

**VOLUME SIX OF TWELVE**

2501-3000

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

APPEAL FROM ABBEVILLE COUNTY  
Court of Common Pleas

Alexander S Macauley, Circuit Judge  
2000-CP-01 212

---

JOHN KENNEDY HUGHEY, #5055  
Respondent/Petitioner,

V

STATE OF SOUTH CAROLINA,  
Petitioner/Respondent,

---

APPENDIX

---

ALAN WILSON  
Attorney General

JOHN W McINTOSH  
Chief Deputy Attorney General

DONALD J ZELENKA  
Assistant Deputy Attorney General

Office of the Attorney General  
P O Box 11549  
Columbia, S C 29211  
803 734 6305

COUNSEL FOR  
PETITIONER/RESPONDENT

E CHARLES GROSE, Jr  
Circuit Public Defender  
8<sup>th</sup> Judicial Circuit  
Suite 208 Park Plaza  
600 Monument Street, Box P 133  
Greenwood, S C 29646  
864 229 9505

TARA M SCHULTZ  
8<sup>th</sup> Circuit Public Defenders Office  
Laurens County Courthouse  
100 Hillcrest Drive, Suite P  
Laurens, S C 29320  
864 984 8807

South Carolina Commission on  
Indigent Defense Division of Appellate  
Defense  
P O Box 11589  
Columbia, S C 29211 1589

COUNSEL FOR  
RESPONDENT/PETITIONER

**RECEIVED**

JAN 13 2011

S.C Supreme Court

# INDEX

|                                              |     |
|----------------------------------------------|-----|
| INDEX                                        | 1   |
| VOLUME I                                     |     |
| VOIR DIRE                                    | 2   |
| COMPETENCY HEARING MOTION                    | 13  |
| DR KATINA CLARDY WRIGHT ( <i>IN CAMERA</i> ) |     |
| Direct Examination by the Defense            | 14  |
| Cross Examination by the Solicitor           | 16  |
| Redirect Examination by the Defense          | 22  |
| Recross Examination by the Solicitor         | 35  |
| Redirect Examination by the Defense          | 74  |
| Recross Examination by the Solicitor         | 79  |
| Redirect Examination by the Defense          | 81  |
| DR JAMES EVANS ( <i>IN CAMERA</i> )          |     |
| Direct Examination by the Defense            | 81  |
| Cross Examination by the Solicitor           | 83  |
| Redirect Examination by the Defense          | 84  |
| Recross Examination by the Solicitor         | 96  |
| GLORIA WHITE HARRISON ( <i>IN CAMERA</i> )   |     |
| Direct Examination by the Defense            | 135 |
| Cross Examination by the Solicitor           | 141 |
| DR JAMES EVANS ( <i>IN CAMERA</i> )          |     |
| Direct Examination by the Defense            | 168 |
| Cross Examination by the Solicitor           | 180 |
| Redirect Examination by the Defense          | 196 |
| Examination by the Court                     | 196 |
| MOTIONS AND RULING                           | 198 |
| JURY ROLL CALL                               | 212 |
| VOIR DIRE                                    | 308 |
| MOTION ON BRIAN DALY                         | 345 |
| VOIR DIRE EXCUSALS                           | 361 |

## CONTINUED COMPETENCY HEARING

### DR KATHRYN LEWIS (IN CAMERA)

|                                   |     |
|-----------------------------------|-----|
| Examination by the Court          | 413 |
| Direct Examination by the Defense | 415 |

|           |     |
|-----------|-----|
| VOIR DIRE | 423 |
|-----------|-----|

### PATTY GRIFFIN

|                                     |     |
|-------------------------------------|-----|
| Examination by the Court            | 423 |
| Examination by the Defense          | 431 |
| Direct Examination by the Solicitor | 433 |

### MARTHA CROCKETT

|                            |     |
|----------------------------|-----|
| Examination by the Court   | 442 |
| Examination by the Defense | 449 |

### ROBERT J ASHE

|                              |     |
|------------------------------|-----|
| Examination by the Court     | 453 |
| Examination by the Defense   | 459 |
| Examination by the Solicitor | 465 |

### RALPH KOERBER

|                          |     |
|--------------------------|-----|
| Examination by the Court | 470 |
|--------------------------|-----|

### LINDA MCCALL

|                              |     |
|------------------------------|-----|
| Examination by the Court     | 479 |
| Examination by the Defense   | 483 |
| Examination by the Solicitor | 484 |

### STEVE WHITE

|                              |     |
|------------------------------|-----|
| Examination by the Court     | 486 |
| Examination by the Defense   | 490 |
| Examination by the Solicitor | 495 |

## VOLUME II

### WALTER FLEMING

|                            |     |
|----------------------------|-----|
| Examination by the Court   | 501 |
| Examination by the Defense | 505 |

### GINA NORRIS

|                              |     |
|------------------------------|-----|
| Examination by the Court     | 508 |
| Examination by the Defense   | 515 |
| Examination by the Solicitor | 516 |

|                               |     |
|-------------------------------|-----|
| DAVID HOBBY                   |     |
| Examination by the Court      | 524 |
| DANNY BROWN                   |     |
| Examination by the Court      | 528 |
| Examination by the Solicitor  | 536 |
| Examination by the Defense    | 544 |
| Re-examination by the Court   | 546 |
| COLLOQUY                      | 551 |
| CURTIS LOMAX                  |     |
| Examination by the Court      | 559 |
| DUANNE HALL                   |     |
| Examination by the Court      | 567 |
| Examination by the Defense    | 576 |
| Examination by the Solicitor  | 579 |
| VICKY MCCLAIN                 |     |
| Examination by the Court      | 582 |
| Examination by the Defense    | 591 |
| Examination by the Solicitor  | 594 |
| JAMES KLUGH                   |     |
| Examination by the Court      | 605 |
| Examination by the Defense    | 612 |
| Examination by the Solicitor  | 614 |
| Re-Examination by the Court   | 621 |
| Re-Examination by the Defense | 625 |
| MICHAEL TOMPKINS              |     |
| Examination by the Court      | 629 |
| Examination by the Defense    | 636 |
| Examination by the Solicitor  | 639 |
| BRIAN CHRISLEY                |     |
| Examination by the Court      | 642 |
| Examination by the Defense    | 648 |
| JAMES S. JONES, JR            |     |
| Examination by the Court      | 650 |
| Examination by the Defense    | 658 |
| Examination by the Solicitor  | 661 |



|                                    |   |     |
|------------------------------------|---|-----|
| ROY DRAFT                          |   |     |
| Examination by the Court           | - | 664 |
| Examination by the Defense         | - | 673 |
| Examination by the Solicitor       | - | 680 |
| COLLOQUY                           | - | 681 |
| ROY DRAFT                          |   |     |
| Further Examination by the Court   | - | 686 |
| Further Examination by the Defense | - | 690 |
| MARTHA STONE                       |   |     |
| Examination by the Court           | - | 693 |
| Examination by the Defense         | - | 700 |
| BARBARA THOMAS                     |   |     |
| Examination by the Court           |   | 702 |
| Examination by the Defense         | - | 711 |
| Examination by the Solicitor       | - | 714 |
| WILLIAM L HESSON                   |   |     |
| Examination by the Court           | - | 717 |
| Examination by the Defense         | - | 724 |
| Re-Examination by the Court        | - | 735 |
| SUSAN WILLIAMS                     |   |     |
| Examination by the Court           | - | 738 |
| Examination by the Defense         | - | 746 |
| Examination by the Solicitor       | - | 749 |
| BETTY GILLIAM                      |   |     |
| Examination by the Court           | - | 757 |
| FRANCES COWART                     |   |     |
| Examination by the Court           | - | 762 |
| Examination by the Defense         |   | 770 |
| Examination by the Solicitor       |   | 771 |
| JENNY CLARK                        |   |     |
| Examination by the Court           |   | 781 |
| Examination by the Defense         |   | 789 |
| LINDA HAYNES                       |   |     |
| Examination by the Court           |   | 791 |
| Examination by the Defense         |   | 799 |

|                                    |     |
|------------------------------------|-----|
| ALDENE LANGLEY                     |     |
| Examination by the Court           | 803 |
| Examination by the Defense         | 813 |
| Examination by the Solicitor       | 818 |
| Further Examination by the Defense | 828 |
| Further Examination by the Court   | 829 |
| LEROY MILLS                        |     |
| Examination by the Court           | 838 |
| Examination by the Defense         | 849 |
| EDDIE WILLIAMS                     |     |
| Examination by the Court           | 858 |
| Examination by the Solicitor       | 861 |
| COLLOQUY ABOUT PRISON GUARD DALY   | 866 |
| BRIAN DALY                         |     |
| Examination by the Court           | 872 |
| Examination by the Defense         | 882 |
| Examination by the Solicitor       | 885 |
| Further Examination by the Defense | 894 |
| SPENCER SORROW                     |     |
| Examination by the Court           | 897 |
| Examination by the Defense         | 906 |
| Examination by the Solicitor       | 910 |
| JAMES B. JONES, JR.                |     |
| Examination by the Court           | 917 |
| Examination by the Defense         | 924 |
| Examination by the Solicitor       | 928 |
| ANDREA BRAMLETT                    |     |
| Examination by the Court           | 930 |
| Examination by the Defense         | 939 |
| Examination by the Solicitor       | 947 |
| ADANELL TALLEY                     |     |
| Examination by the Court           | 951 |
| STANLEY ABERNATHY                  |     |
| Examination by the Court           | 962 |
| Examination by the Defense         | 970 |
| Examination by the Solicitor       | 972 |

|                              |     |
|------------------------------|-----|
| SOPHIA BATTLE                |     |
| Examination by the Court     | 976 |
| Examination by the Defense   | 986 |
| Examination by the Solicitor | 994 |

### VOLUME III

|                                    |      |
|------------------------------------|------|
| FRAN MORROW                        |      |
| Examination by the Court           | 1005 |
| WILLIAM HEATH BOWIE                |      |
| Examination by the Court           | 1022 |
| Examination by the Defense         | 1028 |
| Examination by the Solicitor       | 1032 |
| DIANNE DOTSON                      |      |
| Examination by the Court           | 1035 |
| SANDRA LOTHRIIDGE                  |      |
| Examination by the Court           | 1044 |
| Examination by the Defense         | 1051 |
| Examination by the Solicitor       | 1056 |
| Further Examination by the Defense | 1066 |
| BOBBY GARNER                       |      |
| Examination by the Court           | 1069 |
| Examination by the Defense         | 1086 |
| Examination by the Solicitor       | 1091 |
| CHESIREE LOMAX                     |      |
| Examination by the Court           | 1102 |
| Examination by the Defense         | 1110 |
| Examination by the Solicitor       | 1114 |
| Further Examination by the Defense | 1121 |
| Further Examination by the Court   | 1124 |
| NANCY MURPHEY                      |      |
| Examination by the Court           | 1138 |
| Examination by the Defense         | 1149 |
| Examination by the Solicitor       | 1149 |

|                                        |           |
|----------------------------------------|-----------|
| L T CARTER                             |           |
| Examination by the Court               | 1151      |
| Examination by the Defense             | 1161      |
| Examination by the Solicitor           | 1167      |
| Further Examination by the Defense     | 1170      |
| Further Examination by the Court       | 1170      |
| Further Examination by the Defense     | 1176      |
| Further Examination by the Court       | 1179      |
| HAROLD FREESE                          |           |
| Examination by the Court               | 1186      |
| Examination by the Defense             | 1193      |
| Examination by the Solicitor           | 1198      |
| LINDA S CANFIELD                       |           |
| Examination by the Court               | 1200      |
| Examination by the Defense             | 1209      |
| Examination by the Solicitor           | 1216      |
| WILLIAM SIMMONS                        |           |
| Examination by the Court               | 1239      |
| Examination by the Defense             | 1248      |
| Examination by the Solicitor           | 1250      |
| WILLIAM J JONES                        |           |
| Examination by the Court               | 1252      |
| Examination by the Defense             | 1260      |
| Examination by the Solicitor           | 1263      |
| MOTIONS                                | 1267      |
| ADDITIONAL JURY VOIR DIRE AND EXCUSALS | 1284      |
| MOTIONS                                | 1481      |
|                                        |           |
|                                        | VOLUME IV |
| NANCY S KING ( <i>IN CAMERA</i> )      |           |
| Examination by the Solicitor           | 1502      |
| Examination by the Defense             | 1518      |
| MOTIONS                                | 1529      |

|                                         |      |
|-----------------------------------------|------|
| SHIRLEY J MCKINSEY ( <i>IN CAMERA</i> ) |      |
| Examination by the Court                | 1533 |
| Examination by the Defense              | 1545 |
| Examination by the Solicitor            | 1547 |
| Further Examination by the Court        | 1555 |
| Further Examination by the Solicitor    | 1558 |
| MARGARET CADE                           |      |
| Examination by the Court                | 1561 |
| Examination by the Defense              | 1563 |
| Examination by the Solicitor            | 1564 |
| CANDICE J CHARPING                      |      |
| Examination by the Court                | 1568 |
| Examination by the Solicitor            | 1571 |
| Examination by the Defense              | 1579 |
| Further Examination by the Court        | 1579 |
| SUSAN W MCCAULEY                        |      |
| Examination by the Court                | 1583 |
| Examination by the Defense              | 1589 |
| Examination by the Solicitor            | 1590 |
| TYRONE C PEARSON                        |      |
| Examination by the Court                | 1592 |
| Examination by the Defense              | 1603 |
| Examination by the Solicitor            | 1609 |
| CHAUNCEY COVIN                          |      |
| Examination by the Court                | 1622 |
| Examination by the Defense              | 1631 |
| Examination by the Solicitor            | 1633 |
| Further Examination by the Court        | 1637 |
| THOMAS A SOUTHERLAND                    |      |
| Examination by the Court                | 1641 |
| DOROTHY J ROUSEY                        |      |
| Examination by the Court                | 1648 |
| Examination by the Defense              | 1658 |
| Examination by the Solicitor            | 1661 |
| Further Examination by the Defense      | 1668 |
| Further Examination by the Court        | 1668 |
| Further Examination by the Solicitor    | 1674 |

|                                    |   |      |
|------------------------------------|---|------|
| CARLOS BROWN                       |   |      |
| Examination by the Court           | - | 1677 |
| Examination by the Defense         | - | 1684 |
| Examination by the Solicitor       | - | 1687 |
| Further Examination by the Court   | - | 1692 |
| LINDA PAYNE MCELRATH               |   |      |
| Examination by the Court           | - | 1699 |
| Examination by the Defense         | - | 1708 |
| Further Examination by the Court   | - | 1713 |
| WILLIE BELTON                      |   |      |
| Examination by the Court           | - | 1716 |
| Examination by the Defense         | - | 1727 |
| Further Examination by the Court   | - | 1737 |
| Further Examination by the Defense | - | 1740 |
| Examination by the Solicitor       | - | 1741 |
| JAMES R LEE, JR.                   |   |      |
| Examination by the Court           | - | 1742 |
| Examination by the Defense         | - | 1750 |
| Examination by the Solicitor       | - | 1751 |
| CHANDELL C BOGGS                   |   |      |
| Examination by the Court           |   | 1752 |
| Examination by the Defense         |   | 1763 |
| Examination by the Solicitor       |   | 1770 |
| HAYWOOD BLACK                      |   |      |
| Examination by the Court           |   | 1773 |
| Examination by the Defense         |   | 1784 |
| Examination by the Solicitor       |   | 1787 |
| JENNIFER N PIERCE                  |   |      |
| Examination by the Court           |   | 1792 |
| Examination by the Defense         |   | 1799 |
| Examination by the Solicitor       |   | 1807 |
| MR CARTER                          |   |      |
| Examination by the Court           |   | 1815 |
| MS MCCLAIN                         |   |      |
| Examination by the Court           |   | 1816 |
| CHARLES W BOWIE, JR.               |   |      |
| Examination by the Court           |   | 1820 |

|                                  |      |
|----------------------------------|------|
| LUCIOUS PARNELL                  |      |
| Examination by the Court         | 1824 |
| JAMES L FREEMAN                  |      |
| Examination by the Court         | 1831 |
| Examination by the Defense       | 1837 |
| AUDREY BANNISTER                 |      |
| Examination by the Court         | 1839 |
| Examination by the Defense       | 1845 |
| Examination by the Solicitor     | 1850 |
| TOMMY TURMAN                     |      |
| Examination by the Court         | 1854 |
| Examination by the Defense       | 1860 |
| Examination by the Solicitor     | 1860 |
| BESSIE D BRUCE                   |      |
| Examination by the Court         | 1861 |
| Examination by the Defense       | 1872 |
| Examination by the Solicitor     | 1874 |
| JIMMY GAINEY                     |      |
| Examination by the Court         | 1881 |
| CALVIN E WASHINGTON              |      |
| Examination by the Court         | 1883 |
| Examination by the Defense       | 1891 |
| JAMES L FREEMAN                  |      |
| Examination by the Court         | 1892 |
| CHRISTOPHER L MACK               |      |
| Examination by the Court         | 1900 |
| Examination by the Defense       | 1907 |
| Examination by the Solicitor     | 1912 |
| Further Examination by the Court | 1914 |
| MOTIONS                          | 1917 |
| GARY L ELLIS                     |      |
| Examination by the Court         | 1937 |
| Examination by the Defense       | 1945 |
| Examination by the Solicitor     | 1947 |
| Further Examination by the Court | 1949 |

|                                       |      |
|---------------------------------------|------|
| BOBBY CUTTER                          |      |
| Examination by the Court              | 1952 |
| RICHARD E BURTON                      |      |
| Examination by the Court              | 1960 |
| Examination by the Defense            | 1964 |
| Examination by the Solicitor          | 1966 |
| Further Examination by the Defense    | 1967 |
| Further Examination by the Solicitor  | 1967 |
| MAMIE LONDON                          |      |
| Examination by the Court              | 1969 |
| Examination by the Defense            | 1981 |
| CALVIN HILL                           |      |
| Examination by the Court              | 1984 |
| Examination by the Defense            | 1998 |
| Examination by the Solicitor          | 2002 |
| VOLUME V                              |      |
| MOTIONS                               | 2005 |
| CAROL A CHRISSLY ( <i>IN CAMERA</i> ) |      |
| Direct Examination by the Defense     | 2041 |
| Cross Examination by the Solicitor    | 2053 |
| Redirect Examination by the Defense   | 2060 |
| Recross Examination by the Solicitor  | 2061 |
| MOTION TO QUASH                       | 2063 |
| SONJI HILL ( <i>IN CAMERA</i> )       |      |
| Examination by the Court              | 2071 |
| Examination by the Defense            | 2082 |
| Examination by the Solicitor          | 2087 |
| SELECTION OF THE JURY                 | 2096 |
| OBJECTIONS TO JURY SELECTION          | 2108 |
| EXHIBITS MARKED AND/OR INTRODUCED     | 2120 |
| MOTIONS                               | 2140 |
| PROFERRED TESTIMONY OF MARCUS HARRIS  | 2143 |



|                                                      |      |
|------------------------------------------------------|------|
| MOTIONS                                              | 2158 |
| JURY ENTERS COURTROOM AND OPENING REMARKS            | 2168 |
| OPENING STATEMENT BY THE SOLICITOR                   | 2181 |
| OPENING STATEMENT BY THE DEFENSE                     | 2191 |
| MARCUS HARRIS                                        |      |
| Direct Examination by the Solicitor                  | 2208 |
| Cross Examination by the Defense                     | 2221 |
| CORPORAL PATRICK NEIL HENDERSON ( <i>IN CAMERA</i> ) |      |
| Direct Examination by the Solicitor                  | 2253 |
| Examination by the Court                             | 2258 |
| Cross Examination by the Defense                     | 2260 |
| RULING                                               | 2268 |
| ANGELA PATTERSON                                     |      |
| Direct Examination by the Solicitor                  | 2273 |
| Cross Examination by the Defense                     | 2285 |
| Redirect Examination by the Solicitor                | 2290 |
| CORPORAL PATRICK NEIL HENDERSON                      |      |
| Direct Examination by the Solicitor                  | 2291 |
| Cross Examination by the Defense                     | 2328 |
| Redirect Examination by the Solicitor                | 2336 |
| LIEUTENANT BARRY NEW                                 |      |
| Direct Examination by the Solicitor                  | 2338 |
| Cross Examination by the Defense                     | 2373 |
| Re-presented                                         | 2437 |
| CORPORAL MITCH CHRISTOPHER                           |      |
| Direct Examination by the Solicitor                  | 2389 |
| Cross Examination by the Defense                     | 2395 |
| MICHAEL ADAMS                                        |      |
| Direct Examination by the Solicitor                  | 2400 |
| Cross Examination by the Defense                     | 2405 |
| MOTION TO RECONSIDER EXCLUSION OF EVIDENCE           | 2415 |

KEN GROGAN

|                                     |      |
|-------------------------------------|------|
| Direct Examination by the Solicitor | 2453 |
| Cross Examination by the Defense    | 2457 |

DR JOHN LEWALLEN

|                                     |      |
|-------------------------------------|------|
| Direct Examination by the Solicitor | 2461 |
| Cross Examination by the Defense    | 2467 |

CHARLTON COXE

|                                     |      |
|-------------------------------------|------|
| Direct Examination by the Solicitor | 2468 |
| Cross Examination by the Defense    | 2471 |

DAVID BLACK

|                                     |      |
|-------------------------------------|------|
| Direct Examination by the Solicitor | 2475 |
|-------------------------------------|------|

VOLUME VI

BRETT WOODARD

|                                     |      |
|-------------------------------------|------|
| Direct Examination by the Solicitor | 2527 |
| Cross Examination by the Defense    | 2550 |

DAVID BLACK

|                                  |      |
|----------------------------------|------|
| Cross examination by the Defense | 2567 |
|----------------------------------|------|

GLORIA HARRISON (IN CAMERA)

|                                    |      |
|------------------------------------|------|
| Direct examination by the Defense  | 2625 |
| Cross examination by the Solicitor | 2629 |

RULING

2643

CORPORAL PATRICK NEIL HENDERSON

|                                     |      |
|-------------------------------------|------|
| Direct Examination by the Solicitor | 2650 |
| Cross Examination by the Defense    | 2652 |

JOHN BLACK

|                                     |      |
|-------------------------------------|------|
| Direct Examination by the Solicitor | 2653 |
| Cross Examination by the Defense    | 2661 |

NANCY SKARABA

|                                       |      |
|---------------------------------------|------|
| Direct Examination by the Solicitor   | 2676 |
| Cross Examination by the Defense      | 2692 |
| Redirect Examination by the Solicitor | 2699 |

|                                          |   |      |
|------------------------------------------|---|------|
| LINDA BROOME                             |   |      |
| Direct Examination by the Solicitor      |   | 2701 |
| Cross Examination by the Defense         |   | 2706 |
| NANCY GOFF                               |   |      |
| Direct Examination by the Solicitor      |   | 2709 |
| Cross Examination by the Defense         |   | 2713 |
| Redirect Examination by the Solicitor    |   | 2717 |
| Recross Examination by the Defense       |   | 2718 |
| EDDIE CLARK ( <i>IN CAMERA</i> )         |   |      |
| Direct Examination by the Solicitor      |   | 2721 |
| Cross Examination by the Defense         |   | 2728 |
| Redirect Examination by the Solicitor    |   | 2842 |
| Recross Examination by the Defense       |   | 2861 |
| JERRY SLOAN ( <i>IN CAMERA</i> )         |   |      |
| Direct Examination by the Solicitor      |   | 2740 |
| Cross Examination by the Defense         |   | 2745 |
| Redirect Examination by the Solicitor    |   | 2869 |
| Recross Examination by the Defense       |   | 2878 |
| Redirect Examination by the Solicitor    |   | 2882 |
| ROBIN RUCKER ( <i>IN CAMERA</i> )        |   |      |
| Direct Examination by the Solicitor      |   | 2750 |
| Cross Examination by the Defense         |   | 2754 |
| Redirect Examination by the Solicitor    |   | 2763 |
| JOHN KENNEDY HUGHEY ( <i>IN CAMERA</i> ) |   |      |
| Direct Examination by the Solicitor      |   | 2769 |
| Cross Examination by the Defense         |   | 2773 |
| BEVERLY KELLY                            |   |      |
| Direct Examination by the Solicitor      | - | 2799 |
| Cross Examination by the Defense         | - | 2803 |
| Redirect Examination by the Solicitor    | - | 2808 |
| Recross Examination by the Defense       |   | 2809 |
| Redirect Examination by the Solicitor    |   | 2810 |
| DAN DEFREESE                             |   |      |
| Direct Examination by the Solicitor      |   | 2812 |
| Cross Examination by the Defense         |   | 2828 |
| Redirect Examination by the Solicitor    |   | 2833 |

|                                       |      |
|---------------------------------------|------|
| EDDIE CLARK                           |      |
| Direct Examination by the Solicitor   | 2842 |
| Cross Examination by the Defense      | 2861 |
| JERRY SLOAN                           |      |
| Direct Examination by the Solicitor   | 2868 |
| Cross Examination by Defense          | 2878 |
| Redirect Examination by the Solicitor | 2882 |
| BERNICE JACKSON                       |      |
| Direct Examination by the Solicitor   | 2885 |
| Cross Examination by the Defense      | 2892 |
| Redirect Examination by the Solicitor | 2893 |
| GEORGE MACK HARRIS                    |      |
| Direct Examination by the Solicitor   | 2898 |
| MOTIONS                               | 2934 |
| CHRIS JESSIE BURTON                   |      |
| Direct Examination by the Solicitor   | 2944 |
| Cross Examination by the Defense      | 2962 |
| Redirect Examination by the Solicitor | 2990 |
| Recross Examination by the Defense    | 2993 |
| GLORIA WHITE HARRISON                 |      |
| Direct Examination by the Defense     | 2993 |

## VOLUME VII

|                                     |      |
|-------------------------------------|------|
| GLORIA WHITE HARRISON               |      |
| Cross Examination by the Solicitor  | 3026 |
| JOHN KENNEDY HUGHEY                 |      |
| Direct Examination by the Defense   | 3064 |
| Cross Examination by the Solicitor  | 3163 |
| Redirect Examination by the Defense | 3244 |
| DONALD GIRNDT                       |      |
| Direct examination by the Defense   | 3253 |
| Cross Examination by the Solicitor  | 3284 |
| Redirect Examination by the Defense | 3348 |
| MOTIONS                             | 3366 |
| CLOSING ARGUMENTS BY THE SOLICITOR  | 3384 |

|                                       |      |
|---------------------------------------|------|
| CLOSING ARGUMENTS BY THE DEFENSE      | 3413 |
| JURY CHARGE                           | 3444 |
| EXCEPTIONS BY THE DEFENSE             | 3475 |
| JURY REQUEST FOR FURTHER INSTRUCTIONS | 3482 |
| RECHARGE OF THE JURY                  | 3483 |
| EXCEPTIONS REITERATED                 | 3491 |
| VERDICT AND POLLING OF THE JURY       | 3495 |

#### VOLUME VIII

|         |      |
|---------|------|
| MOTIONS | 3502 |
|---------|------|

#### PENALTY STAGE

|                                     |      |
|-------------------------------------|------|
| EVIDENTIARY MATTERS                 | 3508 |
| MOTIONS                             | 3562 |
| OPENING STATEMENT BY THE COURT      | 3566 |
| OPENING STATEMENT BY THE SOLICITOR  | 3570 |
| OPENING STATEMENT BY THE DEFENSE    | 3576 |
| STATEMENT BY THE COURT              | 3585 |
| MOTIONS                             | 3588 |
| BARRY NEW                           |      |
| Direct Examination by the Solicitor | 3619 |
| DR. BRETT WOODARD                   |      |
| Direct Examination by the Solicitor | 3623 |
| Cross Examination by the Defense    | 3650 |
| ANITA KNEECE                        |      |
| Direct Examination by the Solicitor | 3659 |
| Cross Examination by the Defense    | 3668 |

|                                      |      |
|--------------------------------------|------|
| DAVID BLACK                          |      |
| Direct Examination by the Solicitor  | 3677 |
| Cross Examination by the Defense     | 3680 |
| RUTH CONNOR                          |      |
| Direct Examination by the Solicitor  | 3696 |
| Cross Examination by the Defense     | 3699 |
| DORIS BERNICE JACKSON                |      |
| Direct Examination by the Solicitor  | 3701 |
| Cross Examination by the Defense     | 3718 |
| MARCUS HARRIS                        |      |
| Direct Examination by the Solicitor  | 3722 |
| GEORGE ANTHONY HARRIS                |      |
| Direct Examination by the Solicitor  | 3734 |
| Cross Examination by the Defense     | 3746 |
| MACK HARRIS                          |      |
| Direct Examination by the Solicitor  | 3748 |
| ANTHONY WILSON                       |      |
| Direct Examination by the Defense    | 3768 |
| Cross Examination by the Solicitor   | 3793 |
| Redirect Examination by the Defense  | 3801 |
| Recross Examination by the Solicitor | 3801 |
| ANTHONY SCOTT HARRISON               |      |
| Direct Examination by the Defense    | 3803 |
| Cross Examination by the Solicitor   | 3809 |
| Redirect Examination by the Defense  | 3813 |
| Recross Examination by the Solicitor | 3814 |
| Redirect Examination by the Defense  | 3816 |
| JESSIE CHRISTOPHER BURTON            |      |
| Direct Examination by the Defense    | 3816 |
| Cross Examination by the Solicitor   | 3827 |
| NANCY LEIGH RAMEY                    |      |
| Direct Examination by the Defense    | 3837 |
| Cross Examination by the Solicitor   | 3844 |
| REVEREND WENDALL M COX               |      |
| Direct Examination by the Defense    | 3849 |

|                                      |      |
|--------------------------------------|------|
| GLORIA WHITE HARRISON                |      |
| Direct Examination by the Defense    | 3852 |
| Cross Examination by the Solicitor   | 3881 |
| Redirect Examination by the Defense  | 3896 |
| JEFF YOUNGMAN                        |      |
| Direct Examination by the Defense    | 3899 |
| Cross Examination by the Solicitor   | 3933 |
| Redirect Examination by the Defense  | 3953 |
| Recross Examination by the Solicitor | 3956 |
| PAIGE TARR                           |      |
| Direct Examination by the Defense    | 3955 |
| Cross Examination by the Solicitor   | 3960 |
| DR. JAMES EVANS                      |      |
| Direct Examination by the Defense    | 3962 |
| Cross Examination by the Solicitor   | 3989 |

## VOLUME IX

|                                            |      |
|--------------------------------------------|------|
| DR. JAMES EVANS                            |      |
| Redirect Examination by the Defense        | 4001 |
| Recross Examination by the Solicitor       | 4002 |
| Redirect Examination by the Defense        | 4003 |
| EXAMINATION BY THE COURT                   | 4005 |
| MOTIONS                                    | 4010 |
| CHARGE CONFERENCE                          | 4013 |
| FINAL ARGUMENTS BY THE ASSISTANT SOLICITOR | 4025 |
| FINAL ARGUMENTS BY THE SOLICITOR           | 4034 |
| FINAL ARGUMENTS BY THE DEFENSE             | 4036 |
| MOTIONS                                    | 4046 |
| CHARGE OF THE COURT                        | 4049 |
| EXCEPTIONS BY THE DEFENSE                  | 4066 |
| VERDICT                                    | 4073 |

|                                                                         |      |
|-------------------------------------------------------------------------|------|
| POLLING OF THE JURY                                                     | 4074 |
| MOTIONS                                                                 | 4080 |
| SENTENCING                                                              | 4087 |
| PRE-TRIAL TRANSCRIPT DATED SEPTEMBER 19, 1997                           | 4093 |
| INDICTMENT                                                              | 4110 |
| DEFENDANT'S REQUEST TO CHARGE #10                                       | 4113 |
| DEFENDANT'S PENALTY PHASE REQUEST TO CHARGE #11                         | 4116 |
| DEFENDANT'S PENALTY PHASE REQUEST TO CHARGE #12                         | 4118 |
| DEFENDANT'S PENALTY PHASE REQUEST TO CHARGE #13                         | 4120 |
| DEFENDANT'S PENALTY PHASE REQUEST TO CHARGE #14                         | 4122 |
| DEFENDANT'S PENALTY PHASE REQUEST TO CHARGE #15                         | 4124 |
| DEFENDANT'S PENALTY PHASE REQUEST TO CHARGE #16                         | 4126 |
| DEFENDANT'S PENALTY PHASE REQUEST TO CHARGE #17                         | 4128 |
| DEFENDANT'S PENALTY PHASE REQUEST TO CHARGE #18                         | 4128 |
| ADDENDUM TO DEFENDANT'S PENALTY PHASE REQUEST TO CHARGE #18             | 4132 |
| STATE EXHIBIT #95 (PHOTO of VICTIM ) ON FILE WITH COURT (Direct Appeal) |      |
| CERTIFICATE OF COUNSEL ON DIRECT APPEAL OF RECORD                       | 4134 |
| <b>[END OF DIRECT APPEAL RECORD ON APPEAL]</b>                          |      |
| <b>MATTERS FROM STATE POST-CONVICTION RELIEF PROCEEDINGS</b>            |      |
| <i>DIRECT APPEAL PLEADINGS</i>                                          |      |
| FINAL BRIEF OF APPELLANT                                                | 4135 |
| FINAL BRIEF OF RESPONDENT                                               | 4189 |



|                                                                                                                                                                                                            |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| FINAL REPLY BRIEF OF APPELLANT                                                                                                                                                                             | 4249 |
| <u>STATE v JOHN K HUGHEY</u> , 339 S C 439, 529 S E 2d 721 (March 27, 2000)                                                                                                                                | 4272 |
| PETITION FOR REHEARING - APRIL 11, 2000                                                                                                                                                                    | 4288 |
| ORDER DENYING PETITION FOR REHEARING, MAY 11, 2000                                                                                                                                                         | 4296 |
| <b>STATE POST CONVICTION RELIEF PLEADINGS, TRANSCRIPTS<br/>AND ORDERS</b>                                                                                                                                  |      |
| <b>APPLICATION FOR POST-CONVICTION RELIEF - OCTOBER 25, 2000</b>                                                                                                                                           | 4298 |
| STATE v HUGHEY - S C S Ct - STAY AND ASSIGNMENT ORDER TO<br>JUDGE SAUNDERS - NOVEMBER 2, 2000                                                                                                              | 4307 |
| APPOINTMENT OF COUNSEL HEARING TRANSCRIPT - NOVEMBER 13, 2000                                                                                                                                              | 4309 |
| ORDER ON APPOINTMENT OF P C R COUNSEL - NOVEMBER 16, 2000                                                                                                                                                  | 4315 |
| RETURN TO APPLICATION FOR POST-CONVICTION RELIEF -<br>JANUARY 19, 2001                                                                                                                                     | 4323 |
| MOTION HEARING TRANSCRIPT Ex Parte Hearings - APRIL 29, 2002                                                                                                                                               | 4365 |
| ORDER DENYING REQUESTS TO CONDUCT ALL PROCEEDINGS<br>WITH RESPECT TO APPLICANT'S REQUEST FOR EXPERT INVESTIGATION<br>OR OTHER SERVICES, EX PARTE - JULY 26, 2002                                           | 4392 |
| ORDER GRANTING MOTION TO RECONSIDER ORDER DENYING REQUESTS<br>TO CONDUCT ALL PROCEEDINGS WITH RESPECT TO APPLICANT'S REQUEST<br>FOR EXPERT INVESTIGATIVE OR OTHER SERVICES EX PARTE -<br>DECEMBER 19, 2002 | 4402 |
| AMENDED APPLICATION FOR POST-CONVICTION RELIEF - DEC 15, 2006                                                                                                                                              | 4405 |
| RETURN TO AMENDED APPLICATION - JANUARY 7, 2008                                                                                                                                                            | 4411 |
| HUGHEY V STATE, ORDER, S C S Ct AUGUST 17, 2007 ASSIGNING JUDGE<br>MACAULAY, RESCINDING JUDGE SAUNDERS ASSIGNMENT                                                                                          | 4468 |
| ORDER OF CONTINUANCE AND FOR MRI JUNE 6, 2008                                                                                                                                                              | 4469 |

|                                                           |      |
|-----------------------------------------------------------|------|
| APPLICANT'S TRIAL BRIEF WITH ATTACHMENTS - MARCH 31, 2008 | 4473 |
|-----------------------------------------------------------|------|

### VOLUME X (4501)

|                                                         |      |
|---------------------------------------------------------|------|
| RESPONDENTS' TRIAL BRIEF WITH ATTACHMENTS - MAY 2, 2008 | 4570 |
|---------------------------------------------------------|------|

|                                        |      |
|----------------------------------------|------|
| MAY 22, 2008 MOTION HEARING TRANSCRIPT | 4637 |
|----------------------------------------|------|

|                                                             |      |
|-------------------------------------------------------------|------|
| <b>EVIDENTIARY HEARING TRANSCRIPT - OCTOBER 13-15, 2008</b> | 4654 |
|-------------------------------------------------------------|------|

|       |      |
|-------|------|
| Index | 4655 |
|-------|------|

|                                     |           |      |
|-------------------------------------|-----------|------|
| Witnesses - Robert Tinsley (11-122) | Direct    | 4664 |
| Jeff Yungman (123-153)              | Direct    | 4775 |
|                                     | Cross     | 4792 |
| Julia Perlotte (153-170)            | Direct    | 4806 |
|                                     | Cross     | 4815 |
|                                     | Re Direct | 4821 |
|                                     | Re-Cross  | 4822 |
| Martha Ann Stewart (170-180)        | Direct    | 4823 |
|                                     | Cross     | 4829 |
|                                     | Re-Direct | 4831 |
| Billy J Garrett, Jr (180-304)       | Direct    | 4833 |
|                                     | Cross     | 4879 |
|                                     | Re Direct | 4931 |
|                                     | Re-Cross  | 4954 |
| Robert Dudek (305-330)              | Direct    | 4958 |
|                                     | Cross     | 4970 |
|                                     | Re Direct | 4980 |
| Paige [Tarr] Haas (330-365)         | Direct    | 4983 |

### VOLUME XI (5001)

|                                   |           |      |
|-----------------------------------|-----------|------|
| Paige [Tarr] Haas                 | Cross     | 5005 |
|                                   | Re Direct | 5016 |
| Dr Donna Schwartz-Watts (365-461) | Direct    | 5018 |

|                              |            |      |
|------------------------------|------------|------|
|                              | Cross      | 5094 |
|                              | Re-Direct  | 5110 |
| Robert Tinsley, Sr (461-559) | Direct     | 5114 |
|                              | Cross      | 5157 |
|                              | Re-Direct  | 5182 |
| CLOSING STATEMENTS           |            | 5184 |
|                              | Mr Grose   | 5184 |
|                              | Mr Zelenka | 5194 |
|                              | Mr Grose   | 5208 |

## **EXHIBITS FROM PCR EVIDENTIARY HEARING**

### **APPLICANT'S PCR EXHIBITS**

|       |                                                                                             |      |
|-------|---------------------------------------------------------------------------------------------|------|
| #P-1  | Life in the Balance IX Workshop - Handling Your First Case                                  | 5212 |
| #P-2  | Life in the Balance IX Workshop - Understanding Mental Illness Through Images and Metaphors | 5216 |
| #P-3  | Outline for Death Penalty Trial                                                             | 5227 |
| #P-4  | Report of Terrence Harvard of 11/5/97                                                       | 5228 |
| #P-5  | Authorization for Expenditure of Funds for Expert Services Dated 5/5/97                     | 5229 |
| #P-6  | Affidavit of Paige Munn Tarr                                                                | 5232 |
| #P-7  | Letter of June 17, 1997 and Release - Marlene Eckhardt to Paige Tarr                        | 5245 |
| #P-8  | Faxed Statement of 12/9/97 Paige Tarr to Felicia/Robert with Bill and timesheets            | 5247 |
| #P-9  | Patrick B Harris Psychiatric Hospital Reply Notice of 8/21/97 & Subpoena                    | 5252 |
| #P-10 | Statement from James R Evans, Ph D Dated 10/20/97 for psychological                         | 5255 |
| #P-11 | Letter of 9/10/97 from Jeff Yungman to Robert Tinsley                                       | 5256 |
| #P-12 | Letter of 10/8/97 and Social History Evaluation Draft (5259) by Yungman                     | 5257 |
| #P-13 | Letter and Bill Statement of 10/31/97 from Jeff Yungman to Robert Tinsley                   | 5268 |

|                                                                                                                |      |
|----------------------------------------------------------------------------------------------------------------|------|
| #P-14 Bill Statement of 10/14/97 from Katina Clardy Wright                                                     | 5272 |
| #P-15 Bill Statement of 11/3/97 from Dr Donald W Morgan                                                        | 5274 |
| #P-16 Jury Instruction Phase 2 Trial Notes of Robert Tinsley                                                   | 5276 |
| #P-17 Notice of Evidence in Aggravation of the Punishment - Notes of Tinsley                                   | 5278 |
| #P-18 Possible Mitigation Witnesses Notes                                                                      | 5283 |
| #P-19 Handwritten Notes of Robert Tinsley Re Jury Instruction Strategies                                       | 5284 |
| #P-20 Handwritten Mitigation Notes                                                                             | 5285 |
| #P-21 Draft Proposed Witness List for Defense                                                                  | 5287 |
| #P-22 Note and Summary of Case Law RE Future Adaptability to Prison Life                                       | 5289 |
| #P-23 Handwritten Notes of Robert Tinsley RE Paige Tarr, Denise DelaRue                                        | 5295 |
| #P-24 Letter of 1/13/08 Billy J Garrett, Jr to S C Commission on Indigent Defense<br>with timesheet            | 5296 |
| #P-25 Article Death is Different - Your Approach to a Capital Case Must be Different,<br>Too by Kevin McNalley | 5299 |
| #P-26 Memo 12/16/97 Tara Michelle Garrett to Randall Williams                                                  | 5307 |
| #P-27 Billy Garrett's Handwritten Notes from Meeting 3/6/97 with Family                                        | 5308 |
| #P-28 Handwritten Notes from David Bruck Meeting                                                               | 5310 |
| #P-29 Handwritten Defendant's Possible Witness List                                                            | 5311 |
| #P-30 Booking Report of Hughey and Detention Center Records                                                    | 5313 |
| #P-31 Letter of 11/9/97 Jeff Yungman to Paige Tarr about concerns                                              | 5366 |
| #P-32 Tarr Handwritten Notes Re Jim Evans and other matters                                                    | 5368 |
| #P-33 Tarr Mitigation Outline                                                                                  | 5369 |
| #P-34 Trial Notes of Paige Tarr about Conflict between counsel                                                 | 5370 |

|       |                                                                                        |      |
|-------|----------------------------------------------------------------------------------------|------|
| #P-35 | Family Court Order of Commitment ,In Re John Kennedy Hughey, 10/6/1986                 | 5371 |
| #P-36 | S C Department of Youth Services Plan for Services                                     | 5372 |
| #P-37 | S C D Y S - Reception and Evaluation Team Report                                       | 5373 |
| #P-38 | S C D Y S Interdisciplinary Treatment Team Summary (Feb 1987)                          | 5376 |
| #P-39 | S C D Y S Interdisciplinary Treatment Team Summary (Sept 1987)                         | 5378 |
| #P-40 | S C Vocational Rehabilitation Dept Functional Vocational<br>Assessment Report (3/2/87) | 5380 |
| #P-41 | S C D Y S R&E Social and Personal Adjustment Form                                      | 5383 |
| #P-42 | S C D Y S Behavior Reports and Write-ups (May 1987-Aug 1987)                           | 5384 |
| #P-43 | S C D Y S Educational Progress Reports (Jan 1987 - Aug 1987)                           | 5393 |
| #P-44 | Test of Basic Skills Results from May 1984                                             | 5410 |
| #P-45 | S C Basic Skills Assessment Program results from May 1984                              | 5411 |
| #P-46 | S C D Y S Psychological Evaluation (Dr Siegel) 11/10/86                                | 5412 |
| #P-47 | Curriculum Vitae of Dr Donna Schwartz-Watts                                            | 5416 |
| #P-48 | Psychiatric Evaluation Report of Dr Donna Schwartz-Watts 10/11/2008                    | 5424 |
| #P-49 | Final Appellate Brief (Cover) ( See App p 4135)                                        | 5435 |
| #P-50 | Final Reply Brief (Cover) (See App p 4249)                                             | 5436 |
| #P-51 | Tarr Notes from Phone Conversation with Dr Donald Morgan                               | 5437 |
| #P-52 | Discovery Response                                                                     | 5438 |

#### **RESPONDENT'S PCR HEARING EXHIBITS**

|      |                                                                              |      |
|------|------------------------------------------------------------------------------|------|
| #D-1 | Defendant's Request to Charge Number 18 with handwritten notation of factors | 5440 |
| #D-2 | Addendum to Defendant's Request to Charge Number 18 with notations           | 5442 |

## **PLEADINGS AND ORDERS**

|                                                                  |      |
|------------------------------------------------------------------|------|
| RESPONDENT'S POST HEARING MEMORANDUM OF LAW -<br>AUGUST 31, 2009 | 5444 |
|------------------------------------------------------------------|------|

### **VOLUME XII (5501)**

|                                                                                                |      |
|------------------------------------------------------------------------------------------------|------|
| APPLICANT'S POST HEARING MEMORANDUM - JUNE 8, 2009<br>(With attachments)                       | 5622 |
| APPLICANT'S POST HEARING REPLY BRIEF - DECEMBER 11, 2009                                       | 5840 |
| <b>ORDER GRANTING POST-CONVICTION RELIEF - FILED MAY 14, 2010</b>                              | 5921 |
| APPLICANT'S RULE 59(e) MOTION TO ALTER OR AMEND THE JUDGMENT<br>MAY 28, 2010                   | 5929 |
| RESPONDENT'S MOTION TO ALTER OR AMEND JUDGMENT - MAY 28, 2010                                  | 5954 |
| <b>ORDER DENYING RESPONDENT'S MOTION TO ALTER OR AMEND JUDGMENT<br/>PURSUANT TO RULE 59(e)</b> | 5969 |

#  
1

1 OF THAT KITCHEN YOU FIND -- YOU SAY YOU FOUND BLOOD  
2 DROPS?

3 A YES, SIR THERE WERE BLOOD DROPS ON THE  
4 FLOOR MAINLY THEY WERE WHAT WE REFER TO AS NINETY  
5 DEGREE SPATTER BY NINETY DEGREE MEANS THE BLOOD IS  
6 DROPPING STRAIGHT, IS GOING STRAIGHT, IN THIS CASE,  
7 STRAIGHT DOWN IT WAS INDICATED OF SOMEONE GOING IN  
8 THE DIRECTION FROM THE KITCHEN GOING BACK TOWARDS  
9 THIS HALLWAY

10 Q LET ME SHOW YOU STATE'S EXHIBIT THIRTY-FOUR  
11 AND YOU SHOW ON STATE'S FIVE WHERE THESE BLOOD DROPS  
12 ARE

13 A APPROXIMATELY THOSE PARTICULAR BLOOD DROPS ARE  
14 IN THIS AREA OF THE DIAGRAM WHICH IS NEAR THE END OF  
15 THE WALL LEAVING THE CARPET ONTO THE LINOLEUM FLOOR  
16 IN THE KITCHEN AND IT'S STRICTLY AGAIN BLOOD  
17 THAT'S DROPPING NINETY DEGREE -- IN THIS CASE, GOING  
18 DOWN HITTING THE FLOOR THIS MEANS THERE WAS FREE  
19 FLOWING BLOOD

20 Q LET ME SHOW YOU STATE'S THIRTY-FIVE CAN YOU  
21 TAKE A LOOK AT THAT AND POINT TO THE DIAGRAM AND  
22 EXPLAIN TO THE JURY WHAT THIS DEPICTS

23 A YES, SIR STATE'S THIRTY-FIVE SHOWS, AGAIN,  
24 THE TABLE AND ON THE TABLE IS A PLANT AND THE VASE  
25 HAS BEEN KNOCKED OVER IT ALSO SHOWS A CHAIR THAT

1 IS ALSO TURNED ON ITS SIDE ON THE FLOOR AND,  
2 AGAIN, SOME OF THESE MARBLES THAT WE SAW AND,  
3 ALSO, NEAR -- ON THE FLOOR BETWEEN THE REFRIGERATOR,  
4 SINK AND STOVE YOU COULD AGAIN SEE SOME BLOOD DROPS  
5 ON THE FLOOR NINETY-THREE DROPS, DROPS OF BLOOD  
6 FREE FLOWING STRAIGHT DOWN

7 Q AS I UNDERSTAND IT, YOU HAVE BLOOD DROPS AS  
8 YOU ENTER THE KITCHEN AREA, IS THAT CORRECT?

9 A YES, SIR

10 Q YOU ALSO HAVE BLOOD DROPS THAT GO AROUND THE  
11 TABLE?

12 A YES, SIR, IT DOES

13 Q AND THEN, FINALLY, BLOOD DROPS THAT LEAD BACK  
14 THE HALLWAY TO THE MASTER BEDROOM?

15 A YES, SIR

16 Q THIS IS STATE'S THIRTY-SIX AND DOES THAT SHOW  
17 SOME OF THOSE BLOOD DROPS?

18 A YES, SIR, IT DOES AND IT ALSO AGAIN SHOWS  
19 THE TURNED OVER CHAIRS, THE MARBLES, THE BROKEN --  
20 I'M CALLING IT A VASE, IT'S A CERAMIC OBJECT ALSO  
21 THE KNOCKED OVER PLANT ON THE TABLE AND THERE'S SOME  
22 BLOOD DROPS AGAIN ON THE FLOOR LEADING AROUND THE  
23 TABLE IF YOU'RE FACING THE TABLE FROM THE LIVING  
24 ROOM, IT WOULD BE ON THE LEFT SIDE

25 Q I'M GOING TO SHOW YOU STATE'S THIRTY-SEVEN AND



1 THIRTY EIGHT WHAT DOES THIRTY-SEVEN SHOW IN  
2 RELATION TO THIRTY-EIGHT?

3 A WHAT IS SHOWS AGAIN IN PARTICULAR THERE IS,  
4 AGAIN, ON THE TABLE THE KNOCKED OVER BROKEN VASE  
5 THAT HAS SOME FLOWERS IN IT AND ON ONE OF THE LEAVES  
6 OF THE PLANT WHERE THE FLOWER WAS IN THAT VASE IS A  
7 BLOOD DROP AND IT'S ON THAT ACTUAL PLANT LEAF  
8 AND, AGAIN, IT'S JUST A BLOOD DROP BLOOD HAS  
9 DROPPED ONTO THAT LEAF BECAUSE IF -- IT'S A LITTLE  
10 DISTORTED ONCE IT HIT THE OBJECT AND MOVED OUT, I  
11 CAN'T TELL YOU IF IT'S DIRECTLY NINETY DEGREE OR NOT  
12 BUT ONLY THAT THE BLOOD HAD DROPPED ONTO THAT LEAF

13 Q LET ME SHOW YOU FORTY-ONE STATE'S EXHIBIT  
14 NUMBER, EXCUSE ME, FORTY-TWO AND IF YOU COULD,  
15 EXPLAIN TO THE JURY WHAT AREA OF THE KITCHEN THIS  
16 WOULD BE

17 A STATE'S EXHIBIT FORTY-TWO AT THE KITCHEN TABLE  
18 IS A CHAIR DIRECTLY IN FRONT OF THIS TABLE LEANING  
19 UP ON THE FLOOR, LEADING UP TO THE CHAIR YOU CAN  
20 AGAIN SEE THE BLOOD DROP THIS, AGAIN, IS NINETY  
21 DEGREE SPATTER IT IS BLOOD DROPPING STRAIGHT DOWN  
22 UNDER THE CHAIR WAS SOME DIRECTIONAL  
23 SPATTERING WHAT I MEAN BY THAT IS, AGAIN, IT COULD  
24 HAVE COME FROM SOME FORM OF CAST-OFF POSSIBLY WHERE  
25 BLOOD CAME OFF OF AN OBJECT OR FROM MOVEMENT OF SOME

1 TYPE THAT'S ALL IT INDICATED WE ACTUALLY HAD TO  
2 -- AFTER WE TOOK OUR GENERAL PHOTOGRAPH OF THAT TO  
3 GET A BETTER CLOSE-UP OF IT, WE PICKED THE CHAIR UP  
4 AND DID AN OVERHEAD STRAIGHT DOWN SHOT ON IT

5 Q NOW, STATE'S EXHIBIT FORTY-ONE, IF YOU'LL TAKE  
6 A LOOK AT THIS PHOTOGRAPH IF YOU COULD TELL THE  
7 JURY WHERE THIS IS

8 A YES, SIR STATE'S EXHIBIT FORTY-ONE, AGAIN,  
9 SHOWS THE TABLE TO THE RIGHT OF THE TABLE IS AN  
10 IRONING BOARD BETWEEN THE TABLE AND THE IRONING  
11 BOARD IS THE RECEIVER OR THE BASE OF A TELEPHONE  
12 AND ONCE WE CHECKED THE HALL, WE COULD SEE WHERE THE  
13 TELEPHONE ONCE WAS IT HAD BEEN PULLED FROM THE  
14 WALL BECAUSE IT HAD THE EXPOSED WIRES

15 Q AND DOES THIS LEAD TO THE DIRECTION OF THAT  
16 HALLWAY?

17 A YES, SIR, IT DOES IT LEADS TO THE HALLWAY,  
18 AGAIN, WHERE WE FOUND THE TWO DECEASED VICTIMS

19 Q GOING INTO THE MASTER BEDROOM

20 A GOING INTO THE HALLWAY AND THE MASTER BEDROOM,  
21 THAT IS CORRECT

22 Q AND IF LOOKING AGAIN BRIEFLY AT FORTY-ONE,  
23 POINT TO THE WALL WHERE THE PHONE HAD BEEN

24 A WELL, IN FORTY-ONE, IT WOULD HAVE BEEN  
25 APPROXIMATELY IN THIS AREA

1 Q IS THAT THE SAME WALL THAT MY FINGER'S POINTED  
2 AT?

3 A YES, SIR, IT IS

4 Q AND IS THIS A CLOSE-UP OF THAT DISCONNECTED  
5 PHONE?

6 A YES, SIR, IT IS AND, AGAIN, IN THIS  
7 PHOTOGRAPH YOU CAN ACTUALLY SEE THE WIRE THAT IS  
8 REMAINING WHERE IT WAS PLUGGED INTO AND ACTUALLY SEE  
9 THE WIRE WHERE IT HAD BEEN PULLED -- WHERE THE BASE  
10 HAD BEEN PULLED FROM THE SOCKET PLATE

11 Q IS THAT ON THE SAME WALL AS WHERE THAT IRONING  
12 BOARD WAS?

13 A YES, SIR, THAT IS CORRECT RIGHT ABOVE IT

14 Q YOU HAD ALREADY LOOKED AT THESE PREVIOUSLY?

15 A YES, SIR

16 MR COULTER YOUR HONOR, THE STATE  
17 MOVES TO HAVE NUMBER FORTY-THREE, FORTY-FIVE, FORTY-  
18 SIX, FIFTY, FIFTY-THREE AND FIFTY-FOUR ADMITTED INTO  
19 EVIDENCE

20 MR GARRETT WITHOUT OBJECTION

21 THE COURT ADMITTED FORTY-THREE,  
22 FORTY-FIVE, FORTY-SIX, FIFTY, FIFTY-THREE AND FIFTY-  
23 FOUR

24 EXAMINATION CONTINUED BY MR COULTER

25 Q IF YOU WOULD, AGENT BLACK, LOOKING AT STATE'S

1 EXHIBIT FORTY-THREE, IF YOU COULD POINT TO THE  
2 DIAGRAM AND DESCRIBE WHERE THIS IS IN THAT DIAGRAM )

3 A YES, SIR STATE'S EXHIBIT FORTY-THREE SHOWS  
4 THE HALLWAY THAT LEADS FROM THE KITCHEN THIS  
5 HALLWAY LEADS TO THE MASTER BEDROOM ON THE HALLWAY  
6 YOU CAN SEE A PHONE RECEIVER AND CORD THIS LEAD  
7 BACK TO THE BASE STATION THAT WE FOUND ON THE FLOOR  
8 HERE IN THE KITCHEN AND NOT FAR FROM THE PHONE  
9 RECEIVER WERE THE FEET AND LEGS OF MRS HARRIS THAT  
10 WAS HERE IN THE HALLWAY THE LOWER PORTION OF HER  
11 BODY WAS IN THE HALL WITH THE UPPER BODY TORSO, HEAD  
12 REGION, WAS LAYING HERE IN THE THRESHOLD OF THE HALL  
13 LEADING INTO THE MASTER BEDROOM AND SHE WAS LAYING  
14 ON HER RIGHT SIDE

15 Q I'LL SHOW YOU FORTY-FIVE TAKE A LOOK AT THAT  
16 AND DESCRIBE THIS PHOTO

17 A STATE'S EXHIBIT FORTY-FIVE IS A PHOTOGRAPH  
18 TAKEN STANDING IN THE MASTER BEDROOM PHOTOGRAPHING  
19 DOWN THE HALLWAY BACK TOWARDS THE KITCHEN HERE'S A  
20 DOOR, AN EXIT DOOR, REAR DOOR, TO THE PREMISES TO  
21 THE TRAILER IT WAS SHUT AND SECURE WHEN WE ARRIVED  
22 ON THE SCENE IF YOU OPENED THE DOOR, THERE'S A  
23 TREMENDOUS DROP, I WOULD SAY AT LEAST SIX FEET BUT  
24 LOOKING DOWN, YOU CAN SEE MRS HARRIS -- THE FEET  
25 AND LEGS OF MRS HARRIS AGAIN, THE PHONE RECEIVER

1 AND THE CORD THAT LEAD TO THE BASE STATION HERE IN  
2 THE KITCHEN AND TO THE RIGHT OF THAT PHOTOGRAPH  
3 YOU CAN SEE THE WASHER AND DRYER

4 Q LET ME SHOW YOU STATE'S FORTY-SIX AND ASK IF  
5 YOU CAN DESCRIBE THIS PHOTOGRAPH IS IN RELATION TO  
6 THE DIAGRAM

7 A YES, SIR STATE'S FORTY-SIX IS A PHOTOGRAPH  
8 SHOWING THE VENT, THE COUCH, THE UPPER TORSO REGION  
9 OF MRS HARRIS AS SHE'S LAYING THERE IN THE  
10 THRESHOLD OF THE MASTER BEDROOM AND THE HALL ALSO  
11 NEAR THE VENT IS A FIRED TWENTY GAUGE SHOTGUN SHELL  
12 THAT I REFERRED TO EARLIER IT WAS NEAR THE VENT,  
13 THE NEAR THE SHOTGUN THAT WE FOUND ON THE FLOOR AT  
14 THE BASE OF THIS BED

15 Q AND THIS IS, BASICALLY, LOOKING BACK ABOUT THE  
16 MIDDLE OF THE MASTER BEDROOM BACK TOWARDS THAT  
17 HALLWAY?

18 A YES, SIR, THAT IS CORRECT

19 Q AND, AGAIN, AT THE FOOT OF THAT BED, TELL THE  
20 JURY WHAT YOU FOUND

21 A AT THE FOOT OF THE BED ON THE FLOOR WAS A  
22 TWENTY GAUGE SHOTGUN AND IF YOU'RE DOCUMENTING THE  
23 SHOTGUN, UP IN THE BRIDGE OF THE SHOTGUN WAS A FIRED  
24 TWENTY GAUGE SHOTGUN SHELL AND THIS IS A SINGLE  
25 BARREL, SINGLE SHOT SHOTGUN MEANING YOU HAVE TO

1       LOAD THE SHOTGUN, CLOSE IT AND FIRE IT, OPEN THE  
2       BREACH, HAVE THE SHELL EJECT AND LOAD IT AGAIN TO  
3       REPEATEDLY FIRE THE WEAPON

4       Q       AND IS PHOTOGRAPH FORTY-SEVEN HOW YOU FOUND  
5       THAT SHOTGUN?

6       A       YES, SIR, IT IS       IN THIS PHOTOGRAPH AGAIN, IT  
7       SHOWS THE RELATIONSHIP OF THE FIRED SHOTGUN SHELL  
8       NEAR THE VENT TO THE SHOTGUN THAT WAS HERE AT THE  
9       BASE, THE FLOOR OF THE BED

10      Q       THIS SHOTGUN SHELL WAS RIGHT IN BETWEEN THE  
11      BODIES OF MS   HARRIS AND MS   JACKSON?

12      A       YES, SIR, IT IS

13      Q       I'LL HAVE YOU TAKE A LOOK AT WHAT'S ALREADY  
14      BEEN ADMITTED AS STATE'S FORTY-EIGHT

15      A       YES, SIR, THIS IS THE SHOTGUN   IT BEARS THE  
16      S L E D   LABORATORY NUMBER, ITEM NUMBER, AND MY  
17      INITIALS BWB   THIS WAS THE SHOTGUN FOUND ON THE  
18      FLOOR AT THE BASE OF THE BED

19      Q       I'LL HAVE YOU TAKE A LOOK AT WHAT'S BEEN  
20      MARKED AS STATE'S EXHIBIT NUMBER FORTY-NINE AND ASK  
21      IF YOU COULD IDENTIFY THAT

22      A       YES, SIR   STATE'S EXHIBIT FORTY-NINE IS THE  
23      FIRED SHOTGUN SHELL THAT WAS LOCATED NEAR THE VENT  
24      IN THE MASTER BEDROOM

25                   MR   COULTER   YOUR HONOR, WE MOVE TO

1 ADMIT STATE'S FORTY-NINE, SHOTGUN SHELL

2 MR GARRETT WITHOUT OBJECTION

3 THE COURT IT'S ADMITTED

4 Q AND THAT'S THE SAME SHOTGUN SHELL AS IN  
5 STATE'S FORTY-SEVEN?

6 A THAT IS CORRECT, SIR

7 Q AND AFTER YOU DOCUMENTED THE FIRED SHELL,  
8 STATE'S FORTY-NINE AND SHOTGUN PURPORTED IN THE  
9 PHOTOGRAPHS, DID YOU THEN EXAMINE THE SHOTGUN  
10 ITSELF, STATE'S FORTY-EIGHT?

11 A YES, SIR AFTER DOCUMENTING IT AND EXAMINING  
12 THE SHOTGUN, I THEN OPENED THE SHOTGUN AND UPON  
13 OPENING THE SHOTGUN WAS A FIRED SHOTGUN SHELL IN THE  
14 BARREL OF THIS SHOTGUN, A 20 GAUGE SHOTGUN SHELL

15 Q I'D LIKE TO SHOW YOU STATE'S EXHIBIT FIFTY, IS  
16 THAT HOW YOU FOUND IT?

17 A YES, SIR, THAT IS HOW I FOUND IT ONCE I  
18 OPENED THE BRIDGE OF THE SHOTGUN, THAT'S HOW I FOUND  
19 THE FIRED SHELL IN THE BARREL

20 Q I'LL HAVE YOU TAKE A LOOK AT WHAT'S BEEN  
21 MARKED AS FIFTY-ONE, CAN YOU IDENTIFY THAT? DOES  
22 THAT BEAR YOUR MARK?

23 A YES, SIR, IT DOES THIS IS THE FIRED SHOTGUN  
24 SHELL THAT WAS RECOVERED FROM THE BARREL OF THE  
25 SHOTGUN THAT WAS FOUND AT THE PREMISES AND YES,

1 SIR, AGAIN IT BEARS THE S L E D LABORATORY NUMBER,  
2 ITEM NUMBER AND MY INITIALS, D W B

3 MR COULTER THE STATE WOULD HAVE,  
4 I BELIEVE IT'S FIFTY-ONE, ENTERED INTO EVIDENCE

5 MR GARRETT WITHOUT OBJECTION,  
6 YOUR HONOR

7 THE COURT IT'S ADMITTED

8 EXAMINATION CONTINUED BY MR COULTER

9 Q I'LL HAND YOU FIFTY-THREE AND FIFTY-FOUR, IF I  
10 HAVE MOVED INTO EVIDENCE --

11 THE COURT THEY'VE BEEN ADMITTED

12 EXAMINATION CONTINUED BY MR COULTER

13 Q WOULD YOU POINT TO THE DIAGRAM, DESCRIBE WHAT  
14 THIS IS

15 A STATE'S EXHIBIT FIFTY-THREE AND FIFTY-FOUR,  
16 THE BED IS THE BED THAT'S HERE WHERE THE VICTIM, MS  
17 JACKSON, WAS FOUND AND LOCATED ACROSS FROM THE BED  
18 WAS, ALONG THIS WALL, WAS A LITTLE TABLE THAT  
19 INCLUDED A TELEPHONE AND THAT TELEPHONE WAS ALSO  
20 OFF THE RECEIVER, OFF THE BASE WAS THE RECEIVER AND  
21 CORD ON THE FLOOR BETWEEN THE BED AND WHERE THE  
22 PHONE BASE WAS LOCATED AND IN ONE OF THE  
23 PHOTOGRAPHS YOU CAN ACTUALLY SEE THE SHOES OF MRS  
24 JACKSON AS SHE LAY ON THE BED

25 Q THIS HAS ALREADY BEEN ADMITTED, IT'S STATE'S



1 EXHIBIT EIGHTY-FIVE IS THIS HOW YOU FOUND THE  
2 VICTIM, MS JACKSON?

3 A YES, SIR, IT IS

4 Q AND IN PROCESSING THE SCENE, DID YOU ASK TO DO  
5 ANYTHING WITH THE BODY OF MS JACKSON?

6 A NOT ONLY WITH MS. JACKSON BUT ALSO MS HARRIS,  
7 WE PHOTOGRAPHED THEM AS IS, AND THEN AS WE MOVED THE  
8 BODIES, WE DOCUMENTED ANY INJURIES THAT WE MAY SEEN  
9 TO THE BODIES IN THE CASE WITH MS JACKSON AS I,  
10 OR AS WE WERE PULLING HER FROM THE BED, HER ARMS  
11 WERE IN FRONT OF HER UP UNDER HER ON THE FLOOR AND  
12 SLIGHTLY UNDER THE MATTRESS WHEN WE PULLED HER UP,  
13 BOTH OF HER ARMS WERE IN THIS POSITION HER RIGHT  
14 AND LEFT, HANDS OUT AS SUCH, THEY WERE IN THIS  
15 POSITION AS WE PULLED MRS JACKSON UP, THERE WERE  
16 SOME SOUNDS AND NOISES MADE, SUCKING TYPE SOUNDS,  
17 ACTUAL BRAIN MATTER AND OTHER TISSUE CAME OUT FROM  
18 THE FRONT OF HER FACE AND WHEN WE GOT MRS JACKSON  
19 OFF THE BED AND PUT HER INTO A BODY BAG, THE FACE  
20 AREA WITH HER EYES AND NOSE, IT WAS NO LONGER THERE  
21 AND ACTUALLY IN THE POOL OF BLOOD BELOW HER WHERE WE  
22 PULLED HER UP AND AGAIN WHERE YOU HAD SOME OF THE  
23 BODY TISSUE, WAS THE SHOTGUN WADDING AND SHOTGUN  
24 PELLETS, WHICH WE DOCUMENTED AND RECOVERED FROM THAT  
25 POOL OF BLOOD AND BODY TISSUE EN MASSE

1 THE SHOES OF MRS HARRIS WHEN WE  
2 LOOKED AT THE SHOES, JUST VISUAL, WERE CONSISTENT  
3 WITH FOOTWEAR IMPRESSION THAT WE COULD SEE ON THE  
4 KNIFE BLADE THE KNIFE WHICH WE FOUND HERE AGAIN  
5 TOWARDS THE FRONT DOOR OF THE RESIDENCE

6 Q I'M SORRY, AGENT BLACK, WAS THAT MS HARRIS OR  
7 MS JACKSON?

8 A THAT WAS MRS JACKSON MRS JACKSON'S SHOES,  
9 THE ONE THAT YOU CAN SEE THE SHOES ON THE BED AS  
10 WE WERE STANDING BEHIND HER AND LOOKING AT HER AND  
11 TAKING THE PHOTOGRAPHS, YOU COULD SEE THE BOTTOMS OF  
12 HER SHOES, THE OUT SOLE OF THE SHOES, AND THEY WERE  
13 CONSISTENT WITH THE OUT SOLE IMPRESSION ON THE KNIFE  
14 THAT WAS FROM HERE AT THE FRONT DOOR AND THEN WE  
15 WALKED AROUND TO THE SIDES AND FRONT OF HER TO DO  
16 THE FURTHER DOCUMENTATION

17 Q NOW, AGENT BLACK, ABOUT HOW LONG DID IT TAKE  
18 YOU TO GO THROUGH THE SCENE AND DO THE PROCESSING  
19 NECESSARY OF 401 RICHEY STREET?

20 A TOTAL FROM THE TIME WE ARRIVED AT  
21 APPROXIMATELY 2 00 O'CLOCK, WE DID NOT LEAVE THE  
22 SCENE UNTIL APPROXIMATELY 10 00 O'CLOCK THAT  
23 EVENING WE WERE ACTUALLY AT THE RESIDENCE FOR  
24 EIGHT HOURS

25 Q AND YOU DID DO LATENT EXAMINATIONS TO VARIOUS

1 AREAS OF THE HOME?

2 A YES WE NOT ONLY DID LATENT PRINT EXAMINATION  
3 USING THE BLACK POWDER AND THE AMIDO BLACK  
4 PROCESSING AREA OF THE HOME TO PRINT, WE ALSO  
5 COLLECTED VARIOUS EVIDENCE TO TAKE BACK WITH US TO  
6 SEE IF ANY PRINTS, IDENTIFIABLE PRINTS COULD BE  
7 DEVELOPED

8 WE ALSO DID A PART OF THE PROTOCOL  
9 SINCE GUNSHOTS WERE USED IN KILLING THE VICTIMS,  
10 AGENT BLACK ALSO DID THE GUNSHOT RESIDUE TEST HE  
11 ASSISTED -- OR I ASSISTED HIM WITH THAT WE ALSO  
12 DID MAJOR CASING OF FINGER AND PALM PRINTS ON THE  
13 DECEASED IF WE DEVELOPED ANY IDENTIFIABLE PRINTS  
14 IN THE RESIDENCE, WE'D BE ABLE TO IDENTIFY WHOEVER  
15 THEY MAY BELONG TO IN FACT, ON ONE OF THE PRINTS,  
16 WE DID IDENTIFY TO MRS HARRIS

17 Q NOW, AS FAR AS THE LATENT EXAMINATION THERE AT  
18 THE SCENE, YOU FOUND A LATENT OF MS HARRIS AT THE  
19 SCENE?

20 A YES, SIR, IT WAS THERE IN THE AREA OF THE  
21 WASHER AND DRYER

22 Q OF HER HOME

23 A OF HER HOME, THAT IS CORRECT

24 Q AND DID YOU FIND ANY OTHER IDENTIFIABLE PRINTS  
25 IN THE RESIDENCE?

1 A AT THE RESIDENCE THERE WAS ONE MORE IT IS A  
2 PALM PRINT IT WAS NOT THE TWO VICTIMS NOR WERE WE  
3 ABLE TO IDENTIFY TO IT TO THE DEFENDANT, MR HUGHEY

4 Q BUT YOU WERE GIVEN HOW MANY DIFFERENT SETS OF  
5 PRINTS FOR COMPARISON?

6 A THE ONLY ONES THAT I RECEIVED WERE THE TWO OF  
7 THE VICTIMS WHICH WE DID AND THEN LATER THAT NIGHT  
8 OR EARLY MORNING WHEN WE PRINTED THE DEFENDANT AS HE  
9 WAS BROUGHT TO THE ABBEVILLE POLICE DEPARTMENT THAT  
10 NIGHT OR THE MORNING OF DECEMBER THE 5TH

11 Q SO YOU DIDN'T HAVE LATENTS OF GEORGE MACK  
12 BROWN, WHO LIVED AT THAT HOUSE, AS WELL?

13 A NO, SIR, WE DID NOT

14 Q NOW, OTHER THAN THAT, DID YOU FIND ANY OTHER  
15 IDENTIFIABLE PRINTS IN THE HOME?

16 A NO, SIR, WE DID NOT

17 Q AND AFTER HAVING FINISHED YOUR PROCESSING OF  
18 THE SCENE, DID YOU THEN HAVE AN OPPORTUNITY TO  
19 PROCESS THE CAR THAT WAS BROUGHT UP TO THE ABBEVILLE  
20 POLICE DEPARTMENT?

21 A YES, SIR WHEN WE WERE FINISHED, WE WENT  
22 CLEANED UP, TOOK A BREAK JUST TO TAKE A BREAK, GET  
23 SOMETHING TO DRINK AND A LITTLE FOOD TO EAT AND THEN  
24 WE WENT TO THE ABBEVILLE POLICE DEPARTMENT AND  
25 WAITED FOR A CAR AND THE DEFENDANT TO ARRIVE AT THE

1 POLICE DEPARTMENT

2 Q I'M GOING TO HAND YOU A NUMBER OF PHOTOGRAPHS  
3 TO TAKE A LOOK AT FIFTY-FIVE THROUGH SIXTY-TWO  
4 ARE THOSE TRUE AND ACCURATE DEPICTIONS OF WHAT YOU  
5 SAW THAT NIGHT?

6 A YES, SIR, THEY ARE

7 MR COULTER WITHOUT OBJECTION,  
8 YOUR HONOR, AS TO THE REMAINDER -- WHICH ONES ARE  
9 NOT IN

10 THE COURT FIFTY-SEVEN THROUGH  
11 SIXTY-TWO INCLUSIVE

12 MR COULTER YOUR HONOR, THE STATE  
13 WOULD MOVE THEN TO HAVE FIFTY-SEVEN THROUGH SIXTY-  
14 TWO MOVED INTO EVIDENCE

15 THE COURT THEY'RE ADMITTED  
16 EXAMINATION CONTINUED BY MR COULTER

17 Q TAKE A LOOK AT STATE'S FIFTY-FIVE, IS THAT A  
18 PHOTOGRAPH OF THE CAR THAT YOU BEGAN TO PROCESS?

19 A YES, SIR, IT IS

20 Q AND YOU HAD THE OPPORTUNITY TO PROCESS THAT  
21 CAR WHERE?

22 A IT WAS PROCESSED AT THE BACK PARKING LOT OF  
23 THE ABBEVILLE POLICE DEPARTMENT

24 THE COURT DID YOU SAY FIFTY-FIVE?

25 MR COULTER YES, SIR, FIFTY-FIVE

1 MR GARRETT PREVIOUSLY LET FIFTY-  
2 IN THAT'S WHAT HE HAD INDICATED FIFTY-FIVE  
3 THROUGH --

4 THE COURT FIFTY-SEVEN THROUGH  
5 SIXTY-TWO ARE THE ONES THAT WERE JUST OFFERED

6 MR GARRETT RIGHT, RIGHT  
7 (STATE'S EXHIBITS 57, 58, 59, 60, 61 AND 62  
8 ADMITTED)

9 EXAMINATION CONTINUED BY MR COULTER

10 Q WHO ELSE WAS WITH YOU AT THE TIME OF  
11 PROCESSING THIS VEHICLE?

12 A AGENT JOHN BLACK AND ALSO AGENT NANCY SKRABA  
13 WITH THE SEROLOGY, D N A DEPARTMENT

14 Q LET ME HAND YOU FIFTY-SEVEN AND FIFTY-EIGHT  
15 IF YOU COULD DESCRIBE FOR THE JURY WHAT THOSE ARE  
16 PHOTOGRAPHS OF

17 A STATE'S EXHIBIT FIFTY-SEVEN IS A GENERAL  
18 PHOTOGRAPH SHOWING THE INTERIOR OF THE FRONT  
19 PASSENGER, FRONT COMPARTMENT, FRONT DRIVER/PASSENGER  
20 COMPARTMENT OF THIS MITSUBISHI GALLANT IT'S A  
21 WHITE COLORED CAR WITH FOUR DOORS AND ALSO FIFTY-  
22 EIGHT IS A PHOTOGRAPH OF THE ARMREST TO THE FRONT  
23 DRIVER DOOR THAT SHOWS A BLOOD STAIN AND THIS WAS A  
24 TRANSFER STAIN THIS IS WHERE BLOOD IS ON ONE  
25 OBJECT AND TOUCHING ANOTHER OBJECT, THAT BLOOD JUST

1 SIMPLY GOES TO OR MOVES TO OR TRANSFERS TO THE OTHER  
2 OBJECT

3 Q AND THAT STAIN AGAIN WAS ON THAT DRIVER'S  
4 DOOR?

5 A YES, SIR, IT WAS ON THE DRIVER'S DOOR ARMREST  
6 IT WAS PHOTOGRAPHED AND COLLECTED BY AGENT SKRABA IN  
7 OUR PRESENCE

8 Q LET ME SHOW YOU SIXTY, SIXTY-ONE AND SIXTY-  
9 TWO, IF YOU COULD DESCRIBE WHAT THOSE PHOTOGRAPHS  
10 SHOW

11 A STATE'S EXHIBIT SIXTY, SIXTY-ONE AND SIXTY-TWO  
12 SHOW, AGAIN, A GENERAL PHOTOGRAPH OF THE FRONT  
13 PASSENGER SIDE COMPARTMENT OF THE CAR ON THE FRONT  
14 PASSENGER'S SEAT IS A BROWN PAPER BAG, AND IN THAT  
15 BROWN PAPER BAG WE LOCATED THREE ITEMS, A BOTTLE OF  
16 CLOROX, A BOTTLE OF IODINE AND A BOTTLE OF BOSS'S  
17 RAT POISON

18 Q AND NOW YOU ALSO, AGENT, HAD THE OPPORTUNITY  
19 TO GO BACK AND DO SOME PROCESSING OF SOME ITEMS THAT  
20 YOU HAD COLLECTED THERE AT THE SCENE

21 A YES, SIR, THAT IS CORRECT

22 Q ALL RIGHT REFERRING BACK TO STATE'S EXHIBIT  
23 FORTY-EIGHT, THE SHOTGUN, DID YOU HAVE AN  
24 OPPORTUNITY TO PROCESS THIS ITEM, THE SHOTGUN FOR  
25 LATENT PRINTS?

1 A YES, SIR, I DID

2 Q AND WHAT WAS THE RESULTS OF YOUR ANALYSIS OF  
3 THIS GUN?

4 A THE BRIDGE DETAIL OF THE PRINTS THAT WERE  
5 DEVELOPED WERE INSUFFICIENT THERE WERE NO  
6 IDENTIFIABLE PRINTS DEVELOPED ON THAT SHOTGUN

7 Q SO YOU FOUND SOME WHERE IT'S DETAILED, JUST  
8 NOT ENOUGH

9 A THAT'S CORRECT

10 Q THIS IS STATE'S EXHIBIT THIRTY-TWO, THE KNIFE  
11 DID YOU HAVE AN OPPORTUNITY TO TEST THAT PARTICULAR  
12 ITEM?

13 A YES, SIR, THIS ITEM WAS PROCESSED AFTER AGENT  
14 SKRABA HAD, IN MY PRESENCE, HAD TAKEN THE BLOOD THAT  
15 WAS ON THE TIP OF THE KNIFE, REFERRING TO THE TIP,  
16 UP HERE THE KNIFE WAS THEN -- THE FOOTWEAR  
17 IMPRESSION AND THE LATENTS THAT WERE DEVELOPED WERE  
18 DOCUMENTED, THERE WERE NO IDENTIFIABLE FINGERPRINTS  
19 DEVELOPED ON THE KNIFE, BUT THERE WAS AN  
20 IDENTIFIABLE FOOTPRINT DEVELOPED ON THE KNIFE BLADE

21 Q AND DID YOU PREPARE THIS DIAGRAM, THE  
22 DOCUMENTATION FOR THE COMPARISON?

23 A YES, SIR, I DID

24 MR COULTER YOUR HONOR, I'D MOVE  
25 TO INTRODUCE THIS DIAGRAM AS STATE'S EXHIBIT EIGHT-



1 SIX, I BELIEVE

2 THE COURT IT'S NOT EIGHTY-SIX

3 MR COULTER EIGHTY-SEVEN, EXCUSE

4 ME

5 MR GARRETT WITHOUT OBJECTION,

6 YOUR HONOR, TO THE EXHIBIT

7 THE COURT IT'S ADMITTED

8 EXAMINATION CONTINUED BY MR COULTER

9 Q NOW, YOU HAD INDICATED PREVIOUSLY THAT ON  
10 VISUAL INSPECTION, AS I UNDERSTOOD, IT APPEARED THAT  
11 MS JACKSON'S SHOE WAS CONSISTENT WITH WHAT YOU SAW  
12 ON THAT KNIFE BLADE?

13 A YES, SIR THE AREA IN PARTICULAR, AND AGAIN  
14 IF I CAN STEP DOWN -- MAY I SIR?

15 THE COURT YOU MAY

16 THE WITNESS THIS IS THE ACTUAL  
17 QUESTION IMPRESSION, THE MIDDLE PHOTOGRAPH ALL  
18 THREE PHOTOGRAPHS ARE WHAT WE REFER TO AS ONE-TO-  
19 ONE ONE-TO-ONE MEANING ONE INCH IS EQUAL TO ONE  
20 INCH IT'S BEEN ENLARGED TO THE EXACT SIZE TO THE  
21 APPROPRIATE SIZE

22 HERE, THIS IS THE ACTUAL KNIFE  
23 BLADE AND WHAT I'M POINTING TO IS THE ACTUAL  
24 FOOTWEAR IMPRESSION THAT'S PRESENT ON THE BLADE  
25 YOU CAN MAKE OUT THE RIBS WHICH ARE KNOWN AS A

1 HERRINGBONE PATTERN AND ALSO LITTLE ROUND CIRCLES  
2 THIS IS THE ACTUAL KNOWN SHOE -- THIS IS THE KNOWN  
3 LEFT SHOE OF THE VICTIM, MS JACKSON, AND THIS IS A  
4 TEST IMPRESSION THAT WAS MADE BY MYSELF AND AGENT  
5 JOHN BLACK OF THE KNOWN LEFT SHOE

6 AND WHAT WE SIMPLY DO IS WE LOOK AT  
7 CLASS CHARACTERISTICS AND RANDOM IDENTIFYING  
8 CHARACTERISTICS CLASS CHARACTERISTICS IS LOOKING  
9 AT THE ACTUAL OUT SOLE DESIGN THAT'S PRESENT WE  
10 HAVE HERE THE HERRINGBONE -- WHEN I REFER TO THE  
11 HERRINGBONE -- THE LINES THAT LOOK LIKE GOING UP AND  
12 DOWN POSSIBLY LIKE A W AND THEN WE LOOK AT ALSO THE  
13 ROUND CIRCLES AND AGAIN WE LOOK AT ANY OTHER LINES  
14 OR FEATURES THAT ARE PRESENT IN THE SHOE WE ALWAYS  
15 COMPARE THE LATENT TO THE KNOWN SHOE AND TO THE  
16 QUESTION AND TO THE TEST IMPRESSION

17 WHAT I FOUND IN ALSO DOING AN  
18 OVERLAY AND TAKING MEASUREMENTS AND USING CALIPERS  
19 FOR SIZE AND SHAPE WAS THE AREA OF THE SHOE IS  
20 PRESENT HERE IF I MAY, I HAVE ANOTHER PHOTOGRAPH,  
21 THE SAME PHOTOGRAPH IN QUESTION, AND THE ACTUAL TEST  
22 IMPRESSION AND I CAN ACTUALLY OVERLAY TO SHOW THE  
23 JURY IF THAT'S APPROPRIATE

24 MR COULTER I'D ASK THAT THE  
25 WITNESS BE ALLOWED TO DO THAT, YOUR HONOR

1 MR GARRETT WITHOUT OBJECTION  
2 THE COURT YOU MAY  
3 THE WITNESS THIS IS THE  
4 PHOTOGRAPH I'M HOLDING AGAIN IS OF THE QUESTION  
5 IMPRESSION ON THE KNIFE BLADE THIS IS THE ACTUAL  
6 TEST IMPRESSION OF THE LEFT SHOE IT IS AN OVERLAY  
7 IT'S A TRANSPARENCY AND BY SIMPLY DOING SUCH --  
8 (DEMONSTRATING) -- IT LINES UP AS SUCH

9 MR TINSLEY YOUR HONOR, HE'S  
10 COMMUNICATING WITH THE JURY HE'S A WITNESS I  
11 CAN'T HEAR A WORD HE'S SAYING AND HE'S GOING THROUGH  
12 IT, SHOWING IT I MEAN I ---

13 THE COURT OKAY, IF YOU NEED TO  
14 MAKE A STATEMENT, JUST PLEASE MAKE IT LOUD ENOUGH SO  
15 THAT WE CAN BE CERTAIN THAT ALL CAN HEAR AND THAT  
16 THE COURT REPORTER CAN TAKE IT DOWN

17 THE WITNESS I APOLOGIZE WHAT I  
18 WAS SIMPLY SAYING WAS LIFTING UP THAT TRANSPARENCY  
19 OVERLAY, SAYING HERE'S THE IMPRESSION ON THE KNIFE  
20 BLADE, HERE'S THE ACTUAL OVERLAY OF THE KNOWN SHOE  
21 IN THIS AREA AGAIN, I APOLOGIZE

22 MR GARRETT WITHOUT OBJECTION,  
23 YOUR HONOR

24 MR COULTER THANK YOU, YOUR  
25 HONOR THANK YOU DAVID, IF YOU COULD PLEASE TAKE

1 THE STAND

2 EXAMINATION CONTINUED BY MR COULTER

3 Q NOW, WHAT WERE YOUR CONCLUSIONS THEN IN  
4 REGARDS TO THIS OVERLAY COMPARING TO THE KNOWN SHOE  
5 VERSUS THE KNIFE?

6 A THE ONLY THING THAT I COULD SAY WAS IT WAS  
7 CONSISTENT WITH THE OUT SOLE DESIGN, SIZE AND SHAPE  
8 TO THE KNOWN LEFT SHOE I'M NOT SAYING IT'S THAT  
9 LEFT SHOE AND ONLY THAT SHOE, BUT I AM SAYING IT'S  
10 CONSISTENT WITH THAT SHOE I CANNOT EXCLUDE IT

11 Q IS THERE A PARTICULAR REASON WHY YOU CAN'T BE  
12 MORE DEFINITE IN REGARDS TO THAT SHOE?

13 A YES, SIR ONE OF THE OTHER THINGS I MENTIONED  
14 IS A RANDOM IDENTIFYING CHARACTERISTIC WITH WEAR,  
15 WEAR IS THE EROSION OF THE OUT SOLE WHAT WILL  
16 HAPPEN IS IN TIME, AS YOU WALK ON THE SHOE, AND HOW  
17 SOMEBODY WALKS IS INDIVIDUAL FOR THAT PERSON, IT'S  
18 EITHER GOING TO -- YOU CAN TAKE AWAY OR TAKE AWAY  
19 FROM THE OUT SOLE AND IT'S GOING TO MAKE CUTS AND  
20 NICKS NONE OF WHICH WERE PRESENT IN THE LATENT OR  
21 SOMETHING CAN BE ADDED TO IT LIKE SAY A NAIL, A  
22 TACK, A STONE, NOR WAS THAT PRESENT IN THE LATENT  
23 IMPRESSION I HAVE TO COMPARE THE LATENT  
24 IMPRESSION, WHAT WAS ON THE ACTUAL KNIFE TO THE  
25 KNOWN SHOE AND TO THE TEST IMPRESSION AND THE ONLY

1 THINGS THAT WERE AVAILABLE WERE THE CLASS  
2 CHARACTERISTICS

3 Q SO MS JACKSON'S SHOE WAS JUST NOT WORN ENOUGH  
4 TO DISTINGUISH IT AS THE ONLY SHOE THAT COULD HAVE  
5 MADE THAT PRINT?

6 A THAT IS CORRECT

7 Q BUT, OF COURSE, IT WAS, IN FACT, CONSISTENT  
8 WITH THE SAME TYPE SHOE AND SIZE SHOE AS MS  
9 JACKSON?

10 A THAT IS CORRECT, HER LEFT SHOE

11 Q I WANT YOU TO LOOK BACK HERE AT STATE'S  
12 EXHIBIT NUMBER TEN IF YOU NOTE THE KNIFE, THE  
13 PARTICULAR KNIFE AGAIN IN THAT PHOTOGRAPH, WHAT  
14 DIRECTION IS THAT PRINT GOING IN RELATION TO THE  
15 KNIFE IN THE HALLWAY?

16 A IN RELATION TO THE KNIFE IN THE HALLWAY, THE  
17 DIRECTION OF THE PRINT IS POINTING TO THE LEFT SHOE,  
18 THE FRONT -- THE TOE OF THE SHOE IS POINTING BACK  
19 TOWARDS THE LIVING ROOM AREA

20 Q GOING BACK INTO THE LIVING ROOM AREA FROM THE  
21 KITCHEN AREA WHERE THE BLOOD DROPS WERE FOUND?

22 A THAT IS CORRECT

23 Q WHERE THE VICTIMS WERE ACTUALLY FOUND?

24 A THAT IS CORRECT

25 Q I'M GOING TO HAND YOU STATE'S EXHIBIT NUMBER

1 FIFTY-ONE, FORTY-NINE TO SHOW DID YOU HAVE AN  
2 OPPORTUNITY TO PROCESS THOSE FOR LATENTS?

3 A YES, SIR, I DID

4 Q AND WHAT WAS THE RESULTS OF YOUR ANALYSIS?

5 A ON THESE TWO EXHIBITS, STATE'S EXHIBIT FORTY-  
6 NINE AND FIFTY-ONE, NO RIDGE DETAIL WAS DEVELOPED  
7 AND NO PRINTS WERE DEVELOPED

8 Q AND WERE YOU LATER PROVIDED WITH A THIRD  
9 SHELL, IF YOU'LL TAKE A LOOK AT THAT, YOUR MARKINGS  
10 ON THIS SHELL?

11 A YES, SIR AGAIN HAVING S L E D LAB NUMBER,  
12 ITEM NUMBER AND MY INITIALS, DWB

13 MR COULTER YOUR HONOR, I'D MOVE  
14 TO INTRODUCE THIS AS STATE'S SEVENTY-THREE

15 MR GARRETT WITHOUT OBJECTION,  
16 YOUR HONOR, TO STATE'S EXHIBIT SEVENTY-THREE

17 THE COURT IT'S ADMITTED

18 EXAMINATION CONTINUED BY MR COULTER

19 Q DID YOU HAVE AN OPPORTUNITY TO DO ANALYSIS FOR  
20 LATENTS ON STATE'S SEVENTY-THREE?

21 A YES, SIR I RECEIVED THIS FROM AGENT JOHN  
22 BLACK AND I PROCESSED THIS ITEM FOR LATENT PRINTS  
23 AND THERE WAS SOME RIDGE DETAIL DEVELOPED ON THIS  
24 ITEM BUT, AGAIN, IT WAS NOT IDENTIFIABLE RIDGE  
25 DETAIL NO IDENTIFIABLE PRINTS WERE DEVELOPED ON

1 THIS SHOTGUN SHELL

2 Q AND AFTER YOU HAD DONE YOUR ANALYSIS ON THE  
3 PRIOR -- ON THAT SHELL -- THE SHELLS, THE THREE  
4 SHELLS AND THE GUN, STATE'S EXHIBIT FORTY-EIGHT, DID  
5 YOU THEN PASS THEM ON TO AGENT DAN DeFREEZE FOR  
6 FURTHER ANALYSIS?

7 A YES, SIR, I DID I TRANSFERRED IT TO THE  
8 S L E D FILE IN DEPARTMENT FOUR, AGENT DAN  
9 DeFREEZE

10 MR COULTER THANK YOU ANSWER  
11 ANY QUESTIONS DEFENSE COUNSEL MAY HAVE

12 THE COURT LET ME SEE Y'ALL JUST A  
13 MINUTE

14 (COUNSEL APPROACH THE BENCH)

15 THE COURT LADIES AND GENTLEMEN,  
16 WE'RE GOING TO TAKE A SHORT BREAK BEFORE WE CONTINUE  
17 WITH CROSS-EXAMINATION OF THE WITNESS SO PLEASE GO  
18 TO YOUR JURY ROOM OF COURSE, YOU'RE NOT TO DISCUSS  
19 THE CASE WE'LL BRING YOU BACK SHORTLY YOU MAY  
20 STEP DOWN DO NOT DISCUSS YOUR TESTIMONY DURING THE  
21 BREAK, WE'LL BE BACK IN TEN MINUTES

22 (JURY EXITS THE COURTROOM AT 4 25 O'CLOCK P M )

23 (THE FOLLOWING TAKES PLACE OUT OF THE PRESENCE OF  
24 THE JURY)

25 THE COURT YOU WANT TO PUT THE

1 PATHOLOGIST UP FIRST?

2 MR JONES JUDGE, I DO AND I  
3 WANT TO ASK THAT AGENT BLACK NOT BE REMAIN IN THE  
4 COURTROOM DURING THE PATHOLOGIST'S TESTIMONY

5 THE COURT IF YOU WOULD, JUST STEP  
6 OUTSIDE THAT DOOR, AGAIN STAND OUT IN THE HALLWAY  
7 OR HAVE A SEAT IN MY OFFICE, WHATEVER SUITS YOU,  
8 OKAY

9 (WITNESS DOES AS REQUESTED)

10 THE COURT I UNDERSTAND THE STATE  
11 WISHES TO CALL THE PATHOLOGIST TO TESTIFY OUT OF  
12 ORDER BECAUSE OF HIS UNAVAILABILITY TOMORROW, IF THE  
13 DEFENSE HAS NO OBJECTION

14 MR GARRETT WE HAVE NONE, YOUR  
15 HONOR

16 THE COURT READY FOR THE JURY?  
17 BRING THEM IN

18 (JURY RE-ENTERS COURTROOM AT 4 50 O'CLOCK P M )

19 THE COURT LADIES AND GENTLEMEN,  
20 AS YOU KNOW, MR BLACK WAS ON THE STAND, HE HAD  
21 UNDERGONE DIRECT-EXAMINATION BY THE SOLICITOR  
22 BEFORE THE DEFENSE IS ALLOWED THE CROSS-EXAMINE THE  
23 WITNESS, THE PARTIES OR THE LAWYERS HAVE AGREED  
24 ANOTHER WITNESS MAY BE CALLED TO TESTIFY BECAUSE  
25 THAT WITNESS WILL NOT BE AVAILABLE TOMORROW



1                   SO THE NEXT WITNESS IS GOING TO BE  
2 CALLED TO GIVE THAT TESTIMONY BECAUSE HE WILL NOT BE  
3 AVAILABLE TOMORROW   ONCE THAT HAS BEEN COMPLETED,  
4 MR BLACK WILL THEN RE-TAKE THE STAND AND HE WILL BE  
5 SUBJECT TO THE CROSS-EXAMINATION THAT HE WOULD BE  
6 ORDINARILY AT THIS TIME

7                   MR COULTER    I BEG YOUR PARDON,  
8 YOUR HONOR    I CALL DR. BRETT WOODARD TO THE STAND,  
9 PLEASE

10 (WITNESS PRESENTED AT 4 50 O'CLOCK P M )

11                   THE CLERK    THE EVIDENCE YOU SHOULD  
12 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
13 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
14 THE TRUTH, SO HELP YOU, GOD

15                   THE WITNESS    I DO

16 DIRECT EXAMINATION BY MR JONES

17 Q       PLEASE STATE YOUR NAME FOR THE RECORD

18 A       I'M BRETT H WOODARD, W-O-O-D-A-R-D

19 Q       ARE YOU A PHYSICIAN, A MEDICAL DOCTOR?

20 A       YES, I'M A LICENSED PHYSICIAN IN THE STATE OF  
21 SOUTH CAROLINA

22 Q       WHERE DID YOU DO YOUR UNDERGRADUATE STUDY?

23 A       I'M GOT BY BACCALAUREATE DEGREE FROM THE  
24 UNIVERSITY OF PITTSBURGH IN PITTSBURGH, PENNSYLVANIA  
25 AND THEN I CAME TO MEDICAL SCHOOL AT TULANE

1 UNIVERSITY IN NEW ORLEANS

2 Q AND AFTER GRADUATING FROM MEDICAL SCHOOL, DID  
3 YOU DO A RESIDENCY ANYWHERE?

4 A I DID AN INTERNSHIP WITH THE CHARITY HOSPITAL  
5 IN NEW ORLEANS, AND I DID A RESIDENCY IN PATHOLOGY  
6 AT THE DUKE UNIVERSITY MEDICAL CENTER IN DURHAM,  
7 NORTH CAROLINA, AND I DID FELLOWSHIP TRAINING AT THE  
8 NORTH CAROLINA MEDICAL EXAMINER'S OFFICE

9 Q AND HOW LONG WAS YOUR FELLOWSHIP TRAINING WITH  
10 THE NORTH CAROLINA MEDICAL EXAMINER'S OFFICE?

11 A I WAS THERE FOR ABOUT TWO AND A HALF MONTHS

12 Q AND WHAT TYPE TRAINING DID YOU GO THROUGH  
13 THERE?

14 A THAT TRAINING WAS, SPECIFICALLY, IN THE FIELD  
15 OF FORENSIC PATHOLOGY

16 Q TELL THE JURY WHAT FORENSIC PATHOLOGY IS,  
17 PLEASE, DOCTOR

18 A FORENSIC PATHOLOGY IS A SPECIALTY AREA OF THE  
19 FIELD OF PATHOLOGY THAT DEALS WITH INJURIES TO THE  
20 HUMAN BODY THAT PRODUCE DEATH AND THE CAUSE OF THOSE  
21 INJURIES

22 Q HAVE YOU TESTIFIED IN THE CIRCUIT COURTS OF  
23 THIS STATE PRIOR TO TODAY AS AN EXPERT IN THE AREA  
24 OF FORENSIC PATHOLOGY?

25 A YES, I HAVE

1 Q AND HAVE YOU BEEN QUALIFIED AS AN EXPERT AS  
2 SUCH?

3 A YES, I HAVE

4 Q IN ADDITION TO YOUR TWO AND A HALF MONTH  
5 RESIDENCY WITH THE NORTH CAROLINA MEDICAL EXAMINER'S  
6 TEAM, DID YOU HAVE ANY OTHER SPECIALIZED TRAINING IN  
7 THE AREA OF FORENSIC PATHOLOGY?

8 A YES, I SERVED AS THE MEDICAL EXAMINER FOR  
9 DURHAM COUNTY FOR APPROXIMATELY SIX AND A HALF  
10 YEARS

11 Q AND DURING THAT PERIOD OF TIME, HOW MANY  
12 AUTOPSIES WOULD YOU ESTIMATE THAT YOU COULD HAVE  
13 DONE THAT HAVE INVOLVED AUTOPSIES, PERIOD, DURING  
14 THAT PERIOD OF TIME?

15 A HUNDREDS, IF NOT THOUSANDS

16 Q AND ABOUT HOW MANY TIMES WOULD YOU SAY YOU  
17 TESTIFIED AS A FORENSIC PATHOLOGIST DURING THAT  
18 PERIOD IN DURHAM COUNTY, NORTH CAROLINA?

19 A FIFTY TO A HUNDRED TIMES

20 Q AS AN EXPERT IN THE AREA OF FORENSIC  
21 PATHOLOGY?

22 A THAT'S CORRECT

23 Q PRIMARILY IN HOMICIDE CASES?

24 A PRIMARILY IN HOMICIDE CASES

25 THE COURT YOUR HONOR, WE WOULD

1 OFFER DR WOODARD AT THIS TIME AS AN EXPERT IN THE  
2 FIELD OF FORENSIC PATHOLOGY

3 MR GARRETT WITHOUT OBJECTION  
4 FROM THE DEFENSE, YOUR HONOR

5 THE COURT HE IS SO QUALIFIED  
6 EXAMINATION CONTINUED BY MR JONES

7 Q DR WOODARD, I WOULD ASK YOU IF YOU HAD  
8 OCCASION TO -- FIRST OF ALL, IF YOU WOULD, EXPLAIN  
9 TO THE JURY THE PROCESS OF AN AUTOPSY, IF YOU WILL  
10 A THE INDIVIDUAL THAT AN AUTOPSY'S REQUESTED ON  
11 IS USUALLY RECEIVED EITHER FROM THE FAMILY OR, IN  
12 THE CASE OF A FORENSIC AUTOPSY, OFTEN FROM A CORONER  
13 OF A COUNTY IN THE STATE OF SOUTH CAROLINA OR  
14 GEORGIA THE BODY IS RECEIVED IN OUR MORGUE WE  
15 EXAMINE THE BODY AS IT'S RECEIVED, ANY CLOTHING THAT  
16 IT'S RECEIVED IN WE LOOK FOR ANY SIGNS OF INJURY  
17 ON THE CLOTHING, IF THERE ARE BODY FLUIDS ON THE  
18 CLOTHING, WE LOOK FOR THE PATTERN, IF THOSE BODY  
19 FLUIDS HAVE BEEN PLACED OR RUN ON THE CLOTHING

20 WE THEN REMOVE THE CLOTHING AND EXAMINE THE  
21 SKIN, THE OUTER SURFACE OF THE BODY FOR ANY SIGNS OF  
22 INJURY, AGAIN, LOOKING FOR ANY SIGNS OF BLOOD OR ANY  
23 FOREIGN MATERIALS THAT MAY BE ON THE BODY AS WE GO  
24 THROUGH THIS PROCESS, WE PHOTOGRAPH WHAT WE REFER TO  
25 AS TO PERTINENT POSITIVES WHERE WE FIND THINGS WRONG

1 OR UNUSUAL AND THEN WE DOCUMENT BY MEASUREMENTS IN  
2 RELATIONSHIP TO BODY PARTS, THE TOP OF THE HEAD, THE  
3 BOTTOM OF THE FOOT TO THE BELLY BUTTON, UMBILICUS,  
4 THE DISTANCE FROM THE TIP OF THE FINGERS THINGS  
5 THAT WE LATER THEN CAN RELATE THE POSITION WHERE AN  
6 INJURY WAS ON THE BODY

7 AFTER WE'VE DONE THAT WE LOOK  
8 INSIDE THE BODY THROUGH A STANDARD TECHNIQUE OF AN  
9 AUTOPSY WE LOOK AT HOW THE INTERNAL ORGANS OF THE  
10 BODY HAVE BEEN INJURED AND WE RETRIEVE ANY FOREIGN  
11 MATERIALS OR BLOOD SAMPLES OR FLUID SAMPLES FOR THE  
12 PRESENCE OF CHEMICALS THAT MAY BE IN THE BODY

13 Q DR WOODARD, DID YOU HAVE OCCASION TO PERFORM  
14 AN AUTOPSY ON THE BODY OF LUEVINIA HARRIS?

15 A YES, I DID

16 Q WHEN DID YOU PERFORM THAT AUTOPSY?

17 A I PERFORMED THAT AUTOPSY ON THE 5TH OF  
18 DECEMBER, 1995 AT ABOUT 1 30 P M IN THE AFTERNOON

19 Q IF YOU WOULD, SIR, TELL ME AT THE OUTSET HER  
20 APPROXIMATE LENGTH AND WEIGHT

21 A SHE WAS ABOUT SIXTY-FOUR INCHES, FIVE FOOT  
22 FOUR, WEIGHTED APPROXIMATELY ONE HUNDRED SIXTY-TWO  
23 POUNDS

24 Q IF YOU WOULD, PLEASE TELL THE JURY YOUR  
25 FINDING AS YOU CONDUCTED THE AUTOPSY ON HER

1 A I FOUND A SOLITARY SHOTGUN WOUND TO THE LEFT  
2 FACE THIS SHOTGUN WOUND HAD A SMALL AMOUNT OF  
3 STIPPLING AROUND THE OUTSIDE OF IT, THE WOUND HAD  
4 PASSED THROUGH THE SINUS STRUCTURES IN THE LEFT FACE  
5 AND THEN INTO THE BASE OF THE BRAIN THEN PASSED  
6 FROM THE VICTIM'S LEFT TO THE RIGHT SIDE PASSING  
7 THROUGH THE BRAIN STEM, THE PORTION OF THE BRAIN  
8 THAT CONNECTS THE BRAIN TO THE SPINAL CORD AND THEN  
9 INTO THE RIGHT PORTION OF THE BRAIN PRODUCING  
10 MULTIPLE TEARS AND BLEEDING IN THE SUBSTANCE OF THE  
11 BRAIN AND AROUND THE SUBSTANCE OF THE BRAIN

12 Q DID YOU DETERMINE WHETHER OR NOT THERE WERE  
13 ANY INJURIES TO HER CLOTHING? DO YOU REMEMBER WHAT  
14 CLOTHING SHE HAD ON AND WHETHER OR NOT THERE WERE  
15 ANY DAMAGES?

16 A SHE DID NOT HAVE ANY SPECIFIC INJURIES TO HER  
17 CLOTHING SHE HAD A BLEEDING PATTERN OVER THE  
18 FRONTAL PORTION OF HER CLOTHING A RUN DOWN OR A  
19 JUST A DRAINING TYPE OF BLEEDING PATTERN SHE ALSO  
20 HAD SOME HIGH VELOCITY BLOOD SPATTERS, LITTLE TINY  
21 DROPLETS OF BLOOD THAT WERE ON THE INNER SURFACE OF  
22 HER LEFT FOREARM AND THEN CAME DOWN TO THE WEB OF  
23 HER LEFT HAND BETWEEN HER THUMB AND HER FIRST  
24 FINGER AND THEN WERE ALSO SEEN ON THE INNER PART  
25 OF THE RIGHT FOREARM

1 Q BEFORE YOU GO INTO THE HIGH VELOCITY BLOOD  
2 SPATTER THAT YOU JUST MENTIONED ABOUT -- ON EACH  
3 ARM, I WANT TO ASK YOU THIS BASED ON YOUR  
4 EXAMINATION OF THE GUNSHOT WOUND, I BELIEVE YOU SAID  
5 THE FRONT?

6 A THE LEFT FRONT OF THE FACE

7 Q BASED ON YOUR EXAMINATION OF THAT WOUND, WERE  
8 YOU ABLE TO DETERMINE HER CAUSE OF DEATH?

9 A YES, IT WAS A SHOTGUN WOUND TO THE FACE WHICH  
10 RESULTED IN DAMAGE TO THE BRAIN

11 Q AND CAN YOU TELL US TO WHAT AFFECT THAT INJURY  
12 WOULD HAVE HAD ON HER BODY OR PERSON?

13 A SHE WOULD HAVE BEEN INSTANTLY BRAIN DEAD THE  
14 SEPARATION OF THE BRAIN STEM, THE LOWER PORTION OF  
15 THE BRAIN THAT CONNECTS THE SPINAL CORD TO THE  
16 BRAIN, AT THAT HIGH LEVEL INSTANTLY WOULD HAVE SHUT  
17 DOWN HER ABILITY TO BREATH, HER ABILITY TO MOVE AND  
18 HAVE ANY LEVEL OF CONSCIOUSNESS

19 Q INSTANTLY?

20 A INSTANTLY

21 Q AND WHAT WOULD HAVE HAPPENED TO HER PERSON?

22 A SHE WOULD HAVE FALLEN FROM WHATEVER HER  
23 POSITION WAS TO A RESTING POSITION ON THE FLOOR OR  
24 ON ANY OBJECT SHE HAPPENED TO FALL ON

25 Q NOW, BASED ON YOUR EXPERIENCE AND YOUR WORK

1 HISTORY, WHAT OCCURS WITH REGARD TO A WOUND OR AN  
2 INJURY LIKE THE ONE THAT LUEVINIA HARRIS SUFFERED  
3 WHEN IT IS ADMINISTERED BY LET'S SAY A 20-GAUGE  
4 SHOTGUN?

5 A IT WOULD PRODUCE INSTANT BRAIN DEATH, INSTANT  
6 UNCONSCIOUSNESS AND INSTANTLY THE ABILITY TO BREATHE  
7 WOULD BE LOST BY THE VICTIM THE HEART MAY CONTINUE  
8 TO PUMP FOR AWHILE UNTIL THERE'S NOT ENOUGH OXYGEN  
9 FOR IT TO BE MAINTAINED BECAUSE NO BREATHING IS  
10 OCCURRING

11 Q WERE YOU ABLE TO EXAMINE THE WOUND  
12 SUFFICIENTLY AND EXAMINE TEST PATTERNS SUBMITTED TO  
13 YOU TAKEN BY SAID EXPERTS OF STATE'S EXHIBIT FORTY-  
14 EIGHT IN AN EFFORT TO DETERMINE THE DISTANCE BETWEEN  
15 THE END OF THE BARREL, STATE'S EXHIBIT FORTY-EIGHT,  
16 AND THE WOUND TO LUEVINIA HARRIS'S FACE?

17 MR GARRETT OBJECTION, YOUR  
18 HONOR NO FOUNDATION HAS BEEN MADE TO THOSE  
19 PATTERNS AND IS NOT IN EVIDENCE AT THIS TIME WE  
20 TAKE THE POSITION THAT IT'S INAPPROPRIATE AT THIS  
21 TIME

22 MR JONES WE CAN LINK THIS UP  
23 WITH OTHER WITNESSES AS FAR AS THE --

24 THE COURT GO AHEAD

25 EXAMINATION CONTINUED BY MR JONES



1 Q I'LL HAND YOU STATE'S EXHIBIT NUMBER SEVENTY-  
2 NINE FOR IDENTIFICATION PURPOSES AND ASK YOU IF YOU  
3 CAN LOOK OVER WHAT'S CONTAINED THEREIN AND TELL US  
4 IF YOU HAVE EVER SEEN THE ITEMS CONTAINED IN THAT  
5 STATE'S EXHIBIT NUMBER SEVENTY-NINE FOR  
6 IDENTIFICATION PURPOSES?

7 A YES, I HAVE I SAW THIS ON THE 21ST OF THIS  
8 MONTH AND RESEALED IT WITH EVIDENCE TAPE MY  
9 PARTICULAR BRAND OF EVIDENCE TAPE IS DIFFERENT FROM  
10 THE S L E D YELLOW BRAND IT'S A RED BRAND

11 Q SO YOU EXAMINED THE ARTICLES CONTAINED  
12 THEREIN?

13 A YES, I DID

14 Q AND WHAT WAS THE PURPOSE OF YOUR EXAMINATION  
15 OF THOSE ARTICLES, WHAT IS CONTAINED THEREIN?

16 A ALL RIGHT, THESE ARE SOME CLOTHS THAT WERE  
17 USED FOR TEST PATTERNS THE SHOTGUN WAS FIRED AT  
18 KNOWN DISTANCES FROM THE END OF THE CLOTHS TO  
19 COMPARE HOW THE PATTERN ON THE CLOTHS LOOKED IN  
20 COMPARISON TO THE SKIN OF THE VICTIMS

21 Q AND WOULD THE PATTERN ON THE CLOTHS VARY WITH  
22 A DIFFERENT -- WITH EACH INDIVIDUAL DISTANCE AWAY  
23 FROM THE CLOTH?

24 A YES, IT WOULD

25 Q SO YOU HAD PATTERNS AT SIX INCHES AWAY,

1 PATTERNS AT TWELVE INCHES AWAY?

2 A AT VARYING DISTANCES, THAT'S CORRECT

3 Q ABOUT TWO FEET AWAY?

4 A THAT'S CORRECT

5 Q AND YOU OBSERVED THOSE PATTERNS IN AN EFFORT  
6 TO OBSERVE THE PATTERNS THAT WERE LEFT ON LUEVINIA  
7 HARRIS'S SKIN, IS THAT CORRECT?

8 A THAT IS CORRECT

9 Q AND HAD YOU PHOTOGRAPHED LUEVINIA HARRIS'S  
10 SKIN BEFORE COMPLETING YOUR AUTOPSY OF HER?

11 A YES, I DID

12 Q AND IS THAT HOW YOU COMPARED THE PATTERNS ON  
13 THE S L E D CLOTH, TEST PATTERNS OF STATE'S EXHIBIT  
14 NUMBER FORTY-EIGHT, AND THE PATTERN OF STIPPLING  
15 LEFT ON LUEVINIA HARRIS'S FACE?

16 A BY THE PHOTOGRAPHS I TOOK AND ALSO BY  
17 MEASUREMENTS AND DESCRIPTIONS THAT I MAKE

18 Q TELL THE JURY WHAT STIPPLING IS AND HOW THAT  
19 GETS ON THE SKIN

20 A STIPPLING, WHEN A WEAPON'S DISCHARGED MORE  
21 THAN, IN THE CASE OF A SHOTGUN, THE SHOT MATERIAL  
22 COMES OUT OF THE END OF THE BARREL PART OF THE  
23 MATERIAL THAT COMES OUT ARE LITTLE PIECES OF METAL  
24 FROM THE INSIDE OF THE BARREL, LITTLE PIECES OF  
25 POWDER THAT DIDN'T BURN BUT SORT OF MELTED TOGETHER

1 AND MADE A HARD LITTLE MASS OF POWDER MATERIAL AND  
2 THESE ARE ALL THROWN FORWARD FROM THE WEAPON  
3 USUALLY THESE MATERIALS DON'T GO MUCH BEYOND THREE  
4 FEET IN DISTANCE THEY HAVE ENOUGH POWER WHEN THEY  
5 STRIKE THE SKIN, THEY ACTUALLY PUT AN INJURY IN THE  
6 SKIN SO IF WE WASH THE SKIN, WE DON'T WASH THIS  
7 INJURY AWAY THE INJURY STAYS IN THE SKIN BECAUSE  
8 LITTLE CAPILLARIES WERE INJURED AND A LITTLE  
9 BLEEDING HAS OCCURRED INTO THE SKIN ITSELF WE  
10 REFER TO THIS AS STIPPLING VERSUS POWDER ITSELF,  
11 WHICH IS THE UNBURNT FINE POWDER WHICH CAN COME OUT  
12 OF THE END OF THE BARREL IT CAN BE DEPOSITED ON  
13 THE SKIN IT DOESN'T INJURE THE SKIN AND CAN EASILY  
14 BE WASHED OR CLEANED AWAY

15 Q SO NOW DID YOU OBSERVE WHAT APPEARED TO BE  
16 STIPPLING ON THE FACE OR SKIN OF LUEVINIA HARRIS?

17 A YES, I DID

18 Q AND YOU PHOTOGRAPHED IT?

19 A THAT'S CORRECT

20 Q I WANT TO HAND YOU THIS ITEM, STATE'S EXHIBIT  
21 EIGHTY-TWO AND ASK YOU IF YOU RECOGNIZE WHAT'S  
22 CONTAINED THEREIN

23 A YES, THESE REPRESENT SHOTGUN PELLETS AND  
24 PLASTIC WADDING THAT I REMOVED FROM THE BRAIN OF MS  
25 HARRIS

1 Q LUEVINIA HARRIS?

2 A LUEVINIA HARRIS

3 Q AND DID YOU OFFER THESE TO S L E D FOR THEIR  
4 ANALYSIS?

5 A YES, I DID I PLACED THEM IN AN EVIDENCE BAG  
6 AND GAVE THEM TO THE S L E D AGENTS

7 MR JONES YOUR HONOR, WE'D OFFER  
8 THIS INTO EVIDENCE AT THIS TIME

9 MR GARRETT WHICH NUMBER IS THAT?

10 MR JONES EIGHTY-TWO

11 MR GARRETT WITHOUT OBJECTION,  
12 YOUR HONOR, TO EIGHTY-TWO BEING OFFERED INTO  
13 EVIDENCE

14 THE COURT IT'S ADMITTED

15 EXAMINATION CONTINUED BY MR JONES

16 Q DOCTOR, BASED ON YOUR EXAMINATION OF LUEVINIA  
17 AND BASED ON YOUR EXAMINATION OF THE RESULTS OF THE  
18 FIRING PATTERN OF THE SHOTGUN, STATE'S EXHIBIT  
19 NUMBER EIGHTY-TWO, DO YOU HAVE AN OPINION AS TO THE  
20 DISTANCE BETWEEN THE END OF THE BARREL OF STATE'S  
21 EXHIBIT NUMBER EIGHTY-TWO, THIS 20-GAUGE SHOTGUN,  
22 AND THE FACE OF LUEVINIA HARRIS WHEN THIS FATAL SHOT  
23 WAS FIRED FOR THAT INJURY?

24 A SOMEWHERE BETWEEN TWO AND A HALF AND THREE  
25 FEET

1 Q AND WOULD YOU THEN TAKE, USING ME AS THE FACE  
2 OF LUEVINIA HARRIS, TAKE THIS 20-GAUGE SHOTGUN AND  
3 SHOW THE JURY, IN YOUR OPINION, WHERE IT WAS LOCATED  
4 WHEN THE SHOT WAS FIRED AND THE DISTANCE BETWEEN US,  
5 IF YOU WOULD

6 THE WITNESS MAY I STEP DOWN?

7 THE COURT YOU MAY

8 (WITNESS STEPS DOWN)

9 THE WITNESS IT WOULD BE SOMEWHERE  
10 BETWEEN THIRTY-SIX INCHES TO THE LEFT CHEEK

11 MR GARRETT AND I'D ASK THAT THE  
12 DOCTOR STAND BACK TO THE POINT WHERE HE'D BE --

13 MR JONES JUDGE, HE'S MY WITNESS

14 THE COURT I UNDERSTAND

15 THE WITNESS IT WOULD BE SOMEWHERE  
16 BETWEEN THIRTY-SIX INCHES, SUCH AS I HAVE NOW, AND I  
17 WOULD BE ANGLED A LITTLE MORE TO THE RIGHT THAN WE  
18 INITIALLY HAVE ABOUT IN AN ANGLE SUCH AS THIS,  
19 ABOUT THAT DEGREE OF UPWARD ANGLE BETWEEN THERE AND  
20 IF WE HOLD -- BETWEEN APPROXIMATELY HERE

21 EXAMINATION CONTINUED BY MR JONES

22 Q THAT DISTANCE?

23 A THAT DISTANCE

24 Q NOW, BASED ON YOUR EXAMINATION AS YOU  
25 TESTIFIED EARLIER OF LUEVINIA HARRIS'S ARMS, AND THE

1 HIGH VELOCITY BLOOD SPATTERING THAT YOU OBSERVED ON  
2 THE CLOTHING OF HER ARMS, WOULD YOU PLACE MY HANDS  
3 IN THE POSITION THAT, IN YOUR OPINION, HER ARMS WERE  
4 IN WHEN SHE WAS HIT IN THE FACE WITH THOSE SHOTGUN  
5 PELLETS

6 A HER LEFT ARM WAS SOMETHING IN THIS POSITION  
7 AND HER RIGHT ARM WAS SOMETHING IN THIS POSITION AT  
8 THE TIME WE FOUND, ADDITIONALLY, TO THE BLOOD  
9 SPLATTER, WE FOUND SMALL PIECES OF POWDER THAT WE  
10 WERE ABLE TO SCRAPE OFF THE SKIN, SMALL FLECKS OF  
11 RANDOM POWDER THAT WE WERE ABLE TO REMOVE FROM THE  
12 SKIN

13 Q AM I IN THE PROPER POSITION?

14 A JUST TURN YOUR HEAD DOWN A LITTLE BIT LIKE  
15 THAT

16 Q IF YOU WOULD, TAKE THE GUN AND, AGAIN,  
17 DEMONSTRATE FOR THE JURY

18 A SOMETHING BETWEEN HERE AND HERE

19 Q WOULD BE WHERE --

20 A WHERE THE BARREL WAS, IN MY OPINION, AT THE  
21 TIME THE GUN WAS DISCHARGED FOR THE FATAL WOUND

22 Q AND, DR WOODARD, I'D LIKE TO ASK YOU IF YOU  
23 HAD AN OPPORTUNITY TO CONDUCT AN AUTOPSY ON THE BODY  
24 OF ONE TESHEKA JACKSON?

25 A YES, I DID

1 Q IF YOU WOULD, TELL THE JURY WHAT YOUR FINDINGS  
2 WERE ON THAT AUTOPSY?

3 A MS JACKSON HAD THREE MAJOR INJURIES TO HER  
4 BODY A FATAL SHOTGUN WOUND THAT ENTERED THE RIGHT  
5 SIDE OF THE HEAD ABOVE AND SLIGHTLY BEHIND THE RIGHT  
6 EAR THAT PASSED THROUGH THE CONTENTS OF THE BRAIN  
7 AND EXITED NEAR THE INNER CORNER OF THE LEFT EYE  
8 PRODUCING REMOVAL OF THE LEFT EYE AND SOFT TISSUES  
9 IN THE FRONTAL AREA OF THE HEAD BETWEEN THE BRIDGE  
10 OF THE NOSE AND THE EDGE OF THE LEFT EYE

11 THIS RESULTED IN NUMEROUS TEARINGS TO THE  
12 BRAIN AND TREMENDOUS AMOUNT OF DOWNWARD PRESSURE IN  
13 THE BRAIN WHICH, AGAIN, PRODUCED A TEAR BETWEEN THE  
14 UPPER PORTION OF THE MID-BRAIN AND THE PORTION OF  
15 THE MID-BRAIN WE WERE REFER TO AS THE PAWNS IT  
16 PRODUCED A TEAR BETWEEN THOSE TWO TISSUES

17 SHE ALSO HAD A LARGE BRUISE ON THE RIGHT BONEY  
18 PROMINENT BENEATH THE RIGHT EYE WE REFER TO THIS  
19 AS THE ORBITAL RIDGE, THE LOWER ORBITAL RIDGE SHE  
20 HAD A LARGE BRUISE HERE AND HAD TWO DISTINCT CURVED  
21 SHAPES TO IT AND THEN SHE HAD A STAB WOUND IN HER  
22 ANTERIOR CHEST THAT WENT DOWN TO THE BREAST PLATE  
23 AND ADJACENT RIB STRUCTURE BELOW THAT DIDN'T ENTER  
24 ANY VITAL ORGANS, DIDN'T HIT THE HEART OR LUNGS, ANY  
25 OF THE DEEPER ORGANS

1 Q DOCTOR, I'D LIKE TO GET YOU TO DESCRIBE, IF  
2 YOU WOULD AGAIN, THE BRUISING TO THE, I BELIEVE YOU  
3 SAID THE RIGHT ---

4 A RIGHT CHEEK

5 Q RIGHT CHEEK DESCRIBE THAT BRUISING FOR US,  
6 DID YOU MAKE PARTICULAR NOTE OF IT?

7 A YES, I DID THERE WAS A LARGE BRUISED AREA ON  
8 HE RIGHT CHEEK THAT WAS ABOUT AN INCH AND A HALF BY  
9 AN INCH AND HAD CURVED SO I COULD SEE A CURVE SHAPE  
10 TWO -- A CURVED SHAPE, ONE SLIGHTLY ABOVE THE OTHER,  
11 ONE SLIGHTLY TO THE OUTSIDE OF THE OTHER OVER THE  
12 CHEEK AREA TWO SLIGHTLY CURVED AREAS PATTERNED ON  
13 TOP OF THIS BRUISE OVER THIS BONEY PROMINENCE

14 Q I'LL ASK YOU TO EXAMINE THE END OF THE BARREL  
15 OF STATE'S EXHIBIT FORTY-EIGHT AND TELL ME WHETHER  
16 OR NOT THAT BARREL, THE END OF THAT BARREL, IS  
17 CONSIST WITH HAVING CAUSED THE BRUISING ON THE RIGHT  
18 CHEEK OF TESHEKA THAT YOU MENTIONED?

19 A YES, IT WOULD BE CONSISTENT

20 Q AND IN YOUR OPINION DID IT CAUSE IT?

21 A IT WOULD BE -- AN OBJECT SUCH AS THIS WOULD  
22 HAVE CAUSED IT

23 Q AND WOULD THE CIRCULAR OR SEMI-CIRCULAR  
24 BRUISING THAT YOU'RE TALKING ABOUT BE CONSISTENT  
25 WITH THE END OF THIS BARREL CAUSING WITH ONE FORCE



1 OR TWO SEPARATE FORCES?

2 A TWO SEPARATE FORCES

3 Q TWO SEPARATE FORCES?

4 A TWO SEPARATE FORCES

5 Q NOW, DO YOU HAVE AN OPINION AS TO HOW MUCH  
6 FORCE WOULD BE NECESSARY TO CAUSE THE BRUISING THAT  
7 YOU OBSERVED?

8 A A SIGNIFICANT AMOUNT OF FORCE THIS WAS A  
9 LARGE BRUISE IT HAD DEEP AND A LARGE AMOUNT OF  
10 BLEEDING INTO THE SOFT TISSUES

11 Q AND WAS THIS BRUISE CAUSED BEFORE TESHEKA  
12 HARRIS DIED OR AFTER -- TESKEKA JACKSON DIED?

13 A IT WAS CAUSED BEFORE IN ORDER TO GET THE  
14 BLEEDING INTO THE SOFT TISSUES THAT OCCURRED, THE  
15 HEART HAD TO BE ACTIVELY BLEEDING THERE HAD TO BE  
16 A GOOD QUANTITY OF BLOOD LEFT IN THE BODY WHEN A  
17 EXITING GUNSHOT WOUND OCCURS TO THE HEAD, THE  
18 MAJORITY OF THE BLOOD IN THE UPPER BODY IS QUICKLY  
19 DRAINED FROM THE BODY AND A BLOW AFTER DEATH THERE  
20 WOULDN'T HAVE BEEN SUFFICIENT BLOOD IN THE UPPER  
21 PORTION OF THE HEAD

22 Q AND DO YOU HAVE AN OPINION, DOCTOR, THAT YOU  
23 CAN GIVE US AS TO THE AMOUNT OF TIME PRIOR TO DEATH,  
24 IN YOUR OPINION, THAT THE INJURIES CAUSING THE  
25 BRUISING TO HER RIGHT CHEEK OCCURRED AT THE OUTSIDE,

1 AT THE OUTSIDE TIME, WHEN WOULD BE THE LONGEST TIME  
2 BEFORE DEATH THOSE INJURIES COULD HAVE OCCURRED?

3 A CERTAINLY WITHIN AN HOUR OF THE TIME OF DEATH

4 Q WITHIN AN HOUR OF THE TIME OF HER DEATH?

5 A THAT'S CORRECT

6 Q DOCTOR, I WANT TO HAND YOU STATE'S EXHIBIT  
7 EIGHTY-THREE, PLEASE, AND ASK YOU IF YOU CAN  
8 IDENTIFY WHAT'S CONTAINED IN IT

9 A YES, THIS HAS A PLASTIC WADDING AND SOME  
10 BIRDSHOT THAT I REMOVED FROM THE BRAIN OF MS  
11 JACKSON

12 MR JONES YOUR HONOR, WE WOULD  
13 OFFER THIS INTO EVIDENCE AT THIS TIME

14 MR GARRETT WITHOUT OBJECTION,  
15 YOUR HONOR

16 THE COURT IT'S ADMITTED

17 MR GARRETT SOLICITOR, WHAT  
18 NUMBER?

19 MR JONES THIS IS EIGHTY-THREE  
20 EXAMINATION CONTINUED BY MR JONES

21 Q AFTER YOU REMOVED THIS WADDING AND THIS SHOT  
22 FROM TESHEKA'S BRAIN, DID YOU SEND IT TO S L E D  
23 FOR ANALYSIS?

24 A YES, I DID

25 Q AND DID YOU ALSO PUT IT IN SOME TYPE OF

1 EVIDENCE BAG?

2 A I PUT INSIDE OF EVIDENCE TWO, IT'S IN THERE  
3 EVIDENCE BAG

4 Q DID YOU EXAMINE TESHEKA'S CLOTHING TO SEE IF  
5 THERE WERE ANY INJURIES OR EVIDENCE THAT YOU COULD  
6 GATHER THERE IN AN EFFORT TO FORENSICALLY DETERMINE  
7 HOW SHE MET HER DEATH?

8 A YES, I DID

9 Q AND WHAT DID YOU FIND?

10 A I FOUND TWO THINGS ONE WAS A STAB WOUND, SHE  
11 HAD A SWEATSHIRT LIKE JERSEY SHIRT ON THAT HAD A  
12 TRIANGULAR DIFFERENT COLORED PIECE OF CLOTH IN THE  
13 UPPER PORTION OF THE BREAST PLATE, THERE WAS A STAB  
14 OR CUT WOUND IN THE CLOTHING HERE BENEATH THIS WAS  
15 A STAB WOUND IN THE SKIN THAT WENT DOWN TO THE LEVEL  
16 OF THE BREAST PLATE AND THE ADJACENT RIB STRUCTURES  
17 PRODUCING A SMALL CUT ON THE SURFACE OF THE BREAST  
18 PLATE AND RIB STRUCTURE BUT DIDN'T PENETRATE INTO  
19 THE UNDERLYING LUNG OR HEART TISSUES

20 Q YOU MENTIONED IT DIDN'T PENETRATE THE  
21 UNDERLYING LUNG OR HEART TISSUES, BUT WAS IT A DEEP  
22 ENOUGH, IF YOU WILL, OR WAS IT THE TYPE WOUND THAT  
23 WOULD HAVE PRODUCED BLEEDING?

24 A YES, IT DID

25 Q DOCTOR, WITH REGARD TO THE CLOTHING THAT YOU

1 MAY HAVE OBSERVED ON HER ARMS AND SHOULDERS OR OTHER  
2 AREAS, DID IT SHOW --

3 A HER LEFT ARM SHOWED IN THE EDGE OF THE SLEEVE  
4 OF THIS GARMENT SHOWED BRAIN MATTER THAT WAS STUCK  
5 INTO THE CLOTHING THIS BRAIN MATTER WOULD HAVE  
6 OCCURRED BECAUSE OF THE EXITING WOUND CARRYING WITH  
7 IT SOME OF THE BRAIN MATERIAL AS THE PROJECTILE OR  
8 PORTIONS OF THE PROJECTILE LEFT THE BODY AND TELL ME  
9 THAT THIS LEFT ARM WAS SOMEWHERE NEAR THE LEFT EYE  
10 AREA AT THE TIME THAT THE PROJECTILE AREA EXITED THE  
11 BODY

12 Q DID YOU HAVE AN OPPORTUNITY TO EXAMINE  
13 TESHEKA'S HEAD AREA ON THE ENTRANCE WOUND TO THE  
14 BACK OF HER HEAD IN AN EFFORT TO DETERMINE ANY  
15 EXISTENCE OF STIPPLING OR GUNPOWDER OR BURNING IN AN  
16 EFFORT TO DETERMINE ---

17 MR GARRETT OBJECTION, YOUR  
18 HONOR YOUR HONOR, HE'S SUGGESTING TO THE BACK OF  
19 THE HEAD WE WOULD OBJECT TO THAT I THINK THE  
20 DOCTOR NEEDS TO TESTIFY -- HE'S LEADING AS TO WHERE  
21 THE IMPACT OF THE BULLET WENT

22 THE COURT OVERRULE THE OBJECTION  
23 EXAMINATION CONTINUED BY MR JONES

24 Q IN AN EFFORT TO DETERMINE THE DISTANCE BETWEEN  
25 THE END OF THE GUN BARREL OF STATE'S EXHIBIT NUMBER

1 FORTY-EIGHT, THE TWENTY GAUGE SHOTGUN, AND THE HEAD  
2 OF TESHEKA JACKSON WHEN THE SHOTS WERE FIRED?

3 A YES, I WAS ABLE TO THERE WAS EXTENSIVE  
4 STIPPLING AROUND THE ENTRANCE WOUND ON THE RIGHT  
5 SIDE OF THE HEAD THERE WAS EXTENSIVE STIPPLING  
6 AROUND THAT ENTRANCE WOUND BUT WE WERE UNABLE TO  
7 DETERMINE IF ANY POWDER MATERIAL WAS THERE THAT --  
8 THE HAIR WAS BADLY MATTED WITH BLOOD THE POWDER  
9 MATERIAL COULD HAVE BEEN CAUGHT UP IN THE BLOOD OR  
10 WASHED AWAY BY THE BLEEDING ACTION

11 Q BUT DO YOU HAVE ENOUGH STIPPLING PRESENT TO  
12 CALCULATE A DISTANCE AND GIVE A MEDICAL OPINION THAT  
13 YOU HAVE ABOUT THE DISTANCE?

14 A I CAN GIVE A MAXIMUM DISTANCE, YES

15 Q A MAXIMUM DISTANCE?

16 A THAT'S CORRECT

17 Q WHICH MEANS IT WAS NO FURTHER AWAY AND COULD  
18 HAVE BEEN CLOSER?

19 A THAT IS CORRECT

20 Q AND WAS THAT THE SAME OPINION THAT YOU GAVE US  
21 WITH REGARDS TO LUEVINIA HARRIS?

22 A NO, THIS SHOT, THE END OF THE BARREL WAS  
23 CLOSER AT THE TIME THE WEAPON WAS DISCHARGED

24 Q NOW, WITH REGARD TO TESHEKA JACKSON, DO YOU  
25 HAVE AN OPINION OF THE DISTANCE BETWEEN THE END OF

1 THE BARREL AND THE HEAD?

2 A YES, I DO

3 Q WHAT WAS THAT DISTANCE?

4 A A MAXIMUM OF TWO FEET

5 Q DO YOU ALSO KNOW THE DIRECTION BASED ON YOUR  
6 EXAMINATION OF HER HEAD AND THAT INJURY THAT ENTERED  
7 AND EXIT?

8 A YES, THE DIRECTION THROUGH HER HEAD, I KNOW,  
9 YES

10 Q DID YOU SHAVE HER HEAD, ALSO?

11 A YES, I DID

12 Q AND YOU TOOK PHOTOGRAPHS OF THE STIPPLING  
13 PRESENT, BOTH IN THE HAIR AND THE HEAD?

14 A YES, I DID

15 Q DOCTOR, ALLOW ME TO BE TESHEKA JACKSON, AND IF  
16 YOU WOULD, PLACE ME IN A POSITION THAT YOU WOULD  
17 NEED TO PLACE ME IN TO DEMONSTRATE, IN YOUR OPINION,  
18 THE POSITION SHE WAS IN WHEN SHE WAS SHOT AND THE  
19 DISTANCE THAT THE GUN BARREL WAS FROM HER HEAD

20 THE WITNESS MAY I, YOUR HONOR?

21 THE COURT YOU MAY

22 (WITNESS STEPS DOWN)

23 THE WITNESS AGAIN, SHE WAS SHOT  
24 FROM THE EXTERNAL AREA SHE WAS SHOT ON THE RIGHT  
25 SIDE OF HER HEAD ABOVE AND BEHIND THE RIGHT EAR

1 THE GUN WAS A MAXIMUM OF TWO FEET FROM THE VICTIM'S  
2 HEAD AT THE TIME OF THE SHOT THE PASS THROUGH THE  
3 HEAD WAS MUCH AS WE HAVE HERE, THE HEAD WOULD HAVE  
4 BEEN A LITTLE -- THE PASS WOULD HAVE BEEN AT A  
5 LITTLE BIT OF A DOWNWARD DIRECTION GOING THROUGH THE  
6 HEAD AND THE END OF THE BARREL WOULD HAVE BEEN IN  
7 RELATIONSHIP TO THE HEAD RIGHT HERE AT THE TIME WHEN  
8 IT WAS DISCHARGED

9 EXAMINATION CONTINUED BY MR JONES

10 Q OR CLOSER

11 A OR CLOSER

12 MR GARRETT OBJECTION, YOUR  
13 HONOR, LEADING

14 THE COURT OVERRULED

15 EXAMINATION CONTINUED BY MR JONES

16 Q DOCTOR, WHILE I'M IN THIS POSITION, WOULD YOU  
17 AGAIN DEMONSTRATE, IN YOUR OPINION, THE POSITION MS  
18 JACKSON'S HANDS WERE IN WHEN --

19 A I DON'T KNOW ABOUT THIS HAND BUT THIS ARM WAS  
20 SOMETHING IN THIS GENERAL POSITION IN RELATIONSHIP  
21 TO HER LEFT EYE THE WOUND -- THE ARM WOULD HAVE  
22 BEEN SLIGHTLY BELOW THE LEFT EYE BECAUSE NO SHOT  
23 MATERIAL OR INJURIES FROM THE EXITING, BB'S OR  
24 PLASTIC WADDING MATERIAL, PORTION OF PLASTIC WADDING  
25 MATERIAL WASN'T PRESENT BUT WE DID GET ENOUGH FORCE

1 TO FIRMLY IMPLANT MATERIAL IN THE CREASE OF HER  
2 GARMENT THERE WAS A CREASE HERE THAT WOULD BE  
3 RIGHT BELOW THE BONE OF THE WRIST

4 Q AND DO YOU HAVE AN OPINION AS TO THE CAUSE OF  
5 DEATH OF TESHEKA JACKSON?

6 A THE GUNSHOT WOUND TO HER HEAD AND THE  
7 RESULTING DAMAGE TO THE BRAIN

8 Q I'D LIKE TO HAND YOU STATE'S EXHIBIT THIRTY-  
9 TWO IN EVIDENCE AND ASK YOU TO EXAMINE IT IF YOU  
10 NEED, WE CAN GET IT OUT OF THAT PACKAGE FOR YOU AND  
11 ASK YOU IF THAT KNIFE IS CONSISTENT WITH THE TYPE  
12 WEAPON THAT CAUSED TO STAB WOUND TO THE CHEST OF  
13 TESHEKA JACKSON?

14 A YES, IT CERTAINLY WOULD BE CONSISTENT WITH THE  
15 STAB WOUND THAT WE SAW COULD BE PRODUCED BY A KNIFE  
16 SUCH AS THIS

17 MR JONES ANSWER ANY QUESTIONS  
18 THIS LAWYER'S GOT FOR YOU

19 CROSS-EXAMINATION BY MR GARRETT

20 Q DOCTOR, YOU SAID, AS I UNDERSTOOD IT JUST A  
21 FEW MOMENTS AGO, THAT SHE WAS SHOT BEHIND THE EAR?

22 A BEHIND THE RIGHT EAR, SLIGHTLY ABOVE AND  
23 SLIGHTLY BEHIND THE RIGHT EAR, TO THE FRONT OF THE  
24 RIGHT EAR

25 Q HOW FAR IN FRONT OF THE RIGHT EAR IS THAT



1 SHOT, DOCTOR?

2 A APPROXIMATELY, FROM LOOKING AT THE PICTURE,  
3 APPROXIMATELY AN INCH, INCH AND A HALF

4 Q POINT TO MY HEAD WHERE THE REAL SHOT WENT

5 A IT WAS ON THE RIGHT SIDE, JUST RIGHT IN FRONT  
6 OF THE RIGHT EAR

7 Q WAS THIS LADY SHOT IN THE BACK OF THE HEAD?

8 A NO, SIR

9 Q NOW, DID MS JACKSON DIE INSTANTLY?

10 A YES, SHE WOULD HAVE

11 Q MS HARRIS?

12 A MS HARRIS, ALSO, YES

13 Q THE DEATHS WERE INSTANT, THEY DIDN'T SUFFER?

14 A THEY WOULD BE INSTANTANEOUSLY BECAUSE OF THE  
15 BRAIN STEM INJURIES

16 Q GOOD I WANT TO TALK WITH YOU ABOUT THIS  
17 PATTERN ANALYSIS YOU DIDN'T DO THESE SHOTS  
18 YOURSELF, DID YOU?

19 A NO, I DID NOT

20 Q IS IT CUSTOMARY FOR FORENSIC DOCTOR TO CONDUCT  
21 SHOT PATTERNS ON HIS OWN?

22 A NO, IT IS NOT

23 Q IT'S NOT?

24 A NO

25 Q SO YOU RELY UPON SOMEBODY ELSE TO DO THE SHOT

1 PATTERNS FOR YOU

2 A THAT'S CORRECT

3 Q WHY WOULD YOU DO THE SHOT PATTERNS ON CLOTH  
4 INSTEAD OF BLOTTO PAPER IF YOU'RE TRYING TO GET AN  
5 IDEA BASED UPON A HUMAN BODY?

6 A IDEALLY YOU WOULD DO THEM ON SKIN

7 Q ON SKIN, WHAT'S YOUR NEXT BEST THING?

8 A FROM NON-HUMANS, OF COURSE, PIGSKIN IS THE  
9 IDEAL THING BLOTTO PAPER IS SUPERIOR TO THE CLOTH

10 Q WHAT'S YOUR NEXT?

11 A CLOTH IS THE THIRD

12 Q CLOTH IS THIRD, IS THAT CORRECT?

13 A THAT'S CORRECT

14 Q NOW, I WANT TO ASK YOU THIS QUESTION ARE YOU  
15 AWARE WHY THESE SHOTS WERE DONE? WERE THEY DONE FOR  
16 YOU FORENSICALLY ON PURPOSE SO YOU COULD DETERMINE  
17 THE DISTANCE OF THE GUN TO THE HEADS OF THESE  
18 VICTIMS?

19 A I DO NOT KNOW THE PURPOSE OF WHY THEY WERE  
20 DONE I CAN'T ANSWER THAT

21 Q I WANT YOU TO AT THESE, PLEASE, AND TELL ME  
22 WHICH PATTERNS YOU'RE RELYING ON TO FORM AN OPINION  
23 --

24 A MAY I OPEN THE PACKAGE?

25 Q YOU SURE MAY I'M ASSUMING THAT ONE WAS USED

1 FOR MS JACKSON AND ONE WAS USED FOR MS HARRIS?

2 A I'M NOT GIVEN SEPARATE ONES

3 Q I KNOW YOU'RE GIVEN THEM ALL AT ONE TIME, IS  
4 THAT RIGHT?

5 A THAT'S CORRECT

6 Q THE SOLICITOR WAS QUESTIONING YOU, YOU SAID  
7 YOU HAD SOME SIX INCHES, IS THAT CORRECT?

8 A NO, SIR HE ASKED ME IF MS HARRIS AND MS  
9 JACKSON WERE THE SAME I SAID THEY WERE

10 Q EXCUSE ME WHEN HE WAS ASKING YOU THE  
11 METHODOLOGY THAT YOU USED TO TRY TO DETERMINE IT  
12 AT ONE POINT HE SAID SIX INCHES, DO YOU HAVE ONE  
13 THERE THAT'S SIX INCHES?

14 A NO, HE USED A NUMBER OF DIFFERENT SPACINGS

15 Q ALL RIGHT SO WE DIDN'T USE THE SIX INCHES  
16 THE SOLICITOR HAD SUGGESTED?

17 A SIX INCHES IS NOT USED

18 Q IS TWELVE INCHES USED?

19 A YES, IT IS

20 Q WAS ANY OF THESE PEOPLE KILLED WITH A GUN  
21 WITHIN TWELVE INCHES OF THEIR HEAD?

22 A NOT IN MY OPINION

23 Q THANK YOU KEEP GOING AND LOOK AT THAT PAPER,  
24 IF YOU WOULD, THERE

25 A THE NEXT ONE IS TWENTY-FOUR INCHES OR TWO

1 FEET

2 Q CAN YOU PULL THAT ONE OUT AND SET IT ASIDE?

3 A YES, I CAN

4 Q AND I WANT YOU TO LOOK AT THE NEXT ONE  
5 ADJACENT TO THAT ONE

6 A THAT'S AT THREE FEET

7 Q PARDON?

8 A THREE FEET

9 Q THREE FEET?

10 A YEAH

11 Q AND WHAT'S THE DIFFERENCE BETWEEN THE ONE  
12 THAT'S THREE FEET AND THE ONE'S THAT TWO FEET IN  
13 YOUR MEASUREMENTS?

14 A THE ONE THAT IS AT TWO FEET HAS AN EXTENSIVE  
15 STIPPLING PATTERN OR A LARGE PARTICLE PATTERN ON IT  
16 THE ONE THAT IS AT THREE FEET HAS WHAT I CALL A  
17 STRAY STIPPLING OR PARTICLE PATTERN

18 Q I UNDERSTAND YOU'VE GOT TWO DIFFERENT TYPES OF  
19 PATTERNS BUT AS FAR AS THE SIZE OF THE HOLE, DOES  
20 THAT MAKE ANY DIFFERENCE?

21 A NO, THE HOLE THAT WOULD BE PRODUCED IN CLOTH  
22 IS NOT COMPARABLE TO THE HOLE THAT WOULD BE PRODUCED  
23 IN THE SKIN

24 Q IF THE HOLE PRODUCED IN CLOTH IS NOT  
25 COMPARABLE TO THE HOLE PRODUCED IN SKIN, DOCTOR,

1 THEN HOW CAN YOU MAKE THAT OBSERVATION BASED ON  
2 THOSE PATTERNS?

3 A WE RELY ON THESE PATTERNS FOR STIPPLING AND  
4 POWDER DEPOSITION

5 Q THAT'S NOT THE BEST WAY TO DO THIS

6 A NO, IT'S NOT

7 Q I MEAN, IF YOU'RE GOING TO COME TO COURT AND  
8 TESTIFY IN A DEATH PENALTY CASE, DOCTOR, AND YOU'RE  
9 GOING TO TESTIFY TO AN OPINION ABOUT HOW FAR IT WAS,  
10 DON'T YOU THINK WE OUGHT TO USE THE BEST TESTING  
11 METHODS AVAILABLE?

12 A THIS WAS THE MATERIAL THAT WAS AVAILABLE TO  
13 ME

14 Q PAPER, THAT'S NOT EVEN PIGSKIN, THAT'S CLOTH

15 A NO, SIR, THIS IS CLOTH

16 Q WHO DECIDES WHETHER TO USE CLOTH, PIGSKIN OR  
17 BLOTTO PAPER?

18 A I ASSUME S L E D. MADE THE DECISION

19 Q ARE YOU AWARE THAT THERE WAS A SHOWER CURTAIN  
20 THAT HAD SHOTS SHOT INTO IT?

21 A NOT UNTIL TODAY SOMEONE TOLD ME THAT TODAY

22 Q AND IF YOU WERE GOING TO DO AN ANALYSIS ON THE  
23 CLOTH, WHAT KIND OF PAPER WOULD YOU USE OR WHAT KIND  
24 OF METHODOLOGY WOULD YOU USE FOR CLOTH? WHAT'S  
25 CLOSEST IN COMPARISON TO CLOTH IN DOING THESE TYPES

1 OF TESTS?

2 A MOST PEOPLE WHO USE CLOTH USE A COTTON -- I'M  
3 TRYING TO REMEMBER THE NAME OF IT MUNSING CLOTH --  
4 MUSLIN CLOTH

5 Q WHAT KIND OF CLOTH IS THIS?

6 A I HAVE NO IDEA

7 Q IS IT SOMEWHAT COMPARABLE -- IN COMPARISON TO  
8 CLOTH?

9 A JUST LOOKING AT IT, IT LOOKS LIKE A COTTON  
10 TYPE OF CLOTH

11 Q NOW, THOSE ARE THE TWO -- THE TWO THAT YOU'RE  
12 HOLDING ARE THE TWO THAT YOU USED TO MAKE YOUR  
13 DECISION AS TO WHICH PERSON?

14 A TO BOTH PEOPLE

15 Q AND WHICH ONE IS THIS ONE RIGHT HERE?

16 A THIS WAS THREE FEET, THIS WOULD BE MS HARRIS  
17 AND THIS IS TWO FEET, THIS WOULD BE MS JACKSON

18 Q WHAT DOES FOUR FEET LOOK LIKE? THIS IS TWO,  
19 THIS IS THREE

20 A THIS IS FOUR FEET THERE'S NO LONGER ANY OF  
21 THE STIPPLING POWDER

22 Q WHAT IS THAT RIGHT THERE?

23 A THAT'S THE WADDING THAT'S COME OUT OF THE  
24 SHOTGUN

25 Q WAIT A MINUTE I THOUGHT YOU SAID AT THREE

1 FEET WADDING STOPS?

2 A NO, SIR, I NEVER SAID THAT

3 Q YOU DIDN'T?

4 A NO, SIR

5 Q OH NOW, WHAT WEAPON -- WHAT KIND OF SHELL --  
6 YOU DO AGREE, DOCTOR, THAT YOU'VE GOT DIFFERENT  
7 KINDS OF SHELLS DOING DIFFERENT KINDS OF DAMAGES,  
8 RIGHT?

9 A YES, DIFFERENT SHELLS WOULD PRODUCE DIFFERENT  
10 PATTERNS

11 Q NOW, IS THIS A SEVEN AND A HALF?

12 A THIS IS A FEDERAL NUMBER SIX IF YOU GIVE ME  
13 THOSE OTHER CLOTHS I'LL --

14 Q A FEDERAL NUMBER SIX?

15 A THAT'S CORRECT THIS IS FEDERAL NUMBER SIX ON  
16 THE THREE FEET AND THIS IS FEDERAL NUMBER SIX ON THE  
17 TWO FEET

18 Q WHAT WAS MS JACKSON SHOT WITH?

19 A I DO NOT KNOW

20 Q WOULD THAT MAKE A DIFFERENCE?

21 A YES, IT WOULD

22 Q SO IF YOU'RE USING A SIX SHOT, BIRD SHOT, AND  
23 A SEVEN AND A HALF BIRD SHOT, WHAT DIFFERENCE WOULD  
24 IT MAKE?

25 A THERE CAN BE SLIGHT CHANGES IN THE PATTERNS

1 WITH THE DIFFERENT SHOT SIZE AMMUNITION

2 Q AND YOU DIDN'T KNOW THAT, THAT ONE WAS SHOT  
3 WITH ONE AND ONE WAS SHOT WITH ANOTHER?

4 A I KNEW THEY WERE SHOT WITH DIFFERENT SHOTS BUT  
5 I DIDN'T KNOW WHAT SIZE SHOT IT WAS WE DON'T MAKE  
6 AN EFFORT TO MEASURE THE SHOT OUT OR DETERMINE SHOT  
7 SIZE

8 Q I UNDERSTAND I WOULD ASSUME THAT'S  
9 S L E D 'S RESPONSIBILITY

10 A THAT'S CORRECT

11 Q BUT IN YOUR ANALYSIS, SIR, WHEN YOU'RE DOING  
12 YOUR ANALYSIS, THAT DIDN'T MAKE ANY DIFFERENCE?

13 A IT COULD MAKE A DIFFERENCE BETWEEN THAT INCH  
14 OR TWO ONE WAY OR THE OTHER

15 Q ONLY AN INCH OR TWO?

16 A A FEW INCHES ONE WAY OR THE OTHER

17 Q A FEW INCHES?

18 A THAT'S RIGHT

19 MR GARRETT BEG THE COURT'S  
20 INDULGENCE, YOUR HONOR

21 EXAMINATION CONTINUED BY MR GARRETT

22 Q IN YOUR DIRECT TESTIMONY I THOUGHT YOU SAID,  
23 AND CORRECT ME IF I'M WRONG, YOU SAID HER LEFT  
24 FOREARM HAD THE IRREGULAR FLECKS?

25 A I'M SORRY, CAN GIVE ME A HINT --



1 Q IN YOUR DIRECT TESTIMONY, YOU SAID THAT MS  
2 LUEVINIA HARRIS -- I'M SORRY, I SHOULD HAVE  
3 IDENTIFIED WHOM I WAS SPEAKING OF

4 A I BELIEVE I SAID THAT WE FOUND FLECKS ON HER  
5 FOREARM

6 Q WHICH FOREARM?

7 A LET ME LOOK

8 Q YOU DON'T RECALL SAYING ON DIRECT WHICH ONE IT  
9 WAS?

10 A NO, I BELIEVE I JUST SAID THE FOREARM I KNOW  
11 IT'S IN HERE

12 Q LET ME CORRECT YOU, I'VE GOT IN MY NOTES, WE  
13 CAN GO BACK AND PLAY THE RECORD BACK THAT YOU HAD  
14 INDICATED THE LEFT FOREARM

15 A IT WAS THE ULNAR SURFACE OF THE RIGHT FOREARM

16 Q SO THE RIGHT FOREARM -- AND WHEN YOU WERE  
17 MAKING THE DEMONSTRATIONS FOR THE JURY HERE, WOULD  
18 THAT MAKE A DIFFERENCE AS TO WHERE THE FLECK  
19 PATTERNS WERE, WHETHER IT WAS ON THE RIGHT OR THE  
20 LEFT?

21 A NO, THAT'S WHY I PUT BOTH ARMS IN THE POSITION  
22 THAT I PUT THEM IN

23 Q ALL RIGHT AND WERE THEY ON BOTH FOREARMS?

24 A WE ONLY FOUND THEM ON THE RIGHT FOREARM THE  
25 RIGHT ULNAR SIDE OF THE FOREARM, THE LITTLE FINGER

1 SIDE

2 Q WHY DID YOU PUT THE OTHER ARM UP THERE?

3 A THE BLOOD PATTERN THE WAS ON THE INNER-  
4 SURFACE, THE HIGH VELOCITY BLOOD PATTERN, TELLS ME  
5 THAT THAT ARM WAS NEAR THE WOUND, WAS SOMEWHERE NEAR  
6 THE WOUND IN ORDER FOR THE EXITING BLOOD SPATTER

7 Q IT COULDN'T HAVE BEEN HERE?

8 A NO, SIR

9 Q WHY?

10 A THE BLOOD SPATTER WILL ONLY CARRY ABOUT SIX TO  
11 EIGHT INCHES BEYOND THE BODY

12 Q HERE?

13 A THIS IS NINE INCHES HERE I WOULD EXPECT IT  
14 CLOSER THAN NINE INCHES AND I HAVE TO HAVE A BLOOD  
15 SPATTER FROM THE Y OF THE HAND ALL THE WAY TO THE  
16 ANTECUBITAL FOSSA SO I HAVE TO GET THIS ARM INTO  
17 GENERAL POSITION IN ORDER TO GET THAT BLOOD SPATTER

18 MR GARRETT BEG THE COURT'S  
19 INDULGENCE

20 EXAMINATION CONTINUED BY MR GARRETT

21 Q DOCTOR, HOW DID YOU GET SPATTER ON THE RIGHT  
22 SIDE? DIDN'T YOU JUST SAY YOU HAD IRREGULAR FINE  
23 BLOOD SPATTER SEEN ON THE DORSAL SURFACE AND THE  
24 ANTECUBITAL FOSSA AREA OF THE RIGHT FOREARM AND ARM?

25 A YES, SIR, THE LEFT AND THE RIGHT

1 Q LET ME SEE IF I CAN FIND WHERE YOU SAID  
2 ANYTHING ABOUT THE LEFT HAND CAN YOU TELL ME WHERE  
3 YOU SAID SOMETHING ABOUT THE LEFT? I KEEP SEEING  
4 WHERE YOU SAY THE RIGHT, BUT I CAN'T SEE ANYTHING  
5 ABOUT THE LEFT MAYBE YOU CAN HELP ME

6 A I DON'T DESCRIBE IT IN THE REPORT, I HAVE IT  
7 PHOTOGRAPHED

8 Q IT'S NOT IN YOUR REPORT?

9 A NO

10 MR GARRETT BEG THE COURT'S  
11 INDULGENCE

12 EXAMINATION CONTINUED BY MR GARRETT

13 Q DO YOU OFTEN HAVE THINGS, DOCTOR, IN  
14 PHOTOGRAPHS THAT AREN'T IN YOUR REPORT?

15 A I TRY NOT TO

16 Q DID YOU PUT IN YOUR REPORT THAT SHE WAS SHOT  
17 IN THE BACK OF THE HEAD?

18 A NO, I DID NOT

19 Q YOU PUT IT IN YOUR REPORT WHAT? THAT SHE WAS  
20 SHOT WHERE? I'M TAKING ABOUT LUEVINIA HARRIS --  
21 EXCUSE ME, TESHEKA JACKSON, I'M SORRY

22 A I PUT IN THE REPORT THAT SHE WAS SHOT IN THE  
23 RIGHT TEMPLE REGION OF THE HEAD

24 Q WHAT IS THE RIGHT TEMPLE?

25 A IT'S THIS PORTION OF THE HEAD

1 Q DID YOU READ YOUR REPORT BEFORE YOU CAME IN?

2 A YES, I DID

3 Q DID YOU HAVE A DISCUSSION WITH THE SOLICITOR

4 BEFORE YOU CAME IN?

5 A NO, I DID NOT

6 Q NOT AT ALL?

7 A HUH-UH, NOT CONCERNING THE REPORT, NO

8 Q YOU HAVEN'T TALKED WITH HIM ABOUT IT?

9 A NO, I HAVE NOT

10 Q HAVE YOU TALKED WITH THE ASSISTANT SOLICITOR

11 ABOUT THIS CASE?

12 A I TALKED TO A MR DAVENPORT I DON'T KNOW HIS

13 OFFICIAL TITLE

14 Q THIS HIT UPON THE FACE AS YOU'VE INDICATED,

15 YOU SAID IT WAS CONSISTENT WITH THE BARREL OF THE

16 GUN?

17 A THE BARREL OF THE GUN COULD HAVE PRODUCED IT,

18 YES

19 Q AND TELL US ABOUT A MILLION OTHER THINGS THAT

20 COULD HAVE CAUSED THAT?

21 A ANY ROUND SHAPED, SEMI-CIRCULAR OR CIRCULAR

22 OBJECT

23 Q DOES THAT INDICATE THAT THERE WAS SOME TYPE OF

24 FIGHT BETWEEN THESE PEOPLE BEFORE THIS GUNSHOT?

25 A IT INDICATES THAT SOME BLOW WAS STRUCK TO HER

1 Q SOME BLOW WAS STRUCK TO HER?

2 A THAT'S CORRECT

3 Q AND DOES THAT INDICATE SOME STRUGGLE OR  
4 TUSSLING?

5 A THERE WAS NOTHING ON HER HANDS THAT WOULD  
6 SUGGEST THAT SHE HAD STRUGGLED OR TUSSLED  
7 OBVIOUSLY, SHE HAD A STAB WOUND THAT SUGGESTED SOME  
8 VIOLENCE WAS BROUGHT AGAINST HER BEFORE SHE WAS  
9 SHOT

10 Q LET ME ASK YOU A QUESTION, DOCTOR COULD YOU  
11 STEP DOWN?

12 A SURELY

13 Q I WANT YOU TO SHOW THIS KNIFE IN RELATIONSHIP  
14 TO HER WOUND SHOW WHERE THE ANGLE OF THIS INJURY  
15 TO BODY, CAN YOU SHOW THAT ON MY BODY? WHERE WAS  
16 THE INJURY?

17 A IT WAS IN THE CENTER AREA OF THE STERNUM,  
18 SLIGHTLY OFF TO THE SIDE ABOUT LIKE SO

19 Q YOU'VE GOT YOUR KNIFE UPSIDE, DOCTOR, OR  
20 RIGHT-SIDE UP?

21 A WELL, IT DEPENDS ON HOW YOU THINK --

22 Q YOU TELL ME WHICH WAY THE KNIFE WAS WHEN IT  
23 WENT IN

24 A THIS WOULD BE THE WAY IT WENT IN WITH THE  
25 BLADE TOWARDS THE FEET

1 Q BLADE TOWARDS THE FEET?

2 A THAT'S CORRECT

3 Q DO MOST PEOPLE CARRY KNIVES THAT WAY?

4 A I DON'T CARRY A KNIFE I CAN'T ANSWER THE  
5 QUESTION

6 Q AND IT WAS TURNED WHICH WAY? WHICH WAY WAS IT  
7 ANGLED?

8 A IT WAS SLIGHTLY ANGLED SO THAT THE SHARPER  
9 PART WOULD BE TOWARD HER RIGHT SIDE

10 Q SHARPER PART WOULD HAVE BEEN DOWN TOWARDS THE  
11 BOTTOM?

12 A RIGHT

13 Q AND THE --

14 A BLUNTER PART TOWARDS THE TOP

15 Q TOWARDS THE TOP?

16 A RIGHT

17 Q AND SHE HAD HAD THE KNIFE AND SHE WAS FIGHTING  
18 AND THE KNIFE COULD HAVE WENT IN THAT ANGLE IN THAT  
19 FIGHT, COULDN'T IT?

20 A YEAH WITH THE WAY YOU'RE HOLDING IT, SHE  
21 COULD HAVE STABBED HERSELF THAT WAY

22 Q I MEAN, IF YOU'RE IN A FIGHT AND TRYING TO  
23 STAB SOMEBODY ELSE AND SOMEBODY BLOCKS YOU, YOU CAN  
24 GET THAT SAME KIND OF INJURY, CAN'T YOU?

25 A IT WOULD BE POSSIBLE

1 Q IT'S CONSISTENT, ISN'T IT, DOCTOR?

2 A IT'S POSSIBLE

3 Q IT'S CONSISTENT, AS WELL, ISN'T IT?

4 A IT DOESN'T SEEM PROBABLE TO ME IT SEEMS  
5 POSSIBLE

6 Q IT'S CONSISTENT THOUGH WITH THAT TYPE OF  
7 WOUND?

8 A THE HAND HELD IN THAT POSITION, SHE COULD STAB  
9 HERSELF

10 MR GARRETT I BEG THE COURT'S  
11 INDULGENCE

12 EXAMINATION CONTINUED BY MR GARRETT

13 Q DOCTOR, ONE OTHER THING HAVE YOU STUDIED THE  
14 CRIME SCENE IN THIS CASE?

15 A NO, I'VE NEVER SEEN IT

16 Q THERE WERE NUMEROUS ITEMS IN OR ABOUT THE  
17 HOUSE THAT MAY HAVE BEEN CONSISTENT WITH THE INJURY  
18 TO THE FACE AND I JUST WONDERED, DID YOU SEE --  
19 YOU'VE NOT STUDIED THAT AND DETERMINED WHAT ELSE  
20 MIGHT BE AS CONSISTENT WITH THAT?

21 A NO, I HAVE NOT

22 Q AND YOU'VE SAID THAT THE INJURY TO THE FACE  
23 COULD HAVE BEEN WITHIN AN HOUR?

24 A MAXIMUM OF AN HOUR

25 Q IF SOMEBODY GOT HIT IN THE FACE LIKE THAT,

1 WOULD THEY BE IN PRETTY BAD SHAPE?

2 A IT CERTAINLY WOULD BE PAINFUL TO THEM I  
3 DON'T UNDERSTAND WHAT YOU MEAN BY PRETTY BAD SHAPE

4 Q WELL, IF SOMEBODY GOT HIT THAT HARD IN THE  
5 FACE, FOR INSTANCE, WOULD THEY TALK CALMLY ON THE  
6 TELEPHONE?

7 A I WOULDN'T ANTICIPATE IT, NO

8 Q NOW, DOC, LET ME ASK YOU THIS IF WE CAN  
9 ESTABLISH TIME FRAMES THAT A FIGHT OCCURRED  
10 BEGINNING AT 12 02 AND DEATH OCCURRED HAD TO BE  
11 BETWEEN 12 04 AND 12 05 SO I'M TALKING ABOUT LESS  
12 THAN TWO TO THREE MINUTES ISN'T IT ALSO CONSISTENT  
13 THAT THAT INJURY COULD HAVE CAME TO HER DURING A  
14 FIGHT AND PRIOR TO HER DEATH AND THAT ALL OCCURRED  
15 IN TWO AND A HALF MINUTES?

16 A YES, IT COULD HAVE

17 MR GARRETT NO FURTHER QUESTIONS

18 MR COULTER THANK YOU, DR

19 WOODWARD WE DON'T HAVE ANY FURTHER QUESTIONS

20 THE COURT YOU MAY STEP DOWN

21 (WITNESS EXCUSED AT 5 40 O'CLOCK P M )

22 MR COULTER I ASK THAT THE DOCTOR  
23 BE ALLOWED TO BE EXCUSED HE'LL BE OUT OF TOWN FOR  
24 THE REMAINDER OF THE WEEK

25 THE COURT ANY OBJECTION?



1 MR GARRETT WITHOUT OBJECTION,  
2 YOUR HONOR

3 THE COURT ASK MR BLACK TO COME  
4 IN, PLEASE

5 MR GARRETT YOUR HONOR, CAN WE  
6 HAVE A BRIEF RECESS TO SET UP FOR CROSS-EXAMINATION  
7 OF MR BLACK?

8 THE COURT FIVE MINUTES?

9 MR GARRETT JUST A SHORT ONE

10 THE COURT LADIES AND GENTLEMEN,  
11 PLEASE GO TO YOUR JURY ROOM WE'LL TAKE FIVE  
12 MINUTES AND CONTINUE WITH THE CROSS-EXAMINATION  
13 (JURY EXITS COURTROOM AT 5 41 O'CLOCK P M )

14 (OFF THE RECORD)

15 (JURY RE-ENTERS COURTROOM AT 5 55 O'CLOCK P M )

16 THE COURT LADIES AND GENTLEMEN,  
17 AS YOU WILL RECALL, THE WITNESS HAS PREVIOUSLY  
18 TESTIFIED AND CONCLUDED HIS CROSS-EXAMINATION AND WE  
19 WILL NOW PROCEED WITH THE -- EXCUSE ME, HE HAD  
20 CONCLUDED HIS DIRECT EXAMINATION SO WE WILL NOT  
21 PROCEED WITH THE CROSS-EXAMINATION OF THE WITNESS

22 MR GARRETT PLEASE THE COURT,  
23 YOUR HONOR

24 THE COURT MR GARRETT

25 CROSS-EXAMINATION BY MR GARRETT

1 Q OFFICER BLACK, I'M PROBABLY GOING TO GO IN  
2 REVERSE BASED UPON YOUR TESTIMONY

3 A OKAY

4 Q REVERSE -- ONE OF THE LAST THINGS THAT YOU  
5 TALKED ABOUT WAS THE PHOTOGRAPH OF THE -- WELL, IT  
6 WAS ACTUALLY THE SHELL THAT YOU PROCESSED THAT YOU  
7 RECEIVED INTO EVIDENCE

8 A YES, SIR

9 Q AND COULD YOU TELL THE JURY WHETHER THEY WERE  
10 SIX SHOTS OR SEVEN AND A HALF AND WHERE YOU FOUND  
11 EACH OF THOSE SHOTS?

12 A I WOULD HAVE TO LOOK AT THE INDIVIDUAL SHELLS  
13 IF I COULD, PLEASE

14 Q LET ME PROVIDE THOSE TO YOU I HAVE TWO OF  
15 THEM DO YOU KNOW WHERE THE THIRD IS?

16 A NO, SIR, I DO NOT

17 Q DID YOU ALL FIND A THIRD SHELL?

18 A SIR?

19 Q DID YOU ALL HAVE A THIRD SHELL?

20 A YES, SIR THERE WAS

21 Q THERE IT IS I THOUGHT THERE WAS

22 A STATE'S EXHIBIT FIFTY-ONE IS THE FIRED SHOTGUN  
23 SHELL FROM THE BARREL OF THE SHOTGUN AND BASED  
24 UPON THE -- I'M TRYING TO MAKE OUT THE STAMP ON THE  
25 SHOTGUN SHELL IT APPEARS TO BE A NUMBER SIX

1 Q A NUMBER SIX

2 A IT APPEARS TO BE A NUMBER SIX

3 Q GO AHEAD

4 A STATE'S EXHIBIT SEVEN, WHICH WAS THE FIRED  
5 SHOTGUN SHELL THAT WAS NEAR THE VENT THIS APPEARS  
6 TO BE, BUT I'M NOT CERTAIN, BUT IT APPEARS TO BE A  
7 SEVEN AND A HALF STAMP ON THE SHELL

8 Q ALL RIGHT AND THEN FORTY-NINE

9 A STATE'S EXHIBIT SEVENTY-THREE WHICH WAS A  
10 SHELL I RECEIVED FROM AGENT JOHN BLACK IS STAMPED  
11 WITH SEVEN AND A HALF

12 Q DO YOU KNOW WHETHER THE NUMBER FIFTY-ONE, THAT  
13 WAS FOUND IN THE SHOTGUN?

14 A YES, SIR, STATE'S EXHIBIT FIFTY-ONE WAS THE  
15 ONE FOUND IN THE BARREL OF THE SHOTGUN

16 Q SO COULD WE CONCLUDE FROM THAT THE NUMBER SIX  
17 SHOT WAS THE ONE THAT KILLED TESHEKA?

18 A I CANNOT ANSWER THAT AGENT DAN DeFREEZE OF  
19 THE FIREARMS DEPARTMENT WOULD HAVE TO MAKE THAT  
20 DETERMINATION FOR YOU

21 Q BUT IF THAT WAS THE ONE THAT WAS IN THE GUN,  
22 YOU CAN'T MAKE THAT DETERMINATION?

23 A WHAT I'M SAYING IS, I DON'T KNOW -- I DON'T  
24 BELIEVE I CAN TELL YOU DETERMINATION AND PLACEMENT  
25 OF THE SHOTS YES, THIS WAS THE ONE FIRED IN

1 BARREL, WHETHER THIS WAS THE ONE THAT SHOT MS  
2 JACKSON OR MS HARRIS, AGENT DeFREEZE WOULD HAVE TO  
3 TELL YOU THAT INFORMATION I DON'T FEEL I CAN

4 Q BUT YOU CAN'T TELL US WHETHER BOTH OF THEM  
5 WERE SHOT WITH SEVEN AND A HALVES OR ONE OF THEM WAS  
6 SHOT WITH A SIX AND ONE OF THEM WAS SHOT WITH A  
7 SEVEN AND A HALF THEN, CAN YOU?

8 A NO, SIR, THERE WOULD BE -- I WOULD -- EITHER  
9 WADDING OR PELLETS FROM THE DECEASED I WOULD HAVE  
10 TO MAKE IT FROM A FIREARM'S EXPERT

11 Q HOW LONG HAVE YOU BEEN A HUNTER? HAVE YOU  
12 BEEN A HUNTER?

13 A NO, SIR, I'M NOT A HUNTER

14 Q YOU DON'T HUNT?

15 A NO, SIR

16 Q I'LL SHOW YOU WHAT HAS BEEN MARKED AS STATE'S  
17 EXHIBIT NUMBER ELEVEN DO YOU KNOW ENOUGH ABOUT  
18 SHOTGUN SHELLS TO KNOW WHETHER OR NOT THE SEVEN AND  
19 A HALVES AND SIXES ARE MIXED UP IN THESE BOXES?

20 A I CAN LOOK AT THEM I DON'T KNOW IF I CAN  
21 TELL YOU THAT OR NOT, BUT I'LL BE MORE THAN HAPPY TO  
22 LOOK AT THEM THIS IS -- FROM THE INFORMATION ON  
23 THE BOX, IT'S STAMPED A FEDERAL GAME LOAD AND IT'S  
24 STAMPED AS BEING A TWENTY GAUGE SEVEN-EIGHTH OUNCE  
25 SHOT AND ALSO SEVEN AND A HALF SHOT

1 Q DO YOU THINK YOU'D HAVE ANY NUMBER SIXES IN  
2 THAT BOX?

3 A I HAVE NO IDEA I DON'T KNOW

4 Q YOU DON'T BUY ANY SHOTGUN SHELLS, I'M  
5 ASSUMING?

6 A NO, SIR, I'M NOT A HUNTER

7 Q NUMBER TEN I WANT TO TALK ABOUT THE  
8 PHOTOGRAPH OF THE KNIFE ARE YOU AWARE, SIR, THAT  
9 THAT KNIFE WAS NOT IN THE SAME LOCATION THAT IT WAS  
10 AT THE TIME OF THE -- YOUR OBSERVATION OF IT?

11 A NO, SIR

12 Q THAT IT HAD BEEN MOVED?

13 A NO, SIR, I'M NOT WE SIMPLY DOCUMENTED THE  
14 SCENE AS WE ARRIVED ON THE SCENE

15 Q STATE'S EXHIBIT TEN SO YOU DOCUMENTED IT AS  
16 OF THE TIME THAT IT WAS ON THE SCENE?

17 A YES, SIR, WHEN WE ARRIVED ON THE SCENE, THAT  
18 IS CORRECT

19 Q YOU DID NOT HEAR THE TESTIMONY THIS MORNING OF  
20 OFFICER NEW WHO SECURED THE BUILDING?

21 A NO, SIR, I DID NOT

22 Q SO IN THE EVENT THAT AS HE WAS OPENING THE  
23 DOOR, HE RAN UP AGAINST AN OBJECT WHICH HE LATER  
24 DETERMINED TO BE A KNIFE --

25 A YEAH

1 Q -- AND THEN HE MOVED THAT IN SOME FASHION,  
2 THEN ISN'T IT FAIR TO SAY THAT YOU CANNOT ACCURATELY  
3 DECIDE THE LAY OF THAT KNIFE AT THE END OF THE CRIME  
4 SCENE?

5 A THAT IS CORRECT I CAN ONLY TESTIFY AS TO  
6 WHERE WE FOUND THE KNIFE AND ANY EVIDENCE THAT MAY  
7 HAVE BEEN PRESENT ON THE KNIFE AND THE  
8 RELATIONSHIP AS WE FOUND IT AT THE TIME WE ARRIVED  
9 AT THE SCENE

10 Q NOW, YOU SAID YOU'VE DONE MANY, MANY  
11 EXAMINATIONS OF CRIME SCENES, SIR

12 A I'VE DONE A FEW, YES, SIR

13 Q HOW MANY HAVE YOU DONE?

14 A I'D SAY SEVERAL HUNDRED, EASILY

15 Q COULD YOU EXPLAIN TO ME WHILE YOU DIDN'T TALK  
16 VERY MUCH ABOUT THE FIGHT THAT TOOK PLACE UP UNTO  
17 THE BATHROOM AND THE SHOTGUN BLAST THAT WENT OFF IN  
18 THE BATHROOM?

19 A I WASN'T AWARE AT THE TIME THAT A SHOTGUN  
20 BLAST HAD OCCURRED IN THE BATHROOM WHEN WE DID OUR  
21 WALK-THROUGH, I NOTICED A TEAR IN A CURTAIN IN THE  
22 SHOWER STRICTLY AS A TEAR, GLANCED AT IT, WENT ON  
23 PROCESSING THE SCENE BUT AT A LATER TIME,  
24 INFORMATION WAS RECEIVED WHERE AGENT JOHN BLACK  
25 RETURNED ON A FOLLOW-UP ON I BELIEVE THE SIXTH,

1 BECAUSE I WAS IN ANOTHER LOCATION IN ANOTHER COUNTY  
2 OF ANOTHER MATTER WITH S L E D

3 Q DID YOU GO BACK AND LOOK AT THE -- DID YOU  
4 LOOK AT IT? WHERE THE SHOTGUN BLAST WAS ON THE  
5 PROPERTY, DID YOU EVER LOOK AT THAT? DO YOU KNOW  
6 NOW WHERE THE SHOTGUN BLAST WAS?

7 A YES, SIR, AFTER SEEING THE PHOTOGRAPHS THAT  
8 AGENT BLACK TOOK, JOHN BLACK, ON THE DAY HE  
9 RETURNED

10 Q MR BLACK GOING TO TESTIFY IN THIS CASE OR DO  
11 YOU KNOW?

12 A TO MY KNOWLEDGE HE IS, YES, SIR

13 Q OH, HE IS?

14 A TO MY KNOWLEDGE HE IS

15 MR JONES WE PLAN TO CALL HIM,  
16 YOUR HONOR, IF THAT HELPS OUT AT ALL

17 MR GARRETT IT DOES IT DOES  
18 HELP IN FACT, I CAN MOVE ALONG A LOT QUICKER IF  
19 THAT'S THE CASE

20 EXAMINATION CONTINUED BY MR GARRETT

21 Q JUST TO HELP THE JURY UNDERSTAND A LITTLE BIT  
22 ABOUT IT WHEN YOU WERE TALKING TO THE JURY ABOUT  
23 THIS SITUATION -- WHEN YOU WERE TALKING WITH MR  
24 COULTER ABOUT PROCESSING THE CRIME SCENE, THEN YOU  
25 DIDN'T TALK TOO MUCH ABOUT WHAT ALL TOOK PLACE IN

1 THIS AREA IN THIS DIRECTION HERE, DID YOU?

2 A NO, SIR, WHAT HAPPENED WHEN WE DID OUR WALK-  
3 THROUGH, I WALKED AND LOOKED, I SAW THAT THERE WAS A  
4 CLOTHES HAMPER IN THE FLOOR

5 Q IN THAT AREA THERE?

6 A SOMEWHERE IN THAT AREA, YES, SIR AND I COULD  
7 SEE A TEAR IN THE UPPER -- IF YOU'RE FACING THE  
8 SHOWER, IT'D BE IN THE UPPER RIGHT-HAND CORNER OF  
9 THE SHOWER I COULD SEE A TEAR, IT WAS A GREEN  
10 SHOWER CURTAIN I COULD SEE I BELIEVE WHITE BEHIND  
11 THAT SHOWER CURTAIN AND I TOOK IT TO BE JUST A TEAR  
12 AND AT THE TIME WHEN WE DID NOT COMPLETE THE OTHER  
13 WALK-THROUGH -- YES, SIR, AND AFTER WE DOCUMENTED  
14 THE INJURIES TO MS HARRIS AND MS JACKSON, IT  
15 APPEARED THAT EACH RECEIVED ONE SHOTGUN BLAST TO  
16 EACH ONE, ONE SHOT TO EACH ONE WE HAD THE ONE  
17 FIRED SHELL ON THE FLOOR NEAR THE VENT -- EXCUSE  
18 ME

19 Q THIS AREA?

20 A YES, SIR -- AND THEN HERE ON THE FLOOR THE  
21 SHOTGUN, IN THE SHOTGUN IS ANOTHER FIRED SHELL SO  
22 ONE INJURY TO EACH PERSON GIVES ME TWO AND I HAD TWO  
23 FIRED SHELLS SO I TOOK IT THAT WE HAD EVERYTHING  
24 AT THAT POINT

25 Q WHEN Y'ALL SPENT EIGHT HOURS IN HERE, DID YOU



1 TAKE THE PHOTOGRAPHS OR DID THE OTHER OFFICER TAKE  
2 THE PHOTOGRAPHS?

3 A AGENT JOHN BLACK ACTUALLY TOOK THE  
4 PHOTOGRAPHS

5 Q AND WAS HE WITH YOU THE ENTIRE TIME THAT YOU  
6 WERE THERE?

7 A THERE WERE TIMES THAT WE MAY BE SEPARATED --

8 Q YES, SIR

9 A -- AND DOING DIFFERENT THINGS, BUT, NO, WE  
10 WERE NOT TOGETHER EVERY SINGLE MINUTE OF TIME IN THE  
11 TRAILER

12 Q I'M NOT SUGGESTING THAT WHAT I'M SUGGESTING  
13 TO YOU, YOU ALL CAME UP THERE AND DID ABOUT EIGHT  
14 HOURS OF WORK THERE?

15 A YES, SIR

16 Q AND SO, BASICALLY, THE WORK THAT HE DID WAS IN  
17 THIS DIRECTION

18 A WELL, WE WERE BOTH IN THE COMPLETE TRAILER  
19 TOGETHER

20 Q I UNDERSTAND THAT, BUT WHEN YOU ALL LEFT  
21 THERE, YOU ALL ONLY HAD TWO SHELLS?

22 A WHEN WE LEFT HERE THAT NIGHT, YES, WE ONLY HAD  
23 TWO FIRED SHOTGUN SHELLS

24 MR GARRETT MOVE TO INTRODUCE  
25 DEFENDANT'S EXHIBIT NUMBER FOUR INTO EVIDENCE, YOUR

1 HONOR

2 THE COURT IT'S ADMITTED

3 EXAMINATION CONTINUED BY MR GARRETT

4 Q IS THAT A REPRESENTATION OF THE CONDITION OF  
5 THE SHOWER CURTAIN THAT YOU JUST REFERRED TO A FEW  
6 MOMENTS AGO?

7 A THIS IS A CLOSE-UP PHOTOGRAPH AGAIN, I DID  
8 NOT TAKE THIS PHOTOGRAPH THIS IS A CLOSE-UP OF IT  
9 THE PHOTOGRAPH THAT I THINK I REFERRED TO IN THE  
10 BATHROOM IS ONE MORE FROM THE DISTANCE WHERE IF  
11 YOU'RE STANDING HERE IN THE DOORWAY, LOOKING INTO  
12 THE SHOWER, YOU CAN SEE THE CURTAIN, SEE A TEAR, AND  
13 BEHIND THE TEAR YOU CAN SEE WHAT APPEARS TO BE WHITE  
14 CLOTH

15 Q BUT IS THAT PRETTY CLOSE TO IT?

16 A YES, SIR

17 MR GARRETT YOUR HONOR, MAY I  
18 APPROACH AND JUST LET THE JURY PASS THIS AROUND AS  
19 WE'RE ---

20 THE COURT YOU MAY

21 EXAMINATION CONTINUED BY MR GARRETT

22 Q NOW, I WANT TO MOVE TO ANOTHER TOPIC LET'S  
23 TALK ABOUT THIS KNIFE AGAIN ISN'T IT TRUE THAT THE  
24 ONLY IDENTIFIABLE PRINT OF ANY KIND ON THAT KNIFE  
25 BELONGED TO TESHEKA JACKSON?

1 A YES, SIR, IT WAS CONSISTENT WITH THE LEFT SHOE  
2 OF MS JACKSON

3 Q IT IN NO WAY WAS IDENTIFIED TO MR HUGHEY  
4 HERE?

5 A NO, IT WAS NOT

6 Q AND AS FAR AS WHICH WAY SHE WAS GOING OR THAT  
7 TYPE OF THING, THAT MIGHT HAVE BEEN DISTURBED SO  
8 REALLY YOU DON'T WANT TO GIVE US AN OPINION BASED  
9 UPON THAT IF YOU KNOW NOW IT HAD BEEN DISTURBED  
10 PRIOR TO YOUR LOOKING AT IT, DO YOU?

11 A MY ONLY RESPONSE TO THAT AS FAR AS THE  
12 POSITION IT WAS IN WHEN I FOUND IT WAS POINTING BACK  
13 TOWARD THE DIRECTION OF THE LIVING ROOM AS I FOUND  
14 IT WHEN WE ARRIVED ON THE SCENE BUT AS FAR AS IT  
15 HAD BEEN MOVED IN WAY, SHAPE OR FORM, NO, I CAN'T  
16 TELL YOU EXACTLY WHAT DIRECTION IT WAS IN

17 Q THAT'S MY QUESTION AS AN EXPERT, AND I  
18 BELIEVE YOU DID QUALIFY YOURSELF, WAS QUALIFIED IN  
19 AN EXPERT IN THIS CASE, IF YOU'RE TRYING TO FORM AN  
20 OPINION BASED UPON THE LOCATION OF SOMETHING IN  
21 ORDER TO MAKE A TRUE STATEMENT ABOUT WHAT  
22 HAPPENED --

23 A YES, SIR

24 Q AND YOU KNOW NOW FOR A FACT THAT IT WAS MOVED  
25 WHEN THE DOOR OPENED, LET'S ASSUME THAT FOR JUST A

1       MOMENT     YOU KNOW THAT NOW AS A FACT

2       A        OKAY

3       Q        WOULD YOU WANT TO THEN STILL GIVE YOUR SAME  
4       OPINION ON THAT?

5       A        ASSUMING THAT THAT IS THE FACT     THEN, NO, I  
6       CANNOT BASE A CONCLUSION THAT THE WHOLE TIME IT WAS  
7       FACED TOWARDS THE LIVING ROOM, THAT DUE TO THE FACT  
8       THAT I DID NOT HEAR THE OFFICER'S TESTIMONY THAT  
9       WOULD BE HEARSAY ON MY PART     I ONLY CAN TESTIFY TO  
10      WHAT I SAW WHEN I WAS THERE THAT EVENING WHEN I WAS  
11      PROCESSING THE SCENE     BUT BASED ON WHAT YOU HAVE  
12      TOLD ME, ASSUMING THAT,     THEN NO, I CANNOT SAY THAT  
13      THIS WAS THE DIRECTION, ONLY THIS DIRECTION THAT SHE  
14      WAS GOING IN

15      Q        NOT ONLY CAN YOU NOT, YOU DON'T WANT TO, DO  
16      YOU?

17      A        THAT'S ABSOLUTELY CORRECT, I DON'T

18      Q        NOW, THERE WERE IDENTIFIABLE PRINTS ON THE  
19      SHOTGUN EITHER WAY, WERE THERE?

20      A        ON THE SHOTGUN?

21      Q        YES, SIR

22      A        THAT IS CORRECT

23      Q        AND YOU HAD INDICATED THAT THERE WERE SOME  
24      AREAS OF THE SHOTGUN IN YOUR ANALYSIS THAT LOOKED  
25      LIKE PRINTS BUT JUST WASN'T QUITE ENOUGH TO GET THE

1 RIDGES, THE CURVES, THE VALLEYS THAT YOU WERE  
2 TALKING ABOUT?

3 A THERE WAS NOT ENOUGH RIDGE CHARACTERISTICS  
4 PRESENT TO MAKE AN IDENTIFICATION THAT THE WEAPON  
5 HAD BEEN HANDLED

6 Q WHO HANDLED THE WEAPON?

7 A I CANNOT TELL YOU I DON'T KNOW

8 Q LET ME ASK YOU THIS AS FAR AS THE LOCATION  
9 OF THOSE PLACES THAT ALMOST INDICATED A FINGERPRINT  
10 OR A HAND PRINT, WHERE WERE THOSE LOCATIONS? I  
11 DIDN'T SEE THAT IN YOUR REPORT I READ YOUR REPORT

12 A I DIDN'T INDICATE ANYWHERE IN PARTICULAR IN  
13 THE REPORT AND I COULDN'T TELL YOU WHERE BECAUSE I  
14 DIDN'T MARK IT ONLY THAT AFTER DOING ALL THE  
15 PROCESSES, I VISUALLY EXAMINED IT, I SAW THAT IT HAD  
16 BEEN HANDLED, THAT THERE WERE SOME RIDGE DETAILS BUT  
17 NOT IDENTIFIABLE RIDGE DETAIL BUT SPECIFICALLY  
18 WHERE? I DID NOT MARK IT SPECIFICALLY WHERE IF I  
19 HAD DEVELOPED AN IDENTIFIABLE PRINT, THEN, YES, IT  
20 WOULD HAVE BEEN PHOTOGRAPHED AND MARKED ON THE  
21 WEAPON WHERE IT HAD BEEN FROM

22 Q I UNDERSTAND THAT BUT YOU CAN'T HELP US,  
23 GIVE US A LOCATION OF WHERE THE PRINTS WERE WERE  
24 THERE ANY FINGERPRINTS ON THE BARREL OR CLOSE TO  
25 FINGERPRINTS ON THE BARREL OR SMUDGES ON THE BARREL

1 OR WAS IT DOWN HERE ON THE STOCK OR DOWN HERE AT THE  
2 BRIDGE OR DOWN HERE ON THE BUTT?

3 A RIGHT NOW, I DO NOT KNOW

4 Q YOU'VE FORGOTTEN OVER TIME AS TO WHERE THEY  
5 WERE?

6 A YES, SIR

7 Q IT'S BEEN ALMOST TWO YEARS, RIGHT?

8 A YES, SIR

9 Q NOW, AS I UNDERSTAND IT, -- I'D LIKE TO MOVE  
10 TO THE AUTOMOBILE NOW, IF I MAY

11 A OKAY

12 Q AS I UNDERSTAND IT, YOU'VE HAD AN OPPORTUNITY  
13 TO DUST THE AUTOMOBILE?

14 A NO, SIR, I DID NOT PROCESS THE AUTOMOBILE FOR  
15 PRINTS

16 Q WHY DIDN'T YOU PROCESS THE AUTOMOBILE FOR  
17 PRINTS?

18 A WE DOCUMENTED THE AUTOMOBILE AS WE SAW IT WE  
19 DOCUMENTED THE BLOOD THAT WAS ON THE ARMREST AND  
20 THAT WAS COLLECTED IT WAS MY UNDERSTANDING THAT  
21 THE VEHICLE HAD BEEN PROCESSED PRIOR BY THE HALL  
22 COUNTY, GEORGIA SHERIFF'S DEPARTMENT THEY RECEIVED  
23 SOME EVIDENCE FROM THAT VEHICLE AND MY DISCUSSION  
24 WITH CHIEF RUCKER AND ALSO AGENT CLARK, IT WAS THE  
25 UNDERSTANDING THAT THE DEFENDANT HAD ACCESS TO THE

1 VEHICLE AND IF I DEVELOPED HIS PRINT ON THE VEHICLE  
2 DUE TO THE FACT I CANNOT AGE A PRINT, THEN IT WOULD  
3 HAVE NO PROBATIVE VALUE, SO FOR THE SIMPLE REASON HE  
4 HAD ACCESS TO THE VEHICLE AND THAT'S WHAT ---

5 Q AND FROM YOUR INFORMATION HE HAD REGULAR  
6 ACCESS TO THAT AUTOMOBILE, DIDN'T HE?

7 A THAT IS MY UNDERSTANDING, YES

8 Q AND BECAUSE OF THEIR RELATIONSHIP, THAT'S WHY  
9 HE HAD REGULAR ACCESS TO THE VEHICLE?

10 A I DON'T KNOW ABOUT THEIR RELATIONSHIP, ONLY  
11 THAT HE HAD REGULAR ACCESS TO THE VEHICLE, HAD USE  
12 OF THE VEHICLE

13 Q AND BECAUSE HE HAD USE OF THE VEHICLE, IT  
14 WOULDN'T DO YOU ANY GOOD TO FIND HIS FINGERPRINTS IN  
15 THE VEHICLE ANYWAY?

16 A NO, SIR, BECAUSE AGAIN BECAUSE HE HAD ACCESS  
17 AND I CAN'T TELL YOU WHEN THE PRINT WAS PUT THERE  
18 AGE-WISE, IT HAS NO RELEVANCE

19 Q AND WHERE DID YOU GET THIS INFORMATION THAT HE  
20 HAD REGULAR ACCESS TO THE VEHICLE?

21 A THAT CAME FROM CHIEF RUCKER AND AGENT CLARK

22 Q SO BOTH OUR CHIEF OF POLICE OF ABBEVILLE AND  
23 ALSO AGENT CLARK FROM S L E D GAVE YOU THAT PIECE  
24 OF INFORMATION DURING THE PROCESS

25 A THAT IS CORRECT

1 Q NOW, SO YOU DON'T KNOW WHETHER ANY PRINTS WERE  
2 EVEN DUSTED ON THE VEHICLE OR NOT BY HALL OR BY YOU?

3 A WE DID NOT PROCESS THE VEHICLE FOR PRINTS,  
4 THAT IS CORRECT AND I'M NOT AWARE OF HALL COUNTY,  
5 GEORGIA PROCESSING THE VEHICLE FOR PRINTS, BUT THEY  
6 MAY HAVE, I DON'T KNOW

7 Q IS THERE ANY WAY TO DETERMINE WHETHER OR NOT A  
8 SHOTGUN SAY, FOR INSTANCE, WITH THIS ONE HAD BEEN  
9 LAID IN THE BACK IN THE TRUNK COMPARTMENT OF THAT  
10 VEHICLE? I MEAN, WAS THERE MICROSCOPIC EVIDENCE,  
11 SOME KIND OF EVIDENCE WE COULD USE TO DETERMINE  
12 WHETHER OR NOT THAT EXISTS?

13 A NOT THAT I'M AWARE OF

14 Q AND WHAT ABOUT THESE SHOTGUN SHELLS IF THESE  
15 SHOTGUN SHELLS HAD BEEN, IN FACT, LYING IN THAT BACK  
16 REAR AREA BACK THERE WITH THE GUN, IS THERE ANY WAY  
17 WE CAN IDENTIFY THESE THROUGH SOME TYPE OF YOUR  
18 SCIENCE, YOUR TECHNOLOGY TO DETERMINE WHETHER OR NOT  
19 THEY WERE ALSO, IN FACT, IN THE BACK AREA OF THAT  
20 VEHICLE?

21 A AGAIN, IN MY FIELD OF EXPERTISE, NOT THAT I'M  
22 AWARE OF

23 Q OF COURSE, YOU DID SAY YOU DUSTED THESE  
24 SHOTGUN SHELLS FOR PRINTS AND FOUND THEM, AS WELL?

25 A ON TWO OF THE SHOTGUN SHELLS THERE WAS NO



1 PRINTS DEVELOPED ON ONE THERE WAS SOME RIDGE  
2 DETAIL DEVELOPED THAT WAS NOT IDENTIFIABLE TO  
3 ANYONE

4 Q ALL RIGHT NOW, THIS BLOOD SPATTER THAT YOU  
5 INDICATED THAT YOU SAW DURING YOUR EXAMINATION I  
6 SENSE THE DIRECTION THAT THERE WAS BLOOD SPATTER ON  
7 YOUR TESTIMONY BASICALLY FROM HERE ON AROUND DOWN  
8 THE HALL?

9 A NO, SIR

10 Q WHERE DID YOU SEE BLOOD SPLATTER?

11 A THE FIRST PART THAT I SAW BLOOD SPLATTER  
12 STARTED IN THE KITCHEN AREA WITH THE LINOLEUM FLOOR

13 Q OKAY

14 A THERE WAS CARPET --

15 Q BETWEEN IN

16 A RIGHT, FROM THE LIVING ROOM ON BACK TO THE  
17 FRONT DOOR, IT WAS A RUST COLORED CARPET CHECKED,  
18 LOOKED, DID NOT SEE ANY BLOOD AND THE FIRST  
19 INDICATION THAT WE PICKED UP ACTUAL BLOOD TRAIL WAS  
20 BLOOD DROPPINGS GETTING HERE INTO THE KITCHEN AREA

21 Q ARE YOU TELLING US YOU SAW NO BLOOD DROPPINGS  
22 IN THIS AREA?

23 A NONE AT ALL NO, I DID NOT

24 Q NONE AT ALL?

25 A NO, SIR

1 Q YOU SAID YOU FOUND SOME BLOOD ON THE DOOR

2 A YES, SIR, RIGHT HERE

3 Q NOW, ISN'T TRUE AND YOU MAY KNOW THIS, YOU MAY  
4 NOT, YOU DID HELP MR BLACK -- THE OTHER MR BLACK  
5 DO THE BATHROOM AREA THERE WAS ALSO BLOOD SPATTER IN  
6 HERE, WASN'T THERE?

7 A HE WOULD BE BETTER TO TESTIFY ON THAT THAT  
8 WAS MY UNDERSTANDING FROM HIM, AND WHEN HE WENT ON A  
9 FOLLOW-UP VISIT, THE SIX, WHEN HE DOCUMENTED THAT,  
10 IT IS MY UNDERSTANDING THERE WAS BLOOD SPATTER  
11 THERE HE INFORMED ME OF THAT THERE WAS SOME ON  
12 THE WALL I BELIEVE BEHIND THAT BATHROOM DOOR AND  
13 WHERE THERE WAS THE GREEN LAUNDRY HAMPER IN THE  
14 FLOOR, I THINK ONCE THAT WAS MOVED, THERE WAS SOME  
15 BLOOD WHERE IT HAD BEEN WAS THERE ON THE FLOOR UNDER  
16 IT

17 Q SO WE CAN WAIT FOR THE OTHER MR BLACK TO TELL  
18 US ABOUT THAT BLOOD?

19 A YES, SIR

20 Q SO LET ME ASK YOU THIS BEING A CRIME SCENE  
21 PERSON, HAVING DONE CRIME SCENE ANALYSIS IF YOU'VE  
22 GOT BLOOD SPATTERING IN HERE AND YOU'VE GOT SOME  
23 BLOOD RIGHT HERE AND THEN YOU'VE GOT BLOOD IN THE  
24 AREA THAT YOU'VE IDENTIFIED, CAN WE SAY THAT SOMEONE  
25 WHO HAS BEEN BLEEDING AT LEAST WAS IN ALL THREE OF

1 THE PLACES THAT WE'RE REFERRING TO? IN THE BATHROOM  
2 AREA HERE, AND THIS AREA RIGHT HERE THAT'S GOT  
3 CARPET LIKE WE TALKED ABOUT A WHILE AGO

4 A YES

5 Q AND THEN IN THE KITCHEN AREA, AROUND THIS AREA  
6 HERE?

7 A THAT IS CORRECT

8 Q NOW, WHY ISN'T THIS TO SCALE?

9 A BY TRADE, WE'VE NEVER DRAWN ANYTHING TO SCALE  
10 IT'S ALWAYS DRAWN NOT TO SCALE IT'S SIMPLY USED TO  
11 SUPPLEMENT THE PHOTOGRAPHS IT'S SIMPLY AS AN  
12 EXHIBIT TO SHOW WHERE THE DIFFERENT ROOMS WERE  
13 LOCATED IN THIS CASE, THE TRAILER AND ANY EVIDENCE  
14 OF WHERE IT MAY HAVE BEEN TO HELP THEM SUPPLEMENT  
15 THE PHOTOGRAPHS

16 Q DO YOU AGREE WITH ME OR DO YOU AGREE WITH THE  
17 PROPOSITION THAT THIS HALLWAY HERE, MEANING THAT'S  
18 THE BEDROOM DOOR, THAT THIS HALLWAY HERE IS MUCH --

19 A YES, SIR, IT'S A LITTLE BIT LONGER IT'S A  
20 LITTLE BIT LONGER, YES, SIR, IT IS

21 Q SUBSTANTIVELY LONGER?

22 A YES, SIR, IT IS LONGER

23 Q MAYBE THREE OR FOUR FEET ALMOST MAYBE AGAIN  
24 THAT --

25 A YES, SIR

1 Q WOULD YOU AGREE WITH THAT?

2 A YES, SIR, I WOULD

3 Q AND, OF COURSE, MS HARRIS WAS LYING AT ABOUT  
4 THIS AREA, IS THAT RIGHT?

5 A YES, SIR, THAT IS CORRECT

6 Q NOW, I'D LIKE TO LOOK AT THAT PIECE OF BLOOD  
7 ON THAT FRONT DOOR, IF I MAY FIRST I WANT TO ASK  
8 YOU ABOUT THIS FRONT DOOR THIS IS STATE'S EXHIBIT  
9 NUMBER NINETEEN, SOLICITOR YOU HAD TESTIFIED ABOUT  
10 THE CONDITION OF THAT FRONT DOOR, DOES THAT LOOK  
11 LIKE THAT DOOR WAS -- THAT'S THE ONLY TIME THAT DOOR  
12 HAD BEEN OPENED LIKE THAT IN YOUR YEARS OF  
13 EXPERIENCE AS AN INVESTIGATOR?

14 A THERE WAS IN CERTAIN AREAS, THERE WERE SOME  
15 RUST AND IT MAY HAVE BEEN THERE FOR SOME TIME BUT  
16 THERE'S ALSO SOME SHINY AREAS WHICH INDICATED IT WAS  
17 A FRESH FORCE OR FRESH BREAK

18 Q HOW DOES THAT DOOR OPENED?

19 A THE ONLY THING I CAN TELL, IT WAS OPENED BY  
20 FORCE

21 Q SOMEBODY PUSHED THE DOOR?

22 A THAT'S POSSIBLE

23 Q SOMEBODY TAKE A KNIFE TO GET IN?

24 A WHAT I SAW WAS MORE CONSISTENT WITH FORCE

25 Q WITH BLUNT FORCE?

1 A WITH SOME TYPE OF FORCE BEING USED, YES, SIR

2 Q THERE'S BLOOD ON THAT DOOR, RIGHT?

3 A YES, SIR

4 Q IF SOMEBODY'S GOT BLOOD ON THEM, IN ORDER TO  
5 GET BLOOD ON THE RIDGE ON THE OUTSIDE OF THAT DOOR,  
6 THAT DOOR'S GOT TO BE OPEN AT SOME POINT, DOESN'T  
7 IT?

8 A YES, SIR

9 Q AND CAN WE ASSUME THEN THAT WHEN THAT DOOR WAS  
10 OPENED OR CLOSED, SOMEBODY HAD BLOOD ON THEIR HAND  
11 WHEN THEY CLOSED IT

12 A WHEN THEY OPENED OR CLOSED IT?

13 Q YES

14 A YES, SIR

15 Q AND CAN YOU TELL WHOSE BLOOD THAT IS?

16 A NO, SIR, I CANNOT

17 Q THE SWAB WAS DONE FOR US SO WE CAN IDENTIFY  
18 THAT

19 A YES, SIR, A SWAB WAS TAKEN, I BELIEVE, BY  
20 AGENT SKRABA AND WAS SWABBED FOR DNA PARTS

21 Q ALL RIGHT NOW, YOU SAID YOU SAW THAT SCREW  
22 THAT WAS LYING DOWN THERE AT OR ABOUT THE FRONT DOOR  
23 AREA

24 A YES, SIR, NEAR THE FRONT, THAT'S CORRECT

25 Q WHAT WE WERE TALKING ABOUT THERE AND YOU

1 DIDN'T ASCERTAIN WHETHER THAT SCREW CAME OUT OF THE  
2 FRONT DOOR AREA AND/OR THE BACK BEDROOM AREA

3 A DUE TO THE FACT THAT I ONLY FOUND ONE SCREW, I  
4 COULD NOT FIND THE OTHER SCREW THAT WENT WITH IT  
5 NEAR THE FRONT DOOR NOR NEAR THE REAR DOOR, I CAN  
6 ONLY GUESS, AND WHAT I MEAN BY -- YOU HAVE A NAIL ON  
7 THE BEDROOM DOOR, THEN I WOULD TAKE IT THAT ANOTHER  
8 NAIL WAS USED TO KEEP THE STRIKE PLATE IN PLACE, BUT  
9 I DON'T KNOW THAT AND DUE TO THE FACT THERE WERE  
10 NO NAILS OR SCREWS THERE WHERE THE STRIKE PLATE WAS  
11 TAKEN OUT OF THE FRONT DOOR, I HAVE NO IDEA WHAT WAS  
12 USED, WHETHER IT WAS A NAIL OR SCREW USED TO HOLD  
13 THAT UP

14 Q MR BLACK, WHY WOULDN'T WE -- IF THERE WERE  
15 TWO HOLDING IT ON, WHY WOULDN'T WE HAVE FOUND TWO OF  
16 THEM?

17 A I DON'T KNOW I DON'T KNOW IF IT'S A  
18 POSSIBILITY OF, YOU KNOW, IT COULD EASILY HAVE  
19 FALLEN OUTSIDE OR BEEN KICKED OR TAKEN OUT I HAVE  
20 NO IDEA

21 Q BY THE WAY, DID YOU EXAMINE RIGHT OUTSIDE IN  
22 FRONT OF THE DOOR?

23 A YES, SIR

24 Q DID YOU EXAMINE ON THE STEPS?

25 A LOOK ON THE STEPS, YES, SIR

1 Q WHAT KIND OF STEPS WERE THEY?

2 A I'M NOT SURE

3 Q WERE THERE CARPET ON THOSE, LIKE IN THE DEN,  
4 WHICH CAUSED YOU SOME DIFFICULTY IN BEING ABLE TO  
5 LOOK AT THOSE?

6 A I'M SORRY, I DIDN'T HEAR YOUR QUESTION

7 Q WAS THERE LIKE SOME OUTDOOR CARPET ON THERE OR  
8 SOMETHING LIKE THAT THAT CAUSED YOU NOT TO BE ABLE  
9 TO SEE ANY BLOOD IF THERE WAS A FIGHT THAT OCCURRED  
10 ALSO INTO THAT AREA?

11 A I'M NOT SURE WITHOUT -- I'D HAVE TO SEE ONE OF  
12 THE PHOTOGRAPHS TO ANSWER THOSE QUESTIONS, I'M NOT  
13 SURE

14 Q YOU DIDN'T TAKE ANY PHOTOGRAPHS OF THE FRONT  
15 DOOR ENTRANCE AREA AND THE AREA OF THE STEPS LEADING  
16 UP TO THAT, DID YOU?

17 A I THINK THERE'S A PHOTOGRAPH THAT SHOWED THE  
18 OUTSIDE LEADING UP TO THE DOOR AND I THINK IT DOES  
19 SHOW THE STEPS

20 Q DID YOU DO ANY CLOSE-UP PHOTOGRAPHS OF THAT  
21 AREA?

22 A NO, SIR

23 Q ALL RIGHT NOW, ALSO I THINK THEY QUALIFIED  
24 YOU AS AN EXPERT ON TIRES AND THAT KIND OF THING,  
25 TIRE TREADS AND THAT KIND OF THING?

1 A FOOTWEAR AND TIRE, YES, SIR

2 Q DID YOU DO ANY KIND OF TIRE ANALYSIS AS TO

3 WHERE THAT CAR WAS SETTING IN RELATIONSHIP TO THAT

4 FRONT DOOR? DID YOU DO ANY OF THAT KIND OF

5 ANALYSIS?

6 A NO, SIR, I DID NOT

7 Q WHY NOT?

8 A WELL, IF I REMEMBER NOT, I THINK THERE WERE

9 LEAVES AND WHAT NOT, GROUND COVER ON THE GROUND AND

10 I DON'T REMEMBER SEEING ANY TIRE IMPRESSIONS NEAR

11 THE FRONT DOOR THERE'S A DRIVE THAT STARTS OFF AS

12 A PAVED DRIVE AS YOU'RE GOING DOWN TO THE TRAILER TO

13 THE RESIDENCE THAT'S JUST, BASICALLY, A DIRT OR, YOU

14 KNOW, JUST WHATEVER SURFACE IS THERE

15 Q SO YOU'VE NOT BEEN ABLE TO ASCERTAIN THE

16 LOCATION OF THE VEHICLE IN RELATIONSHIP TO THIS

17 TRAILER?

18 A NO, SIR, I DID NOT

19 Q NO ONE HAS ATTEMPTED TO DO THAT FROM YOUR

20 AGENCY?

21 A I DIDN'T SEE ANY TIRE IMPRESSIONS OR ANYTHING

22 TO SHOW THAT IT WAS PARKED NEAR THE TRAILER OR THE

23 FRONT DOOR OF THE TRAILER

24 Q I'M SHOWING YOU NOW STATE'S EXHIBIT TWENTY-

25 FIVE AND TWENTY-SIX AND THESE ARE THE REFLECTIONS OF



1 THE DOOR IT LOOKS LIKE IN THE BEDROOM THIS WOULD  
2 BE IN THE CHILDREN'S BEDROOM AREA LET ME SEE IF  
3 YOU CAN IDENTIFY THOSE I'M GOING TO LET YOU HOLD  
4 THOSE TWO

5 A YES, SIR, TWENTY-FIVE AND TWENTY-SIX

6 Q THIS IS THAT DOOR RIGHT THERE?

7 A YES, SIR

8 Q IS THAT THE AREA WE'RE TALKING ABOUT?

9 A YES, SIR

10 Q DID YOU ALL FIND ANY BLOOD ON THAT DOOR?

11 A NO, I DON'T BELIEVE SO

12 Q BUT THERE WAS SOME BLOOD FOUND ON THIS DOOR,  
13 IS THAT CORRECT?

14 A MY UNDERSTANDING FROM THE OTHER AGENT BLACK,  
15 THERE WAS BEHIND THE DOOR ON THE WALL

16 Q BEHIND THE DOOR ALONG THIS WALL RIGHT HERE

17 A YES, SIR, THERE WAS SOME BLOOD

18 Q THAT LITTLE HAMPER THAT WE WERE TALKING ABOUT  
19 A FEW MINUTES AGO, WOULD THAT HAVE BEEN ABOUT IN  
20 THIS AREA?

21 A SOMEWHERE IN THERE, YES

22 Q IF SOMEBODY THAT WERE FIGHTING AND THEY WERE  
23 CHASING THEM THROUGH THIS BEDROOM AREA RIGHT HERE,  
24 ANYBODY COULD HAVE PULLED THAT DOOR OPEN, RIGHT?

25 A YES, SIR

1 Q AND COULD HAVE CAUSED THAT RIGHT THERE?

2 A IT'S POSSIBLE

3 Q AND CAN YOU TELL US BETWEEN MS JACKSON AND  
4 MS HARRIS AND JOHN KENNEDY HUGHEY, WHICH ONE OF  
5 THEM PULLED THAT DOOR OPEN?

6 A NO, SIR, I CANNOT

7 Q NOW LOOK AT THAT DOOR JAM AND I'LL ASK YOU  
8 THIS, DOES THAT LOOK LIKE IT HAD NEVER BEEN BOTHERED  
9 OR DAMAGED HISTORICALLY OR IN THE PAST IN YOUR  
10 PROFESSIONAL OPINION?

11 A I CAN SEE ON THE FRAME THERE APPEARS - - WHAT  
12 APPEARS TO BE LIKE NAIL HOLES AND OTHER CHIPPINGS  
13 AND WHAT NOT

14 Q WHAT DOES THAT INDICATE TO YOU, SIR?

15 A WELL, WITH THE NAIL HOLE IT JUST TELLS THERE  
16 WERE NAILS PLACED THERE IN THE FRAME AT ONE TIME  
17 WHETHER IT'S FROM A PREVIOUS BREAK OR NOT, I DON'T  
18 KNOW IT'S POSSIBLE, WHETHER IT IS OR NOT, I DON'T  
19 KNOW

20 Q DOES IT LOOK REAL CONSISTENT WITH SOMETHING  
21 LIKE THAT?

22 A YES, SIR, IT COULD BE, VERY WELL

23 Q AND DOES THAT NAIL LOOK LIKE A STANDARD NAIL  
24 THAT WOULD BE NORMALLY NAILED TO A MOBILE HOME DOOR  
25 JAM?

1 A NO, I DON'T BELIEVE SO

2 Q KIND OF LOOKS LIKE IT HAD BEEN THERE SOMETIME  
3 AFTER THE FACT, DOESN'T IT?

4 A YES, SIR

5 Q I MEAN, IT'S NOT EVEN THE SAME SIZE OR  
6 ANYTHING

7 A NO, SIR, IT DOESN'T APPEAR TO BE

8 Q IT SEEMS LIKE THERE WOULD HAVE BEEN TWO NAILS  
9 IN THAT DOOR JAM, WOULDN'T IT?

10 A YES, SIR

11 Q WHERE WAS THE OTHER ONE, DID YOU ALL EVER FIND  
12 THAT OTHER NAIL?

13 A NO, SIR, WE DID NOT

14 Q SO CAN WE ASSUME JUST THEN IF YOU ALL DID YOUR  
15 -- DID A THOROUGH INVESTIGATION, YOU DIDN'T FIND BUT  
16 ONE SCREW TO THE FRONT DOOR AND YOU DIDN'T FIND BUT  
17 ONE NAIL TO THAT ONE, IT'S POSSIBLE THEY DIDN'T HAVE  
18 THEM IN THERE ANYWAY?

19 A I GUESS THAT'S A POSSIBILITY

20 Q WELL, I MEAN, THAT'S A PRETTY BIG NAIL THERE,  
21 ISN'T IT, SIR? I MEAN, IF THAT THING WAS ON THE  
22 FLOOR YOU'D HAVE SEEN IT, WOULDN'T YOU?

23 A YES, SIR, IF IT WAS ON THE FLOOR, I'M SURE WE  
24 WOULD HAVE SEEN IT

25 Q WHERE WOULD IT HAVE WENT?

1 A I HAVE NO IDEA

2 Q WE'RE TALKING ABOUT THIS AREA RIGHT, LET'S  
3 MAKE SURE WE'RE ALL ON THE SAME PAGE HERE WE WERE  
4 TALKING ABOUT THIS AREA RIGHT AT THIS DOOR RIGHT  
5 HERE, IS THAT RIGHT?

6 A YES, SIR

7 Q THIS FLOOR RIGHT HERE IS LINOLEUM, ISN'T IT?  
8 IN THIS ENTRANCE AREA RIGHT HERE, I'M STANDING IN  
9 RIGHT HERE THAT CUTS INTO THE CARPET BACK HERE

10 A RIGHT

11 Q ALL THIS AREA RIGHT INTO HERE IS ALL LINOLEUM,  
12 ISN'T IT?

13 A YES, SIR

14 Q SO IS THAT THE AREA I'M TALKING ABOUT RIGHT  
15 THERE, THE DOOR JAMB RIGHT THERE?

16 A YES, SIR, IT IS

17 Q SO IF ONE OF THEM BIG NAILS WOULD HAVE FELL  
18 OFF OF IT, IT WOULD EITHER BE RIGHT IN HERE OR RIGHT  
19 IN HERE, WOULDN'T IT?

20 A YOU'D EXPECT TO FIND IT, YES, SIR, SOMEWHERE  
21 IN THAT AREA

22 Q AND IF THE DOOR WOULD BE PULLED BACK IN THAT  
23 DIRECTION, IT MIGHT IN FRONT OF THE DOOR IN SOME  
24 FASHION, WOULDN'T IT? IT DOES PULL THAT WAY,  
25 DOESN'T THE DOOR PULL BACK IN THAT DIRECTION?

1 A YES, SIR, IT GOES BACK INTO THE BEDROOM, THAT  
2 IS CORRECT

3 Q BUT YOU ALL DIDN'T FIND THAT NAIL?

4 A NO, SIR

5 Q NOW, WHEN Y'ALL DID AN EXAMINATION OF THAT  
6 PHONE, I'M ASSUMING Y'ALL DID FINGERPRINTING OF THAT  
7 PHONE THAT WAS IN THE KITCHEN AREA THAT YOU  
8 IDENTIFIED EARLIER THIS MORNING THAT WAS ON THAT  
9 KITCHEN WALL IN HERE?

10 A YES, SIR, WE TOOK IT BACK TO THE LABORATORY  
11 AND PROCESSED IT FOR PRINTS

12 Q AND IT WAS ABOUT -- OF COURSE, THIS AGAIN IS  
13 ESCHEWED, IT'S NOT CORRECT IN RELATION TO THE  
14 TABLE, IT WAS ABOUT RIGHT IN HERE?

15 A YES, SIR, IT WAS ABOVE THE IRONING BOARD

16 Q AND Y'ALL TOOK IT DOWN TO YOUR LAB AND HAD IT  
17 TESTED FOR FINGERPRINTS?

18 A YES, SIR, I PROCESSED IT FOR PRINTS

19 Q DID YOU ALL FIND ANY BLOOD ON THAT?

20 A IF I MAY

21 Q YES, SIR, PLEASE DO

22 A NO, SIR

23 Q DID YOU FIND ANY BLOOD ON THE CORD THAT WENT  
24 ALL THE WAY DOWN THE HALL?

25 A NO, SIR

1 Q DID YOU FIND ANY BLOOD ON THE PHONE THAT LAID  
2 AT OR NEAR MS LUEVINIA HARRIS?

3 A NO, SIR

4 Q NOW, YOU HEARD THE DOCTOR A FEW MOMENTS AGO  
5 THAT MS LUEVINIA WAS SHOT THERE WAS SOMETHING  
6 CALLED A BLOOD SPATTER

7 A I DID NOT HEAR --

8 Q I'M SORRY, YOU DIDN'T HEAR THAT, DID YOU?

9 A NO, SIR, I DID NOT

10 Q LET ME ASK YOU THIS IF SOMEBODY WAS ON THE  
11 PHONE AND GOT SHOT WITH A GUN, WOULD THERE BE BLOOD  
12 ON IT?

13 A I WOULD EXPECT TO SEE SOME BLOOD, YES, I  
14 WOULD

15 Q PROBABLY?

16 A YES, SIR, I WOULD EXPECT IT

17 Q AND ALL THE BLOOD WOULD BE ON THE CORD AND ALL  
18 THAT TOO, WOULDN'T IT?

19 A I WOULD EXPECT TO SEE RESIDUE SOMEWHERE ON THE  
20 PHONE, YES, SIR

21 Q BUT NOWHERE ON THE PHONE BASE, NOWHERE ON THE  
22 PHONE CORD, NOWHERE ON THE PHONE ITSELF IT IS  
23 WHITE, ISN'T IT?

24 A YES, THE ONE FROM THE KITCHEN, THAT IS  
25 CORRECT

1 Q HAD NO BLOOD ON IT?

2 A NO, SIR

3 Q AND THIS PHONE THAT WAS IN THE BEDROOM HERE,  
4 THE ONE THAT WAS OFF THE HOOK

5 A YES, SIR

6 Q BUT IT WAS NOT OFF THE WALL, WAS IT?

7 A NO, SIR, IT WAS NOT

8 Q IT WAS A WORKABLE PHONE

9 A YES, SIR

10 Q WHEN YOU ALL GOT THERE COULD YOU CALL OUT, GET  
11 CALLS IN ON THAT PHONE IF YOU NEEDED TO?

12 A TO MY KNOWLEDGE, YES, SIR, WE COULD

13 Q COULD YOU DO THE SAME THING WITH THE ONE IN  
14 HERE?

15 A NO, SIR, THE ONE THAT WAS FROM THE KITCHEN  
16 WALL HAD BEEN PULLED FROM THE KITCHEN WALL AND YOU  
17 COULD NOT

18 Q IT WAS COMPLETELY OFF THE LINE?

19 A YES, SIR, THE CORD WAS ACTUALLY -- THAT RUNS  
20 FROM THE JACKET TO THE BACK TO THE BASE OF THE PHONE  
21 HAD PULLED FROM, THEY'D BEEN TORN ABOUT

22 Q SO IF SOMEBODY TALKED ON THE TELEPHONE WITHIN  
23 SIXTY SECONDS OF GETTING SHOT, OKAY?

24 A UH-HUH

25 Q OKAY EXCUSE ME, LET ME REPHRASE THAT IF

1       SOMEBODY WAS -- IF THEY PULLED THAT OFF THE LINE,  
2       YOU COULDN'T HEAR IT AT ALL, COULD YOU? IN OTHER  
3       WORDS, WHOEVER WAS TALKING TO THAT PERSON SURE  
4       WASN'T TALKING ON THAT TELEPHONE, WERE THEY?

5       A       AT THE TIME THAT THE PHONE WAS PULLED FROM THE  
6       WALL, NO, IT WAS INOPERABLE THEN I COULD TALK ON  
7       IT AGAIN

8       Q       SO IF MS JACKSON WAS TALKING ON THE TELEPHONE  
9       AT 12 04, IT WASN'T THAT PHONE

10      A       I DON'T KNOW WHEN THE PHONE WAS TAKEN --  
11      PULLED OFF THE WALL

12      Q       THE BIGGEST FIGHT THAT YOU SAW WAS IN THIS  
13      AREA RIGHT HERE IN THE KITCHEN, IS THAT RIGHT?

14      A       I DON'T NECESSARILY KNOW THAT IT WAS A FIGHT  
15      OR AN ALTERCATION WE DO HAVE THE BLOOD TRAIL OR  
16      DROPPING BLOOD -- SOMEONE IS DROPPING BLOOD AND  
17      WALKING AWAY AND, YES, SOME THINGS WERE KNOCKED  
18      OVER WHETHER THAT WAS DONE FROM A FIGHT, THAT'S A  
19      POSSIBILITY OR IF IT WAS DONE, SOMEONE TRYING TO GET  
20      AWAY, I THINK THAT WOULD BE A POSSIBILITY, ALSO

21      Q       YOU TALKED ABOUT THAT VASE THAT WAS ON THE  
22      KITCHEN TABLE

23      A       YES, SIR

24      Q       WAS THAT ONE EVER ON THE FLOOR?

25      A       NO, SIR, THERE WAS OTHER BROKEN PIECES ON THE



1 FLOOR

2 Q AND HOW MANY BROKEN PIECES DID Y'ALL FIND?

3 A I DON'T KNOW, I JUST KNOW THERE WERE BROKEN  
4 PIECES ON THE FLOOR

5 Q DID Y'ALL ATTEMPT TO PICK THOSE UP, DID YOU  
6 CATALOG THEM AND PUT THEM TOGETHER?

7 A AS FAR AS CATALOGING AND PUTTING THEM  
8 TOGETHER, NO, SIR AS FAR AS, YOU KNOW, PROCESSING  
9 THEM FOR -- YOU KNOW, TO LOOK AT THEM TO SEE IF THEY  
10 HAD ANY BLOOD ON THEM AND PROCESS THEM FOR PRINTS,  
11 THAT WAS DONE THERE BUT THAT WAS ALL

12 Q WHAT DID YOU ALL DO ABOUT THAT OTHER KNIFE ON  
13 THAT TABLE?

14 A IT WAS -- THE OTHER KNIFE, THE SMALL, LIKE A  
15 PARING KNIFE?

16 Q UM-HMM

17 A IT WAS CHECKED TO SEE IF THERE WAS ANY BLOOD  
18 ON IT THERE WAS NONE AND WE DIDN'T KNOW IF IT HAD  
19 ANYTHING TO DO WITH IT OR NOT BECAUSE THERE WAS NO  
20 BLOOD ON IT

21 Q BUT YOU ALL DIDN'T RUN ONE OF THOSE  
22 FINGERPRINT ANALYSIS ON THAT ONE?

23 A NO, SIR, I DID NOT

24 Q THERE IS ANOTHER KNIFE IN HERE, ISN'T THERE?

25 A ON THE KITCHEN?

1 Q YES, SIR

2 A YES, SIR

3 Q SHOW YOU STATE'S EXHIBIT NUMBER THIRTY-NINE,  
4 CAN YOU IDENTIFY THAT?

5 A YES, SIR

6 Q AND IN THAT PHOTOGRAPH, IS THERE ANOTHER KNIFE  
7 IN THERE, A SILVER KNIFE?

8 A RIGHT HERE

9 Q ON TOP, YOU'VE GOT YOUR FINGER POINTING AT IT?

10 A MY THUMB IS POINTING RIGHT THERE

11 Q BECAUSE THERE WAS NO BLOOD ON IT, YOU DIDN'T  
12 TAKE IT DOWN AND HAVE IT FINGERPRINTED?

13 A NO, SIR, I DID NOT

14 Q DIDN'T DUST IT THERE?

15 A NO, SIR

16 Q NOW, ON THIS -- AND THOSE CHAIRS ARE KNOCKED  
17 OVER, AREN'T THEY?

18 A YES, SIR

19 Q YOU DIDN'T HEAR MR NEW'S TESTIMONY EARLIER ON  
20 ABOUT WHETHER OR NOT THEY WERE KNOCKED OVER OR NOT  
21 DID YOU?

22 A NO, I DID NOT

23 Q BUT WHEN YOU ALL GOT THERE THAT'S WHERE THOSE  
24 CHAIRS WERE THAT WERE, IN FACT, KNOCKED OVER?

25 A YES, SIR

1 Q MORE THAN ONE CHAIR WAS KNOCKED OVER, WASN'T  
2 IT?

3 A THAT'S CORRECT

4 Q DID YOU ALL NOTICE THE COFFEE POT?

5 A I SEE THE COFFEE POT

6 Q IT'S GOT COFFEE IN IT?

7 A YES, SIR

8 Q WAS IT ON OR OFF WHEN YOU GOT THERE?

9 A I'M NOT SURE

10 Q NOW, DID YOU ALL TAKE THAT VASE? IT HAD BLOOD  
11 ON IT IT HAD BLOOD ON THE FLOWERS DID YOU ALL  
12 TAKE THAT VASE DOWN THERE TO SEE WHOSE PRINTS WAS ON  
13 THAT VASE?

14 A NO, SIR, IT WAS PROCESSED THERE ALONG WITH THE  
15 OTHER ITEMS THE OTHER PIECES OF THE VASE WAS  
16 PROCESSED THERE

17 Q DID YOU ALL TRY TO DETERMINE WHOSE PRINTS WERE  
18 ON IT?

19 A THERE WERE NO PRINTS DEVELOPED ON THE BASE

20 Q ARE YOU SAYING IT WAS PROCESSED BEFORE PRINTS?

21 A YES, SIR THE PIECES OF THE VASE AND THEN THE  
22 VASE ON THE TABLE?

23 Q YES, SIR

24 A YES, SIR

25 Q EACH ONE OF THOSE WAS PROCESSED?

1 A YES, SIR, THERE ON THE SCENE

2 Q SO YOU ALL DUSTED THESE AFTER THE FACT, AFTER  
3 THESE PICTURES WERE MADE?

4 A THAT IS CORRECT WHEN WE GO THROUGH AND TAKE  
5 THE PHOTOGRAPHS, THE GENERAL PHOTOGRAPHS, AND WHAT  
6 NOT, THAT IS TO SHOW THE SCENE AS WE SAW AS WE WERE  
7 THERE AND THEN IF YOU HAVE SOME CLOSE-UP  
8 PHOTOGRAPHS DONE, IT MAY BE TO POINT OUT SOMETHING  
9 IN PARTICULAR AND THAT PARTICULAR VASE THAT WAS ON  
10 THE KITCHEN TABLE WITH A DROP OF BLOOD ON ONE OF THE  
11 LEAVES OF THE FLOWERS THAT WAS THERE IN THAT VASE

12 Q DID YOU ALL STAND IT UP?

13 A I CAN'T REMEMBER IF I DID OR NOT, NO, SIR I  
14 CAN'T REMEMBER

15 MR GARRETT I'D LIKE TO HAVE  
16 THESE MARKED AS DEFENDANT'S EXHIBIT, PLEASE  
17 (REPORTER MARKS PERTINENT DOCUMENTS AS DEFENDANT'S  
18 EXHIBIT 4, 5 AND 6 )

19 EXAMINATION CONTINUED BY MR GARRETT

20 Q NOW, I'LL SHOW YOU WHAT HAS BEEN MARKED AS  
21 DEFENDANT'S EXHIBIT NUMBER SIX AND CAN YOU IDENTIFY  
22 THAT PHOTOGRAPH FOR US?

23 A YES, SIR, THIS AGAIN IS THE BROKEN VASE WITH  
24 THE FLOWERS ON THE KITCHEN TABLE AND IT WOULD BE  
25 TAKEN IF YOU WERE STANDING SOMEWHERE OVER IN THIS

1 AREA PHOTOGRAPHING SHOWING THE TABLE AND THE IRONING  
2 BOARD AND THE MICROWAVE IS BACK OVER HERE IN THE  
3 CORNER

4 Q AND IS THAT VASE IN A LAYING DOWN CONDITION OR  
5 IS IT IN A STANDING UP CONDITION?

6 A IT'S IN A LAYING DOWN POSITION

7 Q LOOK AT DEFENDANT'S EXHIBIT NUMBER FIVE, IS  
8 THAT VASE IN A STANDING OR A LAYING CONDITION?

9 A IT'S IN A STANDING POSITION

10 Q WHY WOULD YOU ALL HAVE DONE THAT?

11 A HERE, IN STATE'S EXHIBIT FIVE, WHERE MY  
12 THUMB'S POINTING TO SHOWS THE PHOTOGRAPH OF THE LEAF  
13 THAT HAS THE BLOOD STAIN ON IT IT'S JUST SIMPLY TO  
14 STAND IT UP AND TAKE THE PHOTOGRAPH AND DOWN

15 Q DID YOU ALL MAKE ANY OTHER CHANGES TO THE LAY  
16 OF THE EVIDENCE IN THAT ROOM?

17 A NO, SIR, AS SIMPLY STATED, STAND IT UP AND  
18 PHOTOGRAPH IT ON THE STAIN

19 Q SO WHEN YOU ALL DUSTED, I GUESS THAT'S THE  
20 KNIFE OVER THERE BEHIND IT, DID YOU ALL DO ANYTHING  
21 WITH THE KNIFE THERE?

22 A I KNOW WE EXAMINED IT FOR -- LOOKED AT IT FOR  
23 BLOOD I DON'T KNOW -- I CAN'T REMEMBER IF I  
24 PROCESSED IT FOR PRINTS OR NOT THERE ON THE SCENE  
25 I KNOW I DID NOT TAKE I BACK TO THE LABORATORY WITH

1 ME TO PROCESS IT FOR PRINTS, BUT I KNOW IT WAS  
2 CHECKED FOR BLOOD AND NONE WAS FOUND

3 Q NOW, THIS WASHRAG, DID YOU DETERMINE WHERE  
4 THIS WASHRAG CAME FROM?

5 A NO, WE DID NOT

6 Q DID YOU SEE WHETHER OR NOT THERE WERE ANY  
7 CONSISTENT WASHRAGS EITHER IN THE BATHROOM AREA  
8 AND/OR THE KITCHEN AREA?

9 A I CAN'T REMEMBER THAT WE DID OR I CAN'T  
10 REMEMBER THAT I DID

11 Q WAS THAT MORE IN THE LINE WITH A KITCHEN TILE  
12 OR A BATHROOM TILE -- I MEAN, BATHROOM RAG OR A  
13 KITCHEN RAG?

14 A IT WAS A WASHCLOTH, I HAVE NO IDEA

15 Q POINT WHERE THAT WAS, AGAIN

16 A APPROXIMATELY THIS AREA RIGHT IN HERE

17 Q AND IT DID HAVE SOME BLOOD SPOTS ON IT?

18 A YES, SIR, ON BOTH SIDES

19 Q AND WE'VE NOT BEEN ABLE TO DETERMINE WHOSE  
20 BLOOD THAT WAS OR WAS THAT IDENTIFIABLE?

21 A CUTTINGS WERE TAKEN UPON THE RAG, WASHCLOTH BY  
22 AGENT SKRABA SHE WOULD HAVE TO TELL YOU THAT  
23 INFORMATION, I DON'T KNOW

24 Q IS IT UNUSUAL FOR A PHONE NOT TO HAVE A  
25 FINGERPRINT ON IT?

1 A IS IT UNUSUAL, I DON'T THINK IT'S UNUSUAL  
2 ANY TIME WITH A PRINT, YOU HAVE TO LOOK AT THE  
3 CONDITION OF THE SURFACE AND THE CONDITION OF THE  
4 HAND AND I WAS TALKING ABOUT EARLIER WITH A  
5 LATENT, A LATENT BEING FRAGILE ALSO BEING A RANDOM  
6 TOUCHING I CAN'T SAY WHETHER OR NOT IT'S UNUSUAL  
7 NOT TO DEVELOP A PRINT ON A SURFACE IT'S JUST  
8 BASED ON THE CONDITION OF THE HANDS AND THE  
9 CONDITION OF THE SURFACE

10 Q THIS IS STATE'S EXHIBIT NUMBER THIRTY, IS THAT  
11 CORRECT? AGAIN, THAT'S JUST THE SHOWER CURTAIN?

12 A YES, SIR, IT IS

13 Q AND IS THAT ALSO THAT LITTLE GREEN CONTAINER  
14 THAT YOU TALKED ABOUT EARLIER, IS THAT IN THE  
15 CONDITION AND PLACE IT WAS WHEN YOU ALL GOT THERE?

16 A YES, SIR, IT WAS

17 Q THAT WASN'T MOVED AROUND OR ANYTHING LIKE THAT  
18 TO YOUR KNOWLEDGE?

19 A WHEN WE GOT THERE, WE PHOTOGRAPHED IT AS WE  
20 SAW IT ON THE SCENE

21 Q AND THAT'S NOT A NORMAL PLACE FOR ONE OF THOSE  
22 THINGS TO BE, IS IT? IT'S USUALLY OFF IN A CORNER,  
23 IT WOULDN'T BE IN THE MIDDLE OF THE ROOM, THOUGH,  
24 WOULD IT?

25 A I CAN'T SAY WHAT'S NORMAL IN ANOTHER PERSON'S

1 HOME

2 Q TELL ME AGAIN WHERE THIS BLOOD SPATTER, NINETY  
3 DEGREE SPLATTER WAS ON STATE'S EXHIBIT NUMBER  
4 THIRTY-FOUR

5 A IT'S APPROXIMATELY IN THIS AREA, I BELIEVE  
6 I'M TRYING TO USE MY LEFT HAND, APPROXIMATELY IN  
7 THIS AREA

8 Q WHICH WAY IS THE CARPET THERE? YOU THINK IT  
9 STOPS RIGHT HERE?

10 A DO YOU HAVE A GENERAL PHOTOGRAPH, PLEASE?  
11 YES, SIR, THAT'S RIGHT, THAT'S CORRECT, YES AGAIN,  
12 WITH MY LEFT HAND, GENERALLY IN THIS AREA HERE  
13 YOU'VE GOT, OF COURSE, THE CARPET'S HERE AND THE  
14 LINOLEUM STARTING HERE IS APPROXIMATELY IN THIS  
15 AREA

16 Q SO IT'S APPROXIMATELY IN THIS AREA AND YOU SAW  
17 NO BLOOD OTHER THAN ON THE RAG, RIGHT HERE?

18 A YES, SIR, IN THAT AREA THERE WAS SOME BLOOD ON  
19 THE RAG, THAT IS CORRECT

20 Q AND THIS ROUND THING THAT CAME OFF THE WALL  
21 THERE, YOU SAID IT WAS A RELIGIOUS SYMBOL?

22 A IT WAS A RELIGIOUS PLAQUE THERE WAS ANOTHER  
23 PLAQUE JUST LIKE IT ON THE WALL, ON THIS WALL WITH A  
24 PICTURE OF JESUS AND BESIDE THAT WAS ANOTHER  
25 RELIGIOUS PLAQUE, AND IT MATCHED THAT PLAQUE



1 Q SO THERE WERE TWO OF THOSE ON THERE?

2 A YES, SIR, THERE WERE TWO THERE ONE WAS ON --

3 Q ONE WAS ON THE GROUND

4 A -- AND ONE WAS ON THE FLOOR THERE WITH THE  
5 RAG

6 Q DID IT APPEAR THAT SOME TYPE OF TUSSLE OR  
7 ALTERCATION HAD OCCURRED THERE?

8 A IT DIDN'T APPEAR TO BE ANY TYPE OF TUSSLE OR  
9 ALTERCATION BUT THE PLAQUE, YOU CAN SEE WHERE IT DID  
10 GO BY THE OTHER PLAQUE, MATCHING PLAQUE, AND IT WAS  
11 ON THE FLOOR BY THE RAG IT CAME DOWN SOMEHOW, HOW  
12 IT CAME DOWN, I CAN'T TELL YOU

13 MR GARRETT BEG THE COURT'S  
14 INDULGENCE

15 EXAMINATION CONTINUED BY MR GARRETT

16 Q AND WHEN YOU CAME UPON THE SCENE, WHERE DID  
17 YOU SAY MS HARRIS WAS?

18 A MS HARRIS, THE AUNT THAT WAS IN THE FLOOR  
19 LOCATED HERE IN THIS AREA, SHE HAD ONE, WHAT  
20 APPEARED TO BE THE ENTRANCE WOUND TO HER LEFT CHEEK,  
21 AND BASED ON THE CUTTING, IT APPEARED THAT THE  
22 WADDING ITSELF, SINCE WE COULD NOT FIND THE WADING,  
23 MAY HAVE GONE INTO HER AND, OF COURSE, IT'D BE  
24 LEFT UP TO WHOEVER, THE PATHOLOGIST, TO DETERMINE IF  
25 THAT DID, IN FACT, COME OUT

1 Q AND AS TO MS JACKSON, WHERE WAS HER ENTRY  
2 WOUND?

3 A I PERSONALLY DON'T KNOW THE ENTRY WOUND TO MS  
4 JACKSON

5 Q IF YOU DON'T KNOW, THAT'S FINE I DIDN'T KNOW  
6 WHETHER YOU KNEW WHERE THE ENTRY WAS OR NOT

7 Q I'M GOING -- ABOUT THE INJURIES

8 Q NO, I JUST WANTED TO KNOW IF YOU KNEW WHERE  
9 THE ENTRY WOUND WAS

10 A NOW, THERE WAS ANOTHER WOUND ALSO TO HER  
11 THERE WAS A WOUND HERE IN HER UPPER CHEST AREA THAT  
12 WAS A STAB WOUND

13 Q I UNDERSTAND

14 A BUT AS FAR AS TO THE ACTUAL ENTRY WOUND TO HER  
15 HEAD, I DON'T KNOW, I ONLY KNEW WHERE THE EXIT WOUND  
16 WAS

17 Q I UNDERSTAND JUST ONE LAST QUESTION, THE  
18 WIDTH OF THE HALLWAY FROM YOUR NOTES, HOW WIDE IS  
19 THE HALLWAY?

20 A I DID NOT TAKE A MEASUREMENT AS FAR AS TO TELL  
21 YOU EXACTLY HOW WIDE THE HALLWAY WAS, BUT IT IS A  
22 NARROW AREA I'M ONLY GUESTIMATING HERE IT WAS  
23 MAYBE THREE FEET WIDE, MAYBE AT THE MOST ONE  
24 PERSON COULD WALK DOWN THE HALL COMFORTABLY IT  
25 WOULD BE VERY DIFFICULT FOR TWO PEOPLE TO WALK DOWN

1 THE HALL SIDE BY SIDE

2 Q IF TWO PEOPLE WERE CROSSING ONE ANOTHER, ONE  
3 COMING IN AND ONE COMING OUT OF THAT BACK SPACE

4 A THEY WOULD HAVE TO TURN TO THE SIDE, OF  
5 COURSE, DEPENDING ON THE SIZE OF THE PERSON, BUT I  
6 WOULD SAY TWO ADULTS WOULD HAVE TO TURN SIDE BY SIDE  
7 TO ALLOW EACH OTHER TO PASS

8 Q YOU TALKED ABOUT THAT STUFF YOU PUT ON DOORS  
9 TO MAKE THE BLOOD SHOW UP AND STUFF

10 A THE AMIDO BLACK?

11 Q YEAH, THAT'S WHAT YOU WERE TALKING ABOUT DID  
12 YOU PUT SOME OF THAT, SOME OF THAT AMIDO BLACK STUFF  
13 ON THIS BACKDOOR BACK HERE? COULD YOU DRAW US DOOR  
14 ON THAT TO SHOW US HOW THAT DOOR

15 THE WITNESS MAY I STEP DOWN, YOUR  
16 HONOR?

17 THE COURT YOU MAY

18 MR GARRETT SOLICITOR, DO YOU  
19 OBJECT IF HE DRAWS A DOOR ON THERE?

20 MR COULTER NO

21 MR GARRETT THANK YOU

22 THE WITNESS THE DOOR AND I'M  
23 GOING TO SHOW IT IN AN OPEN POSITION, THE DOOR WOULD  
24 BE LIKE SO AND THIS ARROW, IT OPENS IN THAT  
25 DIRECTION IF YOU OPEN THE DOOR, IT GOES IN BACK

1 TOWARDS THE COUCH

2 EXAMINATION CONTINUED BY MR GARRETT

3 Q WAS THAT DOOR OPENED OR CLOSED WHEN YOU GOT IN  
4 THERE?

5 A WHEN WE ARRIVED ON THE SCENE, THE DOOR WAS  
6 OPEN YOU COULD SEE BLOOD ON THIS DOOR AND YOU  
7 COULD SEE WHAT APPEARED TO BE A TRANSFER OF BLOOD  
8 WHERE BLOOD WAS ON ANOTHER OBJECT, CAME IN CONTACT  
9 WITH THE DOOR YES, WE DID PROCESS IT WITH THE  
10 AMIDO BLACK AND WHAT IT SHOWED WAS A FABRIC-TYPE  
11 IMPRESSION AND LOOKING AT THE SHIRT OF MS HARRIS  
12 HERE IN THE FLOOR, SHE HAD BLOOD ON HER SHIRT IT  
13 WAS CONSISTENT WITH HER HITTING THE DOOR AND THEN  
14 THE DIRECTION OF THE BLOOD WAS GOING UP TO DOWN, HER  
15 SLIDING DOWN THERE WAS ALSO THE BLEED OUT HERE ON  
16 THE FLOOR WHERE SHE WAS LAYING AND ALSO NEAR THIS  
17 WASHER AND DRYER INDICATED VOLUME BLOOD DROPPING  
18 DOWN

19 Q WAS THAT BLOOD IDENTIFIED?

20 A MRS SKRABA TOOK A SAMPLE SHE AGAIN WOULD  
21 HAVE TO TESTIFY AS TO WHOSE BLOOD IT IS  
22 (REPORT MARKS PERTINENT DOCUMENT AS DEFENSE EXHIBIT  
23 #7)

24 MR GARRETT DEFENSE EXHIBIT  
25 NUMBER SEVEN, YOUR HONOR, MOVE TO INTRODUCE IN

1 EVIDENCE

2 THE COURT IT'S ADMITTED WITHOUT  
3 OBJECTION

4 (DEFENSE EXHIBIT #7 ADMITTED WITHOUT OBJECTION)

5 EXAMINATION CONTINUED BY MR GARRETT

6 Q IS THIS THE AMIDO BLACK MATERIAL YOU'RE  
7 SPEAKING OF --

8 A YES, SIR

9 Q -- AND IT CAUSES THE PROTEIN TO DEMONSTRATE  
10 THEMSELVES BY TURNING BLUE OR BLACK?

11 A OR IT DOESN'T IN BLOOD IS PROTEIN, THE AMIDO  
12 BLACK STAINS THE PROTEIN A BLUISH-BLACK COLOR AND,  
13 YES, SIR, THIS IS WHAT WAS DEVELOPED ON THE DOOR  
14 AND IT SHOWS THE SWIPING MOTION GOING UP TO DOWN AND  
15 IT SHOWS THE TRANSFER PATTERN, OF COURSE, THERE WERE  
16 CLOSE-UPS DONE OF THAT. BUT IT SHOWS THAT THERE,  
17 YES, SIR, ABOVE THE DOOR KNOB

18 Q AND THAT DOOR WAS NOT CLOSED WHEN Y'ALL GOT  
19 THERE BUT INSTEAD WAS COMPLETELY OPEN?

20 A YES, SIR, IT WAS OPEN, THAT'S CORRECT

21 Q AND YOU DON'T KNOW WHETHER THAT WAS TESHEKA  
22 JACKSON'S BLOOD OR MS HARRIS'S BLOOD ON THAT DOOR?

23 A I HAVE NO IDEA

24 MR GARRETT THAT'S ALL I HAVE FOR  
25 THIS WITNESS, YOUR HONOR, AT THIS TIME

1 RE-DIRECT EXAMINATION BY MR COULTER

2 Q WE'LL CERTAINLY TRY TO BE BRIEF, YOUR HONOR  
3 AGENT BLACK, IN REVIEWING THE CRIME SCENE AS YOU DID  
4 IN DIFFERENT PLACES WHERE YOU FOUND THE BLOOD, WAS  
5 THERE ANYTHING INCONSISTENT WITH THE FACT OR THE  
6 POSSIBILITY THAT MS JACKSON, SHEKA JACKSON, WAS  
7 STABBED IN THE BATHROOM AND THEN RAN THROUGH THE  
8 KITCHEN AND THEN INTO THE MASTER BEDROOM?

9 A NO, THERE'S NOTHING INCONSISTENT WITH THAT  
10 AS A MATTER OF FACT, NEAR THE WOUND YOU HAD ACTUAL  
11 BLOOD THAT WAS NEAR THE WOUND IT'S NOT UNUSUAL FOR  
12 CLOTHING TO ABSORB THAT BLOOD ALSO WHEN WE PULLED  
13 MS JACKSON OUT FROM UNDER THE BED ON HER HANDS, SHE  
14 DID HAVE BLOOD ON HER HANDS IT WOULD ALSO NOT BE -  
15 - IT WOULD ALSO BE POSSIBLE THAT SHE MAY HAVE TAKEN  
16 HER HAND AND PLACED OVER THE WOUND TO PREVENT THE  
17 BLOOD FROM FLOWING AS THE BLOOD BUILT UP FROM  
18 EITHER THE SATURATION FROM BEING ABSORBED IN THE  
19 CLOTHING OR THE MOVING AWAY OF THAT HAND, THAT THE  
20 BLOOD MAY HAVE DROPPED AND FELL

21 Q SO IF SHE HAD BEEN STABBED IN THE BATHROOM AND  
22 THEN COVERED UP HER WOUND, COULD THAT EXPLAIN THE  
23 ABSENCE OF BLOOD GOING THROUGH THE LIVING ROOM?

24 A YES, SIR, IT COULD

25 Q AND IN THE KITCHEN WHERE YOU NOTED THE TABLE

1 AND CHAIRS, WAS THE SITUATION OF THE FURNITURE YOU  
2 SAW IN THERE CONSISTENT WITH SHEKA POSSIBLY RUNNING  
3 AWAY AND KNOCKING CHAIRS DOWN BEHIND HER TO STOP  
4 SOMEONE CHASING HER?

5 A THAT'S POSSIBLE

6 Q YOU HAD EXAMINED AGAIN THE KNIFE, THIRTY-TWO

7 A YES, SIR

8 Q AND DID YOU FIND ANYBODY FINGERPRINT'S ON IT?

9 A I FOUND NO IDENTIFIABLE PRINTS ON THE KNIFE

10 Q THE ONLY YOU FOUND ON THIS WAS THAT IT WAS  
11 CONSISTENT WITH SHEKA STEPPING ON IT?

12 A HER LEFT SHOE, THAT IS CORRECT

13 Q THAT CERTAINLY DOESN'T MEAN SOMEBODY DIDN'T  
14 HANDLE THIS KNIFE

15 A NO, SIR, IT DOESN'T MEAN THAT IT WASN'T  
16 HANDLED AT ALL I'M SIMPLY STATING THAT THE  
17 IDENTIFIABLE FOOTWEAR IMPRESSION IS CONSISTENT WITH  
18 HER LEFT SHOE

19 Q AND THAT DOESN'T MEAN SOMEBODY DIDN'T STAB  
20 TESHEKA WITH THIS KNIFE

21 A NO, IT DOES NOT MEAN THAT

22 Q NOW, WE TALKED A LITTLE BIT ABOUT THE DOOR,  
23 THE FRONT DOOR

24 A YES, SIR

25 Q AND YOU HAD TALKED ABOUT SOME BLOOD THAT WAS

1 FOUND THERE ON THAT FRONT DOOR THIS IS STATE'S  
2 EXHIBIT NINETEEN, YOU NOTED THAT BLOOD NEAR THE  
3 DOOR

4 A YES, SIR

5 Q AND WHAT TYPE OF BLOOD SPATTER, IF YOU WILL,  
6 IS THAT?

7 A THAT WOULD BE SIMPLY A TRANSFER THAT AGAIN  
8 IS BLOOD IS ON, IN THIS CASE, THE RIDGES, THE HAND  
9 AND AS THE BLOODY HAND TOUCHES THE DOOR, IT IS  
10 TRANSFERRING THOSE RIDGES ONTO THE DOOR IN BLOOD

11 Q SO SOMEBODY WHO GOT BLOOD ON THEM COULD THEN  
12 TRANSFER THAT TO THAT DOOR FRAME?

13 A THAT IS CORRECT

14 Q AND, OF COURSE, YOU DON'T KNOW WHEN THAT BLOOD  
15 WAS ACTUALLY PLACED ON THAT DOOR AND TRANSFERRED TO  
16 THAT DOOR?

17 A NO, SIR, I DO NOT

18 Q AND CERTAINLY YOU'RE NOT TESTIFYING THIS BLOOD  
19 WAS THERE AT THE TIME OF THE FORCIBLE ENTRY?

20 A NO, I AM NOT

21 Q THAT COULD HAVE BEEN LEFT BY THE DEFENDANT  
22 RUNNING OUT OF THE HOUSE

23 A THAT IS POSSIBLE, YES, SIR

24 Q OF COURSE, THE CONDITION OF THE STRIKE PLATE  
25 ON THE FRONT DOOR AND THE STRIKE PLATE ON THE



1 BEDROOM DOOR PRIOR TO THIS CRIME, THE ONLY PERSON  
2 WHO COULD REALLY TESTIFY TO THAT IS GOING TO BE THE  
3 OWNER

4 MR GARRETT OBJECTION, YOUR  
5 HONOR, I DON'T THINK HE'D HAVE KNOWLEDGE TO THAT  
6 EFFECT

7 THE COURT SUSTAINED  
8 EXAMINATION CONTINUED BY MR COULTER

9 Q YOU TALKED ABOUT THE PHONE THAT HAD BEEN TAKEN  
10 OFF THE WALL

11 A YES, SIR

12 Q DID YOU KNOW THAT THAT WAS A SPEAKERPHONE, IT  
13 HAD SPEAKERPHONE CAPABILITY?

14 A I DON'T THINK IT HAD SPEAKERPHONE CAPABILITY,  
15 I DON'T THINK I'D HAVE TO LOOK AT IT CLOSER TO BE  
16 SURE

17 Q YOU DON'T KNOW

18 A I'M NOT SURE, NO, I DON'T KNOW

19 Q LET ME ASK YOU THIS YOU SAW THE PHONE AND  
20 THE CORD GOING DOWN THE HALL

21 A THAT IS CORRECT

22 Q AND YOU ALSO SAW THE PHONE RIPPED OFF THE  
23 WALL

24 A THAT IS CORRECT

25 Q AND YOU DON'T KNOW WHEN THE PHONE WAS RIPPED

1 OFF THE WALL

2 A NO, SIR, I DO NOT

3 Q SO MS HARRIS COULD HAVE BEEN TALKING ON THAT  
4 PHONE BEFORE SHE WAS SHOT

5 A YES, SIR

6 Q AND THEN THE DEFENDANT RIPS IT OUT OF THE WALL  
7 AS HE LEAVES

8 A YES, SIR, THAT IS POSSIBLE

9 Q AND AS I UNDERSTOOD YOUR TESTIMONY, YOU DIDN'T  
10 FIND ANY KIND OF RIDGE DETAIL ON THAT BASE?

11 A NO, SIR, DID NOT

12 Q AND IT COULD HAVE BEEN BROKEN JUST SITTING  
13 THERE LYING ON THE TABLE AS YOU FOUND IT?

14 A YES, SIR, THAT'S POSSIBLE

15 MR COULTER THANK YOU, THAT'S ALL  
16 I HAVE

17 RE-CROSS EXAMINATION BY MR GARRETT

18 Q THERE'S A LOT OF POSSIBILITIES THERE, IS THAT  
19 CORRECT?

20 A YES, THERE IS

21 Q THERE'S A LOT OF OTHER POSSIBILITIES, TOO,  
22 AREN'T THERE?

23 A YES, SIR

24 Q AND IT'S ALSO POSSIBLE THAT THAT BLOOD GOT  
25 DEPOSITED THERE WHEN THERE WAS A CLASH BETWEEN

1 TESHEKA AND MR HUGHEY AS HE WAS COMING IN AND OUT  
2 OF THAT DOOR

3 A YES, SIR, THAT'S A POSSIBILITY

4 Q IT'S ALSO POSSIBLE THAT THE FIGHT ACTUALLY  
5 OCCURRED IN THE KITCHEN AT OR NEAR THE -- IF MS  
6 JACKSON WERE ON THIS SPEAKERPHONE HERE, SHEKA AND  
7 MS HARRIS WERE ON THE SPEAKERPHONE HERE AND JOHN  
8 WAS SITTING IN A CHAIR OVER HERE AND SHE GOT MAD, IT  
9 COULD HAVE STARTED RIGHT THERE IF SHE THREW  
10 SOMETHING ACROSS THERE AND HIT HIM AND THEN RAN OVER  
11 HERE AND GRABBED THE KNIFE AND THEN THEY FOUGHT IT  
12 COULD HAVE HAPPENED RIGHT HERE IN THE KITCHEN,  
13 COULDN'T IT?

14 A YES, SIR, THAT'S A POSSIBILITY, TOO

15 Q THERE'S ENOUGH EVIDENCE THERE TO SUGGEST THAT,  
16 ISN'T THERE?

17 A THAT'S A POSSIBILITY

18 Q AND THEN IF SOMEBODY WAS SAYING LEAVE AND HE  
19 WAS RUNNING, SHE WAS CHASING HIM WITH THAT KNIFE, HE  
20 COULD HAVE GONE OUT, COULDN'T HE?

21 A YES, SIR, THAT'S POSSIBLE

22 Q COULD HAVE BEEN FIGHTING RIGHT HERE

23 A POSSIBLE

24 Q YOU ALL DIDN'T DO ANY SPECIFIC ANALYSIS OF  
25 THIS FRONT PORCH STEP OR LOCATION OF THE CAR THOUGH,

1 DID YOU?

2 A WE CHECKED WHEN YOU SAY SPECIFIC ANALYSIS,  
3 YES, WE CHECKED, WE LOOKED, BUT WE DIDN'T SEE ANY  
4 PHYSICAL EVIDENCE THAT WE FELT NEEDED TO BE  
5 DOCUMENTED IN ANY WAY THERE WAS NO INDICATION THAT  
6 ANYTHING HAD HAPPENED ON THE STEPS OR OUT IN THE  
7 YARD, WHAT YOU'RE REFERRING TO

8 Q THIS DOOR HAD SOME BLOOD ON IT

9 A YES, SIR, IT DID

10 Q AND THEN THE FIGHT COULD HAVE CARRIED ITSELF  
11 ON AGAIN IN THIS AREA, YOU'VE GOT BLEEDING IN HERE  
12 DOESN'T IT?

13 A YES, SIR

14 Q YOU'VE GOT A DOOR THAT'S BROKEN UP IN HERE

15 A YES, SIR

16 Q YOU'VE GOT A SHOTGUN BLAST HERE

17 A YES, SIR

18 Q RIGHT? AND THEN YOU'VE GOT A RUNNING THROUGH  
19 THIS HOUSE AND MAYBE MS JACKSON WAS ON THAT PHONE  
20 BACK IN THE BACK BEDROOM THERE USING THAT TELEPHONE,  
21 YOU CAN'T DISPUTE THAT, CAN YOU?

22 A NO, SIR

23 Q INSTEAD OF THAT ONE RIGHT THERE AND MAYBE  
24 SHE CAME OUT BECAUSE SHE HEARD A SHOT

25 A THAT'S POSSIBLE

1 Q ABOUT THE TIME SHE'S COMING OUT, YOU'VE GOT  
2 ONE RUNNING AND ONE -- IT'S TOUGH FOR TWO PEOPLE TO  
3 BE IN THAT HALL AT THE SAME TIME, ISN'T IT?

4 A YES, SIR

5 Q THE SHOT COULD HAVE WENT OFF AND KILLED MS  
6 HARRIS, COULDN'T IT?

7 A AT WHAT POINT?

8 Q AT THAT POINT WHEN THE TWO WERE ATTEMPTING TO  
9 CROSS ONE WENT BY HER TO GET IN, TESHEKA RAN BY  
10 HER TO GET IN AND SHE WAS STEPPING OUT

11 A BASED ON THE ANGLE AND WHAT NOT -- WHAT I SAW  
12 FROM THE SCENE AND WHERE THE PLACEMENT OF THE SHOT  
13 WAS TO MS HARRIS AND WHERE SHE FELL AND THE BLOOD,  
14 THE SHOT --

15 Q SHE'D BE STANDING HERE

16 A THE SHOT WOULD HAVE TO HAVE COME BACK FROM THE  
17 BEDROOM

18 Q OH, SOMEBODY HAD TO SHOOT MS HARRIS IN THE  
19 BEDROOM?

20 A I'M SAYING THE SHOOTER MAY HAVE BEEN BACK HERE  
21 IN THE BEDROOM AND SHOT BACK THIS WAY

22 Q AND HOW LONG HAVE YOU BEEN DOING THIS LINE OF  
23 WORK?

24 A I'VE SERVED WITH THE COMBINATION OF, YOU KNOW,  
25 RICHLAND COUNTY AND WITH S L E D , OVER EIGHT YEARS,

1 GOING ON NINE YEARS

2 Q AND YOU THINK SHE WAS SHOT FROM THE BEDROOM?

3 A I SAID THAT WAS A POSSIBILITY BASED ON --

4 Q IS IT ALSO A POSSIBILITY THAT SHE WAS SHOT  
5 FROM THIS DIRECTION?

6 A THAT'S POSSIBLE, TOO, YES, SIR

7 Q ALL RIGHT AND THEN IF MS JACKSON WHO DID,  
8 IN FACT, HAVE BLOOD ON HER FROM FIGHTING DEPOSITED  
9 IT ON THAT DOOR, IT COULD HAVE BEEN HERS, TOO,  
10 COULDN'T IT?

11 A BASED ON WHAT I SAW AND WITH THE IMPRESSION  
12 AND WHAT NOT AND THE DIRECTION IT WAS GOING, IT  
13 APPEARED MORE THAT AFTER MS HARRIS TOOK THE SHOT,  
14 BEING THERE AT CLOSE PROXIMITY OF THE DOOR AND THE  
15 MOTION OF GOING DOWN AS SHE SLID DOWN THE DOOR WHERE  
16 WE FOUND HER HERE ON THE FLOOR

17 Q WE'RE JUST GOING TO HAVE TO WAIT TO SEE WHAT  
18 YOUR ANALYSIS SHOWS US ABOUT THE BLOOD IF  
19 TESHEKA'S BLOOD ON THAT DOOR, IF EXPERTS SHOW THAT,  
20 YOU'D HAVE TO AGREE THAT TESHEKA TOUCHED THAT DOOR

21 A YES, SIR

22 Q HOW LONG DOES IT TAKE FOR THIS KIND MAYHEM TO  
23 GO ON?

24 A SIR

25 MR COULTER JUDGE, I TELL YOU, I

1 DON'T THINK THIS IS IN RESPONSE TO MY RE-DIRECT I  
2 THINK THAT'S WHAT HE'S LIMITED TO

3 THE COURT I UNDERSTAND DO YOU  
4 THINK THE WITNESS COULD ANSWER THAT QUESTION, I  
5 MEAN, UNLESS HE WERE THERE?

6 MR GARRETT NO, BUT HE MIGHT HAVE  
7 SOME IDEA WHETHER IT TAKES MINUTES, FIVE, TEN --

8 THE COURT I SUSTAIN THE  
9 OBJECTION I DON'T THINK THIS WITNESS IS IN ANY  
10 BETTER POSITION THAN THE JURY TO MAKE THAT  
11 DETERMINATION

12 MR GARRETT YES, YOUR HONOR  
13 THAT'S ALL I HAVE

14 THE COURT THANK YOU, SIR, YOU MAY  
15 STEP DOWN YOU MAY BE EXCUSED IF THERE'S NO  
16 OBJECTION

17 MR COULTER WITHOUT OBJECTION

18 MR GARRETT NONE FROM THE  
19 DEFENSE

20 THE COURT THERE APPEARS TO BE  
21 NONE, YOU MAY BE EXCUSED

22 THE WITNESS THANK YOU, YOUR  
23 HONOR

24 (WITNESS EXCUSED AT 7 00 O'CLOCK P M )

25 THE COURT LADIES AND GENTLEMEN,

1 WE'RE GOING TO RECESS AT THIS TIME FOR THE EVENING  
2 OF COURSE YOU'RE NOT TO DISCUSS THE CASE IN ANY  
3 FASHION WHILE YOU'RE PARTICIPATING IN THE TRIAL OF  
4 THE CASE UNTIL YOU'RE ASKED TO BEGIN DELIBERATIONS,  
5 THAT WILL BE AT THE END HAVE A GOOD EVENING I  
6 BELIEVE THEY'VE MADE ARRANGEMENTS FOR YOUR SUPPER  
7 HAVE A GOOD EVENING WE'LL SEE YOU AT 9 00 O'CLOCK  
8 IN THE MORNING, HAVE A GOOD EVENING  
9 (JURY EXITS COURTROOM AT 7 00 O'CLOCK P M )

10 ARE THE JURORS OUT OF THE  
11 COURTROOM? ALL RIGHT, MR GARRETT OR MR TINSLEY

**REMAINDER OF THIS PAGE IS BLANK**

**TRANSCRIPT IS CONTINUED IN**

**VOLUME IX**



PAGES 2623-2624

REPETATIVE TRANSCRIPT COVER PAGES  
AND NOT REPRINTED

1 (CONTINUATION OF DAY ELEVEN, OCTOBER 23, 1997)

2 MR TINSLEY YOUR HONOR?

3 THE COURT MR TINSLEY, YES, SIR?

4 MR TINSLEY I HAVE MY WITNESS HERE ON  
5 THE MATTER WE DISCUSSED PREVIOUSLY

6 THE COURT I'LL ADDRESS THAT AS SOON  
7 AS THE JURY IS EXCUSED

8 ARE THE JURORS OUT OF THE COURTROOM?

9 ALL RIGHT, MR GARRETT OR MR TINSLEY

10 MR TINSLEY WE CALL GLORIA HARRISON  
11 TO THE STAND OF COURSE, THIS IS FOR THE LIMITED  
12 PURPOSE OF ADDRESSING THE ISSUE WE DISCUSSED  
13 EARLIER

14 THE COURT THE ISSUE OF ADMISSABILITY  
15 OF THE STATEMENT OF THE DEFENDANT AS RECANTED BY THE  
16 DECEDENT JACKSON TO OFFICER NEW?

17 MR TINSLEY THAT'S CORRECT

18 THE CLERK THE EVIDENCE YOU SHOULD  
19 GIVE THE COURT SHOULD BE THE TRUTH, THE WHOLE TRUTH  
20 AND NOTHING BUT THE TRUTH, SO HELP YOU, GOD

21 DIRECT EXAMINATION BY MR TINSLEY

22 Q STATE YOUR NAME, PLEASE

23 A GLORIA WHITE HARRISON

24 Q MS HARRISON, I'M JUST GOING TO ASK YOU VERY  
25 BRIEF QUESTIONS DO YOU RECALL THE DAY OF DECEMBER

1 3, 1995?

2 A YES

3 Q DO YOU RECALL LATE THAT MORNING SEE YOUR  
4 BROTHER JOHN AND HIS COMMON-LAW WIFE OR GIRLFRIEND  
5 SHEKA JACKSON LATE THAT MORNING?

6 A YES

7 Q AND WHERE WAS THAT?

8 A OVER AT HER GRANDMOTHER'S HOUSE

9 Q IS THAT OVER IN ABBEVILLE?

10 A YES

11 Q SECOND STREET?

12 A YES

13 Q NOW, DURING THIS PERIOD OF TIME, DID YOU  
14 OBSERVE MR HUGHEY, YOUR BROTHER, AND SHEKA AND MR  
15 ADAMS HAVE A CONVERSATION?

16 A THERE WAS A CONVERSATION IN BEHALF OF JOHN AND  
17 SHEKA?

18 Q THEY WERE TALKING?

19 A YES

20 Q AND WHY WERE YOU OVER THERE?

21 A HE HAD ASKED ME TO TAKE HIM OVER THERE TO PICK  
22 UP HIS KIDS

23 Q WHAT WAS GOING ON, TELL US WHAT HAPPENED

24 A WELL, HE ASKED ME IF I'D TAKE HIM OVER THERE  
25 AND PICK UP HIS KIDS BECAUSE SHEKA WAS SUPPOSED TO

1 BE GOING SOMEWHERE WITH HER COUSIN, SO I SAID YES  
2 AND I TOOK HIM OVER THERE

3 Q WAS HE GOING TO KEEP THE KIDS?

4 A YES

5 Q DID YOU ALL PICK UP THE KIDS?

6 A NO

7 Q WHAT HAPPENED? WHAT DID YOU SEE?

8 A I REMEMBER WHEN I PULLED UP INTO HER DRIVEWAY,  
9 IT WAS WHERE THERE WAS A MUSTANG SITTING IN THE  
10 YARD AND SHEKA WITH MR ADAMS AND THE KIDS, ONE OF  
11 THEM, WAS IN THE CAR AND WHEN I STOPPED, IT WAS  
12 WHERE JOHN GOT OUT, SHEKA CAME OVER AND THEY WERE  
13 TALKING SO IN THE MIX OF WHEN THEY WERE TALKING  
14 WAS WHERE HE SAID NEVER MIND AND WHEN HE SAID  
15 NEVER MIND, HE TURNED AND HE WALKED AWAY HE CAME  
16 BACK OVER, HE GOT BACK INTO MY JEEP AND WE LEFT

17 Q AND WERE YOU WITH THEREAFTER FOR A WHILE, A  
18 GOOD WHILE?

19 A THEREAFTER?

20 Q YES

21 A NO

22 Q WHERE DID YOU TAKE HIM?

23 A WE LEFT THERE

24 Q WAS THIS ABOUT LUNCH TIME?

25 A IT WAS BEFORE LUNCH TIME

1 Q WOULD YOU SAY IT WAS LATE MORNING, EARLY  
2 AFTERNOON?

3 A YES

4 Q WHERE DID YOU TAKE HIM?

5 A WHEN WE LEFT THERE, WE WENT BACK OVER TO MOM'S  
6 HOUSE

7 Q DURING THAT PERIOD OF TIME THAT YOU WERE THERE  
8 ON DECEMBER 3, 1995, DID JOHN HUGHEY HIT SHEKA  
9 JACKSON?

10 A NO, HE DIDN'T HIT HER

11 Q DID HE PUSH SHEKA JACKSON?

12 A NO, HE DIDN'T PUSH HER

13 Q DID HE HOLLER OUT THAT HE WAS GOING TO KILL HER  
14 OR ANYBODY ELSE?

15 A NO, HE DIDN'T

16 Q WHEN HE LEFT, WAS HE UPSET?

17 A HE WAS HURT

18 Q YOU SAID HE DIDN'T LEAVE WITH HIS KIDS, WHY WAS  
19 THAT?

20 A BECAUSE IT WAS WHERE SHE AND HE, HIM AND SHEKA,  
21 THEY WERE HAVING A FEW WORDS AND HE JUST SAID,  
22 "NEVER MIND I AIN'T WITH IT "

23 Q DO YOU SAY HE MIGHT HAVE PUSHED HER WHEN YOU DO  
24 LIKE THAT

25 A NO, HE DIDN'T PUSH HER IT WAS WHERE HE WAS

1 STANDING UP AND SO WAS SHE AND HE SAID, 'NEVER MIND,  
2 I AIN'T WITH IT

3 Q AND SO YOU ALL LEFT?

4 A YES

5 Q AND THAT WAS THE END OF IT?

6 A YES

7 Q BUT YOU DIDN'T TAKE THE KIDS?

8 A NO

9 Q WHERE WERE YOU LOCATED IN REFERENCE TO JOHN AND  
10 SHEKA AND MICHAEL ADAMS? HOW FAR?

11 A ABOUT FROM HERE TO THE WALKWAY BETWEEN THE  
12 COURT REPORTER AND SOLICITOR

13 Q SO ABOUT FROM WHERE YOU ARE NOW TO RIGHT HERE?

14 A UM-HMM

15 Q SO HE DIDN'T RUN DOWN THE ROAD AND YELL I'LL  
16 KILL YOU AND THAT SORT OF THING?

17 A NO, HE DIDN'T

18 MR TINSLEY THAT'S ALL

19 CROSS-EXAMINATION BY MR JONES

20 Q MS HARRISON

21 A UM-HMM

22 Q YOU TESTIFIED EARLIER IN THIS CASE, DIDN'T YOU?  
23 AT THE COMPETENCY HEARING, YOU ARE THE SAME MS  
24 HARRISON THAT TESTIFIED THAT HE WAS INCOMPETENT?

25 A YES

1 Q HE WAS INCOMPETENT, OUT OF IT OVER IN THE JAIL,  
2 RIGHT?

3 A YES

4 Q HERE YOU ARE AGAIN TODAY TESTIFYING ABOUT  
5 DECEMBER 3, 1990 WHAT?

6 A FIVE

7 Q AND YOU TOOK HIM OVER WHERE?

8 A OVER TO WHERE SHEKA WAS LIVING, HER GRANDMOM'S

9 Q WHERE IS THAT?

10 A OVER ON BLUE HILL

11 Q BLUE HILL?

12 A THAT'S WHAT WE CALL IT, BLUE HILL

13 Q YOU TOOK HIM OVER THERE?

14 A UM-HMM

15 Q WHERE WAS HE BEFORE YOU TOOK HIM OVER THERE?

16 A AT MOM'S HOUSE

17 Q AT YOUR MOMMA'S HOUSE?

18 A UM-HMM

19 Q AND WHERE WERE YOU BEFORE YOU TOOK HIM OVER  
20 THERE?

21 A AT MY MOM'S HOUSE

22 Q AND WHAT WERE YOU DOING AT YOUR MOM'S HOUSE  
23 BEFORE YOU TOOK HIM OVER THERE?

24 A I CAME UP FOR THE WEEKEND

25 Q FOR WHAT?

1 A TO VISIT MY FAMILY

2 Q AND WHO'D YOU BRING WITH YOU?

3 A I WAS ME AND MYSELF AND I

4 Q JUST BY YOURSELF?

5 A UM-HMM

6 Q YOU CAME UP FOR THE WEEKEND TO VISIT YOUR MOM?

7 A I DIDN'T COME TO VISIT MY MOM

8 Q YOU CAME TO VISIT YOUR FAMILY

9 A I CAME TO VISIT MY FAMILY

10 Q AND WHO'D YOU VISIT?

11 A MY SISTERS

12 MR TINSLEY OBJECTION, YOUR HONOR,  
13 WE'RE GETTING WAY BEYOND THE SCOPE OF THIS LIMITED  
14 MATTER

15 THE COURT LET'S JUST TRY TO LIMIT IT  
16 TO THE PURPOSE FOR WHICH THIS WITNESS HAS BEEN  
17 CALLED AND THAT'S SOLELY ON THE ISSUE AS TO WHETHER  
18 OR NOT THERE IS CLEAR AND CONVINCING EVIDENCE FROM  
19 EACH TO DETERMINE THE STATEMENT ATTRIBUTED TO THE  
20 DEFENDANT BY THE DECEDENT TO THE OFFICER SHOULD BE  
21 ADMITTED

22 MR JONES I'M TRYING TO GET THERE,  
23 YOUR HONOR I'LL MOVE RIGHT ALONG

24 THE COURT OKAY

25 EXAMINATION CONTINUED BY MR JONES



1 Q WHO WAS AT YOUR MOM'S HOUSE ON SUNDAY MORNING?

2 A I BELIEVE IT WAS MY BABY SISTER, DOROTHY

3 Q AND?

4 A MYSELF AND JOHN

5 Q JOHN DID ANY OF YOU GO TO CHURCH THAT

6 MORNING?

7 A NO

8 Q WHY NOT?

9 MR TINSLEY OBJECTION, YOUR HONOR

10 THE COURT WHAT'S THE RELEVANCE?

11 MR JONES TO SEE IF SHE HAD OTHER

12 PLANS OTHER THAN GOING TO CHURCH OR IF IT WAS NOT

13 SOMETHING THAT THEY NORMALLY DIDN'T DO IS IT

14 SOMETHING YOU NORMALLY DIDN'T DO, YOU NORMALLY

15 WOULDN'T GO TO CHURCH?

16 JUDGE, I'M GETTING UP, THE CHURCH HOUR

17 IS NORMALLY BETWEEN 9 00 AND 1 00 AND I'M JUST

18 TRYING TO MAKE SURE THEY DIDN'T GO TO CHURCH, AND IF

19 THEY DIDN'T WHY THEY DIDN'T I MEAN I'M GETTING TO

20 THE HOUR THAT SHE SAYS SHE WAS OVER THERE

21 THE COURT GO AHEAD

22 EXAMINATION CONTINUED BY MR JONES

23 Q DID YOU GO TO CHURCH?

24 A NO, I DIDN'T

25 Q WHY NOT?

- 1 A BECAUSE I HAD NO PLANS ON GOING THAT DAY
- 2 Q BUT WHAT WERE YOU PLANS THAT DAY?
- 3 A TO JUST RELAX
- 4 Q RELAX WHERE?
- 5 A AT MY MOM'S HOUSE
- 6 Q IS THAT WHAT YOU DID?
- 7 A YES
- 8 Q UNTIL WHEN?
- 9 A I DON'T REMEMBER WHAT TIME I LEFT TO GO BACK
- 10 Q WHY NOT? YOU RELAXED AT YOUR MOM'S HOUSE UNTIL
- 11 WHEN?
- 12 A I DON'T REMEMBER WHEN I WENT BACK TO GEORGIA
- 13 Q I'M NOT ASKING YOU ABOUT GOING BACK TO GEORGIA,
- 14 MS HARRISON COME ON NOW YOU RELAXED AT YOUR
- 15 MOM'S HOUSE UNTIL YOU DECIDED TO TAKE YOUR BROTHER
- 16 OVER TO THE OTHER PLACE, RIGHT?
- 17 A WELL, I RELAXED -- TO ME COMING TO MY MOM'S
- 18 HOUSE IS RELAXING REGARDLESS OF WHAT I DO
- 19 Q YOU WEREN'T RELAXING AT YOUR MOM'S HOUSE WHEN
- 20 YOU TOOK YOUR BROTHER OVER THERE, WERE YOU?
- 21 A WHEN I SAY "RELAXING", I'M REFERRING TO BEING
- 22 AT MY MOM'S HOUSE NO MATTER WHAT I DO
- 23 Q I'M GOING TO ASK YOU, WHEN DID YOU DECIDE TO
- 24 CARRY YOUR BROTHER OVER THERE?
- 25 A THAT MORNING

1 Q ABOUT WHAT TIME?

2 A I DON'T REMEMBER WHAT TIME

3 Q WELL, WHY DID YOU DECIDE TO CARRY HIM OVER  
4 THERE?

5 A BECAUSE HE ASKED ME

6 Q AND WHAT DID HE SAY TO YOU?

7 A HE ASKED ME IF I'D TAKE HIM OVER THERE TO GET  
8 HIS KIDS BECAUSE SHEKA WAS GOING SOMEWHERE WITH HER  
9 COUSIN THAT DAY AND I SAID YES

10 Q AND YOU TOOK HIM OVER THERE?

11 A YES

12 Q AT WHAT TIME?

13 A I DON'T REMEMBER THE TIME

14 Q YOU DON'T REMEMBER WHAT TIME YOU WENT OVER  
15 THERE?

16 A NO

17 Q BUT YOU KNOW YOU DROVE HIM OVER?

18 A UM-HMM

19 Q AND WHERE'D YOU PARK?

20 A IN THE DRIVEWAY

21 Q AND WHO WAS THERE WHEN YOU GOT THERE?

22 A I DON'T KNOW WHO WAS INSIDE BUT OUTSIDE WAS  
23 SHEKA, MICHAEL ADAMS AND ONE OF THE KIDS

24 Q SO WHAT YOU'RE SAYING IS IS WHEN YOU GOT THERE,  
25 SHEKA AND THE KIDS AND MICHAEL ADAMS WERE OUTSIDE?

1 A YES

2 Q YOU EVER MET MICHAEL ADAMS BEFORE?

3 A DID I EVER MEET HIM?

4 Q HAD YOU EVER MET HIM BEFORE?

5 A NO

6 Q YOU HAD NOT?

7 A NO

8 Q BUT YOU KNEW WHO HE WAS?

9 A ARE YOU SAYING DID I KNEW WHO HE WAS THAT DAY?

10 Q YES, MA'AM

11 Q NO, I DIDN'T KNOW WHO HE WAS THAT DAY

12 Q BUT HE WAS THERE WHEN YOU PULLED UP IN THE

13 DRIVEWAY?

14 A YES

15 Q YOU'RE POSITIVE ABOUT THAT

16 A YES

17 Q ABSOLUTELY POSITIVE

18 A YES

19 Q HOW DO YOU KNOW?

20 A BECAUSE WHEN WE WALKED OUT THE DOOR I

21 REMEMBERED HIS FACE AND THE CAR THAT HE WAS IN THAT

22 DAY

23 Q AND HE TALKED TO YOU WHILE HE WAS THERE OF

24 COURSE?

25 A NO, HE DIDN'T

1 Q HE DIDN'T?

2 A NO

3 Q WHO DID HE TALK TO WHILE HE WAS THERE?

4 A I GUESS SHEKA, HE DIDN'T TALK TO NOBODY ELSE

5 Q HE DIDN'T TALK TO YOUR BROTHER?

6 A NO

7 Q DIDN'T GET OUT AND SPEAK TO YOUR BROTHER?

8 A NOT THAT I CAN REMEMBER

9 Q HE STAYED IN THE CAR?

10 A FROM WHAT I REMEMBER

11 Q DID YOU STAY IN THE CAR THE WHOLE TIME?

12 A YES

13 Q SO YOUR BROTHER GOT OUT OF THE CAR AND TESHEKA

14 GOT OUT OF THE CAR BUT NOBODY ELSE GOT OUT OF THE

15 CAR?

16 A I DON'T REMEMBER ANYBODY ELSE GETTING OUT

17 Q AND YOUR PURPOSE FOR GOING OVER THERE WAS TO

18 PICK UP THE KIDS

19 A YES

20 Q IS THAT RIGHT?

21 A UM-HMM

22 Q AND TO BRING THEM BACK OVER TO YOUR SISTER'S

23 HOUSE?

24 A NO, BRING THEM BACK TO MY MOM'S HOUSE

25 Q SO YOU WERE IN HERE WHEN HE TESTIFIED TODAY,

1 MIKE ADAMS?

2 A YES

3 Q SO YOUR BROTHER DIDN'T HAVE TO RUN OFF UP THE  
4 HILL

5 A NO

6 Q YOU DROVE HIM AWAY?

7 A YES

8 Q WHERE'D YOU TAKE HIM?

9 A WE WENT BACK TO MOM'S HOUSE

10 Q AND YOU DROPPED HIM OFF THERE?

11 A YES, WE STAYED THERE

12 Q YOU STAYED THERE?

13 A UM-HMM

14 Q FOR HOW LONG?

15 A I DON'T REMEMBER WHAT TIME I LEFT

16 Q DID YOU AT ANY TIME WHILE YOU WERE THERE SEE  
17 THE POLICE COME?

18 A NO

19 Q DID YOU SEE TESHEKA GO INSIDE TO CALL THE  
20 POLICE?

21 A NO

22 Q SO SHE DIDN'T GO INSIDE?

23 A I DIDN'T SEE HER GO INSIDE

24 Q YOU ALL LEFT WHILE SHE WAS STILL OUT IN THE CAR  
25 WITH MR ADAMS?

1 A WHEN JOHN CAME BACK DOWN TO THE JEEP, WE LEFT

2 Q YOU ALL DROVE OFF?

3 A UM-HMM

4 Q AND LEFT HER AND MR ADAMS AND THE CHILDREN IN  
5 THE CAR?

6 A UM-HMM

7 Q DO YOU KNOW TESHEKA'S BROTHER?

8 A O J , YES

9 Q DO YOU KNOW O J ?

10 A UM-HMM

11 Q WHO DOES HE LIVE WITH?

12 A HIS GRANDPARENTS

13 Q HIS GRANDPARENTS, THE PEOPLE'S WHO HOUSE YOU  
14 VISIT, IS THAT RIGHT?

15 A YES

16 Q DID YOU SEE HIM THERE THAT MORNING?

17 A I DON'T REMEMBER SEEING HIM

18 Q YOU DON'T REMEMBER SEEING HIM?

19 A NO

20 Q SO YOU DON'T KNOW WHETHER HE WAS THERE OR NOT?

21 A I DON'T KNOW

22 Q HE COULD HAVE BEEN THERE, COULDN'T HE?

23 A YES

24 Q AND IF HE HAD BEEN THERE AND HE'D SEEN, HE'D  
25 REMEMBER IT, WOULDN'T HE?

1 A I CAN'T SAY WHAT HE CAN REMEMBER AND WHAT HE  
2 CAN'T, I DON'T KNOW

3 Q BUT YOU DO KNOW THAT HE LIVES THERE?

4 A YES

5 Q WHEN YOUR BROTHER CAME BACK AND SAID -- WHAT  
6 WAS IT HE SAID AGAIN?

7 A HE STOOD RIGHT THERE AND HE SAID NEVER MIND HE  
8 AIN'T WITH IT

9 Q HE AIN'T WITH IT, WHO AIN'T WITH IT?

10 A THAT'S WHAT HE SAID

11 Q YOUR BROTHER WASN'T WITH IT

12 A UM-HMM

13 Q MS HARRISON, WHEN HE SAID THAT AND HE CAME  
14 BACK AND HE GOT IN THE CAR, WHAT DID HE SAY TO YOU?

15 A HE SAID, "COME ON GIRL LET'S GO " AND WE  
16 LEFT

17 Q WHEN HE SAID COME ON LET'S GO, WHAT DID YOU SAY  
18 TO HIM?

19 A WHAT DO YOU MEAN, WHAT DID I SAY TO HIM?

20 Q YES, MA'AM

21 A I DIDN'T SAY NOTHING, I JUST LEFT

22 Q AS A GOOD SISTER YOU DIDN'T SAY COME ON HON',  
23 WE CAME OVER HERE TO GET THE BOYS, I WANT TO SEE  
24 THESE LITTLE BABIES, I WANT TO TALK TO THEM TODAY,  
25 COME ON HON', LET'S GET THE BOYS AND LET'S SPEND



1 SOME TIME WITH THEM TODAY

2 A NO

3 Q YOU DIDN'T SAY THAT TO THEM?

4 A NO

5 Q YOU DIDN'T WANT TO SEE THE LITTLE CHILDREN?

6 A I HAD SEEN THEM ALREADY

7 Q WHERE HAD YOU SEEN THEM?

8 A THAT WEEKEND WHEN I WENT UP

9 Q HUH?

10 A I SEEN THEM WHEN I WENT UP

11 Q YOU SAW THEM ON SATURDAY?

12 A NO

13 Q YOU SAW THEM ON FRIDAY?

14 A NO, I CAN'T EXACTLY SAY THE DAY

15 Q TRY TO EXACTLY SAY THE DAY SINCE YOU CHOSE TO

16 GET UP HERE AND TESTIFY ABOUT WHAT YOU RECALL WITH

17 SOME DEGREE OF PRECISION

18 A I SAW FRIDAY -- SOMETIME FRIDAY

19 Q SO YOU SAW THE CHILDREN ON FRIDAY?

20 A I THINK THAT'S WHEN IT WAS

21 Q WHERE'D YOU SEE THOSE CHILDREN ON FRIDAY, MS

22 HARRISON?

23 A I BELIEVE THAT WAS FRIDAY AT MOM'S HOUSE

24 Q YOU SAW THOSE CHILDREN OVER AT YOUR MOM'S

25 HOUSE?

1 A I BELIEVE THAT'S WHERE THEY WERE, I'M NOT A  
2 HUNDRED PERCENT SURE

3 Q WHO WERE THEY WITH?

4 A I CAN'T REMEMBER BECAUSE I SEEN HIM SO MUCH  
5 WITH HIM AND HER

6 Q SO THE REASON YOU DIDN'T TELL HIM, "COME ON,  
7 NOW BABY, LET'S GET THESE CHILDREN AND SPEND SOME  
8 TIME WITH THEM TODAY ON SUNDAY I'VE GOT NOTHING TO  
9 DO BUT RELAX I'D LOVE TO SEE THEM " THE REASON  
10 YOU DIDN'T TELL THEM THAT BECAUSE YOU'D ALREADY SEEN  
11 THEM ON FRIDAY AND YOU DIDN'T NEED TO SEE THEM

12 A I LOVE TO SEE THEM EVERY TIME I GET A CHANCE

13 Q WHY DIDN'T YOU TELL HIM, "COME ON, WE CAME OVER  
14 HERE TO GET THE KIDS, LET'S GET THEM AND SPEND SOME  
15 TIME WITH HIM, BESIDES SHEKA'S GOT SOMEWHERE SHE'S  
16 GOT TO GO " WHO'S GOING TO TAKE CARE OF THEM?

17 A WELL, WHEN I NOTICED IT WAS WHERE HIM AND HER -  
18 - WHEN HE DID LIKE THAT AND HE SAID HE AIN'T WITH  
19 IT, THAT'S NOT MY BUSINESS, THAT'S BETWEEN HIM AND  
20 HER

21 Q WELL YOU ARE HIS SISTER, AREN'T YOU?

22 A YES

23 Q I MEAN YOU HAVE TESTIFIED IN THIS TRIAL ALREADY  
24 FOR HIM, HAVEN'T YOU?

25 A YES

1 Q SO HIS BUSINESS HAS BECOME YOUR BUSINESS NOW,  
2 HASN'T IT?

3 A NOW, YES

4 Q WELL, YOU WERE ACTUALLY -- SINCE YOUR MOTHER  
5 PASSED, YOU'VE BEEN LIKE A MOTHER TO HIM, HAVEN'T  
6 YOU?

7 A YES

8 Q AND YOU WERE A MOTHER TO HIM BEFORE YOUR MOTHER  
9 PASSED IN MANY RESPECTS, WEREN'T YOU?

10 A YES

11 Q SO THERE HE IS WITH HIS SISTER AND SOMEONE  
12 WHO'S LIKE A MOTHER TO HIM, AND YOU'RE TELLING ME  
13 YOU'RE NO EVEN GOING TO SUGGEST TO HIM, "COME ON  
14 BABY, DON'T GET SO UPSET NOW, LET'S TAKE THESE KIDS  
15 WITH US "

16 A NO

17 Q DO YOU KNOW WHERE THE OTHER CHILD WAS?

18 A NO, I DON'T KNOW WHERE HE WAS

19 Q DID YOU EVEN BOTHER TO CHECK ON THE OTHER  
20 CHILD?

21 A LIKE I SAID, I DIDN'T GET OUT

22 Q AND YOU DIDN'T BOTHER TO CHECK TO SEE WHO THAT  
23 MAN WAS THAT HAD HIM IN THE CAR?

24 A NO

25 Q YOU DIDN'T FIGURE THAT HAD ANYTHING TO DO WITH

1 ANYTHING?

2 A WELL, I ASSUMED THAT WAS HER COUSIN AND THEY  
3 WERE GOING TO GO WHATEVER

4 Q YOUR HUSBAND DIDN'T COME OVER THAT WEEKEND, DID  
5 HE?

6 A NO

7 Q AND WHY DIDN'T YOUR LITTLE BABY SISTER RIDE  
8 WITH YOU ALL TO GO PICK UP THE CHILDREN?

9 MR TINSLEY OBJECTION, YOUR HONOR,  
10 RELEVANCE

11 THE COURT SUSTAINED

12 MR JONES NO FURTHER QUESTIONS

13 MR TINSLEY NO RE-DIRECT

14 THE COURT YOU MAY STEP DOWN?

15 ANYTHING FURTHER?

16 MR TINSLEY NO, YOUR HONOR, THAT'S  
17 OUR WITNESS ON THAT

18 THE COURT WELL, I UNDERSTAND IT  
19 COULD BE ARGUED, WE HAVE A WITNESS, MR ADAMS, WHO'S  
20 TESTIFIED AND WE HAVE A WITNESS MS HARRISON WHO'S  
21 TESTIFIED AND, OF COURSE, LIEUTENANT NEW WHO'S ALSO  
22 TESTIFIED AND THERE COULD BE SOME ARGUMENTS MADE  
23 THAT MR ADAMS MIGHT BE BIASED IN SOME FASHION,  
24 THERE MIGHT BE SOME ARGUMENT MADE THAT MS HARRISON  
25 IS BIASED IN SOME FASHION

1                   BUT IN THIS CASE WE HAVE, WHAT I  
2                   PERCEIVE TO BE, AN INDEPENDENT SOURCE FOR THE  
3                   PROVING OF THE STATEMENT HAVING BEEN MADE BY THE  
4                   DEFENDANT TO THE DECEDENT TESHEKA JACKSON AND, OF  
5                   COURSE, THERE WAS AN ADDITIONAL WITNESS WHO DID NOT  
6                   TESTIFY IN COURT BUT I DID MAKE STATEMENT THAT, I  
7                   BELIEVE, WAS OFFERED AS AN EXHIBIT BY THE DEFENSE  
8                   IT INDICATED A STATEMENT SIMILAR TO THAT ATTRIBUTED  
9                   TO DEFENDANT WAS MADE, ALTHOUGH IT WAS NOT IDENTICAL  
10                  TO THAT WHICH HAS BEEN OFFERED BY MR ADAMS OR BY  
11                  LIEUTENANT NEW IT DID IMPORT THE SAME INTENT  
12                  EXPRESSED BY THE DEFENDANT IN THE STATEMENT THAT  
13                  THEY ATTRIBUTE TO HIM AND THAT IS THAT THE DEFENDANT  
14                  WAS GOING TO KILL MR ADAMS AND MS JACKSON I  
15                  BELIEVE THE OTHER WITNESS INDICATED THAT HE STATED  
16                  THAT HE WOULD BURY THEM WHICH COULD BE INTERPRETED  
17                  TO MEAN THE SAME THING.

18                         SO EVEN IF YOU LOOK AT IT IN THE LIGHT  
19                         THAT PERHAPS EITHER LIEUTENANT NEW MIGHT BE SOMEHOW  
20                         BIASED BECAUSE HE'S AN OFFICER IN CHARGE OF  
21                         INVESTIGATION IN THIS CASE, WE HAVE TO LOOK AT THE  
22                         CIRCUMSTANCES UNDER WHICH HIS INFORMATION WAS  
23                         RECEIVED AND THAT INFORMATION WAS RECEIVED PRIOR  
24                         TO THE FACTS AND CIRCUMSTANCES THAT ARE THE SUBJECT  
25                         OF THIS PARTICULAR CASE AND THAT IS SOME TWENTY-FOUR

1 HOURS PRIOR TO THE DEATHS OF MS JACKSON AND MS  
2 HARRIS TAKING PLACE, THERE WAS A REPORT MADE TO  
3 LIEUTENANT NEW BY MS JACKSON THAT THE DEFENDANT HAD  
4 STATED THAT HE WAS GOING TO KILL HER AND ALSO  
5 PERHAPS MR ADAMS THAT REPORT WAS REDUCED TO  
6 WRITING BY WAY OF INCIDENT REPORT AND THAT INCIDENT  
7 REPORT WAS FILED IN THE POLICE DEPARTMENT'S OFFICE  
8 APPROXIMATELY TWENTY-FOUR HOURS OR AT LEAST SOME  
9 TIME PRIOR TO THE ACTUAL COMMISSION OF THESE  
10 OFFENSES AS ALLEGED BY THE STATE THAT LENDS A  
11 DEGREE OF CREDIBILITY WHICH I BELIEVE RISES TO THE  
12 EXISTENCE OF CLEAR AND CONVINCING EVIDENCE OF THE  
13 EXISTENCE OF THE FACT OF THE ALTERCATION ITSELF  
14 OCCURRED ON DECEMBER 3RD, ALSO THE FACT THAT THE  
15 STATEMENT MADE BY THE DEFENDANT TO TESHEKA JACKSON,  
16 AND THEREFORE, I FIND THAT THE STATEMENT BEING A  
17 PART OF THE RES GESTAE SHOULD BE ADMITTED AS  
18 EVIDENCE IN THE TRIAL OF THIS CASE

19 OF COURSE, THE QUESTION NOT ONLY  
20 BECOMES WHETHER OR NOT IT IS A PART OF THE RES  
21 GESTAE, WHICH I CONCLUDE THAT IT IS, THE QUESTION  
22 ALSO MUST BE ASKED WELL HOW CAN THOSE PARTICULAR  
23 PARTS OF THE RES GESTAE BE PROVEN IN THIS CASE, IT  
24 HAS TO BE PROVEN BY WAY OF HEARSAY TESTIMONY SO WE  
25 HAVE TO LOOK, I THINK AGAIN, TO RULE 803 ONE AND TWO

1 AND UNDER THE RULES AS STATED I BELIEVE THAT THE  
2 STATEMENT ATTRIBUTED TO THE DEFENDANT BY THE  
3 DECEDENT TESHEKA JACKSON TO LIEUTENANT NEW FALLS  
4 UNDER THAT EXCEPTIONS OF THE HEARSAY RULE AND,  
5 THEREFORE, SHOULD BE ADMITTED IN THE TRIAL OF THE  
6 CASE

7 OBVIOUSLY, THE JURY, BASED UPON THEIR  
8 VIEW OF THE EVIDENCE, WILL DETERMINE WHETHER OR NOT  
9 THE STATEMENT WAS MADE BASED UPON THEIR ASSESSMENT  
10 OF THE CREDIBILITY OF THE WITNESSES THAT HAVE  
11 TESTIFIED TO THE EXISTENCE OF THAT FACT AND I'LL  
12 LEAVE THAT FOR THEIR DISCRETION AS TO WHETHER OR NOT  
13 IT HAS BEEN PROVEN BEYOND A REASONABLE DOUBT

14 MR TINSLEY PLEASE NOTE OUR  
15 EXCEPTION, YOUR HONOR

16 THE COURT I WILL

17 MR TINSLEY WE OBJECT AND WE DON'T  
18 FEEL IT ARISES TO THE LEVEL OF CLEAR AND CONVINCING  
19 EVIDENCE WE ALSO OBJECT ON THE GROUNDS OF HEARSAY  
20 AND WE FURTHER OBJECT -- THE OPINION THE STATE IS  
21 OFFERING TO PROVE MALICE AFORETHOUGHT, THAT'S THEIR  
22 PURPOSE CLEARLY UNDER THE LYLE RULE 403 AND 802 AND  
23 803 THAT IT'S NOT AN APPROPRIATE EXCEPTION AND, IN  
24 FACT, GOES BEYOND THAT TO NOT EVEN BE A PART OF RES  
25 GESTAE IN OUR OPINION

1 THE COURT I DON'T THINK THE STATE  
2 DENIES THAT THEY'RE OFFERING FOR THE PURPOSE ALSO IF  
3 FOR NOT FOR ANY OTHER TO PROVE MOTIVE AND INTENT  
4 WITH REGARD TO THE COMMISSION OF THESE SPECIFIC THAT  
5 THEY HAVE ALLEGED AGAINST THE DEFENDANT THAT, I  
6 BELIEVE COULD BE CONSIDERED IN THIS PARTICULAR CASE,  
7 PART OFFERING THE RES GESTAE AS WELL AS ONE OF THE  
8 FACTORS SET FORTH IN THE LYLE CASE WHICH IS MOTIVE  
9 AND INTENT

10 BUT WHERE IT IS PART OF THE RES  
11 GASTAE, IT MAY BE ADMITTED AS PART AND PARCEL OF THE  
12 ENTIRE CIRCUMSTANCES RELATING TO THIS PARTICULAR  
13 OPINION

14 MR GARRETT YOUR HONOR, THE COURT  
15 HAS RULED AND I DON'T WANT TO BELABOR THE POINT I  
16 JUST WANT TO MAKE ONE OTHER POINT AND I'LL BE QUIET  
17 ABOUT THIS WHOLE ISSUE WE BELIEVE THAT THE  
18 QUESTION IS NOT WHETHER SHEKA SAID IT, THE QUESTION  
19 IS WHETHER MR HUGHEY SAID IT TO HER AND AS THE  
20 COURT'S ANALYSIS AS TO WHETHER SHE SAID IT NOT AS TO  
21 WHETHER OR NOT MR HUGHEY SAID THOSE WORDS TO HER OR  
22 TO THIS THIRD PERSON SO I JUST WANT TO PUT THAT ON  
23 THE RECORD WE FEEL THE COURT'S ANALYSIS GOING IN  
24 THE OTHER DIRECTION

25 THE COURT YOU'RE SAYING IT'S



1     OBJECTIONABLE BECAUSE IT'S HEARSAY ON HEARSAY? DO  
2     YOU UNDERSTAND THAT DOES NOT MAKE IT EXCLUDABLE SO  
3     LONG AS ALL THOSE OTHER TESTS THAT I MENTIONED ARE  
4     MET

5                   MR GARRETT     EACH LEVEL OF THAT  
6     HEARSAY HAS TO BE MET, YOUR HONOR

7                   THE COURT     I UNDERSTAND     ANYTHING  
8     FURTHER?

9                   MR JONES     JUDGE, JUST IN AN EFFORT  
10    TO TRY TO LET EVERYBODY KNOW WHERE WE'RE HEADED IN  
11    CASE SOMETIMES IT LOOKS LIKE WE DON'T KNOW     THE  
12    STATE WOULD TRY TO CONCLUDE ITS CASE SOMETIME  
13    TOMORROW NOON LATE AND LET THE DEFENSE KNOW THAT IF  
14    YOU PLAN ON WORKING -- I ASSUME WE DO SATURDAY, THEY  
15    MIGHT WANT TO BE GETTING WHATEVER WITNESSES THEY  
16    HAVE READY TO GO AT THAT POINT IN TIME     WE MAY  
17    SPILL OVER INTO SATURDAY MORNING BUT CLEARLY OUR  
18    CASE SHOULD BE UP AND DOWN BY EARLY SATURDAY  
19    MORNING     HOPEFULLY, TOMORROW AFTERNOON, LATE

20                   MR GARRETT     YOUR HONOR, WE WOULD  
21    LIKE TO -- IF HE INTENDS TO FINISH LATER TOMORROW  
22    AFTERNOON, WE WOULD LIKE A LITTLE BREAK BETWEEN THE  
23    BEGINNING OF THE PRESENTATION OF THE DEFENSE CASE IF  
24    WE COULD GET TO THE SHORT -- WE'D LIKE SOME TIME TO  
25    GET OUR DUCKS IN A ROW     WE'VE BEEN WORKING,

1 JUDGE --

2 THE COURT I UNDERSTAND THAT WHAT  
3 DO YOU MEAN BY A SHORT BREAK?

4 MR GARRETT LIKE A SATURDAY MORNING  
5 OR SOMETHING LIKE THAT

6 THE COURT YOU MEAN IF WE FINISH LATE  
7 FRIDAY AFTERNOON?

8 MR GARRETT I'M TALKING ABOUT IF WE  
9 FINISH 2 00 OR 3 00 O'CLOCK FRIDAY EVENING, MAYBE WE  
10 COULD START SATURDAY MORNING FRESH

11 THE COURT I CAN'T SAY THAT THAT'S  
12 NOT A REASONABLE REQUEST, I'LL CONSIDER THAT  
13 COURT'S IN RECESS UNTIL 9 00 A M  
14 (DAY 12, OCTOBER 24, 1997, 9 00 O'CLOCK AM)

15 MR JONES JUDGE, I'M SORRY, JUST SO  
16 WE WON'T BE CAUGHT OFF-GUARD, I APOLOGIZE INSTEAD  
17 OF CALLING BARRY NEW, I'M GOING TO CALL THE OFFICER  
18 THAT ACTUALLY PREPARED THE INCIDENT REPORT  
19 THERE'LL BE NO CONFUSION ABOUT THAT

20 THE COURT MR HENDERSON OKAY

21 MR JONES MR HENDERSON, SO THEY'LL  
22 BE NO CONFUSION ABOUT THAT

23 THE COURT THERE WON'T BE NOW

24 MR GARRETT OUR OBJECTION REMAINS ON  
25 THE RECORD, YOUR HONOR

1 THE COURT GOOD MORNING, LADIES AND  
2 GENTLEMEN DID YOU HAVE A GOOD EVENING? I  
3 APPRECIATE YOU BEING BACK ON TIME OF COURSE, I  
4 KNOW YOU'VE HAD SOME HELP WITH THAT

5 WHEN WE RECESSED YESTERDAY EVENING,  
6 THE STATE WAS STILL IN THE PROCESS OF PRESENTING  
7 THEIR EVIDENCE, SO WE'LL CONTINUE WITH THAT THIS  
8 MORNING SOLICITOR

9 MR JONES IF IT'LL PLEASE THE COURT,  
10 YOUR HONOR, THE STATE CALLS NEIL HENDERSON TO THE  
11 STAND NEIL HENDERSON, PLEASE  
12 (WITNESS PRESENTED AT 9 10 O'CLOCK A M )

13 THE CLERK THE EVIDENCE YOU SHOULD  
14 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
15 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
16 THE TRUTH, SO HELP YOU, GOD

17 THE WITNESS YES, MA'AM

18 DIRECT EXAMINATION BY MR JONES

19 Q CORPORAL HENDERSON, I WANT TO ASK YOU IF YOU  
20 RECALL RESPONDING TO AN INCIDENT AT THE REQUEST OF  
21 TESHEKA JACKSON ON DECEMBER 3, 1995?

22 A YES, SIR

23 Q AND WHERE DID YOU GO TO MEET WITH TESHEKA  
24 JACKSON?

25 A I BELIEVE THE ADDRESS IS 104 SECOND STREET, HER

1 GRANDMOTHER'S RESIDENCE

2 Q AND ABOUT WHAT TIME DID YOU GET THERE?

3 A AROUND 12 30

4 Q DID TESHEKA JACKSON TELL YOU AT THAT TIME WHAT  
5 THE DEFENDANT HAD SAID TO HER DURING THE INCIDENT?

6 A YES, SIR

7 Q TELL THIS JURY WHAT SHE TOLD YOU AT THAT TIME  
8 ON DECEMBER 3RD WHAT THE DEFENDANT SAID TO HER  
9 DURING THAT INCIDENT

10 A HE SAID I'LL KILL YOU

11 Q NOW, DID YOU PREPARE AN INCIDENT REPORT ABOUT  
12 WHAT TESHEKA JACKSON TOLD YOU THE DEFENDANT SAID TO  
13 HER?

14 A YES, SIR

15 Q AND WHEN DID YOU PREPARE THAT REPORT?

16 A THE NEXT MORNING, MONDAY MORNING

17 Q MONDAY MORNING

18 A YES, SIR

19 Q AT APPROXIMATELY WHAT TIME?

20 A 7 30

21 Q BEFORE 12 00 NOON MONDAY?

22 A YES, SIR

23 Q I HAND YOU THIS DOCUMENT AND ASK YOU IF YOU CAN  
24 IDENTIFY IT

25 A YES, SIR, THAT'S MY HANDWRITTEN INCIDENT

1 REPORT

2 Q DID YOU PUT ON THAT INCIDENT REPORT WHAT SHE  
3 TOLD YOU THE DEFENDANT SAID?

4 A YES, SIR

5 Q WHAT DOES IT SAY?

6 MR GARRETT OBJECTION, YOUR HONOR

7 THE COURT SUSTAINED

8 MR JONES ANSWER ANY QUESTIONS THIS  
9 LAWYER HAS FOR YOU

10 CROSS EXAMINATION BY MR GARRETT

11 Q YOU DON'T KNOW WHAT HAPPENED AFTER THAT  
12 DISCUSSION BETWEEN TESHEKA AND JOHN, DO YOU?

13 A AS FAR AS?

14 Q YOU DON'T KNOW WHAT HAPPENED BETWEEN THE TWO OF  
15 THEM LATER ON THAT AFTERNOON, DO YOU?

16 A NO, SIR, NOT AFTER I LEFT THE AREA

17 Q YOU DON'T KNOW WHETHER OR NOT THEY COMMUNICATED  
18 LATER THAT NIGHT AND SETTLED THINGS DOWN, DO YOU?

19 A NO, SIR

20 MR GARRETT NO FURTHER QUESTIONS

21 THE COURT YOU MAY STEP DOWN

22 (WITNESS IS DISMISSED AT 9 13 O'CLOCK A M )

23 MR COULTER YOUR HONOR, THE STATE  
24 WILL CALL AGENT JOHN BLACK TO THE STAND

25 THE CLERK THE EVIDENCE YOU SHOULD

1 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
2 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
3 THE TRUTH, SO HELP YOU, GOD

4 THE WITNESS IT WILL

5 DIRECT EXAMINATION BY MR COULTER

6 Q GOOD MORNING

7 A GOOD MORNING, SIR

8 Q GO AHEAD AND TELL THE JURY YOUR FULL NAME

9 A JOHN PHILIP BLACK

10 Q WHAT AGENCY DO YOU WORK FOR AGENT BLACK?

11 A I'M EMPLOYED WITH THE SOUTH CAROLINA LAW  
12 ENFORCEMENT DIVISION, WHICH IS ALSO KNOWN AS  
13 S L E D IN COLUMBIA AND I'M ASSIGNED TO THE LATENT  
14 PRINT AND FORENSIC CRIME SCENE UNIT

15 Q AND HOW LONG HAVE YOU BEEN WITH S L E D ?

16 A APPROXIMATELY FOUR YEARS

17 Q YOU WERE WITH S L E D BACK IN DECEMBER OF  
18 1995?

19 A YES, SIR

20 Q DID YOU HAVE AN OPPORTUNITY TO GO TO ABBEVILLE  
21 TO 401 RICHEY STREET ON DECEMBER 4TH, 1995?

22 A YES, SIR

23 Q WHO ALL WAS WITH YOU WHEN YOU WENT THERE ON  
24 THAT MONDAY?

25 A ALONG WITH MYSELF WAS SPECIAL AGENT DAVID BLACK

1 WITH THE CRIME SCENE UNIT AND SPECIAL AGENT NANCY  
2 SKRABA WITH THE SEROLOGY AND DNA DEPARTMENT

3 Q DID YOU, AGENT SKRABA AND AGENT BLACK PROCESS  
4 THE HOME OF GEORGE MACK HARRIS AND LUEVINIA HARRIS  
5 AT 401 RICHEY STREET THAT DAY?

6 A YES, SIR, WE DID

7 Q AND DID YOU DOCUMENT THAT SCENE WITH VARIOUS  
8 PHOTOGRAPHS?

9 A YES, SIR

10 Q DID YOU HAVE OCCASION ALSO TO GO BACK TO 401  
11 RICHEY STREET AFTER THAT FIRST INITIAL CALL ON  
12 DECEMBER 4TH OF '95?

13 A YES, SIR, I DID

14 Q DO YOU RECALL WHAT DATE THAT WAS?

15 A THAT WAS DECEMBER THE 6TH OF 1995

16 Q AND DO YOU RECALL WHY WAS IT YOU HAD GONE BACK  
17 TO THE RESIDENCE AT 401 RICHEY STREET?

18 A YES, SIR

19 Q TELL THE JURY, PLEASE

20 A I RECEIVED A PHONE CALL FROM SPECIAL AGENT  
21 EDDIE CLARK WHO INFORMED ME THAT WHEN THE --

22 MR GARRETT OBJECTION, YOUR HONOR,  
23 AS TO HEARSAY

24 THE COURT SUSTAINED

25 EXAMINATION CONTINUED BY MR COULTER

1 Q WAS THERE A REASON THAT YOU WENT BACK?

2 A YES, SIR

3 Q WAS THE PURPOSE TO COLLECT ADDITIONAL EVIDENCE?

4 A YES, SIR, IT WAS

5 Q AND WHO -- YOU ENDED UP GOING BACK TO ABBEVILLE  
6 THAT DAY, DECEMBER 6TH?

7 A YES, SIR

8 Q WHO ALL WENT WITH YOU?

9 A SPECIAL AGENT NANCY SKRABA CAME WITH ME AND  
10 THEN AT A LATER TIME MY LIEUTENANT IN THE CRIME  
11 SCENE DEPARTMENT AND JIM SPRINGS ARRIVED ON THE  
12 SCENE

13 Q LET ME ASK YOU THIS AGENT BLACK, DID EDDIE  
14 CLARK ALSO ARRIVE AT THE SCENE WITH YOU THAT DAY,  
15 DECEMBER 6TH?

16 A YES, SIR, HE DID

17 Q HOW WERE YOU ABLE TO GET INTO THE RESIDENCE?

18 A SPECIAL AGENT CLARK HAD THE KEYS TO THE  
19 RESIDENCE AND WE ENTERED THE RESIDENCE AT 3 01 P M  
20 APPROXIMATELY WITH HIM USING THE KEY

21 Q ALL RIGHT LET'S HAVE YOU LOOK AT WHAT'S BEEN  
22 MARKED FOR IDENTIFICATION STATE'S EXHIBIT FIVE, DOES  
23 THAT APPEAR TO BE AN ACCURATE DEPICTION OF THE HOME  
24 AT 401 RICHEY STREET?

25 A YES, SIR, IT DOES



1 Q OF COURSE, IT'S NOT TO SCALE?

2 A THAT'S CORRECT

3 Q NOW, WHEN YOU WENT TO 401 RICHEY STREET, WAS  
4 THERE AN AREA OF THE HOME THAT YOU WERE FOCUSING ON  
5 IN ORDER TO COLLECT ADDITIONAL EVIDENCE?

6 A YES, THERE WAS

7 Q AND WHERE WAS THAT, IF YOU COULD SHOW THAT TO  
8 THE JURY ON THE DIAGRAM

9 A MAY I STEP DOWN, PLEASE

10 Q WITH THE COURT'S PERMISSION

11 A THE AREA THAT WE WERE CONCERNED WITH ON  
12 DECEMBER THE 6TH WOULD HAVE BEEN THIS BATHROOM WHICH  
13 IS RIGHT INSIDE THE -- RIGHT INSIDE TO THE RIGHT OF  
14 THE ENTRANCE TO THE TRAILER

15 Q AND IN WHAT IN PARTICULAR WERE YOU FOCUSING ON  
16 IN THAT BATHROOM TO THE RIGHT OF THAT TRAILER?

17 A WE WERE FOCUSING ON THE SHOWER CURTAIN WHICH  
18 COVERED THE TUB AREA AND ALSO THE BACK WALL OR THE  
19 BACK OF THE TUB THE WALL WHICH WOULD HAVE BEEN THE  
20 ACTUAL BACK OF THE TRAILER

21 Q AND WHAT WAS THERE?

22 A WE HAD A HOLE IN THE SHOWER CURTAIN HERE AND  
23 UPON PULLING THE SHOWER CURTAIN BACK, WE HAD A HOLE  
24 THROUGH THIS WALL THAT ACTUALLY WENT THROUGH TO THE  
25 OUTSIDE

1 Q LET ME HAND YOU THESE PHOTOGRAPHS AND SEE IF  
2 YOU RECOGNIZE THOSE

3 A YES, SIR

4 Q ARE THOSE TRUE AND ACCURATE OF WHAT YOU SAW ON  
5 DECEMBER THE 6TH?

6 A YES, SIR

7 MR COULTER YOUR HONOR, THE STATE  
8 WOULD MOVE TO INTRODUCE STATE'S EXHIBIT SIXTY-FIVE,  
9 SIXTY-SIX, SIXTY-SEVEN, SIXTY-EIGHT, SIXTY-THREE,  
10 SIXTY-FOUR, SIXTY-NINE, SEVENTY, SEVENTY-ONE,  
11 SEVENTY-TWO AND EIGHTEEN

12 THE COURT EIGHTEEN?

13 MR COULTER YES

14 MR GARRETT WITHOUT OBJECTION, YOUR  
15 HONOR, TO SIXTY-FIVE, SIXTY-SIX, SIXTY-SEVEN, SIXTY-  
16 SEVEN, SIXTY-EIGHT, SIXTY-THREE, SIXTY-FOUR, SIXTY-  
17 NINE, SEVENTY, SEVENTY-ONE, SEVENTY-TWO AND  
18 EIGHTEEN

19 THE COURT THEY'RE ADMITTED

20 EXAMINATION CONTINUED BY MR COULTER

21 Q I'LL FIRST HAND YOU WHAT'S BEEN MARKED AS  
22 STATE'S SIXTY-FIVE IF YOU'LL LOOK AT THAT AND IF YOU  
23 COULD, DESCRIBE FOR THE JURY WHAT AREA OF THE HOME  
24 IS PHOTOGRAPHED THERE?

25 A WITH RESPECT TO STATE'S EXHIBIT SIXTY-FIVE,

1 WHAT THIS PICTURE SHOWS IS THE UPPER RIGHT -- AS  
2 YOU'RE FACING THE TUB, THE UPPER RIGHT PORTION OF  
3 THE SHOWER CURTAIN WHICH IS COVERING THE TUB AREA

4 Q AND THIS IS IN THE BATHROOM OFF OF THE BEDROOM?

5 A THAT'S CORRECT

6 Q I'LL SHOW YOU STATE'S SIXTY-SEVEN AND SIXTY-  
7 EIGHT IF YOU'LL TAKE A LOOK AT THESE AND DESCRIBE  
8 FOR THE JURY WHAT AREA OF THE HOME THIS SHOWS

9 A WITH RESPECT TO STATE'S SIXTY-SEVEN AND SIXTY-  
10 EIGHT, WHAT THESE PHOTOGRAPHS SHOW ARE THE BACK WALL  
11 OF THE TUB SHOWER AREA WHERE THE CURTAIN HAS BEEN  
12 PULLED BACK AND THOSE SHOW A HOLE THAT ACTUALLY GOES  
13 THROUGH THIS WALL AND EXITS THE TRAILER

14 Q LET ME SHOW YOU STATE'S SIXTY-SIX, IF YOU  
15 COULD, DESCRIBE FOR THE JURY WHAT THAT SHOWS, WHAT  
16 YOU'RE TRYING TO DEPICT IN THAT PARTICULAR PHOTO

17 A WITH RESPECT TO STATE'S SIXTY-SIX, THE  
18 PHOTOGRAPH DEPICTS AGENT SKRABA HOLDING A STRING  
19 THAT HAS BEEN RUN THROUGH THE HOLE IN THE SHOWER  
20 CURTAIN AS WELL AS IN THE HOLE IN THE BACK OF THE  
21 TUB SHOWER AREA WHICH IS ON THE TRAILER BY SIMPLY  
22 TYING A STICK TO THE END OF THE STRING AND RAN IT  
23 THROUGH AND THEN PULLED TIGHT ENOUGH SO THE STRING  
24 WOULD BE PULLED TIGHT AGAINST IT AND ALL WE'RE  
25 DEPICTING TO SHOW THERE AN APPROXIMATE PATH OF THAT

1 SHOT THAT WENT THROUGH THE SHOWER CURTAIN AND  
2 THROUGH THE TUB AND WENT OUT THE TRAILER

3 Q LET ME SHOW YOU STATE'S SIXTY-THREE AND SIXTY-  
4 FOUR IF YOU COULD, DESCRIBE WHAT AREA OF THE HOME  
5 THESE PHOTOGRAPHS SHOW

6 A YES, SIR STATE'S SIXTY-THREE AND SIXTY-FOUR  
7 SHOW THE BACK OF THE TRAILER THE PHOTOGRAPH,  
8 STATE'S SIXTY-THREE IS A WIDE ANGLE OR A GENERAL  
9 PHOTOGRAPH OF THE BACK OF THE TRAILER IN THE AREA  
10 OUTSIDE WHERE THE TUB WOULD BE AND THE OTHER  
11 PHOTOGRAPH WOULD SHOW A CLOSER SHOT OF THE HOLE THAT  
12 HAD BEEN DEPICTED IN A GENERAL PHOTOGRAPH, AS WELL

13 Q SO THIS IS THE EXIT OF THE SHOT THAT WENT  
14 THROUGH THE TUB?

15 A YES, SIR

16 Q WHEN YOU WENT TO THE SCENE ON DECEMBER 4, 1995,  
17 HOW MANY SHOTS DID YOU BELIEVE YOU WERE DEALING WITH  
18 AT THAT TIME?

19 A ON DECEMBER THE 4TH WE BELIEVED WE WERE DEALING  
20 WITH TWO SHOTS

21 Q WHY IS THAT?

22 A AS WE DID OUR EXAMINATION AND DOCUMENTATION OF  
23 THE SCENE, ONCE WE GOT TO THE POINT WHERE WE COULD  
24 ACTUALLY WORK WITH THE DECEDENTS, MS HARRIS AND MS  
25 JACKSON, OUR EXAMINATION INDICATED THAT EACH OF THEM

1 APPEARED TO HAVE RECEIVED ONE SINGLE WOUND TO THEIR  
2 PERSON WE HAD ONE FIRED TWENTY GAUGE SHOTGUN SHELL  
3 ON THE FLOOR OF THE BEDROOM NEAR THE VENT AND ONCE  
4 WE GOT TO THE POINT WE COULD OPEN THE SHOTGUN, WE  
5 AGAIN HAD ANOTHER FIRED TWENTY GAUGE SHOTGUN SHELL  
6 INSIDE THE WEAPON FOR A TOTAL OF TWO FIRED SHOTGUN  
7 SHELLS

8 Q SO YOU HAD TWO GUNSHOT WOUNDS AND TWO SHELLS?

9 A YES, SIR

10 Q UPON DISCOVERING A COUPLE DAYS LATER THIS THIRD  
11 SHOT IN THE BATHROOM, DID YOU ALSO DISCOVER A THIRD  
12 SHELL?

13 A YES, SIR, WE DID

14 Q AND WHERE WAS THAT SHELL LOCATED?

15 A THE THIRD SHELL WAS LOCATED BACK IN THE MASTER  
16 BEDROOM, THERE'S A WHITE PAPER SHOPPING BAG SITTING  
17 ON THE FLOOR IN FRONT OF THE COUCH AS YOU ARE  
18 LOOKING INTO THE BEDROOM FROM THE HALLWAY THAT  
19 FIRED SHELL WAS DOWN INSIDE THAT PAPER BAG

20 Q LET ME SHOW YOU STATE'S EXHIBIT SEVENTY-ONE AND  
21 STATE'S EXHIBIT SEVENTY-TWO IF YOU COULD DESCRIBE  
22 FOR THE JURY WHAT THESE PHOTOGRAPHS SHOW

23 A YES, SIR STATE'S EXHIBIT SEVENTY-ONE IS A  
24 PHOTOGRAPH THAT I TOOK FROM THE HALLWAY IN THIS AREA  
25 BACK INTO THE MASTER BEDROOM YOU'RE SEEING A DOOR

1 ON THE RIGHT AND YOU'RE SEEING THE PAPER SHOPPING  
2 BAG I REFERRED TO WHICH IS RIGHT IN FRONT OF THE  
3 COUCH WHICH IS DEPICTED HERE IN THE SKETCH THE  
4 OTHER PHOTOGRAPH DEPICTS THE FIRED SHOTGUN SHELL  
5 THAT I FOUND ONCE WE LOOKED DOWN INSIDE THE BAG

6 Q YOU COLLECTED THAT SHOTGUN SHELL AND BROUGHT IT  
7 BACK TO S L E D FOR FURTHER ANALYSIS?

8 A YES, SIR, I DID

9 Q LET ME HAND YOU WHAT'S BEEN MARKED AS STATE'S  
10 EXHIBIT NUMBER SEVENTY-THREE, IS THAT THAT SAME  
11 SHOTGUN SHELL FOUND IN THE PAPER BAG?

12 A MAY I PLEASE REFER TO MY NOTES?

13 Q PLEASE

14 A YES, SIR, STATE'S EXHIBIT SEVENTY-THREE IS THE  
15 FIRED SHOTGUN SHELL THAT I DID RECOVER FROM THE  
16 PAPER BAG

17 MR COULTER ANSWER ANY QUESTIONS  
18 DEFENSE COUNSEL MAY HAVE THANKS

19 CROSS-EXAMINATION BY MR GARRETT

20 Q SO AFTER YOU HAD DONE YOUR INITIAL  
21 INVESTIGATION OF THE CASE AND THOUGHT THAT THERE  
22 WERE ONLY TWO SHOTS FIRED, YOU LEARNED A THIRD SHOT  
23 HAD BEEN FIRED?

24 A THAT'S CORRECT, SIR

25 Q AND THAT WASN'T NOTICED ON THE FIRST DAY YOU

1 WERE THERE?

2 A NO, SIR, WE DID NOT SPECIFICALLY NOTICE THAT  
3 THIRD SHOT

4 Q PRIMARILY BECAUSE THERE WERE TWO SHOTS, TWO  
5 VICTIMS AND YOU THOUGHT THAT WAS IT

6 A YES, SIR, WE BELIEVED THAT WE HAD ALL THE  
7 SHELLS ACCOUNTED FOR

8 Q SO AGENT BLACK, IS IT FAIR TO SAY THEN THAT  
9 ALSO SOME TYPE OF ALTERCATION OR TUSSLE OR SOMETHING  
10 TOOK PLACE IN AND ABOUT THE AREA DIRECTLY IN FRONT  
11 OF THE DOOR HERE -- EXCUSE ME, DIRECTLY IN FRONT OF  
12 THE DOOR GOING INTO THIS BATHROOM AREA?

13 A YES, SIR, THAT WOULD BE FAIR TO SAY

14 Q AND A GUN WAS FIRED AND CAN YOU SHOW US THE  
15 PROJECTION OF HOW THAT GUN WAS FIRED, THE DIRECTION  
16 OF THE -- CAN YOU JUST STEP DOWN IF YOU WOULD,  
17 PLEASE YOUR PICTURE DEPICTS THAT BUT I WANT YOU TO  
18 KIND OF SHOW US ON THE MAP AND MAYBE HELP US HAVE A  
19 BETTER UNDERSTANDING COULD YOU JUST POINT IN THE  
20 DIRECTION, MAYBE USE A PEN THERE IF YOU WOULD, AND  
21 JUST SHOW THE DIRECTION OF THE SHOT

22 A THE APPROXIMATE DIRECTION OF THE SHOT WOULD BE  
23 UPPER-ANGLED AND THE APPROXIMATE DIRECTION WOULD  
24 BE COMING BACK TOWARDS PERHAPS THIS DOOR JAMB RIGHT  
25 HERE AND, AGAIN, THAT WOULD BE APPROXIMATE

1 Q THE DOOR WOULD HAVE BEEN OPENED AND CLOSED OR  
2 DO YOU KNOW?

3 A I BELIEVE THE DOOR WAS OPEN WHEN WE WERE THERE

4 Q IT WAS OPEN WHEN YOU WERE THERE, BUT DURING THE  
5 ALTERCATION OR WHATEVER OCCURRED RIGHT THERE, WOULD  
6 THAT DOOR HAD TO BE OPEN OR WOULD IT HAVE BEEN  
7 CLOSED FOR THAT SHOT TO HAVE WENT IN THAT DIRECTION?

8 A IT COULD HAVE BEEN EITHER OPEN OR CLOSED

9 Q WAS THE GUN FIRED IN YOUR OPINION, IN YOUR  
10 ESTIMATION, INSIDE THE BATHROOM OR WAS IT FIRED  
11 INSIDE THIS AREA RIGHT HERE?

12 A I WOULD NOT HAVE AN OPINION AS TO -- IT COULD  
13 EITHER FIRED INSIDE THE BEDROOM OR IT COULD HAVE  
14 BEEN FIRED FROM OUT HERE IN THE FOYER

15 Q SO WHEN MS SKRABA WAS HOLDING THAT LINE, SHE  
16 WAS JUST SHOWING THE PROPER PATH NOT NECESSARILY  
17 WHETHER IT WAS FIRED FROM THE INSIDE OR WHETHER IT  
18 WAS FIRED FROM THE OUTSIDE?

19 A THAT'S CORRECT, IT WAS NOT AN ATTEMPT TO  
20 DETERMINE THE DISTANCE AS FAR AS HOW FAR AWAY THAT  
21 SHOT WAS FIRED

22 Q AGENT, WERE YOU RESPONSIBLE FOR THE PREPARATION  
23 OF THIS DIAGRAM?

24 A NO, SIR, I WAS NOT

25 Q DO YOU HAVE ANY IDEA WHY IT'S NOT TO SCALE?



1 A I PERSONALLY HAVE NEVER PREPARED A DIAGRAM TO  
2 SCALE IT WAS NOT REQUESTED OF US TO ATTEMPT TO  
3 PREPARE A SCALED DRAWING OF THE SCENE

4 MR GARRETT BEG THE COURT'S  
5 INDULGENCE, YOUR HONOR

6 EXAMINATION CONTINUED BY MR GARRETT

7 Q MR BLACK, WHILE I'M LOOKING FOR THESE  
8 PHOTOGRAPHS I WANT YOU TO LOOK AT FOR ME, DID YOU DO  
9 ANY INVESTIGATION OUTSIDE THE FRONT OF THAT TRAILER?

10 A WE DID AN EXAMINATION ON DECEMBER THE 4TH ON  
11 THE INITIAL SCENE

12 Q GOT ANY PHOTOGRAPHS, CLOSE-UPS OF THE AREA AT  
13 OR ABOUT THE FRONT DOOR AREA?

14 A I KNOW THAT I'VE GOT SOME GENERALS I DON'T  
15 RECALL HAVING TAKEN ANY SPECIFIC CLOSE-UPS OF THE  
16 AREA IMMEDIATELY OUTSIDE THE FRONT DOOR

17 Q WE WERE CONCERNED YESTERDAY ABOUT LOCATING SOME  
18 SCREW THAT MIGHT HAVE COME OUT OF THE FRONT DOOR  
19 AND/OR IT MIGHT HAVE COME OUT OF THE BEDROOM DOOR  
20 NEAREST WHERE THAT ALTERCATION TOOK PLACE DID YOU  
21 SEE ANY OF THOSE NAILS OR SCREWS IN YOUR  
22 INVESTIGATION?

23 A THE ONLY SCREW THAT WE FOUND WAS THE SCREW THAT  
24 WAS FOUND NEAR THE KNIFE IN THE FOYER AREA AND THE  
25 ONLY NAIL, TO MY RECOLLECTION, WOULD HAVE BEEN THE

1 ONE HOLDING THE STRIKE PLATE ON IN THE DOORWAY THAT  
2 LEADS TO THE BEDROOM WITH THE DOUBLE BEDS IN IT,  
3 TWIN BEDS

4 Q IS IT FAIR TO SAY THEN THAT YOU ALL DIDN'T --  
5 THOSE SCREWS WEREN'T THERE?

6 A THAT'S A POSSIBILITY

7 Q NOW, IN YOUR ANALYSIS, DID YOU FIND SOME BLOOD  
8 STAINS IN AND ABOUT THIS WALL? I'M REFERRING TO THE  
9 AREA BEHIND THIS DOOR IN THIS AREA RIGHT HERE, DID  
10 YOU FIND SOME BLOOD STAIN ON THAT WALL THERE?

11 A YES, SIR

12 Q CAN YOU IDENTIFY -- SOLICITOR, THIS WOULD BE  
13 EIGHT-FOUR AND EIGHTY-THREE?

14 MR GARRETT I'LL MOVE TO MARK THESE  
15 AS DEFENSE EXHIBITS EIGHT, NINE INTO EVIDENCE  
16 THE COURT ADMITTED WITHOUT  
17 OBJECTION

18 EXAMINATION CONTINUED BY MR GARRETT

19 Q I'LL SHOW YOU THESE TWO PHOTOGRAPHS, CAN YOU  
20 IDENTIFY THESE TWO PHOTOGRAPHS?

21 A YES, SIR

22 Q COULD YOU TELL THE JURY, PLEASE, WHAT THOSE  
23 PHOTOGRAPHS DEPICT?

24 A DEFENDANT'S EXHIBIT EIGHT AND NINE DEPICT A  
25 MID-RANGE, A CLOSE-UP SHOT OF SOME BLOOD STAINS OR

1 BLOOD DROPS ON THE WALL WHICH BORDERS THE BEDROOM  
2 WITH THE TWIN BEDS IN IT MAY I STEP DOWN?

3 Q SURE, PLEASE DO

4 A SPECIFICALLY IT WOULD BE ON WALL IN THIS  
5 VICINITY VERY NEAR THE DOOR THAT LEADS INTO THE  
6 BEDROOM

7 Q NOW, WHEN YOU CAME IN THAT BATHROOM ON THE DAY  
8 OF THE 6TH, WHAT WAS THE LOCATION OF A HAMPER -- DO  
9 YOU REMEMBER A HAMPER IN THERE?

10 A YES, SIR, I DO REMEMBER A HAMPER FROM THE SCENE  
11 ON THE 4TH

12 Q TELL ME ABOUT THE HAMPER, WHERE WAS ITS  
13 LOCATION WHEN YOU ALL WENT IN TO DO YOUR WORK?

14 A IT WAS LOCATED INSIDE THE BATHROOM, MAYBE A FEW  
15 FEET INSIDE THE DOORWAY WHICH COMES OFF THE FOYER  
16 THERE INSIDE THE FRONT DOOR

17 Q WAS IT IN A PLACE WHERE A PERSON MIGHT NORMALLY  
18 KEEP IT OR WAS IT KIND OF OUT IN THE MIDDLE, LOOK  
19 LIKE IT HAD BEEN MOVED OR DISHEVELLED?

20 A IT DID APPEAR TO HAVE BEEN MOVED AND NOT WHERE  
21 SOMEWHERE WOULD NORMALLY KEEP IT IT WAS PRETTY  
22 MUCH IN THE MIDDLE OF THE FLOOR

23 MR COULTER NO OBJECTION

24 MR GARRETT DEFENSE EXHIBIT NUMBER

25 TEN, YOUR HONOR, WE MOVE TO INTRODUCE INTO EVIDENCE

1 THE COURT ADMITTED WITHOUT  
2 OBJECTION

3 EXAMINATION CONTINUED BY MR GARRETT

4 Q CAN YOU IDENTIFY THAT PHOTOGRAPH FOR US,  
5 PLEASE, DEFENDANT'S EXHIBIT NUMBER 10

6 A YES, SIR

7 Q WHAT IS THAT A DEPICTION OR ACCURATE  
8 REPRESENTATION OF?

9 A THIS IS A PHOTOGRAPH OF A BLOOD DROP THAT IS  
10 ACTUALLY ON THE BATHROOM DOOR

11 Q DO YOU WANT TO STEP DOWN?

12 A IF I MAY, SIR, YES OF A BLOOD DROP ACTUALLY  
13 ON THE SHORTED CROSS-SECTION OF THIS DOOR

14 Q YOU CAN TAKE YOUR SEAT COULD YOU TELL US THE  
15 CHARACTER OF THAT BLOOD, BOTH AS TO THE WALL AND AS  
16 TO THE DOOR? IN YOUR STUDIES OF BLOOD SPATTER, WHAT  
17 TYPE OF BLOOD WOULD THAT BE, IN YOUR OPINION?

18 A THOSE STAINS APPEAR TO BE CAST-OFF BLOOD STAINS  
19 OR BLOOD THAT IS FLUNG OR CAST OFF OF ANOTHER OBJECT  
20 THAT HAS BLOOD ON IT

21 Q THAT COULD BE A PERSON THAT HAD BLOOD ON THEM  
22 CASTING IT OFF FROM THE HAND MAYBE?

23 A YES, SIR, THAT'S A POSSIBILITY

24 Q SO IS IT FAIR TO ASSUME THAT WHOEVER WAS IN  
25 THERE AT LEAST SOMEBODY HAD SOME BLOOD ON THEM?

1 A YES, SIR

2 Q AND CAN YOU TELL US, BASED ON YOUR SCIENCE, CAN  
3 YOU TELL US NOW LOOKING AT THIS PHOTOGRAPH, CAN YOU  
4 TELL US THE SEQUENCE OF EVENTS IN THIS MATTER NOW  
5 THAT YOU WENT BACK AND YOU FOUND OUT THAT THERE WAS  
6 A THIRD SHOT, CAN YOU TELL US WHICH OF THOSE SHOTS  
7 WERE FIRED FIRST, SECOND AND THIRD?

8 A NO, SIR, I CANNOT

9 Q IS THERE ANY REASON FOR THAT?

10 A IN MY OPINION AND THE OPINION OF OUR CRIME  
11 SCENE TEAM, THERE WAS NO SOLID PHYSICAL EVIDENCE TO  
12 SUPPORT THE PROPER SEQUENCE OF SHOTS AS THEY WERE  
13 SHOT

14 Q REALLY?

15 A YES, SIR

16 Q WELL, THE ONE THAT YOU FOUND IN THE GUN WAS A  
17 NUMBER SIX BULLET, WASN'T IT?

18 A MAY I REFER TO MY NOTES?

19 Q PLEASE DO

20 A I WOULD HAVE TO SEE THE ACTUAL FIRED SHELL TO  
21 LOOK AT THE SHOT SIZE

22 Q LOOKING AT STATE'S EXHIBIT SEVENTY-THREE

23 A THIS IS NOT THE SHOTGUN SHELL THAT WAS IN THE  
24 GUN

25 Q IT'S NOT?

1 A NO, SIR

2 Q WHAT NUMBER IS THAT ONE? THAT SEVENTY-THREE,  
3 WHICH ONE WAS THAT ONE?

4 A STATE'S SEVENTY-THREE CORRESPONDS TO OUR ITEM  
5 NUMBER FIFTY ON OUR REPORT AND OUR ITEM NUMBER  
6 FIFTY IS THE ONE FROM THE WHITE PAPER SHOPPING BAG

7 Q AND THIS IS SEVEN AND A HALF?

8 A YES, SIR, THE MARKINGS APPEAR TO SAY SEVEN AND  
9 A HALF ON THE YELLOW PORTION OF THE SHOTGUN SHELL

10 Q TELL US WHICH ONE WAS FOUND IN THE GUN RIGHT  
11 BEHIND THE BED RIGHT HERE, WHICH NUMBER WAS THAT?

12 A THE ONE IN THE GUN?

13 Q YES

14 A THAT CORRESPONDS THE OUR ITEM NUMBER SIX ON OUR  
15 REPORT

16 Q WOULD THAT BE THEN STATE'S EXHIBIT FIFTY-ONE  
17 INSTEAD OF SEVENTY-THREE?

18 A YES, SIR, IT WOULD BE STATE'S EXHIBIT FIFTY-  
19 ONE

20 Q SO LET ME ASK YOU ABOUT STATE'S EXHIBIT FIFTY-  
21 ONE IF IT WAS THE ONE THAT WAS STILL IN THE GUN AT  
22 THE TIME, CAN WE ASSUME FROM YOUR SCIENTIFIC WAY OF  
23 DOING TESTING, WOULD THIS BE THE LAST SHOT FIRE?

24 A WE CERTAINLY WOULD EXPECT THAT TO BE THE LAST  
25 SHOT FIRED

1 Q THAT'S THE LAST ONE?

2 A YES, SIR

3 Q NOW, THERE WAS ANOTHER ONE THAT WAS ON THE VENT  
4 -- AT OR NEAR THE VENT IN THE BEDROOM, IS THAT  
5 CORRECT?

6 A THAT'S CORRECT, SIR

7 Q AND THAT WAS SEVEN AND HALF?

8 A THAT WAS THE SHELL CASING

9 Q DO YOU HAVE ALL THREE SHELLS IN YOUR  
10 POSSESSION

11 A YES, SIR, THIS IS STATE'S EXHIBIT FORTY-NINE  
12 WHICH CORRESPONDS TO OUR ITEM NUMBER SEVEN WHICH IS  
13 THE ONE THAT WAS FOUND ON THE FLOOR NEAR THE VICTIM  
14 AND IT DOES APPEAR TO HAVE THE NUMBER SEVEN AND A  
15 HALF ON THE LOWER PORTION

16 Q IS THAT THE SHELL THAT TOOK THE LIFE OF MS  
17 HARRIS?

18 A I DO NOT KNOW

19 Q SO YOU'VE GOT TWO SEVEN AND HALVES ONE OF  
20 THOSE SHELLS TOOK THE LIFE OF MS HARRIS, THE OTHER  
21 ONE WENT THROUGH THIS BATHROOM RIGHT HERE, IS THAT  
22 CORRECT?

23 A ONCE AGAIN, I'M NOT QUALIFIED TO SAY WHICH HOLE  
24 IS ASSOCIATED WITH WHICH SHELL AS FAR AS BASED ON  
25 SHOTS, THAT'S NOT MY AREA OF EXPERTISE

1 Q SO YOU'RE TELLING US THAT YOU CAN'T TELL US  
2 BASED UPON YOUR SCIENTIFIC INVESTIGATION AS TO WHICH  
3 ONE OF THOSE THREE SHELLS WERE FIRED IN SEQUENCE?  
4 WHICH ONE WAS FIRED FIRST, WHICH ONE WAS FIRED  
5 SECOND, WE KNOW WHICH ONE WAS FIRED THIRD, I THINK  
6 WE CAN AGREE ON THAT, CAN'T WE?

7 A I BELIEVE SO

8 Q LOGIC WOULD DICTATE THAT, WOULDN'T THEY?

9 A YES, SIR

10 Q SO WHAT WE'RE SAYING IS YOU CAN'T FIGURE OUT  
11 THE SEQUENCE OF THE FIRST TWO, IS THAT RIGHT?

12 A , THAT'S CORRECT

13 Q NOW, LET'S USE SOME COMMON SENSE FOR A MINUTE,  
14 OKAY?

15 A YES, SIR

16 Q IF ONE SHOT'S FIRED UP HERE AND YOU'VE GOT TWO  
17 SHOTS WITHIN THIS AREA RIGHT HERE, CAN YOU MAKE ANY  
18 ASSUMPTIONS ABOUT THAT?

19 A YOU COULD MAKE ASSUMPTIONS, YES, SIR

20 Q WHAT ASSUMPTIONS COULD YOU MAKE?

21 A ONE COULD ASSUME THAT PERHAPS THE SHOT THAT  
22 OCCURRED IN THE BATHROOM WAS THE FIRST SHOT WHILE  
23 THE TWO SHOTS THAT OCCURRED, ONE TO EACH OF THE  
24 DECEDENTS, WOULD HAVE BEEN THE SECOND AND THIRD  
25 SHOT



1 Q SO THE FIRST SHOT WOULD HAVE BEEN HERE, THE  
2 SECOND SHOT WOULD HAVE BEEN HERE TO MS HARRIS AND  
3 THE THIRD SHOT WOULD HAVE BEEN FOR MS JACKSON

4 A ONCE AGAIN, WITHOUT KNOWING --

5 Q I KNOW -- I'M JUST MAKING ASSUMPTIONS RIGHT  
6 NOW YOU'RE TELLING ME YOU DON'T HAVE ANY  
7 EXPERIENCE AND EXPERTISE TO DETERMINE THAT I'M  
8 JUST TALKING COMMON SENSE RIGHT NOW

9 A AN ASSUMPTION COULD BE MADE THAT THE SECOND  
10 SHOT WAS TO MS HARRIS, AND THE THIRD SHOT WAS TO  
11 MS JACKSON AGAIN, THAT'S AN ASSUMPTION

12 Q I UNDERSTAND NOW, WHEN YOU GOT BACK OVER  
13 THERE THE FOLLOWING DAY AND YOU DETERMINED THAT  
14 THERE WAS A HOLE IN THE SHOWER CURTAIN AND THEN YOU  
15 HAD MS SKRABA HOLDING THAT LINE AND YOU HAD A STICK  
16 THROUGH THE HOLE ON THE OUTSIDE OF THE TRAILER  
17 WHAT WAS YOUR PURPOSE IN DOING THAT, TO SHOW THE  
18 GENERAL DIRECTION?

19 A TO SHOW THE TRAJECTORY WHETHER IT WAS UP, DOWN  
20 OR STRAIGHT ON AND MAYBE TO SHOW AN APPROXIMATE  
21 PATH

22 Q AT THAT POINT, DID SOMEONE IN YOUR AGENCY GO  
23 AHEAD AND ORDER A SHOT PATTERN SO WE COULD DETERMINE  
24 THE DISTANCES TO CREATE THE HOLES AT VARIOUS  
25 DISTANCES?

1 A WHEN I -- I COLLECTED A PORTION OF THE SHOWER  
2 CURTAIN AND WHEN I TOOK IT BACK TO THE LABORATORY  
3 SPECIAL AGENT DAVID BLACK AND MYSELF MADE THE  
4 DECISION TO HAVE AN ATTEMPT MADE TO DETERMINE THE  
5 DISTANCE FROM WHICH THE SHOT WAS FIRED TO PRODUCE  
6 THAT HOLE IN THE SHOWER CURTAIN

7 Q OKAY SO THEN, IN FACT, THESE PATTERNS THAT  
8 WE'RE TALKING ABOUT WERE, IN FACT, PATTERNS ONLY  
9 DESIGNED TO DETERMINE THE DISTANCE AS TO A PIECE OF  
10 CLOTH, THE SHOWER CURTAIN?

11 A TO MY KNOWLEDGE THAT WAS THE ONLY THING WE  
12 COLLECTED THAT WOULD REQUIRE THE DISTANCE  
13 DETERMINATION AND THAT, I BELIEVE, IS THE ONLY THING  
14 WE MADE THE DISTANCE DETERMINATION REQUEST ON

15 Q SO, IN FACT, S L E D HAS NOT STUDIED IN THIS  
16 CASE THE DISTANCES BETWEEN THE SHOTGUN BLAST AND THE  
17 PEOPLE THEMSELVES

18 A I WOULD HAVE NO KNOWLEDGE OF THAT, SIR I KNOW  
19 I DID NOT DO THAT

20 Q AND YOU DIDN'T REQUEST THAT TO BE DONE?

21 A NO, SIR, I DID NOT

22 Q SO IF WE HAVE MR DEFREEZE'S PATTERNS, THAT'S  
23 TOTALLY UNRELATED TO PEOPLE GUN DISTANCES BUT  
24 INSTEAD IS SOLELY RELATED TO THE QUESTION OF THE  
25 DISTANCE AND THE SHOT IN THIS OTHER AREA?

1 A IN MY OPINION, THAT WOULD HAVE BEEN WHY THE  
2 PATTERNS WERE PRODUCED

3 MR GARRETT BEG THE COURT'S  
4 INDULGENCE

5 EXAMINATION CONTINUED BY MR GARRETT

6 Q IF YOU WERE TRYING TO ASCERTAIN DISTANCES FROM  
7 WEAPONS TO BODIES, YOU WOULD HAVE OBVIOUSLY WANTED  
8 TO HAVE ATTENDED THE AUTOPSY?

9 MR COULTER JUDGE, I OBJECT WE HAD  
10 DAN DEFREEZE WHO'S GOING TO TESTIFY I DON'T THINK  
11 THIS WITNESS IS QUALIFIED TO TESTIFY TO PATTERNS AND  
12 THAT SORT OF THING HE'S NOT A FIREARMS EXPERT

13 MR GARRETT YOUR HONOR, MAY I  
14 RESPOND? HE'S SETTING THE THINGS THAT ARE GOING TO  
15 BE STUDIES IN THIS CASE AND I THINK WE HAVE A  
16 RIGHT TO FULLY CROSS-EXAMINE HIM ON WHAT HE WAS  
17 SETTING UP AND WHAT PURPOSES HE WAS SETTING THOSE  
18 THINGS UP

19 THE COURT YOU MAY EXAMINE HIM ON  
20 WHAT HE DID AND FOR WHAT PURPOSE HE DID THEM  
21 OVERRULE THE OBJECTION PRESENTLY

22 EXAMINATION CONTINUED BY MR GARRETT

23 Q DID YOU APPEAR AT THE AUTOPSY?

24 A NO, SIR, I DID NOT

25 Q IN YOUR LINE OF WORK AND SKILL AS BEING AN

1 AGENT, IF YOU WERE CONCERNED ABOUT PATTERNING AS IT  
2 RELATED TO A GUN AND A BODY, WOULDN'T IT BE THE  
3 PRIMARY RESPONSIBILITY OF AN AGENT OR SOMEBODY TO GO  
4 TO THE AUTOPSY FOR THE PURPOSE OF MAKING THAT  
5 DETERMINATION AT THE BEGINNING POINT?

6 A THAT'S A POSSIBILITY THAT'S NOT SOMETHING  
7 THAT WOULD ROUTINELY BE PERFORMED BY AGENTS IN OUR  
8 UNIT

9 Q SO YOU WOULDN'T GO THERE?

10 A I WOULD NOT ATTEND AN AUTOPSY FOR THAT  
11 PARTICULAR PURPOSE, NO, SIR

12 Q BUT IF SOMEONE WERE ATTEMPTING TO DO THAT TO  
13 GET THE BODY SHOT RELATIONSHIP, WOULDN'T THAT BE  
14 IMPORTANT FOR THEM TO DO THAT?

15 A IT COULD BE IMPORTANT

16 Q BUT YOU DON'T KNOW WHETHER THEY DO THAT OR NOT?

17 A NO, SIR, I DO NOT

18 Q BUT YOU DIDN'T ATTEND THAT AUTOPSY, DID YOU?

19 A NO, SIR, I DID NOT EITHER AUTOPSY

20 MR GARRETT I HAVE NO FURTHER  
21 QUESTIONS THANK YOU

22 MR COULTER NOTHING FROM THE STATE  
23 THE COURT YOU MAY STAND DOWN THANK  
24 YOU

25 THE WITNESS MAY I BE EXCUSED, YOUR

1 HONOR?

2 THE COURT ANY OBJECTION TO THE  
3 WITNESS BEING EXCUSED?

4 MR GARRETT NONE FOR THE DEFENSE,  
5 YOUR HONOR

6 THE COURT YOU MAY

7 THE WITNESS THANK YOU, YOUR HONOR

8 MR COULTER YOUR HONOR, THE STATE  
9 WILL CALL AGENT NANCY SKRABA TO THE STAND

10 THE CLERK THE EVIDENCE YOU SHALL  
11 GIVE THE COURT AND JURY IN THE TRIAL OF THIS SHALL  
12 BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE  
13 TRUTH, SO HELP YOU GOD

14 DIRECT EXAMINATION BY MR COULTER

15 Q GOOD MORNING PLEASE GIVE THE JURY YOUR FULL  
16 NAME

17 A NANCY JEAN SKRABA

18 Q AND AGENT, YOU'RE WORKING WITH S L E D ,  
19 CORRECT?

20 A THAT'S CORRECT

21 Q HOW LONG HAVE YOU BEEN WORKING WITH S L E D ?

22 A THIRTEEN YEARS

23 Q IN WHAT CAPACITY DO YOU WORK WITH S L E D ?

24 A I'M A FORENSIC SEROLOGIST

25 Q COULD YOU GIVE THE JURY, PLEASE, AN IDEA OF THE

1 EXTENT OF YOUR EDUCATION?

2 A I HAVE A BACHELOR OF SCIENCE DEGREE IN MEDICAL  
3 TECHNOLOGY FROM THE UNIVERSITY OF SOUTH CAROLINA  
4 I'M BOARD CERTIFIED BY THE AMERICAN SOCIETY OF  
5 CLINICAL PATHOLOGISTS

6 IN ADDITION TO MY TRAINING AT S L E D , I'VE  
7 ALSO ATTENDED SEVERAL SCHOOLS AND SEMINARS IN MY  
8 FIELD OF SEROLOGY INCLUDING THE FBI SEROLOGY SCHOOL  
9 AND DNA TYPING METHOD SCHOOL IN QUANTICO, VIRGINIA  
10 I'VE ALSO ATTENDED THE ALL-TYPE GENETIC TESTING  
11 CENTER IN ATLANTA, GEORGIA AND THE SEROLOGICAL  
12 RESEARCH INSTITUTE I'VE ATTENDED THE TRI-STATE  
13 LABORATORY SCHOOL IN YOUNGSTOWN, OHIO ON THE  
14 IDENTIFICATION AND CLASSIFICATION OF GENETIC MARKERS  
15 USING ISOELECTRIC FOCUSING

16 Q IN THE TIME THAT YOU'VE BEEN WITH S L E D ,  
17 HAVE YOU ALWAYS BEEN A FORENSIC SEROLOGIST?

18 A YES

19 Q HAVE YOU HAD THE OPPORTUNITY TO TESTIFY IN THE  
20 CIRCUIT COURTS OF THIS STATE PRIOR TO TODAY?

21 A YES, SIR

22 Q ABOUT HOW MANY TIMES?

23 A OVER ONE HUNDRED TIMES

24 Q AND IN THOSE ONE HUNDRED TIMES, WERE YOU  
25 QUALIFIED AS AN EXPERT IN FORENSIC SEROLOGY?

1 A YES, I WAS

2 Q IN EACH OF THOSE TIMES?

3 A YES

4 MR COULTER YOUR HONOR, THE STATE  
5 WOULD OFFER AGENT SKRABA AS AN EXPERT IN THE FIELD  
6 OF FORENSIC SEROLOGY

7 MR GARRETT WITHOUT OBJECTION, YOUR  
8 HONOR, TO HER QUALIFICATIONS

9 THE COURT SHE IS SO QUALIFIED

10 EXAMINATION CONTINUED BY MR COULTER

11 Q AGENT SKRABA, DID YOU HAVE THE OPPORTUNITY TO  
12 GO TO 401 RICHEY STREET IN ABBEVILLE, SOUTH CAROLINA  
13 ON DECEMBER 4TH OF 1995?

14 A YES, I DID

15 Q AND WHO DID YOU GO WITH THERE TO 401 RICHEY  
16 STREET?

17 A AGENT JOHN BLACK AND AGENT DAVID BLACK

18 Q AND WHAT WAS YOUR ROLE IN REPORTING TO THIS  
19 PARTICULAR CRIME SCENE?

20 A MY PRIMARY DUTIES WERE THE COLLECTION OF BLOOD  
21 STAINS

22 Q AND DID YOU, IN FACT, FIND VARIOUS PLACES IN  
23 THE HOME ON DECEMBER 4TH WHERE BLOOD STAINS HAD BEEN  
24 LEFT?

25 A YES, I DID

1 Q DID YOU, IN FACT, LOOKING -- IF YOU COULD LOOK  
2 AT STATE'S EXHIBIT NUMBER FIVE FOR IDENTIFICATION  
3 RIGHT OVER HERE TO YOUR LEFT, DOES THAT APPEAR TO BE  
4 AN ACCURATE DEPICTION OF THE CRIME SCENE AT 401  
5 RICHEY?

6 A YES, IT DOES

7 Q OF COURSE, THIS ISN'T TO SCALE, IS IT?

8 A NO, IT'S NOT

9 Q AND IT MARKS IT RIGHT DOWN HERE AT THE BOTTOM,  
10 NOT TO SCALE, RIGHT?

11 A RIGHT

12 Q IF YOU COULD, DID YOU KNOW VARIOUS PLACES IN  
13 THE KITCHEN AREA OF 401 RICHEY STREET WHERE BLOOD  
14 HAD BEEN LEFT?

15 A YES

16 Q AND WOULD YOU POINT TO THE APPROXIMATE LOCATION  
17 OF WHERE YOU COLLECTED BLOOD IN THE KITCHEN AREA AT  
18 401 RICHEY?

19 A YES TWO STAINS WERE COLLECTED ON THE FLOOR BY  
20 THIS TABLE I ALSO COLLECTED ONE STAIN ON THE FLOOR  
21 BY THE REFRIGERATOR

22 Q DID YOU ALSO HAVE THE OPPORTUNITY TO GO INTO  
23 THE HALLWAY MARKED WITH THE DRYER AND WASHER ON  
24 STATE'S EXHIBIT NUMBER FIVE FOR IDENTIFICATION

25 A YES



1 Q DID YOU COLLECT ANY SAMPLES FROM THAT AREA?

2 A I COLLECTED ONE SAMPLE FROM THE FLOOR NEAR THE  
3 BODY OF MS HARRIS

4 Q LET ME SHOW YOU STATE'S EXHIBIT EIGHTY-FOUR  
5 WOULD YOU HAVE TAKEN THAT SAMPLE FROM THE POOL OF  
6 BLOOD AROUND HER BODY?

7 A YES, I DID

8 Q AND DID YOU FURTHER HAVE AN OPPORTUNITY TO GO  
9 INTO THE MASTER BEDROOM AND TAKE A SAMPLE OF BLOOD  
10 FROM THAT AREA?

11 A YES, I DID

12 Q AND WHAT WERE YOU TAKING SAMPLES OF?

13 A THE BODY OF MS JACKSON WAS ON THE BED, ON THE  
14 FLOOR THERE WAS A POOL OF BLOOD AND, AGAIN, I  
15 COLLECTED ANOTHER SAMPLE OF BLOOD FROM THE POOL OF  
16 BLOOD

17 Q THIS IS STATE'S EXHIBIT NUMBER EIGHTY-FIVE  
18 DEPICTING THE BODY OF MS JACKSON, IS THAT THE  
19 LOCATION WHERE YOU COLLECTED THE BLOOD?

20 A YES, IT IS

21 Q SO YOU WERE ABLE TO OBTAIN STANDARDS, BASICALLY  
22 FROM MS HARRIS, BEING ABLE TO COMPARE DIFFERENT  
23 AREAS WHERE YOU FOUND THE BLOOD TO THE BLOOD OF MS  
24 JACKSON AND MS HARRIS OF THE SCENE ITSELF

25 A YES, THE REASON I COLLECTED FROM THE POOL OF

1 HER BLOOD, OBVIOUSLY IT WAS FROM BOTH VICTIMS, BUT  
2 SOMETIMES THE VICTIMS WILL BLEED OUT ON THE -- AT  
3 THE AUTOPSY AND I'M ABLE TO GET A BLOOD SAMPLE FROM  
4 THE VICTIM I ALWAYS COLLECT FROM THE POOL OF BLOOD  
5 FROM THE VICTIM IN CASE THEY CAN'T GET IT THERE AT  
6 THE AUTOPSY

7 Q SO YOU COLLECTED YOUR STANDARDS FROM MS HARRIS  
8 AND MS JACKSON?

9 A YES

10 Q WERE YOU GIVEN AT SOME POINT ANY STANDARDS FOR  
11 COMPARISON TO THE DEFENDANT IN THIS CASE, JOHN  
12 KENNEDY HUGHEY?

13 A NO

14 Q AND, OF COURSE, IN ORDER TO LEAVE BLOOD IN A  
15 PARTICULAR LOCATION, WHAT HAS HAPPEN TO A PERSON?

16 A THEY HAVE TO BLEED

17 Q AND BLEEDING WOULD BE FROM SOME SORT OF INJURY?

18 A USUALLY, YES, SURE

19 Q IF A PERSON HAD NO INJURY AS THEY LEFT 401  
20 RICHEY STREET, WOULD YOU EXPECT TO FIND THEIR BLOOD?

21 A NO, I WOULD NOT

22 Q NOW, IN REGARDS TO STATE'S EXHIBIT, FOR  
23 IDENTIFICATION, FIVE, YOU HAVE NOTED VARIOUS  
24 LOCATIONS OF WHERE YOU FOUND BLOOD

25 A YES

1 Q NOW, DID YOU, IN FACT, PERFORM AN ANALYSIS ON  
2 THE BLOOD THAT YOU COLLECTED OF MS TESHEKA JACKSON  
3 IN DETERMINING HER BLOOD TYPE?

4 A YES, I DID

5 Q AND WHAT BLOOD TYPE DID MS JACKSON HAVE?

6 A HER ABO TYPE IS B

7 Q AND FURTHER, DID YOU DO WHAT'S CALLED A PGM  
8 SUB-TYPE?

9 A THAT'S CORRECT

10 Q COULD YOU EXPLAIN TO THE JURY WHAT A PGN SUB-  
11 TYPE IS?

12 A A PGM SUB-TYPE IS ANOTHER GENETIC MARKER JUST  
13 LIKE ABO IS, IT'S FOUND IN THE BLOOD, IT'S INHERITED  
14 WHICH MEANS IT REMAINS CONSTANT THROUGHOUT THE  
15 PERSON'S LIFETIME, AND IT OCCURS IN A CERTAIN  
16 FREQUENCY WITHIN THE POPULATION SO WE CAN USE THIS  
17 FREQUENCY TO PLACE AN INDIVIDUAL IN A LIMITED  
18 POPULATION OF BLOOD TYPES

19 Q SO, FOR EXAMPLE, WHEN YOU TALK ABOUT MS  
20 JACKSON'S BLOOD TYPE BEING B, WHAT IS THE PERCENTAGE  
21 OF THE POPULATION THAT HAS BLOOD TYPE B?

22 A APPROXIMATELY ELEVEN PERCENT OF CAUCASIANS AND  
23 APPROXIMATELY TWENTY PERCENT OF BLACKS WOULD HAVE  
24 IT

25 Q THAT'S JUST FOR THE BLOOD TYPE B?

1 A THAT'S CORRECT

2 Q CAN YOU FURTHER BREAK THAT DOWN BY THE PGM  
3 TYPE, DOES THAT FURTHER REDUCE THE AMOUNT OF  
4 COMMONALITY OF THOSE BLOOD TYPE B?

5 A YES, THERE ARE THERE ARE TEN PGM SUB-TYPES  
6 AND EACH INDIVIDUAL HAS ONE PGM SUB-TYPE MS  
7 JACKSON SUB-TYPE WAS ONE PLUS

8 Q ONE PLUS?

9 A YES

10 Q SO HOW DOES THAT REDUCE FROM THE -- I THINK YOU  
11 SAID THE TWELVE PERCENT, IS THAT CORRECT?

12 A TWENTY PERCENT OF BLACKS AND ELEVEN PERCENT FOR  
13 --

14 Q I'M SORRY, ELEVEN PERCENT FOR CAUCASIANS HOW  
15 DOES THAT SUB-TYPE FURTHER REDUCE THE PERCENTAGE OF  
16 PEOPLE THAT WOULD HAVE THIS PARTICULAR BLOOD TYPE  
17 AND SUB-TYPE?

18 A IF THERE'S A COMBINATION OF ABO GROUPING AND  
19 PGM SUB-TYPE ONE PLUS, THAT WOULD BE APPROXIMATELY  
20 FIVE PERCENT OF CAUCASIANS AND EIGHT PERCENT OF  
21 BLACKS

22 Q NOW, AS I UNDERSTAND THEM FROM THE STANDARD  
23 THAT YOU RECEIVED FROM MS JACKSON YOU HAD  
24 DETERMINED THAT SHE HAD A BLOOD TYPE OF B?

25 A BLOOD TYPE OF B, CORRECT

1 Q AND A SUB-TYPE OF PLUS ONE

2 A YES

3 Q WERE YOU ABLE TO MAKE A COMPARISON OF HER BLOOD  
4 TYPE, HER ABO TYPE, AND SUB-TYPE TO THOSE SWABS THAT  
5 YOU TOOK IN THE KITCHEN OF 401 RICHEY STREET?

6 A YES, I WAS

7 Q AND AGAIN, HOW MANY DIFFERENT AREAS DID YOU  
8 SWAB IN THAT KITCHEN?

9 A THREE DIFFERENT AREAS

10 Q AND OF THOSE THREE DIFFERENT AREAS, HOW DID  
11 THEY COMPARE TO THE ABO TYPE OR THE SUB-TYPE OF MS  
12 JACKSON?

13 A ONE OF THE SWABS THAT WAS THE DIRECTIONAL  
14 SPATTER ON THE KITCHEN FLOOR NEAR THE TABLE WAS ABO  
15 GROUP B, WHICH IS CONSISTENT WITH MS JACKSON  
16 THERE WAS NO PGM SUB-TYPE THAT COULD BE DETECTED ON  
17 THAT STAIN

18 Q WHY WOULD THAT BE?

19 A EITHER INSUFFICIENT AMOUNT AND/OR DEGRADED PGM

20 Q I SEE

21 A THE NEXT STAIN WAS A SWAB FROM A NINETY-DEGREE  
22 SPATTER ON THE KITCHEN FLOOR NEAR THE TABLE ABO  
23 GROUP B ACTIVITY DETECTED PGM SUB-TYPE ONE PLUS,  
24 ACTIVITY DETECTED AGAIN THIS IS CONSISTENT WITH MS  
25 JACKSON'S ABO AND PGM SUB-TYPE

1 THE OTHER STAIN WAS A SWAB FROM NINETY-DEGREE  
2 SPATTER ON KITCHEN FLOOR NEAR THE REFRIGERATOR ABO  
3 GROUP B ACTIVITY DETECTED PGM SUB-TYPE ONE PLUS  
4 ACTIVITY DETECTED THIS WOULD HAVE BEEN CONSISTENT  
5 WITH MS JACKSON'S ABO TYPE AND PGM SUB-TYPE

6 Q OF COURSE IN YOUR WORK, YOU'RE FAMILIAR WITH  
7 WHAT'S CALLED DNA?

8 A YES

9 Q AND JUST FURTHER REDUCES ANY COMMONALITY THAT A  
10 PERSON MAY HAVE WITH PARTICULAR ABO TYPES, PGM  
11 TYPES?

12 A THE DISCRIMINATION OF THE DNA GREATER THAN  
13 CONVENTIONAL SEROLOGY

14 Q AND WE DID NOT HAVE A DNA TESTS DONE?

15 A NO, WE DID NOT

16 Q NOW, YOU HAD SAID THAT THESE THREE SWABS THAT  
17 WERE TAKEN FROM THE FLOOR AREA IN THE KITCHEN WERE  
18 CONSISTENT WITH THAT OF MS HARRIS

19 A MS JACKSON

20 Q MS JACKSON, EXCUSE ME DID YOU ALSO DO A TEST  
21 ON WHAT'S BEEN REGARDED AS A LEAF FROM THE FLOWER  
22 ARRANGEMENT IN THE KITCHEN?

23 A YES, I DID

24 Q WOULD YOU TELL ME PLEASE WHAT THE RESULTS OF  
25 THAT PARTICULAR ANALYSIS WAS?

1 A IT WAS HARD TO IDENTIFY THERE WAS AN  
2 INSUFFICIENT AMOUNT FOR ABO GROUPING THE PGM SUB-  
3 TYPE WAS ONE PLUS WHICH, AGAIN, IS CONSISTENT WITH  
4 MS JACKSON'S PGM TYPE

5 Q LET ME SHOW YOU STATE'S EXHIBIT THIRTY-THREE ,  
6 AND STATE'S EXHIBIT THIRTY-EIGHT

7 A YES

8 Q ARE THOSE FAIR AND ACCURATE?

9 A YES, THEY ARE

10 MR COULTER I'M NOT SURE, BUT THE  
11 STATE WILL MOVE TO INTRODUCE THIRTY-THREE AND  
12 THIRTY-EIGHT INTO EVIDENCE THEY MAY HAVE ALREADY  
13 BEEN

14 MR GARRETT I THOUGHT THEY WERE  
15 ALREADY IN WITHOUT OBJECTION, YOUR HONOR

16 EXAMINATION CONTINUED BY MR COULTER

17 Q DOES THIRTY-EIGHT SHOW A CLOSE-UP VIEW OF WHAT  
18 MY FINGER'S ON, THIRTY-THREE, THE VASE?

19 A YES, IT DOES

20 Q AND THIRTY-EIGHT SHOWS THE AREA THAT YOU  
21 SWABBED?

22 A THAT'S CORRECT THAT'S THE LEAF FROM THE TABLE  
23 ARRANGEMENT --

24 Q AND THE BLOOD IS WHERE MY FINGER'S POINTING?

25 A THAT'S CORRECT

1 Q AND THAT FLOWER'S IN THAT VASE?

2 A YES

3 Q AGAIN, THAT'S CONSISTENT WITH MS JACKSON'S  
4 BLOOD?

5 A WITH HER PGM SUB-TYPE, THAT'S CORRECT

6 Q DID YOU TAKE ANY FURTHER SWAB AREAS IN THE HOME  
7 IN THE HALLWAY IN PARTICULAR FOR TESTING IN  
8 COMPARISON TO ANY STANDARDS THAT YOU RECEIVED FROM  
9 MS HARRIS OR MS JACKSON?

10 A NO, I DID NOT

11 Q AGENT SKRABA, DID YOU HAVE AN OPPORTUNITY TO GO  
12 BACK TO THE HOME AT 401 RICHEY STREET

13 A YES

14 Q A COUPLE OF DAYS LATER, I BELIEVE

15 A ON DECEMBER 6, 1995

16 Q I APOLOGIZE LET ME BACK UP ONE MOMENT YOU  
17 ALSO HAD THE OPPORTUNITY TO PROCESS THE VEHICLE  
18 BROUGHT TO SOUTH CAROLINA ON DECEMBER, I THINK IT  
19 MIGHT HAVE EVEN BEEN THE 5TH, THAT NIGHT, THAT SAME  
20 NIGHT YOU HAD BEEN AT THE CRIME SCENE AT 401 RICHEY  
21 STREET?

22 A YES

23 Q AND THAT REPRESENTS THE MITSUBISHI, WHITE  
24 MITSUBISHI CAR?

25 A GALLANT, THAT'S CORRECT



1 Q AND DID YOU HAVE AN OPPORTUNITY TO TAKE A SWAB  
2 FROM THE DRIVER'S DOOR OF THAT CAR?

3 A YES, I DID

4 Q AND LET ME SHOW YOU STATE'S FIFTY-EIGHT

5 A YES, THAT REPRESENTS THE BLOOD THAT I SWABBED  
6 ON THAT

7 Q ON THE DRIVER'S SIDE DOOR

8 A CORRECT

9 Q NOW, DID YOU FIND ANY OTHER BLOOD IN THIS CAR  
10 AT ALL?

11 A NO, I DID NOT

12 Q OTHER THAN THIS SMALL STAIN ON THE DRIVER'S  
13 SIDE DOOR, CORRECT?

14 A I DIDN'T THERE WAS TWO OTHER STAINS THAT WERE  
15 SUBMITTED FROM ANOTHER AGENCY THAT I TESTED

16 Q AND WHAT DID THEY SHOW?

17 A THE STAIN ON THE DRIVER'S SIDE DOOR BETWEEN THE  
18 FRONT WINDOW AND THE BACK WINDOW, HUMAN BLOOD WAS  
19 IDENTIFIED THERE WAS AN INSUFFICIENT AMOUNT FOR  
20 ABO OR PGM SUB-TYPING

21 THE OTHER STAIN WAS FROM THE DRIVER'S SIDE DOOR  
22 MIDWAY UP FROM DOOR HANDLE AND NO BLOOD WAS  
23 IDENTIFIED ON THAT

24 Q SO, BASICALLY, YOU HAVE ON THIS CAR TWO SPOTS  
25 OF BLOOD, CORRECT?

1 A THAT'S CORRECT

2 Q DID YOU FIND ANY POOLING OF BLOOD IN THE  
3 DRIVER'S SEAT OF THAT CAR?

4 A NO, I DID NOT

5 Q ON THE MAT OF THE CAR FROM THE FLOOR?

6 A NO

7 Q HOW ABOUT ON THE STEERING WHEEL?

8 A NO

9 Q NOTHING ON THE STEERING WHEEL?

10 A NO

11 Q ANYTHING ON THE CONSOLE OF THAT CAR SEPARATING  
12 THE BUCKET SEAT?

13 A NO

14 Q NO BLOOD THERE?

15 A NO

16 Q DID YOU VISUALLY LOOK FOR BLOOD IN THOSE AREAS?

17 A YES, I DID

18 Q AND THERE WERE NONE?

19 A NO

20 Q SO THEN YOU GO BACK, I GOT AHEAD OF MYSELF  
21 YOU WENT BACK TO 401 RICHEY STREET A COUPLE OF DAYS  
22 LATER

23 A YES

24 Q AND DID YOU GO BACK THERE WITH AGENT JOHN  
25 BLACK?

1 A I DID

2 Q AND YOUR PRIMARY FOCUS ON, AND I THINK IT WAS  
3 THE 6TH, YOUR PRIMARY FOCUS ON THE 6TH WAS WHAT AREA  
4 OF 401 RICHEY STREET?

5 A THE BATHROOM

6 Q THE BATHROOM AND IF YOU COULD, POINT OUT TO  
7 THE JURY THE BATHROOM THAT WE'RE TALKING ABOUT HERE

8 A (WITNESS DOES AS INSTRUCTED)

9 Q GOING BACK TWO DAYS LATER, WERE YOU ABLE TO  
10 GATHER FURTHER SWABS OF BLOOD FOR ANALYSIS?

11 A YES, I WAS

12 Q AND WHAT AREAS OF THAT BATHROOM WERE YOU ABLE  
13 TO FURTHER OBTAIN EVIDENCE?

14 A ONE SWAB WAS FROM THE BATHROOM FLOOR, TWO SWABS  
15 ON THE BATHROOM WALL AND ONE SWAB IN THE BATHROOM  
16 DOOR

17 Q SHOW YOU STATE'S EXHIBIT TEN AND ASK IF YOU  
18 COULD JUST DESCRIBE FOR THE JURY WHAT THAT  
19 PHOTOGRAPH DEPICTS

20 A IT'S A BLOOD STAIN, I'M NOT SURE WHERE IT'S  
21 FROM

22 Q DOES THAT APPEAR TO BE THE SIDE OF A DOOR?

23 A IT COULD BE, YES

24 Q AND YOU COLLECTED A SWAB FROM THE SIDE OF THE  
25 DOOR?

1 A I DID

2 Q THIS IS DEFENDANT'S EXHIBIT NUMBER TEN YOU  
3 WERE ABLE TO TAKE A SWAB FROM THAT DOOR IN THE  
4 BATHROOM, CORRECT?

5 A YES, I WAS

6 Q AND WERE YOU ABLE TO PERFORM AN ANALYSIS ON  
7 THAT?

8 A YES

9 Q AND WHAT WERE THE RESULTS OF YOUR ANALYSIS?

10 A HUMAN BLOOD WAS IDENTIFIED, ABO GROUP B,  
11 ACTIVITY DETECTED, PGM SUB-TYPE ONE PLUS ACTIVITY  
12 DETECTED THIS IS CONSISTENT WITH MS JACKSON'S ABO  
13 TYPE AND PGM SUB-TYPE

14 Q THIS IS DEFENSE EXHIBIT NUMBER NINE, DOES THAT  
15 APPEAR TO BE THE AREA WHERE YOU WOULD SWAB THE WALL  
16 IN THE BATHROOM?

17 A YES, IT IS

18 Q AND WERE YOU ABLE TO PERFORM ANALYSIS ON THESE  
19 PARTICULAR SWABS?

20 A YES

21 Q AND THE SWABS OF THESE AREAS OF BLOOD, WHAT WAS  
22 THE RESULT OF THAT ANALYSIS?

23 A HUMAN BLOOD WAS IDENTIFIED THERE WAS  
24 INSUFFICIENT AMOUNT FOR ABO GROUPING AND NO PGM SUB-  
25 TYPE ACTIVITY WAS DETECTED

1 Q HUMAN BLOOD

2 A HUMAN BLOOD

3 Q AND YOU WERE ABLE TO GET ONE FURTHER SWAB FROM  
4 THE FLOOR?

5 A THAT'S CORRECT

6 Q AND WHAT WAS YOUR RESULT OF THAT ANALYSIS?

7 A HUMAN BLOOD WAS IDENTIFIED THERE WAS AN  
8 INSUFFICIENT FOR ABO GROUPING AND NO PGM SUB-TYPING  
9 ACTIVITY WAS DETECTED

10 Q SO THE ONLY BLOOD THAT YOU WERE ABLE TO  
11 IDENTIFY IN THE BATHROOM WAS CONSISTENT WITH THAT OF  
12 MS JACKSON?

13 A THAT'S CORRECT

14 MR COULTER IF YOU COULD, PLEASE  
15 ANSWER ANY QUESTIONS DEFENSE COUNSEL MAY HAVE

16 MR GARRETT BEG THE COURT'S  
17 INDULGENCE

18 CROSS-EXAMINATION BY MR GARRETT

19 Q MS SKRABA, IN ORDER TO DO A COMPLETE CRIME  
20 SCENE ANALYSIS WHERE THREE PERSONS WERE INVOLVED  
21 TRYING TO DO A BLOOD TYPING, DO YOU AGREE THAT YOU  
22 PROBABLY SHOULD HAVE THE BLOOD TYPE AND THE PGM  
23 NUMBERS FOR THE TWO VICTIMS AND ALSO THE PERSON  
24 WHO'S A SUSPECT?

25 A YES

1 Q IN ORDER TO DO IT CORRECTLY, YOU WOULD NEED  
2 THAT, WOULDN'T YOU?

3 A IT WOULD CERTAINLY GIVE ME MORE INFORMATION

4 Q SO YOU COULD EXCLUDE OR WHAT NOT?

5 A YES

6 Q YOU DON'T HAVE ANY OF THAT ON MR HUGHEY?

7 A NO, I NEVER RECEIVED A BLOOD SAMPLE FROM HIM

8 Q LET'S TALK ABOUT THE BLOOD THAT YOU DID FIND  
9 CAN YOU TELL US -- IN YOUR ANALYSIS, HAVE WE GOTTEN  
10 TO THE POINT IN BLOOD STUDIES THAT WE CAN DETERMINE  
11 WHICH BLOOD WAS DEPOSITED FIRST OR SECOND OR THIRD  
12 SEQUENTIALLY? HAVE WE GOTTEN TO THAT SCIENCE WHERE  
13 WE CAN DETERMINE THAT YET?

14 A NO

15 Q THEY SAY WHEN THE BLOOD COMES OUT IT'S BLUE AND  
16 THEN WHEN IT HITS THE AIR IT TURNS TO RED, IS THERE  
17 ANY TRUTH TO THAT, I'VE ALWAYS HEARD THAT

18 Q IT IS RED

19 A IT'S RED

20 Q IT'S RED INSIDE OF US?

21 A I DON'T KNOW WHAT COLOR IT IS INSIDE OF YOU  
22 WHEN IT HITS THE AIR, YES, IT IS RED

23 Q IT DEFINITELY BECOMES RED WHEN IT HITS AIR?

24 A YES

25 Q SO WE CAN'T DETERMINE BASED UPON YOUR SCIENCE

1 THE SEQUENCE OF WHEN BLOOD WAS DEPOSITED?

2 A NO

3 Q BUT WE DO KNOW THAT THERE WAS SOME TESHEKA  
4 JACKSON BLOOD AT OR ABOUT THE KITCHEN AREA?

5 A CORRECT

6 Q WE DO KNOW THAT THERE WAS SOME TESHEKA JACKSON  
7 BLOOD AT OR ABOUT THE BATHROOM DOOR AREA?

8 A YES

9 Q AND, OF COURSE, IN THE BEDROOM AREA WHERE SHE  
10 WAS FOUND

11 A YES

12 Q AND AS TO MS HARRIS, IS THE ONLY PLACE THAT  
13 THERE WAS BLOOD FOUND FOR HER ABO AND PGM WAS IN THE  
14 POOL THAT WAS AT OR ABOUT THE AREA WHERE SHE WAS  
15 FOUND?

16 A JUST ONE MOMENT THE BLOOD FOUND FROM THE SWAB  
17 FROM THE DRIVER'S SIDE ARMREST IS ALSO CONSISTENT  
18 WITH MS HARRIS PGM SUB-TYPE ONE MINUS ONE PLUS

19 Q IT'S CONSISTENT WITH MS HARRIS, IS THAT  
20 CORRECT?

21 A THAT'S CORRECT

22 Q BUT YOU DON'T KNOW WHETHER IT'S CONSISTENT WITH  
23 JOHN HUGHEY

24 A NO, I DO NOT

25 Q AND HOW MANY PEOPLE IN THE WORLD WOULD YOU SAY

1 WOULD HAVE A -- WHAT WAS HER BLOOD TYPE AGAIN? MS  
2 HARRIS

3 A MS HARRIS, ABO TYPING WAS O AND HER PGM SUB-  
4 TYPE IS ONE MINUS ONE PLUS

5 Q HOW MANY PEOPLE IN THE WORLD HAVE THAT?

6 A THAT COMBINATION WOULD BE APPROXIMATELY EIGHT  
7 PERCENT OF THE WHITE AND NINE PERCENT OF THE BLACK

8 Q SO NINE PERCENT OF ALL BLACK PERSONS MORE LIKE  
9 THAN NOT WOULD HAVE THAT COMBINATION?

10 A GROUP O AND ONE MINUS ONE PLUS, THAT'S CORRECT

11 Q AND, OF COURSE, MR HUGHEY'S NOT EXCLUDED IN  
12 YOUR ANALYSIS FROM THAT?

13 A NO, HE'S NOT

14 Q THEREFORE, YOU CANNOT SAY IT'S ALSO CONSISTENT  
15 WITH MR HUGHEY?

16 A CORRECT

17 Q YOU CAN'T SAY IT'S CONSISTENT -- YOU CAN'T SAY  
18 IT'S NOT TESHEKA JACKSON THOUGH, CAN YOU?

19 A YES

20 Q BECAUSE YOU KNOW WHAT THAT IS, BUT YOU CAN'T  
21 SAY IT'S NOT CONSISTENT WITH THEIR CHILDREN, FOR  
22 INSTANCE, WHO MIGHT HAVE BEEN IN THAT CAR, THEIR  
23 BLOOD?

24 A NO, IT'S CONSISTENT WITH ANYONE WHO HAS A PGM  
25 SUB-TYPE OF ONE MINUS ONE PLUS



1 Q FROM A SCIENTIFIC STANDPOINT THEN, A NINE  
2 PERCENT OF THE BLACK POPULATION COULD HAVE THAT

3 A IF WE'RE TALKING ABOUT THAT ONE STAIN, THE ONE  
4 MINUS ONE PLUS PGM, THAT'S APPOINTMENT SEVENTEEN  
5 PERCENT OF WHITES AND EIGHTEEN PERCENT OF BLACKS  
6 IF YOU'RE TALKING A COMBINATION OF ABO GROUP O, AND  
7 A PGM OF ONE MINUS ONE PLUS THAT BRINGS IT DOWN --

8 Q THAT BRINGS IT DOWN TO NINE PERCENT

9 A RIGHT

10 Q THAT WAS THE AREA THAT YOU SAID MS JACKSON WAS  
11 IN -- EXCUSE ME, MS HARRIS

12 A MS HARRIS, RIGHT, BUT THAT WAS JUST PGM

13 Q SO NINE PERCENT OF THE BLACK POPULATION WOULD  
14 HAVE THAT ABO TYPING AND THAT PGM SPECIFIC BASED ON  
15 STATISTICS

16 A YES

17 Q AND HOW MANY BLACK PERSONS ARE THERE SAY IN THE  
18 STUDIES, DO YOU KNOW?

19 A NO, IN SOUTH CAROLINA, ARE YOU REFERRING TO  
20 SOUTH CAROLINA?

21 Q I'M JUST -- THAT'S THE TOTAL BLACK POPULATION  
22 WORLDWIDE?

23 A OH, I DON'T KNOW

24 Q WHERE DO YOU GET YOUR PERCENTAGES TO HELP US  
25 UNDERSTAND

1       A       THE ABO PERCENTAGE IS FROM THE AMERICAN  
2       ASSOCIATION OF BLOOD BANKS AND THE PGM PERCENTAGES  
3       ARE FROM THE FBI DATA

4       Q       WOULD THAT BE AMERICAN PERCENTAGES BASED UPON  
5       AMERICA'S POPULATION OR WORLDWIDE?

6       A       THE FBI PERCENTAGES ARE ON THE U S   POPULATION  
7       AND THE SAME WITH THE AMERICAN BLOOD BANK

8                       MR   GARRETT       BEG THE COURT'S  
9       INDULGENCE

10                   EXAMINATION CONTINUED BY MR   GARRETT

11      Q       NOW, WHEN YOU DID AN EXAMINATION UPON THIS GUN

12      A       UPON WHAT?

13      Q       DID YOU DO AN EXAMINATION ON THE GUN?

14      A       NO, I DID NOT

15      Q       NOBODY GAVE YOU THE GUN TO DETERMINE WHETHER OR  
16      NOT THERE WAS BLOOD ON THE GUN?

17      A       NO

18      Q       LET ME ASK YOU THIS, YOU HAVE BEEN TO SPATTER  
19      SCHOOL?

20      A       YES, I HAVE

21      Q       AND YOU'VE STUDIED BLOOD SPATTERING?

22      A       YES

23      Q       AND ISN'T IT TRUE THAT IF SOMEONE HAS BEEN SHOT  
24      WITHIN THREE TO FOUR FEET, THERE SHOULD BE BLOOD  
25      BACK UP ON THE GUN?

1 A IT'S POSSIBLE

2 Q ISN'T IT PROBABLE BASED ON SCIENTIFIC STUDIES?

3 A I WOULD SAY IT WOULD DEPEND ON WHERE THE  
4 INDIVIDUAL WAS SHOT, WHAT TYPE GUN WAS USED --

5 Q LET'S TALK ABOUT THE TWENTY GAUGE SHOTGUN

6 A -- THE CLOTHES THAT THE PERSON WAS WEARING,  
7 THERE ARE SO MANY VARIABLES

8 Q AND WERE ANY STUDIES IN YOUR SCIENCE DONE TO  
9 DETERMINE THAT AS TO WHETHER OR NOT THERE SHOULD  
10 HAVE BEEN SOME BLOOD BACK UPON THE GUN IF THERE WAS  
11 A CLOSE RANGE FIRING?

12 A IF THERE'S CLOSE RANGE FIRING, IT IS POSSIBLE  
13 TO HAVE BLOOD BACK, THAT'S CORRECT

14 Q AS FAR BACK AS -- AFTER FOUR FEET, THERE  
15 SHOULDN'T BE ANY, SHOULD THERE?

16 A PROBABLY NOT

17 Q AND THAT COULD SPAN THREE TO FOUR FEET MAXIMUM?  
18 IF YOU'RE BACK THREE TO FOUR FEET AND YOU FIRE A  
19 WEAPON, THEN THE SPATTER WOULD NOT COME THAT FAR  
20 BUT IF YOU WERE CLOSER THAN THAT, THE SPATTER WOULD  
21 COME BACK THAT FAR?

22 A AGAIN, IT DEPENDS ON THE VARIABLES THAT I  
23 TALKED ABOUT

24 Q I UNDERSTAND AND NO ONE GAVE YOU THIS GUN TO  
25 DO ANY TYPE OF BLOOD ANALYSIS ON THE GUN?

1 A NO

2 Q YOU DIDN'T SWAB THE GUN IN ANY WAY?

3 A NO, I DID NOT

4 Q YOU DID SWAB THAT NIGHT, DIDN'T YOU?

5 A YES, I DID

6 Q AND WHAT DID YOU FIND ON THE KNIFE?

7 A HUMAN BLOOD WAS IDENTIFIED, NO PGM SUB-TYPE  
8 ACTIVITY WAS DETECTED, THERE WAS AN INSUFFICIENT  
9 AMOUNT FOR ABO TYPING

10 Q SO YOU COULDN'T GET AN ABO TYPE ON THE KNIFE?

11 A I DIDN'T REALLY ATTEMPT IT

12 Q THERE WASN'T ENOUGH THERE?

13 A THAT'S CORRECT

14 Q AND YOU DIDN'T -- WHAT ABOUT THIS SILVER PARING  
15 KNIFE THAT WAS THERE, DID ANYBODY GIVE YOU A SILVER  
16 PARING KNIFE TO LOOK AT?

17 A NO

18 MR GARRETT THANK YOU THAT'S ALL I  
19 HAVE, MS SKRABA, THANK YOU

20 RE-DIRECT EXAMINATION BY MR COULTER

21 Q JUST VERY BRIEFLY, YOUR HONOR I NEGLECTED TO  
22 ASK YOU ABOUT THAT KNIFE, AGENT SKRABA AS I  
23 UNDERSTOOD IT, ALL YOU COULD DETERMINE WAS THAT  
24 HUMAN BLOOD WAS NOT ENOUGH?

25 A THAT'S CORRECT

1 Q YOU MENTIONED THE VARIABLES OF THE SPATTERS

2 A YES

3 Q AND YOU SHOOT SOMEBODY IN THE HEAD WITH THE  
4 SHOTGUN, YOU DON'T KNOW WHERE THAT BLOOD'S GOING TO  
5 GO

6 A NO

7 Q IT COULD GO ANY NUMBER OF DIRECTIONS

8 A YES

9 Q AND YOU HAD VISUALLY INSPECTED ALL AREAS OF  
10 THAT HOME WHERE BLOOD COULD BE FOUND?

11 A YES

12 Q AND YOU HAD TAKEN SWABS FROM ALL THOSE AREAS  
13 YOU FELT WAS NECESSARY?

14 A YES, I DID

15 MR COULTER THANK YOU I DON'T HAVE  
16 ANYTHING FURTHER

17 THE COURT. YOU MAY STEP DOWN THANK  
18 YOU ANY OBJECTION TO THE WITNESS BEING EXCUSED?

19 MR GARRETT NONE FOR THE DEFENSE,  
20 YOUR HONOR

21 (WITNESS EXCUSED AT 10 18 O'CLOCK A M )

22 MR COULTER YOUR HONOR, THE STATE  
23 WILL CALL LINDA BROOME TO THE STAND

24 THE CLERK: THE EVIDENCE YOU SHOULD  
25 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE

1 SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
2 THE TRUTH, SO HELP YOU, GOD

3 (WITNESS PRESENTED AT 10 20 O'CLOCK A M )

4 DIRECT EXAMINATION BY MR COULTER

5 Q GOOD MORNING

6 A GOOD MORNING

7 Q COULD YOU PLEASE TELL THE JURY YOUR FULL NAME

8 A LINDA BROOME

9 Q IF YOU COULD SPEAK UP RIGHT INTO THAT  
10 MICROPHONE MS BROOME, WHERE ARE YOU EMPLOYED AT?

11 A AT FIRST CITIZENS BANK

12 Q AND WHAT'S YOUR JOB AT FIRST CITIZENS BANK?

13 A I'M THE SECURITY MANAGER

14 Q AND WHAT DO YOU DO IN THE COURSE OF YOUR DUTIES  
15 AS A SECURITY MANAGER?

16 A I INVESTIGATE ANY TYPE OF FRAUDULENT ACTIVITY  
17 AT OUR BANK, ASSIST OTHER BANKS WITH THEIR  
18 INVESTIGATIONS AND LAW ENFORCEMENT

19 Q IN YOUR DUTIES, DO YOU MONITOR ATM TRANSACTIONS  
20 THAT ARE MADE WITH YOUR BANK?

21 A YES, I DO

22 Q AND YOU HAD THE OPPORTUNITY TO MONITOR ATM  
23 TRANSACTIONS AT THE BANK OF YOURS IN ANDERSON, SOUTH  
24 CAROLINA ON DECEMBER 4TH OF 1995?

25 A YES, I DID

1 Q WHICH BANK IN PARTICULAR WERE YOU AT TO LOOK AT  
2 OR TO MONITOR THE TRANSACTIONS?

3 A IT'S WHAT WE CALLED OUR LAKESIDE BRANCH IN  
4 ANDERSON

5 Q DO YOU KNOW THE ADDRESS OF THAT PARTICULAR  
6 BRANCH THAT YOU REFERRED TO AS LAKESIDE?

7 A YES, I DO IT'S 302 PEARLMAN DAIRY ROAD

8 Q WHEN A PERSON DOES A TRANSACTION, WHAT TYPE OF  
9 MONITORING ARE YOU ABLE TO DO AT YOUR ATM MACHINE?

10 A OUR MACHINE CAPTURES THE DATE, TIME, THE CARD  
11 NUMBER, WHAT WAS WITHDRAWN AND WHETHER IT CAME FROM  
12 A CHECKING, SAVINGS OR CREDIT CARD OFF OF A VIDEO  
13 AND IT RECORDS THE PICTURE OF THE INDIVIDUAL AT THE  
14 MACHINE

15 Q SO YOU'RE ACTUALLY ABLE TO RECORD THE LIVE  
16 TRANSACTION?

17 A YES

18 Q AND ARE YOU FURTHER ABLE TO BREAK DOWN THAT  
19 VIDEO IN STILL PHOTOGRAPH?

20 A YES, I AM

21 Q IN REGARDS TO YOUR LAKESIDE -- YOU SAID  
22 LAKESIDE?

23 A LAKESIDE MALL BRANCH

24 Q LOCATED AT 302 PEARLMAN DAIRY ROAD

25 A THAT'S CORRECT

1 Q WERE YOU ABLE TO GATHER THE VIDEOTAPE FROM A  
2 TRANSACTION MADE ON DECEMBER 4TH OF 1995 AT 12 55  
3 P M ?

4 A YES

5 Q YOU WERE AND WERE YOU ABLE TO BREAK THAT  
6 VIDEO DOWN INTO STILL PHOTOGRAPHY?

7 A YES

8 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS SEVENTY-  
9 SIX AND SEVENTY-SEVEN, DO THOSE APPEAR TO BE THE  
10 STILL PHOTOGRAPHY THAT YOU TOOK IN YOUR VIDEO?

11 A YES, THEY ARE

12 MR COULTER YOUR HONOR, WE'D HAVE TO  
13 MOVE STATE'S SEVENTY-SIX AND SEVENTY-SEVEN ADMITTED  
14 INTO EVIDENCE

15 MR GARRETT WITHOUT OBJECTION, YOUR  
16 HONOR

17 THE COURT THEY'RE ADMITTED

18 EXAMINATION CONTINUED BY MR COULTER

19 Q AND THIS STILL PHOTOGRAPHY IF YOU TAKE A LOOK  
20 AT IT, THIS IS IN REFERENCE TO -- DOES IT GIVE THE  
21 DATE AND TIME OF THIS TRANSACTION?

22 A DECEMBER 4, 1995 I DON'T HAVE MY GLASSES ON  
23 TWELVE SOMETHING I'VE GOT A BETTER COPY HERE  
24 IT'S LIKE 12 33 OR 12 35

25 Q MS BROOME, IN ADDITION TO THE VIDEOTAPE THAT



1 YOU'VE GOT SHOWING LIVE TRANSACTIONS, IT ALSO KEEPS  
2 RECORDS AND DOCUMENTS IT ON PAPER?

3 A YES, WE HAVE WHAT WE CALL THE ATM JOURNAL TAPES  
4 THAT WE MAINTAIN AT OUR BANK

5 Q AND DOES THE ATM ACTUALLY PRINT OUT A RECEIPT  
6 TO THE CUSTOMER, CORRECT?

7 A YES, IT DOES

8 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S  
9 EXHIBIT NUMBER NINE, WHAT DOES THAT APPEAR TO BE?

10 A THAT'S ONE OF OUR RECEIPTS FROM AN ATM

11 Q AND DOES THAT PARTICULAR RECEIPT APPEAR TO  
12 CORRESPOND TO THE CAPTURED VIDEO TRANSACTION THAT'S  
13 BEEN REDUCED TO STILL PHOTOGRAPHY?

14 A YES, IT DOES IT MATCHES OUR ATM JOURNAL TAPE

15 Q AND THAT AGAIN IS A TRANSACTION RECEIPT FROM  
16 WHAT DAY?

17 A IT'S OUR LAKESIDE MALL OFFICE IT'S THE  
18 PEARLMAN DAIRY ADDRESS AT THE TOP

19 Q DOES THAT GIVE YOU A CARD NUMBER OR WHAT CARD  
20 WAS USED AT THAT TIME?

21 A IT GIVES THE LAST FOUR DIGITS

22 Q LAST FOUR DIGITS AND THOSE ARE, WHAT LAST  
23 FOUR DIGITS?

24 A 7997

25 Q AND WHY DOESN'T IT GIVE OUT ANY FURTHER NUMBER?

1 A THIS IS NOT ONE OF OUR CARD HOLDERS IT'S A  
2 FOREIGN BANK IT'S ANOTHER BANK'S CARD IT IF IT  
3 WAS OURS, IT WOULD ALSO SHOW OUR ACCOUNT NUMBER

4 Q AND THAT TRANSACTION ON THAT ATM RECEIPT YOU  
5 HAVE SHOWS THE TRANSACTION TO BE WHAT DAY?

6 A DECEMBER 4, 1995

7 Q IS THAT APPROXIMATELY 12 35?

8 A THAT'S CORRECT

9 Q AND IT'S IN THE AMOUNT OF HOW MUCH?

10 A I'M SORRY, I DON'T HAVE MY GLASSES ON IT  
11 LOOKS LIKE THIRTY, IT'S KIND OF A FAINT COPY IT  
12 LOOKS LIKE THIRTY DOLLARS

13 Q OF COURSE TO BE ABLE TO ACCESS AN ACCOUNT  
14 THROUGH AN ATM CARD IT'S NECESSARY TO KNOW WHAT IN  
15 ORDER TO --

16 A YOU HAVE TO THE CUSTOMER'S PIN NUMBER IN ORDER  
17 TO WITHDRAW FUNDS FROM A CREDIT CARD OR AN ATM CARD

18 Q THE REGULAR USER HAS TO KNOW A PIN?

19 A THAT'S CORRECT AND IT SHOWS -- IF YOU DON'T  
20 KNOW THE PIN NUMBER IT'LL SHOW AN ATTEMPT AND IT'LL  
21 HAVE PIN NUMBER ERROR AND AFTER YOU TRY SO MANY  
22 TIMES IT'LL ACTUALLY CAPTURE THE CARD ON THIS  
23 PARTICULAR TRANSACTION, THERE WAS ONE TRANSACTION  
24 AND THAT WAS THE ACTUAL WITHDRAW, NO ATTEMPT

25 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S

1 EXHIBIT NUMBER SEVENTY-FOUR AND WHAT DOES THAT  
2 APPEAR TO BE?

3 A IT'S A NATION'S BANK ATM CARD

4 Q AND THE LAST FOUR DIGITS ON THAT CARD?

5 A 7997

6 Q THOSE CORRESPOND TO THAT ATM RECEIPT?

7 A YES

8 Q THE NEXT CARD WAS IN THE NAME OF WHO?

9 A TEMEKIA JACKSON

10 Q TESHEKA?

11 A TESHEKA

12 Q ARE THERE ANY OTHER NAMES ON THAT CARD?

13 A NO

14 MR COULTER ANSWER ANY QUESTIONS THE  
15 DEFENSE ATTORNEY MAY HAVE

16 CROSS-EXAMINATION BY MR GARRETT

17 Q I'M GLAD YOU'RE NOT WEARING YOUR GLASSES TODAY

18 A I CAN PUT THEM ON REAL QUICK, IF YOU'D LIKE

19 Q THE QUESTION WAS ASKED ABOUT THIS PIN NUMBER  
20 AND IN ORDER FOR SOMEONE TO ACCESS THIS, THEY HAVE  
21 TO HAVE A PIN NUMBER

22 A THAT'S CORRECT

23 Q AND DID YOU, THROUGH YOUR INVESTIGATION,  
24 DETERMINE WHAT THAT PIN NUMBER WAS?

25 A NO

1 Q WHY NOT?

2 A BECAUSE WE DON'T HAVE THE PIN NUMBER

3 Q YOU COULDN'T GO TO NATION'S AND ASK NATION'S IN  
4 YOUR SECURITY WHAT THEIR PIN NUMBER WAS?

5 A I DON'T KNOW HOW NATION'S BANK DOES, BUT OUR  
6 BANK, WE DO NOT KNOW OUR CUSTOMER'S PIN NUMBERS

7 Q WOULD THAT BE IN ANY WAY IDENTIFIED OR  
8 INDICATED ON YOUR DOCUMENT?

9 A THE PIN NUMBER, NO, SIR

10 Q SO WHEN HE ACCESSED IT HE HAD TO USE A PIN  
11 NUMBER THAT WAS COMMON TO THIS CARD?

12 A THAT WAS FOR THE CARD

13 Q AND 6973, IS THAT ANYWHERE ON IT, THAT'S THE  
14 PIN NUMBER, WAS IT ANYWHERE ON YOUR DOCUMENTS AT  
15 ALL?

16 A NO

17 Q SO HE ACTUALLY ACCESSED IT, 6973 BEING THEIR  
18 BIRTHDAYS, THE YEARS OF THEIR BIRTHS THAT WASN'T  
19 PUNCHED IN, HE DIDN'T HAVE TO PUNCH IN THE PIN  
20 NUMBER?

21 A YOU HAVE TO PUNCH A PIN NUMBER IN, BUT WE DO  
22 NOT RECORD IT BECAUSE WE DON'T NEED IT ALL WE NEED  
23 IS THE CARD NUMBER AND HOW MUCH YOU WANT TO  
24 WITHDRAW THAT'S CALLED THE SECRET CODE

25 Q AND THE SECRET CODE, YOU'RE NOT GOING TO

1 DISPUTE THE SECRET CODE IS 6973 BEING THEIR --

2 A I WOULDN'T HAVE IDEA CODE NUMBER WAS

3 Q -- HIS YEAR BIRTH AND HER YEAR BIRTH

4 A I WOULDN'T KNOW

5 Q NOW, YOU'RE ALSO NOT SAYING, MS BROOME, ARE  
6 YOU THAT JOHN AND TESHEKA DID NOT DEPOSIT MONEY INTO  
7 THAT ACCOUNT ALTHOUGH IT WAS IN HER NAME DEPOSITED  
8 IN THAT ACCOUNT TOGETHER?

9 A THIS PARTICULAR TRANSACTION IS A WITHDRAW ONLY  
10 I DON'T KNOW ANYTHING ELSE THAT THEY HAD DONE

11 Q HAVE YOU GOT A COPY OF A TRANSACTION REPORT SAY  
12 FOR THE LAST MONTH TO LOOK AT MONIES THAT WAS  
13 DEPOSITED INTO THAT ACCOUNT?

14 A IT WOULDN'T BE DEPOSITED TO FIRST CITIZENS  
15 BANK, IT'S NOT A FIRST CITIZENS ACCOUNT

16 Q SO YOUR ONLY ANALYSIS WAS THE FACT THAT IT WAS  
17 THE FIRST CITIZENS ACCOUNT WAS USED TO GET MONEY  
18 FROM A NATION'S BANK ACCOUNT?

19 A A FIRST CITIZENS ATM WAS USED TO WITHDRAW MONEY  
20 FROM ANOTHER BANK ACCOUNT

21 Q THAT'S ALL YOU KNOW?

22 A THAT'S IT

23 Q SO YOU DON'T KNOW WHETHER OR NOT THEY SHARED  
24 THAT ACCOUNT OR NOT?

25 A NO, I DON'T

1 Q YOU'VE NOT DONE THAT ANALYSIS?

2 A I DIDN'T NEED TO I JUST NEED TO FIND THE  
3 TRANSACTION THAT WAS A WITHDRAW, THAT'S ALL I  
4 NEEDED

5 Q I UNDERSTAND BUT YOU DIDN'T DO THAT ANALYSIS  
6 NOBODY ASKED YOU TO DO THAT ANALYSIS?

7 A NO

8 MR GARRETT BEG THE COURT'S  
9 INDULGENCE NOTHING FURTHER, YOUR HONOR

10 MR COULTER NOTHING

11 THE COURT YOU MAY STEP DOWN

12 MR COULTER YOUR HONOR, THE STATE  
13 WOULD CALL NANCY GOFF TO THE STAND

14 (WITNESS PRESENTED AT 10 30 O'CLOCK A M )

15 THE CLERK THE EVIDENCE YOU SHOULD  
16 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
17 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
18 THE TRUTH, SO HELP YOU, GOD

19 DIRECT EXAMINATION BY MR COULTER

20 Q GOOD MORNING

21 A GOOD MORNING

22 Q WOULD YOU PLEASE TELL THE JURY YOUR NAME?

23 A NANCY GOFF

24 Q AND NANCY, WHERE DO YOU WORK?

25 A I WORK AT NATION'S BANK

1 Q WHAT'S YOUR JOB AT NATION'S BANK, WHAT'S YOUR  
2 TITLE?

3 A REGIONAL SUPPORT MANAGER AND ASSISTANT VICE  
4 PRESIDENT

5 Q AND IN YOUR COURSE OF WORK, DO YOU, IN FACT,  
6 KEEP RECORDS OF PEOPLE THAT HAVE ACCOUNTS WITH  
7 NATION'S BANK?

8 A NATION'S BANK HAS THOSE RECORDS ON FILE

9 Q LET ME SHOW YOU, IF I COULD, WHAT'S BEEN MARKED  
10 FOR IDENTIFICATION STATE'S EXHIBIT NUMBER EIGHT IF  
11 YOU'D JUST TELL ME YES OR NO, DO YOU RECOGNIZE THAT  
12 DOCUMENT?

13 A YES, I DO

14 MR COULTER YOUR HONOR, I'D MOVE TO  
15 HAVE STATE'S EXHIBIT EIGHT ADMITTED INTO EVIDENCE

16 MR GARRETT WITHOUT OBJECTION, YOUR  
17 HONOR

18 EXAMINATION CONTINUED BY MR COULTER

19 Q TAKE THAT STATE'S EXHIBIT NUMBER EIGHTY, IF YOU  
20 COULD, PLEASE EXPLAIN FOR THE JURY WHAT THAT SHOWS

21 A IT SHOWS THAT THERE ARE TRANSACTIONS THAT  
22 POSTED TO THIS CUSTOMER'S ACCOUNT ON SPECIFIC DATES

23 Q AND WHOSE ACCOUNT DOES THAT REFLECT?

24 A TESHEKA L JACKSON

25 Q TESHEKA JACKSON?

1 A TESHEKA JACKSON

2 Q AND IS THERE ANY OTHER NAMES ON THAT ACCOUNT?

3 A NO, THERE ARE NOT

4 Q WHAT WOULD YOU FIND IF IT WERE ACTUALLY A JOINT  
5 ACCOUNT?

6 A I WOULD SEE MORE THAN ONE NAME ON THE ACCOUNT

7 Q ALL RIGHT SO THIS IS SINGULARLY IN THE NAME  
8 OF TESHEKA JACKSON?

9 A YES, IT IS

10 Q AND THAT DOES SHOW YOU VARIOUS TRANSACTIONS  
11 FROM THE MONTH OF WHEN?

12 A DECEMBER

13 Q AND COULD YOU EXPLAIN TO THE JURY, PLEASE, HOW  
14 TRANSACTIONS ARE POSTED AS FAR AS HOW IT CORRESPONDS  
15 TO DATES THAT'S ACTUALLY POSTED?

16 A THEY ARE POSTED THE DATE'S THAT ON THE  
17 STATEMENT IS THE DATE THAT THE TRANSACTION OCCURRED

18 Q WHAT IF A TRANSACTION WAS DONE ON A PARTICULAR  
19 DATE AFTER 2 00 O'CLOCK?

20 A IT WOULD BE ON THE NEXT BUSINESS DAY IT WOULD  
21 BE ON THE NEXT CALENDAR DAY IF DONE AFTER 2 00 P M

22 Q SO IF A TRANSACTION'S DONE DECEMBER 3RD AFTER  
23 2 00 O'CLOCK, WHEN WOULD THAT TRANSACTION ACTUALLY  
24 BE POSTED?

25 A DECEMBER THE 4TH



1 Q ON THIS PARTICULAR DATE, DO YOU SHOW A  
2 TRANSACTION OF DECEMBER 4TH FROM AN AREA IN THE CITY  
3 OF ANDERSON?

4 A YES, I DO

5 Q AND ON MS JACKSON'S ACCOUNT, IF YOU COULD,  
6 PLEASE TELL US WHERE THAT TRANSACTION TOOK PLACE?

7 A IT TOOK PLACE AT FIRST CITIZENS ON PEARLMAN

8 Q PEARLMAN ROAD?

9 A PEARLMAN ROAD IN ANDERSON

10 Q AND THAT TRANSACTION WAS FOR WHAT AMOUNT?

11 A THIRTY DOLLARS

12 Q AND LET ME SHOW YOU STATE'S EXHIBIT NUMBER  
13 SEVENTY-FOUR ASK IF YOU COULD LOOK AT THAT, WHAT  
14 DOES THAT APPEAR TO BE?

15 A IT IS AN ATM CARD A NATION'S BANK ATM CARD

16 Q AND THE NAME ON THAT PARTICULAR CARD IS WHO?

17 A TESHEKA L JACKSON

18 Q AND IS THAT ATM CARD APPEAR TO CORRESPOND WITH  
19 THAT BANK STATEMENT?

20 A IT HAS THE -- IT'S ATM TRANSACTION ACCOUNT  
21 NUMBERS NOT ON THE SAME STATEMENT, IT'S A SEPARATE  
22 STATEMENT

23 Q BUT IT DOES SHOW A TRANSACTION?

24 A IT DOES SHOW A TRANSACTION, AN ATM TRANSACTION

25 MR COULTER IF YOU COULD, ANSWER ANY

1 QUESTIONS DEFENSE COUNSEL MAY HAVE

2 CROSS-EXAMINATION BY MR GARRETT

3 Q MS GOFF, DO YOU HAVE IN YOUR RECORDS AT  
4 NATION'S BANK PIN NUMBERS USED TO USE THIS ATM CARD  
5 AT ANY OTHER LOCATION OTHER THAN NATION'S BANK?

6 A WOULD YOU REPEAT THAT QUESTION?

7 Q HELP ME UNDERSTAND THESE ATM CARDS A LITTLE  
8 BIT IF I COME TO NATION'S BANK AND I PRESENT MY  
9 CARD, CAN I GET MY MONEY OUT?

10 A AT AN ATM?

11 Q YES, MA'AM

12 A IF YOU HAVE A PIN NUMBER

13 Q YOU'VE GOT TO HAVE A PIN NUMBER

14 A RIGHT

15 Q IF I DON'T HAVE A PIN NUMBER, CAN I GET IT?

16 A NO

17 Q AND WHEN YOU TELL YOUR CUSTOMERS ABOUT THAT  
18 NUMBER, YOU TELL THEM TO KEEP IT A SECRET?

19 A YES, SIR

20 Q DON'T LET ANYBODY ELSE KNOW ABOUT IT UNLESS YOU  
21 WANT THEM TO KNOW ABOUT IT?

22 A THAT IS CORRECT

23 Q AND IF SOMEBODY KNOWS THAT PIN NUMBER THEN CAN  
24 WE ASSUME THAT THEY GOT THAT INFORMATION ONLY FROM  
25 THE PERSON WHO HAD THE PIN NUMBER?

1 A YES, SIR

2 Q SO IF JOHN HERE WAS USING TESHEKA'S PIN NUMBER  
3 THEN I ASSUME HE MUST HAVE GOT THAT INFORMATION FROM  
4 TESHEKA?

5 A YES, SIR YES, THAT'S CORRECT

6 Q NOW, IS THAT PIN NUMBER ON THAT CARD?

7 A NO, SIR, IT IS NOT

8 Q WHERE IS THE PIN NUMBER AT?

9 A IT SHOULD BE MEMORIZED

10 Q SHOULD BE MEMORIZED AND WHAT KIND OF NUMBERS  
11 DO PEOPLE NORMALLY PUT ON THEIR PIN NUMBERS?

12 A IT VARIES

13 Q ANYTHING, WHATEVER THEY LIKE?

14 A THEY CAN CHOOSE

15 Q CAN YOU LOOK AT YOUR RECORDS AND TELL US IF THE  
16 PIN NUMBER IN THIS CASE IS NOT 6973 BEING HER  
17 BIRTHDAY AND HIS BIRTHDAY, THE YEAR OF THEIR BIRTHS?

18 A I DON'T HAVE THAT INFORMATION

19 Q WHERE CAN WE FIND THAT INFORMATION?

20 A THAT WOULD HAVE BEEN IN THE RECORD WITH THE ATM  
21 -- IN ARCHIVES SOMEWHERE AT ONE POINT IN TIME NOW  
22 I DON'T KNOW IF THEY STILL HAVE THAT INFORMATION OR  
23 NOT

24 Q BUT AT SOME POINT IN TIME THERE WAS A PIN  
25 NUMBER THAT WAS CREATED, IT HAD TO BE

1 A THAT WAS ISSUED TO THAT CUSTOMER

2 Q AND NOBODY ASKED YOU TO BRING THAT WITH YOU  
3 TODAY, THE PIN NUMBER THAT WAS USED TO --

4 A NO, SIR

5 Q NOW, DO YOU HAVE A COPY OF THE NATION'S BANK  
6 REGISTER THERE FOR ALL THE DEPOSITS AND WITHDRAWS ON  
7 HER ACCOUNT SAY FOR THE MONTH OF -- SAY FOR NOVEMBER  
8 AND DECEMBER, DID YOU BRING THOSE WITH YOU?

9 A NO, I DID NOT

10 Q AND YOU DON'T KNOW WHETHER OR NOT JOHN HAD MADE  
11 SOME DEPOSITS IN THAT ACCOUNT FOR TESHEKA OR VICE  
12 VERSA?

13 A NO, SIR, I DO NOT

14 Q AND THESE CAMERAS YOU ALL GOT, ANY TIME YOU USE  
15 THAT ATM MACHINE WHETHER YOU'RE PUTTING MONEY IN OR  
16 TAKING MONEY OUT, CAN YOU PUT MONEY IN IN ONE OF  
17 THOSE THINGS?

18 A YOU CAN'T PUT IT IN IN THE SAME PLACE THAT YOU  
19 TAKE IT OUT IT'S A SEPARATE DEPOSITORY FOR THAT

20 Q YOU HAVE TO GO TO THE BANK BUILDING ITSELF

21 A ON THE ATM BUT IT'S A DIFFERENT SLOT

22 Q IF YOU MAKE A DEPOSIT, DOES IT ACTIVATE THAT  
23 MACHINE TO TAKE YOUR PICTURE?

24 A YES, IF YOU WALK UP TO A MACHINE YOUR PICTURE  
25 IS TAKEN

1 Q AUTOMATICALLY, WHETHER YOU'RE MAKING A DEPOSIT  
2 OR A WITHDRAW?

3 A YES, SIR

4 Q OF COURSE, IF YOU GO INTO A BANK NOW DAYS, YOU  
5 DEPOSIT MONEY IN A BANK, GENERALLY THEY GOT CAMERAS  
6 IN YOU ALL THE TIME?

7 A MOST OF THE TIME

8 Q DOES NATION'S BANK HAVE CAMERAS WATCHING FOLKS  
9 AND EVERY TIME YOU SEE A BANK ROBBER OR SOMETHING  
10 YOU SEE SOMEBODY'S PICTURE

11 A YES, SIR

12 Q IS THAT WHAT THAT'S ABOUT, OKAY ARE THOSE  
13 RECORDS KEPT, ARE THOSE FILMS KEPT?

14 A THEY'RE KEPT FOR A CERTAIN AMOUNT OF TIME

15 Q HOW LONG?

16 A AT NATION'S BANK, I'M NOT SURE HOW LONG THOSE -  
17 - FOR THAT PARTICULAR ATM WOULD BE MAINTAINED FOR AN  
18 ATM

19 Q WELL, CAN WE GO BACK AND LOOK SAY FOR THE  
20 MONTHS OF OCTOBER, NOVEMBER AND DECEMBER IN 1995?

21 A I'M NOT SURE

22 Q NOBODY ASKED YOU TO LOOK AT THAT?

23 A NO, SIR

24 MR GARRETT BEG THE COURT'S  
25 INDULGENCE NO FURTHER QUESTIONS

1 RE-DIRECT EXAMINATION BY MR COULTER

2 Q DID THE DEFENSE ASK YOU TO GET THOSE RECORDS?

3 A NO, SIR, HE DID NOT

4 Q IF THEY HAD GIVEN YOU A SUBPOENA, WOULD YOU  
5 HAVE ATTEMPTED TO GET THOSE?

6 A YES, SIR, I WOULD HAVE

7 Q BUT THEY DIDN'T

8 A NO, SIR

9 MR GARRETT WOULD YOU ACCEPT ONE  
10 TODAY?

11 THE WITNESS IF YOU GIVE ME ONE

12 MR GARRETT I WILL

13 EXAMINATION CONTINUED

14 BY MR COULTER

15 Q HAVE THERE BEEN TIMES WHEN PEOPLE HAVE GOTTEN  
16 PIN NUMBERS AGAINST THE CUSTOMER'S REQUEST? HAVE  
17 YOU EVER HAD A CUSTOMER COMPLAIN ABOUT SOMEBODY  
18 ACCESSING AN ATM?

19 A YES AGAINST -- REPEAT THE QUESTION I'M NOT  
20 SURE EXACTLY HOW YOU --

21 Q ARE THERE OTHER WAYS TO RECEIVE AN ATM PIN  
22 NUMBER OTHER THAN A PERSONAL ACTUALLY TELLING  
23 ANOTHER PERSON?

24 A NO, THERE IS NOT

25 Q THERE ISN'T? WHAT IF SOMEBODY WERE TO BREAK A

1 PIN NUMBER DOWN?

2 A YES, IF YOU LOOK AT OTHER -- IF THEY HAD  
3 WRITTEN IT DOWN, IF THEY'D WRITTEN IT ON THE CARD, I  
4 THEY'VE GOT IT IN THEIR POCKETBOOK, YES, THERE ARE  
5 OTHER WAYS TO GET THAT PIN NUMBER

6 Q CAN THAT HAPPEN?

7 A YES, IT DOES I THOUGHT YOU WERE REFERRING TO  
8 THE BANK, WE DO NOT HAND OUT PIN NUMBERS

9 Q CERTAINLY CERTAINLY SO OTHER THAN JUST  
10 TELLING THEM, THERE ARE OTHER WAYS TO GET A PERSON'S  
11 PIN NUMBER?

12 A OH, YES

13 MR COULTER THANK YOU

14 RE-CROSS EXAMINATION BY MR GARRETT

15 Q DO YOU HAVE AN EVIDENCE WHATSOEVER MA'AM IN  
16 THIS CASE THAT JOHN GOT HER PIN NUMBER THROUGH ANY  
17 INAPPROPRIATE WAY?

18 A REPEAT THAT AGAIN

19 Q DO YOU HAVE ANY EVIDENCE WHATSOEVER IN THIS  
20 CASE THAT JOHN HUGHEY GOT HER PIN NUMBER IN ANY  
21 INAPPROPRIATE WAY? IN OTHER WORDS, SNUCK AROUND AND  
22 LOOKED TO SEE --

23 A NO, I DO NOT

24 Q IT WASN'T ON THE CARD, WAS IT?

25 A I DO NOT KNOW

1 Q WHEN YOU'RE A NATION'S BANK CARD, I THOUGHT YOU  
2 SAID THE PIN NUMBER IS NOT ON THE CARD ITSELF?

3 A I LOOKED AT THE FRONT OF IT, I DIDN'T LOOK AT  
4 THE BACK

5 Q LET'S GIVE IT TO YOU

6 A IT'S NOT ON THE CARD

7 MR GARRETT NO FURTHER QUESTIONS

8 MR COULTER I DON'T HAVE ANYTHING  
9 FURTHER

10 THE COURT YOU MAY STEP DOWN MAY  
11 THE WITNESS BE EXCUSED OR DOES ANYONE WISH HER TO  
12 REMAIN?

13 MR GARRETT YOUR HONOR, WE WISH TO  
14 GIVE HER A SUBPOENA BEFORE SHE LEAVES

15 MR COULTER I DON'T HAVE ANYTHING  
16 FURTHER

17 (WITNESS STEPS DOWN AT 10 20 O'CLOCK A M )

18 THE COURT MS GOFF, IF YOU'LL JUST  
19 REMAIN OUTSIDE, WE'LL BE WITH YOU SHORTLY

20 (COUNSEL APPROACHES THE BENCH)

21 THE COURT LADIES AND GENTLEMEN,  
22 WE'VE GOT A COUPLE OF MATTERS WE'RE GOING TO NEED TO  
23 ADDRESS OUTSIDE OF YOUR PRESENCE IT'S A GOOD TIME  
24 FOR US TO TAKE A BREAK AT THIS POINT ANY WAY I'M  
25 NOT CERTAIN HOW LONG THAT'LL LAST BUT I ASSURE YOU



1 THAT WE WILL COMPLETE IT JUST AS SOON AS WE CAN  
2 BUT IN THE MEANTIME, WE'LL ASK THAT YOU GO BACK TO  
3 THE JURY ROOM, DON'T DISCUSS THE CASE, WE'LL BRING  
4 YOU BACK WHEN WE CONCLUDED

5 (JURY EXITS COURTROOM AT 10 45 O'CLOCK A M )

6 THE COURT ALL RIGHT, SIR

7 MR JONES JUDGE, WE CALL EDDIE CLARK  
8 TO THE STAND

9 THE COURT BEFORE WE DO THAT, LET'S  
10 HAVE THE RECORD REFLECT FOR WHAT PURPOSE MR CLARK'S  
11 BEING CALLED I UNDERSTAND THE STATE IS INTENDING  
12 TO OFFER SOME STATEMENT MADE BY THE DEFENDANT  
13 SHORTLY AFTER HIS HAVING BEEN TAKEN INTO CUSTODY

14 MR JONES THAT IS CORRECT, YOUR  
15 HONOR

16 THE COURT AND THE DEFENSE IS WISHING  
17 THAT A HEARING BE HELD ON THE VOLUNTARINESS OF THAT  
18 STATEMENT?

19 MR GARRETT YES, YOUR HONOR

20 THE CLERK THE EVIDENCE YOU SHOULD  
21 GIVE THE COURT IN THE TRIAL OF THIS CASE SHALL BE  
22 THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE  
23 TRUTH, SO HELP YOU, GOD

24 (WITNESS PRESENTED AT 11 00 O'CLOCK A M )

25 THE WITNESS I DO

DIRECT EXAMINATION BY MR JONES

1

2 Q STATE YOUR NAME FOR THE RECORD

3 A EDDIE CLARK

4 Q AND YOU WERE AN AGENT WITH THE SOUTH CAROLINA  
5 LAW ENFORCEMENT DIVISION?

6 A THAT'S CORRECT

7 Q UNTIL YOU RETIRED FROM THAT AGENCY?

8 A YES, SIR

9 Q WHEN DID YOU RETIRE?

10 A MARCH THE 1ST OF THIS YEAR

11 Q ON DECEMBER OF '95, WERE YOU WORKING WITH THE  
12 STATE LAW ENFORCEMENT DIVISION?

13 A YES, SIR

14 Q DID YOU HAVE AN OCCASION TO BE IN THE PRESENCE  
15 OF AND TO INTERVIEW JOHN KENNEDY HUGHEY AROUND THAT  
16 TIME?

17 A YES, SIR

18 Q DO YOU RECALL THE EXACT DATE THAT YOU  
19 INTERVIEWED HIM?

20 A DECEMBER THE 5TH.

21 Q WHERE WAS THAT INTERVIEW?

22 A IN THE CHIEF OF POLICE OFFICE AT ABBEVILLE  
23 POLICE DEPARTMENT24 Q AND WHO DO YOU RECALL BEING PRESENT WHEN YOU  
25 INTERVIEWED THE DEFENDANT?

1 A CHIEF ROBIN RUCKER AND AGENT JERRY SLOAN

2 Q WHO DOES JERRY SLOAN WORK WITH?

3 A HE'S RETIRED ALSO HE WAS AN AGENT WITH THE  
4 SOUTH CAROLINA LAW ENFORCEMENT DIVISION

5 Q CHIEF RUCKER IS THE CHIEF OF THE ABBEVILLE  
6 POLICE DEPARTMENT?

7 A YES, SIR

8 Q GIVE US AN APPROXIMATE ESTIMATE OF THE SIZE OF  
9 CHIEF RUCKER'S OFFICE THAT YOU WERE IN?

10 A PROBABLY TWELVE FEET BY TWELVE FEET

11 Q AND PRIOR TO YOUR INTERVIEW WITH THE DEFENDANT,  
12 DID YOU HAVE AN OPPORTUNITY TO OBSERVE HIM AND HIS  
13 DEMEANOR?

14 A YES, SIR

15 Q FOR APPROXIMATELY HOW LONG?

16 A WELL, PRIOR TO AND DURING TALKING TO HIM, I'D  
17 SAY THIRTY MINUTES, FORTY MINUTES

18 Q WHAT WAS YOUR DETERMINATION ABOUT HIS DEMEANOR  
19 AND HIS STATE OF MIND DURING THE COURSE OF THAT  
20 OBSERVATION PERIOD?

21 MR GARRETT OBJECTION, YOUR HONOR,  
22 HIS QUALIFICATIONS?

23 THE COURT OVERRULED TELL US WHAT  
24 YOU OBSERVED ABOUT THE DEFENDANT

25 THE WITNESS HE APPEARED NORMAL

1                   EXAMINATION CONTINUED BY MR JONES

2           Q     DID HE APPEAR TO BE UNDER THE INFLUENCE OF ANY  
3           DRUGS OR ALCOHOL?

4           A     NO, SIR

5           Q     DID HE APPEAR TO BE SLEEPY, TIRED,  
6           APPREHENSIVE?

7           A     NO, SIR

8           Q     DID YOU AT THAT POINT IN TIME OFFER ANY THREATS  
9           TO MR HUGHEY IF HE DIDN'T TALK TO YOU?

10          A     NO, SIR

11          Q     DID YOU IN ANY WAY USE ANY METHOD COERCION IN  
12          AN EFFORT TO GET HIM TO TALK TO YOU?

13          A     NO, SIR

14          Q     DID YOU INDICATE TO HIM IN ANY WAY THAT IF HE  
15          DID TALK TO YOU, YOU'D HELP HIM OUT?

16          A     NO, SIR

17          Q     DID YOU MAKE HIM ANY PROMISES OF ANY REWARD FOR  
18          TALKING TO YOU?

19          A     NO, SIR

20          Q     WHAT WAS THE PURPOSE OF YOUR TALK WITH HIM?

21          A     WE WERE TALKING TO HIM ABOUT THE DEATH OF TWO  
22          WOMEN HERE IN ABBEVILLE

23          Q     WAS HE A SUSPECT?

24          A     YES, SIR

25          Q     DID ANYONE IN THE ROOM OFFER ANY INTIMIDATION

1 TO HIM PRIOR TO THE INTERVIEW OR DURING THE  
2 INTERVIEW?

3 A NO, SIR

4 Q WAS YOUR CONVERSATION AND TONE OF VOICE WITH  
5 HIM THEN AS IT IS WITH ME TODAY?

6 A YES, SIR

7 Q DID YOU PRIOR TO ASKING HIM ABOUT THE EVENTS ON  
8 THE PRECEDING DAY, DECEMBER THE 4TH, OF THE TWO  
9 WOMEN WHO WERE SHOT TO DEATH GIVE HIM AN OPPORTUNITY  
10 TO UNDERSTAND HIS MIRANDA RIGHTS?

11 A YES, SIR

12 Q AND HOW DID YOU GO ABOUT DOING THAT?

13 A I READ THE RIGHTS OFF OF A FORM THAT WE HAVE

14 Q AND WHERE DID YOU GET THAT FORM?

15 A IT'S A FORM THAT WE USE, WE KEEP

16 Q DID YOU ASK HIM WHETHER OR NOT HE COULD READ  
17 AND WRITE?

18 A YES, SIR

19 Q SIR?

20 A YES, SIR

21 Q WHAT DID HE SAY ABOUT THAT?

22 A HE INDICATED HE COULD

23 Q BUT YOU CHOSE TO READ THE FORM TO HIM YOURSELF?

24 A YES, SIR

25 Q WHY DID YOU DO THAT?

1       A       AS A MATTER OF FACT, I LET HIM HAVE A COPY OF  
2       THE FORM AND I READ FROM IT AND HE READ FROM ANOTHER  
3       COPY OF IT

4       Q       SO HE FOLLOWED ALONG AS YOU WERE READING TO  
5       FORM TO HIM?

6       A       YES, SIR

7       Q       AND WHAT WAS THE PURPOSE OF THIS PROCESS THAT  
8       YOU WENT THROUGH WITH HIM AT THIS POINT IN TIME,  
9       WHAT WERE YOU TRYING TO GET HIM TO UNDERSTAND, IF  
10      ANYTHING?

11      A       TO MAKE SURE HE THAT UNDERSTOOD THAT HE HAD THE  
12      RIGHT NOT TO TALK WITH US

13      Q       I WANT TO ASK YOU IF YOU RECOGNIZE THAT  
14      DOCUMENT

15      A       YES, SIR, I DO

16      Q       AND WHAT IS THAT?

17      A       THIS IS A COPY OF THE DOCUMENT THAT I READ HIS  
18      RIGHTS TO HIM FROM

19      Q       ALL RIGHT     PLEASE READ THE DOCUMENT TO THE  
20      JUDGE AND EXPLAIN THE PROCESS THAT TOOK PLACE IN THE  
21      CHIEF OF POLICE OFFICE THERE WHILE YOU TALKED TO  
22      HIM

23      A       IT'S A FORM THAT WE USE FOR ADVISING SUSPECTS  
24      OF THEIR RIGHTS, IT'S GOT THE DATE AND THE TIME  
25      AND THE FIRST QUESTION IS, BEFORE WE ASK YOU ANY

1 QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS WHEN I  
2 ADVISED HIM OF THAT, I HAD HIM TO INITIAL THAT AND  
3 I SAID, DO YOU UNDERSTAND THAT, AND HE SAID, YES  
4 YOU HAVE THE RIGHT TO REMAIN SILENT, I SAID, DO YOU  
5 UNDERSTAND YOU HAVE THE RIGHT TO REMAIN SILENT, HE  
6 SAID YES

7 Q DID HE SIGN IT?

8 A HE SIGNED IT, HE INITIALED IT ANYTHING YOU  
9 SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF  
10 LAW, DO YOU UNDERSTAND THAT, HE INDICATED HE DID AND  
11 SIGNED IT

12 YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR  
13 ADVICE BEFORE WE ASK YOU ANY QUESTIONS AND HAVE HIM  
14 OR HER PRESENT WITH YOU DURING QUESTIONING, DO YOU  
15 UNDERSTAND THAT, HE INDICATED HE DID AND INITIALED  
16 IT

17 IF YOU HAVE NO MONEY FOR A LAWYER'S FEE, THE  
18 COURT WILL APPOINT ONE TO REPRESENT YOU WITHOUT  
19 COSTING YOU IF YOU WISH, I SAID, DO YOU UNDERSTAND  
20 THAT, HE INDICATED THAT HE DID AND INITIALED IT

21 IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A  
22 LAWYER PRESENT, YOU STILL HAVE THE RIGHT TO STOP  
23 ANSWERING QUESTIONS AT ANY TIME YOU ALSO HAVE THE  
24 RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME UNTIL  
25 YOU TALK WITH A LAWYER, DO YOU UNDERSTAND THAT? HE

1 INDICATED THAT HE DID AND INITIALED IT

2 I HAVE READ THE STATEMENT OF MY RIGHTS AND  
3 UNDERSTAND WHAT MY RIGHTS ARE I SAID, YOU FULLY  
4 UNDERSTAND YOUR RIGHTS, HE INDICATED HE DID AND  
5 INITIALED IT AND THEN HE SIGNED IT

6 Q WHAT ELSE IS ON THE SHEET OF PAPER, ARE THERE  
7 OTHER QUESTIONS?

8 A IT SAYS, I AM WILLING TO MAKE A STATEMENT AND  
9 ANSWER QUESTIONS I DO NOT WANT A LAWYER AT THIS  
10 TIME I UNDERSTAND AND KNOW WHAT I AM DOING NO  
11 PROMISES OR THREATS HAVE BEEN MADE TO ME AND NO  
12 PRESSURE OR COERCION OF ANY KIND HAS BEEN USED  
13 AGAINST ME

14 Q WAS HE SUPPOSED TO SIGN AS HAVING UNDERSTOOD  
15 THAT BEING SO?

16 A WE ASKED HIM IF HE WANTED TO GIVE US A WRITTEN  
17 STATEMENT HE INDICATED AT THAT TIME HE SAID, NO,  
18 BUT I WANT YOU TO -- I WANT TO TELL YOU MY SIDE OF  
19 WHAT HAPPENED

20 Q SO HE WOULDN'T SIGN THE BOTTOM PORTION?

21 A HE SAID HE DIDN'T WANT TO GIVE US A WRITTEN  
22 STATEMENT AT THAT TIME HE SAID I WANT TO TELL YOU  
23 MY SIDE OF WHAT HAPPENED AND AT THAT POINT I SAID,  
24 WELL, GO AHEAD AND TELL US

25 MR JONES ANSWER ANY QUESTIONS MR



1 GARRETT HAS FOR YOU

2 CROSS EXAMINATION BY MR GARRETT

3 Q YOU ASKED HIM, I AM WILLING TO MAKE A STATEMENT  
4 AND ANSWER QUESTIONS YOU DIDN'T MAKE A DISTINCTION  
5 BETWEEN ORAL AND WRITTEN THERE, DID YOU?

6 A DID I MAKE -- WILL YOU PLEASE REPEAT THAT?

7 Q IN YOUR WAIVER OF RIGHTS THERE, AFTER YOU SAID  
8 YOU'VE GIVEN HIM HIS RIGHTS, YOU ASKED HIM ARE YOU  
9 WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS  
10 YOU DIDN'T MAKE A DISTINCTION BETWEEN ORAL AND  
11 WRITTEN STATEMENT, DID YOU?

12 A I BELIEVE AT THAT TIME I WAS TAKING NOTES AND  
13 GIVING HIM HIS RIGHTS AGENT SLOAN WAS SITTING AT  
14 THE DESK AND WAS GOING TO TAKE A WRITTEN STATEMENT  
15 FROM HIM AT THAT TIME AND AT THIS POINT IN TIME,  
16 HE SAID I DON'T WANT TO GIVE A WRITTEN STATEMENT BUT  
17 I WANT TO TELL YOU ALL MY SIDE OF WHAT HAPPENED

18 Q ARE YOU AWARE OF HIS I Q ?

19 A NO, SIR HE SEEMED NORMAL TO ME

20 Q BORDERLINE RETARDED?

21 A NO, SIR, I DIDN'T KNOW THAT AT THE TIME HE  
22 SEEMED NORMAL TO ME

23 Q WHY DIDN'T HE SIGN THERE FOR YOU THEN IF YOU  
24 ALL HAD REACH AN AGREEMENT FOR HIM TO GIVE YOU THIS  
25 STATEMENT, WHY DIDN'T YOU GO AHEAD AND GET HIM TO

1 SIGN THERE WHERE HE WAIVED HIS RIGHTS?

2 A NO, SIR, AT THAT POINT IN TIME, HE SAID HE  
3 DIDN'T WANT TO GIVE A WRITTEN STATEMENT HE SAID HE  
4 WANTED TO TELL US HIS SIDE OF THE STORY

5 Q DIDN'T WANT TO GIVE A WRITTEN STATEMENT, JUST  
6 WANTED TO TELL YOU HIS SIDE OF THE STORY, WHAT'S THE  
7 DIFFERENCE?

8 A DIFFERENCE BEING IF WE HAD TAKEN DOWN HIS  
9 STATEMENT TO GET HIM TO SIGN IT, HE DIDN'T WANT TO  
10 SIGN IT AT THAT POINT

11 Q SO HE DIDN'T KNOW THE DIFFERENCE, DID HE?

12 A I ASSUME THAT HE DID

13 Q WHY?

14 A BECAUSE HE DISTINGUISHED BETWEEN A WRITTEN  
15 STATEMENT AND HE WANTED TO TELL US HIS SIDE OF THE  
16 STORY

17 Q HE DIDN'T WANT TO WRITE IT, IT DIDN'T WANT YOU  
18 ALL TO WRITE IT AND SIGN IT, BUT HE WANTED TO TELL  
19 YOU ABOUT IT

20 A THAT'S EXACTLY WHAT I UNDERSTOOD, YES, SIR

21 Q IT'S WHAT YOU UNDERSTOOD?

22 A YES, SIR

23 Q NOW, DID YOU ALL -- YOU HAVE TWO DESKS HERE,  
24 RIGHT?

25 A YES, SIR

1 Q AND YOU KNEW THIS WAS A CUSTODIAL  
2 INTERROGATION

3 A YES, SIR, HE HAD BEEN PLACED UNDER ARREST

4 Q WELL, IT WAS CUSTODIAL INTERROGATION, YOU  
5 BROUGHT HIM OUT OF THE CELL, DIDN'T YOU?

6 A YES, SIR

7 Q DID YOU CHECK THE MEDICAL RECORDS TO SEE WHAT  
8 MEDICATIONS HE WAS ON AT THE TIME?

9 A NO AS FAR AS CHECKING MEDICAL RECORDS BUT IT  
10 WAS MY UNDERSTANDING AT THAT TIME THAT HE WAS GIVEN  
11 SOME TYPE OF ANTIBIOTICS OR SOMETHING FOR A CUT THAT  
12 HE WAS RECEIVING

13 Q AND WHAT ABOUT PAIN MEDICATION FOR THAT CUT?

14 A I WASN'T AWARE OF ANY PAIN MEDICATION

15 Q SO HE MIGHT HAVE ALSO BEEN UNDER THE INFLUENCE  
16 OF PAID MEDICATION THAT YOU HAVE NO KNOWLEDGE OF?

17 A HE COULD HAVE BEEN.

18 Q THEN IN THIS OFFICE IN THIS ROOM, YOU ALL  
19 DIDN'T HAVE A TAPE RECORDER GOING?

20 A NO, SIR

21 Q AND YOU KNEW HE DIDN'T HAVE A LAWYER PRESENT,  
22 DIDN'T YOU?

23 A YES, SIR, WE KNEW HE DIDN'T HAVE A LAWYER

24 Q WHY WOULD YOU ALL TAPE RECORD THE CONVERSATION?

25 A IT'S NOT OUR POLICY TO TAPE RECORD A

1 CONVERSATION Q IS IT YOUR POLICY THEN TO GIVE A  
2 SYNOPSIS OF AN ALLEGED STATEMENT AS OPPOSED TO AN  
3 ACTUAL STATEMENT?

4 A OUR POLICY IS TO ADVISE AN INDIVIDUAL OF THEIR  
5 RIGHTS IF THEY'RE WILLING TO GIVE A WRITTEN SIGNED  
6 STATEMENT, WE'LL TAKE IT IF HE WANTS TO GIVE AN  
7 ORAL STATEMENT, THEN WE JUST MAKE NOTES

8 Q WELL WOULDN'T IT BE PREFERABLE TO RECORD SUCH A  
9 STATEMENT?

10 A LIKE I SAID --

11 Q LET ME UNDERSTAND WHY IT'S NOT YOUR POLICY TO  
12 RECORD SUCH A STATEMENT WHAT'S YOUR REASONING  
13 BEHIND THAT?

14 A ONE OF THE REASONS IS THAT TRANSCRIPTION OF  
15 TAPES AND STUFF LIKE THAT I'M SAYING IT MIGHT NOT  
16 HAVE BEEN S L E D POLICY AT THAT TIME, BUT I JUST  
17 DIDN'T TAPE RECORD PEOPLE'S STATEMENT I WOULD  
18 RATHER HAVE THEN IN WRITING IF IT'S AT ALL POSSIBLE

19 Q WELL, HE DIDN'T GIVE YOU ONE IN WRITING, HE  
20 TOLD YOU HE WASN'T GOING TO GIVE YOU ONE IN WRITING,  
21 RIGHT?

22 A THAT'S RIGHT

23 Q AND YOU DIDN'T FIND IT NECESSARY AT THAT TIME  
24 TO GO AHEAD AND PUT THIS ON TAPES SO INSTEAD OF  
25 SYNOPSIS WE COULD HAVE AN ACTUAL TAPE VERSION OF

1 WHAT HE SAID INSTEAD OF A SYNOPSIS OF YOUR OPINION  
2 AS TO WHAT HE SAID?

3 A WOULD YOU PLEASE REPEAT THAT?

4 MR JONES JUDGE, HE'S TALKING ABOUT  
5 THE SUBSTANCE OF STATEMENT THIS IS JURY STUFF  
6 THE COURT I THINK HE'S ANSWERED THAT  
7 QUESTION

8 EXAMINATION CONTINUED BY MR GARRETT

9 Q WHERE ARE THE NOTES? DID YOU TAKE ANY NOTES OF  
10 THAT CONVERSATION?

11 A YES, SIR, I DID

12 Q WHERE ARE THOSE NOTES AT?

13 A RIGHT HERE

14 Q HAVE THOSE BEEN PROVIDED TO DEFENSE TO YOUR  
15 KNOWLEDGE?

16 A I DON'T KNOW

17 Q CAN YOU GET US A COPY OF THOSE, WE'D LIKE TO  
18 STUDY THOSE

19 THE COURT: LET ME SEE THOSE

20 EXAMINATION CONTINUED BY MR GARRETT

21 Q WERE THOSE TYPEWRITTEN OR HANDWRITTEN?

22 A HANDWRITTEN

23 Q DID THE OTHER OFFICER HAVE SOME HANDWRITTEN  
24 NOTES, AS WELL, THE OTHER OFFICER?

25 A I'M NOT SURE I THINK MAYBE CHIEF RUCKER MAY

1 HAVE TAKEN SOME NOTES BUT AGENT SLOAN WAS NOT TAKING  
2 NOTES, HE WAS PREPARED TO TAKE DOWN A STATEMENT AND  
3 STATE ON A STATEMENT FORM THAT WE USE, WHICH HE  
4 DIDN'T DO BECAUSE HE DIDN'T --

5 Q AT NO TIME THEN DID AGENT SLOAN WRITE DOWN  
6 ANYTHING ON THE STATEMENT FORM?

7 A NO, SIR

8 Q HE DIDN'T EVEN WRITE HIS NAME ON IT?

9 A I THINK MAYBE HE MIGHT HAVE WRITTEN HIS NAME  
10 AND DATE OF BIRTH OR SOMETHING LIKE THAT, I'M REALLY  
11 NOT SURE

12 Q DID YOU DISCUSS WITH HIM THAT WHETHER HE GAVE  
13 YOU A WRITTEN STATEMENT AND/OR AN ORAL STATEMENT IT  
14 MADE NO DIFFERENCE, IT WAS STILL GIVING UP A  
15 STATEMENT AND THAT HIS RIGHTS STILL APPLIED IN THAT  
16 CIRCUMSTANCE SUGGESTED IT APPLIED IN THE ORAL  
17 STATEMENT, DID YOU TELL HIM THAT?

18 A I HAD ADVISED HIM OF WHAT HIS RIGHTS WAS AND I  
19 WAS CONVINCED THAT HE UNDERSTOOD WHAT HIS RIGHTS  
20 WERE AND WHEN HE SAID HE WANTED TO TELL US HIS  
21 SIDE OF THE STORY, I AT THAT POINT TOLD ME, I SAID,  
22 GO AHEAD AND TELL US YOUR SIDE OF THE STORY

23 Q MY QUESTION IS, IS ONCE HE SAID THAT TO YOU,  
24 DID YOU GO BACK AND RE-EXPLAIN THAT WHETHER HE GAVE  
25 TO YOU IN WRITING AND/OR WHETHER HE GAVE IT TO YOU

1 ORALLY, HIS RIGHTS APPLIED AND YOU COULD HOLD THAT  
2 AGAINST HIM NO MATTER WHAT?

3 A NO, SIR, I DID NOT ADVISE HIM OF HIS RIGHTS  
4 AGAIN, NO

5 Q YOU DIDN'T RE-EXPLAIN THAT TO HIM AFTER HE HAD  
6 SOME QUESTIONS ABOUT IT

7 A NO

8 Q WERE YOU WEARING YOUR GUN AT THE TIME?

9 A NO, SIR

10 Q WERE THERE ANY OTHER POLICE OFFICERS AT OR  
11 AROUND HIM?

12 A CHIEF RUCKER

13 Q DID HE HAVE HIS WEAPON ON?

14 A I'M NOT SURE WHETHER HE DID OR NOT

15 Q HE WAS BROUGHT OVER THERE BY WHOM WAS HE  
16 BROUGHT?

17 A I DON'T KNOW, ONE OF THE CITY POLICE OFFICERS

18 Q DO THOSE OFFICERS HAVE A WEAPON ON AT THE TIME  
19 HE WAS BROUGHT OVER?

20 A I ASSUME THAT THEY DID

21 Q WERE YOU AWARE OF THE SUICIDE ATTEMPT THAT HE  
22 HAD ATTEMPTED TO COMMIT SUICIDE?

23 A THAT HE HAD ATTEMPTED TO COMMIT SUICIDE, WHERE?

24 Q YES, THAT DAY BEFORE HE HAD ATTEMPTED TO COMMIT  
25 SUICIDE

1 A I WAS AWARE THAT HE HAD SUSTAINED A CUT ON HIS  
2 WRIST

3 Q YOU DIDN'T KNOW THAT HE WAS IN A HEIGHTENED  
4 EMOTIONAL STATE, THAT HE TRIED TO TAKE HIS LIFE THE  
5 DAY BEFORE?

6 A NO

7 Q DID YOU DO ANY SPECIFIC QUESTIONING OF HIM TO  
8 DETERMINE HIS MENTAL STATE AT THE TIME?

9 A NO, SIR, I JUST OBSERVED HIM

10 Q WHO MADE THAT FINAL SYNOPSIS OF THE STATEMENT?

11 A I BEG YOUR PARDON?

12 Q WHO MADE THE SYNOPSIS, WHO THEN CAME BACK AND  
13 DID A SYNOPSIS, WHO WAS THAT THAT DID THAT?

14 A I DON'T KNOW

15 MR GARRETT BET THE COURT'S  
16 INDULGENCE, YOUR HONOR, AS WE EXAMINE THESE NOTES  
17 THE COURT CAN I ASK HIM IF HE  
18 UNDERSTANDS WHAT YOU MEAN BY THAT SYNOPSIS DO YOU  
19 KNOW WHAT HE'S TALKING ABOUT, A TYPED SYNOPSIS?

20 EXAMINATION CONTINUED BY MR GARRETT

21 Q HAVE YOU SEEN THAT?

22 A I WOULD IMAGINE THAT WOULD HAVE BEEN DONE BY  
23 THE SOLICITOR'S OFFICE, I GUESS I DON'T KNOW  
24 THAT YOUR'S?

25 MR COULTER YES, SIR



1 THE COURT THAT WAIVER FORM,  
2 SOLICITOR, ARE YOU OFFERING THAT AS A COURT'S  
3 EXHIBIT?

4 MR JONES YES, SIR, COURT'S EXHIBIT  
5 (REPORTER MARKS PERTINENT DOCUMENT AS COURT'S  
6 EXHIBIT #28)

7 EXAMINATION CONTINUED BY MR GARRETT

8 Q IS THIS THE ORIGINAL?

9 A YES, SIR, IT IS

10 Q THAT WAS IN YOUR POCKET?

11 A THIS IS

12 Q MAY I SEE THE ORIGINAL? AND WHERE HAS THIS  
13 BEEN SINCE THAT DAY?

14 A IN MY NOTEBOOK

15 Q WHAT TYPE OF NOTEBOOK IS THAT?

16 A FOLDING NOTEBOOK

17 Q WHERE HAVE YOU STORED IT AT?

18 A MY HOME

19 Q THIS DATE YOU HAVE ON HERE IS NOT THE CORRECT,  
20 IS IT?

21 A I THINK IT'S GOT '96 ON IT

22 Q IT WASN'T '96 AT THIS TIME, WAS IT?

23 A '95

24 Q SO THE SYNOPSIS IS NOT EVEN YOUR WORK, IT'S THE  
25 SOLICITOR'S WORK?

1 THE COURT YOU'RE GOING TO HAVE TO  
2 SHOW HIM WHAT THAT IS, I DON'T THINK HE KNOWS ABOUT  
3 IT DO YOU NEED A COPY OF IT?

4 MR GARRETT YEAH, I WANT A COPY  
5 MARKED, YOUR HONOR

6 THE COURT I'VE GOT ONE

7 EXAMINATION CONTINUED BY MR GARRETT

8 Q AGENT CLARK, THAT'S NOT YOUR STATEMENT, IS IT?  
9 THIS PREPARED DOCUMENT IS NOT YOURS, IS IT?

10 A NO, SIR, IT DIDN'T COME FROM ME

11 Q AND YOUR NOTES, THEY WERE NOT PROVIDED TO THE  
12 DEFENSE PRIOR TO THIS HEARING, WERE THEY?

13 A I DON'T KNOW WHETHER THEY WERE OR NOT

14 Q WHEN WERE THEY PROVIDED TO THE SOLICITOR FOR  
15 HIS ABILITY TO DO THE SYNOPSIS?

16 A I'M NOT EXACTLY SURE OF THE DATE

17 Q YOU SAID YOU HAD IT IN YOUR NOTEBOOK, WAS IT A  
18 MONTH AGO, TWO MONTHS AGO? I'M NOT ASKING FOR A  
19 SPECIFIC DATE AND TIME, JUST A GENERAL --

20 A THAT'S WHAT I SAID, I DON'T KNOW WHAT DATE IT  
21 WAS IT COULD HAVE BEEN A YEAR AGO

22 Q IT COULD HAVE BEEN AS MUCH AS A YEAR AGO?

23 A AS A MATTER OF FACT, I THINK I FAXED A COPY OF  
24 THOSE TO THE SOLICITOR'S OFFICE FROM THE ABBEVILLE  
25 POLICE DEPARTMENT

1 Q AT THE TIME OF THIS THING, YOU FAXED HIM A COPY  
2 OF IT?

3 A NOT AT THAT -- NOT THAT DATE, IT WAS SOMETIME  
4 LATER

5 Q MAYBE SOMETIME LATER IN THE WEEK?

6 A IT COULD HAVE BEEN A MONTH LATER, I'M NOT SURE

7 Q BUT YOUR BEST RECOLLECTION IS YOU FAXED A  
8 SOLICITOR A COPY OF THAT AT OR ABOUT THE MONTH THAT  
9 YOU WERE DOING YOUR INVESTIGATION?

10 A IT WAS SOMETIME AFTER THE INVESTIGATION I  
11 DON'T KNOW EXACTLY WHAT DATE, IT COULD HAVE BEEN A  
12 MONTH, IT COULD HAVE BEEN SIX MONTHS, I DON'T KNOW  
13 I DON'T REMEMBER

14 Q IF YOU FAXED THEM, WOULDN'T YOU HAVE HAD TO  
15 TEAR THEM OUT OF YOUR BOOK?

16 A YES, SIR, THEY ARE TORN OUT OF MY BOOK  
17 THEY'VE BEEN IN MY -- LET ME EXPLAIN SOMETHING TO  
18 YOU IN THAT NOTEBOOK, I TORE THEM OUT, FAXED THE  
19 SOLICITOR A COPY OF THEM, FOLDED THEM UP AND STUCK  
20 THEM RIGHT BACK IN THE NOTEBOOK THEY WERE FOLDED  
21 JUST LIKE THEY ARE NOW IN MY POCKET

22 Q SO YOU FOLDED THEM AND THEN STUCK THEM BACK IN  
23 THE BOOK AND DID YOU HAVE THAT BOOK TABBED IN ANY  
24 PARTICULAR WAY?

25 A WHAT DO YOU MEAN TABBED IN A PARTICULAR WAY?

1 Q WELL, YOU KNOW, THIS IS THE HUGHEY CASE THAT I  
2 WORKED ON, THIS IS THE JOHN DOE CASE, THIS IS THE  
3 JANE DOE CASE IN YOUR NOTEBOOK, DID YOU HAVE THEM  
4 SEPARATED BASED UPON CASES?

5 A NOT IN THIS PARTICULAR INSTANCE, I DON'T THINK  
6 SO

7 Q WAS THIS THE ONLY THING IN THAT NOTEBOOK?

8 A PROBABLY, THERE COULD HAVE BEEN SOMETHING ELSE  
9 IN THERE

10 Q YOU DIDN'T BRING THAT NOTEBOOK WITH YOU TODAY?

11 A NO, SIR, I DIDN'T

12 Q IS YOUR BEST RECOLLECTION THEN, SOMETIME AFTER  
13 THIS INCIDENT, MAYBE WITHIN A MONTH TO TWO TO THREE  
14 MONTHS, YOU FAXED A COPY OF THAT FROM THE BOOK?

15 A YES, SIR

16 Q IS YOUR BEST REMEMBRANCE ALL RIGHT AT THE  
17 TIME YOU WERE ASKING HIM THESE QUESTIONS, WERE YOU  
18 AWARE THAT MR HUGHEY HAD SUFFERED PHYSICAL BRAIN  
19 TRAUMA ON AT LEAST FOUR OCCASIONS IN HIS BACKGROUND?

20 A NO, SIR

21 MR GARRETT THAT'S ALL I HAVE FOR  
22 THIS WITNESS

23 MR JONES WE CALL JERRY SLOAN TO THE  
24 STAND

25 THE COURT YOU MAY STEP DOWN

1 (WITNESS STEPS DOWN AT 11 28 O'CLOCK A M )

2 THE CLERK THE EVIDENCE YOU SHOULD  
3 GIVE THE COURT IN THE TRIAL OF THIS CASE SHOULD BE  
4 THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE  
5 TRUTH, SO HELP YOU, GOD

6 THE WITNESS YES, MA'AM

7 (WITNESS PRESENTED AT 11 28 O'CLOCK A M )

8 DIRECT EXAMINATION BY MR JONES

9 Q PLEASE STATE YOUR NAME FOR THE RECORD

10 A JERRY SLOAN

11 Q ARE YOU RETIRED FROM S L E D ?

12 A THAT'S CORRECT

13 Q THE STATE LAW ENFORCEMENT DIVISION?

14 A YES, SIR

15 Q WERE YOU WORKING WITH THEM ON DECEMBER 5TH OF  
16 1995?

17 A YES, SIR

18 Q IN WHAT CAPACITY?

19 A I WAS A CRIMINAL INVESTIGATOR

20 Q DID YOU HAVE AN OCCASION TO INTERVIEW A JOHN  
21 KENNEDY HUGHEY CONCERNING THE DEATH OF LUEVINIA  
22 HARRIS AND TESHEKA JACKSON?

23 A YES, SIR

24 Q WHERE WAS THAT INTERVIEW?

25 A AT CHIEF RUCKER'S OFFICE HERE IN ABBEVILLE

1 Q NOW, WHO WAS PRESENT DURING THAT INTERVIEW?

2 A AGENT EDDIE CLARK, CHIEF RUCKER AND MYSELF

3 Q AND IT WAS IN CHIEF RUCKER'S OFFICE?

4 A THAT'S CORRECT

5 Q ABOUT WHAT SIZE IS HIS OFFICE TO THE BEST OF  
6 YOUR GUESTIMATION?

7 A TEN BY TEN, TEN BY TWELVE, TWELVE BY TWELVE

8 Q HOW WERE YOU DRESSED ON THAT DAY, DO YOU  
9 RECALL, HAVE ANY IDEA?

10 A PROBABLY HAD ON A SUIT AND TIE

11 Q WHAT WAS THE ATMOSPHERE IN THE ROOM BETWEEN YOU  
12 AND CHIEF RUCKER AND EDDIE CLARK AND THE DEFENDANT,  
13 JOHN KENNEDY HUGHEY?

14 A I HAD COME DOWN HERE TO ASSIST AGENT CLARK AND  
15 WHEN I GOT HERE, THEY HAD THE DEFENDANT IN JUST A  
16 REGULAR MEETING, CALM

17 Q A REGULAR CALM MEETING?

18 A YES, SIR

19 Q DID YOU HAVE A CHANCE TO OBSERVE THE DEFENDANT  
20 PRIOR TO THE INTERVIEW AND DURING THE COURSE OF THE  
21 INTERVIEW?

22 A YES, SIR

23 Q WHAT DID YOU OBSERVE ABOUT HIS DEMEANOR DURING  
24 THAT PERIOD OF TIME?

25 A HE WAS REAL CALM, COLLECTED

1 MR GARRETT YOUR HONOR, WE NOTICE  
2 THAT AGENT CLARK IS IN THE COURTROOM AT THIS TIME  
3 AND WE WOULD ASK --

4 MR JONES HE'S GOT TO GO, I'M SORRY,  
5 I THOUGHT HE UNDERSTOOD THAT

6 THE COURT MR CLARK IS NOW ABSENT

7 EXAMINATION CONTINUED BY MR JONES

8 Q WHAT WAS HIS DEMEANOR, YOU SAY CALM

9 A COLLECTED

10 Q DID HE APPEAR TO YOU TO BE UNDER THE INFLUENCE  
11 OF ANY TYPE OF DRUG?

12 A NO, SIR

13 Q DID HE APPEAR TO YOU TO BE CONFUSED OR  
14 DISORIENTED?

15 A NO, SIR

16 Q DURING THE COURSE OF YOUR OBSERVATION OF HIM  
17 AND CONDUCT OF BOTH PARTIES IN THE ROOM, WAS THERE  
18 ANY FORM OF INTIMIDATION DIRECTED TOWARDS MR  
19 HUGHEY?

20 A NO, SIR

21 Q BY ANYONE?

22 A NO, SIR

23 Q DID YOU PERSONALLY ATTEMPT TO COERCE HIM OR  
24 INTIMIDATE HIM INTO TALKING WITH YOU?

25 A NO, SIR

1 Q DID YOU ISSUE ANY THREATS, SUTTLE OR OTHERWISE?

2 A NO, SIR

3 Q DID YOU PROMISE HIM THAT IF HE TALKED WITH YOU,  
4 YOU'D HELP HIM OUT?

5 A NO, SIR

6 Q DID YOU PROMISE HIM ANYTHING IF YOU TALKED TO  
7 YOU?

8 A NO, SIR

9 Q DID YOU IN ANY WAY TRY TO INTICE HIM INTO  
10 TALKING WITH YOU ABOUT IT?

11 A NO, SIR

12 Q WHAT WAS YOUR PURPOSE FOR BEING THERE?

13 A I WAS JUST ASSISTING AGENT EDDIE CLARK

14 Q DID YOU OBSERVE ANYONE ISSUE MIRANDA WARNING  
15 AND RIGHTS TO THE DEFENDANT?

16 A YES, SIR

17 Q WHO DID THAT?

18 A AGENT CLARK

19 Q AND BY WHAT MEANS DID HE GO ABOUT ADVISING THE  
20 DEFENDANT OF HIS MIRANDA WARNING?

21 A HE HAD A PRINTED FORM THAT HE READ TO THE  
22 DEFENDANT

23 Q DO YOU HAVE AN OPINION, BASED ON YOUR  
24 OBSERVATION OF THAT READING, WHETHER OR NOT THE  
25 DEFENDANT APPEARED TO UNDERSTAND THOSE RIGHTS AS



1       THEY WERE READ TO HIM?

2       A       YES, SIR, HE WAS ASKED AFTER EACH RIGHT WAS  
3       READ IF HE DID UNDERSTAND IT AND INITIAL THE FORM

4       Q       DID HE ALSO INDICATE PERFECTLY THAT HE  
5       UNDERSTOOD?

6       A       YES, SIR

7       Q       AT THE CONCLUSION OR GOING OVER THOSE MIRANDA  
8       RIGHTS AND THOSE WARNINGS, WAS THERE AN EFFORT ON  
9       ANYONE'S PART TO SEE IF THE DEFENDANT WOULD WRITE  
10      OUT A STATEMENT CONCERNING THE EVENTS OF THE DEATHS  
11      OF LUEVINIA HARRIS AND TESHEKA JACKSON?

12      A       HE WAS ASKED WOULD HE

13      Q       AND WHAT WAS HIS RESPONSE?

14      A       THAT HE DID NOT WANT TO GIVE A WRITTEN  
15      STATEMENT BUT HE WANTED TO TELL HIS SIDE OF THE  
16      STORY

17      Q       AND AT THAT POINT IN TIME, WHO WAS PREPARED TO  
18      PREPARE OR WRITE ANY STATEMENT THAT MIGHT HAVE BEEN  
19      GIVEN BY HIM?

20      A       I WAS

21      Q       SO YOUR JOB DURING THE PROCESS WOULD HAVE BEEN  
22      TO ACTUALLY TRANSCRIBE THE STATEMENT ONTO PAPER IN  
23      WRITING FOR THE DEFENDANT? DID YOU HAVE PAPER AND  
24      PEN AVAILABLE FOR THAT?

25      A       YES, SIR

1 Q BUT HE CHOSE NOT TO ISSUE A WRITTEN STATEMENT?

2 A YES, SIR

3 Q SO WHAT DID HE CHOSE TO DO?

4 A HE SAID HE WANTED TO TELL HIS SIDE OF THE  
5 STORY

6 Q DID HE TALK TO YOU ABOUT HIS SIDE OF THE STORY?

7 A AFTER HE SAID THAT, YES, SIR

8 Q DID YOU MAKE ANY NOTES OF THAT?

9 A I DID NOT

10 Q DID YOU MAKE ANY WRITTEN NOTES OF THAT?

11 A I DID NOT

12 Q DID YOU MAKE MENTAL NOTES OF WHAT HE TOLD YOU?

13 A YES, SIR

14 Q DID YOU LISTEN TO WHAT HE SAID?

15 A YES, SIR

16 Q AND DO YOU RECALL A SUBSTANCE OF WHAT HE TOLD  
17 YOU?

18 A YES, SIR

19 MR JONES ANSWER ANY QUESTIONS MR  
20 GARRETT HAS

21 CROSS EXAMINATION BY MR GARRETT

22 Q MR SLOAN, WERE YOU AWARE OF JOHN'S MENTAL  
23 CONDITION AT THE TIME YOU FOLKS WERE ADVISING HIM OF  
24 THESE RIGHTS AND ASKING HIM DID HE UNDERSTAND THEM?

25 A COULD YOU REPEAT THE QUESTION?

1 Q DID YOU UNDERSTAND OR KNOW MR HUGHEY'S MENTAL  
2 CONDITION AT THE TIME YOU WERE ASKING THESE  
3 QUESTIONS OF HIM AND EXPLAINING HIS RIGHTS TO HIM?

4 A I CAN'T SAY I KNEW HIS MENTAL CONDITION

5 Q WERE YOU AWARE THAT HE WAS BORDERLINE MENTALLY  
6 RETARDED?

7 A NO, SIR

8 Q DID YOU KNOW THAT HE HAD SUFFERED BRAIN TRAUMA  
9 FROM FOUR SEPARATE INJURIES?

10 A NO, SIR

11 Q DID YOU KNOW THAT HE HAD TRIED TO ATTEMPT TO  
12 COMMIT SUICIDE ON THE DAY BEFORE?

13 A NO, SIR

14 Q DID YOU KNOW THAT HE WAS TAKING MEDICATION?

15 A NO, SIR

16 Q YOU DIDN'T THINK THAT WAS IMPORTANT TO LOOK  
17 INTO THAT BEFORE YOU BEGAN DOING THIS EXAMINATION?

18 A WE DIDN'T ASK HIM THAT

19 Q YOU DIDN'T ASK HIM ABOUT THAT?

20 A NO, SIR

21 Q YOU DIDN'T THINK THAT WOULD BE IMPORTANT TO  
22 MAYBE FOUND OUT FROM CHIEF RUCKER OR OTHERS TO  
23 ASCERTAIN HIS MENTAL CONDITION AT THE TIME OF THE  
24 QUESTIONING?

25 A I DIDN'T QUESTION HIM, I DIDN'T ASK THAT

1 QUESTION

2 Q WHO WAS IN CONTROL, EITHER YOU OR THE OTHER,  
3 MR CLARK, BETWEEN THE TWO OF YOU, WHO WAS THE LEAD  
4 AGENT, SO TO SPEAK?

5 A AGENT CLARK

6 Q HE WAS?

7 A YES, SIR

8 Q AND THAT'S WHY HE WAS THE ONE WHO BEGAN TO GIVE  
9 THE RIGHTS, READ THE RIGHTS AND WHAT NOT?

10 A THAT'S CORRECT

11 Q CAN I SEE THE PIECES OF PAPER THAT YOU HAD  
12 PREPARED TO TAKE DOWN HIS WRITTEN STATEMENT WITH?

13 A I DON'T HAVE THEM WITH ME

14 Q WHERE ARE THEY AT?

15 A I DON'T KNOW I'VE BEEN RETIRED A YEAR AND A  
16 HALF IT WAS JUST A FORM, A VOLUNTEER STATEMENT  
17 FORM LIKE ANY STANDARD VOLUNTEER STATEMENT FORM

18 Q DID YOU PUT HIS NAME ON IT?

19 A NO, SIR

20 Q NEVER WROTE HIS NAME DOWN ON IT?

21 A NO, SIR

22 Q NEVER WROTE A DATE ON IT?

23 A NO, SIR

24 Q WHY, BECAUSE HE MADE IT CLEAR HE WOULDN'T GIVE  
25 YOU ALL A WRITTEN STATEMENT?

1 A THAT'S CORRECT, HE SAID HE WOULDN'T DIDN'T  
2 WANT TO GIVE A WRITTEN STATEMENT

3 Q DID YOU THINK IT WOULD BE NECESSARY THEN TO  
4 EXPLAIN TO HIM THAT IF HE GAVE AN ORAL STATEMENT --  
5 WHETHER HE GAVE AN ORAL STATEMENT OR A WRITTEN  
6 STATEMENT, IT MADE NO DIFFERENCE IN HIS RIGHTS THAT  
7 HE WOULD -- THAT IF HE GAVE AN ORAL STATEMENT IT  
8 WOULD BE JUST AS BAD AS IF HE GAVE A WRITTEN  
9 STATEMENT, DID YOU EXPLAIN THAT TO HIM?

10 A NO, SIR, HE SAID HE WANTED TO TELL HIS SIDE OF  
11 THE STORY AND HE TOLD IT

12 Q DID ANYBODY EXPLAIN THAT TO HIM?

13 A NO, SIR

14 Q THE DEFENDANT DIDN'T WANT TO GIVE A WRITTEN  
15 STATEMENT, WHY?

16 A I HAVE NO IDEA

17 Q HE DIDN'T EXPLAIN THAT OR YOU ALL DIDN'T ASK  
18 HIM WHY HE DIDN'T WANT TO GIVE A WRITTEN STATEMENT?

19 A NO, SIR

20 Q DID YOU RECOGNIZE THE -- WHETHER OR NOT THE  
21 CHIEF HAD A GUN ON HIM WHEN HE CAME IN?

22 A I DON'T REALLY RECALL

23 Q WERE YOU IN POSSESSION OF A WEAPON AT THAT  
24 TIME?

25 A PROBABLY NOT

1 Q AND WHAT ABOUT OFFICER SLOAN -- I'M SORRY,  
2 CLARK

3 A PROBABLY NOT, I DON'T KNOW

4 Q DO YOU KNOW WHO ASSISTED MR HUGHEY INTO YOUR  
5 ROOM?

6 A NO, SIR

7 Q WAS HE STILL ON THE SUICIDE WATCH AT THE TIME  
8 THAT YOU SPOKE WITH HIM?

9 A I DID NOT KNOW HE WAS ON SUICIDE WATCH

10 Q HOW WAS HE DRESSED?

11 A I DON'T REMEMBER

12 Q WAS HE IN SHACKLES AND CHAINS?

13 A I DON'T REMEMBER

14 Q IN SPITE OF THE FACT THAT YOU DIDN'T TAKE DOWN  
15 A WRITTEN STATEMENT, DID YOU MAKE ANY INDEPENDENT  
16 NOTE?

17 A I DIDN'T MAKE ANY NOTES

18 Q WAS S L E D POLICY AT THE TIME NOT TO TAKE  
19 TAPE RECORDINGS OF CONVERSATIONS?

20 A I DON'T KNOW THAT THEY HAVE A POLICY EITHER  
21 WAY

22 Q HOW MANY YEARS DID YOU WORK FOR S L E D ?

23 A TWENTY-EIGHT YEARS

24 Q AND YOU DON'T KNOW WHAT THEIR POLICY WAS?

25 A I DON'T THINK THEY HAD ONE THAT WE DID OR DID

1 NOT I THINK IT WAS INDIVIDUALIZED

2 Q THAT WAS THE POLICY THAT WAS JUST UP TO THE  
3 OFFICER OR INDIVIDUAL?

4 A THAT WOULD BE MY OPINION

5 Q WOULD YOU AGREE A BETTER WOULD HAVE BEEN TO  
6 HAVE A TAPE RECORDING?

7 A I HAVE NO OPINION ABOUT THAT

8 Q NONE?

9 A NO, SIR

10 Q IS IT TRUE THAT OFFICER RUCKER ASKED JOHN  
11 WHETHER OR NOT HE'D GIVE AN ORAL STATEMENT?

12 A I DON'T REMEMBER THAT

13 MR GARRETT THANK YOU NO FURTHER  
14 QUESTIONS

15 THE COURT STEP DOWN

16 MR JONES CALL CHIEF RUCKER TO THE  
17 STAND

18 THE CLERK THE EVIDENCE YOU SHOULD  
19 GIVE THE COURT IN THE TRIAL OF THIS CASE SHOULD BE  
20 THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE  
21 TRUTH, SO HELP YOU, GOD

22 THE WITNESS YES

23 (WITNESS PRESENTED AT 11 40 O'CLOCK A M )

24 DIRECT EXAMINATION BY MR JONES

25 Q PLEASE STATE YOUR NAME FOR THE RECORD

1 A CHIEF ROBIN RUCKER, ABBEVILLE CITY POLICE  
2 DEPARTMENT

3 Q WERE YOU CHIEF BACK ON DECEMBER 5TH OF 1995?

4 A YES, SIR

5 Q WERE YOU PRESENT WHEN THE DEFENDANT JOHN  
6 KENNEDY HUGHEY WAS INTERVIEWED?

7 A YES, SIR

8 Q AND WHO ELSE WAS PRESENT?

9 A JERRY SLOAN FROM S L E D AND EDDIE CLARK FROM  
10 S L E D

11 Q DURING THE COURSE OF YOUR INTERVIEW AND PRE-  
12 INTERVIEW, DID YOU HAVE A CHANCE TO OBSERVE THE  
13 DEFENDANT?

14 A YES, SIR

15 Q WHAT WAS HIS DEMEANOR?

16 A SEEMED TO BE FINE, NO PROBLEM

17 Q DID HE COMPLAIN OF ANY PROBLEM?

18 A NO, SIR

19 Q DID YOU IN ANY WAY INTIMIDATE HIM OR COERCE HIM  
20 TO TALK WITH YOU?

21 A NO, SIR

22 Q DID YOU THREATEN HIM?

23 A NO, SIR

24 Q DID YOU MAKE ANY PROMISES TO HIM THAT YOU WOULD  
25 HELP HIM OUT IF HE DID TALK TO YOU?



1 A NO, SIR

2 Q DID YOU OBSERVE ANY ISSUANCE OF MIRANDA  
3 WARNINGS TO THE DEFENDANT?

4 A YES, SIR AGENT CLARK READ HIM HIS MIRANDA  
5 WARNINGS AND THEN HAD HIM INITIAL THE WARNINGS ON  
6 PAPER

7 Q DID THE DEFENDANT INDICATE THAT HE WOULD TALK  
8 TO HIM?

9 A YES, SIR, HE SAID HE WANTED TO TELL HIS SIDE OF  
10 THE STORY

11 Q WHAT ABOUT A WRITTEN STATEMENT, ANYONE TRY TO  
12 GET A WRITTEN STATEMENT?

13 A WE ASKED HIM IN REFERENCE TO A WRITTEN  
14 STATEMENT AND HE DECLINED

15 Q BUT HE DID SAY HE WANTED TO TELL HIS SIDE OF  
16 THE STORY

17 A YES, SIR

18 Q AND DID HE DO THAT?

19 A YES, SIR

20 Q WHAT WERE YOU DOING WHILE HE WAS TELLING HIS  
21 STORY?

22 A I WAS SITTING BEHIND MY DESK AT THE TIME  
23 LISTENING TO WHAT THE DEFENDANT HAD TO SAY, PRETTY  
24 MUCH THAT WAS IT

25 Q DID YOU EVER MAKE ANY NOTES OF WHAT HE HAD TO

1 SAY?

2 A IF I DID, I DON'T RECALL SOMETIME I SIT AT MY  
3 DESK AND WHITTLE OR WHATEVER WITH A PIN

4 Q WHEN DID YOU PREPARE -- LET ME HAND YOU THIS, A  
5 COPY OF SOMETHING, ASK IF YOU RECOGNIZE IT

6 A IT'S A WRITTEN STATEMENT NO, SIR, I DON'T  
7 BELIEVE THIS IS MINE

8 Q DID YOU PREPARE A SYNOPSIS OF A STATEMENT THAT  
9 YOU TOOK -- I'M SORRY, I'VE GOT IT -- I'M SORRY

10 A YES, SIR, THIS IS MINE

11 Q WHAT IS THAT?

12 A A STATEMENT BY -- MYSELF AN ORAL STATEMENT THAT  
13 THE DEFENDANT GAVE

14 Q AND DOES IT CONTAIN THE SUBSTANCE OF WHAT THE  
15 DEFENDANT TOLD YOU ON DECEMBER 5, 1996?

16 A YES, SIR

17 Q AND WHEN DID YOU PREPARE THAT SYNOPSIS?

18 A THIS WAS SOMETIME AFTER THAT NIGHT I DON'T  
19 KNOW, IT WAS SEVERAL MONTHS AFTER THAT, I BELIEVE

20 Q AND DID YOU PROVIDE MR COULTER WITH A COPY OF  
21 THAT?

22 A YES, I DID

23 Q WHEN HE REQUESTED THAT YOU GIVE HIM WHATEVER  
24 NOTES OR INFORMATION YOU HAD CONCERNING THE ORAL  
25 STATEMENT THAT YOU TOOK OF DEFENDANT HUGHEY?

1 A YES, SIR

2 MR JONES ANSWER ANY QUESTIONS THE  
3 DEFENSE HAS FOR YOU

4 CROSS EXAMINATION BY MR GARRETT

5 Q CHIEF, ARE YOU TELLING US THIS WAS SEVERAL  
6 MONTHS AFTER YOU HAD AN ORAL INTERVIEW WITH A PARTY  
7 THAT YOU WERE INVESTIGATING FOR TWO DEATHS THAT YOU  
8 DECIDED AT THAT POINT TO PREPARE THIS DOCUMENT?

9 A YES, SIR, I WAS ASKED BY THE SOLICITOR'S OFFICE  
10 TO DO SO

11 Q AND SO IF IN DECEMBER YOU HAD THIS  
12 CONVERSATION, WHEN DID YOU MAKE THESE DOCUMENTS  
13 AVAILABLE TO THE SOLICITOR'S OFFICE?

14 A THE INITIAL REPORT WAS -- WENT IN BEFORE AND AT  
15 THAT TIME, I BELIEVE, IN THE INCIDENT REPORT SOME OF  
16 THE INFORMATION WAS PUT IN THERE BUT THIS  
17 STATEMENT WAS MADE LATER

18 Q WHEN?

19 A I DON'T KNOW

20 Q YOU SAY SIX MONTHS, CAN YOU GIVE ME SOME KIND  
21 OF IDEA AS TO WHEN YOU SAT DOWN AND TRIED TO  
22 REMEMBER IN YOUR MIND THOSE THINGS JOHN KENNEDY  
23 HUGHEY TOLD YOU THAT AFTERNOON?

24 A NO, SIR

25 Q WAS IT MORE THAN TWO MONTHS?

1 A I DON'T RECALL

2 Q DID YOU FAX IT TO THEM OR DID YOU ACTUALLY  
3 HAND-DELIVER IT?

4 A I BELIEVE I HAND DELIVERED IT TO THE SOLICITOR

5 Q WOULD THAT BE AT LEAST A YEAR AGO THAT YOU GAVE  
6 THEM THAT STATEMENT?

7 A MAY HAVE BEEN

8 Q GIVE US AS AN ESTIMATE THAT YOU CAN, CHIEF  
9 I'M NOT TRYING TO TIE YOU DOWN TO A SPECIFIC DAY,  
10 DATE AND TIME I'M JUST TRYING TO GET A GOOD ROUGH  
11 IDEA, WAS IT FALL, SUMMER OR WINTER?

12 A I REALLY DON'T KNOW WHAT DATE IT WAS I DON'T  
13 HAVE A DATE ON WHEN I HAD IT RUN

14 Q NOW, YOU WERE THERE AND YOU HEARD THEM GIVE  
15 THOSE INSTRUCTIONS TO HIM, HIS MIRANDA WARNINGS?

16 A YES, SIR

17 Q LET ME ASK YOU THIS AFTER HE SAID HE DIDN'T  
18 WANT TO GIVE A WRITTEN STATEMENT, RIGHT

19 A YES, SIR

20 Q THEN YOU ASKED HIM IF HE WOULD TELL HIS SIDE OF  
21 THE STORY

22 A I BELIEVE HE INDICATED HE WANTED TO TELL HIS  
23 SIDE OF THE STORY

24 Q LOOK AT YOUR FIRST SENTENCE, WHAT DO YOU SAY?

25 A OKAY

1 Q HE WAS ASKED IF HE WANTED TO TELL HIS SIDE OF  
2 THE STORY HE HAD ALREADY TOLD YOU HE DIDN'T WANT  
3 TO TELL YOU HIS SIDE OF THE STORY, DIDN'T HE?

4 A NO, SIR

5 Q HE TOLD YOU HE DIDN'T WANT TO GIVE YOU A  
6 WRITTEN SIDE ,DIDN'T HE?

7 A NO, SIR

8 Q OH, HE DIDN'T TELL OR HE DIDN'T WANT TO GIVE A  
9 WRITTEN STATEMENT?

10 A HE WANTED TO TELL HIS SIDE OF THE STORY

11 Q ONLY AFTER YOU ASKED HIM AFTER HE HAD ALREADY  
12 TOLD YOU HE DIDN'T WANT TO GIVE IT IN WRITING,  
13 DIDN'T HE?

14 A I DON'T RECALL THAT, NO, SIR

15 Q THIS IS YOUR STATEMENT

16 A I UNDERSTAND

17 Q DOES IT SURPRISE YOU THAT YOUR STATEMENT OF  
18 WHAT HE SAID AND THE OTHER OFFICER'S STATEMENT OF  
19 WHAT HE SAID ARE NOT CONSISTENT?

20 A NO, SIR I MEAN I DIDN'T SIT DOWN WITH THOSE  
21 OFFICERS AND GO THROUGH HIS STATEMENT AND MAKE SURE  
22 THAT EVERYTHING WAS CORRECT I MEAN, EVERYTHING WE  
23 SAID WAS EXACT, NO, SIR

24 Q CHIEF, IS IT USUAL THAT YOU WOULD NOT HAVE A  
25 TAPE RECORDING? IF YOU TALKED TO THE DEFENDANT

1 ABOUT HIS RIGHTS, HE UNDERSTANDS HIS RIGHTS, IS IT  
2 UNUSUAL FOR YOU NOT TO HAVE A TAPE RECORDING GOING  
3 OF WHAT HE'S TELLING YOU SO YOU CAN HAVE A  
4 COMPLETELY ACCURATE REPRESENTATION OF WHAT YOU WERE  
5 TOLD ON THE DAY IN QUESTION?

6 A NO, IT'S NOT POLICY, WE DO NOT

7 Q IT'S NOT A POLICY OF THE CITY POLICE DEPARTMENT  
8 OF ABBEVILLE WHEN I DOES THIS TO USE THE TAPE  
9 RECORDING DEVICE?

10 A NO, SIR, I DO NOT HAVE A POLICY TO THAT EFFECT

11 Q NO POLICY ONE WAY OR THE OTHER?

12 A NO POLICY ONE WAY OR THE OTHER

13 Q WE REQUESTED THE SOLICITOR TO PROVIDE US WITH A  
14 COPY OF YOUR METHODS OF INTERROGATION AND/OR ANY  
15 POLICIES OR PROCEDURES, ARE YOU TELLING US HERE  
16 TODAY THAT THERE ARE NO WRITTEN POLICY OR PROCEDURES  
17 OF THE CITY POLICE DEPARTMENT OF ABBEVILLE COUNTY IN  
18 THE METHODOLOGY OF INTERROGATION?

19 A I DO NOT RECALL ANY POLICY THAT SPECIFICALLY  
20 TELLS HOW TO INTERVIEW OR NOT INTERVIEW AN  
21 INDIVIDUAL

22 Q SO THERE IS NO SUCH POLICY IN YOUR DEPARTMENT?

23 A NOT THAT I'M AWARE OF

24 Q YOU ARE THE CHIEF OF POLICE?

25 A YES, SIR THERE MAY BE OTHER POLICIES, OLDER

1 POLICIES THAT I'M NOT AWARE OF I'VE ONLY BEEN  
2 THERE THREE YEARS

3 Q HAVE YOU ALL MADE A DILIGENT EFFORT TO SEARCH  
4 FOR ANY POLICIES OF INTERROGATION WHICH WE HAD  
5 REQUESTED FROM THE STATE

6 A I HAVE TAKEN THE POLICY MANUAL THAT WE USE AT  
7 THIS TIME AND I DO NOT SEE ANYTHING IN REFERENCE TO  
8 HOW YOU INTERVIEW SUBJECTS OR WHETHER YOU TAKE TAPE  
9 RECORDINGS OR THAT THING

10 Q AND WHAT ABOUT THESE OLDER POLICIES, WERE ARE  
11 THEY CONTAINED?

12 MR JONES AND WHAT DIFFERENCE DOES  
13 THE OLDER POLICIES MAKE, JUDGE? HE'S THE CHIEF NOW  
14 AND HE SAID HE'S GOT NO POLICY AS FAR AS THIS IS  
15 CONCERNED I OBJECT TO THIS BEING AN IRRELEVANT  
16 LINE OF QUESTIONING

17 THE COURT I THOUGHT YOU WERE ASKING  
18 ME A QUESTION YOU OBJECT TO IT? I SUSTAIN THE  
19 OBJECTION

20 MR GARRETT YOUR HONOR, FOR OUR  
21 RECORDS, WE HAVE NOT RECEIVED ANY OF THESE -- EITHER  
22 THEY DON'T HAVE ANY POLICIES OR THEY DO HAVE  
23 POLICIES OR WHETHER THEY'RE OLD OR NEW WE'VE MADE  
24 THAT REQUEST IN DISCOVERY, WE HAVEN'T RECEIVED THAT  
25 FROM THE STATE AND SO ALL I'M TRYING TO DO IS FIND

1 OUT IF THERE WAS ANY THEY COULD WRITE US A REAL  
2 QUICK LETTER AND SAY THERE WERE NO SUCH POLICIES AND  
3 THAT WOULD SETTLE IT

4 THE COURT ARE YOU AWARE OF ANY  
5 POLICIES WHATSOEVER, YOUNG OR OLD, NEW OR OLD, THAT  
6 RELATE TO HOW TO TAKE A STATEMENT FROM A PERSON  
7 SUSPECTED OF COMMISSION OF A CRIMINAL OFFENSE?

8 THE WITNESS NO, SIR

9 EXAMINATION CONTINUED BY MR GARRETT

10 Q NOW, AT THE TIME THAT YOU WERE CONDUCTING THIS  
11 INTERVIEW, WERE YOU AWARE OF WHAT TYPE OF MEDICATION  
12 HE WAS TAKEN?

13 A NO, SIR

14 Q AS CHIEF OF POLICE, ARE YOU NOT RESPONSIBLE TO  
15 -- HE WAS A CAPTIVE, WAS HE NOT, OF THE CITY POLICE  
16 DEPARTMENT?

17 A YES, SIR

18 Q AND AS A CAPTIVE OF THE CITY POLICE DEPARTMENT  
19 AND AS CHIEF, ARE YOU RESPONSIBLE TO KNOW THE  
20 CONDITIONS OF YOUR INMATES?

21 A THE ONLY THING I CAN TELL YOU IN REFERENCE TO  
22 THAT, HE WAS CLEAR BEFORE WE PICKED HIM UP IN  
23 GEORGIA AND BROUGHT HIM BACK

24 Q CLEARED BY WHOM?

25 A THEIR MEDICAL PERSONNEL



1 Q WAS HE ON SUICIDE WATCH?

2 A I DON'T RECALL

3 Q ARE YOU AWARE THAT HE ATTEMPTED SUICIDE JUST  
4 THE DAY BEFORE?

5 A YES, SIR

6 Q DID HE HAVE THIS LACERATION ON HIS HAND?

7 A I KNEW HE HAD A BANDAGE ON HIS HAND I DID NOT  
8 LOOK AT THE LACERATION

9 Q WAS HE TAKING MEDICATIONS FOR THAT?

10 A I DON'T RECALL

11 Q WERE YOU ALL GIVING HIM ANYTHING FOR PAIN?

12 A NO, SIR

13 Q YOU WERE NOT?

14 A WE WERE NO GIVEN HIM ANYTHING FOR PAIN

15 Q AND YOU DON'T KNOW WHETHER OR NOT HE RECEIVED  
16 ANYTHING FROM THE DOCTORS FOR PAIN?

17 A NO, SIR, WE WOULD HAVE TURNED ALL THAT OVER TO  
18 THE COUNTY JAIL

19 Q SO THE COUNTY JAIL WOULD HAVE BEEN  
20 ADMINISTERING IT, IF IT WAS THERE?

21 A YES, SIR

22 Q DID YOU ASCERTAIN BEFORE TAKING HIM OVER THERE  
23 TO DO THIS CUSTODIAL INTERROGATION AS TO WHAT HIS  
24 CONDITION WAS AS IT RELATED TO THIS LITIGATION?

25 A NO, SIR

1 Q WHEN YOU WERE IN THERE WITH HIM, CHIEF, DID YOU  
2 HAVE YOUR WEAPON ON?

3 A YES, SIR

4 Q DID AGENT CLARK AND AGENT SLOAN HAVE THEIR  
5 WEAPONS ON?

6 A I DON'T RECALL, SIR

7 Q DID THE OFFICER WHO BROUGHT HIM TO YOU HAVE A  
8 WEAPON ON?

9 A YES, SIR

10 Q DID ANYONE THERE IN GAINESVILLE WHEN YOU WENT  
11 TO PICK HIM UP INDICATE TO YOU TO BE OBSERVING A  
12 POTENTIAL SUICIDE CONSIDERATION?

13 A NO, SIR

14 Q THAT WAS NOT DISCUSSED WITH YOU WHEN YOU WERE  
15 THERE IN GAINESVILLE?

16 A NO, SIR

17 Q AND WHAT ABOUT HIS SPECIFIC MEDICAL SITUATION,  
18 WAS THAT DISCUSSED WITH YOU AT ALL?

19 A NO, SIR, THE ONLY I RECALL IS THAT THEY -- WHEN  
20 WE RELEASED HIM, IF THEY GAVE US ANYTHING, THEY GAVE  
21 IT TO US IN HIS PERSONAL BELONGINGS

22 Q YOU DO HAVE A TAPE RECORDING DEVICE IN YOUR  
23 OFFICE, DON'T YOU?

24 A NO, SIR

25 Q AND YOU'RE STANDING BY THIS STORY AS TO WHAT

1 YOU RECALL?

2 A YES, SIR

3 Q AND YOU SAY HE WAS ASKED IF HE WANTED TO TELL  
4 HIS SIDE OF THE STORY? DID YOU ASK HIM THAT OR DID  
5 SLOAN ASK HIM THAT OR DID CLARK ASK HIM THAT?

6 A IF I RECALL, I BELIEVE AFTER WE READ HIM HIS  
7 RIGHTS, HE STATED HE DID NOT WANT TO GIVE A WRITTEN  
8 STATEMENT BUT HE WANTED TO TELL HIS STORY AND THEN  
9 I MAY HAVE SAID, WELL, JOHN, YOU CAN TELL YOUR  
10 STORY

11 Q BUT THAT'S DIFFERENT FROM WHAT YOU'RE SAYING  
12 HERE

13 A AS I CAN REMEMBER IT IT MAY HAVE BEEN  
14 DIFFERENT BUT IN THE STATEMENT I WROTE, I'LL STAND  
15 BY THE STATEMENT, IT ASKS HIM TO TELL HIS SIDE OF  
16 THE STORY

17 Q BECAUSE YOU WROTE IT, YOU'LL STAND BY IT

18 A YES, SIR

19 Q AS TO THE REASON IT WAS NOT DATED, IS THERE ANY  
20 REASON WHY YOU HAD NOT HAD DATED THIS DOCUMENT?

21 A NO, SIR, JUST MAYBE OVERSIGHT

22 Q WELL, THE REASON I ASK THAT, OFFICER SLOAN'S  
23 WAS DATED IN '96 OFFICER CLARK'S WAS DATED IN '96  
24 DID THE SOLICITOR AT SOME POINT CALL YOU UP KNOWING  
25 THAT YOU DIDN'T HAVE A WRITTEN SYNOPSIS OF THE

1 EVENTS IN QUESTION AND ASK YOU TO, AS BEST AS YOU  
2 CAN, THEN SIT DOWN AND WRITE THOSE DOWN?

3 A I THINK WHAT HAPPENED, WE MET AND TALKED TO THE  
4 SOLICITOR, AS I CAN RECALL, AND THEN WAS ASKED TO  
5 PUT IT ON PAPER

6 Q WHO MET AND TALKED WITH THE SOLICITOR?

7 A I BELIEVE IT WAS MYSELF AND THE SOLICITOR,  
8 INITIALLY, AND MAYBE AGENT CLARK I KNOW WE HAD  
9 SEVERAL CONVERSATIONS

10 Q WHAT DID THE SOLICITOR TELL YOU ALL AT THAT  
11 MEETING?

12 A OTHER THAN THAT, WE NEEDED TO PROBABLY GO BACK  
13 AND ANYTHING WE CAN REMEMBER ABOUT THE CONVERSATION,  
14 TO WRITE IT DOWN

15 Q SO HE TOLD BOTH YOU AND CLARK THAT, WHAT ABOUT  
16 SLOAN?

17 A I DON'T RECALL

18 Q BUT HE TOLD YOU AND CLARK TO DO THAT?

19 A I BELIEVE SO, YES

20 Q AND THAT WAS CLEARLY AFTER THE DATE THAT YOU  
21 ALL ACTUALLY TALKED TO HIM?

22 A YES, SIR

23 MR GARRETT NO FURTHER QUESTIONS

24 RE-DIRECT EXAMINATION BY MR JONES

25 Q CHIEF, BASED ON THAT CONVERSATION YOU HAD WITH

1 ME OR MIKE COULTER OR BOTH US, DO YOU RECALL MY  
2 SAYING IF YOU HAVE ANY NOTES OF --

3 MR GARRETT OBJECTION, YOUR HONOR,  
4 HE'S LEADING

5 THE COURT OVERRULED

6 EXAMINATION CONTINUED BY MR JONES

7 Q IF YOU HAVE ANY NOTES OF THE INTERVIEW, FIND  
8 THEM AND GET THEM, DO YOU RECALL THAT?

9 A YES, SIR, I BELIEVE YOU ASKED ME IF WE HAD ANY  
10 NOTES, TAPES OR ANYTHING ELSE AND AT THAT TIME, I  
11 BELIEVE WE TURNED EVERYTHING WE HAD OVER TO FRANK  
12 ABBY WHO IS THE ASSISTANT SOLICITOR AT THAT TIME

13 Q SO I DIDN'T TELL YOU TO GO MAKE UP SOMETHING, I  
14 SAID, FIRST GET WHAT YOU GOT

15 A RIGHT

16 Q AND IF YOU DON'T HAVE ANYTHING -- IF YOU DON'T  
17 HAVE ANY NOTES OF YOUR CONVERSATION WITH THE  
18 DEFENDANT, WHAT NEXT DID WE TELL YOU THAT I HAD TO  
19 PROVIDE TO THE DEFENSE?

20 A ANYTHING THAT WE RECALL THAT WE TALKED TO HIM  
21 ABOUT

22 Q DID I TELL YOU I HAD TO PROVIDE THEM A  
23 SUBSTANCE OF THE ORAL CONVERSATION THAT YOU HAD WITH  
24 THE DEFENDANT?

25 A I BELIEVE THE EXACT WORDS WAS SYNOPSIS OR

1 SUMMARY

2 Q AND IN ORDER TO DO THAT, WE HAD TO HAVE WHAT  
3 YOUR POSITION WAS CONCERNI THE STATEMENT, WASN'T  
4 IT?

5 A THAT'S CORRECT

6 Q IN ORDER TO PREPARE A SYNOPSIS OR SUMMARY FOR  
7 THE DEFENSE, WE HAD TO KNOW WHAT YOUR STATEMENT FROM  
8 THE DEFENDANT WAS, WASN'T IT?

9 A YES, SIR

10 Q SO HE JUST WANTED YOU TO GO GET YOUR NOTES OR  
11 PREPARE A SUBSTANCE OF THE STATEMENT, IS THAT  
12 CORRECT?

13 A RIGHT

14 Q DID YOU HAVE ANY NOTES THAT YOU TOOK AT THE  
15 TIME OF THE ARREST?

16 A NO

17 Q SO YOU WOULDN'T HAVE PREPARED THE STATEMENTS?

18 A NO

19 MR GARRETT AND, OF COURSE, MR  
20 CLARK DID THE SAME THING HE DIDN'T HAVE ANY THERE,  
21 SO HE WENT AND GOT SOME MORE, TOO

22 MR JONES HE DOESN'T KNOW WHETHER  
23 MR CLARK HAD ANY OR NOT --

24 MR GARRETT WELL, HE'S SITTING IN ON  
25 THE CONVERSATION

1 THE COURT YOU ALL KEEP YOUR MIND  
2 OUT THIS IS THE HEARING OF THE VOLUNTARINESS OF  
3 THE STATEMENT BY THE DEFENDANT NOT ON WHEN A  
4 SYNOPSIS WAS PREPARED OR WHO GAVE WHO NOTES OR WHO  
5 DIDN'T GET ANY NOTES OR WHAT ACTIVITY YOU ALL TOOK  
6 TO GET THE INFORMATION THIS IS A HEARING ON  
7 VOLUNTARINESS, THAT IS ALL

8 MR JONES NOTHING FURTHER, YOUR  
9 HONOR

10 THE COURT. THANK YOU ANYTHING  
11 FURTHER FOR THE STATE ON THIS POINT?

12 MR JONES NO, SIR

13 THE COURT ANYTHING FROM THE DEFENSE?

14 MR GARRETT BEG THE COURT'S  
15 INDULGENCE, YOUR HONOR YOUR HONOR, THE DEFENSE HAS  
16 NO WITNESSES, YOUR HONOR WE WOULD JUST LIKE TO  
17 HAVE ORAL ARGUMENT

18 (WITNESS IS DISMISSED AT 11 55 O'CLOCK A M )

19 ADDRESS BY THE COURT

20 Q MR HUGHEY, I'M GOING TO ASK YOU SOME  
21 QUESTIONS YOUR LAWYER'S INDICATED THAT HE DOES NOT  
22 INTEND TO CALL ANY EVIDENCE IN THE HEARING ON THIS  
23 PARTICULAR MATTER WHICH IS TO DETERMINE THE  
24 VOLUNTARINESS OF ANY STATEMENT THAT THE STATE  
25 ALLEGES THAT YOU MADE SHORTLY AFTER YOUR HAVING BEEN

1 ARRESTED ON THESE CHARGES

2 I KNOW THAT YOU HAVE WATCHED AND YOU AND YOUR  
3 LAWYERS HAVE BEEN HAVING SOME DISCUSSIONS I CAN  
4 ONLY ASSUME THAT THOSE DISCUSSIONS INCLUDED A  
5 DISCUSSION AS TO WHETHER OR NOT YOU WILL TESTIFY  
6 DURING THIS PARTICULAR HEARING, IS THAT CORRECT?

7 A YES

8 Q DO YOU UNDERSTAND THAT THE PURPOSE OF THIS  
9 HEARING IS FOR ME TO DETERMINE WHETHER OR NOT ANY  
10 STATEMENT THE STATE CLAIMS THAT YOU MADE WAS GIVEN  
11 FREELY AND VOLUNTARILY, DO YOU UNDERSTAND THAT?

12 A YES, SIR

13 Q IN ORDER FOR ME TO MAKE THAT DETERMINATION, I'M  
14 GOING TO CONSIDER WHATEVER EVIDENCE AND TESTIMONY  
15 MIGHT BE OFFERED DURING THIS PARTICULAR HEARING, DO  
16 YOU UNDERSTAND THAT?

17 A YES

18 Q IF YOU WISH TO OFFER ANY EVIDENCE OR ANY  
19 TESTIMONY ON THAT ISSUE, THAT IS WHETHER OR NOT ANY  
20 STATEMENT YOU MADE WAS VOLUNTARY, NOW IS THE TIME  
21 FOR THAT TESTIMONY OR OTHER EVIDENCE TO BE OFFERED,  
22 DO YOU UNDERSTAND THAT?

23 A YES

24 Q IF YOU DO NOT TESTIFY OR EVIDENCE IS NOT  
25 PRESENTED, YOU UNDERSTAND I WILL BASE MY DECISION



1 UPON THE EVIDENCE THAT HAS ACTUALLY BEEN RECEIVED SO  
2 FAR, DO YOU UNDERSTAND THAT?

3 A YES

4 Q HAVE YOU LAWYERS EXPLAINED TO YOU THAT YOU DO  
5 HAVE A RIGHT TO TESTIFY IF YOU WISH TO, DO YOU  
6 UNDERSTAND THAT RIGHT?

7 A YES

8 Q DO YOU WISH TO TESTIFY IN THIS HEARING?

9 MR GARRETT MR HUGHEY HAS DECIDED  
10 HE DOES WANT TO TAKE THE STAND ON THIS ISSUE

11 THE COURT ALL RIGHT, COME AROUND,  
12 PLEASE

13 THE CLERK THE EVIDENCE YOU SHOULD  
14 GIVE THE COURT IN THE TRIAL OF THIS CASE SHOULD BE  
15 THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE  
16 TRUTH, SO HELP YOU, GOD

17 WITNESS I DO

18 THE CLERK HAVE A SEAT, MR HUGHEY  
19 (WITNESS PRESENTED AT 12 00 O'CLOCK NOON)

20 MR JONES YOUR HONOR, WOULD YOU  
21 CONSIDER ALLOWING AGENT CLARK AND AGENT SLOAN TO BE  
22 IN THE COURT ROOM DURING THE COURSE OF THIS  
23 TESTIMONY FOR THE PURPOSES OF THIS HEARING?

24 THE COURT. NO, SIR MR HUGHEY, YOU  
25 UNDERSTAND THAT YOU DO NOT HAVE TO TESTIFY AT THIS

1 HEARING, DO YOU UNDERSTAND THAT?

2 THE WITNESS UM-HMM

3 THE COURT YOU UNDERSTAND YOU HAVE A  
4 RIGHT TO IF YOU WISH TO?

5 THE WITNESS YES

6 THE COURT YOU'VE INDICATED THAT YOU  
7 WISH TO

8 THE WITNESS YES

9 THE COURT HAVE YOU HAD PLENTY OF  
10 TIME TO TALK WITH YOUR LAWYERS ABOUT THAT DECISION?

11 THE WITNESS YES

12 THE COURT DO YOU NEED TO TALK WITH  
13 THEM ANYMORE ABOUT IT?

14 THE WITNESS NO, SIR

15 THE COURT YOU DO WISH TO TESTIFY?

16 THE WITNESS UM-HMM

17 DIRECT EXAMINATION

18 BY MR GARRETT

19 Q MR HUGHEY, STATE YOUR NAME, PLEASE

20 A JOHN KENNEDY HUGHEY

21 Q MR HUGHEY, DO YOU RECALL THE DAY OF DECEMBER  
22 5, 1995?

23 A YES

24 Q AND DO YOU RECALL BEING IN THE COMPANY OF CHIEF  
25 ROBIN RUCKER AND SOME OTHER POLICE OFFICERS?

1 A YES

2 Q AND DID THEY PICK YOU UP IN GAINESVILLE,  
3 GEORGIA?

4 A YES, SIR

5 Q AND WERE YOU UNDER MEDICAL CARE AT THAT TIME?

6 A YES, SIR

7 Q WERE YOU TAKING SOME MEDICINE?

8 A YES, SIR

9 Q WHAT WERE YOU TAKING, DO YOU KNOW?

10 A SOME PAIN PILL AND SOME BIOTICS

11 Q AND THEY PROCEEDED TO BRING YOU BACK TO  
12 ABBEVILLE, CORRECT?

13 A YES, SIR

14 Q AND NOW WE GET TO THE FOCUS ON THIS ISSUE YOU  
15 WERE INTERVIEWED IN THE ABBEVILLE POLICE DEPARTMENT,  
16 IS THAT CORRECT?

17 A YES, SIR

18 Q HAD YOU HAD ANY REST BETWEEN THE TIME YOU WERE  
19 IN GAINESVILLE TO THE TIME YOU GOT BACK TO  
20 ABBEVILLE?

21 A NO, SIR

22 Q AND WHEN YOU GOT TO ABBEVILLE, WERE YOU TAKEN  
23 TO THE ABBEVILLE CITY POLICE DEPARTMENT?

24 A YES, SIR

25 Q AND IN THE ABBEVILLE CITY POLICE DEPARTMENT

1 WERE YOU QUESTIONED BY SOME OFFICERS?

2 A YES, SIR

3 Q AND DO YOU RECALL WHO THEY WERE?

4 A THE CHIEF AND TWO OTHER S L E D GUYS

5 Q DO THEY APPEAR TO BE THE ONES WHO JUST  
6 TESTIFIED?

7 A YES, SIR

8 Q AND DID THEY ASK YOU A SERIES OF QUESTIONS?

9 A A GREAT NUMBER

10 Q AND AT WHAT POINT DID THEY, IF THEY DID, WARN  
11 YOU OF YOUR CONSTITUTIONAL RIGHTS?

12 A AFTER THEY HAD ASKED ME QUESTIONS

13 Q AND IS IT YOUR TESTIMONY THAT THE SUBSTANCE OF  
14 THIS ORAL STATEMENT THAT THESE VARIOUS ONES HAVE  
15 COME UP WITH WAS ASKED YOU AFTER YOU, ONE, YOU WERE  
16 ARRESTED --

17 A YES, SIR

18 Q -- TWO, BEFORE YOU WERE WARNED OF YOUR RIGHTS?

19 A YES, SIR

20 Q AND AT WHAT POINT WERE YOU WARNED OF YOUR  
21 RIGHTS?

22 A IT WAS AFTER THEY HAD ASKED ME THE QUESTIONS

23 Q AND WHEN THEY WARNED YOU OF YOUR RIGHTS, WHAT  
24 DID YOU SAY?

25 A I TOLD THEM I DIDN'T WANT TO GIVE NO STATEMENT

1 Q SO UPON BEING GIVEN YOUR MIRANDA WARNINGS YOU  
2 EXERCISED YOUR RIGHT TO REMAIN SILENT

3 A YES, SIR

4 Q IS THAT CORRECT?

5 A YES, SIR

6 Q AND THE STATEMENT THAT YOU GAVE WAS IN RESPONSE  
7 TO THEIR INTERROGATIONS, IS THAT CORRECT?

8 A YES, SIR

9 Q WERE YOU A HUNDRED PERCENT CLEAR HEADED AT THAT  
10 TIME?

11 A NO, SIR

12 Q AND YOU'VE SUFFERED FROM A NUMBER OF HEAD  
13 INJURIES, HAVE YOU NOT?

14 A YES, SIR

15 Q AND WAS YOUR HAIR LONG AT THAT TIME OR SHORT?

16 A LONG

17 Q IT WAS LONG

18 A YES

19 Q AT THAT TIME SO THE SCARS WEREN'T AS READILY  
20 VISIBLE AT THAT TIME?

21 A NO, SIR

22 Q AND IS IT YOUR TESTIMONY TODAY THAT BEING  
23 INFORMED OF YOUR RIGHTS YOU EXERCISED THEM AND  
24 REMAINED SILENT?

25 A YES, SIR

1 Q AND THAT THE RESULTS THAT THEY'RE ALLEGING IN  
2 THESE STATEMENTS WERE GATHERED FROM INTERROGATION

3 A YES, SIR

4 Q BEFORE YOU WERE GIVEN YOUR MIRANDA WARNING

5 A YES, SIR

6 MR GARRETT THAT'S ALL ANSWER ANY THE  
7 QUESTIONS SOLICITOR MIGHT HAVE AS LIMITED TO THAT  
8 STATEMENT

9 CROSS EXAMINATION

10 BY MR JONES

11 Q I BEG THE COURT MR HUGHEY, HOW ARE YOU  
12 FEELING TODAY?

13 A I'VE GOT A HEADACHE

14 Q HEADACHE?

15 A YES, SIR

16 Q BUT DO YOU FEEL ALL RIGHT OTHER THAN YOUR  
17 HEADACHE?

18 A SOMEWHAT

19 Q HUH?

20 A I SUPPOSE SO

21 Q YOU DO?

22 A YES

23 Q YOU FEEL FINE, DO YOU? ALL RIGHT, I WANT TO  
24 ASK YOU THIS QUESTION YOU REMEMBER BEING IN THE  
25 HOSPITAL OVER IN GEORGIA, DON'T YOU?

1 A YES, SIR

2 Q THAT'S WHEN YOU CUT YOUR WRISTS, RIGHTS?

3 A YES, SIR

4 Q WHAT DID YOU CUT YOUR WRIST WITH?

5 A WHAT DID I CUT THEM WITH? A RAZOR

6 MR GARRETT OBJECTION, YOUR HONOR

7 THE COURT SUSTAINED

8 EXAMINATION CONTINUED

9 BY MR JONES

10 Q AND THEN YOU WENT TO THE HOSPITAL AND THEY  
11 CHECK YOU OUT, RIGHT?

12 A YES, SIR

13 Q AND YOU WERE TELLING THEM THAT YOU HAD  
14 SWALLOWED SOME POISON, RIGHT?

15 A NO, SIR

16 Q YOU DIDN'T TELL THEM THAT?

17 A NO, SIR

18 Q DID THEY WANT TO PUMP YOUR STOMACH?

19 A NO

20 Q THEY DIDN'T WANT TO PUMP YOUR STOMACH?

21 A NO

22 Q HOW LONG DID THEY KEEP YOU IN THE HOSPITAL?

23 A I DON'T KNOW

24 Q HUH?

25 A I DON'T KNOW

1 Q YOU DON'T KNOW HOW LONG?

2 A NO

3 Q OVER NIGHT, DID YOU SPEND THE NIGHT IN THE  
4 HOSPITAL?

5 A I DON'T KNOW

6 Q YOU DON'T KNOW?

7 A NO

8 Q YOU DON'T REMEMBER WHETHER YOU SPENT THE NIGHT  
9 IN THE HOSPITAL?

10 A NO, SIR, TOO MUCH ON MY MIND

11 Q TOO MUCH ON YOUR MIND

12 A YEAH

13 Q DO YOU REMEMBER WHEN THEY SAID, "BYE-BYE, YOU  
14 CAN LEAVE THE HOSPITAL NOW", DO YOU REMEMBER THAT?

15 A THEY JUST TOLD ME, "COME ON, LET'S GO "

16 Q COME ON LET'S GO

17 A YES

18 Q WHO TOLD YOU COME ON LET'S GO?

19 A OFFICERS

20 Q OFFICERS? GEORGIA OFFICERS?

21 A I SUPPOSE THEY ARE

22 Q WHERE'D THEY TAKE YOU?

23 A TO THE SUICIDAL TANK

24 Q AT THE POLICE STATION?

25 A I GUESS IT WAS THE POLICE STATION



1 Q OVER IN GEORGIA?

2 A YEAH

3 Q YOU SPENT THE NIGHT OVER THERE, DIDN'T YOU?

4 A NO

5 Q YOU DIDN'T, HOW LONG DID YOU STAY THERE?

6 A I DON'T KNOW

7 Q YOU DON'T KNOW HOW LONG DID YOU HAVE ANYTHING  
8 TO EAT OVER THERE?

9 A NO

10 Q YOU DIDN'T HAVE ANYTHING TO EAT OVER THERE

11 A NO

12 Q AND THEY CAME OVER FROM SOUTH CAROLINA AND  
13 BROUGHT YOU BACK OVER HERE THE NEXT DAY SO YOU  
14 DON'T KNOW WHERE YOU SPENT THE NIGHT

15 MR GARRETT OBJECTION, YOUR HONOR  
16 COMPOUND QUESTIONS ONE AT A TIME

17 THE COURT I THINK WE'VE COVERED THAT  
18 LET'S MOVE ON

19 EXAMINATION CONTINUED

20 BY MR JONES

21 Q DO YOU KNOW WHERE YOU SPENT THE NIGHT? NO?

22 A NO, THEY CAME AND PICKED ME UP

23 Q NOW, YOU CAME BACK TO ABBEVILLE AND YOU WERE  
24 SITTING IN CHIEF RUCKER'S OFFICE, RIGHT?

25 A WELL, THEY PUT ME IN A HOLDING CELL

1 Q AND THEN THEY BROUGHT YOU TO CHIEF RUCKER'S  
2 OFFICE, RIGHT?

3 A YEAH

4 Q DO YOU REMEMBER THAT?

5 A YEAH

6 Q DID THEY TELL YOU THEY WANTED TO INTERVIEW YOU  
7 ABOUT THE DEATHS OF TESHEKA AND --

8 A NO, THEY JUST PUT ME IN THE HOLDING CELL AT THE  
9 ABBEVILLE POLICE STATION

10 Q WHAT WAS THE FIRST QUESTION THEY ASKED YOU?

11 A I DON'T KNOW

12 Q WELL, WHAT WAS THE SECOND QUESTION THEY ASKED  
13 YOU?

14 A THEY JUST ASKED ME QUESTIONS ABOUT ---

15 Q WELL, YOU REMEMBER GOING IN THE OFFICE, DON'T  
16 YOU?

17 MR. GARRETT YOUR HONOR, I WOULD ASK THE  
18 WITNESS BE ALLOWED TO ANSWER THE QUESTION

19 THE COURT HE'S ALREADY DID HE SAID, "I  
20 DON'T KNOW "

21 EXAMINATION CONTINUED

22 BY MR JONES

23 Q YOU REMEMBER GOING IN THE OFFICE, DON'T YOU?

24 A SOMEWHAT, YES

25 Q WERE YOU HANDCUFFED?

1 A YEAH

2 Q FEET CUFFED?

3 A YEAH

4 Q AND YOU SAT DOWN IN THE CHAIR?

5 A YEAH

6 Q AND WAS MR CLARK SITTING DOWN IN A CHAIR?

7 A ALL OF THEM WAS SITTING DOWN

8 Q ALL OF THEM WERE SITTING DOWN, OKAY WHO ASKED  
9 YOU THE FIRST QUESTION?

10 A JUST ABOUT ALL THREE OF THEM HAD STARTED  
11 TALKING AT THE SAME TIME

12 Q ALL THREE OF THEM AT THE SAME TIME

13 A JUST ABOUT

14 Q SO YOU KNEW THAT YOU WERE CHARGED WITH THE  
15 MURDER OF TESKEHA JACKSON AND LUEVINIA HARRIS,  
16 DIDN'T YOU?

17 A NO, SIR

18 Q YOU DIDN'T KNOW THAT?

19 A NO

20 Q DID YOU KNOW YOU'D BEEN ARRESTED FOR THE MURDER  
21 OF TESHEKA HARRIS - - LUEVINIA HARRIS AND TESHEKA  
22 JACKSON?

23 A AT THE TIME, NO

24 Q YOU DIDN'T KNOW THAT? DID YOU KNOW THEY WERE  
25 DEAD?

1 A NO, SIR

2 Q AND YOU DIDN'T KNOW THAT YOU WERE IN JAIL FOR  
3 THEIR MURDER, YOU DIDN'T KNOW THAT?

4 A NO, SIR

5 Q WHAT DID YOU THINK THEY WERE DOING OR WHY DID  
6 YOU THINK YOU WERE OVER HERE IN CHIEF RUCKER'S  
7 OFFICE?

8 A I DON'T KNOW

9 Q YOU DIDN'T KNOW WHAT YOU WERE DOING OVER THERE?

10 A NO

11 Q WHAT WERE THEY ASKING ME ABOUT?

12 A THEY WAS JUST ASKING ME WHERE I SPENT THE NIGHT  
13 AND STUFF LIKE THAT

14 Q THEY ASKED YOU WHERE YOU SPENT THE NIGHT?

15 A YEAH

16 Q WHO ASKED YOU WERE YOU SPENT THE NIGHT?

17 A THE OFFICERS

18 Q WHEN DID THEY ASK YOU HOW TESHEKA GOT KILLED?

19 A I DON'T KNOW

20 Q DID THEY ASK YOU THAT?

21 A THEY ASKED ME -- LIKE I SAID, THEY ASKED ME SO  
22 MUCH

23 Q DID THEY ASK YOU THAT?

24 A LIKE I SAY, THEY ASKED ME SO MUCH

25 Q UH-HUH, SO YOU DON'T REMEMBER WHETHER THEY

1 ASKED YOU THAT OR NOT?

2 A THEY WERE ASKING ME ALL KINDS OF QUESTIONS

3 Q WHY DID YOU TELL THEM ABOUT WHAT HAPPENED IN  
4 THAT TRAILER THAT MORNING WHEN TESHEKA HAD HER HEAD  
5 BLOWN OFF? WHY DID YOU TELL THEM THAT?

6 A I DIDN'T TELL THEM NOTHING, THAT'S WHAT THEY  
7 ASSUMED HAPPENED

8 Q YOU DIDN'T TELL THEM THAT? YOU DIDN'T TELL THEM  
9 NOTHING?

10 A NO, THAT'S WHAT THEY ASSUMED

11 Q SO YOU DIDN'T TELL THEN WHAT HAPPENED IN THAT  
12 TRAILER, DID YOU?

13 A I DON'T KNOW

14 Q HUH?

15 A I DON'T KNOW

16 Q DID YOU OR DIDN'T YOU?

17 A LIKE I SAY, THAT'S WHAT THEY ASSUMED

18 Q THEY ASSUMED YOU DIDN'T TELL THEM THAT, DID  
19 YOU?

20 A NO, THEY TRIED TO GET ME TO SAY THIS AND SAY  
21 THIS BUT LIKE I SAY, THAT'S WHAT THEY ASSUMED

22 Q YOU WOULDN'T TELL ANYTHING, RIGHT?

23 A LIKE I SAY, THAT'S WHAT THEY ASSUMED

24 Q AND YOU DIDN'T TELL THEM YOU SHOT THAT GUN IN  
25 THE BATHROOM AND THEY COULD FIND A HOLE IN THE WALL

1 BACK THERE IF THEY WENT THERE AND LOOKED

2 A LIKE I SAY, THAT'S WHAT THEY ASSUMED

3 MR JONES RIGHT, OKAY NO FURTHER  
4 QUESTIONS

5 MR TINSLEY COME ON DOWN, MR HUGHEY  
6 THE COURT STEP DOWN ANY OTHER  
7 WITNESSES BY THE DEFENSE?

8 MR TINSLEY NO, YOUR HONOR

9 MR GARRETT YOUR HONOR, WE'D ASK THE  
10 COURT TO TAKE CONSIDERATION OF THE ENTIRE RECORD OF  
11 THE COURT PROCEEDINGS TODAY, INCLUDING TESTIMONY OF  
12 PSYCHIATRIC DOCTORS, FORENSIC PSYCHOLOGISTS, THE TWO  
13 PSYCHOLOGISTS AND THE PSYCHIATRIC DOCTOR

14 THE COURT AND DR LEWIS, AND DR  
15 KATHERINE LEWIS AND HER REPORT?

16 MR GARRETT ALL RECORDS

17 THE COURT OKAY ANYTHING FURTHER?

18 MR GARRETT YES, SIR, YOUR HONOR  
19 WE HAVE A BRIEF ARGUMENT

20 THE COURT YOU HAVE A BRIEF ARGUMENT,  
21 OKAY

22 MR GARRETT YOUR HONOR, IF IT'LL  
23 PLEASE THE COURT, IT APPEARS -- CAN WE MAKE AN  
24 ARGUMENT AT THIS TIME?

25 THE COURT PLEASE DO

1 MR GARRETT YOUR HONOR, IT IT'LL  
2 PLEASE THE COURT, THE DEFENDANT ALLEGED, YOUR HONOR,  
3 THAT CLEARLY BY THE STATE'S OWN EVIDENCE, HE WAS NOT  
4 GIVEN THE RIGHT AT THE POINT IN TIME THAT HE SIGNED  
5 HIS STATEMENT SAYING THAT HE UNDERSTOOD HIS RIGHTS  
6 HE CLEARLY NEVER AGREED TO GIVE THEM ANY TYPE OF  
7 STATEMENT EVEN THEIR OWN DOCUMENTS INDICATE -- MR  
8 RUCKER'S OWN STATEMENT SAYS THAT HE WAS ASKED TO  
9 TELL HIS SIDE OF THE STORY AND ONCE HE'S INITIATED  
10 HIS RIGHTS TO SAY I'M NOT GOING TO DISCUSS IT,  
11 WHETHER IT WAS WRITTEN, WHETHER IT WAS ORAL, MAKES  
12 NO DIFFERENCE

13 WHEN HE SAID I WANT TO GIVE A  
14 STATEMENT, IT DIVIDES, YOUR HONOR, IN THE LAW,  
15 BASICALLY, ONCE A VALID WAIVER IS EFFECTIVE, THE  
16 WAIVER CONTINUES UNTIL SUCH TIME THE DEFENDANT  
17 INDICATES HE WISHES TO REVOKE THE WAIVER OR IT  
18 APPEARS THAT HE WILL, HIS WILL HAS BEEN OVERBORNE  
19 AND HIS CAPACITY FOR SELF-DETERMINATION IS  
20 CRITICALLY IMPAIRED

21 THE COURT WELL, KEEP IN MY MIND YOU  
22 SAY THE STATE'S EVIDENCE PROVES THAT THAT WAS NOT  
23 THE STATE'S EVIDENCE THE STATE'S EVIDENCE WAS NOT  
24 THAT HE REFUSED TO MAKE A STATEMENT THE STATE'S  
25 EVIDENCE WAS HE REFUSED TO GIVE A WRITTEN STATEMENT

1                   MR GARRETT    YOU'VE GOT TWO OFFICERS  
2   ONE SAID WE ASKED HIM TO GIVE A STATEMENT, HE SAID  
3   HE DIDN'T WANT TO GIVE A WRITTEN, HE WANTED TO GIVE  
4   AN ORAL, BUT NOT AT OUR SUGGESTION    YOU'VE GOT  
5   ANOTHER OFFICER WHO SAYS, "WE ASKED HIM TO GIVE AN  
6   ORAL STATEMENT "

7                   THE COURT    OKAY

8                   MR GARRETT SO THOSE TWO ARE  
9   INCONSISTENT WITH EACH OTHER AND BOTH OF THEM HAVE  
10  AGREED THAT HE SAID BEFORE THAT, "I WANT TO GIVE A  
11  STATEMENT "   SO WE THINK THE EVIDENCE IS CLEAR THAT  
12  THAT'S THE CASE

13                   NOW, YOUR HONOR, UNDER THE TOTALITY OF  
14  THE CIRCUMSTANCES, KNOWING HIS MENTAL CONDITION AT  
15  THE TIME, HIS PHYSICAL CONDITION AT THE TIME AND ALL  
16  THE SURROUNDING TOTALITY OF THE CIRCUMSTANCES, YOUR  
17  HONOR, IT'S VERY CLEAR THAT THIS MAN, ESPECIALLY  
18  WITH HIS LOW I Q , WAS NOT IN A POSITION TO  
19  UNDERSTAND HIS RIGHTS AND CLEARLY, IF HE UNDERSTOOD  
20  HIS RIGHTS AND TOLD HIM THAT HE DIDN'T, THEY CLEARLY  
21  COULDN'T HAVE BEEN ENTERED INTO SOME TYPE OF  
22  STATEMENT AS TO WHETHER OR NOT HE SHOULD GIVE AN  
23  ORAL STATEMENT VERSUS WHETHER HE SHOULD GIVE A  
24  WRITTEN STATEMENT, AND CLEARLY THAT HIM SAYING HERE  
25  HE SAID HE DIDN'T WANT TO GIVE A STATEMENT AND THE



1 OFFICER SAYS WE ASKED HIM TO TELL US IT ORAL  
2 SUGGESTING HE DIDN'T REALLY UNDERSTAND THE  
3 DIFFERENCE BETWEEN ORAL AND WRITTEN STATEMENT  
4 YOUR HONOR, WE WOULD CITE TO THE  
5 COURT, WE'VE GOT THE UNSIGNED WAIVER WHERE IT  
6 CLEARLY INDICATES THAT HE NEVER AGREED TO GIVE THEM  
7 A WRITTEN STATEMENT OR AN ORAL STATEMENT HE WAS IN  
8 CUSTODY HE WAS UNDER PERSONAL DURESS IT'S  
9 INTERESTING THAT THESE NOTES THAT THEY'RE TRYING TO  
10 USE NOW WERE NOT SHARED WITH THE DEFENSE, YOUR  
11 HONOR AND UNDER RULE FIVE, IT SEEMS LIKE WE'D BE  
12 ENTITLED TO THOSE

13 THE COURT WELL, THEY'RE NOT OFFERING  
14 THOSE NOTES INTO EVIDENCE, YOU UNDERSTAND THEY  
15 WOULD NOT BE ADMITTED FOR SEVERAL REASONS AND THAT  
16 WOULD BE INCLUDED IN ONE, BUT THE SUBSTANCE OF THE  
17 ORAL STATEMENT, AS I UNDERSTAND IT, THAT'S GLEANED  
18 FROM THOSE NOTES HAS BEEN PROVIDED TO THE DEFENSE

19 MR GARRETT YOUR HONOR, THE PROBLEM  
20 WITH THE SUBSTANCE OF THAT ORAL STATEMENT IS IT'S  
21 INCONSISTENT WITH THOSE STATEMENTS THOSE NOTES,  
22 IT'S INCONSISTENT WITH IT WE HAVE US A REAL  
23 PROBLEM HERE THOSE NOTES, THE SYNOPSIS THAT WE'VE  
24 BEEN PROVIDED NOW IS INCONSISTENT BETWEEN THE TWO  
25 NOTES

1 THE COURT THE SYNOPSIS DOES NOT --  
2 MR GARRETT ACCURATELY REFLECT THOSE  
3 NOTES, NO, THEY DON'T I CAN SHOW WHICH ONES, MAYBE  
4 MORE, IF I CAN SIT DOWN AND STUDY THEM A MINUTE  
5 THE COURT WELL, WE MIGHT HAVE TO  
6 ADDRESS THAT, BUT YOU'RE SAYING THAT YOU WEREN'T  
7 AWARE THAT THE STATE DID NOT PROVIDE YOU WITH WHAT  
8 THEY INTENDED TO OFFER BY WAY OF EVIDENCE OF THE  
9 STATEMENT MADE BY THE DEFENDANT IF YOU WEREN'T  
10 PROVIDED WITH THAT INFORMATION, THEN THEY'RE NOT  
11 GOING TO BE ABLE TO OFFER IT IT'S AS SIMPLE AS  
12 THAT

13 MR GARRETT YOUR HONOR, WE CITE THE  
14 FIFTH AND THE FOURTEENTH AMENDMENT THE ONLY THING  
15 THEY GAVE US, YOUR HONOR, IN OUR DISCOVERY WAS THE  
16 SYNOPSIS OF THE ORAL STATEMENT OF JOHN KENNEDY  
17 HUGHEY AND THIS SYNOPSIS IS DIFFERENT IN TERMS  
18 FROM THESE TWO STATEMENTS

19 MR JONES WE'LL, HAVE TO LOOK AT IT,  
20 JUDGE

21 THE COURT YOU UNDERSTAND, THE  
22 SYNOPSIS IS WHAT THEY WERE PREPARED TO OFFER IF  
23 THERE'S SOME ISSUE OF CREDIBILITY AS TO THAT  
24 INFORMATION, YOU CAN EXAMINE THE WITNESSES ABOUT  
25 THAT WHAT I'M SAYING IS IF THEY HAVE PROVIDED YOU

1 WITH INFORMATION THAT THEY WOULD INTEND TO OFFER AT  
2 THE TRIAL OF THIS CASE, STATEMENTS MADE BY OR  
3 PURPORTEDLY MADE BY THE DEFENDANT, IF THEY INTEND TO  
4 OFFER STATEMENTS PURPORTEDLY MADE BY THE DEFENDANT  
5 THAT WERE NOT PROVIDED YOU, THEN THEY'RE NOT GOING  
6 TO BE ABLE TO OFFER IT

7 MR GARRETT WHAT ABOUT IF THEY'RE  
8 INCONSISTENT WITH WHAT ---

9 THE COURT WELL, THEN YOU'LL HAVE THE  
10 RIGHT TO EXAMINE THE WITNESSES ON ANY  
11 INCONSISTENCIES AS TO ANY STATEMENTS WHAT I'M  
12 SAYING ---

13 MR GARRETT IN FRONT OF THE JURY OR  
14 IN HERE?

15 THE COURT: WELL, I THOUGHT WE WERE  
16 DOING BOTH, BUT EITHER WAY, OR BOTH

17 MR GARRETT YOUR HONOR, I'LL CITE  
18 THE AUTHORITIES FOR OUR PROPOSITIONS, YOUR HONOR  
19 *STATE VS KENNEDY* AND THE TOTALITY OF THE  
20 CIRCUMSTANCES ESPECIALLY IN THE VIEW OF THE FACT  
21 THAT OUR CLIENT NEVER SIGNED THAT HE INTENDED TO  
22 GIVE ANY STATEMENT WHETHER IT BE ORAL OR WRITTEN  
23 IF YOU'LL LOOK AT THE FORM, THAT FORM DOESN'T  
24 NECESSARILY INDICATE WRITTEN OR ORAL IT SAYS THAT  
25 THEY WOULD HAVE HIM SIGN, I'M WILLING TO MAKE A

1 STATEMENT AND ANSWER QUESTIONS AND HE REFUSED TO  
2 SIGN THAT

3 THE COURT OF COURSE, THAT'S WHY THE  
4 EVIDENCE IS OFFERED AS TO WHAT WAS DISCUSSED BUT I  
5 UNDERSTAND YOUR ARGUMENT

6 MR GARRETT YOUR HONOR, I WOULD ALSO  
7 INDICATE TO THE COURT THAT IN THE ORIGINAL MIRANDA  
8 WARNINGS THESE SEEM TO BE SOMEWHAT DIFFERENT FROM  
9 THE SPECIFIC MIRANDA WARNINGS, BUT CLEARLY, IF THE  
10 DEFENDANT INDICATES IN ANY WAY HE WISHES TO REMAIN  
11 SILENT, IN ANY WAY, WHETHER IT BE IN WRITING OR  
12 ORAL, ANY WAY IF HE SAYS THAT, AN INTERROGATION MUST  
13 CEASE AT THAT TIME AND HE INDICATED CLEARLY BY  
14 THEIR OWN ADMISSION HE INDICATED BY SAYING I DON'T  
15 WANT TO GIVE A STATEMENT

16 THE COURT LET ME ASK YOU THIS  
17 LET'S ASSUME, JUST FOR THE PURPOSE OF THE MOMENT,  
18 THAT A PERSON IS BEING INTERVIEWED BY A LAW  
19 ENFORCEMENT OFFICER AND THE OFFICER ADVISES THEM OF  
20 THEIR RIGHTS AND SAYS, WILL YOU GIVE US A STATEMENT  
21 AND THE DEFENDANT SAYS, I'LL TELL YOU ORALLY BUT I'M  
22 NOT GOING TO WRITE ONE DOWN OR SAY ANYTHING, DO YOU  
23 TAKE THE POSITION THAT HE HAS INVOKED HIS FIFTH  
24 AMENDMENT RIGHT THERE?

25 MR GARRETT I'LL SAY THIS, YOUR

1 HONOR I UNDERSTAND YOUR ANALYSIS BUT CLEARLY THE  
2 EVIDENCE SHOWS HERE THAT HE WAS ASKED BY OFFICER  
3 RUCKER AFTER HE SAID HE WOULDN'T GIVE A WRITTEN  
4 STATEMENT, WILL YOU GIVE AN ORAL STATEMENT AND  
5 IT'S OUR POSITION -- I UNDERSTAND WHAT YOU'RE  
6 SAYING, YES, IN YOUR ANALYSIS, THAT'S CORRECT BUT  
7 THAT'S NOT FACTUAL IN THIS CASE RUCKER SAID HE  
8 WOULD STAND BY WHAT HE SAID HE SAID AFTER HE SAID  
9 HE DIDN'T GIVE A WRITTEN STATEMENT, HE ASKED HIM TO  
10 GIVE AN ORAL STATEMENT

11 THE COURT I UNDERSTAND THAT THAT  
12 PERHAPS WAS OFFICER RUCKER'S TESTIMONY BUT THERE'S  
13 OTHER TESTIMONY IN THE CASE

14 MR GARRETT I UNDERSTAND

15 THE COURT I UNDERSTAND THAT YOU ALL  
16 ARE ACCEPTING THE VIEW OF THE EVIDENCE AND THE STATE  
17 IS ACCEPTS THE VIEW OF THE EVIDENCE, I'VE GOT TO  
18 MAKE SOME DETERMINATION BUT, YOU KNOW, IT'S LIKE IN  
19 ANY CASE, IF YOU'VE GOT A WITNESS -- TWO WITNESSES  
20 TESTIFYING TO THE CONTRARY TO THE SAME CIRCUMSTANCE,  
21 OBVIOUSLY YOU HAVE TO DETERMINE THE CREDIBILITY OF  
22 THE WITNESS ANYTHING FURTHER?

23 MR JONES YOUR HONOR, ONLY IN AN  
24 EFFORT TO TRY MAKE A DECISION ABOUT THIS POINT,  
25 WE'VE BOILED DOWN NOW TO DECIDING THE ISSUE BASED

1 ON, ACCORDING TO THE DEFENSE, WHETHER YOU BELIEVE  
2 EDDIE CLARK OR WHETHER YOU BELIEVE CHIEF RUCKER  
3 THEY AGREED THAT EDDIE CLARK SAYS, LOOK, HE SAID HE  
4 WANTED TO TELL HIS STORY, HE WANTED TO GET A WRITTEN  
5 STATEMENT HE SAID I AIN'T WRITING IT I'LL TELL  
6 YOU MY STORY THAT'S WHAT EDDIE CLARK SAID  
7 CHIEF RUCKER BASICALLY TESTIFIED TO  
8 THE SAME THING BUT SAID THAT HIS NOTES REFLECT A  
9 POSSIBLE DIFFERENT ORDER OR DIFFERENT SEMANTIC  
10 EFFECT THAT OCCURRED IN THE ROOM THERE THAT DAY  
11 BASICALLY, CHIEF RUCKER'S POSITION FROM HIS  
12 TESTIMONY TODAY WAS, LISTEN, WE WANTED HIM TO GIVE  
13 US A WRITTEN STATEMENT HE WOULDN'T HE SAID HE  
14 WOULD GIVE US AN ORAL STATEMENT AT THAT POINT, I  
15 MAY HAVE SAID, OKAY THEN, DO YOU WANT TO GIVE US THE  
16 ORAL STATEMENT NOW AND WROTE IT DOWN IN MY NOTES AS  
17 INDICATING HE WAS ASKED IF HE WANTED TO GIVE AN ORAL  
18 STATEMENT AND HE DID AND I SUGGEST TO YOU, YOUR  
19 HONOR, IN DECIDING THIS ISSUE CLEARLY, HE WAS GIVEN  
20 HIS MIRANDA WARNINGS HE WAS GIVEN AN OPPORTUNITY  
21 HE WAIVED THEM AND HE GAVE AN ORAL STATEMENT AND  
22 THEY TOOK IT IT WAS DONE FREELY AND VOLUNTARILY  
23 WITHOUT ANY PRESSURE, ANY COERCION OR ANY THREATS  
24 FROM THESE OFFICERS AND THAT'S THE STANDARD THAT  
25 WE'RE LOOKING FOR

1 IF THE JURY WANTS TO MAKE A DECISION  
2 ABOUT WHETHER OR NOT IT WAS GIVEN FREELY AND  
3 VOLUNTARILY, THEY'LL HAVE THAT OPPORTUNITY BASED  
4 ON WHAT WE'VE PROVIDED YOU HERE TODAY, WE FEEL YOU  
5 HAVE AMPLE BASIS FOR DECIDING THAT HIS STATEMENT WAS  
6 GIVEN WITH FULL KNOWLEDGE OF HIS MIRANDA WARNINGS  
7 FREELY AND VOLUNTARILY

8 THE COURT THANK YOU BASED UPON THE  
9 TESTIMONY AND THE EVIDENCE PRESENTED, I FIND THAT AT  
10 THE TIME ANY STATEMENT WAS MADE BY THE DEFENDANT HE  
11 WAS IN CUSTODY BY VIRTUE OF THE FACT THAT HE WAS  
12 IN CUSTODY, IT WAS NECESSARY THAT MIRANDA WARNINGS  
13 BE GIVEN TO THE DEFENDANT I AM CONSIDERING ALL THE  
14 EVIDENCE RELATING TO THE INTELLIGENCE OF THE  
15 DEFENDANT TO HIS EDUCATION, TO HIS BACKGROUND, TO  
16 HIS AGE, THAT EVIDENCE IS SET FORTH, AT LEAST IN DR  
17 KATHERINE LEWIS'S REPORT AND OTHER INFORMATION  
18 PROVIDED BY OTHER EXPERTS WHO HAVE INTERVIEWED THE  
19 DEFENDANT, THEIR FINDINGS BEING IN THE RECORD

20 CONSIDERING THE TOTALITY OF THAT  
21 BACKGROUND INFORMATION AND CONSIDERING THE FACT THAT  
22 HE WAS IN CUSTODY AT THE TIME, I FIND BASED UPON  
23 THAT EVIDENCE THAT HE WAS PROVIDED WITH HIS MIRANDA  
24 WARNINGS, THOSE MIRANDA WARNINGS WERE GIVEN BY MR  
25 CLARK PURSUANT TO A SOUTH CAROLINA LAW ENFORCEMENT

1 DIVISION STANDARD RIGHTS FORM IN THAT FORM WAS SET  
2 FORTH THE MIRANDA WARNINGS AS REQUIRED BY THE  
3 MIRANDA DECISION IN THAT FORM HE IS INFORMED OF  
4 HIS RIGHT TO REMAIN SILENT, HE IS INFORMED OF THE  
5 FACT THAT IF HE SAYS SOMETHING IT CAN BE AND WILL BE  
6 USED AGAINST HIM HE'S INFORMED THAT HE HAS A RIGHT  
7 TO HAVE A LAWYER TO ASK FOR ADVICE BEFORE ANY  
8 QUESTIONS ARE ASKED AND TO HAVE THAT LAWYER PRESENT  
9 HE'S ALSO ADVISED THAT IF HE HAS NO MONEY TO HIRE A  
10 LAWYER, THE COURT WILL APPOINT ONE FOR HIM AND HE'S  
11 ALSO ADVISED THAT IF HE DID DECIDE TO ANSWER  
12 QUESTIONS WITHOUT A LAWYER, HE WOULD STILL HAVE THE  
13 RIGHT TO STOP THE QUESTIONS AT ANY TIME AND HE  
14 INDICATES ON THE FORM THAT HE HAS READ THE STATEMENT  
15 AND HE UNDERSTANDS THE RIGHTS

16 MR CLARK INDICATED THAT HE READ EACH  
17 OF THOSE RIGHTS TO HIM ORALLY, THAT MR HUGHEY HAD A  
18 COPY OF THE FORM WITH HIM THAT MR HUGHEY APPEARED  
19 TO BE FOLLOWING HIS RECITATION OF THOSE RIGHTS FROM  
20 READING FROM THAT FORM THERE'S BEEN NO INDICATION  
21 THAT MR HUGHEY DID NOT HAVE THE ABILITY TO READ AND  
22 TO WRITE AND, BASED UPON HIS PRIOR EDUCATION, IT'S  
23 APPARENT THAT HE DID HAVE THAT ABILITY

24 IT'S ALSO APPARENT THAT HE SIGNED OR  
25 INITIALED EACH OF THE RIGHTS AFTER THOSE RIGHTS WERE



1     READ TO HIM     IT'S ALSO APPARENT THAT HE SIGNED THE  
2     FORM     THERE IS NO INDICATION THAT HE DID NOT  
3     UNDERSTAND THE RIGHTS OR THAT HE DID NOT HAVE ANY  
4     APPRECIATION FOR WHAT HE GAVE UP IN THE EVENT THAT  
5     HE DECIDED TO WAIVE THOSE RIGHTS AND MAKE ANY  
6     STATEMENT TO LAW ENFORCEMENT OFFICERS

7                     SO BASED UPON THE INFORMATION AND  
8     TESTIMONY IN THE CASE, I FIND THAT MR   HUGHEY WAS  
9     ADVISED AS TO HIS CONSTITUTIONAL RIGHTS PURSUANT TO  
10    THE MIRANDA DECISION     I FURTHER FIND THAT HE DID  
11    UNDERSTAND EACH OF THOSE RIGHTS, THAT HE DID  
12    KNOWINGLY AND INTELLIGENTLY GIVE THOSE RIGHTS UP AT  
13    THE TIME THAT HE MADE ANY STATEMENT TO AGENT CLARK  
14    IN THE PRESENCE OF AGENT SLOAN AND CHIEF RUCKER

15                    I ALSO FIND BASED UPON THE TOTALITY OF  
16    THE CIRCUMSTANCES AND IT HAS BEEN PROVEN BY A  
17    PREPONDERANCE OF THE EVIDENCE IN THE CASE THAT THE  
18    DEFENDANT DID VOLUNTARILY WAIVE THOSE RIGHTS, THAT  
19    THE DEFENDANT DID VOLUNTARILY AND KNOWINGLY MAKE A  
20    STATEMENT TO THE LAW ENFORCEMENT OFFICERS     THERE  
21    IS, OBVIOUSLY, TESTIMONY INDICATING THAT HE REFUSED  
22    TO MAKE A WRITTEN STATEMENT     I BELIEVE THE EVIDENCE  
23    IS CLEAR AS TO THAT POINT     EACH WITNESS HAS  
24    INDICATED THAT THE DEFENDANT REFUSED TO MAKE A  
25    WRITTEN STATEMENT TO LAW ENFORCEMENT OFFICERS, BUT

1 THE EVIDENCE DOES SHOW BY A PREPONDERANCE THAT THE  
2 DEFENDANT APPARENTLY UNDERSTOOD THE DIFFERENCE  
3 BETWEEN A WRITTEN STATEMENT AND AN ORAL STATEMENT  
4 FOR WHATEVER REASON, HE DID NOT WISH TO HAVE THAT  
5 STATEMENT REDUCED TO WRITING, THAT IS UP TO THE  
6 DEFENDANT

7 BUT IN ANY CASE, I FIND THAT HE DID  
8 REFUSE TO GIVE A WRITTEN STATEMENT, THAT NO WRITTEN  
9 STATEMENT WAS PURSUED, THAT NO WRITTEN STATEMENT WAS  
10 REQUIRED, THAT HE WAS NOT PRESSURED OR NOT COERCED  
11 IN ANY FASHION TO ATTEMPT TO HAVE A WRITTEN  
12 STATEMENT TAKEN I DO FIND, HOWEVER, THAT HE FREELY  
13 OF HIS OWN FREE WILL AND ACCORD AND BY HIS OWN  
14 CONDUCT PURSUANT TO HIS OWN FREE WILL DID AGREE AND  
15 DID PROVIDE AN ORAL STATEMENT TO LAW ENFORCEMENT  
16 OFFICERS REGARDING THE FACTS RELATING TO THE  
17 INCIDENT OF DECEMBER THE 4TH OF 1995

18 BASED UPON THAT STATEMENT BEING FREELY  
19 AND VOLUNTARILY MADE, I FIND THAT IT SHOULD BE  
20 ADMITTED IN THE TRIAL OF THE CASE I'VE ALSO  
21 CONSIDERED IN MAKING THAT DECISION AS TO THE  
22 VOLUNTARINESS OF THE STATEMENT THE TOTALITY OF THE  
23 CIRCUMSTANCES, INCLUDING THE BACKGROUND, EXPERIENCE  
24 AND CONDUCT OF THE DEFENDANT, THE EVIDENCE RELATING  
25 TO THE LACK OF EVIDENCE SHOWING THAT THE DEFENDANT

1 WAS UNDER THE INFLUENCE OF ANY DRUG OR OTHER  
2 SUBSTANCE WHICH WOULD PREVENT HIM FROM BEING ABLE TO  
3 KNOW WHAT HE WAS DOING OR TO VOLUNTARILY ACT, I ALSO  
4 FIND THAT HE WAS NOT DEPRIVED OF ANY COMFORT, FOOD  
5 OR OTHER COMFORT THAT MIGHT PREVENT HIM FROM BEING  
6 ABLE TO KNOWINGLY MAKE A FREE DECISION

7 I ALSO FIND THAT HE WAS NOT THREATENED  
8 IN ANY FASHION, HE WAS NOT COERCED IN ANY WAY, HE  
9 WAS NOT INDUCED BY ANY PROMISE OR AWARD TO MAKE ANY  
10 STATEMENT AND THAT THE STATEMENT HE MADE WAS FREELY  
11 AND VOLUNTARILY GIVEN AND FURTHER EVIDENCE OF THAT  
12 VOLUNTARINESS IS INDICATED BY THE FACT THAT THE  
13 DEFENDANT WAS, AFTER GIVING THAT STATEMENT AS I  
14 UNDERSTAND IT, ALLOW TO CONTACT FAMILY MEMBERS AND  
15 AT THAT TIME INDICATED HE DID NOT WISH TO DISCUSS  
16 ANYTHING FURTHER WITH LAW ENFORCEMENT OFFICERS  
17 AND, APPARENTLY, NO OTHER QUESTIONS OR STATEMENTS  
18 WERE -- NO OTHER QUESTIONS WERE MADE, NO OTHER  
19 STATEMENTS WERE OBTAINED

20 SO BASED UPON THE EVIDENCE PRESENTED,  
21 I FIND BY A PREPONDERANCE THAT THE STATEMENT WAS  
22 FREELY AND VOLUNTARILY MADE AND THE DEFENDANT  
23 KNOWINGLY AND INTELLIGENTLY WAIVING HIS  
24 CONSTITUTIONAL RIGHTS PRIOR TO MAKING THIS  
25 STATEMENT

1 ANYTHING FURTHER BEFORE WE BRING THE  
2 JURY BACK?

3 MR GARRETT IF IT'LL PLEASE THE  
4 COURT, YOUR HONOR NOTE OUR EXCEPTION FOR THE  
5 RECORD AND FURTHER, YOUR HONOR, CAN WE PUT THESE  
6 TWO STATEMENTS IN OUR COURT RECORD? WE'D LIKE TO  
7 ADMIT THOSE

8 THE COURT YOU MEAN THE TWO -- THE  
9 LAW ENFORCEMENT OFFICERS --

10 MR GARRETT FOR COURT RECORD, YES  
11 THE COURT YES, SIR MARK THOSE  
12 COURT EXHIBITS EIGHT AND NINE

13 MR GARRETT DO WE HAVE THE ORIGINALS  
14 OF THOSE?

15 THE COURT OFFICER CLARK HAS HIS  
16 ORIGINAL, I'M NOT CERTAIN ABOUT THE OTHER ONE

17 MR JONES WE DON'T HAVE THE ORIGINAL  
18 OF CHIEF RUCKER'S, YOUR HONOR I THINK COPIES WILL  
19 DO, WON'T THEY?

20 MR GARRETT I'M GOING TO NEED THOSE  
21 COPIES

22 THE COURT WHERE ARE THE ORIGINALS OF  
23 CHIEF RUCKER'S NOTES?

24 MR JONES WE'LL FIND OUT

25 MR GARRETT ONE OTHER THING, YOUR

1 HONOR IN GIVING UP CONSTITUTIONAL RIGHT, WE FEEL  
2 LIKE THAT SHOULD BE BY -- BEYOND A REASONABLE DOUBT  
3 AS OPPOSED TO THE PREPONDERANCE OF THE EVIDENCE  
4 ALTHOUGH OUR CASE LAW IN SOUTH CAROLINA SAYS BY A  
5 PREPONDERANCE HIS POSITION THE DEFENDANT TO GIVE UP  
6 CONSTITUTIONAL RIGHT SHOULD BE THE STANDARD OF YOUR  
7 ANALYSIS SHOULD BE BEYOND A REASONABLE DOUBT

8 THE COURT. OF COURSE, AS YOU'RE  
9 AWARE, THE JURY WILL STILL MAKE A DECISION AS TO  
10 WHETHER OR NOT TO CONSIDER ANY STATEMENT THAT IS  
11 OFFERED AND THEY MUST BE CONVINCED BEYOND A  
12 REASONABLE DOUBT THAT THE STATEMENT WAS VOLUNTARY  
13 BEFORE BEING ABLE TO USE ANY INFORMATION CONTAINED  
14 THEREIN

15 MR COULTER YOUR HONOR, ONE OTHER  
16 THING I'VE BEEN TRYING TO GET SOMEBODY HERE FROM  
17 MITSUBISHI IN REGARD TO THE OWNERSHIP OF THE CAR  
18 INVOLVED, THE MITSUBISHI GALLANT AND I HAD  
19 ORIGINALLY HAS AS A WITNESS CHUCK SWEEZEY AS READ TO  
20 THE JURY IT'S MY UNDERSTANDING THAT MR SWEEZEY  
21 ISN'T AVAILABLE UNTIL 2:00 I DO HAVE SOMEBODY  
22 WHO'S A RECORD KEEPER AS WELL BY THE NAME OF BEVERLY  
23 KELLY, WHO IS HERE AND PREPARED TO TESTIFY ONLY TO  
24 THESE DOCUMENTS WHICH HAVE ALREADY BEEN TO THE  
25 DEFENSE IF THEY HAVE ANY OBJECTION, I CAN TRY TO

1 MR SWEEZEY AT 2 00 IF THERE IS NO OBJECTION, I  
2 CAN PUT UP MS KELLY NOW SHE HAD NOT BEEN READ AS  
3 A WITNESS TO THE JURY

4 MR GARRETT DID SHE HAVE ANY  
5 PARTICIPATION IN THE PURCHASING OF THE CAR? DID MR  
6 SWEEZEY -- WHICH ONE OF THEM ACTUALLY PARTICIPATED  
7 IN THE PURCHASE?

8 MR COULTER IT WOULD BE THAT ONE

9 MR GARRETT IS IT JUST RECORDS?

10 MR COULTER IT'S JUST RECORD

11 MR GARRETT WITHOUT OBJECTION TO MS  
12 SWEEZEY UNDER THESE CIRCUMSTANCES, YOUR HONOR IF  
13 SHE'S GOT NO INDEPENDENT RECOLLECTION, SHE'S  
14 BASICALLY PUTTING IN DOCUMENTS

15 THE COURT IS THAT WHERE WE'RE GOING  
16 NOW? WE'RE NOT GOING TO PUT IN THE STATEMENT?  
17 WE'VE GOT A JURY THAT'S BEEN OFF AN HOUR AND FIFTEEN  
18 MINUTES AND I THOUGHT THAT'S THE REASON WE WERE  
19 DOING THIS SO THAT THAT CAN BE ACCOMPLISHED

20 MR JONES YES, SIR, WE WILL TRY TO  
21 BUT OUR FIRST WITNESS THAT WE PUT UP IS GOING TO BE  
22 UP THERE AT LEAST UNTIL 1 00 IF YOU'RE TALKING ABOUT  
23 AGENT CLARK

24 THE COURT NO, WE WERE TALKING ABOUT  
25 SOMEBODY FROM MITSUBISHI

1 MR COULTER I WAS JUST GOING TO TRY  
2 TO DO IT SO IT WOULD GIVE US A BETTER TIME FOR  
3 BREAK IF YOUR HONOR WANTS TO GO THROUGH AGENT  
4 CLARK --

5 THE COURT YOU UNDERSTAND, I'M NOT  
6 GOING TO REQUIRE ANY ORDER OF WITNESSES, THAT'S  
7 GOING TO BE UP TO YOU ALL AND UP TO THE DEFENSE

8 MR JONES YES, SIR, WE DID IT SO  
9 THAT WE COULD GO FORWARD WITH THESE WITNESSES WE  
10 DIDN'T THINK THE HEARING WOULD TAKE AS LONG AS IT  
11 WOULD IF I CALL CLARK NOW, I'M PROBABLY NOT GOING  
12 TO GET THROUGH MY DIRECT BY 1 00 O'CLOCK AND I MAY,  
13 BUT THAT'S ALL I'LL EXPECT I'LL GET THROUGH

14 THE COURT WELL, LET'S CALL WHICHEVER  
15 WITNESSES YOU'D LIKE TO TO GET US TO LUNCH TIME  
16 BUT UNDERSTAND THAT WE NEED TO HAVE SOME EVIDENCE  
17 RECEIVED BECAUSE THE JURY'S BEEN SITTING OUT AN HOUR  
18 AND A HALF WAITING FOR US TO OFFER EVIDENCE DO YOU  
19 HAVE THE WITNESS YOU WANT TO CALL NOW? BRING THE  
20 JURY IN, PLEASE

21 (JURY RE-ENTERS THE COURTROOM AT 12 30 O'CLOCK P M )

22 LADIES AND GENTLEMEN, I APOLOGIZE IN  
23 THE LENGTH OF TIME THAT YOU'VE HAD TO REMAIN BUT  
24 THERE WERE SOME MATTERS THAT I HAD TO ADDRESS AND  
25 THEY NECESSARILY HAVE TO BE DONE OUTSIDE OF YOUR

1 PRESENCE, SO WE DO AGAIN APPRECIATE YOUR PATIENCE  
2 AND UNDERSTANDING IN THAT REGARD WE ARE NOW READY  
3 TO CONTINUE WITH THE TRIAL OF THE CASE YOU WILL BE  
4 EXCUSED AT OUR REGULAR TIME TO HAVE YOUR LUNCH SO  
5 DON'T BE CONCERNED THAT WE'RE GOING TO MISS LUNCH  
6 TODAY SOLICITOR

7 MR COULTER THANK YOU, YOUR HONOR  
8 THE STATE WILL CALL BEVERLY KELLY TO THE STAND

9 THE CLERK THE EVIDENCE YOU SHOULD  
10 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
11 WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
12 THE TRUTH, SO HELP YOU, GOD

13 (WITNESS PRESENTED AT 12 35 O'CLOCK P M )

14 DIRECT EXAMINATION

15 BY MR COULTER

16 Q GOOD AFTERNOON, MS KELLY

17 A GOOD AFTERNOON

18 Q WILL YOU PLEASE TELL THE JURY YOUR NAME

19 A MY NAME IS BEVERLY KELLY

20 Q AND MS KELLY, WHERE ARE YOU WORKING AT?

21 A DICK BROOKS CHEVROLET/OLDS AND DICK BROOKS  
22 MITSUBISHI IN ASHLAND, SOUTH CAROLINA

23 Q AND WHAT'S YOUR JOB THERE AND DICK BROOKS  
24 MITSUBISHI?

25 A MY JOB AT THE TIME IS BILLING CLERK



1 Q IN THE COURSE OF YOUR WORK, DO YOU KEEP RECORDS  
2 REFLECTING PURCHASES OF AUTOMOBILES?

3 A YES, SIR, I DO

4 Q AND YOU'VE BROUGHT SOME RECORDS WITH YOU?

5 A YES, SIR, I DID

6 Q TAKE THOSE RECORDS OUT IF YOU WILL AND ON  
7 THIS FOLDER, THESE RECORDS THAT YOU'VE BROUGHT, WHAT  
8 ARE THESE RECORDS IN RELATION TO?

9 A THESE ARE RECORDS IN RELATION TO THE CAR THAT  
10 TESHEKA JACKSON PURCHASED BACK IN 1995

11 Q AND WHAT TYPE OF CAR WAS THAT?

12 A IT WAS A 1995 MITSUBISHI GALLANT

13 Q IF YOU COULD, LET ME HAND YOU A COPY OF A PIECE  
14 OF PAPER, A DOCUMENT, AND ASK YOU IF YOU CAN FIND  
15 THAT IN YOUR RECORDS, IF YOU COULD TAKE THOSE OUT  
16 AND LOOK FOR THAT SAME COPY WHAT IS THIS, IN FACT?

17 A THIS IS A CUSTOMER STATEMENT WHICH IS A CREDIT  
18 REPORT TAKEN ON THE CUSTOMER AT THE TIME THE CAR'S  
19 BEING BOUGHT

20 Q AND THIS IS A COPY OF THAT SAME REPORT?

21 A YES, SIR, THAT'S A COPY OF THE SAME REPORT

22 MR GARRETT WITHOUT OBJECTION, YOUR

23 HONOR EXAMINATION CONTINUED

24 BY MR COULTER

25 Q IN ADDITION TO THIS ONE CUSTOMER STATEMENT

1 APPLICATION, LET ME TAKE A LOOK -- IF YOU COULD FIND  
2 THE ORIGINAL OF THIS PARTICULAR FORM IS THAT A  
3 COPY OF THAT SAME ORIGINAL?

4 A YES, SIR, IT IS

5 Q BUT SURE TO GIVE YOU THIS AFFIDAVIT AND  
6 NOTIFICATION IS THIS A COPY OF THAT?

7 A A COPY OF THAT, YES, SIR

8 Q DO YOU HAVE THE ORIGINAL?

9 A NO, WE DON'T HAVE AN ORIGINAL, WE HAVE A COPY  
10 OF ---

11 Q YOU HAVE A COPY OF THIS?

12 A YES, SIR, WE SEND THE ORIGINAL TO THE CUSTOMER

13 Q AND THIS IS IN REGARDS TO THE SAME RECORDS YOU  
14 HAVE?

15 A YES, SIR

16 MR COULTER YOUR HONOR, WE'D OFFER  
17 THESE AS ONE EXHIBIT, STATE'S EXHIBIT EIGHTY-SEVEN

18 MR GARRETT WITHOUT OBJECTION, YOUR  
19 HONOR

20 THE COURT THEY'RE ADMITTED YOU CAN  
21 STAPLE THOSE TOGETHERS

22 MR COULTER EIGHTY-EIGHT

23 MR GARRETT EIGHTY-EIGHT OR EIGHTY-  
24 SEVEN?

25 THE CLERK EIGHTY-EIGHT

MR GARRETT THAT'S FINE

EXAMINATION CONTINUED

BY MR COULTER

Q LOOKING AT THE FIRST PAGE THE CUSTOMER  
STATEMENT, IF YOU COULD JUST TELL THE JURY WHO THE  
APPLICANTS ARE FOR THAT 1995 MITSUBISHI?

A RUTH H CONNER

Q IS THERE ALSO ANOTHER APPLICANT ON THAT SAME  
FIRST PAGE, IS THERE ALSO ANOTHER APPLICANT?

A TESHEKA L JACKSON

Q AND THOSE ARE THE ONLY TWO APPLICANTS YOU HAVE?

A YES, SIR

Q IF YOU'LL TURN TO THE NEXT PAGE ON THE CUSTOMER  
APPLICATION, WHO IS THE APPLICANT?

A RUTH H CONNER

Q AND IF YOU LOOK TO THE NAME AND ADDRESS OF THE  
OTHER USERS, WHO IS THIS?

A TESHEKA JACKSON

Q AND WHAT PERCENTAGE OF USE IS NOTED ON THAT  
APPLICATION?

A NINETY-PERCENT

Q IF YOU'LL TURN TO THE NEXT PAGE THIS IS AN  
AFFIDAVIT AND NOTIFICATION OF SALE?

A CORRECT

Q WHO IS THE AFFIDAVIT SIGNED BY?

1 A TESHEKA L JACKSON

2 Q AND WHO IS TO PAY THE PROPERTY TAX?

3 A TESHEKA L JACKSON

4 Q ALL RIGHT AND IF YOU'LL TURN TO THE LAST PAGE,  
5 PLEASE A COPY OF THE REGISTRATION OF THIS VEHICLE  
6 IS IN WHOSE NAME?

7 A RUTH H CONNER OR SAMUEL L CONNER OR TESHEKA  
8 JACKSON

9 Q AND, OF COURSE, YOU'VE JUST HELD THE RECORDS OF  
10 THESE? YOU HAVE NOT HAVE RECORDS OF WHO ACTUALLY  
11 USED THE CAR?

12 A NO, SIR, I DO NOT

13 Q BUT THE TITLE AGAIN IS IN THE NAMES OF RUTH  
14 JACKSON AND TESHEKA JACKSON?

15 A NO, RUTH CONNER AND SAMUEL CONNER AND TESHEKA  
16 JACKSON

17 Q I'M SORRY, RUTH CONNER AND TESHEKA JACKSON

18 A YES, SIR

19 MR COULTER ANSWER ANY QUESTION THE  
20 DEFENSE MAY HAVE

21 CROSS EXAMINATION

22 BY MR GARRETT

23 Q I GUESS YOU'RE CLERICAL IN THE SENSE THAT YOU  
24 KEEP ALL THE RECORDS FOR THIS VEHICLE?

25 A YES, SIR

1 Q DO YOU HAVE THE ENTIRE JACKET INCLUDING SERVICE  
2 JACKET ON THIS PARTICULAR --

3 A NO, SIR, I DO NOT HAVE A SERVICE JACKET  
4 THAT'S KEPT IN ANOTHER DEPARTMENT, THAT'S KEPT IN  
5 OUR SERVICE DEPARTMENT ALL WE KEEP IS THE ACTUAL  
6 PURCHASE WHERE THEY BOUGHT THE CAR IT'S IN THE  
7 SAME BUILDING, IT'S JUST IN A DIFFERENT LOCATION

8 Q WHAT ABOUT WARRANTY WORK AS IT RELATES TO THE  
9 SUNROOF AND THAT TYPE OF THING?

10 A THAT'S ALL KEPT IN THE SERVICE DEPARTMENT  
11 FILES

12 Q YOU DIDN'T BRING YOUR SERVICE DEPARTMENT FILES  
13 WITH YOU?

14 A NO, SIR

15 Q YOU WERE ONLY ASKED TO BRING THE CLERICAL  
16 RECORDS AS TO THE BANK?

17 A YES, SIR

18 Q LOOKING THROUGH YOUR RECORDS, IS THIS CAR  
19 EQUIPPED WITH A MODIFIED SUNROOF? CAN YOU TELL THAT  
20 FROM YOUR DOCUMENTATION?

21 A I'M LOOKING AT THE INVOICE AND FROM WHAT I CAN  
22 TELL ON HERE, IT LOOKS LIKE IT WAS ADDED AT A LATER  
23 DATE WHICH WE DO IN SOME CASES

24 Q A SCOTT TOP MOONROOF?

25 A IT'S A SUNROOF, REAR WING SPOILER, LEATHER,

1 ALLOY WHEELS

2 Q AND WHEN WAS THIS SCOTT TOP MOONROOF ADDED TO  
3 THIS CAR? DOES YOUR RECORDS INDICATE THAT? THERE'S  
4 AN INVOICE FROM CHUCK'S AUTO UPHOLSTERY DO YOU HAVE  
5 THAT?

6 A I HAVE A RO FROM THE SERVICE DEPARTMENT WHERE  
7 IT WAS DONE ON JULY THE 26TH, 1995 WE INSTALLED  
8 THE SUNROOF, A LEATHER KIT AND CHROME WHEELS

9 Q AND IF A PERSON HAD A PROBLEM WITH THE SUNROOF  
10 WAS LEAKING AND WHAT NOT, WOULD YOU HAVE ANY  
11 INDICATION IN THAT FILE AS TO WHETHER OR NOT THEY  
12 HAD SOME PROBLEMS GETTING THAT FIXED?

13 A NO, SIR, WE WOULD NOT

14 Q ONLY THING YOU WOULD HAVE IN THAT FILE AS TO  
15 WHETHER OR NOT THIS ONE WAS EQUIPPED SUBSEQUENTLY  
16 WITH A SUNROOF, YOU DO KNOW THAT

17 A YES, SIR

18 Q NOW, ARE YOU AWARE OF ANY MARITAL STATUS OF  
19 TESHEKA JACKSON?

20 A NO, SIR, I AM NOT

21 Q DID YOU KNOW TESHEKA HERSELF?

22 A NO, SIR

23 Q WERE YOU INVOLVED IN ANY WAY IN THE PURCHASE  
24 AND SALE OF THIS VEHICLE?

25 A NO, SIR, I WAS NOT

1 Q CAN YOU LOOK ON THAT TO DETERMINE WHO THE  
2 PERSON WAS THAT ACTUALLY DID THAT SALE OF THIS CAR,  
3 WOULD THAT BE REFLECTED IN YOUR NOTES?

4 A YES, THE BRIAN MOON WAS THE F & I MANAGER AT  
5 THAT TIME

6 Q I'M SORRY, WHO?

7 A BRIAN MOON WAS THE F & I MANAGER AT THAT TIME

8 Q BRIAN MOON?

9 A BRIAN MOON

10 Q DOES HE STILL WORK WITH YOUR COMPANY?

11 A NO, SIR, HE DOES NOT

12 Q AND HOW MUCH MONEY WAS PAID DOWN FOR THIS CAR?

13 A \$325 00 PLUS A \$500 00 REBATE

14 Q AND HOW WAS IT PAID, WAS IT PAID IN CASH OR WAS  
15 IT PAID BY CHECK?

16 A THAT I'M NOT ABSOLUTELY SURE OF

17 Q WOULD YOUR RECORDS INDICATE THAT?

18 A AT THIS TIME, WE CANNOT FIND A RECEIPT AND THE  
19 BILL

20 Q LET ME SHOW YOU SOMETHING THAT I FOUND IN THE  
21 FILE

22 A THERE WAS A NOTE ON HERE SAYING SHE HAD A  
23 \$308 00 AND BRIAN MOON SIGNED IT

24 Q CUSTOMER TO BRING IN \$308 00 DOWN PAYMENT?

25 A YES, SIR

1 Q AND YOUR NOTES DO NOT INDICATE WHETHER OR NOT  
2 JOHN AND TESHEKA CAME IN AND BROUGHT THE \$308 00?

3 A NO, SIR, MY RECORDS DO NOT SHOW THAT

4 Q AND YOUR RECORDS, OF COURSE, WOULD NOT INDICATE  
5 ANY CHANGES THAT SHE MIGHT HAVE WANTED TO MAKE AS IT  
6 RELATED TO THE TITLE OF THAT VEHICLE, WHETHER OR NOT  
7 SHE WANTED TO SHARE IT WITH SOMEBODY ELSE?

8 A YES, SIR, I WOULD TO HAVE BEEN NOTIFIED BEFORE  
9 HER TITLE WORK WAS DONE

10 Q IS THAT BECAUSE OF THE CREDIT -- DO YOU HAVE A  
11 CREDIT --

12 A YES, SIR, THE LIEN HOLDERS, IN FACT, THEY TELL  
13 US -- THEY TELL US HOW WE HAVE TO DO IT AND  
14 WHOEVER SIGNS THE PAPERWORK AND SIGNS THE CONTRACT,  
15 THAT'S HOW IT HAS TO BE REGISTERED

16 Q WHERE DID THEY FINANCE THIS CAR?

17 A MITSUBISHI MOTOR CREDIT OF AMERICA

18 Q AND HOW MUCH WERE THE PAYMENTS?

19 A \$364 46 FIFTY-NINE PAYMENTS AND ONE FINAL  
20 PAYMENT OF \$7,662 90

21 Q AND DO YOU ALSO KEEP UP WITH THE PAYMENTS BEING  
22 MADE OR IS THAT --

23 A THAT'S IN THE RECORDS TO MITSUBISHI MOTOR  
24 CREDIT, THEY DO NOT GO THROUGH US

25 Q SO YOU DON'T HAVE THE SERVICE RECORDS AND YOU



1 DON'T HAVE THE PAYMENT RECORDS?

2 A NO, SIR, WE DON'T BECAUSE OF THE FACT THAT THEY  
3 MAIL ALL PAYMENTS DIRECTLY TO MITSUBISHI MOTOR  
4 CREDIT, THEY DO NOT GO THROUGH US WHEN THEY'RE  
5 PAYING FOR THE VEHICLE

6 Q SO IF MONEY ORDERS WERE PURCHASED OR CHECKS  
7 WERE PURCHASED USED TO PAY THOSE PAYMENTS, WHETHER  
8 IT WAS JOINT CHECKING BETWEEN THE TWO OF THEM OR  
9 CASH OR MONEY ORDERS OR WHATEVER, YOU WOULDN'T HAVE  
10 THAT INFORMATION?

11 A NO, SIR, I WOULD NOT

12 MR GARRETT THANK YOU SO MUCH

13 RE-DIRECT EXAMINATION

14 BY MR COULTER

15 Q IN LOOKING THROUGH YOUR FILE, DO YOU SEE ANY  
16 RECORDS TO A JOHN KENNEDY HUGHEY IN THE FILE?

17 A NO, SIR, THERE'S NO RECORDS OF JOHN HUGHEY IN  
18 MY FILES AT ALL

19 Q SO IN REGARDS TO OWNERSHIP OF THIS CAR, THERE'S  
20 NO REGARD TO JOHN KENNEDY HUGHEY?

21 A RIGHT

22 Q AND THE PAYMENTS WERE BEING MADE BY WHO?

23 A TESHEKA L JACKSON OR RUTH CONNERS OR SAMUEL  
24 CONNERS

25 MR COULTER THANK YOU

1 RE-CROSS EXAMINATION

2 BY MR GARRETT

3 Q JUST BRIEFLY IN RUNNING A CREDIT CHECK ON  
4 TESHEKA JACKSON, DID YOU FIND SOME JOINT DEBT  
5 BETWEEN SHE AND JOHN KENNEDY HUGHEY?

6 A NO, SIR, I DON'T RUN THE CREDIT REPORTS,  
7 THEY'RE RUN THROUGH THE F & I DEPARTMENT

8 Q AND YOU DON'T HAVE THAT IN YOUR FILE?

9 A YES, SIR, I HAVE ALL CREDIT REPORTS HERE, BUT I  
10 DON'T LOOK AT THEM

11 Q HAVE YOU STUDIED THOSE TO DETERMINE WHETHER OR  
12 NOT THERE WERE ANY JOINT ACCOUNTS? WHAT DOES J  
13 STAND FOR?

14 A EXCUSE ME?

15 Q I DON'T READ THESE WELL EITHER CAN YOU  
16 UNDERSTAND WHAT THESE DOCUMENTS ARE?

17 MR COULTER YOUR HONOR, I'M GOING --  
18 THE WITNESS THESE ARE CBI --  
19 THE COURT JUST A MINUTE EXCUSE ME  
20 JUST A MINUTE

21 MR COULTER I OBJECT I DON'T KNOW  
22 IF THIS IS IN RESPONSE TO RE-DIRECT

23 THE COURT SUSTAINED

24 MR GARRETT MAY I ADDRESS THE ISSUE  
25 JUST BRIEFLY, YOUR HONOR? HE INDICATED HE ASKED HER

1 A QUESTION, WAS THERE ANYTHING IN THESE RECORDS  
2 INDICATING TO DO WITH JOHN KENNEDY HUGHEY AS I  
3 UNDERSTOOD IT

4 MR JONES OR RECEIPT OF THE VEHICLE  
5 REGARDING JOHN KENNEDY HUGHEY

6 THE COURT WELL, HE SAID ANYTHING IN  
7 THE RECORDS, SHE SAID NONE

8 THE WITNESS NO, THERE'S NOTHING IN  
9 HERE WITH HIS NAME ON IT AT ALL

10 MR GARRETT THAT'S WHY I ASKED THE  
11 QUESTION ABOUT THIS CREDIT REPORT ON TESHEKA JACKSON  
12 WHETHER OR NOT THEY HAD JOINT ACCOUNTS THERE WHERE  
13 THEY GOT SOME CREDIT REPORTS TOGETHER

14 THE COURT ARE YOU ASKING TO CHANGE  
15 THEIR ANSWER?

16 MR GARRETT I'M JUST ASKING HER IF  
17 SHE LOOKED AT THAT?

18 THE WITNESS WHAT CREDIT REPORT THAT  
19 I HAVE ON THEM, THERE'S NOTHING WITH HIS NAME ON  
20 HERE AT ALL

21 EXAMINATION CONTINUED

22 BY MR COULTER

23 Q YOU ONLY HAVE ONE CREDIT REPORT?

24 A LET ME LOOK FOR THE REST

25 Q COULD I JUST ASK YOU TO LOOK AT THE TOP OF IT

1 TO SEE WHETHER YOU ALL EVEN DID A CREDIT REPORT ON  
2 TESHEKA JACKSON? IT LOOKS LIKE RUTH CONNER AND  
3 SAMUEL CONNER WAS THE ONLY ONES YOU DID THE REPORT  
4 ON

5 A NO, SIR, WE RAN ONE ON HER THIS IS A CREDIT  
6 REPORT RUN ON HER, IT'S A LITTLE SHORT PIECE OF --  
7 PAPER WELL, IT WOULD BE A LONG ONE FOR YOU AND  
8 IT SHOWED INQUIRIES QUALITY CHRYSLER AND IT LOOKS  
9 ON HERE -- AND THEN THE SUMMONS SUMPRO ONE -- IT  
10 DOESN'T HAVE ANYTHING ON THERE AT ALL

11 Q QUALITY CHRYSLER?

12 A QUALITY CHRYSLER PUT CBI AND ALL THOSE AS WELL

13 Q WHAT DOES THAT MEAN?

14 A THAT MEANS THAT SHE'S MAYBE WENT OVER THERE AND  
15 TRIED TO BUY A CAR AND THEY RUN A CREDIT REPORT ON  
16 HER, THAT'S WHAT IT SAYS

17 Q OVER IN GREENWOOD SHE HAD SOME KIND OF  
18 COMMUNICATION WITH QUALITY CHRYSLER OF GREENWOOD?

19 A YES, SIR ON 5/30 OF '95

20 MR GARRETT THANK YOU

21 THE COURT YOU MAY STEP DOWN

22 (WITNESS STEPS DOWN AT 12 45 O'CLOCK P M )

23 MR COULTER YOUR HONOR, THE STATE  
24 WILL CALL DAN DeFREESE TO THE STAND

25 THE CLERK THE EVIDENCE YOU SHOULD

1 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
2 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
3 THE TRUTH, SO HELP YOU, GOD

4 THE WITNESS I WILL  
5 (WITNESS PRESENTED AT 12 46 O'CLOCK P M )

6 DIRECT EXAMINATION

7 BY MR COULTER

8 Q GOOD AFTERNOON COULD YOU PLEASE TELL THE JURY  
9 YOUR NAME?

10 A MY NAME IS FRANK DAN DEFREESE

11 Q SPELL THAT

12 A D-e CAPITAL F-R-E-E-S-E  
13

13 Q AND WHERE ARE YOU PRESENTLY WORKING?

14 A I WORK FOR THE SOUTH CAROLINA LAW ENFORCEMENT  
15 DIVISION, S L E D , IN COLUMBIA

16 Q AND HOW LONG HAVE YOU BEEN IN S L E D ?

17 A FOR THIRTY YEARS

18 Q WOULD YOU PLEASE GIVE THE JURY, IF YOU WOULD,  
19 AN IDEA OF THE EXTENT OF YOUR EDUCATION?

20 A I'M A GRADUATE OF THE UNIVERSITY OF SOUTH  
21 CAROLINA IN COLUMBIA MY TRAINING IN THE FIELD OF  
22 FIREARM AND TOOL MARK IDENTIFICATION WAS ACTUALLY  
23 ACCOMPLISHED WHEN I WENT TO WORK FOR S L E D IN  
24 1967, I WAS ASSIGNED TO FIREARMS LABORATORY FOR A  
25 PERIOD OF ABOUT TWO AND A HALF YEARS I STUDIED THE

1       TECHNIQUES OF THE FIREARM AND TOOL MARK ANALYSIS  
2       UNDER LIEUTENANT M M CATE, LIEUTENANT CATE  
3       ESTABLISHED THE S L E D LABORATORY WHEN S L E D  
4       ITSELF WAS ESTABLISHED IN 1947

5           AFTER STUDYING UNDER HIS SUPERVISION FOR A  
6       PERIOD OF ABOUT TWO AND A HALF YEARS BEGAN ACCEPTING  
7       CASES ON MY OWN AND TESTIFYING AS TO MY RESULTS  
8       I'VE BEEN DOING THAT SINCE 1969 I'VE TESTIFIED IN  
9       COURTS THROUGHOUT THIS STATE AND OTHER STATES AND IN  
10      FEDERAL COURT

11      Q     AND AT THE TIME THAT YOU HAVE TESTIFIED IN THE  
12      COURTS OF THIS STATE, WERE YOU QUALIFIED AS AN  
13      EXPERT?

14      A     YES

15      Q     ABOUT HOW MANY TIMES HAVE YOU TESTIFIED IN THE  
16      COURTS OF THIS STATE?

17      A     PROBABLY IN EXCESS OF FIVE HUNDRED NOW

18      Q     AND IN EACH OF THOSE TIMES, WERE YOU QUALIFIED  
19      AS AN EXPERT IN FIREARMS?

20      A     WHEN FIREARMS EVIDENCE WAS INVOLVED, YES, SIR

21      Q     ABOUT HOW MANY TIMES DO YOU THINK YOU WERE  
22      QUALIFIED AS AN EXPERT IN THE FIELD OF FIREARMS  
23      ANALYSIS?

24      A     THE MAJORITY OF THOSE TIMES

25      Q     WELL OVER TWO HUNDRED?

1 A PROBABLY WELL OVER FOUR HUNDRED

2 MR COULTER YOUR HONOR, WE WOULD OFFER  
3 AGENT DeFREESE AS AN EXPERT IN THE FIELD OF FIREARM  
4 ANALYSIS

5 MR GARRETT WITHOUT OBJECTION, YOUR  
6 HONOR

7 THE COURT HE IS SO QUALIFIED

8 EXAMINATION CONTINUED

9 BY MR COULTER

10 Q AGENT, DID YOU HAVE AN OPPORTUNITY TO EXAMINE  
11 WHAT'S BEEN NOW MARKED STATE'S EXHIBIT NUMBER FORTY-  
12 EIGHT?

13 A YES, SIR, I DID

14 Q AND WHAT TYPE OF WEAPON IS THAT?

15 A THIS IS A CBT BRAND, MODEL SB, SINGLE BARREL  
16 SHOTGUN

17 Q IF YOU COULD, COULD YOU PLEASE DEMONSTRATE FOR  
18 THE JURY HOW THAT PARTICULAR WEAPON OPERATES?

19 A YES, SIR IT'S CURRENTLY IN THE OPEN BREACH  
20 POSITION IN ORDER TO PREPARE THIS FIREARM FROM  
21 FIRING, ONE WOULD INSERT AN UNFIRED CARTRIDGE IN THE  
22 CHAMBER AND THEN THAT WOULD HAVE TO BE DONE BY  
23 HAND THEN CLOSE THE WEAPON TO PREPARE IT FOR  
24 FIRING, THE HAMMER MUST BE MANUALLY DRAWN TO ITS  
25 REAR MOST POSITION AND THEN FINALLY THE TRIGGER

1 PULLED AND THOSE ARE THE STEPS INVOLVED FIRING  
2 AND AFTER THAT TO PREPARE IT FOR FURTHER  
3 FIRING, YOU COULD PRESS THIS LEVER OPEN THE BREACH  
4 AND, GENERALLY SPEAKING, THE SHELL WILL COME OUT ON  
5 ITS OWN AND IT'S, AGAIN, PREPARED FOR LOADING THE  
6 NEXT SHOT

7 Q AND YOU HAVE TO MANUALLY PLACE IN ANOTHER  
8 SHELL?

9 A RIGHT, ANOTHER SHELL, GO INTO THE SECOND ONE

10 Q LET ME HAND YOU WHAT'S BEEN MARKED AS STATE'S  
11 FORTY-NINE, FIFTY-ONE AND SEVENTY-THREE AND ASK IF  
12 YOU'VE HAD AN OPPORTUNITY AT SOME POINT TO TAKE A  
13 LOOK AT THOSE?

14 A YES, SIR, I HAVE

15 Q AND IF YOU WOULD, REFERRING TO WHAT YOU HAVE  
16 MARKED AS S L E D NUMBER SEVEN, WHICH IS STATE'S  
17 EXHIBIT FORTY-NINE DID YOU HAVE AN OPPORTUNITY TO  
18 DO AN ANALYSIS ON THAT SHELL IN REGARDS TO THE  
19 FIREARM?

20 A I DID I ANALYZED THE FIRED SHOT SHELL,  
21 STATE'S EXHIBIT FORTY-NINE, TO DETERMINE IF IT HAD  
22 BEEN FIRED IN THAT SHOTGUN I FORGOT WITH THE  
23 EXHIBIT NUMBER IS

24 Q FORTY-EIGHT

25 A AND I MADE THAT TEST -- I FIRST TEST FIRED



1 STATE'S EXHIBIT FORTY-EIGHT WITH AMMUNITION THAT I  
2 PROVIDED SO THAT I COULD SEE WHAT SORT OF MARKINGS  
3 THAT SHOT GUN LEFT ON FIRED CARTRIDGE CASES ON  
4 SHOTGUN SHELLS I THEN USED SOME OF THEM TO PREPARE  
5 WITH THE MARKINGS PRESENT ON STATE'S EXHIBIT FORTY-  
6 NINE

7 Q SO AS I UNDERSTAND IT, DIFFERENT GUNS WOULD  
8 MAKE DIFFERENT MARKINGS ON SHELLS?

9 A THERE ARE MARKINGS WHICH ARE PRESENT ON THE  
10 BREACH AND FIRING PIN AND CERTAIN OTHER SURFACES OF  
11 SHOTGUN WHICH WILL TRANSFER TO SHELLS THAT ARE FIRED  
12 IN THAT SHOTGUN AT THE TIME OF FIRING

13 Q AND WHEN YOU REFER TO BREACH, IS THAT THIS  
14 ASPECT HERE?

15 A YES, SIR IN THIS CASE, IT'S THE VERTICAL  
16 PLANE WHERE MY THUMB'S TOUCHING NOW, THAT WOULD  
17 REPRESENT WHAT WOULD STOP UP THE BACK END OF THE  
18 BARREL WHEN THE BARREL IS IN THE CLOSED POSITION

19 Q AND THE MARKINGS YOU WOULD RECEIVE IS WHEN  
20 SOMEBODY WOULD DO THAT?

21 A NO, THE MARKINGS THAT I USE FOR IDENTIFICATION  
22 IN THIS CASE ARE FORMED WHEN THE PRESSURE BUILDS UP  
23 INSIDE OF THE SHOTGUN SHELL WHEN IT'S FIRED THE  
24 FIRING PIN STRIKES THE PRIMER ON THE SHOT SHELL  
25 THIS CAUSES THE IGNITION OF THE SHOT SHELL TO

1 COMMENCE THE FLAME GOES FROM THE TIMER INTO THE  
2 MAIN CHARGE WHERE IT BUILDS UP CONSIDERABLE PRESSURE  
3 INSIDE THE SHOTGUN SHELL THAT PRESSURE IS LOOKING  
4 TO TAKE THE PATH OF LEAST RESISTANCE WHICH IS TO  
5 THROW THE SHOT AND THE WAD DOWN THE BARREL AND OUT  
6 OF THE GUN

7 BUT DURING THE COURSE OF THESE EVENTS, THE  
8 MARKINGS WHICH ARE PRESENT ON THE FIRING PIN AND  
9 WHICH ARE PRESENT ON THE BREACH BASE, ARE PRESSED IN  
10 TO THE PRIMER AND BREACH OF THE HEAD OF THE SHOTGUN  
11 SHELL BY THE PRESSURE THAT'S BUILT UP INSIDE SO  
12 JUST IN THE CASE OF THAT GUN JUST PUTTING A SHOTGUN  
13 INSIDE IT AND CLOSING IT, WOULD NOT LEAVE THE KIND  
14 OF MARKS I WAS LOOKING IT THE FIRING IT --

15 Q THE ACTION OF THE FIRING?

16 A YES, SIR

17 Q FROM BOTH THE BUILD-UP AND THE PIN THAT'S USED  
18 TO ACTUALLY IGNITE THE CHARGE?

19 A WELL, THE FIRING PIN ITSELF LEAVES SOMEWHAT OF  
20 A MARK BUT IN THIS CASE, THE MAIN IDENTIFYING  
21 MARKS WITH BREACH FACE IMPRESSIONS WHICH WOULD HAVE  
22 RESULTED ON THE FIRING

23 Q AND IN DOING YOUR ANALYSIS, DID YOU COME TO AN  
24 OPINION AS TO THE FIRING OF WHAT'S S L E D  
25 IDENTIFICATION NUMBER SEVEN

1 A RIGHT, MY ITEM NUMBER SEVEN, STATE'S EXHIBIT  
2 NUMBER FORTY-NINE, WAS FIRED BY THAT SHOTGUN,  
3 STATE'S EXHIBIT FORTY-EIGHT

4 Q FIRED BY THIS SHOTGUN?

5 A YES, SIR

6 Q AND IN REGARD TO WHAT I BELIEVE IS STATE'S  
7 EXHIBIT FIFTY-ONE

8 A STATE'S EXHIBIT NUMBER FIFTY-ONE, MY ITEM  
9 NUMBER SIX, MY ANALYSIS OF THIS SHOT SHELL WAS  
10 REALLY INCONCLUSIVE I COULD NOT TELL FOR CERTAIN  
11 THAT THIS SHOTGUN SHELL WAS FIRED BY THAT SHOTGUN  
12 THIS PARTICULAR SHELL JUST DID NOT HAVE SUFFICIENT  
13 BREACH FACE MARKINGS ON IT THERE'S NO DIFFERENCE  
14 BUT IT WAS JUST NOT ENOUGH TO DETERMINE THAT THAT  
15 SHOTGUN FIRED

16 Q IT WAS STILL CONSISTENT WITH BEING FIRED BY  
17 THIS GUN?

18 A IT COULD HAVE BEEN

19 Q LET'S BACK UP A SECOND GOING BACK TO STATE'S  
20 FORTY-NINE VERSUS STATE'S FIFTY-ONE IS THERE A  
21 DIFFERENCE BETWEEN THOSE TWO SHELLS?

22 A THEY'RE BOTH THE SAME BRAND BUT THEY ARE  
23 DIFFERENT LOADINGS

24 Q AND WHAT IS THE DIFFERENCE IN THE LOADING  
25 BETWEEN FORTY-NINE AND FIFTY-ONE?

1 A STATE'S EXHIBIT FORTY-NINE IS A FEDERAL -- I  
2 BELIEVE IT'S A GAME LOAD NUMBER SEVEN AND A HALF  
3 SHOT STATE'S EXHIBIT FIFTY-ONE IS A FEDERAL DUCK  
4 AND PHEASANT NUMBER SIX SHOT

5 Q AND ARE YOU AWARE OF THE FACT THAT STATE'S  
6 EXHIBIT FIFTY-ONE, THE ONE WITH THE SIX SHOT, WAS  
7 ACTUALLY FOUND IN THE BARREL OF STATE'S FORTY-EIGHT?

8 A I WAS TOLD THAT

9 Q NOW, DID YOU ALSO HAVE AN OPPORTUNITY TO  
10 EXAMINE WHAT I BELIEVE IS MARKED STATE'S SEVENTY-  
11 THREE?

12 A YES, SIR, I DID

13 Q AND WHAT DID YOU DETERMINE IN REGARDS TO THAT  
14 SHELL?

15 A I DETERMINED THAT THE SHELL, STATE'S EXHIBIT  
16 SEVENTY-THREE, MY ITEM NUMBER FIFTY, WAS FIRED BY  
17 THAT SHOTGUN, BY ITEM NUMBER FORTY-EIGHT

18 Q AND COULD YOU TELL ME PLEASE WHAT -- THE JURY  
19 PLEASE WHAT THE NUMBER SHOT, BIRD SHOT, WAS IN THAT  
20 PARTICULAR SHELL?

21 A IT'S MARKED INDICATING IT WAS ORIGINALLY LOADED  
22 WITH NUMBER SEVEN AND A HALF SIZE SHOTS

23 Q SO THAT WAS SIMILAR TO WHAT'S BEEN MARKED AS  
24 STATE'S EXHIBIT ONE?

25 A THAT'S CORRECT NO, EXCUSE ME, STATE'S FORTY-

1 NINE STATE'S FORTY-NINE AND STATE'S SEVENTY-THREE  
2 ARE BOTH NUMBER SEVEN AND A HALF OR MARKED  
3 INDICATING THEY'RE ORIGINALLY LOADED WITH NUMBER  
4 SEVEN AND A HALF SHOT STATE'S EXHIBIT FIFTY-ONE IS  
5 THE NUMBER SIX

6 Q AND THAT'S THE ONE THAT WAS FOUND IN THE BARREL  
7 OF THE GUN?

8 A YES, SIR

9 Q DID YOU ALSO HAVE AN OPPORTUNITY TO EXAMINE THE  
10 SHOWER CURTAIN?

11 A I DID

12 Q AND WHAT WAS THE PURPOSE OF YOUR EXAMINATION OF  
13 THE SHOWER CURTAIN?

14 A I EXAMINED A GREEN CLOTH SHOWER CURTAIN, A  
15 DAMAGED AREA OF THE GREEN CLOTH SHOWER CURTAIN TO  
16 TRY TO APPROXIMATE A MUZZLE TO TARGET DISTANCE FROM  
17 THE DAMAGED AREA ON THE SHOWER CURTAIN TO TRY TO  
18 DETERMINE HOW FAR AWAY A SHOTGUN SHOOTING  
19 AMMUNITION, SUCH AS WE'VE JUST DISCUSSED, WOULD BE  
20 FROM THE SHOWER CURTAIN AT THE INSTANCE OF  
21 DISCHARGE

22 Q AND HOW DO YOU GO ABOUT MAKING THAT TYPE OF  
23 ANALYSIS?

24 A YOU LOAD THE SHOTGUN AND YOU SHOT IT AGAINST  
25 SIMILAR MATERIAL OR AGAINST -- IN THIS CASE, AGAINST

1 CLOTH MATERIAL AT VARIOUS KNOWN DISTANCES TO SEE  
2 WHAT THE DISBURSING OF THE SHOT IS AT THOSE KNOWN  
3 DISTANCES AND THEN COMPARE THE RESULTS WITH THE  
4 DAMAGED AREA OF THE SHOWER CURTAIN YOU GET AN  
5 APPROXIMATE MUZZLE TO TARGET DISTANCE

6 Q LET ME HAND YOU A NUMBER OF ITEMS THAT HAVE  
7 BEEN MARKED STATE'S SEVENTY-NINE FOR IDENTIFICATION  
8 DO YOU RECOGNIZE THOSE ITEMS?

9 A YES, SIR, I DO RECOGNIZE THESE

10 MR COULTER YOUR HONOR, I'D OFFER  
11 THESE AS STATE'S EXHIBIT SEVENTY-NINE

12 MR GARRETT WITHOUT OBJECTION, YOUR  
13 HONOR

14 THE COURT ADMITTED

15 EXAMINATION CONTINUED

16 BY MR COULTER

17 Q IN REGARDS TO STATE'S EXHIBIT SEVENTY-NINE,  
18 WERE YOU ABLE TO THEN MAKE A COMPARISON AS TO THE  
19 DISTANCE THIS GUN, STATE'S FORTY-EIGHT, WAS FIRED  
20 FROM THE SHOWER CURTAIN THAT YOU EXAMINED?

21 A I WAS

22 Q AND IF YOU COULD, PLEASE TELL THE JURY  
23 BASICALLY THE DISTANCE FROM YOUR ANALYSIS TO SHOW  
24 THAT THAT GUN WAS FIRED INTO THAT SHOWER CURTAIN?

25 A WHEN I COMPARED MY TEST PATTERNS WITH THE

1 DAMAGED AREA OF THE SHOWER CURTAIN, THE TEST SHOT  
2 FIRED AT FOUR FEET WAS ABOUT THE CLOSEST ONE BUT  
3 THERE'S SOME VARIATION THERE'S ALWAYS SOME  
4 VARIATION FROM SHOT TO SHOT AND FROM ONE, A LOT OF  
5 AMMUNITION TO ANOTHER LOT OF AMMUNITION SO I GAVE  
6 THE WINDOW BETWEEN THREE AND FIVE FEET AS BEING THE  
7 MOST APPROPRIATE DISTANCE IT COULD BE THE GUN WAS  
8 AS CLOSE TO THREE FEET OF THE SHOWER CURTAIN, IT  
9 COULD BE THE GUN WAS AS FAR AWAY AS FIVE FEET AT THE  
10 TIME OF DISCHARGE BECAUSE THE DAMAGE CREATED FROM  
11 THE SHOTGUN BEING FIRED INTO SOMETHING VARIES  
12 SLIGHTLY FROM SHOT TO SHOT

13 Q SO YOUR WINDOW BASICALLY EXCLUDES THE  
14 POSSIBILITY OF IT BEING SHOT FROM ANY CLOSER THAN  
15 THREE FEET?

16 A THAT'S CORRECT

17 Q OR FURTHER THAN FIVE?

18 A THAT'S CORRECT THE DISTANCE IS GREATER THAN  
19 FIVE FEET, THE SWARM OF SHOT STARTS TO SEPARATE SO  
20 THAT THEY'RE INDIVIDUAL PELLETS OUTSIDE OF THE MAIN  
21 DAMAGED AREA THIS WAS LIKE ONE HOLE AND AT  
22 DISTANCES OF LESS THAN THREE FEET, THERE'S GENERALLY  
23 A QUANTITY OF DISCERNABLE POWDER RESIDUE OR PATTERN  
24 OF POWDER RESIDUE AT CLOSER RANGES SO THAT ALSO  
25 HELPS TO FRAME THE THREE TO FIVE FOOT RANGE

1 Q NOW, IN THE COURSE OF YOUR ANALYSIS IN YOUR JOB  
2 AS A FIREARMS ANALYST, DO YOU NORMALLY MAKE  
3 COMPARISONS OF DISTANCE TO INJURIES AND SHOTS OF THE  
4 VIOLANCE OF THE PERSON?

5 A NOT NORMALLY BECAUSE NORMALLY WE DON'T SEE THE  
6 DAMAGE AREA OF THE -- ON A HUMAN BEING

7 Q AND DO YOU OFTEN PROVIDE DISTANCE OF PATTERNS  
8 FOR FORENSIC PATHOLOGISTS TO DETERMINE DISTANCES?

9 A YES, SIR, WE DO

10 Q AND ARE THERE DIFFERENT MATERIALS YOU CAN USE  
11 TO PROVIDE DISTANCE PATTERNS TO PATHOLOGISTS?

12 A THERE ARE GENERALLY FOR THE PURPOSE OF JUST  
13 PROVIDING PATTERNS TO A PATHOLOGIST, I PROBABLY  
14 WOULD HAVE SHOT BLOTTO PAPER, FOR INSTANCE, RATHER  
15 THAN CLOTH IN THIS CASE, I HAD A CLOTH ITEM SO I  
16 WANTED TO COMPARE IT WITH A CLOTH ITEM THERE MAY  
17 BE SOME MINOR DIFFERENCE IN THE RESULTS FROM THE  
18 MEDIA BUT, GENERALLY, THEY'RE FAIRLY CONSISTENT  
19 BLOTTO PAPER IS JUST THE STANDARD FOR MOST SHOOTINGS  
20 IF IT WERE TO BE COMPARED TO THE SKIN

21 Q SO YOU SAID IT'S A MINOR VARIATION?

22 A MINOR

23 Q CLOTH IS SOMEWHAT STRONGER BLOTTO PAPER GIVES  
24 VERY EASILY CLOTH MIGHT, FOR INSTANCE, DISTORT  
25 VERY SLIGHTLY BEFORE IT FINALLY BREAKS AS A RESULT



1 OF BEING HIT BY A SHOT BUT THEN AGAIN SKIN DOES,  
2 TOO SKIN IS A TREMENDOUSLY ELASTIC MATERIAL SO  
3 OUR PROBLEM IS WE JUST DON'T HAVE ANY VOLUNTEERS TO  
4 BE SHOT WITH SHOTGUNS TO GET EXACTLY THE SAME THING  
5 THERE'S A PROBLEM WITH ANY MEDIA THAT YOU USE, IT'S  
6 NOT GOING TO BE EXACTLY THE SAME THING AS SKIN, BUT  
7 MOST MEDIAS YOU CAN USE IS GOING TO BE CLOSE ENOUGH

8 Q ARE YOU ABLE TO QUANTIFY POSSIBLY THE DISTANCE  
9 THAT CHANGE WOULD OCCUR IN DETERMINING DISTANCES  
10 BETWEEN CLOTH AND BLOTTO?

11 A NO, NOT TO QUANTIFY IT BUT THE MAIN PROBLEM  
12 YOU RUN INTO WITH CLOTH IS THAT THE CLOTH WILL HAVE  
13 SOME THREADS SORT OF STRINGING INTO THE MAIN BODY OF  
14 WHERE THE SHOT PASSED WHERE THE BLOTTO PAPER IS  
15 MUCH LESS RESILIENT, IT JUST SORT OF BLOWS AWAY  
16 FOR THAT REASON, YOU'VE GOT A FEW THREADS HANGING  
17 INSIDE THE HOLE THAT YOU WOULDN'T HAVE WITH BLOTTO  
18 PAPER BUT THAT'S REALLY THE MAIN DIFFERENCE IS THE  
19 FACT THAT YOU'VE GOT THREADS HANGING THERE

20 Q SO WHAT'S BEEN MARKED AS STATE'S EXHIBIT  
21 SEVENTY-NINE THESE CLOTH DISTANCE PATTERNS, IS THIS  
22 ACCEPTABLE IN DETERMINING FOR USE BY A FORENSIC  
23 PATHOLOGIST DISTANCES FROM WHICH A GUN WAS FIRED?

24 A IT SHOULD BE

25 Q NOW, DID YOU HAVE THE OPPORTUNITY TO EXAMINE

1 WHAT'S BEEN MARKED AS STATE'S EXHIBIT EIGHTY-TWO?

2 A YES, SIR, I DID

3 Q AND THAT DOES PURPORT TO BIRD SHOT WADING TAKEN  
4 FROM MS HARRIS?

5 A YES, SIR, IT'S MARKED HARRIS WAD AND SHOT  
6 WE'VE GOT SO MANY NUMBERS IN THIS THING, LET ME  
7 REFER TO MY REPORT

8 Q YES, SIR

9 A YES, THIS WAS MY ITEM SIXTY-SEVEN, STATE'S  
10 EXHIBIT SIXTY-TWO, IDENTIFIED AS FROM MS HARRIS

11 Q AND IN EXAMINING THIS PARTICULAR STATE'S  
12 EXHIBIT, WHAT WERE YOU ABLE TO DETERMINE ABOUT THAT  
13 SHOT?

14 A THIS SHOT IS CONSISTENT IN ITS SIZE AND WEIGHT  
15 WITH BEING NUMBER SEVEN AND A HALF LEAD BIRD SHOT  
16 AND THE WAD, THE PLASTIC WAD RECEIVED IN ITEM --  
17 STATE'S EXHIBIT SIXTY-TWO IS CONSISTENT IN ITS  
18 DIAMETER WITH THAT OF A TWENTY-GAUGE SHOT SHELL WAD  
19 THE COURT EXCUSE ME, JUST A MINUTE I'M  
20 SORRY TO INTERRUPT YOU IS THAT SIXTY-TWO OR  
21 EIGHTY-TWO?

22 THE WITNESS EXCUSE ME ITEM EIGHTY-TWO,  
23 STATE'S EXHIBIT EIGHTY-TWO STATE'S EXHIBIT FORTY-  
24 EIGHT IS A TWENTY GAUGE SHOTGUN

25 EXAMINATION CONTINUED

1 BY MR COULTER

2 Q SO THIS BIRD SHOT THAT WAS SHOT IS AGAIN  
3 CONSISTENT WITH BEING SEVEN AND A HALF?

4 A THAT'S CORRECT

5 Q THAT BEING TAKEN FROM THE HEAD OF MS HARRIS?  
6 DID YOU HAVE THE OPPORTUNITY TO EXAMINE WHAT'S BEEN  
7 MARKED AS STATE'S EXHIBIT NUMBER EIGHTY-THREE?

8 A YES, SIR, I DID

9 Q AND THAT BEING TAKEN FROM THE HEAD OF MS SHEKA  
10 JACKSON, WERE YOU ABLE TO MAKE A DETERMINATION AS TO  
11 THE SHOT TAKEN FROM HER?

12 A I WAS

13 Q AND WHAT WAS THE NATURE OF THAT SHOT?

14 A THAT I WEIGHED AND MEASURED THE SHOT AND FOUND  
15 THE SHOT CONSISTENT WITH NUMBER SIX, LEAD BIRD SHOT  
16 AND THE WAD IS ALSO CONSISTENT WITH A TWENTY-GAUGE  
17 WAD

18 I FAILED TO MENTION WITH REGARD TO ITEM EIGHTY-  
19 TWO AS IS THE CASE ALSO WITH ITEM EIGHTY-THREE THE  
20 WADS ARE THE TYPE OF WADS LOADED IN THE FEDERAL  
21 BRAND SHOTGUN SHELLS AND ALL THREE OF THE SHOTGUN  
22 SHELLS ITEMS ARE FEDERAL BRAND SHOTGUN SHELLS

23 Q AGENT DEFENSE, IF THE SHELL FOUND IN STATE'S  
24 EXHIBIT FORTY-EIGHT, THE SHELL FOUND IN THERE  
25 CORRESPONDED TO A NUMBER SIX BUCKSHOT OR BIRD SHOT,

1 IS THAT HOW IT'S CALLED?

2 A WELL, THERE ARE DIFFERENT SIZES OF SHOTS SOME  
3 OF THEM ARE -- THERE'S A NUMBER ASSOCIATED WITH  
4 BUCKSHOTS AND A NUMBER ASSOCIATED WITH BIRD SHOTS  
5 THESE ARE NUMBER SIX LEAD BIRD SHOT

6 Q BIRD SHOT IF THE SHELLS IN THIS GUN, STATE'S  
7 EXHIBIT FORTY-EIGHT, CORRESPONDS TO A NUMBER SIX  
8 BIRD SHOT AND A SHOT FOUND IN THE HEAD OF MS  
9 JACKSON WAS A NUMBER SIX BIRD SHOT, WOULD IT BE  
10 LOGICAL THAT THAT SHELL WAS STILL FOUND IN THE GUN,  
11 THAT THAT WAS THE LAST SHOT FIRED?

12 A IT WOULD BE

13 Q AND AGAIN, THE HEAD OF MS LUEVINIA HARRIS, YOU  
14 FOUND SEVEN AND A HALF BIRD SHOTS, CORRECT?

15 A YES

16 Q WHAT IS THE DIFFERENCE, AGENT DEFREESE, IN A  
17 SEVEN AND A HALF AND A SIX BIRD SHOT?

18 A NUMBER SEVEN AND A HALF BIRD SHOT WEIGHS ABOUT  
19 ONE AND ONE QUARTER GRAIN A GRAIN IS ONE SEVENTY  
20 THOUSAND OF A POUND A NUMBER SIX BIRD SHOT WEIGHS  
21 JUST UNDER TWO GRAINS SO A NUMBER SIX BIRD SHOT IS  
22 NOT QUITE TWICE AS HEAVY AS THE NUMBER SEVEN AND A  
23 HALF THERE'S ALSO A SMALL DIMENSIONAL DIFFERENCE  
24 IN THE DIAMETER OF THESE TWO BUT THE EASIEST WAY  
25 TO DETERMINE THE DIFFERENCE BETWEEN THEM IS

1 ACCORDING TO THE WEIGHT I BOTH WEIGHED AND  
2 MEASURED THEM AND FOUND THE ONE ITEM CONSISTENT WITH  
3 NUMBER SEVEN AND A HALF AND THE OTHER NUMBER SIX  
4 LEAD BIRD SHOT

5 MR COULTER PLEASE ANSWER ANY  
6 QUESTION DEFENSE COUNSEL MAY HAVE

7 CROSS EXAMINATION

8 BY MR GARRETT

9 Q MR DEFREESE, AS I UNDERSTAND IT, A FEW MOMENTS  
10 AGO YOU SAID SOMETHING ABOUT BUCKSHOT VERSUS BIRD  
11 SHOT, IS THAT CORRECT?

12 A YES

13 Q FOR THE KILLING OF LARGER ANIMALS, WOULD A  
14 BUCKSHOT BE PREFERABLE TO A BIRD SHOT?

15 A IT'S USUALLY USED FOR THAT PURPOSE, YES

16 Q IN OTHER WORDS, IF YOU'RE TRYING TO KILL A --  
17 POLICE OFFICERS USE WEAPONS OF DESTRUCTION FOR THEIR  
18 PROTECTION, DO THEY USE BUCKSHOT OR BIRD SHOT?

19 A BUCKSHOT FOR THE MOST PART

20 Q IF YOU'RE TRYING TO SAY KILL A DEER ANIMAL OR  
21 SOME LARGER ANIMAL, WOULD YOU USE BIRD SHOT OR  
22 BUCKSHOT?

23 A BUCKSHOT WOULD BE PREFERABLE

24 Q AND IN BIRD SHOT, WHAT WOULD YOU GENERALLY USE  
25 BIRD SHOT FOR?

1 A FOR BIRDS AND SMALL GAME

2 Q DOVE HUNTING MAYBE?

3 A BIRDS, SQUIRRELS, RABBITS, YES, SIR

4 Q SOMETHING LIKE THAT I WANT TO SHOW YOU WHAT'S  
5 BEEN MARKED STATE'S EXHIBIT NUMBER ELEVEN AND AS  
6 AN EXPERT IN THE FIELD OF FIREARMS AND AMMO, CAN YOU  
7 TELL US -- IS IT LIKELY THAT SEVEN AND A HALFS CAME  
8 OUT OF THAT BOX AT ONE TIME?

9 A THEY APPEAR TO BE THE SAME LOADING OF COURSE,  
10 I CAN'T SAY WHETHER THEY DID OR DIDN'T, BUT THE  
11 FEDERAL GAME LOAD NUMBER SEVEN AND A HALF SHOT THAT  
12 I HAVE SEEN AND USED IS PACKAGED IN A BOX PRETTY  
13 MUCH JUST LIKE THIS BOX

14 Q WOULD YOU GIVE ANY NUMBER SIXES OUT OF THAT BOX  
15 OF SHELLS?

16 A NOT THAT THE FEDERAL COMPANY PUT IT IN IT  
17 UNLESS THEY DID SO BY MISTAKE

18 Q SO GENERALLY, IF YOU BUY A BOX OF SEVEN AND A  
19 HALF'S, YOU WANT A WIDER PATTERN FOR BIRDS, IF YOU  
20 WANT TO BUY A SIX, YOU'D BUY A LITTLE TIGHTER  
21 PATTERN FOR A PHEASANT OR A DUCK OR MAYBE EVEN  
22 SQUIRREL OR SOMETHING LIKE THAT

23 A THE DIAMETER OF THE SHOT OR THE SIZE OF THE  
24 SHOT MIGHT NOT EFFECT THE DIAMETER OF THE PATTERN  
25 FOR INSTANCE, THE PATTERN MIGHT BE AT ANY GIVEN

1 RANGE APPROXIMATELY THE SAME SIZE WHETHER YOU USE  
2 NUMBER SIX BIRD SHOT OR NUMBER SEVEN AND A HALF BIRD  
3 SHOT, WHAT YOU WOULD HAVE IS IF YOU USE SEVEN AND A  
4 HALFS, THE LARGER NUMBER BEING THE SMALLER SHOT,  
5 YOU'D HAVE A DENSER PATTERN

6 Q A BETTER CHANCE OF HITTING THE BIRD MAYBE?

7 A RIGHT AND YOU ALSO WOULDN'T BE AS LIKELY TO  
8 DAMAGE THE BIRD SHOOTING IT ALL TO PIECES SO ONE  
9 WOULD TYPICALLY USE THE NUMBER SIX SHOT FOR A  
10 SOMEWHAT LARGER BIRD OR MAYBE A RABBIT OR A SQUIRREL  
11 AND THEN A SEVEN AND A HALVES FOR SOMETHING LIKE A  
12 DOVE OR SMALLER GAME ANIMAL

13 Q BUT IT WOULD BE UNLIKELY THAT A NUMBER SIX  
14 WOULD BE IN A SEVEN AND A HALF BOX?

15 A IT WOULD BE UNLIKELY THAT THE FEDERAL COMPANY  
16 WOULD PUT IT THERE SOMEONE ELSE COULD HAVE PUT ONE  
17 THERE, BUT IT WOULDN'T HAVE BEEN ORIGINALLY PACKAGED  
18 THAT WAY

19 Q NOW, WERE YOU ASKED TO GIVE ANY SPECIFIC MUZZLE  
20 TO BODY VELOCITIES IN THIS CASE?

21 A NO, SIR

22 Q SPECIFICALLY, YOU WERE ONLY ASKED TO DO MUZZLE  
23 VELOCITY AS IT RELATED TO CLOTH, IS THAT CORRECT?

24 A I WASN'T ASKED TO DO MUZZLE VELOCITY AT ALL

25 Q YOU WEREN'T?

1 A NO, THERE WAS NO REQUEST TO DETERMINE THE  
2 VELOCITY

3 Q I'M SORRY, VELOCITY, EXCUSE ME, DISTANCE I  
4 USED THE WRONG WORD MUZZLE DISTANCE TO TARGET AS  
5 IT RELATED TO THE CLOTH IN THE BATHROOM

6 A RIGHT, THAT WAS THE ONLY REQUEST

7 Q SO NO ONE HAS ASKED YOU TO DO A MUZZLE TO BODY  
8 ANALYSIS IN THIS CASE?

9 A NO, SIR IT REALLY WOULDN'T MAKE ANY  
10 DIFFERENCE THE BODY OR THE SHOWER CURTAIN IN THIS  
11 CASE, WHATEVER WAS AT THAT DISTANCE, WOULD HAVE  
12 RECEIVED A WOUND ABOUT THAT DIAMETER

13 Q BUT ANYTHING THREE TO FIVE FEET IF YOU'RE GOING  
14 TWO FEET EITHER WAY?

15 A NO, A FOOT EITHER WAY

16 Q A FOOT EITHER WAY?

17 A I'M SAYING THAT FOUR FEET LOOKED LIKE IT WAS  
18 APPROXIMATELY THE SAME DUE TO THE VARIATION, THE  
19 SHOT VARIATION THAT REALLY IT WOULDN'T BE FAIR TO  
20 SAY FOUR FEET ONLY THAT THREE TO FIVE FEET IS --  
21 WOULD BE THE CORRECT ANSWER

22 Q WERE YOU EVEN AWARE THAT THE FORENSIC  
23 PATHOLOGIST WAS GOING TO USE YOUR PARTICULAR SHOT  
24 PATTERNS IN THIS CASE?

25 A I WASN'T AWARE OF IT, BUT IT FREQUENTLY



1 HAPPENS

2 Q IN THIS CASE, YOU WEREN'T AWARE OF THAT THOUGH,  
3 WERE YOU? THEY DIDN'T TELL YOU THAT IN ADVANCE  
4 BEFORE YOU BEGAN TO DO IT?

5 A NO, NOT BEFORE I BEGAN TO DO IT, BUT I WAS TOLD  
6 THAT BEFORE TRIAL

7 Q YOU DIDN'T APPEAR AT THE AUTOPSY, DID YOU, TO  
8 EXAMINE THE PARTICULAR BODIES OR ANYTHING?

9 A NO, SIR, I VERY SELDOM DO

10 Q BUT IF YOU WERE TRYING TO LOOK FOR SHOT  
11 PATTERNS SAY ON A BODY, YOU COULD HAVE DONE THAT  
12 ANALYSIS THERE, AS WELL, COULDN'T YOU?

13 A YES, SIR, IT'S POSSIBLE

14 Q YOU DIDN'T DO THAT IN THIS CASE

15 A NO, I DID NOT

16 Q AND NO ONE ASKED YOU TO DO THAT?

17 A THAT'S CORRECT

18 Q YOU DID, HOWEVER, INDICATE A WHILE AGO IT WOULD  
19 NOT BE FAIR AND/OR SCIENTIFIC TO TRY TO QUANTIFY THE  
20 DIFFERENCES BETWEEN THE TWO TYPES OF ANALYSIS, THAT  
21 NUMBER BLOTTO PAPER WHICH IS STANDARD VERSUS THAT  
22 DONE WITH CLOTH WHICH IS NOT THE STANDARD WHEN  
23 YOU'RE TRYING TO GET DISTANCE BETWEEN MUZZLE AND  
24 BODY

25 A I'M NOT SURE I FULLY UNDERSTAND YOUR QUESTION

1 I HAVEN'T -- FOR INSTANCE, I HAVEN'T QUANTIFIED  
2 MYSELF -- SHOT THE SAME AMMUNITION USING THE SAME  
3 SHOTGUN AT BOTH CLOTH AND BLOTTO PAPER AND THEN  
4 MEASURING DISTANCE TO SEE WHAT THE DIFFERENCE IN  
5 DISTANCE BETWEEN WHAT OCCURS ON ONE AND WHAT OCCURS  
6 ON THE OTHER I HAVEN'T DONE THAT

7 Q AND BECAUSE YOU HAVEN'T DONE THAT, THEN YOU  
8 CAN'T QUANTIFY THAT

9 A I CAN'T QUANTIFY A DIFFERENCE, IF ANY, BETWEEN  
10 THE TWO, NO

11 MR GARRETT BEG THE COURT'S  
12 INDULGENCE

13 EXAMINATION CONTINUED

14 BY MR COULTER

15 Q IF A WEAPON THAT HAD BEEN PREVIOUSLY FIRED AND  
16 NOT CLEANED IS LEFT IN THE TRUNK OF A VEHICLE, WOULD  
17 THAT VEHICLE'S CARPET OR WHATEVER IT WAS LAID UPON,  
18 WOULD THAT POTENTIALLY HAVE GUN RESIDUE?

19 A IT COULD

20 Q AND SHELLS THEMSELVES, BEFORE THEY'RE FIRED, DO  
21 THEY HAVE GUNPOWDER RESIDUE ON THEM?

22 A NOT GENERALLY NOT IF THEY'RE IN NEW  
23 CONDITION

24 Q SO IF THOSE WERE JUST LYING LOOSELY AND/OR IN A  
25 SMALL CONTAINER OR SOMETHING LIKE THAT IN A VEHICLE,

1 THEY WOULDN'T GIVE OFF ANY INDICATION THAT THEY WERE  
2 THERE? I MEAN, THERE'S NO WAY WE COULD  
3 SCIENTIFICALLY DO THAT TO DETERMINE WHETHER THEY  
4 WERE -- SUPPOSE THEY'RE OUT OF THE BOX, SUPPOSE  
5 THEY'RE IN THE TRUNK OF A CAR

6 A I DON'T UNDERSTAND EXACTLY WHAT YOUR QUESTION  
7 IS

8 Q THE SHELLS THAT WE'RE TALKING ABOUT, FEDERAL  
9 SHELLS THOSE HAVE NOT BEEN FIRED

10 A RIGHT

11 Q IF THOSE WERE JUST LYING SOMEWHERE, IS THERE  
12 ANY WAY TO DO A MICROSCOPIC ANALYSIS IN A TRUNK SAY  
13 FOR INSTANCE IF THEY WERE IN THERE TO DETERMINE, IN  
14 FACT, IF THEY WERE IN THERE

15 A NOT UNLESS THERE WAS SOME CONTAMINANT PRESENT  
16 IN THE TRUNK THAT TRANSFERRED TO THE SHELL

17 Q SO IT WOULDN'T BE FROM THE SHELL TO THE TRUNK  
18 TO THE BEST IT'D HAVE TO BE VICE VERSA?

19 A YES, SIR I DON'T KNOW OF ANYTHING THAT WOULD  
20 BE ON THE SHELL THAT WOULD RUB OFF ON THE TRUNK SO  
21 TO SPEAK

22 Q BUT POSSIBLY IF THERE WERE GUNPOWDER RESIDUE ON  
23 THE FIRED WEAPON, IT MIGHT?

24 A RIGHT IF THERE WERE A TRACE OF ANY  
25 CONTAMINANT THAT WERE PLACED ON THE SHELLS, SOME

1 INTERCHANGE THERE MIGHT BE POSSIBLE

2 Q HAVE YOU DONE ANY TYPE OF ANALYSIS ON THE  
3 PARTICULAR TRUNK OF THE MITSUBISHI VEHICLE IN THIS  
4 CASE?

5 A NO, SIR, I HAVEN'T

6 Q WERE YOU ASKED TO DO THAT?

7 A NO, SIR

8 MR GARRETT THANK YOU, DOCTOR

9 MR COULTER NOTHING ON RE-DIRECT

10 THE COURT YOU MAY STEP DOWN ANY  
11 OBJECTION TO THE WITNESS BEING EXCUSED?

12 MR GARRETT NO

13 MR JONES JUDGE, I'M GOING TO SPEAK  
14 WITH HIM AT LUNCH IF THAT'S OKAY

15 (WITNESS STEPS DOWN AT 1 20 O'CLOCK P M )

16 THE COURT I'M NOT REQUIRING HIM TO  
17 LEAVE, I'M JUST ASKING IF ANYBODY HAD AN OBJECTION  
18 TO HIM BEING EXCUSED

19 LADIES AND GENTLEMEN, WE ARE GOING TO  
20 RECESS AT THIS TIME FOR LUNCH REMEMBER, I TOLD YOU  
21 DON'T DISCUSS THE CASE I THINK THEY'RE GOING TO BE  
22 TAKING YOU ACROSS THE STREET TO THE BEAUMONT INN FOR  
23 LUNCH SO ENJOY YOUR LUNCH AND AS SOON AS YOU'RE  
24 THROUGH, WE'LL CONTINUE WITH THE TRIAL OF THIS CASE  
25 (JURY EXITS COURTROOM AT 1 20 O'CLOCK P M )

1 THE COURT ARE ALL THE JUROR'S GONE?  
2 COURT'S IN RECESS UNTIL 2 30

3 (OFF THE RECORD)

4 THE COURT SOLICITOR, HOW MANY MORE  
5 WITNESSES YOU GOT?

6 MR JONES FOUR TWO FIFTEEN MINUTE  
7 WITNESSES AND TWO HALF HOUR WITNESSES ON DIRECT  
8 EXAMINATION I'VE GOT ABOUT AN HOUR AND A HALF  
9 WORTH OF TESTIMONY THEN WE'LL REST

10 I'D TO HAVE SOMETHING I'D LIKE TO  
11 BRING TO THE ATTENTION TO THE COURT BEFORE WE BRING  
12 THE JURY OUT I'D LIKE TO MAKE A COURT'S EXHIBIT,  
13 THERE'S BEEN REFERENCE MADE TO NOTES BY THE CHIEF OF  
14 POLICE HERE IN ABBEVILLE AND EDDIE CLARK A S L E D  
15 AGENT CONCERNING THEIR INTERVIEW WITH THE DEFENDANT  
16 AND ANY INCONSISTENCIES OR DISCREPANCIES OR  
17 DIFFERENCES I BELIEVE WAS THE WORD USED BY DEFENDANT  
18 COUNSEL BETWEEN THOSE STATEMENTS AND THE SYNOPSIS OF  
19 THE GIST OF THE ORAL STATEMENT MADE BY THE DEFENDANT  
20 TO THOSE TWO INDIVIDUALS

21 THEY'VE MADE THOSE STATEMENTS AS COURT  
22 EXHIBITS AND I WOULD LIKE TO INCLUDE THE SYNOPSIS  
23 AND PROVIDE TO THEM UNDER RULE FIVE DISCOVERY RULES  
24 AS A COURT EXHIBIT AT THIS TIME

25 THE COURT YOU MAY IS THAT NUMBER

1 TEN?

2 REPORTER COURT'S EXHIBIT THIRTY  
3 MR JONES AND ALSO MARKED AS A  
4 COURT'S EXHIBIT AND I GUESS IT'S SOMEWHERE IN THE  
5 AREA OF TWENTY-SIX OR TWENTY-SEVEN I INTEND TO  
6 RETRIEVE AT THIS TIME AND INTRODUCE THROUGH AGENT  
7 CLARK OR ATTEMPT TO INTRODUCE THROUGH AGENT THE  
8 WAIVER OF RIGHTS FORM IT'S NOW A COURT'S EXHIBIT,  
9 THE WAIVER OF RIGHTS FORM

10 REPORTER TWENTY-SEVEN  
11 THE COURT TWENTY-SEVEN THE WAIVER  
12 FORM HAS BEEN RETRIEVED THE STATE INTENDS TO OFFER  
13 THAT IN THE TRIAL OF THE CASE? OKAY

14 MR COULTER I ANTICIPATE CALLING THE  
15 WITNESS PRIOR TO PROBABLY THE FIRST BREAK THEY HAVE  
16 THIS AFTERNOON AND THAT WOULD BE BERNICE JACKSON  
17 AND I WANTED TO MAKE A MOTION IN LIMITING IN REGARDS  
18 TO PAST CRIMINAL DEFENSE HISTORY PROVIDED THE  
19 DEFENSE HAS A COPY AND ALTHOUGH IT DOESN'T SHOW ON  
20 THE COPY, BUT WE'LL TELL THE COURT THAT MS JACKSON  
21 FORFEITED BOND ON THE CHARGE OF DISPLAYING A WEAPON  
22 IN A FRAY WHICH IS A MAGISTRATE'S LEVEL OFFENSE  
23 SHE WAS FINED THE SUM OF TWO HUNDRED DOLLARS, SHE  
24 MADE NO APPEARANCE AND I JUST WANTED TO MAKE SURE  
25 ON THE RECORD THAT THAT'S NOT AN OFFENSE THAT CAN BE

1 BROUGHT OUT AND ATTACK HER CREDIBILITY

2 THE COURT WHAT'S THE DEFENSE'  
3 POSITION?

4 MR GARRETT JUDGE, WE'RE LOOKING AT  
5 THE SECTION

6 THE COURT WELL, FOR WHAT MORAL  
7 TURPITUDE IT MIGHT GIVE SOME GUIDANCE ON SOME  
8 OCCASION, BUT THAT'S NOT ALWAYS THE TEST I MEAN  
9 IT'S NOT THE TEST ANY LONGER, IT MAY BE IN SOME  
10 CIRCUMSTANCES FOR SOME PARTICULAR OFFENSE

11 MR GARRETT APPEARS ONE YEAR AND  
12 WITHIN THE LAST TEN YEARS, RIGHT? MORE THAN ONE  
13 YEAR ---

14 THE COURT PUNISHMENT MORE THAN A  
15 YEAR WITHIN THE LAST TEN YEARS REFERS TO THE STATE  
16 HAVING PUT THE DEFENDANT ON NOTICE THEY INTEND TO  
17 USE IT IF -- FORGET WHAT I SAID THE TEN YEAR LIMIT  
18 -- YOU'RE TALKING ABOUT ON THE USE OF?

19 MR McCALLUM YES, SIR

20 THE COURT THAT'S THE GENERAL RULE,  
21 YES, BUT IT'S NOT ALWAYS APPLICABLE

22 MR McCALLUM WELL, THIS APPEARS TO  
23 BE, YOUR HONOR, AND WE JUST RECEIVED THIS RECORD A  
24 MINUTE AGO A CONVICTION ON JUNE 1, 1996

25 THE COURT THAT'S FOR WHAT,

1 DISPLAYING A FIREARM?

2 MR McCALLUM DRAWING A WEAPON IN A  
3 FRAY DATE OF DEFENSE WAS USED JUNE 1, '96

4 THE COURT WELL, AS I UNDERSTOOD IT,  
5 SHE FORFEITED BOND IN MAGISTRATE'S COURT SO,  
6 OBVIOUSLY, UNLESS IT WAS TRANSFERRED, IT DIDN'T  
7 CARRY MORE THAN THIRTY DAYS AND IT'S NOT AN OFFENSE  
8 THAT INVOLVES, IN MY VIEW, DISHONESTY OR DECEIT SO  
9 UNDER THE RULE, IT WOULD NOT BE ADMITTED FOR THE  
10 PURPOSE OF IMPEACHMENT NOW, IF YOU HAVE A  
11 DIFFERENT POSITION OR ARGUMENT YOU'D LIKE TO MAKE,  
12 I'LL BE HAPPY TO HEAR IT

13 MR McCALLUM YOUR HONOR, I THINK  
14 WE'D LIKE THE OPPORTUNITY TO DO A LITTLE RESEARCH  
15 UNLESS THE STATE PLANS ON CALLING HER IMMEDIATELY

16 MR COULTER IT'S A MAGISTRATE LEVEL  
17 OFFENSE

18 MR GARRETT BUT WAS IT TRANSFERRED?

19 MR COULTER NO, IT WAS A MAGISTRATE  
20 LEVEL OFFENSE

21 THE COURT WHAT HE'S SAYING IS IT WAS  
22 NOT A GENERAL SESSION COURT CASE EVER IT'S A CITY  
23 ORDINANCE, IS THAT WHAT WE'RE TALKING ABOUT?

24 MR COULTER I THINK THIRTY DAYS

25 MR GARRETT NO OBJECTION, YOUR



1 HONOR WE WON'T GET INTO THAT

2 MR COULTER THE ONLY OTHER THING  
3 THAT POTENTIALLY I COULD -- POSSIBLY BEFORE BREAK WE  
4 MAY BE ABLE TO REST OUR CASE AND THE ONLY THING I  
5 WANT TO SAY IS, I'D LIKE TO RESERVE, OTHER THAN  
6 RESTING, THE CHANCE TO GO THROUGH THE EVIDENCE TO BE  
7 SURE THAT WE HAVE INTRODUCED EVERYTHING WE NEEDED TO  
8 INTRODUCE

9 THE COURT WE'LL DO THAT

10 MR COULTER THANK YOU, YOUR HONOR

11 MR JONES. IN ADDITION TO THAT, YOUR  
12 HONOR, WE WOULD LIKE, PRIOR TO RESTING OUR CASE, GO  
13 ON RECORD AS HAVING MOVED TO INTRODUCE THE HOME OF  
14 MACK HARRIS, THE CRIME SCENE OF THIS CRIME, FOR THIS  
15 JURY TO WALK THROUGH UNDER THE YOUR -- UNDER THE  
16 SPECIAL TERMS THAT YOU PROVIDE, IF YOU SEE FIT TO DO  
17 SO, AND UNDER THE AUTHORITY OF THE AGENCY CHARGED TO  
18 THEIR CARE DURING THIS WEEK, THAT THEY BE ALLOWED TO  
WALK THROUGH AND OBSE

1 HONOR WE WON'T GET INTO THAT

2 MR COULTER THE ONLY OTHER THING  
3 THAT POTENTIALLY, I COULD -- POSSIBLY BEFORE BREAK WE  
4 MAY BE ABLE TO REST OUR CASE AND THE ONLY THING I  
5 WANT TO SAY IS, I'D LIKE TO RESERVE, OTHER THAN  
6 RESTING, THE CHANCE TO GO THROUGH THE EVIDENCE TO BE  
7 SURE THAT WE HAVE INTRODUCED EVERYTHING WE NEEDED TO  
8 INTRODUCE

9 THE COURT WE'LL DO THAT

10 MR COULTER THANK YOU, YOUR HONOR

11 MR JONES IN ADDITION TO THAT, YOUR  
12 HONOR, WE WOULD LIKE, PRIOR TO RESTING OUR CASE, GO  
13 ON RECORD AS HAVING MOVED TO INTRODUCE THE HOME OF  
14 MACK HARRIS, THE CRIME SCENE OF THIS CRIME, FOR THIS  
15 JURY TO WALK THROUGH UNDER THE YOUR -- UNDER THE  
16 SPECIAL TERMS THAT YOU PROVIDE, IF YOU SEE FIT TO DO  
17 SO, AND UNDER THE AUTHORITY OF THE AGENCY CHARGED TO  
18 THEIR CARE DURING THIS WEEK, THAT THEY BE ALLOWED TO  
19 WALK THROUGH AND OBSERVE ALL AREAS OF HIS HOME,  
20 PRIMARILY FOR THE PURPOSE OF GETTING A FEEL FOR THE  
21 DIMENSIONS OF THE HOME AND A PROPER LAYOUT FOR WHERE  
22 WE MAINTAIN THIS DOUBLE HOMICIDE TOOK PLACE AND  
23 WE'D LIKE TO GO ON RECORD AS HAVING MOVED TO  
24 INTRODUCE HIS HOME FOR THE PURPOSE OF THEIR WALKING  
25 THROUGH

1 THE COURT WELL, YOU'RE JUST  
2 REQUESTING THAT I PERMIT A JURY VIEW BASED UPON THE  
3 STATUTE?

4 MR JONES YES, SIR

5 THE COURT IT'S NOT NECESSARILY  
6 OFFERED INTO EVIDENCE

7 MR JONES RIGHT

8 THE COURT IT'S SIMPLY THE DISCRETION  
9 OF THE COURT

10 MR JONES YES

11 THE COURT YOU'RE NOT ASKING THAT  
12 THAT BE DONE NECESSARILY AT THE END OF THE STATE'S  
13 CASE, JUST SO LONG AS IT'S DONE BEFORE THE JURY  
14 DELIBERATES

15 MR JONES CORRECT, YOUR HONOR

16 MR GARRETT PLEASE THE COURT, YOUR  
17 HONOR WE OBJECT TO VIEWING THE HOUSE FOR NUMEROUS  
18 REASONS ONE IS THE FACT THAT THE FURNITURE IS NOT  
19 IN THE SAME LOCATION IN THE SAME PLACES IT WAS AT  
20 THE TIME IN QUESTION I'LL GIVE YOU AN EXAMPLE, IN  
21 THE HALLWAY THERE RIGHT IMMEDIATELY WHERE THE  
22 KITCHEN AREA STOPS AND YOU START THE HALL---

23 THE COURT LET'S DO THIS IF YOU  
24 WANT TO ARGUE YOUR POINT, LET'S JUST ARGUE IT A  
25 LATER TIME LET'S GO AHEAD AND HAVE THE JURY

1 BROUGHT BACK AND CONTINUE BEFORE WE DO ANYTHING  
2 ABOUT THE JURY, I'LL HEAR YOU ALL I'LL HEAR YOU  
3 BOTH ON THAT POINT ANYTHING FURTHER BEFORE I BRING  
4 THE JURY IN?

5 MR GARRETT NO, SIR

6 THE COURT BRING THEM IN

7 (JURY RE-ENTERS COURTROOM AT 2 46 O'CLOCK P M )

8 THE COURT GOOD AFTERNOON, I HOPE YOU  
9 HAD A GOOD LUNCH OF COURSE THE STATE IS STILL IN  
10 THE PROCESS OF PRESENTING THEIR EVIDENCE, SO WE WILL  
11 CONTINUE WITH THAT AT THIS TIME SOLICITOR

12 MR JONES CALL EDDIE CLARK TO THE  
13 STAND PLEASE EDDIE CLARK

14 THE CLERK THE EVIDENCE YOU SHOULD  
15 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
16 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
17 THE TRUTH SO HELP YOU GOD

18 THE WITNESS I WILL

19 (WITNESS PRESENTED AT 2 47 O'CLOCK P M )

20 DIRECTION EXAMINATION

21 BY MR JONES

22 Q PLEASE STATE YOUR NAME FOR THE RECORD

23 A EDDIE CLARK

24 Q AND ARE YOU RETIRED FROM THE SOUTH CAROLINA LAW  
25 ENFORCEMENT DIVISION, COMMONLY KNOWN AS S L E D ?

1 A YES, SIR

2 Q WHEN DID YOU RETIRE FROM S L E D ?

3 A MARCH 1ST THIS YEAR

4 Q AND HOW LONG DID YOU WORK FOR THE STATE LAW  
5 ENFORCEMENT DIVISION?

6 A TWENTY-THREE YEARS, SEVEN MONTHS

7 Q WHERE DID YOU GROW UP?

8 A ABBEVILLE

9 Q AND WHERE DID YOU GO TO SCHOOL?

10 A ABBEVILLE

11 Q ABBEVILLE HIGH SCHOOL?

12 A UH-HUH

13 Q AFTER YOU FINISHED HIGH SCHOOL, DID YOU START  
14 WORKING WITH S L E D ?

15 A NO

16 Q WHAT DID YOU DO IN THE MEANTIME?

17 A I HAD SEVERAL JOBS I WORKED WITH GENERAL  
18 CABLE CORPORATION FOR ABOUT TWELVE YEARS I WORKED  
19 AT ABBEVILLE CITY POLICE DEPARTMENT FOR A YEAR AND  
20 THEN WENT BACK TO GENERAL CABLE FOR A YEAR, ALMOST A  
21 YEAR, AND WENT TO WORK FOR S L E D

22 Q DID YOU MAINTAIN YOUR POLICE OFFICER  
23 CERTIFICATION DURING THE TIME THAT YOU WORKED FOR  
24 S L E D ?

25 A YES, SIR

1 Q AND I WANT TO ASK YOU THEN ON DECEMBER THE 5TH  
2 OF 1995, IN WHAT CAPACITY WERE YOU WORKING WITH  
3 S L E D ?

4 A I WAS A SINGLE SPECIALTY AGENT ASSIGNED TO THE  
5 PIEDMONT REGION

6 Q AND IS ABBEVILLE COUNTY INCLUDED IN THE  
7 PIEDMONT REGION?

8 A YES, SIR

9 Q NOW, WERE YOU IN EFFECT THE HOME AGENT FOR  
10 ABBEVILLE COUNTY?

11 A AT ONE TIME IT WAS CONSIDERED A RESIDENT AGENT,  
12 YES, SIR

13 Q BUT ON DECEMBER 5TH OF '95, IT WAS NOT?

14 A NO, SIR

15 Q YOU WERE JUST WORKING WITH A GENERAL AREA  
16 CALLED THE PIEDMONT?

17 A YES, SIR

18 Q ALL RIGHT, SIR, ON DECEMBER THE 5TH, 1995, DID  
19 YOU HAVE OCCASION TO BE IN THE PRESENCE OF THE  
20 DEFENDANT JOHN KENNEDY HUGHEY?

21 A YES, SIR, I DID

22 Q AND WHERE WERE YOU IN HIS PRESENCE?

23 A IN THE OFFICE OF THE CHIEF OF POLICE IN  
24 ABBEVILLE

25 Q AND WHO WAS WITH YOU DURING THAT PERIOD OF

1 TIME?

2 A CHIEF ROBIN RUCKER AND AGENT JERRY SLOAN

3 Q WHO DOES AGENT JERRY SLOAN WORK WITH?

4 A AT THAT TIME, HE WORKED WITH SOUTH CAROLINA LAW  
5 ENFORCEMENT DIVISION

6 Q AND AT THAT TIME, WAS THE DEFENDANT IN CUSTODY?

7 A YES, SIR

8 Q WHERE WAS HE BEING HELD?

9 A ABBEVILLE COUNTY JAIL

10 Q WHAT WAS THE PURPOSE OF YOUR BEING IN CHIEF  
11 RUCKER'S OFFICE WITH CHIEF RUCKER AND SPECIAL AGENT  
12 SLOAN?

13 A TO INTERVIEW MR HUGHEY CONCERNING THE DEATH OF  
14 TWO WOMEN HERE IN ABBEVILLE

15 Q IS IT FAIR TO SAY THAT BASICALLY YOU WERE IN  
16 CHARGE OF THAT INTERVIEW PROCESS?

17 A YES, SIR

18 Q AND APPROXIMATELY OVER THE TWENTY-THREE YEARS  
19 THAT YOU WORKED WITH S L E D , APPROXIMATELY HOW  
20 MANY INTERVIEWS DID YOU CONDUCT WITH SUSPECTS WHO  
21 WERE SUSPECTED OF HAVING COMMITTED CRIMES?

22 A I DON'T HAVE ANY IDEA

23 Q CAN YOU GIVE US -- WAS IT OVER A HUNDRED?

24 A IT WAS HUNDREDS

25 Q AND DURING THE COURSE OF THOSE TWENTY-THREE

1 YEARS, DID YOU DEVELOP A PERSONAL STYLE WITH WHICH  
2 YOU CONDUCT INTERVIEWS OF SUSPECTS IN CRIMINAL  
3 CASES?

4 A I'VE BEEN TOLD THAT I DID, YES, SIR

5 Q NOW, I SUPPOSE DURING THAT TIME SOME OF THE  
6 HUNDREDS OF INTERVIEWS THAT YOU CONDUCTED,  
7 UNFORTUNATELY, WERE SUSPECTS IN MURDER CASES

8 A YES, SIR

9 Q IS IT A COURSE OF FACT THAT YOU FOUND TO BE  
10 TRUE THAT WHEN CONDUCTING AN INTERVIEW OF A SUSPECT  
11 OF A MURDER CASE, THAT THE PRESENCE OF RECORDING  
12 DEVICES OR TELEVISION CAMERAS TEND TO INHIBIT THE  
13 FREE WILL ---

14 MR GARRETT OBJECTION, YOUR HONOR  
15 YOUR HONOR, I'D OBJECT, HE'S LEADING THE WITNESS  
16 THE COURT DON'T LEAD HIM

17 EXAMINATION CONTINUED

18 BY MR JONES

19 Q WHAT EFFECT WOULD A TV CAMERA AND A TAPE  
20 RECORDER DURING THE PROCESS OF AN INTERVIEW NORMALLY  
21 HAVE ON A SUSPECT THAT YOU'RE TALKING TO TRYING TO  
22 GET THEM TO TALK WITH YOU FREELY AND VOLUNTARILY?

23 A PERSONALLY, I DIDN'T LIKE TO USE THEM

24 Q AND WOULD YOU FIND THAT IT WOULD HAVE ANY  
25 DETERRING EFFECT ON YOUR TRYING TO GET THE



1 INDIVIDUAL TO BE FREELY AND VOLUNTARILY WITH YOU?

2 A YES, SIR, AT TIMES

3 Q SO WOULD IT BE A PRACTICE OF YOURS NOT TO HAVE  
4 TV CAMERAS AND TAPE RECORDERS AND INTERVIEW  
5 APPARATUS AT YOUR INITIAL INTERVIEW WHEN YOU WERE  
6 ATTEMPTING TO INTERVIEW THE DEFENDANT?

7 A YES, SIR, THAT'S THE WAY I CONDUCTED MY  
8 INTERVIEWS

9 Q DID YOU FIND YOUR INTERVIEWS TO BE, OVER THE  
10 COURSE OF THAT TIME, FAIRLY SUCCESSFUL?

11 A YES, SIR

12 Q NOW, ON THE DATE THAT YOU MET WITH HUGHEY, DID  
13 YOU HAVE ANY TV CAMERAS OR VIDEO EQUIPMENT OR TAPE  
14 RECORDERS IN THE ROOM WITH YOU WHEN YOU INITIALLY  
15 WERE ATTEMPTING TO GET HIM TO TALK TO YOU ABOUT  
16 THEM, TO INTERVIEW HIM ABOUT THE DEATH OF LUEVINIA  
17 HARRIS AND TESHEKA JACKSON?

18 A NO, SIR

19 Q ALL RIGHT, NOW, AGAIN, DID HE COME INTO THE  
20 ROOM WITH YOU WITH THE THREE OF YOU, THE DEFENDANT?

21 A YES, SIR, HE WAS IN THE ROOM WITH ME

22 Q DID YOU HAVE A CHANCE TO OBSERVE HIM, TO LOOK  
23 AT HIM, TO WATCH HIM?

24 A YES, SIR

25 Q AND DID YOU HAVE A CHANCE TO TALK TO HIM SOME

1 BEFORE YOU STARTED INTERVIEWING HIM AND GET SOME  
2 EXCHANGE OF DISCUSSION BACK AND FORTH?

3 A YES, SIR

4 Q AND DURING THAT PERIOD OF TIME, DID YOU HAVE A  
5 CHANCE TO OBSERVE HIS DEemeanOR OR HIS APPEARANCE?

6 A YES, SIR

7 Q AND WHAT WAS HIS DEemeanOR OR APPEARANCE TO YOU?

8 A HE SEEMED NORMAL TO ME HE WASN'T UPSET OR  
9 ANYTHING

10 Q DID HE APPEAR TO BE AWAKE OR ASLEEP?

11 A HE WAS AWAKE

12 Q DID HE APPEAR TO BE TIRED OR RESTED?

13 A HE APPEARED TO BE RESTED

14 Q DID HE APPEAR TO BE UNDER THE INFLUENCE OF ANY  
15 ALCOHOL OR DRUGS?

16 A NO, SIR

17 Q HOW WOULD YOU DESCRIBE HIS SPEECH WITH REGARDS  
18 TO THOSE AS CLEAR OR SLURRED?

19 A HIS SPEECH WAS CLEAR

20 Q AND WAS HIS REACTION TO ANY STATEMENTS OR  
21 COMMENTS THAT YOU MADE ALERT OR DULL?

22 A HE SEEMED ALERT

23 Q SO, IN GENERAL, YOU WOULD DESCRIBE HIS DEemeanOR  
24 AS BEING WHAT?

25 A NORMAL

1 Q WHAT WAS THE TONE OF CONVERSATION THAT YOU HAD  
2 WITH HIM DURING THAT INTERVIEW AS COMPARED TO OUR  
3 CONVERSATION HERE RIGHT NOW?

4 A IT WAS A NORMAL CONVERSATION

5 Q WAS IT ABOUT THE SAME TONE AS YOU AND I ARE  
6 TALKING?

7 A YES, SIR

8 Q BEFORE YOU BEGAN TO TALK TO HIM AND BEFORE YOU  
9 BEGAN TO INTERVIEW HIM, HAD YOU IN ANY WAY INDICATED  
10 TO HIM THAT YOU WOULD PROMISE HIM SOMETHING OR HELP  
11 HIM OUT OR GIVE HIM ANY REWARD IF HE TALKED TO YOU?

12 A NO, SIR

13 Q YOU HAD MADE HIM NO PROMISES WHATSOEVER TO TALK  
14 TO YOU?

15 A NO, SIR

16 Q HAD YOU IN ANY WAY, BEFORE YOU TALKED TO HIM,  
17 INDICATED THAT YOU WOULD DO VIOLENCE TO HIM IF HE  
18 DIDN'T TALK TO YOU?

19 A NO, SIR

20 Q HAD YOU IN ANY WAY THREATENED HIM?

21 A NO, SIR

22 Q HAD YOU IN ANY FASHION COERCED HIM OR  
23 THREATENED HIM WITH ANY MEANS WHATSOEVER IF HE  
24 WOULDN'T TALK?

25 A NO, SIR

1 Q NOW, WASN'T THERE SOMETHING THAT YOU WANTED TO  
2 GO OVER WITH HIM BEFORE YOU BEGAN INTERVIEWING HIM  
3 ABOUT THIS -- THE DEATH OF MS HARRIS AND MS  
4 JACKSON?

5 A YES, SIR

6 Q DID YOU WANT TO GIVE HIM THE CHANCE TO  
7 UNDERSTAND HIS MIRANDA WARNINGS?

8 A YES, SIR

9 Q AND DID YOU DO THAT?

10 A YES, SIR, I DID

11 Q HOW DID YOU GO ABOUT DOING THAT?

12 A I WENT OVER IT WITH HIM WITH THE FORM THAT WE  
13 USE

14 Q I HAND YOU COURT'S EXHIBIT TWENTY-SEVEN AND ASK  
15 YOU IF YOU RECOGNIZE IT

16 A YES, SIR

17 Q WHAT IS THAT?

18 A THIS IS A RIGHTS FORM USED --

19 Q READ THE TOP OF THE PAGE

20 A SAYS SOUTH CAROLINA LAW ENFORCEMENT DIVISION,  
21 YOUR RIGHTS

22 Q A RIGHTS FORM?

23 A YES, SIR

24 Q IS THAT THE RIGHTS FORM THAT YOU USED ON  
25 DECEMBER 5, 1995 WITH THE INTERVIEW OF JOHN KENNEDY

1 HUGHEY, THE DEFENDANT IN THIS CASE?

2 A YES, SIR

3 MR JONES YOUR HONOR, WE WOULD OFFER  
4 IT INTO EVIDENCE AT THIS TIME

5 MR GARRETT WITHOUT OBJECTION  
6 (REPORTER'S MARKS AND ENTERS PERTINENT DOCUMENT AS  
7 STATE'S EXHIBIT 89 )

8 THE COURT: IT'S ADMITTED

9 MR GARRETT SOLICITOR, WHAT'S THAT  
10 NUMBER?

11 REPORTER STATE'S EIGHTY-NINE

12 EXAMINATION CONTINUED

13 BY MR JONES

14 Q I'M GOING TO HAND YOU THIS EXHIBIT FOR YOUR  
15 PURPOSES HERE, BUT MY QUESTION FOR YOU IS, WHEN YOU  
16 USED THAT FORM TO EXPLAIN HIS MIRANDA RIGHTS TO HIM,  
17 WERE THE TWO OF YOU SEATED -- WERE YOU SITTING DOWN?

18 A YES, SIR

19 Q WAS THERE A DESK IN THE OFFICE?

20 A YES, SIR

21 Q AND WERE YOU SITTING AS CLOSE TO HIM AS YOU ARE  
22 TO ONE OF THESE JURORS OR CLOSER?

23 A PROBABLY CLOSER

24 Q AND WERE YOU SHOWING HIM ON THE SHEET THERE --

25 A I HAD PROVIDED HIM WITH A BLANK FORM

1 Q SO HE HAD A FORM, TOO

2 A I WAS READING IT TO HIM, LETTING HIM READ ALONG  
3 WITH IT

4 Q ON HIS BLANK FORM?

5 A ON HIS FORM

6 Q HAD YOU DETERMINED THAT HE COULD READ?

7 A YES, SIR

8 Q DID YOU ASK HIM THAT?

9 A I ASKED HIM IF HE COULD READ AND WRITE

10 Q HIS RESPONSE?

11 A WAS THAT HE COULD

12 Q AND SO YOU GAVE HIM A BLANK FORM AND YOU HAD  
13 YOUR FORM THAT YOU WERE READING TO HIM

14 A YES, SIR

15 Q IF YOU WOULD, EXPLAIN TO THE JURY WHAT PROCESS  
16 YOU WENT THROUGH THEN BEGINNING WITH YOUR GIVING HIM  
17 THOSE RIGHTS AND INSTRUCTIONS

18 A WHAT I NORMALLY DO IS READ THE PERSON THEIR  
19 RIGHTS, EACH INDIVIDUAL RIGHT, AND THEN ASK THEM TO  
20 INITIAL IT TO MAKE SURE THEY UNDERSTAND IT, WHICH I  
21 DID IN THIS CASE DO YOU WANT ME TO READ TO THEM  
22 WHAT I WENT THROUGH?

23 Q YES, SIR JUST EXPLAIN TO THEM, TO THE BEST OF  
24 YOUR ABILITY, THE BEST OF YOUR RECOLLECTION, WHAT  
25 PROCESS YOU WENT THROUGH ON DECEMBER FIFTH OF 1995

1 WITH THE DEFENDANT

2 A I SAID WE USE THIS FORM TO ADVISE INDIVIDUALS  
3 OF THEIR MIRANDA RIGHTS AND I READ TO HIM, BEFORE  
4 WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND YOUR  
5 RIGHTS I SAID, "DO YOU UNDERSTAND THAT?" HE SAID,  
6 "I DO," AND HE INITIALED IT

7 SECOND I ASKED HIM YOU HAVE THE RIGHT TO REMAIN  
8 SILENT I SAID, "DO YOU UNDERSTAND YOU HAVE THE  
9 RIGHT TO REMAIN SILENT?" HE SAID THAT HE DID, HE  
10 INITIALED THAT

11 ANYTHING YOU SAY CAN AND WILL BE USED AGAINST  
12 YOU IN A COURT OF LAW, DO YOU UNDERSTAND THAT? HE  
13 SAID THAT HE DID AND HE INITIALED IT

14 YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR  
15 ADVICE BEFORE WE ASK YOU ANY QUESTIONS AND YOU HAVE  
16 THE RIGHT TO HAVE HIM OR HER PRESENT WITH YOU DURING  
17 QUESTIONING, DO YOU UNDERSTAND THAT? HE INDICATED  
18 THAT HE DID AND SIGNED IT

19 IF YOU HAVE NO MONEY FOR A LAWYER'S FEE, THE  
20 COURT COURT WILL APPOINT ONE TO REPRESENT YOU  
21 WITHOUT COSTING YOU, IF YOU WISH, DO YOU UNDERSTAND  
22 THAT? HE INDICATED THAT HE DID AND HE INITIALED IT

23 IF YOU DECIDE TO ANSWER THE QUESTIONS NOW  
24 WITHOUT A LAWYER PRESENT, YOU WILL STILL HAVE THE  
25 RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME YOU

1 ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT  
2 ANY TIME UNTIL YOU TALK TO A LAWYER, DO YOU  
3 UNDERSTAND THAT? HE INDICATED THAT HE DID AND HE  
4 INITIALED IT

5 THE LAST ONE ON HERE IS I HAVE READ THIS  
6 STATEMENT OF MY RIGHTS AND UNDERSTAND WHAT MY RIGHTS  
7 ARE HE INITIALED THAT AND SIGNED IT

8 Q NOW, AFTER GIVING HIM THOSE RIGHTS, DID YOU ASK  
9 HIM IF HE WANTED TO GIVE YOU A STATEMENT THAT YOU  
10 WOULD TAKE DOWN IN WRITING?

11 A I READ THIS SECOND PART TO HIM I'M WILLING TO  
12 MAKE A STATEMENT AND TO ANSWER QUESTIONS I DO NOT  
13 WANT A LAWYER AT THIS TIME I UNDERSTAND AND KNOW  
14 WHAT I AM DOING AND NO PROMISES OR THREATS HAVE BEEN  
15 MADE TO ME AND NO PRESSURE OR COERCION OF ANY KIND  
16 HAS BEEN USED AGAINST ME I ASKED HIM IF HE WANTED  
17 TO GIVE US A WRITTEN STATEMENT AT THIS TIME, HE  
18 SAID, "NO, I DON'T WANT TO GIVE YOU A WRITTEN  
19 STATEMENT BUT I WANT TO TELL YOU MY SIDE OF IT "

20 Q SO HE WOULDN'T GIVE YOU A WRITTEN STATEMENT,  
21 RIGHT?

22 A RIGHT

23 Q AND HE WOULDN'T SIGN DOWN BELOW THERE WHERE IT  
24 SAYS THAT HE WANTS TO GIVE YOU A WRITTEN STATEMENT

25 A THAT' RIGHT



1 Q IS THAT CORRECT?

2 A THAT'S CORRECT

3 Q BUT HE TOLD YOU AT THAT TIME, WHAT?

4 MR GARRETT OBJECTION, YOUR HONOR,  
5 FOR THE RECORD --

6 THE COURT OVERRULED

7 MR GARRETT -- ON ALL THE MOTIONS  
8 PREVIOUSLY MADE

9 THE COURT: OVERRULED

10 EXAMINATION CONTINUED

11 BY MR JONES

12 Q HE TOLD YOU AT THAT TIME THAT HE WANTED TO DO,  
13 WHAT?

14 A HE WANTED TO TELL US HIS SIDE OF WHAT HAD  
15 HAPPENED

16 Q AND WHAT WAS YOUR RESPONSE TO THAT?

17 A I TOLD HIM GO AHEAD, WE'RE LISTENING

18 Q DID HE THEN BEGIN TO DO THAT?

19 A YES, SIR, HE DID

20 Q NOW, DID YOU HAVE A METHOD AT THAT TIME OF  
21 TAKING NOTES?

22 A YES, SIR

23 Q AND DID YOU TAKE NOTES OF WHAT HE TOLD YOU?

24 A YES, SIR, I DID

25 Q AND DID YOU KEEP THOSE NOTES?

1 A YES, SIR

2 Q AND DO YOU HAVE THOSE NOTES?

3 A YES, SIR

4 Q WHERE ARE THEY?

5 A IN MY POCKET

6 Q NOW, HAVE YOU REVIEWED THOSE NOTES BEFORE  
7 YOU'RE ABOUT TO TESTIFY HERE TODAY?

8 A YES, SIR, I HAVE

9 Q TELL THE JURY TO THE BEST OF YOUR RECOLLECTION  
10 WHAT THE DEFENDANT TOLD YOU AT THAT INTERVIEW ON  
11 DECEMBER THE 5TH, 1995

12 A HE STATED THAT HE GOT UP ABOUT -- A LITTLE  
13 AFTER 10 00 O'CLOCK ON MONDAY MORNING HE  
14 PREVIOUSLY FOUND OUT THAT HIS WIFE OR GIRLFRIEND,  
15 TESHEKA, WAS STAYING AT MACK HARRIS'S HOUSE AND HE  
16 WAS GOING OVER THERE TO TALK WITH HER

17 HE WENT OVER TO THE HOUSE AND TESHEKA AND MS  
18 HARRIS CAME OUTSIDE OF THE TRAILER AND THEY WERE  
19 TALKING AND HAVING A LITTLE BIT OF AN ARGUMENT AND  
20 MS HARRIS TOLD HIM TO GO INSIDE THE TRAILER HE  
21 SAID THAT HE WENT INSIDE THE TRAILER ---

22 Q HE SAID THAT MS HARRIS TOLD HIM TO GO INSIDE  
23 THE TRAILER

24 A YES, SIR

25 Q ALL RIGHT, GO AHEAD

1       A       AND HE SAID HE AND TESKEHA AND MS HARRIS WENT  
2       INSIDE THE TRAILER AND THERE WAS SOME LITTLE  
3       ALTERCATION THERE THAT TESHEKA THREW A VASE AT HIM  
4       AND A KNIFE OR TWO OR SOMETHING LIKE THAT, AND THAT  
5       HE HAD ROCKED HIS SON TO SLEEP AND CARRIED HIS SON  
6       TO THE BEDROOM AT THE FAR END OF THE TRAILER AND  
7       THAT TESHEKA CAME INTO THE HOUSE WITH THE GUN THAT  
8       SHE HAD GOTTEN OUT OF THE CAR THAT WAS PARKED  
9       OUTSIDE --

10      Q       SO HE TOLD YOU TESHEKA HAD GONE OUTSIDE AND  
11      GOTTEN A GUN

12      A       YES, SIR

13      Q       ALL RIGHT

14      A       HE SAID TESHEKA CAME INTO THE BATHROOM AND HAD  
15      THE GUN AND HAD POINTED IT AT HIM AND HE PUSHED THE  
16      GUN ASIDE AND THE GUN WENT OFF HE SAID HE DECIDED  
17      HE WAS GOING TO TRY TO GET OUT OF THE TRAILER AT  
18      THAT POINT SO HE RAN DOWN THE HALL TOWARD THE BACK  
19      DOOR OF THE TRAILER HE SAID TESHEKA FOLLOWED HIM  
20      DOWN THE HALL AND SOMEHOW MS HARRIS GOT BETWEEN HIM  
21      AND TESHEKA AND MS HARRIS GRABBED AT THE GUN AND  
22      THE GUN WENT OFF

23      Q       AND WHO DID HE SAY SHOT MS HARRIS?

24      A       TESHEKA

25      Q       ALL RIGHT GO AHEAD

1       A       HE SAID HE WAS SCARED     HE RAN INTO THE BEDROOM  
2       AND SHEKA CAME INTO THE BEDROOM WHERE HE WAS AND HE  
3       TRIED TO GET THE GUN AWAY FROM HER AND IT WENT OFF

4       Q       HE TRIED TO GET THE GUN AWAY FROM TESHEKA?

5       A       YES

6       Q       AND TESHEKA SHOT HERSELF WITH THE GUN?

7                       MR   GARRETT     OBJECTION, YOUR HONOR  
8                       THE COURT     DON'T LEAD HIM, JUST ASK  
9       HIM THE QUESTIONS, PLEASE

10                      THE WITNESS     HE SAID HE TRIED TO GET  
11       THE GUN AWAY FROM HER AND THE GUN WENT OFF

12       Q       OKAY

13       A       AND HE LEFT

14                               EXAMINATION CONTINUED

15       BY MR   JONES

16       Q       AND THEN HE LEFT     NOW, WERE YOU -- DID YOU  
17       HAVE CERTAIN KNOWLEDGE OF THE INVESTIGATION THAT HAD  
18       TAKEN PLACE AND THE FORENSIC COLLECTION OF EVIDENCE  
19       THAT HAD TAKEN PLACE BY FELLOW S L E D   OFFICERS OF  
20       YOURS AT THE HOME OF MACK HARRIS THE DAY BEFORE ON  
21       DECEMBER 4?

22       A       YES, SIR

23       Q       AND AFTER TALKING WITH THE DEFENDANT, WHAT DID  
24       YOU DO IN AN EFFORT TO NOTIFY THE FORENSIC EXPERTS,  
25       THE CRIME SCENE EXPERTS, THAT HAD BEEN THERE TO

1 COLLECT EVIDENCE AT THE SCENE IN AN EFFORT TO GO  
2 BACK TO THE HOME OF MACK HARRIS AFTER TALKING WITH  
3 THE DEFENDANT?

4 A I CALLED COLUMBIA AND GOT OUR FORENSIC TEAM  
5 BACK UP HERE

6 Q WHY?

7 A BECAUSE AT THE TIME BEFORE WE TALKED WITH HIM,  
8 WE THOUGHT THERE WAS ONLY TWO SHOTS FIRED IN THE  
9 HOME AFTER TALKING WITH HIM WE LEARNED THAT THERE  
10 WAS THREE, SO I CALLED COLUMBIA AND GOT THE  
11 FORENSICS TEAM BACK UP HERE TO REPROCESS THE HOUSE  
12 TO TRY TO LOCATE ANY EVIDENCE OF THAT GUN FIRING IN  
13 THE BATHROOM

14 Q NOW, LET ME CARRY YOU BACK TO DECEMBER 4TH  
15 HAD YOU RESPONDED TO THE INITIAL CALL THAT WAS MADE  
16 WHEN THE TWO HOMICIDES WERE DISCOVERED BY POLICE?

17 A YES, SIR,

18 Q AND WHERE DID YOU RESPONSE FROM, HOW DID YOU  
19 KNOW ABOUT IT AROUND NOON ON DECEMBER 4TH?

20 A I WAS AT MY LAKE HOUSE ON LAKE SECESSION I  
21 WAS ON ANNUAL LEAVE THAT WEEK

22 Q AND WHAT WAS IT THAT CAUSED YOU TO COME TO THE  
23 SCENE?

24 A I WAS CALLED BY MY SUPERVISOR

25 Q AND HOW FAR AWAY IS -- HOW DID YOU GO TO YOUR

1 LAKE HOUSE TO MACK HARRIS'S HOUSE? LET ME ASK YOU  
2 THAT?

3 A I CAME DOWN 184 AND DOWN HIGHWAY 28 IT'S  
4 ABOUT TWENTY-TWO MILES FROM HERE

5 Q AND AT SOME POINT IN TIME WHEN COMING FROM YOUR  
6 HOUSE TO MACK HARRIS'S HOUSE, DID YOU MAKE ANY  
7 OBSERVATIONS OF AUTOMOBILES DURING THAT PERIOD OF  
8 TIME THAT MAY HAVE SEEMED TO BE FAIRLY IMPORTANT TO  
9 YOU?

10 A JUST AS I CAME OUT ON 28 AT CRAWFORD'S STORE, I  
11 MET A LITTLE SMALL WHITE CAR IT WAS RUNNING PRETTY  
12 FAST AND I DIDN'T PAY A LOT OF ATTENTION AT THAT  
13 TIME, BECAUSE I WAS CONCENTRATING ON GETTING TO  
14 ABBEVILLE ABOUT HALF WAY BETWEEN THERE AND  
15 ABBEVILLE THE HIGHWAY PATROL THEY PUT OUT A  
16 BROADCAST THAT THEY WERE LOOKING FOR A SMALL WHITE  
17 CAR IN CONNECTION WITH THE HOMICIDE IN ABBEVILLE

18 Q WHICH DIRECTION WAS THE CAR THAT YOU SAW HEADED  
19 IN?

20 A GOING TO ANDERSON

21 Q APPROXIMATELY WHAT TIME WAS IT THAT YOU RECALL  
22 THAT YOU SAW THAT?

23 A I DON'T KNOW EXACTLY, BUT JUST A FEW MINUTES  
24 AFTER 12 00

25 Q ON YOUR WAIVER OF RIGHTS FORM, AS WITNESSES,

1 WHO SIGNED ON THERE AS WITNESSES, WHOSE SIGNATURE IS  
2 ON THE BOTTOM OF THAT FORM?

3 A MYSELF AND AGENT JERRY SLOAN

4 Q AND WHAT WAS THE PURPOSE OF AGENT SLOAN'S  
5 PRESENCE AT THE INTERVIEW, WHAT WAS HE GOING TO DO,  
6 IF ANYTHING, FOR YOU THERE?

7 A HE WAS GOING TO TAKE A WRITTEN STATEMENT HE  
8 WAS GOING TO TAKE DOWN A STATEMENT IF HE AGREED TO  
9 GIVE US A WRITTEN STATEMENT

10 Q DID HE END UP TAKING A WRITTEN STATEMENT?

11 A NO, SIR, HE DID NOT

12 Q AND ON THE FORM HERE THERE'S A PLACE JUST BELOW  
13 THE SECOND PARAGRAPH FOR A SIGNATURE THE  
14 INTERVIEWEE, THE PERSON YOU'RE INTERVIEWING, IS  
15 SUPPOSED TO SIGN THERE IF HE'S GOING TO GIVE A  
16 WRITTEN STATEMENT, IS THAT CORRECT?

17 A YES

18 Q BUT HE SIGNED THE ABOVE AS FAR AS UNDERSTANDING  
19 HIS RIGHTS?

20 A YES, SIR

21 MR JONES ANSWER ANY QUESTIONS THEY  
22 HAVE FOR YOU

23 CROSS EXAMINATION

24 BY MR GARRETT

25 Q NOW OFFICER, AS I UNDERSTAND IT, YOU DON'T LIKE

1 TO USE TAPE RECORDERS, DO YOU?

2 A NO, SIR

3 Q YOU'RE SUCCESSFUL IN THESE INTERVIEWS, AREN'T  
4 YOU?

5 A YES, SIR

6 Q ONE OF THE REASONS YOU'RE SUCCESSFUL IS YOU  
7 DON'T USE A TAPE RECORDER, ISN'T IT TRUE?

8 A I WOULDN'T SAY THAT, NO, SIR

9 Q HE TOLD YOU THAT DAY, OFFICER DID HE NOT, THAT  
10 SHEKA HAD SPENT THE NIGHT WITH HIM ON FRIDAY NIGHT?

11 A I BELIEVE THAT HE DID

12 Q NOW, WHEN HE'S IN THIS ROOM AND THESE TWO OTHER  
13 OFFICERS, DESCRIBE WHAT HE WAS WEARING?

14 A I BELIEVE HE WAS IN A, IF I'M NOT MISTAKEN, IN  
15 AN ORANGE JUMP SUIT

16 Q DID HE HAVE HANDCUFFS ON HIM?

17 A NO, SIR

18 Q DID HE HAVE LEG CUFFS ON HIM?

19 A NO, SIR

20 Q DID THEY LET HIM LOOSE FROM THOSE?

21 A YES, SIR

22 Q DID THEY BRING HIM OVER IN HANDCUFFS AND  
23 SHACKLES?

24 A THEY COULD HAVE BROUGHT HIM OVER THERE IN  
25 HANDCUFFS AND SHACKLES



1 Q DO YOU RECALL SEEING HIM IN HANDCUFFS AND  
2 SHACKLES AS HE WAS LED IN?

3 A I THINK THE FIRST TIME I SAW HIM WAS IN THE  
4 CHIEF'S OFFICE

5 Q SO YOU CAME IN AFTER THEY ALREADY HIM IN THERE?

6 A I THINK I DID

7 Q NOW, THE TRUTH OF THE MATTER IS YOU GAVE HIM  
8 THE WAIVER OF RIGHTS, BUT WHERE DOES IT SAY HERE I'M  
9 WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS  
10 WHERE DOES IT SAY HERE I'M WILLING TO DO THAT IN  
11 WRITING? I DON'T SEE IT SAYS I'M WILLING TO DO THAT  
12 IN WRITING IT SAYS THE QUESTION HERE WAS ON HIS  
13 WAIVER OF RIGHTS, I AM WILLING TO MAKE A STATEMENT  
14 AND TO ANSWER YOUR QUESTIONS HE DIDN'T SIGN THAT,  
15 DID HE?

16 A NO, SIR, HE DIDN'T

17 Q BUT YOU GOT HIM TO MAKE A STATEMENT ORALLY  
18 BECAUSE HE REFUSED TO GIVE YOU A WRITTEN STATEMENT,  
19 IS THAT WHAT YOU'RE SAYING?

20 A NO, SIR WHAT I SAID WAS I ASKED HIM TO GIVE  
21 US A WRITTEN STATEMENT HE SAID, "NO, BUT I WANT TO  
22 TELL YOU MY SIDE OF WHAT HAPPENED "

23 Q ALL RIGHT, SO IN SPITE OF THE FACT THAT HE  
24 DIDN'T SIGN THIS FORM AGREEING TO ANSWER YOUR  
25 QUESTIONS, HE AGREED TO DO IT ORALLY INSTEAD OF IN

1 WRITING, IS THAT WHAT YOU'RE SAYING?

2 A YES, SIR

3 Q ALL RIGHT NOW, SO HE TOLD YOU THEY HAD SPENT  
4 FRIDAY NIGHT TOGETHER, IS THAT CORRECT?

5 A I BELIEVE THAT HE DID

6 Q HE ALSO TOLD YOU SHE TOLD HIM THEY HAD TO TAKE  
7 THE CAR TO ANDERSON AND THAT SHE WOULD CALL HIM BACK  
8 THAT MORNING?

9 A I BELIEVE YOU'RE RIGHT ON THAT

10 MR JONES YOUR HONOR, MR GARRETT'S  
11 REFERRING TO THE WITNESS'S STATEMENT HE OUGHT TO BE  
12 GIVEN A OPPORTUNITY TO LOOK AT HIS OWN STATEMENT --

13 THE COURT HE'S JUST CROSS-EXAMINING  
14 HIM TO FIND OUT WHAT THE DEFENDANT TOLD HIM IF HE  
15 NEEDS TO REFER TO HIS NOTES HE MAY, BUT RIGHT NOW,  
16 HE'S ANSWERING THE QUESTION

17 EXAMINATION CONTINUED

18 BY MR GARRETT

19 Q HE TOLD YOU HE RODE HIS BIKE OVER THERE, DIDN'T  
20 HE?

21 A YES, SIR, HE DID

22 Q HE TOLD YOU THAT WHEN TESHEKA AND HE STARTED  
23 HAVING SOME CONFRONTATION THAT MISS LUEVINIA CALLED  
24 HIM JOHN-JOHN AND TOLD TESHEKA NOT TO TREAT JOHN  
25 LIKE THAT -- NOT TO TREAT JOHN-JOHN LIKE THAT

1 A I BELIEVE THAT'S CORRECT, YES, SIR

2 Q SO YOU HAD THAT CONVERSATION WITH HIM?

3 A YES, SIR

4 Q HE ALSO TOLD YOU THAT TESHEKA THREW A VASE AND  
5 TWO KNIVES AT HIM?

6 A YES, SIR

7 Q THAT SHEKA TOLD HIM THAT I MADE HER SICK AND I  
8 WAS ALWAYS TELLING OUR BUSINESS

9 A I THINK HE DID, HE SAID THAT, TOO

10 Q ALWAYS TELLING OUR BUSINESS?

11 A YES, SIR

12 Q NOW, THERE WAS ANOTHER LAW OFFICER IN THAT ROOM  
13 AT THE SAME TIME, WASN'T THERE?

14 A WHO?

15 Q RUCKER WAS IN THERE, WASN'T HE?

16 A YES, SIR

17 Q NOW SLOAN DID SLOAN MAKE NOTES OF THE  
18 CONVERSATION THAT WERE BEING DISCUSSED IN THERE?

19 A I DON'T THINK HE DID, NO, SIR

20 Q NOW WHAT ABOUT RUCKER, DID RUCKER TAKE SOME  
21 NOTES?

22 A YES HE POSSIBLY DID, YES, SIR

23 Q AND WE HAVE NO TAPE-RECORDED CONVERSATIONS  
24 BETWEEN YOU AND JOHN IN ANY FORM OR IN ANY FASHION?

25 A NOT THAT I'M AWARE OF IF IT WAS RECORDED, I

1 WASN'T RECORDING IT

2 Q AND YOU THINK THAT'S THE BEST WAY TO HANDLE  
3 THESE KINDS OF CASES?

4 A THAT IS THE WAY I DO IT

5 Q AND IF HE SAID HE WANTED TO GIVE YOU AN ORAL  
6 STATEMENT, THEN YOU KNOW, AS A MATTER OF POLICE  
7 TECHNOLOGY, WHY DON'T YOU SAY -- YOU WERE TRYING TO  
8 GET A STATEMENT FROM HIM, AREN'T YOU, YOU'RE NOT  
9 TRYING NOT TO GET A STATEMENT FROM HIM, ARE YOU?

10 A THAT WAS MY PURPOSE THERE

11 Q ABSOLUTELY THAT'S WHAT YOU WERE THERE FOR,  
12 RIGHT?

13 A THAT'S EXACTLY RIGHT

14 Q YOU WANTED TO GET HIM TO SAY AS MUCH AS YOU  
15 COULD, INCRIMINATE HIMSELF AS MUCH AS HE COULD AND  
16 DO ALL YOU COULD TO HELP THE STATE IN ITS CASE,  
17 WASN'T IT? THAT'S WHAT YOU'RE ABOUT, RIGHT?

18 A I WANT TO FIND OUT THE TRUTH

19 Q ALL RIGHT THEN, IF WE WERE TALKING ABOUT  
20 FINDING OUT THE TRUTH, THEN WHY COULDN'T WE HAVE A  
21 RECORDED STATEMENT OF THE TRUTH OF EXACTLY WHAT HE  
22 SAID INSTEAD OF YOUR NOTES OF WHAT HE SAID?

23 A I JUST DON'T LIKE TO USE TAPE RECORDERS

24 Q OH, YOU DON'T LIKE TO USE TAPE RECORDERS

25 A NO, SIR

1 Q HE ALSO TOLD YOU THAT THAT SHOTGUN HAD BEEN IN  
2 THE TRUNK FOR A NUMBER OF MONTHS, DIDN'T HE?

3 A YES, SIR, HE DID TELL ME THAT

4 Q YOU KNEW HE HAD JUST COME FROM THE HOSPITAL  
5 AFTER CUTTING HIMSELF AND TRYING TO KILL HIMSELF,  
6 DIDN'T YOU?

7 A HE HAD JUST COME FROM THE HOSPITAL, THAT  
8 MORNING?

9 Q YEAH

10 A NO, I DIDN'T KNOW HE HAD BEEN TO THE  
11 HOSPITAL---

12 Q YOU TALKED TO HIM ON THE 5TH, DIDN'T YOU?

13 A YES, SIR

14 Q IN YOUR OWN NOTES, YOU GAVE THE WRONG DATE  
15 YOU DATED THIS INTERVIEW FOR 1996, DIDN'T YOU?

16 A THAT POSSIBLY COULD HAVE BEEN DONE WHEN I  
17 TRANSCRIBED IT OR WHATEVER WHEN I TOOK IT OUT OF  
18 THERE -- I DON'T KNOW I DON'T KNOW HOW THAT ---

19 Q WHAT DO YOU MEAN BY TRANSCRIBING IT? I THOUGHT  
20 THAT WAS THE ONLY COPY THAT YOU HAD?

21 A THAT IS THE ONLY COPY THAT I HAD I SAID I  
22 COULD HAVE PUT THE WRONG DATE ON IT

23 Q YOU DIDN'T TRANSCRIBE YOUR NOTES THEN, YOU JUST  
24 PUT THE -- YOU MADE A SCRIVENER'S ERROR BY PUTTING  
25 THE WRONG DATE ON IT

1 A I GUESS I DID

2 Q SO IN DECEMBER YOU WERE HOPING '96 WOULD GET  
3 HERE QUICK SO YOU PUT '96 INSTEAD OF '95

4 A COULD HAVE BEEN COULD HAVE BEEN PAYING MY  
5 BILLS, I DON'T KNOW, I THOUGHT IT WAS '96

6 MR GARRETT BEG THE COURT'S  
7 INDULGENCE, YOUR HONOR

8 EXAMINATION CONTINUED

9 BY MR GARRETT

10 Q THE TRUTH OF THE MATTER IS YOU WROTE THIS  
11 STATEMENT SOMETIME LATER THAN THAT DAY, ISN'T IT?

12 A NO, SIR

13 MR GARRETT THAT'S ALL I HAVE FOR  
14 THIS WITNESS

15 MR JONES NO FURTHER QUESTIONS

16 THE COURT YOU MAY STEP DOWN, THANK  
17 YOU

18 MR JONES JERRY SLOAN

19 (WITNESS STEPS DOWN AT 3 15 O'CLOCK P M )

20 THE CLERK THE EVIDENCE YOU SHOULD  
21 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
22 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
23 THE TRUTH, SO HELP YOU, GOD

24 THE WITNESS I DO

25 (WITNESS PRESENTS AT 3 15 O'CLOCK P M )

1                                    DIRECT EXAMINATION

2    BY MR JONES

3    Q     PLEASE STATE YOUR NAME FOR THE RECORD

4    A     JERRY SLOAN

5    Q     AND WERE YOU AT ONE TIME EMPLOYED WITH THE  
6    SOUTH CAROLINA LAW ENFORCEMENT DIVISION?

7    A     YES, SIR

8    Q     ARE YOU NOW RETIRED FROM THAT AGENCY?

9    A     I AM RETIRED

10   Q     WHEN DID YOU RETIRE?

11   A     JUNE OF '96

12   Q     AND HOW MANY YEARS DID YOU PUT IN WITH LAW  
13   ENFORCEMENT BEFORE YOU RETIRED?

14   A     I HAD TWENTY-EIGHT YEARS, SIR

15   Q     TWENTY-EIGHT YEARS?

16   A     YES, SIR

17   Q     WHERE DID YOU GROW UP?

18   A     IN PENDLETON

19   Q     AND WHERE DID YOU GO TO HIGH SCHOOL?

20   A     PENDLETON

21   Q     AND AFTER GRADUATION, DID YOU BEGIN WORKING  
22   WITH LAW ENFORCEMENT, WITH S L E D , WHAT DID YOU DO  
23   AFTER GRADUATION?

24   A     WENT TO SCHOOL

25   Q     WHERE DID YOU GO TO SCHOOL?

1 A I WENT TO UNIVERSITY OF SOUTH CAROLINA AND  
2 UNIVERSITY OF LOUISVILLE

3 Q AND WHAT DID YOU STUDY?

4 A I STUDIED AND POLICE ADMINISTRATION AT THE  
5 UNIVERSITY OF LOUISVILLE

6 Q AND DID YOU INTEND AT THAT POINT IN TIME TO GET  
7 INVOLVED IN A CAREER IN LAW ENFORCEMENT?

8 A YES, SIR, I WAS ALREADY INVOLVED IT

9 Q YOU WERE?

10 A YES, SIR

11 Q HOW?

12 A I WAS WORKING WITH S L E D WHEN THEY SENT ME

13 Q AND DURING THE YEARS YOU WORKED WITH S L E D ,  
14 IN WHAT AREAS DID YOU SPECIALIZE, IF ANY?

15 A CRIMINAL INVESTIGATIONS WHICH ENCOMPASSES A LOT  
16 OF AREAS

17 Q DURING YOUR TWENTY-EIGHT YEARS THAT YOU WORKED  
18 WITH S L E D , APPROXIMATELY HOW MANY CRIMINAL  
19 INVESTIGATIONS WOULD YOU SAY THAT YOU PARTICIPATED  
20 IN?

21 A HUNDREDS

22 Q AND HOW MANY INTERVIEWS WOULD YOU SAY YOU  
23 CONDUCTED OVER THAT PERIOD?

24 A HUNDREDS

25 Q DURING THE COURSE OF YOUR EXPERIENCE IN



1 INTERVIEWING, DID YOU EVER CONDUCT ANY INTERVIEWS OF  
2 MURDER SUSPECTS?

3 A YES, SIR

4 Q APPROXIMATELY, HOW MANY?

5 A ABOUT UH ---

6 Q IN EXCESS OF FIFTY?

7 A YES, SIR, I WOULD SAY SO

8 Q BASED ON YOUR EXPERIENCE IN MURDER  
9 INVESTIGATIONS, WHAT IS YOUR OPINION OF THE EFFECT  
10 DURING AN INTERVIEW OF A MURDER SUSPECT THAT  
11 CAMERAS, VIDEO CAMERAS, TAPE RECORDING DEVICES,  
12 WOULD HAVE ON THE SUSPECT THAT YOU'RE TRYING TO  
13 INTERVIEW?

14 A WELL, I NEVER NORMALLY USE CAMERAS OR TAPE  
15 RECORDERS I USUALLY JUST -- ON MY INTERVIEWS WHEN  
16 I WAS A CASE AGENT, I MADE NOTES

17 Q WHEN YOU'RE TRYING TO DEVELOP A RAPPORT WITH AN  
18 INDIVIDUAL AND TALK TO AN INDIVIDUAL ABOUT A CASE, A  
19 MURDER SUSPECT, WAS THERE A REASON WHY YOU WOULDN'T  
20 USE A VIDEO CAMERA OR TAPE RECORDER OR VIDEO TAPING  
21 EQUIPMENT AND THAT SORT OF THING?

22 A PROBABLY THE BIGGEST REASON I WOULDN'T USE IT  
23 IS BECAUSE I DIDN'T HAVE ACCESS TO IT OTHER THAN A  
24 TAPE RECORDER

25 Q LET ME ASK YOU THIS DID YOU PARTICIPATE IN AN

1 INTERVIEW OF THE DEFENDANT HERE ON DECEMBER 5, 1995?

2 A YES, SIR, I WAS THERE

3 Q WHERE WAS IT?

4 A AT CHIEF RUCKER'S OFFICE HERE IN ABBEVILLE

5 Q AND WHO ASKED YOU TO BE PRESENT?

6 A AGENT EDDIE CLARK

7 Q WAS HE THE CHIEF INTERVIEWER?

8 A YES, SIR

9 Q AND WHAT ROLE WERE YOU TO PLAY THERE?

10 A I WOULD JUST ASSIST HIM IN THE INVESTIGATION

11 AT THE TIME OF THE INTERVIEW, HAD THERE BEEN A

12 WRITTEN STATEMENT, I WAS GOING TO TRANSCRIBE IT

13 Q DO YOU RECALL THAT MEETING?

14 A YES, SIR

15 Q WHAT TYPE A HOMICIDE CASE WERE YOU

16 INVESTIGATING?

17 A WHAT TYPE?

18 Q YES, SIR

19 A A MURDER, DOUBLE MURDER

20 Q AND YOU KNEW THAT THEN?

21 A YES, SIR

22 Q AND DO YOU REMEMBER MEETING WITH THIS DEFENDANT

23 OVER HERE?

24 A YES, SIR

25 Q YOU DO?

1 A YES, SIR, THAT'S MR HUGHEY

2 Q UH-HUH

3 A I CAN'T REALLY SEE HIM

4 Q BUT YOU REMEMBER MEETING WITH JOHN HUGHEY?

5 A YES, SIR, HE WAS THE PRISONER

6 Q WHAT TOOK PLACE IN THAT MEETING TO THE BEST OF  
7 YOUR RECOLLECTION, HOW DID IT PROCEED, WHAT HAPPENED  
8 THEN?

9 A HE WAS BROUGHT INTO CHIEF RUCKER'S OFFICE AND  
10 AGENT CLARK TOOK OUT HIS FORM OF HIS RIGHTS, WHICH  
11 HE READ EACH ONE TO HIM INDIVIDUALLY AND AFTER EACH  
12 ONE, HE ASKED DID HE UNDERSTAND AND AFTER HE SAID HE  
13 UNDERSTOOD, HE WOULD HAVE HIM INITIAL THAT  
14 PARTICULAR STATEMENT AND THEN HE WENT THROUGH THEM  
15 ALL AND AFTER THAT HE ASKED WAS HE SURE HE  
16 UNDERSTOOD IT

17 Q YOU WERE PRESENT FOR THAT PROCESS?

18 A YES, SIR

19 Q PRIOR TO BEGINNING THAT PROCESS, DID YOU HAVE  
20 THE CHANCE IN DURING THAT PROCESS TO OBSERVE THE  
21 DEFENDANT?

22 A YES, SIR, HE WAS SITTING THERE AT THE DESK WITH  
23 US

24 Q ABOUT HOW FAR AWAY WAS HE FROM YOU DURING THE  
25 INTERVIEW PROCESS?

1 A IT COULDN'T HAVE BEEN BUT THREE OR FOUR FEET

2 Q FAR AWAY AS YOU AND JURY HERE?

3 A PROBABLY NOT THAT FAR

4 Q WELL NOW, DID YOU HAVE A CHANCE TO OBSERVE HIS  
5 DEMEANOR?

6 A YES, SIR, HE WAS SITTING THERE IN FRONT OF ME

7 Q HOW WOULD YOU DESCRIBE HIS GENERAL APPEARANCE  
8 AND DEMEANOR DURING THE INTERVIEW?

9 A HE APPEARED JUST LIKE ANY OTHER PERSON HE WAS  
10 CALM, COOL, COLLECTED, NOT EMOTIONAL OR FIDGETY,  
11 JUST SITTING THERE LIKE WE WERE, REALLY

12 Q DID HE APPEAR TO BE UNDER THE INFLUENCE OF ANY  
13 ALCOHOL OR DRUGS?

14 A NOT TO ME

15 Q DID HE APPEAR TO BE IN THE NEED OF SLEEP OR  
16 REST?

17 A NOT TO ME

18 Q DID HE COMPLAIN OF BEING TIRED OR UNABLE TO GO  
19 ON AND TALK WITH YOU?

20 A NO, SIR

21 Q AT ANY POINT IN TIME, DID ANY OF THE THREE OF  
22 YOU, DID ANY OF THE OFFICERS IN THERE, INDICATE TO  
23 HIM THAT IT WOULD BE IN HIS BEST INTEREST TO TALK TO  
24 YOU OR THAT YOU WOULD OFFER HIM SOME KIND OF AWARD  
25 IF HE TALKED TO YOU?

1 A NO, SIR

2 Q DID ANYBODY PROMISE HIM ANYTHING, TELLING HIM  
3 IF HE TALKED HE'D BE BETTER OFF AND ALL THAT?

4 A NO, SIR

5 Q WHILE YOU WERE THERE IN THE ROOM THERE, DID  
6 ANYONE OF THE OFFICERS INTIMIDATE HIM?

7 A NO, SIR

8 Q DID ANYBODY RAISE THEIR VOICE?

9 A NO, SIR

10 Q ANYBODY PUT A GUN ON THE TABLE?

11 A NO, SIR

12 Q ANYBODY --

13 MR GARRETT OBJECTION, YOUR HONOR,  
14 HE'S LEADING

15 MR JONES I'LL WITHDRAW THE  
16 QUESTION

17 THE COURT JUST ASK HIM WHAT  
18 OCCURRED

19 EXAMINATION CONTINUED

20 BY MR JONES

21 Q WELL, AGAIN, YOUR PURPOSE WAS TO TRANSCRIBE ANY  
22 WRITTEN STATEMENT HE GAVE YOU?

23 A THAT'S CORRECT

24 Q WHAT HAPPENED AT THE CONCLUSION THEN OF AGENT  
25 CLARK'S HAVING READ HIM HIS MIRANDA WARNINGS TO THE

1 BEST OF YOUR RECOLLECTION, WHAT HAPPENED WHEN HE  
2 FINISHED READING HIM HIS MIRANDA WARNING?

3 A HE SAID HE DID NOT WANT TO MAKE A WRITTEN  
4 STATEMENT BUT HE WANTED TO TELL HIS SIDE OF THE  
5 STORY

6 Q WANTED TO TELL IT TO WHO?

7 A TO THE THREE PEOPLE THERE MYSELF, CHIEF  
8 RUCKER AND AGENT CLARK

9 Q AND WHAT HAPPENED AFTER HE SAID THAT?

10 A WE LET HIM TELL HIS SIDE OF THE STORY

11 Q WHAT DID YOU DO?

12 A I SET THERE AND LISTENED

13 Q DID YOU TAKE ANY NOTES?

14 A NO, SIR

15 Q BUT YOU DID LISTEN?

16 A YES, SIR

17 Q DO YOU REMEMBER PORTIONS OF WHAT HE TOLD YOU?

18 A YES, SIR

19 Q TELL THE JURY WHAT PORTIONS YOU REMEMBER OF  
20 WHAT HE TOLD YOU THERE THAT DAY

21 A THE MORNING OF -- I BELIEVE IT WAS MONDAY, HE  
22 GOT UP, HE RODE HIS BICYCLE OVER TO THIS TRAILER ON  
23 THIS SIDE OF TOWN, WHEREVER IT IS HE GOT THERE AND  
24 MS JACKSON, MS HARRIS WERE THERE AND HE WAS  
25 INVITED IN BY MS HARRIS HE SAID WHEN HE GOT

1       INSIDE THAT HE AND MS JACKSON SHE STARTED FUSSING  
2       AND HE SAID SHE THREW SOMETHING, A VASE OR A KNIFE  
3       OR SOMETHING     AND HE WENT TO THE BACK ROOM TO PUT A  
4       KID DOWN, I DON'T KNOW WHETHER IT'S HIS SON OR  
5       DAUGHTER OR WHAT, BUT PUT THE KID DOWN AND SHE CAME  
6       BACK THROUGH THERE WITH A GUN     I'M SORRY, HE WENT  
7       TO THE BATHROOM AND HE WAS IN THERE, SHE CAME IN  
8       WITH A GUN AND WHEN HE PUSHED IT AWAY IT WENT OFF  
9       AND SHOT A HOLE IN THE BATHROOM WALL

10            THEN HE SUPPOSEDLY RAN DOWN THE HALL TO THE  
11       BEDROOM AT THE OTHER END OF THE TRAILER, BY THE BACK  
12       DOOR OF THE TRAILER AND IN THE MEANTIME MS HARRIS  
13       WAS IN BETWEEN THEM AND MS HARRIS PUSHED THE GUN  
14       AND IT SHOT HER, I ASSUME     I DON'T KNOW WHO SHOT  
15       HER        THEN ---

16       Q       WHO HAD THE GUN WHEN MS HARRIS GOT SHOT?

17       A       HE SAID MS JACKSON     THEN HE RAN INTO THE  
18       BEDROOM, HE SAID MS JACKSON COME IN THERE WITH A  
19       GUN     HE GRABBED IT AND THEN IT SHOT HER AND HE  
20       LEFT

21       Q       AT THE TIME, DID YOU HAVE STATE'S EXHIBIT  
22       FORTY-EIGHT THERE TO GET HIM TO EXPLAIN TO YOU HOW  
23       TESHEKA JACKSON SHOT HERSELF IN THE HEAD WITH THE  
24       GUN?

25                   MR GARRETT     OBJECTION, YOUR HONOR

1 MR JONES SIR?

2 THE WITNESS NO, SIR

3 THE COURT OVERRULED

4 EXAMINATION CONTINUED

5 BY MR JONES

6 Q SO YOU DIDN'T HAVE THIS HERE TO EXPLAIN TO YOU  
7 HOW SHE COULD SHOOT HERSELF IN THE SIDE OF THE HEAD  
8 WITH THIS GUN, RIGHT?

9 A NO, SIR, WE DID NOT HAVE IT

10 Q AND YOU DIDN'T ASK HIM THAT, DID YOU?

11 A NO, SIR

12 MR JONES ANSWER ANY QUESTIONS THESE  
13 LAWYERS HAVE FOR YOU

14 CROSS EXAMINATION

15 BY MR GARRETT

16 Q IT WORKS, DOESN'T IT?

17 A SIR?

18 Q IT WORKS, DOESN'T IT?

19 A WHAT WORKS?

20 Q WELL, YOU GET THREE PEOPLE TOGETHER, YOU WANT  
21 TO GET A STATEMENT, YOU MAKE SURE THERE'S NO TAPE  
22 RECORDING ON AND WHO IS HE TO ARGUE WITH THREE LAW  
23 ENFORCEMENT OFFICERS AS TO WHAT WAS SAID IN THAT  
24 ROOM?

25 A ARE YOU ASKING ME THAT QUESTION?



1 Q YES

2 A I DON'T HAVE ANY IDEA

3 Q WELL, YOU MEAN TO TELL ME IN ALL THOSE YEARS  
4 YOU NEVER TAPE RECORDED OR BEEN PRESENT WHEN A TAPE  
5 RECORDING OF AN CONFESSION AN ALLEGED CONFESSION IN  
6 A DOUBLE HOMICIDE CASE?

7 A I DIDN'T SAY THAT

8 Q OH, SO WE DO IT FROM TIME TO TIME, JUST NOT ON  
9 THIS CASE

10 A IT WAS NOT DONE ON THIS CASE

11 Q TELL US ABOUT THE OTHER TIMES THAT YOU DID DO  
12 THAT IN YOUR HISTORY?

13 A I DON'T RECOLLECT EVERY ONE OF THEM

14 Q OH, YOU'VE NEVER DONE THAT?

15 A I DIDN'T SAY I'D NEVER DONE IT

16 Q TELL US ABOUT HOW MANY TIMES YOU DID?

17 A MAYBE SIX OR EIGHT

18 Q OH, SIX OR EIGHT IN ALL THOSE YEARS?

19 A PROBABLY

20 Q AND IS THAT WHY YOU DIDN'T DO IN THIS BECAUSE  
21 OF THOSE SIX OR EIGHT THE TRUTH WAS ON THE TAPE AS  
22 TO WHAT WAS SAID?

23 A NO, SIR

24 Q IT'S INTERESTING THE PARTS THAT YOU REMEMBER  
25 YOU DON'T REMEMBER ANY OTHER PARTS OF THAT

1 CONVERSATION?

2 A AS FAR AS WHAT, SIR?

3 Q WELL, YOU PICKED OUT A FEW THINGS YOU REMEMBER  
4 ABOUT THAT CONVERSATION DO YOU REMEMBER THE WHOLE  
5 CONVERSATION

6 A WELL, HE TOLD US ABOUT A COUPLE DAYS PRIOR  
7 ABOUT HIM CALLING A GRANDMOTHER, ABOUT HIM CALLING  
8 HER OR SOMETHING ABOUT HER PICKING HIM UP AT A  
9 LAUNDRYMAT

10 Q YOU WERE THERE WITH A PIECE OF PAPER AND A  
11 PENCIL, WEREN'T YOU?

12 A NO, SIR OH, YES, SIR, I DID HAVE A PIECE OF  
13 PAPER AND A PENCIL

14 Q OKAY, AND HE SAID HE WASN'T GOING TO GIVE YOU A  
15 WRITTEN STATEMENT, RIGHT?

16 A THAT'S WHY HE TOLD AGENT CLARK, YES

17 Q WELL, IF HE WASN'T GOING TO GIVE YOU A WRITTEN  
18 STATEMENT AND HE DIDN'T TELL YOU, DID HE, YOU WERE  
19 IN THERE -- OFFICER WITH A GUN IN THERE, HE DIDN'T  
20 TELL YOU THAT YOU COULDN'T TAKE NOTES, DID HE?

21 A I DID NOT TAKE NOTES

22 Q BUT YOU RECOLLECT THIS BASED ON YOUR MEMORY OF  
23 ALMOST TWO YEARS AGO?

24 A AND AFTER READING THIS SYNOPSIS

25 Q WHO PREPARED THE SYNOPSIS?

1 A I ASSUME THE SOLICITOR'S OFFICE DID

2 Q THE SOLICITOR'S OFFICE PREPARED IT WHY WOULD  
3 THEY BE PREPARING A SYNOPSIS OF A STATEMENT? WHY  
4 WOULDN'T THEY HAVE THE STATEMENT?

5 A SIR, I DON'T KNOW

6 Q SO IT'S PRETTY EASY TO REMEMBER WHAT THE  
7 SOLICITOR WANTED YOU TO REMEMBER BY READING THE  
8 SOLICITOR'S SYNOPSIS, WASN'T IT?

9 A NO, SIR, I WOULD NOT SAY THAT

10 Q BUT WASN'T IT, WASN'T IT EASIER?

11 A I SAID, I WOULD NOT SAY THAT

12 Q I UNDERSTAND THAT

13 A IT WAS FRESH IN MY MEMORY

14 Q I DIDN'T HEAR YOU WHEN YOU WERE TALKING ABOUT  
15 WHAT YOU DID THAT JOHN SAID THAT SHEKA SHOT HERSELF  
16 IN THE HEAD WITH THAT GUN WHEN THE SOLICITOR PULLING  
17 THE GUN OVER HERE LIKE THAT AWHILE AGO DID HE SAY  
18 ANYTHING ABOUT THAT, THAT SHEKA SHOT HERSELF IN THE  
19 HEAD WITH THE GUN?

20 A NO, SIR, HE DIDN'T TELL ME THAT

21 Q WELL, THE SOLICITOR'S ASKED YOU ABOUT THAT, I  
22 THOUGHT YOU WERE AGREEING WITH HIM?

23 A NO, SIR, I'M TESTIFYING THOSE ARE THE  
24 QUESTIONS THAT WERE ASKED

25 Q SO JOHN DIDN'T TELL YOU THAT SHEKA SHOT HERSELF

1 IN THE HEAD WITH THE GUN --

2 A NO, SIR, HE DIDN'T SAY THAT

3 Q HE DIDN'T SAY HE SHOT HER IN THE BACK OF THE  
4 HEAD, DID HE?

5 A I DIDN'T TESTIFY TO THAT

6 Q TWELVE INCHES AWAY OR ANY OF THAT STUFF, DID  
7 HE?

8 A NO, SIR

9 Q WAS THAT STUFF IN THAT SYNOPSIS, TOO?

10 A NO, SIR

11 MR GARRETT I HAVE NO FURTHER  
12 QUESTIONS

13 RE-DIRECT EXAMINATION

14 BY MR JONES

15 Q DO YOU KNOW WHAT THE PURPOSE OF THE PREPARATION  
16 OF THE SYNOPSIS IS?

17 A YES, SIR

18 Q WHAT IS THE PURPOSE OF THE PREPARATION OF THE  
19 SYNOPSIS?

20 A I WOULD SAY IT WAS TO GET THE SOLICITOR'S VIEW  
21 POINT FROM BOTH SIDES OR WHOEVER TOOK THE NOTES OR  
22 WHOEVER TALKED TO THE SOLICITOR ABOUT THE CASE

23 Q DO YOU KNOW WHY THE SOLICITOR WOULD HAVE TO GET  
24 THE VIEW POINTS OF THE INTERVIEWERS WHO TOOK THE  
25 NOTES OF THE DEFENDANT AND PUT IT IN A SYNOPSIS AND

1 WHO THEY WOULD HAVE TO MAKE THAT SYNOPSIS AVAILABLE  
2 TO?

3 A WHO THEY WOULD HAVE TO MAKE IT TO?

4 Q UH-HUH

5 A I WOULD ASSUME THE DEFENDANT OR HIS ATTORNEY

6 Q SO THE SOLICITOR PREPARED THE SYNOPSIS BASED ON  
7 WHAT YOU TELL THE SOLICITOR AND WHAT OTHER  
8 INTERVIEWS TELL THE SOLICITOR, CORRECT?

9 A YES, SIR

10 Q AND THAT SYNOPSIS OF Y'ALL'S INTERVIEW IS  
11 PREPARED AND MADE AND TURNED OVER TO THE DEFENDANT,  
12 CORRECT?

13 A SHOULD BE, YES, SIR

14 Q NOW, LET ME ASK YOU ANOTHER THING WHAT ARE  
15 YOU DOING NOW THAT YOU'VE RETIRED?

16 MR GARRETT OBJECTION, THAT'S NOT  
17 RESPONSIVE

18 THE COURT SUSTAINED

19 MR JONES JUDGE, HE IS INTIMATED  
20 THAT THIS OFFICER --

21 MR GARRETT OBJECTION, YOUR HONOR,  
22 CAN WE DO THIS OUT OF THE PRESENCE --

23 THE COURT LET ME JUST SEE YOU OVER  
24 HERE A MINUTE

25 (COUNSELS APPROACH THE BENCH)

1 THE COURT OVERRULE THE OBJECTION

2 EXAMINATION CONTINUED

3 BY MR JONES

4 Q ALL RIGHT WHAT I WANT TO ASK YOU IS WHO DO  
5 YOU WORK WITH NOW?

6 A I DON'T WORK WITH ANYONE

7 Q SO YOU'RE RETIRED?

8 A YES, SIR, A YEAR AND A HALF

9 Q AND WHAT KIND OF VESTED INTEREST DO YOU HAVE IN  
10 THE OUTCOME OF THIS CASE?

11 MR GARRETT OBJECTION TO THAT  
12 QUESTION, YOUR HONOR

13 THE COURT OVERRULED

14 THE WITNESS I DON'T HAVE ANY

15 EXAMINATION CONTINUED

16 BY MR JONES

17 Q YOU HAVE ANY INTEREST IN HOW THIS CASE COMES  
18 OUT?

19 A NO, SIR

20 MR JONES THAT'S ALL, JUDGE

21 MR GARRETT I'VE GOT NO FURTHER  
22 QUESTIONS

23 THE COURT YOU MAY STEP DOWN

24 MR JONES CAN HE LEAVE, JUDGE?

25 THE COURT ANY OBJECTION TO THE

1 WITNESS BEING EXCUSED?

2 MR GARRETT ABSOLUTELY NONE FROM THE  
3 DEFENSE

4 THE COURT YOU MAY BE  
5 (WITNESS STEPS DOWN AT 3 35 O'CLOCK P M )

6 MR COULTER YOUR HONOR, THE STATE  
7 WOULD CALL BERNICE JACKSON TO THE STAND

8 THE CLERK THE EVIDENCE YOU SHOULD  
9 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
10 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
11 THE TRUTH, SO HELP YOU, GOD

12 (WITNESS PRESENTS AT 3 35 O'CLOCK P M )

13 DIRECT EXAMINATION

14 BY MR COULTER

15 Q PLEASE TELL THE JURY YOUR NAME

16 A MY NAME IS VALERIE BERNICE JACKSON

17 Q AND MS JACKSON, HOW ARE YOU RELATED TO SHEKA?

18 A SHEKA WAS MY DAUGHTER

19 Q BACK IN 1995, HOW OLD WAS SHEKA?

20 A TWENTY-TWO

21 Q DO YOU REMEMBER TALKING TO SHEKA ON ABOUT  
22 DECEMBER 3RD OF '95?

23 A I DO

24 Q AND I DON'T WANT YOU TO SAY ANYTHING ABOUT WHAT  
25 CONVERSATION, ANY WORDS THAT WERE SPOKEN, BUT DID

1 YOU UNDERSTAND WHERE SHEKA WAS -- ABOUT WHAT TIME  
2 WAS THAT YOU TALKED TO HER?

3 A IT WAS ABOUT 6 00, A LITTLE AFTER 6 00

4 Q AND WHERE DID SHEKA NORMALLY STAY?

5 A WITH MY MOTHER

6 Q HER GRANDMOTHER?

7 A RIGHT

8 Q AND WHERE IS THAT HOME LOCATED?

9 A 110 SECOND STREET, ABBEVILLE

10 Q ON DECEMBER 3RD, THAT SUNDAY NIGHT, WAS SHEKA  
11 GOING TO BE STAYING THERE?

12 A NO, SHE HAD TO GO TO WORK THAT NIGHT

13 Q DID YOU KNOW WHETHER OR NOT SHE WAS, IN FACT,  
14 GOING TO WORK THAT NIGHT?

15 A NO

16 Q NO, SHE WASN'T GOING TO WORK THAT NIGHT?

17 A NO, I DIDN'T KNOW

18 Q AND AFTER YOU TALKED WITH HER, DID YOU  
19 UNDERSTAND WHERE SHE'D BE STAYING THAT NIGHT?

20 A SHE WAS LOOKING FOR SOMEWHERE TO STAY SHE  
21 COULDN'T GO BACK HOME

22 MR GARRETT OBJECTION, YOUR HONOR  
23 THE COURT SUSTAINED

24 EXAMINATION CONTINUED

25 BY MR COULTER



1 Q YOU TALKED TO HER AROUND 6 00 O'CLOCK ON  
2 DECEMBER 3RD?

3 A RIGHT

4 Q NOW, LET ME BACK UP A LITTLE BIT AND ASK YOU  
5 SHEKA'S RELATIONSHIP YOU KNEW, OF COURSE, THE FACT  
6 THAT SHEKA AND THE DEFENDANT HAD TWO CHILDREN  
7 TOGETHER

8 A YES

9 Q AND THEY HAD DATED FOR ABOUT HOW LONG?

10 A I WOULD SAY SINCE '87

11 Q WAS THAT CONTINUOUS FROM '87 TO '95?

12 A NO, OFF AND ON

13 Q OFF AND ON

14 A YES

15 Q FROM '87 TO '95, DID THEY EVER LIVE TOGETHER?

16 A NO

17 Q FROM '87 TO '95, DID THEY EVER CONSIDER  
18 THEMSELVES HUSBAND AND WIFE?

19 A NO

20 Q WAS SHEKA THE COMMON-LAW WIFE OF THE DEFENDANT?

21 A NO, SHE WAS NOT

22 Q DID THEY EVER FILE ANY TAX RETURNS TOGETHER?

23 A NO, THEY DIDN'T

24 Q THIS IS OFF AND ON AGAIN

25 A YES

1 Q DO YOU KNOW WHETHER OR NOT SHE WAS SEEING  
2 'SOMEBODY ELSE IN DECEMBER?

3 A YES

4 Q WHO WAS THAT?

5 A MICHAEL ADAMS

6 Q AND DO YOU REMEMBER WHEN YOU MET FOR THE FIRST  
7 TIME MICHAEL?

8 A I BELIEVE IT WAS THE WEEK BEFORE THANKSGIVING,  
9 ABOUT TWO WEEKS BEFORE SHE DIED OR SOMEWHERE ALONG  
10 IN THERE IT WAS RIGHT BEFORE THANKSGIVING

11 Q HOW LONG WAS IT YOUR UNDERSTANDING THAT THEY  
12 HAD DATED, HER AND MIKE?

13 A I DIDN'T ASK

14 Q BUT YOU KNEW THEY WERE DATING AT THAT TIME  
15 ALL RIGHT LET ME ASK YOU, IN ADDITION ON THE DAY  
16 THAT YOU MET MIKE, YOU WERE FAMILIAR WITH THEIR CAR

17 A RIGHT

18 Q HAD SHE HAD THAT CAR FOR LONG?

19 A I BELIEVE IT WAS IN JUNE THAT SHE BOUGHT THAT  
20 CAR

21 Q AND LET ME SHOW YOU WHAT'S ALREADY BEEN MARKED  
22 AS EVIDENCE STATE'S EXHIBIT EIGHTY-EIGHT LOOK AT  
23 THIS, THIS IS THE CUSTOMER STATEMENT FORM WITH  
24 MITSUBISHI WHAT WAS THE PRICE OF THAT CAR?

25 A \$20,259

1 Q \$20,000?

2 A RIGHT

3 Q AT THE TIME IN DECEMBER OF '95, THIS IS FOUR OR  
4 FIVE MONTHS AFTER THE PURCHASE OF THAT CAR

5 A RIGHT

6 Q WAS THAT CAR IN ANY KIND OF ACCIDENT BETWEEN  
7 THAT TIME?

8 A REPEAT THAT

9 Q WAS THAT CAR IN ANY ACCIDENT BETWEEN THE TIME  
10 THAT IT WAS ORIGINALLY PURCHASED IN DECEMBER?

11 A NO

12 Q SO IT WAS STILL IN GOOD CONDITION

13 A RIGHT

14 Q NOW, ON THAT DAY, THE DAY YOU MET MIKE, DO YOU  
15 REMEMBER AT ANY TIME GOING IN THE TRUNK OF THAT CAR?

16 A I DO

17 Q AND WHAT IS IT THAT YOU REMEMBER ABOUT GOING  
18 INTO THAT TRUNK? TELL ME THE CIRCUMSTANCES AROUND  
19 THAT

20 A SHEKA HAD BROUGHT ME HOME FROM CHURCH, I WAS AT  
21 CHURCH, AND WHEN I CAME FROM CHURCH, SHE WAS AT THE  
22 CARWASH WASHING HER CAR, AND I STOPPED AT A GAS  
23 STATION TO PURCHASE A NEWSPAPER AND SHE PULLED UP  
24 AND SHE MADE A COMMENT THAT I COULDN'T --

25 MR GARRETT OBJECTION, YOUR HONOR, AS TO

1 ANY STATEMENTS

2 EXAMINATION CONTINUED

3 BY MR JONES

4 Q I DON'T WANT TO KNOW ANYTHING SHE SAID

5 A SHE BROUGHT ME HOME AND ONCE WE GOT HOME SHE  
6 WAS DRYING OFF HER CAR AND I WAS OUTSIDE TALKING HER  
7 WHILE SHE DRIED HER CAR AND SHE HAD THE TRUCK UP  
8 AND I WAS SITTING INSIDE THE CAR AND I GOT OUT AND I  
9 WALKED AROUND TO THE BACK AND I WAS LOOKING AT THE  
10 TRUNK AND I MADE A COMMENT TO HER THAT SHE HAD A  
11 COOLER IN HER CAR AND I OPENED IT AND SAW THREE  
12 BEERS IN IT AND I WAS JOKING HER ABOUT THE BEER IN  
13 HER CAR AND I DIDN'T HAVE IT IN MINE AND JUST  
14 LOOKING IT OVER

15 Q SO YOU WERE ACTUALLY IN THE TRUNK OF HER CAR  
16 AND YOU SAW SOME OF THE THINGS IN THE TRUNK?

17 A YES

18 Q THIS IS STATE'S EXHIBIT FORTY-EIGHT DID YOU  
19 SEE THIS IN THE CAR?

20 A NO, I DID NOT NO

21 Q YOU DIDN'T SEE THIS IN THE TRUNK OF THAT CAR?

22 A NO I WOULD HAVE SEEN THAT

23 Q WERE THERE ANY OTHER ITEMS IN THAT TRUNK BESIDE  
24 THAT COOLER?

25 A SHE HAD CLEANING SUPPLIES FOR HER CAR, TOWELS,

1 AND STUFF OF THAT NATURE

2 Q ~~AFTER THE MURDER ON --~~

3 MR GARRETT OBJECTION, YOUR HONOR

4 EXAMINATION CONTINUED

5 BY MR JONES

6 Q ~~AFTER THE KILLING, EXCUSE ME, AFTER THE KILLING~~

7 --

8 MR GARRETT YOUR HONOR, I MOVE THAT  
9 BE STRUCK

10 THE COURT STRIKE IT

11 MR GARRETT JURY INSTRUCTION, YOUR  
12 HONOR

13 THE COURT: THE JURY'S ASKED TO  
14 DISREGARD THE LAST QUESTION MR COULTER WILL BE  
15 ASKING IT IN ANOTHER FASHION YOU'RE TO DISREGARD  
16 ANY REFERENCE TO THE LAST QUESTION PUT IT OUT OF  
17 YOUR MIND

18 EXAMINATION CONTINUED

19 BY MR JONES

20 Q AFTER THE DEATH OF YOUR DAUGHTER, DID YOU  
21 RECEIVE HER CAR BACK FROM LAW ENFORCEMENT?

22 A YES, I DID

23 Q AND DID YOU HAVE TO DRIVE IT HOME?

24 A MY HUSBAND DROVE IT

25 Q AND WHAT DID HE USE TO DRIVE THAT CAR HOME?

1 A SHEKA'S KEYS

2 Q SHEKA'S KEYS?

3 A SHEKA'S KEYS

4 Q THAT'S THE KEYS THAT THEY GAVE YOU OUT OF  
5 IMPOUND?

6 A YES, IT WAS

7 Q NOW, DECEMBER 3RD, THAT SUNDAY WHEN YOU TALKED  
8 TO SHEKA ABOUT 6 00, DID YOU EVER TALK TO HER AGAIN?

9 A NO

10 Q THAT WAS IT?

11 A THAT WAS THE LAST TIME

12 Q OF COURSE SHE HAD TWO BOYS

13 A YES

14 Q AND HOW OLD ARE THEY NOW?

15 A TWO AND FOUR

16 Q WHO'S TAKING CARE OF THEM NOW?

17 A I AM

18 MR GARRETT IF IT'LL PLEASE THE COURT

19 THE COURT MR GARRETT

20 CROSS-EXAMINATION

21 BY MR GARRETT

22 Q MS JACKSON, I KNOW THIS IS A DIFFICULT TIME  
23 FOR YOU

24 MR JONES YOUR HONOR, HE CAN ASK

25 QUESTIONS BUT MAKING STATEMENTS IS IMPROPER OF THE

1 RULES

2 THE COURT OVERRULED

3 EXAMINATION CONTINUED

4 BY MR JONES

5 Q THE RELATIONSHIP BETWEEN JOHN AND YOUR DAUGHTER  
6 WAS ON AND OFF

7 A RIGHT

8 Q THEY EVEN SHARED JOINT CHECKING ACCOUNT AT  
9 TIMES AND WHAT NOW, DIDN'T THEY?

10 A NO

11 Q THEY DIDN'T?

12 A NO, NOT TO MY KNOWLEDGE

13 Q HAVE YOU EVER SEEN THAT?

14 A NO, I HAVEN'T

15 Q SO THERE WERE THINGS THAT THEY MAY HAVE DONE IN  
16 THEIR RELATIONSHIP BETWEEN THEM THAT YOU'RE NOT  
17 AWARE OF?

18 A THAT'S TRUE

19 Q HAD SHEKA GIVEN YOU HER PIN NUMBER FOR HER ATM  
20 CARD?

21 A NO

22 Q YOU DIDN'T KNOW WHAT THAT WAS?

23 A NO

24 Q YOU SAID THAT YOU HAD -- SOMETIME IN NOVEMBER  
25 YOU HAD BEEN IN THE TRUNK OF HER CAR AND LOOKED IN

1 THE TRUNK OF HER CAR AT THAT TIME?

2 A THAT'S TRUE

3 Q YOU OBVIOUSLY WEREN'T LOOKING FOR A SHOTGUN IN  
4 THE TRUNK OF HER CAR, WERE YOU?

5 A I WAS LOOKING IN THE TRUNK

6 Q BUT YOU WEREN'T LOOKING FOR A SHOTGUN OR  
7 ANYTHING LIKE THAT, WERE YOU?

8 A I WASN'T LOOKING FOR ANYTHING

9 Q DID SHE HAVE ANY BABY BOTTLES OR ANY BABY STUFF  
10 BACK THERE IN THE BACK? I KNOW YOU'VE INDICATED A  
11 COOLER OF BEER WAS THERE ANYTHING ELSE BACK THERE?

12 A NO BABY SUPPLIES

13 Q NO BABY STUFF AT ALL?

14 A NO

15 Q WHEN YOU GOT IT BACK, WAS THERE ANY GENERAL  
16 BABY SUPPLIES IN THE BACK?

17 A YES, THERE WAS

18 Q DO YOU HAPPEN TO HAVE THE KEYS WITH YOU THAT  
19 THE POLICE GAVE BACK TO YOU?

20 A NO

21 Q WHAT HAPPENED TO THOSE KEYS?

22 A I DON'T KNOW

23 Q YOU DON'T KNOW WHAT HAPPENED TO THE KEYS?

24 A NO

25 Q WHO GOT THOSE KEYS?



1 A MY HUSBAND

2 Q YOU ALL STILL HAVE THAT CAR?

3 A WE DO

4 Q YOU STILL HAVE IT?

5 A YES

6 Q SO IF SOMEBODY'S TAKEN THE KEYS OR HAS THE KEYS  
7 IT'D BE HIM, IT WOULDN'T BE YOU?

8 A THAT'S RIGHT

9 Q SO YOU DIDN'T DRIVE THE CAR BACK FROM THE  
10 IMPOUND, AS I UNDERSTAND IT, IS THAT CORRECT?

11 A THAT'S RIGHT

12 Q SO YOU DON'T KNOW WHAT KIND OF KEYS WERE IN  
13 THERE?

14 A I DO NOT

15 Q PARDON?

16 A I DO NOT

17 Q YOU DO NOT HOW MANY KEYS ARE ON THAT KEY  
18 RING?

19 A SEVERAL

20 Q SEVERAL AND ARE YOU AWARE THAT SHEKA HAD A  
21 KEY TO JOHN'S MOM'S HOUSE?

22 A NO

23 Q ARE YOU AWARE THAT SHE HAD A KEY TO HIS CAR?

24 A WHAT WAS THAT?

25 Q ARE YOU AWARE THAT SHEKA HAD A KEY TO HIS CAR?

1 A NO

2 Q YOU WEREN'T AWARE OF THAT?

3 A NO

4 Q SHE DIDN'T LIVE WITH YOU, DID SHE?

5 A NO

6 Q SHE LIVED WITH YOUR MOM

7 A RIGHT

8 Q AND COULD YOU TELL THE JURY WHERE SHE SPENT  
9 MONDAY NIGHT PRIOR TO HER DEATH?

10 A AT WORK

11 Q AND WHAT ABOUT TUESDAY?

12 A AT WORK

13 Q WHAT ABOUT WEDNESDAY?

14 A WORK

15 Q AND DURING THE DAYS, WHERE DID SHE STAY?

16 A AT MY MOTHER'S

17 Q AT YOUR MOTHER'S

18 A YES

19 Q SHE DIDN'T STAY -- HER AND JOHN WERE NOT  
20 TOGETHER?

21 A SHE STAYED WITH MY MOTHER

22 Q HER AND JOHN WERE NOT TOGETHER

23 MR JONES SHE ANSWERED THAT  
24 QUESTION, JUDGE

25 EXAMINATION CONTINUED

1 BY MR JONES

2 Q YOU SAID NO?

3 A WITH MY MOTHER

4 Q WAS JOHN THERE, TOO?

5 A I WOULDN'T THINK SO

6 Q SO YOU DON'T KNOW WHO WAS WITH HER MONDAY  
7 THROUGH FRIDAY?

8 A MY MOTHER

9 Q AND THERE ARE OTHER FAMILY MEMBERS WHO SAW THEM  
10 TOGETHER, ARE YOU AWARE OF THAT?

11 A WHAT DAY ARE YOU TALKING ABOUT?

12 Q I'M TALKING ABOUT ALL THAT WEEK

13 A AM I AWARE OF IT? I LIVE IN GREENWOOD

14 Q YOU LIVE IN GREENWOOD SO HOW OFTEN DID YOU TALK  
15 WITH SHEKA?

16 A OFTEN

17 Q YOU ALL TRY TO TALK TWO OR THREE TIMES A DAY,  
18 TWO TO THREE TIMES A WEEK, SOMETHING LIKE THAT?

19 A WE TALKED A LOT

20 Q AND YOU HAVE A GOOD RELATIONSHIP WITH THESE  
21 GRANDBABIES, RIGHT?

22 A YES

23 Q ARE THEY DOING OKAY?

24 A JUST FINE

25 MR GARRETT I BEG THE COURT'S

1 INDULGENCE YOUR HONOR, WE'RE LOOKING FOR A DEFENSE  
2 EXHIBIT WE'RE HAVING DIFFICULTY LOCATING IT BEG  
3 THE COURT'S INDULGENCE

4 (JURY EXITS THE COURTROOM AT 3 50 O'CLOCK P M )

5 THE COURT LET ME ASK THAT ALL  
6 EXHIBITS WHEN THEY'RE REFERRED TO BE PLACED BACK ON  
7 THE TABLE OR HANDED TO THE COURT REPORTER SO WE  
8 DON'T GET ANY MISSING

9 (OFF THE RECORD)

10 (JURY RE-ENTERS COURTROOM AT 4 07 O'CLOCK P M )

11 MR GARRETT YOUR HONOR, I HAVE NO  
12 FURTHER QUESTIONS OF THIS WITNESS

13 THE COURT THANK YOU YOU MAY STEP  
14 DOWN

15 MR JONES YOUR HONOR, THE STATE WILL  
16 NOW CALL GEORGE MACK HARRIS TO THE STAND

17 THE CLERK THE EVIDENCE YOU SHOULD  
18 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
19 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
20 THE TRUTH, SO HELP YOU, GOD

21 THE WITNESS IT IS

22 (WITNESS PRESENTS AT 4 10 O'CLOCK P M )

23 DIRECT EXAMINATION

24 BY MR JONES

25 Q PLEASE STATE YOUR NAME FOR THE RECORD

1 A MY NAME IS GEORGE MACK HARRIS I ANSWER TO  
2 EITHER GEORGE OR MACK

3 Q MAY I CALL YOU MACK?

4 A YES, SIR

5 Q MR HARRIS, WHERE DID YOU GROW UP, MACK?

6 A RIGHT HERE IN THE CITY OF ABBEVILLE

7 Q WHERE DID YOU GO TO SCHOOL?

8 A I WENT TO A HARRISBURG SCHOOL, THAT'S A  
9 ELEMENTARY SCHOOL AND THEN AFTER HARRISBURG  
10 HARRISBURG TO A C T S A C T S , THAT WAS THE BRANCH  
11 STREET SCHOOL CALLED AT THE TIME THEN I GRADUATED  
12 FROM K S Y HIGH SCHOOL, THE YEAR 1961

13 Q ALL RIGHT, SIR, AND AFTER GRADUATION FROM HIGH  
14 SCHOOL, WHAT DID YOU DO?

15 A I WENT TO TEXTILE EMPLOYMENT

16 Q WHERE DID YOU GO INTO TEXTILES

17 A I WORKED FOR MILLIKEN AND COMPANY

18 Q HOW LONG?

19 A FOR TWELVE YEARS, I WORKED GREENWOOD MILLS ONE  
20 YEAR, ROSEBURG MILL AT ONE YEAR, AND I WORKED AT  
21 J P STEPHENS, BURLINGTON COMPANY IS NOW KNOWN AS  
22 WESTPOINT-STEPHENS, I WORKED THERE TWENTY-ONE YEARS  
23 AS OF NOW

24 Q TWELVE YEARS, ONE YEAR, ONE YEAR, ONE YEAR AND  
25 TWENTY-ONE YEARS

1 A TWENTY-ONE, CORRECT

2 Q A TOTAL OF HOW MANY YEARS HAVE YOU BEEN IN THE  
3 TEXTILE BUSINESS?

4 A THIRTY-THREE, THIRTY-FOUR

5 Q AND WHAT IS THE POSITION THAT YOU HOLD  
6 CURRENTLY IN THE TEXTILE BUSINESS?

7 A NOW I AM A LOOM FIXER THAT'S A LOOM  
8 TECHNICIAN PURSUANT TO OUR LOADS

9 Q AND HOW OFTEN DO YOU WORK EVERY WEEK?

10 A THREE DAYS AT ONE TIME, TWO DAYS AT A TIME I  
11 WORK TWELVE HOUR SHIFTS, I WORK THREE TWELVE HOUR  
12 SHIFTS -- I MEAN THREE DAYS AND THEN I'M OFF, AND  
13 THEN I GO BACK AND I WORK TWELVE HOUR SHIFTS TWO  
14 MORE DAYS, THEN I'M OFF THREE AND TWO

15 Q WHEN DID YOU GET MARRIED, MACK?

16 A IN THE YEAR OF 1968

17 Q AND WHO DID YOU MARRY?

18 A LUEVINIA HOLMES

19 Q THAT IS LUEVINIA HARRIS THAT WE'VE SPOKEN OF  
20 DURING THE LAST FEW DAYS?

21 A YES, IT IS

22 Q AND WHERE DID YOU ALL GET MARRIED?

23 A WE DIDN'T, YOU KNOW, JUST GET MARRIED, WE WAS  
24 COMMON LAW NEVER WED

25 Q AND DID YOU HAVE ANY CHILDREN AS THE RESULT OF

1 YOUR MARRIAGE?

2 A YES, WE DID

3 Q HOW MANY CHILDREN DID YOU HAVE?

4 A TWO BOYS

5 Q AND WHAT ARE THEIR NAMES?

6 A GEORGE ANTHONY HARRIS AND MARCUS HORATIO  
7 HARRIS

8 Q AND DID YOU RAISE THEM HERE IN ABBEVILLE?

9 A YES, I DID

10 Q WHERE DO THEY GO TO SCHOOL?

11 A GREENWOOD ELEMENTARY SCHOOL AND THEY GRADUATED  
12 AT ABBEVILLE HIGH SCHOOL

13 Q AND WHAT ARE THEIR NAMES?

14 A THEIR NAMES?

15 Q YES, SIR

16 A GEORGE ANTHONY HARRIS AND MARCUS HORATIO  
17 HARRIS

18 Q AND WHERE DOES MARCUS LIVE?

19 A MARCUS LIVES IN OKLAHOMA CITY, OKLAHOMA

20 Q AND WHERE DOES ANTHONY LIVE?

21 A ANTHONY LIVES IN ATLANTA, GEORGIA

22 Q AND HOW LONG HAS IT BEEN THAT MARCUS HAS MOVED  
23 OUT OF YOUR HOME AND LIVED AWAY FROM YOUR HOME?

24 A APPROXIMATELY FIVE, SIX YEARS

25 Q AND HOW ABOUT ANTHONY, HOW LONG HAS HE BEEN

1 LIVING AWAY FROM THE HOME?

2 A ABOUT SEVEN YEARS

3 Q AND SINCE MARCUS LIVED AWAY, WHO HAS LIVED IN  
4 YOUR HOME?

5 A NO ONE JUST ME AND MY WIFE

6 Q WHERE IS YOUR HOME?

7 A IT'S 501 RICHEY STREET NOW SINCE WE'VE GOT THE  
8 NEW NUMBER, BUT IT'S FORMERLY 401 RICHEY STREET HERE  
9 IN THE CITY OF ABBEVILLE

10 Q AND IN THE LAST FOUR OR FIVE YEARS SINCE MARCUS  
11 MOVED OUT, YOU AND YOUR WIFE LIVE THERE ALONE?

12 A ALONE, YES, WE DID

13 Q DID MS HARRIS WORK, MACK?

14 A YES, SHE DID

15 Q WHERE DID SHE WORK?

16 A AT SOLOMAN'S IN ANDERSON, SOUTH CAROLINA

17 Q AND WHAT TYPE OF WORK DID SHE DO?

18 A IT WAS SOMETHING WITH SEAT COVERS THEY  
19 PROCESSED SEAT COVERS. HER JOB BASICALLY WAS TO CUT  
20 -- CUTTING HOLES WHERE THE SEATBELTS GO

21 Q MACK, I WANT TO ASK YOU, WHO IS IN CHARGE OF  
22 ANY REPAIRS, GENERAL REPAIRS, AT YOUR HOME?

23 A WHO'S IN CHARGE?

24 Q YES

25 A I WAS ALL THE REPAIRS I MAKE I MADE ALL



1     REPAIRS NECESSARY, I WOULD DO THAT     SOMETIMES IF IT  
2     WAS MAJOR JOBS, I WOULD GET THE MENNONITES

3     Q     NOW, YOU HAVE SEEN THE DIAGRAM THAT'S BEEN USED  
4     TO SHOW BOTH THE AERIAL VIEW OF RICHEY STREET,  
5     HAVEN'T YOU?

6     A     YES, I HAVE

7     Q     EXPLAIN TO THE JURY, IF THEY RODE OVER TO YOUR  
8     HOUSE, WHAT THEY WOULD SEE ON THE LEFT-HAND SIDE OF  
9     THE ROAD JUST BEFORE THEY PULLED UP IN YOUR  
10    DRIVEWAY?

11    A     JUST BEFORE THEY PULLED IN MY DRIVEWAY, ON THE  
12    LEFT-HAND SIDE, IT WOULD BE GOING DOWNHILL AND AS  
13    YOU PULL IN MY DRIVEWAY ON THE LEFT-HAND SIDE YOU'LL  
14    SEE AN OLD ABANDONED HOUSE THERE, THAT IS A TRAILER,  
15    A STORAGE TRAILER

16    Q     AND I HAND YOU STATE'S EXHIBIT NUMBER FOUR AND  
17    ASK YOU IF YOU RECOGNIZE WHAT'S DEPICTED IN THAT  
18    PHOTOGRAPH?   WHAT DO YOU SEE THERE?

19    A     I SEE TWO TRAILERS AND A 1985 OLDSMOBILE 98  
20    REGENCY

21    Q     DO YOU RECOGNIZE WHAT THAT IS, WHAT THOSE TWO  
22    TRAILERS ARE AND WHAT THAT OLDSMOBILE IS?

23    A     YES, SIR, I DO

24    Q     WHAT IS IT?

25    A     ONE CAR IS MINE, THAT CAR, THAT REGENCY'S MINE

1 AND THAT TRAILER, THAT'S THE OLD STORAGE TRAILER AND  
2 THIS BROWN TRAILER IS MY HOME

3 Q IS THAT THE WAY YOUR HOME APPEARED? IS THAT A  
4 REASONABLE REPRESENTATION OF THE WAY YOUR HOME  
5 APPEARED ON DECEMBER 4, 1995 FROM THE OUTSIDE IF YOU  
6 WERE LOOKING AT IT FROM WHERE THAT PHOTOGRAPH WAS  
7 TAKEN?

8 A YES, AS FAR AS I CAN SEE

9 Q STEP DOWN HERE AND POINT OUT TO THE JURY WHICH  
10 TRAILER IS THE ABANDONED ONE THAT YOU USE FOR  
11 STORAGE

12 A THIS IS THE ABANDONED TRAILER

13 Q WHERE IS YOUR HOME?

14 A THIS BROWN TRAILER'S MY HOME

15 Q POINT TO YOUR HOME, POINT YOUR FINGER ON YOUR  
16 HOME RETURN TO YOUR SEAT THERE, PLEASE LET ME  
17 ASK YOU SOMETHING NOW, I'M GOING TO JUMP IN TIME  
18 TO APPROXIMATELY 12 30, BETWEEN 12 30 AND 1 00  
19 O'CLOCK ON DECEMBER 4TH, THE DAY YOUR WIFE DIED  
20 DID YOU RETURN TO YOUR HOME FROM BEING AT THE POST  
21 OFFICE THEN?

22 A YES, I DID

23 Q AND WERE YOU MET BY THE POLICE OFFICERS THEN?

24 A YES, I WAS

25 Q NOW AT SOME POINT IN TIME, DID YOU HAVE AN

1 OCCASION TO PERSONALLY OBSERVE THE PRESENCE OF A  
2 BICYCLE AROUND THIS AREA OF YOUR HOME?

3 A YES, I DID

4 Q POINT TO THE JURY, IF THERE'S ANYWHERE ON THIS  
5 PICTURE WHERE THAT BICYCLE -- TELL THE JURY WHERE  
6 THAT BICYCLE WAS THAT YOU SAW

7 A THE BICYCLE WAS DOWN BETWEEN -- IT WAS ON THE  
8 OTHER SIDE OF MY STORAGE TRAILER

9 Q LET'S SAY I'M YOUR HOME

10 A YOU'RE MY HOME

11 Q AND YOU'RE THE STORAGE TRAILER, HERE'S THE ROAD  
12 COMING DOWN TO IT AND HERE'S YOUR CAR PARKED RIGHT  
13 OVER HERE WHERE WAS THE BIKE?

14 A OVER THERE BY THE STORAGE TRAILER

15 Q AND COULD YOU SEE IT FROM YOUR HOME?

16 A FROM MY HOME DOWN --

17 Q THE FRONT DOOR OF YOUR HOME?

18 A NO, SIR

19 Q SO IT WAS AROUND THE OTHER SIDE OF THE TRAILER

20 A THE OTHER SIDE

21 Q YOU COULDN'T SEE IT FROM YOUR HOME

22 A NO, SIR

23 Q AND HOW FAR ON THE OTHER SIDE OF THE STORAGE  
24 TRAILER WAS IT?

25 A ALMOST TO THE BACK OF THAT STORAGE TRAILER IT

1 WAS DOWN BELOW HALF WAY OVER THE SIDE

2 Q SO WHAT TIME DID YOU LEAVE YOUR HOME ON MONDAY  
3 MORNING ON DECEMBER THE 4TH TO GO TO THE POST  
4 OFFICE?

5 A ON MONDAY MORNING I LEFT MY HOME TO GOING THE  
6 POST OFFICE AROUND 10 55, NO LATER THAN 10 53,  
7 BETWEEN 10 55 OR 10 53 I MEAN, 10 55 AND 10 57

8 Q NOW, WHERE THAT BICYCLE WAS THAT YOU FOUND,  
9 WHEN YOU SAY YOU SAW WHERE THAT BICYCLE WAS

10 A YES, SIR

11 Q COULD SOMEBODY HAVE BEEN BACK IN THERE HIDING  
12 WHEN YOU LEFT AT 10 55 TO GO TO THE POST OFFICE?

13 MR GARRETT OBJECTION, YOUR HONOR  
14 THE COURT SUSTAINED DO YOU NEED  
15 THE WITNESS TO STAND?

16 MR JONES RETURN TO THE STAND

17 EXAMINATION CONTINUED

18 BY MR JONES

19 Q WHEN YOU LEFT TO GO TO THE POST OFFICE THAT  
20 MORNING, DID YOU LOOK BACK IN THERE AND SEE THAT  
21 BICYCLE AT 10 55?

22 A NO, I DID NOT

23 Q DID YOU LOOK BACK IN THERE TO WHERE THAT  
24 BICYCLE WAS WHEN YOU LEFT?

25 A NO, I DID NOT

1 Q AND I ASKED YOU A MINUTE AGO ABOUT GENERAL  
2 REPAIRS TO YOUR HOME WHEN YOU LEFT YOUR HOME AT  
3 10 55 ON DECEMBER 4, 1995, WAS YOUR FRONT DOOR  
4 LOCKED IN THE SHAPE THAT'S EXHIBITED IN STATE'S  
5 EXHIBIT NUMBER TWENTY?

6 A NO, SIR'

7 Q ARE YOU CERTAIN?

8 A I'M POSITIVE

9 Q AND WHEN WAS THE FIRST TIME YOU NOTICED THAT  
10 LOCK IN THAT CONDITION?

11 A THE FIRST TIME I NOTICED THAT LOCK IN THAT  
12 CONDITION WAS AFTER I HAD RETURNED -- IT WAS A DAY  
13 LATER I BELIEVE IT WAS BECAUSE THE S L E D AGENT  
14 TOOK ME TO THE DOOR AND ASKED ME WAS THAT DOOR LIKE  
15 THAT WHEN I LEFT, I SAID, "NO, IT WAS NOT "

16 Q SO IT WAS THE NEXT DAY BEFORE -- WERE YOU ABLE  
17 TO STAY IN YOUR HOME THE NIGHT --

18 A NO, SIR, I WAS NOT

19 Q -- THE NIGHT THAT YOUR WIFE ---

20 A NO, SIR

21 Q YOU'RE CERTAIN THAT DOOR WASN'T IN THAT SHAPE  
22 WHEN YOU LEFT AT 10 55?

23 A YES, SIR, I'M VERY CERTAIN

24 Q NOW, I WANT TO ASK YOU IF YOU RECOGNIZE WHAT'S  
25 DEPICTED IN PHOTOGRAPH STATE'S EXHIBIT NUMBER

1 TWENTY-FIVE

2 A YES, I RECOGNIZE THAT

3 Q WHAT IS THAT?

4 A THAT'S THE DOOR AND THE LITTLE LOCK, THE HINGE  
5 WHERE THE LITTLE LOCK IS OFF OF THERE IT'S BROKEN

6 Q DO YOU KNOW WHAT DOOR THAT LOCK GOES TO THAT  
7 BROKE OFF?

8 A THAT LOCK GOES TO A BEDROOM ON THE INSIDE OF  
9 THE HOUSE

10 Q AND I HAND YOU STATE'S EXHIBIT TWENTY-SIX AND  
11 ASK YOU IF YOU RECOGNIZE WHAT'S DEPICTED IN THAT  
12 PHOTOGRAPH

13 A THAT'S THE SAME LITTLE OLE PIECE WHERE YOU LOCK  
14 THE DOOR INTO

15 Q AND WHAT DOOR IS THAT LOCK --

16 A THAT'S ON THE BEDROOM DOOR

17 Q WHICH BEDROOM IS THAT IN YOUR HOME?

18 A THAT'S ON THE SMALL BEDROOM ON THE RIGHT-HAND  
19 AS YOU'RE GOING IN THE DOOR OF MY HOME

20 Q WHO STAYED IN THAT BEDROOM?

21 A THE CHILDREN'S ROOM

22 Q IS THAT WHERE THE CHILDREN GREW UP IN THAT  
23 ROOM?

24 A YES, THEY DID

25 Q AND YOU AND YOUR WIFE, MACK, WOULD SAY IN THE

1 OTHER END?

2 A THAT'S CORRECT

3 Q NOW, IN STATE'S EXHIBIT TWENTY-SIX AND TO SOME  
4 DEGREE IN STATE'S EXHIBIT TWENTY-FIVE, WHAT APPEARS  
5 TO BE HOLDING THAT LOCK IN PLACE ON THE FRAME OF THE  
6 DOOR?

7 A THAT'S A NAIL

8 Q AND WHO PUT THE NAIL IN THAT LOCK?

9 A WHO PUT THE NAME IN THE LOCK?

10 Q YES, SIR

11 A I DID

12 Q YOU REMEMBER WHEN YOU PUT THE NAME IN THAT  
13 LOCK?

14 A THAT'S A LONG TIME OFF

15 Q DID YOU HAVE A NAIL IN THE OTHER?

16 A YES, IT WAS, IT BOTH OF THEM

17 Q DO YOU KNOW WHAT HAPPENED TO THE OTHER NAIL?

18 A NO, SIR, I DON'T

19 Q I WANT TO ASK YOU, MACK, WHEN YOU LEFT YOUR  
20 HOME AT 10 55 ON DECEMBER 4, 1995, WAS THE LOCK TO  
21 THE CHILDREN'S BEDROOM IN THAT POSITION?

22 A NO, IT WAS NOT

23 Q I WANT YOU TO TELL THIS JURY, ARE YOU  
24 ABSOLUTELY CERTAIN WHEN YOU LEFT YOUR HOME, THE LOCK  
25 WAS NOT IN THAT CONDITION?

1 A THE LOCK WAS IN THIS POSITION WHEN I LEFT MY  
2 HOME

3 Q WAS IT IN THAT CONDITION?

4 A NO, IT WAS NOT IT WAS NOT IN THIS CONDITION  
5 WHEN I LEFT MY HOME

6 Q MACK, I'D LIKE TO RETURN IN TIME PRIOR TO  
7 DECEMBER 4TH TO DECEMBER 3RD, DO YOU REMEMBER WHAT  
8 DAY THAT WAS?

9 A DECEMBER 3RD WAS ON A SUNDAY, YES, I DO

10 Q AND DO YOU REMEMBER HAVING A VISITOR TO YOUR  
11 HOME THAT AFTERNOON OR THAT EVENING?

12 A YES, SIR

13 Q AND WHO WAS THE VISITOR THAT CAME TO YOUR HOME  
14 THAT EVENING?

15 A TESHEKA AND THE KIDS

16 Q AND HOW DID YOU KNOW TESHEKA?

17 A TESHEKA WAS OUR -- TESHEKA WAS A COUSIN ON MY  
18 WIFE'S SIDE SHE WAS ALSO A COUSIN ON MY SIDE

19 Q AND WOULD SHE COME BY YOUR HOME FROM TIME TO  
20 TIME OR WAS IT UNUSUAL TO SEE HER?

21 A IT WAS QUITE OFTEN SHE CAME BY

22 Q SO THIS OCCASION WHEN SHE CAME BY, DO YOU  
23 REMEMBER ABOUT WHAT TIME SHE CAME BY?

24 A TO BE EXACT, NO, BUT IT WAS NICE BECAUSE MY  
25 WIFE AND I HAD WENT TO GREENWOOD WE RETURNED FROM



1 GREENWOOD SO IMAGINE AROUND 9 00 O'CLOCK, MAYBE  
2 9 30

3 Q AND DID YOU GO TO BED FIRST OR DID THEY GO TO  
4 BED FIRST?

5 A I WENT TO BED FIRST

6 Q WHEN YOU WENT TO BED, DID YOU KNOW WHETHER OR  
7 NOT TESHEKA WAS GOING TO SPEND THE NIGHT WITH YOU?

8 A NO, SIR, I DID NOT

9 Q BUT YOU WENT ON TO BED?

10 A I WENT ON TO BED

11 Q WHAT HAPPENED, IF ANYTHING, AROUND 12 00  
12 O'CLOCK THAT EVENING?

13 A IT WAS A LITTLE AFTER -- 12 00 THAT NIGHT?

14 Q YES, SIR

15 A THE PHONE AWAKENED ME AND I PICKED UP THE  
16 PHONE, IT WAS AFTER 12 00 O'CLOCK, I PICKED UP THE  
17 PHONE AND I WAS INSTRUCTED BY AN OPERATOR THAT I HAD  
18 A LONG DISTANCE CALL, WOULD I ACCEPT FROM JOHN  
19 HUGHEY I ACCEPTED THE CALL JOHN HUGHEY ASKED ME  
20 HE SAID, "MACK, LET ME SPEAK TO SHEKA "

21 I SAID, "JOHN, SHEKA'S NOT HERE," SO I HUNG  
22 THE PHONE UP BECAUSE HE HUNG UP AND I HUNG UP

23 Q DID YOU KNOW WHETHER SHE WAS THERE OR NOT?

24 A AT THAT TIME, NO, SIR, I DID NOT KNOW WHETHER  
25 SHE WAS IN THE HOUSE OR NOT BECAUSE I DID NOT KNOW

1 THAT SHE WAS GOING TO SPEND THE NIGHT

2 Q AND YOU HAD GONE ON TO BED EARLY

3 A WENT ON TO BED EARLY

4 Q WHAT HAPPENED ON OR AROUND ABOUT 4 00 OR 5 00  
5 O'CLOCK IN THE MORNING OR LATER ON IN THE MORNING?

6 A ABOUT IN THE EARLY -- IT WAS RIGHT AROUND 6 00  
7 OR 6 04 I BELIEVE THE PHONE RANG I ANSWERED THE  
8 PHONE JOHN HUGHEY ASKED ME, HE SAID, "MACK, LET ME  
9 SPEAK TO SHEKA "

10 I SAID, "JOHN, SHEKA IS ASLEEP, YOU  
11 WAIT UNTIL THE MORNING AND CALL HER BACK "

12 Q HAD YOU LEARNED THAT SHEKA WAS THERE BY THAT  
13 TIME?

14 A YES, I HAD

15 Q YOU HAD ALREADY KIND OF GOTTEN UP AND WERE  
16 MOVING AROUND OR HOW DID YOU KNOW SHEKA WAS THERE AT  
17 6 04?

18 A BECAUSE I CALLED IN THE ROOM TO MY WIFE AND  
19 SHEKA ANSWERED ME AND SAID IT'S ME THEN MY WIFE  
20 CAME IN AND ASKED ME WHAT DID I WANT I SAID I  
21 DIDN'T WANT ANYTHING, SINCE I FOUND OUT SHEKA WAS  
22 THERE BECAUSE I HAD CALLED HER -- SHEKA ANSWERED ME  
23 AND AFTER THAT I SAID I DIDN'T WANT NOTHING SO SHE  
24 WENT ON BACK OUT THE ROOM

25 AROUND 6 00 OR 6 04 IN THE AREA, THE REASON I

1 SAID 6 04 BECAUSE WHEN THE PHONE RANG, I LOOKED AT  
2 MY CLOCK, BECAUSE THERE'S A CLOCK ON THE PHONE, I  
3 WAS -- I DON'T LIKE TO GET PHONE CALLS AT THAT TIME  
4 OF THE MORNING IT'S ALWAYS SCARES ME THEN HE  
5 CALLED AND ASKED TO SPEAK TO SHEKA, I SAID, "JOHN,  
6 CALL BACK LATER WHEN THEY -- SHEKA'S ASLEEP "

7 JOHN TOLD ME HE SAID, "MACK, I WON'T  
8 BE HERE IN THE MORNING "

9 AT THAT TIME I CALLED AND WOKE SHEKA  
10 UP I SAID, "SHEKA, TELEPHONE " AFTER SHE GOT TO THE  
11 PHONE, I JUST HUNG THE OTHER ONE UP

12 Q YOU DIDN'T LISTEN IN ON THEIR CONVERSATION?

13 A NO, SIR, I DID NOT

14 Q AND AFTER YOU MENTIONED THE PHONE THAT YOU  
15 ANSWERED, WAS THAT ONE IN YOUR BEDROOM THERE?

16 A YES, IT WAS

17 Q DO YOU HAVE ANOTHER PHONE IN THE HALLWAY JUST  
18 OUTSIDE YOUR BEDROOM?

19 A YES, I DO

20 Q IS IT IN THE HALLWAY OR IS IT RIGHT THERE AT  
21 THE EDGE OF YOUR KITCHEN?

22 A IT'S AT THE EDGE OF THE KITCHEN

23 Q WHAT TYPE OF PHONE IS THAT?

24 A IT'S A VOICE-ACTIVATED PHONE I DON'T KNOW  
25 WHETHER YOU ALL CALL THEM I DON'T KNOW IF YOU

1 EQUATE IT WITH A VOICE-ACTIVATED PHONE OR NOT IT'S  
2 THE PHONE WITH THE CAPABILITY OF A SPEAKER, YOU  
3 DON'T EVER HAVE TO TOUCH THAT PHONE IF IT RINGS  
4 TWICE YOU SAY, HELLO, THEN YOU HAVE BUMP, BUMP, THEN  
5 YOU START TALKING AFTER YOU FINISH YOUR  
6 CONVERSATION ON THAT, YOU STILL DO NOT HAVE TO GET  
7 UP YOU CAN BE IN A -- I'VE BEEN IN THE BATHROOM  
8 AND ANSWERED THAT VERY, ANSWERED THAT PHONE AFTER  
9 YOU FINISH YOUR CONVERSATION I GUESS THERE'S A  
10 TIMER, AN OPERATOR WILL COME ON, SHE'LL SAY, THERE'S  
11 A RECORDING THAT COMES UP AND ASKS SOMETHING ABOUT  
12 IF YOU HAVE ANOTHER CALL OR SOMETHING -- IF YOU'RE  
13 GOING TO MAKE A CALL OR SOMETHING OKAY, AS LONG AS  
14 YOU DON'T BOTHER THAT PHONE, IT AUTOMATICALLY HANGS  
15 UP ITSELF THE OPERATOR -- NOT THE OPERATOR, IT'S A  
16 RECORDING, IF YOU WISH TO MAKE A PHONE CALL OR  
17 SOMETHING, BUT IT'LL DO THAT TWICE THEN YOU GET A  
18 COUPLE MORE SECONDS AND IT'LL HANG UP AUTOMATICALLY  
19 IN ORDER TO ANSWER THE PHONE, YOU DON'T EVER HAVE TO  
20 TOUCH IT

21 Q SO AS FAR AS PHONES IN YOUR HOUSE, THAT'S  
22 PROBABLY THE LEAST TOUCHED PHONE IN YOUR HOUSE,  
23 WOULD THAT BE A FAIR STATEMENT TO MAKE?

24 A YES, IT IS

25 Q MACK, I WANT TO ASK YOU A FEW QUESTIONS, IF I

1 CAN, ABOUT DECEMBER 4TH, ABOUT THE TIME YOU LEFT THE  
2 HOUSE YOU SAY YOU GOT UP AROUND 6 00 OR 7 00 THAT  
3 MORNING?

4 A JUST AFTER JOHN CALLED I DIDN'T GO BACK TO  
5 SLEEP I JUST STARTED TO WATCHING TELEVISION THEN

6 Q AND WHAT WAS YOUR WIFE DURING THAT TIME?

7 A MY WIFE, SHE WAS STILL SLEEPING, JUST LAYING  
8 DOWN DURING THAT TIME

9 Q AROUND 9 00 OR 10 00 O'CLCOK WHAT WERE ALL OF  
10 Y'ALL DOING?

11 A MY WIFE GOT UP FIXING BREAKFAST I JUST STAYED  
12 IN BED AFTER THE FINISHED BREAKFAST, THEN I ATE  
13 BREAKFAST

14 Q DID YOU HAVE TO WORK ON THIS MONDAY?

15 A NO, I DID NOT

16 Q WHAT ABOUT YOUR WIFE?

17 A SHE HAD TO GO TO WORK LATER ON ON SECOND SHIFT

18 Q WHEN YOU LEFT, WHAT WAS YOUR WIFE'S PRIMARY  
19 CONCERN THERE AT YOUR HOME ON DECEMBER 4, 1995 WHEN  
20 YOU LEFT AROUND 10 55, WHAT WAS YOUR WIFE'S PRIMARY  
21 CONCERN?

22 MR GARRETT OBJECTION, YOUR HONOR

23 THE COURT: SUSTAINED

24 EXAMINATION CONTINUED

25 BY MR JONES

1 Q WHAT WAS YOUR WIFE DOING WHEN YOU LEFT TO GO TO  
2 WORK, WHAT WAS SHE DOING -- WHEN YOU LEFT -- NOT TO  
3 GO TO WORK, TO GO TO THE POST OFFICE AT 10 55?

4 A WHEN I LEFT THAT MORNING MY WIFE WAS IN THIS  
5 BATHROOM GETTING READY TO GO TO ANDERSON -- SHE WAS  
6 GOING OVER TESHEKA'S TO TAKE CARE OF THOSE CHILDREN

7 Q AND WHEN YOU RETURNED TO YOUR HOME THAT  
8 MORNING, WHAT TIME WAS IT?

9 A I IMAGINE AROUND 12 30

10 Q DID THE POLICE LET YOU IN YOUR HOME WHEN YOU  
11 RETURNED?

12 A NO, SIR, THEY DIDN'T THEY SAID THAT THEY HAD  
13 -- WHEN I PULLED UP I SAW THOSE TAPES AND I SAW THE  
14 EMERGENCY/RESCUE SQUAD AND I -- I DON'T EVEN  
15 REMEMBER I DON'T EVEN KNOW HOW I STOPPED MY CAR  
16 WHEN I STOPPED IT ANY ANYWAY, WHEN I SAW THAT  
17 TAPE, I RUN UP THERE AND I RUN UP AND SOME OF THE  
18 POLICEMEN, AND I DON'T KNOW WHO IT WAS, THEY  
19 APPREHEND ME AS I GOT THERE AND THEY WOULDN'T LET ME  
20 GO IN I STARTED ASKING WHAT HAD HAPPENED I SAID,  
21 "WHAT'S THE MATTER " AND I ASKED THEM -- THEY  
22 WOULDN'T TELL ME WHAT HAD HAPPENED BECAUSE I ASKED  
23 THEM -- I THINK OF SOMETHING IT WAS MY WIFE IN THERE  
24 -- IT WAS MY WIFE -- AND I CALLED HER I CALLED HER  
25 AND I DON'T KNOW ONE OF THE OFFICERS, THEY TOOK ME

1 BACK OUT IN THE YARD I THINK I GAVE THEM PICTURES  
2 OUT OF MY WALLET AND ASKED THE OFFICERS WAS MY WIFE  
3 IN THERE, WHAT HAD HAPPENED THEY DIDN'T TELL ME --  
4 I DON'T KNOW WHEN THEY TOLD ME THAT SOMETHING HAD  
5 HAPPENED I DON'T KNOW I'M NOT SURE I'M NOT  
6 SURE WHEN THEY TOLD BUT I KNOW I GOT IN MY CAR AND I  
7 DROVE TO SHEKA'S -- I WENT OVER TO SHEKA'S  
8 GRANDMOTHER I WENT OVER TO SHEKA'S GRANDMOTHER  
9 AFTER THEY WOULDN'T LET ME GO IN AND TOLD ME ABOUT  
10 THAT THERE WAS TWO MURDERS IN MY HOUSE

11 MR GARRETT OBJECTION, YOUR HONOR,  
12 AS TO WHAT SOMEBODY TOLD HIM

13 THE COURT OVERRULED

14 EXAMINATION CONTINUED

15 BY MR JONES

16 Q MACK, LET ME ASK YOU SOMETHING YOU SAID YOU  
17 GOT BACK IN YOUR HOUSE ABOUT A DAY LATER -- ABOUT A  
18 DAY OR TWO LATER THEY LET YOU BACK IN YOUR HOUSE  
19 HOW LONG WAS IT BEFORE THEY LET YOU BACK IN YOUR  
20 HOUSE?

21 A IT HAPPENED ON THAT MONDAY I BURIED MY WIFE  
22 ON THAT SATURDAY -- THEY RELEASED THE HOUSE TO ME ON  
23 A THURSDAY I BELIEVE IT WAS THEY WAS STILL DOING  
24 SOME INVESTIGATION AND THEY LET ME AND TWO OTHER  
25 LADIES -- GLORIA ALEXANDER, I BELIEVE IT WAS, AND

1 ANOTHER LADY THEY ESCORTED THEM IN THE HOUSE TO  
2 GET SOME CLOTHES FOR MY WIFE TO BE BURIED IN THEY  
3 RELEASED THAT HOUSE TO ME, I THINK IT WAS LATE THAT  
4 THURSDAY EVENING BECAUSE I WENT IN AND I HAD TO  
5 CLEAN UP

6 Q THAT'S ALL WE'RE ASKING YOU, SIR WHEN YOU  
7 FINALLY GOT BACK IN YOUR HOUSE, DID YOU HAVE A  
8 CHANCE TO INSPECT THE BATHROOM BACK THERE IN THE  
9 KID'S ROOM BATHROOM AT THE OTHER END OF YOUR HOUSE?

10 A YES, SIR I HADN'T SEEN THAT HOLE BEFORE EVEN  
11 AFTER THE POLICE BECAUSE ONE S L E D OFFICER -- THE  
12 WOMEN S L E D OFFICER TOOK ME IN AND SHOWED ME THAT  
13 HOLE AND ASKED ME -- THEY ASKED ME SOMETHING ABOUT  
14 THAT HOLE, THAT SHOT THROUGH THAT BATHROOM

15 Q WHAT I WANT TO ASK YOU, WAS THAT HOLE THERE  
16 BEFORE YOU LEFT YOUR HOUSE AT 10 55 ON DECEMBER 4,  
17 1995?

18 A NO, SIR

19 Q IT WAS NOT?

20 A NO, SIR

21 Q YOU'RE CERTAIN OF THAT?

22 A I'M VERY POSITIVE THAT IT WASN'T

23 Q WHEN YOU GOT BACK IN THAT HOUSE, DID YOU NOTICE  
24 ANY RED COLORED SUBSTANCE ON THE FLOOR OF YOUR  
25 KITCHEN?



1 MR GARRETT OBJECTION, YOUR HONOR,  
2 RELEVANCE?

3 THE COURT OVERRULED

4 THE WITNESS WHEN I GOT BACK IN MY  
5 HOUSE I CLEANED THAT BLOOD UP, I (WITNESS IS CRYING)  
6 ME AND ANOTHER FRIEND I REMOVED ALL THAT BLOOD  
7 THERE WAS BLOOD ON THE FLOOR, BLOOD DOWN THE HALL IN  
8 THAT DOOR INTO THAT BACK BEDROOM, THERE WAS BLOOD  
9 AND FRAGMENTS OF BONE ON THAT FLOOR THE POLICE  
10 OFFICERS THAT TOLD ME ---

11 MR GARRETT OBJECTION, YOUR HONOR,  
12 AS TO WHAT THE POLICE OFFICERS SAID

13 MR JONES: DON'T TELL ME WHAT THEY  
14 TOLD YOU, JUST TELL ME---

15 THE COURT: THE QUESTIONS IS SIMPLY IF  
16 YOU SAW THAT ON THE FLOOR OR IF IT WAS THERE BEFORE  
17 YOU LEFT?

18 EXAMINATION CONTINUED

19 BY MR JONES

20 Q WAS IT ON THE FLOOR BEFORE YOU LEFT AT 10 50?

21 A NO, SIR

22 Q WAS IT THERE WHEN YOU CAME BACK?

23 A YES, IT WAS

24 MR JONES: ANSWER ANY QUESTIONS FOR  
25 THE DEFENSE

1 MR GARRETT I HAVE NO QUESTIONS  
2 THE COURT THANK YOU, MR HARRIS, YOU  
3 MAY STEP DOWN

4 MR JONES YOUR HONOR, AT THIS TIME,  
5 THE STATE RESTS IN CASE IN CHIEF

6 THE COURT LADIES AND GENTLEMEN, LET  
7 ME ASK YOU TO PLEASE GO TO YOUR JURY ROOM AND I'LL  
8 BRING YOU BACK IN JUST A FEW MINUTES ONCE WE  
9 DETERMINE OUR SCHEDULE DO NOT DISCUSS THE CASE  
10 (JURY EXITS COURTROOM AT 4 40 O'CLOCK P M )

11 THE COURT LET ME DETERMINE WHAT THE  
12 SCHEDULE'S GOING TO BE ARE YOU ALL GOING TO --  
13 HAVE YOU ALL GOT ANY WITNESSES LINED UP YOU INTEND  
14 TO CALL, NOT THIS EVENING, BUT IN THE MORNING

15 MR GARRETT YOUR HONOR, WE NEEDED  
16 SOME TIME TO PUT TOGETHER -- WE'D LIKE TO GO OVER,  
17 YOU KNOW, WE'D LIKE TO HAVE SOME TIME TO MEET OUR  
18 MOTION AT THIS STAGE WE'RE REQUIRED, AS I  
19 UNDERSTAND IT, TO MAKE VARIOUS MOTIONS AND WE'D LIKE  
20 TO HAVE SOME TIME TO THINK ABOUT THOSE AND WE'D  
21 LIKE TO HAVE AT LEAST, YOU KNOW, SEVERAL HOURS TO  
22 WORK WITH OUR WITNESSES IF WE COULD HAVE SOME  
23 RESPITE UNTIL STARTING LATER IN THE MORNING TO GIVE  
24 US TIME TO GET OUR CASE STARTED, WE'D CERTAINLY  
25 APPRECIATE IT WE'VE BEEN GOING TWELVE DAYS ALMOST

1 NON-STOP IN MEETING THE STATE'S CASE AND IT'S JUST  
2 BEEN A LONG TIME SINCE I'VE HAD TIME TO EVEN TALK TO  
3 ANY OF THE DEFENSE WITNESSES AT ALL I'VE BEEN  
4 TRYING TO DO THAT AT BREAKS AND --

5 THE COURT WHAT ABOUT MR McCALLUM  
6 AND MR TINSLEY, HAVE THEY BEEN TALKING TO ANY OF  
7 THEM?

8 MR TINSLEY OH, YEAH, WE'VE GOT THEM  
9 LINED UP THEY'RE LINED UP

10 THE COURT WILL WE BE READY TO GO AT  
11 10 00 O'CLOCK IN THE MORNING?

12 MR TINSLEY YES, SIR, I BELIEVE WE  
13 WILL UNLESS SOMETHING COMES UP, WE WILL BE READY TO  
14 GO AT THAT TIME WE WERE GOING TO MAKE DIRECTED  
15 VERDICT MOTIONS AS TO --

16 THE COURT I UNDERSTAND WE'VE GOT  
17 SOME OTHER THINGS TO DO, I'M JUST TRYING TO PREPARE  
18 OUR SCHEDULE BEFORE I RELEASE THE JURY I NEED TO  
19 KNOW WHEN TO TELL THEM TO BE BACK

20 MR TINSLEY I MR GARRETT WOULD  
21 PREFER 2 00 O'CLOCK TOMORROW AFTERNOON, BUT -- FOR  
22 THE JURY TO BE BACK

23 THE COURT LET ME SEE YOU ALL BACK IN  
24 CHAMBERS SO WE CAN TRY TO REVISE THE SCHEDULE  
25 (COUNSEL IN CHAMBERS)

1 THE COURT AS I UNDERSTAND IT, WE  
2 WILL BE IN A POSITION TO BEGIN WITH THE DEFENSE CASE  
3 AT 11 00 IN THE MORNING

4 MR TINSLEY YES, SIR, YOUR HONOR

5 THE COURT I'M GOING TO BRING THE  
6 JURY IN AND HAVE THEM EXCUSED FOR THE EVENING AND  
7 WE'LL ADDRESS ANY MATTERS WE NEED TO ADDRESS BEFORE  
8 WE RECESS

9 LADIES AND GENTLEMEN, I'VE GOT A  
10 NUMBER OF MATTERS THAT I NEED TO ADDRESS WITH THE  
11 LAWYERS SO WE'RE GOING TO EXCUSE YOU FOR THE  
12 EVENING AND IT MAY TAKE US IN THE MORNING TO DO  
13 SOME OTHER MATTERS THAT WILL NEED TO BE ATTENDED TO  
14 SO WE'LL SIMPLY ASK THAT YOU BE BROUGHT BACK AT  
15 11 00 IN THE MORNING SO YOU'RE GOING TO BE EXCUSED  
16 AT THIS TIME UNDERSTAND YOU'RE STILL NOT TO  
17 DISCUSS THE CASE IN ANY FASHION HAVE A GOOD  
18 EVENING WE'LL SEE YOU IN THE MORNING AT 11 00  
19 O'CLOCK

20 (JURY EXITS THE COURTHOUSE AT 4 50 O'CLOCK P M )

21 THE COURT ANY MOTIONS OR OTHER  
22 MATTERS WE CAN ADDRESS BEFORE WE RECESS?

23 MR TINSLEY THANK YOU SO MUCH, YOUR  
24 HONOR, WE MAY PLEASE THE COURT AT THIS TIME, OF  
25 COURSE, I WILL RENEW ALL PREVIOUSLY MADE MOTIONS AND

1 RENEW THE GROUNDS THAT WE'VE MADE AT THIS TIME  
2 INCLUDING ALL THE WAY BACK TO THE PRE-TRIAL JURY  
3 MOTIONS, THAT SORT OF THING AS WE WENT THROUGH VOIR  
4 DIRE

5 AND ALSO AT THIS TIME, TURNING TO THE  
6 INDICTMENT ITSELF, I MAKE THE MOTION FOR A DIRECTED  
7 VERDICT ON COUNT ONE AND TWO AS TO THE CHARGE OF  
8 MURDER AND MURDER ONLY IN THE SENSE THE STATE HAS  
9 FAILED TO MEET IT'S BURDEN OF PROOF AS TO EACH AND  
10 EVERY ELEMENT BEYOND A REASONABLE DOUBT THE STATE  
11 HAS FAILED TO PROVE MALICE AFORETHOUGHT BEYOND A  
12 REASONABLE DOUBT WHICH, OF COURSE, IS THE ESSENTIAL  
13 ELEMENT IN THE CRIME ALLEGED, THAT BEING MURDER OF  
14 COURSE, WE WOULD CONCEDED THAT THEY HAVE PROVEN  
15 ENOUGH TO RISE TO THE LEVEL OF MALICE AFORETHOUGHT  
16 SO WE LIMIT THAT MOTION, BASED UPON A VIEW IN LIGHT  
17 MOST FAVORABLE TO THE STATE THAT THEY HAVE FAILED TO  
18 MEET THE BURDEN OF PROOF AS TO MALICE AFORETHOUGHT  
19 ON COUNTS ONE AND TWO

20 AND IN SO DOING, NO REASONABLE JUROR COULD  
21 DECIDE BEYOND A REASONABLE DOUBT THAT MR HUGHEY WAS  
22 GUILTY OF MALICE AFORETHOUGHT NOT HAVING RISEN ABOVE  
23 THE LEVEL OF HEAT-OF-PASSION KILLINGS

24 AND, THIRDLY, I MOVE ON COUNT THREE THAT  
25 THE STATE HAS FAILED TO MEET ITS BURDEN OF PROOF ON

1     THAT COUNT OF BURGLARY IN THE FIRST DEGREE     THERE  
2     IS NO TESTIMONY VIEWED IN THE LIGHT MOST FAVORABLE  
3     TO THE STATE THAT MEETS THE ELEMENT OF BURGLARY OR  
4     UNLAWFUL ENTRY, NOR AT THE TIME OF THE ENTRY, ANY  
5     INTENT TO COMMIT A CRIME THEREIN     THEREFORE, THAT  
6     PARTICULAR COUNT SHOULD BE DIRECTED OUT

7             AND, FOURTHLY, AS TO COUNT FOUR, BASED ON  
8     THEIR OWN WITNESSES TESTIMONY REGULAR USAGE OF THE  
9     AUTOMOBILE COMMON-LAW CONNECTION BETWEEN MR   HUGHEY  
10    AND MS   JACKSON AND, VIEWED IN THE LIGHT MOST  
11    FAVORABLE TO THE STATE, CLEARLY A FAILING AS TO  
12    COUNT FOUR UNDER GRAND LARCENY OF A MOTOR VEHICLE  
13    THEY HAVE ESTABLISHED, THROUGH THEIR TESTIMONY, A  
14    COMMON USAGE IN THIS COMMON-LAW SETTING     THEREFORE,  
15    FAILING TO JUST BEING UNABLE TO STEAL HIS PARTIALLY-  
16    OWNED PROPERTY OWNED COMMONLY, OWNED COMMONLY,  
17    JOINTLY AND SEVERELY BY THE TWO PARTIES     GRANTED  
18    IT'S NOT ON THE RECORDS FROM DICK BROOKS OR  
19    WHATEVER, MR   HUGHEY -- THERE'S SOME INFORMATION IN  
20    THE RECORD THAT HE HAS HAD THESE TWO CHILDREN WITH  
21    HER, THAT HE IS, OF COURSE, THE FATHER OF THESE TWO  
22    CHILDREN     THAT THEY HAD AT LEAST STAYED TOGETHER  
23    FROM TIME-TO-TIME, THAT THE RELATIONSHIP DATED BACK  
24    SOME TEN YEARS, THAT HE HAD -- THE OTHER VEHICLE,  
25    THE NEON, WAS, OF COURSE, SIMILARLY HELD JOINTLY AND

1 THAT THIS VEHICLE, THE ARGUMENT IS MADE, THAT HE  
2 PROVIDED THE \$300 00 DOWN PAYMENT THERE WAS ONE  
3 WITNESS MR GARRETT CROSSED AS TO THAT POINT

4 NOW FURTHER, YOUR HONOR, WE REALIZE THE  
5 FACT THAT THE STATE HAS JUST ENDED THEIR CASE SO WE  
6 WOULD RESERVE THE RIGHT ALSO TO RENEW ANYTHING WE'VE  
7 OVERLOOKED AND INITIALLY ADDRESSED ANY MOTIONS  
8 ADDITIONALLY AT 10 00 O'CLOCK IN THE MORNING AT  
9 THIS POINT I THINK THAT IS BASICALLY WHAT WE WANTED  
10 TO COVER, THE PRIOR MOTIONS BEING RENEWED AND  
11 OBJECTIONS AS WELL THROUGHOUT THE COURSE OF THE  
12 TRIAL AND FURTHER, THE DIRECTED VERDICT MOTIONS AT  
13 THIS TIME AND WE WOULD ASK THE COURT, SHOULD WE IN  
14 COUNSELING TONIGHT, COME ACROSS SOMETHING THAT I'VE  
15 LEFT OUT, I WOULD RESERVE THE RIGHT TO MAKE IT AT  
16 10 00 O'CLOCK IN THE MORNING, IF THAT'S OKAY?

17 THE COURT YOU MAY

18 MR TINSLEY THANK YOU

19 THE COURT WITH RESPECT TO ANY  
20 MOTIONS PREVIOUSLY MADE THAT HAVE ALREADY BEEN RULED  
21 ON MY RULING STILL REMAINS THE SAME WITH RESPECT  
22 TO THE ADDITIONAL MOTIONS FOR A DIRECTED VERDICT AS  
23 TO COUNTS ONE, TWO, THREE AND FOUR OF THE  
24 INDICTMENT, IN CONSIDERING A MOTION FOR A DIRECTED  
25 VERDICT, I MUST CONSIDER THE EVIDENCE IN THE LIGHT

1 MOST FAVORABLE TO THE STATE, AND HAVING CONSIDERED  
2 THAT EVIDENCE, I FIND THAT THERE IS SUFFICIENT  
3 EVIDENCE IN THE RECORD FROM WHICH A JURY, IF THEY  
4 BELIEVE THAT EVIDENCE, COULD FIND EACH OF THE  
5 ESSENTIAL ELEMENTS OF EACH OF THOSE OFFENSES THAT  
6 ARE SET FORTH IN THE INDICTMENT AND THAT THEY COULD  
7 FIND EACH OF THOSE ELEMENTS BEYOND A REASONABLE  
8 DOUBT

9 THEREFORE, CONSIDERING THE EVIDENCE IN THE  
10 LIGHT MOST FAVORABLE TO THE STATE, I DENY EACH OF  
11 YOUR MOTIONS AS TO A DIRECTED VERDICT AS TO COUNT  
12 ONE OF THE INDICTMENT, COUNT TWO OF THE INDICTMENT,  
13 COUNT THREE OF THE INDICTMENT AND COUNT FOUR OF THE  
14 INDICTMENT

15 MR TINSLEY AND, OF COURSE, NOTE OUR  
16 EXCEPTION ON THAT AND I REMIND THE COURT THAT, OF  
17 COURSE, WE'RE LIMITED TO COUNTS ONE AND TWO TO THE  
18 GREATER CHARGE OF MURDER WE WOULD CONCEDE AT THIS  
19 POINT THAT THERE'S PLENTY IN THE RECORD FOR  
20 MANSLAUGHTER

21 THE COURT WELL NOW, YOU'RE NOT  
22 ASKING ME TO DIRECT A VERDICT IN FAVOR OF THE STATE  
23 ON THE ISSUE OF MANSLAUGHTER, ARE YOU?

24 MR TINSLEY NO, SIR, ACTUALLY WE'RE  
25 NOT WE'RE NOT ASKING YOU TO DO THAT, JUST ASKING



1 YOU TO NOTE MY EXCEPTIONS

2 THE COURT WITH RESPECT TO THE OTHER  
3 TWO COUNTS IN THE INDICTMENT, I UNDERSTAND THAT THE  
4 STATE IS NOT -- HAS ELECTED NOT TO PROCEED WITH THE  
5 TRIAL OF THE CASE AS TO THOSE TWO COUNTS OF THE  
6 INDICTMENT WHICH RELATES TO THE FINANCIAL  
7 TRANSACTION CARD THEFT AND ANY FINANCIAL TRANSACTION  
8 CARD AND FRAUD AT LEAST OTHER OFFENSES SET FORTH IN  
9 COUNT FIVE AND COUNT SIX OF THE INDICTMENT

10 MR JONES THAT'S CORRECT, YOUR  
11 HONOR

12 THE COURT ANY OTHER MOTIONS THE  
13 DEFENSE WISHES TO MAKE, WE'LL RESERVE THEIR RIGHT TO  
14 MAKE THOSE ADDITIONAL MOTIONS IN THE MORNING SHOULD  
15 THAT BECOME NECESSARY ARE THERE ANY OTHER MATTERS  
16 THAT NEED TO BE ADDRESSED BEFORE WE RECESS FOR THE  
17 EVENING?

18 MR JONES YOUR HONOR, MR COULTER  
19 WOULD LIKE TO BE ABLE TO GO THROUGH THE EVIDENCE  
20 THAT HAS BEEN MARKED AND MAKE SURE THAT WE HAVE --

21 THE COURT WE NEED TO DO THAT BEFORE  
22 WE RECESS -- BEFORE WE LEAVE WE CAN STILL RECESS  
23 BUT I WOULD ASK THAT THE LAWYERS PLEASE LOOK THROUGH  
24 ALL THE ITEMS OF EVIDENCE THAT HAVE BEEN ADMITTED  
25 AND LET'S BE CERTAIN THAT THEY ARE ALL ACCOUNTED

1 FOR

2 MR COULTER THAT'S KIND OF A  
3 PROBLEM I GUESS THE COURT REPORTER HAS THEM MARKED  
4 INTO EVIDENCE EVERYTHING IN THAT BOX HAS ALREADY  
5 BEEN MARKED EVERYTHING MARKED IN THAT BOX HAS  
6 ALREADY BEEN MARKED AS IF IT WERE INTRODUCED INTO  
7 EVIDENCE AND THAT'S KIND OF THE PROBLEM I HAVE I'M  
8 NOT SURE WHAT ACTUALLY HAS BEEN MOVED INTO EVIDENCE  
9 AND WHAT HASN'T WE INITIALLY MARKED IT, I  
10 UNDERSTOOD THERE WEREN'T OBJECTIONS --

11 THE COURT I UNDERSTAND THAT WELL,  
12 OF COURSE, THE COURT REPORTER AND I MAY BE ABLE THE  
13 HELP YOU ON THAT IF FOR SOME REASON WE CAN'T MAKE  
14 THAT DETERMINATION BECAUSE I'VE MADE NOTES AS TO  
15 EVERY ITEM THAT'S BEEN OFFERED AND, OF COURSE, THE  
16 COURT REPORTER HAS A RECORD OF EVERY ITEM THAT HAS  
17 BEEN ADMITTED

18 MR TINSLEY YOUR HONOR, CERTAINLY  
19 DON'T ANTICIPATE SPENDING, AND I CERTAINLY DON'T  
20 WANT MR GARRETT SPENDING ANY TIME ON THIS AT THIS  
21 TIME BECAUSE I NEED HIM TO GET RIGHT ON THIS FINAL  
22 DECISION MAKING AS TO THE DEFENSE

23 THE COURT MR GARRETT IS NOT BEING  
24 REQUIRED TO REMAIN ANYONE CAN REMAIN SO LONG AS --  
25 I JUST WANT TO BE CERTAIN WE AGREE ON WHAT WAS

1 ADMITTED WE CAN ADDRESS IT IN THE MORNING SO FAR  
2 AS IF THERE'S SOME QUESTION ABOUT IT

3 MR GARRETT LET'S LOOK AT IT REAL  
4 QUICK LET'S SEE WHAT WE'VE GOT, MAKE SURE WE GOT  
5 IT ALL

6 MR JONES JUDGE, BEFORE WE LOOK AT  
7 IT, I JUST HAVE ONE LAST REQUEST I'M ONLY DOING  
8 THIS NOT THAT I EXPECT THAT THERE IS ANYTHING, JUST  
9 IN AN EFFORT TO TRY TO DO MY JOB IF THE DEFENSE  
10 HAS ANY DOCUMENTS, REPORTS, FINDINGS, ANY TYPE OF  
11 WORK PRODUCT THAT ANY EXPERT THAT THEY MIGHT CALL  
12 TOMORROW HAS PRODUCED, I WOULD ASK THAT YOU CONSIDER  
13 LETTING THEM TO PRODUCE IT TONIGHT SO THAT I CAN  
14 REVIEW IT

15 IN ADDITION, IF THERE ARE ANY OTHER  
16 PHYSICAL, TANGIBLE EXPRESSES, LIKE A CHECKBOOK MR  
17 GARRETT PRODUCED THIS AFTERNOON, ASSERTING OR  
18 MAINTAINING THAT THERE WAS A CO-ACCOUNT OF THE  
19 VICTIM AND THE DEFENDANT IN THIS CASE, THAT WE BE  
20 GIVEN AN OPPORTUNITY TO REVIEW THOSE KINDS OF  
21 EVIDENCE AS WE SHOULD BE ALLOWED TO UNDER THE RULES  
22 OF DISCOVERY, RECIPROCAL RULES OF DISCOVERY

23 THE COURT OF COURSE THERE'S NO  
24 QUESTION THAT THE RECIPROCAL RULES OF DISCOVERY  
25 APPLY SO I CAN ONLY ASSUME WITHOUT EVIDENCE TO THE

1 CONTRARY THAT THE DEFENSE WILL COMPLY WITH THAT  
2 RECIPROCAL RIGHT THAT THE STATE HAD TO BE PROVIDED  
3 WITH ANY EVIDENCE THAT MIGHT BE OFFERED AS SET FORTH  
4 IN THE RULES

5 MR JONES BECAUSE WE'VE HAD SOME  
6 CONFUSION EARLIER, YOUR HONOR, WITH REGARD TO THINGS  
7 THAT, YOU KNOW, WE DIDN'T REALIZE WE, AT SOME POINT  
8 IN TIME, WERE IN POSSESSION OF YOU REFERRED TO MY  
9 NOT HAVING A DOCUMENT CONTROL PERSON IN THE OFFICE

10 THE COURT HAVE YOU GOTTEN ONE YET?

11 MR JONES NOT YET AND I WOULDN'T  
12 COUNT ON IT I WILL SIMPLY ASK, IF THEY HAVE GIVEN  
13 US ANYTHING, IF THEY THINK THEY'VE GIVEN US  
14 ANYTHING, WE MAY THINK THEY HAVEN'T, BUT WE HAVE NOT  
15 RECEIVED --

16 THE COURT YOU'RE JUST SAYING YOU  
17 HAVE NOT RECEIVED ANYTHING THAT MIGHT BE OFFERED IN  
18 THEIR CASE IN CHIEF?

19 MR JONES CORRECT

20 MR TINSLEY YOUR HONOR, THAT'S NOT  
21 TRUE AT ALL I'VE GIVEN MR COULTER A SYNOPSIS OF  
22 WHAT OUR EXPERTS WILL SAY I'VE ALSO ATTACHED ALL  
23 THAT MEDICAL STUFF WE HAD AND THEY SHOULD HAVE HAD  
24 ACCESS TO THAT AT THIS POINT I DON'T KNOW OF ANY  
25 ADDITIONAL I'M TALKING ABOUT WHAT WE SENT DOWN

1 COLUMBIA LAST MONDAY THAT, SORT OF THING

2 THE COURT LET'S DO THIS, I'M NOT  
3 GOING TO BE GOING ANYWHERE I'LL BE STAYING IN  
4 ABBEVILLE THIS EVENING, SO IF MY SERVICES ARE  
5 NEEDED, I'LL BE AVAILABLE OF COURSE, I'LL BE IN  
6 THE COURTHOUSE UNTIL EVERYONE ELSE LEAVES, AT LEAST  
7 THAT'S INVOLVED IN THE TRIAL OF THIS CASE SO IF  
8 Y'ALL JUST CAN DISCUSS THAT AND MAKE A DETERMINATION  
9 AS TO WHETHER THERE IS ANYTHING OR NOT THAT NEEDS TO  
10 BE ADDRESSED, WE WILL

11 MR TINSLEY WE JUST GOT THE JOINT  
12 CHECKBOOK AND WE'VE SHOWED IT TO THEM AND IT'S  
13 PRETTY MUCH CUT AND DRY.

14 MR JONES MR COULTER AND I -- THEY  
15 DID GIVE US SOME MITIGATION AS TO WHAT MR TINSLEY  
16 SAID, THAT'S CORRECT THEY GAVE US A MITIGATION  
17 SYNOPSIS OF WITNESSES AND THAT SORT OF THING AND I  
18 REMEMBER GETTING THE MEDICAL PSYCHOLOGISTS  
19 REPORTS

20 MR TINSLEY BASICALLY, THAT WILL  
21 COVER IT, YOUR HONOR AND IF ANYTHING COMES TO US,  
22 YOU KNOW, WE GET ANYTHING ELSE DURING TONIGHT, WE'LL  
23 CERTAINLY SHARE IT WITH THEM FIRST THING IN THE  
24 MORNING

25 THE COURT I UNDERSTAND THIS MATTER

1

IS IN RECESS UNTIL 11 00 A M

## TRANSCRIPT CONTINUED IN VOLUME

X

I, THE UNDERSIGNED, SANDRA WILLIAMS, CCR-CVR-CM, OFFICIAL COURT REPORTER FOR THE THIRTEENTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CRIMINAL COURT FOR GREENVILLE COUNTY, SOUTH CAROLINA, DURING THE PERIOD OCTOBER 13 THROUGH OCTOBER 30, 1997

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL NOR INTEREST TO ANY PARTY HERETO

May 5, 1998

---

Court Reporter

PAGES 2932-2933

REPETATIVE TRANSCRIPT COVER PAGES  
AND NOT REPRINTED

1 (DAY 13, SATURDAY, OCTOBER 25, 1997)

2 THE COURT MR GARRETT, HAS THE  
3 DEFENSE HAD SUFFICIENT TIME IN ORDER TO PREPARE FOR  
4 SCHEDULING THE WITNESSES AND SO FORTH?

5 MR GARRETT YES, YOUR HONOR, WE  
6 HAVE

7 THE COURT ANY OTHER MATTERS WE NEED  
8 TO ADDRESS BEFORE WE HAVE THE JURY BROUGHT IN?

9 MR GARRETT YOUR HONOR, WE WOULD  
10 LIKE TO FROM THE DEFENSE, WE WOULD LIKE TO KNOW WHAT  
11 CHARGES THE STATE WILL ASK TO HAVE NOTICED AGAINST  
12 THE DEFENDANT, JOHN HUGHEY, IN THIS CASE? THEY HAVE  
13 PREVIOUSLY PROVIDED US A RECORD AND WE WANT TO MAKE  
14 SURE WE'RE CLEAR ON WHICH ITEMS THEY'RE GOING TO TRY  
15 TO PUT IN

16 THE COURT YOU'VE GOT THE CRIMINAL  
17 HISTORY OF THE DEFENDANT?

18 MR GARRETT WE DO

19 THE COURT SOLICITOR, WHICH, IF ANY,  
20 OFFENSES WOULD YOU OFFER TO THIS ISSUE

21 MR COULTER YES, SIR AS I  
22 UNDERSTAND, YOUR HONOR, THERE IS A CONVINCTION BACK  
23 IN 1990 FOR GRAND LARCENY, THERE IS ALSO A  
24 CONVICTION OF 1993 FOR FAILURE TO STOP FOR A BLUE  
25 LIGHT, CONVICTED ALSO IN '93 OF MALICIOUS INJURY TO



1 PERSONAL PROPERTY, CONVICTION IN '93 FOR  
2 INTERFERRING WITH A POLICE OFFICER I BELIEVE  
3 THAT'S IT, BUT I'LL CHECK FOR OTHERS

4 MR TINSLEY YOUR HONOR, IT'S OUR  
5 POSITION --

6 THE COURT ONE SECOND, I THOUGHT  
7 HE'S GOING -- ARE YOU STILL LOOKING?

8 MR COULTER YOUR HONOR, I HAVE  
9 CHECKED AND THOSE ARE THE CHARGES

10 THE COURT ALL RIGHT, MR TINSLEY

11 MR TINSLEY IT APPEARS THAT HE WAS  
12 CONVICTED OF RECKLESS DRIVING FOR A FAILURE TO STOP

13 THE COURT HE WAS NOT CONVICTED OF  
14 FAILING TO STOP?

15 MR TINSLEY IF IT WAS THE 1/11/93  
16 HE WAS CONVICTED OF D U S AND RECKLESS DRIVING

17 THE COURT LET ME SEE IF THE  
18 SOLICITOR --

19 MR COULTER THAT'S EXACTLY RIGHT

20 THE COURT FAILURE TO STOP AT A STOP  
21 SIGN

22 MR TINSLEY THE INTERFERRING WITH A  
23 POLICE OFFICER WAS A LOWER COURT OFFENSE

24 THE COURT THAT'S OUT EXCLUDED --  
25 WERE THOSE MAGISTRATE'S?

1 MR COULTER YES, SIR THOSE WERE  
2 CONVICTIONS MAGISTRATE'S

3 MR COULTER THAT'S A TEN YEAR  
4 SENTENCE ON THAT AND PROBATION

5 THE COURT AS TO WHICH ONE?

6 MR COULTER THE GRAND LARCENY

7 THE COURT WELL LARCENY INVOLVES  
8 DISHONESTY OF ANY GRADE

9 MR TINSLEY YES, SIR, I'LL AGREE  
10 THAT THOSE TWO COME IN, YOUR HONOR

11 THE COURT MALICIOUS INJURY AND  
12 GRAND LARCENY?

13 MR TINSLEY YES, SIR

14 MR COULTER WE DO HAVE, YOUR HONOR,  
15 I APOLOGIZE, PETIT LARCENY IN '89

16 THE COURT '89 PETIT LARCENY?

17 MR COULTER YES, SIR

18 THE COURT DO YOU AGREE WITH THAT,  
19 MR TINSLEY?

20 MR TINSLEY YOUR HONOR, I AGREE  
21 THAT HE WAS CONVICTED OF THAT I WOULD ARGUE THAT  
22 ALTHOUGH WHAT MIGHT BE VIEWED A CRIME OF IMMORAL  
23 TURPITUDE, IT WAS A LOWER COURT'S CHARGE AND IT WAS  
24 SOME EIGHT YEARS AGO, AND BASED UPON THAT, WE WOULD  
25 ALSO ARGUE THE COURT FOLLOWING THE 609 8 2?

1 MR TINSLEY IT DOES FALL UNDER  
2 THAT, BUT WE WOULD ARGUE IT'S PREJUDICIAL EFFECT  
3 WITHOUT WEIGHING PROBATIVE VALUE

4 THE COURT I BELIEVE IT SHOULD BE  
5 ADMITTED UNDER 609, ASSUMING THE DEFENDANT  
6 TESTIFIED SOLELY FOR THE PURPOSE OF IMPEACHMENT AND  
7 A LIMITED INSTRUCTION WOULD BE GIVEN

8 THE COURT ANY OTHERS THEN?

9 MR COULTER THAT'S ALL

10 THE COURT NOW, AS I UNDERSTAND IT,  
11 -- NOT AS I UNDERSTAND IT, IT DID IN FACT OCCUR, BUT  
12 WE LOOKED AT EACH OF THESE EXHIBITS YESTERDAY, EVEN  
13 BEFORE WE LEFT THE COURTHOUSE MR GARRETT, ARE YOU  
14 SATISFIED THAT EACH OF THE EXHIBITS ARE ACCOUNTED  
15 FOR?

16 MR GARRETT ARE WHAT, I'M SORRY?

17 THE COURT THAT EACH OF THE EXHIBITS  
18 WHICH HAVE BEEN OFFERED ARE ACCOUNTED FOR?

19 MR GARRETT THEY HAVE, THEY ARE

20 THE COURT AND, I BELIEVE, AS I  
21 RECALL, THE ONLY EXHIBITS WHICH HAD BEEN OFFERED OR  
22 HAD BEEN REFERRED TO BUT HAD NOT YET BEEN ADMITTED,  
23 AND AS I UNDERSTOOD IT THERE WAS NO OBJECTION TO ITS  
24 ADMISSION, WAS STATE'S EXHIBIT NUMBER EIGHTY-ONE

25 MR GARRETT YOUR HONOR, IS THAT

1 ALREADY IN THE OTHER DOCUMENTS?

2 THE COURT I'M NOT SURE OF THAT

3 MR GARRETT WE HAVE NOT DETERMINED  
4 WHETHER IT IS IN THE OTHER DOCUMENTS

5 MR COULTER I BELIEVE IT'S A COPY  
6 OF SOMETHING THAT MAYBE ALREADY IN BUT IN ADDITION  
7 TO EIGHTY-ONE, THERE WAS ALSO NUMBER FIVE THAT WAS  
8 MARKED FOR IDENTIFICATION BOTH OF THOSE HAVE NOT  
9 BEEN ADMITTED ALL OF THE OTHER, EXCEPT FOR NUMBER  
10 FIVE, AS I UNDERSTAND IT, HAVE BEEN ADMITTED INTO  
11 EVIDENCE

12 THE COURT NOW NUMBER FIVE WAS THE  
13 DIAGRAM OF THE TRAILER WHICH I EXCLUDED?

14 MR COULTER YES

15 THE COURT EIGHTY-ONE WAS -- I HAD  
16 NOT ADDRESSED THE ISSUE OF ITS ADMISSABILITY I  
17 DON'T THINK IT HAD BEEN OFFERED

18 MR COULTER NO

19 MR GARRETT YOUR HONOR, WE DON'T  
20 OBJECT TO THE INTRODUCTION OF EIGHTY-ONE AS  
21 TESTIFIED TO IT'S CONSISTENT AND COOPERATES THE  
22 OTHER DOCUMENTS THAT ARE ALREADY IN THE RECORD SO WE  
23 WOULDN'T OBJECT TO ITS ADMISSION INTO EVIDENCE

24 MR COULTER I'M NOT OFFERING IT,  
25 JUDGE

1 THE COURT YOU'RE NOT?

2 MR COULTER NO, SIR, I'M SORRY

3 THE COURT YOU WITHDRAW IT?

4 MR COULTER YEAH, I WITHDRAW IT

5 THE COURT SO EIGHTY-ONE IS

6 WITHDRAWN BY THE STATE AND WITH THAT THE STATE'S  
7 REST

8 MR JONES THE STATE RESTS, YOUR  
9 HONOR, ITS CASE IN CHIEF

10 THE COURT MR TINSLEY, AS I  
11 INDICATED TO YOU YESTERDAY, I WILL ALLOW YOU AN  
12 OPPORTUNITY TO CONSIDER ANY OTHER ADDITIONAL MOTIONS  
13 THAT YOU MIGHT HAVE DID YOU CONSIDER THAT DURING  
14 THE OVERNIGHT RECESS?

15 MR TINSLEY YES, YOUR HONOR, I DID  
16 AT THIS TIME, WE HAVE NO FURTHER MOTIONS

17 THE COURT ALL RIGHT

18 MR GARRETT JUDGE, I HAVE JUST A  
19 FEW OTHER ITEMS I'D LIKE TO HAVE MARKED

20 MR COULTER OF COURSE, THE STATE  
21 HASN'T SEEN THESE DOCUMENTS BEFORE

22 MR GARRETT I GAVE YOU A COPY THIS  
23 MORNING

24 MR COULTER I JUST NOTICED IT'S  
25 PHOTOGRAPHS YOU'VE GIVEN ME THIS MORNING THAT WE

1 HAVEN'T SEEN

2 MR GARRETT YOU HAVEN'T SEEN THOSE  
3 (REPORTER MARKS PERTINENT DOCUMENTS AS DEFENSE  
4 EXHIBITS 12 THROUGH 31 FOR IDENTIFICATION)

5 THE COURT I UNDERSTAND THE DEFENSE  
6 HAS SEVERAL EXHIBITS THAT THEY INTEND TO OFFER

7 MR GARRETT YES, YOUR HONOR

8 THE COURT HAVE THEY BEEN MARKED?

9 MR GARRETT THEY HAVE

10 THE COURT HAVE THEY BEEN SHOWN TO  
11 THE SOLICITOR?

12 MR GARRETT YES, SIR

13 MR COULTER JUST NOW, YOUR HONOR  
14 AND A LOT OF THOSE EXHIBITS WE'RE GOING TO HAVE  
15 OBJECTIONS TO NOT ONLY IN RULE FIVE BUT AS TO  
16 RELEVANCE I DON'T KNOW WHAT THE COURT'S INTENTION  
17 IS IN REGARDS TO HAVING IT ADMITTED INTO EVIDENCE  
18 I ASSUME THAT WE'LL WAIT UNTIL THE WITNESS IS CALLED  
19 TO THE STAND TO IDENTIFY THEM

20 THE COURT SURE BEFORE WE DO BRING  
21 THE JURY IN, LET ME ASK MR GARRETT WITH REGARD TO  
22 THE MOTIONS THAT WERE FILED

23 MR GARRETT YES

24 THE COURT YOU'VE GOT YOUR LISTING  
25 OF THOSE MOTIONS I WANT TO BE CERTAIN THAT EACH OF

1 THOSE HAVE BEEN DISPOSED OF OR THERE IS NO OTHER  
2 REQUEST

3 MR GARRETT I BEG YOUR PARDON, YOUR  
4 HONOR, THE ONLY THING THAT HAS NOT BEEN ADDRESSED BY  
5 THE COURT -- WELL, IT MAY HAVE WE MADE A REQUEST  
6 OF DOCUMENTS RELATING TO THE INTERROGATION METHOD OF  
7 THE CITY, I THINK THAT WAS DISCUSSED YESTERDAY AND  
8 THE COURT RULED, AS I RECALL, THAT BASED ON THE  
9 TESTIMONY THERE WAS NONE

10 THE COURT WELL, THAT'S THE ONLY  
11 THING I CAN BASE IT ON IF YOU HAVE INFORMATION TO  
12 THE CONTRARY, I'LL CONSIDER IT BUT AS I UNDERSTOOD  
13 CHIEF RUCKER'S TESTIMONY, HE SAID THAT THERE WERE NO  
14 POLICIES WRITTEN OR OTHERWISE THAT HE WAS AWARE OF  
15 THAT DIRECTED HE OR HIS OFFICERS HOW TO TAKE  
16 STATEMENTS FROM SUSPECTS IN CRIMINAL CASES, DO YOU  
17 AGREE THAT THAT WAS HIS TESTIMONY?

18 MR GARRETT THAT WAS HIS TESTIMONY,  
19 YOUR HONOR HE APPARENTLY INDICATED, HOWEVER, THERE  
20 WAS SOME OLD POLICIES -- HE SEEMED TO INDICATE TO ME  
21 HE HADN'T DONE THE RESEARCH TO DETERMINE WHETHER OR  
22 NOT THOSE OTHER POLICIES WERE IN EFFECT OR NOT OR  
23 EFFECTIVE OR NOT HE SEEMED TO SUGGEST THAT BECAUSE  
24 HE'S THE NEW CHIEF OF POLICE WHETHER THEY WERE THERE  
25 OR NOT HE DIDN'T HAVE ANY POLICIES

1 THE COURT SOLICITOR, BASED UPON  
2 THAT REQUEST, HAVE YOU MADE ANY INQUIRY AS TO  
3 WHETHER OR NOT THERE EXISTS ANY SUCH POLICY?

4 MR JONES I HAVE NOT, JUDGE, BUT  
5 HE'S HERE AND I WILL NOW

6 THE COURT LET'S JUST BE CERTAIN  
7 THERE IS NO SUCH POLICY OR IF THERE IS WE NEED THOSE  
8 DOCUMENTS

9 MR GARRETT YOU HAVE SEEN ALL THESE  
10 THINGS?

11 MR COULTER ABOUT FIVE MINUTES AGO,  
12 YES

13 MR GARRETT BUT YOU HAVE SEEN THEM  
14 THE COURT OTHER THAN THAT ISSUE  
15 WE'RE GOING TO HAVE RESOLVED, IS THAT ALL OTHER  
16 MOTIONS THAT YOU WISH TO BE HEARD HAVE BEEN HEARD  
17 AND DISPOSED OF?

18 MR GARRETT YES, YOUR HONOR, ALL  
19 MOTIONS HAVE BEEN HEARD AND DISPOSED OF

20 THE COURT ANY OTHER MATTERS WE NEED  
21 TO ADDRESS BEFORE WE BRING THE JURY IN? MR  
22 GARRETT, OF COURSE, AS YOU ARE AWARE IT WILL BE  
23 NECESSARY THAT BFORFE THE DEFENDANT TESTIFIES,  
24 SHOULD HE WISH TO, THAT I MAKE AN INDEPDENT INQUIRY  
25 AS TO HIS UNDERSTANDING OF HIS RIGHT TO TESTIFY



1 MR GARRETT YES, SIR

2 THE COURT WE HAVE OTHER MATTERS  
3 THAT WILL OCCUPY THE TIME BEFORE WE WILL NEED TO  
4 ADDRESS THAT ISSUE?

5 MR GARRETT WE DO, YOUR HONOR

6 THE COURT BRING THE JURY IN,  
7 PLEASE

8 (JURY ENTERS COURTROOM AT 11 25 O'CLOCK A M )

9 THE COURT GOOD MORNING, LADIES AND  
10 GENTLEMEN I HOPE YOU EACH HAD A RESTFUL EVENING  
11 AND A GOOD MORNING AND YOU'RE READY TO GET BACK TO  
12 WORK NOW

13 AS YOU KNOW WHEN WE RECESSED  
14 YESTERDAY EVENING, THE STATE HAD RESTED THEIR CASE  
15 THAT IS THEY HAVE PRODUCED OR INTRODUCED ALL THE  
16 EVIDENCE THAT THEY WISH TO IN THEIR CASE IN CHIEF  
17 AND SO WE WILL NOW PROCEED WITH EVIDENCE TO BE  
18 OFFERED BY THE WAY OF THE DEFENSE MR GARRETT

19 MR GARRETT IF IT'LL PLEASE THE  
20 COURT, YOUR HONOR, WE CALL CHRIS BURTON TO THE  
21 STAND

22 THE CLERK: THE EVIDENCE YOU SHOULD  
23 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
24 SHOULD BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
25 THE TRUTH SO HELP YOU GOD

1 THE WITNESS YES, MA'AM  
2 (WITNESS PRESENTED AT 11 25 O'CLOCK A M )

3 DIRECT EXAMINATION

4 BY MR GARRETT

5 Q WILL YOU TELL US YOUR NAME FOR OUR COURT  
6 RECORD, PLEASE

7 A MY NAME IS JESSIE CHRISTOPHER BURTON

8 Q MR BURTON, HOW OLD ARE YOU?

9 A THIRTY-ONE

10 Q AND WHERE DO YOU LIVE?

11 A CEDAR SPRINGS ROAD

12 Q AND IS THAT IN ABBEVILLE?

13 A ABBEVILLE

14 Q HOW LONG HAVE YOU LIVED IN ABBEVILLE?

15 A ALL MY LIFE

16 Q DID YOU GO TO SCHOOL HERE?

17 A YES, SIR

18 Q WHAT HIGH SCHOOL DID YOU ATTEND?

19 A ABBEVILLE HIGH

20 Q TALK TO US A LITTLE BIT ABOUT YOUR  
21 RELATIONSHIP WITH JOHN HUGHEY

22 A I'VE KNOWN JOHN SINCE I WAS IN -- WE BECAME  
23 FRIENDS WHEN I WAS IN THE NINTH GRADE BECAUSE HE'S  
24 MY WIFE'S FIRST COUSIN AND WE'RE PRETTY GOOD  
25 FRIENDS

1 Q HOW OFTEN DO YOU SAY YOU WOULD SEE JOHN?  
2 PRIOR TO THIS INCIDENT, OF COURSE, HE'S BEEN IN JAIL  
3 NOW FOR A NUMBER OF YEARS PRIOR TO THIS INCIDENT,  
4 PRIOR TO DECEMBER THE 4TH OF 1995, LET'S TALK ABOUT  
5 IN NOVEMBER AND DECEMBER, HOW OFTEN WOULD YOU SEE  
6 JOHN?

7 A I SEE HIM -- I KNOW EVERY TIME I WENT ON LONG  
8 WEEKENDS, WHICH IS EVERY THREE WEEKS, I WOULD SEE  
9 HIM AND I'D SEE HIM SOMETIME LIKE ON MY BIG WEEK,  
10 I HAVE DAYS OFF I WOULD SEE HIM

11 Q DID Y'ALL FISH FROM TIME-TO-TIME TOGETHER?

12 A YEAH, I'D TAKE HIM FISHING WITH ME ALL THE  
13 TIME

14 Q SOCALIZE TOGETGHER?

15 A YES

16 Q WAS JOHN DOING SOME WORK FOR YOU AT THAT TIME?

17 A YES, SIR

18 Q TELL US A LITTLE BIT ABOUT THAT WHAT KIND OF  
19 WORK WAS JOHN DOING FOR YOU?

20 A ME AND MY WIFE, WE ADDED ON AN ADDITION TO THE  
21 HOUSE AND JOHN WAS HELPING ME WITH YARD WORK AND HE  
22 WAS DOING THE SHINGLE WORK FOR ME, TOO HE WAS  
23 DOING THE ROOFING

24 Q WERE YOU PAYING HIM?

25 A YES, SIR

1 Q AND FOR WHAT PURPOSE WERE YOU PAYING HIM? WERE  
2 YOU GIVING HIM MONEY OR DO YOU KNOW?

3 A THE PURPOSE OF IT HE SAID HE WAS GOING --

4 MR COULTER OBJECTION, YOUR HONOR

5 THE COURT SUSTAINED

6 EXAMINATION CONTINUED

7 BY MR GARRETT

8 Q YOU HAD DISCUSSED WITH JOHN THIS -- THE MONEY?

9 A YES HE TOLD ME ---

10 MR COULTER OBJECTION, YOUR HONOR

11 THE COURT SUSTAINED MR BURTON,

12 UNDERSTAND THE REASON THERE'S AN OBJECTION IS THAT

13 YOU CAN'T TESTIFY AS TO WHAT SOMEBODY ELSE TOLD YOU

14 UNDER MOST CIRCUMSTANCES IF THERE IS AN EXCEPTION

15 TO IT, THEN, OF COURSE IT WILL BE ALLOWED BUT

16 UNLESS YOU'RE SPECIFICALLY ASKED AS TO WHAT SOMEONE

17 ELSE TOLD YOU AND THERE IS NO OBJECTION TO IT,

18 YOU'RE NOT PERMITTED TO STATE WHAT SOMEONE ELSE SAID

19 OUTSIDE OF THE COURTROOM, OKAY?

20 EXAMINATION CONTINUED

21 BY MR GARRETT

22 Q DID YOU HAVE KNOWLEDGE BASED ON YOUR

23 CONVERSATIONS WITH HIM AND OTHERWISE, YOUR

24 CONVERSATIONS WITH TESHEKA, AS TO WHAT THE MONEY

25 WOULD BE USED FOR?

1 MR COULTER OBJECTION, YOUR HONOR,  
2 IT'S THE SAME THING

3 THE COURT WELL, THE QUESTION HERE  
4 IS WHETHER OR NOT HE HAD A CONVERSATION YOU MAY  
5 ANSWER YES OR NO

6 THE WITNESS YES

7 EXAMINATION CONTINUED

8 BY MR GARRETT

9 Q YOU DID

10 A YEAH

11 Q NOW, WAS IT FOR A SPECIFIC PURPOSE?

12 A CHRISTMAS

13 Q LET'S MOVE ON FROM THERE TELL US ABOUT YOUR  
14 RELATIONSHIP WITH TESHEKA?

15 A SHE WAS MY COUSIN, CLOSE FRIEND I TALKED TO  
16 HER SHE TALKED TO ME ALL THE TIME AND RAISED UP  
17 TOGETHER MY AUNT STAYED A COUPLE HOUSES DOWN FROM  
18 US ON BLUE HILL I KNEW ALL THE FAMILY

19 Q HOW OFTEN DID Y'ALL SPEND TIME TOGETHER?

20 A MOST TIMES WHEN I'D SEE JOHN, YOU KNOW SHE  
21 USED TO WORK AT KFC I'D GO BUY ME SOMETHING TO  
22 EAT, WE'D TALK

23 Q DID YOU HAVE A REGULAR AND GOOD RELATIONSHIP  
24 WITH HER?

25 A YES, SIR

1 Q NOW, I'D LIKE TO TAKE YOU BACK TO THE WEEK  
2 PRIOR TO THIS INCIDENT DID YOU HAVE AN OCCASION TO  
3 SPEND SOME TIME WITH TESHEFA AND JOHN AND THE  
4 CHILDREN?

5 A YES

6 Q TELL US ABOUT THAT

7 A IT WAS THE TUESDAY A WEEK BEFORE, I WENT AND  
8 GOT JOHN, WE WAS WORKING IN THE YARD WE WAS DOING  
9 YARD WORK AND HE WENT IN THE HOUSE HE CALLED HER  
10 AND HE TOLD HER WHERE HE WAS FOR HER TO BRING  
11 SOMETHING TO EAT SHE CAME DOWN THERE LATER THAT  
12 DAY ABOUT LUNCH TIME IT WAS HER AND THE TWO LITTLE  
13 BOYS AND THEY STAYED DOWN THERE ALL THE DAY LONG  
14 THEY WAS TALKING AND GETTING ALONG I DIDN'T SEE NO  
15 PROBLEM OR NOTHING

16 Q WHAT DID THEIR RELATIONSHIP APPEAR TO YOU TO  
17 BE?

18 A THEY WAS OKAY I MEAN, THEY WERE JUST -- SHE  
19 WAS OUT THERE TALKING, SHE WAS SEEING WHAT WE WERE  
20 DOING I DIDN'T SEE NO PROBLEM

21 Q DID THEY APPEAR TO BE HAPPY?

22 A YES, SIR

23 Q DID THEY APPEAR TO BE LOVING?

24 A YES, SIR

25 Q WERE THEY KIND TO EACH OTHER IN THAT SETTING?

1 A YEAH, THEY WAS OKAY I MEAN I DIDN'T SEE NO  
2 PROBLEM

3 Q AND THIS WAS JUST TUESDAY BEFORE THIS?

4 A YES, SIR

5 Q DID YOU KNOW ANYTHING ABOUT ANY RELATIONSHIP  
6 BETWEEN TESHEKA AND MIKE ADAMS?

7 A NO, SIR

8 Q WAS THAT COMMON KNOWLEDGE AMONG THE FAMILY AND  
9 FRIENDS OF THE TWO OF THEM, AT LEAST FROM YOUR  
10 PERSPECTIVE?

11 A I DID NOT I DIDN'T KNOW NOTHING ABOUT THAT  
12 WAS GOING ON

13 Q AND Y'ALL GOT TOGETHER ABOUT LUNCH TIME THAT  
14 TUESDAY, YOU AND JOHN?

15 A NO, I PICKED JOHN UP THAT MORNING

16 Q THAT MORNING

17 A IT WAS LUNCH TIME BEFORE SHEKA GOT THERE

18 Q AND HOW LONG WOULD YOU SAY Y'ALL STAYED AT THE  
19 HOUSE THERE TOGETHER?

20 A TILL DARK I'LL SAY ABOUT FIVE-THIRTY OR  
21 SOMETHING, QUARTER TILL SIX, SIX O'CLOCK, IT WAS  
22 ABOUT DARK

23 Q AND WHEN, PRIOR TO THAT, HAD BEEN THE MOST  
24 RECENT TIME THAT YOU CAN RECALL THAT Y'ALL SPENT  
25 SOME TIME TOGETHER?

1 A ABOUT TWO WEEKS BEFORE THAT ME, JOHN, SHEKA  
2 AND THE TWO LITTLE BOYS WENT TO GREENWOOD WE WENT  
3 TO GREENWOOD TO GET A PART FOR MY TRUCK, WENT TO  
4 ADVANCED AUTO TO GET A PART

5 Q TELL US ABOUT YOUR REMEMBRANCES OF THAT  
6 OCCASION?

7 A I PICKED JOHN UP I WENT TO BURGER TOWN AND  
8 GOT THE SWITCH OFF THE TRUCK AND WE WENT TO SHEKA'S  
9 GRANDMAMA'S HOUSE WHICH IS ON BLUE HILL WE WENT  
10 OVER THERE AND PICKED HER UP AND THE KIDS -- JOHN  
11 HAD ONE OF THE BOYS WITH HIM -- AND WE WENT AND  
12 PICKED HER UP AND THE BABY AND WE WENT TO GREENWOOD  
13 TO ADVANCED AUTO AND I WAS OVER THERE GETTING THE  
14 PART FOR THE TRUCK AND THEY WAS WALKING AROUND THE  
15 STORE, YOU KNOW, JUST LOOKING AT THINGS I DON'T  
16 KNOW WHAT THE CONVERSATION WAS BUT THEY WAS WALKING  
17 AND I DIDN'T SEE NO PROBLEM

18 Q HOW WOULD YOU DESCRIBE THEIR RELATIONSHIP TWO  
19 WEEKS BEFORE THIS?

20 A THEY WAS OKAY

21 Q WERE THEY FIGHTING OR ARGUING?

22 A NO, I DIDN'T SEE NOTHING

23 Q DID THEY APPEAR TO BE LOVING?

24 A YES

25 Q THE CHILDREN WERE THERE WITH THEM?



1 A YES, SIR

2 Q HOW WERE THEY TREATING THE CHILDREN?

3 A JUST, YOU KNOW, TREATING THEM NICE AND JUST  
4 WALKING AROUND WITH THEM

5 Q TELL US A LITTLE BIT ABOUT JOHN'S RELATIONSHIP  
6 WITH HIS BOYS

7 A OH, HE'S CRAZY ABOUT THEM I MEAN, YOU KNOW,  
8 WHEN HE'S AROUND, HE'S WITH THEM, YOU KNOW THAT'S  
9 ALL HE TALKS ABOUT

10 Q AND WOULD HE DO THINGS WITH THEM?

11 A OH, YES HE BROUGHT THEM LIKE IF ONE KID HAD  
12 A BIRTHDAY PARTY OR STUFF, HE MAKE SURE HE CAME

13 Q WOULD HE AND SHEKA BE THERE TOGETHER AT YOUR  
14 CHILDREN'S BIRTHDAY PARTY?

15 A YEAH

16 Q AND HOW DID THEY APPEAR TO GET ALONG DURING  
17 THOSE CIRCUMSTANCES?

18 A JUST FINE I'VE GOT VIDEOS OF THEM BEING  
19 THERE AT THE PARTY

20 Q DO YOU HAVE ANY KNOWLEDGE OF ANY OF JOHN'S  
21 FINANCIAL SITUATIONS?

22 A ALL I REMEMBER ONE TIME HE HAD AN ACCOUNT ---

23 Q HE WHAT?

24 A HE HAD AN ACCOUNT

25 Q HE HAD AN ACCOUNT?

1 A YEAH

2 Q WHERE DID HE HAVE AN ACCOUNT?

3 A I DON'T KNOW WHICH BANK, I JUST KNOW HE HAD A  
4 CHECKING ACCOUNT

5 Q TELL ME ABOUT THAT CHECKING ACCOUNT

6 A IT WAS WITH BOTH OF THEM

7 Q IT WAS WITH BOTH?

8 A YEAH, I SAW IT, YEAH

9 Q SO THERE WAS A CHECKING ACCOUNT FROM TIME-TO-  
10 TIME, HE WOULD USE CHECKS IN BOTH OF THEIR NAMES?

11 A YEAH, HE WOULD

12 Q DO YOU RECALL IF THE CHECKS LOOKED SOMETHING  
13 LIKE THAT? THIS IS MARKED AS DEFENDANT'S EXHIBIT  
14 THIRTEEN, CAN YOU IDENTIFY THAT FOR US?

15 A JOHN K HUGHEY AND TESHEKA L JACKSON

16 MR GARRETT ANY OBJECTION?

17 MR JONES NO, SIR

18 MR GARRETT MOVE TO INTRODUCE  
19 DEFENDANT'S EXHIBIT THIRTEEN

20 THE COURT IT'S ADMITTED WITHOUT  
21 OBJECTION

22 EXAMINATION CONTINUED

23 BY MR GARRETT

24 Q AND YOU HAD SEEN HIM FROM TIME-TO-TIME USING A  
25 CHECK THAT WAS IN BOTH OF THEIR NAMES?

1 A YES, SIR

2 Q CAN YOU RECALL HOW HE ESTABLISHED THAT?

3 A HE GOT SOME MONEY WHEN HIS MOTHER PASSED, THE  
4 FAMILY DID AND HE STARTED AN ACCOUNT I REMEMBER  
5 HIM SAYING SOMETHING TO ME ABOUT THAT

6 Q SO HE STARTED AN ACCOUNT AFTER HIS MAMA PASSED  
7 WITH HIM AND HER?

8 A YES

9 Q IS THAT CORRECT?

10 A YES, SIR

11 Q AND IN YOUR ESTIMATION, WAS JOHN SUPPORTING  
12 THESE TWO CHILDREN?

13 A I CAN'T SAY I MEAN I DIDN'T SEE HIM  
14 PHYSICALLY GIVE MONEY, I CAN'T, YOU KNOW --

15 Q I UNDERSTAND THAT YOU DIDN'T SEE HIM  
16 PHYSICALLY GIVE HER MONEY

17 A NO, SIR

18 Q DID HE HAVE THE APPEARANCE BASED UPON IF HE  
19 TOOK CARE OF THE CHILDREN? HE TOOK CARE OF THEM

20 A YEAH

21 Q WOULD HE BUY THEM THINGS?

22 A IF HE HAD IT, HE DID

23 Q YOU'D SEE HIM DO THOSE KINDS OF THINGS FOR HIS  
24 CHILDREN

25 A YES

1 Q DO YOU RECALL AN INCIDENT OF -- WHERE YOU HAD  
2 AN OPPORTUNITY TO SEE JOHN AND TESHEKA IN A GREEN  
3 NEON?

4 A YEAH, I REMEMBER I REMEMBER WHEN THEY GOT  
5 THAT CAR

6 Q ABOUT HOW LONG WAS THAT BEFORE THEY GOT THE  
7 WHITE MITSUBISHI, DO YOU REMEMBER?

8 A I CAN'T REMEMBER I JUST REMEMBER -- I JUST  
9 SAW THAT THEY GOT A GREEN NEON

10 Q IS THAT A CHRYSLER PRODUCT?

11 A YEAH

12 Q AND YOU SAW THE TWO OF THEM TOGETHER IN THE  
13 NEON?

14 A YEAH

15 Q WHOSE CAR WAS THAT?

16 A JOHN TOLD ME HE HAD BOUGHT IT FOR TESHEKA

17 Q WAS TESHEKA IN THE CAR DRIVING IT?

18 A YES

19 Q SHE APPEAR TO BE HAPPY ABOUT HAVING THAT CAR?

20 A YES

21 Q DO YOU KNOW WHY THAT CAR GOT TURNED IN OR  
22 TRADED IN OR WHATEVER?

23 A NO, SIR

24 Q BUT TO YOUR KNOWLEDGE, WHO WAS PAYING FOR THAT  
25 CAR?

1 A HE TOLD ME HE HAD BOUGHT IT FOR HIS OLD LADY  
2 I DON'T KNOW WHO BOUGHT IT OR WHAT

3 Q AND YOU SEEN THEM AND THE KIDS IN THAT CAR?

4 A YES, SIR

5 Q I'D LIKE TO TAKE YOU UP AND UNTIL A TIME ON  
6 THE THIRD DAY OF DECEMBER -- THIS IS THE DAY BEFORE  
7 THIS INCIDENT DID YOU TALK TO JOHN?

8 A YES

9 Q TELL US ABOUT IT

10 A I HAD GOT OFF ---

11 MR COULTER OBJECTION, YOUR HONOR,  
12 IF HE'S GOING TO TALK ABOUT ANY CONVERSATION HE HAD  
13 THE COURT KEEP IN MIND THAT YOU'RE  
14 NOT GOING TO BE ABLE TO TESTIFY AS TO WHAT MR  
15 HUGHEY MAY HAVE SAID DURING THOSE CONVERSATIONS

16 EXAMINATION CONTINUED

17 BY MR GARRETT

18 Q DID YOU RECEIVE A PHONE CALL FROM JOHN  
19 SOMETIME?

20 A YES, SIR

21 Q DO YOU HAVE AN IDEA ABOUT WHAT TIME YOU  
22 RECEIVED THAT PHONE CALL?

23 A IT WAS BETWEEN ONE AND THREE

24 Q BETWEEN ONE AND THREE

25 A YES

1 Q AS A RESULT OF THAT PHONE CALL, WHAT DID YOU  
2 DO?

3 A I LEFT AND WENT -- I TOLD MY WIFE ABOUT WHAT  
4 WAS GOING ON AND I WENT AND TOLD MY MOTHER-IN-LAW

5 Q WHAT DID YOU TELL YOUR WIFE WAS GOING ON?

6 A I TOLD MY WIFE THAT JOHN WAS CRYING AND HE WAS  
7 UPSET ABOUT SOMETHING.

8 MR COULTER OBJECTION, YOUR HONOR  
9 THE COURT SUSTAINED

10 MR GARRETT IT'S NOT WHAT HE WAS  
11 SAYING, YOUR HONOR

12 THE COURT I UNDERSTAND BUT,  
13 OBVIOUSLY, WHATEVER HE TOLD HIS MOTHER IF HE TOLD  
14 WHAT WAS GOING ON IT HAD TO BE BASED UPON THE  
15 CONVERSATION IF IT'S BASED UPON HEARSAY IF  
16 OBJECTED TO, IT'S NOT PERMITTED TO BE ADMITTED

17 MR TINSLEY YOUR HONOR, EXCEPTION  
18 802 (803)(111)

19 THE COURT OVERRULE THE OBJECTION  
20 EXAMINATION CONTINUED

21 BY MR GARRETT

22 Q TELL US ABOUT IT

23 A WHAT?

24 Q WHEN YOU WERE SPEAKING TO YOUR WIFE, WHAT DID  
25 YOU TELL YOUR WIFE?

1 A I TOLD HER THAT SOMETHING WAS WRONG AND HE WAS  
2 CRYING

3 Q DID YOU FINISH YOUR CONVERSATION WITH HIM?

4 A NO

5 Q THEN WHAT DID YOU DO?

6 A HE HUNG UP AND I TALKED TO MY WIFE AND I  
7 TALKED TO MY MOTHER-IN-LAW I TOLD MY MOTHER-IN-LAW  
8 THE SAME THING I LEFT, CAME TO TOWN, IN FRONT OF  
9 THEIR HOUSE --

10 Q AND WHERE IS THEIR HOUSE AT, WHERE DO THEY  
11 LIVE?

12 A MAPLE STREET

13 Q MAPLE STREET, ALL RIGHT SO YOU WENT OVER TO  
14 THEIR HOUSE

15 A YES, SIR

16 Q IS THAT NORMALLY WHERE YOU PICKED JOHN UP?

17 A YES, SIR

18 Q SO WHAT HAPPENED?

19 A I PULLED UP THERE AND I BLOWED THE HORN AND  
20 NOBODY CAME OUT I LEFT AND I RODE AROUND TOWN I  
21 DIDN'T SEE HIM I WENT ON BACK HOME

22 Q NOW, WHAT WAS SUPPOSED TO HAVE HAPPENED THAT  
23 SUNDAY MORNING? WHAT WAS Y'ALL'S PLAN FOR THAT  
24 SUNDAY MORNING?

25 A I WAS SUPPOSED TO HAVE PICKED HIM UP TO PUT

1 SHINGLES ON THE HOUSE

2 Q YOU WERE SUPPOSED TO HAVE PICKED HIM UP  
3 EARLIER THAT MORNING?

4 A YES, SIR

5 Q AND PLACE SHINGLES UPON YOUR HOUSE?

6 A YES, SIR

7 Q DOES JOHN HAVE SOME KNOWLEDGE FOR SHINGLING  
8 AND DOING THAT TYPE OF WORK?

9 A YES, SIR

10 Q AND WHAT HAPPENED? WHY DIDN'T Y'ALL DO THAT?

11 A BECAUSE I WENT TO WORK MYSELF

12 Q YOU WENT TO WORK AND WHERE DO YOU WORK AT?

13 A MILIKEN, THE SHARON PLANT

14 Q DID YOU GIVE HIM A CALL AND TELL HIM YOU  
15 WOULDN'T BE BY THERE?

16 A NO, SIR

17 Q DID HE HAVE A PHONE AT HIS HOME?

18 A NO, SIR, NOT THAT I KNOW OF

19 Q SO IF HE CALLED YOU, HE HAD TO HAVE CALLED YOU  
20 FROM SOMEWHERE OTHER THAN HIS HOME?

21 A YES, SIR.

22 Q NOW, SO YOU WENT BY THERE, WAS HE THERE?

23 A I BLOWED THE HORN AND NOBODY CAME TO THE DOOR

24 Q DID YOU HAPPEN TO GO UP TO THE DOOR?

25 A NO, SIR



1 Q I'LL HAND YOU WHAT HAS BEEN MARKED AS STATE'S  
2 EXHIBIT FOURTEEN CAN YOU -- HAVE YOU EVER SEEN  
3 THIS NOTE BEFORE?

4 A YES

5 Q WHEN DID YOU FIRST SEE THAT NOTE?

6 A AT THE POLICE STATION

7 Q UNDER WHAT CIRCUMSTANCES WERE YOU AT THE  
8 POLICE STATION?

9 A THE POLICE, THEY CALLED FOR ME TO COME UP  
10 THERE BECAUSE THE NOTE HAD MY NAME ON IT

11 Q IT DOESN'T SAY CHRIS BURTON THERE, DOES IT?

12 A RIGHT, IT SAYS CHRIS

13 Q IT JUST SAYS CHRIS, WHAT DOES IT SAY TO YOU  
14 THERE?

15 A "CHRIS, I'M GOING OVER BY JABBO'S HOUSE, IF  
16 NOT THERE, COME BY THE CARWASH, IF NOT THERE, I HAVE  
17 MADE IT BACK HOME, JOHN "

18 Q WHAT DOES THAT MEAN TO YOU?

19 A I'M SUPPOSED TO PICK HIM THAT MORNING, SUNDAY  
20 MORNING, TO PUT THE SHINGLES ON

21 Q DOES THAT NOTE LEAD TO YOU TO TELL YOU THAT HE  
22 WAS GOING TO BE SOMEWHERE ELSE IF YOU WERE LOOKING  
23 FOR HIM TO PICK HIM UP?

24 A YES, SIR

25 Q AND DO YOU KNOW ANYTHING ABOUT THE REVERSE

1 SIDE OF THAT?

2 A NO, I DON'T KNOW NOTHING ABOUT IT

3 Q DID YOU DETERMINE WHERE JOHN WAS LATER THAT  
4 AFTERNOON?

5 A SUNDAY?

6 Q YES

7 A I DIDN'T HAVE NO IDEA

8 Q YOU ATTEMPTED TO LOCATE HIM AND WAS UNABLE TO  
9 LOCATE HIM SUNDAY AFTERNOON?

10 A COULDN'T FIND HIM

11 Q DID YOU SUBSEQUENTLY LEARN WHERE HE WENT?

12 A YES, SIR

13 Q WHERE DID HE GO?

14 A HE TOLD ME --

15 MR COULTER OBJECTION, YOUR HONOR

16 EXAMINATION CONTINUED

17 BY MR GARRETT

18 Q AS A RESULT OF THE CONVERSATION, DID YOU HAVE  
19 SOME INFORMATION AS TO WHERE HE WENT?

20 A A CHRISTMAS PARADE IN GREENWOOD

21 Q AND AFTER THIS INCIDENT OCCURRED, DID YOU  
22 RECEIVE A CALL FROM JOHN?

23 A YES, SIR

24 Q AND WAS THAT WHEN HE WAS IN CUSTODY?

25 A YES, SIR

1 Q WERE YOU THE FIRST PERSON THAT HE CALLED, TO  
2 YOUR KNOWLEDGE?

3 A HIS SISTER AND ME

4 Q AND SO YOU'RE PRETTY CLOSE WITH HIM?

5 A YEAH

6 Q PARTNERSHIP?

7 A YES

8 Q AND WHEN HE CALLED ON THAT OCCASION, WHAT WAS  
9 HIS STATE OF MIND?

10 A I COULDN'T MAKE OUT WHAT HE WAS SAYING -- JUST  
11 CRYING AND UPSET I DIDN'T ASK HIM ABOUT NOTHING  
12 THAT WENT ON OR NOTHING

13 Q WHAT DAY WAS THAT?

14 A I CAN'T REMEMBER

15 Q WHAT EXACT DAY IT WAS

16 A I CAN'T REMEMBER

17 Q DO YOU HAVE ANY REASON TO BELIEVE JOHN WENT  
18 OVER THERE TO KILL HER?

19 MR COULTER OBJECTION, YOUR HONOR

20 THE COURT SUSTAINED

21 EXAMINATION CONTINUED

22 BY MR GARRETT

23 Q YOU DIDN'T SEE JOHN SUNDAY NIGHT AND YOU  
24 DIDN'T SEE HIM MONDAY, IS THAT CORRECT?

25 A NO, SIR

1 MR GARRETT THANK YOU PLEASE  
2 ANSWER ANY QUESTIONS OPPOSING COUNSEL MAY HAVE

3 CROSS EXAMINATION

4 BY MR JONES

5 Q HOW YOU DOING THIS MORNING, MR BURTON?

6 A ALL RIGHT

7 Q FEELING OKAY I WANT TO ASK YOU ABOUT THAT  
8 SUNDAY WHEN Y'ALL WENT TO PUT THE SHINGLES ON THE  
9 HOUSE DID YOU PUT SHINGLES ON THE HOUSE?

10 A NO

11 Q WHY NOT?

12 A BECAUSE I WENT TO WORK

13 Q SIR?

14 A BECAUSE I WENT TO WORK

15 Q WHERE DID YOU GO TO WORK?

16 A MILIKEN-SHARON, THAT'S MY JOB

17 Q WHEN WERE YOU GOING TO PUT THE SHINGLES ON THE  
18 HOUSE?

19 A I WAS SUPPOSED TO HAVE WENT AND PICKED JOHN UP  
20 THAT MORNING

21 Q RIGHT

22 A BUT I DID NOT I DECIDED TO GO TO WORK  
23 MYSELF

24 Q THEN WHY DID YOU GO TO PICK HIM UP?

25 A I DIDN'T SAY I WAS GOING TO PICK HIM UP

1 Q WHAT WERE YOU DOING OVER THERE?

2 A I DIDN'T GO OVER THERE

3 Q YOU DIDN'T GO OVER THERE SUNDAY MORNING?

4 A NO, SIR, I WENT TO WORK

5 Q WHEN DID YOU GO GET THE NOTE?

6 A I DIDN'T GO GET THE NOTE, THE POLICE HAD THE  
7 NOTE

8 Q SO YOU HAD NEVER SEEN THE NOTE?

9 A NO, SIR

10 Q I SEE SO YOU DIDN'T GO LOOKING FOR HIM

11 A I WENT LOOKING FOR HIM BUT I DID NOT GET OUT  
12 OF MY TRUCK AND GO TO THE DOOR

13 Q WHY DID YOU GO LOOKING FOR HIM?

14 A AFTER I RECEIVED A PHONE CALL

15 Q SUNDAY NIGHT

16 A SUNDAY EVENING BETWEEN ONE AND THREE

17 Q BETWEEN ONE AND THREE

18 A YES, SIR,

19 Q I HAD GOT OFF FROM WORK

20 Q WHAT TIME DID YOU GO TO WORK SUNDAY MORNING?

21 A EIGHT O'CLOCK

22 Q EIGHTO'CLOCK?

23 A YES, SIR

24 Q SO YOU WORKED FOUR HOURS, EIGHT TO TWELVE, IS  
25 THAT RIGHT?

1 A YES, SIR

2 Q BUT YOU HAD MADE PLANS TO PUT SHINGLES ON

3 SUNDAY MORNING

4 A YES, SIR

5 Q WHEN DID YOU MAKE THOSE PLANS?

6 A TO PUT THE SHINGLES ON?

7 Q YES

8 A WE HAD BEEN DOING IT EVERY WEEKEND PRIOR TO

9 THAT AND THAT WEEKEND I DECIDED TO WORK

10 Q WHEN DID YOU TELL HIM THAT YOU WEREN'T GOING

11 TO PUT THE SHINGLES ON THAT YOU WERE GOING TO WORK?

12 A I DID NOT TELL HIM, HE WAS WAITING ON ME

13 Q SO YOU WORKED -- YOU PUT THE SHINGLES ON

14 SATURDAY

15 A NO

16 Q YOU DIDN'T PUT -- DID YOU WORK SATURDAY?

17 A I WORKED ALL DAY SATURDAY

18 Q SO WHEN YOU WORKED ALL DAY SATURDAY, DIDN'T

19 YOU TELL HIM SATURDAY I'M GOING TO BE WORKING, THERE

20 WON'T BE ANY NEED FOR SHINGLING?

21 A NO

22 Q SO YOU DIDN'T HAVE ANY COMMUNICATION WITH HIM

23 ON SATURDAY?

24 A NO, I DID NOT TALK TO HIM SATURDAY

25 Q IS THERE ANY REASON WHY YOU WOULD JUST LEAVE

1 HIM HANGING LIKE THAT?

2 A NO, THERE'S NO REASON

3 Q I MEAN HE IS YOUR BEST FRIEND

4 A YEAH

5 Q HE CONSIDERS YOU ONE OF HIS BEST FRIENDS NEXT  
6 TO HIS SISTER, I MEAN, HE CALLED YOU AFTER HE HAD  
7 BEEN CHARGED WITH THIS DOUBLE HOMICIDE, THIS DOUBLE  
8 MURDER, RIGHT?

9 A YES

10 Q AND HE WANTED TO TALK TO YOU AND RECEIVE  
11 COMFORT AND AID FROM YOUR, IS THAT CORRECT?

12 A YES

13 Q HE CALLED HIS SISTER AND HE CALLED YOU

14 A YES

15 Q AND YET YOU'VE GOT TO WORK TO DO FOR HIM AND  
16 YOU WEREN'T PAYING HIM FOR THIS WORK

17 A YEAH, I WAS PAYING HIM

18 Q SHINGLE WORK

19 A YES, SIR

20 Q I MEAN, BSICALLY, YOU WERE ONE OF HIS MAIN  
21 SOURCES OF INCOME DURING THIS PERIOD OF TIME

22 A YES, SIR

23 Q HE DIDN'T HAVE ANOTHER JOB ANYWHERE HE KIND  
24 OF DID ODD JOBS?

25 A YES, SIR

1 Q PUT ON THE SHINGLES, WASHED CARS, THAT KIND OF  
2 STUFF?

3 A YEAH

4 Q SO HE'S BLOCKED OUT HIS CAR WSHING ALL DAY  
5 SATURDAY TO PUT ON SHINGLES WITH YOU, HASN'T HE?

6 A I WASN'T GOING TO GET HIM SATURDAY I WAS  
7 WORKING SATURDAY

8 Q WHEN DID YOU TELL HIM YOU WEREN'T GOING TO  
9 COME AND GET HIM YOU TOLD ME YOU'D BEEN PUTTING  
10 THE SHINGLES ON EVERY WEEKEND FOR ABOUT THREE OR  
11 FOUR WEEKENDS IN A ROW, HADN'T YOU?

12 A YEAH I WAS SWING SHIFT AND DURING THAT WEEK  
13 IT WAS MY WEEK TO WORK

14 Q RIGHT, WE UNDERSTAND THAT YOU KNEW YOU  
15 WEREN'T GOING TO PUT THE SHINGLES ON AND YOU KNEW IT  
16 THURSDAY OR FRIDAY, DIDN'T YOU?

17 A NO

18 Q WHEN DID YOU KNOW YOU WEREN'T GOING TO PUT  
19 SHINGLES ON?

20 A WHEN MY BOSS MAN TOLD ME I HAD TO WORK THAT  
21 WEEKEND

22 Q WHEN DID HE TELL YOU THAT?

23 A WHEN HE SAID IT HAD TO BE -- WEDNESDAY OR  
24 THURSDAY HE'S GOT TO LET ME KNOW THEN BUT YOU  
25 SEE, I HADN'T TALKED TO HIM



1 Q YOU HADN'T SAW JOHN?

2 A THE LAST TIME I HAD SAW HIM WAS THAT WEEKEND  
3 BEFORE

4 Q NO, THE LAST TIME YOU SAW HIM WAS THAT TUESDAY  
5 BEFORE, RIGHT, YOU TESTIFIED THAT YOU SAW HIM THAT  
6 TUESDAY BEFORE BECAUSE Y'ALL WERE WORKING TOGETHER  
7 OVER AT YOUR HOUSE, RIGHT?

8 A YES

9 Q AND THAT'S WHEN SHEKA CAME BY WITH THE KIDS

10 A YES

11 Q RIGHT?

12 A YES

13 Q SO IT WASN'T THE WEEKEND BEFORE IT WAS THAT  
14 TUESDAY, IS THAT RIGHT?

15 A YES, BUT I DIDN'T KNOW UNTIL THAT THURSDAY AND  
16 I HADN'T SEEN JOHN

17 Q BUT YOU KNEW WHERE HE WAS

18 A YES

19 Q WHERE?

20 A I GUESS HE WAS AT HOME I DON'T KNOW WHERE HE  
21 WAS

22 Q WHAT'S THE ADDRESS?

23 A MAPLE STREET

24 Q RIGHT, YOU KNEW WHERE YOU COULD FIND HIM IF  
25 YOU NEEDED HIM, YOU'D GO BY AND SEE HIM FOR

1 ANYTHING

2 A YEAH

3 Q HE DIDN'T HAVE A CAR, DID HE?

4 A I GUESS THAT CAR THEY HAD TOGETHER -- I MEAN,

5 I GUESS IT WAS THEIRS I DON'T KNOW

6 Q WHEN HE WAS OVER AT YOUR HOUSE ON TUESDAY, --

7 A YES

8 Q HOW DID HE GET OVER THERE?

9 A HUH?

10 Q YOU WENT AND PICKED HIM UP?

11 A YEAH

12 Q SHEKA WASN'T OVER THERE WITH THE CAR, WAS SHE?

13 A SHE CAME LATER ON THAT DAY

14 Q NO SHE WASN'T OVER HIS HOUSE AT MAPLE STREET

15 A HUH-UH, NO, I WENT AND GOT HIM

16 Q SO HE COULDN'T HAVE GOT OVER TO YOUR HOUSE IN,

17 AS YOU SAY, THAT CAR THEY HAD TOGETHER THAT MORNING,

18 COULD HE? TUESDAY MORNING --

19 A YEAH

20 Q -- WHEN HE CAME OVER AND WORKED WITH YOU, YOU

21 HAD TO GO GET HIM AND YOU HAD TO TAKE HIM HOME,

22 DIDN'T YOU?

23 A THAT EVENING?

24 Q YES, SIR

25 A NO, SIR

1 Q HOW DID HE GET OVER THERE?

2 A SHE TOOK HIM HOME

3 Q SHE TOOK HIM HOME?

4 A YES, SIR

5 Q ALL RIGHT WHEN YOU WERE GOING TO GO GET

6 SATURDAYS AND SUNDAYS THAT HE WAS PUTTING SHINGLES

7 ON, YOU HAD TO GO PICK HIM UP?

8 A ME OR MY WIFE

9 Q PICK HIM UP AND TAKE HIM HOME

10 A YES, SIR

11 Q HE DIDN'T HAVE A CAR, DID HE?

12 A THAT'S RIGHT

13 Q OKAY, NOW, KNOWING THAT HE DIDN'T HAVE A CAR,

14 YOU COULD USUALLY FIND HIM AT MAPLE STREET, COULDN'T

15 YOU?

16 A NO, NOT AT ALL TIMES

17 Q AND WHEN YOU COULDN'T FIND HIM AT MAPLE

18 STREET, HE WAS ON HIS BICYCLE, WASN'T HE?

19 A BICYCLE OR WITH SOMEBODY ELSE

20 Q BICYCLE OR WITH SOMEBODY HE COULD CATCH A

21 RIDE, RIGHT?

22 A YES, SIR

23 Q SO IF YOU NEEDED TO TELL HIM, JOHN, WE AIN'T

24 GOING TO BE ABLE TO WORK THIS WEEKEND BECAUSE I'VE

25 GOT TO GO IN SATURDAY AND SUNDAY SO DON'T WORRY

1 ABOUT IT, YOU COULD HAVE TOLD HIM THAT, COULDN'T  
2 YOU?

3 A IF I WOULD HAVE SAW HIM, I WOULD HAVE TOLD  
4 HIM

5 Q MY QUESTION FOR YOU IS "WHY DIDN'T YOU TELL  
6 HIM?"

7 A I DIDN'T SEE HIM

8 MR GARRETT ASKED AND ANSWERED,  
9 YOUR HONOR, THREE TIMES ALREADY

10 THE COURT I BELIEVE HE'S ANSWERED

11 EXAMINATION CONTINUED

12 BY MR JONES

13 Q YOU'RE PUTTING SHINGLES ON YOUR HOUSE

14 A YES, SIR

15 Q RIGHT

16 A YES, SIR

17 Q AND YOU HAD A GOOD NUMBER OF SHINGLES

18 A YEAH

19 Q RIGHT

20 A YEAH

21 Q WHAT ABOUT MONDAY, DECEMBER 4TH? DID YOU WORK  
22 MONDAY DECEMBER 4TH?

23 A I WAS AT WORK AT SHARON

24 Q YOU WERE?

25 A YES, SIR

1 Q SO YOU DIDN'T HAVE ANY PLANS TO MEET WITH HIM  
2 MONDAY?

3 A NO, SIR

4 Q RIGHT?

5 A NO, SIR

6 Q WHEN WAS IT ON SUNDAY THAT YOU DECIDED TO STOP  
7 TRYING TO FIND HIM AND LOCATE HIM?

8 A AFTER I WENT BY HIS HOUSE THE FIRST TIME AND I  
9 RODE AROUND TOWN AND I WENT BACK THROUGH, I DIDN'T  
10 SEE HIM, I JUST WENT ON BACK HOME

11 Q YOU DID?

12 A YES, SIR

13 Q WHEN YOU WENT BY HIS HOUSE LOOKING FOR HIM,  
14 WHY DIDN'T YOU GET OUT OF YOUR TRUCK AND WALK UP TO  
15 THE DOOR AND KNOCK ON THE DOOR? (MR JONES KNOCKS  
16 ON THE TABLE)

17 A BECAUSE WHEN I PULL UP IF JOHN'S THERE, HE  
18 HEARS MY TRUCK -- MY TRUCK RUNNING LOUD -- HE HEARS  
19 MY TRUCK AND I BLOW THAT HORN, HE COMING OUT THE  
20 DOOR AND HE'S THERE

21 Q ALL RIGHT, THAT'S FINE SO YOU BLEW YOUR HORN  
22 WHEN YOU WENT THERE?

23 A YEAH

24 Q YOU DIDN'T TELL ME THAT EARLIER, YOU SAID YOU  
25 DIDN'T STOP, YOU JUST DROVE --

1 A NO, I STOPPED

2 Q YOU STOPPED

3 A YEAH

4 Q AND BLEW THE HORN?

5 A YEAH

6 Q SO HOW OFTEN WOULD YOU GO BY AND BLOW THE HORN  
7 AND HE WOULDN'T COME OUT?

8 A PLENTY OF DAYS, PLENTY OF TIMES I WENT BY HIS  
9 HOUSE I MEAN, IF HE'S THERE, HE HEARS ME, HE'S  
10 COMING IF HE DON'T COME OUT, THEN HE'S NOT THERE

11 Q AND YOU BLEW YOUR HORN ON THIS DAY?

12 A YEAH

13 Q THE ONE TIME YOU WENT BY

14 A WHEN I STOPPED

15 Q OKAY, WHEN YOU STOPPED

16 A YEAH, I BLEW THE HORN AND I WAITED AND HE  
17 DIDN'T COME OUT AND I LEFT

18 Q THEN WHAT DID YOU DO?

19 A I WENT BACK HOME

20 Q AND DID WHAT?

21 A NOTHING, I MEAN, I DIDN'T KNOW WHAT WAS GOING  
22 ON I WAS CONCERNED WITH WHAT WAS GOING ON, BUT I  
23 MEAN I DIDN'T KNOW WHERE TO GO OR WHERE TO START

24 Q LET'S START FROM HERE YOU GOT A CALL AROUND  
25 ONE O'CLOCK, RIGHT?

1 A YEAH

2 Q AND HE WAS CRYING

3 A YEAH

4 Q AND HE WAS UPSET?

5 A YEAH

6 Q AND HE TOLD YOU HE COULDN'T TAKE IT ANY MORE?

7 A YEAH

8 Q RIGHT

9 A YES, SIR

10 Q HE COULDN'T TAKE WHAT ANY MORE?

11 A HE DIDN'T SAY, HE JUST SAID, "I COULDN'T TAKE

12 IT NO MORE "

13 Q COULDN'T TAKE IT NO MORE DID YOU FIGURE IT

14 WAS COULDN'T TAKE PUTTING SHINGLES ON THE ROOF

15 ANYMORE?

16 A I DIDN'T KNOW WHAT IT WAS HE JUST SAID HE

17 COULDN'T TAKE IT NO MORE

18 Q COULDN'T TAKE IT

19 A THAT'S ALL I DIDN'T KNOW WHAT IT WAS

20 Q BUT YOU DIDN'T FIGURE IT HAD ANYTHING TO DO

21 WITH HIS WORK YOU AND HE WERE DOING?

22 A NO

23 Q YOU DIDN'T?

24 A I DIDN'T KNOW WHAT IT WAS I DIDN'T KNOW WHAT

25 WAS WRONG

1 Q BUT IT KIND OF GOT YOUR CURIOSITY UP A LITTLE  
2 BIT

3 A YEAH, BECAUSE HE WAS CRYING

4 Q ENOUGH TO GET OFF THE COUCH AND GO RIDE BY AND  
5 SEE IF YOU COULD TALK WITH HIM

6 A YEAH

7 Q HOW LONG DID IT TAKE YOU TO GET OVER HIS HOUSE  
8 AFTER YOU RECEIVED THAT CALL AT ONE O'CLOCK?

9 A I WENT -- WHEN I LEFT THERE, I WENT TO MY  
10 MOTHER-IN-LAW'S FIRST, --

11 Q UH-HUH

12 A AND THEN I WENT OVER TO THE HOUSE

13 Q HOW LONG DID IT TAKE YOU TO GET OVER TO HIS  
14 HOUSE AFTER YOU GOT THAT CALL?

15 A THIRTY OR FORTY MINUTES

16 Q AND HE WASN'T THERE?

17 A NO, SIR

18 Q WAS HIS BICYCLE THERE?

19 A I DIDN'T LOOK HE KEEPS -- HE KEEPS THAT BIKE  
20 IN THE HOUSE

21 Q IN THE HOUSE?

22 A YEAH

23 Q AND YOU DON'T KNOW WHETHER HIS BIKE WAS THERE  
24 OR NOT?

25 A I DON'T KNOW



1 Q AFTER YOU WENT OVER THERE, YOU SAY YOU WENT  
2 BACK HOME

3 A YES, SIR

4 Q AND WHAT DID YOU DO THE REST OF THE AFTERNOON?

5 A I JUST STAYED THERE WITH MY FAMILY

6 Q DID YOU LOOK FOR JOHN ANY MORE?

7 A NO, I RODE AROUND FOR A WHILE AND I COULDN'T  
8 FIND HIM I DIDN'T HAVE NO IDEA WHERE HE WAS

9 Q WHERE ALL DID YOU GO LOOKING FOR HIM?

10 A I RODE AROUND ABBEVILLE, UPON ON THE -- I WENT  
11 THROUGH THE SQUARE I WENT BY HIS HOUSE A COUPLE  
12 TIMES AND I WENT UP THROUGH BY -- WHAT'S THE NAME OF  
13 THAT STREET? -- CAME UP SEVENTY-TWO BY THE  
14 HOSPITAL, I DIDN'T GO ALL THE WAY UP TO THE  
15 HOSPITAL, WENT UP THERE AND TURNED AROUND AND COME  
16 BACK I WENT BY HIS HOUSE AGAIN AND I DIDN'T SEE  
17 HIM AND I TOLD MY WIFE I COULDN'T FIND HIM

18 Q THAT'S THE ONLY PLACES THAT YOU WENT LOOKING  
19 FOR HIM?

20 A NOT TOO MANY PLACES THAT I WOULD FIND HIM

21 Q WELL, IF YOU CAN THINK OF ANY OTHER MAIN  
22 PLACES WILL YOU PLEASE TELL ME NOW WHERE YOU WENT?

23 A THAT I COULD FIND HIM?

24 Q YES, SIR

25 A THE ONLY PLACE I WOULD, YOU KNOW, IF I LOOK

1 FOR HIM, GO OVER HIS HOUSE IF I DIDN'T FIND HIM  
2 THERE, I DIDN'T GO OVER THIS STREET AND THAT STREET  
3 LIKE THAT OR NOTHING, BUT I'M JUST SAYING I JUST  
4 WENT TO BASIC PLACES WHERE I WAS THINKING I COULD  
5 SEE HIM

6 Q YOU KNOW HIS SISTER DON'T YOU, MS HARRIS?

7 A YEAH

8 Q WAS SHE IN TOWN THAT NIGHT?

9 A I DON'T KNOW

10 Q HUH?

11 A I DON'T KNOW

12 Q DID YOU SEE HER OVER HIS HOUSE AT ANY POINT IN  
13 TIME?

14 A NO, I DIDN'T SEE HER

15 Q SIR?

16 A NO, SIR, I DID NOT SEE HER

17 Q YOU DIDN'T?

18 A NO, SIR

19 Q WHEN YOU WERE LOOKING FOR HIM, DID YOU GO BY  
20 SHEKA'S GRANDMOTHER'S HOUSE?

21 A NC, SIR,

22 Q HUH?

23 A NO, SIR

24 Q WHY NOT?

25 A I DIDN'T THINK THERE WAS NO PROBLEM THERE I

1 DIDN'T KNOW I MEAN, I DIDN'T KNOW WHAT IT WAS, ALL  
2 I KNOW HE WAS CRYING I DIDN'T IT WAS NOTHING TO  
3 DEAL WITH THIS

4 Q WHAT?

5 A I DIDN'T KNOW IT HAD ANYTHING PERTAINING TO  
6 THEM I DIDN'T KNOW HE WAS UPSET ABOUT THAT

7 Q YOU DIDN'T KNOW THAT HE WOULD REGULARLY GO BY  
8 HER GRANDMAMA'S HOUSE AND STAY OVER THERE?

9 A I KNOW HE WOULD GO OVER THERE BUT I DON'T KNOW  
10 ABOUT STAYING OR NOTHING I KNOW HE WOULD GO OVER  
11 THERE

12 Q YOU KNOW HE WOULD GO OVER THERE

13 A YEAH

14 Q WHY DIDN'T YOU GO OVER THERE AND LOOK FOR HIM  
15 IF YOU KNEW HE'D GO THERE?

16 A BECAUSE I FIGURED IF NEEDED HIM, I MEAN, HE  
17 WOULD BE AT HIS HOUSE

18 Q WHAT?

19 A HE WOULD BE AT HIS HOUSE

20 Q YOU SAID YOU WENT ALL AROUND TOWN LOOKING  
21 YOU DROVE AROUND THE SQUARE YOU WENT OUT SEVENTY-  
22 TWO YOU WENT OVER TO HERE YOU KNEW IF YOU WANTED  
23 TO FIND HIM, THERE'S A GOOD CHANCE HE'D BE OVER  
24 THERE TRYING TO FIND SHEKA, TRYING TO SEE THE KIDS  
25 OVER WHERE SHE STAYED WITH HER GRANDMAMA, DIDN'T

1 YOU?

2 A I MEAN ---

3 Q YOU MEAN WHAT?

4 A I MEAN, I DIDN'T KNOW JUST WHAT I'M SAYING,  
5 I DIDN'T KNOW

6 Q YOU DIDN'T KNOW ---

7 A I DIDN'T GO OVER THERE I'M TELLING YOU, I  
8 DID NOT GO OVER THERE

9 Q I KNOW YOU DIDN'T GO OVER THERE I'M ASKING  
10 YOU WHY ---

11 MR GARRETT OBJECTION, YOUR HONOR  
12 IT'S BEING ARGUMENTATIVE, YOUR HONOR HE'S ANSWERED  
13 THE QUESTION FOUR TIMES

14 THE COURT I'M NOT SURE HE  
15 UNDERSTOOD THE QUESTION GO AHEAD AND ASK HIM ONE  
16 MORE TIME

17 EXAMINATION CONTINUED

18 BY MR JONES

19 Q WHY DIDN'T YOU GO OVER HER GRANDMAMA'S HOUSE  
20 WHEN YOU WERE TRYING TO FIND JOHN HUGHEY SUNDAY  
21 AFTERNOON?

22 A I JUST DIDN'T GO OVER THERE

23 Q YOU KNEW THAT THERE WAS A GOOD CHANCE THAT HE  
24 WOULD BE OVER THERE, DIDN'T YOU?

25 A I KNEW THERE COULD HAVE BEEN A GOOD CHANCE HE

1 WASN'T OVER THERE I MEAN MOST OF THE TIME WHEN I  
2 FOUND JOHN, JOHN WAS AT HOME YOU KNOW, I DIDN'T  
3 HAVE NO IDEA THIS WAS GOING ON IF I KNEW THIS WAS  
4 GOING ON, I WOULD HAVE WENT OVER THERE I DIDN'T  
5 HAVE NO IDEA THIS WAS GOING ON

6 Q SO WHEN HEARD FROM HIM THAT HE COULDN'T TAKE  
7 IT ANY MORE, YOU WERE SURPRISED THAT WAS AN ELEMENT  
8 OF HIS PERSONALITY THAT SHOCKED YOU, DIDN'T IT?

9 A YES

10 Q THE WAY YOU KNEW HIM, HE WAS'T THE KIND OF  
11 PERSON THAT WOULD ALLOW SOMETHING TO GET UNDER HIS  
12 SKIN TO THE EXTENT HE WOULD MAKE A STATEMENT LIKE, I  
13 CAN'T TAKE IT ANY MORE, RIGHT?

14 A YES, SIR

15 Q IS THAT RIGHT?

16 A YES, SIR

17 Q SO YOU WERE SURPRISED BY THIS

18 A YES

19 Q WOULD SHOCKED BE A FAIR WORD TO ASK YOU, WERE  
20 YOU SHOCKED BY THIS?

21 A LIKE I SAID, I HAD NEVER SEEN HIM UPSET BUT  
22 ONE TIME

23 Q LET ME ASK YOU ABOUT YOUR COUSIN, SHEKA WHAT  
24 IS Y'ALL'S RELATIONSHIP, TELL ME ABOUT YOUR  
25 RELATIONSHIP

1 A MY COUSIN, I COULD TALK TO HER, SHE'D COME TO  
2 ME, SHE WENT TO MY HOUSE

3 Q WHAT FIRST ---

4 A DISTANT

5 Q SECOND COUSIN?

6 A YEAH, PASSED HER GRANDFATHER AND MY MOTHER  
7 IS COUSINS

8 Q HER GRANDFATHER AND YOUR MOTHER ARE WHAT  
9 COUSINS?

10 A I CAN'T REMEMBER OFFHAND MR CONNER IS MY  
11 COUSIN AND SHEKA'S MY COUSIN

12 Q HER GRANDFATHER'S YOUR COUSIN

13 A YEAH

14 Q THEREFORE, SINCE YOUR GRANDFATHER'S YOUR  
15 COUSIN, SHEKA'S YOUR COUSIN

16 A YEAH

17 Q BY MARRIAGE?

18 A HOWEVER BY FAMILY, BY BLOOD

19 Q YOU SPENT A LOT OF TIME AS A COUSIN GOING TO  
20 HER PARENTS?

21 A WHEN WE WAS GROWING UP MY AUNT STAYED LIKE TWO  
22 HOUSES DOWN, MRS VIOLA WHITE, SHE STAYED LIKE TWO  
23 HOUSES DOWN SHEKA WOULD COME OVER THERE

24 Q SO YOU LIVED IN THE SAME NEIGHBORHOOD WITH  
25 THEM?

1 A NO, MY AUNT -- WHEN I WOULD SPEND THE NIGHT  
2 WITH MY AUNT, SHE WOULD COME OVER

3 Q BUT THE BOTTOM LINE IS YOU'RE TELLING US YOU  
4 KNEW HER PRETTY WELL

5 A YEAH

6 Q GOOD FRIENDS, CLOSE FRIENDS

7 A YEAH, SHE'S MY COUSIN, WE'RE CLOSE I MEAN,  
8 SHE COULD TALK TO ME

9 Q YOU SPENT A LOT OF TIME WITH HER?

10 A YEAH

11 Q RIGHT?

12 A YES, SIR

13 Q SO YOU KNEW HER PRETTY WELL?

14 A YES, SIR

15 Q WHERE DID SHE LEARN HOW TO SHOOT A SHOTGUN?

16 A I DON'T KNOW

17 Q YOU KNOW FOR A FACT THAT SHE KNEW NOTHING  
18 ABOUT GUNS, DON'T YOU?

19 A SHE AIN'T NEVER HAD A GUN AROUND ME

20 Q THAT'S RIGHT AND SHE AIN'T NEVER USED A GUN  
21 AS YOU KNOW HER, HAS SHE?

22 A I DIDN'T KNOW

23 Q SIR?

24 A NO, SIR, I HAVE NEVER KNOWN HER USE A GUN

25 Q SIR?

1 A NO, SIR, I HADN'T NEVER KNOW FOR HER TO USE A  
2 GUN

3 Q I WANT YOU TO HOLD THAT, TAKE A LOOK AT IT

4 MR GARRETT OBJECTION, YOUR HONOR  
5 HE'S ALREADY SAID HE'S NEVER KNOWN HER TO USE A GUN,  
6 WHAT'S THE PURPOSE OF THIS

7 THE COURT WELL, LET ME HEAR THE  
8 QUESTION IS AND THEN I'LL ADDRESS IT WHAT'S YOUR  
9 QUESTION?

10 EXAMINATION CONTINUED

11 BY MR JONES

12 Q WHEN WAS THE LAST TIME YOU SAW THAT GUN?

13 A ABOUT THREE, FOUR, FIVE YEARS AGO ME AND  
14 JOHN WAS GOING SQUIRRELING

15 Q AND JOHN USED IT THEN, DIDN'T HE?

16 A HE USED HIS DADDY'S GUN

17 Q RIGHT

18 A RIGHT

19 Q YOU DIDN'T HAPPEN TO SEE THAT GUN WHEN SHEKA  
20 CAME OVER TUESDAY?

21 A NO, SIR

22 Q AND Y'ALL HAD THE PICNIC IN THE TRUNK OF THE  
23 CAR?

24 A NO, SIR

25 MR JONES THAT WAS MY QUESTION,



1 JUDGE I WANTED TO KNOW IF HE'D SEEN THAT GUN

2 EXAMINATION CONTINUED

3 BY MR JONES

4 Q YOU NEVER SEEN SHEKA USE THIS GUN, HAVE YOU?

5 A NO, SIR, I AIN'T NEVER SAW HER WITH A GUN

6 Q RIGHT NOW, I WANT TO RETURN ONE MINUTE, IF I

7 COULD, TO MAKE SURE I UNDERSTAND YOU CLEARLY, OKAY?

8 AFTER ONE O'CLOCK AND ONE-THIRTY AND CLOSE TO TWO

9 O'CLOCK WHEN YOU RODE AROUND LOOKING FOR JOHN SUNDAY

10 AFTERNOON, I BELIEVE YOU INDICATED YOU DIDN'T LOOK

11 FOR HIM ANY MORE AFTER THAT, YOU WENT BACK TO YOUR

12 FAMILY AT YOUR HOUSE, IS THAT RIGHT?

13 A YES

14 Q SO YOU PRETTY MUCH DISMISSED THE NOTION THAT

15 HE NEEDED YOU OR THAT YOU NEEDED TO FIND HIM FOR ANY

16 REASON, IS THAT CORRECT?

17 A YES, SIR

18 Q SO WHATEVER INFORMATION HE PASSED ON TO YOU AT

19 ONE O'CLOCK ON SUNDAY, YOU HAD DETERMINED IT WAS NOT

20 CRITICAL, IT WAS NOT ABSOLUTELY NECESSARY THAT YOU

21 CONTACT HIM AND SPEAK TO HIM?

22 A NO, I WAS TRYING TO FIND HIM

23 Q LET ME ASK IT ANOTHER WAY WAS THERE ANY

24 INFORMATION, OTHER THAN WHAT HE HAD TO SAY TO YOU,

25 THAT CAME TO YOU, OKAY, DID YOU RECEIVE ANY OTHER

1 INFORMATION, OTHER THAN WHAT JOHN HAD TO SAY --

2 A NO

3 Q -- ABOUT WHETHER HE NEEDED YOU OR DIDN'T NEED  
4 YOU?

5 A NO

6 Q SIR?

7 A NO

8 Q ARE YOU CERTAIN OF THAT?

9 A I MEAN, IF YOU'RE ASKING ME WHEN HE CALLED ME,  
10 DID I KNOW -- EXPLAIN IT TO ME

11 Q ALL RIGHT, LET ME ASK YOU THIS QUESTION --

12 A OKAY

13 Q -- HE CALLED YOU AND SAID SOMETHING, RIGHT?

14 A YES

15 Q YOU WENT LOOKING FOR HIM, RIGHT? WHY DID YOU  
16 STOP LOOKING FOR HIM?

17 A BECAUSE I COULDN'T FIND HIM

18 Q WELL, WHEN YOU COULDN'T FIND HIM, YOU LOOKED  
19 FOR HIM UNTIL TWO OR THREE O'CLOCK?

20 A YES I RODE AROUND ABOUT ANOTHER HOUR OR SO

21 Q AFTER THAT YOU COULDN'T FIND HIM SO YOU  
22 STOPPED LOOKING FOR HIM?

23 A YES

24 Q WHY DIDN'T YOU GO LOOK FOR HIM AT FOUR  
25 O'CLOCK?

1 A I MEAN, I JUST GAVE UP I COULDN'T FIND HIM

2 Q WHY DIDN'T YOU LOOK FOR HIM UNTIL FIVE

3 O'CLOCK?

4 A BECAUSE I COULDN'T FIND HIM I JUST GAVE UP

5 Q WHAT ABOUT SIX O'CLOCK?

6 MR GARRETT YOUR HONOR, OBJECTION

7 HE'S ALREADY TOLD HIM HE GAVE UP AND DID THAT WAY

8 BACK AT TWO HE HAD BEEN DOING THIS ALL AFTERNOON

9 MR JONES I'M CONCLUDING MY CROSS-  
10 EXAMINATION

11 THE COURT LET'S JUST GET BACK

12 EXAMINATION CONTINUED

13 BY MR JONES

14 Q DID YOU LOOK FOR HIM AT SEVEN O'CLOCK?

15 A NO, SIR

16 Q NINE O'CLOCK?

17 A NO, SIR

18 Q WHAT ABOUT TWELVE MIDNIGHT, SUNDAY NIGHT?

19 A NO, SIR

20 Q NOW, DIDN'T YOU TELL THIS JURY ON DIRECT

21 EXAMINATION THAT YOU TALKED TO HIS BROTHER AND HIS

22 BROTHER TOLD YOU HE WAS IN GREENWOOD AT THE

23 CHRISTMAS PARADE SUNDAY AFTERNOON?

24 A YES

25 Q WHEN DID YOU TALK TO HIS BROTHER? I'M JUST

1 ASKING IF THERE'S ANY INFORMATION THAT YOU GOT THAT  
2 CAUSED YOU TO BELIEVE --

3 A I TALKED TO HIS BROTHER THAT MONDAY WHEN THIS  
4 HAPPENED

5 Q SO HIS BROTHER TOLD YOU MONDAY THAT HE HAD  
6 BEEN OVER TO THE CHRISTMAS PARADE?

7 A YEAH

8 Q IS THAT RIGHT?

9 A YEAH

10 Q YOU DIDN'T TALK TO HIM SUNDAY AFTERNOON?

11 A UH-UH

12 Q YOU DIDN'T HEAR FROM HIM AT TWELVE O'CLOCK,  
13 RIGHT?

14 A NO

15 Q DO YOU KNOW THAT TESHEKA WAS SUPPOSED TO BE AT  
16 WORK IN GREENWOOD AT TWELVE O'CLOCK SUNDAY NIGHT?

17 A NO

18 Q YOU DIDN'T KNOW THAT?

19 A NO

20 Q YOU DIDN'T KOW SHE WAS WORKING THIRD SHIFT  
21 OVER IN GREENWOOD?

22 A NO, SIR

23 Q YOU DIDN'T KNOW THAT?

24 A NO, SIR I KNEW SHE HAD A JOB IN GREENWOOD,  
25 BUT I DIDN'T KNOW HOW SHE WAS WORKING

1 Q DID YOU KNOW WHERE SHE WAS WORKING IN  
2 GREENWOOD?

3 A NO, SIR ALL I KNOW SHE WAS WORKING IN  
4 GREENWOOD, I DIDN'T KNOW WHERE

5 Q DID YOU KNOW SHE DIDN'T GO INTO WORK SUNDAY  
6 NIGHT AT TWELVE O'CLOCK, THAT SHE DIDN'T GO TO WORK  
7 OVER IN GREENWOOD?

8 A NO, SIR

9 Q YOU DIDN'T KNOW THAT?

10 A NO

11 Q DID YOU KNOW THAT MR MACK HARRIS GOT A LONG  
12 DISTANCE COLLECT TELEPHONE CALL AROUND TWELVE  
13 O'CLOCK SUNDAY NIGHT FROM SOMEBODY -- FROM YOUR  
14 FRIEND HERE, JOHN HUGHEY?

15 A NO

16 Q DID YOU KNOW THAT?

17 A NO, SIR

18 Q WANTING TO KNOW WHERE SHEKA WAS, IF SHE WAS  
19 OVER THERE, DID YOU KNOW THAT?

20 A NO, SIR

21 Q SO YOU DIDN'T KNOW HE WAS LOOKING FOR HER AT  
22 MIDNIGHT?

23 A NO, SIR

24 Q IS THAT RIGHT?

25 A I DIDN'T KNOW I DIDN'T KNOW WHAT WAS GOING

1 ON ALL I KNOW IS I GOT A PHONE CALL

2 Q DO YOU KNOW WHERE HE KEPT THIS GUN?

3 A NO, SIR

4 Q YOU DON'T KNOW HE KEPT IT IN THE HOUSE THEN,  
5 DID YOU?

6 A I DON'T KNOW

7 Q HUH?

8 A I DIDN'T KNOW WHERE HE KEPT IT

9 Q Y'ALL JUST WENT HUNTING THAT ONE TIME?

10 A YEAH

11 Q THAT ONE TIME

12 A WHEN HIS DADDY WAS ALIVE, HIS DADDY GAVE HIM  
13 THE GUN

14 Q HE DIDN'T CALL -- DID JOHN HAVE A PHONE IN HIS  
15 HOUSE?

16 A NOT THAT I KNOW OF

17 Q HE DIDN'T CALL MR MACK HARRIS AT SIX O'CLOCK  
18 IN THE MORNING FROM YOUR HOUSE, DID HE?

19 MR GARRETT OBJECTION, YOUR HONOR  
20 YOUR HONOR, HE'S ALREADY INDICATED HE DID NOT SEE  
21 HIM AT ALL

22 THE COURT SUSTAINED

23 EXAMINATION CONTINUED

24 BY MR JONES

25 Q DID YOU KNOW LUEVINIA HARRIS?

1 A WHO?

2 Q SIR?

3 A I DIDN'T KNOW HER I KNEW HER SON, I WENT TO  
4 SCHOOL WITH HIM

5 Q YOU KNEW MARCUS?

6 A NOT MARCUS, ANTHONY

7 Q AND YOU KNOW ANTHONY?

8 A YES

9 Q YOU'VE NEVER BEEN OVER TO HER HOUSE THOUGH TO  
10 SEE HER?

11 A NO

12 Q YOU NEVER DROPPED JOHN OVER THERE ANY TIME?

13 A NO PLEASE DON'T

14 (MR JONES PRODUCES PHOTOGRAPHS)

15 Q SIR?

16 A DON'T SHOW ME NO PICTURES, PLEASE

17 Q I'M GOING TO ASK YOU IF YOU RECOGNIZE ANYTHING  
18 IN THERE

19 A PLEASE DON'T, SIR

20 MR GARRETT OBJECTION, YOUR HONOR  
21 THIS WITNESS --

22 THE COURT LET ME SEE Y'ALL JUST  
23 MINUTE

24 (COUNSEL APPROACHES THE BENCH)

25 EXAMINATION CONTINUED

1 BY MR JONES

2 Q ALL RIGHT, SIR LET ME JUST ASK YOU THIS  
3 YOU STATED THAT YOU WERE AT WORK MONDAY MORNING,  
4 DECEMBER 4, 1995, BETWEEN EIGHT O'CLOCK IN THE  
5 MORNING AND WHAT TIME?

6 A I GET OFF AT SIX

7 Q SO YOU DON'T KNOW WHAT HAPPENED AT LUEVINIA  
8 HARRIS'S HOUSE AROUND NOON ON DECEMBER 4, 1995, DO  
9 YOU?

10 A NO, SIR

11 MR JONES I DON'T HAVE ANY FURTHER  
12 QUESTIONS

13 RE-DIRECT EXAMINATION

14 BY MR GARRETT

15 Q BRIEFLY DID YOU HEAR JOHN CRY BEFORE WHEN  
16 YOU TALKED TO HIM?

17 A JUST ONE TIME

18 Q WHEN WAS THAT?

19 A WHEN HIS MAMA GOT KILLED RIGHT BELOW MY HOUSE

20 Q SO THE ONLY TWO TIMES YOU EVER SAW HIM AS A  
21 MAN CRY WAS THOSE TWO TIMES OR HEARD HIM CRY, IS  
22 THAT RIGHT?

23 A YES

24 Q WHEN TESHEKA CAME OVER AND BROUGHT THAT LUNCH  
25 AND THE BOYS TO YOUR HOUSE ON TUESDAY, DID YOU GO IN



1 AND INVESTIGATE WHAT WAS IN THE BACK OF THE TRUNK?

2 A NO

3 Q DID YOU LOOK INTO THE BACK OF THE TRUNK TO SEE  
4 WHAT WAS IN THERE?

5 A NO, SIR SHE PARKED THE CAR -- WE WAS WORKING  
6 IN THE YARD WITH A TRACTOR AND SHE PARKED THE CAR UP  
7 ON TOP OF THE HILL ACROSS THE ROAD FROM THE HOUSE  
8 SHE PARKED THERE SHE DIDN'T PULL IT IN THE  
9 DRIVEWAY

10 Q YOU KNOW, THERE'S SOME INDICATION OF A PICNIC  
11 LUNCH, WAS IT SOMETHING GOTTEN OUT OF THE TRUNK OR  
12 WAS --

13 A NO, IT WAS FROM A RESTAURANT BURGER TOWN, I  
14 THINK

15 Q BURGER TOWN?

16 A YEAH

17 Q SO YOU DIDN'T LOOK INTO THE TRUNK TO SEE IF IT  
18 WAS THERE OR NOT THERE?

19 A NO

20 Q THE LAST TIME YOU SAW THAT WEAPON WAS FIVE  
21 YEARS AGO WHEN Y'ALL DID SOME HUNTING?

22 A YEAH

23 Q AND Y'ALL WERE DOING SOME SQUIRREL HUNTING?

24 A YEAH

25 Q DO YOU RECALL WHAT KIND OF SHELLS Y'ALL WERE

1 USING BACK THEN, WHAT KIND OF SHOT IT WAS OR  
2 ANYTHING LIKE THAT?

3 A NO

4 Q I UNDERSTAND YOU MORE OF A FISHERMAN THAN A  
5 HUNTER, IS THAT RIGHT?

6 A YES, SIR

7 Q THESE QUESTIONS -- YOU HAD NO FURTHER CONTACT  
8 WITH JOHN AFTER THAT PHONE CALL THAT DAY, IS THAT  
9 CORRECT?

10 A YES, SIR

11 Q YOU JUST COULDN'T FIND HIM, IS THAT BASICALLY  
12 IT?

13 A COULDN'T FIND HIM

14 Q DO YOU RECALL THE CONVERSATION YOU HAD WITH  
15 HIM ON THE PHONE NOW, THE SOLICITOR ASKED YOU ABOUT  
16 THAT?

17 A YEAH

18 Q AND WHAT DO YOU RECALL HIM TELLING YOU? YOU  
19 CAN SAY THAT NOW, WHAT DID HE TELL YOU AS BEST YOU  
20 CAN RECALL?

21 A I GOT THE PHONE AND SAID, "HELLO "

22 HE SAID, "I CAN'T TAKE IT NO MORE "

23 I SAID, "WHAT'S WRONG WITH YOU?"

24 HE JUST SAID, "I CAN'T TAKE IT " HE  
25 SAID, "TELL MY SISTERS AND THEM I LOVE THEM," HE

1 SAID, "TAKE CARE OF MY KIDS FOR ME," AND THAT WAS  
2 IT

3 Q AND HE SOUNDED TO BE DISTRAUGHT?

4 A YEAH, HE WAS CRYING

5 MR GARRETT ALL RIGHT THAT'S ALL  
6 I HAVE

7 RE-CROSS EXAMINATION

8 BY MR JONES

9 Q AND HE COULDN'T TAKE IT, COULD HE?

10 A I GUESS NOT

11 Q BUT HE DISHED IT OUT, DIDN'T HE?

12 MR GARRETT OBJECTION, YOUR HONOR

13 THE COURT SUSTAINED YOU MAY STEP  
14 DOWN

15 (WITNESS LEAVES STAND AT 12 09 O'CLOCK P M )

16 MR GARRETT DEFENSE CALLS GLORIA  
17 HARRISON TO THE STAND

18 THE CLERK THE EVIDENCE YOU SHOULD  
19 GIVE THE COURT AND JURY IN THE TRIAL OF THIS CASE  
20 WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
21 THE TRUTH, SO HELP YOU, GOD

22 THE WITNESS YES

23 (WITNESS PRESENTED AT 12 10 O'CLOCK P M )

24 DIRECT EXAMINATION

25 BY MR GARRETT

1 Q STATE YOUR NAME, PLEASE

2 A GLORIA WHITE HARRISON

3 Q YOU OKAY IN THAT CHAIR? I NOTICE YOUR FEET  
4 WON'T REACH THE FLOOR, YOU OKAY, STABLE?

5 A A LITTLE BIT

6 Q HOW OLD ARE YOU MS HARRISON?

7 A THIRTY-THREE

8 Q WHERE ARE YOU FROM?

9 A RIGHT HERE, ABBEVILLE

10 Q SPEAK UP INTO THE MICROPHONE

11 A ABBEVILLE

12 Q SO YOU ARE A NATIVE OF ABBEVILLE?

13 A YES

14 Q AND WHO ARE YOUR PARENTS?

15 A JOHN AND DOLLY HUGHEY

16 Q ARE THEY ALIVE TODAY?

17 A NO

18 Q BOTH DECEASED?

19 A YES

20 Q AND DO YOU HAVE SOME BROTHERS AND SISTERS?

21 A YES

22 Q NOW I ASKED YOU TO DESCRIBE THE MAKEUP OF YOUR  
23 FAMILY, YOUR BROTHERS AND SISTERS AND PARENTS

24 A WELL, I HAVE TWO OLDER SISTERS AND ONE OLDER  
25 BROTHER

1 Q ARE THEY FULL BROTHERS AND SISTERS?

2 A THEY HAVE DIFFERENT FATHERS

3 Q OH, THEY DO?

4 A YES

5 Q WHAT WAS THAT -- SO YOUR MOTHER WAS, HAD A  
6 FORMER HUSBAND AND THEN YOUR FATHER A HUSBAND LATER  
7 ON?

8 A YES

9 Q TELL US ABOUT THE MAKEUP OF THE TWO GROUPS OF  
10 SIBLINGS START AT THE TOP WITH THE OLDEST

11 A WELL, ANTHONY -- AT THAT TIME, ANTHONY WHITE  
12 WAS MY OLDEST SIBLING, THEN DANNY WHITE AND RUBY  
13 WHITE

14 Q THEIR MOTHER WAS DOLLY HUGHEY?

15 A YES

16 Q SHE WASN'T A HUGHEY AT THAT TIME, SHE WAS A  
17 WHITE, CORRECT?

18 A YES

19 Q AND YOUR FATHER WAS?

20 A ALLEN CARLISLE

21 Q NOW, WE'RE TO THE NEXT GROUP OF SIBLINGS  
22 DESCRIBE THAT

23 A WELL, I'M THE OLDEST BETWEEN MY MOM AND DAD  
24 THERE'S A SISTER UNDERNEATH ME, BARBARA, THEN JOHN,  
25 THEN MY BABY SISTER, DOROTHY

1 Q SO JOHN WOULD BE SIX OUT OF THE TOTAL OF  
2 SEVEN, IS THAT CORRECT?

3 A YES

4 Q AND HE IS THE YOUNGEST SON, IS THAT CORRECT?

5 A YES

6 Q AND DURING THE YEARS Y'ALL GREW UP IN THE  
7 ABBEVILLE AREA, IS THAT CORRECT?

8 A YES

9 Q ATTENDED SCHOOLS AND LIVED AROUND HERE, IS  
10 THAT RIGHT?

11 A YES

12 Q WHERE'D YOU LIVE?

13 A DURING MY CHILDHOOD, WE WERE HERE, ALL THE  
14 PLACES THAT WE LIVED?

15 Q YES, BASICALLY

16 A WE LIVED ON OLD GREENWOOD HIGHWAY, 201 E EAST  
17 PINCKNEY STREET AND 300 MAPLE STREET

18 Q 300 MAPLE STREET

19 A UH-HUH

20 Q THAT IS IN THE CITY OF ABBEVILLE, RIGHT?

21 A YES

22 Q AND WHO ALL LIVED, DO YOU RECALL, LIVED THERE  
23 OUT OF YOUR FAMILY?

24 A MY MOM, DAD, DOROTHY AND JOHN

25 Q AND DO YOU REMEMBER YOUR CHILDHOOD?

1 A YES

2 Q AND DO YOU REMEMBER JOHN AS A CHILD?

3 A YES

4 Q CAN YOU DESCRIBE THAT CHILDHOOD AND, TO SOME  
5 EXTENT, NOT TOO MUCH DETAIL, THE NATURE OF THE  
6 DOMESTIC SITUATION?

7 A WELL, IT WAS A MATTER OF WHERE HE WAS ALWAYS  
8 MOM AND DAD'S BOY

9 Q JOHN WAS?

10 A YES, HE WAS ALWAYS THERE

11 Q WELL, DO YOU RECALL AN INCIDENT THAT HAPPENED  
12 TO JOHN WHEN HE WAS FOUR YEARS OLD?

13 A YES

14 Q AND DESCRIBE THAT INCIDENT, PLEASE

15 A WELL, WE WERE ON OUR WAY HOME AND WHEN WE HAD  
16 GOT HOME, WHEN DAD WAS PULLING UP IN THE DRIVEWAY,  
17 HE PULLED UP AND WHEN HE GOT READY TO BACK UP, JOHN  
18 WAS SITTING IN THE FRONT SEAT, HE OPENED THE DOOR UP  
19 AND HE FELL OUT OF THE CAR AND WHEN HE FELL OUT OF  
20 THE CAR ---

21 Q WHO FELL OUT?

22 A MY BROTHER, JOHN JOHN FELL OUT

23 Q WHAT HAPPENED?

24 A HE CUT HIS HEAD WIDE OPEN

25 Q IS THAT WHERE THAT SCAR CAME FROM ON HIS HEAD?

1 A YES

2 Q AND DID IT REQUIRE HOSPITALIZATION?

3 A YES

4 Q DESCRIBE THAT, PLEASE

5 A WELL, WE RUSHED HIM TO ANDERSON HOSPITAL AND  
6 IT WAS WHERE HE WENT ON AND THEY HAD TO GO IN AND HE  
7 HAD A LOT OF STITCHES AND HE STAYED UP THERE FOR A  
8 WHILE

9 Q IN FACT, IT PEELED HIS SCALP BACK TO HIS  
10 SKULL, DIDN'T IT?

11 A YEAH, IT WAS LIKE ALL THE WAY BACK THIS WAY  
12 (INDICATING)

13 Q AND DURING HIS CHILDHOOD AND GROWING UP, IS IT  
14 TRUE HE WAS IN SEVERAL ACCIDENTS AND SUFFERED OTHER  
15 INJURIES LIKE THIS?

16 A YES, HE DID

17 Q OKAY AND FURTHER, MS HARRISON, DID JOHN GO  
18 TO SCHOOL HERE IN ABBEVILLE?

19 A HE DID

20 Q AND HE LIVED OVER ON MAPLE STREET LATER ON,  
21 YOU LEFT THE HOME, DID YOU NOT?

22 A YES

23 Q TELL US ABOUT THAT

24 A I LEFT WHEN MOM WAS LIVING ON PICKNEY STREET  
25 THAT WAS WHEN I LEFT



1 Q YOU WERE OLDER THAN JOHN, RIGHT?

2 A YES

3 Q AND ARE YOU MARRIED NOW?

4 A YES

5 Q AND WHO ARE YOU MARRIED TO?

6 A ANTHONY SCOTT HARRISON

7 Q WHERE DO YOU LIVE NOW?

8 A DOWN IN GAINESVILLE, GEORGIA

9 Q AND DO YOU WORK?

10 A YES

11 Q AND WHERE DO YOU WORK?

12 A I WORK IN AVERY DENNISON

13 Q SAY THAT AGAIN

14 A AVERY DENNISON

15 Q AVERY DENNISON, IS THAT AN INDUSTRIAL COMPANY?

16 A YES

17 Q HOW LONG HAVE YOU BEEN WITH THEM?

18 A ABOUT FOUR AND A HALF YEARS

19 Q DURING THE TIME THAT THE RESIDENCE ON MAPLE  
20 STREET WAS OCCUPIED BY YOUR FAMILY, BACK IN SAY THE  
21 EARLY '90S, WHO LIVED OVER THERE?

22 A MOM, JOHN AND MY FATHER

23 Q AND WHAT YEAR DID YOUR MOTHER DIE?

24 A SHE DIED IN '91

25 Q AND WHAT HAPPENED TO HER?

1 A SHE WAS KILLED BY A DRUNK DRIVER

2 Q HERE IN ABBEVILLE?

3 A YES

4 Q IS THAT WHAT CHRIS BURTON WAS REFERRING TO  
5 DOWN THE ROAD FROM HIM?

6 A YES, SIR SHE WAS KILLED IN MY SISTER'S FRONT  
7 YARD

8 Q AND WHEN THAT HAPPENED, HOW DID IT EFFECT YOU?

9 A I WAS SHOCKED

10 Q WHAT ABOUT JOHN?

11 A HE JUST GOT WITHDRAWN

12 Q DID HE CHANGE AFTER THAT?

13 A YES

14 Q WHAT WAS THE DAY OF YOUR MOTHER'S DEATH?

15 A SEPTEMBER 19TH OF '91

16 Q LET'S TALK FOR A MINUTE NOW ABOUT YOUR FATHER  
17 YOUR FATHER WAS STILL ALIVE ON SEPTEMBER 19TH OF  
18 '91, WAS HE NOT?

19 A HE WAS

20 Q WHAT HAPPENED TO HIM BETWEEN THEN AND HIS  
21 DEATH?

22 A HE COULDN'T TAKE IT WHAT HAPPENED TO MOM  
23 BECAUSE HE RELIED ON MOM FOR EVERYTHING AND HE  
24 SUFFERED A SEIZURE AND HE DIED RIGHT THERE IN THE  
25 KITCHEN WHERE HE AND MY MOTHER SPENT ALL THEIR TIME