

VOLUME FIVE OF SIX

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

R. Knox McMahon, Circuit Court Judge

STANLEY OLIVER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002211

APPENDIX

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1 is at the party --

2 A Let me explain to you what happened.

3 Q Do you know what I'm going to ask you?

4 A No, sir. Let me explain. I went to Ruby Tuesdays,

5 my family and I. We left there, went home. From

6 there I think my girl forgot some candles or

7 something like that. I had to go back to Wal-Mart

8 and then I went back home. And from a total of 3:00

9 to maybe 6, 6:30, I was with my family except for

10 going to Wal-Mart to re pick up ice cream and candles

11 and stuff like that.

12 Q You got off work at 3?

13 A About that time. About 3:00.

14 Q Well, what time was this phone call from your house

15 to your cellphone?

16 A I don't know. I don't know. You've got the records,

17 sir.

18 Q So you forgot something, so you had to come back to

19 the house?

20 A I didn't forget it. I was the one that had to go

21 back out.

22 Q Well, did you call yourself?

23 A What do you mean?

24 Q Who made the phone call from your house if you all

25 had already gone to Ruby Tuesdays?

1 **A** We were only there for like maybe an hour, an hour
2 and a half. From 3 to 6 I was with my family. But
3 from 3 to 6 we were not at Ruby Tuesdays exclusively.
4 We ate. Then we went back to the house I think to
5 eat ice cream and cake. But they forgot something.
6 So I ended up having to go to Wal-Mart, then come
7 back. And I don't think I did anything else
8 inbetween 3 and 6 or 6:30.

9 **Q** Who would have called you from your house at 3:30?

10 **A** What do you mean?

11 **Q** Who could have or would have called you from your
12 house at 3:30?

13 **A** Is there a call on there at 3:30?

14 **Q** Well, you tell me. You remember details about
15 certain days.

16 **A** Sir, you're looking at phone records. I can't
17 remember exactly when somebody would call me.

18 **Q** Well, you remembered that first day when you called
19 Blue on the 20th. You sure did on your phone toll
20 then.

21 **A** He said the 20th. I remember it was all right for
22 Blue to call me.

23 **Q** Well, let's talk about Blue. Now, Blue you've met
24 one time? I understand you're a businessman. You
25 met him one time. And you went through Stanley to

- 1 get your drugs from Blue, right?
- 2 **A** Right.
- 3 **Q** And there is a reason for that. He wasn't going to
- 4 sell you drugs. He didn't know you?
- 5 **A** Right.
- 6 **Q** That's why you had Stanley?
- 7 **A** Right.
- 8 **Q** And, lo and behold, after Stanley is arrested, Blue
- 9 is just going to start dealing with you hand-to-hand?
- 10 **A** He did. One time.
- 11 **Q** Never met you before?
- 12 **A** He met me once.
- 13 **Q** And he sold you drugs without meeting you. Blue sold
- 14 you, didn't know you, going to sell you drugs out of
- 15 nowhere, right after --
- 16 **A** I've been buying drugs from him for about a year, a
- 17 year and a half.
- 18 **Q** He didn't know that.
- 19 **A** Yeah, he did.
- 20 **Q** Why didn't you just get them yourself then?
- 21 **A** Because he knows Stanley. Drug dealers, they'll deal
- 22 with people they know, but they don't want to deal
- 23 with people they don't know.
- 24 **Q** That's what I'm saying.
- 25 **A** But he knows my car has been coming through there for

1 a year.

2 Q But that explains your phone call to him on the 20th,
3 right?

4 A No. He called me.

5 Q That explains his phone call to you. So he called
6 you and said, look, I know your guy got arrested you
7 usually get drugs from. So come on yourself?

8 A I'm giving him \$60 a week.

9 Q So he knew the drugs were going to you?

10 A Yeah. He knew. He knew. Because after a while I
11 didn't have to circle the block. I could sit out
12 until Stanley came back downstairs.

13 Q Let's get back to the interview. So you will admit,
14 even though you told the officers that you did not
15 know Dominic Gallman, could not pick him out of a
16 photo line-up, that there are phone calls from
17 Dominic's cellphones to your phone prior to 9-9?
18 Will you admit that?

19 A There are calls there I'm sure.

20 Q You told them that your business isn't very large,
21 you don't make a lot of money, just enough to get you
22 and your family by?

23 A I did not say that.

24 Q You deny that?

25 A No. I did not say that.

1 Q Everything else you agree to, but you deny saying
2 that your business isn't very large and you didn't
3 make a lot of money from it?

4 A No. That's where we came to the point of contention.

5 Q So they just made that up?

6 A No. The point was, they asked me why would I give
7 Renata bond money. Then Ms. Burns interjected. I
8 was dealing with Mr. Mead. Then Ms. Burns
9 interjected. Well, if you're a businessman, if
10 you're a family man and don't have a lot of money,
11 why would you give him bond money? And I told her
12 \$400 is not a lot of money to me.

13 Q And that's what I was going to ask you next. When
14 asked while you were there, you paid \$200 in cash to
15 Golden Chance bonding --

16 A It wasn't 200. It was 4.

17 Q So they put it was even less than you told them?

18 A Yeah.

19 Q Initially you told them you didn't have an answer for
20 that, didn't you?

21 A Have an answer for what?

22 Q When they said, why would you give them bond money,
23 you initially said, I don't know. You didn't know or
24 you didn't have an answer?

25 A No. I said because Renata asked me. She came on

1 Tremain, said that Stanley was locked up, she had all
2 of the money but \$400. I gave her the \$400 right
3 then.

4 **Q** And that's what they put in here. And that after
5 that, after you denied it --

6 **A** No.

7 **Q** -- didn't have an answer --

8 **A** I never denied it. I didn't -- there wasn't anything
9 to deny.

10 **Q** Okay. Then he said Renata asked him to help. So he
11 did. So they ended up putting in here what you just
12 said. That's the truth, isn't it?

13 **A** Renata did ask me to help. But the point of me not
14 making a lot of money and whatever else was said
15 before that, no, I didn't say that.

16 **Q** And then you said you knew a woman at the bonding
17 company but didn't know her name. That's what you
18 testified. That's right. Right?

19 **A** No. They asked me her name. I said, I don't want to
20 say that.

21 **Q** Well, they didn't mischaracterize that then?

22 **A** They mischaracterized a couple of things in there.

23 **Q** But they put in here you knew somebody at the bonding
24 company?

25 **A** Yeah. I told them I knew the bonding company.

1 Q Why wouldn't you want to tell her name?

2 A I mean, at this point I am becoming a suspect. I
3 called, returned his call. He says, come in. Tell
4 me about Stanley Oliver. I get there. He asks
5 questions about Stanley Oliver. Then he gets into
6 questions about me. Then he gets into questions
7 about the girl at the bonding company. Then he asked
8 me where I lived. Sir, I don't want to tell you
9 where I live. Has Stanley ever been to your house?
10 No. Never, ever.

11 Q And that's the truth?

12 A Never, ever. Ever.

13 Q And --

14 A Where do you live? I don't want to say where I live,
15 sir.

16 Q And he said you said you didn't associate with Oliver
17 because Oliver just hustled on the street?

18 A They made that up.

19 Q Oh. So that's a lie?

20 A They said that. I didn't say that.

21 Q That's what I'm saying. You're denying that you said
22 that to them?

23 A I never said the part about the jitterbug and all
24 that other stuff. I never said that. That's South
25 Carolina talk. I'm from Memphis. We don't use

1 "jitterbug" where I'm from.

2 Q "He thought Oliver was a criminal type, referring to
3 him as a jitterbug." You didn't say that?

4 A No. And the Percival Road, further down, I never
5 told them I lived there. I told them I would not
6 tell them where I lived.

7 Q So they just made up that you lived at Percival Road?

8 A No. They knew that from my driver's record. That
9 was the address on my driver's record.

10 Q So that was a lie? You don't live there?

11 A I never said that.

12 Q No. You didn't --

13 A But they put that in there because I know they
14 checked my driver's record.

15 Q But you're saying you didn't live on Percival Road?

16 A Not at that time, no.

17 Q Now, getting back, you did --

18 A I never told them where I lived. When Mr. Mead asked
19 me where I lived, I told them I didn't want to
20 discuss that.

21 Q Why?

22 A It wasn't -- the point was Stanley. Stanley was a
23 suspect. I wasn't a suspect. I didn't feel like I
24 had to answer questions.

25 Q And they let you go that day?

1 **A** Now, knowing --

2 **MR. DELGADO:** Objection.

3 **A** -- what I know now, I would have been more
4 cooperative. Knowing what I do know now, I would
5 have been more cooperative. I felt like he felt like
6 I had an attitude. But I felt like I should not have
7 had to answer questions about me. I didn't do it. I
8 didn't know who did it. I knew Stanley Oliver. I
9 didn't know that he did it. I couldn't say that.

10 **Q** You weren't thinking about the phone calls from
11 Dominic to your phone when you told him you didn't
12 know Dominic, were you? You didn't have these in
13 front of you then, did you?

14 **A** No.

15 **Q** And do you remember telling them that Oliver, you
16 didn't like to take Oliver to jobs like the post
17 office because you didn't trust him, you thought
18 Oliver might steal from the place?

19 **A** I never said that.

20 **Q** They just made that up?

21 **A** I never said that. I never said that.

22 **Q** Did you do some work at the post office?

23 **A** I've had contracts with the post office for years.

24 **Q** Have you ever taken Stanley there?

25 **A** No. What he did for my company and the janitorial

1 portion were two different sides. The painters
2 did -- I didn't let the painters do janitorial work.
3 I didn't let the janitors paint. Those were two
4 different sides. I didn't let the day laborers go
5 into the post offices.

6 Q Who lived nextdoor to Blue?

7 A I was told it was his mother. I'd like to add, too,
8 that after that interview with Investigator Mead and
9 Investigator Burns and Investigator Wilkins (sic), I
10 feel like I became a target at that point of the
11 police.

12 Q They let you go, didn't they?

13 A Yeah, they did let me go.

14 Q And you became a target when Mike Allen told them
15 what you told him in that back bedroom. Isn't that
16 right?

17 A No. No. Everybody that came into contact with them
18 after that had something to say about me.

19 Q I'll agree with that. And you admit you went into
20 the back bedroom of Mike Allen's house, didn't you?

21 A Me and Pancho did.

22 Q No, sir. On direct you said me and Allen were back
23 there watching TV?

24 A I never excluded Pancho. Pancho was his nephew. I
25 never excluded him. I said that's where the picture

1 was of Stanley on the computer.

2 Q Who brought Pancho over there?

3 A I did.

4 Q You brought Pancho over there?

5 A Yes, sir.

6 Q You've been buying from Blue through Stanley for

7 years?

8 A Can I explain that last thing?

9 Q Yes, sir.

10 A I brought Pancho over there because I was driving.

11 Pancho knew the way. I went to get Pancho because I

12 didn't know where Mike lived. Pancho knew where Mike

13 lived. That's why Pancho was with me.

14 Q Well, on direct you said you were real close when he

15 called, you were real close to the place. So you

16 must have been close, right?

17 A No. I was close to Renata's. And I said I would

18 stop by Renata to see if she had heard anything

19 because he is screaming that somebody killed Stanley.

20 And I was going to stop by there to see, you know,

21 what had you heard.

22 Q And Mike was truly upset about --

23 A He was crying.

24 Q -- his brother?

25 A The same way he was crying up, here he was crying.

- 1 Q That was a real. You thought he was upset?
- 2 A I thought he was upset until I saw it again and heard
3 about it again.
- 4 Q You thought he was upset that night, didn't you?
- 5 A I thought he was upset. I truly thought that.
- 6 Q He loved his brother?
- 7 A That's not his brother.
- 8 Q They call each other brother?
- 9 A Yeah.
- 10 Q He's got a kid my Monique, doesn't he?
- 11 A That's not his brother.
- 12 Q Did they call each other their brother?
- 13 A They introduced me as -- he introduced me to Mike
14 Allen as his brother. But I later came to find out
15 that's not his brother.
- 16 Q Then the question becomes, he loved him, didn't he?
17 He loved him?
- 18 A I can't say that. I can't say. I don't know if he
19 loved him or not. I wouldn't think so. His actions
20 haven't shown it.
- 21 Q Really?
- 22 A (Nods head affirmatively).
- 23 Q I just had this down. You testified you got good
24 deals at the bonding company?
- 25 A Yeah. I did. Part of my strategy with dealing with

1 other businesses is to do business with one
2 particular place. If I bring you all of my business,
3 you give me a break; and if you do business
4 exclusively with me, with what I do, I'll give you a
5 break.

6 Q Where is your gray Taurus, Mr. Joy?

7 A It's probably in Oklahoma.

8 Q In Oklahoma. And it a had a dent on the hood, didn't
9 it?

10 A Yeah, it did have a dent. It did have a dent. One
11 of my workers backed into it with the van.

12 Q And do you remember where you first met Mike Allen?

13 A On Tremain. On Tremain a couple of months before
14 that.

15 Q Now, on 9-4-05 did you talk to Stanley that day?

16 A Yes.

17 Q Do you remember what you all talked about?

18 A Probably getting some weed because it was a holiday
19 weekend.

20 Q And that would have been what day, the 4th?

21 A That was Sunday. I got out to work like -- I worked
22 every single day. I don't take a day off. So on
23 Sunday I got up. The only thing I did differently
24 the holiday weekend was work an hour behind. I got
25 up an hour later. I left out an hour later. I made

1 my first call an hour later, and I cut off just a
2 little bit earlier.

3 Q This is Sunday?

4 A Yeah.

5 Q Okay. And --

6 A Because I worked all the way up until it was time to
7 get dropped off at the restaurant.

8 Q You called Blue at 12:18 on September 4th?

9 A Okay. I didn't, but maybe a call from my phone went
10 to him. But we called Blue all the time about weed.
11 Not we as in me, but if I say I need some weed, he's
12 going to call Blue.

13 Q You called Blue on December -- excuse me --
14 September 25th at 1:38?

15 A Okay.

16 Q Would you agree with that?

17 A I wouldn't agree with I called him. If you're
18 looking at the records and there's a call to it, I
19 can't deny that.

20 Q Can I come up?

21 A Yes, sir.

22 Q Do you mind? That's your phone number, 436-2210?

23 A Yes, sir.

24 Q It's a call to Blue's numbers?

25 A Yes, sir. Can I add something?

1 Q Sure.

2 A There's a call to Renata right before that, a call to

3 Blue.

4 Q Ten minutes before that?

5 A A call to Blue, a call to Blue.

6 Q Call to Blue?

7 A Call to Blue, a call to Dominic, a call to Renata. I

8 wouldn't have made those calls in that succession.

9 That's got to be Stanley using that one.

10 Q So that wasn't you using that?

11 A I doubt it.

12 Q Down here, Joy to Blue. Blue back to Joy?

13 A He may have had a problem reaching him and then, like

14 I said, people are looking at phones to see who

15 called them and then called back.

16 Q But would you agree that there are a bunch of calls

17 to Blue from your phone and back to you and calls

18 from your phone to Dominic and calls from your phone

19 to Renata on the 5th; and isn't that when you all

20 were taking the dope over to Blue to see if he'd sell

21 it to you?

22 A I went and bought some weed from Blue that weekend.

23 Blue said that I dropped Stanley off. So, nine times

24 out of ten, I got some weed from him that weekend

25 because I got some weed every week. I had a weed

1 habit. And the next week it will probably be calls
2 on that and then the week after that.

3 Q You drove Stanley -- and who did you take to the Red
4 Roof Inn?

5 A Stanley and -- I called her Devine. I didn't know
6 her name was --

7 Q Tata?

8 A -- Tatanisha until she got locked up.

9 Q You took them over there?

10 A Yes.

11 Q Did you talk to Stanley once he got over there?

12 A No. I talked to him before then. I talked to him
13 before then. Because when I got there she was in my
14 second apartment. I didn't care for her at all. And
15 she knew this. I didn't like her hanging around. I
16 didn't like her around because she was trouble. So
17 when I got there, I said, man, can I talk to you for
18 a minute? And I explained to him, you know I don't
19 like this girl. I don't like her. I don't want her
20 around.

21 Q So you would agree that when you got there you went
22 off with Solo by yourselves while she stayed there?

23 A We didn't go off. We went out the door. Because I
24 really didn't want to have that conversation in front
25 of her and hurt her feelings. But she knew that I

25 Q Have you got it?

1 **A** Nah. I don't have it. No, sir.

2 **Q** But there was a letter from her to you saying "I
3 lied", and you don't have it?

4 **A** No. She mentioned that in the letter about her
5 having lied about what was said and all of that. She
6 even mentioned she didn't know the difference between
7 guns. And really I don't know many females that do.
8 If you show them a gun, they can say that's a .38 or
9 that's a .9 or that's a .40 cal; I don't know women
10 that can do that, not many of them.

11 **Q** So when she said that you gave the drugs from the
12 robbery to a dealer named Blue, she made that up?

13 **A** Yeah. Yeah. See, I don't think she made it up. I
14 think she got it from somebody. But if she said I
15 did it, she made it up.

16 **Q** And Blue lives on McDuffie street?

17 **A** Yeah. He did.

18 **Q** That's true?

19 **A** That's true. I've been there.

20 **Q** Now, did you call -- once they got to the Red Roof
21 Inn, did you call them?

22 **A** Did I call them?

23 **Q** Yes, sir.

24 **A** Nah. I just dropped them off. I just dropped them
25 off. I was on my way home.

1 Q Then what happened next?

2 A I went home.

3 Q If there's a call from your home phone to that Red
4 Roof Inn that next night or next morning, you would
5 have called him, right?

6 A The next morning? Now, the next morning I picked
7 them up and took them back to Tremain. But that
8 night I dropped them off and kept rolling. I went
9 home. But I don't think I would have called them
10 from my house unless my cellphone battery was dead or
11 something. But --

12 Q So if there were one, two, three, four calls from
13 12:47 a.m. to 10:04 a.m. from your home number to the
14 Red Roof Inn, do you want to change that? Could you
15 have called them?

16 A Say it again?

17 Q If there are four phone calls from your home phone
18 number to the Red Roof Inn on the morning of
19 September 7th, could you have called him?

20 A I may have called him.

21 Q So you were just mistaken when you said you didn't
22 call him?

23 A It was two years ago.

24 Q From your cellphone. Excuse me.

25 A Now, that sounds more right. That sounds -- I didn't

1 use the home phone much. I used my cellphone.

2 Q So that's what -- the cellphone, you would have
3 called him up until 4:00 in the morning?

4 A 4:00?

5 Q Excuse me. 12:47, 1:10, 1:12 and 10:04.

6 A Every night, and you can go back and check my phone
7 records, my last call every night is inbetween 12:30
8 and 1:30. I go to sleep from 1:30 to 5:30. I get up
9 every morning at 5:30. I mill around, watch the kids
10 go out. I'll make my first call around 7:00,
11 inbetween 7:30 and 8:30. Then I'm out the house.
12 But a call at 12:40 is not uncommon. I get -- I make
13 late calls all the time. I don't sleep. I sleep
14 maybe four hours a night.

15 Q Did you ever make any calls to the Marlboro Inn?

16 A The Marlboro Inn? I don't know. If somebody I knew
17 was there, maybe. I don't know.

18 Q Well, did you ever call Stanley at the Marlboro Inn?

19 A I don't know. I can't remember. You have the
20 records, sir.

21 Q Well, you remember in detail these times. You don't
22 remember if you called him at the Marlboro Inn?

23 A No. I said I remember my pattern. I know all the
24 way up until 12:30 or 1:00 I'm calling or maybe
25 talking to somebody. At 1:30 I go to bed. I know my

1 pattern. So if you say there's a call at 12:40,
2 that's not unusual.

3 Q You called him at 10:21 a.m. If there's a call to
4 the Marlboro Inn from your phone, do you remember why
5 you called him?

6 A It might have been to pick him up. I don't know.

7 Q Did you pick him up from the Marlboro Inn?

8 A I'm not sure. I don't know. I don't know.

9 Q You don't know whether you picked him up from the
10 Marlboro Inn --

11 A I don't remember that.

12 Q -- the week after these murders?

13 A I don't remember that. I remember picking him up
14 from the Red Roof Inn, but I don't remember picking
15 him up from the Marlboro Inn.

16 Q And you don't remember if you called him at the
17 Marlboro Inn.

18 A I don't remember if I called him at the Red Roof Inn,
19 not that many times that night.

20 Q You mentioned you had a gun, correct?

21 A Yes.

22 Q And that was a what?

23 A 9-millimeter.

24 Q And you said you kept it at home?

25 A Yes.

- 1 Q Where did you keep it?
- 2 A In my bedroom.
- 3 Q And that gun wasn't found by the police, correct?
- 4 A I don't know. I don't know what they found. I
- 5 wasn't there.
- 6 Q Well, if I was to tell you it wasn't found by the
- 7 police, where is that gun?
- 8 A You'd have to tell me, sir.
- 9 Q You don't know where the gun is?
- 10 A I left home on the first night that my picture was on
- 11 TV. I never went back home. I spent the rest of my
- 12 time trying to collect my money, put in my invoices,
- 13 make sure that people that owed me money paid my
- 14 family.
- 15 Q And you had \$30,000 --
- 16 A No. I had 55.
- 17 Q -- that you paid your attorney?
- 18 A 55.
- 19 Q Did you go to see Ken Davis?
- 20 A Yeah. He had 30 of the 55.
- 21 Q You've never come and asked for that big of money
- 22 before ever, had you, that many invoices at one time?
- 23 A Yeah. I'd gotten 27,000 maybe a month and a half
- 24 before that.
- 25 Q Had you gone in and gotten it the same day?

1 **A** This is why I called Ken. Victoria is telling me --
2 the invoices were already in, but Victoria is telling
3 me we're going to FedEx the package. So when I
4 called the main office, she's like, yeah, it should
5 be there. So I called Ken to see if she's shooting
6 me a line. I didn't call Ken to try and get him to
7 expedite my papers, because he couldn't do that. I
8 didn't even turn invoices in to Ken. Ken only handed
9 me keys. I dealt with the main office as far as
10 payments.

11 **Q** And you told Ken you were in trouble, didn't you?

12 **A** Yeah. I told him my picture is on TV. I've got to
13 turn myself in. No. He told me he saw me. He told...
14 me he saw me. But I wasn't making it a secret.
15 He -- in the notes he said that was unusual for me to
16 call because he normally had to get on me about
17 putting in my invoices on time, picking up my money.

18 **Q** Now, you admit after Stanley went to jail Stanley
19 didn't have his phone any more? Cellphone, right? I
20 mean, you can't take those to jail?

21 **A** I'm assuming he didn't.

22 **Q** I mean, you're not allowed to have a cellphone in
23 jail, are you, at Alvin S. Glenn Detention Center?

24 **A** No.

25 **Q** Okay. And you admit that you tried to get a lawyer,

1 Jimmy Rogers for Stanley, right?

2 A But I got Jimmy Rogers for everybody. Jimmy Rogers
3 called me the rainmaker.

4 Q Well, apparently Jimmy Rogers decided not to take
5 this case for some reason.

6 A After you called him, sir.

7 Q No.

8 A Stan Smith said that you called him. I tried to hire
9 him for me, which was a blessing. You called him and
10 told him that I was going to pay him with dirty
11 money.

12 Q No, sir.

13 A Well, this is what Stan Smith said. Captain Stan
14 Smith. And Jimmy Rogers said I am not taking that
15 case. But Jimmy Rogers never told me he wasn't going
16 to take the case. He just had me call -- I would
17 have turned myself in a couple of days earlier. I'm
18 running around the city trying to make sure, trying
19 to contact him so I can go ahead and turn myself in.
20 Then a friend took me to Mr. Delgado. But had it not
21 been for that, I would have been stuck with Jimmy
22 Rogers and turned myself in a couple of days earlier.

23 Q Until I determined that you weren't going to use
24 Mr. Rogers?

25 A That's what Captain Stan Smith said. These are the

1 words that I heard. When I sat down Stan said,
2 you've got about \$44,000 out there, right; or 38 or
3 something like that. Because everywhere I went to
4 say I'm going to turn myself in but that doesn't have
5 anything to do with my money. Pay my money. They
6 would -- as soon as I left, they'd call, say Ken Joy
7 just left here. So the police would go there. And
8 they would find out that my business with them was
9 actually a business relationship.

10 So Stan Smith was one step behind me as I was
11 going around the city trying to make good on my
12 money. He told me, we almost had it. Well, that's
13 fine. Now, he said you tried to meet Jimmy Rogers,
14 too. I said, yes, sir, I did. He said, well, Mr.
15 Meadors called and told him that you were going to
16 pay him with bad money; and Jimmy Rogers said, well,
17 I'm not taking that case. But Jimmy Rogers never
18 told me that.

19 Q Isn't it true Jimmy Rogers told you all he wasn't
20 going to take that case because of what it was about?

21 A No.

22 Q And then told us that?

23 A I didn't find out Jimmy Rogers was not going to take
24 that case until I turned myself in with Mr. Delgado.

25 Q Well, I thought you said you'd already talked to Stan

1 about it?

2 **A** Talked to who?

3 **Q** You'd already talked to Stan about it.

4 **A** Yeah. I was sitting here, Mr. Delgado was standing
5 there, and Stan Smith said Mr. Meadors called him and
6 told him you was going to pay him with dirty money.
7 And that's when Jimmy decided not to take the case.

8 **Q** And Mr. Delgado took it. Mike Allen went with you.
9 Did you go with him to turn in Stanley Oliver?

10 **A** No. To my understanding, Stanley Oliver -- I was
11 going to take Stanley Oliver down to the police
12 station to turn himself in. But he went with Mike.
13 I may have been busy. I don't know if I missed some
14 calls or something like that. But he ended up
15 turning himself in with Mike. And when he did, it
16 was a surprise to me.

17 **Q** And you talked to Mike after Stanley had turned
18 himself in, correct?

19 **A** Yes.

20 **Q** And you all talked about -- it's what I was trying to
21 ask you earlier -- about getting him a lawyer,
22 correct?

23 **A** We had already -- I had talked to Stanley personally
24 and told him that I would get him a lawyer. When I
25 talked to Mike, I reiterated the fact that I would

1 help get him a lawyer and I said I'll actually go in
2 physically and talk to Jimmy.

3 Q And Jimmy told you, I don't want to take the case
4 now; you've got to be arrested; come back when you're
5 arrested. Correct?

6 A No. No, he didn't say that.

7 Q After he was turned in --

8 A He told me he would take the case for 30,000. I
9 left. I said okay. I left and I called Mike and
10 Renata but I told them I've got 500. I'm not footing
11 this bill. I ain't thinking about paying 30,000 for
12 somebody else. I'll give you the first 5 to get you
13 started, but you need to get your family involved in
14 this.

15 Q Is that when you went back and asked for his share of
16 the robbery money?

17 A I never knew about his share of the robbery money. I
18 didn't need robbery money.

19 Q You were going to put up 5,000 for him?

20 A 500.

21 Q So you deny you went back and looked for his share of
22 the money or asked her to look for that? Tata. You
23 deny that?

24 A For one, she says that's a lie. She said on the
25 stand that she was lying. I am saying that she's

1 lying. And if she said that, she is not being
2 honest. I never -- right before that she says, well,
3 Ken is keeping me abreast of what's going on with
4 Stanley. Why didn't I ask him about the robbery
5 money? Why -- if, like you say, I am sending them to
6 rob people, why would she have his money? Why
7 couldn't he tell me where his money is? It didn't
8 happen.

9 Q He was in jail. That's why.

10 A If I'm keeping her abreast of what's going on with
11 him, then apparently I'm having some contact with him
12 and I know. Then he could have told me. I wouldn't
13 have needed to go to her.

14 Q But you did go to her; you'll admit to that, and
15 discussed, talked with her after he went to jail.
16 You'll agree with that?

17 A She was on Tremain Street.

18 Q Is Tremain Street the answer for everything?

19 A No. That's my office. That's where I come into
20 contact with people.

21 Q Is there a phone call from Mike Allen to you on
22 September 13th after Stanley Oliver turned himself
23 in?

24 A He called me. I never called him.

25 Q That's what I said.

1 **A** Blue called me. I didn't call him. Everybody that's
2 saying this stuff contacted me after having contact
3 with the police for some reason. I don't know.
4 Tatanisha Robinson used my business address as her
5 address. I didn't deal with these people like that.
6 I didn't like her. I only bought weed from Blue.
7 And I didn't know Mike. I met Mike. Mike said I
8 only met him a couple of months before that.
9 **Q** Said --
10 **A** And I just met him. I didn't have any dealings with
11 him. I met him. This is my brother. Hey, how you
12 doing, how you doing; and that's it.
13 **Q** Were there two calls actually from Mike to you after
14 Stanley turned himself in on the 13th?
15 **A** I don't know. I know he called me going crazy.
16 **Q** Okay. There's one here at 7:50, one here 10:40. I
17 mean, you agree with that?
18 **A** No. The --
19 **Q** Mike to you?
20 **A** Then I called Mike.
21 **Q** Then you called Mike back?
22 **A** Yeah. And that's probably where I'm trying to find
23 out exactly what's going on. But he called me first.
24 **Q** Okay. Then you called him back?
25 **A** Yeah, I called him back an hour later, maybe to let

1 him go I'm on the way. Because I had to go and get
2 -- I stopped by Renata's. Then I had to go and get
3 Pancho because Pancho had to tell me or show me
4 exactly where Mike lived because I didn't know.

5 Q The bottom line is, after the 13th when he turned
6 himself in, Mike called you called you, you called
7 him back, you got Pancho, you went to the bedroom,
8 you went to his house, you went into the back bedroom
9 and you all talked?

10 A We all did. We all did. He met us in the front yard
11 still crying and screaming about somebody is going to
12 kill his brother. We finally extract from him that
13 he went down to the City of Columbia Police
14 Department. They talked to Stanley and took him into
15 custody. When we get in the back room, he got the
16 picture pulled up on the Internet with all the
17 charges so you can actually see it.. And then we
18 talked some more. And I tell him I'll go, I'll
19 physically go to talk to Jimmy tomorrow.

20 Q So you didn't know the night of the 13th that Stanley
21 had been arrested?

22 A No. Not until I got to Mike's house.

23 Q So all these calls, Joy to Renata at 4:40, that was
24 hours after he was arrested, wasn't it?

25 A I don't know.

1 Q Joy to Stanley, Joy to Renata, 2:32, 2:33, explain
2 those. Mike had his cellphone then. Mike had his
3 cellphone then.

4 A What do you mean? I don't understand what you're
5 saying.

6 Q Well, he couldn't take his cellphone, could he?
7 Didn't you talk to Mike right after he was turned in
8 on the 13th before you met with him on the evening of
9 the 13th?

10 A See, Mike called me. I didn't know that Stanley had
11 turned himself in. I didn't know Mike went down
12 there with Stanley to turn himself in. I talked to
13 Mike after Mike called me whatever time that says
14 Mike called me. And that's when I found out that
15 Stanley had turned himself in. Really not at that
16 point. Not until I got to his house I found out that
17 Stanley had turned himself in. Because he wasn't
18 living with Renata during this time. Stanley was on
19 the run.

20 Q Did you start talking to Dominic after that?

21 A I started talking to Dominic after I had contact with
22 Mr. Mead.

23 Q You start talking with Dominic after that?

24 A Yeah.

25 Q Did Dominic call you?

- 1 **A** Looking for Solo.. But now, I told him, now, the
2 police asked me about you now. They showed me three
3 pictures of three people and the police asked me
4 about you. I went in and talked to them. As a
5 matter of fact, Mike said they asked him. I said,
6 well, all you've got to do is just tell them what you
7 know and that's it. Because up to that point that
8 was it for me.
- 9 **Q** So when you told him, you said the police asked him
10 about you, you did know him when they asked you about
11 him?
- 12 **A** No. I told him that.
- 13 **Q** And on the 15th you called Mike, didn't you?
- 14 **A** I don't know. If you have that --
- 15 **Q** Well, I'm not going to --
- 16 **A** Well, that may have been -- thinking about that date
17 now, if he turned himself in on the 13th, I promised
18 that I would go talk to Jimmy the next day which
19 would have been the 14th. And I did say that I
20 called Mike and I think Renata the next day to let
21 them know what Jimmy said about the fee and what else
22 to do.
- 23 **Q** Blue is calling you during this time period, too?
24 Blue is calling you. 9-14.
- 25 **A** That may be Stanley from Blue's. I don't know.

1 Q Blue's phone to Joy September 14th, 4:58?

2 A Okay. Okay.

3 Q September 14th, you hadn't bought the first drugs
4 from him then?

5 A I bought drugs from Blue every week. But I didn't --
6 at that point, no, I had not gone to his place to buy
7 drugs yet. No.

8 Q And then you --

9 A But when he got -- when they showed him on TV, a lot
10 of people -- I mean, a lot of people were coming and
11 saying, you know, did you see so-and-so on TV; did
12 you so-and-so on TV? They say he did this or they
13 say he did that. A lot of people were doing that.

14 Q And then you changed your phone on what day?

15 A I think the 16th.

16 Q The heat is on on the 16th, isn't it?

17 A The irritation is on. Because I feel sad for the
18 families; I feel sad for the victims; nobody should
19 have to go through that, but the police is calling me
20 asking me about murders and robberies and killings.
21 And I don't do murders and robberies and killings.
22 And the police is calling to threaten to shut my
23 business down and to get me for all type of stuff.
24 They had the IRS come to my business for credit card
25 fraud, thousands of dollars in checks. I don't do

1 this stuff.

2 **Q** Who was that that came about?

3 **A** Agent Coronet. I never met him. I could not pick
4 him out of a line-up. I don't know him. But I know
5 in this town in 2005 if you had bad checks and credit
6 cards Agent Coronet will call you. And Agent Coronet
7 did.

8 **Q** But it was about one of your employees?

9 **A** Exactly.

10 **Q** So --

11 **A** Who had used my cellphone as a point of contact for
12 him.

13 **Q** So it happened on the 16th, two days after Mike Allen
14 had gone down to the police department and told what
15 you told him in the bedroom. That's what the
16 allegations are, correct? That's what he testified
17 to?

18 **A** I didn't say that to Mike.

19 **Q** But I'm just saying, he told the police that on the
20 14th, correct?

21 **A** He said that. I didn't say that to Mike.

22 **Q** Two days after that you changed your phone because
23 you say somebody came down --

24 **A** At this time I didn't know that. You know, I didn't
25 know Mike had said that until after I got arrested.

1 Really in the next year. Because we didn't get our
2 motions until January or sometime of '06. And going
3 through it, I see statements from different people
4 and I see that Mike had said that in there. I didn't
5 know that at that time Mike had said that, because
6 the police didn't tell me that.

7 Q On the 16th somebody comes to you because one of your
8 employees -- and what was the employee's name?

9 A Gene.

10 Q Who?

11 A Gene.

12 Q Gene who?

13 A Gene.

14 Q What's their full name?

15 A I mean, what does that have to do with anything?

16 Q I think a lot.

17 A I told him that I would give Gene his number. I
18 would let Gene know that he's looking for him, but
19 there is no need in threatening me. I didn't write
20 them checks with Gene. I didn't use that credit card
21 with Gene if in fact he did that. But I didn't do
22 it, so why is he threatening to shut down my
23 business?

24 Q And your new number then is 237-7294, correct?

25 A Right. To the best of my recollection of that

1 number.

2 Q Well, I'll show it to you. Okay.

3 A Because I didn't have it long.

4 Q Right. And the only phone numbers on there are a
5 call to you, to Blue, Blue to you, Blue to you,
6 Dominic to you and Dominic to you. Dominic to Blue
7 and Dominic to Blue?

8 A Okay. Now that Stanley is locked up, it's a point of
9 conversation now for sure. And that's not the only
10 calls on there. You misrepresented that, sir.

11 Q I'll give you every one of them if you want to show
12 them. I'll show you every one you made before and
13 after. Every one of them that is highlighted in
14 yellow is a call to these folks in this thing.

15 A That's not -- if you get the actual phone records,
16 that 237 number would have more calls on there than
17 just to Blue and Dominic.

18 Q Who would that they be to?

19 A Everybody I called before then.

20 Q You got them? They're your records.

21 A Yeah. We've got them right over there. Can I go get
22 them?

23 Q Well, I think your attorney can bring them. Sure.

24 A There should be more calls than to just them.

25 MR. DELGADO: Your Honor, just for point of

1 clarification. Not the synopsis of whole records. I
2 believe they're in. Give them to the witness.

3 Q And actually that's the ones I showed when you called
4 the thing about when you were at the Ruby Tuesdays
5 and were gone. I said there's a call from your home.
6 The you said, well, you had to come back. That was
7 the record.

8 A Say that again?

9 Q That ruby Tuesdays call isn't on here.

10 A I didn't say I called Ruby Tuesdays. I said I went
11 to Ruby Tuesdays. I never called Ruby Tuesdays, sir.
12 I knew where they were going to be and what time
13 approximately that they were going to be there.

14 Q Here are the rest of your -- these things, this is
15 them.

16 A There is a call to 665-0201. There is a call to
17 901 --

18 Q Who is the first number?

19 A 834.

20 Q Who is that first --

21 A 3488.

22 Q Who is the first number you said?

23 A That's misrepresentation, sir, to say that the only
24 calls I made was to them. That's not accurate.

25 Q The only calls out of that summary -- and you know

1 what we're doing. We're --

2 **A** Well, you should have said that was a summary. Then
3 I would have said you are right. But that's a
4 summary. That's not who I called. That's a summary
5 of the information that you needed.

6 **Q** To link you all together?

7 **A** Well, he's locked up at this point. But to say that
8 those were the only people I was calling, that's not
9 what the records say. There's the records right
10 there.

11 **Q** And they're already in. They're admitted as
12 evidence. The jury will have them.

13 **A** Okay. That's fine.

14 **Q** And then you'll agree with me then, you'll agree with
15 me this is a summary of the calls from your cellphone
16 to the phone that's identified to Stanley that was
17 Renata's?

18 **A** I didn't know Stanley's phone number. I didn't know.
19 I can't say that that's his phone number. I
20 program -- I might program a name in there or I might
21 program a symbol for certain things and I'll push the
22 button. I don't remember the numbers like that.
23 Sometimes if you lose your phone you've lost a lot of
24 information because you don't actually remember
25 numbers. You program them in by names.

1 Q Did you say Gene was arrested?

2 A No. I didn't say Gene was arrested. They were
3 looking for him.

4 Q And finally --

5 A And it may have been inbetween that time. It may
6 have been not on the 16th but in that time. I know
7 within a two-week period I was called about thousands
8 of dollars of checks, bad checks, thousands of
9 dollars for bad credit card fraud, three murders.

10 Q You had a bad week, didn't you?

11 A I had a bad two years.

12 Q So you deny telling Tata that you had -- or you did
13 tell her you had a gun?

14 A No. She denied that. She denied that on the stand,
15 sir.

16 Q But you admitted that you had a gun here today? You
17 admit you had a gun at your house, 9-millimeter?

18 A I've never had a gun that had nothing to do with any
19 robberies, any murders or nothing like that.

20 Q I didn't say you -- but you admitted having a
21 9-millimeter?

22 A I have had a gun, yeah.

23 Q You admit to going by Tremain Street with Stanley and
24 going off and talking to him away from Renata because
25 you wanted to tell him you didn't like her?

1 **A** No. It was away from Devine which we know here is
2 Tatanisha because she is in my place of business.
3 These fellows are paying rent here. I mean, I'm not
4 just --
5 **Q** Tatanisha. I apologize. I'm sorry. My bad.
6 **A** Right. I'm not being just a terrible fellow, which I
7 am. But these guys paying rent. They're paying to
8 live here. You get cable. I'll hook you up with
9 some food if you need it. Your light's not going to
10 go out. But you're going to pay. And because they
11 are paying, I can't just have people just laying
12 around there sucking up the air, sucking up space and
13 all that. So I had to tell her, get on, go.
14 **Q** You take care of them?
15 **A** Take care of who?
16 **Q** You take care of your residents?
17 **A** I provide for them, yes.
18 **Q** Mr. Delgado's last question was, Stanley, why do you
19 help these people so? You try to help them, right?
20 **A** I do.
21 **Q** You try to take care of them?
22 **A** I try and help. I do. I am concerned about my
23 community. I am. I'm concerned about the state of
24 it.
25 **Q** And you tried -- you're concerned every day when

1 you're getting the marijuana from Blue?

2 **A** That's a habit. We all have faults. But overall, in
3 general, I am concerned about the state of black men.

4 **Q** Thank you.

5 **A** I am concerned about the state of their relationships
6 to black women, and I'm concerned about the economic
7 opportunities in our community. And I did something
8 about it. I didn't just talk about it. I did it.

9 **Q** And you --

10 **A** I did it. It's on record. I did it.

11 **Q** You tried to keep these fellows from getting caught,
12 didn't you?

13 **A** No, sir. If they did it, they should have been
14 caught. Whoever did something like that should have
15 been caught.

16 **Q** No question about that, is there?

17 **A** Yeah. Because, in addition, nobody should be killed.
18 But black on black violence is at a crisis state
19 right now. So whoever did it should have been
20 caught.

21 **Q** You got rid of the guns?

22 **A** Nah. I didn't do that.

23 **Q** You did read in the paper about the watch and the
24 wallet, didn't you? I mean, you read that in the
25 paper?

- 1 **A** I don't -- I don't know whether that came from.
- 2 **Q** Did read about it in the paper?
- 3 **A** I read the *USA Today*. I don't know -- I didn't watch
- 4 a lot of the local news. When I was on TV, somebody
- 5 told me that I was on the news. I'm from Memphis.
- 6 The local news here I really didn't care much for,
- 7 and I'm out anyways. Some of the local politics I
- 8 would follow. But as far as watching the local news,
- 9 reading a lot of the local papers, I just didn't make
- 10 a regular habit of that.
- 11 **Q** You got rid of the gun, the car and the watch, didn't
- 12 you, sir?
- 13 **A** No, sir. I wouldn't know where to get rid of a car.
- 14 **Q** Now, when you got arrested, you were a little bit
- 15 bigger, right? I mean, you've lost a lot of weight?
- 16 **A** I was a lot bigger. This may have saved my life
- 17 because I was eating myself to death.
- 18 **Q** Six feet, 240?
- 19 **A** Yeah. This may have saved my life. I was eating
- 20 myself to death. I was.
- 21 **Q** And it does have -- if you don't mind me approaching
- 22 -- Polo Road. And it says you're K, correct?
- 23 **A** They call me K.
- 24 **Q** Occupation: Painter. Correct?
- 25 **A** I didn't write that. Somebody else wrote that. But

1 painter, yeah, that's been known.

2 Q I worked in a paint store in high school. I've got
3 nothing against that. And is this a picture of you
4 when you were arrested?

5 A Yes, sir.

6 (WHEREUPON, State's Exhibit No. 215 is marked
7 for identification.)

8 MR. MEADORS: 215. 215 without objection.

9 MR. STRICKLER: That's correct, sir.

10 MR. MILLING: No objection.

11 MR. MEADORS: Without objection.

12 (WHEREUPON, State's Exhibit No. 215 is admitted
13 into evidence.)

14 Q And finally, State's 180, you got this from Mike Joy
15 (sic)?

16 A Mike Allen.

17 Q Mike Allen to Mr. Joy. You got this from him?

18 A Yeah. I took that as an extortion note. I did.

19 Q What contact, direct or indirect, had Mr. Allen got
20 prior to sending you this?

21 A From me?

22 Q Yes, sir.

23 A You're saying?

24 Q Or anybody else that you know of.

25 A None from me directly. None.

1 Q He just --

2 A I didn't know his address. I was really upset that
3 he had mine and knew where to write me.

4 Q Were you upset that he had said that you had told him
5 about this and you tried to cover it up? Did that
6 make you upset?

7 A I was real upset. I thought it was all garbage and I
8 gave it to my lawyer. I didn't even respond to him.
9 I didn't write him back. I didn't try and write him
10 back. I didn't try and have anybody else write him
11 back. I kept it and gave it immediately to my
12 lawyer.

13 Q And you didn't send any message over to Mike in
14 Lexington prior to this trial?

15 A No. No. I wouldn't know how to do that.

16 Q And in here he talks about your conversation that you
17 all had in that room and what you told him, doesn't
18 it? It's what he says in here, right?

19 A He talks about what happened in his mind. But I
20 never told Mike Allen that. Mike Allen told me he
21 was about to leave down. What from I don't know. I
22 told him, talk to the police, they'll let you go.

23 Q Thank you.

24 THE COURT: Mr. Strickler.

25 CROSS EXAMINATION

1 **BY MR. STRICKLER**

2 **Q** Good afternoon, Mr. Joy.

3 **A** How you doing, sir?

4 **Q** I'm all right. Thank you. This won't take as long.
5 Just a few things. First of all, Defendant's Joy 1
6 through 5, these five photographs you've identified,
7 Your Honor, I don't believe these have been moved
8 into evidence at this time. At this point in time
9 I'd go ahead and move them into evidence.

10 **MR. DELGADO:** I'm sorry. I meant to do so.

11 **MR. MEADORS:** I thought he did.

12 **MR. MILLING:** No objection.

13 **THE COURT:** Without objection.

14 (WHEREUPON, Defendant Joy's Exhibit No. 1 is
15 admitted into evidence.)

16 (WHEREUPON, Defendant Joy's Exhibit No. 2 is
17 admitted into evidence.)

18 (WHEREUPON, Defendant Joy's Exhibit No. 3 is
19 admitted into evidence.)

20 (WHEREUPON, Defendant Joy's Exhibit No. 4 is
21 admitted into evidence.)

22 (WHEREUPON, Defendant Joy's Exhibit No. 5 is
23 admitted into evidence.)

24 **Q** First of all, I write as fast as I can and I can't
25 keep up with what people say. My understanding is

1 your testimony is that one William Gedson worked for
2 you?

3 **A** Gedson. He did work for me.

4 **Q** Okay.

5 **A** As a matter of fact, he was one of my best employees.

6 **Q** Okay. Is that the individual depicted on Defendant
7 Oliver's No. 3?

8 **A** Yes, sir. That's Mr. Gedson.

9 **Q** The one I was asking Mr. Mead about when he
10 testified?

11 **A** That's actually who Mr. Mead made contact with. And
12 he left him a card, and that's who I got the card
13 from and called Mr. Mead back.

14 **Q** Okay. You talked about taking Stanley and Ms.
15 Robinson to the Red Roof Inn. Do you remember
16 discussing that?

17 **A** Yes.

18 **Q** And I guess you came back the next day and picked
19 them up?

20 **A** Right.

21 **Q** How was Stanley acting at that point in time? Was he
22 acting any different than normal?

23 **A** Not really different. But he and I had had words
24 about his girlfriend. So, I mean, it wasn't anything
25 personal with me. It was just that I felt she was

1 trouble. I really did. I did not like her around.
2 I felt she was trouble. And he and I had talked
3 about this already.

4 **Q** Right.

5 **A** So when I got there I was like, you, can I talk to
6 you for a minute, man? You know how I feel about
7 her.

8 **Q** Right.

9 **A** And the fellows actually liked her. She is a
10 personable little girl.

11 **Q** Right.

12 **A** But she's young and she liked to keep stuff going.
13 They had a shoot out on Tremain --

14 **Q** You don't need to go into all that.

15 **A** -- behind her.

16 **Q** Okay. Mr. Delgado asked you whether or not Renata
17 Williams had ever seen you burn any clothing and you
18 said no. Okay. How about Leticia Jones? Leticia
19 Jones ever seen you burn any clothing?

20 **A** No, sir. I don't know Leticia Jones.

21 **Q** Yes, sir.

22 **A** As a matter of fact, she testified to the fact that
23 she doesn't know me.

24 **Q** Okay.

25 **A** She said that she had heard of me but she didn't know

1 me. She definitely didn't see me burning anything.

2 Q Do you remember when you spoke with Mr. Mead?

3 A It was --

4 Q What day it was?

5 A -- the 9th.

6 Q The 9th?

7 A Of September.

8 Q That's right. He left the card on the 8th and you
9 went and spoke with him on the 9th?

10 A That's right. I went and talked to him the very
11 next -- now I didn't remember the day because that's
12 what I did. I remember going over my motion when I
13 got it. I said, okay, that was the 9th that we
14 talked. I remembered that.

15 Q Right. Right. Just as it would be hard to remember
16 exactly when you made a phone call to anyone over two
17 years ago, right?

18 A Yeah. I don't -- it's hard to remember the exact
19 dates. I remember September 4th specifically because
20 it was my baby's 16th birthday.

21 Q You've got a reason to remember that?

22 A Yeah. I remembered that. And my girl was mad
23 because I was going to work anyways.

24 Q When you spoke with Mr. Mead, as I understood your
25 testimony, the conversation started out okay?

1 **A** Yes, sir.

2 **Q** As okay as a conversation at a police station can
3 start out I suppose?

4 **A** Yes, sir.

5 **Q** But it deteriorated over time. It didn't get --

6 **A** Yes, sir. I felt at a certain point in the
7 conversation I became a suspect. And I didn't
8 understand why. And had I known that I was going to
9 be a suspect, I would have contacted my lawyer before
10 talking to him. But I came down. When I talked to
11 him on the phone, he said he wanted to me about
12 Stanley Oliver, which I had no problem with that.

13 **Q** And he didn't ask you to go ahead and reduce what you
14 had to say in writing in your own words, did he?

15 **A** I didn't write it and he wasn't writing it at the
16 time.

17 **Q** Right. So there was no record being made as you were
18 speaking by him or by you, right?

19 **A** No, sir. He was sitting in a chair across from me
20 and Ms. Burns was sitting over to the left and
21 Mr. Wilkerson walked in a little later. But she
22 wasn't writing, he wasn't writing, and I wasn't
23 writing anything.

24 **Q** So you had three police officers in there by the time
25 this thing was over?

1 **A** Yes, sir.

2 **Q** Right?

3 **A** (Nods head affirmatively).

4 **Q** And there was no tape recorder in there to your
5 knowledge?

6 **A** Not to my knowledge. I didn't see a tape recorder
7 start. No.

8 **Q** And there was no video machine?

9 **A** Not to my knowledge. I didn't see a video recorder.

10 **Q** And you definitely dispute the portrayals or the
11 words that Mr. Meadors had been using as far as how
12 you characterized Stanley, correct?

13 **A** Yeah. I dispute that. I didn't say that.

14 **Q** You didn't say those things?

15 **A** I didn't say that I didn't trust him and call him a
16 jitterbug. The thing was, Stanley actually was kind
17 of like security or he would be an alarm system for
18 my vehicles and my equipment that was on Tremain
19 Street. Because -- I don't know if you're familiar
20 with that area -- that's a high crime area.

21 **Q** Yeah.

22 **A** And I had a lot of equipment in there. So, no, I
23 didn't say those things about him. But I did say I
24 didn't take him to the post office. But he didn't
25 have a need to be at the post office.

1 Q Okay. Did you ever have occasion to take Renata
2 Williams to the police department?

3 A I did take her.

4 Q When did you take her?

5 A I can't remember the exact date, but I don't know
6 if -- I think -- I'm not sure if Stanley was locked
7 up or not, but he must have been if she called me.
8 And she called me and said that the police were, you
9 know, calling her. So I said, well, go down there.
10 And she said, well, she didn't have a ride. So I was
11 like, well, give me a couple of hours, I'll take you.
12 And I took her.

13 Q Did you bring her back from there?

14 A I did not at the time because I said to her, I've got
15 some runs to make, but call me when you get done and
16 I'll be right down. She called me a couple of days
17 after that, maybe after that from the house. And I
18 asked her, I said, well, why didn't you call me?
19 Because I didn't want her to think that I left her.
20 So I was like, why didn't you call me when you got
21 down? And she really didn't have an answer for that.
22 And I should have known something was messed up then.

23 Q Now, all these questions that Mr. Meadors was asking
24 you from -- well, all these questions Mr. Meadors was
25 asking you about the phone records. Okay?

1 **A** Yes, sir.

2 **Q** Specifically about, you know, calls to the Marlboro
3 Inn, Red Roof; do you have the Red Roof Inn's number
4 memorized?

5 **A** No, sir, I don't.

6 **Q** Do you have the Marlboro Inn's number memorized?

7 **A** No, sir. I didn't have it programmed in my phone.

8 **Q** Okay. You've been here in the trial throughout the
9 trial of this case, correct?

10 **A** Yes, sir.

11 **Q** Has anyone testified what the number to the Red Roof
12 Inn is?

13 **A** No, sir.

14 **Q** How about the Marlboro Inn?

15 **A** Not to my knowledge, no.

16 **Q** Okay. And when you're talking about this summary
17 that Mr. Meadors was showing -- I'm not going to do
18 it. He was standing up here leaning over you while
19 he was showing it to you. That's information that
20 the State has taken out of the records, the real
21 records?

22 **A** The larger phone records. Right.

23 **Q** Right. That they want to go ahead and put in in its
24 case?

25 **A** Right.

1 Q And I think I understood what you're saying. If you
2 look at the records from my phone, you're going to
3 see calls to all sorts of people or all sorts of
4 places?

5 A All day to everybody. I made 100 calls a day. And
6 that's not counting the calls other people made. So
7 all day every day on my phone it was busy.

8 Q Okay. And actually if you look at the records
9 through the other records that are in, you're going
10 to find calls, a lot more calls than anything
11 associated with this case, too. They're just taking
12 out what they think is significant, right?

13 A I would agree with that. Yes.

14 Q What they think is significant?

15 A I would agree with that.

16 Q And Mr. Meadors wanted you to go ahead and draw
17 conclusions based on something that he presented to
18 you that he thinks is significant, not what you think
19 is significant?

20 A I thought it was a misrepresentation.

21 Q Yes, sir.

22 MR. MEADORS: What was that last thing?

23 MR. STRICKLER: He thought it was a
24 misrepresentation.

25 MR. MEADORS: Thank you, Doug.

1 **MR. STRICKLER:** Yes, sir. And with that, I
2 don't think I have any further questions, Your Honor.

3 **THE COURT:** Mr. Milling.

4 **MR. MILLING:** Your Honor, we've got no
5 questions.

6 **THE COURT:** Any redirect?

7 **MR. DELGADO:** I have no more questions.

8 **THE COURT:** All right. You may come down, sir.

9 **THE WITNESS:** Do I need to --

10 **THE COURT:** You can come down.

11 **THE WITNESS:** Okay.

12 **THE COURT:** Back to your seat. Approach the
13 bench, counsel.

14 (Whereupon, a bench conference is had)

15 **THE COURT:** Just be at ease for a few minutes,
16 ladies and gentlemen. We're trying to wind it up.

17 **MR. DELGADO:** Your Honor, do I need to place on
18 the record?

19 **THE COURT:** Yes, sir. Mr. Delgado.

20 **MR. DELGADO:** Your Honor, the defense on behalf
21 of Ken Joy rests.

22 **THE COURT:** Thank you very much.

23 **MR. MEADORS:** We've got nothing further.

24 **THE COURT:** Anything? That concludes the trial
25 of this case as far as the evidence is concerned. Is

1 that correct? From the State?

2 **MS. MCDUFFIE:** Yes, Your Honor.

3 **THE COURT:** From the defense?

4 **MR. STRICKLER:** Yes, sir.

5 **MR. MILLING:** Yes, Your Honor.

6 **MR. DELGADO:** Yes, Your Honor.

7 **THE COURT:** All right. Ladies and gentlemen,
8 that will conclude the presentation of evidence in
9 this case. The remaining portion of this trial will
10 consist of the final arguments or summations by
11 counsel and my charge to you on the law of the state
12 of South Carolina as it applies to this case.

13 Graciously, you have agreed to return on Monday
14 for that process. That probably will take the entire
15 day. So I am going to release you now until Monday
16 at 10:00 at which time we will conclude this trial.
17 Again I will ask you to not discuss the case over the
18 weekend with anyone outside the courtroom or among
19 yourselves when you return to the jury room on
20 Monday.

21 Have a pleasant weekend. And don't again avail
22 yourself of any press releases if there are any.
23 There haven't been any so far, but I need to continue
24 that warning. I hope you have a pleasant weekend.
25 Get all your Christmas shopping done, or some of it

1 anyway. And we'll see you Monday at 10:00. Thank
2 you very much.

3 (Jury out at 1:27 p.m.)

4 **THE COURT:** All right. Counsel as far as
5 motions and a charge conference, would you from
6 prefer to get lunch and then come back and do that or
7 do that now?

8 **MR. STRICKLER:** I would prefer to take at least
9 a break at this point. We've been here for a while.
10 But if we're going to take a break, we might as well
11 get a bite to eat.

12 **THE COURT:** Oh, that's fine. How about 2:30?

13 **MR. STRICKLER:** That's fine with me. I don't
14 presume to speak for anyone else.

15 **THE COURT:** That should not take too long. But
16 I'll give you an opportunity to mull it over a warm
17 meal. 2:30.

18 **MR. MILLING:** Thank you, Your Honor.

19 (Whereupon, a lunch break is taken)

20 **THE COURT:** Any motions?

21 **MR. STRICKLER:** Your Honor, well, first of all,
22 I don't guess the State has any motions. At this
23 point in time I need to clear up finally the issue
24 regarding Defendant Oliver's Exhibit No. 2. I have
25 shown -- the PCR application.

1 **THE COURT:** Yes.

2 **MR. STRICKLER:** I've shown the Court and I've
3 shown Mr. Meadors my proposed redaction which
4 encompasses page 3C and 3D which contains the
5 sentence I cross examined him on which says: "The
6 solicitor served the Applicant with", et cetera. And
7 my proposal is to submit the cover of the PCR
8 application --

9 **THE COURT:** I agree. I agree with that.

10 **MR. STRICKLER:** -- and the signature page in the
11 case.

12 **THE COURT:** I agree with that.

13 **MR. STRICKLER:** Well, I haven't gotten Mr.
14 Meadors from this morning to respond to that to tell
15 me what the State's position is in that regard.

16 **MR. MEADORS:** This is actually the first time
17 we've had the opportunity since cross.

18 **THE COURT:** Well, he objected to it. I
19 overruled it.

20 **MR. MEADORS:** It sounds like it's done.

21 **MR. STRICKLER:** Well, subject to the redaction.

22 **THE COURT:** Subject to redaction.

23 **MR. STRICKLER:** We'll we've never gotten on the
24 record what the redaction was.

25 **MR. MEADORS:** Your Honor, there was something on

1 the front that had other charges on there which I
2 don't think are related to this.

3 **THE COURT:** Well, it's sort of an introduction.

4 **MR. STRICKLER:** And I believe the exhibit is
5 probably with you.

6 **MR. MEADORS:** Your Honor, we're fine of course.

7 **THE COURT:** It's got a blue sticker on it. And
8 I don't have it.

9 **MR. MEADORS:** I had it last.

10 **MR. STRICKLER:** I saw you with it. That's all
11 I'm saying.

12 **MR. MEADORS:** Yeah. I said I had it. I did
13 have it. We'll find it.

14 **THE COURT:** That's a ministerial matter. Let's
15 get to the substance.

16 **MR. STRICKLER:** All right.

17 **COURT REPORTER:** Should I re-mark that as
18 Oliver's No. 4, next in order, the redacted portion?

19 **THE COURT:** The redacted exhibit.

20 **COURT REPORTER:** Right. The redacted exhibit.

21 **THE COURT:** I guess you'd have to have a new
22 number. The earlier one was just for identification.
23 However you do it. However you do it.

24 **MR. STRICKLER:** All right, Your Honor. I will
25 move on as we look. I mean, I can't say for sure

1 that it's not on the table here. All I know for sure
2 is where I last saw it.

3 But moving on. Your Honor, at this point in
4 time Defendant Oliver would renew his motions for
5 directed verdict as expressed in the State's case on
6 those same grounds at this point in time, sir; and
7 submit that after the evidence in the defense case
8 there is not evidence from which a jury could find
9 beyond a reasonable doubt -- and I submit that's the
10 standard under Jackson vs. Virginia -- that Mr.
11 Oliver is guilty of the charges against him.

12 Specifically and especially as to the armed
13 robbery alleged against Mr. Kevin Miller, I submit
14 the standard is whether there is any evidence from
15 which a jury could find beyond a reasonable doubt
16 that Mr. Oliver was guilty of that. And I submit
17 that's not the case here.

18 **THE COURT:** Okay.

19 **MR. STRICKLER:** That's it as to directed verdict
20 motion. I have more motions.

21 **THE COURT:** All right.

22 **MR. MEADORS:** I didn't have it.

23 **MR. STRICKLER:** You didn't have it?

24 **MR. MEADORS:** Somebody else did.

25 **COURT REPORTER:** Do you have the redacted one I

1 can mark yet?

2 (Pause)

3 (WHEREUPON, Defendant Oliver's Exhibit No. 4 is
4 marked for identification and received in evidence.)

5 **MR. STRICKLER:** All right, Your Honor. That is
6 marked as Defendant Oliver's 4 in evidence. 2 is
7 still for I.D. I take it at this point in time.

8 **THE COURT:** Correct.

9 **MR. STRICKLER:** All right. Thank you very much,
10 sir. And I made my D.V. motion, renew my directed
11 verdict.

12 **THE COURT:** With respect to the directed verdict
13 on behalf the defendant, Stanley Oliver, I feel there
14 is sufficient evidence from which a jury could
15 determine beyond a reasonable doubt the guilt or
16 innocence of the defendant, Oliver, and must
17 respectfully deny that motion.

18 **MR. STRICKLER:** Thank you, sir. At this point
19 in time I would move for a mistrial. During Mr.
20 Meadors' cross examination of Mr. Ken Joy he referred
21 to phone numbers, specifically those of the Red Roof
22 Inn and the Marlboro Inn, testifying himself that
23 those were such phone numbers, asking him to compare
24 them, asking him to account for telephone calls
25 alleged to have been made by Mr. Joy to those numbers

1 or from those numbers from him. I get confused at
2 this point in time as to which way it went. Those
3 numbers to the best of my knowledge are nowhere in
4 evidence. Now, they certainly haven't been testified
5 to.

6 Additionally, and of far greater concern to me, I
7 submit it should be of far greater concern to the
8 Court, is the fact that he then went on to cross
9 examine Mr. Joy about alleged statements made by Mr.
10 Joy regarding Stanley Oliver to Investigator Mead,
11 Investigator Burns, Investigator Wilkerson on
12 September 9th, 2005, in which among other things he
13 alleges that Mr. Joy characterized Mr. Oliver as a
14 jitterbug and characterized him as a -- I don't
15 know -- criminal character, criminal type, all of
16 which Mr. Joy denied having said, none of which are
17 in the record in any other place other than the
18 testimony of Mr. Meadors.

19 Now, we conducted an in camera hearing with
20 Officer Burns in this regard. Okay? That was never
21 in front of the jury. You know, the record will
22 clearly reflect I did not object at that point in
23 time. I felt certainly that Mr. Meadors would have a
24 good faith basis for asking those type of questions
25 and would put someone up to go ahead and testify to

1 it. And he didn't. And he's rested. And I submit
2 that a mistrial is the appropriate remedy in this
3 case. So that's my motion at this point in time.

4 **THE COURT:** All right. There are two bases;
5 one, the apparent -- as I understand it to the
6 witness -- the appearance. I'm sorry. The
7 appearance that the State had in its possession phone
8 records involving Mr. Joy's phone connecting with the
9 Red Roof Inn and the Marlboro Inn when in fact there
10 are no such --

11 **MR. STRICKLER:** Well, to my knowledge, there is
12 o testimony in that regard.

13 **THE COURT:** No testimony even though the records
14 may reflect that.

15 **MR. STRICKLER:** They may very well reflect phone
16 numbers which with proper testimony could have been
17 established as those belonging to Red Roof Inn,
18 Marlboro Inn.

19 **THE COURT:** By looking in the phone book.

20 **MR. STRICKLER:** Yes, sir. Or looking in the
21 phone book.

22 **THE COURT:** That's the first one.

23 **MR. STRICKLER:** That's the first one. And the
24 far more important one is the second one.

25 **THE COURT:** Is the questions about Mr. Oliver's

1 reputation as far as Mr. Joy was concerned as
2 testified to by Ms. Burns, that testimony not being,
3 never having been heard by the jury.

4 **MR. STRICKLER:** Yes, sir.

5 **THE COURT:** It in fact injects into this trial
6 the reputation I guess, so to speak, of your client
7 which was not testified to other than in that cross
8 examination.

9 **MR. STRICKLER:** Yes, sir. I think --

10 **THE COURT:** Does that encapsulate it?

11 **MR. STRICKLER:** -- that probably encapsulates it
12 and states it better than I did. Yes, sir.

13 **THE COURT:** Mr. Meadors.

14 **MR. MEADORS:** Your Honor, I think the record
15 will reflect, I think he responded. I didn't say he
16 was a jitterbug before he even said, I'm not from
17 around here. I didn't use that term before I even
18 got to that point.

19 Second of all, that was his statement. I asked
20 him if he talked. He admitted to everything except
21 that. And again, he volunteered that to start with.
22 Not that I think it would matter. He's subject to
23 cross examination. There's clearly no issue on that.
24 So I don't know what the problem is.

25 Second of all, as far as the phone records, I'm

1 pretty sure the Red Roof number is in on that
2 receipt.

3 **MR. STRICKLER:** And it may be. I know there is
4 no testimony in that regard. It may be in on some
5 document that identifies it. And if so, then I don't
6 have a basis for an objection in that regard.

7 **MR. MEADORS:** The Marlboro Inn I thought was on
8 those receipts from that, too. I don't know. But
9 those were the bases I asked him on those. I just
10 said, did you go to Marlboro Inn and make a call? I
11 think I'm allowed to do that. I could have gone
12 through and asked him what every one of these phone
13 calls were, even if they were in evidence or not,
14 just to see what he said. I don't know how else to
15 respond to that.

16 **THE COURT:** Well, the testimony I think -- and I
17 may be wrong -- about the reputation of your client;
18 and I say the reputation of your client. It may or
19 may not be the reputation of him, but it's what's
20 testified in that vein characterizing your client as
21 a jitterbug and involved in criminal activities. If
22 I recall it, it's -- and I'm not trying to pick up on
23 what Mr. Meadors said, but was that not volunteered
24 in response to some question? I mean, I frankly
25 didn't write it down. If he volunteered that

1 information, even though there had been no foundation
2 for it or no -- what's the basis of the -- what's the
3 basis of the mistrial motion? If it's volunteered
4 from a co-defendant that your client has the
5 reputation of criminal activity and is subject to
6 cross examination?

7 **MR. STRICKLER:** Yes, sir. I understand that.
8 One, I don't think he volunteered it. Okay. You
9 know, I'm not a court reporter. My fingers don't --
10 it's on the record. My fingers don't write that
11 fast. Let me see. I had "didn't use jitterbug,
12 didn't refer to the defendant as a criminal type".
13 And my recollection is that's in response to
14 questioning, questions directly on those terms by Mr.
15 Meadors.

16 You know, as I've said a number of times, if I'm
17 wrong, I'm wrong more often than I'm right, but
18 that's what my memory is. I wrote a note in my
19 contemporaneous record that I was keeping, writing it
20 right directly adjacent to those statements.

21 **THE COURT:** You're perfectly within your rights
22 to bring that to the attention of the Court.
23 However, I don't feel that either of those two issues
24 are grounds for a mistrial in this case. I must
25 respectfully deny your motion.

1 **MR. STRICKLER:** Thank you, sir. Then at this
2 point in time I would move to strike the cross
3 examination of Mr. Joy by Mr. Meadors on the same
4 grounds.

5 **THE COURT:** That one -- are you talking the
6 entire cross examination, or are you talking just the
7 reference --

8 **MR. STRICKLER:** I would move to strike those
9 references, the references to my client's character
10 during the interrogation of Mr. Joy on October 9th,
11 2005, by Investigators Mead, Burns and Wilkerson from
12 the record. And, you know, this is simple. I'm
13 either right or I'm wrong in that regard. And I
14 certainly don't want to generate any more work for
15 Madam Court Reporter, but if she can locate where
16 those are and determine whether it was volunteered or
17 whether it's in response to questioning.

18 **THE COURT:** Well, and it may -- I would be -- if
19 it were as you say, I would be inclined to strike it
20 from the record. Even if stricken from the record, I
21 still would not be inclined to grant the mistrial.

22 **MR. STRICKLER:** Well, I understand that. I have
23 taken your ruling as your ruling. I'm not arguing
24 with your ruling.

25 **THE COURT:** One, it's not a fortiori. I mean,

1 one doesn't go with the other. If it those are out,
2 then -- go ahead.

3 **MR. STRICKLER:** I agree. Well, that would be my
4 next motion, Your Honor.

5 **MR. MEADORS:** Could I follow up just on that
6 directly, please?

7 **THE COURT:** Yeah.

8 **MR. MEADORS:** Mr. Delgado brought in through Ken
9 on direct -- Mr. Joy, excuse me -- that he sold
10 marijuana or got marijuana from Stanley. It came out
11 on direct that he was a drug dealer, his drug dealer.
12 It brought his character in there. There was no
13 objection there.

14 **THE COURT:** Well, he's not asking that be
15 stricken.

16 **MR. MEADORS:** I just want the record to reflect
17 that he's not arguing that. That was brought up
18 previously. That reference was made.

19 **THE COURT:** I'll grant your motion in that
20 regard, Mr. Strickler.

21 **MR. STRICKLER:** Thank you, sir.

22 **MR. MEADORS:** If it wasn't volunteered.

23 **MR. STRICKLER:** If it wasn't. Certainly. If it
24 weren't volunteered.

25 **THE COURT:** If it were not volunteered. We'll

1 have to --

2 **MR. STRICKLER:** Thank you, sir. Now, and I'm
3 serious about this.

4 **THE COURT:** I know you're serious about
5 everything.

6 **MR. STRICKLER:** Well, I'm serious about what's
7 coming. Because some might consider it a joke in bad
8 taste on my part. I don't I think so. I think I
9 have an obligation as an officer of the court to draw
10 the Court's attention to section 17-25-60 entitled:
11 "Change of sentence where former convictions were not
12 considered at time of imposition." Which it's in the
13 life without parole section of the code.

14 And it reads: "If during the service of any
15 such sentence, which is a nonlife sentence, it's made
16 to appear to the Court that the defendant has been
17 convicted of one or more crimes which were not taken
18 into account at the time of the imposition of the
19 original sentence", clearly the case with Mr. Jason
20 Brown. He had a prior carjacking conviction and was
21 sentenced for armed robbery, he should be serving a
22 sentence of life without parole. There is no way
23 around it.

24 The courts authorize -- "The court is authorized
25 to issue a rule directing the defendant to require

1 him to show cause before the court not less than ten
2 days from the granting of the rule why the former
3 sentence should not be revoked and the defendant be
4 sentenced as required if all of the convictions had
5 been brought to the attention of the court at the
6 time of the imposition of the original sentence."

7 So I am just saying I feel I have an obligation
8 to bring this to the attention of the Court. It is
9 in the same section. It's in the same -- it's part
10 of the statutory scheme for life without parole.
11 That's all I have to say in that regard, sir.

12 **THE COURT:** Well, let me inquire, if I may.

13 **MR. STRICKLER:** Yes, sir.

14 **THE COURT:** And I certainly do not have -- I've
15 obviously been trying to concentrate on this trial,
16 not concentrate on Mr. Brown's record. And I recall
17 your cross examination of him. But I was unclear at
18 the time of that cross examination whether or not he
19 pled -- not that he was charged with two most
20 serious, but I think he had a most serious and pled
21 to a lesser or may have pled to a lesser crime that
22 took him out of the life without parole status. I
23 mean, and I was somewhat confused when I heard that
24 testimony.

25 **MR. STRICKLER:** He had a 1997 arrest and a '98

1 conviction I believe for carjacking.

2 **THE COURT:** '98 for the carjacking.

3 **MR. STRICKLER:** Yes, sir.

4 **THE COURT:** That certainly qualifies.

5 **MR. STRICKLER:** And he's currently serving a
6 sentence of ten years for armed robbery and attempted
7 armed robbery, both of which --

8 **THE COURT:** That's what he pled to?

9 **MR. STRICKLER:** Yes, sir. That are the subject
10 of the post conviction relief application. And, Your
11 Honor, with that, that's all I have at this point as
12 to post-trial matters until we get to charge
13 conference.

14 **THE COURT:** Yes.

15 **MR. MEADORS:** Judge, to respond to that, I don't
16 know how many cases he's got in his office where the
17 same thing has been done. I've never heard him raise
18 it before. But I think he's got some of his
19 lawyers --

20 **THE COURT:** He says as an officer of the court.

21 **MR. MEADORS:** He needs to report those also that
22 are from his office.

23 **THE COURT:** Well, maybe we'll just clean up the
24 whole shooting match. Yes, Mr. Milling.

25 **MR. MILLING:** Thank you, Your Honor. May it

1 please the court. On behalf of Mr. Gallman, at this
2 point in time we would also like to renew our earlier
3 motions for a directed verdict. I think that the
4 evidence that has been elicited in the defense case
5 combined with the evidence that was introduced and
6 elicited in the State's case demonstrates that no
7 reasonable juror in viewing the evidence as a whole,
8 the character of the individuals who testified, their
9 credibility, that no reasonable juror could find my
10 client guilty beyond a reasonable doubt of these
11 charges, especially the armed robbery of Mr. Kevin
12 Miller which we discussed at length in my earlier
13 motions.

14 So we would renew those motions, renew our
15 earlier motions for a mistrial, and also join in Mr.
16 Strickler's motion for a mistrial at this point in
17 time as well.

18 **THE COURT:** All right. Well, I don't feel that
19 after hearing the defense and after the jury hearing
20 the defense of this case that nothing has given me
21 reason to believe that my ruling on the original
22 directed verdict motion was improper, and I must
23 respectfully deny your motion for a directed verdict
24 at this time. Thank you very much.

25 **MR. MILLING:** Thank you, Your Honor.

1 **MR. DELGADO:** Likewise, Your Honor, --

2 **THE COURT:** Mr. Delgado.

3 **MR. DELGADO:** -- I make a motion for directed
4 verdict on behalf of Mr. Joy as relates to his
5 presentation before the jury in the same fashion that
6 no reasonable juror or no reasonable jury could find
7 him guilty beyond a reasonable doubt on the seven
8 charges still pressed against him.

9 As relates to the mistrial motion, I take no
10 position on that simply because it would not relate
11 to Mr. Joy as a result of his being cross examined or
12 his testimony. Thank you.

13 **THE COURT:** All right. Well, I think certainly
14 Mr. Joy's testimony may have given rise to reasonable
15 doubt. I don't know. But I think the evidence is
16 still the same as it was at the time of your original
17 directed verdict motion, and I must based on that
18 respectfully deny your motion for a directed verdict
19 at this time as to Mr. Joy.

20 **MR. STRICKLER:** Your Honor, if I could, please.

21 **THE COURT:** Yes.

22 **MR. STRICKLER:** I'm sorry. I lied earlier. I
23 had one other thing to bring up. It's brought to my
24 attention by Mr. Milling. I need to renew, if I do
25 need to renew, I will renew at this point in time not

1 only the directed verdicts that you have ruled on but
2 the previously stated mistrial motions that were
3 raised at the end of the State's case. No additional
4 bases for those, but out of an abundance of caution,
5 not wishing to waive anything by a procedural default
6 on my part, I just go ahead and renew those at this
7 time, sir.

8 **THE COURT:** Respectfully denied.

9 **MR. STRICKLER:** Thank you, sir.

10 **THE COURT:** Now, before we start this charge
11 conference, does anybody have a Webster's dictionary?

12 **MR. MILLING:** I've got one back in my office.

13 **THE COURT:** I just wonder if there's such a word
14 as "juree".

15 **MR. STRICKLER:** Not spelled with two E's that I
16 know.

17 **MR. MILLING:** It's down near Horry County.

18 **THE COURT:** Oh, maybe that's low country.

19 **MR. DELGADO:** Your Honor, I --

20 **THE COURT:** Sir?

21 **MR. DELGADO:** Nothing further. All right.

22 **MR. STRICKLER:** Requests to charge?

23 **THE COURT:** I'm going to hand you a proposed set
24 of charges. And if you'd like to take -- typically
25 you have proposed charges.

1 **MR. STRICKLER:** Yes, sir.

2 **THE COURT:** If you would take the next ten or
3 fifteen minutes. Or if you'd rather do this Monday
4 morning, we can do it Monday morning. Or in the
5 alternative, if any party has a set of proposed
6 charges, give them to me and I'll try to -- first I
7 would want to eliminate duplications --

8 **MR. STRICKLER:** Of course, sir.

9 **THE COURT:** -- and see if there are any
10 additional charges beyond that which --

11 **MR. STRICKLER:** Well, if I could just go ahead
12 and get what I have.

13 **THE COURT:** Put it on the record.

14 **MR. STRICKLER:** Of course there's an original to
15 Madam Clerk I'd ask to be made a part of the Clerk of
16 Court's file. I have a copy for Madam Court
17 Reporter, I'd ask to be marked as a Court's Exhibit.

18 (WHEREUPON, Court's Exhibit No. 16 is marked for
19 identification.)

20 **MR. STRICKLER:** Certainly not in order that I
21 should have delivered them, Your Honor, a copy for
22 you, a copy for the State. You already have it.
23 Right?

24 **MR. DELGADO:** Yes, sir.

25 **MR. STRICKLER:** And, Your Honor, in that regard

1 I would just direct all parties' attention because
2 this may be something that would require -- well, or
3 not. My requested instruction 8 on a charge on
4 failure to record statements, I'm relying on two
5 out-of-state opinions in that regard which I can
6 supply Your Honor copies of from the Commonwealth of
7 Massachusetts. Not California. So they're certainly
8 not putatively bad law in any way.

9 **THE COURT:** The Home of --

10 **MR. STRICKLER:** Sir?

11 **THE COURT:** The Home of Lights, such as Oliver
12 Wendell Holmes.

13 **MR. STRICKLER:** Yes, sir. I would just inform
14 the Court in that regard, and I'm not proposing to
15 argue it fully because I don't know that Your Honor
16 wants to hear argument about it.

17 **THE COURT:** I think the Court of Appeals might
18 be interested.

19 **MR. STRICKLER:** Yes, sir. My information is
20 that something akin to the charge, a charge based on
21 these cases on failure to record statements has been
22 charged in Charleston in 2006 in General Sessions
23 Court I believe by Judge Nettles.

24 **THE COURT:** Nettles?

25 **MR. STRICKLER:** Nettles I believe. State v.

1 Raymond Stehoff. Now, should Your Honor desire, I'll
2 be happy to go ahead and discuss that with the Court
3 and anyone else at whatever time you desire. But I
4 wanted to give you and other counsel access to all
5 that at this point in time.

6 **THE COURT:** Well, why don't you proceed with
7 these.

8 **MR. STRICKLER:** I'm sorry?

9 **THE COURT:** Would you like to proceed with these
10 as submitted? Mine are only basically the outline.

11 **MR. STRICKLER:** Yes, sir.

12 **THE COURT:** These are more specific.

13 **MR. STRICKLER:** What I have not had an
14 opportunity to do is what I thought Your Honor wanted
15 me to do, which was compare what I request with --

16 **THE COURT:** Well, I will tell you I don't think
17 these are any duplication. I think these are all
18 outside what I have presented to you.

19 **MR. STRICKLER:** All right, sir. Then I'll be
20 happy to proceed at this point in time since I don't
21 think we'll be covering any duplicative territory.
22 I'll be happy to discuss it now if that suits Your
23 Honor.

24 **THE COURT:** Yes. Let's do that.

25 **MR. STRICKLER:** Request 1 I submit is the law of

1 credibility. I mean Your Honor I would assume will
2 have a charge, general charge on credibility?

3 **THE COURT:** General credibility.

4 **MR. STRICKLER:** That's why I didn't submit
5 anything regarding general credibility. It discussed
6 whether an informant was an informant providing
7 evidence for pay or a witness has been granted
8 immunity from punishment. I mean, that actually cuts
9 both ways because there is a witness here who ended
10 up testifying against the State called by the
11 State -- or I would characterize it that way -- who
12 had been granted immunity. A plea after a bargain
13 with the State, I think that's open to question. I
14 think the jury is entitled to consider all these
15 things.

16 **THE COURT:** What's the State's position? And
17 I'm assuming these -- well, I won't assume anything.

18 **MR. STRICKLER:** I've shared these with counsel
19 for counsel for co-defendants.

20 **THE COURT:** Are they submitted as sort of a
21 joint --

22 **MR. STRICKLER:** They're submitted on behalf of
23 Mr. Oliver.

24 **THE COURT:** I know that.

25 **MR. STRICKLER:** That's it.

1 **MR. MILLING:** Your Honor, I would submit the
2 same charges. I've got them here. I don't think
3 there is any need for me to I guess submit another
4 copy for Your Honor. But I would ask that Madam
5 Clerk please file the same charges on behalf of Mr.
6 Gallman which I have here.

7 **THE COURT:** 1 through 8?

8 **MR. MILLING:** Yes, sir, Your Honor.

9 **THE COURT:** So you're adopting the --

10 **MR. MILLING:** We've got several ones but they
11 are identical.

12 **MR. STRICKLER:** Your Honor, do you have 1
13 through 8? You should have 1 through 9.

14 **THE COURT:** I removed 1 through 9. No. I have
15 1 through 9. I asked him if you wanted to consider 1
16 through 8.

17 **MR. STRICKLER:** Yes, sir.

18 **THE COURT:** I don't think that -- and, Mr.
19 Delgado.

20 **MR. DELGADO:** Likewise, Your Honor.

21 **THE COURT:** Do you adopt 1 through 8?

22 **MR. DELGADO:** Yes, sir, I do.

23 **THE COURT:** You may have additional ones. But
24 at this point it becomes a matter of between the
25 defense and the State.

1 **MR. DELGADO:** I agree.

2 (WHEREUPON, Court's Exhibit No. 17 is marked for
3 identification.)

4 **MR. MEADORS:** Your Honor, your charge on
5 credibility and believability I believe is the
6 appropriate charge on page 9 of yours which would
7 encompass their whatever, number 1. We think their
8 number 1 is a charge on the facts, Your Honor. It's
9 a charge on the facts. Specifically, in this case,
10 Your Honor's credibility and believability charge,
11 they can take everything into consideration, that's
12 for the jury to decide and for the lawyers to argue.
13 So we would take exception with number 1.

14 **THE COURT:** All right. Mr. Strickler.

15 **MR. STRICKLER:** Your Honor, I expressed myself
16 fully. I think it's an accurate statement of the
17 law. And I would submit it does not of course charge
18 on the facts at all. I mean, any charge given has
19 to -- you can't charge on --

20 **THE COURT:** Thin air.

21 **MR. STRICKLER:** You can't charge on something
22 that's not in evidence. So obviously everything
23 relates to something that is before the court. It's
24 not a charge on the facts.

25 **THE COURT:** Okay. I'm making notes.

1 **MR. STRICKLER:** All right, sir. As to number

2 2 --

3 **MR. MEADORS:** Your Honor, specifically, going
4 back to that one, our individual case through his
5 testimony, I've never seen that anyway. And I
6 haven't responded to number 2 yet. So I think it --

7 **THE COURT:** Maybe it's in State v. Fairly.

8 **MR. MEADORS:** Not on these. No, sir. I am
9 somewhat familiar with that. That case was different
10 than this case. And these facts specifically here in
11 in this charge, we would say it's a charge on the
12 facts.

13 **THE COURT:** Number 2.

14 **MR. STRICKLER:** Thank you, sir. Moral
15 turpitude, actually, a kind of old-fashioned term
16 given the adoption of the rules of evidence. Crimes
17 of moral turpitude, we're no longer impeaching based
18 on crimes of moral turpitude. We're impeaching based
19 on crimes of dishonesty, such as forgery or
20 fraudulent checks; which, Your Honor, was the basis,
21 the reason for my cross examination of, I believe it
22 was Mr. Brown, regarding his earlier convictions that
23 Your Honor granted the State's objection when I was
24 trying to go into the nature of what a forgery was.
25 I of course was not trying to go into the facts and

1 circumstances of the case but to establish merely the
2 fact that forgery involves lying. So --

3 **MR. MEADORS:** Your Honor, I don't have a problem
4 with his number 2 at the same time.

5 **THE COURT:** I will call to your attention on
6 page 10 a more general, less specific charge on that
7 very point. But since the State agrees, I will adopt
8 it.

9 **MR. MEADORS:** Well, Your Honor, I didn't see
10 yours. I was asking for it earlier. Let me review
11 yours.

12 **THE COURT:** Well, that's called Indian giving.

13 **MR. MEADORS:** Well, I asked it earlier and they
14 said it wasn't in here and I was looking for it now.

15 **THE COURT:** Well, if you agree that's a
16 statement of the law, then --

17 **MR. MEADORS:** Can we have a minute just to read
18 through yours then before I answer the rest of them?

19 **THE COURT:** Well, I ought to --

20 **MR. ROSS:** The State doesn't agree with number
21 2. I think your general charge covers that. I don't
22 think it needs to be this specific language that Mr.
23 Strickler --

24 **THE COURT:** Now, wait a minute. Wait a minute.
25 Wait a minute. You all are double-teaming him.

1 **MR. STRICKLER:** Your Honor, I was taught how to
2 split a double-team when I was playing tackle in the
3 eleventh grade. I can deal with it.

4 **THE COURT:** All right. Well, maybe I will merge
5 defense number 2 with the proposed charge on behalf
6 of the State. Number 3.

7 **MR. STRICKLER:** Number 3. While I cite State v.
8 Copeland, I believe this stands for the proposition
9 that the request is that you can consider them both
10 as to credibility and as substantive evidence. Okay.
11 I cited State v. Copeland because I believe that's
12 currently the status of the law under our rules of
13 evidence. You consider them both. Copeland is cited
14 because prior to Copeland you could only consider
15 them for impeachment purposes, not as substantive
16 evidence.

17 **THE COURT:** Now Copeland says you can.

18 **MR. STRICKLER:** Copeland says you can. And
19 that's the standard under the rules of evidence. So
20 I could dig through the rules and find the correct
21 rule number, but --

22 **THE COURT:** I think I found it at some point in
23 time during this trial.

24 **MR. STRICKLER:** Yes, sir.

25 **THE COURT:** But, you know, I always wonder --

1 and this is an aside -- if jurors have any
2 comprehension of the word "impeach".

3 **MR. STRICKLER:** Probably not. They think
4 someone is going to jail.

5 **THE COURT:** Well, they think it's a fruit. So,
6 I mean, I hate to talk to them about impeachment, but
7 ...

8 **MR. STRICKLER:** And I'm not wedded to the use of
9 the term "impeachment". It says discredited or
10 impeached.

11 **THE COURT:** Discredited, that's a more
12 understandable word.

13 **MR. STRICKLER:** And I actually agree with you in
14 that regard, Your Honor.

15 **THE COURT:** Did you get that, Jenny?

16 **COURT REPORTER:** That's the first time I've
17 heard it and I took it down.

18 **MR. STRICKLER:** Pardon me?

19 **THE COURT:** I just wanted to make sure the court
20 reporter got that, your last comment.

21 **MR. STRICKLER:** That I agreed with you?

22 **THE COURT:** All right. As I said, moving right
23 along.

24 **MR. STRICKLER:** Has Your Honor -- you're just
25 going to consider it?

1 **THE COURT:** Well, I haven't heard from the
2 State.

3 **MR. STRICKLER:** All right, sir.

4 **MR. ROSS:** We object to number 3, Your Honor.

5 **THE COURT:** On what grounds?

6 **MR. STRICKLER:** I mean, your general charge
7 covers credibility of witnesses.

8 **THE COURT:** It does.

9 **MR. ROSS:** So this is not necessary, nor do I
10 think it's correct to point out this discredited or
11 impeached and contradictory statements and all that.
12 I mean, you're already telling them how to weigh a
13 witness's testimony in your general charge. They can
14 figure that out.

15 **THE COURT:** Well, the only -- I think that some
16 mention of this subject should be made to the jury.
17 And the reason I say that is because we have three
18 inmates in this case all of whom are in different
19 jails for different reasons, all of whom give
20 statements. And not that they're not credible. I'm
21 not saying they're not credible. I'm just -- I think
22 some instruction would be -- should be given to the
23 jury that perhaps they should weigh their testimony a
24 little more carefully --

25 **MR. MEADORS:** That's a charge on the facts.

1 **THE COURT:** I didn't even finish my sentence
2 yet -- critically and perhaps in some -- I certainly
3 can't -- I don't mean to say that their testimony
4 should be discounted or discouraged, but that it
5 ought to be looked at carefully.

6 **MR. MEADORS:** We strenuously object.

7 **MR. ROSS:** We object.

8 **THE COURT:** Which one of you is talking?
9 Because the court reporter, I've said it before,
10 cannot take down when both of you are talking at the
11 same time.

12 **MR. ROSS:** I didn't know he stood up. I didn't
13 know he stood up.

14 **THE COURT:** Well, he did.

15 **MR. ROSS:** Your Honor, I just don't think
16 pointing out certain particular witnesses and telling
17 the jury, hey, you'd better look at this guy because
18 he's an inmate of a certain institution, you'd better
19 look at his inconsistent statements --

20 **THE COURT:** I never said -- I didn't even
21 indicate that.

22 **MR. ROSS:** And the way this is worded, Your
23 Honor, this is not even a sentence. "You may reject
24 all the testimony of that witness or give all of or a
25 part of such testimony the credibility you think it

1 deserves." It's a sentence but it's not a correct
2 sentence. It's not reject all the testimony. I
3 mean, the standard charge is that they can accept all
4 of the testimony, part of the testimony or none of
5 the testimony. I mean, he's trying to reword your
6 general charge and make it specific to inconsistent
7 statements. And I do not think that -- I mean, I've
8 never seen this charge charged before. I know this
9 case does not say this is a proper charge.

10 **THE COURT:** All right. I'll take it under
11 advisement.

12 **MR. STRICKLER:** Thank you, sir. Of course, Your
13 Honor, just as a general basis, in response to pretty
14 much everything, my submission is of course, Your
15 Honor, in all due respect to you and the State, Your
16 Honor is required to charge the law that is
17 applicable to the case and to the extent the law
18 applicable to the case is dictated by the facts in
19 the case, both the substantive law I would submit and
20 the evidentiary law.

21 As to this, you know, 3, and I'll move on; it
22 cuts both ways, quite frankly, because the people who
23 are impeachable who have inconsistent statements
24 certainly encompass more than people who are just in
25 jail. One Ms. Robinson on the stand has been

1 impeached, and they've got a copy of it in the jury
2 room. So I'll move on.

3 4, it is what it is. I think it's significant
4 the State tried their entire case in this matter
5 without putting their chief investigating officer on
6 stand. And even yet, at this point in time, we have
7 not heard from the chief investigating officer on the
8 charges that the Richland County Sheriff's Department
9 investigated.

10 **THE COURT:** I'm not following you.

11 **MR. STRICKLER:** Well, --

12 **THE COURT:** When you say do you remember that A
13 and B --

14 **MR. STRICKLER:** Well, okay. This was a general
15 charge and I have to modify it. Just remember that B
16 was not called to the witness stand to answer
17 questions in this trial by the State.

18 **THE COURT:** Who are you --

19 **MR. STRICKLER:** Let me reconsider it.

20 **THE COURT:** Go ahead. I mean, it's not an
21 invalid charge to draw an inference from a witness
22 not called by the State. I've never had to identify
23 them by name --

24 **MR. STRICKLER:** Yes, sir.

25 **THE COURT:** -- or what they would testify to.

1 **MR. STRICKLER:** Well, I would ask that Your
2 Honor provide me an opportunity to go ahead and
3 consider how to rephrase it so it doesn't identify
4 the witness. I agree. You shouldn't have to go
5 ahead and identify the eye witnesses. But the gist
6 of what I ask to be charged is that the inference may
7 be drawn by the failure of the State to call a
8 witness.

9 **THE COURT:** That is a fair statement of the law.
10 And whether you argue it or not, you can argue it,
11 but that's something -- I wouldn't charge any
12 specifics on that.

13 **MR. STRICKLER:** All right. Well, I would ask
14 that the charge be that the jury may draw an
15 inference from the failure of the State --

16 **THE COURT:** Any problem with that, Mr. Ross?

17 **MR. ROSS:** Yeah. I object to it.

18 **THE COURT:** Okay.

19 **MR. STRICKLER:** Taking that as a full argument
20 on the part of the State, Your Honor, moving on to
21 instruction number 5, bad character of the defendant.
22 It's in evidence. I'm entitled to an instruction on
23 that.

24 **THE COURT:** That being the subject of Mr. Joy's
25 testimony. Is that what you're referring to?

1 **MR. STRICKLER:** Yes, sir. We were all trying
2 hard to keep it clean in that regard, but I submit we
3 aren't now.

4 **THE COURT:** Mr. Ross.

5 **MR. STRICKLER:** At least at this point we
6 aren't.

7 **MR. MEADORS:** Your Honor, again, there was no
8 objection on his direct testimony when he said he got
9 marijuana from him. That's saying he's a drug
10 distributor. Stanley Oliver. There's no objection
11 to that. That put his reputation in it. That he's
12 waived it, didn't object to that, actually didn't
13 object the other times until after the case was
14 closed. So you can't pick and choose what you want
15 to object to and what you want the charge to be.

16 **MR. STRICKLER:** Well, --

17 **MR. MEADORS:** I don't know if I'm through or
18 not.

19 **MR. STRICKLER:** Well, I'm certainly not going to
20 interrupt you, sir.

21 **MR. MEADORS:** Is that included in your charge,
22 Judge?

23 **THE COURT:** No, sir. Again, I've given you the
24 outlines of the general charge that I will give in
25 any case. We made everything plural and tried to --

1 **MR. MEADORS:** Your Honor, I think the proper
2 charge is State v. -- your Honor, we'd object at this
3 point and ask if you'd just keep this under
4 advisement if even for a little while and move on to
5 the next one.

6 **THE COURT:** Let me just point out I have -- and
7 I'm sure all of you have Hubbard's general
8 instructions, criminal cases. As to -- I'll come
9 back in just a minute. But I want to call to your
10 attention, as to defendant's requested instruction
11 number 3, there is a prior inconsistent statement
12 charge, proposed charge in Hubbard that, I haven't
13 compared it, but it seems to track somewhat the
14 language of Mr. Strickler.

15 **MR. MILLING:** Your Honor, what page is that?

16 **THE COURT:** It's on page 433.

17 **MR. STRICKLER:** Your Honor just has it more
18 recent. I have it on my computer. But it was back
19 from when I was on the editorial committee with
20 Professor Hubbard for the first issue.

21 **THE COURT:** Well, it's there. And, in other
22 words, if it's not too trial specific, it is -- and
23 I'll compare the two.

24 **MR. STRICKLER:** All right, sir.

25 **THE COURT:** So there is an accepted charge

1 according to Hubbard. Now, let's get back to bad
2 character, number 5.

3 **MR. STRICKLER:** The State has asked that you
4 defer in that regard, Your Honor.

5 **THE COURT:** Just one minute.

6 **MR. STRICKLER:** And the only response I would
7 have to the statement, if Your Honor is still dealing
8 with this, is just to the fact that there was no
9 objection raised at some point. You know, I don't
10 know that I have to object in order for there to be a
11 charge as to what the law is. So --

12 **THE COURT:** All right. I don't find a -- I
13 mean, there's certainly character and reputation.
14 There is a standard charge on that. And I'll
15 consider that as requested by the State.

16 **MR. STRICKLER:** Yes, sir.

17 **THE COURT:** All right.

18 **MR. STRICKLER:** Yes, sir. Now, I prepared
19 these -- oh, I don't know, at 6:00 this morning --
20 and prepared them in an anticipatory fashion thinking
21 that the State may try to characterize Mr. Oliver's,
22 the period of time between the incident and the time
23 when word was out being broadcast that he was wanted
24 and the time he turned himself in, that the State
25 would attempt to characterize that as flight. And if

1 indeed that is the case, then I'm asking for this
2 instruction.

3 **THE COURT:** I don't recall hearing the word
4 flight in this entire trial.

5 **MR. MEADORS:** Your Honor, State v. Grant, I
6 don't think you're allowed to charge flight.

7 **THE COURT:** I know I'm not allowed to charge
8 flight as an inference of guilt.

9 **MR. MEADORS:** Well, I would --

10 **THE COURT:** And I'm not sure -- I haven't read
11 this. Mr. Strickler knows that. I just can't charge
12 flight. You can argue flight but I can't charge
13 flight.

14 **MR. ROSS:** I think that cuts both ways. You
15 can't charge it as an inference of guilt.

16 **THE COURT:** That you didn't fly; so, therefore,
17 you're not guilty?

18 **MR. MEADORS:** Well, an inference of innocence.

19 **THE COURT:** That's what I said.

20 **MR. ROSS:** He's got in here about "persons can
21 be hesitant to submit to the law because they are not
22 confident the jury will make the correct ruling."

23 **MR. STRICKLER:** Well, come on. Such as Mr. Joy
24 who wanted to get his financial situation in order
25 prior to turning himself in.

1 **MR. MEADORS:** Innocent person.

2 **MR. STRICKLER:** Come on indeed.

3 **MR. ROSS:** That's a jury argument. That is not
4 a proper statement of the law to be charged to the
5 jury.

6 **THE COURT:** I'll consider that, but I am
7 disinclined to charge or even raise the issue of
8 flight.

9 **MR. STRICKLER:** All right, sir. Thank you, sir.
10 7?

11 **THE COURT:** 7.

12 **MR. STRICKLER:** I have nothing. It is what it
13 is.

14 **THE COURT:** Number 7?

15 **MR. STRICKLER:** Yes, sir. Testimony of a police
16 officer. I think you actually asked the jury whether
17 they would lend greater weight to that during your
18 Voir Dire of the panel.

19 **MR. MEADORS:** Actually we objected to that. I
20 think there's a case on point saying you can't ask
21 them that during the Voir Dire. And I don't think
22 you did ask them that.

23 **THE COURT:** I did. I think I did because one of
24 the --

25 **MR. MEADORS:** We objected.

1 **THE COURT:** -- potential jurors had -- was
2 either married to a police officer or had some police
3 officer connection with the Richland County Sheriff's
4 Department or something of that nature.

5 **MR. MEADORS:** Well, you followed up with the
6 fact that he's a police officer. That was for could
7 you be fair and impartial. But I don't think you had
8 the general Voir Dire question.

9 **THE COURT:** No. Not general. Follow-up
10 question.

11 **MR. MEADORS:** I thought that's what he was
12 saying.

13 **THE COURT:** There was a follow-up question after
14 a response.

15 **MR. MEADORS:** We certainly would object to this,
16 Your Honor, it's a charge on the facts of the case.
17 That's what the jury is to decide under credibility
18 and believability. You're not supposed to highlight
19 anything. You're pure, Judge. And that's what
20 you're telling them to be, pure, and use their common
21 sense in deciding credibility.

22 **THE COURT:** If I was real pure, I wouldn't give
23 them any instruction at all.

24 **MR. MEADORS:** That would be fine with us, too,
25 quite frankly.

1 **THE COURT:** All right. I'll take that under
2 consideration.

3 **MR. STRICKLER:** Number 8 is the recorded
4 statements request, Your Honor. And, you know, I can
5 encapsulate or summarize very briefly the two cases.
6 Massachusetts. Actually the larger of the two cases,
7 the name of which I will not even attempt to
8 pronounce; it begins D, DI, and then goes on; or DE
9 and goes on.

10 **THE COURT:** DeBaptiste (phonetic). But, anyway,
11 sort of like Joey Buttafueco.

12 **MR. STRICKLER:** It stands for exactly the
13 proposition that I have encapsulated in my request.
14 And the previous case, and just to show the
15 historical progression, had started the discussion,
16 had begun with encouraging suggestions of law. Of
17 course they would be encouraged to step into the then
18 20th, now 21st century as far as memorializing
19 statements. The court in the second 2004 case
20 finally threw its hands up and said enough is enough;
21 you're entitled to this instruction.

22 It does note in that opinion that there are
23 several states that require that either as a matter
24 of Constitutional or statutory law. I believe there
25 are three at this point prior other than . . .

1 Massachusetts. Three of them require either --

2 **THE COURT:** Construction or the actual
3 recording?

4 **MR. STRICKLER:** I believe the last case, if it's
5 not recorded, then is inadmissible I believe. It's a
6 matter of Constitutional law in Alaska, and I think
7 statutory law in a couple of other jurisdictions.

8 Judge, all I have to say in this regard is I
9 know what the law is in South Carolina and I know
10 that there is no requirement in South Carolina it be
11 done. This is 2007. As Mr. Delgado took some labors
12 to point out, you know, we have video cameras if not
13 in all police cars, then certainly in substantial
14 numbers of police cars. We record in excruciating
15 detail evidence to use in prosecuting people for
16 driving under the influence of alcohol or drugs.

17 Yet, when you have people charged of a most
18 serious crime cognizable under our law, take them
19 back into rooms and put them behind closed doors, and
20 we come out with something that is not memorialized
21 in any fashion suitable to this day and time, you
22 know.

23 And the 2004 Massachusetts opinion discusses the
24 fact that there are -- there's now a substantial body
25 of literature out there in the social science field

1 that has refuted the complaints that this would be
2 not cost effective, that it would result in fewer
3 convictions, that it would somehow be an inefficient
4 thing to do. In fact, exactly the contrary.

5 When such things are recorded, I mean, you can
6 put the person up, qualify them, you know, play the
7 recording; and I'm pretty much out of things I can
8 ask them about. It's there and it is what it is.
9 And the police officer either did exactly what he or
10 she is testifying about. You know, they don't have
11 to -- it's just right there. I'm out of arguments on
12 that. And actually the literature in the social
13 science shows that, *eau contrair*, as far as it being
14 a problem, it clears up problems.

15 Now, I'm submitting that it's an appropriate
16 charge given the nature of the statements in this
17 particular case. Not only are they not videotaped or
18 audio taped, we have some and especially the last one
19 testified to by Mr. Joy that weren't even reduced to
20 writing on the part of the person who's alleged to
21 have given them. So all we have is an oral
22 rendition. Well, we don't even have the officer's
23 oral rendition of it. We have Mr. Meadors' oral
24 rendition of it.

25 So I would submit that just on the basis of the

1 facts in this case it's an appropriate charge. And,
2 you know, as a statement from a court in 2007, it's
3 an appropriate charge. We are in 2007. We can start
4 with a tape recorder, if nothing more than a tape
5 recorder. They practically give them away in cereal
6 boxes these days. So I just ask it be submitted.
7 It's not a charge on the facts, quickly, before I
8 hear that.

9 **THE COURT:** All right.

10 **MR. MEADORS:** If it pleases the Court. Your
11 Honor, we would stand with the 47 other states in
12 this case. And, Your Honor, if you were going to
13 charge this, we say it is a charge on the facts.
14 "Since the alleged statement was not audio or
15 videotape recorded, you should weigh the evidence of
16 such statement with great caution or care."

17 You might as well add, like Mr. Delgado and Mr.
18 Strickler were telling you, we'll cross examine them,
19 because that's what they want.

20 And, Judge, Mr. Strickler is saying that would
21 be it; I wouldn't question anything else. I tried a
22 case with him with Dr. Dillard where the statement
23 was taped. And he questioned whether it was taped on
24 and off, whether it went from one room to another,
25 when the tape player was on and off. So I'm

1 respectfully disagreeing that he wouldn't question
2 the tape if it was taped.

3 We object, Your Honor. I've never seen this
4 charged. I do think it's a charge on the facts
5 specifically in this case. And he just gave
6 wonderful closing argument to why they shouldn't have
7 it. And that's what it is.

8 **MR. STRICKLER:** And I certainly didn't mean to
9 imply that I'd never seen it before, though I am
10 informed it has been given before in this state, or a
11 charge similar thereto.

12 **THE COURT:** All right.

13 **MR. STRICKLER:** Number 9, Your Honor.

14 **THE COURT:** For the record.

15 **MR. STRICKLER:** Well, I take it that Your Honor,
16 by Your Honor's comment that you will not charge
17 number 9.

18 **THE COURT:** I don't see how I can.

19 **MR. STRICKLER:** Your Honor does understand why
20 I'm requesting it. I added a witness on the stand.
21 This relates directly to Jason Brown. It doesn't go
22 to sentencing as to any of the defendants in this
23 particular case. It goes to what the law is. And
24 it's directly impeaching of his testimony. States
25 that, you know, conviction for a most serious, what

1 the most serious, relevant most serious offenses are
2 as far as Mr. Brown goes and that sentencing to life
3 without parole in his case was mandatory and that did
4 not occur in his case.

5 **THE COURT:** I understand. But, again, I'm just
6 not in a position to know all of the facts of that
7 case. It sounds cut and dried, simple, the way
8 you've described it. But I don't know of the facts
9 of any of those cases. I don't know what a judge
10 did. I don't know what -- in other words, I don't --
11 plus the fact that I think it would lead to
12 considerable confusion to the jury when I try to get
13 into describing the statutory scheme and the
14 mandatory sentences for various crimes and
15 enhancement of sentences based on the two strikes law
16 or three strikes law.

17 **MR. STRICKLER:** Your Honor, I understand your
18 ruling. I'm not going to argue with Your Honor about
19 it.

20 **THE COURT:** I want you to state it for the
21 record.

22 **MR. STRICKLER:** Okay. I'm sorry.

23 **THE COURT:** I think it's not appropriate.

24 **MR. STRICKLER:** All right. Thank you.

25 **MR. MILLING:** And, Your Honor, just --

1 **THE COURT:** Mr. Milling.

2 **MR. MILLING:** Just for the record, those same
3 requests to charge are the same requests to charge
4 that we have submitted. We would have the same
5 arguments. For the sake of judicial economy, we
6 would just rely on Mr. Strickler's --

7 **THE COURT:** All right. Mr. Delgado.

8 **MR. DELGADO:** The same for Mr. Joy, Your Honor.

9 **THE COURT:** No additional?

10 **MR. DELGADO:** No, sir.

11 **THE COURT:** Anything from the State?

12 **MR. MEADORS:** Your Honor, we'd just like, as far
13 as character, to leave that out until Monday and just
14 apparently leave it until Monday morning. I think
15 Doug and I'm sure these other attorneys are -- I
16 don't think that's --

17 **THE COURT:** Which one are you talking about?

18 **MR. MEADORS:** Well, what's still out? Is
19 anything other than character evidence, I mean, that
20 he hasn't been to? Co-counsel says we've been over
21 all of them. I didn't think we had.

22 **THE COURT:** Yeah. We've been over all of them.
23 I asked if there are any proposed charges from the
24 State.

25 **MR. ROSS:** No, sir. I don't have anything to

1 hand up.

2 **MR. STRICKLER:** Well, then I object. They're
3 required to be submitted in writing.

4 **MR. ROSS:** Well, I will. I'm just telling the
5 Court what it is. Duress is not a defense to murder.
6 I'd like that charged. Because Mr. Milling brought
7 that up. And I think that could be confusing to the
8 jury that you've got testimony that one of the
9 defendants pointed the gun at the other defendant
10 that caused him to shoot the other (sic). Just that
11 one sentence, that duress is not a defense to murder.

12 **MR. MILLING:** Your Honor, if I may respond
13 briefly, if you're done with that, Mr. Ross, with
14 that particular issue.

15 **MR. MEADORS:** Let him do it. Sit down. Go
16 ahead, Mr. Milling. Go ahead.

17 **MR. MILLING:** No. Mr. Ross indicated --

18 **MR. ROSS:** And then the other charge is
19 voluntary intoxication is not a defense. Because
20 there was some testimony about one of the defendants
21 being high on crack cocaine.

22 **THE COURT:** From where?

23 **MR. ROSS:** I think Leticia Jones. I think that
24 was in her testimony, that she was talking about not
25 Dominic Gallman but the person with Dominic Gallman

1 flipped out because he was high on drugs or high on
2 crack or something to that effect.

3 **MR. MILLING:** Your Honor, if I may respond on
4 both of them. As to duress, while it is accurate
5 that duress cannot be a defense in a murder case
6 because you've got to establish that you've got some
7 other -- if you're forced, that you're forced to do
8 something that would be less harmful I guess. And
9 murder being the type of charge it is, you just can't
10 have it.

11 Likewise, or the flip side of it is, I don't
12 think it's appropriate to charge that duress is not a
13 defense. I think that duress is something that
14 should properly not be charged to the jury at all. I
15 think that would do nothing but confuse the issues.

16 As far as the voluntary intoxication, if there
17 was anything mentioned in here about someone being
18 high on cocaine, I think it was such a minimal part
19 of the two weeks that we've been here that to
20 interject that as a charge in this case would just
21 confuse the issues and it would be inappropriate.

22 **MR. ROSS:** I don't know what's confusing about
23 it. I mean, it's pretty clear cut, that being on
24 drugs is not a defense and someone forcing you to
25 supposedly commit murder is not a defense. But it

1 could be thought of that way by the jury unless
2 they're instructed that is what the law is.

3 **THE COURT:** All right. I will consider that.

4 **MR. STRICKLER:** Your Honor, just for the record,
5 I join in the objection to both those charges. I'd
6 further object in that we were to meet this afternoon
7 for a charge conference. These charges have not been
8 prepared in writing and submitted to the Court and,
9 you know, perhaps to the other counsel in here
10 containing these references to that which the State
11 is relying on in support of those propositions.
12 That's required by the rules of this court.

13 **THE COURT:** All right. Anything else? Anything
14 else?

15 **MR. STRICKLER:** No, sir.

16 **THE COURT:** 10:00 Monday morning?

17 **MR. ROSS:** Yes, sir.

18 **THE COURT:** I'll have a -- if the charges are
19 revised, I will give you a revised copy at that time.
20 And there will be business that will have to be
21 conducted in this courtroom between 9 and 10
22 regarding commitments of bonds and estreatments of
23 bonds. I have bonding court from 9 to 10.

24 **MR. MEADORS:** Your Honor, Mr. Ross will have
25 those charges to Mr. Strickler by 5 if he would like

1 those, and any other defendants.

2 (Whereupon, the proceedings are concluded for
3 the day, to be reconvened Monday morning)

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1 Monday, December 17, 2007

2 **THE COURT:** Is the State ready to proceed?

3 **MR. MEADORS:** Judge, could we -- I have a copy
4 of your -- there are a couple of highlighted
5 portions. I didn't know. Are we going to go over
6 those highlighted portions?

7 **THE COURT:** Well, you've got the floor.

8 **MR. MEADORS:** Thank you. On number 10 there are
9 two highlighted. We won't argue the second
10 highlighted portions, but we'd like to respectfully
11 argue the first: "You may also consider whether a
12 particular witness was an informant." I don't know
13 of an informant in this case where somebody was
14 working undercover and going and got information. So
15 I don't think that's applicable to this case. If it
16 was, it would be a charge on the facts we think. So
17 we'd object to that.

18 **THE COURT:** Would you rather I say inmate?

19 **MR. MEADORS:** Judge, I think that's a charge on
20 the facts. You had people in jail that came forward
21 and said they made a statement. We didn't ask them
22 to do that. I think highlighting that, that just
23 goes to the general credibility of --

24 **THE COURT:** I'm not highlighting anything other
25 than the highlight is merely to advise counsel as to

1 what changes were made from the original set.

2 **MR. MEADORS:** Yes, sir. I didn't mean the
3 highlight on here. But I'm saying the words in and
4 of themselves highlight the testimony is what I
5 meant, which we think is improper. They're just like
6 anybody else, just like Renata, just like Tata. They
7 happen to be in jail. So it would be like saying to
8 ex girlfriends. And that would be our opinion. It
9 just happens to be somebody they were a cell mate of.
10 So we think their credibility should be judged like
11 anybody else's.

12 **THE COURT:** What's the defense position?

13 **MR. STRICKLER:** Your Honor, I have no objection
14 to the inclusion of that language.

15 **THE COURT:** I'm sorry?

16 **MR. STRICKLER:** I'm sorry. I have no objection
17 to the inclusion of the language. I think it
18 accurately states the fact that there is additional
19 grounds for bias on the part of individuals in that
20 situation. So I think it's appropriate.

21 **THE COURT:** Well, there was testimony about the
22 fact of deals; and some were, some were not. Well, I
23 take that back. Nobody was offered a deal. But the
24 issue of whether or not they would benefit from
25 testifying for the State I think can be considered by

1 the jury.

2 **MR. MEADORS:** Yes, sir.

3 **THE COURT:** And I don't think it's a charge on
4 the facts.

5 **MR. MEADORS:** Judge, it would be like saying --

6 **THE COURT:** Hold on. Anything from Mr. Gallman?

7 **MR. MILLING:** Your Honor, we would think this is
8 an entirely appropriate charge.

9 **THE COURT:** From Mr. --

10 **MR. DELGADO:** The same from Mr. Joy. Yes, sir.

11 **THE COURT:** All right. Now, Mr. Meadors.

12 **MR. MEADORS:** I don't know of any case law. I
13 don't know how that would be any different from
14 saying Renata or Tatanisha Robinson or anybody else.
15 These were just witnesses that happened to be in the
16 jail cell with them. Highlighting it is saying look
17 at their testimony more suspect. There are no deals
18 with these people. It should be strictly the
19 credibility and believability like any other witness.
20 And that's left to these wonderful lawyers to charge
21 why they shouldn't be believed, not a charge from
22 the -- to argue. Excuse me. Not a charge from the
23 judge saying, hey, look at this more closely. And
24 there were no deals given to them. That's to me
25 highlighting these witnesses' testimony, saying, hey,

1 you need to look at them closer. Which I don't think
2 they need to look at them closer more than anybody
3 else.

4 **THE COURT:** Okay. I think it's appropriate.
5 I'm going to leave it in. Next.

6 **MR. MEADORS:** I have never seen a charge on
7 defendant's reputation. There is actually a case in
8 here that says good reputation can raise reasonable
9 doubt. I don't see how if that's the law, then a
10 charge saying bad reputation, if any, may not be
11 considered as evidence of guilt. I don't understand
12 how that's consistent with the case law in this
13 state. And I'd like to see their cite on that
14 because I've never seen it charged, as I've never
15 seen an inmate informant charge in my life. So we'd
16 object to that one. Reputation.

17 **THE COURT:** What's the defendant's position? I
18 think that was raised by Mr. Strickler.

19 **MR. STRICKLER:** Pardon? Pardon me, sir?

20 **THE COURT:** I think that was raised by you on
21 Friday.

22 **MR. STRICKLER:** Yes, sir. And I think it was
23 raised because, as I discussed with the Court, I
24 submit the State injected evidence of his reputation
25 in not through Gertrude Burns who had testified in

1 camera but through State's witnesses and Mr. Moaney,
2 Mr. Brown. And I think it's appropriate in that
3 situation.

4 **THE COURT:** Well, is there any case law that
5 supports that?

6 **MR. STRICKLER:** Give me a second, sir.

7 **THE COURT:** I have your requested instruction
8 number 5.

9 **MR. STRICKLER:** Yes, sir. And the case law is
10 as cited at the bottom of the instruction. This is
11 from the initial Hubbard, not from the more recent.

12 **THE COURT:** Not in the more recent?

13 **MR. STRICKLER:** Not from the more recent. I
14 don't have the more recent.

15 **THE COURT:** I don't know which -- I'm looking at
16 2001.

17 **MR. STRICKLER:** And it certainly is nothing
18 other than the opposite of -- nothing other than the
19 reverse of a good character charge.

20 **MR. MEADORS:** It's the exact opposite.

21 **THE COURT:** That's what he said.

22 **MR. STRICKLER:** That's what I said.

23 **MR. MEADORS:** Judge, State v. Gamble which he
24 cites not only stands for the proposition that the
25 State may not attack defendant's character unless

1 defendant first put that in issue, there was
2 testimony by Mr. Joy that Mr. Oliver was a drug
3 dealer; no objection. And then again I think we left
4 it that the testimony was Mr. Joy offered that
5 language. Without being asked, he said, I didn't say
6 he was that word, I didn't say all that. He's the
7 one who brought it out.

8 **MR. STRICKLER:** Well, one, I don't concede that
9 point. That's what he says, and I say not. And if
10 I'm wrong, I'm wrong in that regard. All of that is
11 against the backdrop of Omekas Moaney testifying
12 about drug dealing, about Jason Brown testifying
13 about him, about testimony from a parade of
14 girlfriends on his part talking about his character,
15 witnesses not called by us; a road traveled by the
16 State, not raised by us.

17 **MR. MEADORS:** Your Honor, I guess our point is
18 to charge good character, good character the law says
19 could create reasonable doubt, but don't consider bad
20 character at all. I don't think you can have your
21 cake and eat it, too, which is what I think they'd be
22 getting if they got this charge. Of course there's
23 no evidence of good character.

24 **THE COURT:** Well, it's evidence of guilt. I
25 mean, the way it reads, evidence of bad reputation

1 may not be considered as evidence of guilt of the
2 crime. Well, that's about all we've got in this
3 case. So I'm going to leave it in.

4 **MR. MEADORS:** Finally, for what it's worth, the
5 testimony of police officers, State v. Adams, it's
6 306 S.E.2d 2008. It says that "where the jurors
7 would believe one class over another, it's improper
8 for Voir Dire", I would think if it's improper there,
9 it would clearly be improper for a charge that police
10 officers is not -- testimony is not entitled to more
11 weight than that of any other witness. I would think
12 your general charge on credibility and believability
13 covers that. And again I would cite State v. Adams.
14 It's still current law.

15 **THE COURT:** What are you citing?

16 **MR. MEADORS:** State v. Adams.

17 **THE COURT:** All right. Hand it to me. What's
18 it say?

19 **MR. MEADORS:** Your Honor, it states in the Voir
20 Dire background that should not be asked on Voir
21 Dire. And if that's the case then, that you
22 shouldn't weigh one class of a person's testimony
23 versus another.

24 **THE COURT:** What's the defense position? The
25 Hubbard manual says that -- it says this instruction

1 is necessary to remind the jury of this point.

2 That's what Hubbard says.

3 **MR. STRICKLER:** Yes, sir. That's what I say.

4 **MR. MEADORS:** Your Honor, Hubbard is a wish list
5 for defense attorneys. Defendant's requested
6 instructions. That's not an approved charge. I'd
7 cite case law over a defendant's requested
8 instruction book.

9 **THE COURT:** What's Gallman's position? Do you
10 have a position?

11 **MR. MILLING:** Your Honor, we think it's an
12 entirely appropriate charge in this case.

13 **THE COURT:** Mr. --

14 **MR. DELGADO:** As does Mr. Joy, Your Honor.

15 **THE COURT:** All right. Ms. McDuffie, you've
16 handed me a 12-page -- do you know where it is in
17 here that you're talking about?

18 **MS. MCDUFFIE:** Mr. Ross informs me that he
19 thinks it's page 7.

20 **THE COURT:** All right, Mr. Strickler. This is
21 not a new case. But when were the rules of
22 evidence --

23 **MR. STRICKLER:** I'm sorry?

24 **THE COURT:** When were the rules of evidence
25 adopted? '76?

1 **MR. STRICKLER:** No.

2 **MR. DELGADO:** No, sir.

3 **MR. STRICKLER:** What? 1991.

4 **MR. DELGADO:** September the 3rd, 1991, Your
5 Honor.

6 **THE COURT:** Good for you.

7 **MR. DELGADO:** How about that?

8 **THE COURT:** This case is an '83 case and does
9 not refer to 608 and 609. But if it's the only case
10 extant on this issue, it holds that: "It is the
11 further holding of this court" -- and this court
12 being the Supreme Court -- "that the subject matter
13 of this question is improper; that is, to believe the
14 police officer under Voir Dire as permitted by the
15 Code of Laws, it calls upon the jury to make a
16 determination in his own mind as to whether one class
17 of persons is more credible than the other, the juror
18 should not be required to assert which witnesses he
19 will believe nor what type of witness he will
20 believe. This is true because the juror should
21 believe that those witnesses' credibility appeal to
22 him after he's heard all the testimony, the question
23 invades the province of the jury to determine
24 individual credibility in the context of the entire
25 case."

1 **MR. STRICKLER:** Well, Your Honor, if you're -- I
2 understand. I don't have it in front of me. But I'm
3 sure you aptly quoted it to me. If you're dissing or
4 is you're inclined to go ahead and remove that, I
5 would ask that you leave in the following, it being
6 last two lines of the charge: "As modified, rather
7 you should" --

8 **THE COURT:** What page?

9 **MR. STRICKLER:** I'm sorry. This is page 11 of
10 your instruction, sir.

11 **THE COURT:** I'm flipping back and forth.

12 **MR. STRICKLER:** Yes, sir. And I'm having the
13 same problem.

14 **THE COURT:** All right. Go ahead.

15 **MR. STRICKLER:** "As modified, rather you should
16 judge each witness's testimony by the same standards
17 that you apply to all other witnesses." That's as
18 neutral as can be; but, in essence, says that all
19 witnesses belong to the same class; that is, people
20 whose credibility you need to judge.

21 **THE COURT:** Give me your -- do that again.

22 **MR. STRICKLER:** The last two lines, reading:
23 "Rather you should judge" --

24 **THE COURT:** -- but you're leaving in the body of
25 it above that.

1 **MR. STRICKLER:** No. No. That's where it talks
2 about police officers. I just -- remove that if
3 you're inclined to.

4 **THE COURT:** Just give me your proposed --

5 **MR. STRICKLER:** Yes, sir.

6 **THE COURT:** Strike starting at "the testimony".

7 **MR. STRICKLER:** Strike starting at "the
8 testimony" down and leave in only the last two lines
9 of that instruction. "The testimony" --

10 **THE COURT:** In other words, you take out
11 "rather".

12 **MR. STRICKLER:** Yes, sir.

13 **THE COURT:** "You should judge an officer's
14 testimony by the same standards."

15 **MR. STRICKLER:** No. My understanding is the
16 problem with officers. So my response would be:
17 "You should judge each witness's testimony by the
18 same standards that you apply to all other
19 witnesses." That emphasizes to the jury that they're
20 all in one class, the class which includes
21 credibility you are here to judge.

22 **THE COURT:** Any objection to that?

23 **MR. MEADORS:** Yes, sir. I think the objection,
24 you're not supposed to mention police officer at all.

25 **THE COURT:** We're not. We're taking them all

1 out, taking all police officers out. Starting at the
2 top, strike all the way down to "because he is a
3 police officer".

4 **MR. MEADORS:** What's the charge going to be,
5 sir?

6 **THE COURT:** "You should judge each witness's
7 testimony by the same standards as you apply to any
8 other witness."

9 **MR. MEADORS:** Wouldn't that go in your
10 credibility --

11 **THE COURT:** Well, it may be duplicative, but
12 it's neutral.

13 **MR. MEADORS:** Judge, and we'd like the same
14 thing for the informant. That case I think would
15 apply to the informant which are in in this case.
16 But you're trying to do a class of somebody there.
17 We say that should cover that. What he's talking
18 about there, it's no different. That's a class of
19 person, just like a police officer. And you're
20 highlighting it. So we would cite that case to say
21 the same thing. Add that sentence on the end of his
22 informant. Add it twice.

23 **MR. STRICKLER:** Well, then strike the whole
24 instruction then, Your Honor.

25 **THE COURT:** Which one?

1 **MR. STRICKLER:** The one that he's talking about.
2 If we're going to go back and revisit what you've
3 already ruled on again as a result of this, just
4 strike the whole instruction. Just don't mention it.

5 **MR. MEADORS:** I don't think there's anything
6 wrong with that since if we've gone through this
7 analysis. In my view, this kind of highlights why
8 informant shouldn't be in there."You should judge a
9 person's testimony by the same standards you apply to
10 other witnesses."

11 **THE COURT:** Well, there's a difference. I don't
12 think police officers may consider the benefit of
13 their testimony as having some benefit to themselves
14 when it comes to sentencing or -- I mean, it's clear
15 from the record to me that -- I forget the witness.
16 I think it was -- let me try to be clear. Mr. Moaney
17 testified in response to the solicitor's questions
18 that the solicitor would talk with the authorities
19 about -- would let them know that he testified.
20 Which obviously he anticipates some benefit from the
21 State offering that to the federal authorities.

22 So I think it's different. I don't think a
23 police officer anticipates that he is going to get
24 some benefit out of his testimony. An informant, an
25 inmate who is serving time who still has pending

1 sentencing issues when he's told -- or when he
2 testifies that the state of South Carolina is going
3 to go to the federal government and tell them that he
4 testified for the State that he can -- I don't think
5 that you can say that he anticipates no benefit from
6 that. He obviously anticipates a benefit from it.
7 And I think that differentiates him from a police
8 officer. So I respectfully deny your request with
9 regard to the informant.

10 **MR. MEADORS:** If I could say one other thing.
11 That's for them to argue though. If your Honor
12 mentions that, it's a charge on the facts. They can
13 argue it. His statement --

14 **THE COURT:** I say it's not a charge on the law.

15 **MR. MEADORS:** His statement was given in October
16 of 2005. He didn't know anybody. That's the
17 question. Now afterwards we're changing this and
18 we're going to tell the Feds he cooperated? Sure.
19 They can argue that. Your Honor doesn't need to
20 argue it.

21 **THE COURT:** I'm not arguing anything. I'm
22 giving a -- what I'm trying to do is give an accurate
23 statement of the law and not a factual 31-page
24 charge.

25 **MR. MEADORS:** Yes, sir. I've just never seen

1 it. And I would rely on State v. Adams. And that's
2 a charge on a class of individuals.

3 **THE COURT:** Thank you. I'm striking the
4 testimony of a police officer. Anything else from
5 the State?

6 **MS. MCDUFFIE:** No, sir, Your Honor.

7 **THE COURT:** From the defense?

8 **MR. STRICKLER:** Two matters, Your Honor. On
9 page 28, your discussion of malice, the only issue I
10 have is with the first sentence. "Malice may be
11 inferred from conduct showing a total disregard for
12 human life." That's Mouzon language; in essence,
13 used to elevate reckless conduct to malicious conduct
14 because of the rising to that degree of recklessness.

15 I mean, these were intentional acts here. There
16 is no question about that. You are certainly
17 charging malice may be inferred from the use of a
18 deadly weapon which is totally appropriate in this
19 situation. And expressed and inferred, and you
20 certainly deal with inference from the use of a
21 deadly weapon. I just think to also charge total
22 disregard for human life is, one, not appropriate
23 under the facts; and, two, confusing to the jury.

24 **THE COURT:** You said you had two matters.

25 **MR. STRICKLER:** I'm sorry. Yes, sir. That was

1 one. The other is just an informational question,
2 Your Honor. Do you charge the bolded categories as
3 you're charging it or just charge the language in the
4 categories? If you charge the bolded categories --

5 **THE COURT:** No, I don't.

6 **MR. STRICKLER:** Okay.

7 **THE COURT:** I don't.

8 **MR. STRICKLER:** Page 31 says: "Failure of
9 defendant to testify", and that's something I always
10 have a problem with.

11 **THE COURT:** Judge Anderson has made it very
12 clear you never use the word "failure" in an
13 instruction to the jury.

14 **MR. STRICKLER:** All right. Well, that's all I
15 have then, Your Honor.

16 **THE COURT:** All right. Yes, sir.

17 **MR. MILLING:** We would join in that, Your Honor,
18 as it relates to the malice charge. And the
19 Solicitor's Office has -- I guess they have emailed
20 us on Friday those two proposed charges which were
21 discussed and handed us I guess an original of them
22 today regarding voluntary intoxication and duress.
23 And as I mentioned on Friday, we would object to
24 those two charges. We think that that's
25 inappropriate in this case.

1 **THE COURT:** Mr. Delgado.

2 **MR. DELGADO:** I have nothing further except to
3 join in the comments of my colleagues, Your Honor, on
4 behalf of Mr. Joy.

5 **THE COURT:** All right. Well, what's the State's
6 position on inferred malice?

7 **MR. ROSS:** Your Honor, I think the charge is
8 fine the way that you have it.

9 **THE COURT:** Well, I'm giving it probably 50
10 times. It may not be directly on point with the
11 facts in this case, but it is -- I think it's helpful
12 to the jury to understand what an inference of malice
13 is. I don't say that there is any inference of
14 malice in this case. It's more of an example of what
15 inferred malice may be. So, all right. Anything
16 further?

17 **MR. MEADORS:** Were voluntary intoxication and
18 duress not included?

19 **THE COURT:** They're not in there.

20 **MR. MEADORS:** We would ask that you include
21 them.

22 **THE COURT:** I thought we went over this Friday.
23 But --

24 **MR. MEADORS:** I didn't know you had ruled on it.

25 **THE COURT:** Where is the voluntary intoxication?

1 **MR. MEADORS:** Your Honor, I think there is
2 clearly circumstantial evidence that drugs were being
3 used, drugs were obtained throughout this. So that
4 would be circumstantially voluntary intoxication, the
5 crack cocaine. That kind of speaks for itself I
6 think.

7 As far as duress, there have been two witnesses,
8 I know at least two witness; Jason Brown one, and
9 Ms. Leticia Jones who both said that -- through Jason
10 Brown it came out Stanley Oliver said the other guy
11 tried to give him the .38 and he told the other guy,
12 no, you're going to or it's either you or her. Then
13 Leticia Jones specifically says that Dominic told
14 her, you were right, you were right. I went there.
15 I shouldn't have been with him. And then he says
16 after what happened in the house, we went out in the
17 woods and he told me to shoot. The other person told
18 me -- I gave him the gun. He said, no; it's you or
19 her, and I shot her.

20 So, I mean, if they try to claim, Mr. Milling or
21 something, that -- clearly if he tries to infer Mr.
22 Oliver made him shoot the female, and there's
23 testimony that Mr. Oliver wouldn't shoot a female,
24 that duress is the law, which is not a defense to
25 murder. I can't anticipate where their arguments are

1 going, but that's a correct statement of the law and
2 I think that's why Mr. Ross requested it.

3 **THE COURT:** Mr. Strickler, anything for the
4 record?

5 **MR. STRICKLER:** Your Honor, given the extent of
6 the testimony in relation to those two issues and the
7 scope of this trial, I think they're extraneous and
8 confuse the jury. But in all candor, I don't care.

9 **THE COURT:** All right. Mr. Gallman. I mean,
10 sorry. Mr. Milling.

11 **MR. MILLING:** Thank you, Your Honor. Again, I
12 don't think it's appropriate. I don't think there's
13 sufficient evidence for which to justify the charges.
14 And as Mr. Strickler said, it will confuse the issues
15 for the jury.

16 **THE COURT:** Mr. Delgado.

17 **MR. DELGADO:** Representing Ken Joy, I'm not sure
18 I have standing to argue that based on my --

19 **THE COURT:** All right. You're correct. All
20 right. There is some evidence in the case that the
21 jury may be able to infer some sort of voluntary
22 intoxication and/or duress. I'll give those two
23 charges, additional charges to what is already in the
24 charge. Anything further before we bring the jury?

25 **MR. MEADORS:** Nothing from the State.

1 **MR. STRICKLER:** Your Honor, if I could, just so
2 the record is clear, I think I did this Friday. But
3 I would just ask the record reflect the fact that I
4 excepted to Your Honor's decision back on Friday to
5 refuse to charge my requested instruction 8 on
6 recorded statements and 9 regarding life without
7 parole. That's all I have.

8 **MR. MILLING:** We would join in that as well.

9 **MR. DELGADO:** As does Mr. Joy relating to number
10 8.

11 **THE COURT:** All right. The State plan to open
12 and close?

13 **MR. ROSS:** Yes, Your Honor.

14 **THE COURT:** How much time do you need? Time is
15 going to be somewhat of a consideration in this case.

16 **MR. ROSS:** I don't think that I would need more
17 than 30 minutes, maybe not even that.

18 **THE COURT:** How about closing?

19 **MR. MEADORS:** How much will you allow us?
20 Judge, I don't think I'll be any longer than they
21 will combined.

22 **THE COURT:** Well, --

23 **MR. MEADORS:** I don't think I'll need more than
24 45.

25 **THE COURT:** If you had an hour? If you had an

1 hour?

2 **MR. MEADORS:** If I had an hour, I promise you I
3 wouldn't need more than that. So an hour and a half
4 for our side. I have tried to streamline it
5 actually. Can I have his carry-over minutes if he
6 doesn't use them?

7 **THE COURT:** Let me ask the defendants. From a
8 combined standpoint, I mean, the rules of civil
9 procedure suggest a two-hour limit. And, you know,
10 there's the old axiom about brains and back sides.
11 Have you discussed it?

12 **MR. STRICKLER:** As to this, no, Your Honor. I
13 would hope that for Mr. Oliver I'll be able to
14 accomplish what I need to accomplish in 45 minutes,
15 no more than an hour. I'm aware of the maxim and
16 happen to agree with it. I do happen to think that,
17 with all due respect to co-counsel or counsel for
18 co-defendants, the focus of this has been largely on
19 Mr. Oliver. And I feel compelled to respond fully to
20 the evidence in this case. And that's going to take
21 me a little bit of time. And my response may take
22 care of some more than I have to do. I don't know.

23 **THE COURT:** All right. Mr. Milling.

24 **MR. MILLING:** Thank you, Your Honor. I would
25 tend to agree with Mr. Strickler that the way that

1 the evidence has fallen --

2 **THE COURT:** Well, I'm asking you for a
3 projection of your final argument in terms of time.

4 **MR. MILLING:** I would anticipate that mine would
5 run probably between 30 and 45 minutes.

6 **THE COURT:** Mr. Delgado.

7 **MR. DELGADO:** Yes, Your Honor. I believe that's
8 a realistic estimate, 30 to 45 minutes. Your Honor,
9 inbetween that, sir, I think there's going to be a
10 need for various folks to gather evidence so that we
11 can make our presentation fluid. And that may
12 require a couple of minutes just so we can get
13 ourselves together. I think that may add to the
14 overall time.

15 **THE COURT:** Are you talking about between each
16 defendant? I'm just asking.

17 **MR. DELGADO:** Well, yes, sir. Unless we just
18 stand at ease while we try to do this in front of the
19 jury. That's the only thing I can think of.

20 **THE COURT:** Well, I think stand at ease is not a
21 pad thing.

22 **MR. MEADORS:** I'd certainly request one before
23 mine briefly, a brief recess.

24 **THE COURT:** Well, I will tell you 30, 45, that's
25 an hour and 15. 2:15. I mean, two hours and 15

1 minutes will get us to 1:00. This jury is going to
2 have a lunch break probably before your final. Do
3 you understand?

4 **MR. MEADORS:** Yes, sir.

5 **THE COURT:** That will give you plenty of
6 opportunity. I'm not going to hold you to it. But
7 if we start now, I would hope to finish the State's
8 opening and the defendants' three closings by
9 somewhere around 1:00 or 1:15. Somewhere. That's
10 the way it adds up. You ready for the jury?

11 **MR. MEADORS:** The State's ready.

12 **MR. DELGADO:** Your Honor, if it doesn't add up
13 to that --

14 **THE COURT:** Well, I'm only doing the best I can.

15 **MR. DELGADO:** I know. I understand.

16 **THE COURT:** I'm trying to manage the time,
17 manage the jury, manage the defendants.

18 **MR. DELGADO:** Yes, sir.

19 **THE COURT:** Bring the jury, please. Then,
20 believe it or not, after all that I've got to charge
21 them.

22 **MR. DELGADO:** Yes, sir.

23 **THE COURT:** I mean, I'd like to finish at least
24 the charge today.

25 **MR. DELGADO:** Yes, sir.

1 **THE COURT:** And I will watch the clock. Is
2 there one of those that buzzers when the time goes
3 off? All right. Let's proceed.

4 (Jury in at 11:02 a.m.)

5 **THE BAILIFF:** The jury is present.

6 **THE COURT:** All right. Good morning, ladies and
7 gentlemen. Again, we've had some post-trial matters
8 that we needed to clear up and we're now ready to
9 conclude the trial with final summations or arguments
10 by counsel. The Solicitor's Office or the State will
11 argue first, what's known as split an argument and
12 will -- after which the defense counsel will present
13 their presentation to you followed by a final
14 summation by the state Solicitor's Office. So,
15 Mr. Ross, you may begin.

16 **MR. ROSS:** May it please the Court. Good
17 morning, ladies and gentlemen. As the judge told
18 you, the Solicitor's Office gets to go first. And
19 what I'm going to do is what's called open on the
20 law. Then defense counsel for each defendant will
21 have an opportunity to talk to you, and then Mr.
22 Meadors will then get back up and talk to you at the
23 final argument.

24 What I'm going to do is go over the elements of
25 each of the crimes that are charged and talk to you a

1 little bit about different things that you can take
2 into account as far as testimony, evidence, those
3 types of things. Mr. Meadors when he gets up will go
4 more into the facts and the proof in the case and the
5 evidence in the case as it's been presented.

6 As you know, there's three defendants in the
7 case. Two defendants are charged with the same types
8 of crimes. Mr. Joy is charged with accessory after
9 the fact. So I'm going to go over burglary in the
10 first degree first, and those charges both apply to
11 Mr. Oliver and Mr. Gallman. I'm going to go through
12 the indictments as we go through.

13 Dominic Gallman is charged with burglary first.
14 Stanley Oliver is charged with burglary first.
15 Mr. Kenneth Joy is charged with accessory after the
16 fact to burglary first. So let's go through the
17 burglary first, what the elements of burglary first
18 are.

19 You've got to enter a dwelling, which will be a
20 house in this case, a house or a dwelling, without
21 consent. It means the homeowner did not give you
22 consent to enter, or that the defendants entered
23 under false pretenses; the owner didn't know what
24 they were really there for, with the intent to commit
25 a crime therein.

1 It means when you enter the dwelling, the
2 defendants, Mr. Oliver and Mr. Gallman, know that
3 when they go in the house they're going to commit a
4 crime when they get in there. While affecting entry
5 or while in the dwelling or while in immediate flight
6 therefrom he or another participant in the crime is
7 armed with a deadly weapon, or causes physical injury
8 to a nonparticipant in the crime, uses or threatens
9 use of a dangerous instrument, displays what is or
10 appears to be a weapon. So we've got entry without
11 consent, and that while in the house armed with a
12 deadly weapon, such as a gun, or causes physical
13 injury to a nonparticipant, such as shooting and
14 murdering; all of those qualify for burglary first.
15 These are the elements the State has to prove, and
16 the State has to prove these elements against Mr.
17 Oliver and Mr. Gallman.

18 Accessory after the fact, let me just touch on
19 it briefly and then we'll come back to it. This will
20 go to Mr. Joy. Completed felony, knowledge that the
21 principals committed the crime. The principals would
22 be Oliver and Gallman, the two people who actually
23 did the burglary. Harboring or assisting the
24 principal with the intention of enabling the
25 principal felon to escape detection or risk of

1 punishment.

2 So basically Mr. Joy knows that Mr. Oliver and
3 Mr. Gallman committed a burglary. When he helps them
4 to get away with it, that's accessory after the fact.
5 It's a simple term.

6 Let's talk about armed robbery. Again, Mr.
7 Oliver and Mr. Gallman are charged with armed robbery
8 of George Batie and also armed robbery of Kevin
9 Miller. So there's two counts of armed robbery for
10 Mr. Oliver, two counts of armed robbery for Mr.
11 Gallman; and Mr. Joy, two counts of accessory after
12 the fact of armed robbery; again, covering the
13 victims George Batie and Kevin Miller.

14 The judge is also going to charge you on these
15 elements pretty much the same way that I'm outlining
16 them here. But armed robbery is the taking of
17 property from the presence of another by means of
18 force or intimidation while armed with a deadly
19 weapon or purporting to be armed with a deadly
20 weapon.

21 So if I have a gun and I take your property,
22 money, watch, wallet, whatever, any kind of property
23 from you, that is an armed robbery. Accessory after
24 the fact, it's the same thing, knowing that the armed
25 robbery as occurred, knowing that Gallman and Oliver

1 committed the armed robbery, assisting them to get
2 away with it by whatever means. It could be getting
3 rid of the evidence. It could be getting rid of the
4 weapons, all those things.

5 Mr. Gallman and Mr. Oliver are each charged with
6 kidnapping, kidnapping of Desiree Felder. Again, Mr.
7 Joy is charged with accessory after the fact of
8 kidnapping; also Desiree Felder. This is an old
9 statute, so it's written a little strange. Whoever
10 shall unlawfully seize, confine, inveigle, decoy,
11 kidnap, abduct or carry away any other person by any
12 means whatsoever without authority of law shall be
13 guilty of kidnapping.

14 Common sense; you know what kidnapping is. It's
15 taking another person away without their consent.
16 You know what that is. But it doesn't have to be for
17 any period of time. There's not a set amount of
18 time. It could be seconds. A kidnapping can occur
19 as seconds.

20 If I seize somebody or force them to go
21 somewhere against their will, that's kidnapping.
22 They actually don't have to be taken from one place
23 to another, although that's what we have in this
24 case. Under the law you don't have to do that to
25 have kidnapping in South Carolina, but that's what we

1 have. Which is pretty clear. When Ms. Desiree
2 Felder was taken the home and taken out in the woods
3 clearly against her will, that's kidnapping. And
4 again, accessory after the fact, knowing that a
5 kidnapping had occurred, that the principals had
6 committed the crime, helping them to get away with
7 it.

8 Mr. Oliver is charged with three indictments for
9 murder, one for the murder of Desiree Felder, one for
10 the murder of George Batie, one for the murder of
11 Kevin Miller. The same with Mr. Gallman; three
12 indictments for murder: Desiree Felder, George
13 Batie, Kevin Miller. Mr. Joy is charged with three
14 indictments for accessory after the fact of murder,
15 the same victims: Desiree Felder, George Batie,
16 Kevin Miller.

17 The same thing; you have certain elements for
18 murder. The simple definition: The unlawful killing
19 of any person with malice aforethought, either
20 express or inferred. That's the definition of murder
21 in South Carolina. The unlawful killing of any
22 person -- that's pretty clear -- with malice
23 aforethought.

24 Malice is a legal term that's used in South
25 Carolina. In its popular sense the term murder

1 conveys the meaning of hatred, ill will or hostility
2 towards another. Malice is a term importing
3 wickedness and excluding just cause or excuse,
4 something that springs from wickedness or depravity
5 from a heart devoid of social duty and fatally bent
6 upon mischief. Malice may be inferred from the
7 willful, deliberate and intentional doing of an
8 unlawful act without just cause or excuse or from the
9 use of a deadly weapon.

10 You don't have to have malice for any
11 appreciable time. We don't have premeditated murder
12 in South Carolina. You don't have to have
13 premeditated to have murder. You just have to have
14 malice. And that can be right before you pull the
15 trigger, including pulling the trigger that malice is
16 there.

17 And you can infer malice from what's going on,
18 the commission of a robbery, a kidnapping, a
19 burglary, that infers malice. The use of a deadly
20 weapon because when you shoot somebody, a weapon, a
21 gun is such a lethal weapon you can infer malice.

22 So it's the unlawful killing of any person with
23 malice aforethought. That malice can exist right
24 when you pull the trigger, either express or
25 inferred. Express malice would be: "I'm going to

1 kill you." I'm expressing it. Or it can be inferred
2 from the actions of the defendant.

3 Again, accessory after the fact of murder,
4 knowing that a murder has occurred, knowing that Mr.
5 Gallman and Mr. Oliver committed the murder,
6 assisting them with the intention of helping them get
7 away with the murder; again, destruction of evidence,
8 destruction of the means of committing the murder.

9 When two or more combine together to commit a
10 burglary and during the robbery a homicide is
11 committed as a natural and probable consequence, all
12 present in participation of the robbery are as guilty
13 as the one committing the homicide. If a person
14 intentionally kills another during the commission of
15 a felony, malice may be inferred.

16 So if you've got two people who are committing a
17 robbery but only one of those actually murders,
18 they're both guilty of murder. If you don't know who
19 actually fired the gun, they're both guilty. The
20 hand of one is the hand of all. This applies to Mr.
21 Gallman and Mr. Oliver.

22 And you can infer malice from the fact, like I
23 said before, committing a burglary, committing a
24 robbery, committing a kidnapping. A principal in a
25 crime, that's the person who actually commits the

1 crime, is one who either actually commits the crime
2 or who is present aiding, abetting or assisting in
3 committing the crime. When a person does an act in
4 the presence of and with the assistance of another,
5 the act is done by both. Where two or more acting
6 with a common plan or intent are present at the
7 commission of a crime, it does not matter who
8 actually commits the crime. All are guilty. The
9 hand of one is the hand of all, just saying it a
10 little bit differently.

11 If me and my partner go to commit a robbery but
12 my partner actually does everything, I am just as
13 guilty. I was there, I was participating. It
14 doesn't matter that my partner does some things and I
15 don't do those things or I do some things and my
16 partner doesn't. Everything that's done, we are both
17 guilty. We're guilty of all those things.

18 The judge is going to talk about this. These
19 are things to consider when you're evaluating
20 witnesses who testify here on the witness stand.
21 Credibility. That's your role. We don't determine
22 credibility. The judge doesn't determine
23 credibility. Only you determine credibility.

24 What was the demeanor of the witness on the
25 stand? Was the witness forthright or hesitant? Was

1 the testimony of a witness consistent? Was the
2 testimony of a witness corroborated? Does the
3 witness have reason to be biased or prejudiced?
4 Those are certain things you are free to consider,
5 the same that you would consider when you were
6 talking to somebody in general in everyday life.

7 If the testimony did change on the stand from
8 what they said before, why did it change? Who were
9 they trying to help or who were they trying to hurt?
10 When were they telling the truth? Were they telling
11 the truth on the stand, or were they telling the
12 truth originally, or were they telling the truth both
13 times? And you can believe part of a witness's
14 testimony, none of a witness's testimony or all of
15 it. That's for you to decide.

16 Two types of evidence in a case: Direct
17 evidence and circumstantial evidence. People have a
18 preconceived notion about circumstantial evidence,
19 that circumstantial evidence is not as good as direct
20 evidence. Not true. There are two types of evidence
21 which are generally presented during a trial: Direct
22 evidence and circumstantial evidence. Direct
23 evidence is the testimony of a person who asserts or
24 claims to have actual knowledge of a fact, such as an
25 eye witness. Circumstantial evidence is proof of a

1 chain of facts and circumstances indicating the
2 existence of a fact.

3 The law makes absolutely no distinction between
4 the weight or value to be given to either direct or
5 circumstantial evidence, nor is a greater degree of
6 certainty required of circumstantial evidence than of
7 direct evidence. You should weigh all of the
8 evidence in the case.

9 In this case circumstantial evidence will be the
10 .40 caliber bullets. There were two shell casings in
11 the Mildred Avenue house. The shell casings were
12 testified to by SLED that they were fired from the
13 same firearm. There was the one shell casing that
14 was found in the closet. There was the one shell
15 casing found in the couch. Both those shell casings,
16 little brass empty container looking thing, fired by
17 the same firearm.

18 The projectiles themselves in George Batie's
19 head and Kevin Miller's head, the SLED agent
20 testified they were consistent with being fired from
21 the same firearm, but because of the damage couldn't
22 say for sure. Well, circumstantial evidence tells
23 you they were fired from the same firearm. Two shell
24 casings in the house, two projectiles found in the
25 bodies; because the shell casings match, you can say

1 that the projectiles match. That's just one example
2 of circumstantial evidence. Direct evidence would
3 be: I saw something happen, and that testimony is
4 given to you from the witness stand.

5 The judge is going to talk to you about -- he's
6 going to give you a charge on voluntary intoxication,
7 which basically says voluntary intoxication is never
8 an excuse of a defense to a crime. A person who
9 voluntarily renders himself intoxicated is no less
10 responsible for his acts while in such condition.

11 If a person voluntarily drinks intoxicating
12 liquors or takes drugs and becomes intoxicated and
13 then while in that condition commits an act which
14 would be a crime that would have been committed by a
15 sober person, the fact of drunkenness or intoxication
16 would not relieve the intoxicated person from
17 responsibility.

18 In other words, if I go and commit a crime and I
19 took drugs or drink alcohol or both, the fact that I
20 took drugs or drank alcohol or both does not relieve
21 me of responsibility of committing that crime. I am
22 still just as guilty.

23 Also duress is not a defense to murder in South
24 Carolina. If I put a gun to another individual's
25 head, tell this individual to then murder the third

1 person, the fact that somebody put a gun to my head
2 and told me to murder the third person is not a
3 defense. Because I am killing somebody else. The
4 fact that somebody is threatening to kill me is not a
5 defense for me of killing another person. No defense
6 at all.

7 Reasonable doubt. I talked to you a little bit
8 about this in the opening. Reasonable doubt is not
9 beyond a shadow of a doubt. It's not beyond a shadow
10 of a doubt. It's not beyond every I dotted, every T
11 crossed, everything lined up exactly right. That's
12 not beyond a reasonable doubt.

13 Beyond a reasonable doubt is common sense.
14 Proof beyond a reasonable doubt is proof that leaves
15 you firmly convinced of the defendant's guilt. There
16 are very few things in this world that we know with
17 absolute certainty; and in criminal cases, the law
18 does not require proof that overcomes every possible
19 doubt.

20 If based on your consideration of the evidence
21 you are firmly convinced that the defendant is guilty
22 of the crime charged, you must find him guilty. If,
23 on the other hand, you think there is a real
24 possibility that he is not guilty, you must give him
25 the benefit of the doubt and find him not guilty.

1 If, on the other hand, you think there is a real
2 possibility, not some speculative doubt; you can
3 speculate about anything, about why something is or
4 isn't. But if you're firmly convinced, that's beyond
5 a reasonable doubt. It's common sense. Do you
6 believe the person did it and do you have a good
7 reason for it?

8 I want to thank you for your attention. That's
9 all the things that I'm going to cover with you. The
10 defense then is going to talk you, and then the State
11 will get back up after that and go over the facts of
12 the case, go over the evidence and apply the law to
13 the evidence. Thank you.

14 **THE COURT:** Mr. Strickler.

15 **MR. STRICKLER:** May it please the Court, Your
16 Honor?

17 **THE COURT:** Yes, sir.

18 **MR. STRICKLER:** Mr. Foreman, ladies and
19 gentlemen of the jury, Ms. LaFave in her opening
20 posed the question of what is truth. And Mr. Delgado
21 in his quoted Seneca, Seneca the Younger, that "every
22 man prefers belief to the exercise of judgment."

23 And I have another Seneca quote for you at this
24 point. "I do not distinguish by the eye but by the
25 mind which is the proper judge." I do not

1 distinguish by the eye but by the mind which is the
2 proper judge. Don't take things without evaluating
3 them. And that's what I'm going to do here for a
4 little longer. That's what I'm going to ask that you
5 all do in a little while.

6 Ms. LaFave indicated at the end that we're going
7 to ask that you find that Stanley is not guilty; and,
8 indeed, that's what we are going to ask you to do.
9 In discussing why that's the appropriate verdict in
10 this case, I'm going to discuss what you've heard and
11 why you've heard it. I'm also going to need to
12 discuss what you haven't heard and why I submit you
13 haven't heard it. I'll need to talk about what's
14 been proven, what hasn't been proven. I'm going to
15 talk with you about promises broken by the
16 government, promises to you broken. I'll need to
17 talk with you about science. And I'll need to talk
18 with you about the nature of proof and the nature of
19 truth.

20 That's somewhat of a big job at this point, but
21 I'm going to go ahead and give it a shot. Ms.
22 LaFave, may I have a box, please?

23 **MS. LAFAVE:** Yes, sir.

24 **MR. STRICKLER:** In doing it, I'm just going to
25 try to run briefly through testimony of significant

1 witnesses. Thank you, ma'am. I'm going to talk
2 about what it says and what it doesn't say. But,
3 see, we have Ms. Dutton, the first officer, on the
4 scene. We have Mr. Felder. We have Kenny Parker.
5 What do we know about Kenny Parker? You remember?
6 He's the one who had the phone call or the meeting
7 with Mr. Batie. And then the phone calls to him, you
8 have this answering machine, CD. Okay. It reflects
9 several phone calls from him.

10 All right. This is evidence. It reflects when
11 those calls were made. 12:10, 1:26 and 2:29. And I
12 submit the call immediately after he had been turned
13 away at the door by Ms. Felder was the 12:10 call.
14 Listen to the calls. Listen to what's said. See if
15 that becomes clear. This is evidence. Okay. So I'm
16 going to put that right here. All right?

17 What else do we know from him? He's a cocaine
18 user. Now, you know, we all have our demons. So I
19 don't indict him for that. But whether or not he was
20 truthful on the stand with you when he talked about
21 having a business deal, contract, this, that or the
22 other, he's got a phone message in there. I gave you
23 20, owe you 5, this, that or the other. It's got
24 nothing to do with a contract. It's got something to
25 do with getting cocaine.

1 Now, all that does is reflect on his
2 truthfulness here in court. It doesn't cost him
3 anything to say yeah. Listen to the phone calls.
4 Listen to what he said. He was really anxious to get
5 in touch with Mr. Batie. It wasn't about a contract.
6 So that goes to his credibility.

7 Credibility is nothing but a legal word that
8 means believability. Okay? And you can use your
9 common sense. That's what you all bring here.
10 There's nothing magic about it. You use your life
11 experiences. Every day we evaluate people as to
12 whether or not we believe what they're saying. We
13 all bring that with us. Okay? So that's what you
14 need to employ. And if he's going to lie about that,
15 then he'd lie about what else? Okay.

16 The first topic. He put in a piece of evidence.
17 Okay. Remember, he was the roommate of Mr. Miller.
18 And it's a fairly important piece of evidence. And
19 I'll tell you what. After I dig through all the
20 stuff that's not evidence -- I'm going to do that --
21 I'll probably be left with this important piece of
22 evidence because it establishes a time.

23 You get a withdrawal from the bank at 2:40 in
24 the morning. So we know that Kevin Miller is alive
25 at 2:40. Okay. I guess in theory the other stuff

1 could have happened in the house before that, but I
2 think it's unlikely. So Kevin Miller is alive at
3 2:40. It takes -- I don't know the testimony was --
4 what? It takes five to ten minutes to get from the
5 ATM to the house. Okay. All right.

6 Zondria McKie. Remember, she is the lady who
7 came to the house and came to the door, found Mr.
8 Miller's body, looked through the house, called 911.
9 You know, that is what she can testify to. That's a
10 piece of evidence. That testimony is a piece of
11 evidence because it helps establish, as I talked with
12 Dr. Nichols about, a timeframe for when this
13 happened.

14 It happened sometime after 2:40 in the morning.
15 And when does she come in the house? I'm not sure if
16 she's sure about when she came in the house. But we
17 have the testimony of the first officer on the scene.
18 It happened right about the shift change, right about
19 5:00 in the evening. All right.

20 So according Dr. Nichols' testimony, we've
21 established the deaths took place between 2:40 in the
22 morning, 2:50 in the morning and 5:00 in the
23 afternoon. It's narrowed down into that timeframe.

24 And what else can we tell? Oh, she's a cocaine
25 user, too. She's been over there on a number of

1 times. She owed Ms. Felder money. I don't care, but
2 Mr. Batie and Ms. Felder sold cocaine to lots of
3 people I think. So there is lots of traffic through
4 the house. There is lots of people that are aware of
5 what's going on. I'm not smearing anyone's
6 reputation. Let's just take a look at it. Take a
7 look at it. All right.

8 Then we do get into something that I do need to
9 talk about a while. And that's Pete Currie. And
10 there's a piece of -- he is the fingerprint guy, the
11 City of Columbia Police Department. You know, I have
12 another Seneca quote for you. I just put it down
13 here. I'm sorry. "We most often go astray on a well
14 trodden and much frequented road."

15 And Pete Currie is going to walk you down a well
16 trodden and much frequented road; that is,
17 fingerprint identification. Now, you heard what
18 Mrs. LaFave said in opening. That's Stanley's
19 friend. Well, in all candor, Ms. LaFave and I didn't
20 completely agree about that. We didn't completely
21 agree about that. I'm going to tell you why.

22 **MR. MEADORS:** I'm going to object to any
23 personal opinion. That is not in evidence.

24 **THE COURT:** Overruled.

25 **MR. STRICKLER:** Very well. I submit to you,

1 ladies and gentlemen of the jury, that the evidence
2 shows you that if you believe that these things match
3 up where it says that they match up; all right, if
4 you believe that, this area is not portrayed in this
5 print. None of the other four fingers on that hand
6 are portrayed in that print. None of the five
7 fingers on the other hand are portrayed in that
8 print. I don't even agree I submit to you; and if
9 you look at it, you won't either, that all these
10 areas match up. Okay. If they don't match and each
11 print is unique, then it's not Stanley Oliver's
12 print. Now, if you or Ms. LaFave happen to disagree
13 with me in that regard, well, I spent some time --

14 **MR. MEADORS:** Your Honor, I object. He's not
15 allowed to give his personal opinions.

16 **THE COURT:** Sir, overruled.

17 **MR. STRICKLER:** I spent some time speaking with
18 John Barron about DNA a little later on. Okay? And
19 I guess I'll take him out of sequence a little bit
20 because I'd like to talk about science as opposed to
21 opinion and truth as opposed to fiction.

22 Now, there's no doubt in my mind, from
23 Mr. Currie's testimony, he firmly believes it's a
24 match. It's clear that the science proved that no
25 two prints are identical. There's no argument from

1 me with him in that regard. What took me a number of
2 minutes to drag out of him was the fact that there is
3 no scientific study to say that this many points is
4 sufficient to say those prints are identical, that
5 there is not another print among the -- I don't know
6 how many -- six, nine billion people on the earth now
7 and all the people before us that no other print is
8 it. There is no scientific basis for saying this is
9 enough to declare that to be a match. There's none.
10 None whatsoever. I'm going to compare and contrast
11 that for you in just a little bit with the testimony
12 of Mr. Barron.

13 Now, this however is something they found and a
14 piece of evidence. Okay. Now, that wasn't all he
15 found. He found other prints that weren't
16 identifiable. That's not the same as saying he
17 didn't find any prints. He didn't find any prints in
18 blood. Well, there are prints in blood. And if I
19 dig through the pictures, I'll find one of them. But
20 didn't see enough ridge details, so he didn't dust
21 it. Or at least that's what he says.

22 Now, he also found a print of one Rasheed Rucker
23 on the door of Mr. Batie's car. Okay. Mr. Rasheed
24 Rucker. And I talked with Mr. Mead about that a
25 little further down the line. Mr. Mead actually

1 tried to talk with Mr. Rucker on a couple of
2 occasions. He didn't want to speak with him. And
3 then subsequent -- I don't know how this arose, but
4 subsequent to some -- on December 10th of 2007,
5 Monday of last week, he actually went and interviewed
6 Mr. Rucker in one of our penal institutions.

7 Now, I do need to get some pictures out of here.
8 If I could just beg your indulgence one moment. Oh.
9 Receipt. Okay? Evidence. All right. Let's see.
10 Let me just ask you something and of course I can't
11 address you individually. That's not permitted. So
12 this is a hypothetical question or a rhetorical
13 question.

14 How many times did you see and hear various
15 witnesses say that's another picture of the same
16 thing? Well, that's because they are. You've got
17 pictures of two separate cars, I guess to prove that
18 they're at the scene. If you want to call that
19 evidence, I guess we can.

20 All right. Assuming that it is of some
21 significance, all right, well, that's stuff.
22 Assuming that's evidence, that's stuff. Okay.
23 That's my term for it. That's not a legal term.
24 That's my term for it. And "stuff" is what is
25 presented to the jury by the prosecution for reasons

1 other than prosecuting the case. Stuff, and the
2 reasons usually fall into a couple of categories.
3 One, to really upset you guys. We'll talk about some
4 of that. And, two, to make it seem like they have
5 more evidence than they do.

6 I'll just start with this. I'm just trying to
7 sort through the stuff in this case. And it's just
8 stuff at this point. Let's see. Let's see. It's a
9 two-fer.

10 **MR. MEADORS:** Your Honor, I'm going to object to
11 throwing evidence on the floor.

12 **THE COURT:** Overruled.

13 **MR. STRICKLER:** I could take a lot of time going
14 through this. It's not the most exciting stuff in
15 the world. But take your pick. Take your pick. I
16 mean, this one shows a shell casing better than this
17 one. Stuff, I mean, to the extent this proves
18 anything.

19 Oh. They already did something with one of
20 those. It's another picture of the closet. We get
21 into multiple pictures of someone's body, multiple
22 pictures of a safe, multiple pictures of multiple
23 pictures of multiple pictures, ad nauseam. It's all
24 stuff. Okay. This sort of stuff makes it look like
25 there's more evidence in the case. All right.

1 There is another class of stuff that serves that
2 purpose and also serves I submit, the only other
3 purpose is to try to upset you. And that's pictures
4 of dead people. Violent death is not a pretty thing.
5 There ain't no question about that. There also
6 should be no question, I want to make it clear, that
7 nothing I say stands for the proposition that anyone
8 deserved to die. That's absolutely not the case. I
9 don't care what kind of business they're involved in;
10 no one deserves to die in this manner.

11 But let me just give you an example you've got
12 in here. Here. Do you need this? No. Do you need
13 this? No. Do you need this? No. I mean, do you
14 need that? Same thing. Do you need that? Mm-hmm
15 (affirmative), took pictures in there. You either
16 need this or you need the pictures; one or the other,
17 not both. Pictures look nastier. Do you need that?
18 Well, there are pictures in there that show the same
19 thing. I think there's probably another one in there
20 also.

21 Here's what you've got from the pathologist
22 versus stuff versus evidence. You have two doctors
23 testify. There were autopsies conducted in Newberry
24 on Ms. Felder and then the two autopsies conducted
25 here in Columbia. Each of them demonstrated on the

1 stand where their wounds were through their
2 testimony, showed you and testified to the
3 trajectory.

4 You then got pictures introduced demonstrating
5 the wounds and exactly the positions that they
6 testified to. Then you've got diagrams demonstrating
7 the wounds in exactly the fashion they testified to.
8 What are the pictures for? To offend you or to upset
9 you. That's what they're for. The law would say to
10 inflame your passions and your prejudices. The
11 testimony is right there. And it's not like anyone
12 had any question about the cause of death in this
13 case. So, stuff. I'll move on.

14 Now, Renata Williams. She testified for a
15 while, a former girlfriend of Stanley. She spoke to
16 the police once, twice, three times. She testified
17 to you that her first two statements to the police
18 were truthful. She, I guess it's the 8th or the 9th
19 that she spoke to them.

20 First of all, when the police came to search her
21 apartment, did they find anything in her apartment?
22 No. No evidence that's been introduced into
23 evidence. You have to assume it's not hers. You
24 have to assume it's not Mr. Oliver's I submit. You
25 have to assume there is nothing on him anywhere that

1 would link him to this crime.

2 She went down and talked with them, gave in her
3 words a truthful statement at that point in time.
4 Spoke with them again on the 13th, if I remember
5 correctly, gave them then a truthful statement at
6 that point in time. Whereupon the police arrested
7 her and charged her with misprisonment of a felony.
8 Not coming up with information about a crime that had
9 been asked her by the police. And they put her in
10 jail. And they kept her in jail until they spoke
11 with her on the 19th. Whereupon she came up with a
12 statement such as what you've heard her testify to,
13 you heard here.

14 Those charges still are lodged against her. She
15 is still charged with misprisonment of a felony.
16 Now, you can consider that in evaluating her
17 credibility. Does she have something to gain from
18 testifying here in court? Yeah. A minor thing like
19 her freedom.

20 What did she say about the questioning? On the
21 19th specifically, went out for an hour or two. The
22 police are showing her pictures, threatening her
23 regarding a murder charge.

24 You know, what else do we know about this? We
25 know that there is no audio or videotape of that

1 procedure. You heard myself and other attorneys ask
2 that probably ad nauseam. Well, there would not be
3 much to argue about on my part if there were an
4 audiotape or a videotape. How expensive is that
5 procedure? We have the police cruisers around. They
6 have video, audio to record what happens when they
7 pull people over for DUI. Nah, we're just talking
8 about a murder charge here.

9 What's important is to get people behind closed
10 doors where the only people who can testify about it
11 are the officer and the person. That goes to
12 defendants and witnesses. I mean, I submit to you
13 that Mrs. LaFave handled an accurate picture of what
14 was going on subsequent to this incident in the City
15 of Columbia. The police go scrambling around leaning
16 onto whoever they had to lean on to go ahead and make
17 an arrest in this case.

18 So, no audio or video. You know, we've got
19 this. We heard about another video that's related to
20 this case. I don't know if they have the evidence in
21 here now. It's sitting over there now I'm sure at
22 the State's table. Video from the ATM machine
23 showing Kevin Miller making a withdrawal. What does
24 that matter? I'm getting ahead of myself a little
25 bit, but I believe it was Mr. Mead who testified you

1 could see him from the waist up. What can you see
2 from the waist up? The presence or absence of a
3 watch is what you can see. The presence or absence
4 of a watch.

5 Every ATM machine in this town takes pictures of
6 people doing business there. And the police won't
7 record, audio record a statement given. What does it
8 matter, the presence or absence of the watch? You
9 all, the testimony you've been given is that Kevin's
10 mother saw him with the watch on Thursday. Let's
11 call this evidence too, this calendar. Okay? It's
12 of some assistance anyway.

13 So, he had a watch on Thursday. Does it thereby
14 follow that he had a watch on Sunday morning? Is
15 that proven beyond a reasonable doubt? Well, I
16 submit to you clearly not. He's a drug user. He's
17 having to borrow money from his roommate to go ahead
18 and buy drugs. There are pawn shops all over this
19 town. You can drop something off, pawn it, pick it
20 up later and, you know, like that. There is no proof
21 whatsoever. You want to talk about what is proven?
22 There is no proof whatsoever that he had a watch or a
23 wallet for that matter at the time of this incident.

24 He did have \$79 which is what he had I guess
25 after the fee they charge you at the machine that he

1 withdrew from the ATM. The only money he had was
2 still on him. So, that goes to an armed robbery
3 charge. What's taken from him? Well, what's proven
4 that's been taken from him? Absolutely nothing.

5 All right. Mike Allen. We knew a few things
6 from him testimony. Stanley is a drug dealer.
7 Stanley is known as Solo. That means by yourself,
8 not hooked up with several other people.

9 He told us that he got a spooky feeling when he
10 went over there and got the money from Stanley. He
11 ended up taking it. He also said that Stanley denied
12 killing anyone. He denied -- he was speaking with
13 him on the phone. He denied killing anybody. And
14 then he gets into some statements that he alleges Ken
15 Joy made with him, that Ken had just made everything
16 disappear; everything has disappeared. And that
17 they -- you know, that there were police witnesses,
18 \$50,000 taken.

19 Listen, my name is Doug Strickler. I'm the
20 Public Defender for Richland County. Mrs. LaFave and
21 29 other attorneys work with me. We represent 10,000
22 people a year charged with crimes. It costs you \$40
23 to have us represent you. It doesn't go to us. If
24 you're in jail, you don't even pay \$40. Okay. You
25 make that much money off this heist and you've got a

1 public defender representing you. Please.

2 I asked Mr. -- I think it was Mr. Allen. We
3 talked about prior record. You're entitled to go
4 into some prior records of people on the stand. And
5 I believe I specifically asked him about some forgery
6 charge and a fraudulent check charge or fraudulent
7 check charges. Okay?

8 And I got objected to, and His Honor sustained
9 it. And that's fine. I have no interest in the
10 particulars of the charges. I go into forgery and
11 fraudulent checks to try to develop what's involved
12 in those charges in general because certain charges
13 define the person who commits them.

14 Forgery and fraudulent checks are committed by
15 liars. Forgery is taking someone else's check,
16 filling it out and claiming that they filled it out
17 so you can get the money. Fraudulent checks, taking
18 your own check, filling it out, presenting it,
19 claiming that you have the money when you don't.

20 Those are both misrepresentations of the truth.
21 You're entitled to think about that and consider that
22 in evaluating the quality of his testimony here at
23 trial. That's all I tried to establish with him.

24 Also Mr. Mead took a statement from him. And
25 every time I tried to ask him about the statement, he

1 claimed he couldn't read the statement. He didn't
2 deny having given the statement, but since he didn't
3 want to agree with me about the contents of the
4 statement, he claimed he couldn't read Mr. Mead's
5 handwriting. That also was not recorded in any
6 fashion.

7 There's a letter in here that was introduced
8 from him to Ken Joy that I submit needs to be read in
9 its entirety. You all just heard about the last
10 couple of sentences. I submit it contains a threat
11 against Stanley Oliver. "I may have to take care of
12 my brother for a long minute. Take care of him for a
13 of long minute."

14 Leticia Jones. Her testimony was she was upset
15 and Gallman came in and told her all this stuff.
16 Talked with cops a couple of times back in 2005. No
17 mention, no mention, no mention. Child is taken away
18 from her. Can't get the child back as long as she's
19 got any association with Gallman. A month ago or so
20 she talks with David Ross over there and comes up
21 with what you've been told here, the first time she
22 ever said it to anyone.

23 These guys, you need to remember another saying
24 by Mr. Seneca the Younger which is: "One hand washes
25 the other. We've all heard that statement, that

1 saying. He's the guy who made it up. "One hand
2 washes the other." Someone is going to get something
3 for themselves in exchange for what they have to say
4 to you.

5 Omekas Moaney. Stanley bought drugs from him.
6 He's a drug dealer. On October 11th, 2005 he turns
7 himself in. They had that drug bust at his place.
8 He wasn't there. When he turns himself in he's
9 questioned by a guy named Stan Smith. You haven't
10 heard from Mr. Smith. He's one of the senior
11 investigators with Richland County. He didn't
12 testify here. The conversation was not recorded.

13 By that point in time, by November or
14 October 11th, whatever had been developed from Mr.
15 Allen was already developed. They had their game
16 plan. They lined it up. They talked with him. They
17 are able to fill him in. Do I know that they didn't
18 fill him in? Of course not. I wasn't there. Do we
19 know that they didn't? No. I wasn't there. Would
20 we all know whether the police just sat down and said
21 tell us what happened if they bothered to record it,
22 videotape it? Yes. Is that significant? I submit
23 yes, most definitely.

24 He also said, oh, something else that was most
25 significant. Stanley Oliver did not have a cellphone

1 in 2005. Stanley didn't have a cellphone in 2005.
2 Omekas Moaney said that. Now, you also can consider
3 that Mr. Moaney, he's doing 20 years on a federal bit
4 right now. He was subject to a mandatory life
5 sentence. He got down to -- pleaded it down to 20 to
6 life. He got the minimum sentence on that. And can
7 the prosecutors help with the penalty? The federal
8 authorities, they can corroborate it with them,
9 testified to you all, can go back to Federal Court
10 and get down under the 20 years in prison. So does
11 he have something to gain? Yes. Does one hand wash
12 the other? Yes.

13 Shequitta Evans. She testified as to a
14 cellphone number being Stanley Oliver's. That
15 cellphone, there's a record in there. Okay. We have
16 several cellphone records in there. A couple of them
17 with subscriber information on them. The record she
18 testified about has no subscriber information on it.
19 There is no information in a written record that the
20 number she identified as Stanley's was bought by
21 Stanley. There is none. What do you have to prove
22 that? Her statement.

23 What we do know is that from the fellow from
24 Sprint Nextel I think it was, that the phone was
25 activated on September 9th I believe. Stanley was

1 locked up on the 13th.

2 Tatanisha Robinson. You have been treated to a
3 parade of some interesting individuals in that
4 regard. Denied everything. You've got a statement
5 in here with a bunch of crossings, marking out on it
6 that's alleging her statement from September 2005,
7 and she denies virtually everything in there. She
8 says she was never given a chance to read it. She
9 says she was never given a copy of it then. She says
10 that she wrote a letter. She was asked about it,
11 denying all of that over a year ago. Okay.

12 She says she was mad at Stanley then. She was
13 pregnant. Stanley wouldn't quit messing around with
14 Renata. The police got her back there. She says --
15 what was it -- several officers working on her. She
16 already knew two women, Shequitta and Renata, had
17 been locked up. She didn't want to be the third; as
18 to the statement she gave over a year ago.

19 Jason Brown. This again is one hand washing the
20 other. I'm skipping a bunch of names. I'll skip
21 down. One hand washing another. Jason came in here
22 and got on the stand. He's doing time or was doing
23 time down in Allendale apparently until a few minutes
24 before, the day before I had an opportunity to speak
25 with him.

1 Here's some significant stuff about him. He's
2 the one, remember, that says Stanley Oliver, they
3 were cell mates down at the Alvin S. Glenn Detention
4 Center. And sometime, I believe in December,
5 Stanley, not telling the police he did anything, just
6 decides to go ahead and 'fess up to everything to
7 him. And then later, in January, Stanley offers to
8 go ahead and get him or anyone else who can get out
9 earlier \$10,000 a head for hits on three named
10 witnesses. That's because he has all this money that
11 he used to hire private counsel to represent him.
12 Okay.

13 But he does say some interesting things.
14 Convicted of carjacking which is a most serious
15 offense. You've heard this I think. Okay. Go back
16 and forth, back and forth. That's a prior most
17 serious prior offense. He then pleads in 2006 to
18 attempted armed robbery and armed robbery himself.
19 All right. Zero to twenty and ten to twenty, ten to
20 thirty penalties on that. He gets the minimum
21 sentence on that. He has received no assistance from
22 the State. Okay.

23 Well, he also was supposed to have been served
24 with life without parole notice. It's required.
25 He's got a prior most serious offense or a

1 subsequent, if the State prosecutes you for the
2 subsequent most serious, they must seek life in
3 prison without the possibility of parole. They
4 didn't do it in that case. No cooperation, no
5 assistance. Yeah.

6 He also -- and it's in there. This is in
7 evidence. He also submitted what's called a post
8 conviction relief application where he specifically
9 alleges, yeah, they served me without life without
10 parole. But something happened to that. Because
11 he's doing a ten-year sentence now. And he's filed
12 post conviction relief to try to get back in court
13 and get that overturned so he can come back into
14 court. And who knows why? Maybe get a little more
15 help. He didn't have any problems with saying he
16 didn't get any assistance.

17 Of course his statement is not recorded in any
18 fashion. So we don't know whether he sat down with
19 the police and they fed him information about, you
20 know, what they developed during the course of their
21 investigation in the case or whether he came in with
22 these details himself. We don't even know who the
23 officer was who questioned him because he wasn't
24 called to testify. What's proven? What's not
25 proven? What evidence is there and what evidence is

1 there not in this case?

2 He did testify something interesting, that --
3 and I forget which victim he said it about. . One of
4 them was beaten in the head -- I think it was Mr.
5 Batie -- beaten in the head with the butt of a pistol
6 trying to get him to go ahead and get the safe open.
7 Okay? Beaten in the head with the butt of a pistol.
8 I talked with the good doctor about that. There is
9 no evidence of head trauma consistent with being
10 beaten with a pistol on any of the evidence in this
11 case.

12 And he comes up with this statement about
13 someone -- Stanley said someone else -- he made
14 someone else do the shooting. And that person was
15 standing behind Ms. Felder in the woods when he shot
16 Ms. Felder. Sure. That's why it's to the side of
17 the head from left to right, because the person that
18 shot her was standing behind her. Right. And she
19 was on her knees.

20 Take a look at the photographs. I mean, she
21 wasn't on her knees either. Clearly. You can look
22 at the position of the body. She wasn't on her knees
23 when she was shot. One of the guys who was shot in
24 the house was shot in the stomach according to
25 Mr. Brown.

1 John Barron, I spent a long time talking with
2 him. And I talked with him about what science is.
3 Now, what you have to do to establish a scientific
4 fact, you have a theory, you have to test it, you
5 have to publish it, it has to be replicated, it has
6 to be tested by other people. There has to become a
7 consensus in the scientific community. If it's
8 agreed upon, it's a scientific fact. I went through
9 some detail with him about how that applied as far as
10 DNA testing went.

11 And you've got the next fellow from SLED,
12 Mr. Bogan, who testified, yeah, one chance in
13 32 quadrillion. Okay. Well, that's what you can say
14 about a scientific fact after you establish a
15 scientific fact. What you can say about this is,
16 it's my opinion that they are the same. Now, you
17 know, I firmly -- well, I don't firmly expect
18 anything. It would not surprise me if someone tried
19 to portray me as some kind of medieval thinker that
20 didn't accept fingerprints. And I would dispute that
21 tremendously. You know, I believe in science. You
22 heard an example of science and you heard an example
23 of something that's not science.

24 I've got wrap this up. I still have a lot more.
25 You had -- you had Joe Powell testify to some theory

1 about -- he was the guy with the gunshot residue --
2 how it could consist of someone standing over Mr.
3 Miller as he's on the floor like that. Not only is
4 that in contradiction with what some of the street
5 witnesses said they claimed heard how it happened;
6 but there's a diagram in here, a couple of diagrams
7 in here as to the trajectory of the bullet.

8 It comes in here to here, like that, which is
9 not consistent with the positioning that Mr. Meadors
10 had and that he reviewed with Mr. Powell. Just as
11 Mr. Meadors' theory in his questioning of Dr.
12 Nichols, well, that shot through the femur, he'd been
13 on his knees when he was executed. Well, you know,
14 femur, the biggest bone in your body. Dr. Nichols
15 didn't have much hesitation in saying, no, you
16 couldn't put any weight on that leg at all. I guess
17 he'd been shot through the other leg with the bullet
18 lodged in that leg, the femur shattered here. You
19 could be balancing on the other leg to do the kind of
20 shot that Mr. Meadors said.

21 You know what? Mr. Meadors lying on the floor
22 is not evidence. Mr. Meadors' theories unsupported
23 by testimony is not evidence.

24 Here's what we don't know. We don't know what
25 happened in that house as far as how people were

1 killed. We know they were killed. All right.
2 That's one of the things they've established in the
3 case. They were killed. It happened between two
4 times. Three people were killed. We know the cause
5 of death. There's no question about that. Okay?

6 Do we know what was taken from the safe? No.
7 Do we know anything that was taken from the safe? I
8 asked some people. No. Do we know drugs were taken
9 from the safe? No. Do we know money was taken from
10 the safe? No. We know money wasn't taken from the
11 truck.

12 We know that -- let's see. The State came up
13 with some theories in their opening statement as to
14 Stanley Oliver, Gallman and Mr. Joy knew about the
15 storage facility, which we have a bunch of pictures
16 here, or the truck was, the \$50,000, 49 and some
17 change recovered from. Has there been any testimony
18 that any of those guys knew about that storage
19 facility? No. Okay? What they say is not evidence.
20 They don't know and you don't know. There's nothing
21 about proof involved in that.

22 Who haven't we heard from? You haven't heard
23 from Stan Smith who was involved in the investigation
24 on the Sheriff's side. You may have heard mention of
25 the name of Investigator Burns. Okay. You never saw

1 her. She was the chief investigator at the beginning
2 of the case. When I talked with Investigator Mead,
3 he mentioned that she started out as the chief
4 investigator. You never heard from her. You never
5 heard from this gentleman over here. This is
6 Investigator Holdorf who is the chief investigator
7 for the Sheriff's Department in this case. You never
8 heard from him. Okay?

9 You did hear from Investigator Mead who was the
10 chief investigator after Gertrude Burns got off the
11 case for whatever reason. Who I had to call, who I
12 had to call. The defense had to call him. The chief
13 investigator on a triple homicide.

14 You get Mitch Wilkerson. Prior to that time
15 agreed he interviewed Stanley. No recording made of
16 it. He also claimed that this fellow, Gedson, per
17 later he was Stanley's uncle, that during the
18 conversation he claimed he had already interviewed
19 Gedson. There is in here introduced by the defense a
20 BOLO dated October something. Well, after he talked
21 with Stanley that they were looking for him to talk
22 with him about the incident. That means I submit
23 that he lied to Stanley. That's perfectly all right.
24 The Supreme Court of the United States says you can
25 lie to defendants when you question them. All right.

1 I don't think there's any doubt that's what the law
2 is.

3 Okay. Mitch Wilkerson said that he was proud of
4 being honest and impartial. Because what it comes
5 down to as far as anything he alleges Stanley said
6 rests on him being impartial and honest. Because we
7 don't have any tapes. We don't have any other
8 evidence. We don't have any kind of proof other than
9 what he says.

10 We don't have any proof that all he meant was
11 that they just recorded his reaction when he said in
12 response to a couple of things Stanley just leaned
13 back or Stanley just smiled. You know, that's some
14 innuendo on his part, though he said he's just
15 recording it.

16 There was a BOLO out that contradicts. There is
17 also testimony from Mr. Mead that contradicts
18 Mr. Wilkerson as to who was present at the time he
19 talked to Stanley Oliver. Mr. Wilkerson said it was
20 just him, just Solo and me. Paul Mead says, me,
21 Gertrude Burns and Mitch Wilkerson. So, honest and
22 impartial. There you have it.

23 I'm going to close up. You're here. Stanley is
24 presumed innocent. If you can't abide by that
25 presumption, you can raise your hand and get on out

1 of here, because that's what the law says.

2 The state of South Carolina, the government has
3 the burden of proving that he's guilty beyond a
4 reasonable doubt. That's the highest standard known
5 to the law of this country. All right. This is not
6 some fender bender car wreck. Three people died that
7 didn't deserve it. Three people are on trial. I'm
8 representing one of them. He does not deserve to be
9 convicted absent proof beyond a reasonable doubt.
10 That's the highest standard known to law.

11 So what do you know? What do you know about
12 what happened that night? Nothing. Who are the
13 witnesses you've been presented with? Which of them
14 have reason to lie about what they had to say to you
15 or what they had to say back then? All of them.

16 Did the police make any effort to go ahead and
17 memorialize what went on during this investigation?
18 No. It's just, trust us, we're from the government
19 and we're here to help you. When virtually they
20 practically give tape recorders away in cereal boxes
21 nowadays. Okay?

22 There's no evidence as to an armed robbery
23 against Kevin Miller. There is the parade of people
24 whose testimony has changed and whose testimony
25 disagrees with each other and who have something to

1 gain from their testimony who have come up to testify
2 about what allegedly happened, none of whom were
3 there.

4 Now, I'm going to ask you all at this time not
5 to distinguish by the eye but to distinguish by the
6 mind which is the proper judgment in a case like
7 this. Use your mind. I'm going to ask that you not
8 go astray. And now I'm almost through.

9 What their theory is, there's no scientific
10 basis. I'm going to ask that you not credit
11 testimony of those who have testified when one hand
12 washes the other. And I'm going to ask that you do
13 your duty and find Stanley not guilty, as Mrs. LaFave
14 said you would at the beginning of this case, because
15 it's not because things are difficult that we do not
16 dare; it's because we do not dare that things are
17 difficult. It's not because things are difficult
18 that we do not dare; it's because we do not dare that
19 things are difficult. Seneca said that, too.

20 And doing your duty requires that you dare to
21 evaluate the evidence or the lack of evidence, that
22 you dare to do what you believe, that you act on the
23 law without passion and that you apply the law in
24 order to determine whether Mr. Oliver over there is
25 guilty of these crimes beyond a reasonable doubt.

1 You know, what you've sworn to do is well and
2 truly try and true deliverance make between the State
3 of South Carolina and the defendant whom you shall
4 have in your charge once it's all over, okay, and a
5 true verdict render. You are not here because you
6 have any friends to reward or enemies to punish.
7 You're not here because -- you're certainly not here
8 because you're making money for it. You're not here
9 because you're here for the State of South Carolina.
10 You are here. You took an oath. You know, it's kind
11 of like registering to vote or getting a driver's
12 license or I.D. card sometimes. That's what it flows
13 from. This. Okay?

14 You have an obligation to hold the government to
15 proving its case. You were sworn to do that. And I
16 submit, and I use a couple of terms in regards to
17 this. Because I submit to you that what this is,
18 with due respect to the courtroom and everyone
19 involved, is a sham, a farce and a mockery.

20 And you need to do your duty. The way you do
21 your duty in this case is to return verdicts that
22 speak the truth. And as to Stanley Oliver, those
23 verdicts will be not guilty as to each and every one
24 of the charges. I ask that you do so. Thank you.

25 **THE COURT:** Mr. Milling.

1 **MR. MILLING:** Your Honor, may it please the
2 Court. Good afternoon, ladies and gentlemen.
3 Innocence. I talked to you all about that two weeks
4 ago today when we first came here and I had the first
5 opportunity to speak with you.

6 You've heard the testimony of many witnesses.
7 You've seen a lot of parcels placed into evidence,
8 some of which is probative evidence of what might
9 have happened here, some of which is not, as Mr.
10 Strickler said.

11 It is a great tragedy for George Batie, Kevin
12 Miller and Desiree Felder who are no longer here, but
13 it's your jobs as jurors to make sure that another
14 tragedy doesn't occur. My client's fate is in your
15 hands.

16 My client is seated right over here, Dominic
17 Gallman. And I want to reintroduce him because you
18 didn't hear a whole lot about him from the witness
19 stand. There were things which were said from the
20 witness stand. You've heard things which were not
21 said. Evidence which was introduced, witnesses which
22 were called; evidence which was not introduced and
23 witnesses who were not called.

24 Ladies and gentlemen, it is your job as jurors
25 to evaluate everything here to determine whether the

1 government has met its burden of proof in
2 establishing my client, Dominic Gallman, was involved
3 in this in any way whatsoever.

4 Dominic Gallman came into this courtroom an
5 innocent man. He remains that way until and unless
6 the state of South Carolina through this witness
7 stand is able to prove differently. Not just that he
8 might have done it, not that he could have done it;
9 but the State's burden is to prove my client guilty
10 beyond a reasonable doubt. Beyond a reasonable
11 doubt.

12 And I submit to you that that's that doubt which
13 would cause a reasonable person to hesitate to act.
14 To hesitate. When you all are polling each other
15 back in the jury room, if you hesitate in making a
16 decision on my client, I submit to you, ladies and
17 gentlemen, that is reasonable doubt.

18 While we're here in the holiday season, there is
19 much talk about belief and faith. Belief and faith
20 are not sufficient to convict someone. It's got to
21 be proved by evidence, proof beyond a reasonable
22 doubt.

23 Now, ladies and gentlemen, my client is charged
24 here before you on seven indictments. You have heard
25 Mr. Ross talk about what those charges are.

1 Burglary. Ladies and gentlemen, as Mr. Ross
2 said, burglary is the unlawful entry into the
3 dwelling of another with the intent to commit a crime
4 therein. Murder is the unlawful and intentional
5 killing of a person with malice aforethought. Armed
6 robbery is the taking of personal possessions from
7 the person of another through the use of a deadly
8 weapon. And kidnapping, while sometimes hard to
9 define, I think it's something that everyone knows;
10 moving or restricting someone against their will
11 unless you've got the legal authority to do so.

12 The first thing that you as jurors have to
13 determine is whether or not any of these crimes have
14 been committed at all by anyone. The State would
15 submit to you that there has been three murders
16 because Mr. Batie, Mr. Miller and Ms. Felder are no
17 longer here. You have seen evidence, you have seen
18 photographs, you have heard testimony that these
19 three individuals are no longer with us.

20 The State also would submit that Mr. Batie and
21 Mr. Miller were robbed through the use of a deadly
22 weapon. Now, Mr. Strickler touched on this; but I
23 ask you, ladies and gentlemen, what evidence has been
24 presented that an armed robbery occurred? The State
25 is going to stand there and say the house was

1 ransacked. There are statements about people who
2 have seen drugs and guns and money. Ladies and
3 gentlemen, what evidence is there that Mr. Batie
4 actually had those items before September the 4th of
5 2005?

6 There has been no testimony from this witness
7 stand as to what items were in Mr. Batie's house on
8 Mildred Avenue prior to September 4th of 2005. If
9 nothing was taken, if they haven't met their burden
10 of proof, there can be no armed robbery.

11 Likewise, ladies and gentlemen, when it comes to
12 Mr. Miller; as Mr. Strickler pointed out, the State
13 is relying upon apparently an allegation that Mr.
14 Miller's watch and wallet were taken. His mother
15 testified she had seen the watch the Thursday before
16 but acknowledged that she didn't know what had
17 happened between Thursday and that early Sunday
18 morning.

19 We do know from the witness stand from the
20 evidence introduced that there was an ATM transaction
21 at 2:40 in the morning on September the 4th, that
22 there was a video. The video showed Mr. Miller from
23 his waist up. As Mr. Strickler pointed out, as he
24 would have been using his card withdrawing the money,
25 his hands would have been shown.

1 Ladies and gentlemen, we are left to conclude,
2 if the State didn't introduce it, it would not have
3 helped them. Don't you think that if it had shown a
4 watch that they would have brought it to your
5 attention? I submit that it wasn't there.

6 What did Mr. Miller have on his person when law
7 enforcement saw him? \$79 and some change. I submit
8 to you that that's the same \$79 and some change that
9 he had just withdrawn from the ATM machine using
10 Mr. Cochran's card.

11 Mr. Cochran did testify that when he went to the
12 Mildred Avenue address he took Mr. Miller's keys and
13 he took the receipt. He didn't say anything about a
14 wallet, whether or not he saw Kevin with a wallet
15 that night or a watch.

16 But I submit to you, ladies and gentlemen, when
17 Officer Mead was questioned, he could have told us
18 defensively, he could have shown us defensively
19 whether there was or was not a watch. And by the
20 State not showing that, I submit to you, ladies and
21 gentlemen, that it wasn't there.

22 With the burglary, the unlawful entry into the
23 dwelling of another; you heard testimony that there
24 was no forced entry. You have heard testimony from
25 witnesses that a knock was made and people were

1 allowed to come into the residence. It's up to you
2 to decide whether or not first off a burglary
3 occurred.

4 And finally, ladies and gentlemen, you've got to
5 determine whether or not you believe there was a
6 kidnapping. While we've heard testimony from the
7 witness stand about Ms. Felder being found in the
8 woods, shot in the head, we don't know anything about
9 when she arrived at Mildred Avenue, when she left,
10 what she observed at Mildred. There is no testimony
11 on that.

12 The only testimony that I recall came from Jason
13 Brown who said that she was involved in it, that she
14 left the house before the shootings. She didn't have
15 her shoes on when she was found in the woods. We
16 don't know what happened. I asked the officer
17 specifically whether or not she had any scratches or
18 scrapes or anything like that on her body consistent
19 with a struggle. No. There was no evidence of
20 scratches even on her feet. There was nothing
21 underneath her fingernails to implicate anyone else
22 in this. Ladies and gentlemen, it's up to you to
23 decide whether or not a kidnapping even occurred,
24 whether or not the government has met their burden of
25 proof.

1 The first incident location we get to, ladies
2 and gentlemen, is Mildred Avenue. That was
3 investigated by the Columbia Police Department. That
4 is where the bodies of Mr. Batie and Mr. Miller were
5 found.

6 I told you when we first spoke back in opening
7 statements that CSI, crime scene investigation, is
8 something that really does happen. Mr. Ross told you
9 it doesn't look like TV. Several of the State's
10 witness told you it does. They told you that they've
11 got the technology to perform a lot of these tests.

12 You heard testimony about a fingerprint. You
13 didn't hear testimony about Dominic Gallman's
14 fingerprint though. No fingerprint of Mr. Gallman
15 was found at the scene.

16 You heard testimony of witnesses that they have
17 got the capability to do DNA sampling. Don't you
18 think if they had been able to match some type of DNA
19 up to my client, Dominic Gallman, it would have been
20 introduced? No DNA.

21 Fabric samples, shoe casts, all of that
22 technology is available. SLED, Columbia Police
23 Department, the Richland County Sheriff's Department,
24 they talked about it. They said what they can do.
25 How many witnesses did we have talk about forensics

1 and bullets and things like that?

2 But What evidence was removed from the Mildred
3 Avenue address; what physical evidence exists to
4 implicate my client, Dominic Gallman, was involved in
5 this event in any way whatsoever? None.

6 Now, looking at what happened at Mildred Avenue
7 when the police got there, I submit to you that's why
8 there was nothing, that there are no tests that they
9 could testify to. They don't know who secured the
10 scene. There were a lot of people there outside.
11 They even missed a shell casing on the first way
12 through.

13 They didn't find anything. Despite all of that,
14 despite going through a second time, despite all of
15 the dusting for prints, taking items back to the
16 Columbia Police Department lab for further analysis,
17 despite all these things, they did not find a single
18 piece of evidence linking my client to the scene. No
19 prints, no DNA, no hair, nothing.

20 So we move on to September the 7th, the dirt
21 road of Donald and Nina Lee where Ms. Felder's body
22 was found. We talked to the crime scene investigator
23 there who confirmed they've got the technology to
24 perform all these tests. But despite that, no
25 prints, no DNA there.

1 They also picked up a couple of items there, a
2 purse that belongs to we don't know who that's not
3 related to Ms. Felder. Some fabric. We don't know
4 who it was. They assume it was not related to the
5 case. They picked up an item which they referred to
6 as a feathery material which turned out to be a seed
7 spore. The officer indicated that he did not know,
8 did not know how Ms. Felder's body would have gotten
9 into the woods or out of the woods, didn't see any
10 footprints that they tried to match up, nothing.

11 The Sheriff's Department picked up things that
12 weren't related to the case, but they picked them up
13 nonetheless. The City Police back at Mildred missed
14 it the first time through and even when they went
15 back a second time didn't find anything linking my
16 client to the scene. So we've got no evidence,
17 physical evidence at either Mildred Avenue or Donald
18 and Nina Lee which indicates my client had ever been
19 in those locations.

20 Oh, wait a second. Maybe they found something
21 in response to a search warrant. Maybe they gathered
22 something that they could identify as having been at
23 the scene and show that it's related to my client.
24 Guns, money, drugs is what they claim would have been
25 there and been taken from him.

1 I submit to you, ladies and gentlemen, that if
2 law enforcement did execute a search warrant at my
3 client's residence, if they had found anything, don't
4 you think they would have told you about it? If they
5 had found any of the cocaine which was allegedly
6 taken, don't you think we would have heard about it?
7 Do we have any money, any gun in my client's
8 possession? Don't you think we would have heard
9 about it?

10 We know that they've got the technology to do
11 the crime scene investigations, like one witness even
12 said, like on TV. If they had found fabric samples,
13 that they were consistent with either Mildred Avenue
14 or Nina Lee, if they had found those in my client's
15 residence, don't you think you would have heard about
16 it? If they had found any other items of evidentiary
17 value at my client's residence, don't you think we
18 would have heard about it?

19 They are here charging my client with three
20 murders, two armed robberies, a burglary and a
21 kidnapping. They've got the burden of proof. Don't
22 you think if they had any physical evidence linking
23 my client up to the scene, to either scene, it would
24 have been testified to from this witness stand? We
25 haven't heard it because it doesn't exist.

1 Why are we here as it relates to Dominic
2 Gallman? We don't have any physical evidence. The
3 State would say because we have statements. We've
4 got statements from people who claim that my client
5 allegedly said something to them. Statements.

6 I submit to you, ladies and gentlemen, that the
7 reason my client is here, something that Ms. LaFave
8 referred to in her opening statement: It's the
9 tunnel vision. It's the blinders that law
10 enforcement put on in this case. They found a print
11 inside the residence which they say belongs to
12 Oliver. Never mind that they also found one of
13 Mr. Rucker whom they waited to interview or even
14 attempt to interview until a month after this, after
15 everybody had already been arrested.

16 My client is here because he knew Stanley
17 Oliver. That's why he is here. Ladies and
18 gentlemen, Mr. Miller and Mr. Batie's bodies were
19 found on September the 4th; Ms. Felder's on the 7th.
20 And you heard Mr. Joy testify on September the 9th
21 that law enforcement was already asking him about
22 Dominic Joy -- Dominic Gallman. Why? It's two days
23 after Ms. Felder's body was found, five days after
24 the other two bodies were found.

25 What do we have over here linking my client to .

1 the incident locations? Nothing. Law enforcement
2 had put their blinders on. They thought they had
3 something here because they found one print there at
4 the scene.

5 You've heard law enforcement testify that they
6 could verify Mr. Batie was there, Mr. Miller was
7 there, Ms. Felder was there. Mr. Oliver had been
8 there at some point in time. Mr. Rucker had been
9 there. But it wasn't until October that Officer Mead
10 tried to do anything with regards to Rucker.

11 I asked the Columbia Police Department
12 specifically, when we're talking about fingerprints,
13 if you've got a print outside, if you've got a print
14 outside, how long is it going to last? Is it going
15 to last longer than something that's inside,
16 something that's preserved, or is it going to last a
17 shorter period of time? He said that the weather and
18 the elements is going to cause it to deteriorate more
19 quickly than something inside. So Mr. Rucker had to
20 have been there within a short period of time in
21 relation to the murders.

22 There has also been testimony that Mr. Rucker's
23 phone called Mr. Batie's residence earlier on the
24 night of the murders and that Mr. Batie returned the
25 call. A phone call; we've got a print, and they wait

1 a month to talk to him. He says I don't have time
2 for that, I don't want to talk to you. So they move
3 on. They already had their blinders on and felt like
4 they had who had been involved.

5 As early as the 9th they were already trying to
6 finger my client just because he knew Stanley Oliver.
7 And I submit to you, ladies and gentlemen, there
8 hasn't been a whole lot else testified to beyond
9 that.

10 Now, we have heard statements from other people,
11 other witnesses not law enforcement. And I'm not
12 going to do through each and every law enforcement's
13 testimony. Because the truth is law enforcement
14 doesn't link my client to the scene. There is not a
15 single police officer from the City of Columbia or
16 Sheriff's deputy from Richland County, forensic
17 officer, SLED agent; there was not a single law
18 enforcement officer who implicated my client in this
19 crime. Nobody.

20 The State is relying solely upon other
21 individuals, many of whom have prior records, many of
22 whom have incentive to fabricate the story, have
23 incentive to change their story, I believe all of
24 whom have changed it in some regard.

25 Renata Williams was I believe the first of one

1 of these types of witnesses to come forward. She
2 indicated that my client, Dominic Gallman, and
3 Stanley Oliver knew each other. So what? Knowing
4 somebody is not enough.

5 She indicated that she had seen a large amount
6 of drugs and money, I think it was the Sunday night
7 after the murders. She didn't say she saw my client,
8 not at all. Did not see Dominic Gallman that whole
9 evening.

10 Now, ladies and gentlemen, if somebody had
11 committed this crime and gotten the kind of money
12 that the State is talking about, don't you think that
13 they wouldn't let that out of their sight? She
14 didn't see Dominic. There were two people she saw
15 that night: Oliver and Ulicen Allen. The only thing
16 she said about Dominic was that she knew who he was
17 and he is an acquaintance of Mr. Oliver's.

18 We also have heard from Mr. Allen. Mr. Allen
19 testified that he went over to Renata's that night,
20 saw drugs, guns and money. He acknowledged he was at
21 Renata's. He didn't say anything about Dominic being
22 over there, about seeing Dominic. In fact, he says
23 that he only had met Dominic six weeks before and
24 that he had only met Mr. Joy two to two and a half
25 months before. So eight to ten weeks.

1 Mr. Allen, if he is to be believed, says that
2 Mr. Joy came over, talks about getting rid of the
3 weapon, getting rid of the clothes, getting rid of
4 the vehicle. I think Mr. Delgado's reference in
5 opening to, I believe he referred to Mr. Joy as David
6 Copperfield if you believe the State, to be able to
7 get rid of all of these things without a trace.

8 Somebody who Mike Allen had met eight to ten
9 weeks earlier is going to talk about something like
10 this with him? It just doesn't add up, ladies and
11 gentlemen.

12 Mike turns his brother in, has a conversation .
13 with law enforcement, doesn't say a word about
14 Dominic Gallman. After that conversation though he
15 goes out and tries to play detective himself. Claims
16 that he had been to my client's residence two times
17 before. He said that he had been to the old
18 apartment and the new apartment. But, ladies and
19 gentlemen, if you go back and look, six weeks before
20 puts him as having met Dominic at the end of
21 July 2005. Leticia Jones testified that they had
22 already moved out of the old residence and were
23 already in the new one.

24 Somebody had to put that in his head, ladies and
25 gentlemen. Somebody had to put my client's name in

1 his mind. I submit to you it's the same people who
2 were asking Mr. Joy about my client. It's law
3 enforcement. He says, hmm, let me go out and see
4 what can I see, see what I can find out. And Mike
5 Allen says, if he is to be believed, that my client,
6 somebody who has known him for six weeks, allegedly
7 talked to him about this case. Does that make sense?
8 I submit to you that it doesn't.

9 Ladies and gentlemen, part of your job is to
10 look at the credibility of the witnesses. Mr. Ross
11 talked about that; Mr. Strickler talked about that,
12 and I submit to judge is going to talk to you about
13 that. You can look at the witness's demeanor. You
14 can look at their reaction. You can look at their
15 prior record in determining what, if anything, you
16 want to believe that they might say.

17 Ladies and gentlemen, interestingly enough, Mike
18 Allen acknowledged that he's got prior armed robbery
19 convictions. Interestingly enough, he says, I've got
20 no problem with armed robbery. Interestingly enough,
21 he was the only one to be in close contact with the
22 drugs the night after it occurred. Not my client.

23 Ladies and gentlemen, Mike Allen came here
24 before you, put his hand on the Bible and swore to
25 tell the truth, later told you that he's a Muslim and

1 that's his belief. How then can he swear on a Bible,
2 a book that he does not believe in? It's not his
3 belief. It's nothing against Islam, this is not the
4 Koran. He wasn't asked to do that.

5 Someone who goes out and tries to investigate
6 this on behalf of law enforcement. He also
7 testified, ladies and gentlemen, that he took some of
8 the money. Mr. Oliver gave him some money and he
9 told the police that. If the State believes that
10 money was stolen and Mr. Allen is to be believed, why
11 wasn't he charged with receiving stolen goods?
12 Because he was singing a song they liked. He was
13 telling them what they wanted to hear, so the State
14 looked out for him.

15 Renata Williams didn't. Not when she gave the
16 first statement, not when she gave the second
17 statement. It was only after they put her in jail,
18 arrested her for misprisonment of a felony. She
19 testified they threatened her, they coerced her and
20 eventually put her in jail to get her to say what
21 they wanted her to.

22 Omekas Moaney some of the witnesses knew as
23 Blue, he's somebody who gave multiple statements in
24 this case, too. He acknowledged in his first
25 statement to the police he did not say anything

1 implicating Dominic Gallman in this case. He said he
2 knew who he was. That's about it.

3 He talks about Mr. Oliver and Mr. Joy going over
4 to his house to get some drugs. He doesn't say
5 Dominic. It's not until he comes here and testifies
6 that for the first time he mentioned my client's name
7 as having been over to his house. He tried to work
8 things out. See, ladies and gentlemen, I didn't want
9 to say everything in that first statement because it
10 might hurt me. I didn't want to say anything that
11 would get me in trouble.

12 How does when giving a statement about Dominic
13 Gallman in his first statement get Omekas Moaney in
14 trouble? It wouldn't. Ladies and gentlemen, his
15 statements have changed over time. I submit to you
16 the reason lies in his charges. Mr. Moaney
17 acknowledged that he's in federal custody now. He
18 acknowledged that when he was arrested he was facing
19 life because of his prior convictions. He
20 acknowledged also that after he started cooperating
21 they dropped one of those enhancements, and so he was
22 only looking at a 20-year sentence.

23 He also acknowledged that the government, the
24 United States government through the U.S. Attorney's
25 Office, did not move to have his sentence cut because

1 of cooperation. He said it was only because his
2 cooperation had not yet come to fruition.

3 The United States Attorney's Office acknowledged
4 that as a part, but the United States Attorney's
5 Office in a responsive pleading, Defendant Gallman
6 Exhibit 1, says, and I quote: "Assuming Moaney's
7 assistance was substantial at this time, the United
8 States believes that some statements made by Moaney
9 are not credible or truthful."

10 They're not credible or truthful. So, in other
11 words, the U.S. Attorney's Office doesn't believe
12 him; and yet, the State in this case decides to bring
13 him here to testify to you folks and let him change
14 his stories and let you all just sort of sort it out.

15 Ladies and gentlemen, you're entitled to look at
16 this, to determine whether or not these witnesses are
17 believable, to determine whether or not they've got
18 anything to say in the case. Mr. Moaney, if you
19 believe him, would have you believe that he took all
20 these drugs, was selling it, that he would just send
21 them the money from time to time and that he's told
22 this to the State and that he's told it to the FBI,
23 although he acknowledged that he didn't mention my
24 client's name to the FBI.

25 But you know what, ladies and gentlemen? Omekas

1 Moaney wasn't charged either. He acknowledged
2 distribution of drugs. No charges. No charges were
3 filed. He was singing the same song that the
4 government liked. He didn't implicate my client.
5 It's only after he didn't get a second break from the
6 U.S. Attorney's Office that he starts changing his
7 story again. He starts singing their song in order
8 to avoid prosecution.

9 Tatanisha Robinson. You heard Ms. Robinson say
10 that she was told by the police somebody, another
11 woman in this case, had been arrested; two women.
12 You heard her say that they threatened her. You
13 heard her say that she was three and a half months
14 pregnant and just wanted to get out of there. She
15 said those weren't her words, that those were the
16 words put in her mouth. She wasn't read the
17 statement. She wasn't given a copy. She wanted to
18 get out of there.

19 Ladies and gentlemen, I told you that this is a
20 lot like a TV show. This is the script. The
21 testimony that we have is that this was written by
22 officer Wilkerson. Ms. Robinson said they're not her
23 words; they put the words in her mouth after they
24 threatened her, after they told her about two other
25 women having been arrested.

1 She couldn't live with herself though, and she
2 signed an affidavit, went out, prepared another
3 document, notarized, confirming that these were not
4 her words, confirming that she didn't see my client
5 that whole weekend. Which is exactly what she told
6 you up here. She did not see my client. He did not
7 talk to her, despite what law enforcement wrote in
8 here.

9 My client wasn't bragging to her about anything.
10 My client didn't say, we can get out of this if you
11 all keep your mouth shut. Ladies and gentlemen, if
12 this script is to be believed and the other witnesses
13 are to be believed, why would he have said that to
14 one person and then told Mike Allen whom he met six
15 weeks earlier that he had done it? It doesn't make
16 sense.

17 Tatanisha Robinson told you that she was mad at
18 Stanley Oliver because he wouldn't leave Renata. She
19 told you she was mad at Dominic Gallman and Ken Joy
20 because she didn't think that they liked her and she
21 thought they were trying to keep Stanley away from
22 her and that's why she lied.

23 She told you from the witness stand that she
24 didn't see Dominic, didn't talk to Dominic and has
25 nothing to add to this case about my client, Dominic

1 Gallman. And she wasn't charged, ladies and
2 gentlemen, because you heard Mr. Strickler ask her,
3 she got an immunity agreement.

4 Jason Brown, the jailhouse snitch, who in one
5 breath says, I wasn't served with a life notice and
6 on the other hand says, yes, I was. Someone who we
7 have confirmed in the evidence has filed a post
8 conviction relief action trying to get out of his
9 sentence. But you also heard him say that he doesn't
10 know Dominic Gallman. Mr. Oliver allegedly made a
11 statement in the jail. Mr. Brown confirmed that he
12 does not know my client, Dominic Gallman.

13 Now, what Mr. Brown alleges is that somebody by
14 the name of McQuay put Stanley on the house. Where
15 is this McQuay guy? That he is the one who put him
16 on the house, that the female was involved. The
17 female was on her knees when she was shot, shot in
18 the back of the head. He also says that Mr. Miller
19 was shot in the stomach.

20 Ladies and gentlemen of the jury, I've been
21 looking at the evidence in the case, listening very
22 intently to the witness stand, like I know you have.
23 Is there any anybody who's said; Mr. Miller, any
24 forensic pathologist, anybody who is a doctor who did
25 the report, any police officer who said Kevin Miller

1 was shot in the stomach? No.

2 No evidence to show that Ms. Felder was shot in
3 the back of the head. If the trajectory was through
4 the side of the head at an upward angle, how then
5 would she have been on her knees?

6 He also said she was involved in the case and
7 left before the shootings inside the house. Again,
8 ladies and gentlemen, a jailhouse snitch trying to do
9 anything he can to catch a break. And he doesn't
10 have it right.

11 Ladies and gentlemen, we've got so many
12 different versions of what happened in the house, we
13 don't know what happened. But I submit to you we
14 know that my client, Dominic Gallman, wasn't
15 involved.

16 Now, Leticia Jones came in and testified before
17 you as well. She acknowledged in her first statement
18 Dominic didn't have anything to do with it, she had
19 been seeing him all weekend. The second statement;
20 likewise, she says, I've got no knowledge about this.
21 She speaks with Lee Connelly. Ms. Connelly said that
22 it was not just one conversation; several
23 conversations over the phone. In all those
24 conversations Ms. Jones said, I don't know anything
25 about it. It doesn't make any sense.

1 In fact, during this same time period Ms. Jones
2 acknowledged: I wrote some letters to Dominic. In
3 those letters she professes his innocence. She
4 refers to the government's allegations as lies. She
5 acknowledged that she in one letter said she wanted
6 to sue the paper for slander for publishing these
7 allegations against Dominic. And she said through
8 those letters she was preparing for a life together
9 with Dominic.

10 Two years she took this position. Something had
11 to change. I submit to you what changed was Rara,
12 her son, her nine-year-old son who her parents took
13 away. Her parents didn't like Dominic, didn't like
14 the fact that he was charged in this case. They took
15 him away and said, the only way we'll let you have
16 your son back is if you sever ties with Dominic and
17 demonstrate a willingness to move away from him.
18 That's why she changed her story.

19 Law enforcement sent her a subpoena, went out
20 and talked to her at her job. She saw that as a way
21 to get her son back. That's why she was here and
22 changing her story. But even then, even when
23 changing her story, she tried to minimize his
24 involvement.

25 She said he said he didn't know about Stanley

1 Oliver. She said, I was forced to do it. Ladies and
2 gentlemen, I submit to you that sounds like somebody
3 who knew that she was doing something she had to do
4 to get her son back. She had to change her story but
5 at the same time was trying to minimize his
6 involvement. She said if I change it a little bit,
7 it won't make it that much worse. She changed it
8 nonetheless. Ladies and gentlemen, she was not
9 truthful with you whatsoever. She was truthful when
10 she gave all these other statements. It's like
11 Omekas Moaney. Whether he was truthful or not, you
12 can understand that.

13 **MR. MEADORS:** Your Honor, I'm going to object.
14 May we approach?

15 **THE COURT:** Yes, sir.

16 (Whereupon, a bench conference is had)

17 **MR. MILLING:** Ladies and gentlemen, in looking
18 at the testimony, there's something else you can do
19 to determine what might be believable and what won't
20 be believable. We've got multiple different stories
21 about how the entry was gained, whether Mr. McQuay
22 put them on the house; I guess that's the set up,
23 whether Mr. McQuay put them on the house, whether or
24 not it was somebody, Mr. Joy put them on the house or
25 whether or not somebody else.

1 We've got different stories from different
2 people. Entry into the house. We've got somebody
3 who says they knocked on the door; somebody who says
4 they waited on Mr. Miller to get there and then
5 rushed in, somebody who says Ms. Felder let them in.
6 Inconsistencies.

7 With regard to Mr. Batie, we've got testimony
8 that Mr. Batie was pistol whipped. There's no
9 evidence to support that. We've got evidence,
10 witnesses claiming that Mr. Miller was shot in the
11 stomach. Again, there's no evidence of that.

12 We've got evidence that Ms. Felder was shot
13 while she was kneeling in the back of the head.
14 There is no evidence of that.

15 The drugs and the money, nobody puts my client
16 as being around the drugs and the money the night
17 after it happened. Nobody.

18 Disposal of the clothes, the firearm and the
19 vehicle. Somebody said Mr. Joy did it. Mr. Brown
20 said that it was given to Renata. Leticia said she
21 saw them being burned at her house on Monday.
22 Leticia said that Dominic and his father were burning
23 the clothes Monday. Ladies and gentlemen, I submit
24 to you, if the State believed her, why isn't
25 Dominic's father charged here rather than Mr. Joy?

1 Because the State doesn't even believe her.

2 What makes common sense, ladies and gentlemen?
3 The State is going to stand up here and show you I
4 submit a lot of phone records to try and show that my
5 client knew Oliver, that my client knew Mr. Joy. I
6 want you to look at a different part of those phone
7 records, ladies and gentlemen. We've never said that
8 my client didn't know Mr. Oliver. But look at the
9 phone calls on the early morning of September the
10 4th. I submit to you there were six phone calls made
11 between 2 and 4, the time that the State of South
12 Carolina believes that the murders occurred.

13 If my client is committing a triple homicide,
14 robbing two people, breaking into a house and
15 kidnapping somebody else, do you think he's going to
16 be making phone calls and receiving six phone calls
17 in a two-hour period? It doesn't make sense.

18 Conversations. Somebody who he had only known
19 for six weeks beforehand, Mike Allen; do you think,
20 does it make sense my client would have been talking
21 to him about something this serious? Does it make
22 sense that my client would have been upset and
23 talking with Leticia and bragging and talking to
24 Tatanisha Robinson? It doesn't make sense that
25 somebody would have said if we just keep our mouths

1 shut nobody can be convicted, and then everybody else
2 allegedly is going out, making all these statements.
3 Ladies and gentlemen, I submit that it doesn't make
4 sense.

5 That Leticia Jones would stand beside Dominic
6 Gallman for two years and then change her story; the
7 only thing that makes sense there is that she was
8 trying to get her son back.

9 You've got my client's fate in your hands. The
10 State has the burden of proving him guilty beyond a
11 reasonable doubt. I submit to you, ladies and
12 gentlemen, that the burden and the standard is so
13 high, as our legal judicial process is premised upon
14 the concept that it's better to let a guilty man go
15 free than an innocent man go to jail. And I submit
16 to you that's what Dominic Gallman is: An innocent
17 man.

18 This is the last time you're going to hear from
19 me, the last time that I'll be able to respond to the
20 evidence. Mr. Meadors will have an opportunity to
21 try and respond to what I've said. I ask you to
22 please think about my response, think about the
23 evidence, determine whether or not the State did
24 anything to corroborate the evidence. I submit they
25 didn't because they have so many different

1 inconsistent stories; whether or not the State met
2 their burden of proving my client guilty, which I
3 submit that they didn't.

4 My client still sits here an innocent man.
5 Ladies and gentlemen, I ask that you return a verdict
6 which speaks the truth, which looks at the evidence
7 in this case and the lack thereof, and that you
8 return a verdict of not guilty on all counts. Thank
9 you.

10 **THE COURT:** All right, ladies and gentlemen of
11 the jury. Let's take our lunch break at this time.
12 We've ordered -- as you know, we've ordered lunch for
13 you. Let's plan to reassemble at 2:15. That will
14 give you 45 minutes to eat your lunch, maybe take a
15 short walk. And we'll be prepared to keep moving at
16 2:15. So, don't discuss the case among yourselves
17 while you're in the jury room and have a pleasant
18 lunch.

19 (Jury out at 1:25 p.m.)

20 **THE COURT:** We'll stand at ease until 2:15.

21 (Whereupon, a lunch break is taken)

22 **THE COURT:** Mr. Meadors, you're stealing five
23 minutes from Mr. Ross. Is that --

24 **MR. MEADORS:** I really don't think I'll need
25 that, Judge.

1 **THE COURT:** Well, whatever. I'll tell you I'm
2 reluctant to give this case to the jury this
3 afternoon and may charge in the morning as opposed to
4 turning it over to them this afternoon. All right.
5 Ready for the jury? The State ready for the jury?

6 **MR. MEADORS:** Yes, sir.

7 **THE COURT:** Defense ready?

8 **MR. DELGADO:** Yes, sir.

9 **MR. STRICKLER:** Thank you, Your Honor.

10 **MR. MILLING:** Yes, Your Honor.

11 **THE COURT:** Bring the jury, please.

12 (Jury in at 2:22 p.m.)

13 **THE BAILIFF:** All the jury is present, Your
14 Honor.

15 **THE COURT:** All right. Thank you very much.
16 All right, Mr. Delgado. You may proceed.

17 **MR. DELGADO:** Thank you, Your Honor. May it
18 please the Court?

19 **THE COURT:** Yes, sir.

20 **MR. DELGADO:** Solicitors. Ladies and gentlemen,
21 let me say something to you that everyone in this
22 courtroom wants to extend to you, everyone. That is
23 our thanks for your service. The nature of this
24 case, the length of these proceedings, your
25 commitment and your sacrifice we can only begin to

1 guess; acknowledge it physically, emotionally
2 psychologically at this time of our trial. Thank
3 you. Thank you. My friends I am certain will say
4 the same thing. But I wish to say that to you.
5 Thank you first.

6 The other thing wish I wish to say to you is
7 something that you've seen that you haven't seen.
8 Downstairs -- and I hadn't seen it. And I have been
9 seeing it for years. Downstairs on the very first
10 floor when you come in on the elevator there's a
11 plaque. It has a quotation. I've seen it and it
12 never registered until the other day waiting
13 interminably for the elevators to bring us to the
14 third floor.

15 It said: "Justice will guide our course." And
16 that is what we are here to do. Justice for the
17 State of South Carolina and justice for Ken Joy.
18 Justice will guide your course.

19 And in doing that, let me begin where I began,
20 it seems like years ago, Wednesday, the 5th, when I
21 said to you that "every man prefers belief than the
22 exercise of judgment." It's so easy to believe
23 rather than have to discern, have to evaluate and
24 have to decide.

25 We do this all the time. Do you all remember

1 the Olympic park bombing in 1996 in Atlanta, the
2 centennial park bombing? It was on TV. There was a
3 big explosion. They had a security guard by the name
4 of Richard Jewell. J-E-W-E-L-L I believe is how you
5 spelled his name. He was a security guard there.

6 And for whatever reason the FBI focused on him
7 and we saw for over an interminable period of time
8 when they did a search warrant of his apartment that
9 he lived in Dunwoody, Georgia, or North Atlanta,
10 Alpharetta or someplace, the FBI was on TV carting
11 things out of his apartment.

12 And all of us say, oh, my goodness, isn't that
13 tragic? How could that happen? Look what possessed
14 that young man to do that. Because we believed it.
15 How could this occur in the public? What would
16 possess an individual to do that? Which of us didn't
17 want that solved? Which of us didn't believe that
18 was the man?

19 Until Eric Rudolph found in the mountains of
20 North Carolina scavenging through a garbage bin, do
21 you remember up in Murphy, North Carolina? He was
22 then charged with that and some bombings in
23 Birmingham, Alabama. Richard Jewell was absolved.
24 But which of us didn't think, oh, it was Richard
25 Jewell. He was there. He was a security guard. Of

1 course he'd have access to the scene.

2 In 2004, in London, you all recall the open air
3 bombings of their two-decker buses in the tunnels? I
4 mean the tunnels, the subways, killing six, eight
5 people or more? The police started to look for a
6 profile of individuals, the London police, Scotland
7 Yard to solve that horrible crime. And all of us
8 thought: Absolutely, get somebody, do it.

9 And a young man by the name of John Charles
10 Menendez, a 27-year-old Brazilian electrician who
11 understood very little English rushing to the Subway
12 did not understand that he was supposed to stop when
13 commanded to by police. They thought he fit the
14 profile, and Mr. Hernandez was shot twice point blank
15 in his head on the floor of the Subway. And Scotland
16 said the next day, oh, we apologize. We're sorry.
17 He had nothing to do with those bombings.

18 You see how we want to believe? It easy for
19 you. I'm not blaming anybody. That's me. That may
20 be you.

21 You know the tragedy still as an unsolved murder
22 of that little girl, Jon Bonet Ramsey, from Colorado?
23 Remember just within the past year or so somebody
24 named John Mark Karr, K-A-R-R, he was extradited from
25 Thailand. And I'll bet there's some of us who said,

1 oh, thank God. Somebody, we've really got somebody
2 now to solve that child's murder. Because that's
3 what we wanted to believe.

4 Only when he comes back after an international
5 voyage, now, there were TV cameras of what he was
6 eating on the international flight across the
7 Pacific, only to find out, oh, he didn't do that.
8 The DNA doesn't match.

9 You see, what we want, because we want belief
10 rather than evaluation and decision making, rather
11 than judgment. And that's why Seneca the Younger
12 speaks to us today. Because he's talking about our
13 character. He's talking at our soul. He's talking
14 about us as human beings.

15 And so this quality control inspector wants now
16 to report to you, the quality control supervisors,
17 his report on this case. The State's case is a
18 contradiction. It's manipulation. Other than that,
19 it's just a lie. Let me say that to you again. It's
20 contradiction and manipulation. Other than that,
21 it's not true. It's hyperbole. The State's case is
22 suspicion. The State's case is conjecture. Other
23 than that, it ain't so.

24 That's what I report to you. And I say that to
25 you because I wanted to hold a magnifying glass to

1 those witnesses that hopefully would help you
2 understand this case.

3 Folks, I know you all are so tired. I know you
4 are. If I have to write another thing on the board,
5 you are going to die. I know that. I'm tired of me
6 having to write. I'm tired of having to hear myself
7 talk. I know that. And so you are. But that's our
8 job now. That's our role now, to say to you as the
9 supervisors in this production line of justice, look
10 what we've produced, an injustice for Ken Joy.

11 Folks, you'll remember this. Hold on for just
12 one second. Do you all remember when I put that on
13 the board a week ago Wednesday? You remember I put
14 that up there? I talked to you about the charges
15 against Ken. Well, see, the problem with it is now,
16 he's not charged with that any more.

17 Let me say that to you again. He ain't charged
18 with that any more. There were six counts of that.
19 He is not charged with that any more. And you know
20 why? Because the judge has ruled that there's not
21 enough competent evidence to even have you consider
22 it against Ken Joy. That's gone.

23 And do you all remember Mr. Ross in his opening
24 statement: We're going to prove to you that Ken Joy
25 to focused on these folks. It was Ken Joy who was

1 the mastermind. No, it wasn't. Never mind. That's
2 not so. It hasn't ever been so, and now you don't
3 have those counts against you, against him. Those
4 are no longer for your consideration. Instead of 16,
5 now there's seven counts against Ken Joy. And I'll
6 tell you about those in one second.

7 What happened, folks? I'll tell you what
8 happened. Do you remember this man? Mike Allen? He
9 lied right in front of you. He put his hand on this
10 Bible, he swore he would tell the truth. But what he
11 didn't know is that we knew who he was and that we
12 were going to prove it to you.

13 And when he starts lying and we caught him, when
14 he starts crying, let me just ask you all this: If
15 the reverse were true and you're a Christian, would
16 you swear on the Holy Koran? What do you think?

17 He lied to you right there, right here on this
18 spot and got up on the stand. That's why those
19 counts are no longer in front of you.

20 **MR. MEADORS:** No, sir. That's an improper
21 statement of the law. That is not correct. I except
22 to that, Judge. That's wrong.

23 **THE COURT:** I'll explain to the jury. That's
24 not the State's position to explain to the jury what
25 the charges are. The Court will do that. That's

1 enough, Mr. Meadors.

2 **MR. DELGADO:** There's only seven counts now.
3 Those counts now are the indictments against Ken Joy
4 for accessory after the fact of murder on George
5 Batie, accessory after the fact of murder of Kevin
6 Miller, accessory after the fact of Desiree Felder.

7 Folks, let me just say this to you. That's what
8 these are. This is a horrific scene. It's exactly
9 what happened. I am not going to -- as a result of
10 this, all these families suffer and request
11 understanding of their children and their loved ones.
12 I'm not going to enjoy this, but I'm not going to run
13 from this either. These are horrific. These are
14 horrific.

15 Can you imagine? Can you imagine? Kenny is
16 charged with accessory after the fact of armed
17 robbery of George Batie. He's charged with being an
18 accessory after the fact of armed robbery of Kevin
19 Miller. He is charged with being an accessory after
20 the fact of a burglary in the Mildred Street house
21 where Mr. Batie lived. He is charged with being an
22 accessory after the fact of kidnapping against
23 Desiree Felder. Those seven charges. Not that.

24 And when were these returned? You all know.
25 September 17th, a little over a month ago, November

1 the 14th of 2007. He was originally charged
2 November 15th of 2005. He's spent all that time
3 since his arrest in jail. He was charged like the
4 other fellows, indicted in November of 2005, and we
5 just changed it. I wonder why. I'll see if I can
6 give you an explanation, or at least as I see it.

7 Judge Cooper and Mr. Ross have already talked to
8 you about some things, but I want to go through it
9 very, very quickly. We use it. I think maybe since
10 the OJ Simpson case, we have just kind of used it.
11 It's kind of common parlance now. We know the phrase
12 but I've certainly never had to use it. I hope you
13 never have to use it.

14 Proof beyond a reasonable doubt. You know what
15 that means? That means not in every decision you
16 have to make in your life, but in weighing the
17 decisions of your life that you hesitate to act
18 because it's so important. To give you a hesitancy
19 to proceed without thinking something through, like
20 whether or not Ken Joy killed anybody.

21 Do I go to graduate school? Do I take out the
22 loan? Do I suffer the financial stress that's going
23 to cause me for years to come to go to graduate
24 school? Is this the person who I want to be the
25 co-parent of my children? Do I want to make this

1 church my church home? Do I take the keys from
2 mother and put her in that assisted living facility?

3 And is Ken Joy guilty? But you see, those
4 decisions and however else you decide those
5 decisions, that's what reasonable doubt is all about.
6 If you hesitate to act, unless you are firmly
7 convinced of his guilt, you have to resolve that in
8 favor of the defendant. It protects all of us and
9 Ken Joy here today. That's what reasonable doubt
10 means. The judge is going to tell you about that.

11 The first thing back in your jury room, on your
12 blackboard, someone put, please, reasonable doubt.
13 Put the phrase up there. Share your reasonable
14 doubts among each other. Talk with each other.
15 Well, you know, I kind of thought that was
16 interesting. I don't know what I really think about
17 that but let's talk about it. Share your doubts.
18 Talk about it. That's your responsibility. That's
19 your role. And you must do that for Ken.

20 The presumption of innocence, everybody in the
21 United States of America is presumed when they're
22 charged with a criminal offense, whether it's
23 shoplifting or a murder case and everything
24 inbetween, is presumed by our Constitution to be
25 innocent. And that presumption carried with him

1 since the 3rd of December up through your
2 deliberations in the jury room right now.

3 Let me talk to you about three things.
4 Credibility of witnesses. Credibility of witnesses.
5 Credibility of witnesses? Let's read this together,
6 Mr. Ross. The demeanor of the witness on the stand?
7 Are we talking about Mike Allen? Was a witness
8 forthright or hesitant? Mr. Blue Moaney. Was the
9 testimony of the witness consistent? It was only
10 when Mike Allen and Blue understood that they were
11 inconsistent with their testimony here that all of a
12 sudden things get very, very nervous for them. Was
13 the testimony of a witness corroborated? Well, I
14 wish it had been corroborated for you all.

15 Let me just say this to you. You deserve better
16 than this. As I am speaking now, the court reporter
17 is taking down what I say. When you all are on the
18 interstate, we have video cameras to see who may or
19 may not have been speeding or whether or not there's
20 a car that's escaping. I'm sorry to say we have a
21 society that preserves and memorializes all sorts of
22 things.

23 The United States Supreme, in its arguments,
24 when lawyers are before the United States Supreme
25 Court, that's documented. There's a tape recording

1 of that that's kept forever.

2 How many photographs do we have, and do we have
3 one tape recording of one of these witnesses to be
4 able to say to, oh, I heard it; oh, I see, mm-hmm
5 (affirmative). Oh, yeah, she can't get out of that.
6 Wouldn't that have been something you would have
7 wanted? But that's just not our procedure. We just
8 don't do that.

9 I wish we'd use something better because that's
10 what a consistent is statement is all about. Ladies
11 and Gentlemen, can I just say something to you about
12 Tatanisha Robinson? To get out of the City of
13 Columbia Police Department, that interrogation room,
14 she would have confessed to being George Washington,
15 to get out of there. They were charging her. She
16 was thinking they were going to charge her with a
17 crime. They're showing her these photographs. She
18 said whatever it took to get out of there for
19 herself.

20 Can I just say something to you about Tatanisha
21 for a second? Remember I asked her. She's from --
22 you all know where Pageland, South Carolina is?
23 That's in Lancaster, South Carolina, Lancaster
24 County. It's a small place. That's where she is
25 from. She doesn't know North Main Street from Atlas

1 Road. She doesn't know Richland Memorial from
2 Palmetto Richland. She doesn't know first Baptist
3 Church from Brooklyn Baptist Church. She don't know
4 nothing.

5 Why? Because this is not where she's from. So
6 how could she say Richland Memorial? Isn't that an
7 interesting concept? Why would she say Richland
8 Memorial? Only one of us that's been here for a
9 while, like the good doctor, Clay Nichols, and even
10 Mr. Meadors said, that's what I call it, too; only
11 those of us that have been here for a while would
12 call it that. Everybody else knows it by the new
13 corporate name or the name they're trying to have us
14 begin to understand, Palmetto Richland like Palmetto
15 Baptist.

16 How could she have known that from Pageland,
17 South Carolina? I sure wish you'd have had that.
18 She said in her statement, she said to you, oh, it's
19 in there, but how would I know that? Because she
20 wanted out of there. I'll get back to her in a few
21 minutes.

22 Credibility of witnesses. Did the witness have
23 a reason to be biased or prejudiced? You think Mike
24 Allen wants some assistance? Do you think he wants
25 some help? Do you think Blue wants to get his

1 sentence cut? Now you juxtapose all that. You put
2 all that against Ken Joy. He ain't never been --
3 that's not true. He has been arrested. For what?
4 Something when he was college, a ticket for his car;
5 plates I think he said. Juxtapose them against Ken
6 Joy. That's what you have to do. Confident in your
7 verdict, does it make you? Cause you to hesitate to
8 act, does it?

9 I'll talk to you about these statements and the
10 verdicts you have to return. There are seven
11 verdicts against Ken. And Ken has to be judged
12 separate and apart. He has to have an individualized
13 verdict on each of those seven counts by you all. I
14 don't represent either of those other two fellows.
15 But he deserves, and the judge will tell you, an
16 independent, individualized separate verdict for Ken
17 Joy.

18 That's the law in this state. Folks, now I'm
19 going to ask to you do something that is just a very
20 difficult thing for you to do. I'm not going to say
21 it's inconvenient but it might be not insensitive,
22 but it's something that the law requires of you. And
23 I can only do it by visualizing it. I want to say
24 this to you, too. I'm a visual learner. That's the
25 only way I can learn something. If I can visualize

1 it, I can maybe share it.

2 I want to say to you that the judge will tell
3 you that you're not to be bound, and your verdicts
4 are not to be as a result of sympathy for anyone in
5 this case. They're right up here. And any of us
6 whose hearts don't ache for those families, we all
7 do. And yet the law is going to require of you
8 something more. And the only way I can ask it of you
9 is to say you have got to empty yourself of sympathy,
10 for regret and their loss. It's hard to do, easy to
11 say.

12 So I'm going to ask you right now, I'm going to
13 put this right here. I want you all to look at this
14 little box and I want you to put every bit of that
15 here right now. Put it here. Because that's what
16 the law asks you to do, and to be super human and to
17 be super non involved by placing all of your
18 sentiment, all your regret, all your loss over these
19 folks who for whatever reason are now not with us.
20 Put it right here. That's what we must do. Because
21 then we have to close it and we have to put it away.
22 Because that's how you decide as judges. That's what
23 you are. You're 12 judges, based on the facts that
24 you've heard and the law that the judge will tell you
25 about.

1 I promised myself I wouldn't get so angry that I
2 didn't make sense. But I must say to you that Mike
3 Allen is a demoralized, hypocritical, HIV-infected,
4 ex-con loser who comes in here and lies to you. He
5 lied right here. The reason he lied was because he
6 had something to gain.

7 And my friend, Mr. Meadors, he was aghast at
8 this, as he should be. You know why? Because he
9 didn't know about it. They didn't know about it.
10 Remember a week ago Wednesday I said they don't know
11 what they've got on their hands? That's what I'm
12 talking about right here. You all will have this.
13 They didn't know that because they didn't know Mike
14 Allen. You know Mike Allen now. Excuse me. I'm
15 sorry. As you heard him refer to himself, Allah
16 soldier, right here.

17 I am the State's key witness. Folks, let me
18 just ask you all this. How would he know that he
19 would be the State's key witness? I wonder if
20 somebody in law enforcement, somebody when they went
21 to see him, as he said they did, somebody said that
22 to him. Oh, man, you're our key witness, man. How
23 would he put that in? Why would he put that in?
24 What does he know? I am the State's -- I want to
25 make sure I say this correctly.

1 "I am the State's key witness. I will either
2 send you to prison for the rest of your natural life
3 or walk away. What would you like me to do",
4 question mark. "I need to be able to take care of my
5 brother for what may be a very long minute. And
6 since Allah has endowed me with this task of
7 implementing Allah's justice, I would rather you tell
8 me what Allah wants me to do. Allah Hu Akbar, Mike
9 Ulicen C. Allen", at the Lexington County Detention
10 Center.

11 I would almost put this on top of the Bible, but
12 I think that might be a sacrilege, too. And I
13 hesitate to say this to you. But, you know, in
14 another Biblical story; maybe it's time we ran some
15 money changers out of the temple. Because that's
16 what this man is. He's no better than that. He's a
17 hypocrite, he's a liar, and he did it right in front
18 of you. And that's what they case base their case
19 on, is it?

20 Oh. Do you all remember this? He doesn't have
21 any problem now with this. You all understand me?
22 This is a guy who used to do the same, who used to do
23 the same thing. He would rob drug dealers, too. I
24 ain't got any problem with it now. Can you imagine
25 saying that in this place and time? I don't have any

1 problem with this. I don't have any problem with
2 this. The State's key witness. See, because that's
3 what he used to do, too.

4 What was the demeanor of the witness on the
5 stand, says Mr. Ross? You saw him. Did you see him
6 start ranting and raving, speaking Arabic in an
7 attempt to start justifying his position? Firmly
8 convinced of his credibility, are you? Does that
9 help you come to the decision that you make about
10 whether or not Ken Joy is guilty beyond a reasonable
11 doubt? Does it cause you to hesitate to act?

12 And when does he give this? Sometime right
13 after he gets arrested. Excuse me. Not for this.
14 Just before -- excuse me. Just before November the
15 14th, right here, just before November the 14th he is
16 visited, the latter part of October he is visited at
17 the Lexington County jail, and that's when everything
18 changed.

19 What does he want from Ken? Mr. Strickler has a
20 theory that he wanted to do something to Stanley. I
21 wonder if he wanted some money. "You decide. What
22 would you like me to do? I need to be able to take
23 care of my brother for a long minute or for what may
24 be a long minute, and since Allah has endowed me with
25 this task of implementing Allah's justice, I would

1 rather you tell me what Allah wants me to do."

2 I say it to you again. Remember, this fellow
3 has got more faces than you can shake a stick at.
4 He'll talk out of both sides of his mouth, whichever
5 face he is trying to show you. You wouldn't trust
6 this man with anything concerning anything important
7 in your life. And now the State brings him to you
8 and says, oh, trust him. He said that Ken told him
9 everything would be all right. He disposed of all
10 the guns, the money, the car, the clothes. Do you
11 remember that? That's the fellow who's saying that.
12 You trust that, do you? Cause you to act, does it?
13 Firmly convinced, are you?

14 And can I ask just this one question? You all
15 remember he said he worked a double on Saturday,
16 the -- he worked a double on Saturday, the 3rd.
17 That's from like 9:00 in the morning 'til 11:00 at
18 night. He says he worked a double on Sunday.

19 Now, this is the fellow who may or may not have
20 told Smokey Bones that he has HIV. He may or may not
21 have told Rush's, his manager, that he had HIV.
22 That's what they're going to ask you to trust? If he
23 is off at 3:00 on Saturday night, where was he at
24 3:00 in the morning when this takes place? Where is
25 he? Where is Mike Allen? The person who has done

1 exactly this type of thing before, where was he? Do
2 you think he's got something he wants to shade his
3 testimony, something you want to cover up for Mike
4 Allen? What do you think?

5 Pancho? Pancho ain't nothing, any part of Ken
6 Joy. That fellow is from Memphis, Tennessee. He
7 ain't got a soul in Columbia, South Carolina. He
8 ain't got any relatives. Pancho is Stanley's nephew.
9 And Mike and Stanley consider themselves relatives.
10 Pancho is Mike Allen's friend, associate, neighbor,
11 relative. He ain't nothing to do with Ken Joy.
12 That's just a fill-in-the-blank so that it makes his
13 testimony more believable. That's all that is.

14 Mr. Moaney, Mr. Omeksa "Blue" Moaney, remember
15 him? He's the one that's doing federal time right
16 now for drugs. He makes a statement on October the
17 11th, 2005, six pages. Six pages. And he doesn't
18 say anything about Ken on September the 5th in that
19 statement. Oh, he does now. He doesn't say anything
20 about how Ken brought him -- oh, he gave Ken money on
21 September the 20th. He doesn't say anything about
22 that then. None of that. Contradicted, is it?
23 Credibility of the witness? Cause you to hesitate to
24 act? Firmly, convinced, are you, of Ken Joy's guilt?
25 That's Mr. Blue Moaney, the fellow they'll bring

1 up here. This is the one who was shot by the FBI.
2 You remember? Shot by the FBI, in October of 2006
3 pled guilty. And then this is the one, as Mr.
4 Milling said, the government doesn't believe him.
5 But we'll bring him up here and he'll tell you the
6 truth. Except he didn't on October the 11th. Firmly
7 convinced, are you? Hesitate to act? Cause you to
8 pause?

9 And Tatanisha Robinson. She is who she is. And
10 who she is somebody that got in over her head and
11 would have said anything to the City of Columbia
12 Police Department to get herself out of it. This is
13 her statement, folks. Verbatim, exactly as written
14 down, without any hesitations, directly as she said
15 it, without any pausing, she goes on for three pages.
16 Three pages. Ain't no questions in there. It's
17 just -- she just rolls right on. And my friend,
18 Sergeant Wilkerson, just writes it straight on down.
19 Absolutely verbatim, complete, accurate and thorough.
20 I say to you again she'd have confessed to being
21 George Washington to get out of there. But that's
22 what they want you to believe?

23 One thing about Tatanisha Robinson; she knows
24 this. She may be a lot of things. Without any
25 prompting, without anybody saying anything to her at

1 all, she writes this notarized statement from
2 Baltimore, Maryland, where she was living saying to
3 Ken: I apologize. What I said in this was wrong.
4 It's not true. And that's what she said here. Oh,
5 it may be in here. Oh, yeah, it may be in here. Is
6 it true? Oh, no. I didn't get a copy of this. I
7 wanted out of there. I was pregnant. They showed me
8 pictures of it, they were going to charge me with a
9 crime. I'd already known that two other females had
10 been charged with this.

11 And so she signs this. She gets out of there.
12 And a year later she realizes and acknowledges I was
13 wrong. She is who she is, but she says to you now
14 here this is the truth. Cause you to hesitate to
15 act, Mr. Meadors?

16 **MR. MEADORS:** Your Honor, I have no objection if
17 he wants to offer that now. He's showing them
18 something that's not in evidence, but I don't have
19 any problem with it. He's not supposed to do that.
20 That's the defense.

21 **MR. DELGADO:** Of course it's in evidence, Your
22 Honor. I wouldn't have picked it up if it wasn't in
23 evidence. Hold him to answering those questions.
24 That's your responsibility. I'm sorry I have to say
25 this to you, but that's what you are now called upon

1 to do. As difficult it as that is.

2 I will say one thing about Ken saying supposedly
3 to these folks if he had burned clothes, that's what
4 he's supposed to have said and Mike Allen supposedly
5 said it to him and Tatanisha. What is he charged
6 with about burning clothes? Who says something about
7 him burning clothes? Hey, Renata takes the clothes
8 in a plastic bag. Do you remember that? Jason Brown
9 says that.

10 And what does that young lady, Leticia Brown,
11 she says Stanley and his dad are burning something on
12 the grill on Labor Day, on Sunday, the 5th. They
13 were burning something, some fabric. I asked her was
14 it clothes? She said, I don't know; I didn't see it.
15 But it was something on the grill. It was fabric,
16 material.

17 I wonder what that was. That didn't have
18 anything to do with Ken Joy burning anything. Two
19 different people have now been revealed to you as
20 burning something, getting rid of something. Not Ken
21 Joy.

22 And Ken Joy, he testifies and tells you exactly
23 the truth. This is the corner of McDuffie -- I'm
24 sorry. This is where Blue lived. This is his
25 apartment. McDuffie and Washington Street. I

1 apologize. This is McDuffie and that's Washington
2 Street going that way. This is where Blue lived with
3 his mom. His mom lives here. He supposedly lived
4 with his mom, . This is this
5 tan and green colored house here. This is where he
6 was selling drugs from. And if you notice the stairs
7 going upstairs, that's where he would operate out of.

8 And what did Ken tell you? Oh, yeah, I went
9 there with Stanley. Stanley was my connection.
10 Stanley was the reason that I would go there. And
11 why? Because Stanley was getting me marijuana.
12 That's exactly right. That's what he was doing.

13 And if there are phone calls from that phone
14 that Ken had for Advantage Building Systems, the
15 reason for that, if it's to Blue, it's either from
16 Stanley. If it's to buy drugs, yeah, marijuana for
17 Ken. That's what that's about. The close ups are
18 here. You'll have them right here. Go right up
19 those steps and that's the door. That's where Blue
20 operated out of.

21 And Ken Joy may be somebody -- he is who he is,
22 too. He's college graduate, army brat. He came to
23 Columbia as a result of his wife I think; but anyway,
24 he came back to Columbia, tried a number of
25 entrepreneurial exercises to see if he could get

1 himself in better financial shape. And what does he
2 wind up doing? Employing several folks that probably
3 are not going to be able to be employed otherwise in
4 a rough area, Tremain Street here in Columbia.

5 And he has a business phone, a phone that
6 everybody uses. Tatanisha has used that phone.
7 Stanley has used that phone. If there are phone
8 calls between that phone call and Dominic, that's
9 going to be Stanley calling. Do you know what Ken
10 said? Do you remember what Ken said? I don't know
11 Dominic. I know that he's a voice on the phone. How
12 could that have happened? Because Stanley would call
13 Dominic or Dominic would call Stanley back at that
14 number. And he would scroll through it and see and
15 call back and it would be Dominic.

16 Tatanisha has used that phone to call Stanley.
17 Stanley had -- and probably some of Stanley's other
18 lady friends' houses. Stanley would use that phone
19 to call Blue or to call Renata. Everybody used that
20 phone. Do you remember when Tatanisha got on the
21 stand and she said -- Mr. Meadors asked her, well,
22 how many people would he call with that phone? She
23 said, we could be here all afternoon for me to tell
24 you how many people used that phone.

25 That's Ken Joy's problem. That phone is what

1 they say connects him to this. Being an accessory
2 after the fact? Where are the clothes? Where is the
3 car? Where is the gun? Mr. Meadors asked him a
4 question last Friday afternoon; and he said, I
5 wouldn't know how to do that. I wouldn't know how to
6 get rid of a gun. I wouldn't know how to get rid of
7 a car. Where am I going to burn clothes? That's Ken
8 Joy. You evaluate him. He was right here in front
9 of you. He took an oath, swore to tell the truth.
10 You evaluate his credibility. Because that's what
11 you're called upon to do now. That's what you are
12 supposed to do.

13 No prior record. Did he have any? Zero. None.
14 Nothing. Did he say to Stanley or to Mike Allen,
15 I'll see if I can Stanley some help? You know, I'll
16 give him \$500 towards the attorney fees. I ain't
17 going to be spending big money because if I invest
18 \$500, that's \$500 I've made down the road when
19 Stanley works for me in my business.

20 And I'm going to call the attorney that I do
21 business with because I might be able to get a
22 discount for Stanley. And I go to Stanley's -- to
23 that lawyer, Mr. Jimmy Rogers, and I say what would
24 this case cost? I'm just here to spread information.
25 I want to see what this would cost so I can see.

1 Stanley has got to get with his people. That makes
2 you an accessory after the fact, does it, to go to an
3 attorney and ask what the price would be? That's
4 what this case is about. That's why he's here.
5 Firmly convinced, are you? Hesitate to act, does it?

6 The Columbia Police Department showed him
7 papers. Do you remember when Ken went down on the
8 8th? Excuse me. On the 9th. He gets the card from
9 Mr. Mead, callid him, comes in the 9th. And do you
10 know what they start to do? They start showing him
11 these pictures right here. And all of a sudden what
12 was, you know, an interview becomes -- he becomes a
13 subject. And all of a sudden he understands, oh, my
14 goodness, something has changed now. They think that
15 I am involved with this. How did that happen?

16 Because he was trying to help Stanley Oliver
17 with \$500, that's why he's here. That \$500, as he
18 said. You know, Mr. Meadors may say, well, he
19 changed his phone on the 16th. Yeah. Do you know
20 why he changed his phone? Because he started getting
21 phone calls from Investigator Coronet. Do you
22 remember that about? That's some fellow named Gene
23 who had used a credit card and floated bad checks.
24 And Gene, like everybody else at Advantage, used that
25 number as a contact number.

1 So Ken says, wait a minute. They're focusing in
2 on me. I'm getting phone calls. Now they're going
3 to try to close my business down. They're going to
4 have the IRS or the licensing people coming down on
5 me. You know, I'm going to change the number so
6 nobody can contact me. That's why he changed the
7 numbers. The same business, the same location, the
8 same spot.

9 And on October 23rd he turned himself in to the
10 police after his face had been shown on the 21st. Do
11 you remember he talked to Mr. Ken Davis, the fellow
12 at Austin Woods, the apartment complex? And Ken
13 said, yeah, I just saw your picture in the paper.
14 Yeah, I understand you're in trouble. I understand
15 they're looking for you. Yeah, they are. I've got
16 to get my affairs in order. That was on the 21st.
17 On the 23rd he turned himself in.

18 Wait a minute now. Let me see if I can get this
19 right. He's got 20 or \$30,000 worth of accounts
20 receivable out there, and he's robbing drug dealers?
21 Is that right? Is that correct? That's what he
22 does, does he? And helps those who do when he's got
23 that money out there?

24 Ladies and gentlemen, I just want to say this to
25 you. My time in Ken Joy's life is almost over,

1 almost over. Two weeks here with you in our
2 production of justice, but my time is over now. I
3 can't do anything else for him. So I'm going to hand
4 him to you. I'm asking you to take him.

5 And I'm going to ask you to find him not guilty
6 on every one of those charges, not guilty to being an
7 accessory after the fact of murder of George Batie,
8 not guilty to being an accessory after the fact of
9 Kevin Miller, not guilty to being an accessory after
10 the fact of the murder of Desiree Felder, and not
11 guilty of being an accessory after the fact of the
12 armed robbery of George Batie and Kevin Miller, not
13 guilty as an accessory after the fact of the burglary
14 of Mildred Street, the home owned by Mr. Batie, not
15 guilty as an accessory after the fact of kidnapping
16 of Desiree Felder.

17 Each of those seven counts, I give him to you.
18 And as the plaque says downstairs: May justice guide
19 your journey. May justice guide your journey. Thank
20 you.

21 **THE COURT:** Mr. Delgado, approach the bench,
22 sir.

23 (Whereupon, a bench conference is had between
24 the Court and Mr. Delgado)

25 **MR. MEADORS:** May it please the Court?

1 **THE COURT:** Yes, sir.

2 **MR. MEADORS:** Mr. Strickler, Ms. LaFave, Mr.
3 Milling and Mr. Delgado. Ms. McDuffie, Mr. Ross.
4 Mr. Foreman. Good afternoon, ladies and gentlemen.
5 Enough is enough. Enough is enough. This has got to
6 stop. That's what the evidence has shown in this
7 case, what the witnesses have done. Enough is
8 enough. It's got to stop today.

9 This is as important a case as will ever be
10 tried in this courtroom, important for these
11 defendants, important for the victims and their
12 families, important for the State, important for this
13 community. This has got to stop.

14 Everybody has got a line. No. I need this. I
15 need this. Everybody has got a line. I guess the
16 most spiritual is, and the one we ought to follow the
17 most is, The Golden Rule. That's a line. "Do unto
18 others as you would have them do unto you." That's
19 a line. A line most everybody follows is the law.
20 Follow the law. That's a line. That's a line.

21 Well, then there's people that speed and there's
22 road rage and other types of acts where people cross
23 that line. But that's a line most people follow.
24 And then there is a line of folks that violate the
25 law and who maybe do stuff that's bad. But they even

1 have a line. They have a line that this is too much.
2 This has got to stop.

3 Everybody has got a line, except maybe these
4 three. Stanley Oliver might have a line. It's a
5 dotted line maybe that says I won't kill a woman but
6 I'll get somebody else to. Everybody has got a line.
7 That's what this case is about.

8 When I was little -- and I wasn't planning on
9 saying this until just now. When I was little I'd go
10 to visit my granddaddy in Florence, Jack Meadors.
11 And in the late sixties I was seven or eight years
12 old. And I can remember being stopped down there in
13 Florence. He'd stop, somebody would greet him. And
14 I remember this one lady had her little daughter I
15 think and said, "That's jack Meadors. He is a
16 lawyer. He is a good man. He trace to do what's
17 right." Those days are gone. Those days are gone.

18 My name is John Meadors. I am the Deputy
19 Solicitor for the Fifth Judicial Circuit. I work for
20 Solicitor Barney Giese, the elected solicitor. On
21 behalf of David Ross, Joanna McDuffie, the Richland
22 County Sheriff's Department and the Columbia Police
23 Department, I also want to thank you for being here.
24 Thank you for the attention you've given this case.
25 Thank you for your lives.

1 We've spent a lot of time here. We've spent a
2 lot of time together. We haven't been able to talk.
3 But two weeks of your life, especially during time of
4 year, that's a lot to ask somebody. But thank you.
5 And thank you for listening. You all are the Lady of
6 Justice. Justice will direct your course. You sit
7 there blindfolded. You listen. You decide what's
8 right, what's credible or believable. You drop that
9 little blindfold down and watch the witnesses. You
10 do. You see them. But you judge their demeanor.
11 You watch them. That's all you can do.

12 What I'm doing now is called closing arguments,
13 but the name is terrible. You might want to say,
14 John, what about this? What about that? I want to
15 tell you all this and that. But it's a chance for us
16 to tell you all what we think the evidence is and the
17 reasonable inferences are. We can't go beyond that.
18 We're not allowed to say stuff that's not in
19 evidence. That's improper. That's not following the
20 rules. My granddaddy wouldn't have done that. You
21 can only testify to what's come out in the evidence.

22 And I'm going to go through several times, which
23 I've gone through some of this, I don't think that
24 was in evidence, what they argued. You can only
25 decide this case what comes out of that witness

1 stand. You take the law His Honor will charge you
2 and you decide what's believable, what's credible.
3 We're here all the time. This is what I do. I love
4 my job. I hope I never do anything else. Just
5 trying to get to the truth.

6 Every week, week in and week out, you all come
7 in here. And I say you all. The jury comes in here.
8 And it's like the most valuable player comes in every
9 week. And it's true. The most valuable player comes
10 in every weeks, listens to the evidence, takes the
11 law the judge gives you and says this is what's
12 right. And that's all we can ask of you. And you
13 all have been listening. And thank you.

14 I'm going to try to be short. Please give me as
15 much attention as you have everybody else. I've got
16 a lot of boards that I think will help keep me
17 focused, quite frankly, as I go through this
18 evidence.

19 Quality control? He is talking about quality
20 control? He gets up here a minute ago and implies
21 that this is why these indictments got thrown out.
22 That's not right. He tried to imply because he took
23 an oath on a Bible that that's why those indictments
24 are thrown out. That's why I objected. That is
25 wrong. That is not right.

1 The judge decided, because no evidence -- this
2 letter wasn't read into the record to you. Blame me
3 for that. Where it says in here "I know you planned
4 it", it's got nothing to do with him putting his hand
5 on this Bible, which he tried to imply. Quality?
6 And I'm going to go through several times in this
7 trial where quality has nothing to do with what was
8 going on here. Quality control. Misdeception?
9 Credibility?

10 We've all got a line. Now, you all know what
11 happened here. And one other thing. When you came
12 in here last Monday or two Mondays ago, you didn't go
13 to Ms. Scott. Ms. Scott didn't have a school to tell
14 you how to be a juror. But you've been learning how
15 to be a juror your whole life. It's your common
16 sense. That's what beyond a reasonable doubt is,
17 your common sense.

18 You all know what happened here. I'm going to
19 go into detail about it, but you all know what
20 happened here. Some forces were put into motion. I
21 don't know who did it. I don't know why. I don't
22 know whether somebody told them to. But on the early
23 morning hours of September 4th, 2005 Stanley Oliver
24 and Dominic Gallman decided they were going to rob,
25 with all due respect to the families, someone who

1 deals in drugs. They're going to rob him. They're
2 going to rob him of his money. They're going to rob
3 him of his drugs. And that led them to Jim Batie's
4 house.

5 Kevin Miller was coming to get drugs. Kevin
6 Miller was in the wrong place at the wrong time.
7 Kevin Miller is shot in the back of the head by
8 Stanley Oliver with a .40. Jim Batie will not tell
9 them, doesn't want to cooperate. He's been out
10 drinking with K.P. And we'll get to that in a
11 minute. Shot here, goes through here, another shot
12 here. And then he gets shot in the top of the head.

13 And those pictures, you noticed Mr. Delgado
14 showed them to you. I didn't. As Mr. Strickler
15 said, they're not going to show them to you. I'm not
16 going to show them to you. They were put in to show
17 how the head was. I'm not trying to inflame your
18 passions. Quality? They were put in for that
19 reason.

20 And I wouldn't have put these heads in that
21 trashcan, the heads of these three victims where they
22 all said, oh, there's nothing here. We're not trying
23 to say it's not a tragedy. Yet they're talking about
24 the drugs and every time, everything they can do,
25 they get into about that. Quality? That's why they

1 were put in.

2 Jim Batie is shot twice here. He won't tell
3 them where it is. One witness, I believe he said,
4 and I'm going to get to in a minute, said he wouldn't
5 cooperate. Wouldn't cooperate. He's down. Yes. He
6 goes down. Blood is on the wall showing you all what
7 happened to him. The safe is open. Do you think he
8 wasn't telling them where it was, wasn't going to
9 tell them where the money was, didn't want to tell
10 them? He's shot. He goes down. The safe is open.
11 Two .38's in the floor. There's no question what
12 happened.

13 And then they go out and they take Desiree in
14 the woods. Excuse me. Dominic Gallman shoots her in
15 the head. Now, we know that's what happened. We
16 know what happened. I'm going to go through it in a
17 minute and show you how we know what backs it up,
18 what corroborates it. But that's what happened.

19 Now, we started off with this point in our line.
20 Everybody's got a line. Let's go through and show
21 how we got to what I just told you. The timeline,
22 Zondria McKie talks to Desiree. They've known each
23 other. Talked to her. She talked to her about going
24 to church the next day. That came out on the stand.
25 I'm not making that up.

1 At 1:30, William Felder, just raise your hand,
2 William. Right back here. Ex-husband. Talking,
3 said he was returning her phone call. Says something
4 about their relationship. They're still talking.
5 Not too bad. At 1:30 everything seemed fine. She
6 seemed okay, going to church tomorrow.

7 Then 2:08 Miller calls Batie. Miller calls
8 Batie. I'm coming over to get something. You hear
9 it on the answering machine. About this time, about
10 this time, and I think you hear a few phone calls
11 before this from K.P. Where are you? I'm waiting on
12 you. You all know K.P., Kenny Parker. You know, I
13 talked with him. I'd love to have a pop with K.P.
14 sometime.

15 He's over there. And what's K.P. say? I'm out
16 here waiting on him. I met him a couple or three
17 months ago either at Greenview or either at VFW or at
18 Green's on Farrow I think he said. He's supposed to
19 meet me out here this night. You're not here. Where
20 are you? He called him. Man, I'm waiting on you.
21 He was down there selling drugs to Rasheed Rucker.
22 That's where he was, down in the Vista. That's how
23 Rasheed's fingerprint got on there.

24 And you know what? If we had gone and arrested
25 Rasheed right then, that would be like the park, Mr.

1 Delgado. That would be like the Olympic park and all
2 that if they rushed out and did that.

3 Finally K.P. hooks up with Jim Batie. I think
4 they say they go to Green's first and they go to VFW
5 and then they leave. VFW is closed I think. They
6 are leaving to go home. K.P. goes to a convenience
7 store I think to get cigarettes. Jim Batie goes on
8 home.

9 By the time K.P. gets back to Mildred Avenue,
10 knocks on the door and hears a voice he's heard many
11 times before: Now is not a good time. No truer
12 words were ever spoken. Now, I don't know if Desiree
13 and Jim are fighting because he's been out drinking
14 with his buddies. I don't know. But K.P. said in
15 answer to one of Mr. Strickler's questions, saved my
16 life. I went on home. Gets back. And immediately
17 timeline, at 2:29, calls back and says, look, I just
18 came back, sorry, had a good time and leaves. That
19 establishes a timeline.

20 Next we have Kevin Miller going by the ATM, goes
21 to the ATM, gets his money out. Now, under State v.
22 Sharp and the case law, once they put up evidence --
23 and they say we didn't call somebody. I'm allowed to
24 respond that they could have called them. If they
25 wanted that videotape in, do you think they wouldn't

1 have put it in?

2 ATM at 2:40, what happens? That's a timeline
3 witness. He then comes, I think one of them said,
4 five to ten minutes after that. He gets over to
5 Mildred Avenue. So we know he's not dead at 2:40. I
6 agree with Mr. Strickler on that.

7 4:20, Chris Cochran calls. I don't know if he
8 regrets these words or not, but they kind of speak
9 volumes. Chris was mad because he gave his ATM to
10 K.P. to go get some stuff and to come back. He's not
11 back. He thinks he's probably got more than he
12 should have. He said, "You'd better be dead or in
13 jail." Well, unfortunately, he was in jail. "You'd
14 better be dead or in jail."

15 7 to 8, he comes looking for him. He comes
16 looking for him. Gets in his car, gets his stuff out
17 of the car, goes to the door. He says I've got a
18 funny feeling and don't go inside. You've got calls
19 from K.P. and Cochran throughout the morning looking.
20 I don't know if K.P. was into drugs with him or not.
21 I don't care. He was getting a little intoxicated
22 that night. Maybe that's why Jim Batie, another
23 reason he put up a little fight. He said he was .25.
24 He was not taking this stuff. I don't know if there
25 were any drugs or not. He said he was in the

1 business. I tell you one thing he did say though,
2 K.P. said. He said, I don't care; jim Batie was a
3 good man. I'm not approving what he did, but he
4 didn't need to be shot three times. Everybody has
5 got a line.

6 Zondria McKie comes, picks up the paper at
7 5:13 p.m., comes in and tells you what she sees, see
8 the body. Tells law enforcement, look, somebody else
9 stays here. So we know they're missing somebody
10 there. They don't have Kevin identified at that
11 point, Kevin Miller. Robin Dutton comes and starts
12 the investigation at that point.

13 Now, let me throw up that same timeline, ladies
14 and gentlemen. And, no; you didn't hear or see any
15 of these folks talk about phone calls. And am I
16 going to talk to them about it? Yes, ma'am. Because
17 Barney Giese would fire me if I didn't. That's what
18 helps tie them together.

19 Let's look at that same timeline. One 12:45 and
20 1:30, 1:43 a.m. a number which has been testified to
21 that Dominic used as his cellphone calls Renata's,
22 779-6080, which is testified somewhere Stanley Oliver
23 stayed. 1:53, phone call there also, Dominic's cell
24 to Renata that Stanley uses. Throw that in the
25 timeline.

1 I'm going to go back in here. You all remember
2 it? Nobody talked about this. You notice the
3 particulars of the testimony when they get up here,
4 they didn't want to ask them about the particulars?
5 What happened right up here in this same time? Do
6 you remember Renata? I'm going to get to it again.
7 You remember Renata said, I was watching Comedy View
8 or Comic Vision or whatever it was late that
9 Saturday, Sunday morning. And she hears Stanley say
10 something about Freaky's name. That's when they were
11 getting together that night fixing to go and do their
12 robbery. Their plan started off as a robbery.

13 And then Batie's calls, K.P, the same timeline.
14 You get down to 11:28 p.m., a call from Renata,
15 identified as Stanley, to Kenneth Joy. Kenneth Joy,
16 less than seven hours I submit after the murders,
17 Joy's phone is being called. Joy to Renata. That's
18 Stanley Oliver. Joy to Renata. Joy to Blue. Blue
19 was the man they took the drugs to. And they had a
20 lot of drugs. And I'm going to talk to them in a
21 minute. He said these guys never brought me drugs.
22 Now they're bringing me all these drugs. Is that
23 unusual? Yes. Joy to Blue.

24 Let me follow that up now with some phone calls.
25 And, folks, when you all get back there, if you all

1 want to jot this down, jot this down. These are the
2 numbers that have been testified to to Omekas Moaney,
3 aka Blue, 665-2996, 237-6224. Mr. Blue told you that
4 up there. Mike Allen, 551-0973. Dominic's cell,
5 599-0434. Dominic, home, 234-2621. Stanley's cell,
6 479-2583. He got that on 9-8. We'll talk about that
7 in a little bit.

8 Renata Williams' home, Stanley had access,
9 779-6080. Kenneth Joy, 463-2210; changed 9-16 to
10 238-7294 because we needed to talk to him and then
11 because somebody named Gene was approached. But he
12 doesn't know Gene's last name and he can't tell you
13 and he's not going to tell us who Gene is. But then
14 he changed his number because Gene was getting
15 harassed about some kind of forged or fraudulent
16 checks.

17 I'm going to leave that up there and come back.
18 But here is where we go to the 4th, these cellphones.
19 1:43, Dominic's cell to Renata, 1:53. And these are
20 summaries from the records you're going to have back
21 there of these phone numbers I just showed you all of
22 these parties. That's it. Are there other phones in
23 there? Yes, ma'am. Yes, sir. And you're going to
24 have them. These are summaries provided, accumulated
25 or assimilated by this lady, Ms. Outen, involving the

1 phone numbers that are in the record to each other.
2 Are there other numbers in there? Yes, ma'am. Yes,
3 sir. You'll have them.

4 I think it was Mr. Milling that said inbetween
5 here, his client, are there other phone calls
6 inbetween there, between 1:53 and 4:34 when the
7 murder happened, I respectfully submit the evidence
8 shows. There a few incoming calls to him and a few
9 outgoing calls. I don't know who they are. It shows
10 one thing. Dominic Gallman is out with his
11 cellphone. That's what it shows. And it shows he's
12 got an hour, an hour of free time out on the streets
13 with his cellphone calling.

14 4:34 a.m. there's a call back from Dominic to
15 Renata. Now, that's either Stanley using Dominic's
16 phone to call Renata coming back, or they've already
17 done the deed and that's Dominic calling back to
18 Renata's house looking for Stanley. This is good
19 evidence. None of them talked about the phone calls.
20 It ties them altogether. You'll have them back there
21 with you.

22 Let's keep going on the 4th. 11:28, I just went
23 over these to you a minute ago, Renata calling Joy,
24 Joy calling Renata, Joy calling Blue, Joy calling
25 Renata, Renata to Blue. 9-5, 12:47 a.m., Renata to

1 Dominic, Renata to Joy, Renata to Mike. Let me star
2 that one right now. 1:24 on 9-5. Don't let me
3 forget to come back to that.

4 Let's go back, back to our timeline, after
5 Ms. Dutton gets there, it's now 9-4. 9-4, Currie and
6 Rose are there. You know, Ms. LaFave said it's his
7 fingerprint. I'm not sure what Mr. Strickler is
8 saying now. This case is so strong against Stanley
9 Oliver, they questioned whether it was his to start
10 with. It's Stanley Oliver's print.

11 They come in. They take pictures. All of these
12 pictures up here, if we laid the foundation, they
13 agreed they come in. There's a far away picture of
14 the shell casing. There's a close up picture. Don't
15 use that against us for trying to inflame your
16 passions or your prejudice. We aren't. We're
17 showing you pictures of inside Mildred Avenue, how it
18 looked.

19 And Currie took us painstakingly, it may be my
20 fault, through the house, taking pictures of the
21 front room, going back to the bedroom, the hallway,
22 showing where the shell casings were picked up. Went
23 back and showed the blood. I won't show them to you.
24 They showed the blood on the side of the wall. Yes,
25 I believe it's blood that came back to Jim Batie as

1 Jim Batie's as he's coming down because he wasn't
2 going to give him what he wanted, blood on the side
3 of the wall, on the door, that he finally opened the
4 safe and was rewarded with a bullet to the head for.

5 Processes the scene, gathers evidence, tries to
6 get DNA off of it. No DNA. Comes back, collects the
7 evidence. And what does he find back there? You all
8 have seen the pictures. I usually show them. But
9 they're ransacked. They're looking for something.
10 Is there any question about it? Finds that Wilson
11 box in the back.

12 Rose comes and helps him process the scene. The
13 next day, on the 5th, there's no -- everybody
14 testified the scene was secured. The police officers
15 were there around the clock until they finished the
16 search. They find the initial .40. They don't see
17 anything else around Mr. Batie's body, so they figure
18 it's not a semi-automatic. So they find that.

19 The next day the autopsy says, hey, Jim Batie
20 tells you. You talk about star witnesses. The star
21 witnesses in this case are Jim Batie, Kevin Miller
22 and Desiree Felder because their bullets from their
23 body lead police to connecting these. And then from
24 there, they say, well, you know, there's another .40
25 in his body. That's when Rose goes back and collects

1 the other .40 underneath the stuff that Currie had
2 been trying to find evidence. And they find the
3 other shell casing. And they do come back. And they
4 are consistent with each other. As Mr. Ross told
5 you, circumstantial evidence. That's the same gun.
6 A .40 to the head of Batie, .40 to the head of
7 Miller.

8 Swabs are done then of Jim Batie. Kevin Miller
9 is I.D.'d at that point. So we know our two victims
10 at that point. We still don't know where Desiree is.
11 We know she's missing because of Zondria McKie.

12 9-6, Wilson shoebox print matches Stanley Oliver
13 inside the house. Here it is. Go back and look at
14 it. He showed you where he did it. It's not one of
15 those pop off. It's like this. He's looking for
16 money. He's looking for drugs. Thank you, Pete
17 Currie, for finding it.

18 9-7, Desiree is found off Wilson Boulevard,
19 found off Wilson Boulevard. There's been some
20 testimony about she was on her knees begging. She
21 was begging. Could she have been on her knees first
22 begging? She is begging for her life. Do you think
23 she wasn't begging for her life? And she's shot
24 here. If it's not here, here, or the back or the
25 side of the head, could she have turned? And she

1 ends up lodged between a tree. She's not begging for
2 her life?

3 9-8, law enforcement working together: County,
4 City, SLED, matches the .380, .357 to both scenes.
5 Hey, you all, this matches. These things are
6 connected. They then go to the storage facility.
7 They processed it, couldn't find any prints, did
8 confirm there's \$49,000 there. It's a lot of money
9 there in the back of that storage shed. That's the
10 motive for these folks robbing Jim Batie.

11 Did they get a lot of money? Yes. Did they get
12 a lot of drugs? Yes. Was there more? Yes. Would
13 Desiree tell them where it was? No. Did it lead to
14 a bullet in the back of her head? Yes. Did she
15 already know she'd probably get killed seeing two
16 people who were dead in her house? Yes. You're
17 going to award them for two murders and then kill me?
18 No.

19 And here's the bullet. Here's what law
20 enforcement did. I don't get into that scientific
21 stuff. I don't know. I understand it. But here is
22 the way I like to look at it. Kevin Miller has got a
23 .40. Jim Batie has got a .40. Those two shell
24 casings came from the same gun. They're consistent.
25 .38 and .357 in Desiree's head, these two are the

1 same. That's the same. It's all the same fired by
2 the same gun. There is no question about it. It's
3 not in dispute.

4 Kenneth Joy comes down to police headquarters on
5 September 9th, 2005. He said he doesn't know Stanley
6 Oliver very well, does not associate with him. He
7 said he has occasionally given Stanley work but
8 doesn't use him often. He told the police he doesn't
9 trust Stanley and he would not use him on jobs like
10 the post office because he thought he might steal
11 from the place.

12 He tried to avoid that a little bit on cross,
13 but then I said, did you let him work at the post
14 office? He said no. He said he didn't use drugs.
15 He said he did not know Dominic Gallman, did not know
16 Dominic Gallman and could not pick him out of a photo
17 line-up.

18 Now, credibility, believability. And I want to
19 thank Mr. Joy for his testimony last Friday. And I
20 thought about it all weekend. I worried about it
21 some. But then I said, you know, he corroborated
22 everything. He corroborated everything except right
23 when it implicated him. But everything else he
24 corroborated, as to the dent in the gray Taurus that
25 Tatanisha had put in her statement that he had in his

1 car. Mitch Wilkerson wouldn't know about that.

2 That's corroboration. So thank you for that.

3 He told police he lived with his girlfriend on
4 Percival Road but I didn't really live there. Why
5 would you not tell the police where you live? Why
6 were you trying to distance yourself from them?
7 You're a businessman. That doesn't make sense.

8 And then on his testimony which I'm going to get
9 to in a little bit, he says, well, I knew of him.
10 Well, no, sir, that's not what you said down there.
11 There might have been some twisting on some
12 questions; but, no, sir. And then he says, well, it
13 was in the backdrop of a triple murder. So are you
14 saying you're admitting now you didn't tell them the
15 truth because of the backdrop of a triple murder, you
16 didn't want to give them your address?

17 Stanley Oliver has been identified, his
18 fingerprint. And then he takes the stand and
19 confirms they are checking out his folks that he
20 knows, they ran around with, Dominic Gallman, Kenneth
21 Joy. What does Stanley Oliver say? Oh, and by the
22 way threaten, coercion. Kenneth Joy walked out of
23 there September 9th. It wasn't the park in Atlanta.
24 It wasn't the Jon Bonet Ramsey. He walked out of
25 there. I said, were they nice to you? Yeah, they

1 were nice here. Were they nice? Yeah, everything
2 was fine, oh, until right there. They didn't get
3 nice. That's when it starts affecting him.

4 Stanley Oliver to Columbia Police said he went
5 to Jim Batie's house once but never went in the
6 bedroom or in the back part of the house. When asked
7 if he said he had been in the house because Renata
8 told him his fingerprint was there, he smiled and
9 said, I don't want to answer that.

10 Now, at this point you do have to judge the
11 credibility and believability of Mitch Wilkerson and
12 Stanley Oliver. You have to do that. I want you to
13 do that. You know, if Mitch; and you saw his
14 demeanor, was cheating or lying, why didn't he say, I
15 killed him? I did it? But, no. He says, I don't
16 want to answer that, and puts that in here. Does
17 that make sense? He said, well, I did do it. You
18 know, I did do it. I didn't want to say it. I
19 killed him. Somebody else was with me. Somebody
20 else was with me. But he doesn't do that. He puts
21 in here that he sat back and smiled and said, I
22 didn't want to answer that. And he didn't want to
23 answer that. And that's what Mitch put down right
24 after he left the room in his computer.

25 And Mr. Strickler was going on and on and trying

1 to make a reasonable doubt out of that audio or
2 video. You tell me Mr. Strickler wouldn't be up here
3 if it was on audio saying, did you stop it, did you
4 do that, did you ask him other questions? And
5 comparing the Highway Patrol where people are on the
6 road to this? That hasn't been their practice at the
7 Columbia Police. Do people talk as easily when
8 they're being videotaped or taped? It's been their
9 practice not to do it. You have to judge his
10 credibility. He's never done it.

11 And if you're going to cheat, why didn't he say
12 he admitted to doing it? Read him his rights.
13 Stanley Oliver signed his rights, said I understood
14 it. He checked his background. Tenth grade
15 education. Didn't make him sign that. It's in here.
16 Did he make Stanley Oliver sign his name?

17 When asked where he was during the time of these
18 murders, Oliver said that he was with Renata or
19 William Gedson. When told that the police had
20 already talked to them and they said that Stanley was
21 not with them, Stanley smiled and sat back in his
22 chair and said, I guess I don't have an answer to
23 that.

24 Now, there's been some talk. Did you talk about
25 Renata? Yeah. And mead said, did you talk to

1 Gedson? Yeah, I did. Somebody crossed about, where
2 is it in your notes? Well, I think Mr. Joy even
3 verified the other day that Mr. Mead left his card
4 with Mr. Gedson when he was down on Tremain Street.
5 So clearly he had talked to both of them.

6 I guess I don't have an answer. He admitted he
7 knew Freaky. When asked how he had no money a week
8 ago and how he had a large amount of money, buying
9 boots and CD's, he said, "I have to do what I have to
10 do on the street. I have to do what I have to do on
11 the street."

12 That's kind of a theme throughout here. He
13 didn't have any money. Somebody sees him with a bag
14 of quarters getting weed. He borrowed some money
15 from Mike Allen the week before. And how he's paying
16 him \$100 bills. I'm not saying he's wrong for paying
17 with \$100 bills. I wish I had that to pay with. But
18 when you go from; it's another great circumstantial
19 evidence from no money to this and you're tied into a
20 triple murder, where do you think he got it from?

21 And he mentioned Mike Allen. I submit to you
22 Mr. Delgado is worried about Mike Allen. Mike Allen
23 who did tell you, I worked a single, a double and a
24 double; Thursday, Friday, Saturday, worked it
25 Thursday, Friday, Saturday. I worked it. Get off at

1 about 12:00 from Smokey Bones, go home, wasn't
2 feeling good. I got a call from my brother, my
3 brother who had introduced me to these other folks as
4 my brother.

5 I think that when he came down, you heard about
6 his past. And he came down. And tell it all. You
7 know, you know who brought us to these witnesses.
8 They did. "Judge not lest you be judged" is the way
9 I was brought up. But they brought us these
10 witnesses. And now they're going to say because this
11 is who we're hanging around with, that they have a
12 past, don't believe them. Do you know what they're
13 going through to testify up here? Do you know what
14 they're afraid of? And they came up here and
15 testified. They said it's enough. Enough is enough.

16 He gets off at 12, goes home. He's tired. He
17 said he gets a phone call from his brother to come on
18 over, I need to talk to you. Well, folks, 1:24 a.m.
19 Renata to Mike. Renata to Mike. And you'll remember
20 I'm getting to Renata's. And that's Stanley's
21 telephone number calling Renata. The night before --
22 I'll get to a Renata in a minute -- but Renata says
23 she watched Comedy Vision. Remember? Then there was
24 a phone call from Dominic's cell over to Renata's.
25 They leave.

1 And then she says the next day, sometime that
2 next day Mike comes over. That's Renata and Mike.
3 That's corroboration. That's corroboration. I'll
4 show you Renata's in a moment. Mike comes over at
5 1:24. None of them talk about that. You can't get
6 around that right there. That's a phone call at 1:24
7 after he gets off from Smokey Bones right there from
8 Renata's house, Renata to Mike and Stanley to Mike.
9 Come on over there. He does.

10 And what happens again when he gets there? He
11 comes in. I think he comes in. There was an aunt
12 there. He comes in and he sees a lot of drugs. He
13 sees a .12 gauge shotgun and some guns. And what
14 does he tell them? He said, man, what about all
15 this? He said, you ain't got to worry about that.
16 There ain't nothing wrong. You ain't got to worry
17 about that. Nothing is coming back on this.

18 And Mike says, at first he said I thought he'd
19 done a perfect robbery. I didn't know. Had lent him
20 some money before, lent him money before. When he
21 didn't have money the week before, he gave him what?
22 100, 150? I don't remember. He said it was a good A
23 lick, a good A lick.

24 Then he tells him later, I robbed them. Not
25 killed them. But he said, I did not kill the woman.

1 How can you make that up? I don't care if, you know,
2 put his hand on here, the Muslim faith, he said he
3 didn't believe in killing women. I didn't kill no
4 woman. That's his brother who he does love.

5 9-13 he takes him to CPD. They call Jimmy
6 Rogers to meet with Joy. And I'm going to go over
7 this in a little more detail. Meets with Gallman.
8 And then there's a statement with the police. And
9 let's get into that specifically.

10 Early morning hours he sees Stanley with drugs
11 and money. Stanley tells him you don't have to worry
12 about them coming after me. I robbed them. Stanley
13 tells Mike, I didn't kill the woman.

14 Now, look on here, too, after -- do you remember
15 when Mike said, I was sick, I wasn't feeling good?
16 The two days after that, the 6th and 7th, you'll see
17 one call from Mike. One, because he's sick, he's not
18 feeling good. Then he sees the news and he hears
19 about it. He calls Stanley. He said he might be up
20 in Charlotte. He talks to him. Then he says the
21 second time, you don't have to worry. I robbed them.
22 And then he tells him later, I didn't kill the woman.

23 He goes and stays with him either that Sunday or
24 that Monday. He talks to him. And then what happens
25 next? What happens next? He tells -- and maybe

1 Stanley at that point knew he'd crossed the line.
2 Because he went, he went with Mike, his brother, to
3 the Sheriff's Department, to the police department.
4 Maybe even Stanley in some way knew I crossed the
5 line because he went with him. And he goes down
6 there and turns himself in with Mike. He turns
7 himself in. Stanley does. He tells the police what
8 we just went over.

9 Stanley then comes back. And who does he call?
10 This is the day before Stanley turned himself in.
11 Look at the phone calls: Stanley to Renata, Stanley
12 to Dominic, Stanley to Renata, Dominic to Stanley,
13 Mike to Joy. The day before: Stanley to Renata,
14 Stanley to Joy, Joy to Stanley. Look at the phone
15 calls. The day he turns himself in is the 13th.

16 And after he turns himself in, do you remember
17 he said, he being Mike Allen, I kept Stanley's phone?
18 Here they are. Calls from Stanley's phone to Mike's
19 phone checking back on his residence. And look later
20 on. There's testimony that Mike Allen said that Joy
21 wanted to keep him posted. He calls him. Mike calls
22 Joy. Joy to Renata, Joy to Mike. Joy to Mike. And
23 that's where they meet. That's why they had to
24 concede that meeting. They had to. Because these
25 tolls back that up, they had to concede that meeting.

1 He's turned himself in, he being Stanley Oliver
2 with Mike Allen. And they go back and they meet with
3 Pancho again. Pancho comes with Ken Joy to the
4 residence. And what does Ken tell us up here? Well,
5 he knows we've got these phone tolls. He's knows
6 he's over there. He knows Mike. He knows the
7 credibility of Mike Allen. Okay. I went over there.
8 Yes, we went in the back bedroom. Well, that's what
9 Mike said.

10 We go back there. Yeah, I tell him, look, I'll
11 help out some, but I didn't tell him everything after
12 that. He corroborates everything right up to, well,
13 right up to -- well, he corroborated you don't have
14 to worry about your brother. But then he stops.
15 Everything else happened; and then, lo and behold,
16 Mike Allen is going to decide Ken Joy is going to get
17 into this. Why?

18 I got rid of the guns. They were different for
19 the man than the woman. Boy, if that doesn't sum it
20 up. How would Mike Allen know that? Ken Joy. They
21 were different for the man and the woman. I got rid
22 of the clothes. I made the car disappear. He's got
23 a car in Alabama. Somebody called him a magician.
24 And there are no witnesses. If anyone says anything,
25 they won't say it again. That's what this case is

1 about, is all about. Enough is enough.

2 They got rid of the weapons. These lawyers said
3 there are no witnesses. There is no evidence. Well,
4 they tried to clean up. There are no witnesses
5 because they killed them all. You don't get frequent
6 flier bonus points when you kill your witnesses and
7 nobody can come in and testify. The star witnesses
8 are these three men right here who ran their mouths.

9 He goes back to the police the next day. The
10 next day Mike Allen goes to the police the next day
11 and tells them this. No dispute about it. He goes
12 to call them to tell them this is what he told him.
13 That's pure. Somebody used the word "slush" earlier.
14 That's pure.

15 First he goes with his brother who he loves.
16 And the line is enough is enough. Yeah, maybe I've
17 robbed some people. Maybe that's wrong. Maybe that
18 wouldn't be it. But when you kill people in the head
19 like that, that's enough. Mike Allen knows it.
20 Jason Brown knows it. Tata knew it until she's
21 scared to death later. She knew it. Everybody knew
22 it. This is too much. It's got to stop.

23 He then goes and talks to Dominic. And Dominic,
24 he goes and sees him. He said he'd been to his
25 address I thought once, maybe twice earlier. Maybe

1 the old place or the new place. He said, why didn't
2 you make my brother, why didn't you make him wear
3 gloves? You know how your brother is. Then he went
4 bad. You know how your brother is.

5 We went in with the white guy. You can't make
6 that up. That's credible. That's believable. Did
7 Mike Allen say that? Yes, he did. Did Mike Allen
8 know about these other phone calls putting them
9 together? No. Mike Allen loves his brother but he
10 knew this was enough.

11 What motive did Mike Allen have to tell you? No
12 charges. Done his time. He's out, married to Eunice
13 Nelson, somebody he met in prison. No motive.
14 Nothing, nothing, nothing, nothing, nothing. Except
15 being scared and having his family threatened. What
16 motive did he have to come forward? No charges,
17 nothing on him, no motive whatsoever. No motive,
18 except in his world finally the line had been
19 crossed.

20 Renata Williams, do you know what I remember
21 about old Renata? She liked working at Rest Assured
22 after all this. You can even see the smile. She
23 helped people there, people in the nursing home. She
24 liked doing that. 9-3 to 9-4, Comic View she's
25 watching. Hears the name Freaky, Dominic Gallman.

1 The next day which would be the 4th into the
2 5th, the 4th, the first day she hears Comic View
3 Saturday night/Sunday morning, the tolls are in
4 there, I think I showed you that earlier, Dominic
5 calls her cellphone 1:43 and at 1:48, 1:48 and 1:58.
6 It's in there on 9-3 morning. She hears the name
7 Freaky. That toll backs that up.

8 The next day when Mike comes over, there's the
9 toll for that. You saw that on the early morning
10 hours of the 5th, I think 1:24 when Renata's phone
11 which is when Stanley calls Mike. She sees the
12 drugs, she sees the guns, she sees the money. And
13 she hears them talking, Stanley and him saying that's
14 a lick, I did a good ass like. Excuse me my
15 language.

16 Renata corroborating Mike. And Renata's first
17 two statements, she didn't deny anything. She said I
18 told them what they wanted, that we spent a lot of
19 money. We went to Marlboro Inn. He had some \$1000
20 bills? Did I tell them everything else? No. Wait
21 until I get to Jason Williams here in a minute. You
22 all see why Renata didn't tell right then, why she
23 waited to tell when Stanley Oliver was in jail? She
24 talks about the 9-6 shopping spree, the big bills,
25 the food, the DVD, the boots, The Shoe Show. Look at

1 the boots back here. Spending that kind of money.
2 Where did he get it from? From Jim Batie.

3 9-6 night, you all know where he goes to. He
4 goes to the Red Roof Inn after this. And I'm going
5 to get to that in a minute. And then 9-7 he goes to
6 the Marlboro Inn. The TV, hangs out with Dominic and
7 K. K called and said Stanley was arrested. This is
8 her testimony. The Marlboro Inn, the TV. And I've
9 got more on the TV here in a minute. She said he
10 hangs out with Dominic and K. K called, said Stanley
11 arrested. Checking.

12 Gave me \$250 and \$50 back. That's what when
13 she's going through her testimony, I said, did he
14 give you any money? She said, yeah, he gave me 250
15 but he took 50 of it back. His earrings he bought
16 weren't even for me.

17 And then and then and then over there they start
18 to ask him about the threats, to ask her about the
19 threats and all this. And I don't remember testimony
20 that showed him these pictures. I don't know. If
21 that was it, I don't know. But I don't remember that
22 testimony. But I do remember she said at one point
23 they were just doing their jobs. Renata knew the
24 line had been crossed.

25 What did Renata say when they were watching TV

1 at the Marlboro Inn? And the same Mitch Wilkerson,
2 John Meadors, Davis Ross, JoAnna McDuffie, if I go to
3 jail for the rest of my life, will you still tell
4 other men that I am your husband? That's real.

5 And then we go to Tatanisha Robinson. Quality
6 control. Quality control. By the way, that thing he
7 showed you all up here and said it's in evidence, it
8 is not in evidence. I don't care if it was. He
9 said, oh, I wouldn't be showing it to you if it
10 wasn't. It's not in evidence.

11 It's that letter she sent somehow, too.
12 Quality? It's that letter she sent to somebody a
13 year ago, Stanley Oliver, which we never saw, saw in
14 here, saw during this trial, when she references back
15 to this statement correcting it. And I even asked
16 her, well, you corrected it every way you did it? I
17 sure did. She didn't have that. Quality control?
18 Search for justice? Truth?

19 Mike Allen who they want to sit up here on
20 cross -- and do you remember? I think there was a
21 colloquy back and forth here. Do you remember D?
22 And he said no. Do you remember T? No. Do you
23 remember you talking about whatever the lady's name
24 that he told her I had HIV? That's quality?

25 Oh, he works at the restaurant. I bet you

1 didn't tell them that. Quality control? That's the
2 only motive they've got in this case, is somehow they
3 said something about his HIV, so he's going to go do
4 all this, have his life threatened, come in here?
5 Quality?

6 Tatanisha Robinson and gives a statement. And,
7 lo and behold, come trial time she's giving another
8 statement denying this? And he's got an attorney.
9 Mr. Quality, quality control guy. Somebody new?
10 Bill Nettles. He knows him. It's his friend.
11 That's quality.

12 Do you have any information about the September
13 4th Mildred Avenue murders? "Yes, I do. I'm the
14 girlfriend of Stanley Oliver. I call him Solo.
15 About a day after the murders Stanley drove up in a
16 cab on Tremain Street. I think the cab driver is
17 Renata Williams' cousin."

18 Well, you know, first of all, I thought they she
19 said she gave this stuff because she was had at
20 Renata. Well, no, it's because she's mad at the
21 police.

22 "I think cab driver is Renata Williams' cousin.
23 That's what Solo had told me. Solo was nervous, real
24 uneasy. He had a lot of money on him." Those were
25 her words, her observations. This speaks for itself.

1 "Solo said he had 800 in his wallet and another \$1500
2 at his house. He also had a clear plastic sandwich
3 bag in his sock. It had about three or four ounces
4 of cocaine. He was worried about the news. He told
5 me that he just hoped he didn't get caught and had to
6 do 25 to life for what he'd done." Her words
7 repeating him. Nobody made this up and told her what
8 to say. Those are real.

9 Page 2. "While at Tremain Street with Solo, K
10 came by in a gray Taurus. It had a dent on his
11 hood." Well, he confirmed that. Mitch couldn't have
12 made that up. He came out of the door and said he
13 had a dent on his hood. Yes, that's true. I had a
14 dent on my hood. It's in Alabama. It's dented on
15 the hood. K is Kenneth Joy.

16 "K wanted to talk to Solo real bad but not on
17 Tremain Street. K and Solo went off in the Taurus."
18 They're so worried about this statement that he says,
19 you know, I didn't like Tata and I figured I want to
20 get him away and have a talk with him because I
21 didn't like Tata. That's how he tries to explain
22 that. They're talking about the drugs that are with
23 Blue, who is going to get the money back.

24 "I don't know where they went. I went over to
25 Hughes Street to visit a friend of Freaky's."

1 Dominic Gallman's. Well, there's Dominic coming in.
2 Her name is Juliana Hamilton. She lives at 225
3 Hughes Street. Did Mitch make that up? He knows who
4 a friend of hers is and where she lives? Quality?

5 "After a few minutes K and Solo came by Hughes
6 Street and picked me up." Well, why is he driving
7 around and picking Solo up? Where is Solo's car?
8 He's driving him everywhere. Of course he told the
9 police to start with -- do you remember -- well, I
10 don't know him that well. He told you all up here on
11 the stand the other day, well, you know, I only used
12 him once or twice a month. Then he later on tells
13 you, well, he's my security. Credibility?
14 Believability?

15 "K drives us to the Red Roof Inn on Two Notch."
16 Phone calls throughout the night to the Red Roof Inn.
17 Phone calls throughout the night to the Red Roof Inn
18 from K to him. "We stayed the night there. He came
19 and picked us up the next morning. At the motel Solo
20 was scared. He just kept watching the news. He
21 stayed up all night. He used the cocaine he had with
22 him to stay awake." That's credible. That's
23 believable. She's telling what happened. Nobody is
24 putting those words in her mouth.

25 "He just kept saying he got himself in something ..

1 and it could get him life. I saw something on the
2 news about the murders, and I knew what Solo had
3 done. I asked Solo about it, but he was so emotional
4 that he couldn't talk about it. He said he didn't
5 want to go back to jail. We were close. I'm having
6 Solo's baby." They were close. She was having
7 Solo's' baby. She has a tattoo on her neck.

8 "K picked us up the next morning, took us to
9 Tremain Street. Me and Solo stayed on Tremain
10 Street. Solo got some sleep there. Solo told me" --
11 I mean, this is her recanting and talking about what
12 she had. Is this somebody making this up? He got
13 some sleep there? Do they know that he was tired?

14 "Solo told me to look out for him, to wake him
15 if the police came or something looked suspicious.
16 Solo ended up leaving just before investigators came
17 by. Then the day before Solo was arrested, K came by
18 Tremain Street and picked me up. We met Solo on
19 North Main Street at Zesto's. We got some food and
20 went to a friend of K's."

21 I think he said he had friends over there. He
22 wouldn't be specific. By Richland Memorial Hospital.
23 I mean, is that all they've got? Richland Memorial
24 Hospital?

25 "Solo was like he was saying goodbye to me."

1 That's real. "He said this could be his last day
2 before he gets locked up. Solo was arrested the next
3 day."

4 Good law enforcement question? "During this
5 time period did you have any conversation with
6 Dominic or K?"

7 "Well, at first right after the murders Dominic
8 is bragging about it."

9 This is a big lick. There's a lot of money. He
10 can pay Juliette, give her some money to do the
11 laundry. Freaky was paying her laundry.

12 "Freaky had just gave her \$50 to do the laundry.
13 After Solo went to jail, Freaky came around Tremain
14 Street and had \$1,000 to use for Solo's lawyer. I
15 gave Freaky the information to get ahold of K to
16 handle it."

17 "Did Dominic speak about any specific details
18 concerning the Mildred Avenue murder?"

19 "He just was proud of the lick at first, but
20 once Solo went to jail, he didn't say anything more.
21 He wouldn't answer the phone calls or come by. He
22 was real quiet."

23 "Have you seen him with guns?"

24 "Yes. Freaky has several. Dominic has a .40."

25 A .40.

1 "Dominic has other guns, too. Solo has a
2 revolver. It's a .38."

3 A .38.

4 "K also has a 9-millimeter. Solo has a .12
5 gauge shotgun. K has an old .38."

6 Well, on the stand he denied I think the .38 and
7 said he had a 9-millimeter. But we don't know where
8 that gun is. It wasn't given to law enforcement.

9 "Did Dominic say anything else?"

10 "He learned about the fingerprint being found at
11 the victim's house. He said they couldn't convict on
12 the fingerprints being there because the neighbors
13 and everyone else had been in that house. He wasn't
14 worried about the fingerprint being found there. He
15 said they would not have enough evidence to prove he
16 did it. He said if everyone just kept quiet about
17 it, no way they could convict."

18 Well, that's your decision. And they didn't
19 keep quiet about it. And that's Freaky.

20 "Are you sure about the guns?"

21 "Yes. I've seen them. I've seen Dominic, Solo
22 and K with those guns."

23 "Did you have a conversation with K about the
24 murders?"

25 "Yes. K came by Tremain Street after Solo had

1 gone to jail. He was keeping me informed about Solo
2 on his charges. He was arranging for a lawyer for
3 Solo. He said he came up with some money for Solo's
4 lawyer from his money, but he wanted to find out from
5 Solo where his share of the" -- and you all know what
6 the next word is; they didn't want it to come out,
7 tried to say Mr. Wilkerson wouldn't put that in there
8 -- "robbery money was so he could pay the lawyer
9 \$15,000."

10 See, he didn't want to pay the lawyer from all
11 his share. I'll help. I'm helping folks out there.
12 But my money, where is your share of the money? His
13 share of the money.

14 "He didn't want to pay the lawyer with just his
15 share. He also talked about the evidence in the
16 case. He had seen the article in the newspaper about
17 the stolen watch and wallet. He showed me the
18 article."

19 He showed me the article. I mean, is this real?

20 "He had kept the whole paper. He said the cops
21 would never find the watch and the wallet."

22 And they want to argue about watch on an ATM?
23 Where is the wallet? There isn't a robbery? And Mr.
24 Milling talks about the kidnapping. No kidnapping,
25 no shoes, no license? Ladies don't go out without

1 their purse and their cellphone. No kidnapping?
2 Shot in the back of the head?

3 "Did K say anything else? He said he gave the
4 drugs in the robbery to a dealer named Blue. He
5 lives in a brick house by McDuffie Street. Blue was
6 going to pay every week for what he got for the
7 cocaine. Blue knows Solo and Dominic real good."

8 All we've got is Mike Allen? And then she comes
9 up after getting a lawyer, after sending a letter to
10 To Whom it May Concern, by the way. Isn't that
11 interesting? To Whom it May Concern. Did Stanley
12 tell her, you know, go get a lawyer, do it To Whom it
13 May Concern, get it stamped? Who told her to do
14 that? Reference back to certain parts. Quality?

15 "Dominic was bragging about the murders."

16 Donald Lane is 1.38 miles from Shequitta Evans'
17 house. I had a board on that because he didn't want
18 me to forget it. Blue. Blue. I don't have enough
19 room up here. Blue. We were customers. I'd give
20 them some drugs. I've give Stanley some drugs. They
21 brought this large amount. Unusual? Yeah, it never
22 happened. Knew something was up. Joy brought Oliver
23 over. Brought him over. Maybe that is the first
24 time he'd met him there. He calls him later about
25 the drugs. What do I do with this money after

1 Stanley is locked up?

2 Eventually he says -- I'm covering stuff they
3 didn't even cover. In the statement he said I said
4 it was the earlier part of the week because I wanted
5 to get away from this; I wanted to distance myself.
6 You can go look at the tolls. Monday, Tuesday,
7 they're dealing with Blue. They've got the drugs.
8 They're trying to get rid of it. These tolls back
9 that up.

10 A lot of powder. Six or eight circles. Explain
11 that. We've learned a little about the drug world in
12 particular. I made enough, gave them some. Gave
13 them some, kept the rest of it. There was enough. I
14 had a big sale the next day and still had several
15 ounces left of it. This was a big heist. I hope Jim
16 Batie didn't front that drug to anybody. There was a
17 lot of drugs gone.

18 And then finally toward the end of the week Blue
19 says, look, I don't know where you all got this. And
20 it was just said the old dude got out of hand. It
21 wasn't meant to go down that way. Maybe that's true.
22 Doesn't that just kind of sum it up? We were just
23 going to rob him but it got out of hand? That's
24 murder, malicious murder, malicious.

25 Twice here, Dominic shot with .38's, once here.

1 Stanley. Kevin, Stanley. Wasn't supposed to go down
2 like that. No. Dominic Gallman is all alike. He
3 said this in his statement. Other questions were in
4 there that were not allowed where we redacted certain
5 parts. But he did say in that statement, I had known
6 him, had known him my whole life. Met Stanley in
7 2003, 2004; met Joy through Oliver.

8 You know, they're attacking every little thing.
9 Again, these witnesses were brought to us by them.
10 We didn't bring these witnesses. It's something
11 about what's Blue? Looking at blue. Oh, I think it
12 was Mr. Milling talking about there's some document
13 here, that the federal government doesn't believe
14 him.

15 Well, I think an FBI agent shot him. If you
16 look at the document, he gives a version. He was
17 holding a kid coming up, and that's why he didn't
18 have a gun. And that's why the Feds said, well, they
19 didn't find that version believable. Well, I bet the
20 Feds didn't. That's what it was about, about the
21 shooting when he got shot by an FBI agent.

22 Okay. He's doing 20 years because they had the
23 local charges adopted by the Feds. He's doing 20
24 years. Am I going to tell the Feds he cooperated?
25 Yeah. Does that mean it had anything to do with his

1 statement back then that he gave that he knew them?
2 Initially he gives a statement, yeah, they came to
3 me, they had a lot of drugs. That enough is pure.
4 That corroborates the drugs.

5 Jason Brown. It's getting late. I'm sorry. I
6 hope you all will bear with me. Jason Brown, known
7 Oliver for years. You know, the testimony is, last
8 few times I saw him at Heartbreakers, Broad River
9 Road 2004. Then I see him early 2005 with a bag of
10 quarters trying to buy some weed.

11 Then I see him at intake at Alvin S. Glenn on
12 9-20-2005. Dorm room. They call it a dorm room.
13 It's Hotel 36. He asked for me. He wanted me to
14 come downstairs and live with him. No cross on that.

15 Stanley shoots two in the house. And this
16 information is coming from Stanley. Is it all
17 exactly right? I don't know. But I tell you one
18 thing: Two shot in the house and a woman in the
19 woods. Stanley shoots two. Girl knocked on the
20 door. Didn't say it was Desiree Felder that knocked
21 on the door. Said a girl knocked on the door. Did a
22 girl knock on the door? Is there somebody else who's
23 involved in it that we don't have the information? I
24 don't know. Didn't say Desiree knocked on the door.

25 Other person holding the two down with guns

1 while Stanley searched. Man wouldn't tell S.O.,
2 Stanley Oliver, where the money was. So he beat him
3 with the gun. Don't have injuries of beatings.
4 That's what Stanley told Jason Brown.

5 Found money in the shoebox. Found cocaine.
6 Stanley wiped it down. Other person shot in the
7 stomach. Goes out outside with the lady. Well, Jim
8 Batie was shot down here. Kevin Miller was just shot
9 once in the head. Other person tried to give Stanley
10 the .38. Takes the woman to the woods. Other person
11 tried to give Stanley .38. Stanley tells other
12 person shoot her. Other person shoots female. My
13 hands are dirty. Now yours are going to be dirty.
14 One shot. That's pure. Desiree Felder wouldn't
15 disagree with that.

16 Female on her knees begging for life. That's
17 what he told him. She was begging. .40 caliber were
18 the kill shots he tells him. That's true. He got
19 rid of the guns, got rid of the clothes. There were
20 thousands of dollars.

21 Do you know what else he tells her? You know
22 why Renata may not have come clean those first few
23 times? While all these people are up here, I'm not
24 going to say it, but I don't think it's too strong a
25 word, the courage they had to come forward up here.

1 Nothing to gain. Mike Allen has no motive
2 whatsoever.

3 What does Jason Brown say Stanley Oliver told
4 him? I want Renata, Mike and Blue dead. That's
5 real. And Renata tells what happened after he's in
6 jail. I don't blame her. I want them dead. I'll
7 pay for it. This has got to stop. The line has been
8 crossed.

9 Just a few more boards. Dominic Gallman's
10 girlfriend, there are three dead. "You're right
11 about the other person. The other person got me in
12 some trouble. The other person had a plan to make
13 some money. I went with them. It was a robbery.
14 The man wouldn't give up the money and the other
15 person went crazy. The other person shot the man in
16 the house.

17 "Me and another person took the girl with us.
18 She wouldn't tell us where the rest of the money was.
19 Me and the other person took the woman into the
20 woods. The other person wanted to rape her but I
21 stopped him. That might be his line. Maybe that's
22 Dominic's line. No, that's enough. You're not going
23 to do that.

24 "The other person said, I got my hands dirty
25 now. You have to get your hands dirty. The other

1 person put a gun to my head and said either you shoot
2 her or I'll shoot you. I Dominic Gallman, shot her."

3 Mr. Felder didn't do nothing. Jim Batie hadn't
4 done nothing. Maybe he deserved to be in jail for
5 selling drugs. He didn't deserve to be in the
6 cemetery for eternity. That's not their decision.

7 Shequitta Evans, not locked up. They're saying
8 two women were locked up. They were not. Renata was
9 the only one. That's not right. 1.38 miles from
10 Desiree's body, Stanley's cellphone. And they were
11 in relations. I think she might have said she was a
12 sex buddy. He's tied, knows the area 1.38 miles away
13 from there.

14 Now, these last two, when Kenneth testified,
15 Joy, the other day, he's only known -- has known
16 Stanley for many years, sees him almost every day on
17 Tremain Street. Inconsistent with what he said to
18 the police. He testified he would use Stanley one or
19 two times a month, later testified Stanley helped
20 protect his business with security.

21 He testified Stanley would purchase weed from
22 Blue for him every week. He knows the phone bills
23 have got him tied in. He testified he knew Dominic
24 Gallman. When asked why he told the police he did
25 not know him, he said it was against the backdrop of

1 a triple murder, would not explain the phone call to
2 Gallman on his cellphone prior to the night. Because
3 there were a bunch of them. I was going to show them
4 to you, but I'm running out of time. Phone calls on
5 here, the 4th, 5th, 6th from Dominic to Joy.

6 Stanley can't have his phone all the time, and I
7 tried to get him to do that. When he'd quit working,
8 he'd take his phone with him. And then the night in
9 question, the 4th, you remember he had his daughter's
10 birthday party. I'm all for that. I'm not trying to
11 say celebrating a birthday isn't right, but he said
12 from 3 to 8 they were there. I said, well, how do
13 you explain these phone calls from your home phone to
14 your cellphone then?

15 Well, well, I had to go back. I must have
16 stopped by Wal-Mart and did something else. Well,
17 then what about these phone calls later from you to
18 Dominic, five, when I think you said on the 19th or
19 several days later you didn't even know him? What
20 about these phone calls? Tremain Street. That was
21 his answer whenever we'd get it, Tremain Street.
22 Anything that didn't come back, Tremain Street. I'm
23 back on Tremain Street. Somebody must have had my
24 phone.

25 He could not explain why his cellphone received

1 two calls from his house. Couldn't explain why his
2 9-millimeter gun was not found at his house when in
3 his home was searched by law enforcement. He got rid
4 of all the guns.

5 He said he changed his cell number because
6 police were calling him about the triple murders and
7 his bad checks from Gene. Didn't nope Gene's last
8 time. You remember Mike Allen said on the 16th Joy
9 came to his house and wouldn't talk to him on the
10 phone because he thought his phone was bugged. And
11 he gets this new phone but it's not on his
12 stationery. I mean, he's a businessman.

13 I'm about through, ladies and gentlemen. This
14 kind of sums up this case. The evidence that's been
15 attempted to get to you all, the evidence from Mike
16 Allen, the evidence from Renata, the evidence from
17 Tata which all corroborates each other, the phone
18 tolls which are -- and look on September 20th. They
19 had to explain that phone call there because blue was
20 trying to get to Kenneth Joy and figure out what to
21 do with the rest of the money. And he says, well,
22 Blue is now selling me a little weed. Quality
23 control?

24 Do you remember, on this letter, go back and
25 look at the letter. He said he'd been threatened.

1 His family has been threatened. He'd wrote the
2 letter and said enough is enough. I'm going to
3 testify. I don't know, understand their religion.
4 I'm not going to judge other people and their
5 religion. My daddy is a Methodist Bishop. I
6 probably ought not to do that. I'm not going to
7 attempt to call somebody else about somebody else's
8 religion. That's not appropriate. You judge their
9 credibility and believability. You look at them.

10 But what's this quality control in here? And
11 look at that letter in response. I'm going to tell
12 the truth. It says in there, do you remember when
13 you came to see me? He actually calls him Coach K.
14 We didn't get that to you all, so you didn't get to
15 hear it directly. He calls him Coach K. You put it
16 in motion. And then you told me in that back room
17 what you did with the stuff.

18 It's in there. Just like he told police on the
19 14th, right after he walked his brother in on the
20 13th, told the police on the 14th and go and talks to
21 Dominic Gallman who said the same thing the whole
22 time. The only thing different, their investigator,
23 Lee Connelly, went out there, the nice young lady who
24 testified, just testified that Gallman had a DUS.

25 She got up there and said the only thing he said

1 different was he that he didn't take the \$150.
2 Everything else was the same when she talked to him.
3 Do you think if it hadn't been they would have her
4 testify to it? He's never changed. He doesn't have
5 a motive. Phone tolls back him up.

6 Quality control? Tata. Mitch versus Tata.
7 Tata, too, said, I'm not in here right now, Mr.
8 Meadors. I'm not in here. Was I nice to you? Was
9 Mitch nice to you? Yes. Did anybody threaten you?
10 No. We didn't threaten her.

11 She came up here and she testified. Did she
12 want to? No. But she did it. She knew the line had
13 been crossed in her first statement. Somebody tried
14 to get her to undo it. But she came up here. The
15 statement came out. She knew the line was crossed
16 back then.

17 Do you remember the question Mr. Strickler
18 initially asked Investigator Mead when he said,
19 wouldn't you have liked to have known that Rasheed
20 Rucker had a .38 when he was arrested? Wouldn't you
21 like to know that? We've got a document. This
22 document shows that. And then Mr. Delgado got up and
23 said, wouldn't it be important to know that Rasheed
24 Rucker had a .38? And I said, objection, Your Honor.
25 What's he reading that off of? He said, well, what

1 Mr. Strickler had. Okay. And I got back up and I
2 said, Investigator Mead, look at Rasheed Rucker, the
3 search warrant when it came back. What's it got on
4 here about a .38? Nothing. A .380 and a .22.

5 Quality control? Deception? That's what this
6 case is about from back then 'til today through
7 closing arguments. It's time for the truth to come
8 out. It's time for justice. A sham, a farce, a
9 mockery. A sham, a farce and a mockery?

10 It was Jason Brown who said there was 50,000, by
11 the way, not Mike Allen. I wrote down what I thought
12 was inconsistent with what he said. Mitch Wilkerson
13 versus Tata.

14 Ladies and gentlemen, when you go back to your
15 jury room the judge is going to charge you the law.
16 When I was in -- that wasn't in evidence. This ain't
17 in evidence. So I guess I can use it. My daddy gave
18 me this in college. He came here to watch a few days
19 of this trial. He gave this to me. He said, you
20 know what your greatest power is? Your greatest
21 power is to choose. Whether you drink too much, you
22 drink and drive, do things you shouldn't do. It's
23 your greatest power. Remember that. I have.

24 Their greatest power is the power to choose.
25 Everybody's is. They chose to rob Jim Batie. They

1 chose to cross everybody's lines, Mike's line,
2 Renata's line, Tata's line initially. The phone
3 calls corroborated it. They chose to do it. And
4 they chose not only to rob them, enough is enough; as
5 Mr. Ross said, they wanted more. They didn't want
6 witnesses. They didn't want us to be able to prove
7 it. They killed them.

8 They took Desiree out looking for more. I want
9 more, I want more, I want more. They chose to take
10 her out there without her shoes and her license, her
11 cellphone, her pocketbook. They chose to take her
12 out there. She wouldn't tell them where it was.
13 Tried to rape her. One of them stopped him. And
14 they shot her in the head. Her body was decomposed.
15 They chose to do that.

16 And whatever role he had, he chose to try to
17 cover it up. Three witnesses tell you that. Phone
18 calls back it up. Beyond a reasonable doubt? Beyond
19 all doubt. We've gone beyond the burden. Sometimes
20 we have questions; they're just questions. We can't
21 prove everything. We can prove it beyond a
22 reasonable doubt, and we have. He chose to try to
23 cover it up.

24 And now, ladies and gentlemen, it's time for you
25 to exercise your greatest power. It's time for you

1 to choose. Enough is enough. On behalf of the State
2 of South Carolina, the victims and these families, I
3 ask you based on the evidence and the law the judge
4 is going to charge you to find on September 4th of
5 2005 Dominic Gallman, Stanley Oliver murdered,
6 murdered Kevin Miller as he walked in, murdered Jim
7 Batie, murdered him, and then took Desiree out on
8 Wilson Boulevard and murdered her. Malicious,
9 shooting in the head, malicious; and that Kenneth Joy
10 tried to make it where we'd never get to this point,
11 where we'd never have any evidence, to cover it up
12 and then take control like he took control when he
13 was on the stand of me and everything, take control;
14 and find them all guilty. Thank you.

15 **THE COURT:** All right, ladies and gentlemen of
16 the jury. I think that will be sufficient for today.
17 I'm going to excuse you now until 9:30 in the morning
18 at which time I will go over the law of the State of
19 South Carolina at it applies to this case. Just from
20 a timing standpoint, that procedure may take close to
21 an hour. I don't want to burden you with that and
22 then send you home. I think it would be better if it
23 was fresh in your mind when you begin your
24 deliberations tomorrow morning.

25 I had no intentions of keeping you here late

1 tonight. And the arguments of counsel have been
2 complete and thorough and it's now 4:30. So I'm
3 going to dismiss you now until 9:30 in the morning at
4 which time we will conclude this trial with the final
5 instructions of the Court, and at that point the case
6 will be turned over to you for deliberation.

7 We'll see you at 9:30 in the morning. Again, do
8 not discuss the case among yourselves when you return
9 to the jury room or with anyone else over the evening
10 hours. And again, I'll ask you not to expose
11 yourself to press reports if they indeed are in the
12 media. Thank you very much. We'll see you at 9:30
13 in the morning.

14 (Jury out at 4:25 p.m.)

15 **THE COURT:** All right, Madam Court Reporter.

16 **COURT REPORTER:** Yes, sir.

17 **THE COURT:** The document that was referred to by
18 Mr. Delgado and is marked as Defendant's Oliver
19 No. 1, was that document ever placed into evidence?

20 **COURT REPORTER:** No, sir, it was not.

21 **THE COURT:** All right.

22 **MR. DELGADO:** Your Honor, I did realize that
23 after I sat down here. I want to tell you and the
24 solicitor that was not an intentional thing. I did
25 not know that. I saw it as a blue sticker. I did

1 not. I apologize to you and to the solicitor.

2 **THE COURT:** All right. I want to make that a
3 part of the record because I think I need to make
4 that announcement in the morning. Anything else?

5 **MR. MEADORS:** No, thank you.

6 **THE COURT:** Stand at ease until 9:30.

7 (Whereupon, the proceedings are concluded for
8 the day, to be reconvened tomorrow morning)

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1 Tuesday, December 18, 2007

2 **THE COURT:** The State ready for the jury?

3 **MR. MEADORS:** Your Honor, we'd like a couple of
4 minutes. The family is coming in. Just a few more
5 minutes if you don't mind.

6 **THE COURT:** Defense ready for the jury?

7 **MR. STRICKLER:** Yes, sir.

8 **MR. MILLING:** Yes, Your Honor.

9 **MR. DELGADO:** Yes, Your Honor. Your Honor, may
10 I just make one comment? I just feel awful about --

11 **THE COURT:** I'm sorry?

12 **MR. DELGADO:** I just feel awful about what I
13 said in closing argument yesterday. I saw that as
14 blue. I didn't see it for identification. And we
15 had been back and forth about who is going to put
16 something in evidence, who is not going to put
17 something in evidence, whether or not that waives
18 final argument. I apologize to the Court. I
19 apologize to the solicitor. I just want to make
20 certain that you understand that.

21 **THE COURT:** Yes, sir. I fully understand. Your
22 explanation yesterday was satisfactory to the Court.
23 I do need to mention it to the jury I believe so they
24 won't be looking for that piece of evidence.

25 **MR. DELGADO:** I understand. Absolutely.

1 **THE COURT:** Other than that, I plan to make no
2 further comment.

3 **MR. MEADORS:** Is Your Honor just going to say
4 it's not in evidence and that's it?

5 **THE COURT:** Yeah. Or I could say that that
6 piece of evidence that you objected to most
7 vehemently is not in evidence.

8 **MR. MEADORS:** May I approach, Your Honor?

9 (Pause)

10 **THE COURT:** The State ready to proceed? All
11 right. Bring the jury, Mr. Bowen.

12 (Jury in at 9:40 a.m.)

13 **THE BAILIFF:** The jury is all present, Your
14 Honor.

15 **THE COURT:** All right. Thank you very much.
16 Good morning, ladies and gentlemen. I hope you had a
17 pleasant evening. We're now ready to conclude this
18 trial. A couple of things I want to mention to you
19 before we begin my actual final instructions. There
20 was a comment made during one of the attorney's final
21 arguments yesterday regarding a particular document
22 that he represented was in evidence. As it turns out
23 that document was never entered into evidence and
24 will not be with the evidence when it comes to you in
25 the jury room. That was just an inadvertent comment

1 by the attorney. It never was entered into evidence.

2 And the second thing I want to mention to you is
3 that at an earlier stage of this trial I determined
4 that there was insufficient evidence to proceed on
5 the charges of accessory before the fact of the
6 several different crimes as to Kenneth Joy.

7 And as mentioned to you perhaps by one of the
8 counsel yesterday, when you begin the consideration
9 of all the defendants in this case, you will not be
10 asked to make a decision with regard to accessory
11 before the fact of the crimes, but the remaining
12 indictments as to accessory after the fact are still
13 for your consideration.

14 Now, ladies and gentlemen, you've heard all of
15 the testimony in this case. In other words, you're
16 going to hear no more testimony. You will take with
17 you to the jury room all the evidence in this case
18 that's been introduced. In other words, what will be
19 brought to you, the evidence in the case, is all the
20 evidence. And sometimes jurors come back, and it
21 happens occasionally, and request more evidence.
22 Well, I can't do that because only the evidence
23 that's been produced and admitted into evidence in
24 this trial is what you will be considering.

25 You've heard the arguments of both the State and

1 each of the defendants, and now I will explain to you
2 the law as it applies to this case. Under our
3 Constitution and Code of Laws, only the jury can make
4 the findings of fact in this case. I am not
5 permitted to indicate to you how I may feel about the
6 facts.

7 If I have said anything or done anything in this
8 case which would indicate that you that I have an
9 opinion concerning the facts in this case, you should
10 disregard that. The jury must independently weigh
11 the evidence presented in this trial and render a
12 verdict based solely on that evidence.

13 And the same Constitution and laws which
14 designate and make you the finders of fact also make
15 me the instructor of the law. If you have some idea
16 as to what the law is or what the law ought to be and
17 it does not agree with what I now tell you the law
18 is, you are obligated under the oath that you have
19 taken to abandon this preconception on your part and
20 accept and apply the law precisely as I now state it
21 to you.

22 I charge you that there are three defendants in
23 this case. The case of each defendant and the
24 evidence and law concerning that defendant should be
25 considered separately and individually. Your verdict

1 does not have to be the same for all the defendants.
2 The fact that you may find one defendant guilty or
3 not guilty should not control your verdict as to any
4 other defendant.

5 Where more than one person is charged with a
6 crime, if the evidence warrants it, you may convict
7 one and acquit the other or you may acquit all or you
8 may convict all. It will depend on your view of the
9 testimony and the evidence. You must take each
10 defendant and consider the evidence as to that
11 defendant and my instructions to you on the law. You
12 will then write a separate verdict of guilty or not
13 guilty for each individual defendant.

14 The indictments in this case, as you know,
15 allege several different offenses against each of the
16 defendants. They are: As to Stanley Oliver, three
17 counts of armed robbery, three counts of murder, one
18 count of kidnapping, and one count of burglary in the
19 first degree. As to Dominic Gallman, three counts of
20 murder, three counts of armed robbery, three
21 counts -- I'm sorry -- one count of kidnapping and
22 one count of burglary in the first degree.

23 And as to -- I'm sorry. I beg your pardon. Let
24 me go back. At an earlier stage of the trial, as to
25 the armed robbery of Desiree Felder, that case has

1 also been dismissed. So let me reiterate the charges
2 just to be absolutely clear for the record.

3 As to Stanley Oliver, there are three murder
4 indictments, three charges. As to Stanley Oliver
5 there are two armed robbery charges, that being the
6 armed robbery of Kevin Miller and the armed robbery
7 of George Batie, not of Desiree Felder. And as to
8 Stanley Oliver, one count of burglary and one count
9 of kidnapping. I apologize for that oversight.

10 As to Dominic Gallman, there are three counts of
11 murder; that is, to Kevin Miller, Desiree Felder and
12 George Batie. There are two counts of armed robbery,
13 that being of Kevin Miller and George Batie, not of
14 Desiree Felder; one count of kidnapping, one count of
15 burglary.

16 As to Kenneth Joy, there are three counts of
17 accessory after the fact of murder. There are two
18 counts of accessory after the fact of armed robbery.
19 There is one count of accessory after the fact of
20 kidnapping and one count of accessory after the fact
21 of burglary.

22 Those are the charges. And you will have each
23 of these indictments in the jury room with you for
24 your consideration. Now, each indictment charges a
25 separate and distinct offense. You must decide each

1 indictment separately on the evidence and law
2 applicable to it uninfluenced by your decision as to
3 any other indictment. Each of the defendants may be
4 convicted or acquitted on any or all of the offenses
5 charged. You will be asked to write a separate
6 verdict of guilty or not guilty for each indictment.

7 I remind you again that the fact that the
8 defendants were arrested, charged and indicted in
9 this case is not evidence in this case, cannot be
10 considered by you as evidence in this case, nor does
11 it create any presumption or inference of guilt.
12 These documents which you will have with you in the
13 jury room are simply the formal written instruments
14 which contain the charges made against each
15 defendant. These documents are the formal documents
16 or the way the case is brought into this court.

17 Now, each of the defendants has pled not guilty
18 to each of these indictments, and those pleas put the
19 burden on the State to prove the defendant is guilty.
20 A person charged with committing a criminal offense
21 in South Carolina is never required to prove himself
22 or herself innocent. I charge you this is an
23 important rule of law, that the defendant in a
24 criminal case, no matter what the seriousness of the
25 charge may be, will always be presumed to be innocent

1 of the crime for which the indictment was issued
2 unless guilt has been proven by evidence satisfying
3 you of that guilt beyond a reasonable doubt.

4 This presumption of innocence does not end even
5 when you begin your deliberations, but it accompanies
6 each defendant throughout the trial until you reach a
7 verdict of guilt based on evidence satisfying you of
8 that guilt beyond a reasonable doubt.

9 Presumption of innocence is not a mere legal
10 phrase. It's not a theory. It's a substantial right
11 to which every defendant is entitled unless you, the
12 jury, are satisfied from the evidence of the
13 defendant's guilt beyond a reasonable doubt.

14 Well, what is a reasonable doubt in the law? A
15 reasonable doubt is the kind of doubt that would
16 cause a reasonable person to hesitate to act. You've
17 heard some of the counsel refer to this theory. What
18 is a reasonable doubt? Let me repeat that. A
19 reasonable doubt is the kind of doubt that would
20 cause a reasonable person to hesitate to act. That's
21 the law.

22 The State has the burden of proving each
23 defendant guilty beyond a reasonable doubt. Some of
24 you may have served as jurors in civil cases where
25 you were told it's only necessary to prove that a

1 fact is more likely true than not true, such as by
2 the greater weight or preponderance of the evidence.
3 In criminal cases however the State's proof must be
4 more powerful than that. It must be beyond a
5 reasonable doubt. Proof beyond a reasonable doubt is
6 proof that leaves you firmly convinced of the
7 defendant's guilt.

8 Now, there are very few things in this world
9 that we know with absolute certainty. And in
10 criminal cases, the law does not require proof that
11 overcomes every possible doubt. If based on your
12 consideration of the evidence you are firmly
13 convinced that the defendant is guilty of the crime
14 charged, you must find the defendant guilty. If on
15 the other hand you think there is a real possibility
16 that the defendant is not guilty, you must give that
17 defendant the benefit of the doubt and find him not
18 guilty.

19 Now, generally there are two types of evidence
20 which are presented during a trial: Direct evidence
21 and circumstantial evidence. Direct evidence is the
22 testimony of a person who claims to have actual
23 knowledge of a fact, such as an eye witness. It is
24 evidence which immediately establishes the main fact
25 to be proved.

1 However, on the other hand, circumstantial
2 evidence is proof of a chain of facts and
3 circumstances indicating the existence of a fact.
4 It's evidence which immediately establish collateral
5 facts from which the main fact may be inferred.
6 Circumstantial evidence is based on inference and not
7 on personal knowledge or observation. But the law
8 makes absolutely no distinction between the weight or
9 value to be given either direct or circumstantial
10 evidence, nor is a greater degree of certain required
11 of circumstantial evidence than of direct evidence.

12 You should weigh all of the evidence in the
13 case. After weighing all of the evidence, if you are
14 not convinced of the guilt of each of the defendants
15 beyond a reasonable doubt, you must find each of the
16 defendants not guilty. Again, you are not to
17 consider the defendants -- you are to consider the
18 defendants individually and not collectively.

19 Now, some of the evidence in this case may have
20 been admitted solely because of its relationship to
21 the case against one of the defendants. As I am
22 trying to make clear, this evidence cannot be
23 considered in the case against any other of the
24 defendants.

25 Now, necessarily you must determine the

1 credibility of the witnesses who have testified in
2 this case. Credibility simply means believability.
3 It becomes your duty as jurors to analyze and
4 evaluate the evidence and determine which evidence
5 convinces you of its truth.

6 In determining the believability of a witness
7 who has testified in this case, you may believe one
8 witness over several witnesses or several witnesses
9 over one witness. You may believe a part of the
10 testimony of a witness, reject the remaining part of
11 the testimony of the same witness. You may believe
12 the testimony of a witness in its entirety or reject
13 the testimony of a witness in its entirety.

14 You may consider whether any witness has
15 exhibited to you any interest, bias, prejudice or
16 other motive in this case. You may also consider
17 whether a particular witness was an informant
18 providing evidence which he may perceive would be
19 beneficial for himself, one of the defendants or for
20 the State. You may also consider the appearance and
21 manner of a witness while on the witness stand.

22 The testimony of a witness may be discredited by
23 showing that he or she previously made statements
24 which were or are inconsistent with his present
25 testimony. You may consider earlier contradictory

1 statements to determine the truth of the testimony of
2 that witness. It's for you, the jury, to determine
3 the credibility of any statements given by the
4 witnesses prior to his or her testimony.

5 Now, the fact that a person has a past criminal
6 record, that person is competent to testify at a
7 trial. A past record does not affect the ability of
8 that witness to testify. A past record may only be
9 considered by you, if at all, in determining the
10 witness's believability. Remember you are the soul
11 judges of the facts in this case and of the
12 believability of any and all of witnesses.

13 Now, normally, and I think I explained this
14 earlier in the trial, a person cannot give opinion
15 testimony. Normally when a person testifies, they
16 must testify as to what they either saw, heard,
17 sensed by smell or something of that nature.
18 However, there is an exception to this rule; and that
19 is when someone is qualified because of their
20 education or experience, they are permitted to give
21 their opinion in certain areas if the Court qualifies
22 them in that way, and there were several such
23 witnesses in this case.

24 Now, a statement is alleged to have been made by
25 one or more of the defendants and has been admitted

1 into evidence in this case. While the Court has
2 determined that the statements are admissible, or the
3 statement is admissible, I instruct you that you make
4 the ultimate decision of whether or not the defendant
5 made the statement.

6 If the defendant did make the statement, you
7 must determine whether the statement was made by the
8 defendant voluntarily and of his own free will. This
9 means that the statement was not caused by pressure,
10 force, fear, threats, coercion or intimidation or by
11 hope or promise of leniency or a reward of any kind.

12 In determining whether a statement was
13 voluntary, you should consider both the
14 characteristics of the defendant and the details of
15 the questioning. Some of the factors you must
16 consider are the age of the defendant, the
17 defendant's education or lack of education, to
18 defendant's mental ability or capacity, the place and
19 length of detention, the nature of the questioning,
20 the advice or lack thereof to the defendant of his
21 Constitutional rights, including but not limited to
22 the right to remain silent, that any statement could
23 be used against him in a court of law, the right to
24 have a lawyer present, that if he could not afford a
25 lawyer, a lawyer would be appointed to represent him

1 without any cost, and that he could stop making a
2 statement at any time. You must carefully consider
3 all of the surrounding circumstances before you give
4 any weight to an alleged statement.

5 Now, the State has the burden of proving beyond
6 a reasonable doubt that the alleged statement was
7 voluntary. If you determine it was, you may give the
8 statement any further consideration that you deem
9 proper. You must decide what weight, if any, should
10 be given to the alleged statement. If you determine
11 the alleged statement was not the free and voluntary
12 statement of the defendant, you should not consider
13 that statement at all.

14 Now, evidence of bad reputation, if any, may not
15 be considered by you as evidence of guilt of the
16 crime with which the defendant is now charged. In
17 other words, must judge each defendant solely on the
18 evidence presented in this case.

19 In order to establish criminal liability,
20 criminal intent is require. For example, the mental
21 state required to be proven by the State for some
22 particular crime might be some particular purpose,
23 some obvious intent, knowledge of certain facts or
24 recklessness. Criminal intent must be proven by the
25 State beyond a reasonable doubt. Criminal intent is

1 always a matter that must be determined by the jury
2 from the circumstances surrounding the situation.

3 There is no way to prove intent to a
4 mathematical certainty. There is no way medical
5 science can dissect a person's brain to determine
6 what the person had in mind. So the law says that
7 criminal intent may be inferred from the
8 circumstances shown to have existed at the time and
9 place.

10 This is how you make a determination of whether
11 or not the element requiring intent was present.
12 It's not necessary to establish intent by direct and
13 positive evidence, but intent may be established by
14 inference in the same way as any other fact, by
15 taking into consideration the acts of the parties and
16 all of the facts and circumstances of the case.

17 Criminal intent is a mental state, a conscious
18 wrongdoing. It's up to you to determine what each of
19 the defendants intended to do based on the
20 circumstances shown to have existed. Criminal intent
21 can arise from action or a failure to act. It may
22 arise from negligence, recklessness or indifference
23 to duty or to consequences that are considered by the
24 law to be the equivalent of criminal intent.

25 Now, ladies and gentlemen, if a crime is

1 committed by two or more people who are acting
2 together in committing a crime, the act of one is the
3 act of all. A person who joins with another to
4 commit an unlawful act is criminally responsible for
5 everything done by the other person which happens as
6 a probable or natural consequence of the acts done in
7 carrying out the common plan and purpose.

8 For example, two people can be guilty of killing
9 another person and only one of the two had a gun,
10 there was only one bullet and only one of the two
11 fired the shot that caused the death. If two or more
12 people are acting together and are together assisting
13 each other in committing the offense, the act of one
14 is the act of all; or, as it is sometimes said, the
15 hand of one is the hand of all.

16 Prior knowledge that a crime is going to be
17 committed without more is not sufficient to make a
18 person guilty of that crime. Mere knowledge that
19 another person is going to commit a crime even if the
20 defendant is present when the crime is committed is
21 not sufficient to convict a defendant as a principal.

22 Guilt as a principal is shown by actual or
23 constructive presence at the scene as a result of
24 prior arrangement. Therefore, the finding of a prior
25 arranged plan or common scheme is necessary for a

1 finding of guilt as a principal. The State must
2 prove beyond a reasonable doubt by competent evidence
3 the theory of the hand of one is the hand of all.

4 A principal in a crime is one who either
5 actually commits the crime or who is present aiding,
6 abetting or assisting in committing the crime. When
7 a person does an act in the presence of and with the
8 assistance of another, the act is done by both.
9 Where two or more acting with a common plan or intent
10 are present at the commission of a crime, it does not
11 matter who actually commits the crime. All are
12 guilty. The hand of one is the hand of all.

13 And being present at the commission of a crime
14 means to be sufficiently near to aid and abet and
15 assist in the commission of the crime. However, mere
16 presence at the scene of a crime is not sufficient to
17 convict one as a principal on the theory of aiding
18 and abetting.

19 Intent is also a necessary element, for there
20 must have been a common design or intent to commit
21 the crime and the crime must have been committed
22 pursuant thereto with the person aiding and abetting
23 by some overt act.

24 Intent means intending the result which actually
25 occurs, not accidentally or involuntarily. Intent

1 may be shown by acts and conducts of the defendant
2 and other circumstances from which you may naturally
3 and reasonably infer intent. And the State again
4 must prove these elements beyond a reasonable doubt.

5 Now, as to the specific charges in this case,
6 first, take armed robbery first. Two of the
7 defendants, Dominic Gallman and Stanley Oliver, are
8 charged with armed robbery in two counts, as I stated
9 earlier, those being the armed robbery of George
10 Batie and Kevin Miller.

11 In order to prove this offense the State must
12 first prove beyond a reasonable doubt that each
13 defendant took personal property from the person or
14 presence of another person. Property is in the
15 presence of a person if it is within the person's
16 reach, inspection, observation or control so that the
17 person could if not overcome by violence or prevented
18 by fear keep possession of their own property.

19 The State must also prove beyond a reasonable
20 doubt that the defendant carried the property away
21 intending to permanently deprive the owner of the
22 property and keep the property for the defendant's
23 own use. The slightest removal of the property or
24 the complete possession of the property even for an
25 instant by the defendant is sufficient to show a

1 taking and carrying away of the property.

2 A taking and carrying away of the property must
3 have been done with violence or by putting the owner
4 of the property in fear of violence. And finally,
5 the State must prove beyond a reasonable doubt that
6 the defendant was armed with a deadly weapon during
7 the robbery or that the defendant alleged either by
8 action or words that he was armed while using a
9 representation of a deadly weapon or any object which
10 a person present during the commission of the robbery
11 reasonably believed to be a deadly weapon.

12 A deadly weapon is any article, instrument or
13 substance which is likely to cause death or great
14 bodily harm. Whether an instrument has been used as
15 a deadly weapon depends on the facts and
16 circumstances of each case. And some examples of
17 instruments which may be deadly weapons are a pistol,
18 a shotgun, a rifle, dagger, or a knife.

19 Now, two of the defendants, Dominic Gallman and
20 Stanley Oliver, are charged with kidnapping. The
21 State must prove beyond a reasonable doubt that each
22 defendant knowingly and unlawfully seized, confined,
23 inveigled, decoyed, kidnapped or abducted or carried
24 away another person without authority of law.

25 Those words are statutory words and I will

1 define them to you. To do a thing unlawfully is to
2 do it willfully and against the law. Knowingly means
3 with knowledge, consciously, not accidentally. To
4 seize means to take hold of suddenly or forcibly.
5 Confine means to limit, restrict or enclose within
6 bounds, imprison or shut or keep in.

7 Inveigle means to lure, entice or lead astray by
8 false representations, promises or other deceitful
9 means. And decoy means to lure by or as if by decoy.
10 A decoy is something to entice a person into a trap.
11 To kidnap is to remove a person against his will by
12 unlawful force or by fraud. Abduct means to carry
13 off secretly or by force for an illegal purpose. To
14 carry away means to remove.

15 The State does not have to prove that each
16 defendant did all of these things. Instead, if you
17 find beyond a reasonable doubt that each defendant
18 did any of these things, you may find each defendant
19 guilty of kidnapping. Something done without
20 authority of law is something which the law does not
21 sanction, permit, allow, condone or provide
22 justification for. Kidnapping does not have to be
23 for any personal or monetary gain, for any illegal
24 purpose, but may be for any reason whatsoever.

25 Two of the defendants are charged -- Dominic

1 Gallman and Stanley Oliver are charged with first
2 degree burglary. The State must prove beyond a
3 reasonable doubt that each defendant entered a
4 dwelling without consent. A dwelling is any building
5 or portion of a building in which a person ordinarily
6 sleeps. A building constructed as a dwelling that
7 has never been occupied cannot be considered a
8 dwelling for purposes of a dwelling, but a building
9 is a dwelling even if the residents are temporarily
10 absent from the building.

11 In order to prove that each defendant entered
12 the dwelling, the State does not have to show that
13 the defendant's entire body entered the building.
14 The smallest entry is sufficient. It may be any part
15 of a body, such as a hand or a foot or even an
16 instrument. In addition, the State does not have to
17 prove that force was used to gain entry. If a person
18 enters a building by using deception, artifice, trick
19 or misrepresentation to get consent to enter, this is
20 an entry without consent.

21 Next the State must prove beyond a reasonable
22 doubt that each defendant intended to commit a crime,
23 either a felony or a misdemeanor, at the time of the
24 entry. The mere entry into a dwelling without
25 consent is not a burglary. If the intent to commit a

1 crime is formed after the entry, it's not a burglary.
2 On the other hand, if the defendant intended to
3 commit a crime at the time of the entry, it is a
4 burglary even if the attempt was abandoned after the
5 entry. It does not matter that the intended crime is
6 not completed. Intent may be shown by acts and
7 conducts of the defendant and other circumstances
8 from which you may naturally and reasonably infer
9 intent.

10 Finally, the State must prove beyond a
11 reasonable doubt when entering, while in the dwelling
12 or when fleeing the defendant or an accomplice was
13 armed with a deadly weapon or explosive. A deadly
14 weapon is previously defined as any article,
15 instrument or substance which is likely to cause
16 death or great bodily harm. And whether an
17 instrument has been used as a deadly weapon depends
18 on the facts and circumstances of each case. And
19 again, some examples are a pistol, a shotgun, a rifle
20 or dagger or knife.

21 Or when entering while in the dwelling or when
22 fleeing the defendant or an accomplice cause physical
23 injury to anyone not participating in the crime, or
24 when entering, while in the dwelling or when fleeing
25 the defendant or an accomplice used or threatened to

1 use a dangerous object, or when entering, while in
2 the dwelling or when fleeing the defendant or an
3 accomplice displayed what appeared to be a knife,
4 pistol, revolver, rifle or shotgun or other firearm,
5 or the defendant entered or remained in the dwelling
6 in the nighttime. And nighttime is the period
7 between sunset and sunrise during which there is not
8 enough daylight to recognize a person's face.

9 Two of the defendants, Dominic Gallman and
10 Stanley Oliver, are charged with murder. The State
11 must prove beyond a reasonable doubt that each
12 defendant killed another person or persons with
13 malice aforethought. Malice is hatred, ill will or a
14 hostility towards another person. It is the
15 intentional doing of a wrongful act without just
16 cause or excuse and with an intent to inflict an
17 injury or under circumstances that the law will infer
18 an evil intent.

19 Malice aforethought does not require that malice
20 exists for any particular time before the act is
21 committed, but malice must exist in the mind of the
22 defendant just before and at the time that the act is
23 committed. Therefore, there must be a combination of
24 the previous evil intent and the act itself.

25 Malice aforethought may be express or inferred.

1 These terms express and inferred do not mean
2 different kinds of malice but merely the manner in
3 which the malice may be shown to exist; that is,
4 either by direct evidence or by inference from the
5 facts and circumstances which are proved.

6 Express malice is shown when a person speaks
7 words which express hatred or ill will toward another
8 or when the person prepared beforehand to do the act
9 which was later accomplished. For example, lying in
10 wait for a person or any other acts of preparation
11 going to show that the deed was within each
12 defendant's mind would be express malice.

13 On the other hand, malice may be inferred from
14 conduct showing a total disregard for human life.
15 Inferred malice may also arise when the deed is done
16 with a deadly weapon. A deadly weapon, as I defined
17 earlier, is any article, instrument or substance
18 which is likely to cause death or great bodily harm.
19 And whether an instrument has been used as a deadly
20 weapon depends on the facts and circumstances of each
21 case. And again, examples may be a pistol or
22 shotgun, a rifle or a knife.

23 Now, ladies and gentlemen, voluntary
24 intoxication -- those are the specific charges I've
25 just outlined as to Mr. Gallman and Mr. Oliver.

1 Voluntary intoxication is never an excuse or a
2 defense to a crime. A person who voluntarily renders
3 himself intoxicated is no less responsible for his
4 acts while in such condition. If a person
5 voluntarily drinks intoxicating liquors or takes
6 drugs and becomes intoxicated and if while in that
7 condition commits an act which would be a crime if it
8 had been committed by a sober person, the fact of
9 drunkenness or intoxication would not relieve the
10 intoxicated person from that responsibility.

11 And by the same token; not exactly by the same
12 token, but I charge you that duress is also not a
13 defense to murder. This legal concept is because the
14 murder of an innocent person is at least as great as
15 the threat and harm of the death of the defendant.

16 Now, one of the defendants, Kenneth Joy, is
17 charged with being an accessory after the fact of the
18 several crimes as I have outlined with regard to Mr.
19 Gallman and Mr. Oliver. In order to prove this
20 crime, the State must prove beyond a reasonable doubt
21 that the defendant knew that another person or
22 persons, the principals, committed a felony and after
23 the crime intentionally helped the principals to
24 escape from arrest, conviction or punishment.

25 Intentionally means willfully, intending the

1 result which actually occurs, not accidentally or
2 involuntarily. Intent may be shown by acts and
3 conducts of the defendant and other circumstances
4 from which you may naturally and reasonably infer
5 intent.

6 Absence is not an element of the crime of
7 accessory after the fact. If you find the defendant
8 was merely present at the scene of a crime and did
9 not participate in the crime but became involved
10 after the commission of the crime, you may find the
11 defendant guilty of being an accessory after the
12 fact.

13 Although the actions of the defendant may have
14 helped the principal or principals to escape
15 detection or arrest, this is not enough to be an
16 accessory after the fact. The State must also prove
17 that the defendant acted with the intention or with
18 the purpose of helping the principal to escape
19 detection or arrest.

20 So if a person charged with being an accessory
21 after the fact did not intend that his acts should
22 help the principal escape detection or arrest, then
23 he's not an accessory after the fact even though his
24 acts in fact may have resulted in helping the
25 principals escape detention or arrest.

1 There must be some affirmative act tending
2 toward concealment of the commission of the crime.
3 Silence alone is not sufficient to make a person an
4 accessory after the fact to a felony.

5 Now, ladies and gentlemen, I want to emphasize
6 this point most strongly. I instruct you and
7 emphasize the fact that a defendant or that any
8 defendant does not testify is not a factor to be
9 considered by you in any way in your deliberation and
10 in your consideration of the guilt or innocence of
11 the defendant. It must not be considered by you in
12 any manner whatsoever. A defendant, any defendant,
13 has the Constitutional right to remain silent, and
14 the assertion of this right must not be considered by
15 you in your deliberations.

16 I repeat: Under your oath you are to draw no
17 conclusion whatsoever from the fact that a defendant
18 in this case did not testify. The fact that a
19 defendant did not testify should not even be
20 discussed in the jury room. The burden of proof, as
21 I have stated to you throughout these instructions,
22 is on the State. A defendant is not required to
23 prove his innocence. The burden of proof remains on
24 the State to prove guilt beyond a reasonable doubt.

25 Now, as I stated at the beginning of these

1 instructions, ladies and gentlemen, nothing that I
2 may have said or done during the course of this trial
3 has been in any way intended to express or suggest a
4 view of the case or an opinion of the facts in this
5 case, the weight of the evidence or the credibility
6 of the witnesses. If any of my actions or words have
7 so seemed to indicate, you must disregard such and
8 form your own opinion as to these matters.

9 I am required to declare the law as I've done
10 through these instructions to help and guide you to a
11 just and lawful verdict. Whether some of these
12 instructions will apply will depend on what you find
13 to be the facts. The fact that I have instructed on
14 various subjects in this case must not be taken as
15 indicating an opinion of this Court as to what you
16 should find to be the facts or to which party should
17 be entitled to your verdict.

18 Your verdict must represent the considered
19 judgment of each juror. In order to return a verdict
20 it's necessary that each juror agree. Your verdict
21 must be unanimous in other words. It's your duty as
22 jurors to consult with one another to deliberate with
23 a view to reaching an agreement if you can do so
24 without violence to your individual judgments. Each
25 of you must decide the case for himself or herself,

1 but do so only after an impartial consideration of
2 the evidence in the case with your fellow jurors.

3 In the course of your deliberations do not
4 hesitate to re-examine your own views and change your
5 opinion if convinced it is erroneous, but do not
6 surrender your honest conviction as to the weight or
7 effect of the evidence solely because of the opinion
8 of your fellow jurors or for the mere purpose of
9 returning a verdict.

10 Remember at all times that are you not partisans
11 favoring one party over the other. Are you judges,
12 judges of the facts. Your sole interest is to seek
13 the truth from the evidence in this case.

14 Now, Mr. Foreman, I'm going to ask you to retire
15 to the jury room in just a minute. But before I do,
16 I need to tell you that you can begin your
17 deliberations when you receive all of the evidence.
18 All the evidence is going to be brought to the jury
19 room by the bailiffs along with these indictments.

20 As you already know, there are several
21 indictments. On each indictment, on what we call the
22 face of the indictment, in the bottom, left-hand
23 corner there is a place for your verdict. Once you
24 have made a determination of either guilt or
25 innocence on the particular indictment, I'll ask you

1 to sign, I mean, to indicate not guilty or guilty,
2 sign your name and date each indictment as you go
3 through them.

4 Oh, the other thing is, I noticed throughout the
5 trial many of you have been taking your own notes. I
6 want to remind you again that those notes are for
7 your benefit, for your recollection as you're
8 discussing the various elements of this case and the
9 various indictments.

10 They're not to be used to try to convince
11 somebody else that you wrote something down that
12 perhaps they thought they heard, didn't hear. I'm
13 just cautioning you that your notes are for your own
14 benefit, not to try to convince other jurors as to
15 what you may have heard or didn't hear.

16 So, with those two comments, I'm going to ask
17 you to retire to the jury room. As you know, we have
18 ordered lunch for you. It should be here somewhere
19 around 12:30. All right, ladies and gentlemen. I'll
20 ask you to retire to the jury room at this time. Do
21 not begin your deliberations until you receive all
22 the evidence and the indictments, at which time you
23 may begin your deliberations. Thank you very much.

24 (Jury out at 10:21 a.m.)

25 **THE COURT:** Any exceptions to the charge from

1 the State?

2 **MR. MEADORS:** Beg the Court's indulgence, Your
3 Honor. As far as accessory, absence is not an
4 element of the crime of accessory if you find the
5 defendant was merely present and did not participate
6 but became involved later; would Your Honor consider
7 also, if you find that he was not present but then, I
8 guess in the alternative. That makes it seem kind of
9 my thinking this morning that someone could read that
10 he -- I'm not saying all counsel agrees with me, but
11 it almost infers that he needs to be present.

12 **MR. DELGADO:** Your Honor.

13 **MR. MEADORS:** And sort of like in the
14 alternative, if you find that he was not present but
15 did become involved after the commission of the
16 crime, you may find the defendant guilty. I guess
17 saying it doesn't matter whether he was there or not.
18 We'd just ask that that just be made a little more
19 clear. But other than that, that's all we have.

20 **THE COURT:** All right. For Mr. Oliver.

21 **MR. STRICKLER:** It doesn't directly relate to
22 Mr. Oliver. But are you asking my response to that
23 or whether I have an exception?

24 **THE COURT:** Both.

25 **MR. STRICKLER:** My response to that, that's why

1 I thought we had a charge conference yesterday. You
2 know, I had a thought that occurred to me as we were
3 going through this that I'm going to keep to myself
4 because we had a charge conference yesterday.

5 At this point in time, however, I would renew my
6 previously stated exceptions to your decision not to
7 charge Defendant's Requests 8 and 9. That's all.

8 **THE COURT:** From Mr. Milling.

9 **MR. MILLING:** Your Honor, we would likewise join
10 in those same exceptions earlier mentioned in the
11 charge conference.

12 **THE COURT:** Mr. Delgado.

13 **MR. DELGADO:** Your Honor, I agree with my
14 co-counsel for Mr. Oliver and Mr. Gallman. I think
15 the solicitor now if we go back and reemphasize that,
16 I think we give undue inference to whether or not
17 presence or actions after the occurrence that would
18 denigrate Mr. Joy's case. I think the charge as a
19 whole and sum adequately conveys the law. And I
20 would object to that recharge or clarification.

21 **THE COURT:** All right. Well, I think these
22 matters were fully discussed yesterday. And I
23 understand sometimes when you hear it, it sounds a
24 little different than it looks on paper. But I think
25 the charge accurately reflects the state of the law,

1 and I respectfully deny your request for an
2 additional charge or a clarification.

3 All right, counsel. Is the evidence -- is
4 everybody convinced that the evidence is all in place
5 and ready to be submitted to the jury? We're going
6 to take it as it is?

7 **MR. MEADORS:** I think we'll review it with
8 whoever wants to.

9 **MR. DELGADO:** Yes, Your Honor. Just to make
10 certain.

11 **THE COURT:** Let's get it ready to go.

12 (Pause)

13 **THE COURT:** We'll stand at ease.

14 (Whereupon, the jury begins deliberating at
15 10:40 a.m.)

16 **THE COURT:** Any objection to releasing the
17 alternate? Alternate?

18 **MR. MILLING:** No.

19 **MR. STRICKLER:** I think you have to release the
20 alternate at this point.

21 **THE COURT:** I think I do. There's one solicitor
22 that says, oh, no, wait until they start
23 deliberating, we're sure that they're deliberating
24 before. But I'm prepared to release the alternate.
25 Any objection?

1 **MR. MILLING:** None, Your Honor.

2 **MR. STRICKLER:** No, sir.

3 **THE COURT:** All right. Just have a seat,
4 please, just for one second. Mr. Bowen, will you
5 bring the alternate?

6 (Whereupon, the alternate is excused from the
7 trial of the case)

8 **THE COURT:** All right, Madam Clerk. Go ahead
9 and deal with that. It's a request for a chart, a
10 flip chart and some magic markers. I will have the
11 clerk deliver those. Mr. Bowen.

12 **THE BAILIFF:** Yes, sir.

13 **THE COURT:** We'll stand at ease.

14 **THE BAILIFF:** They don't want the safe back
15 there unless they call for it.

16 **THE COURT:** Go put it out in the hall so it will
17 be close to them if they want it. Now, they need
18 that chart right there and some magic markers.

19 (Whereupon, a break is taken)

20 **THE COURT:** Counsel, the jury has indicated --
21 I'm just going to read the note from the jury. "The
22 jury has answered all indictments." I take it to
23 mean that that's a verdict. I just thought I'd let
24 you know. I've never heard it phrased in that
25 manner. All right. The State ready to receive the

1 verdict?

2 **MR. MEADORS:** The State's ready.

3 **THE COURT:** Defense ready to receive the
4 verdict?

5 **MR. STRICKLER:** Your Honor, the only question I
6 have is, does Your Honor intend to ask the defendants
7 to rise at the time the verdicts are given? Because
8 they're handcuffed at this point in time, and I'd
9 prefer not.

10 **THE COURT:** I've never done that. Some courts
11 do that traditionally. But I don't think that's
12 necessary.

13 **MR. STRICKLER:** Thank you, sir.

14 **THE COURT:** Anything else?

15 **MR. STRICKLER:** No, sir.

16 **MR. MILLING:** No, sir.

17 **THE COURT:** Mr. Delgado.

18 **MR. DELGADO:** No, Your Honor.

19 **THE COURT:** Ladies and gentlemen in the
20 audience, this has been a lengthy trial. I'm sure
21 that people in the audience are vested with some
22 emotional connection with this case. I am going to
23 ask you as the verdicts are delivered that you not
24 express any outward signs of emotion. If you do, I'm
25 going to have to ask that you be removed from the

1 courtroom because this is an orderly process and it's
2 going to be conducted in an orderly fashion. So I
3 just -- I'm just giving you -- I just need to say
4 that. I don't expect any untoward activity on the
5 part of the audience. But if there is, I'll just
6 have to have you removed from the courtroom.

7 All right, Mr. Bailiff. Bring the jury, please.

8 (Jury in at 1:52 p.m.)

9 (WHEREUPON, Court's Exhibit No. 18 is marked for
10 identification.)

11 (WHEREUPON, Court's Exhibit No. 19 is marked for
12 identification.)

13 (WHEREUPON, Court's Exhibit No. 20 is marked for
14 identification.)

15 **THE BAILIFF:** The jury is all present, Your
16 Honor.

17 **THE COURT:** All right. Thank you very much.
18 Mr. Foreman, has the jury reached a verdict as to all
19 charges?

20 **FOREPERSON:** Yes, Your Honor, we have.

21 **THE COURT:** All right. Will you hand them to
22 the bailiff, please.

23 (Foreman complies)

24 (Whereupon, a bench conference is had between
25 the Court and the clerk).

1 **THE COURT:** Madam Clerk, publish the verdicts,
2 please.

3 **THE CLERK:** Yes, sir. As to Stanley Oliver,
4 indictment number 2005-GS-40-11412, the State of
5 South Carolina vs. Stanley Oliver, indictment for
6 kidnapping; we, the jury, find the defendant guilty.

7 Indictment number 2005-GS-40-11411, the State of
8 South Carolina vs. Stanley Oliver, indictment for
9 burglary first degree; we, the jury, find the
10 defendant guilty.

11 Indictment number 2005-GS-40-11415, the State of
12 South Carolina vs. Stanley Oliver, indictment for
13 armed robbery; we, the jury, find the defendant not
14 guilty.

15 **THE COURT:** Read that as to which victim.

16 **THE CLERK:** As to Kevin Miller.

17 Indictment number 2005-GS-40-11414, the State of
18 South Carolina vs. Stanley Oliver, indictment for
19 armed robbery; we, the jury, find the defendant
20 guilty as to George Batie.

21 Indictment number 2005-GS-40-11582, the State of
22 South Carolina vs. Stanley Oliver, indictment for
23 murder; we, the jury, find the defendant guilty. And
24 this is for Desiree Felder.

25 Indictment number 2005-GS-40-11416, the State of

1 South Carolina vs. Stanley Oliver, indictment for
2 murder; we, the jury, find the defendant guilty. And
3 this is for Kevin Miller.

4 Indictment number 2005-GS-40-11417, the State of
5 South Carolina vs. Stanley Oliver, indictment for
6 murder; we, the jury, find the defendant guilty. And
7 this is for George Batie.

8 Mr. Foreman, was this your verdict and the
9 verdict of the entire jury?

10 **FOREPERSON:** Yes, ma'am.

11 **THE CLERK:** Thank you.

12 **THE COURT:** Any desire to poll the jury?

13 **MR. STRICKLER:** Please, sir.

14 **THE COURT:** Poll the jury.

15 **THE CLERK:** Ladies and gentlemen of the jury,
16 I'm going to ask you two questions relating to your
17 verdicts. Please answer yes or no to both questions
18 as I call out your number. Number 229, were these
19 your verdicts?

20 **JUROR:** Yes.

21 **THE CLERK:** Are they still your verdicts?

22 **JUROR:** Yes.

23 **THE CLERK:** Number 148, were these your
24 verdicts?

25 **JUROR:** Yes.

1 **THE CLERK:** Are they still your verdicts?

2 **JUROR:** Yes.

3 **THE CLERK:** Number 197, were these your
4 verdicts?

5 **JUROR:** Yes.

6 **THE CLERK:** Are they still your verdicts?

7 **JUROR:** Yes.

8 **THE CLERK:** Number 216, were these your
9 verdicts?

10 **JUROR:** Yes.

11 **THE CLERK:** Are they still your verdicts?

12 **JUROR:** Yes.

13 **THE CLERK:** Number 1, were these your verdicts?

14 **JUROR:** Yes.

15 **THE CLERK:** Are they still your verdicts?

16 **JUROR:** Yes.

17 **THE CLERK:** Number 168, were these your
18 verdicts?

19 **JUROR:** Yes.

20 **THE CLERK:** Are they still your verdicts?

21 **JUROR:** Yes.

22 **THE CLERK:** Number 192, were these your
23 verdicts?

24 **JUROR:** Yes.

25 **THE CLERK:** Are they still your verdicts?

1 **JUROR:** Yes.

2 **THE CLERK:** Number 171, were these your
3 verdicts?

4 **JUROR:** Yes.

5 **THE CLERK:** Are they still your verdicts?

6 **JUROR:** Yes.

7 **THE CLERK:** Number 243, were these your
8 verdicts?

9 **JUROR:** Yes.

10 **THE CLERK:** Are they still your verdicts?

11 **JUROR:** Yes.

12 **THE CLERK:** Number 162, were these your
13 verdicts?

14 **JUROR:** Yes.

15 **THE CLERK:** Are they still your verdicts?

16 **JUROR:** Yes.

17 **THE CLERK:** Number 76, were these your verdicts?

18 **JUROR:** Yes.

19 **THE CLERK:** Are they still your verdicts?

20 **JUROR:** Yes.

21 **THE CLERK:** Number 158, were these your
22 verdicts?

23 **JUROR:** Yes.

24 **THE CLERK:** Are they still your verdicts?

25 **JUROR:** Yes.

1 **THE CLERK:** The jury has been polled on Stanley
2 Oliver, Your Honor.

3 **THE COURT:** All right.

4 **THE CLERK:** As to Dominic Gallman, indictment
5 number 2005-GS-40-9699, the State of South Carolina
6 vs. Dominic Gallman, indictment for kidnapping; we,
7 the jury, find the defendant guilty.

8 Indictment number 2005-GS-40-9696, the State of
9 South Carolina vs. Dominic Gallman, indictment for
10 burglary first degree; we, the jury, find the
11 defendant guilty.

12 Indictment number 2005-GS-40-9697, the State of
13 South Carolina vs. Dominic Gallman, indictment for
14 armed robbery; we, the jury, find the defendant
15 guilty.

16 Indictment number 2005-GS-40-9695, the State of
17 South Carolina vs. Dominic Gallman, indictment for
18 armed robbery; we, the jury, find the defendant not
19 guilty. And this is as to Kevin Miller.

20 Indictment number 2005-GS-40-11581, the State of
21 South Carolina vs. Dominic Gallman, indictment for
22 murder; we, the jury, find the defendant guilty. And
23 that is as to Desiree Felder.

24 Indictment number 2005-GS-40-9700, the State of
25 South Carolina vs. Dominic Gallman, indictment for

1 murder; we, the jury, find the defendant guilty. And
2 that's as to Kevin Miller.

3 Indictment number 2005-GS-40-9701, the State of
4 South Carolina vs. Dominic Gallman, indictment for
5 murder; we, the jury, find the defendant guilty. And
6 that's as to George Batie.

7 Mr. Foreman, was this your verdicts and the
8 verdicts of the entire jury?

9 **FOREPERSON:** Yes.

10 **THE COURT:** Any desire to poll the jury?

11 **MR. MILLING:** Yes, please.

12 **THE COURT:** Poll the jury.

13 **THE CLERK:** Number 229, were these your
14 verdicts?

15 **JUROR:** Yes.

16 **THE CLERK:** Are they still your verdicts?

17 **JUROR:** Yes.

18 **THE CLERK:** Number 148, were these your
19 verdicts?

20 **JUROR:** Yes.

21 **THE CLERK:** Are they still your verdicts?

22 **JUROR:** Yes.

23 **THE CLERK:** Number 197, were these your
24 verdicts?

25 **JUROR:** Yes.

1 **THE CLERK:** Are they still your verdicts?

2 **JUROR:** Yes.

3 **THE CLERK:** Number 216, were these your
4 verdicts?

5 **JUROR:** Yes.

6 **THE CLERK:** Are they still your verdicts?

7 **JUROR:** Yes.

8 **THE CLERK:** Number 1, were these your verdicts?

9 **JUROR:** Yes.

10 **THE CLERK:** Are they still your verdicts?

11 **JUROR:** Yes.

12 **THE CLERK:** Number 168, were these your
13 verdicts?

14 **JUROR:** Yes.

15 **THE CLERK:** Are they still your verdicts?

16 **JUROR:** Yes.

17 **THE CLERK:** Number 192, were these your
18 verdicts?

19 **JUROR:** Yes.

20 **THE CLERK:** Are they still your verdicts?

21 **JUROR:** Yes.

22 **THE CLERK:** Number 171, were these your
23 verdicts?

24 **JUROR:** Yes.

25 **THE CLERK:** Are they still your verdicts?

1 **JUROR:** Yes.

2 **THE CLERK:** Number 243, were these your
3 verdicts?

4 **JUROR:** Yes.

5 **THE CLERK:** Are they still your verdicts?

6 **JUROR:** Yes.

7 **THE CLERK:** Number 162, were these your
8 verdicts?

9 **JUROR:** Yes.

10 **THE CLERK:** Are they still your verdicts?

11 **JUROR:** Yes.

12 **THE CLERK:** Number 76, were these your verdicts?

13 **JUROR:** Yes.

14 **THE CLERK:** Are they still your verdicts?

15 **JUROR:** Yes.

16 **THE CLERK:** Number 158, were these your
17 verdicts?

18 **JUROR:** Yes.

19 **THE CLERK:** Are they still your verdicts?

20 **JUROR:** Yes.

21 **THE CLERK:** Thank you. The jury has been
22 polled, Your Honor, on Dominic Gallman.

23 As to Kenneth Joy, indictment number
24 2007-GS-40-11487, the State of South Carolina vs.
25 Kenneth Joy, indictment for accessory after the fact

1 of kidnapping; we, the jury, find the defendant not
2 guilty. This is as to Desiree Felder.

3 Indictment number 2007-GS-40-11488, the State of
4 South Carolina vs. Kenneth Joy, indictment for
5 accessory after the fact of burglary first degree;
6 we, the jury, find the defendant not guilty. And
7 that's as to George Batie.

8 Indictment number 2007-GS-40-11491, the State of
9 South Carolina vs. Kenneth Joy, indictment for
10 accessory after the fact of armed robbery; we, the
11 jury, find the defendant not guilty. And that's as
12 to Kevin Miller.

13 Indictment number 2007-GS-40-11490, the State of
14 South Carolina vs. Kenneth Joy, indictment for
15 accessory after the fact of armed robbery; we, the
16 jury, find the defendant not guilty. And that's as
17 to George Batie.

18 Indictment number 2007-GS-40-11486, the State of
19 South Carolina vs. Kenneth Joy, indictment for
20 accessory after the fact of a murder; we, the jury,
21 find the defendant not guilty. And that's as to
22 Desiree Felder.

23 Indictment number 2007-GS-40-11485, the State of
24 South Carolina vs. Kenneth Joy, indictment for
25 accessory after the fact of murder; we, the jury,

1 find the defendant not guilty. That's as to Kevin
2 Miller.

3 Indictment number 2007-GS-40-11484, the State of
4 South Carolina vs. Kenneth Joy, indictment for
5 accessory after the fact of murder; we, the jury,
6 find the defendant not guilty. That's as to George
7 Batie.

8 Mr. Foreman, was this your verdict and the
9 verdict of the entire jury?

10 **FOREPERSON:** Yes.

11 **THE CLERK:** Thank you.

12 **THE COURT:** Any desire to poll the jury?

13 **MR. DELGADO:** No, Your Honor.

14 **THE COURT:** From the State? Mr. Meadors?

15 **MR. MEADORS:** (Shakes head negatively).

16 **THE COURT:** All right. All right, ladies and
17 gentlemen of the jury, thank you very much. That
18 will conclude your service in this case. I want to
19 take this opportunity on behalf of the entire court
20 system, myself, the attorneys in this case, the
21 litigants in this case, to thank you. It's been a
22 fairly lengthy trial, a difficult one at times. But
23 you have showed resilience, conscientiousness,
24 attention to your duty; and for those things I want
25 to thank you.

1 I always tell jurors this system can do without
2 me, it can do without these attorneys; it cannot do
3 without you. You are such a vital part, an integral
4 part of the judicial justice system in this county,
5 in this state, in this country. You are the third
6 leg of the triangle. And without your assistance and
7 willingness to come and sit and hear these matters,
8 resolve these matters, because these matters must be
9 resolved in our community, the system would break
10 down.

11 So I want you to -- I hope you feel perhaps you
12 have learned something these two weeks. I hope you
13 feel that your service has been vital and very
14 important to the citizens of this county. So I want
15 to thank you as much as I possibly could for your
16 willingness to sit and serve and make these tough
17 decisions. Some of the decisions I make are not so
18 tough. The decisions you make are truly difficult
19 and affect a lot of people's lives. I hope you know
20 that.

21 All right. The remaining portion of this trial
22 will consist of the sentencing of the defendants.
23 Now, there's a fair amount of paperwork that needs to
24 be done before that takes place. But as not as in
25 Law & Order or some of the other ones, television

1 shows, where they say, we'll sentence at some later
2 date, we have to -- because of the volume of business
3 here in Richland County, we just have to move on with
4 sentencing immediately following a trial because
5 we've got another one waiting for us on Monday, so to
6 speak.

7 So the sentencing will take place in about 15
8 minutes. Now, you may stay for that if you wish.
9 I'll ask you to take a seat in the audience. You can
10 sit as a group if you wish. You need not stay. I
11 understand this has taken a lot of time out of your
12 busy schedule at this time of year. You're free to
13 go. And that's fine. If you wish to stay, that's
14 fine. But as I say, the paperwork will take probably
15 15, 20 minutes before we actually start that
16 procedure.

17 You are free to talk to anybody about your
18 decision if you wish to do so as you leave the
19 courtroom or leave the courthouse. If the attorneys
20 want to talk to you; sometimes they do, sometimes
21 they don't, you are free to talk to anybody about the
22 case now. But you don't have to. If anybody -- if
23 you'd rather not talk to anybody about the case, all
24 you have to do is tell them. And if that doesn't
25 satisfy them, you let the bailiff know or either a

1 deputy know and I'll take care of it.

2 So, with those parting words, I hope you have a
3 pleasant season, Christmas season. Good luck to all
4 of you and thank you again so much. You are now
5 dismissed.

6 (Whereupon, the jury is excused from the trial
7 at 2:09 p.m.)

8 **THE COURT:** All right. Any motions? Somebody
9 pull that door to. Oh. That's all right,
10 Mr. Bowman.

11 **MR. STRICKLER:** Thank you, sir. As to Mr.
12 Oliver, of course at this point in time I would again
13 renew all our previously stated objections and
14 exceptions both during the State's and the defense
15 case, renew again directed verdict motions at the end
16 of the State's and defenses' case. I renew the
17 mistrial motions that we made during the State's case
18 and the defense case. I'd renew my objection to Your
19 Honor's refusal to decline my request to charges
20 number 8 and 9. Your Honor, I would move for a new
21 trial based on all those renewals and previously
22 stated motions at this point in time.

23 Additionally, I would move for a new trial based
24 on the length of deliberations in this matter. The
25 record will reflect that deliberations lasted

1 something shortly a little less than three hours by
2 my count. The record will also reflect that we had a
3 week and a half's worth of testimony, some 40
4 witnesses, I believe in excess of 215 exhibits. With
5 all due respect to jury in this case, I'd submit the
6 length of their deliberations supports a request for
7 a new trial in this matter.

8 **THE COURT:** All right. Any response from the
9 State as to the defense motions?

10 **MR. ROSS:** Nothing from the State, Your Honor.

11 **THE COURT:** All right. All right, Mr.
12 Strickler. I believe from the -- I think the jury
13 certainly had sufficient evidence with which to reach
14 the verdict they reached. The length of time,
15 although apparently brief, I noticed throughout the
16 trial that the jurors took copious notes, that they
17 paid attention. I feel that, well, although it
18 hasn't been mentioned, the Foreman of the jury I'd be
19 willing to bet at one time in the past was a school
20 teacher who asked for a pad to write things down on.
21 But I don't feel that the verdict was rendered in
22 haste, and I must respectfully deny your motions.

23 **MR. STRICKLER:** Thank you, sir.

24 **THE COURT:** Mr. Milling.

25 **MR. MILLING:** Thank you, Your Honor. May it

1 please the Court. I would also move to renew our
2 previously stated objections, exceptions, motions for
3 a mistrial, as well as the motion for a directed
4 verdict made after the State's case and after the
5 defense case. I would submit to you, as Mr.
6 Strickler, that a new trial should be properly
7 granted as a result of those; in addition, as a
8 result of the short period of time with which the
9 jury deliberated in this case.

10 Your Honor, I would further move for a new trial
11 based upon inconsistent verdicts in this case. The
12 evidence to be believed would have put my client in
13 the same boat as Mr. Joy who received not guilty
14 verdicts on each of these counts. As such, the
15 verdict would be inconsistent. And I would submit
16 that the jury did not properly weigh the evidence in
17 the case, did not properly deliberate, could not have
18 properly evaluated the 35 to 40 witnesses and 215
19 some odd documents which were introduced in this
20 case. Based on those reasons, Your Honor, we would
21 move for a new trial.

22 **THE COURT:** All right. Well, in a similar vein,
23 I feel the evidence was sufficient to allow the jury
24 to come to the conclusion it did as to your client.
25 I don't see any particularly inconsistency in the

1 verdicts. If I recall, one of the witnesses
2 testified that your client said he shot Desiree
3 Felder. And that doesn't have anything to do with
4 being an accessory after the fact. That's a
5 principal. And so I disagree with your analysis of
6 the inconsistency of the verdicts.

7 And given all the facts of the case and the way
8 the case was presented and the time the jury, as I
9 said, apparently took good notes, listened intently,
10 I feel that they were well within reason to reach a
11 verdict in three hours. I must respectfully deny
12 your motions. Mr. Delgado.

13 **MR. DELGADO:** I have nothing to say. Thank you
14 very much.

15 **THE COURT:** All right. All right. Counsel,
16 approach the bench just for a minute, please. Mr.
17 Delgado, you need not approach.

18 **MR. DELGADO:** Yes, sir.

19 (Whereupon, a bench conference is had)

20 **THE COURT:** Mr. Delgado.

21 **MR. DELGADO:** Yes, Your Honor.

22 **THE COURT:** Let me see you.

23 (Whereupon, a bench conference is had between
24 the Court and Mr. Delgado).

25 **THE COURT:** We'll stand at ease for about ten

1 minutes.

2 (Whereupon, a break is taken)

3 **THE COURT:** All right, Solicitor. Mr. Ross, you
4 ready to proceed?

5 **MR. ROSS:** Yes, sir.

6 **THE COURT:** Come around.

7 **MR. MEADORS:** Your Honor, just one person would
8 like to speak. It's Mr. Charles Everette. He would
9 be the best friend, like family, of Mr. Jim Batie.
10 That is the only person though out of -- Kevin
11 Miller's family is present, has been here. I want to
12 thank them for their cooperation and patience. I
13 don't know if any may want to speak. But as far as
14 Desiree Felder's family, they're also here. I want
15 to thank them also. And I don't know if anyone wants
16 to speak. But on behalf of Mr. Batie, at this point
17 this is Mr. Charles Everette, and he has a few words
18 he'd like to share with this court.

19 **THE COURT:** Yes, sir, Mr. Everette. I'll be
20 glad to hear from you.

21 **MR. EVERETTE:** Good afternoon, Your Honor.
22 During this trial we heard one side of Jim. I just
23 wanted to enlighten you on the side. There was
24 another side of him. He was a businessman. Maybe he
25 choose the wrong business, and that was his love of

1 money. But he was non-violent. He never carried
2 guns or anything.

3 He graduated from Benedict College in English.
4 He was an avid writer. He majored in English. He
5 was an avid writer. He even loved kids. He started
6 his own tutoring business. His mission statement
7 was, is, GLB Professional Tutoring System. It's a
8 system that believes that each and every child is a
9 rising star that dares to dream. Every child is
10 intellectually gifted with creativity and uniqueness.

11 This is just something that he loved to do. He
12 loved to write. He loved kids. He talked about his
13 drugs experience. But this is a side I want you to
14 be aware of him. Grief is messy. Beyond the tears,
15 the pain and loss, there is hope. We never say
16 goodbye for the last time, for we shall meet again.
17 Because Christ lives, death is not a tragedy but a
18 triumph.

19 I read something one time said a living dog is
20 better than a dead lion. And I just wanted to
21 reflect those words for the family, Ms. Miller,
22 Ms. Dupree, to all of us. Even though they are gone,
23 one day we shall see them again. Thank you, Your
24 Honor.

25 **THE COURT:** Thank you very much, sir.

1 **MR. MEADORS:** And again for the record, I want
2 to thank all the family. It's been a long two and a
3 half years. But thank you, ladies and gentlemen.
4 Mr. Ross and Ms. McDuffie have the rest.

5 **THE COURT:** All right.

6 **MR. ROSS:** Your Honor, Mr. Oliver was served
7 with notice to seek life without parole. His
8 prior --

9 **THE COURT:** He was served?

10 **MR. ROSS:** Served --

11 **THE COURT:** All right.

12 **MR. ROSS:** -- with life without parole. I
13 believe he was served on November 5th. It was
14 clocked on November 5th. He and his attorney were
15 both served here in the courtroom. The prior basis
16 for that was an assault and battery with an intent to
17 kill. Your Honor, I can go over the rest of his
18 prior record. That assault and battery with intent
19 to kill conviction was 1992.

20 **THE COURT:** '92?

21 **MR. ROSS:** Yes, sir. He received a 15-year
22 sentence at that time. His record starts in 1990,
23 criminal domestic violence; '91, malicious jury to
24 personal property. He got probation. Then he
25 received assault and battery with intent to kill,

1 received 15 years. He also had a conspiracy to
2 distribute crack cocaine, received 15 years, assault
3 and battery of a high and --

4 **THE COURT:** Was that the same time?

5 **MR. ROSS:** Yes, sir. Assault and battery of a
6 high and aggravated nature, ten years.

7 **THE COURT:** Is that the same time?

8 **MR. ROSS:** Yes, sir. P.W.I.D. crack or cocaine,
9 crack cocaine within a half mile of a school, ten
10 years; the same timeframe, Your Honor. That's the
11 extent of his record.

12 **THE COURT:** All right. Anything further from
13 the State?

14 **MR. MEADORS:** No, sir.

15 **THE COURT:** Mr. Strickler.

16 **MR. STRICKLER:** Your Honor, of course now would
17 be the time to go ahead and ask the Court for mercy
18 in this case. Of course even if the Court in this
19 matter, if you were inclined to exercise clemency is
20 not able to. Mr. Oliver knows what sentence Your
21 Honor has to impose on the charges in this case.

22 I'll just tell you that it's been my privilege
23 to represent Mr. Oliver since I believe it was
24 September 15th of 2005. I first met him down at the
25 Yankee Dorm at Alvin S. Glenn. I have had numbers of

1 discussions with him over that time. I've found him
2 to be an intelligent, engaging individual. I have
3 found him to be someone who was actively interested
4 in the defense of his case.

5 I can affirmatively state to the Court that the
6 entire time I represented him he did not so much as
7 hint at being guilty of this offense. He also
8 expressed a great deal of concern -- I don't think
9 he'd mind me telling you this -- over the fact that
10 both Mr. Joy and Mr. Gallman have been charged in
11 this matter, not because he was guilty of it himself,
12 but he felt they'd just gotten charged because he had
13 been charged. So I think and at times was concerned
14 over those gentlemen being charged which seemed to be
15 greater than his concern of being charged himself. I
16 think that says something about him as a human being.
17 So, I've already reviewed the procedure with him.
18 I'll just tell the Court --

19 **THE COURT:** You've reviewed with him his
20 appellate rights?

21 **MR. STRICKLER:** Yes, sir. Both direct appeal
22 and post conviction relief. I'll get started on
23 that. Well, the paperwork will be filed and
24 initiated this week. So I'd just like to acquaint
25 the Court with that because just as the Court has

1 heard one side, I guess Mr. Batie as we were just
2 told has heard one side of Stanley Oliver. And
3 there's very human beings that are one dimensional,
4 Stanley no less than any other.

5 And regardless of the Court or anyone else's
6 feelings about the appropriateness of the verdict in
7 this case, which I am not taking issue with the
8 verdict at all at this point in time, I've expressed
9 myself from the legal standpoint in that regard,
10 Stanley is a unique human being. And it's been my
11 privilege, as I say, starting to get to know him for
12 the last two years and three months. Stanley, do you
13 have anything you wish to tell the judge?

14 **MR. OLIVER:** Yeah. No disrespect to you. I
15 know you're the judge. I have a higher judge to be
16 judged by. If I was guilty of these crimes, that
17 would be the judge that I would be worried about more
18 so than anything.

19 I'm hurt at the fact that this case was
20 initiated behind me, just being in the wrong place at
21 the wrong time. I didn't witness a murder. I didn't
22 commit a murder. I didn't accompany nobody who
23 committed a murder or witness the murder. The fact
24 that my friends had to go through this and their
25 family had to go through this because I had to go

1 through this is outrageous.

2 I want to tell the victims, the family members
3 as elated as you may be that you think justice has
4 been served, justice hasn't been served. Because the
5 person that did this to your people, they're still
6 free. And by my judge one day I'll be free from this
7 illegal prosecution that John Meadors put down.

8 I don't ask for no leniency or nothing. I mean,
9 you're going to do what you've got to do. And I'm
10 going to pray, and my God is going to do what He do.

11 **MR. STRICKLER:** Thank you, sir.

12 **THE COURT:** Ms. LaFave.

13 **MS. LAFAVE:** Thank you, Your Honor. If it
14 pleases the Court. Your Honor, I will say just on a
15 personal note that I met Mr. Oliver in July or August
16 of this year. I will say that there is another
17 dimension to him. He is a spiritual man. He is an
18 articulate man. And, Your Honor, I do believe that
19 we stand before you today in this particular
20 situation not because of the failure of Stanley
21 Oliver but because of the failure of many people and
22 many institutions throughout his life. And it is a
23 true tragedy on the part of Desiree Felder, Kevin
24 Miller and George Batie, but this is also a tragedy
25 as to Stanley Oliver. I have nothing else to say,

1 Your Honor.

2 **THE COURT:** All right, Mr. Oliver. The jury has
3 found you guilty. Under our statutory law, your
4 attorney tells me he has made you aware of the
5 punishment that I must impose. It's not arbitrary or
6 discretionary on my part.

7 Therefore, with regard to the charge of armed
8 robbery; that is, indictment number 05-40-11414, the
9 sentence of the Court is you be committed to the
10 State Department of Corrections for a period of 30
11 years.

12 On your kidnapping charge, indictment number
13 05-40-11412, kidnapping, the sentence of the Court is
14 you be committed to the State Department of
15 Corrections for a period of 30 years.

16 On your burglary in the first degree charge the
17 sentence of the Court is -- that is indictment number
18 05-40-11411, the sentence of the Court is you be
19 committed to the Department of Corrections for the
20 remainder of your natural life; that is, life without
21 parole.

22 On your murder charge, 05-40-11416, the sentence
23 of the Court is you be committed to the State
24 Department of Corrections for the remainder of your
25 natural life; that is, life without parole.

1 As to the charge of murder, 05-40-11582, the
2 sentence of the Court is you be committed to the
3 State Department of Corrections for the remainder of
4 your natural life, that being life without parole.

5 And on murder indictment 05-40-11417, the
6 sentence of the Court is you be committed to the
7 State Department of Corrections for the remainder of
8 your natural life, that being life without parole.
9 All sentences to run concurrent. Good luck to you,
10 sir.

11 **MR. STRICKLER:** Thank you, sir.

12 **THE COURT:** Thank you very much. Solicitor.

13 **MR. ROSS:** Your Honor, as to Mr. Dominic
14 Gallman, he was also served and his attorney was
15 served with notice to seek life without parole. His
16 prior LWOP conviction was an armed robbery, sentenced
17 in 1996 to 14 years on armed robbery.

18 **THE COURT:** 14 years?

19 **MR. ROSS:** Yes, sir.

20 **THE COURT:** All right.

21 **MR. ROSS:** He also had an assault and battery
22 with intent to kill at that same time. He received a
23 ten-year sentence.

24 **THE COURT:** At the same time?

25 **MR. ROSS:** Yes, sir. On July 9th, '96, armed

1 robbery.

2 **THE COURT:** Was that a concurrent sentence?

3 **MR. ROSS:** Yes, sir.

4 **MR. MILLING:** I believe it was actually AWIK.

5 **MR. ROSS:** Oh, AWIK. All right. Assault with
6 intent to kill, ten years.

7 **THE COURT:** All right.

8 **MR. ROSS:** He also later, on November 5th, '97,
9 had accessory after the fact to a felony, received a
10 ten-year sentence.

11 **THE COURT:** Do you know what that was, what the
12 penalty was?

13 **MR. ROSS:** Burglary and armed robbery I believe,
14 Your Honor.

15 **THE COURT:** From '97?

16 **MR. ROSS:** Yes, Your Honor. Then in 2004 he was
17 arrested for unlawful carrying of a weapon, was
18 convicted to 60 days in 2005. That's the extent of
19 his record.

20 **THE COURT:** Any testimony from the victims?

21 **MR. MEADORS:** Your Honor, again on behalf of the
22 families, you know, none of them deserved to die.
23 They all love their family and wish they were still
24 here. I was just told to say that on their behalf.

25 **THE COURT:** All right. Mr. Milling.

1 **MR. MILLING:** Thank you, Your Honor. May it
2 please the Court. I started representing Mr. Gallman
3 in early to mid 1990 -- or 2006 -- when his prior
4 counts with Ms. Hudgins took the position with the
5 office of Appellate Defense. Throughout that time
6 period I've always had good meetings and
7 conversations with Dominic. Dominic is someone who
8 has maintained and professed his innocence throughout
9 the entire process. It is a tragedy, what happened
10 to Mr. Batie, Mr. Miller and Ms. Felder; but an equal
11 tragedy is if an innocent man goes to jail. Dominic
12 Gallman is 31 years of age.

13 **THE COURT:** Who? Who did you say is an innocent
14 man?

15 **MR. MILLING:** I said if an innocent man goes to
16 jail.

17 **THE COURT:** If an innocent man.

18 **MR. MILLING:** Yes.

19 **THE COURT:** Go ahead.

20 **MR. MILLING:** Your Honor, he's 31 years of age,
21 had a long life ahead of him. It's been a pleasure
22 to represent him. We have talked about what the
23 Court must do at this point in time based upon the
24 service of the notice of intent to seek life without
25 the possibility of parole.

1 We would have asked for leniency but we
2 understand that that's outside of the Court's
3 discretion. We have talked about the procedures
4 where we go from here, and I would continue to
5 discuss those options with Mr. Gallman.

6 **THE COURT:** Mr. Gallman, do you have anything
7 you want to say?

8 **MR. GALLMAN:** Yes, sir. This is a real tragic
9 thing what happened to the families of Ms. Felder,
10 Mr. Miller and Mr. Batie. I wish I could say that
11 I'm up here being prosecuted for that act, but I'm
12 not. I didn't commit those crimes. I have never
13 killed anybody in my life.

14 It's even more tragic that I had two brothers
15 get killed on the same side of town not even ten
16 blocks from where that incident happened at. My
17 family must go through the same thing that your
18 families are going through now. I'm going to be
19 taken away from my family the same way your families
20 were taken away from you.

21 I wish the right person was up here so they
22 could receive this punishment other than me. The
23 only thing I can now is I hope my family just keep
24 their heads up, and I hope that you all keep your
25 heads up as a family. I mean, my condolences to all

1 of you all. It's a tragic thing that happened. I'm
2 not the individual that committed those crimes.

3 **THE COURT:** All right, Mr. Gallman. The jury
4 has found you guilty in this case and as such it
5 becomes my responsibility to impose a sentence which
6 is dictated by law, one I cannot -- I don't have any
7 discretion about the imposition of the sentence,
8 although I will tell you -- I probably should have
9 told Mr. Oliver -- that were this not a life without
10 parole case, I probably would have imposed it anyway
11 because I sat and listened to the heinous nature of
12 these murders, robberies. And if a jury had found
13 you guilty and you didn't have this prior record
14 which makes this is a life without parole case, I
15 probably would have still imposed life without
16 parole.

17 As to your indictment for kidnapping, indictment
18 number 05-40-9699, the sentence of the Court is you
19 be committed to the State Department of Corrections
20 for a period of 30 years.

21 As to the armed robbery, indictment number
22 05-40-9697, the sentence of the Court is you be
23 committed to the State Department of Corrections for
24 a period of 30 years.

25 As to your burglary in the first degree charge,

1 the sentence of the Court is -- that is on indictment
2 05-40-9696, the sentence of the Court is you be
3 committed to the State Department of Corrections for
4 the remainder of your natural life; that is, life
5 without parole.

6 As to your murder conviction, 05-40-9700, the
7 sentence of the Court is you be committed to the
8 State Department of Corrections for the remainder of
9 your natural life; that is, life without the
10 possibility of parole.

11 As to your murder indictment, number
12 05-40-11581, the sentence of the Court is you be
13 committed to the State Department of Corrections for
14 the remainder of your natural life; that is, life
15 without the possibility of parole.

16 As to your murder indictment, your murder
17 conviction, indictment number 05-40-9071, the
18 sentence of the Court is you be committed to the
19 State Department of Corrections for the remainder of
20 your natural life, that being life without the
21 possibility of parole. Good luck to you, sir.

22 Any further business to come before the Court?

23 **MR. ROSS:** No, Your Honor.

24 **THE COURT:** Court's adjourned.

25 (Whereupon, the proceedings are concluded)

CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Jenny H. Williams, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 3rd, 4th, 5th, 6th, 7th, 10th, 11th, 12th, 13th, 14th, 17th and 18th days of December, 2007.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

April 15, 2008

Jenny H. Williams

Jenny H. Williams, Court Reporter

WITNESSES

(S) Investigator Paul Mead, CPD

DOCKET NO. 2005-GS-40-11411

The State of South Carolina

County of Richland

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

Defendant

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

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2005

52

ARREST WARRANT NUMBER

K013114

Defendant

THE STATE

VS.

Witness:

C.C.C. PLS. AND G.S.

STANLEY OLIVER

ACTION OF GRAND JURY

TRUE BILL

Santha P. Henry
For persons of Grand Jury
Date: NOV 16 2005

VERDICT

Guilty

Indictment for

BURGLARY(AFTER 6/20/85)
1ST DEGREE

SC Code: 16-11-311

CDR Code: 079

Class FEL-EXM(V)

Frankie L. Sharratt
For person of Petit Jury
Date: 12-18-07

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

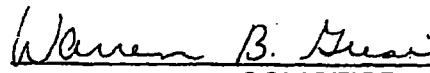
INDICTMENT

At a Court of General Sessions, convened on November 16, 2005, the Grand Jurors of Richland County present upon their oath:

BURGLARY/(AFTER 6/20/85) - 1ST DEG

That STANLEY OLIVER did in Richland County on or about September 4, 2005, willfully and unlawfully enter the dwelling of George Batie, without consent and with the Intent to commit a crime therein and the defendant did take both currency and other items from the residence and did cause the death of the resident and another victim therein. All in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

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


Warren B. Glese, SOLICITOR

WITNESSES

(S) Investigator Paul Mead, CPD

DOCKET NO. 2005-GS-40-11412

The State of South Carolina

County of Richland

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

Defendant

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

COURT OF GENERAL SESSIONS

52

NOVEMBER TERM 2005

ARREST WARRANT NUMBER

K013113

Defendant

THE STATE
vs.

Witness:

C.C.C. PLS. AND G.S.

STANLEY OLIVER

ACTION OF GRAND JURY
TRUE BILL

Shandra Phungo
Foreperson of Grand Jury
Date: NOV 16 2005

VERDICT

Cuilty

Indictment for

KIDNAPPING

SC Code: 16-3-910
CDR Code: 0095
Class FEL(A)(V)

Shandra S. Phungo
Foreperson of Petit Jury
Date: 12-18-07

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

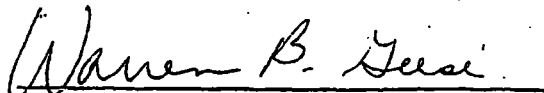
INDICTMENT

At a Court of General Sessions, convened on November 16, 2005, the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That STANLEY OLIVER did in Richland County on or about September 4, 2005, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any person, to wit: Desiree Felder, by any means whatsoever without authority of law. All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended.

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


Warren B. Giese, SOLICITOR

WITNESSES

⑤ Investigator Paul Mead, CPD

ARREST WARRANT NUMBER

K013111

**ACTION OF GRAND JURY
TRUE BILL**

Sandra Phangs
Foreperson of Grand Jury
Date: NOV 18 2005

VERDICT

Guilty

Edward L. S. Shrestha
for person of Petit Jury
date: 12-18-07

DOCKET NO. 2005-GS-40-11414

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2005

52

**THE STATE
vs.**

STANLEY OLIVER

Indictment for

ARMED ROBBERY
SC Code: 16-11-330(A)
CDR Code: 0139
Class FEL-A(V)

After being fully advised as to my

legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on November 16, 2005, the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That STANLEY OLIVER did in Richland County on or about September 4, 2005, commit robbery by feloniously taking from the person or presence of George Batie by means of force or intimidation goods or monies of George Batie, such goods or monies described as U.S. Currency with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of SC Code of Laws § 16-11-330(A).

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

Warren B. Giese
WARREN B. GIESE, SOLICITOR

WITNESSES

2361

(S) Investigator Paul Mead, CPD

DOCKET NO. 2005-GS-40-11416

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2005

52

ARREST WARRANT NUMBER

K013109

THE STATE

vs.

STANLEY OLIVER

ACTION OF GRAND JURY
TRUE BILL

Judith P. Lewis
Foreperson of Grand Jury
Date: NOV 16 2005

VERDICT

Guilty

Franklin S. Sheets
Foreperson of Petit Jury
Date: 12-18-07

Indictment for

MURDER

SC Code: 16-3-10
CDR Code: 0116
Class FEL/EXM(V)

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

Defendant

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

FILED TRUE CO
ORIGINAL FILED
C.C.C. PAGE
RICHLAND COUNTY
SOUTH CAROLINA

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

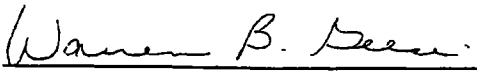
INDICTMENT

At a Court of General Sessions, convened on November 16, 2005, the Grand Jurors of Richland County present upon their oath:

MURDER

That STANLEY OLIVER did in Richland County on or about September 4, 2005, feloniously, willfully and with malice aforethought, kill one Kevin Miller by means of shooting the victim and that the said victim died as a proximate result thereof. All in violation of SC Code of Laws § 16-3-10.

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


Warren B. Giese, SOLICITOR

2363

WITNESSES

(S) Investigator Paul Mead, CPD

DOCKET NO. 2005-GS-40-11417

The State of South Carolina

County of Richland.

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2005

52

ARREST WARRANT NUMBER

K013108

THE STATE

vs.

STANLEY OLIVER

ACTION OF GRAND JURY

TRUE BILL

Sandra Phlego
Foreperson of Grand Jury
Date: NOV 16 2005

VERDICT

Guilty

Indictment for

MURDER

SC Code: 16-3-10
CDR Code: 0116
Class FEL/EXM(V)

Frankie S. Meade
Foreperson of Petit Jury
Date: 12-18-07

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

Defendant

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

FILED TRUE COPY
ORIGINAL FILED
NOV 16 2005
RICHLAND COUNTY

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on November 16, 2005, the Grand Jurors of Richland County present upon their oath:

MURDER

That STANLEY OLIVER did in Richland County on or about September 4, 2005, feloniously, willfully and with malice aforethought, kill one George Batie by means of shooting the victim and that the said victim died as a proximate result thereof. All in violation of SC Code of Laws § 16-3-10.

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


Warren B. Giese, SOLICITOR

WITNESSES

2365

Investigator Travis Holdorf, RCSD

DOCKET NO. 2005-GS-40-11582

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2005

52

ARREST WARRANT NUMBER

1896329

THE STATE

VS.

STANLEY OLIVER

ACTION OF GRAND JURY
TRUE BILL

Judge Phoebe
Foreperson of Grand Jury
Date: NOV 16 2005

VERDICT

Guilty

Indictment for

MURDER

SC Code: 16-3-10
CDR Code: 0116
Class FEL/EXM(V)

Foreperson of Petit Jury
Date: 12-18-07

After being fully advised as to my legal rights, I hereby waive presenting to the Grand Jury.

Defendant

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

CERTIFIED TRUE COPY
OF ORIGINAL FILED
C.C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on November 16, 2005, the Grand Jurors of Richland County present upon their oath:

MURDER

That STANLEY OLIVER did in Richland County on or about September 4, 2005, feloniously, willfully and with malice aforethought, kill one Desiree Felder by means of shooting the victim and that the said victim died as a proximate result thereof. All in violation of SC Code of Laws § 16-3-10.

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

Warren B. Giese
Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.Stanley OliverAKA: _____
Race: _____ Sex: _____ Age: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip _____
DL# _____ SID# _____05 INDICTMENT/CASE#
GS - 40 - 11411A/W#: K013114
Date of Offense: September 4, 2005
S.C. Code §: 16-11-311
CDR Code #: 0 / 7 / 9 /
☐ CASE RESTORED
SENTENCE SHEET
☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Burglary After 6-20-85 1st Degreein violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0 / 7 / 9 /☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC ☒ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of LIFE WITHOUT PAROLE days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of
\$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years
and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which
are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the
State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient: _____

*Fine: _____

\$14-1-206 (Assessments 107.5%) _____

\$14-1-211(A)(1) (Conv. Surcharge) \$100 _____

\$14-1-211(A)(2) (DUI Surcharge) \$100 _____

\$56-6-2995 (DUI Assessment) \$12 _____

\$35.13 (Public Def/Prob) \$500 _____

\$73.3, 1B TP (Law Enforce. Funding) \$25 _____

\$33.7, 1B TP (Drug Court Surcharge) \$100 _____

\$50-21-114 (BUI Breath Test Fee) \$50 _____

\$56-5-2942(J) (Vehicle Assessment) \$40/ea _____

3% to County (if paid in installments) _____

TOTAL _____

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: _____

Sentence Date: _____

Court Reporter: _____

2368

12/18/2007 18:03 57619

CRIMINAL RECORD

PAGE 21/25

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.Stanley OliverAKA: _____
Race: _____ Sex: _____ Age: _____
DOB: 11-13 SS: _____
Address: _____
City, State, Zip _____
DL# _____ SID# _____

IN THE COURT OF GENERAL SESSIONS

05 INDICTMENT/CASE#
- GS - 40 - 11412AW#: K013113
Date of Offense: September 4, 2005
S.C. Code §: 16-3-910
CDR Code #: 0101915
☐ CASE RESTORED
SENTENCE SHEET
☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Kidnappingin violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0101915☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC ☒ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Solicitor[Signature]
Defendant[Signature]
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of
\$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years
and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which
are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the
State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: _____ \$
§14-1-206 (Assessments 107.5%) _____ \$
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$
§14-1-211(A)(2) (DUI Surcharge) \$100 \$
§56-5-2995 (DUI Assessment) \$12 \$
§35.13 (Public Def/Prob) \$500 \$
§73.3, 1B TP (Law Enforce. Funding) \$25 \$
§33.7, 1B TP (Drug Court Surcharge) \$100 \$
§50-21-114 (BUI Breath Test Fee) \$50 \$
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$15 \$
TOTAL \$150

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2111216Sentence Date: 12-18-07Court Reporter: J. Williams

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE VS.

Stanley Oliver

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip

DL#

SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#
05 - GS - 40 - 11414

AW#:

K013111

Date of Offense:

September 4, 2005

S.C. Code §:

16-11-330 (A)

CDR Code #:

0 / 1 / 3 / 9☐ CASE RESTORED

SENTENCE SHEET

☐ PLEA☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Armed Robberyin violation of \$ 16-11-330 (A) of the S.C. Code of Laws, bearing CDR Code # 0 / 1 / 3 / 9☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC ☒ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$35.13 (Public Def/Prob)

\$73.3, 1B TP (Law Enforce. Funding)

\$33.7, 1B TP (Drug Court Surcharge)

\$50-21-114(BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Barbara A. Scott, Jr.

Clerk of Court, Deputy Clerk

Court Reporter:

G. Williams

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

2370

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

VS.

AKA:

Race:

Sex:

Age:

DOI

SS

Address:

City, State, Zip

DL#

SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#

05

GS -

40

11416

AW#:

K013109

Date of Offense:

September 4, 2005

S.C. Code §:

16-3-10

CDR Code #:

0 / 1 / 1 / 1 / 6

☐ CASE RESTORED

SENTENCE SHEET

☐ PLEA☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Murder

in violation of § 16-3-10

of the S.C. Code of Laws, bearing CDR Code #

0 / 1 / 1 / 1 / 6

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS (CSC☒ §17-25-45w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of LIFE WITHOUT PAROLE day/months/years or ☐ under the Probation Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of

\$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§35.13 (Public Def/Prob)

§73.3, 1B TP (Law Enforce. Funding)

§33.7, 1B TP (Drug Court Surcharge)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Barbara A. Scott, Jr.

Clerk of Court/Deputy Clerk

Court Reporter: G. Williams

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

RICHARD SCOTT
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.Stanley OliverAKA: _____
Race: _____ Sex: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL# _____ SID# _____INDICTMENT/CASE#:
05 - GS - 40 - 11417A/W#: K013108
Date of Offense: September 4, 2005
S.C. Code §: 16-3-10
CDR Code #: 0 / 1 / 1 / 1 / 6☐ CASE RESTORED
SENTENCE SHEET
☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder
in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0 / 1 / 1 / 1 / 6☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC) ☒ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] Solicitor [Signature] Defendant [Signature] Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or 1 under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of
\$ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years
and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which
are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the
State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____
§14-1-206 (Assessments 107.5%) \$ _____
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____
§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
§56-5-2995 (DUI Assessment) \$12 \$ _____
§35.13 (Public Def/Prob) \$500 \$ _____
§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
§50-21-114(BUI Breath Test Fee) \$50 \$ _____
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ _____

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probationPRESIDING JUDGE [Signature]Judge Code: 2/11/2005Sentence Date: 12/23/07

SOUTH CAROLINA

Barbara A. Scott Clerk of Court/Deputy Clerk
Court Reporter: [Signature]

2372
STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.

Stanley Oliver

AKA: _____
Race: _____ Sex: _____ Age: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL# _____ SID# _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:
05 - GS - 40 - 11582

A/W#: 1896329
Date of Offense: September 4, 2005
S.C. Code §: 16-3-10
CDR Code #: 0 / 1 / 1 / 1 / 6

☐ CASE RESTORED
SENTENCE SHEET
☐ PLEA ☒ TRIAL

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Murder

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0 / 1 / 1 / 1 / 6

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC ☒ \$17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST:

[Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of _____ days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of
\$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years
and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which
are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the
State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ set by SCDPPPS _____

Recipient: _____
*Fine: \$ _____
\$14-1-206 (Assessments 107.5%) \$ _____
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
\$56-5-2995 (DUI Assessment) \$12 \$ _____
\$35.13 (Public Def/Prob) \$500 \$ _____
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
\$50-21-114(BUI Breath Test Fee) \$50 \$ _____
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ _____

Barbara A. Scott pf
Clerk of Court/Deputy Clerk
Court Reporter: J. Williams

PTUP _____
days/hours Public Service Employment
Obtain GED _____
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, \$35-12-TPV
Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE [Signature]
Judge Code: 21
Sentence Date: 12 RICHLAND COUNTY
SOUTH CAROLINA

541 BT
23734

2011C P4002140

STATE OF SOUTH CAROLINA)
County of Richland)

In the Court of Common Pleas

2011 MAR 31 AM 11:22
FILED
RICHLAND COUNTY
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

Full name and prison number, if any, of applicant.)
Stanley Oliver - 192110)
v.)
State of South Carolina)
Name of Respondent)

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention LEE CORRECTIONS
990 WISACKY HWY. BISHOPVILLE, SC 29010
2. Name and location of Court which imposed sentence
Richland County ~~Circuit~~
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
(a) 2005-GS-40-11582
(b) 2005-GS-40-11416
(c) 2005-GS-40-11417
4. The date upon which sentence was imposed and the terms of the sentence:
(a) DECEMBER 18th 2007
(b) LIFE
(c) _____

5. Check whether a finding of guilty was made

(a) after a plea of guilty _____

(b) after a plea of not guilty ✓ _____

(c) after a plea of nolo contendere _____

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

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

i. South Carolina Court of Appeals

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. AFFIRMED

ii. _____

iii. _____

(c) the date of each such result:

i. DECEMBER 21st, 2010

ii. _____

iii. _____

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

i. Unpublished Opinion No. 2010-UP-553

ii. _____

iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

(a) _____

(b) _____

(c) _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) CONSTITUTIONAL VIOLATIONS - 6th, AMEND.

(b) 12th AMEND.

(c) 14th AMEND.

10. State concisely and in the same order the facts which support each of the grounds set out in (9)

(a) INEFFECTIVE ASSISTANCE OF COUNSEL

(b) INEFFECTIVE ASSISTANCE OF COUNSEL, DENIED ME DUE PROCESS AND EQUAL PROTECTION.

(c) _____

11. Prior to this application have you filed with respect to this conviction

(a) any petition in a State Court under South Carolina Law ?

(b) any petitions in State or Federal Courts for habeas corpus or post-conviction relief?

N/A

(c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7) N/A

(d) any other petitions, motions or applications in this or any other Court?

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. _____
ii. _____
iii. _____
iv. _____

N/A

(b) the name and location of the Court in which each was filed:

i. _____
ii. _____
iii. _____
iv. _____

N/A

(c) the disposition thereof:

i. _____
ii. _____
iii. _____
iv. _____

N/A

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? N/A

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) THESE ISSUES ARE TO BE ADDRESSED AT THE PCR HEARING.
- (b) _____
- (c) _____

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

- (a) your arraignment and plea? _____
- (b) your trial, if any? YES
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence?
YES
- (e) preparation, presentation or consideration of any petitions, motions, or application with respect to this conviction, which you filed? Appeal

➤ 17. If you answered "yes" to one or more parts of (16), list:

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

- i. Douglas Strickler, P.O. Box 192 1701 Main St. Col2, S.C. 29202
- ii. Joseph Savitz, 1330 Lady Street, Suite 401, Col2, S.C. 29201-3332
- iii. _____

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

- i. Trial
- ii. Appeal
- iii. _____

18. State clearly the relief you seek in filing this application.

To set aside, vacated or RESENTENCED!

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

N/A

STATE OF SOUTH CAROLINA)

COUNTY OF)

Richland

VERIFICATION

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

Stanley Oliver

Sworn to and subscribed before me

This 24 day of Mar., 2011.

J. Bracey Junior L.S.
Notary Public for South Carolina

My Commission Expires 5-16-11

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

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

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

Stanley Oliver
Applicant

Sworn to and subscribed before me

This 24 day of Mar., 2011.

J. Bracey Junior L.S.
Notary Public for South Carolina

My Commission Expires: 5-16-11

FILED
2011 MAR 31 AM 11:22
CLARENCE W. MCBRIDE
CLERK & C.S.
RICHLAND COUNTY

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

**OLIVER Stanley -
00192110.**

2011CP4002140

Applicant,

Y.

RETURN

State of South Carolina,

Respondent.

The Respondent, making its Return to the application for post conviction relief (PCR) filed March 31, 2011, would respectfully show this Court:¹

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. The Applicant was true bill indicted at the November 2005 term of the Richland County Grand Jury for Kidnapping (2005-GS-40-11412), Burglary – First Degree (2005-GS-40-11411), two (2) counts of Armed Robbery (2005-GS-40-9695/11415), and three (3) counts of Murder (2005-GS-40-11416/11417/11582). The Applicant was represented by Doug Stickler, Esquire, and Mary LaFave, Esquire, on the charges. On December 3, 2007, Applicant proceeded to jury trial before the Honorable G. Thomas Cooper, Jr., at which he was found guilty of all counts except

I

<http://www4.rcgov.us/publicindex/PICaseDetails.aspx?County=40+&Casenum=2011CP4002140&CourtType=G&CaseType=Civil&CourtAgency=40002>

one Armed Robbery (indictment -05-GS-40-11415). Applicant was sentenced by Judge Cooper to thirty (30) years imprisonment each for the remaining Armed Robber charge and Kidnapping, and life without parole each for Burglary – First Degree and the three (3) Murder convictions. All sentences were to run concurrently.

II.

Attached herewith and incorporated herein are the records of the Richland County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, and the trial transcript, and the Applicant's applicable direct appeal files.² The Respondent reserves the right to amend this Return upon receipt of any relevant materials or submit an amended Return to reflect any amended allegations and/or to provide a more detailed procedural history.

Direct Appeal

The Applicant appealed his conviction and/or sentence. Following the submission of briefs, the Court of Appeals affirmed Applicant's convictions and sentences. Opinion No. 2010-UP-553 (S.C. Ct. App, Filed December 21, 2010). The Remittitur was dated January 24, 2011.

The application for post conviction relief (PCR) was timely filed March 31, 2011.

² The Respondent will utilize the Record on Appeal if the direct appeal was an Anders appeal.

III.

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully based on the following:

10. State concisely and in the same order the facts which support each of the grounds set out in (9)

(a) Ineffective assistance of counsel

(b) Ineffective assistance of counsel, denied me due process and equal protection.

(c) _____

IV.

For the purposes of this Return, the Respondent interprets each of the Applicant's allegations to be claims that he received ineffective assistance of counsel. The Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, the Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v.

Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by

the record. **The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).**

V.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied. The Respondent therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held. The Respondent will coordinate with the Applicant's attorney who is, according to the Respondent's file, David E. Belding, Esquire regarding when the hearing should be set.³

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney
General

ROBERT D. CORNEY
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737
rcorney@scag.gov

February 1, 2012

³ The current PCR Roster for the 5th Circuit is available at <http://www.scag.gov/criminal-litigation/postconvictionrelief>

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

OLIVER Stanley -
00192110,

2011CP4002140

Applicant,

v.

CERTIFICATE OF SERVICE

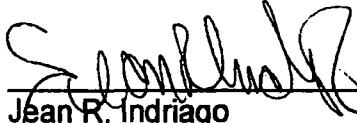
State of South Carolina,

Respondent.

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the a letter in the above-captioned matter on the following person(s) by routing the same to the United States mail, postage prepaid:

David E. Belding, Post Office Box 11964, Columbia, SC 29211

DATED February 1, 2012.



Jean R. Indriago
Legal Assistant

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
Stanley Oliver, #192110,	)	C/A No.: 2011-CP-40-2140
	)	
Applicant,	)	
	)	
vs.	)	
	)	
State of South Carolina,	)	
	)	
Defendant.	)	

APPLICANT'S TRIAL BRIEF

The Applicant hereby submits this *Trial Brief* for the Court's consideration in this matter.

I. Statement of Facts of the Case.

A. This case was filed on March 31, 2011, by the Applicant, acting *pro se*. Undersigned counsel was appointed to represent the Applicant by Order of the Honorable Alison Renee Lee on April 22, 2011.

B. Applicant is seeking relief from the sentences imposed by Judge G. Thomas Cooper, Jr., on December 18, 2007, following his conviction after a jury trial for the following crimes:

- *Kidnapping (2005-GS-40-11412) – Thirty (30) years;
- *Burglary 1st degree (2005-GS-40-11411) – Life Without Parole;
- *Three (3) counts of Murder:
 - *(2005-GS-40-11416 – Kevin Miller) - Life Without Parole;
 - *(2005-GS-40-11417 – George Batie) - Life Without Parole; and,
 - *(2005-GS-40-11582 – Desiree Felder) - Life Without Parole.

C. The Applicant was represented by Douglas Strickler, Esquire, and Mary LaFave, Esquire, of the Richland County Public Defender's Office.

D. Applicant was tried by jury on December 3-18, 2007, which resulted in guilty verdicts on the above charges and an acquittal on a charge of Armed Robbery.

E. During the course of a twelve (12) day trial, there will naturally be instances of "good lawyering", such as pre-trial motions and objections to improper testimony. The Applicant acknowledges that his defense counsel were "good on their feet", but contends that the attorneys failed to properly prepare for a trial defense which resulted in ineffective representation. Applicant points to the following facts, *inter alia*, in support of this contention:

1. Applicant and Attorney Strickler were at odds about the preparation for the defense of these charges, resulting in Mr. Strickler's motion to be relieved. Despite this conflict, Attorney Strickler represented Applicant at trial.

2. During his long pre-trial detention period, Applicant did not see his attorney for one (1) year. Applicant was concerned about a number of things that he wanted his defense attorneys to investigate and contest, including:

- a. why Applicant's fingerprints were on a shoebox at the crime scene;

- b. why the statements of a jail cellmate (Jason Brown) and an acquaintance (Mike Allen) were incredible, prejudicial, and needed to be refuted or objected to at trial;

- c. why the statements of Tatanisha Robinson were coerced and refutable; and,

- d. five (5) witnesses provided by Applicant for his attorneys to interview that could provide exculpatory trial testimony.

3. Applicant's attorneys failed to timely object and prevent the trial testimony of Leticia Jones, which was hearsay and extremely prejudicial.

II. Legal Issues

Plea counsel was deficient in representing Applicant and, but for such errors, there is a reasonable probability that the outcome would have been different.

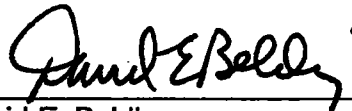
III. Legal Authority

For Applicant to be granted relief as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective assistance. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Brown v. State, 340 S.C. 590, 533 S.E.2d 308 (2000). Applicant believes his counsel's performance fell below the professional norms and believes the record supports this contention.

The second step in the analysis—whether Applicant was prejudiced by the deficient representation. Strickland v. Washington, 466 U.S. at 687. The Applicant's convictions clearly show the prejudice he suffered.

PRAYER FOR RELIEF

Based on the foregoing, Applicant prays that the Court vacate his sentence as violative of the Sixth Amendment and remand this case to Richland County Court of General Sessions.



David E. Belding
Post Office Box 11964
Columbia, SC 29211-1964
Phone: 803-665-3161
Fax: 866-220-6352
Email: dar820@sc.rr.com
ATTORNEY FOR APPLICANT

August 13, 2012

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT
CASE NO. 2011-CP-40-2140

STANLEY OLIVER,

Plaintiff,

-vs-

TRANSCRIPT OF RECORD

STATE OF SOUTH CAROLINA,

Defendant.

August 13, 2012
Columbia, South Carolina

B E F O R E:

THE HONORABLE R. KNOX MCMAHON, Judge

A P P E A R A N C E S:

DAVID BELDING, Esquire
Attorney for the Plaintiff

ROB CORNEY, Esquire
Attorney for the Defendant

KRYSTAL J. SMITH
Court Reporter

I N D E X

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E X H I B I T S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3				
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1 AUGUST 13, 2013

2 (WHEREAS this matter was scheduled for a post-conviction
3 relief hearing, the applicant appeared along with his
4 counsel of record. The State appeared through counsel of
5 record. The hearing began at 2:46 p.m.)

6 MR. CORNEY: May it please the Court, Your Honor.

7 THE COURT: Yes, sir.

8 MR. CORNEY: Your Honor, the State would call the PCR of
9 Stanley Oliver, Docket Number 2011-CP-40-2140. Mr. Oliver was
10 true-bill indicted at the November 2005 term of the Richland
11 County grand jury for kidnapping, burglary in the first
12 degree, two counts of armed robbery, and three counts of
13 murder. He was represented by Doug Strickler and Mary LaFave
14 from the Fifth Circuit Public Defender's office on the
15 charges.

16 Mr. Oliver proceeded to jury trial December 3rd, 2007,
17 before Judge Cooper. After a 12 day trial, Mr. Oliver had one
18 of his directed verdict motions granted on one count of
19 kidnapping, but he was thereafter convicted of all the
20 remaining counts as indicted. Mr. Oliver was sentenced to 30
21 years imprisonment each for the remaining armed robbery and
22 for the kidnapping and life without parole for each of the
23 burglary and the three counts of murder, all to run
24 concurrent.

25 Mr. Oliver filed notice of appeal and after briefing, the

1 South Carolina Court of Appeals affirmed the convictions and
2 sentences. The remittitur was issued January 24th, 2011. He
3 filed a timely application for post-conviction relief March
4 31st, 2011, and he is represented today by Mr. David Belding.

5 THE COURT: Thank you. Thank you very much. All right,
6 Mr. Belding?

7 MR. CORNEY: Thank you, Your Honor. Now, I'd like to
8 call to the stand Mr. Stanley Oliver.

9 THE COURT: All right. Come around. Come around, Mr.
10 Oliver, to be sworn.

11 THE BAILIFF: Place your left hand on the Bible and raise
12 your right hand and face the judge.

13 THE COURT: Do you solemnly swear the testimony you give
14 before the Court today will be the truth, the whole truth, and
15 nothing but the truth, so help you God?

16 THE WITNESS: Yes, sir.

17 THE COURT: All right. Thank you. Thank you very much.

18 THE BAILIFF: Watch your step for me, please.

19 THE COURT: Once you are comfortably seated, Mr. Oliver,
20 please -- please give us your complete name, spelling your
21 last.

22 THE WITNESS: Stanley Rasheem Oliver, O-L-I-V-E-R.

23 THE COURT: All right. And make sure you speak up for
24 me. Okay?

25 THE WITNESS: Yes, sir.

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 THE COURT: All right. Mr. Belding?

2 MR. CORNEY: Thank you, Your Honor.

3 STANLEY OLIVER, being first duly
4 sworn, testifies as follows:

5 DIRECT EXAMINATION

6 BY MR. BELDING:

7 Q: Hi, Mr. Oliver.

8 A: How are you doing?

9 Q: Where are you -- where are you living right now?

10 A: In prison.

11 Q: At which one?

12 A: Perry Correctional Institution.

13 Q: You're at Perry?

14 A: Yes, sir.

15 Q: I heard you got moved.

16 A: Yeah.

17 Q: Pretty recent transfer?

18 A: Yeah.

19 Q: Okay. Now, what are you in prison for, Mr. Oliver?

20 A: Three counts of murder, armed -- armed robbery,
21 kidnapping.

22 Q: Okay. Now, let me ask you, did you grow up in the
23 Columbia area?

24 A: Yeah.

25 Q: Okay. And how old are you right now?

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

- 1 A: Thirty-eight.
- 2 Q: Okay. How far did you go in school?
- 3 A: Eleventh grade.
- 4 Q: Okay. Where did you go to high school?
- 5 A: Olympia AC Flora.
- 6 Q: What -- what was the extent of your prior criminal record
- 7 prior to the charges you're in prison on now?
- 8 A: I had a 1992 conviction for assault and battery with
- 9 intent to kill and a bunch of drug charges.
- 10 Q: All right. Okay. And those were brought out -- some of
- 11 those were brought out at the sentencing in your case; weren't
- 12 they?
- 13 A: Yes, sir.
- 14 Q: Okay. Now, did you know a person named Desiree Felder?
- 15 A: That's one of the victims in this case that I'm ---
- 16 Q: Right.
- 17 A: --- currently fighting.
- 18 Q: Did you know that person?
- 19 A: No.
- 20 Q: As an acquaintance or anything?
- 21 A: No.
- 22 Q: Okay. Did you know a George, also known as Jim Batie?
- 23 A: I met him, but not -- I didn't know him, no.
- 24 Q: Okay. And did you know a Mr. Kevin Miller?
- 25 A: No.

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

- 1 Q: Okay. Now, you are arrested and charged with these --
2 with three murders that happened in Richland County. Did you
3 get out on bond?
- 4 A: No.
- 5 Q: Okay. Did you have a lawyer to represent you?
- 6 A: Yes, sir.
- 7 Q: Who was your attorney?
- 8 A: Douglas Strickler.
- 9 Q: Okay. And did anyone assist him in the trial of this
10 case?
- 11 A: Yes, sir.
- 12 Q: And who was that?
- 13 A: Ms. Mary LaFave.
- 14 Q: Okay. Now, how long did you stay in jail prior to going
15 to trial on these charges?
- 16 A: From September the 13th of 2005 to the time that I got
17 convicted.
- 18 Q: And how many days was your trial?
- 19 A: Twelve days.
- 20 Q: All right. And what month and year was that?
- 21 A: December -- starting from December the 3rd until whenever
22 it ended, 2007.
- 23 Q: Okay. Twelve days? Okay. So you were in jail for over
24 two years before the trial started; correct?
- 25 A: Yeah.

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 Q: Now, during that time, did you get a chance to meet with
2 either Ms. LaFave or Mr. Strickler at the detention center to
3 discuss your case?

4 A: Yeah.

5 Q: How many times do you think you met with them?

6 A: I don't know.

7 Q: Was it a lot or not very many? Was it monthly? Do you
8 recall?

9 A: No. There was -- there was a point in time where I
10 thought I wasn't ever going to see them again. I thought I
11 wasn't ever going to see them again at all, but I did see them
12 I'd say about six times maybe.

13 Q: Okay.

14 A: Probably.

15 Q: In a two-year period? Did you go a long period of time
16 in the middle of all that where you didn't see your lawyers at
17 all?

18 A: Yeah.

19 Q: Okay. Did that cause you to file a motion to ask that
20 Mr. Strickler be relieved?

21 A: Yeah.

22 Q: Okay. How did that -- and the grounds -- what were the
23 grounds for your motion?

24 A: Well, I was just really not -- I was complaining about
25 the fact that I kept writing him, I couldn't get -- couldn't

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 get a response. I kept asking for information, I couldn't get
2 a response. I couldn't call him and get in contact with him.
3 I couldn't have friends and family call him and contact him
4 and get him, you know. I just couldn't reach him. And a lot
5 of stuff was happening at the time in my -- with the case as
6 far as people trying to testify, you know, trying to jump on
7 the case to testify on me. Police officers coming to the
8 detention center trying to talk to people to testify against
9 me. And I couldn't get in contact with my lawyer to even let
10 him know what was going on. I felt trapped.

11 Q: Okay. Ultimately, in 2007 in the summer, did you write
12 to the court and ask that he be dismissed as your attorney?

13 A: Yeah.

14 Q: And subsequent to that, did Mr. Strickler make a motion
15 to be relieved as counsel?

16 A: Yes. I -- I wrote the Supreme Court Disciplinary Counsel
17 making the same complaints and telling them, you know,
18 basically what -- what I had going on with him as far as, you
19 know, what I was thinking about his ineffectiveness.

20 Q: Okay.

21 A: And he filed a motion himself ---

22 Q: Okay.

23 A: --- to be relieved as counsel.

24 Q: Let me hand you the document, Mr. Oliver, and ask if you
25 recognize that document?

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 A: Yes, sir.

2 Q: What is that to your knowledge?

3 A: This is a notice and motion to be relieved as counsel.

4 Q: Okay. And was this particular motion brought up in your
5 cases and filed here in the Richland County Courthouse?

6 A: Yes, sir.

7 Q: Okay.

8 A: It wasn't brought up in my case now, but it was ---

9 Q: I understand, but this relates to the charges that we're
10 here about today; correct?

11 A: Yes. Yeah.

12 Q: Okay.

13 MR. BELDING: Your Honor, I'd like to move that this be
14 marked as Applicant's Exhibit 1 for identification.

15 MR. CORNEY: And we have no objection from the State,
16 Your Honor.

17 THE COURT: All right. Applicant's 1, you want it into
18 evidence? Do you object?

19 MR. CORNEY: No, I don't have any objection.

20 THE COURT: Okay.

21 MR. BELDING: I'm sorry. I was going to bring it up
22 later, but it's in the court record. I'd like to move it be
23 admitted just as Plaintiff's Exhibit 1.

24 THE COURT: It's into evidence, Plaintiff's 1.

25 MR. BELDING: Thank you. All right.

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 Q: Now, subsequent to that, obviously you were having a
2 little trouble communicating with Mr. Strickler. Was his
3 motion to be relieved granted or what happened?

4 A: I don't know. I mean I never -- I never heard anything
5 about it.

6 Q: Okay.

7 A: I was off from the court. I was brought from the
8 detention center downstairs in the bottom of the courtroom,
9 but I was never brought up here.

10 Q: Okay.

11 A: In front of the judge.

12 Q: Well, Mr. Strickler asked the Court by way of motion to
13 be relieved on June 28th of 2007. Now, in December of 2007,
14 your case was actually brought to trial; is that correct?

15 A: Yes.

16 Q: Okay. So six months later -- five months later you're at
17 trial and Mr. Strickler is representing you; is that correct?

18 A: Correct.

19 Q: Please explain to the Court how did Mr. Strickler stay as
20 your attorney for the trial of this -- these charges?

21 A: What do you mean?

22 Q: Well, he moved to be relieved, but he didn't get relieved
23 and you had written a letter stating you wanted him to be
24 relieved, but he wasn't relieved.

25 A: I don't know ---

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

- 1 Q: Ultimately ---
- 2 A: I don't know how that happened.
- 3 Q: Okay. Did he -- did he stay on as your attorney though
- 4 nobody did in order to relieve him; is that right?
- 5 A: Yeah.
- 6 Q: Okay. Prior to your trial, prior to December of 2007,
- 7 what kind of preparation did you do with your attorneys to get
- 8 ready to go to trial?
- 9 A: I didn't do any preparation, period. Well, besides me
- 10 talking to them about witnesses for me or ---
- 11 Q: Okay. Did you ---
- 12 A: That's about it.
- 13 Q: Did you give them a list of witnesses that you would like
- 14 them to call on your behalf?
- 15 A: Yes.
- 16 Q: Okay. Can you name some of the witnesses that you gave
- 17 them and said please contact these people?
- 18 A: Donna Kohn.
- 19 THE COURT: Say that name again, Mr. Oliver?
- 20 THE WITNESS: Donna Kohn. K-O-H-N.
- 21 Q: And how -- and how do you spell Kohn? Is it day K-A-H-N?
- 22 A: K-O-H-N.
- 23 Q: K-O-H-N. Okay. I'm sorry. Go ahead.
- 24 A: Monique Smith.
- 25 Q: Okay. Did you -- did you happen to know someone -- does

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- 1 the name Alfonzo Simmons, Jr., sound familiar?
- 2 A: Yeah. He was a witness.
- 3 Q: Was that a witness that you supplied and asked them to
- 4 contact?
- 5 A: Yeah.
- 6 Q: Okay.
- 7 A: I -- I told them to contact some people that stayed next
- 8 door to -- to Mr. Batie, the Favors or Favars. Favars. I
- 9 don't know. I can't remember what the guy's name, but I
- 10 remember requesting him as a witness, too, because of some
- 11 things that they had put in the newspaper that he said, you
- 12 know. I did business with the man, but I don't -- I didn't
- 13 kill this guy.
- 14 Q: Okay. Wait a minute. Let me go back. You did business
- 15 with who?
- 16 A: With Jim Batie.
- 17 Q: Jim Batie?
- 18 A: Yeah.
- 19 Q: He's one of the victims?
- 20 A: Yeah.
- 21 Q: Okay. What kind of business did you do with Mr. Batie?
- 22 A: Buy drugs.
- 23 Q: Okay. In fact, wasn't Mr. Batie, one of the victims, a
- 24 known drug dealer?
- 25 A: Yeah.

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1 Q: Okay. Did you ask your attorneys to contact anyone named
2 Michael Harrison?

3 A: Yeah, yeah, yeah.

4 Q: Okay.

5 A: Him, too.

6 Q: And do you recall whether you asked them to contact a
7 potential witness named Shaquita Evans?

8 A: Shaquita Evans, yeah.

9 Q: Shaquita?

10 A: Yeah.

11 Q: Okay. Well, let me go through this. Now, to your
12 knowledge, did either Ms. Lafave or Mr. Strickler contact any
13 of these witnesses?

14 A: Shaquita, they came in contact with by way of her being
15 called to testify.

16 Q: Okay.

17 A: I don't think -- I don't know if they contacted anybody
18 else.

19 Q: Okay. What would these witnesses have been able to
20 testify to in court?

21 A: Uh ---

22 MR. CORNEY: Your Honor, I'm going to object to that
23 testimony. I mean if he's got the witnesses here to testify,
24 then that's the right way to produce that evidence. He can't
25 say what they would have said. That's all speculation.

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1 THE COURT: I will sustain that objection.

2 MR. BELDING: Let me rephrase, too. I withdraw that.

3 Q: Mr. Oliver, were these people witnesses to your
4 whereabouts at the time of the crime or what -- just generally
5 without testifying why, why would they be witnesses for you?

6 A: Well, they -- they would have been witnesses to testify
7 to the things that was going on, the way that the -- the
8 investigation took place, the way that it was developing. And
9 Alfonzo Simmons, he was -- he was contacted by the -- by the
10 Richland County Sheriff's Department. Him, you know, they
11 contacted him at the detention center. By a private
12 investigator, Lee Connelly, through her -- through her
13 investigation of backlog, going through the log at Richland
14 County Detention Center, she seen that he was contacted. He
15 wrote a statement explaining exactly what it was that they
16 were saying to him and what they wanted from him and, you
17 know, I -- I didn't know him at all, but the statement came to
18 me. I got it and I gave it to my attorney.

19 Q: Okay. Was -- were any of these witnesses called to trial
20 by your attorneys?

21 A: No.

22 Q: Okay. Who is Investigator Lee Connelly?

23 A: She was the private investigator that I had got a chance
24 to meet sometime in 2007.

25 Q: Was she someone who worked for your attorneys?

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1 A: Yes, sir.

2 Q: Okay. To the best of your knowledge, what was she trying
3 to find out on your behalf?

4 A: Well, she was trying to question potential witnesses,
5 alibis, checking their stories, Michael Harris -- Michael
6 Harris, Alfonzo Simmons, you know, statements that people that
7 I've told them to question a certain way and ask them certain
8 questions, she would go back and talk to them I guess. You
9 know what I mean? I don't know because none of them never
10 took the stand or came to court to testify like that.

11 Q: Okay. Were you -- when -- before December the 3rd, 2007,
12 was the day you were brought to the courthouse to begin your
13 trial; is that -- does that sound right to your recollection?

14 A: Yeah.

15 Q: Okay. Prior to December 30th, 2007, when was -- when did
16 you meet with your attorneys before that to get ready? Did
17 you meet the day before?

18 A: It had to be at least a week before. I mean I'm sure
19 that it was before then. I mean he came right around ---

20 Q: He being Mr. Strickler?

21 A: Yeah, Mr. Strickler. Right around the time that I was
22 fixing to go to trial, he started coming to see me.

23 Q: Okay. Did you know you were going to trial?

24 A: Yeah.

25 Q: Okay. Had the State offered any -- made any plea offer

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1 to you or your attorneys?

2 A: I think they did. I can't remember.

3 Q: Okay.

4 A: I think they did though.

5 Q: At the time -- I'm sorry. At the time Mr. Strickler
6 started coming back around near the time of your going to
7 trial, had you and Mr. Strickler resolved your differences
8 that led to him moving to be relieved and your writing a
9 letter to the Supreme Court?

10 A: I don't know how you mean resolved our differences?

11 Q: Well, were you willing to go to trial with Mr. Strickler
12 as your attorney?

13 A: I didn't have a choice, but to go to trial with him.

14 Q: Okay. All right. He was -- he was your court-appointed
15 attorney and he hadn't been relieved so that's who represented
16 you?

17 A: Yeah.

18 Q: Okay. Now, let me just go through a couple of -- a
19 couple of items that came up at the trial. First of all, I'm
20 assuming that you are you alleging in this action that you had
21 received ineffective assistance from your two attorneys; is
22 that right?

23 A: Yeah.

24 Q: Okay. Were there things that they didn't do or could
25 have done or did that -- that led to your being convicted?

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1 A: Oh, man. Yeah.

2 Q: Okay. And you suffered prejudice as a result because
3 you're in prison; is that right?

4 A: Yeah.

5 Q: Okay. Let's just go through a couple of things. First
6 of all, at the crime scene -- and three people got killed;
7 correct?

8 A: Yeah.

9 Q: All right. My understanding from the transcript is that
10 there was a fingerprint on a shoebox that matched you. It was
11 your fingerprint.

12 A: Yeah.

13 Q: Is that correct?

14 A: Yeah.

15 Q: Okay. Do you -- was there any explanation for how your
16 fingerprint ended up on a shoebox in the victim's residence?

17 A: Yeah. I told -- well, I got a chance to tell my lawyer
18 at least two days before -- about two days before this --
19 before these murders took place, I went over to his house. He
20 had the shoeboxes on the couch and I sat on the edge of the
21 couch to get my money out of my sock and knocked the shoeboxes
22 over and picked them up and put them back on the couch. That
23 was it.

24 Q: So you were in the scene of the crime a couple of days
25 before the murders?

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- 1 A: Yeah. In the living room.
- 2 Q: And left some fingerprints there?
- 3 A: I should have left a lot of fingerprints on all the
- 4 shoeboxes, but yeah.
- 5 Q: Okay. How was that explained at trial? How was it
- 6 explained to the jury how your fingerprints got on a shoebox
- 7 at the scene of a murder?
- 8 A: Well, it would have been explained just like I just
- 9 explained it to you, but my attorney told me it wouldn't be a
- 10 good idea for me to take the stand.
- 11 Q: Why would he -- why would he say that?
- 12 A: I don't know. Probably because of he didn't want my
- 13 prior record to come out I guess.
- 14 Q: Okay. Did he -- did you have a discussion during the
- 15 trial about whether or not you were going to testify on your
- 16 own behalf?
- 17 A: Yes. And when -- when that discussion came up, I was
- 18 told by my -- my lawyer and my co-counsel that he would -- he
- 19 would, you know, tell my story -- tell my side of the story to
- 20 the jury in his closing argument. I wouldn't.
- 21 Q: Okay. Was there a time during the trial near the end
- 22 where Judge Cooper -- and he was your trial judge; correct?
- 23 A: Yes, sir.
- 24 Q: Did Judge Cooper ask you, Mr. Oliver, do you want to
- 25 testify?

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- 1 A: Yes.
- 2 Q: Okay. How did you answer that?
- 3 A: At the advice of my lawyers, I told him no.
- 4 Q: Okay. When that discussion came up with the Court, did
- 5 you actually take a break and talk to them before you came
- 6 back and answered it?
- 7 A: Yeah.
- 8 Q: Okay. And that's in the record; isn't it?
- 9 A: Yes, sir.
- 10 Q: How long a break was it?
- 11 A: Well, it was brief, about two minutes.
- 12 Q: Okay.
- 13 A: It was right like right there at the table.
- 14 Q: Okay. You didn't leave the courtroom?
- 15 A: No, sir.
- 16 Q: Okay. To the best of your recollection, were you talking
- 17 to Mr. Strickler or Ms. Lafave or both?
- 18 A: I was talking to both of them.
- 19 Q: Both of them? Now ---
- 20 A: Well, she explained to me that he was going to tell, you
- 21 know, my side of the story be known to the jury.
- 22 Q: Okay. There wasn't any testimony and evidence about how
- 23 your fingerprints could have gotten on the shoebox; is that
- 24 right?
- 25 A: No.

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1 Q: Okay. But was it your understanding that they were going
2 to explain that in the closing argument?

3 A: Yeah.

4 Q: Is that what you're saying?

5 A: Yeah.

6 Q: Okay.

7 A: If I'd have known that I wasn't -- that nobody was going
8 to do that, I would have testified myself because I thought
9 that it would have been -- I thought it was a grand thing for
10 the people to hear my voice and to, you know, at least hear my
11 side of the story from me, you know, and in a -- in a bigger
12 way that what it was because other than that, I was just
13 sitting over there in a suit looking like a person.

14 Q: When you had the little conversation on the record with
15 Judge Cooper near the end of your trial and he asked you
16 whether or not you were going to testify, and you answered no;
17 correct? And was that based on the advice of your lawyers?

18 A: Yes.

19 Q: Did you know at the time that -- that there wasn't going
20 to be any testimony or anything said about how your
21 fingerprints got on the shoebox?

22 A: No. Because that was told to me from them that my side
23 of the story was going to be told in his closing argument.

24 Q: Okay. Now, let me go over a couple of the issues that
25 you brought up in this post-conviction relief application in

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- 1 addition to that. One, there was some testimony at the trial
2 from someone named Latisha Jones; correct?
- 3 A: Yeah.
- 4 Q: Do you -- do you remember that?
- 5 A: Yeah.
- 6 Q: What did Ms. Jones testify to in open court?
- 7 A: She testified to a story that was made up saying that her
8 boyfriend, Dominic Gallman, told her that me and him committed
9 this crime.
- 10 Q: Okay. And in fact, we had three victims; correct? Ms.
11 Felder, Mr. Batie, and Mr. Miller that we named earlier;
12 right?
- 13 A: Yeah.
- 14 Q: And in fact, there were three defendants; correct?
- 15 A: Yes.
- 16 Q: And who are the three defendants?
- 17 A: Me, Dominic Gallman, and Kenneth Joy.
- 18 Q: Okay. And you -- were you all tried together?
- 19 A: Yes, sir.
- 20 Q: Who represented them? Did they have separate attorneys?
- 21 A: Yes, sir.
- 22 Q: Okay. What happened with Dominic Gallman at the end of
23 the trial?
- 24 A: He got -- he got convicted.
- 25 Q: What about Kenneth Joy?

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- 1 A: He got acquitted.
- 2 Q: Okay.
- 3 A: His charges got changed a couple of weeks or so before we
- 4 went to trial from -- from the principle crimes of murder to
- 5 before and after the fact all the charges that we had.
- 6 Q: Accessory?
- 7 A: Yeah. Before and after.
- 8 Q: All right. Now, getting back to what we're talking about
- 9 a minute ago. Latisha Jones was a State's witness; correct?
- 10 A: Yeah.
- 11 Q: And you testified that to your knowledge she was your co-
- 12 defendant Dominique Gallman's girlfriend; is that right?
- 13 A: Yeah.
- 14 Q: Okay. Had you ever met her before?
- 15 A: Yeah. I met her.
- 16 Q: Okay. And what was the gist of her testimony?
- 17 A: That Dominic told her that me and him committed these
- 18 crimes.
- 19 Q: Admitted them to who?
- 20 A: That we committed the crime.
- 21 Q: That you committed the crimes, oh.
- 22 A: Yeah.
- 23 Q: Did she testify that you had told her that?
- 24 A: No. She testified that he told her that.
- 25 Q: Okay. Did -- did you discuss with your attorneys what

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1 this witness might say prior to the trial?

2 A: My attorneys didn't know that -- what her testimony was
3 going to be because she just walked in the courtroom and
4 started testifying.

5 Q: Was she on the witness list?

6 A: No. Surprise witness.

7 Q: Surprise witness?

8 A: Surprised all of us.

9 Q: Okay. Did -- did Mr. Strickler or Ms. Lafave object to
10 her being a witness?

11 A: No.

12 Q: Okay. Did they object to any of her testimony as being
13 hearsay?

14 A: No. My lawyer did -- Mr. Strickler did object to her
15 testimony under Crawford v. Washington stating that he was --
16 he was not able to cross examine the source of the information
17 that she was testifying from.

18 Q: Okay.

19 A: Which was Dominic supposedly.

20 Q: And in fairness, after the witness testified, did Mr.
21 Strickler move -- object and move for a mistrial?

22 A: Yes, he did.

23 Q: Okay. From page 1056 in the transcript; is that right?

24 A: Yeah.

25 THE COURT: Do you actually know the page number?

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1 THE WITNESS: Yes.

2 THE COURT: Good for you. Thank you.

3 MR. BELDING: He knows every page, Your Honor.

4 THE COURT: All right. Thank you.

5 Q: So back on this particular point as far as your
6 allegations of ineffectiveness, is it your allegation that Mr.
7 Strickler did not timely object to keep Ms. Jones's testimony
8 out?

9 A: After -- after learning a few things, Ms. Latisha Jones,
10 her testimony should have been dealt with just like
11 Investigator Wilkerson or Abrams or anybody else's testimony
12 and, you know, they didn't know -- nobody knew what they were
13 going to say before they took the stand and so they had an in
14 camera hearing or something of that nature. It's something
15 lawyerly -- lawyerly that y'all could have done to have gotten
16 that testimony out before she even put it in front of the jury
17 and even if they were to admit it and let her testify, they
18 could have minimized -- worked through the kinks and minimized
19 any prejudice that I would've received from her testimony.

20 And that testimony was entered against Dominic Gallman on
21 803(b) against his penal interest. His penal interest and my
22 pedal interest probably are two different interests, but the
23 same because we was on trial together. I shouldn't have never
24 -- I should have never been on trial with him period or with
25 Ken Joy for that matter.

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1 Q: Well, since you say, you know, that you shouldn't have
2 been tried with them, do you know -- have you ever talked with
3 your attorneys about --

4 A: Several times.

5 Q: --- a motion to sever?

6 A: A couple of times, yeah.

7 Q: A couple of times?

8 A: Yeah.

9 Q: What did they say about it?

10 A: Well, I remember Doug telling me -- Mr. Strickler telling
11 me that he don't think there's a judge in the State of South
12 Carolina that would sever the trial for me. That was it.

13 That was what he told me.

14 Q: Okay. Did you rely on his opinion and advice on that
15 matter?

16 A: At the time, no, because I didn't think that me and my
17 attorney saw eye to eye and I was feeling like a lot of the
18 things that was being told told to me you were just, you know,
19 because I didn't know the law and I didn't have any money.

20 Q: All right. You know a lot more about it now; don't you?

21 A: Yeah.

22 Q: Okay. Another witness that -- that came up was Tatanisha
23 Robinson. Do you recall her testimony at the trial?

24 THE COURT: What page is she on?

25 MR. BELDING: She starts, Your Honor, at ---

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1 THE WITNESS: Well, she had two testimonies, one in
2 camera.

3 MR. BELDING: Right.

4 MR. CORNEY: 1188, Your Honor.

5 MR. BELDING: Yes. And then right ---

6 THE COURT: 1188?

7 MR. BELDING: Exactly.

8 THE COURT: And that's not in camera?

9 MR. BELDING: No. Her in camera started at 1012 and
10 several other witnesses came after that and then her testimony
11 in chief was at 1188. That's correct.

12 THE COURT: Thank you.

13 Q: Now, Ms. Robinson, who was she?

14 A: A girlfriend, one of them.

15 Q: Whose girlfriend?

16 A: Mine.

17 Q: Okay. Was ---

18 THE COURT: Ms. Robinson?

19 THE WITNESS: Tatanisha.

20 THE COURT: Tatanisha Robinson was his girlfriend?

21 MR. BELDING: Correct.

22 THE COURT: Mr. Oliver's?

23 Q: Wasn't that your testimony that was your girlfriend?

24 A: That was one of -- yeah.

25 Q: Okay. When was she your girlfriend?

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1 A: 2003, '04 and '05.

2 Q: Okay. Was she your girlfriend in and around the time
3 that these killings took place?

4 A: Yes.

5 Q: Okay. When did she quit becoming your girlfriend?

6 A: When Judge Cooper gave me life.

7 Q: Okay. All right. Because it makes it hard to date;
8 right?

9 A: Yeah.

10 Q: Okay. Now Ms. Robinson, the State put her up to -- what
11 was the gist of her testimony? Basically, what was she there
12 to testify to?

13 A: Well, she didn't want to testify at all because she -- at
14 her in camera hearing, she was -- she plead the Fifth about
15 four or five or six times and I don't know how she was
16 compelled to testify, but she did and she testified to a bunch
17 of lies.

18 Q: In fact ---

19 A: Which is why she didn't want to testify at all because it
20 was a bunch of lies.

21 Q: Well, was there a written statement of hers that was
22 talked about at the trial?

23 A: Well, it was a couple of written statements I guess. One
24 -- one statement that was taken from the investigators and
25 another statement that -- that was written from her

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1 personally.

2 Q: Now, in the course of her testimony ---

3 MR. BELDING: And, Your Honor, I'm on page 1194, just for

4 reference.

5 Q: Mr. Meadors, he was the prosecuting attorney for the

6 State; correct?

7 A: Yeah.

8 Q: John Meadors showed Ms. Robinson what had been marked as

9 State's Exhibit 185; do you recall that?

10 A: Yeah. That's the -- that's the statement. That's the

11 statement that was taken by the investigator.

12 Q: Okay. And, in fact, ultimately, didn't she tried to deny

13 that she had given that statement voluntarily?

14 A: Yeah.

15 Q: Okay. Do you think that Mr. Strickler was able to make

16 the point to the jury that effectively that Ms. Robinson did

17 not give that statement freely and voluntarily?

18 A: No. He could have -- he could have -- it was the other

19 statement that she wrote?

20 Q: Right.

21 A: He could have combated that with that -- I mean I don't

22 know. It's -- he's a smart guy. He could've did anything as

23 far as I know. I mean, you know, I still don't know the law.

24 Y'all went to school for that stuff. But I'm pretty sure that

25 it's something that he could have done that could have stopped

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1 that from happening completely because, one, even if she --
2 even if she did make that statement voluntarily, you know, the
3 statement that was taken by the investigators, she had already
4 let the Court know that she wasn't trying to testify to it at
5 all and she got on the stand and would not testify to it. So
6 that -- that kind of prejudiced me because he wasn't even able
7 to really cross examine her fully and completely about the
8 statement because she wasn't going -- you know, she wasn't --
9 she let everybody know that she's not testifying to it.

10 Q: Okay. I understand. Did -- who is Mike Allen? Did you
11 know that was?

12 A: Yeah.

13 Q: How did you know Mike Allen?

14 A: He got a baby by my sister.

15 Q: Say it -- I'm sorry?

16 A: He has a baby by my sister.

17 Q: Okay. And he testified at your trial, too; didn't he?

18 A: Yeah.

19 MR. BELDING: And that, Your Honor ---

20 THE COURT: Do you have it marked?

21 Q: I'm sorry?

22 A: 996. 990 something.

23 THE COURT: Okay. Say it again?

24 MR. BELDING: Oh, yeah. That's why I missed it.

25 Q: He is listed as Uleson C. Allen?

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1 A: Yeah.

2 Q: Is that right? And part of it begins at 888 and goes
3 through that -- through that number, but he goes by Mike; is
4 that right?

5 A: Yeah.

6 Q: And who is -- who is Mike Allen? He's your sister's
7 baby's father?

8 A: Yeah.

9 Q: Is that the only way you knew him?

10 A: Well, that's how I met him.

11 Q: Okay. Did you have any kind of dealings with him,
12 friends or business or anything like that?

13 A: Yeah, yeah, yeah, yeah. We was real close. We used to
14 call each other brothers.

15 Q: Okay. Was his testimony prejudicial to your interests in
16 the trial?

17 A: His testimony by itself was the trial. It was extremely
18 prejudicial. It should have never even -- they should have
19 handcuffed him.

20 Q: What -- what was it that he testified to that was
21 prejudicial to your interest particularly?

22 A: Well, his testimony consisted of speculation. His whole
23 testimony was speculation. He didn't talk about anything that
24 he said I told him specifically. He said that -- well,
25 specifically he said that I told him that I did not kill

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1 Desiree Felder. Well, he kept saying that woman. I did not
2 kill the woman or that woman is how he termed it, but it's
3 Desiree. And he went on to say that that doesn't mean that I
4 didn't kill -- that doesn't mean that I didn't kill anybody
5 else.

6 Q: Do you recall where that is in the transcript, Stanley?

7 A: I'm thinking it was 996.

8 Q: Okay. Let me look.

9 A: I think so.

10 MR. BELDING: Let me -- may I approach the witness, Your
11 Honor?

12 THE COURT: Yes, sir.

13 Q: Let me hand you the first -- or second volume of the
14 transcript. This is in the area of Mr. Allen's testimony.
15 Can you show me where -- now, yours is marked up a little
16 better, but where exactly is that transcript exchange that you
17 were referring to?

18 A: This transcript here is so pretty.

19 Q: I know. It's not written up.

20 A: I'm trying to read fast so I won't take up a whole bunch
21 of time.

22 Q: I appreciate it. Just when you find it, let me know.

23 THE COURT: You take -- you take all the time you need,
24 Mr. Oliver.

25 A: Oh, right here, page 910.

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1 Q: Okay.

2 A: I would say from 8 to 22. It states, well, I mean our
3 faith is Muslim, you know, and it's totally forbidden for you
4 to even strike a woman and I have known Stanley as long as
5 I've known him. You know, I've seen women assault him is what
6 he said, and Stanley, he's never even raised a hand to them.
7 So, you know, for him to tell me that was enough for me to
8 know, you know, that he didn't kill the woman, you know. He
9 wouldn't kill a woman.

10 I mean the bottom line was, you know, whatever had
11 happened, he was willing to let me know that he didn't kill
12 that woman, you know. Not to say that he didn't kill anybody
13 else, but to make me understand that he didn't kill that woman
14 and you know that, to me, that was all that really mattered,
15 you know, that he didn't kill the woman.

16 Q: So what -- what exactly was -- so Mr. Allen was implying
17 that you might not have killed her, but you might have killed
18 the other two?

19 A: Yeah. That's exactly what -- I mean he said it. He said
20 not to say -- but that's not to say that he didn't kill
21 anybody else.

22 Q: This -- this Mr. Mike Allen, Uleson Allen, have you ever
23 talked to him about this crime?

24 A: Yeah, but telling him that the police was looking for me.

25 Q: Okay.

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1 A: And what was going on.

2 Q: And that part of the transcript that you just read about
3 he might've killed others, that's the part that you felt was
4 prejudicial in front of the jury?

5 A: Well, that was extremely prejudicial because he was
6 allowed to say it.

7 Q: Okay.

8 A: And get away with it.

9 Q: All right. Did Mr. Strickler or Ms. LaFave object to
10 that testimony?

11 A: I would have said objection if they did that.

12 Q: Okay. All right. Let me get this back a second.

13 A: His whole testimony was just screwed up. I didn't -- I
14 don't know the ins and outs of the law or how to work it as my
15 lawyers would however, but John Delgado and Jonathan Milling,
16 when when Mike -- when Uleson was offering his speculation,
17 they would object to it as speculation and would get it
18 sustained, but my lawyer would never do that.

19 Q: As to their clients they would get sustained an
20 objection?

21 A: Yeah.

22 Q: Okay. But you didn't get an objection as to you?

23 A: No.

24 Q: Okay.

25 THE COURT: And I -- I don't -- I don't see an objection

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1 there by Mr. Delgado or Mr. Milling.

2 Q: Do you recall exactly where those objections would have
3 been? And it's a fairly long period. I'm sorry. I'm going
4 to give you back the transcript to see if you can find where
5 the objections were made.

6 A: Yeah. I could find it real quick.

7 Q: Yeah. You know. His testimony goes from 888 to 1001.

8 (Whereupon, there is a pause in the questioning.)

9 THE COURT: On page, for example, 918 and 919, Mr.
10 Delgado is objecting to the testimony -- to Mr. Allen's
11 testimony, but the judge ends up -- and Mr. Milling and the
12 judge ends up sustaining that objection, which would sustain
13 it ---

14 MR. BELDING: As to everyone?

15 THE COURT: Nothing comes in. I mean if he sustained the
16 objection.

17 MR. BELDING: Is that on line 20 to 22 and 25 in there,
18 Your Honor?

19 THE COURT: That's right.

20 MR. BELDING: I did have it written down. Okay. I was
21 finding it just as you did it. Okay.

22 THE COURT: Now, there may be others because you
23 obviously have a long transcript here. I noticed -- that's an
24 example. I'll go through this.

25 THE WITNESS: Yeah. I've got my hand on a couple of them

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1 right now, but I was looking for that specific one where Mike
2 was fixing to say -- was talking about -- okay. Well, he was
3 talking about Ken Joy telling him that he got -- I object to
4 any speculation this gentleman is going to offer.

5 THE COURT: That's right. That's what I was just
6 referring to.

7 THE WITNESS: Oh, okay.

8 THE COURT: All right.

9 THE WITNESS: Well, the same deal.

10 Q: All right. And Mr. Oliver, on page 921 at line 15, Mr.
11 Allen says he was told how evidence was trashed?

12 A: Yeah. Yeah. He said that -- he said that Ken Joy told
13 him how evidence was trashed, how he said Ken Joy told him
14 that he got rid of clothes, guns, cars. Yeah. I don't ---

15 Q: Okay. Any objection to that testimony?

16 A: No.

17 Q: Page 922, Mr. Allen is saying something about ---

18 A: What did ---

19 Q: Yeah.

20 A: What did you do after that after Mr. Joy had told you
21 that your brother -- you took your brother -- another -- can I
22 just say something right quick?

23 Q: Sure. Go ahead.

24 A: Another thing about this, his testimony was that he was
25 the State's self-proclaimed star witness or key witness or

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1 whatever you want to call it. He was able to do something
2 that Doug tried to stop everybody else from doing or at least
3 try to, you know, minimize throughout the whole entire trial,
4 which was, you know, he objected to it -- to these testimonies
5 under Bruton ---

6 Q: Okay.

7 A: --- v. United States. And this guy here, he -- it was
8 like he didn't have no restraints at all. He can just say
9 what he want. He got away with everything. He was able to
10 violate Bruton, Crawford, Lyles, and their mamas.

11 THE COURT: And what?

12 THE WITNESS: And their mothers. Everybody.

13 A: All of the, you know. He was able to get away with, you
14 know, saying all this stuff, testifying unchecked, you know,
15 without being stopped, and I think that he should have been
16 stopped a long time ago before the jury ever heard all of it
17 to the point to where it -- it's stuck in their head that this
18 guy was some type of expert on what took place when he did not
19 have any personal knowledge of this crime whatsoever.

20 Q: As a matter of fact, didn't he have a criminal record
21 himself?

22 A: His criminal record is longer than my criminal record.

23 Q: Okay. And was he in or out of jail at any time around
24 the time of these crimes? Did that come out?

25 A: He was -- you're saying was he arrested?

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1 Q: Was he in jail in and around these crimes when any of
2 these statements might have been made?

3 A: No. He was in jail when -- when it was time -- when he
4 -- when we was going to trial, he was in Lexington County's
5 custody.

6 Q: Okay.

7 A: I don't know what for.

8 Q: That's what I seem to remember is he was brought in to
9 testify.

10 A: Yeah.

11 Q: Okay. And just to complete the point about Mike Allen,
12 there's a couple of other pages, too, page 926 starting at
13 line 11?

14 A: Why did you ask him. Well, my brother was already locked
15 up. This the -- this the -- my brother was already locked up,
16 you know. You know, I just felt like, you know, I just had a
17 few questions I needed answered. One was about, you know, the
18 robbery. I was like, you know, my brother's prints are all
19 over the spot where the murders took place, you know. You
20 know, all did a robbery. You know, y'all did a robbery. You
21 know, the thing about the robbery, you know, if you're going
22 to do a robbery, you know, why you let him run in there and if
23 it went to the extent, you know, why did you let him go in
24 there without his gloves on? Why did you let him leave his
25 prints all over the place if it was going to go down like

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1 this? You know, like you're automatically giving yourself
2 away.

3 And he told me -- he, being Dominic. He told me, man,
4 you know, your brother be -- how your brother be. Your
5 brother was all on that cocaine. Man, I couldn't tell your
6 brother that. You know, your brother wanted to do what he
7 wanted to do. You know what I'm saying? Pretty much
8 answering the questions of why his prints were all over the
9 place because he couldn't stop him, you know, my brother from
10 doing what he wanted to do. They said did you learn any
11 information about what actually happened at Mildred Ave. and,
12 if so, from who. Well, I learned from Dominic -- and my
13 lawyer start objecting to it then at that point.

14 Q: But it's your point that every -- so to speak that the
15 bell had already been run, that that it all come out already
16 before he objected?

17 A: Yeah.

18 Q: Okay. Is there a hearsay problem on page 928 beginning
19 on line 25?

20 A: Have you ever seen Stanley Oliver with any weapons?
21 Firearms?

22 THE COURT: Well, I can certainly read the transcript and
23 specifically ---

24 MR. BELDING: Okay. I just wanted to ---

25 THE COURT: --- Mr. Allen's testimony.

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1 MR. BELDING: I appreciate it, Your Honor.

2 THE COURT: All right.

3 MR. BELDING: There are -- there are a number of hearsay
4 things that Mr. Oliver has pointed out to me that if you'd
5 like I've be glad to just give you a list of specific ones.

6 THE COURT: All right.

7 MR. BELDING: Okay. And then you can compare later.

8 THE COURT: All right.

9 A: The thing is, is his testimony -- well, not just his, but
10 his -- you know, his specifically because we're talking about
11 it. A lot of these testimonies would have never -- never got
12 past go if we was sticking to the hearsay clause or if we was
13 actually arguing Bruton. My lawyer correctly objected and
14 argued Bruton in the beginning of the trial and it was -- it
15 was rearranged and misinterpreted by -- by the solicitor, John
16 Milling, but my lawyer still argued it the right way and told
17 them that he was relying on the United States Supreme Court,
18 at which time John Meadors told him we rely on Chief Justice
19 Toal, and through my studies, Chief Justice Toal relies on the
20 United States Supreme Court and she said that her -- her
21 opinion is in agreement -- well, her and the other justices
22 opinion is in agreement with that of the United States Supreme
23 Court that statements like this are inadmissible.

24 Q: Yes, sir.

25 A: They do not come in.

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1 Q: You know, you bring up an interesting point.

2 THE COURT: Gentlemen, I apologize. Give me about ten
3 minutes, please.

4 MR. BELDING: No problem.

5 THE COURT: Thank you very much.

6 MR. BELDING: We'll be at ease.

7 THE COURT: Court will be in recess for 10 minutes.

8 (Whereupon, there is a break in the proceedings from 3:39
9 p.m. until 3:49 p.m.)

10 THE COURT: Thank you, Mr. Belding. You can come back
11 around, please, Mr. Oliver. All right. Mr. Belding?

12 MR. BELDING: May it please the Court, Your Honor. It
13 was a good time for a break because Mr. Oliver ---

14 THE COURT: You want to take another break?

15 MR. BELDING: Mr. Oliver has done extensive research into
16 the case and he has prepared for my benefit in his own
17 handwriting a list of all the places in the trial with
18 different witnesses that there was a problem that he alleges
19 contributed to his being prejudiced and being convicted in his
20 trial. And to save the Court's time, what I propose with Mr.
21 Corney is that I give you his original list, but I just want
22 to know evidentiary -- as an evidentiary question, I was
23 thinking about moving it to be admitted as these are his
24 allegations that he would have testified to under oath, and
25 the only question is Mr. Corney doesn't know how to cross

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1 examine this document and I would be willing to say if you
2 want to take that and then at your leisure look through his
3 cross references to see the points that he's made, if Mr.
4 Corney would like to submit anything in writing in rebuttal,
5 we, of course, wouldn't have a problem with that. It's a
6 little unusual, but that way we wouldn't have to sit here and
7 go through each one.

8 MR. CORNEY: And, Your Honor, that's exactly what my
9 concern would be because I have never seen this. It's got a
10 whole slew of hearsay and I don't even know what else because
11 I haven't had a chance to read it all. A couple pages worth
12 of stuff just set forth. I'm just getting this right now. I
13 mean if he's going to set them forth, I'm concerned about my
14 ability to not cross examine him on each one of these
15 allegations and it just being part of the record. I mean the
16 record is going to speak for itself and if he wants to say
17 there's a bunch of hearsay objections, I mean the record will
18 speak for itself and Your Honor obviously has the record
19 before you. I just -- I'm concerned about being able to cross
20 examine him on essentially what are amended pleadings that I
21 was just handed, but I just have my concerns to that. So I
22 don't know how I feel about that without being able to have
23 time to look this over and then cross examine him about it.

24 THE COURT: Well, there's a couple of issues. First off,
25 whether it's hearsay or not would be number one and, number

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1 two, its prejudice, and really number three is -- no
2 disrespect to Mr. Oliver, who seems to have good knowledge of
3 his case. It doesn't matter whether he says or thinks it's
4 hearsay or not. It's whether or not it was ruled and it's
5 going to go back to the record anyway.

6 MR. BELDING: Right.

7 THE COURT: And then my decision is if it's hearsay and
8 if it's prejudicial.

9 MR. BELDING: All right. And also ---

10 THE COURT: I'm not prohibiting the attorney general from
11 asking him. I'm just -- I'm not going to prohibit you from
12 cross examination.

13 MR. CORNEY: And, Your Honor, that's fine. I just -- I
14 guess I just don't -- I haven't had a chance to even look at
15 this so I mean I don't even -- I'm not even prepared to go
16 over upon every single one of these hearsay objections that he
17 says should have been made in a 2300 page trial transcript. I
18 mean it's just a whole lot to ask me to hand this to me and
19 then say go over there and cross examine him on and it's six
20 or seven pages worth of hearsay objections, you know, in a 12
21 day trial.

22 MR. BELDING: I appreciate that. As a matter of fact, I
23 actually got this in the mail this morning. He mailed it last
24 week, but I was working with EJ last week and I got them this
25 morning. I said, well, here we go.

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1 THE COURT: IGA, that's a food service?

2 MR. BELDING: IGA, yeah. I do a little -- little food
3 bagging over there. I was down in Kiawah. Would you -- what
4 -- could this be submitted as basically an amendment to the
5 application?

6 MR. CORNEY: And I mean -- I mean that's -- I guess
7 that's exactly my objection to it is it's a last-minute
8 amendment to the application. That's exactly my basis for it
9 I believe is that it is a last-minute amendment to the
10 application that I have never seen before and so that's my
11 concern is I'm not prepared to go forward on however many. I
12 can only guess, 50 or 60 different allegations could be set
13 forth in this thing.

14 MR. BELDING: And I guess what I thought and I understood
15 the objection to say was if we -- if he says, look, I think
16 this was a hearsay problem here on page 1, well, he can look
17 and say it is, it's not, whether it's prejudicial or not. I
18 don't know whether he'd have to.

19 MR. CORNEY: And that's fine. And that's why I asked
20 you. If these are all hearsay objections and they are all
21 things that he thinks were hearsay that should've been
22 objected to, I'm fine with them coming in. Obviously, Your
23 Honor is going to read the record and see these things himself
24 and decide based on the rule whether it was hearsay and
25 whether it was prejudicial, just like you said. I just don't

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1 know that these -- this -- all these pages are simply hearsay
2 objections. I might have missed it.

3 MR. BELDING: I thought they were. When I look through,
4 by and large most of them are.

5 MR. CORNEY: I just don't want to overlook some claim
6 that relates to something else that I should cross examine him
7 on that I don't even see in here because it's so many
8 allegations set forth.

9 THE COURT: Well, I'll leave the record open and if you
10 ---

11 MR. CORNEY: That would be perfect, Judge.

12 THE COURT: -- have time and opportunity to review it and
13 if there's something you want to cross examine Mr. Oliver
14 about, we'll -- we'll reconvene.

15 MR. CORNEY: Okay. Thank you, Your Honor. That would be
16 perfect. Thank you.

17 MR. BELDING: And so in that regard, I have -- here's a
18 copy of his -- this is actually the original, Judge. I've
19 given a copy to the attorney general and got one -- one for
20 ourselves.

21 THE COURT: All right. Thank you.

22 MR. BELDING: Now, may it please the Court, Your Honor.

23 THE COURT: Yes, sir.

24 CONTINUED DIRECT EXAMINATION

25 BY MR. BELDING:

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1 Q: Mr. Oliver, at some point in the trial there were some
2 phone records introduced that were I believe State's Exhibit
3 188; is that correct?

4 A: Yes.

5 Q: Okay. Let me hand you ---

6 A: I've got one.

7 Q: You've got one of these?

8 A: Yeah.

9 Q: Okay. Let me ask you is this --- what is this document?

10 A: That's a summary prepared by a lady named Joanna
11 MacDuffie from the Solicitor's Office of phone calls to and
12 from my co-defendant Dominic Gallman's telephone.

13 Q: Okay.

14 A: To whoever else's telephone, mine included.

15 MR. BELDING: I'm sorry. Just for your reference, this
16 is what he's referring to.

17 Q: All right. Now, this -- this document that you're
18 looking at, Mr. Oliver, description of property and its
19 attachment. This came into the trial; correct?

20 A: Yes.

21 Q: Exhibit 188. And this was prepared by someone in the
22 attorney -- in the Solicitor's Office; is that your
23 understanding?

24 A: Yes, sir.

25 Q: Okay. Was that person a witness to put it into evidence?

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- 1 A: Dana Outen, yeah.
- 2 Q: Okay.
- 3 THE COURT: Say that again?
- 4 A: Dana Outen.
- 5 Q: Yeah. O-U-T-E-N and that was the witness. Okay. And
- 6 who was Dana Outen to your recollection?
- 7 A: A lady that worked for the Solicitor's Office.
- 8 Q: All right. When was the first time you saw this little
- 9 summary page -- this list?
- 10 A: When Dana Outen brought it to the courtroom.
- 11 Q: Was it during the trial?
- 12 A: Yeah.
- 13 Q: Okay. Was a copy of this provided to ---
- 14 A: Oh, no, no, no, no, no, no. I saw it before. Doug
- 15 brought it with him to the detention center.
- 16 Q: Okay.
- 17 A: With him.
- 18 Q: It had been provided as part of the discovery pre-trial;
- 19 correct?
- 20 A: Yeah.
- 21 Q: Okay. And it's signed and obviously it got admitted.
- 22 What is your understanding of what this document was purported
- 23 to say? What kind of evidence was it?
- 24 A: The solicitor, John Meadors, in his closing argument said
- 25 that this is how we are connected. This puts us together.

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1 Q: And us meaning who?

2 A: Me and Dominic.

3 Q: Okay. This Dominic Gallman, is that a man or woman?

4 A: Dominique, he a man.

5 Q: Dominique's a man? Is it -- this is a list of phone

6 numbers. Whose cell phone number is this 803-599-0434?

7 A: That was his cell phone number.

8 Q: Dominic's?

9 A: Yeah.

10 Q: Dominic Gallman's cell phone number?

11 A: Yes, sir.

12 Q: What is 803 on the first listing 779-6080?

13 A: That was my home number, me and my girlfriend home

14 number.

15 Q: Okay. And who was your girlfriend at the time?

16 A: Renata Williams.

17 Q: Okay. And in fact, she was a witness at the trial, too;

18 correct?

19 A: Yes, sir.

20 Q: Okay. R-E-N-A-T-A Williams?

21 A: Williams.

22 Q: Okay. How did -- did your attorneys object to this

23 coming into evidence?

24 A: Yeah. He -- well, he objected to it under a Rule 5

25 stating that we was provided a copy of the wrong phone

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1 records, which I have here. We was provided a copy of the
2 wrong phone records, but the summary what they were actually
3 looking to get in, we didn't know and he said that that was
4 evidence used in chief at the trial. We didn't know that they
5 wanted to use these phone records to state that this is how
6 they connect us together or none of that, you know.

7 Q: Okay. You don't think your attorneys knew that prior to
8 the trial?

9 A: Well, he say he didn't.

10 Q: Okay. And when you say he, Doug told you that?

11 A: Well, he said that on the record.

12 Q: Okay.

13 A: Yeah.

14 Q: When did -- was -- and was this document used as part of
15 the State's closing argument?

16 A: It was a big part of his closing argument.

17 Q: You happen to know the page number off the top of your
18 head?

19 A: Twenty -- 2240 something or 2111.

20 Q: 2111?

21 A: John Meadors, he went ham -- well, while I don't want to
22 use slang, but he went AWOL with this phone records -- with
23 these phone records and a perfect argument was put together
24 about these phone records being -- being completely confusing
25 to the jury and everybody else and the judge himself told them

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1 that this was confusing and if they didn't know -- if they
2 didn't redact it some kind of way or break it down some kind
3 of way to make them understand it, that it wouldn't be
4 admissible and they did.

5 He was trying to use the phone -- he was trying to use a
6 phone number stating that it was my phone, that it was -- had
7 to do with me. My lawyer properly objected to it, telling
8 them that from the testimony of the guy that worked at the
9 phone company that there's no subscriber's information to the
10 phone and he objected to it as being deemed as my phone period
11 because there's no subscriber's information to state that is
12 my phone and he broke that whole entire testimony down about
13 phones being connected to other people's names and not being
14 connected to people's names and the judge okayed that and he
15 gave them specific instructions as to how to testify to that
16 -- to that summary and he went completely against that. That
17 was on 2244.

18 Q: And I actually have -- I just happened to turn right -- I
19 have the transcript. Is all that right in there? And I'm on
20 2242 is where it sounds like it started. Is that the part you
21 are referring to that is a problem with this summary?

22 A: Yeah. I'm going back to -- to page 1760 right quick.
23 The best argument that I have -- I have seen about this --
24 this summary was on -- it started on 1760 from line 6 to 15,
25 and again at 1764, lines 15 and 16. But this is exactly what

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1 I'm talking about with this summary.

2 Q: Okay. And is it your allegation that this was very
3 prejudicial as to how it tied you two together in a timeline;
4 correct?

5 A: Yeah. This -- it didn't tie us together in no shape,
6 form or fashion, but you know, this is my -- this is my best
7 friend so we're going to be on the phone with each other at
8 certain points in time. The time that they are purporting
9 that these crimes took place and the times that we was on the
10 phone, they don't even have nothing to do with -- neither one
11 of them have anything to do with the other period.

12 MR. BELDING: And I haven't done it yet, but let me have
13 this marked as Applicant's next one for identification.

14 (Whereupon, the phone records summary is marked as
15 Plaintiff's Exhibit Number 2.)

16 Q: I'm handing you, Mr. Oliver, what's been marked as
17 Applicant's 2 for identification, which is a document and this
18 was in evidence at the trial, Exhibit 188.

19 THE COURT: What is that?

20 MR. BELDING: Judge, now it's been marked as that -- yes.
21 Thank you.

22 THE COURT: And this argument was back on 60 and 61 --
23 1760 and 1761 has to do with the cover sheet; correct?

24 MR. BELDING: That's my understanding.

25 THE WITNESS: Yes, sir.

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1 THE COURT: And did that come into evidence, the cover
2 sheet?

3 Q: Actually, wasn't this the only part that came in or did
4 the cover sheet come in, too?

5 A: No. The cover sheet didn't come in.

6 Q: Didn't come in? That's right.

7 THE COURT: Well, then move on from the cover sheet if it
8 didn't come into evidence.

9 MR. BELDING: All right.

10 THE COURT: It can't be prejudicial.

11 A: The thing -- the prejudicial part of that was that the
12 judge made a specific ruling about -- about how to testify to
13 this entire summary on 1770, line 4 -- line 4 to line 8, but
14 in the closing argument, he went against that and testified to
15 it how he wanted to testify to it.

16 Q: And that's Mr. Meadors you referring to; correct?

17 A: Yeah.

18 Q: Okay. Did Mr. Strickler or Ms. LaFave object to how he
19 was characterizing the evidence that was in -- had been before
20 the Court?

21 A: No.

22 Q: Okay.

23 THE COURT: And what he's saying here is because of line
24 4 through 8 on page 1770 that the testimony didn't come in in
25 disregard to the judge's instruction. He's saying the closing

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1 statement may have been in disregards of this?

2 MR. BELDING: Exactly, Your Honor. It was my
3 understanding -- and, Mr. Oliver, correct me if I'm wrong in
4 characterizing this, but my understanding is that your
5 allegation before the Court is that Mr. Meadors actually
6 argued points that were not in evidence and, you know,
7 incorrectly using this State's Exhibit 188 as part of his
8 closing argument, which he found to be very prejudicial
9 because it connected the two co-defendants.

10 THE COURT: All right. Thank you.

11 A: Well, yeah. And the fact that he was stating stuff that
12 was never even testified to. He -- that's what I'm saying he
13 was able to go ham with this phone records thing here.

14 THE COURT: All right. I understand. You can move on
15 now.

16 MR. BELDING: Okay. Appreciate it.

17 A: And I -- excuse me. I had the phone records -- well,
18 some of them that I was able to save anyway that was never --
19 the phone summary and my home number, which was at the time
20 803-779-6080, Dominic's cell phone -- his phone called my --
21 called my house three times at 1:43 a.m. and 1:53 a.m. and
22 4:34 a.m. My phone records from BellSouth don't have the
23 phone calls on there and the argument that Delgado and -- I
24 guess Delgado made about these phone records being confusing
25 and misleading was, you know, that -- that fixed that because

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1 if the jury was to get this phone summary, the phone summary
2 is wrong because the call is not on none of the records.

3 And they were -- they was supposed to go back and fix all
4 this stuff, Joanna MacDuffie and Dana Outen and whoever, but
5 it probably really made no difference whether they fixed it or
6 not because of what Mr. Meadors was saying in his closing
7 arguments about the phone records and how they connect us and
8 what was taking place with this phone call and this phone call
9 as if somebody was telling him, well, at 1:43, this is what
10 they were talking about.

11 Q: Well, obviously, the phone record list doesn't have any
12 -- it doesn't say what was actually said on the phone. It
13 just says that a call was made; correct?

14 A: Well, yeah, but John Meadors said what was said on the
15 phone.

16 Q: Okay. And that's in the closing argument in the
17 transcript?

18 A: Yes.

19 Q: Okay. And in the course of the 12 day trial, and I think
20 you mentioned this yourself, Mr. Oliver, obviously no one's
21 going to do everything perfectly.

22 A: Yeah.

23 Q: And no one's going to mess everything up.

24 A: You're right.

25 Q: Would you agree that there were things that Ms. LaFave

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1 and Mr. Strickler did that were what we might call examples of
2 good lawyering in the course of the 12 day trial?

3 A: I would be a liar if I told you that either one of them
4 was, you know, hated by me. I don't hate them at all. I'm
5 thankful for what they did do for me, but the trial was so
6 long and it was so much stuff. Just like Doug said in his
7 closing argument, that it was a bunch of stuff that was being
8 used that's not even evidence that's being put up as evidence
9 that clouded everybody else's, you know, way of seeing and it
10 was hard trying to sift through all of this stuff, but they
11 did do a lot to help me because if they didn't, I wouldn't --
12 you know, I wouldn't have a leg to stand on here.

13 Q: I understand. Did they -- was there anything about Mr.
14 Strickler's closing argument that you found objectionable or
15 ineffective?

16 A: Well, yeah. He didn't -- he did not point out the fact
17 that I was at this man's house two days before this crime took
18 place, that I -- my fingerprints were on that shoebox or
19 should have been on all of them. It was four shoeboxes or
20 three. It was three or four shoeboxes. My fingerprints
21 should have been on all three of them or all four of them,
22 however many of them that I knocked down and picked up and put
23 back on the couch. My fingerprints should have been on all of
24 them and Doug should have told the jury that or should have
25 let me tell them.

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 Q: And that is one of your biggest complaints, too, is that
2 you weren't allowed to take the stand?

3 A: Yeah.

4 Q: Okay. Well, we've got all -- a whole list in front of
5 Judge McMahon about points that you made meticulously going
6 through the transcript. Is there anything else you'd like to
7 tell Judge McMahon while you're on the stand about this case?

8 A: Well, I don't -- I guess I've argued a lot of stuff as
9 far as -- well, I brought up most of everything that I thought
10 that I could bring up, you know, that's relevant, very
11 relevant, constitutional issues. One bigger thing is that my
12 -- my appellate counsel didn't -- he was ineffective. He was
13 super ineffective for not even hearing my voice. I told him
14 to raise certain issues before we even got to this point that
15 we wouldn't -- you know, it probably would've never got to
16 this point. But then again, who knows? But I wanted him to
17 -- I informed him of me and the conflict of me and my lawyer
18 was having and he said that that's an issue that's better
19 raised on PCR and I explained -- I broke it down and told him,
20 well, we had the issue beforehand and the motion that my
21 lawyer filed to be relieved as counsel, it was actually in the
22 judge's hands and in the prosecutor's hands. So it should --
23 we don't have to go to PCR. It's a -- it's a known fact that
24 he did not want to be my lawyer and I did not want him to be
25 my lawyer.

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 Q: But ultimately, you did go to trial with Mr. Strickler as
2 your defense?

3 A: I didn't have any choice but to go to trial with Mr.
4 Strickler.

5 Q: And there were things that he did that were helpful to
6 you?

7 A: Yes, he did.

8 Q: And according to your testimony, thinks he did that were
9 ineffective?

10 A: Exactly.

11 Q: Okay. All right. Anything else?

12 A: The -- the admittance of that gun barrel, that should
13 have never even been brought into this courtroom in front of
14 the jury to even contemplate its origins or anything of that
15 nature there. Mitch Wilkerson's so-called statement, my
16 lawyer did object to that. He -- he objected to it pursuant
17 to -- well, to 83-03-5, but that was disregarded. The
18 veracity of that statement should -- he should have never even
19 -- he should've never been allowed to even state none of that
20 stuff there as a statement because ---

21 Q: Do you know where that is ---

22 A: --- that was not a statement at all.

23 Q: Do you know where that is in the transcript?

24 A: It's in the in camera, Mitch Wilkerson in camera.

25 Q: Okay, but the jury didn't -- so the jury didn't hear any

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 of that?

2 A: Oh, no. They heard it. They heard it, but they heard it
3 later on in his -- later on in his testimony to -- in front of
4 them.

5 Q: Okay. And where -- just -- can you point that out to us
6 in the transcript? Is it -- his -- his testimony starts at
7 1591 and goes to almost the end of 1600. Do you know where it
8 is in that hundred and something pages?

9 A: No, but it would probably be in the beginning of it
10 somewhere. I got 1601 right here.

11 Q: Okay. Well, that might be it. Do you have that? Do you
12 have that portion of the transcript in front of you?

13 A: Oh, man. Here it is right here.

14 Q: Well, okay. What page are you on?

15 A: 1601.

16 Q: Okay. And what is it that is said by Investigator
17 Wilkerson?

18 A: Well, he said that -- he stated that I gave him a
19 statement, but in the statement he was -- you know, I did talk
20 to him, but he was saying that I was leaning back in my seat
21 smiling as if this was some kind of game or something. I mean
22 that's the implication that he was making when he was saying
23 this stuff and that I was boasty, like I guess I ain't got to
24 answer, you know. This is triple homicide, man. That would
25 be stupid for me to even play with these people like that, you

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 know what I mean? The thing that I'm -- I'm raising here is
2 the fact that this man never -- never once did a proper
3 statement like a written statement, took contemporaneous notes
4 while me and him was talking or whatever the case is. I was
5 interviewed for over an hour and some change, an hour and a
6 half or something like that, and he said that he remembered
7 everything that we said from the time that the advice of
8 rights was given all the way to the end of this -- to the end
9 of our conversation and he typed that up on two pieces of
10 paper and that was -- that was his statement or that was
11 supposed to be my statement.

12 Q: Did you -- did your lawyer challenge that, either Mr.
13 Strickler or Ms. LaFave?

14 A: Uh ---

15 Q: On cross examination?

16 A: Yeah. He -- my lawyer objected to it under -- under 83-
17 03-five.

18 Q: And the -- and the judge overruled the objection?

19 A: Yeah.

20 Q: Okay.

21 A: At the end, but other than that, man, everything else is
22 -- you know, the fact that I did ask my lawyer this, to point
23 out any inconsistencies and the fact that these expert --
24 these expert witnesses for the State, all of their testimonies
25 has helped me, but nobody pointed that out to the -- to the

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 jury at all and let them know that, well, the stuff Jason
2 Brown's saying or Mike Allen or whoever else is saying, it
3 does not match anything that these technicians are saying,
4 like the CSI ---

5 Q: Right.

6 A: The forensic pathologist. Jason Brown is saying I told
7 him I'd pistol whipped Jim Batie with a .40 caliber handgun
8 and shot Kevin Miller in the chest twice and two forensic
9 pathologists, they took the stand and said none of that --
10 there's no evidence of any of that. Jason Brown is saying
11 that I told him an entrance was made this way. Mike Allen say
12 that Dominic said an entrance was made another way. Latisha
13 Jones say that Dominic told her an entrance was made this way.
14 Jason Brown says that I told him evidence was destroyed like
15 this. Mike Allen say that Ken Joy told him evidence was
16 destroyed like this. And Latisha Jones say that she seen
17 Dominic and his dad burning clothes.

18 I mean none of this -- none of this was even brought up
19 or the fact that Renata's statements -- where her statement
20 was completely and totally different than her testimony and
21 the fact that she was throwing up like crazy before she even
22 testified or came to the stand to testify and was under
23 tremendous pressure and stated several times to Ms. LaFave
24 that she was afraid and that she was being threatened with --
25 with criminal charges or telling them -- they was telling her

STANLEY OLIVER - DIRECT EXAMINATION BY MR. BELDING

1 that she was going to get murder charges and they kept showing
2 her pictures of dead bodies and stuff like that.

3 I mean I didn't -- it wasn't nothing fair about whatever
4 it was they was looking for for her, you know, to put up
5 against me because at that point I would have probably made up
6 a story to get out of their face. You know what I mean? But
7 she didn't say anything that damaging except the fact that she
8 changed her entire statement saying that I came in at this
9 time as opposed to coming in at this time. Her and Mike
10 Allen's testimony -- well, her and Mike Allen's statements
11 matched each other precisely to the letter as far as the date
12 and the time that they saw me with drugs and money. And
13 dozens of people got on the stand and said that, you know, I
14 deal with drugs. But her testimony was completely and totally
15 opposite from her statement and nobody stopped her and said
16 wait a minute, you didn't say that here and we have your
17 statement right here. Your statement says this and it matches
18 the statement that he made, but his testimony is the same, but
19 your testimony is not the same. Your testimony is different
20 from your statement and his statement. You know what I'm
21 saying?

22 Q: And that inconsistency was not pointed out by Mr.
23 Strickler?

24 A: No.

25 Q: By your lawyers? Okay. Okay. Well, Mr. Oliver, I

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 appreciate it. Please answer any questions Mr. Corney might
2 have.

3 THE COURT: All right. Yes, sir?

4 CROSS EXAMINATION

5 BY MR. CORNEY:

6 Q: All right, Mr. Oliver, I'm going to try to go through
7 these as best I can. I might jump around a little bit, but
8 you seem to know the record very well so I don't think I'm
9 going to mislead you at all. It's obvious that you are ahead
10 of me on that. I think you said before that there should have
11 been fingerprints all over the house because you'd been before
12 there before and knocked a bunch of stuff over; is that right?

13 A: No. There should have been fingerprints on several
14 shoeboxes.

15 Q: Okay. And there was only one fingerprint found on one
16 shoebox by the crime scene investigators; is that right?

17 A: Yes, sir.

18 Q: Okay. And on -- in closing that was something actually
19 in opening and closing. I think Ms. LaFave did the opening
20 and Mr. Strickler did the closing. That's something they
21 hammered on pretty -- pretty hard that there was just this one
22 fingerprint that the police had found; correct?

23 A: Yes, sir.

24 Q: Okay. That was kind of a little bit of the strategy it
25 would seem from the transcript was they only have this one

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 fingerprint and the police jumped to a conclusion based on
2 that; right?

3 A: Yeah.

4 Q: Okay. So that one fingerprint was kind of the basis of
5 the defense. Wouldn't you agree that the police jumped to a
6 conclusion and busted Mr. Oliver because there was one
7 fingerprint of Mr. Oliver's in the house?

8 A: Yeah.

9 Q: Okay. Just to clarify, I know that you went through a
10 fair amount of -- a fair amount of the testimony from a lot of
11 these witnesses. Latisha Jones specifically, her testimony
12 that you were referring to earlier, that was -- and just
13 correct me if I'm wrong. That was what Mr. Gallman, your co-
14 defendant, had told her the morning after all of this
15 occurred; is that correct?

16 A: No. The morning that it occurred.

17 Q: The same morning? This happened after midnight in the
18 early morning hours and that next morning ---

19 A: Yes, sir.

20 Q: --- Mr. Gallman went to Ms. Jones allegedly and told her
21 all this stuff?

22 A: Yes, sir.

23 Q: Okay. And -- and that was just in their house, just the
24 two of them in a room talking about it?

25 A: Supposedly.

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 Q: Okay. And Ms. Jones is Mr. Gallman's girlfriend; is that
2 right? They were in a relationship?

3 A: Yes, sir. Their story didn't come about until later on
4 down the line. So that -- that whole entire testimony was
5 made out. I didn't even have to look over and find out why
6 that she was even doing that because everybody knew that that
7 was a lie.

8 Q: Okay. And I'm just asking you about -- just clarifying
9 for the judge. It's a big transcript. I just want to make
10 sure I kind of lay it out how it is. So this is Mr. Gallman
11 going to Ms. Jones and telling her the morning after as his
12 girlfriend in the confidence of their home this is what
13 happened last night and she references your name during the
14 course of that; is that correct?

15 A: Well, she didn't state my name. She said his friend.

16 Q: Right. During the testimony, she never says your name.
17 She says Mr. Gallman and his friend; correct?

18 A: Yeah.

19 Q: Okay. Never mentioned your name throughout the entire
20 testimony about what Mr. Gallman and told her?

21 A: No.

22 Q: Okay. And the State was alleging that you and Mr.
23 Gallman were co-conspirators in this crime and you carried
24 this crime out; correct?

25 A: Yeah.

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 Q: Okay. Ms. Jones's testimony was essentially Mr. Gallman
2 told me him and his friend did this during the crime. He said
3 he did that during the crime. And it's all describing the
4 crime and what was going on and how it was laid out; correct?

5 A: Yeah.

6 Q: Okay. As far as Tatanisha Robinson -- and I don't know
7 if I'm saying that correctly. Mr. Strickler cross examined
8 her pretty extensively about -- about lying on the stand;
9 didn't he?

10 A: Yeah.

11 Q: Okay. And the fact -- and that was a big -- that was a
12 big part of this trial was that this statement was coming in
13 and she got up on the stand and denied ever making the
14 statement, denied she'd ever send those things, and that they
15 weren't true?

16 A: Well, she said that -- she said that some parts of it
17 that she made up and some of it that she never even -- never
18 said that. No, I did not make that statement. Yeah, I said
19 that, but it was a lie. You know.

20 Q: Okay. And she was -- they got her to testify by granting
21 her immunity so she couldn't get up and plead the Fifth;
22 right?

23 A: Well. She pleaded the Fifth first. I don't know how she
24 -- how after that she became, you know.

25 Q: Okay. Do you recall Mr. Meadors and it was -- it was

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 kind of spaced out in the transcript, but going to the
2 Attorney General's Office ---

3 A: Yeah.

4 Q: --- the State prosecutor going to the Solicitor's Office
5 and getting her immunity so that she couldn't be prosecuted
6 for what she testified to?

7 A: Yes.

8 Q: Okay. And, in fact, Mr. Strickler on cross examination
9 introduced a statement written by Tatanisha Robinson in her
10 own handwriting saying exactly the opposite of what the
11 statement she had given the police; correct?

12 A: Yes, sir.

13 Q: And that essentially was his -- would have been his way
14 of refuting her testimony by introducing this is your
15 statement and she said, yes, this is my statement and this is
16 the truth?

17 A: Yeah.

18 Q: Correct? Okay. As far as -- as far as ---

19 A: I don't know if that was admitted into evidence or not,
20 but as a matter of fact it wasn't because John Meadors said in
21 his closing testimony about the way that piece of paper he had
22 as a statement from her is -- that's not in evidence.

23 Q: Right. But she had -- she had testified as to it. He
24 had gotten her to testify I guess I wrote this letter or this
25 statement after the fact in my handwriting because this is the

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 truth?

2 A: Right.

3 Q: And she said that, you know, that that -- that what she
4 had said previously was not true to law enforcement?

5 A: Right.

6 Q: Okay. As far as the phone records that were introduced
7 and discussions about those, there was a Suncom and a Sprint
8 and Nextel and AT&T and possibly even some more ---

9 A: BellSouth.

10 Q: And experts that came in to testify to the records and
11 who the account holders were on them; correct?

12 A: Mm-hmm.

13 Q: Okay. And that's I guess where the records came from
14 that were made into a summation later were from these
15 companies directly?

16 A: Well, they made the summary from his phone number itself
17 specifically and to show them that he called my house
18 September the 4th at 1:43 a.m., 1:53 a.m., and at 4:34 a.m. He
19 ---

20 Q: Okay.

21 A: His number called my number. They was saying that that's
22 how we're connected.

23 Q: Shaquita Evans, when she took the stand, she specifically
24 testified as to what your phone number was and what Mike
25 Allen's phone number was, too; didn't she?

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 A: I think so. I ain't sure.

2 Q: Okay. And I can reference you to a page number if you
3 need one. It would take a minute to find it, but if you need
4 me to do that, I will. I know you've got a pretty -- pretty
5 good grasp of the record though.

6 A: Yes, she did.

7 Q: She did testify as to what your phone number was and what
8 Mike Allen's phone number was, and ---

9 THE COURT: And you guess ---

10 A: And she testified --- sir?

11 THE COURT: Is that yes, she did testify to those two
12 numbers?

13 THE WITNESS: Yeah. She testified to the numbers that
14 she purported as mine, but that wasn't my number.

15 THE COURT: That was her testimony?

16 THE WITNESS: Yes, sir.

17 THE COURT: All right. Thank you.

18 Q: And Kenneth Joy, when he took the stand in his defense,
19 he testified as to what some of these phone numbers were as
20 well; didn't he?

21 A: I can't really remember whether his testimony was -- I
22 know he was testifying about -- yeah. He testified to a few
23 of those numbers.

24 Q: Okay. Mr. Strickler ended up making an objection to that
25 testimony as a matter of fact, Kenneth Joy's testimony as to

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 what the phone numbers were; is that your recollection of it?

2 A: My lawyer objected to his testimony?

3 Q: To Kenneth Joy's testimony as he was starting to say some
4 of these numbers -- phone numbers that he knew of and who they
5 belong to.

6 A: I don't -- I don't remember that.

7 Q: Do you recall Mr. Strickler making a mistrial motion
8 based on that testimony from Kenneth Joy?

9 A: No.

10 Q: Okay. And that's -- that's later on. That's on page
11 2060 of the transcript. I don't know if that helps you at
12 all. I know you have a good -- you know, you know where the
13 page numbers are it seems like, but ---

14 A: And that was about the phone records itself?

15 Q: Where Mr. Strickler made a motion for a mistrial based on
16 that testimony as to whose phone number was whose. And that
17 was a motion that was denied by the Court.

18 A: Oh, yeah. That's the -- that they were saying that the
19 phone -- one of those phone numbers belonged to me and my
20 lawyer was saying that the Sprint Nextel guy or whoever it was
21 that owned the subscribers to the phone, he said there was no
22 subscriber information to the phone, and he's objecting to it
23 as it being labeled my phone because there's no -- there's no
24 information to say whose phone it is.

25 Q: Okay. Now, as far as these witnesses who testified, the

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 only statements that were introduced to police whereby Kenneth
2 Joy had a statement to police that was introduced at trial; is
3 that right?

4 A: Yeah.

5 Q: Okay. Renata Williams, who we discussed, she got up
6 there and said that she hadn't said those things and had a
7 statement to law enforcement?

8 A: No. That's Tatanisha.

9 Q: Oh, Tatanisha Robinson, excuse me.

10 A: Yeah.

11 Q: Renata Williams did have -- did have -- did give a
12 statement or she just got up and testified?

13 A: She gave -- she gave two statements.

14 Q: Okay. But she was at -- she was at the trial and she
15 testified?

16 A: Yeah.

17 Q: Okay. Mike Allen gave statements and he was there to
18 testify on that date; correct?

19 A: Yeah. Her -- her statement -- Renata Williams's
20 testimony was inconsistent with her statement.

21 Q: Okay. Jason Brown also gave statements and he was there
22 to testify on the day?

23 A: Yes.

24 Q: And -- and like I said, Tatanisha Robinson. So everyone
25 that actually gave a statement to law enforcement was at trial

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 -- a statement that was introduced at trial was there that day
2 to testify or during the -- during the course of the trial
3 they testified. There was an opportunity to cross examine
4 those witnesses that give actual statements to law
5 enforcement?

6 A: Yeah. They said my -- they said Monique gave a
7 statement, but she wasn't there. And another guy named Horace
8 Holmes gave a statement, but his statement was so over the
9 rainbow that they didn't even call him to the stand.

10 Q: Okay. Dominic Gallman gave a statement, but that was
11 never introduced or mentioned it trial, his statement?

12 A: No.

13 Q: Okay. So there was no statements introduced by any of
14 your co-defendants where that co-defendant didn't take the
15 stand and wasn't able to be cross examined? I mean Kenneth
16 Joy had a statement. He was cross examined. Dominic Gallman
17 had a statement. It wasn't introduced so there was no need to
18 cross examine. Would that be a fair statement to say?

19 A: Right.

20 Q: Okay.

21 MR. CORNEY: I beg the Court's indulgence for just one
22 minute, Your Honor.

23 THE COURT: Yes, sir. Certainly.

24 A: Kenneth Joy testified to the interviewer that he had -- I
25 don't know if he had a statement, a written statement though.

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 I don't think he had a written statement at all as a matter of
2 fact. It wasn't in my Rule 5. He testified to his interview
3 that he had with investigators and his lawyer was there for
4 his -- for his questioning or whatever.

5 Q: Okay. Now, your attorneys also were able to bring out
6 the fact that there was -- they actually had the DNA expert
7 and they cross examined him about a second fingerprint being
8 found on the victim's car, Jim Batie's car; is that correct?

9 A: Yeah.

10 Q: Okay. And that was a -- I believe it was a Rasheed
11 Rucker was the person's name who that DNA -- who that
12 fingerprint was matched to?

13 A: Yeah.

14 Q: Okay. And that was to call into question the fact that
15 you had one fingerprint found there and obviously there was
16 another fingerprint found there at the scene; correct?

17 A: Yeah.

18 Q: Okay. So they did do something to call -- to call the
19 fingerprint into question and actually did argue it at opening
20 and closing as well?

21 A: Well, they -- they -- my lawyers, both of them, they had
22 -- they had a disagreement about the fingerprint itself and
23 John Meadors kind of touched on that trying to attack --
24 trying to attack their -- I don't know -- I guess knowhow in
25 his closing argument saying that they were so confused about

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 whether they was mine or wasn't mine because one lawyer said
2 this and the other lawyer said that, but ---

3 Q: Okay. Mike Allen's testimony I think you said you
4 thought was very prejudicial. His testimony was essentially
5 just relaying he said allegedly you had told him previously;
6 correct? I mean most of it was statements from that he
7 alleged you had told him?

8 A: Just stuff that he was speculating because I had -- I
9 never had them conversations with him, period.

10 Q: Okay. But that's what his testimony was that he alleged
11 that you had said those things. I'm not -- I'm not asking you
12 whether you did not say those things. That was his testimony?

13 A: Yeah. And -- and the fact -- well, his testimony was
14 just prejudicial because he was speculating besides, you know,
15 saying this stuff that was supposedly said to him, he was
16 going outside of that saying, well, I think this and this is
17 how I feel about it and so on and so forth, and wasn't able --
18 wasn't stopped in doing that.

19 Q: Okay. And I know I'm jumping around a little bit here.
20 I'm trying to have one straight line of thought here, but I
21 him jumping around. Latisha Jones, as far as her being not on
22 the witness list or showing up as surprise testimony, that was
23 something that was brought up before she ever took the stand;
24 correct?

25 A: No.

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 Q: That wasn't something that was mentioned on the record as
2 saying, you know, she said she was going to get up there and
3 testified to something differently that we didn't know about?

4 A: No.

5 Q: Okay.

6 A: Oh, wait a second. I understand you, but I don't. Like
7 I say, could you say that again for me, please?

8 Q: I said Latisha Jones, as far as her getting up there and
9 testifying, was that something that was mentioned on the
10 record by any of the three defense attorneys, not just your
11 attorney but your co-defendants' attorney that they weren't --
12 they weren't quite sure what she was going to testify to and
13 it might be Crawford or Bruton issues?

14 A: Yeah. Yeah. Milling. Jonathan Milling. Right before
15 she took the stand, it was told to them that she was going to
16 testify and they was like, well, we know the witness, but we
17 don't know what she's going to say and we don't know if
18 there's any Crawford or Bruton issues that's related with her
19 testimony.

20 Q: Okay. And the judge essentially said we're going to put
21 her up there and just tell her not to say anybody's name and
22 then he asked Mr. Strickler and the rest of the attorneys what
23 they -- he asked them if they still had an objection to that
24 and they all said they did; correct?

25 A: No.

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 Q: You don't recall the judge saying that he was going to
2 put Ms. Jones up there and allow her to testify essentially
3 over their objection?

4 A: They didn't object to that.

5 Q: Okay. But Mr. ---

6 A: They objected after that.

7 Q: And Mr. Strickler moved for a mistrial after she -- after
8 she testified?

9 A: After she did that.

10 Q: And the Court declined to grant a mistrial?

11 A: Yeah. They didn't -- they didn't grant the mistrial.

12 MR. CORNEY: I just beg the Court's indulgence for one
13 moment, Your Honor.

14 THE COURT: Certainly.

15 A: And the judge didn't -- well, he allowed it I guess. You
16 know, the judge is the chief. The prosecutor explained before
17 she took the stand that after Jonathan Milling said what he
18 said about him or us not knowing what she was going to testify
19 to, the prosecutor said that they worked it out with Ms.
20 Jones, to -- and told her not to say my name or use anybody's
21 name. That's -- that's about it. And they allowed her to
22 testify.

23 MR. CORNEY: I believe that's all the questions I have,
24 Your Honor. Thank you.

25 THE COURT: Redirect, Mr. Belding?

STANLEY OLIVER - CROSS EXAMINATION BY MR. CORNEY

1 MR. BELDING: No redirect.

2 THE COURT: Thank you. Thank you very much, Mr. Oliver.
3 You may step down.

4 (Whereupon, the witness leaves the stand at 4:35 p.m.)

5 MR. BELDING: Your Honor, that's the applicant's case.
6 We understand Mr. Strickler is going to testify.

7 THE COURT: All right.

8 MR. CORNEY: Your Honor, the State would call Mr. Doug
9 Strickler to the stand.

10 THE COURT: All right. Mr. Strickler, if you'd come
11 around please and be sworn.

12 THE BAILIFF: Please place your left hand on the Bible and
13 raise your right hand and face the clerk.

14 THE CLERK: Do you swear or affirm the testimony you
15 shall give this Court to be the truth, the whole truth, and
16 nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Please have a seat and state your full name
19 for the record, sir.

20 THE BAILIFF: Watch your step for me, please. Speak into
21 the microphone.

22 THE WITNESS: Douglas Stephen Strickler, S-T-R-I-C-K-L-E-
23 R.

24 MR. CORNEY: May it please the Court, Your Honor.

25 THE COURT: Yes, sir.

DOUG STRICKLER - DIRECT EXAMINATION BY MR. CORNEY

1 DOUGAS STRICKLER, being first duly
2 sworn, testifies as follows:

3 DIRECT EXAMINATION

4 BY MR. CORNEY:

5 Q: Mr. Strickler, thank you for being a little patient with
6 us back there in the back of the courtroom this morning.

7 A: Yes, sir.

8 Q: Or this afternoon I suppose. Do you recall Mr. Oliver's
9 case?

10 A: I do. Yes, sir.

11 Q: Okay. And you've been sitting in the back of the
12 courtroom and you've heard Mr. Oliver's testimony to this
13 point?

14 A: I have.

15 Q: Okay. You represented Mr. Oliver in your capacity as the
16 public defender of the Fifth Circuit?

17 A: I did.

18 Q: I just wanted ---

19 A: At that point in time, the public defender for the -- for
20 Richland County.

21 Q: For Richland County?

22 A: Yes.

23 Q: Okay. And have you had a chance to look over the file a
24 little bit from your representation in this matter before
25 coming in here?

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1 A: A little bit as I sat in the courtroom.

2 Q: Okay.

3 A: But not prior to that.

4 Q: Mary LaFave sat second chair on this case?

5 A: She did.

6 Q: Okay. Do you remember meeting with Mr. Oliver to discuss
7 the charges, the indictments, and everything he was facing in
8 this matter?

9 A: Yes.

10 Q: Okay. Did he bond out of jail at any point in time or
11 was he in there until trial?

12 A: No, he did not.

13 Q: Did Ms. LaFave ever have meetings with Mr. Oliver that
14 you weren't present at or anything along those lines?

15 A: Yes.

16 Q: And were you privy to all -- to all the conversations she
17 had had, her notes, everything that was developed as part of
18 that?

19 A: Well, we kept each other informed as to any conversations
20 we had. I'd be -- I'd hesitate to say that I was privy to
21 everything that she discussed with him.

22 Q: Right.

23 A: She didn't give me a verbatim rendition of their
24 conversations. We talked about what we needed to talk about.

25 Q: Okay. During your meetings with Mr. Oliver, were you

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1 able to kind of go over his prior criminal history and how
2 that might affect -- how that might affect where he was going
3 with this trial, a plea, anything along those lines?

4 A: We reviewed his -- his criminal history.

5 Q: Okay. At some point in time, you were served with the
6 State's notice of intent to seek life without parole?

7 A: If it was an LWOP case, then I was served with it, yes.

8 Q: Okay. And I think the record reflects that was in
9 November of 2007. I don't know if it was in open court, but
10 if that's in the record, would it be fair to say you'll defer
11 to that?

12 A: Right.

13 Q: During your discussions with him, were you able to make
14 it -- was he aware based on your discussions with him that he
15 was facing life without parole?

16 A: If they served him, they served me and I was aware of it.
17 It's just -- it's been five years. I can't remember further.

18 Q: Yes, sir. Just to briefly give the judge an idea of what
19 Mr. Oliver was facing and what y'all were discussing, if you
20 could, I know it's been a while, but could you give the Court
21 just a very brief overview of what the State was alleging?
22 That's something -- and if you don't feel comfortable doing it
23 off of memory, I'll withdraw the question. I don't want to
24 put you on the spot.

25 A: They alleged that Mr. Oliver and his two co-defendants

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1 entered a residence and killed three individuals and took
2 drugs and money.

3 Q: Okay. And that's fine. I didn't mean to put you on the
4 spot on the details. I know it's been a long time. Do you
5 remember receiving the discovery motions in this matter?

6 A: Yes.

7 Q: Okay. And were you able to review that with Mr. Oliver
8 as it came in?

9 A: Yes. In fact, I received discovery in the case, spent --
10 the initial discovery. I spent five hours reviewing it myself
11 and then spent in February of 2006 approximately three hours
12 reviewing that with Mr. Oliver.

13 Q: Okay. And I don't know if you got your notes right front
14 of you. It might help, but anything in particular you
15 remember as being noteworthy from that discovery file? You
16 may recall and had noted -- if it takes a lot of flipping
17 through there, I can direct you a little better, but ---

18 A: Direct me, please.

19 Q: You've heard testimony this morning from Mr. Oliver about
20 a fingerprint. Is that something you recall? A fingerprint
21 on a shoebox? Do you remember that?

22 A: I remember that. Right.

23 Q: And I think the record will reflect there were no guns
24 linked to the murders they were ever found in this?

25 A: I think that's correct.

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1 Q: So obviously there's no ballistics tests, no recovered
2 projectiles to match the shells and projectiles and that sort
3 of thing, so those wouldn't have been part of your discovery
4 file in this matter?

5 A: If I -- if I remember correctly, that's right.

6 Q: Okay. But I think there had been ballistics tests at
7 least to show that all of the casings were fired by the same
8 gun in all three of the victims; is that correct?

9 A: I honestly don't remember at this point.

10 Q: There were some statements to police in this case and
11 from what you can remember, would it be fair to say that that
12 was the majority of the incriminating evidence, that there is
13 no gun, there's not much physical evidence? It would be the
14 statements that would be very damaging to Mr. Oliver?

15 A: I think that's correct.

16 Q: Okay. Do you recall whether or not Mr. Oliver gave a
17 statement to law enforcement?

18 A: He -- I don't believe he gave a written statement to law
19 enforcement. I'm sure they interviewed him, but I don't think
20 he gave a written statement.

21 Q: Okay. And he had two co-defendants in this case;
22 correct? Dominic Gallman and Kenneth Joy?

23 A: Correct.

24 Q: And there's a whole lot of evidence that was testified to
25 earlier and I'll just go through them one by one, but is it

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1 fair to say that Crawford and Bruton and those types of issues
2 with unavailable witnesses or those kind of statements that
3 are made, that was a concern of yours throughout the trial?

4 A: Correct. If I could just drop back, as far as my review
5 of the discovery, I mean I can't get specific because I have
6 15 pages of notes as far as the initial review of the
7 discovery.

8 Q: And that's no problem.

9 A: Yeah.

10 Q: Like I said, I'm not trying to nitpick or put you on the
11 spot on this.

12 A: Crawford and Bruton I thought were -- were central to
13 this case so they were the concerns of -- or major concerns of
14 not only of Ms. LaFave and myself, but of the other two
15 attorneys in this case.

16 Q: Okay. And a lot of this was set-in-hand testimony sort
17 of obviously with the Crawford situation. It was -- it was a
18 girlfriend testifying as to what a boyfriend had told her
19 about the entire thing and essentially -- and that's very
20 basic. You just said it was Crawford.

21 A: Right.

22 Q: Your recollection, okay. A lot of testimony about drugs
23 as well throughout the course of this trial. That's kind of
24 an essential theme; is that fair to say?

25 A: I think that's correct, yes.

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1 Q: All right. Do you recall any trial strategy you were
2 able to develop as you went through the discovery in your
3 discussions with Mr. Oliver? Any kind of defense theories,
4 anything along those lines?

5 A: The lack of evidence on the part of the State relating to
6 Mr. Oliver.

7 Q: Okay. And I think I mentioned in my questioning to Mr.
8 Oliver the fact that there was one fingerprint there and not a
9 lot of other stuff, kind of sloppy police work kind of pinning
10 it on -- pinning it on the one guy whose fingerprint was
11 there; does that seem like the sort of strategy you might have
12 used there?

13 A: It's the lack of substantial physical evidence linking
14 him to the incident. Yes, sir.

15 Q: Okay. Do you recall whether or not Mr. Oliver ever gave
16 you a list of witnesses to interview on his behalf or to talk
17 to?

18 A: He supplied a lot of names. I believe Ms. LaFave has a
19 list that she was listing as Mr. Oliver testified and a list
20 of what we did regarding each of them.

21 Q: Okay. And you had a private investigator helping you out
22 on this case?

23 A: That's correct. She -- she basically took the names he
24 mentioned and compared it to the notes and we've got a stack
25 of reports from Lee Connelly, who was our investigator, that's

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1 approximately an inch, two inches thick.

2 Q: Okay. Going into this trial, did you ever consider
3 making a motion for severance? Is that something you had ever
4 discussed with him or with the judge in chambers prior to or
5 anything along those lines?

6 A: That is something that we considered. We discussed it.
7 We entered into a joint defense agreement in writing as a
8 matter of fact with the other attorneys representing the co-
9 defendants, something which I reviewed with Mr. Oliver prior
10 to entering into it.

11 Q: All right.

12 A: We -- he elected not to seek severance in this matter.

13 Q: Okay. And from what you can remember based on your
14 review of the discovery and the independent investigation of
15 the facts and your discussions with Mr. Oliver, going into
16 trial were you able to develop I guess an opinion on the
17 State's ability to prove his guilt beyond a reasonable doubt?
18 Did you think it was an overwhelming case? I mean just an
19 everyday case?

20 A: I felt that we had an -- I felt that we had a triable
21 case in this situation. It's a homicide and there are three
22 dead bodies and that all was an aggravating circumstance to
23 have to contend with. So, you know, I'm not going to say I
24 felt good about our chances, but I felt we had a triable case.

25 Q: Thank you. I'm not going to go through them one by one,

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1 but there were pretty substantial pre-trial motions that were
2 made and argued before the trial actually started; correct?

3 A: I seem to remember that. Yes, sir.

4 Q: All right. And in just -- just in your experiences with
5 multiple defendants being tried together, is it important --
6 an important part what you say to make sure there's plenty of
7 instructions given as to the evidence and how it can be
8 considered between the three defendants?

9 A: Yes, sir.

10 Q: Okay. And that was something you requested in this case?

11 A: I hope so.

12 Q: And I think the record will reflect you did. It'll speak
13 for itself in that regard.

14 MR. CORNEY: I beg the Court's indulgence for just one
15 moment, Your Honor.

16 THE COURT: Certainly.

17 Q: Do you -- Mr. Strickler, do you recall discussing with
18 Mr. Oliver his right to testify with him and going over his
19 right to even take the stand or not take the stand?

20 A: Yes, sir.

21 Q: Okay. Do you recall specifically those conversations or
22 just in general it was a conversation you had with the
23 defendant?

24 A: I -- I remember conferring with him regarding it. As to
25 the specifics, I didn't take notes while I was having the

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1 conversations.

2 Q: But it would have been his decision in the end?

3 A: It would have been his decision and it would've been -- I
4 would've given him a recommendation. I think I have an
5 ethical obligation to advise my client in that regard and I
6 certainly advised him not to testify in this matter.

7 Q: Okay. And throughout the course of this trial -- and I
8 don't know if this will jog your memory at all. There was
9 some question about whether one defendant putting up evidence
10 waives closing argument for all three -- or last closing for
11 all three defendants. Is that something you recall?

12 A: Correct.

13 Q: Okay. And I think the judge ended up -- Judge Cooper
14 ended up ruling that it did waive final argument?

15 A: That would be correct.

16 Q: So at that point in time, it's kind of a -- after you've
17 already lost, it's kind of a situation where you might as well
18 go ahead and put up some defense evidence at that point?

19 A: That -- that impediment to putting up evidence would be
20 -- would be gone at that point, correct. That doesn't
21 necessarily make you still want to put up anything.

22 Q: Well, absolutely, but in this case you did put up -- you
23 did put up a defense on Mr. Oliver's behalf?

24 A: I think we introduced some evidence in the case. Yes,
25 sir.

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1 Q: And that was regarding this other fingerprint that was
2 found of Rasheed Rucker that was found on Mr. Batie's car?

3 A: As I remember it correctly.

4 Q: And that was to kind of call into question that one
5 fingerprint that was found on Mr. Oliver shouldn't be the
6 condemning evidence because there are other fingerprints out
7 there?

8 A: Correct.

9 MR. CORNEY: I believe that's all the questions I have.
10 Thank you, Mr. Strickler.

11 THE WITNESS: Yes, sir.

12 THE COURT: Mr. Belding?

13 MR. BELDING: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. BELDING:

16 Q: Mr. Strickler, was this -- was this a case where the jury
17 came to the wrong decision?

18 A: I thought they came to the wrong decision factually and
19 -- and legally. I can't -- I don't fault them for coming to
20 that decision, but I would've come to a different decision.

21 Q: Because you understand reasonable doubt?

22 A: I had mine. I have my own idea what constitutes
23 reasonable doubt.

24 Q: I understand.

25 A: And, you know, I'm not going to say everyone agrees with

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1 me about it.

2 Q: Okay. You mentioned earlier in your response to a
3 question from Mr. Corney that the motion to sever -- was there
4 ever a motion to sever actually made?

5 A: Not that I remember, no.

6 Q: Do you recall whether or not Mr. Oliver asked you to
7 sever the two other defendants away from his trial?

8 A: I don't remember him asking me that.

9 Q: Okay. Do you think that would have been in his best
10 interest?

11 A: Had I thought it would be in his best interest, I
12 would've made the motion to sever.

13 Q: Okay. Why -- what about this trial do you think was
14 better to have them all done together?

15 A: It gets far more confusing that way.

16 Q: And confusing ---

17 A: And also it builds in the potential for Bruton and
18 Crawford problems, which I'd hoped to see something done with
19 on appeal, because we certainly spent enough time arguing
20 about it during the course of the trial.

21 Q: I mean you did have a lot of Bruton and Crawford issues
22 that came up, but when you say it would be more confusing, is
23 that the defense strategy of if we confuse the jury enough
24 that should get them to acquit?

25 A: Confusion does not assist the prosecution in this

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1 particular matter in my opinion.

2 Q: Okay. The same way for a plaintiff in a civil case
3 because the burden is on them; correct?

4 A: Yes.

5 Q: You mentioned also the joint defense agreement?

6 A: Yes, sir.

7 Q: All right. At one point in the trial -- and I'm
8 referring to page -- around page 356. Let me hand you this
9 transcript. I want to see if this refreshes your memory.
10 Let's go back a little bit. Back in here. Just take a second
11 and look over that.

12 A: I'm not sure what you -- what you're referring to, sir,
13 here.

14 Q: Well, I was wondering if this was related to that joint
15 defense agreement. Do you see the objection that was made and
16 at one point as to Mr. Gallman, the Court asked Mr. Delgado
17 what his position was on it, and Mr. Gallman was -- I mean --
18 excuse me, Mr. Delgado was stating that, you know, they like
19 to sort of -- and I'm paraphrasing. They like to present a
20 united front, but actually it helped his client to not object.
21 Is that -- am I reading that correctly?

22 A: I'm sorry. I'm not ---

23 THE COURT: You're not tracking?

24 A: I'm not tracking.

25 Q: Okay.

DOUG STRICKLER - CROSS EXAMINATION BY MR. BELDING

1 A: So I mean I see where you're referring to, but ---

2 Q: Do you remember what that little -- little colloquy was
3 about?

4 A: Absolutely not.

5 Q: Okay.

6 THE COURT: Tell me the page again, Mr. Belding?

7 MR. BELDING: Well, we're -- the prime comment is right
8 on page 356.

9 A: Right there?

10 Q: Right.

11 A: As I see it, you're referring to something which Mr.
12 Delgado takes a different position than Mr. Milling and
13 myself.

14 Q: Correct.

15 A: Okay.

16 Q: Did that in any way violate the joint defense agreement?

17 A: No.

18 Q: And why is that?

19 A: Because the nature of the agreement was such that we were
20 not joined at the hip.

21 Q: Okay. So you kind of had a united front, but there could
22 be little variations?

23 A: Correct.

24 Q: Okay. Also, you stated that that Ms. LaFave did have a
25 list of potential defense witnesses. Were you all -- was your

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1 office able to contact everybody that Mr. Oliver gave you?

2 A: No. I'm referring to Ms. LaFave writing down the names
3 of the witnesses that Mr. Oliver testified to here in court.

4 Q: Oh, okay.

5 A: We had -- we had Investigator Lee Connelly working on the
6 case. She generated a substantial numbers of -- number of
7 memos and reports regarding her contact -- well, regarding all
8 of her efforts to include her contact with or attempts to
9 contact witnesses such as Mr. Oliver noted.

10 Q: Okay. And before you got up you may have heard me state
11 that in a 12 day trial, you're bound to have things go well
12 and things not so well and that there was obviously in this
13 transcript we stipulate a number of instances of good
14 lawyering.

15 A: Okay.

16 Q: All right. And -- but there's no such thing as a perfect
17 trial either; is there?

18 A: Not that I've been involved with.

19 Q: Okay. I mean there's things that, you know, when you
20 wake up the next day and you're in the shower you say, gosh, I
21 wish I had said or done something different; correct?

22 A: Yes, sir.

23 Q: All right. Based upon the testimony of Mr. Oliver, do
24 you agree that there's anything in the materials that have
25 been submitted to Judge McMahon that were ineffective to the

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1 point that it might have prejudiced him in front of the jury?

2 MR. CORNEY: Your Honor, I'm going to object to that
3 question. That's going straight to the heart of the
4 allegations being brought forward. I mean he can't testify to
5 the ultimate conclusion. That's to be made by this Court.

6 MR. BELDING: Let me rephrase that.

7 THE COURT: Rephrase your question.

8 MR. BELDING: Thank you.

9 Q: You heard a lot of the allegations of hearsay objections
10 that weren't made and things that got in, and we have to show
11 that those are prejudicial?

12 A: Right.

13 Q: And the judge is going to be reviewing those. Did
14 anything get in that you didn't object to that hurt?

15 A: Well ---

16 THE COURT: Wouldn't that be the same question?

17 MR. BELDING: The same question, just set it a different
18 way?

19 THE COURT: Probably the majority of the evidence that
20 might have gotten in and got heard that he didn't object to,
21 it would be because there wasn't an objection.

22 MR. BELDING: Well, that's true.

23 Q: What I'm getting at, was there anything in any of the
24 hearsay testimony that you either didn't object to under
25 Bruton or Crawford that got it?

DOUG STRICKLER - CROSS EXAMINATION BY MR. BELDING

1 A: I really don't know. I mean I heard -- I heard him
2 testifying today. I would have to sit down and review each
3 piece of testimony and try to remember why I did or did not
4 object in a particular circumstance and whether or not I
5 actually agree whether it indeed in this particular case is
6 hearsay or not. I mean I could -- I could do that. Am I of
7 the opinion that -- that I undoubtedly missed some objections
8 that allowed in evidence that was not in his favor? I'm sure
9 I did, but at every case I try, I'm sure I'm guilty of that.

10 Q: One in particular I wanted to ask you about. Hold on a
11 second. I think I know where it is. Do you recall -- and I'm
12 just trying to find it. I had a note and it's not on the page
13 that I had a note on. I'm sorry. Do you recall -- actually
14 on that point with Mr. Strickler stating in open court that he
15 might've missed an objection and you would -- you would
16 actually testify at PCR to the effect that you missed it?

17 A: Do I independently recall that? No. Have I reviewed the
18 transcript? No. Have I made such a statement before when
19 I've been guilty of such an omission? Yes. And may I have
20 made it in this case? It's entirely possible. If it's in the
21 transcript, I said it and I meant it.

22 Q: Fair enough. I do notice that at one point you made an
23 objection on page 927 and that's what I thought it was. Let
24 me let you review that part right in there and what's before
25 that.

DOUG STRICKLER - CROSS EXAMINATION BY MR. BELDING

1 A: Okay.

2 Q: Do you recall -- it looked to me in reviewing the
3 transcript, Mr. Strickler, that -- that what you are objecting
4 to, it had already come in and the bell had already been rung.
5 Am I reading that wrong?

6 A: The question is, did you learn any information about what
7 actually happened with Aunt Mildred and, if so, from who?
8 Well, I learned from Dominic that I guess they were at the
9 spot and they were outside, you know, and I think my objection
10 related to the employment of the term they ---

11 Q: They, as in ---

12 A: --- rather than he.

13 Q: Because obviously wouldn't you agree that if it applied
14 that it would be Joy and Oliver?

15 A: Right.

16 Q: Okay. So it was in and it got objected to and sustained?

17 A: He rephrased and asked the question specifically limiting
18 it just to one individual rather than any others, yeah.

19 Q: Okay. I appreciate it. Thank you, sir.

20 MR. BELDING: I'm sorry, Your Honor. Last question.

21 Q: Doug, would you mind just reviewing this part? This is
22 what I was talking about.

23 THE COURT: What page?

24 MR. BELDING: I'm sorry. I'm going to have him look at
25 page 1056 and 1057, Your Honor.

DOUG STRICKLER - CROSS EXAMINATION BY MR. BELDING

1 THE COURT: 1056 and 1057?

2 MR. BELDING: Correct.

3 A: Okay.

4 Q: Is that your -- is that your memory on the ---

5 A: That's the point that you referred to as far as my

6 indicating I'm ineffective, you know, for some reason further

7 down the line I'll be deemed to have waived any objection by

8 not objecting in a timely fashion, obviously per se

9 ineffective assistance of counsel and Mr. Oliver is entitled

10 to that right. Correct.

11 Q: Are there any objections that you didn't make that you

12 can specifically recall that were related to that statement?

13 THE COURT: Say that question again?

14 MR. BELDING: Yeah.

15 THE COURT: I just didn't hear you, please.

16 MR. BELDING: Okay. I'm sorry.

17 Q: Mr. Strickler, what exactly were you referring to?

18 A: I have no idea. What witness just finished testifying?

19 Q: I think you were in -- and wasn't it Ms. Latisha Jones?

20 A: Let me see. It looks like Ms. Latisha Jones.

21 Q: All right.

22 A: As to what she testified to, I don't remember.

23 Q: Okay. Do you recall what it was you thought you missed?

24 A: No, sir, I don't.

25 Q: Okay. All right.

DOUG STRICKLER - CROSS EXAMINATION BY MR. BELDING

1 A: If you point out to me and have me review the entire
2 testimony ---

3 Q: Okay.

4 A: I give it a shot, but ---

5 Q: I don't think we have time for that. Finally, on this --
6 I'm going back real quickly to the motion to sever and I
7 understood your answer, but I want to make sure I understood.
8 Do you think -- do you think Mr. -- you couldn't -- is this
9 right that you couldn't remember whether or not Mr. Oliver
10 requested that you make a motion to sever?

11 A: I ---

12 MR. CORNEY: Your Honor, that's already been asked and
13 answered and put on the record previously what his answer was
14 to that.

15 THE COURT: I'll ---

16 MR. CORNEY: If he wants to see what his answer was on
17 that.

18 THE COURT: The stakes are high. He may answer it.

19 A: As to whether he made a request or not, I can't remember.

20 Q: Okay.

21 A: And just speaking with Ms. LaFave, I seem to remember her
22 indicating that she reviewed that with him prior to the trial.

23 Q: Okay.

24 A: In close proximity to the beginning of the start of the
25 trial.

DOUG STRICKLER - CROSS EXAMINATION BY MR. BELDING

1 Q: I do have a copy or what's purported to be a copy of
2 something and it's clocked in with the -- with the Clerk's
3 Office that looks like it may be a request from Mr. Oliver to
4 you to make these immediate motions and one of them looks like
5 a motion to sever. And I guess -- and I know you're going to
6 look at your notes, but I guess my question is assuming that
7 he made a written request to you for a motion to sever, is it
8 -- is it your testimony though that you did not do that
9 because you thought it would be in his best interest
10 strategically to have this trial all done together?

11 A: My testimony would be I specifically do not remember
12 discussing this with him. I'm not saying I didn't. I don't
13 remember discussing it with him and my opinion was that
14 proceeding in a joint trial was in his best interest and that
15 was my opinion.

16 Q: Okay. But I mean I'm not -- and I'm not pinning you down
17 or anything. I'm just saying you don't deny that he might've
18 asked that of you, but it was a trial strategy decision that
19 you made that it would be best not to sever; was that fairly
20 stated?

21 A: I think that's fairly stated. Yes, sir.

22 MR. BELDING: All right. Thank you, Your Honor. No
23 further questions.

24 THE COURT: Mr. Attorney General?

25 MR. CORNEY: No further questions of Mr. Strickler.

DOUG STRICKLER - DIRECT EXAMINATION BY THE COURTDIRECT EXAMINATION BY THE COURT

1

2 THE COURT: All right. I've got a question. Plaintiff's
3 1 or Applicant's 1 was put into evidence, notice of motion and
4 motion to be relieved as counsel?

5 THE WITNESS: Yes, sir.

6 THE COURT: What happened with that, Mr. Strickler? Do
7 you recall?

8 THE WITNESS: If I -- if I can -- yes, sir. Well, I can
9 refresh my recollection on it. I'll actually look that up.

10 THE COURT: It's not relevant, but it was asked and I'd
11 like to know.

12 THE WITNESS: He did file a grievance against me, Your
13 Honor, and I did respond to it. I haven't located the hard
14 copy of my response. Here it is. 6/28/07 filed motion to be
15 relieved. 7/10/07, which was when the motion was to be heard,
16 conference with defendant who confirms -- excuse me. Between
17 the time that was filed and 7/10, Mr. Delgado -- pursuant to
18 our joint defense agreement, I actually went down and spoke
19 with Mr. Oliver because he didn't want me off -- Mr. Delgado
20 did not want me off the case.

21 THE COURT: He didn't want you off Mr. Oliver's case?

22 THE WITNESS: Right. He spoke with Mr. Oliver and his --
23 and communicated to me that Mr. Oliver did not want me off the
24 case. I then spoke with Mr. Oliver on July 10th and my note
25 is: Conference with defendant who confirms that he does not

DOUG STRICKLER - DIRECT EXAMINATION BY THE COURT

1 want me off the case. I informed him that I would be getting
2 Mary LaFave on the case to run the day-to-day aspects of it.
3 He's good with that. That's my note.

4 THE COURT: So ---

5 THE WITNESS: So I assume at that point -- I'm sorry,
6 Your Honor.

7 THE COURT: No, go ahead.

8 THE WITNESS: I assume at that point in time we just
9 withdrew the motion.

10 THE COURT: Rather than perhaps formally being withdrawn,
11 it was never heard, but by agreement between you and your
12 client?

13 THE WITNESS: Yes, sir.

14 THE COURT: All right. Thank you.

15 MR. BELDING: Nothing further.

16 THE COURT: Thank you very much. You may step down.

17 (Whereupon, the witness leaves the stand at 5:10 p.m.)

18 THE COURT: All right. Your next witness?

19 MR. CORNEY: Yes, Your Honor. We'd call Ms. Mary LaFave,
20 please.

21 THE COURT: All right. Come forward, ma'am.

22 MR. CORNEY: She's been sitting back there patient all
23 day. It would be a shame not to call her now.

24 THE BAILIFF: Please place your left hand on the Bible
25 and raise your right hand and face the judge, please.

MARY LAFAVE - DIRECT EXAMINATION BY MR. CORNEY

1 THE COURT: Thank you for being with us, Mr. Strickler.

2 THE CLERK: Do you swear or affirm the testimony you
3 shall give this Court will be the truth, the whole truth, and
4 nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Please have a seat there and state your full
7 name for the record.

8 THE BAILIFF: Watch your step for me, please.

9 THE WITNESS: Mary LaFave. L-A capital F as in Frank A-
10 V-E.

11 MARY LAFAVE, being first duly sworn,
12 testifies as follows:

13 DIRECT EXAMINATION

14 BY MR. CORNEY:

15 Q: Ms. LaFave, thank you for your patience as well sitting
16 back there all day long.

17 A: Sure.

18 Q: I appreciate that very much. You sat second chair as co-
19 counsel with Mr. Strickler in this case?

20 A: I did.

21 Q: Okay. Have you had an opportunity to look over your file
22 from your representation of Mr. Oliver?

23 A: I looked over a portion of the file. It's kind of large.
24 So I haven't looked at all of it.

25 Q: Okay. You remember some of your meetings with him and

MARY LAFAVE - DIRECT EXAMINATION BY MR. CORNEY

1 going over some of the discovery, the charges, those types of
2 things?

3 A: I do. I worked extensively on this case once I was
4 brought in on it.

5 Q: Okay. Did you have any -- any more specific recollection
6 than Mr. Strickler did about what the State is alleging
7 happened and the facts leading up to it, just a brief
8 overview?

9 A: The State was alleging that Mr. Oliver, Mr. Gallman, and
10 Mr. Joy had a conspiracy of robbing drug dealers and that this
11 particular incident was an escalation of that overall scheme
12 where three people ended up being killed.

13 Q: Okay. Do you recall receiving a discovery file and
14 having the opportunity to review that?

15 A: I don't recall actually receiving it. Once I was brought
16 in on the case, which I believe was July of 2007, a large
17 majority of the discovery had been compiled by Mr. Strickler.
18 I remember us receiving about 1000 or so pages the day before
19 the trial or a few days before the trial was supposed to begin
20 in October and we obtained a continuance and that's the reason
21 that we had a trial date set for December 3rd, if my memory
22 serves me correctly.

23 Q: Okay. And as far as the motion to sever and Mr. Oliver's
24 request for that, what is your recollection of that? Is it
25 similar to Mr. Strickler's?

MARY LAFAVE - DIRECT EXAMINATION BY MR. CORNEY

1 A: This was a complicated case because it was a mostly
2 circumstantial case as to our client and an even weaker
3 circumstantial case as to Mr. Gallman and Mr. Joy, and it was
4 our impression that the State had been working very diligently
5 to try to get either Mr. Gallman or Mr. Joy to testify against
6 Mr. Oliver. So part of the joint defense agreement was to
7 benefit from the discovery of these two defendants, but to
8 also try to ensure that we didn't have a flip I guess at the
9 last minute because that could have been extremely detrimental
10 to Mr. Oliver's case.

11 Q: Okay. And part of that was obviously not from the
12 request to sever, it was from you wanted part of the joint
13 defense and that way they wouldn't be able to testify against
14 you?

15 A: I'm sorry. I guess I didn't answer your question. A few
16 weeks before the trial began, Mr. Oliver was then wanting to
17 discuss the motion to sever and I did make note of that in our
18 attorney notes file and we discussed extensively the benefits
19 of the -- of the joint trial and the potential appeal that
20 could come from the -- the various cases that kind of merged
21 together and I did make a note that he -- he understood our
22 strategy behind proceeding with a joint trial.

23 Q: Okay. Is it fair to say that the majority of the
24 incriminating evidence were statements against Mr. Oliver in
25 this case?

MARY LAFAVE - DIRECT EXAMINATION BY MR. CORNEY

1 A: I don't understand your question really.

2 Q: Would it be fair to say that -- well, at least there was
3 a substantial number of statements that incriminated Mr.
4 Oliver from witnesses, family members and things of those type
5 of that nature?

6 A: Due to the lack of physical evidence, the State had
7 compiled a parade of witnesses who made statements that the
8 State believed incriminated Mr. Oliver.

9 Q: Okay. And I just very briefly want to try to go through
10 a couple of those and if you don't remember them, just let me
11 know. I know it's been a long time.

12 A: Sure.

13 Q: Dominic Gallman, his co-defendant, had given a statement
14 to law enforcement; is that your recollection?

15 A: I don't remember specifically if Mr. Gallman gave a
16 statement, but -- but if that's in the record, then ---

17 Q: Okay. Renata Williams was a girlfriend of Mr. Oliver's;
18 do you recall that?

19 A: She was. I think I actually direct -- or cross examined
20 her at the -- at the trial of the case I believe.

21 Q: And her testimony was essentially that she had been with
22 Mr. Oliver after this robbery allegedly took place and getting
23 money and drugs from him?

24 A: As I recall, yes.

25 Q: Mike Allen was Mr. Oliver's brother. Do you recall what

MARY LAFAVE - DIRECT EXAMINATION BY MR. CORNEY

1 kind of what he testified to and what his whole background was
2 with it?

3 A: I believe that Mike Allen also had a number of aliases,
4 but he's actually the father of one of Mr. Oliver's sister's
5 children. So that's the association I recall. I do recall
6 sitting in trial remembering that I thought that Mr. Allen's
7 testimony was pretty significant as far as the trial went and
8 as far as the State's circumstantial case.

9 Q: Okay. And he gave a lot of testimony as to what his
10 conversations with -- with Mr. Oliver and the co-defendants
11 were?

12 A: He did and as I recall and what's reflected in our notes
13 is that we had anticipated that and did a -- tried to do as
14 much background research on Mr. Allen as possible. Stanley
15 and I had extensive conversations about that. We got
16 employment records for Mr. Allen and I specifically remember
17 that -- subpoenaing those, but ---

18 Q: Okay.

19 A: I hope that answered your question.

20 Q: It does. And I'm not asking very specific ---

21 A: Okay.

22 Q: --- questions. So I apologize for ---

23 A: Sure.

24 Q: --- not directing you a little better. Jason Brown was a
25 jailhouse snitch that kind of -- that had roomed with Mr.

MARY LAFAVE - DIRECT EXAMINATION BY MR. CORNEY

1 Oliver. Do you recall his testimony as well?

2 A: I mean I recall him testifying, yes.

3 Q: Okay. I guess Tatanisha Robinson -- that's kind of a
4 unique situation it appears from the transcript. Do you
5 recall the situation with her as far as her giving a statement
6 and then at that the trial denying the entire thing?

7 A: Tatanisha Robinson was someone that had adamantly said
8 she was never going to testify at the trial of the case and
9 then during David Ross's opening statement, he said that she
10 would be testifying, which caught not only Mr. Strickler and
11 myself but the other defense attorneys on the case by surprise
12 given the authored statements that we heard from her that
13 basically said I will not, you know, testify against Mr.
14 Oliver in the case. I don't remember the substance of her
15 testimony off the top of my head.

16 Q: Okay. But the State went a pretty long way to make sure
17 she was going to testify. I mean they granted her immunity
18 and I don't know ---

19 A: She got immunity from federal court, state court, Indian
20 court. She got immunity like I've never seen actually.

21 Q: Okay. Latisha Jones was one that Mr. Oliver testified
22 about before. What is your recollection of her -- of her
23 being listed as a witness or a surprise witness as Mr. Oliver
24 described it?

25 A: I don't remember whether she was listed or not listed as

MARY LAFAVE - DIRECT EXAMINATION BY MR. CORNEY

1 a witness. I do recall Mr. Oliver and I spending quite a bit
2 of time going through a number of people that we were hoping
3 to combat the State's circumstantial case with. We had
4 investigated a number of folks and I've listed all them as Mr.
5 Oliver was testifying, but I don't remember anything specific
6 to Latisha Jones. I'm sorry.

7 Q: Okay. Do you recall Mr. Oliver giving you a list of
8 witnesses to go interview and speak with his behalf?

9 A: I don't recall him actually writing down a list, but I --
10 once I was brought on the case and Doug brought me on I think
11 chiefly to investigate a lot of these -- a lot of these people
12 and -- I beg the Court's indulgence. There were approximately
13 15 to 20 people that Mr. Oliver and I discussed in our
14 meetings together that he wanted me to look into.

15 Q: Okay. And through Lee Connelly, your private
16 investigator, did you follow up with the majority of those
17 leads and kind of speak to those people or try to track them
18 down?

19 A: A number of these people that Stanley would know their
20 first name only or their street name or they were represented
21 by counsel because they were also incarcerated. So to the
22 extent that any of those folks were accessible, yes, we did --
23 we did attempt to track down as much information on those
24 individuals as possible.

25 Q: Okay.

MARY LAFAVE - DIRECT EXAMINATION BY MR. CORNEY

1 A: And if I -- if I may add?

2 Q: Go ahead.

3 A: The co-defendants -- because we had a co-defense
4 agreement, we were able to utilize the information obtained
5 from their witnesses as well.

6 Q: Okay.

7 MR. CORNEY: I beg the Court's indulgence for just one
8 minute, Your Honor.

9 THE COURT: Certainly.

10 Q: And you were able to dispose of one of the armed robbery
11 charges by directed verdict at the trial; is that correct?

12 A: Yes, I was.

13 Q: Okay.

14 A: It should have been more, but ---

15 Q: Okay. And as far as these Crawford objections that were
16 made -- and I don't want to make a blanket statement. Would
17 it be fair to say it was kind of the State's position at
18 several points throughout there to say these weren't
19 testimonial statements that were made, that they weren't
20 subject to Crawford?

21 A: I don't remember the State's specific argument about --
22 about the Crawford and Bruton issue. I know that Mr.
23 Strickler and I both agreed that we thought this case was a
24 unique question of law that fell in-between both of those
25 lineage of cases and it would seem that the Court did not

MARY LAFAVE - DIRECT EXAMINATION BY MR. CORNEY

1 necessarily agree with us about that, which ---

2 Q: Okay. But it was -- it was pretty -- it was kind of an
3 ongoing theme throughout the course of the trial; don't you
4 think?

5 A: It was, yes.

6 Q: Do you have any recollection about these phone records
7 Mr. Oliver was talking about before or the summation of the
8 phone records that was introduced?

9 A: Yes. I do recall. Doug actually kind of gave that --
10 that particular aspect of this case over to me because it was
11 very detail oriented. I had -- I sent subpoenas for all the
12 records once we discovered what the numbers were, which was
13 not until very late in the case. I think the case had been
14 going on for in excess of, you know, a year and a half before
15 we actually got the information we needed. We sent those
16 subpoenas and obtained that information. We knew that the
17 State was likely going to try to draw a map using the phone
18 records.

19 Q: Okay. And in closing argument, Solicitor Meadors I
20 believe went down that path of the phone calls trying to link
21 everyone together. I don't think there was an objection made
22 to that. Would you -- was there any reason that you didn't or
23 is there -- would you agree that -- that the solicitor has a
24 pretty wide latitude in closing argument in that regard and
25 what he's able -- allowed to argue in closing argument?

MARY LAFAVE - DIRECT EXAMINATION BY MR. CORNEY

1 A: If there was a statement made by the solicitor in closing
2 argument that I did not object to and should have, I don't --
3 I don't recall that. It could very well have happened. I
4 think things move fast in a -- in a trial, especially of this
5 magnitude. I don't recall us making an objection about that
6 particular issue and if we should have, then I'll leave that
7 up to this Court to examine.

8 Q: But you would agree that it's kind of the purview of the
9 solicitor to be able to argue the facts and any reasonable
10 inferences that are drawn from those facts in his closing
11 argument?

12 A: In so far as they have been admitted into evidence.

13 Q: Absolutely.

14 A: I don't disagree with your statement.

15 Q: Okay. Is there ever a reason that you might not object
16 to a statement in closing arguments, something maybe not re-
17 ringing the bell if that's even the term, not bringing it back
18 to the jury's attention?

19 A: Well, sure. I think there's a number of reasons why you
20 would not make an objection. I think if the prejudice to your
21 client outweighs your strategic reasons for not making an
22 objection, then ---

23 Q: Okay.

24 A: --- it should be made I guess.

25 MR. CORNEY: I believe that's all the questions I have at

1 this time, Your Honor.

2 THE COURT: Thank you.

3 MR. CORNEY: Thank you. And thank you for your patience.
4 I appreciate it.

5 THE WITNESS: Sure. It's important.

6 MR. BELDING: No cross examination, Your Honor. Thank
7 you.

8 THE COURT: Thank you very much, Mr. Belding. You may
9 step down. Thank you for being a witness.

10 THE WITNESS: Thank you, Your Honor.

11 (Whereupon, the witness leaves the stand at 5:23 p.m.)

12 THE COURT: All right. You may -- you may call your next
13 witness.

14 MR. CORNEY: That's all the witnesses from the State,
15 Your Honor. I just request just a minute to make an argument
16 when Mr. Belding is finished.

17 THE COURT: All right. Mr. Belding?

18 MR. BELDING: Well, Your Honor, we'd move for a grant of
19 post-conviction relief. I think that the Court may want to
20 take some time to go through those specific allegations that
21 Mr. Oliver has written up and just see how those might rise to
22 the level of ineffectiveness under the law, but I think we've
23 made at least a prima facie showing that it was a lot of
24 instances here of things that, you know, came up. In a long
25 trial, like I said, you're bound to have good moments and bad

1 moments and at least on Mr. Oliver's behalf, we feel like the
2 bad moments were just enough.

3 This case tipped on obviously very small differences in
4 the weight on the scales, you know. The testimony has been
5 there wasn't a lot of physical evidence. There wasn't really
6 anything tying him directly to the crime. The only thing they
7 had was some people came up. A lot of them were of suspect
8 credibility and they did what they could, but it wouldn't have
9 taken much to get that jury to flip the other way, and on Mr.
10 Oliver's behalf, he feels like if they had kept some of these
11 things out, particularly the hearsay, the trial might have
12 turned out the other way and the prejudice is obvious. And on
13 his behalf, I would make that motion, Your Honor.

14 THE COURT: Thank you.

15 MR. CORNEY: Your Honor, may it please the Court. The
16 State would just submit that just regarding Mr. Belding's
17 argument a minute ago, I think it's important to note that in
18 this state we haven't yet come to the realization that we
19 recognize a cumulative error analysis for resulting prejudice
20 in PCR cases. And so I think each one of these deficiencies
21 need to be addressed individually and whether they
22 individually or not prejudice the applicant.

23 The South Carolina Supreme Court, the South Carolina
24 Court of Appeals never acknowledge that we have a cumulative
25 error to prove prejudice in this state. So I don't think