

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

Alison Renee Lee, Circuit Court Judge

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S C Supreme Court

ORIGINAL

DEMETRIO SEARS,

PETITIONER,

V

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

DEMETRIO SEARS
Appellate

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA	)	02-GS-40-10992
PLAINTIFF,	)	
-VS-	)	TRANSCRIPT OF RECORD
DEMETRIO LUIS SEARS,	)	
DEFENDANT.	)	
THE STATE OF SOUTH CAROLINA,	)	02-GS-40-10624
PLAINTIFF,	)	
-VS-	)	
WILLIE LLOYD ALEXANDER,	)	
DEFENDANT.	)	

TUESDAY, JANUARY 6, 2004
COLUMBIA, SOUTH CAROLINA

B E F O R E

HONORABLE G THOMAS COOPER, JR , JUDGE, AND A JURY

A P P E A R A N C E S.

JOHN P MEADORS, DEPUTY SOLICITOR
K. LUCK CAMPBELL, ASSISTANT SOLICITOR
ATTORNEYS FOR THE STATE

W. WILSON BURR, ESQUIRE
FOR DEFENDANT ALEXANDER

DOUGLAS S. STRICKLER, ESQUIRE
FOR DEFENDANT SEARS

DIANNE A RUTLEDGE
OFFICIAL REPORTER

I N D E X

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1 THE COURT ALL RIGHT FOR THE RECORD, THE JUROR,
2 NUMBER 189, SARA REESE, HAS PASSED A NOTE TO THE COURT
3 INDICATING THAT SHE HAS A COUSIN WHO IS A SERGEANT AT
4 RICHLAND COUNTY, NAMELY DARRYL PRICE. IT'S MY
5 UNDERSTANDING MR PRICE WORKS AS SECURITY IN THE
6 COURTHOUSE. IS THAT CORRECT, MS MCMAHAN? IS THAT
7 CORRECT?

8 CLERK: YES, SIR.

9 THE COURT· ALL RIGHT. NOW, THE QUESTION -- OF
10 COURSE, THE JURY HASN'T EVEN BEEN SWORN YET, BUT THE
11 QUESTION IS SHOULD MS. -- WELL, LET'S PUT IT THIS WAY.
12 DOES THE DEFENDANT HAVE OR -- DO EITHER DEFENDANT HAVE
13 ANY OBJECTIONS TO MS. REESE REMAINING ON THE JURY OR
14 ANYTHING IN REGARD TO HER STATUS AS A JUROR?

15 MR. BURR?

16 MR BURR YOUR HONOR, MR ALEXANDER WOULD LIKE TO
17 HAVE HER STRUCK FOR CAUSE.

18 THE COURT· SIR?

19 MR. BURR: MR. ALEXANDER WOULD LIKE HER STRUCK FOR
20 CAUSE.

21 THE COURT. AS TO SEARS?

22 MR. STRICKLER. YOUR HONOR, AS TO MR. SEARS, I
23 WOULD JOIN IN THAT AND ASK THE RECORD REFLECT THAT I
24 DID NOT EXERCISE A CHALLENGE TO MS REESE WHEN SHE WAS
25 CALLED AND AT THAT POINT IN TIME, I KNEW THAT HER

1 FATHER WAS -- PAST TENSE -- A CORPORAL WITH THE
2 SHERIFF'S DEPARTMENT.

3 I DID NOT KNOW THAT SHE HAD FAMILY MEMBERS
4 EMPLOYED IN LAW ENFORCEMENT INSIDE THE BOUNDS OF THIS
5 COURTHOUSE AT THE PRESENT TIME, SO THAT -- THAT WOULD
6 HAVE CHANGED MY EVALUATION OF HER AT THAT POINT IN
7 TIME. SO I -- I WOULD MOVE THAT SHE BE EXCUSED FOR
8 CAUSE

9 THE COURT: THE STATE'S POSITION?

10 MR. MEADORS: IF IT PLEASE THE COURT IF THE
11 STATE REMEMBERS CORRECTLY, WE THINK, YOUR HONOR, THE
12 INQUIRY WAS -- THE QUERY WAS, WAS IF ANYBODY'S
13 IMMEDIATE FAMILY WAS EMPLOYED IN LAW -- EMPLOYED IN LAW
14 ENFORCEMENT SHE ANSWERED THAT HONESTLY, HER FATHER
15 WAS EMPLOYED. I THINK WE ALL HAVE KNOWN HER FATHER IN
16 SOME CAPACITY

17 LATER ON, AND I THINK SHE IS TO BE CREDITED, SHE
18 COMES FORWARD AND SAYS, WELL, I HAVE A COUSIN, TOO. I
19 DON'T THINK SHE MISLED THE COURT OR ANY OF THE LAWYERS.
20 SHE THOUGHT ABOUT IT AND I ---

21 THE COURT: I'M NOT SUGGESTING THAT SHE DID. THE
22 QUESTION IS, BOTTOM -- BOTTOM LINE, CAN SHE BE FAIR AND
23 IMPARTIAL WHEN SHE HAS A COUSIN WHO IS EMPLOYED WITHIN
24 THE WALLS OF THE COURTHOUSE WITH THE RICHLAND COUNTY
25 SHERIFF'S OFFICE

1 MR MEADORS: AND I THINK, YOUR HONOR, THE ANSWER
2 -- SHE HAS ALREADY ANSWERED THAT QUESTION THAT SHE
3 COULD, WITH HER FATHER, SO WE THINK THE APPROPRIATE
4 REMEDY WOULD BE WOULD NOW ASK HER, YOU'VE NOW DISCLOSED
5 YOUR COUSIN. THANK YOU FOR DOING THAT. COULD YOU ALSO
6 BE FAIR AND IMPARTIAL WITH YOUR COUSIN THERE?

7 AND I WOULD THINK SINCE SHE SAID THAT HER FATHER
8 HAD BEEN EMPLOYED THERE, SHE WOULD BE FAIR AND
9 IMPARTIAL -- SHE WOULD PROBABLY SAY THAT WITH HER
10 COUSIN. AND WE THINK THAT'S THE APPROPRIATE REMEDY,
11 YOUR HONOR, AND RESPECTFULLY ASK YOUR HONOR TO SO
12 INQUIRE OF HER AS TO THAT ISSUE.

13 THE COURT. ALL RIGHT. MR. BURR, DID YOU HAVE ANY
14 OTHER ISSUES WITH REGARD TO THIS ---

15 MR. BURR. YES, YOUR HONOR, IF I MAY.

16 THE COURT. --- JUROR?

17 MR BURR IF I HAD KNOWN THAT INFORMATION
18 YESTERDAY, I WOULD HAVE USED A PREEMPTORY STRIKE
19 AGAINST HER. ALSO, IT'S BEEN BROUGHT TO MY ATTENTION
20 BY A SPECTATOR THAT THEY WERE -- THAT THEY THINK THEY
21 SAW MS. REESE TALKING TO ONE OF THE VICTIMS IN THIS
22 CASE AFTER WE RECESSED YESTERDAY AND I WOULD ALSO
23 LIKE TO QUESTION HER IN REFERENCE TO THAT

24 THE COURT WHICH VICTIM, DOES YOUR INFORMATION
25 INDICATE?

1 MR. BURR. MR STERLING PATTERSON.

2 MR. MEADORS AND, YOUR HONOR, I RESPECTFULLY ASK
3 THAT YOU CALL AND PUT UNDER OATH WHOEVER HE SAYS SAW
4 THAT SO THAT HE COULD ASK THE QUESTIONS AND THAT I'D
5 ALSO BE ALLOWED TO, OR THE COURT, BEFORE WE PUT THIS
6 JUROR ON THE -- HE JUST SAID, I THINK, AND I'M JUST NOT
7 CLEAR WHERE ---

8 THE COURT. WHERE -- WHERE DID THIS INFORMATION
9 COME FROM?

10 MR. BURR. FROM MY CLIENT'S MOTHER WHO IS PRESENT
11 IN THE COURTROOM ---

12 THE COURT: ALL RIGHT.

13 MR. BURR: --- AND WE'D BE WILLING TO TAKE THE
14 STAND AND TESTIFY TO THE FACTS.

15 THE COURT: ALL RIGHT. WHAT IS YOUR CLIENT'S
16 MOTHER'S NAME?

17 MR. BURR: ODELL ANDERSON.

18 MR. ALEXANDER RHODA

19 MR. BURR: ODA (PHONETIC) ANDERSON.

20 THE COURT IS MS. ODA ANDERSON IN THE COURTROOM?

21 MR. BURR: ALEXANDER -- ODA ALEXANDER, FOR THE
22 RECORD

23 MR. ALEXANDER RHODA

24 THE COURT IS MS. ODA (SIC) ALEXANDER IN THE
25 COURTROOM?

1 MR BURR. RHODA

2 MS ALEXANDER. YES, I AM

3 THE COURT: WOULD YOU COME AROUND, PLEASE, MA'AM

4 RHODA ALEXANDER, BEING

5 FIRST DULY SWORN, TESTIFIED AS FOLLOWS.

6 THE CLERK. TAKE A SEAT AND STATE YOUR FULL NAME.

7 WITNESS: (NO RESPONSE)

8 DIRECT EXAMINATION BY THE COURT.

9 Q MS. ALEXANDER, I JUST NEED YOU TO -- FOR YOU TO
10 ANSWER A COUPLE OF QUESTIONS FOR ME, PLEASE WILL YOU
11 TRY TO JUST ANSWER MY QUESTIONS.

12 WHAT IS YOUR RELATIONSHIP TO THE DEFENDANT, WILLIE
13 LLOYD ALEXANDER?

14 A I'M HIS MOTHER

15 Q YOU ARE HIS MOTHER?

16 A YES, SIR.

17 Q ALL RIGHT. HAVE YOU OR DID YOU ATTEND THE COURT
18 SESSION YESTERDAY?

19 A YES, SIR

20 Q DID YOU SEE ONE OF THE VICTIMS IN THIS CASE,
21 MR. STERLING PATTERSON, TESTIFY FROM THIS STAND
22 YESTERDAY?

23 A YES, I SAW HIM

24 Q YOU SAW HIM TESTIFYING ---

25 A YES. YES.

- 1 Q --- SITTING EXACTLY WHERE YOU ARE?
- 2 A YES, SIR
- 3 Q ALL RIGHT. NOW, AFTER WE ADJOURNED YESTERDAY,
- 4 WHICH WAS AROUND 5:00 O'CLOCK, ---
- 5 A YES, SIR
- 6 Q --- DID YOU SEE MR PATTERSON AFTER THAT?
- 7 A NO. NO WE LEFT WE WAS THERE. HE CAME OFF
- 8 HE SIT THERE, AND WE WAS OVER THERE
- 9 Q OKAY. DID YOU SEE HIM WHEN YOU WERE LEAVING?
- 10 A WHEN I WERE LEAVING? NO
- 11 Q OKAY. DO YOU KNOW A JUROR NAMED SARA REESE?
- 12 A ONE WITH A PINK BLOUSE? I DON'T KNOW HER NAME. I
- 13 KNOW ONE WITH A PINK SKIRT WITH A DOTTED SWEATER ON.
- 14 SHE WAS TALKING TO HIM SHE SAY HI. SHE SAY HI TO
- 15 HIM.
- 16 Q WAS SHE A JUROR?
- 17 A THE ONE -- SHE HAD A -- SHE HAD ON A PINK SKIRT
- 18 YESTERDAY
- 19 Q MA'AM, WAS SHE SEATED IN THE JURY BOX?
- 20 A YES, SIR
- 21 Q BECAUSE THE JURY LEFT OUT THE BACK DOOR.
- 22 A BEFORE THEY PICKED HER.
- 23 Q BEFORE THEY PICKED HER?
- 24 A YEAH
- 25 Q I SEE, SO -- SO WHEN SHE WAS SITTING OUT IN THE

1 AUDIENCE ---

2 A WHEN SHE WAS COMING IN, SHE TALKED TO HIM, YES,
3 SIR.

4 Q WHEN SHE CAME IN?

5 A YEAH

6 Q ALL RIGHT AND WHERE DID YOU SEE THEM STANDING
7 OR ---

8 A OUTSIDE.

9 Q OUTSIDE?

10 A YEAH.

11 Q AND FOR HOW LONG DID YOU SEE THEM?

12 A IT WAS LIKE SHE'D SAY HI TO HIM, SAID SOMETHING TO
13 HIM, AND THEY WALKED SHE CAME IN

14 Q OKAY. JUST SAID HELLO?

15 A YEAH.

16 Q ALL RIGHT SO SHE MIGHT HAVE INDICATED THAT --
17 YOU TOOK FROM THAT THAT SHE KNEW HIM?

18 A YEAH.

19 Q ALL RIGHT.

20 THE COURT: THANK YOU VERY -- ANYTHING FURTHER?

21 MR. BURR: NOTHING FURTHER, YOUR HONOR. THANK
22 YOU

23 THE COURT ANYTHING FURTHER?

24 ANSWER WHAT MR. MEADORS -- A QUESTION MR. MEADORS
25 HAS FOR YOU.

1 CROSS EXAMINATION BY MR. MEADORS.

2 Q WHERE WERE YOU -- WHERE WERE YOU?

3 A I WAS RIGHT HERE WHEN THE JUROR CAME IN, YEAH.

4 Q OKAY AND WHERE WAS THE JUROR?

5 A OUT THERE. WHEN I WAS OUT THERE, SHE WAS -- SHE
6 SAID HI TO HIM HE SAID HOW ARE YOU?

7 Q WHEN YOU SAY YOU WERE UP WHERE, OUT IN THE
8 AUDIENCE?

9 A OUT THERE.

10 Q OKAY WELL, THE JURY IS SITTING OUT IN THE
11 AUDIENCE.

12 A YEAH.

13 Q OKAY. BUT YOU WEREN'T SITTING OUT THERE WHEN THE
14 JURY WAS?

15 A I WAS SITTING RIGHT HERE AND I WAS THERE LOOKING
16 AT EVERYBODY.

17 Q WHEN YOU SAY RIGHT WHERE (SIC), YOU MEAN RIGHT
18 WHERE?

19 A I WAS SITTING RIGHT OUT THERE

20 Q OUT IN THE AUDIENCE?

21 A NO. RIGHT OUT THERE.

22 THE COURT. SHE WAS SEATED AT ---

23 A YEAH.

24 THE COURT: --- OUTSIDE THE JURY AREA.

25 A YEAH

1 Q AND THE JURY WAS IN HERE?

2 A THE JURY WAS RIGHT -- COMING IN HERE WHEN HE WAS
3 TALKING TO HER SHE SAY ---

4 MR MEADORS: THANK YOU VERY MUCH, MA'AM.

5 WITNESS. THANK YOU

6 THE COURT: WATCH YOUR STEP, MA'AM.

7 (THE WITNESS LEAVES THE WITNESS STAND)

8 ALL RIGHT. MR DYE, BRING MS REESE INTO THE
9 COURTROOM, PLEASE, SARA REESE, NUMBER 189.

10 WHAT WAS HER FATHER'S NAME?

11 THE CLERK. TOM.

12 THE COURT. TOM.

13 (THE JUROR ENTERS THE COURTROOM.)

14 THE COURT. GOOD MORNING, MS REESE

15 MS. REESE. GOOD MORNING.

16 THE COURT. JUST HAVE A SEAT AND LET ME ASK YOU A
17 COUPLE OF QUESTIONS. I GOT YOUR NOTE WE'RE ABOUT TO
18 GET STARTED NOW, BUT I DID NEED TO ASK YOU A QUESTION
19 ABOUT THE NOTE THAT YOU SENT TO THE COURT.

20 IT'S -- YOU INDICATED YESTERDAY WHEN I ASKED IF
21 ANY MEMBER OF YOUR FAMILY WAS A -- EMPLOYED BY LAW
22 ENFORCEMENT ---

23 MS REESE: YES, SIR

24 THE COURT. --- OR A QUESTION LIKE THAT, THAT YOUR
25 FATHER USED TO BE -- WORK HERE IN THE COURTHOUSE, AS A

1 MATTER OF FACT, IS THAT CORRECT?

2 MS. REESE. YES, SIR.

3 THE COURT: AND YOU DISCLOSED THAT THE NOTE THIS
4 MORNING SAYS THAT YOU HAVE A COUSIN, DARRYL PRICE, WHO
5 IS A SERGEANT WITH RICHLAND COUNTY?

6 MS REESE YES, SIR.

7 THE COURT AND I BELIEVE HE WORKS IN THE
8 COURTHOUSE ALSO; IS THAT ---

9 MS. REESE. YES, SIR, HE DOES.

10 THE COURT HOW IS HE -- TELL ME HOW HE'S KIN TO
11 YOU. I KNOW YOU SAY HE'S YOUR COUSIN, BUT IS IT YOUR
12 MOTHER'S BROTHER OR SON, OR HOW -- HOW ---

13 MS REESE HIS MOTHER IS MY DAD'S SISTER, WHICH
14 MAKES ---

15 THE COURT HIS MOTHER IS YOUR DAD'S SISTER?

16 MS. REESE BUT -- YES, SIR, THAT'S IT, WHICH
17 MAKES HIM MY FIRST COUSIN

18 THE COURT: FIRST COUSIN, THAT'S RIGHT AND WHERE
19 -- WHERE DO YOU LIVE, OR DO YOU LIVE ANYWHERE NEAR --
20 CLOSE TO HIM?

21 MS. REESE. NO, I DON'T.

22 THE COURT. OKAY AND WHEN IS THE LAST TIME YOU
23 SAW HIM?

24 MS. REESE: MY FAMILY REUNION WHICH WAS NOVEMBER
25 21ST

1 THE COURT. OKAY SO THAT'S ABOUT -- YOU DON'T
2 SEE HIM ON A REGULAR BASIS?

3 MS REESE: NO, SIR, I DON'T.

4 THE COURT: OKAY MS. REESE, I'VE GOT TO ASK YOU
5 THE SAME QUESTION I ASKED SEVERAL PEOPLE YESTERDAY
6 DOES THE FACT THAT YOUR COUSIN, DARRYL PRICE, WORK --
7 DOES THE FACT THAT HE WORKS WITH THE SHERIFF'S OFFICE,
8 WOULD THAT IN ANY WAY INFLUENCE YOUR DECISION IN TERMS
9 OF BEING ABLE TO GIVE BOTH THE STATE AND THE DEFENDANT
10 A FAIR AND IMPARTIAL TRIAL IN THIS CASE?

11 MS. REESE: NO, SIR, IT WON'T.

12 THE COURT: IT WON'T DO YOU THINK YOU COULD BE
13 FAIR TO BOTH PARTIES?

14 MS REESE YES, SIR

15 THE COURT. ALL RIGHT. THANK YOU VERY MUCH, MS.
16 REESE.

17 MS REESE. THANK YOU.

18 MR BURR. YOUR HONOR, MAY I?

19 THE COURT. I'M SORRY.

20 I'M SORRY I FORGOT ONE OTHER THING

21 MS. REESE. OKAY.

22 THE COURT THANK YOU FOR REMINDING ME

23 MR. MEADORS MAY WE APPROACH?

24 (A BENCH CONFERENCE WAS HELD OFF THE RECORD AND
25 OUT OF THE HEARING OF THE JUROR.)

1 THE COURT ALL RIGHT ONE OTHER QUESTION.
2 YOU SAID YOU SAW YOUR COUSIN, MR PRICE, IN
3 NOVEMBER AT THE FAMILY REUNION?

4 MS REESE: YES, SIR

5 THE COURT. HAVE YOU SPOKEN TO HIM SINCE?

6 MS. REESE. NO, SIR, I HAVEN'T.

7 THE COURT. ALL RIGHT THANK YOU VERY MUCH.

8 MS REESE. OKAY THANK YOU.

9 (THE JUROR EXITS THE COURTROOM)

10 THE COURT ALL RIGHT, THE JUROR SAYS SHE CAN BE
11 FAIR AND IMPARTIAL, HADN'T SPOKEN TO HER COUSIN IN TWO
12 MONTHS. I'M GOING -- I'M GOING TO RESPECTFULLY DENY
13 YOUR MOTIONS TO CHALLENGE THE JUROR FOR CAUSE.

14 NOW, AT THE CLOSE OF YESTERDAY'S SESSION, THERE
15 WAS A QUESTION ABOUT THE STATEMENTS MADE BY BOTH
16 DEFENDANTS TO THE LAW ENFORCEMENT OFFICERS. AND THE
17 QUESTION OF THE BRUTON DOCTRINE CAME UP. AND AT LAST
18 -- AT OUR LAST CONVERSATION, IT WAS MY UNDERSTANDING
19 THAT THE STATE, STILL PLANNING TO OFFER THE STATEMENTS,
20 WOULD REDACT CERTAIN PORTIONS OF THE STATEMENTS WHICH
21 IMPLICATE THE DEFENDANT, SEARS AND I -- I ASSUME
22 WE'RE ONLY TALKING ABOUT THE ALEXANDER STATEMENT, IS
23 THAT CORRECT?

24 MR MEADORS: JUDGE, AT THIS POINT, WE HAVEN'T
25 MADE A DECISION WHETHER WE'RE GOING TO OFFER THE SEARS'

1 STATEMENT OR NOT, BUT I THINK THAT WAS A MUCH EASIER
2 REDACTION IF WE DO I DON'T THINK THERE'S MUCH IN
3 DISPUTE IN THAT STATEMENT

4 THE COURT: OKAY WELL, LET'S -- LET'S DEAL WITH
5 ALEXANDER AT THIS POINT

6 HAS THE STATE MADE THE SUGGESTED REDACTIONS OR
7 WHAT YOU BELIEVE ARE THE REDACTIONS WHICH COMPLY WITH
8 GRAY V. MARYLAND, STATE V. GARRETT, STATE V -- U.S. --
9 BRUTON V. U.S., AND RICHARDSON? I FORGET THE FULL
10 NAME. HAS THE STATE MADE THOSE REDACTIONS?

11 MS. CAMPBELL: YES, YOUR HONOR. THE PROPOSED
12 REDACTIONS WOULD BE AS FOLLOWS DO YOU HAVE A COPY OF
13 THE STATEMENT?

14 THE COURT I DO NOT

15 MS. CAMPBELL: LET ME GET YOU THAT.

16 THE COURT. DO THE DEFENDANTS HAVE A COPY OF THE
17 REDACTED STATEMENTS?

18 MS CAMPBELL: NOT THE ORIGINAL STATEMENTS, DO
19 YOU?

20 MR. BURR. NO, SIR.

21 THE COURT: RICHARDSON V. MARSH WAS THE OTHER CASE
22 I WAS REFERRING TO

23 MS. CAMPBELL: YES, SIR, RICHARDSON V MARSH, AND
24 THIS IS FOLLOWING, YOUR HONOR. IN THE GRAY OPINION,
25 THEY HAVE SOME QUESTIONS THAT WERE USED. IT'S TOWARDS

1 THE END OF THE OPINION, AND THAT'S NOT TO SAY, YOUR
2 HONOR, THAT THE OPINION DID TALK ABOUT HOW IT WAS
3 ACTUALLY DONE IN THIS CASE AND WHAT AN ALTERNATIVE
4 WOULD BE THAT WOULD HAVE MADE IT OKAY.

5 THE COURT: YES.

6 MS. CAMPBELL SPECIFICALLY THERE WAS A WHO WAS IN
7 THE GROUP, AND THEN THE ANSWER WAS DELETED -- DELETED.
8 THEY DIDN'T LIKE THE USE OF DELETED OR A BLANK SPACE OR
9 OTHER CASES THAT CITED MR. X. THEY ASKED THAT THEY
10 THEN PROPOSE THE FOLLOWING: WHY COULD THE WITNESS NOT
11 HAVE THEN SAID, QUESTION. WHO WAS IN THE GROUP?

12 ANSWER. ME AND A FEW OTHER GUYS.

13 YOUR HONOR, I'VE ALSO HANDED UP TO THE COURT A
14 SERIES OF OTHER CASES THAT HAVE INTERPRETED GRAY, FROM
15 OTHER JURISDICTIONS, GRANTED, BUT I WOULD ALSO RELY ON
16 THE SOUTH CAROLINA CASE OF GARRETT THAT PROPOSES THAT
17 INSTEAD OF USING A DELETED OR A BLANK SPACE, WHICH
18 SEEMS TO BE THE PROBLEM BROUGHT UP IN GRAY AND THE
19 OTHER CASES OF RICHARDSON, INSTEAD REFER TO THE TO THE
20 PERSON AS THE OTHER GUY OR OTHER GUYS, OR SOMETHING OF
21 THAT NATURE.

22 TAKING WILLIE ALEXANDER'S STATEMENT, OUR PROPOSAL
23 WOULD BE IN THE FIRST PARAGRAPH, YOUR HONOR, AFTER THE
24 FIRST QUESTION, WHAT CAN YOU TELL ABOUT YOUR ACTIVITIES
25 THIS MORNING, THE THIRD LINE DOWN, HALF-WAY ACROSS, HE

1 SAID, BRIAN CAME BACK FROM TAKING THE KIDS TO SCHOOL.

2 DEMETRIO, MY COUSIN, CAME BY THE HOUSE.

3 WE WOULD JUST THEN PROPOSE TO PUT SOME OTHER GUY

4 OR THE OTHER GUY CAME BY MY HOUSE.

5 THE COURT. SOME OTHER GUY IS PROBABLY BETTER THAN

6 THE OTHER GUY

7 MS CAMPBELL YES, WHATEVER YOU THINK IS

8 APPROPRIATE, YOUR HONOR.

9 THE COURT WELL ---

10 MS CAMPBELL. ON THE NEXT LINE, AGAIN IT REFERS

11 TO DEMETRIO ---

12 THE COURT. I'M NOT -- I'M NOT DRAFTING THIS, YOU

13 UNDERSTAND?

14 MS. CAMPBELL I'M JUST SAYING PURSUANT TO GRAY, I

15 THINK THAT WOULD BE APPROPRIATE, SOME OTHER GUY.

16 THE COURT. I THINK IT'S MUCH BETTER THAN THE

17 OTHER GUY.

18 MS CAMPBELL SOME OTHER GUY.

19 THE COURT: IT DRAWS MUCH MORE ATTENTION TO MR.

20 SEARS. GO AHEAD.

21 MS CAMPBELL THEN THE NEXT LINE, YOUR HONOR,

22 AGAIN IT REFERS TO DEMETRIO, AND I -- AGAIN WE WOULD

23 PUT ANOTHER GUY OR SOME OTHER GUY HAD BORROWED THE CAR

24 BEFORE.

25 THE LAST LINE IN THAT SAME PARAGRAPH, YOUR HONOR,

1 THE FIRST DEMETRIO AND THE LAST LINE, THE OTHER GUY
2 THEN LEFT IN THE VAN OR SOME OTHER GUY THEN LEFT IN THE
3 VAN. AGAIN, THAT GUY OR SOME OTHER GUY LEFT, HEADING
4 OUT ON PERCIVAL ROAD THAT WOULD BE THE EXTENT OF THE
5 REDACTIONS FROM THE FIRST PARAGRAPH.

6 MOVING TO THE SECOND PARAGRAPH, YOUR HONOR, AGAIN
7 THE SECOND LINE -- YOUR HONOR, I DIDN'T KNOW IF YOU
8 WANTED TO GET A RESPONSE FROM THEM AT THIS POINT ON
9 THOSE.

10 THE COURT NO. I THINK IT'S ALL THE SAME I
11 MEAN, LET'S GO AHEAD

12 MS. CAMPBELL: THEN THE SECOND PARAGRAPH, THE
13 SECOND LINE, DEMETRIO RETURNED IN NO MORE THAN 15
14 MINUTES. SOME GUY RETURNED IN 15 MINUTES.

15 THE COURT: OR THE OTHER GUY.

16 MS. CAMPBELL: MOVING TO THE SECOND PAGE OF THE
17 STATEMENT, YOUR HONOR, THE SECOND LINE -- STARTING WITH
18 THE FIRST LINE, I PULLED BESIDE A HIGHWAY PATROL. I
19 THEN TOOK OFF RUNNING -- TELLING ANOTHER GUY -- SOME
20 OTHER ---

21 THE COURT. THE OTHER GUY.

22 MS. CAMPBELL: --- THE OTHER GUY.

23 THE COURT. GO AHEAD.

24 MS. CAMPBELL: IT WAS STUPID TO DO IT THEN GOING
25 DOWN TWO LINES BEFORE THAT, I TOLD HER THE OTHER GUY

1 HAD BEEN SHOT -- IN PLACE OF THE WORD, DEMETRIO.

2 THERE ARE NO MORE REFERENCES IN THAT NEXT
3 PARAGRAPH.

4 THEN YOU GO HALF-WAY DOWN THE PAGE, YOUR HONOR, TO
5 THE QUESTION, WHO ELSE WAS IN THE VAN WITH THE OTHER
6 GUY -- INSTEAD OF DEMETRIO

7 THE COURT: ALL RIGHT. IS IT -- THROUGHOUT THE
8 STATEMENT, IS THAT THE ---

9 MS. CAMPBELL. THAT'S THE -- AND -- AND
10 SPECIFICALLY ---

11 THE COURT. THAT'S THE INTENT?

12 MS. CAMPBELL -- THAT'S THE QUESTION AND ANSWER
13 LIKE I WAS GIVING WITH MY COUSIN WAS BLEEDING. HIS
14 COUSIN, DEMETRIO, THAT SHOULD BE REPLACED

15 THE COURT. SO THIS HAS NOT BEEN REDACTED?

16 MS. CAMPBELL. NO, SIR. I WAS PROPOSING
17 REDACTIONS -- THAT'S THE ORIGINAL. I DIDN'T WANT TO DO
18 ANYTHING UNTIL I GOT APPROVAL FROM THE COURT

19 THE COURT: ALL RIGHT.

20 MS. CAMPBELL: BUT THOSE WOULD BE MY PROPOSALS

21 THE COURT. THROUGHOUT?

22 MS. CAMPBELL. THROUGHOUT. AND AGAIN, THAT
23 CONTINUES ON PAGE 3.

24 THE COURT: ALL RIGHT. LET ME -- LET ME HEAR FROM
25 THE DEFENDANTS AS TO WHETHER OR NOT THE OTHER GUY, SOME

1 OTHER GUY MEETS THE STANDARD OF REDACTION AS SET FORTH
2 IN GRAY V. -- GRAY V MARYLAND AND SUBSEQUENT SOUTH
3 CAROLINA CASES.

4 MR BURR

5 MR. BURR: YOUR HONOR, I THINK THE REDACTION WOULD
6 BE COMPLETELY INEFFECTIVE.

7 THE COURT: WHY?

8 MR. BURR BECAUSE THE OTHER GUY SITTING HERE AT
9 THE TABLE -- IT WOULD BE VERY OBVIOUS WHO IT WOULD BE
10 TALKING ABOUT I JUST DON'T SEE ANY PROPER WAY TO
11 REDACT IT AND NOT BE COMPLETELY TELLING THE JURORS WHO
12 YOU'RE TALKING ABOUT.

13 THE COURT: IT MAY BE INFERABLE THAT MR. SEARS IS
14 THE OTHER GUY IT CERTAINLY DOES NOT FACIALLY AND --
15 AND GRAY V. MARYLAND TALKS ABOUT FACIAL IDENTIFICATION,
16 FACIALLY IDENTIFYING THE CO-DEFENDANT THERE'S
17 CERTAINLY NO FACIAL IDENTIFICATION. THE ONLY PERSON
18 FACIALLY IDENTIFIED IN AN INCULPATORY STAND -- FROM AN
19 INCULPATORY STANDPOINT IS YOUR CLIENT, WHO MAKES THE
20 STATEMENT

21 I UNDERSTAND WHAT YOU'RE SAYING. I'M NOT -- THAT
22 PROBABLY -- UNLESS THE CONTEXT OF THE -- I'M NOT EVEN
23 SURE THAT THE CONTENT -- CONTEXT OF THE STATEMENT
24 CONCLUSIVELY POINTS TO THE CO-DEFENDANT SEARS AND
25 BESIDES THAT, IT'S PROBABLY MR SEARS' CALL ON THIS

1 ISSUE AS OPPOSED TO YOURS

2 I MEAN, IT CLEARLY INCRIMINATES YOUR CLIENT, HIS
3 STATEMENT, HIS OWN STATEMENT. THE QUESTION IS WHETHER
4 IT INCRIMINATES -- SO INCRIMINATES MR SEARS AS TO BE
5 CONSTITUTIONALLY DEFECTIVE.

6 MR BURR. WELL, THAT'S -- MR STRICKLER HAS
7 ALREADY ---

8 THE COURT I UNDERSTAND.

9 MR. BURR: --- BUT I'M NOT INTERPRETING EITHER
10 WAY

11 THE COURT. WELL, OKAY.

12 MR. STRICKLER

13 MR. STRICKLER BEG THE COURT'S INDULGENCE, YOUR
14 HONOR, FOR JUST ---

15 THE COURT. CERTAINLY.

16 MR. STRICKLER. --- ONE MOMENT

17 THE COURT. CERTAINLY. GO RIGHT AHEAD.

18 (PAUSE)

19 MR. STRICKLER. THANK YOU, SIR. MAY IT PLEASE THE
20 COURT.

21 THE COURT: SURE.

22 MR. STRICKLER. JUST TO START WITH, I THINK IT'S
23 -- I THINK IT'S OF -- IT'S OF IMPORTANCE TO LOOK AT
24 RICHARDSON V MARSH OBVIOUSLY BRUTON STARTED CHANGING
25 THE LAW IN THIS AREA, AND RICHARDSON V. MARSH REALLY, I

STATE VS SEARS AND ALEXANDER

1 THINK, SET UP SOME PARAMETERS IN THIS REGARD.

2 WHAT'S IMPORTANT TO SEE IN RICHARDSON V. MARSH IS
3 WHAT THE COURT ENDORSED AS AN APPROPRIATE REDACTION.
4 AND, OF COURSE, THEY'VE DONE US THE FAVOR OF REPRINTING
5 THE ENTIRE REDACTED CONFESSION IN FOOTNOTE NO. 1 IN
6 RICHARDSON V MARSH.

7 AND THERE IS NO MENTION WHATSOEVER OF MS.
8 RICHARDSON OR SOME OTHER PERSON OR HER OR ANY --
9 CERTAINLY NO DELETED, NO BLANK, NO THIS, NO THAT. IT
10 IS A STATEMENT THAT IS COMPLETELY DEVOID OF ANY
11 REFERENCE TO THE CO-DEFENDANT. THAT'S WHAT RICHARDSON
12 V. MARSH SAYS -- CLEARLY COMPORTS WITH BRUTON
13 THE COURT CORRECT.

14 MR STRICKLER: THAT'S -- YOU KNOW, WHETHER OR NOT
15 THAT CAN BE ACCOMPLISHED IN A PARTICULAR CASE IS
16 ANOTHER QUESTION, WHETHER YOU CAN REDACT IN SUCH A
17 FASHION AS TO COMPLETELY ELIMINATE REFERENCE TO THE
18 CO-DEFENDANT. AND, OF COURSE, IF YOU CAN'T, THERE ARE
19 ALTERNATIVES

20 I SUGGESTED ONE AT THE BEGINNING OF THIS TRIAL,
21 THAT'S SEVER THE CASES AND TRY THEM INDEPENDENTLY,
22 WHICH JUST ADDRESSES THIS PROBLEM COMPLETELY.

23 SO FIRST OF ALL, AN APPROPRIATELY REDACTED
24 STATEMENT IS ONE WHICH COMPORTS WITH RICHARDSON V.
25 MARSH AND WE HAVE AN EXAMPLE IN THAT CASE OF AN

1 APPROPRIATELY REDACTED STATEMENT

2 GRAY, FLOWING FROM THAT, THE COURT DOES STRUGGLE,
3 YOU KNOW. HERE I'M LOOKING AT GRAY, PAGE 1157 AT THE
4 SUPREME COURT CITE, 118 SUPREME COURT 1157, WHERE THEY
5 -- IT'S PROBABLY PAGE -- IF YOU HAVE THE SAME COPY ---
6 THE COURT. I -- I ---

7 MR. STRICKLER: --- MS. CAMPBELL SUPPLIED TO ME,
8 IT'S PAGE 6.

9 THE COURT. WELL, I HAVE MY OWN, BUT GO AHEAD.

10 MR. STRICKLER. YES, SIR.

11 THE COURT: I MEAN, IT ---

12 MR STRICKLER IT'S 1157. IT'S ALSO 190 U.S 19-
13 -- BEGINNING AT 196.

14 THE COURT. I'VE GOT IT. OKAY I'M WITH YOU NOW.

15 MR. STRICKLER. AND THE COURT SAYS, THAT BEING SO,
16 RICHARDSON MUST DEPEND IN SIGNIFICANT PART ON THE KIND
17 OF, NOT THE SIMPLE FACT OF INFERENCE. RICHARDSON'S
18 INFERENCES INVOLVE STATEMENTS THAT DID NOT REFER
19 DIRECTLY TO THE DEFENDANT. THERE THEY GO BACK TO THE
20 STATEMENT WHICH CONTAINS NO REFERENCES.

21 IF THE OTHER EVIDENCE IN THE CASE MAKES IT CLEAR
22 THAT -- THAT HE'S INVOLVED, THAT'S FINE THE STATEMENT
23 ITSELF DOES NOT. IT BECAME INCRIMINATING ONLY WHEN
24 LINKED

25 AND, YOUR HONOR, THE -- THE LANGUAGE YOU WERE

1 TALKING ABOUT IS FURTHER DOWN. MORROVER, THE REDACTED
2 CONFESSION WITH THE BLANK PROMINENT FACE FACIALLY
3 INCRIMINATES THE DEFENDANT. IT'S MORE VIVID THAN AN
4 INFERABLE INCRIMINATION

5 NOW, THE PROPOSAL BY THE STATE IN THIS PARTICULAR
6 CASE IS TO REPLACE -- AS I UNDERSTAND IT IS TO REPLACE
7 REFERENCES TO DEMETRIO WITH SOME OTHER GUY.

8 THE COURT. WHY WOULD YOU THINK THE COURT
9 FOLLOWING THAT RICHARDSON ANALYSIS OFFERED A SOLUTION
10 -- IT MAY NOT BE A SOLUTION, BUT OFFERED AN ALTERNATIVE
11 TO THE REDACTION OF SIMPLY THE DELETED PORTIONS IF THEY
12 -- IF THEY DID NOT APPROVE SUCH A DELETION?

13 MR STRICKLER. I WOULD HESITATE TO TRY TO DELVE
14 INTO WHY THE SUPREME COURT DOES ANYTHING. HOWEVER,
15 THERE -- THERE IS A SIGNIFICANT DIFFERENCE BETWEEN THIS
16 CASE AND THE STATEMENT IN THIS CASE IN THAT INVOLVED IN
17 GRAY WHICH PERHAPS ALLOWS THEM TO SUGGEST THE
18 POTENTIAL. THERE ARE NUMEROUS DEFENDANTS IN GRAY.

19 THE COURT: TRUE.

20 MR. STRICKLER. SOME OTHER GUYS ---

21 THE COURT. PLURAL?

22 MR STRICKLER: PLURAL

23 THE COURT: RIGHT

24 MR STRICKLER. JUST AROUND THERE, WHO KNOWS?

25 SOME OTHER GUY WITH ONE OTHER GUY SITTING IN COURT ---

1 THE COURT WELL, LET ME ASK YOU THIS. WERE THERE
2 -- FACTUALLY, WERE THERE NOT THREE -- THREE ALLEGED
3 PERPETRATORS IN THIS CASE?

4 MS CAMPBELL: YES.

5 MR. STRICKLER ONLY BY, I THINK, STATEMENTS.

6 MR. MEADORS CLEARLY, MR PATTERSON ALLEGED THAT.

7 MR. STRICKLER: I'M SORRY.

8 THE COURT: I ASKED MR. STRICKLER LET ME -- I'M
9 MERELY ASKING ---

10 MR. STRICKLER. THE STATEMENTS REFERENCED ONE --
11 YES, SIR

12 THE COURT. OKAY SO THERE WAS' ALLEGEDLY,
13 ACCORDING TO SOME EVIDENCE, THERE WAS AT LEAST A THIRD
14 INDIVIDUAL IN THE -- IN THE VAN OR THE VEHICLE THAT
15 APPROACHED THE BUSINESS?

16 MR STRICKLER: ACCORDING TO ---

17 THE COURT: OKAY.

18 MR. STRICKLER: --- EVIDENCE CONTAINED IN THESE
19 STATEMENTS, YES, SIR.

20 THE COURT RIGHT

21 MR. STRICKLER: HOWEVER, THEN YOU WOULD MODIFY THE
22 STATEMENT TO SAY INSTEAD OF DEMETRIO, MY COUSIN, AND
23 SOME OTHER GUYS CAME -- I'M BACK TO THE FIRST PAGE OF
24 MR. ALEXANDER'S STATEMENT -- SOME OTHER GUYS, PLURAL,
25 CAME BY THE HOUSE WAITING FOR -- WANTING TO BORROW

1 VERONICA'S CAR

2 WELL, YOU KNOW, I HAVE TO GET BACK TO -- EXCUSE
3 ME; THAT'S NOT A LEGAL TERM. I HAVE TO REFERENCE
4 JUSTICE SCALIA'S DISSENT IN GRAY FOR WHY ONE SHOULDN'T
5 DO THAT. WELL, ONE, BECAUSE, AND MOST IMPORTANTLY, IT
6 JUST PLAIN MISLEADS THE JURY TO IMPLY THAT THERE WAS
7 MORE THAN ONE PERSON IN THE CAR AT THE TIME IT CAME BY.
8 I DON'T THINK YOU CAN GET AROUND SOME OTHER GUY.

9 MAYBE WE GO -- I CAN GO THROUGH EACH AND EVERY
10 REFERENCE TO DEMETRIO IN HERE

11 THE COURT. I THINK THEY'RE ALL -- PROBABLY ALL
12 THE SAME

13 MR. STRICKLER: THEY'RE PRETTY MUCH THE SAME. I
14 MIGHT ACTUALLY NOTE A COUPLE OF OTHERS THAT -- THAT I
15 DON'T THINK MS. CAMPBELL IDENTIFIED. BUT CERTAINLY
16 WHEN YOUR HONOR MAKES HIS DECISION ---

17 THE COURT. ANY TIME THE WORD DEMETRIO APPEARS, I
18 ASSUME THE STATE TAKES THE SAME POSITION?

19 MR. STRICKLER: YES, SIR, THAT WAS MY
20 UNDERSTANDING. AND, YOUR HONOR, SOME OTHER GUY --
21 AGAIN, WHEN SOME OTHER GUY IS SITTING NEXT TO MR.
22 ALEXANDER AT TRIAL, WHEN SOME OTHER GUY HAS HAD AN
23 INDICTMENT PUBLISHED AGAINST HIM BY -- BY THIS COURT IS
24 -- I MEAN, I -- I DON'T SEE HOW THIS SITUATION CAN BE
25 OTHER THAN FACIALLY DIRECTED AT ---

1 THE COURT. WELL, WHAT DO WE DO WITH GARRETT?
2 BECAUSE THE STATEMENT WAS REDACTED AND A CURATIVE
3 INSTRUCTION GIVEN, WE FIND THERE WAS NO VIOLATION OF
4 THE CONFRONTATION CLAUSE EVEN GIVEN THE STATE'S OTHER
5 EVIDENCE INDICATING GARRETT WAS THE OTHER GUY.

6 MR STRICKLER YOUR HONOR ---

7 THE COURT: THAT'S JUDGE HEARN

8 MR STRICKLER: YES, SIR, OF THE COURT OF
9 APPEALS ---

10 THE COURT: CORRECT

11 MR. STRICKLER: --- NOT OUR SUPREME COURT, WITH ALL
12 DUE RESPECT AND I BELIEVE THERE WAS A MENTION
13 YESTERDAY, YOUR HONOR -- ONE SECOND, PLEASE, SIR.

14 (PAUSE)

15 MR. STRICKLER: THE PROBLEM I HAVE WITH GARRETT IS
16 -- IS TWO-FOLD ONE, I DON'T HAVE THE REDACTED
17 STATEMENT CONTAINED IN THE BODY OF THE OPINION SO I'M
18 NOT SURE HOW THAT READS AND I'M SORRY, BUT I THINK
19 THAT IS SIGNIFICANT.

20 AND TWO, AS I MENTIONED YESTERDAY, I DON'T THINK
21 THE ISSUE THAT THE COURT DEALT WITH IN THIS CASE --
22 THIS -- THIS IS DICTA IN GARRETT BECAUSE THAT WAS NOT
23 THE ISSUE REVEALED ON APPEAL.

24 THE COURT. YOU THINK THAT THE OTHER GUYS IS
25 MERELY PROPHYLACTIC?

1 MR STRICKLER: YES, SIR. YES, SIR.

2 THE COURT: AND DOESN'T REALLY GO TO THE HEART OF
3 THE ISSUE?

4 MR STRICKLER YOUR HONOR, ADDITIONALLY, THE
5 STATE PROVIDED A -- IN SOME CASES I BELIEVE IT PROVIDED
6 YOUR HONOR FROM DIFFERENT JURISDICTIONS, U S V LOGAN,
7 WHICH IS A COURT OF APPEALS -- EIGHTH CIRCUIT COURT OF
8 APPEALS, WHICH AFFIRMS SUBSTITUTING ANOTHER INDIVIDUAL
9 AGAIN, WE DON'T -- WE DON'T HAVE THE STATEMENT BEFORE
10 US IN THIS.

11 HOWEVER, THE DISSENT -- AND I BELIEVE THE BEST I
12 CAN COUNT, THIS WAS A 5-4, 6-4 EN BANC OPINION FROM THE
13 EIGHTH CIRCUIT COURT OF APPEALS. THE DISSENT IN THAT
14 CASE ---

15 THE COURT YOU KNOW -- GO AHEAD.

16 MR STRICKLER: YES, SIR

17 THE COURT: I'M JUST AGAIN READING ALEXANDER'S
18 STATEMENT

19 MR. STRICKLER. I'M SORRY, YOUR HONOR. I'LL BE
20 HAPPY TO ADDRESS THAT.

21 THE COURT: I DON'T WANT TO INTERRUPT YOU

22 MR STRICKLER. ALL RIGHT WELL, YOUR HONOR, I
23 WON'T EVEN GO INTO THAT.

24 THE COURT OKAY. WELL, LET ME -- LET ME SAY --
25 LET ME -- WHILE YOU'VE BEEN DOING THAT, AND I'VE

1 CERTAINLY BEEN LISTENING, BUT I'VE ALSO BEEN TRYING TO
2 AGAIN READ THE STATEMENT OF WILLIE ALEXANDER AND IF I
3 GO TO PAGE 3 OF THE STATEMENT AND SERGEANT MCDONALD
4 ASKS MR. ALEXANDER, CAN YOU TELL ME WHAT REALLY
5 HAPPENED TO THE ROBBERY ATTEMPT TODAY ON PERCIVAL ROAD?
6 AND JUST BEAR WITH ME

7 THE DAY STARTED THE SAME WAY, AS I SAID BEFORE.
8 WHILE ME AND, QUOTE, SOME OTHER GUY WERE DRIVING -- THIS
9 IS THE PROPOSED REDACTED FORM -- HE TOLD ME THIS OTHER
10 GUY OR THIS GUY HAD SOME MONEY IN RIMS. WE CALLED HIM
11 A PUSSY. AFTER HE SAID THAT, I THOUGHT HE WAS -- HE
12 WAS GOING TO ROB HIM BEFORE WE GOT TO THE CAR PLACE,
13 WE PICKED UP ANOTHER GUY ALONG THE WAY. WE TURNED OFF
14 PERCIVAL ROAD NEAR SOME TRAILERS AND THE GUY WAS
15 WAITING ON US. WE WENT PAST OLD PERCIVAL ROAD, BUT I'M
16 NOT SURE WHERE WE WENT TO THE CAR SHOP. THE OTHER
17 GUY TOLD ME TO WAIT RIGHT THERE.

18 THE OTHER GUY -- THE OTHER TWO GUYS, FOR THAT
19 MATTER, DEMETRIO AND THE GUY, SO I GUESS IT'S THE OTHER
20 TWO GUYS -- WENT INSIDE. THEY WERE ONLY INSIDE FOR A
21 LITTLE WHILE AND I HEARD BULLETS THEY CAME RUNNING
22 BACK OUT TO ME IN THE VAN WHEN, I GUESS IT'S THE
23 OTHER TWO GUYS GOT IN. HE SAID HE WAS SHOT

24 YOU KNOW, THE OTHER GUY GOT IN, TOO NOW -- WE
25 DROVE OFF, I THINK SLOWED DOWN, AND THE OTHER GUY

1 JUMPED OUT.

2 IT'S MY -- I THOUGHT YOU WERE CONCERNED ON BEHALF
3 OF MR SEARS THAT THERE WAS SOME STATE -- SOMETHING IN
4 THE STATEMENT THAT INDICATED A PLANNING OF THIS EVENT,
5 NOT NECESSARILY THAT YOUR CLIENT, MR. SEARS, WAS
6 PRESENT

7 IT CERTAINLY -- IF MR. SEARS GOT SHOT, AND I
8 ASSUME -- I'M UNDERSTANDING THAT HE WAS, HE IS ONE OF
9 THE THREE GUYS THAT GOT SHOT AND WAS PRESENT AND WENT
10 INTO THE STORE ACCORDING TO THIS STATEMENT. BUT I'M
11 NOT CERTAIN IN MY MIND THAT USING THE OTHER GUY IN THE
12 PRECEDING PARAGRAPHS IDENTIFIES WHO PLANNED THE EVENT,
13 WHETHER IT WAS YOUR CLIENT OR WHOEVER THE THIRD PERSON
14 IS OR WAS. DOES THAT MAKE ANY -- YOU SEE THE
15 DISTINCTION I'M ---

16 MR. STRICKLER YES, SIR, I -- I THINK I DO. THE
17 PLAIN FACT IS THAT WE HAVE ONE OTHER GUY ON TRIAL ---

18 THE COURT: I UNDERSTAND THAT.

19 MR. STRICKLER. --- MY CLIENT. INDEED THE OTHER
20 GUY, THE THIRD OTHER GUY, TO THE BEST OF MY KNOWLEDGE
21 HAS NEVER BEEN POSITIVELY IDENTIFIED BY THE POLICE OR
22 ARRESTED BY THE POLICE, CERTAINLY NOT ARRESTED BY THE
23 POLICE. SO WE'VE GOT ONE OTHER GUY ON TRIAL.

24 THE COURT WELL, THEN MAYBE THEY'VE GOT THE WRONG
25 GUY IF WE'RE JUST TALKING ABOUT THE OTHER GUY.

1 MR. STRICKLER. YES, SIR. WHAT WE GO FROM IN AN
2 ATTEMPT TO ACCOM -- WHAT I SEE IS HAPPENING HERE ON THE
3 LEVEL OTHER THAN THIS COURT IS GOING FROM A FAIRLY
4 CLEAR OPINION ON THE PART OF THE U S SUPREME COURT IN
5 RICHARDSON V. MARSH. REDACT IT LIKE THIS AND THERE'S
6 NO PROBLEMS -- TO A SITUATION WHERE IF -- WITH ALL DUE
7 RESPECT TO ALL INVOLVED AND IN AN ATTEMPT TO
8 ACCOMMODATE THE INTEREST OF THE STATE WE START BENDING
9 THINGS TO THE POINT THAT WE GET TO SUBSTITUTING HUGER
10 SUBSTITUTION AND THEN WE CAN ARGUE OVER ISSUES OF
11 WHETHER IT'S -- IF -- IF A CASE ON ITS FACE OR NOT AND
12 WE CAN START SPLITTING HAIRS

13 THE COURT: BUT GRAY DOES THAT.

14 MR STRICKLER WELL ---

15 THE COURT IN A SENSE.

16 MR STRICKLER --- IT DOES

17 THE COURT YES.

18 MR STRICKLER: IT DOES THAT. I THINK IT'S
19 UNFORTUNATE IN THAT REGARD, BUT SO WHAT. BUT I THINK
20 THE MORE SIMPLE OR THE -- OR THE METHOD TO EMPLOY WHICH
21 COMPORTS WITH GRAY IS TO REDACT -- OR IT COMPORTS MORE
22 IMPORTANTLY IN MY OPINION WITH -- WITH RICHARDSON V
23 MARSH IS TO REDACT IT AS DONE IN RICHARDSON V. MARSH.
24 AND IF INDEED THAT LEADS TO A STATEMENT THAT'S -- IS
25 INANE, THEN JUST SO BE IT

1 THE COURT. IT IS -- IT'S NEUTRAL AND IT ONLY
2 IMPLICATES THE CONFESSOR.

3 MR. STRICKLER EXACTLY

4 THE COURT. THANK YOU

5 MR. STRICKLER. THAT'S ALL, YOUR HONOR.

6 THE COURT: ANYTHING FROM THE STATE? THE STATE'S
7 POSITION?

8 MS CAMPBELL I THINK OUR POSITION IS CLEAR, YOUR
9 HONOR.

10 THE COURT: ALL RIGHT.

11 MS CAMPBELL. GRAY AND RICHARDSON. AND ---

12 THE COURT THE STATE'S NOT WILLING TO REDACT ANY
13 FURTHER? IS THAT -- I MEAN, THAT'S THE QUESTION.

14 MS CAMPBELL. THAT'S CORRECT. WE THINK THAT IT'S
15 A PROPER REDACTION PURSUANT TO THE MOST RECENT CASE LAW
16 OF OUR STATE COURT AND OUR UNITED STATES SUPREME COURT.

17 THE COURT. WELL, THE ONLY WAY TO REDACT IT TO
18 SATISFY MR STRICKLER'S CONCERNS AND HIS RELIANCE ON
19 RICHARDSON V. MARSH WOULD BE MERELY TO TAKE ALL
20 REFERENCE TO DEMETRIO OR ANY OTHER PERSONS AND
21 SUBSTITUTE THE FIRST PERSON SINGULAR AND SAY I. I
22 WENT I DID.

23 MS. CAMPBELL. YES, SIR, WHICH I THINK THAT THAT
24 CONCERN WAS A ADDRESSED IN GRAY AND SOME OTHER CASES IF
25 I'M CORRECT THERE COMES A POINT WHERE YOU CAN -- YOU

1 CAN'T INTENTIONALLY MISLEAD THE JURY THAT HE ACTED
2 ALONE AND I THINK THAT HAS BEEN ADDRESSED SOMEWHAT
3 THE COURT. WELL, THAT'S ---

4 MS CAMPBELL: AND, YOUR HONOR, ALL I'M ASKING
5 IS ---

6 THE COURT. THAT'S AN INTERESTING -- THAT'S AN
7 INTERESTING THEORY

8 MS. CAMPBELL AND, YOUR HONOR, AND -- ALL WE'RE
9 ASKING -- I MEAN, IN GARRETT, HE SAYS, YOU KNOW, THE
10 ENTIRE STATEMENT WASN'T PUBLISHED. BUT IT DOES TALK
11 ABOUT WHAT LANGUAGE WAS USED AND WHAT WAS PROPER.
12 THAT'S OUR -- AND -- AND IN DEFERENCE TO THE DEFENSE
13 ATTORNEY, I MEAN, THE COURT OF APPEALS DOES COUNT
14 THEY DO ADDRESS THAT, AND THAT IS SUBSEQUENT TO GRAY
15 AND RICHARDSON. AND IN GRAY V MARYLAND ---

16 THE COURT: WELL, YOU KNOW -- YOU'VE GOT ---
17 GARRETT WAS DICTA. I MEAN, THAT CASE WAS REVERSED ---

18 MS. CAMPBELL: AND EVEN THOUGH, YOUR HONOR,
19 YESTERDAY HE WANTED TO RELY ON GRAY V. MARYLAND, WHICH
20 WE WANT TO RELY ON ---

21 THE COURT: OKAY.

22 MS CAMPBELL --- AND RICHARDSON. AND IN GRAY V.
23 MARYLAND, THEY GO SO FAR AS TO TELL US WHAT IS THE
24 PROPER WAY TO DO IT, WHICH IS WHAT WE'RE TRYING TO DO
25 THAT'S ALL WE'RE TRYING TO DO.

1 THE COURT: I UNDERSTAND. THE MOTION IS GRANTED.

2 MS CAMPBELL. THANK YOU.

3 MR. STRICKLER. YOUR HONOR, IF I -- IF I COULD ---

4 THE COURT CERTAINLY

5 MR. STRICKLER. --- GET A COPY OF THE REDACTED
6 STATEMENT SO I COULD MAKE SPECIFIC OBJECTIONS AS TO THE
7 FINAL ---

8 THE COURT ALL RIGHT

9 MR. STRICKLER. --- AS TO THE FINAL REDACTION. I
10 ALSO WOULD LIKE THE RECORD TO REFLECT JUST--FOR PURPOSES
11 FURTHER DOWN THE LINE THAT MY MOTION, OF COURSE, AS
12 SHOULD BE OBVIOUS FROM THE -- FROM THE REFERENCE TO
13 BRUTON AND ITS PROGENY, IS BASED ON VIOLATION OF MY
14 DEFENDANT'S RIGHT ---

15 THE COURT. CONFRONTATION.

16 MR STRICKLER --- MY CLIENT'S RIGHT TO CONFRONT
17 THE WITNESSES ---

18 THE COURT. EXACTLY

19 MR. STRICKLER: --- AGAINST HIM UNDER THE UNITED
20 STATES CONSTITUTION, PROVISIONS OF THE UNITED STATES
21 CONSTITUTION, AND APPLICABLE AND CURRENT PROVISIONS OF
22 THE SOUTH CAROLINA STATE CONSTITUTION

23 THE COURT. THANK YOU VERY MUCH.

24 MR. STRICKLER. THANK YOU

25 MR. MEADORS AND, OF COURSE, YOUR HONOR, IF

1 ALEXANDER TOOK THE STAND, ALL THIS WOULD BE MOOT.

2 THE COURT WE UNDERSTAND THAT WE UNDERSTAND
3 THAT.

4 NOW, HOW LONG WILL IT TAKE TO -- I'D LIKE TO GET
5 THIS JURY STARTED. HOW LONG WILL IT TAKE TO REDACT
6 THAT? IF THERE'S NO REFERENCE IN THE OPENINGS TO THE
7 STATEMENTS ---

8 MS CAMPBELL I DON'T REFER TO ANY STATEMENTS IN
9 MY OPENING.

10 THE COURT: --- THEN PERHAPS OVER -- OVER THE ---

11 MS. CAMPBELL: OVER THE LUNCH HOUR.

12 THE COURT: --- LUNCH HOUR, IF SERGEANT MCDONALD
13 IS NOT CALLED AS YOUR FIRST WITNESS, YOU COULD PRODUCE
14 A REDACTED VERSION FOR THE DEFENSE COUNSEL

15 MS. CAMPBELL: THANK YOU, YOUR HONOR.

16 THE COURT ANYTHING ELSE BEFORE WE BRING THE JURY
17 IN? MR BURR?

18 MR BURR NO, SIR, YOUR HONOR

19 MR. STRICKLER: NO, SIR.

20 THE COURT: ALL RIGHT ANYTHING FROM THE STATE?

21 MS. CAMPBELL. NO, SIR

22 THE COURT ALL RIGHT. LET'S BRING THE JURY, AND
23 SEE IF WE CAN GET THEM STARTED.

24 (PAUSE.)

25 THE COURT. STACY JACOBS, I BELIEVE WAS THE FIRST

1 JUROR SELECTED, IS THE FOREPERSON OF THE JURY.

2 (THE JURY RETURNS TO THE COURTROOM AT 10.40 A.M)

3 THE BAILIFF. THE JURY IS PRESENT, YOUR HONOR

4 THE COURT ALL RIGHT, THANK YOU VERY MUCH.

5 THANK YOU VERY MUCH FOR YOUR PATIENCE, LADIES AND

6 GENTLEMEN WE HAD A LITTLE TECHNICAL DIFFICULTIES

7 GETTING STARTED THIS MORNING. WE'RE READY NOW TO

8 COMMENCE THE TRIAL.

9 MR. JACOBS, WE WANT TO THANK YOU FOR AGREERING TO
10 SERVE AS FOREPERSON OF THE JURY.

11 MADAM CLERK, IF YOU'D PLEASE SWEAR THE JURY.

12 (THE JURY WAS FIRST DULY SWORN AT 10:42 A M)

13 THE COURT. ALL RIGHT LADIES AND GENTLEMEN, AS I
14 INDICATED TO YOU YESTERDAY, WE ARE ABOUT TO BEGIN THE
15 CASE OF -- ACTUALLY TWO CASES, THE STATE VERSUS
16 DEMETRIO SEARS, AND THE STATE VERSUS WILLIE LLOYD
17 ALEXANDER, EACH OF WHICH ARE CHARGED WITH ATTEMPTED
18 ARMED ROBBERY.

19 WHAT I SAY NOW IS NOT -- IS INTENDED TO SERVE AS
20 MERELY AN INTRODUCTION TO THE CASE THESE REMARKS ARE
21 NOT A CHARGE ON THE LAW OF THE CASE. I'LL INSTRUCT YOU
22 WHAT THE LAW APPLICABLE TO THIS CASE IS AT THE END OF
23 THE TRIAL BEFORE YOU RETIRE TO CONSIDER YOUR VERDICT.
24 THIS IS MERELY AN EXPLANATION OF THE PROCEDURE THAT
25 WE'LL FOLLOW IN THE TRIAL OF THE CASE SO YOU MAY HAVE A

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1 BETTER UNDERSTANDING OF WHAT MAY BE HAPPENING DURING
2 THE COURSE OF THE TRIAL

3 THE INDICTMENT, AS I SAID TO YOU YESTERDAY, IS
4 MERELY THE CHARGE BY WHICH THE CASE COMES INTO COURT
5 IT IS NOT IN ANY SENSE EVIDENCE OF ANY OF THE
6 ALLEGATIONS THAT IT CONTAINS

7 THE DEFENDANT HAS PLED NOT GUILTY -- EACH OF THE
8 DEFENDANTS HAVE PLED NOT GUILTY TO THESE INDICTMENTS
9 AND THE STATE, THEREFORE, HAS THE BURDEN OF PROVING
10 EACH OF THE ELEMENTS OF THE INDICTMENTS BEYOND A
11 REASONABLE DOUBT. AND IT WILL BE YOUR DUTY, LADIES AND
12 GENTLEMEN, TO DECIDE WHETHER THE STATE HAS MET THAT
13 BURDEN.

14 YOUR PURPOSE AS JURORS IS TO FIND AND DETERMINE
15 THE FACTS IN THIS CASE. YOU ARE THE SOLE JUDGES OF THE
16 FACTS IF AT ANY TIME I MAKE ANY COMMENT REGARDING THE
17 FACTS, PLEASE DISREGARD THOSE COMMENTS. YOU ARE TO
18 DETERMINE THE FACTS FROM THE TESTIMONY YOU HEAR AND THE
19 OTHER EVIDENCE AS INTRODUCED IN COURT. IT IS UP TO YOU
20 TO DETERMINE THE INFERENCES WHICH YOU FEEL MAY BE
21 PROPERLY DRAWN FROM THE EVIDENCE.

22 IT'S ESPECIALLY IMPORTANT THAT YOU PERFORM YOUR
23 DUTY OF DETERMINING THE FACTS DILIGENTLY AND
24 CONSCIENTIOUSLY BECAUSE ORDINARILY THERE IS NO WAY TO
25 CORRECT AN ERRONEOUS DETERMINATION OF THE FACTS BY A

1 JURY

2 ON THE OTHER HAND AND WITH EQUAL EMPHASIS, THE
3 SAME LAW THAT MAKES YOU THE JUDGES OF THE FACTS OF THE
4 CASE MAKES ME THE JUDGE OF THE LAW THE LAW AS GIVEN
5 TO YOU BY THE COURT IS THE ONLY LAW YOU MAY CONSIDER.
6 YOU MUST ACCEPT AND FOLLOW IT EVEN THOUGH YOU MAY
7 DISAGREE WITH IT.

8 I CANNOT TELL YOU WHAT THE FACTS ARE AND YOU
9 CANNOT DISAGREE WITH ME ABOUT WHAT THE LAW IS OR THE
10 LAW SHOULD BE. YOUR JOB IS TO TAKE THE LAW AS I
11 EXPLAIN IT TO YOU AND APPLY IT TO THE FACTS AS YOU FIND
12 THEM FROM THE TESTIMONY OF THE WITNESSES AND ANY OTHER
13 EVIDENCE THAT MAY BE INTRODUCED DURING THE COURSE OF
14 THE TRIAL AND AFTER DOING THAT, YOU WILL RENDER YOUR
15 VERDICT, A TRUE AND JUST VERDICT UNDER THE SOLEMN OATH
16 YOU JUST TOOK AS JURORS

17 AND UNTIL I ADVISE YOU TO BEGIN YOUR
18 DELIBERATIONS, YOU MUST NOT DISCUSS THIS CASE WITH
19 ANYONE, INCLUDING YOUR FELLOW JURORS, FRIENDS, FAMILY
20 MEMBERS, OR ANYONE INVOLVED IN THE CASE. AFTER THE
21 CASE IS SUBMITTED TO YOU, YOU MUST DISCUSS IT ONLY IN
22 THE JURY ROOM WITH YOUR FELLOW JURORS.

23 THE PARTIES AND THE ATTORNEYS IN THIS CASE KNOW
24 THAT THEY ARE NOT TO TALK TO YOU AT ALL. SO IF YOU SEE
25 ANYONE INVOLVED IN THE CASE AND THEY DO NOT EVEN SAY

1 HELLO, THEY ARE NOT BEING UNFRIENDLY. THEY ARE JUST
2 FOLLOWING MY INSTRUCTIONS

3 NOW, DURING THE TRIAL, I'LL ASK YOU NOT TO READ,
4 LISTEN TO, OR WATCH ANY NEWS REPORTS ABOUT THE CASE. I
5 DOUBT THERE WILL BE ANY, BUT JUST IN CASE THERE WERE
6 THIS INCLUDES ANYTHING THAT MAY BE IN NEWSPAPERS, OR ON
7 THE INTERNET, OR RADIO, OR TELEVISION. YOU MUST NOT
8 CONSIDER ANYTHING THAT YOU MAY HAVE READ OR HEARD ABOUT
9 THE CASE OUTSIDE THE COURTROOM WHETHER BEFORE OR DURING
10 THE TRIAL

11 IT'S IMPORTANT THAT YOU KEEP AN OPEN MIND AND NOT
12 DECIDE ANY ISSUE IN THIS CASE UNTIL ALL OF THE EVIDENCE
13 HAS BEEN PRESENTED, THE PARTIES HAVE MADE THEIR CLOSING
14 ARGUMENTS, AND I'VE INSTRUCTED YOU ON THE LAW AS IT
15 APPLIES TO THIS CASE.

16 IT WILL BE YOUR SOLEMN RESPONSIBILITY TO DETERMINE
17 THE GUILT OR INNOCENCE OF EACH DEFENDANT. AND YOUR
18 VERDICT MUST BE BASED SOLELY ON THE EVIDENCE AS IT IS
19 PRESENTED TO YOU IN THIS TRIAL AND ON THE LAW AS I
20 INSTRUCT YOU AT THE CLOSE OF THE TRIAL

21 NOW, IN A MOMENT THE SOLICITOR WILL MAKE WHAT'S
22 KNOWN AS AN OPENING STATEMENT IN WHICH THE SOLICITOR
23 WILL EXPLAIN TO YOU THE ISSUES IN THE CASE OR AT LEAST
24 WHAT THE SOLICITOR THINKS THE ISSUES ARE IN THE CASE.
25 THE ATTORNEYS FOR THE DEFENDANTS MAY ALSO MAKE OPENING

1 STATEMENTS IF THEY WISH TO, ALTHOUGH THEY'RE NOT
2 REQUIRED TO

3 WHAT THE ATTORNEYS TELL YOU DURING THEIR OPENING
4 STATEMENTS IS NOT EVIDENCE IN THIS CASE IT IS ONLY
5 THEIR CONTENTION AS TO WHAT THE ISSUES ARE.

6 THE EVIDENCE IN THE CASE WILL BE PRESENTED TO YOU
7 BY THE TESTIMONY OF SWORN WITNESSES FROM THIS WITNESS
8 STAND AND BY EXHIBITS THAT MAY BE INTRODUCED DURING THE
9 COURSE OF THE TRIAL.

10 NOW, FROM TIME TO TIME DURING THE TRIAL YOU MAY
11 HEAR ONE OF THE LAWYERS SAY SOMETHING LIKE, YOUR HONOR,
12 I BELIEVE WE HAVE A QUESTION OF LAW OR MATTER OF LAW TO
13 DISCUSS WITH YOU, OR MAY WE APPROACH THE BENCH, OR
14 SOMETIMES I, MYSELF, MIGHT FIND IT NECESSARY TO EXCUSE
15 YOU FROM THE COURTROOM FOR A SHORT PERIOD OF TIME SO
16 THE ATTORNEYS AND I CAN DISCUSS A MATTER OF LAW.

17 THE REASON FOR THIS IS BECAUSE YOU'RE JUDGES OF
18 THE FACTS IN THE CASE AND SOMETIMES WHEN I'M
19 DISCUSSING MATTERS OF LAW WITH THE ATTORNEYS, IT MAY BE
20 NECESSARY FOR ME TO MAKE SOME COMMENT AS TO THE FACTS
21 IN CONNECTION WITH A PARTICULAR RULING OR WHETHER A
22 PARTICULAR LAW APPLIES. I'M NOT SUPPOSED TO TELL YOU
23 WHAT I THINK THE FACTS ARE SO I WILL EXCUSE YOU FROM
24 THE COURTROOM WHILE THESE DISCUSSIONS TAKE PLACE SO
25 THAT IN NO WAY WILL YOU BE INFLUENCED BY ANYTHING THAT

1 I MIGHT SAY OR DO IN CONNECTION WITH THE FACTS

2 IN DETERMINING WHAT THE TRUE FACTS ARE, YOU MUST
3 DECIDE WHETHER OR NOT THE TESTIMONY OF THE WITNESSES IS
4 BELIEVABLE

5 IT WILL BE MY RESPONSIBILITY TO RULE AS A MATTER
6 OF LAW AS TO WHETHER CERTAIN TESTIMONY IS ADMISSIBLE
7 BUT ONCE THAT TESTIMONY IS ADMITTED, WHETHER OR NOT YOU
8 BELIEVE IT IS SOLELY FOR YOU TO DETERMINE.

9 IN DECIDING WHETHER TO BELIEVE A WITNESS, YOU HAVE
10 THE RIGHT TO CONSIDER THE INTEREST OF ANY WITNESS, THE
11 BIAS OF ANY WITNESS, THE PREJUDICE OF ANY WITNESS, AND
12 THE OPPORTUNITY FOR THE WITNESS TO HAVE SEEN THE
13 MATTERS AND THINGS ABOUT WHICH THE ATTORNEY MAY -- I'M
14 SORRY -- THE WITNESS MAY TESTIFY AND THE WAY THE
15 WITNESS ACTS ON THE WITNESS STAND.

16 YOU HAVE A RIGHT TO CONSIDER ANYTHING THAT'S IN
17 THE RECORD THAT WILL HELP YOU EVALUATE THE TESTIMONY OF
18 THESE WITNESSES. THIS MEANS IT IS YOUR DUTY TO PAY
19 CLOSE ATTENTION TO THE WITNESSES, OBSERVE THE
20 WITNESSES, AND PAY CLOSE ATTENTION TO THE ATTORNEYS AND
21 TO THE COURT, TRY NOT TO LET YOUR THOUGHTS WANDER, BUT
22 GIVE STRICT ATTENTION TO THE TESTIMONY IN THE CASE SO
23 THAT AT THE END OF ALL THE TESTIMONY, AFTER THE
24 ARGUMENTS OF COUNSEL AND THE CHARGE ON THE LAW BY THE
25 COURT, YOU WILL THEN BE IN A POSITION TO DETERMINE WHAT

1 THE TRUE FACTS ARE AND APPLY THE LAW TO THOSE FACTS AND
2 THUS RENDER A TRUE AND JUST VERDICT.

3 IT WILL BE YOUR ADDED DUTY, MR FOREPERSON, TO
4 PRESIDE IN THE JURY ROOM AND BE THE JURY'S SPOKESPERSON
5 HERE IN COURT IT WILL ALSO BE YOUR DUTY TO WRITE THE
6 VERDICT, BUT I WILL GIVE YOU FURTHER INSTRUCTIONS ABOUT
7 THAT AT THE CONCLUSION OF THE CASE.

8 ALL RIGHT. THANK YOU VERY MUCH WE WILL NOW
9 BEGIN THE TRIAL.

10 MADAM SOLICITOR.

11 OPENING STATEMENTS BY MS. CAMPBELL

12 ON BEHALF OF THE STATE.

13 ON OCTOBER 8TH OF 2002, STERLING PATTERSON AND
14 ANDRAE STOKES WERE WORKING AT A -- AT AN AUTOMOBILE
15 CUSTOMIZING BUSINESS ON PERCIVAL ROAD WHEN THREE MEN
16 ARMED WITH GUNS, WEARING MASKS, BURST INTO THE STORE,
17 DEMANDING MONEY.

18 THE OWNER OF THE STORE, STERLING PATTERSON, SAW
19 THEM COMING FROM THE PARKING LOT BEFORE THEY GOT IN.
20 AND ONCE INSIDE AS THEY HELD THE GUN TO ANDRAE STOKES'
21 HEAD AS HE LAY ON THE FLOOR AND THEY THREATENED TO KILL
22 HIM, STERLING PATTERSON DID WHAT HE HAD TO AND HE
23 OPENED FIRE ON THE MASKED GUNMEN, FORCING THEM TO FLEE
24 FROM HIS BUSINESS. ONE OF THEM WAS ACTUALLY SHOT.

25 LATER THAT DAY THE POLICE, THE SHERIFF'S

1 DEPARTMENT, WERE ABLE TO APPREHEND TWO OF THE THREE
2 ROBBERS AND THE ONE ROBBER, THE MAN WHO PROVIDED THE
3 VAN THAT GOT THEM THERE AND GOT THEM AWAY, ONE OF THE
4 ROBBERS WAS WILLIE ALEXANDER, LLOYD TO HIS FRIENDS
5 THE SECOND MAN THEY APPREHENDED, THE ONE THAT
6 ACTUALLY HELD THE GUN TO ANDRAE STOKES' HEAD AND
7 THREATENED TO KILL HIM IF HE DIDN'T GIVE HIM THE MONEY,
8 THE ONE THAT GOT SHOT, WAS DEMETRIO SEARS
9 AND, LADIES AND GENTLEMEN, THIS MAN OVER HERE,
10 THIS IS WILLIE LLOYD ALEXANDER, THE DRIVER, ONE OF THE
11 ROBBERS.
12 AND THIS, LADIES AND GENTLEMEN, IS DEMETRIO SEARS,
13 THE ONE THAT HELD THE GUN TO MR STOKES' HEAD.
14 NOW, MY NAME IS LUCK CAMPBELL AND I'M AN ASSISTANT
15 SOLICITOR HERE IN THE FIFTH JUDICIAL CIRCUIT, AND I'LL
16 BE ONE OF THE PROSECUTORS PRESENTING EVIDENCE OVER THE
17 NEXT SEVERAL DAYS YOU WILL ALSO BE HEARING FROM THE
18 DEPUTY SOLICITOR, JOHN MEADORS, FROM MY OFFICE AND WE
19 WILL BE BEFORE YOU ASKING QUESTIONS AND PRESENTING
20 WITNESSES RELEVANT TO THE PROSECUTION IN THIS CASE
21 AND AS THE JUDGE HAS ALREADY TOLD YOU IN THIS
22 CASE, THERE ARE TWO DEFENDANTS ON TRIAL HERE TODAY
23 THEY ARE CO-DEFENDANTS BECAUSE THERE WAS ONE EVENT.
24 BUT WHEN TWO OR MORE PEOPLE COMBINE AND ACT TOGETHER TO
25 COMMIT A CRIME, THEN THEY CAN BE TRIED TOGETHER AND

STATE VS SEARS AND ALEXANDER

1 IN THIS CASE BEFORE YOU IS WILLIE LLOYD ALEXANDER AND
2 DEMETRIO SEARS AND EACH IS CHARGED IN SEPARATE
3 INDICTMENTS AS THEY SHOULD BE

4 AND LET ME BE THE FIRST TO TELL YOU, AS THE JUDGE
5 HAS TOLD YOU ABOUT THESE INDICTMENTS, THEY AREN'T
6 EVIDENCE IN THIS CASE. THE EVIDENCE, LADIES AND
7 GENTLEMEN, IS THE TESTIMONY YOU'RE GOING TO HEAR, THE
8 EVIDENCE THAT IS ACTUALLY ENTERED THE BULLETS, THE
9 GUNS YOU WILL SEE IN THIS CASE, THAT IS THE EVIDENCE.
10 BUT THESE INDICTMENTS, EVEN THOUGH THEY AREN'T
11 EVIDENCE, THEY DO SERVE A VERY IMPORTANT PURPOSE AND
12 SIMPLY, LADIES AND GENTLEMEN, THAT PURPOSE IS TWO-FOLD.

13 NUMBER ONE, IT PUTS THE STATE ON NOTICE AS TO EACH
14 AND EVERY ELEMENT WE MUST PROVE AGAINST THESE TWO
15 DEFENDANTS, WHAT WE ARE ACTUALLY SAYING THEIR CRIMINAL
16 ACTIONS WERE BACK ON OCTOBER 8TH OF 2002, THE ELEMENTS
17 OF THE CASE. AND SECONDLY, LADIES AND GENTLEMEN, IT
18 PUTS THE DEFENDANTS ON NOTICE OF WHAT WE INTEND TO
19 PROVE, WHAT THEY ARE CHARGED WITH.

20 NOW, VERY SIMPLY, LADIES AND GENTLEMEN, IN THIS
21 CASE BEFORE YOU TODAY IN THIS COURTROOM ARE THE
22 FOLLOWING INDICTMENTS, ONE FOR WILLIE LLOYD ALEXANDER
23 AND ONE FOR DEMETRIO SEARS, AND EACH IS CHARGED WITH
24 ONE COUNT OF ATTEMPTED ARMED ROBBERY.

25 AND THE GRAND JURY IN OUR COUNTY HAS TRUE BILLED

STATE VS. SEARS AND ALEXANDER

1 THESE INDICTMENTS AGAINST THESE TWO DEFENDANTS AND
2 VERY SIMPLY, LADIES AND GENTLEMEN, THEY READ AS
3 FOLLOWS ATTEMPTED ARMED ROBBERY THAT DEMETRIO SEARS
4 DID IN RICHLAND COUNTY ON OR ABOUT OCTOBER 8TH OF 2002,
5 A LITTLE OVER A YEAR, ABOUT 15 OR 16 MONTHS AGO, DID
6 ATTEMPT TO COMMIT A ROBBERY BY FELONIOUSLY TAKING FROM
7 THE PERSON OR PRESENCE OF THE EMPLOYEES OF INTENSE
8 CUSTOMS AND CAR AUDIO BY MEANS OF FORCE OR INTIMIDATION
9 GOOD OR MONIES THAT BELONGED TO THAT BUSINESS, SUCH
10 GOOD AND MONIES IN THIS CASE, THEY WERE ATTEMPTING TO
11 GET MONEY, PLAIN AND SIMPLE THAT WAS THEIR INTENTION
12 AND IN THE SAME THING, TRACKING THE SAME LANGUAGE
13 -- EXCUSE ME. I LEFT OUT ONE THING AND THAT THEY DID
14 SO WHILE EITHER REPRESENTING THEY HAD A GUN, BUT IN
15 THIS CASE, THEY HAD THE GUN, THE REAL THING. SO VERY
16 SIMPLY, LADIES AND GENTLEMEN, WE MUST PROVE THAT BOTH
17 OF THESE DEFENDANTS INDEPENDENT OF EACH OTHER,
18 SEPARATELY, DID WHILE IN THIS COUNTY BACK ON OCTOBER
19 8TH, DID ATTEMPT TO ROB THIS BUSINESS, THE EMPLOYEES OF
20 THIS BUSINESS, OF MONEY, AND THAT THEY WERE ARMED.
21 AND, LADIES AND GENTLEMEN, AN ARMED ROBBERY
22 DOESN'T GET ANY MORE HORRIFIC OR ANY MORE HORRENDOUS
23 THAN THIS ONE. MASKED GUNMEN RUSHING INTO A BUSINESS
24 IN THE MIDDLE OF THE DAY IS AS BAD AS IT GETS AS FAR AS
25 ARMED ROBBERY GOES.

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1 VERY SIMPLY, LADIES AND GENTLEMEN, THOSE ARE THE
2 ELEMENTS WE MUST PROVE AND WHAT IS ROBBERY? IN THIS
3 CASE, THEY WEREN'T SUCCESSFUL AND I'LL EXPLAIN TO YOU
4 IN A MINUTE WHY, BUT IT DOESN'T MATTER. YOU DON'T GET
5 A BREAK FROM THE STATE JUST BECAUSE YOU HAVE CRIMINAL
6 INTENTIONS AND BECAUSE SOME INTERCEDING FORCE PREVENTS
7 YOU FROM ACTUALLY GETTING THE MONEY.

8 IF A PERSON ENTERS A BUSINESS WITH THE INTENT TO
9 ROB SOMEONE AND JUST BECAUSE SOMETHING FOILED THEIR
10 PLAN, THEIR INTENT, COUPLED WITH THEIR ACTIONS, MEANS
11 THAT THEY COMMITTED THE CRIME.

12 NOW, LADIES AND GENTLEMEN, LET ME ALSO TELL YOU IN
13 THIS STATE IN CRIMINAL COURT, IN THIS NATION, THE
14 BURDEN OF PROOF, AS IT SHOULD BE, IS ON THE STATE OF
15 SOUTH CAROLINA TO PROVE EACH ONE OF THESE INDIVIDUALS
16 GUILTY BEYOND A REASONABLE DOUBT THE BURDEN IS HERE.
17 WE MUST PROVE BY RELEVANT CREDIBLE EVIDENCE THAT EACH
18 OF THESE DEFENDANTS IS GUILTY BEYOND A REASONABLE
19 DOUBT AND LET ME TELL YOU, IN THIS CASE IN THIS
20 COURTROOM, THAT IS A BURDEN THE STATE WELCOMES IN THIS
21 CASE.

22 NOW, I WANT TO TALK TO YOU JUST BRIEFLY AND
23 OUTLINE THE FACTS AS YOU ARE GOING TO HEAR THEM. AND
24 VERY SIMPLY, LADIES AND GENTLEMEN, YOU WILL HEAR HOW
25 STERLING PATTERSON WAS THE OWNER OF INTENSE CUSTOM AND

1 CAR AUDIO. IT'S A CAR KIND OF CUSTOMIZING SHOP. THEY
2 PUT IN A LOT OF AUDIO EQUIPMENT, FIX RIMS, THINGS OF
3 THAT NATURE. THAT WAS THE TYPE OF BUSINESS.

4 YOU WILL HEAR HOW IT WAS LOCATED OUT ON PERCIVAL
5 ROAD NEAR WHERE ALPINE ROAD INTERSECTS WITH PERCIVAL,
6 KIND OF RIGHT THERE -- 77 RUNS ON ONE SIDE, 20 ON THE
7 OTHER PERCIVAL KIND OF COMES -- SPLITS DOWN THE
8 MIDDLE, AND ALPINE ROAD INTERSECTS NOT TOO FAR -- LESS
9 THAN A MILE FROM WHERE THIS IS. IT'S A RURAL AREA.
10 THERE ARE BUSINESSES AS WELL AS HOUSES IN THIS AREA ON
11 THIS PARTICULAR STRIP. AND YOU WILL HEAR HOW THIS
12 BUILDING HAD A BLANK PART ON ONE SIDE AND CUSTOM AUTOS
13 THERE WERE NO OTHER BUSINESSES RIGHT THERE NEARBY

14 ON THE DATE IN QUESTION, ON OCTOBER 8TH OF 2002,
15 STERLING PATTERSON, THE OWNER OF THE SHOP WAS WORKING
16 THAT DAY. ANDRAE STOKES WAS ONE OF HIS EMPLOYEES AND
17 HE HELPED OPEN THAT MORNING. THEY OPENED EVERY MORNING
18 AROUND 9:00 O'CLOCK. AND THAT DAY THEY OPENED AND
19 BUSINESS WAS AS USUAL, NOTHING UNUSUAL.

20 YOU WILL HEAR HOW AROUND 9 30 STERLING PATTERSON
21 WAS IN THE -- THERE WERE THREE SEPARATE AREAS OF THIS
22 SHOP. THERE WAS THE FRONT AREA WHERE THE CUSTOMERS
23 WOULD WALK IN. THEN THERE WAS A DISPLAY AREA RIGHT
24 BEHIND THAT THEN BEHIND THAT WAS AN OFFICE OVER TO
25 THE RIGHT -- TO THE LEFT, IF YOU ARE LOOKING AT IT, WAS

1 THE BAY AREA

2 ON THE DATE IN QUESTION AROUND 9:30, STERLING
3 PATTERSON WAS IN THE BACK HE WAS TALKING TO HIS
4 EMPLOYEE, ANDRAE STOKES, ABOUT WHAT ALL THEY HAD TO DO
5 TODAY -- THAT DAY AND THE WORK THEY HAD TO DO ON THE
6 SEPARATE CARS THERE WAS A CAR ACTUALLY PARKED OUT
7 FRONT THEY WERE GOING TO DO

8 YOU WILL HEAR HOW ANDRAE WAS SITTING IN THE FRONT,
9 AND THERE'S A T V RIGHT THERE IN THE FRONT AREA. HE
10 WAS PLAYING HIS NINTENDO, WASN'T REALLY ON BREAK, BUT
11 HE WAS PLAYING IT. HIS BACK WAS TO THE FRONT DOOR. IT
12 WAS A GLASS DOOR

13 STERLING WAS BACK IN THE DISPLAY AREA, BETWEEN THE
14 OFFICE AND THE DISPLAY AREA, AND HE WAS TALKING TO
15 ANDRAE AS ANDRAE WAS PLAYING WITH THE NINTENDO. YOU
16 WILL HEAR HOW STERLING PATTERSON LOOKED UP BECAUSE HE
17 HEARD A CAR PULL INTO THE PARKING LOT. BECAUSE THERE
18 WAS GRAVEL IN THE PARKING LOT, YOU COULD HEAR IT PULL
19 UP. AND AS HE LOOKED OUT THROUGH THE BAY AREA, THROUGH
20 THE GARAGE DOOR, HE SAW MEN EXIT A BURGUNDY VAN AND
21 AS HE WATCHED TO HIS DISMAY, TO HIS FEAR, HE SAW THAT
22 THEY WERE PUTTING ON MASKS AND THAT THEY HAD GUNS, AND
23 HE PANICKED

24 IN THE BACK, BECAUSE THIS WAS A RURAL AREA,
25 STERLING HAD PURCHASED MONTHS BEFORE HIS OWN GUN, WHICH

1 HE KEPT BACK IN THE OFFICE AREA AND AT THAT POINT, HE
2 DID THE ONLY THING HE KNEW TO DO, AND HE WENT BACK TO
3 GET THE GUN THAT HE KEPT IN THE BACK WHILE HE WAS GOING
4 BACK, HE WAS STILL TALKING TO ANDRAE. ANDRAE WASN'T
5 PAYING MUCH ATTENTION. HE WAS PLAYING HIS GAME

6 YOU WILL HEAR HOW THE MEN BURST INTO THE BUSINESS,
7 FORCED ANDRAE TO THE FLOOR, TOLD HIM THAT THEY WOULD
8 KILL HIM, THEY WANTED THE MONEY, PUT A GUN TO HIS HEAD,
9 ONE MAN WITH A LIGHT BLUE BASEBALL CAP AND A WHITISH-
10 GRAY RAG OVER HIS FACE, A MASK, COVERING THE BOTTOM
11 PART OF HIS FACE -- HOW THE OTHER ONES CAME IN RIGHT
12 BEHIND HIM. ONE HAD A BLACK BAG THAT WILL BE
13 SIGNIFICANT LATER.

14 YOU WILL HEAR HOW THEY WERE DEMANDING THINGS.
15 STERLING CAME OUT OF THE OFFICE AREA. HE HAD THE GUN.
16 HE SAW ANDRAE ON THE GROUND. WORDS WERE EXCHANGED
17 AND AT THAT POINT STERLING PATTERSON OPENED FIRE, AS
18 WAS HIS RIGHT AS A LEGITIMATE BUSINESS OWNER. HE
19 OPENED FIRE NOT ONLY FOR HIS OWN LIFE, BUT TO PROTECT
20 ANDRAE STOKES WHO HAD A GUN TO HIS HEAD AND HE FIRED
21 NOT ONCE, NOT TWICE, BUT MULTIPLE TIMES, AND THE MEN
22 SCATTERED AND THEY WENT OUT

23 A COUPLE OF THEM WENT THROUGH THE SIDE DOOR BACK
24 INTO THE BAY AREA AND RAN OUT ONE ACTUALLY FELL
25 THROUGH THE GLASS, YOU'LL SEE IT, THE PICTURES, OUT THE

1 FRONT DOOR YOU WILL HEAR HOW THEY RAN TO THE VAN,
2 PILED IN, LEFT

3 AT THIS POINT, ANDRAE, DURING THE GUNFIRE, WAS
4 ABLE TO CRAWL BACK TO THE AREA WHERE STERLING WAS HE
5 AND STERLING GOT UP. THEY RAN OUT OF THE BUSINESS.
6 THEY WERE ATTEMPTING TO TRY TO GET A LICENSE NUMBER TO
7 FOLLOW THEM THEY FOLLOWED THEM DOWN PERCIVAL ROAD
8 THEY TOOK A RIGHT ON ALPINE, THINKING THEY WENT THAT
9 WAY, AND THEY LOST THEM.

10 AND THEY HAD GOTTEN AWAY, THE ROBBERS HAD GOTTEN
11 AWAY, OR SO THEY THOUGHT BUT UNFORTUNATELY FOR THE
12 ROBBERS, THEY DIDN'T KNOW THAT TWO WOMEN, A YOUNG WOMAN
13 WHO IS A NURSE HERE IN OUR COUNTY, WAS GOING TO WORK
14 SHE HAD HER MOTHER WITH HER THAT DAY, AND AS THEY WERE
15 DRIVING BY THE INTENSE CUSTOM AUTO SHOP, THEY NOTICED
16 MASKED MEN RUNNING FROM -- OUT FROM INSIDE THE BUSINESS
17 TO THE VAN AND THE FIRST THING THAT WENT THROUGH THESE
18 YOUNG WOMEN'S -- THEY'VE GOT NOTHING TO DO WITH THIS --
19 HEADS WAS OH, MY GOD. IT LOOKS LIKE A ROBBERY. THEY
20 HAD GUNS THEY STARTED CALLING 9-1-1.

21 MEANTIME, AS STERLING AND THOSE COULDN'T GET THE
22 TAG NUMBER, COULDN'T FIND OUT WHERE THEY WENT, THEY
23 WERE CALLING 9-1-1.

24 THE YOUNG WOMEN, THE QUATTLEBAUMS, TINA
25 QUATTLEBAUM AND HER MOTHER, MAGGIE, MADE MULTIPLE PHONE

1 CALLS, FINALLY FLAGGED DOWN AN OFFICER WHO WAS GOING
2 DOWN THE STREET. HE STOPPED THEY TOLD HIM WHAT THEY
3 SAW. THEIR EXACT WORDS WERE, WE THINK THERE WAS A
4 ROBBERY THEY GAVE HIM A GENERAL DESCRIPTION OF THE
5 VAN, A BURGUNDY VAN

6 IN THE MEANTIME, STERLING AND ANDRAE RETURNED TO
7 THE SCENE. THEY HAD ALREADY GOTTEN IN TOUCH WITH THE
8 POLICE. THEY DIDN'T KNOW THEY WERE ALREADY THERE.
9 THEY WERE THERE BY THE TIME THEY GOT BACK, WITHIN A FEW
10 SECONDS OF THE POLICE ARRIVING

11 THEY TOLD THEM WHAT HAPPENED. THEY GAVE THEM
12 DESCRIPTIONS OF THE PERPETRATORS. STERLING TURNED OVER
13 HIS GUN OFFICERS SECURED THE SCENE AND THERE IN THE
14 SCENE IN FRONT, THEY HAD LEFT SOME VALUABLE EVIDENCE
15 THERE WAS THE BLUE CAP FROM THE ONE THAT HAD BEEN SHOT,
16 SO STERLING THOUGHT AND TOLD THEM AT THAT POINT THERE
17 WAS THE BLACK BAG DROPPED OVER ON THE DRIVER'S SIDE OF
18 WHERE THE VAN HAD BEEN PARKED. AND THERE WAS THE GUN
19 THAT WAS RIGHT OUTSIDE THE DOOR WHERE THE MAN HAD
20 FALLEN THROUGH, ALL ITEMS OF EVIDENCE FOUND BY THE
21 POLICE AND SECURED THAT CORROBORATED WHAT STERLING
22 PATTERSON HAD TOLD THEM

23 YOU WILL HEAR HOW POLICE PUT OUT A BOLO. IT'S
24 CALLED A REPORT, BE ON THE LOOKOUT. THEY WERE LOOKING
25 FOR THE THREE MEN IN A BURGUNDY VAN, MPV -- I THINK

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1 IT'S A MAZDA. THEY DIDN'T HAVE A LICENSE PLATE AT THAT
2 POINT POLICE START SWARMING THE AREA, CANVASSING THE
3 AREA, LOOKING FOR A VEHICLE OR PEOPLE WHO MATCH THAT
4 DESCRIPTION.

5 YOU WILL HEAR HOW SHORTLY AFTER THE ROBBERY
6 OCCURRED, DOWN ON I-77 POLICE CAME UPON A VAN ON THE
7 SIDE OF THE ROAD IT HAD A FLAT TIRE, BAD TIMING, THAT
8 WHEN THEY CAME UP ON IT, IT WAS ON THE SIDE OF THE ROAD
9 BETWEEN FORT JACKSON BOULEVARD AND FOREST DRIVE -- I
10 CALL IT THE WAL-MART EXIT -- ON THE SIDE OF THE ROAD

11 ONE OFFICER, DOWDY, PULLED IN BEHIND IT HE
12 SECURED IT, STAYED BEHIND IT, DIDN'T APPROACH RIGHT
13 AWAY BECAUSE HE KNEW THEY WERE ARMED AND THEY WERE
14 DANGEROUS

15 YOU WILL HEAR FROM A HIGHWAY PATROLMAN WHO WAS
16 PATROLLING THE AREA HE HADN'T EVEN HEARD ABOUT THE
17 ROBBERY YET, BUT HE SAW TWO MEN WALKING DOWN THE SIDE
18 OF I-77 IT DIDN'T MAKE SENSE TO HIM HE ACTUALLY
19 DETAINED THEM BRIEFLY TO FIND OUT IF THEY HAD ANYTHING
20 TO DO WITH THE VAN OR ANYTHING ELSE, WHICH THEY DENIED

21 POLICE CAME IN. YOU WILL SEE A VIDEO OF HOW THEY
22 SAT BEHIND THE CAR, REPEATEDLY ASKED THE OCCUPANTS OF
23 THE CAR TO EXIT, AND FINALLY AFTER A FEW MINUTES, YOU
24 WILL HEAR HOW DEMETRIO SEARS, WHO HAD BEEN SHOT
25 MULTIPLE TIMES, FINALLY ROLLED OUT THE SIDE OF THE CAR.

1 NO ONE ELSE WAS THERE. THEY WERE GONE.

2 YOU WILL HEAR FROM ANOTHER INDEPENDENT WITNESS WHO
3 SAW -- WHO LIVES AT THE BARKOOT APARTMENTS RIGHT THERE
4 AT THE CORNER OF I-77 AND FORT JACKSON, WHO SAW PEOPLE
5 MATCHING THE DESCRIPTION OF THE OTHER TWO PERPETRATORS
6 IN THAT AREA, ALL CORROBORATING WHAT HAD HAPPENED.

7 THE AMBULANCES CAME. THEY TOOK DEMETRIO SEARS TO
8 THE HOSPITAL

9 YOU WILL HEAR HOW LATER THAT MORNING BASED ON THE
10 OTHER LEADS THEY GOT THE TAG OFF THE CAR THEY
11 FOLLOWED UP ON OTHER INFORMATION. THEY HAD DEMETRIO
12 SEARS IN CUSTODY YOU WILL HEAR HOW THEY DEVELOPED
13 WILLIE LLOYD ALEXANDER THROUGH THE VAN -- IT WAS HIS
14 GIRL FRIEND'S VAN -- HOW THEY APPREHENDED HIM LATER
15 THAT DAY.

16 YOU WILL ALSO HEAR HOW THE VICTIM IN THE CASE,
17 STERLING PATTERSON, WAS SHOWN A PHOTO LINEUP OF SIX
18 INDIVIDUALS NOT RELATED, NONE HE KNEW, AND WHEN SHOWN
19 THE PHOTO LINEUP OF THE ONE CONTAINING DEMETRIO SEARS,
20 HE WAS ABLE TO IDENTIFY THE MAN WHO ACTUALLY HELD THE
21 GUN TO ANDRAE STOKES' HEAD.

22 YOU WILL ALSO HEAR MUCH MORE EVIDENCE THAN THIS,
23 LADIES AND GENTLEMEN BUT MOST IMPORTANT, AND PAY
24 ATTENTION, YOU WILL HEAR FROM CRIME SCENE EXPERTS WHO
25 RESPONDED TO THE SCENE, WHO COLLECTED THINGS LIKE SHELL

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1 CASES, BULLET FRAGMENTS, GUNS, EVERYTHING FOUND AT THE
2 SCENE. THEIR TESTIMONY IS VERY IMPORTANT BECAUSE IT
3 COMPLETELY CORROBORATES THE CHAIN OF EVENTS THAT WAS
4 IMMEDIATELY REPORTED BY STERLING PATTERSON AND ANDRAE
5 STOKES

6 NOW, ALL THE STATE ASKS YOU TO DO IS TO LISTEN
7 CAREFULLY OVER THE NEXT COUPLE OF DAYS TO THE
8 TESTIMONY, SPECIFICALLY THE LAY WITNESS TESTIMONY AND
9 THE EXPERT TESTIMONY, BOTH OF WHICH CORROBORATE EACH
10 OTHER. IT'S LIKE DIFFERENT PIECES OF A PUZZLE ALL PUT
11 TOGETHER TO HELP YOU UNDERSTAND WHAT HAPPENED ON THAT
12 AFTERNOON

13 AND THEN THE JUDGE WILL TELL YOU WHAT THE LAW IS
14 ONCE YOU'VE HEARD ALL THE EVIDENCE AND YOU WILL HAVE TO
15 GO BACK AND DELIBERATE TO REACH A VERDICT, EACH OF YOU
16 INDIVIDUALLY AND THEN COLLECTIVELY.

17 NOW, THE WORD VERDICT COMES FROM A LATIN PHRASE,
18 VEREDICTO AND VERY SIMPLY, LADIES AND GENTLEMEN, IT
19 MEANS TO SPEAK THE TRUTH. AND ALL THE STATE OF SOUTH
20 CAROLINA ASKS FOR YOU TO DO IN THIS CASE IS TO LISTEN
21 CAREFULLY TO THE EVIDENCE AND TO REACH A VERDICT AND
22 HOLD THOSE MEN RESPONSIBLE FOR THEIR CHOICES AND THEIR
23 ACTIONS BACK ON OCTOBER 8TH OF LAST YEAR. THANK YOU.

24 THE COURT. MR. BURR.

25 MR. BURR: THANK YOU, YOUR HONOR.

1 OPENING STATEMENTS BY MR. BURR
2 ON BEHALF OF DEFENDANT ALEXANDER:

3 GOOD MORNING, LADIES AND GENTLEMEN. AS THE JUDGE
4 TOLD YOU YESTERDAY, I'M WILSON BURR IT'S MY PLEASURE
5 TO REPRESENT MR. WILLIE ALEXANDER.

6 THIS IS SOMEWHAT OF AN UNUSUAL CASE MS CAMPBELL
7 JUST TOLD YOU IT'S FAIRLY INVOLVED, IT'S GOING TO BE
8 SERIOUS. I THINK THE STATE PLANS TO CALL NUMEROUS
9 WITNESSES TO ATTEMPT TO PROVE THEIR CASE. THE UNUSUAL
10 PART ABOUT IT IS MR. ALEXANDER AGREES WITH-ABOUT 95
11 PERCENT OF WHAT THEY'RE GOING TO TELL YOU.

12 YOU'LL HEAR TESTIMONY FROM THE STAND THAT THREE
13 MEN IN A VAN LEFT ROSEWOOD DRIVE OVER BEHIND MIDLANDS
14 TECH, DROVE ABOUT 15 MILES, PASSING LITERALLY THOUSANDS
15 OF BUSINESSES, AT 9 00 O'CLOCK ON A TUESDAY MORNING
16 ONE OF THE MEN IN THE VAN, YOU'LL HEAR EVIDENCE, WAS A
17 FAIRLY WELL-KNOWN, SMALL-TIME DRUG DEALER. HE WAS
18 GOING OVER TO PICK UP MONEY FROM MR. PATTERSON WHERE HE
19 HAD LEFT DRUGS ON CONSIGNMENT

20 ALL THOSE FACTS ARE TRUE. THERE WAS A SHOOTOUT
21 THERE WAS A VICIOUS SHOOTOUT, BUT YOU HAVE TESTIMONY,
22 CONFLICTING TESTIMONY, WHY WAS THERE A SHOOTOUT.
23 YOU'LL HEAR FROM THE STAND THAT THEY WERE GOING OVER TO
24 PICK UP MONEY YOU'LL HEAR THAT MR. PATTERSON WAS
25 PEEPING OUT THE WINDOW, FOR WHATEVER REASON, AT 9:00

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1 O'CLOCK ON A TUESDAY MORNING IN A LITTLE LOW COUNT RIM
2 SHOP

3 OBVIOUSLY, YOU KNOW, WHAT EVIDENCE WILL YOU HAVE?
4 THERE COULDN'T BE MILLIONS OF DOLLARS THERE TO ROB
5 ANYWAY.

6 AND AS MS. CAMPBELL JUST TOLD YOU, AS SOON AS THAT
7 VAN PULLED UP, MR. PATTERSON RECOGNIZED SOMEBODY OR
8 SOMETHING AND HE OPENED FIRE AND THERE WAS, BY THE
9 EVIDENCE THAT YOU'LL HEAR, AT LEAST 11 SHOTS FIRED, 8
10 OF WHICH LANDED IN ONE OF THE PEOPLE. MR PATTERSON
11 WAS NEVER HIT MR STOKES WAS NEVER HIT THESE THREE
12 ARMED MEN THAT CAME IN TO ROB THEM, THEY SHOULD HAVE
13 HAD SOME FORETHOUGHT.

14 THE EVIDENCE IS NOT IN CONFLICT MOST OF THE TIME
15 ALL THAT I ASK YOU TO DO IS LISTEN TO IT, ASK
16 YOURSELF A QUESTION WHAT MAKES SENSE. IF YOU DO
17 THAT, YOU'LL COME TO THE RIGHT DECISION. THANK YOU,
18 LADIES AND GENTLEMEN.

19 THE COURT. MR STRICKLER.

20 MR STRICKLER. MAY IT PLEASE THE COURT

21 OPENING STATEMENTS BY MR. STRICKLER

22 ON BEHALF OF DEFENDANT SEARS:

23 MR FOREMAN, LADIES AND GENTLEMEN, ON OCTOBER 8TH,
24 2002, DEMETRIO SEARS' LIFE CHANGED FOREVER. ON OCTOBER
25 8TH, 2002, DEMETRIO SEARS ACCOMPANIED AN INDIVIDUAL WHO

1 WENT TO MR. PATTERSON'S PLACE OF BUSINESS TO COLLECT ON
2 DRUG MONEY AS MR PATTERSON EXITED THE VAN DRIVEN BY
3 MR ALEXANDER, MR. PATTERSON WAS SHOT 8 TIMES -- EXCUSE
4 ME -- MR. SEARS WAS SHOT 8 TIMES BY MR PATTERSON, 8
5 TIMES BY MR. PATTERSON

6 NOW, YOU'VE HEARD WHAT MS. CAMPBELL WENT INTO FOR
7 SOME TIME AS FAR AS WHAT THEY SAY HAPPENED IN THIS
8 CASE, AS FAR AS WHAT THE STATE'S CONTENTION IS AS TO
9 WHAT HAPPENED IN THIS CASE.

10 YOU'LL HAVE TO WAIT A WHILE TO HEAR EXACTLY WHAT
11 WE HAVE TO SAY HAPPENED IN THE CASE BECAUSE THE STATE
12 GOES FIRST, AND THEN THE DEFENSE GETS TO GO AS FAR AS
13 PRESENTATION OF EVIDENCE, SO TWO SIDES. RIGHT?

14 THE STATE'S CONTENTION IS THAT MR. SEARS AND THE
15 OTHER GENTLEMEN ENTERED THE STORE, AND MR. SEARS WAS
16 SHOT BY MR. PATTERSON INSIDE THE STORE.

17 WE KNOW MR SEARS WAS SHOT BY SOMEONE 8 TIMES. HE
18 WAS IN THE HOSPITAL FOR SOME 2 WEEKS SUBSEQUENT TO
19 THIS. YOU'LL SEE SOME EVIDENCE REGARDING HOW HE WAS
20 SHOT.

21 WELL, YOU'LL SEE THEIR VIDEO TAPE MENTIONED TO YOU
22 WHERE THE POLICE STAYED BEHIND THE VAN FOR 10 OR 15
23 MINUTES AS IT'S BY THE SIDE OF THE ROAD UNTIL SOMEONE,
24 DEMETRIO, IN RESPONSE TO REPEATED CALLS BY THE POLICE
25 TO EXIT THE VAN, COLLAPSES OUT THE SIDE DOOR OF THE VAN

1 TO THE GROUND BECAUSE HE'S BLEEDING TO DEATH. YOU'LL
2 SEE THAT THERE'S NO QUESTION SOMEONE WAS SHOT

3 THERE'S NO QUESTION SOMEONE ALMOST -- SOMEONE,
4 BEING DEMETRIO, ALMOST BLED TO DEATH, THE EVIDENCE WILL
5 SHOW, AS A RESULT OF BEING SHOT 8 TIMES, BY MR.
6 PATTERSON

7 THE QUESTION IS HOW DID THIS COME ABOUT, BECAUSE
8 ACCORDING TO MR. PATTERSON, ACCORDING TO THE STATE'S
9 CASE, WHAT HAPPENED WAS THEY CAME IN THE STORE AND
10 DEMETRIO GOT SHOT 8 TIMES BY MR. PATTERSON INSIDE THE
11 STORE. HE COLLAPSED THROUGH THE GLASS IN THE FRONT
12 DOOR OF THE STORE HE THEN GOT UP AND RAN ACROSS THE
13 PARKING LOT TO WHERE THE VAN WAS PARKED AND GOT IN THE
14 VAN.

15 AND HE MANAGED TO ACCOMPLISH THIS, FOLKS. HE
16 MANAGED TO ACCOMPLISH THIS WITHOUT SPILLING ONE DROP OF
17 BLOOD INSIDE THE STORE. HE MANAGED TO ACCOMPLISH THIS
18 WITHOUT SPILLING ONE DROP OF BLOOD FALLING THROUGH AND
19 CRASHING THROUGH A GLASS DOOR. HE MANAGED TO
20 ACCOMPLISH THIS WITHOUT SPILLING ONE DROP OF BLOOD
21 WHILE RUNNING -- I DON'T KNOW -- WE'LL HEAR THE EXACT
22 DISTANCE, FROM HERE AT THE DOOR ACROSS THE PARKING LOT
23 TO GET INTO THE VAN. THAT'S WHAT YOU'RE GOING TO HEAR
24 SO WE'LL COME BACK AT THE END OF THIS CASE AND ASK
25 YOU TO RETURN A VERDICT A VERDICT MEANS TO SPEAK THE

1 TRUTH IN THIS PARTICULAR CASE, SINCE THIS IS A
2 CRIMINAL CASE, IT REALLY MEANS A LITTLE MORE THAN THAT
3 IT MEANS TO SPEAK THE TRUTH BEYOND A REASONABLE DOUBT.

4 HIS HONOR WILL CHARGE YOU FULLY ON WHAT THAT
5 PHRASE MEANS. BEYOND A REASONABLE DOUBT IS HOW
6 STRONGLY THE STATE MUST PROVE TO YOU WHAT THE TRUTH IS
7 IT'S CALLED THE BURDEN OF PROOF. IT'S CALLED THE
8 STANDARD OF PROOF IN A CRIMINAL CASE. IT IS, IN SHORT,
9 THE HIGHEST STANDARD OF PROOF KNOWN IN THE LAW OF THIS
10 LAND

11 IF YOU HAVE A CAR WRECK WHERE YOU ARE ARGUING OVER
12 MONEY, EVEN IF THERE'S A TRAGEDY INVOLVED, IT'S A CIVIL
13 CASE THE STANDARD OF PROOF IS PROOF BY A
14 PREPONDERANCE OF THE EVIDENCE, SOMETHING YOU THINK IS A
15 LITTLE MORE TRUE AND PROVEN A LITTLE STRONGER THAN
16 ANOTHER WAY; THAT'S WHAT THE TRUTH IS.

17 THERE IS A MIDDLE STANDARD OF PROOF IN THIS
18 COUNTRY USED IN SOME PARTICULAR CASES IT'S CALLED
19 PROOF BY CLEAR AND CONVINCING EVIDENCE. THAT'S THE
20 MIDDLE STANDARD, CLEAR AND CONVINCING EVIDENCE, NOT
21 MORE PROBABLE THAN NOT, CLEAR AND CONVINCING EVIDENCE
22 THAT'S THE MIDDLE STANDARD.

23 THE HIGHEST STANDARD WHEN YOU'RE ASKED TO RETURN A
24 VERDICT, WHICH MEANS TO SPEAK THE TRUTH -- A VERDICT IN
25 A CRIMINAL CASE, THIS CRIMINAL CASE, THE HIGHEST

1 STANDARD KNOWN TO THE LAW IN THIS LAND IS PROOF BEYOND
2 A REASONABLE DOUBT. SO AT THE END OF THIS CASE AFTER
3 YOU'VE HAD A CHANCE TO HEAR THE EVIDENCE IN THIS CASE,
4 I'M GOING TO RETURN TO YOU AND ASK THAT YOU RETURN A
5 VERDICT THAT SPEAKS THE TRUTH BEYOND A REASONABLE
6 DOUBT.

7 AND I SUBMIT TO YOU AFTER YOU HEAR THE EVIDENCE,
8 AFTER YOU CONSIDER THE STATE'S THEORY IN LIGHT OF
9 WHAT'S NOT PRESENT, SOME OF WHICH I'VE JUST TOLD YOU
10 ABOUT, BLOOD ALL OVER THE PLACE, YOU WILL, CONSISTENT
11 WITH YOUR OATH, RETURN A VERDICT THAT SPEAKS THE TRUTH,
12 AND THAT WILL BE A VERDICT OF NOT GUILTY AS FAR AS
13 ATTEMPTED ARMED ROBBERY ON THE PART OF DEMETRIO SEARS.

14 I JUST ASK THAT YOU GIVE YOUR CLOSE ATTENTION.
15 THANK YOU VERY MUCH.

16 THE COURT. CALL YOUR FIRST WITNESS.

17 MR. MEADORS: YOUR HONOR, WE HAVE ONE
18 ADMINISTRATIVE MATTER WHICH TAKE TWO SECONDS IF IT
19 PLEASES THE COURT

20 (A BENCH CONFERENCE WAS HELD OFF THE RECORD IN THE
21 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE
22 JURY)

23 MR MEADORS TINA QUATTLEBAUM

24 TINA QUATTLEBAUM, BEING
25 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

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1 THE CLERK JUST HAVE A SEAT UP HERE, STATE YOUR
2 FULL NAME AND SPELL YOUR LAST NAME.

3 WITNESS MY NAME IS TINA QUATTLEBAUM.

4 DIRECT EXAMINATION BY MR. MEADORS.

5 Q MS. QUATTLEBAUM, LOOK AT THESE LADIES AND
6 GENTLEMEN AND TELL THEM A LITTLE BIT ABOUT YOURSELF
7 SPECIFICALLY, TELL THEM WHERE YOU'RE FROM.

8 A MY NAME IS TINA QUATTLEBAUM. I'M FROM COLUMBIA,
9 SOUTH CAROLINA. I'VE BEEN HERE FOR 25 YEARS. I
10 GRADUATED FROM EAU CLAIRE IN '97.

11 Q AND WHO DO YOU STAY WITH?

12 A I STAY WITH MY MOM AND MY DAD

13 Q OKAY. HERE IN THE COLUMBIA AREA?

14 A YES, SIR.

15 Q ALL RIGHT. AFTER YOU GRADUATED EAU CLAIRE IN '97,
16 WHAT DID YOU DO, MS QUATTLEBAUM?

17 A I TOOK SOME CLASSES TO BE A CERTIFIED NURSE
18 ASSISTANT.

19 Q AND WOULD YOU TELL THESE LADIES AND GENTLEMEN WHAT
20 IS YOUR JOB RIGHT NOW? WHAT DO YOU DO FOR A LIVING?

21 A I TAKE CARE OF THE ELDERLY AND THE HANDICAPPED,
22 BASICALLY PEOPLE THAT NEED SPECIAL ATTENTION THAT DON'T
23 HAVE FAMILY MEMBERS TO TAKE CARE OF THEM. AND I COME
24 IN THEIR HOUSE AND MAKE SURE THEY HAVE THEIR
25 MEDICATION, THEIR BATH, JUST BASIC STUFF THAT WE CAN DO

1 THAT THEY CAN'T DO.

2 Q AND DO YOU WORK FOR A SPECIFIC COMPANY?

3 A YES, SIR

4 Q AND WHAT'S THE NAME OF THAT COMPANY?

5 A CARING, INCORPORATED.

6 Q SO IF I HAD A FAMILY MEMBER WHO I COULDN'T SPEND
7 TIME WITH AND NEEDED SOMEBODY TO COME IN AND STAY WITH
8 THEM AND TEND TO THEIR PERSONAL NEEDS, THAT'S WHAT YOU
9 DO?

10 A THAT'S WHAT I DO

11 Q ALL RIGHT. AND DO YOU HAVE PARTICULAR -- REGULAR
12 CUSTOMERS?

13 A YES.

14 Q I DON'T KNOW IF THAT'S THE RIGHT WORD ---

15 A YES

16 Q --- OR PATIENTS, OR FOLKS YOU CARE FOR?

17 A REGULAR CLIENTS.

18 Q ALL RIGHT. CLIENTS. THANK YOU. WHEN YOU KIND OF
19 START TAKING CARE OF SOMEBODY, YOU KIND OF GET ATTACHED
20 TO THEM?

21 A RIGHT

22 Q NOW, IN THAT MODE, I WANT TO TAKE YOU BACK TO
23 OCTOBER 8TH OF 2002. OKAY?

24 A OKAY

25 Q THAT'S WHAT WE'RE HERE ABOUT TODAY DID YOU HAVE

1 ANY PARTICULAR CLIENTS THAT YOU WERE TAKING CARE OF AT
2 THAT POINT?

3 A YES.

4 Q LIKE ON A REGULAR BASIS?

5 A RIGHT

6 Q WOULD YOU SEE THEM DAILY?

7 A DAILY

8 Q OKAY AND -- AND SPECIFICALLY, DID YOU HAVE ONE
9 UP PERCIVAL ROAD ---

10 A YES

11 Q --- THAT YOU WERE TAKING CARE OF?

12 A YES, SIR

13 Q ALL RIGHT AND DO YOU REMEMBER WHERE THAT WAS?

14 A I USUALLY TAKE -- I WOULD SAY, TAKE ALPINE TO
15 PERCIVAL

16 Q OKAY BUT, I MEAN, WAS IT AN APARTMENT COMPLEX OR
17 A HOME OR ---

18 A APARTMENT COMPLEX

19 Q OKAY. NOW, WOULD YOU USUALLY GO -- WAS IT YOUR
20 PRACTICE THEN TO GO BY YOURSELF OR WOULD YOU EVER TAKE
21 ANYBODY WITH YOU?

22 A I USUALLY GO BY MYSELF BUT BEING THAT THEY HAD A
23 POND IN THE APARTMENT COMPLEX, I TAKE MY MOTHER WITH ME
24 EVERY NOW AND AGAIN.

25 Q OKAY AND YOU'VE BEEN WITH THESE PROFESSIONAL

- 1 CARING ASSOCIATES HOW LONG?
- 2 A TWO YEARS
- 3 Q OKAY. AND YOU SAID THEY HAD A POND?
- 4 A YES.
- 5 Q ALL RIGHT. AND LET ME -- COULD YOU FISH IN THAT
- 6 POND?
- 7 A YES
- 8 Q AND SPECIFICALLY, COULD YOUR MAMA FISH IN THAT
- 9 POND?
- 10 A IT WAS OKAY FOR HER TO FISH IN THAT POND
- 11 Q OKAY. SO SHE HAD GOT PERMISSION TO FISH IN THE
- 12 POND?
- 13 A YES, SIR.
- 14 Q AND THAT WOULD BE MRS. MAGGIE QUATTLEBAUM?
- 15 A YES, SIR.
- 16 Q THAT'S YOUR MOTHER?
- 17 A THAT'S MY MOTHER.
- 18 Q AND SHE LIKES TO FISH?
- 19 A SHE LIKES TO FISH
- 20 Q OKAY. SO RIGHT TO THE POINT, ON OCTOBER 8TH OF
- 21 2002, DID YOUR MOM GO WITH YOU?
- 22 A YES, SIR.
- 23 Q OKAY. TO TAKE CARE OF THESE FOLKS?
- 24 A YES, SIR. SHE WENT TO FISH ---
- 25 Q OKAY.

1 A --- NOT TAKE CARE

2 Q OKAY BUT SHE DROVE WITH YOU TO YOUR PLACE OF
3 EMPLOYMENT?

4 A YES SHE RODE WITH ME

5 Q ALL RIGHT. AND -- AND YOU WERE GOING THERE EVERY
6 DAY?

7 A EVERY DAY

8 Q ALL RIGHT. NOW, DO YOU REMEMBER THE ROUTE YOU
9 TOOK THAT DAY ---

10 A YES

11 Q --- FROM YOUR HOUSE? AND I DIDN'T ASK YOU
12 SPECIFICALLY. I DON'T KNOW IF YOU WANT TO GIVE THAT
13 OUT OR NOT, WHERE YOU LIVE, BUT WHAT GENERAL PART OF
14 COLUMBIA DO YOU LIVE IN?

15 A I STAY IN THE ST. ANDREWS AREA.

16 Q CAN YOU TELL THESE LADIES AND GENTLEMEN HOW YOU
17 GOT FROM YOUR HOUSE, GOING DOWN THE HIGHWAYS, UP TO
18 WHERE YOU WERE TAKING CARE OF THIS -- THIS PERSON THAT
19 DAY?

20 A 20, I-20 ---

21 Q OKAY.

22 A --- STRAIGHT UP. I GOT OFF ON AL -- WHAT ROAD
23 THAT IS? WELL, I GOT OFF ON ALPINE ROAD I USUALLY GO
24 UP PERCIVAL AT PERCIVAL, OLD ALPINE -- UP OLD
25 PERCIVAL. BUT SINCE WE WERE LOOKING FOR BAITS AND

1 LINE, WE JUST TOOK THAT ROUTE
2 Q ALL RIGHT
3 A WE WENT UP ALPINE AND WE MADE A LEFT ON ALPINE AND
4 WE WENT UP OLD PERCIVAL
5 Q ALL RIGHT. SO YOU COME DOWN 20 YOU GET ON 77 AT
6 ALPINE?
7 A YEAH YEAH, THAT'S IT
8 Q AND THEN WHEN YOU GET TO ALPINE, YOU TAKE A RIGHT
9 TO HEAD TO PERCIVAL?
10 A TAKE A RIGHT
11 Q OKAY. SO YOU COME DOWN -- AT THAT INTERSECTION --
12 LET'S JUST -- LET'S GO BACK IN OUR MINDS LIKE WE'RE
13 THERE RIGHT NOW. YOU'RE UP AT THAT INTERSECTION OF
14 ALPINE AND PERCIVAL. ARE YOU WITH ME?
15 A RIGHT.
16 Q ALL RIGHT AND ARE YOU DRIVING?
17 A I'M DRIVING
18 Q AND YOUR MAMA, MAGGIE QUATTLEBAUM, IS WHERE IN THE
19 CAR?
20 A THE PASSENGER SEAT.
21 Q OKAY NOW, DID YOU HAVE -- IF I ASKED YOU THIS
22 BEFORE, I APOLOGIZE. WHAT TIME WOULD YOU -- WHAT TIME
23 WERE YOU -- WHAT TIME DID YOU GET THERE USUALLY, AND
24 I'M TRYING TO LEAD WHAT TIME BASICALLY WAS IT THIS
25 MORNING?

- 1 A I WAS SUPPOSED TO BE THERE AT 10:00 O'CLOCK, BUT
2 WE WERE OUT LOOKING FOR BAIT. SO IT WAS -- WE WERE
3 AROUND THAT AREA AROUND ABOUT 9.30, 9 00 O'CLOCK,
4 BETWEEN 9 00 -- 9-00 O'CLOCK AND 9.30
- 5 Q AND WHEN YOU TAKE A LEFT ON ALPINE?
- 6 A UH-HUH
- 7 Q OKAY. HEADING UP TO WHERE YOU ARE GOING TO WORK?
- 8 A RIGHT
- 9 Q OKAY. AND THAT WOULD BE AWAY FROM COLUMBIA?
- 10 A THAT WOULD BE AWAY FROM COLUMBIA.
- 11 Q COLUMBIA WOULD BE BEHIND YOU?
- 12 A RIGHT
- 13 Q ALL RIGHT. AS YOU WERE RIDING UP WITH YOUR MAMA,
14 DID ANYTHING UNUSUAL HAPPEN?
- 15 A WHEN WE GOT ON ALPINE AND I MADE THAT LEFT ON OLD
16 PERCIVAL, WE HAD JUST TURNED AND WE'RE GOING UP THE
17 ROAD. AND MY MOM SAID, TINA, LOOK. AND I LOOK OVER TO
18 MY LEFT AND I SEE TWO MEN -- I SEEN A MASK AND A GUN --
19 RUNNING TOWARDS A BURGUNDY VAN
- 20 Q RUNNING TOWARDS A BURGUNDY VAN?
- 21 A RIGHT
- 22 Q AND WERE THEY RUNNING FROM A BUILDING OR A
23 BUSINESS?
- 24 A RIGHT, RUNNING FROM A BUILDING
- 25 Q TO A VAN?

- 1 A YES, SIR.
- 2 Q YOU SAW THAT WITH YOUR EYES?
- 3 A YES, SIR.
- 4 Q ANY QUESTION ABOUT THAT?
- 5 A NO DOUBT ABOUT IT
- 6 Q NOW -- AND MAGGIE IS TO YOUR RIGHT?
- 7 A RIGHT.
- 8 Q MRS. QUATTLEBAUM. I APOLOGIZE.
- 9 A YES.
- 10 Q ALL RIGHT. ONCE SHE SAID THAT AND YOU LOOKED AND
- 11 YOU SAW THAT ---
- 12 A I LOOKED AND I SEEN IT
- 13 Q ALL RIGHT. WAS THAT -- DID THAT STARTLE YOU A
- 14 LITTLE BIT?
- 15 A YES
- 16 Q WHAT DID YOU ALL DO NEXT?
- 17 A WE -- WE KEPT GOING. WE KEPT GOING AND WE WENT TO
- 18 THE FIRST TURN WE COULD AND THAT WAS ON OUR LEFT.
- 19 Q OKAY. PAST THIS BUSINESS?
- 20 A PAST THE BUSINESS
- 21 Q I'M GOING TO SHOW YOU SOME PICTURES IN A MINUTE.
- 22 A PAST THE BUSINESS
- 23 Q ALL RIGHT. AND WHAT DID YOU DO THERE, IF
- 24 ANYTHING?
- 25 A WE CALLED THE POLICE

1 Q ALL RIGHT. DID YOU CALL 9-1-1?

2 A 9-1-1

3 Q ALL RIGHT. AND THEN WHAT DID YOU AND YOUR MOTHER
4 DO AFTER THAT?

5 A WELL, WE WERE OUTSIDE THE CAR BECAUSE WE -- WE WAS
6 JUST SHAKING.

7 Q OKAY.

8 A AND WE WAS OUTSIDE THE CAR CALLING 9-1-1 AND A
9 POLICE JUST HAPPENED TO RIDE DOWN THE ROAD.

10 Q AND WHY WERE YOU SHAKING?

11 A BECAUSE OF WHAT WE HAD JUST SEEN

12 Q WHAT DID -- WHAT DID YOU SEE?

13 A WE SEEN TWO MEN WEARING A MASK, RUNNING OUT OF A
14 BUILDING.

15 Q WHAT DID IT LOOK LIKE TO YOU?

16 A A ROBBERY.

17 Q SO YOU GET OUT OF YOUR CAR AND YOU CALL 9-1-1?

18 A RIGHT

19 Q ALL RIGHT. DO YOU THEN MOVE FROM YOUR CAR BACK
20 DOWN TOWARD THIS PLACE YOU HAD JUST RIDDEN BY?

21 A RIGHT ---

22 Q ALL RIGHT

23 A --- AFTER WE GOT -- STOPPED THE POLICE AND TALKED
24 TO THE POLICE

25 Q ALL RIGHT WELL, TAKE THE JURY BACK DOWN THERE

1 YOU PASSED THIS BUSINESS. YOU COME BACK TOWARD IT?

2 A UH-HUH

3 Q ALL RIGHT. WHEN YOU GET BACK AT THIS BUSINESS,
4 WHAT HAPPENS?

5 A THE POLICE, HE START ASKING US QUESTIONS

6 Q OKAY. WHAT -- WELL, LET ME ASK YOU THAT WHEN
7 YOU GET -- AND MS. QUATTLEBAUM, LET'S DO -- WHEN YOU
8 GET BACK TO THIS BUSINESS, WAS ANYBODY ELSE THERE AT
9 THE TIME?

10 A NOBODY WAS THERE

11 Q ALL RIGHT. HOW DID THE -- DID YOU SEE THE POLICE
12 ARRIVE?

13 A WELL, THE POLICE, HE -- HE WAS IN FRONT OF US. WE
14 FOLLOWED HIM ---

15 Q OKAY.

16 A --- TO THE BUSINESS.

17 Q DID YOU ALL ACTUALLY FLAG THE POLICE DOWN?

18 A WE FLAGGED THE POLICE DOWN

19 Q YOU ACTUALLY DID LIKE THAT (INDICATING)?

20 A YES

21 Q ALL RIGHT. THEY CAME -- THE POLICE CAME THERE?

22 A YES

23 Q AND DID YOU TELL THEM WHAT YOU HAD JUST OBSERVED?

24 A YES, SIR

25 Q BASICALLY WHAT YOU JUST TOLD THESE FOLKS?

1 A RIGHT

2 Q DID YOU GIVE THEM YOUR NAME?

3 A I GAVE THEM MY NAME. MY MOM GAVE HER NAME. AND
4 WE GAVE A NUMBER SO THEY CAN CONTACT FOR LATER

5 Q FOR RIGHT NOW ---

6 A RIGHT.

7 Q --- SO YOU COULD COME IN AND TELL WHAT HAPPENED?

8 A RIGHT

9 MR. MEADORS: WITH THE COURT'S PERMISSION, COULD I
10 ASK MS. QUATTLEBAUM TO STEP DOWN, PLEASE?---

11 THE COURT. YES, MA'AM.

12 MR. MEADORS. IF YOU'D STEP DOWN, PLEASE.

13 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

14 Q IF YOU'LL GET ON THIS SIDE SO MRS. RUTLEDGE CAN
15 HEAR YOU. I DON'T MEAN TO -- IF YOU MIND IF I TOUCH
16 YOU AND JUST PUSH YOU THIS WAY JUST SO SHE CAN HEAR
17 YOU.

18 A OKAY.

19 Q I WANT YOU TO LOOK AT ME, BUT SHE'S GOT TO TAKE
20 DOWN EVERYTHING YOU SAY

21 I'M GOING TO SHOW YOU WHAT'S MARKED STATE'S 2, 3,
22 4 -- 1, 2, 3, AND 4 AND I JUST WANT YOU TO LOOK AT
23 THEM. DO YOU RECOGNIZE THESE?

24 A YES

25 Q DO THEY RELATE TO WHAT YOU JUST TALKED ABOUT?

1 A RIGHT

2 Q OKAY

3 MR. MEADORS. YOUR HONOR, I THINK WE'D OFFER THESE
4 WITHOUT ---

5 MR. STRICKLER AS TO MR. SEARS, NO OBJECTION.

6 MR. MEADORS I BELIEVE STATE'S 1, 2, 3, AND 4 ---
7 THE COURT. WITHOUT OBJECTION?

8 MR. MEADORS. --- ARE WITHOUT OBJECTION

9 MR. BURR. WITHOUT OBJECTION, YOUR HONOR

10 (FOUR, 4, PHOTOGRAPHS RECEIVED IN EVIDENCE AS
11 STATE'S EXHIBIT NOS. 1 THROUGH 4.)

12 Q MS. TINA -- MS. QUATTLEBAUM, I'M GOING TO SHOW YOU
13 WHAT'S STATE'S 2 NOW, IS -- YOU RECOGNIZE THIS
14 BUILDING, YOU STATED?

15 A RIGHT

16 Q IS THIS THE BUSINESS YOU -- YOU WERE RIDING BY
17 WHEN YOUR MAMA SAID, LOOK OVER THERE?

18 A YES.

19 Q AND IS THIS THE BUSINESS YOU SAW TWO FOLKS COME
20 RUNNING FROM?

21 A RIGHT.

22 Q AND -- AND YOU SAID ONE OF THEM HAD A -- SOMEBODY
23 HAD A MASK, SOMEBODY HAD A GUN?

24 A SOMEBODY HAD A MASK AND A GUN.

25 Q I MEAN, YOU COULD SEE THAT?

1 A I COULD SEE THAT.

2 Q AND YOU SAW A GUN?

3 A RIGHT

4 Q AND THAT'S INTENSE CUSTOMS AUDIO CAR HAVE YOU
5 RIDDEN BY -- YOU SAID -- HOW LONG HAD YOU BEEN HELPING
6 THOSE PEOPLE OUT THERE?

7 A I BEEN HELPING THAT LADY FOR -- AT THAT TIME, IT
8 WAS ABOUT A YEAR

9 Q YOU SAID SOME TIMES YOU TOOK OLD PERCIVAL, BUT YOU
10 HAD BEEN DOWN THIS ROAD BEFORE?

11 A I BEEN DOWN IT PLENTY OF TIMES.

12 Q OKAY. SO YOU KNEW THAT BUSINESS WAS THERE?

13 A RIGHT

14 Q AND THIS WAS AROUND 9-30 OR SO IN THE MORNING?

15 A RIGHT

16 Q NOW, THIS IS ANOTHER PICTURE OF -- 3 AND 4, JUST
17 ANOTHER PICTURE OF THAT SAME BUSINESS?

18 A RIGHT

19 Q AND YOUR TESTIMONY, I BELIEVE, IS YOU SAW THEM
20 COMING RUNNING FROM THE BUSINESS TO WHAT?

21 A TO THE VAN

22 Q ALL RIGHT AND CAN YOU DESCRIBE -- YOU SAID YOU
23 RECOGNIZED STATE'S 1?

24 A UH-HUH.

25 Q WHAT -- WHAT WAS -- THE VAN THAT YOU SAW, WHAT DID

1 IT LOOK LIKE?

2 A ALL I REMEMBER WAS A BURGUNDY VAN IN THE FRONT.

3 Q AND THIS -- IT LOOKED LIKE THIS?

4 A RIGHT

5 Q ALL RIGHT TELL THESE FOLKS NOW -- AND I'LL LET
6 YOU SIT BACK DOWN IN A MINUTE, PLEASE, MS QUATTLEBAUM
7 TELL THESE FOLKS, I GUESS, IN THE RELATION TO -- WHICH
8 WAY WAS THE VAN FACING?

9 A THE VAN WAS FACING ON TOWARDS COLUMBIA.

10 Q OKAY SO -- SO IF I -- IF I'M ON THIS -- THIS --
11 IT WAS FACING BACK THIS WAY?

12 A THE VAN WAS FACING THIS WAY, LIKE GOING OUT THAT
13 WAY.

14 Q LIKE GOING BACK TO COLUMBIA?

15 A RIGHT

16 Q ANY DOUBT IN YOUR MIND ABOUT THAT?

17 A NO DOUBT.

18 MR. MEADORS I THINK THAT'S ALL I HAVE RIGHT -- I
19 MEAN, NOT QUESTIONS. BUT IF YOU'D SIT DOWN, THAT'S ALL
20 I NEED YOU TO STAND UP FOR, PLEASE, MA'AM

21 (THE WITNESS RETURNS TO THE WITNESS STAND.)

22 MR. MEADORS YOUR HONOR, WE'D NOW OFFER STATE'S 5
23 WITHOUT OBJECTION

24 MR. BURR. WITHOUT OBJECTION, YOUR HONOR.

25 MR. STRICKLER: YES, SIR, WITHOUT OBJECTION

1 THE COURT: ALL RIGHT.

2 (DIAGRAM RECEIVED IN EVIDENCE AS STATE'S EXHIBIT
3 NO. 5.)

4 MR MEADORS I THINK I CAN DO THIS JUST COMING UP
5 TO YOU, MS QUATTLEBAUM.

6 Q IF I WERE TO TELL YOU, WOULD YOU AGREE WITH ME
7 THAT THIS -- IT'S NOT TO SCALE ---

8 THE COURT: WHY DON'T YOU MOUNT IT.

9 Q --- THIS WOULD DEPICT OLD PERCIVAL ROAD?

10 A OKAY.

11 Q OKAY. AND I BELIEVE THE PERSON THAT YOU WERE
12 TENDING TO WAS PAST THIS BUSINESS?

13 THE COURT MR MEADORS, IF YOU COULD MOUNT IT
14 MAYBE ON THOSE CLIPS, USE THE ---

15 MR. MEADORS. OKAY, JUDGE. I'VE JUST GOT A COUPLE
16 OF BRIEF ONES. I THINK I CAN JUST VERY BRIEFLY ---

17 Q ASSUME THAT THIS IS THE BUSINESS. OKAY?

18 A UH-HUH.

19 Q YOU WENT UP TO THE NEXT ROAD AND TURNED AROUND?

20 A THE NEXT ROAD.

21 Q SO IF THIS IS THE NEXT ROAD UP, YOU TURNED AROUND
22 THERE?

23 A RIGHT.

24 Q AND AFTER YOU CALLED 9-1-1, YOU CAME BACK?

25 A I CAME BACK

1 Q DID YOU PULL INTO A DIRT ROAD RIGHT -- RIGHT
2 BESIDE THE BUSINESS?

3 A RIGHT

4 Q AND THAT WOULD BE DEPICTED ON HERE?

5 A RIGHT.

6 Q AND I THINK, REFERRING YOU BACK TO STATE'S 4, MS.
7 QUATTLEBAUM, WOULD THAT BE THIS ROAD BACK HERE, IF YOU
8 REMEMBER?

9 A YES, I WAS PARKED OVER HERE

10 Q ALL RIGHT THAT'S NOT -- NONE OF THOSE ARE YOUR
11 CARS, ARE THEY?

12 A NO

13 Q OKAY. ALL RIGHT. AND AFTER THE POLICE GOT THERE,
14 YOU TOLD THEM WHAT YOU SAW YOU GAVE THEM THE NAMES
15 AND YOU LEFT, IS THAT CORRECT?

16 A YEAH, HE ASKED ME THE DESCRIPTION OF THE VAN I
17 SEEN. ND I TOLD HIM I WOULD THINK IT WOULD BE A RED
18 CARAVAN

19 Q OKAY. IT LOOKED LIKE THAT?

20 A RIGHT.

21 Q NOW, TELL THESE FOLKS -- YOU TESTIFIED, YOU SAID
22 YOU SAW WHAT YOU THOUGHT LOOKED LIKE A ROBBERY, PEOPLE
23 COMING FROM THE BUSINESS?

24 A YES, SIR

25 Q CAN YOU TELL THEM WHO IT WAS? CAN YOU SAY THIS IS

1 A, OR B, OR C, OR D? COULD YOU IDENTIFY ANY OF THOSE
2 PEOPLE?

3 A I COULDN'T IDENTIFY NOBODY

4 Q WHAT DO YOU KNOW ABOUT THEM, THOUGH?

5 A I DON'T KNOW NOTHING ABOUT THEM

6 Q AND PRIOR TO OCTOBER 8TH -- LET ME JUST ASK YOU,
7 YOU DON'T KNOW STERLING PATTERSON, DO YOU?

8 A NO.

9 MR. MEADORS: STERLING, STAND UP.

10 (COMPLIED.)

11 Q YOU DIDN'T KNOW MR. PATTERSON, DID YOU?

12 A NO

13 MR. MEADORS. AND MR. STOKES, STAND UP.

14 (COMPLIED)

15 Q YOU DON'T KNOW MR. STOKES, DO YOU?

16 A NO

17 Q YOU DIDN'T KNOW ANYBODY INVOLVED IN THIS, DID YOU?

18 A NO.

19 Q YOU WERE JUST GOING TO WORK WITH YOUR MAMA?

20 A JUST GOING TO WORK

21 MR. MEADORS: THANK YOU THAT'S ALL.

22 THE COURT MR BURR.

23 MR. BURR. MAY IT PLEASE THE COURT, YOUR HONOR.

24 CROSS EXAMINATION BY MR. BURR:

25 Q GOOD MORNING, MS. QUATTLEBAUM.

1 A GOOD MORNING

2 Q THIS IS MY FIRST OCCASION TO TALK TO YOU, SO IF I
3 ASK DUMB QUESTIONS, I APOLOGIZE

4 SINCE THIS INCIDENT HAPPENED 15 MONTHS AGO, HOW
5 MANY TIMES HAVE YOU GONE OVER WHAT HAPPENED WITH LAW
6 ENFORCEMENT, PROSECUTORS, COURTS, WHATEVER?

7 A I HAVEN'T SINCE THE -- SINCE THE CASE BEEN BROUGHT
8 UP, YOU KNOW, ONLY IN TALKING TO -- YOU KNOW, ABOUT
9 WHAT I SEEN, BUT THAT WAS IT.

10 Q YOU'VE BEEN ASKED BY PROSECUTORS WHAT YOU'D SEEN
11 BEFORE, RIGHT?

12 A RIGHT

13 Q AND YOU'VE TESTIFIED ABOUT WHAT YOU'VE SEEN,
14 RIGHT?

15 A RIGHT

16 Q THE REASON I'M ASKING THAT IS BECAUSE NORMALLY A
17 PERSON, IT'S BEEN MY EXPERIENCE, WOULD NOT BE ABLE TO
18 REMEMBER EXACT DETAILS 15 MONTHS LATER UNLESS IT WAS A
19 VERY TRAUMATIC EXPERIENCE, WHICH YOU STATED IT WAS?

20 A YEAH. I MEAN, YOU JUST DON'T SEE A ROBBERY EVERY
21 DAY

22 Q RIGHT. AND REPEATING IT OVER AND OVER AGAIN KEEPS
23 IT FRESH IN YOUR MIND?

24 A UH-HUH

25 Q ON THIS PARTICULAR MORNING ---

1 MR. BURR. WHERE DID THE GOVERNMENT PUT YOUR --
2 WHERE DID YOU PUT YOUR PICTURES?

3 MR. MEADORS I THINK I LEFT THEM UP THERE.

4 MR BURR: THANK YOU

5 Q ON STATE'S EXHIBIT 3, WOULD YOU IDENTIFY THAT FOR
6 ME AGAIN, PLEASE?

7 A WHAT?

8 Q WHAT DO YOU SEE IN THAT PICTURE? IS THAT THE
9 BUSINESS ---

10 A YES, THAT'S THE BUSINESS

11 Q --- A GENTLEMAN COMING OUT?

12 A YES.

13 Q OKAY BUT THERE'S NOTHING BETWEEN THE
14 PHOTOGRAPHER AND THE BUILDING ITSELF, CORRECT?

15 A RIGHT.

16 Q OKAY BUT WHEN YOU SAW IT, THAT'S NOT THE WAY IT
17 LOOKED BECAUSE THE VAN WAS THERE, IS THAT CORRECT?

18 A YEAH, A VAN WAS THERE

19 Q OKAY. AND STATE'S EXHIBIT NO. 1, IS IT THE VAN OR
20 A SIMILAR VAN TO WHAT YOU SAW?

21 A RIGHT

22 Q THE ROAD YOU WERE TRAVELING RUNS PARALLEL WITH THE
23 FRONT OF THIS BUILDING?

24 A RIGHT.

25 Q AND THE VAN WAS SITUATED ---

1 A RIGHT

2 Q --- PARALLEL BETWEEN YOU AND THE BUSINESS?

3 A RIGHT

4 Q OKAY. AND THE GENTLEMEN THAT YOU SAW RUNNING WERE
5 RUNNING IN THE DIRECTION OF THE VAN?

6 A RIGHT.

7 Q SO YOU WERE ON ONE SIDE OF THE VAN, THEY WERE ON
8 THE OTHER SIDE OF THE VAN?

9 A I'M GOING UP THE ROAD. AS THEY'RE COMING OUT
10 TOWARDS THE VAN, I'M GOING UP.

11 Q OKAY. HOW FAST WERE YOU DRIVING, TRAVELING, WHEN
12 YOU PASSED?

13 A WELL, I HAD JUST TURNED ON PERCIVAL.

14 Q COMING OFF OF WHICH STREET?

15 A COMING OFF OF ALPINE.

16 Q OKAY SO APPROXIMATELY HOW FAST WERE YOU DRIVING?

17 A BEING THAT I JUST TURNED ON, MY CAR PROBABLY -- I
18 DON'T KNOW HOW FAST IT WAS

19 Q WHEN YOU PASSED, DID YOU HEAR ANY GUNSHOTS?

20 A NO THEY WAS RUNNING OUT I DON'T KNOW WHAT
21 HAPPENED BEFORE, BUT ---

22 Q YOU ASSUMED THE GUN-SHOOTING WAS OVER?

23 A I ASSUME.

24 Q OKAY. ONCE YOU SAW WHAT -- WHEN YOU MOTHER
25 DIRECTED YOUR ATTENTION, DID YOU IMMEDIATELY BECOME

1 ALARMED? WERE YOU SCARED IMMEDIATELY?

2 A OH, YEAH.

3 Q AND EXCITED?

4 A OH, YEAH.

5 Q YOU TESTIFIED EARLIER THAT YOU SAW ONE OF THE
6 GENTLEMAN WEARING A SKULL CAP?

7 A UH-HUH

8 Q WHAT DO YOU MEAN BY A SKULL CAP?

9 A A STOCKING CAP, SOME -- SOMETHING OVER THEIR FACE.

10 Q AND THROUGHOUT THIS INVESTIGATION, YOU MAY OR MAY
11 NOT KNOW, A SKULL CAP HAS NEVER BEEN FOUND ANYWHERE,
12 NEVER BEEN SEEN BY ANYBODY ELSE?

13 MR MEADORS: OBJECTION. HE'S TESTIFYING, YOUR
14 HONOR

15 THE COURT. SUSTAINED

16 Q IS THERE ANY POSSIBILITY THAT THIS PERSON WAS
17 WEARING SOMETHING OTHER THAN A SKULL CAP?

18 A I DON'T KNOW BECAUSE I COULDN'T SEE THEIR FACE
19 THERE WAS SOMETHING OVER THEIR FACE

20 Q BUT THEY WERE BEHIND THE VAN?

21 A I SEEN THEM COMING OUT TOWARDS THE VAN

22 Q OKAY. DID YOU SEE ANYBODY IN THE VAN?

23 A I WASN'T LOOKING WHO WAS DRIVING. ALL I SEEN WAS
24 TWO -- TWO MEN RUNNING OUT. I DIDN'T -- I DON'T -- I
25 DON'T KNOW IF SOMEBODY WAS IN THE DRIVER'S SEAT OR

1 WHAT

2 Q SO YOU STATED EARLIER YOU HAD NEVER SEEN MR.
3 PATTERSON OR MR. STOKES BEFORE THAT DAY?

4 A NO

5 Q OKAY SO CAN YOU TESTIFY AS TO WHETHER OR NOT IT
6 MAY HAVE BEEN MR PATTERSON AND MR STOKES RUNNING TO
7 THE VAN?

8 A CAN I TESTIFY THAT IT WAS EITHER ---

9 Q THAT IT WAS NOT ONE OF THEM RUNNING TOWARD THE
10 VAN?

11 A I DON'T KNOW WHO WAS RUNNING TOWARDS IT, SO I
12 CAN'T SAY

13 Q OKAY YOU ALSO TESTIFIED YOU IMMEDIATELY THOUGHT
14 IT WAS A ROBBERY. YOU DIDN'T HEAR ANY GUNSHOTS; IS
15 THAT CORRECT?

16 A UH-HUH.

17 Q YOU DIDN'T SEE ANY MONEY BEING SCATTERED ANYWHERE,
18 IS THAT CORRECT?

19 A CORRECT.

20 Q SO IT COULD HAVE BEEN KIDS PLAYING BASEBALL FOR
21 ALL YOU KNOW?

22 A NO THEY WAS RUNNING TOO FAST. THEY WAS IN A
23 RUSH

24 Q WHAT I'M ASKING, YOU DID JUMP TO THE CONCLUSION IT
25 MUST HAVE BEEN A ROBBERY?

1 A YEAH

2 Q OKAY

3 MR. BURR. I HAVE NO FURTHER QUESTIONS, YOUR
4 HONOR

5 THE COURT. MR STRICKLER.

6 MR STRICKLER. THANK YOU, SIR IF IT PLEASE THE
7 COURT, JUST A COUPLE OF THINGS

8 CROSS EXAMINATION BY MR. STRICKLER:

9 Q GOOD MORNING, MS. QUATTLEBAUM.

10 A GOOD MORNING.

11 Q I'VE TRIED TO FOLLOW -- IT'S HARD TO TELL EXACTLY
12 WHAT YOU'RE SAYING. I'M GOING TO MAKE REFERENCE AGAIN
13 TO -- IT'S THIS MARKED STATE'S EXHIBIT NO. 5 HERE, THIS
14 DIAGRAM

15 A UH-HUH.

16 Q YOU'RE COMING DOWN PERCIVAL HEADING THIS WAY ON
17 PERCIVAL, RIGHT?

18 A YEAH, I'M COMING DOWN PERCIVAL.

19 Q OKAY. AND THE STORE IS ON THE OTHER SIDE OF THE
20 STREET FROM THE DIRECTION THAT YOU'RE TRAVELING; IS
21 THAT RIGHT?

22 A ON THE LEFT SIDE.

23 Q OKAY. YOU WERE DRIVING YOUR VEHICLE?

24 A I WAS DRIVING

25 Q YOU WERE DRIVING AND YOUR MOM WAS A PASSENGER IN

1 THE VEHICLE?

2 A RIGHT

3 Q OKAY. AND YOU HAD TURNED ONTO PERCIVAL ROUGHLY AT
4 WHAT POINT? WHERE DID YOU GET ON PERCIVAL ROAD?

5 A I WAS ON ALPINE AND I MADE A LEFT ON PERCIVAL.

6 Q OKAY ON ALPINE AND THEN LEFT ON PERCIVAL?

7 A YES.

8 Q AND YOU'RE DRIVING DOWN PERCIVAL ROAD FOR A LITTLE
9 WAYS THEN, RIGHT, AFTER YOU GOT OFF ---

10 A I DON'T KNOW HOW FAR IT IS DOWN

11 Q OKAY. AND THE VAN WAS PARKED PARALLEL TO THE
12 BUSINESS AS YOU'RE DRIVING BY IT, RIGHT?

13 A YES

14 Q AND I GET CONFUSED ON DIRECTIONS. WAS THE -- WAS
15 THE VAN FACING TOWARDS THIS -- THIS IS TOWARDS COLUMBIA
16 THAT WAY, RIGHT?

17 A UH-HUH

18 Q WAS THE VAN -- IT WAS PARKED PARALLEL TO THE ROAD.
19 WAS IT FACING TOWARDS COLUMBIA OR THE OTHER DIRECTION?

20 A TOWARDS COLUMBIA

21 Q OKAY. SO IT WAS FACING TOWARDS COLUMBIA. SO THEN
22 THE DRIVER'S SIDE OF THE VAN WOULD BE THE SIDE THAT WAS
23 CLOSEST TO YOU, RIGHT?

24 A YES

25 Q OKAY. AND YOU WERE TRAVELING ROUGHLY HOW FAST AT

1 THAT POINT IN TIME? YOU WERE DRIVING ON YOUR WAY TO
2 WORK, OBEYING THE SPEED LIMIT, I ASSUME?

3 A UH-HUH

4 Q 35 MILES AN HOUR?

5 A 25, 30, 35

6 Q 25 TO 30 -- 25 TO 35?

7 A YEAH, SOME -- SOMEWHERE UP IN THERE

8 Q YOU'RE TRAVELING DOWN THE ROAD, NOT PARTICULARLY
9 SPEEDING, BUT NOT POKING ALONG EITHER?

10 A RIGHT

11 Q YOU'RE TRAVELING LIKE YOU WERE. OKAY. AND HOW
12 WAS YOUR ATTENTION INITIALLY DRAWN TO WHAT YOU SAW AT
13 THE BUSINESS?

14 A MY MOM SAID, TINA, LOOK.

15 Q SO YOUR MOM ACTUALLY SAW IT FIRST, RIGHT?

16 A SHE SEEN IT AS WE'RE COMING UP

17 Q I TAKE IT THAT YOUR -- YOUR ATTENTION WAS OCCUPIED
18 BY DRIVING THE CAR, RIGHT?

19 A WELL, WHEN SHE TOLD ME TO LOOK, AND I SEEN WHAT
20 SHE SAW

21 Q YOU DIDN'T BRING THE CAR TO A STOP?

22 A NO.

23 Q YOU KEPT ON DRIVING, RIGHT?

24 A RIGHT.

25 Q LATER YOU PULL AROUND AND STARTED MAKING THESE

- 1 CALLS WE'VE HEARD ABOUT, BUT YOU DON'T STOP RIGHT
2 THERE?
3 A NO
4 Q YOU KEEP ON DRIVING?
5 A KEEP ON DRIVING.
6 Q SO YOU'RE DRIVING AND AT SOME POINT YOUR MOM SEES
7 SOMETHING AND SAYS, LOOK OVER THERE?
8 A RIGHT
9 Q AND YOU LOOK OVER THERE. I ASSUME YOU DON'T SIT
10 THERE AND STARE LIKE THAT (INDICATING) BECAUSE YOU'RE
11 DRIVING A CAR? YOU NEED TO PAY ATTENTION TO WHAT
12 YOU'RE DOING, RIGHT?
13 A RIGHT
14 Q OKAY SO YOU GLANCE OVER AND YOU SEE SOMETHING,
15 AND YOU'RE GLANCING BACK TO DRIVE THE CAR?
16 A YEAH, I GLANCED OVER
17 Q OKAY. NOW, DID YOU GET ON THE PHONE -- OR DID YOU
18 GET ON THE PHONE OR DID YOUR MOM GET ON THE PHONE?
19 A I MADE THE CALL.
20 Q YOU MADE THE CALL OKAY. AND DO YOU EVER GET A
21 HOLD OF ANYONE ON THE CELL PHONE WHEN YOU CALLED?
22 A YES.
23 Q OKAY AND ADDITIONAL TO THAT, YOU FLAGGED DOWN AN
24 OFFICER THAT'S COMING BY; IS THAT RIGHT?
25 A YES

- 1 Q NOW, BY THIS POINT IN TIME, HAVE YOU -- YOU'VE
2 GOTTEN BACK ON PERCIVAL AND GONE BACK BY THE BUSINESS
3 AGAIN?
- 4 A WE -- WE WENT BACK TOWARDS THE BUILDING
- 5 Q OKAY HAD YOU PASSED THE BUILDING AGAIN WHEN YOU
6 -- WHEN YOU SAW THE POLICE OFFICER?
- 7 A NO. WHEN WE FLAGGED THE POLICE DOWN, WE HAD TOLD
8 THEM WHAT WE JUST WITNESSED ---
- 9 Q UH-HUH.
- 10 A --- AND WE WENT RIGHT BACK TO THE SCENE.
- 11 Q OKAY. WHERE WERE YOU ON PERCIVAL WHEN YOU FLAGGED
12 THE POLICE DOWN, UP THIS DIRECTION OR BACK THIS
13 DIRECTION?
- 14 A I WAS RIGHT OVER -- I WAS PAST -- I WAS RIGHT
15 THERE
- 16 Q OKAY SO YOU WERE PAST -- YOU WERE STILL PAST THE
17 BUSINESS AT THE TIME YOU FLAGGED THE POLICE ---
- 18 A YEAH, I HAD PASSED THE BUSINESS.
- 19 Q OKAY. AND YOU FOLLOWED THE POLICE BACK TO THE
20 BUSINESS ---
- 21 A RIGHT
- 22 Q --- RIGHT? AND YOU TALKED WITH THE POLICE OFFICER
23 BRIEFLY THERE AT THE BUSINESS?
- 24 A RIGHT
- 25 Q TOLD THEM WHAT YOU SAW?

1 A YEAH WE STOOD THERE FOR -- UNTIL ALL THE
2 POLICEMEN GOT THERE.

3 Q UNTIL WHO?

4 A WE STOOD THERE UNTIL THE REST OF THE POLICEMENS
5 GOT THERE.

6 Q OKAY. AND WHILE YOU WERE STANDING THERE, THE
7 OFFICER -- YOU TOLD THE OFFICER WHAT YOU SAW, RIGHT?

8 A RIGHT.

9 Q AND YOU GAVE THEM YOUR NAME AND INFORMATION ON HOW
10 TO GET IN TOUCH WITH YOU, RIGHT?

11 A RIGHT

12 Q ALL RIGHT THIS IS OCTOBER 8TH, 2002, RIGHT?

13 A RIGHT.

14 Q OKAY. AND THEN YOU LEFT, I TAKE IT?

15 A AFTER WE GAVE THEM OUR INFORMATION ---

16 Q UH-HUH

17 A --- AND ASKED HIM DID HE STILL NEEDED US FOR
18 ANYTHING, WE LEFT.

19 Q OKAY. YOU WENT ON TO WHERE YOU WERE HEADING?

20 A RIGHT

21 Q OKAY. AND WHEN WAS THE NEXT TIME YOU SPOKE WITH
22 THE POLICE ABOUT THIS CASE?

23 A I DIDN'T SPEAK TO THE POLICE.

24 Q YOU'VE NEVER TALKED TO THE POLICE AGAIN?

25 A NO.

1 Q RIGHT? THEY NEVER TOOK A WRITTEN STATEMENT FROM
2 YOU OR ANYTHING, RIGHT?

3 A WELL, ONLY WHAT WE GAVE HIM THERE.

4 Q OKAY BUT THEY DIDN'T WRITE DOWN SOMETHING AND
5 HAVE YOU SIGN IT OR ANYTHING LIKE THAT, RIGHT?

6 A NO.

7 Q OKAY YOU TOLD THEM WHAT YOU SAW. THEY GOT THE
8 INFORMATION ON HOW TO GET IN TOUCH WITH YOU?

9 A RIGHT

10 Q RIGHT? THIS WAS -- OKAY AND THEN YOU'VE NEVER
11 SPOKEN WITH THE POLICE AGAIN. YOU TALKED WITH THE
12 PROSECUTORS, RIGHT, OR PEOPLE FROM THE PROSECUTOR'S
13 OFFICE, IS THAT RIGHT?

14 A WELL, IT TOOK ME A WHILE TO GET BACK IN TOUCH WITH
15 THEM

16 Q THAT'S WHEN THEY -- WHEN DID YOU FIRST SPEAK WITH
17 THE PROSECUTORS ABOUT THE CASE?

18 A I DON'T KNOW THE DATE

19 Q LAST FALL?

20 A THE LAST TIME WE WENT TO COURT ABOUT THIS CASE
21 WHEN WAS -- I DON'T KNOW THE DATE.

22 Q LAST FALL

23 A BUT IT WAS A LITTLE BIT BEFOREHAND

24 Q A MATTER OF 9 OR 10 MONTHS, SOMETHING LIKE THAT,
25 FROM THE TIME OF THE INCIDENT TO WHEN YOU TALKED WITH

1 THE PROSECUTORS ABOUT IT, RIGHT, FROM OCTOBER ---

2 A IT WAS WHEN I -- IT WAS A LITTLE BIT BEFORE WE
3 WENT TO COURT FOR THE LAST TIME

4 Q OKAY.

5 A IT WAS SOME TIME BEFORE.

6 Q OKAY. BETWEEN THE TIME OF THE INCIDENT AND THAT
7 TIME, YOU HADN'T SPOKEN WITH ANYONE ABOUT IT, RIGHT?

8 A NO

9 Q NO POLICE, NO PROSECUTORS, RIGHT?

10 A NO.

11 Q OKAY. AND YOUR TESTIMONY HERE TODAY IS THAT YOU
12 SAW TWO MEN RUNNING TOWARDS A BURGUNDY VAN, RIGHT?

13 A RIGHT

14 Q OKAY. ARE YOU SURE YOU DIDN'T TELL THE OFFICER ON
15 THE SCENE THAT YOU OBSERVED A BURGUNDY VEHICLE,
16 POSSIBLY A MINI-VAN, LEAVE THE BUSINESS AND NOTICED
17 SEVERAL OCCUPANTS WEARING MASKS?

18 A SEVERAL OCCUPANTS?

19 Q ARE YOU SURE YOU DIDN'T TELL THE OFFICER THERE
20 THAT WHAT YOU SAW WAS PEOPLE IN THE VEHICLE LEAVING
21 THAT HAD MASKS?

22 A HE DIDN'T ASK ME HOW MANY.

23 Q OKAY. ARE YOU SURE THAT WHAT YOU TOLD THE OFFICER
24 WAS THAT YOU SAW PEOPLE LEAVING IN THE VAN WITH MASKS?

25 A (NO RESPONSE)

1 Q HERE'S -- I'M NOT TRYING TO CONFUSE YOU IT'S A
2 SIMPLE QUESTION

3 DO YOU OR DO YOU NOT AGREE THAT YOU TOLD THE
4 OFFICER AT THE TIME THAT ONCE YOU SAW THE PEOPLE, THEY
5 WERE ALREADY IN THE VAN?

6 A NO, I DIDN'T TELL THEM THAT

7 Q YOU DIDN'T TELL THE OFFICER THAT?

8 A NO

9 Q AND WHAT YOU DID TELL THE OFFICER IS JUST WHAT
10 YOU'VE TESTIFIED HERE TODAY, THAT YOU SAW A COUPLE OF
11 PEOPLE RUNNING TOWARDS THE VAN, RIGHT?

12 A THAT I SEEN TWO PEOPLE RUNNING TOWARDS THE VAN

13 MR. STRICKLER: THANK YOU VERY MUCH, MA'AM

14 REDIRECT EXAMINATION BY MR. MEADORS:

15 Q AND YOU TOLD THE OFFICER THAT YOU THOUGHT A
16 ROBBERY HAD JUST HAPPENED, CORRECT?

17 A CORRECT.

18 Q ALL RIGHT AND ANY QUESTION IN YOUR MIND YOU SAW
19 SOMEBODY WITH A MASK RUNNING FROM THERE?

20 A NO QUESTION

21 Q ANY QUESTION IN YOUR MIND, DID YOU SEE SOMEBODY
22 WITH A GUN ---

23 MR STRICKLER. I'LL OBJECT.

24 Q. --- RUNNING FROM THERE?

25 MR. STRICKLER. I OBJECT

1 THE COURT. SUSTAINED.

2 MR. MEADORS. WHAT -- WHAT -- DO YOU WANT TO
3 APPROACH? I DON'T UNDERSTAND WHAT THE OBJECTION IS.

4 (A BENCH CONFERENCE WAS HELD OFF THE RECORD IN THE
5 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE
6 JURY.)

7 THE COURT: LET'S TAKE ABOUT A 5-MINUTE BREAK OR
8 ABOUT A 10-MINUTE BREAK. I'VE GOT TO DISCUSS A MATTER
9 OF LAW WITH THE ATTORNEYS I'M GOING TO ASK YOU TO GO
10 TO YOUR JURY ROOM. DON'T DISCUSS THE CASE AMONG
11 YOURSELVES WHILE YOU'RE IN THE JURY ROOM. JUST RELAX
12 FOR A FEW MINUTES I'LL BE RIGHT -- RIGHT BACK WITH
13 YOU.

14 (THE JURY RETIRES TO THE JURY ROOM AT 11.48 A.M.)

15 THE COURT: ALL RIGHT. COUNSEL, LET ME UNDERSTAND
16 SOMETHING NOW. THE OBJECTION WAS MADE, AS I PERCEIVED
17 IT, BASED ON ASKED AND ANSWERED. THE STATE IS NOW
18 TELLING ME YOU'RE GOING INTO THE PRIOR TRIAL
19 TRANSCRIPT, IS THAT WHAT YOU'RE TELLING ME?

20 MR. MEADORS NO, SIR. I'M SAYING I COULD,
21 RESPECTFULLY. HE'S GONE BACK ---

22 THE COURT. WELL, LET'S ---

23 MR. MEADORS --- INTO HER PRIOR STATEMENT ---

24 THE COURT. LET'S DISCUSS THAT A MINUTE. IS THAT
25 WHAT ---

1 MR. MEADORS. I'M SORRY.

2 THE COURT WHAT PRIOR TRIAL TESTIMONY? THERE'S
3 ALREADY BEEN A REFERENCE TO IT.

4 MR. MEADORS YES, SIR. IF I COULD JUST EXPLAIN,
5 I THINK I CAN -- HE'S QUESTIONED THAT SHE -- TO THE
6 OFFICER HE ONLY SAID THE OFFICER -- DIDN'T TELL THE
7 OFFICER, I SAW PEOPLE RUNNING OUT I JUST SAW THE VAN.
8 WELL, I THINK I'M ENTITLED UNDER THE RULES TO COME
9 BACK, NOW, YOU'RE SAYING YOU DID SEE SOMEBODY WITH A
10 MASK? YOU DID SEE SOMEBODY WITH A GUN? CORRECT. IN
11 FACT, YOU'VE TESTIFIED PRIOR THAT YOU SAW THAT, HADN'T
12 YOU -- TO REHABILITATE HER.

13 NOW, I WASN'T GOING TO GO THAT FAR. I WAS GOING
14 TO ASK 2 QUESTIONS I THINK I'M ENTITLED TO. THAT'S
15 WHY I DIDN'T KNOW WHAT THE OBJECTION WAS, AND I
16 APPROACHED TO FIND OUT, AND I WAS GOING TO MOVE ON.
17 BUT I DO THINK I'M ENTITLED TO GO BACK AND REHABILITATE
18 HER.

19 THE COURT: OUT OF HER PRIOR TRIAL TESTIMONY?

20 MR MEADORS: YES, SIR.

21 THE COURT. WELL ---

22 MR. MEADORS: I WASN'T GOING TO DO THAT ---

23 THE COURT: --- IF THAT'S THE CASE, THEN THAT
24 WHOLE TRIAL TESTIMONY ---

25 MR. MEADORS: BUT I DON'T THINK ---

1 THE COURT --- BECOMES AN ISSUE IN THIS CASE.
2 ARE WE GOING TO IMPEACH -- ARE YOU SEEKING TO IMPEACH
3 -- OR EITHER SIDE SEEKING TO IMPEACH WITH PRIOR TRIAL
4 TESTIMONY. THAT'S WHAT I'M TRYING TO FIND OUT

5 MR MEADORS YOUR HONOR, HE TRIED ---

6 THE COURT NO HE ASKED THE QUESTION DID SHE
7 TALK TO THE OFFICER -- DID SHE SAY TO THE OFFICER THAT
8 SHE ONLY SAW THEM IN THE VAN. THAT'S THE WAY I
9 UNDERSTOOD THE QUESTION, AND SHE SAID THAT AND THAT
10 IMPRACHED HER TESTIMONY TODAY.

11 NOW, WHAT YOU ARE SEEKING TO DO IS USE HER PRIOR
12 TRIAL TESTIMONY TO REHABILITATE HER, IS THAT WHAT -- AM
13 I UNDERSTANDING WHAT YOU ARE TRYING TO DO?

14 MR MEADORS FIRST OF ALL ---

15 THE COURT IN WHICH CASE, WE ARE GOING TO HAVE TO
16 EXPLAIN TO THIS JURY THAT THERE WAS A PRIOR TRIAL, AND
17 WE'RE NOT ---

18 MR. MEADORS. I -- I THINK THEY'VE GOT THAT NOW
19 I'LL -- AND I MEANT TO SAY EARLIER THAT -- THERE ABOUT
20 THE RECORDS, PRIOR TESTIMONY UNDER OATH INSTEAD OF
21 PRIOR TRIAL. I DON'T THINK WE NEED TO TELL THEM THERE
22 WAS A PRIOR TRIAL, ALTHOUGH I THINK IT'S OBVIOUS

23 THE COURT. I THINK ---

24 MR. MEADORS I FIRST CAME INTO THE INCIDENT
25 REPORT WHEN HE WAS ASKING QUESTIONS ON IT AND I CAME

1 RIGHT BACK AND HAD A QUESTION OUT OF THERE TO
2 REHABILITATE HER, WHICH I THINK WAS APPROPRIATE. I
3 THEN ---

4 THE COURT: I AGREE WITH THAT.

5 MR. MEADORS I DON'T -- I DON'T KNOW, BUT I THINK
6 I'M ENTITLED THEN TO SAY, SO DID YOU SEE HIM HAVE A
7 GUN? DID YOU SEE THE MASK? YES, I DID, IN RESPONSE TO
8 HIS QUESTION. I THINK I'M ENTITLED TO DO THAT ON
9 REDIRECT AND THAT'S ALL ---

10 THE COURT MY CONCERN IS -- MY CONCERN IS WHETHER
11 WE'RE GETTING INTO THE PRIOR TRIAL TESTIMONY ---

12 MR MEADORS I WAS NOT GOING TO DO THAT.

13 THE COURT. --- IN WHICH CASE WE'RE GOING TO ---

14 MR MEADORS: I WAS GOING TO -- JUDGE, I THINK I
15 COULD EVEN GO INTO IT, BUT I WASN'T GOING IN TO IT
16 BUT I WAS JUST TRYING TO MAKE A POINT. JUDGE, THAT'S
17 ALL WE HAVE HERE, AND I DON'T SEE THIS WITNESS OR THE
18 NEXT WITNESS GOING BACK IN TO TESTIMONY, QUITE FRANKLY.
19 AND I DON'T KNOW IF IT WILL BE AN ISSUE WITH MR STOKES
20 MR PATTERSON THAT'S PROBABLY THE ONLY TWO WHERE IT
21 WOULD BE SO THAT'S ALL I -- I JUST HAVE ONE MORE
22 QUESTION AND I'M THROUGH.

23 THE COURT: I THINK YOU CAN ASK HER AT A PRIOR
24 HEARING, WHATEVER YOU WANT TO CALL IT, AND YOU COULD
25 PROBABLY ASK HER AT A PRIOR TRIAL IF YOU WANT TO GET IN

1 TO IT

2 MR MEADORS. I'M NOT.

3 THE COURT I'M RELUCTANT TO DO THAT, VERY
4 RELUCTANT TO DO THAT

5 MR. MEADORS I'M NOT TRYING TO DO THAT, JUDGE. I
6 DON'T KNOW HOW TO MAKE IT MORE CLEAR. I AM NOT UP AT
7 THE BENCH, I SAID, YOUR HONOR, I THINK I COULD DO THAT
8 I'M NOT GOING TO DO THAT, YOUR HONOR I'M NOT GOING TO
9 DO THAT. WHILE WE'RE WAITING, I JUST ---

10 THE COURT WELL, I'M GOING TO HEAR WHAT THE
11 STATE'S POSITION IS -- I MEAN, THE DEFENDANTS' POSITION
12 ON INQUIRING IF AT A PRIOR HEARING OR A PRIOR HEARING
13 UNDER OATH, DID YOU SAY THAT YOU SAW INDIVIDUALS COMING
14 OUT OF THE STORE, IN OTHER WORDS, TO -- WHETHER YOU USE
15 THE WORD IMPEACH OR CONTRADICT -- TESTIMONY THAT YOU
16 ELICITED FROM THIS WITNESS

17 MR. STRICKLER YOU SEE, YOUR HONOR, IN SHORT, I'D
18 OBJECT TO IT, IN ORDER JUST -- IF I COULD ANSWER YOUR
19 QUESTION. THE REASON I OBJECT TO IT, YOUR HONOR HAS
20 ALREADY REFERENCED I ASKED HER REGARDING THE
21 INFORMATION SHE SUPPLIED TO THE POLICE AT THE TIME OF
22 THE INCIDENT, LOOKING AT THE INCIDENT REPORT WHEN I WAS
23 DOING THAT

24 SHE DIRECTLY DENIES PROVIDING THAT INFORMATION TO
25 THE POLICE AT THAT POINT IN TIME SHE HAS PROVIDED

1 CONFLICTING TESTIMONY HERE TODAY.

2 THE COURT I UNDERSTAND THAT. I UNDERSTAND THAT

3 MR STRICKLER. I DON'T SEE WHERE THE ---

4 THE COURT DOES THAT OPEN -- DOES THAT OPEN THE
5 DOOR FOR THE STATE TO REVIVE HER PRIOR TRIAL TESTIMONY,
6 WHICH AGAIN PERHAPS MAY CONTRADICT WHAT SHE SAID TODAY?

7 MR. STRICKLER. I SUBMIT IT DOESN'T. IN SHORT --
8 I WON'T GET ANY LONGER THAN THAT. MY -- MY OBJECTION
9 TO THE ENTIRE PROCESS HERE WAS INITIALLY ASKED AND
10 ANSWERED, WAS, YOU KNOW, WAS SECONDLY TO THE FURTHER
11 LEADING NATURE OF THE QUESTIONS ---

12 MR MEADORS. AND I DON'T KNOW WHICH ONE OF THOSE
13 TWO HE WAS DOING. I APOLOGIZE

14 MR STRICKLER: THIRD WAS THE SELF-SERVING NATURE
15 OF THE RESPONSES TO THE QUESTIONS, THE SELF-SERVING
16 NATURE OF THE QUESTIONS HE WAS RE-HASHING HER DIRECT
17 TESTIMONY, AND THEN -- YOUR HONOR, I'VE ANSWERED YOUR
18 QUESTION. I WOULD OBJECT TO IT I DON'T THINK IT'S
19 CALLED FOR.

20 THE COURT. ALL RIGHT MR. MEADORS, PROFFER YOUR
21 QUESTION.

22 MR. MEADORS I DON'T HAVE ANY MORE

23 THE COURT YOU'RE FINISHED WITH THIS WITNESS?

24 MR MEADORS. I HAVE ONE THING, TO SHOW HER A
25 PICTURE I DON'T HAVE ANYTHING ELSE. I'M NOT ---

1 THE COURT. WELL, YOU OBJECTED TO HIS -- YOU
2 APPROACHED THE BENCH.

3 MR. MEADORS. I DIDN'T KNOW WHAT HIS OBJECTION
4 WAS

5 THE COURT. SIR?

6 MR. MEADORS I DID NOT KNOW HIS OBJECTION WAS
7 ASKED AND ANSWERED. THE THREE THINGS HE JUST
8 MENTIONED, I DID NOT KNOW.

9 THE COURT. WELL, I -- I GUESS I PERCEIVED THAT.

10 MR. MEADORS. WHAT HE SAID RIGHT NOW ISN'T THREE
11 AND I JUST WANTED TO FIND OUT WHICH ONE IT WAS. I
12 DON'T THINK IT'S LEADING IF THAT WAS THE OBJECTION

13 THE COURT. ALL RIGHT. I'M JUST TRYING TO MOVE
14 ON

15 MR. MEADORS. WE'RE READY. I HAVE ONE -- ONE MORE
16 QUESTION.

17 THE COURT: ALL RIGHT READY FOR THE JURY?

18 MR. MEADORS I AM.

19 THE COURT: DO YOU NEED A BREAK?

20 MR. STRICKLER: I COULD USE A BREAK

21 THE COURT. ALL RIGHT THANK YOU. ALL YOU HAVE
22 TO DO IS ASK. LET'S TAKE ABOUT A 10-MINUTE BREAK

23 MR. STRICKLER: THANK YOU.

24 THE COURT: YOU CAN STEP DOWN YOU CAN RELAX FOR
25 A FEW MINUTES YOU CAN USE THE RESTROOM. JUST DON'T

1 TALK WITH ANY -- ANY OF THE PARTICIPANTS IN THE CASE.
2 YOU CAN -- YOU CAN TALK TO YOUR MOTHER JUST DON'T
3 TALK TO ANYBODY WE'RE GOING TO -- WE NEED YOU BACK ON
4 THE STAND NOW THAT WE'VE GOT THIS STRAIGHTENED OUT, AND
5 YOU WON'T BE UP THERE VERY LONG, I HOPE.

6 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

7 (A RECESS WAS TAKEN.)

8 (THE WITNESS RETURNS TO THE WITNESS STAND)

9 THE COURT IS THE STATE READY FOR THE JURY?

10 MR. MEADORS. THE STATE IS READY

11 THE COURT IS THE DEFENSE READY FOR THE JURY?

12 MR. BURR: YES, SIR.

13 MR. STRICKLER. YES, SIR.

14 THE COURT. ALL RIGHT. BRING THE JURY

15 (THE JURY RETURNS TO THE COURTROOM AT 12 12 P M)

16 THE BAILIFF. THE JURY IS PRESENT, YOUR HONOR

17 THE COURT. ALL RIGHT. THANK YOU, LADIES AND

18 GENTLEMEN.

19 YOU MAY CONTINUE, MR. MEADORS.

20 MR. MEADORS. THANK YOU MAY IT PLEASE THE COURT

21 JUST A COUPLE MORE BRIEF QUESTIONS, YOUR HONOR

22 REDIRECT EXAMINATION CONTINUES BY MR. MEADORS:

23 Q MS. QUATTLEBAUM, I'VE SHOWED YOU STATE'S 4, AND
24 I'M GOING TO SHOW IT TO YOU AGAIN. AND I BELIEVE YOUR
25 PREVIOUS TESTIMONY WAS THAT THE CAR WAS FACING TOWARD

1 COLUMBIA, THE VAN?

2 A THE VAN WAS FACING TOWARDS COLUMBIA

3 Q ALL RIGHT LOOKING AT STATE'S 4, COULD YOU TELL
4 ME WHERE THE VAN WAS?

5 A IT WAS GOING OUT THAT WAY

6 Q GOING OUT THIS WAY?

7 A YES

8 MR. MEADORS: SO STATE'S 108, YOUR HONOR, WE WOULD
9 NOW OFFER WITHOUT OBJECTION

10 MR STRICKLER: AS TO MR SEARS, NO OBJECTION,
11 YOUR HONOR.

12 MR BURR NO OBJECTION, YOUR HONOR

13 (COPY OF 8 X 10 PHOTOGRAPH RECEIVED IN EVIDENCE AS
14 STATE'S EXHIBIT NO. 108)

15 Q AGAIN, ON THIS PICTURE, WHICH IS JUST A BROADER
16 PICTURE OF THIS, THE VAN WAS FACING BACK TOWARD
17 COLUMBIA?

18 A YEAH, FACING BACK TOWARDS COLUMBIA

19 MR. MEADORS: THAT'S ALL I HAVE.

20 THE COURT: ANY RECROSS?

21 MR. BURR. YES, YOUR HONOR I HAVE ONE BRIEF
22 QUESTION IN REFERENCE TO WHAT MR. MEADORS -- EARLIER
23 QUESTIONS.

24 RECROSS EXAMINATION BY MR. BURR.

25 Q MS QUATTLEBAUM, YOU JUST STATED THAT YOU DID SEE

1 A MASK ON ONE OF THE VICTIMS (SIC); IS THAT CORRECT?
2 A I REMEMBER SEEING A MASK.
3 Q YOU DO NOT REMEMBER SEEING A MASK?
4 A I REMEMBER SEEING A MASK.
5 Q YOU DO REMEMBER SEEING A MASK?
6 A THE STOCKING CAP OR WHATEVER IT WAS.
7 Q WOULD YOU DESCRIBE THE MASK AS A STOCKING CAP?
8 WHAT DID IT LOOK LIKE?
9 A ALL I CAN REMEMBER, SOMETHING DARK, BLACK,
10 SOMETHING DARK
11 Q COVERING THE ENTIRE HEAD?
12 A I DON'T REMEMBER I CAN REMEMBER THAT
13 MR. BURR: NO FURTHER QUESTIONS.
14 THE COURT MR STRICKLER
15 MR. STRICKLER: NOTHING FURTHER, YOUR HONOR
16 THE COURT: ALL RIGHT, THANK YOU VERY MUCH
17 MS. QUATTLEBAUM, YOU MAY COME DOWN.
18 (THE WITNESS LEAVES THE WITNESS STAND.)
19 MR. MEADORS: THE STATE WOULD NOW CALL ONE MAGGIE
20 QUATTLEBAUM.
21 MAGGIE QUATTLEBAUM, BEING
22 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:
23 THE CLERK: PLEASE HAVE A SEAT AND STATE YOUR FULL
24 NAME
25 WITNESS: MY NAME IS MAGGIE LOUISE QUATTLEBAUM.

1 DIRECT EXAMINATION BY MR. MEADORS.

2 Q WHERE ARE YOU FROM, MRS. QUATTLEBAUM?

3 A COLUMBIA

4 Q ARE YOU -- HAVE YOU BEEN HERE YOUR WHOLE LIFE?

5 A YES

6 Q AND DO YOU LIVE WITH YOUR HUSBAND?

7 A YES

8 Q WHO ELSE LIVES WITH YOU?

9 A TINA

10 Q OKAY. AND THAT'S ---

11 A AND HER SON

12 Q AND HER SON?

13 A YES.

14 Q AND THAT'S TINA WHO JUST TESTIFIED?

15 A YES, UH-HUH

16 Q AND HAVE YOU GOT ANY OTHER CHILDREN?

17 A YES.

18 Q HOW MANY?

19 A I HAVE FIVE KIDS

20 Q NOW, DO YOU HAVE AN OCCASION TO GO WITH TINA TO
21 WORK SOME TIMES?

22 A YES.

23 Q AND SPECIFICALLY ON OCTOBER 8TH OF 2002, DID YOU
24 HAVE AN OCCASION TO GO TO WORK WITH YOUR DAUGHTER,
25 TINA?

1 A YES.

2 Q AND SHE WORKS WITH CARE, PROFESSIONAL CARE?

3 A PROFESSIONAL CARE

4 Q AND WHY WERE YOU GOING WITH HER THIS DAY, MRS
5 QUATTLEBAUM?

6 A I WAS -- WHERE SHE WORK AT IS A -- SOME APARTMENT
7 COMPLEX AND IT'S GOT A BIG LAKE IN FRONT OF THE HOUSE,
8 A POND OR LAKE OR SOMETHING, AND I WAS GOING FISHING

9 Q ALL RIGHT AND WITH ALL DUE RESPECT, I HOPE YOU
10 DON'T GET MAD AT ME, WOULD YOU MIND COMING UP A LITTLE
11 BIT JUST SO WE CAN HEAR YOU A LITTLE BETTER AND I'M
12 SORRY ABOUT THAT.

13 A OKAY

14 Q THANK YOU. SO YOU HAD GOT PERMISSION TO FISH IN
15 THE POND?

16 A YES.

17 Q AND YOU LIKE TO FISH?

18 A YES

19 Q OKAY HAD YOU BEEN OUT THERE BEFORE TO THIS POND?

20 A YES, I HAVE

21 Q OKAY. AND SO YOU ARE NOT HELPING TINA?
22 YOU'RE ---

23 A I'M FISHING

24 Q OKAY. AND WHEN SHE WOULD BE OUT THERE FOR A LONG
25 TIME -- I MEAN, SHE'D GO OUT THERE FOR LIKE THE DAY OR

- 1 THE AFTERNOON OR ---
- 2 A NO I GO DURING THE TIME SHE'S WORKING
- 3 Q OKAY AND DO YOU REMEMBER HOW YOU GOT -- ON THE
- 4 MORNING OF OCTOBER 8TH OF 2002, HOW YOU GOT FROM YOUR
- 5 HOUSE TO -- DO YOU REMEMBER THE ROUTE YOU ALL TOOK
- 6 HEADING TO WHERE SHE WAS GOING TO WORK?
- 7 A ON PERCITY (SIC) ROAD. WE WAS LOOKING FOR BAIT
- 8 Q OKAY AND -- AND LOOKING FOR BAIT TO FISH WITH?
- 9 A RIGHT.
- 10 Q WHAT KIND OF BAIT DO YOU USE? ---
- 11 A WELL, DIFFERENT KINDS, RED WORMS OR -- THAT'S
- 12 ABOUT ---
- 13 Q DID THERE COME A TIME WHERE YOU GOT DOWN ON
- 14 PERCIVAL ROAD HEADING AWAY FROM COLUMBIA?
- 15 A UH-HUH
- 16 Q OKAY
- 17 A YES
- 18 Q AND WHOSE CAR WERE YOU ALL IN, MRS QUATTLEBAUM?
- 19 A IN TINA'S
- 20 Q OKAY WHAT KIND OF CAR IS IT?
- 21 A A FOCUS. A FOCUS
- 22 Q A FORD FOCUS?
- 23 A A FORD FOCUS.
- 24 Q AND YOU'RE IN THE -- WHAT SEAT?
- 25 A I'M IN THE PASSENGER SEAT

1 Q OKAY DID YOU COME ON 20 TO ALPINE TO GET TO
2 PERCIVAL?

3 A YES

4 Q BASICALLY THAT'S HOW YOU GOT ---

5 A YES.

6 Q --- TO PERCIVAL? OKAY AND AFTER YOU TOOK A LEFT
7 ON PERCIVAL HEADING OUT TO WHERE -- YOU ALL WERE
8 LOOKING FOR BAITS, YOU SAID?

9 A RIGHT

10 Q WERE YOU LOOKING FOR STORES?

11 A YES

12 Q AFTER YOU GOT ON PERCIVAL, MRS QUATTLEBAUM, DID
13 ANYTHING UNUSUAL HAPPEN?

14 A YES. THAT'S WHEN WE CAME -- COME UP ON THIS
15 BUILDING I WAS LOOKING OVER -- LOOK -- YOU KNOW, JUST
16 LIKE I SAY, I WAS LOOKING FOR PLACES FOR BAITS AND I
17 TOLD TINA -- THESE TWO GUYS CAME OUT OF THIS STORE.
18 THEY HAD A MASK ON AND ONE LOOKED LIKE HE HAD A GUN.
19 AND I TOLD TINA, I SAID, LOOK LIKE THAT'S A ROBBERY,
20 LOOK LIKE A ROBBERY IS -- HAS BEEN GOING ON.

21 SO TINA -- WE JUST WENT ON UP THE ROAD FURTHER AND
22 MAYBE ABOUT -- YOU KNOW, ABOUT -- IT WASN'T THAT LONG
23 THERE, ABOUT -- IT WASN'T THAT FAR UP THE ROAD. WE
24 DECIDED TO COME BACK AND CHECK AND SEE WHAT WAS GOING
25 ON. BUT WASN'T NOBODY IN THE PARKING LOT. AND WE

1 DIDN'T SEE NOBODY STIRRING.

2 SO WE CALLED 9-1-1. AND AT THAT TIME WE SEEN A
3 POLICEMAN -- A POLICEMAN COMING DOWN THE ROAD. AND WE
4 FLAGGED HIM DOWN AND TOLD HIM WE THINK THAT THERE WAS A
5 ROBBERY HAD BEEN DONE UP THERE, IN THAT BUILDING

6 Q IN THE BUILDING?

7 A YES

8 Q WAS IT A MARKED POLICE UNIT? I MEAN, DID IT HAVE
9 BLUE LIGHTS ON IT AND -- DO YOU REMEMBER?

10 A IT DIDN'T HAVE ANY LIGHTS ON FLASHING

11 Q THE POLICE CAR -- NOT FLASHING, BUT I MEAN, IT WAS

12 A -- YOU SAID YOU SAW A POLICE OFFICER COME -- A POLICE
13 CAR?

14 A HIS CAR COMING.

15 Q OKAY. AND HOW DID -- I BELIEVE YOU'VE TESTIFIED
16 YOU CALLED 9-1-1 HOW DID YOU DRAW ATTENTION TO THAT
17 POLICE CAR?

18 A YES.

19 Q HOW DID YOU DO IT?

20 A WHEN I TRIED TO FLAG HIM DOWN

21 Q OKAY. SO YOU WAVED A FLAG OR SOMETHING?

22 A YES

23 Q OKAY NOW, HAD YOU BEEN ON THIS ROAD BEFORE?

24 A I DON'T THINK SO NO, I HADN'T BEEN ON THAT ROAD
25 BEFORE

1 Q NOW, DO YOU RECOGNIZE -- LET ME ASK YOU IF YOU
2 RECOGNIZE WHAT'S BEEN STATE'S 2 HERE DO YOU RECOGNIZE
3 THAT?

4 A YES, SIR, I RECOGNIZE THIS BUILDING.

5 Q I'M SORRY, MA'AM.

6 A YES, I RECOGNIZE THIS BUILDING.

7 Q OKAY. IS THAT THE BUILDING THAT WE'RE TALKING
8 ABOUT HERE TODAY?

9 A YES

10 Q ALL RIGHT AND JUST IF YOU COULD SAY YES OR NO.
11 3, 4, AND 108, JUST LOOK AT THESE, PLEASE, MRS.
12 QUATTLEBAUM, AND TELL ME IF -- IF YOU RECOGNIZE THOSE
13 AND DO THEY RELATE TO WHAT YOU'RE TELLING THESE FOLKS
14 ABOUT RIGHT NOW?

15 A YES. YES YES

16 Q OKAY SO 2, 3, AND 108, YOU ALL RECOGNIZE AND ---

17 A YES

18 Q --- THEY RELATE TO WHAT YOU'RE TALKING ABOUT?

19 OKAY. AND I BELIEVE YOUR TESTIMONY IS -- CAN YOU
20 DESCRIBE HOW YOU SAW THE TWO INDIVIDUALS THAT YOU'VE
21 SAID HAD A GUN AND A MASK COMING FROM THIS PLACE? CAN
22 YOU DESCRIBE THAT TO THE JURY?

23 A THEY WAS -- THEY WAS RUNNING OUT THE BUILDING

24 Q OKAY. RUNNING OUT THE BUILDING?

25 A YES.

- 1 Q DID IT LOOK LIKE TO YOU THEY WERE RUNNING TOWARD
2 ANYTHING?
- 3 A TO THE -- TO THE VAN
- 4 Q TO THE VAN?
- 5 A THE VAN
- 6 Q WILL YOU DESCRIBE THE VAN?
- 7 A IT WAS A MAROON-LOOKING VAN
- 8 Q OKAY AND I WANT TO SHOW YOU WHAT STATE'S 1 --
9 DOES THAT APPEAR TO BE ---
- 10 A YES YES.
- 11 Q DOES THAT LOOK LIKE THE VAN?
- 12 A YES.
- 13 Q AND YOU SAW THEM RUNNING OUT OF THE BUILDING TO
14 THE VAN?
- 15 A YES
- 16 Q WHAT WAY WERE -- EXCUSE ME. WHAT DIRECTION WAS
17 THAT VAN FACING?
- 18 A HEADING TOWARDS, YOU KNOW -- WE WAS GOING THIS
19 WAY, OKAY, ON PERCITY (SIC) ROAD. SO THEY WERE HEADING
20 LIKE GOING ACROSS BACK THAT WAY, NOT TOWARDS THE WAY WE
21 WAS GOING THEY WAS GOING THAT WAY, GOING THE OTHER
- 22 Q SO, WHAT, IT BE TOWARDS COLUMBIA?
- 23 A GOING TOWARDS COLUMBIA, YEAH, BECAUSE WE WAS
24 COMING OUT OF COLUMBIA
- 25 Q AND I'M GOING TO SHOW YOU STATE'S 108

1 MR. MEADORS. I BELIEVE I CAN DO THIS RIGHT HERE,
2 YOUR HONOR

3 Q CAN YOU JUST GENERALLY SHOW, IF YOU COULD -- LET
4 ME GET YOU TO COME DOWN. I'M SORRY. IT'S KIND OF
5 AWKWARD.

6 MR. MEADORS. THE COURT'S PERMISSION?
7 THE COURT. YES, SIR.

8 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND.)

9 MR. MEADORS. JUST TURN AND FACE -- MRS. RUTLEDGE
10 HAS GOT TO JUST HEAR WHAT YOU SAY. OKAY? I DON'T WANT
11 YOU TO TURN ALL THAT WAY. OKAY.

12 Q I'M REFERRING TO STATE'S 108 YOU SAID YOU
13 RECOGNIZE THIS AND THIS RELATES TO WHAT YOU'RE TALKING
14 ABOUT. CAN YOU GENERALLY SHOW WHERE YOU SAW THE VAN?

15 A IT WAS RIGHT HERE.

16 Q OKAY SO IT'S FACING TOWARD COLUMBIA?

17 A COLUMBIA

18 Q AND YOU SAW THE FOLKS RUNNING OUT OF THE BUILDING?

19 A YES

20 Q ALL RIGHT TOWARD THE VAN?

21 A TOWARD THE VAN

22 Q LOOK AT ME -- LOOK AT THEM IS THERE ANY QUESTION
23 IN YOUR MIND ABOUT THAT?

24 A NO.

25 Q AND ONE OF THE MEN HAD A WHAT ON?

1 A A MASK ON, SOMETHING OVER THEIR FACE
2 Q AND ANOTHER ONE HAD WHAT?
3 A A GUN
4 Q ALL RIGHT DID -- COULD YOU TELL IT WAS A GUN?
5 A YES, UH-HUH. IT WAS A GUN, YES.
6 Q NOW, DID YOU KNOW WHO THEY WERE?
7 A NO
8 Q COULD YOU IDENTIFY THEM?
9 A NO.
10 MR. MEADORS YOU CAN SIT BACK DOWN, MRS.
11 QUATTLEBAUM.
12 (THE WITNESS RETURNS TO THE WITNESS STAND)
13 MR. MEADORS · BEG YOUR HONOR'S INDULGENCE
14 (PAUSE.)
15 Q WHEN THE POLICE GOT THERE, DID YOU GIVE THEM YOUR
16 NAME?
17 A YES.
18 Q AND TINA GAVE THEM HER NAME?
19 A YES.
20 Q AND THEY KNEW HOW TO GET IN TOUCH WITH YOU?
21 A YES.
22 Q AND DID YOU -- DID YOU TELL ONE OF THE POLICE
23 OFFICERS WHAT HAD HAPPENED?
24 A YES, WE HAD. WE EXPLAINED TO THEM WHAT WE HAD
25 SEEN

1 Q WHAT YOU HAD SEEN?

2 A YES

3 Q DO YOU KNOW PRIOR TO OCTOBER 8TH OF 2002, DID YOU
4 KNOW MR. STERLING PATTERSON, MRS QUATTLEBAUM?

5 MR. MEADORS. MR. PATTERSON, WOULD YOU STAND UP,
6 PLEASE.

7 (COMPLIED)

8 Q DID YOU EVER SEE HIM OR KNOW HIM BEFORE THIS?

9 A NO

10 MR. MEADORS MR. STOKES, WOULD YOU STAND UP.

11 (COMPLIED.)

12 A NO

13 Q DID YOU KNOW ANDRAE?

14 A NO.

15 Q AND DID YOU KNOW ANYBODY IN THIS CASE PRIOR TO
16 THAT DAY?

17 A NO.

18 MR. MEADORS BEG THE COURT'S INDULGENCE

19 (PAUSE)

20 Q IF -- IF YOU SAID THIS, I'M SORRY. BUT WHEN YOU
21 ALL PULLED BACK DOWN AND YOU WERE WAITING FOR THE
22 POLICE TO COME BY, THERE WASN'T ANYBODY ELSE THERE?

23 A WASN'T NOBODY THERE.

24 Q DID YOU SEE ANYBODY RUNNING IN AND OUT OF THE
25 STORE OR ANYTHING?

1 A NO NO

2 Q AND YOU CAME -- AND I'M SORRY I PROMISE THIS IS
3 THE LAST ONE AFTER YOU -- YOU TURNED AROUND AND YOU
4 CAME RIGHT BACK, DIDN'T YOU?

5 A YES YES

6 Q OKAY. I MEAN, IT WASN'T LIKE YOU WENT AND WAITED
7 10 OR 15 MINUTES?

8 A NO.

9 Q OKAY.

10 MR. MEADORS THANK YOU. THAT'S ALL: ---

11 THE COURT: MR. BURR.

12 MR. BURR. THANK YOU, YOUR HONOR. MAY IT PLEASE

13 THE COURT

14 CROSS EXAMINATION BY MR. BURR.

15 Q MRS. QUATTLEBAUM ---

16 A YES

17 Q --- ON THE MORNING OF OCTOBER 8TH, 2002, AS YOU
18 ARE DRIVING DOWN THE ROAD PAST THIS INCIDENT,
19 APPROXIMATELY HOW FAST WAS YOUR DAUGHTER DRIVING?

20 A SHE WASN'T GOING TOO FAST BECAUSE WE WAS RIDING
21 SLOWLY

22 Q YOU WERE IN THE PASSENGER SEAT, SHE WAS IN THE
23 DRIVER'S SEAT?

24 A YES

25 Q YOU'RE ON THE RIGHT SIDE OF THE HIGHWAY?

1 A YES

2 Q YOU SAW THE VAN OVER ACROSS A DITCH TO THE LEFT,
3 IS THAT CORRECT?

4 A YES.

5 Q FROM THE TIME -- WELL, WHAT DID YOU DO? ONCE --
6 ONCE YOU SAW THEM RUNNING OUT, YOU SAID TO YOUR
7 DAUGHTER -- WHAT DID YOU SAY TO HER?

8 A I TOLD HER THAT IT LOOKED LIKE A ROBBERY BEEN --
9 BEEN GOING ON

10 Q AND WHAT WAS HER RESPONSE?

11 A AND SHE SAID, YES AND KEPT -- WE KEPT GOING. I
12 TOLD HER TO MASH ON THE GAS, KEEP GOING.

13 Q BUT AT SOME POINT DID YOU TURN AROUND AND COME
14 BACK?

15 A YES

16 Q HOW LONG DID IT TAKE YOU APPROXIMATELY TO MAKE
17 YOUR TURN AND COME BACK?

18 A IT WASN'T THAT LONG. I'D SAY ABOUT 5 -- ABOUT 5
19 MINUTES I DON'T KNOW. ABOUT 5.

20 Q HOW FAR DOWN THE ROAD DID YOU GO? DO YOU KNOW
21 APPROXIMATELY HOW FAR IT WAS?

22 A IT WASN'T THAT FAR DOWN IT WASN'T TO -- PROBABLY
23 THE NEXT EXIT WAS -- NOT EXIT, BUT I MEAN, TURN-OFF.
24 WE JUST CAME BACK IT WASN'T THAT LONG -- FAR UP THE
25 ROAD

1 Q AS YOU PASSED, WERE YOU ABLE TO LOOK INTO THE VAN
2 AND SEE WHETHER ANYBODY WAS ALREADY IN THE VAN OR NOT?

3 A WHAT, NOW?

4 Q COULD YOU SEE INTO THE VAN, SEE IF THERE WERE ANY
5 PEOPLE IN IT?

6 A OH, NO, HUH-UH.

7 Q YOU COULDN'T SEE ANY OPEN DOORS?

8 A WHAT?

9 Q COULD YOU SEE ANY OPEN DOORS ON THE VAN?

10 A WHEN WE SEEN THEM, THEY WAS COMING OUT OF THE
11 BUILDING, RUNNING TOWARDS THE VAN

12 Q TWO MEN WERE COMING OUT OF THE BUILDING ---

13 A YES

14 Q --- RUNNING TOWARD THE VAN?

15 A RIGHT.

16 Q YOU DON'T KNOW WHO THE MEN WERE?

17 A WHAT, NOW?

18 Q YOU DON'T KNOW WHO THE MEN WERE?

19 A NO

20 Q DO YOU REMEMBER WHAT OTHER VEHICLES WERE PARKED IN
21 THE CAR (SIC) -- PARKED IN THE PARKING LOT AS YOU
22 PASSED?

23 A NO, HUH-UH.

24 Q SO YOU AND YOUR DAUGHTER PROCEEDED AT A NORMAL
25 RATE OF SPEED, TURNED AROUND AS SOON AS POSSIBLE,

- 1 CORRECT?
- 2 A AND CAME BACK
- 3 Q AND CAME BACK?
- 4 A THERE WAS NOBODY IN THE PARKING LOT
- 5 Q NOBODY IN THE PARKING LOT. THE VAN WAS GONE?
- 6 A YES
- 7 Q WAS THERE ANY OTHER CAR IN SIGHT?
- 8 A NO, NOT AS I KNOW
- 9 Q SO YOU ---
- 10 A WHEN WE CAME BACK? ARE YOU TALKING ABOUT WHEN WE
- 11 CAME BACK?
- 12 Q MA'AM?
- 13 A YOU SAID WHEN WE CAME BACK, WAS ---
- 14 Q WHEN YOU CAME BACK, APPROACHED THE BUSINESS ---
- 15 A THERE WASN'T NOBODY IN THE PARKING LOT.
- 16 Q THE VAN WAS GONE, NOBODY IS IN THE PARKING LOT?
- 17 A THE CAR WAS WHEREVER.
- 18 Q SO IN THAT SHORT PERIOD OF TIME, NOT ONLY DID THE
- 19 VAN GET OUT, BUT THE TWO VICTIMS ALSO CAME OUT, GOT IN
- 20 ANOTHER VEHICLE. SO NOBODY WAS THERE AT ALL WHEN YOU
- 21 GOT THERE?
- 22 A NO
- 23 Q DID YOU ACTUALLY GO UP TO THE BUSINESS?
- 24 A NO.
- 25 Q JUST STOPPED WHERE YOU COULD WATCH IT?

1 A RIDE THROUGH IT, UH-HUH.

2 Q OKAY. ONCE THE POLICE OFFICER ARRIVED, DID YOU
3 HAVE OCCASION TO EXPLAIN TO HIM WHAT YOU HAD SEEN?

4 A YES

5 Q WHILE YOU WERE TALKING TO HIM, DID ANYBODY ELSE
6 COME UP?

7 A AT THAT TIME, NO, NOT AS I KNOW OF.

8 Q DID YOU -- DID YOU NOT STAY ON THE SCENE UNTIL MR
9 PATTERSON AND MR STOKES RETURNED?

10 A YES, WE WAS STILL THERE.

11 Q DID YOU TALK TO MR PATTERSON OR MR. STOKES AT
12 ALL?

13 A NO, HUH-UH. NO

14 Q HOW LONG DID YOU STAY THERE AFTER MR. PATTERSON
15 RETURNED?

16 A IT WASN'T THAT LONG BECAUSE I HAD -- MY DAUGHTER
17 HAD TO GO TO WORK WE WASN'T THERE LONG

18 Q DID ANYONE TALK TO YOU -- AFTER YOU GAVE YOUR
19 STATEMENT, DID THE POLICE OFFICER GO OVER AND TALK TO
20 MR. PATTERSON?

21 A NO, WE DIDN'T SEE THAT

22 Q SO MR. PATTERSON JUST STAYED THERE BY HIMSELF?

23 A WE DIDN'T EVEN SEE -- I DIDN'T EVEN SEE MR.
24 PATTERSON

25 Q DID ANY OTHER POLICE OFFICERS ARRIVE WHILE YOU

1 WERE THERE?

2 A AT THAT TIME? LET ME THINK, DID ANY MORE POLICE
3 ARRIVE NOT AS I KNOW OF. I DON'T KNOW RIGHT NOW. I
4 DON'T KNOW THAT WAS ANY MORE POLICES?

5 THE COURT: MA'AM, COULD YOU SPEAK UP JUST A
6 LITTLE BIT I CAN'T QUITE HEAR YOU

7 A WAS ANY MORE POLICES ARRIVE WHILE WE WAS THERE?

8 Q RIGHT

9 A YES, I THINK SO

10 Q HOW MANY ADDITIONAL CARS ARRIVED?

11 A I DON'T KNOW ABOUT THAT PART I DON'T KNOW

12 Q MORE THAN ONE?

13 A I DON'T THINK WE WAS THERE. I DON'T -- WE LEFT
14 KIND OF EARLY WE LEFT, YOU KNOW, RIGHT AFTER WE
15 TALKED WITH THE POLICEMAN AND THEN -- I KNOW WE WAS
16 THERE LONG ENOUGH FOR THEM TO PUT THEIR -- THAT TAPE
17 AROUND, BUT I DON'T -- I DON'T KNOW.

18 Q PUT WHAT PAPER DOWN?

19 A THE -- THAT YELLOW STRIP.

20 Q OKAY THE TAPE MARKING OFF THE CRIME SCENE?

21 A BUT I DON'T KNOW HOW LONG IT WAS BEFORE ANY MORE
22 POLICEMENS CAME.

23 Q DO YOU REMEMBER EXACTLY WHAT YOU TOLD THE POLICE
24 OFFICER WHEN HE WAS QUESTIONING YOU?

25 A WE TOLD HIM WHAT WE SEEN AND WE COULDN'T STAY

1 THERE IF HE ASKED US TO STAY, YOU KNOW, THEN WE WOULD
2 HAVE STAYED, YOU KNOW, BUT WE HAD TO GO TO WORK TINA
3 HAD TO GO TO WORK AND I WAS ---

4 Q SO NEITHER YOU NOR YOUR DAUGHTER GAVE A WRITTEN
5 STATEMENT AT THAT POINT?

6 A DID SHE GIVE A WRITTEN STATEMENT?

7 Q YES. DID HE ASK YOU FOR A WRITTEN STATEMENT?

8 A NO. HE WAS SUPPOSED TO GET BACK IN TOUCH WITH US.

9 Q AND HOW LONG WAS IT BEFORE HE GOT BACK IN TOUCH
10 WITH YOU?

11 A NEVER DID

12 Q NEVER DID GET BACK IN TOUCH WITH YOU?

13 A NO.

14 Q WERE YOU ABLE TO IDENTIFY THE TWO PEOPLE THAT YOU
15 SAW RUNNING OUT OF THE BUSINESS?

16 A WHAT, NOW?

17 Q WERE YOU ABLE TO IDENTIFY THE TWO PEOPLE THAT CAME
18 OUT OF THE BUSINESS?

19 A NO, HUH-UH. I DIDN'T SEE THEM. I DIDN'T SEE
20 THEIR FACES

21 Q DID YOU SEE BLOOD ON EITHER ONE OF THEM?

22 A NO.

23 Q DO YOU KNOW WHAT COLOR SHIRT EITHER ONE WAS
24 WEARING?

25 A NO I JUST SEEN THEM -- SOMEBODY -- THE MASK AND

1 IT LOOKED LIKE SOMEBODY HAD A GUN

2 Q BUT IN THE BRIEF TIME YOU WERE GONE, WHEN YOU
3 RETURNED, THE VAN WAS GONE, AND EVER WHO RAN THE
4 BUSINESS WERE GONE, THAT IS CORRECT?

5 A YES.

6 Q SO THE PEOPLE YOU SAW RUNNING OUT, YOU HAVE NO WAY
7 OF KNOWING WHETHER YOU SAW THE PEOPLE IN THE VAN OR THE
8 PEOPLE CHASING THE PEOPLE IN THE VAN, DO YOU?

9 A DO WHAT, NOW?

10 Q YOU HAVE NO WAY OF KNOWING WHETHER THE TWO PEOPLE
11 YOU SAW WERE TWO PEOPLE RUNNING TO GET IN THE VAN AND
12 LEAVE OR TWO PEOPLE CHASING THE PEOPLE GETTING IN THE
13 VAN?

14 A I JUST SEEN THE TWO GUYS, THE GUYS COMING OUT
15 THERE WITH THE GUN AND THE MASK ON. SO THAT LOOK
16 LIKE ---

17 Q SO IF THREE PEOPLE ARE ALREADY IN THE VAN AND TWO
18 PEOPLE CHASING THEM ---

19 A I DIDN'T SEE NOBODY -- I DIDN'T SEE NOBODY CHASING
20 NOBODY

21 Q YOU JUST SAW TWO PEOPLE RUNNING IN THE DIRECTION
22 OF THE VAN?

23 A RUNNING TOWARDS THE VAN

24 Q RIGHT.

25 A AND THE PEOPLE THAT I SAW RUNNING TOWARDS THE VAN,

1 THEY WAS THE ONES THAT HAD THE MASK ON AND THAT HAD THE
2 GUN

3 Q WHICH ONE HAD THE -- DID THE ONE THAT HAD THE MASK
4 ALSO HAVE A GUN?

5 A I DON'T KNOW. DID THE ONE HAVE THE GUN HAD A MASK
6 ON, YOU SAYING?

7 Q YES, MA'AM, THAT'S MY QUESTION.

8 A I DON'T KNOW WHICH ONE HAD THE ---

9 Q DID THEY APPEAR TO BE RUNNING TO YOU LIKE THEY
10 WERE RUNNING FLAT OUT, AS FAST AS THEY COULD POSSIBLY
11 RUN?

12 A YES, OUT OF THE BUILDING.

13 Q AND YOU WERE DRIVING IN THE OTHER DIRECTION?

14 A YES

15 Q THE VAN WAS BETWEEN YOU?

16 A YES

17 Q ISN'T IT POSSIBLE THAT SOME OF THIS STUFF, SOME OF
18 YOUR FACTS, COULD BE SOMEWHAT CONFUSED AT THIS POINT?

19 A NO. I JUST SEEN -- I'M TELLING WHAT I SEEN. I
20 SEEN THESE TWO -- THIS GUY COMING OUT THE -- TWO GUYS
21 COMING OUT THE -- BUT WHICH ONE HAD THE GUN AND WHICH
22 ONE HAD THE MASK ON THEIR FACE, NO

23 Q IF THREE PEOPLE WERE ALREADY IN THE VAN ATTEMPTING
24 TO LEAVE AND TWO PEOPLE WERE RUNNING OUT, WHAT ABOUT
25 WHAT YOU SAW -- WHAT DID YOU SEE THAT WOULD CONTRADICT

1 THAT SITUATION? YOU STATED THE DOORS WERE CLOSED, YOU
2 COULDN'T SEE IN THE VAN?

3 MR MEADORS: YOUR HONOR, I DON'T UNDERSTAND THAT
4 QUESTION OBJECTION

5 THE COURT: WELL, WHAT'S THE OBJECTION?

6 MR MEADORS TO MAKE THAT QUESTION MORE CLEAR
7 MR. BARR. I'LL REPHRASE IT.

8 THE COURT ALL RIGHT, REPHRASE YOUR QUESTION.

9 Q AS I STATED, IF THREE PEOPLE ARE ALREADY IN THE
10 VAN ---

11 A UH-HUH

12 Q --- ATTEMPTING TO LEAVE, YOU SEE TWO PEOPLE
13 RUNNING OUT OF THE BUSINESS -- OUT OF THE BUSINESS
14 TOWARD THE VAN, WHAT IN THAT SCENARIO -- WHAT OUT OF
15 WHAT YOU SAW WOULD MAKE YOU KNOW THAT THAT WASN'T THE
16 TWO PEOPLE THAT OWNED THE BUSINESS COMING OUT?

17 A BECAUSE ONE HAD A MASK ON HIS FACE.

18 Q THAT'S THE ONLY THING AND YOU DIDN'T KNOW ANYBODY
19 INVOLVED RIGHT?

20 A UH-HUH, AND SOMEBODY HAD A GUN

21 Q OKAY. THANK YOU, MA'AM.

22 MR. BURR: NO FURTHER QUESTIONS

23 THE COURT: MR. STRICKLER.

24 MR. STRICKLER THANK YOU, YOUR HONOR PLEASE THE
25 COURT

1 CROSS EXAMINATION BY MR. STRICKLER.

2 Q GOOD AFTERNOON, MRS QUATTLEBAUM.

3 A GOOD AFTERNOON

4 Q JUST A COUPLE OF THINGS. IF I UNDERSTAND YOUR
5 TESTIMONY HERE TODAY, YOU SAW A COUPLE OF PEOPLE MOVING
6 TOWARDS THE VAN. ONE OF THEM HAD WHAT YOU CALL A MASK
7 ON AND THE OTHER ONE HAD A GUN, IS THAT RIGHT?

8 A UH-HUH

9 Q ONE HAD A MASK AND ONE HAD A GUN, IS THAT RIGHT?

10 A YES

11 Q OKAY. AND THEN YOU AND YOUR DAUGHTER DRIVE DOWN
12 THE ROAD -- EXCUSE ME YOU BRING THIS TO THE ATTENTION
13 OF YOUR DAUGHTER, RIGHT?

14 A WHAT, NOW?

15 Q YOU BRING WHAT YOU SAW TO THE ATTENTION OF YOUR
16 DAUGHTER ---

17 A YES

18 Q --- WHO WAS DRIVING THE CAR, RIGHT? AND YOU ALL
19 CONTINUE ON DRIVING, RIGHT?

20 A YES.

21 Q YOU DON'T STOP OR ANYTHING?

22 A NO.

23 Q YOU DRIVE ON DOWN THE ROAD A LITTLE WAYS AND THEN
24 YOU PULL OVER AND STOP; IS THAT RIGHT?

25 A WE TURNED AROUND AND CAME BACK

1 Q OKAY. YOU JUST DIDN'T MAKE A U-TURN ON PERCIVAL?
2 YOU TURNED OFF ON A SIDE ROAD ---

3 A YES

4 Q --- AND TURN AROUND AND COME BACK?

5 A YES

6 Q OKAY THAT'S FINE AND THEN WHEN YOU COME BACK,
7 IF I UNDERSTAND YOUR TESTIMONY, YOU COME BACK AND YOU
8 COME TO THE STORE ITSELF AND YOU STOP THERE; IS THAT
9 CORRECT?

10 A YES

11 Q OKAY. AT THAT POINT IN TIME, YOU DON'T SEE ANYONE
12 AROUND THE PLACE?

13 A YES

14 Q ALL RIGHT AND THAT'S WHEN YOU GO AHEAD AND TRY
15 TO CALL 9-1-1?

16 A YES

17 Q IS IT YOU THAT'S DOING THAT OR YOUR DAUGHTER
18 THAT'S DOING IT, TRYING TO MAKE THE PHONE CALL?

19 A MY DAUGHTER.

20 Q YOUR DAUGHTER. OKAY. SO YOUR DAUGHTER IS TRYING
21 TO DIAL 9-1-1. AND AT THAT POINT IN TIME YOU SEE THE
22 POLICE CAR COMING DOWN PERCIVAL ROAD AND YOU ALL FLAG
23 HIM DOWN?

24 A YES.

25 Q DID YOU FLAG HIM DOWN OR YOUR DAUGHTER FLAG HIM

- 1 DOWN?
- 2 A I DID
- 3 Q YOU DID?
- 4 A UH-HUH.
- 5 Q OKAY. WERE YOU INSIDE THE CAR AT THAT POINT IN
- 6 TIME OR WERE YOU OUTSIDE OF THE CAR?
- 7 A I HAD GOT OUT.
- 8 Q YOU WERE OUT?
- 9 A UH-HUH.
- 10 Q SO YOU ALL WERE STANDING BY THE CAR?
- 11 A TINA PROBABLY WAS STILL IN THE CAR MAKING THE
- 12 CALL, I RECKON
- 13 Q I'M SORRY TINA WAS PROBABLY STILL IN THE CAR?
- 14 A UH-HUH, YES
- 15 Q BUT YOU GOT OUT TO STRETCH YOUR LEGS OR WHATEVER?
- 16 A UH-HUH.
- 17 Q AND FLAGGED DOWN THE POLICE OFFICER ---
- 18 A YES.
- 19 Q --- OR THE SHERIFF'S DEPUTY? NOW, CAN YOU
- 20 REMEMBER TALKING WITH THAT SHERIFF'S DEPUTY WHEN HE
- 21 STOPPED THERE, RIGHT?
- 22 A YES.
- 23 Q AND YOU AND TINA TOLD HIM WHAT YOU ALL HAD SEEN,
- 24 RIGHT?
- 25 A RIGHT

1 Q AND HE GOT SOME INFORMATION FROM YOU ALL, YOUR
2 NAMES AND HOW TO GET IN TOUCH WITH YOU, RIGHT?

3 A YES

4 Q AND YOU ALL STUCK AROUND FOR A LITTLE WHILE
5 LONGER?

6 A HE WENT UP TO THE BUILDING FIRST AND THEN COME
7 BACK AND TOLD US IT WAS SOMETHING HAD HAPPENED.

8 Q OKAY AND DID HE GET THE INFORMATION FROM YOU
9 BEFORE HE WENT UP TO THE BUILDING OR AFTER HE'D COME
10 BACK?

11 A AFTER.

12 Q AFTER. SO HE WENT AND CHECKED THE BUILDING, CAME
13 BACK, AND YOU ALL TOLD HIM WHAT YOU ALL HAD SEEN, BOTH
14 YOU AND YOUR DAUGHTER?

15 A YES

16 Q OKAY AND HE GOT THIS INFORMATION ON HOW TO GET
17 IN TOUCH WITH YOU, RIGHT?

18 A YES.

19 Q AND YOU STUCK AROUND FOR JUST A SHORT PERIOD OF
20 TIME AFTER THAT OTHER POLICE STARTED ARRIVING AND
21 THEN YOU ALL LEAVE ---

22 A UH-HUH.

23 Q --- BECAUSE SHE HAD TO GO TO WORK? IS THAT ABOUT
24 THE SEQUENCE OF EVENTS?

25 A YES, THAT'S ABOUT RIGHT

1 Q OKAY NOW, ISN'T IT TRUE, MRS QUATTLEBAUM, THAT
2 WHEN YOU ALL TALKED WITH THE OFFICER ON THE SCENE, THAT
3 WHAT YOU ALL TOLD HIM WAS THAT YOU HAD SEEN A BURGUNDY
4 VEHICLE, POSSIBLY A MINI-VAN, LEAVE THE BUSINESS AND
5 NOTICED SEVERAL OF THE PEOPLE IN THE MINI-VAN WEARING
6 MASKS? ISN'T THAT WHAT YOU TOLD HIM, THAT YOU SAW
7 PEOPLE IN THE VAN WITH MASKS ON LEAVING THE BUSINESS?

8 A IN THE VAN?

9 Q YES, SIR -- YES, MA'AM. ISN'T THAT WHAT YOU TOLD
10 HIM?

11 A I DON'T REMEMBER TELLING HIM -- I DON'T REMEMBER
12 THAT.

13 Q I'M SORRY?

14 A I DON'T REMEMBER TELLING HIM THAT

15 Q YOU DON'T REMEMBER TELLING HIM THAT?

16 A NO

17 Q OKAY. THAT'S FINE. WE KNOW WHAT YOU'RE TELLING
18 -- WHAT YOU'RE SAYING TODAY, THAT YOU SAW TWO PEOPLE
19 RUNNING TOWARDS THE VAN AND ONE HAD A MASK AND THE
20 OTHER HAD A GUN?

21 A UH-HUH

22 Q YOU DON'T REMEMBER WHETHER YOU TOLD THE OFFICER ON
23 OCTOBER 8TH, 2002, ABOUT 9-40 OR 9-45 IN THE MORNING --
24 9-49 IN THE MORNING, THAT YOU SAW THE MINI-VAN LEAVE
25 THE BUSINESS AND SAW PEOPLE IN IT WEARING MASKS? YOU

1 DON'T REMEMBER TELLING THE OFFICER THAT, CORRECT?

2 A NO I DON'T ---

3 MR. STRICKLER: OKAY. THANK YOU, MA'AM.

4 THE COURT. REDIRECT?

5 MR MEADORS. THAT'S ALL WE HAVE FOR MRS.

6 QUATTLEBAUM.

7 THANK YOU, MRS. QUATTLEBAUM.

8 THE COURT: THANK YOU VERY MUCH, MRS QUATTLEBAUM.

9 YOU MAY COME DOWN

10 (THE WITNESS LEAVES THE WITNESS STAND)

11 THE COURT CALL YOUR NEXT WITNESS.

12 MS CAMPBELL: THE STATE CALLS ANDRAE STOKES.

13 MR MEADORS: YOUR HONOR, BEG THE COURT'S

14 INDULGENCE. WE'D ASK THAT MRS. QUATTLEBAUM BE EXCUSED

15 THE COURT: THE WITNESS IS EXCUSED.

16 MR STRICKLER: THAT'S WITHOUT OBJECTION

17 THE COURT ALL RIGHT.

18 ANDRAE STOKES, BEING FIRST

19 DULY SWORN, TESTIFIED AS FOLLOWS

20 THE CLERK. HAVE A SEAT AND STATE YOUR FULL NAME

21 THE WITNESS: ANDRAE STOKES

22 DIRECT EXAMINATION BY MS. CAMPBELL:

23 Q MR STOKES, HOW OLD ARE YOU?

24 A 25

25 Q WHERE DO YOU LIVE?

- 1 A COLUMBIA, SOUTH CAROLINA
- 2 Q HOW LONG HAVE YOU LIVED IN THE COLUMBIA, SOUTH
- 3 CAROLINA, AREA?
- 4 A AROUND 7 YEARS.
- 5 Q AROUND 7 YEARS DID YOU GO TO HIGH SCHOOL HERE?
- 6 A YES
- 7 Q WHERE DID YOU GO TO HIGH SCHOOL?
- 8 A DREHER
- 9 Q DREHER HIGH SCHOOL?
- 10 A YES, MA'AM
- 11 Q DID YOU GRADUATE?
- 12 A YES, MA'AM.
- 13 Q WHAT YEAR DID YOU GRADUATE FROM DREHER HIGH
- 14 SCHOOL?
- 15 A '96
- 16 Q 1996?
- 17 A YES, MA'AM
- 18 Q AND AFTER GRADUATING FROM HIGH SCHOOL, DID YOU GO
- 19 ON TO SCHOOL OR DID YOU GET A JOB?
- 20 A I WENT TO MIDLANDS TECH.
- 21 Q TO MIDLANDS TECH?
- 22 A YES.
- 23 Q AND YOU TOOK SOME COURSES THERE FOR A PERIOD OF
- 24 TIME?
- 25 A YES

1 Q AND OVER THE LAST SEVERAL YEARS, HAVE YOU HAD
2 EMPLOYMENT AT VARIOUS PLACES AROUND COLUMBIA?

3 A YES

4 Q AND TURNING YOUR ATTENTION BACK TO ABOUT A YEAR
5 AND A HALF AGO, 15 MONTHS AGO, WHERE WERE YOU EMPLOYED?

6 A AT INTENSE CUSTOM

7 Q AND DO YOU STILL WORK AT INTENSE CUSTOM?

8 A NO, MA'AM

9 Q WHERE DO YOU WORK NOW, SIR?

10 A AT SIEMENS IN BLYTHEWOOD.

11 Q SIEMANS? THAT'S SPELLED S-I-E-M-A-N-S?

12 A S-I-E-M-E-N, YES

13 Q YES, E-N-S, I'M SORRY. YOU GOT IT RIGHT AND
14 WHAT KIND OF WORK DO YOU DO THERE?

15 A I WORK ON DIESEL FUEL INJECTORS. I INSPECT THE
16 WORK.

17 Q YOU'RE AN INSPECTOR FOR THEIR DIESEL FUEL
18 INJECTORS?

19 A YES, MA'AM.

20 Q AND HOW LONG HAVE YOU BEEN EMPLOYED AT SIEMENS
21 NOW?

22 A SINCE NOVEMBER OF 2003.

23 Q NOVEMBER OF 2003?

24 A NO. I MEAN 2002. I'M SORRY

25 Q NOVEMBER OF 2002?

1 A YES

2 Q SO YOU'VE BEEN EMPLOYED THERE ABOUT 14 MONTHS NOW?

3 A YES

4 Q AND, IN FACT, YOU GOT EMPLOYMENT THERE RIGHT AFTER
5 THIS HAPPENED; IS THAT CORRECT?

6 A YES, MA'AM

7 Q IN OCTOBER OF 2002, THOUGH, BEFORE GOING TO
8 SIEMENS, YOU WORKED FOR INTENSE AUDIO, IS THAT CORRECT?

9 A CORRECT.

10 Q AND WHAT KIND OF BUSINESS WAS INTENSE?

11 A IT WAS A CAR AUDIO PLACE THAT WE INSTALLED AUDIO
12 EQUIPMENT IN VEHICLES. WE ALSO DID BODY WORK, RIMS
13 AND KITS, ALL THAT, PERFORMANCE PARTS FOR ANY VEHICLE
14 THAT ---

15 Q IN THE VEHICLE?

16 A YES

17 Q SO IF I HAD A VEHICLE AND I WANTED TO GET IT
18 UPDATED LIKE THE AUDIO SYSTEM, I COULD TAKE IT TO YOUR
19 SHOP AND YOU ALL COULD PUT IN A BETTER AUDIO SYSTEM?

20 A YES

21 Q OR NEW RIMS?

22 A YES

23 Q AND THINGS OF THAT NATURE?

24 A YES, MA'AM

25 Q AND WHO WAS THE OWNER OF THAT BUSINESS?

1 A STERLING PATTERSON.

2 Q HOW LONG DID YOU WORK AT INTENSE -- WHAT WAS THE
3 NAME OF IT, INTENSE AUDIO?

4 A INTENSE CUSTOM.

5 Q INTENSE CUSTOM AND AUDIO? HOW LONG DID YOU WORK
6 THERE?

7 A ABOUT SIX AND A HALF -- SIX AND A HALF MONTHS, SIX
8 MONTHS

9 Q ABOUT SIX AND A HALF MONTHS?

10 A YES.

11 Q AND WHAT WERE YOUR DUTIES AT INTENSE AUDIO?

12 A I WAS AN INSTALLER FOR STERLING.

13 Q YOU WERE AN INSTALLER?

14 A YES

15 Q AND WHAT TYPE OF EQUIPMENT WOULD YOU INSTALL?

16 A RADIOS, AMPS, SPEAKERS, ANYTHING THAT -- THAT
17 COMES IN THE SHOP THAT NEEDED TO BE INSTALLED, I GUESS

18 Q AND THIS BUSINESS, CAN YOU TELL THE JURY WHERE IS
19 IT LOCATED?

20 A ON PERCIVAL ROAD

21 Q ON PERCIVAL ROAD?

22 A YES.

23 Q AND THE AREA WHERE THIS BUSINESS IS ACTUALLY
24 LOCATED, WHAT KIND OF AREA IS THAT? IS IT RURAL? IS
25 IT URBAN? I MEAN, WHAT -- DESCRIBE KIND OF THE

1 SURROUNDING AREAS OUT THERE

2 A IT'S MORE OF A WOODS AREA ITS NOT ANY BUILDINGS
3 AND STUFF, SO IT'S KIND OF AWAY FROM THE CITY AREA.

4 Q AWAY FROM THE CITY A LITTLE BIT?

5 A YES

6 Q AND THE BUILDING THAT IT WAS ACTUALLY LOCATED IN,
7 WERE THERE ANY OTHER BUSINESSES RIGHT THERE, RIGHT NEXT
8 TO INTENSE AUDIO, RIGHT AROUND IT?

9 A NO, MA'AM

10 Q I WANT TO TURN YOUR ATTENTION BACK TO OCTOBER THE
11 8TH OF 2002 WERE YOU WORKING THAT DAY?

12 A YES, MA'AM.

13 Q AND WHAT HOURS WERE YOU SUPPOSED TO WORK THAT DAY,
14 MR. STOKES?

15 A 7.00 -- 7.00 TO 8.00 OR 7.00 TO 7-00, NORMAL
16 HOURS.

17 Q NORMAL HOURS?

18 A YES.

19 Q AND WHAT TIME OF DAY DID YOUR BUSINESS USUALLY --
20 DID THAT BUSINESS OPEN, DO YOU REMEMBER?

21 A 9,00 O'CLOCK

22 Q 9:00 O'CLOCK IN THE MORNING?

23 A YES.

24 Q AND WOULD YOU GET THERE SOMETIME PRIOR TO 9 00
25 O'CLOCK?

1 A YES

2 Q AND THAT MORNING WHEN YOU ALL OPENED THE BUSINESS
3 AT 9-00 O'CLOCK, HOW MANY EMPLOYEES WERE WORKING THAT
4 DAY?

5 A TWO

6 Q TWO, AND YOU WERE ONE OF THEM, I ASSUME?

7 A YES

8 Q AND WHO ELSE WAS WORKING THAT DAY?

9 A STERLING.

10 Q AND WHEN YOU GOT TO WORK THAT MORNING, WAS
11 STERLING ALREADY THERE OR WERE YOU THE FIRST ONE THERE?

12 A STERLING -- STERLING WAS ALREADY THERE

13 Q AND WHEN YOU WENT INTO THE BUSINESS AND SHORTLY
14 BEFORE 9 00 O'CLOCK, WAS THERE ANYTHING UNUSUAL GOING
15 ON?

16 A NO

17 Q AND AS -- YOU OPENED THE BUSINESS AROUND 9-00
18 O'CLOCK, I ASSUME?

19 A YES

20 Q WAS EVERYTHING NORMAL?

21 A YES

22 Q AND THAT DAY, THAT MORNING, -- YOU CAN'T TELL THE
23 JURY WHAT THE CONVERSATION WAS, BUT DID YOU HAVE A
24 CONVERSATION WITH STERLING PATTERSON ABOUT THE KIND OF
25 WORK YOU ALL WERE GOING TO DO THAT DAY?

1 A YES, MA'AM.

2 Q AROUND 9 30 THAT MORNING, TELL THE JURY WHAT YOU
3 WERE DOING?

4 A I WAS PLAYING A VIDEO GAME AND STERLING WAS
5 TELLING ME WHAT WE HAD TO DO FOR THE DAY.

6 Q STERLING WAS TELLING YOU WHAT YOU HAD TO DO FOR
7 THE DAY?

8 A YES, MA'AM

9 Q AND WHEN YOU WERE PLAYING THIS VIDEO GAME, WHERE
10 WERE YOU LOCATED?

11 A RIGHT IN THE WAITING AREA WHERE WE KEEP THE
12 TELEVISION AND THE VCR FOR LIKE TAPES AND VIDEOS WE --
13 WE BE DISPLAYING, AND IT WAS RIGHT BESIDE THE FRONT
14 DOOR.

15 Q RIGHT BESIDE THE FRONT DOOR?

16 A YES

17 Q AND EXPLAIN TO THE JURY -- DESCRIBE THIS BUSINESS
18 HOW WAS IT SET UP FOR BUSINESS LIKE IF I WERE A
19 CUSTOMER AND I'M COMING IN THE FRONT DOOR, WHAT'S THE
20 FIRST PART OF THE BUSINESS THAT I WOULD ENTER?

21 A WELL, YOU HAVE YOUR WAITING AREA WHEN YOU FIRST
22 COME IN THEN YOU HAVE YOUR DISPLAY AREA WHERE WE KEEP
23 THE SPEAKERS AND THE VIDEO EQUIPMENT AND THEN YOU
24 HAVE IN THE BACK THE OFFICE AREA WHERE NOBODY GOES AT

25 Q THE BACK, OKAY. SO THERE ARE THREE SEPARATE PARTS

1 WHERE YOU FIRST ENTER?

2 A YES

3 Q AND THE FIRST PART IS THE AREA WHERE THE CUSTOMERS
4 ACTUALLY COME?

5 A YES.

6 Q IS THERE A COUNTER ACTUALLY DIVIDING IT FROM THE
7 REST OF THE PARTS?

8 A YES, MA'AM.

9 Q AND THEN AFTER YOU GET TO THE FIRST PART, IF
10 YOU'RE AN EMPLOYEE, YOU GO INTO A SECOND PART THAT'S
11 RIGHT BEHIND THAT?

12 A YES WELL, CUSTOMERS COME IN FOR THE DISPLAY
13 AREA, BUT IN THE BACK AREA ---

14 Q UH-HUH

15 A --- THE THIRD AREA, THERE'S -- IT'S THE OFFICE
16 AREA.

17 Q IT'S THE OFFICE AREA?

18 A YES

19 Q SO THERE ARE THREE SEPARATE -- THREE SEPARATE AND
20 DISTINCT PARTS RIGHT THERE AS YOU WALK IN?

21 A EXACTLY.

22 Q AND ARE YOU FAMILIAR WITH THE AREA OF THE BUSINESS
23 CALLED THE BAY AREA?

24 A YES

25 Q AND CAN YOU EXPLAIN TO THE JURY, WHERE WAS THE BAY

1 AREA LOCATED IN CONJUNCTION WITH WHERE THE CUSTOMERS
2 WOULD COME IN?

3 A IT'S -- IT'S LIKE THERE'S A SIDE DOOR ENTRANCE AND
4 IT'S MORE AROUND ALL THOSE AREAS EXCEPT FOR -- IT'S
5 LIKE IN A CORNER, CORNER-WISE LIKE ---

6 Q AND I'M SHOWING YOU STATE'S EXHIBIT 3, AND I SEE
7 THAT THERE ARE TWO DOORWAYS DEPICTED IN STATE'S EXHIBIT
8 3 CAN YOU TELL THIS JURY WHAT THOSE DOORWAYS -- WHAT
9 AREAS THEY LEAD INTO?

10 A THIS BIG BAY DOOR AREA

11 Q THIS BIG AREA?

12 A YES.

13 Q WHERE MY FINGER IS?

14 A EXACTLY

15 Q THAT'S THE BAY DOOR AREA. AND WHAT'S THE AREA
16 BEHIND THE BAY DOOR AREA? WHAT ACTUAL WORK IS DONE
17 THERE?

18 A THE CUSTOMERS' VEHICLES

19 Q THE CUSTOMERS' VEHICLES?

20 A YES.

21 Q AND YOU MENTIONED THAT THERE'S A DOORWAY TO THE
22 CUSTOMER WAITING ROOM AREA. IS THAT DEPICTED HERE ON
23 STATE'S EXHIBIT 3 TOO?

24 A YES, MA'AM.

25 Q AND CAN YOU SHOW ME WHERE THAT IS?

1 A IT'S RIGHT THERE ON THE RIGHT
2 Q IF I PUT MY FINGER RIGHT HERE ---
3 A YES
4 Q --- THAT'S POINTING TO THE DOOR, AND THEN THIS IS
5 POINTING TO THE BAY AREA?
6 A EXACTLY
7 Q SO THOSE TWO AREAS ARE ACTUALLY ADJACENT TO EACH
8 OTHER?
9 A YES
10 Q ARE THEY SEPARATED BY A WALL OR SOME KIND OF
11 PARTITION?
12 A YES, MA'AM.
13 Q AND YOU MENTIONED ALSO THAT THERE'S AN AREA WHERE
14 -- THE WAITING ROOM AREA WHERE YOU WALK IN AND I JUST
15 POINT OUT THE SMALL DOOR, THE CUSTOMERS' DOOR. I'M
16 GOING TO SHOW YOU STATE'S EXHIBIT 26 DO YOU RECOGNIZE
17 THAT?
18 A YES
19 Q AND WHAT DOES THAT SHOW?
20 A THAT'S THE WAITING AREA.
21 Q THIS IS THE WAITING AREA?
22 A YES.
23 MS. CAMPBELL YOUR HONOR, AT THIS TIME WE'D OFFER
24 STATE'S EXHIBIT 26, I BELIEVE WITHOUT OBJECTION
25 MR. BURR: NO OBJECTION, YOUR HONOR.

1 MR. STRICKLER WITHOUT OBJECTION AS TO MR SEARS.

2 (PHOTOGRAPH RECEIVED IN EVIDENCE AS STATE'S

3 EXHIBIT NO 26)

4 Q AND IN STATE'S EXHIBIT 3, THIS DOOR HERE, WHICH IS
5 RIGHT NEXT TO THE YELLOW SIGN THAT SAYS INTENSE ---

6 A UH-HUH.

7 Q --- IS THAT THE DOOR -- IS THAT WHERE YOU WOULD
8 WALK INTO AS YOU WALK IN?

9 A YES.

10 Q SO IF YOU WALK IN THE SMALL DOOR HERE,--THIS IS THE
11 AREA YOU WOULD BE IN, IS THAT CORRECT?

12 A CORRECT

13 Q AND YOU MENTIONED ON THAT MORNING, AROUND 9 30
14 THAT MORNING, 9 40 THAT MORNING, YOU WERE ACTUALLY
15 PLAYING A GAME, IS THAT CORRECT?

16 A YES, MA'AM

17 Q AND WHAT KIND OF GAME WAS IT?

18 A NINTENDO

19 Q NINTENDO?

20 A YES, MA'AM

21 Q AND IN ORDER TO PLAY THE NINTENDO GAME, DID YOU
22 HAVE TO HAVE TO HAVE ANY KIND OF COMPUTER OR SOMETHING
23 LIKE THAT?

24 A JUST A NINTENDO SYSTEM

25 Q A NINTENDO SYSTEM?

1 A YES.

2 Q WHAT WERE YOU PLAYING IT ON?

3 A ON THE TELEVISION IN THAT ---

4 Q OKAY ON THE TELEVISION HERE IN STATE'S EXHIBIT
5 26, IS THIS THE TELEVISION?

6 A YES, MA'AM

7 Q SO IS THAT THE TELEVISION WHERE YOU WERE PLAYING
8 THE GAME THAT MORNING?

9 A YES, MA'AM

10 Q AND WHAT WERE YOU DOING? WERE YOU STANDING, OR
11 SITTING, OR WALKING AROUND, OR HOW WERE YOU PLAYING
12 THAT GAME THAT MORNING?

13 A I WAS SITTING DOWN.

14 Q AND THERE'S A CHAIR HERE THAT'S STILL UPRIGHT IN
15 HERE IS THAT THE CHAIR YOU WERE SITTING IN?

16 A YES, MA'AM

17 Q SO IF YOU WERE PLAYING THAT GAME THAT MORNING,
18 WHERE WAS YOUR BACK LOCATED? WERE YOU ABLE TO SEE IN
19 THE FRONT DOOR?

20 A MY BACK WAS FACING THE DOOR WHERE THE CUSTOMERS
21 ENTER AT

22 Q WHERE THE CUSTOMERS ENTER?

23 A YES, MA'AM.

24 Q AND YOU MENTIONED THAT THERE'S AN AREA FURTHER
25 BACK OR TWO AREAS BACK BEHIND THIS; IS THAT CORRECT?

1 A YES

2 Q AND THOSE AREAS WOULD ACTUALLY BE FURTHER BACK
3 HERE, IS THAT RIGHT?

4 A CORRECT

5 Q AND THEN THE BAY AREA WOULD BE ADJACENT OVER HERE?

6 A YES.

7 Q AND I'M GOING TO SHOW YOU A SMALLER PICTURE THAT'S
8 STATE'S EXHIBIT 18 DOES THAT LOOK FROM THE CUSTOMER
9 AREA BACK AND THROUGH THE DISPLAY AREA INTO THE OFFICE?

10 A YES

11 MS CAMPBELL I'LL OFFER IT INTO EVIDENCE AT THIS
12 TIME IF IT HASN'T ALREADY -- NO OBJECTION?

13 MR BURR. NO OBJECTION.

14 (PHOTOGRAPH RECEIVED IN EVIDENCE AS STATE'S
15 EXHIBIT NO 18)

16 Q SO IN STATE'S EXHIBIT 18, THIS WOULD BE LOOKING
17 FROM THE FRONT OF THE STORE BACK INTO THE OFFICE AREA,
18 IS THAT CORRECT?

19 A YES

20 Q AND CUSTOMERS WOULD NOT HAVE HAD ACCESS BACK
21 BEYOND THE FIRST AREA; IS THAT CORRECT?

22 A BEYOND THE OFFICE AREA.

23 Q BEYOND THE OFFICE AREA?

24 A YES

25 Q THEY COULD GO TO THE DISPLAY AREA AND LOOK AT

1 THINGS?

2 A YES.

3 Q OKAY WHILE YOU WERE PLAYING NINTENDO AND YOUR
4 BACK WAS TO THE DOOR, WERE YOU HAVING A CONVERSATION
5 WITH STERLING?

6 A YES

7 Q AND YOU CAN'T TELL THEM WHAT THE GIST OF THE
8 CONVERSATION WAS, BUT AS YOU WERE HAVING THAT
9 CONVERSATION WITH STERLING, CAN YOU TELL THIS JURY WHAT
10 HAPPENED? -- -- -

11 A WE WERE HAVING A -- STERLING WAS TELLING ME WHAT
12 WAS GOING ON FOR THE DAY AND I WAS LISTENING AND
13 PLAYING THE GAME AT THE SAME TIME. AND -- AND ALL OF A
14 SUDDEN HE WAS TALKING AND HE JUST WAS WALKING IN THE --
15 TO THE DOOR WHERE YOU ENTER THE BAY AT ---

16 Q UH-HUH.

17 A --- THE WOODEN DOOR ---

18 Q UH-HUH

19 A --- AND HE WAS -- I DIDN'T KNOW WHAT HE WAS DOING
20 HE WAS JUST STANDING THERE AND I LOOKED AT HIM AND I
21 SAW HIM STARING AT SOMETHING AND HE WAS STILL TALKING
22 TO ME, TELLING ME WHAT WAS GOING ON. AND ALL OF A
23 SUDDEN HIS CONVERSATION STOPPED AND HE SLAMMED THE
24 DOOR. AND HE MUMBLED SOMETHING, BUT I COULDN'T
25 UNDERSTAND WHAT HE WAS MUMBLING, SO HE RAN IN THE BACK

1 AND I DIDN'T PAY HIM NO ATTENTION UNTIL -- UNTIL ALL OF
2 A SUDDEN I HEAR A BIG BOOM AT THE DOOR.

3 Q AT THE DOOR?

4 A YES

5 Q AND WHICH DOOR DID YOU HEAR THE BIG BOOM?

6 A THE BAY AREA DOOR

7 Q THE BAY AREA DOOR AND I'M GOING TO SHOW YOU
8 STATE'S EXHIBIT 37 BEFORE WE GO ANY FURTHER. DOES THAT
9 SHOW THE DOOR ---

10 A YES

11 Q --- YOU'RE REFERRING TO?

12 A YES.

13 MS CAMPBELL AND I'LL GO AHEAD AND PUT IT INTO
14 EVIDENCE

15 Q DO YOU RECOGNIZE THAT PHOTOGRAPH, STATE'S EXHIBIT
16 38?

17 A YES.

18 Q AND DOES THAT SHOW THE DISPLAY AREA LEADING INTO
19 THE OFFICE?

20 A YES

21 MS CAMPBELL. YOUR HONOR, AT THIS TIME, WE'D
22 OFFER THESE 2 INTO EVIDENCE

23 MR BURR. NO OBJECTION.

24 MR. STRICKLER: WITHOUT OBJECTION

25 (TWO, 2, PHOTOGRAPHS RECEIVED IN EVIDENCE AS

1 STATE'S EXHIBIT NOS 37 AND 38)

2 Q AND LOOKING INTO HERE, I SEE BACK HERE THERE'S A
3 CHAIR. IS THAT WHERE YOU WOULD HAVE BEEN SITTING?

4 A YES

5 Q SO WHERE MY PEN IS POINTED IS WHERE YOU WOULD HAVE
6 BEEN SITTING AND YOU HEARD, YOU SAID -- AND I DON'T
7 WANT TO MISQUOTE YOU -- WHAT DID YOU HEAR AT THIS DOOR
8 THAT CAUGHT YOUR ATTENTION?

9 A A BIG BOOM

10 Q A BIG BOOM?

11 A YES.

12 Q AND WHEN YOU SAY A BIG BOOM, WHAT DID YOU NOTICE
13 NEXT?

14 A A COUPLE OF GUYS COMING IN WITH GUNS IN THEIR
15 HANDS

16 Q OKAY AND, AGAIN, THIS IS THE DOOR LEADING FROM
17 THE BAY AREA INTO THE OFFICE, RIGHT?

18 A YES.

19 Q AND YOU MENTIONED ALSO THAT STERLING HAD GONE TO
20 THE BACK PART, INTO THE OFFICE PART?

21 A YES

22 Q AND I SHOW YOU STATE'S EXHIBIT 38. IS THAT THE
23 OFFICE PART WHERE HE WOULD HAVE BEEN BACK FROM YOU?

24 A YES

25 Q AND THAT'S ALSO ADJACENT TO THE BAY AREA, BUT IT

1 DOESN'T HAVE A DOOR RIGHT THERE, RIGHT?

2 A RIGHT

3 Q OKAY ONCE YOU HEARD THE BOOM, TELL THE JURY WHAT
4 HAPPENED?

5 A IT WAS -- ALL OF A SUDDEN IT WAS -- FIRST, IT WAS
6 ONE GUY THAT CAME IN, AND THEN A SECOND GUY CAME IN
7 THE FIRST GUY IMMEDIATELY GRABBED ME BY MY ARM AND TOLD
8 ME TO GET ON THE FLOOR HE SLAMMED ME ON THE FLOOR.
9 AND THE SECOND GUY CAME IN, AND I -- I COULD BARELY --
10 YOU KNOW WHAT I SAY, I COULD BARELY SEE EVERYTHING,
11 WHAT THEY WERE DOING. BUT I SAW ANOTHER SET OF FEET
12 COMING IN ---

13 Q OKAY

14 A --- THE THIRD GUY AND HE WAS TELLING ME TO GET
15 ON THE FLOOR, DON'T MOVE OR HE'LL KILL ME

16 Q OKAY. LET ME BACK UP FOR A SECOND YOU SAID THAT
17 WHEN YOU SAW THE FIRST PERSON COME IN -- YOU SAW ONE
18 PERSON COME IN?

19 A YES

20 Q AND THAT PERSON DID WHAT?

21 A SLAMMED ME ON THE GROUND.

22 Q SLAMMED YOU ON THE GROUND?

23 A YES

24 Q AND I'LL GET BACK TO HIS DESCRIPTION IN A MINUTE
25 AND THEN YOU SAID YOU ALSO SAW A SECOND PERSON COME IN?

- 1 A YES
- 2 Q AND WAS HE WITH THIS FIRST PERSON?
- 3 A YES.
- 4 Q AND THEN YOU SAID YOU SAW A THIRD SET OF FEET WAS
- 5 ALL YOU GOT TO SEE, RIGHT?
- 6 A YES.
- 7 Q AND COULD YOU TELL, WERE THEY ALL THREE MEN OR
- 8 WOMEN OR COULD YOU TELL?
- 9 A I COULDN'T TELL. WELL, I COULD TELL THAT THE
- 10 FIRST TWO WERE MEN
- 11 Q THE FIRST TWO WERE MEN?
- 12 A YES
- 13 Q AND THEN YOU SAW FEET ON THE THIRD GUY, RIGHT?
- 14 A YES
- 15 Q AND WHEN THE FIRST TWO CAME IN, YOU SAID THE FIRST
- 16 GUY GRABBED YOU AND THREW YOU ON THE GROUND, SLAMMED
- 17 YOU ON THE GROUND?
- 18 A YES.
- 19 Q AND DESCRIBE THE MAN THAT YOU FIRST SAW
- 20 A WELL, HE WAS -- HE HAD A MASK OVER HIS FACE, LIKE
- 21 A GRAYISH MASK, AND HE HAD A BABY BLUE BASEBALL CAP ---
- 22 Q UH-HUH.
- 23 A --- AND I COULD SEE LIKE WHERE HIS EYE AREA AT
- 24 IT WAS LIKE HE WAS LIGHT-SKINNED. AND WHEN HE HAD
- 25 GRABBED ME, I COULD SEE THE COMPLEXION ON HIS HANDS

- 1 THAT HE WAS LIGHT-SKINNED TOO.
- 2 Q OKAY
- 3 A AND -- AND, YEAH, THAT'S -- THAT'S THE ONLY
- 4 DESCRIPTION I CAN GIVE FOR HIM
- 5 Q AND WERE YOU SITTING DOWN WHEN HE CAME IN?
- 6 A YES
- 7 Q AND YOU SAID THAT HE SLAMMED YOU TO THE GROUND.
- 8 HOW DID HE SLAM YOU TO THE GROUND?
- 9 A WELL, I WAS LIKE SQUAT -- SQUATTING DOWN. I
- 10 ALREADY HAD MY HANDS UP
- 11 Q WHY DID YOU HAVE YOUR HANDS UP WHEN THIS MAN CAME
- 12 IN WITH THE MASK ON?
- 13 A BECAUSE THEY -- THEY HAD GUNS.
- 14 Q THEY HAD GUNS AND WHEN YOU SAID THEY HAD GUNS,
- 15 HOW MANY DID YOU ACTUALLY SEE WITH GUNS?
- 16 A ALL THREE OF THEM -- WELL, TWO OF THEM TWO OF
- 17 THEM
- 18 Q TWO OF THEM?
- 19 A YES
- 20 Q AND THEN YOU SAW FEET ON THE THIRD GUY WHEN HE
- 21 CAME IN?
- 22 A YES
- 23 Q SO THE TWO THAT YOU SAW ENTER, YOU ACTUALLY SAW
- 24 GUNS, RIGHT?
- 25 A YES

1 Q AND THE FIRST ONE HAD A GUN AND WHERE WAS THE
2 GUN POINTED WHEN HE CAME AT YOU THROUGH THAT DOOR?

3 A TOWARDS ME

4 Q TOWARDS YOU?

5 A YES

6 Q AND YOU SAID YOU PUT YOUR HANDS UP AND YOU WERE
7 SQUATTING DOWN?

8 A YES

9 Q AND THAT'S WHEN HE SLAMMED YOU TO THE GROUND?

10 A YES

11 Q AND WHAT DID HE SAY TO YOU AS HE SLAMMED YOU TO
12 THE GROUND?

13 A HE SAID, DON'T MOVE OR I'LL KILL YOU.

14 Q WHERE WAS THE GUN AT THAT POINT?

15 A HIS GUN?

16 Q HIS GUN.

17 A ON -- ON THE TOP OF MY HEAD

18 Q ON THE TOP OF YOUR HEAD?

19 A YEAH, ON THE BACK -- BACK SIDE.

20 Q ON THE BACK OF YOUR HEAD?

21 A YES.

22 Q AS HE SLAMMED YOU TO THE GROUND?

23 A YES

24 Q ARE YOU DOWN FACE FIRST?

25 A YES

1 Q AND AT SOME POINT, YOU ALSO GOT TO VIEW -- SEE THE
2 SECOND GUY COMING IN WITH HIM, RIGHT?

3 A YES

4 Q AND WHAT WERE YOU ABLE TO TELL ABOUT THE SECOND
5 GUY?

6 A THAT HE HAD A YELLOW-LIKE BANDANNA OVER HIS FACE,
7 AND HE WAS LIKE A DARKER COMPLEXION FROM THE FIRST GUY,
8 LIKE BROWN SKIN.

9 Q AND DID HE HAVE ANY TYPE OF WEAPON?

10 A YES. HE -- HE HAD ALMOST THE SAME WEAPON HE HAD,
11 THE OTHER GUY HAD.

12 Q AND WHEN THEY CAME IN AND YOU SAID THEY HAD A GUN
13 WERE THEY HANDGUNS, WERE THEY RIFLES? WHAT WERE THEY?

14 A HANDGUNS

15 Q HANDGUNS?

16 A YES.

17 Q AND YOU WERE ABLE TO SEE HIS GUN?

18 A YES.

19 Q AND THEN THE THIRD GUY, YOU JUST BASICALLY GOT TO
20 SEE NOT MUCH OF HIM AT ALL?

21 A NO.

22 Q BUT THERE WAS A THIRD PERSON THAT ENTERED?

23 A YES

24 Q WHAT WAS THE SECOND -- COULD YOU TELL ONCE YOU
25 WERE DOWN ON THE GROUND, THE GUY HAD THE GUN TO YOUR

1 HEAD AND SAID, DON'T MOVE OR I'LL KILL YOU, DID HE
2 START ASKING FOR SOMETHING? DID HE START WANTING
3 SOMETHING?

4 A I COULDN'T REALLY HEAR -- I DIDN'T REALLY PAY
5 ATTENTION TO HIM. ALL I'M SAYING, HE WAS JUST DRAGGING
6 ME TO THE BACK, SO I REALLY DIDN'T HEAR WHAT HE WAS
7 SAYING

8 Q YOU COULDN'T HEAR? YOU DON'T KNOW WHAT -- BUT YOU
9 KNOW HE SAID, I'LL KILL YOU?

10 A YEAH, I HEARD THAT.

11 Q YOU HEARD THAT MUCH OF IT?

12 A YEAH

13 Q AND HE WAS SAYING OTHER THINGS. YOU JUST DON'T
14 REMEMBER WHAT THEY WERE?

15 A EXACTLY

16 Q AND DO YOU KNOW WHAT THE OTHER TWO GUYS WERE DOING
17 WHILE HE HAD YOU DOWN ON THE GROUND?

18 A YEAH. I SAW THEIR FEET HEADED TOWARD THE BACK
19 OFFICE WAY.

20 Q HEADED TOWARD THE BACK OFFICE WAY?

21 A YES.

22 Q AND YOU MENTIONED A MINUTE AGO AND I INTERRUPTED
23 YOU -- I'M SORRY -- YOU SAID THAT THE GUY THAT HAD THE
24 GUN TO YOUR HEAD THAT HAD THE BLUE BASEBALL CAP ON AND
25 THE MASK OVER HIS FACE, HE STARTED DRAGGING YOU TOWARDS

- 1 THE BACK?
- 2 A YES
- 3 Q AND WHERE WERE YOU?
- 4 A FACE DOWN ON THE GROUND.
- 5 Q WERE YOU FLAT ON THE GROUND?
- 6 A YES.
- 7 Q AND WERE YOU LOOKING UP?
- 8 A NO
- 9 Q WHY NOT?
- 10 A BECAUSE HE HAD THE GUN TO MY HEAD.
- 11 Q AND AT THAT POINT, HE STARTS DRAGGING YOU TOWARDS
- 12 THE BACK AND HE'S SAYING SOMETHING?
- 13 A YES.
- 14 Q AND THEN WHAT HAPPENED?
- 15 A ALL OF A SUDDEN I -- THE WAY HE WAS DRAGGING ME, I
- 16 COULD SEE STERLING COME AROUND THE CORNER BECAUSE I WAS
- 17 TURNING WHERE THE OFFICE AREA WAS
- 18 Q OKAY SO HE'S DRAGGING YOU TOWARDS THE DISPLAY
- 19 AREA?
- 20 A YEAH
- 21 Q AROUND FROM THE FRONT AREA?
- 22 A YEAH.
- 23 Q BACK TOWARDS THE DISPLAY AREA?
- 24 A YEAH.
- 25 Q AND YOU CAN SEE STERLING COMING FROM WHERE?

- 1 A THAT DOORWAY RIGHT THERE
- 2 Q THIS DOORWAY RIGHT HERE?
- 3 A YES, MA'AM.
- 4 Q FROM THE OFFICE AREA AND THEN WHAT HAPPENED?
- 5 A THEY WAS -- THEY STARTED HAVING CONVERSATION BACK
- 6 AND FORTH AND ALL OF A SUDDEN, I HEAR FIRE JUST GOING
- 7 OFF
- 8 Q WHEN YOU SAY FIRE GOING OFF, WHAT DO YOU MEAN BY
- 9 FIRE?
- 10 A GUNSHOTS.
- 11 Q GUNSHOTS?
- 12 A YES.
- 13 Q COULD YOU TELL WHERE THE GUNSHOTS WERE COMING
- 14 FROM?
- 15 A NO, MA'AM
- 16 Q WHEN YOU HEARD THE GUNSHOTS, YOU WERE ALREADY DOWN
- 17 FLAT ON THE GROUND ---
- 18 A YES
- 19 Q --- LUCKILY? AND AT THAT POINT, WHAT DID YOU DO?
- 20 A STARTED LOW CRAWLING TO THE ---
- 21 Q WHEN YOU SAY LOW CRAWLING, WHAT DO YOU MEAN?
- 22 A CRAWLING WITH MY ELBOWS AND MY LEGS TOWARD THE
- 23 BACK OFFICE WAY
- 24 Q AND WHY WERE YOU TRYING TO CRAWL TOWARD THE BACK
- 25 OFFICE?

- 1 A BECAUSE I KNOW IF I HAD STOOD UP, I WOULD HAVE GOT
2 SHOT.
- 3 Q OKAY AND WHY WERE YOU CRAWLING TOWARD THE BACK
4 OFFICE? WERE YOU TRYING TO GET AWAY FROM SOMEBODY?
- 5 A YES.
- 6 Q WHO WERE YOU TRYING TO GET AWAY FROM?
- 7 A THE PEOPLE THAT WAS ROBBING THE PLACE.
- 8 Q DID YOU KNOW STERLING HAD A GUN THERE?
- 9 A YES.
- 10 Q AND DO YOU KNOW WHY STERLING HAD A GUN?
- 11 A YES.
- 12 Q WHY?
- 13 A FOR PROTECTION
- 14 Q HAD IT BEEN IN THE BUSINESS?
- 15 A YES.
- 16 Q AND YOU WERE AWARE OF IT, RIGHT?
- 17 A YES.
- 18 Q DO YOU KNOW HOW MANY SHOTS WERE FIRED?
- 19 A NO, I DON'T.
- 20 Q DID YOU GET TO -- WERE YOU ABLE TO CRAWL BACK TO
21 THE OFFICE?
- 22 A YES
- 23 Q ONCE YOU GOT BACK IN THE OFFICE, TELL THIS JURY
24 WHAT HAPPENED?
- 25 A AFTER I CRAWLED IN THE BACK OF THE OFFICE, I GUESS

1 STERLING TOLD ME TO GET UP AND WHEN I GOT UP OFF THE
2 GROUND, HE WAS RELOADING THE WEAPON AND HE WAS SAYING
3 -- HE WAS -- HE WAS -- WE WAITED FOR A SECOND TO MAKE
4 SURE NO ONE WAS COMING BACK OR WHATEVER. AND ALL OF A
5 SUDDEN, HE TOLD ME TO COME ON, LET'S GO.

6 SO WE LEFT OUT INTO ANOTHER VEHICLE IT WAS A
7 HONDA ACCORD. AND WE WAS GOING TO CHASE AFTER THE GUYS
8 SO WE COULD FIND A LICENSE PLATE TAG AND LET THE COPS
9 KNOW -- CALL 9-1-1 AT THE SAME TIME AND CALL TO LET
10 THEM KNOW WHERE THEY'RE AT.

11 Q OKAY. AND LET ME GO BACK TO SOMETHING WHILE YOU
12 WERE CRAWLING BACK IN THE BACK, COULD YOU TELL WHAT WAS
13 HAPPENING WITH THE THREE GUYS THAT HAD ENTERED?

14 A NO.

15 Q OR THE THREE PEOPLE? TWO GUYS, YOU KNOW SO YOU
16 CRAWLED BACK IN THE BACK AND THEN YOU ALL GOT INTO A
17 CAR?

18 A YES.

19 Q AND YOU SAID IT WAS A HONDA ACCORD?

20 A YES

21 Q WHOSE HONDA ACCORD WAS IT?

22 A IT WAS A CUSTOMER'S.

23 Q A CUSTOMER'S CAR?

24 A YES

25 Q AND WERE YOU ALL SUPPOSED TO BE DOING WORK ON IT?

1 A YES

2 Q SO WHERE WAS IT PARKED IN THE PARKING LOT WHEN YOU
3 ALL GOT INTO IT?

4 A I THINK IT WAS MORE -- I THINK IT WAS -- I
5 COULDN'T -- I COULDN'T REMEMBER

6 Q YOU CAN'T REMEMBER?

7 A NO, I COULDN'T.

8 Q BUT YOU KNOW IT WAS OUT IN THE PARKING LOT?

9 A YES.

10 Q AND WHEN YOU GOT INTO THE HONDA ACCORD--THAT WAS
11 OUT IN THE PARKING LOT, WHICH WAY DID YOU ALL TRAVEL?
12 WHERE DID YOU GO TO TRY TO GET THE LICENSE PLATE?

13 A TO THE RIGHT, HEADED TOWARD -- TOWARD LIKE ALPINE
14 AND THE HIGHWAY.

15 Q OKAY. AND AS YOU WERE GETTING INTO THE CAR, WERE
16 YOU STILL ABLE TO SEE THE VAN OR WAS IT ALREADY GONE?

17 A IT WAS ALREADY GONE.

18 Q OKAY WAS IT ALREADY GONE BY THE TIME YOU ALL HAD
19 GOTTEN OUT OF THE PARKING LOT?

20 A YES.

21 Q AND YOU ALL JUST WENT THAT WAY HOPING TO FIND IT?

22 A YES.

23 Q AND AS YOU GOT DOWN -- AS YOU'RE GOING DOWN
24 PERCIVAL TOWARDS COLUMBIA, DID YOU STAY ON PERCIVAL ALL
25 THE WAY INTO COLUMBIA?

1 A WE STAYED ON PERCIVAL AND WE TURNED RIGHT ON
2 ALPINE TO SEE IF THEY WAS ---

3 Q RIGHT ON ALPINE?

4 A YES

5 Q AND IS THE -- IS THAT THE JUNCTION WHERE 20 COMES
6 INTO -- RIGHT THERE AT ALPINE AND 20?

7 A YES

8 Q AND YOU WENT THAT DIRECTION. WERE YOU ALL EVER
9 ABLE TO FIND OR SEE THE -- DID YOU KNOW WHAT AUTOMOBILE
10 YOU WERE LOOKING FOR?

11 A WELL, I DIDN'T KNOW STERLING TOLD ME WHAT WE WAS
12 LOOKING FOR.

13 Q OKAY. BUT YOU HAD NEVER EVEN SEEN WHAT
14 AUTOMOBILE?

15 A NO. NO, I DIDN'T SEE IT

16 Q BUT STERLING KNEW?

17 A YEAH, STERLING KNEW

18 Q AND AT THAT POINT, YOU ALL ARE -- BUT YOU ALL
19 NEVER SAW ANY AUTOMOBILE, RIGHT?

20 A RIGHT.

21 Q AND WERE YOU ABLE TO CALL DURING THIS TIME PERIOD
22 -- WERE YOU ALSO ATTEMPTING TO CALL 9-1-1?

23 A YES.

24 Q AND WERE YOU ABLE TO GET THROUGH?

25 A YES.

- 1 Q AND WHEN YOU -- WHO ACTUALLY SPOKE TO 9-1-1?
- 2 A I DID I CALLED THEM
- 3 Q AND WHAT DID YOU TELL 9-1-1?
- 4 A THAT WE HAD JUST BEEN -- BEEN ROBBED AND -- AND
- 5 JUST TO -- SOMEBODY TO COME AND, YOU KNOW, SEE WHAT'S
- 6 GOING ON OR WHATEVER
- 7 Q OKAY. SO YOU WERE ASKING FOR THE POLICE TO COME?
- 8 A YES
- 9 Q DID YOU ALL RETURN TO THE BUSINESS?
- 10 A YES
- 11 Q AND DURING THE TIME PERIOD WHEN YOU WERE IN THE
- 12 CAR, DID STERLING STILL HAVE THE GUN WITH HIM?
- 13 A YES.
- 14 Q DID YOU EVER HANDLE THE GUN?
- 15 A NO, I DON'T THINK SO -- YES YES, I DID
- 16 Q YOU DID HANDLE THE GUN?
- 17 A YES, I DID.
- 18 Q WHILE YOU WERE IN THE CAR?
- 19 A YES
- 20 Q BUT NOT BEFORE THEN?
- 21 A NO
- 22 Q OKAY. I WAS MAKING CLEAR ---
- 23 A YES.
- 24 Q I'M SORRY I WASN'T CLEAR ABOUT THAT
- 25 A UH-HUH.

1 Q WHILE YOU WERE IN THE CAR, YOU HANDLED THE GUN?

2 A YES

3 Q BUT YOU HADN'T HANDLED THE GUN BEFORE THAT?

4 A NO

5 Q WHEN YOU RETURNED TO THE BUSINESS, WHAT DID YOU
6 FIND?

7 A THAT A POLICE OFFICER WAS ALREADY THERE ---

8 Q UH-HUH

9 A --- AND THAT HE WAS STARTING TO TAPE THE AREA UP
10 AND HE STARTED ASKING US QUESTIONS AND--ALL OF A
11 SUDDEN, ANOTHER -- TWO MORE -- WELL, INVESTIGATORS OR
12 WHATEVER, THEY CAME -- PULLED UP AND STARTED ASKING US
13 QUESTIONS ABOUT WHAT HAD HAPPENED.

14 Q OKAY. AND YOU ALL TALKED TO THE POLICE
15 VOLUNTARILY THAT DAY?

16 A YES

17 Q IN FACT, YOU HAD REQUESTED THAT THE POLICE COME TO
18 THE BUSINESS WHERE THE ROBBERY OR ATTEMPTED ROBBERY HAD
19 TAKEN PLACE?

20 A YES

21 Q AND YOU TOLD THE POLICE WHAT HAD HAPPENED?

22 A YES

23 Q WERE YOU ABLE TO GIVE A DESCRIPTION TO THE POLICE
24 OF THE THREE MEN?

25 A YES

- 1 Q AND SPECIFICALLY YOU'VE NOTED SOME DIFFERENT
2 CLOTHING AND THINGS?
- 3 A YES
- 4 Q AND THE FIRST PERSON YOU MENTIONED WAS A LIGHT-
5 SKINNED MAN?
- 6 A YES.
- 7 Q AND HE HAD ON A -- WHAT KIND OF BASEBALL CAP?
- 8 A A BABY BLUE BASEBALL CAP.
- 9 Q DO YOU REMEMBER WHAT COLOR T-SHIRT?
- 10 A NO, NOT REALLY
- 11 Q AND HE HAD SOME KIND OF MASK OVER HIS FACE?
- 12 A YES.
- 13 Q AND YOU MENTIONED THE SECOND MAN, TOO, HAD
14 SOMETHING YELLOW OVER HIS FACE?
- 15 A YES
- 16 Q AND THE THIRD MAN YOU JUST DIDN'T SEE VERY MUCH
17 OF, DID YOU ---
- 18 A NO.
- 19 Q --- OR THE THIRD PERSON?
- 20 A THE THIRD PERSON
- 21 Q DID THE POLICE STAY AT THE BUSINESS FOR A WHILE?
- 22 A YES
- 23 Q THEY WERE THERE MOST OF THE DAY?
- 24 A YES.
- 25 Q AND WHEN YOU GOT BACK TO THE BUSINESS, DID

1 STERLING TURN HIS GUN OVER TO THEM IMMEDIATELY?

2 A YES

3 Q AND THE WHOLE TIME ONCE YOU GOT BACK TO THE
4 BUSINESS, THE POLICE WERE ALREADY THERE AND BASICALLY
5 WERE THERE WITH YOU THE REST OF THE DAY; IS THAT
6 CORRECT?

7 A CORRECT

8 Q LATER THAT DAY, DID THE POLICE HAVE AN OPPORTUNITY
9 TO TRY TO SHOW YOU SOME LINE-UPS AND THINGS OF THAT
10 NATURE?

11 A YES

12 Q WERE YOU EVER ABLE TO IDENTIFY ANY OF THE ROBBERS?

13 A NO.

14 Q AND TELL THE JURY WHY YOU WEREN'T ABLE TO IDENTIFY
15 ANY OF THE ROBBERS

16 A BECAUSE THEY HAD MASKS OVER THEIR FACE.

17 Q HOW FAST DID ALL THIS HAPPEN?

18 A ABOUT, SAY -- THEY COME IN THERE REAL QUICK.

19 Q REAL QUICK?

20 A YEAH

21 Q YOU MENTIONED THAT THE SHOOTING TOOK PLACE. WHEN
22 THE SHOOTING STARTED, WHERE WAS STERLING?

23 A IN THE BACK -- LIKE THE DOOR AREA WHERE THE OFFICE
24 -- BETWEEN THE OFFICE AND THE DISPLAY AREA.

25 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT 38.

- 1 A YES
- 2 Q WHERE WAS STERLING?
- 3 A RIGHT HERE.
- 4 Q WHEN YOU HEARD THE SHOOTING START, THAT'S WHERE
- 5 STERLING WAS?
- 6 A YES
- 7 Q AND WHERE WERE THE THREE PEOPLE, OR DO YOU KNOW,
- 8 AT THE TIME THE SHOOTING STARTED?
- 9 A I -- I DON'T KNOW ONLY -- ONLY PERSON I KNOW
- 10 THAT PROBABLY WAS STANDING, HE WAS STANDING OVER ME, SO
- 11 -- BECAUSE HE HAD THE GUN TO MY HEAD, SO I KNOW HE WAS
- 12 STANDING OVER ME.
- 13 Q OKAY. WERE ALL THREE OF THE PEOPLE STILL INSIDE?
- 14 A YES.
- 15 Q OKAY AND THAT'S WHEN THE SHOOTING TOOK PLACE,
- 16 THEY WERE INSIDE?
- 17 A YES.
- 18 Q AND STERLING WAS INSIDE?
- 19 A YES.
- 20 Q AND AS YOU CRAWLED INTO THE BACK AND THE SHOOTING
- 21 WAS STILL TAKING PLACE, STERLING WAS STILL INSIDE?
- 22 A YES.
- 23 Q LET ME ASK YOU ONE MORE QUESTION TOO. YOU SAID
- 24 THAT WHEN THEY FIRST -- THE FIRST THING THAT CAUGHT
- 25 YOUR ATTENTION WAS YOU HEARD A BANG AT THAT WOODEN

- 1 DOOR IS THERE A KNOB ON THAT DOOR?
- 2 A NO, THERE IS NOT.
- 3 Q AND IN WHAT MANNER DID THEY ENTER AS YOU LOOKED
- 4 UP?
- 5 A I'M SORRY REPEAT THE QUESTION
- 6 Q IN WHAT MANNER -- HOW DID THEY ENTER? HOW DID
- 7 THEY GET THROUGH THE DOOR?
- 8 A THEY PUSHED OPEN THE DOOR, I GUESS, BANGED THEIR
- 9 ARM AGAINST THE DOOR OR WHATEVER.
- 10 Q IS THAT WHAT YOU HEARD?
- 11 A YES
- 12 Q WOULD HAVE BEEN THE BANG?
- 13 A YES
- 14 Q AND THEN THE DOOR FLEW OPEN?
- 15 A YES
- 16 Q I'M GOING TO SHOW YOU THESE THREE I CAN'T PUT
- 17 THEM IN EVIDENCE, BUT THESE QUESTIONNAIRES, DO YOU
- 18 RECOGNIZE THOSE?
- 19 A YES
- 20 Q AND IS THAT THE INFORMATION YOU GAVE THE POLICE TO
- 21 THE BEST OF YOUR ABILITY THAT DAY ABOUT THE PEOPLE THAT
- 22 HAD COME IN?
- 23 A YES.
- 24 Q YOU MENTIONED THAT ONE OF THE PEOPLE HAD ON A --
- 25 THE ONE THAT HELD THE GUN TO YOUR HEAD AND TOLD YOU HE

1 WAS GOING TO KILL YOU ---

2 A YES

3 Q --- HE HAD ON, I BELIEVE YOU DESCRIBED, A LIGHT
4 BLUE BASEBALL CAP?

5 A YES.

6 Q I'M GOING TO SHOW YOU THIS ITEM WHICH WAS
7 PREVIOUSLY MARKED, AND NO LONGER IS -- I'LL GIVE IT A
8 NEW NUMBER -- DO YOU RECOGNIZE THAT?

9 A YES

10 Q AND WHEN YOU DESCRIBED THE CAP, IS THAT THE CAP
11 YOU DESCRIBED?

12 A YES

13 Q AND THAT'S THE PERSON THAT ACTUALLY HELD THE GUN
14 TO YOUR HEAD AND THREATENED TO KILL YOU?

15 A EXACTLY.

16 Q THE ONE THAT WAS TRYING TO DRAG YOU IN THE BACK?

17 A YES

18 MS. CAMPBELL BEG THE COURT'S INDULGENCE

19 (PAUSE.)

20 Q JUST A COUPLE OF QUESTIONS. LET ME ASK YOU THIS:
21 YOU DIDN'T HAVE A GUN THERE THAT DAY?

22 A NO

23 Q YOU DIDN'T DO ANY SHOOTING?

24 A NO

25 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS

1 STATE'S EXHIBIT 6 DO YOU RECOGNIZE THAT?

2 A YES

3 Q PRIOR TO THE SHOOTING THAT DAY, WAS THE GLASS IN
4 THIS BROKEN?

5 A NO.

6 Q THAT WAS ONLY AFTER THE SHOOTING?

7 A YES

8 MS CAMPBELL YOUR HONOR, AT THIS TIME, WE WOULD
9 OFFER STATE'S EXHIBIT 6 INTO EVIDENCE, WITHOUT
10 OBJECTION, I BELIEVE

11 MR BURR NO OBJECTION, YOUR HONOR

12 MR STRICKLER NONE FROM MR. SEARS.

13 (PHOTOGRAPH RECEIVED IN EVIDENCE AS STATE'S
14 EXHIBIT NO. 6.)

15 Q I SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
16 108, WHICH IS ALREADY IN EVIDENCE THIS BAG OUT IN
17 THIS PARKING LOT ---

18 A YES

19 Q --- WAS THAT THERE PRIOR TO THE ROBBERY?

20 A NO, IT WASN'T.

21 Q HAD YOU EVER SEEN IT BEFORE?

22 A NO

23 Q JUST ONE MORE QUESTION. YOU SAID THE MAN CAME IN
24 AND HE WAS THREATENING TO KILL YOU AND YOU SAID THAT HE
25 HAD A GUN TO YOUR HEAD BUT YOU COULDN'T SEE IT AT

1 THAT POINT, COULD YOU?

2 A NO.

3 Q HOW DID YOU KNOW HE STILL HAD THE GUN TO YOUR
4 HEAD?

5 A BECAUSE I FELT IT

6 Q YOU COULD FEEL THE GUN TOUCHING YOUR HEAD?

7 A YES

8 MS CAMPBELL: THAT'S ALL THE QUESTIONS
9 THE COURT ALL RIGHT

10 ALL RIGHT, LADIES AND GENTLEMEN, LET'S--- IT'S
11 PROBABLY ABOUT TIME TO TAKE OUR LUNCH BREAK. CROSS
12 EXAMINATION IN THIS CASE MIGHT TAKE A WHILE AND SOME OF
13 YOU LOOK LIKE YOU'RE HUNGRY. IT'S KIND OF HARD TO
14 TELL, BUT ANYWAY. I THINK IT'S PROBABLY AN APPROPRIATE
15 TIME TO GO AHEAD AND TAKE OUR LUNCH BREAK

16 I'M GOING TO ASK YOU TO BE BACK IN THE JURY ROOM
17 AT 2-15. THAT WILL GIVE YOU A LITTLE OVER AN HOUR
18 I'LL ASK YOU NOT TO DISCUSS THE CASE AMONG YOURSELF OR
19 WITH ANYONE ELSE.

20 OVER THE LUNCH HOUR, LET ME JUST SAY BEFORE YOU
21 ADJOURN, IF -- AND I PROBABLY SHOULD HAVE ASKED THIS
22 EARLIER. BUT IF ANY MEMBER OF THE JURY PANEL HAS ANY
23 PARTICULAR CHILD CARE ISSUES OR THINGS LIKE THAT THAT
24 WOULD PREVENT YOU FROM WORKING, SAY, PAST 5 00 O'CLOCK,
25 WOULD YOU PLEASE LET THE BAILIFFS KNOW WRITE ME A

1 NOTE

2 WE NEVER KNOW HOW THE TESTIMONY IS GOING IN A
3 CASE AND ONE OF MY RESPONSIBILITIES IS TO MANAGE THE
4 FLOW OF TIME SO THAT EVERYTHING WILL BE FINISHED THIS
5 WEEK. SO WE MAY RUN -- IN OTHER WORDS, WE MAY ON
6 OCCASION, MAYBE TODAY, DEPENDING ON THE TESTIMONY RUN
7 PAST 5:00 O'CLOCK. IF THAT CREATES A PROBLEM FOR
8 ANYBODY -- GENERALLY WILL NOT RUN PAST 6 00 O'CLOCK,
9 BUT IF IT -- IF RUNNING PAST 5 00 O'CLOCK DOES PRESENT
10 A PROBLEM FOR ANYBODY, PLEASE LET ME KNOW

11 ALL RIGHT THANK YOU. HAVE A PLEASANT LUNCH
12 WE'LL SEE YOU AT 2:15.

13 (THE JURY EXITS THE COURTROOM AT 1:08 P.M)

14 THE COURT: ALL RIGHT. LET'S STAND ADJOURNED
15 UNTIL 2:15.

16 MR. STOKES, YOU -- I'M GOING TO ASK YOU NOT TO
17 DISCUSS THE CASE AMONG -- WITH ANY OF THE LAWYERS OR
18 ANYBODY ELSE DURING THE LUNCH HOUR, BUT WE'LL BE BACK
19 AT 2:15. YOU'LL BE BACK ON THE STAND

20 THANK YOU VERY MUCH

21 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

22 (COURT IS IN RECESS FOR LUNCH)

23 THE COURT ARE YOU READY FOR THE JURY?

24 MR. MEADORS NO, SIR. OUR WITNESS WILL BE HERE
25 IN ONE SECOND

1 THE COURT BY THE WAY, JUROR DAWN JONES SAYS SHE
2 HAS TO PICK UP CHILDREN BY 5:00 O'CLOCK

3 (PAUSE)

4 THE COURT ALL RIGHT. IS THE STATE READY TO
5 PROCEED?

6 MS CAMPBELL THE STATE IS READY, YOUR HONOR.

7 (THE WITNESS RETURNS TO THE WITNESS STAND)

8 THE COURT. ALL RIGHT I'M GOING TO ASK MS JONES
9 IF SHE CAN MAKE SOME ALTERNATE ARRANGEMENTS
10 BRING THE ALTERNATE, MS. DAWN JONES. LET ME ASK

11 HER A QUESTION. SHE IS THE ALTERNATE

12 (JUROR DAWN JONES ENTERS THE COURTROOM.)

13 THE COURT: JUST HAVE A SEAT MS. JONES, I HAVE
14 YOUR NOTE ABOUT PICKING UP YOUR CHILDREN LET ME ASK
15 YOU THIS DO YOU HAVE ANY ALTERNATIVE? IS THERE
16 ANYBODY ELSE THAT CAN PICK UP YOUR CHILDREN?

17 JUROR DAWN JONES I TOLD THEM I DON'T HAVE TO BE
18 THERE DEFINITELY AT 5.00 O'CLOCK. I'VE JUST GOT TO
19 TRY TO BE THERE A LITTLE AFTER THAT. I MEAN, I WOULD
20 LIKE ---

21 THE COURT HOW FAR AWAY IS THE -- IS YOUR ---

22 JUROR DAWN JONES THE FIVE POINTS AREA SO, I
23 MEAN, IF -- I'M OKAY ON STAYING A LITTLE LATER.

24 THE COURT HOW ABOUT TOMORROW?

25 JUROR DAWN JONES OH, THE REST OF THIS WEEK, I'M

1 GOOD. IT'S ONLY TODAY

2 THE COURT OH, ALL RIGHT. WELL, WE MAY -- MAYBE
3 WE CAN CUT IT OFF A LITTLE EARLIER TODAY AND MAYBE STAY
4 A LITTLE LATE TOMORROW. THAT WOULD SUIT YOU OKAY?

5 JUROR DAWN JONES: YEAH. ONLY TODAY IS MY ONLY
6 ISSUE

7 THE COURT: OKAY. SO IF YOU LEAVE HERE BY
8 5.15 ---

9 JUROR DAWN JONES: YES, I'M GOOD

10 THE COURT --- ARE YOU OKAY?

11 JUROR DAWN JONES: YES

12 THE COURT WELL, WE'LL TRY TO WORK WITH YOUR
13 SCHEDULE.

14 JUROR DAWN JONES. I THOUGHT THAT THIS WOULD
15 ACTUALLY DEAL WITH THE FACT THAT I HAD TO TELL SOME
16 FELLOW TO GET OFF THE ELEVATOR.

17 THE COURT NO, NO, NO. I JUST NEED TO KNOW WHAT
18 YOUR SCHEDULE IS OKAY?

19 JUROR DAWN JONES: OKAY.

20 THE COURT THANK YOU VERY MUCH

21 JUROR DAWN JONES: BECAUSE I HAD TO TELL THEM TO
22 GET OFF THE ELEVATOR

23 THE COURT THANK YOU VERY MUCH.

24 (THE JUROR EXITS THE COURTROOM)

25 THE COURT YES?

1 MS. CAMPBELL: WHO DID SHE HAVE TO TELL TO GET OFF
2 THE ELEVATOR?

3 OFFICER WE WAS GETTING ON THE ELEVATOR, GETTING
4 READY TO GO DOWN, AND HE WAS GETTING READY TO GET ON
5 THERE HE HADN'T GOT ON THERE YET AND SHE WAS BEHIND
6 ME AND THEN SHE JUST SAY, UH, UH, UH, YOU CAN'T GET ON
7 THE ELEVATOR, AND THEY JUST GOT OFF.

8 MS CAMPBELL: AND, YOUR HONOR, I GUESS AT THIS
9 POINT WE WOULD RENEW OUR MOTION TO TAKE HIM INTO
10 CUSTODY SO THAT THE JURORS WOULD NOT FEEL UNCOMFORTABLE
11 ABOUT HAVING TO GET ON ELEVATORS WITH DEFENDANTS.

12 THE COURT. ALL RIGHT

13 MS. CAMPBELL: I MEAN, THAT HAS BEEN A PROBLEM IN
14 THE PAST.

15 THE COURT I UNDERSTAND IT -- IT'S -- I
16 UNDERSTAND I'LL CONSIDER IT

17 MS CAMPBELL THANK YOU.

18 THE COURT. BRING THE JURY IN, PLEASE. WELL ---

19 MR. STRICKLER. DO YOU WANT TO -- I'M SORRY, YOUR
20 HONOR YOU WANT TO TAKE THIS UP LATER?

21 THE COURT. HOW SOON DO YOU PLAN TO OFFER IT?

22 MS. CAMPBELL NOT ANY TIME SOON, NOT TODAY

23 THE COURT NOT TODAY, IS THAT WHAT YOU SAID?

24 MR. MEADORS. DID YOU -- AND I WAS -- ARE WE
25 BREAKING -- WHAT TIME ARE WE BREAKING?

1 THE COURT I DON'T KNOW

2 MR. MEADORS OKAY.

3 THE COURT: THIS IS NOT -- THIS IS AS WELL-OILED A
4 MACHINE AS I CAN MAKE IT, BUT THERE ---

5 MR. MEADORS I THINK IT'S RUNNING SMOOTH, JUDGE

6 THE COURT. BUT THERE ARE THINGS THAT HAPPEN. WE
7 ARE GOING TO TRY TO ACCOMMODATE THE LADY PICKING UP HER
8 CHILDREN NOW, IF SOMEBODY WOULD LIKE TO VOLUNTEER TO
9 PICK UP HER CHILDREN

10 MR. MEADORS I'VE GOT A BASKETBALL TEAM, I'VE GOT
11 SOMEBODY ELSE TO COVER IF WE HAVE TO LEAVE EARLY, SO
12 THAT'S FINE WITH ME

13 THE COURT BRING THEM IN

14 (THE JURY RETURNS TO THE COURTROOM AT 2:28 P.M.)

15 THE BAILIFF THE JURY IS PRESENT, YOUR HONOR

16 THE COURT ALL RIGHT THANK YOU VERY MUCH.

17 ALL RIGHT, YOU MAY CONTINUE. SOLICITOR, CALL YOUR
18 NEXT -- I'M SORRY IT'S CROSS EXAMINATION

19 MR. BURR

20 MR. BURR MAY IT PLEASE THE COURT. THANK YOU,
21 YOUR HONOR.

22 CROSS EXAMINATION BY MR. BURR:

23 Q MR. STOKES, I MAY HAVE MISUNDERSTOOD YOU IN YOUR
24 DIRECT EXAMINATION. BUT WHEN MS. CAMPBELL ASKED YOU IF
25 YOU COULD IDENTIFY THE THREE PEOPLE THAT CAME INTO --

1 INTO THE BUSINESS, YOU GAVE SOME KIND OF DESCRIPTION ON
2 THE FIRST SUSPECT, IS THAT CORRECT?

3 A YES.

4 Q AND THE SECOND SUSPECT?

5 A YES

6 Q DID I UNDERSTAND YOU TO SAY ON THE THIRD SUSPECT
7 YOU DID NOT SEE HIM TO THE POINT YOU COULD NOT TELL
8 WHETHER IT WAS A MAN OR A WOMAN?

9 A EXACTLY.

10 Q ON THE -- ON OCTOBER 8TH, 2002, DO YOU REMEMBER
11 BEING INTERVIEWED BY AN INVESTIGATOR BYRUM, B-Y-R-U-M?

12 A YES

13 Q AND DO REMEMBER THE DESCRIPTIONS HE GAVE OF THE
14 INDIVIDUALS -- THE DESCRIPTIONS YOU GAVE HIM OF THE
15 INDIVIDUALS?

16 A YES

17 Q DID YOU NOT FILL OUT QUESTIONNAIRES ON EACH
18 INDIVIDUAL?

19 A YES.

20 Q AND ON QUESTIONNAIRE 1, SUSPECT 1, LIGHT BROWN
21 SKIN MALE, 5' 10", 150, 160 POUNDS?

22 A YES.

23 MS CAMPBELL: YOUR HONOR, IF HE WANTS, I'VE GOT
24 THE QUESTIONNAIRES HERE IF HE WANTS TO PROVIDE THEM TO
25 THE WITNESS TO TRY TO BE FAIR

1 MR BURR. THANK YOU

2 MS CAMPBELL THANK YOU.

3 Q LET ME START OVER, THEN SUSPECT 1, DO YOU SEE TO
4 THE LEFT, HALFWAY DOWN, WHERE IT'S WRITTEN SUSPECT 1?

5 A YES

6 Q AND YOU DESCRIBED AS A BLACK, LIGHT-SKINNED MALE,
7 SKINNY, 5' 10"?

8 A YES.

9 Q AND ON QUESTIONNAIRE 2 ---

10 A YES

11 Q --- RACE, BLACK, SEX, MALE?

12 A YES.

13 Q 5' 10"?

14 A UH-HUH.

15 Q QUESTIONNAIRE 3 THAT YOU'VE JUST SAID YOU COULDN'T
16 TELL WAS A MAN OR A WOMAN, ON THAT QUESTIONNAIRE YOU
17 HAVE RACE, BLACK; SEX, MALE; HEIGHT, 5' 7", HEAVY
18 WEIGHT, 200 POUNDS, BLACK HAIR, CORN ROWS, MOUSTACHE?

19 A YES.

20 Q SO WHICH IS TRUE? COULD YOU IDENTIFY HIM THE DAY
21 THAT -- THE DAY OF THE INCIDENT OR IDENTIFY HIM TODAY?

22 A AS FAR AS -- I COULDN'T GIVE A DEFINITE
23 DESCRIPTION OF THE GUY BUT IN THIS REPORT RIGHT HERE,
24 THAT'S WHAT I SAW

25 Q WELL, A 200 POUND MALE WITH A MOUSTACHE PROBABLY

1 WASN'T A MAN OR A WOMAN? IT WAS PROBABLY A MAN, WASN'T
2 IT?

3 A YEAH WELL, HE -- HE JUST TOLD ME TO DESCRIBE
4 WHAT I SAW FAR AS BEING DEFINITE, I MEAN, HIS
5 MOUSTACHE COULD HAVE BEEN THIN OR IF HE -- HE DIDN'T
6 HAVE A HEAVY MOUSTACHE OR ANYTHING BUT FAR AS, YOU
7 KNOW, A CLEAR DESCRIPTION, I COULDN'T GIVE IT TO HIM,
8 SO THAT'S WHY I TOLD -- TOLD THEM THAT I COULDN'T
9 REALLY GIVE A REAL CLEAR DESCRIPTION OF HIM. IT'S BEEN
10 SO LONG ---

11 Q SO WHEN YOU WERE BEING INTERVIEWED BY OFFICER
12 BYRUM, WERE YOU MAKING UP STORIES, LYING TO HIM?

13 A NO, NO, NO.

14 Q SO YOU COULD GIVE THIS IDENTIFICATION?

15 A YES.

16 Q THIS WAS ACCURATE?

17 A YES.

18 Q BUT TODAY YOU CAN'T ---

19 A WELL, NOT DEFINITELY ACCURATE, BUT IT WAS CLOSE
20 ENOUGH TO WHAT I ---

21 Q A 200 POUND MAN, BUT TODAY YOU SAY YOU CAN'T TELL
22 WHETHER IT'S A MAN OR A WOMAN?

23 A YES WELL, I CAN SAY THAT NOW NOW THAT I'VE
24 SEEN HIS REPORT, YES, I CAN SAY THAT, IT'S A MALE. BUT
25 BEFORE, I COULDN'T REALLY GIVE A CLEAR DESCRIPTION OF

1 HIM

2 Q SO YOU ARE SOMEWHAT CONFUSED AS TO WHAT HAPPENED
3 ON OCTOBER 8TH?

4 A NO, I'M NOT CONFUSED ABOUT THAT

5 Q ON THE EVENTS OF OCTOBER 8TH OF 2002 --
6 INVESTIGATOR BYRUM WAS THERE WITH YOU, CORRECT?

7 A CORRECT

8 Q INVESTIGATOR MCDONALD CAME OUT AND INVESTIGATED,
9 STAYED FOR A WHILE, CORRECT?

10 A YEAH. I ---

11 Q NUMEROUS POLICE OFFICERS SHOWED UP?

12 A YEAH, CORRECT.

13 Q HOW LONG -- DO YOU REMEMBER WHAT -- WHEN THE LAST
14 POLICE OFFICER LEFT THAT DAY?

15 A NO, BECAUSE SOME MORE CAME BACK OUT TO -- TO -- TO
16 EXAMINE THE SCENE OR WHATEVER AS FAR AS TIME TRACK, I
17 COULDN'T TELL WHAT TIME THEY LEFT

18 Q IT IS SAFE TO SAY IT PRETTY WELL CONSUMED THE
19 ENTIRE BUSINESS DAY, DIDN'T IT?

20 A YES.

21 Q HOW MANY CUSTOMERS SHOWED UP WHILE THEY WERE
22 THERE?

23 A NONE.

24 Q HOW MANY?

25 A NONE

1 Q SO THIS NORMAL, THRIVING BUSINESS DIDN'T HAVE A
2 SINGLE CUSTOMER ON OCTOBER 8TH?

3 A WELL, THE CUSTOMERS THAT I SEEN, I MEAN, THEY
4 DIDN'T COME IN THE SCENE AREA, NO I MEAN, THEY WERE
5 ON THE OUTSIDE THEY LOOKED AND THEY DROVE PAST, BUT I
6 DIDN'T SEE NO CUSTOMERS COMING IN THE STORE.

7 Q DID YOU TESTIFY EARLIER AS TO WHETHER OR NOT YOU
8 HAD EVER HANDLED A HANDGUN PRIOR TO THIS INCIDENT?

9 A CORRECT

10 Q HAD YOU EVER HANDLED A HANDGUN?

11 A A HANDGUN, NO

12 Q YOU DIDN'T OWN A PISTOL?

13 A NO

14 Q BUT YOU DID ASSUME -- EITHER SEE THESE
15 PERPETRATORS COME IN? THEY HAD GUNS, RIGHT?

16 A YES

17 Q YOU WERE SCARED, CORRECT?

18 A CORRECT

19 Q AND MR PATTERSON SAID, LET'S TAKE OFF AND GO
20 CHASE THESE PEOPLE DOWN THE ROAD?

21 A YES

22 Q WHAT WERE YOU GOING TO DO WITH THEM IF YOU CAUGHT
23 THEM?

24 A WE -- WE WEREN'T GOING TO CATCH THEM WE WAS
25 TAILING THEM SO WE CAN GET A LICENSE PLATE TAG AND TELL

- 1 THE POLICE EXACTLY WHERE THEY WERE
- 2 Q DID YOU ALSO TESTIFY THAT THERE WAS A -- A BULLET
- 3 WAS JAMMED IN THE BARRELS OF MR PATTERSON'S HANDGUN?
- 4 A YES
- 5 Q SO YOU HAD A NON-FUNCTIONING GUN, THEY HAD THREE
- 6 GUNS, AND YOU'RE GOING TO CHASE THEM?
- 7 A YES
- 8 Q AT SOME POINT YOU WIGGLED THE BULLET OUT OF THE
- 9 GUN, IS THAT CORRECT?
- 10 A YES
- 11 Q AND IT FELL IN THE FLOOR?
- 12 A YES
- 13 Q YOU GRABBED THE MAGAZINE THAT MR. PATTERSON HAD
- 14 AND RE-LOADED IT?
- 15 A YES
- 16 Q OKAY YOU REACHED IN THE BLACK BAG, THE K M N
- 17 BAG, WHATEVER, GOT THE MAGAZINE OUT?
- 18 A NO. IT WASN'T IN NO BAG
- 19 Q WHERE WAS IT?
- 20 A IT WAS ON THE SIDE WHERE THE -- THE GEAR SHIFT IS
- 21 AT. IT WAS ON THE SIDE THERE.
- 22 Q HOW DID IT GET THERE?
- 23 A MR PATTERSON HAD IT
- 24 Q WHOSE CAR WAS IT?
- 25 A IT WAS A CUSTOMER'S

- 1 Q HOW DID YOU GET TO WORK ON OCTOBER 8TH?
- 2 A WITH MY PICK-UP TRUCK
- 3 Q SO YOUR TRUCK WAS THERE AT THE LOCATION?
- 4 A YES
- 5 Q HOW DID MR. PATTERSON GET TO WORK THAT DAY?
- 6 A I -- I WASN'T THERE WHEN HE ---
- 7 Q DOES HE OWN A CAR?
- 8 A YES
- 9 Q WAS HIS CAR THERE THAT DAY?
- 10 A NO, I DIDN'T SEE HIS CAR.
- 11 Q HAD HE BEEN TO THE BANK THAT MORNING?
- 12 A YES
- 13 Q HOW DID HE GET TO THE BANK?
- 14 A I'M NOT SURE I -- I WASN'T -- I DIDN'T SEE HIM
- 15 GO TO THE BANK, SO I COULDN'T TELL YOU.
- 16 Q DID YOU SEE HIM COME BACK FROM THE BANK?
- 17 A NO
- 18 Q DID YOU KNOW WHERE MR PATTERSON NORMALLY KEPT HIS
- 19 HANDGUN?
- 20 A YES
- 21 Q HAD YOU SEEN IT BEFORE?
- 22 A YES
- 23 Q DID YOU KNOW OR DO YOU -- DID YOU KNOW WHERE HE
- 24 KEPT THE EXTRA AMMUNITION?
- 25 A NO.

1 Q HAD YOU EVER SEEN -- WHERE DID HE KEEP THE GUN?

2 A HE USUALLY KEEP THE WEAPON IN -- IN ONE OF THE --
3 WHERE THE MONEY IS AT SOMETIMES OR -- OR HE -- IF HE'S
4 LEAVING OR WHATEVER, HE'LL PUT IT SOMEWHERE ELSE. I
5 WOULDN'T KNOW WHERE HE PUT IT AFTER ---

6 Q WHERE DID HE USUALLY KEEP THE MONEY?

7 A IN A -- LIKE A SAFE, LIKE A CANISTER SAFE. HE'LL
8 PUT THE MONEY IN THERE.

9 Q WHAT PART OF THE BUILDING OR THE STORE IS THAT IN?

10 A IN THE OFFICE AREA

11 Q I'M SOMEWHAT CONFUSED YOU HAVE A WAITING AREA, A
12 CUSTOMER AREA. WHEN YOU REFER TO THE OFFICE, YOU
13 AREN'T REFERRING TO THAT PART?

14 A NO

15 Q YOU'RE TALKING IN THE BACK, THERE'S AN OFFICE
16 AREA?

17 A YES

18 Q HAD HE EVER LEFT THAT GUN THERE WITH YOU TO
19 PROTECT YOURSELF WHEN HE WAS GONE?

20 A NO.

21 Q GETTING YOUR -- DIRECTING YOUR ATTENTION BACK TO
22 THE QUESTIONNAIRES WE DISCUSSED, ON SUBJECT NO. 3 WHAT
23 TYPE WEAPON -- THE QUESTION SIMPLY HAS TYPE OF WEAPON
24 AND IT'S WRITTEN IN, DID NOT SEE ONE; IS THAT CORRECT?

25 A CORRECT.

1 Q SO YOU DID NOT SEE ---

2 A I DIDN'T -- I DIDN'T SEE.

3 Q DO YOU RECALL TESTIFYING AT A PREVIOUS HEARING
4 UNDER OATH AND YOU WERE ASKED BY MS. CAMPBELL, SO YOU
5 ACTUALLY SAW THREE PEOPLE. HOW MANY PEOPLE HAD GUNS?
6 AND YOUR ANSWER WAS, THREE?

7 A NO, I DON'T REMEMBER THAT.

8 Q DO YOU REMEMBER IN THAT SAME HEARING TESTIFYING
9 THAT AFTER THE PEOPLE WENT TO THE BACK, TO THE OFFICE,
10 YOU HEARD -- ALL OF A SUDDEN, I HEARD STERLING TALKING
11 TO THE GUYS?

12 A YES

13 Q COULD YOU TELL WHAT WAS BEING SAID?

14 A NO, I COULDN'T TELL.

15 Q PRIOR TO THIS INCIDENT, DID YOU KNOW EITHER
16 ALEXANDER -- MR ALEXANDER OR MR SEARS?

17 A NO

18 Q HOW LONG HAD YOU WORKED FOR MR. PATTERSON?

19 A SIX AND A HALF MONTHS.

20 Q DID YOU HAVE A SECOND JOB AT THAT TIME OR WAS THAT
21 YOUR ONLY JOB?

22 A THAT WAS MY ONLY JOB.

23 Q I THINK YOU ALSO TESTIFIED AFTER YOU JUMPED IN THE
24 CUSTOMER'S CAR AND PURSUED THE INDIVIDUALS -- DID YOU
25 EVER SEE THEIR VAN AT ALL FROM THE TIME THEY LEFT?

1 A NO

2 Q DID YOU EVER SEE IT AT ALL AT ANY POINT?

3 A NO

4 Q SO WHEN YOU AND MR PATTERSON WENT OUTSIDE, THE
5 VAN WAS GONE?

6 A RIGHT

7 Q HOW DID YOU KNOW WHICH WAY TO GO?

8 A I DIDN'T -- I DIDN'T KNOW STERLING WAS DRIVING,
9 SO I GUESS HE TRIED TO FIGURE OUT WHERE THEY WERE
10 GOING.

11 Q SO YOU NEVER AT ANY POINT SAW THEIR CAR, THEIR
12 VAN?

13 A NO

14 Q WHERE DID YOU TURN AROUND AND GO BACK?

15 A WHERE DID I TURN AROUND?

16 Q WHERE DID YOU TURN AROUND?

17 A RIGHT THERE AT THE BYPASS OF 20 ON ALPINE ROAD, WE
18 HAD TURNED AROUND.

19 Q WHY DID YOU TURN AROUND?

20 A BECAUSE WE THOUGHT THEY HAD WENT THE OTHER WAY,
21 PERCIVAL ROAD.

22 Q BUT YOU DIDN'T SEE THEM GO THE OTHER WAY?

23 A NO. BUT WE ASSUMED

24 Q SO YOU HAD NO WAY -- YOU HAD YOUR CELL PHONE WITH
25 YOU, CORRECT?

1 A CORRECT.

2 Q AND YOU TESTIFIED EARLIER THAT YOU CALLED 9-1-1 ON
3 YOUR WAY BACK TO THE STORE?

4 A YES

5 Q WHY WOULDN'T YOU CALL 9-1-1 IMMEDIATELY AFTER YOU
6 WERE ROBBED?

7 A WELL, ON OUR WAY THERE, I WAS TRYING TO DIAL THE
8 NUMBER, AND I COULDN'T GET A SIGNAL FOR SOME REASON,
9 MY PHONE DOESN'T GET A SIGNAL IN THAT AREA. BUT AS
10 SOON AS I GOT A SIGNAL, THAT'S WHEN I -- I HAD TALKED
11 TO 9-1-1

12 Q HOW LONG WERE YOU GONE FROM THE TIME YOU LEFT TO
13 PURSUE THESE ALLEGED ROBBERS UNTIL YOU GOT BACK?

14 A I DON'T KNOW. IT WAS -- IT WAS PROBABLY ABOUT 4
15 MINUTES, 3 MINUTES

16 Q WHEN YOU GOT BACK, THE POLICE OFFICERS HAD ALREADY
17 ARRIVED, CORRECT?

18 A YES. YES.

19 Q THE POLICE OFFICERS LATER SEARCHED YOUR --
20 SEARCHED THE BUSINESS TOO, DIDN'T THEY?

21 A YES

22 Q WHAT DID YOU TAKE WITH YOU WHEN YOU LEFT TO PURSUE
23 THESE SUSPECTS?

24 A THE HANDGUN

25 Q PRIOR TO THE RED VAN PULLING UP THAT YOU NEVER

- 1 SAW, WAS THE BAY DOOR OPEN?
- 2 A YES
- 3 Q THERE'S ALSO INTO THE CUSTOMER AREA, THERE'S A
- 4 DOOR, CORRECT?
- 5 A YES.
- 6 Q JUST A REGULAR, SMALL DOOR?
- 7 A YES
- 8 Q DOES IT HAVE A -- WAS IT OPEN OR CLOSED AT THE
- 9 TIME?
- 10 A IT WAS CLOSED.
- 11 Q FROM WHERE YOU WERE SITTING, YOUR VANTAGE POINT,
- 12 IF -- I KNOW YOU WERE PLAYING A VIDEO GAME, BUT HAD YOU
- 13 BEEN LOOKING OUT, COULD YOU SEE OUT INTO THE PARKING
- 14 LOT?
- 15 A YES.
- 16 Q WHEN MR PATTERSON CAME RUNNING BY, MUMBLING,
- 17 SCREAMING, WHATEVER, THAT DIDN'T GET YOUR ATTENTION,
- 18 DID YOU BOTHER TO LOOK OUT? DID YOU SEE ANYTHING
- 19 OUTSIDE UNUSUAL?
- 20 A NO, I DIDN'T PAY IT NO ATTENTION.
- 21 Q WHAT DID HE SAY TO YOU?
- 22 A I DON'T KNOW. HE WAS MUMBLING SOMETHING
- 23 Q SO HE'S UP LOOKING OUT THE WINDOW DO YOU HAVE
- 24 ANY IDEA WHY HE WAS LOOKING OUT THE WINDOW?
- 25 A NO. I -- MATTER OF FACT, I -- I DIDN'T PAY NO

1 ATTENTION ALL I KNOW, HE HAD SHUT THE DOOR AND WAS
2 RUNNING

3 Q WHICH DOOR?

4 A THE WOODEN DOOR TO -- THAT ENTERED THE BAY AREA

5 Q OKAY I'M STILL CONFUSED. THERE'S A FRONT DOOR
6 SITTING OUTSIDE COMING INTO THE CUSTOMER AREA THEN
7 YOU HAVE A LARGE BAY AREA TO WORK ON CARS?

8 A YES, AND THERE'S A WOODEN DOOR TO WHERE -- FROM
9 THE INSIDE YOU WALK OUT TO THE BAY AREA

10 Q OKAY SO AT SOME POINT THAT DOOR WAS OPEN AND YOU
11 COULD CONVERSE WITH MR PATTERSON?

12 A YES

13 Q BUT THEN HE CAME AND CLOSED THAT DOOR?

14 A YEAH, HE SLAMMED THE DOOR

15 Q WAS THAT AFTER HE HAD LOOKED OUTSIDE OR BEFORE?

16 A AFTER

17 Q HE LOOKED OUTSIDE, CAME BY AND CLOSED THAT DOOR,
18 AND THEN WENT TO HIS OFFICE?

19 A YES

20 MR BURR: I HAVE NO FURTHER QUESTIONS

21 THE COURT: MR STRICKLER.

22 MR. STRICKLER. MAY IT PLEASE THE COURT

23 CROSS EXAMINATION BY MR. STRICKLER.

24 Q AFTERNOON, MR STOKES

25 A HEY

1 Q I BELIEVE YOU TESTIFIED ON DIRECT THAT THIS ENTIRE
2 INCIDENT HAPPENED PRETTY FAST, RIGHT?

3 A RIGHT

4 Q AND I GUESS BY THE ENTIRE INCIDENT, FROM THE POINT
5 IN TIME THAT YOU, ACCORDING TO YOUR TESTIMONY, REALIZED
6 SOMETHING WAS GOING ON -- AND THAT WAS WHEN THE PEOPLE
7 CAME THROUGH THE DOOR, RIGHT?

8 A RIGHT

9 Q BEFORE THAT, I MEAN, THERE HAD BEEN SOME BACK AND
10 FORTH BETWEEN YOU AND MR PATTERSON, BUT YOU DIDN'T
11 REALIZE ANYTHING OF SIGNIFICANCE WAS HAPPENING, RIGHT?

12 A CORRECT

13 Q OKAY SO FROM THE TIME PEOPLE CAME THROUGH THE
14 DOOR, I BELIEVE YOU INDICATED YOU WERE KNOCKED TO THE
15 GROUND, FORCED TO THE GROUND?

16 A YES

17 Q AND THEN THE PERSON HAD THE GUN ON YOU?

18 A YES

19 Q AND SOMEONE WAS SAYING, GIVE ME THE MONEY OR I'LL
20 KILL YOU, SOMETHING TO THAT EFFECT?

21 A YES, I'LL KILL YOU

22 Q AND THEN SOMEONE STARTED TO DRAG YOU TOWARDS THE
23 BACK OF THE STORE?

24 A YES

25 Q WAS THAT THE PERSON THAT HAD THE GUN ON YOU ---

- 1 A YES.
- 2 Q --- OR SOMETHING -- OR ANOTHER OF THE ---
- 3 A THE PERSON THAT HAD THE WEAPON ON ME.
- 4 Q OKAY. WAS HE DRAGGING YOU BY THE ARMS OR THE
- 5 LEGS?
- 6 A BY MY ARM.
- 7 Q BY YOUR ARM?
- 8 A YES
- 9 Q ONE ARM OR BOTH ARMS?
- 10 A HE WAS DRAGGING ME?
- 11 Q UH-HUH.
- 12 A HE PULLED ME BY ONE ARM.
- 13 Q PULLING YOU BY ONE ARM?
- 14 A YEAH
- 15 Q WITH THE OTHER GUN TO -- WITH THE OTHER ARM WITH
- 16 THE GUN IN YOUR HEAD?
- 17 A WELL, IT WAS MORE OF A PULLING ME -- I KNOW THE
- 18 GUN WAS ON MY HEAD AND THE OTHER ARM, HE HAD TO PULL
- 19 ME. YOU KNOW WHAT I'M SAYING? HE COULDN'T USE BOTH
- 20 HANDS BECAUSE THE GUN WAS STILL ON MY HEAD.
- 21 Q RIGHT SO HE HAD ONE ARM GRABBING ONE OF YOUR
- 22 ARMS?
- 23 A YES.
- 24 Q AND THE OTHER -- THE GUN WAS STILL ON YOUR HEAD?
- 25 A YES

1 Q AND YOU WERE BEING PULLED TOWARDS THE BACK ---

2 A YES

3 Q --- IS THAT RIGHT?

4 A YES.

5 Q OKAY AND THE OTHER PEOPLE WERE COMING -- THE
6 OTHER INDIVIDUALS WERE COMING IN AT THAT POINT IN TIME
7 AND ALSO HEADING TOWARDS THE BACK, OR DO YOU KNOW?

8 A YES I GUESS THE WAY YOU LOOK AT, THE TIME -- THE
9 TIME THEY -- HE HAD THE GUN AND WAS DRAGGING ME, THE
10 OTHER GUY WAS HEADED TOWARD THE BACK

11 Q OKAY. AND THAT'S WHEN STERLING CAME IN?

12 A YES

13 Q OKAY. SO I'D BE CORRECT IN ASSUMING THAT THERE
14 WAS NO EXTENDED CONVERSATION THAT TOOK PLACE IN THIS --
15 IN THE FRONT ROOM OF THE STORE. CAME THROUGH THE DOOR,
16 YOU WERE PUT ON THE GROUND, WHERE'S THE MONEY? WE'LL
17 KILL YOU, AND THEN THEY STARTED DRAGGING YOU TOWARD THE
18 BACK AND THEN STERLING COMES OUT?

19 A YES

20 Q IT TAKES PROBABLY LONGER FOR ME TO DESCRIBE IT
21 RIGHT THEN THAN IT DOES -- ACTUALLY TOOK TO HAPPEN,
22 RIGHT?

23 A WELL, YEAH, I GUESS, YEAH

24 Q PRETTY FAST?

25 A YES

1 Q AND NO ONE IS STANDING AROUND CHIT-CHATTING IN THE
2 FRONT ROOM?

3 A RIGHT

4 Q IT WAS BOOM, DOWN, GUN TO THE HEAD, GRABBED,
5 STARTED TO DRAG STERLING COMES OUT AND I ASSUME
6 THEY DIDN'T STAND AROUND CHIT-CHATTING THEN EITHER?
7 THE SHOOTING STARTED RIGHT AWAY?

8 A CORRECT

9 Q OKAY AND IT DOESN'T TAKE VERY LONG FOR A SEMI-
10 AUTOMATIC PISTOL TO RACK OFF A BUNCH OF ROUNDS, BOOM,
11 BOOM, BOOM, BOOM, BOOM, RIGHT?

12 A CORRECT.

13 Q OKAY. YOU GOT ON THE FLOOR THEN, LOW CRAWLING
14 TOWARDS THE BACK?

15 A RIGHT

16 Q ALL RIGHT DID YOU EVER MAKE IT BACK TO THE
17 OFFICE?

18 A YES

19 Q LOW CRAWLING?

20 A YES

21 Q YOU GOT BACK THERE, AND THAT'S WHERE STERLING
22 CAUGHT UP -- BACK UP WITH YOU, RIGHT?

23 A YES.

24 Q OKAY SO TOTAL TIME FROM THE TIME THAT THE DOOR
25 SLAMMED OPEN AND PEOPLE CAME IN TO THE TIME ANY

- 1 SHOOTING BEGAN, 5 SECONDS, 10 SECONDS?
- 2 A ABOUT 15 SECONDS
- 3 Q 15 SECONDS TOPS?
- 4 A YES, YES. WELL, AT THE LEAST, 15.
- 5 Q I'M SORRY
- 6 A AT THE LEAST, 15 SECONDS.
- 7 Q AT LEAST 15 SECONDS FROM THE TIME THEY CAME IN THE
- 8 DOOR UNTIL THE TIME THE SHOOTING STARTS?
- 9 A YES.
- 10 Q AT LEAST THAT LONG BEFORE THE SHOOTING STARTS?
- 11 A UH-HUH
- 12 Q OKAY NOW, DURING THAT TIME -- ALMOST FROM THE
- 13 VERY BEGINNING OF THAT TIME, YOU WERE ON THE FLOOR,
- 14 RIGHT?
- 15 A YES.
- 16 Q I MEAN, THAT'S THE FIRST THING THAT HAPPENED, YOU
- 17 GOT PUSHED DOWN TO THE FLOOR ---
- 18 A YES.
- 19 Q --- OR WENT DOWN ON THE FLOOR? OKAY AND YOU
- 20 WERE FACE DOWN ON THE FLOOR, CORRECT?
- 21 A YES
- 22 Q OKAY. YOU COULD TURN YOUR HEAD AND JUST -- ONE
- 23 SIDE OR THE OTHER ---
- 24 A YES
- 25 Q --- BUT THAT'S IT, RIGHT?

1 A YES

2 Q OKAY AND WHEN YOU'RE LOW CRAWLING, YOU'RE STILL
3 FACE DOWN TO THE FLOOR, RIGHT?

4 A CORRECT

5 Q OKAY SO FOR THE ENTIRE PERIOD OF TIME THAT THE
6 FOLKS WERE IN THE STORE, ACCORDING TO YOUR TESTIMONY,
7 YOU WERE DOWN ON THE FLOOR DURING THAT PERIOD OF TIME,
8 RIGHT?

9 A YES, MOST OF THE TIME

10 Q NOW, THE PERSON THAT YOU SAY HAD A GUN TO YOUR
11 HEAD AND WAS DRAGGING YOU ---

12 A UH-HUH

13 Q --- WHAT WAS THAT PERSON WEARING?

14 A HE HAD A BASEBALL CAP, BABY BLUE BASEBALL CAP, AND
15 A GRAYISH SCARF ON HIS FACE. AND HE -- HE HAD SOME
16 JEANS ON

17 Q OKAY WHAT TYPE OF SHIRT WAS HE WEARING?

18 A DO YOU WANT ME TO LOOK AT IT?

19 Q DO YOU HAVE THE ROBBERY QUESTIONNAIRES IN FRONT OF
20 YOU WITH THE INFORMATION YOU PROVIDED TO THE POLICE
21 THAT DAY?

22 A YEAH.

23 Q OKAY WEARING A GRAY T-SHIRT?

24 A YES.

25 Q AND ON OCTOBER 8TH OF 2002, SHORTLY AFTER THIS

1 INCIDENT HAPPENED, YOUR DESCRIPTION OF THE PERSON THAT
2 PUSHED YOU TO THE GROUND AND PUT THE GUN TO YOUR HEAD
3 AND WAS DRAGGING YOU TOWARDS THE BACK IS THAT HE WAS
4 WEARING A GRAY T-SHIRT, RIGHT?

5 A RIGHT.

6 Q AND HE HAD ON WHITE AND BLUE SHOES, CORRECT?

7 A RIGHT.

8 Q I TAKE IT THAT THESE WOULD BE TENNIS SHOES,
9 BASKETBALL SHOES ---

10 A BASKETBALL SHOES.

11 Q --- COURT SHOES, RIGHT?

12 A UH-HUH.

13 Q WHITE AND BLUE NOW, IF THERE WERE ONE OBJECT OF
14 CLOTHING THAT WOULD BE UP CLOSE AND PERSONAL TO YOU, IT
15 WOULD BE THE SHOES THAT THE PEOPLE HAD ON, RIGHT?

16 A RIGHT

17 Q THAT'S DOWN ON THE SAME LEVEL THAT YOUR FACE WAS
18 ON?

19 A (NODS HEAD)

20 Q I'M SORRY I BELIEVE YOU INDICATED WHEN YOU WERE
21 SPEAKING WITH MR. BURR THAT YOU HAD BROUGHT -- COME TO
22 WORK THAT DAY RIDING IN YOUR TRUCK, IS THAT CORRECT?

23 A YES.

24 Q AND WHERE WAS THAT VEHICLE PARKED?

25 A IN THE FRONT OF THE STORE.

1 Q OKAY AND STERLING HAD LEFT THE STORE THAT
2 MORNING FOR SOME PERIOD OF TIME?

3 A YES -- WELL, HE DIDN'T LEAVE ME BECAUSE I WASN'T
4 THERE THE TIME I GOT THERE, HE WAS ALREADY BACK.

5 Q OKAY. BY THE TIME YOU GOT THERE, HE WAS ALREADY
6 -- WHEN DID YOU -- WHEN DID YOU GET TO WORK THAT
7 MORNING?

8 A AROUND 8.50

9 Q ABOUT 8:50?

10 A YES

11 Q SO DURING THE TIME YOU WERE THERE, STERLING NEVER
12 LEFT THE STORE ---

13 A CORRECT.

14 Q --- RIGHT?

15 A CORRECT.

16 Q SO THAT'S WHY YOU SAID YOU DIDN'T KNOW IF HE LEFT
17 THE STORE, YOU DIDN'T KNOW WHAT VEHICLE HE TOOK TO MAKE
18 THAT DRIVE?

19 A EXACTLY.

20 Q DO YOU KNOW WHETHER HIS VEHICLE WAS AT THE STORE
21 THAT DAY?

22 A I DIDN'T SEE HIS VEHICLE.

23 Q WHAT KIND OF -- WHAT KIND OF AUTOMOBILE DID HE
24 DRIVE?

25 A A GREEN HONDA ACCORD, TEAL GREEN.

- 1 Q TEAL GREEN?
- 2 A YES
- 3 Q NOT THE VEHICLE THAT YOU ALL LEFT IN ---
- 4 A NO
- 5 Q --- WHEN YOU'RE GOING IN PURSUIT? CORRECT ME IF
- 6 I'M WRONG. MY UNDERSTANDING OF YOUR TESTIMONY, YOU
- 7 DIDN'T EVEN SEE ANY VAN PULL UP; IS THAT CORRECT?
- 8 A CORRECT.
- 9 Q OKAY. YOU HAVE NO IDEA WHAT VEHICLE PULLED INTO
- 10 THE PARKING LOT OF THE STORE ---
- 11 A CORRECT
- 12 Q --- RIGHT? IN FACT, YOU HAVE NO IDEA IF A VEHICLE
- 13 PULLED INTO THE PARKING LOT OF THE STORE?
- 14 A CORRECT.
- 15 Q WHATEVER YOU -- INFORMATION YOU HAVE IN RELATION
- 16 TO THAT IS BASED ON STUFF YOU'VE HEARD FROM STERLING
- 17 AND ---
- 18 A CORRECT
- 19 Q --- THE POLICE OR SOMETHING LIKE THAT?
- 20 A YES
- 21 Q AND, AGAIN -- I'M JUST ABOUT DONE. MR BURR ASKED
- 22 YOU IF YOU OWNED A HANDGUN. YOU INDICATED THAT YOU
- 23 DID NOT, RIGHT?
- 24 A RIGHT
- 25 Q YOU DID, HOWEVER, CLEAR THE JAM FROM THE GUN THAT

1 MR PATTERSON HAD BROUGHT TO THE CAR, CORRECT?

2 A CORRECT.

3 Q AND YOU DID, WHILE TRAVELING IN THE CAR, RELOAD
4 THE GUN WITH THE CLIP THAT WAS IN THE CAR; IS THAT
5 RIGHT?

6 A CORRECT.

7 MR STRICKLER THANK YOU VERY MUCH.

8 THE COURT. REDIRECT?

9 MS. CAMPBELL JUST A COUPLE QUESTIONS

10 REDIRECT EXAMINATION BY MS. CAMPBELL.

11 Q ANDRAE, I JUST HAVE A COUPLE MORE QUESTIONS, OKAY.
12 AND HOW DO YOU -- THESE PEOPLE WERE ROBBING YOU
13 YOU'VE NEVER BEEN INVOLVED IN A COURT PROCEDURE OR HAD
14 TO TESTIFY BEFORE, HAVE YOU?

15 A NO

16 Q SO YOU'RE A LITTLE NERVOUS HERE TODAY?

17 A YES.

18 Q AND I WANT TO ASK YOU JUST ABOUT THE
19 QUESTIONNAIRES AND STUFF AND YOU WERE TELLING THIS
20 JURY YOU DIDN'T GET A REAL GOOD LOOK AT THE THIRD GUY?

21 A CORRECT.

22 Q AND THAT'S WHAT YOU TOLD THE POLICE THAT DAY, YOU
23 GAVE THE BEST DESCRIPTION YOU COULD? DID YOU GIVE THEM
24 A LOT OF DETAILS ABOUT THE FIRST TWO THAT ARE ON THESE
25 TWO QUESTIONNAIRES, RIGHT?

1 A CORRECT.

2 Q AND THOSE ARE THE TWO PEOPLE YOU GOT A GOOD LOOK
3 AT?

4 A YES.

5 Q HE ALSO ASKED YOU ABOUT WHEN IT FIRST -- FIRST
6 STARTED HAPPENING AND SOMEONE PULLED UP IN THE PARKING
7 LOT AND THEN STERLING SHUT THE DOOR?

8 A YES.

9 Q AND WHEN HE SHUT THE DOOR, WHERE DID HE GO?

10 A TO THE BACK OF THE OFFICE

11 Q AND WHEN YOU TESTIFIED BEFORE ABOUT HOW QUICKLY
12 THAT HAPPENED -- DO YOU SEE THAT TESTIMONY RIGHT THERE?

13 A YES.

14 Q AND HE SHUT THE DOOR, AND THEN HE WENT TO THE
15 BACK, RIGHT?

----- 16 A YES

17 Q HOW QUICKLY DID ALL THAT HAPPEN?

18 A PROBABLY ABOUT 3 SECONDS.

19 Q AND HOW QUICKLY -- AND WAS HE SAYING SOMETHING
20 WHILE HE WAS GOING TO THE BACK OF THE STORE?

21 A YES

22 Q AND HE WAS SAYING IT TO WHOM?

23 A TO ME.

24 Q TO YOU?

25 A YES

- 1 Q BUT YOU JUST DIDN'T HEAR WHAT HE HAD TO SAY,
2 RIGHT?
- 3 A RIGHT
- 4 Q AND WHAT WERE YOU DOING?
- 5 A PLAYING THE GAME
- 6 Q WERE YOU FOCUSED ON YOUR GAME?
- 7 A YES
- 8 Q SO HE WAS TALKING TO YOU, SAYING SOMETHING TO YOU,
9 AND YOU JUST COULDN'T HEAR HIM?
- 10 A CORRECT.
- 11 Q AND THEN HOW QUICKLY DID THOSE PEOPLE COME IN
12 AFTER THAT HAPPENED?
- 13 A PROBABLY -- PROBABLY ABOUT -- RIGHT AFTER HE RAN
14 IN THE BACK.
- 15 Q RIGHT AFTER HE RAN IN THE BACK?
- 16 A ABOUT 3 SECONDS LATER.
- 17 Q AND WHEN YOU'RE ESTIMATING 3 SECONDS, 5 SECONDS,
18 OR 15 SECONDS WERE YOU LOOKING AT YOUR WATCH?
- 19 A NO.
- 20 Q AND WHEN YOU MEAN 3 SECONDS, DOES THAT MEAN IT
21 HAPPENED REALLY FAST?
- 22 A YES.
- 23 Q AND WHEN YOU MEAN 5 SECONDS, THAT STILL HAPPENED
24 REALLY FAST?
- 25 A YES

- 1 Q AND 15 SECONDS TO YOU STILL HAPPENS REALLY FAST?
- 2 A YES
- 3 Q AND YOU WEREN'T LOOKING AT YOUR WATCH THAT DAY.
- 4 SO WHEN YOU'RE USING THIS TIME PERIOD, YOU'RE
- 5 ESTIMATING TO THE BEST OF YOUR ABILITY, RIGHT?
- 6 A CORRECT
- 7 Q BUT IT ALL HAPPENED FAST?
- 8 A CORRECT
- 9 Q AND HE ALSO ASKED YOU SOMETHING ABOUT WHAT THE
- 10 POINT WHEN YOU WERE DOWN ON THE GROUND, I BELIEVE, AND
- 11 THE GUY IS PULLING YOU TO THE BACK AND HE'S GOT THE GUN
- 12 TO YOUR HEAD AND YOU MENTIONED BEFORE THAT STERLING
- 13 STARTS -- YOU COULD HEAR STERLING SAYING SOMETHING, BUT
- 14 YOU COULDN'T HEAR WHAT HE WAS SAYING WAS HE HAVING A
- 15 CONVERSATION WITH THESE ROBBERS? IS THAT WHAT WAS
- 16 GOING ON?
- 17 A I THINK SO
- 18 Q HE WAS HAVING A CONVERSATION?
- 19 A YES.
- 20 Q WAS HE TELLING THEM TO GET AWAY FROM YOU?
- 21 A I -- I -- I COULDN'T HEAR WHAT HE WAS SAYING.
- 22 Q THERE WASN'T A BACK AND FORTH CONVERSATION GOING
- 23 ON THOUGH, WAS THERE?
- 24 A I HEARD A BUNCH -- A BUNCH OF TALKING, THOUGH
- 25 Q A BUNCH OF TALKING?

1 A YES.

2 Q AND WHAT -- WHAT KIND OF VOICES WERE BEING USED?
3 WAS IT LIKE A, HEY, HOW ARE YOU CONVERSATION?

4 A NO

5 Q TELL THE JURY WHAT YOU MEAN, AND I KNOW IT'S HARD
6 TO ARTICULATE WHAT WAS HAPPENING IN THERE?

7 A THEY WERE ARGUING.

8 Q AND AT THAT POINT, THAT'S WHEN THE -- THE SHOOTING
9 STARTED?

10 A YES

11 Q AND, AGAIN, HOW FAST -- I MEAN, WE'VE GONE OVER
12 THIS AND IT SEEMS LIKE IT TOOK A WHILE, BUT HOW FAST
13 DID ALL THIS HAPPEN?

14 A REAL FAST.

15 Q HE ASKED YOU TOO ABOUT THE FACT THAT YOU HAD THE
16 GUN IN THE CAR, AND I BELIEVE YOU UNJAMMED IT TELL
17 THE JURY WHAT HAPPENED REALLY IN THE CAR. EXPLAIN THAT
18 A LITTLE BETTER?

19 A WELL, WHEN I -- WE GOT IN THE CAR AND HE HAD -- HE
20 HAD THE -- HANDED ME THE WEAPON AND I -- HE WAS LIKE,
21 RELOAD THE WEAPON BUT I DIDN'T KNOW HOW TO RELOAD THE
22 WEAPON AND I TOLD HIM THERE WAS SOMETHING --
23 SOMETHING STUCK IN IT I THINK IT -- WELL, I TOLD HIM
24 THE BULLET WAS STUCK IN IT. AND HE SAID, WELL, TRY TO
25 GET IT OUT.

1 I DIDN'T KNOW HOW TO GET IT OUT, SO I JUST WIGGLED
2 IT BACK AND FORTH, AND THE BULLET JUST FELL OUT AND I
3 JUST PUT THE MAGAZINE IN IT, AND THAT WAS IT

4 Q OKAY YOU DIDN'T HAVE A GUN?

5 A NO.

6 Q YOU HAVEN'T HAD A GUN?

7 A NO.

8 Q AND WHO CALLED THE POLICE THAT DAY? WHO CALLED
9 THE POLICE TO COME TO THAT -- THE SITUATION THAT DAY?

10 A I DID.

11 MS CAMPBELL THAT'S ALL I HAVE, YOUR HONOR.

12 THE COURT ANYTHING FURTHER?

13 MR. BURR ONE QUESTION ON REDIRECT -- OR RECROSS,
14 YOUR HONOR.

15 RECROSS EXAMINATION BY MR. BURR.

16 Q YOU WERE THE ONE THAT CALLED THE POLICE THAT DAY
17 AFTER THE ROBBERS WERE THERE, AFTER THEY LEFT, AFTER
18 YOU AND MR. PATTERSON GOT IN THE CAR AND DROVE DOWN THE
19 ROAD, AND AFTER YOU WERE ON THE WAY BACK; IS THAT
20 CORRECT?

21 A YES, I WAS TRYING TO CALL THEM WHILE -- WHILE WE
22 WAS LEAVING, BUT THEN -- WELL, NOT WHILE WE WAS LEAVING
23 BUT ON THE WAY BACK, THEN I FINALLY GOT A SIGNAL.

24 MR. BURR. THANK YOU NO FURTHER QUESTIONS.

25 MR. STRICKLER: I HAVE NOTHING FURTHER, SIR.

1 THE COURT THANK YOU VERY MUCH. YOU MAY COME
2 DOWN

3 (THE WITNESS LEAVES THE WITNESS STAND.)

4 MR. MEADORS YOUR HONOR, AT THIS TIME THE STATE
5 WOULD CALL STERLING PATTERSON

6 THE COURT. COME AROUND, MR. PATTERSON.

7 STERLING PATTERSON, BEING
8 FIRST DULY SWORN, TESTIFIED AS FOLLOWS.

9 THE CLERK. HAVE A SEAT AND STATE YOUR FULL NAME

10 WITNESS: STERLING PATTERSON

11 DIRECT EXAMINATION BY MR. MEADORS.

12 Q MR PATTERSON, I WANT YOU TO TELL THESE LADIES AND
13 GENTLEMEN A LITTLE BIT ABOUT YOURSELF, AND I ASK THIS
14 TO EVERY WITNESS I'VE EVER HAD WHERE ARE YOU FROM?

15 A COLUMBIA, SOUTH CAROLINA

16 Q WERE YOU BORN AND RAISED HERE?

17 A YES, SIR

18 Q PLEASE TELL THE LADIES AND GENTLEMEN HOW FAR --
19 DID YOU GO TO HIGH SCHOOL HERE?

20 A YES, SIR

21 Q WHAT HIGH SCHOOL DID YOU GO TO?

22 A I WENT TO AND GRADUATED FROM COLUMBIA HIGH SCHOOL

23 Q ALL RIGHT AND WHAT YEAR DID YOU GRADUATE FROM
24 COLUMBIA HIGH SCHOOL?

25 A 1997.

1 Q NOW, WERE YOU DOING ANY TYPE OF WORK WHILE YOU
2 WERE IN HIGH SCHOOL?

3 A YES, SIR

4 Q WHAT TYPE OF WORK WAS THAT?

5 A MY JUNIOR YEAR, I DID A CO-OP PROGRAM WITH GREGORY
6 ELECTRIC COMPANY, AND I WAS ALSO WORKING AT LONG JOHN
7 SILVER'S SEAFOOD RESTAURANT.

8 MY SENIOR YEAR, I WORKED ALSO THROUGH THE CO-OP
9 PROGRAM WITH GREGORY ELECTRIC COMPANY. AND I GOT OFF
10 FROM THERE AT 5.00 O'CLOCK AND WENT TO LONG JOHN
11 SILVER'S SO I WENT TO SCHOOL, WORKED FOR GREGORY, AND
12 WAS WORKING AT LONG JOHN SILVER'S RESTAURANT DURING
13 HIGH SCHOOL.

14 Q WHAT DID YOU DO AT GREGORY ELECTRIC SPECIFICALLY?
15 COULD YOU TELL THESE -- DESCRIBE YOUR JOB YOU HAD WITH
16 THEM, MR. PATTERSON?

17 A WHILE I WAS IN HIGH SCHOOL, I WAS JUST A
18 ELECTRICIAN'S HELPER. ONCE I GRADUATED, I JOINED A
19 ELECTRICAL APPRENTICESHIP PROGRAM

20 Q AND HOW LONG DID YOU DO THAT?

21 A THEY GIVE YOU A TEST TO DECIDE HOW FAR ADVANCED
22 YOU ARE IN THE COURSE IT'S A FOUR YEAR COURSE BEING
23 THAT I WAS TAKING TWO YEARS OF ELECTRICAL CLASSES AT
24 HIGH SCHOOL TO KIND OF HELP ME OUT ON TESTS, I DID IT
25 FOR TWO YEARS AFTER I GRADUATED, I FINISHED THE

1 PROGRAM

2 Q I'M SORRY I DIDN'T MEAN TO CUT YOU OFF

3 A NO, I'M FINISHED.

4 Q DID YOU GO ON TO MIDLANDS TECH AFTER THAT?

5 A YES, SIR.

6 Q AND WHAT KIND OF COURSE DID YOU TAKE AT MIDLANDS
7 TECH?

8 A I TOOK INDUSTRIAL ELECTRICITY.

9 Q YOU HAD A SPECIAL INTEREST IN THIS FIELD?

10 A YES, SIR

11 Q ELECTRONICS?

12 A YES, SIR

13 Q DID YOU -- WHERE DID YOU WORK AFTER THAT? AFTER
14 YOU HAD GONE TO MIDLANDS AND YOU'D BEEN AT THE
15 APPRENTICESHIP, I BELIEVE, AT GREGORY ELECTRIC, DID YOU
16 WORK SOMEWHERE AFTER THAT?

17 A YES, SIR, AFTER THAT, I TOOK A POSITION AT COOPER
18 TOOLS IN SUMTER, SOUTH CAROLINA, AS ELECTRICAL
19 TECHNICIAN

20 Q AND DO YOU KNOW -- REMEMBER ABOUT WHEN THAT WAS?

21 A IF I -- I THINK THAT WAS IN EITHER THE END OF '98
22 OR EARLY PART OF '99

23 Q ALL RIGHT. AND HOW LONG -- HOW LONG DID YOU WORK
24 THERE?

25 A I THINK ABOUT A YEAR AND A HALF.

1 Q ALL RIGHT PLEASE TELL THE JURY WHAT WAS YOUR JOB
2 THERE? WHAT DOES IT MEAN TO BE AN ELECTRICAL
3 TECHNICIAN?

4 A A ELECTRICAL TECHNICIAN, I TROUBLESHOOT, REPAIRED,
5 AND MADE UPGRADES TO ELECTRICAL SYSTEMS ON THE
6 EQUIPMENT THEY USED TO MAKE THE HAND TOOLS, BROACHES,
7 SENIOR SEAM MACHINES, YOU KNOW, ANYTHING DEALING WITH A
8 ELECTRICAL SYSTEM.

9 Q WHERE DID YOU WORK AFTER THAT?

10 A DURING THE COURSE WHEN I WAS WORKING AT COOPER
11 TOOLS, I ALSO ACQUIRED ANOTHER JOB I WORKED SECOND
12 SHIFT AT COOPER TOOLS. I WORKED FIRST SHIFT AT O.C.M
13 -- I MEANT O.M C. IT'S A BOAT COMPANY. IT WAS ON SHOP
14 ROAD. I WORKED THERE ALSO IN MAINTENANCE

15 AT THE SAME TIME BETWEEN ALL THIS, LIKE I SAY, I
16 WORKED THE FIRST SHIFT AT O.M.C., THE SECOND AT COOPER
17 TOOLS. I TOOK ANOTHER POSITION AT G.K.N AUTOMOTIVE
18 ALSO AS A ELECTRICAL TECHNICAL. SO I LEFT COOPER TO GO
19 TO G K.N. AUTOMOTIVE. SO I WAS WORKING -- I THINK IT
20 WAS AROUND THE LATE PART OF 2000 OR 2001 -- I WAS
21 WORKING COOPER TOOLS -- I MEAN, NOT COOPER TOOLS, BUT
22 O.M C. IN THE MORNING AND G K.N. IN THE EVENING.

23 Q G K.N., WHAT WERE YOU DOING THERE?

24 A ELECTRICAL TECHNICIAN.

25 Q ALL RIGHT THE SAME TYPE WORK?

1 A YES, SIR.

2 Q AND WERE YOU FIXING THINGS THEN? I MEAN, I DON'T
3 -- WHAT -- AS ELECTRICAL TECHNICIAN AT G.K.N , WHAT DID
4 YOU DO?

5 A BASICALLY AT G.K.N , IF THE EQUIPMENT WENT DOWN,
6 SAY A MACHINE STOPPED RUNNING, YOU KNOW, THEY WOULD
7 CALL OUR MAINTENANCE DEPARTMENT AND SAY, ALL RIGHT,
8 WE'VE GOT A MACHINE DOWN A MECHANIC AND A ELECTRICIAN
9 WOULD RESPOND TO THE CALL WE WOULD GO OVER. WE
10 EVALUATE THE SITUATION, DETERMINE WHETHER IT'S A
11 MECHANICAL FAILURE OR ELECTRICAL FAILURE. IF IT'S A
12 ELECTRICAL FAILURE, I PROCEED TO REPAIR IT.

13 AND, YOU KNOW, USUALLY IF IT WAS EITHER/OR, I
14 WOULD STAY AND HELP, WHERE IF WE WASN'T WORKING ON A
15 CALL, WE WAS USUALLY WORKING ON PROJECTS TO UPGRADE THE
16 EQUIPMENT TO TRY TO MAKE IT, YOU KNOW, PERFORM BETTER.

17 Q ALL RIGHT. LET ME GET ON UP TOWARD THIS TIME THAT
18 WE'RE TALKING ABOUT THIS INCIDENT. DID YOU HAVE AN
19 OCCASION TO WORK AT A T-PAK OR WHERE DID YOU WORK AFTER
20 THAT?

21 A ALL RIGHT

22 Q I CAN'T PRONOUNCE IT.

23 A YEAH AFTER -- AFTER I WAS WORKING AT G.K.N.
24 AUTOMOTIVE, I DECIDED TO JUST WORK ONE JOB ACTUALLY
25 O M C WENT BANKRUPT. THE COMPANY CLOSED, MOVED TO

1 FLORIDA SO THEN I WAS JUST WORKING AT G.K.N -- SO
2 THEN I WAS WORKING AT JUST G K N AUTOMOTIVE

3 I DECIDED TO GET MORE INTO ENGINEERING BECAUSE AS
4 -- AS THE TIME WENT ON AND I WAS WORKING AT G K.N., I
5 GOT MORE AND MORE WORK -- YOU KNOW, FAMILIAR WORKING
6 WITH THE ENGINEERING DEPARTMENT I SAW A PAPER IN THE
7 AD (SIC) FOR A ENGINEERING TECHNICIAN AT DEVEREAUX T-
8 PAK I APPLIED FOR THAT I ACQUIRED THAT JOB, LEFT
9 G K N AND WENT TO DEVEREAUX T-PAK AS A ENGINEERING
10 TECHNICIAN

11 Q ALL RIGHT. WHERE IS DEVEREAUX T-PAK?

12 A IT'S IN SANDY RUN, SOUTH CAROLINA ---

13 Q ALL RIGHT

14 A --- OFF OF I-26

15 Q AND YOUR JOB THERE WAS WHAT?

16 A I WAS A ELECTRICAL/MECHANICAL ENGINEERING
17 TECHNICIAN SO BASICALLY I WORKED IN THE ENGINEERING
18 DEPARTMENT TO HELP UPGRADE THE MACHINES. AND IF THEIR
19 MAINTENANCE DEPARTMENT EVER GOT IN A SITUATION WHERE
20 THEY COULDN'T GET A MACHINE BACK STARTED, I WOULD STEP
21 IN AND HELP THEM GET IT BACK ON.

22 Q IS IT FAIR TO SAY THAT YOU LOVE THIS TYPE OF
23 BUSINESS AND WORK?

24 A YES, SIR.

25 Q HAVE YOU SINCE YOU WERE LITTLE?

1 A YES, SIR

2 Q ALL RIGHT WHILE YOU'RE WORKING AT -- AGAIN, IF I
3 PRONOUNCE IT WRONG, I DON'T MEAN TO -- T-PAK OR THE ONE
4 THAT'S IN SANDY RUN, DID YOU HAVE AN OCCASION TO GO OUT
5 ON BUSINESS -- GO OUT INTO BUSINESS FOR YOURSELF TOO?

6 A YES, SIR I -- EVER SINCE I WAS IN HIGH SCHOOL, I
7 ALWAYS LOVED CAR AUDIO, YOU KNOW I WOULD WORK ON MY
8 OWN CAR AND I GOT MY FIRST CAR WHEN I WAS 16 YEARS
9 OLD, PUT MY FIRST STEREO SYSTEM IN THAT MYSELF AND JUST
10 KIND OF, YOU KNOW, WORKED ON IT FROM THERE AT THAT
11 POINT ON

12 WHILE I WAS WORKING AT G.K N., THE IDEA CAME INTO
13 MY MIND TO OPEN MY OWN STORE SO I STARTED SAVING MY
14 MONEY, WENT TO DEVEREAUX, KEPT SAVING, KEPT SAVING,
15 KEPT SAVING, KEPT SAVING AND I TALKED TO MY WIFE
16 ABOUT IT FINALLY, YOU KNOW, WE DECIDED OKAY, WE'RE IN
17 A GOOD POSITION, WE'D GO AHEAD AND TRY TO OPEN A STORE.
18 AND AFTER I GOT EVERYTHING SET UP, GOT ALL MY ACCOUNTS
19 OPEN, EVERYTHING, I DECIDED TO LEAVE AND OPEN MY OWN
20 STORE.

21 Q AND G K N IS G.K N AUTOMOTIVE, RIGHT?

22 A UH-HUH

23 Q ALL RIGHT NOW, I GUESS, AND WHAT WE'RE HERE ALL
24 ABOUT TODAY, MR. PATTERSON, IS -- I'LL SHOW YOU WHAT'S
25 BEEN ENTERED AS STATE'S 3. I THINK EVERYBODY HAS SEEN

1 IT IT SAYS, INTENSE CUSTOMS AND CAR AUDIO IS THIS
2 THE BUSINESS YOU OPENED?

3 A YES, SIR

4 Q AND WHEN DID YOU OPEN THAT?

5 A I THINK WE -- WE STARTED SETTING IT UP AROUND
6 JANUARY. WE ACTUALLY OPENED THE DOORS -- I THINK IT
7 WAS MARCH THE 12TH, 2000 -- I THINK IT WAS 2002.

8 Q ALL RIGHT AND TO BE SURE I'M CLEAR, WERE YOU
9 ALSO WORKING AT THIS OTHER JOB AT THAT TIME?

10 A NO AFTER I -- AFTER WE GOT EVERYTHING SET UP AT
11 THE STORE, I LEFT DEVEREAUX TO DO THIS FULL-TIME ---

12 Q OKAY

13 A --- TO DO INTENSE CUSTOMS FULL-TIME

14 Q OKAY SO YOU OPENED IT AROUND MARCH 2002?

15 A THAT'S CORRECT

16 Q AND DID YOU OWN THIS BUILDING OR WERE YOU RENTING
17 IT?

18 A I LEASED THE BUILDING.

19 Q OKAY. AND I'M GOING TO GET INTO SOME DETAIL LATER
20 ABOUT EACH ROOM IN THE BUILDING, BUT WHERE ARE YOU
21 WORKING NOW?

22 A I WORK FOR MARS CORPORATION.

23 Q SPELL THAT

24 A MARS, M-A-R-S

25 Q OKAY. AND WHAT -- WHAT DO YOU DO THERE?

1 A I'M ELECTRICAL TECHNICIAN.

2 Q THE SAME KIND OF WORK YOU'VE ALWAYS DONE BEFORE?

3 A YES, SIR.

4 Q DO YOU STILL DO SOME WORK ON CARS?

5 A YES, SIR.

6 Q OKAY. AND WHERE DO YOU DO THAT?

7 A I STILL HAVE THE BUILDING WHERE INTENSE CUSTOMS

8 WAS WE'RE JUST NOT OPEN TO THE PUBLIC ANY MORE I

9 JUST DO MY SIDE JOBS AND MY OWN WORK FOR MY CARS THERE

10 Q AND DID YOU GRADUALLY GET OUT OR QUIT DOING IT ON

11 A DAILY BASIS AFTER THIS INCIDENT?

12 A THAT'S CORRECT.

13 Q NOW, LET'S -- LET ME TAKE YOU BACK IF I CAN, AND

14 LET'S GET IN SPECIFIC TO INTENSE. TELL THESE FOLKS --

15 YOU SAID IT GENERALLY, BUT SPECIFICALLY WHAT TYPE --

16 WHAT DO YOU DO TO A CAR? I MEAN, WHY WOULD SOMEBODY

17 COME TO SEE YOU THERE FOR THEIR CAR? WHAT DO YOU SELL?

18 A ALL RIGHT. AT INTENSE CUSTOMS, WE SELL CAR AUDIO

19 WHICH IS C D. PLAYERS, CASSETTE PLAYERS, MP-3 PLAYERS.

20 WE SELL DOOR SPEAKERS. WE SELL AMPLIFIERS, SUB-

21 WOOFERS. WE INSTALL EVERYTHING. YOU KNOW, WE HAD THE

22 WIRE AND EVERYTHING THERE.

23 WE SELL CUSTOM WHEELS, CHROME WHEELS, SILVER

24 RACING WHEELS, TIRES WE SELL BODY KITS. WE SELL

25 GRILLS FOR TRUCKS, JUST PRETTY MUCH EVERY ACCESSORY OR

1 SOUND EQUIPMENT YOU NEED TO, YOU KNOW, CUSTOMIZE A
2 VEHICLE

3 Q NOW, IF I WAS TO COME IN THERE AND ORDER SOMETHING
4 FOR MY CAR, A SPEAKER OR A AMPLIFIER OR SOMETHING,
5 WOULD I BE ABLE TO GET IT RIGHT THEN? WOULD YOU ORDER
6 THE PART? DO YOU HAVE SOME STUFF -- I GUESS WHAT I'M
7 SAYING IS. DO YOU KEEP SOME INVENTORY THERE? HOW DO
8 YOU DO IT?

9 A THE MAIN STUFF THAT COME AND GO A LOT, WE KEEP IT
10 ON HAND BUT SOME OF THE THINGS LIKE CUSTOM WHEELS
11 THAT, YOU KNOW, CHANGE FROM -- VARY FROM CAR TO CAR, WE
12 ORDER. WE HAD A LOT OF CLOSE CONTACTS

13 WE HAD SOME DOWNTOWN COLUMBIA. WE HAD SOME IN
14 ATLANTA, SOME IN NORTH CAROLINA BUT MOST OF THE STUFF
15 WAS -- YOU KNOW, IF WE DIDN'T HAVE IT IN THE STORE, WE
16 CAN GET IT THERE IN A DAY OR TWO BUT FOR THE MOST
17 PART, THE C.D PLAYERS, THE SPEAKERS AND STUFF, WE HAD
18 RIGHT THERE ON HAND.

19 Q ALL RIGHT AND SO IF I NEEDED A SPECIFIC TYPE OF
20 A TIRE, DID YOU HAVE SOMEBODY YOU DEAL WITH ALL -- MOST
21 OF THE TIME WHERE YOU COULD GO ORDER IT?

22 A THAT'S CORRECT

23 Q OKAY. AND I'VE BEEN IN YOUR SHOP BEFORE, AS YOU
24 KNOW, WITH SOME OF THE INVESTIGATORS AS YOU WALK IN
25 THE BAY AREA, AND I'LL SHOW A PICTURE IN A MINUTE, IT

1 LOOKS LIKE THERE'S SOME BOXES UP ON THE WALL THERE.

2 MR. STRICKLER OBJECT TO THE LEADING

3 THE COURT- YES, SIR SUSTAINED.

4 Q WHAT'S UP ON THE WALL THERE WHEN YOU COME IN THE
5 BAY AREA?

6 A I -- I'LL GIVE YOU A FULL DESCRIPTION OF THE WHOLE
7 STORE IF YOU'D LIKE ALL RIGHT IF YOU COME INTO THE
8 BAY AREA AS AN EMPLOYEE, AS YOU SHOULD BE IN ORDER TO
9 COME IN THE BAY AREA, WE HAVE IN THE BACK FAR CORNER --
10 WE HAVE LIKE SOME OF THE BOXES THAT WE -- PRODUCT WE
11 ORDER. WE USUALLY KEEP THE BOXES JUST IN CASE IT HAS A
12 DEFECT AND WE HAVE TO SEND IT BACK. YOU HAVE TO SEND
13 IT BACK IN THE SAME BOX THAT IT CAME IN

14 WE ALSO HAVE A PARTS CAGE WHERE WE KEEP THE ACTUAL
15 PRODUCT THAT WE SELL WHEN YOU FIRST COME INTO THE BAY
16 DOOR RIGHT THERE BY THE SODA MACHINE, THERE'S SOME
17 EMPTY BOXES WHERE YOU KEEP RIM -- WHAT RIMS CAME IN.
18 THE SAME DEAL, SOMETHING WRONG OR A DEFECT, YOU SEND IT
19 BACK IN THE SAME BOX.--

20 YOU GO INTO THE FRONT DOOR AS A CUSTOMER, THE
21 FIRST THING YOU SEE IS THE WAITING AREA YOU SEE THREE
22 OR FOUR CHAIRS. I THINK IT'S FOUR CHAIRS, ONE BY THE
23 T V AND THREE AGAINST THE WALL YOU SEE A T.V. ON A
24 STAND WITH A VIDEO GAME

25 RIGHT DIRECTLY IN FRONT OF YOU IS ABOUT A 4 --

1 ABOUT A 4-FOOT WALL THAT'S GOT TROPHIES ON IT FROM CAR
2 SHOWS THAT I ENTERED ALSO AT THE END OF THAT COUNTER
3 OR PARTITION, I GUESS YOU COULD CALL IT, IS A FULL
4 COLUMN BETWEEN THAT COLUMN IS A WALKWAY, SO WHEN YOU
5 WALK IN THE STORE, YOU CAN SEE THE WAITING AREA. YOU
6 CAN SEE ALL THE DISPLAY AREA

7 ALL RIGHT IN THE DISPLAY AREA, WE HAVE T.V 'S,
8 SPEAKERS, C.D PLAYERS ON THIS WALL THE WALL FACING
9 TOWARDS WHEN YOU COME TO THE DOOR, YOU HAVE AMPLIFIERS,
10 SPEAKER BOXES. ON THE WALL ON THE LEFT SIDE, YOU HAVE,
11 YOU KNOW, CUSTOM WHEELS, THE CATALOGS FOR THE WHEELS.
12 YOU HAVE ALL YOUR TAILLIGHTS, ACCESSORIES, AND THINGS
13 LIKE THAT

14 AT THE END OF THAT, THERE'S ANOTHER WALL AND
15 THERE'S A DOORWAY AND THAT'S WHERE THE OFFICE IS.
16 ABOVE THAT DOORWAY AND THE DOORWAY GOING TO THE BAY
17 AREA, THERE'S A RED SIGN THAT SAYS, AUTHORIZED
18 PERSONNEL ONLY

19 Q LET ME GET BACK TO YOUR BOXES THAT MY QUESTION WAS
20 STARTED WITH. IS THERE A SEPARATE CAGE BACK IN THE
21 BACK WHERE YOU KEEP SOME -- SOME OF THE INVENTORY TOO?

22 A THAT'S CORRECT. IT'S BEHIND THE FULL -- MY
23 OFFICE, BUT YOU HAVE TO ACCESS THAT THROUGH THE BAYS.

24 Q AND I'M GOING TO SHOW YOU THOSE PICTURES. I JUST
25 DIDN'T HAVE THAT -- I WASN'T READY TO DO THAT YET, BUT

1 I'M GOING TO SHOW YOU ALL THAT

2 NOW, BEFORE WE GET TO THIS DAY IN QUESTION THAT --
3 SOMETHING ABOUT CAL-CAN. HAVE YOU WORKED THERE?

4 A THAT'S OWNED BY MARS CORPORATION

5 Q THANK YOU I HAD IT DOWN HERE AND I HAD FORGOTTEN
6 WHAT IT WAS. THANKS FOR REMINDING ME OF THAT

7 NOW, WHAT WERE YOUR HOURS OF OPERATION AT INTENSE?

8 A INTENSE CUSTOMS OPENED MONDAY THROUGH FRIDAY FROM
9 9:00 A.M. -- I THINK WE -- WE CHANGED THE TIME
10 DEPENDING ON THE SEASON. EITHER IT WAS CLOSE AT 7:00
11 P M OR 8:00 P.M. AND WE WORKED -- WE OPENED FROM 9 00
12 A M TO 3:00 P M ON SATURDAYS, CLOSED ON SUNDAY.

13 Q AND ACTUALLY LOOKING AT STATE'S 7, DO YOU
14 RECOGNIZE THIS?

15 A THAT'S ---

16 Q JUST -- JUST -- OKAY

17 MR. MEADORS: WE'D OFFER STATE'S 7 WITHOUT
18 OBJECTION, I BELIEVE, YOUR HONOR

19 MR. STRICKLER WITHOUT OBJECTION, YOUR HONOR

20 MR. BURR. NO OBJECTION, YOUR HONOR

21 (PHOTOGRAPH RECEIVED IN EVIDENCE AS STATE'S
22 EXHIBIT NO. 7)

23 Q AND JUST REFERRING TO STATE'S 7 NOW, AND WE'LL GET
24 INTO THIS LATER. BUT DOES THAT ON THERE, BUSINESS
25 HOURS, SHOW YOUR HOURS OF OPERATION?

1 A THAT'S CORRECT

2 Q AND THAT BASICALLY SAYS WHAT?

3 A MONDAY THROUGH FRIDAY, 9 00 TO 7 00 P.M AND
4 SATURDAY, 9.00 TO 4 00, SUNDAY CLOSED

5 Q ARE YOU SAYING RIGHT NOW THAT MIGHT GIVE OR TAKE A
6 LITTLE BIT?

7 A YES, UH-HUH LIKE I SAY, IT'S A ERASABLE SIGN AND
8 YOU COULD CHANGE IT DEPENDING ON WHAT SEASON IT IS.

9 Q TELL THE LADIES AND GENTLEMEN HOW MANY EMPLOYEES
10 YOU HAD ON OCTOBER 8TH, 2002.

11 A OCTOBER 8TH, WE HAD THREE EMPLOYEES. USUALLY
12 OCTOBER -- BETWEEN OCTOBER AND DECEMBER, CUSTOMERS KIND
13 OF SLOW DOWN BECAUSE, YOU KNOW, MOST PEOPLE BUY THEIR
14 STUFF IN THE SUMMERTIME.

15 Q OKAY AND WHO WAS IT?

16 A ANDRAE STOKES, AND TREY ASHFORD, AND MYSELF

17 Q THE THIRD WOULD BE YOU?

18 A THAT'S CORRECT

19 Q OKAY AND WHEN DID ANDRAE -- DID THERE COME A
20 POINT WHEN MR STOKES LEFT INTENSE?

21 A AFTER THE ROBBERY ATTEMPT

22 Q AND MR. ASHFORD STAYED THERE HOW LONG?

23 A UNTIL WE DECIDED TO CLOSE THE STORE TO THE PUBLIC

24 Q TO GO -- WHAT?

25 A UNTIL WE DECIDED TO CLOSE THE STORE TO THE PUBLIC

1 Q NOW, SPECIFICALLY THE DATE IN QUESTION WE'RE HERE
2 ABOUT, MR PATTERSON, OCTOBER 8TH, 2002, DO YOU
3 REMEMBER THAT DAY?

4 A THAT'S CORRECT

5 Q NOW, THAT MORNING, LET ME JUST -- DID -- WAS MR.
6 ASHFORD WORKING THAT MORNING?

7 A NO, SIR

8 Q NOW, CAN YOU TELL THE JURY -- IF YOU'D GO BACK IN
9 YOUR MIND TO THE MORNING OF OCTOBER 8TH, 2002. CAN YOU
10 TELL THEM WHAT YOU DID THAT MORNING? AND, I GUESS,
11 WHAT TIME DID YOU GET AT YOUR STORE ON PERCIVAL ROAD --
12 AND THIS IS IN RICHLAND COUNTY, ISN'T IT?

13 A THAT'S CORRECT

14 Q OKAY WHAT TIME DID YOU GET THERE?

15 A I THINK I GOT THERE A FEW MINUTES UNTIL 9 00
16 O'CLOCK USUALLY I TRY TO GET THERE A FEW MINUTES
17 EARLY, LET ANDRAE IN AND STILL GOT ENOUGH TIME TO GET
18 TO THE BANK BY 9:00 O'CLOCK THAT'S USUALLY WHAT I DO
19 I GOT THERE, OPENED THE DOORS, LET HIM IN, OPENED
20 THE GARAGE DOOR. WE'VE GOT ONE IN THE FRONT AND ONE IN
21 THE BACK AND USUALLY WE OPEN THE FRONT GLASS DOOR --
22 I MEAN, NOT THE FRONT GLASS DOOR BUT THE FRONT DOOR
23 BECAUSE WE'VE GOT TWO DOORS IT'S A REGULAR STEEL DOOR
24 AND THEN THERE'S A GLASS DOOR SO YOU CAN STILL SEE
25 INSIDE THE BUILDING ---

- 1 Q OKAY
- 2 A --- WHERE THEY -- THEY ENTER IN. OPENED THE
- 3 DOORS, TOLD HIM, HEY, MAN, I'M GOING TO THE BANK I
- 4 NEED TO GET A CASHIER'S CHECK FOR A ORDER WE GOT COMING
- 5 IN THROUGH UPS THIS MORNING. LEFT, WENT TO THE BANK,
- 6 GOT A CASHIER'S CHECK, RETURNED BACK TO THE STORE
- 7 Q AND DID YOU MAKE A DEPOSIT THAT MORNING?
- 8 A THAT'S CORRECT.
- 9 Q ALL RIGHT CAN YOU TELL THE FOLKS YOUR BUSINESS
- 10 PRACTICE SPECIFICALLY ABOUT TAKING MONEY IN, WHERE YOU
- 11 PUT IT? WHAT'S YOUR BANK, FIRST OF ALL?
- 12 A FORT JACKSON FEDERAL CREDIT UNION.
- 13 Q ALL RIGHT. AND WHERE IS THAT?
- 14 A ON -- THE ONE WE USED WAS ON PARKLAND
- 15 Q PARKLAND, NOT THAT FAR FROM YOUR BUSINESS?
- 16 A ABOUT 10 MINUTES AWAY.
- 17 Q OKAY IF -- IF I WERE TO COME IN -- A PAYING
- 18 CUSTOMER, LET'S SAY, WAS TO COME IN AND BUY SOMETHING
- 19 FOR (SIC) YOU, HOW WOULD WE PAY? HOW DOES HE PAY YOU?
- 20 A CASH.
- 21 Q OKAY. AND WHERE DO YOU KEEP THAT CASH?
- 22 A INSIDE MY OFFICE I'VE GOT LIKE A -- WELL, I'VE GOT
- 23 A DESK AND THEN A BOTTOM DRAWER. AND I KEEP -- USUALLY
- 24 I KEEP MY MONEY BAG DOWN IN THE DRAWER. IT'S -- IT'S
- 25 NOT LIKE A SECURE SAFE THAT'S WHERE I KEEP MOST OF

1 THE BIG MONEY.

2 Q OKAY

3 A AND WE'VE ALSO GOT LIKE A LITTLE PETTY CASH
4 REGISTER IT'S NOT A FULL REGISTER, BUT IT'S LIKE A
5 CASH BOX AND WE KEEP, YOU KNOW, HOW MUCH -- LITTLE
6 SMALL CHANGE WHAT WE'LL DO IS WHEN THE CUSTOMER PAYS,
7 MAKE A TRANSACTION, YOU PUT THE MONEY UNDER -- INSIDE
8 THAT BOX

9 ONCE THE CUSTOMER LEAVES THE OFFICE AREA, I COME
10 THROUGH, TAKE THAT MONEY OUT OF THE BOX AND PUT IT UP
11 SO THAT THAT WAY, NOBODY SAY -- YOU KNOW, IF SOMEBODY
12 CAME IN AND THEY HAD DONE A TRANSACTION, THEY WOULDN'T
13 KNOW -- THEY WOULD THINK THAT ALL THE MONEY IS IN THAT
14 SMALL BOX WHEN IN REALITY IT WAS PUT UP SOMEWHERE ELSE

15 Q DO YOU HAVE A REGULAR TIME YOU GO TO MAKE A
16 DEPOSIT?

17 A NOT NECESSARILY, BUT IF I GOT A ORDER ---

18 Q IF MONEY IS THERE?

19 A YEAH WELL, IF THERE'S MONEY THERE, IF IT'S A LOT
20 OF MONEY THERE OR I GOT A ORDER COMING IN, WHICH
21 USUALLY JUST ABOUT, YOU KNOW, EVERY DAY WE HAD A ORDER
22 COMING IN SO LIKE I SAY, I TRY TO GET TO THE BANK AS
23 CLOSE TO 9 00 O'CLOCK AS I CAN BECAUSE UPS USUALLY CAME
24 THROUGH RIGHT BETWEEN 9-45, 10 30, OR SOMETHING LIKE
25 THAT.

1 Q ALL RIGHT. SO WHAT TIME DID YOU GO TO THE BANK
2 THAT DAY?

3 A I'M GOING TO SAY I GOT THERE BETWEEN 9.00 AND
4 9 10, SOMEWHERE RIGHT IN THAT NEIGHBORHOOD

5 Q YOU TOOK A DEPOSIT?

6 A THAT'S CORRECT.

7 Q YOU SAID SOMETHING ABOUT A CASHIER'S CHECK?

8 A AND GOT A CASHIER'S CHECK

9 Q AND WHAT WAS THAT CHECK FOR, DO YOU REMEMBER?

10 A IT WAS FOR SOME RIMS WE HAD COMING IN FOR THIS
11 GUY

12 Q NOW, DO YOU REMEMBER ABOUT WHAT TIME YOU GOT BACK
13 TO YOUR PLACE OF BUSINESS ON -- ON PERCIVAL?

14 A IT WAS SOMEWHERE IN THE NEIGHBORHOOD OF 9.30. I'M
15 NOT POSITIVELY TO SAY IF IT WAS 9.21 OR 9 30. IT WAS
16 SOMEWHERE IN THAT NEIGHBORHOOD

17 Q AND I'M NOT ASKING YOU TO BE POSITIVE IT WAS
18 ROUGHLY 9 30?

19 A YES

20 Q OKAY NOW, WHAT, IF ANYTHING, DID YOU DO WHEN YOU
21 GOT BACK?

22 A AFTER I GOT BACK, I ALWAYS PUT A CASHIER'S CHECK
23 IN MY OFFICE ON THE DESK, AND WE'VE GOT ONE SPOT ON THE
24 DESK WHERE WE ALWAYS KEEP A CASHIER'S CHECK JUST IN
25 CASE I HAVE TO LEAVE AND UPS COME, THE GUYS KNOW

1 EXACTLY WHERE TO GO FOR THE CHECK

2 AFTER I PUT IT THERE, ME AND ANDRAE STARTED
3 TALKING HE WAS PLAYING A VIDEO GAME AND I WAS TELLING
4 HIM, ALL RIGHT, WE'VE GOT THESE RIMS COMING IN TODAY,
5 GOT TO PUT TIRES ON THAT, AND, YOU KNOW, WHATEVER ELSE
6 WE HAD TO DO FOR THE DAY.

7 Q KIND OF WENT OVER THE DAY'S ACTIVITIES?

8 A CORRECT.

9 Q WHAT HAPPENED AFTER THAT?

10 A DURING THE CONVERSATION, I -- LIKE I GOT A
11 CLIPBOARD, SO I'M JUST KIND OF WALKING IN THE AREA,
12 TALKING, YOU KNOW, GOING OVER THE APPOINTMENTS FOR THE
13 DAY. A CAR -- A VAN PULLED UP IN THE PARKING LOT OR
14 I'D SAY I HEARD A CAR PULL UP IN THE PARKING LOT SO I
15 WALKED OVER TO THE FRONT DOOR, WATCHED THE VAN AS IT
16 PULL IN

17 THE WAY YOU HAVE TO -- WHEN YOU'RE LOOKING OUT THE
18 FRONT DOOR, THEY PULLED IN TO THE FRONT ENTRANCE, KIND
19 OF PULLED OVER TO THE SIDE I WALKED OVER TO THE SIDE
20 DOOR, WHICH YOU CAN LOOK EITHER INTO THE BAY OR YOU CAN
21 LOOK OUT THE BIG BAY DOOR INTO THE OUTSIDE PARKING LOT
22 THE VAN STOPPED AND I SAW SOME GUYS GET OUT OF THE VAN.

23 Q AND I WANT YOU TO TELL THESE JURORS -- I'M GOING
24 TO BRING YOU DOWN AND SHOW YOU SOME PICTURES AFTER. I
25 WANT YOU TO TELL THE JURORS WHAT YOU SAW, WHAT YOU

1 OBSERVED WHEN THAT VAN PULLED UP IN THE PARKING LOT IN
2 FRONT OF YOUR BUSINESS?

3 A ALL RIGHT LIKE I SAY, NORMALLY WHERE ANYBODY --
4 IF SOMEBODY PULL UP IN THE PARKING LOT, YOU KNOW, WE
5 LOOK TO SEE WHO IT IS OKAY. YOU KNOW, IF IT'S A NEW
6 CUSTOMER, ALL RIGHT, MAKE SURE THAT THEY GET A GOOD
7 GREETING IF IT'S ANOTHER CUSTOMER AND YOU KNOW WHAT
8 BUSINESS THEY'RE COMING FOR, YOU KNOW -- YOU KNOW, DID
9 THEIR ORDER COME IN OR, YOU KNOW, WHATEVER

10 OKAY WE'RE LOOKING AT THE -- YOU KNOW, I'M
11 LOOKING AT THE VAN PULL UP. THE VAN PULLS IN THE
12 PARKING LOT I'M LIKE, ALL RIGHT, WE'VE GOT SOMEBODY
13 ELSE THAT'S -- YOU KNOW, GET READY TO TALK TO THEM.

14 ANDRAE IS STILL PLAYING THE VIDEO GAME. I SEE THE
15 BACK DOOR OF THE VAN OPEN AND A GUY IS COMING OUT WITH
16 HIS HAND KIND OF UP AND HE'S GOT A RAG OR SOMETHING
17 OVER HIS FACE AND A GUN IN HIS OTHER HAND. AND I'M
18 JUST -- I JUST FREEZE ON THAT. OH, MY GOD I THINK
19 WE'RE ABOUT TO GET ROBBED

20 SO I TURNED AROUND AND I WOULD ASSUME -- I DON'T
21 EVEN REMEMBER CLOSING THE DOOR, BUT, YOU KNOW, I'M
22 ASSUMING THAT THE DOOR WAS CLOSED. I TURN AROUND AND
23 I'M TRYING TO TELL -- IN MY MIND I'M SAYING, I THINK
24 WE'RE ABOUT TO GET ROBBED, AND THE WORDS JUST DIDN'T
25 COME OUT THAT WAY.

1 SO WHEN I REALIZED THAT HE DIDN'T UNDERSTAND ME
2 BECAUSE HE KIND OF LOOKED AT ME WITH CONFUSION ON HIS
3 FACE LIKE, YOU KNOW, WHAT ARE YOU SAYING? YOU KNOW, I
4 KNEW I DIDN'T HAVE BUT A -- YOU KNOW, A CERTAIN AMOUNT
5 OF TIME BEFORE THEY WAS GOING TO BE IN THE STORE. SO I
6 TURNED AROUND AND WENT TOWARD -- RAN TOWARDS MY OFFICE
7 TO GET MY WEAPON.

8 Q ALL RIGHT AND YOU SAID YOU WERE CERTAIN THAT YOU
9 DIDN'T HAVE MUCH TIME BEFORE THEY GOT IN THE STORE.
10 HOW MANY PEOPLE DID YOU SEE GET OUT OF THE VAN?

11 A BY THE TIME I TURNED TO TELL ANDRAE WHAT WAS GOING
12 ON, THE GUY AT THE BACK DOOR HAD ALREADY GOTTEN OUT OF
13 THE VAN. THE FRONT PASSENGER DOOR WAS OPEN. THE GUY
14 WAS GETTING OUT THAT SIDE OF THE DOOR. I TURNED TO
15 TELL HIM I SAW TWO GUYS DEFINITELY GET OUT OF THE VAN.

16 Q AND DID YOU SEE ANY GUNS?

17 A YEAH. I SEEN BOTH OF THE GUYS THAT GOT OUT ON
18 THAT SIDE WITH GUNS IN THEIR HAND

19 Q AND YOU SAID SOMETHING ABOUT ONE OF THE PERSONS
20 HAD A MASK?

21 A YES, SIR.

22 Q NOW, WERE YOU ABLE TO VERBALIZE WHAT YOU SAW TO
23 ANDRAE?

24 A NO, SIR I MEAN, IT -- IT WAS SO FAST, IT'S NOT
25 LIKE YOU CAN JUST SIT THERE AND SAY, HEY, MAN. LOOK,

1 THIS IS WHAT'S GOING ON I MEAN, IT WAS, YOU KNOW, TRY
2 TO BE AS QUICK AS YOU CAN, BECAUSE WHAT I REALLY WANTED
3 TO DO WAS TELL HIM QUICK ENOUGH WHERE BOTH OF US COULD
4 GET IN THE OFFICE BEFORE THEY GOT IN ---

5 Q OKAY.

6 A --- BUT I COULDN'T GET IT ACROSS TO HIM QUICK
7 ENOUGH

8 Q SO YOU WENT BACK TO YOUR -- WELL, WHAT DID YOU DO?

9 A I RAN BACK TO THE OFFICE AND THE MONEY BAG --
10 WELL, IT'S NOT A MONEY BAG. IT'S LIKE A PORTFOLIO BAG
11 IT'S GOT, YOU KNOW, THREE SECTIONS, AND THAT'S WHERE I
12 KEEP THE WEAPON WHENEVER I GO TO THE BANK, I PUT IT
13 IN THE GLOVE COMPARTMENT TO RIDE TO THE BANK WITH ME,
14 YOU KNOW, JUST IN CASE ANYTHING MIGHT HAPPEN

15 I WENT IN THE BAG AND GOT MY WEAPON OUT, TOOK THE
16 SAFETY OFF OF IT BUT BEFORE I EVEN GOT TO THE OFFICE,
17 AS I TURNED THE CORNER TO GO INTO THE OFFICE, THE FIRST
18 GUY HAD COME IN THROUGH THE -- COME THROUGH THE DOOR,
19 THROUGH THE SIDE DOOR THROUGH THE -- FROM THE BAY

20 I COULD HEAR HIM SAY, GET ON THE GROUND. IF I
21 MOVE -- IF YOU MOVE, I'M GOING TO KILL YOU

22 Q YOU HEARD THAT?

23 A I HEARD THAT I HEARD FEET -- FEET STEP I
24 HEARD, WHERE THE MONEY? AND I WAS LIKE PANIC I'M
25 LIKE, OH, MAN, WHAT TO DO? WHAT TO DO? WHAT TO DO? I

1 DON'T HAVE MUCH TIME, YOU KNOW WHAT CAN I DO, YOU
2 KNOW SO AS I -- LIKE I SAID, I COULD STILL HEAR FEET
3 STEPS AND ALL THIS HAPPENING REAL FAST, YOU KNOW

4 I MADE A CONSCIOUS DECISION, ALL RIGHT, YOU KNOW,
5 DO I NEED TO GO AROUND AND NEGOTIATE WITH THESE GUYS
6 AND SAY, HEY, MAN, YOU KNOW, WHAT -- CAN YOU ALL GET
7 OUT OF MY STORE, KNOWING I SEEN TWO GUYS WITH GUNS AND
8 A MASK OVER THEIR FACE OR DO I TRY TO DISTRACT THEM
9 AND GET THEM OUT OF THE STORE, AND THAT'S WHAT I
10 DECIDED TO DO

11 Q SO YOU GO BACK TO THE OFFICE YOU SAID YOU WENT
12 IN YOUR PORTFOLIO BAG AND YOU GOT THE WEAPON ---

13 A YES.

14 Q --- AND THEN WHAT HAPPENED?

15 A I GOT THE WEAPON OUT, TOOK THE SAFETY OFF. I
16 DIDN'T ACTUALLY GO BACK INTO THE SHOWROOM. I KIND OF
17 -- BY THE TIME I GOT TO THE DOORWAY, ME AND THE GUYS
18 HAD MADE EYE CONTACT. AND WITH MY WEAPON RAISED, THEY
19 QUICKLY TURNED OUT THE -- OUT THE BUILDING, YOU KNOW,
20 TO EXIT BACK OUT THE BUILDING WITH THE GUN POINTED
21 BACK, AND I STARTED FIRING I DON'T KNOW WHO FIRED, IF
22 I FIRED FIRST OR THEY FIRED FIRST, BUT I STARTED
23 FIRING.

24 Q YOU FIRED YOUR WEAPON?

25 A THAT'S CORRECT

1 Q IN THE DIRECTION OF THE FOLKS WITH THE WEAPONS?

2 A THAT'S CORRECT

3 Q FROM WHAT DIRECTION WERE YOU COMING AT THAT POINT?
4 WERE YOU GOING BACK TOWARD THE FRONT OF YOUR OFFICE --
5 YOUR BUSINESS?

6 A WELL, I STOPPED RIGHT THERE AND MAYBE -- I MAYBE
7 WENT A FOOT PAST THE DOORWAY, BUT IT WASN'T, YOU KNOW,
8 SO FAR I COULDN'T EVEN TOUCH THE DOORWAY. I WAS CLOSE
9 ENOUGH WHERE I COULD REACH OUT AND TOUCH THE DOORWAY

10 Q DID YOU SEE ANYBODY OVER NEAR MR STOKES?

11 A THE FIRST TWO GUYS THAT WERE CLOSEST TO ME THAT
12 FLED OUT THE SIDE -- BACK OUT THE SIDE DOOR, THEY GOT
13 OUT AND I COULD SEE ANOTHER GUY STANDING OVER ANDRAE
14 WITH A GUN TO HIS HEAD.

15 HE RAISED UP AND POINT THE WEAPON TOWARDS ME YOU
16 KNOW, I'M ALREADY SHOOTING, AND I JUST POINTED TOWARD
17 HIM AND SHOT AT HIM A FEW SHOTS. I MEAN, LIKE I SAY,
18 THIS WAS REAL FAST NOW, A FEW SHOTS, AND I CAN KIND OF
19 -- COULD SEE HIM KIND OF MOVE LIKE HE WAS HIT

20 Q YOU SAW HIM OVER ANDRAE POINTING THE GUN AT HIM?

21 A THAT'S CORRECT. HE RAISED THE GUN AND POINT IT AT
22 ME

23 Q AND HE POINTED IT AT YOU?

24 A THAT'S CORRECT

25 Q WHAT -- YOU WERE IN YOUR BUSINESS?

- 1 A THAT'S CORRECT.
- 2 Q AND THEN YOU FIRED?
- 3 A THAT'S CORRECT
- 4 Q DO YOU KNOW HOW MANY TIMES YOU FIRED?
- 5 A I'M NOT SURE I KNOW FOR SURE I HAD A 10-SHOT
- 6 CLIP AND I HAD ONE BULLET ALREADY IN THE CHAMBER, SO
- 7 THAT'S 11 -- 11 ROUNDS.
- 8 Q AND CAN YOU DESCRIBE THIS PERSON THAT'S GOT A GUN
- 9 DOWN TO ANDRAE ---
- 10 A I ---
- 11 Q --- BECAUSE THE OTHER TWO HAVE FLED THE GUY
- 12 WHO'S STILL POINTING THE GUN AT ANDRAE AS YOU COME IN
- 13 WHO THEN POINTS IT AT YOU, CAN YOU DESCRIBE HIM?
- 14 A I COULD SEE THAT HE WAS A LIGHT-SKINNED GUY
- 15 BECAUSE HE HAD A LIGHT GRAYISH, WHITISH RAG AROUND HIS
- 16 FACE AND A BLUE AND WHITE BALL CAP ON. HE WAS LEANING
- 17 OVER AND HE RAISED UP AND POINTED TOWARDS ME
- 18 Q DO YOU RECOGNIZE THAT?
- 19 A YES, SIR.
- 20 Q WHAT DOES THAT LOOK LIKE, IF ANYTHING?
- 21 A THAT LOOKS LIKE THE BALL CAP THE GUY WAS WEARING.
- 22 Q THAT GUY THAT WAS OVER ANDRAE?
- 23 A THAT'S CORRECT.
- 24 Q YOU TESTIFIED HE HAD SOMETHING ON HIS FACE DID
- 25 YOU EVER -- DID THERE COME A TIME WHERE YOU -- YOU SAID

1 YOU SAW PART OF HIS FACE DID THERE COME A TIME WHERE
2 YOU GOT A BETTER LOOK AT HIS FACE?

3 A THAT'S CORRECT

4 Q TELL THEM ABOUT THAT?

5 A AS, YOU KNOW, I'M SHOOTING AT THIS GUY AND LIKE I
6 SAY, HE'S POINTING HIS GUN AT ME. WHEN I COULD TELL HE
7 WAS ACTUALLY HIT, HE KIND OF STUMBLERD BACK AND THE RAG
8 FELL FROM OFF HIS FACE. IT KIND OF LIKE FELL AROUND
9 HIS NECK, IT CAME DOWN AND I COULD PRETTY MUCH SEE
10 EVERYTHING FROM WHERE THE BALL CAP STOPPED, YOU KNOW,
11 COMPLETELY DOWN TO THAT POINT AS HE STUMBLERD AND, YOU
12 KNOW, WENT THROUGH THE FRONT DOOR

13 Q DESCRIBE -- WE'VE GOT PICTURES IN HERE DESCRIBE
14 THE LIGHTING IN THAT FRONT OFFICE OF YOUR BUSINESS, MR.
15 PATTERSON?

16 A IT'S -- IT'S -- IT'S A WELL-LIGHTED AREA, LIKE I
17 SAY, BECAUSE IT'S A DISPLAY AREA WHERE YOU -- YOU NEED
18 TO SEE PRODUCT AND EVERYTHING IT'S A LIGHT CEILING
19 TILE IT'S GOT FLUORESCENT FIXTURES IN THERE.

20 Q WAS THERE ANYTHING OBSTRUCTING YOUR VIEW OF THIS
21 INDIVIDUAL THAT YOU SAID WAS OVER MR. STOKES AND
22 POINTED A GUN AT YOU? ANYTHING IN BETWEEN YOU ALL WHEN
23 YOU ALL WERE LOOKING AT EACH OTHER?

24 A NO, SIR.

25 Q NOTHING BLOCKING YOUR VIEW?

- 1 A NOTHING
- 2 Q PLENTY OF LIGHT?
- 3 A PLENTY OF LIGHT
- 4 Q COULD YOU SEE HIM?
- 5 A YES, I COULD NOW, HE WAS BEHIND, LIKE I SAID,
- 6 THE ABOUT 4-FOOT WALL, SO I COULD SEE FROM HIS HEAD TO
- 7 PROBABLY ABOUT MID-CHEST, SOMEWHERE IN THAT AREA
- 8 Q COULD YOU SEE HIS FACE?
- 9 A YEAH
- 10 Q NOW, WHAT HAPPENED AFTER THAT? YOU FIRED SEVERAL
- 11 TIMES YOU SAID YOU FIRED WHAT HAPPENED TO THIS
- 12 PERSON? WHAT DID HE DO NEXT?
- 13 A HE WENT THROUGH THE FRONT DOOR. HE -- I GUESS HE
- 14 WAS TRYING TO GET OUT HE STUMBLED THROUGH THE FRONT
- 15 DOOR, WHICH I THINK THE GLASS WAS SHOT WHEN I WAS, YOU
- 16 KNOW, SHOOTING
- 17 Q SO LOOKING AT STATE'S 6 WHICH HAS BEEN ENTERED, HE
- 18 WENT THROUGH THIS DOOR?
- 19 A THAT'S CORRECT.
- 20 Q AND WHAT TYPE OF GLASS IS THAT?
- 21 A IT'S A -- JUST A REGULAR GLASS DOOR I GUESS IT'S
- 22 TEMPERED GLASS OR SOMETHING.
- 23 Q AND WHEN YOU SAY HE WENT THROUGH THE DOOR, DID HE
- 24 GO THROUGH THIS GLASS DOOR?
- 25 A THAT'S CORRECT.

1 Q I MEAN, THAT -- THAT DOOR WASN'T SHATTERED BEFORE
2 THESE PEOPLE CAME IN YOUR BUSINESS, OR WAS IT?

3 A NO, SIR

4 Q WHAT HAPPENED AFTER THAT?

5 A AS HE WENT OUT THE DOOR, I RAN OUT OF BULLETS.
6 AND ANDRAE HAD -- BY THAT TIME, HE HAD CRAWLED PAST ME.
7 HE WAS RIGHT BEHIND ME GOING INTO MY OFFICE.

8 Q WHERE -- HOW -- HOW WAS HE TRYING TO GET TO YOUR
9 OFFICE?

10 A I HONESTLY -- I COULDN'T SEE HIM THROUGH ALL THE
11 EVENTS I JUST KNOW WHEN I STOPPED SHOOTING, TURNED TO
12 GO BACK TO THE OFFICE, HE WAS ON THE FLOOR BEHIND ME

13 Q HE WAS ON THE GROUND?

14 A THAT'S CORRECT

15 Q ALL RIGHT

16 MR. MEADORS JUDGE, AT THIS POINT, WITH YOUR
17 PERMISSION, I'D JUST LIKE TO ASK HIM TO STEP DOWN AND
18 SHOW HIM A FEW -- JUST A FEW PHOTOGRAPHS WITH YOUR
19 PERMISSION

20 THE COURT. GO AHEAD.

21 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND.)

22 Q MR PATTERSON, WILL YOU STAND RIGHT HERE, PLEASE,
23 SO MRS. RUTLEDGE CAN TAKE DOWN WHAT YOU SAY.

24 A OKAY.

25 Q AND PLEASE SPEAK LOUD ENOUGH SO EVERYBODY HERE CAN

1 HEAR YOU

2 A ALL RIGHT.

3 Q YOU HAVE DESCRIBED BEFORE YOUR OFFICE, BUT I'M
4 GOING TO KIND OF TAKE IT -- ASK YOU TO TAKE US THROUGH
5 IT, PLEASE.

6 MR MEADORS: BEG THE COURT'S INDULGENCE.

7 (PAUSE.)

8 Q LET'S START, FIRST OF ALL AS I GO THROUGH THESE,
9 WITH STATE'S 2. IF -- IF -- IF I WERE -- WELL, LET ME
10 JUST ASK YOU THIS MUCH. WHAT -- WHAT DOOR WOULD A
11 USUAL CUSTOMER, THAT YOU WOULD CONSIDER A CUSTOMER, TO
12 GO THROUGH?

13 A THIS IS THE FRONT DOOR WHERE THE SIGN IS WITH THE
14 BUSINESS HOURS AND EVERYTHING ON IT.

15 Q OKAY. NOW, IF WE GO INSIDE THAT DOOR RIGHT THERE,
16 THIS FRONT GLASS DOOR THAT IS BUSTED IN THIS PICTURE,
17 LOOKING AT STATE'S 26, IS THAT THE FIRST ROOM YOU'D GO
18 INTO?

19 A YES, SIR.

20 Q ALL RIGHT. AND CAN YOU -- CAN YOU SEE PART OF THE
21 DOOR THAT'S -- THAT'S BUSTED RIGHT THERE?

22 A YES, SIR.

23 Q SO THAT'S CLEARLY THE DOOR YOU GO INTO?

24 A THAT'S CORRECT

25 Q NOW, IT'S GOT A PICTURE IN HERE OF THESE CHAIRS

1 THAT ARE ON -- ON -- YOU SEEM LIKE A -- WELL, WAS THIS
2 LIKE THIS BEFORE THAT MORNING ---

3 A NO, SIR

4 Q --- CHAIRS ON THE FLOOR?

5 A NO, SIR.

6 Q ALL RIGHT. ARE THEY USUALLY UP?

7 A YEAH, THIS CHAIR IS ALWAYS ON THE SIDE BY THE T V.
8 AND THERE'S THREE CHAIRS RIGHT HERE AGAINST THE WALL
9 THAT'S USUALLY NEAT UP AGAINST THE WALL

10 Q BUT THAT WOULD BE THE FRONT -- WHAT WOULD YOU
11 DESCRIBE THIS AREA WHEN YOU FIRST WALK IN ---

12 A THAT IS THE ---

13 Q I THINK YOU SAID IT EARLIER?

14 A WHAT WE CALL THE CUSTOMER WAITING AREA WITH THE
15 T V. AND THE GAMES

16 Q THAT'S WHY YOU'VE GOT THE CHAIRS?

17 A THAT'S CORRECT

18 Q IF WE GO -- IS THIS KIND OF A SERIES -- WELL, YOU
19 TELL ME HOW MANY -- IF I'M LOOKING BACK FROM THE
20 FRONT DOOR, HOW MANY OFFICES BACK WOULD YOU SAY THEY
21 WERE?

22 A ALL RIGHT THERE'S A BIG ROOM AND IT'S KIND OF
23 PARTITIONED OFF BY A WALL A LITTLE TALLER THAN THIS
24 ONE, PROBABLY ABOUT THIS HIGH, AND IT'S GOT A WALKWAY
25 WITH A -- LIKE I SAY, A COLUMN HERE THEN YOU'VE GOT A

1 WALKWAY WHERE YOU CAN WALK AROUND THAT PARTITION, BUT
2 OTHER THAN THE PARTITION HERE, IT'S A OPEN ROOM. THEN
3 THERE'S A COMPLETE WALL WITH A DOORWAY AND THE OFFICE
4 BACK BEHIND THAT SO IT'S -- YOU COULD SAY THREE
5 ROOMS, BUT IT'S REALLY TWO WITH ONE PARTIALLY
6 PARTITIONED OFF

7 Q OKAY AND LOOKING AT STATE'S 20, IS THAT ANOTHER
8 VIEW OF THAT FRONT ROOM?

9 A YES, SIR, AND THAT'S THE WALL PARTITION WITH THE
10 TROPHIES ON IT.

11 Q OKAY. AND THESE TROPHIES IS A TEAM YOU SPONSORED?

12 A YES, SIR -- WELL, CARS I MADE -- I CUSTOMIZED TO
13 WIN THOSE

14 Q OKAY NOW, DOES THIS -- AND MAYBE LET ME SHOW YOU
15 -- IT'S KIND OF DUPLICATES IT LOOKS LIKE

16 MR MEADORS. GENTLEMEN, I'M REFERRING NOW TO
17 STATE'S -- AND MADAM COURT REPORTER, TO STATE'S 21

18 Q YOU DESCRIBED A PARTITION BETWEEN THE FRONT AND
19 THE SECOND ROOM. IS THAT WHAT YOU'RE TALKING ABOUT ---

20 A THAT'S EXACTLY ---

21 Q --- STATE'S 21?

22 A THAT'S THE COLUMN AND THAT'S THE WALKWAY AROUND IT
23 TO THE SHOWROOM LIKE.

24 Q AND WHAT WOULD YOU CALL -- WHAT I'M GOING TO CALL,
25 IF YOU DON'T MIND, THIS SECOND ROOM RIGHT HERE BEHIND

- 1 THE ---
- 2 A THE DISPLAY AREA
- 3 Q OKAY AND YOU WOULD GO BACK AND ---
- 4 A LOOK AT PRODUCT AND DECIDE WHAT YOU WANT TO
- 5 PURCHASE
- 6 Q OKAY AND IS THAT ANOTHER VIEW OF IT, STATE'S 23?
- 7 A YES, SIR.
- 8 Q AND AGAIN NOW IF I CAN LOOK AT STATE'S 18, IS THAT
- 9 KIND OF A -- LOOKING DOWN THE HALLWAY, IF YOU WILL?
- 10 A THAT'S CORRECT THAT'S -- IF YOU'RE STANDING
- 11 RIGHT BETWEEN THE LITTLE WALKWAY BETWEEN THE DISPLAY
- 12 AREA AND THE WAITING AREA, THAT'S -- LOOKING AT THAT
- 13 DOORWAY IS THE OFFICE -- THE DOORWAY TO THE BACK
- 14 OFFICE.
- 15 Q LET ME ENLARGE THIS A LITTLE BIT IF I CAN IS
- 16 THIS A BLOW-UP OF THAT DISPLAY? THIS IS STATE'S --
- 17 EXCUSE ME -- 38 I'M REFERRING TO NOW
- 18 A THAT'S CORRECT
- 19 Q SO, I MEAN, IT'S GOING TO BE LIKE THIS BASICALLY,
- 20 THE FIRST ROOM, SECOND ROOM?
- 21 A THAT'S CORRECT
- 22 Q AND LOOKING BACK INTO HERE BEHIND THIS, WHAT'S
- 23 BACK IN HERE?
- 24 A THE OFFICE AREA
- 25 Q THAT'S YOUR ---

- 1 A MY OFFICE.
- 2 Q --- YOUR OFFICE? OKAY AND IF I CAN TAKE THAT
- 3 AND GO INTO THAT ROOM WITH YOU WITH PICTURES, STATE'S
- 4 19, IS THAT A CLOSE-UP ROOM -- A PICTURE OF YOUR OFFICE
- 5 OR A ---
- 6 A YES, SIR THE COMPUTER DESK AND STUFF IS OVER
- 7 HERE. BUT IT'S THE OFFICE.
- 8 Q AND YOU CAN ACTUALLY SEE THAT WINDOW BACK HERE,
- 9 CAN'T YOU, IN STATE'S 38, OR CAN YOU?
- 10 A YES, SIR.
- 11 Q ALL RIGHT. NOW, YOU TESTIFIED, I BELIEVE, THAT --
- 12 REFER NOW TO STATE'S 108, IF YOU WILL. AND, AGAIN, IS
- 13 THIS IN YOUR BUSINESS?
- 14 A YES IT'S A -- IT'S A 10,000 SQUARE FOOT
- 15 BUSINESS I LEASE 5,000 SQUARE FEET. THE OTHER SIDE
- 16 WHEN I FIRST MOVED IN WAS LEASED OUT TO THE STATE
- 17 NEWSPAPER, BUT THEY -- LIKE A MONTH AFTER I WAS THERE,
- 18 THEY LEFT SO THIS WAS -- YOU KNOW, HAS BEEN VACANT
- 19 SINCE WE'VE BEEN THERE BESIDES THAT FIRST MONTH.
- 20 Q THIS IS THE DOOR YOU -- THAT'S BUSTED -- THAT YOU
- 21 REFER TO AS BEING BUSTED OUT, CORRECT?
- 22 A YEAH, THE FAR DOOR
- 23 Q WHICH IS SEEN IN STATE'S 1 AND 2, CORRECT?
- 24 A THAT'S CORRECT.
- 25 Q ALL RIGHT. THIS DOOR APPEARS TO BE OPEN HERE?

1 A THAT'S CORRECT

2 Q THAT'S YOUR DOOR?

3 A YEAH, THAT'S THE DOOR WE PULL THE CARS IN TO PUT
4 THEM IN THE BAYS.

5 Q AND YOU CALL THAT A BAY DOOR?

6 A BAY DOOR, YES

7 Q AND IS THAT A CLOSER UP VIEW OF THAT BAY DOOR, NO
8 3?

9 A THAT'S CORRECT

10 Q NOW, I'VE JUST GOT A FEW MORE AND I'LL -- IF YOU
11 DON'T MIND, SIR YOU HAVE TESTIFIED THAT -- WELL, TELL
12 THESE FOLKS, WHERE WERE YOU WHEN THE -- WHEN YOU SAID
13 THIS CAR DROVE UP WHERE WERE YOU IN THIS STORE?

14 A I WAS -- CAN I PICK THOSE UP?

15 Q YOU CAN PICK UP ANYTHING YOU WANT.

16 A I WAS SOMEWHERE RIGHT IN THIS AREA, LIKE RIGHT
17 NEAR THIS COLUMN AND I WALKED -- WHEN I HEARD A CAR
18 PULL UP, I WALKED THAT WAY WHERE THE -- INTO THE
19 CUSTOMER WAITING AREA TO WHERE THE FRONT GLASS DOOR
20 WAS, LOOKED OUT THE DOOR, AND I SAW THE VAN PULLING IN
21 -- PULL OVER.

22 I WALKED BACK THIS WAY THERE'S ANOTHER DOOR THAT
23 GOES INTO THE BAY WHERE YOU CAN ACTUALLY SEE -- IF YOU
24 LOOK TO YOUR RIGHT, YOU CAN SEE INSIDE THE BAYS IF
25 YOU LOOK TO YOUR LEFT, YOU CAN SEE OUT THE BIG BAY DOOR

1 INTO THE PARKING LOT. AND I KIND OF STOOD RIGHT IN
2 THIS AREA AND WATCHED THE VAN AS IT PARKED AND THE
3 DOORS OPEN UP AND THE GUYS GET OUT

4 Q AND I WANT TO REFER YOU TO -- LET ME SEE IF I CAN
5 -- STATE'S 37 -- I BELIEVE THAT'S 37, STATE'S 37 CAN
6 YOU SHOW THE JURY ON STATE'S 37 WHERE YOU WERE STANDING
7 WHEN THIS VEHICLE PULLED UP?

8 A YOU CAN'T ACTUALLY SEE IT IT'S -- ACTUALLY IT'S
9 RIGHT ON THE OTHER SIDE OF THIS WALL BUT IF YOU'RE
10 LOOKING FROM A ANGLE, YOU CAN SEE OUT THIS WALL OUT THE
11 DOORWAY.

12 Q WELL, LET ME ASK YOU THIS MUCH, THEN YOU -- YOU
13 SEE THIS, THIS RIGHT HERE, CORRECT?

14 A THE SODA MACHINE

15 Q ALL RIGHT. NOW, LOOKING AT STATE'S 14, IS THAT
16 THE SAME SODA MACHINE?

17 A YES, SIR, THAT'S A PICTURE TAKEN FROM OUTSIDE
18 LOOKING INTO THE BAY DOOR, AND YOU CAN STILL SEE THE
19 SODA MACHINE IN THE DOORWAY

20 Q CAN YOU DEPICT IN HERE WHERE YOU WERE STANDING
21 WHEN YOU SAW THE VEHICLE COME UP?

22 A RIGHT IN THE AREA RIGHT HERE, RIGHT PAST THE
23 DOORWAY, KIND OF LIKE WHERE I'M STANDING IN THE
24 PICTURE

25 Q OKAY SO STATE'S 14, THIS IS LOOKING FROM THE

1 OUTSIDE IN?

2 A THAT'S CORRECT

3 Q AND YOU'RE SAYING YOU WERE FROM THE IN LOOKING
4 OUT?

5 A THAT'S CORRECT.

6 Q AND THAT'S HOW YOU COULD SEE OUTSIDE?

7 A THAT'S CORRECT

8 Q AND WERE YOU ABOUT IN THAT AREA WHERE YOU ARE IN
9 THIS PICTURE?

10 A THAT'S CORRECT.

11 Q AND THIS IS JUST A BACK-UP VIEW OF IT YOU CAN'T
12 SEE THE ANGLE OUT, BUT THAT'S JUST THAT, CORRECT?

13 A THAT'S CORRECT.

14 Q WAS THERE ANYTHING OBSTRUCTING YOUR VIEW FROM THAT
15 AREA TO THE OUTSIDE?

16 A NO, SIR.

17 MR. MEADORS I THINK THAT'S IT. IF YOU -- SIT
18 BACK DOWN, PLEASE -- NOT TOTALLY. I MEANT ON ---

19 (WITNESS RETURNS TO THE WITNESS STAND.)

20 Q AND IS STATE'S 15 ANOTHER VIEW, WHICH HAS BEEN
21 ADMITTED, OF WHERE YOU WERE AND HOW YOU COULD SEE
22 OUTSIDE?

23 A YES, SIR

24 Q DID YOU DESCRIBE THE VEHICLE THAT YOU SAW COME UP?

25 A YEAH, I DESCRIBED IT TO THE OFFICERS THAT CAME TO

1 THE SCENE IT WAS A BURGUNDY VAN I TOLD THEM I WAS
2 PRETTY SURE IT WAS A MPV BUT I WASN'T A HUNDRED PERCENT
3 SURE

4 Q A MULTI-PURPOSE VEHICLE?

5 A A MAZDA MPV

6 Q OKAY. NOW ---

7 MR MEADORS THANK YOU, YOUR HONOR, FOR BEARING
8 WITH ME.

9 Q LOOKING AT STATE'S 1, DO YOU RECOGNIZE THAT? DOES
10 IT RELATE TO WHAT WE'RE TALKING ABOUT?

11 A THAT'S THE VAN THAT WAS AT THE STORE THAT DAY

12 Q OKAY AND YOU TESTIFIED, I BELIEVE, THAT THEY GOT
13 OUT OF THE BACK DOOR. CAN YOU TELL THIS JURY WHERE OUT
14 OF THE VAN YOU SAW THEM GET OUT?

15 A I COULD SEE THE TWO GUYS GET OUT ON THE PASSENGER
16 SIDE OF THE VEHICLE, THE BACK SLIDE DOOR AND THE FRONT
17 PASSENGER DOOR

18 Q THIS BACK SIDE DOOR?

19 A THAT'S CORRECT

20 Q THE BACK SIDE DOOR IS WHAT YOU'RE TELLING THIS
21 JURY?

22 A UH-HUH.

23 Q COULD YOU SHOW THE JURY -- I MEANT TO SHOW YOU
24 THIS AND I JUST FORGOT CAN YOU SHOW THE JURY ON 108
25 WHERE THE VAN PULLED IN WHEN YOU SAW IT?

1 A THE VAN PULLED INTO HERE AND KIND OF TURNED TO THE
2 LEFT AND PARKED RIGHT IN HERE AT A -- KIND OF LIKE AT A
3 ANGLE POINTING TOWARD THE BACK IT'S A SECOND DRIVEWAY
4 RIGHT HERE THERE'S ONE ON THE SIDE AND THERE'S ONE IN
5 THE FRONT -- KIND OF PULLED IN AND PARKED AT A ANGLE.

6 Q ALL RIGHT. SO -- SO YOU WOULD HAVE BEEN LOOKING
7 AT THE PASSENGER SIDE OR THE DRIVER'S SIDE?

8 A THE PASSENGER SIDE.

9 Q AND THAT'S WHEN YOU SAW THESE FOLKS COME IN?

10 A THAT'S CORRECT

11 Q IS THAT YOUR BLACK BAG THERE?

12 A NO, SIR

13 Q WAS THAT THERE WHEN YOU CAME BACK FROM THE BANK?

14 A NO, SIR

15 Q IS THAT YOUR BLUE AND WHITE CAP?

16 A NO, SIR.

17 Q LOOKING AT STATE'S 7, WHICH, AGAIN, IS THE PICTURE
18 OF THE STORE HOURS ON THE FRONT AND THE DOOR, DO YOU
19 RECOGNIZE THIS ITEM DOWN THERE?

20 A THAT'S THE WAY THE MASK OR RAG OR WHATEVER THE GUY
21 HAD WRAPPED AROUND HIS FACE LOOKED

22 Q AND THAT'S RIGHT OUTSIDE THE DOOR?

23 A THAT HE WENT THROUGH, YEAH

24 Q AND THAT WASN'T THERE BEFORE YOU CAME BACK FROM
25 THE BANK?

1 A NO, SIR.

2 Q AND ONE FINAL QUESTION ABOUT THIS AND I WILL MOVE
3 ON. REFERRING TO STATE'S 18, YOU SAID YOU GOT THE GUN
4 FROM BACK IN YOUR OFFICE?

5 A YES, SIR

6 Q AND DID YOU START FIRING WHEN YOU GOT THE GUN?

7 A NO, SIR. I WALKED BACK INTO THE ---

8 Q OKAY

9 A --- WHERE I CAN SEE WHERE THE GUYS WERE AT

10 Q BACK INTO THE HALLWAY? I CALL IT THE HALLWAY.

11 A YEAH, BACK THROUGH THE DOORWAY AND TO THE DISPLAY
12 AREA AND THE WAITING AREA

13 Q NOW, THE FELLOW IS OUT THE DOORWAY. THE DOOR IS
14 BROKEN. WHAT DO YOU DO AFTER THAT?

15 A LIKE I SAY, I RAN OUT OF BULLETS OR THE GUN
16 STOPPED FIRING. I MEAN, I'M -- I'M IN PANIC, SO I'M
17 JUST FIRING. THE GUN RAN OUT OF BULLETS. I TURNED
18 AROUND AND WENT BACK INTO THE OFFICE BECAUSE, LIKE I
19 SAY, I DIDN'T KNOW IF THEY WERE GOING TO COME BACK IN
20 THE STORE SO I WANTED TO GET BACK TO MY BAG, WHERE I
21 HAD ANOTHER LOADED CLIP, JUST AS FAST AS I COULD JUST
22 IN CASE -- YOU KNOW, I DIDN'T KNOW WHAT WAS GOING TO
23 HAPPEN NEXT

24 THEN I WAITED A COUPLE OF SECONDS, DIDN'T HEAR
25 ANYTHING. I CAN HEAR -- SOUNDED LIKE A CAR PULLING

1 OFF SO I SAID, HEY, MAN, WE NEED TO GET OUT HERE AND
2 FOLLOW THIS VAN AND FIND OUT WHERE THEY'RE GOING AND
3 CALL THE POLICE

4 Q AND DID YOU DO THAT?

5 A YES, SIR

6 Q ALL RIGHT. WHAT ABOUT ANDRAE, WHAT WAS HE DOING?

7 A HE WAS KIND OF STANDING BEHIND ME IN SHOCK HE
8 DIDN'T REALLY KNOW WHAT TO DO. AND I JUST TOLD HIM,
9 COME ON. COME ON, MAN. WE'VE GOT TO GO. AND HE
10 FOLLOWED BEHIND ME

11 Q SO YOU WENT AFTER -- LOOKING FOR THIS VAN THAT YOU
12 IDENTIFIED?

13 A YES, SIR.

14 Q WHO CALLED THE POLICE?

15 A ANDRAE DID

16 Q AND WERE YOU PRESENT WHEN HE CALLED? HOW DID YOU
17 DO IT, 9-1-1?

18 A YES, SIR.

19 Q AND WHICH WAY OUT OF YOUR BUSINESS DID YOU GO? WE
20 DON'T NEED TO FURTHER THIS

21 A YEAH. THE CAR ---

22 Q BACK TO COLUMBIA OR GO THE OTHER WAY?

23 A THE OTHER WAY THE CAR I WAS DRIVING WAS BACKED
24 UP TO THE BUILDING ACTUALLY IT WAS BACKED UP RIGHT
25 WHERE THE SIGN IS ON THE WALL THAT SAYS INTENSE CUSTOM

1 CAR AUDIO IT WAS PARKED THERE WE RAN AND JUMPED IN
2 THE CAR AND PULLED STRAIGHT OUT INTO THE -- WELL,
3 ACTUALLY WE DIDN'T PULL STRAIGHT OUT INTO IT. WE
4 PULLED TO THE DRIVEWAY THERE'S CARS GOING DOWN THE
5 STREET. AS SOON AS THE CARS PASSED, WE GOT BEHIND THEM
6 AND GOT ON THE ROAD AND WENT DOWN THE ROAD TO TRY TO
7 CATCH THEM.

8 Q AND DID YOU -- WHERE -- WHICH WAY DID YOU GO WHEN
9 YOU GOT ON THE ROAD -- AND I ASSUME YOU'RE TALKING
10 ABOUT PERCIVAL?

11 A TOWARDS COLUMBIA

12 Q ALL RIGHT. WHERE DID YOU GO AFTER YOU GOT ON
13 PERCIVAL?

14 A WE DROVE DOWN PERCIVAL LIKE I SAY, THERE WAS A
15 COUPLE OF CARS IN FRONT OF US AND WE -- WE -- I DECIDED
16 TO TAKE A RIGHT ON ALPINE, ASSUMING THEY MAY HAVE
17 TURNED THAT WAY, WENT OVER THE HILL, WENT DOWN BY WHERE
18 THE OVERPASS WHERE THE INTERSTATE, I-20, IS. WE DIDN'T
19 SEE THEM THERE. I SAID, MAN, THEY PROBABLY GOT ON THE
20 HIGHWAY LET'S TURN AROUND AND GO BACK TO THE STORE

21 AND WE GOT BACK DOWN TO ALPINE I SAID, WELL,
22 LET'S SHOOT DOWN PERCIVAL THE OTHER WAY, WHICH WOULD BE
23 GOING TOWARDS THE OVERPASS OF I-77, JUST TO CHECK. WE
24 WENT DOWN RIGHT BY THE OVERPASS OF I-77, TURNED AROUND
25 INTO THE -- TURNED AROUND IN THE SHELL GAS STATION

1 PARKING LOT, AND WENT BACK UP PERCIVAL BACK TO THE
2 STORE

3 Q WHO WAS CALLING THE POLICE, MR. PATTERSON?

4 A ANDRAE WAS

5 Q WITH YOU?

6 A UH-HUH.

7 Q WHEN YOU ALL GOT BACK TO YOUR BUSINESS, WAS THERE
8 SOMEBODY UP THERE?

9 A YEAH, WHEN WE -- WHEN WE PULLED BACK ON THE SCENE,
10 I CAN'T REMEMBER IF IT WAS ONE OR MORE POLICE, BUT A
11 POLICE OFFICER HAD ALREADY ARRIVED ON THE SCENE. I
12 PULLED THE VEHICLE IN I PULLED IN KIND OF FAST,
13 PULLED IN, JUMPED OUT.

14 I SAID, HEY, MAN, WE GOT ROBBED THIS IS THE GUN
15 I FIRED AT THE -- AT THE ROBBERS WITH. HE TOOK THE GUN
16 FROM ME AND WE STARTED TELLING HIM WHAT HAPPENED

17 Q IF I ASKED THIS BEFORE, I APOLOGIZE. I JUST CAN'T
18 REMEMBER WHY WERE YOU CHASING?

19 A BECAUSE, I MEAN, I DIDN'T WANT THEM TO GET AWAY.
20 I DIDN'T WANT THEM TO BE ABLE TO JUST DISAPPEAR AND
21 THEN THEY -- YOU KNOW, WE GIVE THEM A DESCRIPTION AND
22 THEY NEVER FIND THE GUYS I WANTED TO BE ABLE TO
23 FOLLOW THEM ON THE PHONE WITH THE -- WITH 9-1-1 AND
24 SAY, HEY, MAN, THIS IS WHERE THEY'RE AT, YOU KNOW, AND
25 KEEP FOLLOWING THEM UNTIL THEY CATCH THEM.

1 Q HAD YOU EVER MET MAGGIE QUATTLEBAUM OR ONE TINA
2 QUATTLEBAUM BEFORE IN YOUR LIFE?

3 A NO, SIR.

4 Q DID YOU KNOW WHERE TINA WAS WORKING THAT MORNING?

5 A NO, SIR

6 Q LET ME ASK YOU THIS. LOOK AT STATE'S 6. DO YOU
7 SEE A GUN DOWN HERE?

8 A YES, SIR.

9 Q WAS THAT YOURS?

10 A NO, SIR.

11 Q YOU GET BACK TO INTENSE CUSTOMS CAR CARE, AND THE
12 POLICE WERE THERE?

13 A YES, SIR.

14 Q AND DID YOU HAVE AN OCCASION TO TALK WITH ONE OF
15 THE DEPUTIES, SPECIFICALLY SCOTT MCDONALD?

16 A YES, SIR.

17 Q AND DID YOU TELL HIM WHAT HAPPENED?

18 A YES, SIR.

19 Q DID YOU HAVE AN OCCASION TO GIVE THEM A
20 DESCRIPTION OF THE INDIVIDUALS THAT HAD ROBBED YOU ---

21 A YES, SIR.

22 Q --- TRIED TO ROB YOU? AND CAN YOU DESCRIBE, LIKE
23 YOU'RE LOOKING AT ME RIGHT NOW, WHEN IT HAPPENED TO
24 THESE LADIES AND GENTLEMEN WHAT THE INDIVIDUAL LOOKED
25 LIKE THAT HAD A GUN ON MR STOKES AND THEN POINTED THE

1 GUN TO YOU? LOOK AT THEM AND DESCRIBE HIM FOR ME.

2 A WELL, MR. MCDONALD ARRIVED IN HIS PICKUP TRUCK AND
3 HE SAID, COME WITH ME I NEED TO GET A DESCRIPTION OF
4 THE SUSPECTS. WE SAT IN THE TRUCK AND I TOLD HIM, YOU
5 KNOW, EXACTLY WHAT I SAW

6 I SAID, IT WAS A LIGHT-SKINNED GUY. HE WAS EITHER
7 ASIAN, MEXICAN, OR A LIGHT-SKINNED BLACK MALE. HE HAD
8 A GRAYISH-WHITE RAG OVER HIS FACE AND A BLUE AND WHITE
9 BALL CAP I SAID, I COULDN'T SEE WHAT KIND OF SHIRT --
10 I COULDN'T REMEMBER WHAT KIND OF SHIRT HE HAD ON AND I
11 DIDN'T SEE HIS PANTS.

12 THERE WAS ANOTHER GUY, DARK-SKINNED GUY HE HAD A
13 YELLOWISH OR SOME KIND OF RAG OVER HIS FACE HE DIDN'T
14 HAVE A HAT OR NOTHING ON, NOT THAT I CAN REMEMBER. BUT
15 HE WAS A LITTLE -- A LITTLE BIT BIGGER THAN THE OTHER
16 GUY

17 AND THE THIRD GUY I DESCRIBED, I THINK I SAID HE
18 WAS A DARK-SKINNED, MORE HEAVY-SET GUY. I DIDN'T SEE
19 AS MUCH OF HIM AS I SAW OF THE OTHER TWO LIKE I SAY,
20 AS SOON AS I CAME OUT WITH MY GUN RAISED, BEFORE I EVEN
21 FIRED, YOU KNOW, THEY WAS IN THE MOTION OF GOING BACK
22 OUT THE DOOR. SO, YOU KNOW, I DIDN'T GET A GOOD LOOK
23 AT HIM AT ALL HE WAS THE FIRST ONE BACK OUT THE DOOR.

24 Q DID YOU MESS WITH ANYTHING IN THE STORE AT ALL
25 ONCE THE POLICE WERE THERE?

1 A NO, SIR THEY HAD -- THEY WOULDN'T LET US GO BACK
2 IN THE BUILDING

3 Q ALL RIGHT. AND YOU SEE THIS POLICE TAPE I THINK
4 WE'RE GOING TO HAVE SOMEBODY TESTIFY A LITTLE BIT LATER
5 ABOUT THAT, BUT THIS WAS BLOCKED OFF AT SOME POINT?

6 A YES, SIR WHEN MR. MCDONALD PULLED UP, HE PULLED
7 UP -- HE ACTUALLY PARKED OUTSIDE THE TAPE LIKE -- KIND
8 OF LIKE IN THE DRIVEWAY OF THE -- OF THE STORE.

9 Q RIGHT

10 A AND I GOT IN HIS TRUCK AND PRETTY MUCH FROM THE
11 TIME HE WAS THERE, I HAD TO SIT IN THE TRUCK AND, YOU
12 KNOW, TALKED TO HIM ABOUT WHAT HAD HAPPENED.

13 Q DO YOU RECOGNIZE ANY OF THESE OTHER CARS IN THESE
14 PICTURES?

15 A THAT'S ANDRAE STOKES' TRUCK.

16 Q AND THAT'S THE BLACK ONE IN THERE?

17 A YES, SIR

18 Q OKAY.

19 A THE BLACK MAZDA PROTEGE IS A CUSTOMER THAT COME TO
20 THE STORE. AND THE LEXUS, WE SOLD SOME RIMS. HE WAS
21 COMING.

22 Q NOW, I BELIEVE YOUR TESTIMONY AT THIS POINT IS YOU
23 HAD -- YOU ARE BACK NOW. AND YOU NEVER -- YOU DIDN'T
24 SEE THAT RED CAR AGAIN, OR DID YOU?

25 A NO, SIR

1 Q AFTER -- THAT DAY AFTER THEY LEFT?

2 A NO, SIR

3 Q AND WHEN YOU CAME BACK, YOU SAID YOU TALKED TO MR
4 MCDONALD?

5 A YES, SIR

6 Q ALL RIGHT DID YOU HAVE AN OCCASION THAT DAY TO
7 LOOK AT A GROUP OF PICTURES? DID MR. MCDONALD SHOW YOU
8 ANYTHING?

9 A YES, SIR AFTER A FEW MINUTES AND, YOU KNOW, YOU
10 COULD HEAR THE CALLS OVER THE RADIO, I GUESS THEY SAID
11 THEY FOUND A VEHICLE THAT FIT THE DESCRIPTION. AFTER A
12 LITTLE BIT, HE -- WE TALKED SOME MORE AND THEN
13 SOMEBODY BRUNG -- LIKE ANOTHER OFFICER OR SOMETHING
14 BRUNG HIM SOME PICTURES.

15 AND HE SAID, I WANT YOU TO LOOK AT THESE
16 PICTURES LET'S GO INTO THE BAY AREA BY OURSELF AND I
17 WANT YOU TO LOOK AT THESE PICTURES. AND HE ASKED ME
18 COULD I IDENTIFY ANY OF THE GUYS, DID THEY RESEMBLE --
19 WAS IT ONE OF THE GUYS THAT WAS THERE THAT DAY

20 Q OKAY. AND HE SHOWED YOU WHAT'S REFERRED TO AS A
21 PHOTO LINEUP; IS THAT CORRECT?

22 A THAT'S CORRECT

23 Q AND YOU SAID -- YOU'VE ALREADY ANSWERED A COUPLE
24 OF QUESTIONS. HE SHOWED IT TO YOU WHERE?

25 A RIGHT OVER IN THE BAY AREA WHERE NOBODY ELSE WAS

1 AT
2 Q AND NOBODY ELSE WAS PRESENT?
3 A NO, SIR
4 Q ALL RIGHT. AND DID HE SUGGEST TO YOU IN ANY WAY
5 WHO YOU SHOULD PICK OUT IN THIS PHOTO LINEUP?
6 A NO, SIR. HE SAID, JUST LOOK AT THE PICTURES
7 LOOK AT THEM HARD AND TELL ME IF ANY OF THESE GUYS YOU
8 SEEN TODAY IN YOUR STORE
9 Q OKAY. HE DIDN'T HINT TO YOU IN ANY WAY?
10 A NO, SIR
11 Q DID HE HAVE HIS THUMB ON ANY ONE OF THEM?
12 A NO HE HANDED ME THE PAPER AND I LOOKED AT IT
13 Q AND IF HE HANDED IT TO YOU, WERE YOU ABLE TO PICK
14 OUT ANYONE THAT WAS IN THE STORE THAT DAY?
15 A YES, SIR, I LOOKED AT IT FOR A COUPLE OF SECONDS
16 AND THE GUY IN PICTURE NO. 1 RESEMBLED OR WAS THE GUY
17 THAT I SAW THAT DAY IN THE STORE.
18 Q AND THE GUY YOU SAW IN THE STORE WHERE THAT DAY?
19 WHERE DID YOU SEE THIS GUY?
20 A IN THE STORE DURING THE ROBBERY
21 Q OKAY AND WHERE WAS HE IN RELATION TO MR. STOKES,
22 IF ANYWHERE?
23 A HE WAS THE GUY THAT THE RAG FELL OFF HIS FACE
24 LIKE I SAY, I COULD SEE PRETTY MUCH HIS WHOLE FACE FROM
25 HIS EYEBROWS DOWN FROM WHERE THE BALL CAP WAS I COULD

1 SEE ALL OF, YOU KNOW -- MOST OF HIS FACE SO, YOU
2 KNOW, FOR THAT, YOU KNOW, SPLIT SECOND OR AMOUNT OF
3 SECONDS, I COULD SEE HIS FACE AND THAT'S HOW I
4 REMEMBERED HOW HE LOOKED.

5 Q OKAY. WAS IT THE FELLOW THAT WAS WEARING THIS --
6 THIS HAT?

7 A THAT'S CORRECT

8 Q DO YOU KNOW WHETHER OR NOT IT WAS THE FELLOW THAT
9 POINTED THE GUN AT YOU OR THAT YOU SHOT AT HIM?

10 A THAT'S -- THAT WAS THE GUY

11 Q THAT'S THIS FELLOW?

12 A YES, SIR

13 Q ALL RIGHT ANY DOUBT IN YOUR MIND?

14 A NO, SIR

15 Q AND S.O.P. STANDS FOR WHAT?

16 A STERLING OMAR PATTERSON

17 Q AND DID YOU INITIAL THAT YOU PICKED OUT NUMBER 1?

18 A YES, SIR, I INITIALED AND DATED IT.

19 Q AND I BELIEVE ON THE BACK OF WHAT'S 25 FOR I.D. AT
20 THIS POINT, DID YOU MEMORIALIZE THAT YOU HAD PICKED OUT
21 NUMBER 1 ON STATE'S 25 FOR I.D. ? DID YOU SIGN IT?

22 A YES, SIR, HE SAID, IF YOU ARE POSITIVE THIS IS THE
23 GUY YOU THINK IT IS, I NEED YOU TO SIGN THIS AND I
24 SIGNED IT AND DATED IT

25 Q JUST A COUPLE MORE QUESTIONS. IF -- IF THIS -- I

1 MEAN, IF THIS IS GOING ON, STERLING, WHAT -- TELL THESE
2 FOLKS WHAT'S GOING ON IN YOUR MIND AS YOU'RE GOING TO
3 GET YOUR GUN AND COMING BACK?

4 A I MEAN, IT'S A WHOLE LOT GO THROUGH YOUR MIND, YOU
5 KNOW. YOU SEE GUYS COME IN TO YOUR BUSINESS. YOU
6 KNOW, YOU -- IT'S KIND OF ODD BECAUSE IT'S A ROBBERY
7 YOU SEE THE GUNS NOBODY COME UP -- EVEN IF IT'S
8 SOMEBODY COME UP TO NEGOTIATE SOME MONEY OR SOMETHING,
9 YOU KNOW, THEY'RE NOT COMING IN, RUNNING WITH GUNS AND
10 THEIR FACE COVERED THEY'RE COMING IN WITH A GUN, BUT
11 THEY DON'T COME IN EASY AND SAY, HEY, MAN, WE NEED TO
12 TALK.

13 NO, THESE GUYS WERE RUSHING IN SO I'M LIKE, OH,
14 MY GOD, YOU KNOW I DON'T KNOW WHAT'S GOING TO HAPPEN
15 ARE THEY GOING TO KILL ME AND ANDRAE OR WHAT, YOU KNOW,
16 SO THAT -- THAT WAS MY MAIN THING I WAS LIKE, MAN,
17 HOW CAN I SAVE US? AND THE ONLY THING I COULD THINK
18 OF, I SAID, YOU KNOW, IF I GO AROUND AND NEGOTIATE WITH
19 THESE GUYS, SAY, HEY, MAN, YOU KNOW, LOOK, I'VE GOT A
20 GUN YOU ALL HAVE GUNS. WHY DON'T YOU ALL JUST LEAVE

21 NO, THEY -- 9 TIMES OUT OF 10 -- ANDRAE ON THE
22 GROUND THEY -- I'M OUTNUMBERED WITH THEM WITH GUNS,
23 THEY'RE GOING TO SHOOT ME AND THEN THEY'RE GOING TO
24 SHOOT HIM SO, YOU KNOW, I HAD TO DO WHAT I FIGURE
25 WHAT WAS BEST I MEAN, THAT -- THAT'S -- YOU KNOW, ALL

1 THIS IS RACING THROUGH MY MIND, WHAT'S THE BEST
2 DECISION TO MAKE?

3 Q WERE YOU EXCITED? ADRENALIN -- WERE YOU ---

4 A YEAH I WAS -- I WAS AFRAID FOR MY LIFE

5 Q DID YOU HAVE ANY CONVERSATION WITH THESE FOLKS?

6 A HONESTLY, LIKE I SAY, THINGS GOING SO FAST, THINGS
7 RUSHING THROUGH MY MIND. WHEN I CAME AROUND THE
8 CORNER, I MAY HAVE SAID SOMETHING I MEAN, IT WASN'T
9 LIKE, HEY, MAN, HOW YOU ALL DOING? I THINK IT WAS MORE
10 LIKE, WHY ARE YOU ALL TRYING TO ROB ME? AND I STARTED
11 FIRING, YOU KNOW. I DON'T KNOW EXACT WORDS THAT IT
12 WAS, BUT IT WASN'T LIKE, YOU KNOW, HOW ARE YOU ALL
13 DOING TODAY? IT WAS MORE LIKE, YOU KNOW, WHY ARE YOU
14 ALL TRYING TO ROB ME OR WHAT'S GOING ON OR SOMETHING
15 LIKE THAT. BUT IT WAS LIKE MAYBE FIVE WORDS AT THE
16 MOST IN -- IN THAT CONVERSATION

17 I DON'T THINK THEY SAID ANYTHING BACK BECAUSE LIKE
18 I SAY, AS SOON AS THEY -- I'M COMING AROUND THE CORNER
19 BEFORE I EVEN CAME AROUND THE CORNER, I HAD MY GUN IN
20 FRONT OF ME AND I COME AROUND THE CORNER LIKE THIS
21 (INDICATING). AND IT WAS LIKE, YOU KNOW, WHY ARE YOU
22 ALL TRYING TO ROB ME, AND STARTED SHOOTING.

23 Q WERE YOU SHOWN ANOTHER LINEUP THAT DAY AND YOU
24 COULDN'T PICK ANYBODY OUT?

25 A YES, I WAS SHOWN ANOTHER LINEUP. LIKE I SAY, THE

1 OTHER TWO GUYS -- THE THIRD GUY, I DEFINITELY DIDN'T
2 SEE A GOOD LOOK IT'S LIKE HE WAS THE QUICKEST IN AND
3 OUT AND I DIDN'T EVEN SEE HIM WHEN HE GOT OUT OF THE
4 CAR

5 THE OTHER GUY, I CAN, YOU KNOW, SEE A LITTLE MORE
6 OF HIS HEIGHT AND HIS WEIGHT AND STUFF. SO I -- I
7 LOOKED AT THE LINEUP, BUT I DIDN'T WANT TO PICK
8 SOMEBODY OUT WRONGLY I MEAN, I COULDN'T POSITIVELY
9 IDENTIFY HIM, SO I DIDN'T PICK ANYBODY OUT OF THAT
10 LINEUP.

11 MR MEADORS YOUR HONOR, THE STATE -- WE WOULD
12 OFFER THIS NOW AS STATE'S 25, I BELIEVE WITHOUT
13 OBJECTION.

14 MR STRICKLER WITHOUT OBJECTION FROM ---
15 THE COURT. ALL RIGHT

16 MR. BURR- NO OBJECTION, YOUR HONOR.

17 THE COURT: THANK YOU

18 (PHOTO LINEUP RECEIVED IN EVIDENCE AS STATE'S
19 EXHIBIT NO 25.)

20 Q JUST A COUPLE MORE QUESTIONS YOU WENT BACK TO
21 GET A FIREARM. WHEN DID YOU PURCHASE THIS FIREARM?

22 A I THINK I BOUGHT IT -- IT WAS LIKE AROUND APRIL OR
23 SO OF THAT YEAR IT WASN'T LONG AFTER I OPENED THE
24 STORE. I LOOKED AT THE AREA THAT THE STORE WAS IN I
25 SAID, HBY, MAN, LOOK, YOU KNOW, I NEED TO GET SOMETHING

1 FOR -- TO PROTECT US JUST IN CASE SOMETHING MAY HAPPEN

2 Q AND YOU ACTUALLY -- DO YOU REMEMBER WHERE YOU GOT
3 IT?

4 A I THINK IT WAS -- I DON'T KNOW. IT'S A PAWN
5 SHOP ON TWO NOTCH ROAD. I DON'T KNOW IF IT'S BEST
6 PAWN OR -- IT'S RIGHT ON TWO NOTCH BY THE ACURA
7 DEALERSHIP.

8 Q SEE IF THAT REFRESHES YOUR MEMORY?

9 A YES, BEST DEAL PAWN AND GUN ON TWO NOTCH ROAD

10 Q YOU ACTUALLY HAD TO APPLY FOR THIS; IS THAT
11 CORRECT?

12 A YEAH THEY -- YOU -- YOU -- YOU PAY FOR THE --
13 FOR THE WEAPON THEY PUT IT IN A BOX AND THEY KEEP IT.
14 THEY DO A BACKGROUND CHECK OR A SLED CHECK, POLICE
15 CHECK THEN THEY GIVE YOU A -- THE PAPERWORK TO SAY
16 YOU -- YOU'RE PERMITTED TO CARRY A WEAPON

17 MR. MEADORS: YOUR HONOR, WE'D NOW OFFER THIS AS
18 STATE'S 109, I BELIEVE, WITHOUT OBJECTION.

19 MR. STRICKLER WITHOUT OBJECTION AS TO MR. SEARS.

20 MR BURR: NO OBJECTION, YOUR HONOR.

21 THE COURT: ALL RIGHT, THANK YOU

22 (PISTOL PURCHASE APPLICATION MARKED IN EVIDENCE AS
23 STATE'S EXHIBIT NO. 109)

24 Q THIS WOULD BE THE PISTOL PURCHASE APPLICATION
25 RECORD, SOUTH CAROLINA LAW ENFORCEMENT DIVISION AT THE

1 TOP, CORRECT?

2 A THAT'S CORRECT.

3 Q AND WHAT I WANT TO ASK YOU, ON THE DATE OF THAT IS
4 WHAT?

5 A THE DATE IS 4/11/02.

6 Q NOW, I'M GOING TO SHOW YOU WHAT'S MARKED AS
7 STATE'S 30 AND ASK YOU TO LOOK AT IT IS THIS YOUR
8 GUN?

9 A YES, SIR.

10 MR. MEADORS. YOUR HONOR, WE'D OFFER THIS AS
11 STATE'S 30 WITHOUT OBJECTION.

12 MR BURR: NO OBJECTION, YOUR HONOR.

13 MR STRICKLER. WITHOUT OBJECTION

14 (GUN RECEIVED IN EVIDENCE AS STATE'S EXHIBIT NO.
15 30.)

16 Q AND YOU GOT THIS ON APRIL 11TH, IS THAT CORRECT?

17 A THAT'S CORRECT.

18 Q FOR YOUR PROTECTION?

19 A THAT'S CORRECT

20 Q NOW, I NOTICE THIS HAS GOT A -- A LIGHT ON THERE
21 AND A LASER, IS THAT RIGHT?

22 A YEAH, INFRARED

23 Q OKAY, INFRARED. I'M NOT BIG ON ELECTRONICS. I
24 KNOW YOU ARE. COULD YOU BUY IT WITH OR WITHOUT
25 INFRARED?

1 A YOU COULD BUY IT WITHOUT IT OR YOU CAN BUY IT WITH
2 IT I THINK IT WAS MAYBE \$30 OR \$40 MORE TO BUY IT
3 WITH IT THE REASON I WENT AHEAD AND PURCHASED IT WITH
4 IT BECAUSE IF YOU BUY IT WITHOUT IT, YOU BUY IT
5 SEPARATELY, YOU'VE GOT TO ACTUALLY TAKE IT AND HAVE IT
6 ALIGNED SO THAT IT CAN, YOU KNOW, FIRE CORRECTLY TO
7 WHERE IT'S POINTING

8 IF YOU BUY IT WITH IT ALREADY PUT ON AND IT'S BEEN
9 ALIGNED ALREADY FOR \$40 INSTEAD OF PAYING FOR IT AND
10 PAYING SOMEBODY TO ALIGN IT, JUST GET IT WHILE IT'S
11 ALREADY DONE.

12 Q SO IT WAS A GOOD DEAL TO GET IT LIKE THIS?

13 A OH, YEAH

14 Q WHEN IS THE FIRST TIME YOU FIRED THIS?

15 A ACTUALLY THE FIRST TIME WAS THE DAY OF THE
16 ROBBERY.

17 Q MR. PATTERSON, DID YOU IDENTIFY MR. ALEXANDER AS
18 BEING THERE THAT DAY?

19 A NOT A HUNDRED PERCENT POSITIVE I MEAN, THE
20 HEIGHT, THE SIZE, SIMILAR TO ONE OF THE GUYS -- OTHER
21 GUYS I SEEN AROUND THE BUILDING, BUT I DIDN'T SEE HIS
22 FACE

23 Q NOW, LET ME ASK YOU THIS MUCH: TELL THE JURY, IS
24 THE PERSON THAT YOU SAW OVER MR. ANDRAE STOKES WITH THE
25 FIREARM, IS THAT PERSON IN THIS COURTROOM?

1 A YES, SIR, I DEFINITELY SAW HIS FACE.

2 Q IS THE PERSON THAT YOU SAW POINT A GUN AT YOU IN
3 THIS COURTROOM?

4 A YES, SIR.

5 Q IS THE PERSON YOU POINTED A GUN BACK AND SHOT IN
6 THIS COURTROOM?

7 A YES, SIR

8 Q WOULD YOU PLEASE POINT THAT PERSON OUT FOR THE
9 LADIES AND GENTLEMEN OF THE JURY?

10 A HE'S THE GENTLEMAN WITH THE WHITE SHIRT ON,
11 DEMETRIO SEARS.

12 Q SITTING BY MR. STRICKLER?

13 A YES, SIR

14 Q IS THERE ANY DOUBT IN YOUR MIND?

15 A NO, SIR.

16 MR MEADORS: WE'D LIKE THE RECORD TO SO REFLECT,
17 YOUR HONOR, HE'S PICKED OUT THE DEFENDANT DEMETRIO
18 SEARS

19 THE COURT THE RECORD SO REFLECTS THE DEFENDANT
20 (SIC) HAS IDENTIFIED THE -- I'M SORRY -- THE VICTIM HAS
21 IDENTIFIED THE DEFENDANT -- THE WITNESS HAS IDENTIFIED
22 THE DEFENDANT

23 MR MEADORS: BEG THE COURT'S INDULGENCE

24 (PAUSE)

25 MR MEADORS. JUDGE, THANK YOU VERY MUCH

1 THE COURT MR BURR

2 MR BURR YOUR HONOR, I WOULD REQUEST ABOUT 5
3 MINUTES TO REORGANIZE THOSE PICTURES. WOULD IT BE
4 POSSIBLE TO TAKE A SHORT BREAK?

5 THE COURT ALL RIGHT.

6 MR. BURR: I THINK IT WOULD EXPEDITE MY CROSS.

7 THE COURT: LADIES AND GENTLEMEN, LET'S TAKE A
8 SHORT BREAK. I'M GOING TO ASK YOU TO GO TO THE JURY
9 ROOM AND NOT DISCUSS THE CASE AMONG YOURSELVES WHILE
10 YOU'RE IN THE JURY ROOM. WE'LL CALL YOU IN JUST A FEW
11 MINUTES THANK YOU VERY MUCH.

12 (THE JURY RETIRES TO THE JURY ROOM AT 3:54 P.M)

13 THE COURT: MR. PATTERSON, YOU CAN COME DOWN.

14 JUST DON'T DISCUSS THE CASE DURING THE BREAK.

15 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND.)

16 THE COURT: WE'LL TAKE ABOUT A 10-MINUTE BREAK

17 (A RECESS WAS TAKEN.)

18 (THE WITNESS RETURNS TO THE WITNESS STAND.)

19 THE COURT: BRING THE JURY IN.

20 (THE JURY RETURNS TO THE COURTROOM AT 4 13 P.M.)

21 THE BAILIFF: THE JURY IS PRESENT, YOUR HONOR.

22 THE COURT: THANK YOU VERY MUCH

23 ALL RIGHT, MR. BURR, YOU MAY CONTINUE

24 MR. BURR: MAY IT PLEASE THE COURT. THANK YOU,
25 YOUR HONOR

1 CROSS EXAMINATION BY MR. BURR:

2 Q MR. PATTERSON, I'VE GOT LOTS OF QUESTIONS I'D LIKE
3 TO ASK YOU, BUT THE ONE THAT JUMPS OUT AT ME FIRST, I'M
4 CONFUSED. IF THE BACK DOOR HERE WAS OPEN RIGHT NOW AND
5 SOMEBODY WALKED IN WITH A MACHINE GUN, ARE YOU WANTING
6 THESE PEOPLE TO BELIEVE THAT YOU COULD NOT VOCALIZE
7 ENOUGH TO ALERT US THAT SOMETHING DANGEROUS WAS GOING
8 TO HAPPEN?

9 A WELL, IT'S -- IT'S NOT ABOUT VOCALIZING. WHEN YOU
10 SEE SOMEBODY COMING AT YOU WITH A WEAPON, YOU THINK
11 YOU'RE GOING TO BE ABLE TO SIT HERE AND SAY EVERY WORD
12 CLEARLY AND SAY, THERE IS A GUY WITH A GUN? NO, YOU'RE
13 GOING TO PANIC AS QUICKLY AS YOU CAN AND TRY TO GET
14 OUT. THE WORDS WILL COME OUT CLEARLY -- THEY JUST
15 DON'T COME OUT CLEARLY.

16 Q BUT EVEN ---

17 A SO, NO, I CANNOT SAY WORD FOR WORD IN A PANIC
18 SITUATION WHAT'S GOING ON.

19 Q BUT DID YOU ATTEMPT TO SCREAM OUT ANY PROFANITIES
20 THAT MAY HAVE ALERTED YOUR CO-WORKER THAT SOMETHING BAD
21 WAS ABOUT TO HAPPEN?

22 A NO I PARTICULARLY TRIED TO SAY, I THINK WE'RE
23 ABOUT TO GET ROBBED, THOSE -- THAT'S EXACTLY WHAT I WAS
24 TRYING TO TELL HIM

25 Q BUT YOU -- YOU COULDN'T GET THE WORDS OUT?

1 A EXACTLY.

2 Q BUT YOU'RE THE SAME MAN THAT DID RUN RIGHT TO THE
3 BACK ROOM, RETRIEVE YOUR 9 MILLIMETER, FIRE 10 TIMES
4 AND PUT 8 ROUNDS IN THIS MAN SITTING OVER HERE?

5 A (NO RESPONSE)

6 Q THAT'S UP TO THIS JURY WE WILL GET TO THAT
7 LATER BUT YOU DID HIT THAT ONE PERSON NUMEROUS TIMES,
8 DID YOU NOT?

9 A I FIRED AT LEAST 10 ROUNDS, WHICH I BELIEVE 4 HIT
10 HIM NOW, THERE ARE OTHER PROJECTILES THAT WERE FOUND
11 IN THE STORE AND IT WASN'T 3 ROUNDS FOUND IN THE STORE
12 IT WAS MORE THAN 3 FOUND IN THE STORE, SO HE DIDN'T
13 CARRY ALL 8 OF MINE WITH HIM

14 Q BUT IT IS YOUR TESTIMONY THAT ALL THREE
15 PERPETRATORS WERE INSIDE YOUR BUSINESS?

16 A CORRECT

17 Q DID YOU ONLY ATTEMPT TO SHOOT ONE PERSON?

18 A NO, SIR I SHOT AT ALL OF THEM. THE OTHER TWO
19 DEFINITELY FLED OUT THE SIDE DOOR. HE TOOK THE
20 OPPORTUNITY TO TRY TO FIRE BACK. THAT'S WHEN HE GOT
21 SHOT, NOT BECAUSE HE FLED OUT THE DOOR. HE TOOK IT
22 UPON HIMSELF TO TRY TO FIRE BACK, OR AT LEAST ATTEMPT
23 TO POINT AT ME. AT LEAST HE POINTED

24 Q BEFORE OR AFTER YOU HAD SHOT HIM?

25 A AFTER I WAS SHOOTING, HE DECIDED TO FIRE HE

1 RAISED UP FROM OFF OF ANDRAE, TOOK THE GUN OFF HIS
2 HEAD, POINTED IT AT ME.

3 LET ME ASK YOU THIS. WHAT WOULD YOU DO?

4 Q I'M ASKING THE QUESTIONS, PLEASE

5 A YOU WOULD SHOOT BACK

6 Q I'M ASKING YOU -- LET ME ASK YOU THE QUESTIONS,
7 PLEASE.

8 A DON'T -- DON'T TRY TO -- LIKE I'M WRONG FOR
9 SHOOTING HIM. HE WAS GOING TO KILL ME

10 Q EXACTLY WHERE -- AND I'M NOT GOING TO USE THE
11 PICTURES BECAUSE THEY'RE CONFUSING TO ME AND PERHAPS TO
12 YOU AND THE JURY. WHERE WERE YOU IN YOUR ESTABLISHMENT
13 WHEN YOU WERE FIRING? WERE YOU BACK IN YOUR BACK
14 OFFICE? WERE YOU IN THE BAY AREA?

15 A WHEN YOU COME THROUGH THE DOORWAY FROM THE OFFICE,
16 I WAS STANDING ---

17 Q FROM YOUR OFFICE IN THE BACK?

18 A --- RIGHT HERE IN THE DOOR I WASN'T IN THE
19 OFFICE. I WAS MORE OR LESS, LIKE I SAY, ABOUT A FOOT,
20 MAYBE A FOOT, WITHIN THE DISPLAY AREA WHICH IS THE OPEN
21 AREA WHERE YOU CAN SEE THE DISPLAY AND THE WAITING
22 AREA, NOT IN -- NOT IN THE BACK.

23 Q AND WHERE -- WHERE IS THE BAY DOOR IN REFERENCE TO
24 WHERE YOU WERE STANDING?

25 A IF I'M STANDING HERE, THE BAY DOOR IS ON THE OTHER

1 SIDE OF THIS WALL THROUGH THE SIDE DOOR

2 Q SO YOU COULD SEE THE OUTSIDE, OUT IN THE OPENING
3 THROUGH THE BAY DOOR?

4 A WELL, ALSO THERE'S A SMALL WINDOW THERE SO
5 THERE'S A WINDOW, A SMALL WALL, AND THEN A DOORWAY.
6 RIGHT BETWEEN THAT WALL -- RIGHT BETWEEN THE WINDOW AND
7 THE DOORWAY IS A SODA MACHINE ON THE OTHER SIDE OF THAT
8 WALL SO, YES, IF YOU LOOK OUT THAT WINDOW, YOU CAN
9 SEE OUTSIDE.

10 Q BUT COULD YOU SEE ---

11 A BUT THAT'S NOT HOW I SAW THEM WHEN THEY PULLED UP

12 Q COULD YOU SEE OUT THE BAY DOOR?

13 A YEAH

14 Q THE BAY DOOR WAS OPEN?

15 A THAT'S CORRECT.

16 Q WHEN YOU WENT BACK INITIALLY THE FIRST TIME TO
17 RETRIEVE YOUR 9 MILLIMETER ---

18 A UH-HUH

19 Q --- DID YOU -- WHERE WAS IT LOCATED?

20 A IN MY BAG INSIDE OF THE COMPUTER -- INSIDE MY DESK
21 WHERE I KEEP THE MONEY IN A DRAWER.

22 Q IN WHAT KIND OF BAG?

23 A IT WAS IN A BLUE G K N. PORTFOLIO BAG THAT I GOT
24 FROM THE COMPANY I WAS WORKING FOR BEFORE.

25 Q AND WAS THERE ANYTHING ELSE IN THAT BAG?

1 A SOME -- I HAD -- IT WAS LIKE ANOTHER CLIP. I HAD
2 MY PERSONAL CHECKBOOK AND MY BUSINESS CHECKBOOK AND
3 MAYBE SOME BANK PAPERS, STUFF LIKE THAT

4 Q WHEN YOU RETRIEVED YOUR 9 MILLIMETER, DID YOU
5 BRING THE SECOND CLIP WITH YOU INITIALLY?

6 A NO, SIR I LEFT THE CLIP IN THE BAG.

7 Q SO YOU HAD TO GO BACK AND GET YOUR CLIP LATER?

8 A I -- I TOOK THE BAG OUT OF THE DRAWER I GOT A
9 DESK IN HERE IN THE OFFICE I GOT A DESK AND THEN
10 THERE'S A TABLE. I SAT THE BAG ON THE TABLE, TOOK THE
11 GUN OUT OF THE BAG, LEFT THE OTHER CLIP IN THE BAG.

12 Q DID I UNDERSTAND YOU CORRECTLY EARLIER WHEN YOU
13 SAID YOU HAD NEVER FIRED THAT PARTICULAR GUN BEFORE?

14 A THAT'S CORRECT.

15 Q HAD YOU EVER FIRED ANY HANDGUN BEFORE?

16 A NO

17 Q WHERE DID YOU KEEP THE REMAINDER OF YOUR
18 AMMUNITION?

19 A THE COMPUTER DESK HAS GOT A BOTTOM. IT'S GOT A --
20 SOME DRAWERS HERE, THE DESK. THEN THERE'S LIKE A
21 LITTLE TOP. THERE'S SOME MORE DRAWERS -- WELL,
22 ACTUALLY JUST ONE LITTLE CABINET AT THE TOP INSIDE
23 THAT CABINET IS WHERE I KEPT THE REMAINDER OF THE
24 BULLETS WHEN I BOUGHT THE GUN, I BOUGHT THE GUN WITH
25 TWO CLIPS AND A BOX OF BULLETS

- 1 Q AND YOU ---
- 2 A THAT'S WHERE I KEPT THE REMAINDER OF THE BULLETS
- 3 Q --- USED PART OF THE BULLETS TO FILL THOSE TWO
- 4 CLIPS?
- 5 A YEAH, I USED SOME OF THE BULLETS TO FILL THE TWO
- 6 CLIPS, KEPT THEM IN THE BAG, KEPT THE REST OF THEM IN
- 7 THE CABINET
- 8 Q OKAY THANK YOU YOU ALSO TESTIFIED ON DIRECT IF
- 9 SOMEONE COMES IN TO PURCHASE SOMETHING, THEY ALWAYS PAY
- 10 CASH? THE DEPOSIT IS CASH?
- 11 A NOT NECESSARILY WHEN WE FIRST OPENED, WE WOULD
- 12 TAKE A CHECK HERE AND THERE, BUT PEOPLE CHECKS AIN'T
- 13 ALWAYS GOOD, SO I DECIDED TO GO TO CHECKS (SIC). I HAD
- 14 -- AT THAT TIME I HAD JUST BOUGHT A CREDIT CARD MACHINE
- 15 WHICH WE WAS WAITING TO GET SERVICE CONNECTED TO. SO,
- 16 YES, AT THAT TIME, WE WAS JUST TAKING CASH
- 17 Q AND YOU TESTIFIED THAT YOUR HOURS OF OPERATION --
- 18 I DON'T REMEMBER THE EXACT HOURS, BUT YOU'RE OPEN
- 19 MONDAY THROUGH FRIDAY ---
- 20 A 9-00 TO 7-00.
- 21 Q --- A FULL DAY AND A PARTIAL DAY ON SATURDAY?
- 22 A THAT'S CORRECT
- 23 Q NOT OPEN AT ALL ON SUNDAY?
- 24 A NOT AT ALL ON SUNDAY.
- 25 Q IS MONDAY NORMALLY A BUSY DAY?

1 A WHICH DAY?

2 Q IS MONDAY NORMALLY A BUSY DAY?

3 A NORMALLY -- WHAT -- WHAT USUALLY HAPPENS, WHATEVER
4 WE HAVE LEFT OVER FROM SATURDAY -- AND A LOT OF TIME,
5 THE CUSTOMER WOULD LEAVE THEIR CAR IF WE WORKED ON IT
6 AND WE DON'T FINISH, YOU KNOW, WE CONTACT THEM WE
7 GIVE THEM THE OPTION EITHER TO PICK IT UP THAT DAY OR
8 TO LEAVE IT OVERNIGHT USUALLY THEY WILL LEAVE IT.
9 THEY'LL SAY, HEY, MAN, YOU KNOW, GO AHEAD AND KEEP IT
10 YOU KNOW, I'LL COME PICK IT UP WHEN YOU FINISH

11 SO USUALLY MONDAY WE ALREADY HAVE A CAR OR TWO
12 LEFT OVER FROM THE WEEKEND BUT NORMALLY CUSTOMERS
13 DON'T -- YOU KNOW, THE AVERAGE CUSTOMER THAT COME INTO
14 THE STORE IS USUALLY BETWEEN THE AGE OF 16 AND 30
15 BECAUSE IT'S SOMETHING THAT MORE, YOU KNOW, YOUNGER
16 PEOPLE GET INTO. SO THE AVERAGE PERSON THAT AGE IS
17 EITHER IN SCHOOL OR THEY WORKING

18 I MEAN, THERE'S NOT THAT MANY PEOPLE COME EARLY IN
19 THE DAYTIME WE GET OUR BUSINESS TIME BETWEEN 2:30 IN
20 THE AFTERNOON AND CLOSING. AND USUALLY, WE'RE, YOU
21 KNOW, HAVING TO CLOSE LATE BECAUSE WE GET THE MOST OF
22 OUR FLOW DURING THOSE HOURS.

23 Q AND YOU HEARD MR STOKES TESTIFY THAT NO CUSTOMERS
24 CAME UP DURING THE TUESDAY BUSINESS DAY WHEN YOU GUYS
25 WERE BEING INVESTIGATED?

1 A WELL, THAT -- THAT WAS HIS TEST -- THAT'S HIS
2 TESTIFY (SIC)

3 Q WHAT IS YOUR TESTIMONY?

4 A NOW, WHEN -- DURING -- AFTER THE TIME THAT ALL THE
5 OFFICERS WERE THERE, YEAH, I SEEN PEOPLE PULL UP AND
6 THEY PULLED OVER ON THE SIDE YOU KNOW, THEY'RE
7 LOOKING OVER THE TAPE AND THEY'RE LIKE, WHAT'S GOING
8 ON? I'M LIKE, YOU KNOW, I CAN'T REALLY TALK TO YOU
9 RIGHT NOW, YOU KNOW. AND THEY -- EITHER THEY WAITED OR
10 THEY LEFT BUT WE DIDN'T COME -- THEY DIDN'T COME IN
11 AND DO BUSINESS

12 Q BUT YOU DID TESTIFY THAT YOUR ROUTINE, IT WAS NOT
13 VERY BUSY -- BUSY ON MONDAY BECAUSE THE KIDS ARE IN
14 SCHOOL OR PEOPLE ARE AT WORK?

15 A THAT WE ARE NOT THAT BUSY ON MONDAY MORNINGS

16 Q WHAT WOULD LEAD ANYBODY TO BELIEVE YOU WERE WORTHY
17 OF ROBBING AT 10:00 O'CLOCK ON A TUESDAY MORNING?

18 MR MEADORS OBJECTION, YOUR HONOR.

19 WITNESS: NO, YOU DON'T HAVE TO OBJECT

20 THE COURT: RELEVANCE. I'LL SUSTAIN THAT

21 Q HAVE YOU EVER HEARD -- WELL, WHO IS PACO, THE
22 HISPANIC DRUG DEALER? HAVE YOU EVER HEARD THAT NAME
23 BEFORE?

24 A YEAH. IT'S A GUY THAT CAME BY THE STORE AND HE
25 GOT SOME T.V.'S PUT IN HIS CAR, WHICH SOMEBODY ---

- 1 Q GOT ---
- 2 A HE GOT SOME T.V 'S PUT IN HIS CAR, IN HIS
- 3 HEADREST.
- 4 Q AND HE'S REFERRED TO AS PACO, THE HISPANIC DRUG
- 5 DEALER?
- 6 A NO. HE'S PACO
- 7 Q JUST PACO?
- 8 A HE'S A HISPANIC GUY
- 9 Q WHEN YOU WERE DESCRIBING THE PEOPLE THAT ATTEMPTED
- 10 TO ROB YOU TO THE POLICE OFFICERS, DID YOU USE PACO AS
- 11 A POSSIBLE DESCRIPTION?
- 12 A YEAH, I SAID THE GUY THAT WAS LIGHT-SKINNED,
- 13 ASIAN, OR MEXICAN, OR A LIGHT-SKINNED BLACK MALE, HE
- 14 RESEMBLED PACO, WHICH HE DO HE DO RIGHT NOW
- 15 Q AND SERGEANT MCDONALD TAKING YOUR STATEMENT WROTE
- 16 PACO, THE HISPANIC DRUG DEALER WAS HE ADDING ---
- 17 A AS A POSSIBLE SUSPECT
- 18 Q AS A POSSIBLE ---
- 19 A YEAH.
- 20 Q BUT I'M GETTING THE PART ABOUT THE HISPANIC DRUG
- 21 DEALER WERE THOSE YOUR WORDS ---
- 22 A NO
- 23 Q --- OR OFFICER MCDONALD'S WORDS?
- 24 A HE SAID WHO WAS PACO?
- 25 I SAY, HE'S A HISPANIC

1 HE SAY, WHY DO YOU THINK HE MAY HAVE ANYTHING TO
2 DO WITH IT?

3 I SAY, BECAUSE THAT'S THE KIND OF STUFF, YOU KNOW,
4 PEOPLE SAY HE DO. HE'S A DRUG DEALER SO I DIDN'T SAY
5 IT WAS PACO, THE HISPANIC DRUG DEALER, NO.

6 Q SO THAT WHEN IT'S ADDED, THAT'S -- THAT'S SERGEANT
7 MCDONALD'S EDITORIAL?

8 A YEAH, HE WROTE IT I DIDN'T WRITE IT.

9 Q OKAY. WHAT ABOUT KASSIM HORZENDORF (PHONETIC)?
10 DO YOU KNOW A KASSIM HORZENDORF -- HORZENDORF?

11 A KASSIM? NO, SIR.

12 Q MR MEADORS SHOWED YOU A PICTURE EARLIER AND ASKED
13 YOU ABOUT PICKING PEOPLE OUT OF A PHOTOGRAPHIC LINEUP
14 WAS THERE ONE PHOTOGRAPHIC LINEUP THAT OFFICER MCDONALD
15 SHOWED YOU THAT YOU POSITIVELY PICKED SOMEONE OUT OF
16 THAT IS NOT HERE IN THE COURTROOM OR THAT HAS NOT BEEN
17 ARRESTED?

18 A NO, SIR.

19 Q YOU DIDN'T POSITIVELY IDENTIFY ANYBODY THAT WAS
20 NOT -- THAT'S NOT ANY OF THESE PEOPLE IN THE COURTROOM?

21 A THERE'S TWO PEOPLE THAT WAS CAUGHT. ONE OF THE
22 PEOPLE IN THE PHOTO -- I SAW THREE PHOTO LINEUPS I
23 SAW TWO AT -- I SAW ONE AT THE STORE AND TWO AT THE
24 POLICE STATION THE ONE AT THE STORE, I POSITIVELY
25 IDENTIFIED A SUSPECT, WHICH IS THE GUY SITTING OVER

1 THERE

2 THE SECOND ONE AND THIRD ONE I SAW AT THE POLICE
3 STATION, I COULD NOT POSITIVELY IDENTIFY EITHER ONE. I
4 MEAN, I'M NOT GOING TO SIT HERE AND SAY, IT WAS THAT
5 GUY IF I'M NOT SURE IF IT WASN'T THAT GUY, BUT I WAS
6 SURE IT WAS HIM

7 Q SO YOUR TESTIMONY IS YOU'VE NEVER POSITIVELY
8 IDENTIFIED HORZENDORF TO OFFICER MCDONALD?

9 A NOT -- NOT TO MY ---

10 Q THAT ANSWERS THAT.

11 A --- REMEMBRANCE, NO ---

12 Q THANK YOU

13 A --- BECAUSE I DIDN'T SIGN A PAPER ON NOBODY ELSE.

14 Q HOW LONG DID YOU REMAIN -- AND I KNOW TIME IS HARD
15 TO -- WHEN YOU'RE THAT EXCITED, HARD TO COME UP WITH
16 EXACT NUMBERS, BUT APPROXIMATELY WHAT HAPPENED AFTER
17 THE PEOPLE -- YOU HAD YOUR SHOOT-OUT, THEY GOT IN THE
18 VAN AND LEFT, YOU HAD TO EXPLAIN TO MR. STOKES WHAT WAS
19 GOING ON. HOW LONG DID ALL THAT TAKE?

20 A I DIDN'T REALLY EXPLAIN TO HIM WHAT WAS GOING ON
21 IT WAS MAYBE -- I MEAN, YOU'RE TALKING ABOUT A MATTER
22 OF SECONDS. YOU'RE TALKING ABOUT BETWEEN 10 AND 30
23 SECONDS. YOU'RE NOT TALKING ABOUT MINUTES, YOU KNOW
24 WE PAUSED FOR A MINUTE. IT'S A QUIET ROAD. IT'S NOT
25 LIKE THE INTERSTATE THERE I MEAN, IT'S NOT A BUNCH OF

1 NOISE

2 YOU COULD HEAR THE CAR SPEED OUT OF THE PARKING
3 LOT AND AT THAT POINT -- SEE, I -- FROM THE TIME THAT
4 THEY LEFT UNTIL I HEARD THE CAR PULL OFF, I DIDN'T KNOW
5 IF THEY WAS STILL OUT THERE AND THEY WAS COMING BACK IN
6 OR WHAT, SO WE STAYED RIGHT THERE.

7 AFTER WE -- AFTER I GOT THE OTHER GUN (SIC), THE
8 OTHER CLIP, WE STAYED THERE FOR A MINUTE. AND ONCE WE
9 HEARD THE CAR PULL OFF, WE RAN OUTSIDE. WE GOT IN THE
10 CAR. I HANDED HIM THE GUN AND OTHER CLIP. I SAID,
11 LOAD THE CLIP, AND PROCEEDED DOWN THE ROAD

12 Q DID YOU LOOK AROUND YOUR BUSINESS? HOW DID YOU
13 ASSURE YOURSELF THEY WERE, IN FACT, GONE?

14 A WELL, ONCE WE CAME OUT, I LOOKED THROUGH THE SIDE
15 WINDOW, THE VAN WAS GONE, WENT TO THE SIDE DOOR, THE
16 VAN WAS GONE, GOT IN THE CAR AND LEFT.

17 Q IT NEVER CROSSED YOUR MIND TO CALL 9-1-1, CALL THE
18 POLICE, BEFORE YOU CHASED THESE PEOPLE DOWN?

19 A NO HE HAD THE CELL PHONE. I MEAN, IF WE SAT
20 THERE AND TALK ON THE PHONE, THAT'S LESS OF A CHANCE OF
21 US CATCHING UP WITH THEM AND FOLLOWING THEM, SO WE NEED
22 TO GET ON THE ROAD WE TALKED TO THE POLICE WHILE WE
23 WERE DRIVING

24 Q I THOUGHT YOU JUST SAID YOU WANTED TO WAIT UNTIL
25 THEY LEFT, YOU DIDN'T WANT TO CATCH UP WITH THEM?

1 A NO, NO, NO, NO YOU MISUNDERSTAND ME. WE WAITED
2 IN THE OFFICE TO MAKE SURE THAT THEY WAS NOT STANDING
3 OUTSIDE WAITING ON US ONCE WE KNOW -- ONCE WE -- ONCE
4 I WAS SURE THAT THEY WAS OUT OF THE PARKING LOT, YEAH,
5 I WANTED TO CATCH UP WITH THEM TO SEE WHERE THEY WERE
6 GOING SO WE CAN TELL THE POLICE WHERE THEY WERE AT.

7 Q WHEN YOU WENT BACK TO LOOK OUT THE FRONT WINDOW,
8 FRONT DOOR, WHATEVER, WERE THEY STILL IN THE LOT OR HAD
9 THEY -- WERE THEY OUT OF SIGHT?

10 A THEY WERE GONE.

11 Q SO DID YOU EVEN KNOW?

12 A I COULD -- I COULD SEE THE VAN GOING DOWN THE
13 STREET I COULD SEE -- THE VAN WAS ALREADY ON THE
14 STREET AND THEY WAS CARS ALREADY PULL UP COMING BEHIND
15 THEM. THEY WAS ALREADY ON THE ROAD

16 Q WHEN THE SHOOTING WAS GOING ON, HOW FAR TO THE
17 FRONT WAITING AREA DID YOU GET OR WERE YOU BACK NEAR
18 YOUR OFFICE DOOR THE ENTIRE TIME?

19 A YEAH, I WAS BACK NEAR THE OFFICE. I DIDN'T --
20 ONCE -- EVEN WHEN THE SHOOTING STARTED UNTIL THE TIME I
21 WENT BACK TO GET THE OTHER CLIP, I NEVER WENT
22 COMPLETELY INTO THE -- THE DISPLAY AREA -- WHERE WE HAD
23 THE WAITING AREA

24 THE WAITING AREA IS, YOU KNOW, 20 -- 15 OR 20 FEET
25 PAST THE DISPLAY AREA I MEAN, I DIDN'T EVEN GO THAT

1 FAR. I'D SAY I WENT MAYBE A FOOT INTO THE DISPLAY AREA
2 AND TURNED AROUND AND WENT BACK INTO THE OFFICE I
3 NEVER WENT ALL THE WAY OUT UNTIL AFTER THEY WAS GONE
4 AND WE WENT OUT TO GET IN THE CAR

5 Q SO YOU'RE STILL TALKING ABOUT THE BACK ROOM, YOUR
6 OFFICE IN THE BACK ---

7 A YEAH, MY OFFICE.

8 Q --- INTO THE BAY AREA?

9 A NO. WE DIDN'T GO INTO THE BAY AREA. WE WENT INTO
10 THE OFFICE AFTER WE WENT IN THE OFFICE AFTER THEY
11 LEFT, WE WENT OUT THROUGH THE SIDE DOOR. I MEAN,
12 YOU'RE TALKING ABOUT FROM -- THIS IS THE SIDE DOOR. TO
13 THAT PARTITION THERE IS WHERE THE BAY DOOR IS. I MEAN,
14 IT'S A COUPLE OF FEET THERE. WE WENT STRAIGHT OUT
15 THAT DOOR OUTSIDE AND GOT IN THE CAR.

16 Q WHILE YOU WERE WAITING FOR THEM TO LEAVE, DID YOU
17 ATTEMPT TO EJECT THE -- WHAT YOU THOUGHT WAS THE EMPTY
18 CLIP IN YOUR ---

19 A I -- I CAN'T EVEN REMEMBER.

20 Q DON'T REMEMBER?

21 A I -- I -- I REMEMBER I HAD THE GUN AND CLIP IN MY
22 HAND. POSSIBLY, YEAH, I WAS SITTING THERE TRYING TO DO
23 IT. BUT I DON'T THINK I WAS MAKING A BUNCH OF NOISE,
24 YOU KNOW, TRYING TO GET IT OUT. I WAS TRYING TO MORE
25 OR LESS LISTEN AND SEE WHERE THEY WAS AT. SO MORE THAN

1 LIKELY, I PROBABLY WAS TRYING TO LOAD UP AGAIN, I MEAN,
2 BECAUSE I DIDN'T KNOW IF THEY WAS COMING BACK IN

3 Q YOU DID SIT HERE AND HEAR MR. STOKES TESTIFY
4 EARLIER THAT YOU CAME BACK FROM LOOKING OUT THE WINDOW
5 AND CLOSED THE DOOR? DID I MISUNDERSTAND HIM?

6 A NO, YOU MIGHT NOT MISUNDERSTAND THAT WAS -- LIKE
7 I SAY, THAT WAS HIS TESTIFY (SIC). FROM WHAT I CAN
8 REMEMBER, HONESTLY I DON'T -- I DON'T REMEMBER CLOSING
9 THE DOOR I REMEMBER THE DOOR WAS OPEN BEFORE THEY
10 CAME IN. I TURNED AROUND AND TRIED TO TELL HIM THAT WE
11 WAS ABOUT TO GET ROBBED.

12 I WENT BACK TO THE BACK I COULD HEAR SOMEBODY
13 COMING IN THE DOOR I HEARD, GET ON THE GROUND. YOU
14 MOVE, I'M GOING TO KILL YOU I HEARD OTHER PEOPLE COME
15 IN WHERE'S THE MONEY? NOW, HOW THE DOOR GOT OPEN AND
16 CLOSED, I DON'T KNOW I WASN'T STANDING AROUND LOOKING
17 AT THE DOOR. I WAS TRYING ---

18 Q BUT HIS TESTIMONY WAS THAT YOU CAME BY AND CLOSED
19 THE DOOR ---

20 A I DON'T REMEMBER WHAT HIS TESTIMONY WAS

21 Q --- AND WHATEVER YOU SAID TO HIM DID NOT EVEN
22 ALERT HIM ---

23 MR MEADORS YOUR HONOR, OBJECT TO THE PITTING
24 THE COURT YES, SIR. YOU CAN'T PIT THE
25 WITNESSES YOU CAN'T PIT THE WITNESSES AGAINST EACH

1 OTHER SUSTAIN THAT OBJECTION

2 Q WHAT CONVERSATION WAS MR. STOKES REFERRING TO WHEN
3 HE SAID HE HEARD CONVERSATION IN THE BACK OF THE STORE?

4 A I'M THINKING WHEN HE SAID HE HEARD CONVERSATION,
5 I'M THINKING THAT'S WHEN I CAME AROUND THE CORNER WITH
6 MY FIREARM RAISED SAYING, WHY ARE YOU ALL TRYING TO ROB
7 ME? MAYBE THAT'S THE CONVERSATION HE HEARD I'M
8 PRETTY SURE HE HEARD WORDS OR IF HE'S TALKING ABOUT THE
9 CONVERSATION BETWEEN THE PERPETRATORS I'M NOT SURE

10 Q WHOSE CAR DID YOU LEAVE THE PREMISES--IN THAT
11 MORNING?

12 A A CUSTOMER BY THE NAME OF LANCE LORRIE (PHONETIC)

13 Q IS THAT THE SAME CAR YOU HAD USED TO GO TO THE
14 BANK EARLIER?

15 A THAT'S CORRECT ME AND HIM WAS GOOD FRIENDS

16 Q WHERE WAS YOUR CAR ON THAT PARTICULAR DAY?

17 A HE WAS DRIVING MY CAR WE TRADED CARS I WAS
18 BUILDING A CUSTOM SPEAKER BOX IN THE TRUNK OF HIS CAR,
19 WHICH TAKES A COUPLE OF DAYS, SO I LET HIM DRIVE MY CAR
20 WHILE I DO HIS WORK ON HIS CAR.

21 Q AND YOU TESTIFIED THAT -- I'VE ASKED YOU THIS
22 ONCE, BUT THE MAJORITY OF YOUR TRANSACTIONS, YOU'VE
23 DONE IN CASH?

24 A UH-HUH

25 Q WHO -- WHO -- DO YOU DO YOUR OWN BOOKKEEPING OR DO

1 YOU HAVE AN ACCOUNTANT?

2 A I HAVE A ACCOUNTANT

3 Q WHAT WOULD BE A TYPICAL -- IF THERE IS SUCH A
4 THING -- A TYPICAL AVERAGE DAY, HOW MUCH CASH WOULD YOU
5 TAKE IN?

6 A BETWEEN MONDAY, THURSDAY, A AVERAGE DAY WAS
7 SOMEWHERE IN THE RANGE OF \$600 TO \$1,200. FRIDAY,
8 SATURDAY, USUALLY UP IN THE RANGE OF \$1,000, \$2,000
9 IT DEPENDS ON WHAT PEOPLE BOUGHT. IF SOMEBODY -- IF WE
10 HAD, YOU KNOW, THREE CUSTOMERS TO COME IN AND PURCHASE
11 RIMS, YOU KNOW, YOU'RE TALKING ABOUT ANYWHERE FROM
12 \$3,000 TO \$4,500

13 IF YOU ONLY HAD PEOPLE COME IN TO GET C.D PLAYERS
14 INSTALLED, YOU'RE TALKING ABOUT, YOU KNOW, \$150, \$250 A
15 RADIO, YOU KNOW. THAT DON'T ADD UP TO BE THAT MUCH,
16 BUT IT DEPENDS ON WHAT PEOPLE ORDERED THAT DAY OR THAT
17 WEEK

18 Q WHO IS KASHEEM VAN (PHONETIC)?

19 A NEVER HEARD OF HIM.

20 Q NEVER HEARD THE NAME?

21 A NEVER HEARD THE NAME.

22 MR. BURR. NO FURTHER QUESTIONS THANK YOU, YOUR
23 HONOR.

24 THE COURT MR. STRICKLER.

25 MR. STRICKLER. PLEASE THE COURT, YOUR HONOR.

1 CROSS EXAMINATION BY MR. STRICKLER.

2 Q GOOD AFTERNOON, MR. PATTERSON

3 A GOOD AFTERNOON.

4 Q I'LL TRY NOT TO REPEAT TOO MUCH THAT WE'VE ALREADY
5 GONE THROUGH YOU OPENED YOUR STORE, IF I REMEMBER
6 YOUR TESTIMONY ON DIRECT CORRECTLY, MARCH 12TH OF 2002,
7 IS THAT CORRECT?

8 A YEAH, IT WAS EITHER MARCH 11TH OR MARCH 12TH IT
9 WAS THAT FIRST MONDAY IN THE MONTH.

10 Q OKAY AND YOU WERE LEASING THE BUILDING?

11 A THAT'S CORRECT.

12 Q WHAT -- WHAT WERE THE TERMS OF YOUR LEASE?

13 A IT'S A THREE YEAR LEASE

14 Q OKAY AND HAD MONTHLY PAYMENTS?

15 A THAT'S CORRECT

16 Q WHAT WOULD THAT BE?

17 A 1,250 A MONTH, PLUS THE INSURANCE. IT WAS LIKE
18 1,400, 1,500 FOR EVERYTHING.

19 Q NOW, I WAS STANDING BACK THERE WHILE YOU WERE
20 GOING THROUGH THESE PICTURES WITH MR MEADORS AND
21 THAT'S A WAYS BACK AND MY EYES AREN'T TOO GOOD. I'M
22 NOT -- NOT GOING TO TRY TO REPEAT TOO MUCH.

23 AS I UNDERSTAND YOUR TESTIMONY, YOUR OTHER
24 TESTIMONY, I WON'T SAY THREE SEPARATE ROOMS, BUT WE CAN
25 DESCRIBE YOUR BUSINESS AS HAVING THREE SEPARATE AREAS

1 IN IT IF -- IF THAT WORKS?

2 A THAT'S CORRECT WE'VE GOT THREE DIFFERENT -- WE
3 CALL THEM THREE DIFFERENT AREAS. WE CALL THEM THREE
4 DIFFERENT NAMES

5 Q THE CUSTOMER AREA, WHICH IS UP FRONT, THE DISPLAY
6 AREA, WHICH IS IN THE MIDDLE BEHIND THAT PARTITION
7 THAT'S ROUGHLY ABOUT THIS HIGH?

8 A THAT'S CORRECT

9 Q AND THEN THE BACK AREA WHICH IS ACTUALLY A ROOM,
10 YOUR OFFICE, CORRECT?

11 A THAT'S CORRECT.

12 Q THEN OFF TO THE SIDE, YOU'VE GOT THE SERVICE BAY
13 WHERE YOU DO INSTALLATIONS?

14 A THAT'S CORRECT IT GOES OFF TO THE SIDE AND
15 BEHIND THE BACK OFFICE.

16 Q AS FAR AS THE -- AS FAR AS THE -- THAT'S A WORK
17 AREA THERE AND YOU'VE GOT THE THREE OTHER AREAS THAT
18 ARE, I GUESS, IN THE BUSINESS AREA FOR CUSTOMERS --
19 WELL, NOT THE OFFICE BUT WHERE CUSTOMERS WOULD BE

20 ALL RIGHT WE'VE GOT THE PHOTOGRAPHS OF THAT, BUT
21 I JUST ASK THAT YOU HELP ME OUT A LITTLE BIT AS FAR AS
22 THE SIZE ON THESE THINGS.

23 A UH-HUH.

24 Q SOMETIMES IT'S HARD TO TELL FROM A PICTURE. YOU
25 COME IN THE FRONT DOOR. IF WE MAKE -- IF WE MAKE THIS

1 THE FRONT DOOR ---

2 A UH-HUH

3 Q --- COMING INTO THE PLACE, THE ONE THAT'S BUSTED
4 OUT AFTER THIS THING IS OVER. ALL RIGHT COME IN, I'M
5 GOING TO EVENTUALLY RUN INTO THIS PARTITION THAT YOU'VE
6 DESCRIBED?

7 A THAT'S CORRECT.

8 Q STOP ME WHEN I BACK UP ABOUT TO WHERE MY BACK
9 WOULD BE AT THE PARTITION. RIGHT ABOUT HERE OR A
10 LITTLE CLOSER?

11 A A LITTLE BIT CLOSER. RIGHT -- ABOUT RIGHT THERE

12 Q OKAY. SO FROM THE FRONT DOOR OF THIS CUSTOMER
13 AREA ---

14 A UH-HUH

15 Q --- THAT YOU DESCRIBED, FROM THE FRONT DOOR TO THE
16 PARTITION IS ROUGHLY FROM THIS WALL TO ME; IS THAT
17 CORRECT?

18 A YEAH.

19 Q OKAY. NOT A LONG DISTANCE, CORRECT?

20 A THAT'S CORRECT.

21 Q ALL RIGHT. THEN ONCE, AGAIN, LET'S MAKE THIS THE
22 BACK SIDE OF THE PARTITION AREA SO THAT I'M NOW IN THE
23 DISPLAY AREA. OKAY?

24 A UH-HUH.

25 Q NOW, IF YOU WOULD, AGAIN, THE SAME THING; STOP ME

1 WHEN I BACK UP TO WHERE I'D HIT THE WALL WERE THE DOOR
2 TO YOUR OFFICE IS. ARE WE STRAIGHT?

3 A ABOUT RIGHT THERE

4 Q ABOUT HERE?

5 A LET ME MAKE SURE YEAH, ROUGHLY ABOUT THERE.

6 Q OKAY SO IT'S A LITTLE BIT DEEPER THAN THE FRONT
7 CUSTOMER AREA?

8 A OH, YEAH

9 Q OKAY. NOW, YOU GO BACK TO YOUR OFFICE AND YOU
10 RETRIEVE YOUR -- THIS -- THIS WEAPON HERE THAT'S MARKED
11 STATE'S 30 ---

12 A THAT'S CORRECT

13 Q --- THIS FIREARM OF YOURS AND YOU HAVE THIS
14 MOMENT BACK IN THE OFFICE, WHAT AM I GOING TO DO? I
15 TAKE IT, AGAIN, IT TAKES FAR LONGER TO DESCRIBE THAT
16 THAN THE ACTUAL THOUGHT PROCESS TAKES, RIGHT?

17 A THAT'S CORRECT.

18 Q OKAY. AND YOU MAKE YOUR DECISION?

19 A THAT'S CORRECT.

20 Q FOR WHATEVER REASON, YOU MAKE YOUR DECISION. YOU
21 COME OUT AND AT THAT POINT IN TIME, YOU'RE COMING OUT
22 OF THE DOOR OF THE OFFICE. WHERE ARE THESE THREE
23 INDIVIDUALS WHEN YOU COME OUT OF THE DOOR OF THE
24 OFFICE? THEY'RE ALL IN THE STORE, RIGHT?

25 A YEAH, THE GUY WITH THE BLUE AND WHITE BALL CAP

1 ON ---

2 Q RIGHT

3 A --- HE WAS ON THE OTHER SIDE OF THE PARTITION ---

4 Q OKAY.

5 A --- LIKE I SAY, STANDING UP, BUT BENT OVER WITH
6 ONE ARM -- WELL, I DON'T KNOW WHAT THE OTHER ARM -- BUT
7 I COULD SEE, YOU KNOW, TO A CERTAIN -- YOU KNOW, A
8 CERTAIN POINT BECAUSE THE PARTITION AIN'T THAT HIGH ---

9 Q OKAY.

10 A --- ONE ARM POINTING DOWN.

11 Q OKAY SO HE'S STILL OVER ON THE OTHER SIDE OF THE
12 PARTITION?

13 A ALL RIGHT. WITH -- YEAH

14 Q OKAY NOW ---

15 A THE OTHER TWO GUYS -- ALL RIGHT. WHEN YOU COME
16 INTO THE DOORWAY, PROBABLY ---

17 Q THIS IS THE DOORWAY TO YOUR OFFICE OR ---

18 A NO. THE DOORWAY -- ALL RIGHT, YOU'VE GOT THE
19 FRONT DOOR AND THEN YOU'VE GOT THE DOORWAY THAT CAN GO
20 INTO THE BAY AREA.

21 Q OKAY. I'VE GOT YOU

22 A FROM THAT DOORWAY, THEY WERE ABOUT 4 -- 3 TO 4
23 FEET, SOMEWHERE IN THAT NEIGHBORHOOD.

24 Q OKAY INTO THE -- INTO THE CUSTOMER AREA?

25 A YEAH, ACTUALLY THEY WERE LIKE BETWEEN THE CUSTOMER

1 AREA AND THE DISPLAY AREA ---

2 Q OKAY

3 A --- COMING TOWARDS THE OFFICE

4 Q THEY'RE BETWEEN THE CUSTOMER AREA AND THE DISPLAY

5 AREA COMING TOWARDS THE OFFICE. SO THEY'RE IN --

6 YOU'VE GOT THIS PARTITION HERE THAT YOU'VE DESCRIBED

7 THEY'RE IN -- IN THE ---

8 A WALKWAY.

9 Q --- IN THE WALKWAY. SO THEY'RE JUST COMING

10 THROUGH THAT WALKWAY?

11 A YEAH, AND THEY WEREN'T SIDE BY SIDE IT WAS LIKE

12 ONE IN FRONT OF THE OTHER, BUT ---

13 Q OKAY THEY'RE MOVING THROUGH THE WALKWAY

14 THEY'RE JUST STARTING TO ENTER THE DISPLAY AREA

15 THEN?

16 A THAT'S CORRECT

17 Q IS THAT RIGHT? OKAY. THEN I TAKE IT THAT THE

18 OTHER FELLOW WAS OVER TO THIS SIDE OF THE ---

19 A THAT'S EXACTLY ---

20 Q AND THEN CLOSE TO THE PARTITION ITSELF?

21 A THAT'S CORRECT.

22 Q OKAY SO IF WE TAKE THIS -- THIS IS HIGHER THAN

23 THE PARTITION ACTUALLY IS, RIGHT?

24 A IT'S ABOUT THE SAME HEIGHT

25 Q OKAY.

- 1 A IT MIGHT BE A LITTLE BIT HIGHER, BUT IT'S CLOSE TO
2 IT
- 3 Q OKAY IF THIS IS THE DOORWAY FROM THE CUSTOMER
4 AREA HERE BACK INTO THE DISPLAY AREA, THIS IS WIDER
5 THAN THE DOORWAY?
- 6 A NO IT'S ABOUT THAT WIDE
- 7 Q IT'S ABOUT THAT WIDE?
- 8 A YEAH
- 9 Q OKAY SO YOU'RE BACK THERE COMING OUT OF THE DOOR
10 TO YOUR OFFICE?
- 11 A UH-HUH
- 12 Q AND YOU SEE TWO FELLOWS COMING THROUGH THIS AREA?
- 13 A CROUCHED DOWN
- 14 Q ALL RIGHT AND ONE FELLOW OVER HERE?
- 15 A YEAH, BUT HE POINTING THAT -- HE FACING THAT WAY.
- 16 Q OKAY FACING THIS WAY?
- 17 A THERE YOU GO
- 18 Q OKAY HOW FAR FROM THE DOORWAY WAS THE PERSON YOU
19 SAW OVER HERE?
- 20 A WHICH DOOR?
- 21 Q THE DOOR IS WRONG THE GAP THROUGH THE PARTITION
22 WHERE THE OTHER TWO FELLOWS WERE TRAVELING. HOW FAR
23 DOWN THE PARTITION WAS THE THIRD FELLOW?
- 24 A HE WAS -- ACTUALLY LIKE AT THE END OF THE
25 PARTITION, THERE'S A COLUMN THAT GOES UP TO THE

1 CEILING.

2 Q RIGHT

3 A IT'S ACTUALLY A BEAM, BUT IT'S, YOU KNOW, COVERED
4 IN SHEETROCK

5 Q RIGHT.

6 A HE WAS -- LIKE I SAY, HE WAS RIGHT THERE AT THE
7 COLUMN SO HE WAS -- YOU KNOW, THE COLUMN ABOUT A FOOT
8 AND A HALF WIDE SO, YOU KNOW. IF YOU COUNT THAT, HE'S
9 ABOUT A FOOT AND A HALF OR 2 FEET FROM THE WALKWAY.

10 Q OKAY. THIS STATE'S 38 RIGHT HERE, IS THIS THIS
11 PASS-THROUGH FROM THE PARTITION?

12 A THAT'S CORRECT.

13 Q OKAY. SO YOU'RE BACK HERE AT THIS DOORWAY?

14 A THAT'S CORRECT.

15 Q YOU SEE A COUPLE OF PEOPLE ---

16 A RIGHT THERE WHERE ---

17 Q --- RIGHT HERE? THIS IS THIS BEAM, THIS COLUMN,
18 THAT YOU'RE TALKING ABOUT?

19 A THAT'S CORRECT.

20 Q AND THE OTHER PERSON IS OVER TO THIS SIDE OF IT?

21 A RIGHT THERE, ALMOST RIGHT OUT OF THE PICTURE.
22 HE'S RIGHT THERE

23 Q OKAY. SO HE'S ALMOST TO THE DOORWAY?

24 A THAT'S CORRECT.

25 Q OKAY YOU CAME OUT AND MAY HAVE SAID NO MORE THAN

1 FIVE WORDS ON WHAT ARE YOU TRYING TO ROB US FOR OR
2 WHATEVER, RIGHT?

3 A YEAH I DON'T KNOW EXACTLY WHAT THE WORDS -- IT
4 WASN'T LIKE, YOU KNOW, HOW ARE YOU DOING? IT WAS MORE
5 OR LESS, YOU KNOW, WHAT'S -- YOU KNOW, WHAT ARE YOU
6 TRYING -- WHY ARE YOU TRYING TO ROB US?

7 Q DO YOU REMEMBER SAYING ANYTHING OR ---

8 A I DON'T REMEMBER EXACT WORDS, BUT I REMEMBER --
9 YOU KNOW, IT WAS -- IT WAS OUT OF ANGER AND FEAR.

10 Q UH-HUH

11 A I DON'T -- YOU KNOW, YOU THINK ABOUT SOMEBODY COME
12 -- JUST LIKE SOMEBODY COME TO YOUR HOUSE AND ROBBING
13 YOU, YOU'RE JUST LIKE, YOU KNOW -- YOU'RE SCARED, BUT
14 AT THE SAME TIME YOU'RE UPSET BECAUSE SOMEBODY IS
15 VIOLATING YOU, YOU KNOW. THEY'RE BREAKING INTO YOUR
16 HOME TO TAKE SOMETHING FROM YOU

17 Q AND THEN YOU OPENED UP FIRE?

18 A THAT'S CORRECT.

19 Q RIGHT? OKAY YOU OPENED UP FIRE AND NOT
20 INITIALLY FIRING AT THE PERSON AT THE COUNTER?

21 A I ---

22 Q IF I HEARD YOUR TESTIMONY CORRECTLY ---

23 A I STARTED ---

24 Q --- YOU STARTED FIRING AND THEN SAW HIM COME UP
25 WITH THE GUN? AND THAT'S WHEN YOU TURNED AND ACTUALLY

- 1 FIRED SPECIFICALLY ON HIM; IS THAT RIGHT?
- 2 A THAT'S CORRECT, AFTER THE OTHER TWO GUYS HAD
- 3 ALREADY GOT OUT THE DOOR
- 4 Q SO YOU GOT OFF A ROUND, TWO ROUNDS, SOME SHOTS?
- 5 A IT WAS MORE LIKE THREE OR FOUR ROUNDS BEFORE I
- 6 EVEN WENT TO START ---
- 7 Q OKAY.
- 8 A --- FIRING AT HIM.
- 9 Q AFTER THAT, THERE WERE NO -- NO ONE ELSE IN THERE
- 10 OTHER THAN HIM? HE'D COME UP WITH THE GUN AND YOU SHOT
- 11 AT HIM, RIGHT?
- 12 A YEAH I DON'T KNOW WHERE ANDRAE WAS DURING ALL
- 13 THIS TIME ---
- 14 Q RIGHT.
- 15 A --- BUT, YOU KNOW, HE WAS ---
- 16 Q I'M TALKING ABOUT THE INTRUDERS.
- 17 A YEAH, JUST HIM, AS AN INTRUDER
- 18 Q OKAY. AND SO I'M GOING TO SHOW YOU THE SMALL
- 19 PICTURE, STATE'S 21
- 20 A UH-HUH.
- 21 Q OKAY. THAT'S, AGAIN, THE -- THE PASSAGE THROUGH
- 22 TO THE DISPLAY AREA SHOWN IN THE BIGGER PICTURE ---
- 23 A THAT'S CORRECT
- 24 Q --- THE COLUMN THAT YOU MENTIONED?
- 25 A THAT'S CORRECT

- 1 Q OKAY. AND THEN I TAKE IT FROM YOUR DESCRIPTION
2 THAT THIS THIRD PERSON THAT IS KIND OF DOWN AND YOU
3 ENDED UP SHOOTING WAS SOMEWHERE NEAR WHERE THIS --
4 WHERE THIS TABLE IS OR THIS ---
- 5 A IT'S A MAGAZINE RACK.
- 6 Q OKAY
- 7 A YEAH, HE WAS RIGHT NEAR THERE
- 8 Q SOMEWHERE RIGHT IN HERE NEAR THERE?
- 9 A YES
- 10 Q OKAY HE WAS CROUCHED DOWN, BUT YOU COULD SEE
11 PART OF HIM? HE WAS ALMOST CROUCHED DOWN ---
- 12 A HE WASN'T CROUCHED DOWN HE WAS JUST STANDING UP,
13 BUT HIS ARM WAS DOWN
- 14 Q OKAY. STANDING UP, BUT HIS ARM WAS DOWN?
- 15 A YEAH, POINTING DOWN.
- 16 Q OKAY SO YOU STARTED FIRING INITIALLY FOR MORE
17 THAN ONE SHOT, SEVERAL SHOTS ---
- 18 A UH-HUH
- 19 Q --- AT THE OTHER TWO? THEN -- THEN YOU FOCUSED ON
20 HIM BECAUSE ---
- 21 A BECAUSE HE ---
- 22 Q --- HE LIFTS A WEAPON TOWARDS YOU?
- 23 A EXACTLY.
- 24 Q YOU FIRE THE REST OF THE ROUNDS AT HIM, BASICALLY
25 TO YOUR KNOWLEDGE UNLOADED YOUR GUN?

- 1 A THAT'S CORRECT
- 2 Q RIGHT? ALL RIGHT NOW, YOU'D BEEN OUT THERE AT
- 3 THAT LOCATION ON PERCIVAL FOR -- WELL, SINCE MARCH,
- 4 SEVEN MONTHS OR SO?
- 5 A YEAH I SIGNED THE LEASE JANUARY 2002.
- 6 Q RIGHT. OKAY AND ACTUALLY OPENED THE BUSINESS IN
- 7 MARCH. WHAT'S THE SPEED LIMIT THERE ON PERCIVAL ROAD?
- 8 A RIGHT -- RIGHT DOWN BY THE GAS STATION, IT'S 45.
- 9 AND IT CHANGES TO 55 OUT TO ALPINE.
- 10 Q SO IT'S 55 ---
- 11 A PAST ALPINE.
- 12 Q --- AT ALPINE?
- 13 A PAST ALPINE.
- 14 Q I'M SORRY PAST ALPINE?
- 15 A PAST ALPINE, IT'S 55
- 16 Q OKAY THE SPEED LIMIT RIGHT WHERE YOUR PLACE IS,
- 17 IT'S 45 THERE?
- 18 A NO, IT'S 55.
- 19 Q 55? OKAY.
- 20 A BECAUSE THAT'S -- IT'S -- WE'RE ACTUALLY TWO
- 21 BLOCKS PAST ALPINE YOU GO ONTO ALPINE. THERE'S A
- 22 STREET THERE, THERE'S ANOTHER STREET, AND WE'RE RIGHT
- 23 THERE
- 24 Q OKAY
- 25 A SO WE'RE TWO BLOCKS FROM ALPINE

1 Q SO ABOUT TWO BLOCKS BEFORE YOUR STORE, THE SPEED
2 LIMIT CHANGES FROM 45 TO 55, RIGHT?

3 A TO 55, RIGHT. THAT'S CORRECT

4 Q NOW, AND YOU WENT TO THE BANK THE MORNING OF THIS
5 INCIDENT?

6 A THAT'S CORRECT

7 Q OKAY AND YOU MADE A DEPOSIT THAT MORNING?

8 A THAT'S CORRECT I DEPOSIT SOME MONEY AND GOT A
9 CASHIER'S CHECK FOR A ORDER THAT CAME IN

10 Q OKAY HOW MUCH MONEY DID YOU DEPOSIT THAT
11 MORNING?

12 A IT WAS ROUGHLY SOMEWHERE IN THE NEIGHBORHOOD OF
13 \$3,500

14 Q OKAY AND THIS WAS WHAT DAY OF THE WEEK?

15 A IT WAS MONDAY OR TUESDAY. I CAN'T REMEMBER WHICH
16 ONE IT WAS I THINK IT WAS MONDAY. I DON'T KNOW
17 YOU'LL HAVE TO LOOK AND SEE

18 Q MONDAY OR TUESDAY I TAKE IT THAT YOU HAD NOT
19 RECEIVED \$3,500 IN PAYMENTS THAT MORNING BECAUSE YOU
20 ALL HADN'T HAD ANY BUSINESS AT THAT POINT, HAD YOU?

21 A NO. IT WAS FROM A PREVIOUS BUSINESS DAY.
22 SOMEBODY ORDERED SOME WHEELS AND, YOU KNOW, SOME OTHER
23 ORDERS OR SOME OTHER THINGS PURCHASED

24 Q AND YOU'VE ALREADY INDICATED THAT YOU HAVE NO IDEA
25 WHO THIS KASHEEM FELLOW MIGHT BE. AND YOU DON'T KNOW

1 ANY -- I GUESS YOU'RE ACQUAINTED WITH SOMEONE OR KNOW
2 OF SOMEONE NAMED PACO?

3 A I'M NOT ACQUAINTED WITH HIM HE PURCHASED STUFF
4 FROM MY STORE AND OTHER PEOPLE COME IN THE STORE HAVE
5 TALKED ABOUT HIM, BUT I'M NOT ACQUAINTED WITH HIM

6 Q OKAY. NOW, YOU INDICATE THAT WHEN YOU FIRED ON
7 THE PERSON YOU'VE IDENTIFIED AS MR. SEARS, THAT THIS
8 COVERING ON HIS FACE CAME DOWN?

9 A THAT'S CORRECT

10 Q WHEN DID YOU FIRST TELL THE POLICE ABOUT THAT
11 FALLING DOWN AND REVEALING HIS FULL FACE TO YOU?

12 A I THINK THE FIRST TIME I TOLD THEM WAS PROBABLY
13 MR. MCDONALD WHEN WE WAS SITTING IN THE TRUCK WHEN I
14 GAVE THE DESCRIPTION, YOU KNOW, A ROUND -- HE ASKED ME
15 HOW HIS FACE LOOK. I SAY A ROUND FACE, A BEARD, A
16 LIGHT BEARD, LIGHT SKIN, YOU KNOW, THAT KIND OF -- THAT
17 WAS THE DESCRIPTION I GAVE HIM

18 Q OKAY. AND YOU ALSO TOLD MR MCDONALD THAT THERE
19 MAY HAVE BEEN RETURN FIRE AT YOU, CORRECT?

20 A THAT'S CORRECT

21 Q AND YOU WENT FURTHER THAN THAT A LITTLE WHILE
22 LATER WHEN YOU TALKED WITH THE FELLOW FROM THE STATE
23 THAT QUOTES YOU AS SAYING, I DON'T KNOW IF I SHOT FIRST
24 OR THEY SHOT FIRST ALL I KNOW IS EVERYBODY STARTED
25 SHOOTING. YOU REMEMBER THAT, THE QUOTE BEING IN THE

1 NEWSPAPER?

2 A I REMEMBER IT BEING IN THE NEWSPAPER. I'M NOT
3 SAYING THAT I SAID IT BUT LIKE I SAY, THERE WAS A LOT
4 OF NEWS MEDIA THERE THEY WAS ASKING QUESTIONS AND I'M
5 LIKE, LOOK, YOU KNOW. WHATEVER THEY PUT, THEY PUT I
6 DIDN'T WRITE IT IN THE PAPER, SO I DON'T KNOW. I JUST
7 KNOW IT WAS GUNFIRE I MEAN, MINUTES -- AS FAST AS THE
8 SHOTS WERE COMING OVER, YOU COULDN'T TELL IF THEY WERE
9 SHOOTING, I WAS SHOOTING, OR WHAT YOU JUST KNEW THERE
10 WAS SOME, YOU KNOW, SHOOTING

11 Q YOU DON'T DISAGREE THAT WHOEVER IT WAS FROM THE
12 STATE SOMEHOW GOT ENOUGH OF AN IMPRESSION TO QUOTE YOU
13 AS SAYING, I -- ALL I KNOW IS EVERYBODY STARTED
14 SHOOTING?

15 A I CAN TELL YOU THIS, I WASN'T THE ONLY ONE AT THE
16 SCENE HE TALKED TO NOW, IF HE DIDN'T GET THAT FROM
17 ME, THAT MIGHT, YOU KNOW, MIGHT HAVE BEEN THE
18 SITUATION BUT, YOU KNOW, IT'S SIMILAR TO WHAT
19 HAPPENED, YOU KNOW BUT FROM EVEN UP TO THIS POINT
20 UNTIL AFTER THE ACTUAL INVESTIGATION, AFTER THEY
21 SEARCHED THE CRIME SCENE AND SAID, YOU KNOW, WE DIDN'T
22 FIND ANY OTHER SHELLS -- YOU KNOW, ANY OTHER BULLETS, I
23 STILL WAS UNDER THE IMPRESSION THAT THEY WERE SHOOTING
24 BACK I DIDN'T REALIZE THEY DIDN'T -- THEY WASN'T
25 SHOOTING BACK UNTIL THEY DIDN'T FIND ANY OTHER SHELL

1 CASINGS IN THE STORE

2 Q YES, SIR YOU DON'T DENY THAT YOU TOLD MR.
3 MCDONALD THAT SOMEONE WAS POSSIBLY SHOOTING BACK AT
4 YOU?

5 A NO, I DON'T DENY IT

6 Q AND YOU CERTAINLY DON'T DENY IT, WHETHER YOU SAID
7 IT OR NOT, THAT IS THE QUOTE THAT IS ATTRIBUTED TO YOU
8 IN THE STATE NEWSPAPER?

9 A I'M JUST SAYING THAT THE GUY THAT WROTE THE COLUMN
10 IN THE PAPER PUT IT THERE. I'M NOT SAYING I TOLD HIM
11 THAT

12 Q I UNDERSTAND. I UNDERSTAND PUT IT THERE AND
13 CLAIMED YOU SAID IT, RIGHT?

14 A HE PUT IT IN QUOTES. THAT'S ALL I CAN TELL YOU.

15 Q IN THE DESCRIPTION YOU PROVIDED OF THE INDIVIDUAL
16 WHO -- WHO YOU SAY THE MASK FELL DOWN ON, THE PHYSICAL
17 DESCRIPTION, FACIAL FEATURES THAT YOU PROVIDED TO MR
18 MCDONALD WERE WHAT?

19 A CAN I SEE IT?

20 Q YOU'VE ALREADY TESTIFIED TO IT.

21 A OKAY

22 Q I DON'T KNOW IF YOU -- YOU'RE THINKING OF
23 SOMETHING ELSE

24 A OH, NO, I'M NOT THINKING -- I KNOW EXACTLY WHAT I
25 TOLD HIM BUT I'M NOT -- YOU KNOW, YOU'RE TELLING ME

1 OFF OF HERE YOU KNOW, YOU CAN SEE IT, BUT I'M TRYING
2 TO REMEMBER FROM MEMORY EXACTLY WHAT I JUST SAID
3 ROUND FACE. HE HAD A WHITE -- A GRAY T-SHIRT AROUND
4 HIS FACE, BLUE AND WHITE BALL CAP, BLACK SEMI-
5 AUTOMATIC, HISPANIC LIGHT OR ASIAN MALE, 5' 10, 165 OR
6 175 POUND, SMALL BUILT, AND HE WAS A MALE.

7 Q OKAY. FACIAL HAIR AS YOU DESCRIBED EARLIER? THAT
8 WOULD NOT BE ON THIS ---

9 A NO, IT DON'T SAY NOTHING ABOUT FACIAL HAIR ON IT.

10 Q OKAY WE'RE IN AGREEMENT ON THAT?

11 A YEAH IT'S NOT ON THERE I MEAN, IT'S NOT A
12 SPACE FOR FACIAL HAIR ON THERE, NOT THAT I SEE

13 Q OKAY

14 A I DON'T SEE A SPACE ON THERE FOR FACIAL HAIR.

15 Q AND THERE'S CERTAINLY NO DESCRIPTION OF FACIAL
16 HAIR ON THERE NOW, YOUR TESTIMONY IS TODAY THAT YOU
17 TOLD MR MCDONALD THAT ---

18 A I REMEMBER WHAT I TOLD HIM.

19 Q OKAY SO YOU TOLD HIM THERE WAS FACIAL HAIR?

20 A EXACTLY

21 Q IT JUST DIDN'T MAKE IT INTO THE ROBBERY
22 QUESTIONNAIRE?

23 A I DON'T SEE A SPACE ON THE ROBBERY QUESTIONNAIRE
24 FOR THAT HE PUT DOWN WHAT I TOLD HIM IF HE DIDN'T
25 PUT THAT, HE JUST DIDN'T PUT IT DOWN.

1 Q OKAY. I'M SORRY. WAS IT INVESTIGATOR MCDONALD
2 WHO WAS GETTING THAT INFORMATION FROM YOU OR WAS IT
3 ANOTHER POLICE OFFICER? DO YOU REMEMBER?

4 A I THINK WHEN WE FIRST GOT ON THE SCENE, HE HADN'T
5 GOTTEN THERE YET

6 Q RIGHT.

7 A BUT HE ACTUALLY DID THE QUESTIONNAIRE.

8 Q OKAY.

9 A NOW, WHEN -- WHEN -- WHEN WE FIRST GOT BACK TO THE
10 STORE, THE OTHER OFFICER WAS THERE. FIRST THING HE
11 ASKED US, WHAT DID YOU SEE?

12 AND I TOLD HIM, I SEEN A BURGUNDY OR RED VAN. I
13 THINK IT WAS A MPV.

14 AND HE, YOU KNOW, HE ASKED US WHAT THE GUYS WERE
15 LIKE

16 WE TOLD HIM, YOU KNOW, WHAT WE THOUGHT OR WHAT I
17 -- I TOLD HIM WHAT I THOUGHT I SAW AND THEN LIKE I
18 SAY, A FEW MINUTES LATER, MR. MCDONALD ARRIVED AND I
19 GAVE HIM MY OFFICIAL STATEMENTS.

20 Q OKAY AND THAT'S -- THAT'S WHAT WE WERE JUST
21 LOOKING AT, RIGHT?

22 A THAT'S CORRECT.

23 Q OKAY. I JUST DIDN'T WANT TO MAKE HIM TAKING THAT
24 FROM YOU WHEN, IN FACT, IT WAS SOMEONE ELSE. IT WAS
25 HIM THAT -- THAT WAS GETTING THAT INFORMATION?

1 A HE WROTE A STATEMENT, YEAH.

2 Q OKAY NOW, AFTER YOU LEAVE IN PURSUIT OF THIS,
3 COULD -- EXCUSE ME COULD YOU ACTUALLY SEE -- YOU, AS
4 OPPOSED TO ANDRAE OR ANYONE ELSE COULD YOU ACTUALLY
5 SEE THE VAN PULL OFF?

6 A FROM THE TIME WE WERE AT THE BAY DOOR ---

7 Q UH-HUH

8 A --- GOING TO EXIT THE BUILDING, I COULD SEE THE
9 VAN GOING DOWN THE STREET. NOW, ONCE YOU GET MAYBE
10 ABOUT A BLOCK OR I DON'T EVEN KNOW IF IT'S THAT FAR.
11 YOU GO OVER A LITTLE HILL AND YOU GO ---

12 Q A LITTLE RISER?

13 A YEAH, AND IT'S A LOT OF PEOPLE, YOU KNOW. WHERE
14 OTHER CARS ARE BEHIND THEM, YOU KNOW, ONCE THEY GOT
15 OVER THERE, I COULDN'T SEE THEM NO MORE.

16 Q OKAY

17 A WE -- I GO AROUND THE CAR TO GET IN THE DRIVER'S
18 SIDE, CRANK THE CAR UP, YOU KNOW, AND I GAVE HIM THE
19 GUN ---

20 Q UH-HUH

21 A --- CRANKED THE CAR UP, GO TO PULL OUT OF THE
22 DRIVEWAY, CARS THERE, YOU KNOW WE GET BEHIND, YOU
23 KNOW, THE LAST CAR THAT GO DOWN THE STREET TO GO FOLLOW
24 HIM

25 Q AND WHILE YOU'RE DRIVING IN THE CAR, THAT GUN GETS

1 RELOADED, RIGHT?

2 A THAT'S CORRECT

3 Q YOU RELOAD THE GUN IN THE CAR, RIGHT?

4 A NO. I -- NO, I DIDN'T RELOAD THE GUN I GAVE THE
5 GUN -- BEFORE WE EVEN PULLED OFF, I GAVE THE GUN TO
6 ANDRAE AND HE RELOAD THE GUN.

7 MR. STRICKLER YOUR HONOR, BEG THE COURT'S
8 INDULGENCE PLEASE

9 (PAUSE)

10 Q DO YOU REMEMBER TESTIFYING IN AN EARLIER
11 PROCEEDING REGARDING THIS CASE BACK IN SEPTEMBER OF
12 THIS YEAR?

13 A YES, SIR.

14 Q OKAY. YOU REMEMBER ME ASKING YOU SOME QUESTIONS
15 AT THAT POINT IN TIME?

16 A YES, SIR

17 Q ALL RIGHT NOW, I'M GOING TO DIRECT YOUR
18 ATTENTION TO THIS DOCUMENT RIGHT HERE, PAGE 211 OF THIS
19 TRANSCRIPT. NOW, LET ME ASK YOU IF YOU REMEMBER A
20 QUESTION FROM ME. NOW, IF I UNDERSTAND YOUR TESTIMONY
21 CORRECTLY, AT THAT POINT IN TIME OR SOON THEREAFTER YOU
22 WERE OUT OF AMMUNITION AND WENT BACK TO THE OFFICE AREA
23 TO RELOAD YOUR WEAPON? AND WHAT WAS YOUR ANSWER?

24 A THAT'S CORRECT

25 Q OKAY. AND THEN I ASKED ANOTHER QUESTION AND

1 WHAT -- YOU HAD LOOSE AMMUNITION BACK IN THE OFFICE OR
2 A BOX OF AMMUNITION? AND YOUR ANSWER WAS?

3 A NO. I HAD A SPARE CLIP

4 Q AND I SAID, YOU HAD A SPARE CLIP?

5 AND YOUR ANSWER IS, WHEN YOU BUY THE GUN, IT COMES
6 WITH A SPARE CLIP, CORRECT?

7 A THAT'S CORRECT

8 Q ALL RIGHT MY QUESTION IS OKAY SO YOU POPPED
9 THE CLIP OUT AND PUT THE OTHER CLIP IN? AND YOUR
10 ANSWER TO THAT IS WHAT?

11 A THAT'S CORRECT

12 Q AND THEN YOU SAY WHAT?

13 A WELL, NO. ACTUALLY THE OTHER ONE, I DIDN'T EVEN
14 TAKE IT OUT BEFORE THE VAN HAD PULLED OFF.

15 Q OKAY WHEN I TOOK THE OTHER CLIP OUT OF THE BAG,
16 THE CLIP THAT WAS EMPTY WAS STILL IN THE GUN?

17 A THAT'S CORRECT

18 Q THAT'S YOUR ANSWER, OKAY MY NEXT QUESTION.

19 OKAY. OKAY. SO YOU WENT OUT TO THE CAR WITH THE GUN
20 WITH AN EMPTY CLIP AND A CLIP WITH AMMUNITION -- A CLIP
21 WITH AMMUNITION IN IT?

22 YOUR ANSWER IS, YEAH, BECAUSE THEY WERE ALREADY
23 LEAVING THE SCENE, CORRECT?

24 A THAT'S CORRECT.

25 Q AND MY NEXT QUESTION IS. OKAY NOW, AT WHAT

1 POINT IN TIME DID YOU TAKE THE EMPTY CLIP OUT OF THE
2 GUN AND PUT THE CLIP WITH THE AMMUNITION IN THE GUN?
3 WHAT'S YOUR ANSWER?

4 A WHEN WE WERE DRIVING DOWN THE STREET BUT -- ALL
5 RIGHT YEAH, YOU SAY, OKAY WHEN DID YOU TAKE THE
6 EMPTY CLIP OUT? I MEAN, WE'RE ASKING IN TRIAL JUST
7 BECAUSE I SAY THAT DON'T NECESSARILY MEAN I'M SAYING
8 I'M SITTING THERE DRIVING, TAKING -- CHANGING THE CLIP
9 BUT THAT'S WHEN THE CLIP WAS EXCHANGED, WHILE WE WAS
10 DRIVING DOWN THE STREET

11 Q OKAY YOU KNOW, I TAKE IT FROM YOUR TESTIMONY
12 HERE TODAY THAT YOU DENY SHOOTING DEMETRIO SEARS WHILE
13 HE'S STILL IN THE PARKING LOT, CORRECT?

14 A I SHOT DEMETRIO SEARS WHEN HE WAS IN THE STORE

15 Q SO THE ANSWER WOULD BE, YES, I DENY SHOOTING HIM
16 IN THE PARKING LOT?

17 A I DENY SHOOTING HIM IN THE PARKING LOT, YES.

18 Q OKAY

19 MR STRICKLER: THANK YOU VERY MUCH, SIR

20 MR MEADORS. BEG THE COURT'S INDULGENCE

21 (PAUSE.)

22 MR MEADORS. NOTHING FURTHER. THANK YOU

23 THE COURT: ALL RIGHT

24 THANK YOU VERY MUCH MR. PATTERSON, YOU MAY COME

25 DOWN

1 (THE WITNESS LEAVES THE WITNESS STAND.)

2 THE COURT· COUNSEL, WILL YOU APPROACH THE BENCH,
3 PLEASE.

4 (A BENCH CONFERENCE WAS HELD OFF THE RECORD IN THE
5 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE
6 JURY.)

7 THE COURT ALL RIGHT LADIES AND GENTLEMEN, JUST
8 DISCUSSING THE NEXT WITNESS WITH THE ATTORNEYS, IT
9 APPEARS THAT THE NEXT WITNESS IS GOING TO BE RATHER
10 LENGTHY AND I KNOW AT LEAST ONE JUROR HAS SOME -- TO
11 TAKE CARE OF SOME CHILDREN SO, MS. JONES, I THINK
12 YOU'LL MAKE IT TODAY

13 I'M GOING TO ASK YOU TO BE BACK IN YOUR JURY ROOM
14 AT 9 30 IN THE MORNING. THERE'S A MATTER I HAVE TO
15 TAKE UP ASIDE FROM THIS CASE AT 9:00 O'CLOCK, PROBABLY
16 IN THIS COURTROOM. SO I'M GOING TO ASK YOU TO BE IN
17 YOUR JURY ROOM NOT UNTIL 9-30, AND HOPEFULLY WE WILL
18 START PROMPTLY AT 9:30

19 AGAIN, DO NOT DISCUSS THE CASE AMONG YOURSELVES
20 OVER THE EVENING HOURS OR WHEN YOU RETURN TO THE
21 COURTROOM OR TO THE JURY ROOM OR WITH ANYONE ELSE OVER
22 THE EVENING HOURS I HOPE YOU HAVE A PLEASANT EVENING
23 I'LL SEE YOU AT 9:30 IN THE MORNING.

24 (THE JURY EXITS THE COURTROOM AT 4.56 P M.)

25 THE COURT: ALL RIGHT, COUNSEL, WITH REGARD TO THE

1 REDACTED -- MS. CAMPBELL -- STATEMENT, IT'S NOT
2 COMPLETELY REDACTED TO BEGIN WITH.

3 MS. CAMPBELL DID I MISS SOMETHING?

4 THE COURT. SOMEBODY DID, THE SECOND LINE FROM THE
5 BOTTOM ON THE FIRST PAGE

6 MS. CAMPBELL. THAT WOULD BE CORRECT, YOUR HONOR
7 THAT WAS NOT DONE I APOLOGIZE

8 THE COURT NOW, OTHER THAN THE FACT THAT ONE
9 DEMETRIO IS STILL IN THE REDACTED STATEMENT, DOES THE
10 DEFENSE HAVE ANY FURTHER OBJECTIONS TO THE INTRODUCTION
11 OF THE STATEMENT AS REDACTED?

12 MR. BURR YOUR HONOR, I STILL OBJECT. YOU'VE
13 ALREADY RULED ON THE FACT AND ALLOW IT IN AS IT'S
14 REDACTED, I HAVE NO OBJECTION TO THE -- TO THE NEW
15 STATEMENT.

16 THE COURT: OKAY. MR. STRICKLER?

17 MR. STRICKLER YES, SIR. WITH ALL DUE RESPECT,
18 OF COURSE, I HAVE AN OBJECTION, ADDITIONAL OBJECTIONS
19 TO THIS TOPIC. WHILE, YOU KNOW, RESERVING MY
20 PREVIOUSLY STATED OBJECTION AND WITH THE UNDERSTANDING
21 THAT THE -- THE DEMETRIO IN THE PENULTIMATE LINE ON THE
22 FIRST PAGE OF THE STATEMENT WOULD BE ALTERED TO REFLECT
23 YOUR PREVIOUS RULING -- WHEN I LOOK AT THE REDACTIONS
24 AS THEY HAVE BEEN DONE ON THIS STATEMENT, THE
25 SUBSTITUTION OF SOME OTHER GUY, THE GUY, VARIATIONS ON

1 THE THEME, THEY'RE A DIFFERENT TYPEFACE. THEY ARE
2 OBVIOUSLY NOT DONE BY A COMPUTER GENERATION JUST FROM
3 THE PLACEMENT OF THEM THEY'RE NOT ON THE LINES.

4 YOU MIGHT AS WELL TAKE A HIGH LIGHTER AND/OR A
5 NEON SIGN AND PLACE IT AROUND THESE SUPPOSEDLY NEUTRAL
6 REPLACEMENTS TO HIGHLIGHT THE FACT THAT WE'RE TALKING
7 ABOUT SOMEONE THAT'S IMPORTANT, I E MY CLIENT.

8 SO IN ADDITION TO MY PREVIOUSLY STATED OBJECTIONS,
9 I WOULD OBJECT TO THE REDACTION AS MERELY SERVING TO
10 HIGHLIGHT THE FACT THAT WE'RE TALKING -- THAT THIS SOME
11 OTHER GUY IS THE IMPORTANT GUY AND THE GUY THAT'S
12 SITTING NEXT TO ME, THAT BE MR SEARS.

13 SO AS AN ADDITIONAL BASIS, I WOULD -- I WOULD
14 SUBMIT THAT THIS MAKES THE STATEMENT FACIALLY -- THE --
15 THE NATURE OF THE REDACTIONS, THE PHYSICAL NATURE OF
16 THE REDACTIONS, AND I'M NOT SURE IF I'M BEING CLEAR
17 ABOUT IT.

18 THE COURT. I UNDERSTAND.

19 MR. STRICKLER. JUST FURTHER ---

20 THE COURT: STATE V. GRAY SAYS SIMILARLY OBVIOUS
21 INDICATIONS OF ALTERATIONS

22 MR. STRICKLER. YES, SIR

23 MS. CAMPBELL: I THINK I CAN SOLVE THAT

24 THE COURT: DOES THAT SUCCINCTLY SAY IT?

25 MR. STRICKLER YES, SIR.

1 THE COURT: THANK YOU.

2 YES, MA'AM?

3 MS. CAMPBELL. JUDGE, I CAN HAVE THEM RETYPE THE
4 ENTIRE THING AND THEN PASTE ON THE BOTTOM THE -- THE --
5 THEY CAN RE-COPY IT SO THAT IT'S ALL IN THE SAME TYPE
6 SO IT WOULD NOT APPEAR THAT WAY

7 THE COURT THAT WOULD BE BETTER THAN WHAT WE
8 HAVE

9 MS CAMPBELL I'LL HAVE THAT DONE OVERNIGHT.

10 MR MEADORS: WITHOUT PASTING IT, JUST PUT
11 SOMETHING OVER THE TOP AND COPY IT, YOU'LL STILL HAVE
12 THE BOTTOM THEN TYPE IT ON WITH THE ORIGINAL BOTTOM

13 THE COURT: THAT WOULD BE BETTER THAN WE HAVE.

14 MS. CAMPBELL: I'LL DO THAT OVERNIGHT, YOUR HONOR

15 THE COURT: THE STATE -- I'M SORRY GRAY V.

16 MARYLAND TALKS ABOUT -- IN THAT CASE, THEY WERE
17 DELETIONS, BUT THEY TALKED ABOUT OR OTHER SIMILARLY
18 OBVIOUS INDICATIONS OF ALTERATION SO LET'S LOOK AT IT
19 IN THE MORNING

20 MR STRICKLER: YES, SIR.

21 THE COURT: NOW, COUNSEL, APPROACH THE BENCH A
22 MINUTE -- MR MEADORS.

23 (A BENCH CONFERENCE WAS HELD OFF THE RECORD.)

24 THE COURT: ALL RIGHT FOR THE RECORD, THE STATE
25 HAS MOVED THAT THE BOND OF WILLIE LLOYD ALEXANDER BE

1 REVOKED AND THAT THE DEFENDANT BE HELD IN CUSTODY
2 THROUGHOUT THE REMAINDER OF THE TRIAL I'M GOING TO
3 GRANT THAT MOTION, THE REASON BEING THAT THE TRIAL HAS
4 COMMENCED INTO ITS SECOND DAY

5 THE BOND THAT -- WHICH I UNDERSTAND TO BE A 25 --
6 NOT EVEN A \$25,000 SURETY BOND, BUT IT DOES HAVE A 10
7 PERCENT OPTION -- BUT IT IS A SURETY BOND WITH A 10
8 PERCENT OPTION, IN MY OPINION IS NOT SUFFICIENT TO
9 COMPENSATE THE STATE IN THE EVENT THAT THE DEFENDANT
10 WERE TO FLEE THE JURISDICTION.

11 AND WE'VE HAD AT LEAST ONE INCIDENCE OF --
12 INCIDENT OF THE -- OF SOME CONTACT -- NOT -- I'M SURE
13 IT WAS NOT INTENTIONAL, BUT IT WAS CONTACT WITH A
14 JUROR AND I FEEL JUST FOR THE SAFETY OF ALL PERSONS
15 CONCERNED THAT THE DEFENDANT WILLIE ALEXANDER SHOULD BE
16 HELD IN CUSTODY THROUGHOUT THE REMAINDER OF THE TRIAL,
17 AND SO ORDERED

18 ALL RIGHT. ANYTHING FURTHER FOR THIS AFTERNOON?

19 MS. CAMPBELL NO, SIR

20 MR. BURR. NONE FROM THE DEFENSE, YOUR HONOR.

21 THE COURT. ALL RIGHT, 9:30 IN THE MORNING

22 THE GRAND JURY IS GOING TO MEET IN HERE AT 9-00
23 O'CLOCK. THIS COURTROOM WILL BE CLOSED

24 MR. MEADORS: DO WE NEED TO CLEAN THIS UP?

25 THE COURT: NO, NO THEY'LL MEET IN THE JURY BOX

1 EVERYBODY UNDERSTANDS THIS COURTROOM WILL BE CLOSED
2 UNTIL 9:30 FOR INSTRUCTIONS FOR THE NEW GRAND JURY OR
3 THE ORIENTATION FOR THE NEW GRAND JURY.

4 (NOTE FROM JUROR MARKED FOR IDENTIFICATION AS
5 COURT'S EXHIBIT NO. 2)

6 (COURT IS IN RECESS)

7 --- END OF TRANSCRIPT OF RECORD ---

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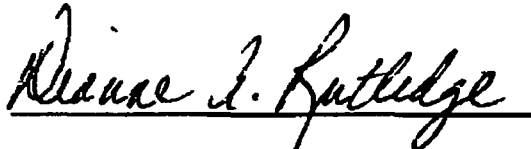
24

25

1 I, THE UNDERSIGNED DIANNE A RUTLEDGE, OFFICIAL
2 COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE
3 STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE
4 FOREGOING IS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT
5 OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE
6 INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE
7 TO APPEAL, IN THE CIRCUIT COURT FOR RICHLAND COUNTY,
8 SOUTH CAROLINA, ON THE 6TH DAY OF JANUARY 2004

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

11 FEBRUARY 24, 2004

12 
13 _____
14 COURT REPORTER

ORIGINAL

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301-428
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I

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) COURT OF GENERAL SESSIONS
) 2002-GS-40-10992, 10624

State of South Carolina

vs

Willie Lloyd Alexander and
Demetrio Sears,

Defendants

)
)
) TRANSCRIPT OF RECORD
) (Trial - Volume 1 of 4)
)
)
)

January 5, 2004
Columbia, South Carolina

BEFORE

THE HONORABLE G THOMAS COOPER, JR , JUDGE, and a
jury

APPEARANCES

KATHRYN LUCK CAMPBELL, SENIOR ASSISTANT SOLICITOR
JOHN MEADORS, DEPUTY SOLICITOR
Attorneys for the State

WILSON BURR, ATTORNEY AT LAW
Attorney for Defendant Willie Lloyd Alexander

DOUGLAS STRICKLER, PUBLIC DEFENDER
Attorney for Defendant Demetrio Sears

JENNY H WILLIAMS
Official Circuit Court Reporter
(803) 576-1743

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15	63	Photograph	13	173
16	64	Photograph	13	173
17	65	Photograph	13	173
18	66	Photograph	13	173
19	67	Photograph	13	173
20	68	Photograph	13	173
21	69	Photograph	13	173
22	70	Photograph	13	173
23	71	Photograph	13	173
24	72	Photograph	13	173
25	73	Magazine	13	195

1	74	Magazine	13	195
2	75	One live round	13	195
3	76	Six rounds	13	195
4	77	One round	13	195
5	78	Cartridge case	13	403
6	79	Cartridge case	13	403
7	80	Cartridge case	13	403
8	81	Diagram	13	148
9	82	Four projectiles	13	195
10	83	Five shell casings	13	195
11	84	Diagram	13	321
12	85	Photograph	13	350
13	86	Driver's license	13	328
14	87	Rags	13	441
15	88	Videotape	13	320
16	89	Photograph	13	350
17	90	Photograph	13	350
18	91	Photograph	13	350
19	92	Photograph	13	350
20	93	Photograph	13	350
21	94	Photograph	13	350
22	95	Photograph	13	350
23	96	Photograph	13	350
24	97	Photograph	13	350
25	98	Yellow bag	13	332

1	99	Jeans shorts	13	
2	100	Shoes	13	
3	101	Shirt	13	
4	102	Photograph	13	
5	103	Photograph	13	356
6	104	Firearm Analysis	13	410
7	105	Statement	13	711
8		Withdrawn Exhibit		
9	106	Advice of Rights Form	13	712
10	107	Advice of Rights Form	88	472
11	110	Bag of glass	245	
12	111	Blow-up	279	279
13	112	Paperwork	330	330
14	113	Statement	441	476
15		Withdrawn Exhibit		
16	114	Advice of Rights Form	487	488
17	115	Court's Exhibit 3 - Statement	643	643
18		Withdrawn Exhibit		
19	116	Statement	714	
20	117	Statement	870	870

21

22

23

24

25

DEFENDANT'S EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Photograph	308	360
2	Photograph	308	360
3	Photograph	308	360
4	Photograph	308	360
5	Photograph	308	360
6	Photograph	308	360
7	Photograph	308	360

COURT'S EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Defendant's Requested Voir Dire	27	
3	Unredacted Statement of Alexander	555	

1 Monday, January 5, 2004

2 (Whereupon, State's Exhibit Nos 1 through 106
3 are marked for identification only)

4 THE COURT All right This is the case of
5 State vs Demetrio Sears and Willie Lloyd Alexander
6 State ready to proceed?

7 MS CAMPBELL The State's ready, Your Honor

8 THE COURT Is the defense ready to proceed?

9 MR STRICKLER Mr. Sears is ready, Your Honor

10 MR. BURR Mr Alexander is, Your Honor

11 THE COURT All right Good It's my
12 understanding after a brief in chambers conference
13 that there is a matter that needs to be taken up
14 prior to the selection of the jury Is that correct,
15 Mr Strickler?

16 MR STRICKLER Yes, sir

17 THE COURT You may proceed

18 MR STRICKLER Thank you, Your Honor At this
19 point in time, for Mr Sears, I will move to sever
20 these cases There's no question they arose out of
21 the same incident It involved obviously two
22 separate defendants We submit that it's a situation
23 in which the defendants will advance antagonistic
24 defenses Mr Sears, according to a written
25 statement, renders one version of the events Mr

1 Alexander, according to a written statement he gave,
2 describes a separate or a different version of
3 events, and specifically indicated in his statement
4 that Mr Sears intended to commit an armed robbery
5 prior to the incident occurring

6 So I would submit that there are antagonistic
7 defenses involved in this case and that to go forward
8 is to open, in the technical term would be a "can of
9 worms", as far as advancing defenses on the part of
10 both Mr Sears and I assume on the part of Mr
11 Alexander So on that basis, while we realize there
12 is no outright prohibition against joint trials,
13 there is a whole series of cases which are cautionary
14 in nature as far as the trial of cases such as this
15 I would submit this would be an appropriate case in
16 which the Court should exercise caution and would ask
17 that you do so and separate these trials

18 THE COURT. Mr Strickler, just so I'll
19 understand what you mean by antagonistic defenses,
20 other than the fact that the statements -- there are
21 statements which I assume inculcate each other or
22 something to that effect?

23 MR STRICKLER Well, he says one thing
24 happened, he says something completely different
25 happened Okay?

1 THE COURT All right

2 MR STRICKLER He says he arrives at the scene
3 and gets shot He indicates he arrives at the scene,
4 gets out of the car, disappears out of the car,
5 disappears into the store

6 THE COURT You mean as to your defendant?

7 MR STRICKLER I'm sorry "He" and "he" is not
8 clear I'm sorry Mr Sears, my client, indicates
9 he arrives at the scene in a vehicle, gets out of the
10 vehicle and is shot almost immediately --

11 THE COURT Okay

12 MR STRICKLER -- as he's getting out of the
13 vehicle

14 THE COURT Okay

15 MR STRICKLER Mr Alexander by the end of the
16 statement that he gave indicates that they traveled
17 to the store intending to commit an armed robbery at
18 the instigation of Mr Sears Okay. And that
19 Mr Sears I believe disappeared. Mr Alexander
20 remained in the car, Mr Sears then returned, having
21 been shot

22 THE COURT Okay. I understand

23 MR STRICKLER So I'm sorry if I wasn't clear
24 in that regard

25 THE COURT That's all right For the record,

1 it makes it clearer

2 MR STRICKLER Yes, sir

3 THE COURT And, Mr Burr, any motion on behalf
4 of your client, Mr Alexander?

5 MR BURR I would join Mr Strickler in his
6 motion The two statements are different from the
7 very beginning as to how the two defendants got
8 together the very first that morning It's complete
9 pointing of fingers from one defendant to the other
10 So we would move that they do be severed and tried
11 individually Thank you

12 THE COURT The indictments indicate that both
13 of these defendants were charged with the same thing,
14 attempted armed robbery on the same day, at the same
15 location Am I correct?

16 MR. STRICKLER. Yes, sir I'm sorry if I wasn't
17 clear about that, too There's no question that it's
18 the same incident, same victims alleged in the
19 offense, same factual sequence There's no question
20 about that, Your Honor

21 THE COURT Okay Thank you The State's
22 position?

23 MR MEADORS Your Honor, kind of following up
24 on what Mr Strickler just said The same witnesses,
25 the same time, the same incident For judicial

1 economy reasons initially we'd ask to go forward
2 And following that up a little bit, the decreased
3 burden on the victims, the witnesses, these is case
4 law out there, specifically State v Vinnis and some
5 others, State v Boys, where criminal defendants who
6 are jointly tried are not entitled to separate trials
7 as a matter of right for these reasons Judicial
8 economy, less burdensome on the --

9 THE COURT What were the cases cited?

10 MR MEADORS State v Boys

11 THE COURT Boyce?

12 MR. MEADORS. Boys, B-O-Y-S, 397 SE2d 529
13 Judge, in addition to that, the mere allegation of
14 antagonistic defenses has been held not to be a
15 sufficient reason to sever Both of these
16 statements -- and the answer to that, Your Honor,
17 obviously is to redact any reference to the
18 co-defendants if we even decide to use these
19 statements I have looked over them There is a
20 recent case which says that you can put in another
21 person or another guy That has been upheld by our
22 appellate courts as being appropriate, or however you
23 want to do it But we think we can effectively
24 redact any reference one co-defendant has to the
25 other, which obviously we couldn't present that

1 anyway unless they took the stand

2 Judge, for all those reasons Judicial economy,
3 decreased burden on the witnesses and victims, and
4 the prejudice to the State if we had to do two
5 separate trials, at this point we respectfully
6 request to go forward with both

7 THE COURT It --

8 MR MEADORS And, Judge, I have both of these
9 statements if Your Honor would like to look at them

10 THE COURT I'd like to look at them Although
11 I don't think it's uncommon that in a case where two
12 defendants are charged on the same day in the same
13 incident that there in all likelihood is going to be
14 different stories or different statements given as
15 to --

16 MR MEADORS Just to follow up There was a
17 separate oral statement from Mr Sears that was taken
18 in the hospital which we were allowed to go in last
19 time This was a mistrial against Mr. Sears in
20 September, Your Honor, where Miranda warnings were
21 not given to him at that time So of course we
22 didn't even attempt to get it in in our case in
23 chief When Mr Sears took the stand on cross we
24 asked him about those questions, and then there he
25 did admit that prior to this date he knew they were

1 going to rob this particular place So there is
2 another oral statement out there

3 Again, I don't think we could get it in in our
4 case in chief, but where he did admit to the
5 incident, which is very similar to what Mr Alexander
6 said in his first oral statement

7 THE COURT First oral statement

8 MR MEADORS Correct Which again was taken in
9 violation of Miranda We're not going to put that in
10 or attempt to unless the defendant takes the stand
11 against Mr Sears

12 And, Judge, over the lunch break we'll redact
13 these statements and obviously get with Mr Burr and
14 Mr Strickler to see if they meet with their
15 approval

16 THE COURT Were these cases tried together the
17 first time?

18 MR. STRICKLER No, sir Mr Sears was tried by
19 himself the first time

20 THE COURT All right

21 MR MEADORS Your Honor, I'd like the record to
22 reflect, I think that was at that time due to some
23 just notice problems to Mr Burr and his client

24 THE COURT I understand that

25 MR MEADORS Your Honor, State vs Hughes is

1 the case where mere allegation of antagonistic
2 offenses was held insufficient ground for severance
3 And that's 552 SE2d 315

4 MR STRICKLER Your Honor, of course the
5 problem with that -- and I understand that to be the
6 law -- the problem with that is that the extent of
7 the conflict inherent in trying co-defendants seldom
8 becomes obvious until you actually get involved with
9 the trial At that point in time, the barn door is
10 wide open then So, I understand that to be the law
11 I didn't mean to imply anything other than that

12 THE COURT The barn door has probably been
13 opened many times You got that Hughes case with
14 you?

15 MR MEADORS· Your Honor, I've got a summary of
16 it

17 MS. CAMPBELL I'll get it for you, Your Honor

18 MR. MEADORS Also I want to call attention to
19 State v Davis

20 THE COURT You mentioned that

21 MR MEADORS Okay I'm sorry

22 MS CAMPBELL. So, Your Honor, you want the
23 Hughes case?

24 THE COURT What's the date of it?

25 MS CAMPBELL 2001 I'm going to get it for

1 you right now

2 THE COURT I don't need it It not in the
3 computer Mr Strickler, as I read the Hughes
4 case -- and I understand the general rule -- the
5 Hughes case says that the severance should be granted
6 only when there is a serious -- I have it Thank
7 you Severance should be granted only when there is
8 a serious risk that a joint trial would compromise a
9 specific right of the co-defendant I'm sorry I'm
10 sorry Let me go back, go back one sentence

11 "The general rule allowing joint trials applies
12 with equal force when a defendant's severance motion
13 is based on a likelihood he and the co-defendant will
14 present mutually antagonistic defenses, i e , accuse
15 one another of committing the crime "

16 Having read the two statements, certainly there
17 is a difference in the two statements, but I'm not
18 sure they're antagonistic defenses They are
19 antagonistic or varied accounts of how or what went
20 on at the particular time and place that the
21 indictments allege the crime occurred They are
22 different accounts of it The separate defenses, I'm
23 not clear as to why you take the position they are
24 separate defenses

25 One statement alleges that Mr Sears did not go

1 into the store The other alleges that Mr Sears did
2 go into the store So there's a difference in the
3 factual setting of what occurred from each of the two
4 defendants, but they're not separate defenses as I
5 understand it So maybe you can enlighten me as to
6 why they are separate defenses

7 MR STRICKLER Well, --

8 THE COURT You see what I'm concerned --

9 MR STRICKLER -- as to -- they're separate
10 offenses as to why Mr Sears -- from my standpoint,
11 as to why Mr Sears went to the store to begin with,
12 whether he went to commit an armed robbery or whether
13 he went to accompany another person that wanted to
14 discuss some prior business dealings with him.

15 THE COURT Somebody owed somebody some money?

16 MR. STRICKLER Yes, sir That's certainly the
17 allegation I mean, at page 3 of Mr Sears'
18 statement, the question "Was the purpose going to
19 Sterling's that morning to rob Sterling?" The
20 answer "Not really I was going there just" --

21 THE COURT Wait a minute Page 3?

22 MR STRICKLER Yes, sir

23 THE COURT Go ahead

24 MR STRICKLER Yes, sir.

25 THE COURT Go ahead and read it

1 MR STRICKLER "Was your purpose of going to
2 Sterling's that morning to rob Sterling?" Answer
3 "Not really I was going there just to -- Shaheem
4 thought Sterling, when he came in the case, Sterling
5 acted crazy I still think Sterling shot me because
6 he thought we were going to rob him "

7 THE COURT Sterling is --

8 MR STRICKLER Sterling is the --

9 THE COURT: -- the victim?

10 MR STRICKLER Yes, sir One of these
11 gentlemen over here That juxtaposed with --

12 THE COURT Yes, I see it The last -- page 4
13 of the -- I'm sorry -- page 3 of the
14 co-defendant's --

15 MR STRICKLER Yes, sir

16 THE COURT. -- statement

17 MR STRICKLER. Mr Alexander's statement Yes,
18 sir

19 THE COURT Mr Meadors

20 MR MEADORS I agree, Your Honor, I don't think
21 they are antagonistic And I think if you look up
22 there earlier, he says, "I got out" -- I'm looking on
23 page 2 of Mr Sears' statement "When I got out I
24 had on my L A hat on backwards I also had a silver
25 380 caliber pistol that Shaheem had given me as I

1 was getting out of the van " So even before, he
2 denied that in trial last time, said that that was a
3 mistake Investigator McDonald had made, put on his
4 statement Clearly, he's getting a gun as he's
5 getting out So both of them have -- are going
6 there, I think you can argue in both statements,
7 knowing that a robbery is going to happen

8 And I think, according to Mr Strickler earlier,
9 he said, well, not really But then he even says
10 earlier I guess between the second, Sterling thought
11 it was a robbery And, Judge, even so, we're going
12 to redact reference to each other in this case, which
13 I think will --

14 THE COURT I don't know what that means

15 MR MEADORS I'll redact reference to the other
16 defendant in each case

17 THE COURT Has that been done?

18 MR MEADORS No, sir We were going to do that
19 over lunch I'm sorry I didn't state it I thought
20 I stated that earlier Let them look at it That's
21 the case that I handed Your Honor I believe, State v
22 Garrett In that case they said putting another guy
23 in there was sufficient 567 se2d 523 And I have a
24 copy of that, Your Honor, that's coming in from my
25 office putting in another guy Like if Sears said

1 "Alexander did it", you'd say, "Sears said another
2 guy did it"

3 THE COURT Oh Another guy in quotes

4 MR MEADORS Well, not even in quotes It
5 would just be the fact I say "another guy" instead of
6 leaving it blank And I think --

7 THE COURT I see what you're saying I did not
8 understand what you were saying Well, I'm wondering
9 how that would change the -- if at all, would change
10 the defendants' position

11 MR STRICKLER. It wouldn't change it at all
12 Of course, I don't agree that that's the law at all
13 as far as redaction of statements goes, Your Honor
14 I have a number of cases that address that issue
15 specifically

16 MR MEADORS. Your Honor, in addition --

17 THE COURT. Yeah

18 MR MEADORS -- to State v Dennis, obviously
19 Your Honor is going to give cautionary instructions
20 to the jury --

21 THE COURT I understand that

22 MR MEADORS -- to weigh it separately against
23 these two defendants We just think there's a body
24 of law out there -- you know, his argument is you
25 could never try co-defendants together

1 MR STRICKLER You shouldn't

2 MR MEADORS And he just said you shouldn't

3 Well, clearly the law says you can

4 THE COURT I understand that All right At
5 this point, at this point in time I see no reason to
6 sever because I do not see that they are separate
7 defenses I still take -- after reading the
8 statements believe that they are separate versions of
9 the facts that happened on October the 8th, 2002, and
10 I see no reason why the jury could not discern or
11 decide between one statement of facts or the other
12 statement of facts if indeed the defendants take the
13 stand or if any parts of their statements are used at
14 trial

15 And I realize, Mr Strickler, it creates
16 somewhat complex issues in cases like this where
17 defendants are tried together, but, on the other
18 hand, defendants are tried together frequently And
19 unless I see a clear violation of this Holmes case, I
20 see no reason to sever them at this point in time

21 So, let's plan to draw the jury somewhere
22 between 2 and 2 30 And if there are other pre-trial
23 issues that need to be decided or taken up, we'll do
24 so

25 MR STRICKLER If I could, with that in mind,

1 Judge, there's the original of my voir dire to Madam
2 Clerk, I'd ask she file a copy to Madam Court
3 Reporter I'd ask her to mark it as a Court's
4 Exhibit, if I could please, Your Honor

5 THE COURT Be glad to

6 MR MEADORS A copy of that for you That's
7 two copies If I may

8 THE COURT Sure

9 MR STRICKLER Thank you, sir And a copy to
10 Madam Solicitrix, a copy to our co-defendant's
11 counsel

12 (WHEREUPON, Court's Exhibit No 1 was marked for
13 identification only)

14 THE COURT Is that Ntense? Is that the way you
15 would pronounce the name of the business?

16 MR STRICKLER Ntense Yes, sir I didn't
17 mean to deal with these now Just some exceedingly
18 light reading for the lunch break

19 THE COURT I need it The statements,
20 Mr Meadors All right

21 MR STRICKLER I'm sorry, Your Honor One
22 other thing

23 THE COURT Prior to jury selection?

24 MR STRICKLER Yes, sir, prior to jury
25 selection It affects the jury selection itself

1 The co-defendants here, the question arises as to
2 order of examination And really, my experience, the
3 decision as to order of jury selection carries
4 forward throughout the trial of the case the order in
5 which one exercises ones strikes I am unaware of
6 any hard and fast rules When I've had to visit this
7 issue before, the direction from the bench has
8 uniformly been that if we couldn't agree on an order
9 in which to proceed amongst ourselves, then the Court
10 would go in the order of the indictment I took the
11 opportunity to take a look at the indictment numbers
12 in this case, and Mr Alexander's is the lower number
13 of the two indictments And I would move that we go
14 ahead and proceed the examination in that order In
15 other words, Mr Alexander --

16 THE COURT He is 10624 Your client is 10992

17 MR STRICKLER Yes, sir I checked Because
18 it's just always how it's been done when I've dealt
19 with it before I was unable to find any case law
20 that said that's how you have to do it I think
21 order of examination is completely in your
22 discretion But I would move that we proceed in that
23 fashion

24 THE COURT Any objection?

25 MR MEADORS Judge, whatever Your Honor says on

1 that is fine with us

2 THE COURT All right We'll go in order of the
3 indictment numbers, that is, in terms of jury
4 selection strikes and order of examination

5 MR STRICKLER Yes, sir

6 THE COURT All right Now

7 MR STRICKLER That's all I had I just wanted
8 to --

9 THE COURT Is there an agreement on strikes?

10 MR. STRICKLER It's ten and ten as I understand
11 it now

12 MR BURR That's right

13 MR STRICKLER. And we have to exercise our
14 strikes independently of each other

15 MR. BURR That's my understanding

16 MR. STRICKLER. The only other thing I need to
17 do before we pick the jury is, I don't want to foster
18 any illusion of collusion on the part of anyone
19 watching this So we're going to have to separate
20 these tables just a little bit

21 THE COURT That's fine

22 MR STRICKLER. But we'll take care of that
23 part

24 MS CAMPBELL Your Honor, may I take up one
25 other I think brief matter? In the prior trial we

1 did -- in the Demetrio Sears indictment, there was an
2 indictment It was a typographical error that said
3 "In the person or presence of employees of Ntense
4 Autos", was the amendment We added the words
5 "employees of"

6 THE COURT That amendment is initialed by Judge
7 Kinard

8 MS CAMPBELL Yes, sir We would just -- the
9 corresponding indictment for Willie Lloyd Alexander,
10 I don't think you would have any objection to this,
11 we would just ask that "employees of" be added in
12 also

13 THE COURT Mr Burr?

14 MR BURR No objection

15 MR STRICKLER Of course I would renew the
16 objection I made at the time of the previous trial as
17 I believe I did move to amend the indictment

18 MS CAMPBELL I'm sorry I thought maybe you
19 agreed to it

20 MR STRICKLER I don't believe so

21 THE COURT Not likely

22 MS CAMPBELL Thank you

23 THE COURT All right The Alexander indictment
24 has been amended to read, "From the person or
25 presence of, or employees of, Ntense Kustoms and Car

1 Audio" Anything further?

2 MR. STRICKLER. Nothing from us, Your Honor

3 THE COURT Let's reconvene at 2:15 and get the
4 jury selected today We'll stand at ease

5 MR MEADORS. Your Honor, at this time one other
6 matter We would ask that Mr Alexander be taken
7 into custody The case has now been called

8 THE COURT Why is that?

9 MR MEADORS Well, the case has been called for
10 trial now

11 THE COURT I understand that. Is he on bond?

12 MR BURR. Your Honor, his parents are on the
13 bond

14 THE COURT Do what?

15 MR BURR He is out on bond.

16 THE COURT. Where is the bonding agent?

17 MR BURR. Not the bonding agency His parents
18 put up cash

19 THE COURT Are his parents willing to stay on
20 the bond?

21 MR BURR Yes, sir, they are

22 THE COURT All right He can stay on bond

23 MR BURR Thank you, Your Honor

24 MR MEADORS Your Honor, after we pick the
25 jury, we'll renew that motion, just as our practice

1 in all other cases --

2 THE COURT I know that

3 MR MEADORS -- when all cases some come to
4 trial, we're going to ask that he be detained during
5 the trial

6 THE COURT I understand that. He's still on
7 bond

8 MR BURR Thank you

9 (Whereupon, a lunch break is taken)

10 THE COURT Does the defense have a witness
11 list?

12 MR BURR Mr Alexander has no witness list,
13 Your Honor

14 MR STRICKLER Neither does Mr Sears.

15 THE COURT All right Thank you I've
16 reviewed the Defendant's Requests for Voir Dire
17 Any --

18 MR MEADORS No objection from the State

19 THE COURT: -- objection on behalf of the State?
20 All right Fine All right, counsel Are you ready
21 for the jury?

22 MR MEADORS The State's ready

23 THE COURT. Mr Burr?

24 MR BURR I'm sorry, Your Honor

25 THE COURT You're going to go first

1 MR BURR Yes, sir, I am

2 THE COURT Are you ready for the jury?

3 MR BURR. Yes, sir, I am

4 THE COURT Thank you

5 MR STRICKLER Yes, sir Mr Sears is ready
6 for the jury

7 THE COURT. Thank you. Bring the jury

8 (Pause)

9 THE COURT Counsel, juror number 194, number 26
10 on the mini-pool, it was determined that
11 qualification, he lives out of the county

12 THE CLERK Judge, we have the panel

13 THE COURT. All right Good afternoon, Ladies
14 and Gentlemen Welcome to the Court of General
15 Sessions for the Fifth Judicial Circuit As I am
16 certain all of you know, our court system is divided
17 into two divisions, that is, the criminal division
18 and the civil division

19 We call the criminal division the Court of
20 General Sessions in South Carolina We call the
21 civil division the Court of Common Pleas These are
22 names that have been with us since Colonial times
23 We've just never elected to change the names of our
24 courts So those of you who are selected on the jury
25 today in the case that we're about to go into will be

1 sitting on a criminal case

2 I'm going to ask you some questions about
3 whether you have any connection with any of the
4 parties I'm going to identify the parties to you
5 This is in addition to the qualification process that
6 you've already been through downstairs, but we need
7 to know that each and every one of you who are
8 selected on the jury can be fair and impartial and
9 have no connection with any of the parties in this
10 case

11 The case that we're about to go into is entitled
12 The State of South Carolina vs Demetrio Sears and
13 the case of The State of South Carolina vs
14 Mr. Willie Lloyd Alexander I'm going to introduce
15 each of these gentlemen to you But let me say to
16 begin with that what I am reading from is known as an
17 indictment This is merely a piece of paper It
18 charges each of the defendants with a crime It is
19 not evidence of anything

20 So whatever I tell you about what's contained in
21 this indictment today, it's only a factual recitation
22 of what the State intends to prove as a result of
23 this trial, but, again, this is not to be taken by
24 you as any evidence of anything, because each of
25 these two defendants is presumed innocent when they

1 come into this courtroom Every citizen of this
2 state, every citizen of the United States is presumed
3 innocent until proven guilty And I'll explain the
4 burden of proof that the State has at a later time
5 But, nevertheless, I don't want you to take anything
6 that I say as a result of discussing these
7 indictments with you as any evidence of guilt, of
8 either of the two defendants

9 I'm going to ask Mr Demetrio Sears if you will
10 stand, please, and face the jury I'm going ask if
11 any member of the jury panel is related by blood or
12 connected by marriage or a close personal
13 acquaintance of Mr Demetrio Sears? If so, please
14 stand Anybody know Mr Sears? All right Have a
15 seat, Mr Sears Thank you very much

16 Mr Alexander, will you stand and face the jury
17 I'll ask if any member of jury panel is related by
18 blood, connected by marriage or employment, or a
19 close personal acquaintance of Mr Willie Lloyd
20 Alexander? If so, please stand All right Thank
21 you very much, Mr. Alexander.

22 Mr Sears is represented in this matter today by
23 Mr Douglas Strickler I'll ask if any member of the
24 jury panel is related by blood or connected by
25 marriage or employment, or a close personal

1 acquaintance of Mr Doug Strickler? If so, please
2 stand

3 And Mr Alexander is represented by Mr Wilson
4 Burr, also of the Richland County Bar I'll ask if
5 any member of the jury room is related by blood or
6 concerned by marriage or employment, or a close
7 personal acquaintance of Mr Wilson Burr, or perhaps
8 have been represented by either Mr Burr or
9 Mr Strickler in any prior matters, or even, for that
10 matter, may have been, maybe represented at the
11 present time?

12 Yes, sir Could I get your name And when you
13 stand, please, when I ask you these questions, if
14 you'll give me your juror number if you know it If
15 not, I've got a chart here and I can tell you what
16 your juror number is.

17 JUROR Juror number 118, William Brewer

18 THE COURT. Mr Brewer, yes, sir

19 JUROR My son works with the Mr Doug
20 Strickler He's with the Public Defender's Office

21 THE COURT How long was that, sir?

22 JUROR About three or four months ago

23 THE COURT All right Would the fact that you
24 have had that business relationship with Mr
25 Strickler in any way interfere with your ability to

1 give both the State and the defendant a fair and
2 impartial trial in this case?

3 JUROR No, sir

4 THE COURT Thank you very much, Mr Brewer
5 Anybody else?

6 All right Now, as in any case, the State of
7 South Carolina which is the entity which brings the
8 parties -- I mean, which brings the case -- is
9 represented in Richland County by your Fifth Judicial
10 Circuit Solicitor's Office Mr Barney Giese is the
11 Fifth Judicial Circuit Solicitor. The assistant
12 solicitors who will be trying the case today are
13 Mr John Meadors and Ms Luck Campbell, Kathryn Luck
14 Campbell

15 I'll ask if any member of the jury panel is
16 related by blood, concerned by marriage or
17 employment, or a close personal acquaintance of
18 either Mr John Meadors or Ms Kathryn Luck Campbell,
19 or have any acquaintance with either of these two
20 attorneys? Mr Brewer

21 JUROR I used to work at State Law Enforcement
22 Division, and I did some work with Luck Campbell

23 THE COURT I'll ask you the same question I
24 asked a moment ago with regard to Mr Strickler
25 Would the fact that have you done work with

1 Ms Campbell in any way impair your ability to give
2 both the State and the defendant a fair and impartial
3 trial?

4 JUROR No, sir

5 THE COURT Thank you very much, Mr Brewer

6 Let me ask if any member of the jury panel or
7 any member of your family has been employed by the
8 Fifth Judicial Circuit Solicitor's Office? Anybody
9 in your family, either you or your family, that has
10 worked with the Solicitor's office?

11 Any member of the jury panel or any member of
12 your family worked for the Attorney General of the
13 State of South Carolina or the United States
14 Attorney's Office here in Columbia? Any member of
15 your family? Either you or any member of your family
16 worked for any of those three entities, either the
17 Fifth Judicial Circuit Solicitor's Office, the Office
18 of the United States Attorney General, or the United
19 States attorney's office? I can't get you on that
20 one, Mr Brewer?

21 JUROR No

22 THE COURT Any member of the jury panel or any
23 member of your family been employed in any branch of
24 law enforcement? For example, Columbia City Police
25 Department, Forest Acres Police Department, the

1 Sheriff's Office, State Law Enforcement Division,
2 maybe even any armed forces law enforcement agency.

3 Yes, ma'am Could I have your name, please?

4 JUROR Brooke Dixon

5 THE COURT Ms Dixon?

6 JUROR. And my grandfather was a Lieutenant with
7 State Troopers He is retired now

8 THE COURT You're number 58, Ms Dixon Your
9 grandfather was a State Trooper?

10 JUROR Lieutenant

11 THE COURT All right

12 JUROR And my uncle is a spokesperson right
13 now

14 THE COURT Is what?

15 JUROR Spokesperson for the State Troopers

16 THE COURT For the State Troopers And what's
17 his name?

18 JUROR: Ken No Kelly That's my
19 grandfather

20 THE COURT And your uncle

21 JUROR Is Kelly Hughes

22 THE COURT Kelly Hughes

23 JUROR And my grandfather is Ken Hughes

24 THE COURT Ken Hughes

25 JUROR Mm-hmm (affirmative)

1 THE COURT Thank you very much, Ms Dixon
2 Anyone else? Yes, ma'am What is your name, please?
3 JUROR Sarah Reese.
4 THE COURT Ms Reese, let me get your juror
5 number Ms Reese, you're number 189 Yes, ma'am
6 JUROR. My dad was a corporal for the Richland
7 County Sheriff's Department
8 THE COURT Is he still employed there?
9 JUROR He is retired
10 THE COURT He is retired Thank you very much,
11 Ms Reese. Yes, ma'am.
12 JUROR Could I ask you a question?
13 THE COURT Sure Stand up. Who are you?
14 JUROR I am juror 22
15 THE COURT Okay Juror 22
16 JUROR. I am 22 That's right I wondered if
17 it's only those police departments you mentioned
18 THE COURT No I mean any --
19 JUROR Any law enforcement?
20 THE COURT. Any law enforcement agency I just
21 gave those as examples
22 JUROR I used to many years ago
23 THE COURT You did?
24 JUROR I did
25 THE COURT Okay And, Ms Burch, you are

1 Ms Burch?

2 JUROR Yes

3 THE COURT Where did you work?

4 JUROR I was a forensic chemist

5 THE COURT For .?

6 JUROR For the U S Army Actually, I was a
7 civilian at Ft Gordon, Georgia

8 THE COURT All right Thank you very much,

9 Ms Burch Anybody else

10 JUROR I just worked

11 (Laughter)

12 THE COURT Mr Brewer worked with some agency
13 Or many agencies Probably like to do more work
14 Anybody else?

15 Any member of the jury panel or any member of
16 your family belong to or contributed to any
17 organization which has as its primary purpose the
18 promotion of law enforcement or of victims' rights,
19 in other words, groups such as MADD, or SADD, which
20 would be Students Against Drunk Driving, or any other
21 groups including groups such as the South Carolina
22 Troopers Association or any other law enforcement
23 agency that you generally either are a member of or
24 support And, Ms Dixon

25 JUROR My grandmother is in MADD And my

1 grandfather and uncle, that whole side of the family
2 is in the State Troopers Organization

3 THE COURT All right Thank you very much.
4 Yes, Ms Burch

5 JUROR I contribute to MADD

6 THE COURT Thank you very much Anybody else?
7 Yes, ma'am

8 JUROR I have an aunt that's a victim
9 specialist with the FBI in Knoxville, Tennessee

10 THE COURT All right And your name, please?

11 JUROR Dana Cook, number 42

12 THE COURT Ms Cook, thank you very much
13 Anybody else? Nobody else contributes to the
14 Troopers Association because you get that little
15 sticker and you think they won't give you a ticket?
16 Nobody? They will give you a ticket.

17 All right Ladies and Gentlemen, I'm going to
18 tell you briefly about what the State alleges in the
19 indictments And as I said again, these are not
20 evidence of anything, but I think you need to know at
21 this stage what the accusations are because you may
22 have some knowledge of it You may have read about
23 it in the media or heard about it in the media You
24 may have some personal knowledge of the facts of this
25 case

1 So I'll ask if any member of the jury panel
2 knows anything about the following incident The
3 indictments allege that on or about October the 8th,
4 2002, a little over a year ago, both defendants,
5 Demetrio Sears and Willie Lloyd Alexander, were
6 charged with attempted armed robbery in that they --
7 it's alleged they did attempt to commit robbery by
8 feloniously taking from the person or presence of the
9 employees of Ntense Kustoms and Car Audio And
10 Ntense is spelled with a capital N, T-E-N-S-E, Ntense
11 Kustoms and Car Audio by means of force and
12 intimidation, money of Ntense Kustoms and Car Audio
13 with the intent to deprive the owner permanently of
14 such property while armed with a deadly weapon or a
15 representation of a deadly weapon Both indictments
16 read identical or in an identical manner

17 Now, Mr Solicitor, where is the location of
18 Kustoms and Car Audio?

19 MR MEADORS May it please the Court If Your
20 Honor was heading up Percival and you passed the
21 exit, you'd get off and go to 77 towards Charlotte,
22 you keep going straight up on Percival, and it would
23 be on up on the left, Your Honor, --

24 THE COURT So it's on Percival road --

25 MR MEADORS: -- past Alpine

1 THE COURT -- somewhere in the vicinity of
2 Alpine Road on Percival road which runs parallel to
3 Fort Jackson Out in that area, there are several
4 businesses along that strip out there Any member of
5 The jury panel know anything about or have heard
6 anything about or have any connection in any way with
7 this event which occurred, is alleged to have
8 occurred on October 8th, 2002? Anybody read about
9 it, heard about it? Yes, sir What is your name,
10 please?

11 JUROR. Stanhope Spears I heard about it

12 THE COURT Stan Spears?

13 JUROR Yes, sir

14 THE COURT As in ?

15 JUROR S-P-E-A-R-S

16 THE COURT As in Stanhope Spears?

17 JUROR: Yes, Your Honor

18 THE COURT I thought I'd heard that name
19 somewhere, but I wasn't sure Yes, sir, Mr Spears

20 JUROR I have heard about it I remember
21 seeing the media coverage But it wouldn't affect my
22 judgment

23 THE COURT Well, I have to ask you that You
24 say you saw video coverage or something, news
25 coverage?

1 JUROR Some TV, a little paper coverage, yes,
2 sir

3 THE COURT Does the fact that you have seen
4 that or heard that, would that in any way affect your
5 ability to give both the defendant and the State a
6 fair and impartial trial in this case?

7 JUROR No, sir

8 THE COURT Thank you very much, Mr Spears
9 Somebody else Yes, ma'am

10 JUROR Susan Dunn I think my juror number is
11 63

12 THE COURT Susan Dunn, 63 Yes, ma'am

13 JUROR I just saw media coverage

14 THE COURT Media coverage? All right Does
15 the fact that you did see that media coverage, ma'am,
16 would that in any way affect your ability to give
17 both the State and the defendant a fair and impartial
18 trial in this case?

19 JUROR No

20 THE COURT All right Anybody else? Yes, sir

21 JUROR I'm number 96, Carl Hance I think I
22 remember hearing vaguely about it being a robbery on
23 Percival Road

24 THE COURT The same? Media type?

25 JUROR Yes

1 THE COURT A little over a year ago?

2 JUROR Yes, sir

3 THE COURT All right Mr Hance, would the
4 fact that you had some exposure to it or heard
5 something about it through the media, would that in
6 any way affect your ability to give both the State
7 and the defendant a fair and impartial trial in the
8 case?

9 JUROR No, sir

10 THE COURT Thank you very much, Mr Hance
11 Anybody else? Yes, ma'am Your name?

12 JUROR Ernestine Washington

13 THE COURT Ms Washington

14 JUROR Yes I saw some of the media coverage
15 I don't remember all the details of it

16 THE COURT All right Would the fact that you
17 witnessed that media coverage, ma'am, would that in
18 any way affect your ability to give both the State
19 and the defendant a fair and impartial trial in this
20 case?

21 JUROR No

22 THE COURT New very much, Ms Washington Ms
23 Washington is Number 233 Anybody else?

24 Has any member of the jury panel or any member
25 of your family ever been employed by Ntense Kustoms

1 and Car Audio?

2 Any member of the jury panel or any member of
3 your family have any financial interest in or ever
4 held any financial interest in the business known as
5 Ntense Kustoms and Car Audio? I'm just trying to
6 find out if you have any connection whatsoever to
7 this business Anybody ever patronized, that is,
8 been a customer of, Ntense Kustoms and Car Audio?

9 All right Ladies and Gentlemen, has any member
10 of the jury panel or any member of your family been
11 the victim of or a witness to a robbery, a theft, or
12 an incident in which a weapon was involved? Let me
13 read that again Any member of the jury panel or any
14 member of your family been the victim of, or a
15 witness to, a robbery, a theft or an incident in
16 which a weapon was involved? Mr Spears.

17 JUROR Yes, sir

18 THE COURT Please stand up.

19 JUROR. Yes, sir I was

20 THE COURT Tell me briefly about it

21 JUROR A witness to a homicide

22 THE COURT How long ago was that, sir?

23 JUROR In 1982

24 THE COURT Thank you very much, Mr Spears

25 Yes Did you have your hand up, ma'am?

1 JUROR Dawn Jones
2 THE COURT What is your name?
3 JUROR Dawn Jones
4 THE COURT Ms Jones
5 JUROR It was a long time ago, back in
6 Charleston, a witness to a bank robbery
7 THE COURT Let me get your number, Ms Jones
8 JUROR I don't remember it.
9 THE COURT What?
10 JUROR I don't remember the number
11 THE COURT 249 That's all right I've got
12 it Yes, ma'am Your name?
13 JUROR Juror number 252
14 THE COURT Ms Tolen.
15 JUROR Leslie Scott
16 THE COURT My list says 252 is --
17 JUROR Oh Then I'm not 252. Well, my name is
18 Leslie Scott
19 THE COURT You're obviously not David Which
20 Scott are you?
21 JUROR: Leslie
22 THE CLERK 254
23 THE COURT. 254 Okay now Now we know who you
24 are
25 JUROR My cousin, Carla Kennedy, was held at

1 gunpoint at a video store, Western Auto I think it
2 was

3 THE COURT How long ago?

4 JUROR Less than a year

5 THE COURT Thank you very much, Ms Scott

6 Yes, Ms --

7 JUROR Burch

8 THE COURT -- Burch

9 JUROR Number 22 I was a witness to a
10 homicide But it was like 1965 I'd almost
11 forgotten about it, it's been so long ago

12 THE COURT All right Well, sorry to drag up
13 bad memories Anybody else? All right

14 Now, Ladies and Gentlemen, I'm going to read out
15 a list of names

16 MR MEADORS Judge, I apologize Could we ask
17 Your Honor at this point if there is any member of
18 the jury panel or the jury panel's family who has
19 been employed by the Public Defender's Office or the
20 Federal Public Defender's Office? I apologize

21 THE COURT Any member of the jury panel or any
22 member of your family ever been employed by the
23 Richland County Public Defender's Office? If so,
24 please stand

25 Any member of the jury panel have any friend

1 that works at the Richland County Public Defender's
2 Office or the Federal Public -- in other words, U S
3 Public Defender's Office? If so, please stand Yes,
4 sir.

5 JUROR Jacob Barker

6 THE COURT Barker?

7 JUROR Yes, sir

8 THE COURT And --

9 JUROR I have a friend that is either a clerk
10 or a runner for the public defender And also I know
11 Ms Coggiola, a friend of her son

12 THE COURT You're 255, Mr Jacob Barker

13 JUROR Yes, sir

14 THE COURT You know Ms Coggiola?

15 JUROR Well, we've met a few times I know her
16 son

17 THE COURT You know her son?

18 JUROR Right I've met her before

19 THE COURT I can't hear you

20 JUROR I've met her before

21 THE COURT Stand up I can hear you better if
22 you stand

23 JUROR I've met her a few times and I'm friends
24 with her son

25 THE COURT That's what I thought you said

1 Yes, ma'am

2 JUROR Does the Lexington County Public
3 Defender's Office count?

4 THE COURT. Sure

5 JUROR I have a friend and neighbor who --

6 THE COURT. All right. Who are you?

7 JUROR I'm Patsy Hancock, number 97

8 THE COURT Ms Hancock And you have a friend
9 or a neighbor --

10 JUROR A friend and neighbor who works in the
11 Lexington County Public Defender's Office

12 THE COURT. Thank you very much, Ms. Hancock
13 Anybody else? All right Ladies and Gentlemen, I'm
14 going to call out a list of names of potential
15 witnesses in the case These witness may or may not
16 testify; but, on the other hand, I need to know if
17 you have any connection with any of these witnesses
18 And if any of the witnesses are present, when I call
19 your name, please stand

20 The first witness, potential witness, is
21 Sterling Patterson. Anybody know Mr Patterson? All
22 right As I said, the question is the same as to
23 each of these witnesses Is any member of the jury
24 panel related by blood, concerned by marriage or
25 employment, or a close personal acquaintance of any

1 of these potential witnesses?

2 Deputy Tim Johnson It's the Richland County
3 Sheriff's Office Is that correct? Investigator
4 Scott Byram with the Richland County Sheriff's
5 Department Investigator Jay Russell with the
6 Richland County Sheriff's Department. Andrea Stokes
7 That's Mr Stokes

8 MR MEADORS Andre Stokes

9 THE COURT Andre Thank you, sir. Tina
10 Quattlebaum That's Ms Quattlebaum back there
11 Maggie Quattlebaum This is Ms Quattlebaum Melvin
12 Jefferson Mr Jefferson is not here now Corporal
13 Flynn Tanner with the Richland County Sheriff's
14 Department Investigator Travis Holdorf, Richland
15 County Sheriff's Office Veronica Jones Ms Jones,
16 if you'll just turn around a little bit There's
17 Ms. Jones back there Anybody know Ms Jones?

18 Dr William Newcombe, Deputy B E Dowdy,
19 Richland County Deputy Tara Cataldo, Lieutenant
20 Stan Smith, Richland County Investigator M D
21 Stalb, S-T-A-L-B, Richland County Investigator
22 William Laffin with the Richland County Sheriff's
23 Department, Sergeant Chris Cowen with the Richland
24 County Sheriff's Department Investigator Ray
25 Livingston, Richland County Investigator Kevin

1 Isenhoward Investigator J R. Davis Dr Raymond
2 Bynoe Ila Simmons

3 MR MEADORS SLED, Your Honor

4 THE COURT With State Law Enforcement. Tena
5 Goff Is she also with SLED? Tena Goff

6 MR. MEADORS. Richland County.

7 THE COURT Chris Collins Investigator David
8 Collins, Richland County Sheriff's Department
9 Mr Brewer

10 JUROR Used to work at SLED I've known him

11 THE COURT Okay You know -- how do you know
12 Mr Collins?

13 JUROR I used to work at SLED

14 THE COURT: You used to work with SLED

15 JUROR He was there

16 THE COURT Thank you very much, Mr Brewer
17 Dennis Jefferson. Fred Prince Lieutenant Tom
18 Collins, South Carolina Highway Department Is that
19 correct?

20 MR. MEADORS That's correct, sir Your Honor,
21 I think maybe I missed it as I was going along I
22 don't know if you called out Sergeant Scott McDonald
23 or not

24 THE COURT Sergeant Scott McDonald with the
25 Richland County Sheriff's Department Anything

1 further on behalf of the State?

2 MR. MEADORS No, sir, nothing from the State

3 THE COURT On behalf of the defendant
4 Alexander?

5 MR BURR No, Your Honor

6 THE COURT Anything behalf of the defendant
7 Sears?

8 MR STRICKLER No, sir, Your Honor Thank you

9 THE COURT All right Give us a jury, please

10 THE CLERK When your name is called, if you'd
11 please come forward to the microphone in the middle
12 of the courtroom here; state your name, your
13 occupation Please bring any personal items you have
14 with you Number 120, Stacy Jacobs

15 (Black male)

16 JUROR. My name is Stacy Jacobs, and I'm a truck
17 driver

18 THE CLERK What says the State? Just stay
19 there for a second, please

20 MS CAMPBELL Please present Mr Jacobs

21 THE CLERK What says the defendant Alexander?

22 MR BURR Please swear the juror

23 THE CLERK What says Defendant Sears?

24 MR STRICKLER Please swear Mr Jacobs

25 THE CLERK Please have a seat in the jury box

1 Number 131, Trenizo Keitt
2 (Black male)
3 JUROR My name is Trenizo Keitt
4 THE CLERK It's 131
5 THE COURT. Mr Keitt, would you tell the jury
6 what you do?
7 JUROR Oh I'm a full-time student
8 THE CLERK What says the State?
9 MS CAMPBELL Please excuse Mr Keitt
10 THE CLERK Please return to the back of the
11 courtroom Number 58, Brooke Dixon
12 (White female)
13 JUROR Hi. My name is Brooke Dixon. I work
14 for York County Board Of Disabilities and Special
15 Needs
16 THE CLERK What says the State?
17 MS CAMPBELL Please present Ms Dixon
18 JUROR Thank you
19 THE CLERK Hold on a second What says the
20 defendant Alexander?
21 MR BURR: Please swear the juror
22 THE CLERK What says Defendant Sears?
23 MR STRICKLER Please excuse Ms Dixon from the
24 trial of this case
25 THE CLERK Please return to the back of the

1 courtroom Number 114, David McLaurin.
2 (White male)
3 JUROR David McLaurin American Homes
4 THE CLERK What says the State?
5 MS CAMPBELL Please present McLaurin
6 THE CLERK What says the defendant Alexander?
7 MR BURR Please excuse this juror
8 THE CLERK Please return to the back of the
9 courtroom Number 189, Sarah Reese
10 (Black female)
11 JUROR Sarah Reese, full-time student
12 THE CLERK What says the State?
13 MS CAMPBELL Please present Ms Reese
14 THE CLERK: What says Defendant Alexander?
15 MR BURR Please swear the juror
16 THE CLERK What says Defendant Sears?
17 MR STRICKLER Please swear Ms Reese
18 THE CLERK: Please have a seat in the jury box
19 Number 254, Leslie Scott
20 (White female)
21 JUROR Leslie Scott, a model in New York City
22 THE CLERK: What says the State?
23 MS. CAMPBELL: Please present Ms Scott
24 THE CLERK What says the defense?
25 MR BURR Please swear the juror

1 THE CLERK What says Defendant Sears?

2 MR. STRICKLER Please excuse Ms Scott from the
3 trial of this case

4 THE CLERK Please return to the back of the
5 courtroom Number 97, Patsy Hancock

6 (White female)

7 JUROR I'm a real estate broker

8 THE CLERK What says the State?

9 MS CAMPBELL Please excuse Ms Hancock

10 THE CLERK Please return to the back of the
11 courtroom Number 42, Dana Cook

12 (White female)

13 JUROR. Dana Cook I work for the State of
14 South Carolina Department of Health and Environmental
15 Control

16 THE CLERK What says the State?

17 MS CAMPBELL Please present Ms Cook

18 THE CLERK What says Defendant Alexander?

19 MR. BURR Please seat Ms Cook.

20 THE CLERK What says Defendant Sears?

21 MR STRICKLER Please excuse Ms Cook from the
22 trial of this case

23 THE CLERK Please return to the back of the
24 courtroom. Number 62, Sue Dubose

25 (White female)

1 JUROR I'm Sue Dubose, and I'm a housewife
2 THE CLERK. What says the State?
3 MS. CAMPBELL Please present Ms DuBose
4 THE CLERK What says the defendant Alexander?
5 MR BURR. Please excuse the juror.
6 THE CLERK Excuse? Please return to the back
7 of the courtroom Number 127, Joseph Johnson
8 (White male)
9 JUROR Joseph Johnson I am a function analyst
10 at Fort Jackson Bio-simulation Center
11 THE CLERK What says the State?
12 MS CAMPBELL Please present Mr Johnson
13 THE CLERK What says the defendant Alexander?
14 MR. BURR Please seat the juror
15 THE CLERK What says Defendant Sears?
16 MR STRICKLER Please swear Mr Johnson
17 THE CLERK Please have a seat in the jury box
18 Number 161, Cindy Moore
19 (White female)
20 JUROR I'm Cindy Moore I'm employed by the
21 South Carolina Office of Rural Health
22 THE CLERK What says the State?
23 MS. CAMPBELL Please present Ms Moore
24 THE CLERK What says Defendant Alexander?
25 MR BURR Please excuse Ms Moore

1 **THE CLERK** Please return to the back of the
2 courtroom Number 233, Ernestine Washington
3 (Black female)
4 **JUROR** Ernestine Washington I'm a retired
5 LPN
6 **THE CLERK** What says the State?
7 **MS CAMPBELL** Please present Ms Washington
8 **THE CLERK** What says the defendant Alexander?
9 **MR BURR.** Please swear this juror
10 **THE CLERK** What says Defendant Sears?
11 **MR STRICKLER** Please swear Ms. Washington
12 **THE CLERK.** Please have a seat in the jury box
13 Number 114, Camille Howell
14 (White female)
15 **JUROR.** Camille Howell I'm a paralegal
16 **THE CLERK** What says the State?
17 **MS CAMPBELL** Please excuse Ms Howell
18 **THE CLERK** Please return to the back of the
19 courtroom Number 47, Brian Crocker.
20 (White male)
21 **JUROR** Brian Crocker I work in banking
22 **THE CLERK** What says the State?
23 **MS CAMPBELL** Please present Mr Crocker
24 **THE CLERK** What says the defendant Alexander?
25 **MR BURR** Please swear this juror

1 THE CLERK What says Defendant Sears?

2 MR STRICKLER Please excuse Mr Crocker from
3 the trial of this case

4 THE CLERK Please return to the back of the
5 courtroom Number 147, Jessica Lovelace.

6 (White female)

7 JUROR My name is Jess Lovelace, and I'm a
8 student

9 THE CLERK What says the State?

10 MS. CAMPBELL Please present Ms Lovelace

11 THE CLERK What says the defendant Alexander?

12 MR BURR: Swear the juror

13 THE CLERK. I'm sorry?

14 MR BURR Swear the juror

15 THE CLERK What says Defendant Sears?

16 MR STRICKLER: Please swear Ms Lovelace

17 THE CLERK Please have a seat in the jury box
18 Number 18, William Brewer

19 (White male)

20 JUROR I work for Clemson Veterinary
21 Diagnostics Center and the University of South
22 Carolina

23 THE CLERK What says the State?

24 MS CAMPBELL Please excuse Mr Brewer

25 THE CLERK. Please return to the back of the

1 courtroom The State has four strikes Defendant
2 Alexander has used three strikes Defendant Sears
3 has used four

4 MR STRICKLER. Thank you, Madam Clerk

5 THE CLERK Number 224, Keith Thompson
6 (Black male).

7 JUROR Keith Thompson I'm a foreman for a
8 construction company out of Charlotte, North
9 Carolina

10 THE CLERK What says the State?

11 MS CAMPBELL Please present Mr Thompson.

12 THE CLERK What says Defendant Alexander?

13 MR BURR Please present this juror

14 THE CLERK: What says Defendant Sears?

15 MR STRICKLER. Please swear Mr Thompson

16 THE CLERK. Please have a seat in the jury box
17 Number 96, Carl Hance

18 (White male).

19 JUROR Carl Hance I'm an engineer

20 THE CLERK What says the State?

21 MS CAMPBELL Please present Mr Hance.

22 THE CLERK What says Defendant Alexander?

23 MR BURR Please excuse this juror

24 THE CLERK Please return to the back of the
25 courtroom Number 40, Melanie Coles

1 (White female)

2 JUROR Melanie Coles I'm a full-time student

3 THE CLERK What says the State?

4 MS CAMPBELL Please present Ms Coles

5 THE CLERK What says the defendant Alexander?

6 MR BURR Please swear the juror

7 THE CLERK What says Defendant Sears?

8 MR. STRICKLER Please swear Ms Coles

9 THE CLERK Please have a seat in the jury box

10 Number 218, Katrina Summers

11 (Black female)

12 JUROR Katrina Summers, a full-time student

13 THE CLERK What says the State?

14 MS. CAMPBELL Please excuse Ms Summers

15 THE CLERK Please return to the back of the

16 courtroom. The State has used five Number 124,

17 Randy Jeffcoat 124

18 (White male)

19 JUROR Randy Jeffcoat, South Carolina Budget

20 and Control Board.

21 THE CLERK State challenge for cause?

22 MS CAMPBELL We have ten

23 MR. MEADORS We have ten strikes

24 THE CLERK Oh, I'm sorry The State has ten

25 also I'm sorry What says the State?

1 MS CAMPBELL Please present Mr Jeffcoat
2 THE CLERK What says the defendant Alexander?
3 MR BURR Please swear the juror
4 THE CLERK. What says Defendant Sears?
5 MR STRICKLER Please swear Mr. Jeffcoat
6 THE CLERK Please have a seat in the jury box
7 Number 235, Damon Webber
8 (Black male).
9 JUROR My name is Damon Webber I'm employed
10 at Numo-Richardson
11 THE CLERK. What says the State?
12 MS CAMPBELL Please present Mr Webber
13 THE CLERK What says Defendant Alexander?
14 MR BURR Please seat the juror
15 THE CLERK What says the defendant Sears?
16 MR STRICKLER: Please swear Mr Webber
17 THE CLERK. Please have a seat in the jury box
18 Number 213, Stanhope Spears
19 (White male)
20 MR MEADORS. Can we approach, Your Honor?
21 THE COURT. Just stand at the microphone,
22 Mr Spears
23 THE CLERK Just stand right there, sir
24 (Whereupon, a bench conference is had)
25 THE COURT All right, Mr Spears You can just

1 have a seat Thank you

2 THE CLERK. If you'd just go to the back of the
3 courtroom Number 148, Johnny Mack

4 (White male)

5 JUROR Johnny Mack I'm an information systems
6 coordinator

7 THE CLERK What says the State?

8 MS CAMPBELL Please present Mr Mack

9 THE CLERK. What says the defendant Alexander?

10 MR BURR Please seat the juror

11 THE CLERK. What says Defendant Sears?

12 MR STRICKLER Please swear Mr. Mack

13 THE CLERK Please have a seat in the jury box
14 Number 20, Mary Brooks

15 (Black female)

16 JUROR My name is Mary Brooks. I work for
17 South Carolina Disabilities and Special Needs

18 THE CLERK What says the State?

19 MS CAMPBELL Please excuse Ms Brooks

20 THE CLERK: Please return to the back of the
21 courtroom Number 231, Marsha Ward

22 (White female)

23 JUROR Marsha Ward; housewife

24 THE CLERK What says the State?

25 MS CAMPBELL Please present Ms Ward

1 THE CLERK What says Defendant Alexander?

2 MR BURR. Please swear the juror

3 THE CLERK What says Defendant Sears?

4 MR STRICKLER Please swear Ms Ward

5 THE CLERK Please have a seat in the jury box

6 Number 22, Betty Burch

7 (White female)

8 JUROR I am Betty K Burch I'm a housewife

9 THE CLERK What says the State?

10 MS CAMPBELL Please present Ms Burch

11 THE CLERK What says Defendant Alexander?

12 MR BURR Please excuse this juror

13 THE CLERK Please return to the back of the

14 courtroom Number 3, Patricia Anderson

15 (Black female)

16 JUROR. I'm Patricia Anderson, and I'm retired

17 THE CLERK. What says the State?

18 MS CAMPBELL Please excuse Ms Anderson

19 THE CLERK Please return to the back of the

20 courtroom. Number 32, Paulette Cartledge

21 (White female)

22 JUROR I am Paulette Cartledge, and I work for

23 Wachovia Bank

24 THE CLERK What says the State?

25 MS CAMPBELL Please present Ms Cartledge

1 THE CLERK What says Defendant Alexander?

2 MR. BURR Please seat the juror

3 THE CLERK What says Defendant Sears?

4 MR STRICKLER Please swear Ms Cartledge

5 THE CLERK Please have a seat in the jury box

6 THE COURT Two? Two? One or two alternates?

7 Two alternates?

8 (No response)

9 THE CLERK Number 6, Bryan Barwick

10 (White male).

11 JUROR. Bryan Barwick, engineering technician
12 for the South Carolina Department of Information.

13 THE CLERK What says the State?

14 MS CAMPBELL Please present Mr Barwick

15 THE CLERK What says Defendant Alexander?

16 MR BURR Please seat the juror

17 THE CLERK What says Defendant Sears?

18 MR STRICKLER Please excuse Mr Barwick from
19 the trial of this case

20 THE CLERK Please return to the back of the
21 courtroom Number 85, Ayesha Gill

22 (Black female)

23 JUROR. Ayesha Gill I'm a branch manager for
24 the South Carolina Department of Commerce

25 THE CLERK What says the State?

1 MS CAMPBELL Please present Ms Gill
2 THE CLERK What says Defendant Alexander?
3 MR BURR Please seat the juror
4 THE CLERK What says Defendant Sears?
5 MR STRICKLER Your Honor, may we approach?
6 THE COURT Certainly
7 (Whereupon, a bench conference is had)
8 MR STRICKLER Please excuse Ms Gill from the
9 trial of this case
10 THE CLERK Please return to the back of the
11 courtroom Number 252, Dave Tolen
12 (Black male)
13 JUROR My name is Dave Tolen I'm a
14 self-employed auto mechanic
15 THE CLERK: What says the State?
16 MS CAMPBELL Please excuse Mr Tolen
17 THE CLERK: Please return to the back of the
18 courtroom Number 171, Cynthia Neeley
19 (White female)
20 JUROR Cynthia Neely I'm a cashier
21 THE CLERK What says the State?
22 MS CAMPBELL. Please present Ms Neeley
23 THE CLERK What says the defendant Alexander?
24 MR. BURR. Please excuse this juror
25 THE CLERK Please have a seat in the back of

1 the courtroom Number 249, Dawn Jones
2 (White female)
3 JUROR 249, Dawn Jones Clerk
4 COURT REPORTER I'm sorry I didn't hear
5 JUROR Clerk
6 THE COURT Where do you work?
7 JUROR Ramada
8 THE COURT Oh, okay You said clerk?
9 JUROR Yes.
10 THE CLERK What says the State?
11 MS CAMPBELL Please present Ms Jones
12 THE CLERK What says the defendant Alexander?
13 MR BURR Please seat the juror.
14 THE CLERK Does Defendant Sears challenge for
15 cause?
16 MR STRICKLER No
17 THE CLERK Please have a seat in the jury box
18 This is for the second alternate Number 95,
19 Shounece Hammond
20 (Black female)
21 JUROR Shounece Hammond, full-time student
22 THE CLERK What says the State?
23 MS CAMPBELL Please excuse Ms Hammond.
24 THE CLERK Please return to the back of the
25 courtroom Number 126, Krista Jensen

1 (White female)

2 JUROR My name is Krista Jensen, and I'm a
3 student and a waitress

4 THE CLERK What says the State?

5 MS CAMPBELL Please present Ms Jensen

6 THE CLERK. What says Defendant Alexander?

7 MR. BURR Please seat the juror

8 THE CLERK What says Defendant Sears?

9 MR STRICKLER. Please swear Ms Jensen

10 THE CLERK: Please have a seat in the jury box

11 THE COURT. All right, counsel Any objection
12 to the jury selection process?

13 MS CAMPBELL Beg the Court's indulgence

14 MR MEADORS: May we approach?

15 THE COURT Yes, sir

16 (Whereupon, a bench conference is had)

17 MR MEADORS. Nothing from the State.

18 THE COURT On behalf of Mr Alexander,
19 Mr. Burr?

20 MR. BURR I'm sorry, Your Honor?

21 THE COURT Any objection to the jury selection
22 process?

23 MR BURR. No objection, Your Honor

24 THE COURT Mr Strickler, on behalf of --

25 MR STRICKLER No objection from Mr. Sears

1 THE COURT All right Thank you very much
2 All right Remaining members of the jury panel and
3 those members of the jury panel who are not going to
4 serve on this case, I'm going to excuse you now and
5 ask you to go back to the jury assembly room Let me
6 just say I don't know whether there are going to be
7 other trials that you'll be asked to sit on this
8 week I hope there are frankly There may be civil
9 trials There may be a criminal trial In any
10 event, I want to thank you for coming I want to
11 thank you for being willing to serve as jurors in
12 this case Good luck to all of you And please
13 return to the jury assembly room for further
14 instructions Thank you very much. Counsel,
15 approach the bench, please

16 (Whereupon, a bench conference is had)

17 THE COURT· All right. Ladies and Gentlemen of
18 the Jury, there are a number of matters that -- this
19 is Monday We've had a busy morning There are a
20 number of pre-trial matters that I have take up with
21 the attorneys, legal issues I need to take up with
22 the attorneys before the actual trial begins We
23 wanted to go ahead and get the jury selected today so
24 we'd know who was going to be sitting on this case
25 I think the best and most efficient use of our time,

1 that is, your time and my time, is to excuse you now
2 for the evening, ask you to be back in the jury room
3 at 9 00 in the morning

4 Between now and 5 00 or so I'm probably going to
5 be discussing matters with these attorneys about the
6 presentation of evidence, things of that nature, that
7 will help make the trial run a lot smoother once we
8 start Probably be better to start fresh in the
9 morning anyway So I'm going to excuse you now until
10 9 00 in the morning I'll ask you to be back in your
11 jury room at 9 00 in the morning

12 Now, first let me do one thing. I always tell
13 jurors that I think the most important people in the
14 courtroom as far as you're concerned are the
15 bailiffs Now, considering the bailiffs you've got
16 today, I may have to re-think that But, no
17 Seriously, as far as you're concerned, Mr Dye who is
18 sitting behind you there, Mr Mueller who is sitting
19 in the front, and Mr Crumpton has left at the
20 moment: But, nevertheless, these are the people that
21 you can call on if you have any kind of emergency,
22 any requests for information Anything you need,
23 please get in touch with the bailiffs All right
24 So Mr Dye or Mr Mueller are going to show you where
25 your jury room is so that you'll come back there in

1 the morning, not downstairs where you came today,
2 because we'll have to come looking for you if you're
3 downstairs So I'm going to ask you to be back in
4 your jury room at 9 00 in the morning

5 Two things I'm going to ask you to do First
6 off, don't discuss the case among yourselves or with
7 anyone else over the evening hours You know very
8 little about the case As a matter of fact, you know
9 about as much about it as I do it at this point So
10 it would be highly improper to discuss the case
11 before you've heard the evidence

12 The second thing I'm going to ask you to do when
13 you return in the morning is to select one of your
14 members to be the Foreperson of the Jury It doesn't
15 matter who it is I always tell jurors the only
16 thing I need to caution you is that the Foreperson
17 doesn't get paid any more than anybody else It's
18 just a real high honor.

19 Nevertheless, the Foreperson will sit throughout
20 the trial in the seat occupied by this gentleman with
21 the green shirt on on the front row That is the
22 only seat that basically is reserved throughout the
23 trial None of the other seats have names on them,
24 as you'll see You're free to sit wherever you want,
25 wherever you're most comfortable Except the two

1 alternates will always maintain seats on the back
2 row They are our alternates in case somebody for
3 some reason has an illness or something like that,
4 can't continue with the trial

5 So if you'll do those two things for me and do
6 not discuss the case among yourselves even when you
7 return in the morning and select one of your members
8 to be the Foreperson of the Jury, I'll appreciate it
9 if you'll let the bailiff know when that's done,
10 write the name of the person That person, as I say,
11 will occupy the seat this gentleman on the front row
12 is occupying now I hope have you a pleasant
13 evening We'll see you at 9 00 in the morning
14 Thank you very much

15 (Jury out at 3 44 P M)

16 THE COURT All right, counsel. For the record,
17 are there matters of a pre-trial nature that need to
18 be taken up before we adjourn for the afternoon?

19 MS CAMPBELL Yes, Your Honor I believe there
20 is a statement in the prior trial The admissibility
21 of the statement of Mr Sears I believe was
22 determined. I don't know if the Court intends to
23 adopt that or if we need to re-present evidence on
24 that

25 THE COURT: I think you need to re-present

1 evidence on that issue

2 MS CAMPBELL Okay, Your Honor At this time
3 we would call Sergeant Scott McDonald

4 THE COURT I'm sorry You need -- somebody
5 said that they needed a break over there Fine
6 Come around, Sergeant McDonald

7 THE CLERK Yes If you'd come forward, please
8 If you'd place your left hand on the Bible and raise
9 your right.

10 SCOTT MCDONALD, after being duly sworn,
11 testifies as follows

12 THE COURT Please have a seat State your name
13 for the record

14 WITNESS Scott McDonald

15 DIRECT EXAMINATION

16 BY MS CAMPBELL

17 Q Sergeant McDonald, where are you employed?

18 A Richland County Sheriff's Department

19 Q And what is your -- what do your duties include
20 there?

21 A I'm a Sergeant in the major crimes section
22 responsible for all the investigations of robberies,
23 commercial and individual, as well as carjackings and
24 home invasions

25 Q And in October of 2002, did you become involved with
the investigation of a robbery at Ntense Audio on

1 Percival Road?

2 A Yes, I did

3 Q When did you initially become involved?

4 A That morning I was notified via my supervisor,
5 Lieutenant Stan Smith, that there had been a robbery
6 over on Percival Road And I was in the Woodfield
7 Park area assisting on a search warrant As we were
8 completing that, I proceeded over to Percival Road

9 Q And during the course of that morning, were there
10 certain suspects developed in the case?

11 A Yes, there were

12 Q And was one of those suspects Demetrio Sears?

13 A That's correct

14 Q Can you please tell the Court how he was developed as
15 a suspect?

16 A He was found in a burgundy Mazda MPV minivan on the
17 side of I-77 which fit the description of a vehicle
18 that the victim in this case had seen leaving the
19 scene Deputies later found Mr Sears in the vehicle
20 as he fell out of it, and he'd been shot several
21 times

22 Q During the course of that morning, into that
23 afternoon, did you have an opportunity to secure a
24 photo line-up with Mr Sears' pictures displayed in
25 it?

1 A Yes, I did

2 Q What was the purpose of you getting a photo line-up
3 of Demetrio Sears that afternoon?

4 A To present it to the victims of the attempted robbery
5 to see if they could identify him as one of the
6 perpetrators

7 Q And when you say the victims of the robbery, who were
8 the victims in this case?

9 A Sterling Patterson and Andre Stokes.

10 Q And taking Mr Stokes first, did you have an
11 opportunity to show him some photo line-up's in this
12 case?

13 A Mr Stokes?

14 Q Mr Stokes

15 A Yes, I did.

16 Q Was he ever able to identify anyone?

17 A No, he was not

18 Q Did he indicate whether or not he was ever actually
19 able to see the face of the people that robbed him?

20 A I don't believe he was He was on the ground with a
21 gun put to his head

22 THE COURT With what?

23 MS CAMPBELL With a gun put to his head

24 A Gun put to his head

25 Q But Mr Sterling Patterson, did he indicate he had

1 seen the face of one or more of the robbers?

2 A Yes, he had

3 Q And how many photo line-up's did you show Mr
4 Patterson?

5 A Just one

6 Q And the photo line-up that you showed him, was that
7 including the photograph of Demetrio Sears?

8 A Yes, it was

9 Q And do you have that with you?

10 A Yes, I do

11 Q How was the photographic line-up developed? Tell the
12 Court

13 A We try to find individuals of similar characteristics
14 to Mr Sears It should be a light-skinned black
15 male with short hair, no facial hair it appears

16 Q And I notice this has been marked as State's Exhibit
17 25 When you initially showed this to Mr Sears, did
18 it have any writing on it or any of these tags on it?

19 A No, it did not

20 Q But did it have the numbers already on it, or were
21 those put in at a later date?

22 A Numbers were put on afterwards

23 Q And so when you showed it to him, the only thing on
24 this page were the six photographs?

25 A That's correct

1 Q And none of the writing was on here?

2 A None of the writing

3 Q And when you showed Mr Sterling Patterson the photo
4 line-up, which is State's Exhibit 25 for
5 identification, where were you all?

6 A We were at Ntense Kustoms on Percival Road We were
7 actually out in one of the bay areas away from the
8 other people there

9 Q And approximately what time of day was this?

10 A It was late morning, maybe around 11, 11 30'ish

11 Q And when you got the photo line-up, was anyone else
12 present when you had the opportunity to show Mr
13 Patterson?

14 A Not directly present with us There were other
15 individuals, other officers on the scene But I took
16 him aside in a bay area It was just us two at the
17 scene

18 Q When you showed him --

19 THE COURT What date was this?

20 MS CAMPBELL. October the 8th It was that
21 same day, I think he testified.

22 Q This was that same day, right?

23 A That is correct.

24 Q And when you showed him the photo line-up, what, if
25 anything, did you say to him?

1 A Asked him if he saw anyone in the photos that could
2 be involved with the robbery at 10 30 that morning

3 Q Once you showed him the photos, were those presented
4 in front of him?

5 A Yes, they were I handed him the photo line-up sheet
6 to look at

7 Q What happened when you handed him the sheet and told
8 him that?

9 A He studied it and came back to the picture in the
10 upper-left corner which is numbered number 1

11 Q And who did he indicate he recognized in the
12 six-person photo line-up?

13 A Demetrio Sears as being one of the perpetrators that
14 he'd seen that morning

15 Q At any time prior to his identification or even
16 during the identification, did you indicate which one
17 he should pick?

18 A No, I did not.

19 Q Did you indicate which one was Demetrio Sears?

20 A No, I did not

21 Q Did you influence his decisions in the way?

22 A No, I did not

23 Q In fact, when he pointed out what's now numbered as
24 number 1, that was the person he recognized?

25 A That is correct

1 Q And how did he recognize him?

2 A He recognized him as one of the perpetrators that
3 came into the business that morning

4 Q Armed with a gun?

5 A Armed with a weapon

6 Q And at that point, once he had indicated that the --
7 and this would be the top, left-hand corner?

8 A That's correct

9 Q The person he recognized, what, if anything, did you
10 do to memorialize that?

11 A I had him put his initials and the date next to the
12 picture he picked And I then fill out this second
13 page, photo line-up form, indicating the date I
14 showed it to him, the location we were at, which was
15 3101B Percival Road, the picture number that he
16 picked out which was number 1, which was the black
17 male who committed the crime of attempted armed
18 robbery at this location on this date And then I
19 have him sign it and provide his address and phone
20 numbers And I witnessed it

21 Q During that morning -- this was just a couple of
22 hours after the robbery Is that correct?

23 A That is correct

24 Q Did you have the opportunity to see him any other
25 pictures or influence him in any way?

1 A No, I did not

2 Q And, again, this was memorialized where he signed his
3 initials up here and the date?

4 A That is correct

5 Q And then the affidavit was done?

6 A Yes.

7 MS. CAMPBELL Your Honor, at this time I'd hand
8 it up

9 Q Later that day did you have an opportunity to come in
10 contact with another one of the defendants in this
11 case?

12 A Yes, I did Mr Willie Alexander

13 Q Willie Lloyd Alexander?

14 A Willie Lloyd That's correct

15 Q And tell the judge how you first came in contact with
16 Mr Willie Lloyd Alexander?

17 A He was brought to the Sheriff's Department by
18 Investigators Laffin and Isenhoward I believe

19 Q When you first came in contact with Mr Alexander,
20 what did you do?

21 A Advised him of his written Miranda rights

22 Q Approximately what time was it when you came in
23 contact with him?

24 A Approximately 4 50 in the afternoon

25 Q 4 50 that afternoon?

1 A That's correct

2 Q So that would be almost 5 00 in the afternoon?

3 A That's correct

4 Q And where did you come into contact with him?

5 A I came in contact with him at the Sheriff's

6 Department He was brought to my office

7 Q And you said when you first came in contact with him

8 you advised him of his rights And before I get to

9 that, did you make sure that he hadn't invoked any

10 rights or been advised prior to that?

11 A Right He'd been advised orally by Investigator

12 Isenhoward upon his arrest

13 Q But made sure he hadn't invoked any of his rights at

14 that point?

15 A That's right

16 Q And you said you then re-advised him of his rights

17 Is that correct?

18 A Yes, I did

19 Q And in advising him of his rights, tell the judge

20 exactly what you told him?

21 A I read the form that we use commonly to advise people

22 of their rights, which states "Before we ask you

23 any questions you must understand your rights You

24 have the right to remain silent Anything you say

25 can be used against you in court You have the right

1 to talk to a lawyer for advice before we ask you any
 2 questions and to have a lawyer with you during any
 3 questioning If you cannot afford a lawyer one will
 4 be appointed for you before any questioning if you
 5 wish If you decide to answer questions now without
 6 a lawyer present you still have the right to stop
 7 answering at any time You also have the right to
 8 stop answering at any time until you talk to a
 9 lawyer "

10 He indicated he understood all of these, and
 11 then I had him sign it I then read him is waiver of
 12 rights Do you want me to read that?

13 Q Yes

14 A Okay Which indicates, "I have read this statement
 15 of my rights and understand what my rights are I am
 16 willing to talk and answer questions I understand
 17 and know what I am going No promises have been made
 18 to me, and no pressure or coercion of any kind has
 19 been used against me " I went over that with him,
 20 making sure he understood it, especially the word
 21 "coercion", and he indicated he did, and he signed
 22 it

23 Q And at that point did he indicate he wanted to talk?

24 A Yes, he did

25 Q And at any point during this, either prior to him

1 giving it -- he did give you a statement, didn't he?

2 A Yes, he did

3 Q Either during the statement, prior to him giving the
4 statement, did he ever ask for an attorney?

5 A No, he did not

6 Q Did he ever tell you he didn't want to talk any more?

7 A No

8 Q Did you threaten him in any way?

9 A No, I did not

10 Q Did you promise him anything to get him to talk?

11 A No

12 Q Was any sort of coercion used to make him talk to
13 you?

14 A No

15 Q In your opinion as an investigator, did he
16 voluntarily speak to you that afternoon?

17 A It was a voluntary statement Yes, it was

18 Q And the first page of this document -- I believe it's
19 a four-page -- five-page document -- excuse me -- is
20 what you just went over as the interrogation or
21 advice of rights?

22 A Yes

23 Q And prior to getting the statement from the
24 defendant, you advised him of all his rights Is
25 that correct?

1 A Yes

2 Q Once you had advised him of his rights, he then
3 agreed to talk to you Is that correct?

4 A Yes

5 Q And the next four pages is a typed document, right?

6 A It's a typed statement that he gave to me that day
7 That's correct

8 Q And I notice this is kind of in a question and answer
9 form Who was the person asking the questions on
10 that date?

11 A Questions would be myself

12 Q And who would be the person providing the answers?

13 A Willie Lloyd Alexander.

14 Q And the part that's in the answer, were those Willie
15 Lloyd Alexander's word that day?

16 A Yes, they were

17 Q And did you fully record everything he gave to you
18 that afternoon?

19 A Yes We go over -- we talked about it. Then we put
20 it on paper And before we print it we read it back
21 and I let him read it And any additions or
22 deletions or corrections we need to make, that's done
23 before we print it

24 Q And this is actually done on your computer at the
25 Sheriff's Department?

1 A That's correct

2 Q So he had the opportunity to review prior to getting
3 it printed?

4 A That's correct

5 Q Once it was actually pointed out on paper, it's four
6 pages Is that correct?

7 A Yes

8 Q Did he have another opportunity to review it?

9 A He had another opportunity to review it, and after
10 reviewing it he signed all four pages indicating it
11 was his statement

12 Q His statement?

13 A Yes

14 Q And at any time during the time you were questioning
15 him and he was talking to you, did he ever invoke any
16 of his rights?

17 A No, he did not

18 Q And did he continue to cooperate with you?

19 A Yes

20 Q And the time that this statement was -- you advised
21 him of his rights I believe at 16:50 Is that
22 correct?

23 A That's correct

24 Q And then this statement was initiated at what time?

25 A At 16 55

1 Q Which would be 4 55 that afternoon?

2 A That's correct

3 Q And this is on the same date as the crime occurred?

4 A Yes

5 Q Is that correct?

6 A The same date

7 Q And I notice over here there is two witness
8 signatures?

9 A Yes One of them was mine, and one of them was
10 Investigator Isenhoward who was present during the
11 interview

12 Q But you were the person primarily asking questions
13 that day?

14 A That's correct

15 Q And you were the one that actually advised him of his
16 rights on this interrogation/advice of rights form?

17 A That's correct.

18 MS CAMPBELL Your Honor, at this time we'd
19 mark it as an exhibit I don't know what number we
20 need, Jenny

21 COURT REPORTER I have no idea because I
22 haven't seen a list I've asked for it twice Is it
23 in the transcript?

24 (Off-the-Record discussion with court reporter)

25

1 (WHEREUPON, State's Exhibit No. 107 was marked
2 for identification only)

3 Q On a later date did you have occasion to come in
4 contact with the defendant, Mr Sears?

5 A Yes, I did

6 Q And what date was that?

7 A That was on November 4th, 2002

8 Q And did you have an opportunity to actually take a
9 written statement from Mr Sears after his arrest?

10 A Yes, I did

11 Q And what date was that?

12 A That was on November 4th, 2002

13 Q Oh, I'm sorry November 4th?

14 A You talking about the other?

15 Q I don't want to go into the other On
16 November 4th, did you have an opportunity to advise
17 Mr Sears of his rights?

18 A Yes I did

19 Q Where did this take place?

20 A At the Richland County Detention Center

21 Q Had Mr Sears already been arrested for this crime?

22 A Yes, he had

23 Q When you went in and advised him of rights, can you
24 tell the judge what rights you advised him of?

25 A I advised him using the same form I had used on the

1 previous defendant "Before we ask you any questions
2 you must understand your rights You have the right
3 to remain silent. Anything you say can be used
4 against you in court You have the right to talk to
5 a lawyer for advice before we ask you any questions
6 and have a lawyer with you during any questioning
7 If you cannot afford a lawyer one will be appointed
8 for you before any questioning if you wish If you
9 decide to answer questions now without a lawyer
10 present you still have the right to stop answering at
11 any time You also have the right to stop answering
12 at any time until you talk to a lawyer "

13 I asked him if he understood all these
14 Mr Sears indicated he did and signed it I then
15 presented him the waiver of rights at the bottom It
16 states "I have read this statement of my rights and
17 understand what my rights are I am willing to talk
18 and answer questions I understand and know what I
19 am doing No promises have been made to me, and no
20 pressure or coercion of any kind has been used
21 against me "

22 I went over that with him, made sure he
23 understood all the words He did. And had him sign
24 that He indicated he could read and write and he'd
25 had no alcohol or drugs in the last 24 hours as well

1 Q And all that is indicated here on State's Exhibit
2 106?

3 A Yes

4 Q Once you went over his rights, again, did he sign
5 indicating he understood?

6 A Yes, he did

7 Q And this is his signature over here to the right-hand
8 side?

9 A That's correct

10 Q And then the witness signature, is that yours?

11 A That's mine

12 MS CAMPBELL Your Honor, at this time I hand
13 up 106.

14 Q Prior to interrogating him also, this defendant had
15 never invoked any of his rights prior to you coming
16 into contact with him on that date, right?

17 A No, he had not

18 Q And once you had advised him of his rights, did he
19 indicate whether or not he wanted to talk to you?

20 A He indicated he did want to talk to me

21 Q Did you promise him anything to get him to talk you?

22 A No, I did not

23 Q Did you threaten him?

24 A No

25 Q Coerce him?

1 A No

2 Q Use any kind of influence to make him talk?

3 A No

4 Q And, again, in your opinion as an investigator, did
5 he talk to you freely and voluntarily?

6 A It was a from and voluntarily statement, yes

7 Q And at that point did he have an opportunity to tell
8 you his version of the facts?

9 A Yes, he did

10 Q Again, was that done in a question and answer form?

11 A Yes, it was; me asking the questions and he
12 responding the answers

13 Q And I see you have before you what's been marked as
14 State's Exhibit 105 which is a four-page document, a
15 handwritten document Is that the statement that he
16 gave to you?

17 A Yes, it is

18 Q I notice, this is a copy of the original statement,
19 the last two lines which were redacted out about when
20 it mentioned other crimes he had committed?

21 A That's correct

22 Q But other than that, this is a true copy of it?

23 A Yes, it is

24 Q And the answers or the words that are provided there,
25 is that your handwriting?

1 A It's my handwriting, yes

2 Q But did you reduce what he had said down into words?

3 A Once again, I put it in writing He had a chance to
4 read it over We went over it for any additions,
5 deletions, corrections that needed to be made before
6 we signed it

7 Q And, again, this was taking place in the Detention
8 Center So you did not have access to a computer?

9 A That's right I did not have a computer -- So I had
10 to handwrite this

11 Q So you hand wrote it out Once he had an opportunity
12 to review it, did he indicate or memorialize the fact
13 that was his statement?

14 A Yes, he did

15 Q How did he do that?

16 A There's a space for him to sign that he made this
17 statement freely and voluntarily, without fear,
18 threat, promise of reward or hope of reward of any
19 kind And he signed that on all four pages

20 Q And at any time during the time you were talking to
21 him, did he ask for a lawyer or invoke any of his
22 rights?

23 A No, he did not

24 Q Once he had signed off on this -- and again, this is
25 a copy of the original statement just with those two

1 lines redacted Is that correct?

2 A That is correct

3 MS CAMPBELL Your Honor, at this time I'd just
4 hand up State's Exhibit 105

5 Q And in each case you would give the defendants copies
6 of their statements?

7 A Yes One was not given to Mr Sears at the jail at
8 that time I told him if he wanted a copy we could
9 get him one later.

10 Q And Mr Alexander?

11 A Mr Alexander had one that afternoon We had it
12 Xeroxed in the office I did not have access to a
13 Xerox readily at the jail

14 MS CAMPBELL That's all I'd have of this
15 witness, Your Honor

16 THE COURT Mr. Burr

17 MR BURR Thank you, Your Honor May it please
18 the Court

19 CROSS-EXAMINATION

20 BY MR BURR

21 Q Officer McDonald, when you took Mr Alexander's
22 statement, how many people were present?

23 A Mr Alexander, myself and Investigator Isenhoward I
24 think Lieutenant Smith may have come in sometime
25 during that interview.

1 Q What does Lieutenant Smith look like? Is he a large
2 man?

3 A He's a white male, probably about five-ten He's not
4 real large, no

5 Q Prior to taking the statement did you explain to Mr
6 Alexander what charges you were investigating?

7 A The attempted armed robbery at Ntense Kustoms Sound
8 Yes

9 Q Was it not true that originally your first impulse
10 you thought it was a drug deal that went bad, you
11 were requesting drugs?

12 A I'm not following your question

13 Q When the incident first happened, wasn't it your
14 opinion that it was a drug shootout or a drug deal?

15 Did you ever discuss that with Mr Alexander?

16 A I don't recall discussing that with him, no

17 Q The total of the statement that you got from Mr
18 Alexander is a total of more or less 16 questions you
19 asked him. This interview lasted two hours, two
20 investigators This is not a verbatim transcript of
21 what took place, is it?

22 A Not every single word that we spoke, no We go over
23 the story, then we put it down on paper, what he
24 wants his statement to be.

25 Q So you discuss it with him, then paraphrase and type

1 up a summary?

2 A I put down what he wants me to put in his statement

3 Q It's not direct quotes, it's your version of what he
4 just told you?

5 A No It's his statement I put down on paper I want
6 it to be his words and how he wants to appear

7 Q On the fourth page of his statement apparently he had
8 given you some information that you just did not
9 believe, it just didn't match the facts?

10 A I don't have the statement in front of me I believe
11 Your Honor has it

12 Q I'll show you my copy here, if you would What I
13 have marked is your fifteenth question After him
14 telling you stuff that you don't believe, you simply
15 say, "Would you like to change your story?"

16 A Yes We ended it the previous question and we talked
17 some more because things just didn't make any kind of
18 sense And he agreed that he wanted to tell us the
19 truth now.

20 Q Do you recall what the conversation was between him
21 telling you a bogus story and you simply saying,
22 "Would you like to change your story?"

23 A Well, the facts we had at the time weren't adding up
24 to what he was indicating And also Ms Veronica
25 Jones had been interviewed by some other

1 investigators, and we were getting a little different
2 version of what happened from what he was telling us

3 Q And isn't it true someone came in the room and told
4 Mr Alexander his wife was to go to jail if he didn't
5 change his story?

6 A I don't recall that, no

7 Q Was there a third person, a large white investigator,
8 that walked in and shared any information with Mr
9 Alexander? Do you remember that?

10 A Like I said, Lieutenant Stan Smith did come into the
11 interview at one point, talked with him a little bit
12 and talked with us I don't recall anyone else
13 coming in other than Investigator Isenhoward who sat
14 there throughout the interview as well.

15 Q Did Investigator Isenhoward have any comments to make
16 during the interview?

17 A He was talking with freely with him just as I was

18 Q Once you had completed the typed statement and
19 presented it to Mr Alexander, how many drafts,
20 edits, different copies did you have to make before
21 he signed it?

22 A Actually, what I do is when I have it on the
23 computer, I start at page 1 and I read it all back to
24 him and have him read along with me, if he is able to
25 read, which he was And as we come to a problem or a

1 correction or deletion, we handle it right then I
2 don't recall off the top of my head any deletions or
3 additions at this time I mean, it's possible there
4 were some But, like I said, this was the finished
5 product that he approved and then we printed it out
6 and he had a chance to review it once again before he
7 signed it

8 Q But from the time you finalized it and you gave it to
9 him, there were no corrections made?

10 A From the time I printed it and handed it to him?

11 Q Yes

12 A I don't believe there were any corrections made

13 MR BURR Thank you, sir No further
14 questions, Your Honor

15 THE COURT Mr Strickler

16 CROSS-EXAMINATION

17 BY MR STRICKLER

18 Q I'm sorry I didn't hear what your response was
19 about the last question Ms Campbell asked you You
20 interviewed Demetrio down at the county jail, right?

21 A That's correct

22 Q You'd previously interviewed him while he was still
23 at the hospital a couple of weeks prior to seeing him
24 down at the county, right?

25 A Yes, I had

1 Q Okay We're just dealing with the interview at the
2 county at this point?

3 A That's correct

4 Q And did you tell Ms Campbell that you did not
5 provide him with a copy of the statement at that
6 point in time?

7 A I did not provide him a copy of the statement while I
8 was at the jail I told him if he wanted a copy we
9 could get one to him He didn't indicate he wanted
10 one at that point

11 Q Thank you very much That's all I have

12 MS CAMPBELL: Nothing further, Your Honor

13 THE COURT You may come down, sir, Mr
14 McDonald

15 MR. MEADORS. Sterling Patterson The State
16 would call Sterling Patterson

17 THE CLERK If you'd come forward, please

18 STERLING PATTERSON, after being duly sworn,
19 testifies as follows

20 THE CLERK Please have a seat State your full
21 name. Spell your last name

22 WITNESS. Sterling Patterson, P-A-T-T-E-R-S-O-N

23 DIRECT EXAMINATION

24 BY MR MEADORS

25 Q Mr Patterson, I'm going to ask you some questions
now relating to a line-up you saw on the date this

1 incident happened Do you understand that?

2 A Yes, sir

3 Q They're going to be specifically related to that
4 incident I'm not going into your background, any of
5 that at this time Are you the owner of Ntense Auto
6 Kustoms?

7 A Yes, sir Ntense Kustoms and Car Audio

8 Q Is that on Percival Road?

9 A Yes, sir

10 Q Let's go straight to October 8th, 2002 You own
11 that. Did you have any employees?

12 A Yes, sir.

13 Q Who were they?

14 A Andre Stokes and Terrel Ashford

15 Q That's Andre in the tie back there?

16 A Yes, sir

17 Q What time did you open that morning?

18 A We opened up at 9 00

19 Q And was Terrel Ashford there that morning?

20 A No, sir He worked in the afternoons

21 Q So just you and Mr. Stokes?

22 A Yes, sir

23 Q Now, tell the judge, when you first got there, did
24 you go to the bank? Did you go to somewhere else
25 when you first got to your business on Percival Road?

1 A Yes On that morning me and Andre both got there
2 about 8 45 I opened the door, let him in I left
3 to go to the bank and came back approximately 9 30

4 Q Did you make a deposit?

5 A Yeah I went to the bank to make a deposit

6 Q Now, before we get into the incident, can you
7 describe to His Honor basically what your business is
8 like specifically? Is it a series of offices when
9 you go in there?

10 A The way the store is set up, there is actually four
11 areas The first area you come in, you come in the
12 front door as the customer; there is the waiting
13 area The second area is the showroom where we
14 display all of our product The second area is the
15 office which is not authorized for anybody other than
16 employees to go into We also have the install bay
17 which is also only authorized for employees to go
18 into

19 Q I believe you've looked at these previously, what's
20 been marked State's 12 through 24 If you can just
21 briefly look through there and tell me if you
22 recognize them and do they relate to your business
23 and is that how it appeared? Does it accurately
24 depict your business on October 8th of 2002?

25 A Yes, sir All these pictures do

1 MR MEADORS Judge, we'd go ahead and offer
2 these, without objection I hope

3 MR BURR No objection, Your Honor

4 MR STRICKLER. That's correct, sir

5 (WHEREUPON, State's Exhibit No 12 was admitted
6 into evidence)

7 (WHEREUPON, State's Exhibit No 13 was admitted
8 into evidence)

9 (WHEREUPON, State's Exhibit No 14 was admitted
10 into evidence)

11 (WHEREUPON, State's Exhibit No 15 was admitted
12 into evidence)

13 (WHEREUPON, State's Exhibit No 16 was admitted
14 into evidence)

15 (WHEREUPON, State's Exhibit No 17 was admitted
16 into evidence)

17 (WHEREUPON, State's Exhibit No 18 was admitted
18 into evidence)

19 (WHEREUPON, State's Exhibit No 19 was admitted
20 into evidence)

21 (WHEREUPON, State's Exhibit No 20 was admitted
22 into evidence)

23 (WHEREUPON, State's Exhibit No 21 was admitted
24 into evidence)

25

1 (WHEREUPON, State's Exhibit No 22 was admitted
2 into evidence)

3 (WHEREUPON, State's Exhibit No 23 was admitted
4 into evidence)

5 (WHEREUPON, State's Exhibit No 24 was admitted
6 into evidence)

7 Q Let's start as you first go into the front of your
8 business The front room, could you describe the
9 lighting to Your Honor? And I'm going to show you
10 what's referenced as State's 20 Is that the first
11 office when you go in?

12 A Yes, sir That's the waiting area

13 Q Describe what the lighting is like in there, Mr
14 Patterson?

15 A It's pretty bright I mean, it's lighter than the
16 courtroom It's not as bright as it was if you were
17 outside on a sunny day, but it's pretty bright You
18 can see clear You know, we have to display the
19 product and everything

20 Q State's 24 is another picture of that Is that
21 correct?

22 A Yes, sir

23 Q All right Let me show you State's 14 Can you tell
24 us what that is?

25 A This is a picture looking from the front entrance of

1 the install bay looking into the side door going into
2 the waiting area of the business

3 Q And how about State's 13?

4 A This is a similar picture, but it's just I guess a
5 better angle You can see more inside of the waiting
6 area And it's pretty much the same

7 Q All right State's 15, that's looking out from the
8 office area Is that looking out one of the bay
9 doors?

10 A Yes, sir. It's kind of reversed of the other two
11 pictures That one is looking from inside out

12 Q So my question is, and referring to State's 17, you
13 could see outside the bay door from your office door?

14 A Yes, sir

15 Q Do you have any trouble seeing from the door to the
16 interior office out the bay door?

17 A No, sir There is also a window there also

18 Q Okay You got back from the bank at about what time?

19 A It was somewhere in the neighborhood of 9-30

20 Q What, if anything, happened when you got back?

21 A When I got back, me and Andre Stokes started talking
22 about the appointments we had for the day and what
23 orders we had coming in; you know, pretty much
24 planning the day for what all we had to do

25 Q Did anything unusual happen?

1 A Not right away

2 Q Okay At some point did something unusual happen?

3 A There was a van pulled up Just, we thought it was
4 probably a new customer

5 Q Now, this judge hasn't heard this before, Mr
6 Patterson So I know you've testified before under
7 oath at a previous hearing I want you to tell him
8 now, after you're back from the bank and you're in
9 your business there, you're talking to Mr Stokes,
10 what, if anything, happens? Tell the judge

11 A I had just come back from the bank Me and Andre was
12 talking about, like I said, what business we had for
13 the day A burgundy van pulled up in the parking
14 lot There's two driveways into the parking lot, one
15 on the side of the building and one directly in front
16 of the building The van pulled up into the front of
17 the building and pulled more towards pointing to the
18 side exit of the parking lot

19 I kind of watched the van as it pulled in Me
20 and Andre continued talking I was watching the van
21 And I see two guys in front, two black males And
22 then the side door of the van opened, and I could see
23 a guy coming out with a mask over his face, and I
24 could see a gun in his hand

25 Q Any doubt in your mind you saw a mask and a gun?

1 A No doubt

2 Q What did you do next?

3 A I paused for a second, you know, in shock As I can
4 see the front passenger door open, I turned to Andre
5 and I tried to tell him, "I think we're about to get
6 robbed", but my words didn't come out that clear It
7 was just, you know, blurred words So when I
8 realized he couldn't understand what I was saying, I
9 just, you know, knew I was running out of time So I
10 panicked and ran to the back office where I kept my
11 weapon.

12 Q So you went and got your weapon?

13 A Yes, sir

14 Q And prior to that, all you've seen is some folks
15 getting out of a van, one guy with a mask and a gun?

16 A As I go to turn to head towards the office, I could
17 see the guys had gotten out of the van and they were
18 running towards the building kind of crouched down
19 And I definitely could see the first guy that came
20 out the back door with the mask on his face and the
21 gun and the second guy with a mask over his face or a
22 rag or something over his face and a gun in his hand
23 as I'm proceeding, you know, passing the side door to
24 go towards the back office

25 Q You go back into this interior office and get your

1 gun?

2 A Yes, sir

3 Q You said you tried to tell Mr Stokes something was
4 going on but -- I don't want to put words in your
5 mouth -- but you couldn't get the words in your
6 mouth Is that right?

7 A That's correct

8 Q So you come back What happens after you got your
9 gun?

10 A Well, before I could get the gun, as I go into the
11 office, my back office, as I turned towards the
12 right, I could see out the right corner of my eye the
13 first guy come through the door. It was the first
14 gentleman And I could hear him say, "Get on the
15 ground " And I heard Andre say, "okay, man Okay,
16 man " He said, "If you move I'm going to kill you "

17 The other guys come in I hear someone say,
18 "Where is the money", and I could hear feet steps
19 You know, I'm sitting here thinking, oh, man, what to
20 do? You know, I know for sure I seen three people
21 I seen two guns, and I know, you know, from what I
22 can hear Andre is on the ground

23 Q And the person -- you heard them say, "Andre, get on
24 the ground?"

25 A Yes, sir.

1 Q "Where is the money?"

2 A Yes, sir

3 Q Something about "If you move I'm going to kill you?"

4 A Yes, sir

5 Q You heard that?

6 A Yes, sir

7 Q You head back up there What happens? You head back
8 up to the front office What happens, if anything?

9 A After, I don't know what amount of time;--I know it
10 was no more than a couple of seconds I thought about
11 it, I came around the corner with my gun raised in
12 front of me And me and the other two guys kind
13 of -- I guess we -- I guess it was more like a shock
14 to them to see me. I don't think they saw me when
15 they came in, you know And we all pointed guns at
16 each other and gunfire erupted

17 Q Where was the person -- was there a person that was
18 near Andre at this point?

19 A Yeah When I came back around the corner, I could
20 see two guys They was like half way inbetween the
21 showroom area and the waiting area, and the other guy
22 was kind of standing over Andre with a gun to his
23 head.

24 Q And what was that person -- did that person have a
25 mask on or anything? Can you describe that person

1 that was over Andre?

2 A Yes, sir I could see he was a light-skinned guy by
3 the place I could see where his eyes and his nose
4 He had a gray or light colored mask or towel around
5 his face, some kind of rag or whatever He had on a
6 blue and white ball cap I don't remember what kind
7 of shirt he had on I couldn't see his jeans because
8 he was kind of behind a little, about a four-foot
9 wall.

10 Q You said that last part You couldn't see what?

11 A I couldn't see what kind of pants or whatever he had
12 on because he was standing like behind a four-foot
13 wall

14 Q Did that person point a gun at you?

15 A After the first two guys turned around to flee, he
16 pointed at me, and I fired at him

17 Q How far were you all from each other at that point as
18 best you can remember?

19 A Somewhere between 20 to 30 feet, somewhere in that
20 neighborhood

21 Q So he points at you and you point your gun at him?

22 A That's correct

23 Q And did you fire?

24 A Yes, sir

25 Q Do you know whether or not he fired at you?

1 A I can't say 100 percent for sure

2 Q So you don't know?

3 A I don't know

4 Q You fired at him Did you hit him?

5 A I'm pretty sure

6 Q Okay

7 A I could kind of tell by his body movement after I
8 fired a couple of times that he had been hit

9 Q How many times did you fire? Do you know?

10 A As far as I can remember, I had I think 11 rounds in
11 the gun And after it was all over, there was no
12 rounds left in the gun

13 Q And you actually went to get another clip and you
14 went and chased these folks, right?

15 A After After the --

16 Q We don't have to get into that now But, I mean, --

17 A Yeah After the last person had went out the door,
18 me and Andre both fled back into the office And,
19 you know, we didn't know if they was coming back in
20 or what So we got another clip, you know, in
21 preparation for what might happen next

22 Q Whether they might come back in or not?

23 A That's correct

24 Q So while this person is -- after you shoot at this
25 person that's over Andre back here, Stokes, did

1 anything on his body change, any of the clothes
2 change, or did anything --

3 A I noticed as -- like I say, I can't say for sure, you
4 know, when he was hit or if he was shot, but I could
5 say as you could see his body movement as if he was
6 hit, his mask, his rag or mask or whatever he had
7 over his face kind of fell down And I could get a
8 pretty good look at his face because he is facing me
9 You know, we're facing each other

10 Q So somewhere during this process his mask fell?

11 A Yes, sir

12 Q All right While he's still inside your store?

13 A That's correct

14 Q And at that point you got a good look at his face?

15 A That's correct

16 Q And you described the lighting as good or better in
17 this courtroom?

18 A That's correct

19 Q All right Was anything obstructing your view of the
20 this person when his mask fell down?

21 A No, sir

22 Q And did you see this person? What did this person do
23 after that?

24 A As he is, you know, kind of staggering or whatever,
25 he goes through the front door to exit He exits

1 through the front door Then I turned around and
2 went back into the office

3 Q Now, at that point is when you went back and got
4 another clip and you and Andre went out looking after
5 these folks, correct?

6 A Yeah. Well, we sat there for a few seconds, you
7 know, trying to decide what to do And, you know,
8 finally we said, "Hey, man, we need to follow these
9 guys, call the police on the cellphone, let them know
10 where they're at so they won't get away"

11 Q All right And when this fellow came up here, Scott
12 McDonald, did you give him a description of the folks
13 that you'd seen come in, but specifically the
14 individual whose mask fell?

15 A Yes, sir I think I gave him a description of all
16 three guys, but I definitely gave him a good
17 description of the one the mask came down

18 Q And can you tell His Honor what description you gave
19 the investigator?

20 A I told them it was a black skinned guy, either Asian,
21 Mexican or a light skinned male, approximately
22 somewhere close to my height, kind of slim He had
23 on a blue and white ball cap, a gray or white rag
24 over his face

25 Q By where they put mask? Is that what you told them?

1 A Yes, sir

2 Q And did you describe what type weapon that he had?

3 A I think I told them he had a black pistol I'm not
4 sure

5 Q Semi-automatic? If you'd like to look and this
6 refreshes -- is that the information you gave him?

7 A That's correct

8 Q Did you have an occasion later that day to see Scott
9 McDonald after he showed you some pictures?

10 A Yes, sir After we drove down the street,
11 approximately a mile, a mile and a half, we turned
12 around and went back to the store A few seconds
13 after we got back, or a few minutes or whatever,
14 Scott McDonald arrived, they separated me and Andre
15 Scott McDonald took me and put me in his truck and
16 they took Andre to another place Me and him talked
17 I gave him a description of the perpetrators that I
18 saw

19 Q And you told them what happened?

20 A Yeah I told them everything that happened What
21 the guys looked like, what the weapons looked like,
22 what the vehicle they was driving looked like

23 Q And did you have an occasion to look at what's been
24 marked State's Exhibit 25?

25 A Yes, sir

1 Q And you said -- excuse me -- Mr Stokes was not
2 anywhere near you when you were shown this line-up?

3 A No, sir After we arrived back to the scene, almost
4 immediately, maybe you know a few minutes, they
5 separated us and pretty much didn't talk any more
6 until after I looked at the photo line-up and did a
7 gunpowder residue test

8 Q Now, this line-up, it's got six black males in here?

9 A Yes, sir

10 Q All similar features? Or can you tell?

11 A They're all similar features to what I described on
12 my first description of the perpetrator

13 Q Did Investigator McDonald try to limit or tell you
14 who to pick out on this thing?

15 A No, sir

16 Q Did he have his thumb over a certain picture saying,
17 "Sterling, pick out something" while he winked at
18 you?

19 A No, sir

20 Q What, if anything, did he show you prior to showing
21 you this line-up?

22 A He said, "I've got pictures of six guys that meet the
23 description of what you gave me I want you to look
24 at this line-up, and if any of these guys fit the
25 description or you're pretty sure that any of these

1 guys were in your store today during this attempted
2 robbery, just point them out to me "

3 Q And did you do so?

4 A Yes, sir

5 Q What number did you pick out?

6 A Number 1

7 Q You picked out number 1 as being the person that came
8 in your store with the gun?

9 A Yes, sir That was the guy that I could actually,
10 you know, pretty much see his whole face when his
11 mask fell

12 Q What's the "O" stand for on --

13 A Omar

14 Q So S-O-P would be Sterling Omar?

15 A That's correct

16 Q And did you put your initials?

17 A Yes, sir I initialed and dated it.

18 Q And back here on this sheet they have the photo
19 line-up Richland County Sheriff's Department sheet
20 Did you also sign this?

21 A That's correct

22 Q And is that indicating you picked out number 1?

23 A That's correct

24 Q And you picked out number 1 as the person you said
25 that had the mask that dropped. Is that correct?

1 A That's correct

2 Q Is that also the first to come into your store?

3 A That's correct

4 Q Pointed the gun at you?

5 A That's correct

6 Q Is that the person that was over your employee, Andre
7 Stokes?

8 A That's correct

9 Q Now, based on the time that you spent--there in your
10 store with this individual, including when he came
11 in, when you pointed the guns at each other, when you
12 saw him with the mask off, is that person in this
13 courtroom today?

14 A Yes, sir

15 Q Would you please point him out for Your Honor?

16 A The gentleman with the white shirt on next to the
17 officer -- I mean, the --

18 Q Mr. Strickler?

19 A Mr Strickler

20 Q Any doubt in your mind?

21 A No, sir

22 MR MEADORS. We'd like the record to so
23 reflect

24 THE COURT It will reflect the witness
25 identified the defendant Sears

1 Q Did you look at any other line-ups?

2 A Yes, sir

3 Q Could you pick out anybody else?

4 A They all looked -- you -- none of them I got a real
5 good look at their face because all their masks
6 stayed on Some of the guys just, you know, right
7 around the eye area looked similar, but I couldn't
8 positively identify anybody else

9 Q So nobody else that you identified in any other
10 line-up in this case?

11 A No, sir

12 MR MEADORS I beg the Court's indulgence
13 That's all I have

14 THE COURT Mr Burr

15 MR BURR I have no further questions, Your
16 Honor

17 THE COURT Mr Strickler

18 MR. STRICKLER I have no questions of this
19 witness, sir

20 THE COURT Thank you very much You may come
21 down, sir Anything further?

22 MS CAMPBELL Not on these issues, Your Honor

23 THE COURT Mr Burr?

24 MR BURR. Your Honor, I move to have Mr
25 Alexander's statement excluded from evidence because

1 it is not a complete document According to the
2 testimony, it was just bits and pieces of what had
3 been when he was questioned

4 THE COURT Motions on behalf of the defendant
5 Sears?

6 MR. STRICKLER Your Honor, the only motion I
7 have as to Mr Sears relates to page 4 of his
8 four-page statement and the final question and
9 answer

10 THE COURT "Was the black 9 millimeter found
11 at the scene?"

12 MR STRICKLER I'm sorry No The final
13 question is, "Have you committed any other crimes in
14 Richland County", the answer being, "No "

- 15 THE COURT Page 4?

16 MR STRICKLER Yes, sir

17 MS CAMPBELL: That's already been redacted

18 MR STRICKLER You may have the redacted copy

19 THE COURT. It's not on my copy

20 MR STRICKLER Well, it was redacted very well,
21 Judge, so I don't have any matters

22 MS CAMPBELL. I'm sorry, Your Honor I should
23 have pointed that out He's requested --

24 MR MEADORS He's requested that same
25 redaction If we offer it, I guess we'll comply with

1 that

2 THE COURT Well, the question now is on free
3 and voluntary

4 MR STRICKLER Your Honor

5 MR MEADORS I think he is conceding that

6 MR STRICKLER No, sir I have no questions or
7 no argument as to voluntariness, Your Honor

8 THE COURT So I still have to make a finding

9 MR STRICKLER Yes, sir I agree__ You have to
10 make a determination I have no argument

11 THE COURT All right As to the statements
12 given by both Demetrio Sears, Willie Lloyd Alexander,
13 I find that before the alleged statements were
14 obtained from the defendants the defendants were
15 fully advised of their rights under the Fifth and
16 Sixth Amendments to the Constitution of United
17 States, and the defendants were advised of their
18 Constitutional safeguards required by Miranda v
19 Arizona as follows

20 That the defendants were advised prior to any
21 interrogation that they had the right to remain
22 silent, that the defendants were advised prior to any
23 interrogation that if they waived their right to
24 remain silent and made a statement that such
25 statement could and would be used against them in a

1 court of law, and the defendants were advised prior
2 to any interrogation that they had the right to
3 employ or select an attorney of their own choice,
4 that if they did not have the money, funds or
5 resources to employ an attorney that the court would
6 appoint and provide an attorney for them if they so
7 desired without cost or expense to them and that they
8 had the right to have each of their attorneys present
9 with them at all times during all interviews and all
10 interrogations and that the defendants were advised
11 prior to any interrogation that they had the right to
12 consult with their attorneys before any
13 interrogation

14 And the defendants were advised prior to any
15 interrogation they had the right to interrupt and
16 terminate the interrogation at any time and that they
17 had the further right to stop answering questions at
18 any time during the interrogation And the
19 defendants were advised prior to any interrogation
20 that if during the interrogation they desired an
21 attorney, interrogation would cease until an attorney
22 was provided for them, and they would be given an
23 opportunity to consult with their attorney prior to
24 further interrogation, that the defendants knowingly
25 and intelligently waived their rights under the Fifth

1 and Sixth Amendments to the Constitution of the
2 United States and the Constitutional safeguards
3 required by Miranda v Arizona, and that the alleged
4 statements obtained from the defendants were freely
5 and voluntarily given without duress, without
6 coercion, without undue influence, without reward,
7 without promise or hope of reward, without promise of
8 leniency, without threat of injury and without
9 compulsion or inducement of any kind and that such
10 alleged statements were the product of the free and
11 unconstrained will of the defendants

12 This Court finds all of the forgoing conclusions
13 by a preponderance of the evidence, and I, therefore,
14 find that the statements are admissible into
15 evidence

16 As to the identification in the photo line-up, I
17 have considered that matter in regards to Mr Sears
18 and find that the witness, Mr. Patterson, had the
19 opportunity to view the witness -- I'm sorry, to view
20 the accused, that on October the 8th, 2002, that the
21 witness, Mr Patterson, said that he because of the
22 implication -- or that when he saw the defendants --
23 individuals, I'll say that -- coming into his store
24 with masks and guns that he perhaps had a heightened
25 sense of attention It's evidenced by the fact that

1 he reacted immediately after trying to tell his
2 co-worker of the pending danger and the fact that he
3 retreated to a back room to secure a weapon to
4 protect himself or perhaps to defend himself and his
5 co-worker

6 I find the accuracy of the witness' prior
7 description to have been evidenced clearly by the
8 fact that he immediately picked the defendant Sears
9 out of the line-up, that he demonstrated a positive
10 level of certainty at the confrontation, and that the
11 length of time between the crime and the
12 confrontation was only minimal

13 The fact that the witness says that he
14 identified the defendant Sears as the result of the
15 mask or towel or rag, whatever masking material the
16 defendant used to cover his face came down or fell
17 down during the events that took place in the store,
18 I find that his identification was sufficiently
19 positive to allow an in-court identification based on
20 the photographic line-up's

21 There's no issue with regard to the defendant
22 Alexander in that -- in this case All right
23 Anything further?

24 MR MEADORS Judge, no We thank you The
25 only other issue, and I guess we don't have to

1 address it now, is the redaction which we have gone
2 through, just basically told both the lawyers that we
3 were going to redact the name of the other
4 co-defendant in each typed statement And we'd offer
5 to put whatever they suggest The case, I went back
6 and looked, and State v Garrett said "other guy",
7 not "another guy", and I apologize on that But the
8 Court did find that that reference was held okay.

9 But, Your Honor, I'm looking for suggestions
10 tonight I'd just like to try to get it ready
11 tonight for tomorrow I don't know if they have any
12 thoughts on that

13 THE COURT Well, of course without the
14 defendant having the opportunity to see what you're
15 proposing, it's hard for them to make any objection
16 But --

17 MR MEADORS. I have briefly showed it to them,
18 just basically taking out each others' name on each
19 statement.

20 THE COURT Well, and I'm just quoting from Gray
21 v Maryland, the U S Supreme Court, 1998,
22 "Redactions that simply replace a name with an
23 obvious blank space or a word such as deleted or a
24 symbol or other similarly obvious indications of
25 altercation, however, leave statements that so

1 closely resemble an unredacted statement that
2 suppression is required "

3 On the other hand, Richardson v Marsh which is
4 another U S Supreme Court case, says, "The
5 non-testifying co-defendant's confession is
6 admissible if it is redacted to eliminate all
7 reference to the defendant's name or its existence "

8 So, you know, I don't know what you have But
9 have the defendants been advised -- -- --

10 MR BURR. Your Honor, I just don't see how --
11 you know, the statements are so similar of two
12 defendants sitting here together, I think it's going
13 to be obvious whether the name is there or not,
14 exactly which name should be there I don't think it
15 will be satisfied just by redacting a name

16 MR MEADORS I don't think we have any other
17 alternative. I think that's what's happened in
18 previous cases That's what the case law says in
19 State v Garrett that I'll hand up to the Court
20 Your Honor, what I propose is that we just black out
21 specifically that whole line there That would be
22 the only other thing to do

23 THE COURT Sure

24 MR STRICKLER. May it please the Court?

25 THE COURT Yes

1 MR STRICKLER Prior to lunch I indicated I
2 didn't think that's what the law was, replacing the
3 --

4 THE COURT Other person

5 MR STRICKLER -- other person I had a file
6 full of copies of Kevin Gray, Petitioner, v
7 Maryland, which is the law on the subject, not the
8 law from, with all due respect to the Court of
9 Appeals, in a case in which -- and I am speaking of
10 Garrett at this point -- in which the issue on appeal
11 really was not the redaction of the statement The
12 issue was the question of whether an error was made
13 on the part of Judge Westbrook in granting the new
14 trial at the end of the case That was the issue
15 But it certainly discussed in passing the issue of
16 redaction of a statement So I don't know -- I don't
17 really know what was involved in that redaction

18 I do know to the best of my knowledge it would
19 be wrong -- Gray v Maryland is the law of the land
20 In Gray v Maryland they go around and around about
21 it Everyone agrees, even, if I remember correctly,
22 Justice Renquist and ask Leah, ask Leah filed dissent
23 which basically says, "I don't even think we need to
24 discuss the why's and wherefore's, this is
25 prototypical, you know, violation and complication"

1 So I submit you certainly cannot merely
2 replace -- edit out the name, replace it with Mr X,
3 replace it with deleted, replace it with some other
4 guy. I think Gray speaks directly to that and that
5 can't be done

6 I think you have to pursuant to Marsh v
7 Richardson redact the statement in such a way that
8 does not refer to the other defendant, even to the
9 existence of the defendant And, you know, I
10 don't -- I offer my own -- a little pastime about
11 6 00 this morning started highlighting what I thought
12 would be necessary to remove the existence of
13 Mr Sears from Mr Alexander's statement, and I've
14 got a page that's largely yellow

15 THE COURT. Is there anything left?

16 MR STRICKLER: There is bits and pieces left,
17 yes, sir

18 THE COURT. Dates and times and places.

19 MR STRICKLER: Yes, sir So I'd submit I'll be
20 happy to respond to any proposed redaction the State
21 has

22 THE COURT I think you're going to have to look
23 at it before we can --

24 MR MEADORS Could we present proposed
25 redactions before Your Honor in the morning before we

1 start? I certainly would like to get this resolved
2 before we swear the jury and get them sworn in

3 THE COURT: I agree And I do, too But I
4 would caution you And, Mr Strickler, I assure you
5 it was pure coincidence that I cited two cases that
6 he seems to agree with

7 MR STRICKLER I had a couple of others pulled
8 But I haven't talked with His Honor about them at
9 all

10 MR MEADORS Judge, I tried a seven
11 co-defendant case with the Grand Jury So I am
12 familiar with redacting

13 THE COURT Sir?

14 MR. MEADORS I've tried seven co-defendants
15 before. So I am familiar with redacting You take
16 out as much as you can without implicating And
17 sometimes that's a hard line, a fine line to get to
18 All that's a starting point, taking these names out
19 I say we both propose something Obviously you can't
20 take everything out of the statement. We certainly
21 are willing to --

22 THE COURT. All I'm suggesting, Mr Meadors,
23 with all due respect to your experience, is that I
24 don't think we need to do anything that violates
25 either the terms of the spirit of the United States

1 Constitution --

2 MR MEADORS Certainly would not do that

3 THE COURT -- or the United States Supreme
4 Court All right Let's look at it first thing in
5 the morning This jury is going to be -- we'll make
6 sure they have enough coffee so we'll have time to
7 keep busy for the first few minutes in the morning at
8 which time we'll swear the jury and proceed
9 Anything further?

10 MR MEADORS Nothing Thank you

11 MR STRICKLER: The only thing I'd have at this
12 point, Your Honor, would be, I would move to
13 sequester the witnesses in this case, the lay
14 witnesses I actually think we've got -- pardon me?

15 MS CAMPBELL I didn't mean to cut him short
16 I'm sorry They've already testified

17 MR STRICKLER: I would move to sequester the
18 lay witnesses Obviously it doesn't relate to the
19 victims in this case We have a pair of lay
20 witnesses driving by on the outside who are alleged
21 to have seen things And things go as they go Last
22 time they were allowed to be up right at the
23 beginning of the case And I would move to sequester
24 them

25 THE COURT All right Any objection?

1 MS CAMPBELL The only -- I just don't
2 understand the purpose They've already testified
3 and he has a transcript of their sworn testimony
4 The purpose is so they don't come in here and listen
5 to people so that they change their testimony Their
6 testimony has been recorded

7 THE COURT Well, if we sequester, it certainly
8 eliminates any question

9 MR MEADORS Your Honor, we'd just ask that go
10 on all sides to all witnesses Which I guess you
11 have Ms Veronica Jones

12 THE COURT Sure That's fair enough

13 MS CAMPBELL: And this is the two lay
14 witnesses, I think Mrs Quattlebaum.

15 MR STRICKLER The Quattlebaums That's really
16 what I'm thinking of I think those are the only
17 that applies

18 THE COURT The defendants are not offering any
19 witnesses, or they're already on the State's list?

20 MR STRICKLER Mr Sears doesn't have any
21 witnesses

22 THE COURT: And Mr Burr doesn't have any
23 witnesses

24 MR BURR That's right, Your Honor

25 THE COURT So I don't know what you're talking

1 about

2 MR MEADORS So you're referring to --

3 Ms Jones is on our witness list If they're going
4 to move to sequester the witnesses, we're going to
5 just say all the witnesses need to be sequestered

6 THE COURT. There is nobody named Quattlebaum on
7 the witness list.

8 MR STRICKLER About the sixteenth or --

9 THE COURT That's right Sequester the lay
10 witnesses The motion is granted.

11 MR STRICKLER. Thank you, sir

12 THE COURT: 9:00

13 MS CAMPBELL Your Honor, I think I need to
14 supply some cases to you this evening

15 THE COURT. What do you mean by "this evening"?

16 MS CAMPBELL The South Carolina Supreme Court
17 cases Or just the first thing in the morning if
18 you'd rather.

19 THE COURT. Josh will be here at 6

20 MS CAMPBELL I've got you Thank you

21 MR MEADORS: Judge, can we go back on the
22 record one more time? He's not in custody I'm
23 trying to be consistent Will Mr Willie Lloyd
24 Alexander be taken into custody? The jury has been
25 drawn, hasn't been sworn This is a serious case

1 We'd again ask Your Honor to take him into custody

2 MR BURR Your Honor, as I stated earlier
3 today, his parents are on the bond He's not a
4 flight risk

5 THE COURT. All right, Mr Alexander Be here
6 at 9 00 in the morning

7 MR BURR Thank you, Your Honor

8 THE COURT You're still on bond

9 MR ALEXANDER. Yes, sir.

10 (Off-the-record discussion of bond)

11 (Whereupon, the proceedings are concluded for
12 the day, to be reconvened tomorrow morning by Dianne
13 Rutledge, Court Reporter)

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III

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) COURT OF GENERAL SESSIONS
) 2002-GS-40-10992, 10624

State of South Carolina)

vs)

Willie Lloyd Alexander and
Demetrio Sears,

Defendants)

) TRANSCRIPT OF RECORD
) (Trial - Volume 2 of 4)

January 7, 2004
Columbia, South Carolina

BEFORE

THE HONORABLE G. THOMAS COOPER, JR , JUDGE, and a
jury

APPEARANCES

KATHRYN LUCK CAMPBELL, SENIOR ASSISTANT SOLICITOR
JOHN MEADORS, DEPUTY SOLICITOR
Attorneys for the State

WILSON BURR, ATTORNEY AT LAW
Attorney for Defendant Willie Lloyd Alexander

DOUGLAS STRICKLER, PUBLIC DEFENDER
Attorney for Defendant Demetrio Sears

JENNY H. WILLIAMS
Official Circuit Court Reporter
(803) 576-1743

Wednesday, January 7, 2004

(Reporter's Note - Dianne Rutledge's record of yesterday's proceedings reflect that the following State's Exhibits were received into evidence Nos 1, 2, 3, 4, 5, 6, 7, 25, 26, 30, 37, 38, 108 and 109)

THE COURT We're ready to proceed in the case of The State vs Demetrio Sears and Willie Lloyd Alexander I have been handed a copy of the re-redacted statement of Willie Alexander Any -- I assume continuing objections on the part of, well, both Mr Alexander and Mr Sears But other than the objections previously stated, any further objections for the record?

MR. STRICKLER Your Honor, for Mr Sears, if you'll give me just one minute, I'm in the middle of page 3

THE COURT That's quite all right I understand Just take your time

(Mr Meadors makes inaudible statement while reporter is conferring with Ms. Campbell)

THE COURT That's not on the record

COURT REPORTER What did he say?

THE COURT Self-serving declaration, not admissible

MR STRICKLER Thank you, Your Honor For

1 Mr Sears, as Your Honor noted, while reserving our
2 previously stated objections in their entirety, I
3 have nothing further to add in relation to this
4 current redaction

5 THE COURT All right Thank you very much
6 Mr. Burr

7 MR BURR Your Honor, I concur completely with
8 Mr Strickler I object to the statement being
9 admitted, but as to redacting, I have no objection

10 THE COURT All right Thank you very much.
11 All right Anything before we bring the jury?

12 MR BURR Nothing.

13 THE COURT The State's ready?

14 MS CAMPBELL The State's ready

15 THE COURT. All right Bring the jury, please
16 (Jury in at 10 05 A M)

17 THE BAILIFF. The jury is present, Your Honor

18 THE COURT. All right Thank you very much

19 All right Good morning, Ladies and Gentlemen I
20 hope you had a pleasant evening We had to -- by
21 statute, by law we had to qualify the Grand Jury
22 The qualification process is almost identical to the
23 qualification process you went through Monday
24 morning

25 But the Richland County Grand Jury starts up

1 every year, and state law says that they must be
2 qualified on the first Wednesday of January of every
3 year That process took a little longer than I had
4 anticipated But I appreciate -- all I'm trying to
5 say is I appreciate your patience And we're read to
6 proceed with the trial. Solicitor, call your next
7 witness

8 MS CAMPBELL May it please the Court The
9 State calls Jerry Russell

10 THE CLERK: If you'd come forward, please

11 JERRY A RUSSELL, after being duly sworn,
12 testifies as follows

13 THE CLERK: Please have a seat State your full
14 name Spell your last name

15 WITNESS My full name is Jerry Allen Russell

16 DIRECT EXAMINATION

17 BY MS CAMPBELL

18 Q Investigator Russell, where are you employed?

19 A Richland County Sheriff's Department

20 Q And what do you do there, sir?

21 A I'm a crime scene investigator

22 Q And as a crime scene investigator, can you tell this
23 jury, what do your duties include?

24 A Processing crime scenes, evaluating all the evidence
25 Number one, being sure the evidence is secure, is not
disturbed immediately after or as soon as possible,

1 and then going through the finally the evidence
2 processing to see if there's any evidential value in
3 a case

4 Q Can you tell this jury a little bit about your
5 education and training in the field of crime scene
6 processing?

7 A I have a college degree Also in crime scene, I go
8 to or have been to several -- numerous schools like
9 the South Carolina Criminal Justice Academy, schools
10 put on by the FBI Academy, other state, Federal,
11 local agencies and associations

12 Q And as part of investigating crime scenes, is one of
13 your duties at a crime scene in addition to
14 photographing a crime scene, collecting evidence
15 there, do you also attempt to collect what we call
16 fingerprint, fingerprint evidence?

17 A That's correct

18 Q As well as any type of blood evidence or anything of
19 that sort?

20 A Yes, ma'am

21 Q And as a crime scene investigator, your expertise
22 kind of envelops all those different areas Is that
23 correct?

24 A Yes, ma'am.

25 Q And you have testified before as an expert in crime

434

1 scene investigation?

2 A Yes, ma'am

3 Q And you've been qualified as an expert in that area?

4 A Yes, ma'am

5 MS CAMPBELL Your Honor, at this time we'd
6 offer him as an expert in crime scene investigation

7 THE COURT Any objection on the part of the
8 defense?

9 MR BURR No objection by Mr Alexander

10 THE COURT Or Voir Dire?

11 MR STRICKLER No Voir Dire on the part of
12 Mr Sears, Your Honor

13 THE COURT Thank you very much You may
14 proceed

15 Q Investigator Russell, I want to turn your attention
16 back to October the 8th, 2002 Were you working that
17 day?

18 A Yes, ma'am

19 Q And in what capacity were you employed at the
20 Sheriff's Department then?

21 A I was the on-call forensic investigator that day

22 Q And as the on-call forensic investigator at the
23 Sheriff's Department on October 8th, it is your
24 responsibility then to respond to a crime scene --

25 A Yes, ma'am

455

1 Q -- and process it?

2 A Right

3 Q And on that date, on that morning, what time did you
4 report to work that morning? Do you remember?

5 A Probably 8 or 8 30

6 Q 8 or 8 30 that morning?

7 A (Nods head affirmatively)

8 Q All right Shortly after getting to work then,
9 within an hour or two, did you have an opportunity to
10 respond to a crime scene on Percival Road?

11 A Yes, ma'am

12 Q Where on Percival Road did you go, sir?

13 A The 3100 block, 3101B.

14 Q 3100B Percival Road?

15 A Yes, ma'am.

16 Q Is that here in Richland County, sir?

17 A Yes, ma'am

18 Q In responding to that crime scene, what type of call
19 was it?

20 A It was an armed robbery shooting type call where
21 shots had been fired I was actually out in my
22 vehicle going down Percival Road when all this
23 started taking place So I just proceeded on to the
24 location

25 Q And approximately what time -- so you aren't the

1 person that responds to the 911 call necessarily?

2 A Right

3 Q But you follow up?

4 A I already just happened to be in the area

5 Q Just happened to be in the area?

6 A Yes, ma'am

7 Q Approximately what time that morning did you get to
8 the business on Percival Road?

9 A Around 10 30, 10 40

10 Q And you mentioned that it was 3101B Percival Road
11 What business was that?

12 A The Ntense Kustoms and Audio I don't know the exact
13 name But Ntense Kustoms

14 Q Ntense Kustoms? And Car Audio?

15 A Yes, ma'am

16 Q When you responded that morning, were other officers
17 already on the scene when you got there?

18 A Yes, ma'am

19 Q Officer I believe Johnson was one of them?

20 A That's correct

21 Q Deputy Johnson? And was Investigator McDonald
22 already there?

23 A I believe he was already there

24 Q When you responded at the scene, the initial
25 officers, had they done what they were supposed to

437

1 do, kind of put up the crime scene tape and things of
2 that nature?

3 A Yes, ma'am They had secured the scene

4 Q And when you say they had secured the scene, tell
5 this jury what they had done and why that's
6 important?

7 A They use crime scene tape and secure as much or what
8 they at that time believed to be the immediate crime
9 scene, the whole crime scene for that matter, and
10 keep anybody that's inside from coming outside,
11 basically keep everything at a stand still so that no
12 evidence gets destroyed or contaminated Anything
13 that's going to mess up the crime scene, they secure
14 it

15 Q So the initial responding officers make sure that
16 nobody comes in and ruins any evidence that may
17 already be there or may not be?

18 A Yes, ma'am

19 Q That morning when you got there initially, the crime
20 scene was already taped off, right?

21 A Yes, ma'am

22 Q And when you got there, what's the first thing you do
23 initially when you process a crime scene; and
24 specifically what you did in this case?

25 A The first thing I do is start looking around In a

438

1 situation like this where you have a parking lot and
2 a building, I look in the parking lot for any
3 evidence I make contact with the officers, try to
4 find out as much as I can about what they believed
5 happened, getting any information I can get The
6 whole time I'm trying to look around and look for any
7 evidence or anything in the parking lot, anywhere
8 that might not have gotten marked or might not have
9 been noticed so that I can make sure it stays secure
10 and doesn't get disturbed

11 Q When you initially got there that morning, did you
12 get a brief factual background to aid you in your
13 assessment of the scene?

14 A Yes, ma'am

15 Q And who did you talk to? Officers there at the
16 scene?

17 A Yes, ma'am

18 Q Did you ever actually talk to the victims in the
19 case?

20 A Not when I got there to start with, no, ma'am

21 Q Once you had gotten a general -- the purpose of
22 getting that general idea of what went on is for you
23 to know what types of evidence to look for?

24 A Yes, ma'am

25 Q So when you started your investigation that day, you

439

1 were aware that there had been an attempted armed
2 robbery?

3 A Right

4 Q And a shooting?

5 A Yes, ma'am

6 Q The first thing you did as part of your duties I
7 believe is to photograph the scene?

8 A Yes, ma'am

9 Q And why do you do the photographing first before you
10 do any other testing or investigation?

11 A To get a picture of the location of any evidence,
12 whatever might be there, of this actual scene as it
13 is when I first get there before anything is moved or
14 tampered with or whatnot, processed, so that I've got
15 a scene of the whole -- just like it is when I drive
16 up

17 Q Okay And I'll get back to that, to the photographs
18 in a minute Once the scene has been photographed
19 and you have pretty much catalogued how it appears
20 when you get there, is that what it is?

21 A Yes, ma'am

22 Q Then do you do some further searching and testing for
23 fingerprints or anything of that sort?

24 A Right I do once I -- in this particular case I
25 worked outside -- I kind of worked outside-in as far

440

1 as processing

2 Q And as far as processing you worked outside-in And
3 tell the jury how that happened?

4 A After photographing everything in the parking lot, I
5 mark it or catalog it with a number There's usually
6 a little scale on the number so that I'll have a
7 scale in my photograph Being that it was outside, I
8 collected all that evidence at that time, catalogued
9 it or numbered it, marked it, where it was, what it
10 was for later reference and secured that evidence
11 just in case people, even with other officers in the
12 scene, make sure nobody didn't mess anything up

13 Then I proceeded inside looking through the
14 building I had already been in Like I say, when I
15 first get there, I get kind of an overview of
16 everything, go in and look at everything inside, you
17 know, trying to figure out what's going to be
18 evidence in there that I need to mark, is there
19 evidence in there that I don't see obviously, and do
20 that kind of stuff

21 After that, in this particular case, I did the
22 gunshot residue That's something that has to be
23 done We call it a G S R kit I did those on both
24 the victims immediately, pretty much right after I
25 got there That's something that needs to be done

411

1 pretty soon Do you want me to go into that?

2 Q No I'll get back to that in a minute So after you
3 initially photographed the scene, then you go in and
4 process -- you keep referring to the word
5 "processing" the scene What do you mean when you
6 say that, sir?

7 A Processing includes photographing When I process,
8 process for latent fingerprints, latent meaning
9 hidden, a fingerprint that's on a door Like in this
10 particular case, or anywhere that might have possibly
11 been touched, I use fingerprint powder, the
12 fingerprint powder on whatever type object it is to
13 bring the latent print out so that it's visible so
14 that it can be looked at or photographed or both

15 Q I want to turn your attention first to the
16 fingerprinting process in this case Did you try to
17 fingerprint every square inch of this building that
18 day?

19 A No, ma'am

20 Q What areas are you trying to fingerprint and why?

21 A In this case the doorway in the -- coming from the
22 shop or bay area where the cars pull in back into the
23 business was the main part Just from the
24 information I received, it didn't -- there wasn't --
25 it didn't sound like there was any -- this action

442

1 took place real quick and there wasn't a whole lot of
2 walking around touching stuff and putting your hands
3 on stuff, and really not that much was touched from
4 the story I'd been told, from the report of what had
5 happened.

6 Q And I'm not trying to be simplistic, but in order for
7 me to leave a fingerprint, say, at a crime scene, I
8 have to touch something with my fingertips Is that
9 it?

10 A Yes, ma'am

11 Q And in this case what area -- were you aware of the
12 point of entry?

13 A Yes, ma'am.

14 Q And what was the point of entry in this case? Which
15 is typically where you would fingerprint, correct?

16 A Right It was the doorway leading into the I guess
17 customer waiting area

18 Q The doorway leading --

19 A From the shop

20 Q -- from the bay area into the customer waiting area?

21 A Right

22 Q And I show you State's Exhibit 13. Do you recognize
23 that?

24 A Yes, ma'am

25 Q And does that show that doorway that you processed

413

1 that day?

2 A Yes, ma'am

3 Q And were you able to get any fingerprints for
4 comparison?

5 A No, ma'am

6 Q And tell the jury why -- even if a person comes up
7 and, say, touches it with their fingertips -- why
8 there may not be a fingerprint there?

9 A Fingerprints were actually on top of fingerprints
10 There's a lot of smudges To get an honest to
11 goodness good fingerprint, it would have to be a good
12 impression, is what we call 'em The finger has to
13 leave sufficient ridge detail to make it viable, make
14 it something you can work with

15 In this case, it was a door frame The door was
16 actually open It was a wooden door, a metal door
17 frame It had smudges and whatnot all over it
18 There wasn't anything on there that was detailed
19 enough to lift and make any kind of identification of
20 anyone.

21 Q There wasn't anything -- and, say, in a high traffic
22 area such as a doorway, you've referred to the word
23 "smudges" or not enough ridge detail If I go
24 through a doorway and touch it, am I necessarily
25 going to leave a fingerprint?

414

- 1 A No, ma'am There'll be a print there, but it won't
2 be a -- it will be a smudge It could be a partial
3 Q And when you say a smudge, what is that?
4 A Where the finger actually touches but kind of drags,
5 smudges, smears
6 Q So in order to do a fingerprint comparison, you have
7 to have a latent fingerprint left at the scene of
8 sufficient quality to make a comparison?
9 A Correct
10 Q And in this case, in your processing of this scene,
11 were you able to get any quality fingerprints there
12 at the scene?
13 A No, ma'am
14 Q And you processed, I believe you said, that door
15 area?
16 A Right
17 Q And, again, if a person had busted in that door using
18 their arms to open it or something, you wouldn't
19 expect to find anything anyway, would you?
20 A No, ma'am
21 Q But in this case we know the victims were there, but
22 you weren't able to find any prints of any value?
23 A No, ma'am
24 Q And is that unusual for a crime scene?
25 A No, ma'am

415

1 Q Why not?

2 A Just certain items are not conducive to fingerprint
3 powder or the stuff we immediately use on a crime
4 scene In this case it was a wooden door It just
5 wasn't a surface. It was a porous surface that could
6 absorb moisture from a fingerprint Depending on the
7 surface, sometimes you can have people touch stuff
8 all day long and it doesn't show any fingerprints
9 with sufficient ridge detail for comparison or match
10 anyone on

11 Q And I'm going to take a moment and talk about, also,
12 in preparation for this trial, did you also prepare a
13 diagram in this case?

14 A Yes, ma'am

15 Q And I just want to show you what's been marked as
16 State's Exhibit 81. Do you recognize this?

17 A Yes, ma'am

18 Q And is this an actual blow-up of the diagram you
19 prepared in this case?

20 A Yes, ma'am

21 Q And what does this diagram depict?

22 A The crime scene, the actual business and the parking
23 lot that was involved in this crime

24 MS CAMPBELL. Your Honor, at this time we'd
25 offer State's Exhibit 81, I believe without

416

1 objection

2 MR. BURR No objection

3 MR STRICKLER Without objection from Mr
4 Sears, Your Honor

5 THE COURT Without objection Go ahead

6 (WHEREUPON, State's Exhibit No 81 was admitted
7 into evidence)

8 Q And I'm going to use this as a reference. Initially,
9 as you have stated, you take photographs of the
10 exterior and then I believe you work inside?

11 A Yes, ma'am

12 Q And starting with the exterior of this business and
13 the evidence that you found on the exterior -- Your
14 Honor, may the witness step down?

15 THE COURT Yes, ma'am

16 Q I'm going to show you a series of photographs
17 State's Exhibit 6, 108, 2, 3 and 4 And going
18 through those, can you show them to the jury and
19 basically tell them what those show?

20 A This is out in front of the business This business
21 had almost like two businesses put together, a
22 doorway and a roll-up door There's a wall
23 separating the two, a roll-up door, and then you run
24 back into a doorway here In this particular photo,
25 this is the steps and doorway or depicts the steps

447

1 and doorway of the roll-up door This part of the
2 parking lot here is just where I took from about this
3 angle here back this way I took a photo of that
4 one

5 Q Okay And that would be State's Exhibit 4 you're
6 referring to?

7 A Yes, ma'am

8 Q And I notice that there is this yellow tape around
9 here Was that in place when you got there? Is that
10 the yellow crime scene tape you were referring to?

11 A Yes, ma'am

12 Q And in this photo, one other thing There's a light
13 blue patch right there?

14 A Correct Yeah There's a light blue -- a light blue
15 hat On also on this side there's a duffel bag, a
16 white nylon type duffel bag that was there.

17 Q So if the hat is here and the duffel bag you're
18 referring to, if I can point, is that correct?

19 A Yes, ma'am

20 Q And is that how it was when you got there that day?

21 A Yes, ma'am

22 Q And that's where those items were lying in the
23 parking lot that day? You didn't put them there, no
24 one else that you're aware of put them there?

25 A No, ma'am

418

1 Q Taking the next photograph

2 A In this photograph, it's an angle from the same
3 location, just back towards the actual business, the
4 Ntense Kustoms

5 Q The Ntense Kustoms?

6 A Yes, ma'am

7 Q And in this photograph which is State's Exhibit 3, I
8 notice that there is a Honda here?

9 A Yes, ma'am

10 Q And that's how that Honda was parked when you got
11 there?

12 A Yes, ma'am

13 Q And, again, over here is the front door into the
14 customer waiting area?

15 A That's correct

16 Q And this big black hole in the middle, what is that?

17 A That's the roll-up door Or it's open actually
18 It's the shop area of Ntense Kustoms

19 Q And that was going to be my next question That was
20 open and that's how it appeared when you got there
21 that day?

22 A That's correct

23 Q And taking the next photograph, sir

24 A It's pretty much the same as that one It's just
25 kind of a little bit different angle I got a little

419

1 closer The car is not included The roll-up door
2 area, the front door area of Ntense Kustoms and back
3 out This is kind of including the corner of the
4 crime scene tape

5 Q So that's State's Exhibit 2 The next one?

6 A Right It's another angle including, basically
7 putting all of those photos together from over here
8 in the corner, the black bag The blue cap is kind
9 of hard to see, but it's in there; the car, and then
10 the front entrance Just a cross view of the whole
11 front of the building

12 Q That's the cross view of the whole front of the
13 building?

14 A Yes, ma'am

15 Q And, again, the cap is where it was when you appeared
16 there, and this is the duffel bag we've been
17 referring to?

18 A Yes, ma'am.

19 Q The next photo

20 A This is the front door or entrance, the walk-in
21 entrance here to Ntense Kustoms And in this photo
22 you can see a little better There's a gray shirt
23 type material lying right in front of the door
24 There's also a weapon here And you can't see it in
25 this photo, but there's also a projectile down here

450

1 in this gravel

2 Q And the first thing I want to look at in State's
3 Exhibit 6, and that's showing this area right here
4 Is that correct?

5 A Yes, ma'am.

6 Q In this diagram, just for clarification, this is not
7 to scale, right?

8 A No, ma'am

9 Q But in this I notice that the doorway is propped
10 open The actual sign is down, and the glass has
11 broken out of that Is that how it appeared that
12 day?

13 A Yes, ma'am

14 Q And you're familiar with, there are different kinds
15 of glass?

16 A Right.

17 Q And what kind of glass did this appear to you?

18 A It's a type of temper door glass, tempered glass

19 Q Is that what's commonly referred to as safety glass?

20 A Yes, ma'am

21 Q And the notice down here on the ground right around
22 here, you mentioned that there was a gray cloth?

23 A Right

24 Q And that's how it appeared when you got there?

25 A Yes, ma'am

451

1 Q And then over here is a weapon?

2 A Yes, ma'am

3 Q What type of weapon?

4 A It was an auto handgun, a 9 millimeter I believe,
5 Springfield

6 Q Then you also mentioned that right here -- you can't
7 see it in this picture, I'll get to some other
8 pictures in a minute -- but there is a projectile?

9 A Right

10 Q And when you say that there was a projectile out
11 here, what do you mean? Is that a bullet or a bullet
12 component? What is that?

13 A It's the bullet, what is actually ejected from the
14 weapon

15 Q That's the actual bullet part that comes out of the
16 weapon?

17 A Bullet part

18 Q And how does that differentiate -- and this is for me
19 because I'm not very good with guns -- from a shell
20 casing versus a projectile? Is that both parts of
21 the bullet initially?

22 A That's correct

23 Q But what does the shell casing do?

24 A It remains or is ejected from the gun The bullet
25 proceeds out the barrel

452

1 Q Proceeds out the barrel?

2 A Projectile

3 Q So, say, a gun that's a semi-automatic -- and the gun
4 you recovered from inside and outside were both
5 semi-automatics?

6 A Yes, ma'am

7 Q When a person fires a gun such as that, what happens
8 to the shell casing?

9 A It's extracted from the weapon

10 Q It's extracted?

11 A Yes, ma'am

12 Q Or is it expelled?

13 A Well, the device that pulls it out is actually called
14 an extractor So it's kicked out

15 Q It's kicked out Okay That's what I was trying to
16 say So the shell casing is actually kicked out from
17 where the gun is fired, and then the projectile
18 proceeds on until it hits something supposedly?

19 A Theoretically. -

20 Q Theoretically And on this diagram, State's Exhibit
21 81, the things that are shown here in State's Exhibit
22 6 I see here is the front door?

23 A Yes, ma'am

24 Q And then you show the gray cloth?

25 A Yes, ma'am

453

1 Q The projectile

2 A Yes, ma'am

3 Q And the gun?

4 A Yes

5 Q Also depicted in this is what you've got labeled as
6 the victim's vehicle?

7 A Yes, ma'am

8 Q Which would actually be the Honda Accord we saw in
9 the other picture?

10 A Yes, ma'am

11 Q Then there is a truck here, another vehicle You
12 also have the cap depicted on here?

13 A Right.

14 Q As well as the duffel bag?

15 A Yes, ma'am

16 Q And then according to this the proximate location of
17 the suspect's vehicle And, again, the suspect's
18 vehicle, according to the information from
19 independent eye witnesses was pointing in what
20 direction?

21 MR STRICKLER. Objection to the leading and the
22 testifying

23 THE COURT Sustained

24 Q You have it depicted on here it's pointed in what
25 direction?

454

1 A Back out towards --

2 Q Columbia?

3 A -- Columbia

4 Q Thank you Let me show you an additional number of
5 photographs. And first it's going to be State's
6 Exhibits 8, 9, 27 and 7 Do you recognize those
7 first, is the first question I have to ask you?

8 A Yes, ma'am

9 Q Do those fairly and accurately depict the scene as
10 found it that day?

11 A Yes, they do

12 MS CAMPBELL. Your Honor, at this time we'd
13 offer these into evidence, I believe without
14 objection

15 MR STRICKLER Without objection from --

16 MR BURR No objection

17 MR STRICKLER -- Mr Sears

18 COURT REPORTER Excuse me Would you give me
19 the numbers again, please?

20 MS CAMPBELL Sure I'm sorry 8, 9, 27 and
21 7

22 (WHEREUPON, State's Exhibit No. 7 was admitted
23 into evidence)

24 (WHEREUPON, State's Exhibit No 8 was admitted
25 into evidence)

455

1 (WHEREUPON, State's Exhibit No 9 was admitted
2 into evidence)

3 (WHEREUPON, State's Exhibit No 27 was admitted
4 into evidence)

5 Q Taking these, and referring to State's Exhibit 6, the
6 first three I'm going to refer to are close ups from
7 State's Exhibit 6?

8 A Correct

9 Q And you mentioned earlier that when you are
10 cataloging or processing a scene you will go in and
11 put numbers next to something to help you refer to it
12 at a later date?

13 A Right

14 Q And I see here like in State's Exhibit 8 there's a
15 cone next to it?

16 A Right

17 Q And you also mentioned that often you'll put a scale
18 in there?

19 A Yes, ma'am

20 Q And are those things -- these cones and the scales,
21 whatever is showing up in these pictures, those are
22 things you actually put there?

23 A Right.

24 Q And in State's Exhibit 8, what does that show?

25 A That shows the pistol or weapon I found outside the

456

1 front door which is in this picture right down here
2 It's just a close up of the scale And then the
3 cones are usually numbered in sequential order just
4 according to evidence as I find it.

5 Q And you also mentioned that there in the doorway was
6 what you called a gray cloth I show you State's
7 Exhibit 7 Do you recognize that?

8 A Right It's a gray cloth lying in front of the --
9 what you see lettered here, right in front of the
10 closed sign and the doorway of the business

11 Q And that's how it appeared as you saw it that day?

12 A Yes, ma'am

13 Q And one other thing I want to note on State's Exhibit
14 7 When the glass is broken, if it's broken from the
15 inside; say, if I'm coming through a glass partition
16 like this, does the glass usually fall mostly to the
17 outside if I'm coming through from the inside out?

18 MR STRICKLER I'll object as part of being
19 qualified He's not qualified

20 THE COURT Overruled Go ahead

21 Q Thank you You can answer

22 A Correct Most of the time it goes or travels in the
23 same path of the object that's breaking it, from my
24 experience

25 Q And in this case, I would note in the bottom of

457

1 State's Exhibit 7 you see -- what are these fragments
2 down here on this?

3 A Glass

4 Q That would be glass Would that be consistent with
5 someone having or something having broken it from the
6 inside coming out?

7 A Yes, ma'am

8 Q Let's talk about other photographs in the parking
9 lot And I believe State's Exhibit 27 --

10 A Correct

11 Q -- you're familiar with that photograph?

12 A Yes, ma'am

13 Q Again, it's depicted here on your diagram?

14 A Right here The blue and white Los Angeles -- I call
15 it a Los Angeles cap. It's got Los Angeles written
16 on the front

17 Q I'm going to show you what's been marked as State's
18 Exhibit 28 Do you recognize that?

19 A Yes, ma'am

20 Q Is that the actual cap that was collected by you on
21 State's Exhibit 27?

22 A Yes, ma'am

23 Q So this is the actual cap that was there at that
24 scene?

25 A Yes, ma'am

458

1 Q As depicted in that picture and in others?

2 A Yes, ma'am

3 MS CAMPBELL Your Honor, at this time we'd
4 offer State's Exhibit 28 into evidence, I believe
5 without objection

6 MR. BURR No objection.

7 MR STRICKLER Without objection from
8 Mr Sears

9 THE COURT Without objection

10 (WHEREUPON, State's Exhibit No 28 was admitted
11 into evidence)

12 Q State's Exhibit 9 shows a photograph, a close up
13 photograph of what was found there in the parking
14 lot?

15 A The black nylon or a black duffel bag found I just
16 note here It's also in the other photos

17 Q And I'm going to show you what's been marked -- it
18 used to be marked I don't know I believe it's
19 State's Exhibit 33

20 COURT REPORTER I don't know

21 Q Let me check for a second That item is depicted in
22 State's Exhibit 7 there?

23 A Yes, ma'am It's 9

24 Q I'm sorry 9 State's Exhibit 9 And, again, the
25 cone you put next to it?

450

1 A Right

2 Q Is that the black duffel bag you found over here on
3 the car in the parking lot?

4 A Yes, ma'am

5 Q And I show you this item Is this the same duffel
6 bag that you found?

7 A Yes, ma'am

8 Q That's depicted in State's Exhibit 9?

9 A Yes, ma'am

10 MS CAMPBELL Your Honor, at this time we'd
11 offer the duffel bag into evidence And I'll check
12 the number in a minute

13 THE COURT You got the number?

14 MS CAMPBELL I'm thinking it's 33, but the
15 number fell off

16 THE COURT Any objection?

17 MR BURR What's the number?

18 THE COURT Well, we think it's 33 Have you
19 got any objection?

20 MR. BURR No objection

21 MR STRICKLER Without objection from

22 Mr Sears, sir

23 MS CAMPBELL And I'll check the number, Your
24 Honor

25

400

1 (WHEREUPON, State's Exhibit No 33 was admitted
2 into evidence)

3 Q And, finally, as depicted in those photographs you
4 mentioned that you collected a weapon I'm going to
5 show you this item And you've already checked it
6 It's not loaded, right?

7 A Right

8 Q And you recognize that item?

9 A Yes, ma'am

10 Q And is that the gun you collected outside here?

11 A Yes, ma'am

12 Q The gun that was found here as depicted in all the
13 photographs?

14 A Yes, ma'am

15 Q Once you had collected -- was there any evidence --
16 and when examining a crime scene you examine it
17 closely for anything of significance, items, anything
18 of significance?

19 A Yes, ma'am

20 Q And while searching in the parking lot area you were
21 aware that a shooting was involved in this?

22 A Right

23 Q Did you see any signs of any blood in the parking lot
24 area?

25 A No, ma'am

461

1 Q No signs And you did look for things of that
2 nature?

3 A Right

4 Q Once you had photographed and collected these items
5 of evidence in the exterior -- and I'll get back to
6 the projectile in a minute -- did you then move to
7 the interior and do some photographing there?

8 A Yes, ma'am

9 Q And I note that you already mentioned that State's
10 Exhibit 13 -- what does that show?

11 A The doorway Standing right here in the roll-up
12 doorway -- well, it's kind of hard tell to tell on
13 here -- but looking back through this doorway into
14 the -- I believe they call it the waiting area

15 Q And this right here, this would be the wooden doorway
16 that you mentioned earlier you tried to process for
17 fingerprints?

18 A Yes, ma'am

19 Q And this leads into the waiting area, correct?

20 A Yes, ma'am

21 Q And then there is a middle area here which I think
22 has been referred to as the display area?

23 A Yes, ma'am

24 Q This back here is in the office?

25 A Yes, ma'am

402

1 Q And, again here, this is the rest of the business
2 which to the bay area we've been referring to?

3 A Right

4 Q I'm going to show you this series of photographs I
5 am so sorry

6 A That's all right

7 Q State's Exhibit 37 Again, is that another
8 photograph of the same bay area?

9 A Yes, ma'am

10 Q And that's looking from the bay area into the waiting
11 area?

12 A Right

13 Q And also that's been mentioned is there is also --
14 and I believe it's depicted on here -- a window
15 located here on the display area?

16 A Yes, ma'am

17 Q And from looking from the display area out, can you
18 see out through that window into the parking lot
19 through the bay door if opened?

20 A Right At kind of an angle if you were standing

21 Q Right here?

22 A Yeah Pretty close to the window you can look
23 straight out

24 Q Into the parking lot?

25 A Yes, ma'am

403

1 Q And this window is depicted on State's Exhibit 37

2 Is that correct?

3 A That's right

4 Q And I show you State's Exhibit 38 What does that
5 show?

6 A That is standing just inside this doorway looking
7 back down the wall towards the office area of the
8 business Just -- it's actually standing here in
9 front of this wall back into the display area

10 Q And, finally, I show you State's Exhibit 26 Do you
11 recognize that?

12 A Yes, ma'am

13 Q And what does that show?

14 A That's standing in the doorway here looking back
15 towards the front entrance in the customer waiting
16 area That was what they called it

17 Q So that would show this front door area?

18 A Yes, ma'am

19 Q And then right in here I think you have on here
20 plastic chair?

21 A Right

22 Q And then the television is shown on there?

23 A Right

24 Q And I notice there's debris, too, from glass inside,
25 too?

464

1 A Yes, ma'am

2 Q Would that be consistent with someone having fallen
3 through the glass?

4 A As far as I know, it could be

5 Q Once you had gotten to the scene that day, too, were
6 you made aware that the victim in the case had used a
7 weapon?

8 A Yes, ma'am

9 Q And did you have an opportunity to collect the weapon
10 that day?

11 A Yes, ma'am

12 Q And can you tell the jury, where did you find the
13 weapon when you got there?

14 A It was on a table inside the shop area almost below
15 the window there

16 Q I'll get back to the pictures

17 A There was a table here, and it was lying on that
18 table pretty much under the window that we just spoke
19 of

20 Q I'm going to show you State's Exhibit 10 which is
21 already in evidence Do you recognize that?

22 A Yes, ma'am

23 Q And whose gun is this?

24 A That is Ms Patterson's

25 Q And that was on the table as you found it when you

405

1 got there?

2 A Yes, ma'am

3 Q Do you know if Mr Patterson or one of the police
4 officers put it there?

5 A I don't know I believe Mr Patterson had put it
6 there, but I don't know

7 Q I'm going to show you another series of photographs
8 of the general interior area and just ask you to look
9 through these and see if you recognize them?

10 A Yes, ma'am

11 Q And do these fairly and accurately depict the scene
12 as you found it that day?

13 A Yes, ma'am

14 MS. CAMPBELL Your Honor, at this time we'd
15 offer State's Exhibits 34, 35, 36, 39, 40 and 41 into
16 evidence

17 MR BURR No objection

18 MR. STRICKLER Without objection from

19 Mr Sears

20 MS CAMPBELL Thank you, Your Honor

21 (WHEREUPON, State's Exhibit No 34 was admitted
22 into evidence)

23 (WHEREUPON, State's Exhibit No 35 was admitted
24 into evidence)

25

400

1 (WHEREUPON, State's Exhibit No 36 was admitted
2 into evidence)

3 (WHEREUPON, State's Exhibit No 39 was admitted
4 into evidence)

5 (WHEREUPON, State's Exhibit No 40 was admitted
6 into evidence)

7 (WHEREUPON, State's Exhibit No 41 was admitted
8 into evidence)

9 Q Again, this is a photograph The first one we're
10 going to look at is State's Exhibit 34 Do you
11 recognize that?

12 A Yes, ma'am

13 Q What does that show?

14 A That's a photo taken from inside the waiting area
15 back out at an angle right outside back out the front
16 door of the business

17 Q Out the front door of the business?

18 A Correct

19 Q Again, that's that shattered door?

20 A Yes, ma'am

21 Q And then kind of the opposite angle --

22 A Right

23 Q -- what is State's Exhibit 35?

24 A That's the outside-in of the same doorway

25 Q Of the same doorway?

467

1 A Yes, ma'am

2 Q I'm going to show you a photograph, State's Exhibit

3 36 Do you recognize that?

4 A Yes, ma'am

5 Q What area does that depict here on this diagram?

6 A That is this area here with the window I was

7 standing over in this area, the display area looking

8 back out towards the bay or shop area of the

9 business I'm standing over here shooting the photo

10 from this side, which would be standing here shooting

11 back out this way

12 Q And this door here, what does that depict?

13 A That's the office door

14 Q So that's the door for the display area into the

15 office?

16 A Yes, ma'am

17 Q And this is the window which is depicted here?

18 A Correct

19 Q Inbetween the display area and the bay area?

20 A That's correct

21 Q So the front of the store would be up here?

22 A Yeah Back over this way

23 Q Here is the photo you wanted, State's Exhibit 39

24 Does that actually depict the gun?

25 A Right That's the table that I mentioned here up

468

- 1 under, kind of under the window, and that's where the
2 gun was
- 3 Q This was actually the corner of the window down here?
- 4 A Corner of the window, yes, ma'am
- 5 Q And I show you State's Exhibit 40 Do you recognize
6 that?
- 7 A Yes, ma'am
- 8 Q What does that show?
- 9 A That's the doorway going into the shop from this
10 angle back, kind of like from the display area back
11 In other words, if you went in here and took a right,
12 you end up in the shop
- 13 Q In the shop? In the bay area?
- 14 A Yes, ma'am
- 15 Q So it's showing this area --
- 16 A Right
- 17 Q -- right here? And this is that door?
- 18 A Yes, ma'am
- 19 Q Right there So this is just the door right next to
20 the doorway that leads into the bay area?
- 21 A Yes, ma'am
- 22 Q And then, finally, once inside the business, did you
23 have an opportunity to look for evidence of any
24 shooting that had taken place inside the business?
- 25 A Yes, ma'am

469

1 Q And, again, just for clarification, the only evidence
2 of any shooting you found outside was right here
3 outside this door that had been shattered?

4 A Yes, ma'am

5 Q And that was the projectile found in this parking
6 lot There were no other shell casings, cartridge
7 casings, projectiles or anything found in the parking
8 lot Is that correct?

9 A That's correct

10 Q Okay But here inside the business, did you find
11 evidence of the shooting that had taken place?

12 A Yes, ma'am

13 Q And tell this jury generally what type of evidence
14 you found?

15 A The evidence that was found inside the business, I
16 looked -- excuse me -- you'll see an S C That's
17 just an abbreviation for shell casing, the spent
18 shell casing that is ejected from a weapon, namely,
19 an automatic weapon Also the P's -- I had several
20 of those -- are projectiles I found inside the
21 building That was the evidence that was found
22 inside that obviously there had been a shooting

23 Q So on this diagram where you have depicted -- it's
24 approximate areas really -- if it says S C , that's
25 what you mean by shell casing?

470

1 A Yes, ma'am

2 Q And if it says P, you mean that's a projectile?

3 A Yes, ma'am.

4 Q Again, the projectile is the part of the bullet that
5 comes out of the gun and can shoot me?

6 A That's right

7 Q And the shell casing is what's ejected from the gun
8 when the bullet leaves?

9 A Correct

10 Q And I'm going to show you this series of photographs
11 and ask you if you recognize all those?

12 A Yes, ma'am These I'm all familiar with

13 COURT REPORTER I'm sorry?

14 A I'm familiar with all of them

15 Q And do all those photographs -- except for the last
16 two are from the outside -- but all are photographs
17 of the interior?

18 A Yes, ma'am. There is a --

19 COURT REPORTER I can't hear him, Your Honor

20 A I think there is one or two of the vehicle. I'm
21 sorry

22 Q Okay

23 MS CAMPBELL Your Honor, at this time I'd
24 offer State's Exhibits 41, 42, 43, 45, 46, 47, 48,
25 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61,

471

1 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72

2 THE COURT Any objection?

3 MR BURR No objection, Your Honor

4 MR. STRICKLER. Without objection from

5 Mr Sears, sir

6 COURT REPORTER Excuse me Did you mention 44?

7 Would you just look back and see if you did?

8 MS CAMPBELL I'll get it for you There is

9 44

10 COURT REPORTER Thank you

11 MS CAMPBELL. Thank you

12 (WHEREUPON, State's Exhibit Nos 42 through 72

13 were received into evidence)

14 Q And, Investigator Russell, if you can, taking these
15 one at a time, it might be easier for the court
16 reporter to hear you if you get on this side And
17 you can use this pointer which might help Taking
18 these photographs one at a time and showing the
19 general area where they are depicted in the diagram,
20 I'm going to show you what's been marked as State's
21 Exhibits 41 and 42 And can you tell the jury first
22 what these depict?

23 A Those are shell casings

24 Q Shell casings And where were these shell casings
25 found?

472

1 A Back in the office and into the display area Those
2 particular ones were back in the office.

3 Q And, in fact, this is the same one, is it not?

4 A Yes, ma'am

5 Q And the number 1 that was put next to it, is that how
6 you -- like in a crime scene, you have multiple
7 bullets found?

8 A Right It's according to how I found them

9 Q And the first, State's Exhibit 41, is that a little
10 further away than State's Exhibit 41?

11 A Yes, ma'am

12 Q So 42 is just a closer up shot of 41?

13 A That's correct

14 Q And where in the business did you find the shell
15 casings?

16 A Right here I've got one S C that's a shell casing
17 that's back in the office area

18 Q Right in the office area?

19 A Right here Correct

20 Q And that's the shell casing that would have been
21 expelled from the gun when it was fired?

22 A Yes, ma'am

23 Q And, typically, when a shell casing is expelled from
24 a gun, how far does it expel out, typically?

25 A Several feet

473

1 Q Several feet? And in this case you found a shell
2 casing -- there's a bird?

3 A Yeah It's by a bird There's a little pet bird
4 back there

5 Q A pet bird That's how it appeared when you saw it
6 that day?

7 A Yes, ma'am

8 Q And that was found in the office area as depicted on
9 the diagram?

10 A Yes, ma'am

11 Q And the next ones I want to talk to are the second
12 shell -- these are not denoted in any order of
13 significance It's just the way you found them or
14 numbered them. Is that correct?

15 A Right I just start with number 1, start searching
16 as I find them

17 Q I show you State's Exhibits 43 and 44 43 actually
18 shows two numbers in it I believe?

19 A Right

20 Q I want to talk about number 2 first

21 A Okay That's also right here in the office area.

22 Q In the office area?

23 A Yes, ma'am

24 Q And these photographs are actually photographs of
25 where that shell casing was found in the office area

471

1 that day?

2 A Yes, ma'am

3 Q And, again, State's Exhibit 44 is just a closer up of
4 what's depicted in State's Exhibit 43?

5 A Yes, ma'am

6 Q Taking the third shell casing that day, I'm going to
7 show you State's Exhibits 45 and 46 Number 3 as
8 you've numbered them, is that shown here in State's
9 Exhibit 46?

10 A Yes, ma'am

11 Q Where is that on your diagram?

12 A Right here in kind of the corner of the door

13 Q In the door area?

14 A Yes, ma'am

15 Q That's in what part of the building?

16 A Still in the office leading in the doorway there
17 going into the display area

18 Q And, again, State's Exhibit 45 is just a close up
19 view --

20 A Yes, ma'am.

21 Q -- of that same --

22 A Yes, ma'am

23 Q Taking the next shell casing which you found by the
24 way you numbered them, in State's Exhibits 47 and 48,
25 where was that shell casing found?

475

1 A That was up on -- there's kind of I guess a bookshelf
2 or a rail under this window here

3 Q It's under the window?

4 A Right Up on the wall there under the window

5 Q Actually in the display area?

6 A Right In the display area And they had some
7 magazines or something, I guess products under there
8 on the shelves It's more of a shelf than a
9 bookshelf And it was lying right up on top of it

10 Q And, again, in State's Exhibit 48, is that a closer
11 up view?

12 A Yes, ma'am

13 Q It's kind of hard to see, but it's right there; of
14 that shell casing as you found it that day?

15 A Yes, ma'am

16 Q This next shell casing you found which I believe you
17 found and designated as number 5, State's Exhibits 49
18 and 50, where was that?

19 A Right here in the -- I've got it kind of off from the
20 wall But it was right at the door, the door leading
21 from the display area back into the office in this
22 vicinity here right by the wall

23 Q Right by the wall there?

24 A Yes, ma'am

25 Q And that's right in that doorway between the display

476

- 1 area and again the office Is that correct?
- 2 A Yes, ma'am
- 3 Q And, again, State's Exhibit 50 is just a close up of
- 4 that shell casing?
- 5 A Yes, ma'am
- 6 Q And on here you designated generally where these are,
- 7 but the photos actually show exactly where they are?
- 8 A Correct
- 9 Q The next shell casing, State's Exhibits 51 and 52,
- 10 where was that found, number 6?
- 11 A Number 6 is back here in the display area just down
- 12 from number 5 back over towards the wall of the
- 13 display area, the wall separating the display and the
- 14 office area
- 15 Q And, again, State's Exhibit 52 is just a close up
- 16 view?
- 17 A Yes, ma'am
- 18 Q And, again, that's back next to this wall?
- 19 A Back by the wall
- 20 Q Next to the office?
- 21 A Yes, ma'am
- 22 Q The seventh shell casing that you found in the
- 23 interior of the business that day I show you State's
- 24 Exhibits 53 and 54
- 25 A Yeah That's --

477

1 Q Number 7?

2 A Right That was over the same area as the window and
3 the table or shelf they had there It was up under
4 it They had some car parts there, and it had kind
5 of gone up under a fender or something there

6 Q And State's Exhibit 53, again, that's a close up view
7 of a shell casing?

8 A Yes, ma'am

9 Q And you found I believe any more shell casings in the
10 interior?

11 A Right The one over --

12 Q Number 8?

13 A Right That was over right by the table with some
14 books

15 Q And, again, these are I guess the way you found them?

16 A Right Just, you don't know where they are and as
17 you walk through and look for them you find them

18 Q These are numbered out here?

19 A Right

20 Q And you found two more back in office area that you
21 found upon closer inspection?

22 A Yes, ma'am

23 Q State's Exhibit 55, does that show the eighth shell
24 casing you found?

25 A Yes, ma'am

478

- 1 Q And that was next to the bird cage back in the
2 office?
- 3 A Right Right back here by there are some boxes here
4 and a bird sitting up on the box
- 5 Q And then you found one more shell casing back in the
6 office area?
- 7 A Yes, ma'am
- 8 Q I show you State's Exhibits 56 and 57
- 9 A Right That was number 9 That was just down from
10 the bird going backwards the office area, from the
11 office area going backwards the display area
- 12 Q And, again, State's Exhibit 57 is a close up?
- 13 A It's a close up
- 14 Q I guess you had to look for that one?
- 15 A Yes, ma'am
- 16 Q Did you find any more shell casings in the interior
17 or the exterior of this business?
- 18 A No, ma'am
- 19 Q Okay So, total, you found nine shell casings?
- 20 A That's correct
- 21 Q Which if someone were using a semi-automatic, it
22 would be consistent with someone having shot nine
23 rounds?
- 24 A Yes, ma'am
- 25 Q You mentioned a minute ago -- and I failed to mention

473

1 this -- out in the parking lot -- and I'll get to the
2 projectiles in a minute -- you also processed I
3 believe a car in the parking lot?

4 A Right

5 Q Which car was that?

6 A I've got it listed as victims' vehicle It's the
7 Honda Accord, the owners of the business and his
8 employee, the one they had been in and they left and
9 came back in

10 Q And why did you look in that vehicle that day?

11 A That was where they told me the other magazine from
12 his weapon from the store owner, his magazine was
13 inside of the vehicle They had left it in there
14 when they returned

15 Q And that information was provided to you that day?

16 A Right

17 Q You knew it was there?

18 A Yeah They told me to look

19 Q And I show you what's been marked as State's Exhibits
20 58 and 59 Do you recognize those photographs?

21 A Yes, ma'am

22 Q And what do those show?

23 A That shows just one single live round lying on the
24 floorboard, passenger floorboard of the Honda Accord

25 Q Okay And is that how it appeared? This is a closer

480

1 up I believe of State's Exhibit 59?

2 A Yes, ma'am

3 Q And that's how it appeared that day?

4 A Yes, ma'am

5 Q And that was on the information that had been
6 provided to you; you had looked there?

7 A Right

8 Q And then you also mentioned that you were looking for
9 a magazine?

10 A Correct

11 Q I'm show you State's Exhibit 60 And you have in 11
12 next to that?

13 A Right

14 Q And, again, you're just continuing to number them?

15 A A numbering system

16 Q A numbering system And on State's Exhibit No 60 --
17 excuse me, my voice is going -- what does that
18 depict?

19 A The magazine that was down in the console or beside
20 the seat there in the vehicle

21 Q And that's it right there?

22 A Yes, ma'am

23 Q And did you find anything else of an evidentiary
24 value in the car?

25 A No, ma'am

4S1

1 Q And, again, you'd already collected the victim's gun
2 at that point, had you not?

3 A Correct

4 Q I want to go back to the interior of the building
5 Did you also in your assessment and your processing
6 of the scene, did it become evident that a shooting
7 had taken place inside the building?

8 A Yes, ma'am

9 Q Was there evidence of one?

10 A Yes, ma'am

11 Q Tell the jury what additional evidence you found
12 inside that business that day?

13 A Aside from the shell casings which were lying where
14 we just went over each and every one, back in this
15 area here, there is a customer waiting area, around
16 the doorway leading into the shop or work area, I
17 found several projectiles lying Well, not all of
18 them were lying. I think several were embedded
19 They were in that area though.

20 Q Okay And you call it a projectile I call it a
21 spent bullet Is that kind of the same thing? A
22 bullet that's been fired?

23 A Yeah The bullet

24 Q The bullet And I want to show you State's Exhibit
25 61. What does that show?

482

- 1 A That shows the wooden door that opens this way into
2 the waiting area, and that shows where I located
3 several projectiles lodged inside of the door there
4 Or projectile holes
- 5 Q Projectile holes or projectiles?
- 6 A Right
- 7 Q And I see on this you have actually two little -- you
8 used big markers on this On this you used little
9 markers And you start over with your numbering?
- 10 A Right
- 11 Q I notice that there's a 1 and a 2 What does that
12 indicate?
- 13 A The first and second projectiles that I located
- 14 Q And I show you State's Exhibits 62 and 63
- 15 A Right Those are just close ups
- 16 Q Close ups of those? You can actually see the holes?
- 17 A Right Well, that one hole was just where there
18 wasn't a door handle
- 19 Q Okay Yeah The smaller holes, those are where
20 projectiles entered the door?
- 21 A Yes, ma'am
- 22 Q And were those recovered by you?
- 23 A Yes, ma'am
- 24 Q And, again, that's the door leading from inside the
25 waiting area to the back?

483

- 1 A Right, to the customer area and the work area
- 2 Q I'm going to show you State's Exhibits 64 and 65 Do
- 3 you recognize that?
- 4 A Yes, ma'am
- 5 Q What does 64 show?
- 6 A That shows another projectile There was a chair up
- 7 against this wall The projectile that struck the
- 8 chair; I believe, if I'm not mistaken, that number 3
- 9 is going to show different areas It struck the
- 10 chair It struck the wall Then I think it came to
- 11 rest up under the chair by the wall there
- 12 Q Oh, I forgot my last one. State's Exhibit 66 And
- 13 let me get back to that But State's Exhibit 61, you
- 14 can actually see the corner of the chair there?
- 15 A Right
- 16 Q So it would be in close proximity to the first and
- 17 second projectiles?
- 18 A Correct All in that same area
- 19 Q And in this you have the first picture we have which
- 20 is State's Exhibit 64 shows where the chair -- that's
- 21 not an actual projectile there, is it?
- 22 A No That's a hole, the pathway I numbered them the
- 23 same number as the pathway I first observed the
- 24 hole in the chair.
- 25 Q You observed the hole in the chair?

481

- 1 A Right
- 2 Q And that was consistent with what you found behind it
- 3 which is State's Exhibit 66?
- 4 A Correct.
- 5 Q And is that what was behind the chair?
- 6 A Yes, ma'am
- 7 Q The wall behind the chair?
- 8 A Yes, ma'am
- 9 Q And I notice that you've marked this hole Why is
- 10 that significant?
- 11 A That's -- all of that appears to be the direction of
- 12 travel or the pathway of that projectile and where it
- 13 came to rest there on the -- it struck the chair,
- 14 struck the wall and then dropped down into the corner
- 15 down by the wall in the floor area
- 16 Q I'm sorry. State's Exhibit 65 shows where it
- 17 actually struck the wall?
- 18 A Right
- 19 Q And then State's Exhibit 66 shows where it was on the
- 20 floor?
- 21 A Right
- 22 Q And on the floor directly below where the hole was in
- 23 the wall?
- 24 A Yes, ma'am
- 25 Q Taking the next projectile that you found on the

485

1 interior, State's Exhibits 67 and 68, what does that
2 show?

3 A A projectile down on the floor in front of the door

4 Q And, again, this is the same door we've been
5 referring to?

6 A Yes, ma'am

7 Q And I see that there's a little bitty number 4 there?

8 A Right

9 Q Is that what's depicted in State's Exhibit 67?

10 A Yes, ma'am

11 Q And that's the actual --

12 A That's the bullet

13 Q -- the projectile?

14 A Yes, ma'am

15 Q And that's depicted on your diagram?

16 A Right Right here in the diagram

17 Q Moving to the next projectile that you found on the
18 interior of the business, State's Exhibits 69 and 70

19 A Yes, ma'am

20 Q I'm going to show you State's Exhibit 69 I notice a
21 2 down here which was your earlier projectile you
22 talked how about?

23 A Right

24 Q But up here there's a 5?

25 A Yeah That's in the door frame right here, the door

486

1 frame towards the front wall It's another hole that
2 appeared to be a projectile -- made by a projectile
3 from a weapon

4 Q And a close up of that is State's Exhibit 70?

5 A Yes, ma'am

6 Q And before I let you sit down, we mentioned earlier
7 and I want to get back to this projectile that we
8 found right outside?

9 A Yes, ma'am

10 Q And I show you State's Exhibits 71 and 72 Do you
11 recognize those?

12 A Yes, ma'am

13 Q And in 71, is there a projectile shown on there?

14 A Yes, ma'am

15 Q And is this a close up of it?

16 A Right The same projectile

17 Q The same thing And that's the projectile you
18 actually collected from outside?

19 A Right That's correct

20 Q And that was again right outside this front door on
21 State's Exhibit 6?

22 A Yes, ma'am.

23 Q And just for clarification; what, if any, shell
24 casings or projectiles did you find in the bay area?

25 A I didn't find any.

487

1 Q What, if any, shell casings --

2 MR STRICKLER Asked and answered twice I
3 object As to the exterior

4 THE COURT Overruled Bay area

5 MR STRICKLER She's going to the exterior now,
6 Your Honor

7 THE COURT Overruled

8 MR STRICKLER Thank you, sir

9 Q On the exterior -- I'm sorry What, if any, shell
10 casings or projectiles other than the projectile we
11 talked about right outside that door did you find
12 here in this little area?

13 A I didn't find any

14 Q Okay You can have a seat Thank you Just for
15 clarification, on the exterior you mentioned that
16 right there by the front door you found a gray cloth
17 material?

18 A Yes, ma'am

19 Q And I'm going to show you this item Do you
20 recognize this?

21 A Yes, ma'am

22 Q And is that the gray cloth that you actually found
23 right there next to the front door on the outside?

24 A That's correct

25 MS CAMPBELL Your Honor, at this time we'd

489

1 offer State's Exhibit 29, without objection I assume

2 MR BURR No objection

3 MR STRICKLER Without objection from

4 Mr Sears, sir

5 (WHEREUPON, State's Exhibit No 29 was admitted
6 into evidence)

7 Q You've gone through and told the jury about the
8 evidence you found You collected the gun And just
9 for clarification, when you collected the gun that
10 was found inside the business on that table, did it
11 have some live rounds in it?

12 A Yes, ma'am I believe so I'd have to look back in
13 my notes for specific numbers

14 Q This gun is already into evidence But I'm going to
15 show you State's Exhibit 30 Is this the gun you
16 collected that day?

17 A Yes, ma'am, it is

18 Q And from it you also collected certain evidence and
19 items?

20 A Yes, ma'am

21 Q I'm going to ask you to look at all these items I
22 believe you reviewed them at my request

23 A Yeah I'm familiar with them all

24 Q You're familiar with all that?

25 A Yes, ma'am

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1 Q Is that, in fact, evidence that you collected at the
2 scene that day?

3 A Yes, ma'am

4 Q And taking them one at a time, I show you State's
5 Exhibit 73 What is that?

6 A A magazine collected from the vehicle, the victims'
7 vehicle

8 Q And that's inbetween the seats here as shown in
9 State's Exhibit 60?

10 A Yes, ma'am

11 THE COURT. Ms Campbell, move the box

12 MS CAMPBELL I'm sorry, Your Honor I
13 apologize

14 THE COURT Thank you

15 Q And you also -- I show you State's Exhibit 74 Did
16 you also collect that that day?

17 A Yes, ma'am That's a magazine from the victim's
18 weapon

19 Q And I show you State's Exhibit 83 Did you collect
20 that that day?

21 A Yes, ma'am These are nine recovered shell casings
22 from inside the business

23 Q And then State's Exhibits 75, 76 and 77, do you
24 recognize those?

25 A Yes, ma'am One round that was in the chamber of the

490

1 victim's weapon, six rounds were in the magazine
2 inside the vehicle, and one round that was depicted
3 in the in the floorboard of the vehicle, the live
4 round by itself

5 Q And, finally, State's Exhibit 82?

6 A This is one of the recovered projectiles from inside
7 the business

8 MS CAMPBELL Your Honor, at this time we'd
9 offer them all into evidence, I believe without
10 objection

11 MR BURR What's Exhibit 74?

12 MS CAMPBELL You want the exhibit numbers?

13 MR. BURR No. What was 74? Was that the
14 magazine?

15 THE COURT 74

16 A Right. That's the magazine that was actually inside
17 the victim's weapon lying on the table

18 MR BURR: Was it an empty magazine?

19 MS CAMPBELL It was the magazine We have the
20 bullets that were in it, too

21 MR BURR No objection, Your Honor

22 MR STRICKLER It's without objection for
23 Mr Sears

24 COURT REPORTER Could you please go over the
25 numbers one more time for me?

491

1 MS CAMPBELL Yes

2 COURT REPORTER Thank you

3 Q First State's Exhibit No 73. That's a magazine that
4 was actually taken from the vehicle?

5 A Correct

6 Q That's depicted in that picture?

7 A Yes, ma'am

8 Q And then State's Exhibit 74, that was the magazine
9 that was actually in the victim's gun when you
10 collected it off the table?

11 A Yes, ma'am

12 COURT REPORTER I just need the numbers

13 Q I've just got to go through them anyway I'll just
14 continue that way

--15 COURT REPORTER Oh, okay Sorry

16 Q State's Exhibit 76.

17 A The six rounds from the magazine that was inside the
18 victim's weapon --

19 Q So those were actually the bullets that were in the
20 victim's magazine in the victim's weapon when you
21 collected it?

22 A Correct

23 Q And then State's Exhibit 77?

24 A That's the one round that was inside the chamber of
25 the weapon that was still in the weapon

492

- 1 Q And this again is from the victim's weapon that you
2 recovered at the scene?
- 3 A Yes, ma'am
- 4 Q And then, finally, State's Exhibit 75?
- 5 A That's the one live round that was lying in the
6 floorboard of the vehicle
- 7 Q In the car, the Honda?
- 8 A Yes, ma'am
- 9 Q And then, finally, State's Exhibit 82?__ -
- 10 A The four recovered projectiles that were located
11 inside the business
- 12 Q And I note in this we have five -- where you have
13 five bullet holes, but you actually recovered four
14 projectiles?
- 15 A Right Number 5 was the one in the metal door frame.
16 I didn't attempt to extract it Or take the door
17 frame out
- 18 Q Okay So let's be sure The four that you've noted,
19 we have those recovered Is that correct?
- 20 A Yes, ma'am
- 21 Q But in State's Exhibit 69 there's a whole in the door
22 frame, but you were not able to recover that actual
23 projectile?
- 24 A That's correct
- 25 Q And then finally State's Exhibit 83?

493

1 A That's the nine shell casings inside the business
2 that are on my diagram

3 Q The nine shell casings from inside the business?

4 A Yes, ma'am

5 MS. CAMPBELL Is that good?

6 COURT REPORTER Mm-hmm (affirmative). Thank
7 you.

8 (WHEREUPON, State's Exhibit No 73 was admitted
9 into evidence)

10 (WHEREUPON, State's Exhibit No 74 was admitted
11 into evidence)

12 (WHEREUPON, State's Exhibit No 75 was admitted
13 into evidence)

14 (WHEREUPON, State's Exhibit No. 76 was admitted
15 into evidence)

16 (WHEREUPON, State's Exhibit No 77 was admitted
17 into evidence)

18 (WHEREUPON, State's Exhibit No 82 was admitted
19 into evidence)

20 (WHEREUPON, State's Exhibit No. 83 was admitted
21 into evidence)

22 Q The suspect's gun when you collected it that day, was
23 it in a shootable condition? Was it cocked?

24 A Well, it had a round chamber that was -- yeah, you
25 could have fired the weapon I'm sorry. Did you say

491

1 suspect or victim?

2 Q Suspect

3 A Yes, ma'am I believe -- let me check my notes to be
4 sure It also had one -- a round chamber, one live
5 round in the chamber And it had nine rounds in the
6 magazine So it was ready to fire

7 Q Okay Just for chain of evidence purposes, once you
8 collected all these items including the guns, the
9 ammunition, the shell casings and the projectiles,
10 you then took those in your custody?

11 A Yes, ma'am

12 Q And were those later forwarded by you to SLED?

13 A Right I handed delivered those to SLED

14 Q Later that month?

15 A Yes, ma'am

16 Q And during the entire time, once you had collected
17 them at the scene and while they were in your
18 possession until you took them to SLED, did anyone
19 have an opportunity to tamper with them or change
20 them in any way?

21 A No, ma'am They were secured in the laboratory I
22 have a locker to secure evidence in

23 Q So no one else had access to them?

24 A Right.

25 Q And you didn't alter or change them in any way?

495

1 A No, ma'am

2 Q And those were later taken to SLED for further
3 testing?

4 A Yes, ma'am

5 Q By I believe Agent Collins?

6 A Yes, ma'am

7 Q As well as the suspect's gun that you collected there
8 at the scene that day?

9 A Right All the weapons, ammunition and everything
10 was --

11 Q You mentioned earlier -- and I kind of cut you off, I
12 didn't mean to -- that you also there at the scene
13 that day were able to do what we call some gunshot
14 residue testing?

15 A That's correct

16 Q And tell the jury, what is the gunshot residue
17 testing, and why do you do that?

18 A When a weapon is fired or you fire a weapon with your
19 hand, there is numerous microscopic chemicals, lead,
20 antium, barium There is different ones That's not
21 my expertise But there's numerous items that
22 microscopically come out of that gun when it's fired
23 when the powder is burned up And what this test
24 itself does is pick up those microscopic items Then
25 it's forwarded to a chemist or an analyst that can

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1 locate those and advise if they were present on the
2 hand It eliminates -- it's our way of eliminating
3 who might have fired a weapon, who might not have
4 fired a weapon That's something we do, I did pretty
5 much shortly after I got there

6 Q And there at the scene that morning you had an
7 opportunity to do gunshot residue tests on two
8 different people?

9 A Yes, ma'am

10 Q And who did you collect gunshot residue tests from
11 that morning?

12 A On Mr Patterson and Mr Stokes

13 Q Mr Patterson and Mr Stokes?

14 A Right

15 Q The two victims in the case?

16 A Yes, ma'am

17 Q And they voluntarily cooperated with you?

18 A Right They signed consent. I got them to sign a
19 consent form

20 Q And, again, when you do the kit, tell the jury just
21 briefly how you do it Your expertise isn't in
22 analyzing, is it? Just collecting?

23 A Just collection.

24 Q How do you do that, sir?

25 A There is sticky tabs that are done on the palm of the

497

1 hand and on the back of the hand And then there's
2 also a swabbing type, basically swabbing the hand
3 You put nitric acid on a swab You swab the hand as
4 well So you're doing the sticky tabs on there and
5 then you do the swab You do the sticky tabs on both
6 hands, palm and the back side So you've actually
7 got two different types of tests all combined into
8 one

9 It's put into an envelope All these are sealed
10 up, put in an envelope, sealed up, signed that they
11 were sealed by me, and then forwarded to the chemist
12 or analyst that's going to do the trace evidence on
13 them

14 Q Later that day did you also have an opportunity to do
15 a gunshot residue kit on an additional suspect in the
16 case?

17 A Yes, ma'am

18 Q And who was that?

19 A Mr Alexander

20 Q Willie Lloyd Alexander?

21 A Yes, ma'am

22 Q And where did you do that?

23 A I did that at headquarters

24 Q At headquarters? And that's right there on Two Notch
25 Road?

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- 1 A Right In the lab there
- 2 Q And that was done several hours later?
- 3 A Yes, ma'am
- 4 Q How many hours? Do you know?
- 5 A Right off the top of my head, I don't
- 6 Q It was done that afternoon?
- 7 A Right
- 8 Q And, again, the same purpose, the same test was
- 9 administered?
- 10 A Yes, ma'am
- 11 Q Were you able to get a gunshot residue test from
- 12 Demetrio Sears that day?
- 13 A No, ma'am
- 14 Q Why not?
- 15 A When I went down to the hospital he was going into
- 16 surgery or was already in surgery They won't allow
- 17 us obviously for medical reasons to go into a sterile
- 18 environment So I couldn't do it The doctor
- 19 wouldn't let me do it
- 20 Q Did you try to go back at a later time and do it?
- 21 A The reason I didn't -- I did not try to go back a
- 22 later time, the reason being, there is kind of a
- 23 window of opportunity inside of six hours in doing
- 24 this test Your skin on your hand, over periods of
- 25 time the skin itself, dead skin is constantly

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1 sloughing off He being in surgery, he was probably
2 cleaned up there in the hospital in the emergency
3 department or going into surgery Numerous reasons
4 for me not to do one I could do the test but there
5 wouldn't be anything there that I would collect and
6 be able to send in

7 Q And, typically, if it's past basically a six-hour
8 time period, it doesn't have any significance any
9 more?

10 A Right That's correct

11 Q And there is no reason to do the test?

12 A That's right

13 Q I've already asked you about you assessed the parking
14 lot there at the scene that day for the presence --
15 did you see any signs of any blood or anything of
16 that sort in the parking lot?

17 A No, ma'am

18 Q Did you also search the interior of the business to
19 see any signs of blood or anything?

20 A Yes, ma'am

21 Q And what were the results of -- did you find any
22 evidence of any blood in the interior?

23 A I didn't find any

24 Q And you're aware a shooting took place and someone
25 was shot that day?

- 1 A Right As time progressed I was told that, yeah, ⁵⁰⁰
2 there was -- someone had been struck with a bullet
- 3 Q And as an expert in crime scene investigation, is it
4 unusual for a person to get shot at the scene and not
5 leave blood?
- 6 A No, ma'am
- 7 Q And how does that work? If I get shot, say, in the
8 stomach area, am I going to spew blood immediately?
9 Or how does that work?
- 10 A Just being shot doesn't mean that blood is going to
11 come out I mean, you've got clothing on And, you
12 know, it doesn't -- from what I was told took place
13 here and the evidence that I saw there at the scene,
14 it didn't appear that anybody stood around very long
15 Therefore, no blood was -- or it wasn't like standing
16 there dripping blood or anything And then also the
17 way the projectile strikes, where it strikes the
18 body, there is all different kind of medical reasons
19 that, like I say, they're above my expertise But I
20 know just from my experience at crime scenes, many
21 times somebody can be struck with a bullet more than
22 one time and there will not be any blood on the
23 scene
- 24 Q But if a person, say, has been shot by a bullet and
25 then sits down for a period of time, is it more