

# VOLUME EIGHT OF EIGHT

STATE OF SOUTH CAROLINA

In The Supreme Court

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**ORIGINAL**

APPEAL FROM HORRY COUNTY

James E. Lockemy, Circuit Court Judge

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**RECEIVED**

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S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

LOUIS MICHAEL WINKLER, JR.,

APPELLANT

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RECORD ON APPEAL

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WINKLER: I just lost that today as a matter of fact.

BOYD: All right. Where – at what point did your memory come back, Mick? Do you – you just recall making a right towards the golf course and then all of a sudden you remember what happened then, I mean after that?

WINKLER: I tried to go over it in my head and try to figure out what it was that I actually did because there was nothing in that day that was any different than any other day.

BOYD: Was there any –

WINKLER: Like what?

BOYD: Were you drinking alcohol?

WINKLER: No.

BOYD: Using any kind of drugs or do -- Do you use drugs? No?

WINKLER: I don't use drugs.

BOYD: You just – you just take a drink now and then when you have it hard.

WINKLER: Every now and then.

BOYD: It would, would be kind of hard to believe, Mick, that that two or three minutes, I mean that you just can't remember anything about that, you know? You remember going in and you basically remember having sit down.

WINKLER: I'm telling you it's -- just all of sudden it – I just – everything was a blur. I don't and I can't figure it out. It's just I don't.

BOYD: Okay. Did you – where was the gun at? In your pocket? When you got out of the car to walk into the building did you have a gun in your pocket? Was it in your hand?

WINKLER: It was in my pocket.

BOYD: In your, in your jeans pocket. Okay. You walked up the steps and it stayed in your pocket pretty much the whole time, right? Once you got inside, at some point it had to have come out, right? Do you recall it coming out and at what point?

WINKLER: No. I remember talking to John.

BOYD: Uh-huh (yes).

WINKLER: I remember talking to him.

BOYD: Did he -- he finally came and opened the door or --

WINKLER: I don't -- I don't know how I got in the house. I know I knocked.

BOYD: Okay. You knocked a time or two and nobody answered. At some point you had to go inside. Did he -- did he come or did she come to the door?

WINKLER: I don't remember how they got to the door.

BOYD: Okay. So we'll just skip that. That's no -- You walk in the door. You're inside. Bam. There's Jonathan and there's Becky. Right?

WINKLER: I think they were both there. Right there.

BOYD: Okay. Where, where was --

WINKLER: Like I said, it's still a blur to me and I've been sitting here. You know I sat there in the woods trying to think, and I'm by myself.

BOYD: Well, why would you be running if you don't remember? Because you know -- I mean you've been on the go for two weeks, sleeping in the woods, drinking and eating what you could, right?

WINKLER: Right.

BOYD: I mean obviously there's -- you've got a reason in your head why you don't want to talk to us or why you didn't want to encounter the police.

WINKLER: Well, actually I'm glad it's over.

BOYD: I'm glad, too.

WINKLER: I mean I don't know what -- I don't know what, what to think about it or anything. I tried to think about well what happened. Because the next day I seen -- I got a newspaper and I don't even remember how I got a newspaper. And there was a little clip in there and it just said -- it was a small, little article.

BOYD: What did it say?

WINKLER: And it said, "Little River. Woman fifty shot and killed in condo." And it was a little, two paragraph thing about Becky.

BOYD: And when you saw that, what did you think?

WINKLER: I thought, "Damn, Becky's dead." I read it two or three times a day...

BOYD: Did you ever think...

WINKLER: ...sitting there crying.

BOYD: ...I've, I've killed my wife, my best friend? Do you ever think that? Did that run through your mind at all?

WINKLER: I kept wondering if I did it or not.

BOYD: Well, what do you think now? At this point, two weeks later, having had plenty of time to think about it, and run it through your mind?

WINKLER: Well, with all the investigation I'm taking it that it was my, my responsibility.

BOYD: Well, I mean -- you know I certainly wasn't there. I wasn't there.

WINKLER: Right.

BOYD: And you were, right?

WINKLER: Yeah.

BOYD: Well did you pull the trigger or not?

WINKLER: I don't know who else was there or not? I don't remember pulling the trigger or nothing. I seriously don't. I don't remember pulling the trigger.

BOYD: Okay. So you went out and spent a night or two. Where did you spend your first night? Do you remember which, which woods?

WINKLER: Right there where we passed. Remember I told you there was an old truck sitting there. A big truck.

BOYD: So out next to Eagle's Nest Golf Course?

WINKLER: No. It wasn't Eagle's Nest there.

BOYD: Or River Oak?

WINKLER: Well, see I don't know where the woods are at Eagle's Nest there. I don't know exactly where – it was behind – if you go behind Baytree I guess. I don't know.

BOYD: At any point did you ever go back to your house?

WINKLER: No.

BOYD: And at any point did you ever go back to her house, to her apartment?

WINKLER: No.

BOYD: No. Did you ever call anybody?

WINKLER: Did I –

BOYD: Ever call any friends, any family and say, "Look. I've got to have some help. I'm hunger" or whatever?

WINKLER: No. I didn't have a phone.

BOYD: Okay. Did you ever go to anybody's house?

WINKLER: Peggy Conner's. At Peg Conner's.

BOYD: Okay. That was what? When was that?

WINKLER: That was recently.

BOYD: Where does she live?

WINKLER: That was recently. She lives in North Myrtle.

BOYD: You knocked on her door?

WINKLER: Yeah.

BOYD: Was it daytime or night?

WINKLER: P.M. Evening.

BOYD: And what did she say?

WINKLER: She said, "Oh, Mick. I'll be right back." And the next thing I knew the alarm went off in the house.

BOYD: And you, you hit the road?

WINKLER: So I guess it was a bad idea.

BOYD: Okay. Whose gun was that that was with you today when we, when we, when we encountered out in the woods? Was that yours?

WINKLER: That was Becky's gun.

BOYD: That was Becky's gun. Something she had for awhile? You guys had together or –

WINKLER: I guess.

BOYD: Don't know.

WINKLER: I guess she had had it for awhile. I don't know how long.

BOYD: Okay. So it was at your house, right? It stayed at your house where you live in Stone's Edge?

WINKLER: Yeah.

BOYD: Okay. When you left that day and you went to her house you had it in your pocket, right? And you had a monitor on your foot?

WINKLER: Yeah.

BOYD: Where is that monitor now? At some point you had to take it off, right? Do you know where it's at?

WINKLER: No. I don't.

BOYD: How'd you get it off? Because like you said, you pretty – you were pretty \_\_\_ about making sure your times were right. You know. I know you were. I just wanted to see – I mean where's it at and how'd you get it off?

WINKLER: Where the monitor is, I don't even know where the monitor is.

BOYD: Is it laying in the woods somewhere?

WINKLER: Huh?

BOYD: Is it in the woods somewhere?

WINKLER: I don't – I don't remember if it's in the woods or not.

BOYD: Did you get it off?

WINKLER: I seriously don't.

BOYD: What did you take it off with?

WINKLER: I don't remember taking it off. I remembered it the next day. I said, "The monitor is gone."

BOYD: That was when you woke up in the woods?

WINKLER: Yeah. Toby, my stomach is about to tear up here.

BOYD: You need to take a break and go to the bathroom?

WINKLER: If I could.

BOYD: Absolutely.

WINKLER: Damn. I knew this was gonna happen.

GRAHAM: Yes, sir.

BOYD: That's all right. Come on back.

WINKLER: That's why I didn't want to try and finish that thing.

BOYD: Huh?

WINKLER: That's why I didn't want to try and finish that thing.

BOYD: Yeah. You make, you make some room for the rest of it?

WINKLER: I don't know.

BOYD: There you go. You need anything else or are you all right?

WINKLER: No, thanks. I appreciate that.

GRAHAM: Yes, sir.

BOYD: Okay. Why don't you tell me what exactly you can recall because maybe if you could go through it in your head and you go step by step with it. Maybe you can – you know, maybe you – I don't know maybe it will start coming back to you.

WINKLER: I've been doing that for two weeks.

BOYD: Well, let's do it. Do it out loud and that way you can maybe start putting some things together in your head. Start with when you got out the car. Jeff locked -- you closed Jeff's door and he drove off. Let's go just slowly and step by step and see what you recall as you tell me. And take your time.

WINKLER: I remember knocking on the door is one thing I remember.

BOYD: Uh-huh (yes).

WINKLER: And seriously, everything else is a blur. There's a – I remember talking to -- John and I had talked and I heard somebody say something and I spun – turned around, but I don't know if that was a neighbor or somebody up in the loft. I don't know. But – and then I was trying to think of everything else that could have happened there and I just can't. It won't come back.

BOYD: Mick, you run. You're running from us for a reason, buddy. And you know – I mean you know. You know what you were running for. I mean right? It wasn't like a trespassing or it wasn't something that – you were running for a reason. You're sleeping in the woods for two weeks. You know. You're eating whatever you can and drinking whatever you can and doing things that people don't do unless they're fleeing or trying, trying to evade. And there's a reason for that and it's something serious.

WINKLER: Well, I knew I wasn't supposed to be over there.

BOYD: Okay. So you weren't supposed to be at her house.

WINKLER: I didn't \_\_\_ at the jail.

BOYD: Do you remember? Was there – let's get back to how you got in. I know you knocked a couple of times but at some point you walked through the door, right? You entered that threshold somehow.

WINKLER: Uh-huh (yes).

BOYD: Put – go back in your mind. Think hard. I knocked a couple of times and then what? How did it actually – how did you actually walk across that threshold and into the house?

WINKLER: I had to have walked across it.

BOYD: Well, I know that but the door was closed. How did you get the door open? And it's okay. Tell me. It's all right. This is the time right now –

WINKLER: Yeah.

BOYD: This is the time –

WINKLER: I'm trying to think about it. Right now.

BOYD: Yes, sir. It's the time for reckoning.

WINKLER: That's what I'm trying to think of.

BOYD: Because to make, to make it right we've got to first admit to what we did, you know? And you've – you've done a fabulous job so far. You're man enough to say ---

WINKLER: When read that in the paper. I seen that in the paper and I kept saying to myself, "Did I do that?"

BOYD: And what did you answer to yourself?

WINKLER: I didn't. There wasn't one.

BOYD: I mean surely you must have answer now, right?

WINKLER: I was shaking and – what am I charged with?

BOYD: Well, I mean what, what do you think you're charged with? You're charged with – the charge is going to be murder.

WINKLER: Murder? They're saying I did it? I killed her?

BOYD: Well, I'm trying to hear your side.

WINKLER: I wish I knew.

BOYD: Okay. How did the door get open?

WINKLER: Like I said, I know I walked through it but I don't know if it was open or -

BOYD: Did you check the lock? Did you turn it to see? Well, maybe it's unlocked and I can just walk in?

WINKLER: I don't know.

BOYD: Do you -- do you remember -- did you have a key?

WINKLER: No.

BOYD: So you had no key and you don't remember if you turned the lock. Did you kick the door in or use your shoulder or your, your leg or anything to get that door open?

WINKLER: I can't remember.

BOYD: I know you've got a bad shoulder so that's probably out of the question, right? That one's bad.

WINKLER: This one is bad.

BOYD: I mean you could have thrown the right shoulder into it or a foot, right?

WINKLER: But I don't remember if they answered the door...

BOYD: Okay. Let's -- well let's --

WINKLER: ...or who let me in.

BOYD: So you walk in the door. To the right is the -- you walk in and make a right. The kitchen is right there and straight ahead is the living area, right?

WINKLER: Yeah.

BOYD: Okay. Where was John?

WINKLER: This is the things I've been trying to walk through.

BOYD: Well, maybe it will start jogging you, coming back. Where was Jonathan? He's probably the first one you saw. Probably. Right? Because you said, "I talked to Jonathan for a while. I talked to Jonathan."

WINKLER: Yes. But I don't even know what I talked to Jonathan. I remember him saying something and I said something back.

BOYD: Well, what was he doing?

WINKLER: You know what? I don't even remember what that was.

BOYD: What was he doing? Was he, was he – he had to have been doing something. Was he standing there looking? Was he, you know, playing a trombone? What was he doing?

WINKLER: I don't know. I don't remember him. I don't remember who I talked to first.

BOYD: Think, Mick. Think. Think big.

WINKLER: I've been trying to think of it for two weeks what the events that happened. It just wouldn't come back. You know, I'm sitting there by myself, Toby, and I'm telling you the truth.

BOYD: You're trying to get it to come out and you just can't get it, huh? Okay.

WINKLER: It said in that article and this is what really got me.

BOYD: Uh-huh (yes).

WINKLER: Shot. And I don't even remember the gun, the noise, the shot –

BOYD: Well, it was in your hand then, right?

WINKLER: I don't remember that. I'm just saying I don't even remember a shot. Period. The noise of a shot.

BOYD: Okay. Well, at some point...

WINKLER: I couldn't even remember that.

BOYD: ...you must have come in confrontation with Becky. If we don't recall exactly what happened with John, Becky was the one you came to see. She was the one you came to talk to. That was who you came to see. What did you want to talk to her about?

WINKLER: I was gonna ask her if she – I was gonna tell her to take, to try and take some of the pressure off me because all we were doing was costing my dad money.

BOYD: Okay. So you, you basically come to talk the money?

WINKLER: Well, no. To get something settled. Just --

BOYD: Did you still love her?

WINKLER: I'll always love her.

BOYD: And -- I mean was it your intention to maybe talk to her about coming back or let's work this out or what? I mean that's the whole reason you went was to talk to Becky?

WINKLER: Right.

BOYD: Right?

WINKLER: I believe so.

BOYD: Had you, had you played it over in your mind before you left and you said, "Well, here's what we're going to talk about."

WINKLER: No. Because I didn't have a ride. I know there wasn't no ride available. And that guy got home and I had never even got a ride from him before.

BOYD: Uh-huh (yes). Did you have to pay him money or he just ran you up there?

WINKLER: Just ran me up there.

BOYD: All right.

WINKLER: I told. As a matter of fact, I told him I'd give him money the next time he gave me a ride somewhere. And he said that's okay. I don't even know his last name.

BOYD: So you went. You went to talk to Becky. Maybe you spoke to John, maybe you didn't. At some point there she is. She's standing there in front of you. We're about to talk money. We're about to talk. Baby, let's get back together. Let's work things out. Whatever. Right? Do you remember? Tell me what you said to her. What's the first thing? Hey, Becky, it's me. What did you say? The first thing you said to her was what?

WINKLER: I don't even remember what she looked like.

BOYD: Okay. You don't remember what she looked --

WINKLER: I don't even remember because she had long hair the last time I had actually seen her to confront, talk to her. Real long hair.

BOYD: Right. Did it look different that day?

WINKLER: Looked like a stranger.

BOYD: So she looked – she looked like she had changed?

WINKLER: I mean it's like I didn't even know her.

BOYD: Did her appearance had changed drastically then? Would you say that? Since then and the last time you say her?

WINKLER: I can't remember if it, if it--

BOYD: What, what were you trying – what were you trying to do?

WINKLER: If it's like – because I'm trying, getting visions in my head. I seen her one day in Family Court and her hair was still real short then. And this was just a couple of weeks or, I don't know, a month ago maybe.

BOYD: Yeah.

WINKLER: Just -- I don't remember if it was – I don't know. I'm telling you, Toby, it's still a blur to me.

BOYD: Well, at some point the door was opened. And at some point a woman was shot. That's what we've gathered so far.

WINKLER: That's what I read.

BOYD: And then there's a little boy in there. A young man that was also there and present at the time and he was obviously scared to see this going on. I mean if I put--

WINKLER: See I don't even remember how I left the apartment.

BOYD: If we put ourselves in his shoes we would have to say, yes, he probably was scared, right? I mean shine? To see an altercation like this? To see his mother –

WINKLER: I imagine so.

BOYD: To see his mother take this kind of – a final breath. Apparently, he was standing there when she took her final breath. When she died. Jonathan

was standing there. He saw it. Saw it all. You know? And this boy – I mean regardless of what you think of him. And I don't know how your relationship was. If you guys got along well; if you were – if you were – Were you like this at each other.

WINKLER: We were buddies.

BOYD: Okay. That's great.

WINKLER: We were.

BOYD: Why? Why then – I mean why can't you tell us what happened so we can bring it, so we can corroborate what he saw and bring it to a close? Because you wouldn't believe how much work we've got in it at this point. We want to bring it to a close. Be over and done with this. But I just -- I mean you've got to step, you've got to step up. And the thing that "I don't remember," Mick, that's not – I mean you know.

WINKLER: Right. It's not that I don't remember. It's a blur.

BOYD: Okay. Well, how about –

WINKLER: It's like I didn't even come for sure –

BOYD: Well tell me –

WINKLER: That day is like --

BOYD: Okay. What kind of blurred visions do you remember?

WINKLER: I don't remember what it was that I can --

BOYD: But there's a blurry vision in your head, right?

WINKLER: That I can tell you. I know you want me to say I shot her. And I don't remember if I did or not.

BOYD: I want you to tell me what you did.

WINKLER: I don't remember. I'm assuming.

BOYD: Don't assume. Let's don't do that.

WINKLER: Well, what do you want me to say, Toby?

BOYD: I want you to tell me what you did, Mick. I want to know what you did. I want to know. If you remember it, I want you to say, "Yes. I did. I shot her."

WINKLER: I don't remember shooting at Becky.

BOYD: But I don't want you to assume.

WINKLER: I read it in the paper.

BOYD: I don't want you to say you know what the paper said. I shot her. So I must have.

WINKLER: I know that's what you want me to say, Toby.

BOYD: No. I don't. I want - I want what you remember.

WINKLER: I'm trying to tell you. And I keep telling you it's still a blur.

BOYD: Do you need some more time? Do you need another drink?

WINKLER: No.

BOYD: Do you need to relax a minute? Or what do you need? What can I do to help you get it out.

WINKLER: It's really not. It's just I've been trying to think about this for two weeks.

BOYD: Okay. When you left your house with, with Jeff, and you said Jeff, give me a ride to Mick - to Becky's house over in Baytree. I loaded the gun and put it in my pocket. What was your intent when you left your house?

WINKLER: I don't know.

BOYD: Did you intend to shoot her when you got there?

WINKLER: It was her gun.

BOYD: Well, regardless of whose gun it was. That's, that's kind of irrelevant really. When - when you put that gun in your pocket, you said I'm gonna arm myself because when I get there if there's any resistance I'm gonna take care of this? Was that something that -

WINKLER: No. I would never think that.

BOYD: Well why would you arm yourself before you leave home to go, to go speak to your wife simply about money, or about –

WINKLER: I know that don't sound right, but it's just I don't know.

BOYD: It doesn't. It really doesn't.

WINKLER: Armed myself.

BOYD: We arm ourselves. We arm ourselves when we think there's going to be confrontation or when we go to do harm. I mean surely you didn't think you were going to have to protect yourself from her, did you? I mean we arm ourself also maybe to protect ourself from somebody. I'm scared of this guy and I know I'm going to be confronted by him I may have something here to protect myself from him. And I don't think you would worry about protecting yourself from her. Right?

WINKLER: Well I don't know whether she had a boyfriend or not. I don't know. See I don't even know.

BOYD: I don't know either.

WINKLER: I have never called her. Never seen her.

BOYD: Well why did you put that gun in your pocket to start with?

WINKLER: I really don't know why I put the gun in my pocket.

BOYD: Was it common for you to arm yourself before you left the house?

WINKLER: No.

BOYD: Every time you leave to go, for those two hours in the afternoon, did you put a gun in your pocket and say, well I better have this with me?

WINKLER: No.

BOYD: No. But on this one particular day you did?

WINKLER: Yeah.

BOYD: And there had to be a reason for that.

WINKLER: Well I don't know if she – like I said, I don't know if she had a boyfriend or he would be there or whatever. No idea.

BOYD: Did you leave your house to go to Baytree to kill Becky?

WINKLER: No.

BOYD: That wasn't in your mind?

WINKLER: Not at all.

BOYD: Okay. Well at some point you had to make a conscious decision in your head that this is the way it's got to go. That things have gone bad and we've got to take – directions have got to change and I find it necessary to shoot my ex-wife.

WINKLER: I would never. I'm not. I would never think that.

BOYD: Well, we don't do things only – I mean I guess we could do things like this by reflex but it would have to be when we're in a position where we feel like that's the end. There's nothing else we can do. Was there some point where you –

WINKLER: There's plenty I could have done. I mean I – just like my lawyer said in Family Court. He said, "Well, we lost the car. That's only temporary" and this and that.

BOYD: Did you feel so badly –

WINKLER: In fact, it wasn't even over as far as that goes. Any of that.

BOYD: Why? What's the purpose of it?

WINKLER: Any of it.

BOYD: It seems so senseless for it to have happened like this.

WINKLER: Well it does. That's why it baffles me and I've been thinking and trying to think what in the world happened. It is senseless.

BOYD: Did you snap?

WINKLER: I have no idea.

BOYD: Had you been getting angry or –

WINKLER: To the sense of snap, I don't know exactly what that definition is. But I mean snap. And if I could remember, I could make that assumption.

BOYD: Had you been getting angrier, and angrier through the days? As the days got longer and it got closer to this date that you had to pay your money were you thinking, "Man, I'm in a desperate spot here. Dad's gonna send me the money because I don't have it."

WINKLER: No. Because I had called the lawyer.

BOYD: You called. Oh, your Family Court lawyer?

WINKLER: Uh-huh (yes). His paralegal said that they wouldn't do that today.

BOYD: Uh-huh (yes).

WINKLER: And I called Dad and he said that the check would be in the mail and coming. Hell, that had just slipped my mind. The judge's order.

BOYD: Was there a sense of desperation? Were you thinking, oh, my gosh. I've got to pay this or I'm gonna be in contempt of court, or I'm gonna have problems with Family Court?"

WINKLER: No.

BOYD: Okay.

WINKLER: I mean I – I went on – that day was just a normal day and all of sudden I, you know ---

BOYD: Well, at what point – at what point during that morning or that afternoon, early afternoon, did you say I need to go over and talk to Becky?

WINKLER: Well I guess --

BOYD: You had been thinking about it?

WINKLER: Because I didn't know – nobody had – I didn't have a ride. I never have a ride unless there's a ride available.

BOYD: Uh-huh (yes). So this guy was going and you said can you give me a ride to my – what did you say? My friends in Baytree?

WINKLER: Uh-huh (yes).

BOYD: Okay. At that point, what were you thinking when you left there? I'm going to go talk to Becky and let's get this worked out?

WINKLER: Go talk to Becky. I guess. That's all I would think you know.

BOYD: But at some point a loaded gun went in your pocket, Mick.

WINKLER: That's, that's something I can't tell you.

BOYD: Okay. Well if it's – I mean if it's not there, it's not there. And I –

WINKLER: I wish I could tell you.

BOYD: I would love – I would love to hear your side.

WINKLER: That's why I agreed to talk to you because I don't – If it was there, Toby, I'd tell you.

BOYD: Okay. Give us just a few minutes. You want some more of your burger?

WINKLER: No. Not after what just happened.

BOYD: Mick, what -- what did a – what did Becky do to drive you to go over there with a loaded gun to confront her about something?

WINKLER: Right.

BOYD: You said you needed to re – you needed to relieve pressure. I'm going over there to relieve some pressure from her. Isn't that kinda what --

WINKLER: I was going to ask to –

BOYD: Relieve the pressure on you.

WINKLER: .. relieve the pressure on me.

BOYD: But you leave home with a load--

WINKLER: To see if we can just talk.

BOYD: You, you leave home with a loaded gun.

WINKLER: I didn't know if she – I already said I didn't know if she had a boyfriend over there or not.

BOYD: Well is that – are you saying that you went over there with a loaded gun so you could protect yourself from a boyfriend?

WINKLER: To protect myself if someone was there.

BOYD: Okay. So you – the whole deal in the house is a blur. You leave out and you spend two weeks in the woods, but I don't know why. What am I doing in these woods? Why am I running from these police?

WINKLER: The monitor thing maybe. I know –

BOYD: Mick. Mick. Mick. Mick. Mick.

WINKLER: Six o'clock they'd...

BOYD: Mick.

WINKLER: ...come and get me.

BOYD: This thing – this isn't – I know you might think –

WINKLER: They told me that several times.

BOYD: I know you might think this is my first day, but it's not. You're not running from the police –

WINKLER: I'm not trying to pull anything on you.

BOYD: Yes, you are. Yes, you are.

WINKLER: Seriously, Toby. I'm not.

BOYD: You – how can you – how can a grown man not remember three minutes of his life and you can remember everything leading up to it and everything after?

WINKLER: Three minutes?

BOYD: Or four or two? I don't know. How long you were in the house I have no idea. Maybe you spent the afternoon with her. I don't know that either. But it, it's just not. I mean it doesn't comprehend. It's incomprehensible to think that a man can't remember. And I realize it had to have been traumatic. It really had to be traumatic for everybody there. Especially the woman lying on the ground that was shot in the face, and the boy that was sitting there.

WINKLER: It wasn't John.

BOYD: And the boy that sat there and watched his mother be killed by his step-father. But you can't tell me that it's so traumatic that you can't remember the two or three minutes that you were there at that house. And

you can't say, "You know what? I'm man enough to tell you yes. I kicked the door down."

WINKLER: I --

BOYD: Yes. I went in...

WINKLER: I would definitely...

BOYD: ...and I shot her in the face.

WINKLER: In the face? Is that where she was shot?

BOYD: Yes, sir.

WINKLER: Well see, I didn't know that. It didn't say anything in the paper about it.

BOYD: But that's irrelevant too.

WINKLER: But you said shot.

BOYD: And that's irrelevant too. She was shot through the foot.

WINKLER: Well that's the first time I've heard of where she was shot.

BOYD: She's dead. She was murdered in her home. Where she was shot was irrelevant. Yeah. She took one right in the face.

WINKLER: See I didn't know that.

BOYD: How could you not know that?

WINKLER: Because I didn't know. All it said in the paper was shot. And I tried to think of what happened there at that condo.

BOYD: And then you leave. And, and you know you stay in the woods in the shape you're in right now. You probably lost fifteen pounds or twenty pounds. You're eating God knows what. You're drinking what little bit of water you can. You're nasty. You've got a beard. For what? Because your ankle bracelet? Hell, no.

WINKLER: I would have been in the same position I'm in right now.

BOYD: No. You wouldn't. You think an ankle bracelet violation will put you in the same boat you're in right now, Mick?

WINKLER: I'd be -I'd be in -

BOYD: Because you're on the hook for murder right now.

WINKLER: All right.

BOYD: And that little ankle bracelet thing would be - that pales in comparison.

WINKLER: Well. Well I don't even remember when I left.

BOYD: Tell me what happened?

WINKLER: When I left there I don't even remember leaving there.

BOYD: When you got to the top of those stairs, you knocked twice. You remember that? Okay. I knocked. Nobody answered. I knock again.

WINKLER: I think I knocked twice.

BOYD: Okay. Well say you knocked once. Whatever.

WINKLER: I mean - Yeah.

BOYD: Okay. You knocked twice. We pretty well agree with that. What happened after that?

WINKLER: That's what's a blur.

BOYD: No, it's not.

WINKLER: Everything goes around in a circle with me.

BOYD: I tell you what -

WINKLER: I don't even know.

BOYD: Well we're gonna go on one side of the story then. If that's the way you want. We've got a dead lady there with a round in her face. We've got autopsy. We've got photos. We've got a boy that saw it. I mean there's a reason.

WINKLER: I didn't say that.

BOYD: Maybe you've got a good one. Did she push you to it? What did she do to make you do this?

WINKLER: No. I didn't.

BOYD: What did she say? What did she do? Something.

WINKLER: If I could remember what she said, I would tell you.

BOYD: Could you not live with that?

WINKLER: Huh?

BOYD: Did you feel like I just can't live without Becky? She's the one I've got to have?

WINKLER: Well there were times. But heck it had been five months I didn't -- you know there had been times that I would think that but after five months I just let it go really.

BOYD: But you didn't let it go, Mick.

WINKLER: No. I meant her. Let her go.

BOYD: You went -- you went -- you went a step further than, than -- You went four or five steps further than anybody else, than most people would do. And to kill somebody on these grounds --

WINKLER: I still can't believe -- I mean you're saying that I killed her. That's what I knew after I seen that in the paper, but I don't know how or what happened.

BOYD: Well I'm going ahead -- I'm going to go on record as saying "bull shit."

GRAHAM: You, you remember leaving the house with a gun. Remember getting in the car with Jeff going to Baytree.

WINKLER: Uh-huh (yes).

GRAHAM: You remember going knocking on the door. You remember talking to Jonathan. You don't remember nothing else?

WINKLER: I don't remember what I said.

GRAHAM: And then you remember going. Leaving out the apartment going to get a newspaper the next day, reading that.

WINKLER: I didn't get a newspaper. I found a newspaper.

GRAHAM: You found a newspaper. You remember reading the newspaper, reading the article in there?

WINKLER: Yeah. It wasn't on the front page or nothing. It was – I said well – and you know it was – the front there wasn't nothing. It was some other story and it was a back little space about that big.

GRAHAM: But you remember that little space in the newspaper but you can't remember what took place in that apartment?

WINKLER No. I don't. And that's why when I seen that at first I'm thinking, "Well, okay. Ain't no big deal." Because there was a big picture of somebody else on the front page of that and I'm saying okay. And then I got going back thru --

BOYD: Who? Who was on the front page?

WINKLER: I don't know. It was some story about somebody that did something.

BOYD: That was – that was Tuesday, right?

WINKLER: That would –

BOYD: You said the following day. Maybe Tuesday. Maybe Wednesday. Did your days – maybe your days are running together.

WINKLER: It would be Tuesday. I think.

BOYD: So – are you going to stand fast with that? You just – we're going to go on one side the story. They're going to prosecute me for my life on something without even hearing my side. That's foolish. That's plumb foolish.

WINKLER: My side? I didn't follow you.

BOYD: Without me having had the benefit – or you having had the benefit of having told me your side of the story I'm going to turn in a case file to the Solicitor's office regarding the murder without having heard your side of the story.

WINKLER: I still can't believe murder.

BOYD: That's just –

WINKLER: I just don't. I don't.

BOYD: It's foolish for me.

WINKLER: Toby, if I knew. If I knew I would tell you right now. I've always been a man of my word and I tell - I just tell the truth. I don't know.

BOYD: Okay. I - and believe me I've tried my best to hear your side.

WINKLER: And I've - I've listened to myself go over this for the last two weeks.

BOYD: Okay. Tell me what you told yourself and I won't say a word. I'm just going to listen.

WINKLER: What - what happened?

BOYD: Uh-huh (yes). And you --

WINKLER: I wanted to know what happened and it just wouldn't come back.

BOYD: So you think -

WINKLER: Seems like I knew I had talked to John just a little. That's all I can remember. Knocking on the door. I know I had words with John right there talking. But I don't know what it was we talked about. I don't remember leaving. I don't remember what happened with Becky. I don't know.

BOYD: Do you remember smelling gun smoke, gun powder?

WINKLER: No. That's like when I said it said shot in the paper, I didn't even remember hearing the shot. A shot. One shot.

BOYD: Okay. Did something lead you - did something lead you to believe that they were talking about you in the paper?

WINKLER: Well, yeah.

BOYD: What? What was it?

WINKLER: It was like well, dang, they were thinking - it said -

BOYD: Because it didn't say your name, right?

WINKLER: No.

BOYD: It didn't say Louis Michael Winkler:

WINKLER: Monday – it said Monday night they were looking for – they were looking for the person they believed responsible.

BOYD: And you're thinking oh, hell, I'm in the woods.

WINKLER: And I read that thing like three times a day and I'm going, shot and killed.

BOYD: So you –

WINKLER: I know I had the gun with me but I – Toby, I'm telling you.

BOYD: Mick.

WINKLER: I wish I could tell, Toby.

BOYD: Mick, listen. You wake up pretty much in the woods. You've got a paper that says...

WINKLER: I wish I could tell you.

BOYD: ...my wife's dead. She's shot. And we're looking for the person responsible, right?

WINKLER: Uh-huh (yes).

BOYD: And you assume it's you. Is that what you're saying?

WINKLER: Uh-huh (yes).

BOYD: I mean don't you think this is foolish?

JONES: What you getting from brother Mick?

WINKLER: Pardon?

BOYD: Mick is telling us pretty much that he leaves his house on the day of. He remembers taking a weapon, a gun, arming himself, and asking the neighbor for a ride. The neighbor takes him over to the house. He leaves. Jeff, right? Mick goes upstairs, knocks on the door twice. Bam. Memory is gone. He remembers being outside, running towards the golf course, and at this point his memory starts coming back. So the minute or two, or three minutes, basically –

JONES: Is that right, Mick?

WINKLER: I don't even remember leaving the apartment.

JONES: Is that right? Is that right, what he's telling me? That's what you remember?

WINKLER: I said I don't remember anything. There's certain things I remember. Talking to Jonathan.

JONES: Mick. Mick. You've got selective memories, right?

WINKLER: No, sir.

JONES: What, what kind you got?

WINKLER: I can't even tell you where I was staying the last every night.

JONES: You stayed in hotels?

WINKLER: No.

JONES: So you stayed – you was in the woods?

WINKLER: But I mean where at. Here and there.

JONES: But you were in the woods.

WINKLER: It's not selective, to answer your question.

JONES: It's not selective. That's what I'm getting at. Okay? And you're not stupid, is you, Mick?

WINKLER: No. I'm not.

JONES: You've got good sense, don't you, Mick?

WINKLER: Yes, sir.

JONES: All right. Intelligent?

WINKLER: I'd like to believe I do.

JONES: You finish high school, Mick?

WINKLER: Yes.

JONES: Some college too, huh?

WINKLER: Pardon?

JONES: Some college?

WINKLER: Right.

JONES: Yeah. And you build things. You do construction work \_\_

WINKLER: Yeah.

JONES: You can build things, right?

WINKLER: Yeah.

JONES: So you can remember things. You can remember a hell of a lot, Mick. Okay? So you don't have selective memories on one hand?

WINKLER: This I tell you. I can't remember exactly what happened in that condo though. I just don't remember. It's a blur.

JONES: Well, okay. It's a blur.

WINKLER: I know he wants me to tell him...

JONES: Listen. Listen at me, Mick.

WINKLER: ...and I've been trying to tell him.

JONES: Hold – hold on a minute, Mick. Listen at me. It's a blur you said after you got in the condo. So your memories was good until you got in there, right? It had to be.

WINKLER: Leading up to it?

JONES: Yeah. It had to be. You had to have a perfect damn memories to get in there. Okay? You had to have, you had to be perfect because you know what time your bracelet would allow you to be away from home. Correct?

WINKLER: I had four to six.

JONES; Four to six. In between that hour four to six you knew that didn't you, Mick?

WINKLER: Yeah.

JONES: You knew you was supposed to be in that house all day long until that time, right?

WINKLER: Uh-huh (yes).

JONES: All right. From four to six you do – your memories now, your memories. You hire somebody. You ask somebody to take you somewhere.

WINKLER: Uh-huh (yes).

JONES: Is that correct?

WINKLER: Uh-huh (yes).

JONES: All right. Who did you ask to carry you somewhere?

WINKLER: The neighbor there.

JONES: Your neighbor. Memory is good, right? You remember that? All right. Now where did you asked your neighbor to take you?

WINKLER: To Baytree.

JONES: To Baytree. Memory is still good. Everything – you're still remembering everything. All right. Once you got to Baytree, then what happened?

WINKLER: I know you want me to say it but...

JONES: No. No. No. No, sir. No, sir. I don't want you to say --

WINKLER: ...it's a blur to me, Toby.

JONES: Listen. Listen at me, Mick. Mick, listen at me right now. I don't want you say anything. Just tell me what I ask you. Okay?

WINKLER: Okay.

JONES: All right. What happened when you got your neighbor to take you to Baytree? You remember that?

WINKLER: Uh-huh (yes).

JONES: All right. What happened?

WINKLER: I just got out of the car.

JONES: Got out the car. What did you have with you?

WINKLER: I went to talk to Becky and –

JONES: Whoa. Wait a minute. You're taking me too fast now, Mick. You're taking me too fast. All right. Once you got out the car, Mick, what did you have with you, and what was you wearing?

WINKLER: I was wearing this right here.

JONES: You were wearing that right there.

WINKLER: I had the gun with me.

JONES: Well what, where was the gun at?

WINKLER: I had it in my pocket.

JONES: What pocket, Mick?

WINKLER: I think it was my –

JONES: Front? Right? Back? What?

WINKLER: I think it was the front right.

JONES: Front right. That's where – you right-handed, Mick?

WINKLER: Uh-huh (yes).

JONES: That's where the gun was at, front right. Correct?

WINKLER: Uh-huh (yes).

JONES: All right. Then what happened then, Mick?

WINKLER: I remember knocking on the door.

JONES: You knocked on the door. No one came. And Mick knocked on the door and no one came to the door.

WINKLER: Not real hard or nothing.

JONES: Knocked.

WINKLER: But I don't know if I did once or twice or –

JONES: Okay. All right. Once or twice, Mick. And then what happened then, Mick?

WINKLER: That – and that was – and that’s what I’ve been trying to draw up in my mind.

JONES: All right. Well, okay, Mick. Your memories -- your memories left you after that knock?

WINKLER: Yes, sir.

JONES: You don’t remember nothing else?

WINKLER: Yes sir.

JONES: That’s when it left, Mick? When you knocked?

WINKLER; Yeah.

JONES: It left you knocking.

WINKLER: You know I can’t even tell you...

JONES: It left you knocking?

WINKLER: ...if she let me in or Jonathan let me in, or if the door was open. I don’t even remember.

JONES: Well you don’t because you left there knocking. That’s the only thing you remember? That’s the last thing you remember?

WINKLER: Uh-huh (yes).

JONES: About this whole incident, Mick?

WINKLER: Yeah.

JONES; Right?

WINKLER: Yes, sir.

JONES: And the next thing you said that you remembered is reading a newspaper. Right?

WINKLER: No. I don’t -- I wouldn’t say it was the next thing.

JONES: All right. What was the next thing you remember, Mick?

WINKLER: Being out – something in the woods behind Baytree there.

JONES: And you know the reason why you was in the woods?

WINKLER: Yeah. I knew that something happened. I was in trouble.

JONES: You was in trouble, Mick. That's it, Mick. You was in trouble.

WINKLER: Yeah.

JONES: Right?

WINKLER: Uh-huh (yes).

JONES: That's what you remember? Right? Okay. All right, when you remembered that you were in trouble, what, what kind of trouble was you in?

WINKLER: Over what, I don't remember.

JONES: You don't remember?

WINKLER: No. I don't.

JONES: You knew you was supposed to be back home by six o'clock. Right, Mick?

WINKLER: Uh-huh (yes).

JONES: Because you - you done fucked up. You got – you're out there with your bracelet –

WINKLER: I didn't even know how long I was there at the condo.

JONES: Your bracelet was off, right?

WINKLER: Yeah.

JONES: Your bracelet was gone. You needed to be somewhere because they was monitoring you, right?

WINKLER: Uh-huh (yes).

JONES: You had to take that thing off some way or another, right?

WINKLER: Uh-huh (yes).

JONES: All right. Do you remember that?

WINKLER: No. I don't remember how I did that.

JONES: Well, Mick, you done gone back. Don't get stupid on me now, Mick. You're not stupid.

WINKLER: I'm trying to think about it.

JONES: I know you're not stupid. Okay? Stupid. That jailhouse is full of stupid people but I know Mick is not stupid. Okay? So I – what happened then, Mick? The next day? You said after that knocking at the door, what happened? You was knocking. What happened?

WINKLER: The next day?

JONES: No. The day you was knocking.

WINKLER: I told you like four times already.

JONES: Yeah.

WINKLER: That I don't remember. It's all blurry in my head.

JONES: It's blurry?

WINKLER: I don't even know. Hell, I might not even knocked. As far as I know I remember knocking.

JONES: Okay. You might didn't knock.

WINKLER: I don't know if I knocked once or twice, three times.

JONES: And they didn't come to the door.

WINKLER: I don't remember that.

JONES: They didn't come to the door?

WINKLER: It's a blur to me.

JONES: They didn't – could not come to the door. Nobody came to the door, Mick.

WINKLER: I know what you want me to say.

JONES: No. I don't want you to say anything but the truth. If you don't remember I don't want you to say nothing.

WINKLER: I tell you what right now. That is the truth. I've said it four, five times here and I've told him at least that many times. I know you want me...

JONES: Mick, you –

WINKLER: ...to say that but I don't remember.

JONES: But I'm trying to help you, Mick.

WINKLER: And I'm not going to repeat it again.

JONES: I'm trying to help you remember it.

WINKLER: I swear if I knew I'd tell you.

JONES: Okay.

WINKLER: If I knew what happened I probably would have went the next day or..

JONES: Mick, you not getting upset on me.

WINKLER: ...called them and said, "Look. I did this."

JONES: Go ahead.

WINKLER: I would have came in the next day. I have been out there for two weeks. I don't even know what happened.

JONES: So you've been out there in the woods two weeks?

WINKLER: That's what scares me.

JONES: What? Let me ask you something.

WINKLER: That's what scares me.

JONES: Because you've been in the woods for two weeks?

WINKLER: And I don't even know what happened.

JONES: Okay.

WINKLER: That's it.

JONES: Let me – if I show you some photographs of different things you might can jog your memories?

WINKLER: I – was -- did I see her?

JONES: Huh?

WINKLER: Did I see her? I can't tell you if I saw her or not.

JONES: Well if I see – if I show you some photographs you think –

WINKLER: I don't want to see no picture of my wife dead.

JONES: I'm not going to show you a picture of your wife dead, Mick. How about if I show you some stuff in the apartment itself without showing you your wife dead? Would you remember?

WINKLER: What do you mean remember?

JONES: Would you remember about that door?

WINKLER: I've been in that apartment a hundred times.

JONES: You've been in that apartment a hundred times?

WINKLER: Yeah. Her daughter, Hailey, lived there while me and her is at our house.

JONES: Okay.

WINKLER: I did a lot of work in that apartment.

JONES: But you ain't been there since you and your wife separated?

WINKLER: No. Once I went there and knocked on the door, this was just when we had separated.

JONES: When you first separated?

WINKLER: Yeah. And -- she left something at that – she came over to see me one night I think.

JONES: Who? Becky did?

WINKLER: Uh-huh (yes). Our house, and then she left something there and I took it to her house.

JONES: You took it back?

WINKLER: It was a \_\_\_\_ I don't know. A \_\_\_\_ game or something. But anyways, I've been there a lot. I did a lot of work for Hailey there.

JONES: Okay. All right. All right. But going back, you ain't been there in months though, right? Since y'all were separated? Can you remember that?

WINKLER: Right.

JONES: Okay. All right. All right. But once you got there and taking you again to my question. If I show you certain photographs, you think they will bring back your memories?

WINKLER: I have no idea.

JONES: Well let's try it.

WINKLER: What can I tell you? How can I tell you if something's going to bring it back when I've been trying to do that.

JONES: Well I'm going to help you. I'm going to help you jog your memory. Let's get some photographs.

WINKLER: I'd tell you, Toby. I swear I would.

JONES: You think that – you willing to do that for me, Mick?

WINKLER: Sure.

JONES: Okay. All right, Mick. Hold. Sit tight.

WINKLER: If I could tell you, I would. But I don't know.

JONES: Mick. You said you remember certain things, right? Right? Look at that, Mick? What are them pictures of there, Mick? What's that?

WINKLER: The stairwell.

JONES: Okay.

WINKLER: That is the outdoors.

JONES: That's the outdoors there. Ain't it, Mick? All right. What is that right there, Mick?

WINKLER: That's the stairwell.

JONES: That's the stairwell. All right. What is this one, Mick?

WINKLER: That's the door.

JONES: What – what's that number on that door there, Mick? Can you see that?

WINKLER: Twenty – J.

JONES: And who live at Twenty-J, Mick?

WINKLER: Hailey Grainger.

JONES: Huh?

WINKLER: Hailey Grainger.

JONES: And who was living there on the night you went there, Mick? Who was there?

WINKLER: Becky and Jonathan.

JONES: Okay. And where – when you went to this door here where was Becky and Jonathan at?

WINKLER: I don't remember.

JONES: I need to get you another shot.

WINKLER: What's this stuff here?

JONES: Huh?

WINKLER: What's this stuff here?

JONES: That's part of the door, Mick. That's part of the door.

WINKLER: Well it looks like it's in tack.

JONES: Huh? It's in tack?

WINKLER: It looks like it's in tack.

JONES: Well was it supposed to be in tack, Mick?

WINKLER: Well I guess. I don't know. I'm just asking him what that was.

JONES: Well it's part of the door. Do you remember that down there, Mick?

WINKLER: No. I don't.

JONES: Okay. What kind of hat was you wearing, Mick?

WINKLER: I had on my Dale Earnhardt hat. I think.

JONES: Dale Earnhardt hat. What happened to that hat?

WINKLER: I think that was the one I had on.

JONES: Huh? What happened to it?

WINKLER: I don't know.

JONES: You don't have it. You got it with you now, Mick?

WINKLER: Unless I didn't -- unless -- I don't know. Unless I left it at home, in the car, there.

JONES: There at the apartment?

WINKLER: I don't know.

JONES: But you could have left it at the apartment.

WINKLER: I could of.

JONES: You could have done that, couldn't you, Mick? Okay. Mick, you also could have kicked in this door here too, couldn't you?

WINKLER: Is that what they're saying? I kicked the door in?

JONES: Well I'm asking you. You said you don't remember. I'm asking you, could you do that?

WINKLER: I don't remember.

JONES: You don't remember that at all?

WINKLER: I've been telling you that. I don't remember how I got in the door. Did they let me in?

JONES: Well I'm asking you. You tell me.

WINKLER: You tell me what John said and that's probably what happened.

JONES: John who?

WINKLER: Did he let me in?

JONES: Whatever John? Who is John?

WINKLER: Jonathan or Becky, did they let me in the door?

JONES: Who is Jonathan, Mick?

WINKLER: My step-son.

JONES: Okay. Whatever Jonathan said, that's what happened?

WINKLER: Well, I'm just saying what - whatever he said that's probably what happened.

JONES: That's what I'm asking?

WINKLER: Did he let me in the door?

JONES: Well, Mick. Mick, talk to me.

BOYD: Looking at this what would you think?

WINKLER: Well that's the door but that's why I asked what this is. I don't know. I'm telling you.

JONES: What is that, Mick?

WINKLER: That looks like a door that's busted.

JONES: Okay. That looks like a door that is busted, ain't it, Mick?

WINKLER: I know what you're getting at here but I just can't remember.

JONES: What, what –

WINKLER: Okay. It's a door that's busted. I'm guaranteeing you Scott is going to be mad at me for letting me do this this far.

JONES: Scott who?

WINKLER: Bellamy.

JONES: He's mad with you.

WINKLER: He's going to be mad with me for even letting you go this far. I'm been truthful with you and I don't remember.

JONES: Okay. But what, what, what he got to do with this, this right here, Mick?

WINKLER: I swear.

JONES: Mick, look at me. Mick.

WINKLER: Yeah.

JONES: Mick, me and you got to look at one another. Okay? Okay. All right. What, why do you say?

WINKLER: Is that their door?

JONES: I'm asking you that?

WINKLER: Is that their door?

JONES: Huh?

WINKLER: I don't want to see no pictures of Becky.

JONES: Huh? This is part of...

WINKLER: I don't want to see no picture.

JONES: ...the house, Mick.

WINKLER: No, it's not.

JONES: This is part of what happened in that house.

WINKLER: It is?

JONES: This is what happened in that house.

WINKLER: Well okay. What – you tell me --

JONES: I'm trying to jog your memory.

WINKLER: You tell me what happened.

JONES: You said you didn't have no memories of what happened. Right?

WINKLER: Right.

JONES: All right. I'm trying to get to your memories and get you right because I done told you earlier you're not stupid, Mick?

WINKLER: I know.

JONES: Huh?

WINKLER: I know.

JONES: Okay. So you going to sit here and go through this stuff with me. You want to do that, Mick?

WINKLER: Not really.

JONES: You don't want to do that, Mick?

WINKLER: Because the door thing I don't even know if that's their door.

JONES: Okay. Well do you know who that is, Mick?

WINKLER: I'm not looking at that picture.

JONES: Well you don't know—

WINKLER: I don't want to see my wife dead.

JONES: Okay. All right.

WINKLER: I don't want to see my wife dead.

JONES: Now listen, Mick. Mick.

WINKLER: I'm not looking at my wife dead.

JONES: Mick.

WINKLER: It's just not something I want to do.

JONES: If you don't know if this the apartment. So she's in the wrong apartment then? Because she's in this apartment where that door is at.

WINKLER: Yeah.

JONES: Okay.

WINKLER: Okay. Well –

JONES: Okay. Well let's assume that's the same apartment you went to.

WINKLER: Assuming?

JONES: Assuming.

WINKLER: Is that their apartment? That door?

JONES: Well she lives there, Mick. You said you've been there. What number on that door?

WINKLER: You can't see this part of it. You can't see that part in that picture.

JONES: Okay. What –

WINKLER: Don't you remember I asked you what was that on the floor.

JONES: What is this right here, Mick?

WINKLER: Twenty-J.

JONES: Twenty-J. And I – we done – done said who lived there, right?

WINKLER: Are we going to argue the –

JONES: We're not arguing.

WINKLER: Like we're in court or something here?

JONES: Mick.

WINKLER: I don't remember. I know this is -- there outside of the door. That could or could not be their stairwell right there.

JONES: That number --

WINKLER: That could or could not be.

JONES: Mick. Mick.

WINKLER: And I want to see my lawyer because he keeps trying to put them in front of me and I do not want to see those pictures of my wife that is dead.

JONES: He want to see who?

WINKLER: I can't. I don't know how that happened.

BOYD: What did you say?

WINKLER: I don't remember.

BOYD: Before that?

WINKLER: If he keeps doing that then I can't talk about it no more. I mean I told you everything I can.

BOYD: Mick, this is, this is part of the crime scene. This is what happened.

WINKLER: I know it is.

BOYD: He's showing you these for a reason.

WINKLER: I know he is and I don't want to see a picture of my wife dead.

BOYD: A lady was killed and we're trying to get to the bottom of it.

WINKLER: My wife was killed.

BOYD: You're exactly right. Somebody that you loved very much and you told me you did.

WINKLER: Very much.

JONES: Well, Mick, we've got to get to the bottom before -- so she can rest. We've got to get to the bottom of it so your wife can rest. You want her to rest, and we're trying to get to it so she can rest.

WINKLER: I'd love for her to rest.

JONES: There you go. There you go, Micky. And if Mick don't remember a damn thing she ain't gonna rest, Mick. She's not gonna rest.

WINKLER: You know it's not – it may not even be a memory. If I remember it or not it's just a blur. I told you. Bits and pieces of it come back but I don't even know what was said.

JONES: Mick.

WINKLER: I'm telling you right now...

JONES: Mick.

WINKLER: ..that is the truth. I can remember speaking with him but I don't know what we discussed.

BOYD: Where was he? Sitting or standing when you talked to him?

WINKLER: That's the thing. I don't. I remember seeing John's face and me and him conversing.

BOYD: Was it – was it a civil conversation or was it a yelling back and forth?

WINKLER: I don't – I don't know.

BOYD: You don't remember if it was civil?

WINKLER: No.

BOYD: Were you telling him, "Get out of my way. I want to talk to your mother?" Or were you saying, "Hey, John, how you doing?"

WINKLER: That's what I just said. I don't remember what was said. I know we were like conversing.

BOYD: Uh-huh (yes).

WINKLER: That's it.

BOYD: And on – do you remember it was on a level like this, or were you up here yelling and he was down here.

WINKLER: I didn't -- he's as tall as I am.

BOYD: Did he get hit?

WINKLER: How could I know.

BOYD: Was he perhaps pushed down out of a chair? Was he punched in the eye?

WINKLER: Well --

BOYD: Maybe not?

WINKLER: I don't really -- Look, I don't know because I told you me and him were talking.

BOYD: Uh-huh (yes).

WINKLER: And that's all I remember. But I don't even remember what we said to each other. I don't.

BOYD: Well you know this is a shame. It really is with what she went through. I'm going to take these up because it was an awful death. You know. It was an awful death. Luckily it was quick and I think she felt very little because she took one in her brain.

JONES: Mick. Mick, I'm getting some more photographs you want to continue to look at them?

WINKLER: No. I don't want to see any more pictures.

JONES: You ain't seen the ones I got here, Mick.

WINKLER: I don't want to.

JONES: But you don't remember, Mick.

WINKLER: See -- well --

JONES: You've got to remember something. You said you wanted her to rest. You wanted this to end.

WINKLER: I do want her to rest.

JONES: You want it to stop. You want it to stop, right? That's the only way it's gonna stop. You've got to get it off your chest, Mick.

WINKLER: And if I could, I would. Believe me...

JONES: I believe you could.

WINKLER: ...I'd get it right off my chest.

JONES: I believe you really could if you wanted to.

WINKLER: If I remembered.

JONES: You remember, Mick.

WINKLER: No. I don't remember.

JONES: You remember.

WINKLER: I don't remember what happened except what I've told you at least a dozen times now, the two of you. I don't know. I don't know.

JONES: You know what happened, Mick.

WINKLER: No. I don't.

BOYD: Mick, you had mentioned a mom- a few minutes ago about a lawyer.

WINKLER: Yeah.

BOYD: What's your position on that? Do you want me to stop so you –

WINKLER: Well Scott's probably going to be mad if I hire him –

BOYD: Well you understand –

WINKLER: He's gonna get real mad if I --

BOYD: Well hold on just a minute. I read you your rights and I want you to understand that you – what is your position? Do you want to go ahead and stop? Because you have the right.

WINKLER: Well I agreed to talk to you and I have, but I've been telling you the truth but it's not what you want to hear so I don't know what to do now.

BOYD: Well that's, that's what I'm asking you? I need to ask if, if, if – did you want to stop? Because you have the right to an attorney or do you want to continue?

WINKLER: Well I'm gonna get an attorney either way. But I wanted to talk to you because you are a straight up. You told me that from the beginning.

BOYD: Do you –

WINKLER: I've been straight with you.

BOYD: Okay. So you want to stop.

WINKLER: I'm not really saying. I'm just saying if there's other questions, but I...

BOYD: I just need you to answer that for me.

WINKLER: ...am not. If I could answer "don't you remember this or that," I would.

BOYD: Mick.

WINKLER: Right off the bat. I would.

BOYD: For the sake of being legal I need you to tell me.

WINKLER: What?

BOYD: Do you want a lawyer at this point? Do you want to stop until you talk to your lawyer?

WINKLER: Yes, sir.

BOYD: Okay. All right.

GRAHAM: Mick, stand up and let me put this – fix these cuffs for you. That's fine. All right. The belt. Yes, sir.

JONES: Put it behind the back now.

GRAHAM: Do what now?

JONES: Put them behind the back.

GRAHAM: Okay.

WINKLER: See how things change.

JONES: Take the belt off of him.

GRAHAM: Okay. All right.

JONES: You got the other cuffs?

GRAHAM: I got it.

WINKLER: See how quick it changes?

GRAHAM: Yes, sir.

JONES: Mick?

WINKLER: Yes, sir.

JONES: I hope you good luck, Buddy. I hope you get some rest, okay? You got your tape off?

GRAHAM: Hold on just a second. Let me tighten – get these where they don't tighten up on you.

WINKLER: All right.

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 )  
 THE STATE OF SOUTH CAROLINA )  
 )  
 vs. )  
 )  
 LOUIS WINKLER )  
 \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS

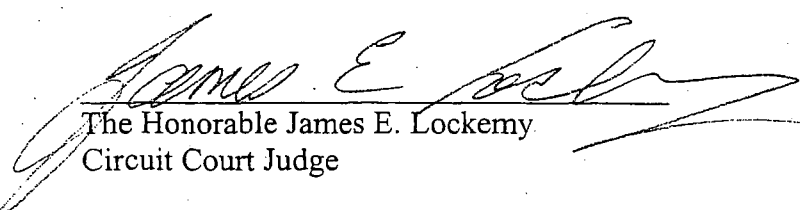
ORDER

This capital murder case was originally set for trial on July 16, 2007. A hearing was held prior to July 16, 2007 at which time the defendant informed the Court that he was having trouble with a material witness and requested a continuance. After the hearing, the State reluctantly joined in the motion for continuance. The Court then granted a continuance.

Another hearing was held on Tuesday, August 14, 2007, where the defense informed the Court that the witness situation had been remedied, and the Court set a new date for trial.

All parties agree that the trial will begin on January 28, 2008 at the Horry County Courthouse.

IT IS SO ORDERED.

  
 The Honorable James E. Lockemy  
 Circuit Court Judge

August 20, 2007  
 Dillon, South Carolina

FILED  
 HORRY COUNTY  
 2007 AUG 23 AM 7:57  
 HELEN M. JOHNS  
 CLERK OF COURT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

IN THE COURT OF GENERAL SESSIONS  
2006-GS-26-2101

STATE OF SOUTH CAROLINA )  
 )  
Versus )  
 )  
LOUIS M. WINKLER, )  
 )  
Defendant. )  
\_\_\_\_\_ )

ORDER GRANTING CONTINUANCE

HORRY COUNTY  
07 JUL 16 PM 12:00  
JANELLE HUGGINS  
CLERK OF COURT

This matter came before the Court on Friday, July 13, 2007, on the motion of the defendant requesting a continuance in the above captioned matter. The State was represented by J. Gregory Hembree, Solicitor of the Fifteenth Circuit, and Francis A. Humphries, Jr., Deputy Solicitor for the Fifteenth Circuit. The defendant was present and represented by his appointed counsel, Ralph Wilson and Paul Rathbun. After hearing statements of the attorneys and sworn testimony of the witness, Paige Munn Tarr, the Court makes the following findings of fact:

1. This Court has exclusive jurisdiction over this matter pursuant to the Order of the South Carolina Supreme Court;
2. The trial of this case was scheduled to begin Monday, July 16, 2007;
3. On Thursday, July 12, 2007, this Court was notified by a conference call involving all counsel that counsel for the defendant were having difficulty communicating with their mitigation investigator, Paige Munn Tarr, and had been having such trouble since late May of 2007; further, they were concerned that little or no work in preparation for mitigation had been done by this investigator;
4. The Court authorized an employee of the Horry County Sheriff, Lieutenant Steve Parker, to facilitate service of a subpoena upon Ms. Tarr to require her to appear before the Court on Monday, July 16, 2007;
5. Ms. Tarr was served at her home in Columbia, South Carolina, within four (4) hours of the Court's authorization of Lieutenant Parker;
6. At the request of the State, the Court scheduled a hearing in this matter on Friday, July 13, 2007, at 3:00 p.m., and required Ms. Tarr to appear to address, in advance of the trial date, the concerns expressed by counsel for the defendant;
7. The hearing was commenced shortly after 3:00 p.m. at which time counsel for the defendant, Ralph Wilson, stated to the Court that Ms. Tarr had done very little to no substantial work in preparation for the mitigation phase of the trial;
8. Mr. Wilson stated that she had provided him no written reports since contracting with her in February of 2007;

9. Mr. Wilson stated that Ms. Tarr had done little else than meet with the defendant several times; have brief telephonic contact with certain family members and friends of the defendant; and meet with the three (3) sisters of the defendant in Mr. Wilson's office;
10. Mr. Wilson stated that Ms. Tarr had gathered no records pertaining to the defendant's birth, health, and schooling;
11. Mr. Wilson stated that he became concerned about the lack of productivity of Ms. Tarr and his lack of contact with her as early as late May of 2007;
12. Mr. Wilson stated that he enlisted the assistance of his "trial phase" investigator in attempting to contact Ms. Tarr who met with no success;
13. Mr. Wilson stated he received a communication from Ms. Tarr on June 29, 2007, promising that she would forward written reports of her work in the case immediately; no such reports were received by Mr. Wilson;
14. Mr. Wilson stated that Ms. Tarr was going through a very difficult domestic situation that has impacted her ability to perform the work required of her in this case; he further stated that this domestic situation has impaired Ms. Tarr's ability to work on behalf of the defendant given the similarity of the nature of the allegations in this case;
15. Mr. Wilson stated that he could not go forward with the trial and provide adequate representation for the defendant given the almost complete lack of preparation in mitigation on behalf of the defendant;
16. Ms. Tarr testified under oath essentially confirming the statements of Mr. Wilson;
17. Under questioning by the Court, Ms. Tarr advised that she was also retained to assist in another capital trial pending in Edgefield County and in a capital PCR in which this Court was the assigned Judge; she stated that she had not been able to work on these cases over the last five (5) to six (6) weeks for the same reasons present in this case, but testified that the counsel in those cases were aware of her situation;
18. She testified she had not billed, nor had she been paid for any work done in the present case; under questioning by the Court, she testified that her normal practice was to bill as she incurred costs and earned fees and that failure to request payment and reimbursement should have been notice to counsel for the defendant that all was not going well;
19. Ms. Tarr testified that she had in her immediate possession her field notes in this case which she would turn directly over to counsel for the defendant;
20. Ms. Tarr testified that she had not engaged in investigation of the mitigation on behalf of the defendant in the manner that has been her practice over the last twelve (12) years she has been engaged in this field; she testified that her investigation was far from complete; and she testified that, based on her lack of preparation, counsel for the defendant are not prepared to present mitigating evidence on behalf of the defendant at this time;

#2  
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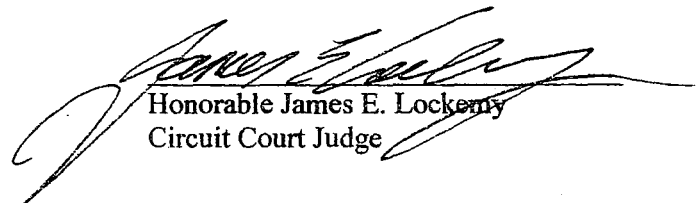
21. The Court noted that numerous hearings and conferences had been held in this matter since late May and never had the Court been advised by counsel for the defense that any problem existed in reference to the mitigation investigator or counsels' readiness to adequately represent the defendant in either the "trial phase" or the "sentencing phase" of the case until July 12, 2007, one business day from the start of the trial in this matter;
22. Solicitor Hembree stated that, in order to insure the defendant a fair trial, the State was compelled to join in the defendant's motion for a continuance; and
23. Mr. Wilson stated the defense could be fully prepared to go forward in the trial of the case within three (3) months and agreed that an October 2007 trial date was appropriate.

IT IS THEREFORE ORDERED THAT the trial of this matter shall be continued based upon the foregoing findings of fact.

IT IS FURTHER ORDERED THAT Paige Munn Tarr shall immediately contact counsel in other cases in which she is retained, and specifically advise them of her current situation and the extent to which she has completed work required of her in those matters. She shall request counsel to immediately contact the assigned Judges in those matters with the request that the assigned Judge contact this Court for further information concerning Ms. Tarr.

IT IS FURTHER ORDERED THAT counsel for the defendant in this matter shall have contact with this Court at a minimum every two weeks until trial to insure appropriate progress is being made in the preparation of the defendant's defense and mitigation of sentence.

AND IT IS SO ORDERED.

  
Honorable James E. Lockemy  
Circuit Court Judge

July 13, 2007

Conway, South Carolina

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 )  
 THE STATE OF SOUTH CAROLINA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 LOUIS M. WINKLER )  
 )  
 )  
 Defendant. )

IN THE COURT OF GENERAL SESSIONS  
 SUBPOENA IN A CRIMINAL CASE  
 CASE NO. 2006-GS-26-2101

**SUBPOENA DEUCES TECUM**

TO: AT&T/CINGULAR WIRELESS, NATIONAL COMPLIANCE CENTER  
 11760 US HWY 1  
 N. PALM BEACH, FL. 33408

BY VIRTUE OF A SUBPOENA IN A CRIMINAL CASE to you directed and herewith shown to you, you are hereby commanded to present to the bearer of this subpoena a copy of the phone records and tower records for cellular number **843-503-4507** for the following dates: March 1, 2006 thru March 6, 2006.

\*\*You must comply with this subpoena by furnishing copies to Ralph J. Wilson, Attorney at Law, P.O. Box 1827, Conway, SC 29528 by no later than **June 25, 2007**.

*Melanie Huggins*  
 MELANIE HUGGINS  
 CLERK OF COURT FOR HORRY COUNTY

Conway, South Carolina  
 June 19, 2007

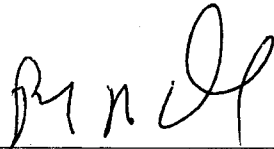
Requested by: Ralph J. Wilson, Attorney for Defendant  
 Phone: (843) 381-0765  
 Fax: (843) 381-0767

FILED  
 HORRY COUNTY  
 2007 JUN 19 PM 1:37  
 MELANIE HUGGINS  
 CLERK OF COURT

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

March 18th, 2010



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Robert M. Dudek  
Chief Appellate Defender

Elizabeth A. Franklin-Best  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEYS FOR APPELLANT