

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. Supreme Court

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable Edgar W. Dickson, Presiding Circuit Court Judge

Docket No. 2010-CP-46-0436

2014-000281

Berry Bolin, ... Appellant.

v.

State of South Carolina, ... Respondent,

APPENDIX VOLUME 3 OF 4

The Appellant, Berry Bolin, appeals the final order in this Post Conviction Relief Application case. The Final Order was issued and served on January 21, 2014. Appellant's motion to reconsider and/of for rehearing was denied on February 10, 2014.

September 9, 2014

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- 1 Q AND WHAT WOULD BE DONE?
- 2 A YES, SIR.
- 3 Q OKAY. AS PART OF YOUR DUTIES THAT DAY DID YOU
- 4 HAVE AN OPPORTUNITY TO TALK TO MR. BOLIN?
- 5 A YES, SIR, I DID.
- 6 Q NOW HAD YOU HAD BEEN MADE AWARE, OF COURSE THE
- 7 JURY HAS ALREADY HEARD THIS, THE STATEMENTS THAT WERE
- 8 MADE AT VARIOUS STAGES TO JAMISON AND PATTERSON, WERE
- 9 YOU AWARE OF ALL OF THOSE?
- 10 A YES, SIR, I WAS.
- 11 Q OKAY. AND WHO WENT WITH YOU WHEN YOU WENT TO
- 12 TALK WITH HIM?
- 13 A DETECTIVE STRAIT WAS WITH ME.
- 14 Q WHERE DID YOU GUYS GO TO TALK TO HIM?
- 15 A TO THE DETENTION CENTER AT THE JAIL.
- 16 Q OKAY. AND WAS HE IN CUSTODY AT THAT TIME?
- 17 A YES, SIR, HE WAS.
- 18 Q OKAY. AND WHERE DID YOU MEET WITH HIM AT?
- 19 A WHEN WE WENT TO THE DETENTION CENTER HE WAS IN A
- 20 HOLDING CELL. WE ADVISED THE DETENTION STAFF THAT WE
- 21 NEEDED TO SPEAK WITH HIM IN A CONFERENCE ROOM. THEY
- 22 GOT HIM OUT AND WE WALKED HIM JUST ACROSS A HALL TO A
- 23 A CONFERENCE ROOM.
- 24 Q OKAY. NOW AT THAT POINT WHAT TIME OF DAY WAS
- 25 IT?

1 A IT WAS AROUND SIX P.M. THAT EVENING.

2 Q SO THIS WAS SUNDAY EVENING NOW, IS THAT CORRECT?

3 A YES, SIR.

4 Q OKAY. AND AT THAT POINT YOU SAY HE WAS IN
5 CUSTODY. AT THAT POINT HAD HE BEEN CHARGED WITH THE
6 MURDER OF MR. HOVIS?

7 A NO, SIR, HE HAD NOT.

8 Q OKAY. AND WHY WAS THAT?

9 A AT THAT PARTICULAR TIME AN AUTOPSY HAD NOT BEEN
10 DONE, WE WANTED TO CONFIRM, THERE WAS STILL A LOT OF
11 QUESTIONS WE HAD TO ANSWER, A LOT OF INVESTIGATION
12 STILL HAS TO BE DONE ON THIS BEFORE WE CAN MAKE A
13 MURDER CHARGE ON HIM. HE WAS IN CUSTODY ON AN
14 ASSAULT AND BATTERY WITH INTENT TO KILL CHARGE BASED
15 ON STATEMENTS THAT HE HAD GIVEN EARLIER IN THE
16 EVENING. HE WAS ALREADY IN CUSTODY. HE WAS CHARGED
17 AND A HOLD WAS PLACED ON HIM PENDING FURTHER
18 INVESTIGATION AND POSSIBLE MORE WARRANTS.

19 Q I GOT YOU. AND WHEN YOU WENT TO TALK TO HIM IN
20 THIS ROOM IN THE SHERIFF'S OFFICE, LET ME ASK YOU
21 THIS, I MEAN AT THE DETENTION CENTER WHICH IS RIGHT
22 OVER HERE, IS THAT RIGHT?

23 A THAT'S RIGHT.

24 Q WERE YOU AND DETECTIVE STRAIT ARMED; DID YOU
25 HAVE A WEAPON?

1 A NO, SIR.

2 Q HOW WERE YOU DRESSED?

3 A PLAIN CLOTHES. NORMAL WHAT WE WEAR TO WORK
4 KHAKIS AND A SHERIFF'S DEPARTMENT OR SOME TYPE OF A
5 GOLF SHIRT.

6 Q DID YOU HAVE SOMETHING THAT INDICATED THAT
7 MR. BOLIN KNEW THAT YOU WERE LAW ENFORCEMENT?

8 A YES, SIR. I HAVE A BADGE I WEAR ON MY BELT.

9 Q OKAY. DID YOU HAVE AN OPPORTUNITY, NOW YOU WERE
10 AWARE THAT PREVIOUSLY SOME NUMBER OF HOURS EARLIER HE
11 HAD BEEN READ HIS RIGHTS, YOU HAD THAT INFORMATION?

12 A YES, SIR, I DID.

13 Q OKAY. AT THIS TIME DID YOU HAVE AN OPPORTUNITY
14 TO DISCUSS HIS RIGHTS WITH HIM?

15 A YES, SIR. WHEN WE BROUGHT HIM INTO THE
16 CONFERENCE ROOM, HE SAT DOWN ON ONE SIDE OF THE
17 TABLE, MYSELF AND DETECTIVE STRAIT SAT ON THE OTHER
18 SIDE. I READ THE MIRANDA RIGHTS TO HIM AGAIN. I
19 EXPLAINED TO HIM THAT I REALIZED HE HAD SPOKE TO LAW
20 ENFORCEMENT ALREADY, AND I JUST TOLD HIM THAT, YOU
21 KNOW, I PROBABLY GOING TO BE ASKING HIM THE SAME
22 QUESTIONS OTHER POLICE OFFICERS HAD ALREADY ASKED BUT
23 THERE WAS SOME THINGS WE NEEDED TO CLEAR UP THAT I
24 WANTED TO KNOW FOR MYSELF FOR THE INVESTIGATION AND
25 SOME THINGS THAT WEREN'T CLARIFIED IN THE STATEMENTS,

1 SO I READ HIM HIS RIGHTS. HE SAID HE AGREED, I ASKED
2 HIM IF HE UNDERSTOOD HIS RIGHTS, HE SAID HE DID. HE
3 SIGNED THE MIRANDA RIGHTS FORM STATING THAT HE
4 UNDERSTOOD HIS RIGHTS. ALSO READ THE WAIVER OF
5 RIGHTS FORM TO HIM. ASKED HIM IF HE AGREED TO TALK
6 TO LAW ENFORCEMENT WITHOUT AN ATTORNEY PRESENT AND HE
7 SAID HE DID AND HE SIGNED THAT FORM.

8 Q DID HE APPEAR TO BE COOPERATIVE?

9 A VERY COOPERATIVE. WHEN WE SAT DOWN WITH HIM HE
10 TOLD ME THAT HE HAD SPOKE WITH HIS DAD AND HIS DAD
11 TOLD HIM TO TELL THE TRUTH.

12 Q SO I MEAN HE SEEMED WILLING TO TELL YOU THE
13 TRUTH?

14 A YES, SIR, HE WAS WILLING TO TALK.

15 Q OKAY. I WANT TO SHOW YOU WHAT'S BEEN MARKED
16 STATE'S EXHIBIT 129 AND ASK IF YOU CAN TELL ME WHAT
17 THE FIRST SHEET ON HERE DEPICTS?

18 A THIS IS THE MIRANDA RIGHTS FORM.

19 Q OKAY. IS THAT THE COPY OF THE ONE THAT WAS
20 EXECUTED THAT NIGHT?

21 A THAT'S CORRECT.

22 Q OKAY.

23 MR. POPE: YOUR HONOR, I MOVE STATE'S
24 EXHIBIT 129 INTO EVIDENCE.

25 MR. GREELEY: SUBJECT TO PREVIOUS RULINGS.

1 THE COURT: BASED ON PREVIOUSLY RULINGS
2 IT'S IN EVIDENCE.

3 (STATE'S EXHIBIT 129 MIRANDA FORM IN
4 EVIDENCE.)

5 Q AGAIN IS THIS A STANDARD FORM THAT YOU HAVE WITH
6 THE SHERIFF'S OFFICE?

7 A YES, SIR, IT IS.

8 Q AND COULD YOU TELL THE JURY WHAT THIS ITEM
9 DEPICTS. YOU INDICATED THE FIRST TOP PORTION?

10 A IT'S A WAIVER OF RIGHTS FORM. SAYS YOUR RIGHTS.

11 Q WHAT WERE THE RIGHTS AND DID YOU READ THEM TO
12 HIM?

13 A YES, SIR.

14 Q OR DID YOU POINT AT THEM?

15 A I READ THEM STRAIGHT FROM THE PAGE.

16 Q OKAY. AND TELL THE JURY WHAT YOU READ TO HIM?

17 A THIS IS YOUR RIGHTS. SAYS, BEFORE I ASK YOU ANY
18 QUESTIONS I WANT TO ADVISE YOU OF YOUR RIGHTS. YOU
19 HAVE THE RIGHT TO REMAIN SILENT. ANYTHING YOU SAY
20 CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
21 YOU HAVE THE RIGHT TO TALK TO AN ATTORNEY AND HAVE
22 HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
23 IF YOU CANNOT AFFORD TO HIRE AN ATTORNEY ONE WILL BE
24 APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF
25 YOU WISH. YOU CAN DECIDE AT ANY TIME TO EXERCISE

1 THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY
2 STATEMENTS. DO YOU UNDERSTAND EACH OF THESE RIGHTS
3 AS I'VE EXPLAINED THEM TO YOU.

4 Q AND HE INDICATED, NOW DO YOU CHECK IT OR DID HE
5 CHECK IT?

6 A I ASKED HIM IF HE UNDERSTOOD HIS RIGHTS AND HE
7 SAID YES AND I CHECKED IT AND TOLD HIM IF HE AGREED
8 WITH THOSE RIGHTS TO SIGN IT.

9 Q AGAIN HE APPEARED TO BE COOPERATIVE?

10 A YES, SIR, AND HE SIGNED IT.

11 Q THEN I NOTE THAT THERE IS A FORM, THERE IS A
12 WAIVER OF RIGHTS?

13 A THAT'S CORRECT.

14 Q CAN YOU INDICATE TO THE JURY WHAT THAT SAYS?

15 A THE WAIVER OF RIGHTS IT SAYS, I AM WILLING TO
16 TALK TO POLICE AND ANSWER QUESTIONS. I DO NOT WANT
17 AN ATTORNEY AT THIS TIME. I UNDERSTAND AND KNOW WHAT
18 I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE TO
19 ME AND NO PRESSURE OF ANY KIND HAS BEEN PLACED ON ME.

20 Q YOU WITNESS IT, IS THAT HIS SIGNATURE THEREON?

21 A YES, SIR. HE SIGNED IT AND I WITNESSED IT AND
22 DATED IT.

23 Q OKAY. AND THEN THE INFORMATION BELOW, DID YOU
24 FILL THAT OUT BECAUSE YOU WERE IN FACT QUESTIONING
25 HIM?

- 1 A YES, SIR.
- 2 Q AND THAT'S JUST HIS INFORMATION AND EDUCATIONAL
3 LEVEL WITH READING, WRITING, AND THINGS OF THAT
4 NATURE?
- 5 A YES, SIR.
- 6 Q OKAY. DID HE APPEAR TO BE ABLE TO READ WHAT YOU
7 WERE SHOWING HIM?
- 8 A YES, SIR.
- 9 Q OKAY. DID HE APPEAR TO UNDERSTAND?
- 10 A YES, SIR.
- 11 Q WHEN YOU ARE TALKING TO HIM, REALIZING HE HAD
12 BEEN IN CUSTODY FOR AWHILE, DID HE APPEAR TO BE UNDER
13 THE INFLUENCE ALCOHOL OR DRUGS?
- 14 A NO, SIR.
- 15 Q AT THAT TIME WHERE HE COULDN'T UNDERSTAND YOU?
- 16 A NO, SIR, HE DID NOT.
- 17 Q HE SAID THAT YOU DIDN'T THREATEN HIM OR COERCE
18 HIM IN ANYWAY, BUT DID YOU OR DID DETECTIVE STRAIT IN
19 ANY WAY THREATEN HIM TO GET HIM TO BE MORE
20 COOPERATIVE?
- 21 A NO, SIR.
- 22 Q DID YOU PROMISE HIM ANYTHING, THAT YOU'D BE MORE
23 LENIENT OR MAYBE YOU WON'T PRESS MORE CHARGES, OR
24 ANYTHING OF THAT NATURE?
- 25 A NO, SIR.

1 Q OKAY. DID DETECTIVE STRAIT?

2 A NO, SIR.

3 Q OKAY. AND YOU SAY IN FACT HE WAS COOPERATIVE

4 WITH YOU AND WILLING TO TALK WITH YOU?

5 A VERY COOPERATIVE WITH US.

6 Q YOU INDICATED THAT HIS FATHER TOLD HIM TO TELL

7 THE TRUTH AND HE WANTED TO TELL YOU THE TRUTH?

8 A YES, SIR.

9 Q OKAY. AND DID YOU THEN ULTIMATELY HAVE A

10 DISCUSSION WITH HIM IN WHICH YOU SAID YOU HAD SOME

11 QUESTIONS, YOU WANTED TO KIND OF FILL IN THE BLANKS

12 SO TO SPEAK, DID YOU ASK HIM THAT INFORMATION?

13 A WELL, WHEN WE FIRST SAT DOWN I TOLD HIM I JUST

14 WANTED TO, FOR HIM TO TELL ME THE EVENTS OF THE DAY,

15 WHAT HE DID, AND AGAIN I REALIZED HE HAD ALREADY

16 SPOKE WITH SEVERAL POLICE OFFICERS THAT NIGHT, BUT I

17 ASKED HIM IF HE WOULD JUST TELL IT TO ME AGAIN, AND

18 HE AGREED TO DO THAT.

19 Q OKAY. AND DID YOU SUMMARIZE THAT?

20 A YES, SIR, I DID.

21 Q ON THE SHEET?

22 A YES, SIR.

23 Q OKAY. AND I CALL YOUR ATTENTION TO THAT

24 DOCUMENT AND ASK IF YOU COULD INDICATE WHAT THAT ITEM

25 IS?

1 A THIS IS AN INCIDENT INTERVIEW REPORT THAT I HAD
2 TYPED FROM MY NOTES.

3 Q OKAY. AND THAT WAS FROM YOUR CONVERSATION WITH
4 HIM?

5 A YES, SIR.

6 Q OKAY. AND DOES THAT SUMMARIZE THE CONVERSATION
7 YOU HAD WITH HIM?

8 A YES, SIR, IT DOES.

9 Q DID YOU INTERJECT THINGS OR PUT THINGS THAT HE
10 DID NOT TELL YOU?

11 A NO, SIR.

12 Q IN THERE?

13 A NO, SIR.

14 Q OKAY. AND IS THIS THE TRUTH AS HE GAVE IT TO
15 YOU?

16 A YES, SIR.

17 Q OKAY. I ASK IF YOU CAN READ THAT TO THE JURY
18 PLEASE, SIR, AND YOU CAN START WITH THE DETAILS OF
19 THE INTERVIEW?

20 A OKAY. ON FEBRUARY 19, 2006, DETECTIVES YEAGER
21 AND STRAIT WENT TO THE MOSS JUSTICE CENTER AND
22 INTERVIEWED BERRY SCOTT BOLIN IN REFERENCE TO THE
23 SHOOTING AT 1123 LAWRENCE ROAD. BERRY BOLIN WAS
24 ADVISED OF HIS RIGHTS AT 1802 HOURS AND SIGNED A
25 WAIVER OF RIGHTS FORM AND AGREED TO TALK TO

1 DETECTIVES.

2 BERRY BOLIN STATES THAT HE AND HIS
3 GIRLFRIEND MICHELLE, THERE IS SUPPOSED TO BE
4 BARFIELD, WENT TO A PARTY AT BRADLEY DEAL'S HOUSE ON
5 LAWRENCE ROAD.

6 BERRY BOLIN STATES THAT HE HAD BEEN
7 DRINKING THAT DAY AND HE HAD FIRED HIS .45 CALIBER
8 PISTOL AT A BIRD AROUND THREE O'CLOCK THAT AFTERNOON.

9 BERRY STATES WHEN THEY GOT TO THE PARTY
10 THERE WERE SEVERAL PEOPLE THERE. WHILE AT THE PARTY
11 A CAR PULLED UP AND WHITE MALE SUBJECT WITH LONG HAIR
12 GOT OUT OF THE VEHICLE. THIS PERSON WALKED DOWN THE
13 DRIVEWAY SAYING, I QUOTE: "I HEARD Y'ALL CARRY GUNS.
14 IF YOU'VE GOT A GUN, SHOOT ME. GET YOUR GUN." BERRY
15 BOLIN STATES THAT AS THIS PERSON WAS SAYING THIS, HE
16 SAW TWO GIRLS FIGHTING IN THE ROAD. THE GUY WITH THE
17 LONG HAIR WAS FIGHTING WITH SOMEONE IN THE DRIVEWAY.

18 WHEN BERRY HEARD THE PERSON SAY GET YOUR
19 GUN, HE GOT HIS GUN OUT OF HIS TRUCK CONSOLE. HE
20 STUCK THE GUN IN THE FRONT OF HIS PANTS. SOMEBODY
21 RAN UP TO HIM AND SAID GIVE ME YOUR GOD DAMN GUN.
22 BERRY STATES HE TOLD THIS PERSON NO.

23 BERRY STATES AS PEOPLE WERE FIGHTING IN
24 THE ROAD AND IN THE YARD, HE SAW A PERSON SHOOT A GUN
25 UP IN THE AIR. BERRY STATES HE THEN SAW A MALE

1 SUBJECT HIT LORI MOSS WITH HIS FIST. LORI GOT
2 KNOCKED BACK AND FELL TO THE GROUND. BERRY STATED
3 THAT PEOPLE WERE GETTING BACK IN THEIR CAR. AFTER
4 SEEING LORI GET KNOCKED OUT HE PULLED HIS GUN OUT AND
5 AIMED AT THE SIDE OF THE CAR AND FIRED ROUNDS AT THE
6 VEHICLE.

7 AS THE CAR WAS PULLING OFF, HE RAN TOWARD
8 THE VEHICLE AND AIMED TOWARD THE TRUNK AND FIRED MORE
9 ROUNDS AT THE CAR AS IT WAS PULLING OFF. HE STATES
10 HE FIRED ALL THE ROUNDS HE HAD IN HIS GUN. HE STATES
11 HE WAS ABOUT 30 FEET FROM THE VEHICLE WHILE HE WAS
12 FIRING HIS WEAPON. HE ALSO STATES WHILE HE WAS
13 FIRING HIS WEAPON HE SAW A PERSON TO HIS LEFT FIRING
14 A GUN ALSO. HE STATES HE COULD SEE A HORIZONTAL
15 FLASH COMING FROM THE OTHER'S PERSON GUN. HE STATES
16 THE OTHER PERSON WAS CLOSE TO THE CORNER OF THE
17 DRIVEWAY NEAR THE ROAD. THE CAR LEFT.

18 AND BERRY GOT HIS GIRLFRIEND AND THEY
19 DROVE TO MEET HIS COUSIN MICHAEL WALLACE WHO WAS AT A
20 PARTY NEAR THE CLOVER POLICE DEPARTMENT. BERRY
21 STATED HE TOLD HIS COUSIN WHAT HAD HAPPENED AND GAVE
22 THE GUN TO HIS COUSIN. BERRY AND MICHELLE THEN DROVE
23 UP, BERRY AND MICHELLE THEN DROVE TO MICHELLE'S HOUSE
24 AND SHE CHANGED CLOTHES THEN THEY DROVE TO BERRY'S
25 AUNT'S HOUSE ON FLATSTONE DRIVE. A SHERIFF'S DEPUTY

1 PULLED UP AND ASKED THEM TO COME TO CLOVER POLICE
2 WHICH THEY DID. BARRY STATES HE TOLD OFFICERS HE
3 GAVE HIS GUN TO HIS COUSIN. HIS COUSIN WAS CONTACTED
4 AND BROUGHT THE GUN TO THE CLOVER POLICE DEPARTMENT
5 AND TURNED THE GUN OVER TO POLICE.

6 Q OKAY. NOW PURSUANT TO FURTHER INVESTIGATION
7 WERE YOU ABLE TO DETERMINE THE INDIVIDUAL THAT WAS
8 STANDING BESIDE HIM THAT WAS SHOOTING, DID YOU
9 DETERMINE THAT INDIVIDUAL'S NAME?

10 A YES, SIR, WE DID.

11 Q AND WHO WAS THAT?

12 MR. GREELEY: OBJECTION, HEARSAY.

13 THE COURT: ASK THE QUESTION AGAIN.

14 Q BASED ON THE INVESTIGATION DID YOU DETERMINE WHO
15 THE OTHER PERSON WAS THAT WAS SHOOTING THE GUN AT THE
16 SCENE?

17 THE COURT: I SUSTAIN THE OBJECTION. THAT
18 WOULD HAVE TO COME THROUGH HEARSAY.

19 Q OKAY. ALL RIGHT. SUBSEQUENT TO THAT STATEMENT
20 WHICH YOU ASKED HIM TO GIVE YOU THE INFORMATION, DID
21 YOU THEN GO BACK AND ASK HIM SPECIFIC QUESTIONS THAT
22 KIND OF WERE LEFT OUT OF THE GENERAL STATEMENT?

23 A YES, SIR.

24 Q OR DID YOU HAVE SPECIFIC QUESTIONS?

25 A YES, SIR. AFTER THE INTERVIEW I STILL HAD OTHER

1 QUESTIONS THAT WEREN'T ANSWERED, SO I STARTED ASKING
2 HIM SPECIFIC QUESTIONS THEN. AFTER HE GAVE ME JUST
3 AN OVERVIEW OF WHAT HAPPENED I WENT BACK AND ASKED
4 HIM THESE SPECIFIC QUESTIONS AT THAT TIME.

5 Q AND I WILL REFER TO THE THIRD PAGE ON THAT
6 DOCUMENT AND ASK IF YOU COULD RELATE TO THE JURY THE
7 QUESTIONS AND ANSWERS THERE AND AGAIN YOU CAN START
8 WITH DETAILS OF INTERVIEW?

9 A OKAY. STARTS OUT AGAIN ON FEBRUARY 19, 2006,
10 DETECTIVES YEAGER AND STRAIT INTERVIEWED BERRY SCOTT
11 BOLIN AT THE MOSS JUSTICE CENTER IN REFERENCE TO THE
12 SHOOTING INCIDENT AT 1123 LAWRENCE ROAD. BERRY BOLIN
13 WAS ADVISED OF HIS RIGHTS, SIGNED A WAIVER OF RIGHTS
14 FORM, AND AGREED TO TALK TO DETECTIVES.

15 BERRY BOLIN WAS ASKED BY DETECTIVES IF HE
16 SAW ANYONE SHOOTING AT HIM. HE REPLIED NO.

17 BERRY BOLIN WAS ASKED IF HE SAW ANY OTHER
18 CARS IN THE ROADWAY OTHER THAN THE VICTIM'S CAR. HE
19 REPLIED NO.

20 BERRY BOLIN WAS ASKED IF ANYONE FROM THE
21 VICTIM'S CAR APPROACHED HIM IN A THREATENING MANNER
22 OR TRIED TO FIGHT WITH HIM. HE REPLIED NO.

23 BERRY BOLIN WAS ASKED IF HE SAW ANYONE
24 FROM THE VICTIM'S VEHICLE GET OUT OF THE CAR WITH A
25 GUN. HE REPLIED NO.

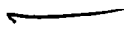
1 BERRY BOLIN ASKED IF HE SAW ANYONE IN THE
2 YARD WITH A GUN. HE REPLIED THE ONLY OTHER PERSON HE
3 SAW WITH A GUN WAS THE PERSON THAT WAS STANDING
4 BESIDE HIM AND THAT PERSON WAS SHOOTING UP INTO THE
5 AIR.

6 BERRY BOLIN WAS ASKED WHY HE SHOT AT THE
7 CAR IF THE CAR WAS LEAVING. HE REPLIED I JUST LOST
8 IT WHEN LORI GOT HIT.

9 BERRY BOLIN REPLIED HE USED TO DATE LORI
10 AND HE DOESN'T EVEN REALLY LIKE HER NOW. HE DIDN'T
11 KNOW WHY HE SHOT AT THE CAR.

12 BERRY BOLIN WAS ASKED IF HE KNEW THE
13 PEOPLE IN THE CAR. HE REPLIED HE DID NOT KNOW WHO
14 WAS IN THE CAR.

15 BERRY BOLIN WAS ASKED IF HE WAS AIMING AT
16 THE CAR AND WAS HE TRYING TO HIT THE CAR. HE REPLIED
17 YES.

18 BERRY BOLIN WAS ASKED IF HE SAW THE OTHER
19 PEOPLE STANDING BESIDE THEM SHOOT AT THE CAR AS THE
20 CAR WAS LEAVING. HE REPLIED YES. 

21 Q YOU SAID OTHER PEOPLE ON THAT LAST LINE?

22 A OR OTHER PERSON.

23 Q OKAY.

24 A OTHER PERSON.

25 Q AGAIN COULD YOU READ THE LAST LINE PLEASE?

1 A BERRY BOLIN WAS ASKED IF HE SAW THE OTHER PERSON
2 STANDING BESIDE HIM SHOOT AT THE CAR AS THE CAR WAS
3 LEAVING. HE REPLIED YES.

4 Q THANK YOU, SIR.

5 THE COURT: THANK YOU, SIR. ANSWER ANY
6 QUESTIONS MR. GREELEY MAY HAVE.

7 MR. GREELEY: MAY IT PLEASE THE COURT.

8 THE COURT: CERTAINLY.

9 CROSS EXAMINATION BY MR. GREELEY:

10 Q DETECTIVE YEAGER, GOOD MORNING.

11 A GOOD MORNING.

12 Q NOW YOU BEGAN WORK ON THIS CASE AT ABOUT 8
13 O'CLOCK SUNDAY MORNING?

14 A THAT'S CORRECT.

15 Q AFTER YOU HAD GOTTEN THE PAGE AND YOU CAME IN?

16 A YES, SIR.

17 Q AND YOU CAME HERE TO THE MOSS JUSTICE CENTER, IS
18 THAT CORRECT?

19 A THAT'S CORRECT.

20 Q AND ABOUT WHAT TIME DID YOU MEET WITH ALL THE
21 OTHER DETECTIVES WHO WERE WORKING THIS IN THE
22 CONFERENCE ROOM?

23 A IT WAS 8 O'CLOCK WHEN I GOT HERE.

24 Q WHEN YOU ARRIVED?

25 A RIGHT.

1 Q IS THAT WHEN Y'ALL MET?

2 A YES.

3 Q AND YOU INDICATED IT WAS AT THAT POINT IN TIME
4 THAT Y'ALL WENT THROUGH WHATEVER STATEMENTS THAT HAD
5 BEEN GIVEN THE NIGHT BEFORE?

6 A THAT'S CORRECT.

7 Q NOW YOU SAID YOU ALSO WERE CHECKING ON THE
8 CONDITION OF THE TWO PEOPLE WHO WERE WOUNDED IN THIS?

9 A YES, SIR.

10 Q AND HOW DID YOU GO ABOUT DOING THAT; DID Y'ALL
11 PLACE TELEPHONE CALLS TO THE HOSPITAL?

12 A YES, SIR.

13 Q TO TALK TO PEOPLE AT THE HOSPITAL OVER THE
14 TELEPHONE?

15 A YES, SIR.

16 Q NOW MR. FALLS, WAS HE TREATED AT PIEDMONT
17 MEDICAL CENTER?

18 A YES, SIR, I BELIEVE HE WAS.

19 Q I BELIEVE MR. HOVIS WAS AIR LIFTED TO CHARLOTTE?

20 A YES, SIR.

21 Q IS THAT CORRECT? SO MR. FALLS WAS IN ROCK HILL
22 AT PIEDMONT MEDICAL CENTER, IS THAT CORRECT?

23 A YES, SIR.

24 Q WHAT WAS THE NAME OF THE OFFICER THAT Y'ALL HAD
25 GO TO THE HOSPITAL, IF YOU DID, TO STAY AND WAIT AT

1 THE HOSPITAL WITH MR. FALLS AND WHOEVER ELSE MAY HAVE
2 BEEN THERE WITH HIM DURING THIS TIME?

3 A THAT WENT TO STAY WITH HIM?

4 Q RIGHT. AN OFFICER TO BE THERE AT THE HOSPITAL
5 TO MAYBE TALK WITH MR. FALLS AT THAT POINT IN TIME?

6 A I DON'T KNOW WHICH OFFICER.

7 Q OKAY. DO YOU KNOW OF ANY OFFICER WITH YORK
8 COUNTY SHERIFF'S DEPARTMENT THAT MAY HAVE GONE TO
9 CONTINUE THE INVESTIGATION THOSE EARLY MORNING HOURS
10 AT PMC WITH MR. FALLS AND WHOEVER MAY HAVE BEEN
11 THERE?

12 A NO, SIR, I DON'T KNOW WHO THAT WAS.

13 Q AND HAD YOU RECEIVED INFORMATION THAT THE OTHER
14 PASSENGER IN THE CAR HAD LEFT CLOVER POLICE
15 DEPARTMENT SHORTLY AFTER ONE O'CLOCK?

16 A I DON'T KNOW WHAT TIME THEY LEFT.

17 Q OKAY. DO YOU KNOW IF ANYBODY HAD SPOKEN WITH
18 THEM DURING THAT EARLY MORNING, ANYBODY HAD GONE TO
19 PMC SO THEY COULD TALK WITH MS. FALLS OR TALK WITH
20 MS. MCCARTER IF SHE WAS AT PMC WITH HIM?

21 A NO, I KNOW MS. MCCARTER, I KNOW THERE IS A
22 STATEMENT FROM HER THAT WAS TAKEN AT CLOVER POLICE
23 DEPARTMENT.

24 Q RIGHT. AND THAT WAS TAKEN BY OFFICER JAMISON AT
25 ABOUT ONE O'CLOCK?

- 1 A I BELIEVE SO.
- 2 Q IS THAT CORRECT?
- 3 A YES, SIR.
- 4 Q AND SO TO YOUR KNOWLEDGE NOBODY FROM THE YORK
5 COUNTY SHERIFF'S DEPARTMENT WENT TO PMC?
- 6 A I DON'T RECALL WHO WENT THERE.
- 7 Q OKAY. NOW YOU DON'T KNOW OF ANYBODY FROM YORK
8 COUNTY SHERIFF'S DEPARTMENT CALLING PMC SAYING THAT
9 WE MAY NEED TO SEE IF WE CAN GET A GUNSHOT RESIDUE
10 TEST ON MR. FALLS?
- 11 A NO, SIR, I DON'T.
- 12 Q OKAY.
- 13 A I DON'T KNOW.
- 14 Q NOW THE DEPARTMENT DOES HAVE THE CAPABILITY OF
15 HAVING SOMEBODY GO A HOSPITAL?
- 16 A YES, SIR.
- 17 Q TO DO A GSR TEST?
- 18 A YES, SIR.
- 19 Q IF THE SHERIFF'S DEPARTMENT FEELS IT'S
20 NECESSARY?
- 21 A YES, SIR.
- 22 Q IN REGARDS TO YOUR INTERVIEW WITH BERRY, THAT
23 WAS AT ABOUT SIX O'CLOCK THAT EVENING?
- 24 A THAT EVENING, YES, SIR.
- 25 Q YOU AND DETECTIVE STRAIT WENT DOWN THERE?

1 A YES, SIR.

2 Q WAS HE ANGRY OR ANYTHING OR WAS HE COOPERATIVE?

3 A UPSET AND COOPERATIVE.

4 Q OKAY. NOW AND HE TOLD YOU THAT HIS DADDY HAD
5 TOLD HIM TO COOPERATE?

6 A YES, SIR.

7 Q OKAY. THE, WHEN YOU WENT INTO THE ROOM WHAT DID
8 YOU HAVE WITH YOU?

9 A HAD COPIES OF THE TWO STATEMENTS HE HAD GIVEN
10 EARLIER THAT NIGHT.

11 Q OKAY.

12 A ALSO HAD MY NOTEBOOK, A PEN.

13 Q OKAY. A NOTEBOOK AND A PEN?

14 A YES, SIR.

15 Q DIDN'T HAVE A LAPTOP COMPUTER OR ANYTHING LIKE
16 THAT?

17 A NO, SIR.

18 Q AND FREQUENTLY AND IN THIS PARTICULAR CASE Y'ALL
19 DO DO WHAT'S KNOWN AS INTERVIEW REPORTS?

20 A YES, SIR.

21 Q INCIDENT INTERVIEW REPORTS?

22 A YES, SIR.

23 Q AND THAT'S WHERE YOU SIT DOWN WITH SOMEBODY AND
24 YOU TALK WITH THEM AND THEN LATER YOU PUT IT IN THIS
25 FORM?

1 A YES, SIR.

2 Q IS THAT RIGHT?

3 A YES, SIR.

4 Q AND SO YOU WOULD HAVE DONE THAT LATER?

5 A YES, SIR.

6 Q NOT THERE SITTING WITH HIM?

7 A NO.

8 Q OKAY. AND DO YOU KNOW WHETHER HE IS EVER GIVEN

9 A COPY OF THIS OR SINCE IT'S NOT A STATEMENT Y'ALL

10 PUT IT IN YOUR FILE?

11 A I PUT IT IN MY FILE. I DON'T, I DON'T KNOW IF

12 HE GOT A COPY OF IT OR NOT.

13 Q AND AS THE CASE AGENT YOU ARE THE ONE WHO IS

14 ACCUMULATING ALL THE INFORMATION?

15 A YES, SIR.

16 Q IS THAT CORRECT?

17 A THAT'S CORRECT.

18 Q OKAY. NOW YOU ALSO TOOK INCIDENT INTERVIEW

19 REPORTS FROM OTHER PEOPLE THAT DAY, IS THAT CORRECT?

20 A THAT'S CORRECT.

21 Q AND YOU TOOK AN INCIDENT REPORT FROM TRAVIS

22 FALLS, IS THAT CORRECT?

23 A THAT'S CORRECT.

24 Q AND THAT WAS AT APPROXIMATELY 1:30 IN THE

25 AFTERNOON ON SUNDAY?

- 1 A THAT'S CORRECT.
- 2 Q OKAY. HE HAD BEEN AT THE HOSPITAL, CORRECT?
- 3 A YES, SIR, AND RELEASED.
- 4 Q AND HE WAS RELEASED?
- 5 A YES, SIR.
- 6 Q AND THEN HE AND MS. MCCARTER CAME AND WHERE DID
- 7 YOU INTERVIEW HIM? WAS IT CLOVER OR WAS IT MOSS
- 8 JUSTICE CENTER?
- 9 A IT WAS AT THE CLOVER POLICE DEPARTMENT.
- 10 Q SO YOU DROVE OVER TO CLOVER AND YOU MET WITH
- 11 MR. FALLS WHO WAS COMING FROM THE HOSPITAL?
- 12 A YES.
- 13 Q HE AND MS. MCCARTER ARRIVED THERE TOGETHER,
- 14 DIDN'T THEY?
- 15 A YES, SIR, THEY DID.
- 16 Q OKAY. AND THEY ARRIVED THERE JUST SHORTLY
- 17 BEFORE YOU TOOK HIS STATEMENT AT 1:30, IS THAT
- 18 CORRECT?
- 19 A THAT'S CORRECT.
- 20 Q AND SO TO YOUR KNOWLEDGE NO ONE FROM THE
- 21 SHERIFF'S OFFICE HAD SPOKEN OR BEEN ABLE TO GATHER
- 22 ANY INFORMATION FROM MR. FALLS UNTIL 1:30 THE NEXT
- 23 AFTERNOON?
- 24 A THAT'S CORRECT.
- 25 Q OKAY. NOW YOU ALSO TALKED TO MS. MCCARTER, IS

1 THAT CORRECT

2 A THAT'S CORRECT.

3 Q AND YOU TALKED WITH HER AT ABOUT 2:10 IN THE
4 AFTERNOON WHICH WOULD HAVE BEEN ABOUT 40 MINUTES
5 AFTER YOU TALKED TO MR. FALLS?

6 A THAT'S CORRECT.

7 Q AND DID YOU TALK WITH HER AND WAS SHE THE NEXT
8 PERSON THAT YOU TALKED TO AFTER MR. FALLS?

9 A YES, SIR.

10 Q OKAY. AND WERE THEY IN THE SAME ROOM?

11 A THEY WERE INTERVIEWED IN THE SAME ROOM. ONE OF
12 THEM WAITED OUTSIDE, THEN WE INTERVIEWED THEM
13 SEPARATELY.

14 Q SO THEY WERE INTERVIEWED SEPARATELY?

15 A YES, SIR.

16 Q BUT THEY HAD ARRIVED TOGETHER?

17 A THAT'S CORRECT.

18 Q IN THE SAME CAR?

19 A YES, SIR.

20 Q OKAY. AND YOU INTERVIEWED, AT THAT TIME WHEN
21 YOU INTERVIEWED MR. FALLS DID YOU HAVE INFORMATION
22 THAT HE WAS UNDER A BOND RESTRICTION TO NOT GO AROUND
23 BRADLEY DEAL?

24 A AT THE TIME I, DURING THE COURSE OF THE
25 INVESTIGATION I FOUND OUT THAT THAT WAS TRUE. I

1 DON'T KNOW WHAT TIME THAT HAPPENED OR WHAT TIME I
2 REALIZED THAT OR WAS TOLD THAT, BUT DURING THE COURSE
3 OF THE INVESTIGATION I WAS MADE AWARE OF THAT, YES,
4 SIR.

5 Q IS IT A FAIR STATEMENT THAT YOU PROBABLY WERE
6 NOT AWARE OF IT ON THAT DAY ELSE YOU WOULD HAVE ASKED
7 HIM ABOUT IT?

8 A THAT'S PROBABLY, YES, SIR.

9 Q OKAY. SO IT WAS SOMETIME AFTER THAT THAT YOU
10 BECAME AWARE THAT ON THAT PARTICULAR DAY MR. FALLS
11 WAS UNDER A BOND RESTRICTION TO STAY AWAY FROM
12 BRADLEY DEAL?

13 A AGAIN I DON'T KNOW EXACTLY WHEN I FOUND OUT.

14 Q BUT YOU DID FIND OUT?

15 A BUT I DID FIND OUT, YES, SIR.

16 Q OKAY. AND I BELIEVE THAT YOU ALSO TALKED TO
17 MR. FALLS AGAIN, DIDN'T YOU?

18 A YES, SIR, I DID.

19 Q AND YOU TALKED WITH HIM ON MARCH 7?

20 A YES, SIR.

21 Q AND YOU DID ANOTHER INCIDENT INTERVIEW REPORT
22 WITH HIM ON THAT DATE?

23 A I BELIEVE IT WAS ON MARCH 9.

24 Q ON MARCH 9?

25 A YES, SIR.

1 Q OKAY. ON MARCH 9. AND AT THAT POINT IN TIME ON
2 MARCH 9 YOU WERE AWARE THAT HE WAS UNDER A BOND
3 RESTRICTION WHEN HE WENT OVER THERE, IS THAT CORRECT?

4 A YES, SIR.

5 Q OKAY. AND YOU TALKED WITH HIM ABOUT THAT?

6 A YES, SIR.

7 Q AND HE GAVE YOU INFORMATION THAT HE DIDN'T KNOW
8 THAT IT WAS THE DEAL'S HOUSE, IS THAT CORRECT?

9 A YES, SIR.

10 Q OKAY. AND HE GAVE YOU THAT INFORMATION ON MARCH
11 9?

12 A YES, SIR.

13 Q OKAY. AT NO TIME HAS THE STATE DECIDED, AND YOU
14 WOULD HAVE THE AUTHORITY TO DO THIS AS THE CASE
15 AGENT, AT NO TIME HAS THE STATE MADE THE DECISION TO
16 TAKE ANY ACTION IN REGARDS TO MR. FALLS AND HIS BOND
17 IN THIS INCIDENT, RIGHT?

18 A I NOTIFIED, THERE WAS, I MADE CONTACT WITH THE
19 SOLICITOR'S OFFICE AND THEY WERE MADE AWARE OF THAT.

20 Q OKAY.

21 A I PERSONALLY DID NOT MAKE AN ARREST IN THAT
22 CASE.

23 Q OKAY. ALL RIGHT. NOW AT ANY POINT IN TIME WAS
24 THERE ANY DISCUSSION ABOUT A POSSIBLE CHARGE OF
25 INTIMIDATION OF A WITNESS?

1 A NO, SIR. I BELIEVE THAT CASE WAS ASSIGNED TO
2 THE ATTORNEY GENERAL'S OFFICE.

3 Q OKAY. AND THAT'S A FELONY, ISN'T IT?

4 A I DON'T KNOW.

5 Q NOW WASN'T IT THE MARCH 9 INTERVIEW OF MR. FALLS
6 THAT YOU WERE TOLD OR THAT YOU ASKED HIM ABOUT THEM
7 STOPPING AT THE AUTO SALES STORE BETWEEN LAWRENCE
8 ROAD AND THE CLOVER POLICE DEPARTMENT?

9 A I DON'T KNOW IF THAT WAS IN THE FIRST INTERVIEW
10 WITH HIM OR THE SECOND. I DON'T KNOW.

11 Q AT WHAT POINT DID YOU RECEIVE INFORMATION THAT
12 YOU RECALL THAT AFTER THE PONTIAC LEFT LAWRENCE ROAD
13 GOING TO THE CLOVER POLICE DEPARTMENT, THAT THE
14 PONTIAC DIVERTED AND WENT INTO AND PARKED IN THE AUTO
15 SALES PARKING LOT BEFORE GOING TO THE POLICE STATION?

16 A I BELIEVE WE KNEW THAT THAT NIGHT.

17 Q OKAY.

18 A THE NIGHT OF THE SHOOTING.

19 Q YOU KNEW THAT THAT NIGHT?

20 A I BELIEVE SO. I KNEW, THAT'S WHAT THEY TOLD ME
21 THAT MORNING WHEN I CAME IN THAT HOLLY MCCARTER WAS
22 DRIVING WHEN THEY WERE PULLING AWAY AND THAT SHE
23 PULLED OVER INTO THE CAR LOT THERE AND MICHAEL
24 HUBBARD DROVE FROM THERE.

25 Q THAT'S RIGHT. AT SOME POINT TIME THEY TOLD YOU

1 THAT THEY HAD PULLED OVER IN THE PARKING LOT MAINLY
2 BECAUSE THEY HAD TO CHANGE DRIVERS, IS THAT RIGHT?

3 A YES, SIR.

4 Q AND THAT MICHAEL HUBBARD WAS THEN THE ONE
5 DRIVING THE CAR AND SUPPOSEDLY DROVE THE CAR ALL THE
6 WAY TO THE CLOVER POLICE DEPARTMENT?

7 A JUST RIGHT UP THE STREET, YES, SIR.

8 Q AND SO YOU BELIEVE THAT YOU KNEW THAT EARLY ON?

9 A YES, SIR.

10 Q THIS INCIDENT OCCURRED ON FEBRUARY 18, WHAT WAS
11 THE DATE THAT YOU AND ANOTHER DETECTIVE WENT TO THE
12 AUTO PARTS STORE PARKING LOT TO SEARCH THE AREA?

13 A I DON'T RECALL THE EXACT DATE.

14 Q WAS IT AROUND MARCH 7 ABOUT TWO AND A HALF WEEKS
15 AFTER THIS INCIDENT?

16 A POSSIBLE, I DON'T KNOW FOR SURE.

17 Q AND WHAT WERE YOU LOOKING FOR OUT THERE?

18 A YOUR INVESTIGATOR CALLED AND TOLD US TO LOOK FOR
19 A GUN.

20 Q OKAY. AND Y'ALL WENT OUT AND YOU LOOKED?

21 A YES, SIR.

22 Q BUT YOU ALREADY HAD THE INFORMATION THAT THEY
23 HAD BEEN IN THE PARKING LOT, YOU BELIEVED RIGHT NEAR
24 THE TIME OF THE INCIDENT, AND NOBODY WENT THERE AND
25 LOOKED IN THE PARKING LOT TO SEE IF THERE WAS

1 ANYTHING THERE THAT NEEDED TO BE FOUND?

2 A NO, SIR, BECAUSE THERE WAS NO MENTION OF A GUN
3 THAT NIGHT.

4 Q WELL, THE 911 TAPE TO THE SHERIFF'S DEPARTMENT
5 FROM BRADLEY DEAL DID SAY THEY WERE SHOOTING AT US,
6 CORRECT?

7 A THAT'S WHAT THE TAPE SAID, BUT AFTER THE
8 INTERVIEWS, THERE WAS NOTHING IN THE STATEMENTS THAT
9 SAID THAT.

10 Q OKAY. THERE WERE TWO YOUNG LADIES THAT MORNING
11 WHO GAVE WRITTEN STATEMENTS THAT INDICATED THERE WAS
12 SHOOTING COMING FROM THE CAR, IS THAT CORRECT?

13 A THAT THERE WAS FIRE COMING FROM, WHAT APPEARED
14 TO BE FIRE COMING FROM THE CAR.

15 Q OKAY. COULD SOMEBODY POSSIBLY BELIEVE THAT IT
16 MAY HAVE BEEN A GUN THAT WAS CAUSING THE FIRE THAT
17 WAS IN THE CAR, THAT WAS COMING FROM THE CAR?

18 A IT COULD HAVE BEEN. THERE WAS TWO PEOPLE OUT OF
19 MANY THAT WERE THERE THAT SAID THAT.

20 Q OKAY. AND OF COURSE WHEN Y'ALL WENT ON MARCH 9
21 YOU DIDN'T FIND ANYTHING AT THE AUTO PARTS STORE, DID
22 YOU?

23 A NO, SIR.

24 Q YOU REALLY WOULDN'T EXPECT TO, WOULD YOU, AFTER
25 TWO WEEKS?

1 A NO, SIR. BUT AT THE TIME WE DIDN'T HAVE ANY
2 REASON TO BELIEVE THERE WOULD BE ANYTHING OUT THERE.

3 Q WELL, OFFICER, YOU HAVE INFORMATION THAT MORNING
4 THAT THERE MAY HAVE BEEN FIRE OR GUNSHOTS COMING FROM
5 THE CAR, YOU GOT THE INFORMATION, YOU ARE NOT JUDGING
6 CREDIBILITY OR WHATEVER, YOU'VE GOT INFORMATION ABOUT
7 THAT?

8 A YES, SIR, WE HAD INFORMATION BUT NO PHYSICAL
9 EVIDENCE OF ANY OTHER SHOTS BEING FIRED.

10 Q OKAY. BUT YOU HAD A CAR THAT, IT'S TRUE, BUT
11 THERE WAS SOMEBODY IN THE CAR THAT WAS SHOT, IS THAT
12 RIGHT?

13 A THAT'S CORRECT.

14 Q IT'S A BAD SITUATION?

15 A YES, SIR.

16 Q AND YOU HAD THIS CAR THAT SAYS THEY PULLED IN,
17 BEFORE THEY GO THE CLOVER POLICE DEPARTMENT, THEY
18 PULL IN AND PARK SOMEWHERE IN THE PARKING LOT, OKAY,
19 FOR SOME REASON?

20 A UH-HUH.

21 Q WHICH AT SOME POINT THEY TOLD YOU THEY HAD TO
22 CHANGE DRIVERS?

23 A RIGHT.

24 Q AND THE POLICE DEPARTMENT WAS, WHAT, THREE
25 BLOCKS UP?

1 A YES.

2 Q AND THAT DIDN'T CAUSE ANYONE TO THINK, YOU KNOW,
3 MAYBE WE WANT TO GO LOOK AT THAT PARKING LOT?

4 A NO, SIR. AFTER THE INTERVIEWS MS. MCCARTER, WHO
5 WAS DRIVING, SAID SHE WAS SO UPSET SHE HAD TWO PEOPLE
6 IN HER CAR THAT HAD BEEN SHOT, ONE WAS POSSIBLY DEAD,
7 AND SHE COULDN'T DRIVE ANYMORE, SO THEY PULLED OVER
8 AND MICHAEL HUBBARD GOT THEM OUT OF THERE AND GOT
9 THEM TO THE CLOVER POLICE DEPARTMENT.

10 Q SO SHE COULDN'T FINISH THE THREE BLOCK DRIVE?

11 A I GUESS NOT. SHE COULDN'T MAKE IT THAT FAR.

12 Q OKAY. I WANT TO TALK TO YOU NOW A LITTLE BIT IN
13 REGARDS TO MR. BOLIN'S STATEMENTS HERE. IF YOU WOULD
14 LOOK AT, LET'S LOOK AT, IF YOU CAN SHOW ME PAGE
15 NUMBER TWO, NOT THE WAIVER OF RIGHTS, BUT THE FIRST
16 ONE. OH, I CAN DO THAT IF THAT'S THE WAY IT'S BEING
17 DONE. ALL RIGHT.

18 MR. GREELEY: MAY THE WITNESS COME DOWN?

19 THE COURT: YES, SIR. CAN ALL THE JURORS
20 SEE?

21 THE JUROR: I CAN'T READ IT.

22 THE COURT: I DON'T KNOW THAT THE JURY CAN
23 ACTUALLY READ IT, BUT I'M SURE THEY WILL READ OUT.

24 Q MY QUESTIONS WILL, AS LONG AS THE DETECTIVE CAN,
25 THEN I THINK WE'LL BE ABLE TO ACCOMPLISH THIS.

1 DETECTIVE, IF YOU CAN COME OVER HERE AND MAYBE STAND
2 NEXT TO IT. ALL RIGHT. WHEN YOU DID THIS STATEMENT
3 AND THIS SUMMARY OF IT, OKAY.

4 A UH-HUH.

5 Q THIS IS PAGE ONE OF THE STATEMENT, IS THAT
6 CORRECT?

7 A YES, SIR.

8 Q NOW WAY BACK IN SCHOOL, IN JUNIOR AND HIGH
9 SCHOOL AND WHENEVER YOU LEARNED DIFFERENT WAYS TO
10 WRITE, IS THAT CORRECT, LIKE YOU HAVE NARRATIVES?

11 A YES, SIR.

12 Q AND LET'S SAY YOU ARE GOING TO HAVE AN ESSAY
13 TEST AND WITH AN ESSAY TEST MOST OF THE TIME YOU ARE
14 WRITING NARRATIVES, IS THAT CORRECT?

15 A YES, SIR.

16 Q OKAY. AND WHAT YOU ARE DOING HERE IS YOU ARE
17 WRITING DOWN AND REPEATING WHAT YOU SAY BERRY BOLIN
18 SAID TO YOU THAT DAY, IS THAT CORRECT?

19 A YES, SIR.

20 Q AND YOU DO IT IN A NARRATIVE FORM, CORRECT?

21 A YES, SIR.

22 Q AND THE WHOLE THING IS DONE IN A NARRATIVE FORM,
23 IS THAT CORRECT?

24 A YES, SIR.

25 Q AND IT'S ALL CONTAINED ON ONE PAGE, IS THAT

1 CORRECT?

2 A YES, SIR.

3 Q NOW, AND IT GOES FROM BERRY AND MICHELLE GOING
4 TO THE PARTY, WHICH IS THE FIRST FACT OF SEQUENCE IN
5 TIME?

6 A UH-HUH.

7 Q AND IT'S A NARRATIVE ALL THE WAY DOWN TO HERE TO
8 WHERE IN NARRATIVE FORM YOU HAVE TYPED IN, WHAT YOU
9 SAY HE SAID, AND IT'S ABOUT TURNING THE GUN OVER TO
10 THE POLICE, IS THAT CORRECT?

11 A YES, SIR.

12 Q AND THEN ON THIS PAPER YOU HAVE IN SEQUENTIAL
13 ORDER CONTAIN FACTS THAT GO FROM THE TIME THAT HE
14 ARRIVED AT THE PARTY, UNTIL THE TIME HE ARRIVED, AT
15 THE TIME THE GUN WAS TURNED OVER TO THE POLICE, IS
16 THAT CORRECT?

17 A YES, SIR.

18 Q OKAY. NOW IF YOU CAN JUST STAY RIGHT THERE.
19 AND IF WE LOOK UP HERE AT THE TOP, WHEN YOU DID THIS
20 STATEMENT YOU HAD TO TYPE IN THE CASE NUMBER, RIGHT?

21 A YES, SIR.

22 Q NAME OF THE PERSON INTERVIEWED?

23 A YES, SIR.

24 Q DATE OF BIRTH?

25 A YES, SIR.

1 Q HIS ADDRESS, CLOVER, SOUTH CAROLINA, DATE OF THE
2 INTERVIEW, CORRECT?

3 A YES, SIR.

4 Q TIME OF THE INTERVIEW, CORRECT?

5 A YES, SIR.

6 Q AND THEN YOU HAD TO GIVE THE DETAILS OF THE
7 INTERVIEW AND YOU TYPED IN A NARRATIVE THAT SAYS, ON
8 FEBRUARY 19 YOU WENT AND GOT YADDA, YADDA, YADDA, IS
9 THAT RIGHT?

10 A YES, SIR.

11 Q OKAY. AND THEN DOWN HERE AT THE BOTTOM OF THE
12 PAPER, RIGHT HERE, YOU LIST YOUR NAME AS THE OFFICER
13 WHO HAS DONE THIS REPORT, IS THAT CORRECT?

14 A RIGHT.

15 Q IS THAT YOUR BADGE NUMBER?

16 A YES, SIR.

17 Q OKAY. NOW PAGE BLANK OF BLANK, THIS INCIDENT
18 FORM IS DESIGNED YOU CAN IF YOU CARRY OVER TO THREE
19 PAGES OR FOUR PAGES, YOU CAN PUT PAGE ONE OF FOUR,
20 PAGE TWO OF FOUR, PAGE THREE OF FOUR, PAGE FOUR OF
21 FOUR, IS THAT CORRECT?

22 A THAT'S CORRECT.

23 Q ALL RIGHT. OKAY. AND YOU DIDN'T DO THAT ON
24 THIS PAGE, DID YOU?

25 A NO, SIR.

- 1 Q YOU DIDN'T FILL THAT OUT AT ALL?
- 2 A NO, SIR.
- 3 Q OKAY. YOU DIDN'T EVEN SAY PAGE ONE OF ONE?
- 4 A NO, SIR.
- 5 Q OKAY. NOW YOU HAD TESTIFIED ABOUT THE SECOND
- 6 PAGE, IS THAT CORRECT?
- 7 A THAT'S CORRECT.
- 8 Q AND LET'S LOOK AT THIS. FOR THIS YOU PUT IN A
- 9 CASE NUMBER, CORRECT?
- 10 A YES, SIR.
- 11 Q PUT IN HIS NAME?
- 12 A YES, SIR.
- 13 Q PUT IN THE DAY?
- 14 A YES, SIR.
- 15 Q PUT IN THE ADDRESS?
- 16 A YES.
- 17 Q PUT IN THE TIME, DATE OF THE INTERVIEW, WHERE IT
- 18 OCCURRED?
- 19 THE COURT: MR. GREELEY, I'M PRETTY SURE
- 20 THEY CAN'T SEE THROUGH YOU.
- 21 MR. GREELEY: I'M SORRY, JUDGE. I DIDN'T
- 22 THINK ABOUT THAT. YOU ARE EXACTLY RIGHT.
- 23 Q THE DATE OF THE INTERVIEW, CORRECT?
- 24 A CORRECT.
- 25 Q OKAY. AND THEN HERE YOU ONCE AGAIN TYPE OUT

1 EXACTLY WHAT YOU HAD TYPED ON THE FIRST SHEET, IS
2 THAT CORRECT?

3 A YES, SIR, THAT'S CORRECT.

4 Q OKAY. DOWN HERE AT THE BOTTOM THOUGH YOU TYPED
5 IN YOUR NAME, BUT NO BADGE NUMBER, IS THAT CORRECT?

6 A YES, SIR.

7 Q DOWN HERE AT THE BOTTOM THOUGH YOU LEAVE PAGE
8 WHATEVER OF WHATEVER BLANK, CORRECT?

9 A YES, SIR.

10 Q YOU DIDN'T TYPE IN PAGE TWO OF TWO?

11 A NO, SIR.

12 Q NOW REMEMBER WHEN WE WERE TALKING ABOUT THE
13 NARRATIVES?

14 A YES, SIR.

15 Q AND HOW WE DO THOSE ON TESTS SOMETIMES, IF YOU
16 HAVE AN ESSAY TEST WHERE YOU WRITE IN NARRATIVE FORM?

17 A RIGHT.

18 Q LET'S LOOK AT THIS. THIS IS DONE IN A WHOLE
19 DIFFERENT LANGUAGE.

20 A HE ANSWERED SPECIFIC QUESTIONS --

21 Q THESE ARE QUESTIONS AND ANSWERS?

22 A ---THAT I ASKED MR. BOLIN.

23 Q OKAY. AND SO WHAT YOU DID WAS YOU SAID, BERRY
24 BOLIN ASKED BY DETECTIVE, HE SAW ANYBODY SHOOTING AT
25 HIM. HE REPLIED NO. IS THAT RIGHT? NOW THAT'S A

1 WHOLE DIFFERENT WAY OF WRITING THAN THE FIRST PART,
2 ISN'T IT?

3 A YES, SIR.

4 Q THE OTHER IS JUST A NARRATIVE?

5 A RIGHT.

6 Q AND NOW YOU ARE GOING THROUGH THESE QUESTIONS,
7 IS THAT RIGHT?

8 A YES.

9 Q AND YOU DO THAT ALL THE WAY THROUGH, IS THAT
10 CORRECT?

11 A YES, SIR.

12 Q I MEAN YOU COULD HAVE LISTED THESE AS NUMBER
13 ONE, BERRY BOLIN WAS ASKED IF ANYONE SHOT AT HIM. HE
14 REPLIED NO. CORRECT?

15 A COULD HAVE NUMBERED THEM.

16 Q OKAY.

17 A I'M NOT THE BEST WRITER IN THE WORLD.

18 Q AND YOU GOT ALL, ALLEGEDLY, YOU GOT ALL THIS
19 INFORMATION AT THE SAME TIME, IS THAT CORRECT?

20 A YES. AFTER HE GAVE ME HIS STATEMENT I WENT BACK
21 AND ASKED SPECIFIC QUESTIONS.

22 Q RIGHT. AND THEN LATER YOU PUT IT AND TYPED IT
23 INTO AN INCIDENT FORM, IS THAT CORRECT?

24 A YES.

25 Q AND YOU CHOSE TO DO IT ON TWO SEPARATE INCIDENT

1 FORMS?

2 A RIGHT.

3 Q RATHER THAN INCORPORATING MY CLIENT'S ALLEGED
4 ANSWERS TO THESE QUESTIONS HE ALLEGEDLY WAS ASKED AT
5 THE TIME INTO YOUR NARRATIVE?

6 A RIGHT.

7 Q CORRECT?

8 A YES.

9 Q OKAY. IF YOU CAN STEP BACK UP. DETECTIVE,
10 WHERE DID YOU GET THOSE QUESTIONS FROM -- WHO GAVE
11 YOU THOSE QUESTIONS?

12 A THEY WERE MY QUESTIONS.

13 Q THEY WERE YOUR QUESTIONS?

14 A YES, SIR.

15 Q HAD YOU HAD ANY CONVERSATIONS WITH ANYBODY AT
16 ANY TIME PRIOR TO YOU, ABOUT SPECIFICALLY THOSE
17 QUESTIONS, PRIOR TO YOU TYPING THAT UP?

18 A WHAT ARE YOU ASKING?

19 Q DID YOU HAVE ANY CONVERSATIONS WITH ANYBODY SUCH
20 AS THE SOLICITOR'S OFFICE OR ANYBODY OR SOMEBODY IN
21 YOUR OFFICE ABOUT THOSE SPECIFIC QUESTIONS TO ASK?

22 A THOSE, AGAIN WHENEVER I WENT IN TO INTERVIEW HIM
23 I HAD A COPY OF HIS FIRST STATEMENT WHICH HE SAID HE
24 LIED ABOUT. I ALSO TOOK A COPY OF THE SECOND
25 STATEMENT. AND LIKE I TESTIFIED TO EARLIER, I HAD

1 SPECIFIC QUESTIONS THAT I WANTED TO ASK HIM THAT
2 WEREN'T ANSWERED IN THE STATEMENTS AND THOSE ARE THE
3 SPECIFIC QUESTIONS THAT I ASKED HIM.

4 Q OKAY. NOW YOU UNDERSTAND IN YOUR WORK WITH THIS
5 TYPE OF AREA THAT IN COURT AND IN COURT PROCEEDINGS
6 THERE IS KNOWN AS DISCOVERY, IS THAT CORRECT?

7 A RIGHT, YES, SIR.

8 Q WHERE THE SOLICITOR'S OFFICE PROVIDES
9 INFORMATION THAT IS REQUESTED BY THE DEFENSE?

10 A RIGHT.

11 Q THAT IS CORRECT?

12 A YES, SIR.

13 Q AND THIS HAS BEEN PUT INTO EVIDENCE AS ONE
14 DOCUMENT, ONE PAGE AND TWO, AND THE WAIVER OF RIGHTS,
15 IS THAT CORRECT?

16 A YES, SIR.

17 Q IS THAT CORRECT?

18 A YES, SIR.

19 Q AND YOU WERE THE ONE WHO WAS COLLECTING ALL THE
20 PAPERWORK?

21 A YES, SIR.

22 Q YOU WERE COLLECTING THE WHOLE FILE? IS THAT
23 CORRECT?

24 A YES, SIR.

25 Q DO YOU KNOW WHY PAGE ONE WHICH WAS THE NARRATIVE

1 WAS SUPPLIED TO THE DEFENSE IN LATE MARCH OR FIRST OF
2 APRIL AND WHY PAGE TWO, WHICH WAS THE QUESTION AND
3 ANSWER PORTION OF SUPPOSEDLY THE SAME INTERVIEW,
4 WASN'T PROVIDED UNTIL JUNE?

5 A I DO NOT KNOW.

6 Q ALL RIGHT.

7 MR. GREELEY: I DON'T HAVE ANYTHING
8 FURTHER.

9 THE COURT: REDIRECT.

10 MR. POPE: NO, SIR.

11 THE COURT: YOU CAN STEP DOWN AND BE
12 EXCUSED. CALL YOUR NEXT WITNESS.

13 MR. POPE: THE STATE WOULD CALL LIEUTENANT
14 TIM HAGER.

15 TIM HAGER, BEING FIRST DULY
16 SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION BY MR. POPE:

18 Q LIEUTENANT HAGER, IF YOU WOULD STATE YOUR NAME
19 AND SPELL YOUR LAST NAME FOR THE COURT REPORTER
20 PLEASE?

21 A JAMES T. HAGER, H-A-G-E-R.

22 Q MR. HAGER, COULD YOU TELL THE JURY WHERE YOU ARE
23 EMPLOYED?

24 A I'M EMPLOYED AT THE YORK COUNTY SHERIFF'S
25 DEPARTMENT.

1 Q AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

2 A APPROXIMATELY 26 YEARS.

3 Q OKAY. AND IN WHAT CAPACITY ARE YOU EMPLOYED
4 WITH THE SHERIFF'S DEPARTMENT?

5 A AT THIS POINT IN TIME I'M THE LIEUTENANT OVER
6 THE CRIMES AGAINST PERSONS UNIT WHICH ENTAILS SERIOUS
7 ASSAULTS, HOMICIDES, AND ARMED ROBBERY.

8 Q AND DETECTIVE YEAGER, DOES HE WORK UNDER YOUR
9 COMMAND?

10 A YES, SIR, HE WORKS WITH US.

11 Q AND WHOSE YOUR IMMEDIATE SUPERVISOR?

12 A CAPTAIN JERRY HOFFMAN.

13 Q I CALL YOUR ATTENTION TO SUNDAY, FEBRUARY 18,
14 SATURDAY NIGHT INTO SUNDAY MORNING, DID YOU HAVE AN
15 OPPORTUNITY TO GET PAGED OUT OR CALLED OUT THAT
16 NIGHT?

17 A YES, SIR, I DID.

18 Q AND WHAT WAS THAT IN REFERENCE TO?

19 A IT WAS IN REFERENCE TO A SHOOTING INCIDENT THAT
20 HAPPENED ON LAWRENCE ROAD IN CLOVER, SOUTH CAROLINA.

21 Q OKAY. DO YOU RECALL WHAT TIME YOU CAME OUT THAT
22 NIGHT?

23 A I GOT ON THE SCENE AT THE HOUSE APPROXIMATELY
24 TWO AM, SOMEWHERE IN THAT NEIGHBORHOOD.

25 Q OKAY. YOU LIVE IN THE LOWER PART OF THE COUNTY?

1 A YES, SIR, DOWN OFF HIGHWAY 901 NEAR EDGEMOORE,
2 SOUTH CAROLINA.

3 Q OKAY. AND SO THE FIRST PLACE YOU WENT WAS
4 WHERE?

5 A TO LAWRENCE ROAD TO THE HOUSE WHERE THE SHOOTING
6 TOOK PLACE.

7 Q WHAT DID YOU OBSERVE WHEN YOU WERE THERE AT
8 LAWRENCE ROAD?

9 A I MET WITH CAPTAIN HOFFMAN AND LIEUTENANT
10 TOLSON. LIEUTENANT TOLSON WAS THE ON-CALL LIEUTENANT
11 AT THAT, FOR THAT WEEKEND AND MET WITH THEM AND GOT A
12 BRIEFING ON WHAT HAD TAKEN PLACE.

13 Q WERE THE UNIFORM OFFICERS THERE AT THE HOUSE AT
14 THAT TIME?

15 A YES, THEY WERE.

16 Q DO YOU RECALL AT THAT TIME SEEING ANY EVIDENCE
17 OR BEING MADE AWARE OF ANY EVIDENCE THERE ON THE
18 SCENE IN THE DRIVE OR IN THE YARD OR ANYTHING OF THAT
19 NATURE?

20 A IT WAS BROUGHT TO MY ATTENTION THAT THE SHOOTING
21 HAD TAKEN PLACE AT THE DRIVEWAY AND ROADWAY AREA AND
22 LOCATED SOME .45 SHELL CASINGS.

23 Q ULTIMATELY DID YOU DO INTERVIEWS OR ANYTHING
24 THERE AT LAWRENCE ROAD?

25 A NO, I DID NOT.

1 Q OKAY. ULTIMATELY DID YOU THEN PROCEED TO CLOVER
2 POLICE DEPARTMENT?

3 A YES, I DID. AT CAPTAIN HOFFMAN'S DIRECTION I
4 WENT TO THE CLOVER POLICE DEPARTMENT TO MEET WITH
5 DETECTIVE PATTERSON WHO WAS THERE CONDUCTING
6 INTERVIEWS.

7 Q OKAY. WHAT WAS ACTUALLY OCCURRING AT CLOVER
8 POLICE DEPARTMENT WHEN YOU ARRIVED?

9 A THERE WAS A MULTITUDE OF PEOPLE THERE THAT
10 UNIFORM OFFICERS HAD GATHERED UP AND WERE TAKING
11 PRELIMINARY STATEMENTS FROM AND HAD ALREADY TAKEN
12 STATEMENTS FROM SOME OF THEM AND DETECTIVE PATTERSON
13 WAS GOING THROUGH THOSE.

14 Q OKAY. DID YOU HAVE AN OPPORTUNITY TO IN
15 PARTICULAR TO COME IN CONTACT WITH MR. BOLIN?

16 A YES, SIR, I DID.

17 Q OKAY. WERE YOU MADE AWARE OF EITHER THROUGH
18 DETECTIVE PATTERSON OR CAPTAIN JAMISON AS FAR AS THE
19 STATUS OF HIS MIRANDA RIGHTS?

20 A YES, SIR, I WAS.

21 Q OKAY. AND WHAT WAS THAT?

22 A I WAS SHOWN A RIGHTS WAIVER FORM THAT JAMISON
23 HAD GIVEN HIM THAT HE HAD SIGNED AND HAD WITNESSED
24 WAIVING HIS RIGHTS.

25 Q ULTIMATELY DID YOU HAVE A CHANCE TO HAVE A

1 CONVERSATION WITH MR. BOLIN?

2 A YES, SIR, I DID.

3 Q OKAY. DID YOU RE-AFFIRM OR CONFIRM THOSE RIGHTS
4 WITH HIM?

5 A HE WAS SHOWN THE WAIVER FORM AND ASKED WAS THAT
6 HIS SIGNATURE AND WHETHER OR NOT HE WOULD BE WILLING
7 TO TALK TO US IN REGARDS TO THE INCIDENT THAT
8 OCCURRED.

9 Q OKAY. AND WERE YOU IN FACT PARTY TO SOME OF
10 THOSE DISCUSSIONS WITH DETECTIVE PATTERSON?

11 A YES.

12 Q OKAY. ULTIMATELY DID SOME PART OF THE
13 INFORMATION HE WAS GIVING PERTAIN TO RECOVERY OF HIS
14 WEAPON?

15 A YES, SIR, HE DID.

16 Q AND WHAT IF ANY INVOLVEMENT DID YOU HAVE IN
17 THAT?

18 A I HAD RECEIVED INFORMATION THAT A LLAMA, IF I'M
19 NOT MISTAKEN, A LLAMA .45 WE WERE LOOKING FOR WAS IN
20 POSSESSION OF AN INDIVIDUAL AND I WAS GIVEN HIS PHONE
21 NUMBER AND I MADE A PHONE CALL AND ARRANGED TO HAVE
22 THAT DELIVERED TO CLOVER POLICE DEPARTMENT.

23 Q OKAY. AND AS FAR AS ULTIMATELY THE PHONE NUMBER
24 AND THE NAME OF THE INDIVIDUAL, THAT ACTUALLY CAME
25 FROM MR. BOLIN, IS THAT RIGHT?

1 A YES, SIR, IT DID.

2 Q AND I BELIEVE IT WAS MR. WALLACE HIS COUSIN?

3 A YES, SIR.

4 Q OKAY. AND YOU CONTACTED MR. WALLACE, DID HE IN
5 FACT BRING YOU MR. BOLIN'S WEAPON?

6 A YES, SIR, HE DID.

7 Q OKAY. AND AGAIN MR. BOLIN, DID YOU THREATEN HIM
8 OR PROMISE HIM ANYTHING TO DO THIS?

9 A NO, SIR, I DID NOT.

10 Q HE WAS BEING COOPERATIVE WITH YOU THAT NIGHT?

11 A YES, SIR, HE WAS, VERY MUCH SO.

12 Q INITIALLY DID HE TELL YOU WHO HAD THE GUN?

13 A INITIALLY IT WAS TOLD THAT HE DIDN'T HAVE ANY
14 IDEA WHERE THE GUN WAS. THEN, I HATE TO SAY HE
15 WASN'T TELLING THE TRUTH, BUT YOU CAN TELL THAT HE
16 WAS HEDGING ON HIS STORY A LITTLE BIT AND AFTER
17 TALKING TO HIM A LITTLE BIT LONGER HE TOLD US WHERE
18 THE GUN WAS.

19 Q OKAY. AND YOU MADE THE PHONE CALL AND
20 MR. WALLACE BROUGHT THAT GUN TO YOU?

21 A YES, SIR, HE DID.

22 Q OKAY. I SHOW YOU WHAT'S BEEN MARKED STATE'S
23 EXHIBIT 137 IN EVIDENCE, ASK IF YOU TAKE A LOOK AT
24 THAT ITEM AND TELL ME IF YOU CAN IDENTIFY IT?

25 A YES, SIR, THIS IS THE PISTOL I RECOVERED THAT

1 NIGHT.

2 MR. POPE: YOUR HONOR, AT THIS POINT I
3 MOVE STATE'S EXHIBIT 137 INTO EVIDENCE PLEASE.

4 MR. GREELEY: NO OBJECTION.

5 THE COURT: BE RECEIVED.

6 (STATE'S EXHIBIT 137 GUN IN EVIDENCE.)

7 Q LIEUTENANT HAGER, STATE'S EXHIBIT 137 DID YOU
8 ALTER OR CHANGE IT IN ANY WAY WHEN IT WAS IN YOUR
9 CUSTODY?

10 A NO, SIR, I DID NOT. I PUT IT IN EVIDENCE BAG AND
11 SIGNED IT OVER TO FSU OFFICERS.

12 Q AND THE FSU WHAT IS THAT?

13 A FORENSICS SERVICES UNIT, CRIME SCENE DETECTIVES.

14 Q SO YOU TURNED IT OVER TO THEM?

15 A YES.

16 Q DID YOU ALSO HAVE AN OPPORTUNITY TO AT SOME
17 POINT THAT EVENING OR EARLY MORNING HOURS MR. BOLIN
18 WAS ARRESTED, IS THAT CORRECT?

19 A YES, SIR, HE WAS.

20 Q AND WHAT WAS THE BASIS OF THAT ARREST AT THAT
21 TIME?

22 A AFTER TALKING TO HIM, HE ADVISING US THAT HE HAD
23 DEFINITELY SHOT AT THE TRUNK OF THE CAR, HAD SHOT AT
24 THE CAR, AND IN LIEU OF THOSE ALLEGATIONS WE ARRESTED
25 HIM AT THAT POINT IN TIME.

1 Q AT ONE POINT WHEN HE WAS UNDER ARREST DID YOU
2 HAVE THE OPPORTUNITY, DID HE GO WITH YOU BACK TO
3 LAWRENCE ROAD?

4 A RODE WITH DETECTIVE PATTERSON BUT I FOLLOWED
5 THEM BECAUSE I WAS IN MY PERSONAL VEHICLE.

6 Q OKAY. AND LAWRENCE ROAD, IS THAT WHERE YOU
7 TURNED THE GUN OVER TO THE FSU OFFICERS?

8 A YES, SIR, IT WAS.

9 Q SO THERE WERE OFFICERS THAT HAD PROCESSED OR
10 WERE PROCESSING THE SCENE?

11 A YES, SIR.

12 Q OKAY. AND DID MR. BOLIN SHOW OR INDICATE IN THE
13 YARD WHERE HE WAS AT THAT DAY?

14 A YES, SIR, HE DID.

15 Q OKAY. WAS HE COOPERATIVE AT THAT TIME?

16 A YES, SIR, HE WAS.

17 Q ULTIMATELY WAS HE TRANSPORTED TO MOSS JUSTICE
18 CENTER?

19 A YES.

20 Q YOU HAD A PREVIOUS ASSIGNMENT OR COMMITMENT OUT
21 OF TOWN, IS THAT CORRECT?

22 A YES, SIR, I LEFT APPROXIMATELY NINE AM THAT
23 MORNING.

24 Q OKAY. AND SO WHEN YOU LEFT AT NINE AM WHO WAS
25 SUPERVISING THE CASE AT THAT POINT?

1 A CAPTAIN HOFFMAN, AS HE WAS THAT MORNING WHEN I
2 ARRIVED ON THE SCENE.

3 Q BECAUSE THE SENIOR OFFICER IS THE ULTIMATE
4 SUPERVISOR?

5 A YES, SIR.

6 Q OKAY. THANK YOU. ANSWER ANY QUESTIONS THE
7 DEFENSE HAS.

8 MR. GREELEY: I HAVE NO QUESTIONS.

9 THE COURT: YOU CAN STEP DOWN. YOU CAN BE
10 EXCUSED. CALL YOUR NEXT WITNESS.

11 MR. POPE: CAPTAIN HOFFMAN.

12 JERRY HOFFMAN, BEING FIRST DULY
13 SWORN, TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION BY MR. POPE:

15 Q CAPTAIN, IF YOU WOULD STATE YOUR NAME AND SPELL
16 YOUR LAST FOR THE COURT REPORTER PLEASE?

17 A JERRY HOFFMAN. H-O-F-F-M-A-N.

18 Q AND COULD YOU TELL THE JURY WHERE YOU ARE
19 EMPLOYED?

20 A I'M EMPLOYED WITH YORK COUNTY SHERIFF'S OFFICE.

21 Q AND COULD YOU TELL THE JURY HOW LONG YOU'VE BEEN
22 IN LAW ENFORCEMENT?

23 A SINCE PROBABLY SEPTEMBER 19, 1985.

24 Q 21?

25 A YES, SIR.

1 Q OKAY. AND COULD YOU TELL THE JURY WHAT CAPACITY
2 YOU ACT IN THE SHERIFF'S DEPARTMENT AT THIS TIME?

3 A I'M CAPTAIN OVER THE CRIMINAL INVESTIGATIVE
4 DIVISION AT THE SHERIFF'S OFFICE.

5 Q AND CAN YOU TELL THE JURY THAT ENTAILS?

6 A I SUPERVISE THE CRIMINAL INVESTIGATIVE UNIT THAT
7 CONSISTS OF THREE DIFFERENT DIVISIONS. WE HAVE
8 PROPERTY CRIMES AND CRIMES AGAINST PERSONS AND SEX
9 CRIMES AND JUVENILES.

10 Q OKAY. CAN YOU TELL THE JURY FOR LIKE ON-CALL
11 SCHEDULING OR HOW YOU HANDLE CRIMES SUCH AS THIS WHEN
12 AN ON-CALL STANDPOINT WITH THEIR OFFICERS, HOW THEY
13 ARE DISPATCHED OUT AT NIGHT?

14 A GENERALLY THE INVESTIGATIVE DIVISION THE
15 EMPLOYEES WORK FROM 8 TO 4 EVERYDAY OR 7:30 TO 4:30.
16 IN THE EVENINGS WE HAVE, IN THE AFTERNOON FROM TWO TO
17 TEN, WE HAVE AN INVESTIGATOR THAT WORKS, THAT PERSON
18 IS DESIGNATED THE ON-CALL INVESTIGATOR. IF WE HAVE A
19 CRIME THAT OCCURS AFTER TEN P.M. OR SOMETIME RIGHT
20 AROUND THAT TIME DEPENDS ON WHAT TIME THEY GO HOME,
21 AFTER THAT SECOND SHIFT GUY GOES HOME WE HAVE A MAJOR
22 CRIME OR INCIDENT THAT REQUIRES AN INVESTIGATOR, THAT
23 PERSON IS CALLED OUT. IF THAT PERSON GOES OUT AND
24 THERE IS MORE TO DO THAN HE CAN HANDLE BY HIMSELF OR
25 INVESTIGATE BY HIMSELF THERE IS ALSO AN ON-CALL

1 SUPERVISOR, ONE OF THE LIEUTENANTS OF ONE OF THE
2 THREE DIVISIONS I MENTION IS ALSO ON-CALL AS A BACK
3 UP TO THAT INDIVIDUAL.

4 Q OKAY. AND DUE TO THE MAGNITUDE OF THE CASE SO
5 THE FIRST WOULD BE THE INVESTIGATOR THEN IF THEY NEED
6 THEIR SUPERVISOR YOU THEN NEED TO CALL OUT MORE?

7 A YES, IF THE SUPERVISOR GETS THERE AND DETERMINES
8 THAT THERE IS MORE NEEDS THAT THEY NORMALLY NOTIFY ME
9 AND AT THAT POINT IN TIME WILL EVALUATE THE SITUATION
10 AND TRY TO DETERMINE HOW MANY PEOPLE WE NEED AND HOW
11 MANY MORE PEOPLE WE CAN GET OUT.

12 Q I'LL CALL YOUR ATTENTION TO THE LATE HOURS
13 SATURDAY NIGHT, FEBRUARY 18, EARLY MORNING SUNDAY,
14 FEBRUARY 19, DID YOU HAVE AN OPPORTUNITY TO RECEIVE A
15 CALL CONCERNING AN INCIDENT AT LAWRENCE ROAD THERE IN
16 CLOVER?

17 A YES, I DID.

18 Q OKAY. AND HOW DID YOU RECEIVE THAT INFORMATION?

19 A BY TELEPHONE INITIALLY. I WAS, I MAY HAVE BEEN
20 PAGED, I'M NOT SURE, I HAVE A PAGER BUT THE
21 INFORMATION I RECEIVED WAS OVER THE TELEPHONE. I WAS
22 ADVISED BY DISPATCH THAT THERE HAD BEEN A SHOOTING AT
23 THE RESIDENCE ON LAWRENCE ROAD AND.

24 Q WHAT IF ANYTHING DID YOU DO AT THAT TIME?

25 A I GOT UP, GOT DRESSED, AND RESPONDED TO THAT

1 ADDRESS.

2 Q OKAY. WHEN YOU A RESPONDED INITIALLY, DID YOU
3 CALL OUT OTHER OFFICERS OR HOW DID THAT WORK?

4 A NO, NOT INITIALLY THEN. I BELIEVE THAT
5 DETECTIVE DOUG PATTERSON WAS ALREADY OUT AND ON THE
6 SCENE AND LIEUTENANT BETH TOLSON WAS OUT ON SCENE.
7 THERE WERE TWO UNIFORM DEPUTIES AT THE RESIDENCE THAT
8 I RESPONDED TO AND I KNOW THAT THERE WERE OR TWO
9 THREE UNIFORM DEPUTIES AT THE SECOND SCENE AT CLOVER
10 POLICE DEPARTMENT THAT WERE ON THE SCENE.

11 Q OKAY. SO YOU WENT TO LAWRENCE ROAD INITIALLY?

12 A YES, THAT'S CORRECT.

13 Q OKAY. AND WHAT DID YOU OBSERVE WHEN YOU GOT
14 THERE?

15 A WHEN I GOT THERE I BELIEVE I FIRST MET LANELLE
16 DAY, WHO WAS ONE OF THE UNIFORM DEPUTIES ON SCENE, I
17 SPOKE TO HER BRIEFLY. SHE KIND OF EXPLAINED TO ME
18 WHAT WAS GOING ON OR WHAT SHE KNEW ABOUT. I WENT
19 INSIDE THE RESIDENCE, TALKED TO DEPUTY MARK FERRELL A
20 LITTLE BIT, AND KIND OF GOT A GRASP FOR WHAT WAS
21 GOING ON, AND THEN HE HAD SOME PEOPLE WRITING SOME
22 STATEMENTS OR ALREADY GATHERED A COUPLE OF STATEMENTS
23 AND I BEGAN TO REVIEW THOSE.

24 Q ALL RIGHT. SO DO YOU RECALL HOW MANY CITIZENS
25 WERE AT THE HOUSE AT THAT TIME THAT YOU ARRIVED

1 THERE?

2 A YES, SIR, THERE WERE FOUR PEOPLE THAT WERE STILL
3 AT THE RESIDENCE WHEN I GOT THERE.

4 Q OKAY. AND THE INITIAL OR PRELIMINARY STATEMENTS
5 THAT THE UNIFORM OFFICERS WERE TAKING AND PARTICULAR
6 I'M TALKING ABOUT AT THE HOUSE NOW, DID YOU HAVE AN
7 OPPORTUNITY TO REVIEW THOSE AT THAT TIME?

8 A YES, SIR, I BELIEVE THERE MAY HAVE BEEN ONE OR
9 TWO PERSONS THAT HAD NOT COMPLETED THEIRS, BUT I
10 REVIEWED THE ONES THAT WERE COMPLETED AND THEN AS
11 THEY WERE COMPLETED, REVIEWED THE OTHERS.

12 Q AND DID YOU HAVE AN OPPORTUNITY TO TALK WITH
13 THOSE INDIVIDUALS ALSO?

14 A YES, I TALKED TO THREE OF THE FOUR MYSELF.

15 Q OKAY. AND THEN BASED ON TALKING TO THEM, WHAT
16 DID YOU DO THEN?

17 A I, AT SOME POINT IN TIME DURING THAT PROCESS I
18 WENT AHEAD AND NOTIFIED LIEUTENANT HAGER WHO IS THE
19 LIEUTENANT OVER CRIMES AGAINST PERSONS UNIT AND ASKED
20 HIM IF HE COULD TO GO AHEAD AND START RESPONDING YOU
21 KNOW BECAUSE WE APPARENTLY HAD A SERIOUS CASE WHERE
22 SOME, AT LEAST TWO, INDIVIDUALS WERE SHOT AND THAT
23 WOULD BE A CASE THAT HIS DIVISION WOULD ULTIMATELY
24 END UP HANDLING SO I HAD CALLED HIM AND ASKED HIM TO
25 RESPOND. BASED UPON THE INFORMATION THAT I HAD BEEN

1 GIVEN AFTER READING THE STATEMENTS AND THEN
2 INTERVIEWING SOME OF THE PERSONS MYSELF, WHEN
3 LIEUTENANT HAGER GOT TO THE RESIDENCE, I SENT HIM TO
4 CLOVER POLICE DEPARTMENT TO KIND OF TAKE CONTROL OR
5 HANDLE THE SCENE THERE.

6 Q OKAY. NOW WHEN YOU SAID YOU TALKED TO LANELLE
7 DAY FIRST, SHE WAS OUTSIDE KIND OF SECURING THE
8 SCENE?

9 A YES, SIR, SHE HAD LOCATED SOME ITEMS THAT WE
10 BELIEVED WOULD PROBABLY BE EVIDENCE.

11 Q DID YOU OBSERVE THOSE ITEMS?

12 A I LOOKED AT A COUPLE OF SHELL CASINGS THAT WERE
13 ON THE GROUND.

14 Q AND SHE HAD MARKED THEM WITH BALLOONS?

15 A SHE HAD MARKED THEM, YES, SIR, WITH I BELIEVE A
16 PINK BALLOON.

17 Q AND THEN ULTIMATELY WAS THE FORENSICS UNIT
18 CALLED TOO?

19 A YES, SIR, ACTUALLY ONE OF THE FORENSIC GUYS MAY
20 HAVE ACTUALLY BEEN ON SCENE WHEN I GOT THERE, I DON'T
21 RECALL EXACTLY, BUT IT WAS RIGHT WHEN I GOT THERE AND
22 REAL CLOSE TO THE TIME I GOT THERE.

23 Q THEN ONCE YOU WERE THERE AT THAT SCENE WHAT IF
24 ANYTHING DID YOU DO NEXT?

25 A AGAIN I TALKED TO THE FOLKS AND BASED ON THE

1 INFORMATION I GOT THERE, I SENT LIEUTENANT HAGER TO
2 CLOVER POLICE DEPARTMENT AND ULTIMATELY I ENDED UP
3 TRYING TO GET IN TOUCH WITH LEE OWENS.

4 Q AND BASED ON THE INVESTIGATION, AT SOME POINT
5 DID YOU GO TO CLOVER POLICE DEPARTMENT?

6 A I WENT NOT WHILE THE CRIME SCENE PART WAS GOING
7 ON THERE, I DID END UP AT CLOVER LATER ON IN THE
8 MORNING AND THAT DAY.

9 Q OKAY. AND SO THAT MORNING, I SAY MORNING,
10 GETTING INTO DAY LIGHT HOURS, DID YOU HAVE AN
11 OPPORTUNITY TO GET IN TOUCH WITH LEE OWENS?

12 A YES, I DID. I CALLED HIM AND SPOKE TO HIM BY
13 PHONE.

14 Q AND I DON'T WANT YOU TO TELL ME WHAT MR. OWENS
15 SAID, BUT DID YOU HAVE AN OPPORTUNITY TO MEET WITH
16 HIM?

17 A YES, SIR, I DID.

18 Q AND WHERE DID YOU MEET WITH HIM?

19 A INITIALLY I MET WITH HIM AT HIS FATHER'S
20 RESIDENCE IN CLOVER, INSIDE THE CLOVER CITY LIMITS.

21 Q AND WHAT DID YOU DISCUSS WITH HIM, AGAIN NOT
22 WHAT HE TOLD YOU, BUT WHAT YOU WERE DISCUSSING?

23 A DISCUSSED WHAT HIS KNOWLEDGE OF WHAT HAPPENED AT
24 THE RESIDENCE ON LAWRENCE ROAD AND WHETHER OR NOT HE
25 HAD BEEN IN POSSESSION AND ACTUALLY FIRED A GUN.

1 Q OKAY. NOW ULTIMATELY AFTER YOU LEFT THERE DID
2 YOU HAVE AN OPPORTUNITY FOR MR. OWENS TO GO WITH YOU
3 TO ANOTHER LOCATION?

4 A YES, SIR, I DID.

5 Q WHERE DID YOU GO THEN?

6 A MR. OWENS DROVE HIS VEHICLE AND MET MYSELF AND
7 LIEUTENANT HAGER AT THE CLOVER POLICE DEPARTMENT.

8 Q AND ULTIMATELY DID YOU HAVE AN OPPORTUNITY TO
9 TALK TO HIM AND GET A STATEMENT FROM HIM?

10 A YES, I DID.

11 Q OKAY. AFTER YOU SPENT TIME WITH HIM AT THE
12 CLOVER POLICE DEPARTMENT, WHERE IF ANYWHERE DID YOU
13 GO FROM THERE WITH MR. OWENS?

14 A FROM CLOVER POLICE DEPARTMENT I ASKED MR. OWENS
15 TO GO WITH ME TO THE INCIDENT LOCATION ON LAWRENCE
16 ROAD AND KIND OF WALK ME THROUGH WHAT HE WAS TELLING
17 ME HAD OCCURRED THERE.

18 Q OKAY. AND ULTIMATELY DID HE GIVE YOU A LOCATION
19 WHERE HE WAS AT LAWRENCE ROAD OR WHERE HE WOULD HAVE
20 BEEN STANDING?

21 A YES, SIR, HE DID WHEN HE FIRED HIS WEAPON.

22 Q AND WHEN HE SHOWED YOU THAT LOCATION WHAT IF ANY
23 ITEMS OF EVIDENCE DID YOU OBSERVE IN THE LOCATION
24 WHERE MR. OWENS WAS?

25 A RIGHT WHERE HE SHOWED US THAT HE WAS STANDING WE

1 FOUND TWO NINE MILLIMETER CASINGS THAT HAD BEEN
2 FIRED. NO BULLETS IN THEM, JUST THE EMPTY CASINGS,
3 SHELL CASINGS.

4 Q IN PROXIMITY TO THOSE TWO IN THE LOCATION THAT
5 HE SHOWED YOU, DID YOU FIND ANYTHING ELSE?

6 A YES, I DID. AFTER HE SHOWED US THOSE TWO
7 CASINGS OR AFTER WE FOUND THOSE TWO CASINGS, I WAS
8 WALKING AROUND IN THE YARD AND I FOUND A GROUP OF
9 THREE MORE CASINGS, NINE MILLIMETER SHELLS, THAT
10 APPEARED TO BE THE SAME.

11 Q OKAY. SO A GROUP OF TWO AND A GROUP OF THREE?

12 A YES.

13 Q OKAY. WERE THEY IN PROXIMITY OF THE TWO?

14 A THEY WERE IN PROXIMITY TO TWO. THEY WERE SOME
15 DISTANCE. I'D HAVE TO LOOK AT THE CRIME SCENE SKETCH
16 TO SEE EXACTLY HOW FAR IT WAS.

17 Q NOW ULTIMATELY THOSE ITEMS DO YOU REACH DOWN AND
18 PICKED THOSE ITEMS UP?

19 A NO, SIR.

20 Q OKAY. WHAT DID YOU DO AS FAR AS THOSE ITEMS?

21 A WE MARK THOSE IN A CRUDE WAY SO THE FORENSICS
22 TEAM COULD MEASURE AND SKETCH AND THEN RECOVER THOSE
23 ITEMS.

24 Q AND SO ULTIMATELY DID THE FORENSICS UNIT COME
25 AND THEY ALSO RETRIEVED THOSE ITEMS TOO?

1 A YES, SIR.

2 Q OKAY. NOW ONCE YOU WENT TO THE SCENE THERE WITH
3 MR. OWENS, AGAIN NOT TELLING ME WHAT HE WAS SAYING,
4 BUT WHERE IF ANYWHERE DID YOU GO WITH HIM NEXT?

5 A I LEFT THERE AND ASKED MR. OWENS TO TAKE ME OUT
6 TO ALLISON CREEK BOAT LANDING BASED ON SOME
7 INFORMATION THAT HE HAD GIVEN ME.

8 Q WHY WERE YOU WANTING TO GO TO ALLISON CREEK BOAT
9 LANDING?

10 A I WANTED TO GO THERE BECAUSE I HAD INFORMATION
11 THAT HE HAD THROWN THE GUN THAT HE WAS SHOOTING INTO
12 THE RIVER AT THAT LOCATION.

13 Q OKAY. WHEN YOU WENT TO ALLISON CREEK BOAT
14 LANDING, WHAT IF ANYTHING DID HE DO OR WHAT IF ANY
15 LOCATION DID HE SHOW YOU?

16 A HE AND I WALKED OUT ON TO THE PIER AND HE SHOWED
17 ME THE LOCATION THAT HE STATED HE THREW HIS GUN INTO
18 THE RIVER FROM.

19 Q AND WERE YOU EVER ABLE TO RECOVER THE NINE
20 MILLIMETER FROM THERE ALLISON BOAT LANDING?

21 A NO, SIR. I HAD SERGEANT BRENT MABRY WHO IS WITH
22 OUR LAKE PATROL UNIT AT THE SHERIFF'S OFFICE GO TO
23 THAT AREA AND ATTEMPT TO RECOVER THE WEAPON, BUT THE
24 ATTEMPTS WERE UNSUCCESSFUL.

25 Q WHEN YOU SAY ATTEMPT TO RECOVER, WHAT DID HE DO

1 TO TRY TO RECOVER IT?

2 A HE USED A CAMERA TO LOOK ON THE BOTTOM OF THE
3 LAKE AND ALSO A MAGNET THAT HE HAS TO KIND OF DRAG
4 THE BOTTOM OF THE LAKE.

5 Q AT ANY POINT AFTER THAT DAY WERE YOU EVER ABLE
6 TO RECOVER MR. OWENS' NINE MILLIMETER?

7 A NO, SIR.

8 MR. POPE: BEG THE COURT'S INDULGENCE.

9 Q NOW ULTIMATELY WAS MR. OWENS ALSO ARRESTED IN
10 CONNECTION WITH THIS PARTICULAR CASE?

11 A YES, SIR, HE WAS.

12 Q DO YOU RECALL FROM DEALING WITH HIM OR FROM
13 DOCUMENTATION MR. OWENS' SIZE, FOR EXAMPLE, HEIGHT
14 AND WEIGHT?

15 A I WOULD HAVE IT ON THE DOCUMENTATION. HE'S A
16 TALL, SLIM GUY. HE'S OVER SIX FOOT AND.

17 Q I WANT TO SHOW YOU JUST THIS DOCUMENT FOR
18 PURPOSES OF REFRESHING YOUR RECOLLECTION. IS THIS
19 ITEM PART OF THE LAW ENFORCEMENT DOCUMENTATION OF
20 THIS CASE?

21 A YES, SIR.

22 Q DOES IT REFLECT MR. OWENS' HEIGHT AND WEIGHT?

23 A YES, SIR, IT DOES.

24 Q OKAY. COULD YOU RELATE THAT TO THE JURY PLEASE?

25 A YES, SIR. IT SHOWS THAT HE'S SIX FOOT FIVE AND

1 175 POUNDS AT THE TIME THIS PHOTOGRAPH WAS TAKEN.

2 Q THANK YOU. THANK YOU, SIR. ANSWER ANY
3 QUESTIONS MR. GREELEY MAY HAVE.

4 THE COURT: WE'LL TAKE A SHORT BREAK
5 BEFORE WE TAKE CROSS EXAMINATION. IF YOU'LL FOLLOW
6 THE BAILIFF TO THE JURY ROOM WHILE WE TAKE A SHORT
7 BREAK.

8 (THE JURY EXITS THE COURTROOM AT 10:53
9 AM.)

10 THE COURT: MR. HOFFMAN, YOU CAN STEP DOWN
11 IF YOU WISH AND REFRESH YOURSELF. JUST DON'T TALK TO
12 ANYBODY.

13 A YES, SIR, THANK YOU.

14 (COURT'S IN RECESS AT 10:53 AM.)

15 (COURT RESUMES AT 11:08 AM.)

16 THE COURT: BRING IN THE JURY.

17 (THE JURY RETURNS TO THE COURTROOM AT
18 11:08 AM.)

19 THE COURT: YOU MAY PROCEED.

20 MR. GREELEY: MAY IT PLEASE THE COURT.

21 CROSS EXAMINATION BY MR. GREELEY:

22 Q DETECTIVE HOFFMAN, GOOD MORNING.

23 A GOOD MORNING, SIR.

24 Q THAT NIGHT BASED ON YOUR TESTIMONY IT APPEARS
25 THAT YOU MAY HAVE BEEN THE PERSON WHO HAD SOME

1 AUTHORITY, WHO WAS KIND OF IN CHARGE?

2 A YES, SIR.

3 Q OKAY. AND YOU WERE TALKING THAT MOST OF THE
4 EVENING YOU STAYED OUT AT LAWRENCE ROAD AND THEN YOU
5 WENT BACK OVER TO THE CLOVER POLICE DEPARTMENT, IS
6 THAT CORRECT?

7 A YES, SIR, I WAS OUT AT LAWRENCE ROAD ALL OF THAT
8 MORNING. I WENT TO CLOVER POLICE DEPARTMENT, YOU
9 KNOW, ONCE I HAD TALKED TO LEE OWENS AND DEALING WITH
10 HIM.

11 Q SO YOU DID NOT PHYSICALLY YOURSELF GO TO CLOVER
12 POLICE DEPARTMENT UNTIL AFTER DAY LIGHT?

13 A YES, SIR, IT WOULD HAVE BEEN SOMETIME PROBABLY
14 RIGHT AFTER DAY LIGHT WHEN I ENDED UP AT THE CLOVER
15 POLICE DEPARTMENT.

16 Q WHILE YOU WERE OUT AT LAWRENCE ROAD DID YOU HAVE
17 THE OPPORTUNITY FROM TIME TO TIME TO TALK WITH THE
18 PEOPLE WHO WERE AT CLOVER?

19 A YES, SIR, I DID TALK ON OCCASION TO PEOPLE WHO
20 WERE AT CLOVER AND/OR PEOPLE WHO WERE GOING TO
21 CLOVER.

22 Q AND AT ANY TIME DURING THAT TIME YOU WERE AT
23 LAWRENCE ROAD AND YOU HAD COMMUNICATION WITH PEOPLE
24 AT CLOVER, DID ANYBODY ELSE TELL YOU THAT TWO PEOPLE
25 HAD GIVEN INFORMATION THAT THERE WAS SHOOTING COMING

1 FROM THE CAR?

2 A I DON'T RECALL IF I WAS GIVEN THAT SPECIFIC
3 INFORMATION OR NOT. I MAY HAVE. I DID LEARN OF THAT
4 LATER IN THE MORNING.

5 Q LEARNED IT LATER IN THE MORNING?

6 A YES, SIR.

7 Q AND AT ANY TIME DO YOU RECALL WHETHER ANYBODY,
8 ANY OFFICER OR DEPUTY, WAS DISPATCHED TO PIEDMONT
9 MEDICAL CENTER DURING THE EVENING TO SEE IF MR. FALLS
10 WOULD BE ABLE TO BE SPOKEN TO OR INTERVIEWED?

11 A DURING WHAT TIME PERIOD?

12 Q FROM THE TIME THAT HE WAS DISPATCHED FROM EMS,
13 WHICH WOULD HAVE BEEN APPROXIMATELY, PROBABLY AROUND
14 12:30, UNTIL THE WHOLE TIME HE WAS AT THE HOSPITAL,
15 WHICH WOULD HAVE BEEN ABOUT NOON TIME THE NEXT DAY?

16 A WE WERE ON OUR WAY TO TRY AND TALK TO TRAVIS
17 FALLS WHEN WE FOUND OUT THAT HE HAD BEEN RELEASED
18 FROM THE HOSPITAL AND WAS IN CLOVER AND WE ACTUALLY.

19 Q SO THE --

20 A FLAGGED HIM DOWN OR PULLED HIM OVER AT THAT
21 POINT IN TIME AND WENT TO CLOVER POLICE DEPARTMENT TO
22 SPEAK WITH HIM.

23 Q SO THE FIRST TIME YOU MADE AN EFFORT TO GO AND
24 FIND MR. FALLS WAS ABOUT LUNCH TIME THE FOLLOWING
25 DAY, IS THAT CORRECT?

1 A THAT WAS, I CAN'T TELL YOU THE EXACT TIME, BUT
2 IT WOULD HAVE BEEN THE FIRST TIME THAT WE WOULD HAVE
3 HAD AN OPPORTUNITY TO DO THAT.

4 Q OKAY. NOW HAVING RECEIVED EARLIER THAT MORNING
5 INFORMATION THAT SOMEBODY SAID THAT SHOOTING WAS
6 COMING FROM THE CAR AND BEING THE PERSON WHO WAS
7 PROBABLY IN CHARGE, DID YOU THINK TO TALK TO
8 FORENSICS TO SEE ABOUT PURSUING GUNSHOT RESIDUE KITS
9 ON THE OTHER PEOPLE WHO WERE IN THE CAR SUCH AS
10 MR. HUBBARD, MS. MCCARTER, MR. FALLS, WHO Y'ALL KNEW
11 WHERE HE WAS, DID Y'ALL DO THAT?

12 A BASED ON THE INFORMATION THAT I WAS GETTING AT
13 THE SCENE AND THE PHYSICAL EVIDENCE AT THE SCENE, THE
14 INFORMATION THAT I HAD THERE WERE TWO GUNS INVOLVED.
15 WE IDENTIFIED THE TWO PERSONS WITH THOSE GUNS EARLY
16 ON. I DID NOT DIRECT GUNSHOT RESIDUE KITS TO BE
17 TAKEN FROM THE PEOPLE INSIDE THE CAR. WHEN I LEARNED
18 THAT INFORMATION, IT WOULD HAVE BEEN EARLY IN THE
19 MORNING HERE AT THE MOSS JUSTICE AFTER WE HAD GOTTEN
20 TOGETHER TO REVIEW ALL OF THE STATEMENTS, AND I
21 DIDN'T HAVE ACCESS TO THE PEOPLE IN THE CAR, BUT, NO,
22 I DID NOT DIRECT THAT THAT BE DONE.

23 Q SO YOU DIDN'T RECEIVE THE INFORMATION THAT THERE
24 MAY HAVE BEEN SHOTS COMING FROM THE CAR UNTIL AFTER
25 Y'ALL MET HERE AT THE JUSTICE MOSS CENTER THE NEXT

1 DAY?

2 A THAT WOULD HAVE BEEN, NOT THE NEXT DAY, IT WAS
3 THE SAME MORNING.

4 Q WELL, THAT'S WHAT I MEAN.

5 A THAT'S WHEN I WOULD HAVE BEEN ABLE TO SIT DOWN
6 AND READ THOSE STATEMENTS.

7 Q ALL RIGHT.

8 A ALSO --

9 Q YOU HAD GOTTEN THAT INFORMATION AT THE TIME IT
10 WAS GIVEN TO SOMEBODY, WOULD YOU HAVE TOLD FORENSICS
11 TO SEEK OUT AND SEE ABOUT GETTING GSR KITS ON THESE
12 PEOPLE?

13 A BASED ON WHAT I WAS LOOKING AT WITH THE PHYSICAL
14 EVIDENCE AT THE SCENE THAT I KNEW ABOUT, AND BASED ON
15 SOME OF THE STATEMENTS I HAD BEEN GIVEN AND THE
16 INFORMATION THAT HAD COME FROM THE PEOPLE INTERVIEWED
17 THAT I DID KNOW ABOUT, PROBABLY NOT. I MEAN THERE
18 WAS NO EVIDENCE, NO PHYSICAL EVIDENCE, THAT SUGGESTED
19 THAT ANY SHOTS HAD CAME FROM INSIDE THE CAR.

20 Q BUT MY QUESTION IS THIS: HAD YOU HAD THE
21 INFORMATION AT THE TIME IT WAS GIVEN THAT SHOTS WERE
22 COMING FROM THE CAR, WHICH WOULD HAVE INCLUDED THE
23 911 CALL FROM MR. DEAL, WOULD HAVE YOU HAVE ORDERED
24 THE GSR KIT AT THAT TIME?

25 A I WASN'T AWARE OF WHAT THE 911 CALL FROM

1 MR. DEAL SAID. I SPOKE TO MR. DEAL MYSELF AND
2 INTERVIEWED HIM. THE STATEMENT THAT HE WROTE HIMSELF
3 AND THEN MY FOLLOW UP INTERVIEW WITH HIM NEVER
4 INDICATED THERE WERE ANY SHOTS THAT CAME FROM THE
5 VEHICLE.

6 Q OKAY. THE --

7 A AND THAT WAS THE INFORMATION THAT HE HAD WRITTEN
8 AND THEN QUESTIONS HE HAD ANSWERED WHEN I INTERVIEWED
9 HIM.

10 Q SO IS IT A FAIR STATEMENT TO SAY THAT YOU
11 ASSESSED AND JUDGED THE INFORMATION THAT YOU HAD BEEN
12 GIVEN AND EVEN TODAY YOU WOULD HAVE SAID NO GSR KITS
13 WERE NECESSARY IN THIS CASE?

14 A I HAVEN'T SAID THAT -- I HAVEN'T SAID THAT.
15 BASED ON THE INFORMATION I HAD AND THE PHYSICAL
16 EVIDENCE THAT WAS AT THE SCENE, I DID NOT DIRECT THE
17 GSR KITS BE DONE ON THE PEOPLE INSIDE THE VEHICLE.
18 ONE, TWO OF THE PEOPLE WERE IN THE HOSPITAL, WE HAD
19 THE VEHICLE, WE HAD TALKED TO THE PERSONS IN THE
20 VEHICLE, AND WE WOULD BE ABLE TO FOLLOW UP WITH THEM
21 AGAIN TOO, BUT NO, I DID NOT ORDER GSR KITS BE DONE.

22 Q OKAY. WHEN DID YOU RECEIVE INFORMATION THAT
23 MR. FALLS HAD ALLEGEDLY ASSAULTED ONE OF THE PEOPLE,
24 A 17-YEAR-OLD GIRL, IN THE ROADWAY THAT EVENING?

25 A I THINK THAT INFORMATION PROBABLY WOULD HAVE

1 FIRST COME OUT WHILE I WAS AT THE RESIDENCE THAT IT
2 WAS ALLEGED THAT HE HAD DONE THAT.

3 Q OKAY. AFTER YOU RECEIVED THAT INFORMATION,
4 THAT'S FAIRLY SIGNIFICANT PIECE OF INFORMATION IN
5 REGARDS TO AN OVERALL INVESTIGATION, ISN'T IT?

6 A IT DEPENDS ON ITS CONTEXT AND WHAT IT'S IN
7 RELEVANCE TO.

8 Q WHETHER YOU THINK IT'S IMPORTANT?

9 A I HAD THAT INFORMATION AND CONSIDERED THAT, YES,
10 SIR.

11 Q OKAY. YOU HAD THE INFORMATION, YOU CONSIDERED
12 THAT INFORMATION, AND AT NO TIME DID YOU DISPATCH
13 ANYBODY TO THE HOSPITAL TO ASK MR. FALLS ABOUT THIS,
14 DID YOU?

15 A MR. FALLS WAS IN THE HOSPITAL. MY INITIAL
16 UNDERSTANDING WAS THAT HE WOULD, I MEAN HE HAD A
17 GUNSHOT WOUND, I DID NOT KNOW HOW SERIOUS IT WAS. WE
18 DEFINITELY INTENDED TO GO TO THE HOSPITAL AND TALK
19 WITH HIM. WE KNEW WHERE HE WAS AT. WE KNEW HOW TO
20 LOCATE HIM AT SOME POINT IN TIME. I DIDN'T KNOW WHAT
21 KIND OF MEDICATIONS HE MAY HAVE BEEN GIVEN DUE TO HIS
22 GUNSHOT WOUND. MR. FALLS WAS A PERSON WE COULD TALK
23 TO LATER ON IN THE DAY.

24 Q ALL RIGHT.

25 A AND GENERALLY, YOU KNOW, IF SOMEBODY IS IN THE

1 HOSPITAL BEING TREATED BY PHYSICIANS THAT'S NOT THE
2 BEST TIME FOR US TO TRY TO INTERVIEW SOMETIMES.

3 Q BUT THERE ARE TIMES IN INVESTIGATIONS TO WHERE
4 YOU DO GO TO THE HOSPITAL AND TO THE EMERGENCY ROOM
5 AND YOU ATTEMPT TO SPEAK WITH SOMEBODY WHO HAS
6 RECENTLY BEEN IN AN INCIDENT, DON'T YOU?

7 A THERE HAVE BEEN TIMES THAT I HAVE BEEN TO THE
8 HOSPITAL TO DO THAT. THIS IS NOT ONE OF THOSE TIMES
9 THAT I WOULD HAVE DONE THAT IN THIS SITUATION.

10 Q NOW WHEN DID YOU DISCOVER OR WHEN WERE YOU TOLD
11 THAT MR. FALLS WAS UNDER A BOND RESTRAINING ORDER IN
12 REGARDS TO BRADLEY DEAL?

13 A I WOULD, I DON'T RECALL EXACTLY WHEN, BUT I
14 BELIEVE I DID LEARN THAT INFORMATION MAYBE THAT SAME
15 DAY OR MAYBE THE NEXT DAY.

16 Q MAYBE THE SAME DAY WHICH WOULD HAVE BEEN SUNDAY
17 MORNING?

18 A SUNDAY DURING THE DAY OR MAYBE MONDAY WHEN I
19 LEARNED OF THAT INFORMATION.

20 Q SUNDAY OR MONDAY WHEN YOU LEARNED OF THAT
21 INFORMATION?

22 A YES, SIR.

23 Q WHAT DID YOU DO IN REGARDS TO MR. FALLS AFTER
24 YOU RECEIVED THAT INFORMATION?

25 A I TALKED WITH DETECTIVE YEAGER AND ADVISED HIM

1 TO FOLLOW UP WITH THE MAGISTRATE ABOUT THAT BOND
2 RESTRICTION AND ANY ACTION THE MAGISTRATE WOULD WANT
3 TO TAKE ON THAT.

4 Q AND YOU FOUND OUT THAT THAT WAS TRUE, WASN'T IT,
5 THAT HE WAS UNDER A BOND RESTRICTION TO STAY AWAY
6 FROM BRADLEY DEAL THAT HAD BEEN ISSUED FOUR DAYS
7 PRIOR TO THIS INCIDENT?

8 A I DID NOT KNOW THE DAY IT WAS ISSUED. I'M SURE
9 THAT INFORMATION WAS CONFIRMED TO ME THAT THAT
10 RESTRICTION WAS THERE.

11 Q OKAY. AND SO YOU ASKED DETECTIVE YEAGER TO
12 FOLLOW UP ON IT, IS THAT CORRECT?

13 A YES, SIR.

14 Q SO YOU DIDN'T HAVE ANY OTHER DECISION MAKING TO
15 HAVE IN REGARDS TO THAT, IS THAT CORRECT?

16 A NO, SIR.

17 Q THAT WOULD HAVE BEEN DETECTIVE YEAGER, IS THAT
18 CORRECT?

19 A YES, SIR.

20 Q OKAY. WHEN WAS IT THAT YOU DISCOVERED THAT THE
21 CAR, AFTER LEAVING LAWRENCE ROAD, PULLED INTO AUTO
22 SALES PARKING LOT AND STOPPED BEFORE PROCEEDING TO
23 THE CLOVER POLICE DEPARTMENT?

24 A I BELIEVE WE LEARNED OF THAT THROUGH THE
25 INTERVIEWS WITH THE PEOPLE SOMETIME DURING THAT DAY

1 THAT THEY PULLED OVER. I DON'T KNOW THAT IT WAS, I
2 KNEW EXACTLY IT WAS AMERICAN AUTO PARTS, BUT THEY
3 PULLED OVER ON THEIR WAY TO CLOVER.

4 Q OKAY.

5 A TO CHANGE DRIVERS.

6 Q AND THAT'S WHAT THEY TOLD YOU, IS THAT RIGHT?

7 A THAT WAS I BELIEVE IN THE THEIR STATEMENTS, YES,
8 SIR.

9 Q AND SO THAT'S WHAT YOU WERE TOLD BY THEM THAT
10 THEY WENT TO CHANGE DRIVERS, IS THAT CORRECT?

11 A YES, SIR.

12 Q THEY WERE THREE BLOCKS FROM THE CLOVER POLICE
13 DEPARTMENT, CORRECT?

14 A IF THEY WERE AT THE CLOVER AUTO PARTS RIGHT AT
15 THE BEGINNING OF WHERE LAWRENCE ROAD AND 321 MEET
16 SHORTLY JUST UP THE ROAD INTO CLOVER, IT'S A GOOD
17 PIECE LONGER THAN THREE BLOCKS. I DON'T KNOW EXACTLY
18 HOW FAR IT IS.

19 Q OKAY. AND YOU WOULD HAVE LEARNED THAT DAY FROM
20 THEM, THAT'S YOUR RECOLLECTION, IS THAT CORRECT?

21 A YES, SIR.

22 Q THAT WOULD HAVE BEEN SUNDAY, OKAY. AND IS THIS
23 WHEN MS. MCCARTER AND MR. FALLS CAME TOGETHER TO THE
24 CLOVER POLICE DEPARTMENT TO BE INTERVIEWED AFTER HIS
25 RELEASE FROM THE HOSPITAL?

1 A YES, SIR, I WOULD GUESS THAT'S THE TIME.

2 Q AND SO THEY WOULD HAVE COME TOGETHER FROM THE
3 HOSPITAL TO CLOVER AT WHICH TIME Y'ALL WOULD HAVE
4 BEEN TALKING WITH THEM AND GETTING THESE STATEMENTS
5 AT ABOUT 1:30 AND 2:10 IN THE AFTERNOON FROM THEM,
6 CORRECT?

7 A I COULD LOOK AT THE STATEMENTS AND TELL YOU THE
8 TIME. I DON'T RECALL THE EXACT TIME OFF THE TOP OF
9 MY HEAD.

10 Q AT NO TIME DID YOU INSTRUCT ANYBODY ON THAT DAY
11 WHILE THEY WERE AT CLOVER IN Y'ALL'S PRESENCE TO GIVE
12 STATEMENTS AND AFTER YOU LEARNED THAT THEY HAD PULLED
13 OVER IN A SPOT DOWN THE STREET FROM THE POLICE
14 DEPARTMENT, AT NO TIME DID YOU ASK ANYBODY TO GO DOWN
15 AND DO A SEARCH OF THAT PARKING LOT TO SEE IF THERE
16 COULD BE ANYTHING FOUND IN THAT PARKING LOT, DID YOU?

17 A NO, SIR. IT'S MORE OF A PULL OFF THERE. I DID
18 NOT INSTRUCT ANYBODY TO DO THAT THAT DAY.

19 Q OKAY.

20 A WE DID SEARCH THE AREA LATER.

21 Q OKAY. YOU, IN FACT, WENT BACK TWO WEEKS LATER
22 TO SEARCH THE AREA, IS THAT CORRECT?

23 A YES, SIR.

24 Q DID YOU EXPECT TO FIND ANYTHING?

25 A DID I EXPECT TO FIND ANYTHING WHEN WE WENT?

1 Q YEAH, AFTER TWO WEEKS?

2 A BASED ON THE PHYSICAL EVIDENCE I HAD FROM THE
3 SCENE AND THE STATEMENTS THAT WE HAD, I DIDN'T EXPECT
4 TO FIND ANYTHING.

5 Q YOU ALSO TOOK A STATEMENT FROM MR. BUCK, IS THAT
6 CORRECT, YOU INTERVIEWED HIM?

7 A DETECTIVE PATTERSON AND MYSELF TALKED WITH
8 MR. BUCK, YES, SIR.

9 Q NOW MR. BUCK IS NO LONGER ALIVE, HE'S DEAD?

10 A THAT'S CORRECT.

11 Q AND YOU TOOK STATEMENTS FROM MR. BALLARD,
12 CORRECT?

13 A I'M SORRY?

14 Q MR. BALLARD, B-A-L-L-A-R-D?

15 A WHAT'S THE FIRST NAME ON THAT?

16 Q I'LL HAVE TO LOOK BUT I'VE GOT IT RIGHT HERE.
17 SMITTY BRIAN SMITH BALLARD?

18 A YES, SIR, I DID.

19 Q AND YOU DID THAT THE NEXT DAY, ABOUT TWO DAYS
20 LATER REALLY AFTER, ISN'T IT?

21 A I BELIEVE IT WAS I'D HAVE TO LOOK AT THE DATE ON
22 THE STATEMENT, THAT MAY BE CORRECT, IT MAY HAVE BEEN.

23 Q IT WAS WITHIN A FEW DAYS OF THE INCIDENT. Y'ALL
24 WERE TALKING TO A LOT OF PEOPLE, WEREN'T YOU?

25 A YES, SIR.

1 Q YOU ALSO TOOK A STATEMENT FROM ROBERT BEVERLY,
2 IS THAT CORRECT?

3 A YES, SIR, AND WAS INVOLVED IN INTERVIEWING
4 MR. BEVERLY.

5 Q A LEE LOWDER, IS THAT CORRECT?

6 A YES, SIR.

7 Q OKAY. ALSO A MR. BREAKFIELD?

8 A YES, SIR.

9 MR. GREELEY: IF THE COURT WILL INDULGE
10 ME.

11 Q WERE YOU INVOLVED AT ALL IN ANY OF THE FORENSICS
12 OR DID FORENSICS DO COMPUTATION OF DISTANCES, THE
13 DRAWING OF PICTURES?

14 A I WOULD NOT HAVE BEEN INVOLVED IN THAT PROCESS.
15 THE FORENSICS UNIT DID THAT.

16 MR. GREELEY: I DON'T HAVE ANYTHING
17 FURTHER AT THIS TIME, YOUR HONOR.

18 THE COURT: REDIRECT?

19 MR. POPE: NO, SIR, YOUR HONOR.

20 THE COURT: YOU CAN STEP DOWN AND BE
21 EXCUSED. WE APPRECIATE YOUR TIME. CALL YOUR NEXT
22 WITNESS.

23 MR. THOMPSON: THE STATE WOULD CALL MICHAEL
24 HUBBARD.

25 MICHAEL HUBBARD, BEING FIRST DULY

1 SWORN, TESTIFIED AS FOLLOWS:

2 DIRECT EXAMINATION BY MR. THOMPSON:

3 Q MICHAEL, COULD YOU TELL US YOUR FULL NAME
4 PLEASE?

5 A MICHAEL WAYNE HUBBARD.

6 Q MICHAEL, HOW OLD ARE YOU?

7 A 19.

8 Q AND MICHAEL, HOW DO YOU KNOW BERRY BOLIN?

9 A I DON'T PHYSICALLY KNOW HIM. I JUST HEARD OF
10 HIM AROUND TOWN.

11 Q OKAY. NOW DID YOU KNOW TRAVIS FALLS WHEN THIS
12 HAPPENED?

13 A I HAD MET HIM OVER THE WEEKEND.

14 Q OKAY. THE WEEKEND THAT THIS HAPPENED?

15 A YES, SIR.

16 Q THAT WAS THE FIRST TIME YOU HAD MET TRAVIS
17 FALLS?

18 A YES, SIR.

19 Q HOW ABOUT HOLLY MCCARTER, HAD YOU MET HER BEFORE
20 THEN?

21 A NO, SIR.

22 Q AND KENNY NORRIS, DID YOU KNOW KENNY NORRIS?

23 A NO, SIR.

24 Q HOW ABOUT BOBBY HOVIS, HOW DID YOU KNOW BOBBY
25 HOVIS?

1 A THROUGH PAUL STEVENS.

2 Q AND HOW LONG HAVE YOU KNOWN BOBBY?

3 A ABOUT A YEAR PROBABLY.

4 Q ALL RIGHT. WERE YOU AND BOBBY FRIENDS?

5 A YES, SIR.

6 Q IF YOU CAN SPEAK UP JUST A LITTLE BIT. I'M
7 HAVING A LITTLE BIT OF A HARD TIME HEARING YOU. CAN
8 YOU TELL ME THAT NIGHT HOW IS THAT THE NIGHT GOT
9 STARTED THAT YOU ENDED UP GETTING INVOLVED WITH THIS
10 GROUP OF PEOPLE THAT NIGHT?

11 A BOBBY AND TRAVIS HAD WENT OUT AND I GUESS THEY
12 ARE MAKING A BEER RUN AND THEY CAME BACK TO THE HOUSE
13 AND SAID THAT A GROUP OF GENTLEMEN WERE GOING TO COME
14 TO THE HOUSE AND SHOOT UP THE HOUSE AND THEY WERE
15 GOING TO, SOMETHING ABOUT THEY WERE GOING TO TRY TO
16 KILL BOBBY'S BABY EMMA WHICH WAS IN THE HOUSE THAT
17 NIGHT.

18 Q ALL RIGHT. AND WHAT, WAS BOBBY AGITATED ABOUT
19 THAT?

20 A YES, SIR.

21 Q AND WHAT DID Y'ALL DECIDE TO DO AT THAT POINT?

22 A WELL, FROM WHAT MY UNDERSTANDING WAS BOBBY HAD
23 TOLD ME THAT HE WAS CONVERSATING WITH JEFF BUCK
24 THROUGHOUT THE NIGHT AND WE'RE SUPPOSED TO RIDE BY
25 THE HOUSE, BLOW THE HORN, AND THE PEOPLE WERE

1 SUPPOSED TO FOLLOW US TO THE SPOT.

2 Q ALL RIGHT. AND WHAT IS THE SPOT?

3 A IT'S A, BASICALLY JUST LIKE A DIRT FIELD BY
4 BOBBY'S FATHER'S HOUSE.

5 Q WHAT WERE Y'ALL SUPPOSED TO BE DOING THERE?

6 A JUST A PLAIN OUT FIGHT.

7 Q OKAY. AND DO YOU KNOW WHAT PEOPLE WERE SUPPOSED
8 TO BE THERE AND WHAT PEOPLE YOU WERE SUPPOSED TO
9 FIGHT WITH?

10 A I DON'T KNOW ANY OF THEM PERSONALLY, BUT I HEARD
11 THE DEALS, JEFF BUCK, AND I CAN'T RECALL ANY OF THEIR
12 NAMES.

13 Q AND YOU WERE SUPPOSED TO BE FIGHTING THOSE
14 PEOPLE?

15 A YES, SIR.

16 Q ALL RIGHT. AND DESCRIBE TO ME HOW IS IT THAT
17 YOU ENDED UP IN THE CAR WITH EVERYBODY? I MEAN FIRST
18 LET'S GO BACK. YOU SAID YOU WERE THERE AND THEY HAD
19 MADE A BEER RUN, WHERE WERE YOU WHEN THEY MADE A BEER
20 RUN?

21 A AT BOBBY HOVIS'S HOUSE.

22 Q WHAT HAD Y'ALL BEEN DOING AT BOBBY HOVIS'S
23 HOUSE?

24 A JUST HANGING OUT FOR THE WEEKEND AND HIS
25 DAUGHTER WAS OVER THERE AND BASICALLY JUST HAVING A

1 GOOD OLD TIME, A GOOD WEEKEND.

2 Q AND NOW YOU MENTIONED THE NAMES OF SOME OF THE
3 PEOPLE YOU THOUGHT Y'ALL WERE GOING TO FIGHT WITH.
4 WAS, FROM YOUR UNDERSTANDING WAS JEFF BUCK SUPPOSED
5 TO BE FIGHTING AGAINST Y'ALL, WAS HE SUPPOSED TO BE
6 TRYING TO BEAT Y'ALL UP?

7 A IT WAS KIND OF A MIXED MATCH. SOME PEOPLE BOBBY
8 WAS SAYING THAT HE WAS SUPPOSED TO BE FIGHTING
9 AGAINST US AND THEN OTHER PEOPLE WERE SAYING THAT HE
10 WAS TRYING TO WARN US BASICALLY.

11 Q OKAY.

12 A ABOUT WHAT WAS GOING TO BE GOING ON.

13 Q NOW AS FAR AS YOU KNOW OR TELL ME WHEN Y'ALL GOT
14 IN THE CAR TO GO THERE, DID YOU STOP ANYWHERE FIRST?

15 A YES, WE MADE A COUPLE STOPS ACTUALLY.

16 Q ALL RIGHT. NOW WHO STARTED OFF IN THE CAR TO GO
17 TO THIS HOUSE?

18 A CAN YOU REPHRASE THAT?

19 Q WHO WAS IN THE CAR WITH YOU FIRST WHEN YOU
20 STARTED GOING TO THIS HOUSE, WHEN YOU STARTED GOING
21 TO FIGHT?

22 A IT WAS BOBBY DRIVING, I WAS IN THE PASSENGER
23 SEAT, AND TRAVIS AND HOLLY WERE IN THE BACK SEAT.

24 Q OKAY. AND AT THAT POINT WHERE DID YOU GO FROM
25 THERE; WHERE IS THE FIRST PLACE Y'ALL WENT?

1 A I'M TRYING, I MEAN, IT WAS A COUPLE STOPS. I
2 BELIEVE IT WAS A PAUL STEVENS' COUSIN, BILL MOODY,
3 HIS HOUSE, WE STOPPED THERE FIRST.

4 Q ALL RIGHT. WHY IS THAT?

5 A JUST TO, BASICALLY JUST TRY TO GET SOME MORE
6 PEOPLE TO GO OUT THERE WITH US, SO WE DIDN'T GET
7 JUMPED ON.

8 Q OKAY. AND WERE YOU ABLE TO GET ANYBODY TO COME
9 WITH YOU AT THAT POINT?

10 A NO, SIR.

11 Q ALL RIGHT. WHERE ELSE DID YOU STOP?

12 A BY PAUL STEVENS'S HOUSE.

13 Q ALL RIGHT. AND WHAT HAPPENED AT PAUL STEVENS'S
14 HOUSE?

15 A BASICALLY PAUL WAS JUST SAYING THAT WE'RE CRAZY
16 IF WE'RE GOING, THEY ARE PROBABLY GOING TO HAVE GUNS,
17 AND BASICALLY JUST TRYING TO LEAD US OUT OF GOING TO
18 THAT PLACE.

19 Q SO HE TRIED TO TALK Y'ALL OUT OF GOING?

20 A YES, SIR.

21 Q SO HE DECIDED NOT TO GO WITH YOU AS WELL?

22 A YES, SIR.

23 Q WHERE DID Y'ALL GO FROM THERE?

24 A TO THE SHELL STATION RIGHT THERE AT 557 AND 55.

25 Q OKAY. WHAT DID YOU GET, DID YOU GET ANYTHING

1 THERE?

2 A NO, WE ATTEMPTED TO GET GAS, BUT BOBBY'S CARD
3 WASN'T READING ON THEIR PUMP, SO THEN WE PROCEEDED TO
4 THE BP STATION IN CLOVER.

5 Q DID Y'ALL GET GAS THERE?

6 A YES, SIR.

7 Q ANYTHING ELSE YOU RECALL YOU DID WHILE YOU WERE
8 THERE?

9 A NO, SIR.

10 Q ALL RIGHT. AFTER THAT WHERE DID YOU GO?

11 A TO TRAVIS'S COUSIN'S HOUSE, KENNY'S.

12 Q ALL RIGHT. IS THAT KENNY NORRIS?

13 A YES, SIR.

14 Q DID YOU REALLY KNOW KENNY NORRIS?

15 A NO, SIR.

16 Q ALL RIGHT. AND WHAT DID YOU DO WHEN YOU GOT
17 THERE?

18 A BOBBY AND I BELIEVE TRAVIS GOT OUT AND WENT UP
19 TO THE DOOR TO SEE IF KENNY WAS THERE AT THAT
20 LOCATION AND HE WASN'T. THE LADY HAD INFORMED THEM
21 THAT HE WAS AT THE BAR ON 321.

22 Q OKAY. DO YOU KNOW THE NAME OF THAT BAR?

23 A NO, I DO NOT.

24 Q ALL RIGHT. DID Y'ALL THEN GO TO THAT BAR AFTER
25 THAT?

1 A YES, SIR.

2 Q WHAT HAPPENED THEN?

3 A TRAVIS HAD GOT OUT, WENT AND FOUND KENNY, AND
4 THEN KENNY HOPPED IN THE CAR AND THEN WE WERE ON THE
5 WAY.

6 Q SO WHERE WAS EVERYBODY SITTING AT THAT POINT IN
7 TIME, WHERE WAS EVERYBODY IN THE CAR WHEN KENNY GOT
8 IN?

9 A BOBBY WAS STILL DRIVING. I WAS IN THE PASSENGER
10 SEAT. I BELIEVE, I BELIEVE IT WAS TRAVIS, HOLLY, AND
11 THEN KENNY IN THE BACK SEAT.

12 Q OKAY. SO WAS KENNY DIRECTLY BEHIND YOU?

13 A YES.

14 Q ALL RIGHT. AND WHEN YOU LEFT THERE, DID YOU
15 STOP ANYWHERE ELSE BEFORE YOU GOT TO THE HOUSE ON
16 LAWRENCE ROAD?

17 A NO, SIR.

18 Q HOW DID Y'ALL KNOW TO GO TO THAT HOUSE ON
19 LAWRENCE ROAD?

20 A JEFF BUCK HAD SAID SO.

21 Q ALL RIGHT. AND CAN YOU TELL ME WERE CALLS
22 CONTINUING GOING BACK AND FORTH DURING THAT TIME THAT
23 Y'ALL STOPPING PLACES AND GOING AROUND?

24 A YES, SIR. I KNOW BOBBY WAS TALKING TO JEFF BUCK
25 A FEW TIMES AND ALSO TO HIS FATHER A FEW TIMES.

1 BY TWO AND A HALF.

2 Q OKAY. DID THAT EVER GET, WAS THAT EVER TAKEN
3 OUT OF THE CAR WHEN YOU WERE AT THE RESIDENCE?

4 A NO, SIR.

5 Q WHEN YOU GET TO THE RESIDENCE THAT NIGHT ON
6 LAWRENCE ROAD, WHAT HAPPENED?

7 A I MEAN IT WAS ALL, IN MY MIND, A MATTER OF
8 SECONDS. I MEAN WE RODE BY THE HOUSE ONCE.

9 Q WHICH WAY WERE YOU HEADED WHEN YOU DROVE BY THE
10 HOUSE?

11 A AWAY FROM 321.

12 Q SO WOULD THE DRIVER'S SIDE HAVE BEEN TOWARDS THE
13 HOUSE?

14 A TOWARDS THE HOUSE, YES, SIR.

15 Q OKAY.

16 A WE DROVE BY AND BLEW THE HORN LIKE THEY SAID WE
17 WERE SUPPOSED TO DO AND WE TURNED AROUND.

18 Q DO YOU REMEMBER WHERE YOU TURNED AROUND?

19 A NOT EXACTLY. I BELIEVE IT WAS A ROAD OFF TO THE
20 RIGHT.

21 Q OKAY.

22 A TURNED AROUND AND WE WERE PROCEEDING BACK AND
23 BOBBY WAS LIKE, WELL, WE'RE NOT GOING TO DO IT AND
24 THEN RIGHT WHEN WE GOT BASICALLY RIGHT IN FRONT OF
25 THE HOUSE -- NO, EXCUSE ME. RIGHT BEFORE THE HOUSE

1 HE SAID, WELL F-IT, LET'S GO. WE'RE GOING TO DO IT.

2 Q AND DID Y'ALL STOP THEN AT THE HOUSE?

3 A YES, SIR.

4 Q WHERE DID YOU STOP?

5 A WE WAS PRIOR TO THE DRIVEWAY, ABOUT HALF IN THE
6 STREET, HALF IN THE GRASS.

7 Q SO RIGHT BEFORE YOU CROSS OVER THEIR DRIVEWAY?

8 A YES, SIR.

9 Q DID Y'ALL STAY PRETTY MUCH IN THE ROAD?

10 A IT WAS ABOUT EQUALLY HALF AND HALF.

11 Q NOW WHICH WAY IS THE CAR POINTED AT THIS POINT
12 IN TIME?

13 A TOWARDS 321.

14 Q WERE THE HEAD LIGHTS ON AT THAT POINT?

15 A I DON'T RECALL.

16 Q ALL RIGHT. WHEN THE CAR STOPPED, WHAT HAPPENED
17 THEN? DID YOU SEE ANY PEOPLE OUT IN THE YARD?

18 A WHEN WE FIRST PULLED UP I SEEN A COUPLE PEOPLE
19 OUT THERE, BUT I NOTICED ONE GUY WHO WAS STANDING IN
20 THE FRONT YARD AND IT LOOKED TO ME HE HAD A PISTOL IN
21 HIS HAND, AND BY THAT TIME HOLLY WAS OUT OF THE CAR
22 GETTING IN A FIGHT WITH LORI MOSS AND TRAVIS, BOBBY,
23 AND KENNY ALL GOT OUT OF THE CAR AND THEY WERE
24 PROCEEDING UP THE DRIVEWAY.

25 Q OKAY. WHAT DID YOU DO WHEN YOU SAW THIS GUY

1 THAT YOU THOUGHT HAD A GUN?

2 A I LOOKED OVER AT HOLLY AND LORI AND I JUST,
3 BASICALLY JUST SPEAKING TO HOLLY, I SAID THEY GOT
4 GUNS, LET'S GO, AND I HAD TURNED AROUND TO WHERE,
5 ABOUT WHERE THE POSITION OF BOBBY AND TRAVIS AND
6 KENNY I THOUGHT WERE AND JUST YELLED THEY GOT GUNS,
7 LET'S GO. LET'S GO.

8 Q AND WHAT POSITION DID YOU THINK THEY WERE AT,
9 WHERE DID YOU YELL TO?

10 A TO THE RIGHT HAND SIDE OF THE DRIVEWAY.

11 Q ALL RIGHT. AND DID YOU EVER ACTUALLY GET OUT OF
12 THE CAR?

13 A NO, SIR.

14 Q DID YOU EVEN OPEN THE DOOR ON THE PASSENGER
15 SIDE?

16 A NO, SIR.

17 Q WAS YOUR WINDOW UP OR DOWN?

18 A IT WAS UP.

19 Q HOW ABOUT THE REST OF THE CAR, DO YOU RECALL ANY
20 OTHER WINDOWS THAT WERE EITHER UP OR DOWN?

21 A THE DRIVER'S SIDE WINDOW I BELIEVE WAS DOWN. I
22 DON'T RECALL THE DRIVER'S REAR WINDOW AND I BELIEVE
23 THE PASSENGER REAR WINDOW WAS ALSO DOWN.

24 Q DOWN OR UP?

25 A DOWN.

1 Q OKAY. AND CAN YOU TELL ME WHEN, WERE ANY OF THE
2 DOORS LEFT OPEN WHEN THE PEOPLE GOT OUT?

3 A YES. THE PASSENGER REAR DOOR WAS LEFT OPENED.
4 I BELIEVE THE DRIVER DOOR IT WASN'T COMPLETELY COCKED
5 OPEN, BUT IT WAS AJAR.

6 Q WHERE WAS THE FIGHT GOING ON BETWEEN LORI MOSS
7 AND HOLLY MCCARTER?

8 A RIGHT, RIGHT TO THE LEFT OF ME.

9 Q SO ACTUALLY OUT IN THE STREET ITSELF?

10 A YES, SIR.

11 Q WAS IT I GUESS ON THE DRIVER'S SIDE OF THE CAR,
12 IS THAT WHERE IT'S HAPPENING?

13 A YES, SIR.

14 Q WHEN YOU YELLED ABOUT THE GUN, WHAT DO YOU
15 RECALL HAPPENING THEN?

16 A I MEAN, LIKE I SAID, IT JUST SEEMED TO ME LIKE A
17 MATTER OF SECONDS, BUT I REMEMBER SEEING THE
18 GENTLEMAN IN THE YARD WITH THE GUN AND I YELLED TO
19 EVERYBODY THAT THEY HAD GUNS AND ABOUT THAT TIME I
20 WAS LOOKING BACK OVER TO LORI AND HOLLY AND I HEARD
21 ONE GUNSHOT FIRED AND THEN MY NATURAL REACTION WAS
22 JUST BASICALLY TO DUCK DOWN AND BY THEN ABOUT THAT
23 TIME IT JUST SOUNDED LIKE THERE WERE SEVERAL PEOPLE
24 SURROUNDING THE VEHICLE BANGING ON IT AND I GUESS
25 JUST TRYING TO BREAK THE WINDOWS AND TRYING TO GET TO

1 THE PEOPLE INSIDE THE VEHICLE.

2 Q WAS THERE ANY, WAS THE VEHICLE DAMAGED BEFORE
3 Y'ALL WENT THERE, WAS THERE ANYTHING BROKEN ON THE
4 VEHICLE?

5 A NO SIR.

6 Q BEFORE Y'ALL GOT THERE?

7 A NO, SIR.

8 Q ANY WINDOWS BROKEN OR STUFF LIKE THAT?

9 A NO, SIR.

10 Q BEFORE Y'ALL GOT THERE. SIDE VIEW MIRRORS, WERE
11 THEY BROKEN OFF BEFORE Y'ALL GOT THERE?

12 A NO, SIR.

13 Q OKAY. WHEN THAT STARTED HAPPENING WHAT DO YOU
14 RECALL THEN HAPPENING NEXT?

15 A TRAVIS HAD, I DIDN'T SEE HIM PHYSICALLY HIT LORI
16 BUT I SAW HIM PUSH HER OFF OF HOLLY AND THEN HOLLY
17 HAD JUMPED IN THE DRIVER'S SEAT AND THEN I SEEN BOBBY
18 COME RUNNING AND HE JUMPED IN. AND THEN WE WENT TO
19 BASICALLY TO TAKE OFF AND IT JUST SOUNDED LIKE THERE
20 WERE SEVERAL PEOPLE HITTING THE CAR.

21 Q OKAY. AND WHEN YOU TOOK OFF AT THAT POINT, HAD
22 YOU HEARD ANY OTHER GUNSHOTS AT THAT POINT?

23 A NO, SIR.

24 Q ALL RIGHT. WHERE DID, WHAT, WHAT HAPPENED NEXT?

25 A WE PROCEEDED TO GO DOWN THE ROAD AND I JUST

1 HEARD GUNSHOTS AND THEN I JUST HEARD BULLETS
2 RICOCHETING OFF THE VEHICLE AND THEN MY NATURAL
3 REACTION WAS JUST TO DUCK DOWN.

4 Q IS THAT WHAT YOU DID?

5 A YES, SIR.

6 Q DID YOU EVER LOOK BACK OUT TO SEE WHAT WAS GOING
7 ON BEHIND YOU?

8 A YES, SIR. I HAD LOOKED, IT WAS PROBABLY RIGHT
9 IN THE MIDDLE OR RIGHT AFTER THE MIDDLE OF THE GUN
10 FIRE WHEN I GLANCED INTO THE SIDE VIEW MIRROR I HAD
11 SEEN TWO FIGURES BEHIND ME IN THE ROAD. I COULDN'T
12 TELL IF THEY WERE FIRING OR NOT.

13 Q OKAY. ALL RIGHT. AT THAT POINT WHAT WAS THE
14 NEXT THING YOU REMEMBER HAPPENING?

15 A WELL, ALL THE GUNSHOTS ENDED AND I HAD LOOKED
16 BACK AT BOBBY AND TRAVIS AND I ASKED THEM IF THEY
17 WERE ALL RIGHT AND I JUST SEEN BOBBY CROUCHED OVER
18 AND TRAVIS SAID THAT HE WAS HIT AND I MEAN IT WAS
19 JUST--I DON'T REALLY KNOW. IT WAS JUST AMAZING.

20 Q ALL RIGHT. WERE YOU SHOCKED BY WHAT HAD HAPPEN
21 AT THAT POINT?

22 A YES, SIR.

23 Q CAN YOU TELL ME AS YOU DROVE UP THE STREET WHAT
24 HAPPENED NEXT?

25 A WELL, WE GOT TO 321 AND HOLLY WAS JUST

1 HYSTERICAL BECAUSE SHE HAD LOOKED BACK AND SEEN THAT
2 BOBBY WAS NOT, I WOULDN'T SAY DEAD AT THE MOMENT, BUT
3 HE HAD NO CHANCE OF SURVIVING AFTER THAT.

4 Q DID BOBBY EVER TALK AFTER HE WAS SHOT?

5 A NO, SIR.

6 Q DID HE EVER BECOME CONSCIOUS AT ANY POINT WHILE
7 Y'ALL WERE IN THE CAR?

8 A NO, SIR.

9 Q ALL RIGHT. WHAT HAPPENED AS YOU, YOU WERE
10 DESCRIBING HOW HOLLY WAS ACTING AT THAT TIME, WHAT
11 DID YOU DO AS A RESULT OF THAT?

12 A WELL, I MEAN SHE JUST, JUST DIDN'T SEEM THAT SHE
13 WAS FIT TO BE DRIVING AND I MEAN SHE WAS JUST
14 HYSTERICAL AND LIKE ANYONE WOULD BASICALLY BE AFTER
15 SEEING THAT AND I JUST SEEN HER PULL OVER LIKE THE,
16 PULL OVER A PLACE ON THE SIDE OF 321, I SAID PULL IN
17 THERE REAL QUICK, LET ME DRIVE, LET ME DRIVE, AND
18 THEN IT WAS JUST A MATTER OF SECONDS WE SWITCHED
19 SPOTS AND THEN I TOOK OFF TO THE POLICE STATION.

20 Q DID Y'ALL GET OUT AND SWITCH SPOTS AT THAT
21 POINT?

22 A YES, SIR.

23 Q WAS HOLLY USING A CELL PHONE DURING THAT TIME?

24 A YES, SIR.

25 Q DO YOU RECALL ANY OF, HOW SHE WAS ACTING WHILE

1 SHE WAS ON THE PHONE AT THAT POINT?

2 A NOT REALLY. I MEAN, JUST REALLY HYSTERICAL.

3 Q ALL RIGHT. WHEN YOU DROVE TO THE CLOVER POLICE
4 DEPARTMENT, HOW FAST DID YOU GO?

5 A I WOULD SAY IN THE RANGE OF 60 TO 65 MILES AN
6 HOUR.

7 Q ALL RIGHT. WHEN YOU GOT TO THE CLOVER POLICE
8 DEPARTMENT WHAT DID YOU DO THEN?

9 A I HAD PULLED IN RIGHT WHERE I HAD SEEN SOMEBODY,
10 I STOPPED THE VEHICLE AND ABOUT THAT TIME ALL THREE
11 OF US GOT OUT OF THE VEHICLE, ME, HOLLY, AND TRAVIS
12 HAD GOTTEN OUT OF THE VEHICLE AND THEY NOTICED THE
13 BACK WINDOW WAS BUSTED OR SHOT OUT AND I MEAN, THEY
14 JUST STARTED TAKING OVER FROM THERE.

15 Q OKAY. DID YOU NOTICE THAT, DID YOU HAVE
16 ANYTHING ON YOU AFTER YOU GOT OUT OF THE CAR?

17 A I HAD BLOOD ALL UP AND DOWN MY ARMS, MY HANDS,
18 AND THERE WAS BLOOD SPLATTER ON THE BACK OF MY SHIRT
19 AND THE FRONT OF MY SHIRT.

20 Q ALL RIGHT. HOW DID YOU GET BLOOD ON YOUR ARMS
21 AND HANDS, DO YOU RECALL?

22 A I BELIEVE IT WAS WHEN TRAVIS SAID THAT HE WAS
23 SHOT, HE KIND OF PUT HIS ARM IN THE MIDDLE CONSOLE
24 AND I MEAN, I GUESS HE WAS JUST TRYING TO RELAX IT SO
25 IT WASN'T HANGING ALL OVER BOBBY AND LIKE, I GUESS,

1 JUST DRIVING, I PUT MY ARM DOWN IN IT AND THEN I
2 DIDN'T REALIZE I HAD BLOOD ON ME AND JUST WIPED MY
3 HANDS AND.

4 Q RIGHT. WAS THERE A LOT OF BLOOD ON THE CONSOLE
5 OF THE CAR?

6 A YES, SIR.

7 Q DO YOU RECALL THINKING BACK HOW MANY SHOTS THAT
8 YOU HEARD FIRED, DO YOU HAVE ANY RECOLLECTION OF
9 THAT?

10 A I'D SAY ANYWHERE IN THE NUMBER OF 8 TO 12.

11 Q OKAY. NOW AFTER YOU GOT TO THE CLOVER POLICE
12 DEPARTMENT, WHAT DID YOU DO THEN?

13 A ONE OF THE OFFICERS HAD COME OUT OUTSIDE AND
14 TOLD US TO GO INSIDE, TO CALM DOWN, WASH OUR HANDS
15 UP, GET ALL THE BLOOD OFF OF US, AND THEN WE
16 PROCEEDED TO WRITE STATEMENTS.

17 Q OKAY. DID YOU WASH THE BLOOD OFF OF YOU AT THAT
18 POINT?

19 A YES, SIR.

20 Q ALL RIGHT. AND DID YOU WRITE A STATEMENT AT
21 THAT POINT?

22 A YES, SIR.

23 Q WAS THAT A DETAILED STATEMENT?

24 A NO, SIR.

25 Q WHY DIDN'T YOU WRITE A MORE DETAILED STATEMENT?

1 A I MEAN IT WAS JUST, I HAD SO MUCH GOING THROUGH
2 MY MIND. I MEAN. I JUST BASICALLY WANTED TO GO
3 HOME. I MEAN, IT WAS JUST, SOMETHING SO TRAGIC THAT
4 I COULDN'T REALLY SAY ANYTHING AT THAT POINT.

5 Q DO YOU REMEMBER HOW LONG YOU STAYED AT THE
6 POLICE DEPARTMENT UNTIL YOU LEFT?

7 A I'D SAY APPROXIMATELY 40 MINUTES TO AN HOUR.

8 Q OKAY. NOW DID THE DETECTIVES COME BACK OUT TO
9 MEET WITH YOU AT ANY OTHER TIME AFTER THAT TO TAKE
10 ANOTHER STATEMENT?

11 A YES.

12 Q DID YOU GIVE HIM A MORE DETAIL STATEMENT AT THAT
13 POINT IN TIME?

14 A YES, SIR.

15 Q THANK YOU, MICHAEL. NO FURTHER QUESTIONS.
16 PLEASE ANSWER ANY QUESTIONS THE DEFENSE HAS FOR YOU.

17 MR. GREELEY: MAY IT PLEASE THE COURT.

18 CROSS EXAMINATION BY MR. GREELEY:

19 Q MR. HUBBARD, YOU MUST LIKE TO FIGHT, YOU DO,
20 DON'T YOU?

21 A NO, SIR.

22 Q YOU DON'T LIKE TO FIGHT? NOW ACCORDING TO YOUR
23 TESTIMONY YOU ONLY KNEW ONE OF THESE PEOPLE FOR ANY
24 LONGER THAN TWO DAYS THAT YOU GOT IN THE CAR WITH TO
25 GO TO THIS PLACE TO FIGHT, RIGHT?

- 1 A YES, SIR.
- 2 Q SO YOU DIDN'T HAVE ANY ALLEGIANCE TO ANY OF
3 THOSE PEOPLE THAT YOU HAD ONLY KNOWN FOR TWO DAYS OR
4 DO YOU GIVE YOUR ALLEGIANCE THAT EASY?
- 5 A YES, SIR.
- 6 Q SO THERE WAS SOMETHING THAT WAS DRIVING YOU TO
7 GO WITH THEM, WASN'T IT?
- 8 A YES, SIR.
- 9 Q AND IT WAS BECAUSE YOU LIKE TO FIGHT?
- 10 A NO, SIR.
- 11 Q YOU WERE OVER AT BOBBY HOVIS'S HOUSE, IS THAT
12 RIGHT?
- 13 A YES, SIR.
- 14 Q DANIELLE TAYLOR WAS OVER THERE, WASN'T SHE?
- 15 A YES, SIR.
- 16 Q AND THEY WENT TO MAKE ANOTHER BEER RUN, IS THAT
17 RIGHT?
- 18 A IT WAS ACTUALLY THE FIRST BEER RUN.
- 19 Q THE FIRST BEER RUN, OKAY. AND HOW MUCH BEER DID
20 THEY GET?
- 21 A I CAN'T RECALL.
- 22 Q WHAT, A SIX PACK?
- 23 A NO, I THINK IT WAS A 12 PACK.
- 24 Q A 12 PACK?
- 25 A YES, SIR.

1 Q OKAY. AND YOU SAID Y'ALL WERE GOING TO HANG OUT
2 AT THE HOUSE THERE AND JUST HAVE A GOOD TIME THAT
3 WEEKEND, RIGHT?

4 A YES, SIR.

5 Q OKAY. AND BY THE TIME Y'ALL GOT READY TO GO YOU
6 WERE DRUNK, WEREN'T YOU?

7 A I WASN'T DRUNK, SIR. I WAS BUZZED AND I GUESS
8 YOU'D SAY HAPPY GO LUCKY, YES, SIR.

9 Q OKAY. SO YOU LIKE, YOU'LL STILL FIGHT SOBER?

10 A YES, SIR.

11 Q OKAY. NOW WHAT YOU HEARD WAS THAT BOBBY HOVIS
12 CAME BACK WITH TRAVIS FALLS AND THEY SAID THESE
13 PHONES CALLS HAD BEEN GOING AND THAT SOMEBODY WAS
14 GOING TO COME BY AND SHOOT UP THE TRAILER?

15 A YES, SIR.

16 Q AND SO AT WHAT POINT IN TIME DID BOBBY HOVIS AND
17 TRAVIS FALLS CALL YORK COUNTY SHERIFF'S DEPARTMENT TO
18 LET THEM KNOW THAT SOMEBODY WAS THREATENING THE LIFE
19 OF BOBBY HOVIS AND HIS DAUGHTER?

20 A AT NO TIME.

21 Q NO TIME?

22 A NO, SIR.

23 Q WERE THE PHONES WORKING?

24 A BOBBY'S CELL PHONE WAS, YES, SIR.

25 Q IT WAS WORKING, WASN'T IT, BUT THREE OF YOU, WAS

1 HOLLY MCCARTER THERE AT THE PLACE TOO?

2 A YES, SIR.

3 Q SHE WAS THERE TOO. AND SO YOU START OFF WITH
4 FOUR, RIGHT?

5 A YES, SIR.

6 Q OKAY. AND YOU ARE READY TO GO, AREN'T YOU?
7 Y'ALL ARE READY TO GO?

8 A YES, SIR.

9 Q Y'ALL ARE GOING TO GET THIS THING SETTLED,
10 RIGHT?

11 A YES, SIR.

12 Q AND YOU GO IN AND YOU KNEW AT THE TIME THAT YOU
13 LEFT THAT ALLEGEDLY THIS INVOLVED BRADLEY AND RICKY
14 DEAL, DIDN'T YOU? YOU JUST SAID THAT A FEW MINUTES
15 AGO, DIDN'T YOU?

16 A YES, SIR.

17 Q Y'ALL TALKED ABOUT THAT, DIDN'T YOU?

18 A YES, SIR.

19 Q TRAVIS FALLS TALKED ABOUT THAT, DIDN'T HE?

20 A YES, SIR.

21 Q DID TRAVIS FALLS SHARE WITH YOU THAT NIGHT THAT
22 HE WAS UNDER A BOND RESTRICTION ORDER NOT TO GO
23 AROUND THE DEALS BECAUSE OF A BOND REGARDING AN
24 ALLEGATION OF A FIGHT WITH MR. DEAL EARLIER THAT HE
25 HAD BEEN ARRESTED FOR?

1 A NO, SIR.

2 Q SO HE DIDN'T TELL YOU ABOUT A FOUR DAY OLD BOND
3 RESTRICTION THAT HE'S NOT SUPPOSED TO GO AROUND
4 THERE?

5 A NO, SIR.

6 Q AND Y'ALL DIDN'T CALL THE POLICE?

7 A NO, SIR.

8 Q NOW WOULDN'T YOU THINK IT WISE IF YOU WERE UNDER
9 A BOND RESTRICTION AND SUPPOSEDLY THESE FOLKS WERE
10 CALLING YOU THAT YOU WOULD CALL THE POLICE AND SAY
11 I'M NOT SUPPOSED TO BE AROUND THESE PEOPLE AND I NEED
12 TO REPORT THAT THEY ARE HARASSING ME?

13 MR. THOMPSON: I OBJECT, YOUR HONOR, THIS
14 CALLS FOR OPINION AND SPECULATION.

15 THE COURT: IT'S CROSS EXAMINATION. I
16 OVERRULE THE OBJECTION.

17 Q DON'T YOU THINK THAT WOULD BE KIND OF A WISE
18 THING TO DO?

19 A YES, SIR.

20 Q OKAY. BUT Y'ALL WERE SET UPON GOING AND
21 FIGHTING, WEREN'T YOU?

22 A YES, SIR.

23 Q AND SO THE NEXT THING YOU DID WAS THAT Y'ALL
24 STARTED TO ROUND UP TROOPS, DIDN'T YOU?

25 A YES, SIR.

1 Q AND YOU MADE A CONSCIOUS DECISION TO GO TO
2 DIFFERENT PLACES TO SEEK OUT DIFFERENT PEOPLE WHO
3 COULD JOIN YOU IN YOUR VENTURE TO GO OVER TO THIS
4 PLACE, RIGHT?

5 A YES, SIR.

6 Q AT NO TIME DID YOU SAY, YOU KNOW, ON SECOND
7 THOUGHT I'LL LET Y'ALL GO AND TELL ME ABOUT IT
8 TOMORROW?

9 A I DID NOT SAY THAT EXACTLY, BUT I HAD TOLD BOBBY
10 THAT I SAID, MAN, I SAID, IT'S NOT WORTH IT. I SAID
11 PAUL WAS SAYING THAT THEY HAVE GUNS, IT'S NOT WORTH
12 IT, AND THAT'S EXACTLY WHAT HIS FATHER HAD SAID,
13 BOBBY FATHER'S HAD SAID, IT WAS JUST BOBBY WAS A
14 FIGHTER. IT'S JUST HOW BOBBY WAS.

15 Q SO HE TALKED WITH HIS DADDY?

16 A YES, SIR.

17 Q THAT NIGHT TOO. AND HIS DAD KNEW HE WAS GOING
18 OVER THERE?

19 A YES, SIR. WELL, I GUESS HE DIDN'T REALLY KNOW
20 THAT HE WAS GOING BECAUSE WHEN BOBBY WAS ON THE PHONE
21 WITH HIS FATHER HE SAID, ALL RIGHT, DAD. I'M GOING
22 HOME. I LOVE YOU.

23 Q OKAY. AND WHERE DID YOU STOP THE FIRST TIME TO
24 GET YOUR FIRST RECRUIT?

25 A BILL MOONEY'S HOUSE.

- 1 Q BILL MOONEY'S HOUSE?
- 2 A IT'S PAUL'S COUSIN.
- 3 Q WHOSE COUSIN?
- 4 A PAUL STEVENS.
- 5 Q PAUL STEVENS'S COUSIN, SO YOU STOPPED THERE, AND
- 6 WAS HE HOME?
- 7 A YES, SIR.
- 8 Q DID HE COME WITH YOU?
- 9 A NO, SIR. HIS GIRLFRIEND WAS EGGING HIM ON.
- 10 Q SHE WAS WHAT?
- 11 A EGGING HIM ON, TELLING HIM NOT TO GO.
- 12 Q A WOMAN WILL DO THAT, WOULDN'T THEY?
- 13 A YES, SIR.
- 14 Q THEY ARE A LITTLE BIT SMARTER THAN US SOMETIMES,
- 15 AREN'T THEY?
- 16 A SOMETIMES, YES, SIR.
- 17 Q SO HE DIDN'T GO THANKS TO HIS GIRLFRIEND, RIGHT?
- 18 A YES, SIR.
- 19 Q OKAY. THEN YOU STOPPED BY THE STEVENS HOUSE?
- 20 A YES, SIR.
- 21 Q AND WHO IS THE STEVENS?
- 22 A IT'S BOBBY'S COUSIN.
- 23 Q BOBBY'S COUSIN, RECRUITING FOR FIGHTING, RIGHT?
- 24 A YES, SIR.
- 25 Q LET'S GO FIGHT. DID YOU GET ANYBODY THERE?

1 A NO, SIR.

2 Q AND WHY NOT?

3 A BECAUSE PAUL HAD HIS LITTLE BOY THERE AND HIS

4 WIFE WAS THERE AND.

5 Q THEY DIDN'T WANT HIM TO GO, DID THEY?

6 A NO, SIR.

7 Q IT'S FUNNY HOW THAT WORKS, ISN'T IT?

8 A YES, SIR.

9 Q SO HE DIDN'T GO?

10 A NO, SIR.

11 Q SO YOU STILL JUST GOT FOUR OF YOU, RIGHT?

12 A YES, SIR.

13 Q ONE FEMALE AND THREE GUYS BENT ON MISCHIEF,

14 AREN'T YOU?

15 A YES, SIR.

16 Q OKAY. AND YOU STILL GO AND LOOK FOR SOMEBODY

17 ELSE, SO YOU PULL UP AT A BAR, RIGHT?

18 A YES, SIR.

19 Q WHAT IS IT EAST OAK BAR OR SOME OAK BAR?

20 A I'M NOT FAMILIAR WITH IT.

21 Q WHATEVER, THAT'S WHERE YOU GOT MR. NORRIS?

22 A YES, SIR.

23 Q WHERE WAS MR. NORRIS, INSIDE THE BAR?

24 A I SUPPOSE SO OR BY THE FRONT DOOR. I'M NOT TOO

25 SURE BUT HIS VEHICLE WAS BLOCKING THE VIEWING AREA.

1 Q AND WHO GOT OUT OF THE CAR TO GO IN TO RECRUIT
2 FIGHTERS?

3 A TRAVIS.

4 Q TRAVIS FALLS. THAT IS THE GENTLEMAN SEATED BACK
5 THERE ON THE BACK ROW WITH THE GREEN SHIRT?

6 A YES, SIR.

7 Q WITH THE HAIR BRUSHED BACK. SO HE WENT AND HE
8 RECRUITED, HE WAS RECRUITING TO GET FIGHTERS?

9 A YES, SIR.

10 Q TO GO TO THE DEALS, RIGHT?

11 A YES, SIR.

12 Q AND HE WAS ABLE TO RECRUIT MR. NORRIS, RIGHT?

13 A YES, SIR.

14 Q OKAY. MR. NORRIS, WAS HE DRUNK?

15 A YES, SIR. HE SEEMED TO BE VERY, YES.

16 Q DIDN'T HAVE A GIRLFRIEND THERE, DID HE?

17 A NO, SIR.

18 Q ALL RIGHT. SO HE DECIDED HE WAS GOING TO COME
19 ALONG?

20 A YES, SIR.

21 Q SO ALL OF Y'ALL GOT IN THE CAR. DID YOU GO AND
22 TRY TO RECRUIT ANYBODY ELSE OR DID YOU ALL HAVE
23 SUFFICIENT MANPOWER NOW?

24 A I GUESS. I MEAN, NO, WE DID NOT GO ANYWHERE
25 ELSE.

- 1 Q YOU DIDN'T GO ANYWHERE ELSE. Y'ALL ARE GOING TO
2 DO IT YOURSELVES NOW?
- 3 A YES, SIR.
- 4 Q RIGHT. AND WHO DROVE FROM THE BAR OVER TO THE
5 DEAL RESIDENCE?
- 6 A BOBBY.
- 7 Q BOBBY DROVE THERE?
- 8 A YES, SIR.
- 9 Q WHERE WAS TRAVIS? WHERE WAS HE SEATED ON THE
10 WAY THERE?
- 11 A I BELIEVE HE WAS RIGHT BEHIND BOBBY.
- 12 Q OKAY. AT ANY POINT IN TIME DID TRAVIS SAY I
13 DON'T NEED TO BE GOING OVER THERE TO THE DEAL'S
14 BECAUSE I'M UNDER A COURT ORDER NOT TO?
- 15 A NO, SIR, NOT THAT I CAN RECALL.
- 16 Q OKAY. AND SO THE STEERING WHEEL WORKED ON THE
17 CAR, DIDN'T IT?
- 18 A YES, SIR.
- 19 Q YOU COULD TAKE A LEFT AND GO LEFT OR COULD YOU
20 TAKE A RIGHT AND GO RIGHT, ISN'T THAT RIGHT?
- 21 A YES, SIR.
- 22 Q AND SOME LEFTS MAY HAVE LED YOU AWAY FROM THE
23 DEALS AND SOME RIGHTS WOULD HAVE LEAD YOU RIGHT
24 THERE?
- 25 A YES, SIR.

- 1 Q AND THE STEERING WHEEL ON THE CAR WENT TO THE
2 DIRECTION TO THE DEAL'S HOUSE, DIDN'T IT?
- 3 A YES, SIR.
- 4 Q AND THE CAR PASSED THE HOUSE TO START WITH,
5 RIGHT?
- 6 A YES, SIR.
- 7 Q PASSED THE HOUSE, BLEW A HORN, RIGHT?
- 8 A YES, SIR.
- 9 Q WE'RE HERE. RIGHT?
- 10 A YES, SIR.
- 11 Q WERE YOU PUMPED?
- 12 A YES, SIR.
- 13 Q HUH?
- 14 A YES.
- 15 Q YOU WERE PUMPED, WEREN'T YOU?
- 16 A YES, SIR.
- 17 Q ADRENALIN WAS FLOWING, WASN'T IT?
- 18 A YES, SIR.
- 19 Q YOU WERE GETTING READY TO FIGHT, WEREN'T YOU?
- 20 A YES, SIR.
- 21 Q EVERYBODY IN THE CAR WAS PUMPED, WEREN'T THEY?
- 22 A FROM WHAT I RECALL, YES, SIR.
- 23 Q AND YOU SAID EARLIER THAT SOMEBODY HAD INDICATED
24 ON THE PHONE OR SOMETHING THAT Y'ALL RECEIVED
25 INFORMATION THAT THERE MIGHT BE A GUN OUT THERE?

1 A THAT'S WHAT JEFF BUCK HAD SAID AND.

2 Q WELL, SO YOU HAD INFORMATION THAT THERE MIGHT BE
3 A GUN OUT THERE, IS THAT RIGHT?

4 A YES, SIR.

5 Q NOW YOU JUST TESTIFIED A FEW MINUTES AGO THAT
6 WHEN YOU SAW A GUN THAT YOU AND EVERYBODY SAID THEY
7 NEEDED TO LEAVE, RIGHT?

8 A YES, SIR.

9 Q YOU ALREADY KNEW THERE WAS GOING TO BE ONE OUT
10 THERE, RIGHT?

11 A NO, SIR. ACTUALLY JEFF BUCK WAS SAYING THAT
12 THEY DID NOT HAVE GUNS, THERE WAS JUST GOING TO BE A
13 FIST FIGHT.

14 Q I THOUGHT YOU SAID JUST A FEW MINUTES THAT
15 SOMEBODY SAID THAT THEY DID HAVE GUNS?

16 A YES, SIR, I'M NOT SURE WHO SAID THAT.

17 Q BUT Y'ALL RECEIVED INFORMATION THAT THAT WAS A
18 POSSIBILITY?

19 A YES, SIR.

20 Q AND YOU STILL WENT, DIDN'T YOU?

21 A YES, SIR.

22 Q YOU DIDN'T CARE. YOU WERE GOING TO FIGHT,
23 RIGHT?

24 A YES, SIR.

25 Q SO YOU TURNED AROUND AFTER PASSING, COME BACK UP

1 TO THE HOUSE, AND PULL RIGHT INTO THE DRIVEWAY THERE,
2 NOT LONG WAYS BUT SIDE WAYS?

3 A NO, SIR. IT WAS --

4 Q WHERE THE DRIVEWAY IS?

5 A IT WAS DIAGONAL WITH THE ROAD.

6 Q DIAGONAL?

7 A OR HORIZONTAL WITH THE ROAD. IT WAS GOING, THE
8 CAR WAS FACING THE OUT DIRECTION.

9 Q YOUR CAR WAS FACING THE OUT DIRECTION?

10 A TOWARDS 321. IT WAS NOT ANGLED TOWARDS THE
11 HOUSE.

12 Q RIGHT. BUT IT'S RIGHT THERE AT THE BACK OF THE
13 DRIVEWAY, RIGHT?

14 A YES, SIR.

15 Q SO IT BLOCKED THE DRIVEWAY, DIDN'T IT?

16 A NO, SIR.

17 Q IT DIDN'T BLOCK THE DRIVEWAY?

18 A NO, SIR.

19 Q YOU NEVER GOT OUT OF THE CAR?

20 A NO, SIR.

21 Q I THOUGHT YOU WERE READY TO FIGHT?

22 A I MEAN IT WAS A MATTER OF SECONDS BEFORE I SEEN
23 THE PISTOL.

24 Q BUT WITHIN THOSE SECONDS THAT YOU ALLEGEDLY SAW
25 A PISTOL, MR. HOVIS, MR. FALLS, MS. MCCARTER,

1 MR. NORRIS, FOUR PEOPLE, WERE ABLE TO EXIT THAT
2 VEHICLE AND THREE OF THOSE PEOPLE YOU JUST TESTIFIED
3 TO MR. NORRIS, MR. HOVIS, AND MR. FALLS WERE
4 PROCEEDING UP THE DRIVEWAY, ISN'T THAT CORRECT?

5 A YES, SIR.

6 Q COMING UP THE DRIVEWAY AND AT THE DRIVEWAY, AT
7 THE END OF THE DRIVEWAY IS THE HOUSE, RIGHT?

8 A YES, SIR.

9 Q SO THEY WERE COMING UP THE DRIVEWAY IN THE
10 DIRECTION OF THE HOUSE, ISN'T THAT CORRECT?

11 A YES, SIR.

12 Q AND THEY WERE READY TO FIGHT, WEREN'T THEY?

13 A YES, SIR.

14 Q IN FACT, MR. NORRIS HAD A BEER BOTTLE IN HIS
15 HAND AND HE THREW IT ON THE DRIVEWAY, DIDN'T HE,
16 BREAK IT TO ESTABLISH THE POINT THAT BY GOD, WE'RE
17 HERE, RIGHT?

18 A I GUESS SO.

19 Q AND YOU SAW LORI MOSS AND HOLLY MCCARTER
20 TUSSLING?

21 A YES, SIR.

22 Q WAS IT IN THE DRIVEWAY RIGHT THERE NEAR THE CAR?

23 A NO, SIR. IT WAS IN THE STREET RIGHT NEXT TO THE
24 CAR.

25 Q OKAY. AND YOU SAW MR. FALLS AT LEAST PUSH,

1 ACCORDING TO YOU, MS. MOSS?

2 A YES.

3 Q OKAY. AND, BUT YOU DIDN'T KNOW THESE PEOPLE,
4 DID YOU?

5 A NO, SIR.

6 Q NOW YOU SAY WHEN EVERYBODY GOT BACK INTO THE CAR
7 HOLLY MCCARTER JUMPED IN THE DRIVER'S SEAT, RIGHT?

8 A YES, SIR.

9 Q YOU WERE IN THE FRONT SEAT?

10 A FRONT PASSENGER SEAT.

11 Q FRONT PASSENGER SEAT, RIGHT?

12 A YES, SIR.

13 Q BEHIND YOU IN THE FRONT PASSENGER SEAT MR. HOVIS
14 HAD JUMPED INTO THAT SEAT, RIGHT?

15 A YES, SIR, DIRECTLY BEHIND ME.

16 Q DIRECTLY BEHIND YOU. MR. FALLS HAD OF COURSE
17 TAKEN THE OTHER SEAT IN THE BACK SEAT, CORRECT?

18 A YES, SIR.

19 Q AND YOU'VE ALREADY TESTIFIED THAT THE REAR
20 WINDOW BESIDE MR. HOVIS'S HEAD, THE PASSENGER SIDE
21 REAR WINDOW WAS DOWN, ISN'T THAT CORRECT?

22 A AS I RECALL, YES, IT WAS.

23 Q IT WAS COLD THAT NIGHT, WASN'T IT?

24 A YES, IT WAS.

25 Q AND THEN PEOPLE STARTED TO GATHER AROUND THE

- 1 CAR, CORRECT?
- 2 A THAT'S WHAT I THINK HAPPENED.
- 3 Q TO BEAT ON THE CAR?
- 4 A YES, SIR.
- 5 Q PEOPLE FROM THIS HOUSE?
- 6 A YES, SIR.
- 7 Q AND DID THEY JUST WALK AWAY FROM THE CAR WHEN
- 8 THEY FINISHED BEATING ON THE CAR?
- 9 A NO.
- 10 Q THEY GOT AWAY FROM THE CAR EVENTUALLY, DIDN'T
- 11 THEY?
- 12 A YES, SIR.
- 13 Q THEY JUMPED BACK AWAY FROM THE CAR, DIDN'T THEY?
- 14 A YES, SIR.
- 15 Q AND SO AT SOME POINT SHOTS ARE FIRED, Y'ALL
- 16 SPEED OFF, MR. HOVIS IS HIT, MR. FALLS IS HIT, RIGHT?
- 17 A YES, SIR.
- 18 Q THE CAR IS HIT IN A FEW PLACES, RIGHT?
- 19 A YES, SIR.
- 20 Q NOW YOU GO ALL THE WAY UP LAWRENCE ROAD, YOU
- 21 TURNED ON TO 321, RIGHT?
- 22 A YES, SIR.
- 23 Q AT SOME POINT YOU PULL OVER AT AUTO SALES
- 24 WHATEVER, AMERICAN AUTO SALES I THINK, I'M NOT SURE
- 25 OF THE NAME?

- 1 A I'M NOT SURE.
- 2 Q BUT YOU PULLED OVER AND YOU STOPPED?
- 3 A YES, SIR.
- 4 Q AND YOU SAY THAT YOU TRADED PLACES WITH HOLLY?
- 5 A YES, SIR.
- 6 Q BECAUSE SHE WAS SO HYSTERICAL?
- 7 A YES, SIR.
- 8 Q AND YOU DROVE TO THE CLOVER POLICE DEPARTMENT AT
- 9 ABOUT 60 MILES AN HOUR?
- 10 A YES, SIR.
- 11 Q THAT'S PRETTY FAST, ISN'T IT?
- 12 A YES, SIR.
- 13 Q WHEN YOU'VE GOT SOMEBODY THAT'S BEEN SHOT IN THE
- 14 CAR YOU WANT TO GET THERE, DON'T YOU?
- 15 A YES, SIR.
- 16 Q WHEREVER YOU NEED TO GET THERE, YOU NEED TO GET
- 17 THERE, DON'T YOU?
- 18 A YES, SIR.
- 19 Q NOW YOU SAID AT ONE POINT IN TIME THAT YOU
- 20 TURNED AND YOU LOOKED BACK AND YOU COULD SEE PEOPLE?
- 21 A YES, SIR, IN THE STREET.
- 22 Q OKAY. NOW AT 12:22 WHICH WOULD HAVE BEEN ABOUT
- 23 19 MINUTES AFTER YOU ARRIVED AT THE CLOVER POLICE
- 24 DEPARTMENT, CORRECT?
- 25 A YES, SIR.

1 Q YOU GOT THERE AT ABOUT 12:03, DIDN'T YOU?

2 A I'M NOT SURE OF THE TIME.

3 Q BUT AT THAT TIME YOU GAVE A STATEMENT, YOU WERE
4 ASKED TO WRITE A STATEMENT BY DETECTIVE JAMISON?

5 A YES, SIR.

6 Q OKAY. AND THIS IS WHAT, LET ME SHOW YOU THIS
7 FIRST. DOES THIS APPEAR TO BE AN ACCURATE COPY OF
8 WHAT YOU WROTE THAT NIGHT?

9 A YES, SIR.

10 Q AND SO YOU WROTE DOWN: WE WERE DRIVING DOWN THE
11 ROAD AND ALL OF A SUDDEN I HEARD GUNSHOTS AND JUST
12 DUCKED DOWN IN THE CAR. I DO NOT KNOW WHO WAS
13 SHOOTING OR ANYTHING. I JUST DUCKED DOWN AND PRAYED
14 FOR MY LIFE. I BELIEVE THERE WAS A, I BELIEVE THERE
15 WAS CONFRONTATION GOING ON BETWEEN BOBBY HOVIS AND
16 OTHER PEOPLE I AM UNFAMILIAR WITH. THAT'S ALL YOU
17 SAID THAT NIGHT. ISN'T THAT TRUE?

18 A YES, SIR.

19 Q NOW EVENTUALLY YOU LEFT. WHAT TIME DID YOU
20 LEAVE AFTER DOING THAT, PRETTY SOON AFTER THAT?

21 A IT WASN'T TOO MUCH LONGER. I JUST WAITED FOR MY
22 RIDE TO ARRIVE.

23 Q YOU WERE WAITING ON WHAT?

24 A MY MOTHER TO ARRIVE.

25 Q AND DID YOU GO HOME?

- 1 A YES, SIR.
- 2 Q SO YOU WENT HOME?
- 3 A YES, SIR.
- 4 Q THE SAME PLACE YOU SHOULD HAVE BEEN TO START
5 WITH, ISN'T THAT RIGHT?
- 6 A YES, SIR.
- 7 Q NOW AT SOME POINT IN TIME YOU TALKED WITH
8 DETECTIVES AGAIN, ISN'T THAT CORRECT?
- 9 A YES, SIR.
- 10 Q AND YOU GAVE A WHOLE LOT LONGER DETAILED
11 STATEMENT THEN, DIDN'T YOU?
- 12 A YES, SIR.
- 13 Q AND DOES THIS LOOK LIKE THE STATEMENT THAT YOU
14 GAVE THEN?
- 15 A YES, SIR.
- 16 Q AND THAT STATEMENT HAS GOT A LOT MORE
17 INFORMATION IN IT, DOESN'T IT, SIR?
- 18 A YES, SIR.
- 19 Q SOME OF WHICH YOU'VE TESTIFIED TO TODAY, RIGHT?
- 20 A YES, SIR.
- 21 Q AND WHEN DID THE YORK COUNTY SHERIFF'S
22 DEPARTMENT CALL YOU AND CONTACT YOU ABOUT MAKING THAT
23 STATEMENT?
- 24 A I DON'T RECALL WHEN BUT DETECTIVE YEAGER HAD
25 SHOWED UP TO MY WORK AT THE TIME AND PROCEEDED TO

1 GIVE MY STATEMENT.

2 Q HE SHOWED UP AT YOUR WORK?

3 A YES, SIR.

4 Q YOU GAVE THE STATEMENT AT YOUR WORK?

5 A YES, SIR.

6 Q WAS THAT THE FIRST TIME YOU HAD BEEN CONTACTED
7 SINCE THAT EVENING ABOUT GIVING A STATEMENT?

8 A YES, SIR.

9 Q AND SO HE SHOWED UP AT YOUR WORK FIVE DAYS LATER
10 ON FEBRUARY 24?

11 A YES, SIR.

12 Q AND THAT WAS THE FIRST TIME ANYBODY HAD
13 CONTACTED YOU SINCE YOU LEFT THE CLOVER POLICE
14 DEPARTMENT?

15 A YES, SIR.

16 MR. GREELEY: THAT'S ALL I HAVE, YOUR
17 HONOR.

18 THE COURT: REDIRECT?

19 MR. THOMPSON: YES, YOUR HONOR.

20 REDIRECT EXAMINATION BY MR. THOMPSON:

21 Q MR. GREELEY HAD SHOWED YOU A COPY I BELIEVE OF
22 THAT FIRST STATEMENT YOU GAVE, IS THAT CORRECT?

23 A YES, SIR.

24 Q I SHOW YOU AN INTERVIEW SUMMARY, IS THAT THE
25 INTERVIEW SUMMARY OF THE SECOND TIME THAT THE POLICE

1 CAME AND TALKED TO YOU?

2 A YES, SIR.

3 Q DOES THAT FAIRLY DEPICT WHAT YOU TOLD THE POLICE
4 AT THAT TIME?

5 A EXCUSE ME?

6 Q DOES THAT FAIRLY AND ACCURATELY DEPICT WHAT YOU
7 TOLD THE POLICE AT THAT TIME?

8 A YES, SIR.

9 Q IF YOU'LL LOOK AT THE STATEMENT WITH ME ON THE
10 INTERVIEW NOTES HERE. DO YOU RECALL TELLING THE
11 OFFICERS THAT NIGHT ABOUT JEFF BUCK AND THAT THEM
12 WANTING TO COME BY AND SHOOT UP BOBBY'S HOUSE?

13 A YES, SIR.

14 Q AND THAT'S IN THERE WHERE YOU TOLD THE OFFICERS
15 THAT?

16 A YES, SIR.

17 Q IS IT ALSO IN THERE.

18 MR. THOMPSON: WELL, THE EASIEST WAY TO DO
19 IT WOULD BE TO PUBLISH, IF I CAN DO THAT I WOULD
20 REQUEST THE OPPORTUNITY TO DO THAT AT THIS POINT.
21 UNDER THE RULE OF COMPLETENESS. HE'S BEEN QUESTIONED
22 ON IT.

23 MR. GREELEY: I THINK IF THEY DO IT THAT
24 WAY I HAVE NO OBJECTION.

25 MR. THOMPSON: I BELIEVE IT SAYS ON

1 FEBRUARY 26, 2006, DETECTIVE HAGER INTERVIEWED
2 MICHAEL HUBBARD IN REFERENCE TO THE SHOOTING INCIDENT
3 AT 1123 LAWRENCE ROAD. MICHAEL HUBBARD STATES THAT
4 ON FEBRUARY 18, 2006, HE WAS AT BOBBY HOVIS'S HOUSE.
5 HE STATES THAT TRAVIS FALLS AND HOLLY MCCARTER WERE
6 ALSO AT BOBBY'S HOUSE. MICHAEL STATES THAT TRAVIS
7 AND BOBBY LEFT THE RESIDENCE GOING TO THE STORE.
8 THAT THEY WERE GONE FOR ABOUT AN HOUR AND A HALF.
9 WHEN THEY CAME BACK THEY SAID THEY HAD TALKED TO JEFF
10 BUCK AND JEFF TOLD THEM THAT SOME GUYS WERE GOING TO
11 COME TO BOBBY'S HOUSE AND SHOOT UP THE HOUSE. BOBBY
12 STATED TO MICHAEL THAT THEY WERE GOING TO FIGHT THESE
13 SUBJECTS. THEY WERE SUPPOSED TO RIDE BY A HOUSE ON
14 LAWRENCE ROAD AND BLOW THE HORN. THE GUYS WERE GOING
15 TO COME OUT AND FOLLOW THEM TO THE SPOT AND THEY WERE
16 GOING TO FIGHT. MICHAEL STATES THAT HE, BOBBY,
17 TRAVIS, AND HOLLY GOT IN THE CAR TO GO FIGHT THESE
18 SUBJECTS. THEY WENT TO TIM STEVENS TO SEE IF HE
19 WOULD RIDE WITH THEM TO FIGHT THESE SUBJECTS. WHEN
20 THEY GOT TO TIM'S HOUSE TIM TOLD THEM THAT THEY WERE
21 STUPID IF THEY WENT BECAUSE THESE GUYS HAVE GUNS.
22 TIM TOLD THEM THAT HE WOULD NOT GO WITHOUT HIM AND HE
23 TRIED TO TALK HIM OUT OF GOING. THEY LEFT TIM'S
24 HOUSE AND DROVE TO THE BP IN CLOVER TO GET GAS.
25 TRAVIS THEN MENTIONED SOMETHING ABOUT GOING TO GET

1 HIS COUSIN KENNY. HE DOESN'T KNOW HIS OR LAST NAME
2 UNKNOWN. THEY WENT BY KENNY'S HOUSE AND AN OLDER
3 WOMAN TOLD THEM KENNY WAS NOT AT HOME AND HE WAS AT
4 THE BAR. THEY THEN DROVE TO THE OUTER LIMITS BAR.
5 TRAVIS FALLS WENT INTO THE BAR AND GOT KENNY. WHEN
6 THEY LEFT THE BAR BOBBY WAS DRIVING, MICHAEL WAS IN
7 THE PASSENGER SEAT, HOLLY WAS SEATED BEHIND THE
8 DRIVER, AND TRAVIS WAS IN THE MIDDLE OF THE BACK
9 SEAT. KENNY WAS SEATED IN THE BACK OF THE PASSENGER
10 SIDE. THEY DROVE PAST THE HOUSE AND BLEW THE HORN.
11 THEY TURNED AROUND AND BOBBY SAID THEY WEREN'T GOING
12 TO DO IT. AS THEY DROVE BACK TOWARD THE HOUSE BOBBY
13 THEN SAID LET'S DO IT NOW. BOBBY STOPPED RIGHT THE
14 CAR RIGHT BEFORE THE DRIVEWAY. SEVERAL PEOPLE WERE
15 STANDING IN THE YARD. LORI MOSS CAME TO THE CAR AND
16 STARTING PULLING HOLLY OUT OF THE CAR, THEY STARTED
17 FIGHTING IN THE STREET.

18 MR. GREELEY: OBJECTION, YOUR HONOR. I
19 WOULD HAVE TO OBJECT, YOUR HONOR, AS TO THE
20 COMPLETENESS HERE BECAUSE ACTUALLY THE STATEMENT
21 ITSELF HAS NOT BEEN PLACED INTO EVIDENCE WHICH I
22 WOULD OBJECT TO.

23 THE COURT: WELL, I SUSTAIN --

24 MR. GREELEY: IF IT'S JUST BEING READ.

25 THE COURT: I SUSTAIN THE OBJECTION.

1 Q ALL RIGHT. DID THE DETECTIVE ACCURATELY IN HIS
2 NOTES WRITE DOWN WHAT YOU HAD TOLD HIM THAT DAY?

3 A YES, SIR.

4 Q IN ADDITION DID YOU TELL HIM WHETHER YOU SAW A
5 MALE STANDING IN THE YARD WITH A PISTOL?

6 A YES, SIR.

7 Q AND WHAT DID YOU TELL HIM ABOUT THAT?

8 A JUST I HAD SEEN A TALL MALE SUBJECT WITH A
9 PISTOL TO HIS SIDE WALKING TOWARDS THE VEHICLE.

10 Q DID YOU TELL HIM WHETHER OR NOT YOU YELLED THAT
11 THEY HAD GUNS?

12 A YES, SIR.

13 Q AND WHAT DID YOU TELL HIM ABOUT THAT?

14 A JUST I SEEN THE GENTLEMAN WITH THE PISTOL AND I
15 JUST YELLED THEY HAD GUNS, LET'S GO, LET'S GO.

16 Q DID YOU TELL HIM AT THAT POINT YOU HEARD SHOTS
17 AND PEOPLE STARTED RUNNING BACK TO THE CAR?

18 A UH-HUH.

19 Q DID YOU TELL HIM AT THAT POINT THAT HOLLY WAS
20 THE ONE WHO DROVE AWAY?

21 A YES, SIR.

22 Q DID YOU ALSO TELL HIM THAT YOU HAD SWITCHED
23 PLACES WITH HOLLY?

24 A YES, SIR.

25 Q DID YOU TELL HIM THAT THERE WERE PEOPLE AROUND

1 THE CAR HITTING IT AS YOU WERE TRYING TO LEAVE?

2 A YES, SIR.

3 Q DID YOU TELL HIM ABOUT THE OTHER GUNSHOTS THAT

4 YOU THEN HEARD?

5 A YES, SIR.

6 Q DID YOU TELL THEM WHETHER THEY WERE HITTING THE

7 CAR?

8 A YES, SIR.

9 Q WHAT DID YOU TELL THEM ABOUT THAT?

10 A I JUST, I HEARD ONE GO THROUGH THE BACK WINDOW

11 AND THEN THE OTHER ONE JUST RICOCHETING OFF THE CAR.

12 Q DID YOU TELL THEM THIS WAS AFTER Y'ALL WERE

13 LEAVING?

14 A YES, SIR.

15 Q THAT THESE GUNSHOTS HAPPENED?

16 A YES, SIR.

17 Q WAS ANYBODY SHOOTING OUT OF YOUR CAR?

18 A NO, SIR.

19 Q WHAT MADE THE PEOPLE THAT WERE AROUND THE CAR

20 STOP HITTING IT?

21 A HOLLY JUST STARTED TO PULL OFF.

22 Q SO YOU PULLED OFF AWAY FROM THEM?

23 A YES, SIR.

24 Q THANK YOU. NO FURTHER QUESTIONS.

25 MR. GREELEY: NOTHING FURTHER.

1 THE COURT: YOU CAN STEP DOWN AND BE
2 EXCUSED. THANK YOU. CALL YOUR NEXT WITNESS.

3 MR. THOMPSON: THE STATE WOULD CALL KENNY
4 NORRIS.

5 KENNY NORRIS, BEING FIRST DULY
6 SWORN, TESTIFIED AS FOLLOWS:

7 DIRECT EXAMINATION BY MR. THOMPSON:

8 Q KENNY, CAN YOU GIVE US YOUR FULL NAME FOR THE
9 COURT REPORTER PLEASE?

10 A KENNY CHARLES NORRIS.

11 Q KENNY, HOW OLD ARE YOU?

12 A 30.

13 Q AND CAN YOU TELL ME, KENNY, DID YOU KNOW BOBBY
14 HOVIS?

15 A I KNEW HIM ABOUT MAYBE TWO MONTHS BEFORE ALL
16 THIS HAPPENED.

17 Q HOW ABOUT TRAVIS FALLS, DID YOU KNOW HIM?

18 A ME AND HIM GREW UP TOGETHER.

19 Q SO YOU PRETTY MUCH KNOWN HIM ALL YOUR LIFE?

20 A YES.

21 Q IS HE A FRIEND OF YOURS?

22 A YES, SIR.

23 Q HOW ABOUT HOLLY MCCARTER, DO YOU KNOW HER?

24 A YEAH, I'VE KNOWN HER SINCE SHE WAS LIKE 13.

25 Q IS SHE ALSO A FRIEND OF YOURS?

1 A YES, SIR.

2 Q ALL RIGHT. DID YOU KNOW MICHAEL HUBBARD BEFORE
3 THIS DAY?

4 A NO, SIR.

5 Q CAN YOU TELL ME DID YOU KNOW EITHER BERRY BOLIN
6 OR LEE OWENS?

7 A I KNEW BOTH OF THEM. I NEVER HUNG OUT WITH
8 EITHER ONE OF THEM.

9 THE COURT: YOU NEED TO SPEAK UP.

10 A I KNEW BOTH OF THEM. I DIDN'T NEVER, I NEVER
11 HUNG OUT WITH THEM.

12 Q OKAY. CAN YOU TELL ME HOW IS IT YOU ENDED UP
13 AT THE HOUSE WITH THE DEALS OUT ON LAWRENCE ROAD ON
14 FEBRUARY 18?

15 A TRAVIS COME PICK ME UP FROM THE BAR WHERE I HAD
16 BEEN DRINKING PRETTY MUCH ALL DAY.

17 Q I'M SORRY. I AM HAVING A HARD TIME HEARING YOU.

18 A I'M SORRY. HE PICKED ME UP FROM OUTER LIMITS OR
19 MICHELLE'S AS OF NOW IN CLOVER.

20 Q I AM SORRY. I STILL DIDN'T HEAR YOU?

21 A PICKED ME UP FROM MICHELLE'S OUT OF CLOVER OUT
22 THERE ON THE EDGE OF CLOVER.

23 Q OKAY. THAT'S A BAR OUT IN CLOVER?

24 A YES, SIR.

25 Q AND CAN YOU TELL ME, DO YOU RECALL ABOUT WHAT

1 TIME IT WAS THAT HE PICKED YOU UP?

2 A I'M GOING TO SAY BETWEEN 10:30 AND 11, ANYWHERE

3 BETWEEN THERE, MAYBE 11:30.

4 Q HAD YOU BEEN DRINKING AT THE TIME WHILE YOU WERE

5 AT THE BAR?

6 A YES YES, I HAD BEEN DRINKING HEAVY ALL DAY.

7 Q YOU'D BEEN DRINKING ALL DAY?

8 A WELL, NOT ALL DAY, BUT SINCE LIKE TWO O'CLOCK.

9 Q WERE YOU PRETTY DRUNK AT THAT POINT WHEN HE

10 PICKED YOU UP?

11 A YEAH, I WASN'T, I HAD A GOOD BUZZ ON ME.

12 Q OKAY. AND WHEN THEY PICKED YOU UP WHO ACTUALLY

13 CAME IN TO GET YOU?

14 A TRAVIS DID.

15 Q ALL RIGHT. WERE YOU EXPECTING HIM TO SHOW UP?

16 A NOT REALLY, NO, SIR.

17 Q ALL RIGHT. WHEN TRAVIS SHOWED UP, WHAT HAPPENED

18 AT THAT POINT?

19 A HE CAME AND GOT ME AND SAID HE WAS GOING OVER

20 HERE AND ASKED IF I WANTED A RIDE HOME WHICH I WAS

21 ACTUALLY GETTING READY TO GET A RIDE HOME, BUT IT

22 JUST KIND OF HAPPENED THAT HE WALKED IN AT THE TIME

23 SO I RODE WITH HIM. I WASN'T REALLY SURE WHAT WAS

24 GOING TO HAPPEN. I MEAN, I WASN'T REALLY SURE WHAT

25 WAS GETTING READY TO HAPPEN. WHAT WAS GOING TO

1 HAPPEN.

2 Q SO HOW DID YOU GET TO THE BAR IN THE FIRST
3 PLACE? YOUR CAR WASN'T THERE, IS THAT RIGHT?

4 A NO, SIR.

5 Q HOW DID YOU GET TO THE BAR IN THE FIRST PLACE?

6 A I THINK MY GRANDMA TOOK ME UP THERE.

7 Q SO YOU NEEDED A RIDE BACK HOME ANYWAY?

8 A YES, SIR.

9 Q AND SO WHEN TRAVIS CAME YOU DECIDED TO GO WITH
10 HIM?

11 A YES, SIR.

12 Q DID YOU KNOW THAT WHEN YOU WENT TO LAWRENCE ROAD
13 THAT THERE MIGHT BE A FIGHT WHEN YOU GET THERE?

14 A I WAS A LITTLE AWARE OF IT ONCE I GOT IN THE
15 CAR, YES. IT HAD BEEN MENTIONED THERE MIGHT BE
16 TROUBLE, BUT I WASN'T EXPECTING NOTHING LIKE THIS. I
17 WASN'T GOING TO --

18 Q DID YOU HAVE A GUN ON YOU THAT NIGHT?

19 A NO, SIR, I AIN'T NEVER CARRIED A GUN.

20 Q DID YOU SEE ANYONE IN THE CAR WITH A GUN ON?

21 A NO, SIR.

22 Q DID YOU RECALL ANY WEAPONS IN THE CAR?

23 A NO, SIR, I WAS IN THE BACK SEAT.

24 Q ALL RIGHT.

25 A NO GUNS IN THE BACK SEAT WHERE I WAS AT.

1 Q ALL RIGHT. AND WHEN YOU GOT IN THE BACK SEAT DO
2 YOU REMEMBER WERE YOU ON THE PASSENGER SIDE OR THE
3 DRIVER'S SIDE?

4 A I WAS ON THE PASSENGER'S SIDE.

5 Q ALL RIGHT. DID Y'ALL GO PRETTY MUCH GO STRAIGHT
6 TO LAWRENCE ROAD AFTER THEY PICKED YOU UP?

7 A YES, SIR.

8 Q IT'S NOT THAT FAR FROM THE BAR YOU WERE AT TO
9 WHERE THEY ULTIMATELY ENDED UP?

10 A NO, SIR.

11 Q TELL ME WHAT HAPPENED WHEN YOU GOT THERE TO
12 LAWRENCE ROAD?

13 A WHEN WE FIRST GOT THERE WE DROVE PAST IT AND
14 THEN THEY TURNED AROUND AND CAME BACK AND PARKED ON
15 THE SIDE OF THE ROAD. I GOT OUT OF THE CAR AND I
16 STARTED WALKING UP THE DRIVEWAY. SOME PEOPLE RUN
17 DOWN TO THE CAR. I'M NOT REALLY SURE WHO OR WHAT. I
18 THINK ONE GIRL RUN DOWN THERE AND BY THE TIME I GOT
19 UP THERE, I THINK IS WHEN LEE STARTED SHOOTING, HE
20 SHOT TWO SHOTS IN THE AIR. THERE WAS A TRUCK HERE.
21 I WAS --

22 Q I'M SORRY. YOU ARE GOING A LITTLE FAST. I'M
23 NOT BEING ABLE TO FOLLOW YOU. WHEN YOU GET, WHEN THE
24 CAR STOPS, YOU SAID YOU GET OUT AT THAT POINT?

25 A YES, SIR.

1 Q ALL RIGHT. DID YOU SEE PEOPLE OUT IN THE YARD
2 AT THAT POINT?

3 A I SEEN ABOUT FIVE OR SIX, MAYBE EIGHT PEOPLE.

4 Q OKAY. WHAT DID YOU FIRST DO WHEN YOU GOT OUT?

5 A I GOT OUT AND STARTED WALKING UP TOWARDS, UP THE
6 OTHER SIDE.

7 Q ALL RIGHT. DID YOU WALK INTO THE YARD, DID YOU
8 WALK INTO THE DRIVEWAY?

9 A I WALKED INTO THE DRIVEWAY.

10 Q I'M SORRY?

11 A I WALKED INTO THE DRIVEWAY.

12 Q ON THE DRIVEWAY. DID YOU HAVE ANYTHING IN YOUR
13 HANDS THEN?

14 A I HAD A BEER BOTTLE.

15 Q ALL RIGHT. HAD YOU BEEN DRINKING THAT BEER
16 BOTTLE --

17 A I WAS DRINKING THAT. I WAS FINISHING IT UP
18 THEN.

19 Q OKAY. WHAT HAPPENED TO YOU AT THAT POINT WHILE
20 YOU ARE IN THE DRIVEWAY WITH THAT BEER BOTTLE, WHAT
21 HAPPENED?

22 A SOME GIRL COME RUNNING DOWN AND SHOVED ME AND
23 PUSHED ME AND SAID, WHO ARE YOU, WHAT ARE YOU GOING
24 TO DO, AND HIT ME IN THE HEAD WITH AN UMBRELLA AND
25 THAT'S WHEN I THREW THE BEER BOTTLE ON THE GROUND

1 AND BUSTED IT AND IF I'M NOT MISTAKEN ABOUT THAT TIME
2 SOMEBODY ELSE, SHE GOT HIT OR SOMETHING, AND I TURNED
3 AROUND AND I LOOKED AND BRAD MOORE COME UP, BRAD HAD
4 COME UP TO ME ABOUT THAT TIME.

5 Q BRAD MOORE?

6 A YEAH, ME AND HIM HAD OUR LITTLE CONFRONTATION
7 AND THAT'S WHEN I HEARD --

8 Q DESCRIBE YOUR CONFRONTATION WITH BRAD MOORE?

9 A HE COME UP AND ASKED ME WHAT I WAS DOING AND
10 SHOVED ME AND I SHOVED HIM BACK. I WASN'T NO, THAT'S
11 ABOUT AS FAR AS ME AND HIM WENT.

12 Q DID Y'ALL THROW PUNCHES AT EACH OTHER?

13 A YES, SIR.

14 Q WAS THIS STILL AT THE DRIVEWAY THERE?

15 A YES, SIR.

16 Q WHERE YOU WERE THROWING THE BEER BOTTLE DOWN?

17 A YES, SIR.

18 Q DID YOU RECOGNIZE THE GIRLS ULTIMATELY, THE GIRL
19 THAT YOU THREW DOWN THAT BOTTLE?

20 A NO, SIR.

21 Q ALL RIGHT. AND CAN YOU TELL ME, YOU SAID YOU
22 LOOKED BACK AND YOU SAW WHAT IN THE STREET?

23 A I SAW SOME GIRL AND SHE WAS LAYING ON THE STREET
24 AND THAT'S WHEN I RUN DOWN THE EDGE, BACK DOWN TO THE
25 CAR WHERE THEY WAS AT TO SEE. I DIDN'T WANT NOBODY,

1 I DIDN'T KNOW WHAT WAS GOING ON. ONCE THE GUN
2 STARTED GOING OFF I DIDN'T WANT NOBODY TO GET HURT SO
3 I THOUGHT, I DIDN'T KNOW WHAT HAPPENED. I DIDN'T
4 KNOW IF SHE GOT HIT OR IF SHE GOT RUN OVER OR
5 SOMEBODY HIT HER OR WHAT. I DON'T KNOW. SO I TURNED
6 AROUND AND SHE WAS LAYING ON THE GROUND.

7 Q DO YOU REMEMBER AT WHAT POINT IT WAS YOU HEARD
8 THE FIRST GUN FIRE?

9 A I WAS BESIDE THE TRUCK. I WAS, THERE WAS LEE
10 OWENS HERE AND I WAS ON THE OTHER SIDE OF THE TRUCK.
11 THERE IS A TRUCK BETWEEN ME AND HIM.

12 Q OKAY. SO YOU WERE IN THE DRIVEWAY. WAS THE
13 TRUCK PULLED INTO THE GRASS?

14 A I COULDN'T RECALL.

15 Q ALL RIGHT. DO YOU REMEMBER THE COLOR OF THE
16 TRUCK?

17 A NO, SIR.

18 Q THIS TRUCK IT WAS BETWEEN YOU AND LEE?

19 A YES.

20 Q WAS HE THEN OUT IN THE YARD AT THAT POINT?

21 A YES, SIR. I'M NOT SURE.

22 Q WOULD HE HAVE BEEN AT THE FRONT SIDE OF THE
23 TRUCK OR?

24 A I WAS BESIDE THE, I WAS OUT THERE ALMOST AT THE
25 DOOR. THE TRUCK WAS LIKE RIGHT HERE, I'M TALKING

1 GLASS DOOR AND ALL THIS STUFF WAS RIGHT THERE BESIDE
2 ME AS FAR AS I CAN REMEMBER.

3 Q BUT THE TRUCK WAS BETWEEN YOU AND LEE OWENS?

4 A YES, SIR.

5 Q DID YOU KNOW IT WAS LEE OWENS AT THAT TIME?

6 A NO, SIR.

7 Q WHAT DID YOU SEE OF THE PERSON THAT YOU SAW AT
8 THAT POINT?

9 A I SEEN A TALL GUY SHOOT TWO SHOTS IN THE AIR AND
10 THAT'S WHEN EVERYTHING JUST STARTED GOING SCATTERED.
11 THAT'S WHENEVER I JUST HEARD THE GIRL OR SOMEBODY SAY
12 SHE'S HIT, SHE GOT HIT, THAT'S WHEN I DIDN'T KNOW IF,
13 I DIDN'T WHAT HAD HAPPENED SO I RUN TO THERE TO SEE
14 IF SHE WAS ALL RIGHT. BY THAT TIME TRAVIS AND THEM
15 JUMPED IN THE CAR AND THAT'S WHEN I DID HEAR BULLETS
16 HITTING THE CAR AND STUFF AND SOMEBODY COME RUN DOWN
17 THERE AND GRABBED THE GIRL AND THEY WENT INTO THE
18 DITCH AND I TOOK OUT. AND THEY WAS GONE. I CAN'T
19 REMEMBER IT ALL.

20 Q WE'LL BREAK IT DOWN. SO SOMEONE GRABBED THE
21 GIRL AND THEN GOT IN THE DITCH?

22 A YES, SIR.

23 Q THE LITTLE DITCH RIGHT THERE NEXT TO THE ROAD?

24 A YES, SIR.

25 Q OKAY. AND YOU WERE DOWN AROUND WHERE THE GIRL

1 WAS AT THAT POINT AS WELL?

2 A YES, SIR.

3 Q ALL RIGHT.

4 A I WAS ACTUALLY MAKING SURE SHE WAS ALL RIGHT. I
5 DIDN'T KNOW.

6 Q AND TRAVIS AND THEM ALL HOP BACK IN THE CAR?

7 A YES, SIR.

8 Q ALL RIGHT. DID YOU GET A CHANCE TO GET BACK IN
9 THE CAR?

10 A NO, SIR. I DIDN'T EVEN, IT WAS SOME REASON I
11 DIDN'T JUMP BACK IN THE CAR. I DON'T HAVE.

12 Q DID YOU GET LEFT BEHIND?

13 A YES, SIR.

14 Q DID YOU WATCH THE CAR GO OFF AS IT LEFT?

15 A YES, SIR.

16 Q DID YOU AT ANY POINT SEE ANY GUN FIRE COMING
17 FROM THAT CAR?

18 A NO, SIR.

19 Q WHEN WAS THE NEXT POINT, YOU SAID YOU HAD SEEN
20 SOMEONE SHOT SOME, A PERSON ON THE OTHER SIDE OF THE
21 TRUCK SHOOT THE GUN INTO THE AIR, WHEN WAS THE NEXT
22 POINT THAT YOU HEARD GUN FIRE?

23 A I DON'T THINK I EVER STOPPED HEARING THE GUN
24 FIRE, I'M NOT REALLY SURE, BUT I'M NOT REALLY SURE.
25 I REMEMBER SEEING SOMEBODY ELSE RUN DOWN TOWARDS THE

1 ROAD AND SHOT OR RIGHT IN THAT GENERAL AREA WHERE IT
2 ALL HAPPENED, IT'S KIND OF HARD TO RECALL.

3 Q WHAT DID YOU DO AFTER THAT HAPPENED?

4 A THAT'S ABOUT WHEN I JUMPED THE FENCE AND TOOK
5 OUT AND RUN BACK TO WHERE I GOT PICKED UP AT.

6 Q JUMPED WHAT FENCE, WHAT FENCE ARE WE TALKING
7 ABOUT?

8 A A CHAIN LINK FENCE. IT'S A REGULAR CHAIN LINK
9 FENCE.

10 Q IS IT ON THE OTHER SIDE OF THE STREET?

11 A YES, SIR.

12 Q ON THE OTHER SIDE AWAY FROM THE DEAL'S HOUSE?

13 A YES, SIR.

14 Q OKAY. AND DID YOU HAVE ANY OTHER CONFRONTATIONS
15 WITH PEOPLE BEFORE YOU JUMPED OVER THAT FENCE?

16 A WELL, BEFORE I JUMPED THE FENCE, SOME PEOPLE GOT
17 IN THE SAME TRUCK THAT WAS BETWEEN ME AND LEE OWENS
18 AND SOMEBODY YELLED OUT, RUN HIM OVER, AND I JUST
19 KIND OF THREW MY HANDS UP, YOU KNOW, I WAS WALKING
20 BACKWARDS, AND THEN THEY WENT ON AROUND ME ON THIS
21 SIDE AND ABOUT THIS TIME IS WHEN I WENT ACROSS THE
22 STREET AND JUMPED OVER IT. I THINK IT WAS STILL ON
23 THE GRASS.

24 Q WHEN YOU GOT OUT DID YOU HAVE ANYTHING ELSE IN
25 YOUR HANDS OTHER THAN THAT BEER BOTTLE?

1 A NO, SIR.

2 Q DID YOU EVER HAVE ANYTHING OTHER, IN YOUR HANDS,
3 OTHER THAN THAT BEER BOTTLE?

4 A NO, SIR.

5 Q NOW YOU SAID WHEN YOU GOT, WHEN YOU GOT OUT
6 SOMEONE ACTUALLY HIT YOU WITH AN UMBRELLA, IS THAT
7 RIGHT?

8 A SOME GIRL DID. I MEAN, IT DIDN'T HURT ME OR
9 NOTHING.

10 Q OKAY. NOW WHERE DID YOU GO OR GO BACK AND
11 DESCRIBE TO ME WHEN THE CAR PULLED OFF WHAT IF
12 ANYTHING DID YOU SEE AT THAT TIME, THE CAR THAT
13 TRAVIS AND THEM WERE IN?

14 A I SEEN THE CAR SWERVING AS IT WAS GOING DOWN THE
15 ROAD AND STILL TAKING SHOTS AS IT WAS GOING DOWN THE
16 ROAD AND THEY WERE STILL, THEY WERE STILL SHOOTING;
17 BUT I'M NOT FOR SURE WHERE THEY WERE STANDING WHEN
18 THEY WERE SHOOTING FROM AT THE TIME, BUT YOU CAN SEE
19 THE CAR, IT WOULD SWERVE OFF GOING OVER THE ROAD
20 TRYING TO SWERVE.

21 Q WERE YOU TRYING TO GET DOWN ACROSS THAT FENCE AT
22 THAT POINT?

23 A I WAS STILL STANDING ON, I THINK I WAS STILL
24 STANDING AT THE EDGE OF THE ROAD.

25 Q WERE THEY SHOOTING FROM THE CAR OR WERE YOU

1 SEEING SHOTS GOING AT THE CAR?

2 A I WAS SEEING SHOTS GOING AT THE CAR.

3 Q OKAY. WHERE DID YOU GO AGAIN; ONCE YOU LEFT

4 WHERE DID YOU GO?

5 A I WENT BACK TO WHERE TRAVIS PICKED ME UP AT.

6 Q BACK TO THE BAR?

7 A YEAH, THAT'S WHEN I GOT IN TOUCH WITH MICHAEL

8 LEDFORD AND HE COME PICKED ME UP RIGHT DOWN THE ROAD

9 FROM THERE AT THE BP STORE.

10 Q ALL RIGHT. WHEN DID YOU FIND OUT THAT SOMEBODY

11 ACTUALLY HAD GOT SHOT?

12 A IT WAS LATER, ABOUT AN HOUR AFTER EVERYTHING

13 HAPPENED.

14 Q OKAY.

15 A CALLED ME ON MY NEXTEL. I DIDN'T KNOW.

16 Q YOU GOT A CALL ABOUT IT?

17 A YEAH, I DIDN'T KNOW WHO GOT SHOT. ALL I KNOW IS

18 SOMEBODY GOT SHOT. AT THAT POINT IN TIME I DIDN'T

19 KNOW BECAUSE I HEARD IN THE BACK EVERYTHING WAS OKAY.

20 Q NOW DID YOU ACTUALLY HEAR THE SHOTS HIT THE CAR

21 WHEN YOU WERE THERE?

22 A WHEN I WAS DOWN AT THE BOTTOM I HEARD IT.

23 Q WHAT WAS YOUR REACTION WHEN YOU FOUND OUT

24 SOMEONE WAS SHOT?

25 A WELL, I THOUGHT IT WAS TRAVIS GOT SHOT AT FIRST.

1 IT KIND OF TORE ME UP QUITE A BIT, BUT I MEAN I
2 DIDN'T WANT NOBODY TO GET HURT. I MEAN ME AND
3 TRAVIS, WE GREW UP TOGETHER, HE WAS LIKE MY BROTHER,
4 SO I MEAN BUT IT WAS THE WAY PUT BACK TO THE PHONE
5 THAT HE WAS THE ONE THAT GOT SHOT, WHICH HE DID GET
6 SHOT, BUT HE WAS THE ONE THAT GOT SHOT IN THE HEAD.

7 I MEAN THAT TORE ME UP PRETTY GOOD, BUT I
8 AIN'T, I DIDN'T KNOW. LIKE I SAID, I DIDN'T GO TO
9 BED UNTIL FIVE O'CLOCK THAT NIGHT UNTIL I FOUND OUT
10 WHAT HAPPENED, WHAT REALLY HAD HAPPENED, IT WAS LIKE
11 THREE-FOUR O'CLOCK-FIVE O'CLOCK IN THE MORNING BEFORE
12 I EVEN GOT BACK IN TOUCH WITH ME TO LET ME KNOW WHAT
13 WAS UP.

14 Q DID DETECTIVE YEAGER FROM THE SHERIFF'S
15 DEPARTMENT ULTIMATELY COME AND OUT INTERVIEW YOU?

16 A YEAH, I THINK THAT WAS HIM, YES, SIR.

17 Q OKAY. NOW I BELIEVE BACK IN '92 YOU HAD
18 ACTUALLY BEEN CONVICTED OF AN ASSAULT, IS THAT
19 CORRECT, OR ASSAULT AND BATTERY OF A HIGH AND
20 AGGRAVATED NATURE, IS THAT CORRECT?

21 A YES, SIR.

22 Q ALL RIGHT. THAT DOESN'T, OBVIOUSLY, THAT
23 DOESN'T HAVE ANYTHING TO DO WITH ANYONE IN THIS CASE,
24 DOES IT?

25 A NO, SIR.

1 Q ALL RIGHT. AND I BELIEVE ALSO AT THE SAME TIME
2 A CONVICTION FOR GIVING FALSE INFORMATION TO THE
3 POLICE?

4 A WELL, I THINK IT GOT DISMISSED. I THOUGHT IT
5 WAS DISMISSED. I NEVER HAD TO PAY A FINE. I WENT IN
6 FRONT OF JUDGE HARVEY.

7 Q SO JUST THE ASSAULT CHARGE?

8 A YES, SIR.

9 Q ONCE AGAIN DID ANYONE IN YOUR CAR GET OUT WITH A
10 WEAPON IN THEIR HAND?

11 A NOT THAT I KNOW OF, SIR.

12 Q OTHER THAN THE FIGHT THAT YOU SAW WITH THE GIRLS
13 DOWN IN THE STREET, YOU KNOW OF ANY ACTUAL FIST FIGHT
14 THAT ANYBODY ELSE GOT IN THAT NIGHT?

15 A NO, SIR, NOT THAT I KNOW OF, SIR.

16 Q WHEN YOU LEFT, WERE YOU RUNNING?

17 A OH, YEAH, I WAS RUNNING. I GOT, I CUT MY HANDS
18 UP JUMPING OVER THE CHAIN LINK FENCE.

19 Q THANK YOU, KENNY. NO FURTHER QUESTIONS?

20 THE COURT: CROSS.

21 MR. GREELEY: MAY IT PLEASE THE COURT.

22 CROSS EXAMINATION BY MR. GREELEY:

23 Q MR. NORRIS, GOOD AFTERNOON. I'M GOING TO ASK
24 ANY ANSWER YOU GIVE GIVE A VERBAL ANSWER BECAUSE THE
25 COURT REPORTER HAS TO WRITE EVERYTHING DOWN AND NODS

1 OF THE HEAD CAN SOMETIMES BE A LITTLE BIT CONFUSING,
2 OKAY?

3 A YES, SIR.

4 Q THANK YOU. I SEE FROM THIS STATEMENT THAT YOU
5 ARE 30 YEARS OLD, IS THAT CORRECT?

6 A YES, SIR.

7 Q AND YOU WERE AT THE, WHAT BAR WAS IT?

8 A MICHELLE'S. USED TO BE OUTER LIMIT, NOW IT'S
9 MICHELLE'S.

10 Q YOU HANG OUT THERE A LOT?

11 A NOT ANYMORE, SIR.

12 Q BUT THAT DAY YOU'D BEEN DRINKING ALMOST ALL DAY?

13 A SINCE ABOUT TWO O'CLOCK TO UNTIL THEN, YES, SIR.

14 Q TWO O'CLOCK UNTIL ABOUT 11?

15 A YES, SIR.

16 Q 11:30. OKAY. SO YOU'D BEEN DRINKING NINE
17 HOURS?

18 A I GUESS IF THAT'S WHAT IT ADDS UP TO, SIR. I'M
19 NOT SAYING I WAS SLAMMING THEM DOWN THE WHOLE TIME
20 BUT.

21 Q BUT IT'S A NICE BAR TAB THOUGH, ISN'T IT?

22 A YEAH.

23 Q AND MR. FALLS, WHO YOU'VE KNOWN A LONG TIME,
24 CAME BY AND YOU WERE GOING TO GET A RIDE HOME?

25 A YES, SIR.

1 Q THEY ALSO TOLD YOU ABOUT WHAT THEY WERE PLANNING
2 ON DOING?

3 A ONCE I GOT IN THE CAR, YES, SIR.

4 Q SO ONCE YOU GOT IN THE CAR, HE TOLD YOU THEY
5 WERE GOING TO GO OVER TO THIS PLACE AND FIGHT, IS
6 THAT RIGHT?

7 A IT WASN'T EXACTLY LIKE THAT.

8 Q WELL, WHAT DID HE TELL YOU?

9 A HE TOLD ME WE WAS GOING TO THIS PARTY AND THERE
10 MIGHT BE TROUBLE.

11 Q MIGHT BE TROUBLE. MIGHT BE TROUBLE. WHO ELSE
12 DID YOU KNOW IN THE CAR, DID YOU KNOW?

13 A I KNEW EVERYBODY BUT THE GUY SITTING BESIDE.

14 Q MR. HUBBARD?

15 A NO, MR. HUBBARD I KNEW HIM.

16 Q MR. HUBBARD?

17 A HUBBARD, YES, SIR.

18 Q RIGHT. SO YOU KNEW EVERYBODY ELSE AND YOU EVEN
19 TOOK YOUR LAST BEER WITH YOU FROM THE BAR IN THE CAR?

20 A YES, SIR.

21 Q NOW WHEN YOU GOT THERE YOU WENT UP THE DRIVEWAY
22 WHEN YOU GOT OUT OF THE CAR, DIDN'T YOU?

23 A YES, SIR.

24 Q AND YOU WERE BEING AGGRESSIVE, WERE YOU NOT?

25 A YES, SIR.

- 1 Q OKAY. AND AT THAT TIME YOU WERE 29 YEARS OLD?
- 2 A YES, SIR.
- 3 Q AND WAS YOUR HAIR ABOUT THE WAY IT IS NOW?
- 4 A I HAVEN'T HAD A HAIRCUT IN TWO YEARS.
- 5 Q OKAY. AND YOU HAD A BEER BOTTLE IN YOUR HAND?
- 6 A YEAH, BUT I WAS DRINKING FROM IT. IT WASN'T NO
- 7 WEAPON.
- 8 Q OKAY. BUT AT ONE POINT IN TIME YOU THREW IT
- 9 DOWN ON THE DRIVEWAY, DIDN'T YOU?
- 10 A YES, SIR.
- 11 Q AND BROKE IT?
- 12 A YES, SIR, AT THE SAME TIME I COULD HIT SOMEBODY
- 13 WITH IT IF I CHOSE TO DO THAT.
- 14 Q AND A BEER BOTTLE CAN HURT IF SOMEBODY GETS HIT
- 15 WITH ONE?
- 16 A YES, SIR, I KNOW.
- 17 Q YOU KNOW?
- 18 A YES, SIR.
- 19 Q YOU'VE BEEN HIT WITH ONE BEFORE, HAVEN'T YOU?
- 20 A YES, SIR.
- 21 Q AND SO A BEER BOTTLE CAN BE A WEAPON, CAN'T IT?
- 22 A YES, IT CAN BUT IT WAS NOT. DEPENDS ON HOW YOU
- 23 WIELD IT.
- 24 Q OKAY.
- 25 A IF I WAS HOLDING IT UPSIDE DOWN WITH THE TIP

1 LIKE THIS, MAYBE, BUT WHEN I'M HOLDING IT TO DRINK,
2 NO.

3 Q ALL RIGHT. AND AFTER THIS HAPPENED YOU RAN, IS
4 THAT RIGHT?

5 A YES, SIR.

6 Q DO YOU FIGHT OFTEN?

7 A NO, SIR, NOT ANYMORE.

8 Q NOT ANYMORE?

9 A YES, SIR.

10 Q GETTING TOO OLD?

11 A YES, SIR.

12 Q AND YOU TOLD THE POLICE OFFICER WHEN HE
13 INTERVIEWED YOU YOU DIDN'T KNOW WHY THESE PEOPLE
14 WANTED TO FIGHT?

15 A I'M NOT REALLY SURE TO THIS DAY WHAT THE DEAL
16 IS.

17 Q BUT YOU WERE IN FOR THE RIDE AFTER ABOUT NINE
18 HOURS?

19 A I GUESS SO.

20 Q DRINKING BRAVE, RIGHT?

21 A I GUESS SO, SIR.

22 Q OKAY. AND YOU SAID THAT THEY DID COME OUT AND
23 TALK WITH YOU. WHERE DID THEY TALK WITH YOU, THE
24 POLICE OFFICERS?

25 A ACTUALLY PICKED ME UP ACROSS THE STREET FROM MY

1 GRANDMOTHER'S HOUSE AT MICHAEL LEDFORD'S HOUSE.

2 Q OKAY. THE POLICE DID?

3 A YEAH, THE DETECTIVES LIKE TWO DAYS LATER.

4 Q OKAY. COULD THAT POSSIBLY HAVE BEEN ON FEBRUARY
5 24?

6 A I'M NOT FOR SURE.

7 Q IF THE INTERVIEW SHOWS THE DATE OF INTERVIEW IS
8 FEBRUARY 24?

9 A THEN I GUESS, YES, SIR.

10 Q AND THAT WOULD HAVE BEEN ABOUT, IT WAS AROUND
11 FIVE O'CLOCK IN THE AFTERNOON?

12 A YES, SIR, I GOT OFF OF WORK. I JUST GOT OFF OF
13 WORK.

14 Q ALL RIGHT. OKAY. AND THAT WOULD HAVE BEEN
15 ABOUT SIX DAYS AFTER THIS INCIDENT, IS THAT RIGHT?

16 A I GUESS SO, YES, SIR.

17 Q AND THAT WAS THE FIRST TIME THAT YOU HAD TALKED
18 WITH THE POLICE ABOUT THIS MATTER, IS THAT CORRECT?

19 A YES, SIR.

20 MR. GREELEY: THAT'S ALL I HAVE AT THIS
21 TIME.

22 THE COURT: REDIRECT?

23 MR. THOMPSON: NO, YOUR HONOR.

24 THE COURT: YOU CAN STEP DOWN AND BE
25 EXCUSED. WE APPRECIATE YOUR TIME.

1 MEMBERS OF THE JURY PANEL, WE'LL BREAK FOR
2 LUNCH AT THIS TIME UNTIL ABOUT, WE'LL TAKE AN HOUR
3 AND 15 MINUTES, SO BE BACK AT 1:45 AND WE'LL START AS
4 PROMPTLY THEREAFTER AS WE CAN. HAVE A PLEASANT
5 LUNCH.

6 (THE JURY EXITS THE COURTROOM AT 12:31
7 PM.)

8 THE COURT: WE'LL BE AT EASE UNTIL 1:45.

9 (COURT'S IN RECESS AT 1:45.)

10 (COURT RESUMES AT 01:50 PM.)

11 THE COURT: IS THE STATE READY.

12 MR. POPE: THE STATE'S READY, YOUR HONOR.

13 THE COURT: THE DEFENSE. HEARING NO
14 OBJECTION, BRING IN THE JURY.

15 (THE JURY RETURNS TO THE COURTROOM AT
16 01:51 PM.)

17 THE COURT: CALL YOUR NEXT WITNESS.

18 MR. POPE: THE STATE WOULD CALL STEVE
19 BLAIR.

20 STEVE BLAIR, BEING FIRST DULY
21 SWORN, TESTIFIED AS FOLLOWS:

22 DIRECT EXAMINATION BY MR. POPE:

23 Q OFFICER BLAIR, IF YOU'LL STATE YOUR NAME AND
24 SPELL YOUR LAST NAME FOR THE COURT REPORTER PLEASE?

25 A STEVE BLAIR. LAST NAME B-L-A-I-R.

- 1 Q COULD TELL THE JURY WHERE YOU ARE EMPLOYED?
- 2 A YORK COUNTY SHERIFF'S OFFICE.
- 3 Q HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?
- 4 A A LITTLE OVER 17 YEARS.
- 5 Q I'M GOING TO CALL YOUR ATTENTION BACK TO
- 6 FEBRUARY OF THIS YEAR. WHERE WERE YOU EMPLOYED AT
- 7 THAT TIME?
- 8 A YORK COUNTY SHERIFF'S OFFICE.
- 9 Q OKAY. AND WHAT WERE YOUR DUTIES?
- 10 A I WORK IN THE PATROL DIVISION.
- 11 Q OKAY.
- 12 A ON C SHIFT.
- 13 Q WANT TO CALL YOUR ATTENTION PARTICULARLY TO THE
- 14 MORNING OF SUNDAY THE 19, WHAT SHIFT WERE YOU WORKING
- 15 THAT DAY, DO YOU RECALL?
- 16 A DAY SHIFT.
- 17 Q OKAY. SO WHAT TIME DID YOU COME ON THAT
- 18 MORNING?
- 19 A BETWEEN 5:30 AND QUARTER OF SIX IN THE MORNING.
- 20 Q IN THE A.M.
- 21 A YES, SIR.
- 22 Q DID YOU HAVE AN OPPORTUNITY TO GO OUT TO
- 23 LAWRENCE ROAD, THE AREA IN QUESTION IN THIS CASE?
- 24 A I DID. AS SOON AS I CHECKED ON, THAT'S WHERE I
- 25 WAS DISPATCHED TO GO TO.

1 Q AND WHAT WAS YOUR RESPONSIBILITY WHEN YOU
2 ARRIVED THERE?

3 A BASICALLY JUST TO PARK IN THE FRONT OF THE
4 RESIDENCE AND MAKE SURE THAT NOBODY CAME THERE OR
5 ANYTHING WAS DISTURBED OR MOVED.

6 Q OKAY. I THINK OFFICER FERRELL AND OFFICER DAY,
7 THE NIGHT SHIFT OFFICERS, DID YOU RELIEVE THEM; IN
8 OTHER WORDS, THEY WERE ABLE TO LEAVE SECURITY OF THE
9 SCENE WHEN YOU ARRIVED?

10 A YES, SIR.

11 Q OKAY. AND WHILE YOU WERE THERE AT SOME POINT
12 DID MEMBERS OF THE FORENSIC UNIT RETURN TO THE SCENE,
13 MEMBERS OF THE INVESTIGATIVE TEAM RETURN TO THE SCENE
14 AND DO PROCESSING OR DISCUSSIONS?

15 A YES, SIR.

16 Q OKAY. AS FAR AS WHILE THE SCENE WAS IN YOUR
17 CUSTODY OR CONTROL, DID YOU ALTER ANYTHING OR CHANGE
18 ANYTHING?

19 A NO, SIR.

20 Q OKAY. AND OTHER THAN THAT INVOLVEMENT OF
21 KEEPING THAT SCENE SECURE, DID YOU HAVE ANY OTHER
22 INVOLVEMENT IN THIS CASE?

23 A NO, SIR, I DID NOT.

24 Q THANK YOU. ANSWER ANY QUESTIONS MR. GREELEY MAY
25 HAVE.

1 MR. GREELEY: I HAVE NO QUESTIONS.

2 THE COURT: YOU CAN STEP DOWN AND BE
3 EXCUSED. WE APPRECIATE YOUR TIME. CALL YOUR NEXT
4 WITNESS.

5 MR. THOMPSON: STATE WOULD CALL HOLLY
6 MCCARTER.

7 HOLLY MCCARTER, BEING FIRST DULY
8 SWORN, TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION BY MR. THOMPSON:

10 Q HOLLY, WOULD YOU GIVE YOUR FULL NAME FOR THE
11 COURT PLEASE?

12 A HOLLY MCCARTER. M-C-C-A-R-T-E-R.

13 Q ALL RIGHT. HOLLY, HOW OLD ARE YOU?

14 A 23.

15 Q AND YOU LIVE HERE IN YORK COUNTY?

16 A YES, SIR.

17 Q HOW DO YOU KNOW TRAVIS FALLS?

18 A HE'S MY CHILDRENS' FATHER, MY BOYFRIEND.

19 Q AND DO Y'ALL LIVE TOGETHER?

20 A YES, WE DO.

21 Q OKAY. CAN YOU TELL ME HOW DO YOU KNOW BOBBY
22 HOVIS?

23 A I'VE KNOWN HIM, HE WAS A FRIEND FOR ABOUT 11
24 YEARS.

25 Q ALL RIGHT. AND WERE Y'ALL PRETTY CLOSE FRIENDS?

1 A WE'RE CLOSE FRIENDS.

2 Q WAS HE A FRIEND OF TRAVIS AS WELL?

3 A YES.

4 Q OKAY. CAN YOU TELL ME, HOW DID THE NIGHT OF
5 FEBRUARY 18, 2006, BEGIN FOR YOU? HOW DID THAT NIGHT
6 START?

7 A WE WERE AT BOBBY'S HOUSE AND BOBBY AND TRAVIS
8 HAD LEFT TO GO GET BEER AND THEY CAME BACK AND SAID
9 THAT HE HAD KEPT GETTING PHONE FROM JEFF BUCK SAYING
10 THAT, YOU KNOW, THEY WANT TO COME GET THEM TO FIGHT
11 AND THEY WERE UP JUMPING AROUND AND SAYING, LET'S GO
12 FIGHT, LET'S GO FIGHT. AND THEN BOBBY KEPT SAYING
13 THEY WAS GOING TO COME SHOOT UP THE HOUSE IF THEY
14 DIDN'T GO MEET THEM. SO THEY ALL DECIDED TO GO FIGHT
15 AND WE HAD DECIDED THAT WE NEEDED TO GO GET
16 CIGARETTES ANYWAY AND AFTER THAT WE LEFT TO GO FIGHT.

17 Q OKAY. SO NOW WHEN YOU SAID THEY WOULD COME TO
18 THE HOUSE, THE PEOPLE THAT YOU WERE GOING TO GO FIGHT
19 WOULD COME TO YOUR HOUSE IF Y'ALL DIDN'T GO THERE?

20 A YES.

21 Q OKAY. AND WHAT WAS YOUR UNDERSTANDING OF WHAT
22 WAS GOING TO HAPPEN WHEN YOU GOT TO THIS HOUSE?

23 A WE WERE SUPPOSED TO BLOW THE HORN AND, BLOW THE
24 HORN ONCE, AND THEN THEY WERE SUPPOSED TO FOLLOW US
25 BACK TO THE SPOT.

- 1 Q OKAY. AND WHAT IS THE SPOT?
- 2 A IT'S LIKE A LITTLE PLACE LIKE WE USED TO HANG
- 3 OUT AT WHEN WE WERE YOUNGER. IT'S NEAR BOBBY'S
- 4 FATHER'S HOUSE.
- 5 Q OKAY. AND CAN YOU TELL ME WHEN Y'ALL LEFT OUT
- 6 THAT NIGHT, DO YOU RECALL WHERE YOU WENT FIRST, WHAT
- 7 PLACE DID YOU STOP AT FIRST?
- 8 A WE WENT TO BOBBY'S COUSIN TIM'S HOUSE.
- 9 Q ALL RIGHT. NOW WHEN YOU SAY WE, WHO IS WITH YOU
- 10 AT THIS TIME?
- 11 A ME, MIKE, BOBBY, AND TRAVIS.
- 12 Q AND THAT'S MIKE HUBBARD?
- 13 A UH-HUH.
- 14 Q TRAVIS FALL?
- 15 A YES.
- 16 Q BOBBY HOVIS AND YOU?
- 17 A YES.
- 18 Q WHO IS DRIVING AT THIS POINT?
- 19 A BOBBY IS.
- 20 Q OKAY. AND THEN GO AHEAD, YOU WENT TO WHOSE
- 21 HOUSE FIRST?
- 22 A TIM'S HOUSE.
- 23 Q ALL RIGHT. WHO IS TIM?
- 24 A IT'S BOBBY'S COUSIN.
- 25 Q DO YOU KNOW HIS LAST NAME?

1 A I THINK IT MIGHT BE STEVENS.

2 Q DID HE ALSO GO BY PAUL?

3 A I THINK SO, BUT I'M NOT FOR SURE.

4 Q AND WHEN YOU GOT THERE WHAT HAPPENED AT THAT

5 POINT?

6 A BOBBY GOT OUT TO GO SEE IF TIM WANTED TO COME

7 FIGHT AND TIM WAS GOING TO COME WITH US BUT HIS WIFE

8 DIDN'T WANT HIM TO, HE STAYED AT HOME. WE LEFT THERE

9 AND THEN WE WENT TO A GUY NAMED BILLY'S HOUSE THAT

10 BOBBY WORKED WITH I THINK AND NO ONE WAS AT HOME SO

11 WE LEFT THERE AND WENT TO GO PICK UP KENNY AT THE

12 BAR.

13 Q OKAY. AND DO YOU REMEMBER PICKING UP KENNY, WHO

14 WENT IN TO GET KENNY?

15 A TRAVIS DID.

16 Q AND DID YOU REALLY KNOW KENNY BEFORE THAT?

17 A YES.

18 Q HOW DO YOU KNOW HIM?

19 A HE WAS ONE OF TRAVIS'S FRIENDS FROM WHEN WE WERE

20 YOUNGER.

21 Q OKAY. AND WHEN KENNY CAME OUT, DID HE HAVE

22 ANYTHING WITH HIM WHEN HE CAME OUT?

23 A HE CARRIED A BEER WITH HIM.

24 Q ALL RIGHT. DID ANYONE IN THE CAR AT THIS POINT

25 HAVE A WEAPON WITH HIM?

- 1 A YES, MIKE HAD A STICK.
- 2 Q OKAY. AND ABOUT HOW BIG WAS THAT STICK?
- 3 A IT WAS ABOUT MAYBE TWO FEET LONG. YOU KNOW
- 4 SQUARE, IT WASN'T VERY BIG.
- 5 Q DID HE EVER TAKE THAT STICK OUT OF THE CAR WHEN
- 6 Y'ALL WERE AT THE HOUSE?
- 7 A NO.
- 8 Q CAN YOU TELL ME, DID YOU EVEN KNOW, DID YOU KNOW
- 9 WHO LIVED AT THIS HOUSE?
- 10 A NO, I DID NOT, NOT AT THE TIME.
- 11 Q HOW DID YOU GET DIRECTED TO THIS HOUSE?
- 12 A JEFF BUCK TOLD US TO COME DOWN LAWRENCE ROAD AND
- 13 WE WOULD SEE LIGHTS ON AT THAT HOUSE.
- 14 Q NOW WERE Y'ALL IN ONE CAR AT THIS POINT WHEN
- 15 KENNY GETS IN?
- 16 A YES.
- 17 Q AND WHERE DID KENNY SIT?
- 18 A BEHIND, YEAH, BEHIND MIKE.
- 19 Q WAS BOBBY STILL DRIVING?
- 20 A YES.
- 21 Q AND WHERE WERE YOU?
- 22 A I WAS IN THE MIDDLE.
- 23 Q OKAY. OF THE BACK SEAT?
- 24 A UH-HUH.
- 25 Q OKAY. AND WHEN YOU, AT THAT POINT WHEN YOU

1 ENDED UP, WAS ANYBODY ELSE WITH YOU OR WAS THERE
2 ANOTHER CAR WITH YOU OR ANYTHING LIKE THAT DURING
3 THIS TIME?

4 A NO.

5 Q SO AT THAT POINT IS THAT WHEN YOU WENT DOWN TO
6 LAWRENCE ROAD?

7 A UH-HUH.

8 Q AND WHAT HAPPENED WHEN YOU GOT THERE AT LAWRENCE
9 ROAD?

10 A WE DROVE DOWN LAWRENCE ROAD. WE BLOWED THE
11 HORN. WE TURNED AROUND. I THINK IT MIGHT HAVE BEEN
12 A ROAD ON THE RIGHT, WE TURNED AROUND ON A ROAD ON
13 THE RIGHT, AND WE CAME BACK UP AND THEN STOPPED.

14 Q ALL RIGHT. DO YOU RECALL WHERE Y'ALL STOPPED?

15 A IT WAS RIGHT PAST THE DRIVEWAY ON THE RIGHT SIDE
16 OF THE ROAD NOT, YOU KNOW, WE DIDN'T PULL OFF THE
17 ROAD, WE WERE STILL IN THE MIDDLE OF THE ROAD.

18 Q OKAY. WERE YOU FACING 321 AT THAT POINT?

19 A YES.

20 Q ALL RIGHT. DID THE LIGHT STAY ON IN THE CAR AS
21 FAR AS YOU REMEMBER?

22 A YEAH, AS FAR AS I REMEMBER.

23 Q WHEN Y'ALL GOT THERE, DID YOU SEE PEOPLE IN THE
24 YARD WHEN YOU PULLED THE CAR UP AROUND, WHEN YOU
25 TURNED AROUND TO COME BACK?

1 A YES.

2 Q AND ABOUT HOW MANY PEOPLE DID YOU SEE?

3 A MAYBE TEN.

4 Q AND AT THAT POINT WHAT HAPPENED; WHEN Y'ALL

5 STOPPED THE CAR, WHAT HAPPENED?

6 A KENNY JUMPED OUT OF THE CAR AND WENT TO RUN UP

7 THE DRIVEWAY. TRAVIS JUMPED OUT OF THE CAR TO GO SEE

8 WHERE KENNY WAS. I WAS STILL SITTING IN THE BACK

9 SEAT. I GOT OUT OF THE CAR --

10 Q I'M SORRY. WAS KENNY SUPPOSED TO HAVE JUMPED

11 OUT OF THE CAR THEN?

12 A NO, HE WASN'T SUPPOSED TO.

13 Q WHY, WHAT, AGAIN WHAT WAS, WHAT DID YOU THINK

14 WAS SUPPOSED TO HAPPEN AT THAT POINT?

15 A WE WERE JUST SUPPOSED TO STOP AND JEFF BUCK AND

16 WHOEVER ELSE WAS SUPPOSED TO FOLLOW US.

17 Q OKAY. AND AT THAT POINT WHEN KENNY HOPPED OUT

18 YOU SAID TRAVIS GOT OUT?

19 A UH-HUH.

20 Q AFTER KENNY?

21 A YES, HE WENT AFTER KENNY.

22 Q WHAT DID YOU DO?

23 A I SAT IN THE CAR FOR A MINUTE AND THEN I STOOD

24 UP BETWEEN THE CAR AND THE CAR DOOR BECAUSE TRAVIS

25 HAD LEFT THE CAR DOOR OPEN ON THE LEFT SIDE OF THE

1 CAR, AND I JUST SORT OF HOLLERED, TRAVIS, TO SEE
2 WHERE THEY WERE GOING. AND THEN THE NEXT THING I
3 KNOW LORI MOSS WAS RIGHT THERE IN MY FACE AND ME AND
4 HER ENDED UP GETTING IN A FIGHT AND THEN TRAVIS BROKE
5 US APART. THEN AFTER WE BROKE APART, I JUMPED BACK
6 IN THE BACK SEAT AND THEN SHE CAME AT HIM AND THAT'S
7 WHEN HE PUSHED HER.

8 Q DID SHE GO DOWN WHEN HE PUSHED HER?

9 A YES.

10 Q ALL RIGHT. DO YOU REMEMBER WHERE TRAVIS WAS
11 WHEN YOU GOT OUT TO LOOK FOR WHERE TRAVIS AND KENNY
12 WERE?

13 A TRAVIS WAS JUST RIGHT THERE BESIDE, LIKE AT THE
14 BACK END OF THE CAR, AND KENNY, I NEVER SEEN HIM
15 AGAIN.

16 Q YOU DIDN'T SEE KENNY AGAIN AFTER THAT?

17 A NO.

18 Q ALL RIGHT. AFTER TRAVIS PUSHED HER DOWN, WHAT
19 DID YOU DO?

20 A WELL, AFTER ME AND HER HAD GOT IN A FIGHT I WAS
21 JUST IN, JUMPED IN THE BACK SEAT OF THE CAR AND I
22 SEEN HIM PUSH HER DOWN AND I JUST STAYED IN THE BACK
23 SEAT OF THE CAR. I DIDN'T DO NOTHING AFTER THAT.

24 Q OKAY. AND HOW LONG, I MEAN, AT WHAT POINT DID
25 PEOPLE START GETTING BACK IN THE CAR?

1 A WHENEVER WE HEARD SHOTS FIRED AND BOBBY COULDN'T
2 GET THE CAR INTO DRIVE AND SO BOBBY GOT OUT OF THE
3 FRONT SEAT OF THE DRIVER'S SIDE AND RAN AROUND FROM
4 THE DRIVER'S SIDE AROUND TO THE FRONT, JUMPED IN THE
5 BACK, BACK SEAT OF THE CAR ON THE PASSENGER SIDE, AND
6 I CRAWLED FROM THE BACK PASSENGER SIDE TO THE FRONT,
7 CRAWLED OVER THE SEATS.

8 Q ALL RIGHT. AND THEN YOU STARTED DRIVING THE CAR
9 THEN?

10 A YES.

11 Q WHY WAS IT BOBBY COULDN'T SEEM TO GET THE CAR IN
12 GEAR?

13 A HE WAS JUST REAL NERVOUS, LIKE HE COULDN'T THINK
14 ABOUT WHAT HE WAS DOING.

15 Q ALL RIGHT. DID ANYBODY HAVE A GUN ON HIM IN
16 YOUR CAR AT THAT POINT IN TIME?

17 A NO.

18 Q DO YOU REMEMBER WERE ANY OF THE WINDOWS DOWN IN
19 THE CAR THAT YOU CAN RECALL?

20 A I DON'T REMEMBER ANY OF THE WINDOWS BEING DOWN.

21 Q OKAY. AND WHEN YOU CRAWLED TO THE FRONT, WERE
22 YOU ABLE TO GET IT GOING RIGHT AWAY?

23 A YES.

24 Q NOW DID YOU HAVE ANY PROBLEM GETTING STARTED OFF
25 OR DID YOU FORWARD RIGHT AWAY OR WHAT HAPPENED?

- 1 A I DROVE BACKWARDS.
- 2 Q YOU STARTED --
- 3 A I BACKED UP.
- 4 Q YOU STARTED TO BACK UP A LITTLE BIT?
- 5 A YEAH.
- 6 Q WAS ANYTHING BROKEN ON THE CAR WHEN Y'ALL GOT
- 7 THERE, WHEN Y'ALL ARRIVED AT THE PLACE?
- 8 A NO.
- 9 Q BEFORE THIS INCIDENT. ANY GLASS OR ANY OF THE
- 10 WINDOWS BROKEN OR ANYTHING LIKE THAT?
- 11 A NO, IT WASN'T.
- 12 Q ANY OF THE MIRRORS BROKEN OR ANYTHING LIKE THAT?
- 13 A NO.
- 14 Q ANY BIG DENTS OR ANYTHING LIKE THAT ON THE CAR?
- 15 A NO.
- 16 Q ALL RIGHT. CAN YOU TELL ME WHEN, YOU SAID YOU
- 17 STARTED GOING BACKWARDS A LITTLE BIT, WHAT DID YOU DO
- 18 AT THAT POINT?
- 19 A TRAVIS STARTED HOLLERING, WAIT, WAIT ON ME, SO I
- 20 JUST STOPPED BECAUSE I WASN'T EVEN THINKING ABOUT
- 21 TRAVIS OR KENNY OR ANYBODY AT THE TIME BECAUSE I JUST
- 22 HEARD THE SHOTS FIRING, I WAS JUST TRYING TO GET OUT
- 23 OF THERE.
- 24 Q WHEN DID YOU FIRST HEAR SHOTS FIRED?
- 25 A WHENEVER BOBBY WAS IN THE DRIVER'S SEAT.

1 Q OKAY.

2 A WHEN BOBBY WAS IN THE DRIVER'S SEAT.

3 Q ALL RIGHT. AND COULD YOU TELL WHERE IT WAS
4 COMING FROM?

5 A IT LOOKED LIKE IT WAS COMING FROM THE PORCH. I
6 COULD SEE, YOU KNOW, FIRE FROM THE PORCH.

7 Q OKAY.

8 A IN THE AIR.

9 Q AND AT THAT POINT DID THE GUN FIRE CONTINUE OR
10 DID IT STOP FOR A BRIEF PERIOD AND THEN START AGAIN
11 OR WHAT HAPPENED?

12 A YEAH, IT STOPPED FOR A LITTLE BIT AND THEN
13 SEEMED LIKE AS SOON AS I BACKED UP TO GET TRAVIS IN
14 THE CAR, IT STARTED LIKE CONSTANTLY.

15 Q OKAY. AND DID YOU DRIVE OFF AT THAT POINT?

16 A YES.

17 Q WHILE YOU WERE DRIVING OFF, WAS THERE STILL GUN
18 FIRE?

19 A YES.

20 Q WAS ANY GUN FIRE COMING FROM YOUR CAR?

21 A NO.

22 Q DID ANYBODY IN YOUR CAR HAVE A GUN?

23 A NO.

24 Q CAN YOU TELL ME AS YOU DROVE OFF, WHEN WAS IT
25 THAT THE -- DO YOU RECALL WHEN IT WAS THAT THE BACK

1 WINDOW WAS KNOCKED OUT?

2 A I DON'T REMEMBER IF IT WAS WHILE WE WERE STILL
3 SITTING THERE OR IF IT WAS WHILE WE WAS DRIVING OFF,
4 BUT I THINK IT WAS WHILE WE WERE DRIVING OFF, BUT I'M
5 NOT REALLY FOR SURE.

6 Q ALL RIGHT. WHAT DID YOU DO AS YOU WERE DRIVING
7 THEN?

8 A I REMEMBER LOOKING BACK TO SEE, YOU KNOW, WHAT
9 WAS GOING ON WITH TRAVIS AND, YOU KNOW, MAKE SURE
10 EVERYBODY WAS IN THE CAR AND I REMEMBER LOOKING BACK
11 AND SEEING BOBBY AND HE LOOKED LIKE HE WAS DUCKING
12 DOWN OR YOU KNOW LOOKING DOWN AND THEN AS WE WERE
13 DRIVING OFF TRAVIS WAS LIKE, I'M SHOT, I'M SHOT, AND
14 THEN, YOU KNOW, HITTING BOBBY AND TRYING TO TELL HIM.

15 Q ALL RIGHT. DID BOBBY EVER RESPOND?

16 A NO.

17 Q DID BOBBY EVER COME CONSCIOUS AGAIN?

18 A NO.

19 Q WHILE YOU WERE IN THE CAR WITH HIM?

20 A NO.

21 Q DID YOU BEGIN TO PANIC AT THAT TIME, WHAT WERE
22 YOU DOING?

23 A YEAH, I BEGAN TO PANIC AT THAT TIME. I STARTED
24 CRYING AND, YOU KNOW, BECAME REAL SHAKY. I DIDN'T
25 KNOW WHAT TO DO AT THE TIME.

1 Q WERE YOU ABLE TO CONTINUE DRIVING?

2 A NO.

3 Q ALL RIGHT. WHERE DID YOU END UP STOPPING WHEN
4 YOU WERE DRIVING?

5 A AT THAT CAR LOT, AMERICAN AUTO SALES, YOU KNOW,
6 NOT FAR FROM LAWRENCE ROAD.

7 Q ALL RIGHT. AND SO WHEN LAWRENCE ROAD MEETS 321
8 THE LOT IS TO THE LEFT I GUESS OF THAT?

9 A YES.

10 Q IS THAT CORRECT. AS YOU ARE COMING OUT OF
11 LAWRENCE ROAD, IT'S A LITTLE TO THE LEFT?

12 A UH-HUH.

13 Q OKAY. AND DID YOU ACTUALLY DECIDE TO PULL OVER
14 THERE OR DID SOMEBODY TELL YOU TO PULL OVER THERE?

15 A MIKE DID. MIKE TOLD ME TO PULL OVER AND LET HIM
16 DRIVE.

17 Q ALL RIGHT. AND NOW DURING THAT TIME, DID YOU
18 ACTUALLY END UP MAKING ANY CALLS, DID YOU HAVE A CELL
19 PHONE WITH YOU OR WHAT?

20 A I ENDED UP WITH BOBBY'S PHONE SOMEHOW. I DON'T
21 KNOW HOW I ENDED UP WITH IT. MAYBE HE DROPPED IT IN
22 THE FRONT SEAT, BUT YES, I WAS CALLING PEOPLE THAT I
23 KNEW TO LET THEM WHAT WAS GOING ON.

24 Q WHO DID YOU CALL?

25 A I REMEMBER CALLING BOBBY'S DAD. MY DAD. MY

1 SISTER.

2 Q OKAY.

3 A PEOPLE LIKE THAT.

4 Q AND THAT'S WHILE YOU ARE STILL IN THE CAR AT
5 THAT POINT OR WHILE YOU WERE CHANGING AROUND SEATS
6 AND STUFF?

7 A YEAH.

8 Q OKAY. DID ANYONE ELSE GET OUT OF THE CAR OTHER
9 THAN YOU AND MIKE AT THAT TIME?

10 A NO.

11 Q AND Y'ALL JUST CHANGED SEATS, WHAT SEAT DID YOU
12 GO TO?

13 A I GOT IN THE PASSENGER SEAT AND MIKE GOT IN THE
14 DRIVER'S SEAT.

15 Q ALL RIGHT. WHERE DID Y'ALL GO FROM THERE?

16 A TRAVIS TOLD US TO DRIVE TO THE CLOVER POLICE
17 DEPARTMENT.

18 Q AND IS THAT WHERE, THAT'S WHERE Y'ALL WENT?

19 A UH-HUH.

20 Q WHAT HAPPENED WHEN YOU GOT TO THE CLOVER POLICE
21 DEPARTMENT?

22 A TRAVIS WENT RUNNING UP TO SOME POLICE OFFICERS
23 THAT WERE STANDING OUT BACK BEHIND THE POLICE STATION
24 AND TRIED TO TELL THEM WHAT WAS GOING ON AND THEN I
25 WAS TRYING TO HELP BOBBY OUT BECAUSE I DIDN'T REALLY

1 KNOW WHAT, YOU KNOW, IF, YOU KNOW, HE WAS DEAD OR
2 WHAT WAS GOING ON BUT.

3 Q WHAT DID YOU DO TO TRY AND HELP BOBBY AT THAT
4 TIME?

5 A I HAD OPENED THE DOOR TO, YOU KNOW, TO ACTUALLY
6 LOOK AT HIS FACE, YOU KNOW, TO SEE FOR MYSELF WAS HE
7 ALIVE OR WAS HE DEAD OR IF THERE IS ANY HELP FOR HIM.

8 Q OKAY. DID YOU ADJUST ANY OF THE WINDOWS OR
9 DOORS OR ANYTHING LIKE THAT WHEN YOU WERE IN THE CAR?

10 A NO.

11 Q OKAY. AND DID YOU END UP GETTING ANY BLOOD ON
12 YOU DURING THIS TIME?

13 A YES.

14 Q AND CAN YOU TELL ME WHERE?

15 A I HAD BLOOD ON MY HANDS AND I HAD ON A SWEAT
16 SHIRT AND THERE WAS SOME BLOOD SPLATTERED ON MY SHIRT
17 AND ON THE BACK OF MY SHIRT ON THIS SIDE.

18 Q OKAY. AND DID Y'ALL HAVE, WAS THERE A LOT OF
19 GLASS IN THE CAR TOO FROM THE BACK WINDSHIELD BEING
20 BROKEN?

21 A YES.

22 Q DID YOU END UP HAVING ANY OF THAT ON YOU?

23 A OH, NO.

24 Q GOING BACK JUST BRIEFLY, BACK WHEN Y'ALL, RIGHT
25 BEFORE YOU END UP COMING TO THE HOUSE ON LAWRENCE

1 ROAD, DID YOU HAVE ANY OTHER, DID YOU HEAR ANY OTHER
2 CALLS COMING IN FROM JEFF BUCK DURING THAT TIME?

3 A I REMEMBER JEFF CALLING MAYBE TWO OR THREE TIMES
4 ON OUR WAY THERE TO LET US KNOW WHICH HOUSE TO STOP
5 AT. AND HE TALKED TO HIS DAD.

6 Q BOBBY?

7 A YEAH, BOBBY TALKED TO HIS FATHER.

8 Q BOBBY TALKED TO HIS OWN FATHER?

9 A YES.

10 Q OKAY. GOING BACK TO THE CLOVER POLICE
11 DEPARTMENT, WHAT DID YOU DO THEN AFTER YOU TRIED TO
12 HELP BOBBY, WHERE DID YOU GO FROM THERE?

13 A A LADY CAME OUT AND TOLD ME JUST TO COME INSIDE
14 AND, YOU KNOW, TRY TO CALM DOWN A LITTLE BIT.

15 Q ALL RIGHT.

16 A SO I WENT IN THERE.

17 Q AND YOU DID THAT?

18 A YES.

19 Q OKAY. DID YOU KEEP THE CELL PHONE WITH YOU AT
20 THAT TIME?

21 A YES, SIR, I DID.

22 Q DID YOU CONTINUE TO MAKE CALLS ON IT?

23 A UH-HUH.

24 Q HOW LONG DID YOU STAY AT THE CLOVER POLICE
25 DEPARTMENT AFTER THAT?

1 A I THINK IT WAS ABOUT THREE HOURS AFTER THAT.

2 Q ALL RIGHT. AND WHY DID YOU STAY SO LONG?

3 A I HAD GAVE A STATEMENT AND THEN MY FAMILY COME
4 UP THERE AND THEY WERE TALKING TO POLICE AND THEN I
5 THINK THAT WAS IT.

6 Q OKAY. CAN YOU TELL ME WHEN YOU GAVE YOUR
7 STATEMENT HOW WAS IT, WERE YOU ASKED QUESTIONS, WERE
8 YOU, JUST WHAT WAS THE CONDITION OF YOUR STATEMENT?

9 A I JUST WENT IN THERE AND I WROTE DOWN WHAT I
10 THOUGHT HAD HAPPENED THAT NIGHT.

11 Q YOU WROTE IT DOWN YOURSELF WITHOUT ANYONE
12 QUESTIONING YOU?

13 A YES.

14 Q AND CAN YOU TELL ME, DID YOU ALSO INTERVIEW WITH
15 AN OFFICER LATER THAT MORNING?

16 A YES.

17 Q LATER THAT AFTERNOON, I GUESS?

18 A AFTER WE GOT BACK FROM THE HOSPITAL.

19 Q ALL RIGHT. WHEN DID YOU ACTUALLY GET TO THE
20 HOSPITAL WHERE TRAVIS WAS?

21 A IT WAS AROUND, IT WAS DAY LIGHT.

22 Q OKAY. AND SO WHERE DID YOU GO AFTER THE CLOVER
23 POLICE DEPARTMENT, WHERE DID YOU GO FROM THERE?

24 A I WENT TO CMC TO SEE BOBBY.

25 Q AND AT CMC WERE YOU ACTUALLY ABLE TO SEE HIM

1 WHEN YOU GOT THERE?

2 A NOT AT FIRST, BUT I THINK IT WAS AROUND 4:30
3 MAYBE I GOT TO SEE HIM.

4 Q WAS HE CONSCIOUS AT ALL WHEN YOU WERE IN THERE?

5 A NO.

6 Q AND AFTER THAT, DID YOU GO, WHERE DID YOU GO
7 FROM THERE?

8 A ONE OF MY FRIENDS TOOK ME BACK TO ROCK HILL TO
9 SEE, TO WHERE TRAVIS WAS, AND THEN THEY TRANSPORTED
10 TRAVIS BACK TO UP TO CMC, SO I RODE IN AN AMBULANCE
11 WITH HIM UP TO CMC.

12 Q OKAY. DID YOU KNOW BERRY BOLIN BEFORE ALL THIS?

13 A YES.

14 Q HOW DID YOU KNOW HIM?

15 A HE WAS A GOOD FRIEND OF OURS, OF MINE AND
16 TRAVIS'S.

17 Q YOU AND TRAVIS?

18 A UH-HUH.

19 Q DID YOU KNOW HE WAS THERE THAT NIGHT?

20 A NO, I DIDN'T.

21 Q ALL RIGHT. DID YOU HAVE ANY IDEA WHO IT WAS
22 THAT Y'ALL WERE GOING TO BE FIGHTING THAT NIGHT?

23 A I KNEW JEFF BUCK AND WHOEVER WAS WITH HIM, BUT I
24 DIDN'T HAVE ANY IDEA WHO WAS GOING TO BE, YOU KNOW,
25 WHO WAS GOING TO BE THERE.

1 Q OKAY.

2 A WHO WAS GOING TO BE COMING WITH HIM.

3 Q ALL RIGHT. DID YOU KNOW THAT LORI MOSS WOULD BE
4 THERE?

5 A NO.

6 Q IN FACT, AT THAT TIME WERE YOU EVEN ALLOWED TO
7 BE AROUND LORI MOSS?

8 A NO, I WASN'T SUPPOSED TO.

9 Q OKAY. THANK YOU. NO FURTHER QUESTIONS. PLEASE
10 ANSWER ANY QUESTIONS THE DEFENSE HAS.

11 MR. GREELEY: MAY IT PLEASE THE COURT.

12 CROSS EXAMINATION BY MR. GREELEY:

13 Q MS. MCCARTER, TRAVIS FALLS KNEW THAT HE WAS NOT
14 SUPPOSED TO BE AROUND BRADLEY DEAL, DIDN'T HE?

15 A YES.

16 Q AND Y'ALL KNEW AT THE TIME THAT YOU WERE GOING
17 OVER THERE, THAT BRADLEY DEAL WAS WHEREVER Y'ALL WERE
18 GOING, CORRECT?

19 A I DIDN'T ACTUALLY KNOW THAT BRADLEY DEAL WAS
20 THERE, NO, I DID NOT.

21 Q YOU DID NOT?

22 A NO, I DID NOT.

23 Q DO YOU RECALL ANY CONVERSATION IN THE CAR WITH
24 BRADLEY DEAL'S NAME IN IT?

25 A I RECALL WITH RICKY DEAL, HIS OLDER BROTHER,

1 WITH HIM IN THERE.

2 Q OKAY. NOW YOU HAVE THREE CHILDREN?

3 A YES, SIR.

4 Q WHERE WERE THE CHILDREN THAT NIGHT?

5 A THEY WERE WITH DANIELLE, BOBBY'S BABY'S MOTHER.

6 Q DANIELLE HAS A CHILD, IS THAT CORRECT?

7 A YES, SIR.

8 Q AND SO DANIELLE WAS THE BABYSITTER SO THAT Y'ALL
9 COULD HAVE A PARENT'S NIGHT OUT?

10 A NO. ACTUALLY WE WERE SUPPOSED TO GO AND GET
11 CIGARETTES.

12 Q I WAS GOING TO ASK YOU ABOUT THAT. YOU SAID
13 Y'ALL WERE TALKING ABOUT FIGHTING OR WHATEVER AND
14 THEN YOU HAD TO GO OUT FOR CIGARETTES, RIGHT?

15 A YES.

16 Q AND SO YOU JUST DECIDED GOING OUT FOR CIGARETTES
17 WOULD BE A GOOD TIME TO GO FIGHT, RIGHT?

18 A I GUESS.

19 Q AND YOU WENT OVER TO THE STEVENS' HOUSE AND HIS
20 GIRLFRIEND SAID NO, YOU DON'T WANT TO DO THIS, DO
21 YOU, AND HE SAID NO, RIGHT?

22 A YES.

23 Q OKAY. AND YOU WENT OVER TO THE MOON'S HOUSE,
24 GOT ABOUT THE SAME RESPONSE FROM THE WOMAN OF THE
25 HOUSE, ISN'T THAT CORRECT?

1 A UH-HUH.

2 THE COURT: YOU NEED TO ANSWER.

3 A YES.

4 THE COURT: YOU NEED TO SAY YES OR NO.

5 Q BUT AT YOUR HOUSE, YOU WERE IN THE CAR WITH THEM
6 READY TO GO, RIGHT?

7 A YES.

8 Q YOU WERE READY TO GO FIGHT, WEREN'T YOU? Y'ALL
9 ARE ALL GOING TO GO FIGHT, WERE YOU NOT?

10 A YES.

11 Q OKAY. HAD YOU BEEN DRINKING?

12 A NO, I HADN'T BEEN DRINKING.

13 Q YOU HADN'T HAD ANYTHING TO DRINK THAT NIGHT.

14 A EARLIER THAT DAY I HAD SOMETHING TO DRINK, YES.

15 Q WHAT DID YOU HAVE TO DRINK THAT DAY?

16 A A SCREWDRIVER.

17 Q ONE?

18 A I THINK IT WAS TWO. IT'S ABOUT 8 O'CLOCK THAT
19 NIGHT, MAYBE 9 O'CLOCK.

20 Q SO ABOUT 8 OR 9 YOU HAD A COUPLE OF
21 SCREWDRIVERS?

22 A UH-HUH.

23 Q DID YOU TAKE ANY DRUGS?

24 A NO.

25 Q SO YOU ARE ONE WHO LIKES TO FIGHT SOBER?

1 A I GUESS YOU COULD SAY THAT.

2 Q OKAY. NOW YOU SAID THAT YOU PULLED OVER, AFTER
3 ALL OF THIS HAD HAPPENED, YOU PULLED OVER ON THE SIDE
4 OF THE ROAD BECAUSE MR. HAMMOND WAS GOING TO DRIVE
5 THE CAR BECAUSE YOU WERE JUST ALL UPSET, IS THAT
6 RIGHT?

7 A YES.

8 Q YOU WERE ABLE TO DIAL CELL PHONES THOUGH,
9 WEREN'T YOU?

10 A YES.

11 Q I MEAN, IT WAS A DARK CAR, RIGHT?

12 A YES.

13 Q AND SO YOU WERE ABLE TO PLUG IN THE LITTLE
14 NUMBERS WITH YOUR FINGERS, WHILE YOU HAD A PERSON
15 WITH A BULLET IN THEIR HEAD IN THE BACK SEAT, AND
16 MAKE CALLS TO PEOPLE, IS THAT CORRECT?

17 A YES.

18 Q BUT YOU WEREN'T ABLE TO DRIVE FULLY THE 1.7
19 MILES FROM THE SCENE TO THE POLICE DEPARTMENT?

20 A NO.

21 Q AND WHEN YOU GOT TO THE POLICE DEPARTMENT YOU
22 GAVE A STATEMENT TO THE POLICE, IS THAT CORRECT?

23 A YES, SIR.

24 Q NOW TODAY WHEN YOU TESTIFIED YOU SAID THAT Y'ALL
25 PULLED UP AND YOU STOPPED, RIGHT?

1 A YES.

2 Q AND KENNY GOT OUT OF THE CAR, CORRECT?

3 A YUP.

4 Q AND THEN YOU SAY WHILE YOU WERE STOPPED TRAVIS
5 FALLS GOT OUT OF THE CAR TO GO GET KENNY, IS THAT
6 CORRECT?

7 A YES.

8 Q ALL OF THIS IS TAKING A LITTLE BIT OF TIME,
9 RIGHT?

10 A YES.

11 Q THEN YOU HAVE SAID THAT YOU SAT IN THE CAR UNTIL
12 YOU EVENTUALLY WANTED TO SEE WHERE EVERYBODY WAS
13 GOING AND WHAT THEY WERE DOING AND YOU GOT OUT OF THE
14 CAR IN THE DOORWAY, IS THAT CORRECT?

15 A YES.

16 Q AND YOU WERE LOOKING, IS THAT CORRECT?

17 A YES.

18 Q OKAY. AND IT WAS AT THAT POINT IN TIME YOUR
19 TESTIMONY IS THAT LORI MOSS CAME UP TO YOU, IS THAT
20 CORRECT?

21 A YES.

22 Q NOW WHEN YOU GOT TO CLOVER THAT NIGHT YOU GAVE A
23 HAND WRITTEN STATEMENT, IS THAT CORRECT?

24 A YES.

25 Q AT ABOUT ONE O'CLOCK IN THE MORNING, IS THAT

1 CORRECT?

2 A YES, SIR.

3 Q I WANT TO SHOW YOU THIS AND SEE IF THIS LOOKS
4 LIKE AN ACCURATE PHOTOCOPY OF YOUR STATEMENT IN YOUR
5 HANDWRITING?

6 A YES, IT IS.

7 Q AND IS THAT THE STATEMENT THAT YOU WROTE OUT
8 THAT TIME OF MORNING?

9 A YES.

10 Q OKAY. AND HOW MANY PAGES IS THAT STATEMENT?

11 A TWO.

12 Q OKAY. HANDWRITING PRETTY GOOD, ISN'T IT?

13 A YES.

14 Q AND THIS WAS LESS THAN AN HOUR AFTER YOU HAD
15 GOTTEN BACK TO CLOVER -- I MEAN GOTTEN TO THE CLOVER
16 POLICE DEPARTMENT, IS THAT CORRECT?

17 A YES, SIR.

18 Q NOW WHEN YOU WROTE THIS STATEMENT YOU SAID THAT
19 Y'ALL WENT DOWN LAWRENCE ROAD TO TAKE KENNY HOME TO
20 FAULKNER STREET, IS THAT CORRECT?

21 A YES.

22 Q BUT YOU WEREN'T TAKING HIM HOME TO FAULKNER
23 STREET, WERE YOU? YOU WERE GOING THERE TO BREW UP A
24 FIGHT, ISN'T THAT CORRECT

25 A YES, SIR.

1 Q SO THIS IS NOT TRUE, IS IT?

2 A WELL, ACTUALLY YES, WE WERE GOING TO TAKE KENNY
3 HOME AFTER, AFTER WE WENT TO THE FIGHT ON LAWRENCE
4 ROAD BECAUSE IF YOU GO DOWN LAWRENCE ROAD YOU CAN GET
5 TO FAULKNER STREET, BUT YES, WE WERE GOING THERE TO
6 FIGHT.

7 Q BUT YOU DIDN'T PUT THAT IN THE STATEMENT, DID
8 YOU?

9 A NO, JUST THAT.

10 Q YOU DIDN'T SAY WE'RE GOING TO GO FIGHT FIRST AND
11 THEN WE'LL TAKE KENNY HOME UNLESS HE NEEDS MEDICAL
12 TREATMENT, RIGHT?

13 A YUP.

14 Q THEN YOU WRITE, A GIRL THAT I THINK WAS LORI
15 MOSS JUMPED OUT IN FRONT OF THE GRAND AM AND OPENED
16 THE DOOR PULLING HOLLY MCCARTER OUT OF THE CAR. YOU
17 WROTE THAT, DIDN'T YOU?

18 A YES, SIR.

19 Q THAT'S NOT TRUE, IS IT?

20 A NO.

21 Q SO YOU LIED ABOUT THAT?

22 A YES.

23 Q IF YOU WILL LOOK AT THIS STATEMENT AND WILL YOU
24 TELL ME ANYWHERE IN THAT STATEMENT THAT YOU MENTION
25 THAT Y'ALL STOPPED AT THE AMERICAN AUTO SALES ON THE

1 WAY TO CLOVER?

2 A THERE IS NOT ONE.

3 Q OKAY. AND AT ONE POINT YOU RECALL BACKING THE
4 CAR UP?

5 A YES, SIR.

6 Q AND THIS IS AFTER BOBBY HAD ALREADY TRIED TO GET
7 THE CAR GOING?

8 A YES, SIR.

9 Q SO THE CAR WAS SITTING THERE FOR JUST A LITTLE
10 BIT, WASN'T IT?

11 A YES, SIR.

12 Q I MEAN Y'ALL HAD TO PLAY MUSICAL CHAIRS. HE
13 COULDN'T GET THE CAR GOING. YOU HAD TO GO AND GET
14 OUT. HE GETS BACK OUT OF THE CAR, RUNNING AROUND THE
15 CAR, RIGHT?

16 A YES, SIR.

17 Q AND THEN WHEN YOU GO YOU PUT IT IN REVERSE,
18 BACKING UP?

19 A YES, SIR.

20 Q PEOPLE WERE BEHIND THE CAR WHEN YOU DID THAT,
21 WEREN'T THEY?

22 A YES, SIR.

23 Q NOW AFTER YOU GOT TO CLOVER AND AFTER YOU HAD
24 GIVEN YOUR STATEMENT WHERE DID YOU GO AFTER YOUR
25 FAMILY GOT THERE?

1 A I WENT TO CMC.

2 Q CMC, CHARLOTTE MEMORIAL?

3 THE COURT: CAROLINA.

4 Q CAROLINAS MEDICAL CENTER IN CHARLOTTE, IS THAT
5 CORRECT?

6 A YES, SIR.

7 Q WHAT TIME WAS THAT?

8 A IT WAS ABOUT FOUR O'CLOCK.

9 Q IN THE MORNING?

10 A UH-HUH. YES, SIR.

11 Q OKAY. AND AFTER, HOW LONG DID YOU STAY AT
12 CAROLINAS MEDICAL CENTER?

13 A MAYBE FOR ABOUT TWO, TWO AND A HALF HOURS,
14 SOMEWHERE AROUND THERE.

15 Q UNTIL ABOUT DAWN?

16 A YES.

17 Q THEN WHERE DID YOU GO?

18 A WENT TO PIEDMONT MEDICAL CENTER.

19 Q WHERE MR. FALLS WAS, IS THAT CORRECT?

20 A YES, SIR.

21 Q WAS HE IN THE EMERGENCY ROOM STILL?

22 A I GUESS YOU CALL IT THE EMERGENCY ROOM, YEAH.

23 Q HE WAS IN AN EXAMINATION ROOM IN THE EMERGENCY
24 ROOM?

25 A YES.

1 Q AND IS THAT WHERE HE STAYED THE REST OF THE DAY
2 EXCEPT TO MAYBE GO GET AN X-RAY?

3 A WELL, WHENEVER I FIRST GOT THERE THEY, MAYBE 30
4 MINUTES AFTER I GOT THERE, THEY WENT TO TRANSPORT
5 HIM.

6 Q TRANSPORT HIM WHERE?

7 A TO CMC.

8 Q SO PMC WAS GOING TO TRANSPORT, TRANSFER HIM TO
9 CMC?

10 A YES.

11 Q AND THEY DID DO THAT?

12 A YES.

13 Q AND YOU RODE WITH THEM?

14 A YES.

15 Q WHAT TIME WAS THAT?

16 A IT WAS MAYBE AROUND FIVE-SIX.

17 Q IN THE MORNING?

18 A YES.

19 Q SO YOU WENT WITH HIM UP TO CHARLOTTE?

20 A YES.

21 Q AND YOU STAYED WITH HIM FROM THAT POINT ON,
22 DIDN'T YOU?

23 A YES, SIR.

24 Q AT CHARLOTTE?

25 A (NODS HEAD.)

1 Q OKAY. AND AT SOME POINT IN TIME HE WAS RELEASED
2 FROM THE HOSPITAL THAT DAY, IS THAT CORRECT?

3 A YES, SIR.

4 Q WHAT TIME WAS THAT?

5 A MAYBE IT WAS AROUND TEN.

6 Q OKAY. AND HE HAD TO GET HOME, DIDN'T HE?

7 A YES.

8 Q AND YOU HAD TO GET HOME?

9 A YES.

10 Q DID YOU HAVE A CAR?

11 A NO.

12 Q WHO DID YOU RIDE WITH?

13 A HIS MOTHER COME AND PICKED US UP.

14 Q RODE BACK WHERE?

15 A TO CLOVER.

16 Q TO CLOVER. WHAT TIME DID YOU GET BACK TO
17 CLOVER?

18 A IT WAS AROUND 11-11:30.

19 Q OKAY. AND Y'ALL WERE STAYING TOGETHER THE WHOLE
20 TIME DURING THAT PERIOD OF TIME?

21 A YES.

22 Q THEN AT SOME POINT IN TIME YOU WENT TO THE
23 CLOVER POLICE DEPARTMENT, DIDN'T YOU?

24 A YES, SIR.

25 Q AND THAT WAS AROUND 1:30?

1 A YES, SIR.

2 Q Y'ALL WENT THERE TOGETHER?

3 A YES.

4 Q AND THEY TALKED TO HIM FIRST?

5 A YUP.

6 Q THEN THEY TALKED TO YOU ABOUT TEN AFTER TWO?

7 A YES.

8 Q AND THEN THEY LEFT YOU GO, IS THAT RIGHT?

9 A YES.

10 Q IS DANIELLE STILL HAVING TO TAKE CARE OF YOUR
11 KIDS WHEN ALL THIS WAS GOING ON?

12 A NO, MY KIDS WERE PICKED UP DURING THE NIGHT BY
13 TRAVIS'S SISTER.

14 Q IN THE MIDDLE OF THE NIGHT YOUR CHILDREN HAD TO
15 BE PICKED UP?

16 A IT WAS ABOUT ONE O'CLOCK.

17 Q PARENT'S NIGHT OUT HAD GONE BAD?

18 A YES.

19 Q AND IT WAS AT 1:30 OR 2:10 THAT YOU FIRST
20 MENTIONED ABOUT TURNING INTO THE CAR LOT AND TRADING
21 DRIVER'S SEAT?

22 A YES.

23 MR. GREELEY: IF THE COURT WILL INDULGE
24 ME.

25 Q SO AT THE TIME THE FIRST SHOTS THAT YOU HEARD

1 WERE, WAS WHEN BOBBY WAS IN THE DRIVER'S SEAT AND
2 COULDN'T GET THE CAR RUNNING?

3 A YES, SIR.

4 Q AND THEN YOU GOT IN THE DRIVER'S SEAT AND PUT IT
5 IN REVERSE TOWARD PEOPLE, DIDN'T YOU?

6 A YES.

7 MR. GREELEY: THAT'S ALL I HAVE.

8 REDIRECT EXAMINATION BY MR. THOMPSON:

9 Q WHEN THE CAR STARTED BACKING UP, DID YOU GO REAL
10 FAR BACK LIKE TO HIT A MAIL BOX OR SOMETHING, HOW DID
11 YOU GO?

12 A NO, IT WAS JUST MAYBE A FOOT.

13 Q OKAY. WERE YOU TRYING TO HIT ANYBODY WHEN YOU
14 WERE BACKING, WHEN THAT HAPPENED?

15 A NO.

16 Q WAS IT ON PURPOSE THAT YOU WENT BACKWARDS AT
17 ALL?

18 A NO.

19 Q WERE YOU NERVOUS AT THAT TIME?

20 A YES, SIR.

21 Q TELL ME WHEN YOU AND LORI WERE FIGHTING WHO WAS
22 WINNING?

23 A SHE WAS.

24 Q AND BY HOW MUCH?

25 A A LOT YOU COULD SAY.

1 Q SO YOU WERE GETTING BEAT UP AT THAT POINT?

2 A YES.

3 Q WERE THERE OTHER PEOPLE AROUND THE CAR WHEN YOU
4 WERE DOWN THERE, PEOPLE FROM AT THE HOUSE?

5 A WHEN I WAS FIGHTING WITH LORI I DON'T REMEMBER,
6 BUT WHEN I WAS IN THE CAR, YES.

7 Q SO WHEN YOU GOT READY TO LEAVE THERE WERE PEOPLE
8 AROUND THE CAR AT THAT POINT?

9 A YEAH, WHEN WE GOT READY TO LEAVE THERE WAS.

10 Q DO YOU RECALL WHAT THEY WERE DOING AROUND THE
11 CAR?

12 A IT JUST SOUNDED LIKE A BUNCH OF CUSSING AND
13 BANGING AND I THOUGHT THAT THEY THREW A BEER BOTTLE
14 BUT I THINK THAT'S WHEN THEY FIRST FIRED A SHOT AND I
15 JUST, IT SOUNDED LIKE A BEER BOTTLE BREAKING, BUT IT
16 WAS A GUNSHOT.

17 Q OKAY. WHY DIDN'T YOU GIVE MORE DETAIL IN YOUR
18 FIRST STATEMENT TO THE POLICE?

19 A I WAS SCARED. I DIDN'T -- I DON'T KNOW WHY.

20 Q OKAY. DO YOU KNOW WHAT YOU WERE SCARED OF?

21 A I KNEW WE WAS GOING DOWN THERE TO FIGHT AND WE
22 WEREN'T SUPPOSED TO BE GOING DOWN THERE TO FIGHT AND
23 SO THAT'S WHY.

24 Q OKAY. THANK YOU, HOLLY. NO FURTHER QUESTIONS.

25 MR. GREELEY: BRIEFLY.

1 RECROSS EXAMINATION BY MR. GREELEY:

2 Q YOU WERE GOING DOWN THERE TO FIGHT, YOU KNEW YOU
3 WEREN'T SUPPOSED TO BE GOING DOWN THERE TO FIGHT, IS
4 THAT RIGHT?

5 A YES.

6 Q BUT YOU COULDN'T BE LIKE THE OTHER LADY'S HOUSES
7 THAT YOU WENT TO THAT NIGHT AND TELL MR. FALLS THAT
8 HE DIDN'T NEED TO DO THIS, DID YOU, HE'S THE BOSS?

9 A WELL, I DID TELL HIM THAT, YOU KNOW, HE DIDN'T
10 NEED TO GO, BUT I DIDN'T WANT HIM TO GO BY HIS SELF.

11 Q SO YOU ARE VERY LOYAL TO HIM, AREN'T YOU?

12 A YES.

13 Q AND YOU SAID THAT LORI MOSS WAS GETTING THE BEST
14 OF YOU?

15 A YES, SIR.

16 Q SO IF LORI MOSS HAD BEEN KNOCKED OUT COLD IN THE
17 STREET THAT NIGHT, YOU DIDN'T DO IT, DID YOU?

18 A NO.

19 Q SOMEBODY ELSE DID?

20 A YES.

21 THE COURT: YOU CAN STEP DOWN. THANK
22 YOU. CALL YOUR NEXT WITNESS.

23 MR. THOMPSON: THE STATE CALLS TRAVIS
24 FALLS.

25 TRAVIS FALLS, BEING FIRST DULY

1 SWORN, TESTIFIED AS FOLLOWS:

2 DIRECT EXAMINATION BY MR. THOMPSON:

3 Q TRAVIS, COULD YOU GIVE YOUR FULL NAME FOR US
4 PLEASE?

5 A TRAVIS DEWAYNE FALLS.

6 Q HOW OLD ARE YOU, TRAVIS?

7 A 27.

8 Q WHERE DO YOU LIVE?

9 A CLOVER.

10 Q HERE IN YORK COUNTY?

11 A YES, SIR.

12 Q HAVE YOU GROWN UP ALL YOUR LIFE HERE IN YORK
13 COUNTY?

14 A YES.

15 Q NOW HOLLY, IS THAT YOUR, IS THAT THE PERSON YOU
16 LIVE WITH, HOLLY MCCARTER?

17 A YES.

18 Q Y'ALL HAVE CHILDREN TOGETHER?

19 A YES.

20 Q HOW LONG HAVE Y'ALL BEEN TOGETHER?

21 A NINE YEARS.

22 Q CAN YOU TELL ME BACK ON FEBRUARY 18 THIS YEAR,
23 HOW DID THAT EVENING BEGIN FOR YOU?

24 A WE STARTED OUT DRINKING.

25 Q WE WHO?

1 A ME AND BOBBY AND MIKE AND HOLLY.

2 Q MIKE HUBBARD?

3 A YES.

4 Q THEN BOBBY HOVIS?

5 A YEAH.

6 Q AND HOLLY MCCARTER?

7 A YES.

8 Q OKAY.

9 A AND, YOU KNOW, WE WENT TO THE STORE TO GET BEER.
10 THAT'S THE FIRST THING, I WENT TO GO GET THE BEER, WE
11 COME BACK AND THAT'S WHEN WE GOT THE PHONE CALLS
12 WHILE THEY WERE GONE. AND THEN WE GOT BACK THERE, WE
13 WENT IN. I THINK WE SAT AROUND MAYBE 20-30 MINUTES
14 AND WAS DRINKING A LITTLE BIT. WE GOT ANOTHER PHONE
15 CALL AND HE GOT MAD.

16 Q HE WHO?

17 A BOBBY.

18 Q OKAY.

19 A THAT'S WHEN WE LEFT TO GO DO WHAT WE WERE GOING
20 TO DO.

21 Q AND WHAT WAS YOUR UNDERSTANDING THAT WAS
22 HAPPENING WITH THE PHONE CALLS?

23 A LIKE THEY WAS GOING TO COME SHOOT UP HIS HOUSE
24 AND HE WAS MAD ABOUT THAT BECAUSE THAT WOULD HARM HIS
25 LITTLE GIRL, SO WE WAS JUST GOING TO GO DEAL WITH IT.

1 Q DID THEY WANT Y'ALL TO COME OUT AND FIGHT?
2 A SIR?
3 Q WHAT WAS THAT?
4 A WHAT DID YOU SAY?
5 Q DID THEY WANT Y'ALL TO COME OUT AND FIGHT?
6 A YES, THEY DID.
7 Q AND Y'ALL DECIDED YOU WOULD GO OUT THERE AND
8 FIGHT?
9 A YES, SIR.
10 Q HOW DID YOU KNOW WHERE TO GO?
11 A THE PHONE CALLS, JEFF BUCK TOLD US TO GO TO A
12 PARTY ON LAWRENCE ROAD.
13 Q OKAY. AND DID YOU KNOW WHAT THIS HOUSE WAS OR
14 WHO LIVED THERE?
15 A NO, I DIDN'T.
16 Q WHAT WAS YOUR UNDERSTANDING OF WHAT WAS SUPPOSED
17 TO HAPPEN WHEN YOU GOT TO LAWRENCE ROAD?
18 A WE WERE SUPPOSED TO PULL UP, BLOW THE HORN, AND
19 THEN THEY WAS SUPPOSED TO FOLLOW US TO THE SPOT.
20 THAT'S WHERE WE WERE SUPPOSED TO, YOU KNOW, DO.
21 Q SUPPOSED TO FIGHT THERE?
22 A YES, SIR.
23 Q ALL RIGHT. WHO DID Y'ALL THINK YOU'D BE
24 FIGHTING?
25 A JEFF BUCK AND THE DEALS.

1 Q ALL RIGHT. THAT'S BRADLEY AND?

2 A WELL, RICKY IS WHAT I THOUGHT.

3 Q YOU THOUGHT RICKY?

4 A YEAH, THE OLDER BROTHER.

5 Q AS A MATTER OF FACT, DID YOU HAVE A RESTRAINING
6 ORDER AGAINST YOU AT THAT TIME --

7 A I DID.

8 Q ---NOT TO BE AROUND BRADLEY?

9 A YES, I DID.

10 Q NOW WHEN Y'ALL, WHEN Y'ALL LEFT, DID YOU STOP
11 TRYING TO PICK UP ANYONE ELSE THAT NIGHT?

12 A YES, WE DID.

13 Q WHERE DID YOU GO?

14 A WE WENT TO ONE OF BOBBY'S COUSIN'S HOUSE AND
15 THEN WE WENT TO TIM'S HOUSE WHICH THEY, TIM STEVENS.

16 Q DO YOU KNOW, GOING BACK TO BOBBY'S COUSIN'S
17 HOUSE, DO YOU KNOW WHO THAT WAS?

18 A NO, I DON'T KNOW WHO IT WAS.

19 Q WOULD THAT PERSON GO WITH YOU?

20 A NO, THEY WOULDN'T GO.

21 Q ALL RIGHT. DID YOU ACTUALLY TALK TO THEM?

22 A NO, I DIDN'T. BOBBY TALKED TO THEM. I DIDN'T
23 EVEN GET OUT OF THE CAR.

24 Q ALL RIGHT. WHERE DID YOU GO AFTER THAT?

25 A WE WENT TO TIM'S HOUSE, TIM STEVENS.

1 Q OKAY. DOES HE ALSO GO BY PAUL?

2 A YEAH, PAUL.

3 Q OKAY.

4 A AND HE WOULDN'T, HIS -- HE WOULDN'T COME
5 NEITHER.

6 Q ALL RIGHT. WHAT DID YOU DO FROM THERE?

7 A WENT TO THE BAR. WELL, WE STOPPED AND GOT GAS
8 AND THEN WE WENT TO THE BAR AND PICKED UP MY GOOD
9 FRIEND KENNY.

10 Q AND HE'S A GOOD FRIEND OF YOURS, KENNY IS?

11 A YES, HE IS.

12 Q ALL RIGHT. DID YOU GO INTO THE BAR TO PICK UP
13 KENNY?

14 A I DID.

15 Q WHAT DID YOU TELL KENNY WHEN YOU PICKED HIM UP?

16 A I TOLD HIM TO COME ON WITH ME BECAUSE HE WAS
17 LEAVING ANYWAY AND I SAID COME ON WITH ME AND I'LL
18 EXPLAIN IT TO YOU WHEN WE GOT IN THE CAR.

19 Q ALL RIGHT. WHAT DID YOU TELL HIM IN THE CAR?

20 A I TOLD HIM WE WAS GOING DOWN HERE TO FIGHT.

21 Q ALL RIGHT. AND IS HE OKAY WITH FIGHTING WITH
22 YOU AT THAT POINT IN TIME?

23 A HE WAS.

24 Q DID YOU HAVE ANY GUNS WITH YOU?

25 A NO, SIR.

1 Q DID ANYONE ELSE IN THE CAR HAVE GUNS WITH THEM?

2 A NO, SIR.

3 Q DID Y'ALL HAVE ANY OTHER TYPE OF WEAPONS IN THE
4 CAR?

5 A WE HAD A STICK.

6 Q OKAY. AND ABOUT HOW BIG WAS THAT STICK?

7 A THREE FOOT.

8 Q OKAY.

9 A LONG.

10 Q DO YOU REMEMBER WHERE THAT WAS IN THE CAR?

11 A I THINK MIKE HAD IT UP FRONT WITH HIM.

12 Q ALL RIGHT. WHEN Y'ALL WERE AT THE HOUSE ON
13 LAWRENCE ROAD, DID Y'ALL EVER TAKE THAT OUT?

14 A NO, WE DIDN'T.

15 Q ALL RIGHT. CAN YOU TELL ME WHAT WAS THE
16 CONDITION OF THE CAR THAT Y'ALL WERE IN. IT WAS
17 BOBBY'S CAR, IS THAT RIGHT?

18 A YES.

19 Q WHAT WAS THE CONDITION OF THAT CAR WHEN Y'ALL
20 LEFT TO GO TO THAT FIGHT?

21 A IT WAS, YOU KNOW, IN PERFECT CONDITION.

22 Q ALL RIGHT. WERE WINDOWS BROKEN OR ANYTHING LIKE
23 THAT, MIRRORS OR ANYTHING?

24 A NO, SIR.

25 Q TELL ME WHAT HAPPENED. DID YOU RECEIVE ANYMORE

1 PHONE CALLS WHILE Y'ALL WERE TRYING TO PICK PEOPLE UP
2 TO GET OVER THERE?

3 A WE DID.

4 Q ALL RIGHT.

5 A AND, YOU KNOW, I DON'T REMEMBER EXACTLY WHAT WAS
6 SAID IN NONE OF THE PHONE CALLS. I WAS IN THE BACK.

7 Q WAS IT MORE CALLS ABOUT THE FIGHT?

8 A YES.

9 Q CAN YOU TELL ME DO YOU RECALL BOBBY TALKING TO
10 HIS FATHER THAT NIGHT AS WELL?

11 A I DO.

12 Q DESCRIBE WHAT HAPPENED WHEN YOU FIRST GET TO THE
13 HOUSE ON LAWRENCE ROAD?

14 A WHEN WE FIRST PULLED UP, WHEN WE FIRST PULLED UP
15 FROM GOING DOWN THE ROAD, WE BLOW THE HORN, WE PASS
16 THE HOUSE UP, GO DOWN, TURN AROUND IN THE, ON THE
17 ROAD ON THE RIGHT, GO BACK UP.

18 Q HOW FAR, I MEAN, IS THAT LIKE --

19 A MAYBE AN --

20 Q ---A DRIVEWAY?

21 A NO, IT WAS A MILE DOWN. IT'S A ROAD ON THE
22 RIGHT.

23 Q A LITTLE WAY DOWN THE ROAD?

24 A MAYBE A HALF A MILE.

25 Q OKAY.

1 A THEN WE TURNED AROUND, WE GO BACK UP, AND BOBBY
2 STOPS AND.

3 Q WHEN YOU DROVE BY THE FIRST TIME, DID ANYBODY DO
4 ANYTHING WHEN YOU DROVE BY?

5 A NOT REALLY. THEY JUST, YOU KNOW, I THINK, THERE
6 WAS ONLY A FEW PEOPLE OUT THERE WHEN WE FIRST DROVE
7 BY AND THEN WHEN WE COME BACK BY THERE WAS MORE
8 PEOPLE OUT THERE.

9 Q WHAT ABOUT Y'ALL, DID Y'ALL DO ANYTHING WHEN YOU
10 DROVE BY?

11 A NO, WE JUST RODE BY. MAYBE BOBBY HOLLERED
12 SOMETHING.

13 Q OKAY. AND WHEN YOU TURNED BACK AROUND AND CAME
14 BACK, WHERE DID Y'ALL STOP?

15 A WE STOPPED RIGHT AT THE EDGE OF THE ROAD RIGHT
16 AFTER YOU PASS THE DRIVEWAY.

17 Q OKAY. AND WHEN Y'ALL STOPPED THERE, WERE YOU
18 STILL IN THE ROAD?

19 A YES, WE WERE STILL IN THE ROAD.

20 Q COULD YOU SEE HOW MANY PEOPLE WERE OUT IN THE
21 YARD AT THAT TIME?

22 A MAYBE TEN PEOPLE.

23 Q ALL RIGHT. CAN YOU TELL ME AT THAT POINT WHAT
24 HAPPENED WHEN Y'ALL STOPPED?

25 A MY FRIEND KENNY, HE JUMPS OUT, AND THEN, YOU

1 KNOW, I DIDN'T TELL HIM THE WHOLE DETAILS, YOU KNOW,
2 WE WERE SUPPOSED TO PULL UP AND BLOW THE HORN. HE
3 JUMPS OUT AND I JUMP OUT TO HOLLER AT HIM NOT TO RUN
4 UP IN THE YARD BECAUSE WE WASN'T SUPPOSED TO FIGHT
5 THERE AND HE'S ALREADY UP IN THE YARD AND THEN THAT'S
6 WHEN LORI MOSS WAS DOWN IN THERE FIGHTING WITH HOLLY
7 AND I'M TRYING TO BREAK THEM UP. I PUSH HER BACK.
8 AND THEN THAT'S WHEN WE HEAR THE GUNSHOTS.

9 Q DID YOU KNOCK LORI DOWN WHEN YOU PUSHED HER
10 BACK?

11 A YES, I DID.

12 Q DID YOU SEE WHAT HAPPENED WITH MICHAEL HUBBARD
13 OR WHERE HE WAS?

14 A HE WAS STILL IN THE CAR.

15 Q ALL RIGHT. DID YOU EVER SEE HIM GET OUT OF THE
16 CAR?

17 A NO, SIR.

18 Q DID YOU PAY ATTENTION TO WHERE BOBBY WENT?

19 A I DID NOT.

20 Q ALL RIGHT. DO YOU KNOW IF HE GOT OUT OF THE CAR
21 WHILE YOU WERE THERE OR NOT?

22 A I DON'T KNOW. I WASN'T PAYING NO ATTENTION.

23 Q WHERE WERE LORI AND HOLLY FIGHTING?

24 A AS SOON AS SHE STEP OUT OF THE CAR ON THE
25 DRIVER'S SIDE, THEY WAS FIGHTING RIGHT THERE IN THE

1 ROAD.

2 Q SO RIGHT THERE BASICALLY IN THE MIDDLE OF THE
3 ROAD?

4 A RIGHT.

5 Q ALL RIGHT.

6 A YES, SIR.

7 Q WHO WAS WINNING THAT FIGHT?

8 A LORI MOSS.

9 Q TELL ME WHEN IS IT THAT YOU FIRST HEARD A
10 GUNSHOT?

11 A IT WAS RIGHT AFTER I BROKE THEM TWO UP.

12 Q RIGHT AFTER LORI GOT KNOCKED DOWN?

13 A MAYBE, YEAH, RIGHT AFTER SHE, RIGHT AFTER I
14 BROKE THEM UP AND PUSHED HER BACK, YEAH.

15 Q ALL RIGHT. AND COULD YOU TELL WHERE THAT
16 GUNSHOT WAS COMING FROM?

17 A IT WAS COMING FROM UP IN THE YARD.

18 Q COULD YOU ACTUALLY SEE PEOPLE'S FACES OR WAS IT
19 TOO DARK FOR THAT?

20 A IT WAS TOO DARK FOR THAT.

21 Q AND WHAT KIND OF LIGHT WAS THERE OUT THERE, DO
22 YOU REMEMBER?

23 A IT WASN'T MUCH LIGHT AT ALL. I THINK MAYBE THE
24 PORCH LIGHT MAYBE.

25 Q OKAY. DID YOU EVER LEAVE THAT AREA OF THE ROAD

1 AND THE DRIVEWAY?

2 A NO, SIR, I DIDN'T. I NEVER.

3 Q HOW FAR IF ANY DID YOU GO UP IN THE DRIVEWAY?

4 A I PROBABLY JUST STEPPED ON THE BACK OF THE
5 TRUNK, YOU KNOW, WHERE THE TRUNK IS. I DIDN'T EVEN
6 GO UP IN THE YARD.

7 Q OKAY. WHERE WERE YOU SITTING AT WHEN YOU ALL
8 PULLED UP THERE, WHERE WERE YOU IN THE CAR?

9 A I WAS BEHIND THE DRIVER'S SEAT.

10 Q OKAY. AND WHO WAS DRIVING?

11 A BOBBY.

12 Q WHERE WAS HOLLY?

13 A SHE WAS RIGHT BESIDE ME.

14 Q AND WHERE IS KENNY?

15 A HE WAS ON THE OTHER SIDE OF HOLLY ON THE
16 PASSENGER SEAT.

17 Q DO YOU RECALL IF ANY WINDOWS WERE BROKEN IN THE
18 CAR?

19 A I DO NOT RECALL.

20 Q AFTER YOU HEARD THE FIRST SHOTS, WHAT DID YOU
21 DO?

22 A ME, I TRIED TO FIND WHERE KENNY WAS BECAUSE I
23 DIDN'T WANT TO LEAVE HIM THERE, YOU KNOW, AND THEY
24 WENT TO PULL OFF OR SOMETHING AND I HOLLERED AT THEM
25 AND I JUST JUMPED IN THE CAR.

1 Q ALL RIGHT. OTHER THAN THE ALTERCATION YOU HAD
2 WHEN HOLLY AND LORI WERE FIGHTING, YOU ACTUALLY TOUCH
3 ANYONE ELSE AT THAT POINT?

4 A NO, SIR, I DIDN'T.

5 Q WERE YOU ABLE TO FIND KENNY AT THAT POINT?

6 A NO, SIR.

7 Q SO WHAT DID YOU DO?

8 A I JUST JUMPED BACK IN THE CAR AND SAID LET'S GO,
9 LET'S GET OUT OF HERE.

10 Q DO YOU REMEMBER WHERE YOU GOT IN THE CAR?

11 A YEAH, I GOT BACK IN THE SAME SEAT I WAS SITTING
12 IN WHICH IS BEHIND THE DRIVER'S SEAT.

13 Q ALL RIGHT. AND WHO WAS DRIVING AT THAT POINT?

14 A HOLLY WAS IN THE FRONT.

15 Q DO YOU REMEMBER WHERE BOBBY WAS?

16 A HE WAS RIGHT BESIDE ME IN THE BACK.

17 Q WAS HE ALREADY IN THE CAR WHEN YOU GOT THERE?

18 A HE WAS ALREADY IN THE CAR.

19 Q HOW ABOUT MICHAEL HUBBARD, WAS HE STILL IN THE
20 FRONT PASSENGER SEAT?

21 A YES, SIR.

22 Q DID Y'ALL START TAKING OFF AT THAT POINT?

23 A YES, SIR, WE DID.

24 Q YOU WERE LEAVING WITHOUT KENNY THEN?

25 A YES.

1 Q WHY WERE YOU DOING THAT?

2 A BECAUSE WE HEARD GUN FIRE, WE WAS JUST TRYING TO
3 GET OUT OF THERE.

4 Q OKAY. WHEN WAS THE NEXT TIME, WHEN YOU HEARD
5 THAT FIRST GUN FIRE, WAS IT CONSTANT AFTER THAT OR
6 WAS THERE?

7 A I THINK THERE WAS A BRIEF, YOU KNOW, IT WAS JUST
8 A FEW, MAYBE NOT EVEN A MINUTE, MAYBE 30 SECONDS AND
9 THEN WE WAS PULLING OFF AND THAT'S WHEN THEY STARTED
10 SHOOTING.

11 Q OKAY. SO AFTER THE FIRST SHOTS, THERE WAS A
12 LITTLE BRIEF TIME WHEN THERE WASN'T SHOTS?

13 A YES.

14 Q AND WHEN YOU WERE PULLING OFF, DESCRIBE WHAT
15 KIND OF SHOTS YOU HEARD THEN?

16 A I HEARD SEVERAL SHOTS. IT HIT THE CAR, THEN THE
17 BACK GLASS IT BUSTED, AND THAT'S WHEN I NOTICED --
18 WELL, WE GOT ON DOWN THE ROAD A LITTLE WAYS AND
19 THAT'S WHEN I NOTICED I WAS HIT.

20 Q OKAY. HOW WERE YOU SITTING IN THE CAR WHEN THAT
21 BACK WINDOW BUSTED?

22 A I WAS SITTING, YOU KNOW, LIKE GOT THE BACK REST,
23 I WAS SITTING BACK LOOKING BACK, I DON'T KNOW WHY I
24 WAS LOOKING BACK AT THE GUN FIRE, I HAVE NO IDEA, BUT
25 THAT'S ABOUT HOW I WAS SITTING LIKE THIS.

1 Q COULD YOU SEE THE GUN FIRE WHEN YOU WERE LOOKING
2 BACK?

3 A YES, SIR, I COULD.

4 Q COULD YOU TELL HOW MANY THINGS WERE FIRING AT
5 YOU?

6 A NO, I COULDN'T TELL. I JUST KNOW IT WAS A
7 BUNCH.

8 Q COULD YOU TELL WHERE SOME OF THAT GUN FIRE WAS
9 COMING FROM AT ALL?

10 A I COULD TELL DIRECTLY BEHIND ME. THAT'S YOU
11 KNOW, WHERE I SEEN IT COMING FROM.

12 Q OKAY. WHERE WERE YOU SHOT EXACTLY, TRAVIS?

13 A I WAS SHOT RIGHT HERE IN THE LOWER WRIST.

14 Q ALL RIGHT. I KNOW, DID YOU HAVE TO HAVE SURGERY
15 TO CORRECT THAT AFTERWARDS?

16 A YES, THEY SUPPOSED TO DO SURGERY AND I DIDN'T
17 HAVE NO INSURANCE AND SO IT HEALED UP PRETTY GOOD.
18 MY DOCTOR SAID IT WOULD BE OKAY.

19 Q OKAY.

20 MR. THOMPSON: YOUR HONOR, AT THIS POINT I
21 ASK FOR HIM TO DISPLAY THE WOUND TO THE JURY.

22 THE COURT: ALL RIGHT. YOU CAN STEP DOWN
23 AND SHOW THE JURY.

24 Q IF YOU'LL JUST COME ALONG THE RAIL, TRAVIS, AND
25 SHOW US WHERE IT IS THAT THE BULLET WENT IN?

1 A IT WENT IN RIGHT HERE AND UP.

2 Q I'M SORRY. IF YOU CAN SAY IT AGAIN SO EACH
3 JUROR CAN HEAR AND SEE.

4 A IT WENT IN RIGHT HERE, RIGHT HERE ON THE LOWER
5 WRIST, AND OUT RIGHT THERE.

6 Q WHEN YOU REALIZED, YOU CAN TAKE YOUR SEAT. WHEN
7 DID YOU REALIZE THAT YOU HAD BEEN SHOT?

8 A PROBABLY A HUNDRED YARDS UP THE ROAD.

9 Q OKAY. WHAT DID YOU DO AT THAT POINT?

10 A I JUST NOTICED MY HAND WAS HURTING AND I TOLD
11 THEM, YOU KNOW, AND I WAS TAPPING BOBBY ON THE
12 SHOULDER SAYING, MAN, I'VE BEEN HIT, I'VE BEEN HIT,
13 AND HE DID NOT RESPOND AND THAT'S WHEN I LOOKED OVER
14 AT HIS FACE AND SEEN AND THEN I JUST COULDN'T LOOK AT
15 HIM NO MORE AND I HAD TO TURN AWAY.

16 Q WHY COULDN'T YOU LOOK AT HIM?

17 A IT WAS TOO MUCH.

18 Q CAN YOU DESCRIBE FOR US WHAT HE LOOKED LIKE WHEN
19 YOU SAW HIM?

20 A HE WAS SLOUCHED DOWN LIKE THIS, AND THEN, YOU
21 KNOW, I GRABBED HIS FACE LIKE THAT AND HIS EYES WAS
22 HALFWAY SHUT AND HALFWAY OPEN AND THEN THAT'S WHEN I
23 JUST HAD TO TURN AWAY.

24 Q WAS YOUR WOUND BLEEDING A LOT?

25 A IT WAS BLEEDING BAD.

1 Q WHAT DID YOU DO AFTER YOU REALIZED THAT BOBBY
2 HAD BEEN SHOT?

3 A I TOLD MIKE AND HOLLY -- WELL, HOLLY WAS
4 DRIVING. I SAID, THEY WERE HOLLERING WHAT DO WE DO?
5 I SAID GO TO THE POLICE STATION, GO STRAIGHT TO THE
6 POLICE STATION.

7 Q DID YOU YELL TO THEM THAT BOBBY HAD BEEN SHOT?

8 A YES, I DID.

9 Q DID YOU YELL THAT YOU HAD BEEN SHOT AS WELL?

10 A YES.

11 Q HOW WERE YOU THEN, WERE YOU EXCITED, WHAT WAS
12 HAPPENING AT THAT POINT?

13 A I WAS JUST SHOCKED. I MEAN, THERE REALLY WASN'T
14 NOTHING I COULD DO. I JUST HELD MY HEAD DOWN AND I
15 WAS HOLDING MY WRIST.

16 Q DID IT CONTINUE TO BLEED A LOT?

17 A YES, IT DID.

18 Q CAN YOU TELL ME WHERE DID Y'ALL GO, FROM
19 LAWRENCE ROAD, WHAT HAPPENED NEXT?

20 A WE PULLED OUT OF LAWRENCE ROAD INTO THE AUTO
21 SALES AND THAT'S WHEN HOLLY WAS, SHE WAS JUST
22 FREAKING OUT, AND MIKE TOLD HER TO LET HIM DRIVE AND
23 THAT'S WHEN THEY SWITCHED SEATS IN THE AUTO SALE.

24 Q OKAY. AND DID YOU EVER GET OUT THERE AT THE
25 AUTO SALES?

1 A NO, SIR, I DIDN'T.

2 Q ALL RIGHT. DID, DID YOU EVER SEE KENNY AFTER
3 Y'ALL PULLED OFF AFTER THAT?

4 A NO, SIR, I DIDN'T.

5 Q WHERE DID YOU GO FROM THERE AFTER THEY SWITCHED
6 PLACES TO DRIVE FOR HOLLY?

7 A WENT STRAIGHT TO THE POLICE STATION.

8 Q STRAIGHT TO THE POLICE STATION?

9 A YEAH.

10 Q WHEN YOU GOT TO THE POLICE STATION, WHAT
11 HAPPENED THEN?

12 A I JUMPED OUT AND RUN UP TO THE POLICE OFFICERS
13 THAT WAS STANDING OUTSIDE AND SAID WE HAD BEEN SHOT
14 AT AND THAT I HAD BEEN HIT AND THAT BOBBY HAD BEEN
15 HIT AND THEN I HAD LAID DOWN ON THE GROUND BECAUSE I
16 HAD LOST SO MUCH BLOOD. I DON'T REMEMBER MUCH AFTER
17 THAT.

18 Q OKAY. AND DID THEY TAKE YOU TO THE HOSPITAL
19 AFTER THAT?

20 A YES, SIR.

21 Q ALL RIGHT. WHEN YOU GOT OUT OF THE CAR DID YOU
22 HAVE BLOOD ALL OVER YOUR HANDS AT THAT POINT?

23 A YES.

24 Q HOW LONG WAS IT AFTER YOU GOT TO CLOVER BEFORE
25 YOU ENDED UP STARTING TO RECEIVE MEDICAL TREATMENT,

1 DO YOU REMEMBER?

2 A MAYBE FIVE-TEN MINUTES MAYBE. AT THE MOST TEN
3 MINUTES.

4 Q DID YOU KNOW LEE OWENS BEFORE THIS?

5 A NO, I DIDN'T.

6 Q DO YOU KNOW BERRY BOLIN BEFORE THIS?

7 A YES, SIR, I DID.

8 Q HOW DID YOU KNOW HIM?

9 A THROUGH MY COUSIN BILLY. BILLY WAS STAYING WITH
10 ME AND HE HUNG OUT WITH BERRY A LOT AND HE WAS JUST
11 COMING OVER TO THE HOUSE TO BILLY.

12 Q WERE YOU PRETTY GOOD FRIENDS WITH HIM?

13 A YEAH, ME AND BERRY BECOME PRETTY GOOD FRIENDS.

14 Q DID YOU HAVE ANY IDEA HE WAS AT THAT HOUSE THAT
15 NIGHT?

16 A NO, SIR, I DIDN'T.

17 Q DID YOU HAVE ANY IDEA HE WAS INVOLVED IN THIS
18 SHOOTING IN ANY WAY?

19 A NOT, NOT AT ALL.

20 Q WHEN YOU WERE AT THE HOUSE DID YOU RECOGNIZE
21 ANYONE THAT WAS AT THE HOUSE WHEN YOU WERE THERE?

22 A NOT REALLY. I KNEW A FEW PEOPLE THAT, NAMES
23 THAT WAS SUPPOSED TO BE THERE. YOU KNOW, I SEEN ONE
24 PERSON WAS BRAD MOORE, AND THAT'S WHO KENNY WAS
25 RUNNING UP TO.

1 Q OKAY. DO YOU REMEMBER WHERE THEY WERE WHEN
2 KENNY RAN UP TO BRAD MOORE?

3 A THEY WAS RIGHT AT THE DRIVEWAY, MAYBE 10 OR 15
4 FEET INTO THE YARD.

5 Q OKAY. ALL RIGHT. DID ANYONE EVER GO UP TO THE
6 HOUSE AS FAR AS YOU KNOW?

7 A NO, SIR.

8 Q THANK YOU, TRAVIS. NO FURTHER QUESTIONS.
9 PLEASE ANSWER ANY QUESTIONS MR. GREELEY HAS FOR YOU.

10 MR. GREELEY: MAY IT PLEASE THE COURT,
11 YOUR HONOR.

12 THE COURT: CERTAINLY.

13 CROSS EXAMINATION BY MR. GREELEY:

14 Q MR. FALLS, YOU GAVE A STATEMENT TO THE POLICE ON
15 THE AFTERNOON OF SUNDAY AT APPROXIMATELY 1:30, IS
16 THAT CORRECT?

17 A YES, SIR.

18 Q THAT WAS AT THE CLOVER POLICE DEPARTMENT?

19 A YES, SIR.

20 Q I'M GOING TO SHOW YOU MY COPY OF WHAT'S BEEN
21 GIVEN ME BY THE STATE. DOES THAT LOOK LIKE A
22 SUMMATION OF YOUR INTERVIEW?

23 A YES, SIR, THAT'S IT.

24 Q OKAY. THANK YOU. AND SO YOU TALKED TO
25 DETECTIVE YEAGER WITH THIS INTERVIEW, IS THAT

1 CORRECT?

2 A YES.

3 Q AND IN THAT INTERVIEW YOU TOLD HIM THAT BRADLEY
4 DEAL AND SOME OF HIS FRIENDS HAD CALLED OVER AND MADE
5 A THREAT TO BOBBY HOVIS, CORRECT?

6 A THAT MIGHT BE RIGHT. I'M THINKING IT WAS JEFF
7 BUCK.

8 Q BUT THE OFFICER WOULDN'T KNOW JUST TO MAKE THAT
9 UP THOUGH, WOULD THEY?

10 A NO, SIR.

11 Q OKAY. AND YOU STATED THAT RATHER THAN THEM
12 COMING OVER THERE Y'ALL DECIDED TO GO BECAUSE YOU
13 HEARD FROM JEFF BUCK THAT THESE GUYS WERE OVER AT
14 THIS HOUSE, IS THAT RIGHT?

15 A RIGHT.

16 Q AND WITH THESE GUYS, BRADLEY DEAL WAS ONE OF
17 THESE GUYS, AS YOU HAD TOLD HIM BRADLEY DEAL AND SOME
18 FRIENDS, CORRECT?

19 A YES.

20 THE COURT: I DIDN'T GET THE ANSWER. WAS
21 THAT A YES?

22 A YES.

23 Q OKAY. NOW DO YOU RECOGNIZE THIS?

24 A YES.

25 Q OKAY. WHAT IS THAT?

1 A THAT'S, I GUESS THAT'S THE -- I DON'T KNOW WHAT
2 IT'S CALLED.

3 Q THE BOND ORDER?

4 A YEAH, BOND ORDER.

5 Q DOES IT HAVE A CONDITION ON THERE?

6 A YES, IT DOES.

7 Q OKAY. DOES THAT CONDITION SAY THAT YOU ARE NOT
8 TO HAVE OR ATTEMPT TO HAVE ANY CONTACT WITH, AND ALL
9 BOND ORDERS SAY THE VICTIM AND I KNOW YOU MAY DISPUTE
10 THAT, BUT ATTEMPT TO HAVE ANY CONTACT WITH THE VICTIM
11 EITHER DIRECTLY OR INDIRECTLY, IS THAT CORRECT?

12 A YES.

13 Q AND THIS WAS JUDGE YOUNG WHO SIGNED THAT, IS
14 THAT CORRECT?

15 A YES, SIR.

16 Q WHAT IS THE DATE OF THAT BOND ORDER, IF YOU'LL
17 LOOK DOWN HERE AT THE BOTTOM?

18 A FEBRUARY 15.

19 Q AND THIS WAS FEBRUARY THE 18, THIS INCIDENT,
20 THREE DAYS LATER, IS THAT CORRECT?

21 A YES.

22 Q YOU MET WITH, DID JUDGE YOUNG TELL YOU YOU ARE
23 NOT SUPPOSED TO GO AROUND HIM?

24 A YES.

25 Q HE TOLD YOU THAT PERSONALLY, DIDN'T HE?

1 A YES.

2 Q MR. FALLS, IF YOU ARE NOT GOING TO FOLLOW A
3 COURT ORDER AND A JUDGE DIRECTING YOU TO DO
4 SOMETHING, WHAT'S GOING TO MAKE YOU ---WHAT'S GOING
5 TO STOP YOU?

6 A I DON'T KNOW.

7 Q YOU ARE 26 YEARS OLD, IS THAT CORRECT?

8 A 27.

9 Q 27 NOW. AT THE TIME YOU WERE 26 OR 27?

10 A I'M 26. I'M SORRY.

11 Q OKAY. ALL RIGHT. SO YOU ARE 26. MR. NORRIS
12 THAT YOU PICKED UP WAS 30 YEARS OLD, RIGHT?

13 A YES.

14 Q AND MS. MCCARTER IS 23 YEARS OLD, RIGHT?

15 A YES.

16 Q YOU ARE SUBSTANTIALLY OLDER THAN SOME OF THESE
17 PEOPLE WHO WERE AT THAT PARTY, AREN'T YOU?

18 A YES, SIR.

19 Q AND YOU HAVE THREE CHILDREN, RIGHT?

20 A YES, SIR.

21 Q AND YOU WORK?

22 A YES.

23 Q WHAT DO YOU DO? WHERE DO YOU WORK?

24 A I WORK WITH FALLS ROOFING.

25 Q OKAY. IS THAT A FAMILY ROOF COMPANY?

- 1 A YES, IT IS.
- 2 Q YOUR DADDY START THAT?
- 3 A NO, MY UNCLE STARTED IT.
- 4 Q YOUR UNCLE STARTED THAT?
- 5 A YES.
- 6 Q OKAY. HOW LONG HAS HE HAD FALLS ROOFING?
- 7 A IT USED TO JENKINS ROOFING AND MY UNCLE BOBBY
- 8 HAS HAD IT FOR MAYBE TWO YEARS.
- 9 Q OKAY. HE'S WORKING HARD?
- 10 A YES.
- 11 Q OKAY. HE'S BUILDING IT?
- 12 A YES.
- 13 Q AND HE GIVES YOU A JOB?
- 14 A YES.
- 15 Q SO YOU ARE 26, YOU GOT A FAMILY GIVEN JOB
- 16 THROUGH THEM, RIGHT?
- 17 A YES.
- 18 Q YOU HAVE THREE CHILDREN AND YOU'VE GOT A
- 19 GIRLFRIEND THAT YOU ARE VERY LOYAL TO, RIGHT?
- 20 A YES.
- 21 Q WHY IN THE WORLD ARE YOU SO COMMITTED TO GO
- 22 AROUND AND BEATING AND TRYING TO GET INTO FIGHTS WITH
- 23 PEOPLE WHO ARE YOUNGER THAN YOU ARE?
- 24 A I DON'T KNOW.
- 25 Q YOU LEFT YOUR KIDS THAT NIGHT, YOU AND

1 MS. MCCARTER, RIGHT?

2 A YES.

3 Q SO WHEN YOU WENT OVER THERE THAT NIGHT, JUST AS
4 YOU SAID A FEW MINUTES AGO, YOU KNEW THAT YOU WEREN'T
5 PAYING ATTENTION TO THAT ORDER, DIDN'T YOU?

6 A I REALLY WASN'T THINKING ABOUT THE ORDER AS IT
7 WAS.

8 Q BUT YOU GOT TO THINK ABOUT COURT ORDERS, DON'T
9 YOU?

10 A YES, YOU ARE SUPPOSED TO.

11 Q YEAH.

12 A YEAH.

13 Q HAS ANYBODY DONE ANYTHING IN REGARDS TO YOU
14 BECAUSE OF THAT FACTUAL CIRCUMSTANCE?

15 A NO.

16 Q THE FIRST TIME YOU GAVE A STATEMENT TO THE
17 POLICE WAS AT 1:30 THAT AFTERNOON IN CLOVER, IS THAT
18 RIGHT?

19 A YES.

20 Q YOU'VE SPENT MOST OF THE MORNING WITH MS.
21 MCCARTER, IS THAT RIGHT?

22 A YES.

23 Q LET ME ASK YOU THIS, WERE YOU DRINKING THE DAY
24 OF THE INCIDENT?

25 A I WAS DRINKING.

1 Q WHAT WERE YOU DRINKING?

2 A BEER, BUD LIGHT.

3 Q ANYTHING ELSE?

4 A THAT'S IT.

5 Q WERE YOU USING ANY ILLICIT OR ILLEGAL DRUGS THAT
6 DAY?

7 A NO, I WASN'T.

8 Q SO YOU WERE DRINKING BEER?

9 A YES.

10 Q DRINK A LOT OF BEER?

11 A I DRINK A LITTLE BIT.

12 Q WHAT'S A LITTLE BIT?

13 A MAYBE 8 OR 9.

14 Q 8 OR 9 IS A LITTLE BIT?

15 A YEAH.

16 Q WHAT'S A LOT?

17 A THAT'S A LOT.

18 Q OKAY. I WAS GOING TO ASK YOU WHAT'S A LOT IF
19 THAT'S A LITTLE BIT. NOW DO YOU RECALL THE SECOND
20 TIME YOU WERE DRIVING BY BOBBY HOVIS SAYING, AS IT
21 WAS CHARACTERIZED, F-IT, LET'S DO THIS?

22 A I BELIEVE SO.

23 Q OKAY. AND SO THE DECISION WAS MADE TO DO IT
24 RIGHT THEN THERE AND NOW, RIGHT?

25 A WELL, IT WAS JUST LIKE, YOU KNOW, BLOW THE HORN

1 AND WE JUST PULLED UP AND HE WAS LIKE, WE ARE GOING
2 TO LET HIM FOLLOW US BECAUSE HE WAS JUST GOING TO
3 KEEP GOING AND THEN HE TURNED AROUND AND SAID LET'S
4 DO THIS AND THEY WERE SUPPOSED TO FOLLOW US.

5 Q SO THEY DON'T COOPERATE, IS THAT RIGHT?

6 A THAT'S RIGHT.

7 Q THEY DIDN'T PLAY BY THE RULES?

8 A YEAH.

9 Q THEY STAYED ON THEIR OWN PROPERTY WHERE THEY
10 WERE INVITED TO BE?

11 A YES.

12 Q THEY WEREN'T SUPPOSED TO DO THAT, RIGHT? THEY
13 WERE SUPPOSED TO FOLLOW YOU SO YOU CAN GO SOMEWHERE
14 ELSE TO DO IT, RIGHT?

15 A YES, SIR.

16 Q AND SO SINCE THEY WEREN'T FOLLOWING THE RULES
17 YOU MAY AS WELL HAVE JUST DONE IT THERE, RIGHT?

18 A NO, SIR.

19 Q OKAY. NOW YOU PICKED UP KENNY NORRIS AT THE
20 BAR?

21 A YES.

22 Q KENNY WAS DRUNK, WASN'T HE?

23 A YES, SIR.

24 Q KENNY WAS READY TO FIGHT, WASN'T HE?

25 A AFTER WE DISCUSSED IT, YOU KNOW, HE WAS.

1 Q OKAY. ALL RIGHT. AND KENNY KIND OF MESSED
2 THINGS UP FOR YOU, RIGHT?

3 A YEAH, HE JUMPED OUT OF THE CAR.

4 Q BECAUSE HE WAS TOO DRUNK TO FOLLOW THE RULES,
5 RIGHT?

6 A HE DIDN'T KNOW THE WHOLE RULES.

7 Q RIGHT. YOU HADN'T EXPLAINED THEM TO HIM, RIGHT?

8 A RIGHT.

9 Q ALL YOU DID WAS GET HIM PUMPED UP TO FIGHT, YOU
10 TOOK HIM TO A PLACE AND YOU EXPECTED, YOU KNOW, YOU
11 GOING TO OPEN THE GATE AND HE'S GOING TO RUN, RIGHT?

12 A YEAH.

13 Q OKAY. AND THAT'S YOUR POSITION AS TO HOW THAT
14 HAPPENED, IS THAT RIGHT?

15 A THAT'S HOW IT HAPPENED.

16 Q YOU DIDN'T WANT KENNY TO GET OUT OF THE CAR THEN
17 BECAUSE THAT WASN'T PART OF THE PLAN?

18 A THAT'S RIGHT.

19 Q OKAY. SO YOU GOT OUT OF THE CAR ONLY TO TRY AND
20 GET KENNY?

21 A YES.

22 Q AND SO YOU WENT UP THE DRIVEWAY TO GET KENNY?

23 A NO, I DIDN'T GO UP THE DRIVEWAY.

24 Q YOU DIDN'T GO UP THE DRIVEWAY?

25 A NO, I HOLLERED AT HIM.

1 Q YOU HOLLERED AT HIM. DID YOU STAND ON THE
2 PROPERTY LINE AND HOLLER AT HIM?

3 A NO, IT JUST HAPPENED SO FAST, LORI MOSS WAS
4 ALREADY DOWN THERE.

5 Q OKAY.

6 A SO.

7 Q BUT Y'ALL DROVE UP FIRST?

8 A YES.

9 Q BUT YOU HOLLERED AT HIM, YOU DIDN'T GO UP THE
10 DRIVEWAY AT ALL?

11 A NO.

12 Q YOU DIDN'T WANT TO BREAK THE RULES, RIGHT?

13 A IT WASN'T THAT. I JUST DIDN'T GO UP IN THEIR
14 YARD.

15 Q YOU DIDN'T WANT TO GO UP IN THEIR YARD?

16 A YUP.

17 Q WHY? BECAUSE IT MIGHT BE VIOLATING THE ORDER?

18 A NO, SIR, I WASN'T EVEN THINKING ABOUT THE ORDER
19 REALLY. YOU KNOW, I WAS SUPPOSED TO.

20 Q YOU WEREN'T THINKING ABOUT THE ORDER, WERE YOU,
21 MR. FALLS?

22 A NO, SIR.

23 Q YOU WERE THINKING ABOUT WHIPPING SOME, PARDON MY
24 FRENCH, GIVING THE CIRCUMSTANCES AND THE SETTING THAT
25 EVENING, YOU WERE THINKING ABOUT WHIPPING SOME ASS,

1 WEREN'T YOU?

2 A YES, SIR.

3 Q AND THAT'S WHAT WAS ON YOUR MIND WHEN YOU GOT
4 OUT TO RETRIEVE MR. NORRIS AND TO BREAKUP THE GIRLS,
5 IS THAT RIGHT?

6 A YES.

7 Q AND YOU DID LAY YOUR HANDS ON LORI MOSS THAT
8 NIGHT, DIDN'T YOU?

9 A I PUSHED HER. I DID PUSH HER BACK, YES.

10 Q YOU LAID YOUR HANDS ON HER, DIDN'T YOU?

11 A YES, SIR.

12 Q YOU DIDN'T COLD COCK HER AND KNOCK HER OUT?

13 A NO, SIR.

14 Q YOU DIDN'T DO THAT?

15 A NO. I PUSHED HER.

16 Q TOO MUCH OF A GENTLEMAN?

17 A I DON'T KNOW. I DON'T USUALLY HIT WOMEN.

18 Q YOU DON'T HIT WOMEN?

19 A YEAH.

20 Q THAT'S A GOOD PRACTICE. THEY MAY HIT BACK?

21 A YEAH.

22 Q ALL RIGHT. SO YOU GET BACK AFTER YOU'VE GONE TO
23 BREAK UP THE FIGHT AND TO PULL MR. NORRIS BACK, WHO
24 BROKE THE RULES BY GETTING OUT OF THE CAR, YOU GET
25 BACK IN THE CAR, IS THAT RIGHT?

1 A YES.

2 Q AND YOU GET BACK IN ON THE LEFT REAR PASSENGER

3 SEAT?

4 A YES.

5 Q AND YOUR FRIEND BOBBY IS NEXT TO YOU?

6 A YES.

7 Q NOW HE HAD ALREADY, DID YOU GET BACK IN BEFORE

8 HE AND LORI TRADED DRIVERS SEATS TO WHERE HE COULDN'T

9 GET THE CAR RUNNING OR AFTER?

10 A HIM AND HOLLY.

11 Q HIM AND HOLLY, SORRY.

12 A AFTER THEY TRADED SEATS.

13 Q SO YOU WERE STILL OUTSIDE THE CAR WHILE THEY

14 WERE TRADING SEATS TO TRY AND GET THE CAR RUNNING?

15 A THAT WAS AFTER THE GUNSHOTS I WAS TRYING TO GET

16 KENNY BACK IN THE CAR.

17 Q KENNY ENDED UP TAKING CARE OF HIMSELF THAT

18 NIGHT, DIDN'T HE?

19 A HE DID.

20 Q SO YOU WERE STILL OUT OF THE CAR AT THE

21 GUNSHOTS?

22 A YES, I WAS.

23 Q KENNY WAS OUT OF THE CAR AT THE GUNSHOTS?

24 A YES.

25 Q AND THEN AFTER THE GUNSHOTS BOBBY GETS BACK OUT

1 OF THE CAR, RIGHT?

2 A I'M NOT FOR SURE IF THAT'S HOW IT HAPPENED OR
3 NOT. I WAS OUTSIDE THE CAR.

4 Q OKAY. WELL, I JUST ASKED YOU IF YOU GOT IN THE
5 CAR BEFORE HE AND HOLLY CHANGED PLACES?

6 A I WASN'T REALLY PAYING ATTENTION TO HIM AND
7 HOLLY. YOU KNOW, I WAS PAYING ATTENTION TO KENNY,
8 TRYING TO HOLLER FOR HIM.

9 Q WHY-- YOU WERE JUST TRYING TO GET KENNY. YOU
10 HAD ALREADY SEPARATED THE GIRLS, YOU HAD GOTTEN HOLLY
11 BACK INTO THE CAR, YOU WERE TRYING TO GATHER
12 EVERYBODY UP?

13 A YES. I WAS OUTSIDE.

14 Q OKAY. AT SOME POINT IN TIME YOU AND BOBBY ARE
15 SITTING IN THE BACK SEAT OF THE CAR?

16 A YES, SIR.

17 Q RIGHT. AND BOBBY IS SITTING TO YOUR RIGHT?

18 A YES.

19 Q IS THAT RIGHT?

20 A YES.

21 MR. GREELEY: NOW IF HE MAY STEP DOWN,
22 YOUR HONOR.

23 THE COURT: CERTAINLY.

24 Q IF YOU WOULD, JUST FOR NOW, I WANT YOU TO
25 HYPOTHETICALLY THINK THAT I AM BOBBY WHERE HE'S

1 SITTING IN THIS PONTIAC, ALL RIGHT?

2 A OKAY.

3 Q ALL RIGHT. AND WERE Y'ALL'S SHOULDERS ABOUT
4 EVEN?

5 A PROBABLY ABOUT LIKE THIS.

6 Q ABOUT LIKE THIS, OKAY. AND YOU JUMP IN THE CAR
7 AND BOBBY IS IN THE CAR, IS THAT RIGHT?

8 A YES.

9 Q ALL RIGHT. AND AT SOME POINT IN TIME YOU PUT
10 YOUR ARM AROUND HIM, IS THAT RIGHT?

11 A YES, THAT'S RIGHT.

12 Q OKAY. AND WHERE DID YOU, HOW DID YOU PUT YOUR
13 ARM AROUND HIM?

14 A I GUESS YOU KNOW HOW YOU LEAN BACK AND YOU LOOK,
15 YOU KNOW, YOU THROW YOUR SHOULDER UP TO LOOK BACK,
16 IT'S ABOUT LIKE THAT.

17 Q ABOUT LIKE THAT?

18 A IF YOU ARE LOOKING. YEAH.

19 Q WAS IT UP IN THE AIR A LITTLE BIT?

20 A NO, IT WAS ON THE, YOU KNOW, YOUR HEAD IS RIGHT
21 HERE ON THE THING.

22 Q DID YOU EVER LIFT IT UP IN THE AIR A LITTLE BIT?

23 A I DON'T KNOW. I DON'T THINK SO.

24 Q BUT IT WAS, IT WAS BACK BEHIND HIM?

25 A YEAH.

1 Q HIS HEAD?

2 A YES.

3 Q POINTING TOWARD---

4 MR. THOMPSON: OBJECTION TO THE DISPLAY

5 MR. GREELEY IS CURRENTLY GIVING. MR. GREELEY IS

6 OBVIOUSLY --

7 THE COURT: JUST ASK HIM QUESTIONS.

8 MR. GREELEY: ALL RIGHT.

9 Q SO YOUR HAND WAS BEHIND HIM, IS THAT RIGHT?

10 A YES.

11 Q AND YOUR HAND WAS OVER HERE?

12 A YES.

13 Q OKAY. SO YOUR HAND WAS CLOSE TO THE REAR

14 PASSENGER WINDOW?

15 A COULD BE.

16 Q BEHIND HIS HEAD?

17 A YES.

18 Q WHERE DID YOU GET SHOT?

19 A I GOT SHOT RIGHT HERE.

20 Q RIGHT HERE IN THE WRIST?

21 A YES.

22 Q IS THAT RIGHT?

23 A YES.

24 Q HAVE A SEAT.

25 MR. GREELEY: IF THE COURT WILL INDULGE ME

1 FOR ONE MINUTE.

2 Q WHEN YOU WERE LEAVING LAWRENCE ROAD, IN BETWEEN
3 LAWRENCE ROAD AND THE CLOVER POLICE DEPARTMENT, DID
4 YOU USE A CELL PHONE?

5 A NO, SIR.

6 Q YOU DIDN'T USE ONE. DID YOU ANSWER A CELL
7 PHONE?

8 A I DIDN'T ANSWER ONE, NO.

9 Q AND HOW OLD WERE YOUR CHILDREN?

10 A MY CHILDREN WAS FIVE, FOUR, AND SEVEN MONTHS.

11 Q SO THE OLDEST ONE WAS FIVE?

12 A YES.

13 Q AND YOU LEFT ALL THOSE THREE CHILDREN BACK WITH
14 MS. TAYLOR?

15 A YES.

16 Q AND SHE HAD A BABY TOO?

17 A YES. THEY WAS ALL SLEEPING.

18 Q THEY WERE ALL ASLEEP?

19 A YEAH.

20 Q WERE THEY ASLEEP WHEN YOU LEFT?

21 A YES, SIR.

22 MR. GREELEY: THAT'S ALL I HAVE AT THIS
23 POINT.

24 REDIRECT EXAMINATION BY MR. THOMPSON:

25 Q MR. FALLS, YOU HAD MENTIONED HOW MUCH YOU HAD TO

1 DRINK. HOW MUCH TIME WAS THAT OVER, PERIOD OF TIME
2 THAT WAS OVER?

3 A THAT WAS PROBABLY FROM 8 O'CLOCK TO 11 OR 12. I
4 WAS DRINKING, YOU KNOW, ABOUT 11.

5 Q ALL RIGHT. SO SEVERAL HOUR PERIOD?

6 A YES.

7 Q COULD YOU TELL ME WHEN THE CAR PULLED BY, WHEN
8 Y'ALL PULLED BY THE FIRST TIME AND THEN YOU TURN
9 AROUND AND CAME BACK, WERE THERE ANY OTHER PEOPLE OUT
10 WHEN YOU GOT BACK THAN THERE WERE WHEN YOU FIRST
11 DRIVE BY?

12 A AS I RECALL IT WAS. THERE WAS ONLY YOU KNOW
13 MAYBE FIVE PEOPLE OUT, MAYBE FOUR PEOPLE OUT THERE,
14 THERE WASN'T MANY, AND THEN WHEN WE DROVE BY AND COME
15 BACK THERE WAS MORE.

16 Q OKAY. NOW DID YOU FIGHT WITH BRADLEY DEAL THAT
17 NIGHT?

18 A NO, SIR.

19 Q DID YOU EVEN SEE BRADLEY DEAL THAT NIGHT?

20 A I DIDN'T EVEN SEE HIM.

21 Q AND THAT'S THE ONLY PERSON THAT YOU HAD A
22 RESTRAINING ORDER WITH, IS THAT CORRECT?

23 A YES.

24 Q AND THAT WAS I BELIEVE BASED ON A FIGHT THAT
25 HAPPENED LONG BEFORE THIS, IS THAT CORRECT?

1 A YES.

2 Q AS A MATTER OF FACT SOME --

3 A MAYBE THREE WEEKS.

4 Q SEVERAL WEEKS BEFORE THAT?

5 A YES.

6 Q NOW MR. GREELEY ASKED YOU, HE SAID I BELIEVE IT

7 WAS PHRASED THE QUESTION WAS AFTER THE SHOTS, AFTER

8 THE SHOTS, GET THIS STRAIGHT, WHEN YOU WERE OUT OF

9 THE CAR HOW MANY SHOTS DID YOU HEAR WHEN YOU WERE OUT

10 OF THE CAR?

11 A TWO.

12 Q ALL RIGHT. AND WAS THERE A PERIOD OF TIME

13 BETWEEN THOSE SHOTS AND THE OTHER SHOTS?

14 A THERE WAS.

15 Q HAD YOU BEEN ABLE TO GET BACK IN THE CAR BEFORE

16 THE OTHER SHOTS OCCURRED?

17 A YES.

18 Q WERE Y'ALL ACTUALLY SITTING THERE OR WERE YOU

19 MOVING?

20 A WE WAS MOVING.

21 Q MOVING. WERE YOU MOVING AWAY?

22 A MOVING FORWARDS AWAY FROM THE FIRE.

23 Q ALL RIGHT. CAN YOU SHOW ME ONCE AGAIN HOW YOUR

24 HAND WAS BACK BEHIND BOBBY'S HEAD?

25 A MY HAND WAS LIKE UP COCKED UP ON THE THING LIKE

1 THIS AND I WAS LOOKING BACK.

2 Q AND THE BACK OF THAT SEAT IN THAT CAR I BELIEVE
3 ACTUALLY COMES UP A LITTLE BIT?

4 A YES, I BELIEVE.

5 Q IT JUST DOESN'T END RIGHT THERE?

6 A YEAH, IT HAS LIKE A HEAD REST. I BELIEVE SO.

7 Q TRAVIS, DID YOU HAVE A GUN THAT NIGHT?

8 A NO, SIR.

9 Q DID YOU SHOOT A GUN OUT BEHIND BOBBY'S HEAD?

10 A NO, I DIDN'T.

11 Q THANK YOU. NO FURTHER QUESTIONS.

12 MR. GREELEY: I DON'T HAVE ANYTHING.

13 THE COURT: YOU CAN STEP DOWN. THANK YOU.

14 CALL YOUR NEXT WITNESS.

15 MR. POPE: THE NEXT WITNESS WOULD BE THE
16 FORENSIC OFFICER. MAY WE HAVE A BRIEF BREAK. I'M
17 SORRY. I BEG THE COURT'S INDULGENCE.

18 THE COURT: DID YOU SAY YOU NEED A BREAK?

19 MR. POPE: HE'S GOT ONE QUICK WITNESS WE
20 CAN DO BEFORE WE BREAK.

21 THE COURT: OKAY.

22 MR. THOMPSON: THE STATE WOULD CALL
23 MICHAEL WALLACE.

24 MICHAEL WALLACE, BEING FIRST DULY SWORN,
25 TESTIFIED AS FOLLOWS:

- 1 DIRECT EXAMINATION BY MR. THOMPSON:
- 2 Q MR. WALLACE, WHAT IS YOUR FULL NAME PLEASE?
- 3 A MICHAEL SCOTT WALLACE.
- 4 Q HOW OLD ARE YOU, MICHAEL?
- 5 A 18.
- 6 Q 18?
- 7 A (NODS HEAD.)
- 8 Q WHERE DO YOU LIVE, MICHAEL?
- 9 A 1304 LOVE ROAD.
- 10 Q I'M SORRY. YOU ARE TALKING A LITTLE LOW.
- 11 A 1304 LOVE ROAD.
- 12 Q OUT IN CLOVER?
- 13 A (NODS HEAD.)
- 14 Q CAN YOU TELL ME, MICHAEL, DO YOU KNOW BERRY
- 15 SCOTT BOLIN?
- 16 A YES, SIR.
- 17 Q HOW DO YOU KNOW HIM?
- 18 A HE'S MY FIRST COUSIN.
- 19 Q Y'ALL PRETTY CLOSE?
- 20 A YEAH.
- 21 Q CAN YOU TELL ME DID YOU HAVE A CHANCE TO RECEIVE
- 22 A CALL FROM MR. BOLIN ON THE EARLY MORNING HOURS OF
- 23 THE 19 OF FEBRUARY OF THIS YEAR?
- 24 A YES, SIR.
- 25 Q WHAT'S THAT?

1 A YES, SIR.

2 Q WAS HE TRYING TO FIND OUT WHERE YOU WERE WHEN HE

3 CALLED YOU AT THAT TIME?

4 A LIKE EARLIER THAT DAY OR WHEN ALL THAT HAPPENED?

5 Q WELL, I GUESS WHEN --

6 A I TALKED TO HIM EARLIER THAT DAY WHENEVER I MET

7 UP WITH HIM. I WENT TO HANG OUT WITH HIM.

8 Q OKAY. SO YOU HUNG OUT WITH HIM EARLIER IN THE

9 DAY. TELL ME WHAT Y'ALL DID EARLIER IN THE DAY?

10 A WE SAT AROUND FLATSTONE AND WERE DRINKING AND

11 HAVING SOME FUN AND THEN WE SHOT --

12 Q FLATSTONE, IS THAT WHERE HE LIVES?

13 A THAT'S WHERE HIS AUNT LIVES.

14 Q WAS HE STAYING THERE TOO?

15 A YEAH, HE WAS. I THINK HE SPENT THE NIGHT THERE

16 THE NIGHT BEFORE.

17 Q OKAY. AND Y'ALL WERE DRINKING TOGETHER THAT

18 AFTERNOON?

19 A YES, SIR.

20 Q ALL RIGHT. WHAT WERE Y'ALL DRINKING?

21 A I DON'T REMEMBER WHAT HE WAS DRINKING BUT I WAS

22 DRINKING GRAY GOOSE AND SOME OF ARISTOCRAT VODKA.

23 Q GRAY GOOSE AND WHAT?

24 A ARISTOCRAT.

25 Q ARISTOCRAT VODKA. OKAY. CAN YOU TELL ME WHAT

1 DID Y'ALL DO THERE WHEN YOU WERE HANGING OUT

2 A WE JUST SAT AROUND, SIT IN THE TRUCK LISTEN TO
3 MUSIC, AND WE SHOT ONE OR TWO ROUNDS OFF IN THE
4 BACK YARD.

5 Q ALL RIGHT. WHAT GUN DID YOU USE WHEN YOU SHOT
6 THE ROUNDS OFF IN THE BACK YARD?

7 A HIS PISTOL.

8 Q HIS PISTOL. DO YOU RECALL WHAT TYPE OF PISTOL
9 IT IS?

10 A THE .45.

11 Q ALL RIGHT. HAD HE HAD THAT PISTOL FOR SOMETIME?

12 A A COUPLE MONTHS.

13 Q DID Y'ALL --

14 THE COURT: YOU ARE GOING TO HAVE TO SPEAK
15 UP.

16 A DO WHAT?

17 THE COURT: YOU HAVE TO SPEAK UP LOUDER.

18 A OKAY. A COUPLE MONTHS.

19 Q YOU SAID HE HAD IT A COUPLE MONTHS. HAD YOU
20 SHOT THE PISTOL BEFORE WITH HIM?

21 A YES, SIR.

22 Q WAS IT SOMETHING Y'ALL DID ON A REGULAR BASIS
23 OVER THOSE COUPLE OF MONTHS?

24 A OCCASIONALLY, IT WASN'T LIKE EVERYDAY, BUT
25 OCCASIONALLY SHOT IT.

1 Q DO YOU RECALL WHAT HE SHOT AT THAT DAY?

2 A WE SHOT AT I BELIEVE A CAN AND THEN A BIRD THAT
3 WAS ON THE GROUND.

4 Q A CAN AND A BIRD. WHICH ONE DID YOU SHOOT AT?

5 A I DIDN'T SHOOT IT. HE SHOT IT.

6 Q HE SHOT IT. OKAY. AND HE SHOT AT A CAN AND THEN
7 AT A BIRD?

8 A YEAH.

9 Q DO YOU REMEMBER HOW MANY ROUNDS HE FIRED OFF?

10 A TWO.

11 Q WHEN Y'ALL SEPARATED THEN DID YOU GO WITH HIM TO
12 HIS HOUSE OR TO ANY OTHER PLACE LATER THAT DAY?

13 A WHEN WE LEFT THERE I WENT TO MY FRIEND CODY'S
14 HOUSE IN ROCK HILL AND THEN WE WENT TO THE PARTY
15 LATER ON THAT NIGHT, THE OTHER PARTY.

16 Q WHAT PARTY DID YOU GO TO?

17 A KATE BERENTINIA'S.

18 Q WHERE WAS THAT BEING HELD?

19 A THREE HOUSES DOWN FROM THE CLOVER POLICE
20 STATION.

21 Q ALL RIGHT. SO IN CLOVER BUT NOT OUT HERE NEAR
22 LAWRENCE ROAD, CORRECT?

23 A NO.

24 Q WHEN YOU GOT A CALL AFTER ALL THIS HAPPENED, DID
25 YOU RECEIVE A CALL FROM HIM THEN?

1 A UH-HUH.

2 Q DID HE WANT TO GET IN CONTACT WITH YOU, DID HE
3 WANT TO COME AND MEET WITH YOU THEN?

4 A YEAH, I TOLD HIM TO COME AND MEET WITH ME OVER
5 AT KATE'S HOUSE.

6 Q OKAY. DID HE COME, IS THAT WHERE YOU WERE AT
7 THE PARTY?

8 A WELL -- I WAS AT KATE'S PARTY.

9 Q RIGHT.

10 A HE COME OVER THERE.

11 Q OKAY. SO HE CAME OVER THERE. WHO WAS WITH HIM
12 WHEN HE GOT OVER THERE?

13 A HIS GIRLFRIEND.

14 Q WHO WAS THAT?

15 A MICHELLE BARFIELD.

16 Q AND WHAT WAS HE DRIVING WHEN HE GOT THERE?

17 A HIS WHITE SILVERADO.

18 Q THAT WAS A PICKUP TRUCK?

19 THE COURT: HE DIDN'T ANSWER. YOU GOT TO
20 SAY YES OR NO. YOU GOT TO ANSWER THE QUESTION.

21 Q THAT WAS A PICKUP TRUCK?

22 A (NODS HEAD.)

23 Q YOU GOT TO ANSWER YES OR NO?

24 A YES, SIR.

25 Q WHEN HE GOT THERE DID HE HAVE THE GUN WITH HIM?

1 A YES, SIR.

2 Q WHAT DID HE DO WITH THE GUN AT THAT POINT IN
3 TIME?

4 A HE, I TOLD HIM TO GIVE IT TO ME AND HE GAVE IT
5 TO ME.

6 Q YOU TOLD HIM TO GIVE IT TO YOU?

7 A YES, SIR.

8 Q WHY DID YOU TELL HIM TO GIVE IT TO YOU?

9 A BECAUSE I WAS GOING TO TAKE IT WITH ME TO MY
10 HOUSE.

11 Q DID YOU USUALLY TAKE HIS GUN AND TAKE TO IT YOUR
12 HOUSE?

13 A NO, SIR.

14 Q WHY WAS THAT SPECIAL THAT NIGHT?

15 A BECAUSE I KNEW THAT SOMETHING HAD HAPPENED OVER
16 THERE, THE SHOOTING AND ALL THAT WENT ON.

17 Q ALL RIGHT. AND YOU KNEW, I BELIEVE YOU HAD
18 HEARD IT ON THE SCANNER, IS THAT WHAT YOUR---

19 A MY MOMMA HAD.

20 Q OKAY. SO WHERE WERE YOU PLANNING ON GETTING RID
21 OF THAT GUN?

22 A I WAS GOING TO JUST THROW IT AWAY, TAKE TO IT MY
23 HOUSE, AND KEEP IT THERE.

24 Q WHERE DID YOU ACTUALLY TAKE IT THOUGH?

25 A I TOOK IT WITH ME TO CODY'S HOUSE IN ROCK HILL

1 AND THEN TOOK TO GASTONIA WITH ME.

2 Q DID YOU SHOW IT TO ANYONE AT THAT HOUSE?

3 A THEY SEEN I HAD IT IN MY LAP WHENEVER I LEFT.

4 Q OKAY. WELL, WHY DID YOU END UP GOING TO

5 GASTONIA?

6 A FROM ROCK HILL?

7 Q RIGHT.

8 A BECAUSE I FOUND OUT THAT THEY HAD GOT BERRY,

9 ARRESTED BERRY, TOOK HIM TO THE POLICE STATION, AND

10 SO I WENT TO GASTONIA BECAUSE I WAS COMING BACK TO

11 TOWN.

12 Q HOW DID YOU FIND OUT BERRY WAS AT THE POLICE

13 STATION?

14 A ANOTHER PHONE CALL FROM MY MOM I THINK OR MY

15 DAD.

16 Q ALL RIGHT. SO WHEN YOU WENT TO GASTONIA WAS

17 THAT TO GET RID OF THE GUN?

18 A NO, I JUST TOOK THE GUN WITH ME. I WASN'T GOING

19 TO GET RID OF IT AFTER THAT.

20 Q WHY WERE YOU GOING TO GASTONIA?

21 A I WENT AND MET WITH ROBERT AND SAMANATHA.

22 Q ROBERT AND SAMANATHA WHO?

23 A EASON.

24 Q SAMANATHA EASON AND ROBERT WHO?

25 A BEVERLY.

1 Q ROBERT BEVERLY. THEY HAD ACTUALLY BEEN AT THE
2 PARTY AT LAWRENCE ROAD, HAD THEY NOT?

3 A YES, SIR.

4 Q WHAT WAS YOUR PURPOSE OF GOING TO MEET WITH THEM
5 THAT EVENING?

6 A BECAUSE CODY WAS HAVING SOME PEOPLE COME TO HIS
7 HOUSE SO.

8 Q SO IT WAS ANOTHER PARTY?

9 A NO, HE WASN'T. HE WAS HAVING SOME FRIENDS COME
10 OVER. THEY WEREN'T PARTYING. THEY COME TO STAY THE
11 NIGHT.

12 Q STAYING THE NIGHT. DID YOU STAY THERE? IS THAT
13 WHERE ULTIMATELY THE POLICE GOT IN CONTACT WITH YOU
14 OR WERE WHERE YOU?

15 A I WAS IN ROCK HILL AT SAMANTHA'S HOUSE.

16 Q HOW LONG HAD YOU STAYED IN GASTONIA?

17 A PROBABLY A FEW HOURS.

18 Q DID YOU TELL YOUR MOTHER YOU HAD THE GUN WITH
19 YOU WHEN SHE HAD CALLED YOU THOSE TIMES?

20 A NO, SIR.

21 Q DID YOU TAKE THE GUN BACK WITH YOU TO ROCK HILL?

22 A YEAH.

23 Q ALL RIGHT. TELL ME WHEN WAS IT THAT YOU DECIDED
24 NOT TO GET RID OF THE GUN?

25 A WHEN I GOT THE PHONE CALL THAT MORNING FROM THE

1 COPS AND THEY SAID I HAD IT.

2 Q WHEN YOU GOT THE CALL FROM THE POLICE THAT'S

3 WHEN YOU DECIDED NOT TO GET RID OF THE GUN?

4 A (NODS HEAD.)

5 Q WHEN YOU RECEIVED THAT CALL DO YOU REMEMBER

6 ABOUT WHAT TIME THAT WAS?

7 A 5:38 AM.

8 Q HOW DO YOU KNOW THAT SO CLEARLY?

9 A BECAUSE I JUST REMEMBER IN MY HEAD ON MY PHONE.

10 Q OKAY. AND DO YOU RECALL, HAD THEY CALLED YOU

11 MORE THAN ONCE AT THAT POINT?

12 A HE CALLED ME THE FIRST TIME AND I DIDN'T ANSWER

13 IT BECAUSE I DIDN'T KNOW THE NUMBER THEN HE CALLED ME

14 ABOUT FIVE MINUTES AFTER THAT AND I ANSWERED IT AND I

15 PLAYED LIKE I DIDN'T KNOW WHAT HE WAS TALKING ABOUT.

16 Q WHEN HE ASKED YOU ABOUT THE GUN YOU PRETENDED

17 YOU DIDN'T KNOW WHAT HE WAS TALKING ABOUT?

18 A YES, SIR.

19 Q WHY DID YOU CHANGE YOUR MIND AND TELL HIM YOU

20 HAD THE GUN?

21 A BECAUSE THE SECOND TIME OR THE THIRD TIME HE

22 CALLED BACK AFTER THAT HE SAID SPECIFICALLY BERRY'S

23 GUN SO I KNEW THAT BERRY HAD TOLD HIM I HAD IT.

24 Q DID HE DESCRIBE THE TYPE OF GUN?

25 A YES.

1 Q WHAT DID HE SAY?

2 A HE SAID A LLAMA .45 CALIBER.

3 Q AND THAT'S THE TYPE OF PISTOL IT WAS?

4 THE COURT: HE DIDN'T ANSWER THE QUESTION.
5 ANSWER YES OR NO. YOU JUST CAN'T SHAKE AND NOD YOUR
6 HEAD.

7 A ALL RIGHT.

8 Q IS THAT THE TYPE OF PISTOL IT WAS?

9 A YES, SIR.

10 Q DO YOU RECALL WAS IT IN A HOLSTER WHEN HE GAVE
11 IT TO YOU?

12 A YES, SIR.

13 Q DID YOU TAKE ANYTHING OUT OF THE GUN, ANY SHELLS
14 OR ANY BULLETS OR ANYTHING LIKE THAT?

15 A NO, SIR.

16 Q THIS IS STATE'S EXHIBIT 140, CAN YOU LOOK AT
17 THAT FOR ME AND TELL ME WHAT THAT IS?

18 A IT'S THE HOLSTER TO HIS PISTOL.

19 Q ALL RIGHT. I WANT TO SHOW YOU STATE'S EXHIBIT
20 137 IF YOU CAN TELL ME WHAT THAT IS?

21 A IT'S THE LLAMA .45 THAT'S HIS.

22 Q IT APPEARS TO BE HIS?

23 A YES.

24 MR. THOMPSON: YOUR HONOR, I WOULD ASK TO
25 ENTER, I BELIEVE THIS IS ALREADY IN EVIDENCE, BUT THE

1 HOLSTER WHICH WOULD BE STATE'S EXHIBIT 140 IN
2 EVIDENCE AT THIS TIME.

3 MR. GREELEY: NO OBJECTION.

4 THE COURT: BE RECEIVED.

5 (STATE'S EXHIBIT 140 HOLSTER IN EVIDENCE.)

6 Q NOW AFTER YOU ENDED UP TELLING THE POLICE
7 OFFICER, YOU SAID THE THIRD CALL YOU TOLD HIM YOU HAD
8 IT?

9 A YES, SIR.

10 Q AT THAT POINT WHAT DID YOU DO WITH IT?

11 A THEY TOLD ME TO BRING IT TO THE POLICE STATION.

12 Q DID YOU TAKE IT THERE THEN?

13 A YES, SIR.

14 Q HOW DID YOU GET TO THE POLICE STATION?

15 A SAMANATHA DROVE ME THERE.

16 Q SAMANATHA EASON?

17 A YES, SIR.

18 Q HAD SHE GONE BACK TO ROCK HILL WITH YOU?

19 A HUH-UH. THEY WERE IN GASTONIA. I GOT CODY TO
20 TAKE ME TO MEET THEM IN GASTONIA.

21 Q SO YOU WENT BACK FROM ROCK HILL TO GASTONIA
22 AGAIN AND THEN BACK TOWARDS?

23 A NO, I WENT TO ROCK HILL FROM THE PARTY AND THEN
24 GASTONIA. I WENT TO ROCK HILL FROM, GASTONIA FROM
25 ROCK HILL.

1 Q ALL RIGHT. AND THEN YOU TOOK TO THE GUN TO THE
2 CLOVER POLICE DEPARTMENT?

3 A YES, SIR.

4 Q DO YOU RECALL GIVING IT TO LIEUTENANT TIM HAGER
5 AT THAT TIME?

6 A YES, SIR.

7 Q ALL RIGHT. DID YOU ALTER OR CHANGE ANYTHING
8 ABOUT THAT GUN OR HOLSTER WHILE YOU HAD IT?

9 A NO, SIR.

10 Q DID YOU ATTEMPT TO FIRE IT OR DOING ANYTHING
11 LIKE THAT?

12 A NO, SIR.

13 Q DID YOU BREAK IT DOWN AND TAKE OUT THE MAGAZINE?

14 A I COCKED BACK IT AND TOOK THE MAGAZINE OUT.

15 Q WAS IT LIKE THAT WHEN YOU GAVE IT TO THE POLICE
16 OR DID YOU PUT IT BACK IN?

17 A I PUT IT BACK IN.

18 Q WAS IT EMPTY WHEN YOU GOT IT OR WERE THERE ANY
19 BULLETS IN IT?

20 A IT WAS EMPTY.

21 MR. THOMPSON: JUST A MOMENT, YOUR HONOR.

22 Q NOW I NOTICE YOU HAVE A BLACK EYE TODAY, IS THAT
23 FROM A FIGHT?

24 A YES, SIR.

25 MR. GREELEY: OBJECTION RELEVANCY, MOVE TO

1 STRIKE.

2 THE COURT: I SUSTAIN THE OBJECTION.
3 DISREGARD THAT. THAT HAS NOTHING TO DO WITH THIS
4 CASE.

5 Q THANK YOU. NO FURTHER QUESTIONS.

6 MR. GREELEY: YOUR HONOR, I DON'T HAVE ANY
7 QUESTIONS FOR MICHAEL. THANK YOU.

8 THE COURT: YOU CAN STEP DOWN AND BE
9 EXCUSED. WE'LL TAKE A SHORT BREAK AT THIS TIME.
10 JUST FOLLOW THE BAILIFF TO THE JURY ROOM.

11 (THE JURY EXITS THE COURTROOM AT 03:17
12 PM AND COURT'S IN RECESS AT 03:17.)

13 (COURT RESUMES AT 03:30 PM.)

14 MR. POPE: MR. GREELEY HAS REVIEWED A
15 LARGE NUMBER OF PICTURES, WE'RE GOING TO PUT THEM ALL
16 IN EVIDENCE,. THE COURT REPORTER HAS THE NUMBERS.
17 BUT IF THE COURT NEEDS, IT'S ALMOST 120, I CAN READ
18 THROUGH IN FRONT OF THE JURY.

19 THE COURT: IF SHE'S HAPPY AND SHE'S GOT
20 IT AND MR. GREELEY AGREED TO IT.

21 MR. GREELEY: YES, SIR.

22 THE COURT: I CAN LIVE WITHOUT HEARING IT.

23 MR. POPE: THANK YOU, SIR. AT THIS
24 JUNCTURE IT WOULD BE ALL PICTURES THAT WE HAD MARKED
25 WITH THE EXCEPTION 61 AND 62. THOSE WILL COME IN

1 WITH DR. MAYNARD.

2 MR. GREELEY: THAT'S FINE.

3 MR. POPE: LET'S WAIT UNTIL THE JURY IS
4 HERE.

5 THE COURT: ALL RIGHT. BRING IN THE JURY.

6 (THE JURY RETURNS TO THE COURTROOM AT
7 03:31 PM.)

8 THE COURT: CALL YOUR NEXT WITNESS.

9 MR. POPE: THE STATE WOULD CALL WAYNE
10 SMITH PLEASE.

11 WAYNE SMITH, BEING FIRST DULY SWORN,
12 TESTIFIED AS FOLLOWS:

13 DIRECT EXAMINATION BY MR. POPE:

14 Q OFFICER SMITH, IF YOU WOULD STATE YOUR NAME OR
15 SERGEANT SMITH, IS THAT RIGHT?

16 A SERGEANT SMITH.

17 Q IF YOU'D STATE YOUR NAME AND SPELL YOUR LAST
18 NAME FOR THE COURT REPORTER PLEASE?

19 A MY NAME IS DOUGLAS WAYNE SMITH. IT'S S-M-I-T-H.

20 Q CAN YOU TELL THE JURY WHERE YOU ARE EMPLOYED?

21 A I'M EMPLOYED WITH THE YORK COUNTY SHERIFF'S
22 OFFICE.

23 Q AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

24 A I'VE BEEN IN LAW ENFORCEMENT SINCE JANUARY OF
25 1993.

- 1 Q AND WHAT IS YOUR CURRENT ASSIGNMENT?
- 2 A CURRENTLY A PATROL SUPERVISOR IN D SHIFT OF THE
- 3 PATROL DIVISION.
- 4 Q HOW LONG HAVE YOU BEEN A PATROL SUPERVISOR?
- 5 A SINCE MAY OF THIS YEAR.
- 6 Q OKAY. I WANT TO CALL YOUR ATTENTION BACK TO
- 7 FEBRUARY OF THIS YEAR. WHAT WERE, WHAT WAS YOUR
- 8 DUTIES OR CAPACITIES AT THE SHERIFF'S DEPARTMENT AT
- 9 THAT TIME?
- 10 A AT THAT TIME I WAS ASSIGNED TO THE FORENSIC
- 11 SERVICES UNIT OF THE SHERIFF'S DEPARTMENT IN THE
- 12 CRIME SCENE DIVISION IT'S MORE COMMONLY REFERRED TO
- 13 NOW.
- 14 Q OKAY. AND NOW YOU'VE SINCE LEFT THERE, DID YOU
- 15 LEAVE THE FORENSICS UNIT BY YOUR OWN CHOICE?
- 16 A YES, I DID.
- 17 Q OKAY. AND WHY WAS THAT?
- 18 A AN OPPORTUNITY CAME TO BE PROMOTED TO SERGEANT,
- 19 IT WAS MOVE UP, AND I TOOK IT.
- 20 Q SO YOU WERE A SERGEANT WHEN YOU WERE IN THE
- 21 FORENSICS UNIT?
- 22 A NO, I WAS NOT.
- 23 Q OKAY. I CALL YOUR ATTENTION PARTICULARLY TO
- 24 BACK IN FEBRUARY 19, 2006 WERE YOU WORKING IN THE
- 25 FORENSICS AT THAT TIME?

1 A YES, SIR, I WAS.

2 Q TELL THE JURY BASICALLY WHAT THE FSU IS, WHAT
3 YOU DO, A LITTLE BACKGROUND ABOUT THAT?

4 A THE FORENSICS SERVICES UNIT WITH THE SHERIFF'S
5 DEPARTMENT IS ACTUALLY, IT'S A MULTIJURISDICTIONAL
6 UNIT COMPRISED OF OFFICERS FROM THE SHERIFF'S OFFICE,
7 FORT MILL POLICE DEPARTMENT, THE ROCK HILL POLICE
8 DEPARTMENT, AND THE WINTHROP UNIVERSITY POLICE
9 DEPARTMENT. WHAT WE DO IS WE BASICALLY ANALYZE
10 LATENT PRINTS, IDENTIFY SUSPECTS THROUGH FORENSIC
11 ISSUES SUCH AS LATENT PRINTS; WE COLLECT AND GATHER
12 AND DOCUMENT EVIDENCE AT CRIME SCENES, AND TESTIFY IN
13 COURT TO OUR FINDINGS. IT'S KIND OF A NUTSHELL AS TO
14 WHAT THEY DO.

15 Q OKAY. CAN YOU TELL THE JURY THE BACKGROUND AND
16 TRAINING THAT YOU HAVE THAT ALLOWS YOU TO PERFORM
17 THESE VARIOUS TESTS. FOR EXAMPLE, PROCESSING CRIME
18 SCENES OR FINGERPRINTS, WHAT KIND OF TRAINING ALLOWS
19 YOU TO DO THAT?

20 A I'VE TAKEN, IN MY CAREER, I'VE TAKEN NUMEROUS
21 COURSES THROUGH SOUTH CAROLINA CRIMINAL JUSTICE
22 ACADEMY, CLASSES SPONSORED BY UNIVERSITIES, BY THE
23 FEDERAL BUREAU OF INVESTIGATION, UNIVERSITY OF NORTH
24 CAROLINA CHARLOTTE, THESE PROGRAMS ARE PUT ON, THEY
25 ARE ALL FORENSIC SPECIFIC TRAINING PROGRAMS.

1 I'VE ALSO COMPLETED A BOARD CERTIFICATION
2 PROGRAM THROUGH THE INTERNATIONAL ASSOCIATION OF
3 IDENTIFICATION, THAT'S THE LARGEST AND OLDEST GROUP
4 OF FORENSICS SCIENTISTS AND INVESTIGATORS IN THE
5 WORLD. I TOOK THEIR BOARD EXAM AND PASSED IT IN 1995
6 AND BECAME A BOARD CERTIFIED CRIME SCENE TECHNICIAN.

7 Q AND THIS PARTICULAR NIGHT YOU WERE CALLED OUT AS
8 A CRIME SCENE TECHNICIAN, DID YOU HAVE ALSO HAVE
9 ANOTHER OFFICER WITH THE FSU THAT ASSISTED YOU?

10 A YES, I DID, OFFICER MIKE WILLIAMS.

11 Q IS THAT PART OF YOUR PROTOCOL ON A CASE OF THIS
12 NATURE THAT YOU HAVE MORE THAN ONE OFFICER?

13 A YES. OFFICER WILLIAMS IS ALSO A SUPERVISOR IN
14 THE UNIT AND HE COMES OUT ANY TIME THAT'S INVOLVING
15 IN THE CASE.

16 Q AND SO HE ASSISTED YOU THIS PARTICULAR EVENING.
17 IF YOU WOULD TELL THE JURY WHAT PROCESSING A CRIME
18 SCENE REALLY ENTAILS, WHAT DOES THAT MEAN?

19 A PROCESSING CRIME SCENE BASICALLY ENTAILS A
20 THOROUGH DOCUMENTATION OF WHAT WE FOUND WHEN WE GET
21 THERE VIA PHOTOGRAPHS, A SKETCHING, COLLECTION OF
22 EVIDENCE RECOVERED FROM A SCENE, ITEMS LEFT BEHIND,
23 PRESERVE THEM FOR COURT AND BASICALLY REPRODUCING
24 WHAT WE FIND AT A SCENE FOR JURY'S EYES IN COURTROOM
25 ENVIRONMENT.

1 Q NOW ARE THERE CERTAIN ITEMS THAT YOU MAY RECOVER
2 THAT YOU SEND TO ANOTHER KIND OF LARGER LAB OR LARGER
3 ENTITY FOR TESTING?

4 A YES, THERE IS. AT THE TIME WE CAN, SOME TESTS
5 CAN BE PERFORMED IN HOUSE SO TO SPEAK, BUT TESTS SUCH
6 AS BALLISTICS AND DNA TESTING, THE COUNTY DOES NOT
7 HAVE THE FUNDS FOR THOSE TYPES OF LABS AT THIS TIME
8 OR THE FUTURE PROCESS WORKING ON, THOSE ITEMS RIGHT
9 NOW IS SENT TO SLED IN COLUMBIA TO THEIR FORENSICS
10 LAB. THEY HAVE THE TECHNICIANS AND EQUIPMENT TO
11 PERFORM A LOT OF TESTS THAT WE DON'T CURRENTLY HAVE
12 THE TECHNOLOGY FOR.

13 Q AND SLED, THAT'S THE SOUTH CAROLINA LAW
14 ENFORCEMENT DIVISION?

15 A YES, SIR.

16 Q OKAY. AND DID YOU RELY ON SOME TESTING FROM
17 THEM IN THIS PARTICULAR CASE?

18 A YES, WE DID.

19 MR. POPE: YOUR HONOR, AT THIS TIME I
20 WOULD TENDER OFFICER SMITH AS AN EXPERT IN CRIME
21 SCENE ANALYSIS.

22 THE COURT: ANY VOIR DIRE.

23 MR. GREELEY: NO OBJECTION.

24 THE COURT: I FIND HE'S QUALIFIED.

25 Q I WANT TO CALL YOUR ATTENTION NOW TO SUNDAY,

1 FEBRUARY 19. CAN YOU TELL THE JURY HOW YOU BECAME
2 INVOLVED IN THIS CASE?

3 A I BECAME INVOLVED IN THIS CASE THE NIGHT OF THE
4 19 I WAS ON CALL. WE HAVE A PERSON ON CALL 24/7.
5 IT'S MY NIGHT TO BE ON CALL AND I RECEIVED A PAGE TO
6 RESPOND TO THE CLOVER POLICE DEPARTMENT IN REFERENCE
7 TO AN INCIDENT THAT OCCURRED ON LAWRENCE ROAD IN
8 CLOVER.

9 Q OKAY. AND YOU SAID AS PART OF YOUR DUTIES DID
10 YOU DOCUMENT, YOU TALK ABOUT MEASUREMENTS AND THINGS,
11 YOU ALSO TAKE PHOTOGRAPHS OF THE SCENE WHEREVER THEY
12 MAY BE?

13 A YES, SIR.

14 Q OKAY. IN THIS PARTICULAR CASE YOU RESPONDED TO
15 CLOVER OR THE POLICE DEPARTMENT, IS THERE ULTIMATELY
16 A SECOND SCENE THAT YOU WERE INVOLVED IN TOO?

17 A YES, THERE WAS A SECOND SCENE ON LAWRENCE ROAD.

18 Q OKAY. AND AS FAR AS DOCUMENTATION, YOU
19 DEVELOPED THOSE PICTURES AND PROVIDE THEM TO THE
20 STATE AND THE DEFENSE IN THIS MATTER?

21 A YES, SIR, WE DO.

22 Q AND YOU'VE HAD A PREVIOUS OPPORTUNITY TO LOOK AT
23 WHAT'S BEEN MARKED AS STATE'S EXHIBIT ONE THROUGH
24 STATE'S EXHIBIT 123, IS THAT CORRECT?

25 A YES, SIR.

1 Q AND DO THOSE ITEMS EACH ACCURATELY DEPICT WHAT
2 YOU OBSERVED THAT NIGHT OR IN THE CASE OF 122 AND 123
3 THE AERIAL VIEWS OF LAWRENCE ROAD PROPERTY?

4 A YES. YES, THEY ARE ACCURATE IN ALL RESPECTS.

5 MR. POPE: AT THIS TIME STATE'S EXHIBIT,
6 SOME OF THESE ARE IN, A FEW OF THE INITIAL ONES, BUT
7 STATE'S EXHIBIT ONE THROUGH 123, I PROVIDED THEM TO
8 MR. GREELEY AND HE'S HAD AN OPPORTUNITY TO REVIEW
9 THEM AND I WOULD MOVE THEM INTO EVIDENCE.

10 THE COURT: THERE WERE TWO THAT WERE NOT.

11 MR. GREELEY: THERE ARE TWO NOT, THAT IS
12 CORRECT.

13 THE COURT: WITH THE EXCEPTION OF 61 AND
14 62 THEY ARE IN WITHOUT OBJECTION.

15 MR. POPE: THANK YOU, YOUR HONOR. THAT'S
16 CORRECT.

17 (STATE'S EXHIBIT ONE THROUGH 123 RECEIVED
18 INTO EVIDENCE.)

19 Q TELL THE JURY WHAT YOU OBSERVED WHEN YOU FIRST
20 ARRIVED THERE AT THE SCENE THAT NIGHT?

21 A SPEAKING OF THE SCENE AT THE CLOVER POLICE
22 DEPARTMENT?

23 Q YES, SIR.

24 A I ARRIVED AT THE CLOVER POLICE DEPARTMENT,
25 PULLED AROUND BACK, CLOVER OFFICER WAS BACK THERE,

1 OFFICER TRABUE. THERE WAS A PONTIAC, DARK COLORED
2 PONTIAC, PARKED AROUND THE PARKING LOT THAT WAS ROPED
3 OFF BY CRIME SCENE TAPE. THAT IS MY FIRST
4 OBSERVATION'S WHEN I PULLED INTO THE PARKING LOT.

5 Q WHAT IF ANY PROCESSING DID YOU DO THERE AT THAT
6 PARTICULAR SCENE?

7 A AT THAT PARTICULAR SCENE, IT HAVING BEEN SECURED
8 BY THE OFFICERS THERE AT CLOVER, BASICALLY WHAT WE
9 DID IS PHOTO DOCUMENT, WE TAKE PICTURES OF THE SCENE
10 AS WE FIND IT. WE ALSO DO A SKETCH WITH MEASUREMENTS
11 SHOWING THE RELATION OF THE AUTOMOBILE TO THE FIXED
12 STRUCTURES IN THAT AREA.

13 Q OKAY. AND IN THIS PARTICULAR AREA AT CLOVER
14 POLICE DEPARTMENT, I SHOW YOU WHAT'S BEEN MARKED
15 STATE'S EXHIBIT 139 FOR IDENTIFICATION, ASK IF YOU
16 CAN TELL ME WHAT THAT DEPICTS?

17 A THIS IS THE DRAWING OF THE, FINAL FINISH DRAWING
18 OF THE AUTOMOBILE AS IT SITS AND THE RELATION THE
19 MEASUREMENTS TO THE CORNER OF THE POLICE DEPARTMENT
20 BUILDING.

21 Q DOES THAT ACCURATELY DEPICT YOUR MEASUREMENTS
22 AND FINDING?

23 A YES, IT DOES.

24 MR. POPE: YOUR HONOR, MOVE STATE'S
25 EXHIBIT 139 INTO EVIDENCE.

1 MR. GREELEY: NO OBJECTION.

2 THE COURT: BE RECEIVED.

3 (STATE'S EXHIBIT 139 IN EVIDENCE.)

4 Q WHAT WAS YOUR SCENE? WHAT ARE YOU LOOKING AT AT
5 THE CLOVER, WHEN YOU TALK ABOUT CRIME SCENE TAPE,
6 WHAT WERE YOU FOCUSED ON IN THAT AREA?

7 A ESSENTIALLY THE CRIME SCENE AT THE CLOVER PD WAS
8 THE CAR ITSELF AND THE IMMEDIATE AREA RIGHT AROUND
9 THE CAR, THAT WAS WHAT WE WAS FOCUSING OUR ATTENTION
10 ON IN THE PARKING LOT.

11 Q I HAND YOU STATE'S EXHIBIT NUMBER 139. WHAT ARE
12 YOU FOCUSED ON IN THAT PARTICULAR SCENE?

13 A THIS, BASICALLY THIS DRAWING IS MADE, IF YOU
14 DREW A TRIANGULATION OFF THE CORNER OF THE BUILDING
15 USING THOSE TWO MEASUREMENTS WE CAN ACTUALLY, IF WE
16 HAD TO, WE CAN TAKE THAT SAME CAR AND PUT IT BACK IN
17 THE SAME PLACE IN THE PARKING LOT IT WAS SITTING THE
18 NIGHT WE FOUND IT.

19 Q OKAY. AND ALSO DID YOU TAKE PICTURES OF THAT
20 PARTICULAR VEHICLE?

21 A TOOK NUMEROUS PHOTOGRAPHS, YES, SIR.

22 Q AND REFERENCE YOU TO STATE'S EXHIBITS, 1, 2, 3,
23 4, AND 5. STARTING WITH STATE'S EXHIBIT 1. IF YOU
24 TELL US WHAT THAT DEPICTS?

25 A THIS IS FIRST, WHAT WE CALL OVERALL VIEWS AROUND

1 THE CAR. THAT'S A PHOTOGRAPH OF THE CAR FACING THE
2 FRONT OF THE CAR.

3 Q OKAY. STATE'S EXHIBIT 2.

4 A THAT PHOTOGRAPH AGAIN IS THE PASSENGER SIDE OF
5 THE VEHICLE AS WE FOUND IT.

6 Q WHAT ARE THE ITEMS ON THE GROUND NEXT TO THE
7 VEHICLE?

8 A THE ITEMS ON THE GROUND ARE CLOTHES THAT APPEAR
9 TO BE BLOOD STAINED AND HAD BEEN REMOVED BY EMS
10 WORKERS.

11 Q DID YOU ULTIMATELY RECOVER THE VICTIM'S CLOTHES?

12 A YES, WE DID.

13 Q HOW ABOUT STATE'S EXHIBIT 3?

14 A THIS PHOTOGRAPH IS THE DRIVER'S SIDE OF THE SAME
15 PONTIAC VEHICLE AS WE FOUND IT.

16 Q AND STATE'S EXHIBIT 4?

17 A THIS IS A REAR PHOTOGRAPH OF THE PONTIAC AS WE
18 FOUND IT THAT NIGHT.

19 Q AND STATE'S EXHIBIT 5?

20 A THAT IS A CLOSE UP OF THE SHATTERED REAR WINDOW
21 ON THE PONTIAC.

22 Q NOW WAS THIS, WHO WAS AROUND VICTIM-WISE OR
23 OTHERWISE THIS VEHICLE WHEN YOU ARRIVED AT THE SCENE?

24 A WHEN I ARRIVED AT THE SCENE THERE WERE NO
25 VICTIMS OR ANYONE AROUND THE VEHICLE OTHER THAN

1 OFFICER TRABUE OF THE CLOVER POLICE DEPARTMENT.

2 Q NOW DO YOU RECALL OR DO YOU HAVE IN YOUR REPORT
3 WHAT TIME YOU ARRIVED AT THE INITIAL CLOVER SCENE?

4 A IT'S ON MY INITIAL REPORT. I CAN REFERENCE IT.

5 Q IF YOU WOULD PLEASE, SIR.

6 A MY ARRIVAL TIME WAS 12:56 IN THE MORNING OR 0056
7 IN MILITARY TIME.

8 Q AND WHEN YOU ARRIVED, ONCE YOU PROCESSED AND DID
9 MR. WILLIAMS ASSIST YOU DOING THOSE MEASUREMENTS?

10 A YES, HE DID.

11 Q CREATING THAT DIAGRAM?

12 A YES, HE DID.

13 Q ONCE YOU DID THAT, WHAT IF ANYTHING DID YOU DO
14 AS FAR AS THE CLOVER SCENE OR WHAT DID MR. WILLIAMS
15 DO AS FAR AS THERE AT THAT SCENE?

16 A THERE AT THE SCENE THE ACTUAL SKETCH WAS DONE BY
17 INVESTIGATOR WILLIAMS, WE DID MEASUREMENTS, WE DID
18 THE PHOTOGRAPHY, WE COLLECTED THE CLOTHING THAT WAS
19 ON THE GROUND, AND THE DECISION WAS MADE ALSO TO HAVE
20 THE VEHICLE IMPOUNDED.

21 Q WHEN YOU SAY IMPOUNDED, WHAT DO YOU MEAN?

22 A WHAT WE DO IN THIS TYPE OF SITUATION IS THE
23 VEHICLE IS IN AN UNCONTROLLED ENVIRONMENT, IT'S
24 SITTING OUTSIDE, IT'S DARK, IT'S A DARK COLORED
25 VEHICLE, AND ALSO THIS NIGHT WAS BITTERLY COLD THIS

1 NIGHT. WHEN WE'RE SEARCHING FOR EVIDENCE IN THE CAR
2 WE MUCH PREFER TO HAVE IT IN A CONTROLLED
3 ENVIRONMENT. WE HAVE TWO EVIDENCE BAYS AT THE
4 SHERIFF'S OFFICE WHERE WE TOW THESE VEHICLES IN AND
5 WE CAN PUT THEM UNDER PROPER LIGHTING AND PROPER
6 TECHNICIAN AND WE CAN GET IN THERE AND NICK PICK THE
7 CAR AND LOOK FOR THINGS. IT'S VERY HARD TO DO
8 OUTSIDE IN AN UNCONTROLLED ENVIRONMENT.

9 Q SO WHERE DID YOU HAVE THIS VEHICLE MOVED TO?

10 A IT WAS TOWED TO THE IMPOUND BAY, EVIDENCE BAY,
11 AT THE SHERIFF'S DEPARTMENT.

12 Q SO YOUR EVIDENCE BAY HERE AT THE SHERIFF'S
13 DEPARTMENT IS THAT LIKE A GARAGE OR SOMETHING?

14 A IT'S, ACTUALLY IT'S IN THE LOWER SECTION OF THE
15 BUILDING, IT'S INSIDE THE BUILDING, AND ROLL UP DOORS
16 JUST LIKE YOU SEE IN A GARAGE AT HOME OR A SHOP.

17 Q OKAY. WHEN YOU, WHAT INITIAL OBSERVATIONS DID
18 YOU MAKE OF THE VEHICLE INSIDE IT OR THERE AT THE
19 SCENE?

20 A AT THE SCENE IT WAS OBVIOUS THE VEHICLE HAD BEEN
21 STRUCK BY PROJECTILES, THE HOLES, THERE WERE SEVERAL
22 HOLES IN THE PASSENGER SIDE OF THE VEHICLE THAT WERE
23 VERY OBVIOUS. ALSO APPEARED TO BE BLOOD, HEAVY BLOOD
24 STAINS ON THE UPHOLSTERY IN THE VEHICLE AND ON THE
25 GLASS AND THE DOORS OF THE VEHICLE.

1 Q NOW DID YOU SEE AND I REALIZE THAT YOU DID NOT
2 DO A THOROUGH SEARCH THERE AT THAT TIME, BUT DID YOU
3 SEE ANY INDICATIONS THAT A WEAPON MAY HAVE BEEN FIRED
4 FROM INSIDE THAT CAR AT THAT TIME?

5 A NO, NOT AT THAT TIME.

6 Q DID YOU SEE ANY SPENT BULLET CASINGS?

7 A NO, SIR, WE FOUND NO SPENT ROUNDS.

8 Q ANY INDICATION THERE WERE BULLETS COMING OUT OF
9 THE CAR?

10 A NO, WE DID NOT.

11 Q WHEN I SAY OUT OF THE CAR I MEAN THROUGH BODY
12 PARTS OF THE CAR?

13 A WE FOUND NOTHING LIKE THAT.

14 Q BUT THEN YOU MOVED TO DO A MORE THOROUGH
15 EXAMINATION DOWNSTAIRS OVER HERE?

16 A YES, SIR.

17 Q DID YOU CONDUCT THAT INVESTIGATION THAT NIGHT?

18 A WE DID THAT THE NEXT DAY.

19 Q OKAY. SO ONCE YOU FINISHED THERE AT CLOVER,
20 WHERE DID YOU GO NEXT?

21 A I FINISHED UP AT CLOVER, I WENT TO INSIDE FIRST
22 AND MET WITH THE DETECTIVES AND THE UNIFORM OFFICER
23 THAT WAS THERE IN REFERENCE TO ANOTHER VEHICLE THEY
24 WANTED SEARCHED AT THE PD.

25 Q OKAY. AND THE OTHER VEHICLE YOU WANTED TO

1 SEARCH, WHAT WAS THAT IN RELATION TO?

2 A I HAD, I WAS ADVISED THAT THE GENTLEMAN HAD CAME
3 TO THE PD, MR. BOLIN, IN A WHITE CHEVROLET PICKUP
4 TRUCK AND THEY WANTED HIS VEHICLE DOCUMENTED
5 PHOTOGRAPHED AND SEARCHED.

6 Q AND WHAT WAS THE PURPOSE OF SEARCHING THAT
7 VEHICLE?

8 A THEY WERE LOOKING FOR FIREARMS I BELIEVE OR
9 EVIDENCE OF BEING INVOLVED IN A SHOOTING.

10 Q DO YOU KNOW A PARTICULAR FIREARM YOU WERE
11 LOOKING FOR?

12 A WE WERE LOOKING FOR A .45 PISTOL.

13 Q AND DID YOU HAVE AN OPPORTUNITY TO TALK WITH
14 MR. BOLIN THERE?

15 A YES, I DID.

16 Q AND I THINK SERGEANT JAMISON HAD A CONSENT TO
17 SEARCH FORM THAT MR. BOLIN EXECUTED, IS THAT CORRECT?

18 A YES, I WITNESSED, I BELIEVE I WITNESSED THE FORM
19 THAT JAMISON HAD. THAT'S --

20 Q THAT IS YOUR SIGNATURE ON THERE?

21 A YES.

22 Q YOU'VE HAD AN OPPORTUNITY OUTSIDE THE PRESENCE
23 OF THE JURY TO LOOK AT THAT FORM?

24 A YES, THAT IS MY SIGNATURE.

25 Q AND THAT'S YOUR SIGNATURE?

1 A YES, SIR.

2 Q SO ULTIMATELY DID YOU GO OUT AND SEARCH HIS

3 VEHICLE?

4 A ULTIMATELY, YES, SIR, WE DID.

5 Q OKAY. AND I SHOW YOU WHAT'S BEEN MARKED AS

6 STATE'S EXHIBIT 6, 7, 8 AND 9 ASK IF YOU'D LOOK AT

7 THAT AND TELL ME WHAT THAT DEPICTS?

8 A THESE, ALL THESE PICTURES ARE THE SAME OVERALL

9 OUTSIDE PHOTOGRAPHS THAT YOU HAVE SEEN OF THE

10 PONTIAC. I TOOK THEM OF HIS PICKUP TRUCK, 360 DEGREE

11 VIEW IT.

12 Q AND AGAIN YOU ALSO TOOK PICTURES OF THE INSIDE

13 OF THAT VEHICLE AS WELL?

14 A YES, SIR.

15 Q AND WERE YOU ABLE TO LOCATE A WEAPON IN THAT

16 VEHICLE AT THAT TIME?

17 A NO WEAPON WAS LOCATED IN THAT VEHICLE.

18 Q OKAY. WHAT IF ANYTHING DID MR. BOLIN TELL YOU

19 IN THAT REGARD?

20 A WHEN I COULD NOT FIND IT IN THE VEHICLE WHERE HE

21 SAID IT WAS SUPPOSED TO BE I STARTED BACK IN THE DOOR

22 TO SPEAK WITH DETECTIVES. I THOUGHT MAYBE I HAD

23 MISUNDERSTOOD WHAT HE SAID. WE TALKED. I TOLD HIM

24 THE VEHICLE IS OUTSIDE, I SEARCHED IT, AND THE GUN IS

25 NOT IN THE GLOVE COMPARTMENT. AND WE WERE STANDING

1 ON THE SIDEWALK, WE EVEN SHOWED HIM, OPENED THE GLOVE
2 COMPARTMENT, THE DOOR, AND HE SAID, WELL, SOMEBODY
3 MUST HAVE TOOK IT. THAT WAS HIS ANSWER.

4 Q DID YOU ALSO HAVE TO, HAVE AN OPPORTUNITY TO
5 HAVE INTERACTION WITH MR. BOLIN DISCUSSING THE GUN
6 AND REQUESTED YOU DO A GUNSHOT RESIDUE TEST?

7 A YES, SIR, WE DID THAT BEFORE THIS PARTICULAR
8 SEARCH OF THE TRUCK.

9 Q CAN YOU DESCRIBE TO THE JURY WHAT THAT IS? WHAT
10 A GUNSHOT RESIDUE TEST IS?

11 A GUNSHOT RESIDUE KIT IS, BASICALLY IT IS A TEST
12 THAT IS PERFORMED ON THE HANDS OF SOMEONE YOU THINK
13 HAS FIRED A WEAPON. WHAT WE'RE LOOKING FOR, THERE IS
14 NOT SO MUCH THE GUN POWDER OUT OF A GUN, BUT THE
15 PRIMER OF A BULLET HAS CHEMICALS IN IT, BARIUM AND
16 ANTIMONY, AND THOSE ARE VERY HEAVY METALS THAT WOULD
17 STICK TO THE SKIN. WHEN A GUN IS FIRED THOSE METALS
18 ARE PUT UNDER TREMENDOUS PRESSURE AND THOSE PARTICLES
19 WILL LOOK A CERTAIN WAY UNDER THE MICROSCOPE AND YOU
20 ARE LOOKING FOR THOSE PARTICULAR PARTICLES AND WHEN
21 YOU FIND THEM IN THE CONDITION THEY WILL BE SPIRAL.
22 WHEN YOU FIND THAT CONDITION THAT ALWAYS INDICATES
23 PRESENCE OF PRESSURE AND HEAT FROM A FIREARM. IT'S
24 ABOUT THE ONLY PLACE YOU ARE EVER GOING TO FIND THEM
25 IN NATURE.

1 Q AND SO YOU DID THIS PARTICULAR TEST?

2 A YES, WE DID.

3 Q OKAY. AND WHAT DO YOU DO WITH THAT TEST WHEN
4 YOU RECOVER IT. HOW DO YOU ACTUALLY DO IT?

5 A IT'S A TWO PART TEST. ONE PART IS A STICKY PAD
6 THAT YOU GO OVER BACK WITH ONE HAND AND TAKE ANOTHER
7 ONE AND GO OVER THE FRONT OF THE HAND AND THE SAME
8 VICE VERSA. THE OTHER ONE IS SWABS. YOU SWAB THE
9 HANDS LOOKING FOR RESIDUE. THEN YOU PACKAGE IT UP
10 AND THERE ARE CERTAIN ADMINISTRATIVE QUESTION THAT
11 YOU ASK OF THE INDIVIDUAL REGARDING THEIR ACTIVITIES
12 AND THEIR HOBBIES AND THEIR PROFESSION. WHEN IT'S
13 PACKAGED UP THAT IS ACTUALLY SENT TO THE LAB, THE
14 STATE LAW ENFORCEMENT DIVISION, AND EXAMINED BY A
15 TECHNICIAN THERE.

16 Q THANK YOU.

17 MR. POPE: BEG THE COURT'S INDULGENCE.

18 Q IS THERE A FORM YOU ACTUALLY EXECUTE THAT
19 INDICATES, THAT'S KIND OF A LOG OF WHEN YOU DO THE
20 GSR TEST?

21 A IT'S A STANDARDIZED FORM FROM INSIDE AND IT
22 PROVIDES CERTAIN INFORMATION TO TECHNICIANS THAT ARE
23 GOING TO BE PERFORMING THE TEST.

24 Q I SHOW YOU A COPY OF AN ITEM, I'M GOING TO
25 REFERENCE STATE'S EXHIBIT 133, AND ASK IF YOU

1 RECOGNIZE THIS PARTICULAR ITEM?

2 A YES, I DO.

3 Q WHAT IS THAT?

4 A THIS APPEARS TO BE A COPY OF THE INFORMATION
5 FORM THAT I WAS JUST SPEAKING OF THAT WE FILL OUT
6 WITH THE TEST.

7 Q OKAY.

8 MR. POPE: YOUR HONOR, I MOVE STATE'S
9 EXHIBIT NUMBER 133 INTO EVIDENCE.

10 MR. GREELEY: NO OBJECTION.

11 THE COURT: BE RECEIVED.

12 (STATE'S EXHIBIT 133 RECEIVED INTO
13 EVIDENCE.)

14 Q YOU SAID THAT THERE WAS SOME INFORMATION THAT
15 YOU TOOK ON THE GSR TEST. ONE IS THE OCCUPATION AND
16 THE OTHER WAS ACTIVITIES, IS THAT CORRECT?

17 A THE ACTIVITIES, PRIMARILY ACTIVITY IN THE LAST
18 SIX HOURS OR SO OF THE, OF WHOEVER YOU ARE SWABBING
19 OR TAKING A SAMPLE FROM. THE TECHNICIANS LIKE TO
20 KNOW WHAT THEY'VE BEEN DOING, WHAT THEY COME IN
21 CONTACT WITH, THINGS OF THAT NATURE.

22 Q CAN VARIOUS THINGS THAT HAPPEN BETWEEN THE TIME
23 YOU SHOOT A GUN AND THE TIME YOU TAKE A TEST AFFECT
24 WHETHER YOU GET A RESULT OR NOT?

25 A VERY MUCH SO. THE TRACE METALS I WAS TELLING

1 YOU ABOUT EARLIER ARE VERY EASILY WASHED OFF, WIPED
2 OFF, HANDS IN THE POCKETS, THAT TYPE OF THING.
3 THROUGH NORMAL USE OF YOUR HANDS. THEY WILL NOT STAY
4 ON YOUR HANDS. EVENTUALLY THEY COME OFF.

5 Q I GOT YOU. SO AT THAT POINT WHAT WAS IT THAT
6 MR. BOLIN TOLD YOU HE HAD DONE. YOU ASKED HIM KIND
7 OF WHAT HE'D DONE RECENTLY, WHAT DID HE INDICATE ON
8 THAT FORM?

9 A THE FORM HE ADVISED ME HE WENT HOME AND HE WENT
10 TO A FRIEND'S HOUSE AND HE GOT SOME GAS.

11 Q YOU WERE JUST DOCUMENTING THAT REALLY NOT FROM
12 AN INTERROGATION STAND POINT BUT JUST TO RECORD FOR
13 THAT TEST PURPOSE?

14 A RIGHT, THAT'S INFORMATION THE TECHNICIAN LIKES
15 TO HAVE WHEN THEY DO THE EXAMINATION.

16 Q OKAY. ULTIMATELY DID YOU FIND THE .45 IN HIS
17 VEHICLE ANYWHERE?

18 A WE FOUND NO FIREARMS IN HIS VEHICLE.

19 Q ONCE YOU FINISHED UP THERE AT CLOVER PD WHERE
20 DID YOU GO NEXT?

21 A I WENT TO THE LAWRENCE ROAD ADDRESS.
22 INVESTIGATOR WILLIAMS HAD ALREADY PROCEEDED ME TO
23 ASSIST HIM AT THAT SCENE.

24 Q OKAY. AND WHAT WAS THE SCENE AS YOU FOUND IT
25 THERE?

1 A I ARRIVED ON THE SCENE THERE. THE AREA WAS
2 SECURED BY PATROL OFFICERS IN MARKED CARS.
3 INVESTIGATOR WILLIAMS WAS INSIDE SPEAKING WITH SOME
4 GENTLEMEN THAT WERE THERE ON THE SCENE. THERE WERE
5 ITEMS OUT IN THE YARD AND THE DRIVEWAY THAT HAD BEEN
6 NOTED BY THE OFFICERS FOR THE COLLECTION AND
7 PHOTOGRAPHY.

8 Q AND I THINK OFFICER OR DEPUTY DAY, SHE HAD SOME
9 PINK BALLOONS, DID Y'ALL GIVE HER THE PINK BALLOONS
10 TO USE?

11 A SHE WAS PICKING UP ANYTHING SHE COULD FIND IN
12 HER CAR TO USE AS MARKERS TO KEEP THE EVIDENCE FROM
13 BEING DISTURBED.

14 Q SO THAT'S WHAT SHE PLACED THERE?

15 A YES, SIR.

16 Q DID YOU SEE THE PINK BALLOONS AND THE EVIDENCE
17 THAT WAS WITH IT?

18 A YES. SHE SHOWED THOSE TO ME, YES, SIR.

19 Q SO WHEN YOU ARRIVED WHERE DID YOU STOP
20 INITIALLY?

21 A I PARKED BETWEEN JUST BELOW THE HOUSE ON
22 LAWRENCE ROAD AS YOU ARE GOING BACK TOWARDS 161 ON
23 THE SIDE OF THE ROAD.

24 Q NOW HOW LONG DID THIS PROCESSING OF THE SCENE
25 TAKE?

- 1 A IT TOOK SEVERAL HOURS.
- 2 Q OKAY. NOW ULTIMATELY AT SOME POINT AFTER YOU
- 3 COLLECTED EVIDENCE DID YOU MOVE YOUR VEHICLE?
- 4 A YES.
- 5 Q OKAY. NOW DID YOU TAKE PICTURES BOTH BEFORE AND
- 6 SOME AFTER YOU MOVED YOUR VEHICLE?
- 7 A I TOOK PICTURES OF THE SCENE. I THINK THE
- 8 PICTURES WERE TAKEN AFTER MY VEHICLE WAS MOVED WERE
- 9 TAKEN BY INVESTIGATOR WILLIAMS.
- 10 Q AND HE'S WITH, THE OTHER OFFICER WITH YOU?
- 11 A HE'S THE OTHER OFFICER THERE.
- 12 Q OKAY. FIRST I'D LIKE YOU, WITH THE COURT'S
- 13 PERMISSION IF YOU COULD STEP DOWN. IF YOU COULD
- 14 ORIENT THE JURY WHERE LAWRENCE ROAD IS IN THIS
- 15 PARTICULAR PICTURE?
- 16 A THIS IS LAWRENCE ROAD RIGHT HERE. THESE ARE
- 17 RESIDENCES ALONGSIDE OF LAWRENCE ROAD.
- 18 Q AND CAN YOU GIVE THEM A ROUGH ESTIMATION OF WHAT
- 19 IS THE FILBERT HIGHWAY, WHAT IS THAT REFERENCE?
- 20 A FILBERT HIGHWAY IS, ESSENTIALLY IT IS HIGHWAY
- 21 321 AS IT RUNS THROUGH CLOVER OR THIS PART RIGHT HERE
- 22 IS IN THE COUNTY. IT TURNS INTO MAIN STREET IN
- 23 CLOVER.
- 24 Q SO THE POLICE DEPARTMENT IN CLOVER IS UP OFF THE
- 25 TOP?

- 1 A UP IN THIS AREA, NOT ON THIS MAP.
- 2 Q AND ON THIS PICTURE CAN YOU GIVE US ROUGH
- 3 ESTIMATION OF WHERE 1123 WOULD BE?
- 4 A 1123, IT'S HARD TO TELL ON THIS PICTURE. I CAN
- 5 LOOK AT THE ACTUAL PHOTOGRAPH TO PINPOINT.
- 6 Q SURE.
- 7 A 1123 IS GOING TO BE THE RESIDENCE RIGHT HERE.
- 8 Q LET ME TRY TO DO THIS. STATE'S EXHIBIT 123.
- 9 DOES THAT HELP AS FAR AS THE JURY, AGAIN STEP ASIDE
- 10 SO THE JURY CAN SEE?
- 11 A THIS IS GOING TO BE IT RIGHT HERE. THAT'S A
- 12 MUCH BETTER PICTURE.
- 13 Q YOU CAN HAVE A SEAT PLEASE. AND YOU SAID THAT
- 14 EVENING YOU TOOK PICTURES OUT THERE THAT EVENING?
- 15 A YES, I DID.
- 16 Q OKAY. AND THEN DID YOU MAINTAIN CUSTODY OF THE
- 17 SCENE THROUGH THE SHIFT TO THE NEXT SHIFT, DID THE
- 18 SHERIFF'S OFFICE MAINTAIN CUSTODY SO YOU COULD ALSO
- 19 SEARCH IN DAY LIGHT TOO?
- 20 A YES, SIR, WE LEFT A DEPUTY ASSIGNED TO SECURITY.
- 21 Q I WANT TO FIRST CALL YOUR ATTENTION TO STATE'S
- 22 EXHIBIT 10 THROUGH 26. I'LL ASK YOU EACH ONE, IF YOU
- 23 CAN TELL THE JURY WHAT THAT DEPICTS? STATE'S EXHIBIT
- 24 NUMBER 10.
- 25 A THIS IS THE FRONT SIDE OF THE RESIDENCE ON

1 LAWRENCE ROAD AND IT FACES LAWRENCE ROAD. THIS WILL
2 BE THE FRONT OF THE HOUSE AND TO THE RIGHT. YOU CAN
3 SEE THAT'S THE EDGE OF THE DRIVEWAY.

4 Q OKAY. STATE'S EXHIBIT 11?

5 A THAT IS FROM THE FRONT PORCH OF THE PREVIOUS
6 PICTURE LOOKING BACK OUT TOWARDS LAWRENCE ROAD AND
7 THE PATROL CAR YOU SEE OUT WITH REFLECTIVE TAPE ON
8 THE EDGE OF LAWRENCE ROAD.

9 Q AND STATE'S EXHIBIT NUMBER 12?

10 A THAT IS THE SAME PICTURE YOU JUST PREVIOUSLY SAW
11 EXCEPT NOW THE FORENSIC TRUCK IS NOW PULLED INTO THE
12 DRIVEWAY.

13 Q AGAIN DID YOU PULL THE TRUCK IN THERE BEFORE YOU
14 COLLECTED EVIDENCE?

15 A THAT IS INVESTIGATOR WILLIAMS' TRUCK, THAT'S NOT
16 MY TRUCK. I BELIEVE THIS PHOTOGRAPH WAS ACTUALLY
17 TAKEN LATER IF I'M NOT MISTAKEN.

18 Q STATE'S EXHIBIT NUMBER 13?

19 A THIS IS STANDING ON THE OPPOSITE SIDE OF
20 LAWRENCE ROAD FROM THE HOUSE LOOKING BACK TOWARD THE
21 DRIVEWAY OF THE HOUSE.

22 Q AND DO YOU STILL HAVE A LASER POINTER WITH YOU?

23 A YES, I DO.

24 Q OKAY. COULD YOU INDICATE LOOKING AT THE
25 PICTURE, I KNOW IT'S DIFFICULT TO SEE BECAUSE OF THE

1 LIGHT ON THIS SCREEN, CAN YOU SHOW SOME OF THE PINK
2 BALLOONS TO THE JURY IN THIS PICTURE?

3 A YES. THERE IN THIS AREA HERE AND THERE WILL BE
4 SOME RIGHT OVER IN THIS AREA RIGHT IN THE GRASS AT
5 THE CURB.

6 Q THE NEXT I BELIEVE IS STATE'S EXHIBIT NUMBER 14
7 AND AGAIN CAN YOU INDICATE IN THAT PICTURE?

8 A YES. THIS IS STRAIGHT ACROSS FROM THE DRIVEWAY
9 LOOKING UP AND YOU CAN SEE RIGHT THERE, OVER THERE,
10 AND I BELIEVE RIGHT THERE IS ONE.

11 Q HOW DO YOU ACTUALLY, WHEN YOU BEGIN TO ACTUALLY
12 DO YOUR PROCESSING, HOW DO YOU MARK THE PICTURES
13 THEMSELVES? I'M SORRY. THE EVIDENCE THEMSELVES?

14 A THE EVIDENCE THEMSELVES, WE USE BRIGHT YELLOW
15 NUMBER CONES. YOU SEE ON IT TV ALL THE TIME ON THE
16 TV SHOWS. THEY ARE ABOUT YEA TALL AND YELLOW AND
17 ONE, TWO, OR WHATEVER AND THAT'S WHAT WE USE. IT'S
18 PRETTY STANDARD THROUGHOUT THE FIELD.

19 Q NOW I SHOW YOU THE NEXT EXHIBIT. WHAT'S THE
20 NEXT STATE'S NUMBER 15. IF YOU'D INDICATE WHAT THAT
21 DEPICTS?

22 A THIS DEPICTS A PICTURE SHOWING PREVIOUSLY BUT
23 NOW YOU SEE THE NUMBER CONES I JUST SPOKE OF IN
24 PLACES WHERE PATROL OFFICERS HAD PUT BALLOONS TO MARK
25 THE AREA.

1 Q LIKEWISE STATE'S EXHIBIT 16?

2 A THE SAME THING. THIS IS THE LEFT SIDE OF THE
3 DRIVEWAY AND THOSE ARE ADDITIONAL NUMBER CONES. EACH
4 ONE OF THOSE MARKS A PIECE OF EVIDENCE.

5 Q OKAY. I WANT TO BEGIN NOW, IF WE CAN BACK UP TO
6 15 AND FIRST GOING WITH ITEM ONE. WHAT IS THAT ITEM
7 ONE?

8 A I'LL HAVE TO REFERENCE MY PAPERWORK. ITEM ONE
9 IS A PIECE OF PLASTIC.

10 Q REFER TO STATE'S EXHIBIT NUMBER 17 NOW. TELL ME
11 WHAT THAT DEPICTS?

12 A THAT IS A CLOSE UP OF A PIECE OF PLASTIC.

13 Q AND SUBSEQUENTLY PURSUANT TO MY REQUEST DID YOU
14 HAVE AN OPPORTUNITY TO COMPARE THAT PIECE OF PLASTIC
15 TO THE VEHICLE THAT YOU HAD IMPOUNDED?

16 A YES, WE DID.

17 Q OKAY. AND WE'LL GET TO THAT LATER. NOW REFER
18 YOU TO ITEM, IF WE COME BACK TO 16 AGAIN AND I'M
19 LOOKING NOW AT ITEM TWO, TELL THE JURY WHAT ITEM TWO
20 IS?

21 A TWO NUMBER IS A .45 SHELL CASING THAT WAS
22 LOCATED THERE.

23 Q DID YOU RECOVER THAT ITEM?

24 A YES, WE DID.

25 Q OKAY. AND AGAIN NOW GOING TO 18, IF YOU CAN

1 INDICATE WITH THE LASER POINTER FOR THE JURY WHERE
2 THAT SHELL CASING IS IN THAT PICTURE?

3 A THIS IS THE SHELL CASING RIGHT HERE.

4 Q OKAY. CALL YOUR ATTENTION NOW AGAIN TO 16 AND
5 ITEM THREE. SHOW WHERE ITEM THREE IS ON THAT PICTURE
6 ON THE LEFT SIDE?

7 A THIS IS ITEM THREE RIGHT HERE.

8 Q AND THEN STATE'S EXHIBIT 19, CAN YOU INDICATE
9 WHAT THAT ITEM IS?

10 A THIS WAS AN ADDITIONAL .45 CALIBER SHELL CASING
11 RIGHT HERE.

12 Q I REFER YOU AGAIN TO 16 FOR ITEMS FOUR AND FIVE,
13 INDICATE WHERE THEY WERE?

14 A IN THE DITCH RIGHT HERE.

15 Q AND NOW ITEM 20 IF WE CAN INDICATE WHAT FOUR AND
16 FIVE ARE AGAIN?

17 A ITEM FOUR THOSE ARE .45 CALIBER SHELL CASINGS.

18 Q YOU INDICATE WHERE THEY WERE IN THAT PICTURE?

19 A THERE IS ITEM FIVE THERE, THAT IS THE BACK KIND
20 OF FACING UP, AND I'M HAVING A HARD TIME SEEING.

21 Q IF YOU NEED TO REFERENCE THE PICTURES I HANDED
22 UP TOO?

23 A THAT ONE IS HARD TO SEE. IF YOU LOOK CLOSELY
24 THERE IS A DARK TUBULAR OBJECT RIGHT HERE, THIS IS
25 THE SHELL CASING. IT'S WHERE THE PROJECTILE WOULD

1 HAVE CAME OUT. IT'S LIKE A DARK OPENING. IT LOOKS
2 BLACK. IT'S ACTUALLY SILVER COLOR.

3 Q OKAY. ONE WAS FACING DOWN, ONE WAS FACING UP?

4 A ONE WAS FACING UP THE OPPOSITE OF EACH OTHER.

5 Q REFERRING BACK TO STATE'S EXHIBIT 16 AGAIN AND
6 THEN FOR ITEM SIX?

7 A ITEM SIX WAS IN THE BACK SIDE OF THE DITCH RIGHT
8 THERE.

9 Q OKAY. AND OVER STATE'S EXHIBIT 21, IF YOU CAN
10 INDICATE, AGAIN IF YOU NEED TO REFERENCE YOUR PICTURE
11 WHERE THAT ITEM IS LOCATED?

12 A ITEM SIX IS ALSO A .45 CALIBER SHELL CASING AND
13 I CAN'T FIND IT IN THIS PHOTOGRAPH.

14 Q DO YOU NEED SOME LIGHT?

15 A PLEASE. OKAY. ITEM SIX IS RIGHT HERE. IT'S
16 ACTUALLY A, THIS DARK SPOT RIGHT HERE. AGAIN THIS IS
17 A SILVER SHELL CASING AND IT'S POWDER RESIDUE ON IT
18 THAT MAKES IT APPEAR BLACK BUT IT'S ACTUALLY SILVER.

19 Q OKAY. NOW REFERRING YOU BACK TO 16 AGAIN. IF
20 YOU COULD TELL US ITEM SEVEN WHAT THAT DEPICTS?

21 A ITEM SEVEN IS WHERE THE ASPHALT AND THE CONCRETE
22 OF THE DRIVEWAY JOIN. ITEM SEVEN IS A CELL PHONE
23 ANTENNA.

24 Q AND REFER TO STATE'S EXHIBIT NUMBER 22?

25 A THAT WOULD BE THE ANTENNA THAT WAS BROKEN OUT OF

1 A CELL PHONE BODY.

2 Q AND DID YOU RECOVER THAT ITEM ALSO?

3 A YES, WE DID.

4 Q OKAY. NOW WHEN YOU INDICATE YOU RECOVERED THESE
5 ITEMS, WHAT DO YOU ACTUALLY DO WITH THEM WHEN YOU
6 RECOVER THEM?

7 A ITEMS ARE PLACED INTO A ONE TIME USE ONLY
8 EVIDENCE BAG AND THEY ARE LABELED WHERE THEY WERE
9 FOUND, WHO FOUND THEM, WHAT TIME THEY FOUND THEM, AND
10 ALL PERTINENT INFORMATION, AND THEY ARE SEALED BY THE
11 OFFICER THAT COLLECTS THE ITEMS.

12 Q AND ITEMS THAT YOU'VE INDICATED IN CONES ONE
13 THROUGH SEVEN, GO BACK TO STATE'S EXHIBIT, ONE
14 THROUGH SEVEN, YOU RECOVERED EACH OF THESE
15 INDIVIDUALS, PLACED THEM IN INDIVIDUAL ENVELOPE?

16 A YES, I DID.

17 Q AND THEN WHAT DO YOU DO OR ULTIMATELY DID YOU DO
18 WITH EACH OF THESE ITEMS?

19 A ULTIMATELY THESE ITEMS ENDED UP AT STATE LAW
20 ENFORCEMENT DIVISION LABORATORY IN COLUMBIA.

21 Q PREVIOUS THE JURY BEING PRESENT YOU HAD THE
22 OPPORTUNITY TO LOOK AT STATE'S EXHIBITS 141 THROUGH
23 147?

24 A RIGHT.

25 Q AND YOU BROUGHT THESE TO COURT WITH YOU HERE

1 TODAY?

2 A YES, SIR.

3 Q OKAY. AND ARE THESE THE ITEMS THAT YOU
4 COLLECTED THAT ARE DEPICTED IN THE PICTURE?

5 A YES, THEY ARE.

6 MR. POPE: YOUR HONOR, AT THIS TIME I MOVE
7 STATE'S EXHIBIT 1 THROUGH 147 INTO EVIDENCE.

8 MR. GREELEY: WITHOUT OBJECTION.

9 THE COURT: WITHOUT OBJECTION.

10 (STATE'S EXHIBITS 1-147 RECEIVED INTO
11 EVIDENCE.)

12 Q ITEM 141, THE BLACK PLASTIC, WAS THERE ANY
13 FURTHER TESTING TO DO AT SLED WITH THAT?

14 A NO.

15 Q SO IT WAS RETAINED IN-HOUSE?

16 A WE RETAINED IT HERE.

17 Q 42, 43, 44, 45 AND 46 WHICH WERE THE CASINGS,
18 WERE THEY SENT TO SLED FOR FURTHER FORENSIC TESTING?

19 A THEY WERE SENT TO SLED.

20 Q OKAY. AND THEN 147 WHICH IS THE ANTENNA WERE
21 YOU ABLE TO MATCH UP A PHONE WITH THAT?

22 A NO, WE WERE NOT.

23 Q OKAY. SO IT WAS NOT SENT TO SLED FOR TESTING?

24 A NO, SIR.

25 Q NOW ULTIMATELY ADDITIONAL PROCESSING WAS DONE ON

1 THE SCENE DURING THE DAY, IS THAT CORRECT?

2 A YES.

3 Q OKAY. NOW WERE YOU INVOLVED IN GOING BACK AFTER
4 DAY LIGHT OUT THERE, DID YOU GO THERE TOO?

5 A NO, INVESTIGATOR WILLIAMS HANDLED THEM HIMSELF.
6 I WAS NOT PRESENT THE NEXT DAY.

7 Q OKAY. SO ANY SUBSEQUENT ITEMS THAT WERE
8 DISCOVERED, DIFFERENT CASING OR ANYTHING DURING THE
9 DAY LIGHT, THAT WOULD BE DETECTIVE WILLIAMS?

10 A RIGHT. I HAD NOTHING TO DO WITH THE RECOVERY OF
11 THOSE.

12 Q LET ME ASK YOU, THAT NIGHT DID YOU HAVE AN
13 OPPORTUNITY TO LOOK AT THE HOUSE AND THE VEHICLES
14 THAT WERE PRESENT TO MAKE A DETERMINATION IF YOU
15 COULD DETERMINE WHETHER THE HOUSE, THE TREES, THE
16 VEHICLES, OR THE NEIGHBOR'S HOUSE HAD BEEN HIT BY ANY
17 GUN FIRE THAT WOULD EMANATED FROM THE ROAD, DID YOU
18 HAVE AN OPPORTUNITY LOOK FOR THAT?

19 A WE SEARCHED THE INSIDE AND OUTSIDE OF THE HOME
20 ON LAWRENCE ROAD, THE VEHICLES IN THE DRIVE, AND THE
21 NEXT DOOR NEIGHBOR'S RESIDENCES. I SPOKE, EVEN SPOKE
22 WITH ONE OF THE NEXT DOOR NEIGHBOR, WE WERE UNABLE TO
23 FIND ANY EVIDENCE OF BULLETS STRIKING ANY OTHER
24 INANIMATE OBJECTS OUT THERE.

25 Q WERE YOU ABLE, I KNOW SUBSEQUENTLY INVESTIGATOR

1 WILLIAMS WILL TESTIFY CONCERNING THE NINE MILLIMETER
2 CASINGS THAT WERE FOUND, BUT DID YOU FIND ANY
3 INDICATION OF CASINGS OTHER THAN WHAT YOU RECOVERED
4 IN THIS AREA EITHER THAT NIGHT OR TO YOUR KNOWLEDGE
5 WERE ANY DISCOVERED SUBSEQUENTLY BY SUBSEQUENT
6 SEARCH?

7 A THERE WERE SOME, THE NINE MILLIMETERS REFERRED
8 TO WERE RECOVERED THE NEXT DAY. I FOUND THEM.

9 Q I'M SORRY.

10 A I FOUND MORE CASINGS MYSELF. THESE WERE THE
11 ONES I FOUND.

12 Q OKAY. AND DID THE FORENSICS UNIT, DID YOU ALSO
13 PREPARE A DIAGRAM REFLECTING THE LAWRENCE ROAD
14 LOCATION?

15 A YES, I ASSISTED INVESTIGATOR WILLIAMS WITH THAT.

16 Q OKAY. AND I SHOW YOU WHAT'S BEEN MARKED STATE'S
17 EXHIBIT 138, DO YOU HAVE A COPY OF THIS?

18 A I HAVE A COPY OF THIS.

19 Q OKAY. IF I COULD SEE STATE'S EXHIBIT 138, IF
20 YOU COULD TELL US WHAT THAT DEPICTS?

21 A THIS IS A FINAL DRAWING DEPICTING THE SCENE AS
22 WE FOUND IT. THIS IS CALLED A BASE LINE SKETCH.
23 BASICALLY WE PULL A BASE LINE AND WE REFERENCE THE
24 MEASUREMENTS OF ITEMS RECOVERED. THE NUMBERS HERE
25 WILL COORDINATE AND MATCH THE ENVELOPE ITEMS WHEN WE

1 BAG THE EVIDENCE PREVIOUSLY SHOWN TO YOU. AND THESE
2 NUMBERS HERE ARE THE DISTANCES THAT THEY ARE FROM A
3 POINT, FROM THIS POINT, FROM A POINT OUT, IT'S.
4 AGAIN GO BACK AND WE CAN RECONSTRUCT AND PUT THE
5 ITEMS EXACTLY WHERE WE FOUND THEM AGAIN.

6 Q AND THE NUMBERS THAT ARE DEPICTED ON THE KIND OF
7 HEADS OF THE LITTLE ARROWS, DO THEY CORRESPOND TO THE
8 NUMBER OF THE YELLOW CONES IN YOUR PICTURE?

9 A YES. THOSE ARE ALSO THE ITEM NUMBERS THE
10 EVIDENCE WE COLLECTED THAT NIGHT.

11 Q OKAY. SO THE ITEMS THAT YOU WERE ABLE TO
12 DISCOVER THAT NIGHT, CAN YOU SHOW THE JURY WITH THE
13 LASER WHAT LOCATION, WHAT ZONE THE MAJORITY OF WHAT
14 YOU SAW THERE THAT NIGHT?

15 A THE MAJORITY OF WHAT WE HAD THAT NIGHT WAS IN
16 THIS AREA HERE WHICH IS THE DRIVEWAY AND THE DITCH
17 AREA IN THE PREVIOUS PICTURES.

18 Q AND SO SUBSEQUENTLY THE 13 OR 9 THROUGH 13 WOULD
19 HAVE BEEN SOMETHING INVESTIGATOR WILLIAMS WOULD HAVE
20 LOCATED IN DAY LIGHT?

21 A YES.

22 Q OKAY. NOW WHEN YOU INDICATED THAT YOU LOOKED
23 FOR ANY POTENTIAL YOU KNOW FOR BULLETS OR GUNSHOTS TO
24 THE HOUSE, WHERE DID YOU LOOK IN THIS PARTICULAR
25 PICTURE?

1 A IN THIS PARTICULAR PICTURE WOULD BE THE FRONT OF
2 THE HOUSE, ON THE EDGES, AND THE VEHICLES IN THE YARD
3 RIGHT HERE.

4 Q OKAY.

5 A WE FOUND NO INDICATION THAT ANY OF THEM HAD BEEN
6 STRUCK BY PROJECTILES.

7 Q DID YOU SEARCH THE ROAD AREA DOWN WHERE THE CAR
8 WOULD HAVE BEEN FOR ANY INDICATION OF BULLETS THAT
9 WOULD HAVE KICKED OUT OF A GUN LIKE THESE NINES OR
10 THESE .45, I SAY BULLETS, CASINGS THAT WOULD HAVE
11 KICKED OUT OF THE GUN?

12 A YES, SIR. THIS AREA WAS SEARCHED AND WE FOUND
13 NOTHING.

14 Q THIS WOULD HAVE NOW BEEN INTO SUNDAY MORNING
15 WHEN YOU FINISHED YOUR DUTY THERE, IS THAT CORRECT?

16 A THAT'S CORRECT.

17 Q OKAY. DID YOU HAVE AN OPPORTUNITY TO CONTINUE
18 YOUR WORK ON THE CASE THAT MONDAY?

19 A I WAS BROUGHT BACK TO THE OFFICE AND THE VEHICLE
20 THAT HAD BEEN, THE PONTIAC YOU HAD SEEN EARLIER THAT
21 WE HAD TOWED, I STARTED MY SEARCH OF IT AND
22 DOCUMENTING IT IN THE EVIDENCE BAY.

23 THE COURT: CAN I SEE COUNSEL UP HERE FOR
24 ONE SECOND.

25 (BENCH CONFERENCE.)

1 MR. POPE: BEG THE COURT'S INDULGENCE.

2 Q BEFORE WE LEAVE LAWRENCE ROAD, I'VE GOT JUST A
3 FEW MORE PICTURES I WANT TO CALL YOUR ATTENTION TO,
4 STATE'S EXHIBIT 23 AND 24, ASK IF YOU CAN TELL ME
5 WHAT THOSE DEPICT?

6 A THESE ARE TWO SECTIONS, PIECES OF BROKEN GLASS,
7 POSSIBLY A BEER BOTTLE THAT WERE LAYING BESIDE THE
8 DRIVEWAY.

9 Q SO AS YOU GO UP THE DRIVEWAY THEY WERE ADJACENT
10 KIND OF AT THE FRONT OF THE DRIVEWAY?

11 A YES, SIR.

12 Q OKAY. AND 25 AND 26 TELL ME WHAT THESE ITEMS
13 ARE?

14 A 25 AND 26, THESE ARE TWO KNIVES THAT WERE
15 LOCATED AT THE ENTRANCE TO THE HOUSE, THE FRONT DOOR
16 OF THE HOUSE, IT WAS MORE CLOSER TO THE HOUSE THAN TO
17 WHERE THE PREVIOUS ITEMS WERE LOCATED.

18 Q OKAY. AND DID YOU DETERMINE THE OWNERSHIP OF
19 THOSE KNIVES?

20 A YES, SIR, WE DID. ONE OF THE GENTLEMAN THAT WAS
21 AT THE RESIDENCE, I DON'T RECALL HIS NAME, SPOKE WITH
22 OUR INVESTIGATORS, HE STATED THEY WERE HIS. HE
23 COLLECTED KNIFES AND HE HAD DROPPED THEM IN ALL THE
24 CONFUSION.

25 Q OKAY. SO WHEN YOU SAY AT THE RESIDENCE YOU MEAN

1 THE PEOPLE THAT WERE AT THE RESIDENCE WHEN YOU WERE
2 THERE, THE FOUR, THE GUYS THAT OWN THE HOUSE?

3 A YES, SIR. THEY WERE STAYING THERE, YES, SIR.

4 Q OKAY. AND SO DID YOU, DID YOU RETRIEVE THOSE OR
5 DID YOU RETURN THOSE TO HIM?

6 A WE DOCUMENTED THOSE AND THROUGH ALL THE
7 INFORMATION THAT HAD BEEN SUPPLIED TO US TO THAT
8 POINT NO ONE HAD MENTIONED ANYBODY HAVING A KNIFE, A
9 KNIFE BEING USED, VIRTUALLY NO MENTION OF ANY TYPE OF
10 EDGED WEAPON, SO THEY WERE RETURNED TO HIM.

11 Q OKAY. SO AGAIN, LOOKING AT THE PICTURES, THAT
12 WOULD HAVE BEEN, JUST A QUICK SHOT OF 27, THESE WOULD
13 HAVE BEEN FOUND UP AT THE PORCH?

14 A THEY WOULD HAVE BEEN FOUND UP IN THIS AREA RIGHT
15 UP IN HERE.

16 Q OKAY. NOT NEAR THE ROAD?

17 A NO, NOT AT ALL.

18 Q OKAY. THANK YOU. NOW SUBSEQUENTLY AS WE BEGAN,
19 YOU WENT TO THE AUTOPSY, YOU PROCESS THE CAR, AND A
20 NUMBER OF OTHER THINGS ON THE FOLLOWING DAY, IS THAT
21 CORRECT

22 A YES, I DID.

23 MR. POPE: YOUR HONOR, I THINK IT'S
24 PROBABLY A GOOD POINT.

25 THE COURT: YES, WE NEED TO STOP A LITTLE

1 EARLY TODAY. THIS IS A GOOD POINT TO STOP. WE
2 USUALLY TRY NOT TO STOP DURING A WITNESS BUT WE ARE
3 GOING TO. SO WE'RE GOING TO STOP FOR THE DAY AND
4 START BACK AT 9:30. KEEP IN MIND YOU ARE NOT IN A
5 POSITION TO MAKE UP YOUR MIND. DON'T DISCUSS THE
6 CASE. DON'T LET YOURSELF BE EXPOSED TO ANY NEWS
7 COVERAGE.

8 I DIDN'T SAY THIS THE FIRST TWO DAYS, I'LL
9 SAY IT NOW, I DON'T THINK ANYBODY WOULD DO THIS. IF
10 YOU'VE ALREADY DONE IT, IT'S NO PROBLEM, BUT DON'T GO
11 TO THE SCENE OF WHERE THIS HAPPENED. DON'T DO ANY, I
12 DON'T THINK ANY OF YOU WOULD, BUT I'VE HAD IT HAPPEN
13 BEFORE WHERE SOMEONE DECIDES THAT THEY NEED TO GO OUT
14 AND CHECK AND MAKE SURE THE SCENE IS LIKE EVERYBODY
15 ELSE SAYS IT IS. THE SCENE IS NOT IN EVIDENCE OTHER
16 THAN WHAT'S PRESENTED IN HERE, SO DON'T BE GOING TO
17 WHERE THE TESTIMONY HAS SAID ANY OF THESE THINGS
18 HAPPENED. AGAIN YOU MIGHT FEEL LIKE I'M FOOLISH TO
19 SAY THAT BUT I'VE HAD IT HAPPENED SO I ADMONISH YOU
20 NOT TO DO THAT. SO WE'LL SEE YOU AT 9:30 IN THE
21 MORNING.

22 (THE JURY EXITS THE COURTROOM AT 04:17
23 PM.)

24 THE COURT: YOU KNOW NOT TO DISCUSS YOUR
25 TESTIMONY WITH ANYONE SINCE YOU ARE STILL ON THE

1 STAND SINCE YOU ARE SUBJECT TO DIRECT AND CROSS
2 EXAMINATION. WE WILL BE AT RECESS UNTIL 9:30.

3 (COURT'S IN RECESS AT 04:17 PM.)

4 (COURT RESUMES ON AUGUST 31, 2006 AT 09:38
5 AM.)

6 THE COURT: IS THE STATE READY?

7 MR. POPE: YES, SIR.

8 THE COURT: THE DEFENSE READY?

9 MR. GREELEY: YES, SIR.

10 THE COURT: THE WITNESS CAN GO AHEAD AND
11 TAKE THE STAND. YOU ARE STILL UNDER OATH, OF COURSE.
12 BRING IN THE JURY.

13 (THE JURY RETURNS TO THE COURTROOM.)

14 THE COURT: GOOD MORNING. YOU CAN
15 CONTINUE WITH THIS CASE.

16 MR. POPE: MAY IT PLEASE THE COURT, YOUR
17 HONOR.

18 DIRECT EXAMINATION BY MR. POPE:

19 Q WE HAD FINISHED YESTERDAY YOU HAD COMPLETED THE
20 SEARCH OF LAWRENCE ROAD AND COLLECTED EVIDENCE THAT
21 YOU EITHER WOULD RETAIN HERE AT THE SHERIFF'S OFFICE
22 OR BE SENT TO SLED, IS THAT CORRECT?

23 A CORRECT.

24 Q AND I BELIEVE WE ADDRESSED YESTERDAY THE NINE
25 ITEMS, STATE'S EXHIBITS 141 THROUGH 147 WHICH WAS THE

1 PLASTIC PIECE, THE FIVE SHELL CASINGS, AND THE PIECE
2 OF AN ANTENNA, IS THAT CORRECT?

3 A YES, SIR.

4 Q OKAY.

5 MR. POPE: YOUR HONOR, I BELIEVE THEY WERE
6 ADMITTED INTO EVIDENCE YESTERDAY. I WAS CONFIRMING
7 FOR THE RECORD THAT THEY WERE ADMITTED FOR EVIDENCE.

8 MR. GREELEY: THAT'S MY UNDERSTANDING,
9 YOUR HONOR, YES, SIR.

10 THE COURT: OKAY.

11 Q ALL RIGHT. AND THE PLASTIC PIECE FROM THE
12 VEHICLE AND THE ANTENNA WERE RETAINED, THEY WERE NOT
13 SENT TO SLED FOR TESTING?

14 A NO, THEY WERE NOT.

15 Q BUT THE ACTUAL CASINGS, .45 CASINGS THAT YOU
16 RECOVERED THAT ARE DEPICTED IN STATE'S EXHIBIT 16 AS
17 TWO THROUGH SIX, THEY WERE SENT TO SLED?

18 A YES, THEY WERE.

19 Q OKAY. DO YOU HAVE AN OFFICER AT THE SHERIFF'S
20 DEPARTMENT THAT ACTS AS KIND OF A CUSTODIAN THAT
21 TAKES THESE ITEMS TO SLED?

22 A WE HAVE A CIVILIAN EMPLOYED IN THE EVIDENCE ROOM
23 WHERE THE EVIDENCE IS STORED THAT MAKE ROUTINE
24 SCHEDULED TRIPS TO SLED TO DROP OFF VARIOUS ITEMS OF
25 EVIDENCE.

1 Q OKAY. AND YOU HAD INDICATED TO THE JURY
2 YESTERDAY THAT EACH OF THESE ITEMS ARE PUT INTO AN
3 INDIVIDUAL BAG AND SEAL IT; WHEN YOU DROP IT INTO
4 EVIDENCE IS IT ALREADY SEALED AND MARKED TO INDICATE
5 SO IT CANNOT BE OPENED AGAIN UNTIL IT GETS TO SLED?

6 A CORRECT.

7 Q OKAY. AND YOU DID THE SAME WITH ALL THESE ITEMS
8 THAT YOU RECOVERED?

9 A YES, WE DID.

10 Q OKAY. AND I GUESS HE IS A CIVILIAN NOW, BUT
11 LIEUTENANT ROLLINS, GARY ROLLINS?

12 A YES, SIR.

13 Q DOES HE WORK THERE IN THE EVIDENCE?

14 A YES, HE'S A RETIRED LIEUTENANT FROM THE
15 SHERIFF'S OFFICE THAT WORKS AS A CIVILIAN NOW IN THE
16 EVIDENCE ROOM.

17 Q AND BASED ON YOUR FILE AND BASED ON THE
18 ENVELOPES DID HE IN FACT TAKE THESE VARIOUS ITEMS TO
19 SLED TO BE TESTED?

20 A YES, HE DID.

21 Q NOW I CALL YOUR ATTENTION TO THE NEXT DAY, THE
22 MONDAY, DID YOU HAVE AN OPPORTUNITY TO CONTINUE TO
23 WORK ON THIS CASE?

24 A YES, I DID.

25 Q OKAY. AND PARTICULARLY I WILL CALL YOUR

1 ATTENTION TO THE PROCESSING OF THE VICTIM'S VEHICLE
2 IN THIS CASE, DID YOU HAVE AN OPPORTUNITY TO WORK
3 FURTHER ON THAT?

4 A YES, WE DID.

5 Q COULD YOU TELL THE JURY WHERE THAT TOOK PLACE?

6 A IT TOOK PLACE IN THE EVIDENCE IMPOUND I SPOKE OF
7 YESTERDAY AT THE SHERIFF'S DEPARTMENT BUILDING.

8 Q OKAY. I WANT TO SHOW YOU WHAT'S BEEN MARKED AS
9 STATE'S EXHIBIT 63-100, WITH THE EXCEPTION -- I TAKE
10 THAT BACK, 63-100, THESE ARE IN EVIDENCE, YOUR HONOR;
11 I WOULD ASK FIRST BEFORE WE BEGIN WITH THOSE
12 PICTURES, IF YOU CAN TELL THE JURY, AGAIN YOU TOLD US
13 KIND OF ABOUT PROCESSING THE SCENE, WHEN YOU PROCESS
14 THE CAR, WHAT ARE YOU DOING OR WHAT ARE YOU
15 ATTEMPTING TO DO? YOU'VE NOW GOT IT SECURED OVER
16 HERE, WHAT IS IT YOU ARE ACTUALLY DOING?

17 A WHAT WE'RE TRYING TO DO IN THIS PARTICULAR CASE
18 IN THIS CAR WE NOTICED ON THE SCENE AT THE POLICE
19 DEPARTMENT THE CAR HAD OBVIOUS DAMAGE FROM SOME SORT
20 OF PENETRATION OF PROJECTILES. WHAT WE WERE TRYING
21 TO RECOVER ANY AND ALL PROJECTILES WE COULD FROM THE
22 CAR, FINGERPRINT THE CAR, TRY TO ESTABLISH WHO MAY
23 HAVE TOUCHED IT AND COME IN THE CONTACT WITH THE CAR,
24 AND ANY OTHER RELEVANT EVIDENCE THAT MIGHT BE IN THE
25 CAR ITSELF THAT WE DID NOT FIND IN OUR CURSORY SEARCH

1 IN THAT PARKING LOT.

2 Q OKAY. LET'S BEGIN WITH YOU TOUCHED ON THE
3 FINGERPRINTING, DID YOU ATTEMPT TO RETRIEVE
4 FINGERPRINTS FROM THE CAR?

5 A YES, WE DID. THE ENTIRE CAR WAS PROCESSED FOR
6 PRINTS.

7 Q DID YOU FIND ANY PRINTS?

8 A NO USABLE PRINTS RECOVERED OFF OF THIS VEHICLE.

9 Q YOU SAID NO USABLE, DOES THAT MEAN NOBODY, WE
10 HEARD PEOPLE SAY THEY WERE IN THE CAR AND TOUCHED IT,
11 DOES THAT MEAN NOBODY TOUCHED THE CAR INSIDE OR OUT?

12 A NO, SIR. WHAT THAT MEANS IS NO USABLE PRINTS,
13 CONTRARY TO A LOT OF TIMES WHAT YOU SEE ON TV, EVERY
14 TIME YOU TOUCH SOMETHING YOU DON'T LEAVE A
15 FINGERPRINT. YOU MAY LEAVE A SMUDGE OR A MARK THAT
16 INDICATES SOMETHING WAS HANDLED BUT THE INTRINSIC
17 RIDGE DETAIL IN A FINGERPRINT IS WHAT MAKES IT
18 IDENTIFIABLE TO THE PERSON. A LOT OF TIMES YOU DO
19 NOT HAVE THAT.

20 IN THE CASE OF AUTOMOBILES THE INTERIOR OF
21 AUTOMOBILES SPECIFICALLY ARE DESIGNED NOT TO LEAVE
22 FINGERPRINTS. FOR CLEANING PURPOSES IT MAKES THE CAR
23 EASIER TO CLEAN. THE SURFACES, THEY ARE NOT
24 CONDUCTIVE, THE GLASS AND YOUR BODY, THE OUTSIDE OF
25 THE CAR, IS MUCH MORE CONDUCTIVE THAN THE INTERIOR OF

1 THE CAR.

2 Q OKAY. AND SO ONCE YOU ATTEMPTED TO LOCATE
3 PRINTS, WHAT WAS THE NEXT STEP? WHAT DID YOU DO
4 NEXT?

5 A ACTUALLY BEFORE WE DID THE FINGERPRINT, THE CAR
6 WAS PHOTOGRAPHED, GENERAL ALL AROUND PHOTOS, THEN WE
7 PROCESSED THE FINGERPRINTS, FOR FINGERPRINTS, THEN WE
8 BEGAN THE SEARCH OF THE INTERIOR LOOKING FOR ANYTHING
9 IN THE INTERIOR THAT MIGHT BE CONNECTED TO THE
10 INCIDENT THAT HAD OCCURRED.

11 Q OKAY. I'M GOING TO CALL YOUR ATTENTION NOW TO
12 WHAT'S BEEN MARKED AS STATE'S EXHIBIT 63 IN EVIDENCE.
13 IF WE CAN HAVE THE LIGHTS PLEASE, MA'AM. IF YOU
14 COULD TELL THE JURY WHAT THIS PICTURE DEPICTS?

15 A AGAIN, MUCH AS THE PHOTOGRAPHS IN THE POLICE
16 DEPARTMENT SHOWING WHICH IS THE FIRST OF A GENERAL
17 OUTSIDE OVERVIEW PHOTOGRAPH OF THE CAR AS IT SIT IN
18 THE BAY.

19 Q AND USING THE LASER POINTER, WHAT IF DAMAGE,
20 UNUSUAL DAMAGE, IS APPARENT IN THIS PARTICULAR
21 PICTURE?

22 A IN THIS PHOTOGRAPH HERE THIS AREA HERE IS THE
23 DAMAGED AREA ON THE HOOD AND ALSO THIS AREA RIGHT
24 HERE IS AREA OF DAMAGED GLASS ON THE WINDSHIELD.

25 Q OKAY. NOW STATE'S EXHIBIT 64. AGAIN IF YOU

1 COULD TELL US WHAT THAT DEPICTS

2 A AGAIN THIS IS A GENERAL OVERALL OUTSIDE VIEW OF
3 THE CAR FROM A SLIGHTLY DIFFERENT POINT OF VIEW. THE
4 PASSENGER SIDE OF THE CAR AND THE PREVIOUS INDICATED
5 AREAS OF DAMAGE RIGHT HERE AND THIS WAS A LITTLE BIT
6 BETTER. THIS ONE YOU CAN START TO SEE THERE IS SOME
7 DAMAGE TO THIS WINDSHIELD WIPER. IT'S BENT.

8 Q STATE'S EXHIBIT 65?

9 A THIS IS A GENERAL OUTSIDE PHOTOGRAPH OF THE CAR
10 LOOKING FROM THE BACK CORNER TO THE FRONT AND IN
11 THOSE AREAS THE REAR WINDOW HERE IS BUSTED OUT AND
12 THE TIRE IS FLAT.

13 Q I WANT TO CALL YOUR ATTENTION PARTICULARLY TO
14 THE REAR PASSENGER DOOR AREA. CAN YOU TELL THE JURY
15 WAS THAT WINDOW UP OR DOWN?

16 A THAT WINDOW IS UP. IF YOU NOTICE THE LIGHT
17 REFLECTING OFF OF THE CURVATURE OF THE WINDOW, IF YOU
18 LOOK REAL CLOSELY YOU'LL SEE THE LINE WHICH IS THE
19 EDGE OF THE WINDOW RIGHT HERE, IT'S SLIGHTLY CRACKED
20 BUT IT IS FOR THE MOST PART ROLLED UP.

21 Q OKAY. WHEN YOU SAY CRACKED, YOU MEAN THE GLASS
22 IS CRACKED OR YOU MEAN THE WINDOW IS OPEN?

23 A THE WINDOW IS OPEN A VERY SMALL AMOUNT.

24 Q LET ME ASK YOU THIS. THE BACK KIND OF CORNER
25 WINDOW, IS THERE ON THAT PASSENGER DOOR, DOES THAT

1 WINDOW OPEN AND CLOSE, THE SMALL WINDOW THAT LOOKS
2 LIKE WITH THE STICKERS ON IT?

3 A THIS ONE HERE IS PERMANENTLY FIXED IN THAT
4 POSITION. IT DOESN'T ROLL UP OR DOWN.

5 Q AND AGAIN YOU HAVE THE PICTURES, I REALIZE THEY
6 ARE EASIER TO SEE ON THE PICTURE THE JURY WILL HAVE.
7 WAS THERE ANY FLUIDS OR MATTER ON THE INSIDE OF THAT
8 WINDOW THAT WOULD, COULD TELL YOU WHERE THAT WINDOW
9 WAS WHEN BLOOD WAS LET IN THE CAR?

10 A THERE IS STAINING ON THIS GLASS AND THIS GLASS
11 AND THERE IS SOMEWHAT OF A LINEAR PATTERN RUNNING
12 FROM HERE OVER INTO THIS GLASS.

13 Q OKAY. AND THEN THIS BACK I GUESS, TERMED TO BE
14 QUARTER PANEL, WHATEVER YOU CALL THE BACK AREA THAT
15 GOES FROM THE ROOF BETWEEN THAT STATIONARY GLASS AND
16 THE BACK WINDOW, WHAT'S ON THE OTHER SIDE OF THAT?

17 A THE INTERIOR, YOU TALKING?

18 Q YES?

19 A THE C-FRAME RIGHT HERE?

20 Q YES, SIR.

21 A THAT IS A LEDGE INSIDE THE CAR WHERE THE BACK
22 SEAT COMES ACROSS AND ENDS. THERE IS A SLIGHT AREA
23 OF SOLID CAR FRAME BEFORE YOU GET TO THE EDGE OF THE
24 DOOR.

25 Q SO YOU HAVE THE SOLID CAR FRAME, THEN YOU HAVE

1 THAT GLASS THAT DOES NOT ROLL DOWN, AND THEN YOU HAVE
2 THE GLASS COMING FORWARD FROM THE SEAT?

3 A THAT WOULD BE CORRECT.

4 Q OKAY. THANK YOU. CALLING YOUR ATTENTION NEXT
5 TO STATE'S EXHIBIT 66. COULD YOU TELL WHAT THIS
6 DEPICTS?

7 A THIS IS A CLOSE UP VIEW OF THE REAR PASSENGER
8 TIRE. AS YOU CAN SEE, IT'S FLATTENED.

9 Q WERE YOU ABLE TO ASCERTAIN OR DID YOU ATTEMPT TO
10 ASCERTAIN WHETHER THERE WAS PERHAPS ANY DAMAGE
11 INFLECTED BY A WEAPON IN THAT TIRE?

12 A YES, WE DID. WE REMOVED THIS TIRE, WE PUMPED IT
13 UP WITH AIR, AND PLACED WATER ON IT, AND THERE WAS NO
14 AIR BUBBLES. WHAT WE BELIEVE HAPPENED IS, YOU CAN
15 SEE THE RIM HAD SOME DAMAGE, WE BELIEVE POSSIBLY
16 TURNING INTO THE PD, CLOVER POLICE DEPARTMENT, THERE
17 IS SOME CURB THERE AND THEY MAY HAVE RUN UP ON THE
18 CURB AND FLATTENED IT THAT WAY. THERE IS NO PUNCTURE
19 IN THE TIRE.

20 Q THERE IS NO BULLET OR ANYTHING?

21 A NO, SIR.

22 Q OKAY. STATE'S EXHIBIT 67. WHAT DOES THIS
23 PICTURE DEPICT?

24 A THIS IS A VIEW OF THE REAR OF THE PONTIAC AND
25 NOTICEABLE DAMAGE IN THIS ONE IS YOU CAN SEE THROUGH

1 THE WINDOW. IT'S OF COURSE SHATTERED.

2 Q WAS THERE ANY DAMAGE IN THE TRUNK OR IN THE
3 BUMPER OR ANYTHING AS FAR AS ANY SHOTS COMING FROM
4 THIS DIRECTION?

5 A WE FOUND NO EVIDENCE OF ANY DAMAGE IN ANY OF
6 THESE AREAS.

7 Q SO THE ONLY DAMAGE WOULD BE FROM THE TOP OF THE
8 SEAT UP OR FROM THE WINDOW UP, IS THAT CORRECT?

9 A CORRECT.

10 Q OKAY. STATE'S EXHIBIT 68. TELL THE JURY WHAT
11 THAT DEPICTS?

12 A THIS IS THE VIEW FROM THE REAR DRIVER'S SIDE
13 CORNER OF THE CAR. AGAIN JUST A GENERAL OUTSIDE
14 OVERVIEW SHOT OF THE CAR.

15 Q OKAY. STATE'S EXHIBIT 69?

16 A THIS AGAIN IS THE DRIVER'S SIDE OF THE VEHICLE.
17 THE NOTICEABLE DAMAGE IN THIS VEHICLE IS THE DRIVER'S
18 REAR VIEW MIRROR IS BROKE AND DANGLING BY AN
19 ELECTRICAL CORD.

20 Q OKAY. PURSUANT TO MY REQUEST, DID YOU HAVE AN
21 OPPORTUNITY TO GO BACK AND COMPARE THE ITEM ONE, THE
22 PIECE OF PLASTIC THAT YOU PICKED UP AT THE SCENE THAT
23 NIGHT, WITH THE DAMAGE TO THE MIRROR, THE DRIVER'S
24 MIRROR?

25 A YES, WE DID.

1 Q OKAY. AND WHAT WERE YOU ABLE TO DETERMINE FROM
2 THAT?

3 A WE WERE ABLE TO DETERMINE BY TAKING THE PIECE OF
4 PLASTIC AND THE DAMAGED MIRROR THAT WE COULD FIT THEM
5 BACK TOGETHER LIKE A JIGSAW PUZZLE. THEY FIT
6 TOGETHER.

7 Q AND STATE'S EXHIBIT 158 AND 159 AND 160 AND 161,
8 DO THEY DEPICT YOUR OBSERVATIONS IN THAT REGARD?

9 A YES, THEY DO.

10 MR. GREELEY: NO OBJECTION.

11 MR. POPE: STATE'S EXHIBITS 158, 159, 160,
12 161, I MOVE THOSE INTO EVIDENCE, YOUR HONOR.

13 THE COURT: WITHOUT OBJECTION.

14 (STATE'S EXHIBITS 158-161 RECEIVED INTO
15 EVIDENCE.)

16 Q AND I'M REFERENCING NOW STATE'S EXHIBIT NUMBER
17 141, THAT WOULD HAVE BEEN THE PLASTIC PIECE THAT YOU
18 DISCOVERED AS YOUR CONE NUMBER ONE?

19 A CORRECT.

20 Q AND IN STATE'S EXHIBIT 161 WHERE YOU FIT THE
21 PIECE TOGETHER I NOTICED THAT THERE WAS KIND OF A
22 CIRCLE IN THE PICTURE AT THE BASE OF THE TRIANGLE.
23 WERE YOU ABLE TO ASCERTAIN WHAT THAT WAS?

24 A THE CIRCLE AT THE BASE IT APPEARS TO BE WHERE A
25 SCREW OF SOME TYPE WAS USED TO FASTEN IT THROUGH THE

1 FOAM BACKING OF THIS PIECE.

2 Q SO THERE IS NO INDICATION, I GUESS MY QUESTION
3 IS, THERE IS NO INDICATION THAT'S NO BULLET HOLE OR
4 ANYTHING?

5 A NO, SIR.

6 Q SO ON THE DRIVER'S SIDE OF THE VEHICLE THERE WAS
7 NO INDICATION OF BULLET DAMAGE ON THAT SIDE OF THE
8 VEHICLE?

9 A WE FOUND NO INDICATION OF ANY BULLET DAMAGE TO
10 THE DRIVER'S SIDE, NO, SIR.

11 Q WE'LL COME BACK TO STATE'S EXHIBIT 69. OTHER
12 THAN THE DAMAGE AND WHATEVER THE SCRATCHING OR
13 WHATEVER IS ON THE CAR, WAS THERE ANYMORE DAMAGE TO
14 THAT SIDE AT ALL THAT YOU OBSERVED

15 A NO, NOT AT ALL.

16 Q OKAY. I NOW REFER YOUR ATTENTION TO STATE'S
17 EXHIBIT 70. AGAIN YOU HAVE THE PHOTOS IF YOU NEED TO
18 REFERENCE THEM. IF YOU COULD TELL THE JURY WHAT THIS
19 ITEM DEPICTS?

20 A THIS DEPICTS IN THE FIRST PHOTOGRAPH OF THE
21 FRONT OF THE VEHICLE, THE HOOD, THE DAMAGE IN THE
22 HOOD AREA. THIS PHOTO DEPICTS A GOUGE THAT RUNS
23 ACROSS THE HOOD NEAR THE FRONT TIRE ON THE PASSENGER
24 SIDE. SOME OBJECT THAT STRUCK, GOUGED DOWN INTO THE
25 METAL, AND RICOCHETED OFF OF THE METAL, DID NOT

1 PENETRATE COMPLETELY THROUGH THE HOOD OF THE CAR.

2 Q IS THAT THE SAME ITEM YOU SHOWED US IN STATE'S
3 EXHIBIT 63?

4 A I BELIEVE SO, YES, SIR.

5 Q WHERE WOULD THAT BE LOCATED THEN?

6 A IT'S THIS AREA RIGHT HERE.

7 Q OKAY. I NOW REFER YOUR ATTENTION TO STATE'S
8 EXHIBIT 71. CAN YOU TELL US WHAT THAT DEPICTS?

9 A AGAIN THIS IS THE AREA OF THE GLASS DAMAGE IN
10 THE PREVIOUS PICTURE ON THE HOOD. THIS IS WHERE
11 SOMETHING AT A HIGH VELOCITY CAME IN CONTACT WITH THE
12 WINDSHIELD AND RESULTED IN THAT DAMAGE.

13 Q AND CAN YOU AGAIN ON STATE'S EXHIBIT 63
14 REFERENCE FOR US WHERE THAT IS LOCATED?

15 A IT'S THIS WHITE AREA RIGHT HERE IN THE CORNER OF
16 THE WINDSHIELD.

17 Q CALL YOU TO STATE'S 72. TELL US WHAT THAT
18 DEPICTS?

19 A THIS IS THE SAME AREA ON THE PREVIOUS PICTURE
20 BUT THIS ONE THE PICTURE IS BACKED UP A LITTLE BIT
21 AND YOU CAN SEE SOME DISFIGUREMENT OF THIS WINDSHIELD
22 WIPER AND WHERE A OBJECT WAS APPARENTLY STRUCK HERE
23 AND CONTINUED ON THROUGH THE WINDSHIELD DAMAGING THE
24 WINDSHIELD WIPER.

25 Q NOW I REFER YOU TO STATE'S EXHIBIT NUMBER 73.

1 TELL THE JURY WHAT THAT DEPICTS?

2 A THIS IS A PHOTOGRAPH OF THE ENGINE AREA OF THE
3 CAR WITH THE HOOD RAISED, PEERING DOWN INTO IT.

4 Q AND WHAT IS THE PURPOSE OF THIS AS FAR AS THE
5 PREVIOUS PICTURE. WHAT DOES THAT INDICATE UNDER THE
6 HOOD?

7 A THIS PHOTOGRAPH WILL INDICATE THIS AREA, THIS
8 WILL BE YOUR WINDSHIELD WIPERS HERE AND YOUR
9 WINDSHIELD HERE. THIS IS YOUR TRAY AREA WITH VENTS
10 AND THIS AREA INDICATES WHERE THE BULLET FRAGMENT WAS
11 RECOVERED.

12 Q DID YOU NOTE DAMAGE IN THAT AREA?

13 A YES. IT'S HARD TO TELL IN THIS PHOTOGRAPH, BUT
14 THE PLASTIC VENTING AREA HERE THERE IS A PIECE
15 MISSING AND IT'S BEEN SHATTERED BY SOMETHING, THE
16 SAME OBJECT THAT HIT THE WINDSHIELD AND WENT THROUGH
17 WINDSHIELD WIPER ACTUALLY STRUCK THE PLASTIC AND
18 BROKE IT AT THAT POINT.

19 Q NOW I REFER IN THAT REGARD TO STATE'S EXHIBIT
20 NUMBER 74 AND IF YOU CAN TELL US WHAT THAT PICTURE
21 DEPICTS?

22 A 74. THIS HERE ON 74 IS A FRAGMENT OF A BULLET
23 THAT WAS FOUND. THIS IS THE VENT SHELF AREA IN THE
24 PREVIOUS PHOTOGRAPH.

25 Q OKAY. AND STATE'S EXHIBIT 75?

1 A THIS IS THE SAME AREA. THIS IS ON OVER TOWARD
2 THE DRIVER'S SIDE. THIS WOULD BE THE PASSENGER SIDE
3 OVER HERE. THIS IS THE LEAD CORE OF A BULLET THAT
4 WAS FOUND ON THAT VENT LEDGE.

5 Q SO IN 74 YOU INDICATED A FRAGMENT AND THEN 75
6 YOU HAVE THE LEAD CORE, IS THAT CORRECT?

7 A YES.

8 Q OKAY. I SHOW YOU STATE'S EXHIBIT 76, IF YOU
9 COULD INDICATE TO THE JURY WHAT THAT DEPICTS?

10 A THIS IS THE JACKET, THE FIRST PIECE WE FOUND.
11 THIS IS THE COPPER JACKET. THIS IS THE LEAD CORE WE
12 FOUND. THOSE ARE THE TWO ITEMS LAID OUT SIDE BY
13 SIDE.

14 Q OKAY. WHAT DID YOU DO WITH THOSE ITEMS?

15 A THOSE ITEMS WOULD BE PACKAGED FOR SUBMISSION TO
16 THE STATE LAB FOR EXAMINATION.

17 Q DO YOU PACKAGE THEM IN THE SAME MANNER AS YOU
18 PREVIOUSLY INDICATED WITH THE OTHER ITEMS?

19 A YES, WE DO.

20 Q OKAY. I CALL YOUR ATTENTION NOW TO STATE'S
21 EXHIBIT NUMBER 77. IF YOU COULD TELL THE JURY WHAT
22 THAT DEPICTS?

23 A THIS IS THE PASSENGER SIDE DOOR OF THE PONTIAC.
24 THIS WILL BE THE CORNER OF THE, THIS IS YOUR REAR
25 VIEW MIRROR BODY HERE, THIS WOULD BE YOUR WINDOW

1 HERE, THIS IS A HOLE INDICATING PENETRATION THROUGH
2 THE DOOR INTO THE INTERIOR OF THE DOOR ITSELF.

3 Q I AM GOING TO REFER YOU BACK TO STATE'S EXHIBIT
4 64. IF YOU COULD SHOW THE JURY ROUGHLY WHERE THIS
5 LOCATION WOULD BE?

6 A IT WOULD BE RIGHT HERE IN THIS CORNER.

7 Q NOW REFERRING TO STATE'S EXHIBIT 78. TELL US
8 WHAT THAT DEPICTS?

9 A THIS IS THE SAME PHOTOGRAPH AS BEFORE SHOWING
10 THE PENETRATION THAT WENT THROUGH THE SHEET METAL
11 INTO THE DOOR.

12 Q OKAY. STATE'S EXHIBIT NUMBER 79.

13 A THIS INDICATES, THIS IS YOUR PASSENGER DOOR, IT
14 IS OPEN. IF YOU FOLLOW THE HOLE UNDER THIS MIRROR
15 THROUGH TO THE INTERIOR FRAME, THIS IS A BULGE IN THE
16 SHEET METAL ON THE INTERIOR FRAME OF THE DOOR OR
17 SOMETHING AT A HIGH VELOCITY STRUCK THE METAL AND
18 BASICALLY CAUSED A BULGE IN THE METAL AND DID NOT
19 EXIT.

20 Q STATE'S EXHIBIT 80.

21 A THIS IS THE AREA AGAIN, THIS IS A CLOSE UP
22 PHOTOGRAPH OF IT SHOWING THE IMPACT, THE BULGE, AND
23 THE PAINT HAD BEEN KNOCKED OFF OF THE SHEET METAL.

24 Q SO YOU SAY A BULGE, THIS IS NOT, WHEN IT COMES
25 IN THIS, IT DOESN'T EXIT?

- 1 A NO, IT DID NOT EXIT.
- 2 Q IT STOPPED ON THE INSIDE HERE?
- 3 A CORRECT.
- 4 Q DID YOU ATTEMPT TO RETRIEVE THAT?
- 5 A YES, WE DID.
- 6 Q SHOW YOU STATE'S EXHIBITS 81, IF YOU CAN TELL
- 7 WHAT THIS DEPICTS?
- 8 A THIS PHOTOGRAPH HERE, IT'S A VERY DIFFICULT
- 9 PHOTOGRAPH TO MAKE OUT, THIS IS ACTUALLY THE INTERIOR
- 10 OF THE DOOR FRAME ITSELF. IF YOU REMOVE THE INTERIOR
- 11 PANEL OFF THE INSIDE OF THE DOOR THIS IS WHAT THE
- 12 INSIDE OF THE DOOR LOOKS LIKE AND THIS WAS AN ATTEMPT
- 13 TO PHOTOGRAPH THE BULLET AS WE FOUND IT AS IT WAS
- 14 WEDGED UP IN THERE.
- 15 Q SO YOU WERE TAKING THAT PICTURE BEFORE YOU
- 16 ACTUALLY REMOVED THE BULLET?
- 17 A YES, SIR.
- 18 Q STATE'S EXHIBITS NUMBER 82.
- 19 A THIS PHOTOGRAPH, THIS IS A BETTER PHOTOGRAPH,
- 20 IT'S THE SAME PHOTOGRAPH AS BEFORE WITH THE LIGHTING
- 21 ADJUSTED. THIS RIGHT HERE WAS THE BULLET PROJECTILE
- 22 WE WERE ABLE TO RECOVER.
- 23 Q AND THE PICTURE YOU HOLD IN YOUR HAND THAT THE
- 24 JURY WILL HAVE ARE MORE ACCURATE VISUALLY THAN THIS
- 25 IS WITH THE LIGHT SHINING DOWN?

1 A CORRECT.

2 Q I SHOW YOU STATE'S EXHIBIT NUMBER 83. IF YOU
3 COULD TELL WHAT THIS DEPICTS?

4 A THIS, TO DESCRIBE THIS PIECE, THIS IS THE HINGE
5 ON THE PASSENGER DOOR THAT ATTACHES IT TO THE BODY OF
6 THE CAR WHERE IT OPENS. THE DOOR HAS BEEN REMOVED
7 AND THIS IS YOUR INTERIOR FRAME. THIS IS YOUR BULGE
8 THAT IN THE PREVIOUS PHOTOGRAPHS AND WHAT WE HAVE
9 DONE IS WE HAVE PEELED AWAY THE EXTERIOR SHEET METAL
10 FROM THE INTERIOR FRAME OF THE DOOR. THIS IS A
11 FRAGMENT OF A BULLET THAT WAS FOUND. IT WAS WEDGED
12 IN THIS SEAM RIGHT HERE. IT'S VERY DIFFICULT TO GET
13 TO.

14 Q SO THE INITIAL BULGE WOULD SHOW HOW YOU RECEIVED
15 IT. THIS IS SOMETHING YOU DID TO PRY IT OPEN TO GET
16 TO THE --

17 A CORRECT, ALL THIS DAMAGE HERE WAS DONE BY US TO
18 RETRIEVE THE BULLET. HERE WAS THE BULGE AREA THAT
19 WAS PREVIOUSLY SHOWN.

20 Q I SHOW YOU STATE'S EXHIBIT 84, IF YOU WILL SHOW
21 THE JURY WHAT THAT ITEM IS?

22 A THE TWO FRAGMENTS IN THE PREVIOUS PICTURES THAT
23 WE SHOWED, THESE ARE THE TWO FRAGMENTS AFTER THEY HAD
24 BEEN RECOVERED AND LAID OUT FOR PHOTOGRAPHING.

25 Q AND LIKEWISE WHAT DID YOU DO WITH THOSE

1 PARTICULAR ITEMS?

2 A THESE ITEMS WERE PACKAGED AS THE OTHER ITEMS
3 WERE FOR EVENTUAL SUBMISSION TO STATE LAW ENFORCEMENT
4 LAB.

5 Q I NOW SHOW YOU STATE'S EXHIBIT 85.

6 A THIS AGAIN IS THE PASSENGER DOOR. THIS IS A
7 HOLE IN THE PASSENGER DOOR WE LOCATED. ALSO HAD BEEN
8 PENETRATED BY SOME SORT OF PROJECTILE.

9 Q I AM GOING TO REFER YOU BACK TO STATE'S EXHIBIT
10 65 AND ASK IF YOU CAN INDICATE FOR THE JURY WHERE
11 THIS WOULD BE IN THIS PICTURE?

12 A THIS LIGHT COLORED AREA RIGHT IN HERE, THAT IS
13 THE HOLE THAT WE PREVIOUSLY SHOWED YOU.

14 Q AND STATE'S EXHIBITS 86, COULD YOU TELL US WHAT
15 THAT IS?

16 A THAT IS ANOTHER PHOTOGRAPH OF THE SAME HOLE
17 WITHOUT THE LABEL IN IT, BUT THIS IS THE SAME AREA
18 FOR THE PREVIOUS PHOTOGRAPH.

19 Q JUST FOR THE JURY'S REFERENCE FOR THE PICTURE,
20 WHAT IS THE CURVED ITEM AREA RIGHT UP HERE?

21 A THIS IS THE HANDLE TO OPEN THE DOOR AND THIS IS
22 THE MOLDING RUNNING DOWN THE LENGTH OF THE DOOR.

23 Q OKAY. AND WERE YOU ALSO ABLE TO RECOVER A
24 PROJECTILE FROM THERE?

25 A YES, WE RECOVERED A PROJECTILE FROM THERE AS

1 WELL.

2 Q I SHOW YOU STATE'S EXHIBIT 87?

3 A THIS IS THE PROJECTILE THAT WAS RECOVERED FROM
4 THAT HOLE IN THE PREVIOUS PHOTOGRAPH.

5 Q AND AGAIN DID YOU PACKAGE THAT TO BE SENT TO
6 SLED?

7 A YES, IT WAS. IT WAS IN THE SAME MANNER.

8 Q I NOW SHOW YOU WHAT'S BEEN MARKED STATE'S
9 EXHIBIT 88?

10 A THIS IS THE LOWER RUNNING BOARD UNDER THE
11 PASSENGER DOOR. IT'S BASICALLY, SOME PEOPLE REFER TO
12 IT AS THE GROUND EFFECT ON A SPORTS CAR. IT'S A
13 PIECE OF PLASTIC OR TRIM THAT GOES UNDER THE BOTTOM
14 OF THE DOOR THAT GIVES THE CAR A LITTLE MORE SPORTY
15 LOOK.

16 Q OKAY. AND GOING BACK TO STATE'S EXHIBIT 65, IF
17 YOU COULD TELL THE JURY WHERE THIS WOULD BE LOCATED?

18 A THIS AREA RIGHT HERE.

19 Q OKAY. AND THEN GOING BACK TO STATE'S EXHIBIT
20 88, THE TAPE THAT YOU HAVE, WHAT IS THE PURPOSE OF
21 PUTTING THE TAPE ON IT?

22 A THE TAPE, THE HOLE IN THE MOLD HERE, THIS TAPE
23 IS USED TO SCALE, JUST TO GIVE AN IDEA OF THE SIZE OF
24 THE HOLE.

25 Q OKAY. AND THE SCALE TAPE, IS IT JUST A RULER AT

1 THE TOP INCHES AND THE BOTTOM I GUESS MILLIMETERS?
2 A TOP IS INCHES. THE BOTTOM IS MILLIMETERS.
3 Q OR CENTIMETERS?
4 A CENTIMETERS, YES.
5 Q THE ENTRY IN THAT PARTICULAR HOLE WAS IT
6 PERFECTLY SYMMETRICAL OR DID YOU HAVE VARIATION IN
7 SHAPE?
8 A IT WAS SLIGHTLY ASYMMETRICAL BUT IT WAS MOSTLY
9 INTACT AROUND THE HOLE.
10 Q I WILL CALL YOUR ATTENTION NOW TO STATE'S
11 EXHIBITS 89. TELL WHAT THAT DEPICTS?
12 A THIS IS A PHOTOGRAPH OF THE, BASICALLY THE
13 OTHER, THE OTHER PHOTOGRAPH YOU SAW, THIS IS THE SAME
14 PHOTOGRAPH BASICALLY WITHOUT THE TAPE AND THE MARKERS
15 IN IT. IT'S A LITTLE BIT BETTER LIGHTED PHOTOGRAPH.
16 Q AND IN STATE'S EXHIBIT 90, IS THAT A CLOSER
17 VIEW?
18 A THAT'S A CLOSE UP VIEW WITH THE MARKERS AND THE
19 TAPE IN PLACE.
20 Q AGAIN A CLOSE UP VIEW 91?
21 A AGAIN THE SAME HOLE JUST A CLOSE VIEW WITHOUT
22 THE MARKERS AND TAPE IN PLACE.
23 Q OKAY. AND AS FAR AS RECOVERING THE ITEM FROM
24 THIS PARTICULAR HOLE CAN YOU TELL THE JURY WHAT YOU
25 OBSERVED THERE?

1 A WE FOLLOWED THIS, WE TRACED THIS ENTRANCE WOUND
2 TO THE CAR THROUGH THE OTHER SIDE. THIS PIECE IS
3 PLASTIC. THERE WAS AN EXIT HOLE ON THE BACK SIDE OF
4 THIS PIECE AND AT THE EXIT HOLE BACK SIDE YOU COME TO
5 THE STEEL FRAME OF THE CAR THAT THE ACTUAL CAR IS
6 MOUNTED ON. WHATEVER PENETRATED THROUGH THIS PLASTIC
7 EXITED AND HIT THAT FRAME. DID NOT HAVE THE VELOCITY
8 OR STRENGTH TO PENETRATE THE STEEL OBVIOUSLY AND IT
9 WAS NOT NON-RECOVERABLE. THERE IS NOTHING TO BE
10 FOUND THERE.

11 Q OKAY. CALL YOUR ATTENTION NOW TO STATE'S
12 EXHIBIT 92. IF YOU COULD TELL THE JURY WHAT THIS
13 DEPICTS?

14 A THIS DEPICTS THE DAMAGE TO THE REAR WINDSHIELD
15 OF THE PONTIAC.

16 Q OKAY. AND STATE'S EXHIBITS 93?

17 A THIS IS A CLOSE UP PHOTOGRAPH OF THE PREVIOUS
18 PHOTOGRAPH INDICATING THE SAME DAMAGE.

19 Q OKAY. AND AS FAR AS PROCESSING THE VEHICLE,
20 WERE YOU ABLE TO RECOVER THE BULLET THAT CAUSED THIS
21 DAMAGE?

22 A NOT FROM THE VEHICLE.

23 Q OKAY. AND I SHOW YOU NOW STATE'S EXHIBITS 94.
24 IF YOU COULD TELL ME WHAT THAT DEPICTS?

25 A THIS DEPICTS A SLUG OR PROJECTILE OR BULLET

1 COMMON TERMINOLOGY THAT WE RECOVERED FROM THE
2 DECEASED.

3 Q WHEN YOU SAY THE DECEASED, WHERE DID YOU RECOVER
4 IT, WHEN AND WHERE DID YOU RECOVER THIS ITEM?

5 A THIS WAS RECOVERED AT AUTOPSY AT PMC BY DR.
6 MAYNARD THE PATHOLOGIST WHO PASSED FROM HIM TO US.
7 HE ACTUALLY REMOVED IT FROM THE HEAD OF THE PERSON.

8 Q OKAY. NOW INSIDE THE VEHICLE, AS YOU PROCESSED
9 IT, DID YOU FIND ANY INDICATION OF SPENT CARTRIDGES
10 INSIDE THE VEHICLE?

11 A THERE WERE NO SPENT CARTRIDGES IN THE CAR.

12 Q AND WHEN I SAY CARTRIDGES OR CASINGS SIMILIAR --

13 A RIGHT.

14 Q ---TO WHAT YOU RECOVERED AT THE SCENE?

15 A THERE WERE NONE OF THOSE RECOVERED INSIDE THE
16 VEHICLE.

17 Q I ASK PARTICULARLY ABOUT THE WINDOWS, OTHER THAN
18 THE FRONT GLASS WHERE IT WAS CRACKED BY THE SLUG THAT
19 YOU RECOVERED OR THE REAR GLASS THAT WAS BUSTED BY
20 THE BULLET THAT WAS RECOVERED, WERE THERE ANY
21 INDICATIONS OF GLASS BEING SHATTERED?

22 A THERE WERE, NO OTHER GLASS IN THE CAR HAD BEEN
23 DAMAGED.

24 Q WERE THERE ANY INDICATIONS IN THE BODY OF THE
25 VEHICLE OF A BULLET BEING FIRED FROM WITHIN THE CAR

1 THAT WOULD HAVE PENETRATED ANY PART OF THE VEHICLE?

2 A NO, THERE WAS NOT.

3 Q YOU HAD TALKED ABOUT THE REAR WINDOW BEING, THE
4 TERM WE USE CRACKED OR SLIGHTLY OPEN, DID YOU SEE ANY
5 INDICATION OF GUN POWDER OR MUZZLE FLASH OR ANYTHING
6 OR ANY SOOT IMPRESSIONS; IN OTHER WORDS, WHERE
7 SOMEBODY COULD HAVE FIRED WITHOUT CRACKING THE GLASS
8 BUT FIRED THROUGH THAT GLASS, DID YOU SEE SMOKE
9 IMPRESSIONS OR ANYTHING OF THAT NATURE?

10 A NO, WE DID NOT.

11 Q OKAY. I NOW CALL YOUR ATTENTION TO ONCE YOU
12 OBSERVED THE VEHICLE, OF COURSE ULTIMATELY YOU
13 RECOVERED IT AND I ASSUME RECOVERY IS THE LAST THING
14 YOU DO ON THE ITEM, IS THAT CORRECT?

15 A CORRECT.

16 Q BUT PRIOR TO HAVING, FOR EXAMPLE REMOVED THE
17 DOOR, DID YOU HAVE AN OPPORTUNITY TO TRY TO DETERMINE
18 THE TRAJECTORY OR THE DIRECTION IN WHICH THE VARIOUS
19 BULLETS WERE TRAVELING?

20 A YES, WE DID.

21 Q OKAY. I CALL YOUR ATTENTION TO STATE'S EXHIBIT
22 95 AND TELL US WHAT THAT DEPICTS?

23 A THIS DEPICTS. THIS IS THE STANDARD WAY OF
24 DETERMINING A TRAJECTED ANGLE OF A BULLET. THERE IS
25 A LOT OF HIGH TECH MEANS YOU CAN USE, BUT BASICALLY

1 IT GOES BACK, WE USE THESE ORANGE RODS, IT'S A VERY
2 SIMPLE PRECISE WAY. WE LINE THESE WITH THE ENTRY AND
3 EXIT IN A PATH PROJECTILE TAKES AND WE RUN THESE RODS
4 THROUGH IT AND THE RODS WILL ACTUALLY, IF YOU FOLLOW
5 THEM OUT TO INFINITY, THEY WILL SHOW YOU THE GENERAL
6 ANGLE AND THE DIRECTION THE ROUND WAS FIRED FROM.

7 Q OKAY. SO FROM STATE'S EXHIBIT 95 THAT WAS THE
8 INDENTATION IN THE HOOD THAT YOU DID NOT RECOVER A
9 PROJECTILE FROM, IS THAT CORRECT?

10 A CORRECT.

11 Q OKAY. IF THIS RAILING IS THAT SIDE OF THE CAR
12 WHAT IS THE ANGLE OF THAT STATE'S EXHIBIT 45. I'M
13 SORRY STATE'S EXHIBITS 95?

14 A 95. IF YOU FOLLOW 95 THE ANGLE RUNS FROM THE
15 FRONT OF THIS CAR BACK AT A BACKWARDS ANGLE SLIGHTLY
16 AWAY FROM THE CAR GOING TOWARDS THE REAR.

17 Q SO IF THAT WAS THE SAME HOOD IT WOULD COME
18 FROM --

19 A IT WOULD SOMEWHAT ANGLE LIKE THIS.

20 Q OKAY. STATE'S EXHIBIT 96. COULD YOU INDICATE
21 WHAT THAT IS?

22 A THIS IS AGAIN ONE OF THE TRAJECTORY RODS AND
23 WHAT WE DONE HERE IS WE RAN IT THROUGH THE IMPACT
24 POINT ON THE GLASS THROUGH WHERE THE PROJECTILE WENT
25 THROUGH THE WINDSHIELD WIPERS INTO THE AREA OF DAMAGE

1 WHERE THE PLASTIC AND THE VENT AREA WAS CRACKED, WE
2 FOLLOWED THAT PATH AND FOLLOWED IT BACK OUT.

3 Q AND AGAIN ON STATE'S EXHIBIT 96 WHAT WOULD BE
4 THE ANGLE TO SAY THIS FLAT SURFACE, IF THIS FLAT
5 SURFACE IS THE SIDE?

6 A THE ANGLE, THIS ROUND HERE WAS FIRED AT A CLOSE
7 APPROXIMATE ANGLE TO THE ONE ON THE HOOD. THIS ONE
8 WAS AT A SLIGHTLY EVALUATED ANGLE AS IT WAS GOING
9 SLIGHTLY UP.

10 Q OKAY. STATE'S EXHIBITS 97 IF YOU TELL US WHAT
11 THAT DEPICTS?

12 A THIS IS THE PREVIOUS ROUNDS THAT STRUCK THE HOOD
13 AND WE FOLLOWED IT BACK OUT WITH THIS ROD AND YOU CAN
14 SEE THEY ARE BOTH GOING, ANGLE BACK ONES, THIS ONE IS
15 IS A LITTLE SHARPER AND YOU CAN TELL THIS ONE HAS A
16 LITTLE BIT OF A DOWN ANGLE TO IT.

17 Q SO THE GLASS IS KIND OF AT A FLATTER ANGLE AND
18 THIS ONE IS A LITTLE SHARPER OUT?

19 A CORRECT.

20 Q OKAY. STATE'S EXHIBITS 98, TELL US WHAT THAT
21 DEPICTS PLEASE?

22 A THIS IS THE OVERALL SIDE VIEW OF THE CAR WITH
23 ALL OF THE PREVIOUS HOLES WITH RODS IN THEM SHOWING
24 THEIR PROXIMATE ANGLE. AND THIS IS JUST, THIS
25 PHOTOGRAPH DEPICTS AN OVERALL ROUGH ESTIMATE OF ALL

1 THE ANGLES OF THE BULLETS.

2 Q OKAY. STARTING AT THE FRONT OF THE CAR, THE
3 FIRST ITEM IF YOU WOULD CIRCLE IT WITH A POINTER,
4 THAT FIRST ITEM, NOTHING WAS RECOVERED FROM THAT?

5 A NOTHING WAS RECOVERED FROM THAT ONE.

6 Q OKAY. THE SECOND ONE THAT TOUCHES THE
7 WINDSHIELD BUT GOES ON THE HOOD, DID YOU RECOVER
8 ITEMS FROM THAT?

9 A YES, WE WERE RECOVERED A PIECE OF JACKET AND
10 PIECES OF LEAD PROJECTILE.

11 Q OKAY. THE THIRD ONE COMING BACK THIS WAY NEXT
12 TO THE MIRROR, DID YOU RECOVER SOMETHING FROM THAT?

13 A CORRECT. WE RECOVERED A PARTIAL BULLET FRAGMENT
14 FROM THAT ONE AS WELL.

15 Q OKAY. THE NEXT ONE THEN BELOW THE DOOR HANDLE,
16 DID YOU RECOVER AN ITEM FROM THAT?

17 A YES, WE DID.

18 Q OKAY. AND THEN THE ITEM AT THE BOTTOM, WERE YOU
19 ABLE TO RECOVER ONE FROM THAT?

20 A NO, THIS IS THE ONE THAT WENT THROUGH THE
21 PLASTIC AND STRUCK THE FRAME OF THE CAR AND THERE WAS
22 NO ROUND RECOVERED FROM THAT ONE.

23 Q THEN THE SHOT THAT GOES THROUGH THE REAR GLASS,
24 WERE YOU ABLE TO RECOVER ONE FROM THAT?

25 A NOT AT THE CAR, NO.

1 Q WERE YOU ULTIMATELY ABLE TO RECOVER ONE?

2 A YES, WE WERE ULTIMATELY ABLE TO RECOVER ONE.

3 Q I SHOW YOU STATE'S EXHIBITS 99, IF YOU CAN TELL
4 THE JURY WHAT THAT DEPICTS?

5 A THIS IS, IF YOU ARE STANDING AT THE BACK CORNER
6 OF THE CAR LOOKING TOWARDS IT, THIS PHOTOGRAPH IS
7 JUST A REPRESENTATION OF TRYING TO LINEUP THE RODS
8 AND APPROXIMATION OF WHERE SOMEONE WHO FIRED THESE
9 ROUNDS MAY HAVE BEEN STANDING. AS YOU SEE YOU ARE
10 LOOKING STRAIGHT ON TO THE RODS. SEE THIS, THEY
11 DON'T ALWAYS LINE UP BECAUSE THE REASON THAT MAY BE
12 IS THE VEHICLE IS MOVING AND THE SHOOTER COULD BE
13 MOVING, YOU KNOW, THEY ARE NOT STATIC IN ONE PLACE.

14 Q OKAY. AND ALSO WHEN YOU TALK ABOUT THE SHOWING
15 WHERE THEY COULD BE STANDING, THIS DOES NOT
16 NECESSARILY REPRESENT THE DISTANCE?

17 A NO.

18 Q IT REPRESENTS THE ANGLE?

19 A THIS IS TOTALLY FOR A PURPOSE OF ANGLES. NO
20 DISTANCE IS REPRESENTED IN THESE PHOTOGRAPHS.

21 Q OKAY. I SHOW YOU NOW STATE'S EXHIBITS 100.
22 TELL ME WHAT THAT DEPICTS?

23 A THIS IS THE THREE: THE ONE INTO THE DOOR UNDER
24 THE REAR VIEW MIRROR. THIS ONE IS INTO THE DOOR.
25 THIS ONE INTO THE GROUND MOLDING. THIS PHOTOGRAPH,

1 THE OTHERS IS HERE AS WELL. YOU CANNOT SEE THEM
2 QUITE AS WELL, BUT THIS IS JUST RUNNING DOWN THE LONG
3 AXIS TO THE SIDE OF THE CAR TO SHOW THE ANGLE IN
4 WHICH THEY COME OFF OF THE CAR.

5 Q NOW THE ITEMS THAT YOU RECOVERED BOTH HERE THAT
6 YOU DESCRIBED TO THE JURY AND THAT YOU RECOVERED AT
7 AUTOPSY WHEN YOU SAY YOU COLLECTED AND THEN PACKAGED
8 THEM TO BE SENT TO SLED?

9 A CORRECT.

10 Q I SHOW YOU WHAT'S BEEN MARKED STATE'S EXHIBITS
11 154, 155, 156, 157, ASK AND IF YOU CAN LOOK AND SEE
12 IF YOU CAN IDENTIFY THOSE ITEMS?

13 A THESE ARE PROJECTILES THAT WERE RECOVERED FROM
14 THE VEHICLE AND FROM THE VICTIM.

15 Q AND THEY WERE PACKAGED. DID YOU ALTER OR CHANGE
16 THEM IN ANY WAY?

17 A NO, NOT AT ALL.

18 Q ONCE YOU SEALED THEM AND THEY WERE PLACED IN
19 EVIDENCE WERE THEY TRANSPORTED TO COLUMBIA BY
20 MR. ROLLINS?

21 A YES, THEY WERE.

22 Q THANK YOU.

23 MR. POPE: YOUR HONOR, AT THIS TIME I MOVE
24 STATE'S EXHIBITS 154, 155, 156, AND 157 INTO
25 EVIDENCE.

1 MR. GREELEY: NO OBJECTION

2 THE COURT: BE RECEIVED.

3 (STATE'S EXHIBITS 154 THROUGH 157 PHOTOS
4 INTO EVIDENCE.)

5 Q MR. SMITH, YOU HAD ALSO AN OPPORTUNITY TO
6 DOCUMENT THE INSIDE OF THE VEHICLE?

7 A YES, WE DID.

8 Q AND YOU HAVE THE PHOTOGRAPHS THERE WITH YOU. IS
9 THAT REFLECTIVE OF STATE'S EXHIBITS 101 THROUGH 121?

10 A I DON'T HAVE THOSE.

11 Q SIR?

12 A THESE GO THROUGH A HUNDRED.

13 Q I APOLOGIZE. THEY ARE SITTING RIGHT HERE.
14 STATE'S EXHIBITS 101 THROUGH 121. ASK IF YOU WILL
15 TAKE A LOOK AT THOSE PLEASE, SIR.

16 A THESE ARE PHOTOGRAPHS THAT I TOOK OF THE
17 INTERIOR OF THE CAR.

18 Q IS THAT THE CONDITION THE CAR APPEARED THAT
19 EVENING?

20 A YES.

21 Q OR THAT DAY WHEN YOU PROCESSED IT?

22 A CORRECT.

23 Q DID IT APPEAR TO BE THE SAME CONDITION OF WHAT
24 YOU OBSERVED IN THE EVENING OR THE EARLY MORNING
25 HOURS OF BEFORE WHEN YOU HAD TRANSPORTED?

1 A YES, IT DID.

2 Q I WANT TO CALL YOUR ATTENTION JUST BRIEFLY TO
3 STATE'S EXHIBIT 103. IF YOU COULD TELL ME, AGAIN AND
4 I KNOW YOUR PICTURE IS GOING TO BE LIGHTER THAN THIS,
5 IF YOU CAN TELL THE JURY WHAT THIS DEPICTS?

6 A THIS IS THE BACK SEAT OF THE PONTIAC LOOKING AT
7 IT FROM THE REAR DRIVER'S SIDE SEAT. THIS IS THE
8 SEAT, THIS IS THE TOP OF THE SEAT, AND THIS IS THE
9 FRAME AND THE DOOR.

10 Q AND AGAIN YOU CAN'T SEE IT BECAUSE OF THE
11 LIGHTING IN THIS PICTURE, BUT WHERE, THE TOP OF THE
12 SEAT, WHERE DOES IT ABUT ON THE FAR SIDE?

13 A THE TOP OF THE SEAT IS RIGHT HERE AND THIS AREA
14 HERE IS BEHIND THE SEAT. LEADING EDGE OF THE SEAT IS
15 ESSENTIALLY ALONG THIS LINE HERE BUT THE AREA BACK
16 HERE BEHIND IT IS THE HEADREST.

17 Q SO DIRECTLY ADJACENT TO THE TOP OF THE SEAT
18 WOULD BE THAT SOLID PART?

19 A CORRECT. IT'S CALLED THE C-FRAME OF THE CAR,
20 THE REAR FRAME.

21 Q AND THEN IF THE DOOR WAS SHUT, THE NEXT AREA
22 MOVING FORWARD WOULD BE THE GLASS THAT DOES NOT OPEN
23 OR MOVE?

24 A CORRECT.

25 Q OKAY. AND IN FRONT OF THAT WOULD BE GLASS. ARE

1 YOU ABLE TO SEE IN THIS PICTURE THAT YOU TALKED ABOUT
2 THE GLASS BEING OPEN OR CRACKED, ARE YOU ABLE TO SEE
3 THAT IN THIS PARTICULAR PICTURE?

4 A YES. IF YOU NOTICE THIS LINE, THERE IS A LINE
5 THAT RUNS RIGHT HERE, THIS IS THE EDGE OF THE GLASS
6 AND IT IS ONLY PARTIALLY, PROBABLY OPEN APPROXIMATELY
7 ONE INCH FROM THE TOP.

8 Q AND YOU HAD TALKED ABOUT THE SMUDGING OR BLOOD
9 STAINS ON THE INSIDE, WHERE WOULD THEY BE? AGAIN
10 KNOWING YOU CAN SEE THEM BETTER ON THE PICTURE YOU
11 HAVE?

12 A THIS DARK AREA HERE IS BLOOD STAIN AND THERE IS
13 SOME DARK AREA RIGHT IN HERE OF BLOOD STAIN.

14 Q WHEN YOU SAY IN LINEAR FASHION, WHAT DID YOU
15 MEAN?

16 A THERE IS, IT RUNS, THE STAIN RUNS FROM THIS
17 SMALL GLASS OVER INTO THIS GLASS IN A LINEAR FASHION
18 AND IT'S ONLY BROKEN BY THAT GLASS FRAME THAT RUNS
19 DOWN THE CENTER.

20 Q OKAY. BASED ON YOUR OBSERVATIONS OF THE BLOOD
21 AND YOUR TRAINING, DID IT APPEAR THAT THE BLOOD ON
22 THE WINDOW SIDE HAD BEEN WIPE OR IN OTHER WORDS FROM
23 ROLLING THE WINDOW UP AND DOWN.

24 A NO, IT DID NOT.

25 MR. POPE: BEG THE COURT'S INDULGENCE.

1 Q AS FAR AS YOUR INVOLVEMENT AT FSU, YOU WORK AS A
2 TWO MAN TEAM, RIGHT?

3 A CORRECT.

4 Q AND WHO WAS YOUR PARTNER IN THIS CASE?

5 A MIKE WILLIAMS.

6 Q OKAY. YOU INITIALLY WENT TO CLOVER POLICE
7 DEPARTMENT?

8 A YES, SIR.

9 Q OKAY. DID PROCESSING THERE, ULTIMATELY YOU GO
10 OUT TO LAWRENCE ROAD, IS THAT CORRECT?

11 A THAT'S CORRECT.

12 Q OKAY. LIKEWISE EITHER WITH YOU OR AT DIFFERENT
13 TIMES, DID INVESTIGATOR WILLIAMS ALSO GO TO LAWRENCE
14 ROAD?

15 A CORRECT, HE DID.

16 Q DID THERE COME A TIME WHEN YOU ACTUALLY CAME
17 BACK, BEFORE YOU DID THIS PROCESSING, RETURNED TO
18 MOSS JUSTICE CENTER TO WORK ON YOUR EVIDENCE AND
19 PAPERWORK AND THINGS OF THAT NATURE?

20 A CORRECT. AS A GENERAL RULE WHEN WE LEAVE ONE
21 AREA OF THE SCENE, WE HAVE THIS VEHICLE UNDER OUR
22 CONTROL AT THIS TIME. WE KIND OF CATCH UP WITH
23 OURSELVES, GET OUR PAPERWORK, OUR DOCUMENTATION IN
24 ORDER, GET OUR EVIDENCE SEALED AND SUBMITTED BEFORE
25 WE START THE SECOND PHASE WHICH ACTUALLY HAVE BEEN

1 LIKE A PHASE TWO.

2 Q THE LAWRENCE ROAD SCENE THAT YOU PROCESSED, WAS
3 PROCESSED ADDITIONALLY YOU PROCESSED IT DURING THE
4 NIGHTTIME, IS THAT CORRECT?

5 A CORRECT.

6 Q DID LAW ENFORCEMENT, DID YOU MAINTAIN CUSTODY OF
7 THE SCENE UNTIL DAYLIGHT CAME?

8 A A DEPUTY WAS LEFT TO SECURE THE SCENE UNTIL WE
9 RETURNED.

10 Q I BELIEVE THAT WAS STEVE BLAIR?

11 A CORRECT.

12 Q OKAY. NOW ULTIMATELY DID YOU OR LIEUTENANT
13 WILLIAMS RETURN TO THE SCENE?

14 A INVESTIGATOR WILLIAMS RETURNED TO THE SCENE THE
15 FOLLOWING DAY.

16 Q OKAY. AND WAS THERE FURTHER PROCESSING THERE?

17 A I BELIEVE HE DID.

18 Q AND SO THE DIAGRAM AND I DON'T HAVE IT IN FRONT
19 OF ME, THE DIAGRAM, CRIME SCENE DIAGRAM OF LAWRENCE
20 ROAD, THAT COMPUTER GENERATED DIAGRAM THAT WE
21 REFERRED TO EARLIER, WOULD IT REFLECT BOTH YOUR
22 FINDING AS WELL AS DETECTIVE WILLIAMS FINDINGS?

23 A IT'S A CUMULATIVE DIAGRAM OF ALL THE EVIDENCE
24 THAT WAS FOUND, YES, SIR.

25 Q THANK YOU, SIR. ANSWER ANY QUESTIONS

1 MR. GREELEY MAY HAVE.

2 MR. GREELEY: MAY IT PLEASE THE COURT.

3 CROSS EXAMINATION BY MR. GREELEY:

4 Q GOOD MORNING, OFFICER. HOW ARE YOU?

5 A GOOD MORNING.

6 Q NOW WHEN YOU WENT FOR TRAINING, HOW MANY YEARS
7 DID YOU DO FORENSICS BEFORE YOU MOVED ON FROM WHERE
8 YOU ARE?

9 A APPROXIMATELY FOUR YEARS FULL TIME AND BEFORE
10 THAT I DID IT AS A PART-TIME ASSIGNMENT AT THE
11 SHERIFF'S OFFICE.

12 Q AND THE FORENSIC ASPECT OF INVESTIGATION IS
13 BASED ON SCIENCE, IS THAT CORRECT?

14 A CORRECT.

15 Q I MEAN BASICALLY WHAT YOU DO IS YOU LOOK AT
16 THINGS AND YOU USE SCIENTIFIC PRINCIPLES TO SEE IF
17 YOU CAN DETERMINE WHAT MAY OR MAY NOT HAVE HAPPENED?

18 A CORRECT.

19 Q IS THAT CORRECT?

20 A THAT'S CORRECT.

21 Q AND IN USING SCIENTIFIC PRINCIPLES YOU ALSO WANT
22 TO BE OBJECTIVE, IS THAT CORRECT?

23 A THAT'S CORRECT.

24 Q YOU DON'T WANT TO PICK AND CHOOSE THINGS BECAUSE
25 AT THAT POINT IN TIME YOU WOULD NOT BE SURE AS TO

1 WHETHER OR NOT AN ITEM WOULD HAVE SIGNIFICANCE OR
2 NOT, IS THAT CORRECT?

3 A CORRECT.

4 Q OKAY. AND THAT'S SOMETHING THAT YOU ARE TRAINED
5 IN, IS THAT CORRECT?

6 A YES, SIR.

7 Q OKAY. NOW WHEN YOU INVENTORIED THE INSIDE OF
8 THE CAR AND DID YOU DO A FULL INVENTORY OF THE CAR?

9 A I DID NOT DO THE INVENTORY. THE TOWING OFFICER
10 WOULD HAVE DONE THE INVENTORY OF THE CAR. I DID A
11 SEARCH OF THE CAR.

12 Q YOU DID A SEARCH OF THE CAR?

13 A UH-HUH.

14 Q AND WOULD YOU HAVE DONE THAT BEFORE THE TOWING
15 OFFICER INVENTORIED THE CAR OR AFTER?

16 A I DID THAT AFTER WE GOT IT BACK TO THE IMPOUND
17 AREA.

18 Q SO YOU SEARCHED THE INTERIOR OF THE CAR AFTER
19 YOU GOT IT BACK TO THE IMPOUND?

20 A CORRECT. I DID A CURSORY SEARCH AT THE CLOVER
21 PD.

22 Q RIGHT.

23 A BUT I DID A FULL SEARCH ONCE WE GOT IT BACK.

24 Q OKAY. AND THE TOWING OFFICER DID THE INVENTORY
25 OF THE CAR, IS THAT CORRECT?

- 1 A HE SHOULD HAVE, YES, SIR.
- 2 Q OKAY. DID YOU EVER LOOK AT THE INVENTORY THAT
- 3 HE DID?
- 4 A NO, SIR, I DID NOT.
- 5 Q AND HE WOULD HAVE INVENTORIED THE ITEMS THAT HE
- 6 SAW IN THE CAR?
- 7 A CORRECT.
- 8 Q SO YOU NEVER LOOKED OVER HIS LIST OF WHAT HE
- 9 FOUND IN THE CAR?
- 10 A NO.
- 11 Q OKAY. NOW YOU NEVER FOUND A STICK IN THE CAR?
- 12 A NO, SIR.
- 13 Q DID YOU?
- 14 A NO, SIR.
- 15 Q LIKE A TWO-BY-FOUR STICK?
- 16 A NO, SIR.
- 17 Q SO AT THE TIME, AT THE TIME THE CAR WAS SECURED
- 18 AT CLOVER, UNTIL YOU SEARCHED IT, AFTER THAT YOU
- 19 NEVER FOUND A TWO-BY-FOUR STICK?
- 20 A I DON'T RECALL FINDING IT, NO, SIR.
- 21 Q AND YOU NEVER FOUND A TWO-BY-FOUR STICK OUT AT
- 22 THE SCENE, DID YOU?
- 23 A NO, SIR.
- 24 Q DO YOU KNOW IF THE TOWING OFFICER FOUND A
- 25 TWO-BY-FOUR STICK?

- 1 A NO, SIR.
- 2 Q OR A TWO-BY-TWO-AND-A-HALF STICK?
- 3 A NOT THAT I'M AWARE OF.
- 4 Q NOW THERE ARE ALL TYPES OF FIREARMS, IS THAT
- 5 CORRECT?
- 6 A CORRECT.
- 7 Q AND SOME ARE PISTOLS?
- 8 A CORRECT.
- 9 Q CORRECT. AND THERE ARE ALL TYPES OF PISTOLS, IS
- 10 THAT CORRECT?
- 11 A CORRECT.
- 12 Q AND DIFFERENT PISTOLS WORK DIFFERENT WAYS?
- 13 A CORRECT.
- 14 Q ARE THERE PISTOLS THAT DO NOT EJECT A SHELL WHEN
- 15 THEY ARE FIRED?
- 16 A A REVOLVER, YES, SIR.
- 17 Q A REVOLVER. AND ARE THERE LOTS OF DIFFERENT
- 18 TYPES OF REVOLVERS FROM MANUFACTURERS?
- 19 A CORRECT.
- 20 Q AND YOU CAN HAVE A REVOLVER THAT'S A .22
- 21 CALIBER?
- 22 A YES, SIR.
- 23 Q AND A .38 CALIBER?
- 24 A YES, SIR.
- 25 Q A .45 CALIBER?

- 1 A YES, SIR.
- 2 Q A .357 CLINT EASTWOOD GUN BE A REVOLVER?
- 3 A YES, SIR.
- 4 Q AND THOSE DON'T THROW THEIR SHELLS OUT, DO THEY?
- 5 A NO, THE SHELLS HAVE TO BE REMOVED BY THE
- 6 OPERATOR.
- 7 Q SHELLS HAVE TO BE REMOVED BY THE OPERATOR ONCE
- 8 THEY ARE FIRED?
- 9 A CORRECT.
- 10 Q NOW YOU DIDN'T FIND ANY SHELLS THAT APPEARED TO
- 11 HAVE BEEN EJECTED INSIDE THE CAR?
- 12 A NO, SIR.
- 13 Q OKAY. AND THERE ARE OTHER TYPES OF GUNS THAT DO
- 14 EJECT, IS THAT CORRECT?
- 15 A CORRECT.
- 16 Q THE SHELL WHEN THEY ARE FIRED?
- 17 A CORRECT.
- 18 Q AND IN THIS PARTICULAR CASE Y'ALL FOUND SOME
- 19 SHELLS IN THE YARD?
- 20 A CORRECT.
- 21 Q AND YOU FOUND TWO TYPES OF SHELLS, IS THAT
- 22 CORRECT?
- 23 A CORRECT.
- 24 Q YOU FOUND A .45 SHELL?
- 25 A CORRECT.

- 1 Q AND YOU FOUND A NINE MILLIMETER?
- 2 A CORRECT.
- 3 Q WHEN A SHELL IS EJECTED FROM THE GUN, WHERE DOES
- 4 IT GO?
- 5 A IF IT'S A SEMI-AUTOMATIC PISTOL, NOT BEING AN
- 6 EXPERT AT ALL IN FIREARMS, I KNOW SOME GO SIDE, SOME
- 7 GO UP, OR A COMBINATION IN THERE BETWEEN.
- 8 Q OKAY.
- 9 A WHICHEVER SIDE THE PORT WOULD BE ON.
- 10 Q OKAY. SO THEY ARE EJECTED INTO THE AIR?
- 11 A CORRECT.
- 12 Q OKAY. AND SO THE PICTURES THAT YOU HAVE, THERE
- 13 ARE SHELLS THAT WERE EJECTED INTO THE AIR AND AT SOME
- 14 POINT IN TIME ENDED UP IN THE PLACE WHERE YOU
- 15 PHOTOGRAPHED THEM?
- 16 A CORRECT.
- 17 Q IN THE CAR, WHEN YOU SEARCHED THE CAR, THEY HAVE
- 18 ELECTRONIC WINDOWS IN THAT CAR, DON'T THEY?
- 19 A CORRECT.
- 20 Q THE DRIVER HAS THE ACCESS TO THE WINDOWS AS WELL
- 21 THE PEOPLE WHO WERE THERE?
- 22 A CORRECT.
- 23 Q SO A DRIVER CAN PUT THE WINDOW UP OR DOWN?
- 24 A CORRECT.
- 25 Q AT ANY GIVEN TIME IF THE CAR IS TURNED ON?

1 A CORRECT.

2 Q AND SO WHETHER THE WINDOW IS UP OR DOWN, AS A
3 SCIENTIST AND WHAT YOU DO, ALL YOU KNOW IS THAT WHEN
4 YOU GOT THE CAR THE WINDOW HAD A, WAS DOWN ABOUT AN
5 INCH, IS THAT CORRECT?

6 A CORRECT.

7 Q NOW YOU TESTIFIED THAT THERE APPEARED TO BE
8 BLOOD ON THE WINDOW?

9 A CORRECT.

10 Q HAVE YOU EVER BEEN TRAINED IN BLOOD SPATTER?

11 A YES.

12 Q YOU HAVE?

13 A YES, SIR.

14 Q NOW FROM THAT WINDOW ALL IT TELLS YOU AS A
15 SCIENTIST IS THAT AT SOME POINT IN TIME BLOOD GOT ON
16 THAT WINDOW, DOESN'T IT?

17 A CORRECT, THAT'S CONTACT TRANSFER.

18 Q CONTACT TRANSFER?

19 A SOMETHING BLOODY CAME IN CONTACT WITH THAT
20 GLASS.

21 Q RIGHT. AND SO THAT'S HOW THE BLOOD GOT ON THE
22 WINDOW, BUT AS TO THE TIME THAT THAT HAPPENED, AS A
23 SCIENTIST, YOU CAN'T SAY WHEN THAT HAPPENED?

24 A NO, I CANNOT.

25 Q NOW THAT EVENING YOU DID A GUNSHOT RESIDUE KIT

- 1 ON BERRY BOLIN, IS THAT CORRECT?
- 2 A THAT'S CORRECT.
- 3 Q AND YOU ALSO DID A GUNSHOT RESIDUE KIT ON RICKY
- 4 DEAL, IS THAT CORRECT?
- 5 A INVESTIGATOR WILLIAMS.
- 6 Q WILLIAMS DID THAT ONE?
- 7 A THE ONLY ONE I DID WAS MR. BOLIN.
- 8 Q OKAY. BUT THERE WERE OTHER GUNSHOT RESIDUE KITS
- 9 THAT WERE DONE?
- 10 A CORRECT.
- 11 Q BY OFFICER WILLIAMS?
- 12 A CORRECT.
- 13 Q OKAY. I'LL ASK HIM ABOUT THOSE THEN.
- 14 A OKAY.
- 15 Q NOW GUNSHOT RESIDUE KITS, AS A FORENSIC PERSON
- 16 YOU WOULD HAVE THOSE IN YOUR VEHICLE?
- 17 A CORRECT.
- 18 Q THEY ARE NOT THAT LARGE, ARE THEY? THEY ARE
- 19 EASY TO CARRY?
- 20 A A SMALL LIKE PACKET.
- 21 Q AND YOU NEED TO HAVE THEM AVAILABLE IN CASE YOU
- 22 NEED TO DO THAT, ISN'T THAT CORRECT?
- 23 A YES, SIR.
- 24 Q IT'S NOT SOMETHING THAT YOU HAVE TO GO BACK TO
- 25 THE STATION FOR AND DO A LOT OF WORK TO GET, IS THAT

1 CORRECT?

2 A NO.

3 Q AT ANY POINT IN TIME THAT EVENING DID ANYBODY
4 SUGGEST THAT THE GUNSHOT RESIDUE BE DONE ON THE
5 OCCUPANTS OF THE VEHICLE?

6 A NOT TO ME THEY DIDN'T.

7 Q PARDON?

8 A NOT TO ME THEY DIDN'T.

9 Q HAD YOU BEEN TOLD TO DO IT, YOU WOULD HAVE DONE
10 IT?

11 A YES, SIR.

12 Q BUT NOBODY TOLD YOU TO DO THAT, IS THAT RIGHT?

13 A NO.

14 Q NOW I'LL HAVE TO FIND THE EXHIBIT. WE GOT QUITE
15 A FEW HERE. PARDON ME. IF WE COULD HAVE STATE'S
16 EXHIBIT 99. NOW ANGLE RODS ARE SOMETHING THAT YOU
17 USE IN YOUR INVESTIGATION DEALING WITH GUNSHOTS TO
18 TRY AND DETERMINE THE ANGLE, IS THAT CORRECT?

19 A APPROXIMATE ANGLE, YES.

20 Q AND WHEN YOU HAVE THEM IN AN AUTOMOBILE LIKE
21 THIS YOU AT LEAST HAVE A PLANE WHICH IS THAT SIDE OF
22 THE AUTOMOBILE, IS THAT CORRECT?

23 A CORRECT.

24 Q WHICH MAY OR MAY NOT BE A COMPLETE PLANE BUT IS
25 A PRETTY GOOD PLANE?

1 A IT'S CLOSE.

2 Q IT'S CLOSE. NOW YOU ARE THE ONE WHO DID THIS,

3 RIGHT?

4 A YES, SIR.

5 Q NOBODY ELSE WORKED ON THIS WITH YOU?

6 A INVESTIGATOR WILLIAMS ASSISTED ME. I DID, MOST

7 OF THE WORK I DID.

8 Q OKAY. CAN YOU TELL ME WHAT THE ANGLE, THE

9 NUMERICAL ANGLE IS OFF OF THE PLANE OF THAT CAR FOR

10 EACH OF THESE ANGLE RODS?

11 A THEY WERE NOT MEASURED.

12 Q THEY WERE NOT MEASURED?

13 A NO.

14 Q SO YOU DIDN'T GET A NUMERICAL DETERMINATION OFF

15 OF THIS PLANE AS TO WHAT THAT ANGLE IS?

16 A NO, I DID NOT.

17 Q YOU JUST KIND OF EYEBALLED IT AND TOOK A

18 PICTURE, IS THAT RIGHT?

19 A RIGHT, THE RODS ARE LINED THROUGH AN ENTRY HOLE

20 AND EITHER AN EXIT HOLE OR THE FINAL RESTING PLACE OF

21 THE BULLET.

22 Q RIGHT. AND WHAT YOU ARE TRYING TO DETERMINE IS

23 THE ACTUAL PATH OF THE BULLET, IS THAT CORRECT?

24 A AS CLOSE AS WE CAN DETERMINE IT, YES, SIR.

25 Q BUT YOU DIDN'T, YOU DIDN'T DETERMINE WHAT THE

1 ANGLE WAS FROM THE CAR THERE, IS THAT CORRECT?

2 A CORRECT.

3 Q DO YOU SOMETIMES DO THAT?

4 A WE'VE, AS A GENERAL RULE WE DO IT ON A FIXED
5 OBJECT LIKE A WALL OR IMMOVABLE OBJECT. BEING A CAR,
6 IT'S MOVING, THE INFORMATION WE HAD THE CAR WAS
7 MOVING, THE SHOOTER IS MOVING, LIKE I SAID IT'S NOT A
8 STATIC SITUATION. THERE IS VARIABLES ON BOTH ENDS.

9 Q BUT YOU WOULD ALSO, BUT YOU DO LIKE HAVE A PLANE
10 OF A WALL, IT'S NOT FIXED BECAUSE YOU HAVE A CAR, BUT
11 YOU DO PLANE THERE?

12 A CORRECT. AND EVEN ON A WALL THERE IS, MY
13 TEACHING HAS SHOWED ME THERE IS A BUILT-IN THREE TO
14 FIVE DEGREE VARIANCE EVEN ON A FIXED POSITION.

15 Q SO ARE THESE THINGS OF MUCH USE?

16 A AS A GENERAL RULE I BELIEVE THEY ARE. AS THEY
17 ARE TAUGHT THAT THEY ARE. I'M TRAINED THAT THEY ARE.

18 Q OKAY. BUT YOU HAVE HAD SITUATIONS WHERE YOU'VE
19 MEASURED THE ANGLE?

20 A YES.

21 Q NOW YOU WERE PRESENT AT THE AUTOPSY OF
22 MR. HOVIS?

23 A CORRECT.

24 Q AND HAD ANYONE WITH THE SHERIFF'S DEPARTMENT
25 TOLD YOU TO TELL DR. MAYNARD THAT WE NEEDED TO GET A

1 GSR KIT ON THE DECEASED?

2 A NOT THAT I RECALL, NO.

3 Q AND THOSE ARE DONE, AREN'T THEY?

4 A YES.

5 Q THERE HAVE BEEN CASES TO WHERE YOU HAVE THE
6 PERSON IN THE AUTOPSY AND THE GSR KIT IS PERFORMED TO
7 SEE IF THAT PERSON HAD ANY CONTACT WITH A WEAPON?

8 A SURE.

9 Q AND NOBODY ASKED YOU TO ACCUMULATE THAT EVIDENCE
10 AT THE AUTOPSY?

11 A NO, SIR.

12 Q AND SO IT WASN'T DONE AT THE AUTOPSY, IS THAT
13 CORRECT?

14 A NO, SIR, IT WAS NOT DONE.

15 Q YOU ALSO ACCUMULATED SOME BLOOD FROM MR. HOVIS?

16 A YES, SIR.

17 Q FOR THE PURPOSE OF A TOXICOLOGY REPORT, IS THAT
18 CORRECT?

19 A YES, SIR.

20 Q NOW WHAT IS A TOXICOLOGY TEST/REPORT? WHAT IS
21 THAT? WHAT ARE YOU DOING THAT?

22 A IT'S BASICALLY, THAT IS SENT TO THE STATE LAW
23 ENFORCEMENT LAB TO THEIR TOXICOLOGY DEPARTMENT AND
24 ESSENTIALLY THEY ARE LOOKING FOR ALCOHOL, DRUGS, OR
25 ANYTHING THAT MAY HAVE BEEN IN THE DECEASED'S SYSTEM

1 AT THE TIME OF HIS DEMISE.

2 Q AND DO YOU KNOW WHAT HAPPENED TO THAT BLOOD?

3 A I KNOW THAT IT WAS SENT TO SLED. AFTER THAT I'M
4 NOT AWARE OF THE RESULTS.

5 Q OKAY. SO YOU DID SEND IT TO SLED TO GET A
6 TOXICOLOGY REPORT?

7 A IT SHOULD HAVE BEEN SENT WITH EVERYTHING ELSE,
8 YES, SIR.

9 Q AND THAT WOULD HAVE BEEN INCLUDED IN ALL THE
10 SLED REPORTS, IS THAT RIGHT?

11 A YES, SIR.

12 Q NOW THERE WAS ONE ITEM HERE, IF WE COULD LOOK AT
13 STATE'S EXHIBIT 90 PLEASE, THIS IS THE HOLE IN THE
14 PLASTIC BELOW THE REAR PASSENGER DOOR THAT YOU TOOK?

15 A YES, SIR.

16 Q AND YOU HAD TESTIMONY IN THERE ABOUT HOW, AND IT
17 DID GO THROUGH, DIDN'T IT?

18 A YES, SIR.

19 Q THE OTHER SIDE OF THE PLASTIC?

20 A CORRECT.

21 Q IT KIND OF IS A CUP THERE, RIGHT?

22 A YES, SIR.

23 Q SO IT WENT THROUGH THE OUTSIDE AND WENT THROUGH
24 THE INSIDE AND THEN YOU SAID IT HIT THE FRAME?

25 A YES, SIR.

1 Q NOW WAS IT EMBEDDED IN THE FRAME?

2 A NO, SIR.

3 Q IT WAS JUST KIND OF GONE?

4 A IT WAS GONE.

5 Q AFTER YOU FOUND THAT, WERE YOU ABLE TO GO BACK

6 OUT TO THE SCENE AND RECOVER IT?

7 A NO, SIR.

8 Q DID YOU GO BACK OUT TO THE SCENE TO LOOK FOR

9 THAT PARTICULAR ONE THAT WOULD HAVE EVIDENTLY EITHER

10 BEEN IN THE ROAD OR SOMEWHERE?

11 A I DID NOT. WE DIDN'T FIND ANYTHING IN THE ROAD

12 THAT NIGHT OR THE FOLLOWING DAY.

13 Q OKAY. BUT WAS THAT BEFORE YOU HAD LOOKED AT THE

14 CAR?

15 A THAT WAS BEFORE WE FOUND THAT PARTICULAR HOLE

16 THERE, YES, SIR.

17 Q AFTER YOU FOUND THAT PARTICULAR HOLE DID YOU GO

18 BACK TO LOOK?

19 A I NEVER WENT BACK TO THE LAWRENCE ROAD ADDRESS

20 AFTER THE FIRST TIME.

21 Q OKAY. IF YOU WILL, IF WE CAN HAVE READY STATE'S

22 EXHIBITS 23, 24, 25, AND 26 PLEASE. YES. THANK YOU

23 VERY MUCH. NOW I'M GOING TO STAND OVER HERE SO YOU

24 CAN SEE. YOU INDICATE, WHAT IS 23? IS THIS THE

25 BROKEN BEER BOTTLE PICTURE?

- 1 A I BELIEVE SO, YES, SIR.
- 2 Q AND DID YOU TAKE THAT PICTURE?
- 3 A YES, SIR.
- 4 Q AND DID YOU PICK IT UP AND PUT IT IN AN EVIDENCE
- 5 BAG?
- 6 A NO, SIR, I DID NOT.
- 7 Q WHY NOT?
- 8 A BASICALLY I FELT AT THE TIME IT WAS SHATTERED,
- 9 THERE WAS NO FINGERPRINT EVIDENCE TO BE ACCOMPLISHED
- 10 BY FINDING IT, I FELT A PHOTOGRAPH SHOWING THE BEER
- 11 BOTTLE WOULD BE ENOUGH. I DIDN'T NEED TO ACTUALLY
- 12 COLLECT IT.
- 13 Q SO YOU ASSUMED AT THAT POINT IN TIME THAT IT
- 14 WOULD BE OF NO EVIDENTIARY VALUE TO YOU IN YOUR
- 15 INVESTIGATION?
- 16 A NO EVIDENTIARY VALUE TO COLLECT. I DOCUMENTED
- 17 IT WAS THERE.
- 18 Q BUT YOU DIDN'T COLLECT IT AND PICK IT UP AND
- 19 MAKE IT PART OF THIS?
- 20 A NO.
- 21 Q 24 I THINK IT IS. ONCE AGAIN THAT IS THE SAME
- 22 THING AND THIS IS ANOTHER PIECE OF THE BEER BOTTLE,
- 23 IS THAT CORRECT?
- 24 A ANOTHER PIECE OF GLASS THAT'S BROKE.
- 25 Q ANOTHER PIECE OF BROWN GLASS THAT'S BROKE AND

1 THAT'S RIGHT NEXT TO THE CONCRETE DRIVEWAY, IS THAT
2 CORRECT?

3 A YES, SIR.

4 Q SO THAT'S NOT DOWN AT THE ROADWAY, THAT'S UP THE
5 CONCRETE DRIVEWAY, IS THAT CORRECT?

6 A CORRECT.

7 Q NOW DID YOU PICK THAT PIECE UP AND CONSIDER THAT
8 TO BE EVIDENCE?

9 A NO, SIR, I TREATED IT JUST LIKE THE PIECE
10 BEFORE.

11 Q SO YOU MADE A DECISION THAT YOU DID NOT BELIEVE
12 THAT IT WOULD BE OF EVIDENTIARY VALUE TO COLLECT?

13 A NO, SIR.

14 Q IF WE CAN GO TO NUMBER 25 PLEASE. THESE ARE
15 KNIVES.

16 A YES, SIR.

17 Q IS THAT RIGHT?

18 A YES, SIR.

19 Q THEY ARE WEAPONS, IS THAT RIGHT?

20 A YES, SIR.

21 Q AND THEY WERE FOUND UP IN THE FRONT YARD, IS
22 THAT CORRECT?

23 A YES, SIR.

24 Q DID YOU PICK THESE UP AND PUT THEM IN A BAG?

25 A NO, SIR.

1 Q YOU DID NOT?

2 A NO, SIR.

3 Q IN FACT, YOU WERE GIVEN AN EXPLANATION BY ONE OF
4 THE PEOPLE WHO LIVES AT THE HOUSE AND YOU LET THEM
5 HAVE THEM BACK, IS THAT CORRECT?

6 A THAT'S CORRECT.

7 Q DID YOU NOT THINK THAT THEY WOULD PROVIDE ANY
8 EVIDENTIARY VALUE IF YOU COLLECTED THEM?

9 A NO, SIR, AND WE BASE THAT ON THE FACT THAT
10 EVERYTHING THAT WE HAD BEEN TOLD BY THE PEOPLE THAT
11 HAD BEEN INTERVIEWED AND BY DETECTIVES, NO ONE EVER
12 INDICATED ANY USE OF ANY KNIVES OR ANY TYPE OF EDGED
13 WEAPON LIKE THAT.

14 Q AND THIS WAS EARLY MORNING OF THE NIGHT IT
15 HAPPENED, IS THAT CORRECT?

16 A THIS WAS LATER ON IN THE EARLY MORNING HOURS,
17 YES, SIR.

18 Q OKAY. AND SO BASED UPON WHAT YOU'VE BEEN TOLD
19 BY YOUR FELLOW INVESTIGATORS AS TO INTERVIEWS AND
20 WHATEVER, YOU MADE A DECISION THAT IT WAS NOT OF ANY
21 EVIDENTIARY VALUE?

22 A YES, SIR.

23 Q AND HAD ANYBODY TOLD YOU THAT THEY ONLY HAD TWO
24 LITTLE STATEMENTS AT THAT POINT IN TIME FROM THE
25 OCCUPANTS IN THE CAR?

- 1 A I DID NOT KNOW WHAT ALL THEY HAD AT THAT POINT
2 IN TIME.
- 3 Q AND THEY WERE TALKED TO ABOUT FOUR DAYS LATER?
- 4 A I'M NOT AWARE WHETHER THEY WERE OR NOT, SIR.
- 5 Q OKAY. SO BASED UPON WHAT YOU KNEW YOU MADE A
6 DECISION THAT THAT WASN'T IMPORTANT?
- 7 A YES, SIR.
- 8 Q NOW IF WE COULD LET'S TRY NUMBER 15. NUMBER 15
9 HAS A NUMBER ONE CONE HERE, RIGHT?
- 10 A YES, SIR.
- 11 Q AND WHAT WAS RECOVERED IN THE NUMBER ONE CONE
12 WAS A PIECE OF PLASTIC?
- 13 A YES, SIR.
- 14 Q AND AT THAT POINT IN TIME IT WAS JUST A PIECE OF
15 PLASTIC, RIGHT?
- 16 A YES, SIR.
- 17 Q BUT YOU THOUGHT THAT IT MIGHT HAVE SOME
18 EVIDENTIARY VALUE?
- 19 A CORRECT.
- 20 Q AND SO YOU PUT IT INTO A BAG?
- 21 A CORRECT.
- 22 Q AND YOU HAD THE CAR AND YOU HAD TAKEN THE CAR IN
23 THAT DAY ON SUNDAY AFTERNOON, IS THAT CORRECT?
- 24 A THE SAME MORNING, YES, SIR.
- 25 Q AND IN FACT, AFTER Y'ALL SEARCHED THE CAR AND

- 1 DID ALL YOUR FORENSICS TO THE CAR, YOU REMOVED THE
2 PASSENGER DOOR TO THE CAR, ISN'T THAT CORRECT?
- 3 A CORRECT.
- 4 Q BEFORE YOU RETURNED THE CAR TO THE FAMILY?
- 5 A THE CAR IS STILL IN SHERIFF'S OFFICE POSSESSION.
- 6 Q IS IT?
- 7 A YES, SIR.
- 8 Q OKAY. BUT YOU REMOVED THE PASSENGER DOOR?
- 9 A YES, SIR, WE HAD TO REMOVE THE DOOR TO GET THE
10 BULLET FRAGMENTS OUT.
- 11 Q RIGHT.
- 12 A YES, SIR.
- 13 Q AND THE PASSENGER DOOR WAS KEPT IN THE EVIDENCE
14 LOCKER, WASN'T IT?
- 15 A THAT'S CORRECT.
- 16 Q OKAY. AND IF WE CAN LOOK AT -- I'M SORRY. IF
17 THE COURT WILL INDULGE ME JUST ONE MINUTE. NUMBER
18 158, 159, 160 AND 161 AND I MIGHT BE ABLE TO JUST TO
19 USE ONE OF THOSE. SO WHAT YOU DID IS YOU TOOK THIS
20 PIECE OF PLASTIC AND YOU COMPARED IT TO THE PASSENGER
21 DOOR, IS THAT RIGHT?
- 22 A IT WAS THE DRIVER'S DOOR.
- 23 Q THE DRIVER'S DOOR?
- 24 A UH-HUH.
- 25 Q COMPARED IT TO THE DRIVER'S DOOR?

1 A YES, SIR.

2 Q OKAY. AND YOU FOUND OUT THAT THAT PIECE OF
3 PLASTIC THAT YOU HAD GATHERED ON FEBRUARY 18 SEEMED
4 TO COME FROM THAT MIRROR?

5 A YES, SIR.

6 Q AND THAT PIECE OF PLASTIC WAS NUMBER ONE IN THAT
7 PHOTO, IS THAT RIGHT?

8 A CORRECT.

9 Q THAT'S WHERE IT WAS LAYING ON THE GROUND?

10 A YES, SIR.

11 Q OFFICER SMITH, WHEN DID YOU COMPARE THE PIECE OF
12 PLASTIC TO THAT DOOR?

13 A YESTERDAY.

14 Q YESTERDAY?

15 A YES, SIR.

16 Q AND YOU TOOK THOSE PICTURES YESTERDAY?

17 A YES, SIR.

18 Q AND I GOT THOSE PICTURES YESTERDAY?

19 A YES, SIR.

20 MR. GREELEY: THAT'S ALL I HAVE RIGHT NOW.

21 REDIRECT EXAMINATION BY MR. POPE:

22 Q MONDAY DAY IS WHEN YOU PROCESSED THE CAR, IS
23 THAT CORRECT?

24 A I BELIEVE SO, YES, SIR.

25 Q MONDAY MORNING?

1 A YES, SIR.

2 Q THEN MONDAY AFTERNOON I THINK AT 2-2:30 YOU WENT
3 TO THE AUTOPSY, IS THAT CORRECT?

4 A YES, SIR.

5 Q OKAY. MR. GREELEY WAS ASKING ABOUT PROCESSING
6 THE VICTIM FOR GSR THAT MONDAY AFTERNOON AT 2:30 OR
7 AT SOME POINT AT THE AUTOPSY, WERE YOU AWARE OF WHAT
8 HIS CONDITION HAD BEEN OR WHERE HE WAS LOCATED PRIOR
9 TO ULTIMATELY COMING TO THE AUTOPSY?

10 A NO, SIR, I WAS NOT.

11 Q OKAY. LET ME ASK YOU THIS, IN COLLECTING GSR DO
12 THEY TRAIN YOU IN CERTAIN PERIMETERS OF CERTAIN TIME
13 WINDOWS OR CERTAIN INTERVENING THINGS THAT HAPPEN
14 WHETHER OR NOT YOU WOULD COLLECT GSR NOT?

15 A CORRECT.

16 Q ROUGHLY WHAT IS THE TIME WINDOW, IS THAT
17 SOMETHING PRESCRIBED BY SLED?

18 A AS A GENERAL RULE IT'S SIX HOURS.

19 Q OKAY. WERE YOU ABLE TO HAVE ACCESS TO HIM
20 DURING THE SIX HOURS THAT HE WAS BEING FLOWN TO
21 CHARLOTTE AND TREATED IN CHARLOTTE?

22 A NO, SIR, I WAS NOT.

23 Q THANK YOU.

24 MR. POPE: NO FURTHER QUESTIONS.

25 RE CROSS EXAMINATION BY MR. GREELEY:

1 Q BUT NOBODY WITH THE SHERIFF'S DEPARTMENT EVEN
2 ASKED YOU TO TRY TO GAIN ACCESS TO HIM, DID THEY?

3 A NO, SIR.

4 Q NOBODY EVEN ASKED ABOUT A GSR KIT?

5 A NO, SIR.

6 MR. GREELEY: THAT'S ALL I HAVE, YOUR
7 HONOR.

8 MR. POPE: WE HAVE NOTHING FURTHER, YOUR
9 HONOR.

10 THE COURT: YOU CAN STEP DOWN. THANK YOU.

11 MR. POPE: THE STATE WOULD CALL MIKE
12 WILLIAMS. DO YOU WANT TO BREAK

13 THE COURT: I WAS GETTING READY TO ASK YOU
14 TO COME UP HERE AND FIND OUT. IS THIS A LENGTHY
15 WITNESS?

16 MR. POPE: PROBABLY NOT AS LONG AS THIS
17 ONE, BUT IT WILL HAVE SOME LENGTH.

18 THE COURT: WHY DON'T WE GO AHEAD AND TAKE
19 A BREAK NOW BECAUSE IT'S GETTING CLOSE TO TIME BUT IF
20 YOU'VE GOT ANOTHER LENGTHY WITNESS I THINK WE'LL
21 BREAK NOW. THIS WILL BE A SMOKE BREAK IF ANYONE
22 WANTS ONE.

23 (THE JURY EXITS THE COURTROOM AT 10:47
24 AND THE COURT'S IN RECESS AT 10:47 AM.)

25 (COURT RESUMES AT 11:07 AM.)

1 THE COURT: BRING IN THE JURY.

2 (THE JURY RETURNS TO THE COURTROOM AT
3 11:09 AM.)

4 THE COURT: CALL YOUR NEXT WITNESS.

5 MR. POPE: THE STATE WOULD CALL MIKE
6 WILLIAMS.

7 MICHAEL WILLIAMS, BEING FIRST DULY
8 SWORN, TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION BY MR. POPE:

10 Q OFFICER WILLIAMS, STATE YOUR NAME AND SPELL YOUR
11 LAST NAME FOR THE COURT REPORTER PLEASE, SIR?

12 A MICHAEL LEE WILLIAMS. W-I-L-L-I-A-M-S.

13 Q TELL THE JURY WHERE YOU ARE EMPLOYED?

14 A I'M EMPLOYED WITH THE CITY OF ROCK HILL POLICE
15 DEPARTMENT.

16 Q HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

17 A A LITTLE OVER 26 YEARS.

18 Q OKAY. AND CURRENTLY ARE YOU ON A SPECIAL
19 ASSIGNMENT WITH ROCK HILL POLICE DEPARTMENT?

20 A YES. ROCK HILL POLICE DEPARTMENT AND THE
21 SHERIFF'S DEPARTMENT AND THE OTHER MUNICIPALITIES
22 THROUGHOUT THE COUNTY IN 2002 FORMED A
23 MULTI JURISDICTIONAL FORENSICS UNIT. I JOINED THE
24 UNIT IN 2002 ALONG WITH TWO OTHER OFFICERS FROM ROCK
25 HILL POLICE DEPARTMENT.

1 Q WHAT IF ANY ROLE IN ADDITION TO JUST REGULAR
2 DUTIES, WHAT IF ANY ROLE DO YOU HAVE WITHIN THE
3 FORENSICS UNIT?

4 A I'M A SECOND IN LINE SUPERVISOR FOR THE UNIT.

5 Q YOU ACTUALLY EMPLOYED WITH ROCK HILL CITY. I
6 KEEP CALLING YOU LIEUTENANT, WHAT IS THE ROCK HILL
7 CITY RANK YOU HOLD?

8 A SENIOR POLICE OFFICER.

9 Q OKAY. AND AS FAR AS THE FORENSICS UNIT, COULD
10 YOU TELL THE JURY JUST BASICALLY WHAT YOUR DAY-TO-DAY
11 DUTIES ARE, WHAT YOU DO WITH THEM?

12 A YES, ON A DAILY BASIS THE FORENSICS UNIT IN THIS
13 COUNTRY WE RESPOND TO AND PROCESS ANY SCENE THAT
14 ANYONE WOULD CALL US TO BEING FORT MILL CITY, ROCK
15 HILL CITY, THE SHERIFF'S DEPARTMENT, ANYONE IN THE
16 COUNTY, WINTHROP UNIVERSITY. THE UNIT IS COMPRISED
17 OF SEVEN INVESTIGATORS THAT ARE CERTIFIED IN
18 PROCESSING CRIME SCENES AND HAVE BEEN TO SCHOOLS TO
19 DO CRIME SCENE PROCESSING. WE WOULD RESPOND TO
20 ANYTHING FROM A LARCENY OR TO A HOMICIDE OR A DEATH
21 INVESTIGATION AND ACTUALLY PROCESS THE SCENE FOR
22 EVIDENCE, DOCUMENT IT IN PHOTOGRAPHY, AND THEN SKETCH
23 AND DIAGRAM INFORMATION.

24 Q SO THE FSU IS YORK COUNTY'S VERSION OF CSI?

25 A YES.

1 Q DOES IT WORK JUST LIKE ON TV?

2 A NO.

3 Q AS FAR AS POTENTIAL HOMICIDE CASES SUCH AS THIS,
4 DO YOU HAVE PROTOCOL AS FAR AS ON-CALL OFFICERS WHO
5 GOES OUT ON HOMICIDE CASES?

6 A YES, IN OUR UNIT WE HAVE A ROTATIONAL SCHEDULE.
7 MY PRIMARY ON-CALL IS EVERY MONDAY NIGHT AND THEN I
8 COVER EVERY NIGHT AFTER MONDAY ON DEATH
9 INVESTIGATIONS; MEANING SOMEONE ELSE IN THE UNIT IS
10 ON CALL TUESDAY THROUGH SATURDAY. THEY ROTATE THOSE
11 DAYS BETWEEN THE OTHER SIX INDIVIDUALS IN THE UNIT.
12 ANY DEATH INVESTIGATION THAT TAKES PLACE DURING THOSE
13 DAYS, THE FIRST ON-CALL PERSON WOULD RESPOND, AND
14 THEN NOTIFY ME AND I WOULD RESPOND TO THE SCENE.

15 Q I CALL YOUR ATTENTION BACK TO FEBRUARY 19, 2006,
16 WHICH WOULD BE THE 18, WOULD BE A LATE SATURDAY GOING
17 INTO EARLY SUNDAY MORNING, DID YOU HAVE AN
18 OPPORTUNITY TO RESPOND IN YOUR CAPACITY TO A SCENE
19 HERE IN YORK COUNTY?

20 A YES, I DID.

21 Q OKAY. LET ME STEP BACK ONE SECOND. COULD YOU
22 TELL THE JURY BASICALLY WHAT BACKGROUND AND TRAINING
23 AND EDUCATION YOU HAVE THAT ALLOW YOU TO PERFORM
24 VARIOUS TESTS AND THINGS YOU DO DAY TO DAY?

25 A YES. 1980 I WAS HIRED BY THE ROCK HILL POLICE

1 DEPARTMENT. I ATTENDED THE CRIMINAL JUSTICE ACADEMY
2 WHERE I WAS CERTIFIED AS A LAW ENFORCEMENT OFFICER.
3 I WAS ON PATROL IN THE ROCK HILL POLICE DEPARTMENT
4 FOR NINE YEARS WHERE I WAS PROMOTED TO CORPORAL. IN
5 1989 I WAS PROMOTED TO SPECIAL INVESTIGATOR IN THE
6 ROCK HILL POLICE DEPARTMENT WHICH TRANSFERRED ME TO
7 THE DETECTIVE DIVISION WHERE I INVESTIGATED CRIMES.
8 IN 1992 THE ROCK HILL POLICE DEPARTMENT ESTABLISHED A
9 GRANT FROM THE STATE TO START A CRIME SCENE UNIT AND
10 APPLIED FOR A GRANT TO GET A AUTOMATED FINGERPRINT
11 IDENTIFICATION SYSTEM KNOWN AS AFIS. I VOLUNTEERED
12 FOR THAT DIVISION AND IN THAT UNIT I WAS PROMOTED TO
13 SERGEANT. WHILE BEING A MEMBER OF THE UNIT IN ROCK
14 HILL, I ATTENDED COURSES AT THE SOUTH CAROLINA
15 CRIMINAL JUSTICE ACADEMY DEALING IN FINGERPRINT
16 CLASSIFICATIONS, LATENT FINGERPRINT TECHNIQUES, ID
17 TECHNICIAN WHICH BASICALLY IS ALL CLASSES DEALING
18 WITH FINGERPRINT PROCESSING, IDENTIFYING
19 FINGERPRINTS, AND CLASSIFYING FINGERPRINTS. I'VE
20 ATTENDED COURSES AT THE ACADEMY DEALING IN
21 PHOTOGRAPHY, LAW ENFORCEMENT PHOTOGRAPHY ON
22 PROCESSING SCENES AND PHOTOGRAPHING SCENES AND
23 DOCUMENTING SCENES BY CAMERA. I'VE ATTENDED A
24 HOMICIDE INVESTIGATION COURSE AT THE SOUTH CAROLINA
25 CRIMINAL JUSTICE ACADEMY DEALING WITH THE

1 INVESTIGATION PROCESS OF HOMICIDE INVESTIGATIONS.
2 I'VE ATTENDED ARSON COURSES AT THE ACADEMY. I'VE
3 ATTENDED THE UNIVERSITY OF NORTH FLORIDA AT
4 JACKSONVILLE ON TWO SEPARATE OCCASIONS ON COURSES
5 DEALING WITH BURIED BODIES, SURFACE SKELETAL REMAINS,
6 AND ALSO ANY CRIME SCENE PROCESSING TECHNIQUES.

7 I ATTENDED THE UNIVERSITY OF LOUISVILLE IN
8 KENTUCKY FOR A COURSE IN HOMICIDE INVESTIGATION THAT
9 DEALT WITH BASICALLY HOMICIDE PROCESSING, HOMICIDE
10 TECHNIQUES, AND COLLECTING AND GATHERING EVIDENCE.
11 I'VE ATTENDED NUMEROUS SEMINARS THROUGHOUT THE STATE
12 OF NORTH CAROLINA AND SOUTH CAROLINA DEALING WITH
13 PHOTOGRAPHY, DIGITAL PHOTOGRAPHY, FOOT WEAR
14 IMPRESSION RECOVERY, TIRE IMPRESSION RECOVERIES, AND
15 HOMICIDE INVESTIGATIONS.

16 I'M A ACTIVE MEMBER OF THE INTERNATIONAL
17 ASSOCIATION FOR IDENTIFICATION WHICH IS WORLDWIDE LAW
18 ENFORCEMENT IDENTIFICATIONS ON, THAT SENDS OUT A
19 JOURNAL BIMONTHLY IS THAT BASICALLY ON CASE THAT HAVE
20 BEEN HANDLED THROUGHOUT THE WORLD AND HOW THEY WERE
21 PROCESSED AND TECHNIQUES THAT WERE USED TO PROCESS
22 THOSE SCENES. I'M A MEMBER OF THE SOUTH CAROLINA
23 INTERNATIONAL ASSOCIATION OF IDENTIFICATION WHICH IS
24 THE STATE CHAPTER OF THE SAME ORGANIZATION. I'M AN
25 ACTIVE MEMBER OF THE SOUTH CAROLINA INTERNATIONAL

1 ASSOCIATION FOR ARSON INVESTIGATORS WHICH IS A STATE
2 ORGANIZATION FOR FIRE INVESTIGATIONS.

3 Q HAVE YOU ALSO ASSISTED THROUGH THE FSU IN
4 HOSTING TRAINING FOR EITHER LINE OFFICERS OR OTHER
5 FORENSIC OFFICERS WITHIN OUR REGION?

6 A YES. I'VE ASSISTED IN TEACHING AT THE SHERIFF'S
7 DEPARTMENT TRAINING FACILITY, THE ROCK HILL POLICE
8 DEPARTMENT TRAINING DEPARTMENT, AND ROCK HILL PD.
9 ALSO ASSISTED IN TRAINING OF THE YORK COUNTY'S
10 EMERGENCY RESPONSE TEAM AT PIEDMONT MEDICAL CENTER.

11 I ALSO WROTE THE POLICIES FOR THE ROCK
12 HILL POLICE DEPARTMENT CRIME SCENE PROCESSING AND
13 EVIDENCE ROOM COLLECTION.

14 Q LET ME ASK YOU, SINCE YOU STARTED WITH ROCK
15 HILL, DO YOU HAVE AN ESTIMATION FOR THE JURY OF HOW
16 MANY CRIME SCENES YOU'VE WORKED?

17 A I WOULD SAY IT'S PROBABLY WELL OVER A THOUSAND.

18 Q OKAY. AND IN THE PAST HAVE YOU HAD AN
19 OPPORTUNITY TO TESTIFY AND BE QUALIFIED AS AN EXPERT
20 IN THIS AREA?

21 A YES, I HAVE.

22 MR. POPE: YOUR HONOR, AT THIS TIME I
23 WOULD TENDER OFFICER WILLIAMS AS AN EXPERT IN CRIME
24 SCENE ANALYSIS.

25 THE COURT: ANY VOIR DIRE?

1 MR. GREELEY: NO, YOUR HONOR, I HAVE NO
2 OBJECTION.

3 THE COURT: I FIND HE'S QUALIFIED.

4 Q I WILL NOW CALL YOUR ATTENTION BACK TO THE
5 MORNING OF FEBRUARY 19, 2006. WHEN YOU WERE CALLED
6 OUT TELL THE JURY WHERE YOU RESPONDED TO?

7 A YES. I WAS CALLED OUT TO ASSIST INVESTIGATOR
8 WAYNE SMITH THAT WAS ASSIGNED TO OUR UNIT AT THE TIME
9 TO MEET HIM AT CLOVER PD IN CLOVER, SOUTH CAROLINA.

10 Q AND WHAT IF ANY FORENSICS WORK DID YOU DO THERE
11 AT THE CLOVER POLICE DEPARTMENT?

12 A CLOVER POLICE DEPARTMENT I NOTICED THERE WAS A
13 VEHICLE PARKED AT THE REAR OF THE BUILDING. I
14 COMPLETED A SKETCH AND DIAGRAM OF THAT LOCATION AND
15 MEASUREMENTS PUTTING, BASICALLY BEING ABLE TO PUT THE
16 VEHICLE BACK WHERE WE LOCATED IT THAT NIGHT.

17 Q OKAY. OTHER THAN THE VEHICLE AND THE ITEMS THAT
18 DIRECTLY AROUND THE VICTIM'S CLOTHES AND THINGS OF
19 THAT NATURE, OTHER THAN THAT, WAS THERE ANY OTHER
20 AREAS IN THE PARKING LOT THAT WERE REALLY PART OF THE
21 CRIME SCENE FOR YOUR INVESTIGATIVE PURPOSES FOR YOUR
22 CASE THERE AT CLOVER?

23 A NO, THERE WAS NOT.

24 Q AND THE DIAGRAM, YOU SAY YOUR DREW A DIAGRAM,
25 ULTIMATELY DID YOU, I GUESS YOU HAVE A COMPUTER

1 PROGRAM THAT YOU IMPORT IT IN TO?

2 A YES, SIR.

3 Q OR PLACE IT IN TO?

4 A YES, I DO A SKETCH OF THE LOCATION WITH PAPER
5 AND PENCIL. I THEN BROUGHT IT BACK TO OUR OFFICE AND
6 TOOK THAT AND PUT IT ON A COMPUTER.

7 Q AND I REFER YOU TO STATE'S EXHIBIT 139, IS THAT
8 THE DIAGRAM YOU DREW OR ULTIMATELY PUT ON THE
9 COMPUTER FROM CLOVER THAT DAY?

10 A YES. THIS IS THE COMPUTER PRINTOUT OF THE
11 DRAWING THAT I DID.

12 Q NOW ULTIMATELY THAT VEHICLE WAS TRANSPORTED OVER
13 TO YOUR EVIDENCE BAY HERE FOR FURTHER PROCESSING ON
14 THE NEXT DAY, IS THAT CORRECT?

15 A YES.

16 Q TRANSPORTED THEN FOR PROCESSING THE NEXT DAY, IS
17 THAT CORRECT?

18 A YES.

19 Q OKAY. AFTER BEING THERE AT THE SCENE AT CLOVER,
20 WHAT IF ANYTHING ELSE DID YOU DO?

21 A AFTER I COMPLETED THIS SKETCH, INVESTIGATOR
22 SMITH WAS STILL AT THAT LOCATION. HE INFORMED ME
23 THAT THERE WAS A SCENE ON LAWRENCE ROAD THAT I NEEDED
24 TO RESPOND TO. I THEN LEFT HIM AT CLOVER PD AND I
25 RESPONDED TO LAWRENCE ROAD WHERE I FOUND FOUR

1 INDIVIDUALS THERE AND THE SHERIFF'S DEPARTMENT HAD
2 DEPUTIES ON SCENE SECURING THE SCENE.

3 Q AND AT THIS POINT DO YOU KNOW APPROXIMATELY WHAT
4 TIME IN THE MORNING IT WAS THAT YOU WENT OUT TO
5 LAWRENCE ROAD?

6 A NO, I DO NOT.

7 Q WAS IT STILL DARK OR WAS IT DAYLIGHT?

8 A NO, IT WAS DARK.

9 Q OKAY. AND WHERE DID YOU PARK WHEN YOU ARRIVED
10 AT THE HOUSE?

11 A INFORMATION I LEARNED THAT THE INCIDENT HAD
12 TAKEN PLACE IN THE DRIVEWAY AND THE ROADWAY AT THE
13 DRIVEWAY, UPON ARRIVING TO THE RESIDENCE THE
14 RESIDENCE WOULD HAVE BEEN ON THE LEFT SIDE OF THE
15 ROADWAY SO WHEN I CAME TO THE RESIDENCE I STOPPED AT
16 THE END OF THEIR PROPERTY LINE BEFORE GETTING TO THE
17 HOUSE ON THE SIDE OF THE ROAD.

18 Q OKAY. AND THE FOUR INDIVIDUALS THAT YOU SAY
19 WERE PRESENT, WERE THEY INSIDE THE HOUSE OR OUTSIDE
20 THE HOUSE?

21 A THEY WERE ALL IN THE KITCHEN/DINING ROOM AREA OF
22 THE RESIDENCE.

23 Q IN ADDITION TO THAT, WAS THERE LAW ENFORCEMENT
24 OFFICERS ON SCENE THAT WERE SECURING THE OUTSIDE OF
25 THE HOUSE AND ALSO OFFICERS INSIDE THE HOUSE?

1 A YES.

2 Q WHEN YOU WENT INSIDE THE HOUSE, DID YOU HAVE AN
3 OPPORTUNITY TO INTERACT WITH THE FOUR, I BELIEVE THE
4 YOUNG, WAS THERE FOUR YOUNG MEN?

5 A YES, SIR.

6 Q OKAY. DID YOU HAVE AN OPPORTUNITY TO INTERACT
7 WITH THEM AT THAT TIME?

8 A YES, I DID.

9 Q OKAY. AND PURSUANT TO INVESTIGATION DID YOU
10 TAKE A GSR, A GUNSHOT RESIDUE, OR HEAVY METAL TEST
11 FROM EACH ONE OF THEM?

12 A YES. I PERFORMED GUNSHOT RESIDUE KIT OR
13 COMMONLY KNOWN AS GSR KITS ON ALL FOUR INDIVIDUALS IN
14 THE KITCHEN AREA UPON MY ARRIVAL.

15 Q DID YOU PACKAGE THAT UP AND TURNED IT INTO
16 EVIDENCE TO BE SENT TO SLED ALSO?

17 A YES, I DID.

18 Q OKAY. NOW SUBSEQUENTLY WHEN YOU WERE THERE THAT
19 EVENING AND DURING THE DARK HOURS, WHAT ELSE DID YOU
20 DO AT THAT SCENE?

21 A UPON COMPLETING THE FOUR GUNSHOT RESIDUE KITS ON
22 EACH, ON THE INDIVIDUALS, INVESTIGATOR SMITH HAD
23 ARRIVED AT THE LOCATION AT THAT TIME. I PHOTOGRAPHED
24 THE INTERIOR OF THE RESIDENCE AND COMPLETED A SKETCH
25 OF THE OUTSIDE OF ITEMS THAT INVESTIGATOR SMITH HAD

1 MARKED AS EVIDENCE.

2 Q OKAY. SO AT THAT JUNCTURE, IN THE DARK HOURS,
3 THE ITEMS THAT THE JURY HAS PREVIOUSLY SEEN, THE .45
4 CALIBER ITEMS DOWN AT THE DRIVEWAY, WAS THAT THE ONLY
5 ITEMS YOU HAD ON YOUR SKETCH AT THE JUNCTURE?

6 A I BELIEVE SO.

7 Q I REFER YOU TO STATE'S EXHIBIT 138.

8 A YES, THAT NIGHT IN THE DARK HOURS THE NUMBER
9 CONES THAT WERE USED TO MARK EVIDENCE FOR THE SKETCH
10 WERE ONE THROUGH SEVEN. THEY WERE MARKED BY
11 INVESTIGATOR SMITH.

12 Q AGAIN YOUR, INITIALLY YOU ARE DOING IT YOU ARE
13 WRITING IT ON A PIECE OF GRAPH PAPER OR SOMETHING?

14 A YES.

15 Q THIS IS YOUR END PRODUCT, IS THAT CORRECT?

16 A YES, SIR.

17 Q OKAY. NOW WHAT ELSE IF ANYTHING DID YOU DO, SO
18 YOU DID THE SKETCH, DID YOU ASSIST IN THE PHOTOS
19 THERE?

20 A THE PHOTOGRAPHY OF THE RESIDENCE ON THE
21 INTERIOR.

22 Q OKAY. NOW AS FAR AS THE RESIDENCE AND THE
23 INTERIOR, DID YOU RECOVER ANY ITEMS FROM THE INTERIOR
24 ITSELF?

25 A NO, OTHER THAN JUST THE GUNSHOT RESIDUE KITS.

1 Q OKAY. YOU PREVIOUSLY LOOKED AT STATE'S EXHIBITS
2 38 THROUGH 60. IF YOU WILL JUST LOOK JUST A SECOND
3 AND SEE IF YOU RECOGNIZE THOSE.

4 A YES, THESE ARE PHOTOGRAPHS I TOOK OF THE
5 RESIDENCE THAT NIGHT.

6 Q OKAY. AND DO THEY ACCURATELY DEPICT THE
7 RESIDENCE AND THE WAY THE RESIDENCE APPEARED THAT
8 EVENING?

9 A YES, SIR.

10 Q DID YOU ALTER OR CHANGE ANYTHING IN THE PICTURE
11 BEFORE YOU TOOK THEM?

12 A NO, SIR, I DID NOT.

13 MR. POPE: YOUR HONOR, I MOVE STATE'S
14 EXHIBITS 38 THROUGH 60 INTO EVIDENCE.

15 MR. GREELEY: NO OBJECTION.

16 THE COURT: BE RECEIVED.

17 (STATE'S EXHIBITS 38 THROUGH 60 PHOTOS
18 RECEIVED INTO EVIDENCE.)

19 Q YOU TOOK PICTURES INSIDE THE HOUSE, YOU TOOK THE
20 GSR KIT, AND ASSISTED IN THE MEASUREMENTS AND THE
21 DIAGRAM, WHAT IF ANYTHING ELSE DID YOU DO THAT
22 EVENING?

23 A THAT EVENING IN THE NIGHT HOURS I CHECKED THE
24 RESIDENCE OF THE NEIGHBOR, THE ADJOINING HOUSES NEAR
25 THERE AND THE VEHICLE FOR ANY BULLET HOLES THAT MAY

1 HAVE BEEN, IF ANY HAD BEEN FIRED, IF ANY DAMAGES TO
2 THE RESIDENCES OR THE CARS.

3 Q YOU SAID, SO DID YOU CHECK THE HOUSE THERE AT
4 LAWRENCE ROAD AND THEN ALSO THE NEIGHBOR'S HOUSE AND
5 THE VEHICLE?

6 A YES, SIR.

7 Q YOU SAY YOU ARE LOOKING FOR BULLET HOLES?

8 A OR ANY DAMAGE TO THOSE VEHICLES.

9 Q DID YOU FIND ANYTHING IN THAT AREA THAT YOU
10 COULD OBSERVE THAT EVENING THAT WOULD INDICATE ANY
11 SHOTS BEING FIRED IN THE DIRECTION OF THOSE CARS,
12 HOUSES, RESIDENCES, ANY TREES, ANYTHING IN THAT TWO
13 HOUSE AREA?

14 A NO, I DID NOT FIND ANY DAMAGE AT ALL.

15 Q OKAY. ONCE YOU COMPLETED THOSE ITEMS, WHAT IF
16 ANYTHING ELSE DID YOU DO AT THE SCENE THAT EVENING?

17 A AFTER THE SKETCH WAS COMPLETED AND THE ITEMS HAD
18 BEEN COLLECTED BY INVESTIGATOR SMITH WE LEFT THE
19 SCENE AND TRANSPORTED EVERYTHING TO THE SHERIFF'S
20 DEPARTMENT TO OUR OFFICE FOR INVENTORY AND TO START
21 OUR PAPERWORK.

22 Q NOW ACTUALLY THE ACTUAL EVIDENCE REPOSITORY
23 WHERE GARY ROLLINS WOULD ULTIMATELY TAKE ITEMS TO
24 SLED, IS THAT HERE AT THE SHERIFF'S OFFICE ALSO?

25 A YES.

1 Q OKAY. AND SO YOU HAD COME BACK AT SOME POINT.
2 THAT MORNING WHEN YOU ARE AT THE SHERIFF'S
3 DEPARTMENT, THIS IS NOW INTO SUNDAY MORNING, IS THAT
4 RIGHT?

5 A YES, SIX O'CLOCK, 6:30 SOMEWHERE IN THAT AREA.

6 Q OKAY. DID YOU HAVE AN OPPORTUNITY TO GET CALLED
7 BACK OUT TO THE SCENE?

8 A YES. AND ONE THING, BEFORE WE LEFT THE SCENE
9 THAT NIGHT WE TALKED WITH CAPTAIN HOFFMAN AND ADVISED
10 HIM WE WOULD LIKE TO KEEP THE SCENE SECURE AND WE
11 WERE GOING TO RETURN TO THE LOCATION IN DAY LIGHT
12 HOURS, BEING SO DARK WE WERE GOING TO COME BACK IN
13 THE DAY LIGHT HOURS TO SEARCH THE RESIDENCE, THE
14 YARD, AND AREA FOR ANY OTHER EVIDENCE THAT MAY HAVE,
15 WE MAY HAVE NOT FOUND. THEY, WHEN WE LEFT THE
16 SHERIFF'S DEPARTMENT HAD SECURED THE LOCATION AND WAS
17 ON SCENE UNTIL I RETURNED THE FOLLOWING MORNING.
18 WHILE AT THE SHERIFF'S DEPARTMENT DOING THE PAPERWORK
19 CAPTAIN HOFFMAN CONTACTED ME BY TELEPHONE AND ADVISED
20 THAT HE HAD RETURNED TO THE LOCATION AND THEY HAD
21 FOUND SOME SHELL CASINGS UP IN THE YARD OF THE
22 RESIDENCE. AT THAT TIME I LEFT THE SHERIFF'S
23 DEPARTMENT AND RESPONDED BACK OUT TO LAWRENCE ROAD
24 WHERE I WAS MET WITH OFFICER BLAIR WHO WAS SECURING
25 THE SCENE.

1 Q OKAY. BASICALLY YOU WENT BACK AND DID YOUR
2 PAPERWORK WAITING ON DAY LIGHT AND THEN YOU WERE
3 GOING BACK TO THE SCENE AGAIN?

4 A YES.

5 Q BUT YOU WERE CALLED TO THE SCENE BEFORE YOU
6 ACTUALLY MADE IT BACK?

7 A YES, SIR.

8 Q OKAY. I SHOW YOU WHAT'S BEEN MARKED AS STATE'S
9 EXHIBIT 27 THROUGH 37. I ASK IF THESE ACCURATELY
10 DEPICT THAT.

11 A THESE ARE THE PHOTOGRAPHS THAT I TOOK THE
12 MORNING I RETURNED TO THE LOCATION.

13 MR. POPE: YOUR HONOR, THIS WOULD BE
14 STATE'S EXHIBIT 27 THROUGH 37 I MOVE FOR ADMISSION
15 INTO EVIDENCE.

16 THE COURT: ANY OBJECTION?

17 MR. GREELEY: NO OBJECTION.

18 THE COURT: BE RECEIVED.

19 (STATE'S EXHIBITS 27-37 PHOTOS RECEIVED
20 INTO EVIDENCE.)

21 Q I GIVE YOU THE PHOTOS AND ASK YOU TO TAKE LOOK
22 AT THOSE. FIRST IF WE CAN START AT STATE'S EXHIBIT
23 27 TELL ME WHAT THAT ITEM DEPICTS?

24 A STATE'S EXHIBIT 27, THIS IS A PHOTOGRAPH OF ME
25 STANDING IN THE ROADWAY AT THE DRIVEWAY. A

1 PHOTOGRAPH WITH OFFICER BLAIR PARKED IN THE DRIVEWAY
2 SHOWING THE PHOTOGRAPH OF THE FRONT OF THE RESIDENCE
3 ON LAWRENCE ROAD.

4 Q NOW I ASK YOU TO LOOK AT STATE'S EXHIBIT 28. IF
5 YOU COULD TELL US WHAT THAT DEPICTS?

6 A THIS IS A PHOTOGRAPH OF ME STANDING NEAR THE
7 HOUSE FROM THE HOUSE AND AS YOU SEE THERE ARE A
8 NUMBER OF CONES THAT HAD BEEN PLACED IN THE FRONT
9 YARD AND ONE AT THE BACK OF THE DRIVEWAY BEHIND THE
10 OFFICER'S CAR.

11 Q STATE'S EXHIBITS 29?

12 A THIS IS JUST A CLOSER UP VERSION OF THE NUMBER
13 OF CONES THAT ARE IN THE FRONT YARD OF LAWRENCE ROAD.

14 Q STATE'S EXHIBITS 30?

15 A THIS IS A PHOTOGRAPH STANDING ACROSS THE ROADWAY
16 DEPICTING THE RESIDENCE AND THE NUMBER CONES I HAD
17 PLACED IN THE LOCATIONS.

18 Q OKAY. 31.

19 A THIS IS JUST A DIFFERENT VIEW OF THE SAME SHOT
20 AS PRIOR.

21 Q SO THE EVIDENCE THAT YOU ARE NOW SEEING THAT
22 DAY, THE ONE ITEM THAT'S HERE AT THE ROAD AND THEN
23 YOU HAVE THE OTHER ITEMS IT, LIKE A GROUP OF TWO AND
24 GROUP OF THREE UP IN THE YARD?

25 A YES, SIR.

1 Q THE ITEMS THAT LIEUTENANT HOFFMAN HAD CALLED,
2 REFERRED TO YOU, THAT'S THE ITEMS THAT WERE UP IN THE
3 YARD?

4 A YES.

5 Q I'M SORRY, CAPTAIN HOFFMAN. I CALL YOUR
6 ATTENTION TO STATE'S EXHIBIT 32. TELL ME IF YOU CAN
7 TELL WHAT THAT DEPICTS?

8 A THIS IS THE NUMBER CONE IN THE OVERALL
9 PHOTOGRAPH AS NUMBER 8 AND JUST TO THE RIGHT OF IT
10 BESIDE THE NUMBER CONE IS THE SPENT SHELL CASING THAT
11 WAS FOUND IN THE FRONT YARD.

12 Q CAN YOU SHOW, WITH THE LASER POINTER CAN YOU
13 SHOW THE JURY ON THIS PICTURE WHERE THAT WOULD BE
14 LOCATED?

15 A RIGHT THERE.

16 Q STATE'S EXHIBITS 33, IF YOU CAN TELL WHAT THIS
17 DEPICTS?

18 A THIS IS THE OVERALL PHOTOGRAPH CONE NUMBER NINE.
19 IT INDICATING WHERE A SPENT SHELL CASING, NINE
20 MILLIMETER SHELL CASING WAS FOUND IN THE FRONT YARD
21 OF THE LOCATION AND THAT WOULD BE IT RIGHT THERE.

22 Q OKAY. STATE'S EXHIBIT 34?

23 A THE OVERALL PHOTOGRAPH CONE NUMBER 10 DEPICTING
24 A NINE MILLIMETER SHELL CASING THAT WAS FOUND IN THE
25 FRONT YARD AND THAT WOULD BE RIGHT THERE.

1 Q STATE'S EXHIBIT 35?

2 A THIS IS NUMBER, CONE NUMBER 11 DEPICTING A SHELL
3 CASING, NINE MILLIMETER, THAT WAS FOUND IN THE FRONT
4 YARD.

5 Q THEN STATE'S EXHIBITS NUMBER 36?

6 A THIS IS CONE NUMBER 12 IN THE OVERALL
7 PHOTOGRAPHS. THIS INDICATING WHERE A NINE MILLIMETER
8 SPENT SHELL CASING WAS FOUND IN THE FRONT YARD.

9 Q I CALL YOUR ATTENTION BACK TO STATE'S EXHIBIT 29
10 AND AGAIN THESE FIVE ITEMS 8, 9, 10, 11 AND 12, WHAT
11 DO THESE ITEMS REPRESENT?

12 A THESE ARE NINE MILLIMETER SHELL CASINGS, SPENT
13 SHELL CASINGS, THAT WERE FOUND IN THE YARD OF, AT
14 LAWRENCE ROAD.

15 Q OKAY. AND PURSUANT TO YOUR DIAGRAM THAT YOU
16 HAVE, DID YOU ULTIMATELY MEASURE DISTANCES TO FIGURE
17 OUT HOW FAR THESE ARE APART?

18 A YES, I DID.

19 Q WOULD BE THAT REFLECTED, AND I'LL PUT IT UP IN A
20 MINUTE, WILL THAT BE REFLECTED ON YOUR DIAGRAM?

21 A YES, IT WOULD.

22 Q I REFER YOU TO STATE'S EXHIBIT 138. IF YOU
23 COULD EXPLAIN TO THE JURY HOW THEY CAN UNDERSTAND THE
24 MEASUREMENTS BETWEEN THE ITEMS, ANY OF THE ITEMS FOR
25 THAT MATTER, IF YOU'LL EXPLAIN THAT TO THEM?

1 A WHEN WE PROCESS CRIME SCENES ONE THING WE ARE
2 TAUGHT AND WE LEARN IS DIFFERENT WAYS OF MEASURING
3 AND DEPICTING ITEMS IN CRIME SCENES. ONE IS BY
4 TRIANGULATION WHERE YOU CAN TRIANGULATE SOMETHING TO
5 TWO OBJECTS. IN THIS SCENE I USED WHAT IS CALLED A
6 BASE LINE MEASUREMENT. WHAT I DID WAS I WENT TO THE
7 RIGHT CORNER OF THE RESIDENCE AT THE TOP OF THE
8 DRIVEWAY AND I MEASURED STRAIGHT DOWN TO THE ROAD 109
9 FEET AND THAT BROUGHT ME TO THE EDGE OF THE ROADWAY.
10 I THEN LAID A BASE LINE DOWN THE EDGE OF THE ASPHALT
11 OF THE RESIDENCE AND THEN OFF OF THAT BASE LINE I
12 MEASURED BACK TO EACH ITEM THAT IS IN THE LOCATION
13 THAT WE FOUND IT AND THE BASE LINE WOULD BE THE
14 MEASUREMENT; FOR EXAMPLE, ITEM NUMBER 8, WHICH WAS
15 FOUND IN THE FRONT YARD A NINE MILLIMETER SPENT
16 CASING, IS 28 FEET DOWN THE BASE LINE FROM THE
17 MEASUREMENT OF THE DRIVEWAY AND IT'S 38 FEET 4 INCHES
18 UP INTO THE YARD IS WHERE IT WAS LOCATED AND THAT WAS
19 DONE FOR EACH INDIVIDUAL ITEM THAT IS MARKED ON THIS
20 SKETCH.

21 Q FOR EXAMPLE, LOOKING AT ITEM 8, WHICH IS THE
22 GROUPING OF THE THREE NINE MILLIMETER CASINGS, ITEM 8
23 HOW CLOSE IS IT TO ITEM 11?

24 A I'M SORRY. ITEM?

25 Q ITEM 8 AND 11. IN OTHER WORDS, THE TWO THAT ARE

1 BETWEEN THE GROUP OF TWO AND THE GROUP OF THREE. I'M
2 TRYING TO DETERMINE THE DISTANCE BETWEEN THE TWO OF
3 THOSE?

4 A ITEM 8 IS 28 FEET ON THE BASE LINE AND ITEM 11 A
5 IS AT 34 FEET.

6 Q SO ABOUT SIX FOOT?

7 A YES.

8 Q OKAY. AND SO REFERRING YOU BACK NOW TO STATE'S
9 EXHIBITS 29. SO BETWEEN 8 AND 11, JUST TO ASSIST THE
10 JURY, THAT'S ABOUT A SIX FOOT DISTANCE BETWEEN THOSE
11 TWO?

12 A YES.

13 Q OKAY. NOW THOSE PARTICULAR ITEMS, WHAT DID YOU
14 DO AFTER DOCUMENTING AND PHOTOGRAPHING EACH OF THOSE
15 ITEMS?

16 A OFFICER FORSYTHE CAME TO THE LOCATION ON
17 LAWRENCE ROAD AND TURNED OVER A CELL PHONE TO ME.

18 Q OKAY. I'M GOING TO COME TO THAT. I'M TALKING
19 STILL ABOUT THE ITEMS IN THE PICTURE I'M SAYING?

20 A ONCE I DOCUMENTED THEM AND SKETCHED THEM AND
21 MEASURED THEM IN THEIR LOCATION, I THEN COLLECTED
22 EACH INDIVIDUAL ONE AND PLACED THEM IN EVIDENCE BAGS.

23 Q OKAY. AND HAVE YOU HAD AN OPPORTUNITY TO REVIEW
24 THESE ITEMS?

25 A YES.

1 Q STATE'S EXHIBITS 148 THROUGH 152 AND DO THEY
2 REPRESENT THE FIVE NINE MILLIMETER CASINGS THAT YOU
3 RECOVERED THERE IN THE YARD?

4 A YES.

5 Q THAT IS DEPICTED AS 8 THROUGH 12?

6 A YES, THAT'S MY WRITING ON THE ENVELOPES.

7 Q DID YOU ALTER OR CHANGE THEM IN ANY WAY?

8 A NO, I DID NOT.

9 Q DID YOU SEAL THEM AND PLACE THEM IN EVIDENCE AND
10 ULTIMATELY DID GARY ROLLINS TRANSPORT THEM TO
11 COLUMBIA?

12 A YES, THEY WERE SENT TO SLED.

13 MR. POPE: YOUR HONOR, AT THIS TIME I MOVE
14 148, 149, 150, 151, AND 152 INTO EVIDENCE.

15 MR. GREELEY: NO OBJECTION.

16 THE COURT: BE RECEIVED WITHOUT OBJECTION.

17 (STATE'S EXHIBITS 148-152 PHOTOS RECEIVED
18 INTO EVIDENCE.)

19 Q I NOW REFER YOU BACK TO STATE'S EXHIBITS 37 AND
20 I ASK IF YOU CAN INDICATE TO THE JURY WHAT THIS
21 DEPICTS?

22 A IT'S NUMBER CONE 13 IN THE OVERALL PHOTOGRAPHS.
23 THIS IS A CLOSE UP PHOTOGRAPH OF A HAIR RIBBON THAT
24 WAS FOUND IN THE DRIVEWAY.

25 Q OKAY. I CALL YOUR ATTENTION TO STATE'S EXHIBIT

1 31. IF YOU CAN INDICATE WHERE THAT ITEM IS IN THAT
2 PHOTOGRAPH?

3 A THAT WOULD BE CONE NUMBER 13. YOU CAN SEE THE
4 WHITE LINE OF THE ROADWAY RIGHT BEHIND THE DEPUTY'S
5 VEHICLE.

6 Q AND WHAT ACTUALLY IS THIS ITEM?

7 A IT'S A HAIR RIBBON.

8 Q OKAY. AND DID YOU RECOVER IT AND RETAIN IT FOR
9 EVIDENCE IN THIS CASE?

10 A YES, I DID.

11 Q DID YOU ALTER IT OR CHANGE IT IN ANY WAY?

12 A NO, I DID NOT.

13 Q STATE'S EXHIBITS NUMBER 153. YOU'VE HAD A
14 PREVIOUS OPPORTUNITY TO LOOK AT THIS?

15 A YES, I HAVE.

16 MR. POPE: MOVE THIS ITEM INTO EVIDENCE.

17 MR. GREELEY: NO OBJECTION.

18 THE COURT: BE RECEIVED.

19 (STATE'S EXHIBIT 153 PHOTO RECEIVED INTO
20 EVIDENCE.)

21 Q ONCE YOU RECOVERED ALL THESE ITEMS YOU SAID YOU
22 WERE MAKING A GRAPH OR A CHART, A HAND DRAWN CHART
23 WHERE YOU DID 138?

24 A YES.

25 Q OKAY. INITIALLY YOU HAD LOGGED THE ITEMS THAT

1 OFFICER SMITH FOUND THAT WOULD BE AT THE END OF THE
2 DRIVEWAY, IS THAT CORRECT?

3 A YES, I DID.

4 Q AND THEN SUBSEQUENTLY YOU LOGGED ON THE ITEMS 9
5 THROUGH ULTIMATELY 13?

6 A OR 8 THROUGH 13.

7 Q I'M SORRY 8 THROUGH 13. AND DOES THAT DIAGRAM
8 ACCURATELY DEPICT THE LOCATION AND THE MEASUREMENTS
9 YOU TOOK THAT DAY?

10 A YES, IT DOES.

11 MR. POPE: I WOULD MOVE STATE'S EXHIBIT
12 138 INTO EVIDENCE, YOUR HONOR.

13 MR. GREELEY: NO OBJECTION.

14 THE COURT: BE RECEIVED WITHOUT OBJECTION.

15 (STATE'S EXHIBIT 138 RECEIVED INTO
16 EVIDENCE.)

17 Q I WANT TO CALL YOUR ATTENTION NOW BACK BRIEFLY
18 TO CONE NUMBER 13 WHICH IS THE BLACK SCRUNCHIE THAT
19 WAS YOUR CONE 13, STATE'S EXHIBITS 37, I WANT TO CALL
20 YOUR ATTENTION TO THE EARLIER PICTURE YOU HAD TAKEN
21 THE NIGHT BEFORE. I CALL YOUR ATTENTION JUST BRIEFLY
22 TO STATE'S EXHIBITS 13. CAN YOU INDICATE WHERE IN
23 STATE'S EXHIBITS 13 WITH THE LASER POINTER FOR THE
24 JURY WHERE THAT RIBBON IS LOCATED THAT EVENING?

25 A YES, IT'S A PHOTOGRAPH TAKEN BY INVESTIGATOR

1 SMITH AND THE RIBBON IS IN THE ROADWAY RIGHT THERE.

2 Q OKAY. AND THEN BY MORNING TIME WHEN YOU FOUND
3 IT WHERE WAS IT LOCATED?

4 A IT WAS OVER BY THE WHITE LINE IN THE DRIVEWAY
5 RIGHT THERE.

6 Q AND YOU MARKED IT WHERE YOU LOCATED IT?

7 A YES. I MARKED IT WHERE I LOCATED IT AND
8 RECOVERED IT.

9 Q DID YOU ALTER OR CHANGE THAT RIBBON IN ANY
10 MANNER? DID YOU MOVE IT FROM THAT ONE LOCATION TO
11 ANOTHER LOCATION?

12 A NO. THAT'S WHERE I FOUND IT WHEN I RETURNED TO
13 THE SCENE THE FOLLOWING MORNING.

14 Q WHAT'S THE SIZE AND WEIGHT OF THAT RIBBON? IF
15 YOU'LL OPEN THAT AND JUST BRIEFLY SHOW IT TO THE
16 JURY.

17 A JUST A CLOTH RIBBON THAT LADIES WEAR TO PUT
18 THEIR HAIR UP IN A PONY TAIL.

19 Q IN ADDITION TO SECURING AT THE SCENE AT THE
20 PROPERTY, DID YOU BLOCK TRAFFIC OR HAVE LAW
21 ENFORCEMENT BLOCK TRAFFIC ON LAWRENCE ROAD?

22 A NO, JUST SECURE THE RESIDENCE AND THE PROPERTY
23 OF THE LAWRENCE ROAD.

24 Q OKAY. THANK YOU, SIR. ULTIMATELY YOU SAID YOU
25 ALSO RECOVERED WHAT'S BEEN MARKED AS STATE'S EXHIBITS

1 162, THAT WAS THE VICTIM'S CELL PHONE, DID YOU ALSO
2 SECURE THAT AND PLACE IN EVIDENCE YOU RECEIVED IT
3 FROM OFFICER FORYSTHE?

4 A YES, I RECEIVED THAT UPON RETURNING TO LAWRENCE
5 ROAD THAT MORNING. I MET WITH OFFICER FORESIGHT AT
6 THE LOCATION WHERE A CELL PHONE WAS SIGNED OVER TO
7 ME.

8 Q DID YOU YOU ALTER OR CHANGE IT IN ANY WAY?

9 A NO, I DID NOT.

10 Q YOU RECOVERED IT FOR EVIDENCE. WAS IT SENT TO
11 SLED OR ANYTHING OF THAT NATURE?

12 A I DON'T KNOW TO MY KNOWLEDGE.

13 MR. POPE: STATE'S EXHIBITS 162.

14 MR. GREELEY: NO OBJECTION.

15 THE COURT: BE RECEIVED.

16 MR. POPE: YOUR HONOR, I MOVE STATE'S
17 EXHIBITS 162.

18 THE COURT: IT'S IN.

19 (STATE'S EXHIBITS 162 CELL PHONE IN
20 EVIDENCE.)

21 Q NOW IN ADDITION TO PROCESSING THAT SCENE DID YOU
22 ATTEND THE AUTOPSY?

23 A NO, I DID NOT.

24 Q OKAY. BUT YOU DID ASSIST ON THE PROCESSING OF
25 THE CAR?

1 A FOR PERIODS OF TIME, YES.

2 Q BUT ULTIMATELY YOU WERE SECONDARY IN THAT
3 PROCESS?

4 A YES.

5 Q OKAY.

6 MR. POPE: BEG THE COURT'S INDULGENCE.

7 Q ONCE YOU RETURNED IN DAYTIME, IN ADDITION TO THE
8 ITEMS YOU RECOVERED THERE AT LAWRENCE ROAD, WHAT
9 ATTEMPTS OR EFFORTS DID YOU TAKE TO FURTHER INDICATE,
10 YOU INDICATED THAT NIGHT YOU LOOKED TO SEE IF ANY
11 GUNSHOTS THAT HIT THE HOUSE OR GUNSHOTS THAT WOULD
12 HAVE HIT THE CARS OR TREES OR GROUND OR ANYTHING.
13 WHAT ATTEMPTS DID YOU MAKE TO DETERMINE WHETHER
14 GUNSHOTS HAD BEEN FIRED TOWARD THE HOUSE; IN OTHER
15 WORDS, FROM THE ROAD TOWARD THAT DIRECTION?

16 A UPON RETURNING TO THE LOCATION THE FOLLOWING
17 MORNING I USED A METAL DETECTOR AND WENT ACROSS THE
18 PROPERTY STARTING AT THE DITCH AND BASICALLY SWEEPED
19 THE AREA. ONCE I HAD LOCATED THE NINE MILLIMETER
20 CASINGS I BASICALLY SCANNED THE FRONT YARD WITH A
21 METAL DETECTOR LOOKING FOR ANY OTHER SHELL CASINGS OR
22 EVIDENCE THAT MAY BE THERE. I THEN DID A VISUAL LOCK
23 AT THE RESIDENCE AND THE SURROUNDING AREA FOR ANY
24 DAMAGE THAT MAY BE ON THE RESIDENCE TO SEE IF THE
25 HOUSE HAD BEEN STRUCK BY ANY BULLETS AND WITH

1 NEGATIVE RESULTS.

2 Q DID YOU FIND ANY CARTRIDGES EITHER IN THE ROAD
3 OR ON THE OTHER SIDE OF THE ROAD?

4 A NO, I CHECKED THE ROADWAY ON BOTH SIDES OF THE
5 ROAD AND THE FRONT YARD OF THE RESIDENCE WITH THE
6 ONLY CASINGS OR CARTRIDGES THAT I RECOVERED OR
7 LOCATED WERE THE ONES THAT CAPTAIN HOFFMAN HAD
8 CONTACTED ME TO RETURN TO PICK UP.

9 Q AND THAT'S OF COURSE IN ADDITION TO THE ONES
10 THAT WERE FOUND THE NIGHT BEFORE BY SMITH, IS THAT
11 CORRECT?

12 A YES.

13 Q OKAY. DID YOU FIND ANY LEAD JACKETS
14 PROJECTILES, THE KIND OF ITEMS THAT YOU RECOVERED
15 EMBEDDED IN THE VICTIM'S CAR, THE ONE RECOVERED AT
16 AUTOPSY, DID YOU FIND ANY OF THOSE TYPE OBJECTS
17 ANYWHERE ON THE PROPERTY: IN THE TREES, ON THE
18 GROUND, ANYWHERE?

19 A NO, I DIDN'T NOTICE ANY INDENTIONS OR DAMAGE TO
20 THE GROUND WHERE A BULLET WOULD HAVE BEEN SHOT INTO
21 THE GROUND.

22 Q OKAY.

23 MR. POPE: BEG THE COURT'S INDULGENCE.

24 THANK YOU, SIR. ANSWER ANY QUESTIONS MR. GREELEY MAY
25 HAVE.

1 MR. GREELEY: MAY IT PLEASE THE COURT.

2 THE COURT: CERTAINLY.

3 CROSS EXAMINATION BY MR. GREELEY:

4 Q GOOD MORNING, MR. WILLIAMS.

5 A GOOD MORNING.

6 Q HOW LONG WERE YOU OUT THERE THE SECOND TIME THAT
7 YOU WENT OUT?

8 A I GOT THERE SOMEWHERE AROUND 7:30, GOT BACK TO
9 THE OFFICE TEN O'CLOCK.

10 Q ABOUT TWO AND A HALF HOURS?

11 A YES.

12 Q NOW ON STATE'S EXHIBITS 138, THIS WAS THE
13 DRAWING THAT YOU PERFORMED THAT MORNING?

14 A YES, I COMPLETED THAT I THINK AROUND 10:17 IN
15 THE MORNING.

16 Q AND HAD YOU BE GUN WORK ON IT THAT EVENING OR
17 DID YOU JUST WAIT UNTIL DAY LIGHT TO DO IT?

18 A THE ROUGH SKETCH WAS COMPLETED OF THE FIRST
19 INCIDENT THAT NIGHT PRIOR TO RETURNING TO THE OFFICE,
20 THAT WAS COMPLETED AFTER THE ROUGH SKETCH HAD BEEN
21 COMPLETED.

22 Q SO WHEN YOU WERE OUT THERE THE FIRST TIME THE
23 HAIR NET WAS IN ITS ORIGINAL POSITION?

24 A THE?

25 Q THE HAIR RIBBON?

- 1 A THE FIRST TIME?
- 2 Q YEAH.
- 3 A I THINK IT WAS IN THE ROADWAY TO THE RIGHT OF
- 4 THE DRIVEWAY JUST A LITTLE BIT.
- 5 Q YOU DIDN'T DOCUMENT THAT AT THAT TIME?
- 6 A NO, I JUST DOCUMENTED WHAT INVESTIGATOR SMITH
- 7 HAD MARKED AS EVIDENCE.
- 8 Q OKAY. AND SO YOU WERE DOCUMENTING WHAT
- 9 INVESTIGATOR SMITH DECIDED NEEDED TO BE DOCUMENTED?
- 10 A THAT'S CORRECT.
- 11 Q OKAY. AND SO DID YOU SEE THE BEER BOTTLE THAT
- 12 WAS UP THE DRIVEWAY?
- 13 A NOT THAT I REMEMBER.
- 14 Q DO YOU RECALL?
- 15 A I'M NOT GOING TO SAY IT WASN'T THERE. I DON'T
- 16 REMEMBER SEEING A BEER BOTTLE.
- 17 Q BUT YOU WEREN'T ASKED TO DOCUMENT THE BROKEN
- 18 BEER BOTTLE, IS THAT CORRECT?
- 19 A NO.
- 20 Q HAD YOU BEEN ASKED TO DOCUMENT THE BROKEN BEER
- 21 BOTTLE, YOU WOULD HAVE BEEN ABLE TO DETERMINE THE
- 22 LENGTH OR THE DISTANCE THAT THE BEER BOTTLE WAS FROM
- 23 YOUR BASE LINE AND YOU WOULD HAVE DONE THAT, IS THAT
- 24 CORRECT?
- 25 A YES, THAT'S CORRECT.

1 Q WERE YOU TOLD TO DOCUMENT ANY KNIVES?

2 A NO, I WAS NOT.

3 Q DID YOU SEE THE KNIVES?

4 A PHOTOGRAPH.

5 Q YOU PHOTOGRAPHED THEM?

6 A NO, PHOTOGRAPH.

7 Q YOU SAW A PHOTOGRAPH OF THEM?

8 A YEAH.

9 Q OKAY. NOW HOW LONG DOES IT TAKE YOU TO DO THESE
10 MEASUREMENTS?

11 A THERE IS NOT A SET TIME THAT I CAN TELL YOU HOW
12 LONG IT TAKES TO DO ANY MEASUREMENTS. IT VARIES.

13 Q WHEN YOU WERE OUT THERE, WHEN YOU ARRIVED OUT
14 THERE THE SECOND TIME AT APPROXIMATELY 7:30 WERE THE
15 YELLOW CONES UP THERE YET?

16 A NO, THOSE, THE 8 THROUGH 13, ARE CONES THAT I
17 PLACED THERE.

18 Q OKAY. AND SO ONE OF THE FIRST THINGS THAT YOU
19 DID WAS YOU PLACED THE CONES ON THE ITEMS?

20 A PHOTOGRAPHED THEM. PHOTOGRAPHED THE SCENE PRIOR
21 TO PLACING THE CONES OUT.

22 Q OKAY. SO AT 7:30 THE FIRST TIME THING YOU DID
23 WAS YOU WENT THROUGH AND PHOTOGRAPHED THE SCENE, IS
24 THAT RIGHT?

25 A YES.

1 Q THEN AFTER YOU HAD PHOTOGRAPHED THE SCENE AT
2 THAT POINT IN TIME IT WAS TIME FOR YOU TO THEN PUT
3 THE CONES OUT FOR WHAT YOU HAD PHOTOGRAPHED?

4 A THAT'S CORRECT.

5 Q AND DID YOU HAVE THOSE CONES WITH YOU?

6 A YES, WE --

7 Q SO THAT DIDN'T TAKE VERY LONG, DID IT?

8 A NO, EVERYONE CARRIES CONES IN THEIR VEHICLES.

9 Q THEN AFTER YOU PLACED THE CONES OUT, YOU HAVE TO
10 THEN TAKE MEASUREMENTS FROM THE CONES, IS THAT RIGHT?

11 A YES. WHAT I HAD TO DO WAS PUT THE BASE LINE
12 BACK IN PLACE FROM THE RESIDENCE IN THE ROADWAY AND
13 THEN LAY THE TAPE MEASUREMENT INSTRUMENTS BACK OUT TO
14 GET MY MEASUREMENTS.

15 Q OKAY. SO YOU KIND OF HAD TO REDO THE BASE LINE?

16 A YES.

17 Q AND YOU DID IT UPON THE CORNER OF THE PORCH OR
18 CONSTANT PLACE UP THERE, IS THAT RIGHT --

19 A NO.

20 Q ---ON THE HOUSE?

21 A I DID IT BY THE RIGHT CORNER OF THE RESIDENCE.

22 Q OKAY.

23 A I CAME OFF THE RIGHT CORNER OF THE RESIDENCE ON
24 A STRAIGHT LINE DOWN THE DRIVEWAY.

25 Q ALL RIGHT, 109 FEET.

1 A YES. THEN AT 109 FEET TO GET BACK TO ITEM NUMBER
2 ONE, I MEASURED OUT 5.3 INCHES. ONCE I PLACED THE
3 TAPE AT ITEM NUMBER ONE ON THE SIDE OF THE ROADWAY IT
4 CAME OUT TO BE 5.3 INCHES TO GET A 90-DEGREE ANGLE TO
5 RUN THE BASE LINE DOWN THE SIDE OF THE ROADWAY.

6 Q OKAY. AND YOU MEASURED A NUMBER OF ITEMS THAT
7 MORNING, DID YOU MEASURE ALL THESE ITEMS THAT
8 MORNING?

9 A 1 THROUGH 7 WAS MEASURED THAT NIGHT ON THE FIRST
10 INITIAL RESPONSE TO THAT LOCATION. THE FOLLOWING
11 MORNING 8 THROUGH 13 WAS MEASURED.

12 Q THAT'S BECAUSE THOSE WERE NEW ITEMS THAT YOU HAD
13 BEEN ABLE TO SEE IN THE DAY LIGHT, IS THAT CORRECT?

14 A YES, SIR.

15 Q AND THOSE WERE NINE MILLIMETER, WHAT DO YOU CALL
16 THEM, SHELL CASINGS OR SOMETHING LIKE THAT?

17 A YEAH, SPENT SHELL, SPENT CARTRIDGE.

18 Q SPENT CARTRIDGE. AND WHAT ELSE DID YOU DO THAT
19 MORNING OTHER THAN TAKE THOSE MEASUREMENTS?

20 A CHECKED, BASICALLY LOOKED THE HOUSE OVER IN DAY
21 LIGHT TO SEE IF THERE IS ANY DAMAGE TO THE RESIDENCE
22 AND ALSO CHECKED THE YARD, ROADWAY, ANYTHING FOR ANY
23 OTHER PHYSICAL EVIDENCE THAT WE MAY HAVE NOT SEEN
24 THAT NIGHT.

25 Q AND HOW LONG DID YOU SPEND CHECKING THE

1 RESIDENCE?

2 A I DON'T KNOW. I MEAN, I HATE TO SAY AN EXACT
3 TIME.

4 Q OKAY. AND ACTUALLY THIS IS KIND OF OPEN LAND
5 OUT THERE, ISN'T IT?

6 A PRETTY MUCH.

7 Q OKAY. IT'S GOT A FEW TREES BUT PRETTY OPEN?

8 A YES.

9 Q NOW ANGULATION WAS SOMETHING THAT YOU TALKED
10 ABOUT, IS THAT RIGHT?

11 A TRIANGULATION.

12 Q TRIANGULATION?

13 A YES, SIR.

14 Q WHAT IS THAT AGAIN?

15 A THAT'S BASICALLY WHERE I COULD HAVE TAKEN LIKE
16 ITEM 12 FOR AN EXAMPLE, MEASURED OFF TO THE LEFT
17 FRONT CORNER OF THE RESIDENCE DOWN TO NUMBER 12,
18 MEASURED FROM NUMBER 12 TO THE RIGHT FRONT CORNER OF
19 THE RESIDENCE AND THEN MEASURED A DISTANCE BETWEEN
20 THE RESIDENCE AND GOT A TRIANGULATION TO JUST THAT
21 ITEM.

22 Q AND IF WE CAN SEE STATE'S EXHIBITS 129 I BELIEVE
23 YOU DID THAT OVER AT CLOVER, TOO, DIDN'T YOU?

24 A YES, AT CLOVER I DID A TRIANGULATION MEASUREMENT
25 TO THE VEHICLE.

1 Q OKAY. AND YOU DID THAT OFF OF THE FRONT AND
2 BACK REAR DOORS?

3 A NO. THE WHEEL, CENTER WHEELS OF THE VEHICLE.

4 Q OKAY. NOW WHAT ASSISTANCE DID YOU HAVE WITH
5 DETECTIVE SMITH IN REGARDS TO THE CAR?

6 A THE NIGHT AT CLOVER?

7 Q BACK AT THE JUSTICE MOSS CENTER WHEN THE CAR WAS
8 RETURNED?

9 A I WENT OUT WITH INVESTIGATOR SMITH TO THE
10 EVIDENCE BAY WHERE THE VEHICLE WAS INSIDE AND
11 ASSISTED HIM IN GATHERING EVIDENCE FROM THE VEHICLE.
12 SOMETIME DURING THE PROCESS I LEFT SEVERAL TIMES FOR
13 OTHER MATTERS THAT I HAD TO TAKE CARE OF AND RETURNED
14 WHEN HE WAS FINISHING UP.

15 Q AND SO YOU WEREN'T INVOLVED COMPLETELY ON THAT
16 EXCEPT JUST TO ASSIST HIM WITH WHAT HE MAY NEED?

17 A THAT'S CORRECT.

18 Q HE MADE THE DECISION ON THAT FORENSIC
19 INVESTIGATION?

20 A YES.

21 Q AND DID YOU, WERE YOU AROUND THE PART OF
22 TRANSPORTING THE CAR TO THE JUSTICE MOSS CENTER?

23 A NO. WHEN I COMPLETED THE SKETCH IN CLOVER THE
24 VEHICLE WAS STILL THERE, INVESTIGATOR SMITH WAS STILL
25 THERE, AND I LEFT AND RESPONDED TO LAWRENCE ROAD SO

1 WHEN I LEFT THE VEHICLE WAS STILL AT CLOVER PD AND
2 INVESTIGATOR SMITH WAS THERE.

3 Q DO YOU KNOW, DO YOU HAVE KNOWLEDGE, DO YOU KNOW
4 HOW THE CAR GOT TO THE SHERIFF'S DEPARTMENT, THE
5 JUSTICE MOSS CENTER?

6 A OF THE CASE ITSELF I UNDERSTAND IT WAS TOWED
7 HERE.

8 Q OKAY. DO YOU KNOW BY WHOM?

9 A NO, I DO NOT.

10 Q WOULD IT HAVE BEEN POLICE OR WOULD HAVE BEEN A
11 TOW COMPANY?

12 A IT WOULD BE A WRECKER SERVICE, A TOW COMPANY.

13 Q AT ANY TIME DID YOU LOOK AT THE INVENTORY THAT
14 WAS MADE BY THE TOW DRIVER?

15 A I DID NOT.

16 Q AT ANY TIME, NOW YOU ARE WITH THE CITY OF ROCK
17 HILL POLICE, IS THAT RIGHT?

18 A YES, SIR.

19 Q AND THIS WAS SHERIFF'S DEPARTMENT INVESTIGATION?

20 A THAT'S CORRECT.

21 Q SO UNLESS YOU ARE THERE WITH FORENSICS YOU WOULD
22 BE OUTSIDE YOUR JURISDICTION?

23 A YES.

24 Q OKAY. BUT THAT NIGHT YOU WERE WORKING WITH
25 FORENSICS ON A YORK COUNTY SHERIFF'S DEPARTMENT CASE?

1 A THAT'S CORRECT.

2 Q ALL RIGHT. SO YOU WERE TAKING INSTRUCTIONS FROM
3 THE YORK COUNTY SHERIFF'S DEPARTMENT AS TO WHAT THEY
4 WANTED YOU TO DO AND THINGS LIKE THAT, FOR THE MOST
5 PART?

6 A YES.

7 Q OKAY. DO YOU KNOW AT ANY TIME WHETHER ANYBODY
8 FROM THE YORK COUNTY SHERIFF'S DEPARTMENT ASKED THAT
9 GUNSHOT RESIDUE KITS BE DONE ON ANYBODY WHO WAS IN
10 THE CAR?

11 A NO, NOT, LIKE I SAID AT CLOVER, THE ONLY ACTIONS
12 I TOOK AT CLOVER WAS SKETCHING THE CAR AND AS FAR AS,
13 LIKE I SAID, WHEN I LEFT THERE THAT WAS ALL THE
14 ACTIONS OR INFORMATION THAT I HAD OR DID AT THAT
15 LOCATION.

16 Q BUT THEY DID ASK YOU TO DO GUNSHOT RESIDUE KITS
17 ON THE FOUR BOYS WHO WERE AT THE HOUSE?

18 A THAT'S CORRECT.

19 MR. GREELEY: THAT'S ALL I HAVE FOR NOW,
20 YOUR HONOR.

21 MR. POPE: NOTHING FURTHER, YOUR HONOR.

22 THE COURT: YOU CAN STEP DOWN AND BE
23 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU. CALL
24 YOUR NEXT WITNESS.

25 MR. POPE: YOUR HONOR, WE HAVE A

1 STIPULATION CONCERNING THE CHAIN OF EVIDENCE. I
2 PRESENTED THAT TO MR. GREELEY AND HE HAS REVIEWED THE
3 EVIDENCE ITEMS AND GARY ROLLINS WHO WAS THE EVIDENCE
4 TECH DELIVERED ALL THE ITEMS THAT WENT TO SLED TO BE
5 TESTED AND THE DEFENSE HAS AGREED TO STIPULATE.

6 MR. GREELEY: I'LL STIPULATE THAT HE TOOK
7 THEM DOWN TO SLED AND I THINK HE BROUGHT THEM BACK SO
8 THAT WE WOULDN'T NEED HIS TESTIMONY FOR THAT ISSUE.

9 THE COURT: A STIPULATION IS JUST AN
10 AGREEMENT THAT A FACT IS A FACT. AS I TOLD YOU
11 EARLIER, YOU ARE THE JUDGES OF THE FACTS AND YOU'LL
12 HAVE TO JUDGE THE FACTS WHEN WE GET TO THAT POINT FOR
13 YOUR DELIBERATION, BUT WHERE THE PARTIES AGREE AND
14 STIPULATE AS TO A FACT THEN THAT FACT IS DEEMED
15 PROVEN; THAT IS, THEY HAVE AGREED THAT THIS IS A
16 FACT. THEY HAVE AGREED THAT THE EVIDENCE CUSTODIAN
17 MR. ROLLINS TOOK EVIDENCE TO SLED AND THEN RETURNED
18 IT, WENT BACK AT ANOTHER TIME APPARENTLY PICKED THEM
19 UP AND RETURNED THEM. CALL YOUR NEXT WITNESS.

20 MR. THOMPSON: THE STATE WOULD LIKE TO
21 RECALL BRIEFLY HOLLY MCCARTER.

22 THE COURT: MS. MCCARTER, YOU ARE STILL
23 UNDER OATH.

24 DIRECT EXAMINATION BY MR. THOMPSON:

25 Q MS. MCCARTER, DO YOU RECALL DID YOU HAVE

1 ANYTHING IN YOUR HAIR THAT NIGHT WHEN YOU WENT OUT TO
2 LAWRENCE ROAD?

3 A YES, A HAIR SCRUNCHIE.

4 Q DO YOU REMEMBER WHAT COLOR IT WAS?

5 A IT WAS BLACK.

6 Q I SHOW YOU STATE'S EXHIBITS NUMBER 153. CAN YOU
7 TELL ME WHAT THIS IS?

8 A THAT'S THE HAIR SCRUNCHIE.

9 Q SO I BELIEVE, CAN YOU TELL US WHAT'S IN IT?

10 A YEAH, HAIR.

11 Q IS THAT YOUR HAIR?

12 A YES.

13 Q I'D ALSO LIKE TO ASK YOU, YOU HAD MENTIONED THAT
14 YOU HAD USED BOBBY'S CELL PHONE?

15 A YES, SIR.

16 Q I SHOW YOU STATE'S EXHIBITS NUMBER 162. IF YOU
17 LOOK AT THIS FOR ME. IS THIS THE CELL PHONE THAT YOU
18 USED?

19 A YES, SIR.

20 Q ALL RIGHT. AND DID YOU GIVE IT TO THE POLICE
21 LATER THAT MORNING?

22 A I DIDN'T. I THINK MAYBE BOBBY'S FATHER DID.

23 Q OKAY. DID YOU GIVE IT TO BOBBY'S FATHER?

24 A ACTUALLY I GAVE TO IT MY DAD AT THE POLICE
25 STATION IN CLOVER.

1 Q THANK YOU.

2 MR. THOMPSON: NO FURTHER QUESTIONS.

3 THE COURT: ANY CROSS?

4 MR. GREELEY: I HAVE NO QUESTIONS

5 REGARDING HER TESTIMONY.

6 THE COURT: YOU CAN STEP DOWN. THANK YOU.

7 CALL YOUR NEXT WITNESS.

8 MR. THOMPSON: THE STATE WOULD CALL ROBERT

9 BEVERLY.

10 ROBERT BEVERLY, BEING FIRST DULY SWORN WAS

11 EXAMINED AND TESTIFIED AS FOLLOWS:

12 DIRECT EXAMINATION BY MR. THOMPSON:

13 Q WOULD YOU STATE YOUR WHOLE NAME FOR THE COURT

14 PLEASE?

15 A ROBERT LEE BEVERLY.

16 Q AND WHERE DO YOU LIVE?

17 A 190 FLATSTONE DRIVE.

18 Q IS THAT IN CLOVER?

19 A YES, SIR.

20 Q HAVE YOU LIVED IN THE CLOVER AREA MOST OF YOUR

21 LIFE?

22 A YES, SIR.

23 Q CAN YOU TELL ME, DO YOU KNOW BRADLEY DEAL?

24 A NOT REALLY, SIR.

25 Q OKAY. HOW IS IT THAT YOU ENDED UP AT BRADLEY

1 DEAL'S HOUSE ON THE NIGHT OF THE 18 OF FEBRUARY?

2 A ROCKY BREAKFIELD WAS CALLING SAYING THAT THERE
3 WAS A PARTY AND WE WASN'T GOING TO GO AT FIRST AND
4 THEN WE ALL DECIDED TO GO. THAT'S HOW WE ENDED UP
5 THERE.

6 Q DID YOU GO WITH ROCKY OR DID YOU TAKE HIM?

7 A NO, BERRY WENT AND PICKED HIM UP AND ME AND MY
8 GIRLFRIEND MET HIM AT THE PARTY.

9 Q OKAY. SO BERRY BOLIN PICKED UP ROCKY?

10 A YES, SIR.

11 Q AND YOU AND YOUR GIRLFRIEND GO IN YOUR VEHICLE
12 OR HERS?

13 A HERS.

14 Q WHAT KIND OF VEHICLE DID SHE HAVE?

15 A GREEN ECLIPSE.

16 Q ALL RIGHT. AND DO YOU REMEMBER ABOUT WHAT TIME
17 IT WAS THAT Y'ALL GOT THERE?

18 A NO, SIR.

19 Q ALL RIGHT. CAN YOU TELL ME WHAT WAS HAPPENING
20 AT THE PARTY WHEN YOU ARRIVED?

21 A HANGING OUT, DRINKING A LITTLE BIT, YOU KNOW,
22 JUST EVERYBODY PARTYING.

23 Q ALL RIGHT. WHAT TYPE OF ALCOHOL WAS AT THE
24 PARTY?

25 A SOME RED JUICE IN A COOLER. I DON'T KNOW WHAT

1 WAS EXACTLY IN IT.

2 Q I ASK YOU IF YOU WOULD TAKE A LOOK AT STATE'S
3 EXHIBIT NUMBER 59. DOES THAT APPEAR TO BE THE COOLER
4 THAT THE RED DRINK IS IN?

5 A YES, SIR.

6 Q ALL RIGHT. IS THAT, DID YOU GET DRINKS OUT OF
7 THAT COOLER?

8 A YES, SIR.

9 Q WAS IT AN ALCOHOLIC DRINK?

10 A YES, SIR.

11 Q DID Y'ALL HAVE A NAME FOR IT?

12 A I DON'T KNOW WHAT THEY WAS CALLING IT.

13 Q OKAY. YOU CAN TURN THE LIGHTS BACK UP. DO YOU
14 REMEMBER HOW MUCH OF THAT YOU HAD TO DRINK?

15 A ABOUT THREE CUPS.

16 Q OKAY. HOW MUCH -- HAD YOU HAD OTHER STUFF TO
17 DRINK THAT NIGHT?

18 A YEAH. I'VE BEEN DRINKING BUD LITE AT MY HOUSE.

19 Q WERE OTHER PEOPLE DRINKING BEER AT THE PARTY AS
20 WELL?

21 A YES, SIR.

22 Q CAN YOU TELL ME, DID YOU SEE ANY DRUGS AT THE
23 PARTY?

24 A I BOUGHT A FEW XANAX BUT THAT WAS ABOUT IT.

25 Q YOU BOUGHT SOME AT THE PARTY?

1 A YES.

2 Q WHO DID YOU BUY THE XANAX?

3 A BRADLEY DEAL.

4 Q ALL RIGHT. SO BRADLEY DEAL. HOW DO YOU
5 PURCHASE IT? IS IT A PILL FORM OR WHAT FORM?

6 A PILL FORM.

7 Q DID YOU TAKE ANY OF THAT AT THAT TIME?

8 A YES, SIR.

9 Q HOW MUCH DID YOU TAKE?

10 A TWO OF THEM.

11 Q ALL RIGHT. AND IS THAT WHEN YOU FIRST GOT THERE
12 THAT YOU DID THAT?

13 A YES, SIR.

14 Q HOW LONG HAD YOU BEEN THERE BEFORE ANY TYPE OF
15 COMMOTION STARTED?

16 A I THINK ABOUT 45 MINUTES.

17 Q ALL RIGHT. DURING THAT 45 MINUTE PERIOD, DID
18 YOU HEAR ANY CALLS GOING BACK AND FORTH BETWEEN
19 PEOPLE IN THE PARTY?

20 A YEAH. THEY WAS IN THE KITCHEN. I JUST HEARD
21 THEM FUSSING ABOUT, RICKY AND THEM WAS FUSSING WITH
22 TRAVIS AND THEM. I DIDN'T REALLY KNOW WHAT IT WAS
23 OVER, SOMETHING ABOUT THEY HAD GOT IN A FIGHT A
24 LITTLE BIT BEFORE THEN BUT BECAUSE IT DIDN'T HAVE
25 ANYTHING TO DO WITH ME BECAUSE I WASN'T REALLY

1 FRIENDS WITH NONE OF THEM.

2 Q WHAT DO YOU MEAN BY FUSSING? WHAT TYPE OF THING
3 DID YOU HEAR?

4 A JUST TALKING ABOUT, JUST, YOU KNOW, IF YOU
5 WANTED SOME.

6 MR. GREELEY: OBJECTION, HEARSAY, YOUR
7 HONOR.

8 THE COURT: I SUSTAIN THE OBJECTION.

9 Q DID IT SEEM TO UPSET BRADLEY OR RICKY FROM THE
10 TONE OF THE CONVERSATIONS?

11 A YES, SIR.

12 Q ALL RIGHT. HOW DID THEY ACT AFTER THOSE PHONE
13 CONVERSATIONS?

14 A JUST WATCHING OUT THE DOOR EVERY -- A CAR PULLED
15 UP AND THEY WENT OUT THERE LIKE THEY WAS GOING TO
16 FIGHT AT FIRST AND THEN I GUESS THEY KNEW THEM. I
17 DON'T KNOW REALLY WHO IT WAS AND JUST, YOU KNOW, JUST
18 LIKE THEY WAS READY TO FIGHT.

19 Q SO THEY HAD ACTUALLY RUN OUT AT ONE POINT WHEN A
20 CAR CAME?

21 A BRADLEY DID.

22 Q BRADLEY DID?

23 A (NODS HEAD.)

24 Q CAN YOU TELL ME WHAT WAS IT THAT ALERTED YOU TO
25 SOMETHING GOING ON OUTSIDE?

1 A EVERYONE WAS RUNNING OUT THE DOOR SO I RUN OUT
2 BEHIND THEM AND THAT'S WHEN ALL THE COMMOTION WAS
3 GOING ON.

4 Q ALL RIGHT. NOW HOW WAS IT THAT YOU KNOW
5 MR. BOLIN?

6 A I LIVE IN FRONT OF HIS AUNT AND WE GREW UP
7 TOGETHER JUST ABOUT ALL OUR LIFE.

8 Q ALL RIGHT. HAVE YOU BEEN FRIENDS ALL YOUR LIFE?

9 Q YES.

10 Q DID YOU KNOW LEE OWENS AS WELL?

11 A A LITTLE BIT, NOT REALLY KNOWING HIM. I KNOW OF
12 HIM.

13 Q OKAY. WOULD YOU KNOW HIM IF YOU SAW HIM, THAT
14 TYPE OF THING?

15 A YES, SIR.

16 Q BUT NOT NECESSARILY SOMEONE YOU HANG OUT WITH?

17 A NO, SIR.

18 Q WHEN YOU FIRST ARRIVED AT THE PARTY, DO YOU
19 REMEMBER WHAT OTHER PEOPLE WERE THERE WHEN YOU GOT
20 THERE?

21 A SOME OF THEM I DIDN'T KNOW. IT WAS LIKE LEE
22 OWENS, LEE WALDEN, BRAD MOORE, ROCKY WHICH HE COME
23 WITH OUR SIDE, AND I DIDN'T REALLY KNOW ALL OF THEM.
24 NOW I BARELY KNEW RICKY AND BRADLEY.

25 Q OKAY. WHEN YOU HEARD THE COMMOTION YOU SAID

1 THAT PEOPLE STARTED RUNNING OUTSIDE?

2 A YES, SIR.

3 Q DID YOU GO OUTSIDE TOO AT THAT TIME?

4 A YES, SIR.

5 Q WHAT DID YOU DO WHEN YOU WENT OUTSIDE?

6 A WHEN I RUN OUTSIDE LEE WALDEN WAS SCREAMING,
7 THAT'S LORI, THAT'S LORI THAT THEY JUST KNOCKED DOWN,
8 AND I RUN TOWARDS HER AND THAT'S WHEN LEE OWENS --

9 Q WHERE WAS SHE?

10 A ON THE LEFT SIDE OF THE DRIVEWAY RIGHT THERE
11 NEAR THE EDGE OF THE DITCH.

12 Q NEXT TO THE DITCH ON THE LEFT SIDE OF THE
13 DRIVEWAY?

14 A YEAH.

15 Q NOW WHICH WAY ARE YOU FACING NOW?

16 A FROM THE HOUSE, LIKE IF YOU WAS TO COME OUT OF
17 THE HOUSE.

18 Q OKAY. ON THE LEFT SIDE OF THE DRIVEWAY?

19 A YES, SIR.

20 Q NEXT TO THE DITCH, WAS SHE IN THE ROAD?

21 A NO, RIGHT IN THE EDGE OF THE GRASS.

22 Q RIGHT AT THE EDGE OF THE GRASS. OKAY. WAS
23 SOMEONE ALREADY DOWN THERE WITH HER WHEN YOU CAME
24 OUT?

25 A YEAH, LEE WAS JUST PICKING HER UP WHEN I WAS

1 RUNNING BACK THERE.

2 Q WHICH LEE?

3 A LEE WALDEN.

4 Q LEE WALDEN. OKAY. AND WHEN YOU WENT, DID YOU
5 GO DOWN TO WHERE SHE WAS AT THAT POINT?

6 A NO, I NEVER MADE IT ALL THE WAY TO HER.

7 Q ALL RIGHT. DID YOU START TO GO DOWN AT THAT
8 POINT?

9 A YEAH.

10 Q WHAT HAPPENED THEN?

11 A WHEN I GOT THERE, WHEN I GOT TO THE BACK OF
12 BERRY BOLIN'S TRUCK LEE WAS PICKING HER UP AND I
13 TURNED BACK AROUND AND COME RUNNING BACK BY TOWARDS
14 THE HOUSE TO GO IN AND GET MY GIRLFRIEND.

15 Q OKAY. SO HOW FAR DID YOU GET DOWN UNTIL YOU
16 TURNED AROUND TO GO GET YOUR GIRLFRIEND?

17 A ABOUT A CAR LENGTH AWAY FROM THE END OF THE
18 DRIVEWAY.

19 Q OKAY. SO CLOSE TO THE END OF THE DRIVEWAY?

20 A YES, PRETTY CLOSE TO THE END.

21 Q WERE YOU STILL IN THE DRIVEWAY?

22 A YES, I JUST TURNED RIGHT AROUND.

23 Q WHAT HAPPENED THEN WHEN YOU TURNED BACK AROUND?

24 A WHEN I TURNED BACK AROUND, I COME BACK BY AND
25 LEE FIRED TWO SHOTS AT ME AND SAID WHO ARE YOU. I

1 STOPPED AND I SAID LEE, LIKE THAT RIGHT THERE, AND
2 THEN I WENT ON BY WHEN I LOOKED BACK --
3 Q I'M SORRY. LEE WHO?
4 A LEE OWENS.
5 Q LEE OWENS.
6 A YES. SO WHEN I COME BACK BY BERRY AND LEE, WHEN
7 I LOOKED BACK, WAS FIRING.
8 Q I'M SORRY. YOU SAID YOU TURNED, YOU'RE FACING
9 TOWARDS THE HOUSE NOW?
10 A YEAH, TOWARDS THE HOUSE AND WHEN I LOOKED BACK
11 THEY WERE SHOOTING.
12 Q OKAY. AND DESCRIBE IT ONCE AGAIN, YOU SAW LEE
13 SHOOT?
14 A YEAH.
15 Q HOW MANY SHOTS DID YOU SEE HIM SHOOT?
16 A I CANNOT EVEN COUNT THEM, SIR.
17 Q AT THE BEGINNING WHEN YOU FIRST SEE HIM?
18 A HE FIRED TWO SHOTS AT ME.
19 Q OKAY.
20 A WELL --
21 Q WHAT DID YOU DO AT THAT POINT?
22 A I JUST STOPPED, I SAID, LEE, MAN, LIKE THAT
23 RIGHT THERE, AND WHEN HE PUT HIS GUN DOWN HE TURNED
24 TOWARDS THE ROAD WHERE THE CAR WAS AND I KEPT ON
25 GOING PAST HIM.

1 Q ALL RIGHT. THEN WHAT HAPPENED?

2 A WHEN I RUNNED INTO THAT -- WELL, AS I WAS
3 RUNNING TOWARD THE HOUSE, I LOOKED BACK WHEN THEY
4 WERE SHOOTING, AND KEPT ON GOING IN THE HOUSE TO GET
5 MY GIRLFRIEND, AND SHE MET ME AT THE FRONT DOOR AND
6 THEN LIKE EVERYBODY WAS JUST SCATTERING AND LEAVING.

7 Q NOW YOU SAID YOU LOOKED BACK WHEN THEY WERE
8 SHOOTING, WHO WAS THEY?

9 A BERRY BOLIN AND LEE OWENS.

10 Q DID YOU SEE BOTH OF THEM SHOOTING?

11 A YEAH.

12 Q OKAY. DO YOU REMEMBER WHERE LEE OWENS WAS WHEN
13 HE WAS SHOOTING?

14 A STANDING LIKE RIGHT OFF THE EDGE OF THE
15 DRIVEWAY, LIKE IF YOU WAS TO COME OUT OF THE HOUSE,
16 HE WAS TO THE RIGHT OF THE DRIVEWAY, ABOUT TEN FEET
17 OFF THE EDGE OF THE DRIVEWAY.

18 Q SO ON THE OUTSIDE OF THE DRIVEWAY OF THE MAIN
19 OUTSIDE OF THE DRIVEWAY?

20 A YEAH.

21 Q OKAY. WAS HE ACTUALLY IN THE GRASS AT THAT
22 POINT?

23 A YES, SIR.

24 Q DID YOU SEE WHERE BERRY BOLIN WAS STANDING WHEN
25 HE WAS SHOOTING?

1 A RIGHT OUT OF HIS TRUCK DOOR RIGHT THERE ON THE
2 EDGE OF GRASS.

3 Q OKAY.

4 A PRETTY CLOSE TO LEE.

5 Q WHERE WAS HIS TRUCK PARKED?

6 A IT WAS PULLED IN I THINK ON THE LEFT SIDE OF THE
7 DRIVEWAY, LIKE ABOUT A CAR LENGTH UP IN THE DRIVEWAY
8 YOU KNOW WAS WHERE THE BACK OF HIS TRUCK STOPPED.

9 Q WHEN YOU SAY THE LEFT SIDE OF THE DRIVEWAY AS TO
10 WHERE THAT IS PARKED, WHICH WAY IS THE HOUSE, WERE
11 YOU FACING FROM THE HOUSE OR TOWARDS THE HOUSE?

12 A WELL, YES, ON THE RIGHT SIDE IF YOU ARE STANDING
13 AT THE HOUSE.

14 Q OKAY. STANDING AT THE HOUSE IT WOULD BE ON THE
15 RIGHT SIDE?

16 A YES, SIR.

17 Q SO THE OUTSIDE OF THE DRIVEWAY?

18 A YES, SIR.

19 Q AND HOW FAR UP FROM THE ROAD WAS IT?

20 A ABOUT A CAR LENGTH IS WHERE THE BACK OF HIS
21 TRUCK STOPPED.

22 Q WAS IT PULLED INTO THE GRASS OR WAS IT ON THE
23 DRIVEWAY?

24 A I'M PRETTY SURE IT WAS IN THE DRIVEWAY, SIR.

25 Q OKAY. AND HE WAS STANDING WHERE AGAIN?

1 A RIGHT OUTSIDE THE DOOR OF HIS TRUCK.

2 Q THE DRIVER'S DOOR?

3 A YES, SIR.

4 Q WAS IT PULLED IN STRAIGHT FORWARD?

5 A YES, SIR.

6 Q PULLED IN SO THE DRIVER'S SIDE WAS OUT TOWARDS

7 THE YARD AREA?

8 A YES, SIR.

9 Q OR WAS THE DRIVER'S SIDE TOWARD THE DRIVEWAY?

10 A IT WAS TOWARDS THE HOUSE SIDE.

11 Q OKAY. HOW MANY SHOTS DID YOU SEE HIM FIRE?

12 A I REALLY DON'T KNOW HOW MANY HE FIRED, BUT HE

13 ONLY HAD LIKE FOUR SHELLS IN HIS GUN.

14 Q HOW DO YOU KNOW THAT?

15 A BECAUSE HE HAD SEVEN EARLIER THAT DAY AND WE

16 SHOT THEM IN THE WOODS.

17 Q YOU WERE WITH HIM EARLIER IN THE DAY?

18 A YES.

19 Q DO YOU REMEMBER WHERE THAT WAS THAT SHOTS --

20 A RIGHT DOWN BEHIND HIS AUNT'S HOUSE.

21 Q OKAY. AND WHO ELSE WAS THERE WITH YOU AT THAT

22 POINT?

23 A MICHAEL WALLACE, ME, AND BERRY.

24 Q ALL RIGHT. AND DID YOU, WERE YOU ABLE TO HANDLE

25 THE GUN AT THAT POINT?

1 A NO, SIR, I DID NOT HANDLE THE GUN.

2 Q I GUESS WHAT I'M TRYING TO GET TO IS HOW DO YOU
3 KNOW HOW MANY SHELLS HE WOULD HAVE HAD LEFT?

4 A BECAUSE HE ONLY HAD SEVEN AND HE FIRED.

5 Q AND HE SHOWED YOU THAT WHEN HE WAS FIRING THE
6 GUN?

7 A NO, BUT I MEAN THAT'S WHAT, EVERYBODY KNEW IT.
8 I MEAN, HE DIDN'T HAVE NO REASON TO SAY HE HAD LESS.

9 Q IS IT SOMETHING HE TOLD YOU?

10 A YES, SIR.

11 Q OKAY. HOW MANY SHOTS DO YOU RECALL HIM FIRING
12 WHEN YOU WERE THERE AT THE HOUSE EARLIER IN THE DAY?

13 A 3.

14 Q 3. CAN YOU TELL ME WHEN YOU LOOKED DOWN TO THE
15 ROAD WHEN YOU FIRST CAME OUT, WHERE WAS THE CAR THAT
16 HAD PULLED UP THAT HE HAD GONE OUT TO SEE?

17 A IT WAS TO THE RIGHT OF THE DRIVEWAY LIKE
18 STRAIGHT IN FRONT OF THE HOUSE.

19 Q OKAY. WAS IT IN THE ROAD OR WAS IT IN THE
20 GRASS?

21 A YEAH, IT WAS IN THE ROAD.

22 Q IT WAS THE ROAD. COULD YOU SEE ANYBODY IN THE
23 CAR AT THAT TIME?

24 A I REALLY COULDN'T RECOGNIZE THEM, BUT, YES,
25 THERE WAS PEOPLE IN THE CAR.

1 Q OKAY. COULD YOU SEE PEOPLE OUTSIDE THE CAR
2 FIGHTING OR ANYTHING LIKE THAT?

3 A WHEN I COME OUT TRAVIS FALLS WAS GETTING BACK
4 INTO THE CAR.

5 Q ALL RIGHT. DID YOU SEE ANYTHING IN TRAVIS'S
6 HAND?

7 A NO, SIR, I NEVER HAD A CHANCE TO REALLY SEE HIM
8 THAT WELL.

9 Q OTHER THAN SEEING SHOTS FIRED BY MR. OWENS AND
10 MR. BOLIN DID YOU SEE ANY OTHER SHOTS FIRED?

11 A NO, SIR.

12 Q ALL RIGHT. DID YOU HEAR ANY OTHER SHOTS FIRED
13 AS FAR AS THAT GOES OTHER THAN MR. BOLIN AND
14 MR. OWENS?

15 A NOT THAT I CAN ACCOUNT FOR, NO, SIR.

16 Q OKAY. HOW MUCH DID YOU WATCH WHEN YOU TURNED
17 AROUND WHEN YOU WAS GOING BACK TO THE FRONT?

18 A I JUST KIND OF LOOKED BACK FOR A SPLIT SECOND AS
19 I WAS RUNNING.

20 Q OKAY. DID YOU EVER LOOK BACK AGAIN AFTER THAT?

21 A NO, SIR.

22 Q DID YOU GET INTO THE HOUSE OR WHERE DID YOU GO?

23 A NO, I MET HER AT THE FRONT DOOR AND THEN IT WAS
24 KIND OF ALL OVER, THE CAR WAS GOING DOWN THE ROAD,
25 AND THE PEOPLE WERE SCATTERING, TALKING ABOUT

1 LEAVING, JUST ---

2 Q DID PRETTY MUCH EVERYBODY LEAVE AT THAT POINT?

3 A YEAH. YES, SIR.

4 Q DID YOU LEAVE AT THAT POINT?

5 A YES, SIR.

6 Q CAN YOU TELL ME, YOU HAD MENTIONED THAT BERRY
7 BOLIN'S TRUCK WAS PARKED DOWN THERE, WAS THERE A LOT
8 OF CARS PARKED IN THE DRIVEWAY?

9 A ABOUT FIVE OR SIX, I THINK.

10 Q ALL RIGHT. WERE SOME PARKED IN THE GRASS AS
11 WELL?

12 A YEAH, MY AND MY GIRLFRIEND'S WAS TO THE RIGHT --
13 WELL, TO THE LEFT IF YOU ARE STANDING AT THE HOUSE,
14 THE PASSENGER SIDE OF BERRY'S.

15 Q OKAY. SO YOU WERE ON THE OTHER SIDE OF BERRY'S?

16 A YES, SIR.

17 Q ALL RIGHT. OTHER THAN THE CAR THAT YOU SAW THAT
18 TRAVIS WAS GETTING IN TO, DID YOU SEE ANY OTHER CAR
19 DOWN THERE

20 A THERE WAS LIKE A GRAY OR A WHITE COLOR CAR
21 BEHIND THEM.

22 Q BEHIND THEM?

23 A YES.

24 Q DO YOU KNOW IF IT CAME UP WITH THEM OR?

25 A IT PULLED UP AT ABOUT THE SAME TIME BUT I DON'T

1 KNOW IF IT WAS WITH THEM OR JUST PASSING CAR OR WHAT.

2 Q DID YOU ACTUALLY SEE WHEN THE CAR PULLED UP OR
3 DID YOU COME OUT AFTER IT HAD PULLED UP?

4 A IT WAS ALREADY STOPPED. THEY WAS ALREADY
5 STOPPED.

6 Q IT WAS ALREADY STOPPED?

7 A YES.

8 Q WHEN YOU CAME OUT?

9 A YES, SIR.

10 Q SO YOU DIDN'T ACTUALLY SEE THE FIRST CAR PULL
11 UP?

12 A NO.

13 Q WHEN YOU CAME OUT I BELIEVE YOU SAID LORI WAS
14 ALREADY DOWN, IS THAT CORRECT?

15 A YES.

16 Q AND THE OTHER CAR, DID YOU EVER SEE ANY SHOTS
17 FIRED FROM IT?

18 A NO, SIR.

19 Q DID YOU SEE ANYONE GET OUT OF THAT CAR?

20 A NO, I JUST SEEN THEM GETTING BACK IN.

21 Q ALL RIGHT. DID THAT CAR LEAVE BEFORE OR AFTER
22 THE OTHER CAR?

23 A BEFORE.

24 Q OKAY. SO DID IT ACTUALLY PULL AROUND THAT CAR
25 AND LEAVE?

1 A OH, NO, BEHIND IT, NO. THE FIRST ONE LEFT
2 FIRST.

3 Q OKAY.

4 A YES.

5 Q THE OTHER ONE, DID IT LEAVE RIGHT BEHIND IT?

6 A RIGHT BEHIND, YES, SIR.

7 Q CAN YOU TELL ME WHEN YOU WERE IN THE HOUSE, DID
8 YOU HAVE OCCASION WHEN YOU WERE IN THAT HOUSE TO GO
9 IN THE KITCHEN AREA?

10 A YEAH, I WAS WALKING BACK AND FORTH FROM THE
11 PORCH TO THE KITCHEN.

12 Q ALL RIGHT. AS A MATTER OF FACT, THAT COOLER
13 WITH THE RED DRINK IS RIGHT OFF THE KITCHEN ON THE
14 BACK PORCH, IS THAT RIGHT?

15 A NO, IT WAS SITTING IN THE KITCHEN WHEN I WAS
16 INSIDE.

17 Q IT WAS SITTING IN THE KITCHEN WHEN YOU HAD IT?

18 A YES.

19 Q OKAY. CAN YOU TELL ME, DID YOU EVER NOTICE ANY,
20 ARE YOU FAMILIAR WITH THE THROWING KNIVES THAT
21 BRADLEY HAS?

22 A NO, SIR, I JUST -- SOMEBODY JUST SAID SOMETHING
23 ABOUT THAT. THEY SAID THAT RICKY HAD, ONE OF THEM --

24 Q YOU DON'T HAVE TO GO INTO ANYTHING PEOPLE SAY?

25 A NO, SIR.

1 Q ARE YOU FAMILIAR WITH THEM AT ALL?

2 A NO, SIR.

3 Q DID YOU SEE ANY KNIVES SITTING OUT IN THE
4 KITCHEN WHEN YOU WERE IN THERE?

5 A NO, SIR.

6 Q WHY DID YOU LEAVE AFTER THE SHOOTING, BRADLEY?

7 A BRADLEY?

8 Q I'M SORRY. ROBERT. ROBERT, WHY DID YOU LEAVE
9 AFTER THE SHOOTING?

10 A I WAS KIND OF SCARED. I DIDN'T REALLY KNOW WHAT
11 WAS GOING ON AND SO ME AND MY GIRLFRIEND TOOK ROCKY
12 BREAKFIELD HOME.

13 Q TOOK ROCKY BREAKFIELD. WHO IS YOUR GIRLFRIEND?

14 A SAMANATHA EASON.

15 Q ALL RIGHT. WHERE DID Y'ALL GO WHEN YOU LEFT
16 THERE?

17 A WE TOOK ROCKY BREAKFIELD HOME AND THEN WE WENT
18 TO MY GRANDMOTHER'S ON 190 FLATSTONE DRIVE.

19 Q I'M SORRY.

20 A WE WENT TO MY GRANDMOTHER'S ON 190 FLATSTONE
21 DRIVE WHERE I STAY AT.

22 Q OKAY. DID YOU GO ANYWHERE ELSE AFTER THAT?

23 A A LITTLE WHILE AFTER THAT WE WENT TO HER TRAILER
24 IN CHAPEL GROVE.

25 Q WENT TO HER TRAILER IN CHAPEL GROVE?

1 A YEAH, AND STAYED THERE WHERE WE WAS PRETTY MUCH
2 LIVING.

3 Q DID YOU GO ANYWHERE ELSE AFTER THAT?

4 A NO, SIR.

5 Q DID YOU END UP AT THE CLOVER POLICE DEPARTMENT
6 AT ANY TIME THAT NIGHT?

7 A YES, SIR.

8 Q DO YOU REMEMBER ABOUT WHEN THAT WAS?

9 A I DO NOT KNOW WHAT TIME IT WAS AT ALL.

10 Q I'M SORRY. WHAT?

11 A I DO NOT KNOW WHAT TIME IT WAS.

12 Q NOW DO YOU REMEMBER WHEN YOU WENT TO THE CLOVER
13 POLICE DEPARTMENT WHO ELSE WENT WITH YOU?

14 A ME, MICHAEL WALLACE, AND MY GIRLFRIEND SAMANTHA.

15 Q HOW WAS IT THAT YOU ENDED UP WITH MICHAEL
16 WALLACE?

17 A MICHAEL WALLACE COME TO MY HOUSE.

18 Q WHEN HE CAME TO YOUR HOUSE, DID HE HAVE A GUN
19 WITH HIM?

20 A YES, SIR.

21 Q DO YOU REMEMBER SEEING THAT GUN?

22 A YES, SIR.

23 Q DID YOU KNOW WHOSE GUN WAS THAT?

24 A YES, SIR.

25 Q WHOSE GUN WAS IT?

1 A BERRY BOLIN'S.

2 Q SO WERE YOU WITH MICHAEL WALLACE WHEN YOU
3 BROUGHT THE GUN TO THE CLOVER POLICE DEPARTMENT?

4 A YES, SIR.

5 Q DO YOU REMEMBER GIVING A STATEMENT AT CLOVER
6 POLICE DEPARTMENT?

7 A YES, SIR.

8 Q DOES THIS APPEAR TO BE AN ACCURATE COPY OF THE
9 STATEMENT THAT YOU GAVE AT THE CLOVER POLICE
10 DEPARTMENT?

11 A YES, SIR.

12 Q IF YOU CAN HOLD ON TO IT FOR ME. NOW WHAT DID
13 THEY ASK YOU TO DO WHEN YOU FILLED OUT THAT
14 STATEMENT?

15 A JUST TOLD ME TO TELL THEM WHAT I PRETTY MUCH
16 SEEN.

17 Q ALL RIGHT. IF WOULD YOU READ THAT STATEMENT AND
18 TELL ME IF THAT STATEMENT IS ALL ACCURATE?

19 A NO, SIR.

20 Q ALL RIGHT. AND WHY WASN'T IT COMPLETELY
21 ACCURATE WHEN YOU WROTE IT THEN?

22 A I WAS INTOXICATED, SIR, AND I REALLY DID NOT
23 KNOW.

24 Q ALL RIGHT. DID YOU GIVE A LATER STATEMENT TO
25 DETECTIVES WHO TALKED TO YOU LATER IN THE DAY OR DID

1 YOU AT LEAST TALK TO OTHER DETECTIVES LATER IN THE
2 DAY?

3 A YES.

4 Q I DON'T BELIEVE YOU ACTUALLY WROTE A STATEMENT
5 THEN, IS THAT CORRECT?

6 A NO, SIR.

7 Q OKAY. DID YOU TELL THEM MORE INFORMATION AT
8 THAT TIME?

9 A I DON'T EVEN REMEMBER EXACTLY WHAT THEY ASKED
10 ME.

11 Q OKAY. WELL, CAN YOU TELL ME, I BELIEVE IN THE
12 FIRST STATEMENT THAT YOU HAVE IN FRONT OF YOU, YOU
13 MENTION LEE OWENS FIRING, IS THAT RIGHT?

14 A YES, SIR.

15 Q DID YOU MENTION BERRY IN IT?

16 A NO, SIR.

17 Q OKAY. DID YOU EVER, IN THIS FIRST STATEMENT TO
18 THE POLICE THAT YOU WROTE, DID YOU END UP SAYING
19 ANYTHING ABOUT SOMEONE FIRING OUT OF ONE OF THE CARS?

20 A I THINK I MENTIONED SOMETHING ABOUT THAT.

21 Q DID ANYONE ACTUALLY FIRE ANY OUT OF ANY CAR?

22 A I NEVER SEEN IT, EVERYBODY WAS JUST TALKING
23 ABOUT IT, AND I KIND OF JUST VISUALIZED IT IN MY
24 HEAD, BUT, NO, SIR, I NEVER SEEN IT.

25 Q OKAY. AND YOU SAID EVERYBODY, YOU MEAN THE

1 PEOPLE YOU WERE WITH, WALLACE AND SAMANTHA EASON?

2 A WELL, WALLACE HE JUST SHOWED UP TO MY HOUSE
3 RIGHT AFTERWARDS.

4 Q RIGHT.

5 A SO ME AND HIM DIDN'T REALLY TALK.

6 Q DID HE HAVE THE GUN WHEN HE SHOWED UP TO YOUR
7 HOUSE?

8 A YES, SIR.

9 Q DID YOU KNOW WHAT WAS GOING TO BE HAPPENING WITH
10 THAT GUN AT THAT POINT IN TIME?

11 A NO, SIR.

12 Q DID HE TELL YOU WHY HE HAD IT?

13 A NO, SIR.

14 Q ONCE AGAIN HOW DO YOU KNOW BERRY BOLIN?

15 A BECAUSE I LIVED DIRECTLY IN FRONT OF HIS AUNT
16 AND WE GREW UP TOGETHER.

17 Q THANK YOU.

18 MR. THOMPSON: NO FURTHER QUESTIONS.

19 PLEASE ANSWER ANY QUESTIONS MR. GREELEY HAS FOR YOU.

20 THE COURT: CROSS.

21 MR. GREELEY: MAY IT PLEASE THE COURT.

22 CROSS EXAMINATION BY MR. GREELEY:

23 Q ROBERT, GOOD MORNING.

24 A GOOD MORNING.

25 Q NOW YOU INITIALLY GAVE A STATEMENT WITH

1 DETECTIVE JAMISON TO WHERE YOU JUST WROTE IT OUT, IS
2 THAT CORRECT?

3 A YES, SIR.

4 Q THAT'S THE ONE THAT YOU WERE TALKING ABOUT WHEN
5 YOU WERE A LITTLE BIT --

6 A YEAH.

7 Q ---A LITTLE BIT DRUNK?

8 A YEAH.

9 Q OKAY. NOW YOU THEN WENT BACK AND INTERVIEWED
10 WITH DETECTIVE HOFFMAN AND DETECTIVE PATTERSON, IS
11 THAT RIGHT?

12 A YES, SIR.

13 Q AND THAT WAS AT ABOUT FIVE O'CLOCK ON SUNDAY
14 AFTERNOON, IS THAT RIGHT?

15 A YES, SIR.

16 Q AND WAS THAT AT THE CLOVER POLICE DEPARTMENT?

17 A NO, SIR.

18 Q WAS THAT AT THE JUSTICE MOSS CENTER?

19 A NO, SIR.

20 Q WAS IT AT YOUR HOUSE?

21 A YES, SIR.

22 Q OKAY. SO YOU WERE AT YOUR HOUSE?

23 A YES, SIR.

24 Q THEN THEY CAME AND THEY TALKED WITH YOU THEN,
25 DIDN'T THEY?

1 A YES, SIR.

2 Q AND THEY TOOK NOTES, RIGHT?

3 A YES, SIR.

4 Q OKAY. NOW SINCE THAT TIME, SINCE THAT DAY OF
5 FEBRUARY 19, HAVE YOU TALKED WITH ANYBODY ELSE IN LAW
6 ENFORCEMENT OR THE SOLICITOR'S OFFICE ABOUT
7 TESTIFYING HERE?

8 A I KNOW TALKED TO MRS.

9 Q PARRISH.

10 A PARRISH.

11 Q WHEN DID YOU TALK WITH MRS. PARRISH?

12 A I THINK IT WAS LAST FRIDAY.

13 Q OKAY. ALL RIGHT. AND THAT WAS THE FIRST TIME
14 THAT YOU HAD TALKED WITH ANYBODY?

15 A YES.

16 Q SINCE FEBRUARY 19?

17 A YES, SIR.

18 Q IS THAT RIGHT? SO YOU TOLD BACK ON FEBRUARY 19,
19 YOU TOLD JERRY HOFFMAN AND DOUG PATTERSON THAT YOU
20 BELIEVED THERE WAS A SECOND CAR?

21 A YES, SIR.

22 Q AND IT PULLED UP, DIDN'T YOU?

23 A YES, SIR.

24 Q AND YOU ALSO TOLD THEM THAT YOU SAW GUN FIRE
25 COMING FROM THE SECOND CAR AND YOU EVEN DESCRIBED THE

1 GUN, DIDN'T YOU?

2 A YES, SIR.

3 Q AND IT WAS FROM THE REAR WINDOW OF THE CAR?

4 A YES, SIR.

5 Q IS THAT CORRECT?

6 A YES, SIR.

7 Q AND THAT WAS THE STATEMENT THAT YOU GAVE THEM,
8 RIGHT?

9 A YES, SIR.

10 Q AND YOU DIDN'T TALK TO ANYBODY ELSE ABOUT THIS
11 MATTER WITH THE STATE UNTIL LAST MONDAY?

12 A YES, SIR.

13 Q SO IS THAT WHEN THAT PART CHANGED?

14 A YES, SIR.

15 Q HAVE YOU EVER BEEN THREATENED BY ANYBODY
16 INVOLVED IN THIS CASE AS FAR AS YOUR TESTIMONY?

17 A NO, SIR.

18 Q IT WAS A BAD SCENE OUT THERE, WASN'T IT?

19 A YES, SIR.

20 Q TELL ME ABOUT LORI MOSS. YOU SAW HER?

21 A YES, SIR.

22 Q YOU SAW HER BEING CARRIED?

23 A YES, SIR.

24 Q AND WHO WAS CARRYING HER?

25 A LEE WALDEN.

- 1 Q LEE WALDEN. DID SHE APPEAR UNCONSCIOUS?
- 2 A SHE WAS CONSCIOUS BUT YOU COULD TELL THAT SHE
- 3 WASN'T ALL THE WAY THERE YET.
- 4 Q ALL RIGHT. DID YOU SEE TRAVIS FALLS HIT HER?
- 5 A NO, SIR.
- 6 Q ALL RIGHT. AND DID YOU SEE TRAVIS FALLS OUTSIDE
- 7 THE CAR?
- 8 A WHEN I COME OUT THE DOOR HE WAS GETTING, YES,
- 9 SIR, HE WAS OUTSIDE THE CAR.
- 10 Q HE WAS OUTSIDE THE CAR. DID YOU EVER KNOW
- 11 MR. NORRIS?
- 12 A NO, SIR.
- 13 Q THE GENTLEMAN WITH THE LONG BLOND HAIR?
- 14 A NO, SIR.
- 15 Q DID YOU EVER SEE HIM THAT NIGHT?
- 16 A I SEEN HIM RUNNING THROUGH THE YARD.
- 17 Q YOU SAW HIM RUNNING WHERE?
- 18 A THROUGH THE YARD.
- 19 Q YOU SAW HIM RUNNING THROUGH THE YARD, SO HE CAME
- 20 UP ON THE PROPERTY?
- 21 A YES, SIR.
- 22 Q HE WAS LOOKING FOR A FIGHT, WASN'T HE?
- 23 A YES, SIR.
- 24 Q SO THE FIRST TIME YOUR STATEMENT CHANGED ABOUT
- 25 SEEING SHOTS COME FROM THE CAR WAS LAST MONDAY WHEN

1 YOU TALKED TO THE SOLICITOR'S OFFICE?

2 A YES, SIR.

3 Q AND YOU WERE JUST AT A PARTY THAT NIGHT?

4 A YES, SIR.

5 Q HOW OLD WERE YOU THEN?

6 A 18.

7 Q 18. Y'ALL WERE AT A PARTY AT THE HOUSE, RIGHT?

8 A YUP.

9 MR. GREELEY: I DON'T HAVE ANYTHING
10 FURTHER RIGHT NOW.

11 THE COURT: YOU CAN STEP DOWN. THANK YOU.
12 CALL YOUR NEXT WITNESS.

13 MR. THOMPSON: YOUR HONOR, I HAVE SOME
14 BRIEF REDIRECT.

15 REDIRECT EXAMINATION BY MR. THOMPSON:

16 Q MR. BEVERLY, HAD THE SOLICITOR'S OFFICE TRIED TO
17 CONTACT YOU BEFORE LAST WEEK?

18 A YES, SIR.

19 Q WOULD YOU SAY A LOT?

20 A A FEW TIMES.

21 Q AND HAD YOU COME IN ANY OF THOSE OTHER TIMES?

22 A NO, SIR.

23 Q ALL RIGHT. SO THE FIRST TIME YOU ACTUALLY
24 RESPONDED TO COME IN WAS LAST WEEK?

25 A YES, SIR, I WAS OUT OF TOWN.

1 Q ALL RIGHT. AND MR. BEVERLY, I NEED TO KNOW WHAT
2 IS THE TRUTH. NOW MR. GREELEY MAKES IT SOUND LIKE
3 LAST WEEK IS THE FIRST TIME YOU EVER THOUGHT THAT
4 SOMEBODY DIDN'T SHOOT OUT OF THE CAR?

5 A YES, SIR.

6 Q YOU NEED TO TELL US THE TRUTH OF WHAT YOU
7 ACTUALLY SAW?

8 A I NEVER SEEN A GUN OUT OF THAT CAR ON THAT
9 NIGHT, NO, SIR.

10 Q WHY DID YOU SAY YOU DID?

11 A SIR, I REALLY DO NOT KNOW.

12 Q IS IT BECAUSE OF YOUR RELATIONSHIP WITH BERRY?

13 A WELL, NO, NOT REALLY, EVERYBODY WAS TALKING
14 ABOUT IT, AND SO I JUST PRETTY MUCH WENT ON THE SAME
15 THING.

16 Q SO YOU WERE TALKING WITH A BUNCH OF PEOPLE --

17 THE COURT: WAIT, LET HIM FINISH HIS
18 ANSWER BEFORE YOU ASK HIM THE NEXT QUESTION.

19 A YEAH, I JUST PRETTY MUCH WENT ON THE SAME THING.

20 Q ALL RIGHT. SO YOU TALKED TO A BUNCH OF PEOPLE
21 ABOUT THIS APPARENTLY RIGHT AFTER IT HAPPENED?

22 A NO, JUST ERIC AND THEM.

23 Q JUST ERIC AND THEM. ALL RIGHT. AND YOU TALKED
24 TO THEM IN BETWEEN YOUR FIRST STATEMENT AND THE
25 SECOND TIME YOU TALKED TO LAW ENFORCEMENT LATER THAT

1 SAME DAY?

2 A YES, ERIC LIVES NEXT DOOR TO ME.

3 Q OKAY. AND ERIC IS A VERY GOOD FRIEND OF MR.

4 BOLIN'S, ISN'T HE?

5 A SORT OF, NOT REALLY. I MEAN, WE, THEY ASSOCIATE

6 BUT THEY ARE NOT REALLY GOOD FRIENDS.

7 Q ONCE AGAIN, MR. BEVERLY, DID YOU SEE ANY SHOTS

8 BEING FIRED OUT OF EITHER OF THOSE OTHER CARS?

9 A NO, SIR.

10 Q TELL ME WHERE DID YOU SEE SHOTS BEING FIRED?

11 A FROM BERRY BOLIN AND LEE OWENS.

12 Q ARE THOSE THE ONLY TWO?

13 A THAT I SEEN, YES, SIR.

14 MR. THOMPSON: THANK YOU. NO FURTHER

15 QUESTIONS.

16 THE COURT: REDIRECT. YOU CAN STEP DOWN.

17 NOW YOU CAN STEP DOWN AND BE EXCUSED. WE APPRECIATE

18 YOUR TIME. CALL YOUR NEXT WITNESS.

19 MR. THOMPSON: THE STATE WOULD CALL TONYA

20 HUMPHRIES.

21 TONYA HUMPHRIES, BEING FIRST DULY

22 SWORN, TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION BY MR. THOMPSON:

24 Q MS. HUMPHRIES, COULD YOU GIVE YOUR FULL NAME TO

25 THE COURT PLEASE?

- 1 A TONYA NIX HUMPHRIES.
- 2 Q WHAT'S YOUR MAIDEN NAME, TONYA?
- 3 A NIX.
- 4 Q AND SOME PEOPLE STILL CALL YOU BY TONYA NIX
- 5 SOMETIMES?
- 6 A YEAH, PEOPLE FROM SCHOOL.
- 7 Q SO IF WE HEAR SOMEONE SAY TONYA NIX, THAT'S
- 8 GOING TO BE YOU?
- 9 A YES, SIR.
- 10 Q OKAY. CAN YOU TELL ME, DO YOU LIVE HERE IN YORK
- 11 COUNTY?
- 12 A YEAH, I LIVE IN CLOVER.
- 13 Q HAVE YOU LIVED IN CLOVER ALL YOUR LIFE?
- 14 A YES, SIR.
- 15 Q ALL RIGHT. CAN YOU TELL ME BACK WHEN THIS
- 16 HAPPENED ON FEBRUARY 18, DID YOU KNOW BERRY BOLIN AT
- 17 THAT TIME?
- 18 A NO, SIR.
- 19 Q ALL RIGHT. DID YOU KNOW LEE OWENS AT THAT TIME?
- 20 A YES, SIR.
- 21 Q HAD YOU MET BERRY THAT NIGHT?
- 22 A NO, SIR.
- 23 Q HAD YOU SEEN HIM AT THE PARTY?
- 24 A NO, I DON' REMEMBER. I WASN'T THERE LONG.
- 25 Q OKAY. CAN YOU TELL ME WHO CAME WITH YOU TO THE

1 PARTY?

2 A BRAD MOORE.

3 Q ALL RIGHT. DID YOU DRIVE OR DID BRAD DRIVE?

4 A I DROVE.

5 Q WAS BRAD YOUR BOYFRIEND?

6 A YES, SIR.

7 Q IS HE STILL YOUR BOYFRIEND?

8 A YES, SIR.

9 Q CAN YOU TELL ME WHAT WAS GOING ON WHEN YOU FIRST
10 OR TELL ME HOW IT IS YOU ENDED UP GOING TO THE PARTY
11 FIRST OF ALL?

12 A ME AND BRAD WERE AT HOME AND LEE WALDEN CALLED
13 AND SAID DEMI POWELL WAS THERE AND DEMI HAD JUST GOT
14 OUT OF PRISON, SO WE JUST WENT TO GO SEE DEMI.

15 Q OKAY. AND WHEN YOU GOT THERE DID YOU ACTUALLY
16 GET TO SEE DEMI WHEN YOU GOT THERE?

17 A YES, SIR.

18 Q ALL RIGHT. WHO ELSE DO YOU RECALL BEING THERE
19 WHEN YOU GOT THERE?

20 A IT WAS ME, BRADLEY DEAL, RICKY DEAL, CAROLINE,
21 AND KRISTEN.

22 Q WHO IS CAROLINE?

23 A CAROLINE KILLIAN, KRISTIN MOSS, AND LORI MOSS.

24 Q KRISTIN MOSS AND LORI MOSS. NOW ARE KRISTIN
25 MOSS AND LORI MOSS RELATED?

1 A YES, SIR.

2 Q HOW ABOUT CAROLINE KILLIAN, IS SHE RELATED TO

3 THEM AS WELL?

4 A YES, SIR.

5 Q HOW ARE THEY ALL RELATED?

6 A SISTERS.

7 Q SO THE THREE OF THEM ARE SISTERS; LORI MOSS,

8 CAROLINE KILLIAN, AND KRISTEN MOSS?

9 A YES, SIR.

10 Q OKAY. DO YOU REMEMBER WHAT CAR Y'ALL CAME IN?

11 A ME AND BRAD CAME IN THE GRAND AM.

12 Q THE GRAND AM?

13 A UH-HUH.

14 Q WHERE DID Y'ALL PARK WHEN YOU GOT THERE?

15 A IT WAS NEAR THE BACK OF THE DRIVEWAY.

16 Q NEAR THE END OF THE DRIVEWAY?

17 A UH-HUH.

18 Q WERE THERE A LOT OF CARS IN THE DRIVEWAY?

19 A NO.

20 Q OKAY. WERE THERE CARS IN THE YARD?

21 A NO.

22 Q WHEN YOU GOT THERE?

23 A HUH-UH.

24 Q WHEN YOU WENT IN, WHAT WAS HAPPENING INSIDE?

25 A THEY WERE JUST STANDING IN THE KITCHEN TALKING,

1 DRINKING.

2 Q ALL RIGHT. WHAT KIND OF THINGS WERE PEOPLE
3 DRINKING?

4 A SOME WERE DRINKING BEER AND SOME WERE DRINKING
5 ALABAMA SLAMMERS.

6 Q TELL ME WHAT ALABAMA SLAMMERS ARE?

7 A I'M NOT SURE WHAT'S IN IT. IT'S JUST A LIQUOR
8 DRINK. THEY HAD IT IN A COOLER.

9 Q THEY MAKE IT IN A COOLER?

10 A UH-HUH.

11 Q I SHOW YOU STATE'S EXHIBIT 59. IF YOU LOOK UP
12 ON THE SCREEN, DOES THAT APPEAR TO BE THE COOLER
13 EVERYBODY WAS DRINKING OUT OF?

14 A YES, SIR.

15 Q WERE THERE A LOT OF PEOPLE DRINKING OUT OF THE
16 COOLER?

17 A NO, IT WAS JUST MOSTLY THE GIRLS.

18 Q OKAY. DID YOU HAVE SOMETHING TO DRINK OUT OF
19 THE COOLER?

20 A YES, SIR.

21 Q DO YOU REMEMBER HOW MUCH YOU HAD TO DRINK?

22 A I THINK I HAD LIKE A CUP AND A HALF.

23 Q ALL RIGHT. HAD YOU HAD ANYTHING TO DRINK BEFORE
24 YOU GOT THERE?

25 A NO, SIR.

1 Q DO YOU RECALL SEEING ANYTHING REGARDING DRUGS
2 WHILE YOU WERE THERE?

3 A NO, SIR.

4 Q WHILE YOU WERE THERE DO YOU RECALL ANY PHONES
5 GOING BACK AND FORTH BETWEEN MEMBERS OF THE HOUSEHOLD
6 AND SOMEONE OUTSIDE?

7 A SEEN BRADLEY ON THE PHONE. WHEN THE PHONE WOULD
8 RING HE WOULD LEAVE THE ROOM THOUGH. HE WASN'T NEVER
9 IN THERE WITH US ON THE PHONE.

10 Q WHAT WAS HIS DEMEANOR AFTER HE HAD COME BACK
11 FROM THESE PHONE CONVERSATIONS?

12 A HE JUST BE TALKING TO THE BOYS. IT WAS JUST --

13 Q OKAY. DID YOU EVER ACTUALLY TALK TO HIM ABOUT
14 ANY OF THOSE OR JUST SAW HIM TALKING --

15 A I DON'T KNOW BRADLEY DEAL THAT WELL.

16 Q ALL RIGHT. DID HE EVER PLAY ANY OF THE THINGS
17 FROM HIS PHONE FOR YOU OR ANY OF THE OTHER PEOPLE IN
18 THE HOUSE?

19 A I REMEMBER HIM PLAYING A VOICE MAIL.

20 Q ALL RIGHT.

21 A AT ONE POINT.

22 Q AND WHAT DID HE DERIVE FROM THAT VOICE MAIL?

23 A IT WAS JUST --

24 MR. GREELEY: OBJECTION, HEARSAY, YOUR
25 HONOR.

1 THE COURT: I SUSTAIN THE OBJECTION.

2 MR. THOMPSON: YOUR HONOR, IT'S NOT
3 NECESSARILY FOR THE TRUTH OF THE MATTER ASSERTED. IT
4 JUST THAT HE PLAYED A VOICE MAIL.

5 THE COURT: I SUSTAIN THE OBJECTION.

6 Q WHAT WAS YOUR UNDERSTANDING AFTER YOU HEAD THAT
7 VOICE MAIL, WHAT WAS YOUR UNDERSTANDING AS TO WHAT
8 WAS GOING TO HAPPEN?

9 A IT WAS JUST ARGUING, JUST FROM THE FIGHT BEFORE.

10 Q OKAY. SO IT WAS ARGUING ON THE PHONE, SOMEONE
11 ARGUING ON THE PHONE? OKAY. HOW, BUT HE ACTUALLY
12 PLAYED THAT FOR YOU SPECIFICALLY?

13 A NO, IT WAS JUST OUT LOUD.

14 Q OKAY. SO HE PLAYED IT FOR EVERYBODY OUT LOUD,
15 OKAY. CAN YOU TELL ME WHAT WAS, WHAT WERE YOU DOING
16 RIGHT BEFORE THE CAR CAME TO THE HOUSE, WHAT WERE YOU
17 DOING?

18 A I WAS STANDING AT THE END OF THE DRIVEWAY WITH
19 BRAD.

20 Q WHAT HAD BEEN GOING BETWEEN YOU AND BRAD?

21 A I HAD WENT TO THE STORE, ME AND KRISTEN HAD WENT
22 TO THE STORE TO PICK UP SOME CIGARETTES FOR SOME
23 PEOPLE IN THE HOUSE AND I TOOK TOO LONG AND DIDN'T
24 ANSWER THE PHONE WHEN I WAS IN THE STORE AND BRAD GOT
25 MAD AND SO WE WERE KIND OF ARGUING AT THE END OF THE

1 DRIVEWAY.

2 Q AND THE BRAD YOU ARE TALKING ABOUT NOW IS BRAD
3 MOORE?

4 A YES, SIR.

5 Q AND THE BRAD YOU WERE TALKING ABOUT IN THE HOUSE
6 WAS BRAD WHO?

7 A BRAD DEAL.

8 Q BRAD DEAL, OKAY. SO YOU WERE AT THE END OF THE
9 DRIVEWAY WHEN THEY CAME?

10 A YES, SIR.

11 Q DO YOU REMEMBER WHERE THEY WERE WHEN THEY CAME,
12 WERE THEY STOPPED?

13 A THEY DROVE BY ONCE AND SAID THAT'S YOUR ASS AND
14 THEN TURNED BACK AROUND.

15 Q I'M SORRY. I COULDN'T QUITE HEAR YOU.

16 A THEY DROVE BY AND SOMEONE YELLED THAT'S YOUR ASS
17 AND MADE A U-TURN IN THE ROAD AND CAME BACK TOWARDS
18 THE HOUSE.

19 Q OKAY. WHICH WAY WERE THEY DRIVING?

20 A THEY WERE DRIVING TOWARDS 161.

21 Q TOWARDS 161 WHEN THEY WENT BY THE FIRST TIME AND
22 THEN THEY TURNED AROUND AND CAME BACK?

23 A YES, SIR.

24 Q DID YOU OR BRAD MOORE DO ANYTHING AT THAT POINT?

25 A BRAD BEEPED ON MY NEXTEL AND TOLD THE BOYS

1 INSIDE THAT HE THINKS WHOEVER THEY BEEN ARGUING WITH
2 IS COMING BACK.

3 Q OKAY. AND DID PEOPLE COME OUT OF THE HOUSE
4 THEN?

5 A YES, SIR.

6 Q WHERE DID THE CAR STOP WHEN IT CAME BACK?

7 A IT WAS AT THE END OF THE DRIVEWAY.

8 Q NOW WAS IT BLOCKED THE DRIVEWAY, WAS IT AFTER---

9 A ---IN THE ROAD.

10 Q WAS IT AFTER THE DRIVEWAY; WAS IT BEFORE THE
11 DRIVEWAY?

12 A IT WAS, THE TAIL END WAS AT THE END OF THE
13 DRIVEWAY.

14 Q OKAY. SO THE TAIL END WAS AT THE END OF THE
15 DRIVEWAY SO IT JUST PASSED THE DRIVEWAY?

16 A YES, SIR.

17 Q WAS IT IN THE ROAD OR WAS IT IN THE --

18 A IT WAS IN THE ROAD.

19 Q IN THE ROAD. DID YOU RECOGNIZE ANYONE FROM THAT
20 CAR?

21 A JUST KENNY NORRIS.

22 Q OKAY. WHAT DID KENNY NORRIS DO YOU SAW HIM.

23 A HE JUMPED OUT AND THREW A BEER BOTTLE OR A
24 LIQUOR BOTTLE, SOME TYPE OF BOTTLE AT ME AND
25 CAROLINE, WE WERE AT THE DRIVEWAY AND IT BUSTED AT

1 OUR FEET AND THEN HE JUST COME STORMING UP AT BRAD,
2 YELLING AT BRAD.

3 Q ALL RIGHT. WHICH BRAD?

4 A BRAD MOORE.

5 Q DID HE AND BRAD MOORE ACTUALLY FIGHT?

6 A NO, IT WAS JUST WORDS.

7 Q OKAY. WHAT HAPPENED THEN AS FAR AS KENNY WENT?

8 A KENNY JUST YELLING BACK AND FORTH THAT WE'RE
9 COMING TO WHOOP YOU AND BRAD CHASED HIM BASICALLY UP
10 THE ROAD AFTER TRAVIS AND THEM LEFT.

11 Q OKAY. AFTER TRAVIS AND THEM LEFT HE CHASED HIM
12 UP THE ROAD?

13 A YES.

14 Q WILL YOU TELL ME WHERE WERE YOU IN THE DRIVEWAY
15 WHEN THE BEER BOTTLE WAS THROWN INTO --

16 A I WAS IN THE END OF THE DRIVEWAY RIGHT BEFORE
17 YOU GET TO THE ROAD.

18 Q OKAY. AND DID IT BREAK WHEN HE THREW IT DOWN?

19 A YES, SIR.

20 Q DID IT ACTUALLY HIT Y'ALL?

21 A NO.

22 Q ALL RIGHT. YOU SAW HIM COME OUT, DID YOU SEE
23 ANYONE ELSE COME OUT OF THE CAR AT THAT POINT?

24 A NO.

25 Q ALL RIGHT. DID YOU SEE ANYONE COME DOWN FROM

1 THE HOUSE TO THE CAR?

2 A I SEEN BERRY. I SEEN LEE AND BERRY.

3 Q LEE AND BERRY?

4 A UH-HUH.

5 Q CAME DOWN TO THE CAR?

6 A CAME TO THE END OF THE DRIVEWAY.

7 Q END OF THE DRIVEWAY?

8 A LORI CAME TO THE CAR. LORI MOSS RAN TO THE CAR.

9 Q OKAY. LORI MOSS RAN OUT TO THE CAR ITSELF?

10 A YES, SIR.

11 Q DID YOU SEE WHAT HAPPENED WITH LORI AT THAT

12 POINT?

13 A LORI AND HOLLY WERE FIST FIGHTING IN THE ROAD.

14 Q DID YOU KNOW HOLLY PRIOR TO THIS?

15 A NO, I DID NOT.

16 Q ALL RIGHT. SO WAS THIS GIRL OUT OF THE CAR

17 THEN --

18 A YES, SIR.

19 Q ---THAT'S FIGHTING WITH LORI?

20 A YES, SIR.

21 Q DID THIS SEEM TO BE A MUTUAL FIGHT AT THAT TIME?

22 A YES, SIR.

23 Q COULD YOU TELL WHO WAS ULTIMATELY WINNING THAT

24 FIGHT?

25 A NO, SIR.

1 Q ALL RIGHT. WHAT HAPPENED DURING THE TIME THAT
2 FIGHT IS GOING ON?

3 A TRAVIS GOT OUT AND PUNCHED LORI.

4 Q OKAY.

5 A AND LORI FELL ON THE ROAD.

6 Q NOW EXACTLY WHERE IS THIS FIGHT HAPPENING IN
7 RELATIONSHIP TO WHERE YOU ARE AND THE CAR IS?

8 A I WAS AT THE END OF THE DRIVEWAY AND THEY WERE,
9 I THINK, AT THE FRONT OF THE CAR.

10 Q OKAY. WERE THEY IN THE ROAD OR WERE THEY IN THE
11 GRASS?

12 A YEAH, IT WAS PARTLY IN THE ROAD IN THE GRASS
13 BECAUSE LORI HAD RAN TO THE PASSENGER SIDE OF THE
14 CAR.

15 Q OKAY. SO LORI ACTUALLY RAN AROUND TO THE
16 PASSENGER SIDE OF THE CAR WHERE SHE MET HOLLY AT THAT
17 POINT?

18 A YES, SIR.

19 Q OKAY. AND THE PASSENGER SIDE -- I'M SORRY. THE
20 PASSENGER SIDE OR THE DRIVER'S SIDE, WHICH SIDE?

21 A THE PASSENGER SIDE.

22 Q THE PASSENGER SIDE. NOW THE PASSENGER SIDE
23 FACING Y'ALL?

24 A UH-HUH.

25 Q OKAY. WHAT DID YOU SEE THEN AFTER TRAVIS HIT

1 HER?

2 A SHE JUST FELL TO THE GROUND.

3 Q ALL RIGHT.

4 A AND THAT'S WHEN LEE WALDEN RAN OUT AND PICKED

5 LORI MOSS UP.

6 Q OKAY. LEE WALDEN, DID HE FIGHT ANYBODY AT THAT

7 POINT?

8 A NO, SIR.

9 Q HE JUST PICKED LORI UP?

10 A UH-HUH.

11 Q WHAT HAPPENED THEN?

12 A THEN SHOTS WERE FIRED. LEE OWENS WAS STANDING,

13 IT WAS LEE OWENS, BRAD -- ME, BRAD AND BERRY.

14 Q OKAY. STANDING?

15 A AT THE END OF THE DRIVEWAY.

16 Q STANDING IN A ROW AT THE END OF THE DRIVEWAY?

17 A YES.

18 Q WHO WAS CLOSEST TO THE HOUSE?

19 A BERRY I THINK.

20 Q BERRY. WHERE WERE YOU AGAIN?

21 A I WAS IN BETWEEN.

22 Q IN BETWEEN. AND WAS BRAD RIGHT THERE WITH YOU

23 TOO?

24 A BRAD WAS STANDING NEXT TO ME BESIDE BERRY.

25 Q THAT'S BRAD MOORE?

1 A BRAD MOORE.
2 Q AND MR. OWENS WAS WHERE?
3 A HE WAS ON THE OTHER SIDE OF ME.
4 Q OKAY. SO WAS HE ON THE DRIVEWAY OR WAS HE OUT
5 IN THE GRASS?
6 A HE WAS IN THE DRIVEWAY.
7 Q ALL RIGHT. WHEN DID YOU HEAR THE FIRST SHOT
8 FIRED?
9 A I'M NOT SURE.
10 Q DID YOU SEE IT WHEN IT WAS FIRED?
11 A NO. I JUST HEARD IT. I DIDN'T EVEN REALIZE IT
12 WAS GUNSHOTS UNTIL LATER.
13 Q ALL RIGHT. WERE YOU LOOKING AT THE -- WHERE
14 WERE YOU LOOKING WHEN THESE SHOTS WERE FIRED?
15 A I WAS LOOKING AT BRAD MOORE.
16 Q BRAD MOORE?
17 A UH-HUH.
18 Q WAS HE IN FRONT OF YOU OR BEHIND YOU?
19 A HE WAS BESIDE OF ME.
20 Q BESIDE YOU. AND HOW MANY SHOTS DO YOU RECALL
21 BEING FIRED?
22 A I DON'T RECALL.
23 Q ALL RIGHT. DID YOU ACTUALLY EVER SEE ANYTHING
24 THAT WOULD BE LIKE A SHOT FROM EITHER OWENS OR BOLIN?
25 A NO, SIR.

1 Q ALL RIGHT. NOW YOU JUST MENTIONED THOUGH THAT
2 OWENS AND BOLIN WERE SHOOTING, WHAT MAKES YOU SAY
3 THAT?

4 A IT WAS JUST, THAT'S WHERE I HEARD THE SOUNDS,
5 RIGHT BESIDE OF ME.

6 Q OKAY. SO THEY WERE RIGHT BESIDE OF YOU. AND
7 YOU WEREN'T NEXT TO THE CAR THOUGH AT THAT POINT,
8 RIGHT?

9 A NO, SIR.

10 Q SO IT WAS ONE OF THE PEOPLE RIGHT BESIDE OF YOU.
11 DID YOU HEAR SHOTS FROM EACH SIDE OF YOU?

12 A YES, SIR.

13 Q OKAY. HAD YOU SEEN ANYONE WITH A GUN EARLIER
14 THAT NIGHT?

15 A NO, SIR.

16 Q WHEN THE SHOOTING, DO YOU REMEMBER, ONCE AGAIN
17 HOW MANY, DO YOU RECALL HOW MANY SHOTS YOU HEARD?

18 A NO, SIR.

19 Q YOU MENTIONED YOU DIDN'T NECESSARILY THINK THEY
20 WERE SHOTS AT THAT POINT, WHAT DID THEY SOUND LIKE TO
21 YOU?

22 A LIKE FIRE CRACKERS.

23 Q OKAY. AND DID THE CAR THAT WAS THERE WITH
24 TRAVIS AND THEM DID, WAS ANYBODY OUT OF THE CAR WHEN
25 THAT SHOOTING STARTED HAPPENING?

1 A NO. WHEN THE SHOOTING STARTED EVERYBODY JUST
2 SCATTERED AND THE CAR STARTED GOING UP THE ROAD.

3 Q OKAY. BUT WAS ANYONE OUT OF THAT CAR WHEN
4 THE --

5 A KENNY.

6 Q KENNY WAS?

7 A UH-HUH.

8 Q DID KENNY HAVE ANYTHING ELSE IN HIS HAND OTHER
9 THAN THAT BEER BOTTLE HE THREW DOWN?

10 A NO, SIR.

11 Q ALL RIGHT. AND WHAT HAPPENED TO THE CAR WHEN
12 THE SHOTS STARTED FIRING AGAIN?

13 A IT TOOK OFF TOWARDS 321.

14 Q TOWARDS 321. DID YOU SEE ANY OTHER CARS DURING
15 ANY OF THIS TIME?

16 A YES. WHEN LORI WAS ON THE GROUND I SEEN A CAR
17 PARKED UP THERE. I DIDN'T SEE IT PULL UP, BUT I SEEN
18 A CAR OUT THERE.

19 Q OKAY. WHICH WAY WAS IT FACING?

20 A TOWARDS 161.

21 Q SO IN THE OPPOSITE DIRECTION OF THE OTHER CAR?

22 A (NODS HEAD.)

23 Q DO YOU REMEMBER WHAT IT LOOKED LIKE?

24 A NO, SIR.

25 Q DID ANYONE GET OUT OF THAT CAR?

1 A NO, SIR.

2 Q DID ANYONE APPEAR TO SHOOT OUT OF THAT CAR AS

3 FAR AS YOU COULD TELL?

4 A WHEN IT WAS LEAVING I THOUGHT I SEEN A FLASH OF

5 LIGHT COMING FROM THE CAR.

6 Q WHEN IT LEFT TOWARDS 161?

7 A YES, SIR.

8 Q SO IN THE OPPOSITE DIRECTION OF THE OTHER CAR?

9 A YES, SIR.

10 Q YOU THOUGHT YOU SAW A FLASH OF LIGHT COME FROM

11 IT THEN?

12 A (NODS HEAD.)

13 Q OKAY. WHEN YOU WERE INSIDE, DID YOU HAPPEN TO

14 HAVE A CHANCE TO BE IN THE KITCHEN DURING ANY OF THAT

15 TIME?

16 A YES, WHEN I FIRST ARRIVED.

17 Q ARE YOU FAMILIAR AT ALL WITH BRADLEY DEAL AND

18 HIS THROWING KNIVES?

19 A NO, SIR.

20 Q DID YOU SEE ANY KNIVES OUT ON THE TABLE OR

21 ANYTHING LIKE THAT IN THE KITCHEN?

22 A NO, SIR.

23 Q AFTER THE SHOTS WENT OUT, DO YOU REMEMBER WHAT

24 BRAD MOORE DID AT THAT POINT?

25 A HE GRABBED BERRY'S GUN AND PUSHED IT DOWN AND

1 TOLD HIM TO STOP.

2 Q WAS THIS AFTER ALL THE SHOTS WERE FIRED?

3 A IT WAS DURING.

4 Q OKAY. AND WHAT DID, WHAT IF ANYTHING DID BERRY
5 SAY AT THAT TIME?

6 A NOTHING.

7 Q HOW DO YOU RECALL THAT HAPPENING?

8 A BRAD HAD BURNED HIS HAND WHEN HE GRABBED THE
9 GUN.

10 Q DID YOU ACTUALLY SEE IT HAPPEN?

11 A YES, SIR.

12 Q SO YOU ACTUALLY SAW MR. BOLIN WITH THE GUN IN
13 HIS HAND?

14 A I JUST SEE HIM PUSH THE GUN DOWN.

15 Q OKAY. BUT IT WAS MR. BOLIN WHO HAD IT?

16 A I DON'T KNOW. I DON'T KNOW HIM.

17 Q OKAY.

18 A I CAN'T SAY WHO IT WAS.

19 Q YOU JUST KNOW THEN --

20 A I JUST SEEN A MALE WITH A GUN. I DON'T KNOW HIS
21 NAME.

22 Q AND YOU SAW BRAD TRY TO PUSH HIS HAND DOWN?

23 A YES, SIR.

24 Q ALL RIGHT. SO IS THAT THE ONLY GUN YOU SAW THAT
25 NIGHT?

1 A YES, SIR.

2 Q WHERE WAS THAT IN RELATIONSHIP TO YOU WHERE YOU
3 WERE STANDING?

4 A IT WAS ME, BRAD, AND --

5 Q THE OTHER PERSON?

6 A YEAH.

7 Q SO TO YOUR RIGHT?

8 A UH-HUH.

9 Q AND YOU ARE FACING OUT TOWARDS THE CAR FROM THE
10 HOUSE, RIGHT?

11 A YES, SIR.

12 Q AND YOU ARE ON THE DRIVEWAY I BELIEVE, CORRECT?

13 A YES, SIR.

14 Q WERE YOU NEAR THE BOTTOM OF THE DRIVEWAY AT THAT
15 TIME?

16 A YES, SIR.

17 Q AFTER THAT HAPPENED, WHAT DID YOU DO? WHAT DID
18 YOU AND BRAD MOORE DO?

19 A WE JUST GOT IN THE CAR AND WENT HOME.

20 Q HAD KRISTIN BEEN DOWN THERE WITH YOU AT THE END
21 OF THE DRIVEWAY TOO?

22 A SHE HAD WALKED UP TO GET DEMI FROM THE HOUSE.

23 Q ALL RIGHT. DO YOU KNOW IF SHE'D EVER GOTTEN
24 INSIDE BEFORE THEY PULLED UP?

25 A I DON'T KNOW.

1 Q ALL RIGHT. DO YOU RECALL DID YOU SEE ANYONE
2 ELSE AT THE PARTY, DID YOU SEE JEFF BUCK THERE AT ANY
3 POINT?

4 A NO, SIR.

5 Q OKAY. NOW DID YOU DECIDE TO LEAVE RIGHT AFTER
6 THIS HAPPENED?

7 A YES, SIR.

8 Q AND CAN YOU TELL ME WHERE DID YOU GO?

9 A I WENT TO MY HOME.

10 Q NOW WERE A LOT OF PEOPLE LEAVING AT THAT POINT?

11 A YES, SIR.

12 Q WHAT HAPPENED TO KENNY THEN?

13 A BRAD HAD CHASED KENNY UP THE ROAD. I GUESS HE
14 WALKED. HE DIDN'T SEE HIM LEAVE WITH ANYBODY.

15 Q OKAY. AND DO YOU RECALL WHEN YOU PULLED OUT DID
16 YOU SEE KENNY AGAIN?

17 A I SEEN, KRISTIN LEFT BEFORE ME, KRISTIN MOSS
18 LEFT BEFORE ME, AND SHE ABOUT RAN OVER KENNY BECAUSE
19 HE WAS STILL IN THE ROAD, BUT I DIDN'T SEE HIM AFTER
20 WE LEFT.

21 Q OKAY. AND WHO LEFT WITH YOU AGAIN?

22 A BRAD MOORE.

23 Q WAS IT JUST BRAD?

24 A YES, SIR.

25 Q OKAY. NOW HOW IS IT THAT Y'ALL ENDED UP AT

1 THE-- THAT YOU ENDED UP AT THE CLOVER POLICE
2 DEPARTMENT THAT NIGHT?

3 A CAROLINE HAD HER SISTER BRING HER BACK TO MY
4 HOUSE BECAUSE LEE WALDEN, WAS HER BOYFRIEND AT THE
5 TIME, TOLD HER SHE NEEDED TO GO TO TALK TO THE
6 POLICE, AND SHE ASKED ME IF I WOULD DRIVE HER TO THE
7 POLICE STATION.

8 Q OKAY. AND YOU DROVE HER TO THE POLICE
9 DEPARTMENT?

10 A I DIDN'T HEAR YOU.

11 Q AND YOU DROVE HER TO THE POLICE STATION?

12 A YES, SIR.

13 Q DO YOU REMEMBER ABOUT WHAT TIME IT WAS THAT
14 Y'ALL WENT THERE?

15 A NO, SIR.

16 Q OKAY. DO YOU REMEMBER WHEN YOU GOT TO THE
17 POLICE STATION DID THEY ASK YOU TO WRITE A STATEMENT?

18 A YES, SIR.

19 Q AND DID YOU DO THAT?

20 A YES, SIR.

21 Q WHAT WAS YOUR INSTRUCTIONS WHEN YOU WERE TO
22 WRITE THAT STATEMENT?

23 A WE WERE JUST IN A ROOM ON OPPOSITE ENDS OF THE
24 ROOM AND THEY TOLD US TO WRITE WHAT WE SEEN.

25 Q ALL RIGHT. HAVE YOU READ THAT STATEMENT BEFORE

1 YOU CAME IN TODAY?

2 A NO, SIR.

3 Q NO. OKAY. LOOK AT THIS AND TELL ME IF THAT
4 APPEARS TO BE THE STATEMENT THAT YOU WROTE THAT
5 EVENING OR EARLY THAT MORNING?

6 A YES, THIS IS IT.

7 Q WHAT'S THE TIME AT THE BOTTOM OF IT?

8 A 2:37 AM.

9 Q ALL RIGHT. DOES THAT SOUND ABOUT RIGHT WHEN YOU
10 WOULD HAVE BEEN AT THE CLOVER POLICE DEPARTMENT?

11 A YES, SIR.

12 Q CAN YOU TAKE A LOOK AT THAT STATEMENT FOR ME,
13 DON'T READ IT OUT LOUD, JUST READ IT RIGHT NOW.

14 A OKAY.

15 Q YOU MENTION IN THAT STATEMENT SPECIFICALLY I
16 WANT TO REFER YOU TO LINE WHERE YOU ARE RIGHT IN THE
17 MIDDLE AND YOU SAY FIRES WERE SHOT OUT OF THE CAR.
18 WHAT ARE YOU REFERRING TO THERE?

19 A THE LIGHTS.

20 Q THE LIGHTS FROM THE SECOND CAR?

21 A YES, SIR.

22 Q OKAY. BUT YOU DON'T SPECIFICALLY SAY A SECOND
23 CAR IN THE STATEMENT, IS THAT RIGHT?

24 A NO, SIR.

25 Q THIS STATEMENT IS, WHAT, A LITTLE LESS THAN A

- 1 PAGE, IS THAT RIGHT?
- 2 A YES, SIR.
- 3 Q IS THERE A REASON WHY YOU DIDN'T WRITE MORE?
- 4 A I WAS JUST, I DIDN'T REALLY KNOW ANYBODY FROM
- 5 THE PARTY SO I DIDN'T KNOW NAMES OR ANYTHING. IT WAS
- 6 LATE AND I'D BEEN DRINKING AND I WAS JUST READY TO GO
- 7 HOME SO.
- 8 Q HOW DID THE OFFICERS TREAT YOU AT THE CLOVER
- 9 POLICE DEPARTMENT?
- 10 A THEY WERE FINE.
- 11 Q DID THEY YELL AT YOU OR ANYTHING LIKE THAT?
- 12 A NO, SIR.
- 13 Q DID YOU HEAR THEM YELLING AT ANYBODY ELSE?
- 14 A NO, SIR.
- 15 Q THANK YOU, TONYA. I HAVE NO FURTHER QUESTIONS.
- 16 PLEASE ANSWER ANY QUESTIONS MR. GREELEY HAS FOR YOU.
- 17 CROSS EXAMINATION BY MR. GREELEY:
- 18 Q GOOD AFTERNOON, MS. HUMPHRIES.
- 19 A GOOD AFTERNOON.
- 20 Q HOW ARE YOU?
- 21 A FINE.
- 22 Q IT WAS SCARY OUT THERE THAT NIGHT?
- 23 A YES, SIR.
- 24 Q REAL SCARY, WASN'T IT?
- 25 A YES, SIR.

1 Q I BELIEVE THAT AT ONE POINT IN TIME YOU HAD SAID
2 IN THIS STATEMENT THAT THREE, AT LEAST THREE BOYS GOT
3 OUT OF THE CAR AND YOU BELIEVED THAT THEY WERE COMING
4 AFTER YOUR BOYFRIEND, IS THAT RIGHT?

5 A THEY WERE JUST COMING TOWARDS THE PARTY.

6 Q THEY WERE COMING TOWARDS THE PARTY. THEY WERE
7 COMING UP TOWARDS THE HOUSE, WEREN'T THEY?

8 A YES, SIR.

9 Q OKAY. AND THEY DIDN'T MEAN GOOD TIDINGS, DID
10 THEY?

11 A NO, SIR.

12 Q NOW SINCE YOU GAVE THE STATEMENT AT THE CLOVER
13 POLICE DEPARTMENT, WHEN WAS THE NEXT TIME YOU TALKED
14 TO LAW ENFORCEMENT OR THE SOLICITOR'S OFFICE ABOUT
15 THIS CASE?

16 A NOT UNTIL THEY CAME TO MY HOUSE ABOUT TWO WEEKS
17 AGO, TWO OR THREE WEEKS AGO.

18 Q ABOUT TWO WEEKS AGO. THAT WAS THE FIRST TIME
19 SINCE FEBRUARY 19 THAT THEY TALKED WITH YOU ABOUT
20 THIS?

21 A YES, SIR.

22 Q HOW MANY TIMES DID THEY TALK WITH YOU AT YOUR
23 HOUSE?

24 A JUST ONE.

25 Q JUST ONCE. ALL RIGHT. NOW YOU HAVE THE

1 STATEMENT THAT HE SHOWED YOU THERE, RIGHT?

2 A YES, SIR.

3 Q AND IT SAYS, "THE BOYS FROM INSIDE CAME OUT
4 AFTER MY BOYFRIEND", RIGHT?

5 A YES, SIR.

6 Q AND IT SAYS, "FIRES WERE SHOT FROM OUT OF THE
7 CAR", IS THAT CORRECT?

8 A YES, SIR.

9 Q OKAY. AND SO YOU SAY THAT IT COME FROM A SECOND
10 CAR NOW?

11 A YES, SIR.

12 Q OKAY. WHAT KIND OF A SECOND CAR?

13 A I DON'T RECALL THE MAKE OR MODEL.

14 Q SO YOU REMEMBER FIRE COMING FROM A SECOND CAR
15 BUT YOU DON'T RECALL A MAKE OR MODEL?

16 A IT WAS LEAVING AS IT WAS, I SEEN THOSE FLASHING
17 OF LIGHT COMING OUT OF THE BACK OF THE CAR AS IT WAS
18 LEAVING.

19 Q BUT IT WAS ANOTHER CAR?

20 A YES, SIR.

21 Q OKAY. AND YOU SAW KENNY NORRIS COME UP THE
22 DRIVEWAY?

23 A YES, SIR.

24 Q HE THREW THE BEER BOTTLE RIGHT AT YOUR FEET,
25 DIDN'T HE?

1 A YES, SIR.

2 Q HE WAS ANGRY, WASN'T HE?

3 A YES, SIR.

4 Q YOU WERE SCARED, WEREN'T YOU?

5 A YES, SIR.

6 Q WERE YOU IN FEAR OF WHAT MIGHT HAPPEN TO YOU?

7 A YES, SIR.

8 Q DID YOU THINK THAT YOU WOULD BE SEVERELY HARMED
9 BY HIM?

10 A YES, SIR.

11 THE COURT: WAS THAT A YES OR A NO.

12 A YES, SIR.

13 Q DID YOU HAVE ANY IDEA WHAT HE COULD HAVE DONE TO
14 YOU POSSIBLY IN HIS RAGE?

15 A NO, SIR.

16 MR. THOMPSON: OBJECTION, YOUR HONOR.

17 THE COURT: I SUSTAIN THE OBJECTION.

18 Q DID YOU HAVE ANY IDEA WHAT HE COULD HAVE
19 POSSIBLY DONE TO YOU?

20 A NO, SIR.

21 Q AND YOU SAW TRAVIS FALLS PUNCH LORI MOSS?

22 A YES, SIR.

23 Q WHERE DID HE PUNCH HER?

24 A IN THE JAW.

25 Q IN THE JAW, NOT THE SHOULDER?

- 1 A NO, SIR.
- 2 Q DIDN'T PUSH HER DOWN?
- 3 A NO, SIR.
- 4 Q HE'S A PRETTY BIG GUY, ISN'T HE?
- 5 A I DO NOT KNOW HIM VERY WELL BUT.
- 6 Q DID HE APPEAR BIG THAT NIGHT?
- 7 A YES, SIR.
- 8 Q AND HOW BIG IS LORI?
- 9 A SHE'S NOT VERY BIG. SHE'S ABOUT MY SIZE.
- 10 Q OKAY. AND WHEN HE HIT HER, SHE HIT THE ROAD, IS
- 11 THAT RIGHT?
- 12 A YES, SIR.
- 13 Q DID YOU SEE HER MOVE AFTER THAT?
- 14 A NO, SIR.
- 15 Q ON HER OWN?
- 16 A NO, SIR, SHE WAS UNCONSCIOUS.
- 17 Q SHE WAS UNCONSCIOUS?
- 18 A YES, SIR.
- 19 Q SO HE KNOCKED HER OUT?
- 20 A YES, SIR.
- 21 Q NOW IF YOU'LL LOOK AT THAT STATEMENT, YOUR
- 22 HANDWRITING WAS PRETTY GOOD THAT NIGHT, WASN'T IT?
- 23 A YES, SIR.
- 24 Q SO YOU WEREN'T TOO DRUNK, WERE YOU?
- 25 A NO, SIR.

1 Q OKAY. AND THAT WAS DONE AT 2:37 AM?

2 A YES, SIR.

3 Q AND CAROLINE KILLIAN DID ONE OF THESE AT ABOUT
4 THE SAME TIME YOU DID, RIGHT?

5 A YES, SIR.

6 Q Y'ALL ARRIVED TOGETHER, IS THAT RIGHT?

7 A YES, SIR.

8 Q AND SHE WROTE OUT A STATEMENT TOO, DIDN'T SHE?

9 A YES, SIR.

10 MR. GREELEY: IF THE COURT WILL INDULGE
11 ME. THAT'S ALL I HAVE FOR NOW.

12 MR. THOMPSON: JUST BRIEFLY, YOUR HONOR.
13 REDIRECT EXAMINATION BY MR. THOMPSON:

14 Q NOW YOU SAID, DID YOU RECOGNIZE KENNY WHEN HE
15 FINALLY GOT UP CLOSE TO YOU?

16 A YES, SIR.

17 Q DID HE EVER COME ANY FURTHER UP THE DRIVEWAY
18 THAN THAT?

19 A HE WAS JUST RIGHT UP ON BRAD. BRAD WAS STANDING
20 RIGHT NEXT TO ME AND HE WAS RIGHT UP ON BRAD.

21 Q DID HE EVER GET ANY CLOSER UP TO THE HOUSE TO
22 BRAD?

23 A NO, SIR.

24 Q DID ANYONE ELSE IN THE CAR THAT YOU SAW GET ANY
25 CLOSER TO THE HOUSE?

1 A NO, SIR.

2 Q AS A MATTER OF FACT, DID ANYBODY ELSE IN THE CAR
3 EVER GET UP CLOSE TO YOU?

4 A JUST KENNY.

5 Q JUST KENNY. THANK YOU. NOW THE PEOPLE IN THE
6 HOUSE YOU HAD MENTIONED, I THINK LORI HAD RUN DOWN TO
7 THE CAR?

8 A YES, SIR.

9 Q DID OTHER PEOPLE RUN DOWN TOWARDS THE CAR?

10 A NO, SIR.

11 Q HAD OTHER PEOPLE RUN OUT IN THE YARD FROM THE
12 HOUSE?

13 A THEY WERE IN THE YARD.

14 Q OKAY. ABOUT HOW MANY PEOPLE WERE OUT THERE?

15 A THERE WASN'T MANY. I JUST RECALL----

16 Q ONCE IT STARTED GOING ON DID PEOPLE START COMING
17 OUT AT THAT TIME?

18 A MOST PEOPLE STAYED IN.

19 Q OKAY. THANK YOU. NO FURTHER QUESTIONS.

20 MR. GREELEY: NO FOLLOW UP.

21 THE COURT: YOU MAY STEP DOWN AND BE
22 EXCUSED. THANK YOU. MEMBERS OF THE JURY PANEL,
23 WE'LL BREAK FOR LUNCH UNTIL TWO O'CLOCK SO PLEASE BE
24 BACK AND WE'LL TRY TO START BACK AS PROMPTLY AS WE
25 CAN AT TWO O'CLOCK. HAVE A PLEASANT LUNCH.

1 (THE JURY EXITS THE COURTROOM AT 12:52
2 PM.)

3 THE COURT: WE'LL BE AT EASE UNTIL TWO
4 O'CLOCK.

5 (COURT'S IN RECESS AT 12:52 PM.)

6 (COURT RESUMES AT 02:09 PM.)

7 THE COURT: BRING IN THE JURY.

8 (THE JURY RETURNS TO THE COURTROOM AT
9 02:09 PM.)

10 THE COURT: CALL YOUR NEXT WITNESS.

11 MR. THOMPSON: THE STATE CALLS BRAD MOORE.

12 BRAD MOORE, BEING FIRST DULY SWORN,
13 TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION BY MR. THOMPSON:

15 Q MR. MOORE, COULD YOU STATE YOUR FULL NAME FOR
16 THE COURT PLEASE.

17 A JAMES BRADLEY MOORE.

18 Q AND HOW OLD ARE YOU?

19 A 25.

20 Q WHAT NAME DO YOU GO BY?

21 A BRAD.

22 Q BRAD. EVERYONE CALLS YOU BRAD?

23 A UH-HUH.

24 Q OKAY. BRAD, DO YOU KNOW BERRY BOLIN?

25 A YES, SIR.

1 Q HOW DO YOU KNOW HIM?

2 A JUST THROUGH ANOTHER FRIEND OF MINE AND I GOT

3 WITH HIM A COUPLE OF TIMES.

4 Q OKAY. HOW LONG HAVE YOU KNOWN BERRY BOLIN?

5 A ABOUT A YEAR OR SOMETHING LIKE THAT.

6 Q HOW ABOUT LEE OWENS, DO YOU KNOW LEE OWENS?

7 A YEAH.

8 Q HOW LONG HAVE YOU KNOWN LEE OWENS?

9 A ABOUT TWO OR THREE YEARS.

10 Q AND HOW DID YOU GET ACQUAINTED WITH HIM?

11 A THROUGH A FRIEND.

12 Q ALL RIGHT. HAVE YOU HUNG OUT WITH LEE BEFORE

13 TOO?

14 A NO, SIR.

15 Q NO. OKAY. DO YOU KNOW BRADLEY DEAL?

16 A YES, SIR.

17 Q HOW DO YOU KNOW HIM?

18 A I USED TO HANG OUT WITH HIS BROTHER.

19 Q HIS BROTHER RICKY?

20 A YES, SIR.

21 Q ALL RIGHT. WAS, THIS RESIDENCE ON LAWRENCE ROAD

22 IN CLOVER, IS THAT WHERE THEY WERE HANGING OUT THAT

23 NIGHT?

24 A YES, SIR.

25 Q HOW DID YOU END UP GOING THERE?

1 A I GOT A CALL, A FRIEND OF MINE I AIN'T SEEN
2 AWHILE, I WENT TO SEE HIM, DEMI POWELL.
3 Q AND WHO WAS HE?
4 A DEMI POWELL.
5 Q I'M SORRY.
6 A DEMI POWELL.
7 Q HE CALLED YOU AND SAID HE WAS GOING TO BE THERE.
8 ALL RIGHT. DID YOU GO WITH HIM OR DID YOU GO WITH---
9 A ME AND MY GIRLFRIEND.
10 Q WHO IS YOUR GIRLFRIEND?
11 A TONYA NIX.
12 Q DOES SHE ALSO GO TONYA HUMPHRIES?
13 A YES, SIR.
14 Q AND Y'ALL WENT THERE. WAS IT JUST THE TWO OF
15 YOU TOGETHER THAT WENT?
16 A YES, SIR.
17 Q WHAT CAR DID Y'ALL DRIVE, DO YOU REMEMBER?
18 A PONTIAC GRAND AM.
19 Q ALL RIGHT. DO YOU REMEMBER ABOUT WHERE Y'ALL
20 PARKED WHEN YOU GOT THERE?
21 A THE END OF THE DRIVEWAY.
22 Q ARE YOU OUTSIDE ON THE ROAD OR ARE YOU ACTUALLY
23 UP IN THE DRIVEWAY?
24 A IN THE DRIVEWAY, YEAH.
25 Q IN THE DRIVEWAY, OKAY. WERE THERE A NUMBER OF

1 CARS WHEN YOU GOT THERE.

2 A ABOUT FOUR OR FIVE.

3 Q WERE THEY ALL STILL IN THE DRIVEWAY?

4 A YES, SIR.

5 Q ALL RIGHT. CAN YOU TELL ME WHO WAS THERE THAT

6 YOU RECALL BEING THERE WHEN YOU GOT THERE?

7 A CAROLINE KILLIAN, LEE WALDEN, BRADLEY DEAL,

8 RICKY DEAL, AND KRISTIN MOSS AND DEMI.

9 Q OKAY.

10 A WE WERE THERE TOGETHER.

11 Q YOU KNOW THEY WERE THERE AT THE TIME THAT YOU

12 GOT THERE?

13 A YES, SIR.

14 Q ALL RIGHT. DID YOU GO INSIDE IMMEDIATELY WHEN

15 YOU GOT THERE?

16 A YES, SIR.

17 Q DID YOU GET TO SEE DEMI POWELL WHILE YOU WERE

18 THERE TOO?

19 A YES, SIR.

20 Q WHAT WAS GOING ON IN THE HOUSE WHEN YOU GOT

21 THERE?

22 A JUST SITTING AROUND, TALKING, DRINKING.

23 Q ALL RIGHT. WHAT WAS EVERYONE DRINKING?

24 A I COULDN'T TELL YOU WHAT EVERYBODY WAS DRINKING.

25 I HAD A COUPLE BEERS, BUD LITES, AND SOME MIXED

1 DRINK.

2 Q YOU WERE DRINKING BEERS AND SOME PEOPLE, WHAT
3 WERE YOU DRINKING?

4 A BUD LITE.

5 Q OKAY. ABOUT HOW MUCH HAD YOU HAD TO DRINK?

6 A THREE BEERS.

7 Q IS THAT WHILE YOU WERE THERE?

8 A YES.

9 Q DID YOU HAVE ANYTHING TO DRINK BEFORE THAT?

10 A NO, SIR.

11 Q ALL RIGHT. DID YOU SEE ANY DRUGS OR ANYTHING OF
12 THAT NATURE WHILE YOU WERE THERE?

13 A NO, SIR.

14 Q CAN YOU TELL ME, DID YOU HEAR ANY CELL PHONE
15 CONVERSATIONS GOING BACK AND FORTH WHILE YOU WERE
16 THERE?

17 A I SEEN BRADLEY DEAL ON THE PHONE, BUT I DIDN'T,
18 I COULDN'T, I DIDN'T KNOW WHAT THEY WAS TALKING ABOUT
19 OR WHO HE WAS TALKING TO.

20 Q ALL RIGHT. AND HOW DID, WHAT WAS HIS DEMEANOR
21 WHEN HE WOULD GET OFF THE PHONE OR WHEN HE WAS ON THE
22 PHONE, HOW WAS HE ACTING?

23 A HE DIDN'T DO NOTHING. HE JUST HUNG UP THE PHONE
24 AND WE ALL WENT BACK TO TALKING.

25 Q ALL RIGHT. DID ANYBODY EVER PLAY ANYTHING OUT

1 LOUD ON THE PHONE SO EVERYONE COULD HEAR IT?

2 A I NEVER HEARD NOTHING.

3 Q YOU NEVER HEARD THAT. WERE PEOPLE SPREAD OUT
4 THROUGH THE HOUSE?

5 A JUST IN THE KITCHEN.

6 Q PRETTY MUCH IN THE KITCHEN. WHEN YOU WERE IN
7 THE KITCHEN DID YOU SEE ANY KNIVES ON THE KITCHEN
8 TABLE OR ANYTHING LIKE THAT?

9 A NO, SIR.

10 Q HOW DID YOU END UP BACK OUTSIDE AFTER YOU WENT
11 IN FOR THE PARTY?

12 A MY GIRLFRIEND WENT TO THE STORE. WHEN SHE GOT
13 BACK, I WENT OUT AND WE WAS TALKING, WE WAS ABOUT TO
14 LEAVE.

15 Q YOU WERE ABOUT TO LEAVE. DO YOU REMEMBER ABOUT
16 WHAT TIME IT WAS?

17 A AROUND 11-10:30, SOMETHING LIKE THAT I GUESS.

18 Q OKAY. WERE YOU ANGRY WITH HER ABOUT ANYTHING AT
19 THAT POINT?

20 A YES, SIR. SHE DIDN'T ANSWER MY PHONE CALL.

21 Q OKAY. SO WHAT WAS GOING ON WHEN YOU WERE
22 OUTSIDE WITH HER?

23 A JUST ARGUING GOING ON BETWEEN ME AND HER.

24 Q OKAY. DO YOU REMEMBER ANYBODY ELSE BEING
25 OUTSIDE RIGHT THEN?

1 A NO, SIR.

2 Q DID YOU NOTICE A CAR COME BY AT THAT TIME?

3 A YES, SIR, I DID.

4 Q AND WHAT HAPPENED WHEN THAT HAPPENED?

5 A IT COME BY REAL SLOW AND I THOUGHT IT WAS

6 SOMEBODY COMING IN TO THE HOUSE FOR THE PARTY AND

7 THEY DIDN'T, THEY COME ON, SLOWED DOWN, AND SOMEBODY

8 YELLED OUT THE CAR, THAT'S YOUR ASS, AND THEY WENT

9 DOWN AND TURNED AROUND AND COME BACK AND STOPPED IN

10 FRONT OF THE DRIVEWAY.

11 Q YOU HEARD SOMEONE YELL WHAT?

12 A THAT'S YOUR ASS.

13 Q THAT'S YOUR ASS?

14 A YEAH. THEY WENT DOWN, LIKE ALL THE WAY DOWN,

15 AND TURNED AROUND AND COME BACK AND STOPPED.

16 Q DID YOU RECOGNIZE THEM AT THAT POINT IN TIME?

17 A NO, SIR.

18 Q WHAT DID YOU DO THEN?

19 A I TOLD MY GIRLFRIEND TO GET IN THE CAR AND STOOD

20 THERE AND I BEEPED BACK IN AND TOLD MY COUSIN LEE

21 THAT SOMEBODY, THERE WAS A CAR LOAD OF PEOPLE OUT

22 THERE, I DIDN'T KNOW WHO IT WAS, THAT WAS CUSSING ME.

23 Q YOU BEEPED, WHAT YOU DO MEAN?

24 A ON THE NEXTEL.

25 Q ON THE NEXTEL. AND YOU CALLED IN TO WHO?

1 A I CALLED LEE WALDEN.

2 Q LEE WALDEN, OKAY. WHAT HAPPENED THEN?

3 A TWO PEOPLE GOT OUT OF THE CAR, A DUDE NAME KENNY
4 AND HE COME RUNNING TOWARD THE DRIVE.

5 Q WAIT. HAS THE CAR COME BACK?

6 A YEAH. HE TURNED AROUND AND STOPPED BACK IN
7 FRONT OF THE DRIVEWAY.

8 Q OKAY. TELL ME EXACTLY WHERE AT THE DRIVEWAY?

9 A AT THE END, LIKE WHEN THE DRIVER COME OUT,
10 SITTING THERE BLOCKING WHERE NOBODY COULD GET OUT.

11 Q OKAY. AND SO THEY ARE AT THE END OF THE
12 DRIVEWAY?

13 A YES, SIR.

14 Q WHAT DID YOU SEE THEN?

15 A TWO DUDES GOT OUT OF THE CAR, TRAVIS FALLS ON
16 ONE SIDE, AND A DUDE NAMED KENNY COME ON THE OTHER
17 SIDE AND COME RUNNING INTO THE YARD TOWARD ME.

18 Q TOWARD YOU?

19 A YES, SIR.

20 Q WHERE WERE YOU EXACTLY?

21 A ABOUT, I'M RIGHT IN THE DRIVEWAY, RIGHT WHERE
22 THE CAR WAS RIGHT AT THE END OF THE DRIVEWAY.

23 Q RIGHT NEAR THE END OF THE DRIVEWAY. DID THEY
24 COME UP TO YOU AT THAT POINT?

25 A KENNY DID.

1 Q KENNY DID. WHAT HAPPENED WITH KENNY THEN?

2 A ME AND HIM WENT BACK AND FORTH, ARGUING AND
3 TALKING WITH EACH OTHER AND STUFF, AND ME AND HIM
4 DEFUSED AWAY FROM EVERYBODY AND WAS GOING UP THE ROAD
5 TALKING JUNK TO EACH OTHER AND THEN I COME BACK.

6 Q OKAY. DID Y'ALL ACTUALLY EVER END UP HITTING
7 EACH OTHER OR ANYTHING?

8 A NO, SIR.

9 Q DID YOU KNOW KENNY WHEN HE CAME OVER?

10 A I SEEN HIM, YEAH, I KNEW HIM WHEN HE COME UP.

11 Q OKAY. DID -- YOU RECOGNIZED HIM IT WAS KENNY
12 WHEN HE CAME UP?

13 A YES, SIR.

14 Q WHAT DID TRAVIS DO?

15 A I NEVER, AS FAR AS I KNOW I SEEN HIM STANDING ON
16 THE OTHER SIDE OF THE CAR. I DIDN'T, LIKE ME AND
17 KENNY GOT INTO IT, I DIDN'T PAY NO ATTENTION.

18 Q SO TRAVIS NEVER ACTUALLY MADE IT UP TO WHERE YOU
19 WERE?

20 A NO, SIR.

21 Q DID YOU SEE ANYBODY ELSE COME OUT OF THE CAR AT
22 THAT POINT?

23 A NO, SIR, I SURE DIDN'T.

24 Q ALL RIGHT. WHAT HAPPENED THEN?

25 A AFTER ME AND KENNY GOT THROUGH ARGUING, I COME

1 COME BACK THROUGH THE YARD AND SOMEBODY WAS IN THE
2 ROAD AND THEY SAID THAT LORI HAD GOT HIT BY TRAVIS
3 AND ALL OF A SUDDEN EVERYTHING ELSE STARTED.

4 Q WHERE WAS LORI WHEN THAT HAPPENED?

5 A ON THE OTHER SIDE OF THE CAR.

6 Q HAD YOU ACTUALLY CHASED KENNY DOWN THE ROAD A
7 LITTLE BIT?

8 A YES, SIR.

9 Q IS THAT WHAT YOU ARE SAYING?

10 A YES, SIR.

11 Q SO YOU WALKED BACK OVER AND LORI IS ON THE
12 GROUND?

13 A YES, SIR.

14 Q WHAT HAPPENED THEN?

15 A LEE WALDEN WENT AND TOOK AND DRAG HER BACK INTO
16 THE YARD AND GUNSHOTS STARTING GOING OFF.

17 Q ALL RIGHT. AND CAN YOU TELL ME WHERE WERE THE
18 GUNSHOTS COMING FROM?

19 A THE FIRST GUNSHOT I HEARD WAS LEE OWENS SHOOTING
20 UP IN THE AIR.

21 Q OKAY. DID YOU ACTUALLY SEE HIM DO IT?

22 A YES, SIR.

23 Q WHERE WAS HE WHEN HE WAS DOING THAT?

24 A STANDING BACK IN THE YARD AWAY FROM THE
25 DRIVEWAY.

1 Q ALL RIGHT. AND HOW MANY TIMES DID HE SHOOT INTO
2 THE AIR?

3 A ONCE WAS THE FIRST.

4 Q OKAY. ONCE AT FIRST. WHEN HE SHOT INTO THE AIR
5 WHAT HAPPENED THEN? WHAT DID THE PEOPLE IN THE CAR,
6 THAT CAME IN THAT CAR, DO?

7 A I WASN'T REALLY PAYING ATTENTION, I WAS TRYING
8 TO GET MY GIRLFRIEND IN THE CAR AND TRYING TO LEAVE
9 AND EVERYBODY WAS SCATTERING EVERYWHERE, AND I THINK
10 THE CAR NEVER DID TAKE OFF AT FIRST AFTER THE FIRST
11 GUNSHOT. THEN LIKE I SAID, I WAS TRYING TO GET
12 EVERYBODY, I WAS TRYING TO GET IN THE CAR AND LEAVE
13 SO.

14 Q OKAY. WHEN WAS THE NEXT SHOT YOU HEARD?

15 A NOT FAR AFTER THE OR GOING OFF, I DIDN'T PAY
16 ATTENTION AT FIRST WHERE IT COME FROM.

17 Q OKAY. COULD YOU TELL FROM WHERE YOU WERE
18 STANDING WHICH SIDE IT WAS COMING FROM ON YOU?

19 A ON THE RIGHT HAND SIDE OF ME.

20 Q OKAY. WHERE WERE YOU FACING?

21 A THE ROAD.

22 Q YOU WERE FACING THE ROAD. IT WAS COMING FROM
23 YOUR RIGHT HAND SIDE?

24 A YES, SIR.

25 Q IS THAT WHERE LEE OWENS HAD BEEN FIRING THE

1 FIRST TIME?

2 A YES, SIR.

3 Q ALL RIGHT. WAS IT COMING FROM THE SAME

4 DIRECTION FROM WHERE LEE WAS FIRING THE FIRST TIME?

5 A YES, SIR.

6 Q WERE YOU LOOKING DOWN; DID YOU LOOK DOWN TOWARD

7 THE CAR DURING THAT PERIOD OF TIME?

8 A NO, SIR.

9 Q WHERE IS THE NEXT TIME THAT YOU HEARD GUNSHOTS?

10 A THE SAME PLACE ON THE SAME SIDE OF ME.

11 Q IN THE SAME SIDE TO YOUR RIGHT?

12 A YES, SIR.

13 Q IN THE YARD. FROM WHERE LEE OWENS HAD SHOT THE

14 FIRST SHOT. WHAT HAPPENED NEXT?

15 A PEOPLE JUST STARTED SCATTERING AND THE CAR DROVE

16 OFF AND WE LEFT.

17 Q DID SHOTS CONTINUE TO FIRE AS THE CAR DROVE OFF?

18 A YES. YES, SIR.

19 Q DID YOU WATCH -- DID YOU SEE THE CAR DRIVE OFF

20 AT THAT POINT?

21 A I SEEN HIM WHEN IT STARTED, WHEN IT STARTED

22 LEAVING. I DIDN'T PAY ATTENTION.

23 Q ALL RIGHT. DID YOU EVER SEE ANY SHOTS COMING

24 FROM THAT CAR?

25 A NOT THAT I RECALL.

1 Q OKAY. DID YOU EVER SEE ANY CAR OTHER THAN THAT
2 CAR OUT IN THE ROAD?
3 A WHEN I FIRST COME UP THERE WAS A CAR ON THE
4 OTHER SIDE OF THEM FACING THE OPPOSITE DIRECTION,
5 AWAY FROM CLOVER.
6 Q AWAY FROM CLOVER TOWARDS 161?
7 A YES, SIR.
8 Q DO YOU REMEMBER WHAT THAT CAR LOOKED LIKE?
9 A NO, SIR.
10 Q DID IT SEEM TO BE WITH THEM OR DID IT JUST SEEM
11 TO BE A CAR---
12 A IT SEEMED LIKE THEY WAS TALKING SO I MEAN.
13 Q OKAY. WAS THERE ANY, ANYTHING GOING ON DOWN
14 THERE WHEN THE CAR STOPPED, DID YOU EVER SEE ANYONE
15 GET OUT OF THAT OTHER CAR?
16 A NO, SIR.
17 Q WHAT HAPPENED WITH THAT CAR?
18 A IT DROVE AWAY. I NEVER EVEN PAID ATTENTION. IT
19 LEFT.
20 Q DID IT LEAVE BEFORE THE CAR WHERE TRAVIS WAS IN?
21 A YES, SIR.
22 Q OKAY. DID IT LEAVE A GOOD BIT BEFORE THEY LEFT?
23 A ABOUT FIVE MINUTES BEFORE.
24 Q THIS WHOLE EVENT TOOK MORE THAN FIVE MINUTES?
25 A I MEAN IT ALL HAPPENED SO QUICK, I COULDN'T TELL

1 YOU THE EXACT TIME FRAME, HOWEVER LONG, OR NOTHING TO
2 IT.

3 Q OKAY. BUT YOU, FROM YOUR OBSERVATION THAT CAR
4 LEFT BEFORE THE OTHER CAR DID?

5 A YES, SIR.

6 Q DID IT LEAVE BEFORE THE SHOOTING STARTED?

7 A ABOUT THE SAME TIME ALL THIS STARTED.

8 Q ABOUT THE SAME TIME THAT LEE OWENS FIRED THE
9 FIRST SHOT?

10 A YES, SIR.

11 Q OKAY. AFTER THE OR AS THE CAR DROVE OFF, HOW
12 MANY SHOTS ALL TOGETHER WOULD YOU SAY YOU HEARD?

13 A ABOUT ANYWHERE FROM FIVE TO SEVEN SHOTS,
14 SOMEWHERE I GUESS.

15 Q OKAY. DID YOU EVER HEAR SHOTS COME FROM ANY
16 OTHER DIRECTION OTHER THAN WHERE LEE OWENS'S
17 DIRECTION WAS?

18 A NO, SIR.

19 Q HAD YOU GOTTEN INTO THE CAR, YOUR CAR, BEFORE
20 THE SHOTS QUIT FIRING?

21 A NO, SIR.

22 Q WHEN YOU WERE IN THE PARTY EARLIER DID YOU HAVE
23 AN OCCASION TO SEE ANYBODY, DID ANYBODY HAVE A WEAPON
24 ON THEM IN THE HOUSE?

25 A LEE OWENS SHOWED ME HIS PISTOL.

1 Q HE SHOWED YOU A PISTOL?

2 A AND WHEN HE BOUGHT IT, YES, SIR.

3 Q AND THAT WAS LEE OWENS?

4 A YES, SIR.

5 Q HOW DID HE SHOW IT TO YOU?

6 A HE HELD IT UP IN FRONT OF MY FACE AND SHOWED IT

7 TO ME.

8 Q ALL RIGHT. COULD YOU TELL WHAT IT WAS AT THAT

9 POINT?

10 A I COULDN'T TELL YOU WHAT CALIBER OF A GUN. I

11 THINK IT WAS CALLED A MILLENNIUM OR SOMETHING LIKE

12 THAT.

13 Q DID IT APPEAR TO BE A REVOLVER OR WAS IT A

14 SEMI-AUTOMATIC?

15 A SEMI-AUTOMATIC.

16 Q SO IT HAD A CLIP THAT WENT IN THE BOTTOM. WAS

17 THE CLIP IN WHEN YOU SAW IT?

18 A I COULDN'T TELL YOU. I DON'T KNOW.

19 Q ALL RIGHT. DID HE SHOW MORE THAN YOU? DID HE

20 SHOW MORE PEOPLE THAN YOU THE GUN?

21 A I DIDN'T SEE HIM SHOWING ANYBODY ELSE.

22 Q OKAY. BUT HE CAME UP TO YOU AND SHOWED YOU THE

23 GUN. DID YOU SEE WHERE HE PUT IT AFTER HE SHOWED IT

24 TO YOU?

25 A NO, SIR.

1 Q AT THE END OF THE TIME WHILE YOU WERE STANDING
2 OUT THERE, DID YOU ACTUALLY TOUCH ANYBODY'S GUN?

3 A YES, SIR. I REACHED OVER AND GOT THE TIP OF
4 BERRY'S GUN.

5 Q BERRY'S GUN. THAT'S WHEN YOU WERE OUT BEFORE
6 YOU GET TO YOUR CAR?

7 A YES, SIR.

8 Q SO AT THAT POINT YOU SAW BERRY WITH THE GUN?

9 A YES, SIR.

10 Q AND TELL ME WHERE YOU WERE STANDING THEN?

11 A THE SAME PLACE, THE SAME ALL, THE SAME RIGHT
12 THERE AREA.

13 Q OKAY. WAS HE OFF TO YOUR RIGHT TOWARDS THE YARD
14 OR IS HE OFF TOWARD THE LEFT?

15 A OFF TO THE RIGHT.

16 Q OKAY. AND WERE YOU RIGHT AT THE DRIVEWAY OR
17 WERE YOU OUT IN THE YARD A LITTLE OR?

18 A ON THE OTHER SIDE OF THE DRIVEWAY IN THE GRASS.

19 Q WHAT, THE OTHER SIDE OF THE DRIVEWAY, EXPLAIN TO
20 ME WHAT ---

21 A TO THE RIGHT. IF YOU WERE FACING THE ROAD FROM
22 THE HOUSE, TO THE RIGHT.

23 Q SO YOU ARE TO THE RIGHT OF THE DRIVEWAY A LITTLE
24 BIT IN THE GRASS AND YOU REACHED OUT AND EXPLAIN HOW,
25 WHAT YOU SAW AND WHAT YOU DID AT THAT POINT?

1 A I JUST WAS IN SHOCK AND I REACHED OVER AND
2 PULLED MY ARM LIKE THAT.
3 Q AND YOU TOUCHED HIS GUN?
4 A YES, SIR.
5 Q DID YOU PUSH IT DOWN?
6 A YES, SIR.
7 Q WAS HE DONE FIRING AT THAT POINT OR DID HE FIRE
8 MORE SHOTS?
9 A NO, HE DIDN'T. NO, SIR, HE DIDN'T FIRE MORE
10 SHOTS.
11 Q I'M SORRY?
12 A HE DID NOT FIRE MORE SHOTS.
13 Q DIDN'T FIRE ANY MORE SHOTS. WHEN YOU TOUCHED IT
14 DID IT DO ANYTHING TO YOUR HAND?
15 A YEAH, I HAD A LITTLE BURN MARK IN MY HAND.
16 Q SO THE GUN WAS HOT?
17 A YES, SIR.
18 Q DID HE SAY ANYTHING TO YOU WHEN YOU TOUCHED IT?
19 A I DON'T REMEMBER.
20 Q OKAY. BUT YOU PUSHED THE GUN DOWN AT THAT POINT
21 IN TIME?
22 A YES, SIR.
23 Q WHY DID YOU DO THAT?
24 A I GUESS JUST IN SHOCK.
25 Q BUT YOU DIDN'T SEE WHEN HE HAD FIRED IT, IS THAT

1 CORRECT?

2 A NO, SIR.

3 Q DID YOU SEE AFTER THAT, DID YOU SEE LEE OWENS
4 WITH HIS GUN AT THAT POINT?

5 A NO, SIR, AFTER ALL THAT THAT'S WHEN I GOT IN THE
6 CAR AND PULLED AWAY AND WE LEFT.

7 Q WHO DID YOU LEAVE WITH?

8 A ME AND MY GIRLFRIEND TONYA.

9 Q TONYA. AND YOU LEFT WAS IT TONYA'S CAR?

10 A YES, SIR.

11 Q DO YOU REMEMBER WHAT OTHER CARS WERE LEAVING AT
12 THAT POINT IN TIME?

13 A NO, SIR, ALMOST EVERYBODY I GUESS. I MEAN IT
14 WAS CARS GOING EVERYWHERE.

15 Q ALL RIGHT. TELL ME SOME OF THE PEOPLE YOU
16 RECALL BEING AT THE PARTY?

17 A DEMI POWELL, LEE WALDEN, CAROLINE KILLIAN,
18 BRADLEY DEAL, RICKY DEAL, ERIC BROWN, ROCKY
19 BREAKFIELD. THAT'S ABOUT ALL I CAN REMEMBER.

20 Q WERE THERE MORE PEOPLE THAN THAT, YOU ARE JUST
21 NOT REMEMBERING WHO THEY WERE?

22 A YEAH, I THINK THERE WAS A COUPLE OTHER PEOPLE
23 AND I DIDN'T KNOW THEM.

24 Q OKAY. NOW AFTER THIS HAPPENED WHERE DID YOU GO?

25 A TO MY HOUSE.

1 Q DID YOU GO ANYWHERE AFTER THAT?

2 A NO, SIR.

3 Q DID YOU ULTIMATELY EVER GO TO THE POLICE

4 DEPARTMENT TO GIVE A STATEMENT?

5 A NO, SIR.

6 Q DID YOU KNOW THAT TONYA HAD GONE TO MAKE A

7 STATEMENT?

8 A YES, SIR.

9 Q WHY DIDN'T YOU GO?

10 A I HAVE NO IDEA.

11 Q JUST ONE MORE TIME, WHO DID YOU SEE SHOOT WHEN

12 YOU WERE IN THE YARD? WHO DID YOU SEE SHOOT?

13 A I SEEN LEE OWENS SHOOT UP IN THE AIR.

14 Q OKAY. DID YOU SEE WHERE HIS OTHER SHOTS WENT

15 AFTER HIS INITIAL SHOT IN THE AIR?

16 A NO, SIR.

17 Q ALL RIGHT. AND WHO DID YOU SEE WITH THE GUNS

18 THAT NIGHT?

19 A THE ONLY ONE PEOPLE I SEEN WITH A GUN WAS BERRY

20 AND LEE.

21 Q ALL RIGHT. AND DID YOU SEE BERRY SHOOT?

22 A I DIDN'T ACTUALLY SEE HIM SHOOT.

23 Q OKAY. BUT YOUR HANDS BURNED WHEN IT HIT THE

24 GUN?

25 A YES, SIR.

1 Q THANK YOU. NO FURTHER QUESTIONS. PLEASE ANSWER
2 ANY QUESTIONS MR. GREELEY HAS FOR YOU.

3 THE COURT: CROSS.

4 MR. GREELEY: MAY IT PLEASE THE COURT.

5 CROSS EXAMINATION BY MR. GREELEY:

6 Q MR. MOORE, GOOD AFTERNOON.

7 A HOW YOU DOING.

8 Q SO YOU WERE JUST STANDING OUT IN THE DRIVEWAY
9 HAVING A DISCUSSION WITH YOUR GIRLFRIEND, IS THAT
10 RIGHT?

11 A YES, SIR.

12 Q YOU HAD COME OUT OF THE HOUSE AND Y'ALL WERE
13 HAVING A DISCUSSION ABOUT YOU WERE TRYING TO GET IN
14 TOUCH WITH HER AND SHE WOULDN'T RETURN YOUR CALLS, IS
15 THAT RIGHT?

16 A YES, SIR.

17 Q AND YOU WEREN'T BOTHERING ANYBODY AT THAT POINT
18 IN TIME

19 A NO, SIR.

20 Q AND YOU HAD PERMISSION TO BE THERE AT THE HOUSE,
21 RIGHT?

22 A YES, SIR.

23 Q AT THE DEAL'S HOUSE?

24 A YES, SIR.

25 Q BRADLEY AND RICKY WERE THERE?

- 1 A YES, SIR.
- 2 Q AND THEN YOU SEE A CAR COME BY, RIGHT?
- 3 A YES, SIR.
- 4 Q YOU SAID THEY SLOWED DOWN?
- 5 A YES, SIR.
- 6 Q AND WHAT DID THEY SAY? WHAT DID SOMEBODY SAY
- 7 FROM THE CAR?
- 8 A THAT'S YOUR ASS.
- 9 Q THAT'S YOUR ASS. WHAT DID THAT MEAN TO YOU?
- 10 A THAT THEY WAS ABOUT TO COME OUT AND JUMP ON US
- 11 OR FIGHT OR SOMETHING.
- 12 Q OKAY. AND THEY WENT ON DOWN THE ROAD?
- 13 A YES, SIR.
- 14 Q SO THEY DIDN'T STOP RIGHT THEN. THEY PROCEEDED
- 15 TO DRIVE ON DOWN THE ROAD, IS THAT CORRECT?
- 16 A YES, SIR.
- 17 Q AND AFTER THEY DROVE PAST YOU AND WENT DOWN THE
- 18 ROAD, THEY TURNED AROUND?
- 19 A YES, SIR.
- 20 Q AND THEY CAME BACK?
- 21 A YES, SIR.
- 22 Q AND WHEN THEY GOT BACK THEY PULLED UP AND THEY
- 23 STOPPED, WHERE DID THEY STOP?
- 24 A AT THE END OF THE DRIVEWAY.
- 25 Q AT THE END OF DRIVEWAY.

1 A IN THE ROAD.

2 Q OKAY. DID IT KIND OF BLOCK THE DRIVEWAY WHERE

3 THEY WERE?

4 A YES, SIR.

5 Q NO CAR WOULD HAVE BEEN ABLE TO GET IN AND OUT OF

6 THERE?

7 A NO, SIR.

8 Q AND YOU SAW PEOPLE JUMP OUT OF THE CAR, RIGHT?

9 A YES, SIR.

10 Q AND YOU SAW KENNY NORRIS JUMP OUT OF THE CAR?

11 A YES, SIR.

12 Q AND YOU SAW TRAVIS FALLS JUMP OUT OF THE CAR?

13 A YES, SIR.

14 Q AND YOU SAW KENNY NORRIS COMING AT YOU, RIGHT?

15 A YES, SIR.

16 Q DID YOU SEE KENNY NORRIS THROW A BEER BOTTLE

17 DOWN AROUND THE FEET OF YOUR GIRLFRIEND?

18 A I DIDN'T ACTUALLY SEE HIM THROW IT. SHE SAID

19 SOMETHING TO ME ABOUT IT.

20 Q OKAY. BUT HE WAS COMING UP AT YOU, IS THAT

21 RIGHT?

22 A YES, SIR.

23 Q DID YOU THINK HE WAS COMING UP THERE TO SHAKE

24 YOUR HAND?

25 A NO.

- 1 Q DID HE COME UP THERE WITH FIGHTING WORDS?
- 2 A YES, SIR, HE COME RUNNING TOWARDS ME.
- 3 Q OKAY. AND DID YOU DECIDE TO DEFEND YOURSELF?
- 4 A YES, SIR.
- 5 Q DID YOU DO ANYTHING TO BRING THAT ON?
- 6 A LIKE I SAID, I WAS STANDING THERE, THEY STOPPED
- 7 AND COME OUT OF THE CAR AND AS SOON AS THEY COME OUT
- 8 OF THE CAR HE WAS FULL SPRINT.
- 9 Q HE WAS FULL SPRINT AT YOU?
- 10 A YES, SIR.
- 11 Q RIGHT. SO YOU AND KENNY GOT INTO THIS VERBAL
- 12 MATCH GOING BACK AND FORTH?
- 13 A YES, SIR.
- 14 Q OKAY. YOU WERE DEFENDING YOURSELF TRYING TO
- 15 KEEP HIM AWAY?
- 16 A YES, SIR.
- 17 Q DID YOU AT ANY POINT IN TIME RUN TOWARDS HIM AT
- 18 THE CAR?
- 19 A AT KENNY?
- 20 Q AT THE BEGINNING?
- 21 A NO, SIR.
- 22 Q OKAY. YOU ENDED UP CHASING HIM?
- 23 A YES, SIR.
- 24 Q AFTER HE TURNED AROUND AND TO RUN?
- 25 A WE WAS STILL TALKING AND WE BACKED DOWN THE ROAD

1 AND HE WAS STILL TALKING CRAP TO ME SO I WENT OUT IN
2 THE ROAD AND WE'RE LIKE BASICALLY EASING UP THE ROAD.
3 I KEPT BACKING UP AND I KEPT GOING TOWARDS HIM.

4 Q SO EVEN AS HE WAS GOING AWAY WAS HE STILL A
5 THREAT TO YOU?

6 A YES, SIR.

7 Q NOW YOU SAW TRAVIS FALLS, RIGHT?

8 A YES, SIR.

9 Q WHERE DID HE STOP, DID YOU SEE?

10 A JUST ON THE OTHER SIDE OF THE CAR. I NEVER SEEN
11 HIM COME ON THIS SIDE OF THE CAR.

12 Q DID YOU SEE ANYBODY ELSE OUT THERE AROUND THE
13 CAR?

14 A NOT AT THE TIME.

15 Q NOT AT THE TIME. AND YOU SAID AT ONE POINT YOU
16 HEARD A GUNSHOT, RIGHT?

17 A YES, SIR.

18 Q AND THAT WAS, AND YOU SAID THAT IT WAS LEE
19 OWENS?

20 A YES, SIR.

21 Q SHOOTING A SHOT INTO THE AIR?

22 A YES, SIR.

23 Q AND I BELIEVE THAT YOU TESTIFIED A FEW MINUTES
24 AGO, TELL ME IF I'M CORRECT, THAT AFTER THE FIRST
25 GUNSHOT THE CAR DIDN'T TAKE OFF?

- 1 A YES, SIR.
- 2 Q NOW AT ANY POINT IN TIME DID YOU SEE LORI MOSS
- 3 LAYING ON THE ROAD?
- 4 A I SEEN HER AFTER I COME BACK. AFTER IT ALL
- 5 HAPPENED, I SEEN HER IN THE ROAD, YES, SIR.
- 6 Q SHE WAS LYING ON THE ROAD?
- 7 A YES, SIR.
- 8 Q WERE YOU ABLE TO TELL WHAT HER CONDITION WAS;
- 9 WHETHER SHE WAS CONSCIOUS OR UNCONSCIOUS?
- 10 A NO, SIR. SHE DIDN'T GET UP ON HER OWN. MY
- 11 COUSIN DRAGGED HER OUT OF THE ROAD AND GOT HER TO THE
- 12 DITCH.
- 13 Q LEE WALDEN?
- 14 A YES, SIR.
- 15 Q SO LEE WALDEN WENT AND HAD TO DRAG HER?
- 16 A YES, SIR.
- 17 Q ACROSS THE ROAD TO THE DITCH?
- 18 A YES, SIR.
- 19 Q YOU KNOW LORI?
- 20 A YES, SIR.
- 21 Q SHE'S SMALL?
- 22 A YES, SIR.
- 23 Q NOW DID YOU TESTIFY THAT YOU SAW ANOTHER CAR?
- 24 A YES, SIR.
- 25 Q AND THE CAR WAS COMING FROM THE OPPOSITE

1 DIRECTION?

2 A YES, SIR. IT WAS FACING TOWARDS 161 INSTEAD OF
3 OTHER WAY WHERE TRAVIS'S CAR WAS.

4 Q SO THE PONTIAC HAD PULLED UP AND WAS PARKED IN
5 THE DRIVEWAY AREA?

6 A YES, SIR.

7 Q AND WAS FACING 321?

8 A YES, SIR.

9 Q AND THIS OTHER CAR WAS COMING FROM THE DIRECTION
10 GOING TOWARDS 161?

11 A YES, SIR.

12 Q SO THEY WOULD HAVE BEEN LIKE THIS?

13 A OPPOSITE.

14 Q AND AT SOME POINT IN TIME YOU SAW THEM STOP AND
15 IT LOOKED LIKE THEY WERE TALKING?

16 A YES, SIR.

17 Q YOU DON'T KNOW WHO WAS IN THE CAR?

18 A NO, SIR.

19 Q YOU REMEMBER KIND OF WHAT THE CAR LOOKED LIKE?

20 A NO, SIR.

21 Q WAS IT A TRUCK OR A CAR?

22 A IT WAS A CAR.

23 Q SEDAN?

24 A IT WAS A SMALL CAR.

25 Q SMALL CAR. THEN AFTER THE TALKING DID YOU SEE

- 1 ANYTHING COME FROM THAT CAR OR ANY FLASHES OR
2 ANYTHING FROM THAT CAR?
- 3 A NO, SIR.
- 4 Q NOT FROM THE SECOND CAR?
- 5 A I WASN'T PAYING ATTENTION.
- 6 Q OKAY. BUT THERE WAS A SECOND CAR OUT THERE?
- 7 A YES, SIR.
- 8 Q AND THEY STOPPED AND THEY TALKED?
- 9 A YES, SIR.
- 10 Q TO TRAVIS FALLS AND THEM?
- 11 A YES, SIR.
- 12 Q AS IF THEY KNEW THEM, RIGHT?
- 13 A YES, SIR.
- 14 Q AND THIS WAS WHILE ALL THIS WAS GOING ON TOO,
15 WASN'T IT?
- 16 A YES, SIR.
- 17 Q SO YOU HAD ANOTHER CAR THAT CAME UP THERE?
- 18 A YES, SIR.
- 19 Q THAT HAD PEOPLE IN IT?
- 20 A YES, SIR.
- 21 Q THAT STOPPED AND TALKED TO TRAVIS FALLS AND HIS
22 BUNCH?
- 23 A YES, SIR.
- 24 Q AND BERRY, YOU RECALL, WAS TO YOUR RIGHT?
- 25 A YES, SIR.

1 Q OKAY. AND LEE OWENS WAS TO YOUR RIGHT?

2 A YES, SIR.

3 Q AND AT ONE POINT YOU DID LIKE THIS WITH BERRY ON
4 THE GUN?

5 A YES, SIR.

6 Q AND WHEN YOU DID THAT, HE DIDN'T FIRE ANYMORE,
7 DID HE?

8 A NO, SIR.

9 Q DID HE RUN AFTER THE CAR AND FIRE?

10 A NO, SIR.

11 MR. GREELEY: THAT'S ALL I HAVE FOR NOW,
12 YOUR HONOR.

13 REDIRECT EXAMINATION BY MR. THOMPSON:

14 Q NOW BRAD, YOU SAID YOU DIDN'T ACTUALLY SEE BERRY
15 SHOOTING, RIGHT?

16 A NO, SIR.

17 Q BUT YOU SAID YOU SAW HIM, YOU SAW THAT HE WASN'T
18 RUNNING AFTER THE CAR?

19 A YEAH. YES, SIR. I DIDN'T SEE HIM RUNNING AFTER
20 THE CAR.

21 Q OKAY. BUT YOU JUST DIDN'T SEE HIM AT THE TIME
22 THE SHOTS WERE GOING OFF EITHER, DID YOU?

23 A NO. I DIDN'T PAY NO ATTENTION TO LIKE WHO WAS
24 SHOOTING EXCEPT RIGHT AFTER I SEEN LEE SCATTER TO IT.

25 Q SO YOU DON'T KNOW IF HE DID THAT OR NOT, DO YOU?

1 A NO, SIR.

2 Q OKAY. AND DO YOU REMEMBER AT ONE POINT TALKING
3 TO OUR INVESTIGATOR MRS. PARRISH AND TELLING HER
4 THAT --

5 MR. GREELEY: OBJECTION, YOUR HONOR.

6 THE COURT: I SUSTAIN THE OBJECTION.

7 MR. THOMPSON: ON WHAT GROUNDS, YOUR HONOR?

8 THE COURT: LET ME LET THE JURY GO TO THE
9 JURY ROOM.

10 (THE JURY EXITS THE COURTROOM AT 02:36
11 PM.)

12 THE COURT: STATE YOUR GROUNDS, MR.
13 GREELEY.

14 MR. GREELEY: MY GROUNDS, YOUR HONOR, IS
15 THAT THE STATE HAS CALLED MR. MOORE AS THEIR WITNESS
16 AND I WOULD OBJECT IF THEY ARE GOING AND TRYING TO
17 IMPEACH THEIR WITNESS, SO BASED JUST SOLELY ON THAT.
18 THEY HADN'T LAID A PROPER FOUNDATION FOR IMPEACHING
19 THEIR OWN WITNESS.

20 MR. THOMPSON: THAT QUESTION STARTS LAYING
21 THAT FOUNDATION, YOUR HONOR. I'M ASKING --

22 THE COURT: LET'S HAVE A PROFFER OUTSIDE
23 THE JURY'S PRESENCE AND SEE IF THERE IS SOME SORT OF
24 INCONSISTENT STATEMENT.

25 IN CAMERA TESTIMONY BY MR. THOMPSON:

1 Q DO YOU REMEMBER TALKING TO MRS. PARRISH ABOUT
2 THIS CASE?

3 A YES, SIR.

4 Q DO YOU REMEMBER TELLING HER THAT WHEN THE CAR
5 CAME OR AFTER THE CAR HAD COME BY AND SOMEONE HAD
6 YELLED OUT THAT YOU NEXT GOT UP AND TOLD THEM THE
7 BOYS YOU ARE LOOKING TO FIGHT ARE HERE?

8 A NO. I TOLD THEM THAT SOMEBODY WAS HERE. THERE
9 WAS SOME GUYS HERE.

10 Q SO YOU DIDN'T TELL HER THAT THE BOYS YOU WERE
11 LOOKING TO FIGHT ARE HERE?

12 A NOT AS I RECALL.

13 MR. THOMPSON: THAT WAS IT, YOUR HONOR.

14 THE COURT: WELL, LET'S SEE THOUGH. HE
15 DENIES IT. THAT DOESN'T LEAD ANYWHERE UNLESS YOU
16 CALL HER AND SHE'S --

17 MR. THOMPSON: HOW WOULD I KNOW THAT HE
18 DENIED IT UNTIL I ASKED HIM?

19 THE COURT: WELL, YOU ASKED HIM THAT SO
20 YOU CAN DROP IT.

21 MR. THOMPSON: I BELIEVE I WILL.

22 THE COURT: ALL RIGHT. BRING IN THE JURY.

23 MR. POPE: IN CASE WE COME TO THIS AGAIN,
24 WE WOULD, IF NEED BE, INTEND TO CALL A WITNESS OF A
25 PRIOR INCONSISTENT STATEMENT.

1 THE COURT: WELL, A WITNESS WHO IS AN
2 EMPLOYEE OF THE PROSECUTING AGENCY?

3 MR. POPE: ABSOLUTELY. NO DIFFERENT THAN
4 A WITNESS EMPLOYED BY THE DEFENSE IF THE SHOE WAS ON
5 THE OTHER FOOT.

6 THE COURT: WE'LL SEE WHEN WE GET THERE.

7 MR. POPE: I JUST WANT TO BRING TO THE
8 COURT'S ATTENTION IN CASE WE CROSS IT AGAIN.
9 OTHERWISE, WE'D NEVER BE ABLE TO USE INVESTIGATORS.

10 (THE JURY RETURNS TO THE COURTROOM AT
11 02:38 PM.)

12 THE COURT: PROCEED.

13 REDIRECT EXAMINATION CONTINUED BY MR. THOMPSON:

14 Q BRAD, WERE YOU SCARED OF KENNY?

15 A SIR?

16 Q WERE YOU SCARED OF KENNY?

17 A NO, SIR.

18 Q THANK YOU. NO FURTHER QUESTIONS.

19 MR. GREELEY: NOTHING FURTHER.

20 THE COURT: YOU CAN STEP DOWN. THANK YOU.
21 CALL YOUR NEXT WITNESS.

22 MR. THOMPSON: THE STATE WOULD CALL
23 CAROLINE KILLIAN.

24 CAROLINE KILLIAN, BEING FIRST DULY
25 SWORN, TESTIFIED AS FOLLOWS:

1 DIRECT EXAMINATION BY MR. THOMPSON:

2 Q MS. KILLIAN, COULD YOU GIVE YOUR FULL NAME FOR
3 THE COURT?

4 A IT'S CAROLINE LEE KILLIAN.

5 Q AND CAROLINE, HOW OLD ARE YOU?

6 A I'M 27.

7 Q DO YOU LIVE HERE IN YORK COUNTY?

8 A I DO.

9 Q HAVE YOU PRETTY MUCH GROWN UP IN YORK COUNTY ALL
10 YOUR LIFE?

11 A YES, SIR.

12 Q DO YOU LIVE OUT IN THE CLOVER AREA?

13 A UH-HUH, IN LAKE WYLIE.

14 Q IN LAKE WYLIE?

15 A YEAH.

16 Q CAN YOU TELL ME DO YOU HAVE ANY SISTERS?

17 A I'VE GOT TWO YOUNGER SISTERS.

18 Q AND WHAT ARE THEIR NAMES?

19 A KRISTIN AND LORI MOSS.

20 Q CAN YOU TELL ME, DO YOU KNOW BERRY BOLIN?

21 A I DID.

22 Q HOW DO YOU KNOW BERRY BOLIN?

23 A THROUGH LORI. HE WAS A FRIEND OF LORI'S.

24 Q OKAY. HOW LONG HAVE YOU KNOWN HIM UP TO THIS
25 POINT?

- 1 A A COUPLE YEARS BUT I NEVER, YOU KNOW, HE'S A LOT
2 YOUNGER THAN I AM, SO I HAD MET HIM THROUGH LORI.
- 3 Q ALL RIGHT. HOW ABOUT LEE OWENS, DID YOU KNOW
4 HIM?
- 5 A YEAH. I'VE BEEN FRIENDS WITH LEE I'D SAY TEN
6 YEARS.
- 7 Q OKAY. AND Y'ALL HANG OUT TOGETHER SOMETIMES?
- 8 A YEAH. WELL, I HAVEN'T LATELY JUST HIM WORKING A
9 LOT AND I JUST, WE JUST DON'T REALLY HAVE TIME SO.
- 10 Q ALL RIGHT. DID YOU KNOW BRADLEY DEAL?
- 11 A YEAH.
- 12 Q HOW DID YOU KNOW HIM?
- 13 A THROUGH RICKY, HIS OLDER BROTHER.
- 14 Q YOU KNEW HIS OLDER BROTHER RICKY?
- 15 A YEAH.
- 16 Q AND HOW DO YOU KNOW RICKY?
- 17 A HE USED TO LIVE WITH ME A LONG TIME AGO.
- 18 Q AND WERE YOU FAMILIAR WITH HIS FRIENDS AT 1123
19 LAWRENCE ROAD IN CLOVER?
- 20 A YES, SIR.
- 21 Q HOW IS IT THAT YOU ENDED UP THERE ON THAT NIGHT?
- 22 A LORI, MY YOUNGER SISTER, WE WERE AT HOME AND
23 RICKY HAD CALLED AND JUST SAID HE WAS HAVING A GET
24 TOGETHER AND ME AND HER RODE OVER.
- 25 Q OKAY. SO YOU AND LORI WENT OVER THERE?

1 A YES, SIR.

2 Q ALL RIGHT. WHEN YOU GOT THERE, DO YOU REMEMBER

3 ABOUT WHAT TIME IT WAS?

4 A IT WAS PROBABLY FIVE-SIX O'CLOCK. IT WAS EARLY.

5 Q OKAY.

6 A IT WAS EARLY.

7 Q WHAT WAS GOING ON WHEN Y'ALL GOT THERE?

8 A NOTHING. WE WERE JUST KIND OF HANGING OUT

9 BECAUSE I THINK THIS WAS RICKY, LEE, BRADLEY, THERE

10 WAS JUST A COUPLE OF US BECAUSE LIKE I SAID, IT WAS

11 PROBABLY, IT WAS EARLY IN THE AFTERNOON WHEN WE GOT

12 THERE.

13 Q DID MORE PEOPLE START SHOWING UP?

14 A YEAH.

15 Q TELL US, DO YOU REMEMBER WHAT SOME OTHER PEOPLE

16 OR WHO SOME OF THE OTHER PEOPLE WERE THAT SHOWED UP?

17 A I DON'T KNOW. THERE WAS A VARIETY. SOME OF THE

18 PEOPLE WE DIDN'T HANG OUT WITH, SOME OF THE PEOPLE WE

19 DID. SAMANTHA EASON, ROBERT, ERIC, MY SISTERS, THE

20 DEALS.

21 Q OKAY. DO YOU KNOW DID JEFF BUCK SHOW UP WHILE

22 YOU WERE THERE?

23 A YES, SIR.

24 Q AND DID HE STAY VERY LONG?

25 A NOT VERY LONG AT ALL.

1 Q OKAY. DO YOU REMEMBER ANY PHONE CALLS COMING
2 THROUGH JEFF BUCK?

3 A YEAH. HE WAS SAYING SOMETHING TO BRADLEY ABOUT
4 THAT HE WAS GOING TO CALL SO AND SO, YOU KNOW ABOUT
5 SOMETHING THAT BRADLEY HAD GOT JUMPED ON, SO I DIDN'T
6 HEAR THE WHOLE CONVERSATION BUT BRADLEY SAID HE
7 DIDN'T WANT ANY TROUBLE, BLA-BLA-BLA, AND THEY WENT
8 ON TO THE BACK PORCH.

9 Q ALL RIGHT. WAS THERE MORE THAN ONE PHONE CALL
10 DURING THAT PERIOD OF TIME THAT YOU RECALL?

11 A I DON'T THINK SO.

12 Q DID YOU EVER SEE EITHER LEE WALDEN OR LEE LOWDER
13 ON THE PHONE REGARDING THAT?

14 A NO, BUT I KNOW THEY WERE OUTSIDE.

15 Q OKAY. CAN YOU TELL ME WHAT WAS EVERYBODY
16 DRINKING AT THE PARTY?

17 A ALABAMA SLAMMERS.

18 Q AND WHAT IS THAT EXACTLY?

19 A IT'S JUST A MIXED DRINK. I'M NOT SURE EXACTLY
20 WHAT'S IN IT.

21 Q OKAY. KIND OF A POWERFUL MIXED DRINK?

22 A YEAH.

23 Q OKAY. DID YOU HAVE SOME OF THAT WHILE YOU WERE
24 THERE?

25 A YES, SIR.

1 Q DO YOU REMEMBER ABOUT HOW MUCH YOU HAD?

2 A FIVE OR SIX CUPS.

3 Q DID YOU HAVE ANY, DID YOU SEE ANYBODY WITH DRUGS
4 WHILE YOU WERE, THERE ANY DRUG?

5 A XANAX.

6 Q OKAY. DID YOU USE ANY XANAX WHILE YOU WERE
7 THERE?

8 A YES, SIR.

9 Q AND HOW DID YOU GET THE XANAX?

10 A JEFF BUCK.

11 Q JEFF BUCK?

12 A YEAH.

13 Q AND HOW MUCH XANAX DID YOU TAKE?

14 A A BAR.

15 Q AND WAS THAT EARLY ON WHEN YOU, RIGHT WHEN YOU
16 FIRST GOT THERE OR LATER ON?

17 A IT WAS LATER ON. IT WAS PROBABLY 8-9. YEAH, IT
18 HAD TO BE LATER ON BECAUSE WE HAD BEEN THERE AWHILE.

19 Q NOW ALABAMA SLAMMER, WHAT WAS THAT CONTAINED IN,
20 WHAT DID THEY HAVE THAT IN?

21 A A COOLER.

22 Q A COOLER?

23 A YES.

24 Q WHEN YOU WERE INSIDE WHERE DID Y'ALL SPEND MOST
25 OF YOUR TIME?

1 A IN THE KITCHEN.

2 Q IN THE KITCHEN?

3 A YEAH.

4 Q WAS, DID YOU SEE ANY KNIVES OR ANYTHING LIKE

5 THAT ON THE TABLE WHEN YOU WERE IN THE KITCHEN?

6 A NO, SIR.

7 Q CAN YOU TELL ME WHEN YOU WERE AT THE PARTY, DID

8 YOU SEE ANYONE WITH A GUN AT THE PARTY DURING THE

9 TIME THAT YOU WERE INSIDE?

10 A NO, SIR.

11 Q WHEN WAS THE FIRST TIME THAT YOU WERE ATTRACTED

12 OUTSIDE BECAUSE OF A COMMOTION, WHEN DID THAT HAPPEN?

13 A I'M NOT SURE WHEN EXACTLY IT HAPPENED. I KNOW I

14 WAS UPSTAIRS AND I JUST HEARD SOMEONE, YOU KNOW,

15 YELLING THEY ARE HERE AND SO WHEN I WENT, YOU KNOW,

16 RAN OUTSIDE, THAT'S WHEN I NOTICED ALL THE.

17 Q YOU HEARD SOMEONE YELLING THEY ARE HERE?

18 A YES, SIR.

19 Q ALL RIGHT. AND YOU WERE UPSTAIRS AT THAT TIME?

20 A YES, SIR.

21 Q YOU RAN BACK DOWN STAIRS?

22 A YES, SIR.

23 Q WHERE DID YOU GO WHEN YOU CAME?

24 A OUT THE DOOR.

25 Q OUT THE DOOR. WHERE DID YOU GO WHEN YOU CAME

1 OUT THE DOOR?

2 A WELL, I HAD STOPPED BECAUSE, LIKE EVERYBODY WAS
3 JUST GOING EVERYWHERE, AND I SAW MY YOUNGER SISTER
4 FALL TO THE GROUND AND AUTOMATICALLY ---

5 Q WHERE WAS SHE WHEN SHE FELL?

6 A IN THE ROAD.

7 Q OKAY. DO YOU REMEMBER WHERE IN THE ROAD SHE
8 WAS?

9 A IN THE MIDDLE, YOU KNOW, IN THE MIDDLE OF THE
10 ROAD, ON THE OTHER SIDE BUT.

11 Q OKAY. ON THE OTHER SIDE LIKE ON THE OTHER LANE?

12 A YES, SIR.

13 Q OUT TOWARDS 161?

14 A YES, SIR. AND TOWARDS CLOVER NOT TOWARDS YORK.

15 Q OKAY. SO --

16 A 321.

17 Q 321.

18 A YES, SIR.

19 Q THE ONE HEADS OUT THAT WAY. SHE WAS LAYING IN
20 THE MIDDLE OF THAT ROAD?

21 A YES, SIR.

22 Q OKAY. THAT'S FINE. AND WHEN YOU WENT OUT THERE
23 WHAT DID YOU DO WHEN YOU SAW THAT?

24 A I WAS JUST FREAKING OUT BECAUSE I DIDN'T KNOW,
25 SOMEONE SAID SHE'S SHOT, AND I AUTOMATICALLY THOUGHT

1 SHE HAD GOT SHOT, SO WHEN I RUN OUT THERE --

2 Q HAD YOU HEARD ANY SHOTS AT THAT POINT?

3 A YEAH. YEAH, IT SOUNDED LIKE THE FOURTH OF JULY.

4 Q YOU HEARD A LOT, YOU HEARD SHOTS BEFORE SHE WAS

5 HIT?

6 A YEAH.

7 Q OKAY.

8 A OH, YEAH.

9 Q GO AHEAD, TELL US WHAT HAPPENED THEN?

10 A UH.

11 Q WELL, TELL ME WHEN, TELL ME WHEN YOU HEARD THE

12 FIRST SHOT?

13 A LIKE I SAID, I REMEMBER JUST THINKING, OH MY

14 GOD, SHE'S SHOT. WELL, I THINK IT WAS EITHER DEMI OR

15 LEE WENT AND PICKED HER UP OUT OF THE ROAD, BROUGHT

16 HER TO THE YARD, AND THAT'S WHEN I JUST FELL FACE,

17 LIKE TOWARDS THE FACE.

18 Q THAT WOULD BE DEMI POWELL OR LEE WHICH ONE?

19 A OR LEE WALDEN.

20 Q LEE WALDEN?

21 A YES, SIR.

22 Q OKAY. AND THEN YOU DID WHAT AGAIN?

23 A I HAD WENT BACK TOWARDS, YOU KNOW, WHEN THEY HAD

24 PICKED HER UP, WE WENT BACK TOWARDS THE HOUSE AND I

25 WAS SITTING LIKE FACING THE HOUSE, LIKE WHERE THE

1 GARAGE IS AND I JUST KIND OF WENT DOWN.

2 Q OKAY. YOU DUCKED DOWN?

3 A YEAH.

4 Q ALL RIGHT. WERE YOU HEARING GUN FIRE AT THAT

5 POINT?

6 A YEAH.

7 Q ABOUT HOW MUCH GUN FIRE DO YOU RECALL HEARING?

8 A OH, GOD. I DON'T EVEN KNOW. I REALLY, I MEAN,

9 IT WAS A LOT.

10 Q WOULD IT HAVE BEEN MORE THAN TEN SHOTS?

11 A OH, YEAH.

12 Q 20 SHOTS?

13 A 20, YEAH, 20-30.

14 Q 20 TO 30 SHOTS?

15 A YEAH.

16 Q COULD YOU TELL WHERE ANY OF IT WAS COMING FROM?

17 A NO, SIR.

18 Q DID YOU SEE ANYONE OUT IN THE YARD SHOOTING?

19 A NO, SIR.

20 Q WERE YOU EVEN LOOKING OUT IN THE YARD?

21 A NO. HONESTLY WHEN I WENT DOWN, I JUST REMEMBER,

22 I MEAN, I JUST KIND OF WAS LOOKING AT THE GROUND.

23 Q DID YOU LOOK BACK TOWARDS THE ROAD AT ALL?

24 A NO. THE ONLY TIME THAT I REMEMBER SEEING KENNY

25 RUNNING DOWN THE ROAD AND HE WAS A FRIEND OF A

1 FRIEND'S AND HE JUST KIND OF COME OUT OF NO WHERE AND
2 WE HAD SOME, LIKE WE WERE IN THE DRIVEWAY, HE THREW A
3 BEER BOTTLE AT ME AND TONYA.

4 Q OKAY.

5 A AND THAT'S ALL I REMEMBER.

6 Q DID HE HIT YOU WITH THE BOTTLE?

7 A NO. HE JUST THREW IT RIGHT AT OUR FEET.

8 Q OKAY. YOU HAD SAID YOU HAD ABOUT FIVE OF THOSE
9 ALABAMA SLAMMERS?

10 A YES, SIR.

11 Q AND SOME XANAX, HOW WERE YOU FEELING AT THAT
12 POINT IN TIME?

13 A OH, YEAH. I WAS INTOXICATED.

14 Q OKAY.

15 A I, YOU KNOW.

16 Q AND WHEN YOU WERE OUT THERE, YOU SAID YOU SAW
17 KENNY, WHEN WAS IT THAT YOU SAW KENNY IN RELATION TO
18 THIS?

19 A LIKE WHEN, WHEN I HAD FIRST WENT OUT I GUESS
20 BECAUSE, LIKE I SAID, I DON'T REMEMBER A LOT, BUT
21 KENNY HAD CONFRONTED ME AND TONYA, THREW A BEER
22 BOTTLE DOWN AT US AND WHEN HE WAS COMING AT US, HE
23 REALIZED WHO WE WERE AND LIKE I SAID, I KNEW HIM
24 THROUGH A FRIEND AND HE'S LIKE, CAROLINE, I DIDN'T
25 MEAN, BLA-BLA-BLA, AND HE TOOK OFF THE OTHER WAY.

1 Q DID YOU EVER SEE WHERE ANY OF THE CARS CAME
2 FROM?
3 A THEY WERE COMING THROUGH YORK, LIKE 161.
4 Q HOW LONG HAD YOU KNOWN KENNY?
5 A MAYBE A YEAR IF THAT. LIKE I SAID, I'VE ONLY
6 LIKE MAYBE RUN INTO HIM A COUPLE OF TIMES.
7 Q DID KENNY APOLOGIZE TO YOU?
8 A LATER ON.
9 Q LATER ON?
10 A YES, SIR.
11 Q OKAY. NOW DID KENNY YELL AT YOU AFTER HE
12 REALIZED WHO YOU WERE?
13 A AFTER HE REALIZED WHO WE WERE HE WALKED AWAY.
14 HE'S FRIENDS WITH LEE WALDEN WHO IS MY EX AND SO WHEN
15 HE REALIZED THAT, HE JUST HE TOOK OFF DOWN THE ROAD.
16 Q DID YOU SEE ERIC BROWN THERE THAT NIGHT?
17 A YES, SIR.
18 Q WHERE DID YOU SEE ERIC BROWN AFTER ALL THIS
19 HAPPENED?
20 A UNDER THE JEEP.
21 Q UNDER THE JEEP? UNDER HIS JEEP?
22 A I REMEMBER HIM SAYING, TELLING KRISTIN, MY
23 YOUNGER SISTER, TO GET DOWN AND THEY WENT UNDERNEATH
24 HER JEEP.
25 Q SO HIM AND KRISTIN GOT UNDERNEATH HER JEEP.

1 A YEAH.

2 Q AT THAT POINT?

3 A YES, SIR.

4 Q AND WHEN YOU SAW KENNY, WHEN HE CAME UP TO YOU

5 AND THREW THE BEER BOTTLE, DID HE HAVE ANYTHING ELSE

6 IN HIS HAND?

7 A NO, SIR.

8 Q DID YOU EVER SEE A GUN IN HIS HAND?

9 A NO, SIR.

10 Q THAT NIGHT DID YOU ACTUALLY EVER SEE A GUN AT

11 ALL?

12 A NO, SIR.

13 Q NOW DID YOU SEE WHEN THAT, I GUESS YOU WERE ON

14 THE GROUND, BUT DID YOU SEE AT ALL WHEN THE CAR

15 PULLED OFF?

16 A NO, SIR.

17 Q DID YOU TURN AROUND LOOK AND WHILE IT WAS

18 DRIVING AWAY?

19 A NO.

20 Q OKAY. HOW LONG AFTER THE SHOTS STOPPED DID IT

21 TAKE YOU TO GET BACK UP?

22 A A FEW MINUTES.

23 Q ALL RIGHT.

24 A IT WAS JUST KIND OF LIKE, WE JUST, IT WAS JUST

25 FAST, WE DIDN'T REALIZE WHAT.

1 Q WHAT DID Y'ALL DO THEN?

2 A TOOK OFF, EACH SEPARATE WAYS, GOT IN EVERYBODY'S
3 CAR AND ME AND TONYA HAD WENT TO THE POLICE
4 DEPARTMENT TO MAKE A REPORT.

5 Q DID YOU GO STRAIGHT TO THE POLICE DEPARTMENT?

6 A NO, WE WENT AND DROPPED A COUPLE FRIENDS OFF AT
7 HER HOUSE AND THEN --

8 Q DID YOU LEAVE IN TONYA'S CAR?

9 A YEAH. IN TONYA'S, YEAH.

10 Q OKAY. WAS THERE ANYTHING BROKEN ON TONYA'S CAR?

11 A NO, SIR.

12 Q DID YOU SEE ANY HOLES IN IT OR ANYTHING LIKE
13 THAT?

14 A HUH-UH.

15 Q OKAY. AND WHEN Y'ALL LEFT WHO ALL WAS IN THAT
16 CAR WITH YOU AND TONYA?

17 A ME AND BRAD AND TONYA.

18 Q BRAD WHO?

19 A MOORE.

20 Q MOORE. OKAY. DID Y'ALL DROP OFF BRAD?

21 A YES, SIR, AT TONYA'S.

22 Q AND THEN YOU WENT TO THE POLICE DEPARTMENT?

23 A CLOVER POLICE DEPARTMENT, YES, SIR.

24 Q WAS THERE A REASON YOU WENT TO THE CLOVER POLICE
25 DEPARTMENT AT THAT TIME?

1 A WE JUST REALLY DIDN'T KNOW WHAT TO DO. WE WERE
2 JUST, YOU KNOW, WE WERE THERE, WE WANTED TO GO GIVE A
3 STATEMENT, WE DIDN'T KNOW WHAT TO DO.

4 Q WERE Y'ALL CALLING AND TALKING TO ANYBODY DURING
5 THAT TIME?

6 A I THINK WE MIGHT HAVE, SHE MIGHT HAD CALLED THE
7 POLICE DEPARTMENT TO SEE AND I THINK THEY TOLD US TO
8 COME ON UP AND MAKE A REPORT.

9 Q SO YOU WENT TO CLOVER AT THAT POINT?

10 A YES, SIR.

11 Q DID THE CLOVER OFFICER ASK YOU TO GIVE A
12 STATEMENT AT THAT TIME?

13 A I DON'T REMEMBER IF WE JUST, I MEAN BECAUSE I
14 KNOW THAT'S WHAT WE WENT UP THERE FOR, SO I THINK WE
15 JUST VOLUNTEERED TO MAKE THE STATEMENT.

16 Q OKAY. DID HE THREATEN YOU OR YELL AT YOU OR
17 ANYTHING LIKE THAT?

18 A NO, SIR.

19 Q WHAT DID HE TELL YOU TO DO WHEN HE GAVE YOU THE
20 FORM?

21 A JUST TO WRITE DOWN WHAT I REMEMBERED.

22 Q ALL RIGHT. AND DID YOU DO THAT AT THAT POINT IN
23 TIME?

24 A YES, SIR.

25 Q ALL RIGHT. AND HAVE YOU SEEN THAT STATEMENT

1 RECENTLY?

2 A YES, SIR.

3 Q IS THAT THE STATEMENT? IS THAT AN ACCURATE COPY
4 OF THE STATEMENT YOU MADE?

5 A YES, SIR.

6 Q NOW IS EVERYTHING CORRECT IN THAT STATEMENT?

7 A YES, SIR.

8 Q NOW YOU MENTION THAT THEY SHOT FIRES OUT THE
9 WINDOW AT US, WHAT DO YOU MEAN BY THAT?

10 A YOU COULD JUST, I MEAN, YOU COULD HEAR SHOTS
11 BEING FIRED FROM EVERY WHICH WAY. I MEAN IT WASN'T
12 LIKE, YOU KNOW, IT WASN'T LIKE. I DON'T,
13 I DON'T REMEMBER A LOT. I JUST, I REMEMBER YOU COULD
14 JUST, I MEAN IT WASN'T LIKE IT WAS JUST COMING FROM
15 ONE WAY.

16 Q DID YOU ACTUALLY SEE THAT?

17 A NO.

18 Q AND YOU MENTION WE HAD SOME ENEMIES COME UP,
19 WHAT DO YOU MEAN BY THAT?

20 A WELL, THE MESS WITH BRADLEY DEAL, A COUPLE OF
21 GUYS HAD JUMPED HIM, THAT'S ALL I KNOW. I WASN'T
22 REALLY FAMILIAR WITH WHAT WAS GOING ON SO.

23 Q ARE THEY YOUR ENEMIES?

24 A NO. I REALLY DON'T EVEN, YOU KNOW, KNOW TRAVIS,
25 HOLLY, BOBBY.

1 Q WERE YOU EXPECTING SOMEBODY TO SHOW UP FOR
2 BRADLEY THAT NIGHT?

3 A WELL, THE WAY THEY WERE TALKING IT SEEMED LIKE
4 THEY WERE TRYING TO GET SOMETHING GOING, JEFF WAS.

5 Q JEFF WAS?

6 A YEAH.

7 Q JEFF BUCK?

8 A YEAH.

9 Q WHEN HE WAS AT THE HOUSE?

10 A YEAH. HE WAS JUST TELLING WHERE WE WERE AT, YOU
11 KNOW. JUST KIND OF, THAT HE WAS GIVING SOMEBODY
12 HINTS, YOU KNOW, TO WHERE WE WERE PARTYING OR
13 WHATEVER SO.

14 Q NOW DID YOU KNOW BOBBY HOVIS?

15 A I MET HIM A COUPLE TIMES AT MY MOM'S OLD HOUSE
16 ON QUINN STREET. HE'S A, HE KNEW LORI GUESS.

17 Q OKAY. DID YOU KNOW TRAVIS FALLS?

18 A I KNOW OF HIM.

19 Q DID YOU KNOW HOLLY MCCARTER?

20 A I KNOW OF HER.

21 Q THANK YOU, CAROLINE?

22 A YOU ARE WELCOME.

23 Q PLEASE ANSWER ANY QUESTIONS THE DEFENSE HAS.

24 A OKAY.

25 MR. GREELEY: MAY IT PLEASE THE COURT.

1 THE COURT: CERTAINLY.

2 CROSS EXAMINATION BY MR. GREELEY:

3 Q GOOD AFTERNOON, MS. KILLIAN.

4 A HEY. HOW ARE YOU?

5 Q I'M WELL. I HOPE YOU ARE. THE, YOU HAVE
6 TESTIFIED ABOUT THESE PHONE CALLS GOING ON, AND YOU
7 SAID THAT BRADLEY SAID HE DIDN'T WANT ANY TROUBLE?

8 A YEAH.

9 Q AND IT WAS JEFF BUCK THAT WAS DOING THESE
10 THINGS?

11 A HE WAS DOING THE CALLING, YES, SIR.

12 Q AND JEFF BUCK ENDED UP LEAVING THE HOUSE BEFORE
13 THIS THING BLEW UP, DIDN'T HE?

14 A YES, SIR.

15 Q KIND OF CONVENIENT, ISN'T IT?

16 A YEAH.

17 Q BUT HE WAS THE ONE THAT WAS TRYING TO PUT THIS
18 TOGETHER?

19 A YES, SIR.

20 Q BRADLEY SAID HE DIDN'T WANT ANY PART OF THIS?

21 A YES, SIR.

22 Q AND IT WAS BRADLEY'S HOUSE?

23 A YES, SIR.

24 Q WHEN YOU WENT RUNNING DOWN THE DRIVEWAY WITH
25 YOUR LITTLE SISTER IN THE ROAD, YOU SAID THAT

1 SOMEBODY SAID OR THAT YOU SAID OR YOU FELT THAT AT
2 THAT POINT IN TIME THAT SHE HAD BEEN SHOT?
3 A YES, SIR.
4 Q YOU REALLY BELIEVED THAT, DIDN'T YOU?
5 A YES, SIR.
6 Q HOW DID THAT FEEL?
7 A AWFUL.
8 Q SHE WAS JUST LAYING THERE, WASN'T SHE?
9 A YEAH. SHE WASN'T MOVING.
10 Q AND DID YOU HEAR SOMEBODY SHOUT OUT THAT THEY
11 THOUGHT SHE HAD BEEN SHOT?
12 A SHE'S BEEN SHOT, YEAH.
13 Q AND SHE'S IN THE ROAD AND SHE'S NOT MOVING?
14 A NO, SIR.
15 Q AND IT WAS AT THAT POINT IN POINT THAT LEE
16 WALDEN WENT OVER TO ---
17 A IF I'M NOT---
18 Q ---TO GET HER OUT OF THE ROAD?
19 A IT WAS LEE WALDEN OR DEMI POWELL.
20 Q RIGHT. AND YOU HEARD A LOT OF SHOTS THAT NIGHT,
21 DIDN'T YOU?
22 A YES, SIR.
23 Q I THINK YOU SAID 20?
24 A 20 OR 30 IT WAS.
25 Q AND YOU THOUGHT ONE OF THEM HAD GONE TO YOUR

1 SISTER?

2 A YES, SIR.

3 Q AND HOLLY MCCARTER AND YOUR LITTLE SISTER HAD A
4 LITTLE HISTORY TOO?

5 A YES, SIR.

6 Q AND THAT'S WHY YOU HAVE IT THERE IN YOUR LAP.
7 THIS WAS A STATEMENT THAT YOU WROTE?

8 A YES, SIR.

9 Q IN YOUR OWN HANDWRITING, IS THAT CORRECT?

10 A YES, SIR.

11 Q AND YOU HAD VOLUNTARILY GONE UP TO THE CLOVER
12 POLICE DEPARTMENT, CORRECT?

13 A YES, SIR.

14 Q AND THIS WAS THE NIGHT OF THIS INCIDENT?

15 A YES, SIR.

16 Q RIGHT?

17 A IT WAS RIGHT AFTER. LIKE I SAID WE HAD ENOUGH
18 TIME TO TAKE AND DROP A FRIEND OFF.

19 Q AND I BELIEVE YOU EVEN TIMED YOUR STATEMENT?

20 A PROBABLY, YEAH. HE JUST TOLD ME TO WRITE DOWN
21 EVERYTHING.

22 Q WRITE DOWN EVERYTHING YOU COULD REMEMBER AT THAT
23 POINT?

24 A YES, SIR.

25 Q AND YOU TRIED TO DO THAT, DIDN'T YOU?

- 1 A YES, SIR.
- 2 Q IT WAS IMPORTANT TO DO THAT, WASN'T IT?
- 3 A OH, YEAH.
- 4 Q AND YOU SAID THEY SHOT OUT THE WINDOW AT US,
- 5 DIDN'T YOU?
- 6 A YEAH.
- 7 Q IN THAT STATEMENT. AND THAT WAS AT 2:30 IN THE
- 8 MORNING, SO THE YORK COUNTY SHERIFF'S OFFICE HAD YOUR
- 9 STATEMENT AT 2:30 THAT MORNING THAT THEY HAD HOWEVER
- 10 YOU HAD PHRASED IT?
- 11 A YEAH.
- 12 Q THAT THEY HAD SHOT OUT THE WINDOW AT Y'ALL?
- 13 A YEAH.
- 14 Q AND WERE YOU AFRAID WITH ALL THIS GOING ON?
- 15 A YEAH. WE WASN'T, I WASN'T SURE WHAT TO DO. IT
- 16 JUST CAME OUT OF THE MIDDLE OF NOWHERE.
- 17 Q AND THEY CAME TO THE HOUSE, DIDN'T THEY?
- 18 A YES, SIR.
- 19 Q I MEAN THEY CAME TO THE DRIVEWAY?
- 20 A YES, SIR, WELL, THEY WERE IN THE ROAD.
- 21 Q RIGHT. AND KENNY NORRIS CHARGED UP THE
- 22 DRIVEWAY, DIDN'T HE?
- 23 A YES, SIR.
- 24 Q HE WAS READY TO FIGHT, WASN'T HE?
- 25 A YES, SIR.

1 Q AND HE THREW THAT BEER BOTTLE, DIDN'T HE?

2 A YEAH, HE THREW IT AT OUR FEET.

3 Q AND THAT'S THE WAY HE WAS ACTING BEFORE HE
4 REALIZED WHO YOU WERE, IS THAT RIGHT?

5 A YEAH.

6 Q DID YOU EVER SEE JEFF BUCK AGAIN THAT NIGHT?

7 A NO, SIR.

8 Q ABOUT HOW LONG DID HE LEAVE BEFORE THIS THING
9 BROKE OUT?

10 A 15-20 MINUTES.

11 Q 15 OR 20 MINUTES?

12 A YEAH, IT WASN'T LONG.

13 Q NOT LONG AT ALL?

14 A NO, SIR.

15 Q YOU WERE THERE AT 2:30 THAT MORNING AT THE
16 CLOVER POLICE DEPARTMENT?

17 A YES, SIR.

18 Q THEY DIDN'T ASK TO DO A GSR KIT ON YOU, DID
19 THEY?

20 A NO, SIR.

21 MR. GREELEY: THAT'S ALL I HAVE FOR NOW,
22 YOUR HONOR.

23 THE COURT: REDIRECT?

24 MR. THOMPSON: JUST BRIEFLY.

25 REDIRECT EXAMINATION BY MR. THOMPSON:

1 Q I'M SORRY, CAROLINE, I MISSED IT. WHERE DID THE
2 CAR STOP WHEN IT CAME BACK AND STOPPED IN FRONT OF
3 THE PLACE?

4 A THEY WERE ON THE OTHER SIDE OF THE ROAD. LIKE I
5 SAID, THEY WERE COMING FROM 161 GOING TOWARDS 321.

6 Q OKAY.

7 A AND KENNY WAS THE ONLY ONE THAT I SAW COME AT
8 US.

9 Q OKAY. AND THEY WERE ON THE, THEIR CAR WAS
10 ACTUALLY ON THE OTHER SIDE OF THE ROAD?

11 A YES, SIR.

12 Q OKAY. AND WHERE DID IT STOP IN RELATIONSHIP TO
13 THE DRIVEWAY?

14 A RIGHT IN THE MIDDLE OF THE HOUSE.

15 Q OH, RIGHT IN THE MIDDLE OF THE HOUSE.

16 A YES.

17 A IT CAME ALL THE WAY DOWN TO THE MIDDLE OF THE
18 HOUSE.

19 A YEAH.

20 Q SO NOT IN FRONT OF THE DRIVEWAY BUT FURTHER
21 DOWN?

22 A NO, IT WAS LIKE, BECAUSE THE DRIVEWAY, THE
23 GARAGE IS RIGHT IN FRONT OF IT, SO IT WAS RIGHT
24 DIRECTLY IN FRONT OF THE FRONT DOOR.

25 Q OKAY. SO RIGHT IN FRONT OF WHERE THE FRONT DOOR

1 IS AT?

2 A YES, SIR.

3 Q SO THAT DOESN'T BLOCK THE DRIVEWAY AT ALL, IS
4 THAT CORRECT?

5 A I DON'T-- I DON'T THINK IT WAS RIGHT. NO, IT
6 COULDN'T HAVE BEEN RIGHT IN FRONT OF THE DRIVEWAY.

7 Q OKAY. NOW GOING BACK TO THE STATEMENT THAT YOU
8 MADE AT CLOVER, DID YOU MENTION IN THERE THAT LORI,
9 YOU THOUGHT THAT LORI WAS SHOT?

10 A NO.

11 Q DID YOU EVEN MENTION LORI WAS HIT?

12 A NO.

13 Q DID YOU MENTION ANYTHING ABOUT LORI?

14 A NO.

15 Q DID YOU MENTION ANYTHING ABOUT 20 OR 30 SHOTS?

16 A NO.

17 Q AND AGAIN DID YOU ACTUALLY SEE ANY?

18 A NO, I DIDN'T SEE ANYBODY, THE SHOTS FIRED FROM
19 ANYWHERE. YOU COULD JUST TELL THEY WERE. I MEAN, IT
20 WASN'T ALL COMING FROM ONE SPOT. YOU COULD TELL
21 THAT.

22 Q ALL RIGHT.

23 A I WASN'T LOOKING.

24 Q THANK YOU.

25 MR. GREELEY: I HAVE NO FOLLOW UP

1 QUESTIONS.

2 THE COURT: YOU CAN STEP DOWN AND BE
3 EXCUSED. WE APPRECIATE YOUR TIME. CALL YOUR NEXT
4 WITNESS.

5 MR. THOMPSON: THE STATE WOULD CALL ROCKY
6 DEAN BREAKFIELD.

7 ROCKY BREAKFIELD, BEING FIRST
8 DULY SWORN, TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION BY MR. THOMPSON:

10 Q MR. BREAKFIELD, COULD YOU GIVE FULL NAME FOR THE
11 COURT PLEASE?

12 A ROCKY DEAN BREAKFIELD.

13 Q DO YOU LIVE HERE IN YORK COUNTY?

14 A YES, SIR.

15 Q DO YOU LIVE IN THE CLOVER AREA?

16 A YES, SIR.

17 Q YOU PRETTY MUCH LIVED THERE ALL YOUR LIFE?

18 A YES, SIR.

19 Q CAN YOU TELL ME DO YOU KNOW THE DEFENDANT BERRY
20 BOLIN?

21 A YES, SIR.

22 Q HOW DO YOU KNOW HIM?

23 A HE'S MY COUSIN.

24 Q ALL RIGHT. HAVE YOU SPENT A LOT OF TIME WITH
25 HIM, WOULD YOU CONSIDER HIM A FRIEND?

1 A YES, SIR.

2 Q HOW CLOSE ARE YOU WITH BERRY?

3 A PRETTY CLOSE.

4 Q DID YOU KNOW LEE OWENS?

5 A YES, SIR, I KNOW OF HIM.

6 Q KNOW OF HIM. IS HE FRIEND OF YOURS?

7 A NO, SIR.

8 Q JUST SOMEONE YOU KNOW WHO HE IS?

9 A YES, SIR.

10 Q AND CAN YOU TELL ME DID YOU KNOW BOBBY HOVIS?

11 A NO, SIR.

12 Q ALL RIGHT. DID YOU KNOW TRAVIS FALLS?

13 A YES, SIR.

14 Q HOW DID YOU KNOW HIM?

15 A I JUST WENT TO SCHOOL WITH HIM. I KNEW OF HIM.

16 A YES, SIR.

17 Q DID YOU KNOW HOLLY MCCARTER AS WELL?

18 A YES, SIR, I WENT TO SCHOOL WITH HER.

19 Q DID YOU KNOW BRAD DEAL?

20 A BRADLEY DEAL, I DIDN'T KNOW HIM UNTIL THE PARTY.

21 Q UNTIL THE PARTY?

22 A YES, SIR.

23 Q HOW ABOUT HIS BROTHER RICKY DEAL?

24 A YEAH, I WENT TO SCHOOL WITH HIM TOO.

25 Q OKAY. COULD YOU TELL ME HOW IS IT THAT YOU

- 1 ENDED UP ON LAWRENCE ROAD ON FEBRUARY 18 OF THIS
2 YEAR?
- 3 A A FRIEND, LEE WALDEN, CALLED ME AND SAID THAT
4 THEY WAS HAVING A GET TOGETHER AND THAT'S WHEN I
5 CALLED BERRY AND ASKED HIM IF HE WANTED TO A RIDE
6 OVER AND HE SAID THAT HE WOULD SO HE COME AND PICKED
7 ME UP AND THEN WE WENT OVER THERE.
- 8 Q OKAY. BERRY PICKED YOU UP?
- 9 A YES, SIR.
- 10 Q DID Y'ALL COME IN HIS TRUCK?
- 11 A YES, SIR.
- 12 Q WAS HIS GIRLFRIEND WITH HIM THEN?
- 13 A YES, SIR.
- 14 Q COULD YOU SEE THAT HE HAD HIS GUN WITH HIM AT
15 THAT TIME?
- 16 A I NEVER KNEW HE HAD A GUN.
- 17 A ALL RIGHT. YOU DIDN'T KNOW HE HAD A GUN AT ALL?
- 18 A NEVER KNEW HE HAD A GUN.
- 19 Q WHO WAS HIS GIRLFRIEND THEN?
- 20 A MICHELLE.
- 21 Q IS THAT MICHELLE BARFIELD?
- 22 A I'M NOT SURE.
- 23 Q YOU ARE NOT SURE OF THE LAST NAME?
- 24 A I'M NOT SURE.
- 25 Q BUT THE THREE CAME IN HIS TRUCK?

1 A THREE OF WHO?
2 Q THE THREE OF YOU?
3 A YEAH. YEAH.
4 Q YOU, MICHELLE, AND BERRY?
5 A UH-HUH.
6 Q WHEN YOU GOT TO THAT PLACE AT 1123 LAWRENCE
7 ROAD, HAD YOU EVER BEEN THERE BEFORE?
8 A NO, SIR.
9 Q ALL RIGHT. WHEN YOU GOT THERE, WHAT HAPPENED?
10 A WE GOT THERE AND THEN SOME PEOPLE COME RUNNING
11 OUT OF THE HOUSE LIKE THEY WAS EXPECTING SOMEBODY
12 ELSE.
13 Q ALL RIGHT. AND WHAT DO YOU MEAN BY THAT?
14 A MAYBE THEY WAS, I DON'T KNOW, JUST THINKING OF
15 SOMEBODY ELSE.
16 Q WAS IT A BUNCH OF THE GUYS THAT CAME RUNNING OUT
17 OF THE HOUSE?
18 A A MIX.
19 Q A MIX.
20 A YEAH.
21 Q ABOUT HOW MANY PEOPLE CAME RUNNING OUT OF THE
22 HOUSE WHEN Y'ALL PULLED UP?
23 A I'M NOT SURE, MAYBE FIVE-SIX.
24 Q OKAY. DID YOU FIND THAT UNUSUAL?
25 A YES.

1 Q ALL RIGHT. WHAT DID YOU DO AFTER THAT?

2 A NOTHING BECAUSE MOST OF THEM WAS MY FRIENDS SO

3 IT KIND OF CALMED DOWN RIGHT AFTER THAT.

4 Q ALL RIGHT. DID YOU GO INSIDE AFTER THAT?

5 A YES, SIR.

6 Q DID YOU FIND OUT THEN WHY THEY HAD COME RUNNING

7 OUT AFTER YOU?

8 A I JUST HEARD A PHONE CALL, RECORDING TAPE, OF

9 SOME PEOPLE SAYING THEY WERE COMING OVER THERE TO

10 FIGHT.

11 Q DID THEY PLAY THAT FOR YOU?

12 A YEAH.

13 Q WHO PLAYED THAT FOR YOU?

14 A CAROLINE KILLIAN.

15 Q CAROLINE KILLIAN DID?

16 A YES, SIR.

17 Q SO WERE YOU EXPECTING THAT SOMEONE MIGHT COME

18 OVER THEN AND FIGHT?

19 A I THOUGHT IT WAS JUST MAYBE THE SAME OLD THINGS,

20 YOU KNOW.

21 Q SAME OLD THINGS?

22 A YEAH.

23 Q KIND OF TRASH TALK OR SOMETHING?

24 A YEAH, THEY WOULD JUST CALL SAYING THAT THEY WAS

25 GOING TO COME OVER THERE AND FIGHT AND STUFF.

1 Q OKAY. AND WHAT WAS HAPPENING AT THE PARTY THEN
2 AFTER THAT PART HAPPENED, WHAT HAPPENED THEN? WHAT
3 WAS GOING ON AT THE PARTY?

4 A IT WAS JUST KIND OF SMOOTHED OVER.

5 Q WAS THERE DRINKING GOING ON; WHAT WAS HAPPENING
6 AS FAR AS THAT GOES?

7 A YEAH. THEY WAS ALREADY DRINKING AT THE PARTY,
8 YEAH.

9 Q WHO WAS DRINKING? WERE YOU DRINKING?

10 A I DRUNK SOME BEERS.

11 Q ALL RIGHT. DID YOU HAVE ANY OF THAT STUFF IN
12 THE COOLER?

13 A NO, SIR.

14 Q OKAY. WERE THERE ANY DRUGS THAT YOU SAW WHILE
15 YOU WERE THERE?

16 A NO, SIR.

17 Q OKAY. HOW LONG WERE YOU THERE BEFORE BOBBY
18 HOVIS'S CAR PULLED UP?

19 A PROBABLY AROUND 45 MINUTES TO AN HOUR.

20 Q SO NOT LONG BEFORE THEN?

21 A NO, SIR.

22 Q ALL RIGHT. WAS JEFF THERE WHEN YOU GOT THERE?

23 A I NEVER SEEN HIM.

24 Q ALL RIGHT. DO YOU KNOW WHO JEFF BUCK IS?

25 A YES, SIR.

1 Q SO YOU WOULD RECOGNIZE HIM IF YOU SAW HIM?

2 A YES, SIR.

3 Q OKAY. TELL ME WHAT BROUGHT YOUR ATTENTION TO

4 WHAT STARTED HAPPENING OUTSIDE WHEN THAT CAR PULLED

5 UP?

6 A JUST SOME PEOPLE WENT RUNNING OUT OF THE HOUSE.

7 THEY WENT OUTSIDE SAYING THEY WAS HERE.

8 Q SOME PEOPLE RUNNING OUT OF THE HOUSE AND WHAT

9 WERE THEY SAYING?

10 A THEY WERE SAYING THEY WERE HERE.

11 Q WERE THEY YELLING THEN?

12 A SOMEWHAT.

13 Q OKAY. WHERE WERE YOU WHEN THAT HAPPENED?

14 A I WAS CLOSE TO THE FRONT DOOR IN THE ROOM, CLOSE

15 TO THE FRONT DOOR.

16 Q OKAY. DID YOU GO OUT FRONT THEN?

17 A NO, SIR, THEY ALL RAN OUT FIRST AND I JUST KIND

18 OF LAID LOW BECAUSE I DIDN'T HAVE THE NERVE.

19 Q DID YOU COME OUT AFTER THEN?

20 A YES, PREVIOUSLY I WALKED ON TO THE FRONT PORCH.

21 Q ALL RIGHT. WHAT COULD YOU SEE FROM THE FRONT

22 PORCH AT THAT TIME?

23 A WHEN I CAME ON THE FRONT PORCH, I SEEN LEE OWENS

24 FIRE TWO SHOTS IN THE AIR.

25 Q WHERE WAS HE IN RELATIONSHIP TO YOU?

1 A HE WAS DIRECTLY IN FRONT OF THE FRONT PORCH IN
2 FRONT OF BERRY'S TRUCK.

3 Q IN FRONT OF BERRY'S TRUCK?

4 A YES, SIR.

5 Q OKAY. SO WAS HE DOWN IN THE YARD A LITTLE BIT
6 IN FRONT OF BERRY'S TRUCK?

7 A YEAH, HE WAS IN THE GRASS IN FRONT OF BERRY'S
8 TRUCK.

9 Q ALL RIGHT.

10 A IN FRONT OF THE FRONT PORCH.

11 Q HOW WAS BERRY'S TRUCK PARKED?

12 A IT WAS FACING TOWARDS THE FRONT PORCH.

13 Q ALL RIGHT. WAS IT IN THE DRIVEWAY OR WAS IT IN
14 THE GRASS OR SOMEWHAT --

15 A I BELIEVE SOMEWHAT IN THE GRASS BECAUSE TOOK THE
16 FRONT PORCH.

17 Q OKAY. AND HE WAS STANDING TOWARD THE FRONT OF
18 THAT?

19 A LEE OWENS WAS STANDING IN FRONT OF THAT TRUCK,
20 YES, SIR.

21 Q LEE OWENS. AND CAN YOU TELL ME, HAVE YOU HEARD
22 ANY SHOTS PRIOR TO THAT?

23 A NO, SIR.

24 Q AND YOU SAW HIM AGAIN, WHERE DID HE FIRE THE
25 SHOTS AT THAT POINT?

1 A HE FIRED FROM IN FRONT OF BERRY'S TRUCK IN FRONT
2 OF THE FRONT PORCH, TWO SHOTS IN THE AIR.
3 Q IN THE AIR?
4 A YES, SIR.
5 Q ALL RIGHT, SIR. HAD YOU SEEN ANYONE WITH A GUN
6 BEFORE THAT TIME?
7 A NO, SIR.
8 Q DID YOU SEE WHAT WAS HAPPENING DOWN AT THE CAR
9 AT THAT POINT?
10 A NO, SIR, COULD NOT SEE.
11 Q ALL RIGHT. WHEN WAS THE NEXT TIME THAT YOU
12 HEARD GUN FIRE?
13 A WHEN LEE OWENS, WHEN THE CAR WAS PULLING AWAY,
14 LEE OWENS FIRED THREE MORE SHOTS.
15 Q AND YOU SAW HIM FIRE THOSE SHOTS?
16 A YES, SIR.
17 Q AND THAT WAS AS THE CAR WAS PULLING AWAY?
18 A YES, SIR.
19 Q WAS THERE ANOTHER CAR AROUND THEN AT THAT POINT?
20 A I SEEN ANOTHER CAR LEAVING, BUT I THOUGHT IT WAS
21 SOMEBODY LEAVING FROM THE PARTY.
22 Q LEAVING FROM THE PARTY?
23 A THAT WAS WHEN I FIRST COME OUT THE DOOR.
24 Q WHEN YOU FIRST COME OUT THE DOOR?
25 A YES, SIR.

1 Q OKAY. WHICH WAY DID THAT CAR GO?

2 A BACK TOWARDS 161 AWAY FROM 321.

3 Q OKAY. DID YOU EVER SEE ANY SHOTS BEING FIRED
4 FROM THAT CAR OR THE CAR THAT BOBBY HOVIS WAS IN?

5 A NO, SIR.

6 Q DID YOU EVER HEAR ANY SHOTS THAT SEEM LIKE THEY
7 CAME FROM THERE?

8 A NO, SIR.

9 Q HOW FAR WAS THE CAR DOWN THE ROAD WHEN YOU SAW
10 LEE OWENS FIRING AT HIM?

11 A MAYBE FIFTY YARDS.

12 Q OKAY. SO IT HAD TO PASS WHERE THE HOUSE WAS AT
13 THAT POINT?

14 A YES, THE, NOT DIRECTLY IN FRONT OF THE HOUSE, IT
15 WAS, YOU KNOW.

16 Q HOW MANY SHOTS DID YOU HEAR TOTAL?

17 A I HEARD FIVE TOTAL SHOTS.

18 Q ALL RIGHT. AND ALL THOSE WERE THE ONES THAT YOU
19 SAW LEE OWENS SHOOT?

20 A YES.

21 Q DID YOU SEE BERRY BOLIN SHOOTING AT ALL DURING
22 THAT TIME?

23 A NO, SIR.

24 Q DO YOU KNOW WHERE BERRY WAS DURING THAT TIME?

25 A AT THE TIME, NO, SIR.

1 Q OKAY. WHAT DID YOU DO AFTER THAT CAR LEFT?

2 A AFTER THAT CAR WAS PULLING AWAY AFTER IT GOT
3 SHOT AT?

4 Q UH-HUH?

5 A LITTLE ROBERT COME AROUND THE CORNER AND SAID,
6 YOU READY TO GO --

7 MR. GREELEY: OBJECTION, YOUR HONOR,
8 HEARSAY.

9 THE COURT: I SUSTAIN THE OBJECTION.

10 Q WHO IS LITTLE ROBERT, DON'T GO INTO WHAT HE
11 SAID, JUST TELL US WHO IS LITTLE ROBERT?

12 A I GUESS JUST A FRIEND.

13 Q I MEAN, WHAT'S HIS LAST NAME, WHO IS HE IN
14 RELATION TO THE OTHER PEOPLE, IS THAT ROBERT BEVERLY?

15 A YES.

16 Q OKAY. HE'S A FRIEND OF YOURS?

17 A YES, SIR.

18 Q ALL RIGHT. DID HE HAVE ANYTHING IN HIS HANDS?

19 A NO, SIR, NOT THAT I COULD TELL.

20 Q DID YOU SEE ANYONE ELSE WITH A GUN THAT NIGHT
21 OTHER THAN LEE OWENS?

22 A NO, SIR.

23 Q WHAT DID LEE OWENS DO?

24 A I DO NOT KNOW WHAT HE DONE AFTER THAT POINT. I
25 WAS FOCUSED ON THE RIDE TO GET OUT OF THERE.

1 Q OKAY. NOW WHEN THE SHOOTING WAS GOING ON, WERE
2 YOU FOCUSED ON LEE OWENS?

3 A YES, SIR.

4 Q AND WHY IS THAT?

5 A BECAUSE HE HAD THE GUN.

6 Q OKAY. WHERE DID, HOW DID YOU GET OUT THEN; DID
7 YOU LEAVE RIGHT AWAY?

8 A YES, SIR.

9 Q WHOSE CAR DID YOU LEAVE IN?

10 A LEFT IN A, A CAR THAT WAS LITTLE ROBERT AND HIS
11 GIRLFRIEND.

12 Q ROBERT BEVERLY AND HIS GIRLFRIEND?

13 A YES.

14 Q WAS THAT SAMANATHA EASON THEN?

15 A I'M NOT SURE.

16 Q YOU DON'T KNOW. OKAY. SO YOU LEFT WITH THE TWO
17 OF THEM. WHERE DID Y'ALL GO?

18 A THEY TOOK ME TO MY HOUSE AND LET ME OUT.

19 Q IS THAT OFF OF MCCARTER ROAD?

20 A YES, SIR.

21 Q OKAY. AFTER YOU WENT TO YOUR HOUSE, DID YOU GO
22 ANYWHERE ELSE THAT NIGHT?

23 A NO, SIR.

24 Q WHEN DID YOU LEARN THAT SOMEBODY HAD ACTUALLY
25 BEEN SHOT?

1 A THE NEXT DAY.

2 Q OKAY. CAN YOU TELL ME, DID YOU END UP SPEAKING
3 TO DETECTIVES ABOUT THIS CASE?

4 A YES.

5 Q WHEN DID YOU SPEAK TO THEM?

6 A THE FIRST TIME IT WAS MAYBE A WEEK OR SO.

7 Q A WEEK OR SO AFTER THIS HAPPENED?

8 A YES, SIR.

9 Q HAD YOU CONTACTED THEM?

10 A NO, SIR.

11 Q HOW DID THEY CONTACT YOU?

12 A THEY, THE FIRST TIME THEY COME BY MY HOUSE.

13 Q OKAY.

14 A YEAH.

15 Q ALL RIGHT. IS THAT WHEN YOU ENDED UP TALKING TO
16 THEM?

17 A I TALKED TO THEM AT THAT TIME, YES, SIR.

18 Q DID YOU KNOW WHERE BERRY WAS DURING THE
19 SHOOTING?

20 A NO, SIR.

21 Q THANK YOU, ROBERT. NO FURTHER QUESTIONS.

22 MR. GREELEY: MAY IT PLEASE THE COURT.

23 CROSS EXAMINATION BY MR. GREELEY:

24 Q NOW ROCKY, THAT NIGHT YOU CALLED BERRY, DIDN'T
25 YOU?

1 A YES, SIR.

2 Q SAID CAN YOU GIVE ME A RIDE?

3 A YES, SIR.

4 Q LET'S GO OVER TO THE DEALS?

5 A UH-HUH.

6 Q SO YOU INITIATED THAT, IS THAT CORRECT?

7 A YES, SIR.

8 Q HE SAID WELL, OKAY?

9 A YES, SIR.

10 Q OKAY. AND YOU SAID THAT WHEN YOU CAME OUT YOU
11 THOUGHT YOU SAW A CAR THAT WAS LEAVING AND YOU
12 THOUGHT IT WAS FROM THE PARTY, BUT YOU DID SEE A CAR
13 THAT WAS PULLING AWAY IN THE OPPOSITE DIRECTION,
14 DIDN'T YOU?

15 A YES, SIR.

16 Q IT WAS HEADED DOWN 161 AS OPPOSED TO 321?

17 A YES, SIR.

18 MR. GREELEY: I DON'T HAVE ANYTHING
19 FURTHER.

20 THE COURT: REDIRECT.

21 REDIRECT EXAMINATION BY MR. THOMPSON:

22 Q ONCE AGAIN, ROCKY, YOU SAW THEM, LEE OWENS FIRE
23 TWO SHOTS IN THE AIR?

24 MR. GREELEY: OBJECTION, YOUR HONOR.

25 THE COURT: I SUSTAIN THE OBJECTION.

1 Q DESCRIBE TO ME WHAT YOU SAW WHEN THE SHOTS
2 AGAIN?

3 MR. GREELEY: OBJECTION, YOUR HONOR.

4 THE COURT: I SUSTAIN THE OBJECTION. ALL
5 HE ASKED ABOUT WAS THE CAR.

6 MR. THOMPSON: THAT'S WHAT I'M ATTEMPTING
7 TO DO.

8 THE COURT: I SUSTAIN THE OBJECTION. ASK
9 HIM ANOTHER QUESTION.

10 Q WHAT WAS THE CAR DOING WHEN LEE OWENS FIRED AT
11 IT?

12 A IT WAS LEAVING.

13 Q ALL RIGHT. THANK YOU. NO FURTHER QUESTIONS.

14 THE COURT: YOU CAN STEP DOWN AND BE
15 EXCUSED. WE APPRECIATE YOUR TIME.

16 A YES, SIR.

17 THE COURT: CALL YOUR NEXT WITNESS.

18 MR. THOMPSON: THE STATE WOULD CALL LEE
19 LOWDER.

20 LEE LOWDER, BEING FIRST DULY
21 SWORN, TESTIFIED AS FOLLOWS:

22 DIRECT EXAMINATION BY MR. THOMPSON:

23 Q MR. LOWDER, GIVE YOUR FULL NAME FOR THE COURT
24 PLEASE?

25 A CHRISTOPHER LEE LOWDER.

1 Q CHRISTOPHER, DO YOU GO BY CHRIS OR LEE?
2 A LEE.
3 Q LEE?
4 A YEAH.
5 Q DO YOU LIVE HERE IN YORK COUNTY?
6 A YEAH.
7 Q HOW LONG HAVE YOU LIVED HERE?
8 A ALL MY LIFE.
9 Q HOW OLD ARE YOU, LEE?
10 A 22.
11 Q LEE, DO YOU KNOW BERRY BOLIN?
12 A NO, SIR.
13 Q NO. DID YOU KNOW LEE OWENS?
14 A NO, SIR.
15 Q DO YOU KNOW BRADLEY OR RICKY DEAL?
16 A YEAH. I KNOW BOTH OF THEM.
17 Q YOU KNOW BOTH OF THEM. HOW DO YOU KNOW THEM?
18 A I'VE BEEN FRIENDS WITH THEM SINCE I MOVED HERE.
19 Q ALL RIGHT. HOW LONG HAS BEEN THAT?
20 A A GOOD SIX-SEVEN YEARS.
21 Q DID YOU KNOW BOBBY HOVIS?
22 A NO.
23 Q HOW ABOUT TRAVIS FALLS?
24 A SURE DIDN'T.
25 Q OKAY. HOW IS IT THAT YOU ENDED UP AT THE DEAL'S

1 HOUSE ON 1123 LAWRENCE ROAD ON FEBRUARY 18 OF THIS
2 YEAR?

3 A I HEARD THEY WERE HAVING A FEW PEOPLE OVER SO I
4 JUST SHOWED UP.

5 Q HOW DID YOU HEAR IT?

6 A DO WHAT?

7 Q HOW DID YOU HEAR IT?

8 A BRADLEY.

9 Q BRADLEY CALLED YOU?

10 A YEAH.

11 Q ALL RIGHT. SO YOU WENT OVER THERE AT THAT TIME?

12 A YEAH.

13 Q HOW DID YOU GET THERE?

14 A MY COUSIN CHARLIE.

15 Q WHO?

16 A CHARLIE MONTGOMERY.

17 Q ALL RIGHT. CHARLIE DROVE YOU?

18 A YES.

19 Q DID ANYONE ELSE GO WITH Y'ALL?

20 A NO.

21 Q DID CHARLIE STAY THERE ALL NIGHT WITH YOU?

22 A NOPE.

23 Q WHEN DID HE LEAVE?

24 A HE LEFT ABOUT 30 MINUTES AFTER HE GOT THERE.

25 Q ALL RIGHT. YOU ALL REMEMBER, YOU REMEMBER ABOUT

1 WHEN YOU GOT THERE?

2 A SURE DON'T, NOT EXACTLY. PROBABLY AROUND

3 9-9:30, SOMETIME LIKE THAT.

4 Q OKAY. WHO WERE YOU PLANNING ON GOING HOME WITH

5 AFTER THAT?

6 A WHOEVER.

7 Q ALL RIGHT. WHAT WAS HAPPENING AT THE PARTY WHEN

8 YOU GOT THERE?

9 A DRINKING, HAVING FUN, THAT'S ABOUT IT.

10 Q WHAT WERE Y'ALL DRINKING?

11 A ALABAMA SLAMMERS.

12 Q WHAT'S THAT?

13 A IT'S A MIXED DRINK IN THE COOLER.

14 Q THEY HAD IT IN A COOLER THERE?

15 A YEAH.

16 Q DO YOU REMEMBER WHERE THE COOLER WAS THAT YOU

17 WERE DRINKING OUT OF?

18 A SITTING IN THE KITCHEN.

19 Q IN THE KITCHEN KITCHEN?

20 A YEAH.

21 Q AND WERE YOU DRINKING BEER TOO?

22 A NO.

23 Q ANY DRUGS, WERE YOU USING ANY DRUGS?

24 A NO, SIR.

25 Q HOW MUCH OF THAT ALABAMA SLAMMER DID YOU HAVE?

1 A I ONLY HAD ONE GLASS.

2 Q OKAY. AND THAT'S THE WHOLE TIME YOU WERE THERE?

3 A YEAH.

4 Q CAN YOU TELL ME, LEE, HOW IS IT THAT OR DO YOU
5 RECALL ANY PHONE CALLS COMING IN WHILE YOU WERE
6 THERE?

7 A I GOT THERE AFTER ALL THE PHONE CALLS HAD BEEN
8 MADE.

9 Q OKAY. DID THEY TELL YOU ABOUT THEM?

10 A THEY SAID SOMETHING ABOUT IT ABOUT AN HOUR AFTER
11 I GOT THERE.

12 Q OKAY. WERE YOU EXPECTING SOMEONE MIGHT COME
13 OVER AND FIGHT?

14 A NO, I WASN'T EXPECTING ANYBODY TO COME.

15 Q CAN YOU TELL ME, DID YOU SPEND MUCH TIME IN THE
16 KITCHEN WHILE YOU WERE THERE?

17 A PRETTY MUCH ALL THE TIME I WAS THERE, I WAS IN
18 KITCHEN.

19 Q ALL RIGHT. DID, ARE YOU FAMILIAR WITH BRADLEY'S
20 THROWING KNIVES?

21 A YEAH.

22 Q DID HE HAVE THOSE OUT THAT NIGHT?

23 A POSSIBLY. HE'S ALWAYS PLAYING WITH THEM SO.

24 Q DO YOU REMEMBER SEEING THEM?

25 A NO.

1 Q OKAY. DID YOU SEE ANYONE WITH A GUN AT THE
2 PARTY?

3 A I SURE DIDN'T.

4 Q WHAT DREW YOUR ATTENTION TO THINGS HAPPENING
5 OUTSIDE?

6 A WHEN I HEARD THE GUNSHOTS.

7 Q WHEN YOU HEARD GUNSHOTS. WHERE WERE YOU WHEN
8 YOU HEARD THAT?

9 A I WAS IN THE KITCHEN.

10 Q DID YOU HEAR PEOPLE GOING OUT BEFORE YOU HEARD
11 GUN SHOTS?

12 A YEAH, THERE WERE PEOPLE GOING OUTSIDE BUT WE
13 DIDN'T KNOW IF IT WAS THEM PULLING UP OR JUST ANOTHER
14 CAR COMING TO THE PARTY, PEOPLE WE KNEW, SO.

15 Q OKAY. SO HOW MANY PEOPLE WERE IN THE KITCHEN
16 WITH YOU WHEN THE GUN SHOTS HAPPENED?

17 A I'M PRETTY SURE IT WAS ONLY ME AND RICKY DEAL IN
18 THE KITCHEN.

19 Q IT WAS ONLY YOU AND RICKY IN THE KITCHEN?

20 A YEAH.

21 Q SO YOU DIDN'T SEE ANYBODY ELSE WITH YOU IN THAT
22 AREA OF THE HOUSE AT THAT TIME?

23 A NO.

24 Q THAT'S A PRETTY OPEN KITCHEN, IS IT NOT?

25 A YES.

1 Q YOU CAN SEE OTHER ROOMS FROM THAT KITCHEN?

2 A THEY HAD CURTAINS HANGING OVER THE OTHER ROOMS
3 BECAUSE THEY ARE RENOVATING THE PLACE OR WHATEVER SO
4 YOU COULDN'T REALLY---

5 Q CURTAINS OR SHEETS?

6 A SHEETS.

7 Q OKAY. AND FROM THE KITCHEN IT WAS ONLY YOU AND
8 WHO IN THE KITCHEN?

9 A RICKY.

10 Q RICKY. AND WHEN YOU HEARD GUNSHOTS WHAT DID YOU
11 DO THEN?

12 A I WAITED UNTIL THEY STOPPED AND THEN I LOOKED
13 OUT THE WINDOW AND SAW A CAR PULLING OFF.

14 Q OUT THE KITCHEN WINDOW?

15 A YEAH.

16 Q AND THERE WAS A CAR PULLING OFF WHEN YOU LOOKED
17 OUT?

18 A YES, SIR.

19 Q DID YOU SEE MORE THAN ONE CAR PULLING OFF?

20 A I DIDN'T, NO.

21 Q WHAT DIRECTION WAS THAT CAR PULLING OFF IN?

22 A HEADED TOWARDS 321.

23 Q DO YOU RECALL HOW MANY SHOTS YOU HEARD?

24 A I BELIEVE IT WAS AROUND 7 TO 9. I'M NOT QUITE
25 SURE.

1 Q 7 TO 9?

2 A YEAH.

3 Q WHAT DID YOU DO AFTER THAT HAPPENED?

4 A AFTER THAT HAPPENED I JUST SAT THERE IN
5 DISBELIEF AND.

6 Q DID YOU GO OUTSIDE AND LOOK TO SEE WHAT WAS
7 GOING ON?

8 A NO.

9 Q YOU JUST STAYED IN THE KITCHEN?

10 A YEAH.

11 Q WHAT HAPPENED THEN?

12 A THEN BRADLEY CALLED THE COPS AND THEY ARRIVED.
13 I'M NOT SURE ABOUT FIVE-TEN MINUTES AFTER BRADLEY
14 CALLED.

15 Q THEY ARRIVED ABOUT FIVE OR TEN MINUTES AFTER
16 BRADLEY CALLED?

17 A YEAH.

18 Q DID YOU STAY THERE FOR THE POLICE TO SHOW UP?

19 A YEAH, I WAS THERE THE WHOLE TIME.

20 Q DID YOU REALLY HAVE A RIDE OUT AT THAT POINT?

21 A DO WHAT?

22 Q DID YOU REALLY HAVE A RIDE OUT AT THAT POINT?

23 A I WAS EXPECTING EITHER RICKY OR BRADLEY TO GIVE
24 ME A RIDE HOME.

25 Q WHO ELSE STAYED AT THE PARTY AT THAT POINT?

1 A IT WAS ONLY ME, RICKY DEAL, BRADLEY DEAL, AND
2 LEE WALDEN.

3 Q LEE WALDEN. SO JUST THE FOUR OF YOU STAYED?

4 A YEAH.

5 Q HOW MANY PEOPLE WERE AT THE PARTY ALL TOGETHER?

6 A I COULDN'T EVEN TELL YOU.

7 Q AND THERE WAS SOME PEOPLE YOU SAID YOU DIDN'T
8 KNOW THERE AS WELL?

9 A YEAH.

10 Q OKAY. THANK YOU, LEE. I APPRECIATE IT. IF
11 YOU'LL ANSWER ANY QUESTIONS MR. GREELEY HAS.

12 A ALL RIGHT.

13 MR. GREELEY: MAY IT PLEASE THE COURT.

14 THE COURT: ALL RIGHT.

15 CROSS EXAMINATION BY MR. GREELEY:

16 Q GOOD AFTERNOON, LEE.

17 A GOOD AFTERNOON.

18 Q YOU'RE KIND OF A QUIET GUY, AREN'T YOU?

19 A A LITTLE.

20 Q AND YOU COOPERATED WITH THE DEPUTIES THAT GOT
21 THERE AFTER BRADLEY HAD CALLED 911, ISN'T THAT
22 CORRECT?

23 A THAT'S CORRECT.

24 Q AND YOU WERE THERE WHEN BRADLEY CALLED 911?

25 A YES, SIR.

1 Q AND THEY DID A GUNSHOT RESIDUE KIT ON YOU,
2 DIDN'T THEY?

3 A YES, SIR.

4 Q SO WHEN YOU HEARD THE SHOTS GOING OFF, YOU
5 FROZE?

6 A OH, YEAH.

7 Q THAT'S A NATURAL REACTION?

8 A YEAH.

9 Q THEN IT GOT QUIET AND THEN YOU LOOKED OUT THE
10 WINDOW, RIGHT?

11 A YUP.

12 Q AND IT WAS AT THAT POINT IN TIME THAT YOU SAW
13 THE CAR DRIVE OFF, IS THAT CORRECT?

14 A THAT'S CORRECT.

15 Q THANK YOU.

16 MR. THOMPSON: NOTHING FURTHER, YOUR HONOR.

17 THE COURT: YOU CAN STEP DOWN, WE
18 APPRECIATE YOUR TIME, YOU CAN BE EXCUSED. CALL YOUR
19 NEXT WITNESS.

20 MR. THOMPSON: THE STATE WOULD CALL
21 LEE WALDEN, YOUR HONOR.

22 LEE WALDEN, BEING FIRST DULY
23 SWORN, TESTIFIED AS FOLLOWS:

24 DIRECT EXAMINATION BY MR. THOMPSON:

25 Q MR. WALDEN, CAN YOU GIVE US YOUR FULL NAME FOR

- 1 THE COURT?
- 2 A THOMAS LEROY WALDEN.
- 3 Q I'M SORRY, THOMAS WHAT?
- 4 A LEROY WALDEN.
- 5 Q YOU GO BY LEE?
- 6 A YES, SIR.
- 7 Q LEE, DO YOU LIVE HERE IN YORK COUNTY?
- 8 A YES, SIR.
- 9 Q IN THE CLOVER AREA?
- 10 A YES, SIR.
- 11 Q HOW LONG HAVE YOU LIVED THERE?
- 12 A ALL MY LIFE.
- 13 Q AND HOW OLD ARE YOU?
- 14 A 23.
- 15 Q CAN YOU TELL ME, DO YOU KNOW BERRY BOLIN?
- 16 A I MET HIM A COUPLE TIMES OVER AT ERIC BROWN'S
- 17 HOUSE.
- 18 Q OKAY. DID YOU KNOW LEE OWENS AT THIS TIME?
- 19 A YES, SIR.
- 20 Q OKAY. HOW DO YOU KNOW LEE OWENS?
- 21 A I HUNG OUT WITH HIM A COUPLE OF TIMES.
- 22 Q DID YOU KNOW BOBBY HOVIS?
- 23 A NO, SIR.
- 24 Q HOW ABOUT TRAVIS FALLS?
- 25 A YES, SIR.

1 Q HOW DID YOU KNOW TRAVIS?
2 A SCHOOL.
3 Q ALL RIGHT. DID YOU KNOW HOLLY MCCARTER?
4 A YES, SIR.
5 Q HOW DID YOU KNOW HER?
6 A SCHOOL ALSO.
7 Q DID YOU KNOW BRADLEY DEAL?
8 A YES, SIR.
9 Q HOW DID YOU KNOW HIM?
10 A HIS BROTHER RICKY.
11 Q THROUGH HIS BROTHER RICKY?
12 A YES, SIR.
13 Q IS RICKY YOUR FRIEND?
14 A YES.
15 Q DO YOU HANG OUT WITH RICK ON OCCASION?
16 A YES, SIR.
17 Q IS THAT HOW YOU ENDED UP AT 1123 LAWRENCE ROAD?
18 A YES, SIR.
19 Q ON FEBRUARY 18?
20 A YES, SIR.
21 Q CAN YOU TELL ME EXACTLY HOW, DESCRIBE TO ME HOW
22 IT WAS THAT YOU ENDED THERE, DID HE CALL OR WHAT
23 HAPPENED?
24 A ME AND RICKY JUST BEEN HANGING OUT AND WE ENDED
25 UP OVER THERE AND BRADLEY SHOWED UP.

- 1 Q OKAY. YOU HAD BEEN HANGING OUT THAT DAY?
- 2 A YES, SIR.
- 3 Q WHAT HAD Y'ALL BEEN DOING THAT DAY?
- 4 A RIDING AROUND.
- 5 Q ALL RIGHT. WERE YOU WORKING AT THAT HOUSE THAT
- 6 DAY AT ALL?
- 7 A YES, SIR, WE WORKED ON THE FLOORS IN THERE.
- 8 Q OKAY. HOW LONG DID Y'ALL WORK ON THE FLOORS IN
- 9 THERE?
- 10 A NOT VERY LONG, WE STARTED DRINKING.
- 11 Q NOT LONG, YOU STARTED DRINKING. ALL RIGHT.
- 12 WHAT WERE Y'ALL DRINKING?
- 13 A BEER AND ALABAMA SLAMMERS.
- 14 Q WHEN DID YOU START DRINKING THAT?
- 15 A PROBABLY ABOUT ONE O'CLOCK THAT AFTERNOON.
- 16 Q ALL RIGHT. AND DID YOU KEEP DRINKING IT
- 17 THROUGHOUT THE DAY?
- 18 A YES, SIR.
- 19 Q HOW MUCH OF THAT ALABAMA SLAMMER STUFF DO YOU
- 20 THINK YOU DRANK?
- 21 A WE DIDN'T GET IT UNTIL LATER ON IN THE EVENING,
- 22 SO I DON'T KNOW, A COUPLE JARS.
- 23 Q A COUPLE JARS OF IT. YOU HAD IT IN WHAT, LIKE
- 24 MASON JARS, OR SOMETHING?
- 25 A YES, SIR.

1 Q OKAY. WERE YOU DRINKING BEER BEFORE THAT?

2 A YES, SIR.

3 Q HOW MUCH BEER HAD YOU HAD TO DRINK THROUGHOUT
4 THAT DAY?

5 A A PRETTY GOOD BIT.

6 Q SO YOU WERE INTOXICATED THAT DAY?

7 A YES, SIR.

8 Q DID Y'ALL INVITE MORE PEOPLE TO COME OVER THERE
9 AFTER THAT?

10 A JUST A FEW PHONE CALLS, EVERYBODY COME DOWN, ME
11 AND RICKY WAS OVER THERE AND THEN BRADLEY SHOWED UP
12 AND WE HAD CALLED A COUPLE OTHER PEOPLE. DIDN'T KNOW
13 WHO WAS GOING TO BE DOWN THERE.

14 Q DO YOU REMEMBER ABOUT HOW MANY PEOPLE ENDED UP
15 SHOWING UP THROUGHOUT THE NIGHT?

16 A PROBABLY ABOUT 20, MAYBE 20. I DON'T KNOW.

17 Q OKAY. DO YOU REMEMBER DID JEFF BUCK SHOW UP
18 THAT NIGHT?

19 A YES, SIR.

20 Q DO YOU REMEMBER WHEN HE SHOWED UP?

21 A I DON'T REMEMBER WHAT TIME, SIR.

22 Q ALL RIGHT. HOW LONG DID HE STAY?

23 A MAYBE ABOUT 30 MINUTES, 30 TO 45 MINUTES MAYBE.
24 I DON'T KNOW.

25 Q DID ANYTHING UNUSUAL HAPPEN WHILE JEFF BUCK WAS

1 THERE?

2 A YEAH, SOMEBODY HAD CALLED HIM OR HE HAD CALLED
3 SOMEBODY, I GUESS IT WAS TRAVIS FALLS AND THEM, AND
4 HE WAS TALKING THAT THEY WAS WANTING TO FIGHT.

5 Q ALL RIGHT. AND DID RICKY TALK ABOUT THAT TOO?

6 A WHO?

7 Q RICKY?

8 A NOT THAT I RECALL.

9 Q BRADLEY?

10 A NO, NOT THAT I REMEMBER.

11 Q DID YOU TALK ABOUT IT?

12 A NO.

13 Q WERE YOU WILLING TO FIGHT?

14 A YEAH.

15 Q OKAY. SO YOU WOULDN'T HAVE BEEN SURPRISED IF
16 SOMEBODY SHOWED UP TO FIGHT?

17 A I MEAN AFTER JEFF BUCK HAD BEEN ON THE PHONE, HE
18 SAID THEY WAS COMING. LIKE I TOLD THEM, I HAD JUST
19 COME BACK FROM OUT OF TOWN WORKING, I DIDN'T WANT NO
20 PROBLEMS, SO I WAS SURPRISED THAT SOMEBODY DID COME
21 BUT.

22 Q BUT YOU WERE READY TO FIGHT IF THEY CAME?

23 A I'M ALWAYS. I MEAN, IT'S JUST THE WAY IT IS.

24 Q ALWAYS?

25 A UH-HUH.

1 Q AND IS BRADLEY DEAL LIKE THAT TOO?

2 A NO.

3 Q HOW ABOUT RICKY?

4 A HUH-UH.

5 Q CAN YOU TELL ME WHAT IS IT THAT DREW YOUR

6 ATTENTION TO SOMETHING GOING ON OUTSIDE?

7 A PEOPLE STARTING HOLLERING.

8 Q WHAT WERE THEY HOLLERING?

9 A JUST HOLLERING, THEY'RE HERE.

10 Q I'M SORRY, WHAT?

11 A THEY'RE HERE.

12 Q YOU HEARD SOMEONE HOLLER THEY'RE HERE. WHAT DID

13 YOU DO THEN?

14 A I WAS STILL IN THE HOUSE WHENEVER, I GUESS

15 WHENEVER THEY FIRST GOT THERE. I MEAN I STARTED

16 GOING TOWARDS THE DOOR.

17 Q ALL RIGHT. DID YOU RUN TOWARDS THE DOOR?

18 A YEAH.

19 Q DID YOU RUN OUTSIDE?

20 A YEAH.

21 Q WHERE DID YOU GO WHEN YOU GOT OUTSIDE?

22 A TO THE ROAD.

23 Q IS THAT WHERE THE CAR WAS?

24 A YEAH, THE CAR WAS KIND OF IN THE DITCH A LITTLE

25 BIT.

1 Q OKAY. KIND OF TOWARD THE DITCH A LITTLE BIT.

2 WAS, WHERE WAS IT IN RELATIONSHIP TO THE DRIVEWAY?

3 A THE BACK END WAS LIKE AT WHERE THE CONCRETE IS
4 AND THE FRONT TIRES, THE FRONT TIRE WAS IN THE GRASSY
5 WHEN I WENT OUT THERE.

6 Q WAS IT ALL THE WAY IN THE GRASS OR OFF THE ROAD
7 OR WAS IT STILL PARKED IN THE MIDDLE OF THE ROAD?

8 A I DON'T KNOW. I DON'T KNOW.

9 Q ALL RIGHT. COULD YOU SEE ANY OTHER CAR AROUND
10 IT AT THAT POINT?

11 A NOT THAT I REMEMBER.

12 Q ALL RIGHT. DID YOU GO DOWN TO THE CAR THEN?

13 A I DIDN'T GO TO THE CAR. I WENT TO LORI MOSS.

14 Q WHERE WAS LORI?

15 A ON THE ROAD LAID OUT.

16 Q ALL RIGHT. WAS SHE NEXT TO THE CAR?

17 A WHAT?

18 Q WAS SHE NEXT TO THE CAR?

19 A SHE WAS AT, THE CAR IS KIND OF, SHE'S LAID OVER
20 BEHIND THE CAR BUT BACK A WAYS.

21 Q WAS SHE IN THE ROAD?

22 A YEAH.

23 Q OKAY. SO SHE WAS IN THE ROAD BEHIND THE CAR?

24 A UH-HUH.

25 Q AND SHE WAS LAID OUT WHEN YOU SAW HER?

1 A UH-HUH.

2 Q WHAT DID YOU DO THEN?

3 A WHENEVER I SEEN LORI IN THE ROAD I RUN OUT THERE

4 AND I PICKED HER UP AND STARTED TRYING TO DRAG HER TO

5 THE DITCH.

6 Q OKAY. NOW THE DITCH WOULD BE RIGHT NEXT TO THE

7 DRIVEWAY THERE?

8 A YES.

9 Q SO YOU TRIED, HOW MANY FEET WOULD YOU SAY THAT

10 YOU WERE TRYING TO GET HER?

11 A IT WAS LIKE 15, I GUESS. I DON'T KNOW.

12 Q OKAY. AND AT THAT POINT HAD YOU HEARD ANY

13 GUNSHOTS THEN?

14 A I HEARD THEM WHEN I GOT TO LORI.

15 Q WHEN YOU GOT TO LORI YOU HEARD SOME GUNSHOTS.

16 COULD YOU TELL WHERE THEY WERE COMING FROM?

17 A FROM THE RIGHT SIDE.

18 Q YOUR RIGHT SIDE. AND HOW WERE YOU FACING LORI

19 WHEN YOU GOT TO HER?

20 A JUST LIKE NOW.

21 Q ALL RIGHT. I MEAN, AS SHE'S IN THE ROAD?

22 A YES.

23 Q WERE YOU TOWARDS HER HEAD, TOWARDS HER FEET?

24 A I KIND OF LIKE, I WAS LIKE MORE TOWARDS HER

25 HEAD.

1 Q OKAY. HOW DID YOU TRY TO MOVE HER?
2 A HUH?
3 Q HOW DID YOU TRY TO MOVE HER?
4 A I TRIED TO PICK HER UP.
5 Q IN WHAT WAY? I MEAN, TRY TO PICK HER UP UNDER
6 HER ARMS?
7 A NO, I JUST TRIED TO PICK HER STRAIGHT UP.
8 Q OH, PICK HER UP FROM UNDERNEATH. OKAY. HOW WAS
9 SHE LAYING WHEN SHE WAS ON THE ROAD? WHERE WAS HER
10 HEAD FACING? WHICH DIRECTION WAS HER HEAD POINTING?
11 A TOWARDS 161.
12 Q TOWARDS 161. SO SHE WAS KIND OF PARALLEL WITH
13 THE ROAD IN THE ROAD?
14 A YEAH.
15 Q GOING IN THE SAME DIRECTION AS THE ROAD. AND
16 YOU WENT AND PICKED HER UP THAT WAY. YOU HEARD SHOTS
17 FROM YOUR RIGHT?
18 A YES, SIR.
19 Q DID YOU SEE ANYWHERE WHERE THEY WERE COMING
20 FROM?
21 A NO.
22 Q DID YOU SEE ANY -- DID YOU ACTUALLY SEE ANYONE
23 WITH A GUN THAT NIGHT?
24 A YEAH, LEE OWENS, HE HAD SHOWED ME A GUN HE HAD
25 BOUGHT THAT NIGHT.

1 Q ALL RIGHT. WHAT DID YOU ---
2 A THAT DAY.
3 Q WHAT?
4 A EARLIER OR I MEAN LIKE WHENEVER HE FIRST GOT
5 THERE.
6 Q WHENEVER HE FIRST GOT THERE?
7 A YES, SIR.
8 Q WHAT DO YOU RECALL THAT GUN LOOKING LIKE?
9 A A BLACK, HAD MILLENNIUM ON IT.
10 Q BLACK THAT HAD MILLENNIUM ON IT?
11 A UH-HUH.
12 Q DID HE SHOW YOU ANYTHING ABOUT THAT GUN AS FAR
13 AS BEING LOADED OR ANYTHING LIKE THAT?
14 A NO, SIR.
15 Q DID HE HAVE THE CLIP IN IT OR DO YOU RECALL?
16 A I DON'T KNOW.
17 Q WAS IT ONE THAT WAS A REVOLVER OR ONE THAT TOOK
18 A CLIP?
19 A ONE THAT TOOK A CLIP.
20 Q TOOK A CLIP. HOW DID HE SHOW IT YOU? HOW DID
21 HE HOLD IT WHEN HE SHOWED IT TO YOU OR DID HE
22 ACTUALLY HAND IT TO YOU?
23 A HE HANDED IT TO ME.
24 Q OKAY. DID YOU HOLD IT AT THAT POINT?
25 A YES, SIR.

1 Q ALL RIGHT. DID YOU GIVE IT BACK TO HIM?

2 A YES, SIR.

3 Q DID YOU SEE ANYONE AROUND THAT CAR WHEN YOU WENT
4 DOWN TO IT?

5 A TRAVIS WAS GETTING IN THE BACK. I MEAN, GETTING
6 IN THE DRIVER'S SIDE.

7 Q HE WAS GETTING INTO THE DRIVER'S SIDE, THE
8 DRIVER'S SEAT OR THE PASSENGER SIDE?

9 A I GUESS IN THE BACK.

10 Q IN THE BACK?

11 A I DON'T KNOW.

12 Q YOU SAW TRAVIS GETTING INTO?

13 A YES.

14 Q DID YOU RECOGNIZE TRAVIS AT THAT TIME?

15 A YEAH.

16 Q I'M SORRY.

17 A YES, SIR.

18 Q OKAY. DID YOU SEE ANYONE ELSE OUT OF THE CAR
19 THEN?

20 A THEN KENNY, KENNY WAS RUNNING, RUNNING UP
21 TOWARD--WHENEVER I SEE HIM HE WAS RUNNING UP THE
22 ROAD.

23 Q HE WAS RUNNING UP THE ROAD?

24 THE COURT: YOU'VE GOT TO SPEAK UP. YOU
25 ARE KIND OF MUMBLING. YOU NEED TO SPEAK UP.

1 Q DID YOU KNOW KENNY BEFORE THIS?

2 A YES, SIR. I MET HIM A COUPLE TIMES OVER MY
3 FRIEND'S HOUSE.

4 Q YOU RECOGNIZED HIM WHEN YOU SAW HIM GOING UP THE
5 ROAD?

6 A HUH-UH.

7 THE COURT: YOU HAVE TO SAY IT LOUD AND
8 YOU HAVE GOT TO SAY YES OR NO.

9 Q DID YOU RECOGNIZE IT AS BEING HIM WHEN HE RAN UP
10 THE ROAD?

11 A NO, SIR.

12 Q IS THAT SOMETHING YOU FOUND OUT LATER?

13 A YES, SIR.

14 Q DID YOU EVER SEE ANYONE OUTSIDE WITH THE GUN IN
15 THEIR HAND?

16 A NO, SIR.

17 Q AFTER THE SHOOTING FINISHED, DID YOU HAPPEN TO
18 SEE ANYBODY WITH A GUN IN THEIR HAND THEN?

19 A NO, SIR.

20 Q DID YOU SEE WHERE ANY OF THE SHOTS CAME FROM?

21 A NO, SIR.

22 Q DO YOU RECALL HOW MANY SHOTS WERE FIRED?

23 A NO, SIR.

24 Q NO?

25 A NO.

1 Q DO YOU RECALL WHERE THE CAR WAS WHEN THE SHOTS
2 WERE FIRED?

3 A PULLING OFF, I GUESS. I MEAN, WHENEVER I HEARD
4 SHOTS AND I GOT TO LORI AND I LOOKED TO MY RIGHT
5 SIDE, THE CAR WAS PULLING OFF.

6 Q OKAY. DID THE SHOTS CONTINUE AS IT PULLED OFF?

7 A I GUESS. I DON'T KNOW.

8 Q OKAY. WHAT HAPPENED AFTER THOSE SHOTS STOPPED;
9 WHAT DID YOU DO WITH LORI THEN?

10 A PUT HER IN HER SISTER'S CAR AND TOLD THEM TO
11 TAKE HER TO THE HOSPITAL.

12 Q DID YOU ACTUALLY TAKE HER TO THE HOSPITAL?

13 A I DIDN'T, NO, SIR.

14 Q DID YOU SEE WHO GOT IN THE CAR WITH HER AT THAT
15 TIME?

16 A NO, SIR. I KNOW CAROLINE KILLIAN AND WILLIE
17 POWELL.

18 Q WHO?

19 A WILLIE POWELL AND CAROLINE KILLIAN.

20 Q IS THAT ALSO DEMI POWELL?

21 A YEAH.

22 Q OKAY. DID THEY GET IN THE CAR THEN?

23 A YES, SIR.

24 Q ALL RIGHT.

25 MR. THOMPSON: BEG THE COURT'S INDULGENCE,

1 YOUR HONOR.

2 Q AND NOW THE WAY YOU ARE SITTING RIGHT NOW, IF
3 YOU WERE DOWN THERE AND YOU ACTUALLY WERE PICKING UP
4 LORI MOSS AT THAT POINT?

5 A YES, SIR.

6 Q AND THE WAY YOU ARE NOW, THE HOUSE WOULD BE
7 BEHIND YOU, RIGHT?

8 A YES, SIR.

9 Q AND ARE YOU IN FRONT OF THE DRIVEWAY NOW OR ARE
10 YOU PAST IT OR?

11 A MORE TO THE LEFT OF THE DRIVEWAY.

12 Q OKAY. IS THAT LOOKING AT THE HOUSE TO THE LEFT
13 OF THE DRIVEWAY?

14 A NO, TO THE RIGHT OF THE DRIVEWAY IF YOU ARE
15 LOOKING AT THE HOUSE.

16 Q OKAY. SO YOU ARE TO THE RIGHT OF THE DRIVEWAY
17 AND THAT'S WHERE YOU ARE PICKING HER UP?

18 A YES, SIR.

19 Q ALL RIGHT. AND AS YOU PICK HER UP, THAT'S WHEN
20 YOU FIRST HEAR SHOTS?

21 A NO, WHEN I WAS GOING FORWARDS WHEN I HEARD
22 SHOTS.

23 Q OKAY. HOW CLOSE WERE YOU TO HER WHEN YOU HEARD
24 THAT SHOT?

25 A PROBABLY FIVE FOOT.

1 Q OKAY.

2 A I DON'T KNOW.

3 Q AND HOW MANY SHOTS DID YOU HEAR AT THAT POINT?

4 A I DON'T KNOW HOW MANY SHOTS I HEARD.

5 Q YOU NEVER LOOKED TO SEE WHERE THE SHOTS COME OUT
6 FROM

7 A NO, SIR.

8 Q ALL RIGHT. WERE THE SHOTS COMING FROM YOUR
9 RIGHT SIDE, IS THAT CORRECT?

10 A YES, SIR.

11 Q OKAY. AND DID THEY SEEM TO BE OVER YOUR
12 SHOULDER ON THE RIGHT SIDE OR STRAIGHT ACROSS --

13 MR. GREELEY: OBJECT TO THE LEADING.

14 THE COURT: REPHRASE YOUR QUESTION.

15 Q COULD YOU TELL IN WHAT DIRECTION FROM YOUR RIGHT
16 THAT THEY WERE COMING?

17 A NO, SIR, JUST TO MY RIGHT IS ALL. I MEAN, I
18 WAS, I DON'T KNOW, JUST BACK TO MY RIGHT SIDE.

19 Q ALL RIGHT. NOW WHAT HAPPENED AFTER YOU GOT LORI
20 BACK TO THE CAR, WHAT DID YOU DO?

21 A STOOD THERE.

22 Q ALL RIGHT. WHAT DID THE OTHER PEOPLE DO?

23 A LEFT.

24 Q ALL RIGHT. HAD THEY ALL BEEN PARKED PRETTY MUCH
25 IN THE DRIVEWAY THERE?

1 A NO, THEY WAS IN THE YARD, IN THE GRASS, AND
2 EVERYTHING.

3 Q SO THERE WERE CARS IN THE GRASS AND THE
4 DRIVEWAY?

5 A YEAH.

6 Q IS THE DRIVEWAY PRETTY FULL WHEN ALL THAT
7 HAPPENED?

8 A YES, SIR.

9 Q OKAY. ALL RIGHT. WITH THE CARS?

10 A YES, SIR.

11 Q AND HOW WERE THE OTHER CARS IN THE GRASS, WHERE
12 WERE THEY IN THE GRASS?

13 A SOME WERE IN FRONT OF THE HOUSE, SOME TO THE
14 RIGHT SIDE OF THE DRIVEWAY.

15 Q OKAY. WERE THEY KIND OF PULLED IN AT AN ANGLE
16 OFF THE DRIVEWAY OR WERE THEY KIND OF JUST ALL OVER?

17 A THEY WERE JUST ALL OVER.

18 Q ALL RIGHT. DID SOME OF THE CARS JUST DRIVE OUT
19 ACROSS THE GRASS?

20 A YES, SIR.

21 Q DO YOU REMEMBER ANY CARS SPECIFICALLY GOING OUT
22 ACROSS THE GRASS?

23 A NO, SIR.

24 Q BUT YOU REMEMBER DOING THAT?

25 A YES.

1 Q OKAY. WHAT DID YOU DO?

2 A I JUST STOOD THERE. I WENT BACK IN THE HOUSE
3 AFTER AND I GOT ANOTHER BEER.

4 Q OKAY.

5 A THAT WAS IT.

6 Q SO YOU WENT IN THE HOUSE AND GOT ANOTHER BEER
7 AND WHAT WERE YOU DOING THEN?

8 A I WALKED BACK TO THE OUTSIDE AND THEN THE YORK
9 COUNTY SHERIFF WAS COMING UP THE ROAD.

10 Q OKAY. AND WHEN THEY CAME UP THE ROAD WHAT
11 HAPPENED THEN?

12 A HE WAS SHINING HIS SPOTLIGHT ON THE HOUSE BESIDE
13 US AND I JUST WAVED HIM OVER, WAVED HIM OVER THERE.

14 Q OKAY. AND DID HE COME OVER AT THAT POINT?

15 A YES, SIR.

16 Q WHAT DID YOU DO THEN?

17 A HE MADE ALL, WHENEVER HE SHOWED UP, RICKY AND
18 THEM COME OUTSIDE, HE MADE US ALL GO SIT IN THE
19 HOUSE, SIT IN THE KITCHEN.

20 Q OKAY. AND YOU SAT IN THE KITCHEN?

21 A YES, SIR.

22 Q AT THAT POINT. DID Y'ALL WAIT IN THE KITCHEN?

23 A YES, SIR.

24 Q DID THEY ASK YOU TO WRITE A STATEMENT AT THAT
25 POINT IN TIME?

1 A YES, SIR.

2 Q AND AFTER YOU HAD GOTTEN HER, YOU MENTIONED TO
3 THE OTHER PEOPLE THEY NEEDED TO TAKE HER TO THE
4 HOSPITAL?

5 A YES, SIR.

6 Q AND THAT WAS BECAUSE YOU THOUGHT WHAT?

7 A SHE WAS OUT; SHE WASN'T MOVING. SHE, I MEAN,
8 SHE WASN'T NOTHING. SHE WAS JUST OUT.

9 Q AND YOU WERE GOING TO HER AND SHE WAS OUT, DID
10 YOU HAVE ANY IDEA AT THAT POINT IN TIME WHAT INJURIES
11 SHE HAD SUFFERED?

12 A NO, SIR.

13 Q AND IT WAS AFTER YOU WERE DRAGGING HER AS BEST
14 YOU COULD?

15 A YEAH, I TRIED TO PICK HER UP BUT.

16 Q YOU TRIED TO PICK HER UP

17 A AND IT STARTED.

18 Q IT WAS AFTER THAT THAT YOU HEARD THE GUN FIRE?

19 A WHEN I WAS GOING TO LORI IS WHEN I HEARD THE
20 GUNSHOT.

21 Q WHEN YOU WERE GOING TO LORI YOU HEARD IT?

22 A YES, SIR.

23 Q AND SHE WAS ALREADY ON THE ROAD?

24 A YES, SIR.

25 Q SHE WAS ALREADY OUT?

- 1 A YES, SIR.
- 2 Q SO YOU DIDN'T HEAR ANY GUN FIRE BEFORE SHE WAS
3 OUT, DID YOU?
- 4 A NOT THAT I REMEMBER. NO.
- 5 Q AND THEN YOU TOOK HER OVER TO WHERE YOU WERE?
- 6 A YES, SIR.
- 7 Q AND YOU MENTIONED ABOUT THE CAR LEAVING, THE CAR
8 PULLING AWAY, AND YOU TOLD THE SOLICITOR, WELL, I
9 GUESS, I DON'T KNOW, IS THAT RIGHT?
- 10 A YES, SIR.
- 11 Q YOU REALLY DON'T KNOW AT WHAT POINT THAT CAR
12 PULLED AWAY, DO YOU?
- 13 A NO, SIR.
- 14 Q YOU WERE ATTENDING TO LORI?
- 15 A YES, SIR.
- 16 Q AND THE SHERIFF'S DEPARTMENT PERFORMED A GSR KIT
17 ON YOU TOO, DIDN'T THEY?
- 18 A YES, SIR.
- 19 Q DID YOU TELL THEM ABOUT LORI BEING BEATEN THAT
20 NIGHT AT SOME POINT?
- 21 A YES, SIR.
- 22 Q AND YOU TOLD THEM ABOUT LORI BEING UNCONSCIOUS
23 IN THE ROADWAY, DIDN'T YOU?
- 24 A YES, SIR.
- 25 MR. GREELEY: THAT'S ALL I HAVE RIGHT NOW,

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable Edgar W. Dickson, Presiding Circuit Court Judge

Docket No. 2010-CP-46-0436

Berry Bolin, ... Appellant.

v.

State of South Carolina, ... Respondent,

CERTIFICATE OF COUNSEL

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

September 9, 2014



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