

VOL I of II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Florence County

Michael G. Nettles, Circuit Court Judge

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S.C. Supreme Court

JIMMY D. MEGGS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE 2014-000548

APPENDIX

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VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Florence County

Thomas A. Russo, Circuit Court Judge

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V.

STATE OF SOUTH CAROLINA,

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APPENDIX

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STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

COURT OF GENERAL SESSIONS

)

2001-GS-21-663

STATE OF SOUTH CAROLINA)

2001-GS-21-664

vs.)

2001-GS-21-665

)

2001-GS-21-666

)

)

TRANSCRIPT OF RECORD

)

Jimmy Donald Meggs Jr.)

August 6-9, 2001

Defendant.)

Florence, South Carolina

B E F O R E:

HONORABLE JAMES E. BROGDON JR., Judge and a jury.

A P P E A R A N C E S:

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JENNIFER EVANS, Assistant Attorney General

Attorney for the State

Kernard E. Redmond, Esquire

James Cox, Esquire

Attorney for the Defendant

Keshia Reed

Circuit Court Reporter

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1 THE COURT: All right. I understand from talking
2 with the attorneys in chambers that there are some matters
3 that will need to be addressed before we can begin this
4 trial and that those matters will involve taking of
5 testimony from about six witnesses or so. Rather than
6 begin that and go for a little while and then break for
7 lunch, we'll recess now and we'll begin that process at
8 1:15. Thank you all.

9 (Court in recess.)

10 (Court reconvened.)

11 THE COURT: All right, sir. This hearing is being
12 conducted for the purpose of the Court hearing testimony
13 from several witnesses, who the Court understands would
14 offer testimony as it relates to other acts of the
15 defendant. I guess the more probative term is Lyle
16 evidence and the objection of that by the defendants -- by
17 the defendant in this case. Are you ready to proceed with
18 calling of those witnesses who will testify about these
19 matters?

20 MR. STEINBERG: Yes, sir, Your Honor.

21 THE COURT: Defense ready?

22 MR. REDMOND: Ready, Your Honor.

23 THE COURT: Now, I noticed earlier there was a
24 request that witnesses be sequestered does that apply to
25 this hearing as well, sir?

1 MR. REDMOND: Yes, sir.

2 THE COURT: Any objection, Mr. Steinberg?

3 MR. STEINBERG: No, Your Honor.

4 Your Honor, keeping with that Investigator Bryan Kennedy,
5 we ask that he stay here. He may be a witness, but, of
6 course, he's the chief investigating officer.

7 THE COURT: No objection to that is it from the
8 defense?

9 MR. COX: No, Your Honor.

10 MR. STEINBERG: Your Honor, State would call victim #1
11 to the stand.

12 THE COURT: If you will come right up here, sir.
13 And there's a Bible here on this side. If you'll place
14 your left hand on this Bible, and raise your right hand.
15 This young lady is gone give you an oath.

16 CLERK OF COURT: Do you swear the testimony you give
17 in this case will be the truth, the whole truth, and
18 nothing but the truth so help you God?

19 victim #1 : Yes, ma'am.

20 CLERK OF COURT: Please be seated and state your
21 full name for the record.

22 THE COURT: You tell us your name?

23 victim #1 :

24 THE COURT: And before Mr. Steinberg ask you any
25 questions, it's important that I be able to hear and

victim #1

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

10

1 understand what you're saying. And for that reason I need
2 for you to take the gum, if that's what you have in your
3 mouth, or whatever it might be out and put it in the trash
4 can. Is it one right there. And I need for you to speak
5 loudly enough so that I can hear your testimony and so
6 these folks over here can hear your testimony as well. Can
7 you do that?

8 victim #1 : Yes, sir.

9 THE COURT: Mr. Steinberg.

10 victim #1, being first
11 duly sworn, testified as follows:

12 IN-CAMERA DIRECT EXAMINATION BY MR. STEINBERG:

13 Q. State your full name for the record?

14 A. Victim #1

15 Q. Victim #1 how old are you?

16 A. , just about to turn

17 Q. What is your date of birth?

18 A.

19 Q. You know the difference between right and wrong?

20 A. Yes, sir.

21 Q. Do you know what the difference between a truth and a
22 lie?

23 A. Yes, sir.

24 Q. Do you know what happens if you tell a lie?

25 A. Yes, sir.

victim #1

Q. Tell the judge what happens if you tell a lie? What would happened to you if you told a lie?

A. I would get in trouble.

MR. STEINBERG: Does, Your Honor, have any questions?

THE COURT: I don't have any questions. Any questions from the defense in regards to his competency?

MR. REDMOND: No, questions, Your Honor.

THE COURT: All right.

Q. victim #1 do you know Jimmy Meggs?

A. Yes, sir.

Q. How do you know Jimmy Meggs?

A. From baseball.

Q. Okay. Do you ever go any place with Jimmy?

A. Yes, sir.

Q. Where did you go with him?

A. Went camping and hotels.

Q. Okay. Went where?

A. Hotels.

Q. Camping and hotels. Did he ever buy you anything?

A. Yes, sir.

Q. What did he buy you?

A. Pocket knife.

Q. Bought you a pocket knife. Did you ever play paint

victim #1

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

15

1 A. My brother.

2 Q. Okay. Did you have to do it to anybody else?

3 A. Not that I can remember.

4 Q. Okay. Did Jimmy say anything to you after that?

5 A. I don't think so.

6 Q. Did Jimmy ever tell you not to say anything?

7 A. I can't remember.

8 Q. Okay. Do you remember speaking with Bryan Kennedy
9 today. Bryan Kennedy this gentleman right here. Do you
10 remember speaking with Sandra Sturkie?

11 A. Yes, sir.

12 Q. Do you remember speaking to people in a room right
13 behind there?

14 A. Yes, sir.

15 Q. Remember that. Do you remember making the following
16 statements. Tell me if you heard this statement? You said
17 this statement quote Jimmy told you this, don't tell your
18 mom about what happened?

19 A. Yes, sir.

20 Q. Do you remember that?

21 A. Yes, sir.

22 Q. Are you sure you remember that?

23 A. Yes, sir.

24 Q. Do you remember having to do push-ups?

25 A. Yes, sir.

1 Q. Tell us about these push-ups?

2 A. We had to do push-ups over someone and grab a paint
3 ball.

4 Q. Say you grabbed the paint ball. How did you grab the
5 paint ball?

6 A. With your mouth.

7 Q. And where was the paint ball placed?

8 A. In another person's private.

9 Q. And who put the paint ball there?

10 A. It could be anybody, just anybody.

11 Q. Okay. Who told you to do that?

12 A. Jimmy.

13 Q. Are you sure it was Jimmy Meggs?

14 A. Yes, sir.

15 Q. And did you in fact pick up the paint ball?

16 A. Yes, sir.

17 Q. Did anybody have to do it to you?

18 A. Not that I can remember.

19 Q. Do you remember what Jimmy said at that time?

20 A. No, sir.

21 Q. What would happen if you didn't do it?

22 A. He would shoot us.

23 Q. How did you know this?

24 A. Because he was holding it and pointing it to us while
25 we were doing it.

victim #1

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG
INCAMERA CROSS EXAMINATION BY MR. COX

1 Q. Did he say anything to you?

2 A. When he was pointing the gun at us?

3 Q. Yeah.

4 A. I can't remember.

5 Q. Okay. Did he call these push-ups anything in
6 particular you remember any name?

7 A. Yes, sir.

8 MR. STEINBERG: Beg the Court's indulgence. Thank
9 you. Please answer any questions that the other attorneys
10 may have for you.

11 MR. COX: Court's indulgence.

12 IN-CAMERA CROSS EXAMINATION BY MR. COX:

13 Q. victim #1 do you know who I am?

14 A. Yes, sir.

15 Q. Have you ever met me before?

16 A. No, sir.

17 Q. You think you and I ever talked before?

18 A. No, sir.

19 Q. My name is Jim Cox and I represent Jimmy Meggs along
20 with Kernard Redmond. We're Jimmy Meggs lawyers. Do you
21 have a lawyer?

22 A. Yes, sir.

23 Q. Who's your lawyer Mr. Steinberg.

24 A. Yes, sir.

25 Q. Okay. And you almost 5 years old?

- 1 A. Yes, sir.
- 2 Q. And you be starting school this week or next?
- 3 A. This week.
- 4 Q. This week. You start school when?
- 5 A. Thursday.
- 6 Q. Thursday. What grade will you be in?
- 7 A. .
- 8 Q. So last year you were in the . . . grade?
- 9 A. Yes, sir:
- 10 Q. How did you do in the . . . grade real good?
- 11 A. So, so.
- 12 Q. So, so. You pass the grade ---
- 13 A. Yes, sir.
- 14 Q. --- to the . . . grade. Now, what do you like to do
- 15 whenever you're not in school?
- 16 A. Play with my friends.
- 17 Q. Do you still play paint ball?
- 18 A. No, sir.
- 19 Q. Why don't you play paint ball now? . . .
- 20 A. After I play paint ball, I just stopped.
- 21 Q. You stopped. Is there another paint ball field to
- 22 play if you wanted to?
- 23 A. No, I don't think so.
- 24 Q. Okay. How did you first learn about paint ball?
- 25 A. Jimmy passed out flyers and came by our house and give

1 my mom one.

2 Q. And so Jimmy Meggs passed out flyers and he came by
3 your house and gave y'all one at your house?

4 A. Yes, sir.

5 Q. Now, when he was passing out the flyers, is the first
6 you saw Jimmy Meggs?

7 A. Yes, sir.

8 Q. Okay. You didn't know him?

9 A. No, sir.

10 Q. Is that correct?

11 A. Yes, sir.

12 Q. And after he passed out the flyers, did he become a
13 friend of your mother's?

14 A. I don't know.

15 Q. Did he sometimes come to your house just to visit?

16 A. Yes, sir.

17 Q. Sometimes he come to your house and visit with your
18 mother?

19 A. No, sir.

20 Q. Who he visit with when he came to the house?

21 A. Me and victim #2

22 Q. You and victim #2 He never visited with your mom?

23 A. He talk with her but never visit her.

24 Q. He talk with her. Sometimes he would talk to your

25 mother when you and victim #2 were doing something else. Y'all

1 out playing in another room?

2 A. Yes, sir.

3 Q. He ever visit the house with your mom when you were
4 there?

5 A. Yes, sir.

6 Q. Did he ever spend the night at your house?

7 A. No, sir.

8 Q. He ever eat meals at your house?

9 A. No, sir.

10 Q. He ever bring food to your house?

11 A. Not by himself. When we went to somewhere had food.

12 Q. Where did you go?

13 A. McDonald's.

14 Q. McDonald's and bought you food?

15 A. Yes, sir.

16 Q. Okay. Now, what you told us here in court today ---

17 A. Yes, sir.

18 Q. --- who have you told that same statement to? Do you
19 remember who you talk to?

20 A. My lawyer.

21 Q. Mr. Steinberg, your lawyer, okay. You remember anyone
22 else? First off, you don't think you have the answer for
23 every question. I ask you to find out just like you would
24 ask questions to find out?

25 A. Yes, sir.

victim #1

INCAMERA CROSS EXAMINATION BY MR. COX

21

- 1 Q. Do you remember the first time you told this to
2 anybody?
- 3 A. Yes, sir.
- 4 Q. Who was that you told it to?
- 5 A. Well, my sister told it to somebody.
- 6 Q. Your sister told it to somebody. So your sister was
7 the first person to tell it?
- 8 A. Yes, sir, and then the next person told was my mom.
- 9 Q. Now, how did your sister know to tell somebody?
- 10 A. She just did. She told somebody.
- 11 Q. The first person you told then was your sister?
- 12 A. Yes, sir.
- 13 Q. And then you told your mother?
- 14 A. Yes, sir.
- 15 Q. Do you remember what you told your sister?
- 16 A. No, sir.
- 17 Q. Well, did you tell your sister that you been made to
18 suck each other's privates?
- 19 A. Yes, sir.
- 20 Q. You told your sister that?
- 21 A. Yes, sir.
- 22 Q. Did you tell your sister that you had to do push-ups
23 and pick up a paint ball for somebody else?
- 24 A. No, sir.
- 25 Q. Didn't tell her that. Did you tell your sister that.

1 you been threatened with a paint ball gun?

2 A. I don't think so -- no, sir.

3 Q. You didn't tell her that. Now, you told your sister
4 and then you told your mother; is that right?

5 A. Yes, sir.

6 Q. Do you remember what you told your mother?

7 A. Yes, sir, the same thing I told my sister.

8 Q. Now, when you told your mother, who else was there
9 besides you and your mother?

10 A. My brother and my sister.

11 Q. Your brother and sister. Okay. And who was the next
12 person that you told, if you remember?

13 A. I can't remember.

14 Q. Do you know about how many times you told the story?

15 A. No, sir.

16 Q. Now, tell me about paint ball. How did the paint ball
17 -- when you went out to the paint ball, what normally
18 happened? What usually you do?

19 A. Run out -- run out in the field.

20 Q. Run out in the field. But tell me about paint ball or
21 paint ball day?

22 A. We usually went there and we would like play games
23 with paint ball. And then it will be a little late and
24 then we would camp at the camp site.

25 Q. So you had a camp site?

victim #1

INCAMERA CROSS EXAMINATION BY MR. COX

23

1 A. We didn't have a camp site. We had a field we stayed
2 in.

3 Q. A field. Did you have tents?

4 A. Yes, sir.

5 Q. Okay. And how many people would normally be out there
6 for paint ball?

7 A. About 15.

8 Q. Fifteen. And about how many would spend the night?

9 A. Just about all of them.

10 Q. Just about all of them. Okay. And how many -- and do
11 you know how many tents you had?

12 A. Three or four.

13 Q. Three or four. Okay. About how many people sleep in
14 each tent?

15 A. Well, we had a big tent and usually ten people sleep
16 in that.

17 Q. Okay. That is a big tent?

18 A. Yes. Another tent were few more people and...

19 Q. You talked about -- what did you talk about about
20 Jimmy Meggs over there. Anybody else ever bother you while
21 you were out there at the paint ball field?

22 A. Yes, sir.

23 Q. Who was that?

24 A. *team player #9*

25 Q. Who was *team player #9*

- 1 A. Jimmy Meggs' friend's son. *team player #9*
- 2 Q. Jimmy Meggs' friend's son. What did . do?
- 3 A. He was just -- he was like Jimmy's side manager.
- 4 Q. Jimmy's side man. Tell me what Jimmy's side man what
- 5 does that mean?
- 6 A. He does the same thing as Jimmy.
- 7 Q. He does the same thing as Jimmy?
- 8 A. No, he doesn't do it to me.
- 9 Q. Did he ever bother you?
- 10 A. *team player #9*
- 11 Q. Yeah.
- 12 A. No.
- 13 Q. He never both you?
- 14 A. No, sir.
- 15 Q. I thought the question I ask you -- maybe, I need to
- 16 make it clear. Did anybody else ever make you feel
- 17 uncomfortable or do anything to you like say Jimmy Meggs
- 18 while you were out there?
- 19 A. No, sir, I don't think so.
- 20 Q. When you say you don't think so, you don't remember?
- 21 A. I can't remember.
- 22 Q. Didn't the *team player #5 & 6* ever bother you?
- 23 A. Yes, sir.
- 24 Q. What did they do?
- 25 A. One he hung me over the fire. He grab my shirt and

1 held me over the fire.

2 Q. Held you over a fire. Did he hurt you?

3 A. No, he didn't hurt me.

4 Q. Okay. Did anybody else they do anything like that?

5 A. I can't remember.

6 Q. You don't remember?

7 A. No, sir.

8 Q. And who was out there when he hung you over the fire?

9 A. Most of the other boys.

10 Q. Most other boys. Now, every night you were out there
11 spending the night, was Jimmy Meggs always there?

12 A. Not all the time. He usually went and got us
13 something to eat a few campers.

14 Q. So he go and come back?

15 A. Yes, sir.

16 Q. Did you ever go out and play paint ball when Jimmy
17 Meggs was not out there?

18 A. No, sir.

19 Q. He was always out there?

20 A. Yes, sir.

21 Q. He was always there except when maybe go get something
22 to eat and come back?

23 A. Yes, sir.

24 Q. How did you describe Jimmy Meggs? How often did it
25 happen?

1 A. Just about every day.

2 Q. Just about every day that you were out there playing
3 paint ball?

4 A. Not every day but every weekend.

5 Q. Every weekend. And besides you, who else saw it?

6 A. All the other campers.

7 Q. All the other campers saw what happened. And where
8 would you be at when it happened. Where would you
9 physically be?

10 A. On the ground.

11 Q. On the ground. Good. Would you be in the woods,
12 field, in the tent by the camp fire?

13 A. Near the camp area.

14 Q. Near the camp area?

15 A. Near the camp area.

16 Q. Near the camp area. Would it be nighttime or day?

17 A. Daytime.

18 Q. Daytime. All the campers was there?

19 A. Yes, sir.

20 Q. All the campers would see?

21 A. Yes, sir.

22 Q. And after, would you and the campers talk about it?

23 A. No, sir.

24 Q. You didn't talk about it.

25 MR. COX: I don't have anything further.

Victim #1

INCAMERA REDIRECT EXAMINATION BY MR. STEINBERG

27

1 THE COURT: Anything else, Mr. Steinberg?

2 MR. STEINBERG: Very briefly.

3 IN-CAMERA REDIRECT EXAMINATION BY MR. STEINBERG:

4 Q. ^{Victim #1} were you one of the younger boys or older boys
5 out there?

6 A. Younger boys.

7 Q. And who else had to do what you said happened with you
8 and your brother?

9 A. Most of the other boys.

10 Q. The younger boys?

11 A. Yes.

12 Q. Who had to do the push-ups?

13 A. Most of the younger boys.

14 Q. You said there's sometimes up to 15 people out there?

15 A. Yes, sir.

16 Q. Do you know who was out there when you had to do those
17 push-ups with the paint balls?

18 A. All the campers.

19 Q. Do you know if anyone of them could see?

20 A. Yes, sir, all of them could see.

21 Q. Okay. How about the time you had to do what you did
22 with your brother, how many people were out there then?

23 A. Most of the campers.

24 Q. As many or more than the other?

25 A. Many.

victim #1

INCAMERA REDIRECT EXAMINATION BY MR. STEINBERG

28

1 Q. Okay. And talk about who you first told, did you ever
2 tell a Ms. Buntin?

3 A. Yes, sir.

4 Q. Who did you tell first Ms. Buntin or your mother?

5 A. Who did I tell first?

6 Q. Yeah?

7 A. My mother.

8 Q. Okay. Did Ms. Buntin and you have a conversation?

9 A. No, sir, not that I can remember.

10 Q. Well, I asked you earlier I said have you and Ms.
11 Buntin ever discuss this. What did you and Ms. Buntin
12 discuss?

13 A. She asked did -- she asked me did I know the truth. I
14 said, yes.

15 Q. Okay. And what else did you tell them?

16 A. That's it.

17 Q. Okay. And how did you react when she tried to talk to
18 you about it?

19 A. Surprised.

20 Q. Okay. Was that before you spoke to your mom about
21 this?

22 A. It was before.

23 Q. Okay.

24 MR. STEINBERG: That's all the questions thank you.

25 MR. COX: Nothing further, Your Honor.

victim #1

INCAMERA REDIRECT EXAMINATION BY MR. STEINBERG
29

1 THE COURT: You can step down, sir.

2 MR. STEINBERG: Your Honor, I just like to ask about
3 speaking with anybody else or will I have to do it myself?

4 THE COURT victim #1, let me tell you that you remember
5 before we started, I had everyone else go out of the room?

6 victim #1 : Yes, sir.

7 THE COURT: See that there's nobody in here now, but
8 you. And in a minute, you going out of here and you'll be
9 back there with those other folks that I guess are friends
10 of yours. And you can't talk to them about what questions
11 these lawyers asked you or what you may have told the
12 lawyers. Do you understand that?

13 victim #1 : Yes, sir.

14 THE COURT: And if anybody tries to talk to you
15 about what you said here this afternoon, will you tell me
16 about it?

17 victim #1 . No, sir.

18 THE COURT: It will all right to tell me. But what
19 I'm asking you is if you go out there and somebody says,
20 victim #1 tell me what they asked and what did you say, I want
21 you tell me about that. Would you tell me if somebody ask
22 you about what you said?

23 victim #1 : Yes, sir.

24 THE COURT: All right. If you go right back out
25 there somebody will show you where to go.

1 (The witness left the witness stand.)

2 THE COURT: This is victim #2?

3 MR. STEINBERG: Yes, Your Honor.

4 THE COURT: victim #2, if you will come around and you
5 see this blue book right here. You put your left hand on
6 that book, raise your right hand and this lady -- I'll tell
7 you what I'll do it it might be easier for me to see. Do
8 you swear or promise that what you will tell the Court
9 today in answering the questions that your lawyer will ask
10 will be the truth?

11 victim #2: Yes, sir.

12 THE COURT: Put your hand down, have a seat and tell
13 us your name.

14 victim #2 WATFORD: victim #2.

15 THE COURT: Before Mr. Steinberg ask you some
16 questions, it's important for me to be able to hear and
17 understand what you say. So you need to speak loudly and
18 clearly enough so that I can understand you. And if you
19 will stay close to that microphone, then I can do that.
20 And let me mention one other thing to you, victim #2, and that
21 is when they ask you a question, don't just shake your head
22 or nod your head. Give me a yes or a no so that I can make
23 sure I know what your answer is. Can you do all that?

24 victim #2 WATFORD: Yes, sir.

25 THE COURT: All right. Mr. Steinberg, is going to

victim #2

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

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1 ask you some questions.

2 victim #2 , being first
3 duly sworn, testified as follows:

4 **IN-CAMERA DIRECT EXAMINATION BY MR. STEINBERG:**

5 Q. Good morning victim #2, or good afternoon. victim #2, how
6 are you today?

7 A. Good.

8 Q. How old are you now?

9 A. About to turn 11.

10 Q. Okay. Do you know Jimmy Meggs?

11 A. Yes, sir.

12 Q. How do you know Jimmy Meggs?

13 A. He took me to paint ball league.

14 Q. Okay.

15 MR. STEINBERG: Specific qualifications.

16 MR. COX: That's fine for the purpose of this.

17 THE COURT: All right, sir.

18 Q. How did you say you know him?

19 A. I joined the paint ball league and he was the one that
20 started the paint ball league.

21 Q. Okay. Did you go any other places?

22 A. Yes, sir.

23 Q. Where did you go?

24 A. We went to restaurants and like McDonald's and went to
25 the hotel.

Victim

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

32

- 1 Q. Okay. You said you went to play paint ball, where did
2 you play paint ball?
- 3 A. In a field. Well, I don't know where it is.
- 4 Q. Okay. Who pay when you went to these places?
- 5 A. Jimmy.
- 6 Q. Okay. Did he ever buy you anything?
- 7 A. Yes, sir.
- 8 Q. What did he buy you?
- 9 A. He bought me -- he bought me a lot of stuff. I can't
10 remember some fake teeth and a pocket knife stuff like
11 that.
- 12 Q. Okay. Where did Jimmy pick you up from?
- 13 A. My house in Quinby.
- 14 Q. Okay. Jimmy ever go inside your house?
- 15 A. One time that's the only time I can remember.
- 16 Q. Did your dad live in your home back around
17 Thanksgiving of 1999?
- 18 A. No, sir.
- 19 Q. Okay. Who live in the home with you at that time?
- 20 A. My mom, my brother, and my sister, me and my dog.
- 21 Q. Okay. How old is your sister?
- 22 A. She's now.
- 23 Q. About how many boys go out to the paint ball league?
- 24 A. Thirteen.
- 25 Q. About 13?

VICTIM #2

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

33

- 1 A. Somewhere in there.
- 2 Q. Okay. Where you one of the younger boys or the older
- 3 boys?
- 4 A. Younger boys.
- 5 Q. Okay. Did you have a rank?
- 6 A. Yes, sir.
- 7 Q. What was your rank?
- 8 A. I can't remember.
- 9 Q. Did everybody have a rank?
- 10 A. Yes, sir.
- 11 Q. What rank was Jimmy?
- 12 A. Five star general.
- 13 Q. Okay. Was his rank higher than yours?
- 14 A. Yes, sir.
- 15 Q. If he gave an order, would you have to obey it?
- 16 A. Yes, sir.
- 17 Q. What would happen if you didn't?
- 18 A. He would shoot us close range with the paint ball gun.
- 19 Q. How did you know this?
- 20 A. Because he would tell us before he did it.
- 21 Q. What did you wear while at the paint ball field?
- 22 A. Sometimes only boxers or sometimes we were naked.
- 23 Q. Okay. Did you ever wear any clothes there?
- 24 A. Yes, sir, we wore Army outfits.
- 25 Q. Army outfits. Who gave you Army outfits?

- 1 A. A man Jimmy -- Jimmy -- somebody brought them to the
2 field. I don't know who it was.
- 3 Q. Did Jimmy say where they came from?
- 4 A. Not that I can remember.
- 5 Q. Did Jimmy ever tell you he was in the Army?
- 6 A. Yes, sir.
- 7 Q. Remember what he told you about that?
- 8 A. No, sir.
- 9 Q. Did he ever tell you about the National Guard?
- 10 A. Yes, sir.
- 11 Q. What did he tell you about that?
- 12 A. He said he use to be in it.
- 13 Q. Okay. Did he say what rank he was in it?
- 14 A. No, sir.
- 15 Q. Okay. Did he tell you what he did for a living?
- 16 A. No, sir -- well, yes, sir.
- 17 Q. What was that?
- 18 A. He work on a train.
- 19 Q. Did he say what job he did on the weekend?
- 20 A. No, sir.
- 21 Q. You would spend the night at the paint ball field?
- 22 A. Yes, sir.
- 23 Q. Okay. Did anything happen at the paint ball field
24 that you thought was that made you feel uncomfortable?
- 25 A. Yes, sir.

victim #2

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

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1 Q. Tell us what happened?

2 A. We had to do real nasty stuff. We had to pick paint
3 balls up off other people's privates and we had to suck
4 other people's privates.

5 Q. Okay. Tell the Court or the judge how you had to pick
6 up the paint balls off of other people's privates?

7 A. One boy had to lay down and the other one does
8 push-ups. When they go down, they pick the paint ball up
9 off the boy's privates with their teeth.

10 Q. Okay. And who told y'all to do this?

11 A. Jimmy.

12 Q. Are you sure it was Jimmy Meggs?

13 A. Yes, sir.

14 Q. What would happen if you didn't pick up the paint
15 ball?

16 A. He would shoot us close range.

17 Q. How did you know this?

18 A. Because he told us.

19 Q. Did he have a paint ball gun?

20 A. Yes, sir.

21 Q. Were you scared of the paint ball gun?

22 A. Yes, sir.

23 Q. Anybody else have to do these push-ups?

24 A. Yes, sir.

25 Q. Who else have to do push-ups?

team player #3 team player #4

1 A. . . . and that's all I can remember.

2 Q. Who all was around when, if you can remember, who was
3 around when you had to do the push-ups?

4 A. A lot of people. Well, everybody on the paint ball
5 team and sometimes everybody wasn't there though.

6 Q. Okay. And why wouldn't somebody be there?

7 A. Because they would be grounded or either we couldn't
8 pick them up.

9 Q. Okay. You said earlier that sometimes you had to suck
10 your brother's penis?

11 A. Yes, sir.

12 Q. Who told you to do this?

13 A. Jimmy Meggs.

14 Q. Are you sure it was Jimmy Meggs?

15 A. Yes, sir.

16 Q. Did anybody else tell you to do this?

17 A. No, sir, not that I can remember.

18 Q. Okay. You remember how Jimmy told you to do this?

19 A. Yes, sir.

20 Q. You tell the judge how he did this?

21 A. He told us -- one person to stand up and pull their
22 pants down and the other person get down on their knees and
23 then the other person have to put their head under the
24 other person's shirt.

25 Q. Did he ever make a statement I just want to watch?

victim #2

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

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- 1 A. No, sir, not that I can remember.
- 2 Q. Who's penis did you have to or other penis'?
- 3 A. Yes, sir.
- 4 Q. Who's penis did you have to suck?
- 5 A. My brothers, the blond ~~team player~~^{2 & 3} brother and that's all
- 6 I can remember.
- 7 Q. The blond ~~team player~~^{2 & 3} brother's that's the older or the
- 8 younger?
- 9 A. The younger.
- 10 Q. Okay. And who had to suck your penis?
- 11 A. My brother and the young ~~team player~~² brother.
- 12 Q. Do you remember when this occurred?
- 13 A. Near Thanksgiving.
- 14 Q. About how many times did you have to do it?
- 15 A. Do what?
- 16 Q. The times you had to suck your brother's penis -- how
- 17 many times did you have to do that?
- 18 A. In a day?
- 19 Q. How many different days if there's more than one. If
- 20 there's more than one how many different days?
- 21 A. Every time we would go if we didn't mess up he didn't.
- 22 Q. Make you what?
- 23 A. Make me suck brother's penis.
- 24 Q. Okay. Were there always people around at this time?
- 25 A. Yes, sir.

- 1 Q. Okay. Was it possible that there might be people who
2 were playing paint ball who would not see it?
- 3 A. Yes, sir, sometimes because we had duties and we had
4 like hour shifts at night and some people are asleep.
- 5 Q. Okay. Was getting firewood one of the duties?
- 6 A. Yes, sir.
- 7 Q. Would somebody have been getting firewood while you're
8 doing this?
- 9 A. Yes, sir.
- 10 Q. After you were done doing what you did with your
11 brother, do you remember what Jimmy said?
- 12 A. He said you really didn't have to do it after he told
13 us to and he threatened us.
- 14 Q. How did he threaten you?
- 15 A. He told us he would shoot us at close range with the
16 paint ball gun.
- 17 Q. Did Jimmy Meggs ever tell you this, don't tell your
18 mom about this?
- 19 A. Yes, sir.
- 20 Q. Are you sure?
- 21 A. Yes, sir.
- 22 Q. Okay. Do you remember going back to the push-ups? Do
23 you remember what Jimmy called push-ups?
- 24 A. No, sir.
- 25 Q. Did you ever call push-ups humping?

victim #2

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

39

1 A. Yes, sir.

2 Q. Where did you hear that term?

3 A. He just called it that.

4 Q. Has anybody asked you to lie? Somebody asked you to
5 lie?

6 A. Yes, sir.

7 Q. Who has asked you to lie?

8 A. Jimmy.

9 Q. What lie did Jimmy ask you to tell?

10 A. He told me that not to tell anybody and not to -- he
11 told me to lie to my mom.

12 Q. Did he tell you what lie to tell your mom?

13 A. He told me to -- he told me to tell my mom that it was
14 a fun weekend and stuff.

15 Q. Did he ever say anything about what happened to you?

16 A. When?

17 Q. When he was talking to you about what to tell your
18 mama? About what to say and not to say to your mama?

19 A. No, sir.

20 Q. Okay. Why did you eventually tell someone?

21 A. I didn't. My little sister did.

22 Q. Okay. What adult did you talk to about this?

23 A. My mama.

24 MR. STEINBERG: Beg the Court's indulgence.

25 THE COURT: Sure.

victim #2.

, INCAMERA CROSS EXAMINATION BY MR. COX

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1 MR. STEINBERG: Thank you, victim #2. Please answer any
2 of the attorney's questions that they might have.

3 victim #2 : Yes, sir.

4 MR. REDMOND: Beg the Court's indulgence.

5 IN-CAMERA CROSS EXAMINATION BY MR. COX:

6 Q. victim #2 , do you know who I am?

7 A. No, sir.

8 Q. Have we ever talked before?

9 A. No, sir.

10 Q. I'm Jim Cox. I'm Jimmy Meggs' lawyer. I and Kernard
11 Redmond sit over there with Jimmy Meggs. Do you have a
12 lawyer?

13 A. Yes, sir.

14 Q. Who's your lawyer Mr. Steinberg?

15 A. Yes, sir.

16 Q. He's a good lawyer; isn't he?

17 A. Yes, sir.

18 Q. You like him?

19 A. Yes, sir.

20 Q. Okay. Would you think about your paint ball
21 experience going to play paint ball. What do you think
22 about?

23 A. I think about what Jimmy do to me if I mess up.

24 Q. What Jimmy do to you if you missed up?

25 A. Yes, sir.

- 1 Q. What do you call messing up?
- 2 A. If I like didn't do what he told me to or if I didn't
- 3 do it right.
- 4 Q. If you didn't do what he told you to or if you didn't
- 5 do it right?
- 6 A. Yes, sir.
- 7 Q. And what did he tell you to do if you didn't do it?
- 8 A. He would -- he told me to suck my brother's penis and
- 9 I refuse not to, he shoot me with the paint ball gun.
- 10 Q. How many times did he shoot me with the paint ball
- 11 gun?
- 12 A. Once or twice.
- 13 Q. At close range?
- 14 A. Yes, sir.
- 15 Q. Okay. And tell me what caused him to shoot at close
- 16 range the paint ball gun?
- 17 A. Because sometimes I didn't want to do it and he shoot
- 18 me.
- 19 Q. Okay. You would have to do these nasty things and
- 20 other people watched?
- 21 A. Yes, sir.
- 22 Q. And after it was done, did you and other people talk
- 23 about it?
- 24 A. No, sir.
- 25 Q. Do you know why you didn't talk about it?

1 A. Because I was scared of Jimmy.

2 Q. Scared of Jimmy. Did Jimmy ever accuse you of taking
3 stuff from a store?

4 A. No, sir.

5 Q. He didn't. He never did?

6 A. No, sir, but he accused some other boys.

7 Q. Who did he accuse?

8 A. I can't remember, but I remember he accused some of
9 them.

10 Q. How do you remember that he did it if it wasn't you?

11 A. Because I remember them talking about it.

12 Q. Who were they talking about do you remember?

13 A. People on the paint ball team.

14 Q. What did Jimmy do about the person taking stuff?

15 A. Huh.

16 Q. You don't know?

17 A. I can't remember.

18 Q. You can't remember. Now, how did your sister -- you
19 said your sister was the first person to tell about it?

20 A. Yes, sir.

21 Q. How did she know about it?

22 A. My brother.

23 Q. Your brother told her?

24 A. Yes, sir.

25 Q. Okay. How did -- tell me about where you were when

1 you told your mother the first time?

2 A. I was at my apartment on my couch.

3 Q. You and your mother and your brother and sister where
4 you all live?

5 A. Yes, sir.

6 Q. Okay. How did it come up? How did the conversation
7 come about to tell about it?

8 A. Well, my mama asked me.

9 Q. Your mother asked you?

10 A. Yes, sir.

11 Q. Okay. Whenever your mother asked you, you told her
12 the truth; didn't you?

13 A. Yes, sir.

14 Q. Were you worried about what Jimmy was gone tell her
15 that you had done or somebody done down at the store?

16 A. No, sir.

17 Q. Now, after you said this happened and you told this to
18 your mother, do you remember still going out and playing
19 paint ball with Jimmy Meggs?

20 A. No, sir.

21 Q. Ever go bowling after that with Jimmy Meggs?

22 A. No, sir, that was before that.

23 Q. It was before that?

24 A. Yes, sir.

25 Q. Okay. If you know -- if you know, if you don't that's

- 1 fine. How many times did this occur that you're talking
2 about nasty stuff?
- 3 A. Whenever I didn't obey.
- 4 Q. How many times do you think you didn't obey?
- 5 A. I can't remember.
- 6 Q. More than one?
- 7 A. Yes, sir.
- 8 Q. More than two?
- 9 A. I can't remember.
- 10 Q. You can't remember. More than three?
- 11 A. Probably.
- 12 Q. Probably more than three. Was it four times?
- 13 A. I don't know.
- 14 Q. So you don't know how many times this occurred is what
15 you're saying?
- 16 A. Yes, sir.
- 17 Q. How -- do you know how long a time went by from the
18 time it happened, until your sister told your mother?
- 19 A. No, sir.
- 20 Q. Okay. How do you remember it occurred about
21 Thanksgiving?
- 22 A. Because of we live near there and I remember having
23 Thanksgiving dinner and that stuff.
- 24 Q. You remember what you have for Thanksgiving Dinner?
- 25 A. On Thanksgiving?

1 Q. Where?

2 A. At my uncle's house.

3 Q. Who's your uncle?

4 A. I can't remember his name.

5 Q. Well, what was it about Thanksgiving at your uncle's
6 house that stands out in your mind when you relate back or
7 you associate back that with paint ball?

8 A. I don't understand.

9 Q. I probably didn't understand the question either. You
10 say you're having Thanksgiving dinner at your uncle's
11 house?

12 A. Yes, sir.

13 Q. What makes you think about paint ball and Thanksgiving
14 dinner?

15 A. I just couldn't stop thinking about it because all the
16 things that Jimmy done.

17 Q. And all these things he's done are what, tell me
18 those?

19 A. He made me suck other the boy's penis.

20 Q. That occurred maybe how many times?

21 A. Probably more than four or five times.

22 Q. What else besides that, if anything?

23 A. Do push-ups and get paint balls off people's privates.

24 Q. Anybody else make you do that besides Jimmy?

25 A. No, sir.

- 1 Q. Just always Jimmy?
- 2 A. Yes, sir.
- 3 Q. Who always places the paint ball on the other person?
- 4 A. Sometimes other boys or Jimmy.
- 5 Q. Sometimes other boys would do it?
- 6 A. Yes, sir.
- 7 Q. How many boys have had to do that?
- 8 A. The other boy I remember because sometimes I wouldn't
- 9 do it and my brother would and the ^{camp players} brothers.
- 10 Q. Little ^{#10 #2} players brother?
- 11 A. Yes, sir.
- 12 Q. So did all the campers have do those type push-ups?
- 13 A. Not all of them, no, sir.
- 14 Q. How many campers had to do that type of push-up?
- 15 A. I can't remember.
- 16 Q. As many as three?
- 17 A. Yes, sir.
- 18 Q. As many as four?
- 19 A. Yes, sir.
- 20 Q. Five?
- 21 A. Yes, sir.
- 22 Q. Six?
- 23 A. About six or seven.
- 24 Q. Six or seven?
- 25 A. Yes, sir.

victim #2

INCAMERA CROSS EXAMINATION BY MR. COX

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1 Q. And this is something you thought he said?

2 A. Yes, sir.

3 Q. And who of those boys, how many places the paint ball
4 on someone else?

5 A. Three or four.

6 Q. Three or four, okay.

7 MR. COX: I have no further questions.

8 THE COURT: ^{victim #2}, you can step down. victim #2, you're
9 going back there in the room where you were waiting to come
10 out here. And when you go back there, you can't talk to
11 anybody about what questions these lawyers ask you or what
12 you may have told them. Do understand that?

13 victim #2: Yes, sir.

14 THE COURT: If anybody tries to talk to you about
15 what you have said in here, you need to let me know. Will
16 you do that?

17 Victim #2: Yes, sir.

18 THE COURT: Thank you, sir...

19 (The witness left the witness stand.)

20 THE COURT: Who is your next witness?

21 MR. STEINBERG: team player #1...

22 THE COURT: You see that blue book right there. You
23 put your left hand on that and raise your right hand.

24 CLERK OF COURT: You swear the testimony you give in
25 this case will be the truth, the whole truth, and nothing

1 but the truth so help you God?

2 team player #1 : Yes.

3 CLERK OF COURT: Be seated and state your name for
4 the record?

5 team player #1 : team player #1

6 THE COURT: (sic), let me talk with you just
7 a little bit before they ask you any questions. I need to
8 be able to hear and understand whatever you say in
9 answering their questions and for that reason I need for
10 you to speak as loudly and clearly as you can. Can you do
11 that for me?

12 team player #1 : Yes, sir.

13 THE COURT: And I need from you when someone ask you
14 a question if you will yes or no, don't just say uh-huh or
15 uh-uh. I might not understand that. You might be saying
16 uh-huh and I might hear you say uh-uh. So I wouldn't
17 understand the right answer. So please say yes or no can
18 you do that?

19 team player #1 : Yes, sir.

20 THE COURT: Thank you, sir.

21 team player #1¹, being first
22 duly sworn, testified as follows:

23 IN-CAMERA DIRECT EXAMINATION BY MR. STEINBERG:

24 Q. team player #1 how old are you?

25 A.

1 Q. Okay. And how old were you back in Thanksgiving of
2 1999?

3 A. I was . . .

4 Q. Okay. Who did you live with back then?

5 A. My mom.

6 Q. You live with anybody else at that time?

7 A. No.

8 Q. Okay. Did you know Jimmy Meggs?

9 A. Yes.

10 Q. Where did you first meet Jimmy?

11 A. I meet him he was a baseball umpire.

12 Q. I didn't know he was a baseball umpire.

13 A. He would go out there umpire the baseball games.

14 Q. Okay. And how else did you know him?

15 A. He once came over to my house and tutor me once and
16 help me out with baseball.

17 Q. About how long ago was that?

18 A. Six years ago.

19 Q. Okay. And after that, did you have happen to see him
20 again?

21 A. Yeah.

22 Q. When was the next time you saw him?

23 A. That October like four years later.

24 Q. Okay. Was that October of 1999?

25 A. Yes.

- 1 Q. And how did you come to see him at that time?
- 2 A. I meet him through one of my friends.
- 3 Q. Okay. And did you do anything with Jimmy Meggs at
- 4 that time?
- 5 A. Went to the paint ball camp with him.
- 6 Q. Okay. About how many times did you go?
- 7 A. I went twice and the third time I only went for one
- 8 day. I didn't stay overnight or anything.
- 9 Q. Okay. Did Jimmy Meggs ever tell you what he did for a
- 10 job?
- 11 A. He told me quite a few jobs.
- 12 Q. Like what?
- 13 A. Once he told me he was a teacher or whatever a math
- 14 tutor. I knew he was a baseball umpire. He told me once
- 15 that he worked for the National Guard or the Army. I'm not
- 16 sure which one and that was it.
- 17 Q. Is that the job he said he had in the past or the job
- 18 he said he had during that time you were seeing him?
- 19 A. Which one?
- 20 Q. The National Guard job?
- 21 A. He said it was in the past.
- 22 Q. Did he ever say anything about the Army?
- 23 A. No.
- 24 Q. Okay. Did he ever tell you what rank he was in the
- 25 National Guard?

team player #1

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG
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1 A. I think he mentioned it, but I'm not really sure what
2 it was.

3 Q. Okay. What did you wear at the paint ball camp?

4 A. We wore Army uniforms.

5 Q. Where did you get the Army uniforms?

6 A. I'm not sure. He brought them out that first weekend
7 I went and a couple other guys fit some of the uniforms or
8 whatever. So some of them fit and some of them didn't.

9 Q. Okay. Did Jimmy say where the uniforms came from?

10 A. He say they were issued from the National Guard.

11 Q. Did he ever mention are R. O. T. C.

12 A. He did when I talk to him on the phone before I went
13 that first weekend. He said he was -- it was like with the
14 R. O. T. C. Program.

15 Q. He said he was with the R. O. T. C. Program?

16 A. Yes..

17 Q. What did he call the R. O. T. C. Program?

18 A. He called it the Vanguard Knights.

19 Q. Okay. Did he ever give you anything any gifts or
20 anything?

21 A. No.

22 Q. Okay. Did he ever give you an uniform?

23 A. Yes.

24 Q. Okay. Who provided the paint ball guns?

25 A. He did.

1 Q. Okay. Where did Jimmy pick you up for -- how did you
2 get there?

3 A. He -- the first time he picked me up from my house and
4 the second time he picked me up from my dad's house.

5 Q. Okay. He picked you up from your dad's house. Did he
6 realize that what you have discussed with him that you did
7 not live with your father?

8 A. I guess he knew that because my mom and my dad were
9 already separated, but he knew I had told him before
10 because I told him I was at my dad's house that weekend so
11 that way he knew where to pick me up.

12 Q. So you never had any occasions to be alone with Jimmy
13 Meggs?

14 A. Yes.

15 Q. When was that?

16 A. That was when he first pick me up that first time. I
17 was alone with him going to Brandon Melton's house. And
18 then I was alone with him off and on sometimes to go get
19 paint balls or to get something to eat.

20 Q. Do you remember what dates these were?

21 A. I remember the first weekend I went I was with him
22 going to Brandon's house and I think once that weekend and
23 then the next weekend.

24 Q. What season was that in?

25 A. It was in October.

1 Q. Okay. How about the second weekend?

2 A. I think I went with him like three or four times to go
3 get paint balls or something to eat or something.

4 Q. Okay. Where did you get paint balls?

5 A. Wal-Mart.

6 Q. Did anything unusual happen on that trip?

7 A. He like put his hand on my knee and progressed his way
8 down like as we take more trips I took with him.

9 Q. Okay. You said progressed down. When you say
10 progressed down, you mean down toward your feet or...

11 A. To my private area.

12 Q. Okay. Where were you sitting?

13 A. I was -- when the first time in the truck, I was
14 sitting in the passenger seat and then he mentioned to me
15 or whatever if I was his friend or something and I slide
16 over and sat in the middle.

17 Q. Okay. And where was the defendant sitting?

18 A. He was sitting in the driver's seat.

19 Q. Was the vehicle moving?

20 A. Yes, sir.

21 Q. Tell me if you can step by step what occurred that
22 made you feel uncomfortable?

23 A. Well, that first weekend he just started out he had
24 his hand on my knee like a friend or something. And as we
25 went on through the trips, he slide his hand down and got

1 close to my private area. And by the second end of the
2 second week, he had mentioned to me did this make me
3 uncomfortable or whoever and I was like, yeah. We had a
4 conversation or whatever and he has asked me that once if
5 what would I do, he told me he was gay or whatever, and I
6 told him I wasn't sure. I don't know I was gone get out
7 the truck and walk. And then later on down the road, he
8 told me kind of like don't tell anybody. Like he could get
9 in a lot of trouble or whatever. So I didn't really tell
10 anybody I thought I took care of it then. So I didn't
11 bother with nobody.

12 Q. What do you mean you thought you took care of it then?

13 A. I just thought it was over with nothing to believe he
14 said.

15 Q. Why did you stop going to paint ball camp?

16 A. The last weekend they were planning on camping out
17 again and some how Jimmy told one of my good friends to
18 take off his shirt and my friend refused to take off his
19 shirt for a punishment. And he said something like an
20 embarrassment punishment and he refused take it off. So I
21 had told my mom about it and my mom found out and she told
22 me I couldn't go no more.

23 Q. Has anybody ever told you to lie about this?

24 A. No.

25 Q. Has any police officer told you ever to lie about

team player #1 INCAMERA DIRECT EXAMINATION BY MR. STEINBERG
INCAMERACROSSEXAMINATIONBY MR. REDMOND5

1 this?

2 A. No.

3 Q. Did you speak with a lady name Sandra Sturkie?

4 A. Yes.

5 Q. Do you remember what you spoke to her about?

6 A. Yes.

7 Q. Did she ever tell you to lie?

8 A. No.

9 Q. Did you tell her the truth?

10 A. Yes.

11 MR. STEINBERG: Please answer any of Mr. Cox's or
12 Mr. Redmond's questions.

13 **IN-CAMERA CROSS EXAMINATION BY MR. REDMOND:**

14 Q. My name is Kernard Redmond and I'm one of the
15 attorneys seated at the table with Mr. Jim Cox. We
16 representing Mr. Jimmy Meggs. And I'm gone have a few
17 questions for you. Let me just tell you before I start. I
18 ask you a question and you don't understand, stop me and
19 I'll be glad to repeat it. Also I'm going to be a little
20 closer to you because I got a bad left ear. And I'm gone
21 try to pick up as best I can what you're telling me, but
22 again, this shouldn't take long. But I need you to answer
23 my questions. Do we understand each other?

24 A. Yes, sir.

25 Q. Okay. Now, ^{team player #1} when did you say again that you

1 started paint ball?

2 A. I started paint ball like right before Thanksgiving of
3 October of 1999.

4 Q. Okay. So you started in October. How many times did
5 you say you went?

6 A. I went three times.

7 Q. Three times. I didn't ask you. How old are you?

8 A. I'm 1.

9 Q. And you are now?

10 A. Yes, sir.

11 Q. Okay. Do you remember who you first told about what
12 happened? In other words, who did you tell that this
13 happened to you?

14 A. I told my mom.

15 Q. You told your mom?

16 A. Uh-huh.

17 Q. Okay. And that would have been after the allegations
18 you heard about allegations made about Jimmy?

19 A. Yes, in the newspaper.

20 Q. Okay. Through the newspaper. And do you recall
21 about how long after this occurred that you saw it in
22 newspaper?

23 A. Probably about three weeks, four, little while after
24 that.

25 Q. Okay. Did you go to paint ball after Thanksgiving?

1 A. I think I went once.

2 Q. Once after Thanksgiving?

3 A. Uh-huh.

4 Q. When you told -- I think you went to the Durant Center
5 as well and you talk with Mr. Sandra Sturkie. Do you
6 remember that?

7 A. Yes, sir.

8 Q. Let me ask you this. I think Deputy Kennedy have you
9 talked with him about this?

10 A. No.

11 Q. You never talked to Bryan Kennedy about what had
12 happen?

13 A. No.

14 Q. Okay. How many times did you go to the Durant Center?

15 A. I went once and talk with that lady and then I went a
16 second time and got blood drawn that was it..

17 Q. Now, I think you were testifying then if I understand
18 correctly, correct me if I'm wrong. You went three or four
19 times to paint ball. And I think you said that your mom
20 stopped you from going, right?

21 A. Yes.

22 Q. So if your mom had not stopped you from going, you
23 were planning on still continuing paint ball?

24 A. Yes.

25 Q. Okay. Now, do you recall an incident where Jimmy may

1 have disciplined you or someone else as well for stealing
2 something in a store? Do you remember that?

3 A. Yes.

4 Q. Okay. Could you tell us about what happened?

5 A. I had like took a couple pieces of gum or whatever and
6 then he had disciplined me and made me go back to the store
7 and return it.

8 Q. Okay. And Jimmy took you back to the store; didn't
9 he?

10 A. Uh-huh.

11 Q. And isn't that the last time that you went to paint
12 ball? In other words, after that incident that was the
13 last time you went to paint ball?

14 A. I had went that next week for like the next week and
15 we went bowling that Friday and then that's when that
16 incident happened with my friend.

17 Q. Okay. But I'm talking about as far as paint ball.
18 You went bowling with him, but that was the last time you
19 gone to paint ball after the chewing gum incident?

20 A. Yeah.

21 MR. REDMOND: Beg the Court's indulgence.

22 THE COURT: Sure.

23 MR. REDMOND: That will be all I have, Your Honor.

24 THE COURT: Any redirect, Mr. Steinberg.

25 MR. STEINBERG: No, sir, Your Honor.

1 THE COURT: Young man you may step down. And let me
2 just tell you that you go back there where you been with
3 those other folks who have to come out here and talk about
4 this. You can't talk to them about what questions these
5 lawyers asked you or what answers you gave to those
6 questions. Do you understand that? I ask you to say ---

7 team player #1: Yes, sir.

8 THE COURT: That's fine. Thank you, team player #1,
9 you go right out this door.

10 (The witness left the witness stand.)

11 MR. STEINBERG: Your Honor, our next witness will be
12 team player #2.

13 THE COURT: If you will come around here. See the
14 Bible there, if you place your left hand on that Bible and
15 you raise your right hand for me please, sir. This lady is
16 gone give you an oath.

17 CLERK OF COURT: Do you promise that the testimony
18 you give in this case will be the truth, the whole truth,
19 and nothing but the truth so help you God?

20 team player #2: Yes, ma'am.

21 CLERK OF COURT: Be seated and state your name for
22 the record?

23 team player #2: team player #2 jht.

24 THE COURT team player #2 before Mr. Steinberg ask you any
25 questions, I ask you to help me understand what you say. I

1 need for you to speak loudly and clearly enough so that I
2 can hear anything that you say. And when a question is
3 asked a lot of times particularly when you're your age,
4 people about your age sometimes might say uh-huh or uh-uh
5 or just nod your head or shake your head. Don't do that.
6 When a question is asked and they ask you to say yes or no,
7 then I need for you to say yes or no to whatever the answer
8 is rather than just nodding or shaking your head or using
9 uh-huh or uh-uh can you do that for me?

10 team player #2 GHT: Yes, sir

11 THE COURT: Thank you.

12 Mr. Steinberg.

team player #2

13 : being first
14 duly sworn, testified as follows:

15 IN-CAMERA DIRECT EXAMINATION BY MR. STEINBERG:

16 Q. team player #2 how old are you?

17 A. n.

18 Q. How old were you around Thanksgiving time of 1999?

19 A. years old.

20 Q. Who did you live with back then?

21 A. My grandma.

22 Q. Who else live with you?

23 A. My brother.

24 Q. What's your brother's name?

25 A.

team player #3

team player #2

A DIRECT EXAMINATION BY MR. STEINBERG

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1 Q. How old is he?

2 A. Now?

3 Q. How old is he back then?

4 A.

5 Q. Do you know Jimmy Meggs?

6 A. Yes, sir.

7 Q. How do you know Jimmy Meggs?

8 A. Through the paint paint ball camp.

9 Q. Okay. And where was the paint ball camp?

10 A. In Pamplico.

11 Q. Okay. Who introduced you to Jimmy?

12 A. Johnny Brooker and James Pyles (sic).

13 Q. Where did you go to -- did you go any place with
14 Jimmy?

15 A. Paint ball camp.

16 Q. Okay. I'm gone show you a document and the first word
17 of the document for the profile. Did you ever see that
18 document before?

19 A. Yes, I have.

20 Q. Where did you first see that document?

21 A. Between Thanksgiving and Christmas.

22 Q. Okay. And where did you see it?

23 A. Jimmy Meggs was passing it out to the adults flyers
24 for the ball camp and actually James also hand this to
25 people.

1 Q. You actually saw Jimmy hand this to people?

2 A. Yes, sir.

3 MR. STEINBERG: I know this been shown and a
4 previous copy given. We ask that this be marked as a
5 State's Exhibit at this point.

6 THE COURT: Any objection to that document?

7 MR. COX: No objection.

8 MR. REDMOND: No objection.

9 MR. STEINBERG: Just for the record this is the
10 flyer handed out. The words that the Durant Childern
11 Center sent me a fax but not part of the record.

12 THE COURT: Are you introducing this for the purpose
13 of this hearing or for this trial?

14 MR. STEINBERG: For this and trial.

15 THE COURT: Well, the documents you identify again
16 through this witness at trial?

17 MR. STEINBERG: Yes, sir, it will.

18 THE COURT: Why don't we mark it as State's Number 1
19 for identification at this point.

20 MR. STEINBERG: Yes, sir.

21 (Profile sheet of Jimmy Meggs Jr., marked for
22 identification as State's Exhibit Number 1.)

23 Q. Johnny, I'm going to ask you to look at this. Does this
24 mention any jobs that Jimmy Meggs has ever had?

25 A. Yes, it does.

team player #2

IN CAMERA DIRECT EXAMINATION BY MR. STEINBERG
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1 Q. Give us the titles?

2 A. Engineer CSX railroad and Captain HG of the National
3 Guard and U.S. Army Combat Battalion in Columbia.

4 Q. Okay. I ask if you ever seen this other document with
5 the words paint ball equipment.

6 A. Yes, I have.

7 Q. Okay. Where did you see that?

8 A. It was with the first document.

9 MR. STEINBERG: Okay. I ask that this be entered
10 also as State Exhibit.

11 THE COURT: Any objection? I'm not sure what the
12 relevance of this document or relevance it has as to the
13 issue that I got to decide and that is testimony -- I think
14 we talking about other acts or prior bad acts.

15 MR. STEINBERG: Yes, sir, I can hold off on that
16 document.

17 MR. REDMOND: Your Honor, just to clarify, I don't
18 think enough foundation has been laid at this point in
19 order for us to allow that document in.

20 Q. team player #2 did Jimmy ever tell you what he did for a
21 living?

22 A. Yes, he did.

23 Q. What did he tell you?

24 A. Engineer for the railroad.

25 Q. Did he ever tell you any other jobs he had?

1 A. That he was a Captain in the Army National Guard.

2 Q. Okay. Did he ever tell you whether he was in the
3 military at all at that time you knew him?

4 A. Yes, sir.

5 Q. What did he say about that?

6 A. He said that he was in the reserve for the National
7 Guard.

8 Q. He was in the reserve for the National Guard. What
9 rank did he say he was in the National Guard?

10 A. A captain.

11 Q. Did you have a rank?

12 A. In paint ball?

13 Q. At paint ball camp?

14 A. Second lieutenant.

15 Q. Jimmy did he have a rank?

16 A. He was the captain of paint ball.

17 Q. Could Jimmy Meggs give you orders at this paint ball
18 camp?

19 A. Yes, sir.

20 Q. What would happen if you did not follow his orders?

21 A. He would shoot you with the paint ball gall gun or
22 order somebody to shoot us with the paint ball gun.

23 Q. Did you live with your father at the time?

24 A. No, sir.

25 Q. Okay. Why did you go to Jimmy's paint ball camp?

team player #2

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

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- 1 A. It was at the time fun and something do to for the
2 weekend.
- 3 Q. What did y'all wear at the paint ball camp?
- 4 A. Army fatigue.
- 5 Q. Who gave them to you?
- 6 A. Jimmy Meggs.
- 7 Q. Do you know where he got them?
- 8 A. He got them from a Sergeant Reggie Summer in
9 Charleston.
- 10 Q. And did he ever tell you -- did Jimmy ever tell you
11 where he got them from?
- 12 A. He got them from the Sergeant.
- 13 Q. Okay. Who did he say supported the paint ball league?
- 14 A. The National Guard.
- 15 Q. Did Jimmy say why he started the paint ball league?
- 16 A. No, sir.
- 17 Q. Do you remember telling that Jimmy started the paint
18 ball league to restore discipline, respect and morals?
- 19 A. Yes, sir.
- 20 Q. Okay. Did you hear that from somebody else besides
21 Jimmy Meggs?
- 22 A. No, sir.
- 23 Q. Did Jimmy ever tell you that?
- 24 A. No, sir.
- 25 Q. Are you sure about that?

team player #2

IN CAMERA DIRECT EXAMINATION BY MR. STEINBERG
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1 A. Yes, sir.

2 Q. Okay. What did Jimmy call the paint ball league?

3 A. Vanguard Knights.

4 Q. Did Jimmy ever give you any other equipment or
5 anything else?

6 A. He brought me a brown jacket and a paint ball gun.

7 Q. Okay. Did you ever get an insignia?

8 A. Yes, sir.

9 Q. Okay. Do you know victim #1 victim #2

10 A. Yes, sir.

11 Q. What are their names?

12 A. victim #1 and victim #2

13 Q. How old are those boys at the time?

14 A. and

15 Q. And about how many boys would be out there on a
16 typical weekend at the paint ball camp?

17 A. Fifteen or 25.

18 Q. Okay. Was everybody always around at one place or
19 could somebody be in different places?

20 A. Some people be scattered out getting firewood and some
21 were out shooting with the equipment.

22 Q. Okay. If Jimmy gave you an order and you didn't
23 follow it, what would happen?

24 A. He shoot us with the paint ball.

25 Q. How did you know this?

- 1 A. He told us he would.
- 2 Q. Okay. Did Jimmy ever give any orders involving boys
- 3 dropping their underwear?
- 4 A. Yes, sir.
- 5 Q. What was the order?
- 6 A. One of the orders was for victim #1 victim #2 one of them
- 7 to stand up and drop their pants and the other one was to
- 8 get on their knees to suck the other genitals.
- 9 Q. Okay. Who gave that order?
- 10 A. Jimmy Meggs.
- 11 Q. Did anybody else give that order?
- 12 A. No, sir.
- 13 Q. You positive Jimmy Meggs gave that order?
- 14 A. Yes, sir.
- 15 Q. Did any boys follow that order?
- 16 A. Yes, sir.
- 17 Q. Who did?
- 18 A. victim #1 and victim #2
- 19 Q. What did they do?
- 20 A. One got on their knees and supposed to suck the
- 21 brother's genitals.
- 22 Q. Okay. Did you see the victim #1 victim #2 where doing?
- 23 A. No, sir.
- 24 Q. What was their position that they were in?
- 25 A. One of the had his head down under his brother's

1 shirt.

2 Q. Where allegedly was the brother standing up where
3 would that be?

4 A. Face the front of the brother's genitals.

5 Q. Okay. And why couldn't you see?

6 A. The brother had pulled his head over his shirt --
7 shirt over his head.

8 Q. You said Jimmy gave this order?

9 A. Yes, sir.

10 Q. Did Jimmy ever say stop?

11 A. No, sir.

12 Q. Did Jimmy ever say I'm kidding?

13 A. Five minutes later after it had happened.

14 Q. After it had been done. Could Jimmy see the boys
15 while they were doing this?

16 A. Yes, sir.

17 Q. Could you see Jimmy while they were doing this?

18 A. Yes, sir.

19 Q. What did Jimmy look like?

20 A. He was grinning.

21 Q. Did he ever the mention term hell week?

22 A. Yes, sir.

23 Q. When did he mention that?

24 A. Later that night.

25 Q. Did he ever mention participation in

team player #5's

team player #2

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG
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1 this?

2 A. Yes, sir.

3 Q. Okay. And what did he say about Johnny Booker?

4 A. If anything goes down, blame it on Johnny Booker.

5 Q. Did he say anything about blaming himself?

6 A. No, sir.

7 Q. Was Jimmy Meggs present the entire time the Watford
8 boys was doing this?

9 A. No, sir.

10 Q. How do you know?

11 A. I had turn around and walked away and Jimmy Meggs
12 supposedly was sitting in his truck.

13 Q. Do you know what he was doing in his truck?

14 A. No, sir.

15 Q. What did it look like he was doing in his truck?

16 A. Playing the radio.

17 Q. And did he return.

18 A. Yes, sir.

19 Q. What did he look like when he returned?

20 A. I can't say how he looked.

21 Q. Okay. Did he say if anything to after that? After
22 the victim #1 victim #2?

23 A. He had ordered me to -- he ordered *team player #6* to get
24 on his knee and supposedly give me blow job.

25 Q. Okay. Do you know what the word blow job means?

team player #2

IN CAMERA DIRECT EXAMINATION BY MR. STEINBERG

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1 A. Yes, sir.

2 Q. Okay. What did Jimmy Booker do?

3 A. He got on his knee. I had pull down my paints and
4 left my boxers on and Jimmy spit water on me.

5 Q. Where was team player #5 during that?

6 A. Right there.

7 Q. And was he standing up or sitting down?

8 A. I was standing up.

9 Q. And how was team player #5 positioned?

10 A. On his knees.

11 Q. And where was his head?

12 A. In front of my genitals.

13 Q. How close was he to your genitals?

14 A. Three or four inches.

15 Q. Okay. What did Jimmy Meggs say to you when -- to
16 Jimmy Booker at that time?

17 A. Don't watch.

18 Q. After team player #5 had spit water on you, did Jimmy
19 Meggs say anything to you after that?

20 A. No, sir.

21 Q. Do you recall ever saying that Jimmy told you not to
22 tell anyone?

23 A. Later that night.

24 Q. Later that night. Do you know what he was referring
25 to?

team player #2

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

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1 A. Referring to stuff that had happened earlier that day.

2 Q. Did you ever have to do any push-ups at this paint
3 ball camp?

4 A. Yes, sir.

5 Q. Tell us how these push-ups were done?

6 A. At first they were regular push-ups, but later he
7 decided he wanted to get a kick out of it so he ordered one
8 of the boys -- basically he said to drop my pants and lay
9 down on my back and let one of the victim #1 victim #2 to do five
10 push-ups and pick the paint ball off my genitals.

11 Q. Whose idea was it for the paint ball to be on the
12 genitals?

13 A. Jimmy Meggs.

14 Q. Was he the first person to state that?

15 A. Yes, sir.

16 Q. And who had to get the paint ball?

17 A. One of the victim #1 victim #2.

18 Q. How did they get the paint ball off of you?

19 A. Pick it up with the knife.

20 Q. And where was the paint ball at?

21 A. On my genitals.

22 Q. Okay. Was Jimmy there watching this?

23 A. Yes, sir.

24 Q. Jimmy say anything during this time?

25 A. No, sir.

- 1 Q. Okay. Did anybody else have to do these push-ups?
- 2 A. Yes, sir.
- 3 Q. Who else had to do these push-ups?
- 4 A. I had to do them. So my brother kept wiggling the
- 5 paint ball so I didn't have to do it.
- 6 Q. Okay. Did you have to do it to anybody else?
- 7 A. No, sir.
- 8 Q. Did -- you said one of the victim #1 victim #2 had to do
- 9 it. Did the other victim #1 victim #2 as have to do push-ups on
- 10 anybody else?
- 11 A. The victim #1 victim #2 had to do it on each other and
- 12 vice versa.
- 13 Q. Okay. Did Jimmy ever do these push-ups with you?
- 14 A. No, sir.
- 15 Q. How did Jimmy react when y'all were doing?
- 16 A. He got off on it.
- 17 Q. Well, what do you mean by that?
- 18 A. Through all these events he was always grinning.
- 19 Q. Okay. Who was in charge of the push-up incident?
- 20 A. Jimmy Meggs.
- 21 Q. How do you know?
- 22 A. He was the one who gave the orders.
- 23 Q. Okay. What did he call these push-ups?
- 24 A. He didn't give them a specific name, but during the
- 25 next stage of push-ups we were over the other person's face

1 to face he call that humping.

2 Q. Explain that please?

3 A. I had to lay face -- I had to put my face in front of
4 another person's face while the other person lay flat on
5 their back on the ground. They had their pants down and my
6 pants down and I had to do push-ups on them.

7 Q. Was your genital area touching their genital area?

8 A. Basically, yes.

9 Q. And who ordered you to do that?

10 A. Jimmy Meggs.

11 Q. Okay. I ask you about another incident now. Did you
12 ever have an opportunity to be in a tent with Jimmy Meggs?

13 A. Yes, sir.

14 Q. And about when was this?

15 A. Six o'clock, about six o'clock.

16 Q. Okay. Did Jimmy ever say anything to you while you
17 were in the tent?

18 A. Yes, sir.

19 Q. What did he say?

20 A. He told me to lie down and unzip my pants.

21 Q. Did he ask you any questions?

22 A. Yes, sir. He kept asking me if I was scared.

23 Q. Did he ever ask any request of you or to do anything?

24 A. He had mention to try to give him a blow job.

25 Q. Okay. Did he ever say quote let me give you a blow

1 job?

2 A. No, sir.

3 Q. Okay. You say he had unzipped your pants?

4 A. Yes, sir.

5 Q. What did he do after he unzipped your pants?

6 A. He kept asking me if I was scared.

7 Q. And where was his head during this period of time?

8 A. He was kneeling down on of his knees.

9 Q. About how far from your genitals did he get?

10 A. Six inches.

11 Q. Okay. Was he making any motions?

12 A. Just getting closer and closer.

13 Q. Okay. Okay. You know what the term blow job means?

14 A. Yes, sir.

15 Q. Okay. Did he ever make that kind of motion?

16 A. Not at that point.

17 Q. At any point, did he make that motion?

18 A. Later on when we were supposed to be setting up
19 sleeping bags and the other tent, he while I was setting up
20 and I was sitting in the corner and he kept mentioning
21 about a blow job then.

22 Q. Okay. Has anybody ever asked you to lie about this
23 case?

24 A. Yes, sir.

25 Q. Who asked you to lie?

team player #2

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

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1 A. Jimmy Meggs.

2 Q. Jimmy Meggs. Has anybody else asked you to lie about
3 this case?

4 A. No, sir.

5 Q. Somehow did Jimmy try to get you to lie?

6 A. He wanted me and my brother, ~~team player #5~~ ^{team player #5}, and ~~team player #6~~ ^{team player #6}

7 to write out a statement that he was a good man and
8 that nothing sexual had happened at the paint ball camp.

9 Q. Did you write that out?

10 A. No, sir.

11 Q. Why not?

12 A. Because I know it was a lie.

13 Q. What was a lie?

14 A. That Jimmy Meggs is not a good man and a lot of sexual
15 has been happening at paint ball camp.

16 Q. Did you ever sign any statement or any paper?

17 A. I signed a blank sheet of paper, which was later
18 written by ~~team player #5~~ ^{team player #5}.

19 Q. So the paper that you signed didn't have any writing
20 on it ahead of time?

21 A. No, sir.

22 Q. If you had not done what Jimmy had asked of you, what
23 would have happened?

24 A. He would have shot me with the paint ball gun.

25 Q. Okay. Are you positive that you heard Jimmy Meggs

team player #2

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1 tell the victim #1 victim #2 to suck each others penis'?

2 A. Yes, sir.

3 Q. Is everything you have said today the truth?

4 A. Yes, sir

5 MR. STEINBERG: Beg the Court's indulgence for just
6 one moment.

7 Q. Were there any other adults out at this paint ball
8 camp?

9 A. No, sir, but *team player #5* was 1

10 Q. He was .

11 A. Yes, sir.

12 Q. He was one of the oldest one out there.

13 A. Yes, sir.

14 MR. STEINBERG: Please answer any other attorneys
15 questions.

16 MR. REDMOND: Beg the Court's indulgence.

17 THE COURT: Sure.

18 MR. REDMOND: May it please the Court?

19 THE COURT: Sure

20 IN-CAMERA CROSS EXAMINATION BY MR. REDMOND:

21 Q. My name is Kernard Redmond. I am an attorney
22 representing Jimmy Meggs myself along with Jim Cox. And
23 I'm gone ask some question of you. Before I start, I just
24 want to set some ground rules so to say, if that's all
25 right. First of all, if you can speak so I can hear you,

team player #2

INCAMERA CROSS EXAMINATION BY MR. REDMOND

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1 and I you'll think be fine based on what I've heard. If
2 you don't understand a question, stop me and ask me to
3 rephrase it. I'll be more than happy to, okay. If you
4 don't hear the question or if you don't understand it, just
5 feel free to stop me and I'll be more than happy to repeat
6 the question or rephrase it whatever or whatever's
7 necessary. Now, ^{team player #2} I believe you are now years
8 old; correct?

9 A. Yes, sir.

10 Q. All right. How many times did you go to paint ball?

11 A. Five, six weeks.

12 Q. Five or six weeks. And during this time, how many
13 times the incident that you allege. How many times did
14 that occur?

15 A. They occurred three weeks.

16 Q. For three weeks. The first three weeks or the last
17 three weeks?

18 A. Basically in the middle.

19 Q. I'm sorry I didn't hear you?

20 A. Basically in the middle every other week something
21 sexual would happen.

22 Q. Okay. In the middle. So if I were to say -- when you
23 say in the middle, would that mean that the last few weeks
24 you were there nothing happened? In the first few weeks,
25 you had nothing happen? It was those weeks is that what

1 you mean?

2 A. Yes, sir.

3 Q. Now, who did you first talk to about what happened?

4 A. My parents.

5 Q. You talk to your parents. Do you recall when that
6 was?

7 A. The day after Jimmy Meggs was arrested.

8 Q. The day after he was arrested. Would that have been
9 after you saw it in the paper?

10 A. No, sir.

11 Q. Okay. Was it before you saw it in the paper?

12 A. I never saw it in the paper.

13 Q. Okay. Well, how did you find out he had been
14 arrested?

15 A. Because he had told the police officer to call my
16 grandma and clear his name.

17 Q. And so Jimmy used to go over to your house sometimes?

18 A. Yes, sir.

19 Q. In fact, Jimmy used to stay over at your house
20 sometimes?

21 A. Sleep over sometimes.

22 Q. I'm sorry I didn't hear you?

23 A. He would sleep over sometimes.

24 Q. Okay. About how many times would you say he slept
25 over?

1 A. He probably slept over maybe five times the whole time
2 I was in the paint ball camp.

3 Q. Okay. And would he stay for one night or would it be
4 several nights at that time?

5 A. He stayed once for two nights. Then he would go off
6 for a couple of days on the train and then he would come
7 back. And then he would go off somewhere else and then he
8 would stay out.

9 Q. Okay. Now, do you recall when the last time was Jimmy
10 stayed at your house? Did he stay -- let me ask you like
11 this. Did he stay at your house after the last time these
12 things happened?

13 A. No, sir.

14 Q. Okay. He didn't stay. Do you remember if it was that
15 before Christmas or after Christmas when the last time you
16 went to paint ball camp?

17 A. Before Christmas.

18 Q. Before Christmas. And did you ever go bowling with
19 him after you stopped going to paint ball camp?

20 A. No, sir.

21 Q. Okay. Do you recall the last time you went bowling
22 with him?

23 A. I believe a week before.

24 Q. A week before you stopped going. Now, I may have
25 asked you this before. You stopped going after

1 Thanksgiving or was it before Thanksgiving?

2 A. After.

3 Q. After thanksgiving. Now, have you -- who else have
4 you talked to about this what had happened?

5 A. My parents.

6 Q. And who else other than your parents?

7 A. Ms. Sandra Sturkie.

8 Q. Okay. And how many times did you talk with
9 Ms. Sturkie?

10 A. Once.

11 Q. Okay. Did you talk with anybody else about it?

12 A. Mr. Howard.

13 Q. Mr. Steinberg?

14 A. Yes, sir.

15 Q. And who is Mr. Steinberg? Do you understand who he
16 is?

17 A. He is the prosecutor.

18 Q. Okay. And how about Mr. Kennedy, have you ever spoken
19 with Mr. Kennedy?

20 A. He is the investigator here who drove us home from
21 Ms. Sandra.

22 Q. Okay. So he drove y'all -- did he drive y'all to
23 Sandra Sturkie's as well?

24 A. No, sir.

25 Q. Okay. So how did y'all get to the Durant Center?

team player #2

INCAMERA CROSS EXAMINATION BY MR. REDMOND

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~~team player #6~~

1 A. Susan , , 's mother.

2 Q. Okay. And did you talk with ^{her} about
3 what happened?

4 A. No, sir.

5 Q. Okay. Do you know how she knew how to carry you to
6 the Durant Center?

7 A. Because after I had come out and told my parents,
8 ~~team player #6~~

9 had told his mother and our parents got

10 together and they decided -- we told our parents --

11 basically, they wanted us to get checked out. So we went
12 to the Durant Center and got interviewed and checked.

13 Q. Let me ask you this. So your parents and ~~team player #6~~

14 parents got together and ^{team player #6} is also ^{team player #5}
15 brother; correct?

16 A. Uh-huh.

17 Q. And they got together before y'all went to the Durant
18 Center?

19 A. That morning before we went to the Durant Center.

20 Q. Now, did you tell the people at the Durant Center what
21 you testified to today?

22 A. Yes, sir.

23 Q. You told them the exact same thing?

24 A. Yes, sir.

25 Q. One more question. Before I beg the Court's
indulgence. Why did you stop going to paint ball?

team player #2

INCAMERA CROSS EXAMINATION BY MR. REDMOND
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1 A. I had gotten sick.

2 Q. Okay. Did you -- were you ever involved in an
3 incident I believe with team player #1 involving some I
4 think stealing some items from a store?

5 A. No, sir.

6 Q. Did Jimmy ever discipline you for that?

7 A. No, sir.

8 Q. Did he ever discipline you at any time for stealing
9 from a store and taking you back to return the items; do
10 you remember that?

11 A. No, sir, I've never stolen then or at any other time.

12 MR. REDMOND: Beg the Court's indulgence. That will
13 be all I have, Your Honor.

14 THE COURT: Anything else, Mr. Steinberg?

15 MR. STEINBERG: No, sir, Your Honor.

16 THE COURT: You may step down, sir.

17 MR. STEINBERG: Would, Your Honor, like for me to
18 speak with him?

19 THE COURT: I'll tell him.

20 MR. STEINBERG: Yes, sir.

21 THE COURT: team player #2 when you go back into the room
22 where you were waiting to come into here, you're not
23 allowed to talk to anyone about the questions that we're
24 asked of you or what you said in answering those questions,
25 okay?

1 team player #2 Okay.

2 THE COURT: If anybody tries to talk to you about
3 that, will you let me know?

4 team player #2 Yes, sir.

5 THE COURT: Thank you, sir.

6 (The witness left the witness stand.)

7 THE COURT: Witness' testimony in relation to Lyle
8 evidence?

9 MR. STEINBERG: Yes, Your Honor, I will not keep you
10 waiting. team player #3 I did not brief him on a matter.

11 THE COURT: team player #3, will you put your left
12 hand on that Bible right there and raise your right hand.
13 This young lady is gone give you an oath.

14 CLERK OF COURT: Do you swear the testimony you give
15 will be the truth, the whole truth, and nothing but the
16 truth so help you God?

17 team player #3 Yes, ma'am.

18 CLERK OF COURT: State your name for the record?

19 team player #3 : team player #3

20 THE COURT: team player #3 before Mr. Steinberg ask you
21 any questions, I need to give you some tips about how to
22 testify. First, I need for you to speak loudly and clearly
23 so that I can hear and understand everything that you say.
24 Secondly, if they ask you a question and many questions
25 they will ask you, we want to know a yes or no answer.

team player #3

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

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1 It's not unusual for folks about your age teenagers to say
2 uh-huh or uh-uh or for just shake your head or know your
3 head. I don't want you to do those things. I want you to
4 say yes or no whatever the correct answer is. Don't use
5 uh-huh or uh-uh. If you did that, I might not understand
6 what you said and or the court reporter might not
7 understand what you said. So please use yes or no. Can
8 you do that for me?

9 team player #3 : Yes, sir

10 THE COURT: Thank you, sir.

11 team player #3 , being first
12 duly sworn, testified as follows:

13 IN-CAMERA DIRECT EXAMINATION BY MR. STEINBERG:

14 Q. team player #3 how old are you?

15 A.

16 Q. How old were you around Thanksgiving of 1999?

17 A.

18 Q. Where did you go to school at that time?

19 A. Junior high.

20 Q. And who did you live with?

21 A. My grandmother.

22 Q. Did your father live with you at the time?

23 A. No, sir.

24 Q. Okay. Do you know Jimmy Meggs?

25 A. Yes, sir.

team player #3

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

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- 1 Q. How did you meet Jimmy Meggs?
- 2 A. Through somebody I knew at paint ball stuff like that.
- 3 Q. Okay. When did you first meet Jimmy?
- 4 A. Probably it was about a month and a half to two months
- 5 before Thanksgiving.
- 6 Q. Okay. He ever tell you what he did for a job?
- 7 A. He said he was -- drove trains for a living.
- 8 Q. He ever said he had any jobs on the weekends?
- 9 A. He said something about he was in the Army National
- 10 Guard or something.
- 11 Q. Okay. Do you remember which he said?
- 12 A. No, sir.
- 13 Q. Do you know what rank he was?
- 14 A. Captain.
- 15 Q. At the paint ball league, did he have a rank there?
- 16 A. Captain.
- 17 Q. Okay. And did you have a rank?
- 18 A. Yes, sir.
- 19 Q. What rank was that?
- 20 A. Sergeant.
- 21 Q. If Jimmy gave you an order, did you have to obey it?
- 22 A. Suppose to.
- 23 Q. Suppose to. What would happen if you didn't do what
- 24 he asked you to do?
- 25 A. You got shot with a gun or stuff like that.

- 1 Q. What kind of gun was it?
- 2 A. Paint ball gun.
- 3 Q. Okay. Who was in charge of the paint ball camp?
- 4 A. He was.
- 5 Q. How do you know that?
- 6 A. Because he always gave the orders.
- 7 Q. Okay. What did you wear at the paint ball camp?
- 8 A. Like Army uniforms and like full dress class
- 9 something.
- 10 Q. Was there anything else military about this?
- 11 A. We did marches and things like that.
- 12 Q. Okay. Did everybody there have a rank?
- 13 A. Yes, sir.
- 14 Q. Were there any other adults there at this paint ball
- 15 camp?
- 16 A. Not really considered an adult.
- 17 Q. What do you mean by that?
- 18 A. There was 17 year olds, but he was the only adult.
- 19 Q. Okay. Now, who gave you uniforms?
- 20 A. He did.
- 21 Q. When you say, he, you talking about Jimmy Meggs?
- 22 A. Yes, sir.
- 23 Q. Did Jimmy tell you where he got the uniforms?
- 24 A. From a man in Charleston.
- 25 Q. Okay. Did he say who the man in Charleston was?

(Team player #3)

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

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- 1 A. I can't remember his name.
- 2 Q. Did he say who's responsible for the paint ball
- 3 league?
- 4 A. Army National Guard or something or said he was
- 5 responsible.
- 6 Q. He said the Army National Guard sponsored it?
- 7 A. Yes, sir.
- 8 Q. Did he ever give you anything?
- 9 A. He gave me a jacket.
- 10 Q. What kind of jacket?
- 11 A. A Browning jacket.
- 12 Q. A brown jacket or a Browning jacket?
- 13 A. A Browning jacket.
- 14 Q. What is a Browning jacket?
- 15 A. It's a like winter jacket thick dove down jacket.
- 16 Q. Who gave you the paint ball guns?
- 17 A. He supplied them.
- 18 Q. Who gave you the paint balls?
- 19 A. He supplied them, too.
- 20 Q. Did you ever spend that night out there in the field?
- 21 A. Yes, sir.
- 22 Q. Where was this field?
- 23 A. Pamplico.
- 24 Q. And how did you you get to this paint ball field in
- 25 Pamplico?

1 A. He'd pick everybody up.

2 Q. And where did he put everyone?

3 A. In a truck.

4 Q. A big truck or a small truck?

5 A. A short bed truck.

6 Q. Could he get everybody on that truck?

7 A. We pack down in there.

8 Q. Pack down in there. So if everybody -- so he takes
9 more than one route -- more than one trip or he get all one
10 trip?

11 A. One trip.

12 MR. STEINBERG: Beg the Court's indulgence.

13 Q. When you would spend the night there -- pardon me.
14 Did you ever spend the night at the Pamplico paint ball
15 camp?

16 A. Yes, sir.

17 Q. Where did you sleep?

18 A. I slept in my tent.

19 Q. Were you one of the older boys or larger boys or
20 smaller boys?

21 A. Well, then I was kind of medium.

22 Q. Okay. Do you know the victim #1 + victim #2

23 A. Yes, sir.

24 Q. You know their names?

25 A. victim #1 and victim #2

1 Q. Okay. And how old were they?

2 A. Nine years old.

3 Q. Out at the paint ball field, who did Jimmy hang out
4 with?

5 A. A lot of the younger boys like victim #1 and victim #2 most of
6 them.

7 Q. What would you do when Jimmy be around the younger
8 boys?

9 A. Well, a lot of the older ones probably went out to get
10 firewood out in the woods and stuff.

11 Q. But there be times when you and some of the older boys
12 would not be around?

13 A. Yes, sir.

14 Q. If Jimmy gave you an order, did you have to follow it?

15 A. Suppose to, yes.

16 Q. Okay. Did Jimmy ever give you orders to pick up paint
17 balls?

18 A. Sometimes other kids.

19 Q. Okay. So you didn't have to pick up paint balls?

20 A. Some of the other kids.

21 Q. Did Jimmy ever tell you to pick up paint balls from
22 somebody's body?

23 A. No, sir, not me.

24 Q. Did Jimmy ever tell somebody to pick up a paint ball
25 off of your body?

1 A. Yes, sir.

2 Q. Okay. When the boys had the paint balls on them, what
3 would they be wearing?

4 A. Most them down in their boxers. I had on shorts.

5 Q. You had on shorts. And where was the paint ball
6 placed?

7 A. On your ---

8 Q. Use whatever term you feel comfortable with?

9 A. The penis.

10 Q. The penis?

11 A. Yes, sir.

12 Q. Was it placed on boxers over the penis or on the penis
13 itself?

14 A. On the boxers.

15 Q. On the boxers. Okay. Who put the paint ball on the
16 person's boxers?

17 A. Either him or another person.

18 Q. Okay. And what were the boys told -- what orders were
19 given?

20 A. To do push-ups and pick up last push-up with the
21 mouth.

22 Q. Okay. Did some boys do this?

23 A. Yes, sir.

24 Q. And you said you did not have to do any push-ups
25 yourself; right?

team player #3:

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG
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- 1 A. No, I didn't have to.
- 2 Q. Someone had to do or did push-up on you?
- 3 A. Yes, sir.
- 4 Q. Who had to do a push-up on you?
- 5 A. My brother.
- 6 Q. And what did you do during this time.
- 7 A. Just kept moving.
- 8 Q. Why did you keep moving?
- 9 A. Because I didn't want my brother to have to pick up
- 10 the paint ball like that.
- 11 Q. Why didn't you want somebody to have to pick up the
- 12 paint ball like that?
- 13 A. Because I think that's wrong.
- 14 Q. Okay. Did other boys have to do this?
- 15 A. Yes, sir.
- 16 Q. You know some of the boys who have to do this?
- 17 A. I can't recall their names.
- 18 Q. Okay. Was it one or two, four or five? What was it?
- 19 A. About four or something like that.
- 20 Q. Did the victim #1 ^{or} victim #2 have to do this?
- 21 A. Yes, sir.
- 22 Q. Okay. Who did they have to do this to?
- 23 A. Each other I think.
- 24 Q. Okay. Let me get this straight. When the person was
- 25 doing the push-up picking up the paint ball, where was his

1 face?

2 A. At the private groin area.

3 Q. At the other persons private groin area. What was
4 Jimmy doing during this time period?

5 A. Watching.

6 Q. Did he ever say anything?

7 A. No, sir.

8 Q. He ever say he was kidding?

9 A. No, sir.

10 Q. Did he ever tell anybody to stop?

11 A. No, sir.

12 Q. Did Jimmy say anything at all?

13 A. No, sir.

14 Q. Okay. Jimmy Meggs ever tell you to lie?

15 A. He told me and a few other boys to write a letter and
16 some things, but I never did.

17 Q. What did he want you to say in the letter?

18 A. Stuff like about it was a game. He was a good person
19 things like that.

20 Q. Did he want you to mention anything about sex?

21 A. That it was a game.

22 Q. That it was a game?

23 A. Yes, sir.

24 Q. Okay. Did you write it?

25 A. No, sir.

1 Q. Why not?

2 A. I mean -- I feel that if anybody wants somebody to
3 write a letter like that, they had to do something wrong.

4 Q. Let me ask you about another incident. Did you ever
5 hear Jimmy Meggs tell the victim #1-victim #2 to suck each other
6 penis'?

7 A. Yes, sir.

8 Q. Are you sure Jimmy Meggs said that?

9 A. Yes, sir.

10 Q. Did you know Jimmy Meggs' voice at this time?

11 A. Yes, sir.

12 Q. Did you see the words come out of Jimmy Meggs' mouth?

13 A. I heard them come out of his mouth.

14 Q. Were you looking at him when he said it?

15 A. No, sir.

16 Q. Okay. But you sure it was him and not somebody else?

17 A. I'm sure it was him.

18 Q. What did Jimmy say if you can remember what words he
19 used?

20 A. I can't remember the words, but he said at one point
21 for them to suck each other things.

22 Q. Did he ever say he was kidding?

23 A. No, sir.

24 Q. What did you do then?

25 A. I just walked away.

team player #3

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG
CROSS EXAMINATION BY MR. REDMOND 94

- 1 Q. Why did you walk away?
- 2 A. I thought it was wrong.
- 3 Q. Okay. What did the Watford brother's do?
- 4 A. I heard them pouting as I walked off.
- 5 Q. You heard them pouting?
- 6 A. Pouting.
- 7 Q. Okay. Has any police officer attempted to get you to
- 8 lie in this?
- 9 A. No, sir.
- 10 Q. Has any lawyers, including myself, or anyone tried to
- 11 get you to lie in this case?
- 12 A. No, sir.
- 13 Q. Has anyone any place on the planet tried to get you to
- 14 lie in this case?
- 15 A. Jimmy Meggs.
- 16 Q. Is everything you're saying today the truth?
- 17 A. Yes, sir.
- 18 MR. STEINBERG: Beg the Court's indulgence. Answer
- 19 any questions Mr. Redmond or Mr. Cox's questions.
- 20 MR. REDMOND: Beg the Court's indulgence.
- 21 THE COURT: Sure.
- 22 MR. REDMOND: May it please the Court.
- 23 THE COURT: Yes, sir.
- 24 IN-CAMERA CROSS EXAMINATION BY MR. REDMOND:
- 25 Q. team player #3 if it's okay for me to call you team player #3 My

team player #3

INCAMERA CROSS EXAMINATION BY MR. REDMOND

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1 name is Kernard Redmond and I'm an attorney along with
2 Mr. Jim Cox who's also an attorney. We represent Mr. Jimmy
3 Meggs. And we're going to be asking you some questions --
4 well, I am and I would just ask that you speak so that I
5 can hear you. So I want have any problem with that. I
6 also want you to tell me if you don't understand the
7 question. If I confuse you with a question, you can ask me
8 to repeat it or to rephrase the question. You understand?

9 A. Yes, sir.

10 Q. Okay. Now, first of all, let me ask you did you --
11 how long did you go to paint ball?

12 A. About a month and a half.

13 Q. Was your brother ~~team player #2~~ there each weekend you were
14 there?

15 A. Yes, sir.

16 Q. Okay. And do you remember the first time you start
17 going to paint ball camp?

18 A. About a couple of months and a half or two months
19 before Thanksgiving it was on a Friday night.

20 Q. Okay. Before Thanksgiving. Do you recall when the
21 last time you went to the paint ball league? Was it before
22 or after Thanksgiving?

23 A. The week after.

24 Q. Okay. Now, I think -- let me ask you this. Do you
25 know and their family?

team players #5 and #6

1 A. Yes, sir.

2 Q. Okay. How about the

3 A. Yes, sir.

4 Q. Okay. How long have you known the Booker's best you
5 can recall?

6 A. I've known Jimmy for a long time.

7 Q. Okay. How about ~~victim #1~~ victim #2 either their mother or
8 the twins themselves?

9 A. I first meet them was when I first went to the field.

10 Q. Okay. How about the team player #2 & #3

11 A. The team player #1

12 Q. I meant to say team player #1. I sorry. About how long
13 have you known team player #1 and his folks?

14 A. I meet him at school a long time ago.

15 Q. A long time ago. Now, have you ever been to the
16 Durant Center?

17 A. Yes, sir.

18 Q. Now, are those -- is Sandra Sturkie the first person
19 you told or you told somebody else first?

20 A. Sandra Sturkie.

21 Q. She was the very first person you told about this?

22 A. Yes, sir.

23 Q. Now, you didn't tell anybody else or any family member
24 or anything first?

25 A. I spoke with my father and my grandmother.

1 Q. And when was that, right after Jimmy was arrested?

2 A. Yes, sir.

3 Q. Okay. And how did you find out that Jimmy had been
4 arrested?

5 A. It was on the news.

6 Q. Okay. So you found out about it on the news.

7 A. Yes, sir.

8 Q. And did you tell them that same night you heard it on
9 the news?

10 A. They ask me a couple questions.

11 Q. Who?

12 A. My father and my grandmother.

13 Q. Okay. When is the next time that subject came up
14 about what had happened at paint ball?

15 A. The Durant Center.

16 Q. Okay. Well, how did you end up going to the Durant
17 Center? What happened that made you go to the Durant
18 Center?

19 A. My grandmother talked with somebody and we went.

20 Q. Do you know whether or not that would have been Bryan
21 Kennedy that you talk to?

22 A. Yes, sir.

23 Q. Okay. And then did you talk with Bryan Kennedy before
24 you went to the Durant Center?

25 A. When I went to the Durant Center the first time, I met

1 him.

2 Q. Okay. Was he at the Durant Center when you were
3 there?

4 A. I think we were a little bit late or he was there when
5 I was there.

6 Q. Okay. And I think you and your brother were there at
7 the same time; is that correct?

8 A. Yes, sir.

9 Q. And y'all rode back with Mr. Kennedy?

10 A. Yes, sir.

11 Q. Okay. Now, did you tell Ms. Sturkie the same thing
12 you testify to today about what you saw or heard at paint
13 ball?

14 A. Most of it.

15 Q. Most of it. And did you -- well, let me ask you this.
16 You had testified I believe about ~~victim #1~~ ^{victim #2} that
17 you heard. So I am to believe that you did not hear -- I
18 mean, did not see anything, you just heard?

19 A. I heard it come from Jimmy Meggs' mouth.

20 Q. Okay. You heard it come out of his mouth. I believe
21 the comment that you said he made with ~~victim #1~~ ^{victim #2} but
22 you did not see it then. What I'm asking you is did you
23 see anything?

24 A. No, sir.

25 Q. Okay. And in fact most of what -- most of the things

1 that have been alleged in this case you heard about from
2 other people; isn't that correct?

3 A. No, sir.

4 Q. Okay. You hadn't heard anything from anybody else?

5 A. No, it come out of his mouth.

6 Q. No, no, what I'm asking you. I may have confused you.
7 Have you heard any of the other kids talking about it?

8 A. No, sir.

9 Q. Okay. Only you and your brother?

10 A. My brother never talk to me about it.

11 Q. Your brother never talked about it?

12 A. No, sir.

13 Q. Okay.

14 A. I've tried to blank it out my mind.

15 Q. And who else was there during the time that these
16 things were supposedly happening. I believe you talked
17 about push-ups or whatnot. You described the push-ups.
18 And who else was around during that time?

19 A. A few other boys.

20 Q. And would I be correct in saying between that it was
21 somewhere between 13 and 15 boys that were at the paint
22 ball camp?

23 A. Yes.

24 Q. Would you say that most of those saw what had
25 happened?

1 A. However many was out there most of them saw it.

2 Q. Okay. Why did you stop going to paint ball camp? I'm
3 sorry I didn't hear?

4 A. We just didn't go.

5 Q. I'm sorry.

6 A. We just didn't go. Me and my brother got sick.

7 Q. Both of you were sick?

8 A. Yes, sir.

9 Q. Do you recall was there a time where Jimmy had to take
10 you back to a convenience store, I believe, in reference to
11 some stolen items I think?

12 A. Not me.

13 Q. Okay. Do you recall that incident though?

14 A. No, sir.

15 Q. You don't recall anybody having to be taken back
16 because of stealing items and him taking you back to the
17 store?

18 A. No, sir.

19 MR. REDMOND: Beg the Court's indulgence. That will
20 be all I have, Your Honor.

21 THE COURT: Anything else, Mr. Steinberg?

22 MR. STEINBERG: No, that's all the questions I have.

23 THE COURT: team player #3 you may step down. I want to
24 tell you when you go back out where you been, you cannot
25 talk with anyone about the questions that you have been

1 asked or the answers that you gave to those questions. Do
2 you understand that?

3 team player #3 Yes, sir.

4 THE COURT: If anybody tries to talk with you about
5 that, you should tell me. Will you do that, sir?

6 team player #3 I: Yes, sir.

7 THE COURT: Thank you.

8 (The witness left the witness stand.)

9 MR. STEINBERG: Your Honor, at this point, I would
10 ask that the Court remove non-essential personnel. The
11 State has good grounds for this next witness.

12 THE COURT: Who's your next witness?

13 MR. STEINBERG: His name is team player #4
14 I would like to approach with counsel with you.

15 (A bench conference was held off the record.)

16 THE COURT: Mr. Timmons, if you and the deputy there
17 would wait outside that door and hold that door and make
18 sure no one comes in.

19 MR. STEINBERG: Thank you, Your Honor.

20 THE COURT: And this young man's name is team player #4

21

22 MR. STEINBERG: team player #4, Your Honor.

23 THE COURT: team player #4 you stand and place your
24 left hand on that Bible and raise your right hand please.
25 And this young lady is gone give you an oath.

1 CLERK OF COURT: Do you swear that the testimony you
2 give in this case will be the truth, the whole truth, and
3 nothing but the truth so help you God?

4 team player #4 : Yes, ma'am.

5 CLERK OF COURT: Please be seated and state your
6 name for the record?

7 team player #4 :: team player #4.

8 THE COURT: team player #4 in you slip up to that
9 microphone right there. It serves two purposes. Number
10 one, it feeds into these tape recorders here so that what
11 you're saying is being taken down on the tape recorder as
12 well as being taken down by this young lady. And also
13 makes me better able to hear you. So you need to stay as
14 close to that. You don't need to lean into it because that
15 would not help at all. But if you would speak loudly and
16 clearly, so that I can hear and understand everything that
17 you say. And if a question is asked of you and the answer
18 is yes or no, sometimes we have a tendency to say uh-huh or
19 uh-uh or just shake our head or nod our head. That's not a
20 good thing to do because number one, if you just shake your
21 head, we can't hear that and this machine doesn't pick that
22 up. And if you say uh-huh or uh-uh, those two words sound
23 very similar. And I might not understand what your answer
24 is. So if you give a yes or no answer, I would appreciate
25 that. Can you do that for me?

1 team player #4: Yes, sir.

2 THE COURT: All right.

3 Mr. Steinberg.

4 MR. STEINBERG: Thank you, Your Honor.

5 team player #4, being first

6 duly sworn, testifies as follows:

7 IN-CAMERA DIRECT EXAMINATION BY MR. STEINBERG:

8 Q. Good afternoon, how are you today?

9 A. Pretty good.

10 Q. You know why you're here?

11 A. Yes, sir.

12 Q. How old are you now?

13 A. ..

14 Q. Do you know Jimmy Meggs?

15 A. Yes, sir.

16 Q. How old were you when you met Jimmy Meggs?

17 A. ..

18 Q. Okay. And how did you meet Jimmy?

19 A. Through church activities.

20 Q. And what church activities?

21 A. Like just church really on Wednesday nights.

22 Q. Okay. And did you do anything with Jimmy?

23 A. Went to paint ball and went to a couple of baseball
24 games with my brother.

25 Q. Where did you play paint ball?

1 A. In Timmons ville.

2 Q. Did you play ever paint Ball with a league in
3 Pamplico?

4 A. No, sir.

5 Q. How did you get to the paint ball league?

6 A. My brother was the first one started going with Jimmy
7 and then I decided to go along. My brother went most of
8 the time.

9 Q. Okay. Did Jimmy ever drive you there?

10 A. Yes, sir, a few times.

11 Q. Okay. Where did he pick you up from?

12 A. My mom's house.

13 Q. Who else live with you in your mom's house?

14 A. Me and my mom and my two brothers.

15 Q. Your father live in the home at the time?

16 A. No, sir.

17 Q. They divorced?

18 A. Yes, sir.

19 Q. Did you ever have any discussions with Jimmy where he
20 might know that your father didn't live in the house?

21 A. He knew my mom and dad was divorced.

22 Q. He knew that?

23 A. Yes, sir.

24 Q. Did he tell you what he did for a job?

25 A. Yes, sir. He told me something about he was something

team player #4

INCAMERA DIRECT EXAMINATION BY MR. STEINBERG

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1 with the railroad and he use to be in the Army.

2 Q. Okay. Did he ever tell you what rank he was in the
3 Army?

4 A. No, sir, I can't -- if he did, I don't remember.

5 Q. He never said that he was an Army officer?

6 A. I think he did mention that one time.

7 Q. That he was an officer?

8 A. Yes, sir.

9 Q. Of a lower rank? He said he was an Officer?

10 A. Yes, sir.

11 Q. Okay. Did he ever mention being a youth minister?

12 A. Yes, sir, he did.

13 Q. Okay. Now, if I ask a question and you hear the words
14 coming out of my mouth, don't answer as to what you hear
15 out of my mouth. Did you actually recall Jimmy ever
16 telling you that he was an Army officer?

17 A. Yes, sir.

18 Q. Do you remember him, Jimmy Meggs, telling you that he
19 was a youth minister?

20 A. Yes, sir.

21 Q. Thank you. He ever mentioned the National Guard?

22 A. No, sir.

23 Q. What did you wear when you go to Jimmy's paint ball
24 camp?

25 A. Camouflage clothes.

1 Q. Was it a uniform?

2 A. Yes, sir, like camouflage jacket and camouflage pants.

3 Q. Who provided this uniform?

4 A. He did.

5 Q. Did he hand it to you or how did you get it?

6 A. I play with it for a while and then he just gave it to
7 me.

8 Q. Who provided the paint ball equipment?

9 A. He did.

10 Q. Did Jimmy ever mention R. O. T. C.

11 A. Yes, sir.

12 Q. What did he say about R. O. T. C?

13 A. He said he started something called Vanguard Knights
14 something similar to that.

15 Q. You a member of the paint ball with him in
16 Timmonsville?

17 A. Yes, sir.

18 Q. And he mentioned Vanguard Knights?

19 A. Yes, sir.

20 Q. You never been to Pamplico with Jimmy?

21 A. No, sir.

22 Q. How did you remember that it was Vanguard Knights?

23 A. I just remember him saying that because he said he was
24 raising money for the Vanguard Knights and he gave me these
25 tickets to sell for a drawing.

1 Q. Okay. When you went to play paint ball who else would
2 be up there with you?

3 A. My brother and a couple of his friends.

4 Q. Okay. Were you one of the younger boys or older boys
5 there?

6 A. Younger boys.

7 Q. Were there any adults out there?

8 A. No, sir.

9 Q. Who was in charge of the paint ball camp?

10 A. Him, mainly him.

11 Q. Okay. Tell me how the camp was run? You said you had
12 on camouflage uniforms?

13 A. Yes, sir.

14 Q. Was there anything else military about the camp?

15 A. We had little bars type things like rank and stuff.

16 Q. Okay. So you have a rank?

17 A. I wasn't, but -- I mean, my brother had a rank.

18 Q. Okay. Did Jimmy have a rank?

19 A. No, sir, not that I know of.

20 Q. Did Jimmy have any bars or anything?

21 A. He had two bars on his hat.

22 Q. He had two bars on his hat?

23 A. Yes, sir.

24 Q. You know what that means?

25 A. No, sir.

1 MR. STEINBERG: Beg the Court's indulgence.

2 Q. Did you ever have to play paint ball alone with Jimmy
3 Meggs?

4 A. Yes, sir.

5 Q. When was that?

6 A. It was probably about two months or a couple weeks
7 before school started.

8 Q. And how can you remember it was before school started?

9 A. Because we were wearing shorts and stuff like that.

10 Q. Okay. And was this also in Timmons ville?

11 A. Yes, sir.

12 Q. Why were you going there?

13 A. We were gone sleep over in the woods and then we gone
14 play paint ball the next day.

15 Q. And who was going to go there?

16 A. First, it was supposed to be me and him and some other
17 boys.

18 Q. And who else -- who wound up going there?

19 A. Just me and him.

20 Q. And where were y'all going to sleep?

21 A. In the tent.

22 Q. Did your parents know you were going to spend the
23 night up there?

24 A. Yes, sir.

25 Q. Okay. What did you tell your parents?

1 A. He told me to lie to them.

2 Q. Who told you to lie?

3 A. Jimmy did.

4 Q. What lie did he tell you to tell?

5 A. He told me to tell my parents that it was me, him and
6 Ben and some other people.

7 Q. Did you know that those other people weren't going to
8 be there?

9 A. Yes, sir.

10 Q. Had Jimmy -- to the best of your knowledge, did you
11 know that nobody else would be there?

12 A. Yes, sir.

13 Q. And when did you tell your parents this?

14 A. When I told my parents?

15 Q. When did you tell your parents that you would be
16 spending the night out there with some other people?

17 A. He told me -- at first, he told me that we were gone
18 be out there with other people and that's what I told my
19 parents.

20 Q. Okay. And after you found out you were there alone,
21 did you have an opportunity to talk with either of your
22 parents?

23 A. I called one of my parents because I was supposed to
24 call later on that night and tell them who was all there.

25 Q. And did you tell them the truth?

- 1 A. No, sir, I lied to them.
- 2 Q. Why did you lie to them?
- 3 A. Because he told me to.
- 4 Q. Where did you tell them? Were you on the telephone?
- 5 A. I was on the telephone.
- 6 Q. From who's house?
- 7 A. Well, the boy that owned the land that we were
- 8 sleeping on.
- 9 Q. Why did you tell your parents a lie?
- 10 A. Because he told me to.
- 11 Q. Did Jimmy promise you anything?
- 12 A. Well, he promised me a paint ball gun.
- 13 Q. Do you like paint ball?
- 14 A. Yes, sir.
- 15 Q. Okay. Did Jimmy ever say why nobody else was riding
- 16 on the trip?
- 17 A. No, sir.
- 18 Q. You were staying in a tent that night?
- 19 A. Yes, sir.
- 20 Q. Okay. I want you in your own words to tell me what
- 21 happened in that tent take your time?
- 22 A. Well, we went out there and he told me if he gave me a
- 23 gun, if I let him stick his penis in my butt.
- 24 Q. Okay. Do you remember what words he used?
- 25 A. He said stick his dick in my ass.

- 1 Q. Do you know what he meant by those terms?
- 2 A. Yes, sir.
- 3 Q. You know what the term dick meant?
- 4 A. Yes, sir.
- 5 Q. You know what the term ass meant?
- 6 A. Yes, sir.
- 7 Q. Did he offer you anything?
- 8 A. He offered me a paint ball gun.
- 9 Q. How did you respond?
- 10 A. At first I was like, okay. And then after we got
- 11 ready, I got my pants down and he got his pants down. I
- 12 was like, no, and then he was like come on you want it,
- 13 come on. He done it.
- 14 Q. Did he actually do what he said he do?
- 15 A. Yes, sir.
- 16 Q. Okay. Did his penis enter your body?
- 17 A. Yes, sir.
- 18 Q. Did you ever try anything like that again after that?
- 19 A. No, sir.
- 20 Q. You ever talk about it again?
- 21 A. No, sir.
- 22 Q. Did you ever see him again after that?
- 23 A. No, sir.
- 24 Q. Did he ever tell you not to talk about what he did?
- 25 A. Yes, sir.

1 Q. What did he say?

2 A. He told me I he talked about it, he would hurt me.

3 Q. He said how he would hurt you?

4 A. No, sir.

5 Q. Did you stop going places with Jimmy after that?

6 A. Yes, sir.

7 Q. Why?

8 A. Because I was afraid he was gone do it again.

9 Q. How old were you then?

10 A. Twelve.

11 Q. When was your birthday? When did you turn that
12 year?

13 A.

14 Q. How old are you now?

15 A.

16 Q. Are you scared of Jimmy?

17 A. At first, I wasn't until after that happened I was.

18 Q. Did you ever tell anybody Jimmy's action toward you?

19 A. I mean come out in the -- I told my parents because
20 they were asking questions and I told them.

21 Q. Anybody ever asked you to lie?

22 A. No, sir.

23 Q. Did your father ask you to lie?

24 A. No, sir.

25 Q. Did police officers ever ask you to lie?

team player #4 INCAMERA DIRECT EXAMINATION BY MR. STEINBERG
INCAMERA CROSS EXAMINATION BY MR. COX 113

1 A. No, sir.

2 Q. Did anybody else ask you to lie?

3 A. No, sir.

4 Q. Did you ever try to tell your father what happened
5 before it came out in the newspaper?

6 A. No, sir.

7 Q. Is everything you said today is true?

8 A. Yes, sir.

9 MR. STEINBERG: Thank you. Please answer any of the
10 attorneys questions.

11 MR. COX: Beg the Court's indulgence.

12 IN-CAMERA CROSS EXAMINATION BY MR. COX:

13 team player #4, I represent Jimmy Meggs. Have I ever talked to
14 you before?

15 A. No, sir.

16 Q. Do you think you have ever met me before?

17 A. No, sir.

18 Q. Okay. Now, how long have you known Jimmy Meggs?

19 A. I don't know.

20 Q. Pardon?

21 A. I don't know.

22 Q. A year, two years a long time?

23 A. I probably knew him about four months probably.

24 Q. Four or five months. And how many times did you go to
25 his house?

1 A. Once.

2 Q. One time. And who was at his house the time you went
3 there?

4 A. It was him and his sister and his mom and his dad.

5 Q. So you went to house one time and his sister was
6 there. What's his sister's name?

7 A. Pam.

8 Q. And his mom you know her name?

9 A. Mrs. Meggs.

10 Q. His dad?

11 A. Mr. Meggs.

12 Q. And do you know what Jimmy's daddy does for a living?

13 A. No, sir.

14 Q. So you went to his house one time. So the time you
15 went to the house, was that before you described what
16 happened to you?

17 A. No, sir, it happened before that happened.

18 Q. About how long before if you remember?

19 A. I don't know.

20 Q. What was the occasion for going to the house?

21 A. We just went because we were going to his house. He
22 was gone take a shower and then hang out with his sister.
23 We were going to my brother's baseball game.

24 Q. You were going to your brother's baseball game?

25 A. Yes, sir.

- 1 Q. And where was your brother playing baseball?
- 2 A. At greenwood.
- 3 Q. So you drove to Greenwood?
- 4 A. Yes, sir.
- 5 Q. So who all went to Greenwood?
- 6 A. It was me and him. I was riding with him.
- 7 Q. Did anybody else follow along on the trip to
- 8 Greenwood?
- 9 A. No, sir.
- 10 Q. Okay. You went to his house. How did you get up to
- 11 Jimmy's that day to go to his house?
- 12 A. He come to pick me up from my house.
- 13 Q. He came to pick you up from your house?
- 14 A. Yes, sir.
- 15 Q. And where did you live then, if you remember?
- 16 A. In Effingham.
- 17 Q. Effingham. He came to pick you up. Who was there
- 18 when he came to pick you up?
- 19 A. My mom.
- 20 Q. Your mom. And he carried you to his house and he
- 21 showered and did some things. And he picked you up to go
- 22 to a baseball game?
- 23 A. Yes, sir.
- 24 Q. In Greenwood?
- 25 A. Yes, sir.

1 Q. So you rode with him to the baseball game. Did you
2 see anybody else in Greenwood that you knew at the baseball
3 game?

4 A. I mean, I got friends over there, yes, sir.

5 Q. When you got to Greenwood, where did you sit?

6 A. I don't really -- I was playing around and playing
7 different games with other people.

8 Q. So you didn't sit in the stands?

9 A. No, sir.

10 Q. Jimmy sat in the stands?

11 A. Yes, sir.

12 Q. You were playing with other boys?

13 A. Yes, sir.

14 Q. And how long was that trip before this happened? What
15 you described happen to you?

16 A. I don't know.

17 Q. Would it have been about the same time?

18 A. It was probably about four weeks.

19 Q. About four weeks. Was that the first time you been
20 anywhere with Jimmy Meggs?

21 A. No, sir.

22 Q. Okay. What was the first you been somewhere with
23 Jimmy Meggs?

24 A. I went out to eat after church one Wednesday.

25 Q. Who all went out to eat?

1 A. My brothers and other people from the church.

2 Q. And how did y'all go eat? Who did you ride with?

3 A. I road with him and my brother drove and then other
4 people drove.

5 Q. Okay. Who else road with you and Jimmy Meggs to eat?

6 A. Nobody just me and him.

7 Q. So you went out to eat after church. Then you went to
8 a ball game. Do you remember where you went to eat?

9 A. No, sir.

10 Q. Okay. So you went to eat at the church and then went
11 to a ball game and he picked you up from your house in
12 Effingham to go to the baseball game; is that right?

13 THE COURT: Remember I said you need to answer
14 rather than shake your head.

15 A. Yes, sir.

16 Q. Okay. Can you think of any other time that you were
17 with Jimmy Meggs?

18 A. Besides paint ball. Went to paint ball a lot.

19 Q. Okay. How many times did you go to the paint ball
20 with him?

21 A. I don't know 20 to 30 times.

22 Q. Twenty to 30 times. Okay. And at the paint ball, did
23 Jimmy Meggs ever try to do anything to you that made you
24 feel uncomfortable at paint ball?

25 A. No, sir.

1 Q. Okay. Did you ever see anything else anybody made you
2 do at paint ball?

3 A. No, sir.

4 Q. Okay. You went 30 to 40 times to paint ball; is that
5 right?

6 A. Yes, sir.

7 Q. And tell me how -- where do you -- was this after
8 paint ball? Was anything happening before the time you
9 told us about here today. You been to paint ball 30 to 40
10 times. Did you go anywhere other than paint ball with him?

11 A. No, sir, not that I can remember.

12 Q. Not that you can remember. So the next time when this
13 thing happened you didn't want to do happened; is that
14 correct?

15 A. Yes, sir.

16 Q. Okay. And was this on the weekend that this happened?

17 A. I don't know -- yes, sir, it was because I work during
18 the week normally.

19 Q. Where do you work?

20 A. I was working with my dad.

21 Q. What does your dad do?

22 A. He owns Case Used Cars.

23 Q. Case Used Cars. What did you do for your job with
24 your dad?

25 A. Help him like around the business just different

team player #4

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- 1 little things.
- 2 Q. Okay. Did you sometimes go find parts?
- 3 A. Yes, sir.
- 4 Q. So you pick parts up on the rack?
- 5 A. Yes, sir.
- 6 Q. Okay. Do you like that?
- 7 A. Yes, sir.
- 8 Q. So you work during the week and then on the weekends
- 9 sometimes you play paint ball; is that right?
- 10 A. Just about every weekend we played paint ball.
- 11 Q. You still play paint ball?
- 12 A. Yes, sir -- no, no, sir, not no more.
- 13 Q. Okay. And during this time, did you have your own
- 14 paint ball gun?
- 15 A. Yes, sir.
- 16 Q. Did you have more than one?
- 17 A. No, sir.
- 18 Q. Okay. What kind of paint ball gun did you have?
- 19 A. It was a little grey type pump.
- 20 Q. Was that a pretty good paint ball?
- 21 A. Yes, sir.
- 22 Q. It's a beginner paint ball for the kids?
- 23 A. Yes.
- 24 Q. About what one of those cost?
- 25 A. About \$15.

- 1 Q. About \$15. Okay. Now, some point in time, you said
2 -- Jimmy Meggs said he was gone give you a paint ball gun?
3 A. Yeah, he promised me a paint ball gun.
4 Q. Did he show you the paint ball he was gone give you?
5 A. Yes, sir.
6 Q. What kind was that?
7 A. It was a rainbow.
8 Q. Rainbow?
9 A. Yes, sir.
10 Q. Is that a pretty good paint ball gun?
11 A. Yes, sir.
12 Q. How much did that one cost?
13 A. Probably about \$200.
14 Q. \$200. Pardon me?
15 A. About 150 to \$200.
16 Q. 150 to \$200. Is that what most people play paint ball
17 with?
18 A. No, sir.
19 Q. Is that a real good paint ball gun?
20 A. Yes, sir.
21 Q. And how long have you seen that Rainbow Paint Ball
22 gun? How long did Jimmy Meggs had it?
23 A. He went ---
24 Q. He had it a long time?
25 A. No, sir, he got it -- it was like a couple weeks

1 before it happened.

2 Q. Had you had a chance to shoot it?

3 A. No, sir.

4 Q. Now, the time that you say the incident happens we
5 don't like -- we don't like to talk about it. He picked
6 you up at your house?

7 A. Yes, sir.

8 Q. And where was that house?

9 A. In Effingham.

10 Q. And what did you think was gone happen when he picked
11 you up?

12 A. I thought we was gone go because most of the time we
13 been going, we normally just sit around the fire talking
14 and playing around most of the time.

15 Q. So on this occasion, you was the only one?

16 A. Yes, sir.

17 Q. And where did you and Jimmy Meggs go?

18 A. To the land in Timmonsville.

19 Q. Do you know who's land it was?

20 A. Yes, sir.

21 Q. Who?

22 A. Ben McInville or his dad's.

23 Q. Ben McInville's land -- Ben McInville's father's land?

24 A. Yes, sir.

25 Q. And had you been there before?

1 A. Yes, sir.

2 Q. Okay.

3 A. We always play ball there.

4 Q. Where you always played paint ball. And I believe you
5 said you used the phone there?

6 A. Yes, sir.

7 Q. Who's phone did you use?

8 A. Ben's.

9 Q. Ben's phone. Well, was Ben there?

10 A. No, sir -- yes, sir, he was there at his house.

11 Q. And you talk to Ben?

12 A. Yes, sir.

13 Q. Why wasn't Ben playing paint ball?

14 A. I don't know he didn't say.

15 Q. But you and Jimmy Meggs was at Ben McInville's house?

16 A. Yes, sir.

17 Q. And Ben was there?

18 A. Yes, sir.

19 Q. Anybody else besides you and Jimmy Meggs?

20 A. Yes, sir, his brother, and his sister.

21 Q. Did and ever play paint ball?

22 A. did sometimes, but he didn't have enough time to
23 play and y never played -- I think she might have
24 played once.

25 Q. And why did you go to Ben McInville's house?

- 1 A. Because I had to call my parents later on. He pick me
2 up and I had to call my parents later on.
- 3 Q. Did Jimmy Meggs take you there to use the telephone?
- 4 A. Yes, sir.
- 5 Q. And did you use the telephone?
- 6 A. Yes, sir.
- 7 Q. To call your parents?
- 8 A. Yes, sir.
- 9 Q. Now, after you used the telephone, what did you do?
- 10 A. We went back out there and we sat around -- we built a
11 fire.
- 12 Q. Did you put up your tent? You have a tent?
- 13 A. It was already out. It wasn't really a tent. It was
14 like a house type thing. It was like a little trailer type
15 thing. It really wasn't a tent. I just call it a tent.
- 16 Q. Okay. So there was something already there?
- 17 A. Yes, it was. Yes, sir.
- 18 Q. And was it on wheels?
- 19 A. Yes, sir, a trailer I think it was.
- 20 Q. Okay. Who build it, do you know?
- 21 A. Ben and his little brother.
- 22 Q. So something you boys built?
- 23 A. Yes, sir.
- 24 Q. And did y'all sleep in there?
- 25 A. Yes, sir.

- 1 Q. Okay. And you built that fire?
- 2 A. Yes, sir.
- 3 Q. Okay. Did you take any food with you?
- 4 A. No, sir.
- 5 Q. Did you eat anything that night?
- 6 A. No, sir -- we stop by the store and got some food.
- 7 Q. What?
- 8 A. At the store, I got me something to drink, yes, sir,
- 9 got me a Mountain Dew.
- 10 Q. Did you have a Mountain Dew with you?
- 11 A. Yes, sir.
- 12 Q. You had one, two?
- 13 A. One.
- 14 Q. Okay. One Mountain Dew. Okay. So the next morning
- 15 what did you do?
- 16 A. Well, my brother and his friend, Luke, come out there
- 17 about eight o'clock and that's when we started paint ball.
- 18 He had something to drink.
- 19 Q. Now, your brother's friend -- your brother and his
- 20 friend, Luke?
- 21 A. Yes, sir.
- 22 Q. And so in the morning how many were you there?
- 23 A. It was my brother, [REDACTED], me and Jimmy, five of
- 24 us.
- 25 Q. Okay. You, Jimmy Meggs, your brother, and .. And

team player #4

IN CAMERA CROSS EXAMINATION BY MR. COX

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1 who was the fifth?

2 A. _____

3 Q. Who's your brother _____ he live on the land?

4 A. Yes, sir.

5 Q. He was the five to play paint ball. How long did
6 y'all play paint ball?

7 A. To probably until like 12 o'clock.

8 Q. And you didn't say anything to anyone about what
9 happened?

10 A. No, sir.

11 Q. How long do you think it was when what you say
12 happened that you read about Jimmy having problems in the
13 paper?

14 A. I really don't remember probably about two or three
15 months.

16 Q. Two or three months. Had you read the paper, you
17 forgotten about what happened?

18 A. No, sir.

19 Q. You read about it in the paper?

20 A. Yes, sir.

21 Q. And what were you doing about the time that you read
22 about the paper? Were you in school?

23 A. No, sir, I was at my aunt's house. My stepmom picked
24 me up from school and we were at my aunt's house and she
25 got the paper and I seen it.

1 Q. Okay. And where were you going to school?

2 A. In Florence.

3 Q. Were you having any problems in school?

4 A. No, sir.

5 Q. Having any problems at work with your dad?

6 A. No, sir.

7 Q. But you saw that in the paper and that's when you
8 decided to tell your parents?

9 A. Yes, sir.

10 Q. Pardon.

11 A. Yes, sir.

12 MR. COX: Nothing further, thank you.

13 MR. STEINBERG: Very brief.

14 THE COURT: Sure.

15 IN-CAMERA REDIRECT EXAMINATION BY MR. STEINBERG:

16 ^{team player #4} Q. , you waited a couple of months before you told
17 your dad; is that correct?

18 A. Yes, sir.

19 Q. Did you ever try to tell your dad?

20 A. No, sir.

21 Q. Okay. Did you ever tell your dad about any symptoms
22 you had?

23 A. I told him my rear end was hurting.

24 Q. How long after the incident involving Jimmy, did you
25 tell your dad that?

1 A. Probably about a month.

2 Q. Do you know why your rear end hurt?

3 A. Yes, sir.

4 Q. Why?

5 A. Because of what happened.

6 Q. Did you tell your dad what happened or you just tell
7 him your rear end hurt?

8 A. I just told him my rear end hurt.

9 MR. STEINBERG: Thank you, Josh.

10 THE COURT: Let me make sure I understand. Josh, do
11 you remember what year it was when this happened?

12 team player #4 : Two years ago 1999.

13 team player #4 : Thank you, sir. And I believe you
14 testified it was sometime before school started a couple of
15 weeks? Is that what you said earlier?

16 team player #4 : Yes, sir.

17 THE COURT: Thank you, sir. You can step down. You
18 may -- I don't know whether you'll go back where everybody
19 else is, but if you do, you can't talk with them about the
20 questions that were asked of you or whatever answers you
21 gave. You understand that?

22 team player #4 : Yes, sir.

23 THE COURT: Thank you, sir.

24 (The witness left the witness stand.)

25 MR. STEINBERG: Your Honor, that was our last Lyle

1 witness. Just for your information, we're going to be
2 presenting evidence by the way of documents as well as
3 witnesses to show that fact. There is a true Vanguard
4 Knight. It's a local R. O. T. C. program for which Jimmy
5 Meggs has nothing to do with. Jimmy Meggs has never been a
6 National Guard officer. Jimmy Meggs was not in the
7 National Guard during this time. The National Guard does
8 not sponsor any paint ball league nor did they give any
9 uniforms to anyone.

10 I think, Your Honor, understands what the State's
11 intention to bring this information and ask all these
12 questions. This is the fact some phony league not to bring
13 those witnesses up now the National Guard officer; that's
14 just for your information. Certainly opposing counsel
15 knows the State's intentions.

16 THE COURT: You all wish to be heard at this point
17 on what's been proffered up to now. How do you all want to
18 proceed. Why don't we -- I tell you what it's been two
19 hours and a half let's take a short break.

20 MR. STEINBERG: Yes, sir. Thank you, Your Honor.

21 (Court is in recess.)

22 (Court has reconvened.)

23 THE COURT: All right. You all want to go through
24 these witness by witness? How do you want to proceed?

25 MR. STEINBERG: Your Honor, I prefer they go through

1 the entire thing. If you have any questions about any
2 particular witness, we could draw attention to that one as
3 we go along or however, Your Honor, wants to do it.

4 THE COURT: Well, let me just ask the two victims in
5 this case testified. Is there any testimony that they gave
6 as it relates to the Lyle issues that the defense objects
7 to?

8 MR. COX: May it please the Court. Your Honor, I
9 understood that the victims' testimony was to lay the
10 factual ground or factual bases for, Your Honor, to
11 consider testimony from someone who was not a victim. We
12 have no objection to what those victims testified to for
13 the purpose of this hearing.

14 We would have an objection during the course of the
15 trial, but for the purposes of this hearing we don't. It
16 would be best condition -- contention is that team player #4's
17 testimony does not meet the criteria to come in under Lyle.
18 We put that statement first off, his testimony was entirely
19 different from testimony given from anyone else as to what
20 happened to him. It was testimony from him that they went
21 to paint ball 30 to 40 times. He never saw anything happen
22 to anybody else. On one occasion, it turned out just he
23 and the defendant were on that one occasion. There was no
24 other testimony where he, Jimmy Meggs, took a boy camping
25 by himself. There's no other testimony that Jimmy Meggs

1 penetrated or attempted to penetrate any of the campers.

2 There was also a statement by team player #4 that he
3 was told he would give him an expensive paint ball gun if
4 he allow this to happen. There's never been any testimony
5 from anybody else that were offered gifts for certain acts.
6 So his testimony is different. And the case law says I
7 believe, Your Honor, that it has to be a connection. In
8 this instance, this young man has no connection to any
9 other boy involved in paint ball camp. He's not witnessed
10 any other boy. So we have different parties. We have only
11 this young man's testimony that this happened. So I would
12 think clear convincing evidence rule is not met here where
13 it's one person's testimony one on one. There's no other
14 evidence to support the fact that this incident happened.
15 What this young man testified to goes far beyond what
16 anyone else's testimony was, but I think under Lyle, team player #4

17 testimony would not be admissible.

18 THE COURT: Mr. Steinberg.

19 MR. STEINBERG: Yes, sir, Your Honor. These law
20 cases dealing with typically CSC are published opinions on
21 engaging a child sexual performance, but clear and
22 convincing evidence standard, usually applies to somebody
23 getting up on the stand.

24 THE COURT: I'm not so worried about that standard
25 as I am how it fits those exceptions enunciated under Lyle.

1 MR. STEINBERG: Yes, sir. Obviously, common scheme
2 or plan go along under it obviously. Jimmy Meggs chooses
3 the youngest person. You heard that testimony from the
4 victims of the Pamplico case and as well as team player #4 in
5 Timmons ville. That case dealing with one of the younger
6 boys. There were no adults there. He was the captain in
7 both -- he had two bars on. He said he was an officer at
8 Timmons ville. He said he was a captain in Pamplico. The
9 Vanguard Knights the same. He claim he started R. O. T. C.
10 or apart of the R. O. T. C. unit call the Vanguard Knights
11 in Timmons ville as well as to Pamplico. He did this to get
12 boys to come out there ---

13 THE COURT: Well, so far, you might better get all
14 that in without getting in the actual act occurred to
15 Joshua Case.

16 MR. STEINBERG: Also the threat to harm -- well, I
17 would also say the fact that there was no adult around is
18 the same and that does go towards his willingness to commit
19 criminal acts of this nature with the same general area.
20 It's a paint ball field, judge. A paint ball field in
21 Timmons ville and Pamplico. The fact that he does things
22 over a period of time. The fact that he has stopped his
23 Timmons ville league, should not give him any grounds to
24 stop in the Timmons ville fact or the Pamplico facts. The
25 threat is the same, you better not tell anybody. Don't

1 tell anybody and that threat consistent with virtually all
2 the witnesses. He was told to lie. Told to lie about what
3 happened. So he told to lie to your parents. Some boys
4 said I told a lie to my mom that was in Pamplico. In
5 Timmons ville, told on the phone to tell a lie. The whole
6 military scheme, the giving of gifts, giving of uniforms,
7 giving of paint balls.

8 This is the reason, Your Honor, we have Rule 404.
9 The reason we always had State vs. Lyle. He has a long
10 history of this, a long pattern of this to the exact same
11 items. The differences that Mr. Cox pointed out, I think
12 were the fact that those were brought as differences are so
13 minor that they actually emphasize the similarity in the
14 cases. I also pointed out identity, motive, and intent,
15 and lack of discipline were actually stronger because of
16 the Timmons ville incident. It shows who it is. It's not
17 somebody else. It's not Johnny Booker as brought out to
18 meet this claim. It's not anybody else giving these
19 orders. It was Jimmy Meggs not Johnny Booker. Nobody else
20 was there i ^{team player #4} only ^{team player #4} I'm sorry -- only
21 Jimmy Meggs. The motive, the intent, the lack of mistake
22 or accident. Is it a mistake or an accident.

23 THE COURT: What is the specific intent that you
24 think will be demonstrated from the case incident into the
25 charges that Mr. Meggs is on trial for here?

1 MR. STEINBERG: Having a child engage in a sexual
2 act. Maybe not with Meggs at the first trial pardon -- at
3 the Pamplico case, although that is what Dustin Griffin
4 testified to, but having a child engage in a sexual act is
5 consistent with slightly different acts, but that's not
6 what the courts have focused on these cases whether
7 Mr. Meggs would be the exact same act with one child and
8 the other is not clear. Of course, I looked at the
9 Weaverling case that I handed to, Your Honor, earlier.
10 Counsel has a copy, which called the relationship and the
11 disposition of parties, whatever the relationship and
12 mutual disposition. Jimmy Meggs goes and picks up Josh
13 Case and has him lie and tells him stories about the
14 National Guard, about the Vanguard Knights, about his rank,
15 about his responses to the league. Gives him gifts,
16 promises him a paint ball gun something a year-old boy
17 might like. Gives him uniforms. Brings him out away from
18 his parents. Already had a discussion about about how he
19 knew he did not have a father in the home. No father in
20 the home, out to the woods. The same constant threats in
21 Timmons ville and Pamplico. He just moved on, judge. team player #4

said, I didn't go back after that incident to
23 Timmons ville with Jimmy Meggs. Jimmy Meggs moved on. He
24 moved on to Pamplico, judge. Beg the Court's indulgence.

25 And, Your Honor, in terms of cross examination, the

1 reason the boys would lie -- their reason for making up
2 stories about Jimmy Meggs that would, of course, fall apart
3 that would go towards whether he had a motive to commit
4 this crime or he had the intent to commit this crime.
5 Well, he committed this crime. He talked about whether he
6 was just joking. Was he just joking? Joking is basically
7 the same although the Rule 404 doesn't use the term joking.
8 These terms lack of mistake or accident clearly what
9 they're talking about whether this was an intentional act.
10 It's an intentional act with the boys in Pamplico when
11 they're told to make it look like ^{team player #5} did it. If
12 anybody goes down, I'm not going down. All that testimony
13 team player #4 comes in because it shows his intent. His intent
14 did not just for the kids to do push-ups. His intent did
15 not just for kids to kneel on -- in front of each other.
16 His intent was to have them engage in sexual activities.
17 He had Josh Case engage in sexual activities as well as
18 other boys in the Pamplico incident. Your Honor, I have
19 nothing further.

20 THE COURT: Anything in response to all that?

21 MR. COX: Your Honor, case State vs. Hallman all
22 those cases -- the testimony was allowed in under Lyle
23 establish certain factors, but that testimony did not go as
24 far in detail as team player #4 's testimony did. Other
25 testimony allowed in Hallman were one of the other cases.

1 What was being alleged under Lyle either similar conduct by
2 a member of the family or something of a lessor degree.
3 What the State's trying to get in with the team player is
4 taking it a step further and the act occurred anywhere else
5 in the testimony. team player #4's testimony up until the
6 time of his statement about penetration is actually
7 redundant to what other individuals said except he said he
8 went to paint ball 30, 40 times and that's all anything
9 happened to anyone else; that's the only difference. So I
10 think to allow team player #4 testimony about the alleged
11 penetration would be highly prejudicial to the defendant
12 and in no way helps the State prove it's case as indicted
13 because it goes to the crime.

14 MR. STEINBERG: Your Honor, if I could just make one
15 legal point, we're not trying to go a step further. The
16 penalties actually the same. Defense said he would be
17 charged with CSC second degree carries 20 years. I don't
18 know whether it's worse of having ^{Victims #1 & #2} engage
19 in oral sex or whether it's worse Jimmy Meggs engaging in
20 anal sex. We're not trying to raise a more serious crime.
21 It's all -- it's a 20 year offense regardless of what it
22 is.

23 THE COURT: All right, sir.

24 MR. STEINBERG: I just wanted to point that out to,
25 Your Honor.

1 THE COURT: How about let's move on down then. How
2 about the testimony of team player #1. Is there any
3 objection to that testimony?

4 MR. REDMOND: Your Honor, yes, we would object to
5 that testimony. And the grounds, of course, would be that
6 again the nature of the incident when you talking in terms
7 of clear and convincing and that's the thing that stands
8 out to me alone obvious with prejudice. That we would be
9 prejudiced by his testimony, but, Your Honor, it's based on
10 team player #1's testimony. None of this came out until after this
11 newspaper article and after he found out Jimmy had been
12 arrested. And then all of a sudden, that's when he say
13 that's when these acts supposedly occurred. That's when I
14 went to the Durant Center. That's when I ended up telling
15 somebody about it.

16 But interestingly, judge, at that point, he did not
17 -- he claims gives reasons to quit going to paint ball,
18 but, of course, the testimony also brought out the fact
19 that he was in essence caught and disciplined by Mr. Meggs
20 for stealing. And I think that as it relates to clearing
21 and convincing standard, I think that it falls on that.
22 And obviously, the only thing that team player #1 raised is
23 dealing with the hands, the supposed hands to the knee and
24 whatnot team player #1 was present at paint ball, but as it
25 relates to other incidents being described; that is not

1 what he been proffered. He is being proffered by the State
2 as it relates to the incident regarding that touching and I
3 think that, again, they're too distant from the allegations
4 in the indictment being for which he's being tried today
5 and I think they're highly prejudicial. And I don't think
6 that there is a sufficiently close similarity under the
7 Lyle's standard to allow team player #1 testimony in as
8 well. I believe it would be highly prejudicial. And the
9 only reason this is being proffered quite Frankly, is just
10 to pile on against Mr. Meggs. So we would respectfully
11 request that team player #1's testimony be excluded.

12 MR. STEINBERG: Your Honor, when counsel uses the
13 term clear and convincing, he's actually I think confusing
14 it with credibility. Credibility should be determined by
15 the jury. Clear and convincing is whether those words came
16 out of team player #1's mouth. He clearly gave testimony
17 that I believe was the same. The same story the Vanguard
18 Knights, the R. O. T. C. The giving of uniforms. The
19 giving of gifts. The incident he discussed was, of course,
20 not a committing lewd act, but of course, it would be
21 attempting a lewd act. He moved his hand up towards the
22 groin. There was a discussion of sexuality and that goes
23 to his intent, not just having a discussion about baseball.
24 It's very clear and should be very clear to the jury that
25 there was no other reason for him to put his hand on

team player #1

1 leg the with exception of that.

2 As far as being prejudicial, prejudice is somebody
3 being confused with being damaging or harmful and that's
4 not what prejudice means; that be unduly prejudicial. It
5 has to be in there for no reason. If we were here, Your
6 Honor, because I was trying Mr. Meggs for perjury or for
7 some falsehood or for impersonating a National Guard
8 officer, at that point I try to bring a special claims and
9 then, Your Honor, should probably strike him down if only
10 on those claims, but we're not. We're on very serious
11 charges of the sexual crimes. He's not prejudice by these.
12 He is harmed. If the term for probativeness pardon me --
13 prejudice was simply harmed, well, he's probably gone be
14 harmed by this, judge. But it's clear and probative and I
15 say the probativeness out ranks the prejudice hereby
16 showing again common scheme and what his intent is. He's
17 already tried to plant ideas in boys heads and saying I was
18 just kidding. He told team player #2 during that incident
19 I was just kidding around. I didn't mean for them to do
20 this. Well, we see his meaning from the actions he did to
21 pick up team player #4⁴⁷ pick up paint balls.
22 ^

22 THE COURT: Yes, sir.

23 MR. REDMOND: Your Honor, just briefly when you talk
24 in terms of prejudice versus probative that it's fairly
25 clear when I say prejudice, not just in terms of being

1 harmful, but again, we got someone who is at the paint ball
2 camp. But they are not being offered to testify about what
3 occurred at the camp. They are only being offered to
4 testify about what occurred in a truck allegedly and the
5 statements that were made particularly being gay. And,
6 Your Honor, I think that was very inflammatory. I think it
7 would be prejudicial I think versus probative in that
8 light. And, Your Honor, I would again ask that that be
9 excluded because obviously even though there's issues of
10 credibility as counsel states, but our contention is that
11 under Lyle we should not have to make that argument. We
12 should not be put in a position of having to weigh the
13 credibility of it because it automatically puts the burden
14 on -- certainly on us. Based on that limited realm of
15 which is applicable and that realm does not lie in this
16 case, Your Honor. So we would respectfully stand by our
17 objection to team player #1's testimony.

18 MR. STEINBERG: Your Honor, I have no further
19 argument. As I said before, the point made we were surely
20 not the problem. They are aware of all of these charges.
21 All our facts we given to them and given to make sure they
22 realize that even with team player #4 he's not been arrested on,
23 they been given all the information as to the documents
24 prejudice in that light, Your Honor.

25 THE COURT: You all give me just one moment, please.

1 I'm going to sustain the objection as to team player #1's
2 testimony. One of the requirements is that the Court must
3 clearly see the connection between the extraneous criminal
4 transaction of a crime charged; that is logical relevance.
5 The accused should be given the benefit of the doubt and
6 the other should be rejected State vs. Brooks. I recall
7 the testimony of team player #1 to have been events occurred
8 in the truck away from the place where the paint ball games
9 were taking place. It involved the defendant allegedly
10 placing his hand on that witness's leg and moving it up
11 asking him if he felt uncomfortable with it. Then the
12 witness went on to say -- he asked him what did he think
13 and he told him that he was gay. I don't think that's a
14 sufficient connection to the charges for which the
15 defendant is being tried to permit that testimony to come
16 in.

17 Likewise even if it is probative, that testimony I
18 believe the prejudicial effect would outweigh its probative
19 value. So I will sustain the objection as to team player #1's
20 testimony. I guess, we move now to team player #2 ght. Any
21 objection to, team player #2's testimony?

22 MR. REDMOND: Yes, Your Honor. We would offer
23 objection to Mr. team player #2 testimony mainly on the
24 grounds that even though this occurred at the paint ball
25 camp allegedly, according to team player #2 testimony.

1 Again, I cite the clear and convincing aspect as to the
2 close similarity. Because if, Your Honor, -- and this ties
3 into the other witnesses, but those other witnesses being
4 his brother and victim #1 victim #2 ⁱⁿ that their testimony is
5 obviously inconsistent. And I know counsel for the State
6 is going to indicate that, Well, that's an issue for the
7 jury. But we would submit for the purpose of allowing it
8 into this trial for which they are not being tried for
9 team player #2 nor team player #4 . . . And I think that
10 those are inconsistencies in their testimony as it relates
11 to what happened, how often, are very important as it
12 relates to the weight that the Court must give it in
13 determining whether or not it should be allowed in this
14 trial. I think he would again be prejudicial versus
15 probative for that reason.

16 Probative being to determine whether or not this is
17 true what they are alleging. Well, I think they are
18 obviously in conditions even counsel for the State must
19 acknowledge in their testimony. And as a result of that, I
20 would argue that that would not meet clear and convincing
21 standard as it relates to having that testimony entered
22 into this trial, which is on the indictments for the
23 victim #1 victim #2 if I'm not mistaken.

24 THE COURT: And would that same argument apply to
25 the testimony of team player #4 ?

1 MR. REDMOND: That is correct.

2 MR. STEINBERG: Your Honor, I request that both boys
3 be, however dealt with, particular facts as the indictment
4 alleges. It's not just actual sexual acts. It's engaging
5 a child for actual -- for simulating sexual acts. And
6 Johnny talked about the push-ups, apply to the push-ups
7 involved in the actual sexual acts. The key factor is
8 nothing different sexual acts. They are all sexual acts
9 done by children, which is the key. Whether one is oral
10 sex or anal or attempted oral sex or oral sex between two
11 people; that's not the issue. What we have here is Jimmy
12 Meggs attempting to have boys engage in oral sex, which in
13 this case is team player #2, a pre-teen boy, and the
14 victim #1, victim #2, also pre-teen boys, and with team player #4
15, a person who has just recently turned

16 The Weaverling case, I handed that up. Its opinion
17 addresses so many different cases. It says the key is
18 whether the quote relationship and the mutual disposition
19 of the party is suspiciously similar. But, Judge, he's
20 told the victim #1, victim #2, s, team player #2 brothers, this is
21 Jimmy's paint ball league. I give you uniforms. I got
22 uniforms from the Army or my friend in the Army.
23 R. O. T. C., Vanguard Knights, he holds military rank
24 system. The fact Jimmy gives orders. Your Honor, has
25 heard testimony from all four boys what happened when Jimmy

1 doesn't get what he wants, he shoots them with paint balls;
2 that's why the boys comply with his actions.

3 Again, Your Honor, the Weaverling case would dictate
4 that should be allowed in because, again, the same
5 disposition, the same account. When looking at the prior
6 decision, I think Weaverling says the following: The Court
7 of Appeals found it would be difficult to conceive of a
8 common scheme or plan more within plain meaning, the plain
9 meaning of a Lyle acceptance. Judge, those cases have far
10 fewer similarities. They had no clear plan, no flyers, no
11 testimony of long range plans involving paint ball league.
12 This, Your Honor, is the reason we have this particular
13 rule. As far as identity, it does go to show his identity.
14 It goes to show who is attempting to commit the -- have the
15 boys engage in oral sex.

16 THE COURT: I don't need to hear anything further.
17 I think, the testimony of these two witnesses is admissible
18 under exceptions to Lyle. I think the clear and convincing
19 standard has been met. And there is that logical
20 connection perceived by the Court between the offenses
21 charged and the testimony of these other acts. And the
22 Court will allow the testimony -- the testimony of those
23 two witnesses to come in. That leaves, I guess, the only
24 witness that being Mr. team player #4 I'm not prepared
25 to make that decision just yet. I'm going to give that

1 some more thought. I cannot find the supplement to Title
2 16 and 17. Had there been any amendments to this statute.

3 MR. STEINBERG: I don't believe so, Your Honor.
4 I'll go check right now. Your Honor, I don't see any oral
5 findings in this 1999 edition.

6 THE COURT: I see where you argued earlier about
7 sexual conduct including simulate sexual intercourse so
8 forth and so on. But sexual conduct is not apart of the
9 16-3-810 it is?

10 MR. STEINBERG: It's sexual performance, but it
11 defines sexual conduct. It defines it as a great detail as
12 far as what it defines. Of course, the definition are, of
13 course, right above that under 800. Sexual conduct
14 includes sexual intercourse, which is simulated sexual
15 intercourse certainly meet any definition of sexual conduct
16 that we know under CSC referring to Section 800 Subsection
17 2.

18 THE COURT: Right. I was just trying to see where
19 it fits into 16-3-810. We don't need to decide that at
20 this point this afternoon. Are there any other matters we
21 need to take up this afternoon?

22 MR. STEINBERG: Nothing from the State, judge?

23 THE COURT: All right. Nine o'clock in the morning.
24 If I could see you all back here, just one moment.

25 (Court recessed for the day.)

1 (Court has reconvened.)

2 THE COURT: Good morning, folks. Thank you for
3 being back and being ready to get started. It's right at
4 nine o'clock. We're ready to proceed with the selection of
5 the jury in the trial of the first case. I'm going to
6 recognize Mr. Howard Steinberg.

7 Mr. Steinberg, if you will call your first case and
8 give us those indictment numbers and the charges and so
9 forth.

10 MR. STEINBERG: Yes, sir, Your Honor. This the case
11 of State vs. Jimmy Donald Meggs Jr. The State vs. Jimmy
12 Donald Meggs, Jr. will be four indictments. The first
13 indictment is contributing to the delinquency of a minor.
14 The number is 666. The second indictment is also
15 contributing to the delinquency of a minor indictment 665.
16 The third indictment number 664, engaging a child for
17 sexual performance. The forth indictment is 663, is also
18 engaging a child in sexual performance.

19 THE COURT: Thank you, sir.

20 Mr. Redmond and Mr. Cox, defendant ready to proceed?

21 MR. COX: Defendant ready, Your Honor.

22 MR. REDMOND: Yes, sir.

23 THE COURT: Members of the panel, let me tell you a
24 little bit about this process and around these charges.
25 You've heard the Solicitor or actually the Assistant

1 Attorney General Howard Steinberg call these indictments
2 for trial. The defense has indicated that it's ready for
3 trial. We are now ready to select 12 folks who will hear
4 the evidence in the case.

5 These indictments are not evidence. They are simply
6 the documents, the paper that bring Mr. Meggs before this
7 court, give this court jurisdiction of these charges and to
8 have these charges disposed of in this setting. Of course,
9 to these charges Mr. Meggs has entered a plea of not guilty
10 and you will learn more about that as we go through the
11 process, if you're selected.

12 The State has the burden of proof. I'm going to
13 read for you the language from these indictments or the
14 allegations and I do that so that you will know the nature
15 of the charges against Mr. Meggs. Again, these are simply
16 allegations because there will be some questions that I
17 will ask you later about the allegations against Mr. Meggs
18 and whether or not those allegations would affect you
19 ability to be fair and impartial, if you are selected in
20 this case.

21 After I done that, I'm also going to introduce the
22 attorneys or recognize the attorneys and allow them to
23 introduce themselves to you and then identify for you those
24 witnesses that might be called during the course of this
25 trial. And they may not be called; that's a decision the

1 attorneys make. But out of an abundance of precaution, at
2 this stage I have them give you the names of anybody that
3 might be called. And after we gone through that process,
4 then I'll have some questions for you to make sure that
5 there's nothing about who's involved or what's involved in
6 this case or who might be witnesses in this case, that
7 would affect your ability to be fair and impartial.

8 You will hear me use those two words very often
9 through this process and through the trial itself because
10 those are the two most important things that a juror has to
11 have, if selected the ability to be fair and impartial.
12 And so I want to ask those questions that would have you
13 think about who's involved and what's involved. So if
14 there's something that you're aware of that would affect
15 you, you can bring that to the Court's attention. As
16 Mr. Steinberg has indicated, there are two indictments
17 which allege or charge Mr. Meggs with engaging a child for
18 sexual performance. And this indictment 2001-664, alleges
19 that Jimmy D. Meggs did between October 1st of 1999 to
20 December 15th 1999 in Florence County commit the crime of
21 engaging a child for sexual performance by employing,
22 authorizing, or inducing a child younger than 18. victim #2
23 _____ who was _____ years of age at the time engage in
24 sexual performance, to wit or in that Mr. Meggs forced or
25 induced _____ to engage in oral sex with victim #1
victim #2

1 Watford all in violation of Section South Carolina Code
2 16-3-810.

3 The other indictment 663, very similar in the body
4 of the indictment. The only difference would be that
5 portion following to wit, in that Meggs forced or induced
6 victim #1 to engage in oral sex with victim #2
7 All the violations Section 16-3-810 the South Carolina Code
8 of Law as amended.

9 The other two indictments are the indictments for
10 contributing to the delinquency of a minor. These are
11 indictments 2001-665 and 666 and they are similar in
12 allegation in that they allege that between October 1st
13 1999 and December 15th 1999, the defendant, Jimmy Donald
14 Meggs Jr., did commit the crime of contributing to the
15 delinquency of a minor. In that the defendant, who's over
16 the age of 18 at the time of the incident, did knowingly
17 and willfully encourage or cause or did an act or acts
18 which caused victim #1 a minor who's nine years of
19 age at the time of the incident, so deport himself as would
20 willfully injure or endanger his morals or health or the
21 moral or health of others, said incident having occurred in
22 Florence County South Carolina.

23 The body of the other indictment is the same except
24 the allegations there relate to a minor, victim #2 who
25 was at the time years of age. Those then are the

1 allegations against Mr. Meggs. As I've said, they are
2 simply allegations. It will be the responsibility, the
3 burden of the State during the course of the trial of this
4 matter, to prove his guilt of those charges beyond a
5 reasonable doubt. Again, I read that to you so that you
6 will know what the charges are and what the allegations are
7 so when I ask a question about those same things, would
8 that affect your ability to be fair and impartial, and you
9 could bring it to the Court's attention. I'm now going to
10 recognize the attorneys so that they can introduce
11 themselves and identify for you the witnesses that maybe
12 called during the course of this trial. You already know
13 Mr. Howard Steinberg who represents the State of South
14 Carolina.

15 Mr. Steinberg, if you will introduce yourself and
16 co-counsel and give us the name of those witnesses the
17 State may call, sir.

18 MR. STEINBERG: Thank you, Your Honor. Ladies and
19 gentlemen, my name is Howard Steinberg. I'm with the
20 Attorney General's office. I'm prosecuting this case
21 along with Jennifer Evans seated next to me. Bryan Kennedy
22 is the investigator. He will also be sitting at the table.
23 He will be called as a witness. The rest of the witnesses
24 or potential witnesses who may or may not be called:
25 victim #1 victim #2, -- any of the witnesses here

1 stand up. *victim #1* back of the room. Tyler Watford
 2 in the back of the room. Ms. Emma Buntin or Earline
 3 Buntin, *not in victim's list 2* standing in the
 4 back of the room, Sandra Sturkie, *team player #3*
 5 *grandmother of team player #2* team player #2
 6 team player #1, Investigator
 7 Bryan Kennedy who just sat down. Lieutenant Bruce Bennett
 8 with the South Carolina National Guard. And the last
 9 *team player #5 & 6* and perhaps Jimmy Meggs, Sr. Thank you.

9 THE COURT: Mr. Meggs in this case is represented by
 10 Mr. Kernard Redmond and Mr. James Cox. If you will
 11 introduce yourselves and your client to the panel.

12 MR. REDMOND: Ladies and gentlemen, good morning.
 13 My name is Kernard Redmond. I'm a member of the Florence
 14 County Bar, seated with me is Jim Cox. He is out of our
 15 Hartsville office. We both practice with Saleeby and Cox
 16 and they are headquartered in Hartsville. The lawyers in
 17 that office are Ed Saleeby, Jr., Byran Braddock, Michael
 18 Holt. Of course, myself practice here in the Florence
 19 office. Now, seated to my immediate right is Jimmy Meggs,
 20 stand please. Mr. Jimmy Meggs, Jr. Also on our witness
 21 list, Your Honor, would be *team player #9* Austin Dowless. I don't think
 22 he's present in the courtroom. Tammy Moore, Reggie
 23 Sumner, Chris Gough, Joshua Cole, Michael Cole, *team player #1*
 24 *victim #1* *victim #2* Lawrence Melton, Brandon Melton, Ronnie Carson,
 25 *team player #7 & #8* Jean Weeks Judy Cox, Matthew

1 Barrentine, Pam Hall, Jimmy Meggs, Sr., Marion Brown,
2 Gerald Brown and Dr. Lisa Jackel. Those would be the
3 potential witnesses of the defense, Your Honor.

4 THE COURT: Thank you, sir.

5 Folks, I'm now going to ask you some questions about
6 your possible service in this case. If I ask a question
7 and you need to answer that question, please stand and when
8 I call on you let me first get your name and your number,
9 if you know it. If you don't know it, give me just a
10 moment to locate you on the list so that we all can have
11 the correct one of you. And then I will hear your answer
12 and what I need is a specific answer to the specific
13 question.

14 For instance, it maybe be a question about
15 witnesses. Do you know any of the witnesses and you would
16 stand. After I got your name, I'd ask you which of those
17 witnesses would you identify those witnesses. And in that
18 case, with in any case, where you would have to stand in
19 response to a question. There will always be a follow-up
20 question and the follow-up question will be, in the case of
21 the witness. Would the fact that that person might be a
22 witness in this case affect your ability to be fair and
23 impartial. And I know you understand that is a critical
24 and crucial question that I need to have an answer to and
25 need to have to the extent you give one, a yes or no

1 answer. So please remember that. Just as I told you
2 yesterday, if you have any doubt about whether or not you
3 need to stand and answer a question, you need to stand to
4 answer that question. So please, if you have any doubt
5 whatsoever about whether or not you know someone or
6 anything else about a question that I may ask you, please
7 stand and let's take care of that doubt right then. Back
8 to something I said just a moment ago, if you stand, I ask
9 that you answer just the question that I've asked; that's
10 another way of saying please don't volunteer any
11 information. If you feel like there's something more that
12 you need to tell me, I would rather you tell me, Judge, I
13 think there's something else you need to know may I come
14 down to the front. And that's what I'll have you do so
15 that I can discuss that with you out of the hearing of the
16 rest of the folks. So that there's not anything that you
17 say that might affect everybody else's ability to be fair
18 and impartial. So please remember those simple rules about
19 this process.

20 Is there any member of the panel who is related by
21 blood or connected by marriage or do you have or have you
22 ever had any kind of social or business relationship with
23 Jimmy D. Meggs Jr.? Now, when I say any kind, I mean just
24 that. It does not matter how long ago it was. It does not
25 matter how casual it might have been or how infrequently

1 you may have been in contact with Mr. Meggs and that same
2 definition applies to all the questions that I'll ask you
3 like that. If that applies to you if you are related to or
4 connected with or have any kind social or business
5 relationship with Mr. Meggs, please stand? Thank you,
6 there none.

7 The Solicitor identified many witnesses that might
8 be called during the course of this trial. The two alleged
9 victims of these crimes as you heard me read their names
10 from the indictment are victim #1 and victim #2
11 I'll ask you first about those two victims or alleged
12 victims. Is there any member of the panel who is related
13 by blood or connected by marriage or do you have or have
14 you ever had any kind of social or business relationship
15 dealings with either of those two young persons or any
16 other members of their family, if so please stand?
17 Thank you, ma'am, would tell me your name?

18 PROSPECTIVE JUROR: Judith Feimster. My number is
19 46.

20 THE COURT: All right. Ms. Feimster, and what sort
21 of relationship do you have or have you had with either?

22 JUDITH FEIMSTER: I have with the grandparents each
23 of them for about 13 years.

24 THE COURT: Would that relationship with their
25 grandparents affect your ability to be fair and impartial

1 in this case, ma'am?

2 JUDITH FEIMSTER: I would hope not, but I couldn't
3 say for sure.

4 THE COURT: And I think that's fair, so I'm going to
5 excuse you from this trial, ma'am, if you'll have a seat.

6 Anyone else? Are those two jurors that are just
7 coming in.

8 CLERK OF COURT: Yes, sir.

9 THE COURT: If you'll have them wait outside,
10 please.

11 As to the other witnesses that were identified by
12 Mr. Steinberg as possible witnesses for the State, I'm not
13 going to list those folks or call them out individually.
14 I'm going to simply ask that you remember those names as
15 they were given. And the question is this. Is there any
16 member of the panel as to those witnesses who is related to
17 any of those witnesses by blood or marriage or do you have
18 or have you ever had any kind of social or business
19 relationship with any of those witnesses, if so please
20 stand? Thank you, there none.

21 Mr. Redmond, identified witnesses that might be
22 called by the defense. Again, remember that that's only a
23 might. They are not required to call any witnesses, but
24 they may be called. As to those witnesses that may be
25 called by the defense, is there any member of the panel

1 who's related by blood or connected by marriage or do you
2 have or have ever had any kind of social or business
3 relationship with any of those witnesses, if so please
4 stand? Thank you, sir. You would tell me your name?

5 PROSPECTIVE JUROR: Michael Massefski.

6 THE COURT: All right. Mr. Massefski, you know your
7 number, sir?

8 MICHAEL MASSEFSKI: No, sir.

9 THE COURT: Ninety-one. Which of those witnesses?

10 MICHAEL MASSEFSKI: Ronnie Carson.

11 THE COURT: And what is your connection with that
12 gentleman?

13 MICHAEL MASSEFSKI: We were neighbors a few years.
14 We talked from time to time.

15 THE COURT: If he were called to testify in this
16 case, would that affect your ability to be fair and
17 impartial, sir?

18 MICHAEL MASSEFSKI: No, sir.

19 THE COURT: Thank you, sir, you may be seated.

20 Is there any members of the panel who knows anything
21 about this case, if so please stand? There are none.

22 Is there any member of the panel who's read or heard
23 anything about this case, if so please stand? There are
24 none.

25 I'm going to ask you about the attorneys who are

1 involved in this case. A similar question that I asked you
2 about witnesses. Is there any member of the panel who's
3 related by blood or connected by marriage or do you have or
4 have you ever had any kind of social or business
5 relationship with Mr. Steinberg and co-counsel, if so
6 please stand? Thank you, there none. All right. Tell me
7 your name, please?

8 PROSPECTIVE JUROR: Donna I

9 THE COURT: Ms. Baxley (sic), do you happen to know
10 your number?

11 DONNA : D: 169, I believe it is.

12 CLERK OF COURT: 139.

13 THE COURT: All right. Ms. Baxley (sic), what
14 connection do you have with...

15 DONNA : I know Bryan Kennedy from the
16 Sheriff's office.

17 THE COURT: All right. I don't remember -- are you
18 employed by the Sheriff department?

19 DONNA : Yes, sir.

20 THE COURT: And what is your job their, ma'am?

21 DONNA Record clerk.

22 THE COURT: All right. Would either your connection
23 with Mr. Kennedy or the fact that you are employed by the
24 Sheriff department affect your ability to be fair and
25 impartial in this case?

1 DONNA D: No, sir.

2 THE COURT: Thank you, ma'am, you may be seated.

3 I'm sorry, yes, sir, tell me your name, sir?

4 PROSPECTIVE JUROR: Bennie Green.

5 THE COURT: Mr. Green.

6 BENNIE GREEN: I'm also associated with Mr. Kennedy.
-7 I teach his son at West Florence High School.

8 THE COURT: All right. Would that affect your
9 ability to be fair and impartial in this case?

10 BENNIE GREEN: No, sir.

11 THE COURT: Thank you, sir, you may be seated.
12 Juror 156.

13 As to Mr. Redmond and Mr. Cox and the other lawyers
14 in their firm where they practice, is there any member of
15 the panel who is related by blood or connected by marriage
16 or do you have or have you ever had any kind of social or
17 business relationship and I didn't mention this before, but
18 any kind of business relationship, which would include
19 attorney client with either Mr. Redmond, Mr. Cox or any
20 other lawyer in their firm where they practice, if so
21 please stand? Thank you, tell me your name?

22 PROSPECTIVE JUROR: Deborah Humphries Number 71.

23 THE COURT: All right. Ms. Humphries, what sort of
24 relationship have you had with the members of that firm?

25 DEBORAH HUMPHRIES: They represented me in my

1 divorce.

2 THE COURT: And how long ago was that?

3 DEBORAH HUMPHRIES: 1996.

4 THE COURT: Would that affect your ability to be
5 fair and impartial in this case?

6 DEBORAH HUMPHRIES: No, sir.

7 THE COURT: Thank you, Ms. Humphries, you may be
8 seated.

9 If you will tell me your name?

10 PROSPECTIVE JUROR: David Matthews Number 93.

11 THE COURT: All right. Mr. Matthews, your
12 connection with that firm, sir?

13 DAVID MATTHEWS: Mr. Ed Saleeby, Jr., he was counsel
14 of someone who brought a suit against my business?

15 THE COURT: And did he represent you?

16 DAVID MATTHEWS: No, he was representing the ---

17 THE COURT: The other side.

18 DAVID MATTHEWS: Yes, sir.

19 THE COURT: Would that affect -- is that case still
20 going on?

21 DAVID MATTHEWS: No, sir, it was handled.

22 THE COURT: Would that affect your ability to be
23 fair and impartial in this case?

24 DAVID MATTHEWS: No, sir.

25 THE COURT: Thank you, Mr. Matthews, you may be

1 seated.

2 Yes, ma'am, tell me your name?

3 PROSPECTIVE JUROR: Mary Streett Number 132.

4 Another lawyer in their firm represented my husband
5 workman's comp lawsuit five years ago.

6 THE COURT: All right. Would that affect your
7 ability to be fair and impartial in this case?

8 MARY STREETT: No.

9 THE COURT: Thank you, ma'am, you may be seated.

10 Yes, sir, tell me your name, sir?

11 PROSPECTIVE JUROR: Charles Howard. I don't know my
12 number. I know Mr. Cox through members of the Wildlife
13 Conservation Organization.

14 THE COURT: Would that affect your ability to be
15 fair and impartial in this case, sir?

16 CHARLES HOWARD: No, sir.

17 THE COURT: Thank you, sir, you may be seated.

18 CLERK OF COURT: Juror 70.

19 THE COURT: Juror 70. Anybody else?

20 Is there any member of the panel or any my member of
21 your immediate family who is now or have you ever been
22 employed by the Sheriff's Department, the South Carolina
23 Law Enforcement Division, Drug Enforcement Agency or any
24 other law enforcement agency, if so please stand? We have
25 Ms. Baxley (sic) and she's already indicated that and

1 indicated that would not affect her ability to be fair and
2 impartial; is that correct, ma'am?

3 DONNA : Yes, sir.

4 THE COURT: You may be seated.

5 Tell me your name, please?

6 PROSPECTIVE JUROR: Tekesha Jones Number 80.

7 THE COURT: All right, Ms. Jones, is it you or some
8 member of your family?

9 TEKESHA JONES: My husband works for the Sheriff
10 Department for about six years.

11 THE COURT: And when did he leave the Sheriff's
12 Office?

13 TEKESHA JONES: Around '95.

14 THE COURT: Would that affect your ability to be
15 fair and impartial in this case, ma'am?

16 TEKESHA JONES: No, sir.

17 THE COURT: Thank you, ma'am, you may be seated.

18 Yes, ma'am, tell me your name please?

19 PROSPECTIVE JUROR: Rita Richardson. I don't know
20 my number.

21 THE COURT: We'll find it. Was it you or some
22 member of your family?

23 RITA RICHARDSON: A member of my family. My cousin
24 is employed by the Crime Scene Unit with the Sheriff
25 Department.

1 THE COURT: Is he still employed with that unit?

2 TEKESHA RICHARDSON: Yes, sir.

3 THE COURT: And would that affect your ability to be
4 fair and impartial in this case, ma'am?

5 TEKESHA RICHARDSON: No, sir.

6 THE COURT: Thank you, ma'am.

7 CLERK OF COURT: 162.

8 THE COURT: Juror 162.

9 Yes, sir, tell me your name?

10 PROSPECTIVE JUROR: William Tisdale.

11 THE COURT: All right, Mr. Tisdale, you or some
12 member of your family?

13 WILLIAM TISDALE: My father was an investigator with
14 the Georgetown police.

15 THE COURT: All right. Would that affect your
16 ability to be fair and impartial in this case, Mr. Tisdale?

17 WILLIAM TISDALE: No, sir.

18 THE COURT: Thank you, sir, you may be seated.

19 CLERK OF COURT: 167.

20 THE COURT: 167.

21 Is there any member of the panel or any member of
22 your immediate family who's ever been accused of -- I will
23 ask this question, but obviously, I wouldn't make you
24 discuss this with me if it applies to you from where you're
25 standing. I'll bring you to the front. It's not --

1 certainly are not wanting to embarrass anyone, but this
2 information is important to the attorneys as they go
3 through the process of selecting a panel that might try
4 this case. Is any member of the panel or any member of
5 your immediate family who's ever been accused of engaging
6 in child sexual performance, sexual abuse, lewd act on a
7 minor, or been the victim of sexual abuse or the other
8 things that I mentioned or a victim of contributing to the
9 delinquency of a minor, if so please stand? All right.
10 Ma'am come around to the front please, ma'am.

11 Attorneys may come forward.

12 PROSPECTIVE JUROR: Lynn Kaluhiokalani.

13 THE COURT: Juror Number 81.

14 PROSPECTIVE JUROR: I was sexually abused as a
15 child.

16 THE COURT: And was there a charge brought in
17 connection with that?

18 LYNN KALUHIOKALANI: No, sir.

19 THE COURT: Would that affect your ability to be
20 fair and impartial in this case?

21 LYNN KALUHIOKALANI: No, sir.

22 THE COURT: All right. Thank you, ma'am.

23 Anyone else? Yes, ma'am if you will come around,
24 please. Folks, it's never too late to stand up and
25 respond to a question. And unless, it happens to be after

1 we started the trial and you been select then it might be
2 too late.

3 PROSPECTIVE JUROR: My nephew was molested.

4 THE COURT: Tell me your name please, ma'am?

5 PROSPECTIVE JUROR: Debra Poston Number 111.

6 THE COURT: And was there a charge brought in
7 connection with that?

8 PROSPECTIVE JUROR: No -- well, I don't know if
9 there was.

10 DEBRA POSTON: He was five. He's 16 now.

11 THE COURT: Would that affect your ability to be
12 fair and impartial in this case?

13 DEBRA POSTON: No.

14 THE COURT: Thank you, Ms. Poston.

15 Yes, sir, come around. Tell me your name?

16 PROSPECTIVE JUROR: Hildrey Evans Number 44. My
17 ex-son-in-law was convicted of fondling my granddaughter a
18 couple years ago. He just got out of prison for it.

19 THE COURT: Would that affect your ability to be
20 fair and impartial in this case?

21 HILDREY EVANS: No, sir.

22 THE COURT: Thank you, sir. You may have a seat.

23 CLERK OF COURT: Mr. Evans Number 44.

24 THE COURT: Folks, let me back up something before
25 being it's too late bring something to the Court's

1 attention. It's always better no matter when you realize
2 that you should have answered a question that you bring to
3 the Court's attention, particularly if you're selected as a
4 juror. We need to know that information. So if during the
5 course of this and this sometimes happens, we asked you
6 about a lot of witnesses that could be called in this case.
7 Sometimes jurors until they see that person's face and that
8 sometimes happens when they are called to testify, don't
9 realize that they know that person. So certainly if that
10 were to happen, you should let the Court know that so that
11 we can inquire about that what you know about that person
12 and how you know that person.

13 Is there any member of the panel who has formed or
14 expressed any opinion as to guilt or innocence of Mr. Meggs
15 as to these charges, if so please stand? Thank you, there
16 none.

17 Is there anything about the allegations against
18 Mr. Meggs that would affect your ability to be fair and
19 impartial in this case, if so please stand? Thank you
20 there none.

21 Was there a question the State had because I don't
22 have that I don't believe?

23 MR. STEINBERG: Your Honor, covered that with the
24 first question.

25 THE COURT: Is there any member of the panel who has

1 been of or attend the Palmetto Street Church of God in last
2 the 18 months, if so please stand? Thank you, there none.
3 Those are all various specific -- all right, we have a
4 gentleman standing up. Sir, tell me your name?

5 PROSPECTIVE JUROR: Wilson Bennett Number 14.

6 THE COURT: Mr. Bennett Number 14?

7 WILSON BENNETT: Yes, sir.

8 THE COURT: All right. And you've attended that,
9 sir?

10 WILSON BENNETT: Once or twice.

11 THE COURT: How long ago was that, Mr. Bennett?

12 WILSON BENNETT: About a year or more.

13 THE COURT: All right. And as a result of your
14 having attended that church, do you know anything about
15 this case or anybody that is involved in this case?

16 WILSON BENNETT: No.

17 THE COURT: Would that affect your ability to be
18 fair and impartial in this case?

19 WILSON BENNETT: No.

20 THE COURT: Thank you, Mr. Bennett, you may be
21 seated.

22 Yes, sir, tell me your name?

23 PROSPECTIVE JUROR: Michael Massefski Number 91. If
24 that's across from Food Lion on West Palmetto, I attended a
25 Christmas program that's all.

1 THE COURT: Would that affect your ability to be
2 fair and impartial in this case?

3 MICHAEL MASSEFSKI: No, sir.

4 THE COURT: Thank you, sir, you may be seated.

5 Those are very specific questions about the people
6 involved or allegations of this case. There is one very
7 General question that I will ask and I'll have to reply
8 upon each of you if you know of anything to bring that to
9 the Court's attention. Is there any member of the panel
10 who knows of any reason, any reason whatsoever that you
11 believe would affect your ability to be fair and impartial
12 to both the State and Mr. Meggs, if so please stand? Thank
13 you, there none.

14 Any further questions from the State?

15 MR. STEINBERG: No, sir.

16 THE COURT: From the defense?

17 MR. REDMOND: No, sir, Your Honor.

18 THE COURT: If you gentlemen would approach please.

19 (A bench conference was held off the record in the
20 presence of the jury panel, but out of the hearing of the
21 jury panel.)

22 THE COURT: All right. Folks, we're ready to select
23 the jury and we'll have 12 members of the panel and two
24 alternates that will be selected for this trial. I don't
25 whether any of you ever been in General Session's Court

1 when a jury's been selected. Let me tell how that happens.
2 You see this nice wooden container, it has cylinders or
3 capsules in there and each capsule is a sheet of paper with
4 a name on it. They will be pulled out at random one at a
5 time. And if your name is called, if you will come down to
6 the front and stand here to one side or the other of the
7 microphone, turn and look at the attorneys and then each
8 side has the opportunity to say whether or not you will be
9 seated as a juror in this case or excused as a juror in
10 this case. And we'll go through that process until we have
11 arrived at 12 jurors plus two alternates. And let me also
12 add if you have anything with you there at your seat,
13 magazines, books, pocketbook, whatever it happens to be,
14 bring that on down the front with you in the event that you
15 are seated. It want be necessary for you to go back and
16 pick up those items.

17 CLERK OF COURT: Sipiwe Sibande. What say the
18 State?

19 MR. STEINBERG: Please, swear this juror.

20 CLERK OF COURT: What say the defendant?

21 MR. REDMOND: Please seat the juror.

22 CLERK OF COURT: Please have seat in the juror box.
23 Number 3 Chelise Alexander. What say the State?

24 MR. STEINBERG: Please seat the juror.

25 CLERK OF COURT: What say the defendant?

1 MR. REDMOND: Please seat the jury.

2 CLERK OF COURT: Please have a seat in the jury box.

3 181 (sic) Lynn Kaluhiokalani. What say the State?

4 MR. REDMOND: It' Number 81.

5 MR. STEINBERG: Please present this juror.

6 CLERK OF COURT: What say the defendant?

7 MR. REDMOND: Please excuse the juror from the trial
8 of this case.

9 CLERK OF COURT: You been excused from this trial
10 only.

11 131 Christopher Stratton. What say the State?

12 MR. STEINBERG: Please present this juror.

13 CLERK OF COURT: What say the defendant?

14 MR. REDMOND: Please seat the juror.

15 CLERK OF COURT: Please have a seat in the jury box.

16 82 Carolyn Keith. What say the State?

17 MR. STEINBERG: Please excuse this juror.

18 CLERK OF COURT: You been excused for this trial
19 only.

20 123 Emma Singletary.

21 THE COURT: The jurors that came in late were not
22 qualified so they will not be apart of this process.

23 CLERK OF COURT: What say the State?

24 MR. STEINBERG: Please present the juror?

25 CLERK OF COURT: What say the defendant?

1 MR. REDMOND: Please seat the juror.
2 CLERK OF COURT: Please be seated in the jury box.
3 126 Veronica Smith. What say the State?
4 MR. STEINBERG: Please present this juror.
5 CLERK OF COURT: What say the defendant?
6 MR. REDMOND: Please seat the juror.
7 CLERK OF COURT: Have a seat in the jury box.
8 Number 5 April Austin. What say the State?
9 MR. STEINBERG: Please present this juror.
10 CLERK OF COURT: What say the defendant?
11 MR. REDMOND: Please seat the juror.
12 CLERK OF COURT: Have a seat in the jury box.
13 164 Crystal Scott. What say the State?
14 MR. STEINBERG: Please present this juror.
15 CLERK OF COURT: What say the defendant?
16 MR. REDMOND: Please seat the juror.
17 CLERK OF COURT: Please have a seat in jury box.
18 91 Michael Massefski. What say the State?
19 MR. STEINBERG: Please excuse this juror.
20 CLERK OF COURT: You been excused from this trial
21 only.
22 Number 80 Tekesha Jones. What say the State?
23 MR. STEINBERG: Please present this juror.
24 CLERK OF COURT: What say the defendant?
25 MR. REDMOND: Please excuse the juror from the trial

1 of this case. .

2 CLERK OF COURT: You been excused from this trial
3 only. 139 Donna Baxley (sic). What say the State?

4 MR. STEINBERG: Please present this juror.

5 CLERK OF COURT: What say the defendant?

6 MR. REDMOND: Your Honor, may we approach?

7 (A bench conference was held in the presence of the
8 jury panel, but out of the hearing of the jury panel.)

9 MR. REDMOND: Please excuse the juror from the trial
10 this case, Your Honor.

11 CLERK OF COURT: You been excused from this trial
12 only.

13 116 Laura Ruffner. What say the State?

14 MR. STEINBERG: Please present this jury.

15 CLERK OF COURT: What say the defendant?

16 MR. REDMOND: Please have a seat in the jury box.

17 Number 111 Debra Poston. What say the State?

18 MR. STEINBERG: Please present this juror.

19 CLERK OF COURT: What say the defendant?

20 MR. REDMOND: Please excuse this jury from the trial
21 of this case.

22 CLERK OF COURT: You been excused from this trial
23 only.

24 157 Steve Hale. What say the State?

25 MR. STEINBERG: Please present this juror.

1 CLERK OF COURT: What say the defendant?
2 MR. REDMOND: Please seat the juror.
3 CLERK OF COURT: Please have a seat in the jury box.
4 Number 27 Tavia Chamberline. What say the State?
5 MR. STEINBERG: Please excuse the juror.
6 CLERK OF COURT: You have been excused from this
7 trial only.
8 Number 57 Kevin Gibbs. What say the State?
9 MR. STEINBERG: Please present this juror.
10 CLERK OF COURT: What say the defendant?
11 MR. REDMOND: Please seat the juror.
12 CLERK OF COURT: Please have a seat in the jury box.
13 12 Thomas Barber. What say the State?
14 MR. STEINBERG: Please excuse this juror.
15 CLERK OF COURT: You been excused from this trial
16 only.
17 106 Rudolph. What say the State?
18 MR. STEINBERG: Please excuse this juror.
19 CLERK OF COURT: You have been excused from this
20 trial only.
21 Number 37 Katrina Dicks. What say the State?
22 MR. STEINBERG: Does the State wish to challenge
23 this juror for cause?
24 MR. STEINBERG: Please seat this juror.
25 MR. REDMOND: Please seat the juror.

1 CLERK OF COURT: Please have a seat in the jury box.
2 Number 41 Robert Dudley. Does the State wish to
3 challenge this juror for cause?

4 MR. STEINBERG: Please seat the juror.

5 CLERK OF COURT: Does the defendant?

6 MR. REDMOND: Please seat the juror.

7 CLERK OF COURT: Please have a seat in the jury box.

8 THE COURT: First alternate the State has one
9 strike.

10 CLERK OF COURT: Number 70 Charles Howard. What say
11 the State?

12 MR. STEINBERG: Please seat this juror.

13 CLERK OF COURT: What say the defendant?

14 MR. REDMOND: Please excuse this jury from the trial
15 this trial only.

16 CLERK OF COURT: You been excused from this trial
17 only.

18 Number 150 Sharon Wyche. What say the State?

19 MR. STEINBERG: Please seat the juror.

20 CLERK OF COURT: What say the defendant?

21 MR. REDMOND: Please seat the juror.

22 CLERK OF COURT: Please have a seat in the jury box.

23 132 Mary Streett. What say the State?

24 MR. STEINBERG: Please present this juror.

25 CLERK OF COURT: What say the defendant?

1 MR. REDMOND: Please seat the juror.

2 CLERK OF COURT: Please have a seat in the jury box.

3 THE COURT: Are there any motions or other matters
4 at this time regarding jury selection from the State?

5 MR. STEINBERG: No, sir, Your Honor.

6 THE COURT: From the defense?

7 MR. REDMOND: None from the defense, Your Honor.

8 THE COURT: All right. Folks, I got a couple of
9 matters that I need to tend to before we begin this trial.
10 So I'm going to send you back to the jury room and bring
11 you out in just a few minutes. When we do that, then I'll
12 have some beginning or opening instructions for you about
13 what your job is as we go through this process. Then the
14 lawyers will make their opening statements.

15 Let me tell you two things at this point. Number
16 one, although you don't know much about this case, you
17 might be tempted when you get back there as the group is
18 talking and getting to know one another, wonder about the
19 case. Let me tell you, you can't do that. You cannot
20 discuss this case at all until you heard all the evidence
21 in the case and I've told you what the law is. So that
22 applies each and every time we take a break. You simply
23 cannot have any discussion about this case. Please
24 understand that.

25 I also tell you it's not my practice to appoint the

1 foreperson for the juries that I work with. I'll let you
2 all do that. I don't know whether you'll have a chance to
3 do that before I bring you back out. If you do, fine. If
4 not, there will be another opportunity later today or
5 tomorrow. So when you made that selection, let me know who
6 that person is. Obviously, those last two folks selected
7 as alternates are not eligible to serve as the foreperson
8 of the panel. If you would please go back to the jury room
9 and I'll call you out in just a few minutes. One other
10 thing I tell you, that when you come back out, if you would
11 like to bring a soft drink or water or coffee, you
12 certainly may do that. You may go back to the jury room.

13 (The jury selected was excused to the jury.)

14 THE COURT: To the rest of the folks, I got to
15 inquire as to whether or not anybody is going to need you
16 downstairs before the end of today. So if you bear with me
17 a couple of minutes, I'll find out that information and be
18 able to tell you what you are to do next as far as this
19 matter is concerned.

20 Folks, I found that we do not need your services any
21 more today. We may need you tomorrow. There will be
22 somebody out in the hall who will hand you a slip of paper
23 with a telephone number on it in the event you don't
24 already have that. I want you to call that number after
25 six this afternoon. You will hear a message about what you

1 are to do next. It may be that you got to come back
2 tomorrow or may be that you'll have to call back sometime
3 tomorrow. Now, there are a good many of you that have to
4 call. And so many of you will probably get a busy signal
5 the first time you try to get that message. There is no
6 limit on the number of times you have to try to get that
7 message. You have to try and try until you hear whatever
8 that message is. The failure to get through is not a
9 defense for not being here.

10 Folks, please get that message and do whatever the
11 instructions tell you to do. If you have some difficulty,
12 just simply can't get through, if you will call the clerk's
13 office first thing in the morning, then they will tell you
14 what the instructions are. Call that number after six this
15 afternoon. Thank you for you patience and cooperation and
16 hope to see you later on this week.

17 (The jury panel was dismissed.)

18 Let's take a five minute break and y'all come back
19 there and let's talk about your opening statement.

20 (Court in recess.)

21 (Court has reconvened.)

22 THE COURT: There's one matter to address before we
23 bring out the jury and that's the Court ruling as it
24 relates to the testimony of team player #4 After giving that
25 matter some thought, the Court has determined that that is

1 not proper Lyle of evidence in this case. The allegations
2 as it relates to ~~Team Naver~~ #4 is as to the act itself, is
3 entirely different from that alleged or actually in these
4 cases. Even if might be probative, I'm not certain that it
5 is. The Court determined it's prejudicial effect is more
6 or outweighs it's probative value in this particular trial.
7 And it would not address those exceptions necessary in Lyle
8 in this particular case as well. Anything else before we
9 bring the jury out?

10 MR. COX: Yes, Your Honor.

11 THE COURT: Mr. Meggs, if you'll stand and raise
12 your right hand, sir? You solemnly swear the answers you
13 give the Court to the questions I will ask you, will be the
14 truth, sir?

15 DEFENDANT MEGGS: Yes, sir.

16 THE COURT: All right. Mr. Meggs, I want to inquire
17 about what I understand has been discussions regarding the
18 plea offers that have been made by the State to you and
19 your attorneys. It is my understanding and I'm going to
20 ask you in a moment or two as to your understanding as
21 well. The State had offered to allow you to enter a plea
22 of guilty to all the charges, not just those in this case,
23 but the other charges that I understand are pending with a
24 recommendation that the Court sentence you on all charges
25 with a concurrent term of 20 years, with a probation term

1 to follow thereafter on one charge which would entail
2 another ten years consecutive; is that correct?

3 MR. STEINBERG: Yes, sir, probation.

4 THE COURT: Probation would be five years after the
5 completion of ---

6 MR. STEINBERG: Ten years suspended upon the service
7 of five years consecutive to the 20 year active sentence.

8 THE COURT: Ten years suspended to five years
9 probation?

10 MR. STEINBERG: Yes, sir.

11 THE COURT: All right. Is that your understanding
12 of what the State has offered?

13 DEFENDANT MEGGS: Yes, sir.

14 THE COURT: Have your attorneys fully discussed that
15 offer with you, sir?

16 DEFENDANT MEGGS: Yes, sir.

17 THE COURT: And have you had as much time as you
18 have needed to discuss that alternative with your
19 attorneys?

20 DEFENDANT MEGGS: Yes, sir.

21 THE COURT: All right. Now, before I ask you about
22 that and what your decision is, it's all through my
23 understanding that the other charges are pending against
24 you -- let me back up. These charges, one of these charges
25 that of the engaging in child for sexual performance is a

1 serious offense. Do you understand that, sir?

2 DEFENDANT MEGGS: Yes, sir.

3 THE COURT: And there is as I understand it is at
4 least one other charge similar to this one, which if you're
5 convicted, these charges go trial on the next charge, which
6 may arise out of testimony from team player #4 or one of the
7 other charges. If you have a combination -- is it one
8 serious and one most serious or is it three that you be
9 required to have?

10 MR. STEINBERG: Three serious or any combination of
11 three serious or most serious.

12 THE COURT: All right. So what I'm getting at is if
13 you're convicted of this charge in this case, then you go
14 to trial on the matter related to team player #4 and you're
15 convicted of that, that will be two strikes. If you go to
16 trial on the last charge and are convicted of that, that
17 will be your third strike and the punishment will then
18 would be life without the possibility of parole. Do you
19 understand that, sir?

20 DEFENDANT MEGGS: Yes, sir.

21 THE COURT: And have your attorneys fully discussed
22 that aspect of this case with you?

23 DEFENDANT MEGGS: Yes, sir.

24 THE COURT: And do you understand the risk
25 associated with going forward with this trial as well as

1 the other trial?

2 DEFENDANT MEGGS: ' Yes, sir.

3 THE COURT: What was your decision as to the offer
4 for the plea agreement?

5 DEFENDANT MEGGS: I can't plead to something I
6 didn't do. So I have to plead not guilty.

7 THE COURT: All right, sir. And was that your
8 decision?

9 DEFENDANT MEGGS: Yes, sir.

10 THE COURT: And nobody forced you to make that
11 decision did they?

12 DEFENDANT MEGGS: No, sir.

13 THE COURT: And as you have indicated, your
14 attorneys have fully discussed that option with you,
15 haven't they?

16 DEFENDANT MEGGS: Yes, they have.

17 THE COURT: And they -- although, I'm sure they
18 advised you about that offer. They didn't make that
19 decision, did they?

20 DEFENDANT MEGGS: No, sir.

21 THE COURT: Any further questions that you want me
22 to ask your client in regarding that matter?

23 MR. COX: No, Your Honor.

24 MR. REDMOND: No, Your Honor.

25 MR. STEINBERG: Thank you.

1 THE COURT: And I understand that they have selected
2 a foreperson, Mr. Dudley, Robert Dudley.

3 MR. STEINBERG: Your Honor, I have one more request.
4 I ask that for the purpose of the NCIC check that the
5 defendant give us the social security numbers and date of
6 birth of his adult witnesses only.

7 THE COURT: All right, sir.

8 MR. REDMOND: On that matter, Your Honor, I'm glad
9 you reminded me. One of their potential witnesses, we
10 aren't sure, but we would ask that there be NCIC checks for
11 any of the witnesses that may be over the age of 16 or 17
12 depending on the charge; that we be provided with that. I
13 don't know that there's any -- it is something that we need
14 to put on the record just in case.

15 MR. STEINBERG: Yes, sir, we checked there are none.
16 We will provide any -- I don't see us calling any adult
17 witnesses who be over the age of 16 or 17 we don't have
18 records for already.

19 THE COURT: All right, sir.

20 MR. REDMOND: Thank you, Your Honor.

21 THE COURT: Thank you. Mr. Propps, if you will
22 bring out the panel please.

23 (The jury returned courtroom.)

24 THE COURT: Thank you, folks, we're ready to begin
25 this trial. Before we can do that however, it's necessary

1 that you take an oath to serve as a juror on this case. If
2 you will stand and raise your right hand and the clerk will
3 give that oath at this time.

4 (The jury panel was sworn.)

5 THE COURT: Unlike me, it doesn't require you to say
6 I do or I will. You have received that oath and you are
7 now responsible for hearing that oath. Before I talk with
8 you about that, let me thank Mr. Dudley and that is, I
9 guess, right here. Mr. Dudley, you been selected as the
10 foreperson for this jury. Well, I thank you for being
11 willing to serve in that capacity. I don't want you to
12 think it entails much greater responsibility than just
13 serving on a jury. It will be your job to communicate with
14 the court on behalf of the jury, if things arise during the
15 course of the trial and questions that you have and things
16 of that sort, if you will bring to my attention on behalf
17 of your panel. I would appreciate it if also your
18 responsibility at the end of the case to preside. In fact,
19 some folks call the foreperson of the jury or presiding
20 juror because that is basically what you be doing at the
21 end.

22 Let me now talk with you about what has just
23 happened and what your job will be as we go through this
24 particular trial. What these lawyers will be doing and a
25 little bit about the criminal trials in general. And I'm

1 going to start with the last item first. As I indicated,
2 when this case was called for trial, Mr. Meggs is charged
3 with two indictments of engaging in child for sexual
4 performance and two indictments of contributing to the
5 delinquency of a minor.

6 Now, two of those charges he has pled not guilty.
7 And when he or anyone else for that matter who's charged
8 with a crime enters a plea of not guilty, then something
9 very important is required under our Constitution and our
10 laws. And that is that the State is required to prove him
11 guilty beyond a reasonable doubt. Under those same
12 Constitutions and laws, he is presumed innocent and not
13 required to prove anything. The burden of proof rests
14 squarely upon the State of South Carolina to prove him
15 guilty of those offenses beyond a reasonable doubt.

16 Now, at the end of the case, I will define for you
17 at best one can define what that term reasonable doubt
18 means. I will also define what the elements of these
19 offenses are. What are the things the State must prove in
20 order to satisfy you beyond a reasonable doubt that
21 Mr. Meggs is guilty of these offenses, but you need not be
22 concerned with what those elements are at this point. Your
23 concern should be your focus upon the evidence and the
24 testimony that will be presented for your consideration.
25 You just taken an oath and you got summonsed sometime ago

1 that said juror summons. And you came up here -- many
2 places give out badges that say jurors, so that folks can
3 be identified as jurors. Having been selected in this case
4 and now taken an oath, you all have to become judges and
5 you all are just as much judges as I am. Together we'll
6 try this case, but we don't have the same areas of
7 responsibility. It will be your job to judge the facts in
8 this case. The State, as you know, has the burden of
9 proof. And at the end of this case, it will be up to you
10 to determine as judges of the facts to determine whether or
11 not the State has met that burden of proof beyond a
12 reasonable doubt. I do not have any right to make any
13 comment about the facts in this case or to help you with
14 your jobs as the judges of the facts. That's your job and
15 your job alone.

16 One very important thing that you will be called
17 upon to do as the judges of the facts, is to evaluate the
18 credibility of those folks who will testify or the
19 believability of the witnesses who will testify. Now, I
20 know that having most of you I don't think have ever done
21 this before or perhaps you have, but that may strike you as
22 something that seems awfully difficult, something that you
23 perhaps feel uncomfortable with. Wondering how you have
24 the ability to determine whether or not to believe a
25 witness or how much to believe of what a witness says.

1 Folks, I would try to reassure you that you have
2 that ability by telling you and reminding that you do it
3 every day. Where you work and where you live people tell
4 you things and without even thinking about it, you go
5 through a process of deciding how well or how much of what
6 you just heard you can believe. Sometimes we say how much
7 stock we could put in what we've heard. And, folks, doing
8 it outside of this place is no different from doing it
9 right here. In fact, that's why we have citizens serving
10 as jurors because of the good common sense and good
11 judgment that you have developed over years of experience.

12 Now, you're not all the same years of age and you
13 don't all have the same number of years of experience, but
14 the 12 of you who been selected as the jurors in this case
15 plus the two alternates, if you added up the number of
16 years of experience that you have in doing just what I
17 described, I'm sure that it's well 200. So you have lots
18 of experience that together you can employ to go through
19 that process of evaluating the credibility or the
20 believability of those witnesses who will testify. So
21 please if you have any doubt about your ability to do that,
22 put that aside because you are perfectly qualified as a
23 group to do just that in this case.

24 My job is to serve as the judge of the law. And
25 just like I have no right to help you with the facts, you

1 can't help me with the law. I will at the end of this case
2 tell you what the law is that you must apply. And you
3 can't be concerned with what you think the law is, what
4 someone else may say it is or even what you think it ought
5 to be. You got to take the law as I give it to you and
6 apply it to the facts as you find them.

7 Now, it's also my job to serve as a referee. We
8 have rules of evidence and rules of procedure that governs
9 the conduct of trials and what evidence can be properly
10 admitted during the course of the trial for you to
11 consider. You must remember that your verdict can only be
12 based upon the evidence, which is properly admitted during
13 the course of the trial, not something that you may or have
14 heard or might hear outside of this place.

15 I don't know whether you ever been in a courtroom
16 before when a trial has been conducted, but I suspect we
17 have so many of those kind of things on television now.
18 Even if you've never been in a courtroom, you seen them
19 happen on television. And you know that it's likely
20 somewhere during the course of a trial when a questioned is
21 asked of a witness, that a lawyer -- the other lawyer will
22 stand up and say I object, Your Honor. Under our rules
23 when they do that, they got to state the bases for their
24 objection. And then I have to decide whether or not that
25 witness can answer that question. Is it something that

1 should be submitted for your consideration.

2 Now, how many times or how many times I rule one way
3 or another, should not lead you to believe that I have any
4 feeling about the case or the evidence or the testimony of
5 any particular witness. I'm simply doing my job as
6 referee. Obviously, how I rule does effect your job and
7 your decision in this case because as I've told you, you
8 only base your verdict upon the evidence that's properly
9 admitted. So if I determine that a witness cannot answer a
10 question, if I sustain the objection, then you can't wonder
11 what that answer might have been or how it might have
12 effected the outcome in this case. It's not evidence in
13 the case and it would be improper for you to wonder about
14 that or discuss that during the course your deliberation.

15 Sometimes from my experience, I know that witnesses
16 because they don't know the rules of evidence, don't
17 realize that they're supposed to not say anything when an
18 objection is made. Sometimes they give answers when they
19 shouldn't have. If I determine the answer should not have
20 been given and if I determine it's appropriate at that
21 point, then I will sustain the objection and I will
22 instruct you to disregard it. And just as I expect you to
23 follow my instructions on the law at the end of the case, I
24 will be expecting you to follow that instruction as well,
25 because I have determined that it's not evidence in this

1 case.

2 Now, another possibility as it relates to
3 objections, is sometimes before I can make a decision about
4 whether or not the objection should be sustained, I need to
5 hear more fully from the attorneys. I might even need to
6 hear more fully from that witness before I can make a
7 decision about whether or not it's something you should
8 hear.

9 Now, obviously and practically, there's a point in
10 your presence beyond which I cannot really go and then
11 expect you to disregard everything that you heard. So if
12 that becomes necessary, I'm going to send you back to the
13 jury room. And I do that so that you're not effective or
14 affective by something that you should not have heard
15 during the course of that part of the trial. So if that
16 happens, you will understand why. I hope it want happen,
17 but it may become necessary.

18 Now, we've talked about our jobs and let me talk to
19 you about these attorneys. They are advocates on behalf
20 their client. Under their rules of professional conduct,
21 they are required to zealously represent the interest of
22 their clients. So you can see that there is a vast
23 difference between our jobs as judges, very impartial
24 judges, and their jobs as advocates. Two things about what
25 lawyers say and do during the course of this trial that you

1 should understand. First that what they say is not
2 evidence and it's not testimony. That comes from witnesses
3 who have been sworn and who answer questions or from
4 documents that might be introduced during the course of the
5 trial. Likewise, if during the course of the trial a
6 lawyer recalls earlier evidence or testimony one way and
7 when you begin your discussions you recall it differently,
8 it's your recollection that controls because you all are
9 the judges of the facts in this case not the lawyers.

10 Because the State has the burden of proof, under our
11 rules the State goes first. In just a moment, the parties
12 through their attorneys will make opening statements. The
13 State will go first, then the defense, and then the close
14 of the trial, the State will also go first. And in the
15 presentation of the evidence, the State goes first. And
16 then the defense and the State has the right to put up
17 reply witnesses as well. The opening statements that the
18 lawyers will make are not supposed to be arguments. They
19 are intended to be brief, concise statements of what each
20 side expects the evidence may show during the course of
21 this trial. Give them your best attention. Give the
22 witnesses who will appear your best attention so that you
23 can fully and completely carry out your job as fair and
24 impartial judges of the facts in this case.

25 One other thing that I mention to you at this point,

1 is that there may be documents that will be introduced in
2 this case, I don't know whether there will be or not.
3 Sometimes lawyers have a habit of passing those to the jury
4 while the questioning is going on. Don't worry if you
5 don't get enough time to examine whatever that document is
6 if it's in evidence and that's the only way that you can
7 see it if it is in evidence. At the end of the case,
8 you'll have all those things introduced in evidence to
9 review and consider as much as you need to in arriving at
10 your verdict. If you become uncomfortable too hot, too
11 cold, or sitting too long or we need to take a break, don't
12 hesitate to bring that to my attention. If it's nothing
13 more than being seated too long, you can stand and stretch
14 for a moment, don't hesitate to do that. You need to be
15 comfortable so that you can pay close attention to what the
16 witnesses are saying because that directly affects your
17 ability to serve as fair and impartial judges of the facts
18 in this case. So please don't hesitate to bring any matter
19 like that to my attention. And we want to make sure that
20 you're comfortable. Having said all that, I'm going to
21 recognize Mr. Steinberg, who will make opening statements
22 on behalf of the State. Mr. Steinberg.

23 MR. STEINBERG: Thank you, Your Honor. May it
24 please the Court?

25 THE COURT: Yes, sir.

1 MR. STEINBERG: Good morning, ladies and gentlemen,
2 as you've already heard, my name is Howard Steinberg,
3 prosecutor for the State. Assisting during a portion of
4 the trial is Jennifer Evans another prosecutor in our
5 office and Investigator Bryan Kennedy of the Florence
6 County Sheriff's Office. I will be presenting the case of
7 the State vs. Jimmy Donald Meggs Jr. Mr. Meggs is sitting
8 right over here with the red tie on. He's the defendant.
9 He's charged with two counts of an engaging child for
10 sexual performance and two counts of contributing to the
11 delinquency of a minor. The victims in this case are ^{victim #1}
12 and ^{victim #2} They are ~~two~~ -year-old n brothers.
13 I'll very briefly tell you what these offenses are.
14 Engaging a child for sexual performance is unlawful for any
15 person to employ or authorize or induce a child younger
16 than 18 years of age to engage in sexual perform. A sexual
17 performance is defined by you -- by the judge later, but it
18 means basically either actual or simulated sexual acts.
19 The judge will go into it very detailed. There is no
20 requirement that the defendant himself be engaged in the
21 sexual acts, only that the authorized induce, employ people
22 to engage in these acts.

23 Also charged with contributing to the delinquency of
24 a minor, means exactly what it says it is. The judge is
25 going to define it in greater detail later. I just say

1 this charge is in addition, not instead of the engaging in
2 child for sexual abuse charges. Very briefly about the
3 facts, there will be testimony from a number of witnesses
4 in this case. They are going to prove to you is that Jimmy
5 Donald Meggs committed the offenses he has been charged
6 with.

7 Specifically, October 15th of the year 1999 and
8 December 15th of the year 1999, caused two nine-year-old
9 twin brothers, victim #1 and victim #2 to engage in oral
10 intercourse with each other out in Pamplico here in
11 Florence County. He did this by starting a phony quasi
12 military paint ball league or paint ball camp. Getting a
13 number of boys out in the woods and away from their
14 parents, where he was the only adult. At this point, the
15 abuse pressure began.

16 And there may be a number of witnesses in this
17 trial, the trial not be very short. We'll try not to take
18 to long. We're not going to call every conceivable
19 possible witness or to call a number of witnesses or you
20 consider witnesses to take the stand. Isn't why
21 pre-teenage boys and boys in the young teens might hum,
22 hah, might be shy, might be embarrassed, might not speak up
23 very loudly, very clearly, may not say something the first
24 time and charges involved. Sexual abuse by an adult male
25 on a pre-teen or teen boy. You can, of course, use your

1 judgment, your common sense, your experiences that you
2 gained throughout your lives and deciding those facts. I
3 ask you to keep your eyes firmly locked on the truth, not
4 be lead away from the truth by any conspiracies, any
5 outrageous ideas, any mistruths.

6 The State must prove its case beyond a reasonable
7 doubt, not any and all possible doubt. Certainly not an
8 unreasonable doubt. The evidence in this case will prove
9 beyond a reasonable doubt that the defendant, Jimmy Meggs,
10 did commit these crimes. At the end of this trial, you
11 will be able to stand up and say with full honesty and full
12 force, I do not have a reasonable doubt that Jimmy Donald
13 Meggs forced or induced victim #1 and victim #2 to engage in oral
14 sex with each other. Thank you for your time.

15 THE COURT: Mr. Redmond

16 MR. REDMOND: Thank you, Your Honor. May it please
17 the Court?

18 THE COURT: Yes, sir.

19 MR. REDMOND: Ladies and gentlemen, seated to my
20 right is Jimmy Donald Meggs Jr. And I'll tell you a little
21 something about Jimmy. When Jimmy was putting together
22 this paint ball, Jimmy told some untruths. Jimmy talked
23 about being in the National Guard as a captain. Jimmy
24 talked about his education; that was not true. Jimmy used
25 his father's social security number before in order to get

1 a job. But you see, ladies and gentlemen, that's not what
2 Jimmy Meggs is on trial for. My name is Kernard Redmond
3 and I introduced myself to you earlier. And seated with me
4 is Mr. James C. Cox, Jim Cox, who was also working with
5 Mr. Meggs in this case.

6 Now, reasonable doubt. If this trial was as neatly
7 packaged as the State and attorney general would believe,
8 then this would be a very short trial. Unfortunately, it's
9 gone take a little while. We will not abuse your time. I
10 assure you of that. Everything that occurs here, is gonna
11 be pertinent to you making a decision. And I will
12 respectfully disagree with counsel about the outcome of
13 this case. I believe that once you've heard everything and
14 let me deviate on that. You heard everything, heard
15 everything.

16 There's certain questions that I want you to be
17 thinking about as this trial progress. How did this story
18 evolve. How will it evolve; that's going to be a very
19 interesting consideration I would submit to you. And then
20 culminate in what you hear from the witness stand as it
21 relates to young men. These are some very very serious
22 charges. And I do not make light of that, but you're asked
23 to seek the judgment of Jimmy Meggs, my client.

24 It has been said that at times of peace, there's no
25 greater duty than a citizen can engage upon than that of

1 jury service and I'd be inclined to agree. Why is it so
2 serious because, again, you are sitting in judgment.
3 Beyond a reasonable doubt, as the story comes out, I would
4 submit to you that there is gonna be reason to doubt. How
5 was it evolved? What hands may have been involved? And
6 I'll just give you this example. Again, what you'll hear
7 and the way it's been presented in fact. Well, I like to
8 think that I'm trying to be sometimes maybe not as much as
9 I would like to, but I just give you a little bit of
10 disadvantage.

11 This morning when I woke up, I picked what I was
12 going to wear, just like we all do, try to match things
13 like that. But my suit doesn't get up and put itself
14 together. I have to do it. My hands have to put
15 everything in place. Well, I submit to you as it's going
16 to be a very important consideration. Who's hand have
17 molded this case to what you see presented to you today. I
18 think once you hear that, once you see that and you use
19 your common sense, that is what you bring; that's why you
20 were selected to sit on this case.

21 I think you will agree that the State has not meet
22 its burden of proof and then in fact there is a reasonable
23 doubt to believe my client, Jimmy Donald Meggs, is guilty
24 of any of these charges. I thank you in advance for your
25 time. Thank you in advance for your careful attention in

1 this case and as we present the case and I'm gone be brief
2 in my opening and my closing argument will be a little more
3 detail naturally. But listen close, listen closely because
4 I will submit to you more things and more stories that
5 takes to evolve into what you would hear today. The more
6 reasonable doubt I believe that you'll have. Thank you
7 again. I look forward to addressing you during the course
8 of the trial.

9 THE COURT: Mr. Steinberg, you may call your first
10 witness, sir.

11 MR. STEINBERG: Thank you, Your Honor. I like to
12 call victim #1 *victim #1*

13 THE COURT: *victim #1*, if you'll place you left hand on
14 that Bible right there. This lady is gone give you an
15 oath.

16 CLERK OF COURT: Do you swear the testimony you give
17 to be the truth, the whole truth, and nothing but the truth
18 so help you God?

19 victim #1 Yes, ma'am.

20 CLERK OF COURT: Be seated and state your full name
21 for the record?

22 victim #1 : victim #1 i.

23 THE COURT: victim #1 I need for you to speak loudly
24 and clearly so that everyone can understand. Can you do
25 that?

VICTIM #1

1: Yes, sir.

THE COURT: And one other thing I need for you to do is to make sure that you don't use uh-huh or uh-uh in answering the questions. You need to yes or no, one of those two words. Don't just shake your head or nod your head. You have to give an answer. Can you do that?

JOSHUA WATFORD: Yes, sir.

THE COURT: All right. Mr. Steinberg's going to ask you some questions.

victim #1 being first
duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. STEINBERG:

Q. Good morning victim #1. how are you today?

A. Fine.

Q. , what's your birth date?

A.

Q. Of what year? How old are you now?

A. about to turn

Q. Okay. Do you know the difference between the truth and a lie?

A. Yes, sir.

Q. Do you know the difference between right and wrong?

A. Yes, sir.

Q. Do you know -- well, let me ask you this. Is it right or wrong to tell a lie?

victim #1

DIRECT EXAMINATION BY MR. STEINBERG

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1 A. Yes, sir.

2 Q. Which is it? Is it right or is it wrong?

3 A. It's wrong.

4 Q. Okay. What happens if you tell a lie?

5 A. You get in trouble.

6 Q. Okay.

7 MR. STEINBERG: Does, Your Honor, or counsel have
8 any qualifying questions?

9 THE COURT: All right. You may testify.

10 MR. STEINBERG: Thank you, Your Honor.

11 Q. You say you're almost 11 now?

12 A. Yes, sir.

13 Q. How old were you around Thanksgiving of 1999 around
14 that area?

15 A.

16 Q. Okay. Where do you live?

17 A. Not sure. I just moved.

18 Q. You just moved. Okay. Who do you live with?

19 A. My mom and my brother and my sister..

20 Q. And how old is your brother?

21 A. He just turned ..

22 Q. Is he your brother?

23 A. Yes, sir.

24 Q. And how old is your sister?

25 A.

1 Q. What's her name?

2 A. [REDACTED]

3 Q. Okay. And you live with your mom. Does anybody else
4 live with you?

5 A. No, sir.

6 Q. Okay. Where do you go to school or where are you
7 about to go to school?

8 A. Dewey Carter.

9 Q. And what grade will you be in?

10 A. 1.

11 Q. Okay. Do you know Jimmy Meggs?

12 A. Yes, sir.

13 Q. Would you point to Jimmy Meggs? The gentleman in the
14 white shirt and red tie?

15 A. Yes, sir.

16 Q. Okay. How do you know Jimmy?

17 A. Through paint ball.

18 Q. Do you know him from any place else besides paint
19 ball?

20 A. No, sir.

21 Q. Was he a friend of your mother's before you meet him?

22 A. No, sir.

23 Q. How did you meet him?

24 A. He came by our house giving out flyers.

25 Q. Flyers for what?

1 A. Paint ball.

2 Q. Okay. Did you ever do any activities or anything with
3 Jimmy?

4 A. Played baseball in his backyard after that.

5 Q. Okay. What else besides baseball did you do?

6 A. We went to paint ball.

7 Q. What did you do at paint ball?

8 A. We went out and played paint ball.

9 Q. Okay. Can you tell the ladies and gentlemen of the
10 jury in case they don't know what paint ball is? Can you
11 tell them what it is?

12 A. Say there's two teams and one team tries to shoot the
13 other team with paint balls and whoever gets shot is out.

14 Q. Whoever gets shot is out. Okay. Where did you go --
15 tell me all the places you went with Jimmy?

16 A. We went to stores, restaurants, went to hotels me and
17 brother with him.

18 Q. Okay. And who all would go when y'all go different
19 places?

20 A. Some other campers not all.

21 Q. Did you guys always go with a big group or just
22 sometimes go alone?

23 A. Small groups and sometimes alone.

24 Q. Okay. Who paid when you went on all these trips?

25 A. Jimmy.

- 1 Q. Did Jimmy ever buy you anything?
- 2 A. Yes, sir.
- 3 Q. Will you tell the jury what he bought you?
- 4 A. He bought me a pocketknife and food.
- 5 Q. How did you get to the paint ball field?
- 6 A. We drove.
- 7 Q. Okay. Well, you were nine?
- 8 A. Okay.
- 9 Q. Who drove?
- 10 A. Jimmy.
- 11 Q. Were there any other adults there?
- 12 A. Sometimes.
- 13 Q. Okay. During the -- when you went to paint ball, did
- 14 you stay there just for the day?
- 15 A. No, stayed there for the weekend.
- 16 Q. Okay. Did any adults stay there for a full weekend?
- 17 A. No, sir.
- 18 Q. Okay. Did any adults -- did Jimmy spend the entire
- 19 weekend there?
- 20 A. No, sir.
- 21 Q. Did any other adults besides Jimmy spend the whole
- 22 weekend there?
- 23 A. No, sir.
- 24 Q. How often was there an adult there besides Jimmy?
- 25 A. Just about every other weekend.

- 1 Q. Okay. And what did y'all -- where did y'all stay at
2 the paint ball place?
- 3 A. We stayed in a field.
- 4 Q. Okay. Did you stay in a building or what?
- 5 A. We stayed in a tent.
- 6 Q. You stayed in tents. And you say you got to the paint
7 ball field. Do you know where it was the paint ball field?
- 8 A. No, sir.
- 9 Q. Okay. Jimmy drove you to the paint ball field?
- 10 A. Yes, sir.
- 11 Q. What did he drive you in?
- 12 A. A truck.
- 13 Q. Who be in the truck with him?
- 14 A. Other paint balls.
- 15 Q. Okay. How about the equipment. Would the equipment
16 be in the truck?
- 17 A. Sometimes.
- 18 Q. How about the tents?
- 19 A. Yes, sir.
- 20 Q. Was this a big truck or a small truck or what kind of
21 truck is it?
- 22 A. It was a small truck.
- 23 Q. Okay. Do you know what an extended cab is or club cab
24 is? It's one of those trucks that had a big cab or didn't
25 have room for it. More than one row of seats or two rows

1 of seats?

2 A. No, sir.

3 Q. How many rows of seats did he have?

4 A. One.

5 Q. Just one. And then it had like a bed in the back; is
6 that right?

7 A. A bed?

8 Q. I don't want to put words in your mouth. Behind the
9 row of seats, what was behind the row of seats?

10 A. The bed.

11 Q. Okay. And how would all the boys get to this paint
12 ball league?

13 A. How old were they?

14 Q. How would they get there?

15 A. In the back of the truck.

16 Q. Okay. With the tents and equipment?

17 A. Yes, sir.

18 Q. Okay. And you don't know what kind of truck it was?

19 A. No, sir.

20 Q. Okay. You said it was a big truck or a small truck?

21 A. Small truck.

22 Q. Okay. How many boys in general would go out to these
23 paint ball camps?

24 A. About 15.

25 Q. Okay. Did the same boys go every week?

- 1 A. Not -- sometimes somebody new came.
- 2 Q. Did everybody -- did sometimes people ever leave?
- 3 A. Yes, sir.
- 4 Q. Did people ever not show up for other reasons?
- 5 A. Yes, sir.
- 6 Q. Did people ever skip weeks?
- 7 A. Yes, sir.
- 8 Q. Okay. How old were the boys?
- 9 A. I think the oldest one was about 15 or 16.
- 10 Q. And were you among the older or younger boys?
- 11 A. The younger boys.
- 12 Q. Okay. Tell me some more about the paint ball camp?
- 13 What did y'all do there?
- 14 A. We usually played paint ball and then we went out to
- 15 get something to eat and then we slept.
- 16 Q. Okay. And when y'all be actually in the paint ball
- 17 camp, what did y'all do with paint balls? How did y'all
- 18 act?
- 19 A. Like in an army.
- 20 Q. You like act an army. Tell the jury what you mean by
- 21 act like an army?
- 22 A. We marched. We ran.
- 23 Q. Did you ever have any duties or chores there?
- 24 A. Yes, sir.
- 25 Q. What were those duties and chores?

- 1 A. To get firewood and that's it.
- 2 Q. Okay. You say there was a military or an Army system?
- 3 A. Yes, sir.
- 4 Q. Was there any ranks there?
- 5 A. Yes, sir.
- 6 Q. What was your rank?
- 7 A. I can't remember.
- 8 Q. Okay. Did other boys have ranks?
- 9 A. Yes, sir.
- 10 Q. Did Jimmy have a rank?
- 11 A. Yes, sir.
- 12 Q. What was his rank?
- 13 A. Five Star General.
- 14 Q. Josh, do you remember ever talking to a lady name
- 15 Sandra Sturkie?
- 16 A. Yes, sir.
- 17 Q. Did you ever tell Sandra that pardon me -- during
- 18 December of 1999, do you remember telling ---
- 19 MR. COX: I object to the form of the question, Your
- 20 Honor.
- 21 THE COURT: Rephrase your question, sir.
- 22 MR. STEINBERG: Yes, sir.
- 23 Q. You had a conversation with Sandra Sturkie?
- 24 A. Yes, sir.
- 25 Q. Did you have the conversation about paint ball?

- 1 A. Yes, sir.
- 2 Q. And did you ever give her a difference or tell her a
- 3 different rank that Jimmy had?
- 4 A. No, sir.
- 5 Q. Okay. If I told you that you told her that Jimmy ---
- 6 MR. COX: Objection, Your Honor.
- 7 THE COURT: I'm gone sustain that, sir.
- 8 MR. STEINBERG: Yes, sir, Your Honor.
- 9 Q. What did you call him out at the paint ball field?
- 10 A. His name.
- 11 Q. Did you ever call him by any title or other rank?
- 12 A. No, sir.
- 13 Q. Okay. Who was in command of the paint ball field?
- 14 A. Jimmy.
- 15 Q. How did you know Jimmy was in command?
- 16 A. Because he was the one that brought us out there and
- 17 he was the only oldest one there.
- 18 Q. Okay. And if Jimmy gave an order and you didn't
- 19 follow it, what would happen?
- 20 A. He would shoot us with the paint ball gun.
- 21 Q. What did you wear while playing paint ball?
- 22 A. A uniform.
- 23 Q. And who gave you this uniform?
- 24 A. A friend of Jimmy's.
- 25 Q. Was Jimmy there?

1 A. Yes, sir.

2 Q. Did Jimmy ever tell you what he did for a living or
3 what he did for a job?

4 A. Yes, sir.

5 Q. What was that?

6 A. He said, he was in the Army and he worked on a train.

7 Q. Did he say what jobs he did on weekends?

8 A. He worked on a train on the weekends sometimes.

9 Q. Okay.

10 A. Sometimes we had to stop paint ball so he could go to
11 his job.

12 Q. Okay. Did he ever tell you that he was in the Army?

13 A. Yes, sir.

14 Q. Did he ever tell you he was in the National Guard?

15 A. Yes, sir.

16 Q. Did he say what rank he was?

17 A. Yes, sir.

18 Q. What was it?

19 A. Five Star General.

20 Q. Five Star General. Let me ask you some questions. If
21 you ever need to take time, let me know. I'm going to ask
22 you some questions take time with your answer, let me know
23 you can do that. If you don't understand my question, I
24 want you to just let me know so we don't confuse you, okay?

25 A. Yes, sir.

victim #1

DIRECT EXAMINATION BY MR. STEINBERG

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1 Q. Did anything happen out at the paint ball field that
2 made you feel uncomfortable?

3 A. Yes, sir.

4 Q. Please tell the jury what it was?

5 A. He made us suck each other private parts and he made
6 us do push-ups over another person.

7 Q. Okay. When you said you had to suck each other
8 private parts, what do you mean by private parts?

9 A. Our penis.

10 Q. Okay. And who told you to do it?

11 A. Jimmy.

12 Q. So why did you do it?

13 A. Because he would shoot us with the paint ball gun.

14 Q. You said he made you suck on someone penis?

15 A. Yes, sir.

16 Q. Who penis did you have to suck on?

17 A. My brother's.

18 Q. Okay. Anyone else but your brother's?

19 A. Just my brother.

20 Q. And if you remember or to the best of your ability
21 remember, what words did Jimmy Meggs use to get you to do
22 this?

23 A. I can't remember, but I can't.

24 Q. Do you remember ever writing down what the words he
25 said?

1 A. No, sir.

2 Q. Did Jimmy Meggs ever make the following statement to
3 you? You better suck his and you spell that d-i-c-k?

4 A. No, sir.

5 Q. You don't remember that. What did he have you do?

6 A. He made us suck each other penis.

7 Q. Okay. And how did he tell you to do that?

8 A. He tell us to get down on one knee -- he ordered us
9 to.

10 Q. Yes. How did he order you to? What did he say?

11 A. Well, he said suck the boy penis.

12 Q. He said something about knees?

13 A. He said get down on your knees and suck his penis.

14 Q. You said you had to suck someone's penis. Did anyone
15 have to suck you penis?

16 A. Sir?

17 Q. Did anyone have to suck your penis?

18 A. No, sir, not that I can remember.

19 Q. Okay. Was your brother there?

20 A. Sometimes.

21 Q. Okay. Did your brother ever have to suck your penis?

22 A. Yes, sir.

23 Q. Do you remember about when he had to do this?

24 A. Just about everyday.

25 Q. Okay. And about when during the year did this occur?

1 A. Near Thanksgiving.

2 Q. Near Thanksgiving. Did you see any other boys -- at
3 that time, you had to it with -- any other boys right there
4 around you?

5 A. Yes, sir.

6 Q. Do you know their names?

7 A. Some of them.

8 Q. Okay. Were there boys who had to do this older or
9 younger boys?

10 A. Younger boys.

11 Q. Did boys that Jimmy gave orders to, did they seem to
12 be older or younger boys?

13 A. Younger boys.

14 Q. Were you among the older or younger boys?

15 A. Younger boys.

16 Q. Okay. You talking about the paint ball gun, were you
17 afraid of the paint ball gun?

18 A. Yes, sir.

19 Q. Why were you afraid of the paint ball gun?

20 A. Because if he shot us in close range, it would really
21 hurt us.

22 Q. Okay. When Jimmy told you to suck someone's privates,
23 was he close to you?

24 A. Yes, sir.

25 Q. Tell me -- I'm gone start back here and tell me how

- 1 close he was to you when he said that?
- 2 A. Just about three feet away.
- 3 Q. Three feet away. Up this close?
- 4 A. Yes, sir.
- 5 Q. Did he have a paint ball gun?
- 6 A. Yes, sir.
- 7 Q. Did he threaten you with the paint ball gun?
- 8 A. Yes, sir.
- 9 Q. Did you do what Jimmy asked you to do?
- 10 A. Yes, sir.
- 11 Q. Where were the rest of the boys during this time?
- 12 A. Around us.
- 13 Q. Okay. Did the other boys there have to do any chores?
- 14 A. It was most of the time the younger boys that went out
- 15 and did chores.
- 16 Q. Okay. The other boys had to do what for chores?
- 17 A. Gather firewood and I that's it.
- 18 Q. Did all the boys play paint ball games at the same
- 19 time or would some boys play ball and other boys did
- 20 something else?
- 21 A. Most I think -- well -- I think most of them played at
- 22 the same time.
- 23 Q. You said you remembered the name of some of the boys
- 24 who were out there. Will you tell the jury the name of
- 25 some of the boys?

victim #1

DIRECT EXAMINATION BY MR. STEINBERG

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- 1 A. team player #1 here's three Dustins. *team players 506*
2 the team player #203 's that's all I can remember.
3 Q. And did anybody else have to do this besides you and
4 your brother?
5 A. Yes.
6 Q. Who?
7 A. Sometimes the team player #203
8 Q. Did Jimmy say anything to you during this time?
9 A. No, sir.
10 Q. He never said he was kidding?
11 A. Yes, sir.
12 Q. Did you ever say -- when did he say that?
13 A. After we did it.
14 Q. After you did it?
15 A. Yes, sir.
16 Q. Where was Jimmy while you were doing it?
17 A. He was about three feet away from us.
18 Q. Did he ever try to stop you from doing it?
19 A. No, sir.
20 Q. After the point he told you to do it and the time you
21 completed it, about how long was that?
22 A. Just a few seconds.
23 Q. Okay. And did he ever tell you he was just joking?
24 A. Yes, sir.
25 Q. Was this before or after you did it?

1 A. After.

2 Q. And other boys did it also?

3 A. Yes, sir.

4 Q. And did they it before or after you?

5 A. Sometimes before and sometimes after.

6 Q. Okay. Afterwards, do you remember having any
7 discussion with or speaking with Jimmy Donald Meggs?

8 A. No, sir.

9 Q. Do you remember him telling you anything?

10 A. No, sir.

11 Q. Okay. Do you remember making the following statement
12 -- him making the following statement. Don't tell your mom
13 about this.

14 MR. COX: Objection to the form of the question to
15 the child.

16 MR. STEINBERG: Your Honor, I think it's proper,
17 particularly with the form of a question for a child.

18 THE COURT: Rephrase it just a bit, sir.

19 MR. STEINBERG: Thank you, Your Honor.

20 Q. Did Jimmy ever have a discussion about what had
21 happened? Did he ever tell you?

22 A. No, sir, not that I can remember.

23 Q. We'll talk about something else. Do you remember
24 having to do any push-ups?

25 A. Yes, sir.

VICTIM #1

DIRECT EXAMINATION BY MR. STEINBERG

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- 1 Q. When did y'all have to do that?
- 2 A. On some -- just about everyday.
- 3 Q. Okay. Tell us how you did the push-ups?
- 4 A. We got over another boy and the other boy pulled his
- 5 pants down and supposed to do push-ups and grab the paint
- 6 ball with our mouths.
- 7 Q. Okay. And who all had to do that?
- 8 A. Me and victim #2 most of the time.
- 9 Q. Did anybody else have to do it?
- 10 A. The team players ~~1-2~~ did it one time. I think --
- 11 yes, they did it one time sometimes.
- 12 Q. Did the older or the younger boys have to do this?
- 13 A. The younger boys.
- 14 Q. Okay. Who ordered you to do this?
- 15 A. Jimmy.
- 16 Q. Are you sure it was Jimmy Meggs?
- 17 A. Yes, sir.
- 18 Q. You're positive it was Jimmy Donald Meggs and not
- 19 somebody else?
- 20 A. Yes, sir.
- 21 Q. Okay. Were there any other older boys there?
- 22 A. Yes, sir.
- 23 Q. And did they have to do it?
- 24 A. No.
- 25 Q. Okay. You said Jimmy had you do it. What words did

1 Jimmy say, if you can remember?

2 A. No, sir, I can't remember.

3 Q. Okay. Why did you do it?

4 A. Because he threatened us -- threatened to shoot us
5 with the paint ball gun.

6 Q. Okay. And what did you wear when you were doing these
7 push-ups?

8 A. The Army suit.

9 Q. Okay. Did you have your Army suit on or off,
10 partially on or partially off? How was that it fitting on
11 you?

12 A. On.

13 Q. And where was the paint ball placed?

14 A. On somebody's private part.

15 Q. Okay. Placed on somebody's private parts. Was it
16 placed on the private parts of their body or on where was
17 it?

18 A. On their -- it was on their body on their underwear.

19 Q. On their underwear?

20 A. Yes, sir.

21 Q. How could they get to their underwear if there was an
22 Army uniform on?

23 A. They pulled down their pants.

24 Q. Pants were pulled down?

25 A. Yes, sir.

WITNESS DIRECT EXAMINATION BY MR. STEINBERG..

Victim #1

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- 1 Q. Who put the paint balls on person's private parts?
- 2 A. The person that was lying down.
- 3 Q. Okay. What did Jimmy do during this time?
- 4 A. He stood there and watched.
- 5 Q. Did he do anything besides watch?
- 6 A. No, sir.
- 7 Q. After he gave the order to do that, did he ever say
- 8 stop?
- 9 A. No, sir.
- 10 Q. And how long were people doing this for?
- 11 A. Just a few seconds.
- 12 Q. A few seconds per person or a few seconds for the
- 13 entire thing for all the people?
- 14 A. For a person.
- 15 Q. Okay. Can you remember anything else that Jimmy said?
- 16 A. No, sir.
- 17 Q. Okay. Can you explain to me how the push-ups were
- 18 done?
- 19 A. Somebody pulled down their pants and lay down and
- 20 place the paint ball on their private part and push-ups
- 21 were done over them and try to grab it with our mouths.
- 22 Q. Okay. The person grabbed the paint ball with his
- 23 mouth, where would the paint ball be grabbed it from?
- 24 A. His private part.
- 25 Q. On his private parts. Do you remember Jimmy calling

1 these push-ups anything particular?

2 A. No, sir.

3 Q. Okay. ^{v2.k. #1} i, do you remember ever talking to a
4 Ms. Buntin?

5 A. Yes, sir.

6 Q. Who is Ms. Buntin?

7 A. My -- she was my church teacher and she worked in the
8 cafeteria of my school.

9 Q. Okay. Did you ever have any discussions with her
10 about paint ball?

11 A. Yes, sir.

12 Q. You ever have any discussions with her about what you
13 did on the weekends?

14 A. Yes, sir.

15 Q. Okay. And what did you tell her?

16 A. That it was all true because my sister told her.

17 Q. Okay. I'm not allowed to ask you what the sister
18 told. Okay. But what was all true?

19 A. That he made us suck each other private parts.

20 Q. Okay. Just to emphasize it, who made you suck each
21 other private parts?

22 A. Jimmy.

23 Q. Okay. Was she the first adult that you told?

24 A. Well, my sister told her, but I was the first one to
25 talk to her.

victim #1:

DIRECT EXAMINATION BY MR. STEINBERG

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- 1 Q. Okay. And why did you talk to her?
- 2 A. Because she wanted me to.
- 3 Q. Okay. And when you started talking to her about it,
- 4 how did you react?
- 5 A. Surprised.
- 6 Q. Did you want to talk to her about it?
- 7 A. No, sir.
- 8 Q. Did you want to talk about it later on?
- 9 A. No, sir.
- 10 Q. Did you want to talk about it today?
- 11 A. No, sir.
- 12 Q. Could you tell us why you didn't want to talk about
- 13 it?
- 14 A. Because I was scared.
- 15 Q. Okay. Did your mom ever take you to see a lady name
- 16 Sandra Sturkie?
- 17 A. Yes, sir.
- 18 Q. You remember when you saw her?
- 19 A. After this happened -- after paint ball.
- 20 Q. After paint ball. Did you see Ms. Sturkie before or
- 21 after you spoke to Ms. Buntin?
- 22 A. After.
- 23 Q. Okay. And how many times did you speak with
- 24 Ms. Sturkie?
- 25 A. Just about five times.

- 1 Q. Do you know where you spoke with her at?
- 2 A. In her office. I can't remember where.
- 3 Q. What did y'all talk about?
- 4 A. What we did at the paint ball field.
- 5 Q. Why did you -- why didn't you tell somebody right
- 6 away?
- 7 A. Because I was scared.
- 8 Q. Why were you scared?
- 9 A. Because I was scared and I wouldn't get to go back to
- 10 paint ball.
- 11 Q. Who were you scared of?
- 12 A. Jimmy.
- 13 Q. Why were you scared of Jimmy?
- 14 A. Because he was older than me and he told me not to
- 15 tell.
- 16 Q. He told you what?
- 17 A. Not to tell anybody.
- 18 Q. Who did -- when did he tell you that?
- 19 A. When the weekend was over.
- 20 Q. Did he tell anybody else that?
- 21 A. My brother.
- 22 Q. Was your brother standing there with you?
- 23 A. He was with me.
- 24 Q. Okay. And you remember what he told you?
- 25 A. My brother?

1 Q. Well, you and your brother. You said he told you not
2 to tell anybody. Do you remember his exact words perhaps?

3 A. He told us not tell anyone.

4 Q. Okay. Did he say what would happened if you did tell
5 anybody?

6 A. No, sir.

7 Q. Okay. Were there any other reasons you were scared of
8 Jimmy?

9 A. Because he was older than me.

10 Q. Is he bigger than you?

11 A. Yes, sir.

12 Q. And what did you know about his background, about his
13 life?

14 A. That he worked ---

15 MR. COX: Objection. He been through this twice.

16 THE COURT: Sustain that twice, sir.

17 MR. STEINBERG: Yes, sir.

18 Q. You said you had, I think, you said five meetings with
19 Sandra Sturkie?

20 A. Yes, sir.

21 Q. Why did you have so many meetings?

22 MR. COX: Objection. Not relevant.

23 MR. STEINBERG: Your Honor, I think it would be very
24 relevant.

25 THE COURT: Overrule at this point.

1 MR. STEINBERG: Thank you, Your Honor.

2 Q. Why did you have so many meetings with her?

3 A. We were little bit nervous at first and she wanted us
4 to come back to tell the whole story and wanted us to come
5 back to get use to her.

6 Q. What do you mean use to her?

7 A. We got to know her better.

8 Q. Okay.

9 A. We trusted her better.

10 Q. And when you got to know her better and talk to her
11 better, what did you talk about?

12 A. What we did at paint ball.

13 Q. Okay. After you stopped going to paint ball, did you
14 ever see Jimmy again after that?

15 A. No, sir.

16 Q. Okay. Did Jimmy ever come over to your house?

17 A. Yes, sir.

18 Q. What did he do?

19 A. He parked across the street and every five or ten
20 minutes he came up and banged on our door.

21 Q. Was it a regular banging on the door like when you're
22 knocking to see friend?

23 A. No, it was hard banging.

24 Q. How did you react?

25 A. I was scared and I didn't know who it was. I was

victim #1

DIRECT EXAMINATION BY MR. STEINBERG

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1 scared. I just stood still.

2 Q. Okay. And how did your brother react?

3 A. We all did the same thing.

4 Q. You said earlier that you found out that -- you
5 thought that Jimmy was in the Army?

6 A. Yes, sir.

7 MR. COX: Objection, Your Honor, over four times.

8 MR. STEINBERG: Your Honor, I'm going to go into a
9 slight differently avenue.

10 THE COURT: All right, sir.

11 Q. Did you ever find out he was not in the Army?

12 A. Yes, sir.

13 Q. Who told you this?

14 A. My mother.

15 Q. Were you more or less scared of Jimmy Meggs after
16 this?

17 A. A little bit scared.

18 Q. Why were you less scared?

19 A. Because I knew he was not in the Army and when she
20 told me he was not in the Army, I was just scared and then
21 he told me not to tell anybody I was more scared.

22 Q. Okay. The last time you spoke to Sandra, did you tell
23 her the whole story?

24 A. Yes, sir.

25 Q. Is everything you told today is the truth?

Victim #1

DIRECT EXAMINATION BY MR. STEINBERG
CROSS EXAMINATION BY MR. COX

222

1 A. Yes, sir.

2 Q. Can you look at the jury and say everything you told
3 here is the truth?

4 A. Everything I told is the truth.

5 Q. Are you afraid of Jimmy Meggs today?

6 A. No, sir.

7 Q. Has anyone ever told you to lie about what happened at
8 the paint ball field?

9 A. No, sir.

10 Q. Any police officer told you to lie?

11 A. No, sir.

12 Q. Has your mom ever told you to lie?

13 A. No, sir.

14 Q. Has anybody else ever told you to lie?

15 A. No, sir.

16 Q. Has Jimmy Donald Meggs Jr. ever told you to lie about
17 what happened at the paint ball field?

18 A. He just told us not to tell anybody.

19 Q. Okay.

20 MR. STEINBERG: Beg the Court's indulgence. Josh,
21 thank you very much. Please answer any other attorneys'
22 questions they might have.

23 CROSS EXAMINATION BY MR. COX:

24 Q. Victim #1, you ready to have to stop telling this story?

25 A. Sir?

victim #1

CROSS EXAMINATION BY MR. COX

223

- 1 Q. Are you about ready to put this behind you and not
2 have to tell this story again?
- 3 A. Yes, sir.
✓ victim #1
- 4 Q. what month is it?
- 5 A. August.
- 6 Q. August of what year is it?
- 7 A. 2001.
- 8 Q. Okay. And you're in what grade?
- 9 A.
- 10 Q. grade. Okay. And you watch T.V.?
- 11 A. Yes, sir.
- 12 Q. Play video games?
- 13 A. Yes, sir.
- 14 Q. And who lives with you?
- 15 A. Sir?
- 16 Q. Who lives with you?
- 17 A. My mother and my brother and my sister.
- 18 Q. Okay. Now, do you know what a boyfriend is?
- 19 A. Yes, sir.
- 20 Q. Okay. Does your mother have boyfriends?
- 21 A. Yes, sir.
- 22 Q. Okay. At one time was Jimmy Meggs your mother's
23 boyfriend?
- 24 A. No, sir.
- 25 Q. He was not?

1 A. No, sir.

2 Q. Did any time did Jimmy Meggs come to your house and
3 eat super, eat meals?

4 A. No, sir.

5 Q. Never did. Any time did Jimmy Meggs date your mother?

6 A. No, sir.

7 Q. Never did?

8 A. Nope.

9 Q. All right. So during the time that we're talking
10 about, did you say about Thanksgiving?

11 A. Yes, sir.

12 Q. How often did Jimmy Meggs come to your house?

13 A. He -- we had a routine every weekend he would come up
14 to our house.

15 Q. Okay. Every weekend?

16 A. Huh?

17 Q. Every weekend?

18 A. Yes, sir.

19 Q. Okay. He had a routine. Sometimes would he bring
20 groceries and food?

21 A. Sir?

22 Q. Sometimes would he bring groceries and food to your
23 house?

24 A. No, sir.

25 Q. Never did. Okay. Now, when he would come, what would

victim #1

CROSS EXAMINATION BY MR. COX

225

1 he do?

2 A. He would park across the street and come knocking on
3 our door. We were already and we just got in the truck and
4 left.

5 Q. Okay. Would he pick up other boys?

6 A. Yes, sir.

7 Q. Okay. And what is the largest group, the most number
8 of boys that you remember being picked up?

9 A. Sixteen.

10 Q. Sixteen. And when he would pick you up, where would
11 you go?

12 A. To pick up some other boys and then we went to the
13 paint ball field.

14 Q. Okay. Can you just describe that paint ball field to
15 us?

16 A. It's just a wide big field.

17 Q. A wide big field?

18 A. Uh-huh.

19 Q. How long would it take from your house to get to that
20 wide big field?

21 A. Thirty minutes.

22 Q. Thirty minutes. And was there anything in or on that
23 wide big field?

24 A. Crates.

25 Q. Crates. Anything besides crates?

1 A. No, sir.

2 Q. Did you ever have a tower?

3 A. Yes, sir.

4 Q. And what were the crates used for?

5 A. We use to hide behind them.

6 Q. You hide behind them. Why would you want to hide
7 behind a crate?

8 A. So you wouldn't get shot by the paint ball.

9 Q. So you would not get shot. Now, you say Jimmy Meggs
10 was the oldest person out there?

11 A. Yes, sir.

12 Q. Okay. Do you ever remember Reggie Summer, a gentleman
13 by the name of Reggie Summer?

14 A. No, sir.

15 Q. Okay.

16 A. Yes, sir.

17 Q. Did you ever know a man name by Chris Gough?

18 A. Yes, sir.

19 Q. And what did Chris Gough do?

20 A. He was Jimmy's friend.

21 Q. Okay. And is he an adult or is he young?

22 A. He's an adult.

23 Q. Okay. How about Will Brice?

24 A. No, sir.

25 Q. How about

quadrant the 6 team player Dr?
...?

1 A. Yes, sir.

2 Q. Okay. And Ellen Lloyd?

3 A. No, sir.

4 Q. Okay. What is your best memory of most number of
5 adults being out at the paint ball field?

6 A. Thirty.

7 Q. Thirty. Okay. And when everybody would get together
8 first arrive at the paint ball field, what was the first
9 thing you did?

10 A. Set the tents up.

11 Q. Set the tents up. How many tents would you setup?

12 A. Sometimes three or sometimes two.

13 Q. Sometimes three and sometimes two. Who made the
14 decision about how many tents you setup?

15 A. Nobody. We just brought the tents and set them up.

16 Q. You bring them and set them up. Okay. Now, were you
17 -- when you're out there at paint ball, were you setup in
18 teams?

19 A. No, it was a group.

20 Q. Groups. Okay. How many groups would you setup?

21 A. How many tents.

22 Q. No, I'm not talking about tents?

23 A. Oh, we had one group.

24 Q. One group. One group?

25 A. Yes, sir.

- 1 Q. Now, did you have a rank in paint ball?
- 2 A. Yes, sir.
- 3 Q. And what was your group called?
- 4 A. Something McKnight.
- 5 Q. Was it Vanguard Knights?
- 6 A. Yes.
- 7 Q. Vanguard Knights. Okay. And did they have officers
- 8 in the Vanguard Knights?
- 9 A. I can't remember.
- 10 Q. Okay. And were you ever under one of the Booker boys?
- 11 Were you ever on their team?
- 12 A. We didn't have teams.
- 13 Q. You didn't have teams. Well, how would you decide who
- 14 hid behind the crates and who didn't hide behind the
- 15 crates?
- 16 A. Oh, we split up in teams just to practice.
- 17 Q. Okay. So you split up in teams to practice?
- 18 A. Yes, sir.
- 19 Q. And who was in charge of your team?
- 20 A. The oldest boy on your team.
- 21 Q. And who was that?
- 22 A. Sometimes we switched off. We just gathered teams.
- 23 We didn't do the same team.
- 24 Q. You didn't do the same team all the time?
- 25 A. We didn't do the same team.

victim #1

CROSS EXAMINATION BY MR. COX

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1 Q. Would you name some of the older boys who would be in
2 charge of your team?

3 A. The team players #5 & #6

4 Q. Okay.

5 A. And I can't remember the other boys, but I remember

6 team players #5 & #6 s.

7 Q. Okay. Now, you enjoyed paint ball? So so?

8 A. Yes.

9 Q. Well, didn't you get upset when you were kicked off
10 paint ball?

11 A. No, not really.

12 Q. You weren't mad at team player #9 when the leader kicked you
13 off the paint ball team?

14 A. No, sir.

15 Q. You weren't. You were glad you were kicked off?

16 A. Yes, sir.

17 Q. Okay. Well, after you get kicked off, you try to come
18 back and get back on the paint ball team?

19 A. No, sir.

20 Q. Never did that was it?

21 A. Yes, sir.

22 Q. Okay. About when was it you got kicked off the paint
23 ball team?

24 A. Just about when it was over.

25 Q. Just about it was just over?

1 A. Yes, sir.

2 Q. Okay. Now, so when this is over and you go talk to a
3 Ms. Lady -- a lady, Ms. Sturkie?

4 A. Yes, sir.

5 Q. Do you remember that?

6 A. Yes, sir.

7 Q. I believe you said you talked to her five times?

8 A. Yes, sir.

9 Q. And I believe an answer to a question the attorney
10 general asked you was, did you tell her more each time you
11 talk to her?

12 A. Yes, sir.

13 Q. And then he asked you, I believe, a question about why
14 did you tell her more? Do you remember what your answer
15 was?

16 A. Because we were getting to know her better and trust
17 her more.

18 Q. Okay. And who told you that you would get to know her
19 better and you trusted her? Who told you that?

20 A. Myself.

21 Q. Yourself?

22 A. I got use to her and trusted her more.

23 Q. And so you yourself made up the thought, Well, I get
24 to know this woman better and I trust her so now I'm gone
25 tell her?

- 1 A. Yes, sir.
- 2 Q. Is that it?
- 3 A. Yes, sir.
- 4 Q. And no one told you that?
- 5 A. No, sir.
- 6 Q. Okay. All right. Now, but do you remember the first
- 7 time you talked with Ms. Sturkie?
- 8 A. Yes, sir.
- 9 Q. Okay. And who went with you to talk with Ms. Sturkie?
- 10 A. My mama, my sister, and my brother.
- 11 Q. Okay. And the main person you talked to her about,
- 12 Ms. Sturkie, do you know who that was?
- 13 A. The main person?
- 14 Q. Uh-huh. The number one person who you talked the most
- 15 about?
- 16 A. Jimmy.
- 17 Q. You don't remember telling her about *+ sample #9 and*
- 18 *+ sample #506*
- 19 A. Yes, and I told her about Jimmy.
- 20 Q. About kicking y'all. Just later on other visits that
- 21 you're talking to her that you tell her about Jimmy; is it?
- 22 A. Sir?
- 23 Q. Wasn't it after the first or second visit you really
- 24 tell her about what you say today about Jimmy Meggs?
- 25 A. Third visit.

1 Q. Third visit. And after those visits, you would talk
2 with your brother and sister what was said; didn't you?

3 A. I talk to my brother, but not my sister.

4 Q. Talk to your brother, but not your sister. And your
5 brother would tell you what he said?

6 A. No, sir, he just -- he told half the story and I told
7 half the story.

8 Q. You told half the story and your brother told half the
9 story. Was it those two halves make up a whole story?

10 A. Yes, sir.

11 Q. Okay. Now, the *team players 243* boys, you ever talk with the
12 McKnight boys about the story they were telling?

13 A. No, sir.

14 Q. No.

15 A. I didn't even know they were telling stories.

16 Q. Okay. You didn't know they were talking?

17 A. No, sir.

18 Q. Okay. You talk to them since you talked about what
19 was being said?

20 A. Sir?

21 Q. Have you talked to the *team players 243* boys since you told --
22 your brother told half and you told half, have you talked
23 to the *team players 245* boys about what they said?

24 A. No, sir.

25 Q. Haven't talk to them?

1 A. No, sir.

2 Q. Okay. Now, you said that Jimmy Meggs was a five star
3 general?

4 A. Yes, sir.

5 Q. What's a five star general?

6 A. I don't know.

7 Q. Where did you ever hear the term five star general?

8 A. He told me.

9 Q. He told you he was a five star general?

10 A. Yes, sir.

11 Q. Did anybody else -- anybody else at paint ball did
12 they have rank like general or lieutenant or captain or
13 sergeant?

14 A. Yes, sir.

15 Q. Okay. And whenever you got to paint ball and you
16 divided up into groups I believe you called them?

17 A. Yes, sir.

18 Q. Would one group have certain chores to do like go get
19 firewood?

20 A. Yes, sir.

21 Q. And did you take part in those?

22 A. Yes, sir.

23 Q. And were you a good Vanguard Knight?

24 A. I guess.

25 Q. Okay. You guess you were. Did the Vanguard Knights

1 supposed to always tell the truth?

2 A. Yes, sir.

3 Q. Always do what's right?

4 A. Yes, sir.

5 Q. And did you get accused of taking stuff from the store
6 one time and have to take it back?

7 A. No, sir.

8 Q. That was not you?

9 A. No, sir.

10 Q. Not you?

11 A. I knew the man that I went to store I knew. I knew
12 him.

13 Q. You knew the man who you went to the store to?

14 A. Who owned the store.

15 Q. So you wouldn't do that to a man who owns the store?

16 A. No, sir.

17 Q. You did not do that?

18 A. No, sir.

19 Q. Okay. Now, you said that Jimmy Meggs -- and you call
20 him Jimmy did you not?

21 A. Yes, sir.

22 Q. Okay. You didn't call him General. You call him
23 Jimmy?

24 A. Yes, sir.

25 Q. And Jimmy would sometimes take you to ride on the

1 train?

2 A. No, sir.

3 Q. Never on the train with him?

4 A. No, sir.

5 Q. Okay. But you knew he was on a train?

6 A. What he told me.

7 Q. That's what he told you. So you never saw the train?

8 A. No, sir.

9 Q. Okay. Did he ever take you to ball games or things
10 like that?

11 A. He took us to a ballpark.

12 Q. Ballpark. How many boys went to the ballpark?

13 A. Just about everybody.

14 Q. About how many would that be?

15 A. Fifteen to sixteen boys.

16 Q. Now, things you told this court about, this jury about
17 things that we don't really like to talk about. How many
18 people saw that happen?

19 A. Just about all the boys.

20 Q. Fifteen to sixteen?

21 A. Yes, sir.

22 Q. About all the boys saw it happen?

23 A. Yes, sir.

24 Q. Okay. Big boys and little boys?

25 A. Yes, sir.

1 Q. Okay. Now, when did you first learn to do a push-up?

2 A. Somebody showed me how to.

3 Q. Okay. Can you do a push-up?

4 A. Yes, sir.

5 Q. And can you do a push-up and pick something up with
6 your mouth?

7 A. Yes, sir.

8 Q. Pardon.

9 A. Yes, sir.

10 Q. You can?

11 A. Yes, sir.

12 Q. And how long you been able to do that?

13 A. As long as I can do a push-up.

14 MR. COX: Your Honor, would the Court allow me to
15 ask him to demonstrate a push-up, if he could?

16 MR. STEINBERG: Your Honor, the State strongly
17 objects to that.

18 THE COURT: Lets take a short recess and give you a
19 proffer. Folks, if you will go back to the jury room, and
20 I'll call you out in just a few minutes.

21 (The jury was excused to the jury room.)

22 THE COURT: And the bases for your motion, Mr.
23 Steinberg?

24 MR. STEINBERG: Your Honor, this is revictimization
25 of the victim. He shouldn't have to go through this again.

VICTIM #1

) CROSS EXAMINATION BY MR. COX

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1 He gave very explicit explanations of what happened. To go
2 through additional questioning of it, I certainly have no
3 objection to that. But asking him to do more of these
4 push-ups, I think it is bad in general, pretty bad for a
5 child.

6 MR. COX: Your Honor, I guess the State has no
7 opinion of me. Myself, I would never ask a child to pick
8 something up with his mouth. But I just want to see the
9 child is physically capable of controlling his body and
10 doing a push-up like he says.

11 THE COURT: How do you want him to do a push-up?

12 MR. COX: See if he does what I consider is a
13 push-up, yes, sir.

14 THE COURT: Your Honor, I object to the response
15 what he thinks a push-up is. I mean, whatever -- how he
16 does a push-up is what he does as a push-up. However, he
17 may do it.

18 THE COURT: I'll let him do that after we take a
19 recess before we do that.

20 MR. STEINBERG: Thank you, Your Honor.

21 MR. COX: Thank you.

22 MR. REDMOND: Thank you, Your Honor.

23 THE COURT: victim #1 if you want to step down, you can
24 go down and be seated with, I guess, your family members
25 back there. You can't talk to them and they can't talk to

1 you about anything that you talked to us about so far this
2 morning.

3 (Court's in recess.)

4 (Court has reconvened.)

5 THE COURT: Everybody ready. Mr. Propps, will you
6 bring the jury back in.

7 (The jury returned to the courtroom.)

8 THE COURT: All right. Folks, we're ready to
9 continue.

10 Mr. Cox, you may proceed.

11 Q. victim #1 before the break we were talking about doing
12 doing push-ups?

13 A. Yes, sir.

14 Q. Okay. And I believe you told me that you just
15 remember somebody showing how to do a push-up one time?
16 How did you learn to do a push-up?

17 A. Just saw somebody doing it before.

18 Q. Okay. Could you do a push-up for us?

19 A. Yes, sir.

20 Q. Would you step down and do a push-up for us. Will you
21 step right here and show us how to do a push-up. That's
22 good thank you. And when you first arrived at the paint
23 ball field and divided up in groups, would you do push-ups?

24 A. Yes, sir.

25 Q. Would you do any other exercises?

victim #1

CROSS EXAMINATION BY MR. COX

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1 A. Run and march.

2 Q. Run and march. Did you do jumping jacks?

3 A. No.

4 Q. You remember, victim #1

5 A. No, sir.

6 Q. Okay. But you did exercise do push-ups, you run and
7 march?

8 A. Yes, sir.

9 Q. And who would march?

10 A. The whole camp.

11 Q. The whole camp. And for what purpose -- for what
12 reason would you march?

13 A. To warm up.

14 Q. To warm up. Okay. How many times did you think you
15 went to the paint ball field?

16 A. Five or six times.

17 Q. Five or six times.

18 A. About five or six weekends.

19 Q. Five or six weekends. And was there sometimes that
20 your brother would go and you would not go?

21 A. Yes, I would go and my brother wouldn't go because
22 most of the time my brother was sick.

23 Q. Most the time your brother sick. What's your
24 brother's name?

25 A. victim #2

victim #1

CROSS EXAMINATION BY MR. COX
REDIRECT EXAMINATION BY MR. STEINBERG 240

1 Q. And who was William?

2 A. William?

3 Q. Uh-huh?

4 A. I don't know.

5 Q. You don't remember a William?

6 A. No, sir.

7 Q. Okay. How many weeks did you have to miss paint ball
8 because you were kicked out? Do you remember?

9 A. Just a weekend.

10 Q. Just a weekend. But you didn't mind that. You never
11 went back after you got kicked off?

12 THE COURT: You need to answer remember, *verdict #1*

13 A. Yes, sir.

14 MR. COX: Okay. Thank you, Josh.

15 THE COURT: Any redirect?

16 MR. STEINBERG: Very briefly, Your Honor.

17 REDIRECT EXAMINATION BY MR. STEINBERG:

18 Q. Mr. Cox asked you a couple of questions about your
19 mother and about she knew Mr. Meggs. Remember those
20 questions?

21 A. Sir?

22 Q. Okay. Did your mother ever date Jimmy Donald Meggs?

23 A. No, sir.

24 Q. How do you know that?

25 A. Because she would have told me if she did.

- 1 Q. Okay. Did she tell you who her boyfriends were?
- 2 A. Yes, sir.
- 3 Q. And did she have a boyfriend during that time you were
- 4 at paint ball camp?
- 5 A. Yes, sir.
- 6 Q. What was his name?
- 7 A. Bradley.
- 8 Q. And did she see Bradley a good bit?
- 9 A. Yes, sir.
- 10 Q. Okay. Did she ever see to the best of your knowledge,
- 11 ever see Jimmy Donald Meggs outside of paint ball?
- 12 A. Yes, when he came and picked us up she did.
- 13 Q. How long did he stay when he come to pick you up?
- 14 A. He just came to pick us up and we left.
- 15 Q. Okay. Did Jimmy Donald Meggs sitting right there,
- 16 ever ask you about your mom?
- 17 A. Yeah -- yes, sir.
- 18 Q. What did he say?
- 19 A. Said does your mom like me and I said I don't know.
- 20 Q. Okay. Mr. Cox also asked if he ever brought over
- 21 groceries for food. Did he ever bring anything over to
- 22 your house?
- 23 A. No, sir.
- 24 Q. Okay?
- 25 A. Except he brought baseball games.

1 Q. You said that 16 boys went sometimes to paint ball; is
2 that correct?

3 A. Sir?

4 Q. You said 16 boys went to play paint ball?

5 A. Yes.

6 Q. Were there always 16 boys?

7 A. Some went there all the time. .

8 Q. The name was mentioned Chris Gough. Who is Chris
9 Gough?

10 A. *he's my father*
dad.

11 Q. And did Chris Gough ever spend the night?

12 A. Yes, sir.

13 Q. How many times did he spend the night at the paint
14 ball field?

15 A. About two or three.

16 Q. Okay. Did he spend the night every time?

17 A. No, sir.

18 Q. The question was asked earlier and I couldn't hear
19 what you said. You were asked how many adults were ever
20 out there at one time at the paint ball field? Did you say
21 30 or three?

22 A. Three.

23 Q. You said three t-h-r-e-e?

24 A. Yes, sir.

25 Q. Okay. Did anyone else besides Chris Gough ever spend

victim #1

REDIRECT EXAMINATION BY MR. COX

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1 the night?

2 A. Jimmy and Chris.

3 Q. Okay. So other names were mentioned. Who is team player #9?

4 A. His son.

5 Q. Okay. And what is team player #9's relationship with Jimmy?

6 A. His dad is his friend. So he played paint ball with
7 Jimmy.

8 Q. Okay. Did you like team player #9?

9 A. Yeah, he was my friend.

10 Q. Okay. How about team player #5? Who is team player #5?

11 A. One of the team player #5

12 Q. Is he bigger or smaller than the average group?

13 A. I can't remember which one was bigger.

14 Q. Okay. Now, I'm not asking which one of the team player #5

15 I'm asking was team player #5: bigger or smaller

16 than most of the people out there?

17 A. I don't know which one you're talking about because
18 there's two of them.

19 Q. The team player #5 was he one of the larger one
20 or smaller ones?

21 A. Larger.

22 Q. So the team player #5 did he ever give you any
23 orders?

24 A. No, not really not.

25 Q. Was he ever around when Jimmy gave orders?

1 A. Yes, sir.

2 Q. Was *Sean played by* ever around when Jimmy gave orders?

3 A. Yes, sir.

4 Q. Were you scared of *Sean played by #5*?

5 A. A little.

6 Q. Okay. Were you scared of *Sean played by*?

7 A. No, because he was my friend.

8 Q. Okay. Do you have any doubt who told you to suck your
9 brother's penis?

10 MR. COX: Objection, that's not proper, Your Honor.

11 THE COURT: I sustained that objection not in
12 response in the cross.

13 MR. STEINBERG: Beg the Court's indulgence. Thank
14 you that's all the questions I have.

15 THE COURT: Thank you, victim #1 you may step down.

16 (The witness leaves the witness stand.)

17 THE COURT: Folks, it's a good stopping point for
18 lunch. This is not the hour that I normally like to do
19 that, but the next witness is likely to be as long as the
20 last witness, which puts us close to 1:30 before we can
21 recess for lunch. So we will take lunch now. I'm going to
22 ask that you be back in the jury room at 1:15 and that will
23 give you a little over an hour to do whatever you need to
24 do.

25 Please remember my instructions that you cannot

1 discuss this case at all among yourselves during the lunch
2 hour or as you're leaving or when you return and likewise
3 you cannot discuss it with anyone else. You may see or
4 talk with family or friends during lunch and quite
5 naturally they are going to be inquisitive about whether or
6 not you've been picked as a juror and that will probably be
7 the first thing that they will ask you, if you talk to
8 them. You can tell them that you have, but there's nothing
9 else you can tell them about what kind of case it is or
10 who's involved or anything else.

11 I've asked you all and everyone else a lot of
12 questions this morning to make sure there wasn't something
13 about this case or people involved or just something in
14 general that would affect your ability to be fair and
15 impartial. I haven't asked your family and friends those
16 questions. So I don't know what they know or how they feel
17 or whether or not they have some general opinion they have
18 about cases that would affect their ability to be fair and
19 impartial. And if you give them a chance to say something
20 to you, it affects your ability to be fair and impartial.
21 So please let them understand that they cannot ask you
22 anything about this case. You cannot say anything to them
23 about the case. You can't tell them the name of the case
24 or what kind of case it is.

25 Folks, when this case is all over with and you have

1 arrived at a verdict, the State and the defendant are
2 entitled to be confident that your verdict was based only
3 upon what you heard in this case and not something that
4 someone else said to you outside of this place; that's very
5 important and I know you understand that. Please keep
6 those matters in mind. Hope you will have a nice lunch and
7 we will see you back at 1:15. Everyone else remain where
8 you are while these folks leave.

9 (The jury is excused.)

10 THE COURT: All right, victim #1, let me talk with you a
11 minute. You will go to lunch with your family, I guess --
12 that's fine you can stay right there. Remember yesterday I
13 told you that you couldn't talk with anyone about what you
14 had said?

15 victim #1 Yes, sir.

16 THE COURT: That's true today, too. So you can't
17 talk with your brother either or anyone else about what you
18 said and what kind of questions were asked. Can you do
19 that for me?

20 victim #1 Yes, sir.

21 THE COURT: Anybody tries to talk to you about it,
22 you let me know. Will you do that?

23 victim #1 : Yes, sir.

24 THE COURT: All right. Thank you, sir. Will start
25 back at 1:15.

1 (Court in recess.)
2 (Court has reconvened.)
3 THE COURT: Any matters before I bring out the jury?
4 MR. COX: None from the defense.
5 MR. STEINBERG: No, sir.
6 THE COURT: Ask them to come out.
7 (The jury returned to the courtroom.)
8 THE COURT: Folks, let me say that except for the
9 foreperson and the two alternates, everyone else can sit
10 wherever you like. I noticed that you are like any other
11 jury that I've worked with. Once you found a seat that's
12 where you want to stay and that's all right. Sometimes
13 it's a little difficult if you happen to be the last one in
14 and you need to go all the way down to the end, you might
15 step on somebody's toe or you might trip. Sit wherever
16 you like or go all the way down to the end as you come in
17 and I say that for you. We're ready to continue.
18 Mr. Steinberg, you may call your next witness.
19 MR. STEINBERG: Thank you, Your Honor.
20 JUROR: Sir, I do have one question for you.
21 THE COURT: Let me ask you is it a question about
22 procedure or is it a question about comfort or is it a
23 question -- because if it's what ---
24 JUROR: Juror qualifications.
25 THE COURT: What I need for you to do is write it

1 down. And I'm going to send you back. If y'all go back
2 and write that question down, it may be something I need to
3 take up before we begin. Would you do that?

4 JUROR: Sure.

5 THE COURT: All right. If you'll go back into the
6 jury room, write down that question, hand it out to the
7 bailiff and then I'll decide how we can answer that
8 question.

9 (The jury was excused to the jury room.)

10 THE COURT: The foreperson, Mr. Dudley, is not
11 really a question it's a statement indicates that the
12 grandmother's name was not called as a potential witness.
13 He didn't realize who she was, I guess, until he saw her.
14 I'm not sure who that is in the courtroom. Indicates I
15 have known her and her husband for several years. Of
16 course, I anticipate my next question is he says this will
17 have no bearing on my decision. Do you all want me to make
18 further inquiry of him about that?

19 MR. COX: Can we consult with our client just one
20 moment or two?

21 THE COURT: Sure.

22 MR. COX: In the Court's consideration, we think
23 additional inquiry just forthcoming.

24 THE COURT: You want me to inquire further?

25 MR. COX: Yes, sir, because the statement not just

1 know she and her husband.

2 THE COURT: All right. I'm not sure who that is or
3 who that is it. Will you stand up please? Is it either or
4 both of you? Do both of you know.

5 PAT WATFORD: We know him through business shipping
6 and freight but ---

7 MR. STEINBERG: Will you state your name please?

8 ~~Mr. Steinberg~~ Oh, I'm sorry, Pat

9
10 THE COURT: And the other grandmother, do you think
11 you know him as well.

12 BETTY ISGETT: He said he was a freight manager?

13 THE COURT: Yes.

14 BETTY ISGETT: He was a freight manager at one time.

15 THE COURT: All right. We will call him out and I
16 will ask him about that.

17 MR. STEINBERG: And, Your Honor, the second witness
18 name is Betty Isgett.

19 THE COURT: Thank you, sir.

20 Ask Mr. Dudley to step out here please, Mr. Propps.
21 Thank you, Mr. Dudley, you can just stand right there so I
22 can ask you about that. I appreciate your bringing that to
23 the Court's attention. As I mention sometimes, it's only
24 after matters are started that people begin to make
25 connections and that seems to have happened in your case

1 since those ladies identified, if either or both of the
2 grandmothers?

3 MR. DUDLEY: Just one.

4 THE COURT: And which one is that?

5 MR. DUDLEY: Ms. Isgett.

6 THE COURT: And how do you happen to know her?

7 MR. DUDLEY: Mutual acquaintance through children
8 and school and her husband, dealt business with them for
9 years.

10 THE COURT: All right. And when was the last time
11 you had any business connections with them?

12 MR. DUDLEY: Probably two years ago.

13 THE COURT: You've indicated this, but I'll ask you,
14 would that affect your ability to be fair and impartial in
15 this case, sir?

16 MR. DUDLEY: No, sir.

17 THE COURT: All right. Now, the other grandparents
18 are *various grandparents* do you know them?

19 MR. DUDLEY: No, sir.

20 THE COURT: Do you see who they are out there in the
21 courtroom?

22 MR. DUDLEY: No clue.

23 THE COURT: All right. Any other questions that you
24 have me to ask Mr. Dudley?

25 MR. COX: None from defense, Your Honor.

1 MR. STEINBERG: No, sir, Your Honor.

2 THE COURT: Thank you, Mr. Dudley, you can go back,
3 but please don't mention any of this to the rest of the
4 panel please.

5 Anything from the defense?

6 MR. COX: May it please the Court, I think that
7 quite honestly, I have no doubt that he thinks that he can
8 be fair because of the relationship. Defense thinks that
9 if we had known that, we would have exercised the strike.
10 And it's our call to withheld a strike so we ask that he be
11 replaced by an alternate.

12 THE COURT: Mr. Steinberg.

13 MR. STEINBERG: The State would have to oppose. The
14 connection is to distant. Someone who knows one of the
15 grandparents is also ---

16 THE COURT: And they're not asking to be struck for
17 cause; that's not the question. The question is they
18 didn't use all their strikes. It's not that he has
19 intentionally withheld that information, but he simply
20 didn't realize until we started. And now, the question is
21 what do you do about that, if you had known that at the
22 outset, what would have happened. Defense indicated that
23 they would have struck him and they had the ability because
24 they didn't use all five strikes.

25 MR. STEINBERG: Your Honor, they did, but questions

1 that you asked were appropriate. I think they were fully
2 forthcoming. I think you gave them the answers that are
3 sufficient and that's our position.

4 THE COURT: All right. Give me just a minute to
5 look before I make any decision about that. All right.
6 I'm going to grant the defense's request to excuse
7 Mr. Dudley. Given the fact they had not exercised all
8 their strikes and had they known that information, then
9 they would have had a strike to exercise to excuse
10 Mr. Dudley. And the first alternate then be seated to take
11 his place. Anything further?

12 MR. COX: None from the defense. Thank you, Your
13 Honor.

14 MR. STEINBERG: No, sir.

15 THE COURT: Ask Mr. Dudley to come out please,
16 Mr. Propps. Thank you, Mr. Dudley, if you will just stand
17 there. First you indicated -- and I appreciate your
18 bringing that to our attention and I'm sorry that wasn't
19 something that we did, would have did a better job of
20 before we started because that was need folks to identify
21 themselves or have them identified, then that information
22 would have come to us at the outset. There is -- that is
23 not a reason that the Court has to excuse you or dismiss
24 you as a juror or would not have been a reason for any
25 parties to challenge you for cause to say that for that

1 reason alone, you could not be fair and impartial.

2 But it is information that had the attorneys known
3 it before we started, they could have used that and excuse
4 you without having had you seated to start with. And for
5 that reason, I'm going to excuse you for the balance of
6 this trial. And I would not think or I hope you don't
7 think that you done anything wrong because you have not.
8 You done exactly ---

9 MR. DUDLEY: Until I saw her, I was not sure if that
10 was her or not.

11 THE COURT: Well, I appreciate you doing that, but
12 under the circumstances, I have to excuse you from the rest
13 of this trial.

14 MR. DUDLEY: Okay.

15 THE COURT: And so you get to go back to work, I
16 guess.

17 MR. DUDLEY: God I hate that.

18 THE COURT: If you would and do you have that
19 telephone number for him?

20 CLERK OF COURT: Yes, sir.

21 THE COURT: They will give you a number to call and
22 if you call that number after six this afternoon.

23 MR. DUDLEY: Okay.

24 THE COURT: Thank you, Mr. Dudley, I do appreciate
25 it.

1 (Note from Juror Robbie Dudley marked as Court's
2 Exhibit Number 1.)

3 MR. COX: Your Honor, just a ounce of precaution is
4 procedure related to the alternate place the name in a hat
5 and draw?

6 THE COURT: The procedure that I have done is this.
7 Now, if you know something that requires that it be done
8 the other way ---

9 MR. COX: Just the back of my head, I thought the
10 rule said that. Now, I'm probably wrong.

11 THE COURT: Now, let's see that we can find out.
12 That is Rule 47(b) that deals with that?

13 MR. COX: Your Honor, I'm satisfied, thank you.

14 THE COURT: All right. Sure always stand to be
15 educated.

16 If you will ask them to come out please, Mr. Propps.

17 (The jury returned to the courtroom.)

18 THE COURT: All right. Thank you, folks. I have
19 excused Mr. Dudley. He realized that he knew of some folks
20 who are involved in this. There was nothing wrong with his
21 knowing those folks and did not affect his decision to be
22 fair and impartial. But it was information that had he
23 realized before we had started, he might not have been
24 seated at the outset. So I have excused him. For that
25 reason, now, Ms. Wyche, you will become a member of the

1 panel. And you all will need to select another foreperson.
2 You can do that the next time we have a recess. We are
3 ready to continue with this trial.

4 Mr. Steinberg, you may call your next witness.

5 MR. STEINBERG: Thank you, Your Honor. The State
6 will call Mr. victim #2

7 CLERK OF COURT: Put your left hand on the Bible and
8 raise your right hand. Do you swear the testimony you give
9 will be the truth, the whole truth, and nothing but the
10 truth so help you God?

11 victim #2 : Yes, ma'am.

12 CLERK OF COURT: State your name for the record?

13 victim #2 : My name is victim #2 l.

14 THE COURT: victim #2, you can put your hand down. And
15 I need for you when you answer these questions that the
16 lawyers will ask you, I need for you to speak as loudly and
17 clearly as you can so that these folks seated over here can
18 hear and understand what you're saying. And also I want
19 you to remember that when any of the lawyers ask you a
20 question that you think the answer is yes or no, give yes
21 or no. Don't say uh-huh or uh-uh because sometimes we
22 misunderstand what you might be saying. And also don't
23 just shake your head or nod your head, okay.

24 victim #2 Yes, sir.

25 THE COURT: All right. Thank you.

1 Mr. Steinberg.

2 MR. STEINBERG: Thank you, Your Honor.

3 victim #2), being first

4 duly sworn, testifies as follows:

5 DIRECT EXAMINATION BY MR. STEINBERG:

6 Q. victim #2 you remember me?

7 A. Yes, sir.

8 Q. You know who I am?

9 A. Yes, sir.

10 Q. Who am I?

11 A. Your Mr. Steinberg.

12 Q. Okay. And what am I?

13 A. A lawyer.

14 Q. Okay. What is your date of birth -- when is your
15 birthday?

16 A.

17 Q. What year were you born, do you remember?

18 A.

19 Q.?

20 A. Yes.

21 Q. Okay. How old are you now?

22 A. About to turn . . .

23 Q. And how old are you on Thanksgiving of 1999?

24 A. Nine.

25 Q. Okay. Where do you go to school at or where will you

- 1 go to school at?
- 2 A. Dewey Carter.
- 3 Q. Okay. Do you know the defendant, Jimmy Meggs?
- 4 A. Yes, sir.
- 5 Q. Will you point to him? Are you pointing to the
- 6 gentlemen wearing the white shirt and the red tie?
- 7 A. Yes, sir.
- 8 Q. Okay. And how do you know Jimmy?
- 9 A. He took me to the paint ball league.
- 10 Q. Do you have anything else to say?
- 11 A. No.
- 12 Q. Did he take you any place else?
- 13 A. Yes, sir.
- 14 Q. Where did he take you?
- 15 A. To a motel and a store.
- 16 Q. Okay. Take you any other places?
- 17 A. No, sir.
- 18 Q. Okay. How did you first meet Jimmy Meggs?
- 19 A. One of my friends, ^{team player #9} he introduced me to him.
- 20 Q. Did ^{team player #9} know Jimmy ahead of time?
- 21 A. Yes, sir.
- 22 Q. Was Jimmy Meggs a friend of your mother's before he
- 23 was a friend of yours?
- 24 A. No, sir.
- 25 Q. Did he meet you before he met your mom?

- 1 A. It was kind of at the same time.
- 2 Q. Okay. Do you know what dating means?
- 3 A. Yes, sir.
- 4 Q. Do you know what boyfriend and girlfriend means?
- 5 A. Yes, sir.
- 6 Q. Was Jimmy Meggs ever your mother's boyfriend?
- 7 A. No, sir.
- 8 Q. How do you know this?
- 9 A. Because he only came to my house one time and that one
- 10 time he came to my house was when he drop me off after
- 11 paint ball camp.
- 12 Q. Okay. Around Thanksgiving of 1999, did your mother
- 13 have a boyfriend?
- 14 A. Yes, sir.
- 15 Q. And what was his name?
- 16 A. Bradley.
- 17 Q. Okay. Did Jimmy Meggs ever ask you any questions
- 18 about your mother?
- 19 A. He ask me was she single and that's the only thing he
- 20 had ask me really. I can't remember.
- 21 Q. What did you tell him when he asked you that?
- 22 A. I said, no.
- 23 Q. And how did he react?
- 24 A. He didn't react. He said okay.
- 25 Q. You said you went to a hotel and to paint ball and

victim #2

DIRECT EXAMINATION BY MR. STEINBERG

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1 places with Jimmy. What did you do with Jimmy when you
2 would go to these places?

3 A. Well, the night we went to the hotel, we were going to
4 spend the night, but we didn't because Jimmy had to go to
5 work.

6 Q. Okay. When you went to play paint ball, what did you
7 do there?

8 A. We got Army uniforms and like like we hid in the
9 bushes or something and we go around shoot the other
10 people.

11 Q. You say you got Army uniforms?

12 A. Yes, sir.

13 Q. Who gave you these Army uniforms?

14 A. I guess, a friend of Jimmy's.

15 Q. You guess a friend of Jimmy's?

16 A. Yes, sir.

17 Q. Was Jimmy there when you got your uniform?

18 A. Yes, sir.

19 Q. When you went places with Jimmy, who paid?

20 A. Jimmy.

21 Q. Did Jimmy ever buy you anything?

22 A. Yes, sir.

23 Q. What did he buy you?

24 A. He bought me food and a pocketknife.

25 Q. Okay. How did you get to the paint ball league?

- 1 A. Jimmy took us.
- 2 Q. What did he take you in?
- 3 A. A trailer on the back of his truck.
- 4 Q. And who else did he have in the truck?
- 5 A. All of the other boys.
- 6 Q. And about how many boys would go?
- 7 A. About 13 here or there.
- 8 Q. About 13 here or there?
- 9 A. Yeah.
- 10 Q. Did y'all ever bring any equipment with you at paint
11 ball?
- 12 A. Yes, sir, cause some people had their own paint ball
13 and they brought them.
- 14 Q. What did y'all sleep in there?
- 15 A. Tents.
- 16 Q. Did y'all put tents on the truck also?
- 17 A. No, sir.
- 18 Q. How did you get them to the paint ball area? How did
19 the tents get there?
- 20 A. People brung them and Jimmy brought one.
- 21 Q. Okay. And so you have both boys and tents and paint
22 ball equipment and Jimmy and all the boys on the truck?
- 23 A. Yes, sir.
- 24 Q. Okay. Did most people drive up in the truck? Either
25 in the truck itself in the cab or in the back part?

- 1 A. Half of them.
- 2 Q. Where did the other half go?
- 3 A. On the back of the trailer.
- 4 Q. On the back?
- 5 A. Yeah.
- 6 Q. Okay. Very briefly, tell the jury what is paint ball?
- 7 A. It's where you go out and we go and like hide in
- 8 bushes somewhere and then we come out and shoot people.
- 9 It's like Army or something except with paint ball guns.
- 10 Q. And what happened if you got hit by a paint ball?
- 11 A. You get out of the game.
- 12 Q. Does it hurt to get hit by the paint ball?
- 13 A. It depends.
- 14 Q. What does it depend on?
- 15 A. If you have thick clothing on or if you have just thin
- 16 clothing on.
- 17 Q. Does it matter where the person is shooting if the
- 18 person is close or far away does that matter?
- 19 A. Well, if you shoot close-up it will hurt you.
- 20 Q. Okay. I'm about two arms length from you right now,
- 21 would it hurt if I shot you?
- 22 A. Yes, sir.
- 23 Q. Would you be scared if I shot you with a paint ball
- 24 gun?
- 25 A. Yes, sir.

1 Q. Okay. About how many times did you go play paint
2 ball?

3 A. Four or five.

4 Q. Okay. You said about 13 or 14 boys would go here or
5 there?

6 A. Yes, sir.

7 Q. And about how old were these boys?

8 A. About the age of 16, 13 and my age.

9 Q. Okay. Were you among the older or the younger boys?

10 A. Younger boys.

11 Q. In addition to the Army uniforms, was there anything
12 else Army related to this paint ball league?

13 A. No, sir.

14 Q. Okay. Do you have a rank?

15 A. Yes, sir.

16 Q. What was your rank?

17 A. I can't remember.

18 Q. Okay. Did everybody there have a rank?

19 A. Yes, sir.

20 Q. What rank was Jimmy Meggs?

21 A. A five star general.

22 Q. Okay. And what did you call him up there?

23 A. I can't remember that either.

24 Q. Okay. Who is command of the paint ball field?

25 A. Either ^{pehms} or team player #9

- 1 Q. Okay. Who would give a command over the person? Did
2 Jimmy command ^{team player #9} to do something?
- 3 A. Yes, sir.
- 4 Q. Why is that?
- 5 A. Because Jimmy was higher rank than he was.
- 6 Q. And how old was ^{team player #9} how old was ^{team player #9} during
7 this paint ball league?
- 8 A. I don't know here, or there.
- 9 Q. He's older than you?
- 10 A. Yeah.
- 11 Q. You said I don't know. Is he around 13?
- 12 A. Yeah.
- 13 Q. Okay. If Jimmy give you an order and you did not
14 follow that order, what would happen?
- 15 A. He would shoot us at close range.
- 16 Q. He would shoot you close range. How do you know that?
- 17 A. Because sometimes he would do it.
- 18 Q. He had shot you at close range before?
- 19 A. Not me, but other people.
- 20 Q. Okay. And exactly, how did you first meet Jimmy
21 Meggs?
- 22 A. My friend ^{team player #9} introduced me to him and we went in
23 the backyard to play baseball.
- 24 Q. And how did you find out about the paint ball?
- 25 A. ^{team player #9} told me about it, wanted me to join.

- 1 Q. Did Jimmy ever tell you about paint ball?
- 2 A. Yes, sir.
- 3 Q. Okay. Did Jimmy ever tell you what he did for a job?
- 4 A. Yes, sir.
- 5 Q. What did he say?
- 6 A. He was working on a train.
- 7 Q. Did he say he had any other jobs?
- 8 A. He said he used to be in the Army.
- 9 Q. Did he say what he did on the weekends?
- 10 A. On the weekends he took us to paint ball.
- 11 Q. Okay. Did he ever say anything about the National
- 12 Guard?
- 13 A. Yes, sir.
- 14 Q. What did he say about the National Guard?
- 15 A. He used to be in.
- 16 Q. Okay. And did he say what rank he was?
- 17 A. No, sir.
- 18 Q. Did y'all ever spend the night at the paint ball
- 19 field?
- 20 A. Yes, sir.
- 21 Q. How many times did you spend the night there?
- 22 A. Four or five.
- 23 Q. Okay. Were there any other adults out there when you
- 24 spent the night?
- 25 A. Nobody over 20.

1 Q. Nobody over 20?

2 A. No, except for Jimmy, I think.

3 Q. Where did you sleep out there?

4 A. A tent.

5 Q. Who slept in the tent with you?

6 A. Jimmy, Austin sometimes and the other boys that didn't
7 have their own tents.

8 Q. Okay. Did anything happen when you were out at the
9 paint ball field that made you uncomfortable?

10 A. Yes, sir.

11 Q. Can you please tell the jury what made you so
12 uncomfortable?

13 A. He made us suck -- if we didn't follow anything, he
14 made us suck each other privates and do push-ups and put
15 the paint ball on the other boy's private and then do
16 push-ups and then get the paint ball off of the other boy.

17 Q. Okay. Let's talk about that for a minute. And if you
18 need to ask me to slow down or ask me different questions
19 just let us know, okay?

20 A. Yes, sir.

21 Q. You said that he made you -- you said that you had to
22 suck someone's privates. What do mean by privates?

23 A. His penis.

24 Q. Okay. Did you actually have to put someone's penis in
25 your mouth?

1 A. Yes, sir.

2 Q. And who's penis was that?

3 A. My brother's and the little *team player # 2* brother's.

4 Q. And did you have to put your penis in anyone's mouth?

5 A. Yes, sir.

6 Q. Could you tell the jury who?

7 A. My brother's and the small *team player # 2* brother's.

8 Q. Okay. Did you see -- why did you do that?

9 A. Because if we didn't, he would shoot us at close
10 range.

11 Q. And how did you know he would shoot you close range?

12 A. Because he done it to other boys before.

13 Q. Okay. I'm going to walk towards you and I want you to
14 tell me how close he was to you when he said this?

15 A. About right there.

16 Q. What did he say to you?

17 A. He said -- he told us -- well, he told one of the boys
18 to stand up and pull his pants down and the other one to
19 get down on his knees. You had to put the other boy's
20 shirt over your head and if we didn't, he would shoot us.

21 Q. And who's words did this mouth come out of -- who said
22 this?

23 A. Jimmy Meggs.

24 Q. Okay. If you have to use the word that your mom might
25 not let you use normally, if that's that you heard, then

1 you're allowed to us it?

2 A. Yes, sir.

3 Q. And if I ask a question that have to use that world,
4 I'll use that also?

5 A. Yes, sir.

6 Q. Can you remember the command he gave you?

7 A. No, sir.

8 Q. Okay. Did you do what he said?

9 A. Yes, sir.

10 Q. Okay. Do you remember when you had to do this?

11 A. Exactly the same day?

12 Q. Well, can you remember about what time first trip,
13 second trip, third trip what?

14 A. Well, on -- it started on the second trip.

15 Q. Okay. Did this happen on an overnight trip?

16 A. Yes, sir.

17 Q. Okay. You said you had to do this and your brother
18 had to do this and one of the team players boys?

19 A. Yes, sir.

20 Q. Did anybody else have to do this that you saw?

21 A. Not that I can remember.

22 Q. Okay. Could you name who else would have seen this?

23 A. Some of the boys on the paint ball team.

24 Q. Okay. You said some of the boys. Could every boy on
25 the paint ball team see it while they were all there?

- 1 A. Well, sometimes they were in the tents sleeping or
2 either sometimes they're out getting firewood for the fire.
- 3 Q. Was that a chore people had to do, firewood?
- 4 A. Yes, sir.
- 5 Q. Were there any other chores?
- 6 A. Not that I can remember.
- 7 Q. Okay. Who had to do this, this action the younger
8 boys or older boys?
- 9 A. Most of the younger boys.
- 10 Q. Was ~~team player #5~~ out there?
- 11 A. Yes, sir.
- 12 Q. Are you sure it wasn't ~~team player #5~~ who gave you the
13 order?
- 14 A. Yes, sir, I'm sure it wasn't him.
- 15 Q. Was ~~team player #9~~ brought up there? He also would bring
16 ~~team player #9~~. Was he out there?
- 17 A. Sometimes.
- 18 Q. Okay. Are you sure it wasn't Austin who gave you the
19 order?
- 20 A. I don't remember him giving the order.
- 21 Q. Okay. Do you know if Jimmy gave you the order?
- 22 A. Yes, sir.
- 23 Q. Okay. Where was the paint ball gun at this time?
- 24 A. At the person that had to suck the other boy's penis.
- 25 Q. When you're speaking, can I ask you not to put your

1 hands in front of your face. Somehow the microphone's not
2 hearing what you say?

3 A. Yes, sir.

4 Q. Okay. If you ever need to take a break, just ask the
5 judge?

6 A. Yes, sir.

7 Q. Okay. My last question was where was the paint ball
8 gun? Who had the paint ball gun?

9 A. Jimmy.

10 Q. Jimmy had the paint ball gun in his hand?

11 A. Yes, sir.

12 Q. What was he doing with the paint ball gun?

13 A. Point it at the person who had to suck the little
14 boy's penis.

15 Q. Did he ever point it at you?

16 A. Yes, sir.

17 Q. Okay. Who did the pointing motion with the paint
18 ball? How close was he when he said this? I'm going to
19 start from back here. Tell me when?

20 A. Right there.

21 Q. He had the paint ball gun pointed at you?

22 A. Yes, sir.

23 Q. What does a paint ball gun look like?

24 A. It was -- like a little pistol.

25 Q. A little piston?

1 A. Yeah.

2 Q. Are you scared of that little pistol?

3 A. Yes, sir.

4 Q. Who is in charge during when you had to suck your
5 brother's penis?

6 A. Jimmy.

7 Q. Did Jimmy ever say anything to you after that, right
8 after that incident?

9 A. Yes, sir.

10 Q. What did he say?

11 A. He said, you really didn't have to do it after he told
12 us to do it and threatened us if we wouldn't.

13 Q. Did he tell you you don't have to do this before you
14 did it?

15 A. No.

16 Q. Did he tell you you don't have to do this while you
17 were doing it?

18 A. No.

19 Q. Okay. Did he tell this to you after you did it?

20 A. Yes, sir.

21 Q. Did he tell you this after you did to your brother and
22 your brother did to you and somebody did it to *pump hyper #2*

23

24 A. No, after each one.

25 Q. After each one?

Victim #2

DIRECT EXAMINATION BY MR. STEINBERG

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1 A. Yeah.

2 Q. Okay. And did it happen every time? So he said it
3 three times then?

4 A. Sir?

5 Q. Okay. You said after each one, after you had to do
6 this to your brother?

7 A. Yes, sir.

8 Q. And then after your brother did it to you?

9 A. Yes, sir.

10 Q. And after, I guess, somebody had to do -- you and your
11 brother had to do it with one of the team players #2 & #3

12 A. Yes, sir.

13 Q. Did he ever try to stop you while you were doing it?

14 A. No, sir.

15 Q. What did he say or do while you were doing it?

16 A. He sat there and watched.

17 Q. After all that was done, after the entire thing was
18 done, did Jimmy ever say anything to you?

19 A. He said, we really didn't have to do it.

20 Q. Did Jimmy ever say don't tell your -- these words
21 don't tell you mom about this?

22 MR. COX: Objection, Your Honor, form of question.

23 THE COURT: I'm sustaining that, sir.

24 MR. STEINBERG: Yes, sir.

25 Q. Did your mom pardon me -- did Jimmy ever mention your

1 mom during this thing?

2 A. During the ---

3 Q. Afterwards? After you did what you did, he ever bring
4 up your mom in the conversation?

5 A. No, sir.

6 Q. Okay. Let's talk about something else. You also said
7 that boys had to do push-ups? Is that what you said
8 earlier?

9 A. Yes, sir.

10 Q. Tell us about these push-ups?

11 A. One boy had -- one boy had lay on the ground with
12 either pants up or pants pull down with a paint ball on his
13 private and the other boy had to do push-ups to get the
14 paint ball off with his teeth.

15 Q. Okay. You said the paint ball would be where?

16 A. On his penis.

17 Q. And who put the paint ball on his penis?

18 A. Jimmy.

19 Q. You say Jimmy, you talking about Jimmy Meggs?

20 A. Yes, sir.

21 Q. And how did the person have to get the paint ball off
22 the other person's privates?

23 A. Had to pick it up by your teeth.

24 Q. Did you have to do this?

25 A. Once or twice.

Victim #2

DIRECT EXAMINATION BY MR. STEINBERG

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- 1 Q. Did anybody have to do this to you?
- 2 A. No, sir.
- 3 Q. Okay. Did anybody else out there have to do it?
- 4 A. Yes, sir.
- 5 Q. And who had to do this?
- 6 A. ~~Team players~~ #2 & #3 and some other boys on our team.
- 7 Q. Was it generally younger boys or older boys?
- 8 A. Younger boys.
- 9 Q. Where was Jimmy when y'all were doing these push-ups?
- 10 A. He was sitting there watching us.
- 11 Q. Did he say anything to you at the time?
- 12 A. No, sir.
- 13 Q. Okay. And why did y'all do this, push-ups?
- 14 A. Because he forced us to and he told us to.
- 15 Q. He told you to. You know what words he used -- if you
- 16 can't remember exactly, just to the best of your
- 17 recollection best you remember?
- 18 A. He -- afterwards or when it was happening?
- 19 Q. Well, when you were deciding to do it right before?
- 20 A. He told the other boys to lay down and to pull their
- 21 pants down or leave them up. And afterwards, he made the
- 22 other boys do push-ups and then get the paint ball off the
- 23 other boys private with his teeth.
- 24 Q. Okay. You said -- how did he make them?
- 25 A. He didn't make us, but if we didn't do it, he would

1 shoot us.

2 Q. He would shoot you with a paint ball gun?

3 A. Yes, sir.

4 Q. Did he tell you he would shoot you with a paint ball
5 gun or just think it?

6 A. He told us.

7 Q. Okay. Did he ever do these push-ups with you?

8 A. Sir?

9 Q. Did he ever do push-ups with you?

10 A. No, sir.

11 Q. Were these like normal push-ups?

12 A. Yes, sir.

13 Q. Okay?

14 A. The other boy had to -- we had to pick up the paint
15 ball with our teeth.

16 Q. Okay. You have to say that again?

17 A. We had to pick up the paint ball up with our teeth off
18 the other boy's private.

19 Q. With your teeth. Do you remember what Jimmy called
20 these push-ups?

21 A. No, sir.

22 Q. Okay. After this incident, who was the first adult
23 you told about this?

24 A. I didn't tell. She asked me and that was my mama
25 because my sister told my Bible school teacher and she also

victim #2

DIRECT EXAMINATION BY MR. STEINBERG

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1 my lunch teacher.

2 Q. What's her name?

3 A. Ms. Buntin.

4 Q. And then did you have a conversation with your mom?

5 A. Yes, sir.

6 Q. And why didn't you tell her before that?

7 A. Because I was scared.

8 Q. What were you scared of?

9 A. Jimmy.

10 Q. Why were you scared of Jimmy?

11 A. I didn't know what he would do to me afterward.

12 Q. Did Jimmy ever say something would happen to you
13 afterwards?

14 A. No, sir.

15 Q. Okay. Did your mom ever bring you to see a lady name
16 Sandra Sturkie?

17 A. Yes, sir.

18 Q. Do you remember Ms. Sturkie?

19 A. Yes, sir.

20 Q. Where did you speak with her at?

21 A. At a counselor thing that my mom took us too.

22 Q. What did you discuss with her?

23 A. I talked about what was going on in paint ball.

24 Q. Okay. How many meetings did you have with her?

25 A. Four.

1 Q. About four. And how come you had more than one
2 meeting?

3 A. Because every time I went, I didn't tell her the whole
4 thing and my mom made me go back, but not made me but we
5 went back.

6 Q. Why didn't you tell her everything the first time?

7 A. Because I was scared but then afterwards, my mom told
8 me that there wasn't nothing to be scared of and Jimmy
9 wasn't really in the Army, so he couldn't hurt me.

10 Q. When you found out Jimmy wasn't in the Army, you said
11 you weren't scared?

12 A. No, sir.

13 Q. You said you had four visits with Ms. Sturkie?

14 A. Yes, sir.

15 Q. On the last visit did you tell her everything?

16 A. Yes, sir.

17 Q. After you stopped going to paint ball, did Jimmy ever
18 come to your house?

19 A. Yes, sir.

20 Q. Let me ask another question. You remember about when
21 you started going to paint ball what month it was?

22 A. No, sir, I don't remember. It was around
23 Thanksgiving.

24 Q. Okay. Did you remember when you stop going?

25 A. No, sir.

victim #2

DIRECT EXAMINATION BY MR. STEINBERG

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1 Q. Okay. Was it before or after Thanksgiving?

2 A. I would think after.

3 Q. Okay. Was it before or after Christmas?

4 A. I'm not sure.

5 Q. Okay. After you stop going to paint ball, you said
6 Jimmy came over to your house?

7 A. Yes, sir.

8 Q. What did he do at your house?

9 A. He would park his truck across the street and sit
10 there and wait and then sometimes he would come up and
11 knock on our door.

12 Q. How long would he wait there?

13 A. I'm not sure.

14 Q. Okay. And you said he knocked on your door, what kind
15 of knock was it?

16 A. Sometimes he just regular knock. Sometimes he knocked
17 real hard.

18 Q. Did that scare you?

19 A. Yes, sir. And when my mama open the door, we had to
20 hide.

21 Q. You had to hide when your mom open the door?

22 A. Yes, sir.

23 Q. Is everything you said today the truth?

24 A. Yes, sir.

25 Q. Has your mom ever asked you to lie?

- 1 A. No, sir.
- 2 Q. Do you know you're not allowed to lie in a courtroom?
- 3 A. Yes, sir.
- 4 Q. You know that you can get in trouble if you lie?
- 5 A. Yes, sir.
- 6 Q. Okay. Sandra Sturkie ever tell you to lie?
- 7 A. No, sir.
- 8 Q. Have people told you to tell the truth?
- 9 A. Yes, sir.
- 10 Q. How many people have told you to tell the truth?
- 11 A. My nanny and grandmama and my granddaddy and the other
- 12 boys parents and the boys.
- 13 Q. Okay. Are you telling the truth?
- 14 A. Yes, sir.
- 15 Q. Are you afraid of Jimmy Meggs today?
- 16 A. No, sir.
- 17 Q. Why not?
- 18 A. Because I know he can't hurt me now.
- 19 Q. Has anybody told you to lie about what happened at the
- 20 paint ball field?
- 21 A. Yes, sir.
- 22 Q. Point to the person? Are you pointing to Jimmy?
- 23 A. Yes, sir.
- 24 MR. STEINBERG: Beg the Court's indulgence. Thank
- 25 you, victim #2 Please answer any of those attorneys'

1 questions that they may have.

2 CROSS EXAMINATION BY MR. COX:

3 Q. victim #2?

4 A. Sir.

5 Q. You remember going to see Ms. Sturkie?

6 A. Yes, sir.

7 Q. I believe you said you went to see her four times?

8 A. Yes, sir.

9 Q. Okay. Do you remember the first time you went to see
10 her?

11 A. Yes, sir.

12 Q. And do you remember going that first time and what was
13 said and done?

14 A. I can't remember everything that was said and done.

15 Q. And that first time, did you tell her everything about
16 the questions she was asking you?

17 A. No, sir.

18 Q. And for what reason would you not tell her everything
19 you knew about questions asked?

20 A. Because I was scared of Jimmy.

21 Q. You were scared of Jimmy Meggs?

22 A. Yes, sir.

23 Q. What was it that made you scared of Jimmy Meggs?

24 A. I didn't know what he would do to me if I told.

25 Q. Did he ever shoot you with a paint ball gun?

1 A. No, sir.

2 Q. Okay. He ever threatened you with a paint ball gun?

3 A. Yes, sir.

4 Q. And you demonstrated to the courtroom with
5 Mr. Steinberg how close he was when he threatened you, did
6 he not?

7 A. Yes, sir.

8 Q. Now, when you would go out to paint ball, how many
9 times do you think you went out to the paint ball field?

10 A. I don't know.

11 Q. Did you ever go during the week?

12 A. I don't think.

13 Q. Pardon.

14 A. I don't think.

15 Q. Did you ever go on the weekend?

16 A. Yes, sir.

17 Q. And do you think that each time that you went, it was
18 weekends?

19 A. Yes, sir.

20 Q. Okay. And was anytime that you wanted to go that you
21 didn't go to the paint ball field?

22 A. Yes, sir.

23 Q. Why would you not go?

24 A. Because I was grounded.

25 Q. Your mother grounded you?

victim #2

D CROSS EXAMINATION BY MR. COX

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- 1 A. Uh-huh.
- 2 Q. Okay. Now, what would you be grounded for?
- 3 A. Just doing things I wasn't supposed to do.
- 4 Q. Doing things you wasn't supposed to do. Okay. Now,
- 5 you said you had a rank at the paint ball field?
- 6 A. Yes, sir.
- 7 Q. What was the group the paint ball field called? Was
- 8 there a name?
- 9 A. Yes, sir.
- 10 Q. What was that name?
- 11 A. I can't remember.
- 12 Q. You don't remember. And you mentioned that you
- 13 thought Jimmy Meggs was in the Army?
- 14 A. Yes, sir.
- 15 Q. When you learned he wasn't in the Army, then you were
- 16 not afraid of him?
- 17 A. Yes, sir.
- 18 Q. What is it about the Army that makes you afraid?
- 19 A. I didn't know that if he would come to my house and I
- 20 didn't know if he had any guns or something.
- 21 Q. Okay. What does that have to do with the Army, help
- 22 me with that?
- 23 A. Because the Army has a lot of guns and stuff.
- 24 Q. The Army has a lot of guns. And if he's in the Army,
- 25 he has lots of guns?

- 1 A. Yes, sir.
- 2 Q. Okay. Was there people who had the same rank that you
3 had out at the paint ball field?
- 4 A. Yes, sir.
- 5 Q. People who had rank higher than yours?
- 6 A. Yes, sir.
- 7 Q. People that had rank lower than yours?
- 8 A. Yes, sir.
- 9 Q. Okay. Who had the highest rank besides Mr. Meggs?
- 10 A. Austin.
- 11 Q. What was his rank?
- 12 A. A four star general.
+ team player #9
- 13 Q. *+ team player #9* was a Four Star General?
- 14 A. Yes, sir.
+ team player #9
- 15 Q. *+ team player #9* was a Four Star General. What was Mr. Meggs'
16 rank?
- 17 A. Five Star General.
- 18 Q. What is a Five Star General, do you know?
- 19 A. No, sir.
- 20 Q. Did you wear insignia when you show what your rank
21 was?
- 22 A. No, sir.
+ team player #9
- 23 Q. Did *+ team player #9* wear anything to show what his rank was?
- 24 A. I can't remember. I know Jimmy did.
- 25 Q. What did Jimmy wear?

- 1 A. He wore a strap thing with different colors on it.
- 2 Q. A strip thing with different colors on it?
- 3 A. Yeah, that like a little pin.
- 4 Q. Like a little pin?
- 5 A. Yeah.
- 6 Q. Okay. Did it have stars on it?
- 7 A. I can't remember.
- 8 Q. Okay. How many boys do you think were out there for
- 9 paint ball?
- 10 A. Near 13.
- 11 Q. Thirteen?
- 12 A. Yes, sir.
- 13 Q. Sometimes was it ever any more than 13?
- 14 A. Yes, sir.
- 15 Q. How many times do you think it was more than 13 out
- 16 there?
- 17 A. I'm not sure.
- 18 Q. Okay. Would it be whenever you go to paint ball,
- 19 would expect for than 13 people there?
- 20 A. Yes, sir.
- 21 Q. Most of the time was it more than 13 people there?
- 22 A. I'm not sure.
- 23 Q. Okay. What's the smallest group you remember being at
- 24 the paint ball field?
- 25 A. I think 12.

1 Q. Twelve. So 12 or 13 was about the average you think?

2 A. I'm not sure.

3 Q. You're not sure. Now, just tell me whenever you
4 arrived at the paint ball field, I believe you said ride
5 with Mr. Meggs take you in his truck?

6 A. Yes, sir.

7 Q. And sometimes in the trailer?

8 A. Yes, sir.

9 Q. Would he hook the trailer to the back of the truck?

10 A. Yes, sir.

11 Q. And so did he drive a pick-up truck with some boys in
12 the back of the truck?

13 A. Yes, sir.

14 Q. Some boys in the trailer?

15 A. Yes, sir.

16 Q. Some boys ride up front in the truck?

17 A. Yes, sir.

18 Q. Where did you like to ride?

19 A. In the back.

20 Q. Of the truck or trailer?

21 A. The truck.

22 Q. The truck. Did you ever ride in that truck or trailer
23 to go anywhere besides the paint ball field?

24 A. Yes, sir.

25 Q. Where did you go?

victim #2

D CROSS EXAMINATION BY MR. COX

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- 1 A. To the motel and a motel and to the store up -- right
2 down the street from the paint ball.
- 3 Q. Okay. And how many people when you went to the motel,
4 how many people when you went to the motel?
- 5 A. It was just me and ^{victim #1}
6 Q. Just you and ^{victim #1} the two of you?
- 7 A. Yes, sir.
- 8 Q. Why were you going to a motel?
- 9 A. Because I asked my mom and she said I could.
- 10 Q. What did you plan to do when you got to the motel?
- 11 A. I don't know.
- 12 Q. What were you going to do the next day?
- 13 A. Go home.
- 14 Q. Go home?
- 15 A. Yes, sir.
- 16 Q. Okay. How long did you stay at the motel?
- 17 A. About 30 minutes.
- 18 Q. Thirty minutes. Did you -- had you been out on the
19 paint ball field?
- 20 A. Before that?
- 21 Q. Yeah.
- 22 A. Yes, sir.
- 23 Q. And did you have your uniform on, your paint ball
24 uniform?
- 25 A. At the motel?

1 Q. Uh-huh.

2 A. Yes, sir.

3 Q. Okay. And when you got to the motel, did you take a
4 shower?

5 A. Yes, sir.

6 Q. And did your brother take a shower?

7 A. Yes, sir.

8 Q. While your brother was taking a shower, what did you
9 do?

10 A. Watch T. V.

11 Q. Watch T. V. And who watched T. V. with you while your
12 brother was taking a shower?

13 A. Jimmy.

14 Q. And did Jimmy take shower?

15 A. Yes, sir.

16 Q. What did you do while Jimmy was taking a shower?

17 A. Play with victim #1

18 Q. Play with your brother victim #1

19 A. Yes, sir.

20 Q. And tell me again why you only stayed 30 minutes at
21 the motel?

22 A. Because Jimmy had to go to work.

23 Q. He had to go to work?

24 A. Yes, sir.

25 Q. You know what that job he has?

- 1 A. Yes, sir.
- 2 Q. What is that?
- 3 A. He worked on the train.
- 4 Q. Worked on a train. Jimmy Meggs is an adult; is that
- 5 right?
- 6 A. Yes, sir.
- 7 Q. Now, the young man that you mentioned *team player #9* is he an
- 8 adult?
- 9 A. No, sir.
- 10 Q. What is he?
- 11 A. He's a kid.
- 12 Q. He's a kid?
- 13 A. Yes, sir.
- 14 Q. Kid like you?
- 15 A. Yes, sir.
- 16 Q. Okay. Do you ever remember anyone by the name of
- 17 Reggie Sumner?
- 18 A. No, sir.
- 19 Q. Did you remember an adult coming out and bringing
- 20 uniforms?
- 21 A. Yes, sir.
- 22 Q. Do you know who that was?
- 23 A. No, sir.
- 24 Q. Okay. Do you know an adult by the name of Chris
- 25 Gough?

1 A. Yes, sir.

2 Q. Pardon.

3 A. Yes, sir.

4 Q. And who was he?

5 A. ^{team player #9}
's dad.

6 Q. Did he ever come out?

7 A. Yes, sir.

8 Q. And did he ever help you put up tents?

9 A. Yes, sir.

10 Q. Did he ever spend the night out there with you?

11 A. Yes, sir.

12 Q. Do you remember the name Will Brice?

13 A. No, sir.

14 Q. Okay. Thinking back to the time you were at the paint
15 ball field, what would be the largest number of adults that
16 were out there with you or the most adults?

17 A. Two.

18 Q. Two. And who were those adults?

19 A. ^{team player #9}
Jimmy and 's dad sometimes.

20 Q. Okay. Did you ever remember Austin's dad and the
21 gentleman that brought the uniforms been out there at the
22 same time, be out there together?

23 A. No, sir.

24 Q. You don't. So just most you remember is two adults
25 being out there?

1 A. Yes, sir.

2 Q. Okay. Now, things that you say happened, made you
3 feel uncomfortable. You didn't tell Ms. Sturkie about that
4 the first time, did you?

5 A. No, sir.

6 Q. Did your brother tell you what he had told
7 Ms. Sturkie?

8 A. No, sir.

9 Q. He didn't. You and he never discussed it?

10 A. No, sir.

11 Q. Then would you go home and tell your mother what you
12 had told Ms. Sturkie?

13 A. No, sir.

14 Q. You never told her?

15 A. No, sir.

16 Q. If you never told her, then how did your mother know
17 to send you back each time so you would tell Ms. Sturkie
18 something else?

19 A. Because she wanted to make sure that we told her
20 everything.

21 Q. Well, how would your mother know what you told
22 Ms. Sturkie if you didn't tell her?

23 A. I don't know. I guess, my little baby sister.

24 Q. So you told your little baby sister everything you
25 told Ms. Sturkie?

1 A. Yes, sir.

2 Q. You told your baby sister, but you didn't tell your
3 mother?

4 A. No, sir.

5 Q. And you didn't tell your brother?

6 A. No, sir -- yeah, I told my brother, too.

7 Q. You told your brother?

8 A. Yes, sir.

9 Q. So you did discuss with your brother what Ms. Sturkie
10 was saying?

11 A. Yes, sir.

12 Q. How many times do you think you talk with Ms. Sturkie
13 before you told her what you say was the whole story?

14 A. Three.

15 Q. Three times?

16 A. Yes, sir.

17 Q. Okay. All right. And tell me again if you will, that
18 whole story that you told was it what you knew?

19 A. Yes, sir.

20 Q. What you saw?

21 A. Yes, sir.

22 Q. And not what somebody said?

23 A. Yes, sir.

24 Q. Did you tell her what somebody else said?

25 A. No, sir.

victim #2

CROSS EXAMINATION BY MR. COX

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- 1 Q. So basically exactly what you knew?
- 2 A. Yes, sir.
- 3 Q. You saw?
- 4 A. Yes, sir.
- 5 Q. When you talk with Ms. Sturkie the first time, you
- 6 didn't tell her about anything bad, did you?
- 7 A. No, sir.
- 8 Q. But do you recall telling her that you were afraid of
- 9 team player #5
- 10 A. Yes, sir.
- 11 Q. And were you afraid of team
- 12 A. Yes, sir.
- 13 Q. And why were you afraid of player #5?
- 14 A. Because he was mean.
- 15 Q. How was he mean?
- 16 A. Well, he did mean stuff to me and my brother.
- 17 Q. Like what?
- 18 A. Well, one time he took my brother and held him over a
- 19 fire.
- 20 Q. Held your brother over a fire?
- 21 A. Yes, sir.
- 22 Q. And your brother's clothes catch on fire?
- 23 A. Yes, sir.
- 24 Q. Okay. How long did he hold him over the fire?
- 25 A. I don't know.

victim #2

1 Q. Okay. Anything besides hold your brother over a fire?

2 A. He was just mean. I don't know.

3 Q. Was he the only one out there that was mean?

4 A. Yes, sir.

5 Q. Now, he ever point a paint ball gun at you and say I'm
6 going to count to five and you better run, but he count
7 real fast and shoot you anyway?

8 A. Yes, sir.

9 Q. Tell me about that?

10 A. Well, every time we went to go get firewood, he would
11 make us like get up in a line and we had to run from him
12 and then he would shoot us with the paint ball gun and try
13 to shoot us while we're running.

14 Q. How close was he when he shoot you?

15 A. He was -- okay, there's a ditch right here and there's
16 a field going this way and they were on the other side of
17 the ditch and we were on this side and we ran.

18 Q. Okay. When you run, would you wear safety goggles?

19 A. No, sir.

20 Q. Did you ever wear safety goggles to protect your eyes?

21 A. Yes, sir.

22 Q. Who made you wear safety goggles?

23 A. Jimmy.

24 Q. Jimmy made you wear safety goggles?

25 A. Yes, sir.

victim #2.

CROSS EXAMINATION BY MR. COX

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- 1 Q. ~~Team player #5~~ he would make you wear safety goggles?
- 2 A. Well, we couldn't wear them because when we brief, our
- 3 eyes fogged up and if we like step on a snake or something
- 4 we wouldn't know.
- 5 Q. So when you're running, you couldn't wear them?
- 6 A. Yeah.
- 7 Q. Is that right?
- 8 A. Yes, sir.
- 9 Q. After you quite running, would you put them on?
- 10 A. No, sir.
- 11 Q. Would you like to wear goggles?
- 12 A. Yes, sir.
- 13 Q. But they fogged up on you?
- 14 A. Yes, sir.
- 15 Q. Now, did ~~team~~ ^{team} ~~player~~ ^{player} make you march down to the store?
- 16 A. No, sir.
- 17 Q. Who march you down to the store?
- 18 A. Jimmy.
- 19 Q. Tell us about going to the store?
- 20 A. We were just marching up there.
- 21 Q. Marching. Do you know why you went to the store?
- 22 A. To get -- no, sir -- well, we went up there to get
- 23 drinks.
- 24 Q. To get drinks?
- 25 A. Yes, sir.

- 1 Q. And now there's a trailer park there also is it not?
- 2 A. Yes, sir.
- 3 Q. Did you ever go to the trailer park?
- 4 A. Yes, sir.
- 5 Q. What did you go over there for?
- 6 A. Jimmy went out with some of the other boys. We had to
- 7 go begg for food because he didn't come back with any food.
- 8 Q. Okay. So tell me about Jimmy Meggs leaving you there,
- 9 was it daytime or nighttime?
- 10 A. Nighttime.
- 11 Q. Nighttime. Was it time to go to bed?
- 12 A. Well, we left at daytime and didn't come back until
- 13 night.
- 14 Q. Left at daytime and didn't come back until night? Do
- 15 you know who went with him?
- 16 A. No, sir.
- 17 Q. Okay. When he came back, it was nighttime?
- 18 A. Yes, sir.
- 19 Q. Now, nighttime y'all had guards?
- 20 A. Yes, sir.
- 21 Q. Had you already started your guards when he came back?
- 22 A. No, sir, we were out getting food.
- 23 Q. You were out getting food?
- 24 A. Yeah.
- 25 Q. And you went to -- how many mobile homes did you go to

1 to get food?

2 A. Well, we went to one and drink out the water hose and
3 then we went to another one and this lady gave us a pie.

4 Q. Gave you a pie?

5 A. Yes, sir.

6 Q. A homemade pie?

7 A. Yes, sir.

8 Q. Who ate the pie?

9 A. We all did.

10 Q. How many boys was out getting food at the mobile
11 homes?

12 A. About five people and the other people still at the
13 camp.

14 Q. Five people went for food and other people stayed at
15 the camp. Now, who was in charge while Jimmy Meggs left?

16 A. team player #6

17 Q. team player #6?

18 A. Yes, sir.

19 Q. And did team player #6 send you to get the food?

20 A. Huh.

21 Q. Jimmy Meggs left and team player #6 was in charge?

22 A. Yes, sir.

23 Q. Did team player #6 tell you to go get the food?

24 A. Yes, sir, he went with you us.

25 Q. He went with you?

1 A. Uh-huh.

2 Q. Is ~~few~~ ^{camp} ~~player~~ [#] older than you?

3 A. Yes, sir.

4 Q. When did you first if you know, when did you first
5 realize something was wrong at paint ball camp?

6 A. I don't understand.

7 Q. When did something at paint ball camp first happen
8 that you didn't like or you didn't think was right?

9 A. Second weekend.

10 Q. What was that that happened?

11 A. We had to suck each other penis and nasty stuff.

12 Q. And when that happened, who all was there?

13 A. The boys at the camp.

14 Q. How many boys do you think was at the camp?

15 A. I don't know.

16 Q. Now, how many tents did you have?

17 A. Three.

18 Q. Three tents. Which tent was your favorite tent?

19 A. The big one.

20 Q. The big one. Now, when you were told that if you
21 didn't do these things, they shoot you with the paint ball.
22 Were you out by the fire?

23 A. Yes, sir.

24 Q. Were you in the tent?

25 A. No, sir.

victim #2

CROSS EXAMINATION BY MR. COX

EXAMINATION BY MR. STEINBERG 297

1 Q. Or was it outside?

2 A. Outside.

3 MR. COX: Nothing further. Thank you.

4 THE COURT: Any redirect?

5 MR. STEINBERG: Yes, sir.

6 REDIRECT EXAMINATION BY MR. STEINBERG:

7 Q. You use the term sometimes more or sometimes less when
8 you talk about the boys who were out at the paint ball
9 field. You also said that 12 or 13 boys were there?

10 A. Yes, sir.

11 Q. Is that correct?

12 A. Yes, sir.

13 Q. Were there sometimes more boys in 12 or 13?

14 A. Yes, sir.

15 Q. Were they sometimes less boys than 12 or 13?

16 A. Yes, sir.

17 Q. When you were out at the paint ball field, were you
18 always around very close to the 12 or 13 boys or however
19 many boys were out there?

20 A. Yes, sir, we all had to just stay around except for
21 the five boys that were getting food.

22 Q. Okay. Well, I'm talking about one instance, just
23 generally?

24 A. We had to stay together.

25 Q. Okay. Did anybody have to leave the camp for any

1 reason?

2 A. Well, Jimmy, he would like give us test and shoot
3 somebody else with the paint ball gun. We like had pass
4 words, but I can't remember what it is. If you didn't say
5 a password, we kept on saying it and if we said it three
6 times, we had to shoot the person if they didn't say the
7 pass words.

8 Q. Okay. Did every boy always spend the night?

9 A. No, sir.

10 Q. Some boys have to go home early sometimes?

11 A. Yes, sir.

12 Q. Okay. How often did Chris Gough, the adult, spend the
13 night?

14 A. Twice.

15 Q. Were you out there more than two times?

16 A. Yes, sir.

17 Q. Were you ever out there when there was no adults
18 except for Jimmy?

19 A. Yes, sir.

20 Q. And how many times was that?

21 A. Several times.

22 Q. Okay. There was some questions about why you told
23 Ms. Sturkie somethings. You remember those questions that
24 were being asked?

25 A. Yes, sir.

Victim #2 _____

REDIRECT EXAMINATION BY MR. STEINBERG

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1 Q. And did you go back to Ms. Sturkie?

2 A. Because I knew that I didn't tell her everything and I
3 needed to tell her everything.

4 Q. Okay. Did your mom tell you to tell her stories?

5 A. No, sir.

6 Q. Did your mom ever tell you to tell her lies?

7 A. No, sir.

8 Q. What did your mom tell you?

9 A. She said to tell the truth.

10 Q. Okay. Did you tell more or less information to
11 Ms. Sturkie on the first pardon me -- you went on one trip
12 right to Ms. Sturkie?

13 A. No.

14 Q. Ms. Sturkie? Sandra?

15 A. I went four trips.

16 Q. Okay. Four trips. On the second trip, you tell
17 Ms. Sturkie more than you told her on the first trip?

18 A. Yes, sir.

19 Q. On the third trip, you tell her more than you told her
20 on the second trip?

21 A. Yes, sir.

22 Q. On the fourth trip, did you tell her more than you
23 told her on the first, the second, and the third trips?

24 A. Yes, sir.

25 Q. On the forth trip, did you tell her everything

1 truthful?

2 A. Yes, sir.

3 Q. Okay. This ^{team player #5 or #6} that came that you mentioned, is he
4 an adult or a kid?

5 A. He's like or .

6 Q. or Tell me about ~~team player~~ relationship
7 with Jimmy Meggs? What do you know about them?

8 A. That they were on the same paint ball team.

9 Q. Do you know if they were friends?

10 A. No, sir.

11 Q. Okay. You said that Johnny Booker held either you or
12 your brother over a fire?

13 A. Yes, sir.

14 Q. Did you ever tell Jimmy about this?

15 A. He was there when it happened, I think. I don't know.

16 Q. Okay. But whether he was there or not, did you ever
17 tell him about it?

18 A. I can't remember.

19 Q. Okay.

20 MR. STEINBERG: Beg the Court's indulgence. Thank
21 you, that's all the questions.

22 THE COURT: Thank you, sir, you may step down.

23 (The witness left the witness stand.)

24 THE COURT: Next witness, sir.

25 MR. STEINBERG: The next witness the State would

1 call would be Merline Buntin.

2 THE COURT: Ask if you will come around and place
3 your left hand on the Bible and raise your right hand.

4 CLERK OF COURT: Do you swear the testimony you give
5 will be the truth, the whole truth, and nothing but the
6 truth so help you God?

7 MS. BUNTIN: I do.

8 CLERK OF COURT: Be seated and state your name for
9 the record?

10 MS. BUNTIN: Merline Ackwell Buntin.

11
12 MERLINE BUNTIN, being first
13 being duly, sworn testified as follows:

14 DIRECT EXAMINATION BY MR. STEINBERG:

15 Q. Ms. Buntin, what do you go by?

16 A. Merline.

17 Q. Where do you work?

18 A. Timrod Elementary School.

19 Q. What do you do there?

20 A. I'm a cafeteria bookkeeper.

21 Q. Do you have any other jobs?

22 A. I use to be the after-school care coordinator.

23 Q. At where?

24 A. At Timrod school.

25 Q. And do you know the ~~with~~ brother's?

1 A. Yes, I do.

2 Q. How do you know them?

3 A. From Timrod school since they were in kindergarten and
4 they were in the after-school care part of the time I was
5 coordinator and they go to church.

6 Q. You say they go to church?

7 A. Yeah, with me.

8 Q. Who's church is that?

9 A. Quinby Methodist Church.

10 Q. And do you have any time during church activities when
11 you have a chance to see them?

12 A. Yes, I was picking them up because they live in our
13 neighborhood and I was picking them up and taking them
14 because I pick up some other children.

15 Q. Okay. Did you have an opportunity to drive victim #1
16 d any place?

17 A. Yes, to church.

18 Q. Okay. And when was this?

19 A. I did it for a while, but this happened the first that
20 this happened.

21 Q. Okay. Did you have a conversation with victim #1

22 A. Yes.

23 Q. Who else was in the vehicle?

24 A. His sister

25 Q. : younger or older than he is?

1 A. Younger.

2 Q. Okay. I have to ask you some very specific questions
3 that I can only ask you the date and the place, okay. So
4 limit yourself to just those answers?

5 A. Okay.

6 Q. Did ~~victim #1~~ relate to you that he had been subject to --
7 I just use the term sexual misconduct?

8 A. Yes.

9 Q. Okay.

10 A. Now, his sister said it and he said, yes, that it was
11 true.

12 Q. What did you do?

13 A. I told him that -- asked him if he had told his
14 mother.

15 MR. COX: Objection, Your Honor.

16 MR. STEINBERG: Yes, sir, I'll try to narrow it
17 down.

18 Q. I have to ask you very simple questions.

19 A. Okay.

20 Q. Where did he say this abuse occurred?

21 A. At a camp he went to.

22 Q. Okay. And my only other question on that is, when did
23 he say it occurred?

24 A. When he was on a weekend camp out.

25 Q. Okay. A weekend camp out?

1 A. Uh-huh.

2 Q. What did you do with this information that you were
3 told?

4 A. I told him we needed to talk to his mother and I did.

5 Q. Okay. Did you -- on the date he told you, did you
6 talk to him again?

7 A. Just after church, I told him that we needed to talk
8 to his mother.

9 MR. COX: Objection, Your Honor.

10 Q. Did you have a discussion with him again?

11 A. Yes.

12 Q. Okay. Did you bring up a discussion what happened,
13 how did he react?

14 A. Very nervous and...

15 Q. And what did you do after that?

16 A. I talk to his mother. He ran got in the car and I
17 talk to his mother and told her what he had told me.

18 Q. Okay. In case I haven't introduced myself, my name is
19 Howard Steinberg. Have I ever spoken to you?

20 A. Yes.

21 Q. How did I speak to you?

22 A. Over the telephone.

23 Q. Over the telephone. Okay. Did you ever see this
24 gentleman over here in the red jacket?

25 A. No, sir.

MERLINE BUNTIN DIRECT EXAMINATION BY MR. STEINBERG
MERLINE BUNTIN CROSS EXAMINATION BY MR. COX

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1 Q. Has he ever told you to -- has anybody ever told you
2 to lie in this case?

3 A. No.

4 Q. Are you friends with ^{mother of victim} ?

5 A. I know her just as being the children's mother.

6 Q. Okay. Are you close personal friends at all?

7 A. No.

8 Q. Has ~~women of victim~~ ever asked you to lie?

9 A. No.

10 MR. STEINBERG: Please answer any of the opposing
11 parties questions.

12 CROSS EXAMINATION BY MR. COX:

13 Q. Ms. Buntin, how many children are in the Watford
14 family?

15 A. Three.

16 Q. Three. They were who?

17 A. victim #1 victim #2 and sister

18 Q. Okay. Did you ever mention that there's a second
19 sister that you recall?

20 A. I think they have, but I don't know her name or
21 anything.

22 MR. STEINBERG: Your Honor, objection as to
23 relevance as to that.

24 THE COURT: I'm going to sustain that unless there's
25 something.

1 MR. COX: I'm trying to establish how well she knows
2 them.

3 THE COURT: All right.

4 Q. And how long have you known the victim #1, victim #2 ?

5 A. Since, they were in kindergarten.

6 Q. Two years, three years?

7 A. About four years, I guess.

8 Q. Four years. And they knew you on sight and call you
9 by name?

10 A. Yes.

11 Q. How often do you think you picked them up to take them
12 to church? Would it be once a month?

13 A. No, once a week.

14 Q. Once a week. And over what period of time?

15 A. When this happened, I had just started again taking
16 them.

17 Q. And how long it been since you taken them before?

18 A. Well, I hadn't taken them before.

19 Q. You never had. So this is the first time you taken
20 these children?

21 A. But they knew me. It's not like the first time I been
22 around them.

23 Q. Yes, ma'am. This the first time you taken them to
24 church?

25 A. Yes, sir.

1 Q. First time. Now, the sister that brought the subject
2 up, how did this sister appear that evening, like you were
3 expecting her to appear, her demeanor?

4 A. Uh-huh.

5 Q. Ma'am?

6 A. Yes.

7 Q. And the sister just brings this subject up?

8 A. Well, I had asked them to come to a campout Friday
9 night that the church was having and they said they
10 couldn't go. And he said he didn't want to go to the
11 campout and that's when she brought it up why he didn't
12 want to go.

13 Q. And the sister seems to know what was going on?

14 A. Yes.

15 MR. COX: Nothing further.

16 THE COURT: Any redirect, sir?

17 MR. STEINBERG: No, sir, that will be all.

18 THE COURT: Thank you, ma'am, you may step down.

19 (The witness left the witness stand.)

20 THE COURT: Next witness, sir.

21 MR. STEINBERG: Witness will be ^{victim's} mother

22 THE COURT: ^{victim's} mother, if you will come around to
23 the front please, ma'am. Come down and place your left
24 hand on the Bible and raise your right hand, please.

25 CLERK OF COURT: You swear the testimony you give

mother

DIRECT EXAMINATION BY MR. STEINBERG

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1 will be the truth, the whole truth, and nothing but the
2 truth so help you God?

3 victim's mother : I do.

4 CLERK OF COURT: Be seated and state your name for
5 the record?

6 MS. victim's mother l.

7 mother, being first
8 duly sworn, testified as follows:

9 DIRECT EXAMINATION BY MR. STEINBERG:

10 Q. victim's mother, what do you normally go by?

11 A. mother

12 Q. Okay. And how old are you?

13 A. Thirty-one.

14 Q. What town do you live in?

15 A. Florence.

16 Q. And who do you live with?

17 A. My three children.

18 Q. And what are their names?

19 A. victim #1 victim #2 and

20 Q. Okay. And does anybody else live in the house?

21 A. Uh-uh.

22 Q. And who live with you in 1999?

23 A. Me and my three children.

24 Q. Did the boy's father live in the house at that time?

25 A. Uh-uh.

victim's mom
DIRECT EXAMINATION BY MR. STEINBERG

309

1 Q. Okay. Do you know Jimmy Meggs?

2 A. Yes, I do.

3 Q. How do you know Mr. Meggs?

4 A. He was the captain of the paint ball team my children
5 were in.

6 Q. And how did you first meet him?

7 A. He came to my house with *team player #9*

8 Q. Okay. He came with *team player #9*?

9 A. Uh-huh..

10 Q. Will you clarify something for me, is *team player* the
11 same person as *team player #9* Dowless?

12 A. Yeah. Uh-huh.

13 THE COURT: Ms. *victim's mom* uh-huh or uh-uh, sometimes
14 it's hard to understand. I need for you to answer.

15 *victim's mom* : I'm sorry.

16 Q. When did you first meet Jimmy Meggs?

17 A. It was fall of 1999 in October.

18 Q. Okay. And did your boys go any place with Jimmy
19 Meggs?

20 A. Yes, they did.

21 Q. Where did they go?

22 A. They went to paint ball camp. They been bowling and
23 they been to eat with him.

24 Q. Okay. To the best of your knowledge, did they go any
25 place else?

*W. T. F. M. S.
man*

DIRECT EXAMINATION BY MR. STEINBERG

310

- 1 A. Not to the best of my knowledge.
- 2 Q. Okay. Who paid when they went out to eat these
- 3 places?
- 4 A. He did.
- 5 Q. Why did Jimmy say he was taking your boys places?
- 6 A. He just wanted to spend time with them. He wanted to
- 7 -- it was under the assumption that he was trying to be a
- 8 role model.
- 9 Q. Did he say that or are you saying that?
- 10 A. I'm sorry?
- 11 Q. Did he say that or you saying that?
- 12 A. I'm say that.
- 13 Q. Okay. Do you remember any terms he used?
- 14 A. That he just wanted to -- he started the paint ball
- 15 team and that he had organized that.
- 16 Q. Okay. Where was the paint ball team located?
- 17 A. In Pamplico.
- 18 Q. And in what county is Pamplico?
- 19 A. Pamplico is Florence County.
- 20 Q. Okay. Do you remember when the boys first went?
- 21 A. We meet him like around in October and it was two
- 22 weeks before the camp actually started. So in the middle
- 23 of October.
- 24 Q. Okay. The middle of October?
- 25 A. It was the first weekend that they went.

Witness memo

DIRECT EXAMINATION BY MR. STEINBERG

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1 Q. Okay. And when was the first time that they had an
2 overnight?

3 A. The first solid weekend. They help clean up the field
4 two Saturdays before they went for the first weekend. And
5 like I said started like the beginning of October, around
6 the beginning. So that would put it in the middle when
7 they spent the first weekend there.

8 Q. Okay. And how can you recall when they went?

9 A. We actually pulled up dates on calenders that my
10 mother and I had had via work schedule,

11 Q. Okay. And who asked you to look at these particular
12 dates?

13 A. Anybody involved -- we were trying to get a specific
14 time line.

15 Q. Did you establish that -- after the first time they
16 went to an overnight camp was that on, before or after
17 October 15th?

18 A. It would have to be right around that date. As far as
19 the day that October 15th was on, I don't remember.

20 Q. Okay.

21 A. But it was right in the middle is when the weekend
22 trip started.

23 Q. Okay. They have more weekend trips after that?

24 A. Yes, sir.

25 Q. Okay. And how -- do you remember the last time they

victim #1

1 went?

2 A. It was right around Thanksgiving.

3 Q. Okay. And do you remember what day they went? Did
4 you ever remember discussing it with Jimmy Meggs?

5 A. Yes, I did. The main discussion I had with him was
6 the longest discussion I had with him, was the very first
7 day I met him to find out information concerning what the
8 paint ball team was and find out what his goal was and
9 things like that.

10 Q. Okay. And what did he tell you?

11 A. That he had organized this; that he was trying to
12 recruit children from churches or schools or just try to
13 really get a group of people to start this up. It was
14 something that was just starting and trying to recruit as
15 many people as he could.

16 Q. Where was this discussion?

17 A. It was at my house.

18 Q. Who else was at this discussion?

19 A. My children and *team player #9*

20 Q. Okay. Do you remember when this discussion was?

21 A. No, I really don't.

22 Q. Okay. Why did you let *victim #1 victim #2* go with the
23 defendant?

24 A. It really sounded really good. It was -- sounded very
25 official, well organized and I thought that it would be a

1 good influence for two boys that didn't have a father in
2 the home and didn't have a whole lot of activities to do
3 and would be around other children. And he always referred
4 to it as being R. O. T. C. type thing, military type. So
5 it sounded like a disciplinary thing, too.

6 Q. Let me back up I skipped a question earlier. You said
7 you checked your calender?

8 A. Uh-huh.

9 Q. Did the boys spend the night after Halloween or before
10 Halloween? Do you know from checking your calender?

11 A. I'm not a hundred percent, but the weekends -- when
12 the weekends started, they were consistent for, you know,
13 at least three to four weeks. It was every weekend. So it
14 would have to be -- it would kind of have to bleed over
15 into that -- of course, when holidays, I said Halloween
16 would fall into that. Thanksgiving would fall into that.
17 And so Holidays they wouldn't be going with them if it came
18 on the weekend.

19 Q. Okay. So during the holiday they wouldn't have gone
20 on the weekend?

21 A. Uh-uh.

22 Q. It was three to four weeks consistent?

23 A. Uh-huh. It was every weekend.

24 Q. Did they go from three to four weeks overnight trips
25 prior to Halloween October 31st?

victim's mom

DIRECT EXAMINATION BY MR. STEINBERG

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1 A. Uh-huh.

2 Q. They did go for three to four weeks. Did they go for
3 three to four weeks after?

4 A. No not too long after that.

5 Q. Okay. Did they stop going before or after
6 Thanksgiving?

7 A. They probably stopped -- I really cannot remember. I
8 remember they stopped definitely before the Christmas
9 holidays were coming up. And those kind of come out, you
10 know before the actual 25th. There's a week there on
11 Thanksgiving, they would have to have stayed at home for a
12 period of time there.

13 Q. Did you ever inquire into the defendant's background?

14 A. I asked him.

15 Q. What did he say?

16 A. He said that that he was in the National Guard on some
17 weekends and that he had military background.

18 Q. Okay. Did he ever say what rank he was in the
19 National Guard?

20 A. A captain.

21 Q. Did he ever tell you what the name of the paint ball?

22 A. Vanguard Knights.

23 Q. Vanguard Knights?

24 A. Uh-huh.

25 Q. What did victim #1, victim #2 wear to the paint ball camp?

victim's mom

- 1 A. They had been donated -- there were Army fatigue that
2 were donated.
- 3 Q. Where did the boys get them?
- 4 A. There was a man and I don't remember his name. I did
5 meet him. I saw him at night one time when I took them out
6 to the paint ball team. But there was an older gentleman
7 that had brought them to them. And they were there because
8 there had to be adults in uniforms because they were really
9 big on them.
- 10 Q. Did Jimmy ever say -- Jimmy Meggs ever say who the
11 person was?
- 12 A. I believe he did introduce me, but I do not remember
13 his name.
- 14 Q. Did Jimmy ever say where the uniforms came from?
- 15 A. The Army.
- 16 Q. Okay. Did he ever say who sponsored the paint ball
17 league?
- 18 A. No, I do not recall that.
- 19 Q. Okay. Did Jimmy give your boys anything else?
- 20 A. He did give them a knife one time. I remember that
21 because they weren't allowed to have knives at that age.
- 22 Q. Okay. Why did the boys stop going to paint ball?
- 23 A. When this was brought up and the charges or the
24 allegations toward Jimmy came out; that's when it stopped.
- 25 Q. Okay. Did you have a conversation with Merline

victim #1

DIRECT EXAMINATION BY MR. STEINBERG

316

1 Buntin?

2 A. Yes, I did.

3 Q. Who as Merline Buntin?

4 A. She is the lady who works at the cafeteria where my
5 children attend school and she also goes to the church they
6 were going to.

7 Q. Is she a good friend of yours?

8 A. Yes.

9 Q. Okay. And when did you have this conversation?

10 A. It was on a Wednesday night. They were at church and
11 I had gone to church to pick them up from their Bible study
12 that night.

13 Q. And what did you do after you had the conversation
14 with Ms. Buntin?

15 A. I called my mom. And the next morning we -- it was a
16 chain reaction. She got in touch with Jimmy Gregg and from
17 there we were in contact with Bryan Kennedy.

18 Q. Okay. Did you ever have any conversations with ^{victim #1}
19 and ^{victim #2} with what I call inappropriate activities?

20 A. Yes, I did.

21 Q. I have to ask you some very poignant questions. Where
22 did the boys say it happened?

23 A. At paint ball camp.

24 Q. Okay. And when did they say it happened?

25 A. Every weekend.

Victims mom

DIRECT EXAMINATION BY MR. STEINBERG

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1 Q. Every weekend?

2 A. They said at one time they had told me it started the
3 very first weekend that they went.

4 Q. Okay. And what did they say -- you say the first
5 time?

6 A. Uh-huh.

7 Q. And what did they say after that?

8 A. They said that it was every weekend something
9 happened, something was happening.

10 Q. Okay. Had they said it happened in the distant past
11 or recently or when?

12 A. What do you mean?

13 Q. Well, how far back in the past did they say it
14 happened? Did they say it was recently or in the past or
15 just in your own words?

16 A. Whenever they finally came out?

17 Q. Yeah.

18 A. When it came out when Ms. Buntin finally told me about
19 it, they were still actively involved with the paint ball
20 camp.

21 Q. After you found out?

22 A. So after I found out about it -- when I found out
23 about it, I had assumed that it was going on until that
24 point.

25 Q. Okay. Why do you have this assumption?

1 A. Because they were talking to me about it.

2 Q. Okay. And you say you spoke to Jimmy Gregg? Who is
3 Jimmy Gregg?

4 A. My father did. He's the Sheriff of Florence County.

5 Q. Okay. And what did you do after that?

6 A. After that, we were in touch with Bryan Kennedy. We
7 were also put in touch with Sandra Sturkie at the Durant
8 Children's Center.

9 Q. And do you know what date you -- the first time you
10 took the boys?

11 A. December the 10th.

12 Q. And how do you know it's December 10th?

13 A. That's my daughter's birthday.

14 Q. Which daughter is that?

15 A. My youngest daughter

16 Q. Okay. Did you ever bring your -- how many times did
17 you take the boys?

18 A. I believe it was about four times before both of them
19 would talk freely about it.

20 Q. Okay. You say talk freely. Do you ever tell your
21 boys not to talk freely about it?

22 A. No, I didn't tell them not to talk freely about it. I
23 just told them that I knew that it would be something hard
24 for them. We did have one -- I believe victim #2 was talking
25 more than victim #1 think the term that they told me at that

victim #1 on

DIRECT EXAMINATION BY MR. STEINBERG

319

1 point that we had a victim with no witness, the way they
2 described it. ^{victim #2} was talking a little bit more freely.
3 He was a little bit more comfortable with Sandra. Joshua
4 wasn't.

5 Q. Okay. Did you drive the boys there?

6 A. Yes, I did.

7 Q. Okay. During your trips there, did you ever tell them
8 not to tell the truth?

9 A. No.

10 Q. When you were at your home, have you ever told them
11 not to tell the truth?

12 A. No.

13 Q. Do you have any rules in your house about telling the
14 truth?

15 A. Oh, yes.

16 Q. Do the boys know this rule?

17 A. Yes.

18 Q. Have you ever noticed a change in the boys behavior?

19 A. Yes.

20 Q. Tell us about this change?

21 A. victim #2, s really easy going. He's a lot harder to
22 notice any change. But victim #2 he got really angry inside
23 for a while. He -- their grades dropped in school. The
24 best way I can describe it is that you can tell victim #1 has
25 a lot of anger in him.

vs 4-25-57 M OM

DIRECT EXAMINATION BY MR. STEINBERG

CROSS EXAMINATION BY MR. COX

320

1 Q. Can you point to Jimmy Meggs?

2 A. That's Jimmy.

3 Q. Did you ever date Jimmy Meggs?

4 A. No.

5 Q. Have you ever wanted to date Jimmy Meggs?

6 A. No.

7 Q. Did you ever go out on a date?

8 A. No.

9 Q. Did you ever tell anyone you want him as a boyfriend?

10 A. No.

11 Q. Once you found out the information from -- once you
12 found out about the allegations, how long did you wait
13 until you informed anybody else?

14 A. I informed them immediately, the authorities
15 immediately like I said that very night.

16 Q. Okay.

17 A. It was a chain reaction.

18 MR. STEINBERG: Thank you please answer any of the
19 opposing attorneys questions.

20 MR. COX: Court indulgence for just a moment.

21 CROSS EXAMINATION BY MR. COX:

22 Q. Ms. *mom* did you think at any time that the
23 program that the boys were in at the paint ball field with
24 Jimmy Meggs, did you think that was a R. O. T. C. program?

25 A. Yes, sir.

victim's mom

CROSS EXAMINATION BY MR. COX

321

1 Q. What made think it was a R. O. T. C. program?

2 A. I believed it was military base. R. O. T. C. and the
3 National Guard were some words that were used.

4 Q. Okay. You know what an R. O. T. C. program is?

5 A. Only through what I would have seen in high school.

6 Q. Okay. And to your knowledge have there ever been a
7 R. O. T. C. program for children in grammar school the age
8 of your boys?

9 A. No.

10 Q. Now, you did not know Jimmy Meggs until I believe the
11 issue of the paint ball?

12 A. Yes, that's right.

13 Q. Is that correct. And so when he came to your house on
14 the paint ball, you had never seen him before?

15 A. No, sir.

16 Q. Okay. And the boys were allowed to go first to clean
17 up the field?

18 A. Yes, sir.

19 Q. Okay. And when they cleaned up the field, did you go
20 see where that field was?

21 A. I didn't go to the field until the very first weekend
22 they were gonna go spend the night and I took them out
23 there.

24 Q. Okay. How many times do you think you actually took
25 them to the field?

Vintim's Mom

) CROSS EXAMINATION BY MR. COX

322

- 1 A. I took them to the field two times.
- 2 Q. Two times. Now, how many children do you have?
- 3 A. I have four altogether.
- 4 Q. Four. And you mentioned a daughter and what's her
- 5 name?
- 6 A. The youngest daughter is
- 7 Q. . And you had an older daughter?
- 8 A. Yes, sir.
- 9 Q. And how old is she?
- 10 A. She's 12.
- 11 Q. And what is her name?
- 12 A. .
- 13 Q. . And where does . . . y live?
- 14 A. She lives with my parents.
- 15 Q. She lives with your parents?
- 16 A. Uh-huh.
- 17 Q. Okay. And at any time while the boys were going to
- 18 paint ball, did Jimmy Meggs ever come to the house to visit
- 19 and stay?
- 20 A. The only time Jimmy Meggs ever came inside of my house
- 21 was the very first time I meet him, but, yes, he did, you
- 22 know, bring them and pick them up from the house.
- 23 Q. So he never came over and he never stayed overnight at
- 24 your house?
- 25 A. Never.

1 Q. Did he ever buy groceries and bring stuff to the
2 house?

3 A. No, he didn't.

4 Q. Never did. Did anytime did you ever call Jimmy Meggs
5 and demand that he pay you money?

6 A. No, sir, I didn't.

7 Q. You ever borrow money from him?

8 A. No, sir.

9 MR. COX: Nothing further.

10 THE COURT: Any redirect, sir.

11 MR. STEINBERG: Very briefly, Your Honor.

12 REDIRECT EXAMINATION BY MR. STEINBERG:

13 Q. You say he never came over to your house besides that
14 first time?

15 A. No, he did come to my house. He would come and pick
16 up the children and he would bring the children home, but
17 he did not come inside and visit in the house or I had sit
18 down and have long conversations with him except for the
19 very first time to find out everything about the paint ball
20 team.

21 Q. Okay. After you stopped letting the boys go to paint
22 ball camp, did he ever come out after that?

23 A. Yes, he did.

24 Q. Tell us about that?

25 A. Where I lived I was in an apartment complex and there

v. 21115 MOM

1 was only one place to park for one car in front of your
2 apartment and any visitors or anybody else that came to the
3 house, parked across the street on the edge of the set of
4 wood. And after it came out that we had gone to the
5 authorities about Jimmy and it had been approximately two
6 weeks, I would notice at night once it got dark that Jimmy
7 would be sitting out in that parking place across my street
8 and he would just sit there.

9 Q. Did he ever come up your house?

10 A. Yeah, he did.

11 Q. What did he do?

12 A. He -- I remember this because one time he came up
13 there and knocked on the door and my children went and hid
14 in the closet in my bedroom, but it wasn't a situation
15 where I opened the door.

16 Q. Why didn't you open the door?

17 A. Because they were scared to death and I was with them.

18 Q. Okay. You said he knock on door. What kind of knock
19 was it?

20 A. He would knock a couple of times just a normal knock
21 and then -- I don't know what happened that night. It took
22 maybe ten minutes. I don't know if he left or what he did
23 because I was with my children in my bedroom, but it wasn't
24 -- it could have not been more than ten minutes he was
25 beating on the door.

verdicts mom

REDIRECT EXAMINATION BY MR. STEINBERG

325

1 Q. How do you mean beating on the door?

2 A. Beating on the door. It couldn't have been something
3 he was knocking with his knuckles. It had to be the base
4 of his fist that he was beating on the door.

5 Q. Okay. You weren't seeing him at the time?

6 A. I've never dated Jimmy.

7 Q. During that time, who were you dating?

8 A. Lee Ham.

9 Q. Lee Ham?

10 A. Uh-huh.

11 MR. STEINBERG: Thank you, that's all the questions
12 I have.

13 THE COURT: Thank you, ma'am, you may step down.

14 (The witness left the witness stand.)

15 THE COURT: Folks, we're going to take about a 10 or
16 20 minutes recess. Remember my instructions and I'll call
17 you out in just a few minutes.

18 (Court in recess.)

19 (Court has now reconvened.)

20 THE COURT: We have another foreperson. All right.
21 The jury has selected Mr. Steve Hale as their new
22 foreperson.

23 MR. COX: Did you ever inform the alternate that
24 they are now on the jury?

25 THE COURT: I did when they came out, yes, sir.

1 Ask them to out, Mr. Propps.

2 (The jury returned to the courtroom.)

3 THE COURT: All right. Folks, Mr. Hale,
4 congratulations. We're ready to proceed.

5 Mr. Steinberg, you may call your next witness.

6 MR. STEINBERG: Thank you, Your Honor. The State
7 would call Ms. Sandra Sturkie to the stand.

8 CLERK OF COURT: If you will place your left hand on
9 the Bible and raise your right hand. Do you swear the
10 testimony you give will be the truth, the whole truth, and
11 nothing but the truth so help you God?

12 MS. STURKIE: I do.

13 CLERK OF COURT: Please be seated and state your
14 name for the record?

15 MS. STURKIE: My name is Sandra McKinon Sturkie.

16 SANDRA STURKIE, being first
17 duly sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. STEINBERG:

19 Q. Good afternoon how are you?

20 A. Good. How are you?

21 Q. Fine. Thank you. Ms. Sturkie, what do you do for a
22 living?

23 A. I'm a forensic interviewer. I'm stationed at the
24 Durant Children Center here in Florence.

25 Q. Okay. And what is a forensic interviewer?

1 A. It's actually a just big word for a person that talks
2 to children. Basically, what I do is fact finding
3 structure of objective interview to determine what, if any,
4 maltreatment or abuse has occurred with those children or
5 in the presence of those children.

6 Q. Okay. And how did you get involved in this field?

7 A. How did I get involved in this field?

8 Q. Yes, ma'am?

9 A. I went to work at the Durant Children Center
10 approximately 6 years ago conducting interviews with
11 children. I had a background in child and adult
12 maltreatment and worked exclusively with children.

13 Q. And can you tell us about your educational background?

14 A. I can. I have both my undergraduate and graduate
15 degree in clinical psychology Francis Marion University.

16 Q. And tell us about your professional background,
17 professional history wherever you worked?

18 A. Well, like for the last six years, I have worked at
19 the Durant Children Center. I'm actually employed by the
20 Department of Social Services and I'm out stationed there
21 to provide this service for law enforcement and the
22 Department of Social Services as wells as the other areas
23 are concerned about children that present at their office.
24 Beyond my graduate degree, I have obtained approximately
25 400 hours of training specifically to child maltreatment

1 and forensic interviewing for DSS.

2 Q. Are you in special societies?

3 A. The children center is a member of ABSACK the America
4 Special Society of abused children, which is a organization
5 that sets standard both national and international on how
6 we respond to child maltreatment. In addition, we're a
7 member of the National Network of Child Advocacy Center,
8 which also sets standards for how we conduct, not only
9 interview but the total program for child assessment.

10 Q. And I think we already touched on this somewhat. Have
11 you ever attended any courses with specialized training on
12 child sexual abuse?

13 A. I have. I have approximately four hundred hours in
14 addition to my graduate degree.

15 Q. How long you been with the center you're at now?

16 A. The center I'm at now?

17 Q. Yeah.

18 A. About six years.

19 Q. What's the name of it?

20 A. It's Elizabeth Pettigrew Durant Children's Center.

21 Q. About how many children have you dealt with in the
22 course of your profession?

23 A. Strictly at the children center, I have interviewed
24 over a 1,000 children.

25 Q. And what have you discussed with these children?

1 A. Most of my interviews probably 80 to 85 percent are
2 related to allegations of sexual abuse. A small percentage
3 are cases where the allegations are physical abuse and
4 abuse that has occurred in the presence of the children but
5 not directly to the children, as well children who have
6 witnessed homicide.

7 Q. Have you ever been qualified as an expert witness in
8 circuit court before?

9 A. I have both general sessions and in family court.

10 Q. Okay. And about how many times have you been
11 qualified as an expert witness?

12 A. Probably 30 to 40 times.

13 Q. And what was the expertise in?

14 A. In both forensic interview and child maltreatment.

15 MR. STEINBERG: Your Honor, I would hope that
16 Ms. Sturkie be admitted as an expert in both those fields.

17 THE COURT: Have any questions for her in those
18 areas?

19 MR. REDMOND: No, questions, Your Honor.

20 THE COURT: She may give her opinion in those areas.
21 Let me explain that to the jury panel. Folks, any kind of
22 trial except for criminal that there's two types of
23 witnesses that may appear and testify. Those two types are
24 commonly referred to as lay witnesses and expert witnesses.
25 Lay witnesses normally can only testify about things that

1 they know. They are not generally admitted expert
2 opinions. Other witnesses called expert witnesses may
3 express opinions in those areas where they have special
4 training and education and experience.

5 The Court has determined that preliminary that this
6 witness has that special training and education and
7 experience and she will be permitted to express an opinion
8 in those areas that she's been offered as an expert in. It
9 will be up to you to weigh her testimony and the testimony
10 of other witnesses at the conclusion and you do that the
11 same. Expert testimony is not given for the purpose of
12 controlling your decision, but to assist you in your
13 decision in the process.

14 MR. STEINBERG: Thank you, Your Honor.

15 Q. Ms. Sturkie, please tell the jury what is child sexual
16 abuse

17 A. Child sexual abuse consists of different types of acts
18 that occur either to the children or in the presence of
19 children. Abuse can be perpetrated by another child,
20 adolescence or adults or instructed by other children,
21 adolescence or adults. And can consist of a wide range
22 of things, but we call fondling or touching parts of the
23 body that children often refer to as private parts. It can
24 be looking at children bodies forcing them to look at other
25 sexual acts and can continue down to the spectrum to

1 include penetration of children.

2 Q. Okay. What are some symptoms or indicators of child
3 sexual abuse?

4 A. Children respond to abuse very differently. And
5 there's not a cookie cutter approach to that. Some of the
6 things that you may see children who have been sexual
7 abused are selection in their behavior, changes in their
8 behavior. They may become very difficult to control. You
9 may see them acting out in school, changes in their grades,
10 trouble sleeping, changes in their eating habits, often the
11 same type of -- any body reactions that adults would have
12 to different types of trauma.

13 Q. Okay. You said trauma. Is child sexual abuse a form
14 of trauma?

15 A. It most certainly is.

16 Q. Okay. In your field and in your specialty, what is
17 meant by the term delayed reporting?

18 A. Delayed reporting has to do with reporting that comes
19 sometimes after the abuse has occurred. That would be as
20 oppose to spontaneous reporting where something happens and
21 a child immediately goes and tells someone about that.
22 Delayed reporting will come some period after either days
23 or sometimes months or years. Delayed reporting is
24 actually the normal thing that we see sexual abuse case
25 involving children.

1 Q. Okay. You said more common. How common is delayed
2 reporting among boys in their say pre-teen years?

3 A. I don't know that there's research actually broken
4 down to delayed reports for teens versus children, but
5 delayed reporting occurs probably 85 percent based on the
6 literature of all sexual abuse cases. Then there's also
7 another portion called piecemeal disclosure for children
8 who don't always tell everything right up front. As they
9 feel comfortable as they feel safe, they may disclose more
10 information over time.

11 Q. What factors play roles in delayed reporting?

12 A. There are a number of things that distribute to that.
13 Children in sexual abuse cases are often frightened. They
14 don't really understand the impact of what has happened.
15 What they have seen. It seems pretty normal to most people
16 I think if a child is abused they go tell, but there's a
17 lot of factors that children often don't understand what is
18 gone happen to them. A lot of children will come and tell
19 me that they think they are going to go into foster care
20 and taken from their parents because things have happened
21 to them. Sometimes children need to feel apart of the
22 abuse that has occurred and occurs in different ways
23 sometimes by threats and physical coercion. And sometimes
24 by things that are more friendly, anything intimate makes
25 it very difficult for them down the road.

1 Q. Okay. What role, if any, would it play if the
2 perpetrator was a in command or authority?

3 A. That makes disclosure for children far more difficult
4 because we teach children to respect adults. And it's very
5 conflicting for children to then understand that it's okay
6 to go and report about something an adult has done to them,
7 much less understand whether or not it's good or bad
8 because an adult did it.

9 Q. What role, if any, do threats play in delayed
10 reporting?

11 A.. Again, it's the same as coercion. Children can be
12 frightened and scared and not say things. There may be
13 threats or coercion that as adults, don't make a lot of
14 since to you or don't have the same connotation or
15 ramification to you as an adult that children often take
16 very seriously and will often be frightened by threats and
17 coercion, even very subtle things and to maintain their
18 silence for a long period of time.

19 Q. Do children have the same barriers as adults when it
20 comes to saying no or not giving any impression?

21 A. Again, if you go back to the fact that adults are the
22 adults and children are thought to do what adults tell them
23 to, it's very difficult for them to feel like they have the
24 ability to say no to an adult. Most of us tell our
25 children when we tell them to do things, you don't tell me,

1 no. And that is a learned response that carriers over to
2 the other adults that interact particularly with those
3 adults in the role of caretaker with them.

4 Q. Okay. You say caretaker, can you define what you mean
5 by caretaker?

6 A. Anybody who's responsible for children for any period
7 of time. It could be a baby-sitter, a sitter at your
8 children's Sunday school for a period of time that they are
9 in that Sunday school on Sunday is their caretaker.

10 Q. How about during a weekend?

11 A. If they were out, if you sent them to stay with
12 somebody or spent time with somebody for an outing
13 overnight trip for the weekend, then that person is
14 considered their caretaker.

15 Q. What affect, if any, do gifts have on children in
16 delayed reporting?

17 A. I mentioned earlier about coercion being friendly. We
18 have found literature that supports -- a lot of times
19 perpetrators don't fully threaten the children. They don't
20 physically harm the children. They do what we call
21 grooming children. They make them their friends. They
22 make them their ally. They do things. They allow children
23 to do fun things with them and they give them gifts and
24 items and money and things that will gain their camaraderie
25 with those children. Rather than make them frightened,

1 they make them their friends. Sometimes that reaches
2 children when things happen down the road happen
3 inappropriate, to feel like they were apart of it because
4 they took the gifts from this person and often leads to a
5 lot of guilt. These things happen previously taken over
6 this person.

7 Q. Thank you. Can you tell me how have you ever met victim #1
8 and victim #2 _____?

9 A. I have.

10 Q. And under what conditions did you meet victim #1 and victim #2

11 A. I met them when they were referred to the Durant
12 Center and an interview was conducted related to
13 allegations of maltreatment.

14 Q. You said they were referred. Who referred them to
15 you?

16 A. They were referred by Investigator Bryan Kennedy with
17 the Florence County Sheriff's Office.

18 Q. Okay. Had you ever meet any of these boys prior to
19 that?

20 A. No, sir, I have not.

21 Q. Have you ever meet anyone in their family prior to
22 that?

23 A. No, sir, I have not.

24 Q. Okay. Do you remember when you first meet them?

25 A. I first interview victim #1 and victim #2 on December the 10th

1 of 1999.

2 Q. December 10th 1999: Did you speak with them
3 separately or together?

4 A. We always interview children separately partly because
5 sometimes when you get children together, their information
6 can overlap. So we have to talk to them separately. Our
7 policy there at the center.

8 Q. Okay. Was anyone else in there with you, when you
9 interviewed them?

10 A. Not at time of the interview. Children have to be
11 interviewed away from parents or guardians.

12 Q. Okay. That was my next question. Their mother was
13 not present?

14 A. No, sir, not for the interview with the children.

15 Q. And how many meetings did you have with the
16 brother's?

17 A. I believe ^{victim #1} and ^{victim #2} were interviewed separately
18 on four different occasions.

19 Q. Okay. Why did you have four interviews?

20 A. Generally, when we do interviews with children, we
21 conduct one to two sessions on a as need bases and case by
22 case base with children. We do extend forensic interview
23 sessions. We do that very often to children when we feel
24 like they have just obtained a comfortable level being able
25 to talk about information that's been presented; that was

1 the case with victim #1, & victim #2 So they were seen a few
2 additional times.

3 Q. Can you explain that. What do you mean by that you
4 weren't getting all the information?

5 A. When you interview children, it's a very difficult
6 process. Basically, what we're asking a child to do is
7 come into a room and talk to someone that they have never
8 met before about things that they have privately
9 experienced and very personal and often very embarrassing.
10 One of the things that you have to do is not only listen to
11 the children, but engage their behaviors to determine if it
12 appears that there's more information that they have, but
13 they are not yet comfortable with giving it to strangers.
14 But they're talking on a one time occasion; that happens
15 with a lot of children. And we make decisions about
16 whether or not to refer them out to therapy immediately or
17 if we don't feel happen immediately, then we would see them
18 back in ourselves for up to -- the policy actually allows
19 around for 12 sessions. We don't usually extend it that
20 far.

21 Q. Okay. You use the term behaviors also, do you do more
22 than just listen to the children?

23 A.. We do listen to what the children say, but we also
24 look at how the children are responding. People do a lot
25 through their body language. Sometimes when people and

1 children are talking us, we have learned as much through
2 how they say what they say. The body language is another
3 way of words coming out of their mouth.

4 Q. Okay. During the course of your meeting with Josh and
5 Tyler have you ever told them to tell the truth?

6 A. We do talk about telling the truth. We make sure they
7 understand the difference between truths and lies and the
8 ramifications of not telling the truth.

9 Q. Did you ever tell them to tell any untruths?

10 A. No, we always address only to hear the truth. We only
11 want to hear what they have to say and not what other
12 people told them and what they remember and not what people
13 have said to them and what they think they remember.

14 Q. And how do you go about accomplishing that?

15 A. Well, early on in the interview before ever going into
16 allegations, what we do in that process we talk to them
17 about things. Like to see if they can tell us their age
18 and their date of birth. And then we ask them if they
19 understand very simply to tell the truth and let them
20 provide an explanation of that. If that explanation is not
21 sufficient to say, I know they understand what that means
22 and ask them additional questions. We usually ask them
23 like what happened if you don't tell the truth to make sure
24 that they understand that telling the truth is a good
25 thing, but telling a lie is a bad thing.

1 Q. Okay. Let me ask you a couple of questions here. I
2 ask that you give very limited and short answers, okay. I
3 don't want to limit your answers, but I only ask the date
4 and place for these following answers?

5 A. Okay.

6 Q. Did the boys inform you that they had experience
7 overrule sexual abuse?

8 A. They did.

9 Q. And where did they say it occurred?

10 A. At a paint ball field in Pamplico, which is in
11 Florence County.

12 Q. Okay. And when did they say it occurred?

13 A. When we saw them on December 10th of 1999, they
14 initially spoke about things occurred on the previous
15 weekend just before December 10th of 1999.

16 Q. Okay. Did you video tape the interviews?

17 A. We do video our interviews in the children center.

18 Q. Okay. Following your interviews, did you have the
19 opportunity to review the video tapes?

20 A. We review the tapes and then we go back and write up
21 the report summation of these interviews, yes, sir.

22 Q. Did you have an opportunity to go back and review any
23 notes that you may have taken?

24 A. I do. If my interview notes were taken during the
25 course that should be as well.

1 Q. Did you have an opportunity to observed the boys, I
2 guess, their eyes, their physical features?

3 A. We did review them after the interview taken place
4 later when the tape were reviewed for reporting the writing
5 process.

6 Q. What did you notice physically about the boys
7 behavior?

8 A. Well, that has to do with part of the decision to
9 bring the boys back for follow-up interviews, information
10 to discuss more on abuse of allegations. The boys would
11 decrease their eye contact and stop looking as much as they
12 did when they discussed things like school and fun
13 activities. They would begin fidgeting with items on the
14 table and look at exclusively at those things rather than
15 at the interviewer. And even sometimes physically drop
16 their body as well as their head down toward the table.

17 Q. As you had interviews, did the boys open up more to
18 you?

19 A. They did overtime throughout the process.

20 Q. How did you know they were opening up to you?

21 A. They were excuse me -- they build more information and
22 further details as we progressed.

23 Q. Is what you were talking about earlier I wrote down
24 the term as piecemeal?

25 A. Piecemeal disclosure, yes, sir.

1 Q. Is that what you were talking?

2 A. It's disclosure over a period of time.

3 Q. Okay. Do you ever discuss this case at all with
4 Investigator Kennedy?

5 A. I did, yes, sir.

6 Q. Did Investigatory Kennedy ever ask you to lie or tell
7 untruths?

8 A. No, sir.

9 Q. Okay. Did victim's mom ever ask you to tell a lie
10 or untruths?

11 A. No, sir.

12 Q. Has anyone ever asked you to tell any lies or untruths
13 about this?

14 A. No, sir.

15 Q. To a reasonable degree of certainty in your field, you
16 come to a conclusion as to whether the boys were victims of
17 child sexual abuse?

18 A. In my opinion, the boys had been victims of sexual
19 abuse.

20 Q. And is that your professional opinion?

21 A. Yes, sir.

22 MR. STEINBERG: Okay. Thank you, please answer any
23 of the attorneys questions.

24 MR. REDMOND: May it please the Court, Your Honor?

25 THE COURT: Sure.

1 MR. REDMOND: Beg the Court's indulgence.

2 THE COURT: Sure.

3 CROSS EXAMINATION BY MR. REDMOND:

4 Q. Ms. Sturkie, let me ask you -- let me start off by
5 asking you I think you said you been working with the
6 Durant Center for six years?

7 A. About six years, yes, sir.

8 Q. And about how often would you say that you or how many
9 cases that you can estimate have you worked with law
10 enforcement?

11 A. Most all of our cases probably 85 percent are involved
12 within law enforcement investigations.

13 Q. Okay. And in fact, this is not your first case
14 obviously you work with Investigator Kennedy?

15 A. That's correct.

16 Q. Would it be safe to say you worked a lot of cases with
17 Investigator Kennedy?

18 A. I don't know the exact number but, yes, sir.

19 Q. Several?

20 A. Sure that's correct.

21 Q. Now, you were talking about excuse me -- your opinion
22 about the sexual abuse. Did the boys discuss anything
23 about other men being present, I think, a boyfriend or
24 something in that regard while you were interviewing them?

25 A. At the paint ball field?

1 Q. No, at their home with their mom?

2 A. I think there was a -- I think their mother had a
3 boyfriend. It's noted they live in separate resident and
4 then they have a father obviously but the parents were
5 separated.

6 Q. Now, I think you said each boy made four trips to the
7 Durant Center?

8 A. That's correct.

9 Q. Could you give me the dates of those trips please?

10 A. victim #1 and victim #2 were seen on December 10th, 15th, and
11 the 28th of 1999 and then on January the 5th of 2000.

12 Q. Okay.. And I think -- is that three or four?

13 A. That's four visits.

14 Q. Say that one more time I'm sorry?

15 A. December the 10th, 15th, and 28 of 1999 and then
16 January 5th of 2000.

17 Q. Okay. Four visits within less than a month?

18 A. That's correct.

19 Q. Okay. Now, I think you had talked in terms of a
20 piecemeal and delayed reporting and piecemeal disclosure.
21 In this case, would it be a fair statement that we're
22 talking more in terms of piecemeal in that over four visits
23 that these stories evolved?

24 A. That's correct.

25 Q. And to that end during these discussions who was

1 present in the building. I think you said you were there
2 during the interview in the interview room, but who was
3 actually present in the building to the best that you can
4 recall?

5 A. We have a number other staff people in the center.

6 Q. Specifically regarding -- was Investigator Kennedy
7 present in the building there?

8 A. I know that he was there initially. I don't have in
9 my notes for every single follow-up interview.

10 Q. Okay. How about ^{with this} ~~when~~ ^{mom} was she present during
11 the interview?

12 A. I think she accompanied the children for their visits,
13 yes, sir.

14 Q. And I think in reviewing everything, there were times
15 in the interview that you might leave the interview room to
16 go outside?

17 A. That's correct.

18 Q. Would that be to talk with either Investigator Kennedy
19 or the parent if they were there?

20 A. That would be to talk with the investigating officer.

21 Q. Okay. So you would leave the interview and talk with
22 the investigating officer and then come back in and
23 continue to ask more questions; is that correct?

24 A. That's correct.

25 Q. Okay. Getting back real briefly about the boyfriend,

1 do you recall what name the victim #1 ^{or} victim #2 gave you as it
2 relates to who was their mother's boyfriend?

3 A. I don't remember if the boys gave me that name or ^{victim's} _{mom}
4 gave me that name.

5 Q. And do you recall the name that she gave you?

6 A. It says in my notations it was that was Lee Ham.

7 Q. I'm sorry?

8 A. Lee ham.

9 Q. Lee ham. Okay. And do you or indicate whether he was
10 an overnight guess?

11 A. It just says that he had ---

12 MR. STEINBERG: Your Honor, I have to object to
13 relevance. May I approach?

14 THE COURT: Sure.

15 (A bench conference was held in the presence of the
16 jury, but out of the hearing of the jury.)

17 THE COURT: Objection is sustained.

18 Q. Now, moving on and in talking about the piecemeal
19 disclosure, isn't it true that there is research that shows
20 that in a piecemeal disclosure situation that that in
21 essence has the affect of reducing the creditability of
22 what it is being told? In other words, because it's
23 piecemeal that you getting it obviously that reduces the
24 credibility of this story that someone is telling you?
25 Would that be a fair statement?

1 A. No, sir, I don't think that would be a fair statement.

2 Q. Okay. So in other words in any situation where it's
3 piecemeal that is just as credible as if I told you up
4 front?

5 A. That's correct told me all facts up front.

6 Q. Now, you also talk about eye contact. As far as the
7 boys eye contact and whatnot as it relates to their
8 demeanor, isn't it also true that if I'm telling an
9 untruth, I am also likely to look away and be looking up
10 and look down if I'm also telling you untruth?

11 A. There's some research to support looking up, looking
12 away, can indicate that people are not telling the truth.
13 And particularly in a situation with the children not
14 looking up and around, they are looking down, which
15 indicates more of embarrassment and withdrawn behavior.

16 Q. Okay. But it is lack of eye contact though; correct?
17 In other words, they were not maintaining eye contact. My
18 question is simply that is a possibility that they are
19 telling an untruth, if they're looking down. If they're
20 not looking you in the eye, isn't it true that there's
21 possibility that they're telling you an untruth?

22 A. If people want look at you, sometimes that is saying
23 they're not telling the truth.

24 MR. REDMOND: Beg the Court's indulgence?

25 THE COURT: Sure.

1 MR. REDMOND: That will be all I have, Your Honor.

2 THE COURT: Any redirect, Mr. Steinberg?

3 MR. STEINBERG: Beg the Court's indulgence.

4 REDIRECT EXAMINATION BY MR. STEINBERG:

5 Q. Let me ask you a little bit more about piecemeal. If
6 the facts are contradictory, does that indicate that it
7 might be more or less likely to have occurred? I said
8 facts, but the boys testimony?

9 A. Is contradictory?

10 Q. Yeah.

11 A. That information ---

12 Q. Let me rephrase the question I apologize. If the
13 information is what you term piecemeal that is step by
14 step, does that seem to be more in your field -- does that
15 have more credibility than does...

16 A. Piecemeal disclosure has the same amount of
17 credibility in most of the research as one time disclosure
18 part. What you have to look at is whether or not you're
19 talking about an incident that has occurred on a single
20 occasion, which will make it easier for someone to recount
21 in a single session what it is that has happened. If
22 you're talking about an event that occurred over more than
23 one occasion, then it's far more difficult to remember all
24 the details of that, whether you're talking about abuse
25 allegations or even your day to day events.

SANDRA STURKIE REDIRECT EXAMINATION BY MR. STEINBERG
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1 Q. How old were these boys when you were interviewing
2 them?

3 A. They were years old.

4 MR. STEINBERG: Thank you.

5 THE COURT: Thank you, ma'am, you may step down.

6 (The witness left the witness stand.)

7 MR. STEINBERG: Your Honor, my next witness will be
8 team player #3.

9 THE COURT: Place your left hand on the Bible and
10 raise your right hand.

11 CLERK OF COURT: Do you swear the testimony you give
12 in this case will be the truth, the whole truth, and
13 nothing but the truth so help you God?

14 team player #3: I do.

15 CLERK OF COURT: Be seated and state your name for
16 the record?

17 team player #3 RIGHT: team player #3,
18 team player #3 being first

19 duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. STEINBERG:

21 Q. Good afternoon, team player #3, how old are you -- how are
22 you today?

23 A. Fine. How are you?

24 Q. I'm fine thank you. How old are you right now?

25 A.

1 Q. And how old were you back around Thanksgiving time of
2 1999?

3 A.

4 Q. Where do you go to school?

5 A. School.

6 Q. School?

7 A. School.

8 THE COURT: Wait a minute.. Michael, slide up close
9 a little to that microphone phone and speak loudly and
10 clearly enough so everyone can hear you. You may continue,
11 sir.

12 MR. STEINBERG: Thank you, Your Honor.

13 Q. And what grade are you in?

14 A. Tenth.

15 Q. Do you know the difference between the truth and a
16 lie?

17 A. Yes, sir.

18 Q. Do you know the difference between right and wrong?

19 A. Yes, sir.

20 Q. What happens when you tell a lie?

21 A. You always got to tell another one to cover that one
22 up.

23 Q. Okay. Is telling a lie good or bad?

24 A. Bad.

25 Q. Now, you said earlier you tell a lie, you always have

- 1 to tell another lie to cover it?
- 2 A. Yes, sir.
- 3 Q. All right. Are you going to tell any lies today?
- 4 A. No, sir.
- 5 Q. Are you going to tell the truth today?
- 6 A. Yes, sir.
- 7 Q. Do you know Jimmy Meggs?
- 8 A. Yes, sir.
- 9 Q. Can you point to him please. Thank you. How did you
- 10 meet Jimmy?
- 11 A. Through some friends of mine.
- 12 Q. Okay. And who introduced you?
- 13 A. A boy name James.
- 14 Q. Okay. You know when you first meet him?
- 15 A. Back in September or somewhere there in '99.
- 16 Q. Okay. And did you ever go any place with Jimmy?
- 17 A. Huh?
- 18 Q. Did you ever go any place with Jimmy?
- 19 A. Went to paint ball in Pamplico.
- 20 Q. Okay. And when did you first go to the paint ball
- 21 camp?
- 22 A. About September or October.
- 23 Q. Okay. And did you go there every week?
- 24 A. Yes, sir.
- 25 Q. Okay. Did your brother go with you -- do you have a

team player #3

DIRECT EXAMINATION BY MR. STEINBERG

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1 brother?

2 A. Yes, sir.

3 Q. And what's his name?

4 A. team player # 2

5 Q. And how old is he?

6 A. He's .

7 Q. Okay. Did he go there with you every week?

8 A. Yes, sir.

9 Q. Okay. When did you stop going to Jimmy's paint ball
10 camp?

11 A. The week after Thanksgiving.

12 Q. Week after Thanksgiving. Did Jimmy ever tell you what
13 he did for a job?

14 A. He said he drove trains.

15 Q. Okay. He ever said any other jobs?

16 A. The National Guard.

17 Q. Okay. What did he say about the National Guard?

18 A. He said he was a captain.

19 Q. He said he was that in the National Guard?

20 A. Yes, sir.

21 Q. And you said he was captain; right?

22 A. Yes, sir.

23 Q. When you were at paint ball camp -- where was the
24 paint ball camp?

25 A. In Pamplico.

- 1 Q. Okay. When you were out there, did he have a rank
2 there?
- 3 A. Yes, sir.
- 4 Q. What rank was it?
- 5 A. Captain.
- 6 Q. And did you have a rank?
- 7 A. Yes, sir.
- 8 Q. What was your rank?
- 9 A. Sergeant.
- 10 Q. Who was the highest ranking person there?
- 11 A. He was.
- 12 Q. How do you know that?
- 13 A. Because he was captain.
- 14 Q. Okay. What adults were there?
- 15 A. Just him.
- 16 Q. Just Jimmy Meggs?
- 17 A. Yes, sir.
- 18 Q. Were you ever there when there were other adults
19 around?
- 20 A. No, sir.
- 21 Q. Okay. What did you wear at Jimmy's paint ball camp?
- 22 A. Like Army uniforms.
- 23 Q. Where did you get these uniforms?
- 24 A. From Jimmy.
- 25 Q. Did you see where he got them from?

team player #3

DIRECT EXAMINATION BY MR. STEINBERG

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- 1 A. From a dude in Charleston.
- 2 Q. Charleston. Did he say who the dude in Charleston
- 3 was?
- 4 A. I can't remember his name.
- 5 Q. Okay. And who gave -- did you use paint ball guns?
- 6 A. Yes, sir.
- 7 Q. Who gave them to you?
- 8 A. He did.
- 9 Q. Jimmy ever give you anything else?
- 10 A. A jacket.
- 11 Q. What kind of jacket?
- 12 A. A browning jacket.
- 13 Q. A browning jacket?
- 14 A. Yes, sir.
- 15 Q. Okay. Who did Jimmy say sponsored this paint ball
- 16 league?
- 17 A. The National Guard.
- 18 Q. Was there anything National Guard like or military
- 19 like about your paint ball camp?
- 20 A. We did marches and stuff.
- 21 Q. Did you have to do anything else military?
- 22 A. Just walk in lines and things like that.
- 23 Q. Did y'all have any military duties there?
- 24 A. Watch at night and stuff.
- 25 Q. Okay. Did Jimmy ever have a name for this paint ball

1 league?

2 A. Yes, sir.

3 Q. What was it?

4 A. Vanguard Knights or something.

5 Q. Okay. Did he say anything about this Vanguard
6 Knights?

7 A. No, sir.

8 Q. Did he ever say anything about R. O. T. C.

9 A. No, sir.

10 Q. Okay. How did you get to Pamplico?

11 A. He picked us up.

12 Q. What did he pick you up in?

13 A. A truck.

14 Q. What kind of truck?

15 A. White Ford Ranger.

16 Q. Was it a big truck or small truck?

17 A. Small truck.

18 Q. Okay. How many people would go out to this paint ball
19 camp?

20 A. Sometimes 15. It range in different numbers.

21 Q. What was the -- you said sometimes up to 15?

22 A. Yes, sir.

23 Q. Okay. Was there ever more than 15?

24 A. I think there was.

25 Q. Was there any less than 15?

team player #3

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- 1 A. Yes, sir.
- 2 Q. Okay. Did the same people go every week?
- 3 A. Not the same, some of them were.
- 4 Q. Okay. How did the boys get to this paint ball camp?
- 5 A. He picked us up.
- 6 Q. When you went to the paint ball camp, where would you
- 7 sleep?
- 8 A. In my tent.
- 9 Q. Who else slept in your tent?
- 10 A. Some friends of mine.
- 11 Q. Okay. Where did Jimmy sleep?
- 12 A. In his tent.
- 13 Q. Who did he sleep with?
- 14 A. A few boys who didn't have a tent.
- 15 Q. Okay. Were there any girls there?
- 16 A. No, sir.
- 17 Q. Okay. How old was the oldest boys were out there?
- 18 A. About 17.
- 19 Q. Seventeen. Do you know victim #1 and victim #2?
- 20 A. Yes, sir.
- 21 Q. Where they among the younger or older boys who were
- 22 out there?
- 23 A. Younger.
- 24 Q. Okay. Out at the paint ball field, who did Jimmy tend
- 25 to hang around with?

- 1 A. The younger boys like ^{victim #1} and ^{victim #2}
- 2 Q. Okay. What would the older boys do when Jimmy was
- 3 around the younger boys?
- 4 A. They wouldn't always be around.
- 5 Q. Who wasn't always around?
- 6 A. The oldest boys.
- 7 Q. Where would the older boys be?
- 8 A. Sometimes we went to the woods to get firewood and
- 9 sometime we played games.
- 10 Q. What kind of games?
- 11 A. Paint ball games.
- 12 Q. Would Jimmy be with all the time?
- 13 A. No.
- 14 Q. Where would Jimmy be?
- 15 A. Back at the camp.
- 16 Q. Okay. Was Jimmy's rank higher than yours?
- 17 A. Yes, sir.
- 18 Q. Did you have to follow Jimmy's orders at paint ball
- 19 camp?
- 20 A. Suppose to.
- 21 Q. What would happen if you didn't?
- 22 A. Get shot with a paint ball.
- 23 Q. How do you know you get shot with a paint ball?
- 24 A. Because he said he would.
- 25 Q. Did Jimmy ever make you do any push-ups when you were

team player #3

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1 out there?

2 A. Yes, sir.

3 Q. Would you tell the jury about the push-ups?

4 A. One person would lay down on the ground and they have
5 to put a paint ball on them and another person would do
6 push-ups and pick up the paint ball with their mouth.

7 Q. Okay. And what would the boys be wearing?

8 A. They have on boxers.

9 Q. Okay. Will you explain in detail how this occurred?
10 You said there was a paint ball on boxers?

11 A. Yes, sir.

12 Q. Who put the paint ball on the person's boxers?

13 A. Either he did or the person.

14 Q. When you say he did, who are you referring to?

15 A. Jimmy Meggs.

16 Q. Referring to the individual in the white shirt and red
17 tie?

18 A. Yes, sir.

19 Q. You say he placed the paint ball down on people's
20 privates?

21 A. Yes, sir.

22 Q. I'm sorry boxers. Did he say anything?

23 A. Just do the push-ups.

24 Q. Okay. And did he tell the person who was doing the
25 push-ups what to do with the paint ball.

- 1 A. Yes, sir.
- 2 Q. What did he say?
- 3 A. Pick it up on the last push-up.
- 4 Q. On the last push-up?
- 5 A. Yes, sir.
- 6 Q. Okay. What would happen if they didn't?
- 7 A. You get shot with the paint ball gun.
- 8 Q. Okay. And when the boys picked up the paint ball, you
- 9 said with their mouth?
- 10 A. Yes, sir.
- 11 Q. Where would their mouth be?
- 12 A. Down at their crotch.
- 13 Q. Okay. Which boys would have to do this?
- 14 A. A few boys.
- 15 Q. Okay. Do you know any of their names?
- 16 A. The brothers victim #1 and victim #2 and some others.
- 17 Q. Okay. Did you ever have to do this?
- 18 A. I had to lay on the ground.
- 19 Q. You had to lay on the ground. Who told you to lay on
- 20 the ground?
- 21 A. He did.
- 22 Q. You say he, you're referring to Jimmy?
- 23 A. Yes, sir.
- 24 Q. What did he do -- what did Jimmy do?
- 25 A. He told my brother to get up and pick up the paint

team player #3

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- 1 ball.
- 2 Q. Did Jimmy have a paint ball gun at this time?
- 3 A. Yes, sir.
- 4 Q. Okay. And what did you do once Jimmy gave this order?
- 5 A. I just kept moving.
- 6 Q. What do you mean you kept moving?
- 7 A. Just so the paint ball wouldn't be there.
- 8 Q. Were you standing up or you already on the ground?
- 9 A. Laying on the ground.
- 10 Q. And you said you kept moving?
- 11 A. Yes, sir.
- 12 Q. For what reason?
- 13 A. So the point ball wouldn't stay there.
- 14 Q. And why didn't you want your brother to pick up the
- 15 paint ball with his mouth?
- 16 A. Because it's sick.
- 17 Q. It's sick. How old were you at this time?
- 18 A. Thirteen.
- 19 Q. Were you younger or older than the Victor #10#2
- 20 A. Older.
- 21 Q. Okay. Was Jimmy there while this was going on?
- 22 A. Yes, sir.
- 23 Q. How long did this go on for?
- 24 A. I guess a few minutes, about ten minutes.
- 25 Q. Did Jimmy ever -- could Jimmy see the goings on?

- 1 A. Yes, sir.
- 2 Q. Did Jimmy ever say stop?
- 3 A. No, sir.
- 4 Q. Did Jimmy ever say I'm just kidding?
- 5 A. No, sir.
- 6 Q. Did Jimmy say anything at all?
- 7 A. No, sir.
- 8 Q. What was Jimmy's reaction?
- 9 A. Nothing really.
- 10 Q. Who was in charge during the push-up incident?
- 11 A. He was.
- 12 Q. Is there any doubt in your mind about that?
- 13 A. No, sir.
- 14 Q. Okay. Let me talk to you about the difference -- did
- 15 you ever hear Jimmy Meggs tell the ^{#1 & 2} ~~brother's~~ brother's to
- 16 suck each others penis'?
- 17 A. Yes, sir.
- 18 Q. What did Jimmy say?
- 19 A. He told them to get down and to suck each other
- 20 things.
- 21 Q. Okay. I know maybe your mom has told you you're not
- 22 allowed to use certain words. You can use any word you
- 23 want in this courtroom to say what you need to say. And if
- 24 Jimmy uses certain words, I don't want you to feel
- 25 restricted. Do you know what word or what words Jimmy used

team player #3

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1 to give them this order?

2 A. Not the exact words.

3 Q. Okay. To the best of your recollection, what did he
4 say?

5 A. He said get down and suck each others things.

6 Q. Okay. Did he ever tell them to stop?

7 A. No, sir.

8 Q. Did he ever say wait hold on I'm just kidding?

9 A. No, sir.

10 Q. Did he ever make an attempt to stop them.

11 MR. COX: Your Honor, I object to the form of the
12 question. He asked a question as to what was said and
13 what was done.

14 THE COURT: Rephrase your questions, sir.

15 MR. STEINBERG: Yes, sir.

16 Q. What did Jimmy do?

17 A. He stood there.

18 Q. He stood there. What did you do?

19 A. I turned and walked away.

20 Q. Why did you turn and walk away?

21 A. Because I thought it was wrong.

22 Q. Did you hear anything after that?

23 A. I heard them pouting.

24 Q. What do you mean by pouting?

25 A. Like crying.

- 1 Q. Okay. Are you positive it was Jimmy Meggs?
- 2 A. Yes, sir.
- 3 Q. Were you familiar with Jimmy's voice before that?
- 4 A. Yes, sir.
- 5 Q. Was it Jimmy's voice that said they better suck each
- 6 other things?
- 7 A. Yes, sir.
- 8 Q. You sure?
- 9 A. Yes, sir.
- 10 Q. Okay. Were you scared of Jimmy Meggs?
- 11 A. No, sir.
- 12 Q. Did you ever have to do anything like the Watford
- 13 brother's did?
- 14 A. No, sir.
- 15 Q. Were you bigger or smaller than the ~~victim~~^{victim #1} boys?
- 16 A. Bigger.
- 17 Q. Jimmy ever threaten you?
- 18 A. He threatened to make me walk home with the paint ball
- 19 gun.
- 20 Q. Threaten you with the paint ball gun?
- 21 A. Yes, sir.
- 22 Q. You said he threatened to make you walk home with the
- 23 paint ball gun. Where do you live?
- 24 A. In Darlington.
- 25 Q. Where were you at during this paint ball camp?

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1 A. In Pamplico.

2 Q. Could you have walked home from Pamplico to
3 Darlington?

4 A. No, sir.

5 Q. Did you ever hear Jimmy Meggs make any other threats?

6 A. Yes, sir.

7 Q. Tell us what those threats were to the best of your
8 ability?

9 A. Something about he would kill somebody if he goes to
10 jail or something.

11 Q. Jimmy ever tell you to lie?

12 A. Yes, sir.

13 Q. What did he say?

14 A. He told them -- a few boys to write letters.

15 Q. What did the letters say?

16 A. That like it's just a game and that he's a good person
17 things like that.

18 Q. Did he say the same thing about sex? Well, you got to
19 answer?

20 A. Yes, sir.

21 Q. And what did he want you to write?

22 A. That there wasn't nothing sexual or anything.

23 Q. Did you write it?

24 A. No, sir.

25 Q. Why didn't you write it?

team player #3

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CROSS EXAMINATION BY MR. REDMOND 364

1 A. I felt that if somebody was writing something like
2 that, they got reason for it and it ain't good.

3 Q. Okay. Has Investigator Kennedy ever talked to you
4 about this case?

5 A. One time.

6 Q. Okay. Did he ever ask you to lie?

7 A. No, sir.

8 Q. Did ^{victim #1} or ^{victim #2} ever ask you to lie about this case?

9 A. No, sir.

10 Q. Did ^{victim #1} son and ^{victim #2} mom, Shelly i, ever ask you
11 to lie about in case?

12 A. No, sir.

13 Q. Has anyone tried to get you to lie in this case?

14 A. Jimmy Meggs.

15 Q. Would you point to the person who tried to get you to
16 lie? You pointing to Jimmy Meggs?

17 A. Yes, sir.

18 Q. Is everything you told us today the truth?

19 A. Yes, sir.

20 MR. STEINBERG: Thank you, ^{team player #3} please answer
21 any of the other attorneys questions.

22 THE COURT: Mr. Redmond.

23 MR. REDMOND: May it please the Court, Your Honor?

24 THE COURT: Yes, sir.

25 CROSS EXAMINATION BY MR. REDMOND:

team player #3

CROSS EXAMINATION BY MR. REDMOND

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- 1 Q. team player #3 if I can call you team player # 3
- 2 A. Yes, sir.
- 3 Q. How are you doing today?
- 4 A. Fine.
- 5 Q. Now, about when did you start paint ball?
- 6 A. September or October of '99.
- 7 Q. Of '99. And did you do other things with Jimmy? Did
- 8 you go bowling with Jimmy?
- 9 A. Yes, sir.
- 10 Q. How many times did you say you went bowling?
- 11 A. About three times.
- 12 Q. Three times. Did you ever make any trips to Marion
- 13 with Jimmy?
- 14 A. No, sir, not that I can recall.
- 15 Q. Okay. You don't recall telling -- well, let me ask
- 16 you this. Do you recall going to the Durant Center back on
- 17 -- back in January of last year 2000?
- 18 A. Yes, sir.
- 19 Q. Okay. And you talk with Sandra Sturkie you remember
- 20 that?
- 21 A. Yes, sir.
- 22 Q. And do you remember advising her or telling her that
- 23 you had gone to Marion with Jimmy?
- 24 A. I don't remember it.
- 25 Q. Okay. Do you remember that you went down there I

1 think for something like a company he had or something
2 involving work with him?

3 A. I don't remember.

4 Q. Okay. Do you remember telling Ms. Sturkie that you
5 had only heard about it; that you didn't see anything? Do
6 you remember telling her that?

7 A. No, sir.

8 Q. You don't remember telling her that you just -- that
9 you heard about it and in fact you stop going to paint ball
10 because Jimmy got arrested? Do you remember that? Do you
11 remember telling Ms. Sturkie that?

12 A. Yes, sir.

13 Q. Okay. And at that time, you indicated you didn't see
14 anything? Do you remember that?

15 A. Yes, sir.

16 Q. And do you also remember the fact that you did mention
17 anything about hearing the ~~video~~ ^{video} in this tent with
18 Jimmy?

19 A. It wasn't asked.

20 Q. Okay. But you didn't say anything though now did you?

21 A. No, sir.

22 Q. This was the time that you mentioned it; isn't it?

23 A. Yes, sir.

24 Q. All right. Now, how did you end up going to the
25 Durant Center? Who told you to go to the Durant Center?

1 A. My grandmother.

2 Q. Your grandmother. Had she talked with Investigator
3 Kennedy?

4 A. I guess so.

5 Q. Okay. And was he at the Durant Center when you were
6 there?

7 A. He showed up a little bit later.

8 Q. Okay. And how did you get home from the Durant
9 Center?

10 A. He did.

11 Q. He did. Who is he?

12 A. Mr. Kennedy brought us home.

13 Q. He took you home from the Durant Center?

14 A. Yes, sir.

15 Q. Okay. And that's the only time you went to the Durant
16 Center I believe isn't it?

17 A. Yes, sir.

18 Q. Now, excuse me -- I think you testified that there was
19 push-ups and whatnot. Tell me a little bit about paint
20 ball as far as the things you did? Did y'all engage in
21 field exercises where you were trying to beat one team?

22 A. Yes, sir.

23 Q. Okay. And during those times, did you enjoy it?

24 A. While I was there.

25 Q. Did you enjoy paint ball?

1 A. Yes, sir.

2 Q. And again the reason you stopped going was because
3 Jimmy got arrested right?

4 A. Yes, sir.

5 Q. Okay. And I believe the night or the day before you
6 went to the Durant Center, remember back to that for a
7 little bit. Didn't you -- I think didn't your folks talk
8 with the Bookers I believe it was?

9 A. I don't know.

10 Q. Okay. In other words, do you know the Bookers?

11 A. Yes, sir.

12 Q. Do you know the *V. J. #1/22*

13 A. Yes, sir.

14 Q. Have you had the opportunity to talk with any of those
15 people since January of 2000?

16 A. No, sir.

17 Q. You have spoken with them at all since January of
18 2000.

19 A. Up here. We said nothing about that.

20 Q. I didn't hear you?

21 A. Nothing about that. I talked to them up here at the
22 courthouse.

23 Q. At the courthouse?

24 A. Yes, sir.

25 Q. About how many times have you been up here to the

1 courthouse?

2 A. Since yesterday.

3 Q. Okay. Now, do you know Reggie Sumner?

4 A. The name sounds familiar.

5 Q. Reggie Sumner. Would that have been somebody that
6 maybe stayed some nights over there where you were staying?

7 Did you live with your grandmother?

8 A. Yes, sir.

9 Q. Okay. Is your grandmother's name Jackie?

10 A. Yes, sir.

11 Q. And do you recall Reggie Sumner staying there do you
12 know?

13 A. No, sir.

14 Q. Okay. How about Jimmy, didn't Jimmy stay at your
15 house?

16 A. He stayed there a couple of nights.

17 Q. Okay. And in fact, did he stay there somewhere around
18 Christmas, between Christmas and New Years of 2000, last
19 year?

20 A. Yes, sir.

21 Q. Okay. Now, did Jimmy ever give your grandmother while
22 he was staying there and coming to visit, did he ever give
23 your grandmother money to buy groceries and to buy things
24 for the house?

25 A. I don't know.

1 Q. I didn't hear you?

2 A. I don't know.

3 Q. Okay. Let me talk about the ~~victim #1~~ ^{victim #1 or 2} who testified
4 about that. Isn't it true that you told Sandra Sturkie
5 that in fact the ~~victim #1 or 2~~ were engaging in certain
6 activities on their own, like running around yelling, I'm
7 free. Do you recall telling her that?

8 A. No, sir.

9 Q. You don't recall telling Sandra Sturkie that the ~~victim #1 or 2~~ ^{victim #1 or 2}
10 -- one of the got naked and
11 ran down the road yelling, I'm free. I'm free. And nobody
12 made them do it. You don't recall telling her that?

13 A. No, sir.

14 MR. REDMOND: Beg the Court's indulgence.

15 THE COURT: Sure.

16 Q. At any time, I believe Jimmy would leave and y'all be
17 left there with ~~team player #5~~ ?

18 A. Yes, sir. ~~team player #5~~

19 Q. And when he was there wouldn't have
20 y'all doing things like standing in line and doing push-ups
21 and things like that?

22 A. No, sir.

23 Q. He never did?

24 A. I think there was one time.

25 Q. Okay. And weren't there times also that you might

~~Team player #3~~

CROSS EXAMINATION BY MR. REDMOND

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1 have had to go looking for food I think? Weren't you a
2 little mad at Jimmy about that because he would leave y'all
3 with no food and y'all have to go looking for food?

4 A. Yes, sir.

5 Q. But you still kept going to paint ball?

6 A. Yes, sir.

7 Q. And in fact, if Jimmy had not been arrested, you would
8 have been back at paint ball because that's the reason you
9 didn't go?

10 A. No, I wasn't going back.

11 Q. Isn't it true though that the reason you didn't go
12 back was because he was arrested?

13 A. No. The only reason I didn't go back was when I got
14 sick.

15 Q. Okay. Well, you got sick. But if you had not been
16 sick, the reason -- the fact that Jimmy was arrested was
17 why you didn't go back?

18 A. That's some of the reason.

19 Q. Okay. Not counting you being sick?

20 A. No.

21 Q. Okay.

22 MR. REDMOND: Beg the Court's indulgence one more
23 time.

24 THE COURT: Yes, sir.

25 MR. REDMOND: I think that will be all I have.

1 THE COURT: Redirect sir?

2 MR. STEINBERG: Yes, sir. Thank you, Your Honor.

3 REDIRECT EXAMINATION BY MR. STEINBERG:

4 Q. Counsel asked you a couple of questions about what
5 happened at Sandra Sturkie's office. If you been asked
6 about a specific incident, would you have told her the
7 truth?

8 A. Yes, sir.

9 Q. Okay. Also asked you how you knew the Watford
10 brother's. How old are you right now?

11 A. ..

12 Q. Do you normally hang around ten year olds?

13 A. Not really.

14 Q. Why not?

15 A. I mean their younger.

16 Q. Okay. Do you talk to them on the phone all the time?

17 A. No, sir.

18 Q. They come over to your house?

19 A. No, sir.

20 Q. You live with your grandma you said?

21 A. No, sir.

22 Q. No, pardon me in Thanksgiving of 1999?

23 A. Oh, yes, sir.

24 Q. Okay. Who else live with you?

25 A. My brother.

team player #3

REDIRECT EXAMINATION BY MR. STEINBERG

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1 Q. Did your father live with you in your house?

2 A. No, sir.

3 Q. Why did you go to paint ball?

4 A. I didn't have nothing else to do.

5 Q. You had nothing else to do. You also mentioned
6 something during the cross examination that Jimmy stayed at
7 your house?

8 A. Yes, sir.

9 Q. Did he ever tell you why?

10 A. No, sir.

11 Q. The name ~~team player #5~~ has been brought up. Who gave
12 the orders to the ~~12th, 1st~~ to suck each others
13 penis'?

14 A. Jimmy.

15 Q. Was it Jimmy?

16 A. Yes, sir.

17 Q. Jimmy Meggs?

18 A. Yes, sir.

19 Q. Was it ~~team player #5~~?

20 A. No, sir.

21 MR. STEINBERG: Thank you.

22 THE COURT: Thank you, sir, you may step down.

23 (The witness left the witness stand.)

24 MR. STEINBERG: Your Honor, our next witness will be

25 team player #2

team player #2

DIRECT EXAMINATION BY MR. STEINBERG

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1 THE COURT: If you would place your left hand on the
2 Bible and raise your right hand so this lady can give you
3 an oath.

4 CLERK OF COURT: You swear the testimony you give
5 will be the truth, the whole truth, and nothing but the
6 truth so help you God.

7 team player #2 : I do.

8 CLERK OF COURT: Be seated and state your name for
9 the record?

10 team player #2 : team player #2
11 team player #2 , being first
12 duly sworn, testifies as follows:

13 DIRECT EXAMINATION BY MR. STEINBERG:

14 Q. Good afternoon, team player #2 how are you today?

15 A. I'm all right, sir.

16 team player #2 , do you know the difference between a truth and
17 a lie?

18 A. Yes, sir.

19 Q. What is the difference?

20 A. A truth is something that has facts and a lie is
21 something that is untrue.

22 Q. Okay. Do you know if it's right or wrong to tell a
23 lie?

24 A. Yes, sir, I do.

25 Q. What is the answer?

team player #2

DIRECT EXAMINATION BY MR. STEINBERG

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- 1 A. It's to tell a lie is wrong.
- 2 Q. Okay. How old are you now?
- 3 A.
- 4 Q. When is your date of birth?
- 5 A. of
- 6 Q. Who did you live with in the fall of 1999?
- 7 A. My grandma.
- 8 Q. What is her name?
- 9 A. Jackie.
- 10 Q. How old were you around Thanksgiving of 1999?
- 11 A. years old.
- 12 Q. Twelve years old. And do you know Jimmy Meggs?
- 13 A. Yes, sir.
- 14 Q. And how do you know Jimmy Meggs?
- 15 A. Through paint ball camp.
- 16 Q. And where was this paint ball camp?
- 17 A. In Pamplico.
- 18 Q. Who introduced you to Jimmy? *team player #5*
- 19 A.
- 20 Q. Do you know when you first meet him?
- 21 A. Two weeks before Thanksgiving.
- 22 Q. You met him two weeks before Thanksgiving?
- 23 A. Yes, sir.
- 24 Q. Did you ever go any place with Jimmy?
- 25 A. To paint ball camp, a restaurant and a store.

- 1 Q. Okay. And who paid when you went to these places?
- 2 A. Jimmy.
- 3 Q. Tell me something about Jimmy's paint ball camp? What
- 4 was it about?
- 5 A. It was about respect, discipline and honor.
- 6 Q. Did you see that there at the camp?
- 7 A. No, sir.
- 8 Q. What did y'all do at the camp?
- 9 A. Basically, we would show up and set up tents and start
- 10 one or two fires. Then we would get our paint balls and
- 11 load our guns and go to the field and play paint ball
- 12 leagues.
- 13 Q. How did you first find out about the paint ball camp?
- 14 A. ~~From the~~ and *team player #5*
- 15 Q. Okay. Did Jimmy ever tell you anything about paint
- 16 ball camp?
- 17 A. Jimmy Meggs?
- 18 Q. Yes?
- 19 A. Yes, sir.
- 20 Q. What did he tell you?
- 21 A. He told me that it would be able to enforce respect
- 22 and discipline for me.
- 23 Q. Okay. Did you ever see Jimmy pass out any folders,
- 24 flyers or anything?
- 25 A. Yes, sir.

team player #2

DIRECT EXAMINATION BY MR. STEINBERG

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1 Q. Let me ask you to ---

2 MR. STEINBERG: Your Honor, I apologize. I
3 apologize for this.

4 team player #2 I'm going to show you a document listed as
5 State's Exhibit Number 1. Have you ever seen this document
6 before?

7 A. Yes, sir.

8 Q. Where did you see this document?

9 A. At my grandma's house around Thanksgiving.

10 Q. And who brought it there?

11 A. Jimmy Meggs.

12 Q. What did he do with it?

13 A. He passed out the pamphlet with this and a couple of
14 sheets to give to parents of people about paint ball.

15 Q. Do you know why he passed those out?

16 A. To -- for his credibility.

17 Q. For his what?

18 A. For his credibility.

19 MR. STEINBERG: Your Honor, I ask that this document
20 be introduced into evidence.

21 THE COURT: Any objection to that?

22 MR. REDMOND: No objection, Your Honor.

23 THE COURT: In evidence as State's Exhibit Number 1,
24 without objection.

25 (Profile sheet of Jimmy D. Meggs Jr., marked as

- 1 evidence as State's Exhibit Number 1.)
- 2 Q. What does that second line read right there?
- 3 A. High school graduate ; School 1991.
- 4 Q. What does it say below that?
- 5 A. BA in civil engineering at Chapel Hill UNC 1996.
- 6 Q. And who did he hand this stuff out to?
- 7 A. To the parents of the children that were at paint ball
- 8 camp.
- 9 Q. And two lines below that line what does it say?
- 10 A. Captain at headquarters in National Guard U.S. Army
- 11 Combat Battle Strategy.
- 12 Q. Okay. You said captain in the National Guard, did
- 13 Jimmy ever mention that to you?
- 14 A. Yes, sir.
- 15 Q. What did he tell you about it?
- 16 A. About him becoming a captain?
- 17 Q. Yeah.
- 18 A. He said that he was a captain in the National Guard
- 19 several times and that the National Guard supported
- 20 supported the paint ball camp and that he received uniforms
- 21 or fatigues and insignia.
- 22 Q. Did he say that he was in the National Guard at that
- 23 time or in the pass?
- 24 A. At that time.
- 25 Q. At that time of the paint ball league. What rank did

- 1 he say he was in the National Guard?
- 2 A.. A captain.
- 3 Q. What rank did he say he was at paint ball?
- 4 A. A captain.
- 5 Q. Did you have a rank?
- 6 A. Yes, sir.
- 7 Q. What rank was that?
- 8 A. A second lieutenant.
- 9 Q. Who was in charge or in command at this paint ball
- 10 field?
- 11 A. Jimmy Meggs.
- 12 Q. What other adults were there?
- 13 A. No other adults.
- 14 Q. How do you know Jimmy was in charge?
- 15 A. He was the one that gave all the orders.
- 16 Q. How did you get to Pamplico?
- 17 A. Jimmy Meggs drove us.
- 18 Q. And where did he drive you or where did he pick you up
- 19 from?
- 20 A. He picked us up from my grandma's house.
- 21 Q. Okay. And what did he pick you up in?
- 22 A. He was...
- 23 Q. A big white truck?
- 24 A. I can't remember.
- 25 Q. Okay. How did the other boys get there?

- 1 A. He would pick up some of the other kids.
- 2 Q. Okay. Why did you go to this paint ball camp?
- 3 A. Because at first it was fun and for weeks my best
- 4 friend kept talking about it. So one weekend we decided to
- 5 go.
- 6 Q. Okay. Did you have any duties?
- 7 A. Fetching fire woods.
- 8 Q. When you had to fetch fire wood, where would you go?
- 9 A. Out into the woods.
- 10 Q. Okay. The same boys go every week?
- 11 A. No, sir.
- 12 Q. How many weeks did you go?
- 13 A. Six or seven weeks.
- 14 Q. Okay. Do you remember when you first went?
- 15 A. Yes, sir.
- 16 Q. And about when was that?
- 17 A. Two weeks before Thanksgiving.
- 18 Q. Two weeks before Thanksgiving. Did Jimmy Meggs have a
- 19 name for this paint ball league?
- 20 A. Vanguard Knights.
- 21 Q. Did Jimmy ever say anything about R. O. T. C.
- 22 A. No, sir.
- 23 Q. Okay. You already talked about the insignias and the
- 24 uniforms. Who gave you the paint ball guns?
- 25 A. Jimmy Meggs.

team player #2

DIRECT EXAMINATION BY MR. STEINBERG

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1 Q. Okay. Did Jimmy ever give you anything else?

2 A. He bought me and my brother a browning jacket a piece.
3 He bought me a paint ball gun and I believe a play station
4 and a major league baseball game.

5 Q. Okay. When y'all would sleep -- did you spend the
6 night at the paint ball field?

7 A. Yes, sir.

8 Q. And where would you sleep when you were out there?

9 A. Most of the time I slept outside by the fire.

10 Q. Okay. And you know ^{victim #1} and ^{victim #2}

11 A. Yes, sir.

12 Q. Who did they sleep with?

13 A. The first night we were there Jimmy Meggs had a popped
14 up little tent and one slept in that and the other one
15 slept in my tent.

16 Q. Did you know how old the ^{victims #1 & #2} s were?

17 A. ^{victims #1 & #2} years old.

18 Q. Okay. Do you still see the ^{victims #1 & #2} on social
19 basis at school or anything?

20 A. No, sir.

21 Q. Do you ever call them on the phone and try to talk to
22 them?

23 A. No, sir.

24 Q. Okay. Did Jimmy Meggs tend to hang out with the older
25 boy or younger boys?

team player #2

DIRECT EXAMINATION BY MR. STEINBERG

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1 A. The younger boys.

2 Q. Jimmy give you an order and you did not do it, what
3 would happen?

4 A. He would shoot you with the paint ball gun or order
5 somebody else to shoot you with the paint ball gun.

6 Q. Who would he order to shoot you with the paint ball
7 gun?

8 A. *team player #5*

9 Q. Would you hear Jimmy give this order to Johnny?

10 A. Yes, sir.

11 Q. Did Jimmy ever give any unusual orders that involved
12 boys dropping their uniforms?

13 A. Yes, sir.

14 Q. What was that order?

15 A. I do not remember the exact words, but the bases of
16 the order it was for the *wh. pants / r2* to drop -- one was to
17 drop their pants and the other twin was supposed to get on
18 their knees and suppose to suck the brother's genitals.

19 Q. Okay. Did Jimmy use the word genitals?

20 A. No, sir.

21 Q. Do you remember what words he used?

22 A. No, sir.

23 Q. Okay. Are you sure Jimmy gave the order?

24 A. Yes, sir.

25 Q. Did the boys follow that order?

1 A. Not at first.

2 Q. What happened at first?

3 A. At first when one of them were told to get down on
4 their knees, he started getting up and he was told to get
5 back down follow through with it.

6 Q. He said he had to follow through with it. What do you
7 mean by that?

8 A. I don't know exactly what happened, but his brother
9 pulled his shirt over his other brothers head, so I really
10 couldn't see.

11 Q. And where was his head in relation to the other boys
12 groin?

13 A. Two or three inches away.

14 Q. Okay. And could you see his head or was it covered by
15 the shirt? Do you know what happened underneath that
16 shirt?

17 A. No, sir.

18 Q. What was the order that was given?

19 A. For the victim #1 to get on his knee and the
20 other to drop his pants.

21 Q. Okay. When the boys dropped his pants, was any orders
22 given after that?

23 A. Yes, sir.

24 Q. What was that order?

25 A. Told the boy to start sucking.

team player #2

DIRECT EXAMINATION BY MR. STEINBERG

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- 1 Q. Who gave that order?
- 2 A. Jimmy Meggs.
- 3 Q. And how long did that go on this sucking?
- 4 A. One minute maybe two.
- 5 Q. Okay. Did Jimmy ever say while they were doing it,
- 6 ever say stop I'm kidding?
- 7 A. No, sir.
- 8 Q. Did he ever try to separate the two boys?
- 9 A. No, sir.
- 10 Q. What did Jimmy say, if anything?
- 11 A. Nothing.
- 12 Q. Did Jimmy ever offer any excuses for this?
- 13 A. Later on that night he called it Hell week.
- 14 Q. He called it what?
- 15 A. Hell weekend.
- 16 Q. H-e-l-l week?
- 17 A. Yes.
- 18 Q. Did he say anything else?
- 19 A. About five minutes after the Watford's had done, we
- 20 were all back at the camp site he said I was just kidding.
- 21 Q. This was after the boys had done it?
- 22 A. Yes.
- 23 Q. Did he ever mention ^{team player #5}?
- 24 A. Yes, sir.
- 25 Q. What he say about ^{team player #5}?

team player #2

DIRECT EXAMINATION BY MR. STEINBERG

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1 A. He said if anything goes down, blame it on Johnny
2 Booker.

3 Q. How close was Jimmy Meggs toward
4 were?

victim #1 or #2

5 A. Five or six a feet away.

6 Q. Did he ever threaten *victim #1* or *victim #2*

7 A. No, sir.

8 Q. Did he have a paint ball gun with him?

9 A. Yes, sir.

10 Q. What was he doing with the paint ball gun?

11 A. He had the little pin shot paint ball gun in his hand.

12 Q. How did Jimmy react when the boys were doing these
13 acts?

14 A. He basically got off on it.

15 Q. You said he basically got off on it. Could you
16 describe what you mean by that?

17 A. He was sitting there staring at them and grinning.

18 Q. Was Jimmy present the entire time this was going on?

19 A. No, sir.

20 Q. Where did he go?

21 A. He went to his truck.

22 Q. Could you see what he was doing in his truck?

23 A. No, sir.

24 Q. What did it look like he was doing in his truck?

25 A. Like playing with the radio.

- 1 Q. Why do you think that?
- 2 A. Because his hand was near the radio.
- 3 Q. He was in the truck?
- 4 A. Yes, sir.
- 5 Q. Was anybody in the truck with him?
- 6 A. No, sir.
- 7 Q. How far was the truck from where the boys were doing
- 8 this?
- 9 A. Maybe feet 15 feet away.
- 10 Q. After he left the truck where did he go?
- 11 A. He went out and got everybody together around the camp
- 12 fire.
- 13 Q. Okay. Did Jimmy ever tell you to do anything like
- 14 that?
- 15 A. Not like that. What he told Jimmy Booker, a friend of
- 16 mine, to get on his knees and for me to drop my pants, but
- 17 he continued spit water on me.
- 18 Q. What order did Jimmy Meggs give?
- 19 A. The same order he gave the ~~other~~ #1-#2
- 20 Q. And how long was this after the ~~other~~ #1-#2 did
- 21 it?
- 22 A. Maybe 30 seconds and gotten up.
- 23 Q. Okay. After the ~~other~~ #1-#2, the same incident
- 24 you got your instructions?
- 25 A. Yes, sir.

1 Q. And what did Jimmy Booker do?

2 A. He spit water on me.

3 Q. Did Jimmy tell him to spit water on you?

4 A. Yes, sir.

5 Q. Did he say what?

6 A. No, sir.

7 Q. What were you wearing?

8 A. I was wearing my shirt and my boxers.

9 Q. And where was -- how was team player #2 pardon me --
10 ~~team player #6~~ situated to you?

11 A. He was on his knees five or six inches away from my
12 genitals.

13 Q. And where was his head?

14 A. About four inches from my genitals.

15 Q. And what did he do?

16 A. He spit water on my genitals.

17 Q. Did Jimmy Meggs say why he wanted this done?

18 A. No, sir.

19 Q. Did you see Jimmy during this time?

20 A. Not the exact time.

21 Q. Okay. The next time you saw Jimmy when was that?

22 A. A few minutes after he had finished.

23 Q. Did Jimmy Meggs ever tell you not to tell anyone about
24 this?

25 A. Yes, sir.

1 Q. What did he say?

2 A. I can't remember his exact words.

3 Q. Okay. Let me talk about something different then.

4 You remember having to do push-ups?

5 A. Yes, sir.

6 Q. Tell us how these push-ups occurred?

7 A. At first, we started off doing regular push-ups. Then

8 later on we were -- some others boy were told to be

9 precise. One of the ^{visitors} ~~visitors~~ ¹⁰² were told to drop their

10 pants and lay on the ground and to place a paint ball on

11 his genitals while he was wearing his boxers.

12 Q. Did only the twins have to do this?

13 A. No, sir.

14 Q. Who else had to do this?

15 A. I had to lay on my back and one of the twins was

16 supposed have to do me.

17 Q. Anybody else have to do these push-ups?

18 A. I have to them over my brother, but I didn't.

19 Q. Okay. Why didn't you?

20 A. Because I didn't feel it was right.

21 Q. Okay. Who placed the paint balls on the boys?

22 A. I can't remember.

23 Q. Okay. Who gave the order for the boys to have paint
24 balls placed on their bodies?

25 A. Jimmy Meggs.

team player #2

DIRECT EXAMINATION BY MR. STEINBERG

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- 1 Q. And what would the boys be wearing during this time?
- 2 A. Their boxers and a shirt.
- 3 Q. Where did Jimmy order the paint balls to be placed?
- 4 A. On their genitals.
- 5 Q. You sure it was Jimmy Meggs that gave this order?
- 6 A. Yes, sir.
- 7 Q. You sure it wasn't *team player #5*?
- 8 A. Yes, sir.
- 9 Q. Where there other boys around during this time?
- 10 A. Yes, sir.
- 11 Q. Were all the boys who were at the camp right there?
- 12 A. No, sir.
- 13 Q. You know where they were?
- 14 A. Somewhere out gathering some firewood or somewhere in
- 15 the tents and some where playing paint ball.
- 16 Q. Was Jimmy there the whole time?
- 17 A. Yes.
- 18 Q. Okay. Jimmy see these push-ups?
- 19 A. Yes, sir.
- 20 Q. Did Jimmy ever do these particular push-ups with you?
- 21 A. No, sir.
- 22 Q. Did he ever tell you why he wanted you to pick up the
- 23 paint ball off of another person's genitals?
- 24 A. No, sir.
- 25 Q. He ever gave you a reason for that?

1 A. No, sir.

2 Q. How did Jimmy react when y'all were doing this?

3 A. Same way as before when we was on the ground the whole
4 time.

5 Q. Who was in charge during this push-up incident?

6 A. Jimmy booker -- I mean Jimmy Meggs.

7 Q. Okay. And what did Jimmy Meggs call these push-ups?

8 A. Those push-ups, he had called those push-ups, but
9 another set of push-ups both of the people had part and had
10 to both drop their pants and wearing boxers and get face to
11 face with the other person and have to do push-ups on that
12 person.

13 Q. What did he call those push-ups?

14 A. Humping.

15 Q. And that was face to face?

16 A. Yes, sir.

17 Q. Say if one person is lying on the ground where would
18 the other person be?

19 A. Doing the push-up right over them.

20 Q. What would they be wearing?

21 A. Nothing but their boxers and their shirts.

22 Q. If you had not done the push-up what would have
23 happened?

24 A. I would have gotten shot.

25 Q. If the victim had not done the push-ups,

1 team player #2

DIRECT EXAMINATION BY MR. STEINBERG

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- 1 what would have happened?
- 2 A. They would have gotten shot.
- 3 Q. If you had not dropped your pants during the incident
4 with ~~team player #2~~ where he spit on you, what would have
5 happened to you?
- 6 A. I would have probably gotten shot.
- 7 Q. What would happen to the victims ² if they had
8 not?
- 9 A. I think they would have gotten shot.
- 10 Q. Were you scared of Jimmy Meggs?
- 11 A. No, sir.
- 12 Q. Did Jimmy ever threaten you?
- 13 A. No, sir.
- 14 Q. Okay. Did he ever threaten to shoot you with a paint
15 ball gun?
- 16 A. Yes, sir.
- 17 Q. If you get shot with a paint ball gun, would it hurt?
- 18 A. At close range it would.
- 19 Q. Let's say I was standing about this close about three
20 or four feet from you, would it hurt if I shot you with a
21 paint ball gun?
- 22 A. Yes, sir.
- 23 Q. How old were you during this league?
- 24 A. Twelve years old.
- 25 Q. Okay. Lets talk about another incident. You ever

- 1 have an opportunity to be in a tent with Jimmy Meggs?
- 2 A. Yes, sir.
- 3 Q. About when was this?
- 4 A. Later that night and later the next night.
- 5 Q. Okay. Did Jimmy say anything to you in this tent?
- 6 A. Not at first.
- 7 Q. Did he say anything later?
- 8 A. Yes, sir.
- 9 Q. What did he say?
- 10 A. At first he unzipped my pants and kept asking me if I
- 11 was scared.
- 12 Q. Were you scared?
- 13 A. Yes, sir.
- 14 Q. Why were you scared?
- 15 A. Because I didn't know what he was gonna do.
- 16 Q. Did he say anything else to you?
- 17 A. No, sir.
- 18 Q. Where was his head during this time?
- 19 A. Six or seven inches away from my genitals.
- 20 Q. And was he making -- what was he doing with his head?
- 21 A. He was inching closer and close to my genitals.
- 22 Q. Did Jimmy say let me give you a blow job?
- 23 A. Not at that point.
- 24 Q. At what point did he say that?
- 25 A. Later on in another part of the tent.

team player #2

DIRECT EXAMINATION BY MR. STEINBERG

393

- 1 Q. That same tent?
- 2 A. Yes, sir.
- 3 Q. You know what a blow job is?
- 4 A. Yes, sir.
- 5 Q. Okay. Did you let him?
- 6 A. No, sir.
- 7 Q. Do you recall speaking to a Sandra Sturkie at the
- 8 Durant Children's Center?
- 9 A. Yes, sir.
- 10 Q. Did you know her prior to paint ball camp?
- 11 A. Huh?
- 12 Q. Did you know her prior to paint ball camp?
- 13 A. No, sir.
- 14 Q. And how old were you when you spoke to her?
- 15 A. old.
- 16 Q. Did Sandra Sturkie ever tell you how to answer any
- 17 questions?
- 18 A. No, sir.
- 19 Q. Did Sandra Sturkie ever tell you to lie?
- 20 A. No, sir.
- 21 Q. Did you discuss with her what happened at paint ball
- 22 camp?
- 23 A. Yes, sir.
- 24 Q. Okay. Have you ever meet Investigator Bryan Kennedy
- 25 over there?

1 A. Yes, sir.

2 Q. Investigator Kennedy ever asked you to lie about this
3 case?

4 A. No, sir.

5 Q. Have any of the ~~victims~~^{5/10/2} or anybody asked you
6 to lie about this case?

7 A. No, sir.

8 Q. Has anybody tried to get you lie in this case?

9 A. Yes, sir.

10 Q. Who tried to get you to lie in this case?

11 A. Jimmy Meggs.

12 Q. Jimmy Meggs right here?

13 A. Yes, sir.

14 Q. How did he try to get you to lie?

15 A. Before he was arrested, he wanted me and ^{team player #3}
16 and ~~team player #5~~ and ~~team player #6~~ to write some sort of
17 letter or a statement to clear -- to say he was a good man
18 and that he -- nothing sexual had happened at paint ball
19 camp.

20 Q. Did he tell you that?

21 A. Yes, sir.

22 Q. Did you sign it?

23 A. Sign what?

24 Q. Did you sign that statement saying nothing sexual had
25 happened?

team player #2

DIRECT EXAMINATION BY MR. STEINBERG

395

- 1 A. No, sir.
- 2 Q. And why not?
- 3 A. Because I didn't believe -- I knew it wasn't right.
- 4 Q. What was not right about it?
- 5 A. Sexual acts had been happening around the paint ball
- 6 camp.
- 7 Q. Did ^{team player #5} ever ask you to sign a statement?
- 8 A. Yes, sir.
- 9 Q. Did you?
- 10 A. No, sir.
- 11 Q. Did you ever put your signature on anything?
- 12 A. Yes, sir.
- 13 Q. What did you put your signature on?
- 14 A. A blank sheet of paper.
- 15 Q. When you put your signature on a piece of paper, you
- 16 sure it didn't have any other writing on it?
- 17 A. Yes, sir.
- 18 Q. Who did you hear that ordered the Watford brothers to
- 19 suck each others penis?
- 20 A. Could you repeat the question?
- 21 Q. Point to the person if they're in the room who told
- 22 the ^{Victims 1 & 2} to suck each others penis'?
- 23 A. Jimmy Meggs.
- 24 Q. Is everything you told today the truth?
- 25 A. Yes, sir.

DIRECT EXAMINATION BY MR. STEINBERG
CROSS EXAMINATION BY MR. REDMOND 396

team player #2

1 Q. Can you look at the jury and tell them that?

2 A. Yes, sir.

3 MR. STEINBERG: Thank you, Johnny.

4 THE COURT: Cross, sir.

5 MR. REDMOND: May it please the Court?

6 THE COURT: Yes, sir.

7 CROSS EXAMINATION BY MR. REDMOND:

8 Q. ~~team player #2~~ do you recall going to the Durant Center back
9 in January of 2000?

10 A. Yes, sir.

11 Q. And was that the only time you went to the Durant
12 Center?

13 A. Yes, sir.

14 Q. Okay. Who took you to the Durant Center?

15 A. ~~A~~ *mom of team player #5 & 6*

16 Q. Okay. A *mom of team player #5 & 6* . Would that happen to be
17 mother or a relative of ?

18 A. *team player #5* Yes, sir. *team player #5*

19 Q. And also of *team player #6* ?

20 A. Yes, sir.

21 Q. Okay. And I think didn't y'all get together with them
22 before going to the Durant Center and when I say y'all, I
23 mean your family and the *team player #5 & 6* before going to the Durant
24 Center?

25 A. That morning right before we left.

1 Q. And didn't you -- didn't Investigator Kennedy bring
2 you back from the Durant Center?

3 A. Yes, sir.

4 Q. After it was over with. And wasn't he there during
5 the time you were at the Durant Center?

6 A. I'm not sure if he was there the exact time I was at
7 the Durant Center.

8 Q. Okay. But he did tell you he was there when it was
9 time for you to leave?

10 A. Yes, sir.

11 Q. Okay. Did you know Reggie Sumner?

12 A.. Yes, sir.

13 Q. And didn't he stay at your grandmother's house
14 sometimes?

15 A. He stayed there I believe two nights.

16 Q. Okay. But he did stay there; right -- well, this had
17 been around or after Christmas that he stayed there the
18 best that you can remember?

19 A. Around Christmas.

20 Q. Now, talking about your trip to the Durant Center, you
21 never mentioned anything about Jimmy attempting to unzip
22 your pants and ask for a blow job before today have you?

23 A. No, sir.

24 Q. You never mentioned it. It's the first time; isn't
25 it?

1 A. Yes, sir.

2 Q. In fact, you also never mentioned sucking -- as you
3 say having to suck on ~~team player #6~~ genitals. You never
4 mentioned that before; did you?

5 A. You must be mean ~~team player #6~~ who was suppose to.

6 Q. I'm sorry excuse me -- ~~team player #6~~ I'm sorry.

7 A. And I did say that at the Durant Center.

8 Q. Oh, so you did say that at the Durant Center that you
9 had? Let me ask you about victim #2. Isn't it true that you
10 said that you had to do push-ups over ^{victim #2}

11 A. No, sir, victim #2 had did push-ups over me.

12 Q. But whatever was going on ^{victim #2} was laughing at the
13 time isn't that what you told them?

14 A. No, sir.

15 Q. You didn't tell them. Okay. When did you stop going
16 to paint ball?

17 A. The week that Jimmy Meggs was arrested.

18 Q. Okay. So you had gone to paint ball, I guess, up
19 until the end of December almost; right?

20 A. Yes, sir.

21 Q. Had you ever gone bowling with Jimmy?

22 A. Yes, sir.

23 Q. Had you ever gone any other place with Jimmy?

24 A. Yes, sir.

25 Q. Okay. And up until about the week before he was

team player #2

CROSS EXAMINATION BY MR. REDMOND

399

- 1 arrested; right?
- 2 A. Yes, sir.
- 3 Q. Okay. And Jimmy use to stay over at your
- 4 grandmother's house I think sometimes?
- 5 A. Sometimes, yes, sir.
- 6 Q. Do you know if he ever gave any money or bought any
- 7 items for your grandmother?
- 8 A. I don't believe he bought any items for my
- 9 grandmother.
- 10 Q. Now, weren't you told at the Durant Center when you
- 11 went there I believe it was January 2000, that you already
- 12 knew why you were going. Well, who told you why you were
- 13 going to the Durant Center.
- 14 A. My father and my grandmother.
- 15 Q. Okay. And they the ones I believe had talked to
- 16 Investigator Kennedy about your going to the Durant Center?
- 17 A. I believe so.
- 18 Q. Now, isn't it also true that during the course of time
- 19 that you were at paint ball camp ^{ten players #5} made y'all
- 20 do things?
- 21 A. Yes, sir.
- 22 Q. Isn't that what you told Sandra Sturkie?
- 23 A. Yes, sir.
- 24 Q. And in fact, you told her there were times that you
- 25 had to, I guess, get in a congo line and do push-ups; isn't

1 that true?

2 A. A congo line but never push-ups.

3 Q. Okay. You didn't talk about push-ups. And I believe
4 there was at one point you told Ms. Sturkie that humping
5 was like doing a regular push-up. Do you recall telling
6 her that?

7 A. It was sort of like a push-up.

8 Q. Okay. And in fact there were times when, of course,
9 ~~team player #5~~ was giving orders I believe; isn't that
10 correct?

11 A. Yes, sir.

12 MR. REDMOND: Beg the Court's indulgence.

13 THE COURT: Yes, sir.

14 Q. I think you were shown State's 1 here this profile ---

15 MR. REDMOND: Your Honor, I apologize for not asking
16 to approach the witness.

17 THE COURT: Sure you may.

18 Q. And I ask you to look over that. Is your
19 grandmother's name on that document?

20 A. Yes, sir.

21 Q. And her name is *grandmother of team player 2 & 3*; is that correct?

22 A. Yes, sir.

23 Q. Thank you.

24 MR. REDMOND: Beg the Court's indulgence one last
25 time.

1 THE COURT: Sure.

2 MR. REDMOND: That will be all, Your Honor.

3 THE COURT: Any redirect, sir.

4 MR. STEINBERG: Yes, sir, very briefly.

5 REDIRECT EXAMINATION BY MR. STEINBERG:

6 Q. Who handed that document out, was it your mother or
7 Jimmy?

8 A. It was Jimmy Meggs.

9 Q. Okay. Counsel asked you a couple of questions about
10 the Durant Center and about what you told at the Durant
11 Center. Remember those questions?

12 A. Yes, sir.

13 Q. Isn't it true that did you tell Sandra Sturkie about
14 the push-ups at the Durant Center?

15 A. Yes, sir.

16 Q. Isn't it true you told them about the
17 brother's having to suck each other?

18 A. Yes, sir.

19 Q. Had to suck each other's penis?

20 A. Yes, sir.

21 Q. Okay. If anyone had asked you about what had happened
22 in that tent, would you have told them?

23 A. I was never asked. I told them.

24 Q. But you were never asked you said? Is that what you
25 said?

1 team player #2

REDIRECT EXAMINATION BY MR. STEINBERG

402

1 A. Yes, sir.

2 Q. Okay. You also said that one of the ~~victims~~ ^{10/12}
3 was laughing?

4 A. None of the ~~victims~~ ^{10/12} were laughing.

5 Q. Okay. How old were the ~~victims~~ ^{10/12} at this time?

6 A. I believe 11 or 12 years old.

7 Q. The other attorney brought up the issue of the congo
8 line?

9 A. Yes, sir.

10 Q. Who gave you order for the congo line?

11 A. ~~team player #5~~ had given orders for the congo line. It
12 was Jimmy Meggs idea for ~~team player #5~~ to do something I
13 believe and also I believe it was Jimmy Meggs' idea for ---

14 MR. REDMOND: Your Honor, I would object to
15 speculation.

16 MR. STEINBERG: Yes, sir.

17 THE COURT: Lay some foundation, sir.

18 Q. How do you know -- how do you have this belief?

19 A. Because that night -- because that night Jimmy Meggs
20 was called off to somewhere. We were left all by
21 ourselves. For about five minutes before he left, he had a
22 few minutes to talk with ~~team player #5~~. Then after ~~team player #5~~
23 got back, we started going out doing some paint ball
24 wars. When we would come back, he decide to make a congo
25 line.

team player #2

REDIRECT EXAMINATION BY MR. STEINBERG

403

1 Q. Okay. Who made -- who decided to make you a congo
2 line?

team player #5

3 A.

4 Q. Was Jimmy Meggs there?

5 A. No, sir.

team player #5

6 Q. gave you orders for the congo line?

7 MR. REDMOND: Your Honor, asked and answered.

8 THE COURT: I think you covered that, Mr. Steinberg.

9 MR. STEINBERG: Yes, sir.

10 Q. The other incidents, are you positive that it was

11 Jimmy Meggs and not *team player #5* those incidents you

12 talked about?

13 A. Yes, sir.

14 Q. Thank you.

15 THE COURT: Thank you, sir, you can step down.

16 (The witness left the witness stand.)

17 MR. REDMOND: Your Honor, may we approach the bench?

18 THE COURT: Yes, sir.

19 (A bench conference was held in the presence of the
20 jury, but out of the hearing of the jury.)

21 THE COURT: A wise person once told me never miss a
22 good opportunity to quit. I think this is a good breaking
23 point. It's nearly five o'clock. Another witness would
24 take probably close to six or thereafter and that's just
25 too late. You folks have paid close attention and you

1 worked hard today. So we're going to break for the
2 afternoon. I'm going to ask if you would be back in the
3 jury room tomorrow morning at nine o'clock. You be back at
4 nine, we will start very shortly thereafter.

5 Please remember my earlier instruction to you about
6 not discussing this case among yourselves and not to
7 discuss it with anyone else. I know that they may want to
8 pry, but you got to be firm and tell them that it's just
9 not proper to discuss it with them at all. And you can
10 promise them when it's all over with, you will tell them
11 everything they want to know and then some, but not until
12 that time. Please remember that, folks. It's very
13 important to the State and to Mr. Meggs. I hope you will
14 have a nice evening. We will see you tomorrow morning at
15 nine o'clock. Everyone else remain where you are while
16 these folks leave.

17 (The jury was excused for the day.)

18 THE COURT: Anything we need to discuss before we
19 stop for the afternoon.

20 MR. REDMOND: No, sir.

21 MR. STEINBERG: No, sir.

22 THE COURT: Thank you. I'll see you tomorrow
23 morning at nine.

24 (Court recessed for the day.)

25 (Court has now reconvened.)

team player #2

REDIRECT EXAMINATION BY MR. STEINBERG

405

1 THE COURT: Mr. Propps, if you will bring out the
2 jury please, sir.

3 (The jury returned to the courtroom.)

4 THE COURT: Good morning, folks. How are you all
5 today. I understand that there may have been some report
6 of this trial in the newspaper or on television last night.
7 I didn't give you an instruction not to read or watch those
8 sorts of things. I'm aware that there maybe some reports
9 about it in the those sources. I'd simply remind you if in
10 fact had occasion to be exposed to those sort of things, I
11 remind you that at the end of this trial, you will be
12 required to base your decision on only what you hear in
13 this courtroom, not something that you may have read or
14 heard outside of this place. So you should remember that
15 your verdict will be based upon the evidence and the
16 testimony that these attorneys have presented on behalf of
17 their clients.

18 So I want you to remember that and I'll simply give
19 you caution at this point since it appears there maybe
20 subject to further report. If you see that sort of thing
21 just ignore it. Don't read it and don't watch it. With
22 that said, we're now ready to begin.

23 Mr. Steinberg, you may call your next witness.

24 MR.STEINBERG: Thank you, Your Honor. The State
25 would call *grandman of team player 293*

JACKIE

grandmother of team players 2 & 3
DIRECT EXAMINATION BY MR. STEINBERG

406

1 THE COURT: Ma'am, place your left hand on the Bible
2 and raise your right hand please. Let this young lady give
3 you an oath.

4 CLERK OF COURT: Do you swear the testimony you give
5 in this case is the truth, the whole truth, and nothing but
6 the truth so help you God?

7 I do.

8 CLERK OF COURT: Be seated and state your name for
9 the record?

10 My name is

11 *grandmother of team players 2 & 3*
being first

12 duly sworn, testifies as follows:

13 DIRECT EXAMINATION BY MR. STEINBERG:

14 Q. Good morning, *grandmother of team players 2 & 3* how are you today?

15 A. Fine.

16 Q. Tell us where you live?

17 A. South Carolina.

18 Q. What's your street address?

19 A.

20 Q. And where did you live in around Thanksgiving of 1999?

21 A.

22 Q. What number was that?

23 A. I can't be exact. I'm not really sure, but that's not
24 the apartment where I live.

25 Q. But you lived on during that time?

mem of testimony 2 or 3
DIRECT EXAMINATION BY MR. STEINBERG

407

- 1 A. Yes, sir.
- 2 Q. And who do you live with now?
- 3 A. Alone.
- 4 Q. You live alone?
- 5 A. Yes, sir.
- 6 Q. Who did you live with around Thanksgiving time of
- 7 1999?
- 8 A. Alone and my grandchildren were with me, you know, off
- 9 and on.
- 10 Q. Who had primary custody your grandchildren?
- 11 A. Their father.
- 12 Q. Did they ever live -- how often did they stay with
- 13 you?
- 14 A. No amount of time. Sometimes they would stay maybe a
- 15 week or several nights and then go back to their dad.
- 16 Q. When they stayed with you, did their father have a
- 17 separate residence or did he also stay with you?
- 18 A. Separate residence.
- 19 Q. Okay. You know Jimmy Meggs?
- 20 A. Yes, sir.
- 21 Q. How did you meet Mr. Meggs?
- 22 A. Through my grandchildren. Through my grandchildren
- 23 and because of the organization that the paint ball
- 24 organization thing.
- 25 Q. Tell us about this organization paint ball thing?

1 A. Well, to begin with, my oldest grandson kept asking me
2 could he go.

3 Q. Would you tell us your oldest grandson's name?

4 A. *team player #3*

5 Q. And what's your younger grandson's name?

6 A. team player #2

7 Q. I'm sorry for interrupting you. I apologize.
8 *+ team player #3*

8 A. kept asking me could he go to this paint ball.

9 To be honest with you, I do not know what paint ball was,
10 but the kids filled me in on what it was. And I told him I
11 said, you cannot go until I talk with whomever is in
12 charge. And he told me that Jimmy Meggs was in charge.

13 And I said, well, I will need to talk with Mr. Meggs before
14 I will let you go anywhere with him because I was
15 protective of my grandchildren and that's how became
16 acquainted with Mr. Meggs.

17 Q. Okay. Did Jimmy Meggs ever enter into a relationship
18 with *team player #2* *team player #3* 1?

19 A. Well, Mr. Meggs, I think it was the next night that he
20 called me, and we probably spoke an hour on the phone. And
21 he gave me all the details of what the paint ball was about
22 and what he was trying to do for the children and, you
23 know, teach them right and wrong and like basically
24 background of military. And thinking, you know, like
25 keeping the children off the streets and out of trouble

around
1 mom of her players 2x3

DIRECT EXAMINATION BY MR. STEINBERG

409

1 this type thing.

2 Q. Okay. Did he say anything else about why he started
3 the league?

4 A. Excuse me.

5 Q. Did he say anything else about why he started this
6 paint ball league?

7 A. Can move I this. He -- he told me that he was captain
8 with the National Guard active reserves. I think is what
9 he said and...

10 Q. Did he tell you this in the year 1999?

11 A. Yes.

12 Q. What year did he tell you this in?

13 A. Well, it had to have been '99 because before I let the
14 children go anywhere or do anything with him, I talk with
15 him in full detail on the telephone.

16 Q. Did he say the reasons why he started the paint ball
17 league?

18 A. I don't recall the basics of it, other than the fact
19 of helping young boys to, you know, keep them out of
20 trouble and give them basic background military life stuff
21 like.

22 Q. And the military, what rank he say he was?

23 A. I think he said Captain of the National Guard.

24 Q. Did he ever tell you about his education?

25 A. He graduated from the University of North Carolina.

- 1 Q. Did he tell you what his degree was in?
- 2 A. He did, but I have forgotten.
- 3 Q. Okay. Did ever mention R. O. T. C.?
- 4 A. Yes, he did, but I cannot remember exactly what he.
- 5 said on that issue either.
- 6 Q. But how long ago did you have this conversation?
- 7 A. How long ago?
- 8 Q. Yes, ma'am.
- 9 A. In '99.
- 10 Q. Okay. And did he ever mention the term Vanguard
- 11 Knights?
- 12 A. Yes, sir, he did. That was the name of the
- 13 organization.
- 14 Q. Of which organization?
- 15 A. The paint ball.
- 16 Q. Okay. What did ^{team player #203} wear to paint ball
- 17 camp?
- 18 A. To begin, they just wore regular clothes. Then they
- 19 had like camouflage shirts -- T-shirt, jackets, those
- 20 pants, caps, military type camouflage clothes.
- 21 Q. And where did they get those uniforms?
- 22 A. From Jimmy Meggs and -- well, from Jimmy Meggs.
- 23 Q. Did Jimmy ever say where he got those uniforms?
- 24 A. From Reggie Sumner, which came from Fort Jackson.
- 25 Q. Did Jimmy say wherever he got uniforms?

grandmotherly team players 203
DIRECT EXAMINATION BY MR. STEINBERG

411

- 1 A. That Fort Jackson was backing him and his
2 organization.
- 3 Q. That Fort Jackson was backing him?
- 4 A. Yes, sir.
- 5 Q. Let me show you a document marked as State's Exhibit
6 Number 1. You ever seen this document before?
- 7 A. Yes, sir.
- 8 Q. Where did you see it?
- 9 A. Mr. Meggs gave it to me at my house.
- 10 Q. And why did he give it to you?
- 11 A. Because he was forming a committee of parents and
12 grandparents or whomever to help him in this paint ball
13 club or organization.
- 14 Q. Did he say what his degree is in on this report or
15 document?
- 16 A. I don't have my glasses on. I'm sorry they're in my
17 pocketbook, I think.
- 18 Q. *grandmotherly team players 203* do you recall reading this document in
19 the past?
- 20 A. This list of the officers?
- 21 Q. Yes, ma'am.
- 22 A. Yes, sir.
- 23 Q. Do you remember the list he asked you to sign or
24 pardon me he asked civil engineering at Chapel Hill UNC?
- 25 A. I recall, yes, sir.

- 1 Q. Did ever he tell you he was an 03 Captain HQ at the
2 National Guard U.S. Army Combat Battle Strategy in
3 Columbia?
- 4 A. Yes, sir.
- 5 Q. Okay. Did he ever give you a list of, I guess,
6 contact persons on this paper?
- 7 A. Yes, sir.
- 8 Q. Was Reggie Sumner on there?
- 9 A. Yes, sir.
- 10 Q. Was Chris Gough on there?
- 11 A. He was, but I never meet Mr. Gough.
- 12 Q. And how about Sergeant Will Brice of the U. S. Army
13 National Guard?
- 14 A. I recall the name but I never met him.
- 15 Q. And down at the bottom it says Board of Directors.
16 Are you listed as the vice president?
- 17 A. I was thinking it was treasure.
- 18 Q. Did you volunteer for this or were you appointed?
- 19 A. Yes, sir, I did.
- 20 Q. Okay. What was your role in this paint ball league.
- 21 A. Well, I thought that Mr. Meggs -- I thought it was a
22 good thing. I praised him for what he was doing.
- 23 Q. Why did you praise him for what he was doing?
- 24 A. Because I thought that it was a good thing to get
25 these young kids to get in their minds, instill in them the

question 203
DIRECT EXAMINATION BY MR. STEINBERG

413

1 right way, the right path in life to start as a young child
2 and what better way would be the military way.

3 Q. What do you mean by right path in life? What does
4 that mean?

5 A. To keep them off the streets and out of the drugs, out
6 of the alcohol whatever the case might be. And I've -- he
7 had my backing. He really did, and I told him I said, I
8 will help anyway I can and I mean just put all my faith and
9 all my trust in him.

10 Q. Okay. Did you have more to say?

11 A. As far as about the treasure, I never had any money.

12 Q. Okay.

13 A. Never made any deposits. I never had any money.

14 Q. Did you ever go to the paint ball camp?

15 A. No, sir.

16 Q. Okay. To best of your knowledge, you said that
17 Mr. Meggs tried to get parents and grandparents. At the
18 best of your knowledge, did parents and grandparents go out
19 there?

20 A. I'm not sure. I think maybe one or two of the parents
21 may have ridden out there, but I didn't never go.

22 Q. Were you present when your boys were picked up?

23 A. Yes, sir.

24 Q. Who picked them up?

25 A. Mr. Meggs.

q michman to team players 2nd 3

DIRECT EXAMINATION BY MR. STEINBERG

414

1 Q. Okay. How did he pick them up?

2 A. In is pick-up truck.

3 Q. Any other adults with him at that time?

4 A. No, sir.

5 Q. You know there's some allegations in this matter
6 involving children?

7 A. Yes, sir.

8 Q. How did you first find out about these allegations?

9 A. Mr. Bryan Kennedy investigator with the Florence
10 Detention Center.

11 Q. And how did he make contact with you?

12 A. By telephone.

13 Q. Okay. Did Jimmy Meggs live at your house or
14 residence?

15 A. No, sir.

16 Q. Did he ever stay at your house?

17 A. Sometimes, yes, sir.

18 Q. How often did he stay at your house?

19 A. A few times.

20 Q. Do you know why he stayed at your house?

21 A. He -- I don't know maybe this, but I don't think
22 Mr. Meggs had a stable ---

23 MR. REDMOND: Your Honor, objection.

24 THE COURT: I sustain that.

25 MR. STEINBERG: I understand, Your Honor.

team players 243
 DIRECT EXAMINATION BY MR. STEINBERG
 CROSS EXAMINATION BY MR. REDMOND 415

1 A. He stay there -- I thought a lot of Mr. Meggs and I
 2 was willing to help him, you know, because my children -- I
 3 say my children, my grandchildren. They were in this big
 4 time. They loved it. You know, everything was going fine
 5 I thought.

6 MR. STEINBERG: Beg the Court's indulgence.
 7 Thank you, Ms. *quad note of team player 243* please answer opposing counsels
 8 questions.

9 THE COURT: Let me -- Mr. Redmond, before you begin.
 10 Folks, I sustained that last objection to the partial
 11 answer -- actually to the question and the partial answer.
 12 Remember earlier I told you that there would come a time
 13 when I tell you to disregard something and that's exactly
 14 what you should do to that particular evidence of this
 15 case. It would not be proper or given any consideration at
 16 the end when you consider the evidence and testimony.

17 Mr. Redmond.

18 CROSS EXAMINATION OF MR. REDMOND:

19 Q. *if Redmond to team player, 243*

20 A. Yes, sir.

21 Q. Did Jimmy keep any clothes at your house?

22 A. Occasionally, yes, sir.

23 Q. Okay. And when did he start staying with you best of
 24 your knowledge?

25 A. September. There was no set time.

1 Q. I mean as far as the first time about when was it
2 November, December. When do you recall that he started
3 staying there?

4 A. Maybe December.

5 Q. And did he stay with you around and even after
6 Christmas I believe?

7 A. No, sir, not that I recall.

8 Q. Not that you can recall?

9 A. No, sir.

10 Q. Now, you indicated that you praised him for what he
11 was trying to do and whatnot positive activity. Why did
12 you feel that your children needed -- your grandchildren
13 needed to be part of this activity?

14 A. Because I think anything, any organization or anything
15 that can help anyone, especially young children this day
16 and time to try and teach them right from wrong and the
17 right way in life to go and look for your future, look down
18 the future for a career. I mean I was for anything not
19 just my grandchildren anybody.

20 Q. Okay. And, of course, their attendance in the
21 activities stopped when Mr. Meggs was arrested, correct?

22 A. Yes, sir.

23 Q. But before that, they were actually looking forward to
24 being involved in the paint ball?

25 A. Yes, sir.

grand jury testimony
CROSS EXAMINATION BY MR. REDMOND

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1 Q. Now, you had talked some about your involvement in the
2 paint ball. And I believe the Flyers I think state to you
3 that number one ---

4 MR. REDMOND: If I may approach the witness, Your
5 Honor.

6 THE COURT: Sure.

7 Q. And I think you indicated in your testimony that you
8 are listed here; correct?

9 A. Yes, sir.

10 Q. And I think you were listed or indicated that you were
11 the treasure; is that correct?

12 A. Yes, sir.

13 Q. And in fact, isn't it also true that you assisted the
14 Vanguard Knights in raising money?

15 A. Yes, sir.

16 Q. Like car washes. If you will tell the jury a little
17 bit about that?

18 A. Yes, sir, I did because to help with this some to buy
19 paint balls and I don't know anything about the paint ball.
20 I wouldn't know a gun if I see one, but anyway like for
21 materials. And Mr. Meggs had in mind buying -- purchasing
22 a van to transport the kids to and from the camp and there
23 again I do all I could to help.

24 Q. Okay. Now, do you know Reggie Sumner?

25 A. I say yes. I say no. I met him -- he was in my home

1 a time or two.

2 Q. Okay. And he was in your home over nighttime a time
3 or two?

4 A. Once, yes, sir.

5 Q. Okay. And isn't it true that during the course of
6 Jimmy's time there or at the time he quite coming there,
7 you were actually a little angry at Jimmy for not paying to
8 stay there I think you said? Do you recall that?

9 A. Not paying?

10 Q. Yes, in other words, not paying you or not giving you
11 money in reference to staying at your house. Do you recall
12 that?

13 A. No, sir, I do not.

14 Q. Do you recall ever asking Jimmy for any money, to loan
15 you money or to assist you?

16 A. No, sir, I did not.

17 Q. Now, I think you also said that you learned this
18 incident when Bryan Kennedy called; is that correct?

19 A. Yes, sir.

20 Q. And that was in early January of 1999?

21 A. Yes, sir.

22 Q. And at that time that was when you learned of any
23 allegations involving Jimmy Meggs; is that correct?

24 A. Yes, sir.

25 Q. Who have your children been with primarily since -- I

1 mean your grandchildren since January of '99. I think you
2 mentioned they stayed with their dad and with you at times.
3 Who have they been with primarily since January of '99.

4 THE COURT: Mr. Redmond, I think the state would
5 like to ask you to clarify that. I think that you
6 mentioned '99 and I think you mean 2000.

7 MR. REDMOND: I think I did. Thank you, Your Honor.

8 Q. Who were your grandchildren, Michael and team player #2
9 were they primarily staying with after January 2000?

10 A. It was -- I mean there was no certain amount. There's
11 no way I can tell you any amount of time. I can't say they
12 were with me today, the next because -- I mean they were --
13 we just a close family and my son would even come and stay
14 with me still today occasionally. So my grandchildren are
15 like my children. They're at my house a great deal of the
16 time, but now, as far as their daddy has custody of them.
17 But there -- I say my children and they're not. They're my
18 grandchildren. I think of them as my children because
19 they're at my home any time they want to be there.

20 Q. Now, do you also recall them going to the Durant
21 Center in January of 2000?

22 A. Yes, sir.

23 Q. And I believe they only went once; is that correct?

24 A. Yes, sir.

25 Q. And you were there when they went?

1 A. Yes, sir.

2 MR. REDMOND: Thank you. I have nothing further.

3 Beg the Court's indulgence I'm sorry.

4 Q. Just to refresh a couple of issues. Do you recall how
5 often Jimmy stayed -- in other words, about how many nights
6 Jimmy stayed? In other words, estimate would have been a
7 total of two weeks a month that he actually stayed in your
8 house?

9 A. He never as far as his residence was not at my house.

10 Q. That's not what I'm asking you. You testified that he
11 had stayed ---

12 A. He might stay the night and he would be on call from
13 the railroad and he would leave. But he never as far as --
14 he never received mail at my house. He did not live with
15 me.

16 Q. I understand that, but what I'm asking you is how many
17 nights would you estimate that he stayed over at your
18 house?

19 A. All total from the time that I knew him going on.

20 Q. Yes?

21 A. Maybe ten times.

22 Q. Ten times. Okay. Now, I think even the railroad even
23 called at your house if I recall correctly?

24 A. Yes, sir.

25 Q. Was that more than once?

1 A. Yes, sir.

2 Q. Okay. And ---

3 A. Because he would not answer his phone and he had given
4 them my number. He was with the kids, you know, they was
5 trying to beep him or whatever sometimes. They call
6 sometimes he would not answer.

7 Q. Okay. Now, I think you said you didn't have primary
8 custody of team player #2 correct?

9 A. No.

10 Q. But you kept them sometimes; correct?

11 A. Yes, sir.

12 Q. And weren't there times when you were upset because
13 while they were with you it was a problem with child
14 support?

15 MR. STEINBERG: Objection, Your Honor. We approach.

16 (A bench conference was held in the presence of the
17 jury, but out of the hearing of the jury.)

18 Q. Let me ask you. Did Jimmy help you pay the bills? I
19 believe, you stated he stayed there ten times. Was he
20 helping pay some of the bills, groceries things of that
21 nature?

22 A. No, sir.

23 Q. So he stayed there for free is that what you're
24 telling me?

25 A. Yes, sir.

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CROSS EXAMINATION BY MR. REDMOND
REDIRECT EXAMINATION BY MR. STEINBERG 422

1 Q. Okay. You did not require him to ever get any
2 groceries for you?

3 A. I ask him while he was out to pick up a gallon of milk
4 or bread, which I would do to you or anyone else.

5 MR. REDMOND: Well, thank you kindly. That will be
6 all, Your Honor.

7 MR. STEINBERG: Just very briefly, Your Honor.

8 REDIRECT EXAMINATION BY MR. STEINBERG:

9 Q. Did you let Jimmy stay over your house after your
10 conversation with Bryan Kennedy?

11 A. No, sir.

12 Q. You say you talked about purchasing a van?

13 A. Yes, sir.

14 Q. Did he ever tell you about any other purchases or any
15 other future plans with the paint ball league?

16 A. He said that he was planning on trying to build a
17 military school.

18 Q. Did he say why?

19 A. Why?

20 Q. Yes, ma'am.

21 A. That he was going to teach and be living on campus and
22 teach like military.

23 Q. Okay. There's been some talk about whether Jimmy owed
24 you any money or Jimmy was paying you money. You remember
25 those questions?

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REDIRECT EXAMINATION BY MR. STEINBERG

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1 A. Yes, sir.

2 Q. Were you ever mad at Jimmy until -- I don't know if
3 you were after, but prior to Bryan Kennedy's conversations,
4 were you ever mad with Jimmy Meggs?

5 A. A time or two I got upset with him, yes, sir.

6 Q. How upset were you?

7 A. Might not be allowed to -- I took Jimmy as one of my
8 children because he's younger than either of my sons and I
9 talk with Jimmy just like I do one of my children or any
10 other child. I just took him as, you know, like one of the
11 family would and he did something that I do not think was
12 right or something. I mean, yeah, I just thought, you
13 know, of Jimmy just like this. They would have it setup to
14 go bowling or play ball or whatever and sometimes he
15 wouldn't show up and people be calling the house. Calling
16 the house. Calling the house. And, of course, it got on
17 my nerves and I said Jimmy you shouldn't do this. If you
18 not gone go or you can't go because of your work, you
19 should tell the kids. That's the kind of upset with Jimmy,
20 yes, sir.

21 Q. Were you ever so upset that you might ask Johnny
22 Michael, your grandsons, to lie about any allegations?

23 A. No, sir.

24 MR. STEINBERG: Thank you, very much.

25 THE COURT: Thank you, ma'am, you may step down.

1 (The witness left the witness stand.)

2 MR. STEINBERG: Your Honor, the next one will be
3 Colonel Bruce Bennett.

4 THE COURT: Place your left hand on the Bible and
5 raise your right.

6 CLERK OF COURT: Do you swear the testimony you give
7 in this case will be the truth, the whole truth, and
8 nothing but the truth so help you God?

9 MR. BENNETT: I do.

10 CLERK OF COURT: Please be seated and state your
11 name for the record.

12 MR. BENNETT: My name is Bruce Bennett.

13 BRUCE BENNETT, being first
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. STEINBERG:

16 Q. Good morning, Colonel Bennett, how are you today?

17 A. Fine thank you.

18 Q. Can you tell the jury what you do for a living?

19 A. I work for the South Carolina Army National Guard and
20 state personnel management office in Columbia.

21 Q. Is that a full-time or part-time job?

22 A. That's a full-time job.

23 Q. Okay. And where do you live, where's your residence?

24 A. I live in Pamplico.

25 Q. Where do you work?

1 A. I work in Columbia.

2 Q. Long drive every day?

3 A. It is.

4 Q. For those who aren't familiar with the military
5 insignia, will you tell us what your rank is please?

6 A. I'm a colonel.

7 Q. Okay. Have you been asked to pull a file on Jimmy
8 Donald Meggs, Jr.

9 A. Yes, I have.

10 Q. Have you done that?

11 A. Yes, I have.

12 Q. I'm going to show you a document to provide to
13 counsel. I ask you to identify this document?

14 A. This is a standard report separation from the
15 military. In this case, South Carolina Army National
16 Guard.

17 Q. Okay. This document is normally kept in the course of
18 your business?

19 A. Yes, it is.

20 Q. And who is this document for?

21 A. It is for Jimmy Donald Meggs Jr.

22 MR. STEINBERG: Your Honor, I would ask that this be
23 admitted into evidence.

24 MR. COX: No objection, Your Honor.

25 THE COURT: Without objection I believe that's

1 State's 2; is that correct?

2 MR. STEINBERG: Yes, sir.

3 (Discharge papers from the Army National Guard
4 marked as evidence State's Exhibit Number 2.)

5 Q. I'm going to hand this document State's Exhibit Number
6 2 back to you. I ask you does it include Mr. Meggs' date
7 of birth on there?

8 A. It does.

9 Q. What is that date of birth?

10 A.

11 Q. Was Jimmy Donald Meggs Jr., ever in the South Carolina
12 National Guard?

13 A. He was.

14 Q. And when was he in the National Guard?

15 A. He enlisted in the guard on July 26, 1991.

16 Q. When did he get out of the military?

17 A. He was discharged on October the 1st 1992.

18 Q. Why was he released or discharged?

19 A. When he reported for basic training, he failed to meet
20 medical standards for entry into basic training.

21 Q. Okay. And you said he was released in 1992?

22 A. That's correct.

23 Q. According to your records, was he in the National
24 Guard between October 15th of '99 and December 15th of
25 1999?

1 A. No, he was not.

2 Q. On that same document, does it have a rank or highest
3 rank in chief?

4 A. Highest rank pay E-3 ES2.

5 Q. Was he ever a captain?

6 A. No, he was not.

7 Q. In the military what is an 03?

8 A. 03 is a captain.

9 Q. And an E-3 is what rank?

10 A. An enlisted rank PFC.

11 Q. Were you also asked to look into whether the National
12 Guard sponsored a paint ball league or any similar league
13 for juveniles?

14 A. Yes, I was.

15 Q. Do they?

16 A. They do not.

17 Q. Does the National Guard typically give away military
18 uniforms to juveniles?

19 A. We do not.

20 Q. What is the mission of the South Carolina National
21 Guard?

22 A. Mission of the South Carolina National Guard is
23 twofold. State mission for any national disasters that sort
24 of thing. We also have federal missions, which is tied to
25 the federal mission of the United States Army.

1 Q. Okay. Does the National Guard use guns?

2 A. The National Guard does use guns, yes.

3 Q. Okay. You said earlier that you live in Pamplico?

4 A. That's correct.

5 Q. If the National Guard had a paint ball league in
6 Pamplico, would you know about it?

7 A. Yes, I would.

8 MR. STEINBERG: Beg the Court's indulgence.

9 Your Honor, I like to publish the exhibit, please.

10 THE COURT: All right.

11 MR. STEINBERG: I have no further questions. Please
12 answer any of opposing counsels questions.

13 THE COURT: Any questions?

14 MR. COX: Yes, I do when the jury finishes with the
15 exhibit.

16 THE COURT: All right.

17 MR. COX: May it please the Court?

18 THE COURT: Yes, sir.

19 CROSS EXAMINATION BY MR. COX:

20 Q. Colonel, does South Carolina still -- South Carolina
21 National Guard still one of the top National Guard Units in
22 the United States?

23 A. It's one of the top, yes, sir.

24 Q. Is that something you always been proud of in this
25 state?

1 A. That's correct.

2 Q. How many people are in the National Guard?

3 A. Presently in the Army National Guard we have roughly
4 9,200 soldiers.

5 Q. 9,200 soldiers. State's Exhibit Number 2 NGB Form 22,
6 this is the standard form that you use every day in the
7 National Guard is it not?

8 A. That's correct.

9 Q. And it says Army Air Force National Guard Bureau. So
10 the National Guard is a Bureau of the regular Army or Air
11 Force?

12 A. Sir, the National Guard Bureau is our headquarters for
13 all Army and Air National Guard. And yes, the National
14 Guard is an arm of the Army.

15 Q. And this report says separation of service in the Army
16 National Guard of South Carolina and as a reserve of the
17 Army. When you're in the National Guard are you also a
18 reserve?

19 A. We're an arm of the Army just like U.S. Army reserves
20 is, yes, sir.

21 Q. Okay. And as a reserve of the Army, why does this
22 form say as a reserve?

23 A. Because we're not an active force. We're just like
24 the U.S. Army reserve we're a following force, but part of
25 Army.

- 1 Q. This form says that the total service for pay one year
2 two months and six days?
- 3 A. That's correct.
- 4 Q. So during that one year two months and six days, was
5 Jimmy Meggs in the Army reserve also?
- 6 A. No, he was not. He was in the South Carolina Army
7 National Guard.
- 8 Q. Okay. The form is signed by Donald G. Martin, Captain
9 S1. Who would Donald G. Martin be? Is that the one you
10 know?
- 11 A. I do not. This has been a number of years ago. So
12 I'm not familiar with that name.
- 13 Q. All right. Donald G. Martin, S1, what would his
14 position be?
- 15 A. He would be in some area of personnel.
- 16 Q. Okay. And S1 is found at what level of the Army?
- 17 A. S1 Battalion level.
- 18 Q. Battalion level?
- 19 A. Correct.
- 20 Q. And battalion is made up of companies?
- 21 A. That's correct.
- 22 Q. Now, it says that signature of person being separated
23 sold and not available for signature is that unusual?
- 24 A. Not unusual.
- 25 Q. All right. And you said that this document was placed

1 certified by mail to the soldiers last known address along
2 with the NGB Form 55. What is that?

3 A. NGB Form 55 I'm not sure I've got one to look at. I
4 don't know.

5 Q. That's all right. But anyway this form indicates that
6 he received a copy of State's Exhibit Number 2 and NGB
7 Form 55. Does it state what type of discharge he received?

8 A. It does say service of honorable.

9 Q. Honorable. Is that a discharge that anyone in the
10 service will want to receive?

11 A. Yes, sir, it is.

12 MR. COX: Okay. Thank you, sir.

13 MR. STEINBERG: No further questions. Thank you.

14 THE COURT: All right. You may step down.

15 (The witness left the witness stand.)

16 THE COURT: Mr. Cox, didn't you have the original --
17 that's your copy?

18 MR. COX: No, sir, this time I don't. Thank you.

19 MR. STEINBERG: Your Honor, the State's next witness
20 will be Bryan Kennedy.

21 CLERK OF COURT: Do you swear the testimony you give
22 in this case, will be the truth, the whole truth, and
23 nothing but the truth so help you God?

24 MR. KENNEDY: I do.

25 CLERK OF COURT: Please be seated and state your

1 name for the record?

2 MR. KENNEDY: My name is Byran Kennedy.

3 BRYAN KENNEDY, being first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. STEINBERG:

6 Q. Good morning, Mr. Kennedy, how are you today?

7 A. Fine.

8 Q. Tell the jury where you work?

9 A. I work in the Florence County Sheriff's office
10 criminal investigation division.

11 Q. And what is your title?

12 A. I'm an investigator.

13 Q. You investigate the charges involving Jimmy Donald
14 Meggs Jr.?

15 A. Yes, I did.

16 Q. Are you the lead investigator?

17 A. Yes, I am.

18 Q. How were you first informed of the allegations to the
19 best of your recollection?

20 A. I was first informed of the allegations when my
21 supervisor, Kevin Wayne Jeffords, called me into his office
22 and ask me to speak to a ^{her} ~~woman's name~~ about an incident
23 involving her two boys.

24 Q. What did you do once you received this information?

25 A. I received the information. I documented the original

1 report and arrange for the children to be interviewed at
2 the Durant Center in Florence.

3 Q. Why did you do this?

4 A. I did that because -- to take some information.

5 Q. Yes, sir.

6 A. Child abuse investigations these days are handled with
7 what we call multiple-discipline approach. Back before we
8 started using this model in law enforcement, a child might
9 disclose to a friend about what had happened to them. Then
10 the friend disclose it to someone else. Then that person
11 would go to the child and have them tell the story again.
12 And say the school teacher go to the principal and the
13 principal talk to the child. The child had to tell the
14 story again. DSS or law enforcement might be called to ask
15 the child to tell the story again. Whenever it gets to the
16 prosecution, there may be one or two people from the
17 Solicitor's office that needs to speak to the child. And
18 the child has to tell the story again; that's very
19 stressful to a child victim of abuse. So we usually let
20 them go to the Durant Children Center and they and myself
21 and DSS and other people involved in the case repeatedly
22 interview the child victim to have a professional forensic
23 interviewer to do the interview in a nonstressful
24 child-friendly-type environment, rather than have the child
25 sit down and speak to some scary police officer that they

1 never seen before.

2 Q. Thank you, investigator. What did your investigation
3 consist of in this matter?

4 A. My investigation consisted of having the children
5 interviewed. Myself of gathering evidence, checked on the
6 background of the suspect and interviewing the victims'
7 parents.

8 Q. Did you try to find additional witnesses?

9 A. Yes, I did.

10 Q. Okay. Following your investigation of this paint ball
11 camp -- what kind of people were at the paint ball camps?

12 A. The paint ball camp?

13 Q. Yeah.

14 A. Primarily, Jimmy Meggs was the only adult that was
15 there most of the time with the children were involved.
16 The children ranged in age from nine to 16 years old.

17 Q. Okay. You say children. Where they boy or girl
18 children?

19 A. They were all males.

20 Q. Okay. Did all these boys go to the same school?

21 A. No, they didn't. In fact, most of the boys only knew
22 each other by their first names and that was something
23 that hampered me to which I could locate the boys that were
24 involved because as we talk to one child or a set of
25 children, they might only be able to give me first names.

1 They would say team player #1 there or something like that. A
2 challenge in the case to determine who these children were
3 they had been talking about.

4 Q. You say first names. Where there more than one boy
5 there with the same first name?

6 A. Yes, there were a few names repeated one more ^{sub #1} and
7 more than one team player #1

8 Q. Were all the boys from the same county?

9 A. No, they weren't. As a matter of fact, there were
10 some boys from Darlington County and that kind of sort of a
11 challenge. I was asking to find people whose families and
12 neighbors that might be familiar with that could tell me
13 who those boys might be.

14 Q. Okay. When you asked about Jimmy Donald Meggs Jr.,
15 did you ever speak to Jimmy Donald Meggs Sr.

16 A. Yes, I did. I spoke to Jimmy Donald Meggs Sr.,
17 whenever I believe on the 14th of January when served with
18 a search warrant.

19 Q. Okay. I'm not gone go into that. I have to ask you
20 limited questions at this point. You said my first
21 question when was this January 14th?

22 A. January 14th at his home. in
23 Florence.

24 Q. Okay. Did you speak to a Reggie Sumner or Sumpter?

25 A. Yes, I did speak to Reggie Sumner on the 27th of

1 January.

2 Q. And who is he?

3 A. Reggie Sumner is an acquaintance of Jimmy Meggs Jr. I
4 believe. I know they already said earlier he listed as
5 lieutenant colonel in the National Guard. When I spoke to
6 Mr. Sumner by telephone at his home ---

7 MR. REDMOND: Your Honor, hearsay.

8 MR. STEINBERG: Your Honor, I'll rephrase the
9 question.

10 THE COURT: If you gentlemen approach -- let's take
11 short recess. I need to take one anyway. Folks, if you
12 will go back to your room, and I'll call you out in just a
13 few minutes.

14 (The jury was excused to the jury room.)

15 THE COURT: The Court would sustain the last
16 objection. And the concern I have is to make sure that
17 Mr. Kennedy is testifying from personal knowledge.

18 MR. STEINBERG: Yes, sir.

19 THE COURT: And not as a result of something he
20 learned from investigations, unless you can -- I mean
21 that's a concern. I know a lot of this is cumulative. A
22 lot of it is preliminary, but at the same token, we need to
23 guard against that. And I just tell you that because I
24 know he will and he doesn't. And Mr. Redmond will object
25 so ---

BRYAN KENNEDY DIRECT EXAMINATION BY MR. STEINBERG

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1 MR. STEINBERG: Yes, sir.

2 THE COURT: Let's take about a ten minute recess.

3 (Court in recess.)

4 (Court has reconvened.)

5 THE COURT: Mr. Propps, if you will bring out the
6 jury please.

7 (The jury returned to the courtroom.)

8 THE COURT: Mr. Steinberg.

9 MR. STEINBERG: Thank you, Your Honor.

10 Q. Did you speak to a person by the name of Reggie
11 Sumner?

12 A. Yes, I did.

13 Q. Did you speak or attempt to speak to an individual by
14 the name of Chris Gough?

15 A. Yes, I did.

16 Q. Were you successful?

17 A. I did speak to both of them, yes, by telephone.

18 Q. Okay. Did you speak to an ^{team player #9} ~~individual~~, I think he's
19 also named by or referred to as ^{team player #9} ~~that name~~ anybody by
20 that name?

21 A. I have recently spoke to Mr. Gough, yes.

22 Q. Did you investigate Jimmy's background?

23 A. Yes, I did.

24 Q. You collect any evidence in this case?

25 A. Yes, I did.

1 Q. Did you go to where the incident occurred?

2 A. Yes, I did.

3 Q. And where did they occur?

4 A. Occurred in a field approximately three quarters of a
5 mile outside of the city limits of Pamplico Koon River
6 Road.

7 Q. And what county is Pamplico?

8 A. Florence County.

9 Q. And in what county was this paint ball field?

10 A. In Florence County.

11 Q. Did you investigate the existence of the Vanguard
12 Knights?

13 A. Yes, I did. As a matter of fact, the Vanguard Knights
14 is an actual organization that was familiar to me.

15 Q. And can you tell how it was familiar to you?

16 A. Vanguard Knights is a sort of Army society, a club at
17 West Florence High School and in 1999 it was something that
18 was available to R. O. T. C. students. Every member of the
19 Vanguard Knights as they call it was an R. O. T. C.
20 student. My son goes to West Florence and he was in
21 R. O. T. C. Vanguard Knights at that time. And presently
22 there are organization of school club that requires that
23 students involved meet certain grade point average and
24 certain codes of conduct and not have any discipline
25 problems against them. They have to pass physical fitness

1 exams. And all their activities are supervised by faculty
2 advisors as well as parents who are involved. For
3 instance, parents of the Booster Club R. O. T. C. Vanguard
4 Knights Booster Club.

5 Q. Were you involved in any way with the Vanguard
6 Knights?

7 A. At that time, I was not involved with the Vanguard
8 Knights except as a member of the Booster Club. I had not
9 gone camping. However, I did not get to know the other
10 parents who were involved and Colonel Wayne Nelson, the Air
11 Force instructor at West Florence. At that time, he was in
12 charge of the Vanguard Knights program.

13 Q. Vanguard Knights perhaps say are the Vanguard Knights
14 a paint ball league?

15 A. No, they are not. I have no knowledge of any
16 involvement or ever been involved. Unless, it was prior to
17 my becoming acquainted with the program.

18 Q. Was Jimmy Meggs apart of the Vanguard Knights?

19 A. No, he was not as far as anyone associated with the
20 organization can probably tell me whenever the Vanguard
21 Knights name came up in the investigation. I called
22 Colonel Nelson and asked him if there was a Jimmy Donald
23 Meggs ---

24 MR. REDMOND: Objection.

25 THE COURT: Sustained.

1 MR. STEINBERG: I'm gone ask you questions, but I
2 can't ask you any statement that Colonel Nelson responded
3 to.

4 A. I apologize. I'm sorry.

5 Q. But you did call?

6 A. I did to verify what had happened involving in the
7 program.

8 Q. I can't ask you to give any other responses besides
9 that. Did you determine the defendant's date of birth?

10 A. Yes, the date of the birth is

11 Q. And how old is Jimmy Donald Meggs Jr., between October
12 15th 1999 and December 15th 1999?

13 A. Twenty-six.

14 Q. Following your investigation, what did you do?

15 A. Following my investigation, I signed warrants for the
16 arrest of the defendant, Jimmy Meggs.

17 Q. Okay. And did you ever arrest Jimmy Meggs?

18 A. Yes, on the 10th of January of the year 2000.

19 Q. And where did you arrest him?

20 A. The parking lot at CSX railroad.

21 Q. Tell us how big is his truck?

22 A. His truck is a small truck, a Ford Ranger white in
23 color.

24 Q. Was it a big club cab?

25 A. No, sir, it was a two-door truck.

1 Q. What did Jimmy say to you, if anything, when you
2 arrested him?

3 A. Whenever Mr. Meggs was arrested, he said repeatedly
4 and spontaneously that he did not understand why he was
5 being arrested; that he had not done anything wrong. At
6 the booking desk at the detention center, he continually
7 insisted that I make phone calls to people who would vouch
8 for his character. At his repeated assistance, I grabbed a
9 piece of paper and began writing down the names and phone
10 numbers so that I could contact these people and give him
11 the benefit of the doubt as to what these people said.

12 Q. Did you contact the names he gave you?

13 A. Yes, I did.

14 Q. Did you speak -- who did you speak to?

15 A. That particular occasion he gave me the name and phone
16 number of a man he identified as Lieutenant Colonel Reggie
17 Sumner.

18 Q. Okay. I can't ask you no more questions about that.
19 Let me ask you. Did he ever ask you to call anybody else
20 to vouch for him?

21 A. He asked me to in fact to call

22 Q. And did you call

23 A. I call

24 standing there by me and reach her home at that time.

25 Q. These statements were they part of an interrogation?

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from the booking desk with Jimmy

1 A. No, they were not. At this point, Mr. Meggs was under
2 arrest. I had not begun any interrogation or questioning
3 him. Like I said I was with him whenever these statements
4 were being made spontaneously completely unprovoked.

5 Q. Did the defendant give these statements freely and
6 voluntarily?

7 A. Yes, he did.

8 Q. And where were you and he when he gave these
9 statements?

10 A. We were standing at the booking desk at the Florence
11 County Detention Center.

12 Q. When he said I don't know why -- and I'm just
13 paraphrasing using the term I don't know why this is going
14 on. How did you phrase that?

15 A. He didn't know why he was being arrested.

16 Q. Okay. Did you make any statement after that?

17 A. I stated to him that we had too much evidence and
18 information against him and all to believe that.

19 Q. What did he then say?

20 A. He then said that he was a captain in the National
21 Guard.

22 Q. He said that he was then the captain in the National
23 Guard?

24 A. Yes, he did.

25 Q. Okay.

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1 MR. STEINBERG: Beg the Court's indulgence for one
2 moment.

3 THE COURT: Sure.

4 Q. Where did Jimmy Donald Meggs Jr., tell you he lived?

5 A. He said live at

6 Q. ?

7 A. Yes, sir.

8 Q. Okay.

9 MR. STEINBERG: Thank you, Investigator Kennedy,
10 please answer any of opposing counsels questions.

11 MR. REDMOND: Thank you, Your Honor, May it please
12 the Court?

13 THE COURT: Yes, sir.

14 MR. KENNEDY: Beg the Court's indulgence.

15 CROSS EXAMINATION BY MR. REDMOND:

16 Q. Investigator Kennedy, you had talked about the address
17 that Mr. Meggs gave you?

18 A. Yes, sir.

19 Q. Who did you determined lived at that address?

20 A. *grandson of team player 2 & 3*

21 Q. Okay. And who else stayed there?

22 A. At that time her grandsons were staying at that
23 address

24 Q. Okay. Now, at some point, I believe, you accompanied
25 several of the alleged victims to the Durant Center; is

1 that correct?

2 A. I did not accompany them to the Durant Center. I came
3 to the Durant Center at the time of their appointment.

4 Q. And you were there while they were there; is that
5 correct?

6 A. That's correct.

7 Q. And that would be each of them that went, I believe;
8 is that correct?

9 A. At one time or another each one of them. I was there
10 for all of the ~~victim~~ ^{5/1/82} interviews.

11 Q. Okay. Now, how did you get to the point that you
12 determined that they needed to go to the Durant Center?
13 Let me ask you like this. Did you interview the children
14 before they went to the Durant Center?

15 A. No, I did not. As I stated before, it's my intension
16 in these investigations to limit the number of times a
17 child has to be taken to reveal things.

18 Q. So in essence the information that you got and you
19 base your determination to go to the Durant Center would be
20 information you got from the parents. Would that be a fair
21 statement?

22 A. That's correct.

23 Q. Or grandparents -- parents or grandparents would be
24 that be correct?

25 A. The decision to take them or to make an appointment

1 for the ^{1 & 2} victims boys, was based on information I got from
2 their mother.

3 Q. Their mother. And that be victim's man?

4 A. Correct.

5 Q. And the information that made you determine to go to
6 the Durant Center with the team players ^{2 & 3} was based on
7 information from grandman of team players 2 & 3

8 A. That is correct.

9 Q. Now, did you observe these interview? In other words,
10 were you in the room or did you observe the interviews?

11 A. Yes, most of them I believe.

12 Q. Okay. Now, I think you also mentioned about other
13 witnesses or other people that you had talked to, but in
14 fact, you also indicated that you were not able to get
15 those names until some point later; is that correct?

16 A. That's correct.

17 Q. And how were you able to get those names? From whom
18 did you get them?

19 A. It was a process of someone's child might mention a
20 first name or more than one first name in speaking to the
21 parents of another child. I would ask do you know a child
22 by this name. If so, do you know where they live. Do you
23 know what school they might go to things of that nature to
24 identify them.

25 Q. And this would have occurred after January 10th of

1 2000; correct after you made your arrest of Jimmy Meggs?

2 A. Most of that, yes.

3 Q. Okay. Now, I think you mentioned that you talked to
4 Chris Gough; is that correct?

5 A. Yes, I did.

6 Q. And you talked with *team player #9* I think you
7 mentioned that?

8 A. Yes, sir.

9 Q. When you were formulating your investigation, lets
10 talk about that for a little while. When you're doing your
11 investigation and whatnot, I notice that there is one
12 incident report, I think, from around December 10th. Do
13 you recall that?

14 A. It's December 6th.

15 Q. Excuse me the 6th of December. And, of course, in
16 explaining the incident reports, why would you do an
17 incident report let me ask you that. In other words, what
18 is the process somebody talks with you gives you
19 information about something. You put it in the incident
20 report to keep a record of what had transpired with the
21 case; right?

22 A. That's correct. A record of the facts that someone
23 had contact with the Sheriff's office to report a crime.

24 Q. Okay. Now, aren't there also things known as
25 supplemental reports that you go through as the case is

1 progressing. In other words, as you gather information,
2 you might supply a supplemental report in order to keep a
3 record of everything that transpires?

4 A. There's also supplemental reports we typically at the
5 end of the investigations is included that would be the
6 final supplement.

7 Q. Okay. At the end of an investigation, isn't it true
8 that you at least as of last Wednesday had attempted to
9 talk with *Flamplayer #9*

10 A. That's correct.

11 Q. Okay. And would not be correct in stating there is no
12 supplemental report for that?

13 A. No, there is not.

14 MR. STEINBERG: Your Honor, I have to object. Can I
15 approach?

16 THE COURT: Sure.

17 (A bench conference was held in the presence of the
18 jury, but out of the hearing of the jury.)

19 MR. STEINBERG: I withdraw my objection.

20 THE COURT: All right, sir.

21 Q. I think my question was there any other supplemental
22 reports that you entered other than the one of December the
23 6th?

24 A. There are no supplemental reports in our system.

25 Q. And in fact, isn't it true that the only report that

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1 is entered into the system is a report from December the
2 6th. I believe it's approximately one paragraph long?

3 A. In our computer system, the December 6th report, yes,
4 is the only report in there, but there is one supplemental
5 report here, but the transcriptionist who transcribed it
6 did not date it. She just add it to the original.

7 Q. And you don't have the date of that report, but in
8 other words, as it relates to during the course of your
9 investigation of witnesses at the paint ball camp, there
10 were no supplemental reports being entered into as you were
11 talking to them. Would that be a fair statement?

12 A. That would be a fair statement. We just recently
13 adopted a procedure of final supplementals during an
14 investigation, rather than waiting until the end of it.

15 MR. REDMOND: Beg the Court's indulgence.

16 THE COURT: Yes, sir.

17 MR. REDMOND: That will be all, Your Honor.

18 THE COURT: Any redirect, sir.

19 MR. STEINBERG: Very briefly, Your Honor.

20 REDIRECT EXAMINATION BY MR. STEINBERG:

21 Q. At the Durant Center are those tapes made available to
22 you?

23 A. Yes, they are.

24 Q. Okay. On your other interviews, do you ever record
25 other interviews?

1 A. Interviews that I conduct?

2 Q. Yes, sir.

3 A. Yes, very often I do.

4 Q. Do you keep your own collection of those tapes?

5 A. Yes, I do. They are transcribed by a transcriptionist
6 at the Sheriff's office and also maintained by tape copy,
7 which are made available, too, to anyone involved in the
8 case.

9 Q. Are those part of your investigation?

10 A. Yes, they are.

11 MR. STEINBERG: Thank you, investigator.

12 MR. REDMOND: Nothing further, Your Honor.

13 THE COURT: Thank you, sir, you may step down.

14 (The witness left the witness stand.)

15 MR. STEINBERG: Your Honor, the State rest it's
16 case.

17 THE COURT: Thank you, sir. Folks, there are
18 matters that at this point that I need to discuss with
19 these attorneys. So I'm going to send you back to the jury
20 room and I'll call you in just a few minutes.

21 (The jury was excused to the jury room.)

22 THE COURT: Any motions from the defense at this
23 time?

24 MR. REDMOND: Yes, Your Honor. At this time as
25 you're aware, I'm sure you anticipate we move a for

1 directed verdict on all charges. First dealing with
2 engaging a child for sexual performance, I think that the
3 evidence presented fall short meeting the standards of
4 beyond a reasonable doubt in being able to convict
5 Mr. Meggs of these acts beyond a reasonable doubt. Based
6 on the record itself, I think that the obvious
7 contradiction of the various witnesses in this case would
8 allow the Court to make a ruling that a jury would not be
9 able to find that Mr. Meggs is guilty beyond a reasonable
10 doubt.

11 Your Honor, has heard the testimony from the
12 ²⁰³
~~Victims~~ #1-2's and the ~~camp~~ ^{players} children. The only fact
13 witnesses as it relates to anything that occurred at the
14 camp and I think, Your Honor, would agree -- I would think,
15 Your Honor, would agree that there are obvious
16 contradictions between the witnesses themselves and what
17 they say. And because of that, Your Honor, I would
18 respectfully request that these charges against my client,
19 Mr. Jimmy Meggs, be dismissed and the same argument would
20 hold for the contributing to the delinquency of a minor.

21 THE COURT: Mr. Steinberg.

22 MR. STEINBERG: Your Honor, the State opposes that.
23 All the elements have been met for all of the offenses. In
24 fact, all the elements been met by multiple witnesses.
25 Talk about contradictions, we have not even seen no

1 contradictions. We seen a progression gradually increase
2 we seen in the facts. Similarities, all the boys testified
3 that Jimmy Donald Meggs Jr., ordered the ^{victim's #1 & #2}
4 to in engage oral sex. One brother did not see them do it
5 he heard them and the other three saw them do it. This is
6 the standard, of course, is there any evidence which a jury
7 can reasonably find beyond a reasonable doubt. Of course,
8 there is again multiple sources.

9 THE COURT: I'm going to deny the defense motion
10 because those matters that that you have raised go to the
11 weight of the evidence. And I'm not concerned at this
12 stage of the procedure with the weight of the evidence, but
13 whether or not there is any direct evidence to support the
14 charges. There has been direct evidence to that effect.
15 I'll deny your motion. Anything else before we bring the
16 jury back out.

17 MR. REDMOND: Beg the Court's indulgence.

18 MR. COX: Your Honor, I would think that this would
19 be a good time, if the Court would to advise Mr. Meggs of
20 his rights of testifying or not testifying to make sure he
21 understands that decision he has to make.

22 THE COURT: All right. And I don't know if or when
23 or if he might be called to testify. I don't know who you
24 might other than that before you reach the point of his
25 testifying or not testifying.

1 MR. COX: We would wait if either way ---

2 THE COURT: Has he made a decision?

3 MR. COX: Yes, sir, I think he has, Your Honor.

4 THE COURT: And, Mr. Meggs, if you will raise your
5 right hand please, sir. You solemnly swear the answers you
6 give to the questions I ask will be the truth, sir?

7 DEFENDANT MEGGS: Yes, sir.

8 THE COURT: All right. You can put your hand down.
9 Your attorneys have raised and asked the Court to inquire
10 about your decision to testify and have your attorneys
11 discussed with you your constitutional rights to remain
12 silent and your right against self-incrimination?

13 DEFENDANT MEGGS: Yes, sir.

14 THE COURT: Do you understand what they told you
15 about that?

16 DEFENDANT MEGGS: Yes, sir.

17 THE COURT: Do you understand that you have the
18 decision and responsibility that you have to testify and no
19 one can make you testify in this case?

20 DEFENDANT MEGGS: Yes, sir.

21 THE COURT: Have you made a decision as to whether
22 or not you will testify in this case?

23 DEFENDANT MEGGS: Yes, sir.

24 THE COURT: What will you do, sir?

25 DEFENDANT MEGGS: I will testify.

1 THE COURT: Do you understand that by taking the
2 stand, you give up that right against self-incrimination
3 and that right to remain silent?

4 DEFENDANT MEGGS: Yes, sir.

5 THE COURT: You understand the State will be
6 entitled to cross examine you fully as to the facts of this
7 case?

8 DEFENDANT MEGGS: Yes, sir.

9 THE COURT: Do you realize that if you decide not to
10 testify and exercised your right to remain silent, that one
11 of the things that the Court would instruct the jury would
12 be that your decision not to testify could not be
13 considered at all in deciding whether or not the State had
14 proven you guilty of these charge beyond a reasonable
15 doubt. They be charged about that. They be charged about
16 the presumption of innocence. You understand what charge
17 would be given to the jury if you decided not to testify?

18 DEFENDANT MEGGS: Yes, sir.

19 THE COURT: And has anyone told you in this case
20 that you have no choice but to testify?

21 DEFENDANT MEGGS: No, sir.

22 THE COURT: Has anyone told you that it's in your
23 best interest to testify?

24 DEFENDANT MEGGS: No, sir.

25 THE COURT: Has anyone put any pressure on you to

1 decide to give up your right to remain silent?

2 DEFENDANT MEGGS: No, sir.

3 THE COURT: Anybody done anything to cause you to
4 believe that you don't have any choice but to testify?

5 DEFENDANT MEGGS: No, sir.

6 THE COURT: And who has decided that you will
7 testify?

8 DEFENDANT MEGGS: I have, sir.

9 THE COURT: And have you made that decision taking
10 into consideration all the advice that your lawyers have
11 given you about that?

12 DEFENDANT MEGGS: Yes, sir.

13 THE COURT: Are there any questions that you have
14 and want to ask the Court about your decision, sir?

15 DEFENDANT MEGGS: No, sir.

16 THE COURT: All right. Any other questions that you
17 would have me ask your client, Mr. Cox, Mr. Redmond?

18 MR. REDMOND: No, Your Honor.

19 MR. COX: No, Your Honor, thank you.

20 THE COURT: Thank you. I might ask is there any
21 cases or records that might be used to impeach?

22 MR. STEINBERG: No, sir, there are not.

23 THE COURT: All right. Thank you, sir, you may be
24 seated. Just so I might know, when might he testify?

25 MR. COX: We think that it will be tomorrow.

1 THE COURT: Okay. And I will tell, Mr. Meggs, at
2 this point obviously you can change your mind at any time.

3 DEFENDANT MEGGS: Yes, sir.

4 THE COURT: Just because you advise the Court at
5 this point that you intend to testify, doesn't mean that
6 you have to do that. And I might ask you some more
7 questions before you actually testify?

8 DEFENDANT MEGGS: Yes, sir.

9 THE COURT: All right, sir. Anything else?

10 MR. STEINBERG: Nothing from the State, judge.

11 THE COURT: Mr. Propps, if you will bring them out.

12 (The jury returned to the courtroom.)

13 THE COURT: All right. We ready to continue now
14 and, Mr. Cox, the defense ready.

15 MR. COX: The defense is ready, Your Honor.

16 THE COURT: You call your first witness.

17 MR. COX: Please the Court, we call Ronnie Carson.
18 Ronnie, please come around.

19 THE COURT: Place your left hand on the Bible and
20 raise your right hand, sir, so this young lady can put you
21 under oath.

22 CLERK OF COURT: Do you swear the testimony you give
23 in this case will be the truth, the whole truth, and
24 nothing but the truth so help you God?

25 MR. CARSON: I do.

1 CLERK OF COURT: Please be seated and state your
2 full name for the record?

3 MR. CARSON: Ronnie Carson.

4 RONNIE CARSON, being first
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MR. COX:

7 Q. Mr. Carson, I need you to speak up so we can hear you
8 in the courtroom. All the ladies and gentlemen of the jury
9 need to hear you. The lady over your left shoulder is
10 taking down everything you say. His Honor needs to hear
11 you. These folks need to hear you and the State needs to
12 hear you. Will you state your full name again?

13 A. Ronnie Carson.

14 Q. And, Ronnie, what name do you go by?

15 A. Ronnie.

16 Q. Ronnie. Where do you live?

17 A. In Timmonsville.

18 Q. And how long have you lived in Timmonsville?

19 A. Five years.

20 Q. Before that, where did you live?

21 A. St. George.

22 Q. St. George. And how long did you live in St. George?

23 A. All my life.

24 Q. St. George is where you actually grew up?

25 A. Yes.

- 1 Q. And where are you employed?
- 2 A. McDonald's.
- 3 Q. And what do you do at McDonald's?
- 4 A. Cook.
- 5 Q. And do you know Jimmy Meggs?
- 6 A. Yes.
- 7 Q. And how long have you known Mr. Meggs?
- 8 A. Two years.
- 9 Q. Two years. And how did you come to know Mr. Meggs?
- 10 A. Me and his brother use to work together at McDonald's.
- 11 Q. You knew him through Mr. Meggs' brother?
- 12 A. Yes.
- 13 Q. And at anytime did you have an occasion to discuss
- 14 with Mr. Meggs anything about paint ball?
- 15 A. We went -- we went one time.
- 16 Q. One time?
- 17 A. Uh-huh.
- 18 Q. To your knowledge know what he called his paint ball
- 19 group?
- 20 A. No.
- 21 Q. And when you went one time, where did you go?
- 22 A. That was in Lamar.
- 23 Q. And what did you see when you got to where you were?
- 24 A. I was --
- 25 THE COURT: Wait a minute. You need to speak a

1 little louder than you are and a little bit slower I
2 believe.

3 Q. When you arrived at the place, how did -- first how
4 did you get there?

5 A. I went with his brother.

6 Q. You rode with his brother. And what is his brother's
7 name?

8 A. James.

9 Q. James. And when you arrived at the destination,
10 describe what you saw?

11 A. Just a group of guys together.

12 Q. A group of guys together. Was the area an open field
13 or wooded?

14 A. It was an open field.

15 Q. Open field. Had anything been done to prepare for
16 paint ball?

17 A. No.

18 Q. Were there any obstacles or things to be behind?

19 A. Little things setup -- a little stand setup.

20 Q. Had a little stand setup. And did you use those
21 little stands?

22 A. Yes, sir.

23 Q. And what were the stands used for?

24 THE COURT: Wait a minute. I'm having a difficult
25 time hearing you and not only that the this young lady as

1 well. Just slow down a bit, I suspect you're nervous and
2 most folks who testify are. Sometimes that effects the
3 speed of your talking. So if you will just slow down a bit
4 and relax. You need some water or anything?

5 MR. CARSON: I'm good.

6 THE COURT: All right.

7 Q. And, Mr. Carson, I'm partially responsible for this
8 because I talk fast also and I also mumble. So I'm gone
9 slow down. When you arrived at the place where you went
10 with Mr. Meggs' brother, I believe you said it was an open
11 field?

12 A. Yes, sir.

13 Q. There was obstacles there?

14 A. Yes, sir.

15 Q. Describe the obstacles?

16 A. It was a little stand.

17 Q. Did you say a little hutch?

18 A. A little stand.

19 Q. And approximately how long do you think you were at
20 this location?

21 A. I think about dark.

22 Q. About dark. Were you there most of the day there?

23 A. Four or five hours I believe. Four or three o'clock
24 we went out there.

25 Q. So how many hours do you think you were?

1 A. About eight o'clock.

2 Q. Pardon?

3 A. About eight o'clock.

4 Q. About eight o'clock you were there. So what you were
5 there approximately five hours?

6 A. Uh-huh.

7 Q. And approximately how many other people were there?

8 A. A group of guys. I don't know exactly how many it
9 was.

10 Q. Okay. Was it more than five?

11 A. Yes.

12 Q. Pardon?

13 A. Yes.

14 Q. Would it be more than ten?

15 A. About seven.

16 Q. Seven?

17 A. Uh-huh.

18 Q. In addition to you and to Mr. Meggs?

19 A. Uh-huh.

20 Q. Okay. And what did you do while you were there?

21 A. We just loaded and start to the field and stuff.

22 Q. Loaded guns?

23 A. Started playing paint ball.

24 Q. How did you decide what you were going to do?

25 A. We decided to go out and play.

- 1 Q. Did you have teams?
- 2 A. Yes.
- 3 Q. And how many was on your team if you remember?
- 4 A. About four.
- 5 Q. How many was on the other teams?
- 6 A. About four, I guess, something like that. I guess,
- 7 about eight.
- 8 Q. Okay. And what ages were the people who were taking
- 9 part in this?
- 10 A. Some were my age and some a little younger.
- 11 Q. Pardon?
- 12 A. Some were my age and some were a little younger.
- 13 Q. Okay. And approximately how old are you?
- 14 A. Right now?
- 15 Q. Yeah.
- 16 A. I'm 39.
- 17 Q. Thirty-nine. So back when time you talking about, you
- 18 were how old?
- 19 A. Then?
- 20 Q. Yeah. Thirty-seven or thirty-eight?
- 21 A. Thirty-eight.
- 22 Q. Okay. And approximately how many were -- and so do
- 23 you consider yourself an adult?
- 24 A. Yes.
- 25 Q. And how many other adults were out there?

1 A. About five or six.

2 Q. Five or six?

3 A. Uh-huh.

4 Q. And how many children -- how many individuals did you
5 consider a child were there ten?

6 A. About four.

7 Q. About four. Okay. And any time while you were there,
8 did you see or observe anything that caused you concern for
9 the safety of yourself or anyone else?

10 A. No.

11 MR. COX: Answer any questions the State may have.

12 CROSS EXAMINATION BY MR. STEINBERG:

13 Q. You said this field was in Lamar?

14 A. Lamar.

15 Q. I'm from Columbia originally from Greenville. Maybe,
16 you can help me out. Is Lamar the same thing as Pamlico?

17 A. No.

18 Q. Okay. And I really don't know the answer to this. Is
19 Lamar even in Florence County?

20 A. Lamar is sort of near -- it's closer to Timmonsville.

21 Q. Closer to Timmonsville. Okay, I think I know where
22 Timmonsville is. Timmonsville is kind of western end of
23 Florence County; is that correct?

24 A. Yes, that is.

25 Q. And been to Pamlico and Pamlico is on the eastern

RONNIE CARSON CROSS EXAMINATION BY MR. STEINBERG
JIMMY MEGGS SR. DIRECT EXAMINATION BY MR. COX

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1 side of Florence County or south eastern of Florence
2 County. Do you agree that you never been to the Pamplico
3 paint ball field?

4 A. I think Pamplico is Lamar.

5 Q. Okay. Do you have any first hand knowledge of what
6 occurred?

7 A. No, I don't.

8 MR. STEINBERG: Thank you.

9 THE COURT: Any redirect?

10 MR. COX: Nothing further. We ask that he be
11 excused?

12 THE COURT: He may be. Sir, you may step down.

13 (The witness left the witness stand.)

14 MR. COX: Defense calls Jimmy Meggs, Sr.

15 THE COURT: Sir, if you will come around place your
16 left hand on the Bible and raise your right hand to be
17 sworn.

18 CLERK OF COURT: Do you swear the testimony the
19 testimony you shall give will be the truth, the whole
20 truth, and nothing but the truth so help you God?

21 MR. MEGGS: I do.

22 CLERK OF COURT: Be seated and state your name for
23 the record?

24 MR. MEGGS: My name is Jimmy D. Meggs, Sr.

25 JIMMY MEGGS SR., being first

1 duly sworn, testified as follows:

2 **DIRECT EXAMINATION BY COX:**

3 Q. Mr. Meggs, where do you live?

4 A. I live at in Florence County.

5 Q. And to whom are you married?

6 A. To Emily Meggs.

7 Q. And do you and Mrs. Meggs have children?

8 A. We have three kids.

9 Q. Three children. And who are your children?

10 A. and Meggs, a Meggs.

11 Q. Okay. And which child is the oldest?

12 A. .

13 Q. And where you employed?

14 A. With CSX railroad.

15 Q. And what do you do with the railroad?

16 A. A foreman.

17 Q. I'm foreman?

18 A. Yes, sir.

19 Q. And how long have you been with the railroad?

20 A. Twenty-eight years and two months.

21 Q. Okay. And in 1999, did you ever have information --
22 receive any information concerning your son's involvement
23 in paint ball?

24 A. Please repeat that.

25 Q. In 1999, did you ever learn or receive information

1 your son was engaged in paint ball?

2 A. Yes, sir.

3 Q. And how did you learn that?

4 A. Well, I just seen him had guns and stuff going on
5 paint ball trips.

6 Q. Okay. And during this time in 1999, were any of the
7 young people involved in the paint ball to your knowledge
8 were they ever at your house?

9 A. No, sir.

10 Q. Okay. Did you yourself ever go take part in any of
11 the paint balls?

12 A. No, sir.

13 Q. Okay. At any time were you ever mistaken or anyone
14 think or assume that you were your son, Jimmy Meggs Jr.?

15 A. In what way?

16 Q. Let me back up. At any time -- did you have a
17 telephone at your house?

18 A. Yes, sir.

19 Q. At any time did you ever answer the phone and the
20 person calling thought you were your son?

21 A. Yes, sir.

22 Q. And who was that person?

23 A. *visitant's mom*

24 Q. who?

25 A. *visitant's mom*

1 Q. V, ch... And did you answer that phone call
2 yourself?

3 A. Yes, sir.

4 Q. And how did you know it was . ?

5 A. She identified herself.

6 Q. Okay. And what, if anything, she wanted to know?

7 MR. STEINBERG: Objection, Your Honor, as to hearsay
8 obviously.

9 THE COURT: I'll sustain that, sir.

10 Q. Did she make an inquiry?

11 A. Yes, sir.

12 Q. What did she inquiry about?

13 MR. STEINBERG: Your Honor, I have to object. This
14 is still hearsay.

15 MR. COX: Your Honor -- if, Your Honor, rules it's
16 hearsay, but respectfully I submit that he would be allowed
17 to say what she was calling about -- make an inquiry about
18 and that would not be hearsay.

19 MR. STEINBERG: Your Honor, the State's position is
20 that the reason we have the hearsay rule ---

21 THE COURT: I sustain that. I believe it is
22 hearsay. I respectfully disagree, Mr. Cox.

23 MR. STEINBERG: Thank you, Your Honor.

24 Q. Did the caller want you to do something?

25 MR. STEINBERG: Your Honor, again this is the exact

1 same thing.

2 THE COURT: That's a proper question. He ask him
3 what she want him to do, but did she want him to do
4 something and that is a yes or no.

5 MR. STEINBERG: Yes, sir.

6 THE COURT: He can't say what it was.

7 A. Yes, she wanted me to do something.

8 Q. What she want you to do?

9 MR. STEINBERG: Your Honor, objection.

10 Q. You can't say what she said. What did she want you to
11 do?

12 MR. STEINBERG: Your Honor?

13 THE COURT: Mr. Cox, let's talk about this and have
14 these folks go and we'll chat in just a moment.

15 (The jury was excused to the jury room.)

16 THE COURT: The question is what did she want you to
17 do or what did she ask you to do; is that correct?

18 MR. COX: I asked him -- yes, I said what did she
19 want you to do something. Yes. What did she want you to
20 do.

21 THE COURT: Well, it seems to me that although he
22 doesn't say she said I want you to do this. Any answer he
23 gave to that is gone be whatever she told him and that
24 would be hearsay. Now, it be no exception -- the only
25 reason it would not be hearsay if it's not offered for

1 truth of the matter asserted. I don't know what the
2 purpose or what the purpose is for the question.

3 MR. COX: The purpose for the question is, Your
4 Honor, that Ms. ~~Victim~~^{Mr.} called the house looking for Jimmy
5 Meggs Jr., and she thought she was talking to Jimmy Meggs
6 Jr. But Mr. Meggs said no, no you got the wrong one. You
7 must be looking for Junior and the conversation was she was
8 calling on the phone when are you coming over. He said,
9 ma'am -- when are you coming over. He said you must be
10 wanting to talk to Junior.

11 THE COURT: And that would be hearsay. I think it
12 would be hearsay. I don't think you can have this witness
13 testify about something that she said over the telephone.

14 MR. COX: If the question is asked, did you have a
15 conversation. Yes. Did the person identify himself. Yes.
16 And who was the person told me. And did she -- what was
17 she calling. She was inquiring about my son.

18 THE COURT: If you would like to make a proffer of
19 that, you can go ahead and do that.

20 MR. COX: Thank you.

21 THE COURT: You can ask him those questions.

22 Q. Mr. Meggs, you answered the phone at your home?

23 A. Yes, sir.

24 Q. And at any time, did the caller think that you were
25 your son?

- 1 A. Yes, sir.
- 2 Q. And did you advise the caller that you were not?
- 3 A. Yes, sir.
- 4 Q. And who was that caller?
- 5 A. Victim's mom 1.
- 6 Q. And how do you know Victim's mom 1?
- 7 A. She identified herself.
- 8 Q. Okay. And what was the nature of the phone call?
- 9 A. She was asking for him to come over to the apartment.
- 10 Q. Asking who?
- 11 A. Jimmy.
- 12 Q. Okay. Did you advise her that you were not Junior.
- 13 A. Yes, sir, she said are there two of you.
- 14 Q. And did you ever hear that same voice on the phone a
- 15 second time?
- 16 A. Yes, sir, I did.
- 17 Q. And was that -- where was that?
- 18 A. That was at my home again.
- 19 Q. And who was she calling for?
- 20 A. She was calling for Jimmy.
- 21 Q. For Jimmy Meggs Jr.?
- 22 A. Right.
- 23 Q. And do you know what the subject of that telephone
- 24 conversation was?
- 25 A. I picked the phone up and they were arguing.

1 Q. Sir, what was the subject of that telephone?

2 A. About money.

3 MR. COX: Thank you.

4 THE COURT: All right, sir. And I will sustain the
5 objection as to the conversations that -- now second
6 conversation he overheard; is that correct?

7 MR. COX: Yes, sir.

8 THE COURT: Between the defendant and Ms. *Victims*

9 MR. COX: Right, yes, sir.

10 THE COURT: Well, again, of course, he hasn't said
11 anything that was said in that second conversation. So I'm
12 not certain what the purpose for that is.

13 MR. COX: If I may, Your Honor, would recall *Victims*
14 was a witness. She testified and my
15 recollection is she denied conversations talking with
16 Mr. Meggs.

17 THE COURT: Well, I sustain the objection because
18 clearly it's been offered truth of the matter asserting
19 that is that he had conversations with boys looking for
20 him. In addition, the problem is that the foundation.
21 Nothing has been said about when these telephone
22 conversations occurred. So that for that additional
23 reason, I'm going to sustain the objection as well, but I
24 continue to believe that his testimony of what he said on
25 that telephone conversation is hearsay.

1 MR. COX: Would it be allowed in the presence of the
2 jury to ask him if the caller identified herself as victim's man
3 and if he heard her a second time on the phone
4 and approximately when those phone calls were?

5 THE COURT: Any objection to that, sir?

6 MR. STEINBERG: Your Honor, I object to whether she
7 gave her name the first time that's hearsay. He can't
8 operate from this hearsay and just transmodify into
9 admissible evidence, it's still going to be hearsay.

10 THE COURT: Well, there's no objection when he ask
11 if a person identified themselves so that's in and that's
12 already been testified to in the first conversation.

13 MR. STEINBERG: Yes, sir. But maybe I did miss out
14 on the call. I think I objected to hearsay a few times
15 maybe I missed one. I would certainly object to any
16 continuing conversations or anything after that.

17 THE COURT: I think he wants to ask about the second
18 conversation that gentleman overheard -- the witness
19 overheard; is that correct, sir?

20 MR. COX: What I intend to ask him, Your Honor, with
21 the Court's permission that after the telephone caller
22 identified herself, if he had a second occasion to hear
23 that voice over the phone. And where at my house and then
24 I go back to what, Your Honor, raised was that
25 approximately when was this. When were these telephone

1 conversations.

2 THE COURT: Any objection to that, sir?

3 MR. STEINBERG: Your Honor, that's not my general
4 objection to hearsay. I still think he's trying to get it
5 in with more -- through the names again is just trying to
6 get information he has firsthand knowledge of.

7 MR. COX: I admit I'm trying to get it in.

8 THE COURT: All right. I'll allow you to ask that
9 second question. Again, based on what you represented that
10 situation to be what he said so far, simply indicating that
11 it sounded like a voice he heard the first time she
12 identified herself and when that happened. But without any
13 further constrictive of the information.

14 MR. COX: Yes, sir.

15 MR. STEINBERG: Your Honor, before the jury is
16 brought back in, I ask that, Your Honor, inform Mr. Meggs
17 I'm sure did this on purpose. When an objection is made,
18 he must stop even in mid sentence.

19 THE COURT: Mr. Meggs, sometimes witnesses don't
20 understand that rule when an objection is made. You should
21 not answer the question or if you're in mid sentence, you
22 need to stop right there. And the reason is because you
23 may say something that I later decide should not have been
24 said. And then I got to decide how to cure that problem.
25 And so we don't want to do anything that would effect the

1 trial. All right, sir.

2 If you will bring them back out.

3 (The jury returned to the courtroom.)

4 THE COURT: All right, Mr. Cox.

5 MR. COX: May it please the Court.

6 Q. The individual that identified herself as *victim's mom*
7 on the phone, did you have occasion to hear that voice a
8 second time on the phone?

9 A. Yes, sir.

10 Q. And where were you when you heard that voice a second
11 time?

12 A. At my house.

13 Q. And what time period are we talking about between the
14 first and second phone call?

15 A. The first a little after Thanksgiving and the second
16 one December.

17 Q. And what year we talking about?

18 A. We talking about '99.

19 Q. 1999?

20 A. Yes, sir.

21 Q. Now, your son Jimmy Meggs where is he employed?

22 A. He's employed by CSX railroad.

23 Q. And do you know what his job title and occupation is?

24 A. He is an engineer.

25 Q. Engineer. What does an engineer do?

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1 A. He operates the train and moving of the trains.

2 Q. So an engineer, he drives the train?

3 A. Yes, sir.

4 Q. Is that correct. To your knowledge at any time was
5 your son in the National Guard?

6 A. Yes, sir.

7 Q. Okay. And do you know how long he was in the National
8 Guard?

9 A. No, sir.

10 Q. Okay. Did your son ever obtain the rank as captain in
11 the National Guard to your knowledge?

12 A. No, sir.

13 Q. At any time, did you ever give your son permission to
14 use your social security number for any reason?

15 A. No, sir.

16 MR. COX: Beg the Court's indulgence.

17 THE COURT: Sure.

18 MR. COX: Answer any questions the State may have.

19 CROSS EXAMINATION BY MR. STEINBERG:

20 Q. You said you picked up the telephone and someone spoke
21 to you? You heard the name?

22 A. No, sir, that's not what I said.

23 Q. Okay. And I don't want to miss phrase anything you
24 said. What did you say earlier when the jury was here
25 about how you knew who it was?

1 MR. COX: Please the Court, I ask that he -- if the
2 attorney general will ask specific questions because of the
3 instruction the Court gave us.

4 MR. STEINBERG: Yes, sir.

5 Q. During that -- You say the first phone call, I guess,
6 that would have had to have been around Thanksgiving?

7 A. Yes, sir.

8 Q. And you said you answered the phone?

9 A. Yes, sir.

10 Q. At your house?

11 A. Yes, sir.

12 Q. And someone called and probably mistakenly thought you
13 were your son?

14 A. That's correct.

15 Q. All right. And did this person identify themselves?

16 A. Yes, sir.

17 Q. Are you positive about this?

18 A. I'm positive.

19 Q. What name did the person give?

20 A. She gave victim's man.

21 Q. What was the first name?

22 A. victim's man

23 Q. Okay. Do you recall that a little while ago you said
24 the word victim's man

25 A. I may have.

1 Q. Your son ever referred to Ms. Victoria M. M. M.?

2 A. I really can't say.

3 MR. STEINBERG: Thank you. That's all the questions
4 we have.

5 MR. COX: Please the Court, we ask that Mr. Meggs be
6 excused or allowed to stay in the courtroom or whatever he
7 likes.

8 THE COURT: He may. You may step down, Mr. Meggs.

9 (The witness left the witness stand.)

10 MR. COX: That's all we have in the courthouse
11 available.

12 THE COURT: All right. Folks, we're -- how long do
13 you think they will be here?

14 MR. COX: Your Honor, we asked that the witnesses be
15 here at 12.

16 THE COURT: Well, Mr. Foreman, I'll give the jury a
17 choice. We can break now for lunch and start back at one
18 o'clock or we can have a recess until 12 or work until one
19 or so and then have our lunch hour until two or so. You
20 want to take your jury back there and see if you can make a
21 decision about that or do y'all want to just a make
22 decision right here. Y'all want to have lunch now or do
23 you want to wait?

24 MR. FOREMAN: Your Honor, we would rather have lunch
25 now.

1 THE COURT: All right. We'll take an early lunch
2 then. If you will back in the jury room at one o'clock, we
3 will start very shortly thereafter. Please remember my
4 instructions about discussing this case and about reading
5 or watching anything about this case. You may leave at
6 this time. We will see you at one o'clock.

7 (The jury was excused.)

8 THE COURT: Anything before we stop?

9 MR. COX: Not from the defense, Your Honor.

10 MR. STEINBERG: Nothing from the State.

11 THE COURT: That's fine. We're adjourned until one
12 o'clock.

13 (Court in recess.)

14 (Court has reconvened.)

15 THE COURT: Anything before I bring the jury out?

16 MR. COX: Not from the defense.

17 MR. STEINBERG: No, sir.

18 THE COURT: If you will have them to come out
19 please, Mr. Propps.

20 (The jury returned courtroom.)

21 THE COURT: I hope you folks had a nice lunch. We
22 ready to get started.

23 Mr. Redmond, you may call your next witness.

24 MR. REDMOND: Thank you, Your Honor. May it please
25 the Court, the deputy has gone to get Mr. Reggie Sumner to

1 bring him to the stand.

2 THE COURT: Mr. Sumner, come around please, sir.
3 Place your left hand on the Bible and raise your right
4 hand, sir.

5 CLERK OF COURT: Do you swear the testimony you give
6 in this case will be the truth, the whole truth, and
7 nothing but the truth so help you God?

8 MR. SUMNER: I do.

9 CLERK OF COURT: Please be seated and state your
10 full name for the record?

11 MR. SUMNER: My name is Reggie Sumner. I'm from
12 Charleston, South Carolina.

13 REGGIE SUMNER, being first
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. REDMOND:

16 Q. I ask if you could speak loudly so that I can hear you
17 and, of course, so that the members of the jury can hear
18 you. Mr. Sumner, let me ask you this. Where do you live?

19 A. I live in Charleston.

20 Q. Okay. And for whom do you work?

21 A. CSX railroad.

22 Q. And let me just ask you this. Have you ever been in
23 the military?

24 A. Yes, sir, United States Naval Reserve.

25 Q. And what capacity were you with the reserve?

- 1 A. Communications technician second class.
- 2 Q. And are you now discharged from the Naval Reserve?
- 3 A. That is correct.
- 4 Q. Okay. And have you ever been a Colonel in the
- 5 National Guard?
- 6 A. No, I haven't.
- 7 Q. Okay. And I'll ask you more about that later. Do you
- 8 know Jimmy Meggs?
- 9 A. I do.
- 10 Q. And how did you come to know Mr. Meggs?
- 11 A. During ---
- 12 Q. And about how long have you known him?
- 13 A. Three years.
- 14 Q. Okay. Three years up to now you mean?
- 15 A. That is correct.
- 16 Q. Now, and during your interaction with Mr. Meggs, have
- 17 you ever been involved with paint ball?
- 18 A. That is correct.
- 19 Q. And when I say paint ball, is there a particular group
- 20 that Mr. Meggs used to do paint ball with that your
- 21 familiar?
- 22 A. I think the group was called the Vanguarders.
- 23 Q. Okay. And could you tell the jury what your
- 24 participation was with the Vanguarders?
- 25 A. I'm sorry what was that.

1 Q. Could you tell what your participation was the
2 Vanguards?

3 A. Started off as a -- I was invited to participate to
4 bring something like to play the game, to enjoy it. I
5 brought approximately ten, ten boys from Charleston to come
6 up to play the game to participate. Later on, I thought it
7 was a very worthy cause and I realized that Mr. Meggs give
8 some moral support. I donated uniforms I had access to;
9 that was the extent of it.

10 Q. Okay. And do you recall about when you started with
11 the Vanguards about when you started participating with
12 them?

13 A. I think it was October of 1999.

14 Q. Okay. And how many times did you attend the paint
15 ball the activities?

16 A. We were there about five times regretfully.

17 Q. Okay. And you say regretfully. Why do you say that?

18 A. I couldn't be more active because of my employment and
19 also living in another city.

20 Q. Now, could you describe for the jury the activities
21 that would take place while you were participating with the
22 paint ball?

23 A. Yes, sir, no more than war games for kids using paint
24 ball guns.

25 Q. Okay.

1 A. Just camaraderie fun time for teenagers.

2 Q. Did you ever notice or see anything that Mr. Meggs was
3 doing that was improper toward the children involved?

4 A. Absolutely not.

5 Q. Did you ever notice anything that Mr. Meggs did that
6 was unsafe for the children?

7 A. No.

8 Q. Okay. Now ---

9 A. Let me add to that. He was very safety conscious
10 about them having proper equipment, face mask. He would
11 not let them play without proper equipment.

12 Q. Okay. Now, did you ever see -- did you give them any
13 uniforms? Did you ever give Mr. Meggs any uniforms to be
14 used for paint ball?

15 A. I did.

16 Q. And I think you mentioned that you made a donation to
17 the Vanguards; is that correct?

18 A. That is correct.

19 Q. Okay. Now, and in January of 2000, did you have the
20 opportunity to speak with Investigator Bryan Kennedy?

21 A. Yes, he called me out.

22 Q. Okay. And he called you in Charleston?

23 A. That is correct.

24 Q. Did he ask you about Jimmy Meggs?

25 A. He did.

1 Q. Okay. And did you tell him about letters that Jimmy
2 Meggs had shown?

3 A. He asked about those letters. The letters as I recall
4 approximately 15 of them. These letters were from the
5 participates of the Vanguards. The letters were of high
6 praise ---

7 MR. STEINBERG: Your Honor, I am going to object to
8 all this.

9 THE COURT: I sustain that.

10 MR. REDMOND: I'll move on, Your Honor.

11 THE COURT: Sir, you can't state what may have been
12 in those letters or what somebody else told you.

13 MR. SUMNER: Okay.

14 Q. Now, in regards to your conversation with Mr. Kennedy,
15 did Jimmy at some point tell you that he was in the
16 National Guard?

17 A. He did.

18 Q. And did he tell you he was a captain in the National
19 guard?

20 A. That is right.

21 Q. Did you relay that information to Mr. Kennedy?

22 A. I believe I did.

23 Q. And do you -- as far as you being a colonel, were you
24 a colonel at any time in the military?

25 A. No, I wasn't.

1 Q. Where you a colonel with the Vanguard Knights?

2 A. That was implied.

3 Q. Could you explain that to the jury please?

4 A. When Mr. Meggs said he was a Captain in the National
5 Guard, I questioned that because of his age. I said you
6 are captain in the National Guard and I'll be the colonel
7 with the Vanguards. He said, okay good. You can be the
8 commanding officer. I said well hold on, I'm just
9 visiting. I told Jimmy and I explained to him I live in
10 another city. My support are connections with the
11 Vanguards will be as a silent support on the sidelines to
12 help him.

13 Q. Okay. Now, let me ask you a little bit about Ms.

14 *grandmother of team players 20-3* First of all, do you know Jackie *grandmother of*
15 *players 20-3* ?

16 A. I've met her.

17 Q. Okay. And how did you meet with Ms. *grandmother of players 20-3*

18 A. It was a -- I met her at her home with a group of
19 other parents discussing organization, fund raising with
20 the Vanguards.

21 Q. Okay. And when would this have occurred, this meeting
22 to best that you can remember?

23 A. I think it was the first week in January of the year
24 2000.

25 Q. Okay. And let me ask you this. Were you ever asked

1 to stay overnight?

2 A. I was invited by her.

3 MR. STEINBERG: Your Honor, I have to object to any
4 hearsay. I move to strike that last statement.

5 MR. REDMOND: Your Honor, she's already testified to
6 that.

7 THE COURT: I overrule that as to that question. He
8 obviously can't testify as to what someone else may have
9 said.

10 Q. Now, were you there when Jimmy Meggs was there that
11 night?

12 A. That's correct.

13 Q. And was team player #2 there that night?

14 A. He was.

15 Q. And was ~~team player #2~~ ^{team player #3} there that night?

16 A. He was.

17 Q. And did you have the opportunity to observe all them
18 that night?

19 A. I did.

20 Q. And could you tell whether or not you notice anything
21 improper or out of the ordinary that was occurring between
22 Jimmy, ~~team player #2~~ ^{team player #3}, and team player #2 ?

23 A. Absolutely nothing improper.

24 Q. And could you tell us why you have formulated that
25 opinion?

REGGIE SUMNER DIRECT EXAMINATION BY MR. REDMOND
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1 A. I was there during the waking hours until they were
2 asleep about 11 o'clock. Jimmy was called out of town or
3 called to work that night. I just saw some happy teenagers
4 just playing, watching T.V. just nothing -- that no
5 behaviors that I would questions.

6 Q. Okay. And was Jimmy interacting with team player #2
7 and ~~team player #3~~ at that time?

8 A. Yes, he was in a very positive way.

9 Q. And where was they in the house do you recall?

10 A. In the living room.

11 MR. REDMOND: Beg the Court's indulgence.

12 THE COURT: Sure.

13 MR. REDMOND: Nothing further, Your Honor.

14 CROSS EXAMINATION BY MR. STEINBERG:

15 Q. Your name is Reggie Sumner; is that correct?

16 A. That is correct.

17 Q. You're a friend of the defendant?

18 A. I am.

19 Q. You known him for three years?

20 A. That's correct.

21 Q. Do you remember how many times you went to the paint
22 ball field in Pamplico?

23 A. One time.

24 Q. One time in Pamplico. You remember when it was?

25 A. I don't understand the question.

1 Q. Remember when you went?

2 A. I'm sorry. No, sir, I don't. I can't remember the
3 date.

4 Q. You also said that Mr. Meggs, he very safety
5 conscious; is that correct?

6 A. That's right.

7 Q. Were those your words safety? Did you say he believed
8 in safety?

9 A. I said he was as far as the game, he was very sure
10 that they practiced all safety precautions for the games.

11 Q. Did you know that going to and from the games he had
12 boys -- preteen boys ---

13 MR. REDMOND: Your Honor, I'd object to the form of
14 that question.

15 MR. STEINBERG: I think it's proper cross, Your
16 Honor.

17 THE COURT: I overrule the objection.

18 MR. STEINBERG: Thank you, Your Honor.

19 Q. You ever noticed that he had boys including preteen
20 boys just anywhere in the truck, in the bed of the truck?
21 Would that be safe?

22 A. Just safe as I have some in my pick-up truck.

23 Q. How about a trailer behind a pick-up truck would that
24 be safe?

25 A. A trailer?

1 Q. Yes, sir, a trailer behind a pick-up truck?

2 A. Carrying human cargo.

3 Q. Well, I call them people, yes?

4 A. I never noticed that.

5 Q. If you had noticed that, would that affect your
6 opinion of his concern for safety?

7 MR. REDMOND: Objection, Your Honor.

8 MR. STEINBERG: Your Honor, the State's position ---

9 THE COURT: I sustain that as to that question. You
10 can ask him whether or not he thinks that is safe.

11 Q. Do you believe it's safe to put children in a trailer
12 being pulled behind a pick-up truck going four different
13 places?

14 A. I would have to know where and what roads, what speed,
15 how many.

16 Q. Okay. Do you know of your own knowledge what happened
17 at the paint ball camp in Pamplico?

18 A. No, I don't.

19 Q. Do you know what happened for example, on the second
20 weekend before Thanksgiving?

21 A. I was not in Pamplico. I was not there.

22 Q. You saying you were not there the second weekend
23 before. Were you there the weekend before that before
24 Thanksgiving of 1999?

25 A. I don't recall the exact date.

1 Q. Okay. You also testified you thought it was good that
2 Jimmy had started this league?

3 A. I'm sorry what did you say.

4 Q. You testified that it was good that Jimmy had started
5 this league? Your testimony it's good to help people like
6 that. And what was your opinion of this league?

7 A. The league was just beginning. There be a lot of -- I
8 thought it was worth while deal with the preteens and teens
9 involved.

10 Q. Why did you think it was a worthwhile deal?

11 A. The teenagers what I observed were enjoying
12 themselves. They were from what I could tell from a
13 disadvantage or single family situation and it gave them
14 some things to do, activities.

15 Q. You testified earlier that Jimmy told you that he was
16 a captain in the National Guard?

17 A. That's what he told me.

18 Q. And did that affect your view of his credibility?

19 A. I don't -- in fact, he was. I didn't question that.
20 All I know is what he told me.

21 Q. Do you think he was honest?

22 A. He's always been honest to me.

23 Q. If I told you that he claimed to be a graduate of the
24 University of North Carolina of Chapel Hill with a degree
25 in engineering, but in fact, he was not. How would that

1 affect your belief and his credibility?

2 A. Then I would question it.

3 Q. If I told you that he was not a captain ever in his
4 life in the National Guard or any where as to the military,
5 would that affect your opinion of his credibility?

6 A. Yes, I would question that.

7 Q. Who came up with the name Vanguard Knights.

8 A. I do not know.

9 Q. Did you first hear it from the defendant here Jimmy
10 Donald Meggs Jr.

11 A. That's correct.

12 Q. If I told there was a legitimate ROTC unit already
13 called the Vanguard Knights, would that affect your opinion
14 of his credibility?

15 A. No.

16 Q. And why not?

17 A. If he called the group any name, it wouldn't make much
18 difference to me. If he wanted to call them the Rangers,
19 the Vanguard's or the Blue Devils or whatever it's just a
20 name as far as I was concerned.

21 Q. Jimmy ever tell you anything about his organization?
22 Did he ever tell you about any whether it was tax exempt?

23 A. I don't remember.

24 Q. You don't remember that?

25 A. Uh-uh.

1 Q. Do you recall having a conversation with Investigator
2 Bryan Kennedy?

3 A. Yes, I do.

4 Q. Just for your information Bryan Kennedy right here?

5 A. Okay.

6 Q. You testified that you spoke to him on the phone?

7 A. This is not the one I'm talking about.

8 Q. Well, who did you speak to?

9 A. Excuse me who are you? I thought you were Bryan
10 Kennedy.

11 Q. No, sir, my name is Howard Steinberg. I'm the
12 prosecutor?

13 A. Okay. I apologize.

14 Q. Bryan Kennedy is the gentleman sitting at the State's
15 table?

16 A. Okay.

17 Q. Do you recall speaking with an individual name Bryan
18 Kennedy?

19 A. Yes, sir, I do.

20 Q. Did you speak with him on or about January 27th of the
21 year 2000?

22 A. I did on a phone call.

23 Q. Around midday or the afternoon?

24 A. That's correct.

25 Q. Did you ever tell Investigator Kennedy that I was

1 never with them on any camping trip or anything?

2 A. I told him that -- camping trip being overnight or
3 extended period of time.

4 Q. However you wish to define camping?

5 A. My experience with the group was daylight weekends.

6 Q. You said that you brought some uniforms?

7 A. I did.

8 Q. How many uniforms did you bring?

9 A. It was three months total, 25 uniforms.

10 Q. And who purchased these uniforms?

11 A. I did.

12 Q. Why did you do this?

13 A. Because I believed in the group. I believed in what
14 they represented..

15 Q. What did it represent, sir?

16 A. I believe it represented a wholesome entertainment for
17 teenagers.

18 Q. Being threatened at close range pardon me -- let me
19 rephrase that. A year old being threatened by close
20 range close as I am to you with a paint ball gun. Would
21 that be wholesome entertainment?

22 MR. REDMOND: Your Honor, I am going to have to
23 object.

24 THE COURT: I'll sustain that that's argumentative,
25 sir.

1 MR. STEINBERG: Yes, sir, Your Honor. Beg the
2 Court's indulgence.

3 THE COURT: Sure.

4 MR. STEINBERG: Thank you, I have no more questions.

5 THE COURT: Any redirect, sir?

6 MR. REDMOND: Briefly, Your Honor.

7 REDIRECT EXAMINATION BY MR. REDMOND:

8 Q. Does -- you were asked about by the State about
9 credibility issues. Do those issues affect what you saw?

10 In other words, Jimmy Meggs did not tell the truth about
11 being the captain in the National Guard. Did that affect
12 the fact that you saw him, ^{team player #3} and ^{team player #2}
13 : interacting that night?

14 A. None whatsoever.

15 Q. Does that affect that fact that while you were at camp
16 or at the site for paint ball, that you saw nothing
17 improper going on?

18 A. I saw nothing improper.

19 Q. And does the fact that Jimmy Meggs may have told lies
20 about his rank or whatever else, does that affect anything
21 that you yourself observed?

22 A. None whatsoever.

23 MR. REDMOND: Thank you. That will be all I have,
24 Your Honor.

25 THE COURT: Thank you, sir, you can step down.

team player #7

DIRECT EXAMINATION BY MR. REDMOND

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1 (The witness left the witness stand.)

2 THE COURT: Next witness.

3 MR. REDMOND: Your Honor, the defense would next
4 call Mr. *team player #7*.

5 THE COURT: If you will come around and place your
6 left hand on the Bible and raise your right.

7 CLERK OF COURT: Do you swear the testimony you
8 shall give in this case be the truth, the whole truth, and
9 nothing but the truth so help you God?
10 *team player #7*: I do.

11 CLERK OF COURT: Please have a seat and state your
12 full name for the record?

13 *team player #7*: My name is *team player #7*.

14 MR. REDMOND: May it please the Court, Your Honor?

15 THE COURT: Yes, sir.
16 *team player #7*, being first

17 duly sworn, testifies as follows:

18 DIRECT EXAMINATION BY MR. REDMOND:

19 *team player #7*: Q. , how old are you?

20 A. .

21 Q. And where do you go to school?

22 A. School.

23 Q. And you starting school tomorrow?

24 A. Yes, sir.

25 Q. Looking forward to it?

1 A. Yes, sir.

2 Q. Good. Keep up the good work. And do you know Jimmy
3 Meggs?

4 A. Yes, sir.

5 Q. And how did you come to know Jimmy Meggs? In other
6 words, how did you meet Jimmy Meggs?

7 A. Through my grandma.

8 Q. Okay. And did you ever engage in paint ball
9 activities with Jimmy Meggs?

10 A. Yes, sir.

11 Q. And do you recall about when you started going to
12 paint ball with Jimmy Meggs?

13 A. It was a week or two before school ended.

14 Q. Okay. Let me ask you about that. Did you go to paint
15 ball with Jimmy Meggs in Lamar?

16 A. Yes, sir.

17 Q. And did you also go in Pamplico?

18 A. Yes, sir.

19 Q. Okay. And how often would you say that you was going
20 to paint ball?

21 A. Just about every Sunday.

22 Q. Okay. And did you ever during the time that you were
23 there, ever notice anybody doing any push-ups?

24 A. Yes, sir.

25 Q. Okay. Could you tell us about that. Well, let me ask

- 1 you this. Did anybody have to strip to do push-ups?
- 2 A. No, sir.
- 3 Q. And did anybody -- was anybody made to walk around in
- 4 their boxers doing push-ups?
- 5 A. No, sir.
- 6 Q. Were they fully clothed doing push-ups?
- 7 A. Yes, sir.
- 8 Q. And the paint ball activities themselves, were they
- 9 like war games?
- 10 A. No.
- 11 Q. Okay. Did y'all have to in essence go through
- 12 simulated training? In other words, as if you were in the
- 13 military to the best that you can remember?
- 14 A. No, sir.
- 15 Q. Okay. But you did push-ups?
- 16 A. Yeah.
- 17 Q. Like P. T. physical activities?
- 18 A. Yes.
- 19 Q. Do you have to run from time to time?
- 20 A. Yes, sir.
- 21 Q. Okay. Did you ever notice anything improper that
- 22 Jimmy Meggs did toward any of the smaller kids?
- 23 A. No, sir.
- 24 Q. Did you ever notice Jimmy Meggs doing anything
- 25 improper towards you?

team player # 7

R DIRECT EXAMINATION BY MR. REDMOND

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1 A. No, sir.

2 Q. Is there -- do you know .

team player #2

3 and *team player # 3* ?

4 A. Yes, sir.

5 Q. And you know the *1st* ~~twins~~ *twins*?

6 A. I don't know them personally.

7 Q. I mean, but do you recall them being there?

8 A. Yes, sir.

9 Q. And do you recall Jimmy Meggs acting anyway
10 inappropriately towards either of the McKnight boys?

11 A. No, sir.

12 Q. Did you notice Jimmy Meggs doing anything
13 inappropriate toward the *1st* ~~twins~~ *twins*?

14 A. No, sir.

15 MR. REDMOND: Beg the Court's indulgence.

team player # 7

16 Q. , can you describe some of the activities that
17 y'all would engage in at the paint ball camp?

18 A. We go out in the woods hide and somebody come and try
19 to find us with the paint ball guns and all.

20 Q. Okay. And do you recall whether there were different
21 teams? In other words, were you in a group where one group
22 was looking for the other group?

23 A. Yes, sir.

24 Q. Okay. Was it fun?

25 A. Yes, sir.

team player #7

DIRECT EXAMINATION BY MR. REDMOND
CROSS EXAMINATION BY MR. STEINBERG

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1 Q. Did you enjoy going?

2 A. Yes, sir.

3 Q. And why did you stop going?

4 A. Because Jimmy was arrested.

5 MR. REDMOND: That be all I have, Your Honor.

6 CROSS EXAMINATION BY MR. STEINBERG:

7 Q. *team player #7* you said -- when did you start going to paint
8 ball?

9 A. It was about a week or two before school ended.

10 Q. School ended the year of 1999?

11 A. Yes, sir.

12 Q. And you went for how long after that?

13 A. Approximately the whole summer, every Sunday just
14 about.

15 Q. Okay. You said earlier you said on Sundays. Did you
16 spend the night there?

17 A. No, sir.

18 Q. Did you ever spend the night?

19 A. No, sir.

20 Q. Did you ever spend a Friday night there?

21 A. No, sir.

22 Q. Ever spend a Saturday night there?

23 A. No, sir.

24 Q. Did you ever spend a Saturday daytime there?

25 A. No.

team player #7

CROSS EXAMINATION BY MR. STEINBERG

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team player #7

- 1 Q. , do you know what may have happened there
2 on a Friday night or on a Saturday at any point?
- 3 A. No, sir.
- 4 Q. When you would see the victim/2 : , did you see
5 them at all times during the time you were there?
- 6 A. Yes, I did, except when we were in the woods.
- 7 Q. Except what?
- 8 A. When we went in the woods, I don't believe they go in
9 the woods.
- 10 Q. So you were out in the woods, would you see them?
- 11 A. No.
- 12 Q. You said that nothing bad happened while you were?
- 13 A. No, sir.
- 14 Q. If you had saw something of a sexual nature there,
15 what would you have done?
- 16 A. I would have probably said something to my mom.
- 17 Q. Okay. And if you had seen -- do you believe that
18 Mr. Meggs -- knowing that belief, do you believe that Mr.
19 Meggs would have done something in front of you?
- 20 A. No, sir.
- 21 Q. You don't think he would do something of a sexual
22 nature in front of you?
- 23 A. No.
- 24 MR. STEINBERG: Beg the Court's indulgence.
- 25 THE COURT: Sure.

1 MR. STEINBERG: Thank you, Mr. Turner.
2 THE COURT: Any redirect?
3 MR. REDMOND: No, redirect, Your Honor.
4 THE COURT: Thank you, sir, you can step down.
5 (The witness left the witness stand.)
6 MR. REDMOND: Your Honor, may we approach?
7 THE COURT: Sure.
8 (A bench conference was held in the presence of the
9 jury, but out of the hearing of the jury.)
10 MR. REDMOND: team player #8
11 THE COURT: , place your left hand on
12 the Bible and raise your right hand.
13 CLERK OF COURT: Do you swear the testimony you give
14 in this case will be the truth, the whole truth, and
15 nothing but the truth so help you God?
16 team player #8: I do.
17 CLERK OF COURT: Be seated and state your full name
18 for the record?
19 team player #8: My name is team player #8
20 team player #8, being first
21 duly sworn, testified as follows:
22 DIRECT EXAMINATION BY MR. REDMOND:
23 Q. team player #8 Mr. , how old are you?
24 A. I'm ..
25 Q. And are you in school still?

1 A. No, I graduated.

2 Q. And when did you graduate?

3 A. I graduated in

4 Q. What are doing now?

5 A. I work in Darlington.

6 Q. Okay. And let me ask you this as it relates to paint
7 ball. Did you ever have the opportunity to go to paint
8 ball with Jimmy Meggs?

9 A. Yes, I did.

10 Q. And how did you meet Jimmy Meggs?

11 A. My cousin and stuff they come over to talk to me.

12 Q. Okay. And about how many times would you say that you
13 went with Mr. Meggs to paint ball?

14 A. Approximately three or four times.

15 Q. Did you go both in Lamar and Pamplico?

16 A. Yes, I did.

17 Q. And during the time that you were there, when were you
18 usually there was it on the weekends?

19 A. Yes, sir.

20 Q. And do you recall during the time you were there, do
21 you recall any inappropriate activities toward any of the
22 younger children by Mr. Meggs?

23 A. No, sir.

24 Q. Did you notice any of the younger children being
25 apprehensive? In other words, were you afraid of