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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Deadra L. Jefferson, Circuit Court Judge

Appellate Case No. 2025-001185

THE STATE OF SOUTH CAROLINA,

Respondent,

v.

MARK HAMILTON,

Appellant.

AMENDED RECORD ON APPEAL

VOLUME I

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91-10-00-6008

WITNESSES

JAMES P. SIEMERS AND/OR

JULIE J. ARMSTRONG

DET. T. A. HONAN, CCSO

OCA#: 91-082477B

ARREST WARRANT NO.

ACTION OF GRAND JURY

Foreman of Grand Jury

VERDICT

- ① Not Guilty " "
- ② Guilty of Murder " ✓ "
- ③ Guilty of Manslaughter " "

Foreman of Petit Jury

Date:

DOCKET NO. 92-GS-10-1680

The State of South Carolina,

County of CHARLESTON

COURT OF GENERAL SESSIONS

MARCH

TERM 1992

THE STATE

vs.

MARK HAMILTON

DOA: OCTOBER 23, 1992

AK#: D223087

Indictment for

MURDER

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on MARCH 2ND, 1992
the Grand Jurors of CHARLESTON County present upon their oath:
THAT MARK HAMILTON, ACTING IN CONCERT WITH ANOTHER, DID IN CHARLESTON COUNTY
ON OR ABOUT THE 22ND DAY OF OCTOBER, 1991, feloniously, wilfully and with
malice aforethought kill one Ralph Boyce Sineath, Jr. by means of hitting,
kicking, and beating him with tree limbs, a pole and pieces of wood about the
head and body, and that the said victim died as a proximate result thereof,
such being in violation of S.C. Code of Laws Section 16-3-10.

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

David G. Schwache
DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

SENTENCE

GENERAL SESSIONS COURT

MURDER

CASE NO. 92-1680 GS-10
TICKET/WARRANT NO. 0223087
TICKET WARRANT NO. _____

The defendant, MARK HAMILTON is committed to the State Dept.
of Corrections / County Detention Center for a term of the balance of your natural life days/months/years and/or to pay a fine of
\$ _____; provided the sentence be suspended upon the service of life days/months/years
and/or payment of \$ _____ plus pay/waive costs and assessment as applicable*, the balance
suspended with probation for _____ months/years.

Special conditions: _____

Restitution (YES/NO)\$ _____ /3% _____ Total \$ _____

Weekly/Monthly \$ _____

to Clerk for _____

Public Defender Funds _____

Date: June 16, 1993

Richard B. [Signature]
Resident/Presiding Judge, Ninth Judicial Circuit

Fine _____ \$ _____
Law Enforcement and Hall
of Fame _____ \$ _____
Community Corrections
Assessment/Waive Indigent _____ \$ _____
25% of Fine or \$14.00 _____ \$ _____
DUI Test, if Applicable _____ \$ _____
10.00 G.S. Assessment _____ \$ _____
1/2 County, if Applicable _____ \$ _____
Total Fines and Costs _____ \$ _____

INFORMATION ON DEFENDANT

Age: 19 S.S. No. _____

M ☒ F _____ Married _____ Single _____

Date of Birth: _____

Attorney: JOHN CRUMRINE

.....
ALL PAYMENTS MUST BE MADE BY CASH.
MONEY ORDER OR CASHIER CHECK. WE
CANNOT ACCEPT PERSONAL CHECKS.
.....

Clerk of County/Deputy Clerk

White copy _____ to Clerk
Canary _____ to Detention Center
Pink _____ to Probation
Green _____ to Solicitor
Goldendrod _____ to Defendant

CLERK OF COURT
2144 MELBOURNE AVE.
CHARLESTON, SC 29405
740-5700

1 STATE OF SOUTH CAROLINA

2 COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
INDICTMENT NO. 92-GS-10-1680

3 STATE OF SOUTH CAROLINA,)

4 Plaintiff,)

5 -vs-)

TRANSCRIPT OF RECORD

6 MARK HAMILTON,)

7 Defendant.)

8 June 14 and 16, 1993
9 Charleston, South Carolina

10 B-E-F-O-R-E

11 THE HONORABLE LUKE M. BROWN, Judge and a jury.

12 A-P-P-E-A-R-A-N-C-E-S

13 DAVID SCHWACKE, ESQ.
14 Solicitor for the
15 Ninth Judicial Circuit

16 JOHN CRUMRINE, ESQ.
17 Attorney for the Defendant

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22 NORMA T. EVANS.
23 Circuit Court Reporter
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P-R-O-C-E-E-D-I-N-G-S

THE SOLICITOR: Your Honor, we call the case of State v. Mark Hamilton, indicted for murder.

THE COURT: Do you wish formal arraignment?

MR. CRUMRINE: We do, Your Honor.

THE CLERK: Come forward, please. We have indictment No. 92-GS-10-1680, State v. Mark Hamilton, indicted for murder. Mark Hamilton, if you answer to that name, hold up your right hand.

(Defendant raises right hand.)

THE CLERK: Put it down. You stand indicted by the name of Mark Hamilton. At a Court of General Sessions convened on March 2, 1992, a Grand Jury of Charleston County presented upon their oath that Mark Hamilton acted in concert with another, did in Charleston County on or about the 22nd day of October 1991, feloniously, willfully, with malice aforethought killed one Ralph Boyd Sineth, Jr., by means of hitting, kicking and beating him with tree limbs, a pole, and pieces of wood about the head and body. And that the said victim died as a proximate result thereof, such being in violation of South Carolina Code of Laws Section 16-3-2. How say you, are you guilty or not guilty?

MR. HAMILTON: Not guilty.

THE CLERK: How will you be tried?

MR. HAMILTON: By my God and country.

1 THE CLERK: May God send you a good deliverance. Are
2 you ready for trial?

3 MR. HAMILTON: Yes, sir.

4 THE CLERK: These good and lawful men and women whose
5 names you will now hear called are the jurors who will pass
6 between the State and you for your trial for the offense of
7 murder. If you will challenge them or any one of them, you
8 must do so as each one comes to be sworn, before he or she
9 is sworn. Thank you. You may be seated.

10 THE COURT: Now, members of the jury panel, I failed
11 to tell you, but during this week, I am going to try and
12 explain some things to you and feel free to ask any
13 questions if you want to, just stand up and ask me about
14 them. If I can answer, I will be glad to do it. There are
15 a lot of things that occur that perhaps you are not familiar
16 with. As you know this is a temporary courthouse, but in
17 courthouses, if you recall, if you have ever been in
18 courtrooms, you always find a little box. In trials, people
19 are arrainged, and that is what you just heard, was a formal
20 arraignment, where the clerk asked the Defendant if he is
21 ready for trial and the other things that you heard and
22 gives him formal charges. And I want to remind you, as I
23 told you earlier that sitting at that table, Mr. Hamilton
24 who is charged with murder is just as innocent as you and I.
25 He doesn't have to ask these witnesses any questions. As a

1 take a little break, I sometimes forget how long the time
2 has been, just pass the word down to the Foreman, Madam
3 Foreman you tell me you want to take a break and we will
4 take a break. And the bailiffs, I don't know what they have
5 back there. Sometimes they have cold drinks or coffee or
6 snacks or whatever, if you need anything to make you
7 comfortable they will be delighted to get it for you. I
8 already told you about not discussing the case until we
9 complete it and then you will be able to discuss it. That
10 is about all. All right. Solicitor.

11 THE SOLICITOR: May it please the Court, Mr.
12 Crumrine, Madam Forelady, ladies and gentlemen of the jury,
13 thank you for being with us this week. The services you
14 provide is very important, not only to the State but to the
15 Defendant. Because what we have asked you to do is come
16 here today, listen to the facts, listen to the testimony,
17 the exhibits, the documentation that will come into
18 evidence. Remember all of that, and then take it back with
19 you later in the week into the jury room and reach a
20 decision.

21 Now, because of some circumstances beyond our control
22 this trial is going to go a little bit longer this week
23 because we won't be able to do testimony tomorrow. So we
24 are going to be tested a little bit to try to remember what
25 happens here today. I ask you to please pay close attention

1 because what happens this afternoon, the testimony you hear
2 is just as important when you get into the rest of the week
3 so you can put that all together.

4 A trial is something that is a necessary fact of life
5 in the criminal justice system. It essentially means that
6 there are different versions as to what happened on a
7 particular date that can't be resolved in any fashion other
8 than jurors, citizens being selected to come to the
9 courtroom and pay attention to that testimony and make a
10 decision. Sometimes trials become who done it, sort of a
11 little mystery, trying to determine, you know, the identity
12 of the person that may have committed the crime. Sometimes
13 trials are nothing more than what did he do, I mean it is
14 clear the identity of the perpetrator, it is a question of
15 what crime has been committed. This trial is going to be a
16 little like both of those. It is more like a not so much a
17 who done it, or what did he do, it is more like a who did
18 what, sort of crime. So you are going to have to pay
19 attention. This is a crime where there were multiple
20 Defendants, but you only have one of them to consider here
21 today in terms of what they did, their acts, their
22 involvement, circumstances surrounding it, and what crimes
23 does that constitute under the law of the State of South
24 Carolina.

25 The State of South Carolina by its indictment alleges

1 that the crime is murder. Murder is the unlawful taking of
2 the life of another, committed with malice aforethought.
3 What is malice, what is aforethought. Malice is a technical
4 term, and again the Judge is going to charge you these
5 things at the end of the trial, after you have heard the
6 testimony. But what I would like to do with my juries is to
7 kind of give them a little road map to follow so that they
8 will have an idea of what the law is and then it becomes a
9 mental check list for them so as they hear the testimony
10 come from the witness stand, they know that we have covered
11 that point, he has covered that point, he has covered that
12 point. I know what the crime is, I know it has been
13 committed, when I go back in the jury room I can make a good
14 deliberation. So malice is a term of art, it is a legal
15 term. It denotes wickedness, depravity, it shows a heart
16 devoid of social duty, a heart fatally bent on mischief.

17 What the State alleges is that is exactly the
18 condition that existed on Tuesday afternoon, before 5:00, on
19 October the 22nd, 1991 when Ralph Sineth did nothing more
20 than what any US citizen has the right to do, which is to
21 walk through his own neighborhood. And in an unprovoked
22 attack was beaten to death with sticks and boards, and
23 kicked and hit. What you have to determine here during the
24 course of this week is the involvement of Mark Hamilton in
25 that and what is his crime. And I submit to you ladies and

1 gentlemen that the only decision that will be available for
2 you at the close of the evidence, at the close of the case,
3 the close of the Judge's charge on the law, and that the
4 verdict, the truth that your verdict will speak will be that
5 it is murder. Thank you.

6 MR. CRUMRINE: Please the Court, Mr. Solicitor, Madam
7 Foreman, ladies and gentlemen of the jury, we had a few
8 moments before the trial to get to know each other, you were
9 asked a lot of questions, personal questions, and you got to
10 know a little bit about the Solicitor and I as well. All of
11 those questions that were asked were for a good reason. I
12 think you know that, to illicit any possible previous
13 prejudices or biases that you might have obtained by
14 watching the media or talking with other people.

15 We are going to hold you to your promises to be open
16 minded, and to put behind you anything you may have heard or
17 read about this. Media gets things all messed up and in
18 this case they may do just fine, but it is a lot different
19 than you might have heard. I guarantee you that they have
20 not heard all of the witnesses that you are going to hear.
21 They have not heard the case presented as you are going to
22 hear it. And it is very important, this is the most serious
23 of cases. We also found out that some of you have also been
24 victims of crime, and that you were willing to put that
25 behind you as well and to render an impartial verdict and to

1 put aside any bias or prejudice you might have had.

2 This is not a murder case. I agree with the
3 Solicitor, this is a who done it or who did what case. You
4 have to look at, we have four individuals that were charged
5 in this matter, you have to look at what my client Mark
6 Hamilton did. The press didn't differentiate between all of
7 the individuals, and you have to look at what facts pertain
8 to him, the sequence of events, exactly what he is
9 responsible for. I said it is not a murder case, it is a
10 manslaughter case, but it is not even a manslaughter case
11 against my client Mr. Hamilton. It is against the other
12 individuals.

13 Solicitor referred to the law, the Judge will also
14 tell you the law. We probably all know it from reading and
15 watching TV and all, murder is the unlawful killing of
16 another, with malice aforethought. The Solicitor went on
17 about malice. It is malicious. Murder is the unlawful
18 killing of another with malice, intent, aforethought, before
19 hand. It is not a premeditated murder, this is a
20 manslaughter that occurred out there. In the heat of the
21 moment.

22 Manslaughter is the unlawful killing of another in
23 the heat of passion. In this case, I believe you will find
24 the evidence shows that the heat of the moment was caused
25 when during an initial fray between this group of young men

1 and Mr. Sineth in which there had been is slapping, a
2 pushing down, and a kicking act, that the box cutter held by
3 Mr. Sineth, that when Mr. Sineth severely cut my client, and
4 he had to go sit down across the street with his pants
5 around his knees, that the others became enraged in the heat
6 of that moment, sudden anger and resentment, manslaughter.
7 And that they then, the attack took on a different
8 complexion and quality and that this was a reprisal.
9 Something that Mr. Hamilton had no control over, that he did
10 not encourage anybody to do that. That it was in response
11 to seeing blood, and seeing a disproportionate response by
12 Mr. Sineth. I'm not trying to say that Mr. Sineth was wrong
13 in defending himself, I am not saying he is wrong. I only
14 want to put this in perspective as to how this occurred,
15 what occurred, and who did it. I am not trying to say Mr.
16 Hamilton is an angle. What he did was terrible, he was
17 bullying another individual in the neighborhood, assaulting,
18 probably aggravatingly assaulting since there were more than
19 one of them. But at the point where he received his injury
20 and was removed from the incident, that nothing that
21 occurred beyond that, that it was of a different complexion
22 and nature.

23 I am going to ask you to do something unnatural in
24 this trial and that is to make real the presumption of
25 innocence. The Judge instructed you over and over again to

1 do that, because it is unnatural as human beings to presume
2 somebody innocent. Whenever we hear of some terrible crime,
3 or serious crimes and we find out the police arrested
4 somebody, read it in the newspaper, we all sigh relief at
5 hearing that. That is not the presumption of innocence. We
6 don't say oh, they must have the wrong guy. And it is just
7 human nature to hope that they caught the right person, that
8 the charge is proper and such. That is an example to show
9 you how severe our biases are and to make real the fact that
10 he is presumed innocent over there and put the State to the
11 burden. They have a burden not to prove to you by a
12 preponderance of the evidence but beyond a reasonable
13 doubt, all of the elements of murder. They come in here
14 with an indictment saying murder and make a promise to you
15 that they can provide all of their evidence that proves
16 murder, exclusion of any other crime, beyond a reasonable
17 doubt.

18 And here I ask you to look to the facts. Was there
19 malice aforethought, did they plan to kill a fellow out in
20 broad daylight on a busy corner with all of these witnesses
21 around, or is it something that happened in the heat of the
22 moment, and was Mark Hamilton removed from it when that
23 occurred. Those are the issues that you need to look at and
24 we ask for your patience and your open mindedness and ask
25 you to honor your promises to put aside all of the previous

1 things that you have heard about this. Thank you.

2 THE COURT: Solicitor, call your first witness.

3 THE SOLICITOR: The State would call Deputy Morris.

4 NAOMI MORRIS DOSS, being first
5 duly sworn, testified as follows:

6 THE CLERK: State your full name for the record.

7 THE WITNESS: My name is Naomi Doss, D-O-S-S, I just
8 got married. I work with the Charleston County Sheriff's
9 Office.

10 DIRECT EXAMINATION BY THE SOLICITOR:

11 Q How long have you been employed with the Charleston
12 County Sheriff's Department?

13 A Charleston County Police Department and Charleston
14 County Sheriff's Office for five years.

15 Q And at the time, for five years, did you have
16 occasion to be on duty with the Charleston County Sheriff's
17 Department back on October 22nd, 1991?

18 A Yes, I did.

19 Q And what was your name at that time?

20 A Deputy Morris.

21 Q And what are your duties with the Charleston County
22 Sheriff's Department?

23 A Patrol, prevention, patrolling the neighborhoods.

24 Q Are you assigned to a specific area?

25 A North area.

1 Q Okay. And were you so employed on the 22nd of
2 October of 1991?

3 A Yes, I was.

4 Q Did you have occasion on that day to be dispatched to
5 a call in the afternoon?

6 A Yes, I did. I was dispatched to a fight and assault
7 call on Alabama Drive.

8 Q And what area of the county is that in?

9 A That is the north area, Waylyn and Dorchester Road.

10 Q And is that in fact in Charleston County?

11 A Yes, it is.

12 Q And what did you observe when you arrived?

13 THE COURT: Just a minute, before she answers, I
14 don't know about the public address system, but if any of
15 you can't hear, let me know so I can move the witness and
16 move the microphone. Thank you. Forgive me.

17 BY THE SOLICITOR:

18 Q I will stand over here, make sure if I can hear you
19 over here, I know this juror can. So at that time you were
20 dispatched, at what time on that afternoon?

21 A Approximately 16:45 which is 4:45 and I arrived there
22 at 4:47.

23 Q All right. And what did you observe when you
24 arrived?

25 A There was a group of people there, they stated that

1 the suspect was ---

2 Q Don't say what anybody said, but there was a group of
3 people there?

4 A Group of people there.

5 Q And do you know the Defendant Mark Hamilton?

6 A Yes, I do. I observed him there when I first got
7 there and he had a cut on his left leg.

8 Q So you observed him there?

9 A Yes.

10 Q You know him by name and sight?

11 A I know him by name.

12 Q And he had a cut?

13 A Yes, he did.

14 Q Where?

15 A On his left thigh.

16 Q Left thigh. And where was he when you arrived?

17 A He was standing in the street with another black male
18 holding him up.

19 Q And what, if anything, did you do at that point?

20 A I was advised by the group of people that the
21 suspect ---

22 Q Don't say what anybody advised you, but as a result
23 of what the group of people had told you, what did you do?

24 A I advised dispatch that we needed EMS for the
25 individual, Mr. Mark Hamilton.

1 Q And then what did you do next?

2 A Then I went to check for the other suspects, and I
3 couldn't find them, so I quickly came back to the scene.

4 Q So you left the scene at some point, in your cruiser?

5 A Yes, I did.

6 Q And did you --- is that a circle back in there behind
7 Alabama and Ranger?

8 A Yes, it is.

9 Q What did you do after you went back in there?

10 A I returned back to the scene.

11 Q Okay. And what did you observe at that point?

12 A A black female approached me and stated ---

13 MR. CRUMRINE: Objection.

14 BY THE SOLICITOR:

15 Q Don't say what anybody may have told you, but how
16 many --- you said a black female?

17 A A black female.

18 Q And did you get her name?

19 A No, I did not.

20 Q And what did you do with them at that point? With
21 the black female that approached you? Not what she said,
22 but what did you do?

23 A I asked her --- I observed the victim in the ditch.

24 Q Okay. But what did you do with the black female?

25 A I put her aside, away from everybody else.

1 Q And in your cruiser?

2 A There were two other black females there, I placed in
3 the cruiser. They stated they were witnesses, I didn't ask
4 them any questions, I just placed them in the cruiser.

5 Q But there was another woman?

6 A There was another woman there and she was yelling
7 that there is a ---

8 Q Not so much what she was yelling, but was she
9 administering to the victim at that point?

10 A She was standing there pointing.

11 Q Okay. And so what did you do at that point?

12 A I called EMS for the victim, I advised them that he
13 was in bad condition and to speed it up.

14 Q Okay. Are you the only officer on the scene at that
15 point?

16 A No, sir, Deputy Conkey arrived soon after.

17 Q He is the second officer to arrive?

18 A Yes, he is.

19 Q At what did you-all do when he arrived?

20 A We secured the scene.

21 Q How do you secure the scene?

22 A We keep the people out that weren't involved, we keep
23 all of the witnesses in one area, that is why I placed the
24 two witnesses in my vehicle. We don't let anybody in except
25 supervisors and the lab people.

1 Q And that preserves the scene as it exists when you
2 arrived?

3 A Right.

4 THE SOLICITOR: Thank you. Answer any questions that
5 Mr. Crumrine might have for you.

6 MR. CRUMRINE: Please the Court.

7 CROSS EXAMINATION BY MR. CRUMRINE:

8 Q When you arrived at the scene, was Mr. Hamilton being
9 supported by another individual?

10 A Yes, he was.

11 Q Could you tell where he had been just prior to that?
12 Did you see him coming from one side or the other?

13 A He was standing in the street, the middle of the
14 street.

15 Q And could you observe his injuries?

16 A Yes, I could.

17 Q Can you describe to the jury how severe that injury
18 was?

19 A It was a deep cut, you could see the muscles
20 twitching in the cut, you could see it was a very deep cut.

21 Q Can you describe about how long the injury was?

22 A It was about that long.

23 Q Is that a guess?

24 A It was about that long, three inches, four inches.

25 Q All right. Did he have his pants on at the time you

1 saw him?

2 A No, he didn't.

3 Q And where were they?

4 A Down by his knees.

5 Q Still on his feet, but down around his knees?

6 A He had another person holding him up.

7 Q Was there much blood?

8 A Yes, there was.

9 Q Did you in securing the scene observe a box cutter?

10 A No, I didn't.

11 Q And you were not a witness to any of the fight or
12 what had transpired, is that correct?

13 A That is correct.

14 MR. CRUMRINE: No other questions.

15 THE SOLICITOR: That is all, Your Honor, may she
16 about excused?

17 THE COURT: Any objection?

18 MR. CRUMRINE: No objection.

19 THE COURT: You are excused.

20 THE SOLICITOR: The State calls Deputy Michael
21 Conkey.

22 MICHAEL CONKEY, being first
23 duly sworn, testified as follows:

24 THE CLERK: State your full name for the record and
25 spell your last name, please.

1 THE WITNESS: Michael A. Conkey, C-O-N-K-E-Y.

2 DIRECT EXAMINATION BY THE SOLICITOR:

3 Q And you obviously are employed by a police
4 department?

5 A Yes, sir, Charleston County Sheriff's Office.

6 Q Charleston County Sheriff's Office. And how long
7 have you been employed with the Sheriff's Department?

8 A Three years.

9 Q What are your duties?

10 A I am patrol deputy with the north patrol unit.

11 Q North patrol unit?

12 A Yes, sir, north area.

13 Q Were you assigned to that responsibility on October
14 the 22nd, 1991?

15 A Yes, sir, I was.

16 Q And in what area were you assigned to?

17 A Districts 1 and 4 which include Dorchester Road,
18 Waylyn, Accabee, those areas.

19 Q Okay. Did you have occasion to respond to a dispatch
20 that afternoon?

21 A Yes, I did.

22 Q And about what time were you dispatched to that call?

23 A Approximately 4:30 in the afternoon, I was dispatched
24 to what was put out as a fight in progress, with a person
25 down.

1 Q Where was that?

2 A It was at the intersection of Alabama Drive and
3 Ranger Drive.

4 Q Are you familiar with that area in your patrol?

5 A Yes, sir.

6 Q And what did you observe when you arrived?

7 A When I arrived, there was quite a large crowd there
8 at the street, there was one gentleman laying in a ditch, or
9 a drainage ditch along side of the road, quite a bit of
10 chaos, people running all over the place.

11 Q What did you do when you arrived?

12 A When I arrived, I checked on the gentleman laying
13 down, and a witness there or a lady standing by said that
14 ---

15 MR. CRUMRINE: Objection.

16 THE SOLICITOR:

17 Q Don't say what anybody said. Is this a white
18 gentleman or a black gentleman?

19 A This is a white man.

20 THE COURT: Let me explain to the jury, when you hear
21 the Solicitor say don't tell me what they said, people who
22 come into court and testify can't testify to what other
23 people told them, ordinarily, of course those people aren't
24 in here to tell you-all. It is called hearsay testimony,
25 except under certain circumstances. So I thought I would

1 explain it. Go ahead Solicitor.

2 THE SOLICITOR: Thank you.

3 BY THE SOLICITOR:

4 Q So at that point, there was a white gentleman laying
5 in the ditch?

6 A Yes, there was.

7 Q And did you observe him?

8 A Yes, I did.

9 Q And what was the purpose of your observation? What
10 were you doing?

11 A To check his physical condition, he appeared to have
12 been in some sort of an assault, he was bleeding profusely,
13 and had some unusual coloring.

14 Q Did you check for a pulse?

15 A Yes, I did.

16 Q What did you detect?

17 A I could not detect a pulse at all.

18 Q And you indicated that he was bleeding profusely?

19 A Yes, he was.

20 Q Where was he bleeding from?

21 A To my recollection, it was --- there was blood coming
22 out of his nose and his ears.

23 Q Now, after you arrived and made that determination,
24 what did you do next?

25 A At that point I started looking around to see who was

1 there, who might be involved in the situation.

2 Q And did you recognize anybody?

3 A Yes, I did.

4 Q Who did you see?

5 A I saw Mark Hamilton and a boy that I knew as Juney,
6 right across the street.

7 Q Is the person you know as Mark Hamilton in the
8 courtroom?

9 A Yes, he is.

10 Q Where he is?

11 A Sitting right there.

12 THE COURT: Gentlemen, how about approach the bench
13 just a minute, will you.

14 (Whereupon, a bench conference was held at this
15 time.)

16 THE COURT: Go to your room just a minute, Madam
17 Forelady.

18 (Whereupon, the jury exited the courtroom.)

19 (Whereupon, a brief recess was had at this time.)

20 THE COURT: Bring the jury.

21 (Whereupon, the jury entered the courtroom.)

22 THE COURT: Go ahead Solicitor.

23 THE SOLICITOR: Thank you, Your Honor.

24 BY THE SOLICITOR:

25 Q Deputy Conkey, I think we had gotten to the point

1 that you have been dispatched about 4:30 to the scene of
2 Alabama and Ranger Drive?

3 A Yes.

4 Q And had identified Mark Hamilton as being one of the
5 people at the scene?

6 A Yes.

7 Q How was he dressed?

8 A He was wearing blue jeans.

9 Q How is he dressed today?

10 A Today he is wearing a dark blue suit, dark tie and a
11 white shirt.

12 Q Okay. And you indicated there were a number of
13 people at the scene when you arrived. Did you have occasion
14 to --- you prepared the incident report for the Sheriff's
15 Department, is that correct?

16 A Yes, sir, I did.

17 Q And in preparing this report, what type of
18 information do you usually include?

19 A The area that I was dispatched to, individuals that
20 approached me and identified themselves as witnesses,
21 suspects that I am aware of or I have been told by
22 witnesses.

23 Q Did you have occasion to list any persons as
24 witnesses?

25 A Yes, sir, I had two witnesses that approached me.

1 Q And what are the names of the witnesses that you
2 listed?

3 A The two witnesses that approached me and said they
4 saw the whole thing, were a Vernell Rivers and a Katrina
5 Crommedy.

6 Q Okay. And do you have other responsibilities when
7 you arrive at a crime scene?

8 A Yes, sir, to secure the crime scene, apprehend any
9 suspects that may be there.

10 Q And how do you secure the crime scene? What do you
11 do?

12 A Keep everyone that is not directly involved, medical
13 person or law enforcement out of the area. Basically just
14 to keep everybody away from the scene so as not to destroy
15 any evidence.

16 Q And after you do the initial securing of the crime
17 scene, is anyone contacted to do anything further at the
18 scene?

19 A Yes. Immediately I notify my supervisor who in turn
20 calls out our crime scene lab investigators and again the
21 victim was deceased, the medical examiner was also notified.

22 Q And how did Mark Hamilton leave the scene?

23 A He was transported in EMS.

24 THE SOLICITOR: Okay. Thank you. Answer any
25 questions that Mr. Crumrine might have.

1 CROSS EXAMINATION BY MR. CRUMRINE:

2 Q Deputy Conkey, can you tell the jury a little bit
3 about the scene out there? You said there was a ditch, and
4 obviously a ditch is an indented place in there, but don't
5 the sides beside the ditch come on up and aren't they
6 elevated?

7 A They sloped up towards the road and towards the yard,
8 the adjacent yard.

9 Q So on one side of the ditch there is a fence at the
10 top of the rise?

11 A Yes, sir, there was.

12 Q Running the length of the ditch?

13 A Yes, there was.

14 Q And on the other side is the street?

15 A Yes.

16 Q And so if someone were standing in the ditch and
17 someone were standing in the street, can you estimate for
18 the jury about where they might --- how much further down
19 they might be standing?

20 A I don't understand what you are asking.

21 Q How deep the ditch is along with the rise that goes
22 up to the street?

23 A This ditch may be 10 to 12 inches deep, it wasn't
24 very deep.

25 Q But beyond the ditch itself there is a rise that goes

1 up to the roadway and up to the fence, is that correct?

2 A Yes.

3 Q Can you tell the jury about how high the rise was up
4 to the street beyond the ditch itself?

5 A About from the roadway to the bottom of the ditch it
6 was slanted down about 10 or 12 inches.

7 Q Okay. As far as the observations of my client, when
8 you arrived at the scene, were his pants around his knees
9 still?

10 A I don't recall where his pants were.

11 Q Did you observe his wound?

12 A Yes, I did.

13 Q All right. Could you see it through his pants?

14 A Like I said, I remember seeing the cut. I don't
15 remember if his pants were actually pulled down or if they
16 were up at the time.

17 Q Can you describe for the jury what the wound looked
18 like?

19 A It was a deep laceration or cut of his left thigh.

20 Q All right. And can you tell the jury about --- can
21 you estimate about how long the laceration was?

22 A Probably four to six inches. It was pretty wide
23 across the meaty part of his thigh.

24 Q Okay. And as far as you describe it, it was a deep
25 laceration, can you estimate how deep it was, sir?

1 A Deep enough to where you could see the muscles and so
2 forth. I don't recall just how deep it was. I didn't go
3 stick anything in it to try and measure it.

4 Q Yes, sir. And the degree of bleeding, can you
5 describe that to the jury?

6 A It was bleeding pretty heavily.

7 Q In securing the scene, did you observe a box cutter?

8 A Yes, sir, that was at the scene, closest to the body.

9 Q And can you tell the jury about how long the box
10 cutter was?

11 A It was a standard supermarket type box cutter,
12 probably four to six inches long.

13 Q And did you see a blade from the box cutter?

14 A I don't recall. I never touched it.

15 MR. CRUMRINE: I have nothing further. Thank you.

16 REDIRECT EXAMINATION BY THE SOLICITOR:

17 Q Officer Conkey, did you go over and look at the
18 injuries to Mr. Hamilton's leg?

19 A I did.

20 Q Okay. And in terms of the amount of blood there, did
21 he have it on his pants?

22 A As I recall he did.

23 Q And again, he was transported from the scene by EMS?

24 A Yes, he was.

25 THE SOLICITOR: That is all the questions I have.

1 May he be excused Your Honor?

2 THE COURT: Yes, sir. Have a good day.

3 THE SOLICITOR: We call Detective Honan.

4 THOMAS HONAN, being first duly
5 sworn, testified as follows:

6 THE CLERK: State your full name and spell your last
7 name for the record, please.

8 THE WITNESS: Thomas Honan, H-O-N-A-N.

9 DIRECT EXAMINATION BY THE SOLICITOR:

10 Q And you are employed with the Charleston County
11 Sheriff's Department?

12 A Yes, I am.

13 Q In what capacity?

14 A As a criminal investigator in the violent crime unit.

15 Q Violent crime unit?

16 A Yes, sir.

17 Q And how long have you been employed as an
18 investigator for the Charleston County Sheriff's Department?

19 A As an investigator for the past almost three years.

20 Q And so were you so employed on the day of Tuesday,
21 October the 22nd, 1991?

22 A Yes, sir, I was.

23 Q Did you have occasion to be dispatched to a crime
24 scene at the corner of Alabama and Ranger?

25 A Yes, sir.

1 Q And what time was that?

2 A That was approximately my arrival at Ranger and
3 Alabama was about four minutes after 5:00 p.m. on the 22nd.

4 Q And what were your duties at the time you arrived at
5 Alabama and Ranger?

6 A I was assigned by my supervisor as the case agent and
7 chief investigator on the case and was assigned to the crime
8 scene.

9 Q Okay. And when you say crime scene, what does that
10 mean?

11 A The area, physical area where the incident takes
12 place and in charge of detailing the crime lab, crime scene
13 personnel and conduct a scene search.

14 Q You do that alone or do you do that in conjunction
15 with anyone at the Department?

16 A We do that in conjunction, an investigator with
17 personnel from the crime lab.

18 Q Okay. Do you recall who that would have been with
19 you that day?

20 A Yes, that was Senior Sgt. Buhle.

21 Q And what did you and Sgt. Buhle do on this occasion?

22 A When we arrived there, the scene was already secured
23 and sealed off with banner guards.

24 Q Banner guards, is that police line tape?

25 A Yes, sir. Myself and Sgt. Buhle began at about 5:30

1 p.m. to inspect the roadway, and the sides of the roadway.
2 When we arrived, the victim had been covered up with a
3 sheet, and he remained, we didn't examine him, specifically
4 right around him or under the sheet until arrival of
5 personnel of the M.E. or Coroner's Office. Until that time
6 we inspected both sides of the roadway and the roadway
7 itself.

8 Q Okay. And did you-all have occasion to --- so you
9 took measurements?

10 A Yes, sir.

11 Q How do you measure things? What do you use?

12 A We use a standard tape roll.

13 Q And those measurements are then recorded?

14 A Yes.

15 Q What is the purpose of taking these measurements?
16 What do you do with them next?

17 A What we do is we diagram the scene or keep the
18 measurements so that items can be placed in perspective at
19 the distances they were at when we observed them.

20 Q Did you have occasion to make a crime scene diagram
21 in this case?

22 A Yes, I did.

23 Q And do you have it with you here today?

24 A Yes, I do.

25 MR. CRUMRINE: Your Honor, we have no objection to

1 this exhibit.

2 (State's Exhibit Nos. 30, 31, marked for
3 identification.)

4 BY THE SOLICITOR:

5 Q I am going to show you what has been marked as
6 State's Exhibit Nos. 30 and 31, you did prepare those
7 diagrams?

8 A Yes, I did.

9 Q Are they drawn to scale?

10 A No, they where not.

11 Q Do they accurately reflect the distance and
12 relationship of objects to each other?

13 A Yes, they do.

14 Q And are those distances and directions shown?

15 A Yes, they are indicated on here.

16 Q I am going to show you what has been marked as
17 State's Exhibits 19 and 18 and ask you if you would compare
18 those two exhibits to the ones marked for identification,
19 Exhibits 30 and 31.

20 A Yes, sir.

21 Q Have you had a chance to make a comparison of those
22 exhibits?

23 A Yes, I have.

24 Q Does the exhibit which has been marked for
25 identification, Exhibit No. 31, does that match up with the

1 enlarged Exhibit No. 19?

2 A Yes, sir, with the exception of the cross.

3 Q And the coloring?

4 A And the coloring, yes, sir.

5 Q And then again the same difference between State's
6 Exhibit for identification, No. 30 and No. 18?

7 A Yes, sir.

8 THE SOLICITOR: Your Honor, at this time the State
9 would move to introduce Exhibits No. 18 and 19 into
10 evidence.

11 THE COURT: Any objection?

12 MR. CRUMRINE: No, sir.

13 (State's Exhibit Nos. 18 and 19, admitted into
14 evidence.)

15 THE SOLICITOR: Your Honor, at this time, the State
16 would move into evidence without objection, State's Exhibit
17 No. 16.

18 THE COURT: Without objection.

19 (State's Exhibit No. 16, admitted into evidence.)

20 BY THE SOLICITOR:

21 Q Detective Honan, State's Exhibit No. 16 which has
22 been introduced, does that accurately depict the Dorchester
23 Waylyn neighborhood where this incident occurred?

24 A Yes, it does.

25 Q And you have indicated earlier you were dispatched to

1 the intersection of Alabama and Ranger, is that correct?

2 A Yes, sir.

3 Q Could you ---

4 THE COURT: I wonder if you could let him stand on
5 this side, the court reporter can hear him a little better.

6 BY THE SOLICITOR:

7 Q Can you point that out to the jury, please?

8 A Alabama and Ranger, we have Dorchester Road,
9 Dorchester Road running across the bottom of the map.
10 Ranger Drive comes off of Dorchester, and Alabama Drive is
11 this road indicated right in here.

12 Q And that completes a circle?

13 A Yes, that completes a circle, comes back out into
14 Ranger at this point.

15 Q And where is --- you indicated when you were
16 dispatched, you found the crime scene when it was marked
17 off, approximately what is the location of the crime scene?

18 A The location is this side of Alabama Drive, there is
19 a residence marked off here, between the roadway and the
20 fenced area is where the deceased was. The area that was
21 roped off was Ranger Drive and Alabama, this end of the
22 street and then shortly around the bend of the curve.

23 Q Okay. I am going to give you a star and ask you if
24 you would mark the location of the crime scene.

25 A Yes, sir.

1 Q Are you familiar --- did you later determine who the
2 victim was in this case?

3 A Yes, we did.

4 Q And do you know as a result of your investigation,
5 the residence he was living in at the time?

6 A Yes, it was Ralph Sineth, he resided at No. 1 Martha
7 Drive.

8 Q And is that location shown on the map?

9 A Yes, it is.

10 Q Could you also mark that with a star?

11 A (Witness doing as instructed.)

12 Q And are you familiar with this neighborhood in your
13 investigations and work as a police officer?

14 A Yes, I am.

15 Q Are you familiar with any type of convenience store
16 that is located in that general area?

17 A Yes, sir, the convenience store is at the
18 intersection of Dorchester Road and Ranger Drive.

19 Q Okay. Could you also mark that with a star, please?

20 A (Witness doing as instructed.)

21 Q When you arrived at this location which is marked
22 with a star, at the corner of Alabama and Ranger again, what
23 did you observe when you first arrived?

24 A Yes, we observed, like I stated before the area was
25 roped off, this section of the roadway was cornered off.

1 The deceased was covered with a white sheet, and the white
2 sheet was located in between the end of the roadway and a
3 fence by this residence right here. There were also located
4 on the roadway and about the crime scene, several sticks,
5 which were indicated.

6 Q Okay. Did you have occasion to work with Sgt. Buhle
7 to mark those locations?

8 A Yes, I did.

9 Q And this is State's Exhibit No. 19 and if you could
10 explain this diagram please to the jury and what it
11 represents?

12 A Yes. If I might orient this diagram, this
13 intersection right here, this is the way it is being
14 pictured. This is, like I said Ranger Drive, headed to
15 Dorchester Road and Alabama Drive. This here is roughly the
16 cornered area. The deceased was in this area covered up
17 with a sheet, as were some of these items that are indicated
18 on the drawing at the time of our arrival. Myself and Sgt.
19 Buhle commenced to examine this section of the roadway for
20 possible items of evidence. And conducted an overall
21 examination of the scene. The items which we located,
22 around the deceased were various pieces of wood and these
23 were numbered by us at the scene arbitrarily and indicated
24 on the map. The piece of wood that is No. 1 indicated 45
25 inches in length. No. 3 which is in this area over here, is

1 a stick 4 feet 8 inches long. These two sticks would have
2 been a distance of 33 feet, these would have been a distance
3 of 42 feet, from the head of the deceased. Once again,
4 measurements from stick level, this is No. 1, to No. 2,
5 which is on the grassy area of the roadway up here, this is
6 a sashing, of a piece of sashing perhaps a half inch by an
7 inch. And it indicated it was broken and this is 17 inches
8 in length. Moving back down to the fourth piece of wood
9 indicated, this is a piece of log not unlike a telephone
10 pole, section of a telephone pole, which is 31 inches long
11 and six inches in diameter. This pole is laying on top of a
12 crumpled denim jacket. No. 5 as indicated is a piece of 2 x
13 6 board which is broken, and approximately 32 inches in
14 length. The distance from the light pole at the corner of
15 Ranger and Dorchester, which was indicated SCE&G Pole No.
16 136339, 42 feet --- or excuse me 43 feet 10 inches to the
17 feet of the deceased and measuring him from that same base
18 line, 49 feet 3 inches to the head of the decedent. Also
19 indicated, as reflected on the other diagram, No. 6, which
20 is going to be a box cutter frame, without the blade labled
21 Bi-Lo, and that is in place on the same grassy area.

22 Q I want to show you at this point what has been marked
23 as State's Exhibit No. 7 for identification and ask you yes
24 or no if you can identify that?

25 A Yes, sir, I can.

1 Q And does that fairly and accurately depict the object
2 shown in the photograph?

3 A Yes, it does.

4 THE SOLICITOR: Your Honor, I would offer this.

5 MR. CRUMRINE: Subject to the prior objections, Your
6 Honor.

7 THE COURT: I will allow it.

8 THE SOLICITOR: Your Honor, the State would move the
9 introduction of State's Exhibit No. 7.

10 (State's Exhibit No. 7, admitted into evidence.)

11 BY THE SOLICITOR:

12 Q I show you what is marked as State's Exhibit No. 7
13 and in relation to the diagram, what does this show?

14 A This represents the stick labled No. 2, the piece of
15 rotten stick, it is on the grassy area. And this is again,
16 I believe that is 38 feet 1 inch.

17 Q I am going to show you what has been labled State's
18 No. 8, and I ask you yes or no, can you identify that?

19 A Yes, I can.

20 Q What is that please?

21 A This is the 2 x 6 board indicated on my diagram as
22 No. 5.

23 Q And does that fairly and accurately depict the object
24 as observed that day?

25 A Yes, it does.

1 THE SOLICITOR: Your Honor, the State would move the
2 introduction of State's Exhibit No. 8.

3 MR. CRUMRINE: Same prior objection.

4 THE COURT: Same ruling.

5 (State's Exhibit No. 8, admitted into evidence.)

6 BY THE SOLICITOR:

7 Q Again, if you can show that to the jury and then
8 explain what that relates to in the diagram.

9 A This is the section of 2 x 6 board located on the
10 grassy area between the fence and the residence or the
11 roadway and the fence on the side and this is labled in my
12 diagram as No. 5.

13 Q And I am going to show you what has been marked as
14 State's Exhibit No. 10 for identification an ask you yes or
15 no, if you can identify that?

16 A Yes, I can.

17 Q What is that?

18 A This is another piece of tree branch, a piece of wood
19 which is indicated on ---

20 Q Just yes or no.

21 A Yes.

22 Q And does that fairly and accurately depict what is
23 shown on the photograph and how it appeared that day?

24 A Yes.

25 MR. CRUMRINE: Same objection, Your Honor.

1 THE SOLICITOR: The State would move the introduction
2 of State's Exhibit No. 10.

3 THE COURT: Same ruling.

4 (State's Exhibit No. 10, admitted into evidence.)

5 BY THE SOLICITOR:

6 Q If you can show that to the jury and explain what it
7 is and where it was found in relation to the diagram?

8 A This is a piece of wood tree branch, this is laying
9 at the end of the roadway right here, this is indicated in
10 my diagram as No. 1. And this is again laying at the end of
11 the edge pavement next to the victim.

12 Q Okay. State's Exhibit No. 11 for identification, I
13 would ask you yes or no, if you can identify that?

14 A Yes, I can.

15 Q What is that please?

16 A This represents a piece of wood also at the scene.

17 Q And does that fairly and accurately portray the
18 object as you saw it that afternoon?

19 A Yes, it does.

20 THE SOLICITOR: Your Honor, at this time the State
21 would move the introduction of State's Exhibit No. 11.

22 MR. CRUMRINE: Same objection.

23 THE COURT: Same ruling.

24 (State's Exhibit No. 11, admitted into evidence.)

25 BY THE SOLICITOR:

1 Q Detective Honan, if you can explain that photograph,
2 what it depicts, to the jury, related to your diagram?

3 A Yes, this photograph depicts a piece of pole on top
4 of the denim jacket that I was speaking of earlier. This is
5 noted on my diagram as No. 4 at the feet of the deceased on
6 the grassy area.

7 Q And that is approximately how long?

8 A This is 31 inches long and six inches in diameter.

9 Q Did you weigh that object?

10 A It was weighed subsequently. I don't have the
11 weights, sir.

12 Q I am going to show you now what has been marked as
13 State's Exhibit No. 9 for identification and ask you yes or
14 no if you can identify that, please?

15 A Yes, sir.

16 Q And what is that, please?

17 A This is another piece of wood from the crime scene.

18 Q And does that also fairly and accurately depict the
19 object as you observed it that afternoon?

20 A Yes, sir, it does.

21 THE SOLICITOR: Your Honor, the State would move the
22 introduction of State's Exhibit No. 9.

23 MR. CRUMRINE: Same objection.

24 THE COURT: Same ruling.

25 (State's Exhibit No. 9, admitted into evidence.)

1 BY THE SOLICITOR:

2 Q Detective Honan, again if you can show that to the
3 jury and explain what is depicted on the photograph and
4 where that is on your diagram?

5 A Yes, this is a piece of wood labeled No. 3, this is 4
6 feet 8 inches in length. And shown in the diagram No. 3.
7 It is on the opposite side of the roadway from the location
8 of the victim at a distance of 33 feet from the end of No.
9 1, at 42 inches from the deceased. This is on the grassy
10 area between this side of the road and this fence right
11 here.

12 Q How does that, what is marked on your diagram as No.
13 3 and what is State's Exhibit No. 9, how does that relate to
14 the location where the Defendant was observed when the
15 police arrived?

16 A The Defendant would have been observed when police
17 arrived, on this side of the roadway.

18 MR. CRUMRINE: Objection, Your Honor.

19 THE COURT: What is your grounds?

20 MR. CRUMRINE: Trying to illicit hearsay as to what
21 someone told him where the Defendant was at when the police
22 arrived. They couldn't identify where it was.

23 THE COURT: Just address me. I understood the
24 previous witness testified what they found, and where they
25 found it. It goes to the weight, I am going to allow it.

1 THE SOLICITOR: Thank you.

2 MR. CRUMRINE: Your Honor, may we approach the bench
3 a moment?

4 THE COURT: Yes, sir.

5 (Whereupon, a bench conference was held at this
6 time.)

7 BY THE SOLICITOR:

8 Q And again, your second diagram here which is State's
9 Exhibit No. 18, that indicates some other distances, is that
10 correct?

11 A Yes, it does.

12 Q Can you explain that to the jury please?

13 A This is a diagram concerning the victim, and the
14 distances from the roadway. This is again, this diagram
15 would be oriented with this photograph on the side. This
16 area right here is the grassy area, this side is the
17 roadway, this is the fence. Shows it before. The distances
18 indicated here once again, the location of the box cutter,
19 this is the distance of 4 feet 6 inches from the deceased's
20 hand. The front of his head is 6 feet 5 inches from the
21 edge of the roadway. His feet 6 feet 9 inches from the edge
22 of the roadway.

23 Q I am going to show you what has been marked as
24 State's Exhibit 13 for identification and ask you yes or no
25 if you can identify that?

1 A Yes, I can.

2 Q What is that, please?

3 A This is the box cutter.

4 Q And does that fairly and accurately depict the box
5 cutter as you observed it that day?

6 A Yes, it does.

7 THE SOLICITOR: Your Honor, the State would move the
8 introduction of State's Exhibit 13.

9 MR. CRUMRINE: No objection.

10 (State's Exhibit No. 13, admitted into evidence.)

11 BY THE SOLICITOR:

12 Q If you could indicate that to the jury and its
13 location on your diagram?

14 A This right here is the ruler, crime scene technician
15 that took the photograph. This is the box cutter as I was
16 saying before. The most notable, in referring to this, this
17 section down here, this section which holds the blade, the
18 blade is absent from the box cutter.

19 Q Was the blade subsequently recovered?

20 A Yes, it was.

21 Q And where was that?

22 A It was underneath the Defendant or excuse me
23 underneath the victim.

24 Q Under Mr. Sineth?

25 A Yes, sir.

1 Q I am going to show you now what has been marked as
2 State's Exhibit No. 12 for identification and ask you yes or
3 no, if you can identify that please?

4 A Yes, I can.

5 Q What does that depict?

6 A This depicts the section of the roadway, referring to
7 it in this diagram, the victim is covered by a white sheet.

8 Q Okay. And does that fairly and accurately portray
9 the crime scene as you observed it that afternoon?

10 A Yes, it does.

11 MR. CRUMRINE: No objection.

12 THE SOLICITOR: The State would move the introduction
13 of State's Exhibit No. 12.

14 THE COURT: Yes, sir.

15 (State's Exhibit No. 12, admitted into evidence.)

16 BY THE SOLICITOR:

17 Q Detective Honan, again, if you could, orient the jury
18 to the diagram?

19 A Yes, this photograph in looking from the fenced area
20 towards the roadway as if you were standing up in this area
21 up here. The photograph is being taken this way, here is
22 the deceased like this, the piece of board, and then down
23 here you can see the jacket and the section of the pole.

24 Q And the photograph that depicted the board on the
25 opposite side of the street, does this also indicate what

1 appears to be a fence, is that correct?

2 A Yes.

3 Q So are there fences on both sides?

4 A Yes, there are. These are residential fences on both
5 sides of the street.

6 Q And approximately what distance do you have here
7 between the fence along this lot, which is No. 71 on the map
8 between that and where the victim was lying in the ditch?

9 A Our measurements were taken from the edge of the
10 roadway rather than from the fence. It would be a distance
11 of 6 feet 5 inches to the victim's head, and 6 feet 9 inches
12 to the victim's feet, measured from the edge of the
13 pavement.

14 Q Edge of the pavement?

15 A Yes, sir.

16 Q I am going to show you a pair of photographs State's
17 Exhibit Nos. 14 and 15 and ask you yes or no if you can
18 identify these please?

19 A Yes, sir.

20 Q Do they fairly and accurately portray what is shown
21 in the photographs from the crime scene that day?

22 A Yes, they do.

23 THE SOLICITOR: Your Honor, at this time the State
24 would move the introduction of State's Exhibit Nos. 14 and
25 15.

1 MR. CRUMRTNE: No objection.

2 (State's Exhibit Nos. 14 and 15, admitted into
3 evidence.)

4 BY THE SOLICITOR:

5 Q Detective Honan, if you will come stand with me in
6 front of the jury with these photographs. I guess we can do
7 this from one end to the other. If you could again point
8 out and orient the jury, let's do this end of the jury
9 first, as to this and the map location shown on State's
10 Exhibit No. 16.

11 A Yes, sir. Once again, showing in this as oriented
12 with this map here, this section of the roadway will be
13 Alabama Drive off of Ranger Drive, those photographs were
14 standing basically on this side looking towards Ranger here.

15 Q So it would be in the opposite direction of your
16 measurements from the telephone pole?

17 A Yes, they were taken from the far side of that
18 photograph towards the body. This street, you can see down
19 at the end of the fence will be Ranger Drive.

20 Q All right. What is depicted in this photograph?

21 A This is the overall view of the crime scene, this
22 area in white is the sheet that I was referring to, and the
23 location of the victim. This is the stick which is
24 indicated as No. 3 in our diagram. And the second stick
25 over here laying up in this area, and the board is up the

1 slope.

2 Q And in terms of the sloping in the ditch, what did
3 you observe regarding that?

4 A Other than what is depicted here?

5 Q Approximately the depth of the ditch.

6 A The depth of the ditch drops down and then there is a
7 longer slope, both of these are about equal and this is a
8 longer slope going up to the fence.

9 Q Please step down to this end of the jury and explain
10 the same thing.

11 A Yes, sir. This street right here is Alabama as it
12 empties out on to Ranger, this is Ranger Drive with the
13 street you are looking across in the background. These are
14 the two fences, the roadway, the ditch area, this location
15 right here is the deceased. One of the sticks on this side
16 of the road, one next to the victim and the board up here,
17 and the pole up here, and the piece of sash up in this area.

18 Q Could you have a seat on the witness stand?

19 A (Witness doing as instructed.)

20 Q After you completed your activities at the crime
21 scene, what were you next involved in?

22 A Our next involvement was the examination of the
23 deceased and assisting medical examining personnel of
24 removal of the deceased from the scene.

25 Q And did you participate in that?

1 A Yes, I did.

2 Q Did you observe the activities?

3 A Yes, I did.

4 Q Did you have occasion to observe any items being
5 removed from the person of Mr. Sineth?

6 A Yes, sir, there was a wallet present in the back
7 pocket of the deceased's jeans, and this was recovered by
8 medical examiner's personnel.

9 Q Okay. And in connection with that, I will have you
10 look at State's Exhibit No. 3 for identification and ask you
11 yes or no if you could identify that?

12 A Yes, sir.

13 Q And does that fairly and accurately portray what was
14 seen at the crime scene?

15 A Yes, it does.

16 MR. CRUMRINE: No objection.

17 THE SOLICITOR: State moves the introduction of
18 State's Exhibit No. 3.

19 (State's Exhibit No. 3, admitted into evidence.)

20 BY THE SOLICITOR:

21 Q And what is portrayed in State's Exhibit No. 3,
22 Detective Honan?

23 A This is the back pocket with the clothing the
24 deceased was wearing, and observed is the outline of the
25 wallet or the outline of what appears to be a wallet.

1 Q And you observed that being removed from Mr. Sineth?

2 A Yes, I did.

3 Q Did you observe its contents?

4 A Yes, sir, I did.

5 Q What were its contents?

6 A Personal papers and \$4 in U.S. currency.

7 Q \$4?

8 A Yes, sir.

9 Q After observing those items, that happened at the
10 scene?

11 A Yes, sir, it did.

12 Q Did you happen to go --- what happened after that?
13 What happened next?

14 A Upon the removal of the deceased, other detectives
15 were detailed and interviews conducted.

16 Q Did you have occasion to go with the body of Mr.
17 Sineth to the Medical University?

18 A The medical examiner's personnel transported the
19 deceased from there. On the 23rd an autopsy was conducted
20 which I was present.

21 Q Okay. Did you observe any items being removed at
22 that point?

23 A Yes, sir, I did.

24 Q And were any items of any value removed from the
25 clothing of Mr. Sineth?

1 A Other than the deceased's clothing, two pennies, and
2 a cigarette lighter.

3 Q Two one cent pieces?

4 A Yes, sir.

5 THE SOLICITOR: Thank you. Answer any questions Mr.
6 Crumrine might have.

7 CROSS EXAMINATION BY MR. CRUMRINE:

8 Q Detective Honan, did you arrive after my client had
9 been removed from the scene?

10 A Yes, he either had been transported or was being
11 transported upon my arrival.

12 Q And did you have an opportunity to observe his
13 injuries?

14 A No, sir, I did not.

15 Q As to the box cutter that you described, can you
16 estimate the length of that for the jury?

17 A The overall length of the box cutter would be
18 approximately five or six inches. The blade section is a
19 standard double edged blade, blade length of approximately
20 an inch.

21 Q All right. And were you able to --- did you
22 investigate to see if Mr. Sineth --- first of all, did the
23 box cutter have any markings on it?

24 A Yes, sir.

25 Q And what markings were those?

1 A It was labled Bi-Lo which is a store, grocery store.

2 Q Did you investigate to determine whether Mr. Sineth
3 was working at Bi-Lo at the time this had occurred?

4 A He was reported to me by another officer as being
5 employed there.

6 Q At this time?

7 A Or having been employed there in the recent past.

8 Q In the past?

9 A Yes.

10 Q Is that correct?

11 A Yes.

12 Q But not at the time of this incident?

13 A I am not aware of what his employment was at the time
14 of the incident.

15 Q All right. Did you investigate to determine what he
16 had been doing with the box cutter?

17 A No, sir.

18 Q The blade was separated from the box cutter when you
19 found it, correct?

20 A Yes, it was.

21 Q And could you tell whether the blade had been kicked
22 loose or hit with a stick and knocked loose?

23 A There was no way to determine that.

24 Q All right. Did you examine it to see if there was
25 any indications?

1 A Yes, sir. Upon visual examination there was nothing
2 that would indicate any method of being disengaged with the
3 handle.

4 Q And the boards and sticks that you have described to
5 the jury, there were five boards, sticks or poles taken?

6 A Yes, sir.

7 Q And out of the five --- well, strike that. There
8 have been four people in your theory involved with attacking
9 Mr. Sineth, correct?

10 A We were advised yes, sir, four individuals.

11 Q And in this case of who did what, can you tell us out
12 of these five sticks and poles, which of these four
13 individuals were to have had what?

14 A I cannot without any certainty.

15 Q All right. And besides finding these within 40 feet
16 or so of Mr. Sineth's body, besides their proximity, do you
17 have any prints, any hair or blood or any other evidence
18 which links it to this attack?

19 A No, sir.

20 Q I'm sorry?

21 A No, sir.

22 Q And so take the piece of sashing, that was about how
23 long again?

24 A This is 17 inches in length.

25 Q 17 inches, about like this and that is a light piece

1 of wood?

2 A Yes, sir.

3 Q And that was cracked in the center, is that correct?

4 A Yes.

5 Q Is that why you seized it?

6 A Yes, sir.

7 Q Is it not that anybody identified that as having been
8 used, is it?

9 A Witnesses described the items as sticks, pieces of
10 wood, pieces of board.

11 Q But this particular piece of sashing that was found
12 out there, that hadn't been identified as being used, was
13 it?

14 A No, not at that time.

15 Q All right. There had been a lot of debris in that
16 area besides these items, wasn't there?

17 A Of the same substance and type, no, but there was
18 debris there, other types of debris.

19 Q Hadn't there been a recent storm and a lot of things
20 floating in these ditches around there?

21 A Yes.

22 Q The wallet that you identified in the picture, the
23 pocket, that was readily accessible, was it not, his pocket
24 was exposed?

25 A On the left-hand side rear pocket.

1 Q And that was on top, exposed?

2 A Yes.

3 Q And there was no evidence anybody tried to remove
4 that, was there?

5 A No, it appeared to be in the pocket.

6 Q And you were the chief investigating officer of this
7 incident?

8 A Yes, sir.

9 Q All right. And in any of your investigation, were
10 you able to develop any evidence that these individuals had
11 planned to kill Mr. Sineth?

12 A Our investigation shows that the extent of any
13 planning or intent to commit a criminal act regarding to Mr.
14 Sineth began when they first observed him.

15 Q On the spot?

16 A The distance of Rex and Louise, I believe, to Ranger
17 and Alabama.

18 Q Is there any evidence that at the spot that you just
19 described, that they were planning to kill Mr. Sineth?

20 A From the physical evidence that I observed, no.

21 Q Is there anything my client was to have done in this
22 attack that Mr. Edwards did not do? Any additional act?

23 A Yes. What the information we had showed was that ---

24 Q If you could just without saying what anyone else
25 said.

1 THE SOLICITOR: I think he asked the question, I
2 don't know how he could answer the question.

3 MR. CRUMRINE: I didn't ask him what it was.

4 THE COURT: Rephrase your question counselor. And
5 see if he can answer it for you.

6 MR. CRUMRINE: Your Honor, I believe I got the answer
7 I was looking for.

8 THE COURT: Let me give you some ground rules. You
9 ask a question, he can answer it and then he can explain it.
10 He can say yes or no or I don't know, whatever the answer
11 is, then you can explain your answer.

12 BY MR. CRUMRINE:

13 Q Detective Honan, Mr. Edwards appeared in this court
14 and plead guilty to manslaughter, didn't he?

15 A Yes, sir.

16 Q And what act are you alleging that Mr. Hamilton did
17 that Mr. Edwards didn't?

18 A That he directed Mr. Edwards and others to initiate
19 the confrontation.

20 Q And when you say that, you are referring to the
21 statement slap him or stop him?

22 A Slap him Juney, stop him Juney.

23 Q It wasn't kill him?

24 A Slap him, Juney, stop him Juney.

25 Q And after that is it your understanding that Mr.

1 Edwards did slap Mr. Sineth?

2 A Yes.

3 Q So actually Mr. Edwards did something additional than
4 Mr. Hamilton, didn't he? He actually slapped him, he didn't
5 just say slap him, he slapped him.

6 A At that point, which I believe was Rex and Louise,
7 yes.

8 MR. CRUMRINE: I have no other questions, thank you.

9 REDIRECT EXAMINATION BY THE SOLICITOR:

10 Q Detective Honan, in response to those questions, you
11 just testified in terms of there was direction being given,
12 is that right?

13 A Yes.

14 Q And your testimony about that was what?

15 A Is that Mr. Hamilton initiated the confrontation.

16 Q In what way?

17 A By yelling to co-defendant Edwards, slap him Juney,
18 stop him Juney.

19 Q So your investigation indicates that directions were
20 being given, directions were being followed.

21 A Yes.

22 Q Does it show any --- you also indicated that the
23 crime scene location apparently was where this situation
24 ended, is that correct?

25 A Yes, sir.

1 Q What is your information about where it began?

2 A Our information from here or from the map, sir?

3 Q Where does your information indicate it began?

4 A That both the victim and a group to include the
5 Defendants, were walking down Louise Drive and met the
6 victim walking from the opposite direction on Louise Drive.
7 And then in the vicinity of Rex and Louise, this area up
8 here is where the confrontation had begun and the victim
9 proceeded on foot running from this point to the point where
10 he was discharged, deceased.

11 Q Who all was charged in this incident?

12 A Defendant Hamilton, Lamont Sampson, Darrell Edwards,
13 and Alvin Zellers.

14 Q Mr. Crumrine asked you the disposition of Mr. Edwards
15 charges, what was the disposition regarding Mr. Sampson's
16 charges?

17 A Murder.

18 THE SOLICITOR: That is all the questions I have.

19 MR. CRUMRINE: Your Honor, I have one follow up.

20 RECROSS EXAMINATION BY MR. CRUMRINE:

21 Q Mr. Sampson plead guilty to murder?

22 A Yes, sir.

23 MR. CRUMRINE: That is all, Your Honor.

24 THE COURT: You may come down. Call your next
25 witness.

1 THE SOLICITOR: The State would call Sgt. Buhle.
2 (State's Exhibit Nos. 32-38, marked for
3 identification.)

4 LEONARD BUHLE, being first duly
5 sworn, testified as follows:

6 THE CLERK: Please state your full name, spelling
7 your last.

8 THE WITNESS: Leonard Buhle, B-U-H-L-E.

9 DIRECT EXAMINATION BY THE SOLICITOR:

10 Q And you are employed with the Charleston County
11 Sheriff's Department?

12 A Yes, I am.

13 Q How are you employed?

14 A I am supervisor in charge of the evidence and
15 technical service unit.

16 Q And what are your duties in that unit?

17 A We investigate crime scenes and process them for
18 examination and such.

19 Q And how do you go about your job when you arrive to a
20 crime scene?

21 A Upon arrival what we do is we receive a briefing from
22 the investigating officer as to what has transpired. We
23 immediately attempt to document the crime scene through the
24 use of photographic equipment. And once we have completed
25 the documentation of the crime scene, we then start to

1 locate and measure related pieces of evidence.

2 Q Did you have those duties on the day of October the
3 22nd, 1991?

4 A Yes, sir, I did.

5 Q And were you coordinating with anyone in the
6 collection of these pieces of evidence?

7 A Detective Honan.

8 Q He was the chief detective on the case?

9 A He was the chief investigator, yes, sir.

10 Q Did you and he have occasion to examine the scene and
11 collect any items?

12 A Numerous, sir.

13 Q Sgt. Buhle, I am going to show you State's Exhibit
14 No. 32 for identification and ask you yes or no if you can
15 identify that?

16 A Yes. It is a piece of tree limb that was found
17 adjacent to the roadway on Alabama Drive.

18 Q Is this in the same condition as the day you found
19 it?

20 A Yes, sir, except for maybe just a piece of bark or
21 something that might have came off of it.

22 MR. CRUMRINE: Subject to my prior objection.

23 THE COURT: All right.

24 THE SOLICITOR: The State would move the introduction
25 of State's Exhibit No. 32.

1 THE COURT: I will allow it.

2 (State's Exhibit No. 32, admitted into evidence.)

3 BY THE SOLICITOR:

4 Q Sgt. Buhle, I am going to show you what has been
5 marked as State's Exhibit 33 for identification and ask you
6 yes or no if you can identify that?

7 A Yes, sir.

8 Q And what is that, sir?

9 A This is also a piece of tree limb that was located
10 right adjacent to the body on the hard surface.

11 Q Okay. And is that substantially in the same
12 condition as when you found it on October the 22nd, 1991?

13 A It appears to be, yes, sir.

14 THE SOLICITOR: Your Honor, the State would move the
15 introduction of State's Exhibit No. 33.

16 MR. CRUMRINE: Your Honor, I have a couple of
17 objections to this one.

18 THE COURT: Approach the bench.

19 (Whereupon, a bench conference was held at this
20 time.)

21 THE COURT: Ladies and gentlemen, go to your room
22 just a minute. Remember, if I tell you to come out and you
23 are not ready, you tell me you are not ready.

24 (Whereupon, the jury exited the courtroom.)

25 THE COURT: Yes, sir.

1 MR. CRUMRINE: Yes, Your Honor, it was my
2 understanding that possibly the medical examiner is going to
3 try to connect certain knots or characteristics of this, I
4 might be mistaken about that, this piece of wood with
5 injuries on the deceased and if so then I do have an
6 objection to it not being in the exact same condition, bark
7 and all, as when it was seized from the scene.

8 THE COURT: This witness just testified that it was
9 in the same question except what?

10 THE WITNESS: This went to a laboratory, sir. And
11 they might have taken some off to do some analysis. The
12 only thing is the discoloration.

13 THE COURT: All right. Of course I don't know and I
14 won't know until that medical doctor testifies. If that is
15 what it is, Solicitor, do you want to introduce it at this
16 time or you want to wait later, perhaps you can eliminate it
17 on what you intend to do.

18 THE SOLICITOR: What the medical examiner is going to
19 suggest in terms of his medical opinion, that certain knots,
20 specifically this one, most likely contributed to a bruise
21 and contusion which is located just behind the ear of the
22 deceased.

23 THE COURT: All right, sir. Now you know what the
24 doctor is going to testify to, what is your objection?

25 MR. CRUMRINE: My objection is that that is

1 surrounded by bark, Your Honor, and the officer testified
2 that ---

3 THE COURT: He said perhaps.

4 MR. CRUMRINE: So he is not therefore able to testify
5 that it is in the exact same condition that it was at the
6 time and therefore the change is not sufficiently there in
7 order to rely upon that from this scientific evidence.
8 Besides that and as to the previously admitted item, there
9 has been no connection with this crime except that it is in
10 the area, there has been no testimony that these were used
11 in the attack, and it is just clear supposition. And I
12 think that is clear from the testimony. So I would object
13 on the relevance of these items.

14 THE COURT: Goes to the weight of it counselor, would
15 be circumstantial evidence. So I overrule your motion.

16 MR. CRUMRINE: Your Honor, as to the prior, I would
17 like to withdraw --- I made one objection and noted it on
18 the record, but I would like to add the further objection it
19 had not been connected with this crime at all. Other than
20 its proximity.

21 THE COURT: What have you got to say about that
22 Solicitor?

23 THE SOLICITOR: Your Honor, it will be linked through
24 witness testimony as we move into the next day of trial.

25 THE COURT: All right. Well, why don't you just wait

1 until those witnesses testify. And just mark that as for
2 identification, what he found at the scene, do you have any
3 objection to that?

4 MR. CRUMRINE: No, sir.

5 THE COURT: That will be previous.

6 MR. CRUMRINE: The other thing, the objection I made
7 earlier that they were said to have contained certain
8 evidence.

9 THE COURT: You didn't see any did you?

10 MR. CRUMRINE: I didn't, no, sir.

11 THE COURT: All right.

12 THE SOLICITOR: Your Honor, the only thing about that
13 now in terms of the eye witness testimony that is to follow,
14 they will identify that sticks were used, and the areas in
15 which they were left and dropped. Which is what links it up
16 circumstantially to this witness's testimony. So in terms
17 of identification I am not going to get specific eye witness
18 identification that stick, this stick, this board. I am
19 going to get identification information in terms of what was
20 being used and where it was dropped.

21 THE COURT: If you want it in now as to what is
22 found, I will allow it in subject to your tying it up later,
23 or I will let you argue it for identification as found at
24 the scene, and make your motion later, which do you want to
25 do?

1 THE SOLICITOR: I would move to introduce it now, and
2 subject to being linked up with that testimony.

3 THE COURT: All right, sir. I will allow that. The
4 jury has already seen it anyway.

5 MR. CRUMRINE: And if they are not going to be able
6 to be identified as the ---

7 THE COURT: Then you make whatever motion you want to
8 make, for a mistrial or whatever.

9 MR. CRUMRINE: Yes, sir.

10 THE COURT: All right. Bring the jury.

11 (Whereupon, the jury entered the courtroom.)

12 THE COURT: Madam Foreman, ladies and gentlemen, you
13 recall I told you from time to time I send you-all out,
14 because I am going to be ruling on a matter of law. But
15 from time to time I might rule for or against the State,
16 same thing for or against the Defendant. So don't get an
17 idea I have a feeling about who ought to prevail in this
18 case. I just have to rule according to the law. Keep that
19 in mind. Go ahead Solicitor.

20 THE SOLICITOR: Thank you. Your Honor, at this time
21 the State would move the introduction of State's Exhibit No.
22 33.

23 THE COURT: All right. Subject to that same
24 objection I will allow it. And subject to your tying it up.

25 (State's Exhibit No. 33, admitted into evidence.)

1 BY THE SOLICITOR:

2 Q I now show you what has been marked as State's
3 Exhibit No. 34 for identification and ask you yes or no if
4 you can identify that?

5 A Yes, sir, this is a piece of wood that we found.

6 Q It is what?

7 A This is the piece of lumber or wood that we located
8 on the ditch bank.

9 Q All right. And is that in substantially the same
10 condition as when you found it on October the 22nd, 1991?

11 A Yes, sir, it appears that way.

12 MR. CRUMRINE: Same objection.

13 THE COURT: I am going to allow it in subject to
14 tying it up at a later time. Go ahead.

15 (State's Exhibit No. 34, admitted into evidence.)

16 BY THE SOLICITOR:

17 A That was found down the roadway in the ditch, in this
18 area here and it was cracked in half.

19 Q Again, State's Exhibit No. 35 we didn't have a
20 reference number on that for identification, that is which
21 item now?

22 A This is item No. 2 on Investigator Honan's file.

23 Q Is that in substantially close to the same condition?

24 A Yes, sir, it was almost broke in half and then the
25 lab when they went through it.

1 Q Subsequently broke?

2 A Yes, sir.

3 THE COURT: Same objection?

4 MR. CRUMRINE: Same objection.

5 THE COURT: I will allow it, subject to tying it up.

6 (State's Exhibit No. 35, admitted into evidence.)

7 BY THE SOLICITOR:

8 Q I now show you what has been marked as State's
9 Exhibit No. 36 for identification and ask you if you can
10 identify that?

11 A Yes, sir that is the creosote post that was found at
12 the foot of the victim on a jacket.

13 Q On top of a jacket?

14 A Yes, sir.

15 MR. CRUMRINE: Same objection.

16 THE COURT: At the foot of the victim on top of whose
17 jacket?

18 THE WITNESS: There was a jean jacket discarded.

19 THE COURT: All right.

20 THE COURT: I will allow it subject to your
21 objection, and you tying it up later.

22 THE SOLICITOR: Yes, sir, thank you.

23 (State's Exhibit No. 36, admitted into evidence.)

24 BY THE SOLICITOR:

25 Q Detective Buhle, could you step over here in front of

1 the jury please. This is State's Exhibit No. 19 which is in
2 evidence. If you could for the jury, please, relate to the
3 location of what has been marked as State's Exhibit No. 32
4 in terms of its location on the diagram?

5 A That was found across the roadway in this area here,
6 right beside this fence line. Across the street from where
7 the victim was lying.

8 Q So it would be designated as No. 3 on that reference
9 drawing?

10 A This is correct, sir.

11 Q State's Exhibit No. 35.

12 A It would be reference No. 2.

13 THE COURT: You need to back up a little bit. That
14 juror can't see this.

15 THE WITNESS: Would be reference area No. 2.

16 BY THE SOLICITOR:

17 Q State's Exhibit No. 33.

18 A That is in the area right here, right adjacent to
19 where the body was on the hard surface of the roadway. That
20 would be No. 1.

21 Q No. 1. State's Exhibit No. 34.

22 A Reference No. 5 right here, this one right here.

23 Q And finally State's Exhibit No. 36.

24 A Creosote post here No. 4.

25 Q And you referenced a jacket that it was on top of.

1 A It was laying on top of a jacket yes, sir.

2 Q Thank you. If you would return to the witness stand.

3 A (Witness doing as instructed.)

4 Q I am now going to show you what has been marked as
5 State's Exhibit 37 ask you, yes or no, if you can identify
6 that?

7 A Yes, that is a Bi-Lo box cutter. That was found four
8 feet six inches from his left hand right there.

9 MR. CRUMRINE: I have no objection to the
10 introduction of the evidence.

11 THE COURT: Without objection.

12 (State's Exhibit No. 37, admitted into evidence.)

13 BY THE SOLICITOR:

14 Q The box cutter that was just introduced as State's
15 Exhibit 37 did not have a blade in it. Did you make an
16 examination at the scene, crime scene for a blade?

17 A Yes, I did and I found a partial piece of the blade
18 that was found underneath the victim's right leg.

19 Q Under the victim's right leg?

20 A Yes.

21 Q I am going to hand you what has been marked as
22 State's Exhibit No. 38 for identification and ask you, yes
23 or no, if you can identify that?

24 A It is a knife blade like would be used in that knife
25 there.

1 Q In that type of box cutter that is State's Exhibit
2 No. 37?

3 A Yes.

4 Q Is this, what has been marked as State's Exhibit No.
5 38, does that accurately portray what you observed at the
6 scene?

7 A Yes.

8 THE COURT: Any objection?

9 MR. CRUMRINE: No, sir, Your Honor.

10 THE COURT: Without objection.

11 (State's Exhibit No. 38, admitted into evidence.)

12 BY THE SOLICITOR:

13 Q In addition to collection of evidence at the crime
14 scene, do you have any other responsibilities for preserving
15 evidence?

16 A Yes, sir, we are obligated to transport the evidence
17 to the forensic's lab in Columbia, if necessary for
18 examination and also transport it back to Charleston. And
19 we would maintain a secure approved storage location for it.

20 Q Do you engage in any photographic representations of
21 evidence at the crime scene?

22 A Yes, like I said we do document the crime scene.

23 Q And did you have occasion on October the 22nd of '91
24 to perform those duties while at the corner of Alabama and
25 Ranger Drive?

1 A I photographed the crime scene, yes, sir.

2 Q Okay. And the photographs that you took, I'll show
3 you what has been marked at this point as State's Exhibit
4 No. 5 for identification and ask you, yes or no, if you can
5 identify that?

6 A Yes, sir.

7 Q And what is that please?

8 A It appears to be a bruise mark on the inside of the
9 left side forearm.

10 Q And is that of the victim?

11 A Yes, sir, that is the victim. That is the medical
12 examiner's identification on there and I took that picture.

13 Q Does that fairly and accurately depict the scene and
14 the injuries that was shown in the photograph?

15 A Yes, sir.

16 MR. CRUMRINE: Your Honor, just my prior objection.

17 THE COURT: All right. I am going to allow it.

18 THE SOLICITOR: The State would move the introduction
19 of State's No. 5.

20 (State's Exhibit No. 5, admitted into evidence.)

21 BY THE SOLICITOR:

22 Q State's Exhibit No. 6 for identification, can you
23 identify, yes or no, please?

24 A Yes, sir.

25 Q And what does that indicate?

1 A This is showing the bruise marks on the right arm, on
2 the outside of the right arm and hand and also in the elbow
3 area.

4 Q And did you take that photograph as well?

5 A Yes, sir, I believe so.

6 Q Does that fairly and accurately portray the injuries
7 as you observed them?

8 A Yes, sir.

9 Q Again some of the injuries.

10 MR. CRUMRINE: Same objection as prior.

11 THE COURT: Same ruling. Thank you.

12 (State's Exhibit No. 6, admitted into evidence.)

13 BY THE SOLICITOR:

14 Q And finally, Sgt. Buhle, State's Exhibit No. 2 for
15 identification, can you examine that and indicate whether or
16 not you can identify it?

17 A Yes, I can. I took this picture also. This shows
18 the knife blade in the grass as we found it.

19 Q Okay.

20 A Right here.

21 Q And does that fairly and accurately depict that
22 scene?

23 A Yes, sir.

24 MR. CRUMRINE: No objection to that, Your Honor.

25 THE SOLICITOR: State would move the introduction of

1 State's 2.

2 THE COURT: Thank you.

3 (State's Exhibit No. 2, admitted into evidence.)

4 BY THE SOLICITOR:

5 Q Sgt. Buhle, if you can, step down with this
6 photograph, please, in front of the jury and indicate the
7 location of the box cutter blade?

8 A The cutter blade is located right here. It blends in
9 with the green, there is the box cutter blade right here.
10 Box cutter blade is in this area right here.

11 THE SOLICITOR: Thank you. That is all the questions
12 I have, Sgt. Buhle. Could you answer any of Mr. Crumrine's
13 questions.

14 CROSS EXAMINATION BY MR. CRUMRINE:

15 Q Detective Buhle, once again, these items were seized
16 because of their proximity to the scene?

17 A That and they --- some of the limbs had blood and
18 hair on them.

19 Q And is it your understanding that none of that has
20 ever been identified as being blood and the hair --- been
21 identified as not being that of Mr. Sineth, are you aware of
22 that?

23 A No, sir, when we take the instruments or whatever the
24 evidence may be to the lab, the results of the findings go
25 to the investigative officer and not to us.

1 Q Okay.

2 A I would not have been privy to that.

3 Q So you haven't followed that?

4 A No, sir.

5 Q And you don't know personally if any of these items
6 were ever used in this attack, do you?

7 A Not personally no, sir.

8 Q All right. And you don't know who was to have used
9 any of these items, do you?

10 A I was involved in some of the investigation
11 initially.

12 Q I mean of your knowledge, there is nothing on any of
13 these items to link them up to any specific suspects?

14 A I am not familiar with any results of any
15 examinations.

16 Q When you testified a moment ago, did you describe the
17 knife blade as being a partial knife blade?

18 A I remembered it as being a partial but as it was
19 produced, it wasn't. I haven't reviewed the evidence at
20 all.

21 Q All right. It has been a long time since this
22 incident occurred, correct?

23 A Yes.

24 Q And that was just an inaccurate accounting of yours
25 of what the evidence looked like?

1 A I knew there had been a box cutter blade, knife type
2 blade recovered that fit that, whether it was full or
3 partial.

4 Q Was there any evidence out there that suggests
5 whether the blade had become detached through kicking at it
6 or through being hit by a stick or by the actual act of
7 injuring my client?

8 A I've never seen your client so I can't relate to his
9 shoes or clothing or anything such as that. Any of the
10 other individuals that was involved in it, I do recall
11 taking pictures of an additional suspect involved in it.

12 Q And you took a picture of a cut to another
13 individual's leg?

14 A That is correct.

15 Q All right. Do you know which individual that was
16 that had been cut?

17 A I documented the picture with the recording officer
18 at headquarters, the lower leg of a black male subject with
19 a gash. Subject was a heavy set juvenile. I didn't have
20 identification at the time.

21 THE SOLICITOR: No objection, Your Honor.

22 (Defendant's Exhibit No. 1, marked for
23 identification.)

24 BY MR. CRUMRINE:

25 Q Detective Buhle, I want to hand you what is marked as

1 Defendant's Exhibit No. 1 for identification, can you tell
2 us whether you recognize that photograph?

3 A Yes, I took this photograph.

4 Q And can you tell us whether that fairly and
5 accurately represents the photograph that you took --- is
6 that the photograph you took first of all?

7 A Yes, it is.

8 Q Does that fairly and accurately represent the one at
9 the scene that you shot with your camera?

10 A Yes, sir, it was taken in the detective's office.

11 Q Please explain to the jury what that depicts?

12 A This is a laceration rather minor to the lower left
13 leg, it appears to be of an individual, laceration is about
14 an inch and a half in length. And it is a lateral type
15 instead of vertical.

16 Q All right. Do you understand that that is the
17 laceration of Mr. Edwards or do you recall?

18 A I was solicited to the office to take that picture.
19 I am not familiar with the circumstances but I knew it was
20 involved in the investigation.

21 Q Do you know what purpose there was in preserving this
22 evidence of the cut?

23 A Well, naturally if he was involved in the principle
24 of it, he received a wound and we did find a razor knife in
25 the location.

1 Q Is there a reason that a photograph was not taken of
2 my client's wound that you are aware of?

3 A Your client was in the hospital, I understand, under
4 treatment, sir. That young man there was in our office.

5 Q So he was convenient to you, is that correct?

6 A He was accessible and the investigator's requested
7 that that be photographed.

8 Q Do you know if there is a reason that it wasn't
9 requested to have my client's wound photographed as well?

10 A I am not privy to that.

11 MR. CRUMRINE: May I publish this to the jury, Your
12 Honor.

13 THE COURT: If it is an exhibit.

14 MR. CRUMRINE: Let me move to have it introduced
15 first, I believe there is no objection.

16 THE SOLICITOR: No objection.

17 THE COURT: Without objection.

18 (Defendant's Exhibit No. 1, admitted into evidence.)

19 MR. CRUMRINE: Your Honor, I have no other questions,
20 Your Honor.

21 THE SOLICITOR: That is all from the State Your
22 Honor. May he be excused?

23 THE COURT: Yes, sir, have a good day. Call your
24 next witness.

25 THE SOLICITOR: The State would call Dr. Downs.

1 DR. JAMES DOWNS, being first
2 duly sworn, testified as follows:

3 THE COURT: State your full name and spell your last
4 for us, please.

5 THE WITNESS: James C. Downs, D-O-W-N-S.

6 DIRECT EXAMINATION BY THE SOLICITOR:

7 Q And you are a physician?

8 A That is correct.

9 Q Where are you employed?

10 A At the Medical University of South Carolina.

11 Q In what capacity are you employed there?

12 A I am currently a resident in laboratory medicine,
13 clinical pathology and I am also a medical examiner for
14 Charleston County.

15 Q Okay. What does a medical examiner do?

16 A A medical examiner basically in Charleston County, is
17 a physician, a resident physician who goes out to scenes of
18 sudden, unnatural, unexpected deaths and practices forensic
19 pathology.

20 Q You said two things. What is pathology?

21 A Pathology is basically looking at the body to study
22 disease. There are two branches, anatomic pathology, which
23 looks actually at the organs and pieces of organs. For
24 instance when someone has surgery and has a tumor removed,
25 anatomic pathologist would look at the tissue. There is

1 also clinical pathology which is more of the laboratory,
2 looking at urine for drug tests for example that sort of
3 thing. Forensic pathology, which is what I am interested in
4 bridges the two really.

5 Q And forensic pathology deals with death related
6 matters?

7 A Yes, sir.

8 Q In what way? What is involved in that practice of
9 pathology?

10 A When we perform an autopsy on a case that eventually
11 comes to trial, we prepare the case for trial, and present
12 testimony.

13 Q Okay. And are you certified in any capacity in terms
14 of pathology?

15 A I am board eligible in anatomic and forensic
16 pathology and as of January of next year I will be in
17 clinical pathology also.

18 Q And could you give us please your educational
19 background from college forward?

20 A Bachelor of Science in Biochemistry at the University
21 of Georgia in '83. MD at the Medical University of South
22 Carolina in '88. Completed anatomic pathology training at
23 the Medical University in '91, forensic pathology fellowship
24 at the Medical University of South Carolina in '92, and
25 currently in clinical pathology at the Medical University.

1 Q Okay. And how many autopsies would you have
2 performed while with the Medical Examiner of Charleston
3 County?

4 A I personally performed in excess of 450 myself, and
5 have assisted in at least that many more.

6 Q And have you been previously qualified as an expert
7 in the field of forensic pathology in the Courts of the
8 State of South Carolina?

9 A Yes, sir.

10 Q And how many times?

11 A I couldn't give you an exact number but perhaps two
12 dozen.

13 THE SOLICITOR: Your Honor, at this time the State
14 would move to have Dr. Downs recognized as an expert in the
15 field of forensic pathology.

16 THE COURT: Any objection?

17 MR. CRUMRINE: Your Honor, I would like a chance to
18 cross examine him as to his qualifications.

19 THE COURT: Go ahead.

20 CROSS EXAMINATION BY MR. CRUMRINE:

21 Q Dr. Downs, you said you are board eligible, does that
22 mean that you are eligible to take the board or that you
23 have already been certified?

24 A No, sir, that means I am eligible to sit for the
25 boards.

1 Q So board eligible doesn't mean you're board
2 certified, it just means you are eligible to take the test?

3 A That is correct, you have had enough training and
4 experience to be allowed to sit for the test.

5 Q All right. And the test is where you get the
6 official certification as being qualified in that area, is
7 that correct?

8 A You receive a certificate. If you want to get
9 certification, some people do not seek certification.

10 Q So you are uncertified in the area in which you are
11 to testify today, is that correct?

12 A I have not received a certificate, no, sir.

13 Q You have a BS in chemistry, correct?

14 A Biochemistry.

15 Q Does that have anything to do with say comparing
16 sticks with wounds?

17 A Not really, no, sir.

18 Q All right. And you are a medical doctor, is that
19 correct?

20 A That is correct.

21 Q You received that in what year?

22 A 1988, I believe.

23 Q '88. And in '91 you completed the study in what
24 field?

25 A Anatomic pathology.

1 Q And that would have been at the time of this
2 incident, correct?

3 A That is correct.

4 Q So at the time of this incident you would have just
5 completed studying anatomic pathology?

6 A At the time of this incident I was serving a
7 fellowship in forensic pathology.

8 Q But you had not completed that course of study, is
9 that correct?

10 A I had not completed the forensic portion, no, sir.

11 Q And the anatomic portion deals with your studying the
12 body, correct?

13 A Studying the body, performing autopsies, looking at
14 tissues.

15 Q And the forensic portion deals more with evidence
16 like we are dealing with today?

17 A That is correct.

18 Q And at that time you were not qualified in this area,
19 is that correct?

20 A I am not real sure I understand.

21 Q You hadn't completed study in that area had you?

22 A No, sir, but I had performed as rotation, in anatomic
23 pathology, we perform a three month rotation through the
24 forensic office and upon completion of that we can serve as
25 medical examiners for the county.

1 Q In what capacity?

2 A As deputy medical examiners.

3 Q Determining cause of death?

4 A Signing death certificates, determining cause and
5 manner of death, that sort of thing. And I have been doing
6 that I believe, since my second year of residency.

7 MR. CRUMRINE: Your Honor, I am not prepared to
8 stipulate to his qualifications to testify as to any
9 particular information he has to testify about until I know
10 what is trying to be illicited.

11 THE COURT: What are you trying to qualify him as, a
12 forensic pathologist?

13 THE SOLICITOR: Yes, sir.

14 THE COURT: All right, sir. I am going to qualify
15 him. I think he is qualified. Madam Foreman, and ladies
16 and gentlemen of the jury, persons who testify and come up
17 here and testify, generally they testify from their senses,
18 that is they heard something or they saw something, and they
19 come up here and tell about it. Ordinarily they can't give
20 an opinion. But persons either through education or
21 experience or a combination of both become proficient in a
22 certain field and they can give opinions. But just like any
23 other witness who testifies, expert testimony, you give it
24 whatever weight you feel it deserves. I have qualified him
25 as an expert in the field of forensic pathology, but you

1 give his testimony whatever weight you feel it deserves
2 under the facts and circumstances of this case. Solicitor.

3 THE SOLICITOR: Thank you, Your Honor.

4 REDIRECT EXAMINATION BY THE SOLICITOR:

5 Q Dr. Downs, did you have occasion back in October of
6 1991, to perform an autopsy upon Ralph Sineth?

7 A Yes, sir.

8 Q And what was the purpose of that autopsy?

9 A In order to determine the cause and manner of Mr.
10 Sineth's death.

11 Q And how do you go about doing that as a medical
12 examiner?

13 A In this particular case I was called out to the scene
14 of death and I went out and examined the body shortly after
15 Mr. Sineth's death. I studied the body at the scene, took
16 several photographs, then transported the body back to
17 Charleston Memorial Hospital and placed the body in the
18 morgue. The following morning, we took the body out,
19 examined the body again, took multiple photographs, drew
20 diagrams of various injuries that we saw. And when we were
21 satisfied with that portion of the examination, we then
22 removed the clothing, examined the body again, took more
23 photographs and made more diagrams. After that, we then
24 cleaned the body, examined it again, more photographs, more
25 diagrams, and when we were satisfied with the completion of

1 the external examination, that is the outside of the body we
2 proceeded to an internal examination of looking at parts of
3 the organs within the body.

4 (State's Exhibit No. 39, marked for identification.)

5 BY THE SOLICITOR:

6 Q You mentioned a diagram. I am going to show you what
7 has been marked as State's Exhibit No. 39. And ask you if
8 you are familiar with that, please?

9 A This is a copy of the diagram that I referred to, the
10 external examination of Mr. Sineth's body.

11 Q And was that performed during the course of
12 examination that we just mentioned?

13 A Yes, sir.

14 Q And what does that portray, please?

15 A This shows the front and back of Mr. Sineth's body,
16 with various injuries that were noted on the body. These do
17 not include the injuries to his head, though.

18 MR. CRUMRINE: No objection.

19 THE COURT: Thank you.

20 (State's Exhibit No. 39, admitted into evidence.)

21 BY THE SOLICITOR:

22 Q Dr. Downs, if you could compare now what is marked
23 State's Exhibit No. 39 and what is marked State's Exhibit
24 No. 20 for identification, can you make a comparison?

25 A Yes, sir, this is an enlarged copy, State's 20 of the

1 diagram, State's 39.

2 Q And does this portray the same injuries and the same
3 manner as that diagram?

4 A Yes, sir.

5 Q Would this be of benefit to you in explaining these
6 injuries to the jury?

7 A Yes, sir.

8 THE SOLICITOR: Your Honor, the State would move the
9 introduction of State's Exhibit 20.

10 THE COURT: Thank you.

11 MR. CRUMRINE: I have no objection, Your Honor.

12 THE COURT: All right.

13 (State's Exhibit No. 20, admitted into evidence.)

14 BY THE SOLICITOR:

15 Q Dr. Downs, if you can step down in front of the jury
16 please. If you could explain please what is depicted on the
17 chart and what it represents in terms of your findings?

18 A This is a diagram showing Mr. Sineth's body from the
19 front and from the back. There are various injuries
20 portrayed here. As I mentioned these are the various
21 injuries that were on Mr. Sineth's body. Starting from the
22 front, there is a bruise here on the front of the left
23 shoulder, about a one inch diameter. There is about a two
24 and a half inch abrasion, which is a roughened area of skin.
25 For example, it would be similar to falling on the sidewalk

1 and scraping your knee, you would have a roughened area on
2 your skin, that would be an abrasion. This abrasion here,
3 about two and a half inches. Two similar abrasions on the
4 front of the left forearm, both of those are about three
5 quarter inches in diameter. A grouping of three abrasions
6 ranging from about an eighth of an inch up to about a
7 quarter of an inch on the front of the left wrist. Then
8 going to the backside of the left arm, there is an abrasion,
9 again a roughened area of skin on the back of the left
10 shoulder. About five inches diameter. There is a pattern
11 bruise here on the inside of the left back. What I mean by
12 a pattern bruise is that there are two linear bruises and
13 between those lines there is no bruise at all. And what
14 causes this is blunt force to the service squeezing the
15 blood out to those edges. So there is a pattern contusion,
16 or pattern bruise there. On the back of the arm here, there
17 is an eight inch diameter abrasion that extends all the way
18 from just about the elbow down to near the wrist. On the
19 back of the left thumb is a one-eighth inch abrasion,
20 roughened area of skin. Proceeding on to the right arm,
21 there is a half inch area of bruise right in the middle of
22 the back of the arm. There is a half inch abrasion on the
23 back of the elbow. There is a pattern abrasion about one
24 and a quarter inches on the back of the left forearm. There
25 is a line like abrasion on the back of the left arm, one and

1 a quarter inches in diameter. And then multiple abrasions
2 and contusions on the back of the left wrist. They range
3 from about an eighth of an inch to about a half an inch.
4 The area of the back, and the right shoulder had several
5 injuries. There was a .9 inch diameter circular abrasion
6 right to the midline of the back. There was a squared
7 abrasion up near the neck and that was about an inch and a
8 quarter greatest diameter. There was a contusion or a
9 bruise on the top of the right shoulder, that was about two
10 and a half inches greatest diameter. There was a large
11 grouping, overlapping of bruises on the back of the right
12 shoulder. This was, at least in my opinion, three, possibly
13 four, different blows that came right on the same area. And
14 that was seven and a quarter inches greatest diameter. I
15 believe that is all, there might be another abrasion, yes,
16 there is on the lower boarder of that group I just
17 described, up into the arm pit there was another abrasion a
18 little over a half an inch greatest diameter.

19 Q Thank you. Have a seat. And these are the injuries
20 to the body?

21 A Yes, sir.

22 Q Did you have occasion to prepare any type of exhibit
23 or charts relating to injuries to Mr. Sineth's head?

24 A Yes, sir.

25 Q I want to show you what has been marked 17 for

1 identification and ask you, yes or no, if you can identify
2 that?

3 A Yes.

4 Q And what is that, please?

5 A This is a styrofoam wig head which I modeled to
6 demonstrate the various wounds on Mr. Sineth's head.

7 Q And was that prepared by you?

8 A Yes, sir.

9 Q And does that portray your examination of Mr.
10 Sineth's autopsy?

11 A Yes, sir.

12 Q Would this assist you in explaining those injuries to
13 the jury?

14 A Yes, sir.

15 MR. CRUMRINE: Your Honor, my only objection to that
16 is as to qualifications to render the opinion at the time he
17 made the opinion.

18 THE COURT: All right, sir. I am going to allow it.

19 THE SOLICITOR: The State would move the introduction
20 of State's Exhibit No. 17.

21 (State's Exhibit No. 17, admitted into evidence.)

22 BY THE SOLICITOR:

23 Q Dr. Downs, can you use State's Exhibit No. 17 to
24 assist you in explaining to the jury the injuries that you
25 observed at autopsy?

1 A Yes, sir. Basically there were three lacerations. A
2 laceration is an area where the skin is actually torn or
3 ripped and it extends down through the soft tissue of the
4 skin. This would be different from an abrasion which is
5 very superficial. A laceration extends down into and
6 through the skin. There were a total of three lacerations
7 to Mr. Sineth's head and we arbitrarily designated these No.
8 1 through No. 3 just as we encountered them. No. 1, up in
9 the back of the left side of the head, No. 2 just below
10 that, and No. 3, on the top of the head just to the right of
11 the midline. In addition, there was a small laceration
12 which is not demonstrated here, on the inside of the left
13 lip. These lacerations No. 1, was an inch and a half
14 greatest diameter. And this was undermine to the front.

15 Q What do you mean undermine? What do you mean by
16 undermine?

17 A Undermining is basically the tissue is forced in one
18 direction and from that we can determine the direction of
19 the blow.

20 Q And what would that indicate, the undermine to the
21 front of that blow?

22 A This would indicate that the force was directed
23 towards his nose in the front direction. The second
24 laceration, No. 2 was an inch and a half greatest diameter,
25 this was undermine one inch and the force in this case was

1 directed a little more downward in this direction. No. 3 on
2 the top of the head was an inch and a half greatest diameter
3 and this did not have any undermining. Underneath the area
4 there was a four inch area of bruising of the scalp. In
5 this area where No. 1 and No. 2 were, there was a six inch
6 diameter of bruising within the soft tissues of the scalp.
7 In addition to those lacerations, there were many abrasions
8 and bruises to the back side of the head. And I
9 demonstrated those here with the abrasions in green and with
10 the bruising in blue. And you can see the multiple bruises
11 on the ear extending backwards, and then slightly below that
12 a circular abrasion and bruising extending backwards. These
13 total here on the left ear, there were five that ranged from
14 one-eighth inch to one-half inch. And there was a one and
15 one quarter inch greatest diameter bruise associated with
16 that. There was a one inch by three quarter inch abrasion
17 here, with a surrounding one and three quarter inch bruise
18 and then below that, there was a three quarter inch bruise
19 in this area.

20 Q In connection with performing the autopsy upon the
21 victim to determine the cause of death, did you have
22 occasion to have any items brought to the Medical Examiner's
23 office for you to review?

24 A Yes, sir.

25 Q And what were they please?

1 A We removed the body from the scene, and there were
2 multiple sticks and boards at the scene, those were brought
3 down to us the next day when we performed the autopsy so
4 that we might have them to compare with the various injuries
5 on Mr. Sineth's body.

6 Q And how would you go about making a comparison of
7 that?

8 A We would examine the various instruments and compare
9 the measurements of those instruments with the injuries on
10 the deceased's body, and if we were able to make or form an
11 opinion about whether or not that weapon was consistent with
12 an injury, we would then make that judgement.

13 Q Were you able to make any such ---

14 MR. CRUMRINE: Objection, Your Honor.

15 THE COURT: I got to listen to the question first.

16 BY THE SOLICITOR:

17 Q Were you able to do that type of examination for the
18 purpose of making any type of comparison?

19 A Yes, sir, we did look at the various instruments and
20 in some cases we were able to say ---

21 MR. CRUMRINE: Objection, Your Honor.

22 THE COURT: Just a minute. Go to your room just a
23 minute. It won't take but about two minutes.

24 (Whereupon, the jury exited the courtroom.)

25 THE COURT: Go ahead and answer it, the jury is not

1 I am going to allow it in because I think it goes to the
2 weight, Counselor. You don't have a wood expert here, or a
3 metal expert here. People like a doctor who is an expert
4 and who takes something else that the layman can't do. I
5 can fit your shoe in a print and perhaps I couldn't testify,
6 but I can say that type shoe made that print, could I not?

7 MR. CRUMRINE: Yes, sir, but you couldn't do it in
8 court.

9 THE COURT: Of course I can.

10 MR. CRUMRINE: I think it takes an expert witness.

11 THE COURT: Tell me what you want on the record,
12 please.

13 MR. CRUMRINE: I object to him making any expert
14 opinion as to any particular wound being made by a
15 particular stick. I would like to know if they intend to
16 try to introduce any other comparisons other than the one
17 stick to the one arm.

18 THE COURT: We will get to that when we get to it.
19 Overruled. Anything else?

20 MR. CRUMRINE: No, sir, Your Honor.

21 THE COURT: Bring the jury out for me.

22 (Whereupon, the jury entered the courtroom.)

23 THE COURT: Solicitor.

24 BY THE SOLICITOR:

25 Q Dr. Downs, based on your examination of the items

1 that were brought to the Medical Examiner's Office, and your
2 observation of the wounds inflicted upon the body of Ralph
3 Sineth, were you able to make any comparison of these items
4 to a reasonable degree of medical certainty?

5 A Yes, sir.

6 Q And did you prepare any chart or exhibit that may
7 assist your explanation of that to the jury?

8 A Yes, sir.

9 Q Okay. I want to show you what has been marked
10 State's Exhibit No. 24 and 26 for identification and ask you
11 if you can identify those?

12 A Yes, sir, these are diagrams that I made from the
13 photographs that we took at the autopsy of Mr. Sineth. And
14 basically I projected the slides onto a screen and then
15 traced the various injuries on to the poster.

16 Q So you prepared these exhibits?

17 A Yes, sir.

18 Q And what do they portray again?

19 A These are various injuries, one to the right arm and
20 one to the back of the right shoulder.

21 MR. CRUMRINE: Your Honor, subject to the
22 qualification objection, I have no further objection to the
23 actual exhibits.

24 THE COURT: Thank you.

25 THE SOLICITOR: Your Honor, the State would move the

1 introduction of State's Exhibits No. 24 and 26.

2 (State's Exhibit Nos. 24 and 26, admitted into
3 evidence.)

4 BY THE SOLICITOR:

5 Q Dr. Downs, if you can step down in front of the jury.
6 I show you State's Exhibit No. 24, if you could explain to
7 the jury what that portrays.

8 A If I can use Exhibit No. 20, which we looked at
9 earlier, just as a comparison. It has been marked State's
10 24 as a blown up area of the back of the right shoulder.
11 This area at the back of the right shoulder, there were
12 several abrasions, roughened areas of the skin, and in
13 addition there were bruises that extended across the
14 shoulder and actually on to the back of the right arm. This
15 total grouping was about seven and a half inches greatest
16 diameter. Now, within this, there were several pattern
17 bruises, several squared bruises. If you look at them in
18 isolation, they were consistent with one of the weapons that
19 was brought down at the autopsy. Particularly this
20 squared ---

21 MR. CRUMRINE: Your Honor, subject to my objection.

22 THE COURT: Yes, sir.

23 MR. CRUMRINE: And Your Honor, I would ask that we
24 have this in a question and answer format rather than
25 allowing the witness to testify at will.

1 THE COURT: No, sir, I will allow it.

2 THE WITNESS: Squared bruise here extending on the
3 back of the right arm. In addition, there is a roughly
4 squared, very similar bruise here which connects to the
5 first one. And there is a third one right here, closer to
6 the midline of the back, which would be to the left of this
7 picture. All three of these are, in my opinion, consistent
8 with one of those objects that was brought down at the time
9 of the autopsy.

10 Q And Dr. Downs, if you could please, these are the
11 items that Detective Buhle produced in court this afternoon.
12 If you could indicate which object you would be referring
13 to.

14 A That would be this board.

15 Q State's Exhibit No. 34. And could you attempt to
16 explain to the jury why you believe that exhibit would match
17 up to those wounds that you have observed?

18 A These aren't the same size, but they are roughly
19 equivalent. You can see, the general size and shape of the
20 injuries are highly consistent with the size and shape of
21 this board both here, here, and here.

22 Q And the scale to which this object is drawn?

23 A It is roughly two and a quarter inches to one inch.

24 Q And again, the characteristics, my understanding your
25 alterations of this, together with the injuries indicate

1 what?

2 A That these injuries were caused by that weapon or a
3 weapon having similar physical characteristics.

4 Q And that would be your opinion based on a reasonable
5 degree of medical certainty?

6 A Yes.

7 Q Do you have another exhibit, State's Exhibit No. 26.
8 If you could also explain to the jury.

9 A This is looking at State's Exhibit No. 20, right
10 below the right elbow, you can see this looks like a little
11 half circle right below the right elbow, that is this injury
12 blown up. And this is an abrasion with a bruise around the
13 edges. What I have done, was when I examined the various
14 implements, this was in my opinion consistent with one of
15 those sticks. And I took putty and stuck the end of one of
16 those sticks down into the putty and we got an impression of
17 it, if you will. I then took that picture and projected it
18 much as I did these various injuries up on to a screen and
19 then traced that onto this piece of plastic. And I took the
20 scale here, so they are approximately the same size on the
21 scale and if you rotate this around the curve of this
22 abrasion and contusion on the arm it is very consistent with
23 this pattern injury, on the back of Mr. Sineth's right arm.

24 (State's Exhibit No. 40, marked for identification.)

25 BY THE SOLICITOR:

1 Q Again the overlay that you just testified to the
2 jury, State's Exhibit No. 40 for identification, how was
3 that prepared?

4 A In the same manner that I prepared the diagrams we
5 looked at earlier. I projected a photographic slide onto a
6 piece of paper, and then made a tracing of that.

7 Q The object is portrayed in that State's Exhibit 40 is
8 what?

9 A This is a portion of the end of one of those sticks.

10 Q Okay. And again, the items produced by Detective
11 Buhle in the courtroom, which item would you be referring
12 to?

13 A I believe it is what has been marked as Exhibit No.
14 33.

15 Q You believe it is?

16 A Yes, sir, I would have to look at my notes and make
17 sure that is the correct police number.

18 Q Do you have those with you?

19 A Yes, sir.

20 Q Can you make that reference, please?

21 A Yes, sir. This would be the weapon that I referred
22 to earlier.

23 Q State's Exhibit No. 33?

24 A Yes, sir.

25 Q And again, in terms of the overlay used, you prepared

1 that to assist the presentation to the jury and comparison
2 to your State's Exhibit No. 26?

3 A Yes, sir.

4 THE SOLICITOR: Your Honor, at this time the State
5 would move the introduction of the overlay, State's Exhibit
6 No. 40.

7 MR. CRUMRINE: Your Honor, I have the same objection
8 about that being very consistent as opposed to ---

9 THE COURT: I will allow you to cross examine.

10 (State's Exhibit No. 40, admitted into evidence.)

11 BY THE SOLICITOR:

12 Q And Dr. Downs, if you can return to the witness
13 stand. Based upon your autopsy, do you have an opinion
14 based upon a reasonable degree of medical certainty as to
15 the cause of death as to Ralph Sineth on October 22, 1991?

16 A Yes, sir.

17 Q And what is that, please?

18 A Mr. Sineth died as a result of blunt force trauma to
19 his head, due to a beating.

20 Q And what would have been the approximate time of
21 death? How long would he have survived?

22 A Approximate time of death was 4:50 p.m. which would
23 be approximately seven or eight minutes after the initial
24 episode.

25 THE SOLICITOR: Thank you. Answer any questions Mr.

1 Crumrine has.

2 RECROSS EXAMINATION BY MR. CRUMRINE:

3 Q Dr. Downs, other than eyeballing and comparing the
4 sketches to the wounds and the sticks saying that they are
5 consistent with it, you can't tell the jury that they
6 definitely were the items that caused those wounds, can you?

7 A No, sir, I wasn't there. I can only say that those
8 weapons have physical characteristics that are consistent
9 with the injuries. And in my opinion, either those weapons
10 or ones having similar physical characteristics would be
11 responsible for the injuries.

12 Q And there could have been a lot of sticks up and down
13 the street there that would be consistent with those
14 characteristics, wasn't there?

15 A I walked up and down the street and I didn't see any
16 that were excessive. Perhaps there was, but I didn't see
17 any.

18 Q Do you know if any of the individuals ran off with
19 any of the alleged weapons?

20 A I couldn't tell you that.

21 Q And you don't know who was to have whelded any of
22 these items, do you?

23 A No, sir.

24 Q The wounds, I believe you described on the arms as
25 being defensive wounds, is that true?

1 A Yes, sir.

2 Q Is there any way to separate out that description as
3 opposed to a wound on the arms received by somebody trying
4 to knock a box cutter out of the hand?

5 A I am not really sure I understand your question.

6 Q You described it as a defense wound, as if somebody
7 was struck while their hands were up, is that true?

8 A Yes, sir.

9 Q All right. And how can you differentiate that from a
10 wound received by a stick trying to knock a box cutter out
11 of the hand?

12 A I can't. I can only tell you that wounds of this
13 type that are in this location are described in a forensic
14 sense as defense wounds.

15 Q And they just as easily can be consistent with wounds
16 received when somebody is trying to knock a weapon out of
17 their hands, is that true?

18 A Certainly.

19 Q The predominant wounds in number anyway, of Mr.
20 Sineth were on the arms and shoulders, is that true?

21 A I would have to take a moment and look at my notes.
22 I would say they were roughly, evenly distributed between
23 the arms and the back.

24 Q Okay. And he had three lacerations to the head, is
25 that true?

1 A Yes, sir.

2 MR. CRUMRINE: I have no other questions.

3 THE COURT: Anything further?

4 THE SOLICITOR: I did have one question.

5 THE COURT: Go ahead.

6 THE SOLICITOR: It is not really proper redirect but
7 I beg the Court's indulgence for the question.

8 REDIRECT EXAMINATION BY THE SOLICITOR:

9 Q The interval from injury to time of death, how long
10 would that have been?

11 A Approximately seven to eight minutes.

12 THE SOLICITOR: That is all the questions.

13 MR. CRUMRINE: Nothing further.

14 THE SOLICITOR: May he be excused?

15 THE COURT: Yes, please have a good day Doctor.

16 (Whereupon, court was recessed until the following
17 day.)

18 THE COURT: Bring the jury.

19 (Whereupon, the jury entered the courtroom.)

20 THE COURT: Madam Foreman, ladies and gentlemen of
21 the jury, I am going to send you home about your business.
22 And I want to remind you of something I told you earlier
23 this morning, you want to try to decide this case only on
24 what occurs in the courtroom, only the testimony and these
25 exhibits. When you go home, don't discuss anything with

1 anyone, not even your husband or your wife or your
2 boyfriend, not anyone. When you leave the courtroom, go out
3 of the court area. In the courthouse area somebody might be
4 talking about it. Same thing tomorrow morning. I am going
5 to ask that you be back at --- I am going to let you off
6 tomorrow. I have something and I don't know how long it is
7 going to take. So I will ask that you be back in your jury
8 room, this same jury room Wednesday morning at 9:30.
9 Remember don't talk about the case. Now, it is going to be
10 a little hard for you to do it, but you told me this morning
11 that you would be willing to do it. So I am going to ask
12 that you not watch any news on TV or listen to any news on
13 the radio, and don't read any newspapers about this case.
14 Anybody have any problem with that? You will be surprised
15 how much it relaxes you. See you Wednesday morning at 9:30.

16 (Whereupon, the jury exited the courtroom for the
17 evening.)

18 THE COURT: Anything we need to take up between now
19 and Wednesday morning?

20 THE SOLICITOR: No, Your Honor. I do thank you for
21 your indulgence in allowing me to attend my uncle's funeral
22 tomorrow.

23 THE COURT: Yes, sir. Thank you.

24 MR. CRUMRINE: Nothing further.

25 THE COURT: Have a good night. This case is recessed

1 until Wednesday morning at 9:30.

2 (Whereupon, court was recessed until 9:30 Wednesday
3 morning.)

4 (Whereupon, court resumed at 9:30, Wednesday, June
5 16, 1993.)

6 THE COURT: Any motions?

7 THE SOLICITOR: Your Honor, we would ask just that
8 you inquire as to if they heard anything.

9 THE COURT: Anything further?

10 MR. CRUMRINE: I would join in that, Your Honor.

11 THE COURT: Bring the jury in for me, please.

12 (Whereupon, the jury entered the courtroom.)

13 THE COURT: Thank you, very much. Do you waive
14 calling the roll of the jury?

15 THE SOLICITOR: The State would waive polling.

16 MR. CRUMRINE: Yes, Your Honor.

17 THE COURT: Thank you, very much. Mr. Foreman,
18 ladies and gentlemen of the jury, I hope you had a good day
19 off yesterday. As hot as it was, I am not sure you weren't
20 more comfortable where you might have been. We are ready to
21 go forward in this case, I just want to remind you that when
22 we left the other day, I had cautioned you not to have any
23 contact with any news media about the case. Is there
24 anybody that has read anything, seen anything on TV or heard
25 on the radio or discussed it with anyone?

1 (No response.)

2 THE COURT: Doesn't appear to be. Thank you very
3 much, we will go forward at this time. Solicitor, call your
4 next witness.

5 THE SOLICITOR: Thank you ,Your Honor. The State
6 would call Special Agent Steven Derrick.

7 STEVEN DERRICK, being first
8 duly sworn, testified as follows:

9 THE CLERK: State your full name, and spell your
10 last.

11 THE WITNESS: Steven M. Derrick, D-E-R-R-I-C-K.

12 DIRECT EXAMINATION BY THE SOLICITOR:

13 Q Where are you employed?

14 A I am employed with the South Carolina Law Enforcement
15 Division, most commonly known as SLED.

16 Q How long have you been employed there?

17 A Soon be four years.

18 Q Do you have any special duties and assignments at
19 SLED?

20 A Yes, I do. I am assigned to the Department of Latent
21 Prints and Crime Scene. And our areas of responsibility are
22 processing, reconstruction of crime scenes, fingerprints and
23 examination and comparisons.

24 Q And have you been employed in that responsibility
25 with SLED for the four years you have been there or how long

1 have you been employed in that capacity?

2 A I have been employed in that capacity from the time I
3 have been at SLED. Prior to that I was with the Aiken
4 County Sheriff's Department where I was a chief forensic
5 investigator for that department. And prior to that, spent
6 six years with the Lexington County Sheriff's Department in
7 their identification section.

8 Q What study and preparations have you made for this
9 type of work?

10 A Okay. During my course in police science, I have had
11 a number of schools, but related to the area of latent
12 fingerprints and fingerprint comparison and identification,
13 I started at the South Carolina Criminal Justice Academy
14 where I had a basic course in fingerprinting. Since then I
15 have attended the FBI Advanced Latent Print School and have
16 attended the Administrative Advance Fingerprint School at
17 the FBI Academy in Quantico, Virginia. I have also been to
18 Texas State University where I have trained with the
19 enhancement of latent fingerprints by use of laser. I am a
20 member of the International Association of Identification
21 and past president of the South Carolina chapter of the IAI.
22 And this organization is an international organization of
23 individuals that are in the field of identification. This
24 organization gives us bi-monthly publications, keeps us
25 updated on all of the latest things going on in the area of

1 fingerprint science and other related areas.

2 Q Okay. And have you had occasion to qualify as an
3 expert in the field of fingerprint or palm print analysis in
4 the courts of South Carolina?

5 A Yes, sir, in the State of South Carolina and also in
6 the Federal District Court.

7 THE SOLICITOR: Your Honor, at this time the State
8 would move to qualify Investigator Derrick as an expert in
9 the area of fingerprint and palm print analysis.

10 THE COURT: Any objection?

11 MR. CRUMRINE: No, sir, Your Honor.

12 THE COURT: Thank you very much. Remember, I
13 explained to you yesterday about experts, they can give
14 opinions, and I explained to you the significance of their
15 testimony. Go ahead Solicitor.

16 BY THE SOLICITOR:

17 Q Investigator Derrick, can you explain to us what a
18 latent fingerprint or latent palm print is?

19 A A latent fingerprint --- back up a little bit. On
20 the fingers and the palm of the hands as well as the bottom
21 of the feet, your skin has a system of ridges and spurs. On
22 your fingers they are referred to as fingerprints and palm,
23 palm prints. In these little ridges are tiny pores that are
24 constantly secreting moisture and greases and oils. When an
25 individual makes contact with a surface, whether it be wood,

1 glass or whatever, pick up a coke can, the ridge detail has
2 a potential to be transferred from the ridges in the
3 secretion of the pores from your hand onto that object. By
4 using the various chemical techniques or powders or lasers,
5 this is used on these surfaces to try to develop a ridge
6 detail which has been transferred from the finger of the
7 hand to that particular item.

8 Q And that would be the way that a person can touch a
9 surface and leave fingerprints?

10 A That is correct.

11 Q Is it possible for a person to touch a surface and
12 not leave fingerprints or palm prints?

13 A Yes, that potential exists. It depends on the
14 characteristics of the surface itself, whether or not the
15 individual is a secretor. Other elements such as weather or
16 whether the item was wet, these secretions that come through
17 the pores are 99 percent moisture or water. So, transferred
18 in water to a surface and washing it off could have a
19 tendency to remove a print, or a print not be present.
20 Contact with the surface whether there is moving with the
21 fingers of the hands, such as if I touch this and slid, this
22 ridge detail would slide and it would not be a visible ridge
23 detail but kind of a blurred or smeared area.

24 Q And when you talk about ridge detail, that is a
25 raised portion of the skin and then there is a groove or

1 something that accompanies that ridge and it is the ridge or
2 the groove that actually leaves the fingerprint or palm
3 print?

4 A It is actually the ridge. This is where the pores
5 are. And this is where the secretion takes place that
6 builds up on the ridge and picks up contaminants as you
7 touch things and transfers the greases and oils and the
8 moisture. But it is the top of the ridge and not the spur
9 itself.

10 Q Investigator Derrick, can you step down please, and
11 you need to speak up loud enough for the court reporter.
12 These are State's Exhibit Nos. 32, 33, 34 and 36, and I am
13 going to ask you, yes or no, if you had occasion to observe
14 those items?

15 A Yes, sir, I have.

16 Q And when was that and what was the purpose that you
17 examined those items?

18 A I received these items at the State Law Enforcement
19 Division from the Charleston County Sheriff's Office, and
20 the request was made to examine these items with the laser
21 in alternate light. It was also my understanding that
22 normal conventional methods had been used by the Sheriff's
23 Department in an attempt to develop latent prints and for
24 the State Law Enforcement Division laboratory and myself to
25 go one step further using the laser and alternative light

1 system.

2 Q And pursuant to your examination, what were the
3 results or were you able to arrive at any conclusion as a
4 result of your examination comparison?

5 A I conducted the examination that was requested, and I
6 was unable to locate any ridge detail on any of the items.

7 Q And ridge detail would be what you would be able to
8 use to compare to a known individual, is that correct?

9 A That is correct, sir.

10 Q In terms of the pole itself, and actually all items,
11 in terms of State's Exhibits 32, 33, 34 and 36, I asked you
12 earlier about how it would be possible to touch something
13 and not leave a fingerprint, what would your expert opinion
14 be as to these objects?

15 A Well, on a creosote pole, I have never had any
16 success with creosote poles raising ridge detail. Because
17 of the chemical compound of the pole itself. If an
18 individual made contact with it, there would be a potential
19 that he would leave his ridge detail where it would be
20 visible. Not being a chemist, I am not sure of the chemical
21 compound but something is going on there where none of the
22 conventional techniques have raised or developed that ridge
23 detail which is not visible. There was no visible ridge
24 detail which was present on this pole. Also it was noted on
25 the pole as well as this piece of wood here, there is a

1 considerable amount of dirt and dust and other debris. When
2 an individual makes contact with that particular surface
3 instead of leaving his ridge detail because of the moisture
4 in the hands, it has more of a potential to pick up the dirt
5 rather than leave the ridge detail. The two particulars, I
6 presume to be tree limbs are very rough surfaces, it is not
7 a smooth surface. So good contact, good firm pressing to
8 leave good ridge detail, it is not a good surface for that.
9 Secondly, because of the wood and its absorbing
10 capabilities, it has a potential where you may pick up
11 partial ridge detail, sometimes ridge detail which is
12 suitable for identification. But it is just a chance and
13 how the individual touched that particular item, how much
14 secretion was on his hand at the time it was touched and,
15 other variables as I previously testified to such as
16 weather, water, heat, et cetera.

17 Q Thank you. You can go back to the witness stand.

18 THE SOLICITOR: Thank you Officer Derrick, if you
19 can, answer any questions that Mr. Crumrine might have for
20 you.

21 MR. CRUMRINE: Good morning.

22 CROSS EXAMINATION BY MR. CRUMRINE:

23 Q Officer Derrick, fingerprint technology has come a
24 great distance over the years, hasn't it?

25 A Yes, sir, it has.

1 Q With the advent of lasers and all of the new
2 technologies, it has developed to the point where sometimes
3 you can take a fingerprint off of a kleenex tissue, is that
4 correct?

5 A That is correct, sir.

6 Q And basically what you have got to say about these
7 items here, as well as, I think there is one other that is
8 not up there, is that they have no evidentiary value that
9 you know of?

10 A I don't know the facts of the case, the background
11 concerning the items. All I can say is that none of the
12 items had any ridge detail that I could develop and examine
13 or compare.

14 Q All right. As far as your discipline you know of no
15 evidentiary value contained on these items, is that correct?

16 A In relation to fingerprint examination, yes, sir.

17 Q All right. Thank you.

18 REDIRECT EXAMINATION BY THE SOLICITOR:

19 Q What has been marked as State's Exhibit 35, was that
20 an item which you examined?

21 A No, sir, it was not. It doesn't bear my initials.

22 Q So that was not one that was included in your request
23 to be examined?

24 A That is correct, sir.

25 THE SOLICITOR: Thank you. That is all the questions

1 the State has.

2 MR. CRUMRINE: Nothing further.

3 THE SOLICITOR: May he be excused?

4 THE COURT: Any objection?

5 MR. CRUMRINE: No, sir.

6 THE COURT: Have a good day. Call your next witness.

7 THE SOLICITOR: The State would call Katrina
8 Crommedy.

9 KATRINA CROMMEDY, being first
10 duly sworn, testified as follows:

11 THE CLERK: State your full name, and spell your last
12 for the record.

13 THE WITNESS: Katrina Crommedy, C-R-O-M-M-E-D-Y.

14 DIRECT EXAMINATION BY THE SOLICITOR:

15 Q Katrina, where do you live?

16 A 358 Gary Circle.

17 Q How old are you?

18 A 17.

19 Q 17. How old would you have been back on October the
20 22nd, 1991?

21 A I would say about 15.

22 Q 15. And at that point, where were you living?

23 A 20 Woodline.

24 Q Okay. Now, back on October the 22nd, of 1991, did
25 you have occasion to witness an incident here in the north

1 area?

2 A Yes, sir.

3 Q Okay. And where were you at the time?

4 A As in?

5 Q At the time of the incident, where did it happen?

6 A On Alabama Drive in the north area.

7 Q Okay. And about what time of day are we talking
8 about?

9 A I would say about 4:00, quarter to 4:00.

10 Q Sometime in the afternoon?

11 A Uh-huh.

12 Q And were you with anyone?

13 A My aunt.

14 Q Your aunt?

15 A Yes.

16 Q What is her name?

17 A Vernell Rivers.

18 Q Vernell Rivers. Had you-all been --- where had
19 you-all been just prior to what you witnessed?

20 A I would say the corner of Alabama and Rex.

21 Q Okay. But earlier that day, had you been at another
22 location?

23 A Yes, my aunt's house, Lorraine.

24 Q Your Aunt Lorraine?

25 A Yes.

1 Q And where does she live?

2 A 11 Peacock.

3 Q 11 Peacock. After you were at your aunt's house,
4 what did you do?

5 A We were walking towards my grandmother's house, and
6 we were walking down the street.

7 Q Now, Peacock?

8 A Yes.

9 Q So you were walking from your aunt's house?

10 A Lorraine.

11 Q With your aunt?

12 A Vernell.

13 Q How old is your Aunt Vernell?

14 A Now 18.

15 Q So you were walking down Peacock, is that correct?

16 A Uh-huh.

17 Q And what did you see?

18 A A bunch of guys walking ahead of us.

19 Q And do you know who those guys were?

20 A Yes.

21 Q Okay. Who were they?

22 A Mont, Juney, Mark and Alvin.

23 Q Let's go back. Mont, who is Mont?

24 A Richard Sampson.

25 Q And how did you know him?

1 A He used to go to school with my sister.
2 Q And you say Juneey, who is Juneey?
3 A Darrell Edwards.
4 Q Darrell Edwards. How did you know Darrell Edwards?
5 A Occasionally he used to go to school with me off and
6 on.
7 Q And then you say who else was there?
8 A Mark.
9 Q Mark. And who is Mark?
10 A Mark Hamilton.
11 Q Mark Hamilton. How did you know Mark Hamilton?
12 A Through his sister and brother.
13 Q And then the last person?
14 A Alvin, I knew his sister.
15 Q Who is Alvin?
16 A Alvin Zellers.
17 Q You knew his sister?
18 A Yes.
19 Q How long had you known these guys?
20 A I would say about four years.
21 Q Okay. And what happened?
22 A Prior to the accident?
23 Q What happened at that point? You say you saw them
24 ahead of you on the road?
25 A Yes, and I called Richard Sampson back to talk to

1 him.

2 Q Okay. And what were you going to talk with him
3 about?

4 A His girlfriend.

5 Q So did he leave those other boys or what happened?

6 A Yes, he left them. And they were going, waiting
7 around down on the corner for him.

8 Q And how far ahead of you did you think they were?

9 A About 20 feet.

10 Q Okay. So Lamont came back to where you were with
11 your aunt, and you are talking about his girlfriend. What
12 happened with the other boys, the other males?

13 A Darrell Edwards, he was walking ahead of Alvin and
14 Mark, Alvin and Mark were about 20 feet ahead, about 15 feet
15 ahead of me and Mont.

16 Q What happened next?

17 A We continued to walk and talk, and then Alvin and
18 Mark was talking about fighting a white boy Sineth.

19 Q Did you know Sineth?

20 A No.

21 Q Okay. But there was another male that was out on the
22 street, was there a white male?

23 A Yes.

24 Q Where was he?

25 A He was coming on as we were walking, he was coming on

1 the end of the street.

2 Q If you would step down here for a second, in front of
3 the jury with me and you are going to have to speak up real
4 loud. See if you are familiar with this map. You indicated
5 that your sister lived on Peacock Avenue?

6 A Yes.

7 Q And do you see Peacock on this map?

8 THE COURT: Why don't you familiarize her, Solicitor?

9 THE SOLICITOR: She has found Peacock.

10 BY THE SOLICITOR:

11 Q And you indicated that she lived at No. 11 and that
12 would be approximately this location?

13 A Sure.

14 Q I am going to give you a little thing and have you
15 put a mark on here, where your sister lives. That is at 11
16 Peacock?

17 A Yes.

18 Q And at the point you saw Mont, Darrell, Juney and
19 Mark, where were you at that point?

20 A I was like walking out of her yard right here. I was
21 walking out of the yard, going down Peacock.

22 Q Okay. And where were they?

23 A About right here, a little before you get to the
24 corner of Louise.

25 Q Okay. And you indicated that Juney or Darrell one?

1 A He had already been to the stop sign by the time they
2 got right here.

3 Q And he was walking on ahead?

4 A Yes.

5 Q And when you say you are walking down the street, are
6 you talking about Peacock?

7 A Yes.

8 Q So you-all were walking in which direction?

9 A We are going up.

10 Q Towards Louise?

11 A Louise.

12 Q Okay. You turned this corner?

13 A Yes.

14 Q Is Mont still with you?

15 A Yes, at this point.

16 Q And Alvin and Mark Hamilton are ahead of you, and
17 where is Juney or Darrell Edwards?

18 A About 10 feet ahead of them.

19 Q Okay. And you indicated you saw a white male?

20 A He was coming from this direction of Louise.

21 Q Okay. Now, what happened? You say you overheard a
22 conversation ---

23 MR. CRUMRINE: Objection.

24 THE COURT: Now just a minute. What are your
25 grounds?

1 MR. CRUMRINE: She was getting into a conversation
2 she overheard.

3 THE COURT: All right, sir. Can you put her back up
4 here now?

5 THE SOLICITOR: Yes, sir.

6 BY THE SOLICITOR:

7 Q At that point you overheard a conversation involving
8 the Defendant Mark Hamilton and?

9 A Alvin. Alvin Zellers.

10 Q What did you hear in that conversation?

11 MR. CRUMRINE: Objection, Your Honor.

12 THE COURT: Between Alvin and who?

13 THE WITNESS: Alvin Zellers and the Defendant.

14 THE COURT: All right, sir. Overruled.

15 BY THE SOLICITOR:

16 Q What did you hear of that conversation?

17 A I am pretty sure that Mark asked Alvin if he was down
18 to slap the white guy.

19 Q Mark asked Alvin if he was down to slap the white
20 guy?

21 A Uh-huh.

22 Q What happened?

23 A Apparently Alvin must have said yes, because both of
24 them took off jogging in a pace like.

25 Q Okay. They took off going fast towards the white

1 male?

2 A Yes, and yelling for Darrell to stop him.

3 Q Who was yelling for Darrell?

4 A Mark.

5 Q And what was he yelling?

6 A Stop him.

7 Q Stop him.

8 A As far as the white guy.

9 Q Okay. Now, where is Darrell Edwards, Juney and the
10 white male at the point they are yelling that?

11 A Darrell is like walking so he was like still in the
12 same pace, but moving.

13 Q Okay. But are they further down the street now?

14 A Yes, they are further down the street.

15 Q And about where on Louise Drive were they at that
16 point?

17 A They were like almost to the corner of Louise and
18 Rex.

19 Q Corner of Louise and Rex?

20 A Uh-huh.

21 Q Okay. What happened?

22 A Darrell stopped him and I went back to tell my aunt,
23 and I yelled run to the white guy and I guess by me telling
24 him to run, he stopped to see what I was yelling about and
25 at that time Darrell had already caught up with him.

- 1 Q And then what happened?
- 2 A Mark told him to slap him.
- 3 Q Mark told who?
- 4 A Darrell.
- 5 Q Told Darrell to slap who?
- 6 A The white guy.
- 7 Q What happened?
- 8 A Darrell did.
- 9 Q Where are Mark and Alvin at this point?
- 10 A On the corner of Rex and Louise.
- 11 Q So everybody kind of caught up together at that
- 12 point?
- 13 A At that point Darrell and the white guy had already
- 14 reached the corner of Rex and Alabama.
- 15 Q All right. And Alvin and Mark are about to get to
- 16 that corner, is that right?
- 17 A Yes.
- 18 Q Where is Mont at that point?
- 19 A I guess behind me.
- 20 Q Okay. What happened at the corner of Rex and Louise?
- 21 A That is when I saw Darrell slap the white guy and he
- 22 took off running through the yards.
- 23 Q Okay. He started to run through the yards?
- 24 A Yes.
- 25 Q Which direction is he running to at that point?

1 A I would say west.

2 Q Well, is he running towards a street that you know
3 the name of?

4 A He was running towards Alabama. The houses on the
5 corner of Alabama and Rex. The gate is torn down.

6 Q There is a gate torn down?

7 A Yes.

8 Q I need her to step back down.

9 THE COURT: All right, sir.

10 BY THE SOLICITOR:

11 Q You indicated at the corner of Rex and Louise is
12 where Darrell slapped him?

13 A Right about right here. Right up in here.

14 Q Okay. And where are you?

15 A Right here.

16 Q All right. And you indicated there was a yard that
17 he ran through?

18 A This yard right here.

19 Q And are you familiar with that yard?

20 A Yes, my aunt used to live there.

21 Q And one of your aunts used to live there?

22 A The same one that lives on 11 Peacock.

23 Q What happened at that point?

24 A Sineth ran through the yards, Juney took off this
25 way.

1 Q To be sure, Juney is Darrell Edwards, he took off
2 around the street?

3 A Yes.

4 Q And Mark and Alvin went through the yards behind him?

5 A Yes.

6 Q Go ahead.

7 A And that is when me and my aunt came behind him and
8 went down to the street and that is when we saw Sineth
9 standing up with a box cutter in his hand. I don't know if
10 it is a box cutter but they said it was a box cutter.

11 Q Something in his hand and he was standing up?

12 A He was standing up.

13 Q But where was he at the time you saw him standing up?

14 A He was already on Alabama right around the curb like.

15 Q Was he on the street or in the grass?

16 A He was on the street, the edge of the grass.

17 Q On the edge of the grass where the ditch is?

18 A Yes.

19 Q What happened next?

20 A Mark and Alvin started to kick him.

21 Q Kick him?

22 A With their feet.

23 Q Okay. What happened next?

24 A I guess he stumbled into the ditch sitting up right.

25 Q Who did?

1 A Sineth.

2 Q Sineth stumbled into the ditch sitting up right?

3 A Yes.

4 Q What happened next?

5 A Mark went to kick him again and he got cut with the
6 knife.

7 Q Did you hear any conversations between Mark, Juney,
8 Alvin, Darrell and Sineth?

9 A No.

10 Q And what happened next?

11 A Then after Mark realized that he was cut, he went on
12 the side of the street, which is still Alabama, on the
13 opposite side.

14 Q Opposite side from where this happened?

15 A Yes.

16 Q Now, at this point I am going to show you State's
17 Exhibit Nos. 15 and 14. And ask you if you can indicate to
18 the jury where Hamilton went after he was cut?

19 A Right here.

20 Q Near that tree?

21 A Uh-huh.

22 Q Okay. Now, you can go take the witness stand please.
23 At that point, you said the victim was sitting down in the
24 ditch but up right, is that correct?

25 A Correct.

1 Q And what happened next?

2 A Mark got cut so he went on the opposite side of the
3 highway, and Darrell and Alvin went and got a pole on the
4 opposite side where Mark was, and threw it at Sineth and the
5 pole like rolled over so he got it again and he threw it
6 again.

7 Q When we are talking about he, is this Alvin at this
8 point?

9 A Yes, and held it over his head and he hit Sineth
10 again. And then that is when Mont came and started with a
11 stick beating him constantly.

12 Q What happened after Mont beat the victim with a
13 stick?

14 A Alvin and Lamont took off running.

15 Q What happened to the stick they were using?

16 A I guess they left it on the ground because they
17 didn't have it in their hands when they were running.

18 Q On the table in front of you are what are marked as
19 State's Exhibit Nos. 32, 34, 33 and 36. Do any of those
20 look familiar to you?

21 A Two of them.

22 Q Okay. Which two look familiar?

23 A The two on the end.

24 Q These two?

25 A And the big pole.

1 Q The big pole?

2 A Yes.

3 Q Do those appear to be similar or the same as the ones
4 that you observed that day?

5 A I don't know if it is the same, but it is similar.

6 Q Okay. Did you hear any statements made by the victim
7 during the course of the assault?

8 A Who is the victim, as in Sineth?

9 Q Sineth.

10 A Yes.

11 Q What was that, please?

12 A Please stop, I am about to pee in my pants. I don't
13 have any money.

14 Q And when was that going on?

15 A During the kicking before he got --- Mark got
16 stabbed.

17 Q Okay. Thank you Ms. Crommedy. If you would, answer
18 any questions that Mr. Crumrine might have.

19 CROSS EXAMINATION BY MR. CRUMRINE:

20 Q Ms. Crommedy, just a few questions for you. You said
21 that you were 15 years old when this happened?

22 A I am pretty sure.

23 Q And your aunt was about one year older than you at
24 the time?

25 A Yes.

1 Q Okay. Would you describe that she was somewhere
2 behind you as you were approaching the incident scene?

3 A Yes.

4 Q And Mr. Sampson was in back of you-all at that point?

5 A Which point are you talking about?

6 Q When you were running to catch up to see?

7 A Who said I was running?

8 Q Okay. Were you running, did you walk?

9 A Yes, walked.

10 Q And before you got there, there was some lapse of
11 time that you did not --- that they were out of your sight?

12 A Yes.

13 Q And at the time you were approaching, walking, was
14 your aunt ---

15 A With me.

16 Q She was with you?

17 A Yes.

18 Q And Mr. Sampson, where was he?

19 A Behind us, I guess.

20 Q Do you know if he also arrived --- did he arrive
21 after you?

22 A I would say so, I really don't remember.

23 Q Do you know if he saw what had transpired, do you
24 know if he saw what happened?

25 A No, because I didn't see him at all.

1 Q Was he present when Mark was cut?

2 A I know he was present after Mark was cut. I don't
3 know if he saw Mark get cut or what.

4 Q Did you ever see Mr. Sampson walk over to Mark?

5 A No.

6 Q Can you describe the condition of all four of these
7 individuals prior to the incident beginning when you saw
8 them on the street, were they sober?

9 A No, I mean I can't speak for all four of them, I can
10 only speak for Lamont because I was talking to him directly,
11 and I could smell the beer on his breath. As in Mark, Alvin
12 and Juney, no, I can't.

13 Q Did you see any of the four individuals Mark, Juney,
14 Mr. Sampson or Mr. Zellers have any weapons with them?

15 A No.

16 Q Did you hear any conversations indicating that they
17 were intending to kill anybody?

18 A No, except are you down to slap him.

19 Q Slap him?

20 A Slap him.

21 Q And Darrell Edwards was the first guy running after
22 Mr. Sineth?

23 A I wouldn't say he was running, he was standing.

24 Q He followed him by walking?

25 A They met up on the corner of Louise and Rex.

1 Q Okay. But after Mr. Sineth took off, Mr. Edwards was
2 the first one to run?

3 A Yes.

4 Q Did he run?

5 A Yes, he did.

6 Q Mr. Edwards was a pretty big guy at the time, wasn't
7 he?

8 A Yes.

9 Q He was sort of fat?

10 A Yeah, I guess so.

11 Q But one way or the other he was able to catch up with
12 Mr. Sineth?

13 A Yes, because Sineth stopped running.

14 Q That was before you got there?

15 A Yes, exactly.

16 Q After Mark was across the street sitting down, can
17 you tell us who --- you described the pole being used and
18 that Mr. Sampson had a stick, is that correct?

19 A Uh-huh.

20 Q And you would have to say yes or no for the record?

21 A Yes.

22 Q And can you tell us was Mr. Sampson the one that kept
23 hitting him?

24 A Yes.

25 Q And wouldn't stop?

1 A Yes.

2 Q Do you know who Nathaniel Criswell is?

3 A I don't know him. I know him by seeing him in the
4 street.

5 Q You know him by Suave?

6 A Yes.

7 Q That is his nickname?

8 A Yes.

9 Q Was he present also?

10 A I believe, if I am not mistaken, I think he was
11 around to help Mark across the street.

12 Q And do you know how --- where he lives or how to get
13 in touch with him?

14 A No.

15 Q Was Richard Pryor also there?

16 A I saw him earlier that day but I didn't see him when
17 this accident took place.

18 MR. CRUMRINE: I have no other questions. Thank you.

19 REDIRECT EXAMINATION BY THE SOLICITOR:

20 Q Where was Juney, Darrell Edwards during the course of
21 the beating with the stick?

22 A When I turned around everything was over, he was to
23 the stop sign of Ranger and Alabama.

24 Q To the stop sign across the street?

25 A Yes.

1 Q Okay. Could you tell the jury what you saw Mr.
2 Sineth do to provoke this incident?

3 A Swing his knife, I guess.

4 Q But I mean earlier on?

5 A Nothing besides walking down the street.

6 THE SOLICITOR: Thank you. That is all the questions
7 I have.

8 THE COURT: All right.

9 MR. CRUMRINE: Nothing further, Your Honor.

10 THE COURT: Thank you very much

11 THE SOLICITOR: May she be excused, Your Honor?

12 THE COURT: All right. Any objection?

13 MR. CRUMRINE: No objection.

14 THE COURT: Thank you.

15 THE SOLICITOR: The State would call Vernell Rivers.

16 VERNELLE RIVERS, being first
17 duly sworn, testified as follows:

18 THE CLERK: State your full name, and spell your last
19 for the record.

20 THE WITNESS: Vernell Rivers, R-I-V-E-R-S.

21 DIRECT EXAMINATION BY THE SOLICITOR:

22 Q How old are you Vernell?

23 A 18.

24 Q Back in October of 1991, how old were you?

25 A About 16 or 17.

1 Q Okay. And do you have a niece?

2 A Excuse me?

3 Q Do you have a niece?

4 A I can't hear you.

5 Q Do you have a niece?

6 A Yes, I do.

7 Q What is that niece's name?

8 A Katrina Crommedy.

9 Q Were you with her on the day of October the 22nd,

10 1991?

11 A Yes, I was.

12 Q And where were you?

13 A We were coming from my sister's house.

14 Q You had been to your sister's house?

15 A Uh-huh.

16 Q Where does she live?

17 A She lives --- she was living on Peacock at that time.

18 Q Peacock?

19 A Yes.

20 Q When you left your sister's on Peacock, what

21 happened?

22 A Me and my niece were walking and four guys, they were

23 walking ahead of us.

24 Q You say four guys, who were the four guys?

25 A Lamont, Mark, Alvin and Darrell.

- 1 Q Okay. Let's go back. You said Lamont. Who is
2 Lamont?
- 3 A Lamont is one of the guys that was walking.
- 4 Q And how long had you known him or did you know him?
- 5 A Yes, I knew him from my niece.
- 6 Q From your niece?
- 7 A Uh-huh.
- 8 Q And about how long had you known him?
- 9 A About two years.
- 10 Q Okay. You said Mark, who is Mark?
- 11 A Mark, I know him from my brother.
- 12 Q Your brother?
- 13 A Yes.
- 14 Q About how long did you know him?
- 15 A For a couple of years.
- 16 Q And then you said Alvin?
- 17 A Uh-huh.
- 18 Q And do you know Alvin's last name?
- 19 A Yes. Zellers.
- 20 Q Okay. And how long had you know him?
- 21 A About the same, the same I knew Mark.
- 22 Q And did you say --- what was the other name?
- 23 A Darrell.
- 24 Q Darrell. Do you know Darrell's full name?
- 25 A No.

1 Q Okay. And did you know him at the time?

2 A Huh-uh.

3 Q Okay. You said you met those four guys on the
4 street?

5 A Uh-huh.

6 Q And what were you doing what were they doing?

7 A They were walking, horse playing around, that is
8 about it.

9 Q Did you talk to any of them?

10 A Yeah, hi, you know.

11 Q What happened?

12 A After that, as we were walking down I think it was
13 Louise, Louise Drive, they saw this white guy who was
14 walking from Louise, the end of Louise, and as he was
15 turning on Rex, one of them yelled out stop him.

16 Q Who yelled out?

17 A I think it was Mark.

18 Q Okay. What did he yell out?

19 A Stop him.

20 Q Did he yell that to anybody in particular?

21 A Yes.

22 Q Who?

23 A It was Juneey, Darrell.

24 Q Juneey is Darrell. What happened?

25 A Darrell slapped him, and that is when he stumbled in

- 1 a yard.
- 2 Q Who is he?
- 3 A Gary.
- 4 Q Did you know Gary Sineth before this?
- 5 A No.
- 6 Q You just know that name now?
- 7 A Yes.
- 8 Q So the white male stumbled into the yard?
- 9 A Uh-huh.
- 10 Q After he was slapped. What happened next?
- 11 A After he turned to run towards through another yard,
- 12 and that is when he ran to the ditch, in between Alabama.
- 13 Q When the victim is slapped and falls and stumbles
- 14 into the yard, where was that?
- 15 A That was at a house between Rex --- a yard where you
- 16 could run through it.
- 17 Q So we are talking roughly the corner of Louise and
- 18 Rex?
- 19 A Yes.
- 20 Q And who all was around at the point of the slap?
- 21 A It was just Mark and Juney at the time.
- 22 Q Okay. So Mark had gotten to that location?
- 23 A Yes.
- 24 Q So you say after the slap, he stumbles into the yard,
- 25 he takes off running?

1 A Yes.

2 Q And that is towards Alabama?

3 A Yes.

4 Q What happened at this point?

5 A At this point, they all surrounded him, asking him
6 for money.

7 Q Who is they?

8 A Mark, Darrell, Lamont and Alvin.

9 Q Okay. They surrounded him?

10 A Uh-huh.

11 Q And where did you say that the white male was at that
12 point?

13 A He was like in a ditch, you know.

14 Q Is he standing up at that point?

15 A Kind of sitting up. Sitting up.

16 Q Sitting up. So like on the bottom of the ditch? In
17 this sort of fashion?

18 A Yes.

19 Q All right. So the four of them are around him as he
20 is sitting in the ditch?

21 A Yes.

22 Q What happens next?

23 A At that time, they all were saying give me your
24 money, or whatever and he said he didn't have any. And at
25 that time they were kicking him and apparently at that time

1 Alvin had got cut on his leg and he walked over, not Alvin,
2 Darrell. And he walked over to the stop sign, and the rest
3 of them were still there kicking him, asking him the same
4 thing, calling him names. And at that time, Mark he had got
5 cut and he apparently walked over to the street and at that
6 time, Lamont saw that Mark got cut and he got real upset and
7 he started yelling at him he cut my friend, he shouldn't
8 have done that. And at that time he picked up the piece of
9 wood that was lying on the side of the street and he started
10 hitting him. And that is when Alvin --- he was hitting him
11 also.

12 Q So Lamont and Alvin are using sticks?

13 A Yes.

14 Q On the victim. You have Hamilton who has been cut
15 and moved over to the side of the street under a tree and
16 Darrell had moved to a stop sign, is that what your
17 testimony is?

18 A Yes.

19 Q What happened after the sticks started to be used on
20 the victim? What happened next?

21 A At that time he was --- they were hitting him and the
22 victim, he was telling them to stop, that he was urinating
23 in his pants or whatever, and at that time they were still
24 just hitting him, and Alvin, he stopped and Lamont he kept
25 hitting him. And just hitting him with the piece of wood

1 that was lying on the side. And then that is when he
2 finally stopped. And they both ran off together.

3 Q Who both ran off?

4 A Lamont and Alvin.

5 Q Did you see anything in their hands when they ran
6 off?

7 A No, they had already dropped it.

8 Q They dropped what?

9 A The pieces of sticks that they had.

10 Q The sticks?

11 A Yes.

12 Q On the table in front of you are what are marked as
13 State's Exhibit No. 33, 32, 34 and 36. Are these familiar
14 to you at all?

15 A Yeah.

16 Q And what are they, please?

17 A Excuse me? I didn't hear you.

18 Q Are these familiar to you from what you just
19 testified to?

20 A Uh-huh.

21 Q And do these appear to be the same or similar to the
22 ones you observed?

23 A Yes.

24 Q Can you indicate whether or not at any time you saw
25 anybody try to stop the assault on the white male?

1 A I can't hear.

2 Q Did anyone ever try to stop the assault on the white
3 male?

4 A Well, the only person was me and my niece at the
5 time.

6 Q And what were you doing?

7 A I was just yelling out, stop, you know.

8 Q You indicated that at the corner of Rex and Louise,
9 that at that point that is where Darrell or Juneey had
10 slapped the white male. Do you know why?

11 A No.

12 Q You don't know why?

13 A No.

14 Q Did you see the white male --- what did you see the
15 white male do to provoke the slapping and the attack?

16 A He didn't do anything. After he got slapped, that is
17 when he pull out the box cutter.

18 Q That was after he was slapped and chased?

19 A Yes.

20 Q Is Mark Hamilton in the courtroom?

21 A Yeah.

22 Q Where is he?

23 A Right there.

24 Q What is he wearing?

25 A Gray suit.

1 THE SOLICITOR: Thank you. Answer any questions Mr.
2 Crumrine might have.

3 CROSS EXAMINATION BY MR. CRUMRINE:

4 Q Hi, Ms. Rivers. I have just a few questions for you.
5 You were 16 years old at the time that happened?

6 A Yeah.

7 Q And is it fair to say that it was a fairly traumatic
8 thing to see?

9 A Yes.

10 Q And you have known all of these fellows before that
11 day, hadn't you?

12 A Yes.

13 Q And in fact Mark is a friend of your brother's?

14 A Uh-huh.

15 Q And can you tell the jury what their condition was?
16 Can you tell if they had been drinking?

17 A No, not really. They were acting, you know, horse
18 playing around, so I suppose they was drinking.

19 Q Okay. Did you observe any of them having weapons,
20 and I mean Mr. Hamilton, Mr. Sampson, Mr. Zellers, or Mr.
21 Edwards, did any of them have weapons that you saw when you
22 first encountered them?

23 A No.

24 Q Was there any indication to you that they were out to
25 kill anybody when you first ran into them?

1 A No.

2 Q Was there any indication that they had planned to
3 kill anybody when they first saw Mr. Sineth?

4 A No.

5 Q Was there any indication that at that point that they
6 had planned to do anything other than slap him?

7 A No, not really.

8 Q Is it --- were you behind your niece when they all
9 started running and you-all followed?

10 A Yes.

11 Q And was Mr. Sampson back with you somewhere?

12 A Yeah.

13 Q All right. So when Mr. Sampson arrived, is it fair
14 to say that the confrontation had already begun?

15 A Yes, it would be.

16 Q At what point did Mr. Sampson become aware of Mark's
17 cut on his leg?

18 A That is after they kind of walked over to the tree.

19 Q When Mark walked over under the tree?

20 A Yes.

21 Q Did Mr. Sampson go look at his leg?

22 A Yes, at that point yes, he did.

23 Q Did you see his leg?

24 A Yes, I did.

25 Q What did it look like?

1 A What did it look like?

2 Q Yes.

3 A It was a bunch of blood and it was kind of like
4 hanging out.

5 Q Was it upsetting to look at?

6 A Yes, it was.

7 Q Did Mr. Sampson have any reaction to seeing Mr.
8 Hamilton's leg?

9 A Yes, he did.

10 Q What was that reaction?

11 A Anger, you know, upset about it, you know.

12 Q And you said he was screaming. Was that after
13 looking at his leg as well?

14 A Uh-huh.

15 Q And what was he screaming?

16 A He was screaming that he shouldn't have done it.

17 Q Who, that Mr. Sineth shouldn't have done that?

18 A Uh-huh.

19 Q Could you see what Mr. Hamilton was doing after he
20 was cut? Do you know if he passed out or whether he was
21 conscious during the fight?

22 A He was conscious, he didn't pass out. He was just
23 lying there in pain. That is about it. Holding his leg.

24 MR. CRUMRINE: I don't have any other questions for
25 you. Thank you.

1 THE SOLICITOR: That is all Your Honor. May she be
2 excused?

3 THE COURT: You may come down. Call your next
4 witness.

5 THE SOLICITOR: The State would call Celestia Mazyck.

6 CELESTIA MAZYCK, being first
7 duly sworn, testified as follows:

8 THE CLERK: State your full name and spell your last
9 for the record.

10 THE WITNESS: Celestia Mazyck, M-A-Z-Y-C-K.

11 DIRECT EXAMINATION BY THE SOLICITOR:

12 Q What is your birthdate?

13 A August 29th.

14 Q And what year were you born?

15 A 1980.

16 Q So back on October the 22nd of '91 you were 11 years
17 old?

18 A (Nod of yes.)

19 Q Where do you live?

20 A Alabama, North Charleston.

21 Q You live on Alabama Street in North Charleston?

22 A (Nod of yes.)

23 Q Were you home on the afternoon of October 22nd, 1991?

24 A Yes.

25 Q What did you see that day? Make sure you speak up.

1 Were you at home or were you at someone's else house part of
2 that afternoon?

3 A I was at my grandmother's house.

4 Q Where is your grandmama's house in relation to where
5 your house is?

6 A On Louise Drive.

7 Q On Louise Drive. Is she right there on the corner of
8 Rex and Louise?

9 A Yes.

10 Q Okay. So you were at that house?

11 A Yes.

12 Q What did you see?

13 A The boys came from school, I guess.

14 Q How many boys?

15 A Four.

16 Q Four. Black males?

17 A (Nod of yes.)

18 Q What happened?

19 A They was coming from Peacock Street, I think, and he
20 was coming from Louise.

21 Q Who is he?

22 A Gary.

23 Q Gary. Do you know Gary?

24 A (Nod of no.)

25 Q So, a white male was coming from up the opposite way?

1 A Yes.

2 Q Okay. What happened?

3 A The four guys chase him on Alabama Street.

4 Q Where did they start chasing him?

5 A On Louise.

6 Q From Louise. And where did they run?

7 A Alabama.

8 Q Okay. How did they get to Alabama from Louise?

9 A They ran, they chased Gary down Alabama Street.

10 Q Okay. And did they go on the street or did they go

11 through any yards?

12 A Gary went through a yard.

13 Q Okay. And that is your yard, isn't it?

14 A Yes.

15 Q And can you tell the jury about the fence in your

16 yard?

17 A He ran through that yard and they chased him on to

18 Alabama.

19 Q Okay. What happened on Alabama? What did you see

20 happen?

21 A They were beating him.

22 Q Speak into the microphone.

23 A They were beating him.

24 Q They were beating him?

25 A Yes.

- 1 Q And who all was beating him?
- 2 A All four of them.
- 3 Q What were they beating him with?
- 4 A Sticks.
- 5 Q Sticks. What happened after that?
- 6 A One of them got cut.
- 7 Q Now, is the cut --- does that happen before he is
- 8 being beaten with the sticks or after he is being beaten?
- 9 A After.
- 10 Q Okay. The one who got cut, do you know him?
- 11 A Yes.
- 12 Q Did you see him with the stick?
- 13 A No.
- 14 Q You didn't see him with the stick?
- 15 A No.
- 16 Q But he is over there and he gets cut and what happens
- 17 to him?
- 18 A He was asking for somebody to take him to the
- 19 hospital.
- 20 Q Did he stay right there or what did he do?
- 21 A He stayed right there.
- 22 Q Okay. Right where in relation?
- 23 A Across the street.
- 24 Q Across the street. All right. Did you see the white
- 25 male? Where was he, was he standing up, was he on the

1 street, where was he?

2 A In the ditch.

3 Q In a ditch. Okay. And when did you first see him
4 with something that looked like a knife in his hand?

5 A When the boys kicked him.

6 Q When the boys kicked him. Okay. So he is getting
7 kicked and he pulls it out, is that the point you see it?

8 A Yes.

9 Q And so once he gets cut, he is across the street
10 under a tree right and he is the one cut pretty bad on the
11 leg?

12 A (Nod of yes.)

13 Q What happens to the other three?

14 A They was still beating him at that time.

15 Q They were still beating him with the sticks?

16 A (Nod of yes.)

17 Q Do you hear anybody saying anything?

18 A No.

19 Q You don't hear the white male saying anything?

20 A He was saying he had to use the bathroom.

21 Q And they --- did you see anything happen --- come on
22 down here just for a second and come right over here by me.
23 See if we can help the jury out here a second. If you would
24 come over here, this is Peacock Avenue, this is Louise, here
25 is Rex Avenue and here is Alabama. Where do you live?

1 A Alabama.

2 Q You live in this corner house, Rex and Alabama?

3 A Yes.

4 Q Make sure you speak right into that microphone. And
5 your grandmother's house is on the corner, you said was on
6 the corner of Rex and Louise?

7 A Yes.

8 Q And would that be the house right here?

9 A Yes.

10 Q While you were at this house, did you see anything
11 happen with the four black males and the white male at the
12 corner of Louise and Rex?

13 A I don't understand.

14 Q What first got your attention?

15 A They were coming.

16 Q What got your attention, while you were at your
17 grandmom's house?

18 A They were chasing the boy.

19 Q They were chasing him?

20 A (Nod of yes.)

21 Q Did you see the white male do anything to start this
22 fight?

23 A No.

24 THE SOLICITOR: Thank you. This is Mr. Crumrine. If
25 you would, answer any questions he might have for you.

1 CROSS EXAMINATION BY MR. CRUMRINE:

2 Q Good morning Ms. Mazyck.

3 A Hi.

4 Q You are 13 years old now?

5 A 12.

6 Q You are 12 years old. And do you know how old you
7 were back in October of 1991?

8 A 11.

9 Q 11. What grade are you in Ms. Mazyck?

10 A 6th.

11 Q 6th grade. And had you been at school the day this
12 incident happened?

13 A No.

14 Q Okay. All right. Is there a reason that you were
15 not at school?

16 A School was out.

17 Q There was no school that day.

18 A Yes, but it was already out, school was already out.

19 Q All right. But you had been at school earlier?

20 A Yes.

21 Q All right. And when all of this commotion happened,
22 were you at your grandmother's house?

23 A Yes.

24 Q I'm sorry?

25 A Yes.

1 Q Were you inside the house?

2 A Outside.

3 Q Where were you outside the house?

4 A Standing at the gate.

5 Q Okay. And is it fair to say that you were not with
6 this whole group of people before they came through your
7 yard?

8 A Yeah.

9 Q Okay. And so what happened up on Louise Street, you
10 don't know what happened up there between them all, do you?

11 A No.

12 Q And your first attention was when all of these people
13 either started running through your yard or coming around
14 the corner, is that correct?

15 A Yes.

16 Q Did you have any idea what was going on at that
17 point?

18 A No.

19 Q All right. Do you know how many people total that
20 there were out there between the people fighting and the
21 people following them up?

22 A No.

23 Q It was quite a little group of people, right?

24 A Right.

25 Q And different individuals were doing different

1 things, screaming, fighting, watching is that correct?

2 A Yes.

3 Q All right. And the whole incident was very upsetting
4 and traumatic, wasn't it?

5 A Yes.

6 Q Were you nervous about it at all?

7 A Yes.

8 Q Where were you standing when they all ran by, were
9 you still at the gate?

10 A No, I followed them.

11 Q You had said that Mr. Hamilton had gotten cut in this
12 thing. Did you see another fellow get cut also?

13 A No.

14 Q Did you see another fellow walk off to the stop sign
15 and stand there during the fight?

16 A Yes.

17 Q You did. Do you know Mr. Sampson?

18 A (Nod of no.)

19 Q Was there one fellow that was hitting Mr. Sineth at
20 the end with a stick? Did you see one fellow that continued
21 to hit him at the end of the fight?

22 A No.

23 Q Did you see one of the individuals go up to look at
24 Mark's cut and yell something at Mr. Sineth?

25 A Yeah.

1 Q You saw that?

2 A Yes.

3 Q What did that fellow do, if anything, after looking
4 at the cut?

5 A He went over and slapped him.

6 Q He went over and slapped Mr. Sineth?

7 A Yes.

8 Q So that fellow that looked at Mr. Hamilton's leg
9 didn't have a stick at that point?

10 A No.

11 Q Did he ever have a stick?

12 A Yes.

13 Q So he got the stick after looking at Mr. Hamilton's
14 leg, is that correct?

15 A No, he had a stick before he looked at the cut.

16 Q But he slapped him first?

17 A Yes.

18 Q And then he used the stick?

19 A Yes.

20 Q Did you hear him saying anything after seeing Mr.
21 Hamilton's leg?

22 A No.

23 Q You had mentioned Mr. Sineth by the name Gary. Is
24 that a name that you found out after this incident?

25 A Yes.

1 Q All right. Did you find out some other facts as well
2 about what happened out there after the incident?

3 A No.

4 Q So the name Gary is the only thing that you have been
5 told that you didn't know from the beginning, is that right?

6 A Yes.

7 Q All right. Did you meet with the Solicitor's office
8 and prepare your testimony for today?

9 A Yes.

10 Q All right. And did you also meet with the police
11 officers after the incident and they wrote down a statement
12 for you?

13 A Yes.

14 Q Are they the ones that told you Mr. Sineth's name was
15 Gary?

16 A No.

17 Q By referring to him with his first name, it sounds
18 somewhat familiar, have you been discussing this case with
19 people a lot?

20 A Yes.

21 MR. CRUMRINE: I have nothing further of this witness
22 Your Honor.

23 REDIRECT EXAMINATION BY THE SOLICITOR:

24 Q Celestia, is what you testified here today to the jury
25 what you remember from that day or is it something someone

1 told you to say?

2 A I remembered it.

3 Q Okay. And in fact, you have met with Mr. Crumrine
4 and given him a statement as well is that correct or someone
5 from his office?

6 A Yes.

7 THE SOLICITOR: Okay. That is all the questions I
8 have.

9 THE COURT: All right. You can come down.

10 THE SOLICITOR: May she be excused?

11 THE COURT: Yes, sir.

12 THE SOLICITOR: Your Honor, the State would call
13 Cecelia Richardson.

14 CECELIA RICHARDSON, being first
15 duly sworn, testified as follows:

16 THE CLERK: State your full name, and spell your last
17 for the record.

18 THE WITNESS: Cecelia Richardson,
19 R-I-C-H-A-R-D-S-O-N.

20 DIRECT EXAMINATION BY THE SOLICITOR:

21 Q Ms. Richardson, where are you employed?

22 A At Goodwill Industries.

23 Q Okay. And do you have any specialized training in
24 any field that you currently are not practicing in?

25 A Nursing assistance.

1 Q Okay. So you have been licensed in that area
2 previously?

3 A Certified.

4 Q Certified. Where do you live?

5 A I live at 6 Blanton Street.

6 Q And is that in the area of the Dorchester Waylyn
7 subdivision?

8 A Yes, sir.

9 Q How long have you lived there?

10 A About six years.

11 Q Okay. And were you living there then on October the
12 22nd, 1991?

13 A Yes, sir.

14 Q Did you have occasion to return to that area late in
15 the afternoon on that day?

16 A Yes, sir.

17 Q Were you coming back from work or what were you
18 doing?

19 A Coming from work.

20 Q Okay. And where were you working at that time?

21 A New Beginnings Day Care.

22 Q Okay. And what did you observe upon arriving into
23 your subdivision that night?

24 A At the time I arrived, I was turning the turn off of
25 Alabama and I saw two young ladies hysterically screaming

1 and I immediately got out of my car, put the car in park and
2 I went over to a body in a ditch and I immediately tried to
3 offer some assistance.

4 Q Okay. And at this point, you indicated that there
5 was a body in the ditch. Was this a black male, white male
6 who?

7 A At this time, I was not aware that he was a younger
8 person, I was not aware that he was a caucasian, I thought
9 he was a foreigner at the time.

10 Q And what did you do?

11 A Well, I immediately checked his pulse and it was
12 very, very faint. And I tried to get some blankets to cover
13 him and his eyes were dilated back in his head and I was
14 talking to him but he wasn't coherent, not really. And I
15 tried to help him in any way I could.

16 Q What did you do to try to help him?

17 A I covered him with a blanket.

18 Q Where did you get the blanket?

19 A From the young lady that lived on the other side, she
20 was in the yard, I asked her to get me a blanket. And I
21 covered him, and I checked his pulse, and was holding his
22 hand, and I didn't move him because it appeared that
23 something was broken so I didn't want to move him.

24 Q And what about any other individuals around, did you
25 see anyone at the scene when you arrived?

1 A There were people around, there were the two ladies
2 that stopped me, there was young people, and other people,
3 in the neighborhood, you know, around that time.

4 Q Did you happen to observe any other person with an
5 injury at that point when you arrived?

6 A Yes, there was a young man, he had dread locks and he
7 had a cut on his left leg, upper left and he was walking
8 with his pants down at the time.

9 Q Okay. And did you see the cut?

10 A I saw the gash.

11 Q Did you try to administer any aid over there?

12 A I believe I told him he should sit down and maybe get
13 some help for it but he continued walking.

14 Q So, is that what he was doing at the time you
15 arrived?

16 A At the time I arrived, he was walking yes. Someone
17 was helping him.

18 THE COURT: Solicitor, the jury wants to take a break
19 now. I hate to interrupt but it might be a good time to do
20 it.

21 THE SOLICITOR: Yes, sir.

22 THE COURT: Let me know when you are ready. We will
23 take about ten minutes. What ever time you tell me you are
24 ready.

25 (Whereupon, the jury exited the courtroom.)

1 THE COURT: You can come down, walk around if you
2 would like but don't talk to anyone.

3 THE WITNESS: Yes, sir.

4 (Whereupon, a brief recess was taken at this time.)

5 THE COURT: Bring the jury.

6 (Whereupon, the jury entered the courtroom.)

7 THE COURT: You may call your witness.

8 THE SOLICITOR: We call Cecelia Richardson back to
9 the stand.

10 THE COURT: You have already been sworn.

11 BY THE SOLICITOR:

12 Q If you could speak into the microphone, you arrived
13 on the scene going home that day, is that correct?

14 A Yes, sir.

15 Q Were you there before or after the police arrived on
16 the scene?

17 A Before.

18 Q Okay. I think we asked this before the break but did
19 you have occasion to see an individual with a cut to the
20 upper left thigh?

21 A Yes, sir.

22 Q And where was he when you arrived?

23 A Walking.

24 Q And where was he walking?

25 A Coming past, towards the victim and the body in the

1 ditch.

2 Q And did you hear him say anything at that point?

3 A As I can recall, I am pretty sure he said he didn't
4 do anything.

5 Q That was the person who was cut?

6 A Yes.

7 THE SOLICITOR: Thank you. That is all the questions
8 I have.

9 CROSS EXAMINATION BY MR. CRUMRINE:

10 Q Ms. Richardson.

11 A Yes, sir.

12 Q My name is John Crumrine, I just have a few
13 questions. Can you describe to the jury what Mr. Hamilton's
14 condition was with his cut to his leg?

15 A He was walking with a limp, someone was helping him
16 at the time. Blood was pouring from his left thigh.

17 Q Did you tend to his wound at all?

18 A I did not. I tried, but I didn't get any response,
19 so I didn't.

20 Q Okay. And could you tell whether he was intoxicated
21 at all, Mr. Hamilton?

22 A I have no way, I do not know.

23 Q Okay. As a nurse could you tell if he exhibited any
24 shock?

25 A He seemed to be in a different state of mind at the

1 time. Shock, I don't know. He was not responding to
2 anything from my opinion.

3 THE SOLICITOR: Your Honor, I am not sure she
4 understands who he is referring to.

5 MR. CRUMRINE: I am referring to my client with the
6 cut on his leg.

7 THE COURT: Restate your question and tell about
8 which wound you are talking about.

9 BY MR. CRUMRINE:

10 Q You saw Mr. Hamilton with the cut on his leg?

11 A Yes, sir.

12 Q All right. Now, I was asking about his condition is
13 that what you were responding to?

14 A Yes, sir.

15 Q All right.

16 A He didn't seem to have any response. He was just
17 like someone got hurt and went on about his business.

18 Q Was he in a daze?

19 A He responded and said he didn't do anything, so I
20 assume he --- I was not aware of what was going on.

21 Q Did he appear to be in pain to you?

22 A Somewhat yes, I imagine so, a cut like that.

23 Q It was a pretty severe cut.

24 A From my understanding yes, he needed medical
25 attention.

1 Q Okay. And did you observe any of the fight that had
2 happened?

3 A No, sir.

4 Q And you have no idea personally what happened out
5 there?

6 A No, sir.

7 Q Okay.

8 A No more than what I have been told.

9 MR. CRUMRINE: I have no other questions.

10 THE SOLICITOR: That is all of this witness, Your
11 Honor.

12 THE COURT: You may come down. And you may be
13 excused, if you would like or stay in the courtroom. Madam
14 Foreman, ladies and gentlemen of the jury, I need to take up
15 a legal matter, so I am going to have to send you to your
16 room just a few minutes. I'll bring you out shortly.

17 (Whereupon, the jury exited the courtroom.)

18 THE SOLICITOR: Your Honor, the next witness is going
19 to be Deputy Mayer, she is with the Charleston County
20 Sheriff's Office, and this will be --- we will need to go
21 into some matters of Jackson Deno hearing as to some
22 statements.

23 THE COURT: Bring her out.

24 THE SOLICITOR: Your Honor, I don't think this next
25 two witness, in terms of the sequestration process.

1 MR. CRUMRINE: I think they are separated. I would
2 prefer to keep them.

3 THE SOLICITOR: Okay.

4 MR. CRUMRINE: Because the questioning will be about
5 the same on each.

6 THE COURT: All right, sir.

7 THE SOLICITOR: For the record while we are waiting
8 on the witness, the Defense and the State have agreed to
9 enter into a stipulation of fact which will be published
10 prior to the closing of the State's case, which reads, "It
11 is stipulated between the parties that one dark brown
12 caucasion head hair found upon State's Exhibit No. 34,
13 wooden blank in parenthesis, seized at the scene was found
14 to be microscopically inconsistent with the victim."

15 THE COURT: All right, sir.

16 (Whereupon, the bailiff handed the Court a note from
17 the jury.)

18 THE COURT: I have a question from the jury which
19 says is the jury allowed to take notes. I don't have any
20 objection to the jury taking notes, if they are going to
21 take them, I want 12 pads and 12 pencils. But, I will be
22 guided by what you-all tell me, here we are this far in the
23 trial. What is your preference, counselor?

24 MR. CRUMRINE: I have no objection, Your Honor,
25 either way.

1 RECROSS EXAMINATION BY MR. CRUMRINE:

2 Q Detective Zayac, can you remember word for word what
3 is on your notes from 20 months ago?

4 A Sir, knowing my habits, what is in my notes is in my
5 incident report.

6 Q Can you remember?

7 A Sir, if I read my incident report.

8 Q Exactly what was on your notes from 20 months ago?

9 A No, sir, exact word for word, no.

10 MR. CRUMRINE: All right. Nothing further, Your
11 Honor.

12 THE COURT: All right. I am still going to allow it
13 counselor. But it will be up to the jury to determine what
14 weight they want to give it. You can come down. Please
15 bring me the foreman.

16 (Whereupon, the forelady entered the courtroom.)

17 THE COURT: Did you decide if you wanted paper and
18 pencils?

19 MS. BROWN: Yes, sir, Your Honor. We have decided
20 that pencil and paper will not be necessary.

21 THE COURT: Thank you. Bring the rest of the jury.

22 (Whereupon, the jury entered the courtroom.)

23 THE COURT: Call your next witness.

24 THE SOLICITOR: We call Deputy Mayer.

25 ELLEN MAYER, being first duly

1 sworn, testified as follows:

2 THE CLERK: State your full name and spell your last
3 for the Court's record.

4 THE WITNESS: Ellen Mayer, M-A-Y-E-R.

5 DIRECT EXAMINATION BY THE SOLICITOR:

6 Q And you are employed with the Charleston County
7 Sheriff's Department?

8 A Yes, sir.

9 Q How long have you been employed with the department?

10 A Eight years.

11 Q And were you working on the day of October the 22nd,
12 1991?

13 A Yes, sir.

14 Q What were your duties on that day?

15 A I was assigned to the Transportation Unit of the
16 Sheriff's Office. At that time I was at the Charleston
17 County Emergency Room with a therapeutic patient.

18 Q Probate Court?

19 A Probate Court Order, yes, sir.

20 Q And what happened at the time that you were down with
21 that patient at the hospital?

22 A I had been at the hospital for some time and I
23 received a phone call from Sgt. Gail Hilton advising me that
24 a male subject, later identified as Mark Hamilton would be
25 brought in by ambulance and that I was to take custody of

1 him until I could be relieved by a road officer, or a
2 detective.

3 Q Okay. And what happened after that?

4 A At that time he was brought in by EMS, and taken into
5 the surgery room of the emergency room. And I identified
6 myself to him, advised him that he was in my custody,
7 handcuffed him to the rail of the bed, and stayed with him
8 until Detective Zayac arrived.

9 Q Did you advise him of any rights or anything at that
10 time?

11 A No, sir, I did not advise him of any Miranda rights
12 because I did not intend to question him, had nothing to say
13 to him.

14 Q And did you question him?

15 A No, sir.

16 Q Did you happen to --- is there anything that he said
17 to you at that time?

18 A He was in a lot of pain, because he had an injury in
19 his left thigh, so he was very vocal. After I put the cuffs
20 on him and restrained him to the bed, he said to me that ---
21 he asked me why I was taking him into custody, he said I
22 haven't done anything, the other boys were ganging that
23 white boy and I got between them telling him to run. I
24 don't know who they were, I see them around but I don't know
25 their names. I was trying to help him, I haven't done

1 anything to be locked up.

2 Q Okay. And at that point what happened?

3 A Approximately 10, 15 minutes after I took him into
4 custody, Detective Zayac arrived at the ER. He identified
5 himself as a police officer, and then told Mr. Hamilton that
6 he was under arrest, and gave him the charges, and then
7 proceeded to read him his Miranda rights, which I was
8 present when he did that.

9 Q You were present for the advising of the Miranda
10 warning?

11 A Yes, sir.

12 THE SOLICITOR: Thank you. Answer any questions Mr.
13 Crumrine might have.

14 CROSS EXAMINATION BY MR. CRUMRINE:

15 Q Deputy Mayer, we know each other already.

16 A Yes, sir.

17 Q Could you tell us, you said Mr. Hamilton was in a lot
18 of pain there?

19 A Yes, sir.

20 Q And did he call for his mother while he was there?

21 A Yes, sir, as soon as he was advised he was under
22 arrest, he started holloring he wanted his mom.

23 Q And did she come down to see him there?

24 A I don't know if she ever came down because I had to
25 get back to my patient.

1 Q And basically what he had to say to you was he wasn't
2 responsible for what happened?

3 A Yes, sir, as soon as I told him he was in custody and
4 put the handcuffs on him and cuffed him to the rails of the
5 bed, he started saying a lot of things, most of what I said
6 from my report. And I didn't ask him any questions because
7 I didn't intend to, I was just there to take custody of him.

8 Q I understand. But he denied having been responsible
9 for Mr. Sineth dying and he also denied knowing who the
10 fellows were by name, is that correct?

11 A He said he didn't know them by name, but he had seen
12 them around. He hadn't done anything to be locked up for.

13 Q All right. And he didn't say anything incriminating
14 about himself, did he?

15 A What he said was basically what I had in my report.
16 Other than my leg hurts, and I want my mom that is about it.

17 Q Did he look scared?

18 A After he was read his rights, yes, yes, sir, at that
19 point he did look scared.

20 MR. CRUMRINE: I have no other questions.

21 THE COURT: Thank you.

22 THE SOLICITOR: That is all from this witness. May
23 she be excused?

24 THE COURT: Yes, sir.

25 THE COURT: The State would call Tim Zayac.

1 TIM ZAYAC, being first duly
2 sworn, testified as follows:

3 THE CLERK: State your full name and spell your last
4 for the record.

5 THE WITNESS: Tim P. Zayac, Z-A-Y-A-C.

6 DIRECT EXAMINATION BY THE SOLICITOR:

7 Q And you are employed with the Charleston County
8 Sheriff's Department?

9 A Yes, sir, I am.

10 Q How long have you been employed with that department?

11 A Four years.

12 Q And back on October 22nd, 1991, what would your
13 responsibilities have been?

14 A I was assigned to the Detective's Office, working in
15 the crimes against persons division.

16 Q And in that capacity, were you involved in the
17 investigation into the death of Mr. Sineth?

18 A Yes, sir, I was.

19 Q And what were your duties in that regard?

20 A I was dispatched by my supervisor to the Charleston
21 County Memorial Hospital to meet a suspect, Mark Hamilton,
22 who was at the hospital.

23 Q Okay. And did you do that?

24 A Yes, sir, I did.

25 Q What did you see when you arrived?

1 A Mr. Hamilton was in the surgical section of the
2 emergency room, he was on a guirney, already handcuffed and
3 being watched by Deputy Mayer.

4 Q And what did you do at that point?

5 A I advised Mr. Hamilton that he was under arrest, and
6 under arrest for murder and I advised him of his rights
7 under Miranda.

8 Q And what are those rights, how did you do that?

9 A I verbally told him you have the right to remain
10 silent. Anything you say can and will be used against you
11 in a court of law. You have the right to an attorney. If
12 you cannot afford to hire an attorney, one will be appointed
13 to you free of charge. If you decide to answer questions
14 without having an attorney present, you can stop answering
15 questions at any time, and this fact cannot be used against
16 you.

17 Q Did he have any questions concerning what you had
18 advised him of?

19 A No, sir. He also acknowledged that he understood his
20 rights that I had just told him.

21 Q How did he do that?

22 A Basically I asked do you understand these rights as I
23 explained them to you and he stated yes.

24 Q How did he appear to you at that point?

25 A He appeared to have been in some pain, however, he

1 was conscious, he was able to maintain train of thought, he
2 was able to speak to me in sentences and made sense. After
3 advising him of his rights, I even asked him are you all
4 right and he told me with the exception of his cut on his
5 leg, he was all right.

6 Q Did you ask him any questions?

7 A I asked him basically what happened.

8 Q And in asking that, did you make any promises or any
9 threats?

10 A No, sir.

11 Q Okay. And if you could explain to the jury what
12 happened after you asked the question?

13 A Basically Mr. Hamilton told me that he was walking
14 down, I believe, Ranger Drive towards Alabama, when he
15 observed a white boy run by or running being chased by three
16 black guys. He told me that he tried to help the white guy,
17 but the white boy pulled out a box knife or a knife, cut him
18 in his leg. After being cut, he stated he laid down on the
19 ground and couldn't move. And the three black guys chased
20 and caught the boy, beat the boy with sticks. After beating
21 the boy with the sticks, they ran away.

22 Q Did he indicate at that point what he was doing or
23 what happened?

24 A No, sir, he did not.

25 Q Did you ask any questions concerning who the black

1 males were?

2 A I asked him if he knew the individuals who beat the
3 boy and he stated no. I then asked him three names, if I
4 can refer to my notes for the names. I asked him if he knew
5 Darrell Edwards, Lamont or also known as Mont and Alvin
6 Zellers, he stated that he knew them. I asked him if they
7 were the individuals who chased and beat the white boy and
8 he stated no they were not.

9 Q Did you ask him at this point whether he would give
10 you a written statement?

11 A Yes, sir, I asked if he would give a written
12 statement.

13 Q And what happened?

14 A He told me no.

15 Q After that point, did you witness --- were you
16 witness to any other statements that he might have made in
17 connection with this incident?

18 A Yes, sir, I stood by in the surgical section of the
19 emergency room.

20 THE COURT: Just a minute. Go to your room just a
21 minute, if you will, Madam Foreman.

22 (Whereupon, the jury exited the courtroom.)

23 THE COURT: Solicitor, what is your position as far
24 as any additional statements are concerned? Heretofore,
25 before me, it was brought out on cross examination, here is

1 a fellow who is in custody, he is not going to give a
2 written statement, he stops his questioning, and yet he is
3 still in custody, and the doctors are there working on him
4 now, and then he makes a statement. Would that be
5 admissible? And if so under what theory?

6 THE SOLICITOR: You are asking me would it be
7 inadmissible or admissible?

8 THE COURT: You try to get it in. Because as you
9 know, we send somebody up to the State Hospital, they tell
10 those doctors anything, what is the difference, you can't
11 use it.

12 THE SOLICITOR: The only difference is it was
13 overheard by the officer, it was not done in an interview or
14 custodial interrogation type setting.

15 THE COURT: Yes, it was too. He is in custody of
16 this officer, and he is standing there waiting on him.

17 THE SOLICITOR: Not in an interrogation setting, and
18 that would be the point. The statements made to the doctor,
19 there is no doctor patient privilege that exists. The
20 statements do not relate to the type of medical treatment
21 that is going to be administered. That is the reason the
22 State would say that the statements are admissible.

23 THE COURT: You are saying when this officer feels
24 that he wants to stop the questioning and he is still in
25 custody and he makes these voluntary statements to these

1 doctors or makes these statements, because I believe he said
2 the doctor wants to know what is happening and he tells the
3 doctor the story, are you comfortable with that?

4 THE SOLICITOR: Yes, sir. As long as it is overheard
5 by the police, where he has a right to be and he is not the
6 one --- it wasn't made, the decision for him not to no
7 longer give any statements, he just didn't want to reduce it
8 to writing. He did not ask for an attorney, there is no
9 indication that he asked for his Sixth Amendment Right to
10 counsel. For purposes of the record, if the Court wants it
11 clean, I will stop at that point.

12 THE COURT: No, I am going to allow it in. I just
13 wanted to point that out and if you want to ask him, feel
14 free to do so, over your objection.

15 MR. CRUMRINE: Thank you.

16 THE COURT: Bring the jury in.

17 (Whereupon, the jury entered the courtroom.)

18 THE COURT: Solicitor, go ahead.

19 BY THE SOLICITOR:

20 Q Detective Zayac, I was asking you if you had occasion
21 while at the hospital to hear any of the statements and if
22 you could explain the conditions under which you heard them?

23 A Yes, sir, I had maintained or stayed in the surgery
24 section of the emergency room, where Mr. Hamilton was. The
25 medical doctor came in to initiate treatment to Mr.

1 Hamilton. Upon walking up and looking at his wound, asked
2 Mr. Hamilton what happened. At that time he stated that ---

3 Q And who is he?

4 A Mark Hamilton stated to the doctor that some boys
5 were chasing a white boy trying to rob him and that he tried
6 to help the boy and he got cut.

7 Q And were there any other statements relative to the
8 identity of who may have been involved in that?

9 A Further on in the treatment in the course of the
10 evening, Mr. Hamilton became somewhat violent, and was
11 ultimately secured by the security police at the hospital,
12 basically tied to the guirney, and during that period of
13 time was yelling I didn't kill anybody, I didn't kill
14 anybody, Juney and Alvie beat the boy.

15 THE SOLICITOR: Thank you. Answer any questions Mr.
16 Crumrine may have.

17 CROSS EXAMINATION BY MR. CRUMRINE:

18 Q Detective Zayac, when you arrived you explained to
19 Mr. Hamilton what he was being charged with?

20 A I advised him he was under arrest for murder.

21 Q For murder. And you told him his rights?

22 A Yes, sir.

23 Q And you told him anything he told you could be used
24 against him?

25 A Yes, sir.

1 Q And he had the right to ask for an attorney and all
2 of that?

3 A Yes, sir.

4 Q He didn't ask for an attorney, did he?

5 A No, sir, he did not.

6 Q And he had no hesitation to talk to you, did he?

7 A No hesitation at all.

8 Q And he denied --- he told you that he didn't have
9 anything to do with the killing of Mr. Sineth, isn't that
10 the truth?

11 A That is true.

12 Q In fact, he said nothing incriminating at all, did
13 he?

14 A No, sir.

15 Q Were you there when the doctor stitched him up?

16 A Yes, I was.

17 (Defendant's Exhibit Nos. 2, 3, and 4, marked for
18 identification.)

19 BY MR. CRUMRINE:

20 Q I would like you to look at Defendant's Exhibit Nos.
21 2, 3, and 4 for identification purposes and tell me if you
22 can identify what is in those photographs?

23 A All three photographs appear to be pictures of Mr.
24 Hamilton's left leg or thigh.

25 Q And does that fairly and accurately represent the way

1 it appeared after the doctor stitched him up?

2 A Yes, sir.

3 Q And these comments that were being made, was that
4 while he was being stitched up by the doctor?

5 A The initial comment he made was just while the doctor
6 was looking at the wound. Then, later on, in the course, I
7 think prior to being sewed up, he made the statement while
8 the security guard was restraining him.

9 Q And the doctor cleaned the wound while you were
10 there?

11 A While I was there, the doctor cleaned the wound,
12 sutured the wound.

13 Q Can you tell the jury how bad it appeared?

14 A It was a severe gash to the thigh area of the left
15 leg. It was quite a few inches.

16 Q All right. Would you agree it was about five inches
17 long?

18 A Yes, sir, I would.

19 Q Would you agree that it is probably more than an inch
20 deep?

21 A Yes, sir, I would.

22 Q And the doctor to clean it out had to put gloves in
23 there, and all the rest, isn't that right?

24 A Yes, sir.

25 Q And the comments made by Mark were made during this

1 time, right?

2 A Like I said, the initial comment to the doctor was
3 when he was looking at it and he asked what happened, and
4 that is when the initial comment was made. The latter
5 comment I believe it was before he started sewing on his
6 leg, when he became violent and had to be secured by the
7 security individual of the hospital.

8 THE SOLICITOR: No objection, Your Honor.

9 MR. CRUMRINE: I would like to have these introduced
10 into evidence.

11 (Defendant's Exhibit Nos. 2, 3, and 4, admitted into
12 evidence.)

13 MR. CRUMRINE: Your Honor, may I publish these to the
14 jury?

15 THE COURT: Go ahead.

16 BY MR. CRUMRINE:

17 Q Detective Zayac, I don't suppose you had a Miranda
18 card and had Mr. Hamilton acknowledge his rights on there,
19 did you?

20 A No, sir, I did not.

21 Q And you commonly use at the Sheriff's Department an
22 advisement of rights form when you are taking statements?

23 A Sir, when I am in the field, outside of my office
24 taking statements, many times we do not have that form.
25 When I am in a controlled setting such as my office and the

1 interview room, I have easy access to those forms.

2 Q All right. Were you in your police vehicle when you
3 arrived at the hospital?

4 A Yes, I was.

5 Q All right. My question was at the Sheriff's Office
6 you have a procedure where you use an advisement of rights
7 form, don't you?

8 A We have an advisement of rights form, yes, sir.

9 Q And you didn't use one on this occasion, did you?

10 A I didn't have one with me at the time, no, sir.

11 Q And you didn't write one up on the spot?

12 A No, sir.

13 Q The rights that you read people, you have them in
14 your memory, don't you?

15 A Yes, sir, I do.

16 Q There would be no problem having written those down
17 would there?

18 A No, sir.

19 MR. CRUMRINE: Okay. No other questions.

20 THE SOLICITOR: That is all, Your Honor.

21 THE COURT: All right. You can come down. Call your
22 next witness.

23 THE SOLICITOR: Your Honor, at this time the State
24 and the Defense have reached a stipulation.

25 THE COURT: Madam Foreman, ladies and gentlemen

1 sometimes the parties agree to something to keep from having
2 to put up a witness. And so at this time, what ever this
3 statement is, the Defense and the State have agreed to it.
4 So you will just take it as a fact. Go ahead.

5 THE SOLICITOR: Thank you, Your Honor. It is
6 stipulated between the parties that one dark brown caucasian
7 head hair found on State's Exhibit No. 34, wooden plank,
8 seized at the scene was found to be microscopically
9 inconsistent with the victim.

10 THE COURT: Go ahead.

11 THE SOLICITOR: That would be the State's case. The
12 State rests.

13 (Court's Exhibit Nos. 2, 3, marked for
14 identification.)

15 THE COURT: Go to your room just a moment, if you
16 will, Madam Foreman.

17 (Whereupon, the jury exited the courtroom.)

18 THE COURT: I will hear motions.

19 MR. CRUMRINE: Yes, sir, Your Honor, I make a motion
20 for a directed verdict at this time. We would submit that
21 in the light most favorable to the State, the evidence
22 produced mainly being from three eye witnesses, that the
23 State has not produced substantial evidence reasonably
24 intending to prove the allegations of the indictment of
25 murder. I would submit to the Court that all of the

1 statements indicated that Mark was involved in an assault,
2 maybe an aggravated assault. That the common purpose, from
3 the light most favorable to the State is that they were
4 hasseling the fellow, maybe assaulting him, there was no
5 malice aforethought, no intention to commit any murder. And
6 that it was only after the disproportionate response of the
7 victim that Mr. Sampson and others became enraged and
8 angered, and took it upon themselves to take action for
9 that. We would ask for a directed verdict against the
10 murder charge.

11 THE COURT: Solicitor, what is the State's position
12 as far as the witnesses testifying to what this Defendant
13 did?

14 THE SOLICITOR: Your Honor, the indictment as true
15 billed by the grand jury.

16 THE COURT: I have the indictment here.

17 THE SOLICITOR: References that the Defendant acted
18 at all times in concert with others. This being the State
19 proceeding on a theory of the hand of one is the hand of
20 all, that the evidence ---

21 THE COURT: I am just talking about what evidence are
22 you talking about that you say proves these charges? Sum it
23 up for me.

24 THE SOLICITOR: Specifically, it is the testimony of
25 the eye witnesses indicating that the action was initiated

1 by this Defendant, that it was directed by this Defendant,
2 that the other co-defendants acting in agreement and concert
3 of action with this Defendant beat the victim to death with
4 these sticks. That at the time of the beating of the death
5 with the sticks, that there was no sufficient legal
6 provocation to render this a manslaughter. That, in fact,
7 Your Honor has to decide on the State's request for charge,
8 under State v. Norris, it clearly states that not every
9 murder can be reduced to manslaughter simply because it was
10 committed in the heat of passion. But that the heat of
11 passion must be excited by some legal, adequately legal
12 provocation.

13 THE COURT: I am not at that point yet.

14 THE SOLICITOR: Yes, sir. Clearly the record
15 indicates that the victim at all times using the blade
16 acting in self-defense. And had he killed Mr. Hamilton, he
17 would not be liable for that death. So clearly, I think
18 everything taking both directly and circumstantially,
19 indicates that there was indeed concert of action in which
20 this Defendant was not only a participant but the instigator
21 and that he should be stood --- that the charges should
22 continue for the jury to consider.

23 THE COURT: All right, sir. Anything further? I am
24 going to deny the motion, because I think it is a question
25 of fact for the jury at this point.

1 MR. CRUMRINE: Your Honor, I would also move for a
2 mistrial based upon the former objections that I made that
3 you overruled, the motions and objections.

4 THE COURT: I deny that. Anything further?

5 MR. CRUMRINE: No, not as far as motions go.

6 THE COURT: How many witnesses do you have?

7 MR. CRUMRINE: Your Honor, I anticipate maybe two.
8 If I could have some time to consult with my client and
9 determine his intentions. I think it would be important.

10 THE COURT: Would you like to break for lunch now?

11 MR. CRUMRINE: Yes, sir.

12 THE COURT: Let's recess until 2:00. Will that be
13 good, Solicitor?

14 THE SOLICITOR: Yes, sir.

15 THE COURT: Then you would have time to talk to your
16 client. Bring the jury.

17 (Whereupon, the jury entered the courtroom.)

18 THE COURT: Madam Foreman, ladies and gentlemen, I
19 almost forgot you. The State has finished their case. And
20 the only thing we lack now is the Defendant's position. And
21 so I am going to send you to lunch. I am going to remind
22 you just as I told you day before yesterday, don't discuss
23 the case with anyone, don't allow anyone to discuss it with
24 you or in your presence. If they attempt to do so, tell me
25 about it and we will take care of it when you get back. I

1 want to remind you that if you are going to leave the
2 courthouse, leave the courthouse grounds. When you come
3 back, come back straight to your room. I don't want you to
4 be around if somebody is talking about the case. If someone
5 is talking about it in your presence, be sure to tell them
6 you are on the jury and of course I want to remind you not
7 to read any communications. Newspaper, TV, radio. Have a
8 good lunch and I will see you at 2:00.

9 (Whereupon, the jury exited the courtroom for lunch.)

10 (Whereupon, a lunch recess was taken until 2:00.)

11 (Whereupon, court reconvened at 2:00.)

12 THE COURT: You have completed your proceedings at
13 the end of the State's case and it is my understanding the
14 defense is resting?

15 MR. CRUMRINE: Your Honor, I think I failed to
16 address one other matter and that was the admissibility of
17 the sticks and poles. I don't believe that anyone has ever
18 identified them as being the ones used in this. I don't
19 believe the Solicitor ever connected them by chain of
20 custody, or by identifying them. They said they were
21 similar to, but no one has said that they are the items that
22 were used in this attack.

23 THE COURT: All right. I deny that motion.

24 MR. CRUMRTNE: Yes, sir, we do not feel compelled to
25 introduce evidence Your Honor. And I request that you

1 inquire to my client as to his desires in that.

2 THE COURT: All right. Thank you very much. I
3 wonder if you would stand for just a minute, Mr. Hamilton,
4 for me. Your attorney tells me that you have decided along
5 with him not to put up any witnesses or testify, is that
6 correct?

7 MR. HAMILTON: Yes, sir.

8 THE COURT: Do you understand that you have a right
9 to do that and I will tell this jury that they cannot hold
10 it against you. It wouldn't lessen the obligation of the
11 State to prove you guilty beyond a reasonable doubt, if
12 indeed they can. But also you have a right to take the
13 stand and testify in your own behalf and put up witnesses.
14 Is it your decision, along with your attorney's decision
15 that you do not want to testify or put up any witnesses?

16 MR. HAMILTON: Yes, sir.

17 THE COURT: All right. Thank you very much. You may
18 be seated. All right, sir. Now, I have gone over your
19 request to charge. I will be glad to hear from you. As I
20 have reviewed it, I was not going to charge manslaughter.
21 And upon caution of the Solicitor, after his conferring with
22 his officers, has decided to request me to charge
23 manslaughter, which I will do. Are there any other requests
24 other than what you gave me? Would you tell me, for the
25 record, your request to charge?

1 person to defend himself from bodily harm. And to do this
2 he may use such force as is necessary. In other words,
3 self-defense is a complete defense and will entitle one
4 charged with the unlawful --- well, no that is unlawful
5 killing of another. I would charge the law recognizes the
6 right of every person to defend themselves from bodily harm,
7 and to do this he may use such force as is necessary. The
8 right of self-defense rests upon necessity, actual or
9 reasonable. And these are what must be present. Not at
10 fault in bringing about the difficulty. Let me let you read
11 it. Come on up here.

12 (Whereupon, a bench conference was held.)

13 (Court's Exhibits 5-8, marked for identification.)

14 (Whereupon, the jury returned to the jury room at
15 7:20 with a verdict.)

16 THE COURT: Mr. Clerk.

17 THE CLERK: Madam Forelady, have you reached a
18 verdict?

19 MS. JONES: We have Your Honor.

20 THE COURT: All right. It appears to be in order.
21 You may publish the verdict.

22 THE CLERK: Thank you, Your Honor. Have the
23 Defendant please stand. We have Indictment No.
24 92-GS-10-1680, State v. Mark Hamilton, indicted for murder.
25 Verdict, guilty of murder, signed Mary L. Jones, Forelady,

1 dated June 16th, 1993. Madam Forelady, ladies and gentlemen
2 of the jury, if this be your verdict, please signify by
3 raising your right hand.

4 (Whereupon, all jurors raised their right hand.)

5 THE COURT: Appears to be in order. Anything before
6 I discharge the jury?

7 MR. CRUMRINE: Yes, Your Honor. We would ask that
8 they be individually polled. I noticed that two or three
9 jurors did not raise their right hand.

10 THE COURT: Thank you, very much. Now, Madam
11 Foreman, ladies and gentlemen of the jury, with the
12 exception of the alternates, I just brought you in here so
13 that you would be with the other jurors. The Clerk is going
14 to ask you a question or a combination of questions. He is
15 going to ask you this question. First he is going to call
16 your name, and when your name is called, I am going to ask
17 you to stand up. Then he is going to ask you a question,
18 was this your verdict and is it still your verdict and then
19 sit down and he will call the next one please. Thank you.

20 THE CLERK: Thank you, Your Honor.

21 (Whereupon, the jury was polled and the verdict still
22 stands.)

23 THE CLERK: Your Honor, the jury has been polled and
24 the verdict still stands.

25 THE COURT: Thank you, very much. Would you like to

1 make your motions tomorrow morning, counselor?

2 MR. CRUMRINE: Your Honor, I am prepared to make them
3 now.

4 THE COURT: I will be glad to hear your motions.
5 Madam Foreman, ladies and gentlemen of the jury, I want to
6 tell you on behalf of the citizens of Charleston County how
7 much I appreciate your service on this jury. I realize it
8 must have been distasteful to find a verdict against anyone,
9 any of your fellow citizens, but I watched you very
10 carefully. You paid careful attention to the testimony, I
11 didn't see anybody that looked like they were laboring to
12 listen to the testimony. You were polite to the attorneys,
13 when they summarized their case to you, you listened
14 carefully to the law, and you reached a verdict. and there
15 might be some that disagree with your verdict, but if
16 someone does remember that is one opinion, you all are 12
17 opinions. And you followed the system, and having followed
18 the system, and you look at the people in the courtroom, go
19 out in the community or you look at yourself in the mirror
20 you can say I followed the system. And so you don't have to
21 apologize to anyone. I am going to allow you to go, but I
22 must ask that you be back in the courtroom at 9:30. I will
23 see you here tomorrow morning at 9:30. Tonight I am going
24 to hear motions at this time, and then whatever the outcome
25 is I will do my sentencing at this time. I will be glad to

1 have you keep your seats there, you can go into the
2 courtroom and have a seat, or you can leave through this
3 door with the bailiffs, whichever one you prefer. Whatever
4 you do, just do it quietly and do it now. Anyone who would
5 like to leave, do it now.

6 (Whereupon, the jury was dismissed from further
7 service in this case.)

8 THE COURT: I will be glad to hear your motions,
9 counselor.

10 MR. CRUMRINE: Yes, Your Honor. Your Honor, first I
11 would like to renew my prior motions for mistrial based upon
12 the errors I had specified earlier. And I would be glad to
13 go back through them if Your Honor needs me to.

14 THE COURT: It is not necessary, they are on the
15 record. I note them.

16 MR. CRUMRINE: Thank you, Your Honor. Next Your
17 Honor, I would move --- I realize that they say we don't
18 have a JNOV anymore, but I understand I am still supposed to
19 make a motion for a judgment not with standing the verdict,
20 particularly as to the issue of whether this was a murder or
21 manslaughter. We would ask Your Honor to consider giving
22 judgment to the Defendant notwithstanding the verdict to the
23 jury or in the alternative for a new trial.

24 THE COURT: Anything further?

25 MR. CRUMRINE: That is it, Your Honor.

1 THE COURT: All right. I deny your motion, I thought
2 it was a jury question to begin with. I still think it is a
3 jury question, both as to murder and manslaughter. And I
4 can't find any fault with the verdict and I will sentence
5 him at this time.

6 (Whereupon, the Defendant approached the bench.)

7 THE COURT: As you know, I don't have any authority
8 to change the sentence mandated by the Supreme Court. I
9 will be glad to hear anything that you would like to say.

10 MR. CRUMRINE: Your Honor, there is not much that can
11 be said under the circumstances. Mark is a young fellow, he
12 is now 19. He has limited intellectual capabilities
13 according to the psychologist's reports. And you know, I
14 know that he is sorry for what happened to Mr. Sineth,
15 regardless of whatever participation that really occurred
16 with him. He comes from a good family, his mother is here
17 with him. A lot of his family has been in the back, had a
18 chance to meet them, and I think it is just a tragedy.

19 THE COURT: Anything further?

20 MR. CRUMRINE: No, sir, Your Honor.

21 THE COURT: All right. Under general law, the
22 sentence of the Court is you Mark Hamilton be confined to
23 the South Carolina Department of Corrections for the balance
24 of your natural life. Good luck.

25 THE SOLICITOR: Thank you, Your Honor.

1 MR. CRUMRINE: Thank you, Your Honor.
2 END OF REQUESTED TRANSCRIPT OF RECORD---
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C-E-R-T-I-F-I-C-A-T-E

I, the undersigned, Norma T. Evans, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, before the Court of General Sessions for Charleston County, South Carolina, on the 14th and 16th days of June, 1993

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

February 14, 1994
Norma T. Evans

Court Reporter

D223087

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

§ IN THE GENARAL SESSIONS COURT
§ Indictment No. 92-GS-10-1680

Mark Hamilton
Applicant,

§
§ AMENDMENT: MOTION & REQUEST FOR
§ RESENTENCING

-VS-

State of South Carolina
Respondent.

§
§
§
§
§

2023 JAN 30 PM 12:55
JULIE J. ARMSTRONG
CLERK OF COURT
BY WSS

FILED

NOW COMES, above caption applicant, Mark Hamilton, Pro Se respectfully moving this Honorable-Court to "Amend the Pleading" to inscribe within the following case-law, as applicant on the 3rd of December in 2019 filed "Motion and Request for ReSentencing", through this Honorable Court for a Resentencing Hearing under the case-laws pronoucement[s] setforth therein Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 [2014] -AND- Miller v. Alabama, 132 S.Ct. 2455 [2012].

AMENDMENT

ADD: In State v. Slocumb, No.27877 [April 03, 2019], the South Carolina Supreme Court may extend 2nd enlarge the Protection and Guaranteed by the Eight Amendment, therefore constraining the State Court from denying Slocumb relief. ["The Court acknowledged that Slocumb's 130-years sentence was infact two "de facto" life sentences on a juvenile. He was 13-years old when the first crime occured".]

AMENDMENT-Cont.

Without further input from the United States Supreme Court as to how the Eight-Amendment applies to situations where a juvenile non-homicide offender commits multiple crimes against multiple victims at multiple points in time, the state court declined to intervene.

[-END OF AMENDMENT]

Respectfully Submitted,

/s/ Mark Hamilton
Mr. Mark Hamilton / Pro Se
-APPLICANT-

SWORN AND SUBSCRIBED TO BEFORE ME
on the 27th day of January, 2023.

Lamar Conwell
-NOTARY PUBLIC FOR SOUTH CAROLINA-

My Commission Expires
September 25, 2023

RECEIVED

JAN 27 2023

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FILED
2023 JAN 30 PM 12:55
JULIE J. ARMSTRONG
CLERK OF COURT
RY

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT
)

) Warrant No(s): D223087
) Indictment No. 92-GS-10-1680
)

STATE OF SOUTH CAROLINA

vs.

MARK HAMILTON

Defendant

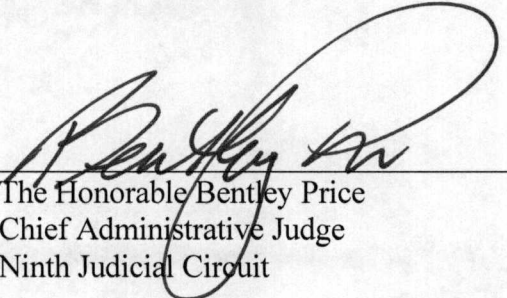
ORDER APPOINTING COUNSEL

FILED
2023 AUG 22 AM 9:25
JULIE J. ARISTIDE
CLERK OF COURT
BY pt

On June 27, 2023, Chief Justice of South Carolina appointed Cameron J. Blazer to serve as counsel for the above-named person.

ORDERED, ADJUDGED AND DECREED that Cameron J. Blazer of The 9th Circuit Public Defender's Office be and is hereby appointed as the Defendant's Public Defender and to act as his attorney of record until conclusion of his case.

AND IT IS SO ORDERED.


The Honorable Bentley Price
Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina

Dated: 8/21/23