

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Dorchester County

Edgar W. Dickson, Circuit Court Judge

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LOUIS SHEPPARD ,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002488

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SUPPLEMENTAL APPENDIX

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WANDA H. CARTER  
Deputy Chief Appellate Defender

ALAN WILSON  
Attorney General

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

CLAY MITCHELL  
Assistant Attorney General

P. O. Box 11549  
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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1 THROUGH THE SKIN. THEY WERE CYLINDER IN CIRCUMFERENCE.

2 A. CYLINDER AS IN SOME CIRCUMFERENCE BUT DEEP AND PLUNGING  
3 WOUNDS THAT OFFERED LEAKING. THERE WAS A LOT OF BLOOD  
4 LEAKING FROM HIM.

5 Q. A LOT OF BLOOD LEAKING FROM WHERE?

6 A. FROM INMATE HOLMES.

7 Q. WHERE?

8 A. HIS NECK AREA. I RECALL -- IT SPECIFICALLY SEEMED LIKE  
9 IN HIS NECK THERE WAS BLOOD JUST RUNNING DOWN ON HIS CHEST  
10 AREA.

11 Q. OKAY.

12 A. I CAN'T REALLY RECALL IF IT WAS IN HIS ARMS AS WELL  
13 BUT---

14 Q. YOU JUST -- YOU JUST REMEMBER THE NECK AREA?

15 A. CORRECT.

16 Q. OKAY. NO OTHER PLACE?

17 A. NO, NOT TO MY KNOWLEDGE.

18 Q. NOW, YOU INDICATED THAT -- WERE YOU IN AN AREA WHERE THE  
19 OTHER INMATES WERE ABLE TO SEE YOU? WERE YOU VISIBLE?

20 A. YES.

21 Q. IF AN INMATE INDICATED THAT YOU -- IF AN INMATE  
22 INDICATED TO YOU THAT THEY WEREN'T ABLE TO SEE, YOU WERE  
23 ACTUALLY IN THE WING, NOT OUTSIDE OF THE WING IN THE LOBBY OR  
24 ANYTHING LIKE THAT.

25 A. NO. I WAS ACTUALLY INSIDE -- INSIDE THE WING.

1 Q. BEG YOUR INDULGENCE. I KNOW WE'RE USING A LOT OF  
2 GRAPHS, BUT IT MAKES SENSE TO MAKE MARKS SO THAT WE KNOW  
3 EXACTLY WHAT YOU'RE TALKING ABOUT.

4 A. UH-HUH.

5 MS. HARDEE-THOMAS: YOUR HONOR, MAY I APPROACH?

6 THE COURT: YOU MAY.

7 BY MS. HARDEE-THOMAS:

8 Q. NOW, I UNDERSTAND THAT YOU -- I'M GOING TO HAVE YOU USE  
9 A BLUE PEN BECAUSE THIS IS BLACK AND WHITE.

10 A. UH-HUH.

11 Q. SHOW US WHERE YOU WERE STANDING. JUST MARK WHERE YOU  
12 WERE STANDING AND YOU CAN PUT STANDING BESIDE THAT.

13 A. UH-HUH. (THE WITNESS COMPLIES.)

14 Q. INSIDE THE A. WING.

15 A. OKAY. THIS IS WHY IT WAS A LITTLE HARDER FOR ME TO  
16 POINT OUT TO YOU EARLIER. THEY DON'T ACTUALLY HAVE AN  
17 ENTRANCE HERE FOR A. WING, AND I SEEN WHERE YOU'RE MARKING  
18 OFF AN ENTRANCE. WHEN I OBSERVED THE INCIDENT, I HAD -- I  
19 WAS IMMEDIATELY BY THE ENTRANCE WHICH IS WHERE THE MICROWAVE  
20 IS TO THE IMMEDIATE RIGHT.

21 Q. PUT WHERE YOU ASSUME THAT WOULD BE. YOU MAY USE THE  
22 WOODEN AREA TO HELP YOU.

23 A. ALL RIGHT.

24 Q. AND YOU CAN PUT STANDING BESIDE THAT.

25 A. ALL RIGHT. (THE WITNESS COMPLIES.)

- 1 Q. STRUGGLE. GOT YOU. NOW, YOUR INTERPRETATION WHEN  
2 YOU -- YOUR JOB IS BASICALLY TO BE IN THE A. WING AND MAKE  
3 SURE EVERYTHING IS OKAY.
- 4 A. CORRECT.
- 5 Q. AND INMATES KNOW THAT AN OFFICER IS THERE.
- 6 A. CORRECT.
- 7 Q. THERE'S NO TIME THAT THEY LEAVE THE WING AND NO ONE ELSE  
8 REPLACES THAT PERSON.
- 9 A. IF THERE IS SOMETHING GOING ON ON ANOTHER WING, IT'S NOT  
10 UNCOMMON FOR AN OFFICER TO SWITCH OUT WITH ANOTHER OFFICER,  
11 BUT THE WING SHOULDN'T BE UNATTENDED.
- 12 Q. RIGHT. YOU DIDN'T LEAVE THAT DAY.
- 13 A. EXCUSE ME?
- 14 Q. YOU DIDN'T LEAVE. YOU WERE IN THE A. WING ALL THE TIME.
- 15 A. CORRECT.
- 16 Q. AND THERE WAS NO OTHER OFFICER THERE.
- 17 A. NO. THE OTHER OFFICER WAS IN THE BUILDING BUT ON B.  
18 WING.
- 19 Q. RIGHT. SO AN INMATE WOULD BE ABLE TO SEE YOU.
- 20 A. YES, VISIBLE AT ALL TIMES.
- 21 Q. NOW, WHEN YOU FIRST SAW THE HORSEPLAY, YOU WENT OVER TO  
22 THE STRUGGLE AREA?
- 23 A. YES.
- 24 Q. OKAY. SO HOW MANY -- HOW MANY PEOPLE WERE IN THAT AREA?
- 25 A. ON AN AVERAGE IT WOULD HAVE BEEN APPROXIMATELY 60 TO 70

1 INMATES.

2 Q. WITH ONE OFFICER.

3 A. AND ONE OFFICER, CORRECT.

4 Q. YOU WERE ABLE TO GET CLOSE ENOUGH TO SEE MR. SHEPPARD  
5 AND MR. HOLMES STRUGGLING.

6 A. CORRECT.

7 Q. ONCE YOU NOTICED THAT IT WASN'T HORSEPLAY AND IT WAS  
8 FIGHTING, YOU WENT BACK OUT TO THE -- YOUR SERGEANT TO GET A  
9 SERGEANT?

10 A. I WENT TOWARD THE ENTRANCE OF A. WING TO MAKE A CALL FOR  
11 FIRST RESPONDERS, BUT THE SERGEANT WAS RIGHT THERE.

12 Q. THE SERGEANT WAS ALREADY INSIDE THE A. WING?

13 A. INSIDE THE LOBBY---

14 Q. INSIDE THE LOBBY.

15 A. ---IS WHERE HE WAS.

16 Q. AND INSIDE THE LOBBY YOU CAN SEE WHAT'S GOING ON IN THE

17 A. WING.

18 A. IT'S A SMALL KIND OF LIKE RECTANGULAR WINDOW THAT YOU  
19 CAN LOOK THROUGH, BUT IT'S NOT A HIGH VISIBILITY AREA THAT  
20 OFFERS A LOT OF VISIBILITY WHERE YOU CAN SEE THE ENTIRE  
21 INCIDENT.

22 Q. AND WHO WAS THAT OFFICER THAT WAS INSIDE THE LOBBY?

23 A. THAT WOULD HAVE BEEN SERGEANT ELMORE.

24 Q. OKAY. NOW, MY CONCERN WAS -- I'M NOT TOO -- I DON'T  
25 UNDERSTAND WHAT YOUR INTERPRETATION OF THE CYLINDER... YOU

1 SAID THAT THE ITEM THAT YOU SAW MR. SHEPPARD WITH WAS  
2 CYLINDER IN STRUCTURE. WOULD THAT BE ROUND OR WOULD THAT BE  
3 LIKE A HALF ROUND OR...

4 A. SOMETHING MAYBE CLOSE TO THIS POINTER THAT YOU GAVE ME.  
5 IT HAS A CIRCUMFERENCE ON IT, SOLID BUT JUST IN A ROUND  
6 SHAPE, AND IT WOULD MAKE CYLINDER-LIKE LACERATIONS---

7 Q. OKAY.

8 A. ---IF SHARPENED AND USED AS A WEAPON.

9 Q. ALL RIGHT. YOU WERE ABLE TO USE YOUR HAND TO USE AS --  
10 IT WAS -- WAS IT AS SMALL AS THE POINTER THAT YOU HAVE OR WAS  
11 IT A LITTLE BIT LARGER?

12 A. IT WOULD HAVE BEEN ABOUT MAYBE THIS SIZE OR A LITTLE  
13 LARGER MAYBE.

14 Q. OKAY. SO YOU -- WHEN YOU WERE USING YOUR HAND, IT WAS A  
15 SMALL LITTLE HOLE. I JUST COULDN'T SEE FROM HERE.

16 A. CORRECT. I WOULD SAY APPROXIMATELY TWO INCHES IN WIDTH.

17 Q. TWO INCHES IN WIDTH. OKAY. AND THAT'S WHAT YOU SAW ON  
18 MR. HOLMES.

19 A. NO, THAT'S WHAT I SAW WITH -- IN THE HAND OF INMATE  
20 SHEPPARD.

21 Q. I'M SORRY. I DIDN'T ASK THE RIGHT QUESTION. THAT'S  
22 WHAT YOU SAW ON MR. HOLMES AS FAR AS BRUISING?

23 A. AS FAR AS BRUISING, I DID SEE ROUND-SHAPED LACERATIONS  
24 THAT APPEARED TO BE LIKE PLUNGES IN HIS SKIN. THEY WEREN'T  
25 SLASHES.

1 Q. NOW, DID HE HAVE CLOTHES ON OR WERE THE CLOTHES TAKEN  
2 OFF?

3 A. HE HAD CLOTHES ON. ALL INMATES ARE REQUIRED TO HAVE ON  
4 CLOTHING WHEN IN -- ON THE ROCK AREA.

5 Q. SO YOU WERE ABLE TO HAVE HIS -- HE WAS ABLE TO TAKE HIS  
6 CLOTHES OFF SO YOU COULD SEE THAT?

7 A. SOME OF THE LACERATIONS -- THAT'S WHY I CAN'T TELL YOU  
8 IN DEPTH WHERE ALL THEY WERE, BUT SOME LACERATIONS WERE  
9 VISIBLE EVEN WITH THE CLOTHES ON. LIKE I SAID, IN THE UPPER  
10 NECK AREA I DID SEE SOME AND IT SEEMED LIKE IN THE UPPER  
11 CHEST AREA.

12 Q. SO THOSE ARE THE ONES THAT YOU SAW THAT WERE PLAIN.

13 A. CORRECT.

14 Q. AND YOU SAID HOW -- YOU'RE NOT A PHYSICIAN, BUT HOW DEEP  
15 DID YOU -- DID THEY APPEAR TO YOU?

16 A. I COULDN'T GIVE AN APPROXIMATE, YOU KNOW, QUOTE OF THE  
17 DEPTH OF THE LACERATIONS, BUT THEY DID APPEAR -- FROM THE  
18 AMOUNT OF BLOOD THAT I SAW, THEY APPEARED TO BE QUITE MORE  
19 THAN SKIN DEEP.

20 Q. QUITE MORE THAN SKIN DEEP?

21 A. QUITE MORE, YES.

22 Q. YOU DIDN'T TAKE -- YOU DIDN'T HAVE ANY INFORMATION WITH  
23 REGARDS TO TAKING MR. HOLMES TO MEDICAL PERSONNEL OR ANYTHING  
24 THAT DAY.

25 A. NO. WE WERE -- THEY WERE ESCORTED BY THIS TIME BY THE

1 FIRST RESPONDERS THAT WERE CALLED TO THE SCENE. BOTH INMATES  
2 WERE ESCORTED UP TO THE FRONT.  
3 Q. OTHER THAN THE NECK AND THE CHEST THAT YOU JUST  
4 INDICATED, HOW MANY WOUNDS DID YOU SEE?  
5 A. APPROXIMATELY THREE TO FOUR I WOULD SAY FAIRLY.  
6 Q. NOW, DID HE HAVE TO BE TAKEN BY AMBULANCE SOMEWHERE?  
7 A. IF HE WAS, I WOULDN'T HAVE BEEN ALERTED OF THAT.  
8 Q. OKAY. SO THAT WOULD HAVE BEEN ANOTHER CALL BY SOMEONE  
9 ELSE.  
10 A. RIGHT. IT WOULD HAVE BEEN HANDLED BY THE  
11 ADMINISTRATION.  
12 Q. AND WAS HE UP TALKING TO YOU? MR. HOLMES. WAS HE UP  
13 TALKING TO YOU OR MAKING---  
14 A. AT WHAT POINT?  
15 Q. AFTER YOU SEPARATED THE TWO OF THEM.  
16 A. AFTER HE SEPARATED, YES, HE SEEMED FAIRLY EXHAUSTED.  
17 AND WHILE INMATE SHEPPARD WAS BEING APPREHENDED THERE ON THE  
18 LOBBY AREA FOR TRYING TO PURSUE HOLMES AGAIN, I DO REMEMBER  
19 ASKING HIM, "WHAT IS THIS?" YOU KNOW, WHAT IS THIS ABOUT?  
20 WHY, YOU KNOW, THIS CONFRONTATION?  
21 Q. EXACTLY.  
22 A. LIKE I SAID, HE WAS BLEEDING SEVERELY AND QUITE  
23 EXHAUSTED.  
24 Q. OKAY.  
25 A. AND HE GAVE A VERY EVASIVE, SHORT ANSWER---

1 Q. OKAY.

2 A. ---AS IF IT WAS A LONG STORY AND WHATNOT. HE DIDN'T  
3 TELL ME THE REASON.

4 Q. SO YOU HAD AN OPPORTUNITY TO SPEAK WITH HIM DURING THAT  
5 TIME PERIOD.

6 A. DURING THAT BRIEF PERIOD, YES.

7 Q. AND YOU SAID THAT MR. SHEPPARD CAME AFTER HIM AGAIN AND  
8 HE RAN OUT OF THE ROOM?

9 A. CORRECT, OUT OF THE FRONT LOBBY.

10 Q. BUT THE DOOR WAS ALREADY OPEN FOR HIM TO DO THAT.

11 A. WHAT DOOR?

12 Q. YOU SAID THE LOBBY?

13 A. RIGHT.

14 Q. THE DOOR TO THE LOBBY WAS ALREADY OPEN?

15 A. YES. THE DOOR TO THE LOBBIES ARE OPEN UNTIL A YARD  
16 OFFICER COMES AROUND AT A CERTAIN TIME OF NIGHT AND LOCKS THE  
17 INSTITUTION DOWN WHERE NO EXITING CAN BE MADE WITHOUT A KEY.

18 Q. GOT YOU. SO SOME OFFICER HAD TO OPEN THAT LOBBY DOOR.

19 A. CORRECT. NOW, I'M NOT SURE AT THE -- AT THE TIME I  
20 GUESS FOR HIM TO EXIT -- HE DIDN'T HAVE A KEY OBVIOUSLY, SO  
21 IT HAD TO STILL HAVE BEEN OPEN AT THAT TIME.

22 MS. HARDEE-THOMAS: BEG YOUR INDULGENCE.

23 THE COURT: ALL RIGHT.

24 BY MS. HARDEE-THOMAS:

25 Q. NOW, MY QUESTION IS: DO YOU REMEMBER ANYONE FINDING

1 THIS SHANK?

2 A. NO.

3 Q. ALL RIGHT. THIS IS MY QUESTION: WHEN YOU WERE ABLE TO  
4 SEE THE STRUGGLE HAPPENING, YOU ONLY GOT -- YOU SAID YOU SAW  
5 THE WHITE HANDLE---

6 A. UH-HUH.

7 Q. ---WITH THE SIX-INCH---

8 A. RIGHT.

9 Q. ---PERIMETER. WHEN YOU TURNED YOUR HEAD TO GO TO GET  
10 HELP, THE TELEPHONE, YOU LOST EYE CONTACT WITH THE STRUGGLE  
11 THAT WAS HAPPENING BETWEEN THE TWO, SHEPPARD AND HOLMES.

12 A. IF I DID LOSE EYE CONTACT, IT WAS NOT BUT FOR A FEW  
13 SECONDS. I REMEMBER WALKING BACKWARDS BECAUSE I WAS REALLY  
14 IN SHOCK AT THIS TIME BECAUSE THIS WAS THE FIRST OCCURRENCE I  
15 HAD SEEN SINCE BEING AN OFFICER THERE.

16 Q. UH-HUH. SO BASICALLY THEY WEREN'T -- THEY WERE TUSSLING  
17 AT EACH OTHER. THEY WERE INTERLOCKED AT THE TIME THAT YOU  
18 FIRST SAW THEM. IT WAS A TIME THAT -- WHAT TIME THAT YOU SAW  
19 THEM THAT YOU WERE ON THE PHONE OR AFTER YOU'D GOTTEN OFF THE  
20 PHONE THAT MR. HOLMES HAD INTERLOCKED MR. SHEPPARD BY THE  
21 NECK?

22 A. MY INTENT WAS TO USE MY RADIO TO CONTACT THE SERGEANT.  
23 HOWEVER, LIKE I STATED, WHEN I EXITED THAT DOOR, THE SERGEANT  
24 WAS RIGHT THERE IN THE BUILDING.

25 Q. RIGHT. WERE THEY STILL STRUGGLING AT THAT TIME OR WAS

1 MR. HOLMES -- HAD MR. HOLMES INTERLOCKED MR. SHEPPARD'S HEAD  
2 AT THAT TIME?

3 A. THEY WERE NOT INTERLOCKED UNTIL THEY WERE IN THE LOBBY  
4 AREA. NEVER WAS A STRUGGLE AMONGST BOTH INMATES. IT WAS  
5 BASICALLY SHEPPARD PURSUING HOLMES.

6 Q. OKAY. ALL RIGHT. SO HE WAS KEEPING -- MR. HOLMES WAS  
7 KEEPING AWAY FROM HIM.

8 A. RIGHT, THE BEST HE COULD AS BACKING UP. HE WAS WALKING  
9 BACKWARDS FLAILING HIS ARMS AS TO KEEP HIM OUT OF HIS AREA.

10 Q. THEY WENT FROM HERE OVER TO THIS AREA, THE LOBBY AREA.

11 A. CORRECT.

12 Q. AND YOU SAW THEM INTERLOCK WHERE? IN THE LOBBY AREA?

13 A. YES.

14 Q. HOW LONG DID THAT TAKE?

15 A. THE ACTUAL -- HOW LONG WERE THEY IN THE---

16 Q. THE STRUGGLE TO THE LOBBY AREA.

17 A. IT WASN'T 60 SECONDS.

18 Q. THANK YOU.

19 A. BECAUSE AS SOON AS I REALIZED, I EXITED THAT POINT FOR  
20 THE EXIT.

21 Q. RIGHT. AFTER YOU SAW THEM INTERLOCKED IN THE LOBBY, HOW  
22 LONG WERE THEY INTERLOCKED UNTIL THE MACE WAS SPRAYED AND  
23 THEN THE TWO WERE SEPARATED?

24 A. APPROXIMATELY I WOULD SAY A LITTLE OVER A MINUTE  
25 BECAUSE, AS I STATED, SERGEANT ELMORE GAVE SEVERAL DIRECTIVES

1 FOR HIM TO RELEASE HIS HOLD ON INMATE SHEPPARD.

2 Q. AND AT THAT TIME MR. SHEPPARD STILL -- DID YOU SEE THE  
3 SHANK STILL?

4 A. THIS IS ACTUALLY WHEN I DID SEE IT.

5 Q. OKAY. IN THE LOBBY.

6 A. IN THE LOBBY AREA.

7 Q. SO THAT'S A CLOSER AREA THAN IN THE A. WING, ISN'T IT?

8 A. YES.

9 Q. SO---

10 A. IT'S A SMALLER AREA THAN THE A. WING.

11 Q. RIGHT. SO WERE INMATES RUNNING BACK AND FORTH IN THAT  
12 LOBBY OR DID Y'ALL HAVE CONTROL OVER THAT?

13 A. THERE SHOULDN'T HAVE BEEN ANY FROM MY WING BECAUSE MY  
14 DOOR WAS IMMEDIATELY CLOSED.

15 Q. WHAT DO YOU REMEMBER? DO YOU REMEMBER INMATES RUNNING  
16 BACK AND FORTH IN THAT LOBBY?

17 A. NOT PER SE I REMEMBER THEM RUNNING BACK AND FORTH  
18 BECAUSE MY ATTENTION WAS FOCUSED ON THE ALTERCATION.

19 Q. ALL RIGHT. SO YOU SAW THE SHANK IN THE LOBBY. YOU, MR.  
20 HOLMES, MR. SHEPPARD, AND POSSIBLY MR. ELMORE WAS IN THAT  
21 LOBBY AREA.

22 A. CORRECT.

23 Q. AND YOU STILL SAW THAT SHANK IN THAT -- IN MR.  
24 SHEPPARD'S HANDS.

25 A. CORRECT.

1 Q. AND IF THE SHANK WAS NOWHERE TO BE FOUND, WHERE COULD IT  
2 HAVE GONE IN THAT AREA?

3 A. MY ONLY -- MY ONLY SYNOPSIS THAT I COULD THINK OF IS  
4 THAT THERE WAS MAYBE AN INMATE FROM THE OTHER WING. LIKE I  
5 SAID, I CANNOT BE SURE.

6 Q. DO YOU REMEMBER SEEING AN INMATE FROM THE OTHER WING  
7 COME INTO THAT AREA?

8 A. NO, I CAN'T -- I CAN'T PHYSICALLY SAY I REMEMBER SEEING  
9 AN INMATE.

10 Q. RIGHT.

11 A. BUT THERE CERTAINLY COULD HAVE BEEN BECAUSE THE OTHER  
12 OFFICER FROM ON THE B. WING, ONCE ALERTED OF THE SITUATION,  
13 DID EXIT---

14 Q. OKAY.

15 A. ---INTO THE LOBBY AREA.

16 Q. SO ANOTHER OFFICER FROM THE B. WING CAME INTO THE A.  
17 WING. SO THAT'S FIVE---

18 A. NO, CAME INTO THE LOBBY.

19 Q. CAME INTO THE LOBBY. SO THAT'S FIVE PEOPLE IN THAT  
20 SECURED AREA.

21 A. CORRECT.

22 Q. AND YOU STILL DID NOT FIND THAT SHANK.

23 A. DID NOT FIND IT.

24 Q. DID YOU CHECK ALL THE INDIVIDUALS? BECAUSE THE PERSON  
25 WHO RAN OUT WAS HOLMES; RIGHT?

1 A. RIGHT.

2 Q. DID YOU CHECK HIM BEFORE HE RAN OUT?

3 A. HE WAS NOT SEARCHED BEFORE REPORTING UP TO OPERATIONS,

4 NO.

5 Q. HOW ABOUT MR. SHEPPARD?

6 A. NOT TO MY CALLING---

7 Q. YOU DIDN'T DO THAT.

8 A. ---UNLESS ANOTHER OFFICER DID. I DIDN'T.

9 Q. WELL, IF SOMEONE SAYS A SHANK -- YOU SAW THE SHANK. IF  
10 SOMEONE SAYS A SHANK IS ON ONE OF THE INMATES AND YOU'RE IN A  
11 SECURE AREA, WOULDN'T THAT BE THE FIRST THING THAT YOU WOULD  
12 DO WITH THE INMATES IS CHECK FOR SECURITY REASONS FOR YOU AND  
13 THE OTHER OFFICERS?

14 A. THAT WOULD BE THE REQUIRED PROCEDURE IF THERE IS A  
15 WEAPON OR BELIEVED TO BE A WEAPON.

16 Q. WAS THAT DONE?

17 A. NOT BY MYSELF.

18 Q. OKAY.

19 A. NOT BY MYSELF.

20 Q. YOU LEFT AFTER MR. HOLMES LEFT? AFTER HE RAN OUT OF THE  
21 LOBBY, YOU LEFT?

22 A. NO, I DIDN'T LEAVE.

23 Q. OKAY. SO---

24 A. I WAS OUT ON THE FRONT LAWN DURING THAT TIME WITH INMATE  
25 HOLMES ONCE THEY -- ONCE INMATE SHEPPARD BROKE OUT OF THE

1 BUILDING AT INMATE HOLMES, THEY WERE IMMEDIATELY ESCORTED UP  
2 FRONT.

3 Q. OKAY. SO YOU DON'T KNOW WHO WOULD HAVE CHECKED MR.  
4 HOLMES, BUT MR. -- BUT YOU KNOW MR. SHEPPARD WAS ESCORTED---

5 A. CORRECT.

6 Q. ---OUT.

7 A. CORRECT.

8 Q. HE DIDN'T HAVE A CHANCE TO LEAVE THAT LOBBY.

9 A. NO, NOT TO RETURN ON THE WING, NO.

10 MS. HARDEE-THOMAS: BEG YOUR INDULGENCE, YOUR HONOR.

11 THE COURT: ALL RIGHT.

12 MS. HARDEE-THOMAS: NO FURTHER QUESTIONS. THANK YOU,

13 MR. BELLAMY.

14 THE COURT: REDIRECT?

15 MR. HILTON: NO REDIRECT, YOUR HONOR.

16 THE COURT: ALL RIGHT. IS THIS WITNESS FREE TO LEAVE?

17 MS. HARDEE-THOMAS: YES FROM DEFENSE.

18 THE COURT: ANY OBJECTION?

19 MR. HILTON: NO OBJECTION.

20 THE COURT: YOU'RE FREE TO GO, SIR. CALL YOUR NEXT

21 WITNESS, PLEASE.

22 MR. SORENSON: THE STATE CALLS CARVIN ELMORE.

23 CARVIN ELMORE, AFTER BEING DULY SWORN, TESTIFIED AS

24 FOLLOWS:

25 THE COURT: PLEASE BE SEATED AND STATE YOUR FULL NAME