUSTODY OF THE
24 CHILD IN QUESTION, WAS THE PARENT OR GUARDIAN OF THE
25 CHILD OR RESPONSIBLE FOR THE CARE AND SUPPORT OF THE

1 CHILD A PERSON RESPONSIBLE FOR A CHILD'S WELFARE
2 INCLUDES THE CHILD'S PARENTS IN ORDER TO CONVICT
3 MR COPE OF UNLAWFUL NEGLECT OF A CHILD IN ADDITION
4 TO FINDING THOSE ELEMENTS THAT I JUST DISCUSSED THE
5 STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT
6 MR COPE EITHER PLACED THE CHILD AT UNREASONABLE RISK
7 OF HARM AFFECTING THE CHILD'S LIFE, PHYSICAL OR
8 MENTAL HEALTH OR SAFETY, OR UNLAWFULLY OR MALICIOUSLY
9 DID OR CAUSE TO BE DONE ANY BODILY HARM TO THE CHILD
10 SO THAT THE LIFE OR HEALTH OF THE CHILD IS ENDANGERED
11 OR LIKELY TO BE ENDANGERED A CHILD IS A PERSON
12 UNDER THE AGE OF 18 YEARS

13 NOW IN THIS CASE YOUR VERDICTS MUST BE
14 UNANIMOUS, ALL 12 JURORS MUST AGREE ON A VERDICT ONCE
15 THE VERDICT IS DETERMINED UNANIMOUSLY, AND THE
16 FOREMAN IS AUTHORIZED TO WRITE THE VERDICT ON YOUR
17 BEHALF YOUR VERDICT CANNOT BE BASED ON PASSION,
18 PREJUDICE, PUBLIC OPINION, SYMPATHY, OR MATTERS
19 OUTSIDE THE RECORD

20 WHILE YOU ARE DELIBERATING IF YOU WANT
21 TO HAVE ANY PART OF MY CHARGE READ BACK TO YOU LET ME
22 KNOW IN OUR STATE WE DO NOT AT THIS TIME SEND A
23 WRITTEN CHARGE IN THE JURY ROOM IF YOU WANT ME TO
24 GO OVER ANY PART OR ALL OF THE LAW, LET ME KNOW AND I
25 WILL BRING YOU BACK OUT AND HERE IN THE COURTROOM I

1 WILL CHARGE YOU ANY PART OR ALL OF THE LAW YOU WISH
2 ME TO GO OVER WE CAN HAVE TESTIMONY REPLAYED IF YOU
3 WISH YOU WILL HAVE THE EXHIBITS IN THE JURY ROOM
4 WITH YOU WE WILL SEND IN AN AUDIO OR BOOM BOX TYPE
5 PIECE OF EQUIPMENT AND WE WILL SEND IN THE MONITOR SO
6 THAT YOU CAN WATCH IF YOU WISH ANY VIDEOS BUT YOU
7 WILL HAVE THE EVIDENCE WITH YOU IN THE JURY ROOM

8 NOW WHEN YOU FIRST GO INTO THE JURY
9 ROOM IN A FEW MOMENTS DON'T START DELIBERATING
10 BECAUSE I HAVE TO GO OVER MY CHARGE WITH THE
11 ATTORNEYS IF I HAVE MADE AN ERROR IN MY CHARGE I'LL
12 HAVE TO BRING YOU BACK OUT AND CORRECT IT IF I HAVE
13 NOT, I WILL SEND IN THE EXHIBITS, THE INDICTMENTS,
14 AND THE BAILIFF WILL INSTRUCT YOU TO DELIBERATE
15 WHEN YOU HAVE REACHED A UNANIMOUS VERDICT KNOCK ON
16 THE DOOR AND TELL THE BAILIFF AND WE'RE NOT STARTING
17 ANOTHER MATTER SO WE WILL BE ABLE TO SEND FOR YOU
18 PROMPTLY IF YOU HAVE ANY QUESTIONS THAT YOU WISH ME
19 TO ADDRESS WRITE THEM ON A PIECE OF PAPER, MR
20 FOREMAN, SEND THEM OUT BY WAY OF THE BAILIFF HE
21 WILL GIVE THEM TO ME I WILL CONSULT WITH COUNSEL
22 THEN I WILL RESPOND TO THE QUESTION IT MAY BE THAT
23 I CAN WRITE AN ANSWER ON THE NOTE ITSELF IT MAY BE
24 THAT I HAVE TO BRING YOU BACK IN HERE IN THE
25 COURTROOM AND ADDRESS YOUR QUESTION HERE IN OPEN

1 COURT

2 NOW ON THESE INDICTMENTS, AS I TOLD
3 YOU, THEY ARE NOT EVIDENCE THEY ARE THE PAPER WORK
4 BY WAY OF WHICH THE CASE IS PROCESSED THROUGH OUR
5 COURT SYSTEM AND THE PLACE WHERE I SAID EARLIER,
6 MR FOREMAN, THAT YOU WILL ENROLL THE UNANIMOUS
7 VERDICT OF THE JURY IF YOU WILL LOOK ON THE BACK OF
8 THE INDICTMENT YOU WILL SEE THE WORD VERDICT AND FOUR
9 LINE BENEATH IT, A PLACE FOR YOU TO SIGN ON THE
10 BOTTOM AND TO PUT THE DATE, TODAY'S THE 22 AND JUST
11 PUT THE DATE AND THERE SIGN IT AND YOU'LL WRITE THE
12 JURY'S VERDICT AS TO A PARTICULAR INDICTMENT ON ONE
13 OF THE LINES ABOVE

14 IF THE STATE HAS FAILED AS TO A
15 PARTICULAR INDICTMENT TO PROVE THE GUILT OF A
16 DEFENDANT AS TO THAT INDICTMENT BEYOND A REASONABLE
17 DOUBT YOUR VERDICT WOULD BE TWO WORDS NOT GUILTY IF
18 ON THE OTHER HAND THE STATE HAS PROVEN THE GUILT OF A
19 DEFENDANT AS TO A PARTICULAR INDICTMENT BEYOND A
20 REASONABLE DOUBT THEN YOUR VERDICT WOULD BE ONE WORD
21 GUILTY

22 NOW I'M GOING TO LET YOU GO IN THE
23 JURY ROOM AND DON'T START DELIBERATING UNTIL YOU HEAR
24 FURTHER FROM ME THE ALTERNATES JUST STAY IN HERE
25 PLEASE

1 (THE JURY EXITS THE COURTROOM AT 04 21
2 PM)

3 THE COURT THE TWO OF YOU, WE'LL BE WITH
4 YOU IN JUST A MINUTE ANY EXCEPTIONS FROM THE STATE

5 MR THOMPSON YOUR HONOR, THE ONLY THING
6 I NOTICED THAT I DIDN'T HEAR THE CHARGE AS TO THE
7 PARENTS DUTY

8 THE COURT YOU ARE RIGHT I GOT IT AT
9 THE BOTTOM OF THE PILE AND I DID NOT CHARGE IT WHEN
10 I SAW IT, RATHER THAN GO AHEAD AND CHARGE OUT OF
11 PLACE AND EMPHASIZE IT, I DECIDED THAT THE CHARGE AS
12 GIVEN WOULD STAND LIKE IT IS, SO I'M AWARE THAT I
13 LEFT THAT OUT AND FOR THE RECORD I MADE A
14 CONSCIENTIOUS EFFORT WHEN I REALIZED IT NOT TO STICK
15 IT AT THE END AND GIVE IT UNDUE NOTICE

16 MR THOMPSON THE ONLY OTHER THING I
17 NOTICED AS WELL, YOUR HONOR, WAS IN THE CHARGE AS TO
18 MALICE, I DID NOT HEAR THE LINE THAT MALICE MAY BE
19 INFERRED FROM CONDUCT SHOWING TOTAL DISREGARD FOR
20 HUMAN LIFE I THINK YOU SKIPPED STRAIGHT INTO THE
21 CAN BE INFERRED BY A DEADLY WEAPON

22 THE COURT ARE YOU SAYING I LEFT OUT
23 WHAT?

24 MR THOMPSON I THINK IT WAS THE SENTENCE
25 THAT MALICE MAY BE INFERRED FROM CONDUCT SHOWING A

1 TOTAL DISREGARD FOR HUMAN LIFE IT WOULD BE ON PAGE
2 12

3 THE COURT OH, I LEFT THAT OUT ON THAT
4 PURPOSE

5 MR THOMPSON OKAY

6 THE COURT I DID LEAVE THAT YOU ARE
7 RIGHT AND I LEFT THAT OUT ON PURPOSE OKAY ALL
8 RIGHT MR MORTON, ON BEHALF OF MR COPE

9 MR MORTON YOUR HONOR, AS FAR AS THE
10 VOLUNTARINESS OF THE STATEMENT IN ABOUT JUST ABOUT
11 THE LAST PARAGRAPH THAT YOU CHARGED REGARDING
12 VOLUNTARINESS OF THE STATEMENT YOU SAID THAT ON THE
13 OTHER HAND IF YOU FIND BEYOND A REASONABLE DOUBT THAT
14 THE DEFENDANT MADE A STATEMENT THAT THE DEFENDANT BE
15 GIVEN THE REQUIRED CONSTITUTIONAL WARNINGS BEFORE
16 INTERROGATION AND THAT THE DEFENDANT KNOWINGLY AND
17 INTELLIGENTLY WAIVED HIS CONSTITUTIONAL RIGHTS YOU
18 LEFT OUT THE PHRASE AND THEREAFTER GAVE A VOLUNTARY
19 STATEMENT AND I DIDN'T HEAR YOU READ THE LAST
20 SENTENCE, AND I MAY BE WRONG, THE STATEMENT MAY BE
21 CONSIDERED BY YOU TOGETHER WITH ALL THE EVIDENCE --

22 THE COURT I AM PRETTY SURE I SAID THAT
23 LAST PART I MAY HAVE LEFT OUT THAT PARTICULAR
24 LANGUAGE BUT I ALREADY SAID IT ABOUT FOUR TIMES AND
25 SO I'M NOT GOING TO GO BACK AND RECHARGE IT

1 MR MORTON ALL RIGHT, SIR AND I DIDN'T
2 HEAR, UNLESS IT CAME UP LATER, I DON'T THINK YOU SAID
3 INITIALLY ABOUT UNANIMITY

4 THE COURT I SAID IT I'M ALMOST
5 POSITIVE I SAID IT MORE THAN ONCE ALL RIGHT ALL
6 RIGHT ANYTHING

7 MR GREELEY YOUR HONOR, WE HAVE NO
8 ADDITIONS, CORRECTIONS, OR OBJECTIONS TO YOUR CHARGE

9 THE COURT ALL RIGHT CHECK THE EVIDENCE
10 AND THE INDICTMENTS NOW THERE SOME AMENDED
11 INDICTMENTS AND I THINK PULLED OUT ALL THE AMENDED
12 ONES AND PUT THEM OVER HERE I'M SENDING IN THE
13 AMENDED ONES BUT CHECK AND MAKE SURE THE INDICTMENTS
14 ARE RIGHT AND CHECK

15 MR BRACKETT IF WE COULD APPROACH
16 FOR ONE MOMENT

17 THE COURT YEAH

18 (BENCH CONFERENCE AT 04 24 PM)

19 THE COURT MR NEIL AND MRS THOMAS, I'M
20 GOING TO LET YOU STAY WITH US EVEN THOUGH YOU ARE THE
21 ALTERNATES AND NOT PARTICIPATING IN THE DELIBERATIONS
22 AT THIS TIME, THIS HAS BEEN A LONG TRIAL AND IN THE
23 EVENT WE MAY NEED AN ALTERNATE DURING THE
24 DELIBERATIONS WE'D LIKE TO HAVE YOU AVAILABLE, SO THE
25 BAILIFFS WILL TAKE YOU DOWN TO THE OTHER JURY ROOM,

1 IT'S UNLOCKED, THEY WILL PROVIDE COKES AND WHATEVER
2 ELSE YOU MIGHT WANT WHILE YOU ARE THERE AND
3 MAGAZINES, SO IF YOU'LL TAKE THEM DOWN TO THE OTHER
4 JURY ROOM, MR IVEY

5 MR IVEY ALL RIGHT, SIR

6 (THE ALTERNATE JURORS EXIT THE
7 COURTROOM)

8 THE COURT IF YOU'LL CHECK THE EVIDENCE
9 AND MAKE SURE IT IS IN ORDER AND THE INDICTMENTS LIKE
10 I SAID AND CHECK THE INDICTMENTS CLOSE BECAUSE THERE
11 WERE SEVERAL THAT WERE AMENDED I THINK I GOT THEM
12 ALL AND I THINK I GOT THE RIGHT ONES WE'LL BE AT
13 EASE PENDING HEARING FROM THE JURY

14 (COURT'S IN RECESS AT 04 25 PM)

15 (COURT RESUMES AT 04 30 PM)

16 MR GREELEY HIS OBJECTION IS IN REGARDS
17 TO HIS CLIENT, IT DOES NOT AFFECT MINE, SO HIS
18 PRESENCE IS NOT NECESSARY

19 THE COURT YOU WAIVE MR COPE'S PRESENCE?

20 MR MORTON YES

21 THE COURT WHAT'S THE PROBLEM

22 MR MORTON YOUR HONOR, ON CRIMINAL
23 SEXUAL FIRST DEGREE I KNOW IT'S A MINOR THING BUT
24 THIS IS A MAJOR CASE, IT INDICATES THAT BILLY WAYNE
25 COPE DID IN YORK COUNTY ON OR ABOUT NOVEMBER 29

1 COMMIT THE CRIME OF CRIMINAL SEXUAL CONDUCT, WAS WITH
2 MORE OF THE FOLLOWING, THAT BILLY WAYNE COPE USED
3 AGGRAVATED FORCE TO ACCOMPLISH THE SEXUAL BATTERY, TO
4 WIT, BILLY WAYNE COPE FORCIBLY CONFINED AMANDA COPE
5 TO CAUSE HER TO SUBMIT TO THE SEXUAL BATTERY THE
6 NEXT PHRASE IS THE PHRASE I OBJECT TO THE SEXUAL
7 BATTERY OCCURRED WHEN BILLY WAYNE COPE PENETRATED
8 AMANDA COPE'S ANUS WITH A FOREIGN OBJECT I THINK
9 THE PHRASE THE SEXUAL BATTERY OCCURRED WHEN SHOULD BE
10 DELETED FROM THE INDICTMENT AND SHOULD START WITH
11 JUST, JUST LIKE THE OTHER TWO HAVE

12 THE COURT I SEE WHAT YOU ARE SAYING BUT
13 I MEAN AT THIS STAGE I'M NOT GOING TO MAKE ANY
14 CHANGES IN THE INDICTMENT

15 MR MORTON OKAY THE INDICTMENT NUMBER,
16 BOTH OF THE INDICTMENTS THAT I AM COMPLAINING ABOUT
17 ARE IN REFERENCE TO THE CRIMINAL SEXUAL CONDUCT FIRST
18 DEGREE

19 THE COURT ALL RIGHT UNLESS THE STATE,
20 YOU AGREE TO TAKE THAT PART OUT

21 MR BRACKETT MR THOMPSON IS IN CHARGE
22 OF THAT I'M NOT EVEN SURE I --

23 MR THOMPSON IT DOESN'T MATTER TO ME,
24 YOUR HONOR

25 THE COURT IF IT DOESN'T MATTER LETS TAKE

1 IT OUT THAT WILL BE ONE LESS THING

2 MR THOMPSON THAT WILL BE FINE

3 THE COURT BY CONSENT THAT PART WILL BE
4 DELETED AND TAKEN OUT SOMEHOW

5 (COURT RESUMES AT 05 02 PM AND
6 DEFENDANTS ARE PRESENT)

7 THE COURT IT'S BEEN CALLED TO MY
8 ATTENTION THAT IN MY SUMMING UP PARAGRAPH OF MY
9 CONFESSION CHARGE I APPARENTLY DROPPED A SENTENCE
10 IT STARTS OFF STATEMENT GIVEN VOLUNTARILY AND THEN I
11 GO DOWN, I THINK I LEFT OUT, WELL, IT WON'T TAKE TOO
12 LONG SINCE IT'S BEEN RAISED, I DON'T WANT PCR ISSUES
13 AND ALL OF THAT, SINCE IT'S BEEN RAISED

14 MR THOMPSON I WOULD ASK THAT IF WE'RE
15 GOING TO BRING THEM BACK IN IF WE COULD ALSO READ THE
16 PARENTS DUTY CHARGE

17 THE COURT I'M NOT GOING DO THAT BUT
18 THANK YOU FOR ASKING BRING IN THE JURY AND THE
19 ALTERNATES

20 (THE JURY RETURNS TO THE COURTROOM AT
21 05 05 PM)

22 THE COURT MEMBERS OF THE JURY PANEL, I
23 HADN'T FORGOTTEN ABOUT YOU, BUT WE HAVE TO BEFORE WE
24 SEND IN THE EXHIBITS, MAKE SURE THAT EVERY ONE IS
25 THERE AND NOTHING IS IN THERE THAT SHOULDN'T BE AND

1 AS MANY AS WE'VE HAD IT'S TAKEN A LITTLE WHILE,
2 THAT'S WHAT WE'VE BEEN DOING WE HADN'T JUST
3 FORGOTTEN ABOUT YOU BUT I WANTED TO FOLLOW UP, I
4 LEFT, PERHAPS DROPPED A WORD OR SO WHEN I HAD GIVEN
5 YOU MY LAST PART OF MY CHARGE REGARDING THE
6 VOLUNTARINESS OF A STATEMENT I WENT THROUGH, HAD TO
7 BE GIVEN CONSTITUTIONAL, WHAT WE CALL MIRANDA
8 WARNINGS, THE RIGHTS, HE HAD TO WAIVE THOSE RIGHTS,
9 THAT HE HAD TO CONSIDER A STATEMENT THAT HAD TO BE
10 GIVEN FREELY AND VOLUNTARILY SO LET ME JUST SUM UP
11 WITH REGARD TO THE ALLEGED STATEMENT OF MR COPE I
12 INSTRUCT YOU THAT THE STATE MUST PROVE BY EVIDENCE
13 EACH AND EVERY REQUIREMENT AS TO WHICH I INSTRUCTED
14 YOU EARLIER SUCH PROOF MUST BE BEYOND A REASONABLE
15 DOUBT BEFORE YOU MAY CONSIDER THE ALLEGED STATEMENT
16 AS OR CONFESSION AS EVIDENCE IN THIS CASE ABSENT
17 ANY OF ONE REQUIREMENTS ABOUT WHICH I HAVE INSTRUCTED
18 YOU, THE ALLEGED STATEMENT MUST BE DISREGARDED
19 COMPLETELY AND YOU WILL AFFORD NO EVIDENTIARY WEIGHT
20 WHATSOEVER TO IT OR ANY PART OF IT ON THE OTHER
21 HAND, IF YOU FIND BEYOND A REASONABLE DOUBT THAT MR
22 COPE MADE THE STATEMENT, THAT HE WAS GIVEN THE
23 REQUIRED CONSTITUTIONAL WARNINGS BEFORE
24 INTERROGATION, THAT HE KNOWINGLY AND INTELLIGENTLY
25 WAIVED HIS CONSTITUTIONAL RIGHTS AND THEREAFTER GAVE

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1 A VOLUNTARY STATEMENT, THE STATEMENT MAYBE CONSIDERED
2 BY YOU TOGETHER WITH ALL THE OTHER EVIDENCE IN THE
3 CASE AND GIVEN SUCH WEIGHT AND SUCH VALUE AND SUCH
4 EFFECT AS IN WHOLE OR ANY PART THEREOF TO WHICH YOU
5 CONCLUDE IT IS ENTITLED SO I WILL LET YOU GO BACK
6 IN THE JURY ROOM NOW AND SEND IN THE EVIDENCE AND THE
7 INDICTMENTS STILL DON'T START DELIBERATING UNTIL
8 YOU GET THOSE THE ALTERNATES WILL GO BACK TO THE
9 OTHER JURY ROOM

10 MR IVEY ALL RIGHT

11 THE COURT OTHER THAN THE PARENTS DUTY,
12 ANYTHING ELSE FROM THE STATE

13 MR THOMPSON NOTHING

14 THE COURT ANYTHING FROM MR COPE

15 MR MORTON NO, SIR, YOUR HONOR

16 MR GREELEY NO, YOUR HONOR

17 THE COURT WE'LL SEND IN THE EXHIBITS AND
18 VERDICT FORM AND TELEVISION AND THE BOOM BOX AND
19 WE'LL BE AT EASE COULD I SEE COUNSEL JUST FOR A
20 MINUTE

21 MR POPE YES, SIR I WAS JUST GOING
22 TO PUT ON THE RECORD THAT MR SANDERS INDICTMENTS
23 WERE AMENDED SIMILAR TO MR COPE INDICTMENTS

24 MR GREELEY THAT IS CORRECT AND THAT WAS
25 WITH MY CONSENT

1 THE COURT OKAY

2 (COURT'S IN RECESS AND THE JURY BEGINS
3 DELIBERATIONS AT 05 08 PM)

4 (THE JURY RETURNS TO THE COURTROOM AT 7 45
5 AND THE REQUESTED TESTIMONY WAS READ BACK BY THE
6 COURT REPORTER AND THE JURY EXITED AND CONTINUES
7 DELIBERATING)

8 THE COURT FOR THE RECORD, THAT WAS FOR
9 LOGISTICAL PURPOSES I DIDN'T REFERENCE THE NOTE
10 PRIOR TO THE READING BACK OF THE TESTIMONY BUT WE HAD
11 PRIOR TO THAT TIME RECEIVED A NOTE ASKING FOR A
12 PORTION, ACTUALLY ASKED FOR, THE INITIAL NOTE I
13 BELIEVE ASKED FOR DR MAYNARD'S TESTIMONY INVOLVING
14 THE BITE MARK, TIME FRAME BASICALLY, AND WE SENT BACK
15 A NOTE ASKING THAT BE MORE SPECIFIC THE NOTE SPEAKS
16 FOR ITSELF, ALL THE COUNSEL HAS SEEN IT, SO THAT
17 TESTIMONY IS READ BACK IN RESPONSE TO THAT NOTE
18 ANYTHING FROM THE STATE AT THIS POINT?

19 MR THOMPSON NO, YOUR HONOR

20 MR BAITY NOTHING FROM US

21 MR GREELEY NOTHING FROM MR SANDERS

22 THE COURT WE'LL BE AT EASE

23 (COURT'S IN RECESS AT 07 54 PM AND
24 JURY NOTE MARKED COURT EXHIBIT NUMBER)

25 (COURT RESUMES AT 08 18 PM)

1 THE COURT THE COURT REPORTER HAS FOUND
2 THE TESTIMONY THAT THE JURY WANTS AT THIS TIME AND I
3 BELIEVE EVERYBODY HAS HAD A CHANCE TO LOOK AT THE
4 NOTE, IS THAT CORRECT?

5 MR BRACKETT THAT'S CORRECT

6 MR BAITY YES, SIR

7 MR GREELEY YES, SIR

8 THE COURT ALL RIGHT BRING IN THE JURY
9 (THE JURY RETURNS TO THE COURTROOM AT
10 08 18 PM)

11 THE COURT I BELIEVE WE HAVE IT CUED UP
12 (THE REQUESTED TESTIMONY IS PLAYED FOR THE
13 JURY)

14 THE COURT RETURN TO THE JURY ROOM AND
15 LET US KNOW IF YOU NEED ANYTHING ELSE

16 (THE JURY EXITS THE COURTROOM AT 08 29
17 PM)

18 THE COURT ANYTHING FROM THE STATE

19 MR BRACKETT NO, SIR, YOUR HONOR

20 MR BAITY I COULDN'T, I DON'T HEAR WELL
21 BUT SHE WAS MAKING ADJUSTMENTS AT THE BEGINNING OF
22 THAT AND IT WAS BOOMY AND I COULDN'T MAKE IT OUT
23 NOW I'M NOT THE PROPER JUDGE HERE BUT I COULDN'T
24 UNDERSTAND BUT ABOUT EVERY SECOND OR THIRD WORD TO BE
25 HONEST WITH YOU I GUESS THE JURY WOULD HAVE

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1 COMPLAINED BUT I'M NOT REAL SURE THEY UNDERSTOOD I
2 SAW A COUPLE OF THEM STRAINING SO PERHAPS I WOULD
3 ASK THAT THE COURT INQUIRE IF THEY FULLY UNDERSTOOD
4 AT LEAST THE INITIAL PORTION OF THAT TAPE

5 THE COURT WELL, IT WAS, SOME OF IT WAS
6 PRETTY HARD TO HEAR I TRIED TO WATCH THE JURY, IT'S
7 KIND OF HARD TO TELL IF SOMEBODY IS HEARING OR NOT,
8 BUT THAT WAS ONE PARTICULAR REASON OF COURSE I
9 USUALLY MAKE SOME COMMENT TO THE SAME EFFECT THAT I
10 TOLD THEM IF THERE IS ANYTHING ELSE THEY WANTED TO
11 HEAR AND THEY DIDN'T SAY THEY WANTED TO HEAR THIS
12 AGAIN IF THEY WANT TO HEAR ANYTHING ELSE THEY WILL
13 LET US KNOW ANYTHING FROM MR GREELEY

14 MR GREELEY NOTHING FROM MR SANDERS

15 THE COURT ALL RIGHT THANK YOU WE'LL
16 BE AT EASE

17 (COURT'S IN RECESS AT 08 30 PM)

18 (COURT RESUMES AT 09 47 PM AND ALL THE
19 PARTIES ARE PRESENT)

20 THE COURT COUNSEL AND THE DEFENDANTS ARE
21 PRESENT I UNDERSTAND THE JURY HAS REACHED A
22 VERDICT I WOULD LIKE TO, THERE ARE QUITE A FEW
23 SPECTATORS AND THAT'S FINE, BUT IF ANYBODY IS HERE
24 AND I HAVE NO IDEA OF COURSE WHAT THE VERDICT IS, BUT
25 IF THERE IS ANYBODY HERE WHO CANNOT CONTROL THEIR

1 EMOTIONS I SUGGEST YOU GO AHEAD AND LEAVE AT THIS
2 TIME BECAUSE WHATEVER THE VERDICT IS, IF WE HAVE ANY
3 KIND OF OUTBURSTS OR SHOWING OF EMOTIONS TO THE
4 EXTENT THAT IT WOULD DISRUPT THE COURT WHICH WOULD
5 MEAN JUST ABOUT ANYTHING THEN I WILL HAVE TO HAVE YOU
6 PLACED IN THE HOLDING CELL BECAUSE YOU'LL BE IN
7 CONTEMPT OF COURT SO IF YOU COULDN'T CONTROL YOUR
8 EMOTIONS DON'T STAY IN FOR READING OF THE VERDICT
9 ALL RIGHT BRING IN THE JURY

10 (THE JURY RETURNS TO THE COURTROOM AT
11 09 50 PM)

12 THE COURT MR FOREMAN, I UNDERSTAND THE
13 JURY HAS REACHED VERDICT

14 MR FOREMAN YES, YOUR HONOR

15 THE COURT IF YOU'LL HAND UP THEM TO THE
16 BAILIFF HE WILL HAND THEM UP TO ME

17 (THE VERDICT IS HANDED TO THE COURT AT
18 09 51 PM)

19 THE CLERK 2002-46-3232 THE STATE OF
20 SOUTH CAROLINA VERSUS BILLY WAYNE COPE CHARGED WITH
21 MURDER VERDICT IS GUILTY SIGNED BY THE FOREPERSON AND
22 DATED SEPTEMBER 22, 2004

23 DOCKET NUMBER 2002-GS-46-3432 THE
24 STATE OF SOUTH CAROLINA VERSUS BILLY WAYNE COPE
25 INDICTED FOR CRIMINAL SEXUAL CONDUCT VERDICT IS

1 GUILTY SIGNED BY THE FOREPERSON AND DATED TODAY'S
2 DATE

3 2002-GS-46-3233 THE STATE OF SOUTH
4 CAROLINA VERSUS BILLY WAYNE COPE CRIMINAL SEXUAL
5 CONDUCT VERDICT IS GUILTY SIGNED BY THE FOREPERSON
6 AND DATED TODAY'S DATE

7 2004-GS-46-200 THE STATE OF SOUTH
8 CAROLINA VERSUS BILLY WAYNE COPE INDICTMENT FOR
9 CRIMINAL CONSPIRACY THE VERDICT IS GUILTY SIGNED BY
10 THE FOREPERSON AND DATED TODAY'S DATE

11 2004-GS-46-2614 THE STATE OF SOUTH
12 CAROLINA VERSUS BILLY WAYNE COPE INDICTED FOR
13 UNLAWFUL CONDUCT TOWARDS A CHILD VERDICT IS GUILTY
14 SIGNED BY THE FOREPERSON AND DATED TODAY'S DATE
15 LADIES AND GENTLEMEN OF THE JURY, IF THIS BE YOUR
16 VERDICTS PLEASE SAY SO BY RAISING YOUR RIGHT HAND
17 LET THE RECORD REFLECT ALL JURORS AFFIRM THIS
18 VERDICT

19 2004-GS-46-196 THE STATE OF SOUTH
20 CAROLINA VERSUS JAMES EDWARD SANDERS FOR MURDER THE
21 VERDICT IS GUILTY SIGNED BY THE FOREPERSON DATED
22 TODAY'S DATE

23 2004-GS-46-198 THE STATE OF SOUTH
24 CAROLINA VERSUS JAMES EDWARD SANDERS INDICTED FOR
25 CRIMINAL SEXUAL CONDUCT FIRST DEGREE THE VERDICT IS

1 GUILTY SIGNED THE FOREPERSON AND DATED TODAY'S DATE
2 2004-GS-46-197 THE STATE OF SOUTH
3 CAROLINA VERSUS JAMES EDWARD SANDERS FOR CRIMINAL
4 SEXUAL CONDUCT FIRST DEGREE THE VERDICT IS GUILTY
5 SIGNED BY THE FOREPERSON DATED SEPTEMBER 22, 2004

6 2004-GS-46-199 THE STATE OF SOUTH CAROLINA
7 VERSUS JAMES EDWARD SANDERS FOR CRIMINAL CONSPIRACY
8 THE VERDICT IS GUILTY SIGNED BY THE FOREPERSON DATED
9 TODAY'S DATE

10 LADIES AND GENTLEMEN OF THE JURY, IF
11 THESE BE YOUR VERDICTS PLEASE SAY SO BY RAISING YOUR
12 RIGHT HAND LET THE RECORD REFLECT ALL JURORS AFFIRM
13 THESE VERDICTS

14 THE COURT ANYTHING FROM THE STATE BEFORE
15 THE JURY IS DISMISSED

16 MR BRACKET NOTHING FROM THE STATE, YOUR
17 HONOR

18 THE COURT ANYTHING

19 MR MORTON WE REQUEST THE JURY BE
20 POLLED

21 THE COURT ANYTHING ON BEHALF OF
22 MR SANDERS

23 MR GREELEY GIVEN MR COPE'S REQUEST,
24 NO

25 THE COURT MEMBERS OF THE JURY, THE CLERK

1 IS GOING TO ASK YOU A QUESTION ABOUT YOUR VERDICT AND
2 SORT OF CONFIRMATION OR IF IT'S NOT YOUR VERDICT OF
3 COURSE YOU WON'T CONFIRM IT IT'S CALLED POLLING OF
4 THE JURY SO IF YOU WILL LISTEN TO THE QUESTION AND
5 FOLLOW THE INSTRUCTIONS GIVEN AND RESPOND
6 APPROPRIATELY TO THE QUESTION POSED TO YOU ALL
7 RIGHT, MADAM CLERK

8 (THE JURY IS POLLED AND ALL AFFIRM THE
9 VERDICT)

10 THE COURT ALL RIGHT ANYTHING ELSE FROM
11 THE STATE

12 MR BRACKETT NOTHING FROM THE STATE

13 THE COURT ANYTHING BEFORE THE JURY IS
14 DISMISSED ON BEHALF OF MR COPE

15 MR MORTON NO, SIR

16 THE COURT ANYTHING

17 MR GREELEY NO, YOUR HONOR

18 THE COURT ALL RIGHT I WANT TO AGAIN
19 THANK YOU FOR YOUR TIME AND YOUR PATIENCE IT HAS
20 BEEN A LONG TRIAL YOU HAVE THE RIGHT TO REFUSE TO
21 DISCUSS THIS CASE WITH ANYONE, BUT YOU HAVE A RIGHT
22 TO DISCUSS THE CASE WITH ANYONE IF YOU WISH THAT
23 IS, THERE IS NO PROHIBITION AGAINST SOMEONE ASKING
24 YOU ABOUT THIS CASE, BUT THERE IS NO REQUIREMENT THAT
25 YOU RESPOND TO THEM OTHER THAN TO SAY I DON'T WANT TO

1 TALK ABOUT IT THAT'S YOUR CHOICE IF SOMEONE WERE
2 TO ASK YOU TO DISCUSS THE CASE WITH YOU AND YOU TELL
3 THEM YOU PREFER NOT TO IF THEY PERSIST IN TRYING TO
4 DISCUSS THE CASE WITH YOU CALL THE CLERK OF COURT'S
5 OFFICE AND REPORT THAT AND HOPEFULLY GIVING THAT
6 PERSON'S NAME I'M NOT GOING TO REQUIRE YOU TO STAY
7 FOR THE SENTENCING, IT HAS BEEN A LONG TRIAL,
8 HOWEVER, IF ANY OF YOU WISH TO BE HERE FOR THE
9 SENTENCING WHEN YOU LEAVE YOU CAN COME BACK AROUND
10 AND I'LL ASK THE BACK COUPLE ROWS BE CLEARED IF ANY
11 OF YOU WISH TO BE HERE FOR THE SENTENCING LIKE I
12 SAID I'M NOT GOING TO REQUIRE YOU TO STAY BUT YOU CAN
13 COME AROUND TO THE FRONT AND COME IN AND SIT OUT
14 THERE

15 NOW I DO HAVE, MY CLERK HAS SOMETHING
16 TO HAND TO YOU ON THE WAY OUT AND BUT I THINK THEY
17 WANT YOU TO LEAVE YOUR BADGE AND AGAIN THANK YOU FOR
18 YOUR TIME ON BEHALF OF EVERYONE INVOLVED AND THE
19 COUNTY ALL RIGHT YOU MAY BE DISMISSED

20 (THE JURY EXITS THE COURTROOM)

21 (THE ALTERNATE JURORS ENTER THE
22 COURTROOM AND ARE EXCUSED)

23 THE COURT ANYTHING ON BEHALF OF THE
24 STATE AT THIS TIME, NOT FOR SENTENCING BUT ANY KIND
25 OF MOTIONS

1 MR BRACKETT NO, SIR

2 THE COURT ON BEHALF OF MR COPE

3 MR MORTON WE RENEW ALL OUR MOTIONS WE
4 MADE AT THE DIRECTED VERDICT STAGE AND AT THE END OF
5 THE STATE'S CASE

6 THE COURT MOTIONS ARE DENIED MR
7 GREELEY

8 MR GREELEY YOUR HONOR, I WOULD --

9 MR MORTON WE MAKE A MOTION FOR A NEW
10 TRIAL

11 THE COURT THAT MOTION IS DENIED

12 MR GREELEY YOUR HONOR, IF I WOULD LIKE,
13 IF I MAY, TO INVOKE RULE 29 OF SOUTH CAROLINA
14 CRIMINAL RULES OF PROCEDURE AND ALLOW US TEN DAYS TO
15 FILE OUR POST TRIAL MOTIONS WITH THE COURT THAT
16 RULE PROVIDES US UP TO TEN DAYS FROM THE TIME OF
17 SENTENCING IN THE ALTERNATIVE I WILL RENEW MY
18 MOTIONS FOR A DIRECTED VERDICT

19 THE COURT THIS CASE HAS TAKEN A GOOD
20 WHILE, AND I WANT TO GO THROUGH, I DON'T WANT TO
21 DEFER SENTENCING, SO I'M NOT GOING TO GRANT YOU TEN
22 DAYS

23 MR GREELEY IT'S MY UNDERSTANDING THE
24 RULE SAYS TEN DAYS FROM THE IMPOSITION OF SENTENCE

25 THE COURT RULE 29

1 MR GREELEY YES RULE 29 (A) EXCEPT FOR
2 MOTIONS FOR NEW TRIAL BASED ON AFTER DISCOVERED
3 EVIDENCE POST TRIAL MOTIONS SHALL BE MADE WITHIN TEN
4 DAYS AFTER IMPOSITION OF SENTENCING, SO SENTENCING
5 CAN GO FORWARD IT ALSO ALLOWS FOR THE COURT TO
6 RETAIN JURISDICTION

7 THE COURT WELL, I'LL GRANT THE MOTION
8 THEN ALL RIGHT

9 MR GREELEY THANK YOU

10 THE COURT SO YOU CAN FILE MOTIONS UP TO
11 TEN DAYS ALL RIGHT YOU WANT TO BRING THE
12 DEFENDANTS AROUND, JUST DO IT ONE AT A TIME WE'LL
13 DO MR COPE FIRST DO YOU HAVE SENTENCING SHEETS

14 MR THOMPSON YES, YOUR HONOR

15 MR POPE MAY IT PLEASE THE COURT, AT THE
16 APPROPRIATE TIME MEMBERS OF MARY SUE'S FAMILY ARE
17 PRESENT AND WOULD LIKE TO ADDRESS THE COURT AT THE
18 APPROPRIATE TIME

19 THE COURT ALL RIGHT FIRST, MR COPE,
20 YOU OF COURSE HAVE BEEN FOUND GUILTY OF THESE CHARGES
21 MURDER, CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE
22 TWO COUNTS, AND CONSPIRACY AND UNLAWFUL NEGLIGENCE I'M
23 GOING TO HEAR FROM YOUR ATTORNEY IN A MINUTE AND I'M
24 GOING TO HEAR FROM YOU BUT FIRST I AM GOING TO HEAR
25 FROM THE STATE TO SEE IF THEY HAVE ANYTHING TO TELL

1 ME AS FAR AS, I ALREADY KNOW ABOUT YOUR PRIOR RECORD,
2 I'M GOING TO CONFIRM THAT I HAVE GOT THE RIGHT
3 INFORMATION I BELIEVE IT'S THREE COUNTS OF UNLAWFUL
4 NEGLECT IN '99 WITH YOU AND YOUR WIFE, YOUR LATE WIFE
5 BEING THE DEFENDANTS BUT I'M GOING TO ASK THE STATE
6 TO TELL ME ANYTHING IT WISHES AT THIS TIME REGARDING
7 SENTENCING AND I'LL HEAR FROM THE VICTIMS AT THIS
8 TIME THE VICTIM SURVIVORS

9 MR BRACKETT PERHAPS WE'LL DO THE
10 VICTIMS FIRST AND THEN I CAN MAKE A FEW COMMENTS
11 AFTER THAT

12 MR POPE YOUR HONOR, THIS WOULD BE MACK
13 AND VICKIE DAVIS MACK BEING M-A-C-K AND VICKIE
14 V-I-C-K-I-E DAVIS AND MR DAVIS WAS MARY SUE'S
15 FATHER SO HE WOULD BE THE GRANDFATHER OF THE GIRLS
16 AND VICKIE IS THE STEP-GRANDMOTHER

17 THE COURT I'M GOING TO ASK YOU TO SPEAK
18 A LITTLE LOUD BUT I HEARD YES, SIR

19 MR DAVIS YOUR HONOR, I AM PLEASED
20 TO BE HERE AND GET CLOSURE AFTER NEARLY THREE YEARS
21 NOT ESPECIALLY FOR ME BUT FOR MY TWO GRANDDAUGHTERS
22 IN NORTH CAROLINA AND REMEMBER THE NIGHT, THE SWEET
23 MEMORIES THAT I HAVE OF AMANDA AS HAS BEEN BROUGHT
24 OUT ABOUT HER BEING A VIOLIN PLAYER, I'M SURE THAT
25 SHE'S PLAYING IN A DIFFERENT LAND TONIGHT AND A LOT

1 OF PEOPLE ASK ME MR DAVIS, HOW DO YOU MAKE IT BY
2 THE GRACE OF GOD YOU LOSE A DAUGHTER, YOU LOSE A
3 GRANDDAUGHTER 28 WEEKS APART, THAT'S A LOT ON A MAN
4 BUT I BEGIN TO THINK OF MY GRANDDAUGHTERS IN NORTH
5 CAROLINA AND THEY LOST THEIR MOMMA, THEY LOST A
6 SISTER, AND AS OF TONIGHT I WOULD LIKE TO THANK THE
7 COURT, FOR EVERYONE THAT'S HAD A PART OF IT, EVERYONE
8 ELSE, THE PROSECUTION, DETECTIVES, STATE, EVERYONE
9 THAT'S HAD A PART, I WOULD LIKE TO THANK YOU, THAT WE
10 MAY GET CLOSURE AND MOVE ON FOR OUR GRANDDAUGHTERS
11 SAKE MY HOPE IS THAT THEY PROSPER, THAT THEY WILL
12 BE GREAT, THEY WILL BE ABLE TO PUT THIS BEHIND THEM,
13 AND BE ABLE TO LOOK FORWARD AND HAVE A GREAT LIFE
14 THANK YOU FOR YOUR TIME, SIR

15 THE COURT THANK YOU MRS DAVIS

16 MRS DAVIS I JUST WANT TO SAY, YOUR
17 HONOR, THAT I DIDN'T LOOK AT THE PICTURE THAT WERE
18 PUT UP THERE OF AMANDA, WE DIDN'T CHOOSE TO VIEW HER
19 BODY, AND I WISH THAT EVERYBODY IN THIS COURTROOM
20 TONIGHT INSTEAD OF HAVING A VISION OF AMANDA LIKE SHE
21 WAS FOUND THAT MORNING, HAVING THE VISION OF THE FOUR
22 YEAR OLD GIRL THAT GOT TO SPEND TWO WEEKS WITH US ONE
23 SUMMER, A BEAUTIFUL CHILD, WE TOOK AND BOUGHT HER NEW
24 CLOTHES SHE GOT TO PICK OUT CLOTHES, LOVING CHILD,
25 WOULD NEVER HURT ANYBODY SHE WOULD NEVER HURT

1 ANYBODY AND HOW ANYBODY COULD EVER HURT HER IS WHAT
2 YOU CAN'T UNDERSTAND AND THIS IS NOT ABOUT ME
3 IT'S HURT ME AND I'VE WATCHED MY HUSBAND GET UP AT
4 NIGHT AFTER NIGHTMARES OF THE VISIONS OF THINGS WE
5 HEARD THAT WAS DONE TO THAT CHILD THAT NIGHT AND NO
6 TELLING HOW MANY OTHER NIGHTS SHE SUFFERED AT THE
7 HANDS OF HER OWN FATHER I JUST ASK YOUR HONOR THAT
8 YOU GIVE THEM TO THE FULL EXTENT OF THE LAW THE
9 PUNISHMENT I'VE HEARD ABOUT POOR OLD BILLY IN JAIL
10 FOR THREE YEARS POOR OLD AMANDA AND NO TELLING HOW
11 MANY TIMES SHE SUFFERED AT HIS HAND THAT'S WHERE MY
12 HEART IS TONIGHT AND I KNOW THAT SHE'S WALKING ON
13 STREETS OF GLORY SHE NEVER HAD NOTHING IN THIS LIFE
14 BUT SHE HAS IT ALL TONIGHT AND NOBODY CAN EVER TAKE
15 IT AWAY FROM HER I JUST THANK EVERYBODY EVERYBODY
16 HAS BEEN NICE TO US DOWN HERE AND I WISH Y'ALL WELL
17 AND I HOPE WE CAN ALL GET THIS BEHIND US IT WILL
18 ALWAYS BE A PART OF OUR LIFE BUT IT WILL GIVE US SOME
19 CLOSURE AND THE OTHER TWO GIRLS I THINK IT IS GOING
20 TO MAKE THEM FEEL SAFER AND GIVE THEM SOME CLOSURE TO
21 WHERE THEY CAN GO ON IN THEIR LIVES THANK YOU, YOUR
22 HONOR

23 THE COURT THANK YOU ALL RIGHT

24 MR BRACKETT, ANYTHING ELSE?

25 MR BRACKETT YES, YOUR HONOR I KNOW

1 YOU ARE FAMILIAR WITH THE FACTS OF THE THREE UNLAWFUL
2 NEGLECTS FROM 1999 THOSE CHILDREN AT THAT TIME WERE
3 OF COURSE LIVING UNDER SQUALID CONDITIONS, NO
4 BATHROOM, USING BUCKETS TO GO TO THE BATHROOM AND
5 BOTTLES OF URINE PILED UP IN THE HOUSE IT WAS EVERY
6 BIT AS DEPLORABLE OR MORE THAN THE CIRCUMSTANCES AT
7 407 RICH STREET TWO YEARS LATER WHILE ON PROBATION
8 FOR THAT OFFENSE, MR COPE HAS HIS CHILDREN LIVING IN
9 THE SAME TYPE OF CIRCUMSTANCES, HE OBVIOUSLY DIDN'T
10 LEARN FROM HIS FIRST EXPERIENCE IN THIS COURTROOM I
11 CAN'T ADD ANYTHING MORE YOU'VE HEARD ALL THE FACTS
12 AND CIRCUMSTANCES OF THIS CASE I'VE BEEN
13 PROSECUTING FOR 13 YEARS, THERE IS ONLY ONE CASE THAT
14 IS AS BAD AS THIS ONE AND ALL THAT TIME THE CASE OF
15 BABY JARRELL AND OF COURSE THIS CASE TAKES A TOLL ON
16 EVERYBODY WHO HAS TO WORK WITH THESE FACTS AND
17 CIRCUMSTANCES AND DEAL WITH THIS TRAGEDY THIS, I
18 CAN'T CONCEIVE OF A MORE HORRENDOUS SET OF FACTS I
19 CAN'T CONCEIVE OF A MORE HORRIBLE WAY FOR A CHILD TO
20 DIE THAN AT THE HANDS OF HER FATHER UNDER THESE
21 CIRCUMSTANCES AND THE BRUTALITY OF THIS ATTACK CAN
22 ONLY LEAVE TO ONE SENTENCE IN A CASE LIKE THIS AND
23 THE STATE BELIEVES THAT MR COPE SHOULD BE SENTENCED
24 TO PRISON FOR THE REMAINDER OF HIS NATURAL LIFE
25 WITHOUT POSSIBILITY OF PAROLE

1 THE COURT ALL RIGHT MR MORTON, I'LL
2 BE GLAD TO HEAR FROM YOU, ANYONE ELSE, AND THEN MR
3 COPE

4 MR MORTON YOUR HONOR, WE TOO RESPECT
5 AMANDA, JESSICA AND KYLA, THE THREE CHILDREN WHO
6 BILLY COPE LOVED VERY MUCH WITH ALL HIS HEART BILLY
7 COPE IS INNOCENT, WILL NEVER EVER QUIT FIGHTING TO
8 SHOW THAT HE'S INNOCENT

9 THE COURT ALL RIGHT MR COPE, I'LL BE
10 GLAD NOW TO HEAR FROM YOU IF YOU HAVE ANYTHING YOU
11 WISH TO SAY

12 MR COPE I JUST WANT TO SAY, YOUR HONOR,
13 THAT I'M INNOCENT I'M INNOCENT I DIDN'T DO
14 ANYTHING THAT MAN BROKE IN MY HOME, KILLED MY
15 DAUGHTER, I DIDN'T DO ANYTHING MY HOUSE WAS A MESS,
16 YES, SIR, THAT IS THE TRUTH BUT NO, SIR, I DIDN'T
17 KILL MY DAUGHTER I DIDN'T KILL MY DAUGHTER

18 THE COURT ALL RIGHT SENTENCE FOR
19 MURDER IS LIFE IMPRISONMENT SENTENCE ON CRIMINAL
20 SEXUAL CONDUCT FIRST DEGREE 2002-3234 IS THE
21 INDICTMENT NUMBER AND THAT'S FOR 30 YEARS AND THAT IS
22 CONSECUTIVE TO THE LIFE SENTENCE THE OTHERS ARE ALL
23 TO RUN CONCURRENTLY TO THE LIFE SENTENCE THE
24 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE ON 3233
25 IS FOR 30 YEARS, CONSPIRACY FIVE YEARS, UNLAWFUL

1 NEGLECT TEN YEARS YOU'LL BE GIVEN CREDIT FOR THE
2 TIME YOU HAVE SERVED WHILE YOU WERE AWAITING TRIAL
3 YOU UNDERSTAND THAT, MR COPE?

4 MR COPE YES, SIR

5 THE COURT ALL RIGHT

6 MR MORTON THANK YOU, YOUR HONOR

7 THE COURT BRING MR SANDERS AROUND

8 MR GREELEY, IF YOU AND MR SANDERS WILL SIGN THOSE
9 SENTENCE SHEETS

10 MR POPE WHILE THEY ARE SIGNING THAT TOO
11 I WANT TO CALL TO THE COURT'S ATTENTION MARY SUE'S
12 SISTER ANN AND HER HUSBAND THOMAS ARE HERE ALSO
13 THEY DID NOT WISH TO SPEAK, BUT THEY HAVE BEEN
14 PRESENT WITH THE FAMILY AND I JUST WANTED TO
15 ACKNOWLEDGE THAT THEY WERE NOTIFIED

16 THE COURT I'M SORRY I DIDN'T MEAN TO
17 PASS OVER THEM

18 MR POPE IT WAS MY FAULT

19 THE COURT MR THOMPSON

20 MR THOMPSON MAY IT PLEASE THE COURT
21 AS TO MR SANDERS' PRIOR RECORD HIS FIRST FELONY
22 CONVICTION BEING IN NORTH CAROLINA 1981 FOR RECEIVING
23 STOLEN GOODS THEN HE'S IN SOUTH CAROLINA 1983
24 BREAKING AND ENTERING, A SECOND COUNT OF BREAKING AND
25 ENTERING, A THIRD COUNT OF BREAKING AND ENTERING A

1 FOURTH COUNT OF BREAKING AND ENTERING THEN IN '99
2 SHOPLIFTING

3 THEN THERE WAS A NORTH CAROLINA RECORD
4 OUT OF MECKLENBURG COUNTY IN 1992 TWO COUNTS OF
5 BREAKING AND ENTERING FELONY AND LARCENY IN 1994
6 BREAKING AND ENTERING FELONY ANOTHER COUNT OF
7 BREAKING AND ENTERING FELONY AND FELONY LARCENY IN
8 2001 BREAKING AND ENTERING FELONY ANOTHER COUNT OF
9 BREAKING AND ENTERING FELONY ANOTHER COUNT OF
10 BREAKING AND ENTERING FELONY

11 AS YOU KNOW, YOUR HONOR, HE WAS
12 RELEASED JUST MONTHS BEFORE THIS CRIME OCCURRED FROM
13 HIS INCARCERATION IN NORTH CAROLINA

14 THE COURT ALL RIGHT ANYBODY WISH TO
15 SPEAK, THE VICTIM?

16 MR POPE NO, SIR I THINK WE'LL STAND
17 ON WHAT THEY'VE ALREADY SAID, YOUR HONOR

18 THE COURT ANYTHING ELSE FROM THE STATE

19 MR THOMPSON YOUR HONOR, AS WELL WITH
20 MR SANDERS THE STATE WOULD ASK THAT HE AS WELL
21 BECAUSE OF THE NATURE OF THE CRIME AND THE FACTS OF
22 THIS CASE ALONG WITH HIS PRIOR RECORD THAT HE RECEIVE
23 A LIFE SENTENCE AS MR COPE WITH LIFE IMPRISONMENT
24 WITHOUT POSSIBILITY OF PAROLE

25 THE COURT MR GREELEY, I'LL BE GLAD TO

1 HEAR FROM YOU THEN FROM MR SANDERS

2 MR GREELEY YOUR HONOR, WITH ALL
3 RESPECTS TO THOSE PRESENT, WE WILL NOT MAKE A
4 PRESENTATION AT THIS TIME AND THE COURT CAN PROCEED
5 TO SENTENCING

6 THE COURT MR SANDERS, ANYTHING YOU WANT
7 TO SAY AT THIS TIME

8 MR SANDERS YES, SIR I REALLY WANT TO
9 SAY THAT I'M INNOCENT OF THESE CHARGES AND I KNOW I
10 WAS RAILROADED BEFORE I EVEN COME IN THIS COURTROOM
11 TODAY THAT'S WHY I TRIED TO GET MY LAWYER TO HAVE
12 THIS COURT, THIS CASE TRIED AT ANOTHER STATE BECAUSE
13 I KNOW I WAS GOING TO GET RAILROADED FOR SOMETHING I
14 DID NOT DO

15 THE COURT ANYTHING ELSE YOU WANT TO SAY?

16 MR SANDERS NO, SIR

17 THE COURT ALL RIGHT MR SANDERS,
18 SENTENCE ON INDICTMENT FOR MURDER 2004-196 SENTENCE
19 IS LIFE IMPRISONMENT SENTENCE ON THE CONSPIRACY TO
20 COMMIT CRIMINAL SEXUAL CONDUCT IS FIVE YEARS AND
21 THAT'S TO RUN CONCURRENT WITH THE MURDER CHARGE
22 SENTENCE ON CRIMINAL SEXUAL CONDUCT IN THE FIRST
23 DEGREE ON 2004-197 IS CONSECUTIVE TO THE SENTENCE FOR
24 MURDER AND THE SENTENCE ON THE CRIMINAL SEXUAL
25 CONDUCT IN THE FIRST DEGREE ON 2004-198 IS FOR 30

1 YEARS YOU UNDERSTAND THAT?

2 MR SANDERS YES, SIR

3 THE COURT ALL RIGHT THANK YOU

4 ANYTHING ELSE FROM THE STATE AT THIS TIME

5 MR BRACKETT DID YOU ANNOUNCE THE

6 SENTENCE ON ALL FOUR AND DID I HEAR 35 AND LIFE

7 THE COURT BRING HIM IN BACK IN

8 APPARENTLY I DIDN'T I THINK I DID MR SANDERS,

9 I'M TOLD THAT PERHAPS I DIDN'T ANNOUNCE ALL THE

10 SENTENCES SO I'M GOING TO GO THROUGH THEM AGAIN THE

11 SENTENCE ON MURDER IS LIFE IMPRISONMENT CONSPIRACY

12 IS FIVE YEARS THOSE ARE TO RUN CONCURRENT ON

13 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE ON

14 INDICTMENT 2004-197 THAT IS FOR 30 YEARS AND THAT'S

15 CONSECUTIVE TO THE MURDER SENTENCE AND THEN ON THE

16 OTHER CRIMINAL SEXUAL CONDUCT 2004-198 THAT IS FOR 30

17 YEARS CONCURRENT THANK YOU ANYTHING ELSE BEFORE

18 WE

19 MR BRACKETT NO, SIR

20 MR POPE NO, SIR, YOUR HONOR

21 THE COURT ALL RIGHT COURT IS

22 DISMISSED THANK YOU

23 (COURT IS ADJOURNED)

24

25

003690

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 22 DAY OF SEPTEMBER 2004

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

11
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JANET/M RICH

003691

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK)
STATE OF SOUTH CAROLINA)
v)
JAMES E SANDERS,)
DEFENDANT)

SIXTEENTH JUDICIAL CIRCUIT

ORDER

Indictment No 2002-GS46-1260

This matter comes before me upon Motion of Thomas E Pope, Solicitor, as Attorney for the State, for an Order of this Court allowing the York County Sheriff's Office or other law enforcement officials to take blood samples from the Defendant, James E Sanders, who is charged with Burglary First Degree

I FIND THAT THE State has shown the need for blood samples to be taken from the Defendant, James E Sanders, for analysis in the above captioned case I find that

- a probable cause exists to believe that the defendant has committed the crime of Burglary 1st Degree
- b there is a clear indication that relevant material evidence will be found
- c that the method used to secure the defendant's blood sample is safe and reliable
- d and that the crime of Burglary 1st Degree is serious and the evidence to be collected from the defendant will be important to the investigation

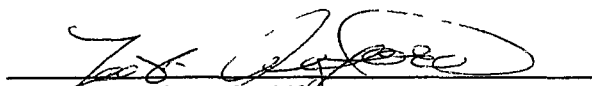
I further find as a matter of law that the State is entitled to samples of the Defendant's blood and for such samples to be taken from the Defendant, James E Sanders, forcibly, if necessary

IT IS THEREFORE ORDERED that the Defendant, James E Sanders, be taken by law enforcement officials to the appropriate law enforcement and/or medical facilities and that samples of blood be withdrawn from the Defendant, James E Sanders, forcibly, if necessary, under clinical conditions by a medical doctor or other medically qualified person and said samples shall be forwarded to the South Carolina Law

003692

Enforcement Division (SLED) to be analyzed in connection with the above- captioned case

AND IT IS SO ORDERED



Honorable Lee S. Alford
Resident Judge
Sixteenth Judicial Circuit

York, South Carolina

August 4, 2004

2
38A

003693

STATE OF SOUTH CAROLINA	)	IN GENERAL SESSIONS COURT
	)	
COUNTY OF YORK	)	
	)	
State of South Carolina,	)	
	)	
vs	)	ORDER SUPPRESSING EVIDENCE
	)	
James E Sanders,	)	2004-GS-46-196, 197, 198 and 199
Defendant	)	
_____	)	

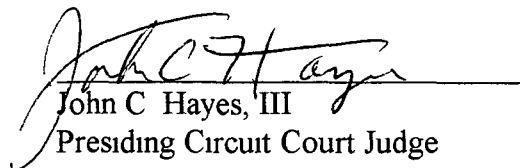
This matter came before the Court on a previously filed motion of the Defendant at pretrial hearings on August 23, 2004, for an Order of this Court suppressing from the trial of this case, any and all evidence including and arising from the drawing of Defendant's blood on or about January 14, 2002 pursuant to a search warrant of the same date. The Defendant was present at the hearing with his attorney, Leland B. Greeley.

Prior to the hearing, the State indicated to the Court it was in agreement that the search warrant had fallen short of the constitutional requirements demanded by the United States Constitution, the South Carolina constitution, and the applicable case law, and that a hearing was not necessary. Based on the motion of the defendant and position of the State, it is proper for such an order to be entered. Therefore,

IT IS ORDERED that any and all evidence arising from the drawing of the Defendant's blood on or about January 14, 2001 is hereby suppressed and shall not be admissible in the trial of this case.

AND IT IS SO ORDERED

August 24th, 2004
York, South Carolina


John C. Hayes, III
Presiding Circuit Court Judge

003694

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
	)	INDICTMENT NUMBERS 2004-GS-46-2614,
State of South Carolina,	)	200 ~~2~~ ^{gm} -GS-46-3232, 2004-GS-46-200, 200 ~~2~~ ^{gm} -GS-46-
	)	3233, 200 ~~2~~ ^{gm} -GS-46-3234
	)	
Plaintiff,	)	NOTICE OF MOTION AND MOTION
	)	
versus	)	
	)	
Billy Wayne Cope	)	
	)	
Defendants	)	
_____	)	

NOW COMES the Defendant, Billy Wayne Cope, by and through his undersigned attorney who request the Court to set aside the verdict of guilty on the above indictments and moves for a new trial based on the following

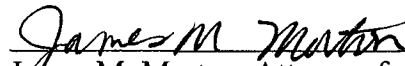
A The trial Court erred in not allowing into evidence the testimony of four(4) other victims of James Sanders under SCRE 404 (b) and State v Lyle who testified outside the presence of the jury These victims' testimony, admittedly clear and convincing evidence according to the Court, would have shown a clear and unmistakable motive and common scheme and plan of the co-defendant James Sanders His common scheme and plan and motive was to burglarize and perpetrate sex acts upon women in the same area of town during the same time frame as the assault on Amanda Cope These victims testified that Mr Sanders, who has been incarcerated on the charges of Burglary 1st (four counts), Kidnaping (one count), Criminal Sexual Conduct (one count), Attempted Criminal Sexual Conduct (two counts), and Aggravated Assault and Battery (taking indecent liberties with a female), burglarized their homes without signs of forced

entry and raped or attempted to rape them in much the same manner as was done to Amanda Cope

- B The trial Court erred in not allowing the defense to offer the testimony of witnesses who would have rebutted the prosecutions' version of the evidence. The defense presented evidence and testimony, again only allowed outside the presence of the jury, that the 407 Rich Street residence could easily have been entered without "forcible" entry. The refusal of the trial Court to allow this evidence violated the Defendant's right to the compulsory process guaranteed by the 6th and 14th Amendments to the United States Constitution. Every defendant has a right to offer the testimony of witnesses and evidence and otherwise present a defense to rebut the prosecution's theory of the case. Washington State v. Texas, 388 U.S. 14
- C The trial Court erred in not allowing into evidence a letter written by the co-Defendant, James Sanders, addressed to the solicitor and authenticated as his writing by his attorney which stated that he had never before seen the Defendant, Billy Wayne Cope. In the alternative, the trial Court should have granted a severance of the Defendants.
- D The trial Court erred in not directing a directed verdict on the charges based upon the foregoing reasons and the evidence, which taken in the light most favorable to the State, raises nothing more than a suspicion of guilt against the Defendant, Billy Wayne Cope.
- E The trial Court erred by not allowing the testimony of James Hill who would have testified that he overheard a conversation in 2002, in which the co-Defendant, James Sanders, admitted to raping and brutalizing a young girl in Rock Hill and not being "caught" for it.

Therefore, based on the above mentioned reasons, the Defendant, Billy Wayne Cope, respectfully moves this Honorable Court to set aside the verdict of guilty entered on September 22, 2004 and grant to the Defendant, Billy Wayne Cope, a new trial

Respectfully Submitted,


James M Morton, Attorney for
Defendant, Billy Wayne Cope

Rock Hill, South Carolina
September 30, 2004

PROOF OF SERVICE

SERVED ^{DATE} 09/30/04

SERVED ON (PRINT NAME)

SERVED BY (PRINT NAME)

Brittany Mosier

PLACE Clerk of Court
Moss Justice Center

MANNER OF SERVICE

Hand Deliver

TITLE

Runner

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct

Executed on 09/30/01

DATE

Brittany Mosier

SIGNATURE OF SERVER

839 Colonial Dr

ADDRESS OF SERVER

Rock Hill, SC 29730

003698

STATE OF SOUTH CAROLINA	)	THE COURT OF GENERAL SESSIONS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
State of South Carolina,	)	Warrant Numbers H-023255, H-023259,
	)	H-023260, H-023262, H-0236263,
vs	)	H-023275, H-023276, H-023277,
	)	H-02378, and H-509259
Billy Wayne Cope,	)	
	)	ORDER
Defendant	)	

The issue before the Court at this time is Defendant Billy Wayne Cope's motion to sever certain indictments listed above from the indictments for murder, criminal sexual conduct with Amanda Cope and conspiracy, also listed above

I have reviewed the indictments and the charges set forth therein, I have heard some of the evidence in the cases involving specific charges relating to Amanda Cope, I have heard statements from the Solicitor as to the State's reasoning against severance and Defendant's counsel for severance. The court grants Defendant Cope's motion to sever in certain regards

I find

- 1 All of the charges sought to be consolidated for trial are of the same general nature (albeit there are several specie of charges and the commonality is as to a particular specie)
- 2 As to some of the charges, the proof is the same or similar, as to others it is not (A distinction is made as to the facts necessary as proof and the facts constitutes elements of a crime, the latter obviously being the same as to a particular charge)

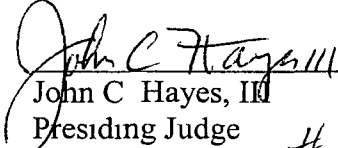
003699

- 3 All of the charges sought to be joined are directed to the same alleged
offender, Billy Wayne Cope
- 4 It is apparent to the court that joinder of certain of the indictments listed
above would be highly prejudicial to Defendant Billy Wayne Cope
- 5 How the State handles the series of charges as to the co-defendant James
Sanders is of no moment on the issue before the court

Therefore, the following indictments are to be and they hereby are severed from
the indictments relating to Amanda Cope (murder, criminal sexual conduct, unlawful
neglect and conspiracy)

- A Both criminal sexual conduct charges wherein Jessica Cope and Kyla
Cope are the named victims
- B Both unlawful neglect charges wherein Jessica Cope and Kyla Cope
are the named victims

IT IS SO ORDERED


John C Hayes, III
Presiding Judge #2

August 26, 2004
York, South Carolina

003700

STATE OF SOUTH CAROLINA

COUNTY OF YORK

SEARCH WARRANT

Date January 14, 2002

Officer M H Kitts

COPY
ORIGINAL

003701

STATE OF SOUTH CAROLINA)
:
COUNTY OF YORK)

AFFIDAVIT

Personally appeared before me, one Marc H. Kitts who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County

DESCRIPTION OF PROPERTY SOUGHT

Blood, saliva, head hair, pubic hair, body hair, pulled plucked and combed from the body of one James Edward Sanders.

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

The person of one James Edward Sanders DOB 07/22/1959 SSN# 248-11-6617 height 5'8" 168 lbs, black hair and brown eyes.

**REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

The Affiant is a law enforcement officer with over fourteen (14) years experience with the last seven (7) years in criminal investigations.

On December 12th, 2001 the Rock Hill Police Department (RHPD) responded to an incident at 322-A N Confederate Ave in Rock Hill. The sixty (60) year old victim reported she was a victim of a Burglary, Criminal Sexual Conduct and Strong Armed Robbery. The suspect demanded money from the victim and then sexually assaulted her. The suspect was described as a black male, around six (6) feet tall 140 lbs, wearing dark clothes and a toboggan. A Sexual Assault Victim Kits was completed on the victim.

On January 12, 2002, at 10 32PM, a resident at 258 E White St Rock Hill, interrupted a subject burglarizing his residence. The suspect fled from the scene. The suspect was described to RHPD as a black male, wearing a sweat suit with a knit cap. RHPD crime scene were able to recover latent prints from the scene.

A short time later, at 11 55PM on January 12, 2002, at subject broke in a residence at 131 Reid St Rock Hill, which is in close proximity to 258 E White St. The subject confronted a female victim and demanded money from her. The subject assaulted the victim before fleeing the residence.

James Edward Sanders fled from arriving RHPD officers and was apprehended after a short pursuit. Latent prints recovered from 258 E White St matched the right ring finger of James Edward Sanders. The method of the crime matches the same method used by the suspect at 322-A N Confederate Ave.

Sworn to and Subscribed before me)

this 14th day of Jan, 2002)

M. Chubb (L.S.))

M. Kitts
Affiant
Address 120 East Black Street
Rock Hill, SC 29730
Phone (803) 329-7200

003702

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

:

SEARCH WARRANT

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE
MUNICIPALITY OF ROCK HILL

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

**The person of one James Edward Sanders DOB 07/22/1959 SSN# 248-11-6617 hieght 5'8"
168 lbs, black hair and brown eyes**

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found.

DESCRIPTION OF PROPERTY

**Blood, saliva, head hair, pubic hair, body hair, pulled plucked and combed from the body
of one James Edward Sanders**

This Search Warrant shall not be valid for more than ten days from the date of issuance
A written inventory of all property seized pursuant to this Search Warrant shall be made to

Rock Hill Municipal Court

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable, in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a promment place on such premises

Rock Hill, S.C

Jan 14, 20 02

McChesley (L.S.)
Signature of Judge

003703

RETURN

I received the attached Search Warrant Jan 14, 2002, and have executed it as follows
On Jan 14, 2002 at 11:55 o'clock A M, I searched (the person) described in the
warrant and (the premises)

I left a copy of the warrant with James Edward Sanders
(Name of person searched or "at the place of search") together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

1- Suspect Evidence Collection Kit

This inventory was made in the presence of M Kitts / ML Wilkins
AND PO James Maynard

I swear that this Inventory is a true and detailed account of all property taken by me on the warrant.

SWORN to before me this 14th)

day of Jan, 2002)

[Signature]
(Signature of Officer Executing Warrant)

[Signature] (LS))
Signature of Judge

003704

WITNESSES

RHPD/Blackwelder

ARREST WARRANT NUMBER

H509258

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date 7/22/04

VERDICT

Guilty

Foreperson of Petit Jury

Date September 22, 2004

AMENDED
DOCKET NO 2004-GS-46-199

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

July 22, Term 2004

THE STATE

vs

James Edward Sanders

Indictment for

CRIMINAL CONSPIRACY

SC Code 16-17-410
CDR Code 0049

After being fully advised as to my
legal rights I hereby waive presentment
to the Grand Jury

Defendant

I hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness

C C C PLS AND G S

003705

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

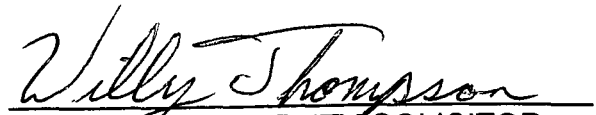
INDICTMENT

At a Court of General Sessions, convened on July 22, 2004 the Grand Jurors of York County present upon their oath

CRIMINAL CONSPIRACY

James Edward Sanders did in York County, South Carolina on or about November 29, 2001, wilfully and unlawfully unite, combine, conspire, confederate, agree and/or have tacit understanding with Billy Wayne Cope for the purpose of committing the crime of Criminal Sexual Conduct upon Amanda Cope, the victim being twelve years of age at the time of the incident All in violation of Section 16-17-410, Code of Laws of South Carolina, (1976, as amended)

Against the peace and dignity of the State, and contrary to the statute in such case made and provided


ASSISTANT DEPUTY SOLICITOR

WITNESSES

RHPD/Blackwelder

ARREST WARRANT NUMBER

H509257

ACTION OF GRAND JURY

TRUE BILL

Mary Curry
Foreperson of Grand Jury
7-22-04

VERDICT

Guilty

Samuel O. O.
Foreperson of Petit Jury

Date *September 22, 2004*

DOCKET NO 2004-GS-46 *0198*

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

January 22, Term 2004

THE STATE

vs

James Edward Sanders

Indictment for

**CRIMINAL SEXUAL CONDUCT
FIRST DEGREE**

SC Code § 16-3-0652
CDR Code 0160

After being fully advised as to my
legal rights I hereby waive presentment
to the Grand Jury

Defendant

I _____
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness

C C C PLS AND G S

003706

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

INDICTMENT

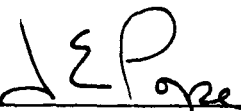
At a Court of General Sessions, convened on January 22, 2004 the Grand Jurors of York County present upon their oath

CRIMINAL SEXUAL CONDUCT, FIRST DEGREE

James Edward Sanders did in York County, on or about November 29, 2001, commit the crime of Criminal Sexual Conduct in the First Degree James Edward Sanders committed a sexual battery upon Amanda Cope, with one or more of the following aggravating circumstances 1 James Edward Sanders used aggravated force to accomplish the sexual battery 2 James Edward Sanders forcibly confined Amanda Cope to cause her to submit to the sexual battery

James Edward Sanders penetrated Amanda Cope's anus with an unknown foreign object, all in violation of Section 16-3-652, *Code of Laws of South Carolina*, (1976), as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided


SOLICITOR

WITNESSES

RHPD/Blackwelder

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

January 22, Term 2004

ARREST WARRANT NUMBER

H509256

ACTION OF GRAND JURY
TRUE BILL

May Cherry
Foreperson of Grand Jury
1-22-04

VERDICT

Guilty
Samuel C. [Signature]
Foreperson of Petit Jury

Date *September 22, 2004*

THE STATE

vs

James Edward Sanders

Indictment for

CRIMINAL SEXUAL CONDUCT
FIRST DEGREE

SC Code § 16-3-0652
CDR Code 0160

After being fully advised as to my
legal rights I hereby waive presentment
to the Grand Jury

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness

C C C PLS AND G S

00370

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

INDICTMENT

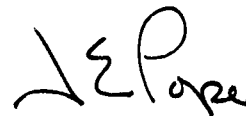
At a Court of General Sessions, convened on January 22 2004 the Grand Jurors of York County present upon their oath

CRIMINAL SEXUAL CONDUCT, FIRST DEGREE

James Edward Sanders did in York County, on or about November 29, 2001, commit the crime of Criminal Sexual Conduct in the First Degree James Edward Sanders committed a sexual battery upon Amanda Cope, with one or more of the following aggravating circumstances 1 James Edward Sanders used aggravated force to accomplish the sexual battery 2 James Edward Sanders forcibly confined Amanda Cope to cause her to submit to the sexual battery

James Edward Sanders penetrated Amanda Cope's vagina with an unknown foreign object, all in violation of Section 16-3-652, *Code of Laws of South Carolina*, (1976), as amended

Against the peace and dignity of the State and contrary to the statute in such case made and provided



SOLICITOR

WITNESSES

RHPD/Blackwelder

ARREST WARRANT NUMBER

H509255

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

Guilty

son of Petit Jury

September 22, 2004

AMENDED
DOCKET NO 2004-GS-46-196

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

July 22, Term 2004

THE STATE

VS

James Edward Sanders

Indictment for

MURDER

SC Code 16-3-10
CDR Code 0116

065701

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

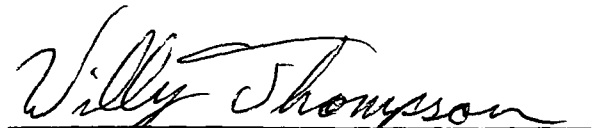
INDICTMENT

At a Court of General Sessions, convened on July 22, 2004 the Grand Jurors of York County present upon their oath

MURDER

James Edward Sanders did in York County, South Carolina on or about November 29, 2001, with malice aforethought, kill Amanda Cope by means of battering and/or strangulation and Amanda Cope died as a result thereof The murder occurred in the City of Rock Hill, all in violation of Section 16-3-10, South Carolina Code of Laws, (1976, as amended)

Against the peace and dignity of the State, and contrary to the statute in such case made and provided


ASSISTANT DEPUTY SOLICITOR

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
HONORABLE JOHN C HAYES, III, PRESIDING

02-GS-46-1260

THE STATE,

RESPONDENT,

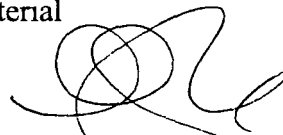
V

JAMES EDWARD SANDERS,

APPELLANT

CERTIFICATE OF COUNSEL

Counsel hereby certifies that this Record contains all and only those matters
designated by the parties and not any other material



Melissa J Kimbrough, Esquire
1811 Pickens Street
Columbia, S C 29201
(803) 876-2796
ATTORNEY FOR APPELLANT

This 2nd day of March, 2007