

PROSECUTORIAL MISCONDUCT

APPLICANT (CONTENDS) THAT THE STATE ADMITTED EVIDENCE OF ANOTHER CRIME TO USE AS EVIDENCE AGAINST HIM FOR THE CHARGE OF CSC AND KIDNAPPING. STATE'S EXHIBITS S-A AND S-B WERE ENTERED INTO EVIDENCE, NO OBJECTION WAS MADE. DURING TRIAL APPLICANT ASK COUNSEL TO OBJECT TO THE PICTURES ON THE GROUND THAT THEY WERE TAKEN ON 1-19-05. COUNSEL STATED DON'T WORRY ABOUT IT IT'S AN PHOTOERROR. APPLICANT STATED TO HIS ATTORNEY TO OBJECT TO THIS EVIDENCE BASED ON THE FACT NO CHAIN OF CUSTODY WAS SUBMITTED TO HIM FOR REVIEW. SEE PG. 261, (LINES 7-10, 13-17 19-23. THIS EVIDENCE WAS SUPPOSED TO BE SUPPRESSED BECAUSE OF THE CONFLICTING DATES ON THE PHOTOS WITH NO CHAIN OF CUSTODY, APPLICANTS DUE PROCESS RIGHTS WERE VIOLATED BY THE PROSECUTION ADMITTED EVIDENCE OF PICTURES FROM ANOTHER DATE THAT SHOWED INJURIES THAT CONTRADICT THE MEDICAL REPORTS AND SHOWS IT HAPPENED ON A COMPLETELY DIFFERENT DAY AND YEAR. THESE PICTURES WERE USED TO INFLUENCE THE JURY AND TO BOLSTER THE STATES CASE. DEFENDANT CAN ESTABLISH PREJUDICE BY THE PROSECUTION ADMITTING THIS FAISIFIED EVIDENCE TO CONFORM TO THEIR CASE. SEE KYLES v. WHITELEY, 115 S. CT. 1555, 1575 (1995); ALSO SEE MARTIN V. PARKER, 11 F.3d 613, 616 (6TH CIR. 1993); BOSSETT V. WALKER, 41 F.3d 825, 829-30 (2ND CIR. 1994).

CONFLICT OF INTEREST

COUNSEL'S ERRORS AMOUNTED TO A CONFLICT OF INTEREST WHEN HE IMPAIRED THE APPLICANT FROM PRESENTING DEFENSES, FAILING SUBPOENA HIS WITNESSES, SUPPRESS EVIDENCE IN HIS FAVOR AND FAILURE TO CONDUCT ANY MEANINGFUL INVESTIGATION TO CHALLENGE THE EVIDENCE AT TRIAL.

APPLICANT CONTENDS THAT COUNSEL WAS INEFFECTIVE FROM HIS CONFLICT OF INTEREST WITH HIS CLIENT, STRICKLAND V. WASH, INGTON, 466 U.S. 668, 692 (1984). RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL IMPAIRED WHEN DEFENSE COUNSEL OPERATES UNDER CONFLICT OF INTEREST, BECAUSE "COUNSEL BREACHES THE DUTY OF LOYALTY, PERHAPS THE MOST BASIC OF COUNSEL'S DUTIES."

IN CUYLER V. SULLIVAN, 446 U.S. 335 (1980); THE SUPREME COURT RULED THAT A DEFENDANT CAN DEMONSTRATE A 6TH AMENDMENT VIOLATION BY SHOWING: 1) THAT DEFENSE COUNSEL WAS ACTIVELY REPRESENTING CONFLICTING INTERESTS, SEE LOPEZ V. SCULLY, 58 F.3d 38, 41 (2ND CIR. 1995); AND 2) THAT THE CONFLICT HAD AN ADVERSE EFFECT OF SPECIFIC INSTANCES OF COUNSEL'S PERFORMANCE. CUYLER, 446 U.S. AT 348. SEE STOIA V. U.S., 22 F.3d 766, 769 (7TH CIR. 1994); CONFLICT OF INTEREST DEVELOPED WHEN COUNSEL PRESENTED QUESTIONABLE DEFENSE STRATEGY, FAILED TO FILE MOTIONS, AND FAILED TO APPEAR AT TRIAL.

APPLICANT CONTENDS HE CAN SHOW A CONFLICT OF INTEREST BY ALL OF COUNSEL'S INACTIONS AT TRIAL AND FAILURE TO PROPERLY OBJECT, SUBPOENA WITNESSES, SUPPRESS EVIDENCE, AND PROPERLY INVESTIGATE PAST HISTORIES OF THE STATES WITNESSES, AND DID NOT INVESTIGATE PICTURES ADMITTED INTO EVIDENCE THAT HAD 1-19-05. SEE MYLOR V. STARNES, 650 F.2d 38 (4TH CIR. 1989).

CLEAR ERROR OF COURT

APPLICANT CONTENDS THE COURT WAS IN ERROR FOR NOT FULLY EXPLAINING THAT HIS PRIOR RECORD COULD ONLY BE USED 10 YEARS FROM THE PRESENT DATE. THE COURT ONLY STATED HIS WHOLE RECORD COULD BE USED. SEE TRIAL TRANSCRIPT. PG. 310 LINES 1-7.

COUNSEL WAS INEFFECTIVE FOR FAILING TO ADVISE THE APPLICANT THAT ONLY THE PRIOR 10 YEARS COULD BE USED FOR IMPEACHMENT PURPOSES. HAD APPLICANT KNOWN THIS HE WOULD HAVE TESTIFIED IN HIS OWN DEFENSE TO SHOW THE SEX AS CONSENSUAL. SEE U.S. V. BIGMAN, 906 F.2d 392 (9TH CIR. 1990) DEFENSE COUNSEL'S FAILURE TO APPRISE DEFENDANT OF INTENT ELEMENT OF SECOND DEGREE MURDER, CONSTITUTES INEFFECTIVE ASSISTANCE OF COUNSEL.

COUNSEL WAS INEFFECTIVE FOR FAILING TO ADVISE THE APPLICANT OF A DEFENSE OF CONSENT AND TO CALL A EYE WITNESS THE BAR OWNER JAMES LANGTON THAT THE APPLICANT AND VICTIM LEFT THE BAR TOGETHER SIDE BY SIDE AFTER THE OTHER WITNESSES LEFT THE BAR. FAILURE TO SUBPOENA WITNESSES IN SUPPORT OF APPLICANT'S DEFENSE CONSTITUTES INEFFECTIVE ASSISTANCE OF COUNSEL. HAD COUNSEL CALLED THIS WITNESS THEN HE COULD HAVE CONTRADICTED THE STATED WITNESSES AND SHOWN THAT NOBODY WAS KIDNAPPED. APPLICANT COULD HAVE DEFENDED HIMSELF WITH THIS WITNESS. SEE RICHARDSON V. STATE, 355 S.E.2d 57 (6. A. APP. 1988) COUNSEL'S FAILURE TO TALK TO ALIBI WITNESSES, AND OBJECT TO ILLEGAL EVIDENCE CONSTITUTE INEFFECTIVENESS OF COUNSEL. ALSO SEE HAWKMAN V. PARRETT,

661 F.2d 1161 (8TH CIR. 1981) TRIAL COUNSEL'S FAILURE TO INTERVIEW WITNESSES, TO ADEQUATELY ADVISE DEFENDANT OF ELEMENTS OF THE OFFENSE, POTENTIAL DEFENSES OR TO NEGOTIATE PLEA NEGOTIATIONS CONSTITUTE INEFFECTIVE ASSISTANCE OF COUNSEL. GLOVER V. STATE, 458 S.E.2d 538 (1995).

APPLICANT WAS TOLD BY COUNSEL HE DID NOT NEED TO CALL ANY WITNESSES THAT THE STATE'S WITNESSES WOULD HELP HIM AND HELP HIS CASE. APPLICANT TOLD COUNSEL HE HAD WITNESSES TO SUPPORT HIS VERSION OF FACTS AND COUNSEL SAID HE DIDN'T NEED THEM. IF COUNSEL WOULD HAVE SUBPENA'ED JAMES LANGTON HE COULD HAVE TESTIFIED THAT THE APPLICANT AND VICTIM HAD CAME BACK INTO THE BAR AFTER LEURAND LEFT AND STAYED AND PLAYED POOL AND LEFT TOGETHER. HIS TESTIMONY WOULD HAVE CONTRADICTED DENA SEIGLER AND WOULD HAVE SHOWN THAT THE VICTIM AND DEFENDANT WAS ACTUALLY TOGETHER IN THE BAR AND THEY LEFT TOGETHER SHOWING REASONABLE DOUBT TO THE KIDNAPPING. SEE ~~TRIAL~~ TRANSCRIPT OF DENA SEIGLER, PG'S 166-189. COUNSEL COULD HAVE IMPERCHED HER TESTIMONY BUT FAILED TO CALL A WITNESS TO SUPPORT APPLICANT.

COUNSEL FAILED TO OBJECT TO THE LEADING OF THE WITNESS GLORIA E. WILLIAMSON CONCERNING WHAT THE APPLICANT WAS DOING AND WHAT HE TOLD HER TO DO. PG. 78 TRIAL TRANSCRIPT LINES 1-15. ALSO ON PG. 79 LINES 22-25 COUNSEL DOES NOT OBJECT TO LEADING THE WITNESS. COUNSEL FAILED TO SUBPENA THE VICTIMS AND HER HUSBANDS RECORDS TO DISCOVER IF ANY VIOLENCE HAD BEEN REPORTED BETWEEN THEM. APPLICANT CONTENDS HE DID NOT HIT THE VICTIM AND THE RECORDS

SHOW THAT NO ONE TOOK A PICTURE OR REPORTED A CUT OVER HER EYE. APPLICANT CONTENDS THAT THE PICTURE HAD A DATE OF 05 ON IT. APPLICANT QUESTIONED IT AND COUNSEL TOLD HIM IT WAS AN ERROR. APPLICANT TOLD COUNSEL TO PULL HER NCIC AND HUSBANDS NCIC TO SEE IF THE PICTURE WAS ACTUALLY TAKEN IN US FROM A DOMESTIC VIOLENCE FROM THAT YEAR. COUNSEL REFUSED. SEE BUMMEI V. ESTELLE, 498 F. Supp. 793 (W.D. TEX. 1980); TRIAL COUNSEL'S FAILURE TO INVESTIGATE THE FACTS OF THE OFFENSE AND PURSUE DEFENSE, CONSTITUTED INEFFECTIVENESS OF COUNSEL, ON DIRECT EXAMINATION PEGGY TOMLINSON R.N. TESTIFIED THAT SHE HAD SCRATCHES ON BOTH WRISTS FROM BEING GRABBED AND SHE STATED THE VICTIM HAD BEEN BOUND AROUND HER WRISTS. SHE ALSO HAD BRUISES ON HER RIGHT LOWER LEG, BUT NO REPORT OF AN EYE INJURY WHATSOEVER, ALSO VICTIMS STATEMENT SAY) NOTHING ABOUT BEING BOUND. COUNSEL SHOULD HAVE OBJECTED TO THIS HEARSAY. PG. 228 TRIAL TRANSCRIPT. LINES 15-17. AGAIN ON PG. 239 FROM THE FORM THE VICTIM FILLED OUT THE WITNESS STATES THE VICTIM STATES BINDING WAS USED LINE 12 AND ON LINES 21, NURSE TOMLINSON EXPLAINS TO THE JURY THE VICTIMS INJURIES. NO EYE INJURY IS WRITTEN. ALSO THERE WAS NO SIGN OF TRAUMA IN THE VAGINAL AREA. PG. 241 LINES 22-24. SPECIFICALLY ON PAGE 244-245, THE NURSE WAS ASKED SPECIFIC QUESTIONS REGARDING THE VICTIMS FACE. LINES 24. Q.) OKAY. AND THE SCRATCHING INDICATED --- DID YOU NOTICE ANYTHING ON HER FACE? A.) I DID NOT. SEE LINE 8. A.) I DID NOT MAKE ANY NOTES AS TO HER FACE OR HEAD, SO OBVIOUSLY, I DID NOT SEE ANY TRAUMA AT THAT TIME. ALSO IT WAS NOTED THAT

THE BRUISING WAS NEW. SEE TRIAL TRANSCRIPT PJ. 245, LINES 20-23. FURTHER, IT WAS NOTED THAT THE NURSE WAS NOT TOLD SHE WAS FORCED TO HAVE ORAL INTERCOURSE. SHE TESTIFIED THAT IF THE VICTIM WOULD HAVE TOLD HER SHE WOULD HAVE PUT IT IN HER NOTES. SEE LINES 13-22, PJ. 246. ALSO TESTIFYING WAS DR. MANUEL FONSECA M.D., PJ. 249. STATED, A.) YEAH. I MEAN I DID -- WE CHECKED HER HEAD. LINE 19. Q.) AND DID YOU FIND ANYTHING. A.) LINE 20. NO SIGNIFICANT INJURIES I NOTE. FURTHER, THE VICTIM DID NOT TELL DR. FONSECA THAT SHE WAS FORCED TO PERFORM ORAL SEX. PJ. 253, LINES 15-22.

COUNSEL FAILED TO FULLY INVESTIGATE THESE CLAIMS THAT SHOWED SOMEBODY ELSE ASSAULTED HER FROM 4:00 A.M. UNTIL 10:30 A.M. OR INBETWEEN. HER EX-HUSBAND COULD HAVE PRODUCED THESE INJURIES. WHEN OFFICER SUMMERSETT ARRIVED NO PICTURES WAS TAKEN TO SHOW INJURIES OF HER FACE. THERE WAS NO INJURIES AT THE HOSPITAL. HOW COULD THESE INJURIES GOTTEN ON HER FACE? COUNSEL FAILED TO FIND OUT WHO THE VICTIM LAST HAD SEX WITH ON FEB. 17TH. COUNSEL FAILED TO SUBPOENA THE MEMORY CARD OF THE DETECTIVE TO PROVE THAT THE PICTURES OF HER FACE COULD HAVE CAME FROM SOMEWHERE ELSE IN 2005. AS SHOWN ON PJ. 290, 12-16, THEY HAVE A MEMORY CARD THAT CAN BE DOWNLOADED INTO EVIDENCE. COUNSEL SHOULD HAVE SUPPRESSED THE PHOTOGRAPHS OF HER FACE THAT HAD US ON THE PICTURES TO VERIFY THE ACTUAL DATE.

COUNSEL'S FAILURE TO FULLY INVESTIGATE, CALL WITNESSES TO IMPEACH THE STATE'S WITNESSES CREDIBILITY, AND TO MISREPRESENT THE FACTS TO HIS CLIENT AND FAILURE

TO TRUTHFULLY DISCLOSE ALL DEFENSE, STATE HOW FAR
HIS RECORD COULD BE USED FOR IMPEACHMENT, SHOWS
INEFFECTIVENESS OF TRIAL COUNSEL. SEE HARDING V. DAVIS,
878 F.2d 134 (11TH CIR. 1989); U.S. V. SWANSON, 943 F.2d
1070 (9TH CIR. 1991); TOWER V. PHILLIPS, 979 F.2d 807
(11TH CIR. 1992). ALSO SEE KYLES V. WHITLEY, 115 S. CT. 1555,
1575 (1995). DUE PROCESS VIOLATED WHEN PROSECUTION
SUPPRESSED EXCULPATORY EVIDENCE, THAT IF DISCLOSED,
COULD HAVE REASONABLY ALTERED RESULT OF PROCEEDING.
ALSO SEE BANKS V. RENVOIDS, 54 F.3d 1508, 1515-16 (10TH
CIR. 1995); MARTIN V. U.S., 81 F.3d 1083, 1084 (11TH CIR. 1996).
ALSO SEE U.S. V. MARTINEZ, 988 F.2d 685, 698 (7TH
CIR. 1993); COUNSEL INEFFECTIVE FOR FAILING TO OBJECT
FOR PRIOR INCONSISTENT STATEMENTS OF STATES WITNESSES.
ALSO SEE MASON V. HANKS, 97 F.3d 887, 894 (7TH CIR. 1996),
INEFFECTIVE ASSISTANCE WHEN COUNSEL FAILED TO RAISE
OBVIOUS AND SIGNIFICANT ISSUES WITHOUT LEGITIMATE
STRATEGIC PURPOSE. ALSO SEE GRIFFEN V. U.S., 109 F.3d
1217, 1219 (7TH CIR. 1997); PREJUDICE ASSUMED FROM ABAN-
DONMENT.

FURTHER, APPLICANT CONTENDS THAT IF COUNSEL WOULD HAVE
CONDUCTED FURTHER INVESTIGATION AND SUBPOENAED HIS
WITNESSES IT WOULD HAVE SHOWN THAT THE STATES WITNESSES
COMMITTED PERJURY AND IT WOULD HAVE SHOWN IMPEACHABLE
TESTIMONY THAT THE WARRANTS WERE OBTAINED BY
FAISIFIED INFORMATION. SEE FRANKS V. DELEWARE, 98
S. CT. 2674 (1978). COUNSEL SHOWED THAT THE POLICE REPORTS
WERE SHOWN TO CONTRADICT THE TIMES OF THE ACTUAL
EVENTS AND THAT THE STATES WITNESS COMMITTED PERJURY

ON THE STAND, SEE TRIAL TRANSCRIPT P. 155. LEGRAND
POSTON, LINES 6-17, STATING THE OFFICER CALLED 911
AT A QUARTER TILL 9 IN THE MORNING AND IN ACTUALITY
A CALL WAS NOT RECEIVED UNTIL 1:28 P.M. NUMEROUS
INCONSISTENCIES OCCUR DURING THE TRIAL. IF COUNSEL
WOULD HAVE PULLED LEGRAND POSTON'S NCIC HE WOULD HAVE
IMPEACHED THIS WITNESSES CREDIBILITY AND SHOWN
THAT NUMEROUS INCONSISTENT STATEMENTS WERE MADE BY
THIS WITNESS. COUNSEL FAILED TO IMPEACH THE VICTIMS
TESTIMONY BY TRYING TO INVESTIGATE IF SHE HAD ANY
PRIOR ARRESTS FOR CRIMINAL DOMESTIC VIOLENCE WITH
HER EX-HUSBAND OR WHEN WAS THE LAST TIME SHE SPoke
TO HIM. COUNSEL'S FAILURE TO DO THIS WAS INEFFECTIVE-
NESS AND PREJUDICED HIS CASE. APPLICANT WOULD HAVE
TESTIFIED IN HIS OWN DEFENSE HAD IT NOT BEEN FOR COUNSEL'S
ERRORS AND MISADVICE. COUNSEL TOLD APPLICANT IF YOU
TESTIFY THEY WOULD USE YOUR RECORD AGAINST YOU AND YOU
WILL GET LIFE. COUNSEL FAILED TO TELL APPLICANT THEY COULD
ONLY GO BACK 10 YEARS FOR IMPEACHMENT PURPOSES. BOTH
COUNSEL AND THE COURT FAILED TO INFORM THE APPLICANT
PRIOR TO HIS DECISION WHETHER TO TESTIFY. HAD THE
APPLICANT KNOWN THIS HE WOULD HAVE TESTIFIED ON HIS BEHALF
TO IMPEACH THE STATE WITNESSES AND HAD COUNSEL SUBPENDED
HIS WITNESS TO TESTIFY ON HIS BEHALF, APPLICANT COULD HAVE
PAINTED A DIFFERENT PICTURE AS TO WHAT ACTUALLY HAPP-
ENED THAT NIGHT. APPLICANT WAS DENIED A FAIR TRIAL
BY COUNSEL'S MISREPRESENTATIONS. APPLICANT CONTENTS
THAT "COUNSEL'S CONDUCT UNDERMINED THE PROPER FUNCTIONING
OF THE ADVERSARIAL PROCESS THAT THE TRIAL CANNOT BE RELIED
UPON AS HAVING PRODUCED A JUST RESULT." STRIKLAND V.

WASHINGTON, 104 S.C.T. 2052 (1984); BUTLER, 334 S.E.2d 813. APPLICANT CONTENDS COUNSEL'S PERFORMANCE WAS "DEFICIENT AND UNREASONABLE UNDER PROFESSIONAL NORMS." CHERRY, 386 S.E.2d AT 625, CITING STRICKLAND. AND COUNSEL'S DEFICIENT PERFORMANCE PREJUDICED THE APPLICANT SUCH THAT "THERE IS A REASONABLE PROBABILITY THAT, BUT FOR COUNSEL'S UNPROFESSIONAL ERRORS, THE RESULT OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT." CHERRY, 386 S.E.2d 625. AS SHOWN THE JURY FOUND APPLICANT NOT GUILTY ON TWO OF THE FOUR CHARGES ALLEGED. HAD APPLICANT TESTIFIED AND PRODUCED HIS WITNESSES A DIFFERENT RESULT WOULD HAVE IN ALL PROBABILITY OCCURRED WITH IMPEACHMENT OF THE STATES WITNESSES AND THE VICTIM. APPLICANT WAS DEPRIVED THE RIGHT TO IMPEACH THE CREDIBILITY OF THE WITNESSES BECAUSE COUNSEL FAILED TO FULLY INVESTIGATE AND FIND HIS WITNESSES. APPLICANT WANTED TO TESTIFY IN HIS OWN DEFENSE TO STATE THAT THE SEX WAS CONSENSUAL AND THE RECORDS WOULD SUPPORT THAT BECAUSE THERE WAS SEMI FROM BOTH PARTIES WHICH COULD HAVE BEEN COLLABORATED BY APPLICANT'S TESTIMONY, PG. 346 LINES 4-6. HAD APPLICANT TESTIFIED THIS EVIDENCE COULD HAVE BEEN EXPLAINED. SEE TESTIMONY OF KATIE COY. APPLICANT CONTENDS THAT ALL THIS EVIDENCE SHOWS REASONABLE DOUBT AND HE WAS DENIED DUE PROCESS OF LAW BASED ON HIS COUNSEL'S INEFFECTIVENESS.

APPLICANT SHOULD BE GRANTED A NEW TRIAL.

APPLICANT CONTENDS COUNSEL'S ACTIONS OF NOT SUSPENDING HIS WITNESSES VIOLATED HIS RIGHTS UNDER THE COMPULSORY PROCESS CLAUSE UNDER THE SIXTH AMENDMENT.

IT PROVIDES THAT "IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT... TO HAVE COMPULSARY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR," U.S. CONSTITUTION, AMEND. VI. THIS RIGHT WAS HELD APPLICABLE TO THE STATES THROUGH THE FOURTEENTH AMENDMENT IN WASHINGTON V. TEXAS, 388 U.S. 14, 19 (1967). IN ORDER TO EXERCISE THE COMPULSARY PROCESS RIGHT, A DEFENDANT MUST SHOW THAT THE WITNESSES TESTIMONY WOULD BE FAVORABLE TO DEFENDANT, MATERIAL, AND NOT MERELY CUMULATIVE. SEE U.S. V. SIMPSON,

992 F.2d 1224, 1230 (D.C. CIR. 1993) COMPULSARY PROCESS VIOLATED WHEN COURT REFUSED TO AID DEFENDANT IN SECURING WITNESSES WHO ALLEGEDLY WOULD HAVE PROVIDED EXCULPATORY TESTIMONY, HERE COUNSEL'S REFUSAL TO SUBPENA HIS WITNESS TO SHOW CONCLUSIVELY THAT THE APPLICANT LEFT VOLUNTARILY WITH VICTIM TOGETHER WOULD HAVE IMPEACHED THE VICTIM'S TESTIMONY AND HER WITNESSES AND WOULD HAVE SHOWN REASONABLE DOUBT TO THE ALLEGED KIDNAPPING CHARGE.

REASONABLE DOUBT

THE DUE PROCESS CLAUSE REQUIRES THE GOVERNMENT TO PROVE BEYOND A REASONABLE DOUBT EVERY ELEMENT OF THE CRIME WITH WHICH A DEFENDANT IS CHARGED.

IN RE WINSHIP, 397 U.S. 358, 364 (1970); SULLIVAN V. LOUISIANA, 508 U.S. 275, 278 (1993). IF COUNSEL WOULD HAVE SUBPENAED APPLICANT'S WITNESSES, HAD HIM TESTIFY IN HIS OWN DEFENSE, AND TOLD HIM THEY COULD ONLY USE HIS PRIOR RECORD FOR THE PAST 10 YEARS APPLICANT

CONTENDS HE COULD HAVE PROVIDED THE JURY WITH REASONABLE DOUBT AS TO THE ALLEGATIONS THAT WERE AGAINST HIM. BY NOT TESTIFYING THE JURY WAS LEFT TO ITS OWN CONCLUSIONS OF WHAT HAPPENED IN BETWEEN. HAD COUNSEL PRODUCED HIS WITNESSES IT WOULD HAVE SHOWN THAT THE APPLICANT LEFT WITH VICTIM VOLUNTARILY AND NO KIDNAPPING OCCURRED, AND IF DEFENDANT TESTIFIED HE COULD HAVE TOLD THE JURY WHAT HAPPENED IN BETWEEN FROM THE TIME THEY LEFT THE BAR UNTIL ABOUT 4:00 A.M. HAD COUNSEL TOLD DEFENDANT THE DEFENSE OF CONSENT AND PULLED VICTIMS RECORDS ALONG WITH HER HUSBANDS AND LEGRAND HE COULD HAVE IMPEACHED THEIR TESTIMONY. HAD COUNSEL PROPERLY OBJECTED AND PRODUCED OTHER DOCUMENTS IT WOULD HAVE PUT A NEW LIGHT ON THE CHAIN OF EVENTS. APPLICANT WOULD HAVE BEEN ENTITLED TO A DIRECTED VERDICT OF INSUFFICIENT EVIDENCE THAT A KIDNAPPING OCCURRED. THEN THE JURY COULD HAVE ACTUALLY DECIDED THE FACTS BASED ON THE APPLICANTS WITNESSES. DEFENDANT WAS DENIED HIS DUE PROCESS RIGHTS TO TESTIFY WITH HIS WITNESSES BECAUSE OF COUNSEL'S MISINFORMATION. THE PROSECUTION WOULD HAVE FAILED TO PROVE BEYOND A REASONABLE DOUBT WHAT ACTUALLY HAPPENED. SEE U.S. V. DELPIT, 94 F.3d 1137, 1148 (8TH CIR. 1996). PG. 369 LINES 10-11. I HAVE ONE POSSIBLE WITNESS, AND I DON'T KNOW IF I'M GOING TO CALL HIM OR NOT, JUDGE. SHOULD COUNSEL KNOWS OF THIS WITNESS TO PROVIDE EXCULPATORY EVIDENCE TO SUPPORT THE DEFENDANT BUT FAILS TO CALL HIM. WITH THIS WITNESS THE COURT WOULD OR SHOULD HAVE GRANTED THE MOTION FOR A DIRECTED VERDICT. PG. 368, LINES 17-18

APPLICANT CONTENDS HAD HE) FULL TESTIMONY BEEN GIVEN TO CON-
TRADICT THE STATES WITNESSES AND VICTIM AND HAD HIS
WITNESS BEEN SUBPEONAED THE APPLICANT WOULD AND
COULD HAVE SHOWN REASONABLE DOUBT. AS SHOWN IN THE
CLOSING ARGUMENTS AND EVIDENCE HAD THIS TESTIMONY
BEEN GIVEN THE JURY WOULD HAVE TO DECIDE THE FACTS
FROM THE NEW TESTIMONY AND EVIDENCE IF COUNSEL
WOULD HAVE INVESTIGATED AND PROVIDED THE DOCUMEN-
TATION TO IMPEACH THE STATES WITNESSES. COUNSEL'S
ERRORS DEPRIVED APPLICANT OF A FAIR TRIAL. SEE UNDERWOOD
V. STATE, 425 S.E. 2d 20 (1992), BUT FOR COUNSEL'S ERRORS, THERE
WAS A REASONABLE PROBABILITY THE RESULT OF THE TRIAL WOULD HAVE
BEEN DIFFERENT. HAVING PUT FORTH THE FACTS THE APPLICANT NOW
MOVES THIS COURT FOR AN EVIDENTIARY HEARING AND TO SUB-
PEONA ALL WITNESSES ORIGINALLY IN TRIAL AND THE ONES
NOT CALLED BY DEFENSE.

RESPECTFULLY SUBMITTED,
STACY EVANS
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INSUFFICIENT INDICTMENT AND INEFFECTIVE COUNSEL

APPLICANT CONTENDS THAT THE COURT WAS ~~IN~~ ERROR FOR FAILING TO DISMISS THE SUBSEQUENT INDICTMENT IN VIOLATION OF § 17-19-100 FOR ALLOWING HIM TO BE PROSECUTED UNDER AN INVALID INDICTMENT. APPLICANT CONTENDS PROSECUTORIAL MISCONDUCT AND DENIAL OF DUE PROCESS OF LAW UNDER THE 14TH AMENDMENT, AND COURT LACKED SUBJECT MATTER JURISDICTION.

FACTS.

APPLICANT WAS INDICTED ON A 4-COUNT INDICTMENT ALLEGING KIDNAPPING AND CRIMINAL SEXUAL CONDUCT (FIRST) 3 COUNTS (CSC) UNDER CAP/NO: 2008-GS-21-01283, WARRANT NO: K-272996, K-272997, K-272998 AND K-272999 WHICH WAS TRUE BILLED BY THE GRAND JURY ON SEPT TERM 2008. APPLICANT WAS NOTIFIED OF THE STATE'S INTENTION TO SEEK LIFE WITHOUT PAROLE. PG. 421. THAT THE FILING WAS DONE UNDER AND INDICTMENT THAT HAS NOW BEEN NON-PROCESSED, AND NO NEW FILING WAS DONE. MR. LAWSON SUBMITS THE NEW FILING IS NOT APPROPRIATELY BEFORE THE COURT IN RELATION TO THAT ISSUE FOR SENTENCING PURPOSES. THE STATE SUBMITTED IT WAS UNDER THE OLDER INDICTMENT. AFTER ORAL ARGUMENT THE COURT RULED AGAINST THE DEFENDANT CONCERNING THE NOTICE OF LIFE WITHOUT PAROLE, NO DISCUSSION WAS MADE CONCERNING WHEN THE STATE REINDICTED THE DEFENDANT AND WHEN HE GOT ACTUAL NOTICE OF BEING RESERVED WITH THE NEW INDICTMENT. THE DEFENDANT CLAIMS PROSECUTORIAL MISCONDUCT ON THE GROUNDS THE STATE SUBMITTED TO THE GRAND JURY THE SAME CHARGES UNDER NEW WARRANT NUMBERS AND ACTUALLY CHANGED THE NATURE OF THE OFFENSE ON COUNT 3 OF THE ORIGINAL CHARGES. THE PROSECUTION HAD ALREADY HAD ONE INDICTMENT WHICH WAS STILL VAIED AT THE TRIAL.

THE DEFENDANT HAD ONLY BEEN SERVED WITH THE ORIGINAL INDICTMENT.

still → AS SHOWN IN THE TRANSCRIPT PG. 9, THE COURT STATED, THEY HANDED ME THE WRONG INDICTMENT. INEFFICIENCY, WILL NOT BE TOLERATED. LINES - 14-15. ON PG. 10. LINES 6-19

6. THE COURT: ALL RIGHT. THIS IS THE INDICTMENT THAT WAS JUST

7. HANDED TO ME THAT WE ARE GOING TO PROCEED ON.

8. MS. PARR: THAT IS INDICTMENT 08-65-21-1827.

9. THE COURT: THE SOLICITOR AND DEFENSE COUNSEL ASKED THAT I

10. TELL YOU THAT HE HAS JUST INDICTMENT FOR ONE CHARGE.

11. THEY ARE NOT TWO DIFFERENT CHARGES, THERE ARE JUST SOME TYPPOS OR SOMETHING IN THE FIRST INDICTMENT?

13. MR. LAWSON: A CHARGE WAS CHANGED, YOUR HONOR.

14. MS. PARR. INADVERTENTLY, BUT, IT ALL ARISES OUT OF THE ALLEGED SAME TRANSACTION THAT OCCURRED OR DIDN'T OCCUR ON FEB 23, 2008. IS THAT CORRECT?

18. MR. LAWSON: THAT IS CORRECT.

19. THE COURT: SO THIS INDICTMENT ALLEGES THE SAME THING.

COUNSEL FAILED TO CHECK THE INDICTMENT AND RELIED ON THIS TESTIMONY AND DID NOT CHALLENGE THE SUFFICIENCY OF THIS NEW INDICTMENT. AFTER DEFENDANT WAS SENTENCED HE DISCOVERED THAT HIS CHARGES ON COUNT 3 WAS ALTERED AND ADDED NEW ELEMENTS OF THE OFFENSE WHICH THE STATE WOULD HAVE TO PROVE. FURTHER, IT WAS DISCOVERED THE PROSECUTION SUBMITTING THESE CHARGES TO THE GRAND JURY BEFORE DISMISSING THE ORIGINAL INDICTMENT. THE PROSECUTION SUBMITTED NEW WARRANT NUMBERS AND CHANGED THE ELEMENTS ON COUNT 3 TO OBTAIN A NEW 4-COUNT INDICTMENT, THIS INDICTMENT WAS NEVER SERVED ON THE DEFENDANT OR HIS COUNSEL. PROSECUTION SUBMITTED A NEW PRESENTMENT OF THE SAME CHARGES ON NOV 20,

2008. ACCORDING TO THE TESTIMONY OF THE PROSECUTOR IT WAS SUPPOSEDLY A TYPO. ^{SKIP} IN FACT MISCONDUCT WAS COMMITTED, ^{STATE} THE FIRST INDICTMENT WAS STILL VALID AND DEFENDANT WAS NOT PROPERLY NOTIFIED OF THE NEW INDICTMENT WITH THE CHANGED ELEMENTS ON COUNT 3-.

THE ORIGINAL INDICTMENT ON COUNT-3 STATED THAT THE DEFENDANT DID COMMIT, OR ATTEMPT TO COMMIT, A SEXUAL BATTERY IN AND UPON GLORIA WILLIAMSON, BY USING AGGRAVATED FORCE AND/OR COERCION UPON GLORIA WILLIAMSON, BY FORCING HER TO PERFORM ORAL SEX ON HIM. THIS WAS THE ORIGINAL PRESENTMENT BASED ON THE EVENTS OF FEB 23, 2008.

THE SUBSEQUENT PRESENTMENT WAS MADE NOV 20, 2008 AND WHILE THE FIRST INDICTMENT WAS STILL VALID, THE PROSECUTION CHANGED THE ELEMENTS BY ADDING THE ELEMENTS OF "WHILE COMMITTING THE CRIME OF KIDNAPPING AND BY ASSAULTING HER AND THREATENING TO KILL HER WHILE POSSESSING A KNIFE". THESE CHANGES ALTERED THE ELEMENTS BY ADDING NEW ELEMENTS HE WOULD HAVE TO DEFEND AT TRIAL. THIS WAS NOT SHOWN TO THE DEFENDANT, HE WAS NOT GIVEN ANY NOTICE.

A DEFENDANT HAS A CONSTITUTIONAL AND STATUTORY RIGHT TO DEMAND THAT A PROPERLY CONSTITUTED GRAND JURY CONSIDER HIS CASE AND DECIDE TO WHETHER TO ISSUE A SUFFICIENT INDICTMENT. STATE V. MEANS, 626 S.E.2d 348, 367 S.C. 374 (S.C. 2006).

DEFENDANT CONTENDS THAT HE WAS PREJUDICED BY THE SUBSEQUENT INDICTMENT BASED ON THE FACT HE WAS PREPARED TO DEFEND ON THE FACTUAL BASIS OF THE FIRST INDICTMENT. THE SUBSEQUENT INDICTMENT CHANGED WHAT THE DEFENDANT WAS PREPARED TO DEFEND WHAT WAS ALLEGED IN THE ORIGINAL INDICTMENT. DEFENDANT WAS NOT APPRAISED OF WHAT HE WOULD HAVE DEFENDED ON THIS SUBSEQUENT INDICTMENT WHICH WAS OBTAINED BEFORE THE FIRST INDICTMENT WAS NOT PROSSED. SEE STATE V. WRIGHT, 579 S.E. 2d

538 (S.C. 200⁹). FURTHER, THE SUBSEQUENT INDICTMENT VIOLATES THE PROVISIONS OF §17-19-100.

~~APPLICANT~~ ~~CONTENDS~~ THE PROSECUTOR COMMITTED MISCONDUCT BY FAILING TO NOT PROSS THE FIRST INDICTMENT BEFORE OBTAINING A NEW INDICTMENT THAT WAS PRESENTED TO THE GRAND JURY ON NOV 20, 2008. FURTHER, THE SUBSEQUENT INDICTMENT STATED NEW FACTS ALLEGING NEW ELEMENTS WHICH THE DEFENDANT WOULD HAVE TO PREPARE TO DEFEND. THE PROSECUTOR GAVE NO NOTICE TO SEEK A SUBSEQUENT INDICTMENT AND PRESENTED FALSE TESTIMONY TO THE ACTUAL REASON WHY A NEW INDICTMENT WAS PRESENTED AND HOW DID THEY OBTAIN IT WITHOUT NOT PROSSING THE ORIGINAL. THESE ACTIONS SHOWED CONSIDERABLE PREJUDICE TOGETHER WITH FAILING TO SERVE A SECOND NOTICE OF (LWP) AND DENIED DUE PROCESS OF LAW UNDER THE 14TH AMENDMENT. DEFENDANT WAS ENTITLED TO A MISTRIAL BECAUSE OF THE SOLICITORS CONDUCT. ^{SIC} COUNSEL WAS INEFFECTIVE FOR FAILING TO FULLY OBJECT TO THIS IMPROPER INDICTMENT BECAUSE IT CHANGED THE NATURE OF THE OFFENSE UNDER §17-19-100.

THE PRIMARY PURPOSE OF AN INDICTMENT ARE TO PUT THE DEFENDANT ON NOTICE OF WHAT HE IS CALLED UPON TO ANSWER, I.E. TO APPRAISE HIM OF THE ELEMENTS OF THE OFFENSE AND TO ALLOW HIM TO DECIDE WHETHER TO PLEAD GUILTY OR STAND TRIAL, AND ENABLE THE CIRCUIT COURT TO KNOW WHAT JUDGEMENT TO PRONOUNCE IF DEFENDANT IS CONVICTED. ^{PRONOUNCE} ~~PRONOUNCE~~ STATE V. MEANS, 626 S.E.2d 348. A SUFFICIENT INDICTMENT IS USED TO ENSURE DEFENDANT IS TRIED FOR THE CRIME FOR WHICH HE IS INDICTED, U.S.C.A. CONS. AMEND. 5. ALSO SEE §17-19-20, EDWARDS V. STATE, 642 S.E.2d 738. THE RIGHT TO BE FULLY INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION IS A PERSONAL RIGHT, AND

✓ THEREFORE, THE DEFENDANT HIMSELF, NOT JUST HIS ATTORNEY, MUST
BE FULLY INFORMED OF THE CHARGES AGAINST HIM. MAGAZINE
V. STATE, 606 S.E.2d 761 (2004). HERE, THE PROSECUTION
CLAIMED A TYPO WHICH WAS MATERIALLY UNTRUE. THE PROSE-
CUTOR FAILED TO DISCLOSE TO THE COURT, THE DEFENDANT, AND
HIS ATTORNEY HE PRESENTED A NEW INDICTMENT BEFORE
"NOT PROSSING" THE ORIGINAL AND FAILED TO DISCLOSE THE
FACTS THAT THE ORIGINAL INDICTMENT WERE COMPLETELY
CHANGED AND ADDED NEW ELEMENTS IN WHICH THE DEFENDANT WAS
NOT APPRAISED OF. FURTHER, THE JUDGE WOULD HAVE TO PROPERLY
ORDER THE PROSECUTOR TO REINDICT OR OBTAIN A WAIVER
OF PRESENTMENT FROM DEFENDANT. NEITHER WAS DONE. THE
DEFENDANT WAS "AMBUSHED" AND WAS NOT PROPERLY GIVEN
NOTICE OF THE NEW INDICTMENT. APPLICANT WAS DENIED
DUE PROCESS OF LAW UNDER THE 14TH AMENDMENT AND THE
INDICTMENT WAS MULTIPLE. SEE CUTNER V. STATE,
580 S.E.2d 120 (2003). ⁵⁸⁰ BASED ON THE FOREGOING FACTS OF
PROSECUTORIAL MISCONDUCT AND INEFFECTIVE TRIAL COUNSEL
THE CHARGE(S) SHOULD BE DISMISSED AND A NEW TRIAL GRANTED.
THE COURT DID NOT HAVE SUBJECT-MATTER JURISDICTION OF
THE SUBSEQUENT INDICTMENT. APPLICANT REQUESTS AN EVID-
ENTIARY HEARING ON ALL THESE ALLEGATIONS. STAMMER V.
STATE, 305 S.E.2d 247.

(PROSE) STACY EVANS
STACY L. EVANS #152040

McCORMICK C.I. F-1-A

306 REDEMPTION WAY

McCORMICK S.C.

CLERK OF COURT
FLORENCE COUNTY, S.C.
JUL 11 11
CERTIFIED: A TRUE COPY
Clerk of Court
J. L. Evans

Copy of PCR

FORM 5

STATE OF SOUTH CAROLINA)

County of FLORENCE)

IN THE COURT OF COMMON PLEAS

2010-CP-21-1258

STACY L. EVANS #152040)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS B READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention MCCORMICK C.I. F-1-A
386 REDEMPTION WAY, MCCORMICK S.C. 29899
2. Name and location of Court which imposed sentence FLORENCE COUNTY COURT
OF GENERAL SESSIONS
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2008-65-21-1827 KIDNAPPING

CERTIFIED: A TRUE COPY
L. Marie Webb, Clerk
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

(b)

CSC - 1ST DEGREE

(c)

5. The date upon which sentence was imposed and the terms of the sentence:

(a)

DATE DEC 12, 2008

(b)

LIFE

(c)

LIFE

6. Check whether a finding of guilty was made:

(a)

after a plea of guilty

(b)

after a plea of not guilty

(c)

after a plea of nolo contendere

7. Did you appeal from the judgment of conviction or the imposition of sentence?

YES

8. If you answered Ayes@ to (7), list:

(a)

the name of each Court to which you appealed:

i.

S.C. COURT OF APPEALS

ii.

DEC. 2ND, 2009

iii.

(b)

the result in each such Court to which you appealed:

i.

ii.

VOLUNTARY DISMISSAL

iii.

(c)

the date of each such result:

i.

ii.

iii.

(d)

if known, citations of any written opinion or orders entered pursuant to such results:

i.

ii.

iii.

9. If you answered Ano@ to (7), state your reasons for not so appealing:

(a)

N/A

- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: ^{FAILURE TO SUBPOENA WITNESS} ^{CONFLICT OF INTEREST} ^{IMPROPER INDICTMENT}
- (a) 1) INEFFECTIVENESS OF COUNSEL 2) PROSECUTORIAL MISCONDUCT
- (b) CLEAR ERROR OF COURT - BY COURTS MISADVICE OF RULE 609(B)
- (c) STATE FAILED TO PROVE EVERY ELEMENT OF OFFENSE BEYOND REASONABLE DOUBT, LACK OF SUBJECT MATTER JURISDICTION, MULTIPLE COUNTS
11. State concisely and in the same order the facts which support each of the grounds set out in (10): ^{INDICTME}
- (a) SEE ATTACHMENTS
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? YES
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? YES
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. DIRECT APPEAL
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. S.C. COURT OF APPEALS
- ii. COLUMBIA S.C.
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) Grounds for PCR, ineffective assistance of trial
- (b) counsel for failing to object to preserve issues
- (c) for appellate review.

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? YES
- (b) your trial, if any? YES
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence?
YES
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

18. If you answered Ayes@ to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

- i. JACK W. LAWSON
PUBLIC DEFENDER
- ii. FLORENCE COUNTY
- iii. LANELLE CANTEY DURANT
APPELLATE DEFENSE

(b) the proceedings at which each such attorney represented you:

- i. TRIAL
- ii.
- iii. DIRECT APPEAL

19. State clearly the relief you seek in filing this application:

A NEW TRIAL AND DISMISSAL OF CHARGES

20. Are you now under sentence from any other court that you have not challenged?

NO.

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of McCORMECK)

VERIFICATION

I, STACY L EVANS, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof, that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

SE
Stacy Evans

SWORN to and subscribed before me this 26th
day of April, 2010.

Stephanie Marshall (L.S.)
Notary Public

My Commission Expires: April 14, 2011

FILED
2010 APR 29 PM 1:11
FLORENCE COUNTY, SC

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, STACY L. EVANS, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Stacy Evans
Applicant

SWORN or affirmed to and subscribed before me this

26th day of April, 2010.

Stephane Marshall
Notary Public

My Commission Expires: April 11, 2011

FILED
2010 APR 29 PM 1:11
CLERK OF COURT
FLORENCE COUNTY, SC

ISSUES-1-3

EXHIBITS - FOR

FAILURE TO SUBPOENA WITNESS

FAILURE TO FILE 59(E)

FAILURE TO PULL CRIMINAL RECORDS

REFUSAL TO RELIEVE HIMSELF FOR

CONFLICT OF INTEREST

MOTION TO FILE AMENDED COMPLAINT

AND COMPLAINT

NOTICE OF APPEAL - FINAL ORDER

DENIAL OF 59(E) FEB, 25, 2011

LETTER TO SUBPOENA WITNESSES

MOTION TO RELIEVE COUNSEL AND MOTION TO

ALTER OF AMEND AND SUPPLEMENTAL 59(E)

CHARLES T. BROOK
ATTORNEY AT LAW
309 BROAD ST.
PO BOX 3512
SUMTER S.C. 29151

11-1-10

PE:PCR

MR. BROOK I'm PREPARATION FOR MY PCR REQUEST YOU
FILE SUBPOENAS ON THE FOLLOWING INDIVIDUALS AND
DOCUMENTS THAT WAS INVOLVED IN MY CASE. (1) WITNESS
WAS NOT CALLED TO TESTIFY IN MY DEFENSE. JIMMY
LANGSTON, OWNER OF WOODEN NICHOL, 1311 B.S. IRBY S.T
FLORENCE S.C. CAN TESTIFY MY AND GLORIA WILLIAMSON ~~WAS~~
TOGETHER IN THE BAR AND LEFT TOGETHER, NEED SUBPOENAED.
(2) NEED TO SUBPOENAED OFFICER SUMMERSET, TESTIFY TO
TAKING PHOTOS OF INJURIES OF VICTIM, TO ASK WHY PHOTOS
OF 1-19-2005 WAS SUBMITTED ~~WAS~~ INTO EVIDENCE, (3)
NEED ALL MEDICAL RECORDS OF GLORIA WILLIAMSON FROM M^CLEOD
REGIONAL MEDICAL CENTER ~~SEE~~, CHEVES ST, FLORENCE
S.C. 29506 NEED HER FULL NCR NAP SHEET FOR CDU WITH
HUSBAND, SPECIFICALLY FOR 1-19-2005 AT THIS HOSPITAL.
BRUISE ON FACE DOES NOT MATCH DR'S REPORT OR NURSES
TESTIMONY. (4) SUBPOENA MARY ANN MATTHEWS TO SHOW HER
WRITTEN STATEMENT WAS DIFFERENT THAN HER TESTIMONY.
COUNSEL FAILED TO IMPEACH. (5) NEED SOLICITOR SUBPOENAED
~~WAS~~ AND ENTIRE CASE FILE SUBPOENAED RULES BRADY
VIOLATION, 20 PICTURE'S ONLY GIVEN, (6) NEED TO CONTACT
LAWYER TO ASK HIM YOU FILE HE WAS SUPPOSED TESTIFY IN
YOUR DEFENSE, HE DID NOT HAVE THEM TESTIFY. I HAVE
NUMEROUS PICTURES THAT HAVE 1-19-2005. I AM ALLEGING
PROSECUTORIAL MIS CONDUCT FOR USING PICTURES FROM
ANOTHER CRIME. I NEED YOU TO FULLY REVIEW MY
PCR APPLICATION TO FULLY DISCUSS THIS CASE

WITH ME. I need To Meet you AS SOON AS POSSIBLE

STACY EVANS
152040

SE
SFF

REBP 24LE13

THE BROOKS LAW OFFICES, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

November 2, 2010

Stacy L. Evans, 152040
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

RE: Stacy L. Evans v State of South Carolina

Dear **Mr. Evans:**

Please be advised that I will gladly subpoena these individuals except for the fact that the State's limited funding hampers our ability to do so. When you subpoena, you have to provide for their mileage.

Is there any family members that can assist with these costs? Have them contact us immediately.

Also we cannot get medical records of someone else due to privacy issues.

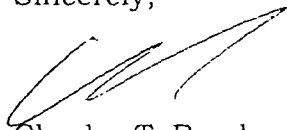
Other than that we will be prepared for your PCR matter.

We have also enclosed a filed copy the Motion to file Amended Complaint and Amended Complaint for your files.

If you have any questions, please do not hesitate to contact me.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

EXHIBIT-2

The Brooks Law Offices, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

November 2, 2010

Office of the Attorney General
Attn: Dave Spencer, Esquire
Post Office Box 11549
Columbia, South Carolina 29211-1549

RE: Stacy L. Evans v State of South Carolina
Case No. 2010-CP-21-1258

Dear Mr. Spencer:

Please find enclosed a filed copy of Applicant's Motion to file Amended Complaint and Amended Complaint for your files.

With kind regards,

Sincerely,

Charles T. Brooks, III
CTB, III/jlb

cc: Stacy L. Evans, 152040

EXHIBIT - 3

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

STACY LEE EVANS, 152040

Applicant

STATE OF SOUTH CAROLINA

Respondent,

Amie Spivey
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

CERTIFIED: A TRUE COPY

IN THE COMMON PLEAS COURT

DOCKET NO.: 2010-CP-21-1258

MOTION TO FILE AMENDED
COMPLAINT AND AMENDEND
COMPLAINT

2010 NOV -1 AM 10:32
CORRIE REEL-SHEARIN
COP & GS
FLORENCE COUNTY, SC

FILED

The Applicant, pursuant to S. C. R. CIV.P.15, the above applicant moves this court to file an amended complaint and in it a claim:

SUBJECT MATTER JURISDICTION

Applicant contends the court lacked subject matter jurisdiction to impose two(2) life sentences under the Recidivist Statute §17-25-45-(A)(1).

According to Applicants prior records he has only one prior conviction for a "Serious" offense for voluntary manslaughter from June 21, 1988. Applicant has no other prior convictions warranting imposition of life without parole. The Solicitor was without discretion to impose this statute depriving the court of subject matter jurisdiction. The Solicitor has committed prosecutorial misconduct for improperly using the recidivist statute to impose two life sentences on applicant.

§17-25-45, life sentence for person convicted three times for certain crims; discretion of solicitor to invoke. 1)(A) Notwithstanding any other provision of law, any person who has three prior convictions under the laws of this State, any other State, or the United States for crimes of voluntary manslaughter, criminal sexual conduct in the first degree, armed robbery, burglary(violent) 16-11-312(A), 311,

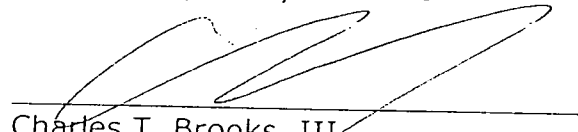
safecracking and assault and battery with intent to kill, shall upon such conviction (third) in this state, be sentenced to life in prison.

A conviction shall be considered a third conviction only if the date of the commission of the third crime occurred subsequent to the imposition of the sentence for the second offense.

Applicant only had one prior "serious" offense at the time of his trial, applicant had no "serious" or "most serious" offenses, the recidivist statute was improperly applied to his sentence.

Applicant should be granted a new sentencing hearing and new trial.

RESPECTFULLY SUBMITTED ON BEHALF OF
APPLICANT, Stacy L. Evans



Charles T. Brooks, III
Attorney for Applieant
309 Broad Street
Post office Box 3512
Sumter, South Carolina, 29150
(803) 418-5708

October 28, 2010

EXHIBIT-4

THE BROOKS LAW OFFICES, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

December 7, 2010

Stacy L. Evans, 152040
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

RE: Stacy L. Evans v State of South Carolina

Dear **Mr. Evans:**

Please provide me a list of the witnesses along with addresses you feel are critical to your case again so that I am ready to subpoena them once I get a notice of hearing.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

EXHIBIT-5

THE BROOKS LAW OFFICES, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

December 20, 2010

Stacy L. Evans, 152040
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

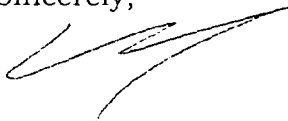
RE: Stacy L. Evans v State of South Carolina

Dear **Mr. Evans:**

Please be advised that once we get a hearing date I will send a subpoena.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

EXHIBIT-16

THE BROOKS LAW OFFICES, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

January 4, 2011

Stacy L. Evans, 152040
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

RE: Stacy L. Evans v State of South Carolina

Dear **Mr. Evans:**

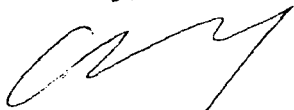
Please be advised that I don't have the ability to pull an individual's NCIC since I am not law enforcement and typically discovery is not allowed in PCR matters.

Also send me whatever issues pertain to your prior attorney's representation. This will be the basis of you being successful on PCR.

We will try to schedule a phone conference with you at the institution. I only come to the institution if I deem it necessary.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

EXHIBIT - 8

THE BROOKS LAW OFFICES, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

January 13, 2011

Stacy Evans, 152040
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

Re: PCR Hearing

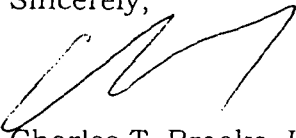
Dear Mr. Evans:

Please be advised that your PCR hearing is scheduled for **Monday, February 7, 2011**, at the Florence County Court House at 9:30 A.M.

If you have any questions, please do not hesitate to contact me.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

EXHIBIT- 8

THE BROOKS LAW OFFICES, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

January 18, 2011

Stacy L. Evans, 152040
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

RE: Stacy L. Evans v State of South Carolina

Dear **Mr. Evans:**

Please be advised that there is no such conflict of interest. I was rendering my honest legal opinion as an Attorney who has handled numerous PCR cases.

With kind regards, I am,

Sincerely,


Charles T. Brooks, III
CTB, III/jlb

EXHIBIT 10(A)

CHARLES T. Brooks, III

309 Broad St.

P.O. Box 3512

SUMTER S.C. 29151

RE: FILING 59 (E)

MR. Brooks

I AM WRITING YOU TO FILE A 59 (E) AS SOON AS
YOU RECEIVE THE ~~FINAL~~ FINAL ORDER, ALL MY
ISSUES WERE NOT RAISED AND THE JUDGE ABUSE
HIS DISCRETION FOR DENYING ME A CONTINU-
ANCE AND TO SUBPENA MY WITNESS. I HAD A
RIGHT TO REPRESENT MYSELF, I WAS DEPRIVED THAT
RIGHT. I REQUEST YOU FILE THIS MOTION AND
FILE A MOTION TO RELIEVE
YOURSELF AS MY COUNSEL.

STACY EVANS

SINCERELY

STACY L. EVANS

#152040

ME CORMICK CJ F1-A 251

386 ~~REDEMPTION~~ REDEMPTION WAY

ME CORMICK S.C. 29899

EXHIBIT - 10

CERTIFICATE OF SERVICE

I certify that I STACY L. EVANS #152040 did mail to Attorney Charles T. Brooks, III a letter requesting that when he receive my final order File A 59(E), because on my issues were not raised and that the Judge A based his Discretion for Denying me a continuance and to Subpoena my witness, and to Relieve himself as my counsel, and to send to me a stamp clock. copy of the 59(E) Filing for my record. Copy of letter was placed in the mail by the Notary Public from ME cormick. CI ON This 14 Day of Feb, 2011 and mailed to PO. Box 3512 Sumter, SC ~~29107~~ 29107 With postage prepaid.

Sworn and subscribed before me

This 14 Day of Feb, 2011

JCF Rankin
Notary Public of South Carolina

My commission Expires
12-16-2019

STACY EVANS
#152040
ME cormick, FLA Room 251
386 Redemptor Way
ME cormick, SC 29899

THE BROOKS LAW OFFICES, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

February 18, 2011

Stacy L. Evans, 152040
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

RE: Stacy L. Evans v State of South Carolina

Dear **Mr. Evans:**

Please be advised that once I review the final order, if the order reflects accurately what took place in Court then I file a Notice of Appeal for you.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

THE BROOKS LAW OFFICES, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

March 1, 2011

Stacy L. Evans, 152040
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

RE: Stacy L. Evans v State of South Carolina

Dear **Mr. Evans:**

Please be advised that I will review the Order to determine if a Rule 59(e) Motion is necessary. Then if it is not, I file the Notice of Appeal and forward everything to Appellate Defense.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

The Brooks Law Offices, LLC

Charles T. Brooks, III
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

Irma R. Brooks
Attorney

February 25, 2011

South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

RE: Stacy L. Evans v State of South Carolina
Case No. 2010-CP-21-1258

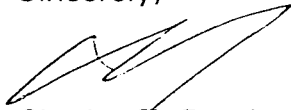
Dear Sir or Madam:

Enclosed herewith you will find the **Notice of Appeal, Order of Dismissal**, along with a **Proof of Service** in reference to the above named Applicant.

If you have any questions or concerns, please contact my office at the number stated above.

With kind regards, I am

Sincerely,



Charles T. Brooks, III
CTB/jtb

Enclosed as stated

Cc: David Spencer, Office of Attorney's General
South Carolina Office of Appellate Defense
Stacy L. Evans, 152040

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas
Honorable Thomas A. Russo, Circuit Court Judge

Case No: 2010-CP-21-1258

Stacy L. Evans.....Appellant
S.C.D.C. 152040

v.

The State Respondent

NOTICE OF APPEAL

Stacy L. Evans, appeals his Denial for Post Conviction Relief in this case.
The order of Dismissal was imposed and signed by the Honorable Thomas A.
Russo, February 18, 2011, which I, Charles T. Brooks, III, received on February
23, 2011.



Charles T. Brooks, III
309 Broad Street
Post Office Box 3512
Sumter, South Carolina, 29151
(803) 418-5708
Attorney for Appellant

Other Counsel on Record:
David Spencer, Esquire
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3970

THE BROOKS LAW OFFICES, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

March 17, 2011

Stacy L. Evans, 152040
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

RE: Stacy L. Evans v State of South Carolina

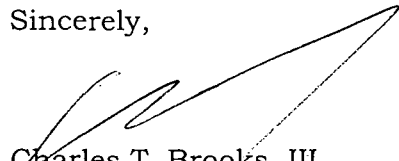
Dear **Mr. Evans:**

Please be advised that only I decide if a Rule 59 motion is appropriate. I reviewed the Order and a Rule 59(e) motion was not appropriate, therefore, I filed the Notice of Appeal.

Good luck.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

EXHIBIT - (A)

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Stacy L. Evans,
S.C.D.C. No. 152040,

Applicant,

VS.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
C.A. NO. 10-CP-21-1258

ORDER OF DISMISSAL

FILED
2011 FEB 22 AM 11:15
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

This matter is before this Court by way of an application for post conviction relief (PCR) filed April 29, 2010. The State filed its return on September 3, 2010. A hearing was held before this Court at the Florence County Courthouse. Applicant was present and represented by Charles T. Brooks, III, Esquire. The State was represented by Assistant Attorney General David Spencer of the South Carolina Office of the Attorney General.

Applicant testified on his own behalf and also called his trial counsel, Jack Lawson, Esquire, as a witness. This Court also had before it the PCR Application, the State's return, the transcript of Applicant's trial, the Clerk of Court's records regarding the subject convictions, and the records of Applicant's appeal to the Court of Appeals.

PROCEDURAL HISTORY

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Florence County Clerk of Court's orders of commitment. Applicant was indicted at the December, 2008 term of the Florence County Grand Jury for kidnapping and three counts of criminal sexual

CERTIFIED: A TRUE COPY
Connie Reel-Shearin
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

conduct in the first degree. Jack Lawson, Esquire, represented the Applicant. On December 8, 2008, Applicant was convicted of kidnapping and one count of criminal sexual conduct, and found not guilty of the other two counts of criminal sexual conduct. The Honorable Judge J. Ernest Kinard sentenced Applicant to life without parole. Applicant appealed his conviction.

Applicant was represented on appeal by Lanelle C. Durant, Esquire, who perfected the appeal by filing an Anders brief. Applicant then voluntarily withdrew the appeal and the Court of Appeals dismissed by order dated March 12, 2010 with remittitur issued the same day.

ALLEGATIONS

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel;
2. Conflict of interest;
3. Prosecutorial misconduct;
4. Clear court error.

The second and third allegations seem to simply restate allegations of ineffective assistance of counsel and the fourth allegation would allege direct appeal issues that are not proper to consider in PCR. At the hearing, Applicant only brought allegations of ineffective assistance of counsel. This Court considers all other issues waived.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony presented at the post-conviction relief hearing. This Court has further had the opportunity

to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel and Involuntary Plea

Applicant makes various allegations of ineffective assistance of counsel. The burden of proof is on the applicant in a PCR proceeding to prove the allegations in his application. Bell v. State, 321 S.C. 238, 467 S.E.2d 926 (1996); Rule 71.1(e), SCRCP.

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Judge v. State, 321 S.C. 554, 471 S.E.2d 146 (1996). In order to prove prejudice, an applicant must show that but for counsel's errors, there is a reasonable probability the result at trial would have been different. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Id. Where trial counsel articulates a valid reason for employing certain trial strategy, such conduct should not be deemed ineffective assistance of counsel. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1995); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992).

This Court will now address each allegation of ineffective assistance of trial counsel below:

Advice not to testify

Applicant alleges that counsel was ineffective in his advice not to testify. Applicant alleges

counsel was ineffective in advising him that his criminal record would potentially come into evidence because some of his convictions were more than ten years old.

Under Rule 609(b), SCRE, evidence of a conviction otherwise admissible under Rule 609(a), SCRE, is restricted as follows:

(b) Time Limit. Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is a later date, unless the court determines, in the interests of justice, that the probative value of the conviction supported by specific facts and circumstances substantially outweighs its prejudicial effect. . . .

Applicant testified that he was convicted of Criminal Sexual Conduct in the Third Degree in 1985, in which he received a probationary sentence of three years; a conviction for Voluntary Manslaughter in 1988, from which he was released in 2001; and three convictions for Spousal Sexual Battery in 2001. Of course, the Spousal Sexual Battery conviction falls within the time limit. Further, contrary to Applicant's testimony, the ten year limitation would not apply to the Voluntary Manslaughter conviction as Applicant was not released from custody until 2001.

At the PCR hearing, Applicant testified he wanted to take the stand at his trial based on his contention he had consensual sex with the victim. Applicant testified he was at a bar when Victim's friend, Legrand Poston approached him and indicated he knew Applicant. According to Applicant, he did not know Poston, but that Poston must have known him from when they both were previously incarcerated. Poston introduced Victim to Applicant. Applicant testified Victim then discussed having Applicant murder her husband. Victim and her husband were divorcing. Apparently,

Applicant took her idea seriously and did not immediately refuse. According to Applicant, he asked her why she did not ask Poston to do it and she did not think Poston was capable of it. According to Applicant, he refused her only when Victim admitted she did not have any money to pay him. According to Applicant, they left the bar together, and in the parking lot, decided to have sex. They both got in Victim's car and Applicant drove. Applicant testified that he did not want to go to her apartment, so they drove to a field and engaged in consensual sexual activity. He denied that Victim's clothes or the inside of Victim's car got muddy. He denied raping Victim.

Counsel testified that the ten year limit in Rule 609(b), SCRE would not apply to Applicant's spousal sexual battery convictions or Applicant's voluntary manslaughter conviction. Counsel testified that even if Counsel could successfully keep the State from admitting evidence of Applicant's convictions under Rule 609, SCRE, Applicant likely would have opened the door to the voluntary manslaughter conviction as an explanation of why Victim would approach Applicant for a murder-for-hire proposal. Further, Counsel did not think that testimony regarding Applicant and Victim's alleged discussion of murder-for-hire would have been favorable for the jury to hear. Additionally, Counsel testified that there was a strategic advantage in not presenting evidence, so as to gain the last closing argument. Counsel testified that part of his trial strategy was to challenge Victim's credibility. Had Applicant testified, the jury would be comparing the relative credibility of Applicant versus Victim, instead of merely considering Victim's credibility. Counsel testified that in his view, Applicant would not make a good witness regardless of the admissibility of the prior convictions.

This Court finds that Counsel was not ineffective in his advice and strategy concerning

whether Applicant should testify on his own behalf. This Court finds Counsel's advice on whether to testify was not deficient. Further, Counsel's strategy of not presenting a defense was reasonable trial strategy, in light of the strategic advantage of last closing argument and his valid assessment of Applicant's ability to convince a jury of his innocence through testifying. Finally, this Court does not find Applicant's proposed trial testimony probative or helpful in altering the outcome of the trial, nor does this Court find that Applicant is a credible witness. Accordingly, this Court finds Applicant did not meet his burden of showing prejudice from the alleged deficiency of counsel. This allegation is denied.

Photograph

Applicant makes an allegation that Counsel was ineffective because Victim testified she was scratched above her right eye during the assault while a photograph depicts a scratch above her left-eye. Counsel testified that he cross-examined the Victim on this discrepancy. See tr. pp. 109-110. This Court would also note he argued the inconsistency during closing argument. Tr. pp. 399-400. Applicant failed to prove counsel's performance was deficient or that Applicant was prejudiced by the alleged defect. This allegation is denied.

Medical Records

Applicant alleges Counsel was ineffective for failing to attain Victim's medical records. Counsel testified that he tried to find any medical records he could. Applicant did not provide any medical records to this Court. This Court finds that Applicant has not met his burden of proving either prong of Strickland and finds that Counsel was not ineffective in this regard.

Potential Witnesses

Applicant alleges Counsel was ineffective for failing to find any witnesses that could testify that Applicant and Victim left the bar together. Applicant did not call any witnesses at the PCR hearing and therefore failed to produce any evidence of prejudice. Further, Counsel testified that investigators working for his office searched extensively for favorable witnesses and found none. This Court finds counsel's testimony credible and finds his performance was not deficient. This Court finds that Applicant failed to meet his burden of proving prejudice from any alleged deficiency and denies this allegation.

Criminal records of State's witnesses

Applicant alleges Counsel should have attained criminal records of all the State's witnesses. Counsel testified that he did so and Applicant has failed to make any more specific allegation of which witnesses testified without making admissible prior convictions known to the jury. Applicant has failed to prove either prong of the Strickland test. Therefore, this allegation is denied.

CONCLUSION

Based on the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this Application for Post-Conviction Relief must be denied and dismissed with prejudice.

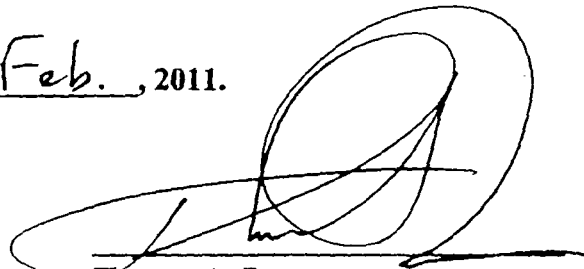
This Court advises the parties that in order to secure the appropriate appellate review, notice of appeal must be served and filed within thirty (30) days after receipt by counsel of notice of entry of this order. See Rules 203 and 243 of the South Carolina Appellate Court Rules. This Court notes

that post-conviction relief counsel must advise an applicant of the right to seek appellate review of a post-conviction relief order. State v. Bray, 366 S.C. 137, 620 S.E.2d 743 (2005). Also, pursuant to Austin v. State, 305 S.C. 453, 409 S.E. 2d 395 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on an applicant's behalf.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED, this ^{18th} day of Feb., 2011.



Thomas A. Russo
Presiding Judge
Twelfth Judicial Circuit

Flerence South Carolina

EXHIBIT - 11(A)

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

C.A. NO. 10-CP-21-1258

COUNTY OF FLORENCE

Stacy L. Evans,

S.C.D.C. No. 152040,

Applicant,

VS.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

FILED
2011 FEB 22 AM 11:15
CONNIE REEL-SHEARIN
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, SC

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Applicant alleges Counsel should have attained criminal records of all the State's witnesses. Counsel testified that he did so and Applicant has failed to make any more specific allegation of which witnesses testified without making admissible prior convictions known to the jury. Applicant has failed to prove either prong of the Strickland test. Therefore, this allegation is denied.

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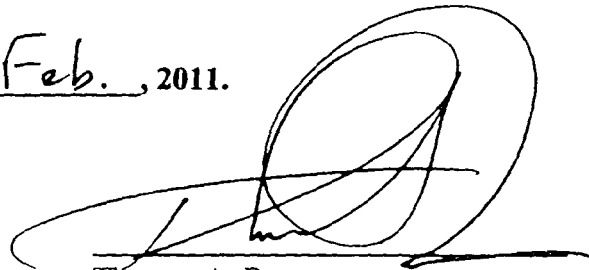
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that post-conviction relief counsel must advise an applicant of the right to seek appellate review of a post-conviction relief order. State v. Bray, 366 S.C. 137, 620 S.E.2d 743 (2005). Also, pursuant to Austin v. State, 305 S.C. 453, 409 S.E. 2d 395 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on an applicant's behalf.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this ^{18th} day of Feb., 2011.



Thomas A. Russo
Presiding Judge
Twelfth Judicial Circuit

Flerume South Carolina

MOTION TO RELIEVE COUNSEL/
SQ(E) MOTION AND
SUPPLEMENTAL CLAIMS

copy 1 CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT STACY EVANS #152040 DID MAIL
TO THE CLERK OF COURT, FLORENCE COUNTY AT 180 N. IRBY
ST. MSC-E, FLORENCE S.C. 29501 HIS MOTION TO RELIEVE
PER COUNSEL, PLACED IN THE MAIL ON THIS 13 DAY OF
January, 2011 WITH POSTAGE PREPAID.

SWORN AND SUBSCRIBED BEFORE ME
THIS 13 DAY OF Jan, 2011

[Signature]

NOTARY PUBLIC SOUTH CAROLINA
MY COMMISSION EXPIRES
12-16-2019

X STACY EVANS

STACY EVANS #152040

MCCORMICK C.I.

386 REDEMPTION WAY

MCCORMICK S.C.

29855

EXHIBIT

(1)

CLERK OF COURT

FLORENCE COUNTY

CONNIE REEL SHEARIN

CITY-COUNTY COMPLEX

180 N. INBY ST. MSC-E

FLORENCE S.C. 29501

FILED

2011 FEB 25 PM 12:37

CONNIE REEL-SHEARIN

CCCP & GS

FLORENCE COUNTY, SC

2-22-11

RE: SEE

MOTION TO RELIEVE
COUNSEL.

CLERK,

WILL YOU PLEASE FILE MY MOTIONS AND SEND ME
A STAMPED CLOCKED COPY TO MY ADDRESS BELOW
AND FORWARD A COPY TO THE ATTORNEY GENERAL.

SINCERELY,

STACY EVANS #152040
MCCORMICK C.I.

CERTIFIED: A TRUE COPY

Connie Reel Shearin

CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT STACY EVANS #152040 DID MAIL
TO THE CLERK OF COURT, FLORENCE COUNTY CONNIE REE/
SHEARIN AT 180 N. IRBY ST. MSC-E, FLORENCE S.C. 29501
HIS EXHIBITS ON CASE NO: 2010-CP-21-1258 TO SUPPORT
HIS MOTION TO RELIEVE COUNSEL AND MOTION FOR A 59(E),
PLACED IN THE MAIL ON THIS 17 DAY OF MARCH, 2011
WITH POSTAGE PREPAID.

SWORN AND SUBSCRIBED BEFORE ME
THIS 17 DAY OF MARCH, 2011

JCF Samkin

NOTARY PUBLIC SOUTH CAROLINA
MY COMMISSION EXPIRES

12.16.2019

STACY EVANS

STACY EVANS #152040

MC CORMICK C.F.

386 REDEMPTION WAY

MC CORMICK S.C.

29855

2011
3
CERTIFIED

CLERK OF COURT

2-22-11

FLORENCE COUNTY

FILED

CONNIE REEL SHEARIN

2011 FEB 25 PM 12:37

CITY-COUNTY COMPLEX

CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

180 N. IRBY ST. MSC-
FLORENCE S.C. 29501

RE: 59(E)

MOTION TO RELIEVE
COUNSEL.

CLERK,
WILL YOU PLEASE FILE MY MOTIONS AND SEND ME
A STAMPED CLOCKED COPY TO MY ADDRESS BELOW
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SINCERELY,
STACY EVANS #152040
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CERTIFIED: A TRUE COPY

Connie Reel Shearin

CLERK OF COURT C.P & G.S
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

STACY EVANS #152040
APPLICANT,

VS.

STATE OF SOUTH CAROLINA
RESPONDENT

CERTIFIED: A TRUE COPY
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

CA/NO: 2010-CP-21-1258

MOTION TO RELIEVE COUNSEL

MOTION TO PROCEED "PRO SE"

MOTION TO ALTER OR AMEND
OR RECONSIDERATION

Spec. S9(E) S.C.R. CIV. P.

APPLICANT NOW MOVES THIS COURT TO RELIEVE COUNSEL
RECORD CHARLES T. BROOKS FOR A CONFLICT OF INTEREST
PURSUANT TO INEFFECTIVE ASSISTANCE OF PCR COUNSEL
FAILURE TO RAISE ALL AVAILABLE ISSUES AND THAT APPLICANT
WAS PREJUDICED BECAUSE HE CAN NOT READ AND WRITE. SEE
UNITED STATES V. GARCIA, 517 F.2d 272 (5TH CIR. 1975) AND
U.S. V. SIMEONOV, 252 F.3d 238 (2ND CIR. 2001). APPLICANT
REQUESTED TO PROCEED "PRO SE" AT HIS PCR HEARING AND WAS
DENIED HIS RIGHT TO REPRESENT HIMSELF UNDER THE U.S.
CONSTITUTION FERETTA V. CALIFORNIA, 422 U.S. 806, 821
(1975). ALSO SEE MOORE V. CALDERON, 108 F.3d 261, 264
9TH CIR. 1997) (6TH AMENDMENT RIGHT TO SELF-REPRESENTATION
VIOLATED WHEN COURT DENIED DEFENDANT'S TIMELY REQUEST
TO PROCEED "PRO SE" AFTER KNOWING AND INTELLIGENT WAIVER.
ALSO SEE MYERS V. COLLINS, 8 F.3d 249, 252 (5TH CIR. 1993)
STATE CRIMINAL DEFENDANT HAS RIGHT TO PRESENT "PRO SE" MOTIONS
AND BRIEF ON APPEAL. APPLICANT REQUESTED TO REMOVE COUNSEL
AND WAS DENIED IMMEDIATELY BY PCR JUDGE NETTLES WITH
NO LEGAL REASON AND VIOLATED APPLICANT'S 6TH AMENDMENT

RIGHTS TO SELF REPRESENTATION SO HE COULD PRESENT ALL AVAILABLE ISSUES. UNDER 71.7 COUNSEL HAD AN OBLIGATION TO PRESENT ALL ISSUES TO BE RULED UPON BY THE PCR JUDGE.

APPLICANT NOW MOVES THIS COURT FOR A NEW PCR HEARING TO BE ALLOWED TO PRESENT ALL ISSUES ^{NOT} RAISED IN HIS PCR APPLICATION. HE WAS DENIED BY THE COURT TO VERBALLY PRESENT HIS ISSUES AND PCR COUNSEL REFUSED TO RAISE AND ARGUE HIS ISSUES. APPLICANT IS PREJUDICED BECAUSE HE WAS NOT ALLOWED HIS FULL BITE OF THE APPLE, AND ALL HIS ISSUES ARE NOT PROPERLY PRESERVED FOR APPEAL.

APPLICANT CONTENDS THE PCR JUDGE ABUSED HIS DISCRETION IN REFUSING TO DISMISS HIS PCR COUNSEL FOR CONFLICT OF INTEREST AND DENYING HIM A CONTINUANCE ON THOSE GROUNDS.

APPLICANT MOVES THIS COURT TO REMOVE HIS PCR COUNSEL CHARLES T. BROWN, III, ALLOW HIM TO PROCEED 'PRO SE', GRANT A NEW HEARING TO ALLOW APPLICANT TO PROPERLY RAISE ALL AVAILABLE ISSUES TO PRESERVE FOR APPELLATE REVIEW. APPLICANT BRINGS THIS MOTION PURSUANT TO 59(e) S.C.R.CIV.P. AND STATES THAT PCR COUNSEL NOT BE ALLOWED TO FILE A NOTICE OF INTENT TO APPEAL UNTIL THE MOTION IS RESOLVED.

2-22-11

DATE:

RESPECTFULLY SUBMITTED

XST HCT/CLERK

STACY EVANS #152040

M^{SE} CORMICK C.F. - F-1-A

386 REDEMPTIONS WAY 29899

M^{SE} CORMICK S.C.

(2)

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT STACY EVANS #152040 DID MAIL
TO THE CLERK OF COURT, FLORENCE COUNTY, CONNIE REE SHEARIN,
AT CITY-COUNTY COMPLEX, 100 IRBY ST., MSC-E, FLORENCE,
S.C. 29501 HIS MOTION TO RELIEVE COUNSEL, MOTION TO
PROCEED 'PRO SE' AND MOTION TO ALTER OR AMEND JUDGEMENT
OR RECONSIDERATION 57(E). PLACED IN THE MAIL ON THE
23 DAY OF FEB, 2011 WITH POSTAGE PREPAID.

SWORN AND SUBSCRIBED BEFORE ME
THIS 23 DAY OF FEB, 2011

Debra L. L. Young
NOTARY PUBLIC SOUTH CAROLINA
MY COMMISSION EXPIRES
8 28 2011

STACY EVANS
X STACY EVANS

STACY EVANS #152040

MECORNICK C.F.

386 REDEMPTION WAY

MECORNICK C.F.

FILED
2011 FEB 25 PM 12:31
CLERK OF COURT
FLORENCE COUNTY, S.C.

ADD THIS CLAIM!

INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL

FAILED TO ARGUE ON APPEAL STATE FAILED TO PROVE
BEYOND A REASONABLE DOUBT CSC (VAGINAL
PENATRATION.)

FILED

2011 MAR 18 PM 1:11

CLERK OF SUPERIOR
COURT
FLORENCE COUNTY, SC

State of South Carolina
County of Florence
In The Court of Common Pleas

Stacy Evans #152040	)	CA/No:2010-CP-21-1258
Applicant,	)	
	)	
Vs.	)	Supplemental 59 (e)
	)	Motion for a New Hearing or
State of South Carolina	)	Reconsideration on all unheard
Respondent,	)	PCR Issues
	)	

2011 MAR -9 PM 12:44
 BONNIE REEL-SHEARIN
 CLERK OF COURT
 COUNTY OF FLORENCE

FILED

Statement.

Pursuant to Rule 59(e) S.C.R.Civ.Pro. and 71.1 and S.C. Code of Laws § 17-27-80 applicant now submits all issues not raised by PCR counsel nor preserved for appellate review which supports his motion.

Issues.

1. Counsel was ineffective for failing to object to the invalid indictment for a violation of §17-19-100 which changed the nature of the offense which deprived the court of subject matter jurisdiction.
 2. Prosecutorial Misconduct-The state presented pictures from another crime, exhibits 5(a) and 5(b) to bolster the state's case in violation of due process.
 3. Counsel was ineffective for failing to object to the state using this false evidence to bolster it's case in violation of rule 1003.
 4. Counsel was ineffective for failing to object to the inconsistent statements that were different from the initial statements given to police and failed to impeach the state's witnesses with thier inconsistent written testimony which amounts to perjury. See U.S. v. Martinez, 988 F.2d 685, 698 (7th Cir. 1993).
 6. PCR and Trial counsel was ineffective for failing to subpoena James Langston in violation of the 6th amendment compulsory process and the court abused it's discretion and violated the compulsory process when the court failed to secure the witness in his PCR hearing to show the victim was in the bar with the defendant after the state's witnesses left and would show a reasonable doubt that the victim was not kidnapped but they left together.
- See Washington v. Texas, 388 U.S. 14, 19 (1967).
7. Counsel was ineffective for failure to discover and utilize prior criminal records of the prosecutions witnesses and victim under Rule 609(a)(1).
 8. Counsel was ineffective for failing to attack the character of the victim and the state's witnesses under Rule 404(2), and failing to attack reputation evidence under Rule 607, 608.
 9. Counsel was ineffective for failing to recall witnesses to impeach thier credibility under Rule 611(d).
 10. Counsel was ineffective for failing to suppress evidence of pictures of 05 which were falsified.

CERTIFIED: A TRUE COPY
 Bonnie Reel-Shearin
 CLERK OF COURT
 COUNTY OF FLORENCE
 S.C.

11. Counsel was ineffective for failing to object to leading the victim and the state's witnesses under Rule 611(c).
12. Counsel was ineffective for failing to authenticate pictures of victims face which were used in trial to bolster the state's case in violation of Rule 902(4), Rule 1005, and Rule 1002, requirement of originals.

Applicant requests a full hearing on his issues and for the court to secure his witness James Lanston pursuant to Glover v. State, 458 S.E.2d 538 (1995), and for the court to present specific findings of fact and conclusions of law in respect to all issues raised in his PCR application pursuant to S.C. Code Ann. §17-27-80 and to remove his PCR Counsel Charles T. Brooks and allow applicant to represent himself as his own counsel to raise all issues to preserve for appellate review.

Date: 3-7-2011

Stacy Evans #152040

STACY EVANS

McCormick C.I. F-1-A-251
386 Redemption Way
McCormick S.C. 29899

Certificate of Service

This is to certify that Stacy evans did mail to the Clerk of Court, Connie Reel Shearin, City-County Complex, 180 N. Irby St. MSC E, Florence S.C. 29501 his supplemental 59(e) motion. Placed in the mail on this 07 Day of March, 2011 with postage prepaid.

Sworn and Subscribed Before Me
This 07 Day of March, 2011

JC Fankler
Notary Public South Carolina
My Commission expires

12-16-2019

Stacy Evans
Stacy Evans #152040
McCormick C.I.
386 Redemption Way
McCormick S.C. 29899

PLEASE SEND ME A STAMPED Clocked COPY.
THANK YOU

FILED
01 MAR -9 PM 12:45
CONNIE REEL-SHEARIN
CCDP & GS
FLORENCE COUNTY, SC

FLORENCE COUNTY CLERK OF COURT
CONNIE BEEL SHEARIN
CITY COUNTY COMPLEX
186 N. IRBY ST. MSC-E
FLORENCE S.C. 29501

3-17-11

RE: EXHIBITS

CA/NO: 2010-CP-21-1258

CLERK:

ENCLOSED IS MY EXHIBITS THAT SUPPORT MY 59(E) MOTION
AND MOTION TO RELIEVE COUNSEL THAT SHOW ALL ISSUES
THAT WERE MISSED. PLEASE SEND ME A STAMPED CLOCKED
COPY THAT THESE EXHIBITS HAVE BEEN PLACED IN THE
RECORD.

STAMP PICTURES 1-5
STAMP EXHIBITS -1-12
AND ONLY FRONT PAGES
OF ISSUES IN FRONT
OF TRANSCRIPT. DO NOT
HAVE TO STAMP TRANSCRIPT
ITSELF. THANK YOU.

SINCERELY,

STACY EVANS #152040
MCCORMICK C.I.

11 MAR 18 PM 1:11
CONNIE BEEL SHEARIN
CLERK & G.S.
FLORENCE COUNTY, SC

CERTIFIED: A TRUE COPY

Connie Beel Shearin

CLERK OF COURT C.P. & G.S.

FORM 4

STATE OF SOUTH CAROLINA COUNTY OF FLORENCE IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

STACY EVANS

STATE OF SOUTH CAROLINA

PLAINTIFF(S)

DEFENDANT(S)

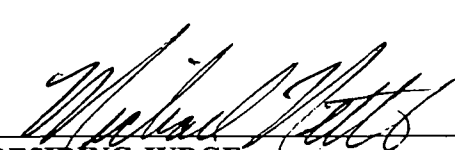
CHECK ONE:

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☒ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☒ Other The Court is in receipt of Defendant's Motion filed on February 25, 2011. The Motion has been considered and is hereby denied, without the necessity of a hearing.
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other
 NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

- ☐ See attached order. (Formal order to follow)
☐ Statement of Judgment by the Court:

Dated at Florence, South Carolina, this 23rd day of March, 2011.


PRESIDING JUDGE

This judgment was entered on the 23 day of March, 2011, and a copy mailed first class this 24 day of March, 2011 to attorneys of record or to parties (when appearing pro se) as follows:

Charles T. Brooks, III
PO Box 3512
Sumter, SC 29151
 ATTORNEY(S) FOR PLAINTIFF

David Spencer
PO Box 11549
Columbia, SC 29211
 ATTORNEY(S) FOR DEFENDANT

Stacey Evans #152040
386 Redemption Way
McCormick, SC 29849

CLERK OF COURT

FILED
 MAR 23 PM 1:34
 CLERK OF COURT
 FLORENCE COUNTY, SC

ISSUE - 4
INDICTMENTS

The State of South Carolina

In The Supreme Court

"Writ Of Certiorari" Florence County

Honorable Thomas A. Russo and Micheal Nettles
Circuit Court Judges

CA/NO:2010-CP-21-1258

Stacy Evans.....Petitioner

VS.

State of South Carolina..... Respondent

Record On Appeal

Index

1. See previous designation of matter to be included on appeal.

also see issues-4 indictments pg.1

2. See issues 5-6-FAILING To suppress pg.2

3. See also issues 7-inconsistent statements pg.3

4. See issue 8-Failure to subpoena witnesses pg.4

5. See issue 9-failure to discover prior records of abuse pg.5

6. See issue-10-failing to attack character and reputation of
victim Pg.6

7. See issue 11-failing to object to leading pg.7

8. See issue 12-misadvise of priors pg.8

9. See issue 13-failure to present a viable defense pg.9

10. See issue 14-State failed to prove every element beyond a
reasonable doubt. Pg.10

The undersigned hereby certifies that the record of appeal
contains all material proposed to be included by any of the
parties and not any other material.

Date: _____, 2011



Stacy Evans #150040
McCormick C.I.

1 doubt, that is they have got to convince twelve jurors
2 unanimously, beyond a reasonable doubt, that he committed one
3 or more of these crimes before he could be convicted.

4 Now, again the Indictment just contains allegations.

5 Count one of the Indictment alleges that Stacy Lee Evans,
6 back in February of this year committed the crime of
7 kidnaping; in that he kidnaped one Gloria Williamson.

8 Kidnaping, is just restraining, moving one person from
9 one place to another.

10 MS. PARR: Your Honor, I apologize. Can we approach?

11 THE COURT: You can do it.

12 (Whereupon, a bench conference was held in the presence
13 of the jury but out of the hearing of the jury.)

14 THE COURT: Apparently, they handed me the wrong
15 Indictment. Inefficiency, will not be tolerated.

16 They have got to go and get another Indictment, and I
17 don't know what they call it, until they hand it to me jurors.
18 That is how it works.

19 Civil cases, the judge runs the docket.

20 (Whereupon, a bench conference was held in the presence
21 of the jury, but out of the hearing of the jury.)

22 (PAUSE)

23 THE COURT: Okay, just so the jury doesn't start
24 throwing things; what happens after we pick this jury? We are
25 going to pick this jury, and they are going to go to lunch,

1 and then we will start the trial, as I understand it. What
2 about the rest of the jurors, are they going to call in, or do
3 they have another trial or what?

4 MR. CLEMENTS: Your Honor, if they would call back after
5 six tonight.

6 THE COURT: All right. This is the Indictment that was
7 just handed to me that we are going to proceed on.

8 MS. PARR: That is Indictment 08-GS-21-1827

9 THE COURT: The Solicitor and the Defense Counsel asked
10 that I tell you that he has just Indictment for one charge.
11 They are not two different charges. There are just some typos
12 or something in the first Indictment?

13 MR. LAWSON: A charge was changed, Your Honor.

14 MS. PARR: Changed, Your Honor, inadvertently.

15 THE COURT: Inadvertently. But, it all arises out of
16 the alleged same transaction that occurred, or didn't occur on
17 February 23, 2008. Is that correct?

18 MR. LAWSON: That is correct.

19 THE COURT: So this Indictment alleges the same thing,
20 and it creates no inference of guilt against Mr. Evans, not
21 exactly the same thing in words, but the same charges. It
22 charges him with kidnaping. He is presumed innocent. There
23 is no burden on his part to prove that he is not guilty.

24 Count one alleges, that he kidnaped Gloria Williamson.
25 If you get on the jury, kidnaping will be explained to you,

1 nothing. And apparently that is not the way it turned out.

2 I would also reserve our right to file any additional
3 Motions within ten days of the verdict.

4 THE COURT: Yeah, certainly you can do that. Ms. Parr,
5 you agree with his Motion? She does not.

6 MR. LAWSON: I didn't think she would, Judge.

7 THE COURT: So I deny your Motion. The jury could of
8 easily found as they found, based upon the evidence. There is
9 no oral sex occurring. The State didn't prove the second
10 vaginal alleged penetration beyond a reasonable doubt, but
11 did the first one.

12 MR. LAWSON: Your Honor, additionally, I understand The
13 State originally filed a Notice of Life Without Parole.

14 MS. PARR: Yes.

15 MR. LAWSON: That filing was done under an indictment
16 that has now been non prossed, and no new filing was done. I
17 would submit that the filing is not appropriately before The
18 Court in relation to that issue for sentencing purposes.

19 MS. PARR: Your Honor, that was a --- I just noticed
20 --- I did not refile it again that Motion. It was filed
21 under the older indictment.

22 But, it is cur position that Defense knew and had notice
23 that I had an affidavit of service were they were served.
24 They know that he had had a prior conviction for voluntarily
25 manslaughter as well. And that according to the statute,

1 this was --- So, it is our position that they had sufficient
2 --

3 THE COURT: -- I don't know. You will have to do a
4 little research on that, didn't she. Just bring it back
5 in the morning. I don't know that off the top of my head
6 or not. Once you serve him with Notice of Life Without
7 Parole --

8 MS. PARR: -- For these same charges.

9 THE COURT: I understand, but it's different
10 indictments, his position. So --

11 MR. LAWSON: Your Honor, I must raise it.

12 THE COURT: Anyway, let's just look it up rather than
13 use make a clear mistake here, because we're got time.

14 Just bring him back Friday morning 9:30. That is plenty
15 of time to have that. We may not be right on it whatever we
16 do Friday morning, but that will be it. If it's not that,
17 what is it, up to thirty something like that?

18 MS. PARR: Up to thirty on both, Your Honor.

19 THE COURT: What he's looking at is a maximum of thirty
20 and thirty is sixty, if I gave him the max, which I don't
21 know.

22 MR. LAWSON: Yes, sir.

23 THE COURT: If he was not served LWOP under this
24 particular indictment.

25 MR. LAWSON: Correct, Your Honor.

1 THE COURT: But he's in jail so he's not going anyway.
2 You can bring him back Friday morning.

3 MR. LAWSON: Yes, sir.

4 THE COURT: Bring him back Friday morning, 9:30. That
5 is the proper time. Look up some law on that. He may have
6 you on that and it maybe he just gets thirty years, you know,
7 which is no small time anyway at his age. It's an 85'er.

8 MR. LAWSON: Correct, Your Honor.

9 THE COURT: But it's a little hope.

10 MR. LAWSON: That is correct.

11 MS. PARR: Thank you, Your Honor.

12 MR. LAWSON: Thank you.

13 THE COURT: All right.

14 MS. PARR: You want me to pull up his record on the
15 record on or do you want me to wait?

16 THE COURT: You might as well just wait.

17 MS. PARR: Okay.

18 THE COURT: Jurors, just for your edification. They
19 had served him with something called Life Without Parole on
20 that old indictment that they handed me to start with, that I
21 read. Well, they threw that one out and handed another one.
22 He represents they didn't serve him with Life Without Parole,
23 if he didn't it's just thirty, not life; which I don't know
24 off the top of my head, so we will do it Monday but it's
25 going to be the thirty or sixty or life, so there you go.

CERTIFICATE OF REPORTER

424

1 **THE COURT:** Okay, be back in the morning for whatever
2 you all got.

3 **MR. LAWSON:** Thank you, Your Honor.

4 **THE COURT:** All right.

5 (Whereupon, this trial was concluded at 5:40 p.m. on
6 Wednesday, December 10, 2008.)

7 **-- END OF TRANSCRIPT --**

WITNESSES
LT. BRETT CAMP FCSO
Cain

PROS: PSP
D/O: 02-23-2008

ARREST WARRANT NO.
K272996 (1); K272997 (2); K272998 (3);
K272999 (4).

ACTION OF GRAND JURY

TRUE BILL

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 2008 - GS - 21 - 01283

The State of South Carolina,

County of FLORENCE

PSP

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2008

THE STATE

vs.

STACY LEE EVANS

Wrote pos. verdict
J. B. Evans
12/18/08

Indictment for

KIDNAPPING

AND

CRIMINAL SEXUAL CONDUCT (FIRST)
(THREE COUNTS)

CERTIFIED: A TRUE COPY
Carmie K. Spain
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

INDICTMENT FOR

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

KIDNAPPING AND CRIMINAL SEXUAL CONDUCT
(FIRST) (THREE COUNTS)

At a Court of General Sessions, convened on AUGUST 28, 2008, the Grand Jurors of FLORENCE

County present upon their oath:

COUNT ONE - KIDNAPPING

That STACY LEE EVANS did in FLORENCE County on or about February 23, 2008, violate Sections 16-03-0910 and 16-01-0060 of the Code of Laws of South Carolina (1976), as amended, in that he did unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and/or carry away one Gloria Williamson, by any means whatsoever, without authority of law and by the use of force.

COUNT TWO - CRIMINAL SEXUAL CONDUCT (FIRST DEGREE)

That STACY LEE EVANS did in FLORENCE County on or about February 23, 2008, violate Section 16-03-0652 and 16-01-0060 of the Code of Laws of South Carolina (1976), as amended, in that he did commit, or attempt to commit, a sexual battery in and upon Gloria Williamson, by using aggravated force and/or coercion upon Gloria Williamson, by having vaginal intercourse with the victim while committing the crime of kidnapping and by assaulting her and threatening to kill her, while possessing a knife.

COUNT THREE - CRIMINAL SEXUAL CONDUCT (FIRST DEGREE)

That STACY LEE EVANS did in FLORENCE County on or about February 23, 2008, violate Section 16-03-0652 and 16-01-0060 of the Code of Laws of South Carolina (1976), as amended, in that he did commit, or attempt to commit, a sexual battery in and upon Gloria Williamson, by using aggravated force and/or coercion upon Gloria Williamson, by forcing her to perform oral sex on him.

WITNESSES
LT. BRETT CAMP FCSO

Cain helen

PROS: PSP

D/O: 02-23-2008

ARREST WARRANT NO.

CAW08K002 (1); CAW08K003 (2);

CAW08K004 (3); CAW08K005 (4).

ACTION OF GRAND JURY
TRUE BILL

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 2008 - GS - 21 - 01827
The State of South Carolina,

County of FLORENCE

PSP

COURT OF GENERAL SESSIONS

DECEMBER TERM 2008

THE STATE

vs.

STACY LEE EVANS

Indictment for

KIDNAPPING
CRIMINAL SEXUAL CONDUCT
3 COUNTS

CERTIFIED: A TRUE COPY
Clerk of Court
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

2008 NOV 20 PM 1:35
COMPILED-SHEAR
6007 & GS
FLORENCE COUNTY, SC

INDICTMENT FOR

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

KIDNAPPING CRIMINAL SEXUAL CONDUCT 3
COUNTS

At a Court of General Sessions, convened on NOVEMBER 20, 2008, the Grand Jurors of FLORENCE
County present upon their oath:

COUNT ONE - KIDNAPPING

That STACY LEE EVANS did in FLORENCE County on or about February 23, 2008, violate Sections 16-03-0910 and 16-01-0060 of the Code of Laws of South Carolina (1976), as amended, in that he did unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and/or carry away one Gloria Williamson by any means whatsoever, without authority of law and by the use of force.

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COUNT THREE - CRIMINAL SEXUAL CONDUCT (FIRST DEGREE)

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Nelle J.
K. S. S.

ISSUE - 5-6

INEFFECTIVE ASSISTANCE FAILING TO
SUPPRESS NOT AUTHENTICATED

(CONTRADICTIONS IN STATEMENT AND PHOTOS

Pg. 7-11 GLORIA WILLIAMSON STATEMENT

MISSING 106 SHEET-PICTURES (EVIDENCE 106 SHEETS)

PICTURES- 1-19-2005

Pgs, 53, ~~54~~, 75-76, 92-93-96, 107, 110-112, 128, 138, 142
144, 161, 229, 239, 244, 245-246, 249, 251, 253-255,
256, 261-262, 264, 290-291, 306, 327, 153-155, 171-175
181-188

STATEMENT OF AGNES CREE

- DENA STEGLAR

MARY ANN MATTHEWS

MONA LABRANCHE

Florence County Sheriff's Office Report

Detail

Print Date/Time: 03/24/2008 10:26
Login ID: hcain
Case Number: 2008-00020639

Florence County Sheriff's Office
ORI Number: SC0210000

HER LIFE AND HE THEN WENT TO A FIELD, AGAIN. HE THEN BACK HANDED HER IN THE FACE (VICTIM HAD A VERY SMALL AMOUNT OF SWELLING AND TWO SCRATCH MARKS OVER HER LEFT EYE) HE GRABBED HER BY HER HAIR AND FORCED HER TO PERFORM ORAL SEX ON HIM. HE THEN TOOK HER OUT OF THE VEHICLE AGAIN AND LEANED HER OVER THE SEAT AND HAD VAGINAL INTERCOUSE AGAIN. HE THEN DROVE HER TO THE SHELL STATION AT THE CORNER OF NORWOOD AND CASHUA. WHEN HE PULLED UP AT THE STATION HE GOT OUT OF THE VEHICLE AND TOOK HIS SHIRT OFF AND WIPED OFF THE DOOR, SEAT AND STEERING WHEEL OF THE VEHICLE. HE TOLD THE VICTIM "THEY WILL NOT GET ANYTHING OFF THIS VEHICLE. (SEE RECORDED STATEMENT FOR FULL DETAILS)

THE VICTIM, GLORIA WILLIAMSON, WENT TO MCLEOD HOSPITAL AND A SEXUAL ASSAULT KIT WAS DONE. (SEE REPORT FOR DETAILS)

PHOTO'S OF THE VICTIM'S INJURY WERE TAKEN BY DEPUTY SUMMERSETT.

THE VICTIM, GLORIA WILLIAMSON, SHOWED ME ONE OF THE FIELDS THEY WENT TO. SHE TOOK ME DOWN CASHUA, WE TURNED LEFT ON TO S. KNOLLWOOD DR. WE MADE A RIGHT TURN ON TO MEARS DR. THEN MADE A RIGHT ON TO W. FOREST LAKE DRIVE, THEN A RIGHT ON TO STANLEY DR. THEN A LEFT INTO THE FIELD. THE FIELD IS LOCATION AT THE END OF STANLEY NEAR CASHUA. PHOTO'S WERE TAKEN OF THE FIELD BY FORENSIC INV. ADAM MOORE. THE VICTIM WAS NOT SURE, IF HE WENT BACK TO THE SAME FIELD THE SECOND TIME OR IF IT WAS IN FACT ANOTHER FIELD. WE COULD NOT LOCATE THAT FIELD.

1. INV. CAIN, SPOKE WITH LEGRAND POSTON WHO STATED HE MET THE SUBJECT, STACY EVANS, AT THE WOODEN NICKLE LAST WEEKEND. THIS PAST FRIDAY NIGHT (02-22-08) HE WENT TO THE WOODEN NICKLE AND HE HAD ASKED MRS. GLORIA TO MEET HIM THERE TO HAVE A BEER. SHE CAME BY AND THEY WERE AT THE BAR AND THE SUBJECT, STACY EVANS, CAME UP AND STARTED TALKING WITH THEM. WHILE AT THE BAR HE WAS TALKING ABOUT HIS TATOO AND OTHER THINGS. AT ONE POINT THE SUBJECT SAID SOMETHING ABOUT HE WOULD PROTECT THEM. HE FLIPPED OUT A KNIFE AND PUT IT BACK UP. LEGRAND HAD BEEN DRINKING FOR A WHILE. HE CALLED JOEY MATTHEWS, TO COME PICK HIM UP. WHEN SHE GOT THERE HE WAS SUPPOSE TO BE OUTSIDE WAITING ON HER BUT HE WAS NOT. SHE CAME INSIDE AND STAYED FOR AWHILE. THEN HE LEFT WITH HER. HE SAID, HE LEFT THE VICTIM INSIDE THE BAR. ON SATURDAY MRS. GLORIA, CALLED HIM AND WAS CRYING AND TOLD HIM THE SUBJECT RAPED HER. HE GOT HIS MOTHER AND FATHER AND THEY WENT OVER AND TALKED WITH THE VICTIM. (SEE STATEMENT FOR DETAILS) <

THE SUBJECT IS A REGISTERED SEX OFFENDER WITH THE FCSO. I SPOKE WITH THE JUDGE AND OBTAINED WARRANTS ON THE SUBJECT FOR CSC 1 DEGREE (3CT) AND ONE COUNT OF KIDNAPPING. WARRANT # K-272997, K-272998, K-272999 AND K-272996. I ADVISED LT. CAMP OF THIS INCIDENT AND MYSELF, LT CAMP, CAPT. COURIS, CPL. PRINCE, LT. BELLFLOWERS, INV. PROSSER AND DANGERFIELD RESPONDED TO THE SUBJECT RESIDENCE LOCATED AT 1439 GOLF TERRANCE BLVD APT. 7 INV. DANERFIELD KNOCKED ON THE DOOR AND ADVISED THE SUBJECT HE WAS THERE FOR A SEX OFFENDER'S COMPLIANCE CHECK. WE STOOD AT THE DOOR FOR AT LEAST 10-MINUTES OR SO. CPL. PRINCE SAW THE SUBJECT ON THE BALCONEY IT APPEARED HE WAS TRYING TO GET OUT OF THE SCREENED IN PORCH. (AT THIS TIME THE

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* GIRLFRIEND, MONA, CAME TO THE DOOR AND OPEN IT. THE SUBJECT, STACY EVANS, WAS
STANDING WITH A KNIFE IN HIS HAND. THE SUBJECT WAS SECURED, HANDCUFFED AND
PLACED UNDER ARREST. THE SUBJECT STATED TO LT. CAMP "IS THIS ABOUT THE WOMEN
THAT TRIED TO GET ME TO KILL HER HUSBAND." I, INV. CAIN, WAS TALKING WITH THE
FEMALE IN THE HOUSE AND SHE STATED HE WOULD NOT LET HER OPEN THE DOOR AND HE
WAS GOING TO CUT THE SCREEN AND JUMP OFF THE BALCONY. SHE STATED SHE WAS WITH
THE SUBJECT AT THE WOODEN NICKLE ON FRIDAY NIGHT AND SHE LEFT HIM THERE. THE
NEXT MORNING HE TOLD HER, HE HAD AN AFFAIR. MONA, STATED THE CLOTHES THE
SUBJECT HAD ON HAD NOT BEEN WASHED AND SHE GAVE THEM TO ME. THE SUBJECT WAS
TRANSPORTED TO FCDC.

I, INV. CAIN, TOOK A RECORDED STATEMENT FROM THE GIRLFRIEND OF THE SUBJECT. MONA
LABRANCHE, SHE STATED, SHE AND STACY WAS AT THE WOODEN NICKLE ON THAT FRIDAY
NIGHT. THEY WERE AT A TABLE AND LEGRAND AND A LADY CAME IN AND WAS SITTING AT
THE BAR. STACY LEFT HER AT THE TABLE AND WENT OVER TO THE BAR AND WAS TALKING
WITH THE LADY AND L.G. (LEGRAND) SHE WENT OVER TO HIM AND TOLD HIM SHE WAS
READY TO GO AND HE WOULD NOT GO. A LADY BY THE NAME OF JOEY CAME IN TO GET L.G.
AND HE WOULD NOT LEAVE. JOEY TOLD MONA SHE WOULD TAKE HER HOME AND HER AND
JOEY LEFT. JOEY DROPPED HER AT HOUSE AND SHE WENT TO BED. THE NEXT MORNING SHE
GOT UP AND THE SUBJECT WAS ON THE COUCH HE DID NOT GO TO BED. SHE COULD TELL
SOMETHING WAS WRONG. SHE KEPT ASKING HIM, IF HE GOT INTO TROUBLE. HE LEFT THE
HOUSE HE SAID, HE WAS GOING TO THINK. HE CAME BACK AND SHE NOTICED HIS BOOTS
WERE MUDDY. HE TOLD HER THE WOMAN AT THE BAR CAME ON TO HIM. SHE STARTED
RUBBING HIM BETWEEN HIS LEG AND SHE WANTED HIM TO KILL HER HUSBAND, BUT SHE
DID NOT HAVE ANY MONEY. SHE WAS GOING TO PAY HIM WITH SEX. THEY WENT TO A FIELD
AND HAD SEX. SHE WANTED TO GO TO HER HOUSE, BUT HE WOULD NOT GO. MONA SAID,
STACY TOLD HER HE DID NOT PUT UP IN HER. (SEE STATEMENT FOR ALL DETAILS) MONA,
SHOWED ME A SHED, LOCATED DOWN FROM HER RESIDENCE THAT THE SUBJECT LIKES TO
GO TO THINK. IT IS LOCATED ON HIS FAMILY'S LAND.

I, INV. CAIN, SPOKE WITH DENA SEIGLER, BARTENDER AT THE WOODEN NICKLE. DENA
STATED THEY WERE AT THE BAR AND SHE THOUGHT LG AND STACY WAS GOING TO FIGHT
OR HAVE WORDS BECAUSE STACY WAS TRYING TO MOVE IN ON THE LADY WITH LG.
NOTHING EVER HAPPEN. DENA STATED, A WOMEN BY THE NAME OF JOEY, CAME AND GOT
LG. JOEY AND LG LEFT THEN GLORIA AND STACY WALKED OUT BEHIND HER. (SEE
STATEMENT FOR ALL DETAILS)

I SPOKE WITH MARY ANN MATTHEWS "AKA" JOEY OR MAMA JOEY. SHE STATED LG,
LEGRAND CALLED HER TO COME PICK HIM UP AT THE BAR. SHE WENT AND HE WAS NOT
OUTSIDE LIKE HE TOLD HER HE WOULD BE. SHE WENT INSIDE AND HE WOULD NOT LEAVE.
SHE SAW A LADY OVER AT THE BOWLING GAME AND SHE WENT OVER AND SHE MET MONA.
THEY PLAYED THE GAME AND THEN SHE TOOK MONA HOME AND LEFT STACY AT THE BAR.
SHE CAME BACK AND GOT LG AND GLORIA AND STACY CAME OUT BEHIND THEM. THEY
WERE TALKING WITH LG AT THE WINDOW OF THE CAR. SHE DROVE OFF AND LEFT THEM IN
THE PARKING LOT. (SEE STATEMENT FOR DETAILS)

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I SPOKE WITH, AGNES CREEL, LEGRAND POSTON'S MOTHER. SHE STATED LEGRAND TOLD HER, MRS. GLORIA, GOT RAPED AND WANTED HER TO TALK WITH MRS. GLORIA. MRS. CREEL STATED, HER SON LEGRAND, HER HUSBAND, THOMAS "TOMMY" CREEL AND HERSELF WENT OVER TO MRS. GLORIA'S HOUSE. SHE TOLD HER WHAT HAPPEN. MRS. GLORIA WAS VERY UPSET AND CRYING. (SEE STATEMENT FOR DETAILS)

THE VICTIM, GLORIA WILLIMSON, STATED HER DRIVER'S LICENCE WERE MISSING. SHE HAD THEM IN HER BACK POCKET OF HER JEANS. WE TRIED TO LOCATE THEM IN THE FIELD, BUT WERE UNABLE TO DO SO. I OBTAINED A SEARCH WARRANT, FOR THE SHED WERE THE SUBJECT GO'S TO THINK AND FOUND NOTHING.

THE SUBJECT WAS ARRESTED ON FOR CSC 1ST DEGREE AND KIDNAPPING. THIS CASE IS CLEARED BY ARREST.
RESPECTFULLY SUBMITTING,
INV. HELEN CAIN
DATE: 032108

NARRATIVE

ON 022308 I, DEPUTY SUMMERSETT, RESPONDED TO 409 JEFFERIES LANE, UNIT 4, FLORENCE COUNTY. UPON MY ARRIVAL I SPOKE WITH GLORIA WILLIAMS WHO STATED THAT SHE WAS RAPED. THE COMPLAINANT GLORIA WILLIAMS STATED THAT SHE WENT TO A BAR CALLED THE "WOODEN NICKEL" LOCATED AT 1603 IRBY STREET, FLORENCE COUNTY, WITH A FRIEND LEGRAND POSTON. THE COMPLAINANT STATED THAT WHILE THEY WERE IN THE BAR THEY SPOKE WITH A SUBJECT, SHE DID NOT KNOW THE NAME AT THE TIME BUT ASSUMED THAT HE WAS FRIENDS WITH HER FRIEND LEGRAND POSTON. THE COMPLAINANT STATED THAT THEY TALKED FOR A LITTLE WHILE AND THEN SHE WENT ON ABOUT HER BUSINESS. THE COMPLAINANT STATED THAT UPON HER LEAVING THE BAR AROUND 0200 HOURS AND GOING TO HER VEHICLE, SHE LOOKED OVER HER SHOULDER AND THE SUBJECT THAT SHE SPOKE WITH IN THE BAR WHO SHE THOUGHT WAS HER FRIEND'S FRIEND, WAS RIGHT BEHIND HER AND SNATCHED THE KEYS, OPENED THE DOOR AND PUSHED HER INTO THE VEHICLE, STARTED THE VEHICLE AND DROVE OFF. THE COMPLAINANT STATED THAT SHE WAS VERY SCARED AND DID NOT KNOW WHAT TO DO AND ALL HE COULD SAY WAS "I DON'T WANT TO DO THIS BUT YOUR EX-HUSBAND TOLD ME TO DO THIS". THE COMPLAINANT ADVISED THAT SHE DID NOT BELIEVE THAT HER EX-HUSBAND WOULD DO ANYTHING TO HARM HER AND HE WAS TALKING CRAZY. THE COMPLAINANT ALSO ADVISED THAT THE SUBJECT STATED THAT "SHE BETTER NOT TELL ANYBODY ABOUT THIS BECAUSE HE COULD NOT GO BACK TO PRISON". THE COMPLAINANT ADVISED ME THAT HE ALSO WAS TALKING ABOUT BEING IN PRISON WHILE HE WAS IN THE BAR. SHE STATED THAT SHE TRIED

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TO GRAB HER CELL PHONE AND HE SNATCHED IT FROM HER. THE COMPLAINANT STATED SHE THEN TRIED TO GRAB HIS CELL PHONE AND HE SNATCHED IT FROM HER AGAIN. THE COMPLAINANT STATED THAT HE REACHED UP AND GRABBED A HANDFUL OF HAIR AND FORCED HER HEAD DOWN TOWARDS HIS LAP. THE COMPLAINANT STATED THAT SHE RESISTED AND HE STOPPED. THE COMPLAINANT STATED THAT THEY DROVE OUT TO A FIELD SOMEWHERE LOCATED OFF WEST PALMETTO STREET AROUND HIGHWAY 76 THE MOTELS INTO A FIELD AND ADVISED HER TO GET OUT AND COME AROUND THE TRUCK AND "ADVISED HER TO BEND OVER THE DRIVERS SEAT OF THE VEHICLE". THE COMPLAINANT STATED THAT UPON GETTING OUT SHE RAN AND THE SUBJECT CAUGHT HER AND DRUG HER BACK TO THE CAR, PLACED HER OVER THE DRIVERS SEAT AND ENTERED HER FROM BEHIND IN THE VAGINA. THE COMPLAINANT STATED THAT UPON HIM FINISHING, HE DID NOT EJACULATE INSIDE OF HER AND ADVISED HER THAT "HE WAS SMARTER THAN THAT, HE IS NOT GOING BACK TO PRISON BECAUSE HE LEFT DNA". THE COMPLAINANT STATED THAT HE EJACULATED IN HIS HAND. THE COMPLAINANT STATED THAT HE MADE HER GET BACK IN THE VEHICLE AND THEY DROVE TO ANOTHER FIELD WHERE HE RAPED HER AGAIN THE SAME WAY MAKING HER LEAN OVER THE DRIVERS SEAT AND ENTERED HER FROM BEHIND AGAIN. THE COMPLAINANT STATED THAT SHE DID NOT STRUGGLE THE SECOND TIME BECAUSE SHE WAS IN FEAR OF HER LIFE BECAUSE HE THREATENED HER LIFE AND HER FAMILY'S LIFE IF SHE TOLD ANYONE. SHE STATED THAT HE ADVISED HER THAT "HE WOULD FUCK HER UP AND HER FAMILY. I CAN'T GO BACK TO PRISON". THE COMPLAINANT STATED THAT UPON HIM FINISHING AND HER GETTING BACK IN THE VEHICLE, SHE DID NOT KNOW WHAT WAS GOING TO HAPPEN NEXT BUT HE DROVE TO THE "SHELL STATION" RIGHT BESIDE SOME APARTMENTS ON CASHUA, RIGHT DOWN FROM FOREST LAKE. I, DEPUTY SUMMERSETT, WAS ADVISED BY THE COMPLAINANT THAT UPON HIM PARKING IN THE PARKING LOT HE GOT OUT AND WALKED TOWARDS THE APARTMENTS. I, DEPUTY SUMMERSETT, WAS ADVISED THEN THAT SHE GOT INTO HER VEHICLE AND DROVE HOME AND CALLED THE POLICE THE NEXT MORNING. I, DEPUTY SUMMERSETT, WAS ADVISED BY THE COMPLAINANT THAT SHE HAD NOT TAKEN A SHOWER. I, DEPUTY SUMMERSETT, ADVISED HER THAT SHE NEEDED TO GO TO THE HOSPITAL AND GET A RAPE KIT DONE BEFORE SHE TOOK A SHOWER. THE COMPLAINANT WAS VERY UPSET AND ADVISED ME THAT SHE DID NOT KNOW IF SHE WANTED TO PURSUE CHARGES ON THE SUBJECT DUE TO PEOPLE FINDING OUT. I, DEPUTY SUMMERSETT, ASSURED HER THAT HER NAME WOULD NOT BE MENTIONED TO ANYONE OTHER THAN MYSELF, MY SUPERVISOR AND THE INVESTIGATOR. THE COMPLAINANT STATED THAT SHE WOULD DRIVE HERSELF TO THE HOSPITAL IN REFERENCE TO OBTAINING A RAPE KIT. I, DEPUTY SUMMERSETT, ISSUED HER A CASE NUMBER ON A VICTIM'S FORM, 2008-02-0639 AND ADVISED HER THAT AN INVESTIGATOR WOULD BE IN CONTACT WITH HER. I, DEPUTY SUMMERSETT, ALSO CONTACTED HELEN CAIN IN REFERENCE TO THE CSC. I, DEPUTY SUMMERSETT, ON 022408 WAS ADVISED BY CENTRAL DISPATCH TO CALL GLORIA WILLIAMS. UPON CALLING HER SHE ADVISED ME THAT THERE WERE SOME MORE BRUISES AND SCRATCHES ABOVE HER EYE THAT WERE NOT VISIBLE ON THE DAY PRIOR WHEN I CAME. I, DEPUTY SUMMERSETT, WENT TO HER RESIDENCE AND TOOK TWO PICTURES, ONE OF HER WRIST WHERE HE GRABBED HER WRIST AND HER BRACELET CUT INTO HER ARM AND ONE OF A LACERATION ABOVE HER RIGHT EYE. THE COMPLAINANT ADVISED THAT SHE DID GO AND GET THE RAPE KIT DONE. I, DEPUTY SUMMERSETT, WAS ADVISED BY THE PRIOR SHIFT SUPERVISOR, SGT. DRIGGERS, THAT DEPUTY JOHNSON RETRIEVED THE RAPE KIT FROM "CAROLINAS HOSPITAL" AND LOGGED IT

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INTO EVIDENCE FOR ME. I, DEPUTY SUMMERSETT, WHILE AT THE RESIDENCE OF THE COMPLAINANT GLORIA WILLIAMS WAS ADVISED BY HER THAT SHE FOUND THE SUBJECT, STACY LEE EVANS, ON THE INTERNET IN REFERENCE TO A SEXUAL PREDATOR. THE COMPLAINANT STATED THAT STACY LEE EVANS ALSO HAS AN ALIAS STACY LEE BROACH AND LIVES AT 1469 GOLF TERRACE BOULEVARD, UNIT 7, WHICH IS LOCATED RIGHT ACROSS THE STREET FROM THE "SHELL STATION" WHERE SHE AND HER VEHICLE WERE DROPPED OFF AND WHERE HE WALKED TOWARDS. I, DEPUTY SUMMERSETT, TOOK THE INFORMATION AND INDICATED IT IN THE REPORT. I, DEPUTY SUMMERSETT, ALSO TOOK THE CHIP FROM THE CAMERA AND LOGGED IT INTO EVIDENCE.

SUPPLEMENT BY CAIN 022608

THE VICTIM'S NAME IS GLORIA WILLIAMSON, NOT GLORIA WILLIAMS. THIS CORRECTION WAS MADE IN THE VICTIMS INFORMATION.

Routing:

☐ LT - SRO	☐ LT - PACE	☐ LT - CEU	☐ LT - PATROL
☐ VICTIM'S ADVOCATE	☐ MAGISTRATE	☐ COURT LIAISON	☐ LT - CID
☐ PIO	☐ CHIEF	☐ SHERIFF	☐ SOLICITORS OFFICE
☐ LT - NARCOTICS	☐ FILE		

INV. HELEN CAIN
VICTIM: GLORIA WILLIAMSON
CASE NUMBER: 08-02-639

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

08-02-639-WILLIAMSON

FLORENCE COUNTY SHERIFF'S OFFICE

STATEMENT COVER SHEET

STATEMENT TAKEN FROM: GLORIA WILLIAMSON

THIS PAGE IS NOT PART OF RECORDED STATEMENT,
AND IS FOR RECORDS KEEPING PURPOSE ONLY.

INV. HELEN CAIN
VICTIM: GLORIA WILLIAMSON
CASE NUMBER: 08-02-639

CAIN: OKAY, TODAY'S DATE IS 02-27-2008. THE TIME NOW IS 11:40 A.M. PRESENT DURING THIS STATEMENT IS MYSELF INVESTIGATOR HELEN CAIN WITH THE FLORENCE COUNTY SHERIFF'S OFFICE. THIS STATEMENT IS TAKEN AT THE LAW ENFORCEMENT CENTER IN EFFINGHAM. THIS CONCERNING CASE NUMBER 08-02-639. UM, THIS INCIDENT TOOK PLACE ON 02-23. UM, THE VICTIM IN THIS CASE WILL BE A MS. GLORIA WILLIAMSON, THAT'S W-I-L-L-I-A-M-S-O-N. HER ADDRESS IS 409 JEFFRIES LANE, UNIT 4. SHE'S A WHITE FEMALE, HER DATE OF BIRTH OF 04-15-54.

OKAY, MS. WILLIAMSON, IF YOU WOULD, JUST TELL ME IN YOUR OWN WORDS WHAT OCCURRED. I THINK THIS INCIDENT TYPE IS, UM, A RAPE BY FORCE AND KIDNAPPING. OKAY, IF YOU WILL, JUST TELL ME IN YOUR OWN WORDS WHAT TOOK PLACE ON THAT MORNING-THAT NIGHT. START WITH THE TIME YOU LEFT HOME.

WILLIAMSON: I DON'T REMEMBER THE EXACT TIME I LEFT HOME. UH, I HAD GONE TO BUY GROCERIES THAT NIGHT AND CAME BACK AND PUT THOSE UP AND THE BAR WAS ONLY LIKE TWO BLOCKS AWAY FROM MY APARTMENT. I PUT MY DRIVER'S LICENSE AND SOME CASH IN THE HIP POCKET OF MY JEANS. UM, A CO-WORKER AND MINE, AND A FRIEND, LEGRAND POSTON, WAS AT THE BAR DOWN THERE AND, UM, I...I'M SEPARATED FROM MY HUSBAND AND I JUST WANTED TO GET OUT AND I WANTED TO GO SOMEWHERE WHERE EVERYBODY WOULDN'T KNOW ME.

CAIN: OKAY.

WILLIAMSON: I WENT TO THE WOODEN NICKEL.

CAIN: OKAY.

WILLIAMSON: UH, BUT, I KNEW THAT, UM, LEGRAND WAS THERE AND I FELT LIKE I'D BE SAFE 'CAUSE A FRIEND WAS THERE.

CAIN: RIGHT.

WILLIAMSON: UM, SO, YOU KNOW, HE-WE HAD SOME, UH, BEER, AND, UM, LATER THIS GUY CAME OVER, UH, LEGRAND AND I WERE SITTING AT THE BAR AND THIS GUY CAME OVER AND STARTED TALKING AND I GUESS IT'S JUST GUY TALK, I DON'T KNOW, BUT I GOT THE IMPRESSION THEY WERE GOOD FRIENDS.

CAIN: OKAY.

WILLIAMSON: AND, I GUESS THAT MADE-WELL, I DON'T KNOW, I JUST-I THOUGHT HE AND LEGRAND WERE FRIENDS. THEY WERE LIKE "HEY BUDDY, HOW YOU DOIN'?" ALL THIS STUFF.

CAIN: OKAY.

WILLIAMSON: AND, THE GUY, UM, BOUGHT US A SHOT OF SOMETHING, I DON'T-I DON'T DO SHOTS THAT OFTEN. I DON'T EVEN KNOW WHAT IT WAS WITH, UH, ANYWAY, HE AND LEGRAND WERE TALKING ABOUT THEIR TATTOOS AND HE SAID HE HAD ONE ON HIS ARM, I GUESS-HE POINTED-HE HAD-I NEVER SAW IT.

CAIN: OKAY.

WILLIAMSON: HE WAS, HE WAS STANDING BY ME-I GUESS IT WOULD BE ON HIS RIGHT SIDE, UH, I THINK HE TOLD ME WHAT IT WAS OF, AND I CAN'T EVEN REMEMBER AND THEY WERE TALKING ABOUT WHAT DIFFERENT KINDS OF TATTOOS MEANT AND HE STARTED TALKING-HE SAID SOMETHING ABOUT PRISON AND I DIDN'T KNOW IF THEY WERE BEING FOR REAL OR NOT. BUT, UM, ANYWAY, THAT GUY WAS WITH A GIRL OR A WOMAN. UM, THEY HAD BEEN AT A TABLE EARLIER. UH, AT SOME POINT, THAT GUY STARTED HANGING AROUND LEGRAND AND I, AND SHE GOT UP AND CAME OVER THERE. I DON'T KNOW WHAT SHE SAID TO HIM, BUT I REMEMBER HIM JUST RAISING HIS VOICE AND THE TONE-AND I DON'T KNOW EXACTLY WHAT HE SAID, BUT HE TALKED TO HER LIKE SHE WAS AN ABSOLUTE DOG AND SHE WENT AWAY. I-SHE WENT BACK TO THAT TABLE AND I DON'T KNOW IF SHE FINALLY JUST LEFT OR IF SHE WAS STILL HERE, BUT, UH, SOME LADY FRIEND OF LEGRAND'S CAME TO PICK HIM UP LATER AND LEGRAND SAID, I'M GOING AND I SAID, OKAY, WELL, I AM TOO, I'M JUST GONNA FINISH THIS, THIS BEER AND I'M GOING TOO BECAUSE I WAS-I, YOU KNOW, I DIDN'T WANT TO BE THERE WITHOUT LEGRAND THERE.

CAIN: RIGHT.

WILLIAMSON: BUT, WE'RE NOTHING MORE THAN FRIENDS. HE WAS LEAVING WITH A, WITH A LADY.

CAIN: RIGHT.

WILLIAMSON: UM, SO, ANYWAY, I FINISHED THE REST OF MY BEER AND, UH, GRABBED MY KEYS UP AND WENT-I WAS GOING TO THE CAR. I GOT IN THE CAR AND WAS SITTING IN THE DRIVER'S SEAT AND THEN TURNED THE CAR ON AND-THE-I DON'T THINK I HAD THE DOOR CLOSED OR EITHER HE YANKED IT OPENED.

CAIN: OKAY.

WILLIAMSON: BUT, I WAS BEING-BEFORE I KNEW IT, SLID, SLID OVER AND THERE'S A BIG CONSOLE THERE. MY FEET GOT TANGLED UP IN THE PROCESS OF BEING PUSHED OVER. I, I, I WAS STARTLED. ANYWAY, I WAS-ENDED UP BEING PUSHED OVER TO THE PASSENGER SIDE AND HE'S DRIVING MY CAR. AND, I'M ASKING HIM WHAT HE'S DO-I'M FREAKING OUT,

INV. HELEN CAIN
VICTIM: GLORIA WILLIAMSON
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ASKING HIM WHAT HE'S DOING AND PLEASE STOP AND JUST GET OUT AND...I GUESS I SHOULD HAVE JUST JUMPED OUT, I DON'T, I DON'T KNOW. UM, HE SAID (INAUDIBLE) THINGS YOU COULD HAVE DONE LATER. UM, I WAS ASKING HIM WHAT HE WAS DOING, WAS HE JUST WANTING A RIDE HOME OR SOMETHING OR WHAT WAS GOING ON.

CAIN: RIGHT.

WILLIAMSON: AND, UM, HE SAID...(CRYING). _____

CAIN: IT'S OKAY.

WILLIAMSON: UM, I DON'T WANT TO DO THIS, BUT YOUR, YOUR OLD MAN, I GOTTA DO SOMETHING FOR HIM AND I DON'T WANT TO, BUT I GOTTA DO THIS FOR HIM, BUT I DON'T BELIEVE THAT FOR ONE MINUTE, BUT THAT, THAT'S WHAT HE SAID. SO, I GUESS I NEED TO TELL YOU THAT.

CAIN: YEAH, DO YOU KNOW IF HE KNOWS YOUR HUSBAND?

WILLIAMSON: I HAVE-I DOUBT IT.

CAIN: OKAY.

WILLIAMSON: VERY, VERY SERIOUSLY.

CAIN: WHEN Y'ALL WERE IN THE BAR, DID YOU TALK ABOUT YOUR HUSBAND OR THAT WERE DIVORCED-OR SEPARATED OR-

WILLIAMSON: UM, LEGRAND MENTIONED THAT AND, AND, I JUST SAID, WE'VE BEEN SEPARATED AND I THINK LEGRAND, YOU KNOW, HE'S JUST-HE PROBABLY SAID, YEAH, HER OLD MAN KNOWS A LOT OF PEOPLE OR SOMETHING LIKE THAT. WHICH THAT COULD HAVE JUST PUT AN IDEA IN THE GUY'S HEAD RIGHT THEN TO SAY SOMETHING STUPID LIKE THAT, YOU KNOW. I DON'T KNOW, UH, BUT, NO, I DIDN'T SAY ANYTHING ABOUT HIM, MAYBE OTHER THAN WE'RE SEPARATED, IF, IF ANYTHING WHEN HIS NAME CAME UP.

CAIN: OKAY, AND, NOW THE GUY THAT CAR IN THE CAR WITH YOU, WAS IT THE SAME GUY THAT WAS SITTING AT THE BAR WITH YOU AND LEGRAND?

WILLIAMSON: YES, ACTUALLY, HE NEVER SAT WITH US. HE STOOD.

CAIN: OKAY.

WILLIAMSON: WE WERE IN BAR STOOLS BESIDE EACH OTHER AND HE STOOD.

CAIN: OKAY, BETWEEN Y'ALL?

WILLIAMSON: KINDA.

CAIN: OR CLOSE TO Y'ALL?

WILLIAMSON: BACK A LITTLE, YEAH.

CAIN: OKAY, ALRIGHT.

WILLIAMSON: BUT, UM, AND, I DON'T EVEN THINK HE KNOWS DONALD'S NAME.

CAIN: OKAY.

WILLIAMSON: AND, HE NEVER USED HIS NAME.

CAIN: OKAY.

WILLIAMSON: UM, WE DIDN'T DRIVE FAR AND I DON'T KNOW, I KNOW I SHOULD HAVE PAID ATTENTION. I WAS JUST SO UPSET AND TRYING TO FIND OUT WHAT WAS GOING ON AND, UM, I DON'T KNOW EXACTLY WHERE THE FIRST FIELD WAS, BUT, UM, HE, HE PULLED UP HIS-HE STOPPED MY CAR IN A FIELD...(CRYING).

CAIN: IT'S OKAY, DO YOU REMEMBER ANYTHING AROUND YOU CLOSE TO THE FIELD? DO YOU REMEMBER SEEING ANYTHING?

WILLIAMSON: IT WAS JUST A PLOWED FIELD.

CAIN: JUST A PLOWED FIELD?

WILLIAMSON: AND, THERE WERE-AROUND THE PERIMETER, THE FIELD WAS JUST WOODS, THERE WEREN'T ANY HOUSES OR ANYTHING.

CAIN: JUST WOODS?

WILLIAMSON: IT WAS PRETTY MUCH DESOLATE.

CAIN: OKAY.

WILLIAMSON: I MEAN, HE KNEW, HE KNEW WHERE HE WAS GOING.

CAIN: OKAY, DO YOU REMEMBER WHAT AREA, AREA Y'ALL MIGHT HAVE TRAVELED? DO YOU REMEMBER PASSING ANYTHING?

WILLIAMSON: YOU KNOW, I GOT KINDA-IT WAS A BUNCH OF LITTLE BACK ROADS AND STUFF AND HE WAS (INAUDIBLE) JUST GOING IN ROUND ABOUT WAYS TO THROW ME, I DON'T KNOW. UM, I REMEMBER THINKING WE WERE SOMEWHERE LIKE OVER MAYBE SOMEWHERE BACK OVER IN FRONT OF ED YOUNG'S-,

CAIN: OKAY.

WILLIAMSON: HOUSE.

CAIN: ALRIGHT.

WILLIAMSON: BUT, MAYBE LIKE A BACK WAY. I DON'T KNOW FOR SURE.

CAIN: OKAY.

WILLIAMSON: AND, I'M SORRY.

CAIN: IT'S OKAY.

WILLIAMSON: UM, AT THAT FIRST ONE, I, I WANT TO SAY HE SAID SOMETHING ABOUT HIS PROPERTY, KINDA IMPLYING THAT WAS HIS LAND, I DON'T KNOW- HE JUST...UH, ANYWAY, "I DON'T WANNA DO THIS, BUT THERE'S SOMETHING I GOTTA DO" AND HE KEPT TELLING ME TO SHUT UP AND, UM, I REACHED FOR MY CELL PHONE AND HE SAID, "DON'T YOU CALL HIM" AND I DON'T REMEMBER WHO "HIM" IS, I DON'T KNOW IF HE MEANT LEGRAND OR MY EX OR WHATEVER.

CAIN: OKAY.

WILLIAMSON: I DON'T KNOW WHAT HE MEANT, BUT I REMEMBER HIM SAYING "DON'T YOU CALL HIM" AND HE TOOK MY CELL PHONE AND THREW IT UP ON THE DASH. I JUMPED OUT OF MY SIDE OF THE CAR AND TRIED TO RUN AND I JUST REMEMBER THINKING THAT THIS IS JUST LIKE SOME SICK MOVIE I'VE SEEN ON TV OR SOMETHING. I WAS GOING, I WAS GOING, I WAS GONNA LEAVE AND HE CAUGHT UP WITH ME AND THEN HE GRABBED MY WRISTS AND CALLED ME NAMES AND TOOK ME BACK TO THE CAR. HE TOLD ME HE'D KILL ME AND IF I FOUGHT HIM, HE WOULD HURT MY FAMILY.

CAIN: OKAY.

WILLIAMSON: HE BROKE MY BRACELET AND...

CAIN: OKAY.

WILLIAMSON: UM, HE MADE ME-AFTER HE GOT ME IN THE FIELD, I DIDN'T GET FAR. BUT, UM, HE TOOK ME BACK AROUND TO THE CAR AND HE MADE ME UNDO MY PANTS. I HAD A SWEATER AND A BRA AND JEANS AND PANTIES AND HE MADE ME UNDO MY PANTS AND PULL THEM DOWN (CRYING) AND HE TOLD ME TO BEND OVER THE SEAT.

CAIN: OKAY.

WILLIAMSON: AND, HE SAID, UM, I'M NOT GONNA-,

CAIN: IT'S OKAY.

WILLIAMSON: DO IT, DO IT IN YOU BECAUSE THEY'RE NOT GONNA FIND ANY DNA, I'M NOT GOING BACK TO PRISON. WELL, I MEAN, THAT JUST SCARED ME EVEN MORE AND HE...(CRYING). ANYWAY, HE, UM, DID WHAT HE DID AND PULLED OUT AND FINISHED WITH HIS HAND AND HE EVEN SAID THAT'S WHAT HE WAS GONNA DO SO THERE WOULDN'T BE ANY DNA IN ME AND THAT'S WHAT HE SAID "BECAUSE I DON'T WANT TO GO BACK TO PRISON"

CAIN: OKAY.

WILLIAMSON: HE SHOVED ME BACK IN THE CAR. I GRABBED HIS CELL PHONE AND, UM, THAT MAY HAVE BEEN THE STRUGGLE WITH THE BRACELET-WHERE THE BRACELET BROKE AND HE GRABBED THAT FROM ME AND THREW IT UP ON THE DASH AS WELL. I DON'T EVEN, UM, HE STARTED DRIVING AND THREATENING ME NOT TO TELL ANYBODY, THAT WHAT ALL HE WOULD DO TO ME, MY FAMILY AND I WAS JUST PRAYING TO GOD THAT IT WAS OVER. I REMEMBER THINKING IN THAT FIELD THAT THEY WERE JUST GONNA COME AND FIND ME DEAD THERE. I, HONEST TO GOD, WAS AFRAID HE WAS GONNA KILL ME.

CAIN: DID HE HAVE ANY WEAPONS OR ANYTHING?

WILLIAMSON: HE SAID HE HAD A KNIFE. I DON'T KNOW. (CRYING).

CAIN: DID, DID YOU SEE A KNIFE?

WILLIAMSON: NO, BUT HE-

CAIN: BUT HE SAID HE HAD A KNIFE?

WILLIAMSON: WAS FORCEFUL AND HE HIT ME. I CAN'T BELIEVE HE DID THIS. (CRYING). UM, I WAS-I KEPT TELLING HIM I PROMISE I WON'T TELL ANYBODY. I WOULDN'T WANT TO TELL ANYBODY, I MEAN, I WAS TRYING TO REASSURE HIM. I WAS BEGGING FOR MY LIFE.

CAIN: RIGHT.

WILLIAMSON: I THOUGHT...(CRYING).

CAIN: YOU OKAY?

WILLIAMSON: SO, WE (INAUDIBLE) AND I REMEMBER WE WERE NEAR FLORENCE MEMORIAL GARDENS.

CAIN: YOU REMEMBER SEEING FLORENCE MEMORIAL GARDEN? OKAY.

INV. HELEN CAIN
VICTIM: GLORIA WILLIAMSON
CASE NUMBER: 08-02-639

WILLIAMSON: AND, FOR SOME REASON, HE SAID, DO YOU KNOW WHERE YOU ARE AND I SAID, YEAH. I DON'T KNOW WHY HE ASKED ME THAT.

CAIN: OKAY.

WILLIAMSON: BUT, WE PULLED OUT ON CASHUA AND, UH, THEN HE CUT OFF-I DON'T KNOW WHAT-HE...OH, GOD.

CAIN: IT'S OKAY, YOU ALRIGHT?

WILLIAMSON: YEAH, I JUST DON'T KNOW THE EXACT ROUTE WE TOOK. I COULD FIND THAT SECOND FIELD THOUGH.

CAIN: OKAY, ALRIGHT, Y'ALL WENT TO A SECOND FIELD?

WILLIAMSON: YES.

CAIN: OKAY.

WILLIAMSON: I WAS THINKING IT WAS OVER. THEN HE TOOK ME TO A FIELD AND PULLED UP AGAIN, YOU KNOW, IT MIGHT-IT COULD'VE ACTUALLY BEEN THE SAME ONE, JUST A BIG CIRCLE.

CAIN: OKAY.

WILLIAMSON: I DON'T KNOW.

CAIN: OKAY.

WILLIAMSON: (CRYING) BECAUSE IT LOOKED THE SAME, BUT I MEAN, A FIELD IS A FIELD, I DON'T KNOW.

CAIN: SO, THIS ONE WAS JUST-,

WILLIAMSON: IT WAS THE SAME-JUST A-,

CAIN: ROUND PLOWED UP FIELD?

WILLIAMSON: A PLOWED FIELD WITH WOODS AROUND IT.

CAIN: OKAY.

WILLIAMSON: YEAH, OH GOD, IT COULD HAVE EVEN BEEN THE SAME PLACE.

CAIN: OKAY, IT'S ALRIGHT.

WILLIAMSON: UM, HE GRABBED MY-HE UNDOED HIS PANTS, AND HE GRABBED MY HAIR AND PUT MY, UH, FACE IN HIS LAP AND TOLD ME WHAT TO DO

INV. HELEN CAIN
VICTIM: GLORIA WILLIAMSON
CASE NUMBER: 08-02-639

(CRYING) (INAUDIBLE) AND THAT WAS-THEN HE GOT OUT AND THEN HE DID THE SAME THING STANDING BEHIND ME AGAIN (CRYING).

CAIN: DID HE MAKE YOU GET OUT THE SECOND TIME?

WILLIAMSON: YEAH, (CRYING) (INAUDIBLE).

CAIN: OKAY.

WILLIAMSON: (INAUDIBLE). HE, UM, AT THAT TIME, HE REACHED UP AND UNDOED MY BRA FROM THE BACK. I MEAN, HE NEVER, YOU KNOW, MY TOP AND BRA NEVER WAS TAKEN OFF.

CAIN: OKAY.

WILLIAMSON: ^{HE NEVER} UM, HE NEVER PUT HIS MOUTH ON ME ANYWHERE.

CAIN: OKAY.

WILLIAMSON: UM, IT WAS JUST SO...IT NOW, IT WAS SO OBVIOUS THAT HE WAS BEING CAREFUL OR THAT HE KNEW WHAT HE WAS DOING 'CAUSE-I MEAN HE EVEN TOLD ME THAT.

CAIN: OKAY.

WILLIAMSON: AND, UM, I WAS SHOVED BACK IN THE CAR AND WE STARTED DRIVING AND THEN WE WERE RIDING DOWN THE ROAD AND HE'S JUST GOING "OH, I CAN'T GO BACK TO JAIL, I CAN'T GO BACK TO JAIL", AND, UM, I'M "GOD, I WOULDN'T TELL ANYBODY THIS". I'M TRYING TO SAY ANYTHING JUST TO GET-

CAIN: OKAY.

WILLIAMSON: YEAH...WE PULLED UP AT A SERVICE STATION ON THE CORNER OF CASHUA AND THAT ROAD THAT GOES TO FOREST LAKE OVER THE BRIDGE. I DON'T KNOW THE NAME OF IT.

CAIN: IS THAT SOUTH BOROUGH ROAD YOU TALKING ABOUT-ARE YOU TALKING ABOUT RIGHT THERE AT SOUTH BOROUGH AND EB-WHERE THE PARK'S AT, THERE'S A PARK AND A STORE?

WILLIAMSON: UH, HUH.

CAIN: NO?

WILLIAMSON: UH, HUH, FOREST LAKE IS UP CASHUA.

CAIN: OH, OKAY.

WILLIAMSON: YOU'RE OUT NEAR-,

CAIN: FOREST LAKE-I KNOW WHERE YOU'RE TALKING ABOUT. YOU GOT THE LITTLE STORE RIGHT HERE AND FOREST LAKE IS THIS WAY?

WILLIAMSON: YEAH.

CAIN: AND, THEN CAHSUA RUNS THIS WAY?

WILLIAMSON: UMH, UMH.

CAIN: AND, Y'ALL PULLED UP RIGHT THERE?

WILLIAMSON: UMH, UMH.

CAIN: OKAY, SO THAT'S AT CASHUA AND FOREST LAKE DRIVE, I BELIEVE.

WILLIAMSON: OKAY.

CAIN: FOREST LAKE-IT GOES ACROSS THE BRIDGE AT FOREST LAKE.

WILLIAMSON: YEAH.

CAIN: OKAY.

WILLIAMSON: THAT'S IT, AND I COULD TAKE YOU THERE.

CAIN: FOREST LAKE, OKAY, ALRIGHT, AND Y'ALL PULLED UP THERE AT THAT STATION? DID Y'ALL PULL UP ON THE SIDE, THE BACK, THE FRONT?

WILLIAMSON: KINDA NEAR OVER THERE WHERE THE PAYPHONE IS, KINDA.

CAIN: OKAY, AND WHAT HAPPENED-,

WILLIAMSON: BECAUSE I REMEMBER WONDERING IF HE WAS GONNA MAKE A PHONE CALL OR SOMETHING. I DIDN'T EVEN UNDERSTAND WHY-HE SAID...SOMETHING ABOUT HE WAS GONNA GET OUT THERE AND-HE HAD SOME KIND OF KNIT SHIRT ON AND THEN PULLED OFF AND HE WAS SAYING, "I CAN'T GO BACK TO PRISON, I CAN'T GO BACK TO PRISON" AND HE WIPED. HE WIPED THE STEERING WHEEL, THE DASH AND THE DOOR OFF.

CAIN: OKAY.

WILLIAMSON: HE THREATENED ME SOME MORE AND I MADE PROMISES THAT I WOULDN'T TELL, JUST PLEASE GO, LEAVE ME, AND THEN I DROVE OFF.

CAIN: AND, WHERE DID HE GO? DID YOU SEE WHICH WAY HE WENT? HE GO-,

↳ what about the
SRAC ELET and cell phone

WILLIAMSON: HE LOOKED LIKE HE WAS HEADING ACROSS THE STREET WHERE ALL THOSE APARTMENTS ARE THAT I KNOW-I MIGHT HAVE JUST LOOKED ONCE. I JUST GOT AWAY SO-JUST AS FAST AS I COULD.

CAIN: OKAY, OKAY, ALRIGHT, AND I'M GONNA GO BACK, OKAY? AND, I KNOW THIS IS HARD ON YOU, BUT I NEED TO CLEAR UP A FEW LITTLE THINGS, OKAY?

WILLIAMSON: OKAY.

CAIN: YOU ALRIGHT?

WILLIAMSON: YEAH.

CAIN: YOU NEED TO TAKE A BREAK A MINUTE?

WILLIAMSON: I'M ALRIGHT.

CAIN: OKAY, ALRIGHT, DO YOU KNOW ABOUT, ROUND AND ABOUT THE TIME YOU GOT TO THE BAR? JUST ROUND AND ABOUT, IT DON'T HAVE TO BE EXACT TIME. I MEAN, WAS IT EARLY EVENING, WAS IT-,

WILLIAMSON: 11-I DON'T KNOW, MAYBE 10:00 OR 11:00.

CAIN: OKAY, THAT'S GOOD.

WILLIAMSON: YOU KNOW, I DON'T REALLY KNOW ANY BETTER THAN THAT.

CAIN: OKAY, THAT'S FINE, AND YOU WENT THERE JUST TO GET OUT. YOU MET A FRIEND, LEGRAND, OKAY? AND, Y'ALL WERE TALKING. YOU AND LEGRAND WERE SITTING AT THE BAR AND A GUY COME UP THERE AND YOU THOUGHT HE WAS FRIENDS WITH LEGRAND?

WILLIAMSON: UMH, UMH.

CAIN: WERE YOU INTRODUCED TO THIS GUY?

WILLIAMSON: YEAH.

CAIN: DO YOU REMEMBER THE NAME THAT WAS GIVEN TO YOU?

WILLIAMSON: YEAH, UM, STACEY EVANS.

CAIN: STACEY EVANS?

WILLIAMSON: UMH, UMH.

CAIN: OKAY.

WILLIAMSON: AND, HE KEPT SAYING "THEY CALL ME PSYCHO". NOW I KNOW WHY.

CAIN: OKAY, ALRIGHT, AND Y'ALL BASICALLY STAYED IN THERE AND TALKED. DO YOU KNOW WHAT TIME LEGRAND LEFT OR ABOUT WHAT TIME YOU WENT TO LEAVE THE BAR?

WILLIAMSON: UM, I DON'T KNOW EXACTLY. I WANT TO SAY I PROBABLY LEFT AROUND, UM, 1:00 OR 2:00 AND, UM, LEGRAND LEFT RIGHT BEFORE ME BECAUSE I-,

CAIN: SO, WITHIN 5, 10, 20 MINUTES AHEAD OF YOU?

WILLIAMSON: OH, YEAH-,

CAIN: OKAY.

WILLIAMSON: I MEAN, IT WASN'T LONG.

CAIN: OKAY,

WILLIAMSON: BECAUSE I, I DIDN'T WANT TO BE THERE WITHOUT LEGRAND THERE.

CAIN: ALRIGHT, NOW, CAN YOU DESCRIBE THIS GUY STACEY? CAN, CAN YOU REMEMBER WHAT HE HAD ON?

WILLIAMSON: HE HAD LONG HAIR, NOT LIKE LONG ENOUGH FOR A PONYTAIL, BUT...

CAIN: I MEAN WAS IT-,

WILLIAMSON: IT WAS-,,

CAIN: ABOVE HIS EARS, UM, WAS IT TO HIS SHOULDERS?

WILLIAMSON: IT WAS MAYBE LIKE, OH GOD, I DON'T KNOW EXACTLY-,

CAIN: WAS IT (INAUDIBLE).

WILLIAMSON: MAYBE LIKE HALFWAY DOWN HIS EAR AND JUST-OR THAT'S WHAT I CALL LONG. IT WAS NEAT, BUT I MEAN, HE LOOKED FAIRLY CLEAN, HE...

CAIN: ALRIGHT.

WILLIAMSON: JUST AN AVERAGE GUY. I MEAN HE WASN'T-,

CAIN: ANY BEARD, MUSTACHE?

WILLIAMSON: MAYBE A LITTLE BIT OF FACIAL HAIR, I DON'T-,

CAIN: OKAY.

WILLIAMSON: I JUST DIDN'T PAY HIM THAT MUCH-I MEAN, I JUST-,

CAIN: IT'S OKAY.

WILLIAMSON: DIDN'T THINK THAT MUCH ABOUT HIM, I GUESS, I DON'T KNOW.

CAIN: YOU DON'T RECALL WEARING GLASSES OR ANYTHING?

WILLIAMSON: NO GLASSES.

CAIN: OKAY, NO GLASSES.

WILLIAMSON: HE WAS NOT A BIG GUY.

CAIN: I MEAN-,

WILLIAMSON: HE WAS, UM,-I'M NOT GOOD-,

CAIN: IT'S OKAY.

WILLIAMSON: HEIGHT BETWEEN 5'7" AND 5'10".

CAIN: 5'7" AND 5'10", AVERAGE SIZE MAN, OKAY

WILLIAMSON: HE'S NOT FAT AT ALL.

CAIN: NOT FAT, OKAY, UM-,

WILLIAMSON: HE WASN'T A BIG GUY.

CAIN: OKAY, YOU REMEMBER WHAT HE WAS WEARING?

WILLIAMSON: JUST-(INAUDIBLE) SLACKS AND SOME KIND OF KNIT TOP. I MEAN, I DON'T EVEN REMEMBER THE COLOR BECAUSE IT WAS FAIRLY DIM IN THERE AND I JUST WASN'T PAYING HIM THAT MUCH ATTENTION.

CAIN: OKAY.

WILLIAMSON: AND, UM-,

CAIN: OKAY, SO, DO YOU REMEMBER WHAT THE WOMAN THAT CAME OVER THERE THAT WAS WITH HIM?

WILLIAMSON: SHE LOOKED OLDER AND SHE WAS SHORT AND SHE HAD DARK HAIR AND THAT'S ABOUT ALL I CAN SAY. LEGRAND KNOWS HER.

INV. HELEN CAIN
VICTIM: GLORIA WILLIAMSON
CASE NUMBER: 08-02-639

CAIN: OKAY, ALRIGHT, AND SO, LEGRAND LEFT, YOU WENT TO YOUR CAR, YOU WERE CRANKING UP YOUR CAR AND THE NEXT THING YOU KNOW SOMEONE WAS IN YOUR CAR WITH YOU AND THEY WERE PUSHING YOU OVER?

WILLIAMSON: YES.

CAIN: OKAY, AND, WERE YOU PARKED ON THE SIDE OR THE FRONT?

WILLIAMSON: SIDE.

CAIN: OF THE SIGN, AND THAT WAS-,

WILLIAMSON: AND, YOU KNOW, IN FACT, I PARKED ON THE SIDE KINDA ON PURPOSE BECAUSE I DON'T GO TO PLACES LIKE THAT. I MEAN, I KNOW, PROBABLY SAYS THAT, BUT-,

CAIN: IT'S OKAY.

WILLIAMSON: THAT'S PROBABLY ONE REASON I PARKED WHERE I DID. YOU KNOW WHAT I'M SAYING?

CAIN: YEAH.

WILLIAMSON: BUT, I MEAN, THERE, THERE WERE CARS ALL ALONG THERE WHEN I PARKED THERE. I DIDN'T JUST-,

CAIN: RIGHT, OKAY, ALRIGHT, AND, ANYWAY, HE PUSHED YOU OVER, UM, GOT IN THE DRIVER SIDE AND HE STARTED GOING DOWN AND Y'ALL HAD SOME CONVERSATION. UM, HE WAS TELLING YOU THAT HE DIDN'T WAN TO DO THIS, BUT YOUR OLD MAN WANTED HIM TO?

WILLIAMSON: "I GOT TO DO THIS-,

CAIN: OKAY.

WILLIAMSON: "I DON'T WANT TO DO THIS, BUT I GOT TO DO THIS. I TOLD YOUR OLD MAN I'D DO THIS".

CAIN: OKAY, UM, AND, AS FAR AS YOU KNOW, HE DOES NOT KNOW YOUR, YOUR HUSBAND?

WILLIAMSON: I'D BE SURPRISED IF THEY KNEW EACH OTHER.

CAIN: OKAY, UM, AND YOU HAD NEVER SAW THIS MAN BEFORE?

WILLIAMSON: NO.

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FLORENCE COUNTY SHERIFF'S OFFICE
STATEMENT

INV. HELEN CAIN
VICTIM: GLORIA WILLIAMSON
CASE NUMBER: 08-02-639

CAIN: OKAY, AND, YOU SAID Y'ALL DIDN'T GO FAR, UM, BEFORE HE PULLED UP IN A FIELD?

WILLIAMSON: YEAH.

CAIN: OKAY, AND, YOU JUMPED OUT AND RAN AT ONE POINT, AND HE-THAT'S WHEN HE GRABBED YOU, TOOK YOU BACK TO THE CAR-AND YOU SAID, HE TOOK YOU AROUND THE CAR. WHEN YOU-WHEN Y'ALL WAS PARKED, WAS THE FRONT OF THE VEHICLE TOWARD THE ROAD OR THE BACK OF THE VEHICLE WAS TOWARDS THE ROAD OF HOW YOU GOT IN THERE?

WILLIAMSON: THE BACK OF THE VEHICLE WAS TOWARDS THE ROAD.

CAIN: OKAY, SO, WHEN YOU PULLED IN THERE, DO YOU REMEMBER IF YOU WERE-WAS YOUR VEHICLE POINTING LIKE THIS WAY OR THIS WAY? YOU REMEMBER-THE WOODS-ALRIGHT, SAY THIS IS THE WOODS, RIGHT, AND THIS IS THE ROAD WE COME IN ON, OKAY?

WILLIAMSON: THE OPEN FIELD WAS TO THE LEFT OF THE CAR.

CAIN: THE FIELD WAS TO THE LEFT, OKAY, FIELD TO LEFT.

WILLIAMSON: LIKE, HIS SIDE.

CAIN: HIS SIDE, OKAY. ALRIGHT, AND THEN WHEN YOU GOT OUT, YOU SAID THAT HE GRABBED YOU AND PULLED YOU BACK TO THE VEHICLE, DID HE TAKE YOU TO THE PASSENGER SIDE OR THE DRIVER SIDE?

WILLIAMSON: DRIVER'S.

CAIN: OKAY, AND THAT'S WHEN HE MADE YOU TAKE YOUR PANTS OFF-OR PULLED THEM DOWN, AND THEN, UM, HE, HE HAD SEX WITH YOU, RIGHT?

WILLIAMSON: UMH, UMH.

CAIN: OKAY, AND, WAS THAT ANALLY OR VAGINALLY?

WILLIAMSON: VAGINALLY.

CAIN: AND, HE EVEN MADE THE COMMENT THAT HE WAS NOT GOING TO COME INSIDE OF YOU, SO HE DID NOT EJACULATE INSIDE?

WILLIAMSON: NO.

CAIN: HE DID THAT IN HIS OWN HAND/

WILLIAMSON: YES, HE EVEN TOLD ME THAT AND WHY.

INV. HELEN CAIN
VICTIM: GLORIA WILLIAMSON
CASE NUMBER: 08-02-639

CAIN: OKAY, BECAUSE HE DIDN'T WANT NOBODY TO GET DNA?

WILLIAMSON: YEP.

CAIN: OKAY, UM, DO YOU RECALL IF HE WORE A CONDOM OR ANYTHING?
DID YOU SEE-,

WILLIAMSON: NO, HE DIDN'T.

CAIN: NO CONDOM, OKAY. ALRIGHT, AND THEN, Y'ALL ENDED UP GETTING
BACK IN THE VEHICLE. HE PUSHED YOU BACK IN THERE AND DROVE
AND Y'ALL COME OUT AT, YOU SAID, THE PARK, THE MEMORIAL
PARK?

WILLIAMSON: IT'S A CEMETERY-,

CAIN: FLORENCE CEMETERY.

WILLIAMSON: FLORENCE MEMORIAL GARDENS.

CAIN: ALRIGHT, DO YOU REMEMBER WHEN YOU COME OUT, WAS IT THE
ROAD RIGHT BESIDE THE CEMETERY OR DID Y'ALL COME OUT IN
FRONT OF THE CEMETERY?

WILLIAMSON: I-IT WAS ON THE SAME SIDE OF THE ROAD THAT THE CEMETERY IS ON.

CAIN: OKAY, ALRIGHT, THIS IS CASHUA, RIGHT?

WILLIAMSON: YEAH.

CAIN: AND THE CEMETERY'S HERE AND I THINK, UM, THERE'S A ROAD THAT
COMES UP THIS WAY AND THEN THERE'S A ROAD THAT COMES IN
HERE AND HERE'S THE CEMETERY RIGHT HERE. YOU COME IN THIS
ROAD?

WILLIAMSON: UMH, UMH.

CAIN: OKAY, AND DO YOU REMEMBER WHEN Y'ALL COME UP THERE, DID
Y'ALL GO STRAIGHT, OR TAKE A LEFT OR A RIGHT? DO YOU, OD YOU
RECALL THAT WHEN Y'ALL COME UP THAT THE CEMETERY?

WILLIAMSON: WE WENT LEFT.

CAIN: OKAY.

WILLIAMSON: BUT, HE TURNED AROUND AND THEN HE, HE WENT LEFT FOR JUST A
LITTLE WAYS. HE DIDN'T GO ALL THE WAY UP TO WHERE 76 IS.

CAIN: OKAY.

WILLIAMSON: AND, HE JUST TURNED AROUND.

CAIN: TURNED AROUND AND COME BACK?

WILLIAMSON: UMH, UMH.

CAIN: OKAY, AND THEN YOU SAID HE WENT TO ANOTHER FIELD. WHEN Y'ALL COME BACK, DO YOU RECALL TURNING ANYMORE?

WILLIAMSON: I'M SORRY.

CAIN: IT'S OKAY, JUST TAKE YOUR TIME.

WILLIAMSON: THAT TURN WAS THE LAST ONE. THAT-COMING UP BY THE CEMETERY WAS THE LAST TIME.

CAIN: OKAY.

WILLIAMSON: UM, AND, THEN HE TURNED AROUND AND WENT BACK TO THAT SERVICE STATION AND GOT OUT.

CAIN: OH, OKAY.

WILLIAMSON: I'M SORRY, THAT'S, THAT-,

CAIN: IT'S OKAY.

WILLIAMSON: THAT IS THE-,

CAIN: ALRIGHT, SO, Y'ALL-AFTER EVERYTHING WAS OVER BOTH TIMES, WAS OVER, THAT'S WHEN Y'ALL COME OUT BY THE CEMETERY?

WILLIAMSON: UMH, UMH.

CAIN: AND, HE TURNED LEFT BUT HE FLIPPED AROUND AND COME BACK TO THE STORE-,

WILLIAMSON: UMH, UMH.

CAIN: AND, THAT'S WHEN HE GOT OUT AND-,

WILLIAMSON: UMH, UMH.

CAIN: OKAY, OKAY, OKAY, AND YOU SAID THAT HE TOLD YOU HE HAD A KNIFE-,

WILLIAMSON: UMH, UMH.

CAIN: BUT YOU NEVER SAW A KNIFE?

WILLIAMSON: UH, HUH.

CAIN: OKAY.

WILLIAMSON: OH, AND, "I'LL 'F' YOU UP".

CAIN: OKAY, YOU HAD MENTIONED TO ME BEFORE, UM, WE STARTED THE TAPE THAT YOU HAD GOTTEN GAS BEFORE YOU WENT TO THE BAR?

WILLIAMSON: UMH, UMH, BEFORE I WENT TO THE GROCERY STORE.

CAIN: BEFORE YOU WENT TO THE GROCERY STORE?

WILLIAMSON: YEAH, THAT NIGHT.

CAIN: THAT NIGHT, AND THAT YOU NORMALLY MASH THE, THE LITTLE-,

WILLIAMSON: THE MILEAGE.

CAIN: THE MILEAGE THING, DO YOU REMEMBER WHAT THE MILEAGE WAS?

WILLIAMSON: WHEN?

CAIN: LIKE, WHEN YOU GOT GAS, DO YOU REMEMBER-WHEN YOU GOT GAS YOU SET IT TO ZERO. OKAY, AND THEN YOU WENT TO THE GROCERY STORE, YOU WENT BACK HOME, THEN YOU WENT TO THE BAR AND THEN THIS HAPPENED.

WILLIAMSON: YEAH.

CAIN: WHEN YOU GOT BACK HOME OR THE NEXT DAY DID YOU RECALL LOOKING AT THE MILEAGE?

WILLIAMSON: YEAH, BECAUSE I WAS LOOKING AT ALL THE MUD AND STUFF IN MY CAR. IT WAS ONLY, 20 OR 25 MILES TOTAL WHICH-,

CAIN: OKAY, OKAY, AND WHAT GROCERY STORE DID YOU GO TO FROM YOUR HOUSE?

WILLIAMSON: BI-LO.

CAIN: BI-LO.

WILLIAMSON: ON PAMPLICO HIGHWAY.

INV. HELEN CAIN
VICTIM: GLORIA WILLIAMSON
CASE NUMBER: 08-02-639

CAIN: OKAY, ALRIGHT, UM, AND THE SECOND FIELD WHERE Y'ALL WENT TO, HE DID THE SAME THING-DID HE TAKE YOU OUT THE VEHICLE THE SECOND TIME?

WILLIAMSON: YEAH.

CAIN: OKAY, AND YOU, AGAIN, WAS BENT OVER THIS SEAT. WAS IT THE PASSENGER SIDE OR THE DRIVER SIDE AGAIN, DO YOU RECALL? IT'S OKAY, IT'S ALRIGHT.

WILLIAMSON: (CRYING). NO, I DON'T.

CAIN: OKAY, IT'S ALRIGHT. AND, AGAIN, HE DID NOT EJACULATE INSIDE OF YOU?

WILLIAMSON: (INAUDIBLE).

CAIN: OKAY, OKAY, IS THERE ANYTHING ELSE-ARE YOU SURE THAT THE MAN THAT YOU WERE TALKING TO AT THE BAR THAT KNEW LEGRAND IS THE SAME GUY THAT WAS IN YOUR VEHICLE?

WILLIAMSON: OH, YES, YES.

CAIN: OKAY, OKAY, ALRIGHT, IS THERE ANYTHING ELSE YOU WANT TO ADD TO THIS STATEMENT?

WILLIAMSON: I, I CAN'T THINK OF ANYTHING ELSE-I GUESS, YOU KNOW, I-I MEAN, I TALKED TO HIM A LITTLE BIT, BUT IT WAS LIKE WITH LEGRAND AND I, I THOUGHT THEY WERE FRIENDS AND-,

CAIN: OKAY.

WILLIAMSON: I GUESS, I, YOU KNOW, I THOUGHT HE WAS OKAY IF LEGRAND KNEW HIM, BUT I DIDN'T-WHEN LEGRAND LEFT I WANTED TO GO BECAUSE I, I JUST-I WOULDN'T HAVE EVEN GONE THERE IF SOMEBODY LIKE LEGRAND HADN'T BEEN THERE.

CAIN: RIGHT.

WILLIAMSON: AND, I FELT SAFE WITH HIM.

CAIN: NOW, YOU GOT SOME INJURY OVER YOUR EYE.

WILLIAMSON: UMH, UMH.

CAIN: AND AROUND YOUR EYE. DID HE EVER HIT YOU IN THE EYE OR HOW DID THAT HAPPEN, DO YOU RECALL?

INV. HELEN CAIN
VICTIM: GLORIA WILLIAMSON
CASE NUMBER: 08-02-639

WILLIAMSON: HE, UM, BACKHANDED ME AND I THINK, I THINK MY HEAD HIT THE STEERING WHEEL WHEN HE PUSHED MY HEAD DOWN.

CAIN: OKAY, IS THAT WHEN HE PUSHED HIS-YOUR HEAD DOWN TO GIVE HIM A BLOW JOB? *A Leading Statement*

WILLIAMSON: (INAUDIBLE).

CAIN: OKAY, ALRIGHT.

WILLIAMSON: AND, UM, THAT'S JUST-THAT-I THINK THAT'S FROM THE-I DON'T KNOW. HE GRABBED ME BY MY WRISTS SEVERAL TIMES AND I HAD BRACELETS ON SO THAT'S WHERE THAT'S FROM.

CAIN: OKAY.

WILLIAMSON: UM, GRANT SUMMERSETT TOOK PICTURES OF THIS THE NEXT DAY.

CAIN: OKAY, OKAY, IS THERE ANYTHING ELSE?

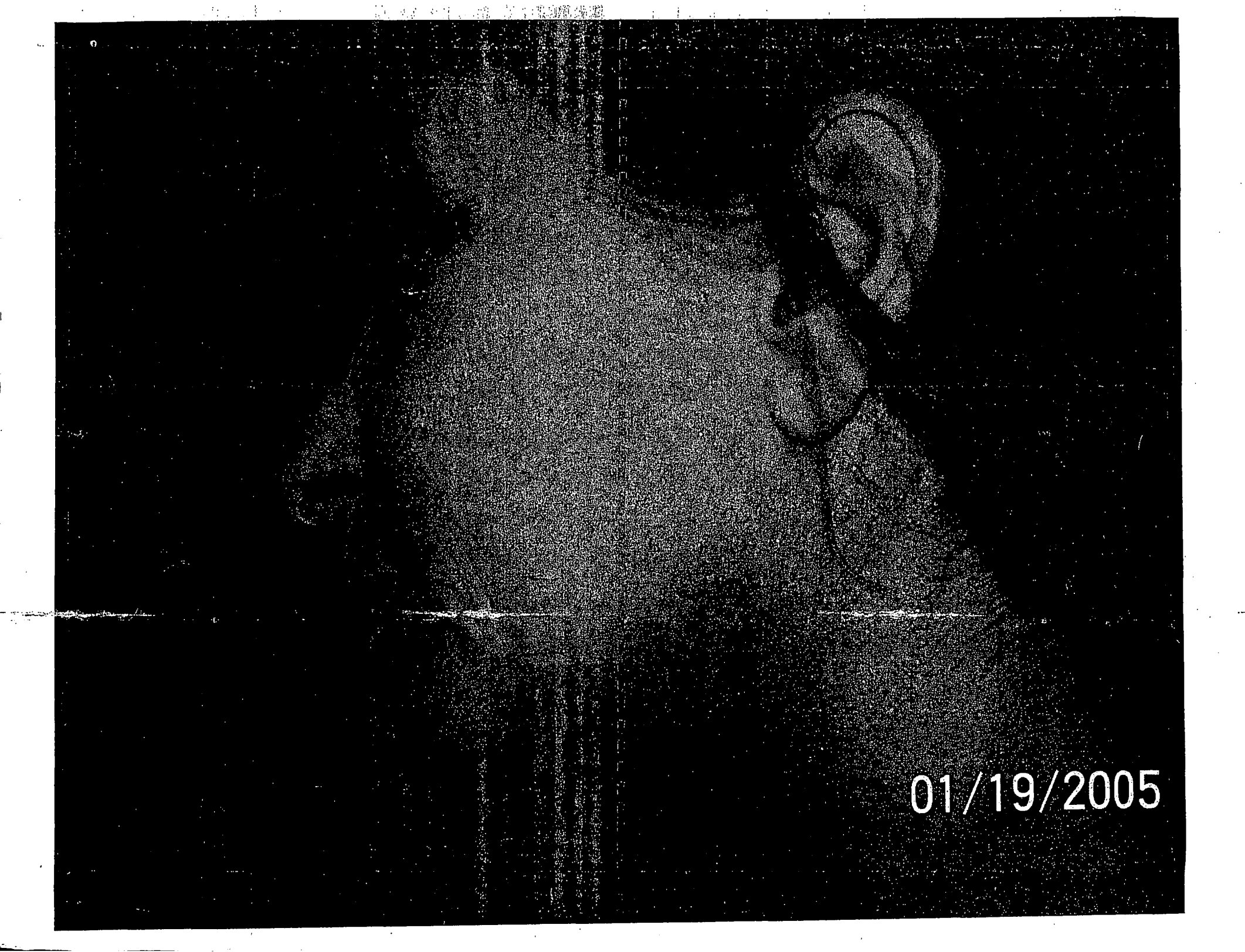
WILLIAMSON: JUST THAT-NO, I DON'T-I CAN'T THINK OF ANYTHING ELSE.

CAIN: OKAY, OKAY, THIS CONCLUDES THIS STATEMENT OF STA-UM, EXCUSE ME, GLORIA WILLIAMSON. TODAY'S DATE IS 02-27-2008. THE TIME NOW IS 12:17 P.M.

THIS RESPECTFULLY SUBMITTED BY,
INVESTIGATOR HELEN CAIN

*

01/19/2005



01/19/2005

01/19/2005

01/19/2005

FLORENCE COUNTY SHERIFF'S OFFICE
EVIDENCE LOG SHEET

[illegible]

FLORENCE COUNTY SHERIFF'S OFFICE

EVIDENCE LOG SHEET

DATE	OFFICER	CASE NO.	REASON
2-29-08	H. Cain	2008-02-639	CSC

SUBJECT / COMP. (VICTIM)

Gloria Williamson

LOCATION: Jeffries Cir. Florence SC

ITEMS SEIZED

DESCRIPTION	SERIAL NO.	BOX NO.
Tube of make-up labeled "blonde" on bottom, Loreal tube "FC276", chapstick like tube, Windsor Hill cosmetics color "Claire", "Fard à Joue" compact, Isa Dora 14 classic beige mist compact, Milani 02 Sedona Sunset, Silver tube of lipstick, Lip Perfect liner, glow minerals compact golden-medium, CG perfect blend pencil		

CHAIN OF CUSTODY

FROM	TO	DATE
Scene	Adam Moore	2-29-08
Adam Moore	Evidence	2-29-08

FLORENCE COUNTY SHERIFF'S OFFICE

EVIDENCE LOG SHEET

DATE	OFFICER	CASE NO.	REASON
2-29-08	H. Cain	2008-02-639	CSC
SUBJECT / COMP. / <u>VICTIM</u>			
Gloria Williamson			
LOCATION: Jeffries Circle, Florence, SC			
ITEMS SEIZED			
DESCRIPTION	SERIAL NO.	BOX NO.	
Digital photos of vehicle			
Set of swabs from running board #1			
Set of swabs from running board #2			
Set of swabs from front seat			
Set of swabs from steering wheel			
Set of swabs from door release handle			
Set of swabs from door handle			
Set of swabs from steering wheel adjuster			
Set of swabs from rubber seal			
Four (4) hairs from front floorboard			
CHAIN OF CUSTODY			
FROM	TO	DATE	
Scene	Adam Moore	2-29-08	
Adam Moore	Evidence	2-29-08	

FLORENCE COUNTY SHERIFF'S OFFICE

EVIDENCE LOG SHEET

DATE	OFFICER	CASE NO.	REASON
3-4-08	H. Cain	2008-02-639	CSC
SUBJECT / COMP. ~~(VICTIM)~~ Gloria Williamson			
LOCATION: 3437 S. Cashua Dr. Blue shed in yard			
ITEMS SEIZED			
DESCRIPTION	SERIAL NO.	BOX NO.	
Digital photos of shed			
CHAIN OF CUSTODY			
FROM	TO	DATE	
Scene (Blue Shed)	Adam Moore	3-4-08	
Adam Moore	Evidence	3-4-08	

EVIDENCE LOG SHEET

[illegible]

FLORENCE COUNTY SHERIFF'S OFFICE

EVIDENCE LOG SHEET

DATE	OFFICER	CASE NO.	REASON
3-4-08	H. Cain	2008-02-639	CSC

SUBJECT / COMP. / ~~VICTIM~~ Gloria Williamson

LOCATION: 1311 B S Irby St. Florence SC 29505 "Wooden Nickel"

ITEMS SEIZED

DESCRIPTION	SERIAL NO.	BOX NO.
Digital photos of Wooden Nickel		

CHAIN OF CUSTODY

FROM	TO	DATE
Scene (Wooden Nickel)	Adam Moore	3-4-08
Adam Moore	Evidence	3-4-08

GOING THRU DIVORCE

CONTRADICTION 151 BY LEGRAND

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

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1 come down there and have a drink and he'd take care of me
2 --- and not to say that anybody would bothered or --- he
3 would stay with me, cause I didn't go there. I didn't
4 know anybody there. And I just --- And my divorce was
5 not final, and I just wanted to go somewhere where nobody
6 knew me, and just sit down and relax, and be around
7 people, and just talk, just be with a friend that
8 understood what I was going through.

9 Q. So what time was it that LeGrand called you?

10 A. Probably around --- it may have been as late as ten.

11 Q. Now where were you in relations --- Where was your
12 apartment in relations to the Wooden Nickel?

13 A. It's two blocks away.

14 Q. Okay. And so do you recall what time you got to the
15 Wooden Nickel?

16 A. Well --- probably 10:30 or 11:00.

17 Q. And how did you get there?

18 A. I drove my car.

19 Q. What type of vehicle were you driving?

20 A. A 98 Chevrolet Tahoe.

21 Q. Okay. And what color?

22 A. Dark blue.

23 Q. Now, so you drove to the Wooden Nickel, is that correct?

24 A. Uh' huh.

25 Q. Now, where did you Park?

1 A. I parked on the side of the building.

2 Q. Okay. And what street is that?

3 A. I don't know.

4 Q. If you don't know that's fine.

5 A. Pineland and Greenland, but I don't know the one that
6 comes straight up that --

7 Q. -- Okay.

8 A. Well, that's Jeffries Lane.

9 Q. Ms. Williamson, I am going to ask you, to look at this
10 diagram, what has been marked as, State's Exhibit Number
11 2 for identification at this time. Are you familiar with
12 --- Do you recognize this?

13 A. Yes.

14 Q. Okay. And you would talk nice and loud so the jury can
15 hear you.

16 A. Okay.

17 Q. Do you recognize this?

18 A. I do recognize it, yes.

19 Q. Okay. Would you please tell us what this is a diagram
20 of?

21 A. That's South Irby Street and the Wooden Nickel, Jeffries
22 Lane comes up between the Wooden Nickel and Irby Street
23 Sporting Goods and it crosses Greenland, and it goes on
24 up from there. My address is actually on Jeffries Lane.

25 Q. Okay. If you would just come down for us, with the

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

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1 Court's permission?

2 THE COURT: Sure.

3 Q. Okay. Stand right here facing The Court reporter. Would
4 you mark where you parked when you came to the Wooden
5 Nickel?

6 A. This is the front of it and --- (Marking on The State's
7 Exhibit Number 2.)

8 Q. And when you came to the Wooden Nickel which direction
9 did you come from?

10 A. From my apartment like --

11 Q. Okay. So, you said, that you got to the Wooden Nickel,
12 which is right around the corner from your house frankly,
13 is that correct?

14 A. Yes.

15 Q. Okay. Now when you got to the Wooden Nickel tell us what
16 was going on there and what did you do?

17 A. Well, I asked LeGrand to meet me. So he, you know, met
18 me out --- He was standing there, waiting outside to walk
19 me in, and we just sat down at the bar and ordered a
20 beer.

21 Q. Okay. Now how many times have you been to the Wooden
22 Nickel?

23 A. Once.

24 Q. Okay. Was this being once or once before?

25 A. Once before.

1 Q. Okay. So this was your second time there?

2 A. Yes.

3 Q. Okay. So after he met you at the door, is that correct,
4 on the outside?

5 A. Uh-huh.

6 Q. Okay. And you went in, where did you go?

7 A. To the bar.

8 Q. Okay. And where was LeGrand?

9 A. With me, sitting beside me.

10 Q. And tell me what took place while y'all were sitting
11 there?

12 A. For a good while we just talked, and joked around, and he
13 knew some of the people there, and he was --- he kept
14 calling Ms. Gloria like he does at work, and I was
15 telling him not to do that, because it seemed funny.

16 Q. Were you his supervisor?

17 A. Well, I am in charge when the general manager is gone.

18 Q. Okay.

19 A. So occasionally, yes.

20 Q. Okay.

21 A. We just talked about different things, and he knew I was
22 just going through a hard time. And we were just sitting
23 on two bar stools beside each other.

24 Q. Okay. Now at which end of the bar were y'all sitting?

25 A. I was sitting at the very last bar stool by the front

WHICH EYE?

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

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1 gone back to the same place. He mentioned something that
2 made me think maybe he owned some of that land or
3 something. I don't know, if these were his exact words,
4 but I got impression, or his family did, or something.
5 Like I said, I thought it was all over, and he was
6 sitting in the driver's seat, and he undid his pants, and
7 he grabbed me by the back of my hair, to pressure my head
8 in his lap. This bone right here right above my eyebrow
9 hit the steering wheel that is where the cut came from.

10 Q. Now are you still in the passenger side?

11 A. Uh-huh.

12 Q. Okay. So you were leaning over the console?

13 A. Then he put my face down and told me what to do.

14 Q. And what were you told to do?

15 MS. PARR: Your Honor, may we have --

16 THE COURT: All right, we gonna take a break. Jurors,
17 don't talk about the case just ease out.

18 (Whereupon, the jury exits the courtroom at 4:02 p.m.)

19 MR. LAWSON: May we step out too, Your Honor?

20 THE COURT: In just one minute. You can step down and
21 wander around, you just can't talk to your lawyer, okay. Not
22 your lawyer, The State's lawyer.

23 (Whereupon, a brief recess was taken from 4:02 p.m. until
24 4:18 p.m..)

25 THE COURT: You ready?

1 it was over, and as we were going, I thought I was going
2 to die.

3 MR. LAWSON: Your Honor, do we need to take a recess at
4 this time?

5 MS. WILLIAMSON: I'm sorry.

6 THE COURT: She's about to regroup. We'll take one in
7 about five minutes.

8 A. I was just begging him, just to let me go, and I wouldn't
9 tell anybody.

10 Q. And did he penetrate your vagina? LEADING

11 A. Yes.

12 Q. And to your knowledge, did he use a condom?

13 A. I don't think so, but I couldn't see. He was ---
14 Everything was behind me.

15 Q. Do you need a minute to regroup?

16 A. No.

17 Q. So you said you thought it was over, and then what
18 happened?

19 A. We rode up then to Cashua, and he asked me if I knew
20 where I was, and I said yeah, there is the cemetery right
21 there. So he turned left, but he just went up a tiny
22 ways and turned around and came back the other way. He
23 took some turns, and we stopped in a field again. And
24 I'm not sure, but it looked like the same field to me.
25 He could have just taken me in a different route, and

WHERE IS NEGATIVE
FROM CAMERA

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

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1 Q. And then what did you do after going to the hospital?

2 A. It took, it seemed like several hours to go do the
3 procedure that they go through when someone is raped.

4 Q. So they did an examination, is that correct?

5 A. Yes.

6 Q. Now you indicated earlier, through your testimony, that
7 you had sustained an injury to your face?

8 A. Uh-huh.

9 Q. I am going to show you what has been marked as State's
10 Exhibit 5-A?

11 A. Yes.

12 Q. Tell us how you recognize it?

13 A. Well that's me with a cut over my eye, and a scratch on
14 my eye lid. *which eye*

15 Q. And State's Exhibit 5-B?

16 A. That is where the bracelet dug into my wrist. A picture
17 of my wrist.

18 Q. And who took these photographs?

19 A. Officer Sumersett.

20 Q. And when where they taken?

21 A. The very next morning from the exam.

22 Q. Okay. So, it was the day after you were going to the
23 hospital?

24 A. Yes. My whole face was red that night during the
25 examination. And then when I woke up the next morning

EYE
WOUND

ALREADY SEEN DOCTOR
NO CUTS

1 THE COURT: All right.

2 WHEREUPON, STATE'S EXHIBIT

3 NUMBER 13 WAS MARKED AND

4 ADMITTED INTO THE RECORD.

5 Q. (By Ms. Parr) And do you recognize this?

6 A. That is the same --- Yes, it is the shirt you just showed
7 me.

8 Q. Okay, whose shirt is that?

9 A. The Defendants.

10 Q. Now, Ms. Williamson, you said that after everybody left,
11 LeGrand and his parents left, you had your car cleaned,
12 and then what did you do?

13 A. Drove straight to the hospital.

14 Q. Okay. Which hospital did you go to?

15 A. Carolinas.

16 Q. Okay. Now do you recall what time you went to the
17 hospital?

18 A. Maybe 5:00 or 6:00, I don't --

19 Q. So you didn't go immediately, is that correct?

20 A. No, I really don't remember all that day. I sat and
21 cried, and tried to make up my mind whether to go or not.

22 Q. And was it 5:00 or 6:00 in the a.m. or in the afternoon?

23 A. Afternoon.

24 Q. And do you did go to the hospital at that time?

25 A. Yes, I did,

EYE INJURY
NEED EXHIBITS

DIFFERENT EYE?

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

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1 that was just swollen, and the cut was more evident, but
2 my whole face was red from crying when I was in the ER.

3 MS. PARR: Your Honor, The State would move to enter 5-A
4 and 5-B into evidence. *WHERE ARE THE NEGATIVES*

5 MR. LAWSON: Without objection.

6 THE COURT: Okay.

7 WHEREUPON, STATE'S EXHIBIT

8 NUMBER 5-A AND 5-B WERE MARKED

9 AND ADMITTED INTO THE RECORD.

10 Q. (By Ms. Parr) And State Exhibit 5-A?

11 A. That is me with the cuts that just --

12 Q. And how did you get those cuts?

13 A. From either when he hit me, or when I tried to run. I
14 know that the cut is where my --- this bone hit the
15 steering wheel when he pushed my head into his lap.
16 That is my wrist where the bracelet dug in.

17 Q. And how did you get that injury?

18 A. Struggling with him, grabbing my wrists with a bracelet
19 on it.

20 (PAUSE)

21 Q. Ms. Williamson?

22 A. Yes.

23 Q. Do you see the person in the courtroom who assaulted you
24 on February 23, 2008?

25 A. I do.

1 Q. Okay. And who is that person?

2 A. Stacey Evans, sitting right there.

3 Q. And would you point him out.

4 A. (Witness points out Defendant.)

5 Q. Thank you. Let the record reflect that she has
6 identified the Defendant, as the person who assaulted
7 her.

8 THE COURT: Okay.

9 MS. PARR: Would you please answer any questions that
10 the Defense may have for you?

11 A. Yes.

12 THE COURT: Ready.

13 MR. LAWSON: Yes. May it please The Court, should I jump
14 right in, or should we take a minute break or so?

15 THE COURT: Well the problem is, a break is fifteen
16 minutes, you understand that so the best thing is jump right
17 in. Anybody needs a break they can raise their hand.

18 MR. LAWSON: May it, please The Court --

19 THE COURT: Sure.

20 CROSS EXAMINATION BY MR. LAWSON

21 Q. Ms. Williamson, I am Jack Lawson. I am representing
22 Stacey Evans in this case. I am going to apologize to
23 you, because this is not going to be easy for me. I know
24 that what you just went through, to say was not easy at
25 all, and that you had a tough time. What I am going to

FAILURE TO INVESTIGATE!

NEVER QUESTIONED DOMESTIC VIOLENCE
FRIM 05 CHECK DATE ON PICTURES.

GLORIA E. WILLIAMSON - CROSS EXAMINATION BY MR. LAWSON

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1 Q. So, at the time this happened in February you were
2 separated?

3 A. Correct.

4 Q. And had been for about eight months, is that correct?

5 A. Since the previous June.

6 Q. Now you had already had a situation where you had been
7 to Court over a separation agreement is that correct --
8 - an agreement where you distributed everything?

9 A. We had been to Court we had not agreed.

10 Q. But you had been to Court and you had an agreement
11 presented to The Court, is that correct?

12 MS. PARR: Your Honor, we would object. That is
13 irrelevant.

14 THE COURT: I don't know that it is irrelevant. He's
15 had six months to develop his case. Go ahead. I don't know
16 if it is relevant. Just go ahead.

17 A. I'm sorry. Would you rephrase that? I'm not quite --

18 Q. Did you not have an understanding and go to Court to
19 have that approved in November?

20 A. We did go to Court, yes.

21 Q. But the Judge would not approve that, is that correct?

22 A. Right.

23 Q. Because, he said your ex-husband, the Defendant, he
24 didn't think could comply with the terms, is that
25 correct?

1 do is going to be even worse; so just bear with me, as
2 we try to get some semblance of reasonable order here.

3 Now let's go back to the 23rd of February of this
4 year, correct?

5 A. Correct.

6 Q. You are at work, Friday afternoon, no big deal, nothing
7 extraordinary happened, nothing out of the ordinary.
8 You get off. You give a friend a ride.

9 A. Correct.

10 Q. And he wants you to take him to the Wooden Nickel, not
11 home?

12 A. Correct.

13 Q. Okay. And you then go to your house, which is just a
14 couple of blocks away?

15 A. Yes.

16 Q. And you then go and do some errands. At that time were
17 you living alone?

18 A. Yes.

19 Q. Okay. So, you daughters were not with you, they were
20 grown?

21 A. Yes, their own, their own.

22 Q. All right. And, I understand that you testified on
23 direct that you were divorced in June of this year, is
24 that correct?

25 A. Correct.

NEED PICTURES TO COMPARE INJURIES

1 report. But you told them? That's it?

2 A. Yes, I did.

3 Q. Okay. I just want to clear it up. Now, let me get ---
4 you had talked with the police. They had come and talked
5 with you. No pictures were taken of your vehicle. The
6 vehicle was not processed by law enforcement at that
7 time. Is that correct?

8 A. Yes, sir, it is correct.

9 Q. The pictures were taken later of the automobile?

10 A. Yes sir, they were.

WHERE DID CUTS COME FROM.

11 Q. Pictures of your cut on your eye and the bruise on your
12 arm, were taken the next day, the 24th, not the 23rd?

13 A. Early morning, yes.

14 MR. LAWSON: Give me just a moment, Your Honor.

15 THE COURT: All right.

16 (PAUSE)

17 Q. (By Mr. Lawson) You know, there were a few things
18 that concerned me now, and I just want to go over them,
19 real quickly with you.

20 I know that during your testimony that you told us
21 that on a number of occasions you were forced roughly
22 from one side of the car to the other. That you jumped
23 out the car, ran, you fell down. He picked you up and
24 dragged you back to the car. This was a muddy field,
25 correct? You were covered in mud from your knees down,

1 you said?

2 A. Yes. He didn't pick me up.

3 Q. He drug you?

4 A. He grabbed me by my wrists and pulled me, but --

5 Q. So you were drug along through the field?

6 A. Yes.

7 Q. Okay. Were you laying with your back to the ground, or
8 your front to the ground when you were being dragged?
9 Were you being dragged front ways this like, or back
10 ways like this?

11 A. I was not drug in a laying down position. I fell
12 forward --

13 Q. -- Okay.

14 A. -- and tried to get up a again. He grabbed my wrists
15 and walked me/drug me that way to the car not
16 horizontally.

17 Q. He didn't drag you across the ground, he walked you to
18 the car?

19 A. Yes. I mean, he had hold to me, pulling me along.

20 Q. Okay. But, I mean I had the impression that you were
21 being drug across the ground, bump-bump-bump-bump-bump-
22 bump-bump-bump, and apparently that didn't happen?

23 A. No, it didn't.

24 Q. Okay. Now, you go to a field, and that's when you jump
25 and you run. You then have --- He had sex with you, and

WHICH EYE?

PASSENGER SIDE.
CONTRADICTION IN PICTURES.

GLORIA E. WILLIAMSON - REDIRECT EXAMINATION BY MS. PARR

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1 Q. And it would be your left, your right eye?

2 A. Sure it would. This way, the steering wheel is here,
3 and it hit this right here.

4 Q. And is that your left eye, or your right eye?

5 A. That's my left eye.

6 MR. LAWSON: No further questions.

7 THE COURT: All right.

8 REDIRECT EXAMINATION BY MS. PARR

9 Q. When Sumersett came to your house, did you tell him
10 about your --- your car that day, the first time?

11 A. Yes, he looked in it.

12 Q. Okay. But, he did not take any photographs?

13 A. No, he did not.

14 Q. Okay. Did you see a camera, did you see him with a
15 camera?

16 A. I did not.

17 Q. And at what point did you first see --- Did your bruises
18 first come up after the incident. When did you first
19 notice your bruises?

20 A. When I woke up the next morning, the rest of my face had
21 calmed down, like I said my whole face was red. And the
22 marks were more evident, and I called him and I said
23 this is something that we need to take a picture of or
24 something like that.

25 Q. And did he come?

WRONG EYE
NO BRUISES
OR CUTS
UNTIL NEXT
DAY

eye injury? compare

GLORIA E. WILLIAMSON - CROSS EXAMINATION BY MR. LAWSON

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1 you get back in the car, right? How did you get in the
2 car, did you walk around the car, or did you crawl in
3 over the console?

4 A. Over the console.

5 Q. Okay. And then you leave and drive somewhere. Do you
6 know any of the roads that you went on, when you left
7 there?

8 A. Yes, sir. As I testified before, we came out to Cashua,
9 he asked me if I knew where I was, I said, yes. He
10 turned left, and went a little ways, and turned around
11 and went back the other way.

12 Q. Okay, on Cashua --

13 A. -- I was hysterical. I don't --- All I know is the
14 second field looked just like the first one. I can't
15 say that it was the first one for sure, but it was right
16 in that area.

17 Q. Okay. But, you drove out to Cashua, and rode on Cashua,
18 correct?

19 A. Just a --- Yes, a short ways and he turned around.

20 Q. And went back to a field. And in that field, he grabbed
21 you by the hair, and pulled you across, and that is when
22 you bumped your head on the steering wheel, right? You
23 were in the passenger side, correct?

24 A. Yes. He hit my head against the steering wheel as he
25 pushed my head.

1 the 24th?

2 A. Sir?

3 Q. Did Officer Sumersett have a camera on the 24th? He
4 must have.

5 A. Yes.

6 Q. He did, didn't he?

7 A. Yes.

*WHERE IS THE NEGATIVE
OF THE EYE PICTURE*

8 MR. LAWSON: Okay. Thank you.

9 THE COURT: You can step down.

10 MS. WILLIAMSON: Thank you.

11 THE COURT: I don't know who you have, I told the jury
12 around 5:30 they'd be home.

13 MS. PARR: And, Your Honor, we advised that witness
14 that we would not get him today.

15 THE COURT: Okay. I thought cross exam would take a
16 little longer, when I told you we were cutting it off.

17 Jurors, we are going to break for the day. Now y'all
18 understand these are serious charges, so you don't need to be
19 talking to anybody while you are on this jury. You are going
20 to have to decide whether The State meets its burden of proof
21 beyond a reasonable doubt based on what transpires in this
22 courtroom. Don't be looking up criminal sexual conduct on
23 the internet, you know. Don't Google anybody, including the
24 lawyers here. I mean after the trial you can Google the
25 Judge if you want to, but while the trial is going on, you

1 A. Yes.

2 Q. Okay. Mr. Lawson asked you about being able to find
3 your way on Cashua and Forrest Lake. Were there
4 landmarks that you recognized in that area?

5 A. That made be able to go back to the field?

6 Q. Yes.

7 A. Yes. There were times when I was hysterical. There
8 were times when I thought I needed to be watching.

9 Q. And what landmarks helped you got back to the area?

10 A. I remembered that that street was near Forrest Lake.
11 And it was just a couple of turns through there that
12 went the back way to that field where you could have
13 just gone down Cashua.

14 Q. You mentioned a cemetery?

15 A. Uh'huh. Florence Memorial Gardens is the cemetery right
16 on Cashua along there.

17 MR. LAWSON: I don't remember her testifying about
18 that, Your Honor. She worked at one.

19 Q. Go on, please.

20 A. You just asked me if I knew where I was and I said yeah,
21 the cemetery is right there, and this is Cashua.

22 MS. PARR: Nothing further, Your Honor.

23 MR. LAWSON: May it please The Court, one question.

24 RECROSS EXAMINATION BY MR. LAWSON

25 Q. Officer Sumersett, did he have a camera when he came on

FAILURE TO INVESTIGATE

PICTURES COULD HAVE COME FROM ABUSE 2005

ROBIN H. GIBSON - CROSS EXAMINATION BY MR. LAWSON

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1 Q. Was she treated for anxiety before the event?

2 A. By a counselor?

3 Q. By a counselor, or by medication?

4 A. When Ms. Williamson reported to me that she was on a
5 prescription medication for anxiety.

6 Q. And that would be before this occurrence, correct?

7 A. Correct.

8 Q. So she was already on medication for anxiety?

9 A. Correct.

10 Q. But to your knowledge she had never seen a counselor
11 before?

12 A. Correct.

13 Q. Did you ask her about that?

14 A. Initially, yes. Initially she reported that she had not
15 had previous counseling before.

16 Q. Did you talk any about the previous anxiety?

17 A. We did.

18 Q. What was the cause of that?

19 A. The previous anxiety was related to a divorce, a
20 separation.

21 Q. And a husband who was verbally abusive, and physically
22 aggressive?

23 A. Per her report, yes.

24 Q. And did you in your counseling refer her to a medical
25 doctor also to be prescribed medication?

PREVIOUS
ABUSE
COUNSEL
FAILED
TO PULL
HER
MIL
RECORDS

1 Q. How many times did you see her?

2 A. I would have to look at her chart to see the exact
3 number of times I've seen her. I'm thinking, twenty.

4 Q. Twenty.

5 A. Approximately.

6 Q. How many of those --

7 A. I'm sorry.

8 Q. How many occasions did you deal with other issues?

9 A. I am not 100% sure.

10 Q. An estimate. One, two, more than five, less than five?

11 A. I would say more than five.

12 Q. Less than ten?

13 A. Maybe ten.

14 Q. So half of the time you were dealing with other issues?

15 A. Along with.

16 Q. Along with?

17 A. Uh-huh.

18 Q. Did she report to you that she had suffered from anxiety
19 before this event?

20 A. Yes, she did.

21 Q. How do you determine when the anxiety previously
22 suffered ceased to exist?

23 A. What Ms. Williamson reported to me was that she
24 experienced anxiety before and it increased after the
25 alleged incident occurred.

1 drinks, and this guy, Stacey came up and was talking to
2 us a little bit and, you know, just casually talking.

3 And was talking about, you know, that day, whatever, a
4 work day and it just kept on, just different things.

5 Q. Now, that evening did you tell or introduce or tell Ms.
6 Williamson the Defendant's name? Pg. 55

7 A. No, ma'am.

8 Q. Okay. Well how did you find out the Defendant's name.

9 A. He presented his name. He come up and started talking
10 over --- actually it was about he seen more of my
11 tattoos and said, you know, he had one and whatever and
12 just kind of started talking like that. You know, where
13 did you get yours from stuff like that. I told him my
14 nickname was L.G. but my real name was LeGrand. He told
15 me his name.

16 Q. And what did he tell you his name was?

17 A. Stacey Evans. They said he goes by the name of Psycho,
18 his nickname.

19 Q. Now you said you had been drinking for quite a while?

20 A. Yes, ma'am.

21 Q. Okay. What about Ms. Williamson?

22 A. Not much.

23 Q. Okay. And when he came in, where was he when you all
24 were at the bar?

25 A. Whenever I was at the --- where I was seated right

VICTIM STATED
YOU KNEW HIM OR
INTRODUCED

1 the Wooden Nickel realizing it's not the scale?

2 A. Yes, ma'am.

3 MS. PARR: Your Honor, The State would move to enter
4 State's Exhibit Number 1 into evidence.

5 MR. LAWSON: No objection.

6 THE COURT: All right.

7 WHEREUPON, STATE'S EXHIBIT

8 NUMBER 1 WAS MARKED AND

9 ADMITTED INTO THE RECORD.

10 Q. (By Ms. Parr) Mr. Poston, if you would come down and
11 indicate where --- And if you would talk nice and loud
12 so The Court reporter can hear you.

13 All right, would you tell us where you were seated
14 and where Ms. Williamson was?

15 A. I seated right here and she was seated right here beside
16 me.

17 Q. And if you would you can mark it.

18 A. (Indicating.)

19 Q. And, you can have a seat. And, so you said, you all
20 were seated there. Now, is that considered the bar
21 area?

22 A. Yes, ma'am.

23 Q. Okay. And please tell us what happened at the bar area
24 while you and Ms. Gloria were seated there?

25 A. Well, we were just talking and, you know, having a few

1 and shoot pool?

2 A. No, ma'am. Me and --

3 Q. Yes. Did the two of you play pool together?

4 A. Seems like we may have, earlier.

5 Q. Okay. Do you recall Ms. Gloria going to the pool area?

6 A. Yes, ma'am.

7 Q. Okay. And was the Defendant at that time?

8 A. In the pool area.

9 Q. Okay. Did she stay back there long?

10 A. Don't seem like she did.

11 Q. Did the Ms. Gloria ever dance with the Defendant?

12 A. I don't recall.

13 Q. Okay. But you didn't see her dancing with him?

14 A. No, ma'am.

15 Q. Now what time did you leave that evening?

16 (A) I want to say I left probably around a little bit after
17 midnight, maybe quarter to one or something.

18 Q. Okay. All right. And when you left, where was Ms.
19 Williamson?

20 A. At the bar.

(CONTRADICTION - HE WAS OUTSIDE WITH HER.
SEE STATEMENT OF MARY ANN MATTHEWS)

21 Q. Okay. And, so that is where you were too?

22 A. Yes, ma'am. I told her that I was leaving, and asked
23 her, if she was okay, cause I needed to go on home and
24 that is where I left her at.

25 Q. Okay. Now when you --- How did you get home?

SHOULD HAVE
OBJECTION OVER KNIFE
LEADING

LEGRAND L. POSTON - DIRECT EXAMINATION BY MS. PARR

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1 conversation?

2 A. No, ma'am.

3 Q. If you can recall, how long did this go on?

4 A. Probably fifteen, twenty minutes.

5 Q. Okay. And then after --- At what point did the
6 Defendant leave from behind you all?

7 A. It was just a few minutes later. Another friend of mine
8 came up, and he and me had --- was talking and stuff,
9 and Stacey left, went back to his area where he was
10 sitting originally.

11 Q. Now, do you recall, seeing a knife that evening? *LEADING OBJECTION*

12 A. Yes, ma'am. He presented one. He showed me. I had
13 mine. He had one. Just, I guess a guy thing, you know,
14 show me his knife.

15 Q. How was it that the knife came up?

16 A. I don't exactly remember exactly how it came up. I
17 really don't remember how. Like I said I was drinking,
18 I don't remember every little detail.

19 Q. Okay. But, he showed you a knife?

20 A. Uh-huh.

21 Q. And what did he say about his knife? *LEADING*

22 A. You know, that he keeps a knife in case something was to
23 go down in the club or whatever, you know, for
24 protection.

25 Q. Now, at any point that evening did you or Ms. Gloria, go

NO CUTS OR BRUISES ON FACE

LEGRAND L. POSTON - DIRECT EXAMINATION BY MS. PARR

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1 whatever, a retired nurse. And so we went over to her
2 house, and talked with her and everything.

3 Q. Now when you got to her house, would you please describe
4 her demeanor, what condition was she in when you got to
5 her house?

6 A. She was all shaken up, real scared, crying. Just really
7 shaking and she couldn't, you know, she was just falling
8 to pieces.

9 Q. Okay. And what did you do when you saw how she was?

10 A. Well I tried to talk to her, you know, and tell her, you
11 know, it wasn't her fault, and try to comfort her or
12 whatever, but she was just really really bent out of
13 shape. My mother took her in the back room and they
14 talked a good while. Me and my father --- I walked
15 outside to look at the vehicle, and that is where I
16 stayed at most of the time while my mother and her were
17 talking.

18 Q. Okay. Would you describe her appearance?

NO CUTS

19 A. You could tell she hadn't been to sleep. Her face was
20 really really red. Like I said, she was shaken. Her
21 makeup ran off, you know, runny, just I mean she was
22 just a nervous wreck.

23 Q. Now, you said that you went outside where her car was?

24 A. Yes, ma'am.

25 Q. And would you please describe her car when you saw it?

1 A. A friend of mine name Joy -- Joy Matthews, she carried
2 me home.

3 Q. Okay. And she carried you home?

4 A. Yes, ma'am.

5 Q. And you left Ms. Williamson sitting at the bar?

6 A. Yes, ma'am.

7 Q. And did she indicate to you how long she was going to be
8 at the bar?

9 A. She said she was leaving right behind me. She was going
10 to finish I think her last drink, and head on home
11 herself.

12 Q. Okay. Now what condition was Ms. Williamson?

13 A. Good. I mean, she might have been slightly buzzed, but
14 not really. I mean, she was focused pretty good.

15 Q. Okay. But she was not drunk?

16 A. No, ma'am.

17 Q. And so, when you left her sitting there, she told you
18 she was going to leave shortly?

19 A. Yes, ma'am.

20 Q. All right. When was the next time you heard from her?

21 A. Probably around 8:00 the next morning, she called me and
22 told me that she had been raped and was real upset and
23 crying and everything. I asked her if she would like to
24 speak with mother, you know, I figured she would want to
25 talk to a female since she is an ex-nurse, you know or

STATEMENT IS DIFFERENT FROM TESTIMONY PERJURY.

1 A. That is exactly right.

2 Q. So she could have been there an hour after you left.

3 She could have been there five minutes after you left.

4 She could have been there one minute after you left.

5 But you don't know?

6 A. Right.

7 Q. So you can't say?

8 A. Exactly.

9 Q. Now, in your statement, I thought that you told Ms.

10 Cain, that at the time you got ready to go is when she
11 was in the back playing pool with Mr. Evans?

12 A. Right.

13 Q. That is correct, isn't it?

14 A. No, when I left, she was at the bar right here.

15 Q. She's at the bar. Okay. CONTRADICTION BY MATTHEWS

16 A. I stuck my head in and told her I was leaving, and that
17 was where she was.

18 Q. All right. Now didn't you go out, come back in, and
19 then go out again?

20 A. Yes, sir.

21 Q. And the first time you went out --

22 A. -- My ride was gone.

23 Q. And she was back here playing pool?

24 A. When I stuck my head back in the door, she was right
25 there at the door, at the bar.

1 A. Yes, sir.

2 Q. And she came in for how long?

3 A. A few minutes, maybe thirty --- thirty to an hour,
4 maybe.

5 Q. And what did y'all do at that time?

6 A. We just had a drink, and was talking about the job, and
7 stuff.

8 Q. What kind of drink did she have?

9 A. She had a Michelob, I believe, a Michelob Light.

10 Q. Did she also have a Tequila?

11 A. No, sir.

12 Q. Okay. And so then she left?

CONTRADICTION

13 A. Yes, sir.

14 Q. And then how long did she come back?

SHE STATED
10:30 OR 11:00 PM.

15 A. Probably around eight or nine.

16 Q. Okay. And then she was there the rest of the night?

17 A. Until I told her I had to leave, and was she going to be
18 okay, and she said she was shortly --- leaving shortly
19 behind me.

20 Q. All right. But the truth of the matter is this. You
21 know when you left, correct?

22 A. Yes, sir.

23 Q. You don't know one thing about when she left?

24 A. That's right.

25 Q. Because you were already gone?

SHE WENT TO PLAY POOL!

1 you told him to stop, she then went back to the pool
2 area and played pool with him, is that correct?

3 A. I believe so, yes, sir.

*WHY WOULD SHE PLAY POOL
WITH HIM*

4 Q. Now, the next morning it's 8:00 approximately, do you
5 remember exactly?

6 A. Not exact.

7 Q. Okay. I'll tell you what. Do you remember how long you
8 were there before the city police officer called the
9 Sheriff's Department?

10 A. Probably there twenty, twenty-five minutes.

11 Q. You were there twenty or twenty-five minutes before you
12 called --

13 A. Before they were called.

14 Q. Now how long --- let's go back. I may have gotten ahead
15 of myself. How long were you there before somebody
16 called, I think it's Allen Keith Creel, your cousin?

17 A. Yes, sir.

18 Q. How long were y'all there before Officer Creel was
19 called from the city police department?

20 A. About five minutes.

21 Q. About five?

22 A. About five or ten minutes.

23 Q. Okay. So how long did it take him to get there?

24 A. He came right away. He lives right around the corner
25 from her, actually.

CONTRADICTORY TESTIMONY.

LEGRAND L. POSTON - CROSS EXAMINATION BY MR. LAWSON

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1 Q. Okay. Now, I am going to ask you --- All right, the
2 bottom of page seven, right there, Ms. Cain says okay.
3 You read that just to yourself. Yeah, right down there.
4 The top of page eight. Just read it to yourself. See
5 if that refreshes your recollection.

6 (PAUSE)

7 A. Yes, sir.

8 Q. Okay. Now what happened as you were getting ready to
9 leave?

PLAYING POOL

10 A. So, when I was getting ready to leave, I walked back
11 there and told her, was she all right, that I was going
12 to leave with Joy. So when I came back, Joy had left, I
13 believe she went to carry somebody else home, so when I
14 stuck back in the door, that is when she was at the bar.
15 But, when I originally went to leave, I walked back
16 there to the pool room.

17 Q. And she was playing pool?

*SHOWS HER WITH HIM
PLAYING POOL NOW*

18 A. Yes, sir.

19 Q. With?

20 A. Mr. Evans.

21 Q. With Mr. Evans. This is after y'all had been at the
22 bar, and he was putting his hands on her, and you ask
23 him to stop, correct?

24 A. Yes, sir.

25 Q. So, after that occurrence, when he was touching her, and

FOUR HOURS 45 MINUTE DIFFERENCE IN TIME

LEGRAND L. POSTON - CROSS EXAMINATION BY MR. LAWSON

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1 Q. Okay.

2 A. Probably about two or three minutes.

3 Q. All right. So we're talking about less than ten minutes
4 after you got there, Office Creel is already there?

5 A. Yes, sir.

6 Q. How long after Officer Creel got there, did he call the
7 Sheriff's Department?

8 A. Right away.

9 Q. Okay. So we were talking about what, earlier than 8:30?

10 A. Probably a little after 8:30.

11 Q. 9:00?

CREDIBILITY

12 A. Quarter til nine.

13 Q. All right. And do you know that Officer Creel actually
14 --- Did he call 911?

15 A. I don't know.

16 Q. What if I told you the 911 call came in at 13:28 that is
17 1:28, right?

18 A. I don't know.

19 Q. After Officer Creel called the Sheriff's Department how
20 long was it before Officer Sumersett got there?

21 A. Seems like he came right on out.

22 Q. Okay. So that would have been 9:30 and Officer
23 Sumersett is there already?

24 A. Seems like.

25 Q. While Officer Summereset is there, when he's talking

1 with Mr. Williamson, did she still have the same clothes
2 on?

3 A. Yes, sir.

4 Q. She had on the same clothes from the night before, is
5 that correct?

6 A. As far as I know, yes, sir.

7 Q. And when you got there she was dressed?

8 A. Yes, sir.

9 Q. Did you notice any tears on any of her clothes?

10 A. Just muddy.

11 Q. Just muddy.

12 A. And I think the shirt might have been stretched or
13 something.

14 Q. Do you know where Stacey Evans was when you left?

15 A. I want to say he was in the pool area.

16 Q. But do you know?

17 A. I'm pretty sure he was in the pool area.

18 Q. Pretty sure?

19 A. Yes, sir.

20 Q. Are you absolutely certain that you got there at 9:00 in
21 the morning --- before 9:00 in the morning, and not
22 more like 12:00 or 1:00 in the afternoon?

23 A. I want to say it was in the morning.

24 Q. 11:30, quarter til twelve?

25 A. I don't --

WHERE WAS
GLORIA

NO BRUISES ON FACE

1 Q. Okay. Now you said that she was crying. Would you
2 please tell us specifically what else she was doing, if
3 anything?

4 A. She was wringing her hands, you know, and just trying to
5 talk, but she couldn't hardly talk, it was just coming
6 out in bits and pieces, because she was crying so bad.

7 Q. Now did you observe the clothing she had on?

8 A. Yes, ma'am.

9 Q. Okay. Would you please describe that to us?

10 A. She had a white blouse and blue jeans, and some boots,
11 and they was muddy.

12 Q. All right. And at any point did you observe any part of
13 her body?

14 A. Yes. On one side of her face was real red. And she had
15 pulled up her pant leg and showed me her legs, and she
16 had a couple of bruises on them.

17 Q. Now did you see any jewelry she had?

18 A. When I went out to the car, to look at the car her
19 bracelet was broken in the car.

20 MR. LAWSON: Objection, Your Honor, I think that would
21 be speculation that it was her bracelet, unless she knows.

22 THE COURT: She can say what she observed. It looked
23 like it was broken, she can say that. Go ahead.

24 Q. (By Ms. Parr) Did you see any jewelry?

25 A. Yes.

1 Q. And where did you see that jewelry?

2 A. In her car.

3 Q. Okay. And what was the condition of the jewelry?

4 A. It was broken.

5 Q. Did you know whose jewelry that was?

6 A. Yes, ma'am.

7 Q. And how did you know it?

8 A. Well she had told me about it.

9 Q. And I am going to show you what has been entered into
10 evidence as State's Exhibit Number 14. Do you recognize
11 this?

12 A. Yes, ma'am.

13 Q. And what is this?

14 A. That is the bracelet.

15 Q. And whose bracelet is this?

16 A. Ms. Gloria Williamson.

17 Q. Okay. Now is this the bracelet you saw in her car that
18 day?

19 A. Yes, ma'am, it looks just like it.

20 Q. Now how long did you stay at the house with her?

21 A. A couple of hours.

22 Q. Now I know that you indicated that you told her that she
23 needed to report it, is that correct?

24 A. Yes, ma'am.

25 Q. All right. Now, was law enforcement called?

1 A. Right.

2 Q. And do you know the girlfriend's name?

3 A. Mona.

4 Q. Okay. And how long were they down at the end where
5 LeGrand and Ms. Williamson were?

6 A. Just long enough to get their drinks and then they
7 walked off.

8 Q. Okay. So, they just ordered drinks and walked off?

9 A. Yes, ma'am.

10 Q. Okay. And do you know where they went in the bar?

11 A. I don't.

12 Q. Okay. Now, did you see the Defendant later on at the
13 bar?

14 A. Yes, ma'am.

15 Q. And, please tell us about that.

16 A. Ms. Williamson was at the end of the bar where I just
17 showed you, and he came over and was speaking with her.
18 I could not hear what the conversation was about, but
19 they were talking, and then LeGrand came over. And from
20 what I could --- I could tell that he didn't want them
21 two talking, but I didn't actually hear what was said.

22 Q. Okay.

23 A. But, I could tell that there was a little tension there.

24 Q. Okay. Now, was the Defendant standing?

25 A. Yes, ma'am.

1 there, to your knowledge?

2 A. At that end of the bar?

3 Q. Yes, at the end.

4 A. It's hard to say.

5 Q. There were other stuff going on?

6 A. When I started working so, I, you know, didn't really

7 --- They were there for a while though, I mean --

8 Q. Now you were serving them alcohol or drinks, is that
9 correct?

10 A. Yes, ma'am.

11 Q. Do you recall how much you served Ms. Williamson?

12 A. All she drank was beer, and it was probably just, a few
13 beers. She had no hard alcohol. No liquor drinks.

14 Q. Okay. So you served her a couple of beers?

15 A. Beers, was all that I served her, yes, ma'am.

16 Q. Okay. And what about LeGrand?

17 A. They were drinking tequila.

18 Q. Okay. And now did you see the Defendant that night?

19 A. Yes, I did.

20 Q. Okay. Where did you see the Defendant?

21 A. He came in later with his girlfriend, and they were at
22 the same end of the bar that I just showed you where
23 LeGrand and Ms. Williamson, were at.

24 Q. Okay. And when he came in, you said that it was he and
25 his girlfriend, is that correct?

Q. Okay. Now, is there an opening there? Is it a full wall or what is it?

A. No ma'am, it's about a half a wall and then it's got, you know, there is two opening spaces there.

Q. Okay. So you can see?

A. Yeah, you could see probably about from here up from the bar.

Q. Okay. And so who went back to the pool area?

A. Ms. Williamson and the Defendant.

Q. Okay. And do you know how long they were back there?

A. I really didn't pay attention.

Q. Now, did you see LeGrand go back there at any point?

A. I don't really remember if he did or not. I know he was still in there.

Q. Okay. And then at what point did you see Ms. Williamson again at the bar, or did you?

A. When she was leaving.

Q. Okay.

A. She walked out the door, then LeGrand walked out, and then the Defendant right behind them.

Q. Okay. Now, before we get there, when she finished at the pool table, did they come back to the bar area to your recollection?

A. No, ma'am. Not that I remember, now they may have. I was very busy. The next time I remember seeing her, she

*Shows
Them
TogetHER*

pool room?

DENA DOYLE SEIGLER - DIRECT EXAMINATION BY MS. PARR

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1 Q. Okay.

2 A. And, she was seated.

3 Q. Okay. And did LeGrand sit right beside her?

4 A. Yes, ma'am.

5 Q. Okay. And, so you said that he had been talking to her?

6 A. Yes, ma'am. The three of them were talking.

7 Q. The three of them were talking?

8 A. Yes, ma'am.

9 Q. And do you know how long that lasted?

10 A. Maybe about thirty minutes or so. They did a couple of
11 shots, him and LeGrand. Like I said she did not have
12 any alcohol. She was drinking beer.

13 Q. Okay. All right. And, do you know what the
14 conversation --- Did you hear the conversation between
15 them?

16 A. No, ma'am. I didn't hear any of the conversation.

17 Q. And at any point did you see Ms. Williamson get up?

18 A. They walked back to the pool room. WHO

19 Q. Okay. Now, where is the pool room. And, you can just
20 point it out with the laser pointer.

21 A. Back here. There are two back there.

22 Q. Okay.

23 A. And this is the doorway where you go in right there.

24 Q. Okay.

25 A. From the bar.

1 Q. But how did he appear to you?

2 A. Okay.

3 Q. Did you see him touching Ms. Williamson that evening?

4 A. No, ma'am. I did not.

5 Q. Okay. Did he leave his girlfriend Mona, and come back
6 at the bar, at any time?

7 A. He came back --- Well, when he was up there before she
8 was not with him. I did not see them together again,
9 other than when they first came in together.

10 Q. Okay. And so --- And the Defendant was up at the bar
11 where LeGrand and Ms. Williamson were?

12 A. Right. Yes, ma'am.

13 Q. Okay. And how did that appear to you?

14 A. I felt like, kind of, that maybe she didn't want him
15 there, but she didn't really know, you know, how to
16 approach him, or say anything. I could tell there was a
17 little tension there.

18 Q. When you say, they, who were you referring to?

19 A. Ms. Williamson. I could tell that she probably, you
20 know, really didn't want to talk with him, but she had
21 never been in there before, and just, I guess, didn't
22 know what, you know, what to say.

23 Q. Okay. So, that led you to the impression that she
24 didn't want, really want to --

25 A. -- Right. Yes, ma'am.

DOES NOT MATCH TESTIMONY?

1 was walking out the door, out the front door.

2 Q. Okay. All right. To your knowledge, did LeGrand leave
3 before her?

4 A. I think he left after her. *CONTRADICTION*

5 Q. Okay, but you're not sure.

6 A. I'm not positive about that, no, ma'am. I could be
7 wrong about that.

8 Q. Okay. Now, who did she leave with to your knowledge?

9 A. She was by herself. She walked out by herself.

10 Q. Okay. And then who walked out?

11 A. I'm thinking LeGrand, and then Mr. Evans walked out
12 after --- I mean, it was like two second, he was right
13 behind her.

14 Q. Okay. When you say being the Defendant, right behind
15 her?

16 A. Right, yes, ma'am.

17 Q. Now, did you have any conversation with the Defendant
18 that night?

19 A. None other than, he had told me how nice I was, the
20 weekend I --- They had come in the weekend before, and
21 that they had enjoyed it, and I was very nice to them,
22 and that is why they decided to come back. And that is
23 all that I spoke to him about.

24 Q. Okay. Do you know how much he had to drink?

25 A. I couldn't give you an accurate amount, no, ma'am.

1 happen out in the parking lot.

2 Q. But, now this was in --- You said that Ms. Williamson
3 went out and the Defendant went out right after her?

4 A. Right, yes, ma'am.

5 MS. PARR: All right.. Nothing, further. Please answer
6 any questions the Defendant may have.

7 CROSS EXAMINATION BY MR. LAWSON

8 Q. And then LeGrand Poston, correct?

9 A. Pardon me?

10 Q. And then LeGrand Poston?

11 A. Ms. Williamson, LeGrand and then Mr. --- the Defendant.

12 Q. Okay. All three at the same time?

13 A. Well one went out --- They didn't go out together. One
14 went out, and a couple of seconds later one when out.

15 Q. All right. Who went out first?

16 A. Ms. Williamson.

17 Q. Who sent out second?

18 A. LeGrand.

19 Q. Third?

20 A. And then Mr. Evans.

21 Q. So, LeGrand was between Ms. Williamson and Mr. Evans
22 when they left?

23 A. Well she was already completely out, and then he went
24 out, and then the Defendant. Yes, sir.

25 Q. All right. Was there, in your opinion, had been ---

1 could there have been any way for the Defendant to get
2 to Ms. Williamson without going by LeGrand Poston?

3 A. Well, I don't know about outside, because like I said
4 they --- the three of them went out separately.

5 Q. Okay.

6 A. I mean he couldn't have gotten to her unless he ran slap
7 over him to get to her, no, but they went out
8 separately.

9 Q. Okay. Now, do you recognize this diagram?

10 A. Yes, sir.

11 Q. State's Exhibit Number 2. It is a diagram of the
12 outside setting?

13 A. Yes, sir.

14 Q. All right. If this is the Wooden Nickel where
15 approximately was the door to the Wooden Nickel?

16 A. Right in the front here.

17 Q. Okay.

18 A. It would be like right there, right in the middle.

19 Q. Okay. Right in the middle --

20 A. -- Yes, sir --

21 Q. -- would go to get around to this parking lot, you have
22 to go out and around almost half again as far if you
23 were park half way up here. It's almost the same
24 distance.

25 A. Well, if she was on the side, no, because there is a

1 small place in there.

2 Q. Okay. And now on direct, they ask you if you thought
3 something was about to happened. Did you think there
4 was something about to happen?

5 A. I thought that LeGrand was getting a little, you know,
6 agitated, maybe for the Defendant speaking with her,
7 because you could tell that she was a little uptight,
8 and I think he was more or less trying to protect her,
9 is the way I, you know, I seen it.

10 Q. All right. Do you recall talking to Helen Cain sometime
11 right after this incident happened?

12 A. Yes, sir.

13 Q. Do you recall, giving a statement?

14 A. Yes, sir.

15 Q. Have you reviewed that statement?

16 A. I hadn't until, maybe a couple of weeks ago.

17 Q. Okay. And, you've looked at it in the last couple of
18 weeks?

19 A. Well when they gave it to me I read over it, yes, sir.

20 Q. And, did that refresh your recollection of what
21 happened?

22 A. Some, yes.

23 Q. So, if I recall in the statement you had indicated that
24 LeGrand had gone outside at some point, and that Ms.
25 Williamson and Mr. Evans, were back at the pool area?

WENT
BACK AFTER
LEGRAND
LEFT

1 A. Well we had one, that come from --- We opened at 12:00
2 on Friday, from 12:00 to 7:00, but other than that I was
3 --- because we opened at 4:00, I was the only one that
4 worked.

5 Q. Okay.

6 A. Friday was the only time we had another bartender, and
7 on Saturday night.

8 Q. And on this particular night, and on most nights is the
9 --- James Langton? *WHY WASN'T HE SUSPECTED?*

10 A. Yes, he is the owner.

11 Q. And is he normally there?

12 A. Yes, sir.

13 Q. And does he help with the things as well?

14 A. No, sir, he does the Karaoke. He's never behind the
15 bar.

16 Q. That's on Friday's?

17 A. Well he doesn't work any time.

18 Q. He cooked a hamburger one day.

19 A. Well, he does that, but as far out there, serving drinks
20 or, you know, assisting with us or anything, no, he
21 doesn't do any of that.

22 Q. Okay. And when people are sitting up at the bar where
23 you are, to see over into the rest of the bar is not an
24 easy thing to do is it?

25 A. Yeah, you couldn't see everything because it's such a

1 A. Right.

2 Q. And that LeGrand came back in and asked where she was?

3 A. Right.

4 Q. Then he goes to the back?

5 A. To the back.

6 Q. That's when you said --

7 A. -- That's when I was thinking something was probably,
8 you know, getting, you know, happened and I didn't want
9 it to happen. I mean, as far as a fight is what I was
10 thinking.

11 Q. And what did you see when LeGrand went to the back,
12 because you were watching at that time?

13 A. Well like I said, I couldn't see anything but from here
14 up. I just saw them talking. There was no --- any
15 aggressiveness or anything, I was just concerned, and
16 was watching to make sure that didn't happen.

17 Q. Okay. And then what was the next thing you observed?

18 A. Them leaving.

19 Q. All three of them?

20 A. Right.

21 Q. And so it's your recollection that LeGrand and Ms.
22 Williamson --- Ms. Williamson actually left before
23 LeGrand left as far as getting out of the door?

24 A. Out the door, yes, sir, and then LeGrand and then --

25 Q. When you are tending bar --- I mean, I want tell

1 anybody. Do you drink while you're tending bar?

2 A. Usually not, we're not allowed to, no.

3 Q. Okay. On this particular night do you recall?

4 A. No.

5 Q. You have Coke while everybody else is --

6 A. -- Or if you've got time to stop and drink anything. I
7 mean I was very busy but no, we're not allowed to drink
8 while we're working.

9 Q. Okay. Alcohol?

10 A. Right. Yes, sir.

11 Q. What time do you recall, if you recall, Ms. Williamson
12 getting there?

*SAID SHE GOT
THERE 10:30
TO 11:00 P.M.*

13 A. It was just before I went on to work, so probably
14 between 6:30 and 7:00, because she was only there just a
15 minute and I had to go right to work.

*WHERE WAS SHE BEFORE
THAT?*

16 Q. And, then what time was it that they left?

17 A. I don't remember exactly.

18 Q. Okay. What time y'all close on Friday's?

19 A. We normally close at two, sometime we may go over til
20 three.

21 Q. I think I've heard that you would stay open as long
22 as there were people there on occasion. So it could
23 extend --

24 A. Usually we don't go past 3:00. He's going to close
25 whether there are people in there or not, usually after

1 her to go to the bathroom. And the bathroom is in the
2 room, the exam room, so she never leaves out of that
3 room. She stays with me in the room at that time.

4 Q. Now before you did that, did you do a general assessment
5 of her?

6 A. We do. We listen to heart, her lungs. We check the
7 body for different types of bruising, scratches, listen
8 to their abdomen, to see how their bowel sounds are.
9 Just check to see what their appearance primary is --

10 Q. Okay. And would you please tell us what your general
11 assessment was?

*FROM LEGRAND
GRABBING HER AT THE BAR*

12 A. The patient was visibly crying and upset. She had
13 scratches around both wrists that appeared to be from
14 being grabbed around both wrists. She also had stated
15 *WHEN DID THIS HAPPEN* to me that she had been bound around her wrists. She
16 *→* also had some bruises. She had three bruises on her
17 right lower leg.

18 Q. Now is it common for bruising to appear a day or so
19 later?

20 A. It is..

21 Q. Why?

22 A. Some bruising occurs rapidly because it is from the from
23 capillaries which are the very small tiny veins that are
24 closest to the surface of the skin. If you interrupt
25 those vessels, you can get bruising like right away.

1 The veins are deeper vessels. Deeper in the tissues.
2 So when you hit those you are not automatically ---
3 Sometimes you will see like a pink spot but you won't
4 actually see the bruising until later the next day or a
5 few hours later because it takes that long for the
6 bruise to show up. It takes longer for the
7 discoloration to come to the top of the surface, because
8 the vessel is deeper.

9 Q. Now once you did your general assessment, what did you
10 do?

11 A. I am going to check my notes. We always have to obtain
12 a consent to do the sexual assault. We did obtain that.
13 I'm going to check on my times for my bloods, because
14 I'm not sure I did my blood first or if I did my swabs
15 first. Hang with me for one second. Let me see if I
16 have that written down.

17 Q. Now while you are looking, let me ask you this?

18 A. Okay.

19 Q. Is there a prescribed protocol that you are suppose to
20 use?

21 A. There is a protocol and we have like a little cheat
22 sheet that you can go by. Depending on the patient, you
23 don't have to follow precisely but there is protocol
24 that you do use.

25 Q. Okay. And is it one that you check off when you

NO EYE INJURY,

1 any medications, social drugs or alcohol taken before or
2 after the assault. It's part of the Rape Kit, it is page
3 number two. She stated that she had been drinking beer
4 around one in the morning. And when asked if the
5 assailant had been drinking, that yes, he had also been
6 drinking beer, but she didn't know, you know, how much.

7 Q. Okay. And did she indicate the amount that she had had?

8 A. She said three.

9 Q. Okay. All right. And did you also find out information
10 in regards to coherence?

11 (A) That is on --- Yes, ma'am. She said that verbal threats
12 ^{WHEN?} were used and that binding was used. But I do not have
13 any thing as far as gun, knife, choking, fists, binding,
14 drugs, or alcohol or any thing like that.

15 Q. All right. Did you make drawings?

16 A. We do have a page that has an anatomical drawing, and we
17 fill it in.

18 Q. And will you please tell us where you indicate on your
19 findings on the drawing --- Just describe it for the
20 jury.

NO EYE

21 (A) On both hands I have that she has scratches from being
22 grabbed, and I have that she has three bruises on her
23 right lower extremity, that were pink in color, which is
24 the coloration that you would see when a bruise is first
25 starting. They have different colors stages that they

1 go through as you bruise. Two of them were dime size.
2 One was a quarter size.

3 Q. Okay. And did you make --- also make notation of
4 possible areas of semen?

5 A. I did.

6 Q. And where were those noted?

7 A. I've got on my drawing that I swabbed around the
8 buttocks and all around the genitalia area, the pubic
9 area, the pubic region.

10 Q. Now in regards to the pelvic exam, would you please tell
11 us a little bit about the way a woman who has gone
12 through puberty, genitalia operates or is able to
13 withstand various things.

14 A. Yes, ma'am. As a child before you reach puberty the
15 skin has no elasticity or stretch to it, so therefore
16 you would see, a lot more tearing, a lot more trauma to
17 the area. Once you --- When you reach puberty the area
18 receives elasticity and stretchability due to the
19 hormones that we receive that allows us to be able to
20 have sexual intercourse and to bear children. That does
21 not go away until after the estrogen levels and the
22 hormone levels start decreasing over time. So an older
23 elderly lady you would see is the same thing as a child.
24 Once all the estrogen and hormones have left her body
25 then that tissue goes back into the same state,

- 1 A. Yes, sir.
- 2 Q. Did she report to you that she was vaginally penetrated?
- 3 A. Okay. This is the physician who filled this out.
- 4 Q. The physician?
- 5 A. The physician filled that out, sir.
- 6 Q. Were you there when he talked to her?
- 7 A. No, sir.
- 8 Q. What did she indicate to you?
- 9 A. I don't have a copy of that, sir. I'm sorry.
- 10 Q. Do you have any of your notes?
- 11 A. I do. If you can address which section you are talking
- 12 about.
- 13 Q. Okay. Well I assumed that these were right next to each
- 14 others. That's the way they were given to me. Did you
- 15 prepare part of this diagram?
- 16 A. This is mine, yes, sir.
- 17 Q. You did this?
- 18 A. This is mine.
- 19 Q. Is the doctor's writing on this also?
- 20 A. This little section right here is the physician's
- 21 writing.
- 22 Q. Okay. And these X-rays just indicate where you swabbed?
- 23 A. Correct.
- 24 Q. Okay. And the scratching indicated --- Did you notice
- 25 anything on her face?

1 Q. Nurse Tomlinson?

2 A. Yes, sir.

3 Q. Now you are not trying to tell this jury are you, that
4 simply because a women has reached puberty and not yet
5 gone through menopause that she had been sexually
6 assaulted and have no visible signs of trauma in the
7 vaginal area, you are?

8 A. Yes, sir. I am.

9 Q. In no event, no way, and never is there vaginal trauma
10 in a woman from her twenties to her fifties when she is
11 sexually assaulted?

12 A. Yes, sir, you can have it. Depends on how heinous the
13 act is, how severe the perpetrator is. What forms of
14 abuse he might apply to her, you can get tearing,
15 ripping.

16 Q. What about trauma? What about bruising? What about
17 just --- Like you hit your hand? Internal injuries
18 from a sexual assault, it can occur can it not?

19 A. Yes, sir, it can.

20 Q. And it does occur regularly with sexual assault victims
21 doesn't?

22 A. Out of the cases I have done we do not see that, no,
23 sir.

24 Q. You, I assume, interviewed Ms. Williamson when she came
25 in that night, correct?

- 1 A. I did not.
- 2 Q. Did you look there? *NO EYE TRAUMA*
- 3 A. I cannot recall if I looked there or not.
- 4 Q. On her face. You didn't see her face?
- 5 A. It was visible, I looked at her face, if it was covered
- 6 by hair, I might not have looked at that.
- 7 Q. Okay.
- 8 A. I did not make any notes as to her face or head, so
- 9 obviously, I did not see any trauma at that time.
- 10 Q. Okay. And now the bruising is interesting because, it's
- 11 on the shin, is it not?
- 12 A. It's on the lower front leg.
- 13 Q. We call that the shin, right there, shin right in there?
- 14 A. Yes, sir.
- 15 Q. There was not bruising in the area in your thigh, no
- 16 bruising there?
- 17 A. I do not show any bruising, no, sir.
- 18 Q. No pink spots, or anything?
- 19 A. I do not show any.
- 20 Q. And you said that they were pink which indicates that it
- 21 was --
- 22 A. -- New --
- 23 Q. -- new. And then so you can tell the age of a bruise
- 24 by the color?
- 25 A. Yes, sir. A bruise goes from pink, to a blue, to a

1 darker blue and then as it starts getting older and
2 starts going away it turns green, it starts turning into
3 a green color.

4 Q. And so you can tell the actual age?

5 A. Yes, sir.

6 Q. And what about this, is this the one, is that yours?

7 A. I wrote this section. The doctor wrote this section.
8 This little bit right here is mine and this is his.

9 Q. Okay. So you didn't do any of these questions. Did you
10 write notes of when you interviewed her?

11 A. The few notes I have are the ones that is on your
12 Emergency Department Date Assessment Tool.

13 Q. Did she report to you that she had --- was forced to
14 have oral intercourse?

15 A. I do not have a note of that, sir.

16 Q. Ma'am?

17 A. I do not have a note of that.

18 Q. You didn't take that down?

19 A. No, sir.

20 Q. If she would have told you that would you have put it in
21 your notes?

22 A. I would have.

23 MR. LAWSON: Thank you, ma'am. No further questions.

24 MS. PARR: Nothing further for this witness, Your
25 Honor. We would ask that she be dismissed.

NO EYE INJURY!

MANUEL FONSECA, M.D. - DIRECT EXAMINATION BY MS. PARR

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1 exam. In other words this complaint was a pelvic
2 complaint so we performed a pelvic exam.

3 Q. Did you find any life threatening --

4 A. -- No, ma'am, not any life or limb threatening. Those
5 are the biggest things that, you know, my job is to rule
6 out those first, and then proceed down too lesser.

7 Q. And would you please describe Ms. Williamson's demeanor?

8 A. Yes. I documented she was anxious.

9 Q. And then you completed your more focused physical
10 examination, is that correct?

11 A. Yeah, I mean I did --- We checked her head. I checked
12 her throat, her neck, rule out any cervical injuries.
13 We listened to her heart. We listened to her lungs. I
14 checked her abdomen. We performed a pelvic exam. And
15 we checked for any focal neurologic signs; is she weak
16 on one side, you know, if she had significant head
17 trauma, would there be any other signs, any obvious
18 deformities to the extremities, that sort of thing?

19 Q. And did you find anything?

20 A. No significant injuries that I note.

NO EYE INJURY

21 Q. And then what did you after you obtained that
22 information, when you did that examination?

23 A. Well then, because the exam was done at 8:15, I left the
24 room, because I have to, wait for, you know, when there
25 is sexual assault, it is a step-by-step process that the

1 nurses have to follow to obtain evidence. When they are
2 ready, they will call me to come and do the physical,
3 the pelvic exam, rather. And that is when I obtain the
4 evidence for the kit.

5 Q. And, so, would you please tell us what your findings
6 were when you went back to do the pelvic exam?

7 A. Okay. As documented, and I don't know if you can see
8 ---on page two of the assault, the legal sheet, the
9 protocol, that there were in the vulva, which is the
10 external part of the vagina there were not obvious
11 evidence of trauma. In the introitus, which is at the
12 entrance of the vagina, there was no obvious evidence of
13 trauma. The hymen, she is post hysterectomy, so
14 obviously the hymen is not intact. She is not a virgin.
15 In her vaginal area I saw no obvious tears or evidence
16 of trauma. In her anus showed no obvious evidence of
17 trauma.

18 Q. Now do you normally see evidence of trauma in a sexual
19 assault victim of a aged woman passed puberty?

20 A. Not normally. I have not.

21 Q. Now the fact that you did not see any trauma, examples,
22 tears, or anything of that nature, or abrasion, does
23 that mean, that a sexual assault did not occur?

24 A. No.

25 Q. And why is that?

1 A. Yes, sir.

2 Q. You have seen a lot since February the 23rd?

3 A. Yes, sir.

4 Q. A fair assessment, as to what you are testifying to
5 today is what is in your records?

6 A. Correct.

7 Q. Is that correct?

8 A. That is correct.

9 Q. You don't have a lot of independent recollection of this
10 particular evaluation, right?

11 A. I do not. No, sir.

12 Q. That is why you take the notes and keep the records is
13 it not?

14 A. That is correct.

15 Q. On page one of your format, I assume it is the same as
16 your page one?

17 A. Yes, sir. I'm sorry. I'm trying to find it. Yes, sir.

18 Q. Do you go through a series of questions with the
19 patient, or is this done with the nurse?

20 A. No sir, this is myself.

21 Q. This is you. And from your records did you ask her
22 about vaginal penetration?

23 A. Yes, sir. That paragraph, again, it kind of
24 reintegrates the history. I had to write on the
25 Emergency Department Sheet, but it claims that she was

NO BRUISES,

1 A. Well, it does not necessarily mean, there wasn't ---
2 If you see --- Just because I see no signs of trauma,
3 there still could have been a non consensual sexual act.

4 Q. Now, did she complain of any pain?

5 A. I did not report that.

6 Q. And did you note --- see any bruising on her body?

7 A. I noted there were no obvious --- When I say no obvious
8 signs of trauma, I mean no obvious deformities, no
9 dislocations, you know, again, my first initial priority
10 is to rule out life or limb threatening injuries. So, I
11 did notice that on the nurse report there were some
12 scratches to her wrists, and the bruises as noted
13 earlier. *FROM WHERE?*

14 Q. But, those would not be the things that you looked for
15 normally, is that correct?

16 A. I mean, if one of them requires suturing, yeah, I would
17 address it. But my job is to rule out, again, life or
18 limb threatening.

19 MS. PARR: Beg, The Court's indulgence. Dr. Fonseca,
20 would you please answer anything Mr. Lawson may have for you.

21 MR. LAWSON: May it, please, The Court?

22 THE COURT: Sure.

23 CROSS EXAMINATION BY MR. LAWSON

24 Q. Doctor, you see lots of patients in the Emergency Room,
25 I assume?

NO STATEMENT OF ORAL SEX

MANUEL FONSECA, M.D. - CROSS EXAMINATION BY MR. LAWSON

253

1 sexually assaulted February 23rd between 2:00 and 4:00
2 a.m. She said the assailant got into the patient's
3 vehicle. The patient was allegedly assaulted in a muddy
4 field. Patient claims positive vaginal penetration, but
5 the assailant ejaculated outside her body. Her last
6 consensual intercourse was February 17th.

7 Q. All right. Then you have general alleged assault in
8 there, or specific questions. Did the penis penetrate?

9 A. Yes, sir. And I checked off, attempted, that is, you
10 know, I don't know how deeply the penetration was.

11 Q. Okay. And then the foreign object that's a no?

12 A. Correct.

13 Q. Did experience ejaculation, yes? Correct?

14 A. Yes, sir.

15 Q. And was there oral copulation? What is oral copulation?

16 A. What is oral copulation?

17 Q. Is it oral sex?

NO ORAL SEX

18 A. Yes, sir.

19 Q. Victim by assailant. That would be Ms. Williamson by
20 the assailant, what she tells you?

21 A. I documented no.

22 Q. No?

23 A. Yes, sir.

24 Q. Okay. Now let ask you something, doctor. When you
25 examine --- How many examinations have you done on women

1 that has been in a sexual assault situation?

2 A. Honest, I can't say. I've been practicing emergency
3 medicine since 1992.

4 Q. You have been practicing Emergency Medicine since 92?

5 A. As a resident I moonlighted in Emergency Departments,
6 and then when I completed my residency in 93, I've been
7 working full-time emergency.

8 Q. Hundred's?

9 A. Perhaps, I have no idea.

10 Q. And is it, is it not true that in a woman who has been
11 sexually assaulted, there can be trauma in the vaginal
12 area, signs of trauma?

13 A. Yes, sir, there can be.

14 Q. Because, there are muscles in that area, aren't there?

15 A. Correct.

16 Q. And when it's unwanted penetration, those muscles
17 contract as opposed to loosen?

18 A. Well, I mean, there are a lot of factors that go into
19 that. I mean it's elasti of the tissues, you got, I
20 mean in some women they are not going to --- I hate to
21 say it, but they are not going to want to resist if they
22 know it could mean their life.

23 Q. Correct. There is all kinds of circumstances?

24 A. Yes, sir.

25 Q. And so you find it in some and some you don't?

1 A. Yes, sir.

2 Q. But as you said in your direct, just because you don't
3 find it that doesn't mean wasn't --- was not an assault,
4 right? Just because you don't find any trauma, doesn't
5 mean there wasn't an assault?

6 A. That's right.

7 Q. But when you find trauma that normally indicates an
8 assault?

9 A. Yes, sir. That indicates more proof that there was an
10 assault, yes, sir.

11 Q. And that is why you do the vaginal examine?

12 A. Correct. And we obtain the swabs for samples, etcetera.

13 Q. And if you weren't looking for trauma you wouldn't have
14 to do a vaginal exam would you?

15 A. No in a sexual assault, we always do the exam.

16 Q. Now let me, you know, I am interested about this ability
17 to tell bruises' age by color, because I had a
18 pathologist tell me one time that that is impossible.

19 A. Well, you can't say, oh, this bruise is from last
20 Thursday. But usually as Peggy said, blood converts to
21 bilirubin under the skin, and early on if you apply
22 trauma to an area it's hard to say when you would see a
23 --- it would turn pink first. How long it takes to turn
24 pink depends if someone is taking aspirin or a blood
25 thinner it will be immediately. If someone is not, I

bruises

MANUEL FONSECA, M.D. - CROSS EXAMINATION BY MR. LAWSON

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1 can't say how many hours it takes. And then it goes
2 from to pink to red and it's funny, it turns into a
3 greenish color, then a yellowish color as the bruise
4 ages, and finally to a brown.

5 Q. But aging, you can't do it?

6 A. Can't say, I don't think you can time it and say you
7 know, five-hours ago this happened --

8 Q. -- The guy told me you couldn't even cut into them and
9 tell how old they are?

10 A. No, but you know by the color --- In other words, red is
11 usually say the first day after, two days it may turn,
12 you know, but you can't exact --- I don't believe you
13 can.

14 Q. To many other characters to, I mean --

15 A. -- I mean you can estimate --

16 Q. -- Yeah --

17 A. -- You know, if it's early, how many days.

18 Q. Did y'all do blood work?

19 A. Yes, sir.

20 Q. Did you find any blood?

21 A. I am just going to look at what we ordered. I checked a
22 urine and a urine drug screen that was ordered, as well
23 as an rapid HIV as long as the patient consented to
24 that, and I had a hepatitis panel. And then what is
25 called a GYN profile, which we perform cultures for a

WHERE
DID
BRUISES
COME
FROM

TOOK PICTURES? WHEN.

1 the vehicle.

2 Q. And was it consistent with being in a muddy field?

3 A. Yes.

4 Q. Did you take photographs at that time?

5 A. No, I did not.

6 Q. Okay. Well did you subsequently go back to her
7 residence?

8 A. Yes, and take pictures of her.

WHERE IS NEGATIVES
OF TIME

9 Q. And when was that?

10 A. That was --- it was --- I think it was within the same
11 day. It was on 2-24-08.

NO CUT THE DAY
BEFORE

12 Q. Okay. So that would have been the next day.

13 A. They called and advised me that Gloria Williamson had
14 called district dispatch and advised that her scrapes
15 and bruises that they were evident, and I went back and
16 took pictures.

17 Q. Okay. And so you went and took some pictures of her?

18 A. Uh-huh.

19 Q. And I am going to show you what has been marked and

20 entered as State's Exhibit 5-A and 5-B. Can you --- Do
21 you recognize those?

CHAIN OF CUSTODY
DOCTORS DID NOT SEE IT. HOW DID CUT
GET THERE?

22 A. Yes, those are the pictures that I took that day of her
23 wrists, and a cut above her eye and the redness. The
24 reason why is when, you know, when you get upset your
25 face turns really red and, you know, it is not going to

1 show up as well as if you wait and she waited to get the
2 pictures done.

3 Q. Okay.

4 A. Because they weren't showing up.

5 Q. Okay. But now when you saw her the day before her face
6 was red?

7 A. Uh-huh. Yeah, she was crying.

8 Q. All right. And so you got those the very next morning?

9 A. Uh-huh.

10 MS. PARR: Nothing further for this witness.

11 MR. LAWSON: May it, please The Court.

12 THE COURT: Okay.

13 CROSS EXAMINATION BY MR. LAWSON

14 Q. Officer Sumersett?

15 A. Hey, Jack.

16 Q. How are you doing? Have you read your report before you
17 came in here today?

18 A. Yes, I have. I took the report.

19 Q. I know you did. Did you take notes?

20 A. Yes.

21 Q. Took good notes?

22 A. These notes.

23 Q. Okay. And that is in your report?

24 A. Uh-huh.

25 Q. All right. And you said you wanted her to tell you in

NO REPORT OF ORAL SEX

KEVIN GRANT SUMERSETT - CROSS EXAMINATION BY MR. LAWSON

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1 Q. You said he grabbed her by the hair?

2 A. Right. And forced her head down.

3 Q. But that there was no oral sex?

NO ORAL SEX

4 A. No.

5 Q. Okay. And that is not --

6 A. -- That is not in my report.

7 Q. No, because that wasn't said, correct. You weren't told
8 that?

9 A. Our President says, that ain't sex. I don't know. I
10 would tend to disagree.

*NO CUT IN
EYE*

11 Q. Okay. Now when you got there on the 23rd, did you have
12 a camera in your car?

13 A. I did, that is correct.

14 Q. You did?

15 A. Uh-huh.

16 Q. You didn't take any pictures?

17 A. Not that day.

Why?

18 Q. No pictures of the car?

19 A. No, sir. That would be forensics.

20 Q. That would be forensics?

21 A. Right.

22 Q. Did you think they were coming that day?

23 A. After I called the Investigator, I was told that the
24 investigator would be in contact with her that day, and
25 that forensics would be coming out.

1 detail what happened, is that correct?

2 A. That is correct.

3 Q. And what in detail did she tell you happened?

4 A. She told me that she was assaulted that night at the
5 Wooden Nickel, that she had met a friend up at the
6 Wooden Nickel and that they were hanging out. She said
7 that her and her friend LeGrand Poston, said to me that
8 the guy advised that he had been to prison before in the
9 bar and they became very wary of him. She said that
10 they had a drink and on her way out the door that he
11 came up behind her and told her to get in her vehicle.

12 Q. Okay. Came up behind her?

13 A. Uh-huh.

14 Q. Getting in her vehicle. Now and then she reported to
15 you that he took her to a field, a muddy field; correct?

16 A. That is correct.

17 Q. And that he raped her twice, correct?

18 A. Yes, that is correct.

19 Q. Did she say anything to you about him forcing her to
20 have oral sex?

21 A. She said that he grabbed her by the hair and forced her
22 down, but that she resisted and he didn't do that
23 anymore.

24 Q. So you didn't put that in your report?

25 A. I did put that in my report.

1 been heaving rain. I did find what appeared be tire
2 tracks going in and coming out which was one set is what
3 the picture show. I photographed those. The tire
4 tracks from the Stanley Drive into the field went 149-
5 feet. I measured it with a wheel. I photographed these
6 tire tracks and looked for other signs of evidence and
7 we couldn't find anything else. The tire tracks, they
8 were only partial tire tracks they weren't very very
9 useful.

10 Q. And then after you photographed the field what did you
11 do?

12 A. That was it for my involvement in this for that day. I
13 transported my photos. They are stored on a member card
14 in our camera. Took them back to the Sheriff's Office
15 and downloaded them and entered them into evidence where
16 they were securely stored.

WHERE IS
CARD FOR
PICTURES
OF JILLIAN

17 Q. And now did you have occasion to do further forensic
18 work in this case?

19 A. I did. The next day, February 28th at approximately 9:00
20 a.m. this would have been the night after Investigator
21 Cain had taken the suspect into custody and retrieved
22 the clothing, the beige shirt, the blue jeans. She
23 brought those items to me and said that she had found
24 what appeared to be makeup and hair on them, and that is
25 when I took them into our evidence, logged them in and

1 and told me that the victim had taken her to this field
2 and she identified it as the place where the alleged
3 sexual assault had occurred. We then did a brief
4 walkthrough, just kind of looking for any signs of
5 evidence that we could find. After we did a brief
6 walkthrough, I began photographing the scene as it was
7 that day. I photographed the scene and then began
8 looking for pieces of evidence more closely.

9 Q. And the photographs that were entered into evidence as
10 State's Exhibit 8-A, B, C, D and E. Were those
11 photographs that you made?

12 A. You said 8-A, B, C, D and E?

13 Q. Yes.

14 A. Yes, these are my photographs that I took.

15 Q. Then after you made those photographs what did you do?

16 A. I began looking for other signs of evidence. Anything
17 that a vehicle may have come and gone from this area,
18 any kind of footwear impressions. I was briefed that
19 the victim's drivers license and currency was money, so
20 I was looking for currency and Ms. Williamson's driver's
21 license. Any kinds of signs of a struggle, because we
22 were also told that the victim had tried to escape from
23 the suspect and I was looking for any type of
24 disturbances in the ground, of course, this was
25 approximately three to four days afterwards. There had

1 then took them to our forensic lab and laid it out and
2 photographed the T-shirt.

3 Q. And was that the photographs we saw a short while ago,
4 13-A, B and C that has been entered into evidence?

5 A. Yes, these are my photographs showing the shirt with the
6 marking of what appear to be some type of red stain and
7 showing the hair.

8 Q. Now on that shirt, did you collect anything else from
9 that shirt?

10 A. Besides photographing the items I did collect a hair.
11 It was packaged and entered into evidence as an
12 additional piece of evidence to be sent to the SLED lab
13 for analysis.

14 Q. Okay. I am going to show you what has been marked as
15 State's Exhibit Number 22 for identification. ^{NEED} PHOTOGRAPHS

16 A. This is an envelope how we store our stuff in our ^{TAKEN ON}
17 evidence room. It's got the case number and a sticker ^{24TH}
18 with a bar on it that gives what it is. The label says
19 hair from shirt, and that is a hair from a shirt with my
20 handwriting on it. That I can't identify.

21 MS. PARR: The State moves to admit into evidence the
22 hair.

23 MR. LAWSON: Without objection.

24 THE COURT: Okay.

25 MR. LAWSON: I assume it's traveled other places. I

1 assume it's gone other places other than just to Adam?

2 MS. PARR: Yes.

3 WHEREUPON, STATE'S EXHIBIT

4 NUMBER 22 WAS MARKED AND MADE

5 PART A OF THE RECORD.

6 Q. After you photographed those items and put them in
7 evidence what did you do --- Did you continue to
8 investigate this matter?

9 A. Yes. On the following day which would be Friday,
10 February 29th at approximately 1:00 p.m. myself and
11 Lieutenant Keith Lutken which is my direct supervision,
12 we went to the area field surrounding Stanley Drive and
13 Cashua and searched the other fields looking for the
14 identification and any kind of currency, any signs of a
15 vehicle that may have come in or out. Trying to find if
16 there was an additional place, because the victim had
17 told the investigator that she remembers going to two
18 different locations, so we were trying to find if we can
19 see maybe the identification and currency was left at
20 another location. After we got done --- We didn't find
21 anything in searching the fields surrounding the general
22 areal. Approximately 3:00 p.m. we sent to Ms.
23 Williamson's residence on Jeffrey's Circle in Florence,
24 South Carolina which is just behind the Wooden Nickel,
25 not just behind but a couple of hundreds yards behind

NO DOCUMENTATION OF PICTURES
NEED NEGATIVES
OFFICE, 24TH

ADAM T. MOORE - CROSS EXAMINATION BY MR. LAWSON

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1 on his own?

2 A. No, sir. He would of had to check with his supervisor.

3 Q. And most of what you did in this case was process and
4 document the evidence for purposes of chain of custody?

5 A. Yes, sir. Collection, preservation, photographs of
6 evidence for a trial. WHERE IS NEGATIVES OF PHOTO'S
FOR 24TH OF VICTIM'S
FACE?

7 Q. You did look for fingerprints?

8 A. Yes, sir, we did. Dusted the Tahoe for prints.

9 Q. The what?

10 A. The Chevrolet Tahoe that was the victim's vehicle that
11 we processed.

12 Q. I thought you said you dusted the tires for prints, I'm
13 sorry.

14 A. No, Tahoe --- Tahoe.

15 Q. Cause I was --- Remember why you dusted the tire, okay,
16 the Tahoe, did you find any useable print?

17 A. No, no useable fingerprints or palm prints were located
18 on the vehicle.

19 Q. When you do the swabs inside, you do that before you do
20 fingerprints?

21 A. It depends. We can actually do fingerprinting and then
22 swab an area. If a fingerprint is like a smug,
23 something we can tell there is somebody has recently
24 touched it, we can actually swab that even with the
25 fingerprint dust on it and SLED can analysis and

1 forensics.

2 Q. And when are you supposed to be called?

3 A. When a supervisor or investigator deems it necessary to
4 call.

5 Q. When can a deputy call?

6 A. I couldn't answer that.

7 Q. So a deputy can't really call?

8 A. A deputy can call his supervisor and say, hey this is
9 what I've got, can we call forensics and then that
10 deputy can call us and request for us to come. He
11 always has to run it by the supervisor. A deputy just
12 can't pick up the phone and say, I need forensics out
13 here. He has to check with his sergeant or lieutenant
14 who is in charge.

15 Q. So Deputy Sumersett couldn't of called you on the 23rd?

16 A. He would of had to checked with is supervisor and then
17 called and asked for whoever was on call. I don't recall
18 if I was on call.

19 Q. Why didn't Helen Cain think that Officer Sumersett
20 was going to call forensics that day?

21 A. I would assume --- I can't speculate as to why. Being a
22 CSC, criminal sexual conduct, of this nature she may
23 have assumed the supervisor would have told him to call
24 forensics.

25 Q. Assumed. But you are telling us he couldn't have called

COUNSEL FAILED TO COMPARE BRA AND DATE OF PICTURE)

BETTY BUTLER - DIRECT EXAMINATION BY MS. PARR

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1 A. I received the items on August 25, 2008.

2 Q. And which items did you receive?

3 A. I received SLED Item number Item 2, blue jeans belonging
4 to Gloria Williamson. SLED Item 3, the bra belonging to
5 the victim. SLED Item 4, the shirt belonging to the
6 victim. SLED Item 5, shirt belonging to Stacey Evans,
7 the subject. Item 7, blue Jean belonging to the
8 subject. Item 8, underwear belonging to the subject.
9 Item 9, another pair of underwear belonging to the
10 subject. Item 10, underwear belonging to the subject
11 and Item 21, the underwear belonging to the victim.

12 Q. Now how can you identify these items?

13 A. Every case has a SLED number as I stated before,
14 L-08-3797. Every item, every piece of evidence has to
15 have an item number for tracking. Once we open up a box
16 and we examine the box, we get a piece of evidence we
17 have to put --- we know that it is an item, because when
18 it comes in the door it is an item and has to have an
19 item number. And then after we examine it, we do a
20 cutting, we also have to give it another item number for
21 tracking throughout the system.

22 Q. I am going to show you State's Exhibit 21 that has been
23 entered into evidence. First of all, Ms. Butler, can
24 you identify this bag?

25 A. Yes, I can. On every piece of evidence that we get in,

1 we have to have a lab number which is L-08-7797. We put
2 the item number that is in the bag, which is 2.0 through
3 4.0. We have to have our initials and the date we
4 processed the item. And the same thing --- this is a
5 piece of store paper that we process every item on.
6 Again, we have the item number two thorough four, our
7 initials, the lab number L-08-3797 and the date that we
8 processed it, 9-3 of 08.

9 Q. And what item was that?

10 A. These are item numbers two through four.

11 Q. How can you identify those items?

12 A. Every item has the item number, in this case this is the
13 bra, 3.0, my initials and the lab number. This is the
14 shirt, 4.0, my initials and the lab number L-08-3797.
15 Blue Jean, the item number 2.0. my initials, B.W.B., and
16 the lab number L-08-3797.

17 Q. Now before we go onto the next item would you please
18 tell us what you did with that item, the blue jeans, who
19 those blue jeans belong to?

20 A. This is Item 2.0. These blue jeans belongs to Gloria
21 Williamson. In this case we were looking for the
22 presence of semen. What we do, we have an alternate
23 light source where once we turned off all the lights we
24 have this light and glasses that we put on and it
25 foreshcesses. Everything that fluoresces has a white --

INVESTIGATOR: HELEN CAIN
WITNESS: AGNES CREEL
CASE NUMBER: 08-02-639

STATE OF SOUTH CAROLINA)
:
COUNTY OF FLORENCE)

CASE NUMBER: 08-02-639

FLORENCE COUNTY SHERIFF'S OFFICE

STATEMENT COVER SHEET

STATEMENT TAKEN FROM:

AGNES CREEL

SEE

THIS PAGE IS NOT PART OF RECORDED STATEMENT,
AND IS FOR RECORDS KEEPING PURPOSE ONLY.

INVESTIGATOR: HELEN CAIN
WITNESS: AGNES CREEL
CASE NUMBER: 08-02-639

CAIN: OKAY, TODAY'S DATE IS MARCH 7, 2008. TIME IS 4:16 P. M. PRESENT DURING THIS STATEMENT IS MYSELF, INVESTIGATOR HELEN CAIN, WITH THE FLORENCE COUNTY SHERIFF'S OFFICE. THIS STATEMENT IS TAKEN AT THE LAW ENFORCEMENT CENTER IN EFFINGHAM. THIS CONCERNING CASE NUMBER 08-02-639. UM, THIS IS A RAPE AND KIDNAPPING, THAT OCCURRED ON 2-23-08. UM, THE SUBJECT IN THIS CASE WILL BE A STACY LEE EVANS. UM, HE'S A WHITE MALE. DATE-OF-BIRTH: 6-20-1967. THIS STATEMENT IS TAKEN FROM A MRS. AGNES, THAT'S...A-G-N-E-S, CREEL, C-R-E-E-L. SHE'S A WHITE FEMALE. AGE: 62. HER ADDRESS IS 3201 EAST HANDY, AND THAT'S...H-A-N-D-Y LANE, FLORENCE. HER DATE-OF-BIRTH IS 12-19-1945. SOCIAL SECURITY NUMBER IS 247-74-4737.

OKAY, MRS. AGNES, IF YOU WOULD JUST TELL ME IN YOUR OWN WORDS, UM, WHAT YOU KNOW ABOUT THIS CASE.

CREEL: OKAY, WELL, UM, MY SON HAD CALLED ME THAT MORNING AND TOLD ME MRS. GLORIA, IS WHAT HE CALLS HER, HAD GOT RAPED.

CAIN: OKAY.

CREEL: THAT'S THE NIGHT BEFORE, WELL I GUESS IT WAS THAT MORNING, BUT YOU KNOW, IT WAS—AND, UH, HE SAID THAT SHE WANTED SOMEONE TO TALK TO, WOULD I GO OVER. SO, I CALLED MRS. GLORIA TO MAKE SURE SHE WANTED ME TO COME OVER. AND, SHE SAID, "ARE YOU COMING?" AND, I SAID, "YEAH, JUST GIVE ME TIME TO TAKE A BATH, AND ME AND MY HUSBAND WE'LL BE OVER THERE" CAUSE' HE HAS TO DRIVE ME.

CAIN: OKAY.

CREEL: AND, UH, I GOT OVER THERE AND SHE HAD TO—WHEN SHE COME TO THE DOOR, IT TOOK A FEW MINUTES CAUSE' SHE HAD THIS THING PROPPED UP AGAINST THE DOOR, BECAUSE...I GUESS FOR PROTECTION, SHE WAS SO SCARED.

CAIN: YES, MA'AM.

CREEL: SO, SHE LET US IN, AND SHE WAS CRYING. AND, I TRIED TO TALK TO HER, AND SHE—SHE TALK, SHE'D TALK TO ME, BUT SHE STILL KEPT ON CRYING. AND, UH, MY SON HAD ASKED HER SOMETHING ABOUT HER FACE, IT HAD, UM, RED MARK ON HER. AND, SHE SAID THAT LEGRAND HAD ASKED HER DID SHE GET HIT. AND, SHE SAID, HE KIND OF BACK, BACK HIT HER.

CAIN: OKAY.

CREEL: AND, I THINK AT ONE POINT LEGRAND AND MY HUSBAND WENT OUT AND ME AND HER TALKED, WHEN SHE WAS STILL CRYING. AND, SHE TOLD ME THAT HE, THE SUBJECT SHE'S TALKING ABOUT IS, UM, THAT

INVESTIGATOR: HELEN CAIN
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HE KNEW EXACTLY WHAT HE WAS DOING. HE HAD DROVE HER TO A FIELD, SHE DIDN'T TELL ME WHERE. AND, THAT, UM, AT ONE POINT DURING THE RAPE OR WHATEVER, HE HAD PULLED OUT AND FINISHED WITH HIS HAND.

CAIN: OKAY.

CREEL: SO, IT WOULDN'T LEAVE ANY EVIDENCE, I GUESS. AND, HE TOOK HIS SHIRT AND CLEANED UP.

CAIN: OKAY.

CREEL: AND, THEN SHE KEPT REMEMBERING—SHE MUST HAVE REMEMBERED AT SOME POINT WHAT HIS NAME WAS, CAUSE' SHE SAID "EVANS." WELL, MY COUSIN HAD TO KEITH CREEL, WHICH IS HIS COUSIN THAT WORKS WITH THE POLICE DEPARTMENT, TO SEE WHAT COULD BE DONE, AND HE CAME OVER, AND HE TALKED TO HER TOO, JUST CONVINCED HER TO DO WHAT WAS RIGHT, AND THAT WAS WHAT I WAS OVER THERE FOR, TO CONVINCE HER. I HAD TOLD HER NOT TO TAKE OR BATH OR ANYTHING, THAT SHE NEEDED TO GET CHECKED, CAUSE' I HAD SEEN IT ON T.V. SO I KNEW THAT PART.

CAIN: VERY GOOD.

CREEL: AND, SO ANYWAY WE CONVINCED HER. AND, THEN AFTER KEITH TOLD HER HE—THERE WASN'T NOTHING HE COULD DO, IT MUST HAVE NOT BEEN IN HIS DISTRICT OR SOMETHING. HE CALLED IN, I THINK IT WAS GRANT SUMMERSET, AND HE CAME OVER. WELL, ME AND HER WAS IN THE BEDROOM WHEN HE CAME, UM, SHE HAD WENT AND GOT THE COMPUTER, AND I GUESS WHEN SHE REMEMBERED HIS NAME...WAS LOOKING UP TO SEE MAYBE IF HE WAS A SEX OFFENDER OR SOMETHING. BUT, AND ABOUT THAT TIME GRANT DID COME ON IN, I CAME ON OUT...AND, HE WANTED TO TALK TO HER PRIVATELY.

CAIN: UH, HUH.

CREEL: SO, I WENT OUTSIDE...ALL OF US WAS OUTSIDE, MY HUSBAND, MY SON, AND I WENT OUTSIDE ON THE PORCH, TILL HE GOT THROUGH TALKING. AND, THEN GRANT TALKED TO LEGRAND POSTON, MY SON.

CAIN: OKAY, ALRIGHT SO—

CREEL: THEN—

CAIN: YOUR, YOUR SON'S NAME IS LEGRAND POSTON?

CREEL: UH, HUH.

CAIN: OKAY. ALRIGHT, GO AHEAD.

INVESTIGATOR: HELEN CAIN
WITNESS: AGNES CREEL
CASE NUMBER: 08-02-639

CREEL: AND, THAT WAS, THAT WAS ABOUT ALL I CAN REMEMBER.

CAIN: OKAY. ALRIGHT, SO YOUR SON LEGRAND POSTON CALLED YOU, DO YOU REMEMBER WHAT DATE HE CALLED YOU?

CREEL: YEAH, IT WAS THAT SAME MORNING...THE, THE 23RD.

CAIN: THE 23RD?

CREEL: UH, HUH.

CAIN: OKAY, DO YOU REMEMBER WHAT DAY OF THE WEEK THAT WAS OR WEEKEND?

CREEL: UH, YEAH...THAT WAS A SATURDAY.

CAIN: OKAY.

CREEL: AND, I DID—I GOT OVER THERE TO HER HOUSE PROBABLY 12:00 OR A LITTLE AFTER, AND I STAYED OVER THERE WITH HER TILL 2:00. AND, SHE TOLD ME THAT I COULD GO ON, THAT WE CAN GO ON, THAT SHE WOULD BE ALRIGHT TO GO ON TO THE HOSPITAL BY HERSELF. AND, I ASKED HER WAS SHE SURE...AND, SHE SAID, "YEAH" AND SHE THANKED ME FOR COMING OVER THERE, YOU KNOW, TO TRY AND COMFORT HER.

CAIN: OKAY, SO SHE WENT TO THE HOSPITAL BY HERSELF?

CREEL: UH, HUH.

CAIN: AS FAR AS YOU KNOW?

CREEL: AS FAR AS I KNOW, I DID NOT GO WITH HER.

CAIN: AND, YOU SAID THAT YOUR SON CALLS HER "MRS. GLORIA", DO YOU KNOW HER NAME?

CREEL: I BELIEVE HER LAST NAME IS WILLIAMSON.

CAIN: OKAY, AND HAVE YOU EVER MET MRS. GLORIA BEFORE?

CREEL: ONE TIME.

CAIN: AND, WHERE DID YOU MEET HER AT?

CREEL: SHE CAME TO MY HOUSE ONCE.

CAIN: WITH LEGRAND?

CREEL: UH, HUH.

INVESTIGATOR: HELEN CAIN
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CAIN: OKAY, AND DO YOU KNOW ANYTHING ABOUT HER?

CREEL: I DON'T KNOW ANYTHING ABOUT HER, I KNOW THAT SHE'S GOING THROUGH A DIVORCE, CAUSE' MY SON HAD TOLD ME THAT SHE WAS GOING THROUGH A DIVORCE.

CAIN: AND, SHE WORKS WITH YOUR SON, IS THAT RIGHT?

CREEL: UH, HUH...SHE WORKS AT (INAUDIBLE).

CAIN: OKAY. AND, BASICALLY YOUR SON JUST SAYS SHE NEEDED SOMEONE TO TALK TO BECAUSE SHE HAD BEEN RAPED?

CREEL: RIGHT.

CAIN: AND, YOU CALLED HER, AND SHE WANTED YOU TO COME OVER.

CREEL: TO SEE,—YEAH.

CAIN: AND, YOU AND YOUR HUSBAND, AND YOUR HUSBAND IS WHO?

CREEL: THOMAS...TOMMY.

CAIN: THEY CALL HIM TOMMY. AND, HIS NAME IS THOMAS CREEL?

CREEL: UH, HUH.

CAIN: OKAY, AND THE TWO OF YA'LL WENT OVER—WELL, YOU—DID LEGRAND GO WITH YOU?

CREEL: HE WENT WITH US.

CAIN: OKAY, SO THE THREE OF YOU DROVE OVER THERE?

CREEL: YEAH.

CAIN: LEGRAND, YOUR HUSBAND TOMMY—

CREEL: UH, HUH.

CAIN: AND, YOU?

CREEL: UH, HUH.

CAIN: OKAY, AND YOU SAID WHEN YOU GOT THERE YOU COULD TELL SHE WAS SCARED.

CREEL: YEAH, SHE HAD THE DOOR, SOMETHING PROPPED UP AT THE DOOR, SOME KIND OF STICK...LOOKED LIKE.

INVESTIGATOR: HELEN CAIN
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CAIN: YEAH.

CREEL: AND, IT TOOK HER A FEW, MINUTE OR TWO BEFORE SHE LET US IN, TO MAKE SURE IT WAS US.

CAIN: OKAY.

CREEL: CAUSE' SHE WAS SCARED TO DEATH.

CAIN: OKAY.

CREEL: SHE SEEMED LIKE—

CAIN: SO, SHE WAS CRYING?

CREEL: UH, YEAH, SHE—

CAIN: HAVE YOU SEEN THE INJURIES ON HER?

CREEL: UM, I DID...ON HER EYE, I FORGOT WHICH EYE IT WAS, LET'S SEE...I THINK IT WAS HER LEFT EYE.

CAIN: OKAY.

CREEL: SHE—IT WAS REAL RED, NOW IT WASN'T BRUISED YET...THAT DAY WHEN I SAW IT, IT WAS REAL RED. AND, I—

CAIN: DID IT LOOK SWOLLEN OR ANYTHING?

CREEL: NOT A, NOT NOTICEABLE IS WHAT...

CAIN: OKAY.

CREEL: AND, THEN SHE PULLED UP HER, SHE HAD BOOTS ON...AND, SHE PULLED UP HER PANT LEG AND ROLLED HER SOCK DOWN, AND THERE WAS A COUPLE BRUISES ON ONE OF HER LEGS, IT'S JUST LITTLE BRUISES.

CAIN: OKAY.

CREEL: AND, HER BOTTOM OF HER PANTS LEGS WAS MUDDY.

CAIN: OKAY.

CREEL: I NOTICED THAT. NOW, SHE DID SHOW US AT ONE POINT IN HER CAR, I JUST PEEKED IN IT, UM, IT WAS ALL MUDDY AND HER BRACELET WAS BROKEN.

CAIN: OKAY.

INVESTIGATOR: HELEN CAIN
WITNESS: AGNES CREEL
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CREEL: AND, HER SUN-GLASSES WAS BROKEN.

CAIN: AND, HER VEHICLE WAS MUDDY?

CREEL: UH, HUH.

CAIN: RIGHT?

CREEL: YES.

CAIN: OKAY. AND, SHE TOLD YOU BASICALLY, HE TOOK HER TO A FIELD AND HAD SEX WITH HER?

CREEL: YES.

CAIN: AND, THAT HE PULLED OUT AND FINISHED WITH HIS HAND?

CREEL: YEAH.

CAIN: AND, THEN HE CLEANED UP WITH HIS SHIRT, DID SHE SAY WHAT HE CLEANED UP WITH HIS SHIRT?

CREEL: SHE JUST SAID CLEANED UP, SO I ASSUMED IT WAS WHEN HE FINISHED.

CAIN: HE CLEANED UP (INAUDIBLE)? OKAY, AND DO YOU REMEMBER WHAT NAME SHE TOLD YOU?

CREEL: SHE SAID, "EVANS."

CAIN: YOU DON'T REMEMBER ANY OTHER NAME?

CREEL: SHE DIDN'T MENTION NO NAME THAT WAS IT.

CAIN: JUST EVANS?

CREEL: THAT'S ALL.

CAIN: OKAY, AND THEN YOU SAID SHE GOT, UM, THE COMPUTER AND LOOKED IT UP?

CREEL: YEAH.

CAIN: OKAY, DID YOU SEE HER LOOK IT UP?

CREEL: I, I REALLY COULDN'T SEE, I MEAN, I WAS SITTING ON THE BED WITH HER.

CAIN: UH, HUH.

INVESTIGATOR: HELEN CAIN
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CREEL: BUT, I DIDN'T HAVE MY GLASSES THAT MORNING.

CAIN: ALRIGHT, AND YOU SAID YOUR HUSBAND CALLED A KEITH CREEL?
AND, WHO IS KEITH CREEL, DID HE—IS HE A POLICE OFFICER?

CREEL: UH, HUH.

CAIN: AND, HE WORKS FOR THE CITY OF FLORENCE, RIGHT?

CREEL: UH, HUH. AND, THAT'S MY HUSBAND'S COUSIN.

CAIN: OKAY. OKAY, AND DID SHE TELL YOU ANYTHING ELSE?

CREEL: I'M TRYING TO SEE IF SHE, CAUSE' IT WAS IN BITS AND PIECES AS WE—
AS SHE WAS CRYING, SHE'D REMEMBER LITTLE BITS AND PIECES.

CAIN: YEAH.

CREEL: UM,—

CAIN: SO, SHE APPEARED TO YOU TO BE EXTREMELY UPSET?

CREEL: UH, YES...YES, SHE SURE WAS.

CAIN: OKAY.

CREEL: UM, SHE—AND, SHE WAS NERVOUS AND SHAKING.

CAIN: NERVOUS AND SHAKING, OKAY.

CREEL: YEAH, AND AT, AT ONE POINT SHE GOT HER A LITTLE SMALL BOTTLE
OF WATER OUT OF THE REFRIGERATOR, AND DRANK IT.

CAIN: OKAY. ALRIGHT, ANYTHING ELSE THAT YOU CAN REMEMBER?

CREEL: NAH, UH.

CAIN: ANYTHING ELSE YOU WANT TO ADD TO THIS STATEMENT?

CREEL: BLANK.

CAIN: ANYTHING, ANYTHING YOU WANT TO SAY, ANYTHING YOU WANT TO
TELL ME?

CREEL: NO, BUT I JUST NO THAT SHE WAS JUST VERY UPSET AND CRYING.

CAIN: OKAY.

CREEL: THE WHOLE TIME I WAS OVER THERE, SHE—A COUPLE OF HOURS, SHE
WAS CRYING.

INVESTIGATOR: HELEN CAIN
WITNESS: AGNES CREEL
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CAIN: OKAY, UM, AND SHE MAINLY TALKED TO YOU AND NOT YOUR HUSBAND, IS THAT CORRECT?

CREEL: UM, YES...IT WAS MOSTLY ME.

CAIN: OKAY, DID SHE EVER TALK TO YOUR HUSBAND WITHOUT YOU IN THEIR PRESENCE?

CREEL: NO, NOT WITHOUT ME...NAH, UH.

CAIN: OKAY. ALRIGHT, OKAY THIS CONCLUDES THE STATEMENT OF MRS. AGNES CREEL. TODAY'S DATE IS 3-7-2008. THE TIME NOW IS 4:26 P. M. THIS RESPECTFULLY SUBMITTED BY INVESTIGATOR HELEN CAIN.

CAIN: OKAY, THIS IS, UM, ANOTHER PART OF THIS STATEMENT, UM, TODAY'S DATE IS 3-7-08. THE TIME NOW IS 4:29 P. M. UM, THIS IS FROM MRS. AGNES CREEL.

MRS. CREEL, AFTER I TURNED OFF THE TAPE JUST A FEW MINUTES AGO, UM, YOU STATED THAT YOU REMEMBER SOMETHING ELSE THAT SHE SAID TO YOU, AND WHAT WAS THAT?

CREEL: SHE SAID, AT ONE POINT WHEN SHE WAS IN THE FIELD THAT SHE WAS, UH, AFRAID THAT SHE WAS GOING TO DIE IN THAT FIELD.

CAIN: OKAY, DO YOU REMEMBER ANYTHING ELSE SHE TOLD YOU?

CREEL: THAT SHE WAS JUST SCARED.

CAIN: JUST SCARED, OKAY. ALRIGHT, ANYTHING ELSE?

CREEL: NO.

CAIN: OKAY, ALRIGHT THIS CONCLUDES THIS STATEMENT FROM MRS. AGNES CREEL. TODAY'S DATE IS MARCH 7, 2008. TIME IS 4:29 P. M. THIS RESPECT—RESPECTFULLY SUBMITTED BY INVESTIGATOR HELEN CAIN.

INV. HELEN CAIN
WITNESS: DENA SEIGLER
CASE NUMBER: 08-02-639

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

08-02-639-SEIGLER

FLORENCE COUNTY SHERIFF'S OFFICE

STATEMENT COVER SHEET

STATEMENT TAKEN FROM: DENA SEIGLER

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AND IS FOR RECORDS KEEPING PURPOSE ONLY.

INV. HELEN CAIN
WITNESS: DENA SEIGLER
CASE NUMBER: 08-02-639

CAIN: TODAY'S DATE IS 02-29-08. TIME NOW IS 1:49 P.M. PRESENT DURING THE STATEMENT IS MY-MYSELF INVESTIGATOR HELEN CAIN AND INVESTIGATOR RENEE LOWDER WITH THE FLORENCE COUNTY SHERIFF'S OFFICE. THIS STATEMENT IS TAKEN AT THE LAW ENFORCEMENT CENTER IN EFFINGHAM. THIS CONCERNING CASE NUMBER 08-02-639. UM, THE SUSPECT IN THIS CASE IS A STACY EVANS. HE'S A WHITE MALE, DATE OF BIRTH 06-20-UM, 67. THIS STATEMENT IS TAKEN FROM A MS. DENA SEIGLER, THAT'S S-E-I-G-L-E-R. SHE'S A WHITE FEMALE, AGE 41. HER DATE OF BIRTH IS 03-22-66. HER ADDRESS IS FI-EXCUSE ME, NUMBER 5, RIGHT? 5 DRURY-,

SEIGLER: UMH, UMH.

CAIN: LANE IN QUINBY.

SEIGLER: UMH, UMH.

CAIN: AND, WHAT'S YOUR SOCIAL SECURITY NUMBER?

SEIGLER: . . .

CAIN: . . .

SEIGLER: UMH, UMH.

CAIN: , AND, MS. SEIGLER, YOU WORK AT THE WOODEN NICKEL?

SEIGLER: YES.

CAIN: OKAY, WERE YOU WORKING ON FRIDAY, FEBRUARY 22ND, 2008?

SEIGLER: YES.

CAIN: OKAY, DO YOU RECALL ANYBODY THAT CAME IN THERE?

SEIGLER: PRETTY MUCH EVERYBODY.

CAIN: EVERYBODY, OKAY. WHAT TIME DID YOU GO TO WORK THAT DAY?

SEIGLER: I WENT IN AT 7 O'CLOCK.

CAIN: THAT AFTER-,

SEIGLER: THAT AFTERNOON, RIGHT.

CAIN: OKAY, DO YOU RECALL ANYBODY THAT WAS IN THERE THAT YOU KNEW AT 7:00?

SEIGLER: YES.

INV. HELEN CAIN
WITNESS: DENA SEIGLER
CASE NUMBER: 08-02-639

CAIN: OKAY, UM, NOW, I TALKED TO YOU PRIOR TO, TO THIS-CUTTING THIS TAPE ON, AND, I ASKED YOU DID YOU KNOW A MAN NAMED LEGRAND.

SEIGLER: AND, I DO.

CAIN: AND-BUT, YOU DON'T KNOW HIS LAST NAME?

SEIGLER: NO, MA'AM.

CAIN: OKAY, DO YOU KNOW ANYTHING ABOUT LEGRAND?

SEIGLER: NOTHING-,

CAIN: WHERE HE WORKS, UM-,

SEIGLER: WELL, I JUST FOUND THAT OUT, ACTUALLY, FRIDAY AT THE MOUNT HOPE CEMETERY, I THINK, IT'S ONE OF THE CEMETERIES HERE.

CAIN: OKAY, AND YOU'VE HAD OCCASION TALK TO LE-LEGRAND?

SEIGLER: RIGHT.

CAIN: OKAY, AND HIS NAME IS LEGRAND POSTON.

SEIGLER: POSTON, OKAY.

CAIN: AND, I THINK HE'S ONE OF YOUR REGULARS.

SEIGLER: YES, HE IS.

CAIN: COMES IN THE WOODEN NICKEL, OKAY. WAS HE THERE ON THAT FRIDAY?

SEIGLER: YES, MA'AM HE WAS.

CAIN: OKAY, DID YOU SEE ANYBODY WITH HIM?

SEIGLER: UM, LIKE AN HOUR LATER, A, A BLONDE HEADED LADY CAME IN AND JOINED HIM AT THE BAR.

CAIN: DO YOU RECALL WHAT SHE WAS WEARING OR ANYTHING?

SEIGLER: SHE HAD ON JEANS AND A WHITE SHIRT, AND BRIGHT RED LIPSTICK.

CAIN: DO YOU KNOW HER NAME?

SEIGLER: UM, SHE TOLD ME BUT I DO NOT REMEMBER.

INV. HELEN CAIN
WITNESS: DENA SEIGLER
CASE NUMBER: 08-02-639

CAIN: ALRIGHT, AND WHERE WERE THEY SITTING AT THE BAR?

SEIGLER: AT FIRST THEY WERE-IT'S LIKE "L" SHAPED-,

CAIN: UMH, UMH.

SEIGLER: RIGHT IN FRONT OF THE KITCHEN. HE WAS-LEGRAND WAS SITTING THERE AND SHE WAS JUST STANDING UP BEHIND HIM.

CAIN: OKAY.

SEIGLER: AGAINST THE WALL AND THEN I MOVED WHEN I HAD TO GO TO WORK AND THEN SHE SAT THERE WITH HIM.

CAIN: OKAY, ALRIGHT, NOW YOU SAID, THE BAR IS "L" SHAPED?

SEIGLER: WHEN, WHEN YOU WALK IN THE DOOR-,

CAIN: OKAY, THE DOOR'S HERE.

SEIGLER: YEAH, HERE'S THE DOOR.

CAIN: OKAY.

SEIGLER: YOU WALK IN THE DOOR AND THE BAR GOES LIKE THIS AND THIS IS OUR KITCHEN RIGHT HERE, YEAH.

CAIN: OKAY.

SEIGLER: AND, THEY WERE ON THE END, L, L.G., LEGRAND, WHATEVER-HE WAS SITTING RIGHT HERE.

CAIN: OKAY.

SEIGLER: AND, THEN SHE WAS STANDING UP AGAINST THE WALL RIGHT THERE BESIDE HIM, AND THEN IT WAS ME AND ANOTHER FRIEND OF MINE. SO, WHEN I MOVED, HAD TO COME TO WORK, SHE WAS SITTING RIGHT HERE BESIDE HIM.

CAIN: SO, SHE WAS HERE?

SEIGLER: RIGHT.

CAIN: ALRIGHT, OKAY, ALRIGHT, ALRIGHT, DID YOU SEE ANYONE ELSE COME UP AND TALK TO LEGRAND-,

SEIGLER: NOT AT, NOT AT THAT TIME.

INV. HELEN CAIN
WITNESS: DENA SEIGLER
CASE NUMBER: 08-02-639

CAIN: ALRIGHT, TELL ME ABOUT THAT NIGHT AS MUCH AS YOU CAN REMEMBER.

SEIGLER: WELL, UM, LIKE I SAID, I WENT TO WORK, AND THEY SAT THERE AND TALKED, LEGRAND AND HIS BOSS LADY, AS WHO I UNDERSTOOD SHE WAS.

CAIN: OKAY.

SEIGLER: THEN, A LITTLE WHILE AFTER THAT, IS WHEN MONA AND HER BOYFRIEND CAME IN AND THEY ALSO CAME AROUND TO THE CORNER THERE AND HE SAID, UM, "YOU WERE SO NICE TO US LAST WEEKEND- LAST FRIDAY, THAT WE DECIDED TO COME BACK TONIGHT" AND, I SAID, THAT'S, THAT'S NICE. SO, SHE GOT A SEABREEZE AND HE GOT A BUDWEISER. I GAVE THEM THAT AND I GUESS THEY WENT BACK AND SHOT POOL OR WHATEVER, DIDN'T SEE THEM AGAIN FOR A LITTLE WHILE. THEN, UM, YOU KNOW, OF COURSE, OVER THE PERIOD OF THE NIGHT, I DIDN'T SEE WHERE LEGRAND AND THE OTHER LADY WENT, BUT BY THE TIME NOTICED THEM AGAIN, THEN THEY WERE ALL THREE AT THE OTHER END OF THE BAR WHERE YOU COME IN THE DOOR.

CAIN: OKAY.

SEIGLER: AND, IT WAS THE LADY AND, UM, THE OTHER GUY WAS STANDING THERE BEHIND HER AND LEGRAND WAS SITTING BESIDE HER, SO, IT WAS THEM TWO AND HIM KINDA STANDING HERE, YOU KNOW.

CAIN: OKAY.

SEIGLER: AND, I WAS WONDERING WHY HE WAS OVER THERE TALKING WITH THEM WHEN HIS GIRLFRIEND WAS OVER HERE BOWLING, MONA-,

CAIN: OKAY.

SEIGLER: WAS BOWLING. SO, THEY WERE HAVING- I DIDN'T REALLY HEAR THEIR CONVERSATION OR WHAT THEY WERE TALKING ABOUT, BUT THEY DID A COUPLE OF SHOTS, I THINK WILD TURKEY AND A TEQUILA, AND SHE WAS DRINKING BEER. I DON'T THINK SHE DID ANY OF THE SHOTS. UM, I COULD TELL THAT L.G. REALLY- OR LEGRAND DIDN'T REALLY LIKE THE IDEA OF HIM, YOU KNOW, TALKING TO THEM OR-,

CAIN: UMH, UMH.

SEIGLER: UM, LIKE I SAID, I DIDN'T HEAR WHAT THEY SAID, SO, THEY, THEY SAT THERE PROBABLY 30 MINUTES, AN HOUR OR SO.

CAIN: OKAY.

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SEIGLER: AND, A FRIEND OF LEGRAND'S COME TO PICK HIM UP.

CAIN: DO YOU KNOW WHO THAT FRIEND IS?

SEIGLER: THAT WAS JOEY MATTHEWS.

CAIN: OKAY.

SEIGLER: AND, UM, LIKE I SAID, I COULD TELL HE WAS KINDA GETTING IRRITATED THAT THE FELLA WAS STANDING THERE TALKING WITH THEM. SO, I TOLD HIM NOT TO, YOU KNOW, HE NEEDED TO JUST CHILL OUT, DON'T GET UPSET AND START ANYTHING, YOU KNOW, THAT SHE SEEMED TO BE NOT HAVING A PROBLEM WITH, YOU KNOW, THEM ALL THREE TALKING. SO, SHE WAS GROWN, SHE COULD MAKE HER OWN DECISIONS, JUST LEAVE EVERYTHING ALONE. SO, UM, I WENT OVER AND I TOLD JOEY, COULDN'T-AND, AND, MONA AT THE SAME, COULDN'T THEY BOTH, YOU KNOW, KINDA LIKE GET THEM OUT THERE, BOTH OF THEM OUT OF THERE BEFORE WE DID HAVE ANY TROUBLE AND, SO, I WENT TO THE BATHROOM. WHEN I COME BACK OUT, LEGRAND WAS GONE AND IT WAS JUST THE LADY AND STACEY STANDING THERE. SO, THEN, THEY WALKED BACK INTO THE POOL ROOM AND I COULDN'T SEE-I COULD SEE THEIR HEADS, BUT I COULDN'T SEE WHAT WAS GOING ON, IF THEY WERE SHOOTING POOL OR TALKING OR WHATEVER AND JUST A FEW MINUTES LATER, LEGRAND COMES BACK IN AND ASKS ME WHERE SHE WAS AND I SAID SHE'S BACK THERE SHOOTING POOL AND SHE SEEMS LIKE SHE WENT BACK THERE, YOU KNOW, WILLINGLY, SO, YOU DON'T NEED TO GO BACK THERE AND START ANYTHING.

CAIN: OKAY.

SEIGLER: WELL, HE GOES BACK THERE ANYWAY, AND I TOLD JIMMY'S WIFE, I SAID, YOU KNOW, HELP ME KEEP AN EYE OUT HERE BECAUSE I'M AFRAID SOMETHING'S GONNA HAPPEN, YOU KNOW. WELL, JUST A-NOT EVEN FIVE MINUTES LATER, LEGRAND AND THE LADY COMES OUT AND THEY WALK OUTSIDE AND NOT TWO SECONDS AFTER THEY WERE OUT THE DOOR, HERE COMES STACY AND HE WALKS OUTSIDE BECAUSE I TOLD HIM, I SAID, NOW, THEY'RE ALL OUTSIDE, SOMETHING'S PROBABLY FIXIN' TO HAPPEN, BUT AT LEAST THEY'RE OUTSIDE, THEY'RE, YOU KNOW, THEY'RE NOT IN HERE ANYMORE.

CAIN: OKAY.

SEIGLER: AND, THAT'S THE LAST TIME I SAW ANY OF THEM.

CAIN: OKAY, ALRIGHT, DID YOU SEE, UM, STACY'S GIRLFRIEND MONA LEAVE?

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SEIGLER: I SAW HER WALK OUT THE DOOR, BUT I DON'T KNOW WHO-SHE WAS BY HERSELF. I DON'T KNOW, YOU KNOW, HOW SHE LEFT OR WHATEVER, BUT I DO REMEMBER HER WALKING OUT THE DOOR, BUT THAT WAS BEFORE THE THREE OF THEM LEFT.

CAIN: OKAY, YOU DON'T KNOW WHAT ~~TIME THAT~~-,

SEIGLER: OH, GOSH, NO.

CAIN: BECAUSE YOU DON'T KEEP UP WITH TIME WORKING.

SEIGLER: I MEAN, I WAS SO BUSY, YOU KNOW, BUT I DID-,

CAIN: I UNDERSTAND.

SEIGLER: THEY WERE SITTING THERE TALKING AND I-BECAUSE I WAS WATCHING, YOU KNOW, TO MAKE SURE NOTHING HAPPENED INSIDE THE BAR.

CAIN: AT ANY POINT, COULD YOU HEAR ANY OF THE CONVERSATION THAT WAS-,

SEIGLER: NO.

CAIN: BEING SAID?

SEIGLER: UH, HUH, I MEAN, BECAUSE WE HAD KARAOKE, IT'S SO LOUD, YOU KNOW, THEY WERE-AND I WAS STEADY GOING BACK AND FORTH. I WAS JUST-KEPT WATCHING TO MAKE SURE, YOU KNOW, THAT THEY WEREN'T GETTING AGGRESSIVE OR ANYTHING, BUT I COULDN'T HEAR ANYTHING THAT WAS ACTUALLY SAID OR ANYTHING THOUGH.

CAIN: DID YOU EVER SEE STACY, LIKE, (INAUDIBLE) OR ANYTHING?

SEIGLER: NOT IN THE BAR, NO.

CAIN: NOT IN THE BAR?

SEIGLER: NO.

CAIN: I KNOW YOU SAID-,

SEIGLER: LIKE I SAID, NOW, WHEN THEY WERE IN THE POOL ROOM OVER THERE, YOU CAN'T SEE WHAT'S GOING ON.

CAIN: OKAY, NOW YOU SAID THAT AT ONE POINT, THEY WERE WAY OVER HERE.

SEIGLER: THIS IS WHEN SHE FIRST-,

CAIN: WHEN YOU COME THROUGH YOU GO AROUND THE "L" SHAPE-,

SEIGLER: RIGHT.

CAIN: AND, THEY SAT HERE, BUT LATER ON, THEY MOVED, AND WHERE WERE THEY SITTING?

SEIGLER: CAME BACK TO THE-RIGHT HERE TO THE DOOR.

CAIN: OKAY, AND THEN HE-,

SEIGLER: TIME YOU WALK IN-,

CAIN: HE WAS KINDA STANDING?

SEIGLER: RIGHT, LIKE THEM TWO SITTING AND HE WAS STANDING THERE IN FRONT OF THEM.

CAIN: ALRIGHT, WAS SHE HERE, OR, OR L.G. WAS-,

SEIGLER: SHE WAS, SHE WAS IN FIRST CHAIR AND L.G. WAS IN THE SECOND CHAIR, AND THERE'S A BIG GAME MACHINE, YOU KNOW, THAT SETS UP HERE ON THE BAR.

CAIN: OKAY.

SEIGLER: AND, SHE WAS SITTING RIGHT IN FRONT-IT'S THE FIRST CHAIR-TIME YOU WALK IN THE DOOR, IT'S THE FIRST CHAIR RIGHT THERE ON YOUR RIGHT.

CAIN: OKAY, AND, HAVE YOU EVER SEEN THAT LADY IN THERE BEFORE?

SEIGLER: UM, THE-,

CAIN: THE ONE THAT CAME AND WAS SITTING BESIDE LEGRAND?

SEIGLER: NO, THAT'S THE FIRST TIME I'VE EVER HER.

CAIN: OKAY, AND YOU KNOW LEGRAND AS L.G.?

SEIGLER: RIGHT.

CAIN: AND, YOU KNOW MONA. YOU DO NOT KNOW MONA'S LAST NAME?

SEIGLER: NO, LIKE I SAID, I MET HER WHEN I WAS BARTENDING AT IRBY'S LIKE A YEAR AND A HALF AGO. SHE WAS A CUSTOMER THERE.

CAIN: CAN YOU DESCRIBE HER FOR ME?

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SEIGLER: SHE'S SHORT AND SHE'S GOT A, A REAL HEAVY, UM, NORTHERN ACCENT.

CAIN: OKAY.

SEIGLER: OR NORTHERN OR SOMEWHERE UP THERE AND SHE'S GOT LIKE, KINDA CURLY BROWN HAIR.

CAIN: OKAY.

SEIGLER: SHE'S, I GUESS, MEDIUM BUILD.

CAIN: OKAY, AND, CAN-AND, OF COURSE, YOU'VE ALREADY SEEN THE NEWS AND SAW STACY ON THE NEWS.

SEIGLER: YEAH.

CAIN: IS THAT THE SAME GUY-,

SEIGLER: THAT'S DEFINITELY THE MAN-OH, ABSOLUTELY.

CAIN: OKAY, OKAY, ANY (INAUDIBLE)? ALRIGHT, IS THERE ANYTHING ELSE YOU WANT TO ADD TO THIS STATEMENT?

SEIGLER: THAT'S BASICALLY, I MEAN, YOU KNOW, THAT, THAT'S ABOUT IT. LIKE I SAID, ANYTHING THAT, UM-,

CAIN: ALRIGHT.

SEIGLER: HAPPENED ANYWHERE ELSE, I-THAT'S ALL I SAW.

CAIN: OKAY, BUT YOU SAID AT ONE POINT, LEGRAND-YOU DIDN'T SEE LEGRAND AND THE LADY AND STACY WENT BACK TO PLAY POOL?

SEIGLER: RIGHT, I DON'T KNOW WHERE HE WENT, BUT IT WAS JUST A FEW MINUTES AND HE CAME BACK.

CAIN: OKAY.

SEIGLER: SO, I MEAN, HE HAD TO GO OUTSIDE BECAUSE HE WAS NOT IN THE BAR.

CAIN: OKAY.

SEIGLER: BUT, JOEY WAS STILL THERE. SHE WAS OVER THERE BOWLING WITH MONA.

CAIN: OKAY.

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SEIGLER: SO, AND THEN, ALL OF A SUDDEN, HE COMES BACK IN AND SAYS, WHERE IS-WHATEVER HER NAME WAS, AND I SAID, SHE'S BACK THERE IN THE POOL ROOM. I GUESS THEY'RE SHOOTING POOL. SO, I WATCHED HIM WALK BACK THERE AND HE GOT HER BY THE ARMS, LIKE, COME ON, WE'RE LEAVING, BECAUSE I COULD TELL HE DID NOT WANT HER TALKING TO HIM.

CAIN: TO HIM?

SEIGLER: TO STACY.

CAIN: AND, SO, THE TWO OF THEM WALKED OUT?

SEIGLER: THEN LEGRAND AND HER WALKED OUT AND IT WASN'T, LIKE I SAID, TWO SECONDS, I SAW STACY GO OUT THE DOOR.

CAIN: OKAY, WHEN YOU SAW STACY GO OUT THE DOOR, DO YOU KNOW IF, UM, JOEY AND MONA WAS STILL THERE OR HAD THEY ALREADY LEFT?

SEIGLER: I'M NOT POSITIVE ABOUT THAT, BUT I KNOW HE WALKED OUT THE DOOR BY HIS SELF. NOBODY-,

CAIN: WAS WITH HIM?

SEIGLER: WITH HIM, NO.

CAIN: OKAY.

SEIGLER: SO, I DON'T KNOW IF-,

CAIN: AND, IT WASN'T TOO LONG AFTER SHE WALKED OUT, YOU DEFINITELY KNOW HE WALKED OUT-,

SEIGLER: RIGHT.

CAIN: OKAY.

SEIGLER: ABSOLUTELY, BECAUSE, SEE, I WAS WATCHING THEM THE WHOLE TIME TO MAKE SURE THAT NOTHING HAPPENED INSIDE THERE.

CAIN: OKAY.

SEIGLER: AND, I WAS CONCERNED ABOUT LEGRAND AND, AND THE GUY GETTING, YOU KNOW, INTO IT.

CAIN: OKAY, AND YOU DIDN'T GO OUTSIDE TO SEE IF ANYTHING-,

SEIGLER: NO.

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CAIN: WAS GOING ON OUTSIDE AND NOBODY CAME IN-,
SEIGLER: I DIDN'T HAVE-,
CAIN: TOLD YOU SOMETHING WAS GOING ON-,
SEIGLER: NO, NOT A WORD, NOTHING.
CAIN: OKAY, OKAY, ANYTHING ELSE? ALRIGHT-,
SEIGLER: NO.
CAIN: ANYTHING? OKAY, THIS CONCLUDES THE STATEMENT OF DENA
SEIGLER. TODAY'S DATE IS 02-29-08. THE TIME NOW IS 2:02 P.M.

THIS RESPECTFULLY SUBMITTED BY,
INVESTIGATOR HELEN CAIN

*

INV. HELEN CAIN
WITNESS: DENA SEIGLER
CASE NUMBER: 08-02-639

SWORN TO AND SUBSCRIBED TO BEFORE
ME THIS _____ DAY OF _____, 20 ____.

NOTARY PUBLIC FOR SOUTH CAROLINA

WITNESSES:

THIS IS TO CERTIFY THAT I DID GIVE & HAVE READ THE ABOVE STATEMENT CONSISTING
_____ PAGES AND HAVE BEEN GIVEN A COPY OF SAME AS OF THE _____ DAY OF
_____, _____.

TYPED BY: AMBER BENNETT
DATE: 03-25-08
PROOF READ BY: KIRBY JONES
DATE: 3-27-08

INVESTIGATOR: HELEN CAIN
RENEA LOWDER
WITNESS: LEGRAND POSTON
CASE NUMBER: 08-02-639

STATE OF SOUTH CAROLINA)
:
COUNTY OF FLORENCE)

CASE NUMBER: 08-02-639

FLORENCE COUNTY SHERIFF'S OFFICE

STATEMENT COVER SHEET

STATEMENT TAKEN FROM:

LEGRAND POSTON

THIS PAGE IS NOT PART OF RECORDED STATEMENT,
AND IS FOR RECORDS KEEPING PURPOSE ONLY.

INVESTIGATOR: HELEN CAIN
RENEA LOWDER
WITNESS: LEGRAND POSTON
CASE NUMBER: 08-02-639

CAIN: OKAY, TODAY'S DATE IS 2-29-08. TIME IS 8:48 A. M. PRESENT DURING THIS STATEMENT IS, UM, INVESTIGATOR RENEA LOWDER, AND MYSELF, INVESTIGATOR HELEN CAIN, WITH THE FLORENCE-COUNTY SHERIFF'S OFFICE. THIS, UM, STATEMENT IS TAKEN AT THE LAW ENFORCEMENT CENTER IN EFFINGHAM. THIS CONCERNING CASE NUMBER 08-02-639. THIS IS A RAPE BY FORCE, AND A KIDNAPPING. UM, THE VICTIM IN THIS CASE IS A GLORIA WILLIAMSON. UH, SHE'S A WHITE FEMALE. HER DATE-OF-BIRTH IS 4-15-54. THE SUBJECT IN THIS CASE IS A STACEY LEE EVANS. HIS ADDRESS IS 1439 GOLF TERRACE BOULEVARD, APARTMENT 7, FLORENCE. HE'S A WHITE MALE. HIS DATE-OF-BIRTH IS 6-20-67. THIS STATEMENT IS TAKEN BY A WITNESS, HIS NAME IS LEGRAND POSTON. HE'S A WHITE MALE. AGE: 35. HIS ADDRESS IS 3205 EAST HANDY LANE, FLORENCE. HIS DATE-OF-BIRTH IS 12-14-72.

WHAT'S YOUR SOCIAL SECURITY NUMBER, LEGRAND?

POSTON:

CAIN: OKAY, THAT'S

POSTON:

CAIN: , I'M SORRY. UM, THIS INCIDENT TOOK PLACE ON 2-23 OF-2008. I THINK IT ACTUALLY STARTED ON THE 22, WHICH IS ON A FRIDAY, AND ENDED UP ON THE 23, ON A SATURDAY.

POSTON: YES, MA'AM.

CAIN: OKAY. ALRIGHT, IF YOU WOULD JUST TELL ME IN YOUR OWN WORDS ABOUT WHAT YOU KNOW ABOUT THIS CASE.

POSTON: OKAY, UM, AROUND 3:30...I GOT DROPPED OFF AT THE WOODEN NICKEL, AND I ASKED MRS. GLORIA WOULD SHE LIKE TO COME HAVE A DRINK WITH ME LATER ON. SHE DROPPED ME OFF, I STAYED THERE AT THE BAR, AND AROUND MAYBE 4:00 OR 5:00, SHE CAME BACK, HAD A DRINK, SHE SAID SHE COULDN'T STAY BUT A FEW MINUTES AND LEFT, I WALKED HER OUT, SHE CAME BACK. WE WERE ALL SITTING THERE, ME, A FRIEND OF MINE NAMED TOM...WORKS WITH TIME WARNER CABLE, WE ALL SITTING THERE JUST TALKING ABOUT OUR DAY AT WORK, AND MRS. GLORIA IS BESIDE ME, WE'RE SITTING THERE, YOU KNOW, JUST TALKING AND THIS GUY NAMED STACEY EVANS COME UP AND PRESENTED HIMSELF, AND STARTED TALKING TO MRS. GLORIA. AND, HE HAD OBVIOUSLY HAD A LOT TO DRINK, AND HE KEPT LIKE TOUCHING HER...I ASKED HIM "HOW ABOUT NOT TOUCH HER, I WORK WITH HER, SHE'S MY BOSS LADY." AND, UM, SO ANYWAY HE RESPECTED THOSE WISHES OR WHATEVER AND THEN THEY—I WAS

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GETTING READY TO LEAVE, THIS IS PROBABLY AROUND 2:00 I GUESS, I HAD BEEN THERE ALL DAY DRINKING, AND—

CAIN: IS THAT 2:00 IN THE MORNING?

POSTON: YES, MA'AM.

CAIN: THAT WOULD HAVE BEEN SATURDAY MORNING NOW?

POSTON: THAT WOULD HAVE BEEN SATURDAY MORNING.

CAIN: ALRIGHT, GO AHEAD.

POSTON: SO, SHE—I GOT BACK TO THE POOL AREA WHERE HIM AND GLORIA WERE, AND I SAID, YOU KNOW, I'M LEAVING OR WHATEVER AND, UM, SHE FOLLOWED ME BACK TO THE BAR...I HAD ONE MORE DRINK. I SAID, "MRS. GLORIA, I'M LEAVING. ARE YOU ALRIGHT?" SHE SAID, "YES, I'M FINE." CAUSE', GENERALLY I WALK HER OUT AND MAKE SURE HER DOORS IS LOCKED, AND I HAVE HER TO CALL ME WHEN SHE GETS HOME. WELL, THIS PARTICULAR NIGHT, A FRIEND COME PICKED ME UP TO CARRY ME HOME, CAUSE' LIKE I SAID, I HAD BEEN THERE ALL DAY, I WAS READY TO GO HOME AND GO TO SLEEP.

CAIN: UH, HUH.

POSTON: WELL, SATURDAY MORNING, I GUESS IT WAS AROUND 7:00, 7:30, 8:00...MRS. GLORIA CALLED, AND SHE WAS CRYING, UPSET. AND, I, I SAID, "CALM DOWN", YOU KNOW, "TALK TO ME." AND, THAT'S WHEN SHE TOLD ME THAT WHEN SHE WAS LEAVING THE BAR THAT, UM, THIS GUY STACEY EVANS OBVIOUSLY ABDUCTED HER, FORCED HER IN HER OWN CAR, HIT HER, WHATEVER...AND, SUPPOSEDLY TOOK HER TO A, UH, A FIELD AND HAD SOME KIND OF SEXUAL ENCOUNTERS WITH HER, AGAINST HER OWN WILL. AND, UM, YOU KNOW, SHE TOLD ME—THE GUY WAS WITH A WOMAN THAT NIGHT, THAT I HAD RECOGNIZED AND WHEN MRS. GLORIA TOLD ME THAT, WHERE HE DROPPED HER OFF AT, AND HE RAN ACROSS TO THOSE APARTMENTS FROM FOREST LAKE, I PUT TWO AND TWO TOGETHER. AND, I SAID, "WELL, I NO, I NO THE WOMAN, I NO THE APARTMENT", AND, UM, SO THEN, YOU KNOW, SHE DIDN'T WANT TO TELL ME ANYMORE. I ASKED HER WOULD SHE LIKE TO TALK TO MY MOTHER, YOU KNOW, A WOMAN...SHE FELT MORE COMFORTABLE TALKING TO HER. SO, ME, AND MY MOM, AND MY DAD WENT TO HER APARTMENT AND TALKED TO HER, AND WE CALLED, UM, MY DAD'S COUSIN, KEITH CREEL, HE WORKS WITH THE POLICE DEPARTMENT. AND, BUT COME TO FIND OUT, HE COULDN'T DO ANYTHING BECAUSE IT WAS THE COUNTY, SO THAT'S WHEN OFFICER SUMMERSETT CAME AND TALKED TO HER. AND, THAT NIGHT THE GUY WAS BRAGGING ABOUT BEING IN PRISON AND HE KEPT SAYING THAT, "YA'LL AIN'T GOT NUTTIN' TO WORRY ABOUT, ANYBODY COMES IN HERE AND MESSES WITH YA'LL, I GOT

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EM'." AND, HE GOES "AND, I GOT THIS KNIFE", AND HE SLUNG HIS KNIFE OUT. AND, I WAS LIKE, YOU KNOW, YOU AIN'T GOT TO DO NOTHING, I GOT MRS. GLORIA, YOU KNOW, SHE'S—YOU KNOW, I'MMA WATCH OUT FOR HER. AND, UM, THAT'S BASICALLY IT.

CAIN: OKAY. ALRIGHT, SO YA'LL WENT—YOU GOT DROPPED OFF BY MRS. GLORIA ABOUT 3:30, AND THAT WAS P. M. ON FRIDAY, RIGHT?

POSTON: YES, MA'AM, BECAUSE SHE TOOK ME TO THE COMPLEX.

CAIN: AND, THAT WAS AFTER WORK? OKAY.

POSTON: AND, WAITED ON ME, CAUSE' I HAD TO GO PAY MY CHILD SUPPORT.

CAIN: OKAY, AND SHE CAME BACK AND HAD A DRINK WITH YOU?

POSTON: YES, MA'AM...SHE DIDN'T STAY BUT FOR ONE DRINK, LEFT, AND, UM, CAME BACK PROBABLY, YOU KNOW, A FEW HOURS LATER OR WHATEVER... I GUESS IT MIGHT HAVE BEEN, IT WAS DARK SO 7:30 MAYBE, I DON'T KNOW THE EXACT TIME. BUT, SHE CAME BACK AND WE ALL WENT IN, YOU KNOW, STARTED HAVING A FEW DRINKS, JUST TALKING, AND YOU KNOW, LIKE I SAY ROUND 2:00, I LEFT AND I WENT BACK THERE AND ASKED HER WAS SHE OKAY, YOU KNOW, SHE WAS FINE.

CAIN: OKAY, WHERE WERE YA'LL AT IN THE BAR?

POSTON: RIGHT AT THE DOOR, SOON AS YOU WALK INTO THE DOOR, RIGHT THERE ON THE RIGHT.

CAIN: OKAY, AND YA'LL WERE SITTING AT THE BAR?

POSTON: UH, HUH.

CAIN: OKAY, AND WHERE WAS, I THINK THIS GUY CAME UP TO YA'LL?

POSTON: YES, MA'AM.

CAIN: AND, YOU KNEW HIM?

POSTON: WE WERE SITTING DOWN, HE WAS—

CAIN: DID YOU KNOW HIM?

POSTON: NO, MA'AM...I DIDN'T KNOW HIM AT ALL. I HAD SEEN HIM A FRIDAY BEFORE IN THERE WITH HIS GIRLFRIEND OR WHATEVER.

CAIN: OKAY.

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POSTON: BUT, I DIDN'T PERSONALLY KNOW HIM.

CAIN: OKAY, DID YOU KNOW HIS NAME PRIOR TO THAT NIGHT?

POSTON: NO, MA'AM...HE TOLD ME HIS NAME THAT, THIS PAST FRIDAY. I DIDN'T KNOW HIS NAME, I JUST KNEW HIS FACE.

CAIN: OKAY, YOU DIDN'T INTRODUCE HIM TO, TO MRS. GLORIA?

POSTON: YEAH, I TOLD HIM THAT THIS IS THE LADY THAT I WORK WITH.

CAIN: OH, OKAY.

POSTON: BUT, I DIDN'T NEVER SAY HER LAST NAME OR ANYTHING.

CAIN: OKAY.

POSTON: I SAID, "THIS IS GLORIA, A FRIEND OF MINE, AND WE WORK TOGETHER."

CAIN: OKAY, AND DID YOU TELL HER HIS NAME?

POSTON: NO, MA'AM. HE, HE PRESENTED HIS, HE—

CAIN: HE INTRODUCED HIS SELF?

POSTON: YES, MA'AM.

CAIN: OKAY. AND, WERE YA'LL KIND OF LIKE TALKING LIKE "HEY BUDDY, HOW YOU DOING?"

POSTON: WELL, HE WAS KIND OF LIKE TRYING TO BE LIKE BUDDY BUDDY, BUT I WASN'T.

CAIN: OKAY, UM, AND WHILE YA'LL WERE AT THE BAR...I THINK, HE WAS STANDING UP THERE TALKING TO YA'LL?

POSTON: YES, MA'AM.

CAIN: AND, WHAT WERE YA'LL TALKING ABOUT, DO YOU REMEMBER?

POSTON: HE HAD SEEN ONE OF MY TATTOO'S, AND HE WAS LIKE, "YEAH, WE'RE BROTHERHOOD" OR WHATEVER...I'M LIKE, "NO, WE'RE NOT BROTHERHOOD" CAUSE' I, I DON'T GET INTO THAT, YOU KNOW? AND, HE WAS LIKE "WELL, MAN I GOT—IF ANYBODY BOTHERS YA'LL OR WHATEVER, HE GOES I GOT YOU." I SAID, "WELL, I DON'T NEED ANY, I'M A BIG BOY", YOU KNOW, I WAS JUST KIND OF BRUSHING HIM OFF, CAUSE HE WAS GETTING ON MY NERVES.

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CAIN: DO YOU RECALL HIM SAYING SOMETHING ABOUT HE HAD TATTOO'S?

POSTON: UH, HE SEEN MY TATTOO—

CAIN: UH, HUH.

POSTON: AND, HE PRESENTED HIS TATTOO.

CAIN: SO, HE SHOWED YOU THE TATTOO?

POSTON: YES, MA'AM.

CAIN: AND, WHAT KIND OF TATTOO DID HE HAVE?

POSTON: I DON'T REMEMBER, BUT I REMEMBER IT WAS ON HIS, HIS RIGHT ARM, ON HIS SHOULDER.

CAIN: DID MRS. GLORIA SEE IT?

POSTON: I THINK SO, CAUSE' HE WAS BRAGGING ABOUT IT WAS A PRISON TATTOO. AND, I TOLD HIM MY TATTOO WAS PROFESSIONAL.

CAIN: OKAY. HAD ALL OF YA'LL HAD A LOT TO DRINK THAT NIGHT?

POSTON: I HAD.

CAIN: YOU HAD? DO YOU KNOW IF HE DID?

POSTON: HE HAD APPEARED TO BE, HE DIDN'T APPEAR, I MEAN, HE PROBABLY HAD A BUZZ, BUT HE DIDN'T—I HAD STARTED DRINKING LIKE I SAY, AROUND 3:30, THAT'S WHY I WAS READY TO GO HOME.

CAIN: RIGHT, OKAY.

POSTON: I MEAN, I REMEMBER GOING HOME AND EVERYTHING, I REMEMBER HIM COMING UP TALKING, I REMEMBER THAT LIKE IS WAS—MATTER OF FACT, I WAS DONE DRINK MYSELF PRETTY MUCH SOBER, I HAD ALREADY ATE SOMETHING.

CAIN: OKAY, OKAY. ALRIGHT, HOW ABOUT MRS. GLORIA, DID SHE HAVE A LOT TO DRINK?

POSTON: NO, MA'AM...SHE HAD A FEW, I MEAN, SHE PROBABLY HAD A LITTLE MILD BUZZ, I MEAN, A FEW BEERS FOR HER, YOU KNOW, I'M SURE AS LITTLE AS SHE IS...SHE APPEARED TO BE, YOU KNOW, LEVEL HEADED.

CAIN: OKAY.

POSTON: SHE WAS AWARE, YOU KNOW WHAT I MEAN?

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CAIN: RIGHT.

POSTON: SHE WASN'T—

CAIN: OKAY. AND, YOU SAID THERE WAS ANOTHER GUY TALKING TO YA'LL THAT WORKS AT TIME WARNER?

POSTON: YES, MA'AM...BUT HE—

CAIN: WHAT'S HIS NAME?

POSTON: BUT, HE LEFT WAY BEFORE—

CAIN: OKAY.

POSTON: HIS NAME, I DON'T KNOW HIS LAST NAME, HIS NAME'S TOM.

CAIN: TOM.

POSTON: HE'S NOT FROM AROUND HERE.

CAIN: OKAY, AND HE LEFT...HE DIDN'T STAY THERE AND TALK TO YA'LL LONG?

POSTON: NAH, UH.

CAIN: OKAY, AND YOU SAID WHILE YA'LL WERE AT THE BAR THAT, THAT STACEY KEPT PUTTING HIS HAND ON MRS. GLORIA?

POSTON: YEAH, AND I TOLD HIM, I SAID, "PLEASE, YOU KNOW, KEEP YOUR HANDS OFF OF HER." I SAID, "KEEP YOUR HANDS TO YOURSELF" I SAID, "SHE'S WITH ME" AND, I SAID, "WE'RE HERE MINDING OUR OWN BUSINESS." AND, HE GOES, "NAH, MAN...I DON'T MEAN NUTTIN' BY IT" OR WHATEVER...HE SAID, "I JUST WANTED TO SHOOT A GAME OF POOL WITH HER" OR WHATEVER...I SAID, "WELL, THAT'S TOTALLY UP TO HER."

CAIN: OKAY.

POSTON: SO, BY THIS POINT, UM, MY RIDE'S HERE TO PICK ME UP, TO CARRY ME HOME.

CAIN: OKAY.

POSTON: SO, I WALK BACK THERE...I SAID, "MRS. GLORIA, YOU ALRIGHT?" SHE SAID, "YEAH, HONEY"...I SAID, "WELL, I'M GOING HOME"...SHE SAID, "OKAY"...I SAID, "YOU SURE YOU ALRIGHT"...SHE SAID, "YES, I'M

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ALRIGHT"...I SAID, "OKAY." AND, THEN THAT SATURDAY MORNING I
GUESS IT WAS LIKE I SAY AROUND 7:00, 7:30, SHE CALLED MY CELL.

CAIN: OKAY, WHO IS YOUR FRIEND THAT PICKED YOU UP?

POSTON: HER NAME'S JOY MATTHEWS.

CAIN: DO YOU KNOW IF, IF JOY LEFT AND COME BACK AND PICKED YOU UP?
DID SHE COME IN THERE TWICE?

POSTON: UM, YEAH...I BELIEVE SHE DID, BECAUSE, UM, WHEN SHE FIRST GOT
THERE, I WASN'T EXACTLY READY. SO, SHE CAME BACK AND THEN
WE LEFT.

CAIN: OKAY.

POSTON: AND, SHE DROPPED ME OFF AT MY DOOR, AND THEN SHE LEFT MY
HOUSE.

CAIN: OKAY. ALRIGHT, UM, AND YOU SAID IT WAS CLOSE TO TWO WHEN
YOU LEFT THE BAR?

POSTON: I'M PRETTY SURE.

CAIN: OKAY.

POSTON: BUT, NOW MRS. JOY, SHE DON'T KNOW ANY—I DON'T THINK SHE
KNOWS ANYTHING.

CAIN: OKAY. ALRIGHT, UM, AND YOU SAID ALSO WHILE YA'LL WERE AT THE
BAR THAT THIS GUY...THAT INTRODUCED HIS SELF AS STACEY
EVANS...

POSTON: UH, HUH.

CAIN: UM, WHICH IS THE ONE THAT'S I, I IMAGINED YOU LOOKED ON THE
SEX OFFENDER REGISTRIES, IS THAT CORRECT?

POSTON: YES, MA'AM.

CAIN: AFTER MRS. GLORIA CALLED YOU?

POSTON: EXACTLY.

CAIN: OKAY, AND THAT'S THE SAME GUY THAT WAS IN THE BAR?

POSTON: THE SAME GUY.

CAIN: SAME GUY THAT INTRODUCED YA'LL AS STACEY EVANS?

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POSTON: MOST DEFINITELY.

CAIN: OKAY. AND, DID YA'LL JUST LOOK AT THE SEX OFFENDER REGISTER OR DID YOU LOOK HIS NAME UP?

POSTON: WE LOOKED HIS NAME UP.

CAIN: OKAY. ALRIGHT, UM,—

POSTON: CAUSE' HE SAID HE, WELL THAT NIGHT AFTER HE TOLD ME HIS NAME, HE SAID HE GOES BY THE NICKNAME "PHYSKO".

CAIN: PHYSKO?

POSTON: AND, UM, BUT ON THE INTERNET HE HAD THE NAME OF BROACH TOO.

CAIN: OKAY, DO YOU REMEMBER WHAT HE HAD ON?

POSTON: I KNOW HE HAD SOME KIND OF T-SHIRT ON, BUT I DON'T KNOW ANYTHING HE HAD ON (INAUDIBLE).

CAIN: WAS IT A LIGHT COLOR OR A DARK COLOR?

POSTON: I THINK IT WAS LIGHT—

CAIN: OKAY.

POSTON: COLOR.

CAIN: DO YOU RECALL WHAT KIND OF CLOTHING MRS. GLORIA HAD ON?

POSTON: I KNOW MRS. GLORIA HAD ON A PAIR OF JEANS AND I THINK SHE HAD SOME BLACK SHOES ON, CAUSE' THEY DRESS DOWN ON FRIDAY'S. AND, I WANNA SAY SHE HAD A LEATHER COAT ON.

CAIN: OKAY.

POSTON: AND, I THINK SOME KIND OF LIKE BLOUSE OR SOMETHING.

CAIN: OKAY, ALRIGHT.

POSTON: AND, I KNOW—

CAIN: YOU DON'T—

POSTON: SHE HAD HER JEWELRY ON, CAUSE' SHE ALWAYS WEARS HER JEWELRY.

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CAIN: JEWELRY, OKAY.

POSTON: YES, MA'AM...BRACELET.

CAIN: OKAY, UM, WHEN YA'LL WERE AT THE BAR YOU SAID HE, HE WAS TALKING ABOUT THAT HE'D PROTECT YA'LL, THAT HE HAD A KNIFE, AND HE FLIPPED THE KNIFE OUT...DO YOU REMEMBER WHAT KIND OF KNIFE IT WAS?

POSTON: IT WAS SOME KIND OF POCKET KNIFE.

CAIN: OKAY.

POSTON: LIKE A, UH, MAYBE LIKE A HUNTER WOULD USE. AND, THE REASON HE SAID THAT I BELIEVE, CAUSE' SOME GENTLEMEN WALKED BY, AND HE JUST KIND OF LIKE LOOKED, AND WE WERE LIKE, "WONDER WHAT HIS PROBLEM IS" AND HE GOES "MAN YA'LL AIN'T GOT NOTHING TO WORRY ABOUT"...HE WAS LIKE, "I'LL PROTECT YA'LL. AND, I'M LIKE "YOU AIN'T GOT TO WORRY ABOUT ME MAN"...I SAID, "I GOT HER, I GOT MY FRIENDS." AND, THAT'S WHEN HE KEPT, YOU KNOW, GOING ON ABOUT HOW TOUGH HE WAS, ABOUT HIM BEING IN JAIL, PRISON, AND WHATEVER.

CAIN: DO YOU RECALL EVER TALKING ABOUT MRS. GLORIA, THAT SHE WAS SEPARATED TO HIM OR ANYTHING?

POSTON: NO, MA'AM.

CAIN: DO YOU REMEMBER THAT BEING MENTIONED AT ALL?

POSTON: NO, MA'AM.

CAIN: OKAY. WHEN YA'LL WERE AT THE BAR, WAS THERE ANY DISCUSSION, AND I NEED YOU TO BE TOTALLY HONEST WITH ME, OKAY? WAS THERE ANY DISCUSSION ABOUT HIRING SOMEONE TO KILL MRS. GLORIA'S HUSBAND?

POSTON: NO, MA'AM.

CAIN: OKAY, DID YOU EVER HEAR HIM SAY ANYTHING ABOUT HER HUSBAND?

POSTON: NO, MA'AM.

CAIN: DO YOU KNOW IF HE KNOWS HER HUSBAND?

POSTON: I DON'T KNOW, I—I WOULDN'T THINK SO.

CAIN: DO YOU KNOW HER HUSBAND?

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POSTON: UH, HUH.

CAIN: OKAY, HAS SHE TOLD YOU ANYTHING ABOUT HER AND HER HUSBAND?

POSTON: NO, MA'AM...JUST, YOU KNOW, THAT THEY'RE GOING THROUGH A DIVORCE. I HELPED EM—I HELPED HER MOVE FROM THEIR HOUSE TO HER APARTMENT.

CAIN: OKAY, DO YOU KNOW WHY SHE'S DIVORCE—GETTING A DIVORCE?

POSTON: NO, MA'AM.

CAIN: OKAY, SO SHE HASN'T SHARED THAT WITH YOU?

POSTON: NO, MA'AM.

CAIN: OKAY. AND, HIS GIRLFRIEND, YOU SAID YOU KNEW HIS GIRLFRIEND.

POSTON: YES, MA'AM.

CAIN: DID YOU SEE HER IN THE BAR THAT NIGHT?

POSTON: YES, MA'AM.

CAIN: WHAT IS HER NAME?

POSTON: HER NAMES MONA, I DON'T KNOW HER LAST NAME.

CAIN: OKAY, DO YOU KNOW WHERE MONA LIVES?

POSTON: YES, MA'AM.

CAIN: WHERE DOES MONA LIVE?

POSTON: SHE LIVES AT THE FOREST LAKE APARTMENTS, IN FRONT OF THE SHELL STATION...I THINK IT'S, UM, I DON'T KNOW EXACTLY THE—THE NAME OF THE STREET, BUT I CAN TAKE YOU TO WHERE SHE LIVES.

CAIN: OKAY, BUT IT'S CLOSE TO FOREST LAKE?

POSTON: IT'S RIGHT ACROSS FROM THE SHELL STATION.

CAIN: THE SHELL STATION?

POSTON: YES, MA'AM.

CAIN: OKAY, UM—

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POSTON: I KNOW IT'S AN UPSTAIRS APARTMENT.

CAIN: OKAY, AND HOW DO YOU KNOW MONA?

POSTON: I MET HER LIKE TWO YEARS AGO AT THE VFW. AND, I WENT OUT WITH HER ONE TIME.

CAIN: OKAY...ALRIGHT, ANY OTHER QUESTIONS?

LOWDER: UM, WHEN YOU WERE IN THE BAR TALKING AND HE, EVANS, WHEN HE WAS STANDING THERE TALKING WITH YOU AND MRS. GLORIA, DID YOU SEE HIS GIRLFRIEND COME UP AT ANYTIME? DID SHE COME UP AND SAY ANYTHING TO HIM, OR TO YA'LL OR?

POSTON: YES, MA'AM...SHE TOLD HIM THAT HE WAS LEAVING, THAT SHE HAD BEEN THERE LONG ENOUGH, AND IF HE WAS COMING WITH HER THAT HE NEEDED TO HURRY UP AND LETS GO. AND, HE TALKED TO HER LIKE SHE WAS A PIECE OF DIRT, AND CUSSING AT HER AND STUFF, AND FINALLY SHE JUST LEFT. AND, THEN HE SAID THAT, THAT WAS JUST A FRIEND OR WHATEVER, THAT SHE TRIED TO CONTROL HIM, AND HE WASN'T TAKEN NO CRAP OFF NO B-I-T-C-H.

CAIN: DO YOU KNOW HOW SHE LEFT?

POSTON: NO, MA'AM. I ASSUME SHE DROVE, I DON'T KNOW HOW.

CAIN: OKAY.

POSTON: I MEAN, I'M PRETTY SURE SHE DROVE.

CAIN: OKAY, DO YOU KNOW WHAT TIME SHE LEFT?

POSTON: I WANNA—IT MIGHT HAVE BEEN LIKE AROUND 11:30 OR 12:00, I DON'T KNOW FOR SURE WHAT TIME.

CAIN: OKAY, AND YOU'RE JUST GUESSING AT YOUR TIME, IS THAT RIGHT?

POSTON: I'M JUST GUESSING AT MY TIMES.

CAIN: AND, YOU'D BEEN OUT—

POSTON: I'D BEEN THERE SINCE 3:30 DRINKING BEER AND TEQUILA.

CAIN: 3:30, SO—OKAY, IT COULD HAVE BEEN LATER, RIGHT?

POSTON: IT COULD HAVE BEEN LATER, IT COULD HAVE BEEN MAYBE 1:00.

CAIN: OKAY.

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POSTON: BUT, LIKE I SAID, I'D BEEN DRINKING.

CAIN: ALL DAY?

POSTON: JUST ABOUT, IT WAS SINCE I GOT OFF WORK, THAT'S USUALLY FRIDAY'S I USUALLY GO UP THERE. BUT, I HAD ALREADY HAD SOMETHING TO EAT NOW; I'D ALREADY EAT AND DRANK COFFEE.

CAIN: OKAY. BUT, YOU HAD A GOOD BUZZ, YOU KNEW WHAT WAS BEING SAID AND GOING ON?

POSTON: I KNEW WHAT WAS GOING—YES, MA'AM.

LOWDER: OKAY, THAT'S FINE. DID JOY, THE PERSON—THE FEMALE THAT CAME TO PICK YOU UP, DID SHE TALK TO HIM AT ALL?

POSTON: NO, MA'AM...SHE JUST WALKED IN AND WALKED OUT. SHE WAS GETTING AGGRAVATED WITH ME ACTUALLY, CAUSE' I TOLD HER I'D BE OUTSIDE WAITING, AND SHE CAME IN AND GOT ME, AND TOOK ME HOME. SHE'S LIKE A MOMMA TO ME, WELL AS A MATTER OF FACT, WE CALL HER MOMMA JOY.

CAIN: OKAY, DID YOU EVER SEE HER TALK TO ANYBODY IN THE BAR?

POSTON: NO, MA'AM...I THINK SHE MIGHT HAVE TALKED TO DENA, BUT I MEAN, SHE WASN'T IN THERE LONG.

CAIN: OKAY.

POSTON: AS FAR AS I REMEMBER.

CAIN: OKAY.... ALRIGHT, ANYTHING ELSE RENE? OKAY, IS THERE ANYTHING ELSE YOU WANT TO ADD TO THIS STATEMENT?

POSTON: I JUST HOPE YA'LL KEEP HIM WHERE HE NEEDS TO BE...THAT'S ALL.

CAIN: OKAY, WELL WE'RE GONNA TRY TO DO THAT, OKAY? UM, OKAY THIS CONCLUDES THE STATEMENT OF LEGRAND POSTON. TODAY'S DATE IS 2-29-08. TIME IS 9:06 A. M. THIS RESPECTFULLY SUBMITTED BY INVESTIGATOR HELEN CAIN.

*

INVESTIGATOR: HELEN CAIN
RENEA LOWDER
WITNESS: LEGRAND POSTON
CASE NUMBER: 08-02-639

SWORN TO AND SUBSCRIBED TO BEFORE
ME THIS _____ DAY OF _____, 20 ____.

NOTARY PUBLIC FOR SOUTH CAROLINA

WITNESSES:

THIS IS TO CERTIFY THAT I DID GIVE & HAVE READ THE ABOVE STATEMENT CONSISTING
_____ PAGES AND HAVE BEEN GIVEN A COPY OF SAME AS OF THE _____ DAY OF
_____, _____.

TYPED BY: WHITNEY AMOS
DATE: 3-25-2008
PROOF READ BY: KIRBY JONES
DATE: 3-27-2008

ISSUE - 7

INCONSISTENT STATEMENTS

P615 - 57, 58, 55^{SEE}, 56, 59, 60, 65-68, 98, 101, 221

P615 - 136, 143-144

SEE - GLORIA WILLIAMSON'S STATEMENT AND LEBRAND POSTON
DENA SIEGLAR AND MARY ANN MATTHEWS

1 door.

2 Q. Okay.

3 A. There were no stool on one side, and LeGrand was on the
4 other side.

5 Q. All right. And how many people were at the bar at that
6 time? When you say at the bar, you are talking about the
7 bar literally?

8 A. Uh-huh. How many people?

9 Q. Yes, was sitting?

10 A. I don't even know how many it holds, but it wasn't quite
11 full, maybe six or seven more people, I'm guessing.

12 Q. Now how many people --- Do you know how many people where
13 in the entire bar, the building itself?

14 A. Not many, fifteen at the time maybe.

15 Q. Okay. So y'all are sitting at the bar, and y'all had a
16 drink. About how many drinks did you have that night?

17 A. I don't know. I didn't count them. I got there late, and
18 I drink rather slowly. I mean I don't --- Probably over
19 the course of the whole time, I probably had about three.

20 Q. Three, okay. Now while you were sitting there with
21 LeGrand, what, if anything, or anyone, come up and talk
22 with him?

23 A. The Defendant came up, and he and LeGrand greeted each
24 other, shook hands. Hey, Buddy, how y'all doing. That
25 kind of thing.

1 Q. Did you know him?

2 A. I'd never laid eyes on him. He --- LeGrand introduced me
3 to him. He introduced him as Stacey Evans, and the
4 Defendant said, they call my Psycho. He never sat down
5 with us. He stood between us, but right behind us, if you
6 can understand? (CONTRADICTED TO Pg 138)

7 Q. Know when did you first notice him?

8 A. When he first walked up to LeGrand.

9 Q. Okay. Did you see when he entered the Wooden Nickel?

10 A. I didn't pay him any attention.

11 Q. Okay. Now how long had you been there before the
12 Defendant came up?

13 A. Probably, I'd say, maybe an hour.

14 Q. So you were there about an hour?

15 A. Uh'huh.

16 Q. And how long did he stand up talking with you?

17 A. Quite awhile. I don't know exactly. They were talking
18 about --

19 Q. -- When you say they please tell us?

20 A. LeGrand and the Defendant started talking about tattoos.
21 They each have tattoos, and what different tattoos meant.
22 And I don't --- I didn't retain any of that. I don't
23 understand all the tattoo stuff. I'm not into that, but
24 that was a big part of the conversation. I just I don't
25 know, I just thought they were buddies.

NOT THE SAME TESTIMONY AS LEGRAND

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

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1 Q. Okay. Back during the time that you were there, did you
2 do anything other than y'all being at the bar, sitting at
3 the bar having a drink?

4 A. Yes. Once the Defendant and I, and I thought LeGrand
5 were going to shoot pool. We did go back there and start
6 a game, and I realized LeGrand wasn't coming, so I just
7 put the Que stick down and went back up there with him,
8 because I didn't know this guy, and I just wanted to go
9 back to LeGrand, I felt better.

10 Q. Now I am going to show you some photographs. Do you
11 recognize what has been marked as State's Exhibit 6-A?

12 A. That is the front of the Wooden Nickel, yeah.

13 Q. And is that an accurate representation of --

14 A. Uh'huh.

15 Q. What about what has been marked as State's Exhibit 6-B?

16 A. That is what is across the street, Ray's Novel Shop or
17 music, or something like that.

18 Q. And State's Exhibit 6-C?

19 A. That is the side of the Wooden Nickel where I parked.

20 Q. And State's Exhibit 6-D?

21 A. That's from the rear looking toward the front, toward
22 Irby Street.

23 MR. LAWSON: No objection.

24 MS. PARR: Your Honor, at this time The State would move
25 to enter --

1 Q. So they were primarily talking, is that correct?

2 A. Uh-huh.

3 Q. Now how long did that last that conversation last?

4 A. Fifteen or twenty minutes.

5 Q. Now, did you see anyone with the Defendant that evening?

6 A. I didn't at first. Like I said I hadn't notice him until
7 he came and talked to us. But, during that time he was
8 talking with us, a woman got up from the table over to
9 the side, and she came up and said something to him.
10 Music was playing, and I don't know what she said to him.
11 I particularly noticed how rude he was to her. I did not
12 understand what he said either, but he yelled at her like
13 she was a dog, and she turned around and went and sat
14 down at that table again, and he stayed up there with us.
15 Q. And did he pick up a conversation again after that, after
16 the lady left him?

17 A. Oh, yeah, just still just like that didn't bother him or
18 ruffle him at all.

19 Q. And then what happened?

20 A. A women came and picked up LeGrand, to give him a ride,
21 home, and he asked me if I was going to be all right, and
22 I said yeah, I'm right behind. I'll just have a couple
23 more sips of this. I'm right behind you. I'm okay. And,
24 I mean within five minutes of him leaving I was walking
25 out the door.

1 A. That's the side where the pool tables are?

2 Q. How many pool tables are there?

3 A. Two.

4 Q. And were both pool tables occupied at the time when you
5 went back there?

6 A. No.

7 Q. Okay. Which pool table are you --

8 A. The far one.

9 Q. Okay. And who was back there with you, when you went back
10 there?

11 A. The Defendant.

12 Q. Now how is it that y'all came to be playing pool?

13 A. Just something to do --- I mean, I just --- I don't
14 quite --

15 Q. Did he ask you to play, or how did that --- how did
16 that come about?

17 A. Yeah. Let's shoot some pool, and I said okay. And like I
18 said, I thought he was a friend of LeGrand's. We started
19 a game, and LeGrand didn't come so I --- like I said
20 before, I put my cue stick down, and went back to
21 LeGrand.

22 Q. Okay. And where was LeGrand at that time?

23 A. At the bar.

24 Q. Now, after you went back to the bar, how long did you
25 stay in there --- How long did you stay at the bar before

NEED TO SHOW YOU LEFT WITH HER.
NEED BAR OWNER TO SAY WHAT TIME YOU LEFT?

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

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1 LeGrand left, and then you left?

2 A. Not much longer after that, I don't know an exact time.

3 I think when I left it was, and I'm guessing, I wasn't,
4 just watching the clock. I'm thinking maybe I left
5 around 1:00 or 1:15.

6 Q. And so when you left, how many people where left at the
7 bar, do you recall?

8 A. I really don't.

9 Q. Okay. And so when you left you went out to your car, is
10 that correct?

11 A. Yes. I was sitting by the door, and just --- Yeah, just
12 walked around the corner straight to my car. I didn't see
13 anybody. I didn't speak to anybody. I just went --- I
14 was just going home.

15 Q. And then what happened?

16 A. I was getting in my car, and I was not, I didn't know
17 anybody was around. I didn't see anybody going to the
18 car. I got in the car and put my keys in, and all of a
19 sudden I was being shoved across the console, and it was
20 the Defendant. And, he shoved me, and the console is
21 kind of big. My feet got tangled up in a hump up in the
22 floor, kind of, and he was impatient saying get over, and
23 I was trying to. He --- I --- I just, kind of, started
24 panicking and starting asking him what he was doing. I
25 didn't know if he needed, or wanted a ride home, or what

STACY WAS DRIVEN. COMPARE STAINS ON SHIRT.

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

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1 he was trying to do. I asked him, and he said I have to
2 do something for your Old-Man. I want to do it. And I -
3 -- and it's all just --- I was scared. I was stunned. I
4 didn't know he knew anything about my Old-Man. I was
5 just in shocked.

6 Q. Okay. When you said, he said, about your Old-Man, did he
7 know that you were separated?

8 A. I think LeGrand had told him inside, when we were --

9 Q. While y'all were at the bar?

10 A. When we were talking, yeah.

11 MR. LAWSON: Objection, Your Honor, that's speculation.

12 THE COURT: Yeah, all right,

13 MR. LAWSON: -- In the worse sense.

14 THE COURT: Yeah, it is. Okay.

15 Q. While you were at the bar, did you mention or was it
16 mentioned that you were separated in the Defendant's
17 presence?

18 A. Yes, it was.

19 Q. Okay. And so when he said that to you that he was doing
20 for the Old-Man, where were you at the time? Were y'all
21 still at the Wooden Nickel?

22 A. He was driving.

23 Q. Okay. And where did he drive? Tell us what you recall?

24 A. I ah --- He went up the side of the Wooden Nickel.

25 Q. When you say up the side, like --

1 A. Not back out to Irby, but the back way.

2 Q. Okay. By Jeffries Lane?

3 A. Yes. And out to Second Loop. And I was just crying and
4 begging him to stop, and get out, and I promise I
5 wouldn't tell anybody that that even happened. Just
6 please give me my car back and let me go home.

7 Q. Then what happened?

8 A. He just kept saying he had something to do, and he kept
9 driving, and he told me to shut up. He also mentioned
10 harming my family, and I needed to just shut up. And I
11 am just begging him to stop and let me go.

12 Q. Now you mentioned that he had been with a female at the
13 Wooden Nickel. Where was that person? Did you see her
14 when you left?

15 A. No.

16 Q. I mean so you're driving, y'all went down Second Loop
17 Road, is that correct?

18 A. (Affirmative response)

19 Q. And then where did you go?

20 A. He took --- He made lots of turns, and I remember
21 thinking --- I wasn't familiar with all the roads. I
22 remember thinking that we must be somewhere near Ed
23 Young's house, but I was --- I was able to later show
24 Investigator Cane, how we got to the field, we ended up
25 in.

1 A. Right.

2 Q. And over the period of the next couple of hours you
3 drink several beers, two or three, three, I think you
4 said?

5 A. I believe I did.

6 Q. Now what about alcohol, liquor, did you have any liquor
7 drink?

8 A. The Defendant graciously offered to order us a shot of
9 something, I'm not --- I don't do those. I don't
10 remember what it was of, but it was something mixed, and
11 it was a shot, and it was for he, LeGrand and I.

12 Q. And you drank that as well?

13 A. Yes.

14 Q. Now I believe you admitted that you and he walked to the
15 pool table together?

16 A. Admitted, yes.

17 Q. You did. I mean you stated that?

18 A. Yes, I did.

19 Q. Okay. And you testified to that. You didn't say
20 anything about you'll dancing?

21 A. No, I didn't.

22 Q. Did you forget that?

23 A. No, sir, I did not forget it.

24 Q. You didn't dance?

25 A. I did not dance.

1 A. Correct.

2 Q. That was the reason. But that Order didn't come out
3 until February, right, before the 23rd, is that correct?

4 A. What Order?

5 Q. The Order from The Court, from Family Court --- The
6 Judge's written Order.

7 A. I don't recall getting anything except that we didn't --

8 Q. That you didn't have an agreement?

9 A. Yeah.

10 Q. Okay. But you knew that at this time?

11 A. Yes.

12 Q. Okay. Now --

13 A. I knew that the day I left in November the day I left
14 the courthouse.

15 Q. The Court ruled that day. The Court made that ruling
16 orally, right?

17 A. That nothing was settled.

18 Q. Okay. So you were still separated in February. So your
19 friend after you run a few errands, he calls you and you
20 say it's about 10:00?

21 A. Yeah.

22 Q. And so you leave home, and you go to the Wooden Nickel,
23 correct?

24 A. Yes.

25 Q. You sit down at the bar, and you order a beer?

1 with us.

2 Q. Okay. Now as you are leaving, you get all the way into
3 your car. Is that your testimony?

4 A. Yes.

5 Q. And he grabs the key, and pushes you over the dash ---
6 over the console, correct, the first time?

7 A. The first time, what do you mean?

8 Q. The first time you go across over into the passenger
9 side, being pushed over from one side of the car to the
10 other. Because from your testimony you went from one
11 side of the car to the other a number of times. And, I
12 just wanted to make sure we are on the first time. This
13 is the first time you go from the driver's seat over
14 into the passenger seat, and you were pushed over not in
15 a friendly fashion, I assume?

16 A. That is correct.

17 Q. And that's where the gear shift is, correct. The gear
18 shift is there?

19 A. It's up here.

20 Q. It's up here. The console is there.

21 A. Uh'huh.

22 Q. There is a console --

23 A. A compartment that opens and a big hump in the floor.

24 Q. Okay. Now, when you saw Officer Sumersett, you had not
25 called law enforcement, is that correct?

1 A. No. The --- As I testified previously, LeGrand's
2 family called someone on the police force they knew, and
3 he determined it was a Sheriff's Department --

4 Q. -- That was Allen Creel?

5 A. I don't recall his name.

6 Q. From the City Police Department?

7 A. He was from the City, and determined that the Sheriff's
8 Department needed to be called and that is --

9 Q. -- And he made that call?

10 A. As far as I know, yes, he turned it over to the
11 Sheriff's Department.

12 Q. All right. And then Officer Sumersett came, and he
13 talked with you?

14 A. Yes, he did.

15 Q. And I assume he took notes?

16 A. Yes.

17 Q. He did not take any photographs that day did he?

18 A. No.

19 Q. He didn't take any photographs? Your car was there when
20 he came was it not?

21 A. Yes, it was.

22 Q. No photographs were taken of the car then?

23 A. No.

24 Q. Did he look at the car?

25 A. Yes.

CONTRADICTS
WILLIAMSON

LEGRAND L. POSTON - DIRECT EXAMINATION BY MS. PARR

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- 1 Q. Okay. And where did you see the Defendant?
- 2 A. At the Wooden Nickel.
- 3 Q. And do you recall when you first saw him there that
- 4 night?
- 5 A. Not exact. I seen him later on that evening, you know,
- 6 later on that night or whatever.
- 7 Q. Okay. Now did you know the Defendant, or had you seen
- 8 him before?
- 9 A. I didn't know him, I had seen him like a week prior.
- 10 Q. Okay. And where did you see him prior?
- 11 A. The Wooden Nickel.
- 12 Q. Now when you called Ms. Gloria to come to the Wooden
- 13 Nickel, did you meet her outside? *CONTRADICTS*
- 14 A. No ma'am, she came in on her own. *PR-55 VICTIM*
- 15 Q. But you waited for her, is that correct?
- 16 A. Yes, ma'am.
- 17 Q. And then where did y'all go once she got there?
- 18 A. Right there at the bar, or as soon as you walk in.
- 19 Q. Okay. I am going to show you this diagram. Mr. Poston,
- 20 do you recognize this?
- 21 A. Yes, ma'am.
- 22 Q. And, what is that a picture of? It is State's Exhibit
- 23 Number 1.
- 24 A. It's inside the Wooden Nickel.
- 25 Q. And, is it a fairly accurate photograph, or diagram of

1 A. Ms. Gloria.

2 Q. Okay. And did you come to this building?

3 A. Yes, ma'am.

4 Q. All right, and after you left this building where did
5 you go?

6 A. To the Wooden Nickel.

7 Q. All right. And that's here in Florence, is that
8 correct?

9 A. Yes, ma'am.

10 Q. And you said that she dropped you off there?

11 A. Yes, ma'am.

12 Q. After she dropped you off, did you have an occasion to
13 call her later that evening?

14 A. Yes, ma'am.

15 Q. Okay. And do you remember what time you called her?

16 A. Not exact.

17 Q. But it was much later?

18 A. Yes, ma'am.

19 Q. And when you called her, what was the purpose of calling
20 her?

21 A. I was inviting her to come out and have a drink.

22 Q. And did she come out?

23 A. Yes, ma'am.

24 Q. Did you see the Defendant that evening?

25 A. Yes, ma'am.

NO CUTS OR BRUISES ON FACE

1 whatever, a retired nurse. And so we went over to her
2 house, and talked with her and everything.

3 Q. Now when you got to her house, would you please describe
4 her demeanor, what condition was she in when you got to
5 her house?

6 A. She was all shaken up, real scared, crying. Just really
7 shaking and she couldn't, you know, she was just falling
8 to pieces.

9 Q. Okay. And what did you do when you saw how she was?

10 A. Well I tried to talk to her, you know, and tell her, you
11 know, it wasn't her fault, and try to comfort her or
12 whatever, but she was just really really bent out of
13 shape. My mother took her in the back room and they
14 talked a good while. Me and my father --- I walked
15 outside to look at the vehicle, and that is where I
16 stayed at most of the time while my mother and her were
17 talking.

18 Q. Okay. Would you describe her appearance? No cuts

19 A. You could tell she hadn't been to sleep. Her face was
20 really really red. Like I said, she was shaken. Her
21 makeup ran off, you know, runny, just I mean she was
22 just a nervous wreck.

23 Q. Now, you said that you went outside where her car was?

24 A. Yes, ma'am.

25 Q. And would you please describe her car when you saw it?

1 A. A friend of mine name Joy -- Joy Matthews, she carried
2 me home.

3 Q. Okay. And she carried you home?

4 A. Yes, ma'am.

5 Q. And you left Ms. Williamson sitting at the bar?

6 A. Yes, ma'am.

7 Q. And did she indicate to you how long she was going to be
8 at the bar?

9 A. She said she was leaving right behind me. She was going
10 to finish I think her last drink, and head on home
11 herself.

12 Q. Okay. Now what condition was Ms. Williamson?

13 A. Good. I mean, she might have been slightly buzzed, but
14 not really. I mean, she was focused pretty good.

15 Q. Okay. But she was not drunk?

16 A. No, ma'am.

17 Q. And so, when you left her sitting there, she told you
18 she was going to leave shortly?

19 A. Yes, ma'am.

20 Q. All right. When was the next time you heard from her?

21 A. Probably around 8:00 the next morning, she called me and
22 told me that she had been raped, and was real upset and
23 crying and everything. I asked her if she would like to
24 speak with mother, you know, I figured she would want to
25 talk to a female since she is an ex-nurse, you know or

DIFFERENT STATEMENT BY VICTIM READ TO JUDGE

NANCY C. BUXTON, R.N. - DIRECT EXAMINATION BY MS. PARR

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1 little area, and we ask them what is the reason that
2 they're coming to the Emergency Room. We do a brief
3 assessment on them. We get their blood pressure, the
4 heart rate, the temperature, and their breathing and
5 oxygen content in their body. We do all this and we
6 record it for the physician, so he will be able to see
7 what is going on with the patient when he sees them.

8 Q. And so after you triage her, what did you do with her?

9 A. Okay. I ask Ms. Williamson what brought her to the E.R.
10 and she told me that she had vaginal pain and

11 irritation. I also document on my nurse's notes what
12 the patient's complaint is, in their words, and her

13 words was: I was raped around two to four a.m. this
14 morning. Don't know the person. At a neighborhood bar
15 walking to my car, and someone forced me into my car,
16 and went to some field, and raped me twice. He
17 threatened me and my family if I reported it. He got
18 out of my car and I drove home.

19 Q. All right. And from that what did you do?

20 A. I continued to ask her medical history, if she was
21 allergic to any medicines. If she was on any medicines
22 at the present. She told me she was allergic to
23 Codeine, and she did not tell me any medication that she
24 had at the present that she taking. She also told me
25 she had a history of depression, and no other history of

CONTRADICTION
OF
STATEMENT

1 medical conditions.

2 Q. Do you know at that time whether or not she had
3 showered?

4 A. She had told me that she did not shower last night,
5 which would have been between two and four a.m. when the
6 incident that she was telling me had occurred, and the
7 police were notified. I documented all that on my
8 nurse's notes.

9 Q. Okay. And what did you do after you completed the
10 triage information?

11 A. After the triage nurse assessed the patient, it is their
12 responsibility to, determine what category that the
13 patient would be. And what that means is, where they
14 needed to be placed in the E.R. and the urgency that is
15 needed for the patient to be seen. If there is not a
16 bed available where the patient needs to go precisely
17 is, what we do is we have a second area that is a triage
18 area that has a glass window in it that we can put the
19 patient over there and observe them while they are
20 waiting instead of putting them back into the waiting
21 room, because if we classify them as a two, which I
22 classified her, that would mean that she is a high risk
23 situation, and she appeared anxious and fidgety whenever
24 she was telling me her complaint, and I did not feel
25 like, for her safety, that I could put her out in the

ISSUE - 8

FAILURE TO SUBPOENA

WITNESSES

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MISSING MARY ANN MATTHEWS
SEE STATEMENT

WITNESSES

WITNESS	VOIR DIRE	DIRECT	CROSS	RE-DIRECT	RECROSS
Gloria Williamson		50	94	110	111
Robin Hope Gibson	116	121	125	130	131
LeGrand Poston		132	148		
Agnes Creel		157	164		
Dena Doyle Seigler		166	181	189	
Mona LaBranche		190	205		
Brent W. Townsend		207	214		
Nancy C. Buxton, R.N.		218	224		
Peggy Tomlinson, R.N.	224	227	242		
Manuel Fonseca, M.D.	247	247	252		
Kevin G. Summersett	258	262	266		
Inv. Helen Cain	267	280	286	286	
Adam Moore		286	300		
Kim Cockfield		312	316		
Jeremy Weis	318	320	323		
Betty Butler	325	327	335		
Katie Coy	339	341	351	358	
Joseph Powell	359	361	365		

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INV. HELEN CAIN
WITNESS: MARY ANN MATTHEWS
CASE NUMBER: 08-02-639

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

08-02-639-MATTHEWS

FLORENCE COUNTY SHERIFF'S OFFICE

STATEMENT COVER SHEET

STATEMENT TAKEN FROM: MARY ANN MATTHEWS

THIS PAGE IS NOT PART OF RECORDED STATEMENT,
AND IS FOR RECORDS KEEPING PURPOSE ONLY.

INV. HELEN CAIN
WITNESS: MARY ANN MATTHEWS
CASE NUMBER: 08-02-639

CAIN: OKAY, TODAY'S DATE IS MACH 4TH, 2008. THE TIME NOW IS-,

LOWDER: 10:53.

CAIN: 10:53 A.M. PRESENT DURING THIS STATEMENT IS MYSELF INVESTIGATOR HELEN CAIN AND INVESTIGATOR RENEE LOWDER WITH THE FLORENCE COUNTY SHERIFF'S OFFICE. THIS STATEMENT IS TAKEN AT THE LAKE CITY MAGISTRATE'S OFFICE ON RON MCNAIR BOULEVARD IN LAKE CITY. UM, THIS STATEMENT IS CONCERNING CASE NUMBER 08-02-639. UH, THIS INCIDENT OCCURRED ON 02-23-08. UM, THE SUSPECT IN THIS CASE IS A STACY LEE EVANS. UM, HE'S A WHITE MALE, DATE OF BIRTH IS 06-20-67. THIS STATEMENT IS TAKEN FROM A MS. MARY ANN MATTHEWS, ALSO KNOWN AS "MAMA JOEY" OR "JOEY". SHE'S A WHITE FEMALE, AGE 53. HER ADDRESS IS 1615 MISTY VIEW LANE, FLORENCE. HER DATE OF BIRTH IS 12-30-54, SOCIAL SECURITY NUMBER IS 255-02-5896.

UM, MS. MATTHEWS, I THINK ON THIS PARTICULAR DAY, WHICH IS 02-22-08, WHICH IS A FRIDAY NIGHT, 02-23-08 WAS A SATURDAY MORNING BEFORE DAYLIGHT, UM, AND I'M NOT SURE ABOUT WHAT TIME IT WAS, BUT SOMETIME IN BETWEEN THAT, YOU HAD RECEIVED A PHONE CALL FROM SOMEONE, IS THAT CORRECT?

MATTHEWS: THAT'S CORRECT.

CAIN: OKAY, CAN YOU TELL ME ABOUT THAT?

MATTHEWS: YES, UM, L.G., ALSO KNOWN AS LEGRAND POSTON, CALLED MY CELL PHONE AND REQUESTED A RIDE HOME FROM, UH, THE WOODEN NICKEL, WHICH IS ON IRBY STREET.

CAIN: UMH, UMH.

MATTHEWS: AND, I WAS ACTUALLY ALMOST HOME, BUT, AS USUAL, I TURNED AROUND TO GO FETCH HIM AND HE PROMISED THAT HE WOULD BE OUTSIDE WAITING FOR ME. WELL, WHEN I GOT THERE, HE WAS NOT OUTSIDE, HE WAS INSIDE. HE WAS, UM, HE SAID, LET HIM HAVE ONE MORE BEER AND ONE MORE SHOT AND HE WOULD BE READY TO GO. WELL, THERE WAS A RED HEADED FELLA THAT HE INTRODUCED ME TO WHOSE NAME WAS STACY EVANS AND LEGRAND WAS ALSO SITTING THERE WITH A LADY THAT I HAD PREVIOUSLY MET FROM HIS JOB. HER NAME IS GLORIA AND I DON'T KNOW WHAT HER LAST NAME IS.

CAIN: OKAY.

MATTHEWS: WELL, WHILE HE WAS FINISHING HIS DRINK AND HIS SHOT, I WALKED OVER TO THE ELECTRONIC BOWLING MACHINE. THERE WAS A YOUNG LADY NAMED MONA-DON'T KNOW HER LAST NAME, SITTING THERE

INV. HELEN CAIN
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ALL BY MYSELF. I INTRODUCED MYSELF, ASK HER HAD SHE EVER PLAYED THE BOWLING GAME.

CAIN: UMH, UMH.

MATTHEWS: SHE SAID, NO. I SHOWED HER HOW TO PLAY. WE PLAYED A COUPLE OF GAMES. SHE TOLD ME THAT STACY EVANS WAS HER BOYFRIEND.

CAIN: OKAY.

MATTHEWS: AND, THAT SHE HAD BEEN THERE AN HOUR AND A HALF. HE HAD NOT EVEN OFFERED HER SO MUCH AS A COCA COLA THE ENTIRE TIME THAT SHE WAS THERE AND SHE WAS READY TO GO HOME. I SAID, WELL, I CAME TO PICK UP L.G., LEGRAND POSTON, AND APPARENTLY, HE'S NOT READY TO LEAVE RIGHT NOW. SO, IF YOU WANT, I'LL TAKE YOU HOME-THIS IS WHAT MOTHER'S DO.

CAIN: RIGHT.

MATTHEWS: SO, INSTEAD OF HER TAKING A TAXI, WHICH SHE DID NOT WANT TO TAKE, SHE MADE SURE SHE HAD HER HOUSE KEY AND WE LEFT OUT THE FRONT DOOR AND L.G. AND STACY EVANS AND GLORIA WAS STILL SITTING AT THE FIRST SEATS WHEN YOU FIRST WALK IN TO THE WOODEN NICKEL. I TOOK HER HOME, WHICH IS OVER AT FOREST LAKE APARTMENTS. I TURNED AROUND AND CAME BACK TO THE WOODEN NICKEL, HOPING THIS TIME, L.G. WOULD BE READY TO LEAVE.

CAIN: OKAY.

MATTHEWS: AND, TAMA LANGSTON, DENA DOYLE-TAMA LANGSTON BEING ONE OF THE OWNERS, HER HUSBAND OWNS THAT BAR, UM, DENA DOLYE WAS THE BARTENDER. THEY WERE BOTH ASKING ME, PLEASE, TAKE LEGRAND OUT OF HERE. WELL, APPARENTLY, THEY FELT LIKE LEGRAND AND STACY EVANS WERE FIXING TO GET INTO A FIGHT. SO, I GRABBED LEGRAND BY THE BACK OF THE SHIRT AND I SAID, YOUR RIDE IS LEAVING, COME ON NOW. SO, I PUT HIM, PHYSICALLY, IN MY CAR. WELL, STACY EVANS AND GLORIA FOLLOWED US OUT INTO THE PARKING LOT. I AM STEADY TRYING TO DRIVE AWAY AND THEY'RE HANGING ON THE WINDOW TALKING TO LEGRAND AS I'M DRIVING AWAY.

CAIN: OKAY.

MATTHEWS: THIS HAPPENED TO BE PROBABLY-HAD TO BE 12:00 OR A LITTLE AFTER, BY THE TIME I TOOK MONA HOME AND CAME BACK.

CAIN: OKAY.

INV. HELEN CAIN
WITNESS: MARY ANN MATTHEWS
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MATTHEWS: AND, L.G. GOT A LITTLE UPSET BECAUSE HE WANTED TO FINISH HIS CONVERSATION, WHICH HE HAD HAD HOURS TO FINISH HIS CONVERSATION AND NEVER DID. SO, I WAS READY TO GO HOME. I WAS DRIVING, I TOLD THEM BYE AND I LEFT BOTH PARTIES IN THE PARKING LOT. THERE WAS STACY EVANS AND GLORIA-WHATEVER HER NAME IS. I KNOW SHE ASSUMED TO BE (INAUDIBLE) LOCK STOCK AND BARREL, HIS SOON TO BE EX-WIFE.

CAIN: OKAY.

MATTHEWS: OKAY, UM, THEY WERE STILL IN THE PARKING LOT WHEN I DROVE OFF. THAT'S THE LAST TIME I SAW THEM. I DROVE LEGRAND POSTON TO HIS HOME ON HANDY LANE, WHICH IS A-HE LIVES IN THE SECOND TRAILER ON THE LEFT ON HANDY LANE RIGHT OFF OF MCCURDY ROAD.

CAIN: OKAY.

MATTHEWS: AND, ON THE WAY HOME, I HAD TO PROMISE HIM THAT I WOULD GO INSIDE AND HAVE A BEER WITH HIM JUST TO GET HIM TO GO.

CAIN: OKAY.

MATTHEWS: AND, WHENEVER HE GOT OUT OF MY CAR, I SAID, GO UNLOCK THE DOOR LEGRAND, AND WHEN HE GOT UP THE STEPS, I LOCKED MY DOOR AND I BACKED OUT AND I WENT HOME.

CAIN: ALRIGHT, NOW, YOU-BEFORE I TURNED THIS TAPE ON, ME AND YOU TALKED FOR A FEW MINUTES AND YOU SAID THAT YOU RECEIVED TWO PHONE CALLS FROM-,

MATTHEWS: RIGHT.

CAIN: OR THREE PHONE CALLS FROM LEGRAND.

MATTHEWS: RIGHT.

CAIN: UM, THE FIRST PHONE CALL THAT YOU RECEIVED FROM HIM, DO YOU KNOW ABOUT WHAT TIME IT WAS?

MATTHEWS: 11:15.

CAIN: OKAY, AND THAT'S WHEN HE WANTED YOU TO COME GET HIM?

MATTHEWS: THAT'S CORRECT.

CAIN: THEN HE CALLED YOU BACK SHORTLY AFTER THAT?

MATTHEWS: RIGHT AND MY PHONE WAS GOING DEAD.

CAIN: OKAY, AND TOLD YOU HE HAD A RIDE?

MATTHEWS: RIGHT.

CAIN: THEN HE CALLED BACK WANTING YOU TO COME AGAIN?

MATTHEWS: NO-AND, THEN I CALLED BACK SINCE MY PHONE DIED, I CALLED FROM A PAY PHONE.

CAIN: OKAY.

MATTHEWS: RIGHT THERE IN FRONT OF FOOD LION.

CAIN: OKAY, OKAY, SO YOU CALLED HIM BACK?

MATTHEWS: I CALLED HIM BACK FROM A PAY PHONE AND I SAID, LOOK, MY PHONE'S DEAD. IF YOU'RE SERIOUS ABOUT A RIDE HOME, YOU BETTER HAVE YOUR HAPPY TAIL OUTSIDE.

CAIN: OKAY, AND THAT'S WHEN HE SAID HE WOULD BE ON THE SIDE OF THE BUILDING?

MATTHEWS: UMH, UMH.

CAIN: AND, THAT WAS BETWEEN 11:30, 11:45?

MATTHEWS: UMH, UMH.

CAIN: OKAY, AND YOU SAID THAT YOU WENT INSIDE THE BAR-,

MATTHEWS: RIGHT.

CAIN: BECAUSE HE WAS NOT OUTSIDE.

MATTHEWS: HE WAS NOT READY TO LEAVE.

CAIN: AND, HE WAS NOT READY? UM, YOU SAW A LADY OVER TOWARD THE BOWLING AREA?

MATTHEWS: UMH, UMH, THE ELECTRONIC BOWLING MACHINE.

CAIN: OKAY, AND YOU WENT OVER AND TALKED TO HER. SHE SAID HER NAME WAS MONA AND SHE WAS STACY'S -,

MATTHEWS: GIRLFRIEND.

CAIN: GIRLFRIEND, OKAY, AND YOU WERE INTRODUCED TO STACY EVANS BY-,

MATTHEWS: LEGRAND.

CAIN: LEGRAND, AND LEGRAND AND GLORIA WAS TOGETHER-I MEAN, AT THE BAR TOGETHER.

MATTHEWS: YEAH, THEY WERE SITTING TOGETHER.

CAIN: THEY WERE SITTING TOGETHER. UM, AND, DO YOU KNOW HOW LONG YOU STAYED AT THE BAR?

MATTHEWS: I PROBABLY STAYED AND, YOU KNOW, MY TIME FRAME MAY BE A LITTLE OFF HERE, I PROBABLY STAYED, BECAUSE I TAUGHT MONA HOW TO PLAY THE GAME AND WE DID BOWL TWO GAMES AND IT TAKES LIKE 10 MINUTES EACH TO BOWL A GAME WITH TWO PEOPLE PLAYING. UM, AND THAT'S WHEN SHE INFORMED ME THAT SHE WAS READY TO GO. SO, IT WAS PROBABLY QUARTER AFTER 12:00, 12:20, WHEN SHE SAID, I'M READY TO GO.

CAIN: OKAY, AND THEN, YOU TOOK HER-,

MATTHEWS: ALL THE WAY-,

CAIN: ALL THE WAY FROM THE WOODEN NICKEL-,

MATTHEWS: TO FOREST LAKE FOREST LAKE APARTMENTS.

CAIN: FOREST LAKE APARTMENTS.

MATTHEWS: AND, I CAME ALL THE WAY BACK.

CAIN: OKAY, UM, AND, WHEN YOU LEFT, LEGRAND, GLORIA AND STACY WERE AT THE FRONT OF THE, THE WOODEN NICKEL?

MATTHEWS: UMH, UMH.

CAIN: SITTING IN SOME SEATS (INAUDIBLE).

MATTHEWS: YEAH, THEY WERE STILL IN THE SAME SEATS THEY WERE WHENEVER-

CAIN: OKAY.

MATTHEWS: NOW, STACY WASN'T SITTING, HE WAS STANDING.

CAIN: HE WAS STANDING?

MATTHEWS: YEAH.

INV. HELEN CAIN
WITNESS: MARY ANN MATTHEWS
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CAIN: OKAY, ALRIGHT, AND SO THEN WHEN YOU GOT BACK IT WAS PROBABLY PUSHING WHAT, 1 O'CLOCK BY THEN?

MATTHEWS: YEAH.

CAIN: OKAY, OKAY, AND, YOU SAID WHEN YOU GOT BACK THAT TINA AND DENA WAS CONCERNED?

MATTHEWS: TAMA.

CAIN: TAMA AND DENA WAS CONCERNED?

MATTHEWS: YEAH, BUT THEY WERE CONCERNED THAT L.G. AND STACY WERE FIXING TO LOCK HORNS AND-

CAIN: DID THEY SAY WHY?

MATTHEWS: NO.

CAIN: DID IT APPEAR TO YOU THAT THEY WERE FIXING TO LOCK HORNS?

MATTHEWS: WELL, I DON'T KNOW, I MEAN, AT ONE POINT, YOU-UNDERSTANDING, DRUNK PEOPLE, WHICH I DO BECAUSE I RAN A BAR, UM, WHEN YOU GET REAL DRUNK, EVERYBODY'S YOUR BROTHER, YOU KNOW, AND, L.G. WAS INTRODUCING STACY, THIS IS MY BROTHER, THIS IS MY BROTHER. NEXT THING YOU KNOW THEY WERE TALKING ABOUT HOW WHO COULD TAKE WHO AS FAR AS PHYSICALLY FIGHTING, WHICH IT'S DRUNK TALK, YOU KNOW, BUT TAMA AND DENA DIDN'T WANT ANY TROUBLE IN THE BAR.

CAIN: RIGHT.

MATTHEWS: WHICH, I FULLY UNDERSTAND, AND IT'S NOT THE FIRST TIME I'VE BEEN KNOWN TO GO PICK L.G. UP FROM WHEREVER HE MAY BE.

CAIN: OKAY, SO THAT WAS A NORMAL ROUTINE FOR YOU?

MATTHEWS: OH, YEAH.

CAIN: UM, DID YOU HEAR ANY CONVERSATION BETWEEN GLORIA AND STACY AND L.G.? WERE THEY TALKING ABOUT ANYTHING UNUSUAL? JUST NORMAL BAR ROOM TALK?

MATTHEWS: I HONESTLY DIDN'T OVERHEAR ANY OF IT BECAUSE ONCE I SAW GLORIA AND GREETED HER, WAS INTRODUCED TO STACY, THERE WASN'T ANOTHER SEAT AT THE BAR.

CAIN: OKAY.

INV. HELEN CAIN
WITNESS: MARY ANN MATTHEWS
CASE NUMBER: 08-02-639

MATTHEWS: AND, THEN I SAW MONA SITTING BY HERSELF. SO, I WENT TO TALK TO HER AND, I MEAN-,

CAIN: AND, YOU DIDN'T KNOW HER UNTIL THIS NIGHT?

MATTHEWS: NO, NO, HAD NEVER MET HER.

CAIN: OKAY, AND YOU SAID LEGRAND APPEARED TO BE-HE'D BEEN DRINKING FOR A LONG PERIOD OF TIME?

MATTHEWS: SINCE 3 O'CLOCK THAT AFTERNOON.

CAIN: HOW ABOUT STACY? DID STACY APPEAR TO, TO BE FEELING PRETTY GOOD?

MATTHEWS: OH, YEAH, HE SEEMED TO BE.

CAIN: WOULD YOU SAY HE WAS HIGH?

MATTHEWS: IN MY OPINION, YES.

CAIN: OKAY, HOW ABOUT GLORIA?

MATTHEWS: I'VE NEVER SEEN HER INTOXICATED, BUT SHE-I MEAN, FROM THE LOOKS OF HER EYES, YES, I WOULD SAY SHE WAS INTOXICATED.

CAIN: HOW ABOUT, UM, MONA?

MATTHEWS: NO, MONA HADN'T HAD ANYTHING TO DRINK FOR AN HOUR AND A HALF. HE WOULDN'T EVEN BUY HER COCA COLA.

CAIN: OKAY, AND, DID, DID YOU DRINK ANYTHING THAT-,

MATTHEWS: I HAD ONE BEER.

CAIN: AND, THAT WAS WHILE YOU WERE IN THE BAR? OKAY, ALRIGHT, AND YOU SAID THAT WHEN YOU AND LEGRAND THAT YOU LITERALLY TOOK CONTROL OF, OF LEGRAND?

MATTHEWS: YEAH.

CAIN: YOU PUT YOUR HAND ON HIM AND KINDA DRUG HIM OUT? UM, THAT, STACY AND GLORIA FOLLOWED YOU OUT. DO YOU REMEMBER WHO WENT OUT THE DOOR FIRST, GLORIA OR STACY?

MATTHEWS: NO, NOT REALLY BECAUSE I WAS BUSY GETTING L.G. IN THE CAR.

INV. HELEN CAIN
WITNESS: MARY ANN MATTHEWS
CASE NUMBER: 08-02-639

CAIN: OKAY, SO, BUT THE TWO OF THEM COME OUT AND WERE AT THE WINDOW TALKING TO-,

MATTHEWS: THEY WERE AT THE WINDOW, PASSENGER WINDOW, TALKING TO LEGRAND AS I WAS SLOWLY DRIVE-DRIVING OUT OF THE PARKING LOT.

CAIN: AND, WHERE WERE PARKED AT? ON THE SIDE OR THE, THE FRONT?

MATTHEWS: THE FRONT.

CAIN: OKAY, AND, SO, YOU LEFT THEM IN THE FRONT OF THE-,

MATTHEWS: UMH, UMH.

CAIN: THE WOODEN NICKEL-,

MATTHEWS: UMH, UMH.

CAIN: IN THE PARKING LOT?

MATTHEWS: YES, I DID.

CAIN: OKAY, AND, YOU DON'T KNOW ABOUT WHAT TIME YOU LEFT?

MATTHEWS: IT WAS PROBABLY, BY THE TIME I GOT HIM OUT OF THERE, 1:30.

CAIN: OKAY, AND THEN YOU TOOK HIM HOME?

MATTHEWS: I SURE DID.

CAIN; OKAY, ANYTHING ELSE YOU CAN RECALL FROM THAT NIGHT?

MATTHEWS: NO, MA'AM.

CAIN: OKAY, ANYTHING YOU NEED TO ADD, MS. RENEE?

LOWDER: UH, HUH.

CAIN: OKAY, ANYTHING ELSE YOU WANT TO ADD TO THIS STATEMENT?

MATTHEWS: NO, MA'AM.

CAIN: ALRIGHT, THIS CONCLUDES THIS STATEMENT OF MARY ANN MATTHEWS. TODAY'S DATE IS 03-04-2008. TIME NOW IS-,

LOWDER: 11:03.

CAIN: 11:03 A.M.

INV. HELEN CAIN
WITNESS: MARY ANN MATTHEWS
CASE NUMBER: 08-02-639

THIS RESPECTFULLY SUBMITTED BY,
INVESTIGATOR HELEN CAIN

*

INV. HELEN CAIN
WITNESS: MARY ANN MATTHEWS
CASE NUMBER: 08-02-639

SWORN TO AND SUBSCRIBED TO BEFORE
ME THIS _____ DAY OF _____, 20 ____.

NOTARY PUBLIC FOR SOUTH CAROLINA

WITNESSES:

THIS IS TO CERTIFY THAT I DID GIVE & HAVE READ THE ABOVE STATEMENT CONSISTING
_____ PAGES AND HAVE BEEN GIVEN A COPY OF SAME AS OF THE _____ DAY OF
_____, _____.

TYPED BY: AMBER BENNETT
DATE: 03-26-08
PROOF READ BY: KIRBY JONES
DATE: 03-27-08

1 A. That's the side where the pool tables are?

2 Q. How many pool tables are there?

3 A. Two.

4 Q. And were both pool tables occupied at the time when you
5 went back there?

6 A. No.

7 Q. Okay. Which pool table are you --

8 A. The far one.

9 Q. Okay. And who was back there with you, when you went back
10 there?

11 A. The Defendant.

12 Q. Now how is it that y'all came to be playing pool?

13 A. Just something to do --- I mean, I just --- I don't
14 quite --

15 Q. Did he ask you to play, or how did that --- how did
16 that come about?

17 A. Yeah. Let's shoot some pool, and I said okay. And like I
18 said, I thought he was a friend of LeGrand's. We started
19 a game, and LeGrand didn't come so I --- like I said
20 before, I put my cue stick down, and went back to
21 LeGrand.

22 Q. Okay. And where was LeGrand at that time?

23 A. At the bar.

24 Q. Now, after you went back to the bar, how long did you
25 stay in there --- How long did you stay at the bar before

NEED TO SHOW YOU LEFT WITH HER.
NEED BAR OWNER TO SAY WHAT TIME YOU LEFT?

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

66

1 LeGrand left, and then you left?

2 A. Not much longer after that, I don't know an exact time.

3 I think when I left it was, and I'm guessing, I wasn't,
4 just watching the clock. I'm thinking maybe I left
5 around 1:00 or 1:15.

6 Q. And so when you left, how many people where left at the
7 bar, do you recall?

8 A. I really don't.

9 Q. Okay. And so when you left you went out to your car, is
10 that correct?

11 A. Yes. I was sitting by the door, and just --- Yeah, just
12 walked around the corner straight to my car. I didn't see
13 anybody. I didn't speak to anybody. I just went --- I
14 was just going home.

15 Q. And then what happened?

16 A. I was getting in my car, and I was not, I didn't know
17 anybody was around. I didn't see anybody going to the
18 car. I got in the car and put my keys in, and all of a
19 sudden I was being shoved across the console, and it was
20 the Defendant. And, he shoved me, and the console is
21 kind of big. My feet got tangled up in a hump up in the
22 floor, kind of, and he was impatient saying get over, and
23 I was trying to. He --- I --- I just, kind of, started
24 panicking and starting asking him what he was doing. I
25 didn't know if he needed, or wanted a ride home, or what

NEED WITNESS BAR OWNER

GLORIA E. WILLIAMSON - CROSS EXAMINATION BY MR. LAWSON

99

1 Q. So if somebody saw you dancing with him, they were
2 mistaken?

3 A. Yes, sir.

4 Q. It wasn't you, right?

5 A. They were mistaken.

6 Q. Now what about contact, physical contact, between the
7 two of you at the Wooden Nickel, holding hands,
8 touching?

9 A. No.

10 Q. -- arms around each other, kissing, anything?

11 A. No.

12 Q. That was not done?

13 A. No.

14 Q. And if anybody saw that?

15 A. They're lying.

16 Q. They're lying. Now, as I understand it LeGrand leaves
17 but you stay, correct?

18 A. Yes.

19 Q. You walked LeGrand out?

20 A. No, I did not.

21 Q. You did not. So you just stayed inside?

22 A. I was sitting at the end of the bar --

23 Q. -- Right.

24 A. -- and he went out the door, and I said I am going to
25 finish this couple of sips, I'm right behind you, go

WHO SEEN THIS?

NEED TESTIMONY OF JAMES (ANBLEY)

GLORIA E. WILLIAMSON - CROSS EXAMINATION BY MR. LAWSON

100

1 ahead.

2 Q. But you had dropped him off there?

3 A. Uh-huh.

4 Q. He didn't have a car there did he?

5 A. Huh-uh.

6 Q. Somebody picked him up?

7 A. A lady friend of his, yes.

8 Q. Had she been there at the bar also?

9 A. Not at the bar. I had not --- I had not seen her until
10 then. She came to pick him up.

11 Q. And you said what approximately, what time was it when
12 he left?

13 A. I'm guessing oneish.

14 Q. Okay. And so --

15 A. -- And I did too, because I left like probably five
16 minutes maybe later than he.

17 Q. So, you didn't stay for any period of time?

18 A. No, I did not. *DID ANYBODY SEE YOU AFTERWARD
AFTER LEGRAND LEFT*

19 Q. Did you say that the Defendant bought you something,
20 some kind of mixed drink, or some kind of shot?

21 A. Yes.

22 Q. Was he standing up at the bar with you when he did that,
23 or was he away and sent it over?

24 A. He bought LeGrand and I, and himself one, and he was
25 standing as I told them, behind us. He did not sit down

NEED JAMES (AND) TOW TESTIMONY!

GLORIA E. WILLIAMSON - CROSS EXAMINATION BY MR. LAWSON

104

1 four days later, correct?

2 A. No. The statement that I gave at Effingham, is that
3 what you are talking about?

4 Q. On the 27th, February the 27th.

5 A. Yes, that's --

6 Q. And the statement that you gave to Officer Sumersett --

7 A. Was on the 23rd?

8 Q. Was on the 23rd, the very next --- the very same
9 morning, right?

10 A. Right.

11 Q. Now when --- What was it. Were you in the car, where
12 you outside the car when you were first approached?

13 A. I was getting in my car. I don't know if I had already
14 sat down in the seat, or if I was in the process of
15 getting in the car. I was startled, and I am sorry if I
16 don't remember my exact position. I was leaving to go
17 home by myself two blocks away.

18 Q. Okay. You did not leave with the Defendant? You didn't
19 leave the bar with him?

20 A. No.

NEED WITNESS TO SHOW
YOU LEFT BAR TOGETHER

21 Q. Okay. All right.

22 A. I mean, I left with him in the car.

23 Q. Did you walk out the door with him?

24 A. No, I did not.

25 Q. Okay. Now you then, if I understand it go up Jeffries

1 Q. Now do you recall talking to Officer Sumersett?

2 A. Yes.

3 Q. Do you recall telling him that you looked over your
4 shoulder and the subject that she had spoke with in the
5 bar, who she thought was her friend's friend, was right
6 behind her, snatched her keys, opened the door, and
7 pushed her into the car? Do you remember telling him
8 that?

9 A. No, I don't.

10 Q. Do you have any reason to believe Officer Sumersett
11 would misinterpret your words?

12 A. No, sir. I was very upset. I was definitely pushed
13 into the car; and driven away by someone else and --

14 Q. And the testimony that we've heard today has been
15 basically consistent with the statement you gave Officer
16 Helen Cain on February the 27th, is that correct? Have
17 you seen that statement?

18 A. Yes, I have seen it.

19 Q. Have you read it in preparation for your testimony?

20 A. No, sir.

21 Q. You didn't read it?

22 A. I read it.

23 Q. Okay. Did you go over it with Ms. Parr?

24 A. Yes.

25 Q. Okay. Now in that statement, that is five days later,

1 exhibits should not be the appropriate determination. Thank
2 you, Your Honor.

3 THE COURT: All right. You have talked it over with
4 Mr. Evans? What is the defense, plans?

5 MR. LAWSON: We've talked, Your Honor. At this point,
6 I would say that he will not testify. But, if we could wait
7 until after lunch.

8 THE COURT: Yeah, talk about it over lunch. And, what
9 about any other witnesses? Are you going to call any?

10 MR. LAWSON: I have one possible witness, and I don't
11 know if I am going to call him or not, Judge.

12 THE COURT: All right. What form of verdicts do you
13 want me to send back. It is just guilty or not guilty of the
14 four counts isn't it?

15 MR. LAWSON: I see no lesser included offenses.

16 THE COURT: We could stretch it and charge second
17 degree on one of them maybe, but that is not worth it, I
18 wouldn't think. But, whatever you want.

19 MR. LAWSON: I don't think so, Judge. I think it is
20 straight up. It is either guilty or not guilty as charged.

21 THE COURT: All right. Does The State agree to that?

22 MS. PARR: Yes, Your Honor.

23 THE COURT: All right. Then we will be back at 1:15
24 ready to roll.

25 MR. LAWSON: Thank you, Your Honor.

BEARSONS why HE
would NOT TESTIFY pg. 370

THE STATE V STACY LEE EVANS

370

1 THE COURT: Oh, Mr. Evans. I don't want to put any
2 pressure on you. We talked about it briefly yesterday.

3 MR. EVANS: Yes, sir.

4 THE COURT: When we get back from lunch, you've got
5 time --- you will have time to think about it again. You've
6 been thinking about it for months, but whether you testify.

7 MR. EVANS: I've been thinking about it, sir.

8 THE COURT: Good reasons to testify, good reasons not.
9 Your lawyer has been over all of them with you, I'm sure.

10 MR. EVANS: Yes, sir.

11 THE COURT: Okay.

12 (Whereupon, The Court was in recess from 11:45 a.m.
13 until 1:24 p.m.)

14 MR. LAWSON: Your Honor, I've always heard the Defense
15 never rest, but in this particular case, the Defense will,
16 also rest.

17 THE COURT: Okay.

18 MR. LAWSON: My client has made the decision that he
19 will not testify, Your Honor. why?

20 THE COURT: All right, Mr. Evans, I know you went over
21 all of it. I am going to bring the jury out now.

22 Do you want me to tell them not to take into account the
23 fact that he did not take the stand?

24 MR. LAWSON: Pardon?

25 THE COURT: You want me to not mention it?

ISSUE - 9

FAILING TO DISCOVER PRIOR
RECORDS OF ABUSE

P615-128, 248, 53, 95, 96

(5)

FAILURE TO INVESTIGATE

PICTURES COULD HAVE COME FROM AUSE 2005

ROBIN H. GIBSON - CROSS EXAMINATION BY MR. LAWSON

128

- 1 Q. Was she treated for anxiety before the event?
- 2 A. By a counselor?
- 3 Q. By a counselor, or by medication?
- 4 A. When Ms. Williamson reported to me that she was on a
- 5 prescription medication for anxiety.
- 6 Q. And that would be before this occurrence, correct?
- 7 A. Correct.
- 8 Q. So she was already on medication for anxiety?
- 9 A. Correct.
- 10 Q. But to your knowledge she had never seen a counselor
- 11 before?
- 12 A. Correct.
- 13 Q. Did you ask her about that?
- 14 A. Initially, yes. Initially she reported that she had not
- 15 had previous counseling before.
- 16 Q. Did you talk any about the previous anxiety?
- 17 A. We did.
- 18 Q. What was the cause of that?
- 19 A. The previous anxiety was related to a divorce, a
- 20 separation.
- 21 Q. And a husband who was verbally abusive, and physically
- 22 aggressive?
- 23 A. Per her report, yes.
- 24 Q. And did you in your counseling refer her to a medical
- 25 doctor also to be prescribed medication?

PREVIOUS
ABUSE
COUNSEL
FAILED
TO PULL
HER
NCLC
RECORDS

1 Q. How many times did you see her?

2 A. I would have to look at her chart to see the exact
3 number of times I've seen her. I'm thinking, twenty.

4 Q. Twenty.

5 A. Approximately.

6 Q. How many of those --

7 A. I'm sorry.

8 Q. How many occasions did you deal with other issues?

9 A. I am not 100% sure.

10 Q. An estimate. One, two, more than five, less than five?

11 A. I would say more than five.

12 Q. Less than ten?

13 A. Maybe ten.

14 Q. So half of the time you were dealing with other issues?

15 A. Along with.

16 Q. Along with?

17 A. Uh-huh.

18 Q. Did she report to you that she had suffered from anxiety
19 before this event?

20 A. Yes, she did.

21 Q. How do you determine when the anxiety previously
22 suffered ceased to exist?

23 A. What Ms. Williamson reported to me was that she
24 experienced anxiety before and it increased after the
25 alleged incident occurred.

SHOULD HAVE ASKED WHO SHE HAD SEX WITH
TO IMPEACH HER CHARACTER

1 Q. And would you please tell us what time you saw her?

2 A. My initial assessment was at 19:00 which is 7:00 p.m.

3 Q. And what was your initial assessment of Ms. Williamson?

4 A. Well from the record, I don't know if you --- It says,

5 she claims she was sexually assaulted about 2:00 ---

6 sometime between 2:00 and 4:00 a.m. on February 23rd.

7 She reported to me there was vaginal penetration. Then

8 I write, questionable ejaculation outside of the

9 patient. She told me she had not bathed since then.

10 *WITH WHO ?* Her last consensual intercourse was February 17th. She

11 claims there was no other injuries. She claims the

12 assailant got into her car and forced her --- and forced

13 her to pull over into a field.

14 Q. And what kind of assessment did you do after gathering
15 the initial information?

16 A. Well that is just the history and then we obtain further

17 history as far as her medical problems, what surgery has

18 she's had and then, you know, the initial assessment is

19 actually at the same time I am evaluating for any life

20 threatening injuries. That is the first thing I'll do.

21 I will, assess if they are breathing, if they are having

22 any hemo-dynamic abnormalities, if their blood pressure

23 is low, if their heart rate is too high, any life

24 threatening injuries. I check for any limb threatening

25 injuries, and then we proceed to a more focused physical

1 THE COURT: All right, free to go.

2 MS. PARR: The State would now call Dr. Manuel Fonseca.

3 MANUEL FONSECA, M.D.

4 BEING DULY SWORN TESTIFIES AS FOLLOWS

5 CLERK OF COURT: Please be seated. State your full name
6 for the record.

7 DR. FONSECA: My name is Manuel Fonseca.

8 VOIR DIRE EXAMINATION BY MS. PARR

9 Q. Dr. Fonseca, where are you employed?

10 A. I am employed at Carolinas Hospital.

11 Q. And what do you do for Carolinas Hospital.

12 A. I am an emergency physician.

13 Q. And how long have you been with Carolinas Hospital
14 Systems?

15 A. Since late 1999.

16 MR. LAWSON: Defense will stipulate the doctor's
17 qualifications.

18 MS. PARR: Thank you

19 THE COURT: All right.

20 DIRECT EXAMINATION BY MS. PARR

21 Q. Now on February of 2003, did you have an occasion to see
22 Ms. Gloria Williamson?

23 A. I did.

24 Q. Okay. And where did you see her?

25 A. In the Emergency Department.

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

53

1 come down there and have a drink and he'd take care of me
2 --- and not to say that anybody would bothered or --- he
3 would stay with me, cause I didn't go there. I didn't
4 know anybody there. And I just --- And my divorce was
5 not final, and I just wanted to go somewhere where nobody
6 knew me, and just sit down and relax, and be around
7 people, and just talk, just be with a friend that
8 understood what I was going through.

9 Q. So what time was it that LeGrand called you?

10 A. Probably around --- it may have been as late as ten.

11 Q. Now where were you in relations --- Where was your
12 apartment in relations to the Wooden Nickel?

13 A. It's two blocks away.

14 Q. Okay. And so do you recall what time you got to the
15 Wooden Nickel?

16 A. Well --- probably 10:30 or 11:00.

17 Q. And how did you get there?

18 A. I drove my car.

19 Q. What type of vehicle were you driving?

20 A. A 98 Chevrolet Tahoe.

21 Q. Okay. And what color?

22 A. Dark blue.

23 Q. Now, so you drove to the Wooden Nickel, is that correct?

24 A. Uh'huh.

25 Q. Now, where did you Park?

1 A. I parked on the side of the building.

2 Q. Okay. And what street is that?

3 A. I don't know.

4 Q. If you don't know that's fine.

5 A. Pineland and Greenland, but I don't know the one that
6 comes straight up that --

7 Q. -- Okay.

8 A. Well, that's Jeffries Lane.

9 Q. Ms. Williamson, I am going to ask you, to look at this
10 diagram, what has been marked as, State's Exhibit Number
11 2 for identification at this time. Are you familiar with
12 --- Do you recognize this?

13 A. Yes.

14 Q. Okay. And you would talk nice and loud so the jury can
15 hear you.

16 A. Okay.

17 Q. Do you recognize this?

18 A. I do recognize it, yes.

19 Q. Okay. Would you please tell us what this is a diagram
20 of?

21 A. That's South Irby Street and the Wooden Nickel, Jeffries
22 Lane comes up between the Wooden Nickel and Irby Street
23 Sporting Goods and it crosses Greenland, and it goes on
24 up from there. My address is actually on Jeffries Lane.

25 Q. Okay. If you would just come down for us, with the

1 do is going to be even worse; so just bear with me, as
2 we try to get some semblance of reasonable order here.

3 Now let's go back to the 23rd of February of this
4 year, correct?

5 A. Correct.

6 Q. You are at work, Friday afternoon, no big deal, nothing
7 extraordinary happened, nothing out of the ordinary.
8 You get off. You give a friend a ride.

9 A. Correct.

10 Q. And he wants you to take him to the Wooden Nickel, not
11 home?

12 A. Correct.

13 Q. Okay. And you then go to your house, which is just a
14 couple of blocks away?

15 A. Yes.

16 Q. And you then go and do some errands. At that time were
17 you living alone?

18 A. Yes.

19 Q. Okay. So, you daughters were not with you, they were
20 grown?

21 A. Yes, their own, their own.

22 Q. All right. And, I understand that you testified on
23 direct that you were divorced in June of this year, is
24 that correct?

25 A. Correct.

FAILURE TO INVESTIGATE
NEVER QUESTIONED DOMESTIC VIOLENCE
FROM 05 CHECK DATE ON PICTURE.

GLORIA E. WILLIAMSON - CROSS EXAMINATION BY MR. LAWSON

96

1 Q. So, at the time this happened in February you were
2 separated?

3 A. Correct.

4 Q. And had been for about eight months, is that correct?

5 A. Since the previous June.

6 Q. Now you had already had a situation where you had been
7 to Court over a separation agreement is that correct --
8 - an agreement where you distributed everything?

9 A. We had been to Court we had not agreed.

10 Q. But you had been to Court and you had an agreement
11 presented to The Court, is that correct?

12 MS. PARR: Your Honor, we would object. That is
13 irrelevant.

14 THE COURT: I don't know that it is irrelevant. He's
15 had six months to develop his case. Go ahead. I don't know
16 if it is relevant. Just go ahead.

17 A. I'm sorry. Would you rephrase that? I'm not quite --

18 Q. Did you not have an understanding and go to Court to
19 have that approved in November?

20 A. We did go to Court, yes.

21 Q. But the Judge would not approve that, is that correct?

22 A. Right.

23 Q. Because, he said your ex-husband, the Defendant, he
24 didn't think could comply with the terms, is that
25 correct?

ISSUE - 10

FAILING TO ATTACH CHARACTER

AND REPUTATION OF VICTIM

1. pg's, 84, 96, 128, 248, 394, 395 - TRIAL TRANSCRIPT
259. 391

1 A. I went straight home, and got on my computer.

2 Q. Why did you get on your computer?

3 A. I was trying to find --- look up his name; see what I
4 could find out. A people search kind of thing.

5 MR. LAWSON: Your Honor, may we approach.

6 THE COURT: You can do it.

7 (Whereupon, a bench conference was held in the presence
8 of the jury but out of the hearing of the jury.)

9 Q. (By Ms. Parr.) Ms. Williamson, okay, so after got on
10 your computer what else did you do? What time was this,
11 if you recall?

12 A. I don't recall, three or four.

13 Q. Okay. Did you call anybody right then? LEADING

14 A. No, I waited.

15 Q. But why didn't you call --- Did you call law enforcement
16 then? ^{DOUBT}
_{REASONABLE DOUBT}

17 A. No. I was in shock. I was not sure that I ever wanted
18 anybody to know this had happened. It was a big struggle
19 for me, because of this. This is just so embarrassing.
20 And, I didn't want people to know I had been to the
21 Wooden Nickel. I didn't --- I didn't want to embarrass
22 anybody. I didn't want anybody to know. I didn't want
23 people to look at me and I think about this. I just had
24 to struggle with it in my mind, before I decided what to
25 do.

1 NUMBER 10-A, 10-B, AND 10-C, WAS
2 MARKED AND ADMITTED INTO THE
3 RECORD.

4 Q. All right, Ms. Williamson, if you will show us where you
5 were, in relations to the this, as it relates to --

6 A. Like where he got out of the car.

7 Q. Again, where were you parked? Where was the vehicle
8 parked?

9 A. I think somewhere along here. Over kind of to the side
10 of the parking lot.

11 Q. Okay. And when he exited the car, or got out the car,
12 where did he go, which direction?

13 A. He headed across the street.

14 Q. Okay. And where did you go when you pulled out, which
15 direction?

16 A. I went over to the other driveway and pulled off.

17 Q. Okay. So you would have made a right?

18 A. Yes, I did.

19 Q. And where is this in relations to the Shell Station?

20 A. We had come up this road turned in here, and he would ,
21 have gotten out right behind where that truck is, and
22 then that is the driveway, I went out. That is a side
23 view. And this is just the side view of the station. I'm
24 Sorry. That's where I went out the driveway.

25 Q. Now, when you left the Shell Station where did you go?

FAILURE TO INVESTIGATE
NEVER QUESTIONED DOMESTIC VIOLENCE
FROM 05 CHECK DATE ON PICTURE.

GLORIA E. WILLIAMSON - CROSS EXAMINATION BY MR. LAWSON

96

1 Q. So, at the time this happened in February you were
2 separated?

3 A. Correct.

4 Q. And had been for about eight months, is that correct?

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7 to Court over a separation agreement is that correct --
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11 presented to The Court, is that correct?

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22 A. Right.

23 Q. Because, he said your ex-husband, the Defendant, he
24 didn't think could comply with the terms, is that
25 correct?

1 do is going to be even worse; so just bear with me, as
2 we try to get some semblance of reasonable order here.

3 Now let's go back to the 23rd of February of this
4 year, correct?

5 A. Correct.

6 Q. You are at work, Friday afternoon, no big deal, nothing
7 extraordinary happened, nothing out of the ordinary.
8 You get off. You give a friend a ride.

9 A. Correct.

10 Q. And he wants you to take him to the Wooden Nickel, not
11 home?

12 A. Correct.

13 Q. Okay. And you then go to your house, which is just a
14 couple of blocks away?

15 A. Yes.

16 Q. And you then go and do some errands. At that time were
17 you living alone?

18 A. Yes.

19 Q. Okay. So, you daughters were not with you, they were
20 grown?

21 A. Yes, their own, their own.

22 Q. All right. And, I understand that you testified on
23 direct that you were divorced in June of this year, is
24 that correct?

25 A. Correct.

FAILURE TO INVESTIGATE

PICTURES COULD HAVE COME FROM ABUSE 2005

ROBIN H. GIBSON - CROSS EXAMINATION BY MR. LAWSON

128

1 Q. Was she treated for anxiety before the event?

2 A. By a counselor?

3 Q. By a counselor, or by medication?

4 A. When Ms. Williamson reported to me that she was on a
5 prescription medication for anxiety.

6 Q. And that would be before this occurrence, correct?

7 A. Correct.

8 Q. So she was already on medication for anxiety?

9 A. Correct.

10 Q. But to your knowledge she had never seen a counselor
11 before?

12 A. Correct.

13 Q. Did you ask her about that?

14 A. Initially, yes. Initially she reported that she had not
15 had previous counseling before.

16 Q. Did you talk any about the previous anxiety?

17 A. We did.

18 Q. What was the cause of that?

19 A. The previous anxiety was related to a divorce, a
20 separation.

21 Q. And a husband who was verbally abusive, and physically
22 aggressive?

23 A. Per her report, yes.

24 Q. And did you in your counseling refer her to a medical
25 doctor also to be prescribed medication?

PREVIOUS
ABUSE
COUNSEL
FAILED
TO PULL
HER
OUT
RECORDS

1 Q. How many times did you see her?

2 A. I would have to look at her chart to see the exact
3 number of times I've seen her. I'm thinking, twenty.

4 Q. Twenty.

5 A. Approximately.

6 Q. How many of those --

7 A. I'm sorry.

8 Q. How many occasions did you deal with other issues?

9 A. I am not 100% sure.

10 Q. An estimate. One, two, more than five, less than five?

11 A. I would say more than five.

12 Q. Less than ten?

13 A. Maybe ten.

14 Q. So half of the time you were dealing with other issues?

15 A. Along with.

16 Q. Along with?

17 A. Uh-huh.

18 Q. Did she report to you that she had suffered from anxiety
19 before this event?

20 A. Yes, she did.

21 Q. How do you determine when the anxiety previously
22 suffered ceased to exist?

23 A. What Ms. Williamson reported to me was that she
24 experienced anxiety before and it increased after the
25 alleged incident occurred.

1 Q. And would you please tell us what time you saw her?

2 A. My initial assessment was at 19:00 which is 7:00 p.m.

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4 A. Well from the record, I don't know if you --- It says,
5 she claims she was sexually assaulted about 2:00 ---
6 sometime between 2:00 and 4:00 a.m. on February 23rd.
7 She reported to me there was vaginal penetration. Then
8 I write, questionable ejaculation outside of the
9 patient. She told me she had not bathed since then.

10 WITH WHO? Her last consensual intercourse was February 17th. She
11 claims there was no other injuries. She claims the
12 assailant got into her car and forced her --- and forced
13 her to pull over into a field.

14 Q. And what kind of assessment did you do after gathering
15 the initial information?

16 A. Well that is just the history and then we obtain further
17 history as far as her medical problems, what surgery has
18 she's had and then, you know, the initial assessment is
19 actually at the same time I am evaluating for any life
20 threatening injuries. That is the first thing I'll do.
21 I will, assess if they are breathing, if they are having
22 any hemo-dynamic abnormalities, if their blood pressure
23 is low, if their heart rate is too high, any life
24 threatening injuries. I check for any limb threatening
25 injuries, and then we proceed to a more focused physical

1 THE COURT: All right, free to go.

2 MS. PARR: The State would now call Dr. Manuel Fonseca.

3 MANUEL FONSECA, M.D.

4 BEING DULY SWORN TESTIFIES AS FOLLOWS

5 CLERK OF COURT: Please be seated. State your full name
6 for the record.

7 DR. FONSECA: My name is Manuel Fonseca.

8 VOIR DIRE EXAMINATION BY MS. PARR

9 Q. Dr. Fonseca, where are you employed?

10 A. I am employed at Carolinas Hospital.

11 Q. And what do you do for Carolinas Hospital.

12 A. I am an emergency physician.

13 Q. And how long have you been with Carolinas Hospital
14 Systems?

15 A. Since late 1999.

16 MR. LAWSON: Defense will stipulate the doctor's
17 qualifications.

18 MS. PARR: Thank you

19 THE COURT: All right.

20 DIRECT EXAMINATION BY MS. PARR

21 Q. Now on February of 2003, did you have an occasion to see
22 Ms. Gloria Williamson?

23 A. I did.

24 Q. Okay. And where did you see her?

25 A. In the Emergency Department.

1 this country, my client, Stacey Evans, comes into this
2 courtroom presumed innocent and until The State of South
3 Carolina proves him guilty by the evidence beyond a
4 reasonable doubt, then it's your duty to find him not guilty.
5 If on the other hand, The State of South Carolina convinces
6 you beyond the reasonable doubt that he is guilty it's your
7 duty to find him so. But not whimsically or for some reason
8 but based on the evidence in light of the reasonable doubt.
9 A doubt in which you can give reason. A doubt that causes
10 the honest juror in search of truth hesitate that, not stop,
11 hesitate. Is there something in this evidence that just
12 doesn't look right. It doesn't fit in. It doesn't go
13 together. You see, I look at this in a total different way
14 than The State does, because what I am looking for is
15 evidence that will convince me, beyond a reasonable doubt
16 that this was a horrible, tragic, violent, premeditated,
17 kidnaping and rape, not a situation of sex between two
18 adults. Because I am looking for evidence of the meanness
19 that was described by the victim through her direct
20 testimony. The story that she told you unlike the story that
21 she told others because from count there is four to five. We
22 got --- well actually we may have more because there is
23 police officer that The State didn't call, so we could see
24 what she may have told him. And the thing about this case
25 that amazes me, everybody says she didn't report it, she was

1 MR. LAWSON: No, I'm kidding, Judge. I'm not going to
2 argue two hours.

3 THE COURT: Bottom line, they are good for about forty-
4 minutes, if you going to take more than that then we'll break

5 MR. LAWSON: I don't need that.

6 CLOSING ARGUMENTS BY MR. LAWSON

7 MR. LAWSON: May it, please The Court, Ms. Parr, Mr
8 Foreman, ladies and gentlemen of the jury, again, I want to
9 thank you. You have paid attention, you've listened, and now
10 it's just about time for you to go to judge the evidence.
11 You have been hearing the evidence coming in as it has come
12 in.

13 Now, the Judge is going to charge you the law and there
14 are a few things I want to talk to you about the law and
15 about the evidence. As Ms. Parr was talking an old saying
16 comes to my mind and that is, beauty is in the eye of the
17 beholder, and apparently evidence is also in the eye of the
18 beholder, because what I heard in this case and what she
19 heard in this case it is two opposite ends of the spectrum.
20 That is why you are here. Because, it doesn't matter what I
21 heard, or what she heard, it matters what you heard, because
22 you are the sole and exclusive judges of the facts and the
23 evidence in the case. Now, the one thing that she said that
24 I agree with and that is The State of South Carolina is the
25 prosecuting party in this case and as a result of that is

1 calling people at first light, basically. Depends on if you
2 can believe what time LeGrand knows whether he got up at 9:00
3 or 11:00, what time the call came in. By that time she is
4 already telling people. And, The State says well he's not,
5 you know, rich people so you can extort money from them and
6 cry rape. Well, you know, a married lady separated goes out
7 with a friend of hers, a guy, just maybe that's why you call
8 rape. Settlement Agreement hasn't been approved by a Court.
9 Can't get what you want from your Ex. Adultery ain't a sweet
10 thing to be looking at. Friend of your friend. Is word
11 going to get back? Oh, yeah. So the word gets out first.
12 What is consistent with --- okay, now, the first thing, to
13 tell Summersett that he comes up -- behind her and grabs her
14 on the way to her car. Tells Helen Cain on the other hand
15 she's in the car, he grabs her and throws her over the
16 console after taking the keys and then takes the car comes
17 out to Second Loop Road. Drives down Second Loop Road to
18 Cashua, two of the busiest streets in Florence on a Friday
19 night, with a kidnaped women inside of the car, and then
20 takes her to a field and rapes her once, drive back out to
21 Cashua and then come back to the field to rape her two more
22 times. It doesn't make sense and it doesn't fit the
23 evidence. Look at her pants. It is consistent with them
24 being muddy at the very bottom. Not up to the knees and if
25 she fell down in a muddy field there is going to be mud on

1 the knees. See, just a couple of weeks ago I tripped ---
2 and I hate to tell you, but I tripped and fell on the
3 sidewalk. My wife says I can't walk and chew gum at the same
4 time. I skint both knees --- my knee still has a skid mark,
5 I saw it immediately. It wasn't two days later. It wasn't a
6 day later. I skint my head. It was immediately --- my
7 finger is still got a scab on it. All of that was
8 immediately, immediately evident because I had a traumatic
9 event. I think she fell. All we have is possibly three
10 bruises on one shin. No bruising to the upper thigh, the
11 buttocks area, no internal trauma. Nothing to indicate that
12 this was a forceful, mean, double vaginal rape. And then the
13 oral sex, I don't know --- of course Summersett didn't put
14 it in his report. The hospital says no. I mean the doctor
15 has got it right there in his records. He asked her. Why
16 would you lie to the doctor, if it is the truth, tell the
17 whole way through don't change it. Lord, have mercy. Any
18 clothes torn anywhere. Any tears, any rips, anything anywhere
19 on any clothing to indicate a struggle of any kind. And
20 makeup anywhere other than on the shirt. Any makeup from
21 tears, where your eyeshadow runs --- or your mascara runs
22 when you cry. When somebody pulls you down. Where is there
23 going to be mascara? Pants, underwear, shirt, everywhere.
24 You're crying, and you're upset, and the only makeup that is
25 anywhere is the base makeup on a shirt that could come from

1 respond to a call of sexual assault?

2 A. I did.

3 Q. And where did you respond?

4 A. To Ms. Gloria Williamson's house.

5 Q. And do you recall what time you arrived there?

6 A. Around 10:30, 10:26.

7 Q. 10:26 when?

8 A. A.M.

9 Q. And what did you find upon arriving?

10 A. I spoke with Ms. Gloria Williamson in her apartment
11 about her being sexually assaulted.

12 Q. Okay. And when you got there please tell us who was
13 there?

14 A. It was Gloria Williamson and one of her friends, I am
15 ^{W H O} trying to find his name now, LeGrand Poston was there
16 and there was another gentleman, but he left.

17 Q. Okay. Did you see her parents --- another lady there as
18 well?

19 A. No, ma'am.

20 Q. Now please tell us about Ms. Williamson's appearance
21 when you arrived?

22 A. She was upset, crying, red in the face. She was very
23 upset.

24 Q. And did she report to you --- tell you what had
25 occurred?

NEED VICTIM STATEMENT

KEVIN GRANT SUMERSETT - DIRECT EXAMINATION BY MS. PARR

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1 A. Yes, she did.

2 Q. And so what did you do when she told you what had
3 occurred?

4 A. I just told her to take her time and tell me what
5 happened, you know, that she would have to, go through
6 it again once the investigator got there --- but I
7 needed the initial report to contact the investigator.
8 But it had to be in detail and she provided the
9 information.

10 Q. Okay. Now did you, in fact, call an investigator?

11 A. I did.

12 Q. Okay. And who did you call?

13 A. Investigator Helen Cain.

14 Q. All right. Now, at that time did you take Ms.
15 Williamson to the hospital or --

16 A. We don't do that. I advised her that if she needed an
17 ambulance that we could call one, and have one come and
18 they could take her or a friend could take her, but that
19 she did need to go within seventy-two-hours of the
20 assault.

21 Q. All right. Now, did you go out and do any observations
22 of her vehicle?

23 A. Yes, I did.

24 Q. Okay. And what did you see?

25 A. There was mud around the vehicle and on the inside of

SHOULD HAVE TESTIFIED
TO WHAT HAPPENED

CLOSING ARGUMENTS BY MS. PARR

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1 to use your common sense, because that is what we need here.
2 We need common sense. You know, you hear about people crying
3 rape but the person who usually cry rape, and it's not rape
4 is a teenager, a college person, or somebody get caught
5 having sex and they shouldn't be. We don't have that here.
6 Or someone rich and famous, and someone is trying to get
7 money out of them. We definitely don't have that here. Or
8 someone who has a vendetta against someone else. We don't
9 have that here either. Ms. Gloria didn't know the Defendant,
10 had never met him. Had never seen him until this night. She
11 didn't even have to tell anybody, nobody would have ever
12 know. This was not something that you want to brag about,
13 let the whole world --- all of Florence know, well, I've
14 been raped. That's not something you want anybody to know,
15 so common sense would say she didn't have any reason to tell
16 this.

SHOULD HAVE TESTIFIED

17 And lastly, if this was so consensual, if that is what
18 they want to say, it was consensual, why go to a muddy field
19 when she lived by herself two blocks from the Wooden Nickel.

20 Doesn't make sense? In the cold, in the dark, in a muddy
21 field. Sure doesn't sound romantic to me. I submit to you
22 because it wasn't consensual. That was the Defendant's Psycho
23 mind working. That is what he wanted.

24 Ladies and gentlemen, I submit to you this has been an
25 ordeal for Ms. Gloria, and it has been an ordeal for the past

1 couple of days for her having to relive this. I said she came
2 to you as candid as she knows how. She never said her
3 clothes were ripped or anything of that nature, because he
4 made her pull her own clothes down. She tried to run but he
5 caught her. She couldn't go anywhere. She didn't fight him
6 after that because she wanted to live. Because he already
7 said he had a knife and he would kill her. And there is no
8 mud on his --- I don't think there is any mud on his jeans,
9 and that is because he didn't fall down. He wasn't in the
10 mud, she was.

11 Ladies and gentlemen, we ask you to look at all the
12 evidence you have been presented to you, and I know it's been
13 a lot. Review the testimony that you have heard, and judge
14 the believability and the credibility of the witnesses that
15 have come forward. And we just ask you to find this
16 Defendant guilty of all the charges as charged. Thank you.

17 MR. LAWSON: May it, please The Court?

18 THE COURT: Sure.

19 MR. LAWSON: Do you want to take a short break or
20 should I go ahead?

21 THE COURT: Depends on how long you are going to sum
22 up?

23 MR. LAWSON: Your Honor, I wouldn't think it would take
24 me more than two hours, Judge, but --

25 THE COURT: Two hours --

ISSUE-11

FAILURE TO OBJECT TO LEADING

Pgs. 5-73, 78, 79, 141 - TRIAL TRANSCRIPT

INEFFECTIVE ASSISTANCE. HAD YOU BEEN BY COUNSEL?
SHOULD HAVE TESTIFIED TO CONTRADICT

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

73

1 A. A black leather jacket.

2 Q. Okay. Did you have on, high heel boots, or how high were
3 you boots?

4 A. They are about a two-inch heel, I mean, they're not real
5 high.

6 Q. So how far did you get to run before he caught you?

7 A. Barely pass the back of the car.

8 Q. And what happened when he caught you?

9 A. He slapped me. He grabbed my wrists, and he said, I will
10 F-you-up, bitch. And my bracelet dug into my arm. He
11 led me around to the driver's side of the car, and made
12 me pull my jeans and panties down.

13 Q. What, if anything, did he say?

14 A. He told me to bend over, and he started raping me. And
15 he said, I'm not going to finish inside you, I am going
16 to finish in my hand, because I don't want any of my DNA
17 in you. He said I --- He said what he did --- He --

18 Q. Now you said that the Defendant threatened you. What did
19 you say? What, if anything, did he tell you?

20 A. He said, he had a knife. I didn't see it, but he
21 threatened me with one, and said he had one. And he
22 said, he would F-me-up, if I didn't do what he said.

23 Q. Now what was the Defendant wearing?

24 A. Dark pants, and a long sleeve knit shirt, a light color.

25 Q. Was it like T-shirt material?

1 A. Yeah. Yeah. Yeah, not real thin, but yeah, it was a
2 jersey type T-shirt knit.

3 Q. Now, did he take his clothes off?

4 A. I don't know. He was behind me. He never --- I don't
5 recall that he took anything off, but I don't know how
6 far --- if he pulled his pants down, or just undid them
7 because he was behind me.

8 Q. And, where were you when he was doing this to you, in
9 relations to your car?

10 A. I was in the driver's seat, and he made me bend over.

11 Q. And, how did you get into the driver's seat?

12 A. That's when he had caught me in the field and pulled me
13 around them.

14 Q. And, how long did that particular incident last, if you
15 recall?

16 A. Not very long.

17 Q. And when he finished, did he say anything? What did he
18 do?

19 A. He just mentioned that there would be no DNA in me. He
20 didn't want to go to prison, and he had to finish with
21 his hand.

22 Q. Did y'all leave at that point?

23 A. He shoved me in again.

24 Q. And which side were you shoved in at this time?

25 A. From the driver's side, and then we left. And, I thought

LEADING 1 Q. Okay. Did he have his penis out of his pants?

2 A. Yes.

3 Q. And, then what did he do, or have you do?

4 A. He told me to perform oral sex on him.

5 Q. Okay. Was that the terminology he used?

6 A. No.

7 Q. Do you recall the exact words that he used?

8 A. Suck it.

9 Q. Okay. And then what happened? Did you end up doing
10 that?

11 A. He got --- He --- He --

LEADING 12 Q. Did he shove the penis in your mouth?

13 A. Yes. And he got frustrated with me, and pulled me out of
14 the side of the car, and made me bend over again.

LEADING 15 Q. Okay. Before you go there, did he ejaculate in your
16 mouth?

17 A. So he made me bend over the seat again.

18 Q. Okay. When did he make you bend over the seat?

19 A. After the oral sex.

20 Q. Okay. How did you get out of the car?

21 A. He pulled me back across to the driver's side --- I think
22 it was the driver's side.

23 Q. Okay. You're not quite sure which side?

24 A. No, it was the same way I was bent over the front seat,
25 and he was behind me. He was real alert. One time I

1 MR. LAWSON: Yes, sir.

2 THE COURT: I don't believe we are going to be able to
3 finish but one-witness today.

4 Well he's not going to take five minutes. I'm telling
5 you that.

6 MR. LAWSON: I wouldn't think so, Your Honor, no. And
7 she's not even finished.

8 THE COURT: That's right. You know, you just don't want
9 to wear your jury out on Monday. I mean I am in no hurry, but
10 I told them 5:30 to 6:00. I am not going to back up on that.
11 Bring them in. Although we will finish this witness, it may
12 take that long with that.

13 (Whereupon, the jury enters the courtroom at 4:18 p.m.)

14 THE COURT: Okay, you may proceed.

15 Q. (By Ms. Parr) Ms. Williamson, I think you were telling
16 us that he was --- You were describing the sexual act,
17 that he had you commit?

18 A. Yes.

19 Q. Can you go ahead and pick there?

20 A. Well, he grabbed my hair, and pushed my head into his
21 lap.

22 Q. Now did he have his pants down?

23 A. They were undone.

24 Q. When you say undone, what do you mean by undone?

25 A. Unzipped, opened with everything exposed.

1 grabbed for my cell phone, and he grabbed it, and said,
2 don't you call him, and threw it up on the dash.

3 Q. Okay. Now, at what point --- At what point did that
4 occur?

5 A. That was --- I think it was right before he put my head
6 down.

7 Q. Now, okay, so after the oral sex episode he got you out
8 of the car again?

9 A. (Affirmative response)

10 Q. Okay. How did he have sex with you that particular time?

11 A. The second time?

12 Q. No, I mean the third time?

13 A. Yeah, bent over the seat behind me, telling me once again
14 he didn't want to go to jail. He wanted no DNA --- I
15 mean, just the same thing again. I am going to finish in
16 my hand. At one point he asked, what are you doing. I
17 may not have some of this in exact order, but I threw up
18 on the side of the running board of the car. I also
19 grabbed for his phone at one point, and he said you
20 aren't calling him, and grabbed the phone and threw it up
21 on the dash. I don't know who him was suppose to be.

22 → Q. Now the third time, did he penetrate your vagina?

23 A. Yeah.

24 → Q. But it was all --- Did he penetrate anything other than
25 LEADING your vagina?

1 A. No.

2 Q. Do you know whether or not he used a condom that time?

3 A. I don't know. I don't think he did. I don't think there
4 was like time enough to put one on. I was all --

5 Q. But you didn't see it?

6 A. I saw almost nothing, because he was behind me. He
7 undone my bra that last time, but he didn't take it off,
8 or have me take anything off. I don't --- I don't know
9 why that was done, but.

10 Q. Did he do anything with any other parts of your body
11 other than --

12 A. He put his hands up here once when he undid the bra, but
13 not further --- it was just --

14 Q. Was it inside your clothes or on top of you?

15 A. Inside.

16 Q. Now what happened when he finished, or what did he do
17 when he finished?

18 A. He told me to get back in the car and --- I couldn't
19 imagine anybody doing the things he had done, and making
20 the threats he had made, and just letting me go. I
21 didn't think I was going to die, I knew I was in my mind
22 at the time, but I was begging --- and he said, I don't
23 know what to do. I was like please let me go. Do you
24 really think I want anybody to know this happened? You
25 know, I would have promised anything just to get free.

SHOULD HAVE
OBJECTIONS OVER KNIFE
LEADING

LEGRAND L. POSTON - DIRECT EXAMINATION BY MS. PARR

141

1 conversation?

2 A. No, ma'am.

3 Q. If you can recall, how long did this go on?

4 A. Probably fifteen, twenty minutes.

5 Q. Okay. And then after --- At what point did the
6 Defendant leave from behind you all?

7 A. It was just a few minutes later. Another friend of mine
8 came up, and he and me had --- was talking and stuff,
9 and Stacey left, went back to his area where he was
10 sitting originally.

11 Q. Now, do you recall, seeing a knife that evening? ← LEADING OBJECTION

12 A. Yes, ma'am. He presented one. He showed me. I had
13 mine. He had one. Just, I guess a guy thing, you know,
14 show me his knife.

15 Q. How was it that the knife came up?

16 A. I don't exactly remember exactly how it came up. I
17 really don't remember how. Like I said I was drinking,
18 I don't remember every little detail.

19 Q. Okay. But, he showed you a knife?

20 A. Uh-huh.

21 Q. And what did he say about his knife? ← LEADING

22 A. You know, that he keeps a knife in case something was to
23 go down in the club or whatever, you know, for
24 protection.

25 Q. Now, at any point that evening did you or Ms. Gloria, go

1. and shoot pool?

2. A. No, ma'am. Me and --

3. Q. Yes. Did the two of you play pool together?

4. A. Seems like we may have, earlier.

5. Q. Okay. Do you recall Ms. Gloria going to the pool area?

6. A. Yes, ma'am.

7. Q. Okay. And was the Defendant at that time?

8. A. In the pool area.

9. Q. Okay. Did she stay back there long?

10. A. Don't seem like she did.

11. Q. Did the Ms. Gloria ever dance with the Defendant?

12. A. I don't recall.

13. Q. Okay. But you didn't see her dancing with him?

14. A. No, ma'am.

15. Q. Now what time did you leave that evening?

16. A. I want to say I left probably around a little bit after
17. midnight, maybe quarter to one or something.

18. Q. Okay. All right. And when you left, where was Ms.
19. Williamson?

20. A. At the bar.

21. Q. Okay. And, so that is where you were too?

22. A. Yes, ma'am. I told her that I was leaving, and asked
23. her, if she was okay, cause I needed to go on home and
24. that is where I left her at.

25. Q. Okay. Now when you --- How did you get home?

ISSUE - 12

MISADUISE OF PRIORS
RULE 609(B)

Pgs 310, 370, TRIAL TRANSCRIPT

ADAM T. MOORE - CROSS EXAMINATION BY MR. LAWSON

310

1 MR. EVANS: Okay.

2 THE COURT: Good reasons to testify, and good reasons
3 not. For instances, changes are if you got a prior record
4 they can bring that out. I call tell the jury not to count
5 it on whether you committed the crime, but they can consider
6 if they want to, on your credibility, things like that. Just
7 things to think about.

8 MR. LAWSON: May it, please The Court. For the record
9 I would state we've been talking about whether he will
10 testify or not for about the last two months.

11 THE COURT: Yeah, I understand. It's an important YEARS
12 decision.

13 MR. LAWSON: Yes, sir.

14 MR. EVANS: We just want to see what everything looks
15 like.

16 THE COURT: I understand. I'm not putting any pressure
17 on you I'm just telling you we are getting close to the time
18 that --- you been talking about it for two months but come
19 tomorrow you are going to have to decide.

20 MR. EVANS: Yes, sir.

21 MR. LAWSON: Thank you, Judge.

22 THE COURT: All right. Have a good night. And if they
23 gave you a razor last night it was dull.

24 (Whereupon, The Court concludes its business for the day
25 at 4:55 p.m.)

NOT OVER
10 YEARS
FOR
IMPEACHMENT

DID NOT TELL HIM
COULD NOT USE
RECORD PAST 10
YEARS

INEFFECTIVE COUNSEL/
AND COURT

1 MR. EVANS: Sir?

2 THE COURT: It's a little premature but here's the
3 deal. Eventually sometime tomorrow The State is going to
4 quit --

5 MR. EVANS: -- Sir?

6 THE COURT: Sometime tomorrow The State is going to put
7 up all the evidence they are going to put up. You understand
8 that?

9 MR. EVANS: I think I know what you're talking about.
10 You mean, they going to put up everything.

11 THE COURT: They'll be through tomorrow.

12 MR. EVANS: Yes, sir.

13 THE COURT: And then you are represented by Mr. Lawson,
14 you know, you can put some witnesses, you can testify or not,
15 I'm not putting any pressure on you but that is a pretty
16 important decision.

17 MR. EVANS: Yes, sir.

18 THE COURT: You got all night to think about it, you
19 know.

20 MR. EVANS: Yes, sir.

21 THE COURT: And I'll ask you again tomorrow at some
22 point --

23 MR. EVANS: That would be great.

24 THE COURT: -- but now is a good time to be talking to
25 him about whether to testify or not.

REASONS WHY HE
WOULD NOT TESTIFY Pg. 370

THE STATE V STACY LEE EVANS

370

1 THE COURT: Oh, Mr. Evans. I don't want to put any
2 pressure on you. We talked about it briefly yesterday.

3 MR. EVANS: Yes, sir.

4 THE COURT: When we get back from lunch, you've got
5 time --- you will have time to think about it again. You've
6 been thinking about it for months, but whether you testify.

7 MR. EVANS: I've been thinking about it, sir.

8 THE COURT: Good reasons to testify, good reasons not.
9 Your lawyer has been over all of them with you, I'm sure.

10 MR. EVANS: Yes, sir.

11 THE COURT: Okay.

12 (Whereupon, The Court was in recess from 11:45 a.m.
13 until 1:24 p.m.)

14 MR. LAWSON: Your Honor, I've always heard the Defense
15 never rest, but in this particular case, the Defense will,
16 also rest.

17 THE COURT: Okay.

18 MR. LAWSON: My client has made the decision that he
19 will not testify, Your Honor. why?

20 THE COURT: All right, Mr. Evans, I know you went over
21 all of it. I am going to bring the jury out now.

22 Do you want me to tell them not to take into account the
23 fact that he did not take the stand?

24 MR. LAWSON: Pardon?

25 THE COURT: You want me to not mention it?

1 exhibits should not be the appropriate determination. Thank
2 you, Your Honor.

3 THE COURT: All right. You have talked it over with
4 Mr. Evans? What is the defense, plans?

5 MR. LAWSON: We've talked, Your Honor. At this point,
6 I would say that he will not testify. But, if we could wait
7 until after lunch.

8 THE COURT: Yeah, talk about it over lunch. And, what
9 about any other witnesses? Are you going to call any?

10 MR. LAWSON: I have one possible witness, and I don't
11 know if I am going to call him or not, Judge.

12 THE COURT: All right. What form of verdicts do you
13 want me to send back. It is just guilty or not guilty of the
14 four counts isn't it?

15 MR. LAWSON: I see no lesser included offenses.

16 THE COURT: We could stretch it and charge second
17 degree on one of them maybe, but that is not worth it, I
18 wouldn't think. But, whatever you want.

19 MR. LAWSON: I don't think so, Judge. I think it is
20 straight up. It is either guilty or not guilty as charged.

21 THE COURT: All right. Does The State agree to that?

22 MS. PARR: Yes, Your Honor.

23 THE COURT: All right. Then we will be back at 1:15
24 ready to roll.

25 MR. LAWSON: Thank you, Your Honor.

THE COURT: Well, you don't have to.

THE DEFENDANT: Your Honor, I hope, I hope, you know, you will take into consideration if you give me life without parole just to give me a new trial. Then later down the road because I should have took the stand. There's more to this case than what I should have said, you know, and the only reason why I didn't take the stand for was I felt like it would have been my best benefit to listen to my lawyer at that time. But it's not my lawyer who's messed me up it was myself and ---

THE COURT: The problem with that trial strategy, I mean, I explained to about your right to testify or not and this is serious, serious ---

THE DEFENDANT: I apologize, but you know, for not taking the stand but I hope ---

THE COURT: But I can't give you a new trial on it. You understand?

THE DEFENDANT: Sir?

THE COURT: I cannot give you a new trial on it.

THE DEFENDANT: When I put in for an appeal I hope you will take in consideration ---

THE COURT: I don't handle appeals. You got ten days to appeal.

THE DEFENDANT: I apologize for that, Your

MR. LAWSON: At some point dissenting opinions do become majority opinion ---

THE COURT: They do.

MR. LAWSON: ---in law so. Your Honor, you tried the case, you heard the evidence, but as State v. Washington controls an actual notice was given and there is no alternative in the sentencing situation.

THE COURT: Mr. Evans, that's the cruel reality, if once a jury convicts you of a second violent crime like that and the State serves you with notice if they're seeking life without parole if in fact you get convicted it's not like I can give you anything less than that. And you've discussed that with Mr. Lawson but you do have -- while I must give you life on both of those counts.

(Defendant nods.)

THE COURT: Some people say consecutive; that never made any sense to me. I mean life is life, right, so two counts of life is what I sentence you to but you are free to say anything if you like.

THE DEFENDANT: Can I say something?

THE COURT: You're free to say anything if you like. I mean, what I have to give you is a life sentence, but you're free to state whatever you'd like.

(Attorney and defendant confer.)

ISSUE - 13

FAILURE TO PRESENT A VIABLE DEFENSE

P615 200,369,370

MONA LABRACHE'S STATEMENT

ALSO SEE MARY ANN MATTHEWS STATEMENT

1 Q. And did you --- did he change clothes?

2 A. At one point he did, but I don't remember when.

3 Q. Okay. Now, did he stay around the house the rest of
4 that day, I guess that's a Saturday?

5 A. No. No, he left for a short time.

6 Q. Okay.

7 A. For about an hour, hour and a half.

8 Q. And do you know where he went when he left?

9 A. No, I don't. He told me he had to go out to think out
10 some things.

11 Q. And when came back, what was his demeanor at that time?

12 A. He had told me what happened.

13 Q. Okay. Now, you said --- Did you observe his clothing?

14 A. Not really.

15 Q. How was he acting when he came back?

16 A. Real suspicious-like. He kept looking at the door. I
17 have a French door with blinds going up, vertical blinds
18 in front and he kept looking out and looking out ---
19 Just was acting really weird.

20 Q. Okay. And what did you do as a result of that?

21 A. I kept asking him what was wrong, you know, why does he
22 keep looking out the door, and he told me what had
23 happened.

24 Q. Did law enforcement come to your house?

25 A. Yes, about five days after. It was a Wednesday.

1 Q. Now did the Defendant have a key to your condo?

2 A. No, he didn't. I left a key out.

3 Q. Okay. Where did you leave your key?

4 A. I left the key under a little --- a little mat that I
5 have in front of my door, and I left so it was on to top
6 of the door step ledge so he could figure out that there
7 something underneath there.

8 Q. Do you know what time he came in that night?

9 A. No, I don't.

10 Q. So, when you saw him that morning, you said about 8:30
11 or 9:00?

12 A. Yeah.

13 Q. And where was he?

14 A. He was on the couch, fully dressed.

15 Q. Okay. And did you think anything of it?

16 A. I just --- I was kind of in shock, to see him sitting
17 there, sitting up straight, you know, looking so pale. I
18 just didn't know --- I didn't know what to think really.
19 I was just surprised.

20 Q. All right. And, so seeing him, like that, what did you
21 do?

22 A. I asked him what was wrong.

23 Q. Okay. Did he tell you anything?

24 A. I asked him what time he had gotten in, he said, he had
25 gotten in at 4:00 in the morning.

NO DEFENSE
FAILURE TO CALL ALIBI WITNESS

→ OVER

THE STATE V STACY LEE EVANS

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1 exhibits should not be the appropriate determination. Thank
2 you, Your Honor.

3 THE COURT: All right. You have talked it over with
4 Mr. Evans? What is the defense, plans?

5 MR. LAWSON: We've talked, Your Honor. At this point,
6 I would say that he will not testify. But, if we could wait
7 until after lunch.

8 THE COURT: Yeah, talk about it over lunch. And, what
9 about any other witnesses? Are you going to call any?

10 MR. LAWSON: I have one possible witness, and I don't
11 know if I am going to call him or not, Judge.

12 THE COURT: All right. What form of verdicts do you
13 want me to send back. It is just guilty or not guilty of the
14 four counts isn't it?

15 MR. LAWSON: I see no lesser included offenses.

16 THE COURT: We could stretch it and charge second
17 degree on one of them maybe, but that is not worth it, I
18 wouldn't think. But, whatever you want.

19 MR. LAWSON: I don't think so, Judge. I think it is
20 straight up. It is either guilty or not guilty as charged.

21 THE COURT: All right. Does The State agree to that?

22 MS. PARR: Yes, Your Honor.

23 THE COURT: All right. Then we will be back at 1:15
24 ready to roll.

25 MR. LAWSON: Thank you, Your Honor.

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would not testify. Pg. 370

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1 THE COURT: Oh, Mr. Evans. I don't want to put any
2 pressure on you. We talked about it briefly yesterday.

3 MR. EVANS: Yes, sir.

4 THE COURT: When we get back from lunch, you've got
5 time --- you will have time to think about it again. You've
6 been thinking about it for months, but whether you testify.

7 MR. EVANS: I've been thinking about it, sir.

8 THE COURT: Good reasons to testify, good reasons not.
9 Your lawyer has been over all of them with you, I'm sure.

10 MR. EVANS: Yes, sir.

11 THE COURT: Okay.

12 (Whereupon, The Court was in recess from 11:45 a.m.
13 until 1:24 p.m.)

14 MR. LAWSON: Your Honor, I've always heard the Defense
15 never rest, but in this particular case, the Defense will,
16 also rest.

17 THE COURT: Okay.

18 MR. LAWSON: My client has made the decision that he
19 will not testify, Your Honor. why?

20 THE COURT: All right, Mr. Evans, I know you went over
21 all of it. I am going to bring the jury out now.

22 Do you want me to tell them not to take into account the
23 fact that he did not take the stand?

24 MR. LAWSON: Pardon?

25 THE COURT: You want me to not mention it?

INVESTIGATOR: HELEN CAIN
RENEA LOWDER
WITNESS: MONA LABRANCHE
CASE NUMBER: 08-02-639

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

CASE NUMBER: 08-02-639

FLORENCE COUNTY SHERIFF'S OFFICE

STATEMENT COVER SHEET

STATEMENT TAKEN FROM:

MONA LABRANCHE

THIS PAGE IS NOT PART OF RECORDED STATEMENT,
AND IS FOR RECORDS KEEPING PURPOSE ONLY.

INVESTIGATOR: HELEN CAIN
RENEA LOWDER
WITNESS: MONA LABRANCHE
CASE NUMBER: 08-02-639

CAIN: OKAY, TODAY'S DATE IS 2-28-08. THE TIME NOW IS 11:16 A. M. PRESENT DURING THIS STATEMENT IS INVESTIGATOR RENEA LOWDER, AND MYSELF, INVESTIGATOR HELEN CAIN, WITH THE FLORENCE COUNTY SHERIFF'S OFFICE. THIS STATEMENT IS TAKEN AT THE LAW ENFORCEMENT CENTER IN EFFINGHAM. THIS STATEMENT IS TAKEN CONCERNING CASE NUMBER 08-02-639. THE SUSPECT IN THIS CASE IS STACY LEE EVANS. HIS ADDRESS IS 1439 GOLF TERRACE BOULEVARD, APARTMENT 7, IN FLORENCE. THIS STATEMENT IS TAKEN FROM MRS. MONA...THAT'S M-O-N-A...LABRANCHE, AND THAT'S...L-A-B-R-A-N-C-H-E. HER ADDRESS IS 1439 GOLF TERRACE BOULEVARD, APARTMENT 7, IN FLORENCE. WHAT'S YOUR DATE-OF-BIRTH?

LABRANCHE: JULY 25, 1962.

CAIN: AND, YOU SOCIAL SECURITY NUMBER?

LABRANCHE:

CAIN: ALRIGHT, IT'S

LABRANCHE: YES.

CAIN: OKAY, ALRIGHT NOW MONA, WE TALKED BRIEFLY BEFORE I, UM, TURNED THIS TAPE ON, AND I THINK THAT STACY EVANS LIVES WITH YOU, IS THAT CORRECT?

LABRANCHE: YES.

CAIN: OKAY, AND ON 2-23 OF 2008, OR THE 22 OF 2008...WHICH IS FRIDAY NIGHT, SATURDAY MORNING SOMETIME. I THINK THE TWO OF YOU DID GO TO THE WOODEN NICKEL IN FLORENCE.

LABRANCHE: YES, THAT WAS FRIDAY NIGHT.

CAIN: OKAY, FRIDAY NIGHT. OKAY, IF YOU WOULD, TELL ME IN YOUR OWN WORDS WHAT YA'LL DID STARTING AT WHAT TIME YA'LL LEFT YOUR APARTMENT, OR YOUR CONDO.

LABRANCHE: UM, WE HAD CALLED A TAXI CAB, AND THE TAXI CAB PROBABLY CAME ABOUT...MAYBE JUST BEFORE 9:00 P. M. UM, WE LEFT MY—MY PLACE OF RESIDENCE AND WE WENT TO THE WOODEN NICKEL, WE GOT DROPPED OFF. AND, UM, WE PLAYED A COUPLE GAMES OF POOL TOGETHER—WELL, HE PLAYED A COUPLE GAMES OF POOL. AND, THEN, UM, YOU KNOW I WAS SITTING AT A LITTLE TABLE ON THE SIDE, BY THE BOWLING MACHINE—

CAIN: OKAY.

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LABRANCHE: THE BOWLING GAME, AND, STACY WAS THERE WITH ME ALSO. AND, UM, I WAS SINGING KARAOKE IN BETWEEN AND STUFF, AND YOU KNOW, I GOT—I DIDN'T EVEN HAVE TWO DRINKS, I THINK HAD ABOUT TWO DRINKS. STACY HAD LEFT THE TABLE, AND HE WENT TO GO TALK TO HIS FRIEND, LEGRAND, WHICH I WASN'T REALLY AWARE THAT HE KNEW THIS PERSON, ALSO. I HAD KNOWN LEGRAND, BECAUSE I HAD DATED HIM ONCE, LIKE ABOUT A YEAR AGO OR SOMETHING LIKE THAT, A YEAR AGO NEW YEAR'S EVE. AND, I KNEW WHAT HE WAS ABOUT, HE WAS TROUBLE, HE WAS JUST VERY BIG ON DRINKING AND WHATEVER.

CAIN: OKAY. DO YOU KNOW LEGRAND'S LAST NAME? OKAY, GO AHEAD.

LABRANCHE: NO, I DON'T. UM, ANYWAY I DIDN'T KNOW WHAT WAS GOING ON, SO FINALLY AFTER SITTING THERE FOR ABOUT AN HALF AN HOUR, I HAD GOTTEN UP AND I WENT TO GO WALK, CAUSE' LEGRAND WAS TALKING WITH A WOMAN THAT WAS SITTING IN THE CORNER OF THE BAR BY THE DOOR, THE ENTRANCE DOOR. SO, A PRETTY GIRL, SHE WAS—HAD BLONDE HAIR, AND YOU KNOW, SHE HAD A YELLOW SHIRT ON, THAT'S ALL I CAN REMEMBER, I THINK SHE HAD DUNGAREE'S ON OR WHATEVER. I DIDN'T, I DON'T KNOW IF I COULD RECOGNIZE HER TODAY, MAYBE IF I SAW HER, BUT I DON'T KNOW IF I'D RECOGNIZE HER.

CAIN: OKAY.

LABRANCHE: BUT ANYWAY, UM, I HAD—SHE WAS LIKE SITTING TOWARDS LEGRAND AT THE BAR STOOLS, AND STACY WAS STANDING UP IN BETWEEN BOTH OF EM' TALKING.

CAIN: OKAY.

LABRANCHE: SO, I SAID, STACY, CO—I GOT UP FROM THE TABLE WHERE I WAS AT, AND I SAID, "STACY, COME ON OVER, DON'T LEAVE ME HERE ALONE." SO, HE SAID, "GO BACK", HE SAID, "GO BACK, I'LL BE THERE IN A LITTLE BIT, JUST GET OUT OF HERE." SO, THERE I WAS SITTING THERE WITH NO DRINK OR NO NOTHING. FINALLY, UM, UM, I GOT UP AGAIN, AND I SAID, "STACY, I'M GONNA GO HOME SOON."

CAIN: UH, HUH.

LABRANCHE: HE STILL DIDN'T HEAR ME, HE WAS DRINKING MIXED ALCOHOL, WHICH HE SHOULDN'T BE DRINKING. HE HAD PROMISED ME THAT HE WOULDN'T DRINK MIXED ALCOHOL, PRIOR TO THAT GOING OUT, BECAUSE IT REALLY, YOU KNOW, MESSES WITH HIM. SO, LEGRAND WAS BUYING HIM DRINKS ALL DAY, I GUESS HE WAS PLAYING MR. NICE GUY, BUDDY, THAT NIGHT. SO, AND STACY WAS STUPID ENOUGH TO SAY—WASN'T SMART ENOUGH TO SAY "NO." SO, I NOTICED, YOU KNOW, HE WAS GETTING REAL FRIENDLY WITH THIS WOMAN AND

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EVERYTHING. AND, SHE WAS, YOU KNOW, SHE WASN'T PUSHING HIM OFF OR ANYTHING LIKE THAT. THERE WAS ANOTHER WOMAN THAT HAD LIKE A LEOPARD PRINT COAT ON, JACKET ON, AND SHE CAME OVER TO ME WHILE I WAS—I STARTED PLAYING THE BOWLING GAME.

CAIN: UH, HUH.

LABRANCHE: WITH AN OLDER WOMAN THAT CAME IN LATER THAT NIGHT, AND SHE HAD—HER NAME WAS JOY, AND SHE KNOWS MY GIRLFRIEND DENA THAT'S A, UM, BARTENDER THERE ON FRIDAY NIGHTS...I DON'T KNOW WHAT OTHER NIGHT SHE WORKS, DENA'S REALLY NICE AND EVERYTHING, I KNOW HER FROM IRBY'S BAR. WELL, ANYWAY, UM, I STARTED TALKING TO THIS WOMAN JOY, SHE SAID HER NAME WAS JOY. AND, I WAS PLAYING THE BOWLING GAME BY MYSELF, AND SHE WAS SITTING, YOU KNOW, RIGHT NEXT TO IT. AND, I SAID, "YOU WANNA PLAY WITH ME?" SHE SAID, "SURE." SO, SHE PUT IN HER DOLLAR PLAYING THE GAME AND STUFF LIKE THAT. SO, I HAD SAID TO HER...I SAID, OH, I SAID, "JOY, I SAID, WHO'S THE WOMAN SITTING IN THE CORNER OF THE BAR?" AND, SHE SAID, "OH, THAT'S SO AND SO, SHE'S GETTING A DIVORCE" AND, I SAID, "OH."

CAIN: DO YOU REMEMBER WHO SHE TOLD YOU SHE WAS?

LABRANCHE: NO. SHE SAID, "OH, SHE WORKS HERE, SHE'S A SECRETARY" SHE'S A SECRETARY AT THE, AT THE WOODEN NICKEL...THAT'S WHAT MRS. JOY TOLD ME.

CAIN: ALRIGHT, SO THE GIRL THAT SHE SAID WAS THE SECRETARY AT A WOODEN NICKEL—

LABRANCHE: YEAH.

CAIN: AND, THAT WAS SITTING AT THE TABLE CLOSE TO THE DOOR?

LABRANCHE: SHE WAS SITTING AT THE BAR.

CAIN: AT THE BAR?

LABRANCHE: AT THE CORNER CLOSE TO THE DOOR.

CAIN: OKAY.

LABRANCHE: THAT'S THE ONE SITTING WITH LEGRAND AND, AND STACY WAS TALKING TO AT THE BAR.

CAIN: THE ONE THAT WAS WITH LEGRAND, OKAY?

LABRANCHE: RIGHT.

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CAIN: ALRIGHT.

LABRANCHE: SHE WASN'T REALLY WITH LEGRAND, LEGRAND WAS HITTING ON HER.

CAIN: BUT, (INAUDIBLE)...OKAY?

LABRANCHE: RIGHT. SO, AND, UM, I SAID, OH...I SAID, "OH, YOU KNOW LEGRAND, ALSO?" SHE SAYS, "YEAH, THAT'S WHY I'M HERE, I'M HERE SUPPOSED TO BE PICKING UP LEGRAND." AND, I SAID, "WELL REALLY" I SAID, "WELL, IT DOESN'T LOOK LIKE HE'S GOING HOME SOON, CAUSE' HE'S BEEN BUYING STACY DRINKS ALL NIGHT, AND I'VE BEEN SITTING HERE ALONE." I SAID, "I'LL TELL YOU WHAT, HOW ABOUT IF I GIVE YOU \$10 WILL YOU BRING ME HOME, AND I'LL PAY YOU" SHE SAID, "SURE I WILL"...SO, I SAID, "OKAY, FINE." SO, AT THAT POINT WHEN I WAS WALKING BY TO GO TO THE DOOR, I SAID TO STACY, I SAID, "STACY, I NEED MY HOUSE KEY" AND, I SAID, "I'M LEAVING." AND, HE SAYS, "NO, WAIT"...I SAID, "I TOLD YOU I'M LEAVING" AND THEN I JUST HEADED OUT THE DOOR, AND SHE BROUGHT ME HOME. AND, UH, I DIDN'T HAPPEN TO RECOGNIZE THE TIME THAT I GOT HOME OR ANYTHING.

CAIN: OKAY, WAIT A MINUTE. NOW, YOU LEFT WITH A GIRL NAME JOY?

LABRANCHE: YES.

CAIN: AND, JOY CAME TO PICK UP LEGRAND, DID LEGRAND LEAVE WITH THE TWO OF YOU?

LABRANCHE: NO. NO, LEGRAND NEVER CAME WITH US...HE WAS STILL SITTING THERE WITH THE WOMAN, AND, AND—

CAIN: OKAY, SO JOY WENT AND TOOK YOU HOME BY HERSELF? ANYBODY RIDE WITH HIM?

LABRANCHE: NO.

CAIN: OKAY.

LABRANCHE: IT WAS JUST ME AND MRS. JOY.

CAIN: OKAY, DID STACY GIVE YOU THE HOUSE KEY?

LABRANCHE: YES...YEAH, HE WAS PRETTY MUCH INTOXICATED.

CAIN: OKAY. ALRIGHT, SO YOU DON'T KNOW WHAT TIME YOU GOT HOME?

LABRANCHE: I THINK IT WAS ABOUT 1:30 MAYBE 1:32 BY THE TIME I GOT HOME.

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CAIN: OKAY.

LABRANCHE: I HADN'T REALIZED IT WAS THAT LATE.

CAIN: ALRIGHT, GO AHEAD.

LABRANCHE: SO, I JUST FIGURED IN MY MIND, I SAID, "WELL, LEGRAND I KNOW, IS GOING TO BE HITTING ON THIS WOMAN, CAUSE' I KNOW THE WAY HE OPERATES, I'M NOT GOING TO WORRY ABOUT ANYTHING, I DON'T THINK STACY WILL DO ANYTHING...HE'S A GROWN BOY, HE CAN TAKE CARE OF HIMSELF" YOU KNOW, HE'LL COME HOME OR HE'LL PROBABLY GET A RIDE HOME WITH THE TAXI CAB OR SOMETHING LIKE THAT. SO, UM, I DIDN'T THINK ANYTHING ABOUT IT, I NEVER HEARD HIM COME IN OR ANYTHING, WHAT I DID WAS...I TOOK THE KEY OFF THE, OFF MY KEY RING, AND I PLACED IT UNDER THE MAT. BUT, WHAT I DID WITH MY LITTLE DOOR MAT WAS I PUT IT LIKE ON THE, ON THE DOOR LEDGE THERE—

CAIN: UH, HUH.

LABRANCHE: THE BOTTOM LEDGE, SO THAT HE COULD SEE THAT IT WAS UP A LITTLE BIT, SO HE WOULD NOTICE THAT THE KEY WAS UNDERNEATH, YOU COULDN'T SEE THAT IT WAS THERE, JUST HE WOULD NOTICE SOMETHING WAS DIFFERENT.

CAIN: SO, HAVE YOU LEFT IT FOR HIM LIKE THAT BEFORE?

LABRANCHE: I HAD LEFT THE KEY FOR HIM ONCE BEFORE, YEAH.

CAIN: OKAY, ALRIGHT GO AHEAD.

LABRANCHE: OTHER THAN THAT, USUALLY I'M ALWAYS HOME.

CAIN: OKAY.

LABRANCHE: YOU KNOW, I DON'T LEAVE THE KEY FOR HIM.

CAIN: OKAY.

LABRANCHE: SO, I FIGURED, YOU KNOW, HE'D BE HOME SOON...I WENT OFF TO BED, AND I FELL RIGHT TO SLEEP, BECAUSE I WAS REALLY TIRED AND EVERYTHING, YOU KNOW, FROM TAKING MY MEDICATION AND STUFF. WELL, I NEVER HEARD HIM COME IN, I THINK I WOKE UP ABOUT, MAYBE IT WAS 8:30, 9:00, 9:30—BETWEEN 8:30 AND 9:30. I GOT UP—

CAIN: AND, THAT WAS ON SATURDAY?

LABRANCHE: YEAH, SATURDAY MORNING.

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CAIN: OKAY.

LABRANCHE: I GOT UP, AND I SAID TO HIM, "WHAT TIME DID YOU GET IN?"

CAIN: OKAY.

LABRANCHE: HE SAID, "OH", HE SAID, "I GOT IN AT 4:00"...SO, I DIDN'T THINK ANYTHING OF IT. I SAID, "WELL HOW COME YOU GOT IN SO LATE?" HE SAID, "OH, WE WAS OUT DRINKING, JUST HAVING A GOOD TIME." I SAID, "YEAH, I GUESS YOU DID HAVE A GOOD TIME, HUH?" SO, I STILL DIDN'T THINK ANYTHING OF IT, BUT HE WAS ACTING REALLY WEIRD. WELL, I'M SAYING WHY DIDN'T HE COME TO BED? WHY DID HE STAY ON THE COUCH, FULLY DRESSED AND EVERYTHING? HE HAD—

CAIN: AND, WHAT DID HE HAVE ON?

LABRANCHE: HE HAD ON HIS DUNGAREES, AND HIS BEIGE SHIRT...THAT I HAD GIVEN YOU.

CAIN: OKAY.

LABRANCHE: AND, UM, SOCKS, YOU KNOW, UNDERWEAR WHATEVER.

CAIN: OKAY.

LABRANCHE: AND, THAT WAS IT. BUT, HE JUST LOOKED PALE. AND, I SAID TO HIM, "WHAT'S WRONG?" HE SAYS, "OH, I HAVE A HEADACHE...PLEASE, I DON'T WANT TO TALK RIGHT NOW." SO, I SAID, "FINE." SO, I WENT BACK TO BED FOR ABOUT ANOTHER HOUR, THEN I GOT UP LATER ON, I CAN'T REMEMBER IF I WENT BACK TO BED OR IF I GOT UP AT THAT POINT. AND, I SAID, "WELL, STACY WHAT'S WRONG" I SAID, "DID YOU GET IN SOME TROUBLE LAST NIGHT, DID SOMETHING HAPPEN LAST NIGHT?" HE SAID, "MONA, I DON'T WANNA TALK ABOUT IT RIGHT NOW, I TOLD YOU." HE SAYS—I SAID, "WELL, IF YOU HAVE A HEADACHE, TAKE A—TAKE TWO TYLENOL, OR DRINK A BEER, AND THAT WILL GET RID OF YOUR HANGOVER." I SAID, "YOU PROBABLY HAVE A HANGOVER." YOU KNOW, HOW THEY SAY, YOU KNOW, BITE THE DOG THAT BIT YA? SO, I WAS LIKE OH WELL, HE CAN DEAL WITH HIS OWN CRAP, I'M NOT GONNA DEAL WITH ANY OF IT, YOU KNOW, HE WAS THE DUMB ONE THAT DRANK ALL THAT, YOU KNOW, LET HIM DEAL WITH HIS HANGOVER. SO, HE GOT UP, I GUESS HE WASHED HIS FACE OR WHATEVER, AND HE SAYS—HE SAYS, "I'M GOING OUT." I SAID, "FINE, WHEN YOU GONNA BE BACK?" SO, I WAS WATCHING DVD'S OR SOMETHING LIKE THAT, AND IT WAS ABOUT 12:30, 1:00..I CAN'T REMEMBER WHAT TIME IT WAS EXACTLY, HE SAID, "I'LL BE BACK." HE WENT OUT FOR ABOUT AN HOUR AND A HALF, CAME BACK, HIS BOOTS WERE KIND OF MUDDY. I SAID, "WHERE YOU BEEN?" HE REALLY DIDN'T SAY...I FIGURED HE WAS GOING TO SEE ONE OF HIS FRIENDS OR SOMETHING LIKE THAT. AND, THEN HE CAME BACK AND

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HE SAT ON THE COUCH, AND HE SAYS, "ALRIGHT, MONA I'LL TELL YOU WHAT HAPPENED." HE SAID, I'M TRYING TO REMEMBER EXACTLY HOW HE SAID IT TO ME. HE SAID, "YOU REMEMBER THAT WOMAN THAT WAS AT THE BAR LAST NIGHT?" I SAID, "VAGUELY." HE SAID, "WELL, SHE GAVE ME A RIDE HOME LAST NIGHT." I SAID, "YEAH." AND, HE SAYS, "SHE CAME ONTO ME." I SAID, "SHE CAME ONTO YOU?" UH, HUH...I SAID, "GO AHEAD, I'M LISTENING." HE SAID, "SHE STARTED RUBBING ME IN BETWEEN MY LEGS AND SHE WANTED ME TO KILL HER HUSBAND, CAUSE SHE SAID SHE WAS GETTING DIVORCED, AND THAT, UM, SHE DIDN'T HAVE NO MONEY TO PAY ME...AND, THIS IS HOW SHE WAS GONNA PAY ME. SO, SHE STARTED RUBBING IN BETWEEN MY LEGS, SHE SAID, YOU KNOW, SHE SAYS, I WANT YOU TO KILL MY HUSBAND. FIRST, SHE WANTED LEGRAND TO DO IT IN FOUR WEEKS, THEN SHE WANTED ME TO DO IT." AND, HE SAID, "WELL, IF YOU WANT ME TO KILL YOUR HUSBAND, IT'S GONNA COST YOU A LOT OF MONEY." SHE SAID, "I DIDN'T HAVE ANY MONEY." SO, SHE WAS TRYING TO DO SEXUAL FAVORS FOR HIM IN TRADE.

CAIN:

OKAY.

LABRANCHE:

SO, I SAID TO MYSELF...WHAT ARE YOU CRAZY? YOU'RE AN ACCOMPLICE NOW. I SAID, "YOU ACTUALLY SAT THERE AND LISTENED TO THIS CRAP". I SAID, "AS I SOON AS I HEARD ANYTHING LIKE THAT IN THE BAR, I WOULD HAVE RAN OUT THE DOOR." I SAID, "WHAT THE HELL IS WRONG WITH YOU, GETTING INVOLVED WITH THE CRAP?" I SAID, "YOU SHOULD HAVE RAN OUT THE DOOR." SO, I SAID "AH", SO I SAY'S THE—SO, I SAY'S, "AND, WHERE DID HAVE THIS SEX?" HE SAYS, "OH, WE WERE IN A FIELD. FIRST, SHE WANTED ME TO GO TO HER HOUSE, AND I DIDN'T WANNA GO TO HER HOUSE. SO, WE WERE IN A FIELD, WE POPPED THE TRUNK, AND WE WERE IN A FIELD." AND, HE SAYS, "BUT I HAD A CONDOM ON."

CAIN:

OKAY.

LABRANCHE:

AND, HE SAYS, "AND, I DIDN'T LET GO INSIDE—I DIDN'T NUT UP IN HER. AND, YOU KNOW WHAT THAT MEANS." AND, I SAID, "OH, AND THAT'S SUPPOSED TO MAKE A DIFFERENCE?" AND, I SAID, "YOU S.O.B." I SAID, "HOW COULD YOU HURT ME LIKE THIS", I SAID, "WHAT DID I EVER DO TO YOU TO DESERVE IT?" I SAID, "YOU REALIZE YOU'RE AN ACCOMPLICE RIGHT NOW, BECAUSE THIS WOMAN WANTS YOU TO KILL HER HUSBAND." AND, I SAID, "LOOK, WHAT YOU GOT YOURSELF INVOLVED WITH, AND THEN YOU COME IN MY HOUSE, AND BRING THIS HOME, AND YOU'RE WORRIED ABOUT IT." I SAID, "WHAT DO—WHAT ARE YOU ALL PARANOID FOR, WHY DO YOU KEEP LOOKING OUT THE DOOR, WHY DO YOU KEEP LOOKING OUT THE WINDOW?" HE SAYS, "OH"...HE SAYS, "BECAUSE, THE WOMAN GOT MAD AT ME, THE GIRL GOT MAD AT ME, SHE'S A REAL CRAZY WOMAN, SHE WANTED—SHE WAS MAD AT ME BECAUSE I TOLD HER I WOULDN'T DO IT, SHE WAS ALL PISSED OFF." I SAID, "WELL, YOU SHOULDN'T HAVE HAD SEX

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WITH HER TO BEGIN WITH." I SAYS, "YOU RIGHT FROM WRONG...YOU KNOW IT WAS WRONG TO BEGIN WITH." HE SAYS, "MONA, SHE INVOLVED WITH THE MAFIA, DO YOU REALIZE THAT SHE COULD HAVE ME KILLED?" I SAYS, "WELL"...I SAYS, "WELL, THEN YOU SHOULDN'T HAVE GONE, YOU SHOULDN'T HAVE GOTTEN INVOLVED, IN THIS MESS...YOU'VE GOT YOURSELF IN THIS PROBLEM."

CAIN: OKAY. DID HE TELL YOU ANYTHING ELSE?

LABRANCHE: NO.

CAIN: OKAY, AND WHAT ELSE HAPPENED AFTER YA'LL HAD THE CONVERSATION THAT, ABOUT THAT?

LABRANCHE: HE PRETTY MUCH PLAYED ON THE AFTERNOON; IT WAS ABOUT 6:00, 7:00...HE FELL ASLEEP, SLEPT THROUGH THE WHOLE DAY. AND, UH, I LEFT HIM ON THE COUCH SLEEPING, AND WENT TO BED.

CAIN: OKAY. AND, THE CLOTHES THAT YOU GAVE ME LAST NIGHT, UM, THOSE WERE THE CLOTHES HE HAD ON FRIDAY NIGHT, AND YOU HAD NOT WASHED THEM YET?

LABRANCHE: NO, I DON'T THINK ANYBODY DID WASH EM'.

CAIN: DID HE TRY TO GET YOU TO WASH EM' OR?

LABRANCHE: NO, CAUSE' I PICKED UP THE TAN SHIRT, HE USUALLY LEAVES HIS CLOTHES HANGING ALL OVER THE HOUSE, YOU KNOW? LIKE, ON THE DINING ROOM CHAIR, ON THE BACK OF IT, OR SOMETHING LIKE THAT. SO, I HAD PICKED UP THE TAN SHIRT, AND I SAID TO HIM, "WHAT DO YOU WANNA DO WITH THIS?" I SAID, "IS THIS CLEAN OR DIRTY?" I SAID, "I'M SICK OF SEEING THESE CLOTHES ALL OVER THE HOUSE." HE SAID, "NO, IT'S STILL CLEAN." I SAID, "FINE, THEN I'M NOT WASHING IT." SO, I FOLDED IT AND I PUT IT ON, ON THE, UH, SOFA CHAIR IN THE SPARE BEDROOM THAT I HAVE, THE SEWING ROOM.

CAIN: OKAY, AND THAT'S WHERE—WHERE IT WAS AT WHEN I CAME IN THERE?

LABRANCHE: RIGHT.

CAIN: OKAY.

LABRANCHE: EXACTLY, THAT'S WHERE I HAD PUT IT, CAUSE' YOU COULD STILL SMELL THE COLOGNE ON IT.

CAIN: OKAY, DID HE SAY WHEN HE LEFT THAT SATURDAY AND HE COME BACK WITH MUD ALL OVER HIS SHOES, DID YOU ASK HIM WHERE HE HAD BEEN?

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LABRANCHE: NO, I DIDN'T NOTICE THE MUD TILL, TILL LIKE LATER IN THE WEEK, LIKE A COUPLE OF DAYS AFTER. I SAID, "HOW COME YOUR BOOTS ARE SO MUDDY?" HE SAYS, "THERE FROM—IT'S FROM, IT'S FROM, UH, CAUSE' I WAS AT MY SHED, MY WORKING SHED." HIS UNCLE—HIS UNCLE MARION BROACH LIVES RIGHT UP THE ROAD FROM US, ON CASHUA.

CAIN: UH, HUH.

LABRANCHE: AND, THAT'S WHERE HE WENT. I ASKED HIM, HE PUT A BEER IN HIS BACK POCKET...A CLOSED BEER IN HIS POCKET, A BOTTLE OF BEER, AND IT WAS UNDER HIS JACKET, AND I GUESS THAT'S WHERE HE DROVE...EARLY AFTERNOON, THAT'S WHERE HE WENT TO GO THINK.

CAIN: OKAY.

LABRANCHE: AND, THAT'S—

CAIN: AND, THAT'S WHEN HE LEFT THAT SATURDAY FROM THE HOUSE?

LABRANCHE: YEAH.

CAIN: DID HE HAVE THOSE BOOTS ON WHEN HE LEFT?

LABRANCHE: YEAH, HE ONLY WEARS THOSE BOOTS OUT...THAT'S THE ONLY PAIR HE HAS.

CAIN: OKAY.

LABRANCHE: HE HAS A PAIR OF SNEAKER'S, BUT THOSE ARE FROM WHEN HE WAS IN DETENTION.

CAIN: OKAY.

LABRANCHE: FROM CORRECTIONAL INSTITUTE.

CAIN: OKAY.

LABRANCHE: FROM JAIL.

CAIN: OKAY. ALRIGHT, DID HE TELL YOU ANYTHING ELSE?

LABRANCHE: HE HAD JUST—HE HAD JUST TOLD ME, HE SAY'S—I SAID, "WHY ARE YOU SO PARANOID FOR?" HE KEPT LOOKING, HE WOULD KEEP THE WINDOW BLINDS OPEN AND EVERYTHING, AND BE LOOKING ALL THE TIME, AND BE CHECKING.

CAIN: AND, HOW LONG DID HE DO THAT?

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LABRANCHE: HE WOULD JUST DO IT FOR A COUPLE SECONDS.

CAIN: I MEAN, DID HE DO IT FOR DAYS OR JUST—

LABRANCHE: A COUPLE DAYS.

CAIN: A COUPLE DAYS?

LABRANCHE: YEAH.

CAIN: ALRIGHT, AND THEN WHEN INVESTIGATOR DANGERFIELD KNOCKED ON HIS DOOR LAST NIGHT—

LABRANCHE: SEVERAL TIMES, HE WAS LOOKING THROUGH THE PEEP WHOLE, AND I SAID—AND, EARLIER WHAT HAPPENED WAS HE KEPT TELLING ME, IF ANYBODY KNOCKS ON THE DOOR, DON'T OPEN THE DOOR, DON'T OPEN THE DOOR...I DON'T CARE WHO IT IS, DON'T OPEN THE DOOR, HE KEPT INSISTING ON THAT, "I DON'T WANT YOU OPENING THE DOOR FOR ANYBODY."

CAIN: OKAY.

LABRANCHE: AND, THEN WHEN—

CAIN: INVESTIGATOR DANGERFIELD KNOCKED LAST NIGHT, HE TOLD YOU NOT TO OPEN UP THE DOOR?

LABRANCHE: HE TOLD ME, HE SAID, "GET UP, GET UP, GET AWAY FROM THE DOOR." AND, I SAID, "WELL, ASK WHO IT IS, ASK WHO IT IS." AND, I SAID IT UNDER MY BREATH, YOU KNOW, KIND OF LIKE IN A SOFT VOICE, "ASK WHO IT IS, ASK WHO IT IS." HE WOULDN'T LET ME GO NEXT TO THE DOOR.

CAIN: OKAY, AND WHEN INVESTIGATOR DANGERFIELD HOLLERED WHO HE WAS, AND IT WAS THE SHERIFF'S OFFICE, AND HE WAS THERE TO DO A COMPLIANCE—

LABRANCHE: I DIDN'T HEAR IT...I DIDN'T HEAR IT.

CAIN: YOU DIDN'T HEAR INVESTIGATOR DANGERFIELD SAY THAT?

LABRANCHE: NO, I DIDN'T...NAH, UH. I DIDN'T HEAR THAT. NO, BECAUSE I WAS, I WAS IN THE PANTRY, AND WHEN THE HEAT IS RUNNING LIKE THIS, I CAN'T HEAR IT.

CAIN: ALRIGHT, AND WHAT MADE YOU AT, FINALLY OPEN UP THE DOOR?

LABRANCHE: DID I OPEN UP THE DOOR?

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CAIN: UH, HUH.

LABRANCHE: BECAUSE, HE BACKED AWAY FROM THE DOOR.

CAIN: OKAY.

LABRANCHE: THAT'S THE ONLY WAY I COULD DO IT.

CAIN: ALRIGHT, DID THE TWO OF YOU TRY TO GO OUT ON THE BALCONY?

LABRANCHE: DID THE TWO OF US? NO, WHY WOULD THE TWO OF US TRY TO GO OUT?

CAIN: DID HE GO OUT ON THE BALCONY?

LABRANCHE: NO.

CAIN: DID HE ATTEMPT TO? DID HE GO TO THE DOOR TO DO IT?

LABRANCHE: HE WAS THINKING—

CAIN: WHAT WAS HE DOING?

LABRANCHE: HE WAS THINKING ABOUT, HE CAME BACK TO THE PANTRY AND HE SAYS, "I WANT TO CUT THE SCREEN ON IT." AND, I SAID, "NO." I SAID, "WHAT ARE YOU, CRAZY? NO, YOU'RE NOT CUTTING THE SCREEN, NO. NO, YOU'RE NOT CUTTING THE SCREEN, NO." I SAID, "JUST ANSWER THE DOOR, YOU DON'T KNOW WHO IT IS."

CAIN: SO, HIS INTENTIONS WAS TO CUT THE SCREEN AND JUMP OUT THE BALCONY?

LABRANCHE: YEAH.

CAIN: OKAY. ALRIGHT, AND THAT'S WHEN YOU COME TO THE DOOR?

LABRANCHE: YEAH.

CAIN: OKAY, OKAY.

LABRANCHE: YEAH, BUT HE WAS IN FRONT OF THE DOOR MOST OF THE TIME, THAT'S WHY I COULDN'T ANSWER IT.

CAIN: OKAY, SO NEITHER ONE OF YA'LL HAVE A VEHICLE? AND, YA'LL TOOK A TAXI THAT NIGHT TO THE WOODEN NICKEL, RIGHT?

LABRANCHE: YES.

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CAIN: AND, YOU DON'T KNOW LEGRAND'S LAST NAME?

LABRANCHE: NO.

CAIN: ALRIGHT, WHEN YOU SAID THAT IT LOOKED LIKE THAT LEGRAND AND STACY WAS KIND OF GETTING FRIENDLY WITH THAT WOMAN, WHAT DO YOU MEAN BY THAT? WHAT EXACTLY DID YOU—WHAT DO YOU CALL BEING FRIENDLY?

LABRANCHE: GETTING FRIENDLY LIKE, IT LOOKED LIKE, THEY—LIKE, LEGRAND WANTED TO, YOU KNOW, IT LOOKED—AND, SHE WASN'T, YOU KNOW, I MEAN SHE WAS, SHE WAS SITTING IN THE CORNER, AND LEGRAND WAS HERE AT THE BAR STOOL, AND—AND, STACY WAS HERE, AND THE DOOR WAS RIGHT HERE, YOU KNOW?

CAIN: OKAY.

LABRANCHE: PRETTY MUCH STACY'S BACK WAS UP AGAINST, UH, JUST ABOUT UP THE, RIGHT BY THE DOOR...IF YOU WOULD HAVE OPENED IT, YOU WOULD HAVE HIT HIS BACK.

CAIN: COULD YOU HEAR WHAT THEY WERE TALKING ABOUT?

LABRANCHE: NO.

CAIN: OKAY.

LABRANCHE: NO, I COULDN'T HEAR.

CAIN: WAS THERE ANY TOUCHING OR THEY JUST WERE LIKE TALKING AND LAUGHING?

LABRANCHE: YEAH, YEAH...TALKING, AND LAUGHING. AND, SHE WAS—IT LOOKED LIKE SHE WAS MAKING ADVANCES TOWARDS LEGRAND.

CAIN: HOW, IN WHAT WAY?

LABRANCHE: SHE WAS LIKE, YOU KNOW, LEGRAND WAS SITTING LIKE THIS, AND SHE WAS LIKE RUBBING HIS LEG, AND YOU KNOW LIKE, GOING HIGHER...AND, IT LOOKED LIKE SHE WAS LOOKING FOR TROUBLE. SHE WAS MAKING SEXUAL ADVANCES TOWARDS LEGRAND, YOU KNOW?

CAIN: OKAY.

LABRANCHE: AND, AT ONE POINT I COULD SEE STACY LIKE GOING LIKE THIS TO KIND OF LIKE PUSH HER UP ON HER BAR STOOL OR SOMETHING LIKE THAT. SO, I DON'T KNOW HOW INTOXICATED SHE WAS.

INVESTIGATOR: HELEN CAIN
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CAIN: SO, HE PUT HIS ARMS AROUND HER?

LABRANCHE: YEAH.

CAIN: OKAY.

LABRANCHE: BUT, SHE WASN'T—SHE WASN'T, YOU KNOW, PUSHING HIM AWAY OR ANYTHING, YOU KNOW?

CAIN: ALRIGHT, UM, AND DO YOU KNOW JOY'S LAST NAME? THE FEMALE THAT CAME IN THERE, AND TOOK YOU HOME?

LABRANCHE: NO.

CAIN: OKAY.

LABRANCHE: DENA, WOULD PROBABLY KNOW.

CAIN: ALRIGHT. AND, DENA—

LABRANCHE: DENA—

CAIN: IS THE GIRL THAT WORKS AT THE BAR?

LABRANCHE: YEAH. DENA, WOULD PROBABLY KNOW LEGRAND'S LAST NAME TOO.

CAIN: OKAY. ALRIGHT, INVESTIGATOR LOWDER, DO YOU HAVE ANY QUESTIONS?

LOWDER: NO.

CAIN: OKAY. ALRIGHT, IS THERE ANYTHING ELSE YOU WANT TO ADD TO THIS STATEMENT?

LABRANCHE: I DON'T WANNA BE INVOLVED IN ANY OF THIS.

CAIN: OKAY. ALRIGHT, I DO WANT TO ASK YOU, AND I ASKED YOU THIS BEFORE I STARTED THIS TAPE, UM, AND I THINK YOU TOLD ME, AND I JUST WANNA PUT IT ON THIS TAPE THAT YOU TOLD ME. I THINK YOU ARE FROM OUT OF STATE, AND YOU HAD MOVED DOWN HERE, AND HAD BEEN LIVING HERE IN YOUR CONDO. AND, THAT YOU MET STACY BACK IN NOVEMBER OF 2007, WHILE YOU WERE AT THE GAS STATION RIGHT THERE ON CASHUA, IS THAT CORRECT?

LABRANCHE: YEAH, I WAS AT THE PAYPHONE'S.

CAIN: OKAY.

LABRANCHE: YEAH.

INVESTIGATOR: HELEN CAIN
RENEA LOWDER
WITNESS: MONA LABRANCHE
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CAIN: AT THE SHELL STATION?

LABRANCHE: YEAH.

CAIN: OKAY. AND, IN TWO TO THREE WEEKS AFTER YOU MET HIM, HE HAD MOVED IN WITH YOU?

LABRANCHE: YEAH, ABOUT A WEEK AFTER.

CAIN: OKAY, AND YOU SAID AT THE TIME YOU MET HIM, HE WAS STAYING AT THE RED, UM, ROOF IN?

LABRANCHE: UH, HUH.

CAIN: AND, THAT'S A HOTEL?

LABRANCHE: ON 52.

CAIN: OKAY, A HOTEL ON 52?

LABRANCHE: YEAH.

CAIN: AND, YOU HAD BEEN OVER THERE A COUPLE OF TIMES WHILE HE WAS STAYING THERE?

LABRANCHE: YEAH.

CAIN: OKAY, AND THEN HE MOVED IN WITH YOU?

LABRANCHE: YEAH.

CAIN: OKAY.

LABRANCHE: HE SAID, "HE HAD NO WHERE TO GO." SO, I TOLD HIM, YOU KNOW, I AGREED IT WAS HELPING ME, BECAUSE I WAS IN A FINANCIAL BIND, WELL AT THAT.

CAIN: OKAY, AND YOU DID NOT KNOW HIM PRIOR TO NOVEMBER OF 2007?

LABRANCHE: NO, I DID NOT.

CAIN: OKAY. ALRIGHT, I HAVE NO FURTHER QUESTIONS. UM, DO YOU HAVE ANYTHING ELSE YOU WANT TO ADD?

LABRANCHE: NO.

CAIN: OKAY, ALRIGHT THIS CONCLUDES THE STATEMENT OF MONA LABRANCHE. TODAY'S DATE IS 2-28 OF 2008. TIME NOW:

INVESTIGATOR: HELEN CAIN
RENEA LOWDER
WITNESS: MONA LABRANCHE
CASE NUMBER: 08-02-639

LOWDER: 11:45.

CAIN: 11:45 P.—A. M. THIS RESPECTFULLY SUBMITTED BY INVESTIGATOR
HELEN CAIN.

*

INVESTIGATOR: HELEN CAIN
RENEA LOWDER
WITNESS: MONA LABRANCHE
CASE NUMBER: 08-02-639

SWORN TO AND SUBSCRIBED TO BEFORE
ME THIS _____ DAY OF _____, 20 ____.

NOTARY PUBLIC FOR SOUTH CAROLINA

WITNESSES:

THIS IS TO CERTIFY THAT I DID GIVE & HAVE READ THE ABOVE STATEMENT CONSISTING
_____ PAGES AND HAVE BEEN GIVEN A COPY OF SAME AS OF THE _____ DAY OF
_____, _____.

TYPED BY: WHITNEY AMOS
DATE: 3-26-2008
PROOF READ BY: KIRBY JONES
DATE: 3-27-2008

ISSUE-14

STATE FAILED TO PROVE EVERY ELEMENT BEYOND A REASONABLE DOUBT

1. P6-368 - TRIAL TRANSCRIPT - MOTION DIRECTED VERDICT
2. SEE PGS 419-421, EVIDENCE 106 SHEETS PICTURES
MISSING, EXHIBITS
3. P615-411 - 416 44 CHARGE ON THE LAW
4. P615-373-392 - CLOSING ARGUMENTS MRS. PARR
5. P615-394-402 - CLOSING ARGUMENTS MR. LAWSON
6. P615-81, 210-215 - DISC TESTIMONY AND TIMES ON VIDEO
SHOWING HOW LONG SUV STAYED AT STATION
7. P615-164, 266 - OFFICER'S REPORT TIMES DON'T MATCH
8. P6-165 - NO MUD ON SHIRT
9. P6-145 - NO PICTURES OF MUD
10. P615-274, 279, 284-286 - STAINS
11. P615-346-353 - MIXTURE OF SPERM (DNA)
12. P615 398-400 - REASONABLE DOUBT ARGUMENT SHOWS
WRONG EYE

1 THE COURT: Okay, you can step down and be excused.

2 MR. POWELL: Thank you, sir.

3 MS. PARR: Your Honor, that would be The State's case.

4 THE COURT: Okay. State's case. That means, The State
5 is not going to put up any more evidence, jurors, we will
6 just break for lunch, because I got to run over what is in
7 evidence and so forth with the attorneys.

8 Be back at 1:15, a little longer, but it's going to take
9 us a while to get out of here, okay.

10 Don't talk about the case.

11 (Whereupon, the jury exits the courtroom at 11:40 a.m.
12 for the morning recess.)

13 THE COURT: Tell me know, when the door shut.

14 BAILIFF: That's all, Judge.

15 THE COURT: All right. I understand that The State has
16 rested. Does that help anybody?

17 MR. LAWSON: May it please The Court, the defense at
18 this time will move for a Directed Verdict, an acquittal on
19 the basis that there is a failure of evidence to present the
20 case to the jury.

21 THE COURT: Do you agree, Ms. Parr?

22 MS. PARR: No, Your Honor, of course, we do not agree.

23 THE COURT: Well, unfortunately --

24 MR. LAWSON: Your Honor, I would say that there are a
25 number of exhibits not withstanding Judge. The counting of

1 long as the makeup you're talking about has the iron
2 oxide and titanium dioxide then, yes, it would be any of
3 the makeup out there. But obviously is you have a
4 different color pattern then that would not fall within
5 this group.

6 Q Great, but I'm talking about is that is not the only
7 brand of makeup that comes in that color?

8 A. This is correct.

9 Q. So any makeup that comes in that color would have
10 basically the same chemical foundation?

11 A. In most cases, that is correct. Now there maybe a few
12 depending upon your price range, they may use a
13 different product. Every level of makeup the chemical
14 used is going to be based upon the costs. The more
15 expensive you have the more different materials you may
16 use and so there maybe some difference. But these
17 materials here, titanium dioxide and iron oxide are very
18 common in the market.

19 Q. And I assume you don't have one of those SLED programs -
20 -- One of those FBI programs like the DNA people do, so
21 you can do a statistics on this do you?

22 A. The only program we use is found in our heads, sir.

23 MR. LAWSON: Thank you, sir. No further questions.

24 MS. PARR: Nothing further for this witness, Your

25 Honor.

REASONABLE DOUBT -
EVIDENCE DOES NOT SUPPORT VERDICTS

THE STATE V STACY LEE EVANS

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(Whereupon, the jury enters the courtroom at 5:32 p.m.)

THE COURT: Mr. Foreman, has the jury reached a verdict.

MR. FOREMAN: Yes, Your Honor, we have.

THE COURT: If you would just hand it --

CLERK OF COURT: I'll get it.

THE COURT: Okay.

VERDICT

CLERK OF COURT: The State versus Stacey Lee Evans. Indictment 2008-GS-21-1827. We the jury find by unanimous agreement find the Defendant, Stacey Lee Evans, count one, kidnaping, guilty.

Count Two. Criminal sexual conduct, guilty.

Count Three. Criminal sexual conduct first degree, not guilty.

Count four. Criminal sexual conduct first degree, not guilty.

Signed, Charles Byrd. Dated December 10, 2008.

CLERK OF COURT: Members of the jury, if this your verdict, please raise your right hand.

THE COURT: Okay, jurors --- anything else required of the jurors from The State?

MS: PARR: No, Your Honor.

MR. LAWSON: Nothing, Your Honor.

THE COURT: We were just before ordering those lobsters

1 and steaks.

2 MR. FOREMAN: We'll wait awhile.

3 THE COURT: You all are through for the week. Here's
4 the deal. Next thing is I sentence Mr. Evans. You can hang
5 around if you like but it's like life or so, it's not even an
6 option it's just like life. If you want to hang around you
7 can, if not you don't have to call back in. You are through
8 for the week. I believe Ms. O'Hara has your statement saying
9 where you have been, and the check will be in the mail. You
10 are through for the week.

11 MR. FOREMAN: Check is in the mail.

12 THE COURT: Will be in the mail, not in the mail yet.
13 If you all would like to go now is the time.

14 Okay. We need Ms. O'Hara to come then we can do it.

15 (Whereupon, the jury was dismissed at 5:35 p.m. on
16 December 18, 2008.)

17 THE COURT: We need for Ms. O'Hara to come back in,
18 and we can do it.

19 MOTIONS

20 MR. LAWSON: May it, please The Court. The Defense
21 would renew our Motion made at the end of The State's case.

22 Also, I would submit the verdict that Defense would be
23 entitled to a verdict not --- judgment not withstanding
24 verdict. Basis, it appears that it is a compromise verdict.
25 Based on the evidence, the Defense sees it that it was all or

1 nothing. And apparently that is not the way it turned out.

2 I would also reserve our right to file any additional
3 Motions within ten days of the verdict.

4 THE COURT: Yeah, certainly you can do that. Ms. Parr,
5 you agree with his Motion? She does not.

6 MR. LAWSON: I didn't think she would, Judge.

7 THE COURT: So I deny your Motion. The jury could of
8 easily found as they found, based upon the evidence. There is
9 no oral sex occurring. The State didn't prove the second
10 vaginal alleged penetration beyond a reasonable doubt, but
11 did the first one.

12 MR. LAWSON: Your Honor, additionally, I understand The
13 State originally filed a Notice of Life Without Parole.

14 MS. PARR: Yes.

15 MR. LAWSON: That filing was done under an indictment
16 that has now been non prossed, and no new filing was done. I
17 would submit that the filing is not appropriately before The
18 Court in relation to that issue for sentencing purposes.

19 MS. PARR: Your Honor, that was a --- I just noticed
20 --- I did not refile it again that Motion. It was filed
21 under the older indictment.

22 But, it is our position that Defense knew and had notice
23 that I had an affidavit of service were they were served.
24 They know that he had had a prior conviction for voluntarily
25 manslaughter as well. And that according to the statute,

1 this was --- So, it is our position that they had sufficient
2 --

3 THE COURT: -- I don't know. You will have to do a
4 little research on that, didn't she. Just bring it back
5 in the morning. I don't know that off the top of my head
6 or not. Once you serve him with Notice of Life Without
7 Parole --

8 MS. PARR: -- For these same charges.

9 THE COURT: I understand, but it's different
10 indictments, his position. So --

11 MR. LAWSON: Your Honor, I must raise it.

12 THE COURT: Anyway, let's just look it up rather than
13 use make a clear mistake here, because we're got time.

14 Just bring him back Friday morning 9:30. That is plenty
15 of time to have that. We may not be right on it whatever we
16 do Friday morning, but that will be it. If it's not that,
17 what is it, up to thirty something like that?

18 MS. PARR: Up to thirty on both, Your Honor.

19 THE COURT: What he's looking at is a maximum of thirty
20 and thirty is sixty, if I gave him the max, which I don't
21 know.

22 MR. LAWSON: Yes, sir.

23 THE COURT: If he was not served LWOP under this
24 particular indictment.

25 MR. LAWSON: Correct, Your Honor.

FLORENCE COUNTY SHERIFF'S OFFICE

EVIDENCE LOG SHEET

DATE	OFFICER	CASE NO.	REASON
2-28-08	H. Cain	08-02-639	CSC

SUBJECT / COMP. / VICTIM:

Stacy Lee Evans

LOCATION: FCSO Lab

ITEMS SEIZED

DESCRIPTION	SERIAL NO.	BOX NO.
Digital photos of shirt		
Hair from shirt		

CHAIN OF CUSTODY

FROM	TO	DATE
Shirt in Lab	Adam Moore	2-28-08
Adam Moore	Evidence	2-28-08

1 it, study it, give it such weight as you feel it is entitled
2 to.

3 Jurors, four crimes have been charged. Again, and I
4 intend no emphasis on this, it is just you get in trouble if
5 you don't say it every time. Mr. Evans is presumed innocent
6 of all charges. He does not have to prove he is not guilty
7 at all. It is simply because of the order in which they are
8 listed on the indictment.

9 The first charge is kidnaping, and you will have a copy
10 of the indictment back there and you can read what it says.
11 And it alleges that Mr. Evans kidnaped Ms. Williamson on
12 February 23, 2008. Kidnaping by statute, jurors, is where an
13 individual unlawfully seizes, confines, inveigle, decoys,
14 abducts, or carries away any other person by any means
15 whatsoever without authority of law.

16 Jurors, in its simplest sense, kidnaping occurred when
17 one person unlawfully carries away any other person by any
18 means without authority of law.

19 Kidnaping is a continuing offense from the time a person
20 is unlawfully detained until the detention ends, kidnaping
21 would continue.

22 The essence of the offensive of kidnaping is unlawful
23 holding or an imprisonment of a person, and moving them from
24 point A to point B against their will without authority of
25 law.

INTENT
OF
KIDNAPING

NEED WITNESS
TO SHOW LEFT TOGETHER

CHARGE ON THE LAW

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1 There are various other scenarios that I won't go into.
2 Decoy means, entice, tempting and so forth and things like
3 that.

4 Kidnaping involves intent. There has be an intent to
5 commit the crime. There has to be an intent to unlawfully
6 compel a person to be detained against his or her will. For
7 instance, if children in the neighborhood were playing hide-
8 and-seek and one of them, a small child, crawled in the back
9 of your car, and you came out and drove off and the child
10 didn't say anything that's not kidnaping. You have to know
11 you are doing that. If you grab the child, threw him in the
12 car, and said get in kid I am taking you to Timbuktu, that's
13 kidnaping. That is against the will and so forth. So it has
14 to be knowledgeable, and it has to be unlawful, it has to be
15 non-consensual. The State has the burden of proving those
16 elements beyond a reasonable doubt.

17 Now, there are three counts of criminal sexual conduct
18 alleged. Mr. Evans is entitled to a deliberation as his
19 estate on each of the four counts. For instance, I am not
20 suggesting that you do, but if you found him not guilty of
21 kidnaping, you would have to go on and pass on whether he was
22 guilty of criminal sexual conduct on each of those three
23 counts in addition. The same thing if you found that he was
24 guilty of kidnaping, that would not necessarily mean he was
25 guilty of criminal sexual conduct on any of those other three

1 Twelve jurors do have to agree, but I do not need twelve
2 signatures on the Verdict Form. I only need the foreperson's
3 signature. If you find the Defendant, for instance, not
4 guilty you either check by that and either underline or
5 circle not guilty so we will know. Don't put a check mark in
6 between. Just check one to re-emphasize. Circle whatever you
7 find not guilty or guilty on each of the four counts. You
8 must which verdicts on all four counts, embraced within the
9 indictment.

10 Beyond that jurors, I think we've covered it. Opening
11 statements, you all understand are not evidence. Summation,
12 not evidence. You need to think about what the attorneys
13 presented to you, but they were just suggesting what
14 conclusions you should draw from the evidence that was
15 presented, but you are not bound by anything the attorney
16 said. You understand they were not witnesses. They were not
17 there. They are just advocates for their side.

18 So testimony was given by witnesses who were sworn in
19 and testified. Consider all that and all the other evidence
20 in the case. Decide whether The State meets its burden
21 beyond a reasonable doubt on each of the four counts; bearing
22 in mind the Defendant is presumed innocent of all charges and
23 does not have to prove he is not guilty of anything.

24 So don't start deliberating quite yet but if you would
25 just step out.

NEED WITNESS TO SHOW THEY WERE ALL PRESENT

CHARGE ON THE LAW

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1 one of those elements was present in order to convict the
2 Defendant of criminal sexual conduct in the first degree.
3 You don't have to prove that they were all present. By
4 saying that I am not suggesting any of them are present.

5 Again, sexual battery, criminal sexual conduct is
6 unlawful sexual conduct. The State must prove any sexual
7 battery that occurred was non consensual intercourse, and
8 must prove the Defendant knew what he was doing, acknowledges
9 is an essential part; intent is an essential part of the
10 elements that The State must prove beyond a reasonable doubt.

11 Now, jurors, I can't tell you whether the Defendant
12 committed the crimes or not, that is what you all have to
13 decide. You understand that. It takes an unanimous decision
14 of you twelve jurors reach a verdict.

15 You will have with you while you deliberate everything
16 that has been introduced into evidence. You will have copy
17 of the indictment and you will have Verdict Form. The
18 Verdict Form just says, count one, kidnaping, guilty or not
19 guilty, not guilty or guilty. Same follows for counts two,
20 three and four of criminal sexual conduct first degree, not
21 guilty or guilty. The order in which they are typed on the
22 Verdict Form has no bearing. You can only say not guilty or
23 guilty, guilty or not guilty. I intend no emphasis in the
24 order in which it is typed here. The secretary just typed it
25 one in front of the other.

ASK HOW CAN THEY FIND YOU NOT GUILTY ON 2 OF 4

CHARGE ON THE LAW

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1 that a sexual battery occurred and the criminal sexual
2 conduct occurred in the first degree. The State does not
3 have to prove that both of these scenarios existed. They can
4 prove that, but they have to prove at least one of them
5 occurred before you could find the Defendant guilty of counts
6 two, three --- either count two, count three or count four
7 of the indictment.

8 A person is guilty of criminal sexual conduct in the
9 first degree if that person engages in sexual battery with
10 the victim, and if The State proves beyond a reasonable doubt
11 any one or more of the following circumstances.

12 First, that the person charged with the crime used
13 aggravated force to accomplish the sexual battery.

14 Aggravated force is defined to mean that the Defendant
15 used physical force or physical violence of high and
16 aggravated nature to overcome the victim. This definition
17 also includes both the use of a deadly weapon, or the threat
18 use of a deadly weapon.

19 Second. The State could obtain a conviction for
20 criminal sexual conduct in the first degree, if The State
21 convinces twelve jurors unanimously that the sexual battery
22 occurred, and if you find that a victim submitted to sexual
23 battery while the victim was also the victim of either force
24 able confinement, kidnaping, robbery, extortion, burglary or
25 any other similar act or offense. So you need only find that

1 counts. The State has burden of proof beyond a reasonable
2 doubt on each of the four counts.

3 Now, jurors, in its simplest form, criminal sexual
4 conduct used to be called rape, but they've broken it down
5 now into criminal sexual conduct in various degrees, but all
6 you're concerned with is criminal sexual conduct in the first
7 degree. That is what The State alleges occurred. The State
8 has the burden of proof beyond a reasonable doubt on those
9 counts.

10 In order for criminal sexual conduct to occur, first
11 there must be a sexual battery. A sexual battery is sexual
12 intercourse, oral sex, or any intrusion however slight of any
13 part of person's body or often object into the genital or
14 anal openings of another person's body except where such is
15 accomplished for medical recognized treatment or diagnostic
16 purposes by a physician authorized to perform such tests. If
17 you find, that The State has not shown beyond a reasonable
18 doubt that a sexual battery has occurred on any of the four
19 counts you would find the Defendant not guilty. If you
20 should find, however, that a sexual battery has occurred then
21 you would pass on the issues of whether The State has met its
22 burden of proof by convincing you beyond a reasonable doubt
23 - - - I am talking about twelve jurors unanimously, that
24 criminal sexual conduct in the first degree occurred.

25 There are two scenarios in which The State can prove

1 will tell you, he will charge about reasonable doubt. What
2 is reasonable doubt in law? A reasonable doubt it a kind of
3 doubt that would cause a reasonable person to hesitate to
4 act, and that is the burden that The State has to prove
5 today, or in this particular case.

6 The Defendant is charged with kidnaping and criminal
7 sexual conduct in the first degree. And the law as I am
8 going to tell you, as it applies to those two charges, what
9 we consider the substantive of the law for the charges ---
10 but the Judge will also give you a number of other charges
11 about the credibility of the witnesses, the believability of
12 the witnesses, and things of that nature, which is also
13 important in this particular case as in all criminal cases.

14 But the law, or the substantive of the law for the
15 crimes in which the Defendant is charged with is as follows:
16 Is criminal sexual conduct in the first degree, and that is
17 what this Defendant is charged with, three counts. The State
18 has to prove several elements in order to convict the
19 Defendant of that.

20 The first element The State must prove is that the
21 Defendant engaged in a sexual battery with the victim. A
22 sexual battery is sexual intercourse, cunnilingus, fellicio,
23 anal intercourse or any intrusion however slight of any part
24 of a person's body, or any object into the genital or anal
25 openings of another person's body unless the intrusions are

1 for recognized medical purposes.

2 Once The State proves, that a sexual battery has
3 occurred, The State must prove beyond a reasonable doubt that
4 an aggravated circumstance has occurred. Aggravated force
5 means the use of physical force or physical violence of a
6 high and aggravated nature to overcome the victim. This
7 includes the threat of using a deadly weapon. Or that the
8 victim submitted to sexual battery while the victim was also
9 the victim of forcible confinement, kidnaping, robbery,
10 extortion, burglary, housebreaking, or any other similar act.

11 This Defendant is also charged with kidnaping.
12 Kidnaping according to the South Carolina Statute is, that
13 the Defendant knowingly and unlawfully ceased, confined,
14 held, kidnaped, abduct or carries away, another person
15 without authority of law. To do a thing unlawfully is to do
16 it willfully against the law.

17 Knowingly means with knowledge, consciously, not
18 accidentally.

19 Cease means to take hold of suddenly or forcefully.

20 Confine, means to limit, restrict, or enclose within
21 bonds, in prison, or shut or keep in. The State does not
22 have to prove all of these things, but we have to prove any
23 one of them.

24 Something done without authority of law is something,
25 which the law does not sanction, permit, allow, condone, or

SHOULD HAVE TESTIFIED
TO WHAT HAPPENED

CLOSING ARGUMENTS BY MS. PARR

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1 to use your common sense, because that is what we need here.
2 We need common sense. You know, you hear about people crying
3 rape but the person who usually cry rape, and it's not rape
4 is a teenager, a college person, or somebody get caught
5 having sex and they shouldn't be. We don't have that here.
6 Or someone rich and famous, and someone is trying to get
7 money out of them. We definitely don't have that here. Or
8 someone who has a vendetta against someone else. We don't
9 have that here either. Ms. Gloria didn't know the Defendant,
10 had never met him. Had never seen him until this night. She
11 didn't even have to tell anybody, nobody would have ever
12 know. This was not something that you want to brag about,
13 let the whole world --- all of Florence know, well, I've
14 been raped. That's not something you want anybody to know,
15 so common sense would say she didn't have any reason to tell
16 this.

SHOULD HAVE TESTIFIED

17 And lastly, if this was so consensual, if that is what
18 they want to say, it was consensual, why go to a muddy field
19 when she lived by herself two blocks from the Wooden Nickel.

20 Doesn't make sense? In the cold, in the dark, in a muddy
21 field. Sure doesn't sound romantic to me. I submit to you
22 because it wasn't consensual. That was the Defendant's Psycho
23 mind working. That is what he wanted.

24 Ladies and gentlemen, I submit to you this has been an
25 ordeal for Ms. Gloria, and it has been an ordeal for the past

1 couple of days for her having to relive this. I said she came
2 to you as candid as she knows how. She never said her
3 clothes were ripped or anything of that nature, because he
4 made her pull her own clothes down. She tried to run but he
5 caught her. She couldn't go anywhere. She didn't fight him
6 after that because she wanted to live. Because he already
7 said he had a knife and he would kill her. And there is no
8 mud on his --- I don't think there is any mud on his jeans,
9 and that is because he didn't fall down. He wasn't in the
10 mud, she was.

11 Ladies and gentlemen, we ask you to look at all the
12 evidence you have been presented to you, and I know it's been
13 a lot. Review the testimony that you have heard, and judge
14 the believability and the credibility of the witnesses that
15 have come forward. And we just ask you to find this
16 Defendant guilty of all the charges as charged. Thank you.

17 MR. LAWSON: May it, please The Court?

18 THE COURT: Sure.

19 MR. LAWSON: Do you want to take a short break or
20 should I go ahead?

21 THE COURT: Depends on how long you are going to sum
22 up?

23 MR. LAWSON: Your Honor, I wouldn't think it would take
24 me more than two hours, Judge, but --

25 THE COURT: Two hours --

1 this country, my client, Stacey Evans, comes into this
2 courtroom presumed innocent and until The State of South
3 Carolina proves him guilty by the evidence beyond a
4 reasonable doubt, then it's your duty to find him not guilty.
5 If on the other hand, The State of South Carolina convinces
6 you beyond the reasonable doubt that he is guilty it's your
7 duty to find him so. But not whimsically or for some reason
8 but based on the evidence in light of the reasonable doubt.
9 A doubt in which you can give reason. A doubt that causes
10 the honest juror in search of truth hesitate that, not stop,
11 hesitate. Is there something in this evidence that just
12 doesn't look right. It doesn't fit in. It doesn't go
13 together. You see, I look at this in a total different way
14 than The State does, because what I am looking for is
15 evidence that will convince me, beyond a reasonable doubt
16 that this was a horrible, tragic, violent, premeditated,
17 kidnaping and rape, not a situation of sex between two
18 adults. Because I am looking for evidence of the meanness
19 that was described by the victim through her direct
20 testimony. The story that she told you unlike the story that
21 she told others because from count there is four to five. We
22 got --- well actually we may have more because there is
23 police officer that The State didn't call, so we could see
24 what she may have told him. And the thing about this case
25 that amazes me, everybody says she didn't report it, she was

1 MR. LAWSON: No, I'm kidding, Judge. I'm not going to
2 argue two hours.

3 THE COURT: Bottom line, they are good for about forty-
4 minutes, if you going to take more than that then we'll break

5 MR. LAWSON: I don't need that.

6 CLOSING ARGUMENTS BY MR. LAWSON

7 MR. LAWSON: May it, please The Court, Ms. Parr, Mr
8 Foreman, ladies and gentlemen of the jury, again, I want to
9 thank you. You have paid attention, you've listened, and now
10 it's just about time for you to go to judge the evidence.
11 You have been hearing the evidence coming in as it has come
12 in..

13 Now, the Judge is going to charge you the law and there
14 are a few things I want to talk to you about the law and
15 about the evidence. As Ms. Parr was talking an old saying
16 comes to my mind and that is, beauty is in the eye of the
17 beholder, and apparently evidence is also in the eye of the
18 beholder, because what I heard in this case and what she
19 heard in this case it is two opposite ends of the spectrum.
20 That is why you are here. Because, it doesn't matter what I
21 heard, or what she heard, it matters what you heard, because
22 you are the sole and exclusive judges of the facts and the
23 evidence in the case. Now, the one thing that she said that
24 I agree with and that is The State of South Carolina is the
25 prosecuting party in this case and as a result of that is

*INEFFECTIVE ASSISTANCE FAILING TO INTRODUCE
WITNESSES AND ELICIT TESTIMONY*

1 (Whereupon, a recess was taken from 2:32 p.m. until 2:45
2 p.m.)

3 THE COURT: All right, everybody ready to roll.

4 MR. LAWSON: Defense is ready, Your Honor.

5 MS. PARR: The State is ready, Your Honor.

6 CHARGE ON THE LAW

7 THE COURT: Okay. Jurors, we are coming into the final
8 phase of the trial. I am going to instruct you on the law
9 and then y'all are going to go back and reach verdicts on the
10 four counts of this indictment.

11 Now, jurors, I am not fact specific about any of this. I
12 am giving you the law in the abstract. I am going to have to
13 tell you who the parties are, you know that is basically all
14 I'm going to tell you. When I instruct the jury on something
15 like kidnaping, you know, it's the same law it changes just a
16 little bit if somebody hits somebody in the head, put them in
17 a croaker sack and throws them over their shoulder and goes
18 but, you know, it's basically the same law in the abstract.
19 I am not going to, for instance, indicate that kidnaping
20 occurs or that criminal sexual conduct in the first degree
21 occurred, once, twice or three times, I am just going to
22 instruct you on the law on criminal sexual conduct, first
23 degree, and kidnaping. And then you jurors are going to take
24 the facts as you find them to be and decide whether The State
25 meets its burden of proof beyond a reasonable doubt on those

1 physical evidence. Find evidence of traumatic repeated rape.
2 It's not there. It's not there. And I submit to you there
3 is reason for this story, there is a very good one. It's age
4 old as time. Your duty is to find the truth. Somewhere in
5 this evidence --- somewhere in this evidence. I ask you to
6 judge it by the evidence beyond a reasonable doubt. And
7 there is two kinds of evidence, direct and circumstantial,
8 testimony, direct. Circumstantial evidence that indicates
9 the facts. The circumstantial evidence that I am talking
10 about is evidence that would lean one way or the other as to
11 whether or not this was traumatic or not. A traumatic event.
12 An event involving mean, anger, crying, makeup, tears,
13 trauma. If everybody goes to the extent to say oh, no, not
14 women. Doctor, that is not exactly true is it, no it's not.
15 There are cases where you have trauma, because some want it
16 and there is a difference. A hysterectomy, in this case
17 makes a difference. Makes a difference. Look at all the
18 evidence. Look at all the evidence and judge it by the
19 evidence beyond a reasonable doubt. I think that you will
20 conclude that in this case The State has failed has failed to
21 prove him guilty of any of these charges beyond a reasonable
22 doubt. Thank you.

23 THE COURT: All right, jurors, we're going to take a
24 little break. Don't talk about the case quite yet. Almost in
25 your hands. Step out.

How long did videotape show you were standing talking?
NEED VIDEO

GLORIA E. WILLIAMSON - DIRECT EXAMINATION BY MS. PARR

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1 And it was like he couldn't decide what to do. Then
2 finally he pulled up at the Shell Station near Forrest
3 Lake and Cashua, and a bit more conversation about
4 whether I would tell anybody. And then he pulls off his
5 shirt, he wiped the steering wheel, the console and the
6 door, and he got out. And, I jumped in the driver's
7 seat, and drove off, and I could tell he was just heading
8 straight across the street towards all the apartments and
9 condominiums, and I just went for home as quick as I
10 could.

11 Q. Now I am going to show you what has been marked as
12 State's Exhibit Number 3. Do you recognize this?

13 A. Yes.

14 Q. And what is that a diagram of?

15 A. This corner station where he got out of the car and left.

16 Q. I am going to put this right here, okay. And would you
17 come and indicate with this marker where?

18 A. Well, we came from this way, and drove up over here. He
19 got out somewhere in here, and then I drove up and out.

20 Q. Okay. Now --

21 A. -- And he walked across the road.

22 Q. Okay. Now was he walking or running, what manner --- How
23 did he get across the street?

24 A. I didn't stick around to look very much. I mean, I
25 pulled up away, and I glanced back, and it just seemed

1 that he was walking very fast.

2 MS. PARR: Your Honor, State would like to introduce
3 this into evidence as State's Exhibit Number 3.

4 THE COURT: All right,

5 MR. LAWSON: It's not to scale. No objection.

6 THE COURT: It is not to scale, but it comes in.

7 WHEREUPON, STATE'S EXHIBIT

8 NUMBER 3 WAS MARKED AND

9 ADMITTED INTO THE RECORD.

10 Q. Can you identify State's Exhibit Number 10-A?

11 A. Yes. That is where he got out of the vehicle.

12 Q. And what is this photograph of?

13 A. The Shell Station on the corner of Cashua and the road
14 that goes to the lake, I don't know the name of it.

15 Q. And State's Exhibit 10-B?

16 A. I'm Sorry. That is just the side where he turned up in
17 this driveway like I showed you.

18 Q. Okay. But you do recognize it, is that correct?

19 A. Yes.

20 Q. And State's Exhibit 10-C?

21 A. The side of the service station.

22 MS. PARR: Any objections to the introduction?

23 MR. LAWSON: No objection.

24 THE COURT: Comes in.

25 WHEREUPON, STATE'S EXHIBIT

1 actually had another incident also that night; it has
2 nothing to do with this case at all, but I had already
3 looked at the camera system, but had not looked during
4 this particular time. I forget the hours that I was
5 asked to go back and look. But anyway I went back and
6 looked at it, and sure enough I did see some activity on
7 our property. I had told Ms. Cain that I would check.
8 She gave me a time window to look between. I forgot
9 exactly what it is. It has been a while back now. But,
10 I was told I would have to go back and look, because of
11 the fact I am not sure if I had changed the time on our
12 camera system, because it could be an hour off because
13 of the time change earlier in the year.

14 Q. But had that time been off?

15 A. I don't remember if it was exactly right, or if it was
16 an hour off. It was --

17 Q. -- But did you, in fact, locate something on your
18 system?

DID you look AT DISC YOURSELF,?

19 A. Yes, ma'am.

20 Q. Now as a result of finding something, did you -- do you
21 recognize, what has been marked as State's Exhibit 17
22 for identification?

23 A. Yes, ma'am. That is the disc that was recorded from our
24 store.

25 Q. Okay. And do you recognize this?

1 A. Yes, ma'am, I did.

2 Q. And do you recall when that was?

3 A. I'm not exactly sure. I believe it was roughly around
4 February 28th or 29th, or somewhere in the area,
5 generally.

6 Q. Okay.

7 A. It was the middle of week early one morning around
8 11:00.

9 Q. Okay. Now tell us about your camera system?

10 A. We have a --- I don't know a whole lot about them. It
11 records for up to thirty days, and then it stores it in
12 my computer, which case --- if we ever need to go back
13 and look at it, we can go back and pull up frame by
14 frame, and download it onto a disc, a compact disc.

15 Q. Okay. Now were you contacted by Ms. Cain in regards to
16 some camera footage?

17 A. Yes, ma'am.

18 Q. Okay. And what did you do as to the request of that
19 contact?

20 A. Well, I was told that there was an incident that might
21 have possibly happened on our property, and I was given
22 the time spot to go back on our camera system and look
23 for anything. So I went back to see if anything showed
24 up, or anybody on our property, because we do close at
25 midnight on Friday and Saturday nights. And we had

SHOWS TIME VEHICLE STAYED AT STATION

BRENT DAVID TOWNSEND - CROSS EXAMINATION BY MR. LAWSON

(215)

1 Q. 2:50, okay.

2 A. I'm pretty sure that that's accurate, but like I said, I
3 could be wrong.

4 Q. The seconds on it are accurate as it relates to running
5 footage, is that correct?

6 A. Yes, sir. On that video it might skip three or four
7 seconds at a time only because it's only recording
8 movement from what I understand, so --

9 Q. All right. So, but --- come forward, til the car pulls
10 --- The car is pulling in at 52:18, correct --- fifty-
11 two minutes and eighteen seconds, either 3:00 or 2:00 in
12 the morning?

13 A. As far as I know, yes, sir.

14 Q. One forward, that one frame and then --- We're going
15 seconds now right?

16 A. Uh-huh.

17 Q. Keep going. Keep going, til it pulls off. Stop.

18 3:56:24 would be the --- 56:24 --- The original time to
19 that time, would be the time it was stopped at that
20 point?

21 A. Yes, sir.

22 Q. That is a lapse time?

23 A. Yes, sir.

24 Q. Okay. And you didn't have anything to do with this
25 case. You didn't see anybody, witness anything, or do

TIME STAYED AT
STATION, VICTIM SAID
LEFT IMMEDIATELY.
56.24
52.18
3.06 - SECONDS
M.W.

1 anything, talk to anybody or anything else?

2 A. The only thing I know is what I --- well, I --

3 Q. Of course, now February now is --

4 A. Well that's not completely true. Actually I have heard
5 because I do know --- I don't know him personally, but I
6 know the Defendant, Mr. Evans. I've seen him in our
7 store numerous times, and I do know --- I didn't catch
8 her name, Mona, I think. I know her, and I do know she
9 comes and told our employees about what had happened or
10 whatever, what she talked about up here. Outside of
11 that, I know nothing else.

12 Q. Okay. Other than what you've heard?

13 A. Right.

14 Q. You weren't a witness to anything?

15 A. No, sir, I wasn't there or anything like that, no.

16 Q. You weren't going to say that the judge was right ---
17 Y'all were raising gas prices right regular as I recall?

18 A. It was already raised pretty high, sir.

19 MR. LAWSON: No further, questions.

20 MS. PARR: Nothing further for this witness.

21 THE COURT: You can step down.

22 MS. PARR: We would ask permission for him to be
23 excused.

24 THE COURT: You need to step up. We may be able to
25 take another one, but I don't know. We don't want to push

TIMES DON'T MATCH.

AGNES POSTON CREEL - CROSS EXAMINATION BY MR. LAWSON

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1 answer any questions Mr. Lawson may have for you.

2 CROSS EXAMINATION BY MR. LAWSON

3 Q. Just a few. So we are talking about --- You heard your
4 son testify. You were in the courtroom. Is that
5 correct? So, it wasn't 8:00 or 9:00 in the morning, was
6 it, it was much later on up in the day, probably closer
7 to 12:00 that day.

8 A. It was about 9:30 when I got the phone call, I think.

9 Q. Okay. But it was up, 11:30, 12:00 by the time you got
10 there?

11 A. Correct.

12 Q. By the time the Sheriff's Department was called, it was
13 like 1:28 or something like that, would be about right.
14 Is that correct?

15 A. I think so.

16 Q. I mean, if you got there around 11:30, 12:30, 1:30, you
17 were there two hours. Is that about right? Okay. Now,
18 so within the same day, as I understand it, this was
19 February 23, correct?

20 A. Correct.

21 Q. Law enforcement was contacted?

22 A. Correct.

23 Q. Ms. Williamson, talked with law enforcement. She talked
24 with both Officer Creel from the City Police Department
25 and Officer Sumersett from the Sheriff's Department?

1 A. Yes, ma'am.

2 Q. And who called law enforcement?

3 A. I think my husband did.

4 Q. Okay. And who did he call?

5 A. His cousin, Keith Creel.

6 Q. All right. And did Officer Creel respond?

7 A. Yes, ma'am.

8 Q. Okay. And what happened when he responded?

9 A. He came and talk to Ms. Gloria too, and then he couldn't
10 do anything. I think it was out of this district, so he
11 called Grant Sumersett, I believe it was.

12 Q. Okay. And were you there when Officer Sumersett
13 arrived?

14 A. Yes, ma'am.

15 Q. Okay. Now, what was Ms. Gloria's condition during this
16 whole time?

17 A. She kept on crying about it during the whole time.

18 Q. Now, you said you stayed with her about a couple of
19 hours. Were you still with her after Officer Sumersett
20 left?

21 A. After he left?

22 Q. Yes. Did you leave before Officer Sumersett, or did you
23 leave after?

24 A. I'm trying to think. I think I left first.

25 MS. PARR: Thank you, Ms. Creel. Would you please

OFFICER CHANGED TIME ON REPORT

KEVIN GRANT SUMERSETT - REDIRECT EXAMINATION BY MS. PARR 266

1 scene, doesn't it, Grant?

2 A. That is correct.

3 Q. What time did you arrive at her apartment? Do you have
4 the CAD report?

5 A. I do have the CAD report, Jack.

6 Q. Okay.

7 A. At the top it says 10:26. I'm not sure if that is the
8 right time though. *CHANGED TIME*

9 Q. Are you looking at this CAD? *FROM 10:26*

10 A. No, sir. *NOT CREDIBLE*

11 Q. Is that not --

12 A. 1:28 incoming call, --- okay, prior to --- I read the
13 wrong time on what time I arrived.

14 Q. What time did you arrive?

15 A. 13:4637.

16 Q. 1:47?

17 A. That is correct. That is 1:46.

18 MR. LAWSON: 1:46 in the afternoon. Thank you, Grant.

19 No further questions.

20 REDIRECT EXAMINATION BY MS. PARR

21 Q. Officer Sumersett, what time did you say you responded
22 --- what time did you go to her house?

23 A. It says on the CAD report 1:46. I know I said 10:26
24 earlier, but that is what I was reading off the top.

25 Q. Okay. And that is the print time, is that correct?

*EVIDENCE
NOT CREDIBLE*

1 Q. Did you think she was going to go out and wash the car
2 that morning or that day?

3 A. No, sir.

4 Q. Did you tell her not to?

5 A. I don't advise her of that at all.

6 Q. In investing a crime, Grant --

7 A. I am not an Investigator.

8 Q. Well in reporting the crime, in being the first officer
9 on the scene, what are you supposed to do?

10 A. Take the report, call the investigator.

11 Q. And protect the crime scene?

12 A. That is correct.

13 Q. And that car was part of a crime scene wasn't it?

14 A. Yes, it was.

15 Q. Protect the crime scene. Let me ask you something.
16 What time did you get there?

17 A. Technically, she had already left the crime scene.

18 Q. Huh?

19 A. Her apartment was not the crime scene.

20 Q. I know her apartment wasn't but the automobile was?

21 A. It was part of it.

22 Q. It was part of it.

23 A. That is correct.

24 Q. Based on what she said, part of the assault took place
25 in the car. That makes that car part of the crime

1 A. Correct.

2 Q. And as far as you know, intended to have a rape kit
3 done, is that correct?

4 A. I reckon she went to the hospital for that. I don't
5 know.

6 Q. Okay. But you had mentioned it, is that correct?

7 A. Right.

8 Q. Okay. And as far as you know she was going to do that.

9 A. Yes.

10 Q. At the time that you arrived, which would have been as
11 you say 11:00, she still had on the same clothes?

12 A. Yes.

13 Q. Or presumably. She had on blue jeans that had mud on
14 them, and a shirt. Was there mud on the shirt?

15 A. I didn't see any mud on the shirt.

16 Q. The bruises on the legs, she said she pulled up her
17 britches and showed you. Where were the bruises on ---
18 Were they up here or down on her shin?

19 A. Down there.

20 Q. Down here on the shin. She didn't show you --

21 A. I didn't see that far up, no.

22 MR. LAWSON: Okay. That's all. Thank you, Your Honor.

23 MS. PARR: Nothing further from this witness, Your
24 Honor.

25 THE COURT: You can step down.

1 MS. PARR: Your Honor, at this time The State would
2 call Dena Seidler.

3 THE COURT: All right.

4 MS. PARR: Your Honor, they are bringing her up from
5 downstairs.

6 THE COURT: Okay.

7 MR. LAWSON: Can we take a brief break? Your Honor,
8 can I approach for one second?

9 THE COURT: You can do it. We can just take a break.
10 They are bringing a witness, you know, it just take twelve
11 and a half minutes.

12 (Whereupon, the jury exits the courtroom at 10:53 a.m.)

13 (Whereupon, a bench conference was held.)

14 (Whereupon, the jury enters the courtroom at 11:06 a.m.)

15 MS. PARR: Your Honor, at this time The State would
16 call Dena Seidler.

17 THE COURT: All right.

18 CLERK OF COURT: If you will, ma'am, go to the witness
19 stand.

20 DENA SEIGLER,

21 BEING DULY SWORN TESTIFIES AS FOLLOWS

22 CLERK OF COURT: Please be seated. State your full name
23 of the record.

24 MS. SEIDLER: Dena Doyle Seigler.

25 DIRECT EXAMINATION BY MS. PARR

1 A. It had a lot of mud on the inside of it, on the
2 passenger's seat, and on the running boards, you know,
3 where the door slams, was like a lot of mud in that
4 area. Just real dirty.

5 Q. Okay. What about the exterior of the car?

6 A. Muddy as well.

7 Q. All right. Now, was that the condition her car was in
8 when she dropped you off the day before?

9 A. No, ma'am.

10 Q. Now, did you see what Ms. Williamson had on?

11 A. Yes, ma'am.

12 Q. And would you please describe that?

13 A. I want to say she had on a pair of blue jeans, a white
14 shirt, and I believe she had on a leather coat.

15 Q. That was the night before at the Wooden Nickel?

16 A. Yes, ma'am.

17 Q. Okay. Now, when you saw her that next morning, how was
18 she dressed?

19 A. She had on the blue jeans and the shirt that she had on
20 the night before.

21 Q. Okay. And what condition were those cloths in?

22 A. Messy.

23 Q. When you say messy?

24 A. Dirty, muddy.

25 Q. Now did you look inside of her car?

1 A. Yes, ma'am.

2 Q. What, if anything, did you see inside the car?

3 A. I just seen a lot of stuff misplaced, and like I said, a
4 lot of mud on the floor boards and stuff.

5 Q. Okay. Did Ms. Gloria, have on any jewelry?

6 A. Yes, ma'am. She had on a bracelet that night, I
7 believe, and some --- a couple of rings, I want to
8 say, but I'm not sure about the rings, but I think she
9 had on a bracelet.

10 Q. Okay. Now did you see that bracelet that next day?

11 A. I don't recall, but I think my mother seen it. I'm not
12 sure.

13 Q. Okay. Did you see the bracelet in the car? Do you
14 recall, seeing a bracelet in the car?

15 MR. LAWSON: Objection, Your Honor, that's leading.

16 THE COURT: All right.

17 MR. LAWSON: He just said he didn't see it.

18 THE COURT: Well she can ask twice. He says no, go
19 ahead.

20 Q. Now, after you saw her car, what did you do --- what was
21 the condition she was in?

22 A. When I seen her car, I walked back up there where they
23 were at, and just tried to comfort her or whatever, you
24 know, I didn't really do a whole lot.

25 Q. Okay. Now was law enforcement called?

NEED EXHIBIT-18

INCONSISTENT
CHANGED

HELEN CAIN - DIRECT EXAMINATION BY MS. PARR

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1 A. Yes, I did. We had taken the makeup she was wearing
2 that night to compare it with any samples that we may
3 have.

4 Q. Okay. And why would you have taken the make-up?

5 A. Because, she stated that the Defendant had grabbed her
6 by the back of the head and pulled her down between his
7 legs and made him --- make her perform oral sex on him.

8 And we wanted to make sure that if there was makeup
9 anywhere that we would have it to compare it with.

10 Q. And I am going to show what has marked as State's
11 Exhibit 18 for Identification purposes. Do you
12 recognize that?

13 A. Yes. This is, eyeshadows that Ms. Gloria gave to us
14 that she was wearing the night of the incident.

15 MS. PARR: The State moves to enter into evidence as
16 State's Exhibit 18.

17 MR. LAWSON: Without objection.

18 THE COURT: Okay.

19 WHEREUPON, STATE'S EXHIBIT

20 NUMBER 18 WAS MARKED AND MADE

21 A PART OF THE RECORD.

22 Q. And, Investigator Cain, what did you do with the makeup
23 once you obtained it?

24 A. It was placed --- It was given to Adam Moore and turned
25 into evidence.

CHANGED
STATEMENT

1 the field around some woods to where he had parked.

2 MS. PARR: The State would move this --- enter into
3 evidence as State's Exhibit 9.

4 WHEREUPON, STATE'S EXHIBIT

5 NUMBER 9 WAS MARKED AND MADE

6 A PART OF THE RECORD.

7 MR. LAWSON: No objection.

8 THE COURT: Okay.

9 Q. Now, Investigator Cain, you said that you proceeded back
10 Ms. Williamson's home

11 A. Yeah, we went back to her apartment where the vehicle
12 was processed.

13 Q. Okay. And who processed that vehicle?

14 A. Adam Moore.

15 Q. And how was that vehicle processed? You were not there
16 with him?

17 A. I was standing there but I did not process the car, he
18 did. I was talking with Ms. Gloria at the time that he
19 was processing it.

20 Q. Okay. All right. While he was processing the vehicle,
21 did you have an occasion to find out details from Ms.
22 Williamson as to what she said occurred?

23 A. Yes.

24 Q. Now as a result of that, did you take certain items from
25 her?

1 Q. Okay. And what about the purpose of the makeup?

2 A. To compare the marks that were on the shirt with the
3 makeup the victim had on that night.

4 MS. PARR: May I approach the witness, Your Honor?

5 THE COURT: Okay.

6 Q. Ms. Cain, is there anything else that you did in this
7 particular case?

8 A. I also received a call from Ms. Gloria later on that
9 stated that she had the broken bracelet that no one
10 gotten it yet. I wasn't aware of that and I went back
11 and picked that up and turned that into evidence also.

12 Q. And was that what has been admitted into evidence as
13 State's Exhibit Number 14?

14 A. Yes, this is the bracelet that she gave me.

15 Q. Now, Investigator Cain, did you also have an occasion to
16 go to the Shell Station to obtain evidence there?

17 A. Yes. I had noticed that there were cameras on the side
18 of the building, and also I had spoken with my
19 Lieutenant that also stated that he had worked a case
20 there where there were cameras there. So I contacted
21 the owner of that Shell Station and he did look at the
22 tapes and stated that he did see something fitting the
23 description of the victim's vehicle.

24 Q. And when was that --- When was the tape obtained?

25 A. That was picked up I think the day or two after the

1 arrest.

2 Q. And did you view the ---

3 A. -- I did.

4 Q. Now the photographs that you indicated of the
5 Defendant's shirt, 13 --- Now that's State's Exhibit 13-
6 A, was that the shirt that you obtained?

7 A. Yes, it is.

8 Q. Now you indicated, and you tried to point it out --- Do
9 you have the laser?

10 A. I can't see that very well. As you can see right in
11 here there is some marks, that appears to be makeup and
12 it looks like it was kind of slid down. Just little
13 slide marks right here and there.

14 MS. PARR: Please answer any questions that Defense may
15 have for you.

16 MS. CAIN: Okay.

17 CROSS EXAMINATION BY MR. LAWSON

18 Q. Ms, Cain, you were called as I understand it --- When
19 you were called you were called by Officer Sumersett
20 when he was at the location?

21 A. That is correct.

22 Q. And I think your report indicates that he told you she
23 didn't want to proceed or didn't want to go to the
24 hospital?

25 A. That is correct.

STAINS

HELEN CAIN - CROSS EXAMINATION BY MR. LAWSON

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1 A. If she is sitting down and he comes this way it would
2 have hit right here.

3 Q. I mean, what I'm saying is --- I mean, I must be looking
4 at it this way, the stains. Throw it up there, 13-C for
5 me. Because if I look --- Can you put 13-B and 13-C
6 side-by-side

7 DETECTIVE: Not at the same time?

8 MR. LAWSON: You can't.

9 DETECTIVE: No.

10 MR. LAWSON: Well then, put 13-B up there first.

11 DETECTIVE: Can you see it, Counsel?

12 MR. LAWSON: That's it. What was that?

13 DETECTIVE: Can you see it, I don't have listed --

14 MR. LAWSON: Oh, you don't have it by numbers. 13-B is
15 the shirt. That's it.

16 Q. This what we are talking about right here.

17 A. Uh-huh.

18 Q. And what I'm talking about is that the lines are on the
19 bottom, the smudges are on top. Is that correct?

20 A. I am not sure what you are asking me, but if are asking
21 me why like this one is smaller than this one and then
22 that one is larger?

23 Q. No, I'm asking you --- you got a situation where you
24 have a dark mark and then light marks, dark marks, light
25 marks, dark marks, light marks.

OPPOSITE STAINS

HELEN CAIN - CROSS EXAMINATION BY MR. LAWSON

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1 Q. You went to the crime scene. And at what point did you
2 ask him to process the car?

3 A. The car was also --- I don't have that exact date in my
4 file here but Adam has it.

5 Q. Okay. So, in fact, the crime scene went for at least a
6 week without being looked at?

7 A. Yeah, about four days.

why?

8 Q. You didn't happen to ask Officer Sumersett to take any
9 photographs on that particular day did you, the 23rd?

10 A. I had assumed because normally on the sexually assaults
11 like that, they go ahead and call forensics out.

12 Q. You assume that was done?

13 A. I thought that he had done that.

14 Q. State's Exhibit 13-B, that is the shirt with the stains.
15 Correct?

16 A. Yes, sir.

17 Q. And you say that as you look at it that it looks like
18 the stains go down?

19 A. It is consistent --- It looks like it is consistent with
20 what she said if he was on the driver's side and she was
21 on the passenger side and he grabbed her it appears as
22 if her face had rubbed against his shirt.

23 Q. But if you look at the stain as they are, the stains
24 look like they start at the bottom and move up, as
25 opposed as starting at the top and moving down.

OPPOSITE

1 A. Number 18.

2 Q. Number 18. Yeah, that's just all the --- The bag of it
3 is what I am looking for. It wasn't put in evidence.
4 Anyway, it was a whole bag full?

5 A. That is correct.

6 Q. Okay, thank you. And you work pretty much exclusively
7 in, sexual assault cases; is that correct?

8 A. That is correct.

9 MR. LAWSON: I don't have any other questions.

10 REDIRECT EXAMINATION BY MS. PARR

11 Q. Ms. Cain, when did you determine or find that out that
12 forensic had not been called to process the scenes what
13 did you do?

14 A. After I spoke with Ms. Gloria on that Wednesday?

15 Q. And what did you do upon immediately upon finding out?

16 A. That's when we went to the crime scene and to the
17 vehicle and start investigating everything.

18 MS. PARR: Nothing further for this witness.

19 MR. LAWSON: May it, please The Court.

20 RECROSS EXAMINATION BY MR. LAWSON

21 Q. Ms. Cain, in your professional opinion as a police
22 officer and an investigator, is that the proper time to
23 be analyzing the crime scene?

24 A. Once you find out, a crime has occurred, you need to
25 immediately try to process the scene. And when I found

1 A. Okay.

2 Q. The lighter marks are on the top, the dark marks are on
3 the bottom, right, that's all I'm asking.

4 A. I see it, kind of --- I see a dark mark, a light mark, a
5 dark mark and some lighter marks.

6 Q. Okay. And the light marks and maybe the lines looks to
7 me like it is on the bottom.

8 A. If he is sitting down his shirt is going to be somewhat
9 wrinkled and as the force comes down, I mean it's going
10 to slide.

11 Q. Okay. And depending on how it's worn and how it slides.
12 Now this makeup, is this the special kind of makeup or
13 something or just regular makeup you can buy --- I don't
14 know anything about makeup or wear it.

15 A. This is a makeup that is somewhat expensive. This would
16 be probably bought at Belk or a specialized makeup
17 section. This is not something you would be out like
18 Wal-Mart or somewhere, Revco or somewhere.

19 Q. Okay. Is that the only makeup she gave you that she had
20 on that night?

21 A. No, sir. There is a lot of makeup in that bag.

22 Q. Okay. She gave you a whole bag of makeup?

23 A. A whole bag of makeup.

24 Q. Do you know where that went, I mean, I thought it
25 jiggled around --- I don't know where it went?

1 Q. Okay. And 2.1?

2 A. The DNA profiles developed from the non sperm fractions
3 of Item 2.1, 2.2, 2.5 and 2.6 are mixtures of at least
4 two individuals. Gloria Williamson and Stacey Evans
5 cannot be excluded as possible contributors to these
6 mixtures. *WOULD HAVE SUPPORTED CONSENSUAL SEX*
BETWEEN THE TWO OF YOU

7 Q. And when you say they cannot be excluded are you saying
8 that more than two persons?

9 A. No, it's just a mixture of at least two individuals.

10 Q. Okay. And those two persons are the Defendant and Gloria
11 Williamson?

12 MR. LAWSON: Objection, that is not what she is saying
13 at all.

14 THE COURT: That is not what she is saying.

15 MR. LAWSON: Let her testify to what she is saying.

16 THE COURT: All right. All right. I ruled for you.

17 A. Gloria Williamson and Stacey Evans cannot be excluded as
18 contributors.

19 MS. PARR: May I have The Court's indulgence?

20 THE COURT: All right.

21 Q. Was there any semen found in the vaginal, or oral, or
22 rectum swabs that you examined?

23 A. No.

24 Q. What about from any smears?

25 A. There were no spermatozoa identified on the smears.

1 Q. Now did you also receive cuttings from the Defendant's
2 clothing?

3 A. Yes.

4 Q. I am going to show you what has been entered into
5 evidence as State's Exhibit Number 27. Do you recognize
6 that?

7 A. Yes, I do. My initials are on the seal and it has our
8 SLED lab number.

9 Q. Now what were your results when you analyzed these items?

10 A. The clothing items?

11 Q. Pardon me?

12 A. The clothing items?

13 Q. The clothing items. When you analyzed the cuttings from
14 Ms. Williamson's jeans, which have been identified as
15 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6, on your analysis.

16 A. The partial DNA profile developed from the semen on Item
17 2.5 matches the DNA profile of Stacey Evans. The
18 probability of randomly selecting an unrelated
19 individual having a DNA profile matching the semen on
20 this item is approximately one in 5.1 trillion.

21 Q. And that number again?

22 A. One in 5.1 trillion.

23 Q. Okay. And what about cuttings from 2.6?

24 A. The partial DNA profile developed from the semen on Item
25 2.6 is insufficient for reliable interpretation.

1 A. Right. We have a computer printout with we call them
2 peaks.

3 Q. Peaks?

4 A. Yes.

5 Q. And those peaks are then transferred onto the chart that
6 you send us in your report?

7 A. Correct.

8 Q. So, that is a matter where you determine the level of
9 the peak based on what you see on the graph?

10 A. There is a computer program that designates the --

11 Q. -- Has the number on the bottom of it?

12 A. Correct.

13 Q. And then it shows you the peak.

14 A. Right.

15 Q. You take that number off the bottom and transfer it to
16 your profile sheet?

17 A. Right. We get the profile on a computerized sheet and
18 we transfer it to a table format.

19 Q. Okay. And then you --- one you --- The one thing that
20 concerns me, and I've had this before, is mixed samples.
21 And I assume that is just a very difficult situation is
22 it not?

23 A. What do you mean by mix samples?

24 Q. You have mixed samples in this case do you not?

25 A. A mixture?

1 Q. A mixture.

2 A. Yes.

3 Q. Of more than one DNA?

4 A. Right.

5 Q. And I saw in your report where you said that Stacey and
6 Gloria Williamson could not be excluded.

7 A. Correct.

8 Q. Okay. Now, you know, I am a lawyer, and what I see as
9 not be excluded, may not be exactly what you are saying
10 as a scientist by not being excluded. So you're not
11 including anybody as a result of those findings are you?

12 A. I am saying I have --- The mixture that I have there is
13 no DNA that is foreign to either of those two people,
14 which is why they are not excluded.

15 Q. But you don't have enough to make a definite distinction
16 as to which is which, is that correct?

17 A. As I said, there are mixtures and there is nothing
18 foreign to either of those two people, and that is how
19 we word it. You can say that these people cannot be
20 excluded as a contributor to those mixtures.

21 Q. All right. But you don't do a statistic on that do you?

22 A. You don't have to, no.

23 Q. Why not?

24 A. We do a statistic on the most probative item of
25 evidence.

*SUPPORTED
CONSENSUAL SEX*

1 when she came on to work. And you look at his shirt. If you
2 take a shirt off and you wipe it across the console of a car
3 and the front of a car inside or out, I don't care if I
4 cleaned my dash today, tomorrow there is dust gathering on
5 it. I can't figure out where it comes from but it's there.
6 And you look at that shirt and you tell me it looked like
7 something had been cleaned off with it. And you tell me what
8 other reason there could be for that car being there four
9 minutes even if did that why is that car there four minutes.
10 And if --- watch that thing again, watch the brakes lights
11 because the brake lights go off that means the car is in
12 park, because if the car is not in park the brake lights are
13 off the car is going to roll out of the view of that camera.
14 The brake lights come back on and they stay on and they left
15 off and the car pulls off and there is somebody standing
16 there. Why is the car there so long? That is a long time.
17 You get in your jury room and you sit and you say okay let's
18 time four minutes and somebody. Nobody say a word, let's
19 just sit here and wait four minutes. See how long that is.
20 See how long that is. There are things that just don't add
21 up. The evidence does not fit the crime. There is no
22 evidence of a traumatic struggle inside that car. One reason
23 I was upset with Officer Summersett because there could have
24 been pictures taken of that automobile not so much the
25 outside --- I don't give a flip about mud on the outside, I

1 anywhere. Where is the other makeup if this was a traumatic
2 event? If this is what it was alleged to have been.

3 Now, you know, it's interesting to me and that is a job
4 I don't envy you at all, you have to judge the evidence.
5 Now, Poston --- LeGrand Poston says he left first. Ms.
6 Williamson's said he left first. But the bartender said, Ms.
7 Williamson left, Mr. Poston left, and Stacey left. And what
8 is the interesting thing that Dean says, I asked her would he
9 have had to pass Mr. Poston to catch up to her and what did
10 Dena say. No, he would have had to run over Mr. Poston to
11 catch up with her. Now, you saw Mr. Poston and you've seen
12 Stacey. Could he have run over Mr. Poston to get to her or
13 did he walk with her to the car? I don't know. You have to
14 decide if Dena is telling the truth about who left when, or
15 if she saw what she thinks she saw. She is the only one
16 there that night, that wasn't drinking; let's put it that
17 way. You know, because we know LeGrand was drinking. We know
18 Ms. Williamson was drinking. And the thing that gets me is
19 somebody --- she never said that she went back there at
20 4:00, 4:30, 5:00 and had a beer and then left and came back.
21 But LeGrand Poston on cross examination --- he didn't say
22 it on direct but when he talked to Ms. Cain in his statement
23 and on cross examination didn't he admit that he came by
24 there at 4:00 --- 4:00 or 5:00, stopped and had a beer, left
25 then came back about 7:00, because Dena said she was there

REASONABLE DOUBT

CLOSING ARGUMENTS BY MR. LAWSON

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1 into evidence and had you --- had them identify as the
2 right eye to be consistent with the story. And it is not the
3 right eye. It's the left eye. Absolutely inconsistent with
4 the story they tried to sell you. But they wanted to put it
5 in thinking nobody is going to look, harder enough to see the
6 truth and that is our job. That's your job to look hard
7 enough to see the truth. Don't just take on face value what
8 the government says. It's our duty as citizens to stand up
9 and say government prove it. We are not going to allow the
10 government in this country to dictate, to us what we believe
11 and what we don't. We are citizens of a free country and we
12 stay free as long as we have people like you that will serve
13 on juries to arbitrate between the government and the people.
14 And that is what this is about. It's not about what The
15 State said in its opening statement, the life of Ms.
16 Williamson. It's The State of South Carolina versus Stacey
17 Evans. This is not a civil lawsuit where you find for one
18 side or the other and award money. This is a criminal case.
19 This is a case where The State of South Carolina is accusing
20 this man of a heinous crime. A crime that can take away his
21 life. Make them prove it. Make them provide it by the
22 evidence, by the evidence beyond a reasonable doubt. That is
23 what separates us from every other people on this earth as
24 long as you will do it. The evidence in this case does not
25 substantiate the story that you have been told. Look at the

1 especially don't care about mud under the wheel, for heaven's
2 sakes look at your own car when you go home this afternoon
3 and look under the wheels and there is going to be dirt under
4 there. That is the only place they could take a picture like
5 that. But the car was washed for heaven's sake. Evidence
6 was possible destroyed. I want pictures from the inside of
7 the car, because as much struggling back and forth as there
8 were with mud everywhere there should have been mud from one
9 side of the inside of that car to the other side. There
10 should have been shoe marks. There should have been mud
11 everywhere inside that car. And all he had to do was, look
12 in there and take pictures for us, and we would say hey look,
13 there was a struggle inside that car. Nobody has testified
14 about that. But there was a brutal struggle if you believe
15 what she said. Back and forth over the console four or five
16 times during the event of the night as described by the
17 victim. How can there not be evidence in there? But I
18 submit to you, Grant Summersett is a good enough cop. If he
19 looked in that car and he saw that he --- he saw that we'd
20 have pictures of it. I submit to you we don't have it
21 because it wasn't there. It wasn't there because it didn't
22 happen like The State says it did. Could not have happened
23 that way. There is no physical evidence that legitimizes.
24 There is no physical evidence and no trauma --- I mean, you
25 know, the --- I couldn't believe it. The State put pictures