

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Marion County
Michael G. Nettles, Circuit Court Judge

VOL I of II

RECEIVED

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S.C. Supreme Court

QUINTON DEWAYNE INMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-001765

APPENDIX

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COUNTY OF MARION	)	COURT OF GENERAL SESSIONS
	)	2006-GS-33-203
	)	
	)	
State of South Carolina	)	)
vs.	)	TRANSCRIPT OF RECORD
Quinton Dewayne Inman,	)	)
DEFENDANT	)	

August 4-6, 2008
Marion, South Carolina

B E F O R E:

THE HONORABLE THOMAS A. RUSSO.

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Attorney for the State

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Attorney for the Defendant

KESHIA REED
Circuit Court Reporter

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1 THE COURT: All right. Ladies and gentlemen, if you
2 would just give us your attention.

3 Solicitor, you may call the first case, sir.

4 MR. CLEMENTS: If it please the Court, Your Honor, we
5 call indictment 2006-GS-33-203, State vs. Quinton Inman,
6 Your Honor.

7 THE COURT: All right. Thank you, sir. Ladies and
8 gentlemen of the jury, the State has called for trial case
9 number 2006-GS-33-203 and it's The State of South Carolina
10 vs. Quinton Dewayne Inman. On this indictment and let
11 me -- before I go over the indictment with you, ladies and
12 gentlemen, let me let you know that an indictment is
13 simply the allegations that the State makes against a
14 defendant. It is the formal document that brings the
15 charges into court, it is in no way evidence of the
16 allegations that it contains. It is simply a piece of
17 paper.

18 On this piece of paper, the State alleges that
19 Mr. Inman has committed these offenses and I'm going to go
20 over them with you what they are. Count 1 of the
21 indictment alleges that Quinton Dewayne Inman, did in
22 Marion County on or about September the 19th of 2004,
23 violate section 16-3-1020 and 16-1-60 of the South
24 Carolina code of laws as amended. And that he did
25 feloniously, willfully and with malice aforethought kill

1 one Cheryl White by means of striking her several times
2 about the head and or body and that the said Cheryl White
3 did die as a proximate result thereof. And so that Count
4 1 of the indictment is a count -- is a charge of murder.
5 Count 2 is a accessory after the fact and -- or -- but you
6 will proceed on Count 1?

7 MR. CLEMENTS: Yes, Your Honor.

8 THE COURT: So, ladies and gentlemen, that's the
9 charge against Mr. Inman. Now, to that charge Mr. Inman
10 has pled not guilty and that places the burden of proof on
11 the State of South Carolina to prove his guilt beyond a
12 reasonable doubt. Mr. Inman has as he sits here now,
13 ladies and gentlemen, is presumed innocent of this charge
14 and that presumption of innocence will remain with him
15 throughout the course of the trial and throughout your
16 deliberations unless or until you find that he is guilty
17 of these offenses, if that's what you find or not guilty
18 of these offense, if that's what you find. But my point
19 being that presumption of innocence remains with him
20 throughout the course of this trial and throughout your
21 deliberations until you reach a verdict.

22 Now, as I indicated, Mr. Inman has pled not guilty to
23 these charges. Is there any member of the jury panel who
24 knows anything about the charge as I've read to you or
25 knows anything about this case, if so please stand? All

1 right. Thank you. There none.

2 Ladies and gentlemen, our Solicitor or Mr. Ed
3 Clements is prosecuting this case on behalf of the State.

4 Mr. Clements, if you would please, sir, introduce
5 yourself -- and is anyone working with you on the case?

6 MR. CLEMENTS: No, Your Honor. But first, Your
7 Honor, may Mr. Prosser and I approach?

8 THE COURT: All right.

9 (WHEREUPON, a bench conference was held in the
10 presence of the jury panel, but out of the hearing of
11 the jury panel.)

12 THE COURT: All right. Solicitor, if you would
13 please introduce yourself.

14 MR. CLEMENTS: Thank you, Your Honor, please the
15 Court. Good afternoon, ladies and gentlemen of the jury,
16 my name is Ed Clements, I'm the Solicitor here for the
17 Twelfth Judicial Circuit Florence and Marion Counties.
18 Rochelle Jean is one of my victim witness' advocate, she's
19 here assisting me in the courtroom. I may have Assistant
20 Solicitor John Jepertinger and Stephen Deberry you may see
21 in the courtroom from time to time. They may be assisting
22 me at some point but sit during the entire trial. Thank
23 you.

24 THE COURT: Thank you, Solicitor.

25 Ladies and gentlemen, is there any member of the jury

1 panel related by blood or connected by marriage or who has
2 any close, personal or business relationship with the
3 Solicitor or who has been represented by the Solicitor at
4 any time in the past, if so please stand? Thank you.

5 There none.

6 Mr. Inman, ladies and gentlemen, is represented by
7 Mr. Shannon Prosser.

8 Mr. Prosser, if you would introduce yourself and then
9 your client.

10 MR. PROSSER: Good morning, Your Honor. I'm Shannon
11 Prosser. I have a law practice over in Johnsonville which
12 is just across the Pee Dee River bridge. I been
13 practicing 13 years there. You will see me obviously
14 trying the case and the Defendant Mr. Quinton Inman who is
15 a Marion County resident. And I may have my secretary and
16 legal assist helping me. And they probably come in
17 tomorrow over here from our big City of Johnsonville.

18 THE COURT: Thank you, sir.

19 Thank you, Mr. Inman, you may have a seat, sir.

20 Ladies and gentlemen, is there any member of the jury
21 panel related by blood or connected by marriage or who has
22 any close business or personal relationship or who has
23 been represented by Mr. Shannon Prosser, if so please
24 stand? Thank you. There none.

25 Ladies and gentlemen, is there any member of the jury

1 panel who's related by blood, connected by marriage or who
2 has any close by or personal relationship with the
3 defendant in this case, Mr. Quinton Inman, if so please
4 stand? Thank you. There are none.

5 Now, I'm going to call out -- are there any witnesses
6 other than what I have on this list make sure that I got
7 everybody.

8 MR. PROSSER: May I approach?

9 THE COURT: Yes.

10 (WHEREUPON, a bench conference was held in the
11 presence of the jury panel, but out of the hearing of
12 the jury panel.)

13 THE COURT: Now, ladies and gentlemen, that question
14 that I just asked you about Mr. Inman and that is is there
15 any member of the jury panel related by blood, connected
16 by marriage or who has any close personal or business
17 relationship with him, that same question is going to
18 apply as I go through -- I'm going to call out a list of
19 names. This list of names are potential witnesses that
20 may testify during the course of this trial. Not all of
21 them may testify, some of them will, some of them may not,
22 but their potential witnesses. That question I just ask
23 you applies to each of these names. So as I go through
24 the names, please listen carefully. If you hear a name
25 that that question applies to, go ahead and stand as soon

1 as you hear it. Please though continue to listen because
2 it may be that that question applies to more than one
3 person on this list for you. So keeping that question in
4 mind please listen to these names of these potential
5 witnesses.

6 MR. CLEMENTS: Your Honor, many of them are in the
7 courtroom. If you wish, Your Honor, they can stand and
8 turn and face the jury if they happen to be in the
9 courtroom when you call their name.

10 THE COURT: So if any of these witnesses are in the
11 courtroom, please stand, face the jury panel for a moment
12 let them get a good look at you, then you may have a seat.
13 And I'm going to apologize ahead of time if I mispronounce
14 anybody's name Bill Sweat, Keith Lutcken, Barry Prosser,
15 Julius Lee, Alvin Powell, Ronnie Collins, Larry Woods,
16 Judy Barker, Eddie Sawyer, Brian Wallace, Grady Mullins,
17 Regene Davis, Chris Woodberry, Betty Green, Marty Jowers,
18 Lindsey Thompson, Ira Jeffcoat, J.P. Parrott Amie Steven,
19 Nancy Skraba, Scott Worsham, Kenny Davis, Alex Smith, Erin
20 Presnell, Mary Owens, Sara Farmer, Anthony McRay, Todd
21 Tucker, Melody Davis Sondra Lee, Wondell Timmons, Dewayne
22 Tennie, Jonathan Brown, Donnell Timmons, Kelletha Baccous,
23 Carolyn Johnson, Matthew Israel, Brandon Platt, Tammy
24 Jackson, Kathy Parker, Tanjula Harley, Casandra Harley,
25 Annie Israel.

1 All right. Now, let me if I may, I'm going to start
2 with this gentleman here your name, sir.

3 PROSPECTIVE JUROR: Randy Rogers.

4 THE COURT: All right. And, Mr. Rogers, on that list
5 who does that question apply to?

6 PROSPECTIVE JUROR: I don't know exactly how close
7 relationship you're talking about, but Eddie Sawyer and
8 Bryan Wallace, I know them for a long time.

9 THE COURT: All right. Well, let me ask you this if
10 I may, sir. The fact that you've known those individuals
11 for a long time would that in anyway affect your ability
12 to be fair and impartial? In other words, could you hear
13 the testimony of all the witnesses and fairly and
14 impartially weigh that evidence and render a verdict that
15 was fair to both the State as well the defense?

16 PROSPECTIVE JUROR: I think I could.

17 THE COURT: All right, sir. Thank you, sir, you may
18 have a seat.

19 Ma'am, on that list of those names who applies to
20 you?

21 PROSPECTIVE JUROR: Marty Jowers.

22 THE COURT: All right. Now, the fact that you -- are
23 you related to Marty Jowers or you just know him?

24 PROSPECTIVE JUROR: He was one of my best friends
25 growing up, so I know the whole family.

1 THE COURT: Okay. And the fact that you have that
2 relationship with the Jowers family, would that in anyway
3 affect your ability to be fair and impartial if you were
4 called as juror in this case?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Thank you. Oh, I'm sorry I didn't get
7 your name? I apologize.

8 PROSPECTIVE JUROR: Melissa Stinnette.

9 THE COURT: All right, Ms. Stinnette. Thank you.
10 Thank you, Mrs. Rhodes, I didn't even think of that.
11 Ma'am, can I get your name?

12 PROSPECTIVE JUROR: Tammy Mott.

13 THE COURT: All right, Ms. Mott, and who on that list
14 does that question apply for you?

15 PROSPECTIVE JUROR: I got Eddie Sawyer, Marty Jowers,
16 Judy Barker and Sarah Farmer.

17 THE COURT: All right. Now, the fact that you have
18 the relationship you have with those individuals, would
19 that in anyway if you were chosen as a juror on this case,
20 would that affect your ability to be fair and impartial
21 being fair both to the State as well as to the defense?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: All right. Thank you. Ma'am, you may
24 have a seat.

25 All right. Is there any member of the jury panel or

1 a member of your immediate family either been a victim of
2 or a defendant of a serious crime? In other words, if you
3 yourself or a member of your immediate family has been a
4 victim of a violent crime or if you or a member of your
5 family has been prosecuted by the Solicitor's office for a
6 violent crime, if so please stand?

7 Ma'am, can I get your name?

8 PROSPECTIVE JUROR: Flora Graves.

9 THE COURT: Last name again?

10 PROSPECTIVE JUROR: Graves.

11 THE COURT: All right, Ms. Graves, and was it you or
12 a member of your family, ma'am.

13 PROSPECTIVE JUROR: It was a member of my family, my
14 nephew charged.

15 THE COURT: And were they a victim of a crime or were
16 they charged with a crime?

17 PROSPECTIVE JUROR: Charge with a crime.

18 THE COURT: All right. And, ma'am, the fact that
19 you've had that experience in your family, would that in
20 anyway affect your ability to be fair and impartial if you
21 were selected as a member of this jury?

22 PROSPECTIVE JUROR: I think it would.

23 THE COURT: All right. Ms. Graves, I'm going to set
24 you aside for the purposes of this trial only. So if you
25 would, I'm going to get you to have a seat, but I'm going

1 to remove your name from case.

2 THE CLERK: Number 53 Flora Graves.

3 THE COURT: Is there any member of the jury panel who
4 knows of any reason -- and as I said earlier and
5 obviously, the purpose of selecting a jury is to get a
6 panel of individuals who can hear the evidence in the case
7 and can fairly and impartially weigh that evidence and
8 render a verdict given both the State and the defense a
9 fair and impartial trial. Is there any member of the jury
10 panel who knows of any reason why you would not be able to
11 do that if you were selected as a member of this jury
12 panel, if so please stand? Thank you. There none.

13 Any further questions from the State?

14 MR. CLEMENTS: Nothing. Thank you, Your Honor.

15 THE COURT: Thank you, sir.

16 Anything further from the defense?

17 MR. PROSSER: None from the defense, Your Honor.

18 THE COURT: All right. Ladies and gentlemen, let me
19 just very briefly explain to you how we will go about the
20 process. Those of you who are remaining as active jurors
21 for this purpose of this trial, all of your names have
22 been placed in a little capsule with screw cap and placed
23 in this drum right here. In just a moment, Mrs. Rhodes is
24 going to just randomly reach in and pull a capsule out.
25 She will take the name out and she'll call out that name.

1 If your name is called, I'd ask you to please come
2 forward, come down to the front of courtroom. And if you
3 would just come stand right over here to the side of this
4 table and face the back of the courtroom and just stand
5 there. She will then ask the State a question something
6 along these lines, what say you for the State. And the
7 State will respond in one of two ways either please
8 present the juror or please excuse the juror. If you're
9 excused, you'll go back and have a seat. If they say
10 please present the juror, then you'll remain standing.
11 Then she'll ask the defense what say you for the defense
12 and the defense will say something long the lines of
13 either please seat the juror or please excuse the juror.
14 If you're excused, you'll go back and have a seat in your
15 seat. If your seated, you'll then come over and have a
16 seat in the jury box.

17 Now, we'll go through that process until we have
18 impanel a jury for this case. So let me ask you to do me
19 a favor if you would. If your name is called when you
20 come forward to stand here, bring with you whatever you
21 brought to court. If it's a pocketbook or a book or an
22 umbrella or whatever it may be, bring your belongings with
23 you because it may be that you're not going back to your
24 seat. It may be that you're going to sit over here. So
25 please bring your belongings with you if your names is

1 called.

2 And the strikes are five and ten, right?

3 MR. CLEMENTS: Yes, sir.

4 THE COURT: Mrs. Rhodes, if you would let's proceed
5 with the impaneling of the jury.

6 THE CLERK: Thank you, sir.

7 Number 91 Nessie S. McNeil.

8 What say the State?

9 MR. CLEMENTS: Please present Ms. McNeil.

10 THE CLERK: What say the defense?

11 MR. PROSSER: Please swear Ms. McNeil.

12 THE CLERK: Ms. McNeil, if you will have a seat in
13 the jury box please, ma'am.

14 Number 23 Mary A. Corley.

15 What say the State?

16 MR. CLEMENTS: Please present Ms. Corley.

17 THE CLERK: What say the defense?

18 MR. PROSSER: Please excuse Ms. Corley from this
19 trial.

20 THE CLERK: You may go sit back down. Thank you.

21 Number 103 Michael C. Pernell.

22 What say the State?

23 MR. CLEMENTS: Please excuse Mr. Pernell from the
24 trial of this case.

25 THE CLERK: You been excused, Mr. Pernell. You may

1 return to your seat.

2 Number 24 Lisa D. Cox.

3 What say the State?

4 MR. CLEMENTS: Please present Ms. Cox.

5 THE CLERK: What say the defense?

6 MR. PROSSER: Swear Ms. Cox.

7 THE CLERK: Number 18 Brenda M. Calhoun.

8 What say the State?

9 MR. CLEMENTS: Please present Ms. Calhoun.

10 THE CLERK: What say the defense?

11 MR. PROSSER: Please excuse Ms. Calhoun from this
12 trial.

13 THE CLERK: Thank you, Ms. Calhoun.

14 Number 116 Robin Sanders.

15 What say the State?

16 MR. CLEMENTS: Please present Ms. Sanders.

17 THE CLERK: What say the defense?

18 MR. PROSSER: Please swear Ms. Sanders.

19 THE CLERK: Number 26 Kendall J. Crawford.

20 What say the State?

21 MR. CLEMENTS: Please excuse Mr. Crawford from the
22 trial of this case.

23 THE CLERK: You are excused, Mr. Crawford. Thank
24 you.

25 Number 37 Carolyn M. Eaddy.

1 What say the State?

2 MR. CLEMENTS: Please present Ms. Eaddy.

3 THE CLERK: Say the defense?

4 MR. PROSSER: Please excuse Ms. Eaddy from the trial.

5 THE CLERK: Number 29 Brenda Davis.

6 What say the State?

7 MR. CLEMENTS: Please present Ms. Davis.

8 THE CLERK: What say the defense?

9 MR. PROSSER: Please excuse Ms. Davis from this
10 trial.

11 THE CLERK: Number 125 Melissa M. Stinnette.

12 What say the State?

13 MR. CLEMENTS: Please present Ms. Stinnette.

14 THE CLERK: What say the defense?

15 MR. PROSSER: Please excuse Ms. Stinnette.

16 THE CLERK: Thank you, ma'am.

17 Number 101 Brenda O. Owens.

18 What say the State?

19 MR. CLEMENTS: Please present Ms. Owens.

20 THE CLERK: What say the defense?

21 MR. PROSSER: I'm going to excuse Ms. Owens from this
22 trial.

23 THE CLERK: Number 34 Patricia P. Day.

24 What say the State?

25 MR. CLEMENTS: Please present Ms. Day.

1 THE CLERK: Say the defense?

2 MR. PROSSER: Please excuse Ms. Day from this trial.

3 THE CLERK: Number 93 Darryl L. Miller.

4 What say the State?

5 MR. CLEMENTS: Beg the Court's indulgence one moment.

6 Please excuse Mr. Miller from the trial of this case.

7 THE CLERK: Thank you, Mr. Miller. You been excused.

8 Number 96 Tammy S. Mott.

9 Say the State?

10 MR. CLEMENTS: Please present Ms. Mott.

11 THE CLERK: What say the defense?

12 MR. PROSSER: Please excuse Ms. Mott from the trial.

13 THE CLERK: Number 88 Kenny L. McDaniel.

14 What say the State?

15 MR. CLEMENTS: Please present Mr. McDaniel.

16 THE CLERK: What say the defense?

17 MR. PROSSER: Please swear Mr. McDaniel.

18 THE CLERK: Number 120 Joseph H. Skipper.

19 What say the State?

20 MR. CLEMENTS: Please present Mr. Skipper.

21 THE CLERK: What say the defense?

22 MR. PROSSER: Please swear Mr. Skipper.

23 THE CLERK: Number 57 Joy J. Hardee.

24 What say the State?

25 MR. CLEMENTS: Please present Ms. Hardee.

1 THE CLERK: What say the defense?

2 MR. PROSSER: Please swear the juror.

3 THE CLERK: Number 145 Jennifer Zeman.

4 What say the State?

5 MR. CLEMENTS: Please present Ms. Zeman?

6 THE CLERK: What say the defense?

7 MR. PROSSER: Please excuse this juror from this
8 trial.

9 THE CLERK: Number 11 Doris B. Brown.

10 What say the State?

11 MR. CLEMENTS: Please present Ms. Brown.

12 THE CLERK: Say the defense?

13 MR. PROSSER: Please swear Ms. Brown.

14 THE CLERK: If you will have a seat in the jury box
15 please, Ms. Brown.

16 PROSPECTIVE JUROR: I wish to remain neutral on this
17 case.

18 THE COURT: Ms. Brown.

19 (WHEREUPON, the judge is talking with juror number 11
20 Ms. Doris B. Brown.)

21 THE COURT: I'm going to set Ms. Brown aside and I
22 will confer with the attorneys at the conclusion regarding
23 that.

24 THE CLERK: Number 50 Tiffany Godbolt.

25 What say the State?

1 MR. CLEMENTS: Please present Ms. Godbolt.

2 THE CLERK: What say the defense?

3 MR. PROSSER: Please swear Ms. Godbolt.

4 THE CLERK: Ms. Godbolt, if you will have a seat in
5 the box please.

6 Number 84 Tabitha A. Lewis.

7 What say the State?

8 MR. CLEMENTS: Please present Ms. Lewis.

9 THE CLERK: What say the defense?

10 MR. PROSSER: Please swear Ms. Lewis.

11 THE CLERK: Number 102 Preston J. Page.

12 What say the State?

13 MR. CLEMENTS: Please present Mr. Page.

14 THE CLERK: What say the defense?

15 MR. PROSSER: Please swear Mr. Page.

16 THE CLERK: If you'll have a seat in the jury box.

17 Number 77 Chad L. King.

18 What say the State?

19 MR. CLEMENTS: Please excuse Mr. King from the trial
20 of this case.

21 THE CLERK: Thank you, Mr. King.

22 Number 9 Cylethia A. Boykin.

23 What say the State?

24 MR. CLEMENTS: Please present Ms. Boykin.

25 THE CLERK: What say the defense?

1 MR. PROSSER: Please swear the juror.
2 THE CLERK: Number 86 Timothy H. McCreary.
3 What say the State?
4 MR. CLEMENTS: Please present Mr. McCreary.
5 THE CLERK: What say the defense?
6 MR. PROSSER: Please swear Mr. McCreary.
7 THE CLERK: Number 85 L.D. Marlowe.
8 What say the State?
9 MR. CLEMENTS: Please present Mr. Marlowe.
10 THE CLERK: What say the defense?
11 MR. PROSSER: Please swear Mr. Marlowe for this
12 trial.
13 THE COURT: Two alternates.
14 THE CLERK: Number 46 James P. Gause.
15 What say the State?
16 MR. CLEMENTS: Please present Pastor Gause.
17 THE CLERK: What say the defense?
18 MR. PROSSER: Please swear Mr. Gause.
19 THE CLERK: If you will have a seat in the alternates
20 chair please, sir.
21 Number 59 Pamela Harrelson.
22 What say the State?
23 MR. CLEMENTS: Please present Ms. Harrelson.
24 THE CLERK: What say the defense?
25 MR. PROSSER: Please swear Ms. Harrelson.

1 THE CLERK: If you will have a seat in the other
2 alternate chair please.

3 THE COURT: Are there any motions regarding jury
4 selection from the State?

5 MR. CLEMENTS: There's nothing from the State, Your
6 Honor.

7 THE COURT: Anything from the defense?

8 MR. PROSSER: Your Honor, the defendant would move
9 under Batson for a ---

10 THE COURT: The Court well let me -- that's fine.
11 Let me ask the members of this jury panel, if you would go
12 into the jury room and have a seat. Now, you're to have
13 no discussion about the case at all. If you would, just
14 let me take up this motion. And so I'm going to ask y'all
15 if you would have a seat in the jury room. Go ahead and
16 go.

17 (WHEREUPON, the jury retired to the jury room.)

18 THE COURT: All right. Now, ladies and gentlemen of
19 the panel, I hate to do this to you cause -- well, I just
20 hate to. I wish we had more of a facility where we could
21 put you somewhere comfortably, but I have to take up this
22 motion. And to do that, I need to have you not present,
23 but not gone because I may need you. So what I'm going to
24 do is I'm going to ask you to please go downstairs. You
25 can stand out front. You can stay inside the building if

1 it's too hot or whatever, but just please stay close
2 because in a little bit, I'm going to have you brought
3 back up. So don't wonder around, but if you'll go
4 downstairs and just stay close by and it want take very
5 long. Everyone else please remain seated while members of
6 the jury step out.

7 (WHEREUPON, the jury panel was excused from the
8 courtroom.)

9 THE COURT: Make sure that no one comes in and out
10 the door there.

11 Mr. Prosser, I'm happy to hear from you regarding
12 your motion, sir.

13 MR. PROSSER: Thank you, Your Honor. On behalf of
14 the defendant, we make a motion under U.S. vs. Batson
15 requesting neutrally reasons why jurors number 103, 26,
16 93, and 77 were stricken by the State. They all appear to
17 be young black males under the same character.

18 THE COURT: All right, Solicitor.

19 MR. CLEMENTS: Thank you, Your Honor. If it please
20 the Court, Your Honor, also I seated and I would like to
21 note for the record I had a strike left. And I seated
22 some young black males as well particularly Mr. Page. But
23 in regards to my strikes, Your Honor, first, Your Honor,
24 number 93, I don't believe he was a young black male, he
25 was an old black male. He had ten prior convictions in

1 summary court, Your Honor, over a period of time. Your
2 Honor, number 103 was one I struck. He had a fraudulent
3 check in access of \$500. And he has -- that was
4 Mr. Pernell and his last name was Pernell. We've had from
5 particular area he is in, Your Honor, law enforcement
6 tells me there's a lot of Pernells there. They've had
7 problems with, had trouble with and felt like he would not
8 be fair and impartial towards law enforcement, if he was
9 indeed the Pernells from that particular area and he also
10 had the record, Your Honor.

11 Number 26, Your Honor, had drug a conviction, Your
12 Honor, that is summary court. And he, Your Honor, his
13 name was Mr. Crawford. We've also prosecuted some
14 Crawfords, Your Honor. And I was not sure where he was
15 from, Your Honor, if he was from the particular Crawfords
16 that we prosecuted, but they were Marion city address.

17 Also, Your Honor I struck -- juror number 77, Your
18 Honor, who was a young black male, Your Honor. Mr. Chad
19 King from Mullins and I noted, Your Honor, I put an
20 exclamation point by his name during juror qualification,
21 Your Honor, he was seated on about the third row back a
22 little bit to the right-hand side of the middle where,
23 Your Honor, sits. Your Honor, when he stood up, I notice
24 the defendant straighten up during jury qualifications
25 look at each other and the juror look right dead in his

1 eyes and they made eye contact and it alarmed me. When he
2 came up and he walked forward, they also made some eye
3 contact too. I didn't notice anything from any other
4 juror, Your Honor, of that degree of recognition on the
5 part of the defendant and that degree of eye contact where
6 they made eye contact. And it could be -- you know, I
7 could be completely wrong, but that was my reaction where
8 put I an exclamation point by his name because that
9 alarmed me that I felt like there was some strong degree
10 of familiarity between the defendant and the juror. Even
11 though the juror answered the question or did not stand
12 when he said he -- when you asked if anyone knew the
13 defendant or connected to the defendant by blood or
14 marriage, he did not stand. But, Your Honor, his -- those
15 things that I observed was what alarmed me. If I was gone
16 strike him for impermissible reason, Your Honor, there
17 were other jurors I could have struck as well that I did
18 not and I had strikes left.

19 THE COURT: All right, sir.

20 Mr. Prosser.

21 MR. PROSSER: With regard to the jurors with the past
22 convictions, it's hard to argue against it. The reason on
23 that when Solicitor's have point of view. I'm not sure
24 about this last juror Mr. King. It's more of a personal
25 reason, I don't know how sufficient it is, but it would be

1 up to, Your Honor.

2 THE COURT: All right, sir. All right. I'm going to
3 make a finding that with regard to all jurors I believe
4 that the State has put forth a both a racial neutral and
5 gender neutral reason for the strikes which were executed.
6 And I do note that the State did seat several individuals
7 that made up the same race and gender of those that they
8 used their four strikes on, that they did have strikes
9 remaining.

10 With regards to juror number 77, the Solicitor did
11 articulate a race-neutral, gender-neutral reason which the
12 Court finds acceptable, appropriate. And so I find that
13 -- well, I do not find that the State has impermissibly
14 used any of their strikes regarding these jurors and going
15 to respectfully deny your motion under Batson. Anything
16 further regarding the jury selection process?

17 MR. PROSSER: The only thing further would be the
18 juror that came forward.

19 THE COURT: Yes, let me go ahead and put that on the
20 record while I got everybody where we at. It was juror
21 number 11 that was Ms. Doris Brown. When she came up as
22 everyone is aware, she respectfully declined to serve
23 both sides had attempted to seat her. When I spoke with
24 her, she apologized for not standing earlier. She just
25 said that if this was a civil case, she be happy to serve,

1 but she could not find it in her heart to serve on jury on
2 criminal jury matters regardless of the charge and
3 regardless who the defendant was because she felt that
4 whether she felt someone was guilty or not, she would not
5 vote guilty because of her fear of sending someone who may
6 not be guilty to prison and that she could not be
7 impartial. And that's -- and then she reiterated again
8 that it had to do with people going to prison. And so
9 therefore, she could serve on a civil case, but she could
10 not serve on a criminal case. And so that's why I set her
11 aside.

12 Now, at this time and that was the purpose. I will
13 be happy to entertain any objections or motions if anyone
14 has to that that decision, but at the time rather than
15 stop the process and have that put on the record, I felt
16 that that would survive any challenge at that point. And
17 so therefore rather than stop the process and send
18 everyone out as we done here, I felt it more prudent to
19 proceed.

20 MR. CLEMENTS: Your Honor, we just ask you to
21 transfer her to another term of court case. This trial
22 finish and we pull another jury.

23 THE COURT: I did indicate -- first of all, I
24 indicated to her -- I indicated to her to go back to her
25 seat and to not have any conversation with any of other

1 jurors regard her feelings. And she said she had not any
2 conversation with anyone and that she would not. And
3 then I indicated to her, that I would transfer her at the
4 conclusion of this procedure to a civil term of court.

5 MR. PROSSER: Your Honor, I think the fact that she
6 came out when she did really has no bearing on the jury
7 selection. She would have come out earlier. She just
8 happen to do it right then. I don't see how it prejudice
9 anything. And I talk with him about and he says he
10 doesn't have any problem.

11 THE COURT: I appreciate that, Mr. Prosser, and
12 you're exactly right. As a matter of fact, I asked her I
13 said, ma'am, I give you an opportunity. She said, well,
14 after that, she said I sat here and I started thinking and
15 she said I just can't serve on a criminal jury. Although,
16 I don't necessarily respect her position, I respected it.

17 MR. PROSSER: We have love to have her, Your Honor.

18 THE COURT: I understand. You and everyone else in
19 the country that is charged with a criminal offense.

20 All right. What I am going to do is bring the panel
21 back up and then -- Solicitor, do you know -- you just
22 want them calling in I'm assuming.

23 MR. CLEMENTS: Your Honor, they can call in after six
24 each evening.

25 THE COURT: Okay. To the extent, we can be kind of

1 like -- I don't want to offend any jurors by calling them
2 goats or cattle or anything, but how about let's herd up
3 the jury and bring them up back up here.

4 And then what I'll do gentlemen is I'll excuse them
5 and have them call back. And then we'll bring this panel
6 out and I'll excuse them for the lunch break.

7 (WHEREUPON, the jury panels returns to the
8 courtroom.)

9 THE COURT: All right. Before you get terribly upset
10 with me, all I can tell you is talk to your county counsel
11 if you need a new court facility, but I just didn't have
12 anywhere I could send you other than outside. And a lot
13 of other facilities, they can just send you down the hall
14 to the jury assembly room, but I couldn't do that. So I
15 had to send you out. And where I don't want you to get
16 terribly upset is, I sent you out, I brought you back up
17 those stairs and now I'm fixing to send you home for the
18 rest of the day. So I know you're feeling quite like the
19 yo-yo right now. I don't mean to do that, but it was
20 necessary.

21 Ladies and gentlemen, the jury that we selected is
22 going to go forward with hearing this case, so I am going
23 to excuse you for the day. On that paper that you've
24 gotten for your jury service, there's a phone number on
25 there. What I would ask you to do, ladies and gentlemen,

1 is to call that number after six o'clock. Call that
2 number after six o'clock and there will be a message on
3 there and it will tell you when you need to report back.
4 It may ask you to report back in the morning. It may ask
5 you to call back tomorrow after six o'clock. At this
6 time, I don't know what that message will be.

7 Now, when you call that number, if you would please,
8 if you get a busy signal, just hang up and try it again a
9 little bit later. It's a recording it will be on there.
10 There's a lot of you that will be calling. And if
11 everybody tries to call between six and 6:30, you'll
12 probably get a busy signal. It is -- as I said, it's a
13 recording. It's on there all the time. So if you fall
14 asleep and you wake up at two o'clock in the morning in a
15 panic because you forgot to call, pick up the phone and
16 call you'll get it. But if you'll call that number after
17 six o'clock, it will give you your instructions on when
18 you need to return. Please do me a favor everyone, call
19 that number and follow instructions. I've had occasions
20 that I've had to send the sheriff out to pick up jurors
21 who forgot to call the number and just didn't come back to
22 court when they needed to be back. I don't want to do
23 that. I don't want to send the sheriff out to your house
24 or to your place of business. I just want you to be here
25 when you need to be here. So please call that number

1 after six. Having said that, you're free to go for the
2 balance of the day.

3 And if everyone else will remain seated.

4 Members of the jury, thank you for your time today
5 and we'll see you at some point later this week.

6 (WHEREUPON, the jury panel was excused.)

7 THE COURT: All right. Now, what I'm going to do is
8 I'm going to bring this panel out and I'm going to excuse
9 them for lunch. Got some motions and stuff I'm going to
10 have them come back at three.

11 MR. CLEMENTS: Yes, sir.

12 THE COURT: Please ask the members of the jury to
13 come out.

14 (WHEREUPON, the jury returns to the courtroom.)

15 THE COURT: All right. Ladies and gentlemen, we're
16 ready to proceed, but it's lunchtime. And I'm sure you're
17 hungry, so I'm going to excuse you for lunch. What I'm
18 going to ask you to do if you would is to be back at three
19 o'clock. And when you come back, if you would come back
20 and just come on into your jury room and we'll be ready to
21 go. What I need to ask you to do is this any time that
22 you're not sitting there during the course of this trial,
23 please do not allow anyone to talk with you about this
24 case. It is very important that you have no conversation
25 with anybody about this case as well as to have no

1 conversation amongst yourselves. At this point none of
2 you are familiar with this case and that's the way it's
3 suppose to be, that's the appropriate thing. So please
4 have no conversation with anybody about this case
5 including your fellow jurors, just go and enjoy your
6 lunch. Be back at three o'clock and then we'll proceed
7 upon your return.

8 Now, having said that, I would ask everybody else to
9 please remain seated and, members of the jury, you're
10 excused for lunch and we'll see you back here at three.

11 (WHEREUPON, the jury was excused for lunch.)

12 THE COURT: As far as anyone involved in this case,
13 we're going to be adjourned until three o'clock. Now, if
14 either the Solicitor or Mr. Prosser need anybody to stay,
15 y'all let them know. Other than that, we'll start back at
16 three o'clock and y'all are free to go.

17 (WHEREUPON, a lunch break was taken.)

18 THE COURT: Mr. Prosser, be happy to hear from you
19 regarding any motions that you may have, sir.

20 MR. PROSSER: Thank you, Your Honor. May it please
21 the Court, Your Honor, the first motion is basically a
22 simple motion to sequester any witnesses that may be
23 presented on behalf of the State. We want to make sure
24 that the testimony is just good, clean and not based on
25 something else that somebody heard.

1 THE COURT: All right. And, of course, the State is
2 allowed to have their chief investigative witness.

3 MR. CLEMENTS: That will be Mr. Ken Dozier, Your
4 Honor.

5 THE COURT: All right. And I know you're aware that
6 the sword cuts two ways, so any defense witnesses would
7 need to be sequestered as well.

8 MR. PROSSER: All right. The other motion is a
9 motion to suppress. I've already handed up a written
10 motion in that regard. And I have given a copy to the
11 Solicitor's office, that's with regard to DNA testing and
12 an autopsy. Your Honor, there was some Rule 5 discovery
13 motions send out twice in this case. Once by the
14 defendant himself who did so pro se back on March 30th
15 2006, and again on February 5th 2008, which was done by
16 me. Both of those motions were served and filed on the
17 State. And with regard to the motion to suppress both of
18 the DNA testing and autopsy, the motion actually is based
19 on United States vs. Noble and also under Brady and Rule
20 5, that number one the DNA testing was provided on
21 July 31st four days prior to this trial and the autopsy
22 was provided actually today. Both of those are vital in a
23 case to prove murder obviously, they're material to this
24 case. And our position is that the defendant has not had
25 enough time to have this type analytical evidence,

1 scientific evidence or medical evidence examined
2 independently by someone if he wanted. And therefore, our
3 argument is is that making him deal with evidence that was
4 produced less than a week before his trial would be
5 prejudicial to him having a fair trial because he couldn't
6 possibly have an independent examination between Thursday
7 and now on DNA evidence. And obviously, on an autopsy
8 which we didn't have until today.

9 Now, that's not to say that the State didn't
10 necessarily reference an autopsy before this particular
11 day. But it was not in the Rule 5 discovery and whatever
12 reason the DNA testing took so long or whatnot all I can
13 tell you is that's when it was received and that's why we
14 make the motion to suppress both those pieces of evidence
15 as being material to the case against Mr. Quinton Inman.
16 The other motions, Your Honor, we had made a motion -- an
17 identification motion that's taken care of, Your Honor,
18 because it was no line up. And there was a motion to
19 reveal any type deals and as we see, the deal was
20 revealed, so we don't have any type motion that be it.

21 THE COURT: Thank you, sir.

22 Solicitor.

23 MR. CLEMENTS: Thank you, Your Honor, as it please
24 the Court. Your Honor, as I stated earlier on
25 Mr. McCray's plea, I think Mr. Prosser is either

1 Mr. Inman's third or fourth lawyer. I know that initially
2 there was Rule 5 information was sent out including the
3 autopsy to his first attorney, Your Honor, had discussions
4 back and forth with Mr. Prosser and I think he received
5 what he thought was all the prior attorneys information.
6 And I know that I assume that and I believe he assume that
7 as well. As soon as he let me know he didn't have the
8 autopsy, I provided it to him because I thought he had it.
9 I don't believe he been prejudice by it because he didn't
10 ask me for it. If it was an issue, I think he would have
11 raised it long before now.

12 In regards to the DNA, Your Honor, we found out late
13 in the game that there was no standards taken from either
14 Mr. Inman or Mr. McCray that matched what they had there
15 that was potentially from DNA. So what we did is I ask
16 SLED I think in either last June or first of July and this
17 being first of August to run it what they had through
18 CODIS and what had been sent originally stayed at SLED for
19 a while. And as, Your Honor, is aware of if no test are
20 requested, they send it back to local law enforcement. So
21 we submitted it asking to run it through CODIS. They did,
22 there was a hit. So, Your Honor, we got a petition and an
23 order to do buckle swabs of both Mr. McCray and Mr. Inman.
24 And I think Mr. Inman could tell you himself that, yeah,
25 they came to Lee County let him know and they took a swab.

1 And as soon as we got the results back in writing, we sent
2 them on to Mr. Prosser.

3 Your Honor, it was done late in the game. I wish it
4 had been done a whole lot earlier, but we were unaware
5 that it had not been done. I was under the assumption it
6 had been done and there was insufficient materials for DNA
7 testing until I ask him to run it through CODIS again.
8 But it was nothing that the State intended or withheld.
9 As soon as we had it, we gave it to the defense. And if
10 they've asked for it earlier, we would have asked for it
11 earlier as well.

12 THE COURT: All right, sir.

13 Mr. Prosser, I'm going to respectfully deny the
14 motion. And I'm not so sure -- it doesn't appear -- well,
15 with regards to the autopsy, the information the Court's
16 received was that it was sent out early on in the packet
17 that went to Mr. Inman's first attorney or first or second
18 I can't remember what. That there was an assumption that
19 it was in the material. And as it turns out, it more than
20 likely wasn't it. But there was no request made by
21 defense counsel before 3:30 today or I should say maybe
22 earlier today for this information. And it's hard to
23 believe or understand that defense is prejudice by that
24 since there was no effort other than to serve initial Rule
25 5 discovery to seek that evidence. I'm going to deny the

1 motion to suppress based on the State having provided the
2 information as soon as it was received and there being no
3 prior request for that evidence other than the initial
4 Rule 5 discovery.

5 MR. CLEMENTS: Your Honor, may I add one other thing
6 just to make the record complete?

7 THE COURT: Yes.

8 MR. CLEMENTS: Your Honor, in regards to the autopsy,
9 the State would submit, Your Honor, that I don't think it
10 was really much of a burning issue to Mr. Prosser because
11 this is not the type of case where the manner of death is
12 in question or in dispute. I think it is just who did it
13 or who contributed to it. And that, Your Honor, is gone
14 be based on testimony, Your Honor, not on an autopsy
15 report. So I don't believe that's anything that will be
16 that crucial, nobody's disputing the manner -- to my
17 knowledge, nobody's disputing the manner of death of
18 Ms. White.

19 THE COURT: Mr. Prosser, anything else?

20 MR. PROSSER: No, sir.

21 THE COURT: Anything from the State?

22 MR. CLEMENTS: Your Honor, I know we have some
23 witnesses in the courtroom and got limited place to put
24 them. I guess we have the conference room downstairs.
25 I'm not sure if the public defender and some of the other

1 staff are meeting with defendants or talking about pleas.
2 So, Your Honor, I guess that will be where we need to go.

3 THE COURT: Do you need a moment, Solicitor, so you
4 can get everybody arranged and set up?

5 MR. CLEMENTS: We do, Your Honor, so we can try to
6 arrange to get them in here and out quickly.

7 THE COURT: Let's just take a short time.

8 Are there any defense witnesses in the courtroom that
9 you're are aware of, Mr. Prosser?

10 MR. PROSSER: Yes, there are.

11 THE COURT: Any witnesses in this case would need to
12 be outside the courtroom when we begin. Let's go ahead
13 and get that arranged. And, Solicitor, whatever method
14 you're going to use to get witnesses as you call them, so
15 that we can get the jury out of here and get started.

16 MR. CLEMENTS: Also I have one other issue, Your
17 Honor, I think my second witness I was going to call with
18 the Florence County sheriff's office and he actually had
19 to go to a hostage situation in Johnsonville this morning.
20 And I think he's in route back. So, Your Honor, if
21 Mr. Sweat and Mr. Davis will stay in the courtroom. All
22 the other witnesses, I'll take them out.

23 THE COURT: You should have time. I mean, by the
24 time we bring the jury out and give them their opening
25 charge, y'all do y'all argument.

1 (WHEREUPON, a break was taken.)

2 THE COURT: All right. We ready to proceed?

3 MR. CLEMENTS: Yes, Your Honor.

4 THE COURT: Defense ready to proceed?

5 MR. PROSSER: Ready to proceed.

6 THE COURT: Got all the witnesses out? All right,
7 let's ask the members of the jury to join us.

8 MR. CLEMENTS: I was just looking at Mr. Prosser,
9 there are people seated back there and I don't know if
10 they're witnesses are not. I asked him and he's not sure
11 either. If you would inquire.

12 THE COURT: Is there anybody in the courtroom who
13 will be a witness in this case? Okay. Now, let me say
14 this if you think you may end up being a witness and you
15 don't respond at this point, you will not testify in this
16 case, you understand. Somebody laying in the weeds so to
17 speak, they need to get up and leave.

18 All right, bring the jury in.

19 (WHEREUPON, the jury returns to the courtroom.)

20 THE COURT: All right. Ladies and gentlemen, thank
21 you for your patience. I know you're probably wondering
22 what the heck are they doing out there. We were taking
23 care of matters that we had to resolve before we begin the
24 trial, but we're ready to proceed now. Before I give you
25 a preliminary charge, I'm going to ask you to give

1 Mrs. Rhodes' your attention as she places you under your
2 oath as juror for purposes of this trial.

3 (WHEREUPON, the jury panel was sworn.)

4 THE COURT: All right. Ladies and gentlemen, we're
5 about to begin the trial of this case The State vs.
6 Mr. Inman. Before we begin the trial, what I want to tell
7 you now is that this trial will very likely be very
8 different from what you may have experienced. Most people
9 don't have the opportunity that you're going to actually
10 have this week to actually sit in on an actual court case
11 on an actual murder trial. Their only exposure to these
12 type of procedures have been what they seen on television,
13 read in books or seen in the movies. And, of course,
14 those trials are always full of high drama, intense action
15 and riveting circumstances.

16 Now, while all of those things may be true at times
17 during the course of this trial or not, ladies and
18 gentlemen, this trial is not for your entertainment. It
19 is a fundamental part of our democracy. It is a search
20 for the truth in an effort to make sure that justice is
21 done between the parties that are before the Court.
22 Searching for the truth and making sure that justice is
23 done is often slow, deliberate and repetitive very much of
24 the opposite of what you've seen in movies or read in
25 books or seen on television.

1 This courtroom is a place of honor that is dedicated
2 to the protection and the preservation of citizens rights
3 through what many have called the greatest justice system
4 every created. The attorneys that appear before you are
5 advocates for the parties that they represent. But first
6 and foremost, their officers of the court sworn to uphold
7 the integrity and the fairness of our judicial system and
8 to help you in your search for the truth. You should
9 expect them to be professional, competent, and ethical in
10 the representation of their client's interest.

11 Remember that you have just taken an oath to try this
12 case and reach a fair and a just verdict. And you are
13 also expected to be professional or reasonable and ethical
14 in the performance of your duties. I have no doubt that
15 you will do that. And I want to thank you at this time
16 for accepting this important responsibility of jury duty
17 and for your contribution to our system of justice.

18 What I'm going to tell you now is to serve as an
19 introduction to the trial of the case. These remarks are
20 not a charge on the law. I will however instruct you on
21 the law that is applicable to this case at the end of this
22 trial before you retire to consider your verdict. This is
23 merely an explanation of the procedure that we're going to
24 follow in this trial, so that you may better understand
25 what's going on.

1 The defendant is charged in this case by an
2 indictment that is being filed with this court and he is
3 charged with the crime of murder. The elements of that
4 crime I will explain to you later. The indictment, ladies
5 and gentlemen, is simply the charge by which this case is
6 brought into court. It is not in any sense evidence of
7 any of the allegations that it contains. The defendant
8 has pled not guilty to this indictment. The State
9 therefore has the burden of proving each and every element
10 of the crime listed in the indictment beyond a reasonable
11 doubt.

12 It will be your duty, ladies and gentlemen, to decide
13 whether or not the State has met that burden. For your
14 purpose as jurors, you are to find and determine the facts
15 of this case. You are the sole judges of the facts in
16 this case. If at any time I make any comment regarding
17 those facts, you must disregard those comments. You are
18 to determine the facts from the testimony that you hear
19 and from any other evidence that is introduced during the
20 course of the trial. It is up to you to determine the
21 inferences which you feel may properly be drawn from the
22 evidence. It is especially important that you perform
23 your duty of determining the facts conscientiously and
24 diligently because ordinarily there's no way to correct an
25 erroneous determination of facts by a jury.

1 Now, on the other hand and with equal emphasis, the
2 law that makes you the judges of the facts makes me the
3 judge of the law. The law is given by the Court is the
4 only law that you may consider. You must accept and
5 follow it even though you may disagree with it. I cannot
6 tell you about the facts of this case or what those facts
7 are. And you're not allowed to disagree with me about
8 what the law is or what you think it should be. Your job
9 is to take the law as I give it to you, to apply it to the
10 facts as you find those facts to be from the testimony of
11 witnesses and any other evidence that's introduced. And
12 after doing that, you'll then render your verdict a true
13 and a just verdict under the solemn oath that you just
14 taken as jurors.

15 Now, until I have advised you to begin your
16 deliberations, you are not to discuss this case with
17 anyone and that includes amongst your jurors. After this
18 case has been submitted to you, you must then discuss the
19 case only in the jury room with your fellow jurors. The
20 attorneys and the parties in this case they understand and
21 they know that their not to talk to you during the course
22 of this trial. So if you see any of them during a break
23 or as you're going and coming from lunch and they don't
24 speak to you, they're not being rude. They're just doing
25 what they're suppose to be doing and that is not having

1 any contact with the jury.

2 Now, during this trial, you are not to read, listen
3 to or watch any news reports about this case, that
4 includes anything that may be in newspapers or on the
5 internet, radio or television. You must not consider
6 anything that you have read or heard about this case
7 outside of this courtroom whether before or during the
8 trial. You are only to consider the testimony of
9 witnesses who take this witness stand and any other
10 evidence that comes in during the course of this trial.
11 And you are to restrict your deliberations to that
12 evidence.

13 It is important that you keep an open mind and not
14 decide any issue in this case until all of the evidence
15 has been presented, the parties have made their closing
16 arguments and I've instructed you on the law in this case.
17 It is your solemn responsibility to determine the guilt or
18 the innocence of the defendant and your verdict must be
19 based solely on the evidence as it is presented during the
20 course of this trial, and on the law, as I instruct you
21 during and at the close of the case.

22 In a moment the Court will recognize the Solicitor,
23 Mr. Clements, will have the opportunity to make what is
24 called an opening statement in which he will explain to
25 you the issues in this case or at least what he believes

1 the issues are in this case. Once he finishes, then
2 Mr. Prosser for the defendant may also make an opening
3 statement, although he's not required to do that. He's not
4 required to do anything. What the attorneys tell you
5 during their opening statements, ladies and gentlemen, is
6 not evidence. It is only their contention as to what they
7 believe the issues are in this case. The evidence in this
8 case will be presented to you by the testimony of sworn
9 witnesses from this witness stand and any exhibits which
10 may come in during the course of this trial. From time to
11 time during the course of this trial, you may hear one of
12 the attorneys say something along these lines, Your Honor,
13 I believe we have a question of law or a matter of law we
14 need to take up with the Court or, Your Honor, may we
15 approach the bench.

16 I may find it necessary during these times to excuse
17 you from the courtroom for a short period of time excuse
18 you to your jury room, so that I can discuss a matter of
19 law with the attorneys. And the reason for this is
20 because as I indicated to you earlier, you are the judges
21 of the facts in this case. And I'm not to have any
22 comment about the facts or any influence over you with
23 regards to the facts. Often times though, it may be
24 necessary for me to make a comment about the facts in
25 connection with a ruling whether or not a particular law

1 applies. So to protect you from hearing those things, I
2 may need to find it necessary to excuse you to your jury
3 room while I take up those issues.

4 Now, in determining what the true facts are in this
5 case, you must decide whether or not the testimony of a
6 witness is believable. It will be my responsibility to
7 rule as a matter of law as to whether certain testimony is
8 admissible at all or not. But once testimony has been
9 admitted whether or not you believe it, it's solely up for
10 to you to decide. In deciding whether to believe a
11 witness, you have the right to consider the interest of a
12 witness, the bias of a witness, the prejudice of a
13 witness, the opportunity for the witness to have seen the
14 matters and the things about which that witness testifies.
15 And the way a witness acts on the witness stand. You have
16 the right to consider anything that is in this record that
17 will help you to evaluate the testimony of a witness.
18 That means it is very important and it is your duty to pay
19 close attention to the witnesses, observe the witnesses,
20 listen to them, pay close attention to the attorneys and
21 to the Court. Please do not let your thoughts wonder, but
22 give strick attention to all of the testimony, so that at
23 the end of the case when all the testimony is concluded,
24 after the attorneys have made their closing arguments, and
25 then I charge you on the law, that you will be in a

1 position to determine what the true facts are in this
2 case, apply the law to those facts, and thus render a true
3 and just verdict.

4 Now, ladies and gentlemen, I'm going to confer with
5 counsel regarding the preliminary charge. If you will
6 just give me one moment.

7 Are there any exceptions or objections to the Court's
8 opening remarks from the State?

9 MR. CLEMENTS: No, Your Honor.

10 THE COURT: Anything from the defense?

11 MR. PROSSER: No, Your Honor.

12 THE COURT: All right. Thank you.

13 Now, ladies and gentlemen, as I indicated to you, the
14 remarks of counsel during opening statements is not
15 evidence in a case, but it is very important so I would
16 ask you to please give your undivided attention to the
17 attorneys as they address you.

18 Solicitor.

19 MR. CLEMENTS: Thank you, Your Honor, please the
20 Court. Ladies and gentlemen of the jury, on 9-19 of '04,
21 Cheryl White went to wash her car. She went to the BP
22 station on East Palmetto Street on this side of Florence.
23 She washed her car and there were two young males there
24 she didn't know. She had an encounter with them. And as
25 result of that, she died. And that's why we're here

1 today. Your job is to weigh the evidence that's gone be
2 presented from this witness stand. My job as the
3 Solicitor as I represent the State of South Carolina, I
4 have what the judge is gone tell you is the burden of
5 proof in this case. The burden of proof means that I need
6 to show all of you, all 12 of you beyond a reasonable
7 doubt that the death of Cheryl White was the
8 responsibility of Mr. Quinton Inman. Mr. Quinton Inman
9 sitting over here with Mr. Prosser just like he had on the
10 window pane designer shirt, clothing. Right, now he's
11 clothed with a rob of righteousness which we refer to as a
12 presumption of innocence. He's presumed innocent by you.
13 And as every person who's charged with a crime in the
14 United States is presumed innocent until they are proven
15 guilty beyond a reasonable doubt. And that's my burden,
16 that's my job that's what I have to do. I have to present
17 the witnesses and present the evidence to convince all of
18 you beyond a reasonable doubt that Mr. Inman is guilty.

19 Well, what is he guilty of? You may ask. We charged
20 him with murder. Murder the judge is gone tell you the
21 legal definition of murder at the end of this case. And
22 what I believe he's gone tell you is that murder is when
23 you take a human life unlawfully with malice aforethought.
24 When he charges you with the law at the end of this case,
25 I'm gone ask you to listen very very carefully, just like

1 I'm also going to ask you to listen very very carefully to
2 the witnesses from that witness stand. He's gone defined
3 what malice aforethought means, an evil intent of the
4 heart. He's also gone tell you about the hand of one
5 being the hand of all which is a fancy term for that in
6 the law is accomplice liability. He's gone tell you about
7 that.

8 Now, you gone hear from a lot of witnesses. You gone
9 hear how there was a 9-1-1 call and a missing person
10 report that Florence investigated because Cheryl White was
11 missing. And you gone hear how there was a 9-1-1 call to
12 Marion and the Marion County sheriff's office went and
13 responded. And they found out in the county abandoned in
14 the woods off of a dirt road a 2002 Ford Focus that belong
15 to Cheryl White and her body was found in the trunk.

16 You gone hear from the witnesses that made that call,
17 that saw that car, some of them rode in that car. And
18 they rode in that car with Anthony McCray. And one if not
19 two of them rode in that car with Anthony McCray and
20 Quinton Inman. You gone hear from a forensic pathologist,
21 she's gone come in and testify how Cheryl White died and
22 what her injuries were. She was beaten severely about the
23 head and neck and had bruises and contusions on her body.
24 And the cervical vertebra in her neck were fractured. And
25 she was stuffed in her trunk, died in her trunk. And she

1 was riding around with Anthony McCray and Quinton Inman.
2 And you gone hear from Anthony McCray about how he and
3 Quinton Inman were together, had a car stolen out of
4 Darlington and it broke down. They made their way to the
5 BP station. You gone hear Anthony McCray talk about how
6 they approached Mrs. White and beat her down. And Quinton
7 Inman beat her with a beer bottle until the beer bottle
8 broke and stuffed her in her trunk. And how Anthony
9 McCray hit her too, had on a ring and hit her with the
10 ring and made marks and identified him. And how they
11 stuffed her in the trunk and drove off and headed back
12 across the river towards Marion. And they could hear her
13 kicking in the car, finally that noise subsided. You gone
14 hear about how they picked up different people and rode
15 them around. You gone hear from some of those people.
16 And how Quinton Inman which they called him Bleak or Sneak
17 or Sneaky a street name.

18 They let him out and Anthony McCray rode around with
19 people and opened up the trunk to show the woman was in
20 the trunk. Ultimately abandoned the car, those people he
21 showed Mrs. White's body to called the police. And how
22 Kenny Davis other officers of the Marion County sheriff's
23 office went back to that car and found that car and called
24 in SLED to process that scene and began talking to
25 witnesses to piece together what had happened. And how

1 they went to Anthony McCray and Anthony McCray caved in
2 and spilled the beans. And he gone pill the beans to
3 y'all and tell y'all what happened as well. And how they
4 pieced together and ultimately charged Anthony McCray and
5 Quinton Inman with murder and charged them with carjacking
6 and kidnapping in Florence.

7 Now, one of the things you're going to have to judge
8 as the judge has told you you're the judge of the facts
9 he's judge of the law. One of the things you're gone have
10 to judge is you gone have to judge the credibility of the
11 witnesses that you hear from, the believability of these
12 witnesses. Whether they got some friends to reward or
13 enemy to punish or I'm sure Mr. Prosser is going to raise
14 the issue to you of whether they're trying to save their
15 own skin or not. And legitimately, I want you to question
16 that about Anthony McCray, listen to what he has to say,
17 weigh his testimony, weigh it against all of the other
18 facts that are corroborated and see if you think he's
19 telling a story, correct. And weigh it and see if you
20 think, well, he just throw Quinton Inman under the bus or
21 not. That's what you got to weigh and see if he's telling
22 the truth. He's gone tell you what happened and you got
23 to see whether you believe it or not.

24 Well, when you judge the credibility of the
25 witnesses, the judge is gone tell you when he charges you

1 on the law that you can believe part of what a witnesses
2 says, all of what a witnesses say or none of what a
3 witnesses says. But you have to bring your own good
4 common sense and every day wisdom to listen to them. And
5 take that witness' testimony not in a vacuum, but with all
6 the other evidence and all the other testimony that you
7 hear about. And then after you do that and you weigh
8 that, figure out what is believable and what isn't. And
9 then you take the law that Judge Russo gives you and you
10 apply that law to those facts as you find them. And I am
11 convinced that in the end, you will reach a verdict, which
12 comes from a Latin term veredicto to speak the truth. And
13 when you do that when you apply that law to those facts as
14 you find them, you gone come back with a verdict that
15 speaks the truth. And that verdict is gone be Quinton
16 Inman you're guilty of murder with malice aforethought and
17 you participated with Anthony McCray and beat Cheryl
18 White, stuffed her in her trunk and rode around smoking
19 dubbies in her stolen car while she died as a result of
20 the beating you gave her. That's the verdict that you
21 gone find when you get to the end of your duty.

22 Now, you're chosen as citizens of Marion County to
23 help preserve our country's laws. You're a part of the
24 government now. So if you complain about the government
25 or somebody complains about the government, they're

1 complaining about you. You are part of the judicial
2 branch of our government, give the State of South Carolina
3 a fair and unbiased trial and give Quinton Inman a fair and
4 unbiased trial. And give the deceased Cheryl White a fair
5 unbiased trial. And hold Quinton accountable find him
6 guilty of murder.

7 THE COURT: Thank you, Solicitor.

8 Mr. Prosser.

9 MR. PROSSER: May it please the Court.

10 THE COURT: Yes, sir.

11 MR. PROSSER: Good afternoon, ladies and gentlemen.
12 I introduced myself a minute ago or earlier this morning
13 as Shannon Prosser. I practice law in Johnsonville and
14 I'm here representing Quinton Inman. And as you've heard
15 from the Solicitor, this is a tragic case. It's ashamed in
16 fact that you even have to be here. It's ashamed that a
17 57-year-old woman died because somebody needed a ride from
18 Florence to Marion. It's ashamed that our society has
19 fallen to the point where people don't have regard for
20 life any more than they do an old sandwich that they just
21 half ate and throw it out. Most people like y'all, I'm
22 sure would walk from here to California before you kill
23 somebody. Thank God we still have people in this country
24 who are decent and kind, but it's ashamed that we have to
25 sit here and hear a story about a 57-year-old woman who's

1 now dead because of a ride, that's a tragedy, there's no
2 question about it. There's nothing I can do to take that
3 back. But I can tell you this I represent Mr. Inman
4 because I also believe that it would be a tragedy to
5 convict someone who didn't commit a crime.

6 In this case, Mr. Inman is charged with murder. From
7 day one from the first day I've ever met him, he's
8 maintained his innocence. You gone see that there's not
9 one statement that has ever been given by Mr. Quinton
10 Inman which implicates him in this crime whatsoever.
11 You're also going to see that the only witness that the
12 State will produce which actually states or says that
13 Mr. Quinton Inman had showed any violent nature, committed
14 any type malice, crime, murder or anything with regard to
15 Mrs. Cheryl White is a fellow name Anthony McCray.
16 Anthony McCray in fact, ladies and gentlemen, gave not
17 only one statement, he gave three statements. Each one of
18 those statements tell a different story. You gone see
19 that each one of those statements contain different facts
20 which don't jive with each other. To me, ladies and
21 gentlemen, this trial is about Quinton Inman, he is on
22 trial. He's facing the penalty of murder if he's
23 convicted and that's a swift penalty. But please consider
24 this, consider the evidence that only one man who's also
25 been charged with these crimes has implicated Mr. Quinton

1 Inman. The rest of the witnesses and there are a bunch of
2 them, will testify but none of them will place him at the
3 scene of this crime.

4 Now, ladies and gentlemen, I appreciate y'all being
5 here. I know y'all would rather be somewhere else. I
6 certainly would rather be fishing on the river somewhere I
7 can assure you of that. But I'm here because somehow I
8 ended up and became a lawyer from the little po-dunk town
9 of Johnsonville. I don't know how that happened by the
10 grace of God. And by virtue of that, I have a duty to
11 represent people and represent people to the best of my
12 ability. And I believe like the Solicitor and our system
13 and that system is the best in the world. It's not
14 perfect. Y'all hear stories of how trials go wrong and
15 verdicts come back in crazy ways. That doesn't happen --
16 I been doing it 13 years and that's not a long time, but
17 that's enough to see that justice is generally served by
18 our system. And it's one of the reasons our country is
19 too great.

20 Daniel Webster which was an old statesman or state
21 senator one of our first Secretary's of State said that
22 justice is the greatest interest of man on earth. Now,
23 that's his opinion, but I have to agree that y'all are in
24 a position where the fate of Mr. Quinton Inman is in your
25 hands. That's a wonderful thing in one regard in that he

1 doesn't have to worry about one person making a decision
2 about his guilt or innocence. There are 12 reasonable
3 people who are going to do that.

4 Now, I know that when you hear this evidence there is
5 going to be things you hear and things you don't hear.
6 What you're going to see is your going to see a man name
7 Anthony McCray introduced to you. You're going to see a
8 man who is mean. He makes self-serving statements. He is
9 inconsistent with what he says and he is nasty. The
10 evidence will show you that I do believe. What you have
11 to ask yourselves is is this a credible person that I can
12 believe when he says that Quinton Inman committed a
13 murder. I don't believe you can do it. But you're going
14 to hear that and you can figure that out for yourselves.

15 You're also gone see, ladies and gentlemen, about a
16 half dozen of ten people who were in contact with that car
17 that night which happen to be a red Ford Focus. Those
18 people either rode around in that car, smoked dubbies in
19 that car as the Solicitor said, hung around that car or
20 were somehow associated with that car. All the while
21 Mrs. White's body is in the truck. Most of them or some
22 of them however you look at that knew her body was in that
23 car and still decided to ride around smoke dubbies. It's
24 ashamed. But I can tell you this what you want see is you
25 want see any evidence whatsoever which shows that

1 Mr. Quinton Inman committed the crime that Mr. McCray says
2 he did. In fact, you will see different stories about who
3 was there on that particular occasion. You will see
4 evidence however and you gone have to weigh it which
5 places Quinton Inman somewhere near that car on that
6 night. And you gone have to weigh that against the fact
7 there were ten other people there in addition to Quinton
8 Inman. The only evidence that you gone see that he had
9 anything to do with this woman's murder other than being
10 around the car comes from Anthony McCray.

11 Now, when I went through this case, it was clear to
12 me when I read what I believe is gone be presented here
13 today that this Anthony McCray is a nasty fellow. And I
14 started thinking about that. And it is clear to me that
15 everybody who was associated with this situation on that
16 night with this red Ford Focus had an attachment or
17 brought into this situation by Anthony McCray. And it
18 reminds me of something that I looked up and it was
19 Proverbs 16-29 and I'm not preaching, but this makes my
20 point says a violent man entices his neighbor and leadeth
21 him into the way that is not good. Everybody associated
22 with Anthony McCray that night was brought down to no
23 good.

24 I believe, ladies and gentlemen, no question you're
25 going to believe that Anthony McCray kill this woman. The

1 question is going to be whether or not you believe Anthony
2 McCray when he accuses Quinton Inman of doing this. And I
3 think you will see that when you hear his self-serving
4 statements, his inconsistent statements and his nasty
5 nature, you will find a verdict of not guilty. Thank
6 y'all for coming and I appreciate your time. Sorry y'all
7 got to be here, but it's a very important service that
8 y'all are giving us. Thank you.

9 THE COURT: Thank you, Mr. Prosser.

10 Solicitor, you may call the first witness.

11 MR. CLEMENTS: Thank you, Your Honor. We call
12 Mr. Bill Sweat.

13 THE COURT: Mr. Sweat, if you'll come around please,
14 sir.

15 THE CLERK: Do you solemnly swear or affirm to tell
16 the truth, the whole truth, and nothing but the truth so
17 help you God?

18 MR. SWEAT: I do.

19 THE CLERK: Thank you and you may have a seat in the
20 witness box.

21 WHEREUPON,

22 Bill Sweat,
23 after first having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. CLEMENTS:

1 Q Could you please state your name for the record and
2 tell us where you work?

3 A William Sweat Florence County 9-1-1.

4 Q And what do you do with Florence County 9-1-1?

5 A The operations manager.

6 Q Operation managers. Can you tell this jury a little
7 bit about -- can you tell us how 9-1-1 works?

8 A Basically any phone calls receive -- any 9-1-1 calls
9 received at Florence County go to our center. Basically
10 when you dial 9-1-1, that line goes through Bell South or
11 whoever your phone serve provider and then on dedicated
12 line rings into the 9-1-1 center.

13 Q And what type calls do y'all handle there at 9-1-1?

14 A We handle everything burglaries, larcenies, about
15 anything.

16 Q You handle missing person calls?

17 A Yes, sir.

18 Q Okay. Did you have occasion with 9-1-1 to get a
19 missing person call on the 19th of September 2004?

20 A No, we got one on the 20th.

21 Q On the 20th?

22 A Yes, sir.

23 Q All right. And what time of day was it that you got
24 that call?

25 A It was at 2:56 in the morning.

1 Q Okay. And when you get a call like that is it
2 recorded and documented and maintained at the time and
3 what type of call?

4 A Yes, sir.

5 Q How is that done?

6 A We have audio recordings of everything that we hold.
7 for typically a 180 days, but also dispatchers document
8 information CAV, which is computerated dispatch where they
9 log the telephone number, caller's address, caller's phone
10 number, and what the actual caller gave the dispatcher of
11 information the report.

12 Q Okay. And was that done on this particular call?

13 A Yes, sir.

14 Q According to the documentation and documents the
15 numbers it came from?

16 A Yes, sir.

17 Q Where did this missing person's report call come
18 from?

19 A Lane in Florence from Mr. William White.

20 Q From Mr. William White. Okay. When you get that and
21 you get a missing person report like that, what do you
22 then do?

23 A Basically, we get the information that would lead a
24 basic investigation, I guess, in the event someone passes
25 them in route, they will be able to tell, hey, this is who

1 we're looking for and then it's dispatch to an officer to
2 respond.

3 Q And then once you get this information about the
4 particular missing person, you relay that to who?

5 A To the officers in the field.

6 Q Which would be officers of what agency?

7 A Florence sheriff's office in this particular area.

8 Q And was that information relayed to the Florence
9 County sheriff's office in this case?

10 A Yes, sir.

11 Q Okay. And an investigation was open at that time?

12 A Yes, sir.

13 Q Okay. All right. Again, what time did this call
14 come in?

15 A About 2:56 in the morning.

16 Q Okay. On the 20th?

17 A On the 20th, yes, sir.

18 MR. CLEMENTS: All right. Please answer any
19 questions that Mr. Prosser may have.

20 CROSS-EXAMINATION

21 BY MR. PROSSER:

22 Q Mr. Sweat, the call that came in was it one call?

23 A Yes, sir, as far as I'm aware, it's one call.

24 Q As far as you know did that call mention anything
25 about Quinton Inman?

1 A No, I don't have any idea. I just receive the
2 subpoena for the information.

3 Q Okay. So as far as you know, didn't have anything to
4 do with Quinton Inman?

5 A No, sir.

6 MR. PROSSER: Thank you, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. CLEMENTS:

9 Q Did you have any of the information who would be
10 involved other than a missing person?

11 A No.

12 MR. CLEMENTS: Okay. All right. Your Honor, we ask
13 that he be released from his subpoena?

14 THE COURT: Any objection?

15 MR. PROSSER: No objection.

16 THE COURT: Thank you very much, Mr. Sweat. You are
17 free to go, sir.

18 (WHEREUPON, the witness leaves the witness stand.)

19 THE COURT: All right. You may call your next
20 witness.

21 MR. CLEMENTS: Your Honor, we call Deputy Alvin
22 Powell.

23 THE CLERK: Please come around so I can swear you in.
24 Do you solemnly swear or affirm to tell the truth, the
25 whole truth, and nothing but the truth so help you God?

1 MR. POWELL: I do.

2 THE CLERK: Thank you.

3 WHEREUPON,

4 Alvin Powell,

5 after first having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. CLEMENTS:

8 Q Could you please tell us your name and where you
9 work?

10 A My name is Alvin Powell, I work for the Florence
11 County sheriff's office.

12 Q How long have you worked for the Florence County
13 sheriff's office?

14 A About twelve years.

15 Q And in what capacity did you work for Sheriff Boone?

16 A Currently an investigator with the sheriff's office.

17 Q Okay. And September of 2004, in what capacity did
18 you work for Kenny Boone?

19 A I was a patrol deputy.

20 Q And were you on patrol in the early morning hours of
21 September the 20th 2004?

22 A Yes, sir.

23 Q Did you have an occasion to respond to a missing
24 person's report?

25 A I did.

1 Q Where did you receive the call to respond to that?

2 A I was dispatched through Florence County central
3 dispatch.

4 Q Central dispatch is that another name for 9-1-1?

5 A Right.

6 Q Okay. And as a result of that dispatch, what did you
7 do?

8 A I responded to Lane which is in Florence
9 County through missing person call. Once I got there, I
10 spoke with complainant who was William White. And he
11 stated that his wife had left several hours prior going to
12 a friend's house and that he hadn't heard from her since
13 she left. And he was concerned about her because she
14 hadn't made it back home yet. He say at this point he
15 called her cell phone and a male subject answered the
16 phone and told him he would have to call back later. So
17 naturally, he got concerned at that point and that's when
18 he called us check Florence County sheriff's office.

19 Q Did you have any further duties after taking that
20 incident report?

21 A I did take the initial incident report right then.
22 He said that she was going to a friend's suppose to go to
23 a friend's house which would have been at
24 Drive also in Florence County. So I entered back into my
25 patrol car and responded to that location to see if she

1 may have been over there because we didn't have a phone
2 number for that residence.

3 Q Did you determine whether she arrived at that
4 location or not?

5 A I did. I spoke with -- that was Sandra Lee's
6 residence. I spoke with her son which was Teddy
7 Stambolitis and he said that he had not spoke to
8 Mrs. White and that he hadn't spoken with her since Friday
9 prior.

10 Q Okay. And after that, did -- what did you do?

11 A I responded back to the Lane where I
12 completed the missing person's policing report and also
13 completed a NCIC entry form for Mrs. White to be entered
14 into NCIC as a missing person.

15 Q And what was the purpose of entering her into NCIC?

16 A So if any other agency -- law enforcement agency came
17 across her they would know immediately she was missing.

18 Q Okay. Now, was this case after you made this
19 incident report and placed her into NCIC as missing, was
20 this case then turned over to an investigator?

21 A It was turned over to Investigator Prosser, I talk
22 with him by phone.

23 Q Okay. And you completely debriefed him on what you
24 had?

25 A I did.

1 Q And was that the conclusion of your duties on this
2 case or not?

3 A That was the conclusion of my duties, yes, sir.

4 MR. CLEMENTS: All right. Please answer any
5 questions that Mr. Prosser may have.

6 MR. PROSSER: Thank you.

7 CROSS-EXAMINATION

8 BY MR. PROSSER:

9 Q Mr. Powell, you made a written incident report of
10 this situation, didn't you?

11 A Yes, sir.

12 Q Do you have that in front of you?

13 A I do not have it in front of me. We call our
14 incident reports in on a dictaphone system and they're
15 typed up from there.

16 Q Okay. All right. Now, at no time -- and I'll ask
17 you the same question that I asked Mr. Sweat. At no time,
18 did the name Quinton Inman ever come up to you, did it?

19 A No, sir.

20 Q Okay. One thing that I noticed in your report was
21 that the -- Mr. White, I guess, called and he stated that
22 he called his wife's cell phone and a male subject
23 answered the phone and stated that he would have to call
24 back?

25 A That's correct.

1 Q All right. Is it your knowledge that that cell phone
2 was found on one Mr. Anthony McCray?

3 A I can't testify to that I'm not sure.

4 Q You don't know that?

5 A No.

6 MR. PROSSER: All right. That's all I have, Your
7 Honor.

8 THE COURT: Anything further?

9 REDIRECT EXAMINATION

10 BY MR. CLEMENTS:

11 Q Mr. Powell, you didn't have any idea who that was on
12 the other end of the cell phone call?

13 A No, sir, I did not.

14 Q Neither did Mr. White?

15 A He did not.

16 Q That was part of the reason for his great concern?

17 A Right. He gave me no indications that he knew who it
18 was.

19 MR. CLEMENTS: Okay. All right. That's all, Your
20 Honor. I ask that he be released from his subpoena.

21 THE COURT: Any objection, Mr. Prosser?

22 MR. PROSSER: No objection.

23 THE COURT: Thank you very much, sir. You're free to
24 go.

25 (WHEREUPON, the witness leaves the witness stand.)

1 MR. CLEMENTS: At this time, Your Honor, we call
2 Mr. Kenny Davis to the stand.

3 THE CLERK: Do you swear or affirm to tell the truth,
4 the whole truth, and nothing but the truth so help you
5 God?

6 MR. DAVIS: Yes, ma'am, I do.

7 THE CLERK: Thank you.

8 WHEREUPON,

9 Kenny Davis,
10 after first having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. CLEMENTS:

13 Q Could you please state your name for the record?

14 A My name is Kenny Davis, Kenneth W. Davis.

15 Q And Mr. Davis where are you employed?

16 A I'm an investigator with the 15th Circuit Solicitor's
17 office.

18 Q All right. Could you tell this jury please what an
19 investigator for the 15th Circuit Solicitor's office does
20 and where is the 15th Circuit?

21 A The 15th Circuit is Horry and Georgetown Counties.
22 Investigators with the Solicitor's office primarily act in
23 the law enforcement administrative capacity for the
24 Solicitor's office such as with Mr. Clements. I do that
25 for Mr. Hembree who's down in Horry and Georgetown.

1 Primarily, we investigate complex cases that are given to
2 us both with other law enforcement agencies and exclusive
3 with other law enforcement agencies regarding
4 investigations that are pending trial and some original
5 cases that we winded up taking to trial.

6 Q Okay. Now, Mr. Davis, how long have you been
7 employed in law enforcement?

8 A Little over 18 years total, sir.

9 Q Little over 18 years total?

10 A Yes, sir.

11 Q And you got pretty vary experience in law
12 enforcement, don't you?

13 A Yes, sir, I do.

14 Q Would you please give this jury the benefit of the
15 different positions you had and maintained in law
16 enforcement?

17 A Yes, sir. Aside from my academic training, I have a
18 bachelor's from the Citadel. A master's degree in
19 criminal justice from the University of South Carolina. I
20 been employed as a special agent in the crime scene
21 section of the State Law enforcement Division in Columbia
22 South Carolina. I was a special agent with the United
23 States Customs Service for three years, also a federal air
24 marshall. I was the captain over criminal investigation
25 division here in Marion County for almost four years.

1 Q And when you worked here in Marion County, you worked
2 with Sheriff Page; is that correct?

3 A Yes, sir. Yes, sir, I did.

4 Q Okay. And you were captain over the investigations?

5 A Yes, sir, that's correct.

6 Q Were you captain over investigations during September
7 of 2004?

8 A I was. I think my title was actually inspector, but
9 it was the same job, yes, sir.

10 Q Okay. And as the inspector or the captain of
11 investigations, will you tell the jury what you were
12 basically responsible for?

13 A Primarily overseeing narcotics investigations,
14 investigations that would involve the Marion County
15 sheriff's office in any shape or format be it violent
16 crime, property crime things of that nature. I was assign
17 to coordinate, investigative responses, maintain control
18 of crime scenes things of that nature and also to provide
19 a mentorship for some of the younger investigators that we
20 had transferred into investigations in a training
21 capacity.

22 Q All right. And were you working on September 19th,
23 20th of 2004?

24 A Yes, sir, I was.

25 Q You recall that time period or responding to an

1 abandoned car?

2 A Yes, sir, on September the 20th that's correct.

3 Q Could you please tell this jury if you would,
4 Mr. Davis, how the sheriff's office came to be alerted to
5 this car and what your response was and who responded with
6 you?

7 A Absolutely, sir. On the 20th shortly before 10:30 in
8 the morning, myself, then Sheriff Page, lieutenant --
9 First Lieutenant Ronnie Collins, as well as Chief Deputy
10 Allen Rogers were at the sheriff's department there in
11 Marion. We received an alert from one of the dispatchers
12 that there had been a 9-1-1 call made regarding a vehicle
13 which been located -- that had a body in the truck. They
14 immediately dispatched one of our patrol deputies Deputy
15 Joe Campbell to meet with this individual at the Wal-Mart
16 parking lot in Marion. He responded meet with her. There
17 was some radio communication between all of us as we
18 responded off of Creech Road here in Marion County which
19 is where the scene actually was. It was like a power line
20 right of way, dirt path way off of Creech Road.

21 Q All right. Would you classify or define this area as
22 an open area or a secluded area? Can you -- you said it
23 was kind of a power line right of a way. Can you explain
24 to the jury a little more about what this scene look like
25 and how secluded it may have been?

1 A Yes, sir. It was remote and it was obvious from
2 looking at the scene itself when we were able to locate
3 the car. It was down -- fairly good ways down a path that
4 was complimented on both sides small pine trees. It was
5 remote, isolated. There was some houses on that road, but
6 they were quite some distance from where we located the
7 vehicle. All right.

8 Q All right. And this was as a result of the report
9 y'all got from 9-1-1?

10 A Yes, sir, that's correct.

11 Q Do you know -- can you remember who the persons were
12 that made the call?

13 A To the best of my recollection, it was a young lady
14 name Ms. Harley.

15 Q Okay. All right. And when you responded and y'all
16 found the car, how many officers were with you?

17 A The ones that I mentioned they're from the sheriff's
18 office. We responded to the scene to see if we could
19 verify the information that we had gotten. Our main
20 concern was, of course, if someone was in the trunk, we
21 wanted to ascertain if they were safe or not, that was the
22 first thing on our mind. Myself, then Sheriff Page, First
23 Lieutenant Collins and Chief Deputy Rogers, we got to the
24 scene together. We approached the vehicle on the side of
25 the road where the grass still -- get over to the side and

1 get down to the car. We got down to the car. We were
2 able to look in the trunk and ascertain that there was a
3 white female there in this trunk. We did not -- were not
4 able to find any vital signs at all.

5 Q Okay. Do you recall -- I know it's been awhile. Do
6 you recall how you got in the trunk? Were the keys still
7 in the car or do you remember?

8 A I do not recall, sir. I don't.

9 Q Okay. Did you check, run the license plate? Do any
10 NCIC checks or do anything to ascertain who's car it was
11 and who the body may be?

12 A Once we found the body in the vehicle, the first
13 thing we did was secure the scene, of course.

14 Q When you say secure the scene, we hear that a lot,
15 but can you explain for the jury's benefit exactly what
16 you do to secure a scene and why you secure it?

17 A Sure. What we do is we limit access to the scene
18 immediately. A crime scene log is started immediately.
19 The scene is secure with crime scene tape. There's a
20 perimeter set up, access to the crime scene is tightly
21 controlled as to anyone going inside.

22 Q Why, Mr. Davis, would you need to tightly control
23 that? What's the purpose of control people from going
24 into that crime scene?

25 A So there will be no destruction or contamination of

1 the evidence or cross contamination of evidence, so
2 there's not anything destroyed. We try to preserve the
3 evidence as we find it.

4 Q Okay. All right. And after securing that scene, you
5 have didn't have a forensics unit or Marion County didn't
6 have a forensics unit now or then at sheriff's department,
7 did they?

8 A No, sir, we weren't that fortunate.

9 Q And you've done a lot forensics work in your job in
10 investigations; is that correct?

11 A Yes, sir.

12 Q And work with SLED; is that right?

13 A Yes, sir.

14 Q Can you tell this jury what the forensics aspect of
15 it is and is it really like CSI on television?

16 A Somethings are and somethings aren't, but I'll try to
17 sort through it for you if I can. As far as securing the
18 scene, that's the first thing that we want to do. And
19 it's the first thing that we did do, of course, and to
20 start the crime scene log to indicate who was in and who
21 was out of the scene. What time SLED arrived that type of
22 thing.

23 Q Did you say you called SLED in?

24 A Yes, sir, that's the first thing we did once we got
25 back out. I got on the phone with headquarters in

1 Columbia, SLED headquarters and requested a crime scene
2 that responds.

3 Q All right. Why do you call crime scene from SLED?

4 A These folks are specially trained forensic
5 technicians that do nothing but work crime scenes.
6 They're still law enforcement officers, but they actually
7 work the crime scene from start to finish. They'll
8 investigate the scene aspect of the case for us. Being a
9 small department as Marion was, the beat detectives or
10 street detectives that we have are out doing other
11 investigatory chores running down information on a license
12 tag. Of course, information at that time, Solicitor, and,
13 ladies and gentlemen, was coming at us nonstop in a very
14 dynamic environment. And primarily, what we have is these
15 folks come down from SLED they take over the scene itself
16 and they work the forensics aspects. They collect
17 evidence. They submit evidence to the laboratory for
18 testing. They secure evidence. They preserve evidence.
19 So they're very helpful especially in this case such as
20 this.

21 Q Okay. And did you determine who the car belong to?

22 A We did determine that it was involved in a missing
23 person's case in Florence. And I don't remember if it was
24 registered to Mrs. White or her husband, but I do know
25 that it was involved in that missing person's case.

1 Q And did you find out who body it was?

2 A We did as we went through the investigation. Of
3 course, we had some suspicions when we started getting
4 information back on the car. Of course, we didn't have
5 anything positive until at the time of the autopsy.

6 Q All right. Well, I don't mean to jump ahead. You
7 called SLED in and they began to process that car. And
8 y'all backed away and let SLED do their job as to that
9 aspect?

10 A Yes, sir, we did.

11 Q So what then did Marion County do next?

12 A Well, we were lucky enough to have the young lady who
13 had called 9-1-1. Some of my detectives had began
14 speaking with her.

15 Q She was interviewed?

16 A Yes, sir, she was interviewed. A neighborhood canvas
17 was begun. In other words, our detectives hit every house
18 on that road -- on the road that we had located the
19 vehicle off of. Left business cards, knocked on doors,
20 tried to find people that may have been out that time of
21 day or night anything that might be helpful to us.

22 Q Were you able to find anything out through the
23 neighborhood canvas?

24 A We did not locate any additional information. It was
25 fruitless, sir.

1 Q As a result of interviewing the young lady that made
2 the 9-1-1 call, did she have other people with her as
3 well?

4 A She did, yes, sir.

5 Q Okay. Were all of those individuals interviewed?

6 A Yes, sir, they were.

7 Q And as a result of the interviews of those
8 individuals, did it lead your investigation in any
9 direction?

10 A It did, sir.

11 Q And was that toward persons?

12 A Yes, sir.

13 Q And what or what persons did you next want to talk to
14 in your investigations?

15 A We initially were able to locate and speak with
16 Mr. McCray.

17 Q Anthony McCray?

18 A Yes, sir, Mr. Anthony McCray.

19 Q And where did you find Mr. McCray, if you recall?

20 A I don't recall where we located him.

21 Q Do you remember if y'all had to locate him or did he
22 come to y'all?

23 A I think we had to locate him. I don't think he came
24 in willingly. We had to find him.

25 Q And at that point in time, did y'all tell him what

1 you were interested in talking with him about?

2 A We did.

3 Q Okay. Was he placed under arrest or was he put in
4 what's called investigative detention?

5 A He was placed essentially in investigative detention.
6 We told him that we wanted to talk with him. And he went
7 with some of the detectives, some of the detectives that
8 work for me and spoke with him.

9 Q All right. Now, a layperson may ask, Mr. Davis, when
10 you detain, you detained. What's difference the between
11 being arrested and being in investigative detention?

12 A Well, investigative detention is a sort of sorting
13 out period actually. When you're arrested, you're
14 arrested can't go anywhere, can't leave. And you're
15 charged with a crime. With investigative detention, it's
16 a period where we actually try to sort through as law
17 enforcement officers and determine what's happened, come
18 to some understanding of what's occurred.

19 Q And you wanted to question Mr. McCray?

20 A We did.

21 Q And he was not free to go?

22 A No, sir. No, sir, he wasn't.

23 Q Now, was it your job to assign investigators to cases
24 at that time?

25 A Yes, sir.

1 Q And did you assign a particular investigator to this
2 case as chief investigator?

3 A I did, sir.

4 Q And who was that?

5 A That was Detective Larry Woods.

6 Q Detective Larry Woods?

7 A Yes, sir.

8 Q And is Detective Larry Woods still employed in Marion
9 County with the sheriff's office?

10 A To my knowledge, sir, he is overseas. I don't think
11 he is employed with the sheriff's anymore.

12 Q Okay. If he is, he's on leave of absence?

13 A Correct.

14 Q Is he in Afghanistan?

15 A Afghanistan or Iraq, I'm not sure, but one of the
16 two, yes, sir.

17 Q Okay. Now, Mr. McCray was he mirandized and
18 interviewed?

19 A I'm certain that he was. It was my policy especially
20 with my detectives when you spoke with someone the first
21 thing you did was to mirandize.

22 Q Initially was he very cooperative or forthcoming?

23 A Not initially, no, sir.

24 Q Okay. And when someone -- did he talk to you at all
25 during that time period?

1 A He spoke with me just very briefly in the hallway
2 before he went back to speak with the detectives that were
3 assign to -- and Detective Wallace who was assisting
4 Detective Woods, but aside from that, no, sir.

5 Q How about Bryan Wallace he was also working this case
6 with Larry Woods?

7 A He was assign not as a co-lead, but to assist
8 Detective Woods, yes, sir, that is correct.

9 Q And they were -- after you spoke briefly with
10 Mr. McCray, they spoke with him further?

11 A Yes, sir.

12 Q Did you gather -- did they report back to you?

13 A Yes, sir, they did periodically.

14 Q Was a lot of information gathered at that point or
15 not?

16 A Initially, no. It took just a little bit of time
17 before some of the information started coming back in.
18 And frankly, at the time I was dealing with the missing
19 person's issue and it was dawning on us that this was
20 looking like the vehicle that was missing and the
21 individual that was missing from Florence. So I gave
22 fairly free hand to Detective Woods and Detective Wallace.

23 Q All right. And the body at that point she was
24 deceased; is that correct?

25 A Yes, sir, that is correct.

1 Q What was done with Mrs. White's body at that time?

2 A As best I recall, sir, it was removed from the scene.
3 The State Law Enforcement Division crime scene techs and
4 the coroner removed the body from the scene. The body was
5 secured and transported for autopsy.

6 Q Okay. Do you know where Marion County transports
7 victims for autopsies?

8 A Primarily, the Medical University of South Carolina.

9 Q Okay. Isn't that where Mrs. White was transported?

10 A I believe it was, yes, sir.

11 Q Okay. All right. As a result of dealing with the
12 missing person's report, did you call in any other
13 agencies other than SLED and their crime scene people?

14 A Yes, sir. When it became evident to us that we had
15 some involvement or some co-involvement with the case with
16 Florence County. I immediately notified Lieutenant Julius
17 Lee at the time I think.

18 Q It's captain now?

19 A It's captain now. And he dispatched Investigator
20 Barry Prosser over to assist us with any inquiries we may
21 have in the Florence County area and to also provide
22 information sharing in intelligence.

23 Q Now, after speaking with Mr. McCray, Mr. McCray was
24 interviewed. Was investigations lead in any other
25 directions?

1 A Ultimately, it did, sir, yes.

2 Q And in what direction was it followed in next?

3 A It went in the direction of Mr. Inman.

4 Q Okay. And did y'all have to locate Mr. Inman or did
5 you ever have a chance to talk with him?

6 A We did locate Mr. Inman eventually and I -- it may
7 have been a day or so after. I don't recall exactly, but
8 I know that we went and picked Mr. Inman up from a
9 relatives home.

10 Q All right. Y'all went and picked him up and he was
11 incarcerated?

12 A Yes, sir.

13 Q Now, what if anything did you have to do as far as
14 the collection of any physical evidence?

15 A I did not collect any physical evidence.

16 Q Okay. That was basically and SLED and who else?

17 A It would have been the State Law Enforcement
18 Division's crime scene folks or later if the suspect-wise
19 it may have been some other detectives.

20 Q Okay. All right. And so you yourself, you weren't
21 involved in any chain of custody or transporting any items
22 to SLED?

23 A No, sir, I wasn't.

24 Q Okay. And they went to SLED. You didn't ask for
25 any -- initially, you didn't ask for any type of test to

1 be done yourself, did you?

2 A No, sir, I didn't.

3 Q Okay. All right.

4 MR. CLEMENTS: Beg the Court's indulgence one moment.

5 THE COURT: Yes, sir.

6 (WHEREUPON, a pause in the proceedings.)

7 BY MR. CLEMENTS:

8 Q Any further investigation in this case would that
9 have been done by Detective Wallace and Detective Woods?

10 A Yes, sir, that's correct.

11 Q Okay. From that point --

12 A Our other investigators solicited in my absence.

13 Q And from point on, you were just in a supervisory
14 capacity?

15 A Yes, sir, that's correct.

16 THE COURT: Okay. Please answer any questions that
17 Mr. Prosser may have.

18 MR. PROSSER: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. PROSSER:

21 Q Mr. Davis, good afternoon.

22 A How are you, sir?

23 Q I'm doing fine. You were the supervisor or the
24 person in charge of this investigation for Marion County?

25 A Yes, sir, that's correct.

1 Q Okay. And the deputies or the investigators working
2 under you, they basically report to you and have to answer
3 to you and things of that nature; is that correct?

4 A At times, yes.

5 Q Okay. That would be the idea?

6 A The gist, yes. Thank you.

7 Q Now, when did you tell the jury or what time did you
8 tell the jury that you went out and found the car?

9 A As I recall, sir, it was sometime before 10:30 in the
10 morning.

11 Q Okay. All right. And the reason you found that car
12 was because of a phone call from a Ms. Tanjula Harley; is
13 that correct?

14 A Tangla or Tanjula, yes, sir.

15 Q It was Ms. Harley one way or the other?

16 A It was Ms. Harley, yes.

17 Q And Ms. Harley basically reported that she had been
18 in that car; is that correct?

19 A Subsequently she did, but not initially.

20 Q Okay. She made a couple of statements I think after
21 this when you talk to her; is that right?

22 A Yes, sir, that's correct.

23 Q All right. In fact, she made one written statement
24 and two other statements; is that correct?

25 A She may have.

1 Q Okay. In her statement, she never mentioned Quinton
2 Inman, does she?

3 A I don't recall if she did or not.

4 Q Okay. In her statement in fact, she does mention two
5 folk Tinka and Tanka. Do you remember those nicknames?

6 A I do, sir.

7 Q Who were those people?

8 A I don't recall.

9 Q Would they be Donnell and Wondell Timmons?

10 A Could be. I did not interview Ms. Harley.

11 Q Donnell and Wondell Timmons are actually brothers; is
12 that correct?

13 A I don't know, sir, they may be.

14 Q Okay. But they were -- you eventually found out that
15 they were involved in this case as well; is that right?

16 A To my recollection, yes.

17 Q They were connected with this car?

18 A Yes.

19 Q They rode around in it in fact?

20 A My understanding and my recollection, yes.

21 Q All right. And do you remember that in Tanjula or
22 Ms. Harley's statement or one of her statements she stated

23 ---

24 MR. CLEMENTS: Your Honor, I'm not sure if this is
25 not getting into hearsay. I would object at this time

1 particularly due to the fact that it's hearsay number one.
2 And number two I think that Mr. Davis has said he's not
3 the one that interviewed Ms. Harley.

4 MR. PROSSER: Mr. Davis actually said state he
5 supervises all this whole investigation and he's over
6 these officers who may or may not have investigated
7 Ms. Harley. Ms. Harley has been named as a witness by
8 actually both sides. Actually, was here earlier and
9 sequestered. I think it's very pertinent to determine how
10 this relates to Mr. Quinton Inman and that statement what
11 she may or may not have said is important. And if he
12 doesn't remember or doesn't know, that's fine. Then I can
13 get it out of her.

14 MR. CLEMENTS: Still think it's hearsay, Your Honor.
15 May we approach?

16 THE COURT: It's still hearsay, so I would not allow
17 it based on hearsay.

18 MR. PROSSER: Okay. Thank you, Your Honor.

19 BY MR. PROSSER:

20 Q Now, the only reason you arrested Mr. Quinton Inman
21 was because Anthony McCray stated that he was a part of
22 the crime; is that correct?

23 A There was evidence that led to his arrest based on
24 statements given to us by Mr. McCray, yes.

25 Q By Mr. McCray and only Mr. McCray; is that correct?

1 A To my recollection.

2 Q Okay. When you picked up Mr. McCray originally, were
3 you there?

4 A No, sir, not when they picked him up.

5 Q You were there early on when Mr. McCray gave his
6 statement; is that correct?

7 A And I don't recall being present during Mr. McCray's
8 statement. I was there in the building.

9 Q It's your understanding Mr. McCray gave several
10 statements as well?

11 A Yes, yes.

12 Q Okay. You can't testify to what Mr. McCray said, but
13 you know he gave several statements; is that right?

14 A I know that he gave a statement to my investigators.
15 He spoke with my investigators, yes, I do know that.

16 Q And when you saw Mr. McCray for the first time, it
17 was fairly shortly after you found that car; is that
18 correct?

19 A I wouldn't characterize the time period, but it was
20 sometime within that day I think.

21 Q Okay. Within the same day?

22 A I believe that it was.

23 Q Okay. When you saw him, did you observe any cuts,
24 scars, scratches or scrapes on him?

25 A I do not recall. I don't recall any injuries to him.

1 Q On Mr. McCray?

2 A I don't.

3 Q Did you recall the fact that he may have wore an LA
4 ring?

5 A I know that we recovered an LA ring. I don't know if
6 it was on him or in his possession. I do know, yes, that
7 were was some mention of that, yes.

8 Q Did you recall that he had a cell phone in his
9 possession which may have belong to the deceased?

10 A I don't recall.

11 Q Okay. All right. And you certainly -- well, don't
12 let me put words in your mouth. Do you recall any type
13 scars, scrapes, cuts or any abrasions on Mr. Inman when
14 you picked him up?

15 A I don't recall anything.

16 Q Okay. I think you testified and I just want to make
17 sure I'm clear on that. When y'all secured the scene, you
18 did no fingerprinting, no DNA testing anything of the
19 sort?

20 A No, sir, we did not.

21 Q You just kept everybody away?

22 A That's correct.

23 MR. PROSSER: All right. That's all I have, Your
24 Honor.

25 REDIRECT EXAMINATION

1 BY MR. CLEMENTS:

2 Q Does SLED do gathering of fingerprint evidence, DNA
3 evidence?

4 A Fingerprint evidence, DNA evidence, collection,
5 preservation, packaging and transporting to SLED, sir.

6 Q Was that the purpose for calling SLED's crime scene
7 to do those very things?

8 A Yes, sir, it was.

9 MR. CLEMENTS: Thank you, Mr. Davis.

10 MR. DAVIS: Yes, sir.

11 THE COURT: You may step down, sir.

12 (WHEREUPON, the witness leaves the witness stand.)

13 MR. CLEMENTS: Your Honor, we like to call another
14 witness, it is kind out of the chronological order, but so
15 he want have to come back, Your Honor. It's just on one
16 issue.

17 THE COURT: All right.

18 MR. CLEMENTS: That be Mr. Dewayne Tennie.

19 THE COURT: All right.

20 THE CLERK: Do you solemnly swear or affirm to tell
21 the whole truth and nothing but the truth so help you God?

22 MR. TENNIE: I do.

23 WHEREUPON,

24 Dewayne Tennie,

25 after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CLEMENTS:

Q Can you please state your name?

A Dewayne Tennie.

Q Mr. Tennie, were you formally employed with the Marion County sheriff's office?

A Yes.

Q For how many years?

A Eight years.

Q And so you were employed in September of 2004 and thereafter?

A Yes, I was.

Q Did you have any duties involving the investigation of the death of Cheryl White with the defendants being Anthony McCray and Quinton Inman?

A Yes, I did.

Q And can you please tell this jury what your particular duties were or what task you performed as a result of being involved in this investigation?

A I took the fingerprint cards of the subject to Columbia to be dropped off to SLED.

Q That's Quinton Inman?

A Correct.

Q Okay. And that's so comparisons could be made of evidence that was found?

1 A Yes.

2 Q Okay. And is that all you did as a result?

3 A That's all I did.

4 Q Now, in 2004 you weren't an investigator, were you?

5 A Yes, I was.

6 Q But this wasn't your case?

7 A No, it wasn't.

8 Q So how did it happen that you happen to take
9 something on this investigation to SLED?

10 A At the time, I was over evidence and that was part of
11 the evidence and I was asked to take it to Columbia to
12 SLED.

13 Q Okay. So if you were making a trip to SLED, would
14 you look for everything that possibly needed to go at that
15 time regardless of whether it was all the same case or
16 not?

17 A Right, correct.

18 Q You wouldn't wait and make a trip just for one case
19 that be a waste of gas, right?

20 A Right.

21 Q All right. That's -- was there anything else you had
22 to do with this case?

23 A That's all I had involving that case was a
24 fingerprint cards taken to Columbia.

25 MR. CLEMENTS: Please answer any questions

1 Mr. Prosser might have.

2 CROSS-EXAMINATION

3 BY MR. PROSSER:

4 Q Mr. Tennie, the only thing I would ask you didn't
5 actually take the fingerprints of Mr. Inman?

6 A No.

7 Q You just took a card?

8 A Took the fingerprints card.

9 Q Had his name on it and what were purportedly his
10 fingerprints; is that correct?

11 A Correct.

12 Q You didn't dust the car that's involved in this
13 situation anything of that sort?

14 A No, sir.

15 MR. PROSSER: That's all I have.

16 BY MR. PROSSER:

17 Q Who gave you the card?

18 A I want say to Detective Woods ---

19 Q Okay.

20 A --- gave me the cards.

21 Q Detective Woods is the one who's in Afghanistan?

22 A Correct.

23 MR. PROSSER: That's all I have.

24 REDIRECT EXAMINATION

25 BY MR. CLEMENTS:

1 Q And, Mr. Tennie, I'm just curious. Do you have any
2 training yourself in taking of fingerprints or doing
3 fingerprint work?

4 A Yes.

5 Q So you take on -- on the cases you're investigator
6 on, you take those prints down.

7 A Yes.

8 Q And can you tell this jury how that's done and how
9 that's documented?

10 A Well, you have the fingerprints cards, you got the
11 information of the defendant, their name, address, social
12 security number and et cetra on the card. And pretty much
13 just taking his fingers and roll them on two fingerprint
14 cards.

15 Q And did they sign the card?

16 A Yes, they do.

17 Q The defendant does or whoever being fingerprinted?

18 A Right.

19 MR. CLEMENTS: Your Honor, we ask that Mr. Tennie be
20 released from his subpoena.

21 THE COURT: Any objection?

22 MR. PROSSER: No, sir.

23 THE COURT: Thank you, sir. You're free to go.

24 (WHEREUPON, the witness leaves the witness stand.)

25 MR. CLEMENTS: Your Honor, if I could briefly go out

1 and see if I got the next witness.

2 (WHEREUPON, a pause in the proceedings.)

3 MR. CLEMENTS: Your Honor, we like to call Captain
4 Judy Barker.

5 THE COURT: All right, if you come around please.

6 THE CLERK: Do you solemnly swear or affirm to tell
7 the truth, the whole truth, and nothing but the truth so
8 help you God?

9 MRS. BARKER: Yes, ma'am.

10 THE CLERK: Thank you.

11 WHEREUPON,

12 Judy Barker,
13 after first having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. CLEMENTS:

16 Q Could you please state your name for the record and
17 tell this jury where you work?

18 A My name is Judith Barker. I'm employed with Marion
19 County sheriff's department.

20 Q And in what capacity do you work for Sheriff
21 Richardson?

22 A I'm captain.

23 Q And captain of what?

24 A Captain over -- we just have one captain.

25 Q Okay. All right. So you are the captain?

1 A Yes.

2 Q And how long have you worked for the sheriff's
3 office?

4 A I have been employed with the sheriff's department
5 since November of 2000.

6 Q All right. And so in September 2004, were you
7 employed with Marion County sheriff's office?

8 A Yes, sir.

9 Q And you were working with Sheriff Page at that time?

10 A Yes, sir.

11 Q All right. And what capacity were you working for
12 the sheriff's office in 2004?

13 A I was working in capacity of lieutenant in
14 investigations.

15 Q Okay. And prior to 2000, can you tell us what other
16 experience you had in law enforcement?

17 A I served out my law enforcement career at Conway
18 police department in 1997.

19 Q You work there for three years?

20 A Yes, sir.

21 Q And then came work in Marion County with the
22 sheriff's office?

23 A Yes, sir.

24 Q And been in law enforcement ever since?

25 A Yes, sir.

1 Q Now, did you have an occasion to be involved in the
2 investigation of death of Mrs. Cheryl White and in the
3 investigation of Anthony McCray and Quinton Inman?

4 A Yes, sir.

5 Q All right. Did you have the opportunity to -- first
6 let me ask you to track down and investigate any cell
7 phone calls that might have been made with Mrs. Cheryl
8 White's cell phone?

9 A Yes, sir.

10 Q And did you have any assistance from any other agency
11 or any other person as far as subpoena any records or
12 anything of that?

13 A Yes, sir. I subpoenaed phone records from AT&T which
14 back in 2004 the phone was actually through Singular and
15 they've combined.

16 Q All right. And did the Florence County sheriff's
17 office did they also try to subpoena records?

18 A I'm know that I received some phone records that were
19 of the victims phone. I'm not sure where I received them
20 from.

21 Q Okay. All right. But the victim was from Florence
22 County; is that correct?

23 A Yes, sir.

24 Q As a result of subpoenaing records and receiving
25 records from Florence County in your investigation were

1 you able to establish anything of any evidentiary value?

2 A No, sir.

3 Q Okay. All right. Now, other than the cell phone
4 records and investigation of the cell phone, did you have
5 any other duties in this investigation?

6 A Yes, sir.

7 Q Can you please tell this jury what else you did in
8 this investigation?

9 A I actually was present during a few of the statements
10 that were taken.

11 Q Okay. Interviews?

12 A Yes, sir, interviews.

13 Q Were they interviews with Mr. Inman or Mr. McCray or
14 other witnesses?

15 A Other witnesses.

16 Q Other witnesses. Okay. And you participated in
17 these interviews or just observe them?

18 A I -- actually, a few of the interviews or statements
19 taken they were taken in my handwriting.

20 Q Okay. All right. And can you please tell this jury
21 who were some of the witnesses were that you interviewed?

22 A I don't have it in front of me. I don't have the
23 papers in front of me to know exactly who's I took. I
24 know I took a Timmons statement. And I believe I was
25 present during Carolyn Johnson's statement.

1 Q Okay.

2 A And I don't -- and I believe there was one more.

3 Q All right. Did you talk -- do you know if it was
4 Wondell on Donnell Timmons which one?

5 A I believe it was -- I'm not sure, sir.

6 Q Okay. All right. Tanjula Harley was that one of the
7 people that you interviewed?

8 A I don't believe so, no, sir.

9 Q Okay. All right. There were a lot of people who you
10 talk to in this case; is that correct?

11 A Yes, sir.

12 Q And by several different officers; is that right?

13 A Yes, sir.

14 Q Yourself?

15 A Yes, sir.

16 Q Detective Larry Woods and Detective Bryan Wallace?

17 A Yes, sir.

18 Q Okay. And what specifically were you interviewing
19 witnesses about what issues?

20 A The body that was found in the vehicle in Marion.

21 Q Okay. And do you recall what the vehicle was what
22 type?

23 A I believe it was red Ford Focus.

24 Q Red Ford Focus. And were you interviewing people
25 about who may have been in that -- in that vehicle or

1 ridden in that vehicle?

2 A Yes, sir.

3 Q Okay. Just to refresh your recollection, do you know
4 what that is?

5 A Yes, sir.

6 Q What is that form?

7 A It's a voluntary statement form that we use at the
8 sheriff's department.

9 Q Who was being interviewed?

10 A It's a Tanjula Harley.

11 Q And did you assist in that one?

12 A Yes, sir.

13 Q Okay. All right. Any information that she gave
14 y'all would that have been followed up on by the sheriff's
15 office?

16 A Yes, sir.

17 Q So you remember Ms. Carolyn Johnson you spoke with
18 her?

19 A Yes, sir.

20 Q And Tanjula Harley?

21 A Yes, sir.

22 Q And one of the Timmons?

23 A Yes, sir.

24 Q And possibly some others?

25 A I believe there was one more.

1 Q One more. Okay. And was this done after the 9-1-1
2 call came in?

3 A Yes, sir.

4 Q Okay. Did you yourself actually go out to the scene
5 where the car was?

6 A No, sir, I don't believe I was out there to ever see
7 the car.

8 Q But you just assisted at the sheriff's office?

9 A Yes, sir, we had a lot of interviews to do.

10 Q Okay. All right. Other than that this wasn't your
11 case; is that correct?

12 A Correct.

13 Q Okay. But you did follow up with the cell phone
14 records?

15 A Yes, sir.

16 Q Was there anything else you followed up on?

17 A Not they recall, sir.

18 Q Do you recall where you involved in the chain of
19 custody on any items?

20 A I believe I was in the chain custody on one item.

21 Q And which item was that?

22 A I believe it was a driver's license.

23 Q Okay. And you recall whose driver's license that
24 was?

25 A The victim's driver's license.

1 Q Was that driver's license was it whole or was it in
2 pieces?

3 A It was in pieces when I received it.

4 Q Okay. And do you know where that driver's license of
5 Mrs. White was retrieved from?

6 A I actually got it from a Captain Jim Gregg of Marion
7 police department.

8 MR. CLEMENTS: Your Honor, I like to have this marked
9 as State's ID Number 1.

10 (WHEREUPON, State's Exhibit No. 1 and 1-A was marked
11 for identification only.)

12 BY MR. CLEMENTS:

13 Q Okay. All right. Captain Barker, I'm going to show
14 you what's been marked State's Exhibit for ID Number 1.
15 And you look and see if anything in there looks familiar
16 to you?

17 A Yes, sir.

18 Q Okay. You recognize that?

19 A Yes, sir.

20 Q All right. Which one of those items in there?

21 A The item is a cut up or broken up driver's license of
22 Mrs. Cheryl White.

23 Q Okay.

24 MR. CLEMENTS: Please answer any questions that
25 Mr. Prosser may have.

1 MR. PROSSER: Thank you, Your Honor. May it please
2 the Court.

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. PROSSER:

6 Q Mrs. Barker.

7 A Yes, sir.

8 Q Captain Barker, I'm sorry. With regard to this cell
9 phone part of the investigation that you were involved in,
10 were you aware that the cell phone was found on the person
11 of Mr. Anthony McCray?

12 A No, sir, I was not.

13 Q That's not part of your deal?

14 A No, sir.

15 Q All right. You just check the records to see if the
16 phone was used?

17 A Yes, sir.

18 Q Okay. So you don't have any knowledge of any
19 connection of Mrs. White's cell phone and Quinton Inman?

20 A No, sir, I don't.

21 Q Okay. With regard to the statements that you may
22 have been a part of, the Solicitor refreshed your memory
23 that you were a part of Ms. Tanjula Harley's statement; is
24 that correct?

25 A Yes, sir.

1 Q All right. In fact, she gave more than one statement
2 did you know that?

3 A I recall that, but I don't know if I was present for
4 more than one.

5 Q Okay. All right. You also were present on one of
6 the Timmons brother's statement; is that right?

7 A Yes, sir.

8 Q Are you aware that their nicknames are Tinka and
9 Tanka?

10 A No, sir, I don't recall.

11 Q All right. Are you aware that Tinka and Tanka
12 whoever they maybe have been implicated in this matter as
13 potentially murdering Mrs. Cheryl White?

14 A No, sir, I was not aware of that.

15 Q Okay. I think you may have mentioned a minute ago that
16 several people rode or actually you investigated some
17 people who rode in the vehicle the Ford Focus that night;
18 is that right?

19 A I don't believe I said that. I said I did a lot of
20 interviews.

21 Q Okay. All right. Do you recall that the interviews
22 that you did those folks actually rode in that vehicle
23 that night?

24 A I recall that some of the interviews I conducted,
25 yes, sir.

1 Q Okay. And actually several people who rode in that
2 vehicle that night?

3 A Yes, sir.

4 Q All right. And several people who left prints and
5 other evidence that you may have?

6 A Okay.

7 Q With regard to the driver's license that you ID which
8 is Mrs. Cheryl White's driver's license; is that right?

9 A Yes, sir.

10 Q That driver's license was found also on the body or
11 the person of Mr. Anthony McCray; is that right?

12 A I don't know. I received it through Captain Jim
13 Gregg of Marion police department.

14 Q Okay. All right. But you don't know where it was
15 found?

16 A No, sir, I wasn't present when it was found.

17 Q And when you received it from the captain, it was
18 already cut up; is that right?

19 A Yes, sir.

20 Q Okay. Nothing to your knowledge connects that
21 license with Mr. Quinton Inman?

22 A Not that I'm aware of, no, sir.

23 MR. PROSSER: All right. That's all I have.

24 MR. CLEMENTS: Your Honor, that's all we have for
25 Mrs. Barker at this time.

1 THE COURT: Thank you, ma'am. You may step down.

2 (WHEREUPON, the witness leaves the witness stand.)

3 MR. CLEMENTS: Next witness we call, Your Honor, will
4 be Eddie Sawyer.

5 THE COURT: All right.

6 MR. CLEMENTS: Your Honor, may Mr. Prosser and I
7 approach?

8 THE COURT: Yes, sir.

9 (WHEREUPON, a bench conference was held in the
10 presence of the jury, but out of the hearing of the
11 jury.)

12 THE CLERK: Do you solemnly swear or affirm to tell
13 the truth, the whole truth, and nothing but the truth so
14 help you God?

15 MR. SAWYER: I do.

16 THE CLERK: Thank you.

17 WHEREUPON,

18 Eddie Sawyer,

19 after first having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. CLEMENTS:

22 Q Could you please state your name for the record?

23 A Eddie Sawyer.

24 Q And can you tell this jury where you work?

25 A Marion County sheriff's office.

1 Q And in what capacity?

2 A I'm the evidence custodian.

3 Q How long have you been in law enforcement?

4 A Twenty-one years.

5 Q And Mr. Sawyer in your 21 years, you hadn't always
6 been the evidence custodian, have you?

7 A No, sir.

8 Q What's some of your other duties that you held in law
9 enforcement?

10 A I was a shift supervisor. I was detective at one
11 time and I was desk sergeant at one time.

12 Q And you work the entire 21 years for the Marion
13 County sheriff's office?

14 A Sir?

15 Q Have you worked your entire 21 years for the Marion
16 County sheriff's office?

17 A Yes, sir.

18 Q All right. How long you been the evidence custodian?

19 A Since last April.

20 Q Okay. Can you tell this jury what a evidence
21 custodian does?

22 A Whenever the officers or detectives get evidence,
23 they bring it to me. I log it in, put down the date that
24 they got it, where they got it from. And then I log it
25 into the evidence room from that officer to me.

1 Q All right. When you came on board as evidence
2 custodian you didn't inherit an empty evidence room, did
3 you?

4 A No, sir.

5 Q Okay. So what happened when you became in charge of
6 the evidence room?

7 A I took inventory of everything I had in the evidence
8 room and wrote it down and put it in each officers
9 document thing so I know what I had.

10 Q Okay. And as part of your duty, do you collect
11 evidence and transport it to SLED at times?

12 A Yes, sir.

13 Q Can you tell me have you had occasion to collect any
14 evidence in regards to Mr. Anthony McCray or Mr. Quinton
15 Inman?

16 A Yes, sir.

17 Q Can you tell this jury what exactly you did?

18 A We had evidence in the evidence room -- you talking
19 about collecting it with him personally?

20 Q Well, both. Go ahead with what you started to say
21 and then I'll get to the personal things?

22 A The evidence we had in the evidence room I took part
23 of that logged it out and carried it to SLED headquarters
24 and logged it in with them for testing.

25 Q All right. And you know what those items were?

1 A No, sir. Pretty much what I did was I had them
2 marked in the evidence room as what they were in a brown
3 box or what not, so I really didn't know what those --
4 what was inside of those boxes or packages.

5 Q You had them in envelopes and in boxes?

6 A Yes, sir.

7 Q I'm going to show you what's been marked as State's
8 Exhibit Number 1 for ID. Is that something looks familiar
9 to you?

10 A I've seen everything out of the bag.

11 Q Okay. So it goes with this bag?

12 A Yes, sir, it does.

13 Q And was this something that you maintained in your
14 evidence room?

15 A Yes, sir.

16 (WHEREUPON, State's Exhibits Nos. 2 and 3 was marked
17 for identification only.)

18 Q Okay. Show you State's Exhibit for ID Number 2.
19 Does that look familiar to you?

20 A Yes, sir. It was one of the items I brought back
21 from SLED.

22 Q Okay. And is one of the items you brought back from
23 SLED regarded this case?

24 A Yes, sir.

25 Q Show you State's Exhibit Number 3 for ID. You

1 recognize that?

2 A Yes, sir, that was in the evidence room.

3 Q Pertaining to this case?

4 A Yes, sir.

5 (WHEREUPON, State's Exhibits Nos. 4, 4-A, 5 and 5-A
6 was marked for identification only.)

7 Q Okay. Mr. Sawyer, I'm going to show you what's been
8 marked State's Exhibits for identification 4 and 4A. You
9 recognize these items?

10 A I recognize this envelope as being what the other two
11 envelopes came in.

12 Q Okay. All right. Show you what's been marked
13 State's Exhibit 5 and 5A. You recognize those?

14 A Those were in the envelopes.

15 Q Was in State's Exhibit four?

16 A Yes, sir.

17 Q All right. All this was where?

18 A In the evidence room.

19 Q Okay. Pertaining to which case?

20 A The case we're doing today.

21 Q Okay. Now, did you have occasion to assist or be
22 involved in collection or transport of any other evidence
23 in this case?

24 A Yes, sir.

25 Q Could you please tell this jury what that was?

1 A I went to Lee County correctional center and
2 Mr. Inman was there and had a court order to take a swab.
3 And the nurse at the correctional center took a swab in my
4 presence. I put it in a plastic evidence bag, closed it,
5 sealed it in front of Mr. Inman. And then wrote down my
6 -- wrote on the bag what time it was done and filled out
7 my paperwork and that was it.

8 Q And then what did you do with that swab?

9 A I left there and went straight to SLED, logged it
10 into SLED headquarters.

11 Q Did you have an occasion to collect any evidence from
12 Mr. Anthony McCray?

13 A Yes, sir.

14 Q The same day. All right. And can you tell this jury
15 what you did then?

16 A Same procedure. I went to the Marion County jail,
17 gave the nurse the court order and Mr. W.T. Johnson
18 brought -- what's his name?

19 Q Anthony McCray?

20 A Anthony in. They did the same thing, told him what
21 we had, swabbed his mouth, put it in a brown envelope,
22 stuck it in an evidence bag and marked it, date, time when
23 it was taken and I left there went to SLED with it. Did
24 the same thing.

25 Q And you turn both of them in to SLED lab?

1 A Yes, sir.

2 Q Logged them in there?

3 A Yes, sir.

4 MR. CLEMENTS: Beg the Court indulgence a moment.

5 (WHEREUPON, a pause in the proceedings.)

6 MR. CLEMENTS: Thank you, Mr. Sawyer, answer any
7 questions Mr. Prosser may have.

8 CROSS-EXAMINATION

9 BY MR. PROSSER:

10 Q You and I met a minute ago and we went through this
11 evidence?

12 A Yes, sir.

13 Q Now, when you saw the nurse swab Quinton Inman, she
14 didn't take any blood or anything like that?

15 A No, sir.

16 Q Just like saliva put it in a little tube keep it
17 safe?

18 A Brown envelope and then I put it in a plastic
19 evidence bag.

20 Q Keep you from sneezing on it or something?

21 A Yes, sir.

22 Q And you took that straight to SLED?

23 A Yes, sir.

24 Q Obviously that was Quinton Inman sample; is that
25 right?

1 A Yes, sir.

2 Q With regard to this particular evidence that you went
3 through, you said that was already in the room when you
4 took over this position?

5 A Yes, sir.

6 Q So you didn't watch the actual evidence be gathered
7 or collected?

8 A No, sir.

9 MR. PROSSER: That's all I have, Your Honor.

10 MR. CLEMENTS: Your Honor, that's all I have.

11 (WHEREUPON, the witness leaves the witness stand.)

12 MR. CLEMENTS: Our next witness will be fairly
13 lengthy, Your Honor.

14 THE COURT: All right. Ladies and gentlemen, we're
15 going to break for the evening. I'm going to ask you to
16 do something for me if you would please. When you get
17 home, I'm sure that friends, family, loved ones, someone
18 is going to want to know if you got selected to be on a
19 case and you can tell them yes. They're going to want to
20 know about it. They're going to want to know what kind of
21 case it is, who's it involve and everything. And I'm
22 asking you to please very respectfully let them know that
23 you're not allowed to talk about the case. You can let
24 them know you are sitting on an active case which is being
25 tried in court. But that's all you can tell them because

1 if you tell them something as simple as well it's a murder
2 trial, then someone is liable to make a comment say
3 something that -- well, may be they've heard something
4 that may affect your ability to remain fair and impartial.
5 So it's very important. It's very important to the State.
6 It's very important to Mr. Inman that you not discuss this
7 case with anybody. Let them know that as soon as it's
8 over, you'll tell them more than they ever want to know
9 about it, but right now you can't talk about it. Please
10 ask you if you would honor that again as always don't
11 allow anyone to talk with you about it.

12 I don't know if they'll be any newspaper or
13 television coverage or not. If you pick up a paper and
14 you see something that may refer to this trial, please put
15 it aside. Do not read it. If you hear something, please
16 turn off the set, radio turn it off because as I told you
17 when we started this case, you have got to decide this
18 case solely on the evidence that is presented from this
19 witness stand and any exhibits that may come in during the
20 course of this trial. And it would be very improper to
21 hear or be influence by any anything else. It's not easy.
22 It's not easy being on jury because when you go home,
23 people going to want to know. People are curious, but
24 please ask them to be patient. You'll give them all the
25 information they want when it's over.

1 Now, having said that, I would ask you to please be
2 back here in your jury room tomorrow ready to go at 9:30.
3 So get here a little bit earlier than that, get here and
4 ready to go.

5 I'm also going to mention this to you in case you
6 need to make any arrangements with family and friends or
7 whatever. I'm not for sure that we'll go later than 5:30
8 tomorrow, but we may need to. So -- and if we do, I just
9 -- I don't want that to catch you by surprise. We may
10 need to go a little later tomorrow evening. I'm not sure
11 if we will or not, but let's at least plan on the worse
12 and hope for the best. Okay.

13 So having said that try to get a good night sleep,
14 try to be well rested as you can tell just from afternoon
15 that jury service is not necessarily physically tasking,
16 physically tasking on your system muscularly, but it is
17 mentally. So please try to get a good night sleep come in
18 tomorrow well rested and we'll resume at that time. If
19 anyone tries to have any conversation with you about this
20 case, if you will let me know who that is, I'll make sure
21 that doesn't happen again. No one is suppose to talk with
22 you about this case.

23 So having said that if everyone will please remain
24 seated, members of the jury, you are free to go for the
25 evening please be back at 9:30. If you have any

1 belongings in the jury room, you need to go ahead and get
2 those. And we'll see you tomorrow morning at 9:30.

3 (WHEREUPON, the jury was excused for the day.)

4 THE COURT: Anything further before we adjourn for
5 the day?

6 MR. PROSSER: Nothing from the defense.

7 MR. CLEMENTS: No, Your Honor.

8 THE COURT: All right. We'll reconvene at 9:30.

9 (WHEREUPON, the proceedings were concluded for the
10 day to be reconvened on August 5, 2008.)

11 THE COURT: We are going to bring the jury in then if
12 there's nothing else we need to take up.

13 (WHEREUPON, the jury returns to the courtroom.)

14 THE COURT: All right. Ladies and gentlemen, welcome
15 back this morning. I hope everyone had a good evening and
16 well rested and ready to go back to work. If you recall
17 yesterday, we were on the State's case, Solicitor was
18 presenting the State's evidence. At this time, we
19 recognize the State for their next witness.

20 MR. CLEMENTS: Your Honor, at this time, we call
21 Lieutenant Keith Lutcken.

22 THE CLERK: Sir, if you'll come around to be sworn,
23 sir. Do you solemnly swear or affirm to tell the truth,
24 the whole truth, and nothing but the truth so help you
25 God?

1 MR. LUTCKEN: I do. Name is Keith Lutcken.

2 L-U-T-C-K-E-N.

3 WHEREUPON,

4 Keith Lutcken,

5 after first having been duly sworn, testified as follows:

6 DIRECT EXAMINATION . .

7 BY MR. CLEMENTS:

8 Q Where do you work and in what capacity?

9 A I'm employed with the Florence County sheriff's
10 office and I'm a lieutenant over the forensics and crime
11 scene unit.

12 Q Lieutenant Lutcken, can you please tell this jury
13 what you do as the lieutenant over forensics and crime
14 scene?

15 A Over forensics unit, I oversee the day-to-day
16 operations of the unit which includes supervising the
17 other individuals within that unit. We respond to all
18 major crime scenes. Crime scenes which include armed
19 robberies, kidnappings, homicides, any type of death
20 investigation, also the evidence room also falls under our
21 details.

22 Q All right. And what do you do at a crime scene?
23 What's your primary purpose with crime scene?

24 A Primary purpose of responding to a crime scene, we're
25 are notified by an officer that is already on the scene.

1 Once we get to the scene and we are briefed by that
2 officer as to what has transpired. At that time, we began
3 doing what we call our initial walk-throughs and
4 observations. We go through looking for any type of
5 evidence and just trying to get an assessment of the scene
6 what has taken place. Our next duties are to document the
7 scene and that is done through the use of videography,
8 photography whether it's digital or 35 millimeter, which
9 we use both. We also do sketches which are done on
10 computers and we -- the other important aspects of the job
11 would be of course locating and documenting evidence in
12 the collection and preservation of that evidence. There
13 are times, you know, that we have to reconstruct crime
14 scenes, you know, through blood spatter and ballistic
15 trajectories and different things like that.

16 Q So your job is it like CSI on television?

17 A Yes, sir, it is.

18 Q Is it exactly like television?

19 A No, wish it was, but it's not.

20 Q All right. What you do is that fact or fiction?

21 A What we do is fact. What they do is fiction, it's
22 entertainment.

23 Q Did you have occasion to investigate the missing
24 person investigation that was taken place in Florence
25 County Cheryl White did you have opportunity to be

1 involved in that investigation?

2 A Yes, I did.

3 Q Can you please tell this jury what you did?

4 A On excuse me for just a minute. It's on the 22nd of
5 September of 2004 about 8:00 p.m. that evening and I was
6 at home and I was contacted at that time by Chief Deputy
7 Kenny Davis of the Marion County sheriff's office. The
8 primary reason for Chief Davis calling me at that time was
9 to assist some of their investigators and also Sheriff
10 Billy Page they were at the BP station located on East
11 Palmetto Street in Florence. The reason for requesting us
12 to go out to the location is there was some evidence had
13 been located at the scene. And they needed our help with
14 collecting and documenting it.

15 Q Had SLED already been out at the scene that you know
16 of?

17 A Yes, sir, they been to the scene on a previous
18 occasion, yes.

19 Q As a result of being contacted by Kenny Davis what
20 did you then do?

21 A He told me at that time be happy to respond to a
22 couple of his officers. I respond to the scene. I got
23 there at about 20 minutes after eight. I don't live very
24 far from the location. They advised me at that time
25 there's a small wooded area that's adjacent to the car

1 wash that's located off of the side of main convenience
2 store. And they stated that had found a walker, an
3 aluminum walker in that area and they needed me to
4 document it and collect it.

5 Q All right. And did you do that?

6 A Yes, sir, I did.

7 Q I'm going to show you what's been marked as State's
8 Exhibit 16 for ID. Can you identify this?

9 A Yes, sir, I can. This the walker that I collected
10 that evening from the wooded area.

11 Q Okay. And when you collected this walker, Lieutenant
12 Lutcken, did you do with it?

13 A The walker as I said at first was documented and I
14 photographed it using a 35 millimeter. At which time, I
15 also did a sketch, took some measurements how far it was
16 from the actual car wash itself where the car was suppose
17 to have been. And at that time, I collected it.

18 Q And has it been in your possession ever sense?

19 A Yes, sir. Now, the walker when it was found wasn't
20 inside of the plastic wrap. We put that on there. The
21 test that I do on it, you know, testing for any
22 serological evidence such as DNA or blood and then also
23 processing it for latent prints or fingerprints. It's got
24 a lot of stuff on it, so go ahead and wrap it up.

25 Q So you process that walker to see if you can find any

1 fingerprints or anything that can be used for DNA like
2 blood or anything like that?

3 A Yes, sir, that's correct.

4 Q Did you find anything that you could submit for DNA
5 testing on this walker?

6 A No, there was nothing of any evidentiary value found
7 on the walker latent prints or fingerprints at all. The
8 walker had been out there being exposed to the elements.
9 You know for how long I don't know, but the elements
10 definitely have an impact on DNA and also on fingerprints
11 themselves.

12 Q All right. You say you don't know how long it had
13 been out there expose to the elements. What kind of
14 condition was it in when you found it?

15 A The walker was in good condition. It had not be
16 exposed to the weather enough where it had started getting
17 debris on it. There was no dirt on it. It had been out
18 there a very short time.

19 Q All right. But been out there at least longer to be
20 exposed to the elements?

21 A That's correct to destroy anything on it.

22 Q All right. Now, you been trained in taking
23 fingerprints and you been qualified as a fingerprint
24 examiner?

25 A Yes, I have.

1 Q Have you been qualified as an expert on fingerprints
2 in court before?

3 A Many times, yes, sir.

4 Q Can you tell this jury because we see so much TV can
5 you tell this jury what fingerprints are and whether you
6 find them all the time or not?

7 A Most of the cases that we work, we do not find
8 fingerprints and about five percent of the cases we find
9 identifiable fingerprints. When I mean identifiable
10 fingerprints, those are fingerprints that we can
11 conclusively compare and identify to a certain individual.
12 They very unique in their identification process.
13 Fingerprints are mostly made up of water which is about 99
14 to 99.5 water. The other one percent or half of percent
15 that is organic material that secreted through the skin.
16 When you look at your fingers, you can see the ridges on
17 the finger tips and also on your palms and each individual
18 is unique in that aspect, that's what makes you unique
19 and that's how we identify them is by looking at those
20 ridges. Things that effect fingerprints is, of course,
21 the elements themselves humidity, heat, cold all of those
22 things. This particular time of year during September was
23 still warm, humid. Normally, we're not expected to find
24 anything, you know, especially something that been there
25 for a day or so may be longer. We wouldn't expect to find

1 fingerprints.

2 Q Well, you said that fingerprints are mostly water, so
3 comes off the moisture in your hands?

4 A That's correct. When you secret when you actually
5 come into contact, you're leaving what we refer to as
6 friction ridge skin and that's those friction ridges.
7 Those ridges that grab. You know, if your fingers were
8 slick. Didn't have ridge they would slip on everything,
9 but those ridges are actually from for grabbing things.
10 And the area between those ridges what we refer to as the
11 furrows or the vallies. They have pours in them. And
12 those pours are where the sweat actually comes from.

13 Q And you said that you can find fingerprints that
14 can't be identified and fingerprints that can be
15 identified?

16 A Yes, sir.

17 Q What's the difference between the two?

18 A In identifiable?

19 Q Yeah, identifiable as oppose to prints you can't
20 identify?

21 A In most cases as I stated, we run across
22 unidentifiable prints and that could be anything because
23 the prints were actually smeared or rubbed or they lack
24 these sufficient ridge characteristics that we look for
25 comparison purposes.

1 Q So fingers wouldn't have -- would not have enough
2 ridges they just don't transfer?

3 A Correct, sometimes they don't transfer.

4 Q So you don't have enough there to make a comparison?

5 A Correct.

6 Q Okay. Did you find any unidentifiable fingerprints
7 on this?

8 A We did not.

9 Q You didn't find any fingerprints?

10 A None.

11 Q And would you say that that in your experience -- let
12 me ask you about your experience. How long have you been
13 doing this?

14 A Been doing crime scene work I been with the sheriff's
15 office 23 years. And I have done crime scene work for 20
16 of that, so long time.

17 Q Long time?

18 A Long time.

19 Q Would you say it's usual or unusual to not find
20 prints on something?

21 A It's very unusual. You know, as usually, we do not
22 find prints on things is what I'm trying to say.

23 Q All right. So it's not like TV and everything has
24 always got fingerprints on it?

25 A Right.

1 Q Okay. Now, as far as doing any type of background
2 check or investigation regarding this walker, can you tell
3 this jury what you did to identify this walker and what
4 you did to see if it was connected to Cheryl White in
5 anyway?

6 A The following day myself along with Investigator
7 Barry Prosser went to the victim's residence and we spoke
8 with her husband at that time. And were gone try to see
9 -- the walker actually had a series of numbers on it.
10 It's like a serial number. We're thinking that possibly,
11 you know, by going there and talking to him maybe he had
12 the paperwork or he could identify it by looking at it.
13 We could identify that as being hers. When we talk with
14 him that morning which was about 10:00 a.m. at the
15 residence, he told us at that time that he could not
16 identify that as being her's. He said that she did keep a
17 walker in her car, you know, for someone's else use, but
18 he could not identify it. Also made several calls later
19 on that day to the medical places around Florence that do
20 sell these items to see if they could match up the serial
21 numbers and they were unable to.

22 Q Did the White's have another vehicle as well the Ford
23 Focus?

24 A Yes, they did.

25 Q Was there -- did you observe that vehicle?

1 A Yes, I did.

2 Q Was there a walker in that vehicle as well?

3 A Yes, sir, there was.

4 Q Okay. So the information you had was that there was
5 -- she had a walker in her vehicle?

6 A Yes, sir.

7 Q But you don't know for sure if that was that walker
8 or not?

9 A That's correct.

10 Q Okay. Did you take some pictures Lieutenant Lutcken?

11 A Yes, I did.

12 Q All right. I'm going to show you what's been marked
13 as State's Exhibit Number 6 for ID, number 7 for ID ask
14 number 8, number 9 for ID, number 10, 11, 12, 13, 14, and
15 15 for ID?

16 A Yes, sir, these are my photographs that I took that
17 evening.

18 Q You took all those photographs that evening?

19 A Yes, I did.

20 MR. CLEMENTS: All right. Your Honor, at this time,
21 we move to have State's Exhibits 6, 7, 8, 9, 10, 11, 12,
22 13, 14 and 15 and 16 enter into evidence.

23 THE COURT: Any objection?

24 MR. PROSSER: No objection, Your Honor.

25 THE COURT: All right, without objection.

1 (WHEREUPON, State's Exhibits Nos. 6-16 was admitted
2 into evidence.)

3 MR. CLEMENTS: Your Honor, I ask permission for
4 Lieutenant Lutcken to step down in front of the jury?

5 THE COURT: Sure.

6 BY MR. CLEMENTS:

7 Q I want to show you State's Exhibit Number 6 if you
8 can show this to the jury and explain to them what that
9 is?

10 A State's Exhibit Number 6 is the front of the car wash
11 which is located at the BP station. And this photograph
12 was taken that evening when I responded.

13 Q And is that the -- did you have information that was
14 possibly the scene where Mrs. White was abducted?

15 A Yes, sir, that's correct.

16 Q State's Exhibit Number 7 can you explain to the jury
17 what that is?

18 A State's Exhibit Number 7 is also a photograph that
19 evening of the walker laying inside the wooded area that's
20 adjacent to the car wash that was right here.

21 Q All right. State's Exhibit 8 and 9 they are just
22 pictures of the serial number?

23 A Yes, sir.

24 Q All right. State's Exhibit Number 10 what does that
25 depict?

1 A State's Exhibit Number 10 is from the rear of the car
2 wash just shooting into wooded area where the walker was
3 found.

4 Q All right. And State's Exhibit 11?

5 A State's Exhibit Number 11 is just a closer look at
6 the walker inside the wooded area as I found it.

7 Q That's where it was found?

8 A Yes, sir.

9 Q All right. State's Exhibit 12 is just a picture of
10 the walker after it was retrieved?

11 A Yes, sir.

12 Q All right. State's Exhibit 13 what is that?

13 A Thirteen is shooting from kind of the corner of the
14 front of the car wash back towards the wooded area. The
15 wooded area is actually behind the telephone pole.

16 Q And was that the side where the walker was found?

17 A Yes, sir, that's correct.

18 Q All right. State's Exhibit Number 14 can you tell us
19 what that is and what you can see there in the woods?

20 A Number 14 I'm gone put fingertips on there. This is
21 also the wooded area where the walker was found.

22 Q State's Exhibit 15?

23 A And 15 from the other end see the telephone pole and
24 to the side of it over here is where the walker was found
25 kind of hard to see kind of dark.

1 Q And what date was this -- well, these red marks here
2 what are those?

3 A Those are my initials.

4 Q Okay. What date was it that you took these photos?

5 A That evening September 22nd.

6 Q September 22nd?

7 A Yes, sir.

8 Q That been a couple of days after the missing person
9 report?

10 A Yes, sir, that's correct.

11 Q All right. State's Exhibit 16 looks appears to be
12 black smudges all long this, Lieutenant Lutcken, can you
13 tell this jury what these black smudges are?

14 A Black smudges is basically from the fingerprint
15 powder and that could be where water had run down on it,
16 collected on it run down on it.

17 Q And the powder stuck to that?

18 A And the powder stuck to that, yes, sir.

19 Q Other than that that walker looks pretty clean, you
20 didn't clean it, did you?

21 A No, it was in perfect condition.

22 Q So no rust?

23 A Nothing.

24 Q No lengthy exposure to the elements?

25 A Right.

1 Q Okay. And this is as you found it?

2 A Yes, sir, it is.

3 Q Okay. Lieutenant Lutcken, were you involved in any
4 other way either collecting evidence or interviewing any
5 witnesses or any other aspect of this investigation?

6 A No, sir, I was not.

7 Q That was the extent of your involvement with this
8 investigation?

9 A Yes, sir, that's correct.

10 MR. CLEMENTS: Please answer any questions
11 Mr. Prosser may have.

12 MR. PROSSER: Thank you. May it please the Court.

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. PROSSER:

16 Q Lieutenant Lutcken, with regard to this walker, I
17 believe you stated in a report that it was found 27 feet
18 and two inches from the car wash; is that correct?

19 A Yes, sir, that's correct.

20 Q How far is that if I'm backing up from you just in
21 your proximation? If I don't trip.

22 A That's hope you don't. Mr. Prosser's, it's about
23 right there to the front pew.

24 Q So it's about this distance from the car wash?

25 A Yes, sir, that's correct.

1 Q And that walker I think you testified had no prints,
2 no DNA or any other evidence which might connect a person
3 to this walker?

4 A That's correct. I found nothing on it.

5 Q So obviously, this walker has nothing to connect
6 Quinton Inman to the walker?

7 A I don't know, sir. I'm just saying it didn't have
8 anything on it.

9 Q Well, I think you testified that as a fingerprint
10 expert a lot of times elements and different things may
11 wash away or smear fingerprints or even DNA evidence at
12 times I think, right?

13 A Correct.

14 Q And when you have an insufficient sample like a
15 smudge which really doesn't show a fingerprint, you know
16 somebody might have touched it, but you can't prove who
17 the individual was, right?

18 A That's correct.

19 Q So obviously this can't prove that Quinton Inman had
20 anything to do with this walker?

21 A No, sir.

22 Q Okay. With regard to other evidence you found at the
23 scene, did you find any other evidence?

24 A No, sir, I did not.

25 Q Okay. I recall reading in your report that you had

1 said there was surveillance tape that was taken from the
2 BP station?

3 A Yes, sir.

4 Q Okay. So you remember that?

5 A Yes, sir, I do.

6 Q That surveillance tape was that one of those tapes
7 you see at pretty much all businesses now days?

8 A That's correct inside the convenience stores.

9 Q Okay. Inside convenience stores. Did this
10 convenience store have an outside camera?

11 A Yes, sir, it did.

12 Q All right. And what did you find on that
13 surveillance violence tape?

14 A There was nothing of any evidentiary value found on
15 it.

16 Q So obviously nothing on that tape showing Quinton
17 Inman was every at that scene of that crime?

18 A That would be correct.

19 Q Okay. With regard to the walker itself, you did run
20 serial numbers and you tried to connect it to Mrs. White,
21 but the serial numbers didn't come back as a match; is
22 that right?

23 A That's correct.

24 Q Okay. With regard to the photographs that you took,
25 did you ever take any other photographs or would that be a

1 complete and entire set of your photographs?

2 A That would be my complete set.

3 Q All right. And so you didn't take a photograph of
4 any cell phone taken from Anthony McCray?

5 A No, sir.

6 Q You didn't take a photograph of any cut up driver's
7 license of Mrs. White?

8 A No, sir.

9 Q And or any LA ring that might have belong to Anthony
10 McCray?

11 A No, sir.

12 Q With regard to these pictures, I think you went
13 through them. No use in me going through them again like
14 that. But they basically depict the scene as you found it
15 when you went and were called; is that right?

16 A Yes, they do.

17 Q Other than depicting the scene and showing the
18 walker, they don't show anything else that connects
19 Quinton Inman to this scene, do they?

20 A That would be correct.

21 MR. PROSSER: All right. That's all I have. Thank
22 you.

23 MR. CLEMENTS: Just briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY MR. CLEMENTS:

1 Q I want to be sure there's not any confusion.

2 Mr. Prosser ask you about running these serial number.

3 There really wasn't any way to run the serial numbers was
4 there?

5 A I didn't have any knowledge about it at that time. I
6 picked up the phone that afternoon and called some medical
7 distributors and they had records of those numbers.

8 Q So could you exclude or not Mrs. White from there?

9 A I could not.

10 Q So you can't exclude her as being the owner?

11 A That's right.

12 Q And Mr. Prosser as you about taking pictures of items
13 seized from Anthony McCray. Did you ever interview or go
14 to where Mr. Anthony McCray was?

15 A No, sir, I did not.

16 Q You never went to Marion County, did you?

17 A No, sir, I did not.

18 Q Someone else did that?

19 A Yes, sir, they did.

20 Q So the only thing you did was went to this scene?

21 A Yes.

22 Q And there's not anything from your investigation that
23 connects Anthony McCray or Quinton Inman to this?

24 A That would be correct.

25 MR. CLEMENTS: Okay. Beg the Court's indulgence.

1 THE COURT: Yes, sir.

2 MR. CLEMENTS: Thank you. Lieutenant Lutcken. Your
3 Honor, we ask he be released from his subpoena?

4 MR. PROSSER: No objection.

5 THE COURT: Thank you, sir. You're free to go.

6 (WHEREUPON, the witness leaves the witness stand.)

7 THE COURT: You may call your next witness.

8 MR. CLEMENTS: Your Honor, the next witness will be
9 Lieutenant Brian Wallace.

10 THE CLERK: Do you solemnly swear or affirm to tell
11 the truth, the whole truth, and nothing but the truth so
12 help you God?

13 MR. WALLACE: I do.

14 THE CLERK: Thank you.

15 WHEREUPON,

16 Brian Wallace,
17 after first having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. CLEMENTS:

20 Q Could you please state your name for the record?

21 A Brian Wallace.

22 Q Mr. Wallace, what do you do for a living?

23 A I work with the Marion County sheriff's office and
24 I'm currently assigned to the Marion County combine drug
25 unit.

1 Q And what rank are you?

2 A Lieutenant.

3 Q And how long have you been in law enforcement,
4 Lieutenant Wallace?

5 A Approximately nine years.

6 Q And have you always worked for Marion County
7 sheriff's office?

8 A I work with the Mullins police department for three
9 or four months. Then I went to work with the sheriff's
10 office.

11 Q Have you always been with the combine drug unit?

12 A No, sir.

13 Q And back in September of 2004, you were working with
14 the sheriff's department, right?

15 A Yes, sir, I was assign to the criminal investigation
16 division.

17 Q Okay. So your title then would have been
18 investigator?

19 A Investigator detective, yes, sir.

20 Q Did you have occasion to be involved in the
21 investigation of the body found in the Ford Focus out on
22 Creech Road?

23 A Yes, sir, I did.

24 Q Can you please tell this jury when you became
25 involved in that investigation?

1 A I received a call. As a result of that call,
2 actually I was in Conway and I responded back to Marion
3 County to assist in the investigation of the body found in
4 the trunk and that was on September the 20th 2004. During
5 that time, I had a chance to interview a suspect that was
6 allegedly involved in the body in the trunk.

7 Q All right. Were you part of the group of officers
8 that went out on Creech Road to the scene where the car
9 was located?

10 A I went to the scene for a short period of time, yes,
11 sir.

12 Q And who were you -- were you working hand in hand
13 with someone at that time or kind of on your own?

14 A I was working with the Detective Larry Woods who is
15 also with the sheriff's office. We were partners at the
16 time.

17 Q Okay. Where is Detective Woods today?

18 A I think he's currently in Afghanistan if I'm not
19 mistake.

20 Q Okay. All right. Did you and Detective Woods go out
21 the scene together or did you meet him out there?

22 A I think I meet him out there. As I stated, I was in
23 Conway on another investigation and -- once they call me,
24 I come back to Marion County to assist.

25 Q All right. After going out to the scene and I assume

1 you were debriefed with what you had there; is that
2 correct?

3 A Yes, sir, that is correct.

4 Q What was the first task that you undertook as
5 investigation of this case?

6 A We were given information that Anthony McCray may
7 have been involved in the -- in this incident that we were
8 investigating.

9 Q With having the car?

10 A With having the car, yes, sir.

11 Q Okay. So what did y'all do as a result of that
12 information, how did y'all follow-up on that lead?

13 A We went with officers from Marion police department
14 in an effort to locate Anthony McCray.

15 Q All right. Did you locate him?

16 A Yes, sir, we did.

17 Q Okay. And after you located him, what did you do?

18 A After we located -- actually located him, I think,
19 near his mother's residence or his grandmother's residence
20 in the City of Marion on Lucant Street. And we talk with
21 him there myself and Captain Jim Gray and asked him to
22 come with us to the sheriff's office.

23 Q All right. Did you take any items off of him at that
24 time you and Captain Gray?

25 A Yes, we asked him for consent to search and he stated

1 we could search. And while I was there Captain Gray,
2 Captain Gray searched his pocket and found a driver's
3 license that had been cut up.

4 Q All right. And were you able to piece that back
5 together and find out who's driver's license it was?

6 A Yes, it was. It was the victim in this case
7 Mrs. White.

8 Q Mrs. White?

9 A Yes, sir.

10 Q All right. I'm going to show you what's been marked
11 as State's Exhibit Number 1 for ID. Is there anything in
12 there you can identify?

13 A That the robber's license that was taken from
14 Mr. McCray.

15 Q All right.

16 MR. CLEMENTS: Your Honor, this is in this big bag,
17 but it's also in a smaller bag. If I can open this and
18 have the smaller bag marked with the one.

19 Q I'm going to show you what's been marked State's
20 Exhibit Number 1 for ID and what is that black material in
21 there?

22 A Piece of plastic like a plastic bag -- like a torn
23 off piece of plastic grocery bag.

24 Q Is that what the driver's license was in?

25 A Yes, sir, that's what Captain Gray pulled out of the

1 pocket.

2 Q All right. That was in your presence?

3 A Yes, it was.

4 Q I'm going to show you what's been marked State's
5 Exhibit Number 17 for ID. Can you ID that?

6 A This is a ring with LA that was on Mr. McCray's right
7 hand at the time that we picked him up and questioned him.

8 Q All right.

9 MR. CLEMENTS: Your Honor, at this time, I move
10 State's Exhibit Number 1 and State's Exhibit Number 17
11 into evidence.

12 THE COURT: Any objection?

13 MR. PROSSER: No objection.

14 THE COURT: Without objection.

15 (WHEREUPON, State's Exhibits Nos. 1, 1-A and 17 was
16 admitted into evidence.)

17 BY MR. CLEMENTS:

18 Q Lieutenant Wallace, was there anything else that
19 y'all seized off of Mr. McCray's person?

20 A Not that I recall.

21 Q All right. After that, where did you take
22 Mr. McCray?

23 A We transported him back to the Marion County
24 sheriff's office to interview him.

25 Q Okay. And was he placed under arrest at that time?

1 A He was in investigative detention at that time.

2 Q Was he mirandized?

3 A Yes, he was.

4 Q And who mirandized him?

5 A Myself, I think Investigator Prosser was in the room
6 and another ---

7 Q Is that Investigator Prosser from Florence County?

8 A Yes, it is. Barry Prosser from Florence County and
9 ---

10 Q Let me ask you this, why was Barry Prosser from
11 Florence County there?

12 A The during that time during the day we found out that
13 Mrs. White had been reported missing from Florence County
14 on the 19th I recall on September the 19th, she been
15 reported missing. And the vehicle that was at the scene
16 with the body in it the registration come to back Florence
17 County, so therefore we notified Florence County.

18 Q So at this point, it was a joint investigation?

19 A It was a joint investigation between Marion County
20 and Florence County. And it was our understanding that
21 Investigator Prosser was assign to the missing person case
22 in Florence County. Once we found out, he immediately
23 come over to Marion County to assist in the investigation.

24 Q All right. And y'all talked to Mr. McCray at that
25 time?

1 A Yes, we did.

2 Q All right. How would you characterize Mr. McCray's
3 demeanor initially as far as how forthcoming or
4 cooperative he was?

5 A At first during the first interview when I spoke with
6 him, he was not as forthcoming. He was 16 years old, he
7 was scared. He was nervous. He was afraid. And as I
8 stated at first, he was not as forthcoming.

9 Q Okay. All right. And you said at first, did he
10 later become more forthcoming?

11 A Yes, sir, it was a second interview on the same date
12 when we spoke with him. And at that point, we refer to it
13 as broke down give a confession to us concerning the
14 incident.

15 Q All right. And what precipitated as what you
16 characterize as a break down. Now, you don't put 16 year
17 olds in the county jail, do you?

18 A No, sir.

19 Q What do you do with 16 years old when you detain
20 them?

21 A They have to be transported to Columbia to the
22 Department of Juvenile Justice. They cannot be housed in
23 the detention center.

24 Q Had y'all made arrangements to transport Mr. McCray
25 to the Department of Juvenile Justice?

1 A We had and we were walking him out the door and we
2 put him on the van, told him he was going to Columbia to
3 the Defendant of Justice. At that point, he broke down
4 and started crying. He took him and carried him back into
5 the office, that's when we conducted the second interview.

6 Q At that time, was he more forthcoming?

7 A Yes, he was very forthcoming at that time.

8 Q As a result of that interview, did that interview and
9 information he gave lead you to any other suspects?

10 A Yes, it did. The second interview was conducted by
11 myself and Larry Woods.

12 Q Okay.

13 A He was there at the second interview.

14 Q And as a result of that second interview, who else
15 did you begin to investigate?

16 A We at the second interview he implicated Quinton
17 Inman a/k/a also known as what he called as Sneaky.

18 Q Okay. And that was a street name?

19 A Sneaky is a street name.

20 Q All right. And did he provide you any other
21 information of any other people that might have been in
22 the car or rode in the car with him?

23 A He did give other peoples names. And he may have
24 also give that in the first statement also, but he did
25 implicate other peoples names, but he was specifically

1 implicated as far as being at the car wash in Florence
2 County Quinton Inman and himself.

3 Q Okay. Did you interview those other people and talk
4 with those other people?

5 A Other officers interviewed the other names given.

6 Q Like Judy Barker other officers?

7 A Judy Barker, Inspector Davis, just other detectives.

8 Q Okay. All right. After interviewing Mr. McCray, did
9 you yourself interview any other witnesses?

10 A I think I may have interviewed another lady, yes,
11 Consandra Johnson maybe.

12 Q Now, did you yourself and any other officers go try
13 to locate Mr. Quinton Inman?

14 A Yes, we did.

15 Q All right. Were you able to locate Quinton Inman?

16 A Yes, we did.

17 Q And did you take him into custody?

18 A Yes, we did.

19 Q When you say we, who are you referring to
20 individuals?

21 A I know I was there. Inspector Davis was there.
22 Detective Larry Woods was there. And it was probably some
23 other officers, I don't recall at the time.

24 Q All right. And how were you -- how did y'all find
25 Mr. Inman, did you have to hunt him down or he turn

1 himself in? Did you get an alert from citizens where he
2 might be? How did you find him?

3 A During this time, we had his information we were
4 looking for him. And the news media put his picture on
5 the TV that he was wanted from Marion County. We received
6 a phone call or 9-1-1 received a phone call. As a result
7 of that phone call, we had information that he was located
8 at a family members house on Senator Gasque Road just out
9 side the city of Marion.

10 Q Did y'all find Mr. Inman there?

11 A Yes, we did.

12 Q When you found him, did you take him into custody?

13 A He was arrested. At that time, he was mirandized
14 him.

15 Q Who Mirandized him?

16 A By Inspector Davis.

17 Q Was that in your presence?

18 A Yes, it was.

19 Q Okay. And did you attempt to interview Mr. Inman?

20 A He did not want to talk with us. He did not give a
21 statement at that time that I know of.

22 Q And what was Mr. Inman's demeanor?

23 A He was nonchalant, cold as ice as a matter of
24 speaking.

25 Q And said Mr. McCray was 16 years old at that time.

1 Do you recall how old that Mr. Inman was at that time?

2 Was he older or younger than Mr. McCray?

3 A I think he was may be 18, maybe two years older.

4 Q He's older of the two?

5 A Yes, he is.

6 Q Okay. All right. And you didn't seize anything of
7 any evidentiary value off of Mr. Inman at that time, did
8 you?

9 A No, sir, no, I didn't.

10 Q All right. What was the next task that you performed
11 in this investigation?

12 A He was transported back to the sheriff's office. I
13 don't recall him giving a statement or anything to me. He
14 did not give a statement to me.

15 Q Okay. And after you left Mr. Inman's presence, he
16 was charge then?

17 A Yes, he was.

18 Q What did you and Detective Woods do next?

19 A Detective Woods went and processed him.

20 Q Did you go to any other location or do any other
21 investigation?

22 A I may have went to Florence County to the scene where
23 it occurred at.

24 Q All right. You say you may, did you remember?

25 A I remember going to the scene, yeah. I don't know if

1 it was that next day or the next day. I think it was the
2 same day.

3 Q Do you remember being with other officers at that
4 time?

5 A Yes.

6 Q And was there anything found of any evidentiary value
7 on any videotapes or anything to your knowledge?

8 A No.

9 Q Do you recall whether there was actually video camera
10 on the outside of that store or just on the inside?

11 A I remember on the inside there was. I don't recall
12 of any video on the outside.

13 Q You don't recall any video on the outside?

14 A No, sir.

15 MR. CLEMENTS: Okay. All right. Beg the Court's
16 indulgence a moment.

17 (WHEREUPON, a pause in the proceedings.)

18 MR. CLEMENTS: Lieutenant Wallace, I appreciate you
19 coming and I ask you answer Mr. Prosser's questions.

20 CROSS-EXAMINATION

21 BY MR. PROSSER:

22 Q Lieutenant Wallace, when you had the first occasion
23 to see Mr. Anthony McCray, was that the first time you had
24 ever met Anthony McCray?

25 A That I know of, yes, sir.

1 Q And did you notice any kind of marks, cuts, scrapes
2 or abrasions on Mr. McCray when you first saw him?

3 A I remember during the interview he mentioned a cut,
4 that he did have a cut on him.

5 Q On his neck?

6 A Possible.

7 Q All right. But you do recall that there was some
8 type of injury or on mark on him?

9 A Yes, and he also mentioned it in the statement also.

10 Q Okay. And this particular ring, I think you've
11 already testified to came off of his right hand; is that
12 right?

13 A It come off his hand. I'm assuming it was his right.
14 I think it was his right hand.

15 Q And that ring has the impression LA on it; is that
16 right?

17 A Yes, sir, it does.

18 Q Okay. And this cut up driver's license of
19 Mrs. Cheryl White that also came off of the person of
20 Anthony McCray?

21 A Yes, sir, that is correct.

22 Q All right. And the first information you had I think
23 you testified to which led you to Anthony McCray was that
24 he was involved or potentially connected to this murder;
25 is that right?

1 A Yes, sir.

2 Q Okay. And that came from whom, do you remember?

3 A I don't remember it's been four years ago. I don't
4 recall how we got that information. I think it was from
5 the witnesses that had called or that knew where the
6 vehicle was. I think that's where the name come from.

7 Q They weren't necessarily a part of the murder at all;
8 is that right?

9 A Witnesses that called the ---

10 Q Right.

11 A They were -- they had information concerning the
12 vehicle.

13 Q All right. But now, Anthony McCray obviously was a
14 part of this murder, a big part; is that right?

15 A Yes, sir, he was a part of it.

16 Q And he gave I believe three statements; is that
17 correct?

18 A I took two statements from him. He may have given a
19 third one.

20 Q You took the two initial ones which were about four
21 hours a part?

22 A Yes, sir. One at six and 6:15 and the other one at
23 11:30.

24 Q Okay. Do you recall before we get in his statement,
25 do you recall taking anything else like a cell phone off

1 Mr. McCray's person?

2 A I could have. I don't recall.

3 Q Would have been the cell phone of Mrs. White?

4 A It is possible. I don't recall.

5 Q Okay. All right. Now, with regard to the two
6 interviews that you did or a part of was Detective Woods
7 asking the questions or were y'all just both asking
8 questions?

9 A During the first interview, myself and Detective
10 Prosser asked the questions. And during the second
11 interview, Detective Woods and I ask questions.

12 Q Okay. All right. And obviously, did you find
13 inconsistencies between those two statements?

14 A There was inconsistencies, yes, sir.

15 Q Meaning although not two different stories altogether
16 different, there were different parts to the story is that
17 they didn't match?

18 A There was. As I stated earlier, the first -- there
19 was some inconsistencies. He was wasn't as forthcoming
20 during the first statement as he was during the second
21 statement.

22 Q Okay. Did he ever refer any of his statements to a
23 three piece?

24 A Yes, he did.

25 Q And what is a three piece?

1 A A three piece is when you hit somebody three times.

2 Q Like this?

3 A Yes, like a three piece snacks.

4 Q And basically what about a three piece, did he
5 describe to you?

6 A He stated that ---

7 MR. CLEMENTS: Your Honor, it's hearsay.

8 MR. PROSSER: I will refrain -- I'll restructure that
9 question.

10 THE COURT: All right, sustained.

11 BY MR. PROSSER:

12 Q I don't want you to say what he said cause he's not
13 sitting up on the stand. He will be, but he is not right
14 now. But you do know what a three is piece?

15 A Yes, I know what he referred to it as, yes.

16 Q Okay. All right. And was the term G ever used in
17 like in gangster or let me rephrase that. Do you know.
18 what a term on the street for G is?

19 A I don't recall that. I may be in ---

20 Q No, no, not in a statement just in general. Do you
21 know what a G is?

22 A I don't know, no, sir.

23 Q All right. You stated that on the second interview
24 Anthony was crying?

25 A He was upset at parts crying.

1 Q Did that make you feel sorry for him at all?

2 A No, it didn't. A lot of times people have to break
3 down before they tell you exactly what happened or tell
4 you the whole truth.

5 Q Okay. All right. So just because he was crying, you
6 didn't feel like he was a gentle, kind, soul?

7 A No, sir, he was a young kid.

8 Q How would you characterize his demeanor?

9 A He was upset. I mean, he was nervous. He was
10 scared. I mean, he knew what he had done.

11 Q Okay. And would you or do you know anything about
12 his behavior since he was incarcerated down at the
13 detention center?

14 A No, sir, I don't.

15 Q You don't know anything about that?

16 A No, sir.

17 Q Now, when you found -- obviously, the only thing that
18 led you to Quinton Inman was Anthony McCray; is that
19 correct?

20 A I think there was some other statements that
21 implemented as far as McCray and Anthony being there
22 together during this time.

23 Q You talking about McCray and Inman?

24 A McCray and Inman.

25 Q As far as your interview or your investigation,

1 Anthony McCray's statement led you to Quinton Inman?

2 A One part of it. It corroborated what other people
3 have said.

4 Q Okay. All right. But I didn't hear you say that a
5 minute ago, but basically you're telling me that Anthony
6 McCray and other folks led you to the arrest or detainment
7 of Quinton Inman?

8 A Yes.

9 Q Okay. When you came to get Quinton Inman, did you
10 notice any cuts, scars, scrapes or abrasions on him?

11 A Not that I recall, I'm not sure.

12 Q Okay. All right. Any items like a ring or anything
13 connected to Mrs. Cheryl White found on Quinton Inman?

14 A Not that I recall.

15 Q Okay. And I think you characterized his demeanor as
16 cold as ice. That's a matter of opinion; is it not?

17 A That's my opinion, yes, sir.

18 Q All right. And this water pitcher would you
19 characterized that as cold as ice?

20 A Yes, sir.

21 Q You would?

22 A Yes, cold.

23 Q What if I actually told you it was colder than ice?

24 A You free to...

25 Q It's matter of opinion though; right?

1 A Yes, sir.

2 Q How would you characterize his demeanor today?

3 A I don't.

4 Q In fact, the point being different people react
5 differently to being arrested. I'm sure you been part of
6 many arrest; is that right?

7 A Yes, sir, I have.

8 Q And you get different emotions all the way around; is
9 that right?

10 A Yes, sir.

11 Q At any point in time, did Quinton Inman ever give a
12 statement or admit any guilt in this matter whatsoever?

13 A Not to me he didn't.

14 Q And to your knowledge has he ever done that?

15 A Not that I know of, no.

16 Q Okay. Now, you mention about the fact that you
17 didn't recall that there was any outside video at the BP
18 station?

19 A Yes, sir.

20 Q That doesn't mean that there was none, you just don't
21 remember if there was none; is that right?

22 A I don't remember if there was none.

23 Q Okay.

24 MR. PROSSER: Thank you.

25 REDIRECT EXAMINATION

1 BY MR. CLEMENTS:

2 Q Like Mr. Proser said you made many arrest and
3 experience a lot of different demeanors?

4 A Yes, sir.

5 Q Did you or do you or do you not use that experience
6 with people's demeanors to judge what Mr. McCray's
7 demeanor was like?

8 A Sure, I mean, body language tells you a lot.

9 Q Did you use that experience when you ascertain, form
10 your impression of Mr. Inman's demeanor?

11 A Yes, sir.

12 Q Okay. And I believe you used the term earlier
13 Mr. McCray seem like a scared little kid?

14 A Yes, sir.

15 Q Would you characterize Anthony McCray in your
16 dealings with him as a follower or a leader?

17 A My opinion ---

18 MR. PROSSER: Your Honor, he's leading the witness a
19 little bit.

20 MR. CLEMENTS: I didn't suggest an answer, but, Your
21 Honor, I gave options two or anything else.

22 THE COURT: Sustained.

23 BY MR. CLEMENTS:

24 Q Well, how would you characterize Mr. McCray?

25 A I personally would characterize Mr. McCray as more of

1 a follower. He was younger more so than a leader.

2 MR. CLEMENTS: All right. Okay. Thank you,
3 Lieutenant Wallace.

4 THE COURT: All right.

5 MR. PROSSER: Just a follow up to that.

6 THE COURT: All right.

7 RECROSS-EXAMINATION

8 BY MR. PROSSER:

9 Q Lieutenant Wallace, is it your knowledge of the
10 investigation that Anthony McCray actually rode around in
11 this car that night with that body of Mrs. White in it?

12 A Yes, sir, it is.

13 Q And in fact, the fact that he drove this car around
14 did it connect other people to this situation?

15 A There was other witnesses that connected to the
16 investigation, yes, sir.

17 Q Would you say about nine or ten actually came in
18 contact with that car because of Anthony McCray?

19 A I don't recall how many. I know there were other
20 witnesses. I'm not sure the exact number.

21 Q You call that a leader or a follower?

22 A Well, I mean, you can look at it different ways.
23 Sometimes in my experience in dealing with kids, younger
24 kids they try to make a statement to impress other people,
25 try to do things to make them look in a sense tough. And

1 they're led by other people's actions.

2 Q Kind of make them look like a gangster?

3 A Yes, sir, you could use that term.

4 MR. PROSSER: Yes, sir, that's all I have.

5 MR. CLEMENTS: Just one question, Your Honor.

6 FURTHER EXAMINATION

7 BY MR. CLEMENTS:

8 Q Did your investigation reveal also that Mr. Inman was
9 also riding around in that car with other people as well
10 with Mrs. White's body in it?

11 A Yes, sir, he was also according to witness statements
12 he was in the car also.

13 MR. CLEMENTS: Nothing further.

14 THE COURT: Thank you, sir, you may step down.

15 (WHEREUPON, the witness leaves the witness stand.)

16 MR. CLEMENTS: Your Honor, we ask that Lieutenant
17 Wallace be released from his subpoena?

18 MR. PROSSER: No objection.

19 THE COURT: Without objection.

20 MR. CLEMENTS: Your Honor, may Lieutenant Wallace
21 stay in the courtroom?

22 THE COURT: Sure he's done testifying.

23 MR. CLEMENTS: Your Honor, we call Ms. Carolyn
24 Johnson to the witness stand.

25 THE COURT: All right, Ms. Johnson, if you come

1 around please.

2 THE CLERK: Ms. Johnson, come let me swear you in
3 please, ma'am. Do you solemnly swear or affirm to tell
4 the truth, the whole truth, and nothing but the truth so
5 help you God?

6 MS. JOHNSON: I do.

7 THE CLERK: Thank you.

8 WHEREUPON,

9 Carolyn Johnson,
10 after first having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. CLEMENTS:

13 Q Can you please state your name for the record?

14 A Carolyn Johnson.

15 Q Ms. Johnson, where do you live?

16 A Road Marion, South Carolina.

17 Q I'm sorry I'm standing way over here and I want to be
18 sure I hear you clearly so all these jurors can hear you.
19 I know you probably never been in that chair before have
20 you. You kind of nervous? That's understandable. I'm
21 gone ask you if you would if you don't understand my
22 question Ms. Johnson if you will ask me to rephrase it.
23 I'll be happy to do so. I want to be sure you understand
24 my question. I imagine Mr. Prosser be happy to do same
25 think. All right. If you could scoot up a little bit and

1 speak up loudly and clear for us. Ms. Johnson, can you
2 tell me again where you live?

3 A Sellers Road.

4 Q On Seller Road. Who do you live there with, Ms.
5 Johnson?

6 A Me and my two kids.

7 Q Okay. And do you know Tanjula Harley?

8 A Yes, sir.

9 Q Okay. Do you know Wondell and Donnell Timmons?

10 A No, sir.

11 Q Do you know or did you know Anthony McCray?

12 A No, sir.

13 Q Did you know Quinton Inman?

14 A No, sir.

15 Q Okay. Do you recall Tanjula Harley coming to your
16 house in 2002 red Ford Focus back in September of 2004?

17 A Yes, sir.

18 Q Do you recall how many times did she actually come to
19 your house in that car?

20 A Twice.

21 Q Twice. Can you tell this jury what time of day was
22 it when she came the first time?

23 A The first time it was night.

24 Q Okay.

25 A I don't remember that time.

1 Q Okay. Was anybody there at the house with you when
2 she came?

3 A Me and my two kids.

4 Q Okay. And do you know did she have anybody with her
5 when she came that first time?

6 A The first time it was three guys with her.

7 Q And do you know who those three guys are?

8 A No, I couldn't see their face, it was dark.

9 Q Okay. What was that Ms. Harley wanted when she came
10 to your house at that time?

11 A When she came in, she was like just talking regular
12 and then she was like let me get a cigarette. And then
13 she was like went back outside.

14 Q All right. Did they ask for anything from you?

15 A That's when she got back outside I heard one of the
16 guys ask for a sheet to change the tire.

17 Q Okay. And how did you feel about that?

18 A I was like you don't need a sheet to change the tire,
19 get the tire out the car and I help you change it. And he
20 was like naw, naw, one of my homeboys back there sick.
21 And one of the boys was looking at me and I was like,
22 Tanjula, you need to go on with that. Then that's when
23 they left. I went back in the house.

24 Q Okay. So they never open up the trunk or anything
25 you told them to open the trunk and they didn't?

- 1 A No, sir.
- 2 Q You didn't see wrong with the tires?
- 3 A No. I didn't go round the car to see.
- 4 Q What did you think was up?
- 5 A I was like that don't sound right.
- 6 Q Okay. Did you ask them to leave?
- 7 A Yes, sir.
- 8 Q And they left?
- 9 A Yes, sir.
- 10 Q And who was driving the car at that time?
- 11 A Tanjula.
- 12 Q Okay. Later on did, she come back to your house a
- 13 second time in that same car?
- 14 A Yes, sir.
- 15 Q Was there anybody with her then?
- 16 A Kelletta and Matthew.
- 17 Q That be Matthew Israel and Kelletta Baccous?
- 18 A Yes, sir.
- 19 Q Okay. And that wasn't her car, was it?
- 20 A No, sir.
- 21 Q To your knowledge, did you have any knowledge of
- 22 where she got that car from?
- 23 A No, sir.
- 24 Q Okay. What time of day was it when she came back
- 25 with Matthew and Kelletta?

1 A I think it was like eight o'clock because she woke me
2 up.

3 Q In the morning?

4 A Yes, sir.

5 Q Okay. Did you get in that car or ride in that car or
6 touch that car yourself?

7 A No, sir.

8 Q Okay. Did -- when she got you up, did you go
9 outside?

10 A No, sir, cause we was in the house. I had cook. We
11 was in there watching movies and stuff like that. And I
12 was like telling her she no business driving nobody car.

13 Q Why did you tell her she didn't have any business
14 driving somebody else's car?

15 A Because she don't have a license.

16 Q Okay. And you didn't know who's car it was?

17 A Uh-uh.

18 Q Okay. Did you know anything else about the car?

19 A No, sir.

20 Q Did you ever find anything else out about the car?

21 A No, sir, I just like she was just driving somebody
22 car and I just left it alone. But I did call her mother
23 and told her mother that she was driving somebody else car
24 and her mother talk to her.

25 Q Okay. And did she leave in the car?

- 1 A Yes, sir.
- 2 Q And who went with her?
- 3 A Matthew.
- 4 Q Okay. And what did she do with the car to your
- 5 knowledge if you know?
- 6 A I didn't know. We went to Kelletta mama's house and
- 7 told Kelletta mother what was -- that Tanjula had found a
- 8 body in the car and then we said that we was gone call the
- 9 police.
- 10 Q Did you call the police?
- 11 A Yes, sir.
- 12 Q Where did you call the police from?
- 13 A At the pay phone at Wal-Mart.
- 14 Q Okay. And who called the police, who was with you
- 15 when you called the police?
- 16 A It was me Tanjula, Kelletta and Kelletta mother.
- 17 Q Okay.
- 18 A I think Jonathan was with me. I don't remember.
- 19 Q Okay. All right. Did you actually make call or did
- 20 Tanjula make the call?
- 21 A Tanjula made the call, but she was hollering so bad,
- 22 then I got on the phone told the operator what happened.
- 23 Q Why was she hollering was she upset?
- 24 A Uh-huh.
- 25 Q And I don't know if the court reporter can take down

1 an uh-huh is that a yes or a no?

2 A Yes.

3 Q That's a yes, okay. Thank you, ma'am. So you got on
4 the phone with the police?

5 A Yes, sir.

6 Q And that be 9-1-1?

7 A Yes, sir.

8 Q Okay. And what did you tell 9-1-1?

9 A That Tanjula found a dead body in the car.

10 Q Okay. Did you tell them where the car was?

11 A Tanjula actually showed the police where the car was.

12 Q Did the police go to the Wal-Mart parking lot and
13 meet y'all?

14 A Yes.

15 Q Okay. And was anybody worried about their
16 fingerprints being on the car?

17 A No, sir.

18 Q Okay. But you didn't ever ride in the car yourself?

19 A No, sir.

20 Q All right. Who's idea was it to call -- to go ahead
21 and call 9-1-1 and report the body?

22 A It was my idea because they was out there hollering
23 and crying and stuff.

24 Q Had they opening up the trunk and look in it?

25 A Yes, sir.

1 Q Okay. And they started hollering and crying then?

2 A Yes, sir.

3 Q Did they have a suspicion there was a body in the car
4 before they open the trunk if you know?

5 A I don't know.

6 Q Okay.. All right. But you made them call the police?

7 A Yes, sir.

8 Q You didn't have to talk them into it very hard did
9 you?

10 A No, sir.

11 Q Okay.

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

13 (WHEREUPON, a pause in the proceedings.)

14 BY MR. CLEMENTS:

15 Q And when the police came and Tanjula and I keep call
16 her Tanjula. Is it Tanjula is that the right
17 pronunciation?

18 A Yes, sir.

19 Q Okay. When Tanjula showed them where the car was and
20 Tanjula was one put it there or do you know?

21 A I believe so.

22 Q Okay. All right. And after that, did law
23 enforcement did they talk to you and Tanjula and everyone
24 else?

25 A Yes, sir.

1 Q And did you freely give them a statement?

2 A Yes, sir.

3 Q And did Tanjula talk to them while you were there
4 too?

5 A Yes, sir.

6 MR. CLEMENTS: Beg the Court's indulgence one moment.

7 (WHEREUPON, a pause in the proceedings.)

8 BY MR. CLEMENTS:

9 Q Ms. Johnson, you gave a statement to Mrs. Judy Barker
10 and Detective Woods, didn't you?

11 A Yes.

12 Q Okay. When they opened up the trunk and they were
13 hollering and carrying on, did you peek in there to see
14 the body in there?

15 A Yes, sir.

16 Q Okay. And then you knew you had to call the police
17 immediately?

18 A Yes, sir.

19 Q Okay. All right. Is this what you told this jury is
20 that what you told Detective's Baker and Woods back on the
21 day the body was found?

22 A Yes, sir.

23 Q Okay.

24 MR. CLEMENTS: Please answer any questions

25 Mr. Prosser may have.

1 (WHEREUPON, Defendant's Exhibit No. 1 was marked for
2 identification only.)

3 CROSS-EXAMINATION

4 BY MR. PROSSER:

5 Q Ms. Johnson, how you doing?

6 A I'm fine.

7 Q I bet you rather be somewhere else other than that
8 stand?

9 A At work.

10 Q Let me show you what's been marked as Defense Exhibit
11 Number 1; is that your statement?

12 A Yes.

13 Q Okay. That's your signature at the bottom of page
14 one?

15 A Yes.

16 Q And page two?

17 A Yes.

18 Q All right. Does that statement contain the truth?

19 A Yes, sir.

20 Q All right. And is it basically what you told us here
21 today?

22 A Yes, sir.

23 Q Okay. Now, I was reading the statement as you were
24 testifying so that I could keep up with you. When they
25 first came to your house, you say it was around one or two

1 in the morning?

2 A Yes, sir.

3 Q And there was driving the red Ford Focus Tanjula
4 Harley and three other guys?

5 A Yes, sir.

6 Q Were those guys white or black?

7 A They look black.

8 Q Okay. So you could see that much at least to see if
9 they were black?

10 A Yes.

11 Q Okay. And to see that they were men instead of
12 females?

13 A Yes.

14 Q Okay. But you can't say who those three men were?

15 A No, sir.

16 Q All right. Who is Tinka?

17 A I don't know.

18 Q Okay. You don't know who Tinka is?

19 A No, sir.

20 Q Let me refer you to your statement look at page 2 and
21 I highlighted this copy just to help. I read it for you.
22 Says down at the bottom. We went to Tinka's house to see
23 why they tried set her up with the car?

24 A I don't know Tinka.

25 Q You don't know Tinka.

1 A But we did go to his house. I did not get out.
2 Tanjula and Kelletha got out the car and asked him a
3 question. They got back in the car and I went to Wal-Mart
4 and call the police.

5 Q Okay. And so why -- tell me what that statement
6 means? We went to Tinka's house to see why they tried to
7 set her up with the car?

8 A I don't remember saying that.

9 Q But it's in your statement?

10 A But I don't remember saying that.

11 Q But you did go to Tinka's house?

12 A Yes.

13 Q All right. Did you get a look at Tinka?

14 A Not really.

15 Q Okay. All right. And so you got that name Tinka
16 from whom?

17 A Tanjula, Kelletha.

18 Q Okay, okay. All right. One of the girls?

19 A Yes.

20 Q All right. So you can't say whether or not one those
21 males in that car was Tinka that night?

22 A No, sir.

23 Q Okay. And you can't say whether or not Tinka is
24 Wondell or Donnell Timmons?

25 A No, sir.

1 Q Okay. But you've heard the name Tinka before?

2 A Yes, sir.

3 Q And you went to Tinka's house?

4 A Yes, sir.

5 Q All right. Now, you also stated, I think, that you
6 didn't touch the car; is that correct?

7 A Yes, sir.

8 Q All right. What if I told you that there may be some
9 fingerprints from that car that match with your
10 fingerprints?

11 A I didn't touch the car.

12 Q Can you explain how your fingerprints* might have
13 gotten on the car?

14 A I didn't touch the car. I don't know, but I ain't
15 touch the car.

16 Q All right. Now, the -- when they came to your house,
17 they wanted a sheet; is that right?

18 A Yes, sir.

19 Q And they told you that they -- Tanjula I guess gave
20 you couple of excuses as to why they wanted the sheet like
21 they wanted to change the tire?

22 A Tanjula didn't give me no excuses.

23 Q Okay. Who was it told you they wanted to change the
24 tire?

25 A It was one of the guys in the car that ask for the

1 sheet.

2 Q Okay. Have you ever been provided or tried or ask to
3 identify anybody in a line-up?

4 A No, sir.

5 Q Okay. So one of the guys wanted a sheet to change
6 the tire. Then the excuse changed said one of his
7 homeboys or friends were sick?

8 A Yes, sir.

9 Q All right. Now, knowing what you know about the body
10 in the trunk, what do you think they wanted the sheet for?

11 MR. CLEMENTS: Your Honor, that calls for conjecture,
12 Your Honor, so I would object.

13 THE COURT: Speculation.

14 MR. PROSSER: I'll withdraw the question.

15 MR. PROSSER:

16 Q What did you feel about the fact that they asked you
17 for the sheet at that time? How did that make you feel?

18 A I really didn't pay it no attention because I just
19 woke up. I didn't pay it no attention.

20 Q Well, why didn't you give them a sheet?

21 A Because they didn't need a sheet to change no tire.

22 Q Okay. All right. When you said in your statement
23 that you went to the guy's house in the projects, that be
24 Tinka's house?

25 A Yes, sir.

1 Q Okay. And you obviously said you didn't murder
2 anybody?

3 A No, sir.

4 Q You're not on trial for murder here today?

5 A No, sir.

6 Q Even if your prints maybe on that car, you're not on
7 trial for murder here, are you?

8 A No, sir.

9 Q Okay. And this is a reflection of what -- this is
10 your statement anyway?

11 A Yes, sir.

12 Q All right.

13 MR. PROSSER: Your Honor, I move to enter defense
14 exhibit into evidence.

15 MR. CLEMENTS: No objection.

16 THE COURT: All right. It's exhibit one; is that
17 correct?

18 MR. PROSSER: Yes, Your Honor.

19 THE COURT: All right. Without objection.

20 (WHEREUPON, Defendant's Exhibit No. 1 was admitted
21 into evidence.)

22 MR. PROSSER: That's all I have, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. CLEMENTS:

25 Q Ms. Johnson, on the Defendant's Exhibit Number 1, you

1 told Detective Barker and Detective Woods that y'all went
2 to the guy's house in the projects. You know which guy
3 that was?

4 A I didn't know who he was. All I know that Tanjula
5 them had said they was going to the guy house.

6 Q So you don't know whether that was Quinton Inman's
7 house or not?

8 A No, sir.

9 Q Okay. And is it true that y'all went there to fight
10 him, y'all were going to beat him up?

11 A They said they was going to talk to him. Then couple
12 of the girls said they was gone fight because they didn't
13 know that it was a body in the trunk.

14 Q Okay. All right. And that's what you told them they
15 was gone back get a little frontier justice on the person
16 who had the body in the trunk?

17 A Yes, sir.

18 MR. CLEMENTS: Okay. All right. Nothing further.

19 MR. PROSSER: Just a follow-up.

20 THE COURT: Yes, sir.

21 RECROSS-EXAMINATION

22 BY MR. PROSSER:

23 Q But you said a minute ago to me that that was Tinka's
24 house in the projects you went to?

25 A Yeah, but I really don't know who Tinka is though.

1 Q I understand that, but you said that's where you
2 went?

3 A Yes.

4 MR. PROSSER: That's all I have.

5 THE COURT: Thank you, ma'am. You may step down.

6 (WHEREUPON, the witness leaves the witness stand.)

7 MR. CLEMENTS: Your Honor, our next witness maybe a
8 little lengthy.

9 THE COURT: Why don't we take a short break and give
10 members of the jury an opportunity to get something to
11 drink.

12 If you need anything, ladies and gentlemen, drinks,
13 snacks anything like that, let us know. I'm going to get
14 you to do me a favor if you would while you're back there
15 this time. The one thing -- I will always ask you every
16 time you leave the courtroom is not to have any
17 conversation about this case. Judge Harwell who use to
18 hold court here he use to like to use the analogy that
19 it's like baking a cake. And if you don't have all the
20 ingredients, you mess the cake up. It doesn't bake right.
21 You don't have all the ingredients yet. You don't have
22 all the testimony. You don't have all the evidence in
23 this case, so for you to have any discussion about the
24 case at this time would be improper. So please don't have
25 any discussion about the case. But what I would like you

1 to do is while you're back there I like you to elect
2 amongst you a foreperson.

3 Now, here's what the foreperson does. So if you
4 nominated don't be afraid. Basically what you need is
5 when you have 12, 14 people in a room, you need somebody
6 that the Court can communicate with. If any members of
7 the jury have any issues or anything you need to address
8 the Court with, it's better to do it through one person.
9 So the foreperson is basically the communicator between
10 the jury panel and the Court. The other thing the
11 foreperson does is whenever you do get the case and you
12 have the case for deliberation purposes, the foreperson
13 presides over the deliberations. Now, that doesn't mean
14 that that person rules over everybody. You'll hear me
15 tell you that your verdict must be unanimous. All of you
16 must agree, so everybody's vote counts the same. No one
17 has more authority than another one. So everyone's equal
18 when it comes to that. But you do need somebody to say
19 okay let's start. I also tell you that you can only
20 deliberate and only discuss the case during your
21 deliberations when everyone's present. So that if someone
22 needs to use the restroom, the foreperson would say okay,
23 let's stop talking about the case until that person
24 returns. And then when they return you will start back.
25 The foreperson will also have the verdict form, so

1 whatever the decision of the jury is, then the foreperson
2 would mark that in the verdict form and sign their name as
3 the foreperson. So that's basically the rule of the
4 foreperson.

5 What I'm going to do is ask you while you're back
6 there to elect amongst you someone to serve as the
7 foreperson. Now, once you do that and for the remainder
8 of this trial whoever that person is needs to sit in that
9 first seat where you are, ma'am right. The rest of you
10 can sit any seat you want. The two alternates will always
11 sit there. The foreperson will sit there. The rest of
12 you can sit wherever you want to and, you know, we are
13 creatures of habit. You tend to want to sit in the same
14 seat you are in now. And if you really want to do that,
15 that's fine. Nobody's going to make you get up. But, you
16 know, my wife and I we got to church on Sunday and look
17 around and if somebody sitting in our seat, we look around
18 like we're lost. Oh, my God what are we going to do.
19 Well, we don't have assigned seating in church, we just
20 use to sitting there. You don't have assigned sitting in
21 the jury box other than the foreperson and the alternate,
22 so please feel free to come in and go and sit wherever you
23 want to sit. Having said that go on back to your jury
24 room elect that foreperson. As I said, if you need
25 anything, just let the bailiff know and we'll get it for

1 you.

2 (WHEREUPON, the jury retired to the jury room.)

3 THE COURT: We'll be in recess for about 10, 15
4 minutes while they do that.

5 (WHEREUPON, a break was taken.)

6 THE COURT: All right, ready to proceed?

7 MR. PROSSER: Yes, sir.

8 THE COURT: Ask the members of the jury to join us
9 please.

10 (WHEREUPON, the jury returns to the courtroom.)

11 THE COURT: All right. Ladies and gentlemen, you can
12 remember this jury you entered to the new world of
13 judicial timing where a 15 minute break turns into a 40
14 minute break and I apologize for that. I hope everyone
15 got everything they needed during the break and we're
16 going to proceed.

17 Sir, I assume that I either owe you either
18 congratulations or condolences.

19 FOREPERSON: You might as well.

20 THE COURT: And your name again?

21 FOREPERSON: Kenny McDaniel.

22 THE COURT: All right, Mr. McDaniel, thank you for
23 your willingness to serve in that capacity.

24 As you recall, we're still on the State's case and I
25 recognize Solicitor Clements for his next witness.

1 MR. CLEMENTS: Your Honor, we change up. We have a
2 couple short witnesses to put up because they're here now,
3 Your Honor.

4 THE COURT: Okay, sir.

5 MR. CLEMENTS: We call Ms. Mary Owens to the stand.

6 THE COURT: All right, Ms. Owens, if you please come
7 around.

8 THE CLERK: Ms. Owens, come let me swear you in
9 please. Do you solemnly swear or affirm to tell the
10 truth, the whole truth, and nothing but truth so help you
11 God?

12 MRS. AMMONS: I do.

13 THE CLERK: Thank you.

14 WHEREUPON,

15 Mary O. Ammons,
16 after first having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. CLEMENTS:

19 Q Could you please state your name for the record?

20 A My name is Mary Owens Ammons.

21 Q Mrs. Ammons, where do you work?

22 A I work at the Marion County detention center.

23 Q And I can tell by your attire you do something with
24 medical?

25 A I'm the nurse at the Marion County detention center.

1 Q Okay. How long you worked at the Marion County
2 detention Center?

3 A Six years.

4 Q And how long have you been a nurse?

5 A Twenty-three years.

6 Q Twenty-three years. Where did you get your
7 education?

8 A Marion County vocational school.

9 Q Okay. And are you a RN or LPN?

10 A I'm a LPN.

11 Q All right. Did you have any occasion to assist
12 anyone with law enforcement and collection of any evidence
13 on this case involving Quinton Inman and Anthony McCray?

14 A I did a saliva sample for the Marion County sheriff's
15 department on Anthony McCray.

16 Q Okay. And can you tell this jury how you did a
17 saliva sample?

18 A I have two swabs, put them swab inside of his mouth,
19 swab both cheeks, put the swabs inside of a evidence
20 envelope and seal it.

21 Q All right. That swab that collect saliva and skin
22 cells out of his mouth?

23 A Saliva and skin cells from both cheeks.

24 Q And when did you do that?

25 A July the 22nd 2008.

1 Q And what kind of swabs did you use?

2 A Just cotton tip swabs provided that were provided by
3 the deputy who brought him.

4 Q They were sterile swabs?

5 A Sterile swabs.

6 Q Are those the kind that's part of a kit you used to
7 collect evidence design for that?

8 A Yes, sir.

9 Q And Mr. McCray cooperated with you?

10 A Yes, sir.

11 Q You took the swabs and what did you do with the swabs
12 once you took those two swabs?

13 A I put them in the envelope, seal the envelope, signed
14 it, dated it, and put the time on it and gave it to
15 Officer Sawyer, Eddie Sawyer.

16 Q That be Eddie Sawyer?

17 A From the Marion County sheriff's department.

18 Q And you didn't have anything to do with it after
19 Eddie Sawyer took it?

20 A No, sir.

21 Q Okay. And is there anything else that you did in
22 this investigation or related to this case?

23 A No, sir.

24 MR. CLEMENTS: Please answer any questions that
25 Mr. Prosser has?

1 MR. PROSSER: No questions, Your Honor.

2 THE COURT: Thank you very much, ma'am. You may step
3 done.

4 (WHEREUPON, the witness leaves the witness stand.)

5 MR. CLEMENTS: Your Honor, we ask that she be
6 released from her subpoena?

7 THE COURT: Any objection?

8 MR. PROSSER: No objection.

9 THE COURT: All right. Thank you.

10 MR. CLEMENTS: Next, Your Honor, we need Ms. Melanie
11 Davis.

12 THE CLERK: Do you solemnly swear or affirm to tell
13 the truth, the whole truth, and nothing but truth so help
14 you God?

15 MS. DAVIS: Yes, ma'am.

16 THE CLERK: Thank you. Have a seat in the witness
17 box.

18 DIRECT EXAMINATION

19 BY MR. CLEMENTS:

20 Q Can you please state your name for the record?

21 A Melanie Davis.

22 Q And is it Melanie or Melody?

23 A Malanie.

24 Q M-E-L-A-N-I-E?

25 A Yes.

1 Q Ms. Davis, can you please tell this jury where you
2 work?

3 A I work for the South Carolina department of
4 corrections.

5 Q And what do you do for South Carolina department of
6 correction?

7 A I am the directory of laboratory services.

8 Q And being the director of laboratory services does
9 that require you to have any type of special training or
10 skills?

11 A Yes, it does. I have a four-year degree bachelor's
12 degree in medical technology.

13 Q Okay. And how long have you worked for the South
14 Carolina department of corrections?

15 A A little over nine years.

16 Q All right. You told us your title. Can you tell us
17 a little bit about what your duties entail?

18 A I am over the general laboratory for the department
19 of corrections as well as each facility has their own
20 medical laboratory section and I am in charge of that
21 area. With that, I teach collection of specimens and we
22 analyze blood and body fluids.

23 Q All right. Now, collecting specimens what type of
24 specimens do you collect?

25 A We collect anywhere from blood, urine, saliva,

1 different specimens for different test.

2 Q Okay. And do you collect evidence for DNA testing?

3 A Yes, I did.

4 Q And what are the ways in which you collect -- well,
5 let me ask you this. Is there more than one way to
6 collect evidence for DNA testing?

7 A Yes, there is. We've collected both blood and
8 saliva.

9 Q Okay. One's no better than the other, is it?

10 A Not in my -- not that I know of.

11 Q All right. Now, did you have any occasion to be
12 involved with the collection of evidence regarding this
13 case specifically Mr. Quinton Inman?

14 A Yes, I did. I collected specimen on Mr. Inman on
15 7-22-08.

16 Q What type of specimen did you collect from Mr. Inman?

17 A I collected saliva.

18 Q How do you make that collection?

19 A What you do is they give you a cotton tip applicator.
20 And the one that I use out of the packet here. And what
21 you do is you have them open their mouth. You take the
22 swabs and there's two swabs in this packet. You take the
23 swabs and roll it around the inside of their mouth, under
24 their tongue and on the inside of their other cheek as
25 well.

1 Q What's the purpose for this?

2 A To collect the saliva which will then go for DNA
3 testing.

4 Q All right. With the saliva contain skin cells?

5 A Yes.

6 Q Okay. And so those actual cells from the body are
7 tested for DNA comparison?

8 A Yes.

9 Q Once you took those two swabs, you rolled it around
10 Mr. Inman's mouth what did you do with those swabs?

11 A I actually put them in a brown envelope that was
12 given to me. On the outside of envelope, I wrote his name
13 and SCDC number. I took a piece of tape and sealed the
14 envelope up. Once I sealed the envelope up, I put my
15 name, the day and the time of the collection. I showed
16 the envelope to Mr. Inman to make sure I had his name
17 spelled correctly as his SCDC number was on there
18 correctly. I then gave the envelope to Lieutenant Sawyer
19 who was there. He put it in the evidence bag and we did
20 seal the evidence -- he seal the evidence bag up in the
21 presence of Mr. Inman.

22 Q Okay. And that's Mr. Sawyer from Marion County?

23 A Yes.

24 Q All right. Did you have anything else to do as a
25 part of your duties regarding this case or this

1 investigation?

2 A No, the one thing that we do do is when I do this is
3 we do explain step by step to the person we're collecting
4 the sample from and let them see each phase that we do and
5 have it sealed where they know that it is their specimen
6 being sealed and labeled.

7 Q All right. And did you do that explanation for the
8 benefit of Mr. Inman?

9 A Yes, I did.

10 Q All right. And did you have a court order to take
11 this sample?

12 A Yes, I did. And I also give Mr. Inman a copy of the
13 court order at that time.

14 Q Okay. And this is part of the normal routine of your
15 duties in your job?

16 A Yes.

17 MR. CLEMENTS: Okay. Please answer any questions
18 that Mr. Prosser may have.

19 CROSS-EXAMINATION

20 BY MR. PROSSER:

21 Q Ms. Davis, I think you already said this, but you
22 didn't take any blood evidence?

23 A No, I did not.

24 MR. PROSSER: That's all.

25 THE COURT: You thank, ma'am. You may step down.

1 (WHEREUPON, the witness leaves the witness stand.)

2 MR. CLEMENTS: Your Honor, we ask that she be
3 released from her subpoena?

4 MR. PROSSER: No objection.

5 THE COURT: All right. Thank you very much. You are
6 free to go.

7 Your next witness, sir.

8 MR. CLEMENTS: Your Honor, we would like to call
9 Mr. Wondell Timmons.

10 THE CLERK: Do you solemnly swear or affirm that you
11 will tell the truth, the whole truth, and nothing but the
12 truth so help you God?

13 MR. TIMMONS: I do.

14 MR. CLEMENTS: Beg the Court's indulgence for one
15 moment, sir.

16 THE COURT: Yes, sir.

17 (WHEREUPON, a pause in the proceedings.)

18 WHEREUPON,

19 Wondell Timmons,

20 after first having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. CLEMENTS:

23 Q Could you please state your name for the record?

24 A Wondell Timmons.

25 Q Would you mind spelling that for the court reporter?

1 A W-O-N-D-E-L-L T-I-M-M-O-N-S.

2 Q All right. Mr. Timmons, you doing pretty good as far
3 as speaking up, okay. I know you probably never been up
4 there before. Are you nervous?

5 A Yes, sir.

6 Q You okay?

7 A Yes, sir.

8 Q All right. I'm gone ask you. I'm standing way back
9 over here, so I know if I can hear you clearly all these
10 jurors can hear you. Very important for them to hear you
11 and the court reporter to hear you. If I ask a question
12 you don't quite understand it, you ask me to ask it again
13 or rephrase it I'll be happy to do so, okay.

14 A Yes, sir.

15 Q All right. Mr. Timmons, do you know Anthony McCray?

16 A I went to school with him.

17 Q Went to school with him, okay. Do you know Quinton
18 Inman?

19 A A little bit.

20 Q You know him a little bit. Did you know him back in
21 September of 2004?

22 A I knew of him.

23 Q All right. Do you know -- does he have any nicknames
24 that he goes by that you call him?

25 A No, sir.

1 Q Okay. Do you have any nicknames that you go by
2 people call you?

3 A Yes, sir.

4 Q What is your nickname?

5 A Tanka.

6 Q Tanka?

7 A Yes, sir.

8 Q And you have a brother; is that correct?

9 A Yes, sir.

10 Q His name is Donnell?

11 A Yes, sir.

12 Q Okay. Mr. Timmons, I need to ask you about this back
13 in June of 2004, did you have a grand larceny charge that
14 you were convicted of?

15 A Yes, sir.

16 Q Okay. All right. Now, do you remember seeing
17 Anthony McCray and Quinton Inman back in September of
18 2004?

19 A Yes, sir.

20 Q You did see them?

21 A Yes, sir.

22 Q How did you come to see them?

23 A Well, I was walking -- I was coming from playing
24 basketball and they rode by, that's how I got up with
25 them.

- 1 Q All right. They rode by?
- 2 A Yes, sir.
- 3 Q What kind of car did they ride by in?
- 4 A A red Ford Focus.
- 5 Q A red Ford Focus?
- 6 A Yes, sir..
- 7 Q And this was sometime around the 19th or the 20th of
- 8 September 2004?
- 9 A Yes, sir.
- 10 Q Okay. Where were you playing basketball at,
- 11 Mr. Timmons?
- 12 A A couple blocks down the road.
- 13 Q Okay. And I'm not sure just so that the jury will
- 14 get a full picture of it. Is it a couple blocks down the
- 15 road from this courthouse?
- 16 A Montgomery Street. Montgomery Street.
- 17 Q Montgomery Street. Court's there?
- 18 A Well, it's out in the yard.
- 19 Q Okay. In a friend's yard?
- 20 A Yes, sir.
- 21 Q And you were walking back home?
- 22 A Yes, sir.
- 23 Q Where do you live?
- 24 A I was living on Spring Street then.
- 25 Q Okay. That the projects or is that a house?

1 A Projects.

2 Q All right. And who did you live there with at the
3 time?

4 A My mother.

5 Q Your mother. Did your brother live there too with
6 you?

7 A Yes, sir.

8 Q All right. Back September 2004, Mr. Timmons, how old
9 were you?

10 A About 17.

11 Q About 17?

12 A Yes, sir.

13 Q So you what about ---

14 A I'm 21 now.

15 Q Twenty-one now. Okay. All right. And you saw a red
16 Ford Focus ride by who was driving?

17 A Anthony.

18 Q Anthony McCray?

19 A Yes, sir.

20 Q And who was riding in the car with him?

21 A Quinton.

22 Q Quinton Inman?

23 A Yes, sir.

24 Q Where was he sitting?

25 A On the passenger side.

- 1 Q On the passenger side in the front?
- 2 A Yes, sir.
- 3 Q You see Mr. Quinton Inman in this courtroom?
- 4 A Yes, sir.
- 5 Q Can you please point him out to me for this jury?
- 6 A Right there.
- 7 Q Is this gentlemen in the checkered shirt?
- 8 A Yes, sir.
- 9 Q Okay. All right. Did they stop and talk to you?
- 10 A Yes, sir.
- 11 Q Or did you waive them down?
- 12 A They stop and talk to me.
- 13 Q They stop and talk to you. All right. Did you get
- 14 in the car?
- 15 A I ain't get in the car then.
- 16 Q You didn't?
- 17 A No, sir, I was going home to change clothes.
- 18 Q All right. You went on home and changed clothes?
- 19 A Yes, sir, I was gym shorts and a tank top coming from
- 20 playing ball.
- 21 Q And you walked on to your house?
- 22 A Yes, sir.
- 23 Q And they drove off?
- 24 A Yes, sir.
- 25 Q Did they ever come back to your house?

- 1 A Yes, sir.
- 2 Q All right. When they came back to your house, did
- 3 you get in the car then?
- 4 A Yes, sir.
- 5 Q Who was in the car then?
- 6 A Same two guys.
- 7 Q Same two guys?
- 8 A Yes, sir.
- 9 Q Who was driving then?
- 10 A Anthony.
- 11 Q Anthony was driving then?
- 12 A Yes, sir.
- 13 Q Okay. You got in the car which side did you get on?
- 14 If you don't remember, that's fine.
- 15 A I don't remember.
- 16 Q You don't remember which side, okay. All right. Did
- 17 you ride off with them?
- 18 A Yes, sir.
- 19 Q Where did y'all go to?
- 20 A To Mullins.
- 21 Q To Mullins?
- 22 A Yes, sir.
- 23 Q Where in Mullins did you go?
- 24 A To Meadow Parks apartment complex.
- 25 Q What was the purpose of going to Meadow Park.

- 1 A See some females.
- 2 Q See some girls?
- 3 A Yes, sir.
- 4 Q Did you see some girls?
- 5 A Yes, sir.
- 6 Q Did you talk to them?
- 7 A Yes, sir.
- 8 Q Did any of them get in the car and ride off with
- 9 y'all?
- 10 A No, sir.
- 11 Q Okay. All right. Do you know about how long you
- 12 stay there at Meadow Park?
- 13 A Probably about 45 to an hour.
- 14 Q Forty-five minutes to an hour?
- 15 A Yes, sir.
- 16 Q Did you get out the car to talk to the girls?
- 17 A Yes, sir.
- 18 Q Did Anthony get out of the car?
- 19 A Yes, sir.
- 20 Q Did Quinton get out of the car?
- 21 A Yes, sir.
- 22 Q Okay. You recall who you talk with there?
- 23 A I don't remember their name.
- 24 Q Just talk with the girls?
- 25 A Yes, sir.

1 Q Okay. And you stayed there about 45 minutes to an
2 hour?

3 A Yes, sir.

4 Q Did you leave from there in that red Ford Focus?

5 A Yes, sir.

6 Q All right. Who else left in that Ford Focus with
7 you?

8 A The same people.

9 Q Same two people?

10 A Yes, sir.

11 Q Quinton Inman and Anthony McCray?

12 A Yes, sir.

13 Q Where did you go next?

14 A Back to Marion.

15 Q Back to Marion?

16 A Yes, sir.

17 Q And what did you do when you got back to Marion?

18 A Dropped Quinton off.

19 Q Dropped Quinton off?

20 A Yes, sir.

21 Q Where did you drop him off at?

22 A To his people's house.

23 Q At his people's house?

24 A Yes, sir.

25 Q Is that on Senator Gasque Road or somewhere else?

1 A I don't remember the road.

2 Q You don't remember where it was. All right. Did
3 Quinton say anything about anything to you?

4 A No, sir.

5 Q Of any importance?

6 A No, sir.

7 Q Did he say he wanted to be dropped off or did y'all
8 decide to drop him off?

9 A He said he wanted to be dropped off.

10 Q He said he wanted to be dropped off?

11 A He said he was tired or sleepy or something.

12 Q Okay. All right. And from there after dropping
13 Quinton Inman, what did you do next?

14 A Went to some more female's house.

15 Q And where was that?

16 A In Shady Pines.

17 Q Do you remember who they were?

18 A Not quite.

19 Q Not quite. Okay. All right. Did you talk to some
20 female there at Shady Pines?

21 A Yes, sir.

22 Q Okay. At this point had you ever looked in the trunk
23 or knew anything about what was in the trunk?

24 A No, sir.

25 Q Okay. All right. How long did you stay in Shady

- 1 Pines?
- 2 A Shady Pines about an hour.
- 3 Q About an hour there too?
- 4 A Yes, sir.
- 5 Q All right. When you left Shady Pines, did you leave
- 6 in the Ford Focus?
- 7 A Yes, sir.
- 8 Q Was Anthony driving?
- 9 A No, sir.
- 10 Q You were driving?
- 11 A No, sir.
- 12 Q Who was driving then?
- 13 A Tanjula.
- 14 Q Tanjula?
- 15 A Yes, sir.
- 16 Q Okay. So you picked up Tanjula there at Shady Pines?
- 17 A Yes, sir.
- 18 Q Okay. And let her drive the car?
- 19 A Well, I ain't let her drive it, but she drove the
- 20 car.
- 21 Q You ain't got a driver's license?
- 22 A Sir?
- 23 Q Do you have a driver's license?
- 24 A I don't have one now, but then I did.
- 25 Q All right. She drove the car where did you go with

1 Tanjula driving?

2 A On 501.

3 Q And where were you going?

4 A Well, actually, I didn't know where we was going
5 because I was in the back seat.

6 Q You don't know where you were riding?

7 A No, sir, I was just riding.

8 Q You just riding?

9 A Yes, sir.

10 Q Let me ask you this and be honest with me. During
11 any of this time had you gotten high or been drinking
12 anything, smoked any dope?

13 A No, sir.

14 Q You hadn't?

15 A No, sir.

16 Q Had anyone else?

17 A I can't recall.

18 Q You can't recall whether Quinton or Anthony or
19 Tanjula or anybody smoked any dope or smoked any weed?

20 A No, sir.

21 Q Okay. Where did you end up when the car stopped,
22 where did you end up if you remember?

23 A On the dirt road type road.

24 Q Okay. And was there any houses around there on that
25 dirt road?

1 A No, sir.

2 Q All right. What did you stop for do you know?

3 A No, sir, at first I didn't know.

4 Q All right. When you were at Shady Pines talking to
5 people there, did Anthony stay there with you the whole
6 time or did he ever leave with Tanjula while you were
7 there?

8 A He left with Tanjula.

9 Q He left with Tanjula?

10 A Yes, sir.

11 Q How long did they stay gone do you know?

12 A A couple minutes.

13 Q Wasn't that long?

14 A No, sir.

15 Q All right. Did they both come back?

16 A Yes, sir.

17 Q Okay. All right. Let's go back to the dirt road
18 where y'all stopped at. Again were there any houses
19 around?

20 A No, sir.

21 Q All right. What did you do when you stop there on
22 the dirt road?

23 A Started asking some questions like what are we doing
24 down here.

25 Q You started asking questions about what you were

1 doing down there?

2 A Yes, sir.

3 Q Okay. Did you get out of the car there?

4 A At first, I didn't, but then I finally got out of the
5 car.

6 Q Did anybody else get out of the car?

7 A Yes, sir.

8 Q Did Tanjula get out of the car?

9 A Yes, sir.

10 Q Did Anthony get out of the car?

11 A Yes, sir.

12 Q Did Anthony -- well, did anyone open the trunk at
13 that time?

14 A I don't recall nobody opening the trunk.

15 Q They talked about it, but they didn't open it?

16 A Yes, sir, I don't recall opening the trunk.

17 Q Okay. All right. Did you stay there on the dirt
18 road very long?

19 A No, sir.

20 Q What did you do next?

21 A Tanjula say she was going to her girlfriend house.

22 Q All right. Tell me that one more time?

23 A Tanjula say she was going to her girlfriend house.

24 Q Y'all took Tanjula to one of her girlfriend's house?

25 A Yeah.

1 Q All right. Was anybody else riding with you at this
2 time?

3 A No, sir.

4 Q All right. Did your brother ever ride with you?

5 A Yes, sir.

6 Q All right. When did he start riding with you?

7 A Well, he was with us during that time.

8 Q He was with you during that time?

9 A Yes, sir.

10 Q Okay. So he was with you when you stopped on the
11 dirt road?

12 A Yes, sir.

13 Q Okay. And he was with you when you went to Tanjula's
14 girlfriend's house?

15 A Yes, sir.

16 Q All right. Do you know recall Tanjula's girlfriend's
17 name?

18 A No, sir.

19 Q Do you know Carolyn Johnson?

20 A I don't know, but I know her now.

21 Q You know her now. Is that who it was?

22 A Yes, sir.

23 Q Or was she there?

24 A Yes, sir.

25 Q Okay. What did y'all do at the residence where

1 Carolyn Johnson was? Did y'all get out of the car?

2 A No, sir.

3 Q All right. No one got out of the car?

4 A But Tanjula.

5 Q Tanjula got out the car?

6 A Yes, sir.

7 Q How long did y'all stay there?

8 A Like five minutes.

9 Q Okay. And then what happened after that? Stayed
10 there five minutes and left where did you go next?

11 A I told them to take me home.

12 Q You told them to take you home. You were ready to go
13 home?

14 A Yes, sir.

15 Q All right. Were you scared at any time during that
16 time period?

17 A Yes, sir.

18 Q You were. When they started talking about the trunk
19 is that when you got scared?

20 A Yes, sir.

21 Q All right. How about your brother, Donnell, did they
22 take him home too when they took you home?

23 A Yes, sir.

24 Q All right. And did you ride in that car any more
25 after that?

- 1 A No, sir.
- 2 Q Who left in that car?
- 3 A Tanjula and Anthony.
- 4 Q Tanjula and Anthony?
- 5 A Yes, sir.
- 6 Q And was it still dark during this time period?
- 7 A Yes, sir.
- 8 Q All right. Earlier you rode around in that car the
- 9 first time, you absolutely positive Quinton Inman was in
- 10 that car?
- 11 A Yes, sir.
- 12 Q And he was in that car when you first saw he and
- 13 Anthony?
- 14 A Yes, sir.
- 15 Q Did you ever know Anthony to have a car before?
- 16 A No, sir, not that I know of.
- 17 Q Not that you know of. Did you know Quinton to have a
- 18 car?
- 19 A Not that I know of.
- 20 Q Do you think there was something funny about them
- 21 having that car riding around?
- 22 A No, sir.
- 23 Q You didn't?
- 24 A No, sir.
- 25 Q You didn't think anything about that?

1 A No, sir.

2 Q Okay. All right.

3 MR. CLEMENTS: Beg the Court's indulgence a moment.

4 (WHEREUPON, a pause in the proceedings.)

5 BY MR. CLEMENTS:

6 Q Wondell, did you ever look in that trunk for yourself
7 to see what was in there?

8 A No, sir.

9 Q All right. Could you have had that opportunity if
10 you wanted to?

11 A Yes, sir.

12 Q Okay. But you wouldn't look in there?

13 A No, sir, I ain't think nothing of it.

14 Q All right. You didn't know what they were talking
15 about was true or not, did you?

16 A No, sir.

17 Q Let me ask you this, you know Anthony a long time?

18 A Couple years.

19 Q From school?

20 A Yes, sir.

21 Q Ever known him to brag any, kind of act like a
22 gangster tried to play like a gangster?

23 A No, sir.

24 Q You never had known him to do that?

25 A No, sir.

1 Q You always believe everything he tells you or does he
2 cut up sometime.

3 A Most of the time.

4 Q Most of the time he cutting up?

5 A No most of the time I believe him.

6 Q Most of the time you believe him. Sometimes, he may
7 be cutting up?

8 A Possibly, yes, sir.

9 MR. CLEMENTS: Please answer any questions
10 Mr. Prosser may have.

11 (WHEREUPON, Defendant's Exhibit No. 2 was marked for
12 identification only.)

13 CROSS-EXAMINATION

14 BY MR. CLEMENTS:

15 Q Wondell, how you doing?

16 A Pretty good.

17 Q Let me show you what's been marked for identification
18 purposes as Defendant's Exhibit Number 2. Does that look
19 like your statement?

20 A Yes, sir.

21 Q And that's your signature at the bottom of page one?

22 A Yes, sir.

23 Q Is that your signature at the bottom of page two?

24 A Yes, sir.

25 Q And that's your signature at the bottom of page

1 three?

2 A Yes, sir.

3 Q And that page four; is that right?

4 A Yes, sir.

5 Q And several places that you might see your initials;
6 is that right?

7 A Yes, sir.

8 Q Okay. You obviously remember giving your statement
9 on the 20th of September 2004; is that correct?

10 A Yes, sir.

11 Q And it was somewhere around 8:55 p.m.?

12 A Yes, sir.

13 Q Okay. And this is your statement?

14 A Yes, sir.

15 Q All right.

16 MR. PROSSER: Your Honor, I move to enter Defendant's
17 Number 2 into evidence.

18 MR. CLEMENTS: May we approach, Your Honor?

19 THE COURT: Yes, sir.

20 (WHEREUPON, a bench conference was held in the
21 presence of the jury, but out of the hearing of the
22 jury.)

23 MR. PROSSER: We'll withdraw our motion to move this
24 into evidence at this time and reserve it until later.

25 THE COURT: Reserve that that's fine.

1 BY MR. PROSSER:

2 Q And, Wondell, I think you said already that your
3 nickname is Tanka; is that right?

4 A Yes, sir.

5 Q All right. That's kind of what everybody calls you
6 out on the street or in the neighborhood or all your
7 friends?

8 A Yes, sir.

9 Q Okay. All right. Now, on the night -- and I think
10 you also testified that you know Quinton a little bit; is
11 that right?

12 A Yes, sir.

13 Q All right. And you also said that he didn't have a
14 nickname; is that right?

15 A Yes, sir.

16 Q All right. Have you ever -- well, let me ask you
17 this, have you ever referred to anybody as Squeaky?

18 A No, sir.

19 Q You don't know who Squeaky is?

20 A No, sir.

21 Q All right. Let me refer you -- you don't know who
22 Sneaky is?

23 A No, sir.

24 Q And you know who Quinton Inman is?

25 A Yes, sir.

1 Q And he's not Sneaky?

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

3 Q Not that you know of. Okay. And so let me show you
4 what's been marked as Defense Exhibit Number 2, can you
5 read and write?

6 A Yes, sir.

7 Q Let me ask you to read from your statement this one
8 sentence okay. Read that for me right there?

9 A The other ---

10 Q Speak up real loud if you can. Well, let me read it
11 for you and you tell me if this is correct, okay. The
12 other male in the vehicle is Sneaky. And you don't know
13 Sneaky?

14 A Only time I started calling Sneaky him after the all
15 investigators everybody started calling him that, but I
16 always known him as Quinton.

17 Q And so you got the name Sneaky from the investigators
18 not from your own knowledge?

19 A Right.

20 Q I got you. Now, when you got or first saw Anthony
21 driving the red Ford Focus; is that right?

22 A Yes, sir.

23 Q Did you ask him whether or not it was his car? What
24 was your understanding about his car or that car?

25 A He got the car for his birthday.

1 Q It was your understanding he got a car for his
2 birthday or that car for his birthday?

3 A Yes, sir.

4 Q All right. And you said that y'all went I think from
5 that particular moment you got in the car you went and
6 changed clothes and y'all went to a girl's house I think;
7 is that right?

8 A Yes, sir.

9 Q And that lasted about 45 minutes to an hour; is that
10 right?

11 A Yes, sir.

12 Q All right. And you stated a minute ago under oath I
13 believe that that -- well, let me ask you this, how long
14 was Quinton Inman in that car took you about 45 minutes to
15 an hour at the girl's house; right?

16 A Yes, sir.

17 Q So how long altogether little over an hour?

18 A Somewhere around there.

19 Q Okay. So out of the whole scope the night that you
20 were with Anthony or your brother, Donnell, or Tanjula
21 Quinton Inman was in the car a little over an hour; is
22 that right?

23 A Yes, sir.

24 Q Okay. And at no point, did you have any
25 conversations with Mr. Quinton Inman?

1 A No, sir.

2 Q At no point did Quinton Inman brag or say anything
3 about any kind murder dead body while he was in the car?

4 A No, sir, I don't recall that.

5 Q And did you find anything unusual at the time while
6 Quinton Inman was riding around with y'all?

7 A Sir?

8 Q You didn't find anything unusual about anything while
9 he was riding with you, did you?

10 A No, sir.

11 Q All right. He didn't suggest any violent activity or
12 anything of the sort?

13 A No, sir.

14 Q Okay. He basically just wanted to go home because he
15 was tired?

16 A Yes, sir.

17 Q Okay. And y'all dropped him off?

18 A Yes, sir.

19 Q And that's where your connection with Quinton ended;
20 is that right?

21 A Yes, sir.

22 Q Okay. When you left there and you went to Tanjula's
23 house Anthony was driving again; is that right?

24 A Yes, sir.

25 Q Okay. When you got to Tanjula's house, did you get

1 out of the car and dance in the yard, you remember doing
2 that?

3 A No, sir.

4 Q What if I told you you been -- it's been suggested
5 that you have done that?

6 A I don't understand that.

7 Q When Tanjula got in the car, she began driving; is
8 that correct?

9 A Yes, sir.

10 Q Okay. And at one what point in time did your evening
11 change from just riding around having fun to you becoming
12 scared? Cause you testified you became scared, right?

13 A Yes, sir.

14 Q When did that change?

15 A After the girl suppose to be Tanjula girlfriend or
16 whatever went back in the house and cut the porch light
17 off was like, naw, I'm going back in the house or whatever
18 something like that and then I was like take me home.

19 Q Okay. And so what made you scared? Or better yet
20 who made you scared?

21 A Well, I wasn't really scared, but I was like -- I
22 felt a bad vibe about it, you know, I told her to take me
23 home. I wasn't really scared.

24 Q Well, let's see if I can go back and read this part
25 of your statement make sure it's not anything anybody else

1 said. You said -- at any point in time when y'all went
2 down that road and you started figuring out things were
3 going sour, did Anthony try to force you to do anything?

4 A Nothing but get out of the car.

5 Q All right. He was trying to force you to get out of
6 the car?

7 A Yes, sir.

8 Q All right. And ---

9 A Well, he ain't force me he just ask me.

10 Q Just ask you?

11 A Yes, sir.

12 Q Okay. Well, let me show you your statement here
13 says, all right, says Anthony opened his door. Female
14 opens her door. They open their door. My brother and I
15 stood outside by the back door. Anthony took the key out
16 of ignition. He tried to force my brother and I to stand
17 by the trunk. Right?

18 A Yes, sir.

19 Q My brother and I were scared. We were standing by
20 the door. He stuck the key in the trunk. He was trying
21 to get us to stand behind him. Did that mean physically
22 stand behind him?

23 A Yes, sir.

24 Q Okay. All right. Now, obviously, Quinton Inman's
25 not trying to get you to stand behind him?

- 1 A No, sir.
- 2 Q He wasn't there when all this happened?
- 3 A No, sir.
- 4 Q But Anthony was trying to get you to stand behind
- 5 him?
- 6 A Yes, sir.
- 7 Q All right. He picked up a beer bottle and gave it to
- 8 the female; is that right? You said he picked up a beer
- 9 bottle and gave it to the female?
- 10 A Yes, sir.
- 11 Q Okay. Did you see that happen?
- 12 A Yes, sir.
- 13 Q Okay. What did they do with the beer bottle?
- 14 A Nothing.
- 15 Q Nothing?
- 16 A No, sir. Through it back on the ground.
- 17 Q They didn't try to take a drink out of it or
- 18 anything, did they?
- 19 A No.
- 20 Q My brother and I were really scared. What were you
- 21 -- what or who were you scared of?
- 22 A The type of environment we was in right there.
- 23 Q Down a long shady dirt road?
- 24 A Yes, sir.
- 25 Q Okay. What about the attitudes of the people around

1 you did that make you scared?

2 A Yes, sir.

3 Q Okay. And the people around you were basically
4 Anthony and Tanjula; is that right?

5 A Yes, sir.

6 Q He slowly open the trunk. The girl was by him. My
7 brother and I were on each side of the car. He eased open
8 the trunk to look at the body. I asked him what was in
9 the trunk. You remember asking him what was in the trunk?

10 A Yes, sir.

11 Q Okay. Then he got some little plastic things for his
12 hands. What kind of plastic things?

13 A I couldn't tell you. It was dark out there.

14 Q Well, I mean what color was the plastic?

15 A Clear looking.

16 Q Clear looking; is that right?

17 A Yes, sir.

18 Q Make sure she's taking down what you say. It was
19 clear looking something, was it gloves?

20 A I can't recall.

21 Q But you said in your statement you got some plastic
22 things for his hands after he open the trunk; correct?

23 A Yes.

24 Q The first time he looked in the trunk. He looked in
25 the trunk and slammed it. He open the trunk again. He

1 had a little plastic thing, he touched her. You remember
2 seeing that?

3 A No, sir.

4 Q Okay. But it's in your statement.

5 A Say it again now?

6 Q Well, I'll go back he had open the trunk again and he
7 had little plastic thing he touched her. It's in your
8 statement, right?

9 A Yes, sir.

10 Q All right. My brother and I got back in the car.
11 Then they forced us to get back out of the car. How did
12 they force you to get back out of the car?

13 A They was saying like get back out or whatever. And
14 so we was like, naw, we ready to go or whatever.

15 COURT REPORTER: You got to speak up, I'm sorry.

16 BY MR. PROSSER:

17 Q Go ahead and tell me what you're saying again. By
18 meaning by force you to get out the car?

19 A Yeah, like they was talking trying to get out of the
20 car.

21 Q They weren't physically forcing you to get out of the
22 car? They were ordering you out the car?

23 A Yeah.

24 Q That was a yes?

25 A Yes, sir.

1 Q Okay. We got back in the car and lock the door. Why
2 did you lock the door?

3 A I was scared.

4 Q Okay. All right. It took us a while to get back
5 out. We never went and looked in the trunk and that's
6 when you said take us home; right?

7 A Yes, sir.

8 Q That's when you went back to Tanjula's girlfriend's
9 house, right?

10 A Yes, sir.

11 Q And y'all tried to get a sheet; is that right? From
12 the girl?

13 A Yes, sir.

14 Q Yes, sir?

15 A Yes sir.

16 Q What were y'all going to do with the sheet?

17 A Well, I think she said she was going to change the
18 tire or something.

19 Q Well, but what were you really going to do with the
20 sheet?

21 A Oh, that I don't know. I ain't had no plan.

22 Q At that point, you had a dead body in the car, right?

23 A Yes, sir, but I didn't have nothing planned.

24 Q Okay. You didn't have nothing plan to do with it?

25 A No, sir.

1 Q You didn't hear -- well-- you also asked for a
2 flashlight; is that right or tried to get a flash light?

3 A Yes, sir.

4 Q Did you get picked on or anything of that nature by
5 Anthony or Tanjula?

6 A No, sir.

7 Q Okay. Not at all?

8 A Couple statements like, you know, like ---

9 Q Well, don't say what they said cause they gone get up
10 here and say that. But did you get picked up?

11 A Yes, sir.

12 Q That was a yes, sir?

13 A Yes, sir.

14 Q And one of the things that I'm gone read here says
15 and this your statement. I asked him how he got the
16 scratch mark on his neck and face, right? Is that
17 Anthony?

18 A Yes, sir.

19 Q Didn't see any scratch marks or anything on Quinton,
20 did you?

21 A No, sir.

22 Q Quinton didn't look like he had been in any kind of
23 scuffle, did he?

24 A No, sir.

25 Q All right. And one of the last things you said was I

1 felt threatened and that was a portion of one your of your
2 sentences, right? I felt threatened. I just don't want
3 you to say what he says, okay?

4 A Yes, sir.

5 Q But you did feel threatened?

6 A Yes, sir.

7 Q All right. What if I told you, Wondell, that one of
8 these two people or, no, better yet what if I told you
9 that your name has come up as being involved in this
10 murder what would you say?

11 A Said it's not true.

12 Q That you may have had a part in the killing of this
13 lady?

14 A Not true.

15 Q Okay.

16 MR. PROSSER: That's all I have, Your Honor.

17 THE COURT: Solicitor.

18 REDIRECT EXAMINATION

19 BY MR. CLEMENTS:

20 Q Mr. Timmons, when you thought there was a dead body
21 in that trunk, what did you want to do?

22 A Get away.

23 Q Get away?

24 A Yes, sir.

25 Q What, if anything, did you do to try help depose of

1 the body?

2 A Nothing.

3 Q Nothing?

4 A Nothing.

5 Q All right. And that's why you were scared?

6 A Yes, sir.

7 Q Mr. Prosser asked you how long you were in that car
8 with Quinton Inman and you said little more than an hour
9 or so, right?

10 A Yes, sir.

11 Q Can you tell us how long he was in that car, what he
12 was doing in that before you got in there?

13 A No, sir, I couldn't because I wasn't there.

14 Q You can't tell us how long he was in that car, right?

15 A No, sir, but I can tell how many when I was in the
16 car and I got in the car with him.

17 Q Can you tell us what he did to that car when he was
18 getting out of it?

19 A Say that again, sir.

20 Q Can you tell this jury what he did to that car, if
21 anything, when he was getting out of it?

22 A Started wiping a few things down.

23 Q Tell me that one more time slowly, I'm sorry?

24 A Started wiping a few things down.

25 Q He started wiping a few things down. A few things in

1 the car?

2 A Like the whole car.

3 Q He was wiping -- Quinton Inman was wiping the car
4 down when he got out of it?

5 A Yeah, cause it was kind of like dirty, like dusty or
6 whatever. So I'm thinking it's a new car, he wiping down
7 the car.

8 Q You thought he was wiping down the car because it was
9 dusty?

10 A Yes, sir.

11 Q Was it dusty anywhere else?

12 A Few spots, yes, sir.

13 Q We wasn't wiping it. He didn't say he was wiping it
14 to get rid of his fingerprints?

15 MR. PROSSER: Your Honor, he's leading the witness.

16 THE COURT: All right, sustained.

17 MR. CLEMENTS: I'm sorry, I apologize, Your Honor. I
18 thought it was a yes or no question. I'll try not to
19 suggest an answer.

20 BY MR. CLEMENTS:

21 Q All right. Was he wiping it down where he was?

22 A No, sir.

23 Q Where -- what part of the car was he wiping down?

24 A Like the whole car. Like he was wiping down the car
25 like get some of the dust off of whatever cause it's a

1 nice red car.

2 Q So he was wiping down the outside of the car?

3 A Yes, sir.

4 Q And inside of the car?

5 A Yes, sir.

6 Q He was wiping down all of it just Quinton. Anthony
7 wasn't wiping it down, was he?

8 A As far as, I remember, yes, sir.

9 Q All right. What would you do if you thought your
10 fingerprints were all in that car and you didn't want your
11 fingerprints to be in that car, what would you do?

12 A Well ---

13 Q If you were worried about your fingerprints being in
14 that car and you didn't want them to be found, what would
15 you do to try to get rid of the fingerprints?

16 A Probably wipe it down. I don't know ain't no
17 telling.

18 Q Probably wipe it down?

19 A Yes, sir.

20 MR. PROSSER: Just a few.

21 RECROSS-EXAMINATION

22 BY MR. PROSSER:

23 Q Now, Wondell, I want to make sure you're right on
24 this thing, okay.

25 A Yes, sir.

1 Q I don't want anybody to suggest anything to you about
2 what went on that night. When I ask you a question minute
3 ago, did Quinton Inman say anything about a murder you
4 said no; is that right?

5 A Yes, sir.

6 Q When I ask you about the fact that did Quinton Inman
7 do anything suspicious to you suggest he commit any
8 violent act you said no; is that correct?

9 A Yes, sir.

10 Q And in your statement here show me where you said
11 Quinton Inman wipe down a car at all? You can take all
12 the time you want to look at it. Just tell me if you find
13 it in that statement of four pages? It is not in there
14 sit?

15 THE COURT: Mr. Prosser, he's done I think.

16 MR. PROSSER: Oh, I'm sorry. I apologize.

17 BY MR. PROSSER:

18 Q It's not in there is it?

19 A No.

20 Q Okay. All right. You sure that wasn't Anthony and
21 Tanjula wiping that car down?

22 A Yes, sir.

23 Q That's who it was, wasn't it?

24 A No, sir.

25 Q Okay. Why did you say that Quinton didn't do

1 anything suspicious?

2 A Well, I didn't think it was suspicious because it
3 suppose to be a brand new car, you know.

4 Q Okay. All right. At what point, did you see Quinton
5 Inman wiping down a car?

6 A When we dropped him off home.

7 Q When you dropped him off.

8 A Yes, sir.

9 Q And how long -- did he go over the car and wipe it
10 done like he was cleaning the car up or what?

11 A Yes, sir.

12 Q Okay. How long did it take him to do it?

13 A Probably about -- it ain't take him that long.

14 Q You didn't think it was important to tell law
15 enforcement officers anything about that in your
16 statement?

17 A Yes, sir.

18 Q Why didn't you tell them? Why did you save that tid
19 bit of information for right now? If you don't know, you
20 can say that.

21 A I don't know.

22 Q All right. Well, at any point in time, no point in
23 your statement did you ever say that Anthony McCray ever
24 said me and Quinton Inman killed somebody?

25 A No, sir, I didn't.

1 Q Nothing like that never implicated Quinton at all?

2 A No, sir.

3 Q Okay.

4 MR. CLEMENTS: Your Honor, he's asking a hearsay and
5 I object to that.

6 THE COURT: Sustained.

7 BY MR. PROSSER:

8 Q And how long did y'all ride around in the car you and
9 Anthony, Tanjula and your brother?

10 A Not that long.

11 Q Well, longer than Quinton was in the car, right?

12 A Yes, sir.

13 Q Y'all went to Tanjula's house. You went down a dirt
14 road, came back and went to Carolyn Johnson's house and
15 you rode around some more. In fact, you got on 501 at one
16 time, didn't you?

17 A After we left Carolyn house, we got dropped off home.

18 Q Okay. All right. Did you ever get out on 501 out
19 there from Marion, Highway 501?

20 A What you mean by that?

21 Q The highway that goes to the beach from Florence?

22 A I know that. I say what you mean by that?

23 Q Did you ever drive out there, ride out there?

24 A Yes, sir.

25 Q All right. So for quite sometime y'all were all

1 diagrams, Your Honor, that were hand drawn with pencils.
2 And if we can't get the pictures in, Your Honor, we like
3 to get the diagrams in see. And I'm sure you probably
4 need to see them.

5 THE COURT: Yes, sir.

6 MR. PROSSER: Obviously, Your Honor, I looked at the
7 photos and their very graphic and I think they would
8 unfairly prejudice and inflame the jury. I've also looked
9 at the diagrams. The diagrams are certainly not as
10 inflammatory and they tell the same story. So just to
11 tell you don't necessarily object to the diagrams
12 themselves, but the photos we certainly do. I think that
13 their prejudicial value substantially outweighs their
14 probative value.

15 MR. CLEMENTS: You got any problems with those, Your
16 Honor?

17 THE COURT: I don't see any issue with these.

18 MR. CLEMENTS: I will go with these then.

19 THE COURT: Mr. Prosser, you don't have -- I mean,
20 you like none of these to come in, but you don't have a
21 valid objection to these.

22 MR. PROSSER: Those aren't prejudicial. I spoke with
23 my client.

24 THE COURT: I think these are absolutely fine.

25 MR. CLEMENTS: Your Honor, in the interest of time

1 while we're are doing this, this witness will have these
2 pictures that we are going to seek to put in through
3 another witness, Your Honor. And Mr. Prosser who has
4 viewed these and I find if I'm characterizing this
5 incorrectly please correct me, Mr. Prosser. But I think
6 out of an abundance of precaution, he would object to
7 these.

8 THE COURT: All right.

9 MR. PROSSER: If I may, Your Honor?

10 THE COURT: I'll be more than happy to hear from you.

11 MR. PROSSER: Just basically they don't show anything
12 more than the evidence or testimony that's come in
13 unequivocally about the fact that Mrs. White was found
14 deceased in a trunk. And so I don't know that those
15 photos establish anything more than what's already been
16 established adnauseam.

17 THE COURT: Well, that's no different than a crime
18 scene that doesn't involve a body, it's all testified to
19 but the jury has the right to see it. I don't find these
20 to be overly prejudicial or inflammatory. And I believe
21 they obviously depict the scene as it was at that time. I
22 will allow those.

23 MR. CLEMENTS: Your Honor, could we go ahead and
24 before we bring the jury in go ahead and have them marked
25 now.

1 THE COURT: All right. I'm going to note your
2 objection to those photos. We'll note that objection.
3 I've overruled that so we can mark everything.

4 MR. CLEMENTS: Thank you, Your Honor.

5 THE COURT: You could just use them as they come up.

6 MR. CLEMENTS: So, Your Honor, at this time, I move
7 these diagrams and these pictures into evidence.

8 THE COURT: Without objection on the diagrams and
9 noting your objection on the photographs.

10 MR. PROSSER: I think the pictures need to be
11 established as to who took them.

12 MR. CLEMENTS: Subject to laying a foundation.

13 THE COURT: Absolutely. Absolutely.

14 (WHEREUPON, State's Exhibits Nos. 18-22 was admitted
15 into evidence.)

16 (WHEREUPON, State's Exhibit Nos. 23-26 was marked for
17 identification only.)

18 THE COURT: Let's ask the members of the jury to join
19 us please.

20 (WHEREUPON, the jury returns to the courtroom.)

21 THE COURT: All right. Ladies and gentlemen, welcome
22 back from the lunch break and we're going to continue now
23 with the State's case.

24 Solicitor, you may call your first witness or your
25 next witness, I'm sorry.

1 MR. CLEMENTS: First witness for the afternoon, Your
2 Honor.

3 THE COURT: First witness for the afternoon.

4 MR. CLEMENTS: If it please the Court, we like to
5 Call Dr. Erin Presnell.

6 THE COURT: All right. Dr. Presnell, if you come
7 around to be sworn please.

8 THE CLERK: Do you solemnly swear or affirm to tell
9 the truth, the whole truth, and nothing but the truth so
10 help you God?

11 DR. PRESNELL: Yes, ma'am.

12 THE CLERK: Thank you.

13 WHEREUPON,

14 Dr. Erin Presnell,
15 after first having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. CLEMENTS:

18 Q Would you please state your name and spell that name
19 for the court reporter please, ma'am?

20 A My name is Susan Erin Presnell P-R-E-S-N-E-L-L.

21 Q And where are you employed?

22 A I work at the Medical University of South Carolina
23 down in Charleston.

24 Q And what is your job title there?

25 A I'm associate professor of pathology. I've been

1 working forensic pathology. I'm a forensic pathologist.

2 Q Could you please tell this jury what is a forensic
3 pathologist and what's a pathologist?

4 A Well, most people are becoming more aware, you know,
5 with all the TV shows and all what forensic pathologists
6 do. Forensic pathology is actually a subspecialty of
7 pathology. Pathology is a field of medicine that's the
8 study of disease, so like if you go to a doctor and they
9 do some kind of biopsy anything they take from you -- a
10 doctor takes from you they'll send to the pathologist
11 doctor who will look at it and diagnose disease. There's
12 cancer or no cancer. There's infection or no infection.
13 Forensic pathologist go through that training, but then
14 they do an extra subspecialty training in forensic
15 pathology. And forensic pathology we're not just looking
16 at biopsy or a tissue, we're looking at the whole body of
17 somebody who's passed on. And we're not just looking for
18 a disease. They were looking for that too, but we're
19 evaluating -- looking for trauma and interpreting trauma.
20 And then ultimately trying to decide the cause and manner
21 of death.

22 Q So you are a doctor, medical doctor?

23 A Right, yes.

24 Q Could you please tell this jury where you were
25 education and what degrees you have?

1 A Well, went to Clemson and I majored in microbiology
2 there. And then I moved to Charleston and I've stated
3 there ever since. I went through med school, been through
4 pathology training that general training. Then did
5 forensic training and then was hired as faculty at MUSC.

6 Q So you teach doctors to be?

7 A Yes.

8 Q What specific training do you have to have to be a
9 forensic pathologist as oppose to just a regular doctor?

10 A Well, when you go through med school, everybody comes
11 out with a MD degree. And then you decide what field you
12 want to go into surgery, pediatrics, family medicine,
13 pathology. So I choose pathology, that was a five-year
14 training program and then we take the boards. The
15 national board is a big examination. And if you pass it,
16 then you become board certified. And if you pass that,
17 then you can take your subspecialty boards in my case
18 forensics and which you board certified in forensic
19 pathology, so that's what I have. I have an MD and I'm
20 board certified in general pathology as well forensic
21 pathology.

22 Q Can you tell this jury what's the normal passage of
23 time to be certified as a forensic pathologist from the
24 time you leave high school how many years of education and
25 training would that be?

1 A Fourteen years.

2 Q And you have been a forensic pathologist at MUSC for
3 how many years now?

4 A I was hired on as faculty in 1999. I been doing
5 forensic autopsies since '95.

6 Q So prior to being on faculty, you did autopsies for
7 four years and been doing autopsies for nine years since?

8 A Yes.

9 Q Okay. And have you ever been qualified to testify as
10 an expert in state and federal court regarding the field
11 of forensic pathology?

12 A Yes, I have.

13 Q How many times have you been qualified as expert in
14 court?

15 A I have to estimate maybe 70.

16 Q Seventy plus times?

17 A Yes.

18 Q Okay.

19 MR. CLEMENTS: Your Honor, we would like to offer
20 Dr. Presnell as an expert in the field of forensic
21 pathology.

22 MR. PROSSER: Absolutely no objection.

23 THE COURT: All right.

24 BY MR. CLEMENTS:

25 Q Dr. Presnell, were you called upon to do an autopsy

1 on Cheryl White in September of 2004?

2 A Yes, we did autopsy on Mrs. White September 21st
3 2004.

4 Q And can you tell me what you did in the process of
5 examining her during the autopsy?

6 A Well, all of our forensic autopsies are complete
7 autopsies, so we examine the whole body outside and
8 inside, all of the organs. We don't just stop when we get
9 to a particularly place and think that might explain the
10 cause of death. We do everything. We take pictures. We
11 do diagrams. Sometimes, we get x-rays just depending on
12 the case. In this case, we did pictures, diagrams and
13 then whole examination as well as some microscopic samples
14 that we looked at under the microscope and done her
15 evaluation.

16 Q Can you explain to this jury the difference between
17 cause of death and manner of death?

18 A Cause of death is what actually caused the death like
19 say and not in this case but for example a gunshot wound
20 might cause a death. Manner of death is whether the death
21 is a natural death. There's actually four manners of
22 death and an undetermined. There's either natural,
23 suicide, accident or homicide. And then if you can't
24 figure out which -- differentiate it might be
25 undetermined.

1 Q Now, when you examine Mrs. White's body, did you have
2 an opinion to a reasonable degree of medical certainty as
3 to the cause of death?

4 A We classified her cause of death as a broken neck,
5 which in medical terms would be a cervical vertebral
6 fractures, so breaking of the neck.

7 Q And did you have an opinion to a reasonable degree of
8 medical certainty as to the manner of death?

9 A We classified this as a homicide, meaning the death
10 at the hands of another.

11 Q Death at the hands of another?

12 A Yes.

13 Q Okay. All right. I'm going to show you what's been
14 marked as State's Exhibit 18, 19, 20 and 21, and 22.

15 MR. CLEMENTS: And, Your Honor, just for the record
16 for the jury, these have been moved into evidence?

17 THE COURT: All right.

18 Q These are into evidence. If you could look at those
19 and refer to them by number please or as a group first,
20 refer to them as a group. Can you identify those and tell
21 this jury what those are?

22 A State's Exhibit 18 through 22 are copies of diagrams
23 that I kind of enhanced with a highlighter to illustrate
24 some of the injuries that we found at autopsy.

25 Q All right. Who prepared those diagrams,

1 Dr. Presnell?

2 A I did.

3 Q Okay. All right. You testified to this that you an
4 have opinion to a reasonable degree of medical certainty
5 that a cause of death was cervical vertebral fracture,
6 which is a broken neck. In your examination, did you
7 determine what injuries she had and what caused the broken
8 neck?

9 A Well, Mrs. White had a number of injuries. And what
10 I do if I have the opportunity would be to review the
11 injuries with diagrams with y'all so you can see it. I
12 cannot definitely point to which blow might have or which
13 assault injury might have caused the broken neck. I can
14 just review them all and group them altogether as
15 contributing to that broken neck.

16 MR. CLEMENTS: Your Honor, if I may, may I have
17 permission for Dr. Presnell to step down from the witness
18 box and stand in front of the jury to use her diagram to
19 illustrate and explain those injuries?

20 THE COURT: Sure.

21 A What I can do the diagrams are relatively small to
22 show to all of y'all. So I'll show them on this side and
23 walk over here and show them on this side. These diagrams
24 are just of the injuries. They don't have anything else
25 on it some of the other things we might look for are

1 normal scars and stuff like that. These are just the
2 injuries. First over all, we'll get to the head and neck
3 after we do overall body. But what I did was colored
4 contusions which are the blue bruises. Bruises and
5 contusions are caused by some type of blunt trauma.
6 Something hits the skin and causes bleeding underneath it.
7 So bruises are contusions not colored in this diagram as
8 blue. I colored pink for what we call abrasions.
9 Abrasions are scratches or scrapes. So like if you fell
10 on the concrete and scraped your knee, that would be an
11 abrasion. In these, they are pink. All right. So we can
12 see that if you look at the left arm on the back of her
13 left arm are several contusions as a well large one on the
14 back of her left hand, as well as on some of her knuckles.
15 Q And, Dr. Presnell, and those be classified as any
16 type of injury is there classification or name those type
17 of injuries are called?

18 A Well, these could be defense injuries. She has
19 trauma to the head and neck. If she was lifting her hand
20 up toward that maybe positioning might cause those
21 injuries, we would call those defense injuries. She is
22 trying to defend herself. As far as her being in recovery
23 in location that she was inside of a trunk, these also
24 could potentially be if she was hitting inside the trunk
25 with her hand. I cannot tell the difference at the time

1 of autopsy. I note that there or they could be defense
2 injuries or again striking her hand against something
3 else. On the front of the left arm, she has a scratch
4 near the -- near what we call antigalfosafer (sic) where
5 we typically draw blood as well another bruise on the
6 front of one of her fingers. On the right arm, she has
7 three scratches on the back of the right arm. A bruise on
8 the inside of the right arm and several bruises on the
9 back of the right hand. And then finally on her overall
10 body on her legs. On the left lower legs, she had several
11 abrasion and contusion or a bruise. So just briefly since
12 you already heard the explanation as far as contusions and
13 abrasions, heres the contusion on the back of her hand, on
14 the back of her left hand as well as on her knuckles.
15 Also on the right hand, she has some bruises on the back
16 of her right hand. She has a couple bruises on the back
17 side of the left arm and one on the right arm as far as
18 several scratches. Down on the leg bruises, left leg
19 that's affect several scratched and a couple bruises.

20 All right, so for the head and neck diagram, I have
21 several diagrams because I have one diagram that's head on
22 one to the side and then one of the neck area, so we will
23 go over those. There's more trauma to the head and neck
24 then the rest of the body. First of all, numbers of blue
25 is bruises. She has bruising and swelling around the left

1 eye. Bruising, of course, is caused by blunt trauma. She
2 also had some minute abrasions and scattered all around,
3 scratches scattered across the face. On the back of the
4 head, she has a larger abrasion. A big oval shape
5 abrasion that's left an imprint on the back of her head.
6 So on the frontal picture of the head, we see the bruising
7 around the eyes. The scattered abrasions across the face
8 and a larger imprinted mark on the back of her head.

9 Okay. Now, you'll look at the sides of the face and
10 on this -- this is the right side oon the face. On this
11 side, we have injuries on the right side or the left side
12 of the face. These things again the pink are abrasions or
13 scratches. You see several of them around the ear area.
14 On the left, you see several abrasions around the left
15 side of the face, as well as some bruising and abrasions
16 on the chin. Again, the right side had a couple abrasions
17 around the ear area. The left side of the face has kind
18 of more scattered across the facial cheek and there's some
19 bruising and abrasions on the chin.

20 Okay. This diagram is the person is lifting their
21 chin upward, so we're looking at the neck here we see a
22 lot more injuries. All these paintings are abrasions.
23 Typically, when I was explaining what you might think of
24 an abrasions as falling and scrapping your knee, the other
25 way you could scrape off your skin is if you are hit with

1 something and that object scrapes the skin while you're
2 being hit, so we have multiple abrasions. Some of them
3 are non-specific may be could be fingernail marks. Some
4 of them actually look a little more pattern. What we call
5 pattern meaning that it has a configuration of the object
6 that actually hit the person. In particularly this one
7 here, this reverse upside down looking out shape with what
8 we consider as a patterned injury and can match up to
9 defending object, so this is externally.

10 Underlying the neck there is hemorrhage and strap
11 muscle, what we call the neck muscles underneath. There's
12 also a bone that's right at the base of your tongue called
13 the hyoid bone and that is a broken and then again the
14 neck, the cervical vertebral fractures in the back of the
15 neck. So here are the multiple abrasions scattered across
16 the neck under the chin some are non-specific kind of like
17 the ones that we saw on the face just around, not very
18 big. And some of them actually have a pattern upside down
19 L with a sharp edge. Again, underlying the neck is neck
20 muscle hemorrhage, the broken hyoid bone and the broken
21 neck.

22 Now, one of the things that we do at autopsy I told
23 you we look at everything this includes the brain. And
24 when we get to the brain, the incision that we make is
25 from behind one ear to behind the other ear and then we

1 flip the scalp forward. So then we can see -- actually
2 look at the underlying scalp. Now, remember she had that
3 one mark on the back of her head, but this is a diagram of
4 the scalp reflected forward. In this picture, this right
5 here is the scalp reflected forward. The face was under
6 that scalp right there. So here is our scalp reflected
7 forward. The face is under here. This would be the
8 person looking at you head on with the scalp reflected
9 forward. So we're looking at the under surface of the
10 scalp and the blue is contusion or bruising. She
11 basically has diffuse confluent hemorrhage across the
12 scalp. We don't have distinct impact sight just kind of
13 all bleed together.

14 Q When you say diffuse something begin to see?

15 A Confluent.

16 Q Confluent hemorrhaging that mean that the entire
17 scalp was pretty much bled through everything that's
18 colored blue there?

19 A Right. All this in blue is hemorrhagic. And these
20 areas on the side of the head here is called the
21 temporalis muscle. It's the muscle kind of in the cheek
22 area located right there, that is hemorrhagic as well.

23 Q That means those areas were beat to cause bruising,
24 blunt force trauma?

25 A Blunt trauma caused the bruising underneath the

1 scalp. And those are the extent Mrs. White's injuries.
2 She also had a hemorrhage and I think that was mostly.
3 She had a hemorrhage. The hyoid bone was fractured. I
4 can't show you that on the diagram and the neck vertebral
5 column was fractured.

6 Q So she was beat all across the top of the head, side
7 of the head, and beat in the face and in the neck?

8 A Well, I can't extinguish exactly where she was beat
9 on the head, but enough to where it bled profusely. On
10 the neck, there's a lot of abrasions. There are bleeding
11 under -- into the neck muscle. There is blunt trauma to
12 that area. And again, you saw the arms and legs. So more
13 localized bruising and scratches.

14 Q Okay. Thank you. Dr. Presnell, did you examine
15 Mrs. White you said she had hemorrhaging in her tongue.
16 Did she have dentures? And if so were they present?

17 A She didn't have any teeth and she did not dentures
18 when she came to us.

19 Q Okay. So there were no teeth there?

20 A No.

21 Q Were the bruises that you found on her head area and
22 face area, would they have been consistent with being beat
23 with a blunt object such as a beer bottle or a balled up
24 fist?

25 A Yes.

1 Q Consistent with both?

2 A Well, the mark on the -- the elongated mark on the
3 back of the head would look more like a -- the beer bottle
4 looks it would have caused that more than balled up fist,
5 but the rest of it could have been either.

6 Q All right. And I like to show you what's been marked
7 as State's Exhibit 17. I'm going to ask you to examine
8 that. Is State's Exhibit 17 is that consistent with the
9 -- many of the abrasions that you testified to just a
10 moment ago?

11 A Yes, this is a ring, it has straight edges on it.
12 And it is consistent with several angled abrasions on her
13 neck.

14 Q So did you compare -- did you have this ring State's
15 Exhibit 17, did you have this ring when you did the
16 autopsy?

17 A Yes.

18 Q And were you able to make comparisons with the
19 angulated abrasions in this ring?

20 A Yes, we held the ring up to several of the more
21 angled abrasions and it matched up.

22 Q All right. Dr. Presnell, can you explain what
23 happens -- first let me ask you this, I'm sorry. Which
24 cervical vertebrae were the ones that were broken?

25 A You have seven neck vertebrae and the ones that were

1 broken on her were numbers four, six and seven.

2 Q Is there anything significant about those particular
3 vertebrae being broken as oppose to other vertebrae?

4 A Of course, we're trying to decide would an injury
5 cause a death, could it be cable of causing a death. And
6 cervical vertebral injuries that are above the level of
7 five cervical vertebral number five, so five, four, three,
8 two, one and then the brain stem and the brain. Those
9 types of injuries are -- if they're injured, can be
10 considered fatal. It drives your ability to breath.
11 Those below the level of that of C-5 may result in
12 paralysis if the spinal cord's injured, but may not
13 necessarily cause somebody's death.

14 Q But it could have cause death?

15 A Well, the ones underneath five aren't more associated
16 with the paralysis, but those that are five, four, three,
17 two, one are associated with death. And she had a
18 fracture of four as well cervical vertebral number four as
19 well as six and seven.

20 Q Now, can you explain for this jury if those vertebral
21 five, four any of those if they are fractured, how it
22 causes death and how quickly would a person die if they
23 had that type fracture?

24 A Well, first it would be difficult to say how quickly
25 would somebody die. For example, Christopher Reeves he

1 fell off of his horse and broke his neck up high. They
2 were able to get medical to attention to him right away
3 breath for him. Remember, I mention that a long the
4 three, four, five vertebrae that's the drive to keep
5 respirations going. So they got to him and give him
6 ventilation, so he survived for as long as he did. If you
7 don't have that kind of medical intervention, then you
8 basically quit breathing and however long it would take
9 minutes really to cause death. Now, backing up a little
10 bit, just because -- the vertebral column is a bony
11 structure going down your back. And your spinal cord runs
12 through the middle of. So your spinal cord is surrounded
13 by bone. So if fracture that bone, as long as it doesn't
14 impinge or hurt the spinal cord, it actually isn't going
15 to do a whole lot. I mean, it may hurt and all, but it
16 may not cause injuries to the spinal cord. But if it
17 slips or like for example with Christopher Reeves falling
18 off the horse and it did mush the spinal cord underneath,
19 then that's what causes your injury and then ultimately
20 your death.

21 Q Can you say specifically which blows, whether it was
22 to the top of the head or the side of the head, to the
23 neck, which blows would have been for a lack of a better
24 term the killing blow to Mrs. White?

25 A No, I can't decern which one it was or which grouping

1 it was.

2 Q It could have been a combination of blows or one and
3 you can't determine which?

4 A Yes, correct.

5 Q Okay. Now, would it have been possible for someone
6 to be injured like Mrs. White was injured and be in the
7 trunk of a car and struggle or kick or make noises for a
8 period of time -- for some period of time before they die?

9 A Well, we represented with this idea at the time of
10 autopsy that there was an interval between injury and
11 death. And the possible way that could happen would be if
12 she had the broken neck, the vertebral column was broken.
13 And then subsequently struggling inside the trunk either
14 hitting her head against the trunk or something might have
15 cause one of the disk to slip out and then impinge upon
16 the spinal cord that's resulting in the death after that
17 happened.

18 Q Dr. Presnell, is there any way or not for you to tell
19 if these blows were inflicted by multiple assailants or a
20 single assailant?

21 A I can't tell that from the autopsy.

22 Q Okay. So it could have been either?

23 A It could have been either, yes.

24 MR. CLEMENTS: Dr. Presnell, thank you. Please
25 answer any of Mr. Prosser's questions.

CROSS-EXAMINATION

1
2 BY MR. PROSSER:

3 Q Good afternoon, Doctor.

4 A Hi.

5 Q How you doing?

6 A Okay.

7 Q You went to school 14 years to do this?

8 A I didn't start out to do this.

9 Q You didn't have to spend all 14 at Clemson, did you?

10 A No.

11 Q I'm a USC man.

12 A I understand.

13 Q Just a couple questions about it. Did you in the
14 natural and normal course of your vocation as a medical
15 examiner, do you keep records?

16 A Yes, of course.

17 Q And do you actually make a report of your findings?

18 A Yes, we make -- actually that's what's usually
19 disseminated is the autopsy report.

20 Q Okay. And in this particular case, did you make such
21 a report?

22 A Yes.

23 Q All right. And do you have that report with you or a
24 copy of the report?

25 A I do.

1 Q All right. Let me show you what's been marked as
2 Defense Exhibit Number 3. Would that be a complete copy
3 of your report? My copying maching capabilities I have
4 are not as good?

5 A It appears to be, yes.

6 Q All right. And this would be an accurate
7 representation of the original; is that correct?

8 A Yes, it appears to be.

9 MR. PROSSER: All right. Your Honor, I'd offer
10 defense Number 3 into evidence.

11 MR. CLEMENTS: No objection.

12 THE COURT: Without objection.

13 (WHEREUPON, State's Exhibit No. 3 was admitted into
14 evidence.)

15 BY MR. PROSSER:

16 Q Now, with regard to the question that the Solicitor
17 asked you, it would be impossible for you to tell whether
18 it was multiple assailants or one assailant; correct?

19 A Correct.

20 Q But one thing was consistent and that was an L shaped
21 mark on her neck; is that right?

22 A There is -- consistent with what?

23 Q Consistent with the ring that was showed to you?

24 A Yes, there were several L shaped or angulated we call
25 them angulated abrasions one that specifically had an L

1 shape that matched up to that ring.

2 Q Size, shape and everything; is that correct?

3 A It was an edge of it and the edge matched.

4 Q Okay. You actually physically took the ring and put
5 it ---

6 A We held it up against the injuries.

7 Q And so although the markings couldn't tell you
8 whether one person did that or several? They were
9 consistent with this ring?

10 A Several of them were consistent with that ring.

11 Q Several of the marks?

12 A Yes. Some were a little more nonspecific. We
13 couldn't tell what actually made those.

14 Q Now, obviously with regard to contusions on a human
15 body, you can be hit with different forces, degrees of
16 force; correct?

17 A Yes.

18 Q I mean, if I do that to myself unless I'm a
19 hemophiliac or somebody that bleeds very easily, I'm not
20 going to bruise; correct?

21 A If you tap yourself, I suspect not.

22 Q In this particular case looking at Mrs. White and
23 Mrs. White's body, what degree would be necessary to leave
24 a pattern of an object like that?

25 A I'm not sure what that answer is. The neck area is

1 pretty spongy, I guess, compared to say something over a
2 bone. It would probably take less force to leave a mark
3 over the bone on a spongy type area, but I don't have the
4 estimation and how much pounds or force that would
5 actually take.

6 Q Be a whole lot more than a tap though, right?

7 A Certainly, certainly.

8 Q I'm not asking you to -- I know what you're talking
9 about degrees of pressure?

10 A Yeah, right.

11 Q Can I get you to refer to your pathology report?

12 A Yes.

13 Q I think it's basically just summarizing what you
14 said, but if I can -- I've marked mine. On page one, this
15 is basically consistent with what you said and allow me to
16 read -- you might better read it cause I don't know if I
17 can pronounce everything?

18 A The final diagnoses?

19 Q Yes, ma'am.

20 A We kind of summarize our findings to kind of part
21 down to few word as possible so you can kind of get an
22 idea of everything that's going on. But the first line of
23 final autopsy diagnose says cervical vertebral fractures
24 before six and seven, scalp and temporalis hemorrhage,
25 fractured hyoid bone, strap impermeable vetebral muscle

1 hemorrhages which are neck hemorrhages, tongue and thyroid
2 hemorrhage. The thyroid's organ that's in your neck that
3 was also bruised underneath. Conjunctival petechiae,
4 those are little small pinpoint hemorrhages in the eyes.
5 Angled abrasions and contusions to the head and neck.
6 Angled abrasions comma and also contusions to the head and
7 neck and multiple -- of those multiple angulated abrasions
8 consistent with the LA ring. The ring that has the L and
9 A on it and provided at the time of autopsy.

10 Q And that ring was actually provided by Larry Woods
11 from the Marion County sheriff's department; is that
12 correct?

13 A Yes, sir.

14 MR. PROSSER: All right. Thank you, Doctor.

15 THE COURT: Solicitor.

16 REDIRECT EXAMINATION

17 BY MR. CLEMENTS:

18 Q Dr. Presnell, all the blows counting from that ring
19 the amount blows that was delivered to Mrs. White would
20 you say or not that you would to a reasonable degree of
21 medical certainty expect to find many more angulated
22 abrasions then you did?

23 A I'm imagine it would probably just depend on the
24 angle of the blows and I'm not sure which finger the ring
25 was worn on like say if it is on a thumb, it might not

1 actually leave all these marks. I don't feel like I can
2 answer that with a reasonable degree of medical certainty.

3 Q Would you say or not that -- I think you answered
4 Mr. Prosser's questions there were a lot of abrasions that
5 were angulated. Were there many that were not angulated?

6 A There were several that were angulated. There were
7 more that were not, that are very nonspecific. And then
8 also remember we have them mark on the back of the head
9 too that's not from a fist, that's from more of a
10 elongated object and then just diffuse hemorrhage on the
11 head. So there are blows that are not delivered with the
12 -- you know, necessarily with the fist and maybe that's
13 what you're asking me earlier. But as far as the
14 injuries around the neck, I can't definitively say that
15 didn't come, you know, from one hand.

16 MR. CLEMENTS: Thank you, Dr. Presnell.

17 MR. PROSSER: No further questions.

18 MR. CLEMENTS: Your Honor, we ask that Dr. Presnell
19 be released from her subpoena.

20 MR. PROSSER: No objection.

21 THE COURT: Without objection. Thank, Dr. Presnell,
22 you're certainly free to go, ma'am. Thank you for being
23 here.

24 (WHEREUPON, the witness leaves the witness stand.)

25 MR. CLEMENTS: Your Honor, our next witness will be

1 Amie Stephen from SLED.

2 THE CLERK: Do you solemnly swear or affirm to tell
3 the truth, the whole truth, and nothing but the truth so
4 help you God?

5 MS. STEPHEN: I do.

6 WHEREUPON,

7 Amie Stephens,
8 after first having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. CLEMENTS:

11 Q Would you please state your name for the record?

12 A Amie Elizabeth Stephens.

13 Q Is that S-T-E-V or S-T-E-P-H?

14 A P-H.

15 Q E-N-S?

16 A Yes, sir.

17 Q Ms. Stephens, where do you work?

18 A I am employed by the south Carolina Law Enforcement
19 Division.

20 Q And what is that commonly referred to?

21 A SLED.

22 Q SLED. And what's your job at SLED?

23 A I am a forensic technician in the evidence control
24 department.

25 Q Okay. And as a forensic technician in the evidence

1 control department, what exactly do you do?

2 A We log in evidence that comes in throughout the State
3 agencies of South Carolina. We log into our computer
4 system, assign it a lab number, and then it is sent
5 upstairs for forensic examination by different
6 departments.

7 Q All right. Did you have an opportunity -- first let
8 me ask you this, how long you been working with SLED?

9 A I been employed by SLED since March 2nd of 2006.

10 Q Okay. Did you have an opportunity to log in any
11 evidence regarding The State vs. Quinton Inman?

12 A I did. I submitted some evidence with this case.

13 Q All right. And where did that evidence come from?

14 A I received a portion of the evidence from John Baker
15 of the Marion County sheriff's office and I also received
16 some from Eddie Sawyer of the Marion County sheriff's
17 office.

18 Q Okay. And do you know what those items were that you
19 received?

20 A I do. There is quite a few do you want me to list
21 them all?

22 Q Yeah, go ahead quickly. Just run them down. I'll
23 talk about the ones specifically if you just list them for
24 us.

25 A I logged in SLED item number 28 which was a sorted

1 items from the floor of a Ford Focus. I resubmitted item
2 28.1 which was a piece broken glass with label from sorted
3 items from floor of a Ford Focus. Item 28.2 which is a
4 hair from the assorted items from floor of Ford Focus.
5 Item 29 which is described as a broken glass from car
6 wash. Item 29.1 which is a piece of broken glass with
7 labeled from broken glass from car wash. Item 31 which is
8 described as dentures from the car wash. Item 32 which is
9 described as a cigarette butt near front passenger side of
10 Ford Focus. Item 33 which is swabs from passenger side
11 front door. Item 34 described as swabs from trunk near
12 license plate. Item 35 swabs from driver side front door.
13 Item 36 swabs from back passenger side window outside.
14 Item 37 described as swabs from passenger side door. Item
15 38 swabs from driver side front seat. Item 39.3.1
16 described as hair and or debrief collection. Item 39.4
17 which was a paper bag from right hand. Item 39.5 paper
18 bag from left hand. Item 46 described as blood.

19 Q And you know where that blood came from?

20 A I do not. According to our chain of custody, it just
21 described it as blood.

22 Q Okay.

23 A Item 47 the fingernail clippings. 47.1 fingernail
24 clippings right hand. 47.2 finger nail clippings left
25 hand. Item 48 hair. Item 49 arm scrapings. Item 50

1 buckle swab described as Anthony McCray. Item 51 buckle
2 swab described as Quinton Dewayne Inman.

3 Q Again tell this jury again what's a buckle swab if
4 you know?

5 A A buckle swab is a swab from the inside of a person's
6 mouth.

7 Q Okay. All right. And you have a box there with you.
8 What do you have right there?

9 A This is container B containing some of evidence that
10 I resubmitted from Marion County sheriff's office.

11 Q And what are the two?

12 A These two are items 50 and item 51 which would be the
13 two buckle swabs from each subject.

14 MR. CLEMENTS: Your Honor, we like to have these
15 marked for identification item 51 which ---

16 Q Is from which?

17 A Item 51 was from I believe Mr. Inman. That's right.

18 Q And item 50 is from Mr. McCray?

19 A Anthony McCray, yes.

20 MR. CLEMENTS: Your Honor, at this time, I move into
21 evidence State's Exhibit Number 27 a swab from Quinton
22 Inman and State's Exhibit 28 the swab from Anthony McCray.

23 MR. PROSSER: I don't have any objection.

24 THE COURT: All right. Without objection.

25

1 (WHEREUPON, State's Exhibits Nos. 27 and 28 was
2 admitted into evidence.)

3 BY MR. CLEMENTS:

4 Q Ma'am, you don't do any testing yourself, do you?

5 A No, I do not..

6 Q You just log in evidence and control it and make sure
7 it goes to the right place and it's secured.

8 A Yes, we log it in, package it, secure it in our
9 evidence room and then we will send it to the correct
10 departments.

11 Q All right. And like what departments do you have,
12 different departments do you have that you send thing to?

13 A We have the DNA department, the trace, department
14 latent prints, question documents or photo, caught me off
15 guard.

16 Q That's plenty for example?

17 A We have about nine different departments.

18 Q And y'all receive evidence from where?

19 A Many are from the state's agencies of South Carolina.

20 Q All over the state?

21 A Police departments, sheriff's offices.

22 MR. CLEMENTS: Okay. All right. Please answer any
23 question Mr. Prosser may have.

24 MR. PROSSER: I think I have just a couple.

25 CROSS-EXAMINATION

1 BY MR. PROSSER:

2 Q The swabs themselves they just come from the
3 individuals; is that correct?

4 A Yes.

5 Q Those aren't necessarily crime scene items?

6 A Not to my knowledge, no.

7 Q Okay. They're not normally in normal cases a swab
8 is a swab -- well, in this particular case, not to your
9 knowledge they didn't come from crime scene, they came
10 from the individuals themselves?

11 A Correct. They were described by the agency as a
12 buckle swab. It's just known to me as a swab from an
13 individual's mouth.

14 Q They're used sort of as a standard to compare to
15 things from a scene; is that right?

16 A Correct..

17 Q And just so I can make sure I got these items right.
18 I hate to make you go back to a couple of them, but what
19 was 10.1?

20 A I didn't handle item 10.1.

21 Q Oh, okay. All right. Because some of the items I
22 have you did -- didn't -- if you didn't just, then just
23 say I didn't. 10.2?

24 A Uh-uh.

25 Q 11.1?

1 A Uh-uh.
2 Q 11.2?
3 A Let me get to mine.
4 Q I'm sorry. I just want to make sure that I didn't
5 miss.
6 A I let me double check and make sure, no.
7 Q 12.1?
8 A No.
9 Q Thirteen?
10 A No.
11 Q 23.1?
12 A No.
13 Q 23.2?
14 A No.
15 Q 24.1?
16 A No.
17 Q And I'm thinking you might have had 30?
18 A No, item 30.
19 Q No item 30?
20 A No.
21 Q Twenty-nine?
22 A Yes.
23 Q That was a broken glass from the car wash?
24 A Right.
25 Q And 28?

1 A Yes.

2 Q All right. Now, you didn't do any of the testing on
3 the items?

4 A No, I did not.

5 MR. PROSSER: That's all I have. Thank you.

6 MR. CLEMENTS: That's all we have.

7 THE COURT: Thank you, ma'am. You may step down.

8 (WHEREUPON, the witness leaves the witness stand.)

9 MR. CLEMENTS: Your Honor, will the witness be
10 allowed to be released from the subpoena and remain in the
11 courtroom?

12 THE COURT: Sure, no problem.

13 THE CLERK: Do you solemnly swear or affirm to tell
14 the whole truth and nothing but the truth so help you God?

15 MR. PARROTT: I do.

16 WHEREUPON,

17 Jeff Parrott,
18 after first having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY CLEMENTS:

21 Q Would you please state your name for the record?

22 A My name is Jeff Parrott. P-A-R-R-O-T-T. People
23 commonly refer to me as J.P. as well.

24 Q All right. J.P. where do you work?

25 A I work at SLED South Carolina Law Enforcement

1 Division. I'm currently assign to the latent print crime
2 scene unit.

3 Q Latent print and crime scene unit?

4 A That's correct.

5 Q How long have you work for SLED?

6 A Over eight and half years, almost nine years.

7 Q How long have you been in law enforcement?

8 A Sixteen.

9 Q All right. The first seven and half years where did
10 you work?

11 A I was first employed with Newberry County sheriff's
12 office. I left there and went with Columbia P.D. prior to
13 getting on with SLED.

14 Q All right. When you came on with SLED, in what
15 capacity did you first work with SLED?

16 A I've always been assign to the crime scene unit.

17 Q Okay. And can you tell the jury what you do as a
18 SLED agent that's assign to the crime scene unit?

19 A Yes, sir. Typically, the crime seen unit at SLED is
20 responsible for actually seven fields of forensic science,
21 but we have to deal with is latent prints, which are your
22 fingerprints identifying those, crime scenes, processing.
23 Crime scene reconstruction, footwear analysis, tire tread
24 analysis, blood stain pattern analysis and impression
25 evidence. And we're responsible for -- also, we have to

1 be proficient in the collection of and preservation of DNA
2 evidence, firearms evidence and trace evidence as well.

3 Q You testified previously in court?

4 A Yes, sir, several times.

5 Q Have you ever been qualified as an expert in any
6 fields?

7 A Yes, sir, all of the ones that I mentioned.

8 Q Everyone of those?

9 A Yes, sir.

10 Q How many areas of forensic science are those?

11 A Seven fields.

12 Q Seven fields?

13 A Yes, sir.

14 Q And you been qualified as an expert in those fields
15 -- in all seven fields?

16 A Yes, sir.

17 Q In state court?

18 A State and federal as well.

19 Q And federal as well?

20 A Yes, sir.

21 Q All right. Specifically, Agent Parrott, what areas
22 of forensic science did you have to engage in regarding
23 this case?

24 A This particular case involved the crime scene, crime
25 scene reconstruction, latent prints as well as blood stain

1 pattern analysis.

2 Q Did you have occasion to come and investigate the
3 crime scene in Marion County here where Mrs. White's car
4 was found?

5 A Yes, sir, I did.

6 Q Did you also have the opportunity to go to the crime
7 scene at the car wash on East Palmetto Street in Florence
8 where she was abducted?

9 A Yes, sir, I did.

10 Q And did you do that alone or together with another
11 agent?

12 A I worked with another agent. I was the primary agent
13 on this particular call, worked with Agent John Black who
14 is no longer with SLED.

15 Q So where is in Mississippi now?

16 A He's in Mississippi. He's with an independent
17 crime lab there.

18 Q Okay. Tell us what you did -- what scene did you go
19 to first and tell us exactly what you did there?

20 A First, I respond to the location of the vehicle and
21 that actually arrived at 12:45 p.m. and that was at a
22 location that was -- the vehicle was located approximately
23 off of Creech Road in a grassy and dirt area
24 approximately .2 miles from Harper. I assume that's
25 Harper Street.

1 Q And when you got to that location, what did you find?

2 A I found a vehicle that was a 2002 Ford Focus four
3 door red in color.

4 Q What did you find in that vehicle?

5 A Inside the vehicle in the trunk compartment was the
6 victim's body.

7 Q Agent Parrott, I want to show you what's been marked
8 State's Exhibit for identification. I show you what's
9 been marked for identification as State's Exhibits 23, 24,
10 25, and 26 and 29. I want to ask you to look at those and
11 tell me if you can identify those?

12 A Yes, sir, these photographs were Polaroid photos that
13 I took to go with the -- the sheriff's office for the
14 purpose of autopsy.

15 Q All right.

16 MR. CLEMENTS: Your Honor, at this time, we would
17 move to enter into evidence State's Exhibit 23, 24, 25, 26
18 and 29.

19 MR. PROSSER: With no other objections than...

20 THE COURT: All right. I want to note your previous
21 objection and allow those in.

22 MR. CLEMENTS: All right, thank you, Your Honor.

23 (WHEREUPON, State's Exhibits Nos. 23, 24, 25, 26 and
24 29 was admitted into evidence.)

25 BY MR. CLEMENTS:

1 Q Agent Parrott, and you got to the scene and you found
2 the body in the trunk of the car. At that time, did you
3 know who the individual was?

4 A We had a indication of who that -- the victim was a
5 Mrs. Cheryl White that had been reported missing from
6 Florence County the day before.

7 Q Okay. All right. I like to back up a little bit.
8 This was on the 20th; is that correct?

9 A That's correct.

10 Q Of September?

11 A Yes, sir.

12 Q Did you have occasion to go to another crime scene in
13 the Pee Dee area a day or two before that? Specifically
14 in the Darlington area?

15 A Not before that, no, sir.

16 Q Okay. All right. But you did after that?

17 A Yes, sir, the following day.

18 Q And that would have been the 21st?

19 A That's correct.

20 Q All right. Well, first, if you can explain in detail
21 for this jury what you did -- how you performed your job
22 there on Creech Road where the Ford Focus was?

23 A Okay. At the time, I responded to that particular
24 incident location -- again, I mentioned that the body of
25 the victim was in the trunk and because of it's situation

1 in the trunk, it did appear that a person had loaded that
2 person into the vehicle. Therefore, what I did is I used
3 a technique called cyanoacrylate. Basically, what it does
4 is you heat up superglue and what it does is causes a fume
5 that adheres. It's a vapores cloud basically that
6 adheres to any type of moisture or oils that might be left
7 by fingerprints. And what I did is actually try to
8 fingerprint the body prior to ever removing the victim
9 from the trunk, so that's what I did first. I also at the
10 point of removing items from the trunk including
11 Mrs. White found pieces of glass from a glass beer bottle
12 in the trunk as well some items trash and such out of the
13 front of the vehicle that could be use for latent print
14 purposes try to get fingerprints from those items, as well
15 as some bloody impressions and some bloody spots transfer
16 stains what it's called. They're on the trunk area and I
17 swab those areas for any type of DNA purpose as well as
18 the vehicle itself. The interior compartments try to see
19 if I can get some sort of DNA profile of persons who might
20 have touched those areas.

21 Q All right. I've often heard fingerprints referred to
22 as chance impressions. Have you ever heard that term?

23 A Yes, sir, quite often.

24 Q Can you explain to this jury what that term means?

25 A Well, that terminology just indicates a fact that a

1 fingerprint is a chance impression. It's a very fragile
2 thing to deal with. It depends a lot on what type of
3 surface that person touches, what might -- what types of
4 oils or waters or -- the hand could be completely dry when
5 it touches a particular surface. It's a chance impression
6 just because you touch something doesn't necessarily mean
7 you leave a print, so it has to be developed. And that's
8 the term latent when you use latent fingerprinting. It's
9 a Latin term for hidden, so it's something that has to be
10 developed.

11 Q Were you able to develop any fingerprints from
12 Mrs. White's body?

13 A No, sir, I was not.

14 Q Okay. Were you able to develop any fingerprints from
15 the car itself?

16 A Yes, sir, I was.

17 Q Okay. What did you do when you developed those
18 fingerprints, how did you document that?

19 A Those fingerprints once they were locate on the
20 vehicle, we used what's called a tape lift. You actually
21 lift that impression up and then place it on what's known
22 as a placard card, so it can be transferred so you carry
23 around from place to place for further comparison. So I
24 lifted those impressions place them on a placard card, so
25 I could use them for comparison purposes later.

1 Q Okay. All right. And do you yourself do fingerprint
2 comparisons?

3 A Yes, sir, I do.

4 Q How do you do that?

5 A What you do you is compare the unknown to the known
6 stand or you have a suspect in cases versus the impression
7 that's left at a particular scene and that's basically --
8 it's a comparison between the two.

9 Q All right. And you made those comparisons yourself?

10 A That's correct.

11 Q Okay. How many times have you -- let me back up.
12 What type of specific training have you had in fingerprint
13 analysis or fingerprint development?

14 A A great deal. I've had a total of it's a little over
15 4,000 hours of training right now. And the bulk of that
16 had to do with latent fingerprinting. One course alone I
17 actually had to compare over 7,000 prints, so that give
18 you an idea just how many impressions I've looked at over
19 the years, not to mention just my every day work that
20 deals with fingerprints every day.

21 Q How many times have you been qualified to testify as
22 an expert in state or federal court regarding
23 fingerprints?

24 A Many. I say this is probably at least the 15th time
25 just that area alone.

1 Q How many times have you been qualified as an expert
2 in crime scene reconstruction state, federal court?

3 A Sixteen.

4 Q How many times have you been qualified as an expert
5 in any other of the forensic sciences if you can just tell
6 rather me ask you one by one you can tell me which area
7 how many times you been qualified as an expert in those
8 fields in state and federal court?

9 A It's roughly about the same thing. Typically, when
10 we do one, we do a lot, that most important are the most
11 common happen to be latent printing, footwear comparison,
12 tire tread. So like I said the blood stain pattern
13 analysis and impression evidence tends to be the fields
14 that we don't use quite as much as the others. So in
15 those might be around the range of six or seven times.
16 And to give you an idea as far as the number of cases we
17 have, only about one percent of the cases actually go to
18 trial that I've have dealt with. So we've had out of a
19 couple 100 cases a year I might only have to testify four
20 or five times.

21 MR. CLEMENTS: Okay. All right. Your Honor, we do
22 offer Agent Parrott as an expert in the area of
23 fingerprints, latent prints and analysis and crime scene
24 reconstruction.

25 MR. PROSSER: I have no objection.

1 THE COURT: All right. Without objection.

2 BY MR. CLEMENTS:

3 Q Agent Parrot, what evidence did you collect from the
4 car itself?

5 A As far as evidence from the car, I collected several
6 swabs as I mentioned. The latent prints from the vehicle
7 itself, had the assortment of items which included the
8 trash from the floorboard of that Ford Focus, the broken
9 glass from that vehicle that was the broken beer bottle of
10 the vehicle to clarify.

11 Q The swabs that you collected for DNA analysis that
12 you thought might be blood, where specifically did that
13 come from? And I apologize I know it's a lot.

14 A No, I'm sorry I have about 125 pages to flip through.

15 Q I understand.

16 A I collected one set of swabs from passenger side
17 front door. One from the trunk near the license plate.

18 Q What item -- when you get those, you submit those to
19 the lab?

20 A Yes, sir.

21 Q And are they assigned a number?

22 A Yes, sir, they are.

23 Q And that item of a swab from the trunk near the
24 license plate what number was that do you know?

25 A Yes, sir, that will be item 34.

1 Q Be item 34?

2 A Yes, sir.

3 Q Was that submitted for DNA analysis?

4 A Yes, sir, it was.

5 Q And you're not the person that does DNA analysis?

6 A I do not do the analysis itself, yes, sir.

7 Q But you collect that and maintain it?

8 A That's correct. I maintain it and it's submitted to
9 DNA for that further analysis examination for that
10 purposes.

11 Q Okay. All right. I want to show you few items here
12 if I may. This has been marked as State's Exhibit 2 for
13 identification. Can you look at that and tell me if you
14 can identify that, tell us what that is?

15 A Yes, sir.

16 Q What is that?

17 A These -- this is the pieces of beer bottle that I
18 collected that's got my seal on the side of the container
19 as well as the item numbers within my file. Break it
20 open?

21 Q Hold me. That's fine with me.

22 A I just can't read the actual item numbers. When I
23 package these items, I noted one as collected from the
24 victim's vehicle in Marion County and the other I noted as
25 collected at the car wash in Florence County. The first

1 one being collected from vehicles -- victim's vehicle in
2 Marion County was my item 28.1 and collected at the car
3 wash in Florence County was my item 29.1, two separate
4 pieces.

5 Q All right. What would be the purpose of collecting
6 pieces of broken glass like that?

7 A This particular thing would be kind of go along the
8 lines of the crime scene reconstruction. And that at my
9 initial crime scene with the vehicle in the wooded area, I
10 noted that there was glass, broken glass in the back of
11 the vehicle. There was a story that there may have been
12 -- that the victim might have been assaulted by having a
13 beer bottle broken over her head at the time. So that was
14 probative to me or of evidentiary value, so that was my
15 purpose of collecting at the scene. I didn't know just
16 how much value it had until I actually went to the other
17 scene at the car wash and found the same type beer bottle
18 and it look like the other portion of that particular
19 exact -- that particular label as well.

20 Q Okay. All right. You submitted this to the lab
21 these two pieces to the lab?

22 A That's right I submitted that for the fracture match
23 of the label and the glass itself.

24 Q Can you tell this jury what a fracture match is?

25 A Well, that would be the -- obviously, you got two

1 pieces and you feel like there from the -- they were as
2 one at one point. So therefore, I submit it to another
3 department within our lab facility that actually does that
4 analysis to verify that it was from the same object at one
5 time prior to the either the cutting or breaking, wherever
6 the incident takes place.

7 MR. CLEMENTS: All right. Your Honor, I believe this
8 has just been marked for ID. At this time, we move to
9 have State's Exhibit 2 admitted into evidence?

10 MR. PROSSER: That's two what he got sealed?

11 MR. CLEMENTS: Yes.

12 MR. PROSSER: No objection.

13 THE COURT: Without objection.

14 (WHEREUPON, State's Exhibit No. 2 was admitted into
15 evidence.)

16 BY MR. CLEMENTS:

17 Q Show you what's within marked State's Exhibit 5-A.
18 If you could look at that and tell me if you recognize
19 that, if you can identify that?

20 A Yes, sir. This is a portion of the broken beer
21 bottle I collected from the -- it's labeled as broken
22 glass from the car wash stall where I collected it.
23 Actually, I collected it on the 20th at 2358 hours date
24 and time in which my package that particular item.

25 Q All right.

1 A And it's also sealed, has my seal and date and
2 initial of the time I sealed it as well.

3 Q And after you collect that, what did you do with
4 that?

5 A That became item number 29 and I actually forwarded
6 that on for further comparison.

7 MR. CLEMENTS: At this time, Your Honor, this is
8 State's Exhibit 5 for ID and the envelope is 5-A.

9 THE COURT: Yes, sir.

10 MR. CLEMENTS: Your Honor, we would just enter five
11 in as evidence at this time?

12 MR. PROSSER: No objection.

13 THE COURT: Without objection 5.

14 MR. CLEMENTS: Your Honor, you want me to just keep
15 it in the envelope though.

16 THE COURT: Yeah, if we don't need that sticker on
17 that we can just peel that off.

18 MR. CLEMENTS: Yes, sir.

19 (WHEREUPON, State's Exhibit No. 4, 4-A, 5 was
20 admitted into evidence.)

21 BY MR. CLEMENTS:

22 Q I show you what's been marked State's Exhibit 4 for
23 ID ask if you can identify any of that. And I think the
24 actual contents were labeled as 4-A?

25 A Yes, sir. This is also some broken glass and trash

1 that I located inside the Focus at the original scene. I
2 listed as an assortment of items from inside the vehicle
3 and that was done on the 20th at 1855 hours or 6:55. I
4 also have packaged those and they were my item 28 for SLED
5 purposes which are now State's Exhibit 4-A.

6 Q And those were submitted possible DNA or latents?

7 A That was latents request on that.

8 Q And anything able to be developed the evidentiary
9 value from these items in regards to Mr. Inman or
10 Mr. Anthony McCray?

11 A No, sir, that was listed as no value for
12 identification purposes.

13 Q All right. Show you what's been marked as State's
14 Exhibit Number 3 see if you can examine this and see
15 anything in there you can identify.

16 A Yes, sir, these are all items of evidence that I
17 examined for the purpose of this investigation. They all
18 have list SLED item numbers as well as my initials and
19 dates on each of the seal.

20 Q All right. And the keys were you able to find
21 anything of evidentiary value off of these keys that are
22 contained in State's Exhibit 3 for ID?

23 A No, sir, they were listed as no value for
24 identification purposes.

25 Q You had hair that was examined as well. Was there

1 anything of any evidentiary value determine from any of
2 the hair that you find?

3 A The hair was found in the assortment of items that
4 were found on the floor of the Ford Focus and that was
5 just returned no examination done.

6 Q Okay. Do you have a number of fingerprint cards
7 here?

8 A Yes, sir.

9 MR. CLEMENTS: Okay. All right. Your Honor, at this
10 time, we move to have State's Exhibit 3 entered into
11 evidence at this time with the contents.

12 MR. PROSSER: Three contains all those items he just
13 talked about?

14 MR. CLEMENTS: Yeah, and all the fingerprint cards.

15 MR. PROSSER: No objection.

16 THE COURT: All right. Without objection.

17 (WHEREUPON, State's Exhibit No. 3 was admitted into
18 evidence.)

19 BY MR. CLEMENTS:

20 Q State's Exhibit 3 here they are envelope contain
21 herein with photos. Can you tell the jury what those
22 photos -- who took those and what those are?

23 A These are actually placard cards. These are the
24 latent lifts that were taken from both vehicles, that I
25 process during that crime scene examination.

1 Q All right. You say both vehicles. Okay. I'm gong
2 to get to that in just a minute. You process the crime
3 scene where the vehicle was found?

4 A Yes, sir.

5 Q Okay. And you process the crime scene at the car
6 wash?

7 A That's correct.

8 Q And basically, the only thing that was collected
9 there was dentures and broke glass; is that correct?

10 A That's correct.

11 Q Okay. And now, if you would, you talked about
12 processing another vehicle. Can you tell us about that
13 other vehicle?

14 A That's correct. Yes, sir, while I was at the autopsy
15 at MUSC on the 21st, I received a call about a vehicle
16 that had been abandoned by possible suspects regarding
17 this case. The vehicle was located in Darlington County
18 and had been towed during the night. And the vehicle been
19 towed back to Darlington County sheriff's office impound
20 lot. So I responded from -- at that time, I responded
21 from the Medical University of South Carolina in
22 Charleston to Darlington County to process that vehicle as
23 well.

24 Q Okay. Had that vehicle been reported stolen?

25 A I'm not aware personally.

1 Q But it had been hauled to the Darlington sheriff's
2 impound yard?

3 A That's correct.

4 Q When you process that vehicle, were you able to
5 develop any lifts from any latent prints?

6 A Yes, sir, I did.

7 Q Did those lifts come back matching any prints of
8 anyone involved in this crime with Cheryl White?

9 A Yes, sir.

10 Q And what individual did they come back matching
11 fingerprints of?

12 A Specifically on the Cadillac?

13 Q Yes.

14 A To give you a background that was a Cadillac in the
15 second vehicle that I processed. I refer to a Ford Focus
16 in the first crime scene that I process. This is the
17 Cadillac. From the Cadillac, the only person I was able
18 to identify was Quinton Inman.

19 Q Quinton Inman?

20 A Yes, sir.

21 Q Was the only person you were able to identify?

22 A From the Cadillac -- the impressions from the
23 Cadillac, yes, sir.

24 Q Okay. No other individuals matched anybody else
25 involved in this case any names you have?

1 A That's correct. I was not able to identify any other
2 individuals other Mr. Inman.

3 Q All right. And in processing the Cadillac, you find
4 prints sometimes that are identifiable and you sometimes
5 find prints that are not identifiable; is that correct?

6 A That's correct.

7 Q And for what reasons may they not be identifiable?

8 A Well, there's several reasons, but the main reason
9 they wouldn't be identifiable are what we consider more no
10 value is that it doesn't have enough minutia or
11 identifying characteristics within the impression. It
12 could be a smudge. It's got to have a certain amount of
13 -- has ridges that you can tell it to fingerprint, but
14 again there's no detail to be able to do any type of
15 comparison.

16 Q But you did have sufficient ridge detail to make a
17 comparison and match prints from that Cadillac to Quinton
18 Inman?

19 A That's correct. I've not identified it to
20 individuals as well, but the only individual identified
21 was Mr. Inman.

22 Q Okay. Did you notice anything else about the prints
23 or the car and try to process it for latent prints?

24 A On the Cadillac itself, one of the things I did note
25 at the scene is that the vehicle appeared to have been

1 wiped down and there were rags in the backseat of the
2 vehicle. You can see where there was what's called wipe
3 or wipe impressions across the surface of the paint.

4 Q Okay. All right. Well, now let's back up to the
5 Ford Focus?

6 A Yes, sir.

7 Q And the Ford Focus when you process the prints were
8 you able to find any prints there that was sufficient for
9 identification?

10 A Yes, sir.

11 Q And were you able to identify any prints in regards
12 to Anthony McCray or Quinton Inman?

13 A I did identify one of the impressions to Quinton
14 Inman.

15 Q And where was that impression located?

16 A This is the actual card that I use or that I got the
17 impression or the lift from that shows the impression.
18 And that was from a location just above the passenger
19 side mirror on what would be the door frame as it rises
20 passenger mirror here and the windshield on the other side
21 is that door frame portion.

22 Q Okay. And that matched Quinton Inman?

23 A This did, yes, sir.

24 Q Okay. Did -- were you able to match any of the
25 prints from the Ford Focus to Anthony McCray?

1 A Not to Anthony McCray.

2 Q All right. Were they prints there that were
3 insufficient ridge detail?

4 A Yes, sir.

5 Q Very many or just a few?

6 A Only list two -- I apologize four. Those are called
7 -- there was no conclusions due to the fact that the area
8 wasn't represented. It would be an area that's not
9 represented in the card itself to make any type of
10 comparison. So that's a no conclusion.

11 Q Okay. Did you locate or notice any white marks on
12 the Ford Focus?

13 A On the Ford Focus, I don't recall any white marks.

14 Q Do you normally find white marks on a car on the
15 inside, on the outside where would you be able to detect
16 those?

17 A Typically, it varies, but you could definitely see a
18 lot of times on the outside of a vehicle around the door
19 handles things people normally touch, that's the obvious
20 things that they were to wipe down. So you can find that
21 inside the vehicle as well. Sometimes when you deal with
22 things like you're larger gear shifts, possibly radios or
23 rear view mirrors...

24 Q Okay. Wouldn't find it on seats or dashboards or
25 anything like that?

1 A Well, if it's some sort of liquid that's on those
2 surfaces that you can see it. Other than that, it's
3 difficult to see any type of white marks on the -- on
4 those type surfaces.

5 Q Okay. All right.

6 A I've seen on a upholstery where they have cleaned
7 liquids, blood and that sort of thing not in this case.

8 Q Okay. And did you notice any liquids in the Ford
9 Focus when you process it?

10 A Other than the blood that I was able to swab off the
11 back of the vehicle.

12 Q Okay. All right. And if you can answer this, Agent
13 Parrott, I apologize the glass you collected where exactly
14 did you collect the different pieces of glass?

15 A Okay. The -- some of the broken glass is actually on
16 the inside the vehicle itself.

17 Q On which side?

18 A The only thing indicated was the inside of the
19 vehicle. Did not indicate whether is the right or the
20 passenger or the driver side.

21 Q Okay.

22 A The 28.1 SLED number which would be there.

23 Q And 29.1 as well which is State's Exhibit 2?

24 A 28.1 collected that from the floor of the Ford Focus.

25 Q Which floor?

1 A I don't know, I don't recall.

2 Q Okay. All right.

3 A The 29.1 that was actually collected from the ground,
4 the concrete ground of the car wash different location.

5 Q Those are the two pieces of glass contain State's
6 Exhibit 2?

7 A Correct.

8 Q Okay. State's Exhibit 5 where was that collected
9 from?

10 A This was from the ground of the car wash, broken
11 glass from the car wash stall.

12 Q Okay. Did you attempt on this broken glass, did you
13 attempt to try to develop any latent prints?

14 A Yes, I did.

15 Q Were you successful?

16 A There was in my attempts there was no value for
17 identification purposes.

18 Q And again that doesn't mean there were no prints on
19 it?

20 A Correct. Just not enough minutia not enough to
21 make -- not enough of identifying characteristics to make
22 any type of comparison.

23 MR. CLEMENTS: Okay. All right. Agent Parrott, I
24 think that's all my questions. Beg your indulgence and
25 the Court's indulgence one moment.

1 (WHEREUPON, a pause in the proceedings.)

2 MR. CLEMENTS: Agent Parrott, thank you. Please
3 answer any of Mr. Prosser's questions.

4 CROSS-EXAMINATION

5 BY MR. CLEMENTS:

6 Q Good afternoon, Agent Parrott.

7 A How are you?

8 Q Be better if I was fishing, but I'm doing good. You
9 got a lot of technical questions that have been asked of
10 you and answers that you have given back?

11 A Yes, sir.

12 Q And I appreciate that, but I am very -- I'm a
13 layperson when it comes to fingerprints I can assure you.

14 A I understand.

15 Q So forgive me if my questions are repetitive or don't
16 make much sense, but we'll try. First of all, let me ask
17 you, what were you referring to as you're looking up
18 there. What are those?

19 A These are my examination notes?

20 Q And those notes are your personal notes?

21 A These are the notes I make, yes, sir, during the
22 processing of the evidence as well as my crime scene
23 notes. My notes that I jot down during the process
24 actually being on scene. I'll take time to go back to the
25 vehicle write down notes as I go along so I don't forget

1 anything.

2 Q Do you take those notes and turn them into reports of
3 any kind or did you in this case?

4 A It's information that's developed from the processing
5 of evidence that's often turned into a report itself.

6 Q Okay. All right.

7 A That's the only thing we issue the reports from the
8 evidence that we process.

9 Q So you don't actually issue out your personal notes?

10 A No, sir.

11 Q Okay. All right. Now, you mentioned earlier on --
12 and I want to make sure I understand that you in this
13 particular case, did you do any blood stain pattern
14 analysis?

15 A Yes, sir. It's very simple. It's only from the --
16 what was actually on the vehicle itself and that would
17 just be the transfer stains on the trunk lid of the
18 vehicle, that's the areas that were swabbed for DNA
19 purposes.

20 Q When I think about blood stain pattern, I was
21 thinking maybe like a gunshot where you would see
22 splattered blood?

23 A Oh, I understand. It is encompass as everything from
24 transfer, to high velocity spatter, medium velocity
25 spatter. The whole gamut of how blood in our situation

1 here moves once it is impacted.

2 Q Okay. In this particular case, did you determine how
3 this blood moved or got there anything of that nature?

4 A That particular stain on the back of the trunk lift
5 appeared to be a transfer stain and that's why I took
6 notes, swab that particular area.

7 Q And transfer means?

8 A It was on an object. It was on one object, that
9 object brushes against that surface and it leaves that.

10 Q And the object be a person or you talking about an
11 object?

12 A It could be anything. Anything with blood on it
13 transfer to that point, yes, sir.

14 Q But it doesn't tell you anything about as far as
15 pattern like what injury may have caused that blood or
16 whether that blood was thrown on there?

17 A Well, yes, sir, in saying it's a transfer stain. It
18 was a stain that was on an object moving to that object
19 brushed against that surface versus what I think you're
20 referring to as a projected blood that hits. It's more
21 like a drop that flies through the air that impacts, that
22 wasn't the case in this particular incident. It was just
23 something that was just on a surface on a brush that trunk
24 lid.

25 Q Okay. And in this particular case on the Ford Focus,

1 it was a license plate which is on the outside back of the
2 car?

3 A I believe it was a trunk lid near the license plate
4 is what I indicated on that, yes, sir.

5 Q All right. The license plate on that car -- some of
6 these cars, you know, they have the license plate on the
7 trunk. Do you recall where the license plate was?

8 A Actually, I believe that's the case let me look back.
9 By the drawing, it indicates that it was one of those
10 situations where the actual license plate is on the trunk
11 lid itself or attached to the trunk lid itself.

12 Q So somewhere near that exterior license plate was the
13 sample?

14 A Yes, sir.

15 Q Okay. All right. Now, you testified you
16 fingerprinted Mrs. White's body?

17 A Correct.

18 (WHEREUPON, Defendant's Exhibit No. 4 was marked for
19 identification only.)

20 BY MR. PROSSER:

21 Q And you didn't find any matches at all?

22 A I didn't find any latent impressions of any value, so
23 I wouldn't have done any.

24 Q So resulted there no matches?

25 A Correct.

1 Q Okay. With regard to the glass in the trunk or I
2 guess the glass that was found in the car, did you do any
3 fracture matches?

4 A I personally did not. I collected those items to go
5 to another department to have that fracture match
6 comparison done, yes, sir.

7 Q So you don't know of the results of that?

8 A Well, I do now. I didn't at the time.

9 Q But you didn't do it yourself?

10 A No, sir, I did not.

11 Q Okay. All right. Now, you actually found that glass
12 to be important because you said you -- that came from a
13 story you had heard about bottle being used in the crime?

14 A That's correct.

15 Q And that story came from an Anthony McCray; is that
16 right?

17 A Let me see if I have an actual name?

18 Q Okay.

19 A That actual information was given to me by the
20 sheriff's office, so from whom they received that
21 information I don't know.

22 Q Okay. Now, you found no value on the keys; correct?
23 I think you testified?

24 A That's correct.

25 Q And you -- I don't think you -- I think you testified

1 you didn't even examine the hair, did you?

2 A No, sir.

3 Q Didn't determine who's hair that was or anything?

4 A No, sir.

5 Q With regard to the vehicles, there's a little bit of
6 talk about wiping prints, okay. Can there be good jobs
7 and bad jobs at wiping prints. It's crazy a question
8 probably?

9 A I'm trying to...

10 Q Let me give you a better question than that. What
11 effort would it take to wipe a normal print off of there
12 off -- off of that jury box.

13 A Because of how fragile the impression is anyway it
14 wouldn't take much. They're very easy to destroy.

15 Q They're not very difficult to disappear?

16 A That's correct.

17 Q Just wipe it, right?

18 A That's correct.

19 Q Okay. All right. And of the two vehicles you tested
20 one Cadillac in Darlington and one the Ford Focus, you
21 obviously testified you found Quinton Inman's prints on
22 those vehicles?

23 A Yes, sir.

24 Q On the exterior of both of those vehicles?

25 A That's correct.

1 Q And you didn't find anything tying Anthony McCray to
2 either one of those cars, did you?

3 A I did not find any latent impressions.

4 Q Correct. I mean fingerprints. You didn't find
5 Anthony McCray's fingerprints on those cards?

6 A That's correct.

7 Q All right. And you don't have -- you didn't do any
8 of the investigation as far as questioning these witnesses
9 personally to determine who drove that car around all
10 night, did you?

11 A No, sir.

12 Q I'm asking you that beyond the scope of your
13 expertise in this matter, wouldn't it?

14 A We typically deal with scene themselves.

15 Q All right. With regard to the broken glass you found
16 ---

17 A Yes, sir.

18 Q --- I don't think -- I think I was right in hearing
19 that you -- that no print matches were found on those
20 bottles on the glass?

21 A Nothing from identification purposes, no value.

22 Q Okay. But it don't match Quinton Inman at all?

23 A Didn't -- there was nothing there or not enough to
24 even do a comparison at all.

25 Q Right ---

1 A Of no value whatsoever for comparison purposes.

2 Q Quinton Inman prints -- it was not determine that
3 Quinton Inman prints was on any of that glass?

4 A His prints were not found on the glass.

5 Q Okay. And it was not determine that Quinton Inman's
6 prints were on Mrs. White's body at all?

7 A That's correct.

8 Q Now, with regard to the numbers like 29.1 and all
9 that, that gets a little -- I tried to read this thing.
10 Can I refer to numbers is that gone be possible?

11 A If you refer to item numbers from the SLED report, I
12 can follow you. That will be great.

13 (WHEREUPON, Defendant's Exhibit No. 5 was marked for
14 identification only.)

15 BY MR. PROSSER:

16 Q Okay. Let me refer you to what's been marked
17 Defendant's Exhibit Number 5. Got a little spilled
18 water on it.

19 A That's okay.

20 Q Tell me what that item is?

21 A Defendant's Exhibit 5 is my report, latent print
22 department report.

23 Q And that was your report from the prints that you
24 been talking about today?

25 A That's correct.

1 Q Okay. Referring to that report am I correct in
2 stating that there were 31 print samples of some sort when
3 I say print samples?

4 A Impressions of some sort.

5 Q Either latent impressions which would be where you
6 and don't let me cut you off. But I'm going to try to
7 explain how I know. A latent impression is where you put
8 the card against it and it peels off the impression of a
9 print?

10 A That's correct.

11 Q In some form?

12 A That's correct.

13 Q Okay. All right. Latent card impressions and -- can
14 you tell me if there was a 31 cause I thought I had a 31.
15 Not counting the samples from the individuals?

16 A Okay. Be just a moment.

17 Q Sure.

18 A I counted 26 the first time. Let me try again. You
19 said 31?

20 Q That's what I counted.

21 A Twenty-six is what I'm counting. That's probably sub
22 items of an item is probably what you counted.

23 Q I probably counted cigarette pack which was a part of
24 the items found out of the car, glass?

25 A I did count those. What we got on this report it

1 list actual placard card and then separately it
2 individualizes impressions on that card. So if you count
3 the actual impressions, I come up with 26 including these
4 and the other item that I process.

5 Q Twenty-six impressions?

6 A Well, not 26 impressions, but 26 items including
7 those impressions.

8 Q Okay. And the items would be things such as the
9 keys?

10 A Yes, sir.

11 Q Such as the cigarette pack which is a pack of
12 Marlboro lights?

13 A Yes.

14 Q Or Marlboro light pack?

15 A Correct.

16 Q And I think there was some lip balm in there; is that
17 right?

18 A Pieces of glass, just fragments. Of course, all of
19 those considered one item since they're in the same pile.
20 So they weren't separate items. They were listed under
21 one item number as trash from the vehicle.

22 Q Did you count those separately in your 26?

23 A No, sir.

24 Q Okay. That's probably where I'm getting my 31 then I
25 guess.

1 A Got you.

2 Q If you add those together and let's assume that
3 numbers between 26 and 31, out of the 26 to 31 samples I
4 think I understand that Quinton Inman's prints were on
5 four of the items?

6 A Four.

7 Q Four. And out of those four, those four came from
8 latent print cards from the outside of the vehicles?

9 A Let me refer back. Correct, all of them from outside
10 of the vehicle.

11 Q My point basically -- I didn't mean to make go
12 through all that. But none of the prints from Quinton
13 Inman came from any of the particular items Quinton Inman
14 found inside of the car?

15 A That's correct.

16 Q You've already said this came from her body?

17 A Yes, sir.

18 Q And none came from a beer bottle?

19 A That's correct.

20 Q Now, there were other -- three other people's prints
21 found as well; is that correct? On the items out or out
22 of these items?

23 A There were other persons identified.

24 Q One Matthew Israel; is that correct?

25 A That's correct.

1 Q One Carolyn Johnson?

2 A That's correct.

3 Q And one Tanjula Harley?

4 A That's correct.

5 Q All right. Do you have any knowledge that any of
6 these three people were implicated in this murder?

7 A I have no knowledge.

8 Q You don't know whether they have testified so far or
9 going to be called to testify?

10 A No clue.

11 Q All right.

12 A No, sir.

13 Q The one thing is clear is out of almost 31, 26 or 31
14 somewhere between items or items or sets of prints none
15 had Anthony McCray's prints or matched Anthony McCray's
16 prints; is that correct?

17 A That's correct.

18 Q All right. That particular record is kept in the
19 normal course of your business; is that correct?

20 A This actual report?

21 Q That copy that I gave you?

22 A Well, yes, sir, a report is in our file, kept in our
23 file.

24 Q And is that report accurately reflect the results of
25 your testing with regard to the fingerprint?

1 A Yes, sir, everything that was examining by me, the
2 report is here.

3 MR. PROSSER: I offer that in evidence as Defense
4 Number five, Your Honor. I think that's without
5 objection.

6 MR. CLEMENTS: No objection.

7 THE COURT: Without objection.

8 (WHEREUPON, Defendant's Exhibit No. 5 was admitted
9 into evidence.)

10 BY MR. PROSSER:

11 Q Now, finally, let me show you what's been marked as
12 Defense Exhibit Number 4. Do you recognize those
13 photographs? While you are looking, I'm just trying to
14 determine if you took those?

15 A No, sir. I was gone say I think I seen the picture
16 of the ring before, but I didn't see any of these photos.

17 Q Okay, that's all I want.

18 A Okay.

19 MR. PROSSER: No further the questions.

20 THE COURT: Anything further, Solicitor?

21 MR. CLEMENTS: Sorry, Your Honor.

22 THE COURT: That's all right.

23 REDIRECT EXAMINATION

24 BY MR. CLEMENTS:

25 Q Let me show you Defendant Exhibit Number 5, Agent

1 Parrott, I want to be sure I understand. You got ten
2 pages of this report, right?

3 A Yes, sir.

4 Q All right. Let's turn to page three at the bottom
5 item 12.1; is that a fingerprint?

6 A Yes, it is.

7 Q Who's that identified with?

8 A Quinton Inman.

9 Q All right. Let's turn to page four item 12.2 that's
10 a fingerprint?

11 A Yes, sir.

12 Q Were you able to exclude Quinton Inman having made
13 that fingerprint?

14 A No, sir.

15 Q Why not?

16 A The quality impression itself I needed a complete
17 set of major case prints.

18 Q Can you tell me what a complete set of major case
19 prints as oppose to what you had to compare?

20 A Yes, sir, complete set of major case prints would be
21 all of the palm itself included all fingers, inner digital
22 are here, and the outer portions of each palm as well as
23 the whole palm itself.

24 Q You just have the fingers?

25 A Yes, sir, that's what this indicates.

1 Q So your palm makes prints as well?

2 A Oh, yes, sir.

3 Q And so when you fingerprint you were talking about
4 whole handprints, right?

5 A That's correct.

6 Q Okay. All right. But you could exclude the other
7 people on that report, but you couldn't exclude Quinton as
8 having made that print?

9 A That's correct.

10 Q Okay. Turn to page five please item 15 that was a
11 fingerprint or a handprint as well, right?

12 A Yes, sir, partial palm, yes, sir.

13 Q Okay. Could you exclude that from Quinton Inman?

14 A No, sir.

15 Q But you can exclude other people?

16 A Yes, sir.

17 Q Turn to page six please. Item 17 is that a handprint
18 or a fingerprint?

19 A It's partial palm as well.

20 Q Okay. So you exclude that from Quinton Inman?

21 A No, sir.

22 Q Page seven please item 21 is that a partial palm
23 print?

24 A Yes, sir, partial palm print.

25 Q Could you exclude that from Quinton Inman having made

1 that print as well?

2 A No, sir.

3 Q How about item 22?

4 A Same situation, I didn't have Mr. Inman palm's print.

5 Q So you can't exclude that from being him?

6 A No, sir.

7 Q All right. Page eight item 23.1 fingerprints?

8 A Yes, sir.

9 Q Who's it identified with?

10 A Identified to Mr. Quinton Inman.

11 Q Item 23.2 what is that?

12 A That's a fingerprint identified to Mr. Inman.

13 Q Okay. How about item 24.1?

14 A That is a fingerprint identified to Mr. Inman.

15 Q How about item 27?

16 A Yes, sir.

17 Q That's partial palm print?

18 A Partial palm, yes, sir.

19 Q Do you exclude Quinton Inman from having made that
20 palm print?

21 A No, sir, could not. I didn't have his palms.

22 Q Okay. Now, Mr. Prosser asked you -- said you
23 couldn't say that Quinton Inman's fingerprints were on
24 that glass and you told him that was correct, right?

25 A There's no guarantee he'd leave fingerprints on the

1 glass.

2 Q And -- but you didn't find anything right to exclude
3 him?

4 A That's correct.

5 Q No prints that would exclude him?

6 A I apologize I thought you were indicating a glass was
7 on the table.

8 Q No, glass that you found in the car and at the crime
9 scene at the car wash?

10 A That's correct. There was nothing of any value
11 developed on that glass.

12 Q So it was nothing there could that exclude Quinton
13 Inman?

14 A I couldn't compare it to anybody. It was just
15 nothing there, not enough to compare it to anybody.

16 Q And last thing, Agent Parrott, and I appreciate your
17 patience. Mr. Prosser asked you about transfer stain on
18 that trunk lid give you a couple of examples and tell me
19 what type of stain they are if you would.

20 A Okay.

21 Q First would be a round drop, just a round drop. The
22 second like if to first one being like if I cut my finger
23 and held my hand and a round dropped off, would that be a
24 transfer stain?

25 A No, sir.

1 Q What kind of stain is that?

2 A That would be a free flowing blood stain is what that
3 would be.

4 Q Okay.

5 A Low impact or low velocity.

6 Q If I cut my finger and I did that like and blood got
7 sprayed off where I slung it, what type of stain would
8 that be?

9 A That would be in the form of projected blood.

10 Q If I hit a bottle and broke it cut my hand and then
11 shut a trunk lid, what type of stain would that be?

12 A Well, if you had blood on your finger, that could be
13 the transfer stain.

14 MR. CLEMENTS: Okay. All right. Thank you.

15 MR. PROSSER: Just got a question, Your Honor.

16 RECROSS-EXAMINATION

17 BY MR. PROSSER:

18 Q Did you remove any blood from that broken bottle?

19 A No, sir.

20 Q Because there was none on that broken bottle, was it?

21 A I found none.

22 Q You found no blood on that broken bottle?

23 A That's correct.

24 Q Okay. And just to clarify all that stuff again if I
25 can. I might be making it worse, but when you test

1 certain items and you couldn't exclude Mr. Inman ---

2 A correct.

3 Q --- you couldn't exclude me either, could you? Not
4 what you got in front of you?

5 A Would you repeat the question?

6 Q Well, you can't obviously.

7 A I would need your impressions to be able to compare
8 against.

9 Q Correct. So you couldn't exclude without a full set
10 of my impressions as well?

11 A Correct.

12 Q Okay. You couldn't exclude the judge without full
13 sets of impression from limb?

14 A That's correct.

15 Q My point being they didn't match to Quinton Inman
16 right even though you couldn't exclude him? They were not
17 a match ---

18 A Well, I couldn't compare because I didn't have the
19 right impressions to compare against.

20 Q Correct. And that point was being ---

21 A So therefore, I had to render a no conclusion rather
22 than a not identified.

23 Q Right, same thing with not having a set of my full
24 impressions?

25 A Correct, there been no conclusion.

1 Q I don't want to be included. And back to the same
2 line of questions, there were prints on that car found
3 from three other people other than Quinton Inman, but none
4 from Anthony McCray?

5 A I could not identify any latents to Anthony McCray.

6 MR. PROSSER: That's all I have, thank you.

7 FURTHER EXAMINATION

8 BY MR. CLEMENTS:

9 Q Did you have the whole bottle?

10 A No, sir, I just had portions of it.

11 MR. CLEMENTS: That's all questions I have.

12 THE COURT: All right. Thank you very much.

13 MR. CLEMENTS: Your Honor, we ask that Agent Parrott
14 be excused from his subpoena. Our next witness will be
15 Scott Worsham of SLED.

16 THE COURT: All right. Before you do that, we
17 probably need to take a little bit of a break. And you
18 been released from your subpoena.

19 (WHEREUPON, the witness leaves the witness stand.)

20 MR. PROSSER: Ladies and gentlemen, I'm going to get
21 you to retire to your jury room. Please have no
22 conversation about this case and we will have a little bit
23 of a recess here. If any of you need to go downstairs and
24 commit a slow deliberate suicide, I'll work that out for
25 you, but anyway. Go ahead go to your jury room first and

1 then if any of you need to go, we will make that available
2 for you.

3 (WHEREUPON, the jury retired to the jury room.)

4 (WHEREUPON, a break was taken.)

5 MR. CLEMENTS: Please the Court, Your Honor?

6 THE COURT: Yes, sir.

7 MR. CLEMENTS: Mr. Worsham is our next witness SLED,
8 he works in the lab. He's gone testify as to fracture
9 matches and label matches on the bottles. The pieces
10 which are already in evidence themselves. And he did
11 these on his computer, Your Honor, which I have just saw a
12 few minutes back. I been waiting for Mr. Prosser so I can
13 show them to him. I think he's going to object to them
14 because he's just now see them just now. I told him I
15 just now seen them too, but I don't object. It's just,
16 you know, it's really just demonstrative purposes, Your
17 Honor. The jury would be probably leaving blood spatter
18 evidence in the jury room if they took the glass out and
19 tried to match them up themselves. These we would submit
20 to have used and marked use for demonstrative purposes
21 with Mr. Worsham's testimony.

22 THE COURT: All right. Mr. Worsham, Mr. Prosser, is
23 going to testify I guess that those pieces all matched up
24 and stuff and he's brought these demonstrative. How is
25 that prejudicial?

1 MR. PROSSER: Well, first of all, Your Honor, when we
2 took Investigator Parrott's testimony was the first time I
3 heard anything about evidence of what he called -- what do
4 you call it?

5 MR. CLEMENTS: Fragmentation.

6 MR. PROSSER: Fragmentation type evidence, first time
7 I ever heard of that. They named obviously Mr. Worsham,
8 but never have I heard that, so I was quite surprise when
9 that evidence was presented to me a minute ago.

10 THE COURT: Well, I mean -- in every case you tried,
11 do you know what every witness is going to say, clearly
12 you don't?

13 MR. PROSSER: Most of none.

14 THE COURT: I mean, I'm not seeing how that's -- I
15 guess your basis for your objection is because
16 prejudicial.

17 MR. PROSSER: That and I guess we could use the best
18 evidence rule. I don't want to open the actual bottles
19 themselves, but we can hold the bottle and testify using
20 the bottle.

21 THE COURT: That seems like that's the best evidence
22 right there then to that. I want to see how he uses it,
23 but if he uses it appropriately and sets the foundation
24 tries to move it in, I would probably allow it.

25 MR. CLEMENTS: Thank you, Your Honor.

1 THE COURT: We got all the jurors ask them to come in
2 please. Wait a minute. Let me go ahead and preempt what
3 maybe an issue. There's a young lady on the jury
4 Ms. Cylethia Boykin, she's juror number nine. She
5 indicated to Mrs. Rhodes during the break that she needed
6 to talk to the Court because she has no one to care for
7 her children tomorrow. I checked the roster that I got to
8 see -- she's a young lady who listed her employment as --
9 the fact that she was unemployed. So she may very well
10 have an issue. I'll bring that to your attention so that
11 now so you can think about it if she does bring it up at
12 the close of our day, that something we'll have to deal
13 with. We do have two alternates, but we'll have to deal
14 with that as we see. I'm assuming she's going to bring it
15 up at the end of the day, so just be thinking about it,
16 okay.

17 MR. CLEMENTS: Your Honor, for the record, that's why
18 we choose alternates. Whatever the Court decides, the
19 State is fine with it.

20 THE COURT: And I think statutorily -- I think
21 statutorily the first alternate who is placed in that
22 position in criminal matters. I think in civil matters I
23 think it may be a draw of the two if you have more than
24 one alternate, I think it maybe a draw. But I think in
25 civil matters the first alternate -- in criminal matters,

1 the first alternate is the alternate that's placed in the
2 slot.

3 Bring the jury in please.

4 (WHEREUPON, the jury returns to the courtroom.)

5 THE COURT: Ladies and gentlemen, we ready to
6 continue.

7 Solicitor, you may call your next witness, sir.

8 MR. CLEMENTS: Thank you, Your Honor. If it please
9 the Court, we would call Mr. Scott Worsham from SLED.

10 THE COURT: Mr. Worsham, if you would please come
11 around to be sworn, sir.

12 THE CLERK: Do you solemnly swear or affirm to tell
13 the truth, the whole truth, and nothing but the truth so
14 help you God?

15 MR. WORSHAM: I do.

16 THE CLERK: Thank you.

17 WHEREUPON,

18 Scott Worsham,
19 after first having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. CLEMENTS:

22 Q Sir, would please state your name for the record,
23 spell your last name for the court reporter?

24 A My full name is William Scott Worsham. It's
25 W-O-R-S-H-A-M.

1 Q Where do you work?

2 A I work in a forensic laboratory with SLED in
3 Columbia.

4 Q And you're one of the scientist there in the lab?

5 A Yes, I'm a question documents examiner, examine
6 documents. We also look at torn pieces of paper to see if
7 we can match torn pieces of paper back together. We look
8 at handwriting. We look at ink on the paper. I been
9 doing that for approximately 14 years now. In addition in
10 the past, I was working with another forensic laboratory
11 where I retired coming down to SLED with a North Carolina
12 state bureau of investigation. There I was in trace
13 evidence as a trace chemist. And again, we looked at
14 different broken pieces of glass could be headlight glass.
15 We looked at broken pieces of plastic such as turn signals
16 on a car in a hit and run case. And we try to match those
17 back together.

18 Q Are you referred to as Agent Worsham or Mr. Worsham?

19 A Agent Worsham is fine.

20 Q Agent Worsham, you been with SLED how many years now?

21 A Six years with SLED.

22 Q How many years with North Carolina?

23 A Twenty-seven, 28 years with North Carolina.

24 Q All right. And I imagine you been qualified to
25 testify as an expert numerous times in state and federal

1 courts?

2 A Yes, I have.

3 MR. CLEMENTS: Your Honor, we would submit
4 Mr. Worsham as an expert in questioning documents where
5 includes glass fractures and torn papers, Your Honor, in
6 that area of study.

7 MR. PROSSER: No objection.

8 THE COURT: All right, without objection.

9 BY MR. CLEMENTS:

10 Q Agent Worsham, did you have an opportunity to do any
11 examinations regarding the death of Cheryl White which
12 Anthony McCray and Quinton Inman were charged?

13 A Yes, sir. I received evidence in the laboratory
14 comprising of a broken -- what look to me like a beer
15 bottle at first. And I received pieces of glass
16 identified to me as having come from a car wash, pieces of
17 glass having come from the Ford Focus of the victim. Also
18 received more evidence a second submission with more glass
19 in it same beer bottle and pieces of glass identified
20 being taken from the car wash and then again from the
21 victim's Ford Focus.

22 Q All right. And who did you receive them from?

23 A These came in from evidence technician Amy who
24 earlier testified there at SLED. I received those on June
25 6 of 2000.

1 Q And did they come from ultimately come from an Agent
2 Parrott?

3 A Yes.

4 Q Okay. Now, when you received glass like that what do
5 y'all do -- how do y'all examine it?

6 A We look at the glass and what we're trying to do is
7 put it back to gather. For example, if you had a plate, a
8 white plate at your house and on the bottom of the plate
9 there was a gum label with some writing on it could say
10 like made in Japan or made in China stuck on the bottom of
11 the plate to identify that plate or the manufacturer of
12 that plate. If you were to drop that plate and let's say
13 it broke into two halves and this is a plate that you want
14 to put back together and you like the plate, you might
15 take some super glue run along the edges of the two halves
16 and to see if those two halves will come back together.
17 And if you're lucky, you put those two halves back
18 together and when you're done you look at the plate and
19 you see just a small crack line running down the plate,
20 that's the fracture pattern in that plate, that's what I'm
21 at is that fractured pattern. Now, if you take that plate
22 and flip it over and it tore the label, that label would
23 also come back together. So you could read it once again.
24 And you know it been broken, but still you know those two
25 pieces come together at one and you know that these two

1 pieces made of that plate, and that's what I did in this
2 case. I was looking for a fracture pattern of the glass
3 and I was looking for a torn label. In this case, it was
4 a Budweiser beer label. And I could put different pieces
5 of the Budweiser beer label back together, so it spelled
6 Budweiser beer and whatever the spelling was on it and
7 also look at the cracked glass and slid it back together.
8 By doing that, I could state conclusively that the pieces
9 of glass from the car wash and the pieces of glass that I
10 examined from the Ford Focus were from the same beer
11 bottle but unjoined.

12 Q And in your experience and all the years you have
13 examined these things, does glass break randomly or does
14 it break nice and clean and neat?

15 A It breaks randomly. For example, you could break a
16 thousand beer bottles and each and every piece would not
17 come back together. Let's take -- let's go back to the
18 plate. If you were to break that plate in half and at the
19 same time drop and break seven or eight other plates
20 exactly like it, that one half that you had in your hand
21 would not fit back together with any of those other pieces
22 of plates and that label would not match it up. It has to
23 be the exact plate that was broken the two pieces coming
24 back together to form the original plate.

25 Q Now, you took the pieces of glass and submitted and

1 you observed the labels and you observed the fractured
2 pattern; is that correct?

3 A That's correct.

4 Q Were you able to compare the pieces of glass?

5 A Yes.

6 Q What conclusion -- first let me ask you this, I'm
7 going to show you State's Exhibit Number 5. Is that part
8 of the glass that you looked at?

9 A It is. State's Exhibit Number 5 I received there in
10 the laboratory and I actually put these pieces back
11 together here. You can see the tear in the label. You
12 can see the back of the fractured pattern that I matched
13 up on this particular piece. All of this piece that I'm
14 showing you right now came from the car wash.

15 Q And how do you know that?

16 A It was identified to me as having come from the car
17 wash at the scene of the crime.

18 Q I'm going to show you State's Exhibit Number 2. I'm
19 going to ask you if you can identify State's Exhibit
20 Number 2?

21 A Yes, State's Exhibit Number 2 is a broken piece of
22 glass that was identified to me. The large piece here
23 with a label on it. This one -- the large piece was
24 identified was identified to me as having come from a Ford
25 Focus. This smaller piece is actually two pieces that's

1 stuck up here in the corner and there held together by the
2 label on the back side of the Budweiser beer. And this
3 came from the Ford Focus, make sure I have that correct.
4 Two pieces up here came from the car wash, the big piece
5 came from the Ford Focus. And so what I did I line those
6 up to see if they could be put back together, to see if
7 the fracture, the broken pieces of glass would fit this
8 big piece of glass on the back side to see if the labels
9 matched up. And when I did, I photographed it. I took
10 scans of it on the computer. And in doing so, I was able
11 to ---

12 Q Before you show that to the jury, let's be sure we do
13 this right. Tell me what did you do when you took the
14 pictures and put them on the computer, tell them what you
15 did?

16 A I place -- I took some moldings of it because the
17 beer bottles is rounded and broken pieces of glass are
18 curved. And I stuck them into the yellow molding plate
19 and I took the other piece and stuck it onto the molding
20 plate and slid them together to see if they would line up
21 and they did. And then I place them under an instrument
22 that we have there at the laboratory, that takes an
23 enlargement of that from overhead. And so I magnified it
24 2-X, that's twice it's normal size and printed it off on
25 the computer and that's what I have here.

1 Q And you brought those with you?

2 A Yes, sir.

3 Q And did you own those pictures, did you label them as
4 which piece came from where?

5 A I did.

6 Q And any of those labeling and lettering on there, who
7 put that on there?

8 A I did except for what's on the beer bottle. It's
9 either my initials or the label.

10 Q All right. I'm going to show you State's Exhibit 30.
11 Is that what you're describing to the jury?

12 A Yes, it is.

13 Q Okay. And that's State's for ID right now number 30?

14 A Yes, sir.

15 Q All right. State's Exhibit Number 31 for ID is that
16 part of what you're talking about as well?

17 A Yes, it is.

18 Q Is that the back side of it?

19 A Yes, it is.

20 Q And State's Exhibit 32 is that kind of a close up of
21 one section?

22 A It is.

23 Q And you prepared all those?

24 A I did.

25 MR. CLEMENTS: Your Honor, we would move to have

1 items 30, 31 and 32 entered into evidence at this time.

2 THE COURT: All right.

3 MR. PROSSER: Considering his testimony, I have no
4 objection.

5 THE COURT: All right, no objection.

6 (WHEREUPON, State's Exhibit Nos. 30, 31 and 32 was
7 admitted into evidence.)

8 MR. CLEMENTS: Your Honor, I would ask if Agent
9 Worsham might be able to step down so he can more readily
10 show this to the jury.

11 THE COURT: Sure.

12 BY MR. CLEMENTS:

13 Q If you just take and refer to each item if you refer
14 to it by exhibit number and explain that to the jury
15 please.

16 A State's Exhibit Number 31 shows three pieces of
17 glass. There are two small fragments up here that are
18 cupped together on the back side where the label on the
19 beer bottle and the long -- kind of imagined this as being
20 the head of a horse. So you can imagine this would the
21 head of a horse. The very top head of the horse here as
22 two pieces of glass. The inner most piece of glass fits
23 together with this large piece of glass. These two small
24 pieces came from the car wash. This long piece came from
25 the Ford Focus. So you can slide it together, line up the

1 cracks. They come together right here. You can take this
2 two pieces from the car wash this long piece on the Ford
3 Focus. This a brown beer bottle. And the yellow material
4 is the mold, yellow mold to kind of hold itself. You take
5 this and flip it over, you see this.

6 Q And what exhibit is that?

7 A This State's Exhibit 32. Again, here's the head of
8 the horse. These are the two pieces up here and they have
9 as I stated before these two pieces came from a car wash.
10 They have the label there and the label matches up right
11 here. And it's under the microscope I can see the tear.
12 So there again I have a piece of glass from the Ford
13 Focus, two pieces of glass from the label from the car
14 wash. These two pieces of glass were all join at one
15 time. Also from the car wash this is State's Exhibit
16 Number 30, I had broken pieces of glass and I was able to
17 put part of that Budweiser beer bottle label back together
18 with the glass stuff on the back. And when I did, I
19 noticed that I'm here there was a long piece of glass.
20 And it says 2-gauge 04 and then see how the scratch the
21 blue area matches up and see how this tear is matched up.
22 I study that this piece right here, this long piece, which
23 is the same long piece as this one as State's Exhibit 31
24 without the head of the horse on it came from that beer
25 bottle, the same beer bottle -- little pieces from the

1 same beer bottle that appeared in the Ford Focus also
2 appeared at the car wash.

3 Q Agent Worsham, do you have an opinion to a reasonable
4 degree of scientific certainty in your field of expertise
5 all these pieces of glass that were in the Ford Focus and
6 in the car wash all parts at one time of the same solid
7 Budlight beer bottle?

8 A These were all part of the same solid Bud Light beer
9 bottle conclusively, no question.

10 MR. CLEMENTS: Thank you, Agent Worsham, would please
11 answer any questions Mr. Prosser may have.

12 CROSS-EXAMINATION

13 BY MR. PROSSER:

14 Q Good afternoon, Agent Worsham.

15 A How you doing?

16 Q Doing good. Four questions if I may. Your
17 conclusion after doing this is it analysis or ---

18 A Examinations.

19 Q Examination was it the glass from the car wash that
20 was found and the glass that's found in Mrs. White's car
21 both came from the same bottle, that's your conclusion; is
22 that correct?

23 A That's correct.

24 Q Your examination does not or cannot that bottle in
25 anyway to Quinton Inman, can it?

1 A Not from the examination that I do, no, sir.

2 Q Right, exactly. Your examination cannot or does not
3 produce any results which would have fingerprints from
4 that bottle from Quinton Inman cause you didn't do that;
5 correct?

6 A That's correct. The glass that I received had latent
7 print powder on it had been process already for latent
8 prints.

9 Q And your examination doesn't produce blood matches or
10 DNA matches from that bottle or that glass?

11 A No, sir.

12 Q Okay. So obviously, you didn't test anything with
13 regard to Quinton Inman's body fluids or fingerprints on
14 that bottle?

15 A I did not.

16 MR. PROSSER: That's all I have.

17 MR. CLEMENTS: Your Honor, we like to ask that Agent
18 Worsham's subpoena be lifted and that he be excused.

19 MR. PROSSER: I have no objection.

20 THE COURT: All right. Thank you very much, sir,
21 you're free to go.

22 (WHEREUPON, the witness leaves the witness stand.)

23 MR. CLEMENTS: Our next witness, Your Honor, will be
24 Agent Lindsey Thompson from SLED.

25 THE COURT: You can come around here to be sworn

1 please, ma'am.

2 THE CLERK: Do you solemnly swear or affirm that the
3 testimony you give in this case to be the truth, the whole
4 truth, and nothing but the truth so help you God?

5 MS. THOMPSON: I do.

6 WHEREUPON,

7 Lindsey Thompson,
8 after first having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. CLEMENTS:

11 Q Would you please state your name?

12 A Lindsey Thompson.

13 Q Ms. Thompson, where do you work?

14 A At the South Carolina Law Enforcement Division
15 commonly referred to as SLED.

16 Q And what do you do at SLED?

17 A I'm a DNA analyst.

18 Q A DNA analyst?

19 A Yes, sir.

20 Q But they call you Agent Thompson or Ms. Thompson?

21 A Ms. Thompson will be fine.

22 Q Ms. Thompson, okay. Ms. Thompson, what is a DNA
23 analyst?

24 A A DNA analyst will accept evidence from law
25 enforcement agencies across South Carolina, examine those

1 items of evidence for body fluids, perform DNA analysis,
2 create a report and then testify when necessary.

3 Q How long have you worked at SLED?

4 A It will be two years in October.

5 Q Okay. And during your entire two-year period with
6 SLED, have you been a DNA analyst?

7 A Yes, I have.

8 Q Okay. Can you tell this jury what your educational
9 training and background is?

10 A I have a bachelor of science degree in forensic
11 science and biology with a minor in chemistry from
12 Virginia Common Wealth University. And I have a master of
13 science in biology with a specialization in DNA analysis
14 also from Virginia Common Wealth University.

15 Q Have you been to any other training seminars or
16 training since you received your masters degree?

17 A Yes, I have.

18 Q Could you please tell us about those?

19 A Yes. I attended a week-long training in DNA analysis
20 Flyby Systems a company that makes most of the chemistries
21 and equipment we use out of. I have also completed a
22 training course in DNA and serology at SLED under the
23 supervision of a court qualified DNA analyst, which
24 included policy procedure, case analyst report writing and
25 statistics as was applied to DNA analyst.

1 Q Had you worked as a DNA analyst prior anywhere prior
2 to working with SLED?

3 A No, I had not.

4 Q And had you been qualified to testify as an expert in
5 the field of DNA analysis in court before?

6 A Yes, I have.

7 MR. CLEMENTS: Your Honor, at this time, we would
8 submit Ms. Thompson as an expert in the area of DNA
9 analysis.

10 THE COURT: Any objection?

11 MR. PROSSER: No objection, Your Honor.

12 THE COURT: All right.

13 MR. CLEMENTS:

14 Q Ms. Thompson, we all hear a lot about DNA on
15 television and in the movies. Can you tell us
16 realistically the facts about DNA and actually what DNA
17 is?

18 A DNA is basically the genetic code for life. It's how
19 you genetic information passed to one generation to the
20 next. You get half of your DNA from your mom and half
21 from your dad. No two people have the same DNA except
22 identical twins. 99.9 percent of DNA is the same from
23 person to person, but there is .1 percent that varies from
24 individual from individual. And in DNA analysis, we look
25 at 15 locations within that .1 percent. And we look at

1 those 15 locations as a whole. We call that a DNA
2 profile.

3 Q All right. When you look at those 15 locations,
4 those items you look for to identify the differences
5 between different people's DNA?

6 A Yes.

7 Q Okay. Did you have an opportunity to do any analysis
8 on evidence submitted to SLED in regards Quinton Inman and
9 Anthony McCray regarding the murder of Cheryl White?

10 A Yes.

11 Q Could you please tell this jury what you did and what
12 was submitted to you and what you did?

13 A The items that were submitted to me -- would you like
14 me to list those?

15 Q First -- let me ask this, did you examine some items
16 that you weren't able to find anything of any evidentiary
17 value on?

18 A Yes.

19 Q What were those items?

20 A There was a swab from the driver side front door in
21 which I did not get any indication of blood. There's a
22 swab from driver side front seat where I did not get any
23 indication of blood. And there were several items in this
24 case that there was no analysis performed.

25 Q Okay. Now, when you the DNA analysis when you first

1 do a test to determine if there's blood present?

2 A Yes.

3 Q And why do you have to determine first if there's
4 blood present?

5 A Part of what we do as forensic analysis, forensic DNA
6 analyst is serology which is the identification of body
7 fluids. And we get DNA from body fluids so therefore we
8 test to see if there's any body fluid present before
9 perform DNA analysis.

10 Q So you need some type of body fluid to extract the
11 DNA from?

12 A We need cells that have DNA in them. You can get
13 some from touch DNA.

14 Q Like skin cells?

15 A You can get them from skin cells, yes, but it's much
16 more difficult and you generally get as good results.

17 Q When you say it's much more difficult, are you
18 talking about out in the field is more difficult to find
19 skin cells or when you like do a test on someone that you
20 know is present there?

21 A From evidence that comes from the field if it's touch
22 evidence, if I touch here and then you swab that and send
23 it in. I may or may not have left enough cells behind for
24 a profile. If there's a body fluid present, generally
25 there are going to be enough cells present in a body fluid

1 for a profile to be generated.

2 Q So that would be a different situation then when you
3 take a specimen from a known subject like with a swab?

4 A Correct.

5 Q All right. So you get evidence that you think have
6 to test to see that has body fluid or skin cells?

7 A Correct.

8 Q Once you determine that there's body fluid there like
9 say blood or some other body fluid, then that's unknown
10 subject?

11 A Right, that be evidence of the unknown.

12 Q Okay. And what do you do with that evidence of an
13 unknown subject's DNA?

14 A I create a DNA profile from that DNA on the evidence
15 and then if a standard from a known individual which is I
16 would go to a -- someone would collect DNA from an
17 individual it be a swab from the inside of their cheek,
18 just a sterile Q-tip swab from the side of their cheek or
19 blood drawn. I know that that is that person's DNA and
20 it's submitted to me. And when I develop a profile from
21 that, I know that that is their profile and I would
22 compare what I have from the evidence to what I develop
23 from that person to make the comparison.

24 Q Did you get a known profile on Anthony McCray?

25 A Yes.

1 Q And did you make some comparison's on evidence?

2 A Yes.

3 Q And did you find any matches?

4 A For?

5 Q Anthony McCray?

6 A Anthony McCray, yes, I did.

7 Q Okay. Did you get any known samples from Quinton
8 Inman?

9 A Yes, I did.

10 Q Did you compare that known sample from Quinton Inman
11 to any evidence submitted in this case?

12 A Yes, I did.

13 Q And to what evidence did you compare it to that you
14 have a match?

15 A For?

16 Q Quinton Inman?

17 A For Quinton Inman, if I may read directly from my
18 report, I have the DNA profile developed from item 34,
19 which is SLED item 34 which is swabs from the trunk near
20 the license plate.

21 Q What was the first thing you did with those swabs?

22 A I tested them to see if blood was present.

23 Q And what did you find?

24 A Blood was indicated.

25 Q Okay.

1 A And then I developed a DNA profile and my results say
2 that the DNA profile developed from that item matches the
3 DNA profile of Quinton Inman. And the probability of
4 randomly selecting an unrelated individual having a DNA
5 profile matching that item is approximately only one in
6 one point six quintillion.

7 Q One in one point six quintillion?

8 A Yes, sir.

9 Q All right. I'm not sure I understand the number, but
10 I want to get back to that in a little bit. Sometimes do
11 you find where you have like mixed DNA?

12 A Yes.

13 Q In this case on item 34 when it was blood there, was
14 there a mixture at all?

15 A No not in that item.

16 Q Was it 100 percent Quinton Inman's?

17 A It was Quinton Inman's DNA based on that statistic.

18 Q And do you have an opinion to a reasonable degree of
19 scientific certainty that item 34 of blood found on the
20 trunk lid of the Ford Focus was Quinton Inman's blood?

21 A In my opinion, the DNA profile developed from that
22 matches Quinton Inman?

23 Q To a reasonable degree of scientific certainty?

24 A Yes, sir.

25 Q And, Agent Thompson, and would that be to the

1 exclusion of every other person on earth?

2 A The probability of selecting a random person is one
3 in one point six quintillion.

4 MR. CLEMENTS: Your Honor, may I ask permission for
5 Agent Thompson to step down?

6 THE COURT: Yes.

7 BY MR. CLEMENTS:

8 Q Agent Thompson, in your analysis and you do the
9 statistics of the probability, are you familiar with a
10 number of people on planet earth?

11 A Yes.

12 Q Can you write that number down what's the approximate
13 number of people on planet earth. All right. What is
14 that number?

15 A 6.6 billion.

16 Q 6.6 billion. All right. And I probably should have
17 you write this on here instead of me with my handwriting.
18 6.6 billion and you said that the DNA was one in one point
19 ---

20 A Six quintillion.

21 Q Can you spell quintillion for me?

22 A Q-U-I-N ---

23 Q Q-U-I-N, T-I-L-L-I-O-N?

24 A Yes, sir.

25 Q All right. Like I said that doesn't mean a whole lot

1 to me, Agent Thompson. What I like for you to do if you
2 could and you tell us what that is in numerical form? All
3 right. That's how many zeros?

4 A That's a one, six and 17 zeros.

5 Q One, two, three, four, five, six, seven, eight, nine,
6 ten, 11, 12, 13, 14, 15, 16, 17 zeros. And the number
7 that's one in one point six quintillion?

8 A This is 1.6 quintillion and one in?

9 Q And this is 6.6 billion the number of people on earth
10 that's one, two, three, four, five, six, seven, eight
11 zeros. All right. That kind of boggles my mind. I'm
12 going to ask if we can simplify that. You got eight zeros
13 here. Would you just mark through those eight zeros up
14 here?

15 A Cross through them?

16 Q Yes, ma'am. Okay. And if you would, would you mark
17 through eight zeros here. How would you characterize the
18 difference between that 6.6 number and this number right
19 here. How would you characterize the numerical difference
20 there?

21 A This number is 6.6 billion and this is trillion.

22 Q Agent Thompson, would you know how many planets equal
23 population of the earth it would take to make up 1.6
24 quintillion?

25 A Quite a few.

1 Q About a million planets?

2 A About a million, yes.

3 Q About a million planets. So is the probability you
4 told us that it would have to be someone else's DNA other
5 than Quinton Inman's on that trunk lib. We have to have
6 about a billion planets to hunt for somebody different?

7 MR. PROSSER: Your Honor, it's kind of getting drug
8 on.

9 THE COURT: It really is, your points been made. In
10 other words, this is ---

11 MR. PROSSER: We're not arguing that it's not his
12 DNA. We will stipulate to that point.

13 MR. CLEMENTS: All right. Your Honor, no further
14 questions.

15 MR. PROSSER: Your Honor, just a little bit shorter,
16 Your Honor.

17 CROSS-EXAMINATION

18 BY MR. PROSSER:

19 Q I'm going to use my piece of paper instead of an
20 easel. I'm going to try to learn from Mr. Clements. Good
21 afternoon. Now, do you have your report in front of you?

22 A I do.

23 Q Okay. And that's the report that was made on July
24 28th 2008; is that correct or references the analysis of
25 July the 28th 2008?

1 A It's a DNA analysis report from July 28th.

2 Q On that particular report, I believe and correct me
3 if I'm wrong not counting the buckle swabs which were
4 taken from the defendant, Quinton Inman and Anthony
5 McCray, there were 15 samples that you tested; is that
6 correct?

7 A There were 15 items submitted to me and one of them I
8 subdivided into two different items.

9 Q Which one was that?

10 A Forty-seven which was fingernail clippings.

11 Q You count 16 items that you -- separate items that
12 you analyze?

13 A That I received and looked at.

14 Q Those 16 items were given to you by?

15 A I received them at SLED. We have them put into our
16 box in our secure freezer, so I didn't actually take them
17 from a individual person.

18 Q Okay.

19 A But the -- they were routed to me through Amie
20 Stephen's.

21 Q Sixteen in all part of this situation; correct?

22 A Correct.

23 Q And there were only three samples that were given to
24 you that's standards; is that correct?

25 A Correct.

1 Q Okay. Those three one being Quinton Inman. One
2 being Anthony McCray and one being Cheryl White, the
3 victim; is that right?

4 A Yes.

5 Q Out of the 16 samples, Quinton Inman's showed a match
6 with one item; is that correct? I think it's item number
7 34?

8 A Yes.

9 Q Okay. All right. And that was a swab from the
10 outside where it says from the trunk near license plate?

11 A Yes.

12 Q You didn't have anything to do with taking the swabs,
13 so you don't know exactly where it was that's what it
14 showed in the report?

15 A Yes.

16 Q So 16 to one ratio there. You also found on page two
17 of your analysis and actually page three I'm sorry. If
18 you look down, the DNA profile developed from item number
19 32 was a mixture of at least individuals and was not
20 suitable I assume for analysis; is that correct?

21 A Yes.

22 Q And the other -- there's another statement said from
23 47.1 was a mixture of at least two individuals. One of
24 those individuals was Ms. Cheryl White, but the other was
25 not suitable; is that correct?

1 A Correct.

2 Q Even though you had at least three unsuitable samples
3 that could not be analyzed nobody else's samples were
4 submitted to you; is that correct? You had only three
5 samples submitted to you Cheryl White's ---

6 A For standards?

7 Q For standards, yes, ma'am?

8 A Correct.

9 Q Yes, ma'am. And of the nine people that potentially
10 may have touched anything to do with this situation, you
11 don't have any knowledge of anybody else other than
12 Quinton Inman or Anthony McCray or Mrs. Cheryl White?
13 Zero other standards?

14 A I don't have any other standards, no.

15 Q Do you know why even with finding other individuals
16 DNA on some of these things no other samples were
17 submitted to you?

18 A I don't know.

19 Q Don't know why or why not. Only Anthony McCray's,
20 Quinton Inman and Cheryl White?

21 A Yes, sir.

22 Q Considering that fact if those samples were not
23 submitted to you to match with any of these items, you
24 can't test them correct or you don't have a standard to go
25 by other than what you were given?

1 A If the standards is not submitted to me, I cannot
2 analyze them.

3 Q Okay. All right. And out of the 16 items some which
4 were items found inside of the car like the cigarette butt
5 things of that nature, out of the 16 items, some of which
6 were not actually swabbed from a car?

7 A Correct, some of them were not swabs from the car.

8 Q All right. For example, just let me read it.
9 Dentures from the car wash, cigarette butt near front
10 passenger side of Ford Focus, swab from the passenger side
11 door, swab from the trunk near license plate, which is the
12 one that matched Quinton Inman's; right?

13 A Correct.

14 Q Swab from the driver's side front door, swab from the
15 back passenger side window outside, swab from the
16 passenger side door, swabs from driver side front seat,
17 hair and or debris collection, from paper bag right hand,
18 paper bag from left hand, blood standards -- that's a
19 standards. Fingernail clippings, Cheryl White's right
20 hand fingernail clippings, Cheryl White's left hand,
21 pulled head hair, arm scrapings debris. Out of all of
22 those the only one that matched Quinton Inman came from
23 the outside of that car near the trunk or the license
24 plate or trunk near license plate?

25 A Correct.

REDIRECT EXAMINATION

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BY MR. CLEMENTS:

Q Ms. Thompson, you don't have any unidentified items, do you?

A I'm sorry unidentified items?

Q Any items that had DNA sufficient for analysis that were unidentified?

A Sufficient for individual analysis comparative to?

Q Comparison to any standard you might have?

A No.

Q Everything that you had that you could analyze either matched Anthony McCray, Cheryl White or Quinton Inman; is that correct?

A No, not everything I had matched one of those three, but everything that I had that I could match to someone.

Q Okay. What did you have that you could analyze that didn't match one of those three?

A There was a cigarette butt that was found near the front passenger side of the Ford Focus. I do not know if there inside or outside of the vehicle.

Q Those items 32; correct?

A Item 32 for SLED item. I do have a mixture my reports says a partial profile developed from item 32 is a mixture of at least two individuals.

Q But it wasn't suitable for analysis, right or with a

1 co-defendant?

2 A Correct.

3 Q So it didn't match up -- you couldn't test it through
4 CODIS?

5 A Right. I didn't have any standards to compare it to
6 and I couldn't put it in CODIS.

7 Q Okay. And did the standards other than the victims,
8 did the standards that you had that examined were they
9 chosen because they also had a hit on CODIS?

10 A I'm sorry.

11 Q Were the items that you had that were tested to a
12 standard other than Cheryl White, did they also have a
13 CODIS hit first?

14 A Yes sir.

15 Q Okay. So you had a CODIS hit on Quinton Inman and a
16 CODIS hit on Anthony McCray on these items and then you
17 got the standards to test them?

18 A Yes, sir.

19 Q Okay. Didn't have a CODIS hit on anyone else?

20 A No, sir.

21 MR. CLEMENTS: Thank you.

22 RECROSS-EXAMINATION

23 BY MR. PROSSER:

24 Q One basic question. If you would have had sufficient
25 standards and one of those standards would have matched

1 the cigarette butt, could you have done that?

2 A I could not have matched. I may have been able to
3 say that this person could not have contributed to the
4 mixture?

5 Q Right.

6 A But I could not have given him that statement with a
7 statistic based on the profile that I developed from the
8 item.

9 Q But additional standards would have helped in the
10 exclusion of other folks?

11 A It could have helped.

12 Q If they were provided to you?

13 A It may have, I don't know, but it may have.

14 MR. PROSSER: Okay, that's all.

15 MR. CLEMENTS: Nothing further. We ask that Agent
16 Thompson be released from her subpoena?

17 MR. PROSSER: No objection.

18 THE COURT: Thank you, ma'am. You are free to go.

19 (WHEREUPON, the witness leaves the witness stand.)

20 THE COURT: Is that all you got?

21 MR. CLEMENTS: Your Honor, the next witness we would
22 call would be quite lengthy.

23 THE COURT: All right. Ladies and gentlemen, we are
24 going to adjourn for the evening. Let me send you with
25 the same instructions I gave you yesterday and that is to

1 have no conversation with anyone about the case. Don't
2 read anything about the case. Don't listen to anything
3 about the case. Don't allow anyone to have conversation
4 with you, again, friends family members, loved ones, ask
5 them to be patient. The day is coming when you will be
6 able to talk to them. Right now it's very important that
7 you just have no conversation about the case. I tell you
8 what I'm going to do, I'm going to ask if you would to be
9 back here in the morning at nine o'clock. We're going to
10 start just a little bit earlier and hopefully maybe avoid
11 running later. So if you would, please be here in your
12 jury room at nine o'clock in the morning and then we'll
13 continue at that time. If everyone else would please
14 remain seated.

15 Members of the jury, you are excused for the evening.
16 We will see you at nine o'clock tomorrow.

17 (WHEREUPON, the jury was excused for the day.)

18 THE COURT: I didn't say anything to Ms. Boykin, I
19 wanted to see if she would say anything and she didn't.
20 What I'm hoping is that she's going to try and go home and
21 try to work it out. If she doesn't, she calls back in the
22 morning or whatever, I just did a little bit of research.
23 What we will do is if she cannot be back for that reason,
24 we'll take the names of the two remaining -- of the two
25 alternates and we'll put them in the barrel and shake it

1 around and we'll draw one. I believe code section
2 14-7-1340 is a section that deals with that and I believe
3 that's the proper procedure when you have more than one
4 alternate. So we'll -- but we'll deal with that tomorrow
5 if we have to. So we'll be in recess then 'til nine
6 o'clock. We're going to start a few minutes early.

7 (WHEREUPON, the proceedings were concluded for the
8 day to be reconvened on August 6, 2008.)

9 THE COURT: Ask Ms. Boykin -- get Ms. Boykin to come
10 out.

11 (WHEREUPON, juror number 9 Cylethia Boykin entered
12 the courtroom.)

13 THE COURT: MS. Boykin, you said you need to talk to
14 me.

15 MS. BOYKIN: Yes, I have nobody to watch my baby
16 after ten today.

17 THE COURT: Is it something that just happened?

18 MS. BOYKIN: Yes, sir. She called me on my way here.

19 THE COURT: You got two kids; right?

20 MS. BOYKIN: One.

21 THE COURT: You don't have anyone else that could
22 help you with that?

23 MS. BOYKIN: My mom lives in Charleston.

24 THE COURT: All right. If you will do me a favor and
25 I will get back with you in just a second. Thank you.

1 (WHEREUPON, juror number 9 Cylethia Boykin returned
2 to the jury room.)

3 THE COURT: All right. Mr. Prosser and Solicitor,
4 Ms. Boykin got a young child. She has no -- she has no
5 one to watch that child after ten o'clock this morning.
6 Her person watching her child can't go past ten o'clock.
7 She indicates that it's something that just arose in the
8 last day or say which is why she didn't say anything
9 earlier. I think I'm going to have to let her go. I'm
10 happy to hear from either side if you have any issues or
11 comments you want to make.

12 MR. CLEMENTS: Your Honor, that's why we choose
13 alternates and that's in your discretion and whatever you
14 do is fine with the State, Your Honor.

15 MR.. PROSSER: And, Your Honor, if she's physically
16 unable or for any other reason valid to serve ---

17 THE COURT: If I recall from her qualifications
18 earlier, she's got a young child under three years of age
19 and has no one to keep that child. You don't want her
20 sitting on this jury and her being upset that her child
21 ---

22 MR. CLEMENTS: Your Honor, I was gone say, Your
23 Honor, if her mind is distracted or her mind is on
24 whatever is going on with her child, she wouldn't be able
25 to give Mr. Inman or the State the attention it needs.

1 THE COURT: I think what I'm going to do, I'm going
2 to excuse her.

3 Now, you got those other ones ready, Sherry?

4 THE CLERK: Yes, sir.

5 THE COURT: I've had madam clerk take the names of
6 the two alternates, put them back in capsules, put them in
7 the little drum here, and I'm gone just have her reach in
8 and pull one of them out and then whoever that is we'll
9 put on the main panel.

10 THE CLERK: It's number 59 Pamela H. Harrelson.

11 THE COURT: Ask Ms. Boykin to step back out if you
12 would please.

13 (WHEREUPON, juror number 9 Cylethia Boykin entered
14 the courtroom.)

15 THE COURT: Ms. Boykin, you got a young child; right?

16 MS. BOYKIN: Four months old.

17 THE COURT: I'm sorry.

18 MS. BOYKIN: Four months old.

19 THE COURT: Four months old. Obviously, we don't
20 want to leave a four month old by themselves, so I'm going
21 to excuse you.

22 MS. BOYKIN: For today?

23 THE COURT: Actually, I'm going to excuse you for the
24 rest of the week. We got two alternates there and we'll
25 put one of the alternates in your seat. And that's the

1 reason we pick alternates. Sometimes things arise and
2 it's no fault of anybody, it just happens. So I want to
3 thank you for your service this week. You'll be getting
4 -- if you need a work excuse ---

5 MS. BOYKIN: No, sir.

6 THE COURT: That's right you're not working, okay,
7 outside of the home. I know you work at home. So you'll
8 be getting a check next week for your service here this
9 week. Thank you very much. You are free to go.

10 (WHEREUPON, juror number 9 Cylethia Boykin was
11 excused.)

12 THE COURT: All right. We ready to proceed now?

13 MR. CLEMENTS: The State ready.

14 MR. PROSSER: Defense ready, Your Honor.

15 THE COURT: Ask the members of the jury to join us
16 please.

17 (WHEREUPON, the members of the jury returned to the
18 courtroom.)

19 THE COURT: All right. Ladies and gentlemen, as you
20 probably aware, we're down one juror on the main panel.
21 Ms. Boykin as she may have shared with y'all when y'all
22 were in there, the person that keeps her -- was keeping
23 her four month old is not able to do it any further and so
24 she had no one to keep her child. So she's has had to be
25 excused for that purpose. It's the reason we pick

1 alternates. And so the way state law works in a criminal
2 trial if you have more than one -- obviously, if you just
3 have one alternate, then that alternate then is seated in
4 the main panel. If you have more than one alternate, you
5 then take the alternate's name, put them back in the hat
6 so to speak, spin it around and you pull the name. So you
7 may consider it your lucky day or may be not your lucky
8 day, but, Ms. Harrelson, you're name was pulled between
9 the two of you. And so I'm going to ask you if you would
10 to occupy this seat in the main panel and you'll be on
11 that main panel.

12 As you can see, there's -- the reason we pick
13 alternates and the reason it's important that the
14 alternates are part of the jury pool is because at any
15 time this could happen. And so when it does, obviously
16 you have to -- you have to have somebody that can step in.

17 Now, Pastor Gause, that leaves you over there alone
18 in those chairs and I appreciate the attention everybody's
19 given this trial thus far. Please continue it because you
20 never know if someone else ends up having to bail and
21 you'll be there. We gone ahead and we had two alternates
22 ready to go, that probably 95 percent of the time. You
23 don't need the alternates, but when you do, it's good to
24 have them. So we'll now continue to proceed. If you
25 recall, we were still in the State's case, so I would ask

1 the Solicitor -- recognize the Solicitor for his first
2 witness of the day.

3 MR. CLEMENTS: Thank you, Your Honor. Please the
4 Court?

5 THE COURT: Yes, sir.

6 MR. CLEMENTS: Your Honor, we call Investigator Barry
7 Prosser from the Florence County sheriff's office.

8 THE COURT: Investigator Prosser, if you come around
9 please, sir.

10 THE CLERK: Do you solemnly swear or affirm to tell
11 the truth, the whole truth and nothing but the truth so
12 help you God?

13 MR. PROSSER: Yes, ma'am.

14 THE CLERK: Thank you.

15 WHEREUPON,

16 Barry Prosser,
17 after first having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. CLEMENTS:

20 Q Will you please state your name and tell us where you
21 work and what you do?

22 A Barry Prosser investigator with the Florence
23 sheriff's office.

24 Q And I just got a couple of brief questions. Were you
25 working the sheriff's office in September of 2004?

1 A Yes, sir.

2 Q Were you assigned to the missing person investigation
3 on a Mrs. Cheryl White?

4 A That's correct.

5 Q As part of your duties, did you ever go to the BP car
6 wash on East Palmetto Street?

7 A Yes, sir.

8 Q Did you check to see if there was any video
9 surveillance outside at that location?

10 A Yes, sir, I did.

11 Q What did you find there?

12 A I didn't find any.

13 Q All right. Was there video surveillance there?

14 A Inside the store I understand there was a -- they had
15 a camera inside the store, but there was nothing of value
16 to law enforcement.

17 Q All right. But it was nothing outside?

18 A No, sir.

19 MR. CLEMENTS: Please answer questions Mr. Shannon
20 Prosser has if he has any.

21 CROSS-EXAMINATION

22 BY MR. PROSSER:

23 Q Mr. Prosser, you got a good name. Just a few
24 questions. Obviously, you did your job and you check to
25 see if there was video surveillance at that store;

1 correct?

2 A Yes, sir.

3 Q And your investigation prove that there was no
4 surveillance outside at the car wash?

5 A Not that I could see.

6 Q Okay. And therefore, there's no video evidence,
7 photographic or video placing Quinton Inman at the scene
8 of that crime on that night is there?

9 A That's correct, sir.

10 Q There's actually no video or other evidence ever
11 suggesting that he's ever went to that car wash?

12 A I don't have all the knowledge of that what evidence
13 found on the outside.

14 Q Okay. And were you aware that in one of the
15 statements it's been said that the two assailants Of
16 Mrs. White went inside store?

17 A Not that I recall.

18 Q Okay. All right. But anyway there's no surveillance
19 from the inside of the store either?

20 A Not to my knowledge.

21 MR. PROSSER: Okay, that's all I have, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. CLEMENTS:

24 Q There's no video evidence that Anthony McCray was
25 there either, was it?

1 A Not to my knowledge.

2 MR. CLEMENTS: Nothing further.

3 THE COURT: Thank you, sir. You may step down.

4 (WHEREUPON, the witness leaves the witness stand.)

5 MR. CLEMENTS: Your Honor, if Mr. Prosser could be
6 released from his subpoena and stay in the courtroom.

7 MR. PROSSER: I'll be glad to leave, Your Honor. He
8 can go.

9 THE COURT: This Mr. Prosser is not free to go, but
10 this one is.

11 MR. CLEMENTS: We just like to keep the investigator,
12 we don't care what the comedian doing.

13 THE COURT: He's welcome to stay.

14 MR. CLEMENTS: Your Honor, at this time, we call
15 Mr. Anthony McCray.

16 THE COURT: Please have Mr. McCray come around.

17 MR. CLEMENTS: Mr. McCray, if you would step up there
18 to be sworn, sir.

19 THE CLERK: Place your left hand on the Bible and
20 raise your right hand. Do you solemnly swear or affirm to
21 tell the truth, the whole truth, and nothing but the truth
22 so help you God?

23 MR. MCCRAY: Yes, ma'am.

24 THE CLERK: Have a seat in the witness box.

25 WHEREUPON,

1 Anthony McCray,
2 after first having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. CLEMENTS:

5 Q Would you please state your name for the record?

6 A Anthony Dewayne McCray.

7 Q McCray, I'm going to stand back over here be, so I
8 can be sure that I can hear you, be sure that the jury --
9 very important that all the jurors hear everything you say
10 and this court reporter hears everything you say. So I'm
11 going to ask you if you would, you got to scoot up, see
12 that little black thing right there tape down, that's a
13 microphone phone. And if you would speak up loudly and
14 clearly for us, okay.

15 A Yes, sir.

16 Q If you don't understand one of my questions and
17 you're are not quite sure what it is, if you'll ask me,
18 I'll be happy to do rephrase it and ask it again.

19 A Yes, sir.

20 Q All right. Mr. McCray, how old are you?

21 A Twenty.

22 Q Twenty?

23 A Yes, sir.

24 Q And where do you live or where are you from?

25 A Jersey, but I stay in Marion.

1 Q And did you plead guilty to some charges this week?

2 A Yes, sir.

3 Q Can you tell this jury please what did you plead
4 guilty to?

5 A Voluntary manslaughter, kidnapping and carjacking.

6 Q All right. And were you originally charged with
7 murder here in Marion County?

8 A Yes, sir.

9 Q And kidnapping and carjacking in Florence?

10 A Yes, sir.

11 Q And the State allowed you to plead to a voluntary
12 manslaughter instead of a murder; didn't they?

13 A Yes, sir.

14 Q And as a matter of fact, we offered you a negotiated
15 sentence in exchange for something, didn't we?

16 A Yes, sir.

17 Q Can you tell this jury what we offered you to let you
18 plead to?

19 A Twenty-five years.

20 Q And what did you have to do to get that 25 years
21 instead of having to plead to a murder or face a murder
22 charge?

23 A Tell the truth when I testify.

24 Q Tell the jury what you have to do?

25 A Tell the truth when I have testify.

1 Q All right. Now, in September of 2004, how old were
2 you?

3 A Sixteen.

4 Q Did you know Quinton Inman back then?

5 A Yes, sir.

6 Q How long had you known Quinton Inman?

7 A Every since I been down here.

8 Q And how many years would that be?

9 A Since, I was basically a little child.

10 Q So he's pretty much a lifelong friend?

11 A No, sir.

12 Q Or lifelong acquaintance?

13 A Yes, sir.

14 Q Okay. Were you hanging out with him September 19th,
15 18th, 20th of 2004?

16 A Yes, sir.

17 Q When you were arrested and taken into custody by the
18 Marion County sheriff's office, did they mirandize you?

19 A Yes, sir.

20 Q Did they ask you to talk to them?

21 A Yes, sir.

22 Q Did you talk to them?

23 A Yes, sir.

24 Q At the beginning were you completely and totally
25 honest and forthcoming about all the details of this?

1 A No, sir.

2 Q Why not?

3 A I just wasn't telling the truth at the beginning.

4 Q Okay. And what do you have to do today?

5 A Tell the truth.

6 Q If you don't tell the truth, do you get that plea
7 offer?

8 A No, sir.

9 Q All right. What I want you to do, Anthony, I want
10 you to look at this jury and I want you to tell the truth
11 about what happened. First, I want you to tell me about
12 whatever you know about a Cadillac that was found in
13 Darlington County. Can you tell this jury about that?

14 A First off started off that day when Quinton came to
15 my house, he told me that his aunt had a Cadillac that
16 left it to him. So we went on Jones Avenue later on that
17 night and got in the Cadillac and that's when we rode to
18 Florence.

19 Q All right. And then you went to Florence, tell us
20 all what happened?

21 A We rode to Florence and went to Club Hypnotic. We
22 left like Club Hypnotic around like midnight sometime.
23 That's when we rode out and rode towards some type of exit
24 and the car had broke down. When the car had broke down,
25 we went to sleep. And once we woke back up in the car, we

1 rode out again and hit Highway 52, that's when we hit
2 Highway 52 the car broke down again because early that day
3 after he left the Club Hypnotic at Save-Way I miss and put
4 some diesel fuel in the Cadillac, so the car broke down
5 again and that's when we started walking towards Florence.

6 Q So the Cadillac wasn't suppose to have diesel fuel?

7 A No, sir.

8 Q Did you make a mistake or did you think it suppose to
9 have diesel fuel?

10 A I was high.

11 Q You were high?

12 A Yes, sir.

13 Q Okay. All right. When the car broke down the second
14 time is out there Highway 52, I-95 area close to there.
15 You gone have to answer yes or no because the court
16 reporter can't take down when you nod your head?

17 A Yes, sir.

18 Q Okay. All right. When it broke down the second
19 time, what happened?

20 A When it broke down the second time, we lifted up the
21 hood on the car. When we lifted up the hood on the car, a
22 state trooper pulled us.

23 Q All right. When the state trooper came up, what
24 happened?

25 A He check the tags and then he just left.

1 Q All right. How did you feel when the state trooper
2 came up?

3 A Like out of place, like kind of paranoid thought he
4 was gone lock us up for driving without a license or
5 something like that because I ain't knew the car was
6 stolen at the time.

7 Q All right. Now, after the state trooper left, what
8 did you and Quinton do?

9 A After the state trooper left, we drop the hood back
10 down on the back on the car. We drop the hood back down
11 on the car, I wipe my fingerprints off the steering wheel.

12 Q Did Quinton wipe it down at all?

13 A Yes, sir.

14 Q He wipe down part of the car and you wipe down part
15 of the car?

16 A Yes, sir.

17 Q All right. Then what did y'all do?

18 A That's when we started walking towards Florence. We
19 start walking towards. We walk through Florence, went to
20 U-Haul place, got some cigarettes and started walking
21 towards the car wash.

22 Q All right. And about what time of day if you know,
23 did y'all end up at the car wash?

24 A Say like about like -- it was still morning time. I
25 see between like about ten and one o'clock.

1 Q Between ten and one?

2 A Yes, sir.

3 Q Sometime in there. When you got to the car wash,
4 what did y'all do?

5 A Just hung around the car wash smoked another blunt.

6 Q Okay. Did you stay there for a pretty good while?

7 A Yes, sir.

8 Q Did you go inside at all?

9 A Yes, sir.

10 Q Did you go up to the cash register and by anything?

11 A No, sir.

12 Q What did you do when you went in the store?

13 A We was stealing.

14 Q Do what?

15 A We was stealing.

16 Q What would you steal?

17 A Sodas, stuff to eat.

18 Q Okay. And what were you hanging around the car wash
19 for, where were you going to go?

20 A We was waiting on a ride because I had money, so I
21 was gone see if somebody was take us back to Marion.

22 Q Okay. How would you -- since, you had some money how
23 would you try get a ride back to Marion?

24 A . Buy a ride, like offer somebody some money to see if
25 they can take us back to Marion.

1 Q Okay. Did you ever do that?

2 A Yes, sir, but people was saying no.

3 Q Okay. So y'all couldn't get a ride back to Marion?

4 A No, sir.

5 Q Did you ever see a red Ford Focus come up to the car
6 wash?

7 A Yes, sir.

8 Q Tell the jury about that please?

9 A When the red Ford Focus first pulled up, there was
10 Mrs. White in the car. First time she came and pulled up
11 to the car wash, she was washing the car and then she
12 left. When she left, she came back like 15 minutes later.
13 When she came back 15 minutes later, she was trying to put
14 something in the trash.

15 Q Okay. She was trying to put something in the trash.
16 What happened while she was trying to put something in the
17 trash?

18 A While she was trying to put something in the trash,
19 she started walking towards the car again and that's when
20 Quinton grabbed the bottle.

21 Q All right. Quinton grabbed the bottle. Do you know
22 what kind of bolt it was?

23 A No, sir, I know it was a long neck beer bottle.

24 Q It was a long neck beer bottle, but you don't know
25 what kind?

1 A No, sir.

2 Q All right. After Quinton grabbed the beer bottle,
3 she was walking back towards her car, what happened next?

4 A That's when Quinton hit her with the bottle, I was on
5 the passenger side of the car.

6 Q You were on the passenger side of the car?

7 A Yes, sir.

8 Q Had y'all talked about this beforehand at all?

9 A No, sir.

10 Q Okay, just happen?

11 A Yes, sir.

12 Q He hit her with a beer bottle, then what all
13 happened? Tell us what all y'all did, just tell us what
14 happened?

15 A I did hit her with the beer bottle. He drug her out
16 the car. When he drug her out the car, he drug her to the
17 rear of the car toward the trunk, that's when he told me
18 to go get the keys. So I went and got the keys out of the
19 driver side of the car, they dropped on the floor. Once
20 they dropped on the floor, I got the keys out the car
21 thrown them to him. He open the trunk.

22 Q Did y'all both beat her some more?

23 A Yes, sir.

24 Q And I'm going to show you State's Exhibit Number 17,
25 you recognize that?

- 1 A Yes, sir.
- 2 Q What is that?
- 3 A A LA ring.
- 4 Q Who had that LA ring?
- 5 A Me.
- 6 Q All right. Was it on your hand?
- 7 A Yes, sir.
- 8 Q Which hand was it on?
- 9 A My right hand.
- 10 Q Your right hand. And did you beat Mrs. White with
- 11 your fist?
- 12 A Yes, sir.
- 13 Q You hit her one time or several times?
- 14 A Several times.
- 15 Q A lot of times?
- 16 A Yes, sir.
- 17 Q Did Quinton Inman hit her a lot of times with that
- 18 beer bottle or not?
- 19 A Yes, sir.
- 20 Q A lot or not?
- 21 A Several times.
- 22 Q Several times with a beer bottle?
- 23 A Yes, sir.
- 24 Q Did he ever hit her with his fist?
- 25 A Yes, sir.

1 Q Okay. And what did y'all do with Mrs. White?

2 A That's when -- after that when she was trying to get
3 around the car, after she was in the trunk, that's when
4 Quinton slammed her down in the trunk. And as he slammed
5 her down in the trunk, I went to check the pulse, that's
6 when she scratched me on my neck.

7 Q She scratch you on your neck?

8 A Yes, sir.

9 Q Okay. And you thought she was out?

10 A Yes, sir.

11 Q And she wasn't?

12 A No, sir.

13 Q After y'all put her in the trunk, did y'all put her
14 in the trunk together or just one of you put her in the
15 trunk?

16 A Just one of us.

17 Q Who?

18 A Quinton.

19 Q Okay. What happened after you put her in the trunk?

20 A After she was placed in the trunk, like I said I
21 checked her pulse. When I checked her pulse to so see if
22 she was dead cause when he slam her in the trunk, I seen
23 her head go back. So once I checked the pulse, she wasn't
24 dead she scratched me on my neck. And once she scratch me
25 on my neck, Quinton hit her again, that's when I close the

1 trunk.

2 Q Okay. So how many times did the trunk actually
3 close?

4 A One.

5 Q Okay. But she got her head slammed with the trunk
6 lid, but it wasn't closed all the way?

7 A Like when he threw her in there, her head hit
8 something in the trunk. I don't what know, I guess the
9 bottom.

10 Q Okay. Now, after y'all shut the trunk, close the
11 trunk down, what did you do next?

12 A I got in the passenger seat and Quinton got in the
13 driver seat.

14 Q Okay. And what did y'all do?

15 A We rode towards Marion.

16 Q Did she have any items in the car that y'all took?

17 A I don't remember.

18 Q You don't remember. Was her pocketbook in the car?

19 A I know that was.

20 Q Okay. Did you get anything out of the pocketbook?

21 A No, sir.

22 Q Did you ever have anything of hers on your
23 possession?

24 A No, sir.

25 Q All right. Well, I want to show you this. This is

1 State's Exhibit Number 1 you remember that at all?

2 A Oh, yes, sir.

3 Q What is that?

4 A Her driver's license.

5 Q All right. And where was this driver's license --
6 where did law enforcement get this driver's license?

7 A From me.

8 Q Why did you have her driver's license?

9 A Cause Quinton gave it me to me earlier that day.

10 Q And how did it get in this shape?

11 A I guess he cut it up.

12 Q All right. Why did he give it to you?

13 A Because I thought it was some hard dope cause it was
14 in a black plastic bag.

15 Q What did he tell you to do with it?

16 A He told me to hold it and he'll get back later to get
17 it.

18 Q You didn't look at it to see what it was?

19 A No, sir.

20 Q What did y'all do with her cell phone?

21 A I don't remember no cell phone.

22 Q You don't remember the cell phone?

23 A No, sir.

24 Q Did you ever see her cell phone?

25 A Yes, sir.

1 Q What did it look like?

2 A It was all black probably about this big, like a
3 Nokia phone.

4 Q Like a Nokia phone. Well, did law enforcement did
5 they get a cell phone off of you?

6 A No, sir.

7 Q They didn't recover a cell phone?

8 A No, sir.

9 Q Okay. Did they recover a cell phone at all to your
10 knowledge and ask you about it?

11 A Yes, sir.

12 Q What did that cell phone look like?

13 A It was a silver flip phone.

14 Q Silver flip phone?

15 A Yes, sir.

16 Q Do you know who's phone it was?

17 A Quinton.

18 Q Quinton?

19 A Yes, sir.

20 Q Did you ever use it in your presence? Did you know
21 if it was working or not?

22 A No, sir.

23 Q Okay. You don't know?

24 A No, sir.

25 Q Did you ever or did Quinton ever answer the Nokia

1 phone that belong to Mrs White? You recall ever hearing
2 it ring?

3 A No, sir.

4 Q Is that you don't recall or it didn't never ring?

5 A I don't recall.

6 Q You don't recall?

7 A No, sir.

8 Q It could have rung?

9 A Yes, sir.

10 Q When y'all got in the car and Quinton was driving and
11 y'all pulled out, where did y'all go?

12 A From the car wash?

13 Q Yes, sir.

14 A We went towards Marion went through the trailer park.

15 Q All right. Did you know of Mrs. White was still
16 alive or not?

17 A I had heard her stop kicking after we pass the
18 bridge.

19 Q After y'all cross which bridge?

20 A Pee Dee bridge.

21 Q Pee Dee River bridge?

22 A Yes, sir.

23 Q Out here on Highway 76?

24 A Yes, sir.

25 Q Was she kicking and you could hear her in the trunk

- 1 before then?
- 2 A Yes, sir.
- 3 Q After you got to Marion you went to where you said?
- 4 A The trailer park.
- 5 Q Trailer park?
- 6 A Yes, sir.
- 7 Q Which trailer park?
- 8 A Thomas trailer park.
- 9 Q Thomas trailer park?
- 10 A Yes, sir.
- 11 Q You see anybody there, talk to anybody there?
- 12 A No, sir.
- 13 Q What did you do at Thomas trailer park?
- 14 A I was looking for my homeboy. I was looking for my
- 15 homeboy.
- 16 Q Which homeboy?
- 17 A Duke. Duke.
- 18 Q Did you find him?
- 19 A No, sir.
- 20 Q Did y'all ever talk about what y'all were gone do
- 21 with the car or what you gone do with Mrs. White?
- 22 A No, sir.
- 23 Q Did you have any idea what to do with her?
- 24 A No, sir.
- 25 Q Did you know whether she was dead or alive?

1 A I kind of figure she was because I ain't never heard
2 her kicking no more.

3 Q All right. Did you and Quinton talk about it at all?

4 A No, sir.

5 Q All right. You went to Thomas trailer park didn't
6 find your homeboy. What did y'all do next?

7 A Went to Tiger Mart.

8 Q Went to Tiger Mart?

9 A Yes, sir.

10 Q And what did y'all do at Tiger Mart?

11 A Gassed up.

12 Q Gassed up. How did you have money to gas up?

13 A I had money.

14 Q You had money?

15 A Yes, sir.

16 Q Okay. And the same money you tried to get somebody
17 to give you a ride with?

18 A Yes, sir.

19 Q All right. After you gassed up at Tiger Mart, what
20 else did you? What did you do next?

21 A We rode towards Chill Town.

22 Q And where is Chill Town? What area of Marion is
23 that?

24 A By Earl store.

25 Q Okay. All right. When you got there, what did you

- 1 do?
- 2 A That's when I ran cross Wondell McClam.
- 3 Q Ran cross Wondell. Did he have a nickname?
- 4 A Tanka.
- 5 Q Tanka?
- 6 A Yes, sir.
- 7 Q All right. Do you know what Wondell been doing,
8 could you tell what he had done been doing?
- 9 A No, sir.
- 10 Q Okay. What did you do when you ran across Tanka?
- 11 A He talk to him for a minute and that's when we got in
12 the car and rode out.
- 13 Q Okay. Rode out where were you going?
- 14 A Mullins.
- 15 Q Why were you going to Mullins?
- 16 A Meadow Parks try to talk to this girl. .
- 17 Q Try talk to this girl in Meadow Park?
- 18 A Yes, sir.
- 19 Q Did you go to Meadow Park in Mullins?
- 20 A Yes, sir.
- 21 Q What did you do when you got there?
- 22 A Talk to this female.
- 23 Q Talk to the female. Did you know who they were?
- 24 A Shannon.
- 25 Q Who's friend was that yours?

- 1 A Mine.
- 2 Q Okay. All right. Did Quinton know anybody there?
- 3 A No, sir.
- 4 Q Did Tanka?
- 5 A Yes, sir.
- 6 Q About how long did y'all stay there?
- 7 A I say close to an hour.
- 8 Q Close to an hour?
- 9 A Yes, sir.
- 10 Q After that what did y'all do?
- 11 A We rode around looking for another house.
- 12 Q Could you find it?
- 13 A No, sir.
- 14 Q Was that another girl's house?
- 15 A Yes, sir.
- 16 Q Okay. After you couldn't find -- well, who's house
- 17 for were you looking for?
- 18 A Crystal Davis. Crystal Davis.
- 19 Q You didn't know exactly where it was?
- 20 A No, sir.
- 21 Q Did you give up looking for her house?
- 22 A Yes, sir.
- 23 Q After that, what did you do next?
- 24 A Came back towards Marion.
- 25 Q Came back towards Marion. What were you planning on

1 doing anything?

2 A No, sir.

3 Q Okay. What did you do when you got back to Marion?

4 A We got back to Marion went Senator Gasque.

5 Q All right. That's a road here?

6 A Yeah, I guess like a project housing.

7 Q Okay. All right. What did you do when you got
8 there?

9 A We let Quinton out the car.

10 Q All right. Did Quinton say anything or do anything
11 when he got out the car?

12 A Yes, sir.

13 Q What?

14 A Wipe the car done.

15 Q He wipe the car down?

16 A Yes, sir.

17 Q All right. And did he say anything while wiping the
18 car down?

19 A No, sir.

20 Q All right. Why did you think he was wiping the car
21 down?

22 A Because it was a body in the trunk and his handprints
23 was on the car.

24 Q All right. Did you say anything about it?

25 A No, sir.

1 Q Why did you let him out?

2 A Because he said wanted to get out.

3 Q All right. And you let him get out and leave you
4 with the car and the body?

5 A Yes, sir, I was because I was arguing.

6 Q Had y'all been arguing about that?

7 A Yes, sir.

8 Q Well, after you let him out, what did you do with
9 Tanka?

10 A Me and Tanka switch seats.

11 Q All right. Why -- who was driving at that time?

12 A Me.

13 Q All right. When did you start driving the car?

14 A After we left Tiger Mart.

15 Q After y'all filled up with gas at the Tiger Mart?

16 A Yes, sir.

17 Q All right. So did Tanka ask to drive or did you ask
18 Tanka to drive?

19 A I ask him to drive.

20 Q Why?

21 A Cause he had a license.

22 Q Did you have a license?

23 A No, sir.

24 Q All right. Now what -- where did Tanka go, what did
25 y'all plan to do?

- 1 A We went to his house.
- 2 Q All right. When you got to his house, what did he
3 do?
- 4 A He said he was going in to get a shirt.
- 5 Q All right. Did he do that?
- 6 A Yes, sir.
- 7 Q And then what happened next?
- 8 A His brother came outside.
- 9 Q His brother came outside?
- 10 A Yes, sir.
- 11 Q And where did y'all go?
- 12 A We went with toward, I think, Fork of Zion.
- 13 Q All right. Did you get all the way out there?
- 14 A No, sir.
- 15 Q Why not?
- 16 A We just changed our mind.
- 17 Q Okay. Did you pick up any other people go see
18 anybody else?
- 19 A Yes, sir.
- 20 Q Who?
- 21 A Tanjula Harley.
- 22 Q Did you know Tanjula at that time?
- 23 A No, sir.
- 24 Q All right. Did you know who's house you were going
25 to?

1 A No, sir.

2 Q Did you -- was there anybody else at that house y'all

3 talk to?

4 A Yes, sir.

5 Q Who was that?

6 A Kelletta.

7 Q Kelletta did you know her?

8 A No, sir.

9 Q Who knew them?

10 A Tanka and Donnell.

11 Q Tanka and Donnell. All right. Did anybody leave

12 with you and Tanka and Donnell?

13 A Yes, sir.

14 Q Who?

15 A Tanjula, Tanjula Harley.

16 Q Tanjula. At this point in time, what were you

17 thinking about riding around in that car with the body in

18 the trunk.

19 A Trying to get rid of it.

20 Q You were trying to get rid of it?

21 A Yes, sir.

22 Q Did you try to get anybody to help you get rid of the

23 body?

24 A Yes, sir.

25 Q Who?

- 1 A Tanjula, Donnell and Tanka.
- 2 Q Did they help you get rid of the body or not?
- 3 A No, sir.
- 4 Q They wouldn't do that?
- 5 A No, sir.
- 6 Q So what did you wind up doing?
- 7 A After we left Shady Pines, we went towards Spring
- 8 Branch. Got towards Spring Branch, I ask them would they
- 9 help me they said no. So we went towards Carolyn
- 10 Johnson's house, Tanjula's girlfriend. We left there
- 11 Tanka and Donnell ask to go home so we drop them off.
- 12 Q All right. Did you ask Carolyn Johnson for anything
- 13 when you went to her house?
- 14 A No, sir.
- 15 Q Didn't ask her for anything?
- 16 A No, sir.
- 17 Q All right. Did anybody else ask her for anything
- 18 that you know of?
- 19 A Tanjula Harley.
- 20 Q What did she ask her for?
- 21 A A sheet.
- 22 Q Okay. What were you gone do with the sheet?
- 23 A Get the body out the trunk.
- 24 Q All right. Did you do that?
- 25 A No, sir.

1 Q All right. You left Carolyn Johnson's house Tanka
2 and Donnell wanted to go home?

3 A Yes, sir.

4 Q So what did you do?

5 A We dropped them off.

6 Q All right. And after you dropped them off, what did
7 you do next?

8 A Went back to Shady Pines with Tanjula. Went back to
9 Shady Pines with Tanjula Harley.

10 Q All right. And what did you do?

11 A Talked a while, smoked a blunt, had sex.

12 Q Okay. And what did you do next?

13 A That's when I told her to drop me off home.

14 Q So you ditched her with the car?

15 A Yes, sir.

16 Q All right. And when you got home, what did you do?

17 A Went to sleep.

18 Q All right. Went to sleep and then -- how long was it
19 before the police came up on you?

20 A It was like while school I was getting out like 3:15.

21 Q Okay. And law enforcement they came to you?

22 A Yes, sir.

23 Q All right. And what happened?

24 A They came to me -- well, they check me that's when
25 they got the driver's license off me.

1 Q All right. And what happened next?

2 A That's when I got, came to jail.

3 Q Did they Mirandize you?

4 A Yes, sir.

5 Q Did they ask you to talk to them?

6 A Yes, sir.

7 Q Did you tell them the truth right then?

8 A No, sir.

9 Q Are you telling the truth now?

10 A Yes, sir.

11 Q Was anybody else involved in the carjacking, the
12 kidnapping and the murder and the killing of Mrs. White
13 other than you?

14 A Yes, sir.

15 Q Who?

16 A Quinton.

17 Q You see him in the courtroom?

18 A Yes, sir.

19 Q Where is he? Can you describe for the record what
20 kind of shirt he's got on?

21 A Like a bluish color shirt.

22 MR. CLEMENTS: All right. Your Honor, may the record
23 reflect he's identified Mr. Inman.

24 BY MR. CLEMENTS:

25 Q Mr. McCray, was anyone else involved with Mrs. White?

- 1 A No, sir.
- 2 Q Do you know who might have gotten the car or what
- 3 happened to the car after Tanjula dropped you off?
- 4 A No, sir.
- 5 Q Do you know who called in to report the car and the
- 6 body? Do you know anything about that?
- 7 A No, sir.
- 8 Q Do you know what's gone happen to you if you don't
- 9 tell the truth here today?
- 10 A Yes, sir.
- 11 Q What?
- 12 A Catch some time.
- 13 Q All right. You've already pled, right?
- 14 A Yes, sir.
- 15 Q You gone catch some time, right?
- 16 A Yes, sir.
- 17 MR. CLEMENTS: Beg the Court's indulgence one moment.
- 18 (WHEREUPON, a pause in the proceedings.)
- 19 BY MR. CLEMENTS:
- 20 Q Mr. McCray ---
- 21 A Yes, sir.
- 22 Q --- since law enforcement arrested you and charged
- 23 you with this crime, have you gotten out on bond?
- 24 A No, sir.
- 25 Q Where you been spending most of your time at?

- 1 A Marion County detention center.
- 2 Q Where did you go first?
- 3 A Columbia.
- 4 Q DJJ?
- 5 A Mullins detention center.
- 6 Q Okay. Is that a place for younger people?
- 7 A Yes, sir.
- 8 Q All right. Have you always behaved yourself while
- 9 you been in the Marion County detention center?
- 10 A No, sir.
- 11 Q Okay. You had some altercations and arguments there?
- 12 A A lot.
- 13 Q A lot. Do you know Quinton is he ever referred to by
- 14 any other names other than Quinton?
- 15 A Yes, sir.
- 16 Q What are those names?
- 17 A Sneaky.
- 18 Q Sneaky?
- 19 A Yes, sir.
- 20 Q And I just want to clear this up. Were y'all at that
- 21 car wash in Florence before y'all abducted and killed
- 22 Mrs. White, how long were you and Quinton there, if you
- 23 can give me your best estimate?
- 24 A For numerous hours.
- 25 Q Numerous hours?

1 A Yes, sir.

2 Q Okay. Is there anything regarding you and Quinton
3 any other detail that you haven't told this jury? I'm not
4 talking about what happened after you let Quinton out.
5 I'm not talking about any of those details, but anything
6 between when you let Quinton out of that car and back any
7 other details that you left out?

8 A No, sir.

9 Q Is that the whole truth regarding you and Quinton and
10 Mrs. White?

11 A Yes, sir.

12 Q And nothing but the truth?

13 A Yes, sir.

14 MR. CLEMENTS: I want you to answer any questions
15 Mr. Prosser ask you about you and Quinton.

16 MR. MCCRAY: Yes, sir.

17 MR. CLEMENTS: Tell him the truth.

18 MR. MCCRAY: Yes, sir.

19 MR. PROSSER: May it please the Court, Your Honor.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. PROSSER:

23 Q Quinton, you put your hand on this Bible today didn't
24 you when you took an oath?

25 A Yes, sir.

1 Q And you swore to tell the truth and whole the truth;
2 isn't that right?

3 A Yes, sir.

4 Q And today you decided to automatically because of a
5 deal you made with the Solicitor's office tell the whole
6 truth?

7 A Yes, sir.

8 Q Before when you gave your statements, you didn't tell
9 the whole truth, did you?

10 A No, sir.

11 Q Just magically changed your mind when you're under
12 gun; isn't that tight?

13 A No, sir.

14 Q When the fire gets hot, the truth comes out?

15 A Yes, sir.

16 Q When you trying to hide things, the truth comes out
17 eventually, doesn't it?

18 A Yes, sir.

19 Q Quinton, you always had trouble -- you talked about
20 getting in trouble at the detention center. You remember
21 that, don't you? You remember getting in trouble at the
22 detention center?

23 A Yes, sir.

24 Q You just told Solicitor you had some run-ins, didn't
25 you?

1 A Yes, sir.

2 Q Tell me about those run-ins?

3 A I had run-ins with a lot of counselors because of my
4 attitude.

5 Q And your attitude is what hostile, angry?

6 A Yes, sir.

7 Q You get mad easy?

8 A Real easy.

9 Q Mad enough to kill somebody?

10 A No, sir.

11 Q Mad enough to ride around with a person who might
12 still be a live in a car and smoke blunts and have sex
13 without regard for her wellbeing?

14 A Yeah.

15 Q That's pretty mad. You've had -- Anthony, I'm sorry.
16 You've had a lot trouble in your life getting along with
17 people, hadn't you?

18 A Yes, sir.

19 Q In fact, I believe you were enrolled in the Marion
20 County alternative school; is that correct?

21 A Yes, sir.

22 Q Let me show you what's been marked as Defendant's
23 Exhibit Number 6, do you recognize that?

24 A Yes, sir.

25 Q What is that?

1 A My alternative school ID.

2 Q All right. That's your picture on the photo; isn't
3 it?

4 A Yes.

5 Q They send you to alternative school because you can't
6 get long with others; is that right?

7 A Yes, sir.

8 MR. PROSSER: I enter number six into evidence, Your
9 Honor?

10 THE COURT: Any objection?

11 MR. CLEMENTS: Your Honor, I just object to the --
12 he's already testified he's been in alternative school.
13 This is merely cumulative and really object to the
14 relevance of it, Your Honor.

15 MR. PROSSER: Goes to the character of the witness.
16 He's already testified that he's had trouble. He's
17 already identified this as his badge. It's just a piece
18 of evidence.

19 MR. CLEMENTS: It's cumulative.

20 THE COURT: Let me see it.

21 MR. PROSSER: I certainly don't think it's
22 cumulative, Your Honor, it just establishes the point.

23 THE COURT: Well, he's testified -- I'll allow it.

24 MR. PROSSER: Thank you, Your Honor.

25

1 (WHEREUPON, Defendant's Exhibit No. 6 was admitted
2 into evidence.)

3 BY MR. PROSSER:

4 Q Now, Quinton -- Quinton -- y'all wore the exact
5 shirt. I want you to know that. Did you notice that
6 yesterday?

7 A No, sir.

8 Q I apologize. Let me show you, you remember giving a
9 statement about 6-17 on 9-20-04? You remember that?

10 A 6-17.

11 Q That's your birthday; isn't it?

12 A Yes, sir.

13 Q 9-20 at 6:17?

14 A Yes, sir.

15 Q Okay. That's was your first statement you give to
16 fact; is that correct?

17 A Yes, sir.

18 Q All right. Show you what's been marked as
19 Defendant's Exhibit Number 7. Do you recognize that
20 document?

21 A Yes, sir.

22 Q And what is that document?

23 A A voluntary statement.

24 Q All right. How many pages is that document?

25 A Five.

1 Q Is that your signature on each page?

2 A Yes, sir.

3 Q All right. Does that accurately represent the
4 statement that you gave on that particular day at that
5 time? Is that what's on this paper is what you gave; is
6 that right?

7 A Yes, sir.

8 Q Okay. Now, I want you to turn to the back page of
9 that page 5. Can you read? Can you read?

10 A Yes, sir.

11 Q Okay. I'm gone stand here with you and I want you to
12 look at this sentence that I'm pointing to right here,
13 tell me if it say this. I swear this statement is the
14 truth, the whole truth, so help me God; is that correct?

15 A Yes, sir.

16 Q All right. You put your hand on that Bible today and
17 swore the same oath; didn't you?

18 A Yes, sir.

19 Q All right. Let's turn back to page one of that
20 statement. This particular statement tells a completely
21 different story from what you'll telling today; doesn't
22 it?

23 A Yes, sir.

24 Q All right. We mind go through the whole thing
25 because it's completely different; is it not?

1 A Yes, sir.

2 Q All right. Let's look at it with me if you will.

3 You stated to Detective Wallace and Detective Prosser who
4 have also testified today, that on Friday September 17th
5 2004 at Foxfield in Marion you met a girl name Dena; is
6 that right? That's what's on here; right?

7 A Yes, sir.

8 Q You said you met her in the parking lot, she was
9 driving a black Explorer; correct?

10 A Yes, sir.

11 Q You said she was from Charleston, but she lived in
12 Lake City and you tried to get her number, but she
13 wouldn't give you her number, so you gave her yours; is
14 that right?

15 A Yes, sir.

16 Q All right. On Saturday, September 18th, 2004, you
17 said Dena called you; correct?

18 A Yes, sir.

19 Q You said she met you at James Dorsey store called
20 Pop's Place, right?

21 A Yes, sir.

22 Q She was driving that same black Ford Explorer and
23 y'all left for the mall in Florence; correct?

24 A Yes, sir.

25 Q Now, you said while in the mall, she bought some body

1 spray for her mother; correct?

2 A Yes, sir.

3 Q And y'all left headed to Columbia; right?

4 A Yes, sir.

5 Q But y'all hit the wrong exit and you ended up in
6 Darlington at her cousin's house; correct?

7 A Yes, sir.

8 Q And you stated that you stayed night there; right?

9 A Yes, sir.

10 Q And on the next day September 18th 2004, you stated
11 that y'all left in a gray Maxima headed toward Marion?

12 A Yes, sir.

13 Q You also started arguing and she pulled over and you
14 said F it and started walking on Highway 52; is that
15 right?

16 A Yes, sir.

17 Q All right. As you were walking you said you got to
18 the north side of Florence and you saw a black guy; is
19 that right?

20 A Yes, sir.

21 Q All right. And you said that he would have picked
22 you up, but he had to go to work, so y'all smoked a blunt
23 together and he gave you six cigarettes; correct?

24 A Yes, sir.

25 Q After that you walk past the airport to a car wash,

1 which is the car wash we're talking about today; correct?

2 A Yes, sir.

3 Q You said you were sitting on back bricks in the open
4 and you met black male wearing a white durag; correct?

5 A Yes, sir.

6 Q He said his name was Bleak is what you say; is that
7 right?

8 A Yes, sir.

9 Q Okay. Y'all walk to the store and Bleak ask for a
10 master lock because he was gone break in a car lot
11 something sort; is that right?

12 A Yes, sir.

13 Q But he didn't break in the car lot because there was
14 a white guy there standing around; is that right?

15 A Yes, sir.

16 Q Okay. So y'all went back to the car lot and smoke
17 some weed sitting there; right?

18 A Yes, sir.

19 Q That's when Mrs. White came up or 15 minutes later --
20 actually, she came up first and then left and came back 15
21 minutes later you say and that's when bleak walked over to
22 the vehicle and you heard glass break; is that right?

23 A Yes, sir.

24 Q Bleak wanted you to help him and you said no and so
25 you said Bleak pulled a gun asked if you were going to

1 help. Then you said yes; right?

2 A Yes, sir.

3 Q All right. He said something to the sort don't play
4 stupid; right?

5 A Yes, sir.

6 Q Bleak forced you to help?

7 A This statement ain't true.

8 Q But you said?

9 A Oh, yes, sir.

10 Q All right. Let's keep going. That's when you said I
11 started hitting her, but not real hard. My hand was
12 closed and opened. Bleak told me to stop. My hand was
13 over her mouth. I did not want to see this, so I close
14 the trunk. That's what you said there; right?

15 A Yes, sir.

16 Q We went straight to Conway and I drop Bleak off in
17 the projects known as Huckabee; right?

18 A Yes, sir.

19 Q Donnell McClam and Wondell McClam, Tanka -- those
20 Timmons boys; is that right their last name Timmons?

21 A Yes, sir.

22 Q Went and ask them for help. Wondell said he knew a
23 girl who could help. You said all this; correct?

24 A Then.

25 Q Okay. You went to Tanjula's. You told Tanjula what

1 happened. And it goes on and says y'all peeked around to
2 see if the woman was alive. And you noticed her right arm
3 was on her chest and you were scared you said?

4 A Yes, sir.

5 Q All right. Tanjula then carries you home you said.
6 And in that statement, you said I received a cut on my
7 left shoulder from the white lady at the car wash when I
8 had my hand over her mouth. I went to check for a pulse
9 and as I checked for the pulse, she scratch me. You said
10 that; didn't you?

11 A Yes, sir.

12 Q Okay. Reason I took the license was because I did
13 not want them to find out whose car it was and where it
14 was from; is that right?

15 A Yes, sir.

16 Q I cut the license up into small pieces you said,
17 right?

18 A Yes, sir.

19 Q Then you went on to describe what you were wearing
20 and you made the statement to God above to everybody there
21 that this is the truth, the whole truth and nothing but
22 the truth; is that correct?

23 A Again.

24 Q And that accurately reflects what you gave then;
25 correct?

1 A Yes, sir.

2 MR. CLEMENTS: Your Honor, I move to enter
3 Defendant's 7 into evidence.

4 THE COURT: Any objection?

5 MR. CLEMENTS: No objection, Your Honor.

6 THE COURT: Without objection.

7 (WHEREUPON, Defendant's Exhibit No. 7 was admitted
8 into evidence.)

9 BY MR. PROSSER:

10 Q And you gave a second statements about four hours
11 later; is that correct?

12 A Yes, sir.

13 Q Show you what's been marked as Defendant's Number 8.
14 Do you recognize that document?

15 A Yes, sir.

16 Q That document actually is a statement that you gave
17 Detective Wallace and Woods at 11:30 that same evening; is
18 that correct?

19 A Yes, sir.

20 Q And it consist of how many pages?

21 A Three.

22 Q Three pages. And is that your signature at the
23 bottom of each page?

24 A Yes, sir.

25 Q All right. I want you to turn to the back of page of

1 the document. And what does it say I swear this statement
2 is the truth, the whole truth, so help me God; is that
3 right?

4 A Yes, sir.

5 Q Then you said I'm sorry. You sorry you got caught?
6 You sorry you in trouble?

7 A Yes, sir.

8 Q Okay. Now, let's turn to page one of that. Now, in
9 about four hours, not quite four hours, your statement
10 changed dramatically; didn't it?"

11 A Yes, sir.

12 Q All right. This is when you start talking and you
13 said I was at any my residence with Sneaky, Quinton Inman,
14 and y'all went to -- y'all left in the burgundy Cadillac
15 which is what your statement is today?

16 A Yes, sir.

17 Q You didn't mention anything about going to Club
18 Hipnotech, but you do here. That's right you go to club
19 -- is that Club Hipnotech?

20 A Hypnotic.

21 Q Hypnotic in Florence. Okay. All right. Now, this
22 one says that when you got to the U-Haul you met up with
23 black male y'all smoke blunt together cigarette?

24 A Yes, sir.

25 Q All right. So this black male change from Bleak to

1 Sneaky to now a U-Haul driver; is that right?

2 A Yes, sir.

3 Q Okay. That's when you start telling story about how
4 Sneaky hit her with a beer bottle; correct?

5 A Yes, sir.

6 Q So instead of Bleak it's Sneaky in this one?

7 A Yes, sir.

8 Q And you also admitted here as Mrs. White, you called
9 -- you said she was getting up she tried to hit me so I
10 hit her with a three piece. Tell me what a three piece
11 is?

12 A Three punches.

13 Q Boom boom boom; is that right?

14 A Several times.

15 Q Last time -- last statement you said you barely hit
16 her open hand, closed hand, but didn't hit her that hard;
17 didn't you?

18 A Yes, sir.

19 Q You hit her hard enough to put the mark of your ring
20 in her neck, didn't you?

21 A Yes, sir.

22 Q That's a lot of anger. Now, on this one, you changed
23 it as well. You said the lady got into the trunk; right?
24 On your first statement you said that she was put into the
25 trunk; is that correct?

1 A She was.

2 Q In this statement, you said the lady got into the
3 trunk and she played dead, so then I checked her pulse and
4 then she scratch me. And we know that's true, right,
5 cause you had a scratch on you?

6 A Yes, sir.

7 Q That's physical evidence. You can't lie about that,
8 can you?

9 A No, sir.

10 Q That's when you said you heard her kicking in the
11 trunk, but the noise stopped before the bridge; correct?

12 A Yes, sir.

13 Q And you testified a minute ago that it stopped after
14 the bridge?

15 A Before the bridge.

16 Q No, you testified afterward. Then you go on to tell
17 the story about picking up Donnell, Wondell and Tanjula to
18 dispose of the body; is that right?

19 A Yes, sir.

20 Q When did Mrs. White cease becoming a person to you
21 and turn into a body or a thing, at what point in your
22 mind?

23 A What do you mean?

24 Q When did she change from a person to just an object?

25 A A body and a person the same thing.

1 Q Okay. One's alive and one's dead, would you say
2 that?

3 A A body is a body alive or dead.

4 Q Okay. Now, in this particular statement, you kind of
5 are in line with what you're trying to say today. You say
6 on page three, Sneaky wipe the car down at his house.
7 This was to remove his fingerprints, right?

8 A Yes, sir.

9 Q Now, you testified that Sneaky or Quinton as you call
10 him, wipe down the car in Darlington and wipe down the red
11 Ford Focus; is that right?

12 A Yes, sir.

13 Q And they found your prints on both cars, did they
14 not? You don't know?

15 A No, sir.

16 Q They didn't find your prints on either one of them,
17 did they? You don't know that either?

18 A No, sir.

19 Q Okay. Can you explain why his prints be on and yours
20 would be gone?

21 A No, sir.

22 Q Are you a better wiper than Quinton?

23 A No, sir.

24 Q And again, you said I swear this statement is the
25 truth, the whole nothing so help me God, right?

1 A Yes, sir.

2 Q All right.

3 MR. PROSSER: I move to enter Defendant Number 8 into
4 evidence, Your Honor.

5 MR. CLEMENTS: No objection, Your Honor.

6 THE COURT: Without objection.

7 (WHEREUPON, Defendant's Exhibit No. 8 was admitted
8 into evidence.)

9 BY MR. PROSSER:

10 Q Anthony, do you remember giving your third statement
11 in 2005 I believe it was, which was recorded. Do you
12 remember that?

13 A Yes, sir.

14 Q And that was with Detective Larry Woods there Captain
15 Kenneth Davis; correct?

16 A Yes, sir.

17 Q All right. In that particular statement, Quinton --
18 I keep calling you Quinton. In that particular statement
19 Anthony, when you talked about Quinton and you implicated
20 him into this matter, do you remember changing your
21 statement as well on that?

22 A No, sir.

23 Q Okay. Well, let's talk about that. Do you remember
24 saying when the investigator asked you questions like what
25 did y'all do next and you would say? Ain't no y'all

1 involved. You remember saying that?

2 A No, sir.

3 Q Do you remember saying ain't no we?

4 A No, sir.

5 Q Okay. Do you remember saying I think I was driving
6 because he being, Quinton, didn't know how to drive. You
7 remember that?

8 A I was driving.

9 Q You remember saying Quinton didn't know how to drive?

10 A I...

11 Q You remember saying that?

12 A Saying what?

13 Q That Quinton didn't know how to drive?

14 A I don't remember saying that.

15 Q You remember talking about Brandon Platt at all?

16 A Yes, sir.

17 Q All right. Do you remember going up to Brandon Platt
18 driving the red Ford Focus that night and pulled a gun on
19 Brandon and threatening him?

20 A No, sir, but I did see Brandon.

21 Q While you were driving the red Ford Focus that night?

22 A Yes, sir.

23 Q Brandon Platt was walking on the street, was he not?

24 A Yes, sir.

25 Q And you actually threatened him, did you not?

1 A Yes, sir.

2 Q Threatening while riding around with Mrs. White in
3 your car, he pulled up and threaten, didn't he?

4 A Yes, sir.

5 Q Threaten to hurt him, didn't you?

6 A Yep.

7 Q Okay. And you call him a Marion MF'er, did you not?

8 A No, sir.

9 Q Okay. You remember making the statement to Tanjula
10 and everybody there on this particular time, I don't want
11 to go down by myself?

12 A No, sir.

13 Q Okay. Now, you remember talking to Tanjula that
14 night, do you not?

15 A Yes, sir.

16 Q All right. You remember talking to Wondell, did you
17 not?

18 A Yes, sir.

19 MR. PROSSER: Beg the Court's indulgence.

20 BY MR. PROSSER:

21 Q All right. Show you what's been marked for
22 identification purposes is Defendant's Exhibit Number 2.

23 MR. CLEMENTS: Your Honor, may we pose the question,
24 so I can see what that is.

25 BY MR. PROSSER:

1 Q Now, this statement has already been identified as
2 being a statement of Wondell Timmons. Wondell is who you
3 call tanka; is that right?

4 A Yes, sir.

5 Q Okay. On here I have marked personally for me things
6 you said because I don't want to say what Wondell said,
7 okay. He's not here.

8 A Yes, sir.

9 Q This what's been said that you said, okay.

10 A Yes, sir.

11 Q When you pulled up in the car and were asked where
12 you got the car from, you said you got it for your
13 birthday?

14 A No, sir.

15 Q Never said that?

16 A No, sir.

17 Q So Wondell's lying?

18 A Yes, sir.

19 Q Okay. Turn to page two of that document if will of
20 that document?

21 A Two?

22 Q Uh-huh. All right. Let me go about half way down, I
23 want to show you what has been that you said, okay starts
24 with Anthony right there at that point?

25 A Yes, sir.

1 Q Says Anthony said cut the car off. Anthony said
2 something was in the trunk. Did you say that?

3 A No, sir.

4 Q Didn't order them to cut the car off?

5 A No, sir.

6 Q Didn't say nothing was in the trunk?

7 A No, sir.

8 Q Anthony said no I got to do something, I got to do
9 something real quick. Never said that?

10 A No, sir.

11 Q Anthony said nothing just get out of the car. Never
12 said that?

13 A No, sir.

14 Q Never ordered him out the car him and Donnell?

15 A But we did get out the car.

16 Q He says that Anthony open his door and you open your
17 door and y'all stood outside the car. You do at admit
18 that, right?

19 A Did I open his door?

20 Q No. You open your own door?

21 A Oh, yes, sir.

22 Q Okay. You took the key out of the ignition and you
23 tried to force him and his brother to stand by the trunk?

24 A No, sir.

25 Q Didn't do any of that?

1 A No, sir.

2 Q So Wondell still lying; right?

3 A Yes, sir.

4 Q Okay.

5 MR. CLEMENTS: Your Honor, I have to object to the
6 way he's using the statement. I think he's pitting
7 witnesses. He can ask him about what he said.

8 THE COURT: Let me ask you, you can ask him if he
9 said something if he's testifying contrary to it, but, I
10 mean, if he's just going through the statement and you
11 moving the statement in, then just move the statement in.
12 Unless, you're -- in other words, the proper use of the
13 statement is to impeach a witness, not simply to go over
14 the statement.

15 MR. PROSSER: Yes, sir. Well, one of the reasons
16 that it wasn't admitted before ---

17 MR. CLEMENTS: Your Honor, I think we need to take
18 this up outside the presence of the jury.

19 THE COURT: All right. Ladies and gentlemen, I'm
20 going to get you to step back to your jury room. Please
21 don't have any conversation about the case. I'll bring
22 you right back out.

23 (WHEREUPON, the jury retired to the jury room.)

24 MR. CLEMENTS: If, Your Honor, please.

25 THE COURT: Yes, sir.

1 MR. CLEMENTS: Your Honor, I believe that Mr. Prosser
2 got full latitude on cross-examination to ask Mr. McCray
3 if he said something or if he did something and Mr. McCray
4 can either acknowledge that he did it or he said it or
5 deny that he did it or he said it. But the way he's using
6 the statement is he's pitting the witnesses, that's my
7 objection, Your Honor. And all I think he can do is ask
8 him if he did said something and then the jury can
9 remember what somebody else testified to or compare what
10 he says to what else is in evidence, but I don't believe
11 Mr. Prosser's -- I don't think he's intentionally trying
12 to do it, but what he's ultimately doing is pitting the
13 witnesses and I think that's objectionable, Your Honor.

14 MR. PROSSER: Your Honor, one of the things I wanted
15 that I wanted to verify was we tried to move this into
16 evidence before, there was an objection that there were
17 hearsay statements by the defendant in that document. And
18 I want to verify whether or not he said them. If he says
19 he said them, that's great. If he says he didn't, that's
20 great and then I want to move that document into evidence
21 ---

22 THE COURT: By this witness?

23 MR. PROSSER: By this witness because we've already
24 established ---

25 THE COURT: But that's not what you did.

1 MR. PROSSER: I know that and I'll try to change the
2 way I was doing it. I wasn't picking up on that.

3 MR. CLEMENTS: And, Your Honor, I object to the
4 statement coming in. The witness has already testified
5 that made the statement Mr. Timmons.

6 MR. PROSSER: We reserved the judgement on whether it
7 would come in and I set up a foundation saying that this
8 is my statement. This is my signature. There is what I
9 said. And the reason it didn't come in before, Your
10 Honor, because there was hearsay in it. Now, the
11 defendant is here to challenge whether or not he said. If
12 he said he didn't say it fine, but I think it should come
13 in because it's another version of things to happen.

14 MR. CLEMENTS: But, Your Honor, also that as far as
15 the relevance of Quinton Inman has no relevance. The only
16 thing it would have would be may be towards Mr. McCray's
17 credibility, but these aren't even on the issues that deal
18 with Mr. Inman. These are the things that happen out
19 there with Mr. Inman long gone. I still think it's
20 pitting witnesses. I don't think he can put that
21 statement in through this witness. All I think he can do
22 is question his witness on whether he said something or
23 did something.

24 THE COURT: Well, now he's not trying to put -- well,
25 he tried to put it through the witness who made the

1 statement and I reserve whether or not to allow it because
2 there as the hearsay that apparently came from this
3 witness. What he's doing is he's clearing up the hearsay
4 issues.

5 MR. CLEMENTS: He's clearing up the hearsay issue,
6 but I still don't think he can put that into evidence.

7 THE COURT: Well, I don't know if he can or not.
8 It's no longer hearsay if the witness is in court
9 testifying to it.

10 MR. CLEMENTS: That's right and he can ask whether he
11 said it or did it.

12 THE COURT: So then why wouldn't it be admissible
13 since the hearsay has been eliminated?

14 MR. CLEMENTS: It's still ---

15 THE COURT: I know you got a relevance objection.

16 MR. CLEMENTS: Relevance objection he's pitting the
17 witnesses because -- he's pitting the witnesses because --
18 he's pitting the witnesses about what Wondell Timmons
19 said he said. All he can say is to whether he said it or
20 he didn't. He's free to call up -- he can put Wondell
21 Timmons back up if he wants to call him back up, Your
22 Honor. I don't know who this witness -- I don't think he
23 can put that statement in.

24 THE COURT: Wondell Timmons took the stand yesterday
25 and testified direct and cross, went over that statement

1 with him but for the hearsay problems. Now -- and I
2 haven't seen the statement. I'm assuming that the
3 statement is a statement of Wondell Timmons and what
4 Timmons said this witness said.

5 MR. PROSSER: Well, that's just a small portion of
6 the statement. The statement as a whole tells the story
7 and actually implicates Quinton Inman being in the car
8 that night. So I don't know how the statement itself is
9 not relevant but...

10 THE COURT: What I'm asking is in the statement the
11 hearsay portion of the statement was the fact that
12 Mr. Timmons alleged that Mr. McCray said certain things.

13 MR. PROSSER: Yes, Your Honor.

14 THE COURT: And you're going over those things
15 Mr. McCray said to verify whether or not he said that.

16 MR. PROSSER: Yes, Your Honor. And to add in
17 impeaching his credibility, he says -- he's already said
18 here today that he didn't say a lot of the things that
19 Wondell said he did, so therefore this is ---

20 THE COURT: Pitting the witnesses.

21 MR. PROSSER: Well, no, but it's impeachment evidence
22 say that this gentleman here said this.

23 THE COURT: If he says he didn't say it, then that's
24 exactly what you're doing. You're pitting the witnesses.
25 You're pitting -- Mr. Timmons said he said it. Mr. McCray

1 said he didn't say it, you're pitting those two witnesses
2 that's not allowed.

3 MR. PROSSER: I understand. I wasn't doing that
4 intentionally.

5 THE COURT: Well, I understand and I know you
6 wouldn't, but sometimes you can't get around it because
7 that's what that statement does. Now, you can question
8 him, this witness as to did you say this and then you have
9 to accept his answer.

10 MR. PROSSER: I understand.

11 THE COURT: I mean, you don't have to believe it, but
12 you have to accept it.

13 MR. PROSSER: I understand that.

14 THE COURT: Okay.

15 MR. PROSSER: All right. Thank you.

16 THE COURT: Let's ask the jurors to join us please.

17 (WHEREUPON, the jury returns to the courtroom.)

18 THE COURT: All right. You may proceed, Mr. Prosser.

19 MR. PROSSER: Thank you, Your Honor.

20 CROSS-EXAMINATION CONTINUED

21 BY MR. PROSSER:

22 Q Now, Anthony, back to where we were. I'm gone ask
23 you the questions whether or not you said something to
24 Wondell Timmons, but that's all I'm going to ask you,
25 okay?

1 A Yes, sir.

2 Q You say you said it or you didn't say it. Did you
3 say that you had a woman in there in the trunk?

4 A Yes, sir.

5 Q All right. Did you ever get some little plastic
6 white things and put them on your hands when you went to
7 take her out of the trunk?

8 A I don't recall.

9 Q Don't recall that, okay. Do you remember looking in
10 the trunk saying he --, or saying she ain't dead?

11 A Yes, sir.

12 Q Okay. And still what did you she's not dead at that
13 point down that long dirt road?

14 A How it look.

15 Q So you decided just to shut the trunk, ride around
16 and smoke dubbies and have sex?

17 A Yes, sir.

18 Q Did you make little remarks like you were a g thing?

19 A No, sir.

20 Q What's a g thing, that's a gangster?

21 A I don't know.

22 Q What's that little tear tattoo on your eye?

23 A Represent the struggle.

24 Q Represents the struggle of a gang; isn't it right?

25 A No, sir.

1 Q So you didn't say that you were a g thing?

2 A No, sir.

3 Q Okay. You remember saying or calling them scardy
4 cats?

5 A No, sir.

6 Q You remember saying get out of my car you ain't no
7 g's?

8 A No, sir.

9 Q You remember saying when y'all finally got out, hey,
10 man, you know what time it is, keep your mouth closed?

11 A No, sir.

12 Q If we hear something, we'll no where to go?

13 A No, sir.

14 Q Don't remember saying that. Okay. Memory was kind
15 of foggy there. Obviously, you talked to Tanjula Harley;
16 Did you not?

17 A Yes, sir.

18 (WHEREUPON, Defendant's Exhibit No. 9 was marked for
19 identification only.)

20 Q Let me show you what's been marked as Defendant's
21 Exhibit Number 9. Was that night the first time you ever
22 met Tanjula Harley or do you know her?

23 A Yes, sir.

24 Q You knew her?

25 A No, sir.

1 Q All right. So first time you met her, did you ever
2 tell her -- do you know where I can put this body at?

3 A No, sir.

4 Q Okay. You ever say to Tanjula Harley y'all ready to
5 do this?

6 A No, sir.

7 Q Do you remember that night picking up a beer bottle
8 and telling Tanjula to hit the woman if she gets up
9 swinging?

10 A I don't recall it.

11 Q Just don't recall it, just don't remember or did you
12 say it or not?

13 A I don't recall.

14 Q Just don't remember saying it?

15 A I don't recall it.

16 Q Selective memory.

17 MR. CLEMENTS: Your Honor, I object to that being
18 argumentative.

19 THE COURT: Sustain.

20 MR. PROSSER: I withdraw that.

21 BY MR. PROSSER:

22 Q You remember standing there -- do you remember -- do
23 you remember telling Tanjula Harley, Tinka and Tinka's
24 brother being Donnell or Wondell to stand behind you so
25 that when you pick up Mrs. White out of the trunk and you

1 said and I quote -- well, did you say this. If this b
2 B-I-T-C-H gets up, I want you all to knock her A-S-S back
3 down?

4 A No, sir.

5 Q Do you remember saying F it then, if y'all scared,
6 I'll take her out my D self?

7 A No, sir.

8 Q You remember getting mad slamming the trunk down
9 cause they wouldn't do what you want?

10 A I close the trunk, but I wasn't mad.

11 Q You remember asking Carolyn Johnson for a blanket?

12 A No, sir.

13 Q You remember getting a blanket or trying to get a
14 blanket that night; don't you?

15 A No, sir.

16 Q Okay.

17 A Wasn't no blanket involve.

18 Q Okay. Don't remember trying to get a blanket?

19 A Tanjula ask for a blanket.

20 Q Okay. You remember sitting in a car, talking and
21 smoking a blunt?

22 A Yes, sir.

23 (WHEREUPON, Defendant's Exhibit No. 10 was marked for
24 identification only.)

25 Q All right. Thank you. Show you what's been marked

1 as Defendant's Number 10. Do you remember ever telling
2 Tanjula Harley that you were in North Florence with Tinka
3 and Tinka's brother and that y'all beat this white lady
4 down and threw her body in the trunk?

5 A No, sir.

6 Q Do you ever remember saying you hit her in her
7 forehead with your ring hand and slit her head open?

8 A No, sir.

9 Q Do you remember saying on your way to Marion while
10 you were driving you heard her making noise in the trunk
11 and you knew she was still alive?

12 A No, sir.

13 Q Just don't remember it or you didn't say it?

14 A Don't recall.

15 Q Now, Anthony, there's one thing that is clear here
16 today and that is that's your ring; is it not?

17 A Yes, sir.

18 Q That ring came off your hand; did it not?

19 A Yes, sir.

20 Q That ring was on your hand when you gave Mrs. White a
21 three piece; was it not?

22 A Yes, sir.

23 Q This license you cut up; did you not?

24 A No, sir.

25 Q This license came off your body; did it not?

1 A Yes, sir.

2 Q You had it when the police arrested; didn't you?

3 A Yes, sir.

4 Q Both of these items this is Mrs. White's license;

5 correct?

6 A Yes, sir.

7 Q And this your ring; is it not?

8 A Yes, sir.

9 Q You don't want to go down by yourself for this thing,

10 do you? Do you?

11 A No, sir, the truth is the truth.

12 Q The truth is the truth?

13 A Can't take it back.

14 Q Can't take it back no matter what day you said it?

15 A No, sir.

16 MR. PROSSER: That's all I have, Your Honor.

17 MR. CLEMENTS: Beg the Court's indulgence one moment.

18 THE COURT: Yes, sir.

19 (WHEREUPON, a pause in the proceedings.)

20 REDIRECT EXAMINATION

21 BY MR. CLEMENTS:

22 Q Anthony, Defendant's Exhibit 7 which is in evidence,

23 that's a statement you gave at 6:17 p.m. on the 20th; is

24 that correct?

25 A Yes, sir.

1 Q That's your first statement?

2 A Yes, sir.

3 Q And I believe you testified earlier told Mr. Prosser
4 that all this wasn't the truth?

5 A Yes, sir.

6 Q Is there some truth in this statement?

7 A No, sir. Little bit as far as what I did.

8 Q Did you try to make yourself look better in this
9 first statement?

10 A Sort of.

11 Q I mean, you said you didn't hit her that hard?

12 A Yes, sir.

13 Q That's not true; is it?

14 A No, sir.

15 Q You hit her pretty hard?

16 A Yes, sir.

17 Q And you talked about somebody name Bleak, but there
18 wasn't anybody name Bleak, right?

19 A No, sir.

20 Q Who was the other person involved?

21 A Quinton Inman.

22 Q And what is he called?

23 A Sneaky.

24 Q Sneaky?

25 A Yes, sir.

1 Q All right. And 11:30 the same day you gave this
2 second statement to Mr. Prosser put in evidence
3 Defendant's Exhibit Number 8?

4 A Yes, sir.

5 Q You saying that this is the truth?

6 A Yes, sir.

7 Q Okay. And Defendant's Exhibit 8 is pretty much what
8 you testified to here today?

9 A Oh, yes, sir.

10 Q That's is that anything else that you want to add
11 that you hadn't told Mr. Prosser he asked about?

12 A No, sir.

13 MR. CLEMENTS: Beg the Court's indulgence.

14 THE COURT: Yes, sir.

15 (WHEREUPON, a pause in the proceedings.)

16 MR. CLEMENTS: That's all, Mr. McCray. Thank you.

17 THE COURT: Anything further?

18 MR. PROSSER: Nothing further.

19 THE COURT: Thank you, sir. You may step down.

20 (WHEREUPON, the witness leaves the witness stand.)

21 MR. CLEMENTS: Your Honor, the State rest.

22 THE COURT: All right. Ladies and gentlemen, the
23 State has rested their case. I have some matters of law
24 that I need to take up with the attorneys before we go any
25 further, so I'm going to ask if you would step back into

1 the jury room. If you need anything, let us know. You
2 should have refreshments and stuff. If you need anything
3 let us know and I'll bring you back out shortly.

4 (WHEREUPON, the jury retired to the jury room.)

5 THE COURT: All right. At this time, I'll be happy
6 to entertain any motions from defense.

7 MR. PROSSER: Certainly, we're going to at this time
8 move for a directed verdict. The evidence has been
9 presented to the Court. The Court's heard the testimony
10 and heard the evidence. We just don't believe there's
11 enough to put the issue before the jury.

12 THE COURT: All right. Thank you, Mr. Prosser. I'm
13 going to respectfully deny that motion. There's evidence
14 in existence to whereby a jury they could find and, of
15 course, the Court's not concerned with the weight of
16 evidence, but simply the existence of it. The jury can
17 give it whatever weight they feel is appropriate.

18 MR. PROSSER: Thank you, Your Honor.

19 THE COURT: Anything further?

20 MR. CLEMENTS: Not from the State, Your Honor.

21 MR. PROSSER: The only thing we would need, Your
22 Honor, is maybe a short recess to make sure whomever is
23 here is here. We'll be ready to go.

24 THE COURT: All right. Let me go ahead and ask
25 though before we take that break have you discussed or

1 talk with Mr. Inman regarding whether or not he intends to
2 testify?

3 MR. PROSSER: I have, Your Honor, and I want to nail
4 that down if I can.

5 THE COURT: During the break?

6 MR. PROSSER: Yes, sir.

7 THE COURT: All right. We'll take a ---

8 MR. CLEMENTS: Your Honor, I want to raise one issue
9 now because I know it's looming on the horizon, just want
10 to touch on it right now. Your Honor, there may be some
11 witnesses that are gone get up and I think Mr. Prosser the
12 best information they would have for him in my opinion
13 will be hearsay that I think would be inadmissible. So I
14 believe it would be might wind up getting into a pitting
15 the witnesses situation again. So I just wanted put the
16 Court on notice of that.

17 THE COURT: Well, y'all can discuss that during the
18 break.

19 MR. PROSSER: We'll try to discuss it that and narrow
20 that down.

21 THE COURT: And if we do have those issues, we'll
22 deal with it. All right. We'll take a short break.
23 Well, then we'll be in recess for a few minutes.

24 (WHEREUPON, a break was taken.)

25 MR. CLEMENTS: Please the Court, Your Honor.

1 THE COURT: Yes, sir.

2 MR. CLEMENTS: Your Honor, we have a situation here
3 Mr. Prosser and I have discussed and I think probably the
4 best way to put this matter on the record right now as I
5 like to make a motion in limine, Your Honor.

6 THE COURT: All right.

7 MR. CLEMENTS: He has a witness, Your Honor, that
8 he's deciding whether to put up or not. Your Honor, it's
9 actually one I had subpoena too. The stuff that witness
10 could testify to for me I felt like was cumulative and not
11 very relevant to Mr. Inman. If I had tried Mr. McCray, it
12 would have been very relevant, Your Honor. Also things
13 that I think would be the only purpose that Mr. Prosser
14 would want to call her for, would be issue it would
15 hearsay about what other people said were that out of
16 court statements that he would try to present for the
17 truth of the matter that they assert, which I think is
18 hearsay and I also possible having a pitting of the
19 witnesses situation and that would be with Tanjula Harley
20 that's why we decided not to call her because it really --
21 a lot of it wasn't relevant, Your Honor, to Mr. Inman.
22 And the only issue I could see would be hearsay issues she
23 can testify to, that I don't think is admissible, so I
24 would make motion in limine right now, Your Honor, about
25 her testifying to any hearsay matters of Anthony McCray,

1 anything Anthony McCray said.

2 THE COURT: Or any hearsay.

3 MR. CLEMENTS: Or any hearsay or anybody else as
4 well, Your Honor.

5 THE COURT: Mr. Prosser.

6 MR. PROSSER: In response, Your Honor, just to tell
7 you obviously, I believe the fact that they were facts
8 following the crime doesn't necessarily -- and these
9 statements contained a majority of those facts. I don't
10 think that makes the testimony and the statement from
11 Tanjula Harley irrelevant. I think it's certainly
12 relevant to the case.

13 THE COURT: Their her statements though?

14 MR. PROSSER: Their her statements. But her
15 statements actually contain statements that were made from
16 Anthony McCray, the co-defendant who testified and one of
17 the statements implicated other people and I questioned
18 him on that. I think the Court heard that I question him
19 whether or not he ever said that he and Tinka and Tinka's
20 brother committed this crime.

21 Well, I question him that based on what was Ms.
22 Tanjula Harley's statement, which obviously I believe
23 relevant and needs to come in not necessarily for the
24 truth of the matter asserted, but just to establish the
25 fact of whether or not he said that. He's already

1 established that he's told different stories and this is
2 just one more different story in this case.

3 THE COURT: Well, let me clear something up if I may,
4 Mr. Prosser. I'm familiar with her statement. And if
5 you're going to try to ask her about that statement, I'm
6 not going to allow that, that's hearsay. I'm not aware of
7 an exception that it falls under. If you can enlighten
8 me that it fits under an exception to the hearsay rule, I
9 certainly would consider it. But you are asking her to
10 testify as to what Anthony McCray told her four years ago,
11 that's as hearsay as it gets and so I would not allow that
12 testimony. She's certainly I guess it's going to be on a
13 wait and see basis on whether or not what she does testify
14 to is relevant. I will tell you that I understand your
15 position and I think at least until I hear the testimony,
16 right now I do intend to agree that things that occur
17 post-criminal act can be relevant. Now, whether this is
18 or not I don't know.

19 MR. PROSSER: I understand.

20 THE COURT: But as far as her testifying as to what
21 Anthony McCray or any other person may have told her
22 outside of say Mr. Inman, then that would be hearsay and I
23 would not allow that testimony.

24 MR. PROSSER: I understand, Your Honor.

25 THE COURT: I certainly will note your exception on

1 the record to that rule.

2 MR. PROSSER: Thank you.

3 THE COURT: All right. Now, at this time, we are at
4 the point and the Court needs to understand or know
5 whether or not you discuss with Mr. Inman his
6 constitutional right to remain silent or whether or not
7 he's going to take the stand and testify in his own
8 defense, have you had that opportunity to talk with him
9 about that?

10 MR. PROSSER: I have, Your Honor.

11 THE COURT: All right. What decision has he made?

12 MR. PROSSER: He has chosen not to testify.

13 THE COURT: All right. Mr. Inman, if I could ask you
14 to stand, I just want to ask you, sir -- sir, you
15 understand that you absolutely have the right to testify
16 if you choose to, but you also have the constitutional
17 right not to testify.

18 DEFENDANT INMAN: Yes, sir.

19 THE COURT: You talk with Mr. Prosser about that?

20 DEFENDANT INMAN: Yes, sir.

21 THE COURT: All right, sir. Now, I will say and I'm
22 sure Mr. Prosser has probably shared this with you. And
23 as a matter of fact, I'll pull it up so that I can tell
24 you exactly what I would tell a jury.

25 All right, sir. If your decision is to not testify,

1 I will instruct the jury with this instruction. And I
2 would tell them that I instruct you and I emphasize the
3 fact that the defendant did not testify is not a factor to
4 be considered by you in any way in your deliberation. And
5 in your consideration on the question of guilt or
6 innocence of the defendant. It must not be considered by
7 you in any manner whatsoever. A defendant has the
8 constitutional right to remain silent and the assertion of
9 this right must not be considered by you in your
10 deliberations. I repeat under your oath you are not to
11 draw any conclusion whatsoever from the fact that the
12 defendant in this case did not testify. The fact that
13 this defendant did not testify should not even be
14 discussed in the jury room. The burden of proof as I have
15 stated to you is on the State. The defendant is not
16 required to prove his innocence and the burden of proof
17 remains on the State to prove guilt beyond a reasonable
18 doubt. I would instruct the jury that instruction if you
19 your decision is to not testify. Now, it -- is that in
20 fact your decision, sir?

21 DEFENDANT INMAN: Yes, sir.

22 THE COURT: All right, sir. Now, what I need to
23 understand is and I realize that every defendant that
24 comes into court, they talk with their attorney and they
25 get advice. And they -- they hear from their lawyer the

1 reasons for testifying and not for testify, but bottom
2 line is when all that said is done, Mr. Inman, it comes
3 down to you and it has to be your decision. It is this
4 decision not to testify is it your decision?

5 DEFENDANT INMAN: Yes, sir.

6 THE COURT: All right, sir. And do you understand
7 that you have the right to testify if you choose to do
8 that?

9 DEFENDANT INMAN: Yes, sir.

10 THE COURT: All right, sir. And as I indicated to
11 you just a moment ago, I will instruct the jury this
12 charge that they cannot hold this against you and that is
13 your constitutional right. The burden of proof is on the
14 State and that's where it remains throughout the course of
15 the trial. Thank you very much, Mr. Inman. You may have
16 a seat.

17 Now, Mr. Prosser -- all right. We've established the
18 fact that Mr. Inman's decision, but you do have other
19 witnesses; is that correct?

20 MR. PROSSER: Actually, Your Honor, considering the
21 decision on the motion in limine, we're going to rest. We
22 gone let the evidence sit as it stands.

23 THE COURT: All right. Then here's what I'm going to
24 do. At this time, I'm going to go ahead and listen to you
25 on any motion you have at the close of all the evidence.

1 I'll go ahead and take any motion you have at this time to
2 avoid bringing the jury out and having you rest sending
3 them back out. So if you're prepared, I'm ready to hear
4 from you with regard to any motions at the close of the
5 evidence.

6 MR. PROSSER: Well, really at the close of the
7 evidence, Your Honor, just renew our motion for a directed
8 verdict. It would be the only motion that I would have on
9 behalf of the defendant. And I don't see any other
10 evidentiary things that we have haven't discussed or
11 talked that need to be address now. Those have already
12 been done, so I think that the juries heard enough to make
13 a fair decision.

14 THE COURT: All right. I'm going respectfully deny
15 that motion on the same grounds as earlier. And just so I
16 can clarify the record and, Mr. Prosser, you please
17 correct me if I misconstrue this. You prior to the
18 Court's ruling on motion in limine your reason or your
19 purpose calling Ms. Tanjula Harley was to have her
20 basically testify as to things that Anthony McCray told
21 her on that evening some four years ago; is that correct?

22 MR. PROSSER: That's correct. They were other things
23 obviously she would say, but her statements would be
24 fraught with that kind of testimony.

25 THE COURT: All right. And you understand the

1 Court's ruling is not on anything else she might testify
2 to, but solely on the fact that the Court would not be
3 incline to allow the hearsay testimony of Mr. McCray.

4 MR. PROSSER: I understand that.

5 THE COURT: Okay.

6 MR. PROSSER: We made a strategic decision after
7 that.

8 THE COURT: I understand. Okay. All right. Well,
9 what I'll do then is this, I'm going to bring the jury
10 out. Mr. Prosser, I'll recognize you. You may then rest
11 on the record before the jury, but then at that time, I'm
12 going to go ahead and send the jury to lunch.

13 Yes, sir.

14 MR. CLEMENTS: Your Honor, before we you do this, I
15 think I'm right, but I want to be sure. And I think your
16 right in accepting my argument, but I want to be sure
17 because I don't want to do this again. Can Mr. Prosser
18 and I approach?

19 THE COURT: Yes, sir.

20 (WHEREUPON, a bench conference was held.)

21 THE COURT: All right. Ready to let me excuse the
22 jury for a lunch break. Then we can talk about anything
23 further. Do you have anything else on that matter,
24 Solicitor?

25 MR. CLEMENTS: No, sir, Your Honor. I don't think

1 so, you read those two cases the same way I do, Your
2 Honor?

3 THE COURT: Well, I think it would be admissible
4 against Mr. McCray as an admission if Mr. McCray were on
5 trial. Mr. McCray's not on trial, so therefore it's not
6 admissible against -- it's not admissible in this case
7 against Mr. Inman since Mr. McCray is not on trial. It
8 doesn't fit into any hearsay exception that I'm aware of.
9 It's clearly hearsay.

10 MR. CLEMENTS: Your Honor, and I know what you want
11 to do as far as time wise, but just out of an abundance of
12 precaution so we can do a little further research, I don't
13 want to lead the Court wrong on where I'm looking at the
14 law. Can we let the jury go to lunch and not have him
15 rest yet?

16 THE COURT: That's fine.

17 MR. CLEMENTS: And just so we can be sure.

18 THE COURT: And then we'll take it up after lunch.
19 All right, let me get the jury to come out.

20 (WHEREUPON, the jury returns to the courtroom.)

21 THE COURT: All right. Ladies and gentlemen, looking
22 at the time, it's probably a perfect opportunity to break
23 for lunch before we resume the case. So I'm going to do
24 that at this time, ask that you have no conversation about
25 this case with anyone. I will tell you if it helps you

1 for your planning purposes. I believe that we will
2 conclude this case today. I believe that the case you
3 will get the case today for your consideration. So if you
4 need to make any phone calls over the lunch break and if
5 that's the case, if that's true and that happens and you,
6 of course, I can't predict deliberations, but it would
7 appear that your service for the week may be over after
8 today. But we'll have to see how that goes, but I believe
9 that you will get the case for your consideration today.
10 Going to ask you if you would to be back in your jury room
11 ready to go at 1:30, that gives you a little shy of an
12 hour and a half for lunch. But if you'll be back in your
13 jury room at 1:30, we will proceed at that point. If
14 everyone else will please remain seated, members of the
15 jury, you are free to go for lunch. And we'll see you at
16 1:30.

17 (WHEREUPON, the jury was excused to lunch.)

18 THE COURT: All right. We'll adjourn now for lunch
19 and we'll start back at 1:30. If I could, let me ask
20 Mr. Prosser to be back at like 1:15. During the lunch
21 break, I'm going to send to you guys a copy of a proposed
22 charge. Let you look it over. If there's any additions
23 or deletions or whatever you want to make, we'll discuss
24 that at 1:15, okay.

25 And, Solicitor, I'll drop that copy off down in your

1 office downstairs.

2 And, Mr. Prosser, if you're not here or if you don't
3 mind waiting a minute, I'll print you one out real quick.

4 MR. PROSSER: I'll be glad to wait.

5 THE COURT: Okay. All right. So we'll reconvene at
6 1:30.

7 (WHEREUPON, a lunch break was taken.)

8 THE COURT: Okay. We got two jurors that aren't back
9 yet, but I told them 1:30, so we'll just...

10 MR. CLEMENTS: Your Honor, since Mr. Prosser is here
11 we can go on the record for a minute. After much
12 consideration and looking at some case law and still
13 thinking I may have a good argument, just out of an
14 abundance of precaution, Your Honor, so it want create an
15 appellate issue, I withdraw my motion in limine, Your
16 Honor, regarding that one statement that I think ---

17 THE COURT: Mr. McCray's statement to this witness.

18 MR. CLEMENTS: Mr. McCray's statement to this witness
19 regarding him and possibly somebody else. I'll withdraw
20 my motion in limine as to that. Your Honor, anything else
21 that may come up might have hearsay, I might have to
22 object to that as it comes up.

23 THE COURT: Sure, okay.

24 MR. CLEMENTS: Your Honor, and I've reviewed your
25 charge and the State has no additions, deletions or

1 exceptions.

2 THE COURT: All right. Mr. Prosser, have you had an
3 opportunity to go through that?

4 MR. PROSSER: No, sir, I have not, but I will do it
5 quickly.

6 THE COURT: Go ahead.

7 Come on in.

8 (WHEREUPON, a pause in the proceedings.)

9 THE COURT: In light of the of the State withdrawing
10 their objection to that portion of the testimony that
11 Mr. Clements just discussed, are you going to put up a
12 case then.

13 MR. PROSSER: We are going to have one witness, Your
14 Honor.

15 THE COURT: Okay. Well, go ahead and look that over.

16 (WHEREUPON, a short break was taken.)

17 MR. PROSSER: Your Honor, those are fine just for the
18 record, we would like to ask to add voluntary manslaughter
19 as a lesser offense or lesser-included offense of murder.
20 Our basis for that is simply that the co-defendant, plead
21 to, that's about it.

22 THE COURT: Solicitor.

23 MR. CLEMENTS: Your Honor, that was something that we
24 worked out. I believe the evidence that's been presented
25 in this trial is determined to have -- as you view that

1 evidence as what type of charge is in and conjunction
2 with the evidence that was presented. I don't believe
3 there's any evidence been presented of legal provocation
4 or heat of passion either one, which I think you have to
5 have both to have voluntary manslaughter. And so I don't
6 think that that would be proper charge based on evidence
7 in the case.

8 THE COURT: Thank you, Solicitor.

9 Mr. Prosser, I'm just going to assume that your next
10 witness is not going to establish any evidence in the case
11 to show either legal provocation or heat of passion, so
12 assuming that I'm going to deny that request. I think, of
13 course, I'm bound with the charge on the law based upon
14 the evidence in the case and what the evidence supports.
15 And there has been no evidence to show either legal
16 provocation or heat of passion in the killing of this
17 Mrs. White. I'm going to respectfully deny that request.
18 It certainly would note your exception to the charge.
19 Everything else on the charge is all right?

20 MR. PROSSER: Yes, sir, perfectly fine.

21 THE COURT: All right. Is there anything else then
22 before we proceed?

23 MR. CLEMENTS: I don't think so, Your Honor, nothing
24 from the State.

25 THE COURT: And you're ready to present your case?

1 MR. PROSSER: I'm ready to present her. I need to
2 make to sure -- I need to get her. She was here this
3 morning, she's under subpoena so I assume...

4 MR. CLEMENTS: And her lawyer's in the courtroom.

5 ATTORNEY: Your Honor, I told her 1:30 to be back per
6 your instructions to start this back up again. So she
7 might be ---

8 THE COURT: Well, she's officially late if she's not
9 here because it's past 1:30, but let's check. Go ahead
10 and check.

11 MR. PROSSER: I think Officer Prosser served a
12 subpoena on my part.

13 (WHEREUPON, a pause in the proceedings.)

14 THE COURT: All right. Ask the members of the jury
15 to join us please.

16 (WHEREUPON, the jury returns to the courtroom.)

17 THE COURT: All right. Ladies and gentlemen,
18 everyone had a good lunch and you ready to go back to
19 work. As you recall at the close of the morning session,
20 the State had rested their case. So at this time, we
21 would turn our attention to recognize Mr. Prosser for
22 anything from the defense.

23 MR. PROSSER: Yes, Your Honor. We have one witness
24 we would like to call today.

25 THE COURT: All right, sir.

1 MR. PROSSER: Tanjula Harley.

2 THE COURT: Is Ms. Harley in the courtroom?

3 MR. PROSSER: She's right outside the door.

4 THE COURT: Ask Ms. Harley to step in please.

5 Ms. Harley, if you please come around here to be sworn and
6 then have a seat in the witness box.

7 THE CLERK: Ms. Harley, come around here. Do you
8 solemnly swear or affirm to tell the truth, the whole
9 truth, and nothing but the truth so help you God?

10 MS. HARLEY: I do.

11 THE CLERK: You may have a seat in the witness box.

12 WHEREUPON,

13 Tanjula Harley,
14 after first having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. PROSSER:

17 Q Good afternoon.

18 A How you doing?

19 Q Doing fine. Ms. Harley, how do you spell your entire
20 name?

21 A T-A-N-J-U-L-A H-A-R-L-E-Y.

22 Q Okay. Let me ask you to do this. I'm sitting way
23 back here and in fact, Mr. Clements I think might have
24 been the one to do this. I need you to speak up, make
25 sure you speak into that microphone and make sure you

1 don't say or uh-uh or uh-huh that kind of thing. You have
2 to say yes or no because this nice lady here is taking
3 down everything we say here today, okay.

4 A Yes, sir.

5 Q All right. Make sure all these jurors can hear what
6 you say, okay.

7 A Yes, sir.

8 Q Ms. Harley, what is your current address?

9 A Street.

10 Q All right. And that's where?

11 A Marion, South Carolina.

12 Q Okay. How long have you live there?

13 A I live there for about for two months.

14 Q All right. And how hold are you?

15 A I'm 24 years old.

16 Q Forty-four?

17 A Twenty-four.

18 Q Twenty-four. You sure didn't look 44. Have you ever
19 lived at Road?

20 A Yes, sir.

21 Q Okay. Do you know about the facts of what happened
22 on September the 19th 2004?

23 A No, sir.

24 Q Okay. You don't know anything about what happened?

25 A No, sir.

1 Q Okay. Do you know Anthony McCray?
2 A No, sir.
3 Q Do you know Wondell Timmons?
4 A No, sir.
5 Q Do you know Donnell Timmons?
6 A No, sir.
7 Q Do you know Kelletta Baccous?
8 A Yes, sir.
9 Q Okay. Carolyn Johnson?
10 A Yes, sir.
11 Q Jonathan Brown?
12 A Yes, sir.
13 Q Annie Israel?
14 A I know him, but not that well.
15 Q Matthew Israel?
16 A Yes, sir.
17 Q And you're telling me today that you don't know
18 Anthony McCray?
19 A No, sir.
20 Q How about Quinton Inman?
21 A No, sir.
22 Q Okay. And you don't know Wondell or Donnell Timmons?
23 A No, sir.
24 Q All right. Let me see if I can refresh your memory,
25 okay. Tanjula do you know a Tanka or a Tinka?

1 A Yes, sir.

2 Q All right. How about Tinka's brother? Tanka's

3 brother?

4 A Yes, sir.

5 Q Okay. All right. Have you ever met a gentleman

6 name Anthony McCray?

7 A I met him that night.

8 Q That night you met him?

9 A Yes, sir.

10 Q All right. Well, let me continue on then. I just

11 didn't ask you well enough. You have met Anthony McCray;

12 is that correct?

13 A Yes, sir.

14 Q And you did meet him on the night of September 19th

15 2004; is that correct?

16 A Yes, sir.

17 Q Okay.. What time of night did you first come to meet

18 Anthony McCray?

19 A I say it's about close to ten when he came to the

20 house where I was at.

21 Q Okay. Close to ten?

22 A Yes, sir.

23 Q All right. Well, let me show what's been marked as

24 Defendant's Exhibits Number 11 and Number 12. Can you

25 read?

- 1 A Yes, sir.
- 2 Q Tell me what number 11 is, okay? Is this your
3 statement?
- 4 A Yes, sir.
- 5 Q All right. And how many pages is it?
- 6 A It's three pages.
- 7 Q It's three pages. Is that your signature at the
8 bottom of the first page?
- 9 A Yes, sir.
- 10 Q And how about on the second page?
- 11 A Yes, sir.
- 12 Q And about how the third page?
- 13 A Yes, sir.
- 14 Q All right. Do you remember giving that statement to
15 law enforcement officers?
- 16 A Yes, sir.
- 17 Q Okay. And let's see in fact that statement was given
18 on -- at 1:15 p.m. on September 20th 2004; is that
19 correct?
- 20 A Yes, sir.
- 21 Q All right. Let me show you what's been marked as
22 Defendant's Exhibit Number 12. Is that another statement
23 that you gave?
- 24 A Yes, sir.
- 25 Q Okay. And is that your signature at the bottom?

1 A Yes, sir.

2 Q Okay. And you remember giving that second statement;
3 is that correct?

4 A Yes, sir.

5 Q All right. Now, I'm gone leave these here so you
6 look at them, okay, just when I point you to something.
7 I'm gone have a copy of them when I ask you a couple
8 questions. Ms. Harley, you just told me I believe that
9 the first time you met Mr. McCray was around ten p.m.?

10 A Yes, sir.

11 Q Look at the first line of your statement there and
12 tell me why you would have said 12:30 a.m.? Just a little
13 confused on that?

14 A Yes, sir.

15 Q Okay. All right. All right. On that particular
16 night, the reason you told me you didn't know Anthony
17 McCray is because you never meet him before that?

18 A Yes, sir.

19 MR. CLEMENTS: Your Honor, object to the leading.

20 THE COURT: Sustain.

21 MR. PROSSER: Trying to rush it along I'm sorry.

22 BY MR. PROSSER:

23 Q Tell me what happened the first time you met
24 Mr. McCray on that night?

25 A On that night when he came to the house, I was

1 talking to him in the car. He had asked -- he said
2 something about a body, but I didn't know nothing right
3 then that he did that.

4 Q You didn't know he had done that?

5 A No, sir. I didn't knew right then that he did that
6 to this person. So I kept talking to him, then we left.
7 We just basically talk the whole night.

8 Q Okay. And what prompted him to tell you that he had
9 a body? How did that subject come up?

10 A He was like he did something. Him and his homeboy
11 did something to this woman, but I didn't know he done
12 that that night to the woman.

13 Q Him and ---

14 A The way he made it seem like he been done it.

15 Q Him and his homeboys?

16 A Yes, sir.

17 Q Okay. And so did you know where the body was?

18 A No, sir, not at the time.

19 Q Okay. When did you find out where the body was?

20 A I found out the body when I took him down that dirt
21 road.

22 Q Why did you take him down the dirt road?

23 A Cause he said he had needed somebody to help him get
24 the body out the trunk of the car.

25 Q Okay. And who was with you when you went to take the

1 body down the dirt road?

2 A Donnell Timmons and Wondell.

3 Q Okay. And that would be Tinka and Tanka's brother?

4 A Yes, sir.

5 Q Okay. Are those his homeboys?

6 A Yes, sir.

7 Q Okay. And anybody else with you at that point in
8 time?

9 A No, sir.

10 Q So when y'all got down that dirt road what happened?

11 A He told me pull back, pull the car in backwards, so I
12 pull it in backwards. He got out the car with some gloves
13 and some plastic on his hands and he told me to hand him
14 the keys. I handed him the keys. He opened up the trunk.
15 Wondell Timmons and Donnell got out the car first, then
16 when I seen them get out the car I got out. He open up
17 the trunk. He hand me a beer bottle. He said now when
18 she wake up somebody need to knock her out with this. I
19 drop the beer bottle, I say no I'm not gone do that to
20 her. I said I thought he was lying because I didn't smell
21 nothing. I didn't see nothing or nothing in the trunk of
22 that car.

23 Q Okay. Did he -- so when he gave you the bottle, you
24 didn't do what he ask you to do?

25 A No, sir.

1 Q Okay. Did he refer to her by name or what did he
2 call her?

3 A He call her that bitch excuse my language.

4 Q Okay. How did he act when you didn't do what he
5 wanted you to do?

6 A He got upset. He slam the car trunk down and got
7 back in the car.

8 Q Okay. How did Donnell and Wondell react?

9 A They was like, they was scared, frightened.

10 Q So what did y'all do next?

11 A We left and I went down the street to Carolyn
12 Johnson's house.

13 Q Okay. Why did y'all go there?

14 A I had went to go back to talk to her because we had
15 got in an argument that night.

16 Q You had gotten in an argument that night?

17 A Me and Carolyn Johnson.

18 Q What happened at her house?

19 A She had came out the door. She walk up to the car
20 and started talking to us.

21 Q Started talking to y'all?

22 A Yes, sir.

23 Q Okay. What did you say to her?

24 A I had ask her what she was doing. She said nothing.
25 She ask me who car that was and I said this friend of mine

1 that's sitting on the passenger side.

2 Q Okay. And did the subject of a blanket ever come up
3 with Ms. Johnson?

4 A Yes, sir.

5 Q All right. How did that come up?

6 A Anthony ask her for a blanket.

7 Q Anthony asked her for a blanket?

8 A Yes, sir.

9 Q All right. What were y'all going to do with the
10 blanket?

11 A He say he wanted to use it to get the body out the
12 trunk of the car.

13 Q Okay. What did she do about that?

14 A She left, she didn't give us the blanket.

15 Q Okay. How did Anthony react to that?

16 A He was calm, he didn't say nothing.

17 Q Didn't say nothing to Ms. Johnson about that?

18 A No, sir.

19 Q Now, at any point, did y'all sit in the car and talk
20 and smoke a blunt or anything of that nature?

21 A No, sir.

22 Q Okay. Have you ever had sexual relations with this
23 man?

24 A Yes, sir.

25 Q Did you have sexual relations with him that night?

- 1 A Yes, sir.
- 2 Q After that, where did y'all go?
- 3 A We left and we took Wondell McClam and Donnell
- 4 Timmons we took them to Chill Town to their house.
- 5 Q Drop them off?
- 6 A Yes, sir.
- 7 Q So that -- then it was just you and Anthony?
- 8 A Yes, sir.
- 9 Q And where did y'all go then?
- 10 A We left went and back to Shady Pines down the dirt
- 11 road.
- 12 Q Down the same dirt road?
- 13 A Yes, sir.
- 14 Q All right. What did y'all do?
- 15 A We had oral sex.
- 16 Q Sex down that same dirt road?
- 17 A Yes, sir.
- 18 Q With Ms. White in the car?
- 19 A Yes, sir.
- 20 Q All right. What happened after that?
- 21 A I had asked him can -- I needed to run to Florence to
- 22 do some errands. He say, okay. I asked him could I
- 23 borrow his car he say, okay. He said have my car back at
- 24 11 o'clock next day. Then he say just drop me off at
- 25 home.

1 Q Is that what you did?

2 A Yes, sir.

3 Q Did you go to Florence by yourself?

4 A No, sir.

5 Q All right. Who went with you?

6 A Kelletta Baccous and Jonathan Brown.

7 Q How about Matthew Israel?

8 A No, sir.

9 Q He didn't go with you?

10 A No, sir.

11 Q Did Matthew Israel ride in that car that right?

12 A No, he rode the next morning after we pick him up.

13 Q We get to that in a minute. Keep on going y'all went

14 to Florence Kelletta and Jonathan?

15 A Yes, sir.

16 Q Okay. Where did you go in Florence?

17 A I went to a friend of mine's house David Cannon.

18 Q Who?

19 A David Cannon.

20 Q Okay. You didn't go to your mother's house?

21 A No, sir.

22 Q Okay. And who is David Kennedy?

23 A David Cannon.

24 Q Cannon?

25 A Yes, sir.

1 Q Who is he?

2 A He was an old friend of mine.

3 Q Okay. And what did you do there?

4 A I went and got some clothes. I asked him for a
5 cigarette.

6 Q Did you have a snack?

7 A No, sir.

8 Q Okay. Didn't have cake or juice?

9 A No, sir.

10 Q What did you do after that? Now, all this time
11 Mrs. White's still in the trunk; is that right?

12 A Yes, sir.

13 Q You didn't think about her wellbeing at that point in
14 time?

15 A No, sir.

16 Q Why not?

17 A It was on my mind that night, but I didn't know for
18 sure that she was back there for sure.

19 Q Did you find out different later?

20 A Yes, sir.

21 Q Okay. Tell me about what happened when you left
22 Florence?

23 A I left Florence, I went back to Marion and went to
24 Matthew's house.

25 Q Matthew Israel?

- 1 A Yes, sir.
- 2 Q And is Annie Israel his grandmother?
- 3 A Yes, sir.
- 4 Q Was Kelletha and Jonathan still with you?
- 5 A I dropped him off at home.
- 6 Q At their home?
- 7 A Yes, sir.
- 8 Q Okay. Did they know anything about the body at this
- 9 point?
- 10 A No, sir.
- 11 Q You hadn't told them anything about it?
- 12 A No, sir.
- 13 Q Okay. And so what did you do next?
- 14 A I left and went back to pick up them. Then we went
- 15 to Spring Branch to Carolyn Johnson's house.
- 16 Q To Carolyn Johnson's house?
- 17 A Yes, sir.
- 18 Q The place you had been before to get the sheet?
- 19 A Yes, sir.
- 20 Q Okay. And what did y'all do at Carolyn Johnson's
- 21 house?
- 22 A I got out the car and I knocked on the door. She
- 23 came to the door. She seen Matthew in the car. She said,
- 24 oh, Matthew's in the car. She said no boys allowed.
- 25 Q Said what?

- 1 A She said no boys allowed in her house.
- 2 Q No boys allowed, okay. Okay. All right.
- 3 A So I walked in the house, she was cooking breakfast.
- 4 So I ask her could I have some breakfast, then she said,
- 5 yeah, after I finish cooking. So I sat down and I said
- 6 Kelletha get the keys and go see if something in the trunk
- 7 of that car. So she got the keys and she went out there
- 8 and open up the trunk. And it was a body in the trunk of
- 9 the car.
- 10 Q Okay. At any time during this time, did y'all go to
- 11 sleep?
- 12 A No, sir.
- 13 Q Okay. Did y'all watch a movie?
- 14 A No, sir.
- 15 Q Why would you tell officers that you went to sleep
- 16 and watched a movie?
- 17 A We didn't watch a movie.
- 18 Q Okay. You don't know why that would be in your
- 19 statement?
- 20 A No, sir.
- 21 Q Okay. What happened when she open the trunk and
- 22 discover that Mrs. White's body was in the car?
- 23 A She start yelling, screaming, crying.
- 24 Q And what did y'all do next?
- 25 A Kelletha told me to move the car out of her yard.

1 Q Did -- and what did y'all do?

2 A I had move the car out of her yard.

3 Q Did you wipe the car down or anything of that nature?

4 A Yes, sir.

5 Q Okay. Who wipe the car down?

6 A Me and Kelletha wipe the car down.

7 Q Okay. And why?

8 A Because Carolyn Johnson told me to.

9 Q Okay. So what did you do after that?

10 A I left and I took the car to the dirt road and I left
11 and went to call the police at Wal-Mart pay phone.

12 Q Now, does that conclude your involvement in this
13 situation?

14 A No, sir.

15 Q Tell me what else what happened?

16 A Well, I call the police. I took them to the car, to
17 the woman. Police ask me did I want to take him to the
18 car, I told him yes. So I took him down there to the car.

19 Q Okay. During that night -- and by the way, have you
20 talked to Anthony since?

21 A I talk to him in jail.

22 Q Talk to him in jail?

23 A Yes, sir.

24 Q Because you got arrested as well?

25 A Yes, sir.

- 1 Q And tell me what Anthony told you about who did this?
- 2 A He told me he said -- he said him and another guy did
- 3 it, some more guys.
- 4 Q Him and some more guys?
- 5 A Yes, sir.
- 6 Q All right. Did he tell you who?
- 7 A No, sir.
- 8 Q All right. Well, I'm going to have to refer you to
- 9 your second statement, okay?
- 10 A Yes, sir.
- 11 Q Read that statement and see if that refreshes your
- 12 memory. What did you say there?
- 13 A I told them ---
- 14 Q Make sure you speak up loudly, okay.
- 15 A You said the second line?
- 16 Q Yes, ma'am?
- 17 A I said ---
- 18 Q Let me see if you looking at the right thing. I'm
- 19 not sure you understood what I said. No, ma'am, I'm
- 20 sorry. Your second statement. I'm sorry.
- 21 A I said Anthony told me that he was in North Florence
- 22 with Tinka and Tinka's brother and they had to beat this
- 23 white lady down and throw her body in the trunk.
- 24 Q That's what you said on that day?
- 25 A Yes, sir.

1 Q Uh-huh?

2 A Yes, sir.

3 Q Okay. And Tinka and Tinka brother are Donnell and
4 Wondell; is that correct?

5 A Yes, sir.

6 Q Those are his homeboys; is that right?

7 A Yes, sir.

8 MR. PROSSER: Your Honor, I would offer Defendant's
9 12 and 11 into evidence at this time.

10 MR. CLEMENTS: We have no objection, Your Honor.

11 THE COURT: Without objection Defendant's 12 and 11.

12 (WHEREUPON, Defendant's Exhibit Nos. 11 and 12 was
13 admitted into evidence.)

14 BY MR. PROSSER:

15 Q One further question. You don't know -- you said you
16 don't know who Quinton Inman is?

17 A No, sir.

18 Q You never came into contact with Quinton Inman?

19 A No, sir.

20 Q And you don't know whether or not he's got any
21 involvement in the situation, do you?

22 A No, sir.

23 MR. PROSSER: That's all I got. Thank you,
24 Ms. Harley.

25 THE COURT: Solicitor.

1 MR. CLEMENTS: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. CLEMENTS:

4 Q Ms. Harley, do you have a conviction for burglary
5 third degree back in 2002?

6 A Yes, sir.

7 Q You do?

8 A Yes, sir.

9 Q Okay. Ms. Harley, you told Mrs. Prosser -- may I
10 hold your statements please?

11 A Yes.

12 Q You told Mr. Prosser that Anthony told you in the car
13 he and his homeboy?

14 A Yes, sir.

15 Q Did it -- he didn't say who his homeboy was, did he?

16 A No, sir.

17 Q Okay. And ---

18 MR. PROSSER: I object to that characterization she
19 said homeboy.

20 THE COURT: Ask the witness.

21 BY MR. CLEMENTS:

22 Q You don't know who he was referring to, do you?

23 A No, sir.

24 Q You don't know whether he was referring to Quinton
25 Inman or not, do you?

1 A No, sir.

2 Q All right. And these statements that Mr. Prosser
3 introduced Defendant's 11 and Defendant's 12, that's not
4 your handwriting is it? You didn't write these, did you?

5 A No, sir.

6 Q Detective Larry Woods wrote those, did he?

7 A Yes, sir.

8 Q And this first Defendant's Exhibit Number 11 the date
9 on that was 9-20-04 at 1:15 in the afternoon; is that
10 correct?

11 A Yes, sir.

12 Q Okay. And you talk with Detective Woods then and he
13 wrote about three pages of stuff and you signed it, right?

14 A Yes, sir.

15 Q And then later on at 1615 hours which was Defendant's
16 Exhibit Number 12 which that would have been 2:15 an hour
17 later excuse me no -- 4:15 a couple hours later at 9:20
18 '04 same day; right?

19 A Yes, sir.

20 Q You talk to him and he wrote this?

21 A Yes, sir.

22 Q Detective Woods and you signed it?

23 A Yes, sir.

24 Q And the only people you saw Anthony with that night
25 was Tinka and Tinka's brother, right?

1 A Yes, sir.

2 Q So when you talk to Detective Woods, you assumed when
3 he talked about his homeboys that he was referring to
4 Tinka and Tinka's brother, right?

5 A Yes, sir.

6 Q You just assume that, you didn't know it, did you?

7 A No, sir.

8 Q So you don't really know if he said Tinka and Tinka's
9 brother, he just said his homeboys, right?

10 A Yes, sir.

11 Q And that's what you told Larry Woods?

12 A Yes, sir.

13 Q That's what Larry Woods wrote down?

14 A Yes, sir.

15 Q Okay. Now, also you told Mr. Prosser that Anthony
16 asked Carolyn Johnson for a blanket or sheet didn't they;
17 isn't that what you just said?

18 A Yes, sir.

19 Q But here in your statement in Defendant's Exhibit
20 Number 11 -- want to be sure to check this make sure I'm
21 not wrong, but you said went to place you pulled into the
22 yard and you asked Carolyn for a sheet; is that right?

23 A No, sir. It was ---

24 COURT REPORTER: I can't hear her.

25 THE COURT: Speak up.

1 Q Say that again?

2 A No, sir, Anthony McCray ask her for a sheet.

3 Q Okay. You never asked her for one?

4 A No, sir.

5 Q Okay. And y'all told her that was to fix something
6 under the car, right?

7 A No, sir, Anthony McCray asked her for that sheet
8 because he said his homeboy was sick in the backseat.

9 Q Okay. He didn't say anything to her about fixing a
10 tire?

11 A No, sir.

12 Q Or fixing something under the car? You didn't tell
13 her -- all right. Can you read right there where my
14 finger is?

15 A Yes, sir.

16 Q Okay. And can you read what that says for three
17 lines. Would you read that please where it begins me and
18 Carolyn? Would you read that out loud?

19 A Me and Carolyn ---

20 COURT REPORTER: I can't hear her.

21 THE COURT: All right, hold on. Solicitor, I need
22 you to back off and let her talk to you.

23 Say it loud enough so we can hear you please.

24 A Me and Carolyn ask for for a few minutes and I ask
25 her if she had a sheet. She said what do you need a sheet

1 for and I told her we had to fix something under the car.

2 Q And that's your statement, right?

3 A No, sir.

4 Q Isn't this Defendant's Exhibit Number 11 that
5 Mr. Prosser introduced into evidence?

6 A No, sir.

7 Q So that's not accurate then?

8 A No, sir.

9 Q Okay. So you didn't ask her for a sheet even though
10 this says I asked her for a sheet?

11 A Yes, sir.

12 Q Okay. And so you're saying you didn't tell her you
13 needed to fix something underneath the car even though it
14 says I told her we needed to fix something under the car?

15 A Yes, sir.

16 Q Tanjula, when Anthony told you about the lady being
17 in the car, you didn't really believe him, did you?

18 A No, sir.

19 Q And Donnell and Wondell didn't really believe him
20 either, did they?

21 A No, sir.

22 Q And you were real scared when he got up there and
23 open that trunk?

24 A Yes, sir.

25 Q You didn't look in it, did you?

1 A No, sir.

2 Q You didn't know for sure if there were anything in
3 there, but you were scared?

4 A Yes, sir.

5 Q And Wondell and Donnell were scared too, weren't
6 they?

7 A Yes, sir.

8 Q And they didn't know really if there was anything in
9 there or not. You didn't see him look in there, did you?

10 A No, sir.

11 Q So none of the three of y'all knew it was a body in
12 that trunk, right?

13 A No, sir.

14 Q So then Wondell and Donnell and you didn't know there
15 was a body in the trunk and y'all all three was scared.
16 There's no way that you, Wondell or Donnell helped
17 Anthony McCray and Quinton Inman beat that lady down and
18 put her in the trunk, did they?

19 A No, sir.

20 MR. CLEMENTS: No further questions.

21 REDIRECT EXAMINATION

22 BY MR. PROSSER:

23 Q Ms. Harley, if you didn't know there was a body in
24 the car, why were you scared?

25 A Because he said he had a gun in the trunk of that

1 car.

2 Q Oh, he did?

3 A Yes, sir.

4 Q Okay. Why did you tell me a minute ago y'all rode to
5 Florence with a body in the trunk?

6 A Because I had ask him -- I had to do some errands.

7 Q But at that point, you knew there was a body in the
8 trunk?

9 A No, sir.

10 Q Okay. Well, you said you rode to Florence with a
11 body in the trunk, the body of Mrs. Cheryl White in the
12 trunk is what you said; correct?

13 A Yes, sir.

14 Q You also said that you had sexual relations down that
15 dirt road with the body of Mrs. Cheryl White in that car,
16 in the trunk?

17 A Yes, sir.

18 Q Okay. So you knew there was a body in the trunk?

19 A I didn't really know for sure if she was back there.

20 Q Well, is that why you were scared though?

21 A Yes, sir.

22 Q Okay. Now, you never -- when you went to Ms. Carolyn
23 Johnson's let me just point you to this -- Anthony
24 actually is the first one who ask for a blanket; is that
25 right?

1 A Yes, sir.

2 Q You said Anthony then ask Carolyn for a blanket?

3 A Yes, sir.

4 Q That's what you meant a minute ago?

5 A Yes, sir.

6 MR. CLEMENTS: Your Honor, I would object to the
7 leading the witness.

8 THE COURT: Sustained.

9 BY MR. PROSSER:

10 Q Let me rephrase it. Who first asked for a blanket as
11 you said?

12 A Anthony McCray.

13 Q Okay. And when you first answered this question, I
14 just want to make sure I understood you. I ask you who
15 his homeboys were and you said Tinka and Tinka's brother
16 were his homeboys; is that correct?

17 A Yes, sir.

18 MR. PROSSER: That's all I have, Your Honor.

19 MR. CLEMENTS: Just one question, Your Honor.

20 RECROSS-EXAMINATION

21 BY MR. CLEMENTS:

22 Q You don't know who all Anthony's homeboys were
23 because you just met him that night for the first time,
24 right?

25 A Yes, sir.

1 Q He could have a lot of homeboys, right?

2 A Yes, sir.

3 THE COURT: Thank you, ma'am. You may step down.

4 (WHEREUPON, the witness leaves the witness stand.)

5 MR. PROSSER: Your Honor, we feel that the jury has
6 enough information to make a fair decision and we rest.

7 THE COURT: All right. Ladies and gentlemen, I'm
8 going to ask you to step back to your jury room, just for
9 a brief moment. I need to take up a couple matters with
10 the attorneys and then I'm going to have you right back
11 out and we'll proceed on. Please have no conversation
12 about the case.

13 (WHEREUPON, the jury retired to the jury room.)

14 THE COURT: All right. Mr. Prosser, I'm gone hear
15 from you regarding motions at the close of the evidence.
16 I know you made that motion earlier when we thought you
17 were resting, but in light of the fact that you did not
18 rest and you actually put up a case, I'll take your motion
19 now.

20 MR. PROSSER: Other than just to renew the motion,
21 that's all.

22 THE COURT: All right, sir. And I respectfully would
23 deny that based on the same grounds. I don't think
24 anything's changed since the case.

25 All right. Ready to proceed then to closing

1 arguments?

2 MR. CLEMENTS: Your Honor, I know that closing
3 arguments gone take a few minutes, Your Honor. May I just
4 have one brief minute?

5 THE COURT: Yeah. Anyone else needs to take a brief
6 minute take it now because once we start closing arguments
7 the door is going to be closed. No one's going to be
8 allowed in or out.

9 (WHEREUPON, a break was taken.)

10 THE COURT: All right. Let's bring the jury out.

11 (WHEREUPON, the jury returns to the courtroom.)

12 THE COURT: All right. Ladies and gentlemen, you
13 have heard all of the evidence that has been submitted
14 into this case. We've now reached the portion of the
15 trial that it is your opportunity to listen and hear from
16 the attorneys with what is commonly referred to as their
17 closing arguments or final summation.

18 Now, ladies and gentlemen, as I told you at the
19 beginning of the case, the comments and the statements of
20 the attorneys is not evidence. And that holds true as
21 well for their closing arguments or their final
22 summations. What they're to share with you in just a
23 moment is not evidence. The evidence is everything you
24 heard from this witness stand and any of these items that
25 have been admitted into the trial of this case. But it's

1 important that you give counsel your undivided attention
2 because this is their opportunity to tell you at least in
3 their opinions what this evidence taken as a whole shows.
4 It's their way, their opportunity to persuade you what
5 they believe the evidence shows. Please give them your
6 undivided attention. And then at the close of their
7 arguments, I will then give you the law that you are to
8 apply to the facts as you find the facts to be and then
9 you'll have the case available for deliberation. If you
10 would please give the lawyers your attention as they give
11 their closing arguments.

12 Mr. Prosser.

13 MR. PROSSER: Thank you, Your Honor. May it please
14 the Court.

15 THE COURT: Yes, sir.

16 MR. PROSSER: Ladies and gentlemen of the jury, what
17 a week it's been. It's been a long one for y'all I know.
18 It's a lot of stuff y'all heard here in the last three
19 days. And it's at sometimes confusing and sometimes
20 difficult to keep up. I couldn't even keep up with it at
21 times I can assure you and I know that I will sleep well
22 tonight. I can tell you this, I appreciate y'all being
23 here. Y'all are serving your country. In fact, it might
24 be -- but I believe Winston Churchill said one of the
25 greatest honors a citizen can be bestowed upon citizen of

1 a country is to be on a jury. The first being serving at
2 war. The second being on a jury because you place the
3 fate of another individual citizen in your hands.

4 It's an important day here for Mrs. White's family
5 because what happened to her as I told you before was a
6 tragedy. It's ashame that that happened. It's sad that
7 you heard testimony about people riding around with
8 Mrs. White in the car not worried about her wellbeing,
9 smoking marijuana and having sexual relations, that's
10 ashame. That's the kind of people I don't even understand
11 I don't think. It's like I told you before I'm sure each
12 one of y'all would walk from here to California just to
13 save a life. And Mrs. White was killed because of a ride.
14 A ride that somebody needed from Florence to Marion. And
15 I submit to you that the evidence all needles down to
16 Anthony McCray.

17 Now, it's also important for the State because the
18 State it's their job and they do a fine job of presenting
19 the case and prosecuting the charges that have been
20 brought. And I think they do so to the best of their
21 ability in my dealings with them I can assure you. My job
22 is to defend Quinton Inman, who has maintained his
23 innocence from day one in this case. You've heard a bunch
24 of different stories. You've heard different stories
25 from Anthony McCray, obviously, many different stories.

1 You've heard different stories from the witness you just
2 heard a minute ago Ms. Harley. Sometimes you wonder who's
3 telling the truth and you wonder if everybody is telling
4 the whole truth. One thing you haven't heard is any lie
5 'come out of Quinton Inman's mouth.

6 Now, I use to be a teacher before I was a lawyer in
7 my older days and so I go back sometimes to what I use to
8 do and that is try to teach you the facts of the case best
9 I can. And teach you a little bit about the law. The
10 judge is gone charge you with the law that applies to
11 these facts.

12 Now, your job, ladies and gentlemen, is to take these
13 facts that you heard today. You gone be taking all this
14 pile of stuff here. You gone be taking this walker I
15 assume, but you be taking all these statements that were
16 put into evidence. Y'all gone be putting it all together
17 to make a decision and you gone take those facts and all
18 this evidence and you going to apply the law to it that
19 the judge charges you. And you're going to determine
20 whether or not Quinton Inman is guilty beyond a reasonable
21 doubt in this case.

22 Now, fair, what's fair in this life. Fairness in my
23 opinion is a relative term cause what's fair to me might
24 not be for y'all. My daughter's, I have two daughter's. 11
25 and eight and a little one year old which was a surprise.

1 I can assure you he was a pleasant surprise, but my two
2 daughter's fight like cats and dogs, it's unbelievable.
3 Every day of their lives, they fight. And I hear the term
4 it's not fair I'll bet you ten times a day. And I have
5 come to respond to and I don't know if they know what I
6 mean, but what's relative to you. What's fair for you
7 might not be fair for your sister. Well, a fair trial is
8 little bit different in my opinion because a fair trial is
9 the product of years and years our legal system that our
10 forefathers came up with to protect the citizens of this
11 country. And those years are trial and error, but they
12 have produced rules and regulations and the law that
13 governs this situation.

14 Now, those provisions of law which protect y'all, me,
15 and Mr. Inman are burden of proof and reasonable doubt.
16 And the judge told you a little bit about those I think at
17 the beginning of this trial and the burden of proof is
18 what it is. Even the Solicitor told you that, he called
19 it a cloak or righteous I believe. It's certainly a cloak
20 of protection for citizens. In the old days, under the
21 Manga Carta and all this stuff and the King of England
22 rule that if he didn't like the color shirt you wore, he
23 could have you hung. He didn't have to give you a trial.
24 That would be bad if our president could do that, I would
25 be scared to death. We have protection of being innocent

1 until proven guilty beyond a reasonable doubt. If I want
2 to protest something that my governor has done as long as
3 I do it in a legal way, they can get mad all they want,
4 but that's what makes our country great. They can't lock
5 me up for that for speaking my mind. In this particular
6 situation, it's the same way.

7 Mr. Inman has been charged with murder. In fact,
8 he's been charged for a while waiting on the charges. One
9 reason that we're -- it's taken so long, but he's just
10 been waiting to come to trial. The entire time he's been
11 waiting, he is presumed innocent, that's that cloak that
12 the Solicitor told you about. And that's an important
13 cloak because in getting ready for this trial last week,
14 obviously, my wife wants to know what's going on. A
15 couple of my friends wants to know what's going on. And I
16 just told them the basic -- I've got a trial where a
17 gentlemen is charged with murder. And I tell them the
18 basic the situation, the tragic situation what happened to
19 Mrs. White. And their first reaction is well that sucker
20 should be persecuted to the end of the world and they
21 haven't heard a fact about the case, which I wasn't gone
22 go in and tell them. All they heard was the results of
23 what happened to Mrs. White and they automatically assumed
24 Mr. Quinton Inman was guilty. They didn't know anything
25 about the story and that's why he's presumed innocent in

1 this courtroom and that's where fair trial comes in. He
2 is sitting there as innocent as he was when we started
3 this trial. Until you make that decision and if he's
4 guilty, that's what y'all going to make. If he's not
5 guilty, that's what you gone make, but that presumption
6 protects it.

7 Now, reasonable doubt is the second term I just want
8 to touch on and that's what requires the State to prove
9 the case beyond a reasonable doubt. Now, judge I believe
10 is going to say something about what reasonable doubt is
11 and he's going to tell you what the law says that is.
12 Reasonable doubt is a doubt that would cause a reasonable
13 person to hesitate to act. It's like getting you to a
14 traffic light, I call it the red light in the country even
15 though sometimes it's green and sometimes it's yellow. We
16 call them red lights. It's like when you get to a traffic
17 light and as soon as you get there, it's green and it
18 turns yellow and you don't know whether to go or stop.
19 You got to make that split decision, but you hesitate to
20 act. And things you hear about this case if they cause
21 you to hesitate to act, to think that's odd, that
22 shouldn't be there, that makes me think this man might not
23 be guilty, that's a reasonable doubt.

24 Now, this case is a case of murder and it was brought
25 against Quinton Inman. And it's serious and it's

1 important and all I can try to do is to get y'all -- try
2 my best to get y'all to look at this objectively, feel for
3 Mrs. White and her family no question about it. I feel
4 for them. I felt for them the first time I read the
5 facts, it's terrible and I can't imagine how I would feel
6 that happened to my mother. But I can tell you this it
7 would also be a tragedy if an innocent man went to jail
8 because he hung around an evildoer.

9 This case is kind of like the Titanic big old ship
10 back in the 1900's, it was the biggest thing on earth,
11 anything that can be sunk. It was the grandest ship ever
12 made. And on its maiden voyage, y'all know the story, you
13 might even seen the movie, heard Celine Dion sing about
14 it. One iceberg sunk that mammoth ship, that one iceberg
15 is just like reasonable doubt. It doesn't take ten
16 reasonable doubts, it takes one reasonable doubt in your
17 mind to find not guilty in this case.

18 Now, when I hear the facts of the case I can assure
19 you I find a lot of reasonable doubt. Now, I'm a lawyer I
20 look at things a little bit differently than some people
21 do now. Probably a lot of the same, but I can tell you
22 this case cause me to hesitate many times the more I read,
23 the more twisted and tangled it got. What it all did, is
24 it all pointed back to one individual and that individual
25 was Anthony McCray. There were a lot of other people

1 connected with that car that night including Quinton
2 Inman, but who was connected to Mrs. White, Mrs. White's
3 person, Mrs. White's personal belongs, Anthony McCray.

4 Now, I made a couple little charts for you. These
5 are not evidence y'all. There just sort of a teacher
6 coming out in me, I guess, I don't know. I use to draw on
7 chalkboards and stuff and spitballs thrown at me and all
8 that kind of stuff maybe that's why I went to law school,
9 I don't know. But I can tell you this -- my wife actually
10 drew these for you because if I would have drawn them,
11 y'all could never have read them. I drew this chart to
12 make a point. From the testimony we heard today and from
13 the evidence you'll see and the statements and everything
14 that came out, the best I can figure this many people one,
15 two, three, four five, six, seven, eight, nine, ten came
16 into contact with 24 red Ford Focus that night. Ten
17 people somehow touch that car. Obviously, Anthony McCray
18 was all over the car. He's admitted as being a part of a
19 murder. He admitted it. He rode around with this lady's
20 body in his car, smoke dubbies or blunts as they call
21 them, had sexual relations. I can't even imagine.

22 And then you had Tinka and Tinka's brother Wondell
23 and Donnell. Tinka obviously identified and said that
24 Quinton Inman was in the car, but he was in there for a
25 little over an hour and that's it, that's all that Wondell

1 said. Wondell obviously said that not one time did he
2 mention an implication or hear an implication that Quinton
3 Inman was involved in any murder even after he discovered
4 there was a body in the car and got scared. Who did he
5 get scared of? He got scared of Anthony McCray. He
6 didn't hear anything from Donnell, you just heard he was
7 in the car some point that night. And you heard Ms.
8 Tanjula Harley tell you that Kelletha Baccous and Matthew
9 Israel and Carolyn Johnson and Jonathan Brown and Ms.
10 Annie Israel didn't necessarily ride in the car. She just
11 told somebody to get out of her yard. All these folks had
12 a part in this car. They were there, but only one from
13 the evidence had any connection to the person of
14 Mrs. Cheryl White.

15 Ms. Carolyn Johnson obviously said she didn't touch
16 the car, but her fingerprints you saw were on there.
17 Tanjula Harley was all over the car, she rode around and I
18 don't need to reiterate her testimony. But when you talk
19 with these folks, where do you see about Anthony McCray.
20 Tanjula Harley told you that he had admitted to doing it
21 with his homeboys Wondell and Donnell. She didn't say
22 anything about Quinton Inman. Didn't even know who
23 Quinton Inman was. The other folks play a part because of
24 Anthony McCray. You remember that Bible verse I talk to
25 you about. A violent man entices his neighbor down a path

1 that is no good. May not be exactly right, but it's
2 somewhere in the neighborhood of Proverbs I believe. With
3 Anthony McCray in this equation, everybody is in. When
4 you take Anthony McCray out of this equation, Quinton
5 Inman becomes another member of this crowd because Quinton
6 Inman no question was near that car or in that car. His
7 prints were on the car, we don't dispute it. We didn't
8 dispute when we opened up, we knew that. His DNA was on
9 that car. We don't dispute that, that puts him at that
10 car on that car. But the only thing tying him to this
11 murder to being at that car wash is Anthony McCray. Not
12 one piece of evidence otherwise. When you take away the
13 testimony of Anthony McCray, you have fingerprints and DNA
14 which is doing nothing, but tying him to that car just
15 like the rest of them. I ask you to think about that
16 because that's what struck me as being obvious in this
17 case.

18 Now, you also saw different pieces of evidence. You
19 saw -- and I'm not gone try to go through every one of
20 them because you gone be able to see all this stuff back
21 there. You saw and you heard from a gentleman -- well, I
22 go through these briefly. First, witness you heard from
23 was Bill Sweat, he's a 9-1-1 operator. He told you about
24 the call that came in. He knew nothing about Quinton
25 Inman. Second witness you heard was Detective Alvin

1 Powell of Florence County. He did missing person's on
2 Mrs. White. And that's necessary to tell you the story,
3 but he knew nothing about Quinton Inman, had no evidence
4 against Quinton Inman. Kenny Davis he secured the scene
5 that night when they found the car. He said the only
6 reason he got Mr. Inman's name is from Anthony McCray and
7 only Anthony McCray and that's what lead to his arrest.
8 Other than that, he said by the way there were no scrapes,
9 cuts anything of that sort on Mr. Quinton Inman and they
10 were on Anthony McCray. Dewayne Tennie was the next
11 witness you heard. He just took a fingerprint, no
12 connection to Quinton Inman.

13 And then there was Mrs. Barker and Mrs. Barker
14 brought up this idea and this is where we got introduced
15 to this LA ring. And y'all know the story now about this
16 LA ring. This LA ring was Anthony McCray's. This LA
17 ring was on his finger. This LA ring was in an autopsy
18 which said this ring made a mark -- or marks on
19 Mrs. White's neck. This is what he gave her a three
20 piece, if you remember that vile term. This is Anthony
21 McCray's ring has nothing to do with Quinton Inman, came
22 from Anthony McCray. That's what Mrs. Barker told you
23 about basically. She also told you about the driver's
24 license. Anthony McCray said he got from Quinton Inman,
25 but guess where it was on, who's body it was on. It was

1 Mrs. Cheryl's White cut up driver's license and was on
2 Anthony McCray in his pocket, wrapped up in a little black
3 plastic bag, throw it a way, tried to hide his
4 involvement.

5 Now, you also heard from Eddie Sawyer. You heard
6 from Keith Lutcken. They found Mrs. White's walker, a
7 pitiful site and it's ashame. There's no question this is
8 probably her walker, but it has nothing to do with Quinton
9 Inman. Quinton Inman's prints were not connected to him
10 in anyway whatsoever.

11 You went through photos or you're going to go through
12 photos, the photos were introduced. None of which connect
13 Quinton Inman. There's no video at the BP store or
14 anything of that nature, that's not the Solicitor's fault,
15 that's not the detective fault. It's just not here. The
16 only thing, the only thing that connects this situation.
17 And by the way, the beer bottle doesn't connect Anthony
18 McCray -- I mean, Quinton Inman at all.

19 To tell you, ladies and gentlemen, what I do see and
20 what the evidence does show I believe is Anthony McCray's
21 connection to Cheryl White. And I talked about it and
22 this just to reiterate, there's one thing I need to
23 correct. This never came up, so don't consider. But
24 Anthony McCray's connection to Cheryl White that ring,
25 that license, that autopsy, and the scratches on his neck

1 when Mrs. White was trying to defend herself. He admitted
2 it, officers admitted to seeing it. Those things tie him
3 to Mrs. White. Nothing not one piece of evidence here
4 ties Quinton Inman to Mrs. White than her car. And again,
5 eight other people were tied to her car that night just
6 like Quinton Inman.

7 Now, this obviously is not a case about -- well, I
8 take that back. To me, this is what this case is about.
9 I told you before when I read the statements, when I
10 looked at the evidence, the statements were self-serving
11 they're inconsistent. And he is definitely nasty and
12 mean. He's been in alternative school since he was young
13 because he can't get along with people. He's showed
14 himself while he's waiting this trial sitting in trial.
15 He can't even get along with people in jail. And he gets
16 mad he said real easy, mad enough to kill may be, I think
17 so. Mad enough to ride somebody around in a car without
18 even thinking about their wellbeing definitely that mean.
19 And when you take the nature of Anthony McCray and you
20 look at it, you take it for what it's worth.

21 Ladies and gentlemen, I can't help you but view this
22 case in light of all I've seen and I've read that there is
23 reasonable doubt everywhere. There's not one hole in this
24 titanic of a case. There's many holes.

25 Now, I ask you and I believe that Mr. Quinton Inman

1 is not guilty in this case. Not one time has he ever come
2 forward and admitted such. Not one thing has tied him to
3 the body of Miss Cheryl White other than Anthony McCray.
4 And if you can take Anthony McCray's word and rely on that
5 and can convict this man put him him away, I can live with
6 that because that's y'all's decision, but I couldn't, I
7 couldn't. Thank you.

8 THE COURT: Thank you, Mr. Prosser.

9 MR. CLEMENTS: Ladies and gentlemen of the jury,
10 we're about to give this case to you. I want to thank you
11 for listening so tentatively to the evidence. There's a
12 lot of things that Mr. Prosser and I agree about. But
13 there's one thing we definitely don't agree about. Now, I
14 believe the judge is gone tell you it's your job gone be
15 to decide based on the facts you heard from this witness
16 stand and the evidence that he allowed into evidence for
17 you to review. It doesn't matter what I think, doesn't
18 matter what Mr. Prosser thinks. What we look at, what we
19 read, it's what you think based on the evidence in this
20 case.

21 Now, that nature of Anthony McCray, Shannon Prosser
22 and Ed Clements they agree on that. But you know what, I
23 don't think there's really a dime worth of difference
24 between Anthony McCray and Quinton Inman. They just a
25 like. Just a minor difference, the minor difference is

1 that Anthony McCray someone told on him being in the car
2 and then when police confronted him, he cracked and told
3 on himself. And then ultimately also told on Quinton
4 Inman and you heard his testimony. You judge his
5 credibility. Is he mean and nasty? Certainly. Is being
6 truthful from the witness stand? That's your job to
7 judge, not mine, not Mr. Prosser's. The judge is gone
8 tell you it's your job to judge the credibility of the
9 witnesses, the believability whether you believe part of
10 what they say or all of what they say or none of what
11 they're saying that's up to you. What I suggest that you
12 do though when you judge the credibility of these
13 witnesses, that you look at their testimony in light of
14 the whole big picture everything else is in there and use
15 your good common sense. To seeing what they're telling is
16 being corroborated by other facts that aren't in dispute
17 and see if what they tell you is a believable story.

18 Now, all these other people will connect to this car,
19 that's right Anthony went out, Quinton stuck him with the
20 car. He got out and left. You know, I think it's
21 probably kind of like dog chasing a car, if he catches
22 that car, he don't know what to do with it if he catches
23 it. They wanted a ride. They got a ride in Mrs. White's
24 car, her body's in there. Now, they're stuck with it
25 after they get back over there, what are they gone do with

1 her. So Quinton he bails out and Anthony's driving around
2 he's got Tanjula riding with him. He's got all these
3 other people riding with him. So then he bales out and
4 leaves Tanjula with the car.

5 Now, I'm like Shannon I agree, why in the world these
6 people riding around in the car with a dead body smoking
7 joints, having sex. I ain't got a clue, that's just
8 beyond me, but I don't think Tanjula believed Anthony.
9 And until Kelletta opened that trunk and then they knew
10 they started screaming and crying. You know, Tanjula
11 shouldn't have been driving around in that car with a dead
12 body. Once she was really finally sure it was a dead body
13 in there, she at least she call the police.

14 Now, Tanjula was in that car. All these other people
15 around that car. Quinton's around that car. And
16 Mr. Prosser said, yeah, his fingerprints gone be on that
17 car. Yeah, his DNA gone be in that car. He was in the
18 car, that's because Donnell -- Tanjula put him in that car
19 can't dispute that. Anthony puts him in that car trying
20 to dispute that. So he's got to admit that's his DNA one
21 and 1.6 quintillion that it's somebody other than Quinton
22 Inman. How you gone argue with that, you can't. They
23 admit that's his DNA. They admit that's his fingerprints.
24 But ladies and gentlemen, think about this wasn't anybody
25 else's DNA present in that car. Their fingerprints might

1 have been present and their blood wasn't there. Who's
2 blood was on that car? Quinton Inman's blood and where
3 was Quinton Inman's blood? Where was Quinton Inman's
4 blood? It was right at that trunk where they put
5 Mrs. White in it. When he beat her with the bottle and
6 the bottle broke and you got pieces of that bottle in that
7 car and left it at that car wash and you heard Anthony's
8 testimony. He beat her with the bottle and broke it and
9 he beat her again. Is that testimony of Anthony's
10 corroborated? Is that the truth? And probably nicked his
11 finger when the bottle broke. And you know you go around
12 here and nick your finger, it's not gone bleed, but
13 blood's gone come out. When he put her in that car and he
14 shut that trunk hood, it gets his blood where he beat that
15 lady. And his blood is on that car and he can't dispute
16 it. They admitted that's his DNA, that's the only way it
17 could have gotten there by his blood at the trunk lid
18 because all he wants to say he was riding in the car. He
19 was only in the car an hour. He was only in the car an
20 hour with Tanjula, Donnell. He was in the car long before
21 that ever sense he and Anthony beat Mrs. White down.

22 Now, Anthony said they been together for a long time,
23 many many hours. They went in a Cadillac that was stolen,
24 drove it around. He was high and he put diesel fuel in
25 it. It wouldn't crank, he messed up. They went to sleep

1 in it and they got up, it cranked up and it cut off again.
2 And they left it, they wiped it down. Guess what, Quinton
3 Inman's fingerprints still in there over there I-95
4 Highway 52 area in Darlington County. Agent Parrot came
5 to process that car. Who's fingerprints did he find?
6 Quinton Inman. What did Anthony McCray tell you he and
7 Quinton were over there gone to Club Hypnotic, rode
8 around, then start walking back long way from there back
9 to Marion on foot. They got to the car wash on East
10 Palmetto Street, I recon they were just flat tired of
11 walking. They hung around there, hung around there trying
12 to get somebody to give them a ride. Nobody would give
13 them a ride over here to Marion. So what happens? They
14 see a lady that's vulnerable, older lady comes wash her
15 car and leave and they probably think man we should have
16 jumped her and taken her car. She goes off for a few
17 minutes and then comes back to empty some trash out. What
18 happened? They jumped her. They beat her down, stuff her
19 in the trunk. She's kicking and you heard Dr. Presnell.
20 She stood here right where I'm standing and she explain to
21 you about all those injuries. They were plenty abrasions
22 where she was hit several times with that ring, but there
23 was plenty other places too where she was beaten with a
24 blunt object like a bear bottle and she was beat several
25 times.

1 What did Anthony tell you? Yeah, we beat her several
2 times. How he beat her several times, a bunch of times.
3 Quinton hit her a bunch of times. Hitting her with the
4 ring while Quinton beat her with a bottle and then stuff
5 her in the trunk. She still kicking, she's still moving.
6 What did Dr. Presnell say broke vertebrae in her neck. I
7 think Anthony said something slamming a trunk lid down she
8 hit her. Her neck is broken and Dr. Presnell said it
9 wouldn't take long after that -- if you move around with
10 damage to your spinal cord, you can't breath and you die.
11 There she was dead in that trunk.

12 Now, Mr. Prosser wants to suggest to you that Anthony
13 did it his homeboys Tanka and Tanka's brother. And he put
14 into evidence those statements given by Tanjula Harley.
15 Well, what did she tell you. Well, Larry Woods wrote
16 those for them. Anthony did say he did it with his
17 homeboys, but she didn't know how many homeboys he had.
18 He could have a lot of homeboys. She didn't know who he
19 was talking about, so what was the assumption either by
20 her or Larry Woods, well, we'll say Tanka and Tanka's
21 brother because they were in the car with Anthony and her.
22 But Tanka's blood and DNA is not on that trunk lid where
23 he beat her with the bottle and the bottle broke and part
24 of it went in the car and part of it went in the car wash.
25 Quinton's blood is there. Quinton's DNA is there.

1 Is Anthony mean and nasty? He's self-serving,
2 perhaps. No doubt to me he's nasty and mean.
3 Inconsistent, yeah. What did he tell you when they first
4 talk to him, he wasn't completely truthful. He told me
5 just a little bit of truth in that statement a bunch of it
6 isn't correct. When Shannon was asking him about it?
7 What happened? Did you say so and so and so? Yeah, I
8 did, but that's not true. Read that first statement he
9 gave. He didn't want to give up Sneaky his buddy, his
10 homeboy. He referred to somebody name Bleak that's how
11 close to Bleaky, Sneaky. You know, and he gave a little
12 bit of truth in there, but he tried to make himself, well,
13 I didn't really want to do it. I just kind of hit her
14 softly a few times. I didn't hit her that hard. And the
15 guy I didn't know had a gun said, hey, you gone help us or
16 not. Yeah, he said that wasn't true and he's trying to
17 make himself look better. He didn't want to give up
18 Quinton. But then later came forward and told the truth
19 when he said, yeah, I participated 100 percent and it was
20 me and Quinton. Did he know that DNA was on the back of
21 that truck was gone back up what he said? No, he didn't.
22 Did he know they were gone find fingerprints in that car
23 in Darlington County and corroborate his story that he
24 told that they were in a stolen car over in Darlington
25 County riding around, no, because they wiped it down. He

1 didn't think there be Quinton's fingerprints in that car
2 to back up his story, but it does because he was telling
3 the truth. And what he told you from this witness stand
4 was the truth. He didn't soft pedal it and make hisself
5 look any better. And yet there he was sitting right there
6 telling you what happened, what he did and what Quinton
7 Inman did. Now, it's not a dime worth of difference
8 between them. He just pled guilty and he testified. They
9 are alike. They are alike.

10 You know, lots of times it may come into somebody's
11 mind. Why they let this guy plead? Why did he testify?
12 You know how can we believe him against the other guy.
13 You know, he's mean and nasty. He beat this woman. Why
14 should we believe him? Why should we believe these other
15 people riding around in a car with a dead lady in the
16 back. It's not in heaven where sin is and death is. Sin
17 and death come from hell. If you gone try the devil, you
18 got to go to hell to get the witnesses. Ain't gone be
19 angels testifying. So we got to put up who was there.
20 Who was there, that's who gone testify to what happened
21 and that's Anthony McCray. Is he mean and nasty? Yeah.
22 Is he paying for what he's done, he'll pay he's pled.
23 He's admitted his guilt. And he's told you his guilt and
24 he's also told you Quinton Inman's guilt. What reason
25 would he have to pen it on Quinton as oppose to anybody

1 else. He could have said anybody he wanted to. He could
2 have blamed anybody out there, send us on a goose chase,
3 but he didn't. He told us it was Quinton Inman. And
4 Quinton's DNA was on that trunk lid matching up exactly
5 with what Anthony told. The beating with a bottle, broken
6 bottle which lead to Quinton's blood being on that trunk
7 lid where he put her in the trunk and Quinton's
8 fingerprints being on there. And what did Donnell tell
9 you, Quinton got out the car and he was wiping off the
10 car. He didn't know why he was doing it, but Quinton knew
11 why he was doing it. Anthony knew why he was doing it
12 because he was trying to get rid of the fingerprints. He
13 just forgot to wipe up there on the frame of the window by
14 the mirror on the outside, so it connects him to that
15 part.

16 I could go over this evidence with you bit by bit. I
17 can talk about all the things where I think all the dots
18 get connected so you can get the whole puzzle, picture and
19 see it, but I don't need to do that. Y'all listen to it,
20 y'all can do that yourself and you know what the truth is.

21 I don't have to convince you beyond every doubt.
22 Mr. Prosser talked about the burden of proof is on me. I
23 talked about it too in my opening statement. I embrace
24 that burden of proof. I got to take that robe of
25 righteousness off Mr. Inman. Ladies and gentlemen, it's

1 been done. You have the facts, you have the evidence. Go
2 back weigh those facts, apply the law that the judge gives
3 you and come back and Mr. Inman presumption will be gone
4 cause you gone have a verdict that tells the truth says
5 he's guilty of murder.

6 In South Carolina, we have a legal term call
7 accomplice liability, put that more in layman's term that
8 means that the hand of one is the hand of all. I can't
9 tell you which blow kill Mrs. White. Dr. Presnell
10 couldn't tell you which blow kill Mrs. White. A
11 combination of all of them and they did it together. And
12 Quinton beat her with that bottle and you saw a diagram
13 and you'll have it back into the jury room. Dr. Presnell
14 showed you how -- I wish I could remember the term she use
15 the entire scalp diffuse and confluent and hemorrhagic.
16 What I think that means is that her whole scalp under
17 there was completely bloody where she was beat and beat
18 with that beer bottle and beat and beat in the head by
19 Quinton Inman and Anthony McCray.

20 Anthony hit her in the neck. There's a lot of
21 scratches there on those diagrams match that ring.
22 There's a lot of other bruises and stuff that match that
23 bottle. He beat her so bad it knocked her dentures out
24 and Jeff Parrott picked up her dentures at the car wash.
25 Dr. Presnell said she didn't have any teeth when she came

1 to her.

2 This is horrible. This not just tragic, it's
3 heinous. It's horrible for a ride to take someone's life.
4 And then just bail out and get rid of the car as best you
5 can. And Anthony you see him he's 16 years old he's not a
6 leader, he's a follower. There is your leader. He led
7 Anthony stuck with the car. Well, thank God because
8 Anthony was told on and then Anthony told what happened or
9 we may never know what happened to Mrs. White. It's not
10 just tragic, it's heinous. It's horrible. And Quinton
11 Inman's responsible. Use your common sense, ladies and
12 gentlemen of the jury, see what makes sense. There's no
13 reasonable doubt here. Come back with a verdict that
14 tells the truth, Quinton Inman guilty of murder. Thank
15 you.

16 THE COURT: Thank you, Solicitor.

17 Ladies and gentlemen, I'm going to come down here to
18 give you the law that you're to apply to this case. The
19 reason I do that is a couple reasons. When I was
20 practicing law, the gentleman who place I took, Jim
21 Brogdon, when he was a circuit court judge here he was the
22 first judge I ever saw come down and give the charge down
23 here to the jury. And I really have a tremendous amount
24 of respect for Judge Brogdon. And, you know, when you see
25 people who you respect a lot who do things the right way,

1 it's not a bad sometimes to emulate that.

2 So I got to thinking about why he did what he did and
3 it made sense to me because at the beginning of this trial
4 I told you that you are the judges of the facts. No one
5 can determine what the facts are in this case other than
6 you and I'm the judge of the law. Well, while the lawyers
7 are presenting the evidence or the facts, it's appropriate
8 for me to be out of the way to be away from the what I
9 call the arena the area where the lawyers work. But now,
10 we reach this portion of the trial where you and I are in
11 this together. And so it's just appropriate to come down
12 and give you the law in this case. The other reason is
13 nearly legal, it's just simply more friendly to talk with
14 people face to face rather sit back here and do that.

15 Now, I got the law -- my law clerk is in the back
16 printing out a copy. And as a matter of fact, let me get
17 the portion he's got. I had to make a change in the copy
18 and my printer is incredibly slow, so just give me one
19 minute please.

20 Now, ladies and gentlemen, when you retire to your
21 jury room, I'm going to send you back with you the law as
22 I'm about to give it to you. So you'll have this in your
23 jury room should you need it. But I'm going to ask you to
24 please give me give your undivided attention as I give you
25 the law that you are to apply to the facts of this case.

1 Mr. Foreman and ladies and gentlemen, you have heard
2 the evidence and the arguments of both sides. I will now
3 explain to you the law which applies to this action. The
4 indictment charges the defendant, Quinton Dewayne Inman,
5 with the charge of murder. I remind you that the fact
6 that the defendant was arrested, charged and indicted in
7 this case is not evidence in this case and cannot be
8 considered by you as evidence of guilt in this case. Nor
9 does it create any presumption or inference of guilt. The
10 indictment is simply the formal written instrument which
11 contains the charges made against the defendant. It is
12 the formal document by which this case is brought into
13 this court.

14 Now, the defendant has pled not guilty to this
15 indictment and to this charge and that plea puts the
16 burden on the State to prove the defendant guilty. A
17 person charged with committing a criminal offense in South
18 Carolina is never required to prove him or herself
19 innocent. I charge you that it is an important law or
20 excuse me -- an important rule of the law that the
21 defendant in a criminal trial no matter what the
22 seriousness of the charge may be, will always be presumed
23 to be innocent of the crime for which the indictment was
24 issued unless guilt has been proven by evidence satisfying
25 you of that guilt beyond a reasonable doubt. This

1 presumption of innocence does not end when you begin your
2 deliberations, but it accompanies the defendant throughout
3 this trial until you reach a verdict of guilt based on
4 evidence satisfying you of that guilt beyond a reasonable
5 doubt. The presumption of innocence is like a robe
6 righteousness placed about the shoulders of a defendant,
7 which remains with that defendant until it has been
8 stripped away from him by evidence satisfying you of the
9 defendant's guilt beyond a reasonable doubt.

10 The presumption of innocence is not a mere legal
11 theory. It is not just a legal phrase. It is a
12 substantial right to which every defendant is entitled,
13 unless you, the jury, are satisfied from the evidence of
14 the defendant's guilty beyond a reasonable doubt.

15 Now, what is a reasonable doubt in the law. The
16 reasonable doubt is the kind of doubt that would cause
17 a reasonable person to hesitate to act. The State has the
18 burden of proving the defendant guilty beyond a reasonable
19 doubt. Some of you may have served as jurors in civil
20 cases where you were told that it is only necessary to
21 prove that a fact is more likely true than not true such
22 as the greater weight of the evidence or the preponderance
23 of the evidence.

24 In criminal cases, the State's proof must be more
25 powerful than that. It must be beyond a reasonable doubt.

1 Proof beyond a reasonable doubt is proof that leaves you
2 firmly convinced of the defendant's guilty. There are
3 very few things in this world that we know with absolute
4 certainty. And in criminal cases, the law does not
5 require proof that overcomes every possible doubt. If
6 based on your consideration of the evidence you are firmly
7 convinced that the defendant is guilty of the crime
8 charged, you must find the defendant guilty. If on the
9 other hand you think there's real a possibility that the
10 defendant did not help, then you must give the defendant
11 the benefit of that doubt and find him not guilty. I
12 remind you that during this trial you and I have certain
13 duties to perform. As the trial judge, it is my
14 responsibility to preside over the trial of this case.
15 And I also have the duty to rule on the admissibility of
16 the evidence that's offered during this trial.

17 You are to consider only the competent evidence that
18 is before you. If there was any testimony ordered
19 stricken from the record in this case during this trial,
20 you must disregard that testimony. You are to consider
21 only the testimony which has been presented from the
22 witness stand, any exhibits which have been made a part of
23 this record and any stipulations of counsel.

24 I have the additional duty to charge you the law
25 which is applicable to this case as the presiding judge.

1 I'm the sole judge of the law in this case and it is your
2 duty as jurors to accept and apply the law as I now state
3 it to you. If you already have an idea as to what the law
4 is or what you believe it should be or what it ought to be
5 and it does not agree with what I now tell you the law is,
6 then you must abandon your idea because you are sworn to
7 accept the law and apply the law exactly as I state it to
8 you. In every case tried in this court before a jury, the
9 jury becomes the sole and the exclusive judge of the facts
10 in a case. A trial judge cannot intimate, state or
11 comment on or make any statement to a trial jury about the
12 facts of a case.

13 Since, you, the jury, are the sole judge of the facts
14 in this case, you are not to infer from what I have said
15 during the progress of this trial in ruling upon the
16 admissibility of evidence or otherwise or anything that I
17 say now during the course of this instruction to you that
18 I have any opinion about the facts in this case. The law
19 does not allow me to have an opinion about the facts of
20 this case. This is a matter solely for you, the jury, to
21 determine. As jurors, it is your duty to determine the
22 effect, value, weight, and the truth of the evidence that
23 was presented during this trial.

24 Now, ladies and gentlemen, there are two types of
25 evidence which are generally presented during a trial.

1 There's direct evidence and there's circumstantial
2 evidence. Direct evidence is the testimony of a person
3 who claims to have actual knowledge of a fact such as an
4 eye witness. It is evidence which immediately establishes
5 the main fact to be proven. Circumstantial evidence is
6 proof of a chain of facts in circumstances that indicate
7 the existence of a fact. It is evidence which immediately
8 establishes a collateral facts from which the main fact
9 may be inferred. Circumstantial evidence is based on
10 inference and not on personal knowledge or observation.

11 Now, the law makes absolutely no distinction between
12 the weight or the value to be given to either direct or
13 circumstantial evidence. Nor is there a greater degree of
14 certainty required of circumstantial evidence than of
15 direct evidence. You should weigh all of the evidence in
16 this case. After weighing all of the evidence if you are
17 not convinced of the guilt of the defendant beyond a
18 reasonable doubt, you must find the defendant not guilty.
19 If on the other hand after weighing all of the evidence
20 you are convinced of the defendant's guilt beyond a
21 reasonable doubt, then you must find the defendant guilty.

22 Necessarily, you must determine the credibility of
23 witnesses who have testified in this case. Credibility,
24 ladies and gentlemen, simply means believability. It
25 becomes your duty as jurors to analyze and to evaluate the

1 evidence and determine which evidence convinces you of its
2 truth. In evaluating eyewitness testimony, you should
3 remember that the State must prove the identity of the
4 defendant as the person who committed a crime beyond a
5 reasonable doubt.

6 In determining the believability of witnesses who
7 have testified in this case, you may believe one witness
8 over several witnesses or several witnesses over one. You
9 may believe a part of the testimony of a witness and
10 reject the remaining part of that testimony. You may
11 believe the testimony of a witness in its entirety or
12 reject the testimony of witness in its entirety. You may
13 consider whether any witness has exhibited to you any
14 interest, bias, prejudice or other motive in this case.
15 You may also consider the appearance and the manner of a
16 witness while on the witness stand.

17 The testimony of a police officer, ladies and
18 gentlemen, is not entitled to more weight than that of any
19 other witness. You are the sole judges of the credibility
20 of a witness and you are not to give more credence to a
21 police officer's testimony solely because he or she is a
22 police officer. Rather, you should judge an officer's
23 testimony by the same standards that you apply to any
24 other witness.

25 Now, the rules of evidence ordinarily do not permit

1 witnesses to testify to opinions or to conclusions. And
2 exceptions to this rule exist for witnesses that we call
3 expert witnesses. A witness who by education and
4 experience has become an expert in some art, science,
5 profession or calling may state an opinion as to relevant
6 and material matter in which the witness claim to be an
7 expert and may also state the reasons for that opinion.
8 You should consider any expert opinion received into
9 evidence in this case and like any other evidence give it
10 the weight that you think it deserves. If you decide that
11 the opinion of an expert witness is not based on
12 sufficient education and experience or if you conclude
13 that the reasons given in support of the opinion are not
14 sound or that the opinion is outweighed by other evidence,
15 you may disregard the opinion entirely or if you find that
16 the testimony is credible and supported, then you may
17 accept it entirely. It is solely up to you to decide what
18 believability or credibility you give any testimony. An
19 expert witness' testimony is to be given no greater weight
20 than that of other witnesses simply because the expert
21 witness is an expert. Further, you are not required to
22 accept the expert's opinion even though it's not
23 contradicted.

24 Now, I instruct you and I emphasize that the fact
25 that the defendant in this case did not testify is not a

1 factor to be considered by you in anyway in your
2 deliberations and your considerations on the question of
3 guilt or innocence of the defendant. It must not be
4 considered by you in any manner whatsoever. A defendant
5 has a constitutional right to remain silent and the
6 assertion of this right must not be considered by you in
7 your deliberations. I repeat under your oath, you are to
8 draw no conclusion whatsoever from the fact that the
9 defendant in this case did not testify. The fact that
10 this defendant did not testify should not even be
11 discussed in the jury room. The burden of proof as I have
12 stated to you is on the State. The defendant is not
13 required to prove his innocence. The burden of proof
14 remains on the State to prove guilt beyond a reasonable
15 doubt.

16 Now, the defendant in this case is charged with a
17 crime of murder. The State must prove beyond a reasonable
18 doubt that the defendant killed another person with malice
19 aforethought. Malice is defined as hatred, ill will or
20 hostility toward's another person. It is the intentional
21 doing of a wrongful act without just cause or excuse and
22 with the intent to inflict an injury or under
23 circumstances that the law will infer an evil intent.

24 Malice aforethought does not require that malice
25 exist for any particular time before the act is committed,

1 but malice must exist in the mind of the defendant just
2 before and at the time that the act is committed.
3 Therefore, there must be a combination of the previous
4 evil intent and the act. Malice aforethought may be
5 expressed or inferred. These terms express and inferred
6 do not mean different kinds of malice, but merely the
7 manner in which malice maybe shown to exist. That is
8 either by direct evidence or by inference from the facts
9 and circumstances which are proved. Express malice is
10 shown when a person speaks words which express hatred or
11 ill will to another or when the person prepared beforehand
12 to do the act which was later accomplished. For example,
13 lying in wait for a person or any other acts of
14 preparation going to show that the deed was of the
15 defendant's mind would be express malice.

16 Malice may be inferred from conduct showing a total
17 disregard for human life. Inferred malice may also arise
18 when the deed is done with a deadly weapon. A deadly
19 weapon is any article, instrument or substance which is
20 likely to cause death or great bodily harm. Whether an
21 instrument has been used as a deadly weapon, depends on
22 the facts and the circumstances of each case. The
23 following are examples of instruments which maybe deadly
24 weapons a pistol, a shotgun, a riffle, a dirk, a dagger, a
25 knife, a slingshot, metal knuckles, a razor, a glass

1 bottle either broken or not broken, gasoline, a fire boom,
2 a Molotov cocktail and lighter fluid. A gun may be a
3 deadly weapon even if it's not operational.

4 Now, under our law if a crime is committed by two or
5 more people who are acting together in committing a crime,
6 the act of one is the act of all. A person who joins
7 another to accomplish an illegal purpose, is criminally
8 responsible for everything done by the other person which
9 occurs as a nature consequence of the acts done and
10 carrying out the common plan and purpose. For example,
11 two people can be guilty of killing another person when
12 only one of the two had a gun. There was only one bullet
13 and only one of the two fired the shot that caused the
14 death. If two or more people are together, acting
15 together, assisting each other in committing the offense,
16 the act of one is the act of all or as it is sometimes
17 said the hand of one is the hand of all. A principle in a
18 crime is one who either actually commits a crime or who is
19 present aiding, abetting or assisting in the committing of
20 the crime. When a person doesn't act in the presence of
21 and with the assistance of another, the act is done by
22 both. Where two or more acting with a common plan or
23 intent or present at the commission of a crime, it does
24 not matter who actually commits the crime all are guilty.
25 The hand of one is the hand of all.

1 Intent is also a necessary element for their to have
2 been a common design or intent to commit the crime and the
3 crime must have been committed pursuant thereto with the
4 person aiding and abetting by some overt act. Intent
5 means intending the result which actually occurs not
6 accidentally or involuntarily. Intent may be shown by
7 acts of conduct of the defendant and other circumstances
8 from which you may naturally and reasonably infer intent.
9 The State must prove these elements beyond a reasonable
10 doubt.

11 Now, Mr. Foreman and ladies and gentlemen of the
12 jury, as you retire to begin your deliberations, I wish to
13 express the hope that each of you will be mindful of the
14 importance of your responsibility. You're not called upon
15 to serve as jurors very often. And the proper performance
16 of the duty requires each of you to reach the height of
17 freeing your mind of all improper influences.

18 You and I are acting for the community and that is
19 why we must see to it that the trial is fair and the
20 verdict is just. You have observed that presiding officer
21 of this court is always address as Your Honor. The reason
22 is not because of the person wearing this robe, but that
23 this court is entrusted with the honor of this community,
24 the honor of this state and the honor of this country and
25 seeing that every case tried here receives a fair and

1 impartial justice.

2 Now, you, the jury, take into your care the
3 preservation of the honor of this community, the honor of
4 this state and the honor of this country. Please do not
5 get the idea that I'm trying to intimate to you how I
6 might think you should might decide this case because I've
7 already told you under the law that the State of South
8 Carolina you, the jury, are the sole judges of all
9 questions of fact. It would be highly improper for me to
10 influence you in the performance of that duty. But as the
11 presiding officer of this court, I am vitally concerned
12 that whatever verdict you find, will be the result of your
13 going into that jury room, confining your consideration to
14 the evidence and to the law that you have heard in this
15 courtroom. Weighing it fairly and impartially and I have
16 every confidence you will do.

17 Everyone in this case is entitled to justice both the
18 State and the defendant. All are entitled to justice
19 nothing more nothing less. Your verdict in this case
20 cannot be based on sympathy, compassion and prejudice or
21 emotion or some other consideration that's not found in
22 the evidence.

23 The Court is of the confirmed opinion that whatever
24 you reach will represent truth and justice for all the
25 parties involved. And remember, Mr. Foreman, the verdict

1 of the jury must be unanimous. All of you must agree on
2 the verdict whatever it is. Also as I told you earlier,
3 Mr. Foreman, deliberations are to be only conducted when
4 all members of the jury are present, so if anyone has to
5 use the restroom deliberations are cease until that person
6 returns, then will continue back.

7 Now, the verdict form in this case is very simple.
8 It is simply -- the verdict form in this case is very
9 simple. It is one indictment and there's one charge. So
10 as you get the verdict form, Mr. Foreman, you will -- once
11 the jury reaches a verdict, you will fill that out and
12 it's just simply on the charge of murder: We, the jury,
13 find the defendant, Quinton Dewayne Inman, either guilty
14 of murder or not guilty of murder. Whichever verdict you
15 have, you'll mark -- you'll check the appropriate part and
16 then you'll sign as foreman of the jury.

17 Now, ladies and gentlemen, I'm hopefully for the last
18 time I'm going to ask you to return to your jury room, but
19 not begin deliberations yet. I need to check with the
20 attorneys to make sure that I have included everything in
21 the charge that needs to be in here. And if everything is
22 in here, then I will -- if I have left out anything, I'll
23 bring you back out and charge you on whatever I may have
24 left out. But if everything is here, I'll will gather all
25 the exhibits which are in evidence and we'll submit those

1 to you and also the notebook that has the jury
2 instructions. When you receive the exhibits and the
3 notebook, Mr. Foreman, then that is your cue for y'all to
4 begin your deliberations, okay. So if you would return to
5 your jury room and let me confer with the attorneys.

6 (WHEREUPON, the jury retired to the jury room at 3:30
7 p.m.)

8 THE COURT: Are there any exceptions or objections to
9 the charge from the State?

10 MR. CLEMENTS: No, Your Honor, there's not. The only
11 thing I heard, Your Honor, do before and others and I
12 don't know that it really makes any difference is to when
13 they talk about the verdict form is that you had to -- I
14 don't know which one you put first, but you have to put
15 one of them first and they're not to take any significance
16 as to which choice was listed first. And I don't know if
17 you should do that or not, but I just wanted to let the
18 judge know. I didn't hear you say that, but you might
19 have.

20 THE COURT: I didn't. I didn't.

21 MR. CLEMENTS: I'm not asking for it just point it
22 out.

23 THE COURT: Sure.

24 Any exceptions or objections to the charge from the
25 defense other than noting your request for the voluntary

1 manslaughter I'll note.

2 MR. PROSSER: Thank you, Your Honor, no.

3 THE COURT: Now, if y'all would do me a favor, just
4 so you'll know. Apparently, we have a jury that demands
5 smoke time. They're getting upset.

6 MR. CLEMENTS: For both the defendant and the State,
7 I don't want jurors to be having a nicotine fit and be
8 irate.

9 THE COURT: Well, here's what I'm going to do. If
10 there's no objection, I'm going to get y'all to stay
11 where you are at. I'm going to let them go down and with
12 a deputy and a bailiff, stay together allow them to do
13 that. And then when they're all out, I'd ask y'all to
14 come on up go through the exhibits, make sure we have
15 everything and then we'll send them back.

16 So ask the members of the jury to come on out and
17 have a seat real quick please.

18 (WHEREUPON, the jury returns to the courtroom.)

19 THE COURT: I don't want to offend anybody, but it
20 appears that some of you insist on going to meet your
21 maker earlier than you're entitled to, that's fine. What
22 I'm going to do is if anyone does want to go downstairs
23 and take an opportunity to have a cigarette break or
24 whatever, I'm going to allow you to do that right now. I
25 will say this though whoever goes -- you either need to be

1 one or two places. You need to be together doing that --
2 now, if you want to go downstairs and just so you can
3 stretch your legs and not smoke, you're welcome to do.
4 But I'm just saying whenever you go as a group, you need
5 to stay together. And then if anyone chooses and wants to
6 stay up here, you're welcome to stay in the jury room. So
7 having said that everyone else please remain seated and,
8 members of the jury, you can go with a deputy or bailiff.
9 Those who would like to go downstairs and just take a
10 little bit of time don't take too terribly long, but go
11 ahead and take a smoke break if you need to. Those of you
12 who want to go and not smoke, you can do that. Those of
13 you who would rather just stay here in the jury room, you
14 can do that. So everyone else remain seated and I'm going
15 to let y'all go how you want to go.

16 (WHEREUPON, some of the jurors went out to smoke at
17 3:35 p.m.)

18 THE COURT: Now, what I am going to do is ask -- I'm
19 going to ask Pastor Gause to come out, I'm going to excuse
20 him. I'm not going to require him to sit back there. It
21 appears that everyone -- at least currently is healthy
22 enough to go forward. So I'm going to excuse Pastor
23 Gause.

24 Would you ask him to step out please Reverend Gause.

25 (WHEREUPON, a pause in the proceedings.)

1 THE COURT: Pastor, I want to thank you for service.
2 It appears at least currently that everyone's healthy
3 enough to proceed and go with the deliberations.
4 Unfortunately, you hold that position I often us sports
5 analogies. You're that guy who practices all week long
6 with everybody and here we are Saturday afternoon we're
7 getting ready to kick off and the coach is not going to
8 let you play. And that's a real frustrating thing, but I
9 think you saw when we lost that one juror that it's very
10 important that you are here for all of the testimony and
11 listening intently because but for the luck of the draw,
12 you would have been on that panel to have to make this
13 decision. But I want to thank you for your service. The
14 clerk's office will be sending the checks out this week,
15 you should get it sometime next week. But I really do
16 appreciate your time and effort being here. Thank you.
17 You're free to go. Thank you, sir.

18 (WHEREUPON, the alternate was excused.)

19 THE COURT: If y'all would go through and make sure
20 that all of the exhibits are in order. The ones that need
21 to go back go back and the ones that don't, don't.

22 (WHEREUPON, a short break was taken.)

23 (WHEREUPON, the jury began deliberations at 3:48
24 p.m.)

25 THE COURT: All right. I'm instructed that the jury

1 has returned a verdict. I sit here just as all of you do.
2 I have no idea what the verdict is, but whatever it is --
3 and this is true in every case that ever comes before this
4 Court. There will be some people that disagree with the
5 verdict and others that agree with the verdict. I'm not
6 taking a position. I know all of y'all have emotions and
7 you have relationships and you have all of this, but I
8 just know one thing the jury is entitled to having their
9 verdict received in a respectful manner.

10 I say that because if there's anyone who thinks that
11 they're so emotionally tied into this case regardless of
12 what the verdict is that you may not be able to accept it
13 or hear it and receive it in a professional and a
14 respectable manner, then I'm going to ask you to step out
15 because if there are any outburst, then that person or
16 people are gone go spend sometime over in the detention
17 center. I'm gone hold you in contempt of court. I'm
18 giving you an opportunity if you think your over emotional
19 and you can't accept the verdict in a professional matter,
20 I'm giving you the opportunity to step out right now. And
21 if you don't, I'm assuming that you will act in an
22 appropriate manner. And again, I don't know what that
23 verdict is. I'm like you, but those 12 people deserve the
24 respect of having their verdict received in a professional
25 manner.

1 So having said that, the State ready to receive the
2 verdict?

3 MR. CLEMENTS: We, Your Honor.

4 THE COURT: Defense ready?

5 MR. PROSSER: Yes, Your Honor.

6 THE COURT: All right. Ask the members of the jury
7 to please come on out and have a seat.

8 (WHEREUPON, the jury returned to the courtroom with a
9 verdict at 5:15.)

10 THE COURT: All right. Ladies and gentlemen, thank
11 you.

12 Mr. Foreman, has the jury reached an unanimous
13 verdict, sir?

14 MR. FOREMAN: Yes, sir, Your Honor.

15 THE COURT: All right. If you would please pass that
16 to madam clerk.

17 THE CLERK: Thank you, sir.

18 THE COURT: Thank you very much. All right. Madam
19 clerk, if you would please publish the verdict of the
20 jury.

21 THE CLERK: Thank you, sir. The State of South
22 Carolina County of Marion, Court of General Sessions
23 Twelfth Judicial Circuit indictment 2006-GS-33-203, The
24 State of South Carolina vs. Quinton Dewayne Inman, verdict
25 form for murder: We, the jury, by find the defendant,