

THE STATE OF SOUTH CAROLINA

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In The Supreme Court

S.C. Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

G. Edward Welmaker, Circuit Court Judge

Appellate Case No. 2013-001945

Charles Christopher
Williams,

Petitioner

v.

The State of South
Carolina,

Respondent.

APPENDIX
VOLUME FOUR OF ELEVEN

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STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM GREENVILLE COUNTY

J. C. Buddy Nicholson, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

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1 LEADING QUESTION IS A QUESTION THAT SUGGESTS AN ANSWER.

2 AFTER THE STATE HAS PRODUCED ALL OF THEIR WITNESSES
3 AND TESTIMONY ON THEIR CASE, THEN THE DEFENDANT WILL HAVE
4 AN OPPORTUNITY TO PUT UP TESTIMONY IF HE SO DESIRES. AND
5 THE ROLES REVERSE. THE DEFENSE ATTORNEYS WILL HAVE
6 WITNESSES ON THE DIRECT AND THE STATE WOULD HAVE THE
7 WITNESSES ON CROSS EXAMINATION.

8 AFTER ALL THE TESTIMONY FROM THE DEFENSE HAS BEEN
9 ENTERED, THEN THE STATE WILL HAVE AN OPPORTUNITY TO OFFER
10 REPLY TESTIMONY IF THEY SO CHOOSE. THEY'RE NOT REQUIRED
11 TO. AFTER REPLY TESTIMONY, WE'LL HAVE CLOSING ARGUMENTS
12 AND IN THE CLOSING ARGUMENTS THE ATTORNEYS WILL GIVE YOU
13 THEIR INTERPRETATION OF FACTS AND MAKE ARGUMENTS FOR THEIR
14 CASE.

15 AFTER THE CLOSING ARGUMENTS I WILL CHARGE YOU ON THE
16 LAW AND AFTER THAT YOU WILL BEGIN YOUR DELIBERATIONS IN
17 THIS FIRST PHASE. SOLICITOR?

18 MR. ARIAIL: THANK YOU, YOUR HONOR.

19 OPENING STATEMENT

20 BY MR. ARIAIL:

21 GOOD AFTERNOON. I BELIEVE I INTRODUCED MYSELF
22 EARLIER IN THE VOIR DIRE. IN CASE I DIDN'T, MY NAME IS
23 BOB ARIAIL. I'M THE SOLICITOR FOR GREENVILLE AND PICKENS
24 COUNTIES, THE 13th CIRCUIT. AS SUCH, IT'S MY
25 RESPONSIBILITY TO REPRESENT THE STATE OF SOUTH CAROLINA IN

1 ANY AND ALL CRIMINAL CASES THAT TAKE PLACE IN GREENVILLE
2 AND PICKENS COUNTIES.

3 IN THIS PARTICULAR CASE I'LL BE ASSISTED BY MY
4 DEPUTY, BETTY STROM, AND MARK MOYER, WHO IS ALSO ONE OF MY
5 ASSISTANTS. SEATED BACK THERE IS MELITA GRAHAM, ONE OF MY
6 PARALEGALS. YOU'LL SEE US INTERACTING THROUGHOUT THE
7 COURSE OF THIS CASE.

8 THERE ARE ALSO A NUMBER OF OTHER PEOPLE IN THE
9 COURTROOM THAT YOU OBVIOUSLY NEED TO KNOW. ONE, WHICH
10 YOU'VE BEEN DEALING WITH, JUDGE NICHOLSON, HIS COURT
11 REPORTER SEATED HERE, SHE TAKES DOWN EVERYTHING THAT'S
12 SAID, EVERY OBJECTION, EVERY PIECE OF TESTIMONY AND
13 RECORDS IT ON A MACHINE. THE CLERK OF COURT HANDLES ALL
14 THE DOCUMENTS THAT COME IN. THE VARIOUS BAILIFFS AND
15 SECURITY TEAM AND ALSO YOUR KEEPERS THAT YOU WERE
16 INTRODUCED TO LAST NIGHT ARE ALSO A PART OF THIS PROCESS.

17 LAST NIGHT I WENT HOME, HAD DINNER WITH MY FAMILY AND
18 YOU DIDN'T. AND I STARTED THINKING ABOUT THAT AS I HAVE
19 IN EVERY OTHER SERIOUS CRIMINAL CASE LIKE THIS THAT I'VE
20 TRIED THAT A JURY IS IMPANELED. AND THEN, ALL OF A
21 SUDDEN -- YOU WERE TWO HOURS BEFORE EATING LUNCH WITH YOUR
22 FRIENDS OR FAMILY OR SHOPPING, DOING WHATEVER, AND ALL OF
23 A SUDDEN YOU WERE ENCOMPASSED WITHIN THIS VAST SECURITY
24 THAT CUT YOU OFF FROM THE OUTSIDE WORLD.

25 I KNOW IT'S UNSETTLING, WE CAN TELL IT WHEN YOU FIRST

1 GET IN THE JURY BOX. NOT ONLY UNSETTLING, YOU'RE SOMEWHAT
2 SCARED, AND WE RECOGNIZE THAT. SO, WE'RE GOING TO TAKE
3 YOU SLOW AND NOT RUN OFF AND LEAVE YOU. AND WE'RE GOING
4 TO TELL YOU WHAT WE'RE DOING AS WE GO ALONG UNTIL YOU GET
5 A LITTLE BETTER COMFORT LEVEL OF WHAT THIS PROCEEDING IS
6 ALL ABOUT. IT'S A DIFFICULT PROCEEDING. IT'S DIFFICULT
7 FOR YOU TO HAVE TO BE A PART OF BECAUSE YOU'RE CITIZENS
8 WHO HAVE OTHER INTERESTS.

9 BUT IT'S MANDATORY ON OUR CITIZENS TO PERFORM THIS
10 FUNCTION OF JURY SERVICE BECAUSE, OTHERWISE, THE CRIMINAL
11 JUSTICE SYSTEM WOULD NOT WORK. AND THE CRIMINAL JUSTICE
12 SYSTEM IN OUR SOCIETY HAS TO WORK AND HAS TO HAVE FAIR
13 JURORS. AS WINSTON CHURCHILL SAID, YOU ARE PERFORMING THE
14 GREATEST SERVICE TO YOUR COUNTRY YOU CAN PERFORM IN PEACE
15 TIME; AND, THAT IS, TO SERVE ON A JURY. AND WE APPRECIATE
16 THAT, YOUR SERVICE.

17 THE PURPOSE OF THE OPENING STATEMENT, WHICH I WANT TO
18 TALK TO YOU A LITTLE ABOUT IT, IT'S NOT REALLY A
19 STATEMENT. IT'S GOING TO HAVE A LITTLE BIT, I HOPE NOT
20 QUITE THAT FORMAL, BUT THE PURPOSE IS TO GIVE YOU A ROAD
21 MAP OF WHERE WE ARE GOING, WHAT WE'RE GOING TO PROVE, WHAT
22 THE ISSUES ARE, WHAT THE LAW IS AND HOW THE TWO MESH
23 TOGETHER.

24 THIS IS A SERIOUS CASE, BUT IT IS NOT GOING TO BE A
25 LENGTHY CASE. WE WILL CONCLUDE OUR EVIDENCE, I AM

1 CERTAIN, WITHIN A COUPLE OF DAYS IN THE INITIAL PHASE.
2 NOW, YOU'RE IN WHAT IS CALLED THE GUILT PHASE. TALKED
3 ABOUT ALL THIS IN VOIR DIRE. I DON'T WANT YOU TO BE
4 CONFUSED. WE'RE TALKING ABOUT GUILTY, THE GUILT OF THE
5 DEFENDANT, THE CRIMES HE'S CHARGED WITH, AND WHETHER OR
6 NOT THE EVIDENCE ESTABLISHES BEYOND A REASONABLE DOUBT
7 THAT HE IS GUILTY OF COMMITTING THESE CRIMES.

8 WE'RE NOT IN THE SECOND PHASE, WE'RE NOT DEALING WITH
9 ANYTHING DEALING WITH SENTENCING AND A LOT OF THE
10 QUESTIONS WE ASKED YOU. YOUR ROLE IS TO DETERMINE WHAT
11 THE FACTS ARE. THAT'S THE FIRST AND PRIMARY ROLE OF A
12 JURY IS TO DETERMINE FROM LISTENING TO THE WITNESSES, WHAT
13 HAS OR WHAT ARE THE FACTS. I REMEMBER WHEN I WAS IN LAW
14 SCHOOL, I COULDN'T COMPREHEND WHAT THAT MEANT. IT JUST
15 TOOK ME YEARS FIGURE OUT, EVEN WHEN I FIRST STARTED
16 PRACTICING, WHAT IT MEANS.

17 IF YOU'RE IN AN AUTOMOBILE COLLISION AND YOU'RE ON
18 THE JURY AND TWO PEOPLE COME IN, AND THEY BOTH TELL YOU
19 THE LIGHT WAS GREEN, THEN IT'S YOUR RESPONSIBILITY AS THE
20 JURY TO DETERMINE WHO WAS THE LIGHT GREEN FOR BASED UPON
21 THE FACTS AND THE EVIDENCE PRESENTED. ONCE YOU DETERMINE
22 THOSE FACTS, THEN YOU APPLY THE LAW. THE JUDGE WILL GIVE
23 YOU THE LAW, AND HE'LL TELL YOU WHAT THE LAW IS, AND YOU
24 DETERMINE UNDER THOSE FACTS APPLIED TO THAT LAW DETERMINE
25 OR MAKE THE DEFENDANT GUILTY IN THIS CASE. SO, YOU'RE

1 ACTUALLY DETERMINING WHAT REALLY HAPPENED.

2 NOW, HOW DO YOU GO ABOUT DOING THAT? IS THERE A
3 SCIENTIFIC TEST WE USE, A BAROMETER OR SOMETHING OF THAT
4 NATURE? NO. COMMON SENSE AND COLLECTIVE REASONING, YOUR
5 EVERYDAY BACKGROUND. THAT'S WHY WE HAVE JURIES, 12 PEOPLE
6 FROM DIFFERENT BACKGROUNDS COME TOGETHER TO COLLECTIVELY
7 REASON, TO LOOK AT THE FACTS AND DETERMINE WHAT THE TRUTH
8 IS. USE YOUR COMMON SENSE.

9 YOU JUDGE THE CREDIBILITY OF WITNESSES, LOOK AT WHAT
10 WITNESSES SAY. DO YOU BELIEVE THEM OR ARE THERE OTHER
11 FACTS THAT MAKE THEIR TESTIMONY SOMEWHAT UNBELIEVABLE
12 MAYBE IN PART OR MAYBE IN WHOLE? SO, YOU LOOK AT ALL OF
13 THAT TO DETERMINE WHAT THE FACTS ARE. AND THEN YOU APPLY
14 THAT TO THE LAW. OBVIOUSLY, YOU NEED TO KNOW WHAT THE LAW
15 IS BEFORE YOU CAN APPLY THE FACTS.

16 IT WOULD BE DIFFERENT IF YOU WERE TRYING A SPEEDING
17 CASE VERSUS POSSESSION OF DRUGS. YOU NEED TO KNOW WHAT
18 THE LAW IS IN EACH CASE SO YOU CAN FIGURE OUT WHAT FACTS
19 ARE RELEVANT. SO, LET ME TALK TO YOU ABOUT WHAT THE LAW
20 IS AND WHAT THE CHARGES IN THIS CASE ARE.

21 THERE ARE THREE CHARGES THE DEFENDANT -- THAT HAVE
22 BEEN REFERRED AGAINST THE DEFENDANT BY THE STATE. THESE
23 ARE CONTAINED IN DOCUMENTS CALLED INDICTMENTS RETURNED BY
24 THE GRAND JURY. THEY'RE NOT EVIDENCE, THEY'RE NOT TO BE
25 CONSIDERED BY YOU AS EVIDENCE. THEY ARE SIMPLY THE

1 PAPERWORK BY WHICH THE STATE PUT ON PAPER WHAT IT IS THAT
2 THEY ARE CHARGING THE DEFENDANT WITH SO HE CAN KNOW AS TO
3 THE CHARGES. BUT THESE SAY -- AND I'LL READ THEM TO YOU,
4 AND THEN TALK A LITTLE ABOUT THEM -- THAT CHARLES
5 CHRISTOPHER WILLIAMS DID IN GREENVILLE COUNTY ON OR ABOUT
6 THE 3RD DAY OF SEPTEMBER UNLAWFULLY SEIZE, ABDUCT,
7 CONFINE, ENVEIGLE, DECOY, OR CARRY AWAY MARANDA WILLIAMS
8 WITHOUT THE AUTHORITY OF LAW; THAT IS, KIDNAPPING,
9 KIDNAPPING IN THIS STATE. WE'LL TALK A LITTLE BIT MORE
10 ABOUT KIDNAPPING.

11 THE SECOND CHARGE IS MURDER, THAT CHARLES CHRISTOPHER
12 WILLIAMS DID IN GREENVILLE COUNTY ON OR ABOUT THE 3RD DAY
13 OF SEPTEMBER 2003 UNLAWFULLY AND WITH MALICE AFORETHOUGHT,
14 KILL MARANDA WILLIAMS BY MEANS OF SHOOTING HER, AND THAT
15 MARANDA WILLIAMS DIED AS A PROXIMATE RESULT THEREOF.

16 THE THIRD CHARGE IS POSSESSION OF A WEAPON DURING THE
17 COMMISSION OF A VIOLENT CRIME OR THE ATTEMPT TO COMMIT A
18 VIOLENT CRIME; THAT CHARLES CHRISTOPHER WILLIAMS DID IN
19 GREENVILLE COUNTY ON OR ABOUT THE THIRD DAY OF SEPTEMBER,
20 2003, POSSESS OR VISIBLY DISPLAY A SHOTGUN DURING THE
21 COMMISSION OR ATTEMPTED COMMISSION OF A VIOLENT CRIME, TO
22 WIT: MURDER.

23 THOSE ARE THE CHARGES, THOSE ARE THE VARIOUS CRIMES
24 WE'RE GOING TO TALK ABOUT. EACH ONE OF THOSE CRIMES HAVE
25 ELEMENTS. BY ELEMENTS, I MEAN, JUST LIKE BUILDING A BRICK

1 WALL, EACH ONE HAS DIFFERENT BRICKS THAT HAVE TO GO IN TO
2 MAKE THE WALL. WE HAVE TO PROVE CERTAIN ELEMENTS OR
3 DIFFERENT PARTS. SO, WE GOT TO PROVE EVERY ONE OF THOSE
4 BEYOND A REASONABLE DOUBT. BUT NO MORE THAN A REASONABLE
5 DOUBT. WE DON'T HAVE TO PROVE ELEMENTS THAT ARE NOT
6 REQUIRED UNDER THE LAW. AND I'M GOING TO TALK TO YOU A
7 LITTLE BIT ABOUT THAT BECAUSE THERE'S SOME ELEMENTS YOU
8 MAY BELIEVE EXIST IN THE LAW THAT DO NOT.

9 ALSO, IF YOU NOTICE ANYTHING DIFFERENT ABOUT ME, MY
10 WIFE TOLD ME I COULDN'T COME TODAY UNLESS I GOT A HAIRCUT.
11 I GOT A HAIRCUT THIS MORNING AT 9:00.

12 KIDNAPPING, KIDNAPPING, THAT IS ONE OF THE CHARGES.
13 IT IS UNLAWFUL TO SEIZE, CONFINED, KIDNAP, OR CARRY AWAY
14 ANY PERSON BY ANY MEANS WHATSOEVER WITHOUT AUTHORITY OF
15 LAW. IT DOES NOT REQUIRE RANSOM. RANSOM IS NOT AN
16 ELEMENT OF KIDNAPPING. IT IS ABOUT SEIZE AND CONFINED AND
17 REMOVE SOMEONE'S LIBERTY TO MOVE FREELY ABOUT. IT IS NOT
18 ABOUT DEMANDING MONEY. IT IS ABOUT HOLDING SOMEONE
19 AGAINST THEIR WILL, SEIZING AND CONFINING THEM.

20 INTIMIDATION OR THREAT BEING USED, DEADLY FORCE,
21 THREATENED OR INTIMIDATION OR SOME TYPE. IT IS TAKING
22 CONTROL OVER SOMEONE'S FREEDOM. THAT IS WHAT KIDNAPPING
23 IS ABOUT. SO, IF YOU HAVE AN IDEA THAT RANSOM IS INVOLVED
24 BECAUSE OF WHAT YOU'VE SEEN ON TV OR WHAT YOU MIGHT HAVE
25 SEEN, THAT IS NOT THE LAW. IF YOU BELIEVE FROM A

1 PRACTICAL STANDPOINT, LOTS OF PEOPLE ARE KIDNAPPED THAT
2 THERE'S NO RANSOM DEMANDED. THE RANSOM IS NOT A PART OF
3 WHAT THE STATE HAS TO PROVE IN KIDNAPPING.

4 ALSO, IN KIDNAPPING IT IS NOT THE VICTIM'S
5 RESPONSIBILITY TO TRY TO ESCAPE. IT IS NOT THE VICTIM'S
6 RESPONSIBILITY TO TRY TO ESCAPE PARTICULARLY WHEN THERE IS
7 DEADLY FORCE AVAILABLE THAT CAN BE USED AGAINST THAT
8 PERSON. AND ALSO IN THE EVENT THAT THE VICTIM TRIES TO
9 ESCAPE, AND IS INJURED BY DEADLY FORCE, IT DOES NOT
10 OBLITERATE THE CRIME OF KIDNAPPING. THE CRIME OF
11 KIDNAPPING STILL EXISTS BECAUSE IT WAS BROUGHT ON BY THE
12 DEFENDANT'S CONDUCT.

13 MURDER. MURDER, AND YOU'VE HEARD THIS IN VOIR DIRE,
14 IS THE INTENTIONAL KILLING OF ANOTHER PERSON WITH MALICE
15 AFORETHOUGHT. INTENT MEANS INTENTIONALLY. AT THE TIME
16 THE ACT AND THE DEADLY BLOW WAS STRUCK, THE PERSON
17 INTENDED TO STRIKE THE DEADLY BLOW. THAT'S ALL IT MEANS.
18 IT CAN BE A SECOND, A HALF A SECOND BEFORE THE ACTION
19 OCCURRED.

20 IF THE DEFENDANT INTENDS TO PULL THE TRIGGER OF A
21 GUN, KNOWING IT CAN KILL SOMEONE HE'S POINTED IT AT, THAT
22 IS INTENT IN THE LAW OF THIS STATE. IT'S NOT NECESSARY
23 THAT IT BE PREMEDITATED FOR DAYS, OR HOURS, OR WEEKS, OR
24 MONTHS. IT IS SIMPLY AN INTENTIONAL ACT. IT IS NOT AN
25 UNINTENTIONAL ACT, AN ACCIDENT. IT IS AN INTENTIONAL ACT,

1 BUT IT HAS TO BE ACCOMPANIED BY MALICE.

2 AND MALICE AFORETHOUGHT ARE THE TWO PHRASES YOU'LL
3 HEAR. AFORETHOUGHT BEING INTENDED, MALICE BEING
4 MALICIOUSNESS, WICKEDNESS, EVILNESS, MEANNESS, DEPRAVITY
5 OF HEART, A HEART DEVOID OF SOCIAL DUTY. THOSE ARE THE
6 PHRASES YOU'LL HEAR THE JUDGE USE AND PHRASES OF MALICE.

7 NOW, MALICE, THERE'S ONLY ONE KIND OF MALICE, ONLY
8 ONE KIND OF EVIL. BUT THERE ARE A NUMBER OF DIFFERENT
9 WAYS YOU CAN ESTABLISH MALICE. ONE, YOU CAN INFER IT.
10 YOU CAN INFER MALICE FROM THE CIRCUMSTANCES OF THE CASE.
11 LOOKING AT THE EVIDENCE, YOU CAN INFER THERE WAS A
12 MALICIOUS HEART THAT STRUCK THE FATAL BLOW IN THE MURDER.
13 ALSO, YOU CAN SEE IT BY DIRECT EVIDENCE; THAT IS, WHERE
14 THE DEFENDANT EXPRESSLY COMMUNICATES OR WRITES DOWN THE
15 MALICE AND MALICIOUSNESS AND MEANNESS IN SOME FORM OF
16 WRITING OR COMMUNICATION. SO, IT CAN BE DIRECT OR IT CAN
17 BE INFERRED.

18 AFORETHOUGHT, I TALKED TO YOU ABOUT SIMPLY MEANS THAT
19 THE INTENT EXISTED AT THE TIME THE CRIME WAS COMMITTED TO
20 COMMIT THAT CRIME. THAT'S WHAT IT MEANS. IT IS NOT
21 NECESSARY TO HAVE IT FOR A LONG PERIOD OF TIME.

22 WE WILL, HOWEVER, BRING TO YOU EVIDENCE THAT THIS
23 CRIME THAT YOU'RE SITTING ON IN THIS CASE, THE MURDER OF
24 MARANDA WILLIAMS, WAS PLANNED MUCH LONGER THAN ANY SHORT
25 PERIOD OF TIME BEFORE IT OCCURRED. ONE OTHER THING. WE

1 TALKED ABOUT RANSOM. LET ME TELL YOU ONE OTHER -- MOTIVE
2 IS NEVER REQUIRED TO BE PROVED BY THE STATE. THE REASONS
3 WHY CRIMES OCCUR IS BEYOND ANYBODY'S ABILITY TO PROVE.
4 THE REASON WHY SOMEBODY DID AN ACT SIMILAR TO THIS OR A
5 CRIMINAL ACT IS INCAPABLE OF ESTABLISHMENT; AND THE STATE
6 IS NEVER REQUIRED TO PROVE MOTIVE. MOTIVE IS NOT A PART
7 OF THE CRIME OF KIDNAPPING OR MOTIVE IS NOT A PART OF THE
8 CRIME OF MURDER.

9 THE USE OF A WEAPON DURING THE COMMISSION OF A
10 VIOLENT CRIME. THAT IS SELF-EXPLANATORY. SO, THE ISSUES
11 YOU HAVE TO DECIDE ARE FOUR. WAS MARANDA WILLIAMS
12 KIDNAPPED ON SEPTEMBER THIRD AS SHE WORKED IN THE BI-LO BY
13 BEING HELD AGAINST HER WILL THROUGH THE USE OF THREAT,
14 INTIMIDATION, OR DEADLY FORCE AT HER PLACE OF EMPLOYMENT?
15 NUMBER TWO, WAS MARANDA WILLIAMS MURDERED AS WE HAVE
16 DISCUSSED THE EVIDENCE, AT THE BI-LO ON SEPTEMBER THIRD?
17 NUMBER THREE, WERE THE CRIMES OF KIDNAPPING AND MURDER
18 INVOLVING MARANDA WILLIAMS AND THIS DEFENDANT COMMITTED
19 WHILE IN THE POSSESSION OF A DEADLY WEAPON? THE FOURTH
20 ISSUE FOR YOU TO DECIDE IS, DID THE DEFENDANT COMMIT THESE
21 CRIMES?

22 THOSE ARE THE FOUR ISSUES THAT YOU WILL HAVE BEFORE
23 YOU. BASED ON THE EVIDENCE WE WILL PRESENT TO YOU, THE
24 ANSWERS TO THESE QUESTIONS WILL BE A RESOUNDING, UNDOUBTED
25 YES. WHAT IS THE EVIDENCE THAT THE STATE WILL PRESENT?

1 I'M GOING TO GIVE YOU A BRIEF SUMMARY. I'M NOT GOING TO
2 TELL YOU ALL OF IT, BUT IT WILL COME FROM THIS WITNESS
3 STAND, THROUGH THIS JURY BOX. LOTS MORE WILL BE PRESENTED
4 DURING THE TRIAL, BUT JUST BASICALLY A SUMMARY.

5 MARANDA WILLIAMS AND THE DEFENDANT HAD MET AS
6 COEMPLOYEES AT THE BI-LO WHERE THEY WORKED TOGETHER. THEY
7 HAD BEGUN A DATING RELATIONSHIP THAT LASTED SOME THREE
8 MONTHS OR SO AND MIRANDA HAD BROKEN THAT RELATIONSHIP OFF.
9 ON SEPTEMBER THE THIRD MARANDA WILLIAMS CAME TO WORK. SHE
10 WAS EMPLOYED AT THE BI-LO IN THE DELI-BAKERY, ARRIVED
11 ABOUT 8:15. ABOUT A HOUR AND A HALF LATER, HOUR AND
12 FORTY-FIVE MINUTES LATER, SHORTLY BEFORE TEN, THE
13 DEFENDANT, CHARLES CHRISTOPHER WILLIAMS, PULLED UP IN
14 FRONT OF THE BI-LO IN HIS CAR, PARKED IN THE FIRE LANE AND
15 ENTERED THE BI-LO DRESSED IN CAMOUFLAGE CLOTHING, A
16 TOBOGGAN KNIT HAT, CARRYING A .12 GAUGE SHOTGUN UNDER HIS
17 LEFT ARM AS HE WALKED THROUGH THE STORE.

18 HE WENT THROUGH THE STORE AND ARRIVED AT A
19 DELI-BAKERY. HE ENTERED THE DELI-BAKERY AND PROCEEDED
20 THROUGH THE DELI-BAKERY TO THE BACK WHERE MIRANDA HAD
21 MOVED WHEN SHE FOUND HE WAS ENTERING THE STORE. SHE WAS
22 IN AN AREA CALLED THE STORAGE AREA -- WE'LL DIAGRAM THIS
23 FOR YOU -- OUTSIDE OF THE OFFICE.

24 HE CAME THROUGH, PROCEEDED DIRECTLY TO HER, GRABBED
25 HER, AND TOOK HER INTO THE DELI-BAKERY OFFICE. AT THAT

1 TIME TWO OTHER EMPLOYEES, A STORE MANAGER, AND ANOTHER
2 EMPLOYEE INTERVENED AND CAME TO THE OFFICE IN AN EFFORT TO
3 INTERVENE IN THE SITUATION. THEY WERE BOTH REMOVED FROM
4 THE OFFICE BY THREAT OF THE SHOTGUN BEING POINTED AT THEM.
5 AS A RESULT, THE ENTIRE STORE WAS CLEARED OF PERSONNEL,
6 THE CUSTOMERS, EMPLOYEES, AND THE GREENVILLE SWAT TEAM
7 SURROUNDED THE STORE, COVERED THE ROOF, AND COVERED ALL
8 THE EXITS.

9 A CALL WAS PLACED BY MANDY TO 911 FROM HER CELL
10 PHONE, AND SHE BEGAN A CONVERSATION WITH A 911 OPERATOR
11 DESCRIBING WHERE SHE AND THE DEFENDANT WERE LOCATED. THIS
12 CALL LASTED FROM ABOUT 10:00 UNTIL SHORTLY BEFORE NOON.
13 AND YOU WILL HEAR THIS TELEPHONE CALL. IT IS RECORDED AND
14 WE WILL PLAY IT FOR YOU SO THAT YOU CAN HEAR EVERYTHING
15 THAT'S GOING ON INSIDE THAT OFFICE.

16 EARLY IN THE COMMUNICATION TONY LEE, A TRAINED
17 NEGOTIATOR, HOSTAGE NEGOTIATOR WITH GREENVILLE COUNTY
18 SHERIFF'S OFFICE SWAT TEAM, BEGAN COMMUNICATING WITH MANDY
19 AND THE DEFENDANT IN THE OFFICE OVER THE CELL PHONE.
20 NUMEROUS EFFORTS WERE MADE TO GET THE DEFENDANT TO RELEASE
21 MANDY, ALLOW HER TO LEAVE, BUT TO NO AVAIL. YOU WILL HEAR
22 THE DEFENDANT DENY HER THIS REQUEST. YOU WILL HEAR THE
23 DEFENDANT EVEN DENY HER REQUEST OF OPEN THE DOOR BECAUSE
24 THERE WAS SO MUCH SMOKE IN THE ROOM.

25 SOMETHING HAPPENED SHORTLY BEFORE 12, PROBABLY MANDY

1 REALIZED, YOU'LL HEAR IT ON THE TAPED CONVERSATION, THAT
2 SHE WAS GOING TO BE KILLED. SHE, AT THAT TIME, ATTEMPTS
3 TO ESCAPE. A STRUGGLE ENSUES, HER BLOUSE IS TORN OFF HER
4 BODY, HER APRON IS TORN FROM HER, SHOTS ARE FIRED, AND SHE
5 PROCEEDS TO RUN THROUGH THE DELI-BAKERY TRYING TO ESCAPE.

6 NOW, WE'RE GOING TO SHOW YOU THAT AS IT'S RECORDED ON
7 THE VIDEO SURVEILLANCE CAMERAS AT THE BI-LO STORE. THESE
8 PICTURES ARE GOING TO BE GRAPHIC, BUT THEY'RE NOT GOING TO
9 BE OVERLY SHOCKING. THEY ARE GOING TO SHOW YOU THE
10 DEFENDANT FOLLOWING HER AND SHOOTING HER WITH A SHOTGUN
11 THREE TIMES IN THE BACK. HE SHOT A TOTAL OF FIVE TIMES AS
12 WE PROCEED, THREE TIMES HE STRUCK HER. THESE SHOTS HEARD
13 BY THE SWAT TEAM. SWAT TEAM IMMEDIATELY ENTERED, FOUND
14 MIRANDA DEAD ON THE FLOOR OF THE DELI-BAKERY, TURNED HER
15 OVER TO TRY TO ADMINISTER LIFE RESUSCITATING MEASURES TO
16 NO AVAIL.

17 THE DEFENDANT WAS LOCATED IMMEDIATELY AT THE BACK OF
18 THE DELI IN THE STORAGE AREA. HE WAS ARRESTED. THERE WAS
19 A .12 GAUGE SHOTGUN ON THE DELI FLOOR, FIVE SPENT SHOTGUN
20 SHELLS WERE COLLECTED, FIVE LIVE SHOTGUN SHELLS WERE STILL
21 ON THE FLOOR THAT HAD NOT BEEN FIRED.

22 MANDY WAS KILLED WITH TWO SHOTGUN BLASTS TO THE BACK,
23 A THE THIRD ONE HIT HER RIGHT ELBOW VIRTUALLY SEVERED HER
24 ARM.

25 THE DEFENDANT WAS TAKEN AT THAT TIME TO THE LAW

1 ENFORCEMENT CENTER BY GREENVILLE COUNTY DEPUTIES WHERE HE
2 MET WITH DETECTIVE MIKE MCNAMARA. MIKE MCNAMARA
3 INTERVIEWED THE DEFENDANT AND HE ADMITTED TO THESE CRIMES.
4 YOU WILL HEAR HIS STATEMENT AND YOU WILL HEAR DETECTIVE
5 MCNAMARA'S RENDITION OF HIS WARNINGS AND THE EVENTS PRIOR
6 TO THAT STATEMENT AND THEN WE WILL PUBLISH TO YOU FULL
7 STATEMENT OF THE DEFENDANT ADMITTING THE CRIME.

8 AS I TOLD YOU THESE ITEMS WERE CAUGHT ON SURVEILLANCE
9 CAMERA, PARTICULARLY THAT PORTION WHICH MANDY WAS SHOT.
10 THE EVIDENCE, ALONG WITH MR. WILLIAMS CONFESSION, WILL
11 ESTABLISH BEYOND ANY AND ALL DOUBT THAT THIS DEFENDANT IN
12 FACT KIDNAPPED AND KILLED MARANDA WILLIAMS.

13 THE DEFENDANT'S STATEMENT, HOWEVER, IS JUST LIKE
14 EVERY OTHER PIECE OF EVIDENCE THAT WE PRESENT. IT MUST BE
15 SUBJECTED TO CREDIBILITY; THAT IS, THE COMMON SENSE TEST
16 THAT WE TALKED ABOUT BEFORE. TO MAKE SURE ALL OF IT'S
17 PARTS ARE ACCURATE. OR THAT SOME PARTS MAY NOT BE
18 SELF-SERVING AND THAT SOME PARTS MY NOT BE INACCURATE.
19 THEREFORE, YOU'LL BE REQUIRED, AS THE JUDGE WILL TELL YOU,
20 TO REVIEW THAT STATEMENT AND MAKE FINDING IN REGARDS TO IT
21 AS TO IT'S COMPLETENESS AND ACCURACY.

22 AS TO THE ISSUE OF THE CRIME OF MURDER, MEANING DID
23 HE INTEND TO COMMIT THIS CRIME, WE WILL IN SUMMARY SHOW HE
24 CAME TO THE BI-LO WITH A SHOTGUN, HE HAD TEN SHOTS WITH
25 HIM, FIVE IN THE GUN, FIVE ON A BAND AROUND THE STOCK. HE

1 CAME FOR THE PURPOSE OF KILLING.

2 HE PARKED HIS CAR RIGHT IN FRONT. HE WAS DRESSED IN
3 CAMOUFLAGE CLOTHING, LIKE A DEER HUNTER. HE RESISTED
4 EFFORTS OF NEGOTIATOR OVER AN HOUR AND A HALF TO ALLOW HER
5 GO FREE.

6 WE WILL ALSO PUBLISH TWO LETTERS WE FOUND IN HIS
7 WALLET THAT WERE WRITTEN AND GIVEN TO MANDY. WHETHER OR
8 NOT THEY WERE GIVEN, WE DON'T KNOW; BUT THE LETTERS WERE
9 IN HIS WALLET WHERE HE EXPLAINED HE WAS GOING TO KILL HER
10 THAT DAY. WE WILL PUBLISH THESE TO YOU. HE DID NOT LET
11 HER GO. AND WHEN SHE FLED, HE KILLED HER, TALKING HER
12 THROUGH THE DELI AREA, SHOOTING HER THREE TIMES.

13 AS TO THE ISSUE OF MALICE. SHE TRIED TO FLEE. HE
14 CHASED HER DOWN, SHOT HER THREE TIMES AT CLOSE RANGE, WE
15 WILL ESTABLISH SOMEWHERE FIVE TO TEN FEET WITH A .12 GAUGE
16 SHOTGUN. FIRED TWO OTHER SHOTS, THE SPINAL CORD SEVERED
17 ON TWO OF THE SHOTS, AND SHE DIED AS A RESULT OF THAT.

18 IN REGARDS TO THE CRIME OF KIDNAPPING, THE DEFENDANT
19 HELD THE VICTIM AGAINST HER WILL FOR SOMEWHERE CLOSE TO
20 TWO HOURS BY USE OF A SHOTGUN. HE INTIMIDATED THOSE WHO
21 TRIED TO INTERVENE ON HER BEHALF. HE REFUSED TO
22 NEGOTIATE, AND RELEASE HER, WITH A TRAINED HOSTAGE
23 NEGOTIATOR. YOU CAN LISTEN TO THE 911 TAPES AND MAKE YOUR
24 OWN DETERMINATION WHETHER OR NOT MARANDA WILLIAMS WAS FREE
25 TO GO OUT OF THE CONTROL OF THE DEFENDANT.

1 YOU WILL SEE FILM OF THEM WALKING AROUND THE STORE ON
2 DIFFERENT OCCASIONS. AND ON ALL THOSE OCCASIONS HE HAD
3 THE SHOTGUN WITH HIM; AND WHEN SHE TRIES TO GET AWAY, HE
4 KILLS HER.

5 WE ORGANIZED OUR CASE IN A VERY CONCISE ORGANIZED
6 FASHION, SHOULD BE ABLE TO PRESENT IT TO YOU IN A PERIOD
7 OF TWO DAYS. THAT CASE FOCUSSES ON THE KIDNAPPING AND
8 MURDER OF MARANDA WILLIAMS BY CHARLES CHRISTOPHER WILLIAMS
9 AND PROOF THAT HE COMMITTED THE MURDER AND THE KIDNAPPING.
10 THAT IS WHAT WE HAVE COME TO PROVE AND THAT IS WHAT WE
11 WILL PROVE OVERWHELMINGLY. THAT'S WHAT THIS CASE IS
12 ABOUT, HOW HE CAREFULLY PLANNED THESE EVENTS. IT'S NOT
13 ABOUT ANYTHING ELSE.

14 I DON'T KNOW WHAT SUGGESTIONS THE DEFENSE MAY RAISE
15 TO YOU. I DON'T KNOW WHAT THEY MAY TALK TO YOU ABOUT.
16 BUT IN AN EFFORT TO MAKE -- IF THEY MAKE AN EFFORT TO
17 DIRECT YOUR ATTENTION, TO FOCUS YOUR ATTENTION ELSEWHERE
18 FROM THESE THREE CRIMES, I REMIND YOU OF A STATEMENT OF
19 THE MOST QUOTED PERSON IN OUR ERA WHO SAID, "IF YOUR EYES
20 ARE NOT FOCUSED ON THE BALL, YOU'RE NOT GOING TO HIT IT."
21 IF YOUR EYES ARE NOT FOCUSED ON THE OVERWHELMING PROOF
22 CHARLES CHRISTOPHER WILLIAMS KIDNAPPED AND MURDERED
23 MARANDA WILLIAMS ON SEPTEMBER 3 2003, SEPTEMBER 3 2003,
24 YOUR EYE'S NOT ON THE BALL, BECAUSE THERE'S NO DOUBT IN
25 THIS CASE THE DEFENDANT MURDERED AND KIDNAPPED MARANDA

1 WILLIAMS. THANK YOU.

2 THE COURT: MR. MAULDIN.

3 MR. MAULDIN: MAY IT PLEASE THE COURT?

4 THE COURT: YES, SIR.

5 OPENING STATEMENT BY MR. MAULDIN:

6 YOU WENT THROUGH THE PROCESS OF JURY SELECTION. IF
7 THERE WAS ONE THING I FOUND TO BE A COMMON INGREDIENT --
8 MAY HAVE EXPRESSED IT IN A DIFFERENT WAY, EACH IN YOUR OWN
9 WAY -- ONE THING I FOUND EVERYONE WANTED TO HEAR WAS ALL
10 YOU COULD. YOU WANTED TO HEAR ALL THE EVIDENCE. YOU
11 WANTED TO HEAR ALL THE INFORMATION. YOU DIDN'T WANT TO
12 MAKE A DECISION ON LESS THAN EVERYTHING THAT WE COULD
13 BRING YOU. SO, THAT'S WHAT WE'RE GOING TO TRY TO DO. IT
14 MAY NOT NECESSARILY FIT THAT PATTERN THAT THE PROSECUTOR
15 HAS ESTABLISHED ABOUT A NEAT AND CONCISE PACKAGE WITHIN A
16 CERTAIN TIME FRAME. BUT I'M NOT LEAVING THIS COURTROOM
17 UNTIL I FEEL SATISFIED THAT THE 12 JURORS THAT WE HAVE
18 PAINSTAKINGLY SELECTED FOR A CASE OF THIS MAGNITUDE HAVE
19 HEARD AS MUCH AS I CAN BRING TO THEM.

20 LET ME BEGIN BY SAYING THAT THE GOVERNMENT IN THIS
21 CASE KNEW FROM THE VERY MOMENT THIS HORRIBLE TRAGEDY
22 HAPPENED, THAT SOMETHING WAS REALLY WRONG. AND THEY WERE
23 RIGHT. THIS SITUATION STARTED NOT ON THE MORNING OF
24 SEPTEMBER THE THIRD, WHICH IS WHAT SOME OF -- WHICH IS
25 WHAT'S ON THE FACE OF THOSE INDICTMENTS, BUT ABOUT A YEAR

1 BEFORE THAT. CHRIS AT THE TIME WAS 19 YEARS OLD AND HAD
2 BEEN WORKING FOR BI-LO FOR A NUMBER OF MONTHS. MANDY WAS
3 23 YEARS OLD. AND THEY MET AT THE BI-LO, BUT NOT THE
4 BI-LO ON EAST NORTH STREET. THEY MET AT THE BI-LO ON
5 WOODRUFF ROAD. MANDY WAS WORKING IN THE DELI DEPARTMENT.
6 CHRIS WAS WORKING IN THE PRODUCE DEPARTMENT.

7 MANDY CAME TO WORK THERE IN, I BELIEVE NOVEMBER OR
8 DECEMBER, OF 2002; AND THEY WORKED -- THEY MET AS
9 COWORKERS. THEY WOULD TAKE, THEY WOULD GO ON BREAKS
10 TOGETHER, TAKE BREAKS TOGETHER, WOULD JUST CHAT, YOU KNOW.
11 AS YOU GET TO KNOW SOMEBODY, YOU START GETTING AN
12 IMPRESSION ABOUT WHETHER THIS IS SOMEBODY YOU'D LIKE TO
13 GET TO KNOW BETTER, SO FORTH; BUT THEY DEVELOPED A TALKING
14 RELATIONSHIP AS COWORKERS. SO, THAT LED TO A LITTLE MORE
15 INVOLVEMENT, HAD LUNCH TOGETHER AND SO ON. THEN THEY
16 ACTUALLY STARTED DOING WHAT YOU MIGHT CALL DATING.

17 AND ONE THING YOU WILL FIND OUT FROM THIS CASE IS
18 THAT CHRIS WILLIAMS JUST ABSOLUTELY COMPLETELY FELL
19 TOTALLY HEAD OVER HEELS OVER MANDY WILLIAMS. THEY'RE NO
20 KIN -- HAD THE SAME LAST NAME -- NO KIN. HE JUST FELL IN
21 LOVE WITH HER. THERE'S NO OTHER WAY TO SAY IT. WHEN THEY
22 WOULD GO OUT, WOULD GO TO EITHER PLACES OUT IN TOWN OR
23 CHRIS' HOUSE. THEY WOULD NOT GO TO MANDY'S HOUSE, THEY
24 WOULD GO TO CHRIS' HOUSE.

25 AND IF THEY GOT OUT OR WHATEVER, WOULD GO INTO A

1 PLACE REQUIRED YOU TO BE 21. CHRIS COULD NOT GO IN, SO HE
2 WOULD WAIT OUTSIDE AND THEN THEY WOULD PERHAPS GO
3 SOMEWHERE ELSE. BECAUSE HE HAD HIS 20th BIRTHDAY IN
4 DECEMBER 2002 AFTER MEETING WITH MANDY.

5 THIS ON-GOING SITUATION WITH MANDY AND CHRIS WENT ON
6 FOR A NUMBER OF MONTHS. AND IN MAY, THE LAST WEEK OF MAY,
7 THEY WENT TO THE BEACH TOGETHER. AND IF THERE'S ONE THING
8 THAT HAPPENED, IF YOU'RE DATING OR KIND OF SEEING SOMEBODY
9 CASUALLY OR EVEN INTIMATELY, EVEN WITH A MORE INTIMATE OR
10 SEXUAL INVOLVEMENT, IF YOU GO OFF WITH SOMEBODY AND SPEND
11 A FEW DAYS, YOU GET TO KNOW THEM A LITTLE BETTER. THAT'S
12 JUST THE WAY HUMAN NATURE IS. AND MANDY GOT TO KNOW CHRIS
13 A LITTLE BETTER AND DECIDED HE WAS NOT FOR HER. CHRIS, OF
14 COURSE, WAS COMPLETELY OVERWHELMED BY THIS INFATUATION AND
15 LOVE RELATIONSHIP, BUT MANDY DECIDED SHE WANTED TO END IT,
16 WHICH ABSOLUTELY IS APPROPRIATE.

17 HER BIRTHDAY WAS JUNE 7th, ABOUT A WEEK AFTER THEY
18 CAME BACK FROM THE BEACH. CHRIS MADE PLANS ABOUT THIS
19 BIRTHDAY, AND THOSE PLANS WERE CHANGED. SHE CAME TO
20 CHRIS' HOUSE, SHE GOT A BIRTHDAY PRESENT; BUT THEN SHE
21 WENT WITH HER FRIENDS BECAUSE SHE DID NOT WANT TO HAVE
22 ANYTHING TO DO WITH CHRIS. AND CHRIS HAD A REAL
23 DIFFICULTY WITH THAT. MANDY, SHE HAD HER 24th BIRTHDAY.
24 SIX DAYS LATER, SIX DAYS AFTER THAT 24th BIRTHDAY FOR
25 MANDY, CHRIS WAS ADMITTED TO GREENVILLE MEMORIAL WITH AN

1 OVERDOSE OF DRUGS.

2 IT WAS OKAY IN THE MORNING JUNE 13th, COMMITTED TO
3 THE HOSPITAL, KEPT UNTIL ABOUT 6:00 THAT NIGHT, 14 HOURS,
4 15 HOURS, SOMETHING LIKE THAT. AND THEN HE WAS RELEASED.
5 PROTOCOL REQUIRES UNDER THOSE CIRCUMSTANCES THAT A PERSON
6 SAY TO THE PEOPLE THAT ARE TREATING HIM FOR SUICIDE
7 SITUATION, THAT THAT, THAT THE PERSON WOULD NOT ATTEMPT TO
8 TAKE THEIR OWN LIFE AGAIN. THEY HAVE TO CONFIRM THAT TO
9 THE MEDICAL AUTHORITIES BEFORE THEY'RE ALLOWED TO LEAVE.

10 TWO DAYS LATER, JUNE 15th, THREE SOMETHING IN THE
11 MORNING, CHARLES CHRISTOPHER WILLIAMS SHOWS UP THREE
12 SOMETHING IN THE MORNING AND SAYS I'M NOT GOING TO BE ABLE
13 TO STAY TO MY AGREEMENT. I FEEL LIKE I'M GOING TO KILL
14 MYSELF. THIS WAS TWO TIMES WITHIN TWO DAYS.

15 TWO DAYS AFTER THAT, ON JUNE 17th, MANDY
16 ESSENTIALLY CUT OFF COMPLETELY, JUST SAID NO MORE. THIS
17 IS IT, PERIOD. THIS IS OVER, THE RELATIONSHIP IS OVER.

18 ABOUT A MONTH WENT BY, AND YOU'LL SEE EVIDENCE, AND
19 THE EVIDENCE WILL BE PRESENTED TO YOU REGARDING PHONE
20 RECORDS, ABOUT TELEPHONE CALLS, 10, 15, 20, 50, LISTS OF
21 LONG PHONE CALLS. DESPERATION PHONE CALLS. AND ON
22 JULY 16th CHRIS WENT TO THE BI-LO ON EAST NORTH STREET
23 AND DURING THE BREAK HE AND MANDY HAD A CONVERSATION WHEN
24 SHE WAS ON BREAK. OF COURSE, YOU CAN'T SMOKE INSIDE THE
25 BUILDING, SO YOU HAVE TO COME OUTSIDE. HE TALKS TO HER.

1 SHE SAYS SHE DIDN'T WANT TO TALK TO HIM, COULDN'T TALK TO
2 HIM RIGHT NOW, SO SHE GOES BACK IN.

3 COMES BACK OUT TO LEAVE, AND HE CONFRONTS HER. HE IS
4 ESSENTIALLY A DESPERATE PERSON AT THAT POINT, BEGGING HER
5 TO TALK TO HIM, BEGGING HER TO RECONSIDER THE BREAK UP, SO
6 FORTH. SHE DOESN'T WANT ANYTHING TO DO WITH HIM. SHE HAS
7 EVERY RIGHT TO DO THAT. SHE HAS EVERY RIGHT TO DO THAT.
8 AND AN ARGUMENT ENSUED AND A FIGHT ENSUED AND CHRIS
9 ASSAULTED MANDY IN THE PARKING LOT OF BI-LO ON
10 JULY 16th.

11 HE WAS ARRESTED FOR THAT ASSAULT, MADE BOND FOR THAT
12 ASSAULT, AND MADE AN APPOINTMENT TO SEE A LAWYER. THAT
13 APPOINTMENT WAS AT 10:00 ON SEPTEMBER THE THIRD. NOW,
14 BREAK UPS, DIVORCES, HAPPEN ALL THE TIME, EVERY DAY.
15 KIDS, TEENAGER, HAVE BREAK UPS, MOAN AND GROAN FOR A
16 WEEKEND, ALL OF A SUDDEN THEY RECOVER.

17 THE FAMILY COURT OUT HERE UNIVERSITY RIDGE IS JUST
18 CHURNING OUT THE DIVORCES, GRINDING THEM OUT. IT HAPPENS
19 ALL THE TIME, EVERY DAY. WHAT HAPPENED IN THIS CASE DOES
20 NOT HAPPEN EVERY DAY, THANK GOD. BUT THERE'S GOT TO BE A
21 REASON FOR IT. WHAT IS DIFFERENT ABOUT WHAT HAPPENED TO
22 CHRIS WILLIAMS AND HIS TOTAL COMPLETE INABILITY -- WHAT
23 MAKES IT DIFFERENT IS WHAT WE WANT TO MAKE YOU UNDERSTAND.

24 THERE WAS A PATTERN OF DETERIORATION, OF EROSION OF
25 CHRIS'S ABILITY TO CONTROL HIMSELF. AND WHEN I WAS

1 DRIVING INTO THE COURTHOUSE THIS MORNING, I KNEW THAT I
2 WAS GOING TO HAVE A DIFFICULT TASK TALKING TO YOU ABOUT
3 SUCH A HORRIBLE THING. AND I SAID, "BOY, I KNOW WISH THAT
4 SOMEBODY WOULD THROW MAGIC DUST ON ME TO MAKE THIS EASY."
5 I'M GOING TO GIVE YOU WHAT CAME TO MY MIND WHEN I THOUGHT
6 ABOUT IT.

7 I SAID, YOU KNOW, I REMEMBER WHEN I WAS A KID GROWING
8 UP IN WARE SHOALS, LITTLE MILL HOUSE IN WARE SHOALS, SOUTH
9 CAROLINA. HAD A LITTLE KITCHEN IN THIS MILL HOUSE AND MY
10 MOTHER HAD ONE OF THESE PRESSURE COOKERS, BIG OLD THING,
11 TWIST IT, IT WILL LOCK CLOSED, AND IT HAD A LITTLE THING,
12 LITTLE GAUGE OR ROUND THING STUCK OUT OF THE TOP. I WAS A
13 LITTLE KID. AND I REMEMBER WHEN SHE WOULD BRING THAT OUT,
14 EVERYBODY HAD TO ALMOST LEAVE THE NEIGHBORHOOD. I THOUGHT
15 SHE WAS COOKING A BOMB IN THE KITCHEN. I MEAN, IT WAS
16 LIKE VICE VERSA.

17 IT WOULD START OUT REAL COMICAL AND EVERYTHING, AND I
18 GUESS THIS THING ON TOP SHOWED ABOUT WHEN IT REACHED IT'S
19 CAPACITY. I REMEMBERED THAT WHEN I WAS COMING IN TODAY.
20 BECAUSE I WAS TRYING TO FIGURE OUT HOW CAN I DESCRIBE WHAT
21 HAPPENED WITH REGARD TO THIS SPIRAL, THIS DETERIORATION
22 OVER A PERIOD OF A NUMBER OF WEEKS AND MONTHS; NOT ONE
23 MORNING, ONE DAY, SOMETHING HAPPENED. AND THE PROSECUTOR
24 CAN SIT THERE AND SAY WHY IT HAS NOTHING TO DO WITH THIS,
25 BUT HE CAN'T SAY THAT AND SAY "USE COMMON SENSE."

1 WHEN YOU TALK ABOUT A TRAGEDY LIKE THIS, ONE OF THE
2 FIRST THINGS THAT COMES OUT OF YOUR MOUTH IS WHY IN THE
3 WORLD DID THAT HAPPEN? THAT'S JUST THE WAY IT IS. AND
4 I'M GOING TO TRY TO DO WHAT I CAN TO MAKE SURE WHEN WE
5 LEAVE HERE THAT AT LEAST WE KNOW HOW AND WHY SOMETHING
6 LIKE THIS COULD HAVE HAPPENED.

7 THE SPIRAL IS DEMONSTRATED, INITIALLY THE BREAK OUT,
8 THE DESPERATE ACT, THE LESSER ACTS OF DESPERATION, THE
9 GOING OVER TO THE BI-LO, TRYING TO CALL -- PHONE CALLS,
10 PHONE RECORDS. THEN IT ESCALATES INTO LITERAL SUICIDE
11 ATTEMPTS, AND THEN IT ESCALATES INTO AN ASSAULT IN A
12 PARKING LOT IN THE MIDDLE OF BROAD DAYLIGHT OF A YOUNG
13 GIRL GETTING OFF WORK. THIS WAS -- ALL OF THESE FLAGS
14 WERE POPPING UP. ALL OF THESE THINGS WERE HAPPENING.

15 CHRIS TOLD THE OFFICERS WHEN THEY INTERVIEWED HIM
16 AFTER THIS INCIDENT, THE PROSECUTOR MENTIONED INTENT COULD
17 BE DEMONSTRATED, YOU CAN EITHER INFER MALICE OR HAVE
18 DIRECTED EVIDENCE OF MALICE. HE SAID, LIKE FOR EXAMPLE,
19 WRITING SOMETHING DOWN. CHRIS TOLD THE OFFICERS ABOUT A
20 COMPOSITION BOOK THAT HE HAD IN HIS OWN BEDROOM WHERE ALL
21 THESE THOUGHTS WILDLY SPUN IN HIS HEAD AND HE HAD WRITTEN
22 THESE THINGS IN THIS BOOK. HE HAD WRITTEN THESE THINGS IN
23 THIS BOOK. AND I MEAN THERE'S A LINE THAT YOU DRAW
24 BETWEEN MEANNESS AND ABSOLUTE OFF THE WALL. I MEAN, THERE
25 WAS JUST SOMETHING OBVIOUSLY WRONG. AND THEN THERE WAS A

1 TOTAL MELT DOWN ON SEPTEMBER THIRD. THERE'S NO OTHER
2 DESCRIPTION FOR IT.

3 CHRIS WAS TAKEN, AND YOU'LL SEE FROM THE PROSECUTORS
4 FILM OF THIS CASE, IT HAS THE TIMES AND DATES ON IT.
5 CHRIS WAS TAKEN FROM THAT STORE AT 11:51, TAKEN DOWN TO
6 THE LAW ENFORCEMENT CENTER, INTERVIEWED BY THE POLICE. HE
7 SIGNED THE WAIVER FORM WHERE THEY SAID YOU COULD HAVE A
8 LAWYER PRESENT IF YOU WANTED TO. DIDN'T HAVE TO SAY A
9 WORD IF YOU DIDN'T WANT TO. CAN REMAIN SILENT, COULD DO
10 ALL THOSE THINGS.

11 YOU KNOW, ON TV THEY PULL THIS THING OUT AND READ
12 THIS THING TO THE SUSPECT. THEY DID ALL THAT. AND HE
13 WAIVED ALL THAT. HE SAID, I DON'T, DON'T WANT A LAWYER,
14 DON'T. AND HE TOLD THEM ALL ABOUT IT. HE TOLD THEM ALL
15 ABOUT IT, HE DESCRIBED IN GREAT DETAIL WHAT HAPPENED,
16 DESCRIBED IN GREAT DETAIL THE THINGS I TOLD YOU IN THE
17 LAST FEW MINUTES. HE TOLD THEM ABOUT THE ASSAULT IN THE
18 PARKING LOT.

19 HE WAS INTERVIEWED BY OFFICER MCNAMARA FOR TWO HOURS
20 OR THEREABOUTS. HE TALKED TO OFFICER MCNAMARA ABOUT -- HE
21 TOLD HIM. AND THE STATEMENT THAT HE GAVE IS GOING TO COME
22 TO YOU AND IT WILL BE READ TO YOU. I GUESS THEY'LL READ
23 IT FROM THE WITNESS STAND. I HOPE SO. I WANT YOU TO HEAR
24 IT. IF THEY DON'T, I'M GOING TO. IF THEY DON'T READ IT,
25 I'M GOING TO HAVE 12 COPIES MADE FOR EVERY ONE OF YOU SO

1 YOU CAN READ IT. BECAUSE YOU HAVE THE RIGHT TO KNOW
2 EVERYTHING.

3 HE TALKS ABOUT IN HIS STATEMENT HOW HE WANTED TO TALK
4 TO HER. EVERY EFFORT HE COULD MAKE TO TALK TO HER.
5 "PLEASE EXPLAIN TO ME WHY YOU WON'T SEE ME ANY MORE." AND
6 HE TALKS ABOUT OTHER THINGS IN THAT STATEMENT THAT YOU'RE
7 GOING TO READ ABOUT.

8 HE TELLS IN THAT STATEMENT ABOUT HOW FINALLY A
9 STRUGGLE ENSUED AND HE SHOT MANDY. THIS IS NOT A
10 WHO-DONE-IT CASE. CHRIS TELLS THE OFFICERS WHY IT
11 HAPPENED. AND THE PROSECUTOR CAN SAY THAT HE DON'T HAVE
12 TO PROVE WHY. AND HE'S RIGHT. BUT YOU'RE ENTITLED TO,
13 YOU'RE ENTITLED TO KNOW THE REASON FOR THIS HORRIBLE THING
14 YOU HAVE BEEN BROUGHT IN OFF THE STREET AND IMPRISONED TO
15 TRY.

16 YOU'RE GOING TO SEE GRAPHIC EVIDENCE, YOU'RE GOING TO
17 SEE THINGS THROWN ON THIS SCREEN. YOU'RE GOING TO SEE
18 PHOTOGRAPHS THAT ARE HEART WRENCHING; GOING TO HEAR
19 TESTIMONY FROM THAT WITNESS STAND, FROM WITNESSES WITH
20 TEARS FLOWING DOWN THEIR CHEEKS. YOU'RE GOING TO HEAR 911
21 TAPES. YOU'RE GOING TO HEAR NEGOTIATIONS WITH THE PERSON
22 WHO OBVIOUSLY WAS NOT OPERATING NORMALLY. AND I'M GOING
23 TO ASK YOU TO JUST TRY TO HOLD UP WITH THAT -- I MEAN, I
24 DON'T KNOW HOW MUCH OF IT IS NECESSARY. YOU KNOW, HOW
25 MUCH OF IT HAS TO BE SHOWN, I DON'T KNOW.

1 BUT, YOU KNOW, WE DON'T CONTROL THAT. HE KIND OF
2 RUNS THAT PART OF IT. HE'LL SHOW YOU WHAT HE WANTS TO
3 SHOW YOU. I BELIEVE YOU OUGHT TO SEE AS MUCH AS YOU CAN.
4 IT'S IMPORTANT FOR YOUR DECISION. BUT IT WILL BE TOUGH.
5 IT WILL BE TOUGH.

6 AND THE COURT WILL TELL YOU YOU'RE SUPPOSED TO MAKE
7 YOUR DECISIONS IN A CASE, ANY CASE, WITHOUT BEING
8 INFLUENCED BY PASSIONS EMOTIONS OR WHATEVER. AND THAT'S
9 ONLY FAIR. THAT'S THE RULES. SO WE, TO THE EXTENT YOU
10 CAN, WE KNOW THAT YOU'RE ALL HUMAN AND THERE'S ONLY SO
11 MUCH THAT CAN BE ASKED OF A PERSON. I MEAN -- LET ME
12 CONCLUDE BY TELLING YOU THIS.

13 I TALKED TO YOU A SECOND AGO ABOUT A STATEMENT THAT
14 ABOUT 12/28 HE HAD THE WAIVER FORM READ TO HIM. BEFORE
15 THE INK WAS DRY ON CHRIS WILLIAM'S STATEMENT THE SAME DAY
16 OF THIS INCIDENT, A SPECIAL AGENT FROM COLUMBIA WAS
17 SUMMONED TO GREENVILLE. THAT AGENT WAS CALLED NOT BY
18 DEFENSE LAWYER MAULDIN; NOT BY DEFENDANT, CHRIS WILLIAMS;
19 BUT BY THE GOVERNMENT. AND THERE'S A REASON FOR THAT.

20 THE REASON THE AGENT WAS CALLED WAS BECAUSE EVERYBODY
21 WHO HAD ANY INVOLVEMENT IN THIS CASE UP TO THAT MOMENT
22 KNEW THAT SOMETHING WAS WRONG. SOMETHING WAS WRONG.
23 WE'RE NOT TALKING ABOUT AN EXCUSE WRONG, NOT TALKING ABOUT
24 THIS MEANS THIS PERSON IS NOT GUILTY. THERE'S JUST
25 SOMETHING WRONG WITH WHAT THEY HAD SEEN AND HEARD ON THESE

1 TAPES AND HEARD IN THESE PHONE CALLS AND SEEN ON THIS
2 STATEMENT THAT HE GAVE ON THE THREE-PAGE STATEMENT. HE
3 HAD SPENT TWO HOURS WITH THE POLICE. THEY KNEW HE NEEDED
4 SOME KIND OF ATTENTION OR EXAMINATION OR HELP OR
5 SOMETHING.

6 AND THEY CALLED IN A SPECIAL AGENT, A PSYCHIATRIST.
7 THEY CALLED IN A PSYCHIATRIST BECAUSE THEY KNEW WHAT THE
8 ISSUE REALLY IS, THE DAY -- BEFORE JOHN MAULDIN EVER EVEN
9 KNEW ANYTHING ABOUT IT -- THAT PSYCHIATRIST QUOTES CHRIS
10 WILLIAMS. "I'M A DOCTOR, I WENT TO MEDICAL SCHOOL AND I
11 SPECIALIZED IN PSYCHIATRY. I WORK FOR SLED, I WORK FOR
12 THE SOLICITOR'S OFFICE, AND WHAT HAPPENS IS TODAY BOB
13 ARIAIL, WHO IS THE SOLICITOR IN GREENVILLE, CALLED ME UP
14 AND SAID WE HAVE A SITUATION WITH A GUY AND TOLD ME
15 ROUGHLY WHAT HAPPENED.

16 "OKAY.

17 "THERE ARE THINGS THAT I NEED TO MAKE SURE YOU
18 UNDERSTAND. I AM NOT YOUR DOCTOR, OKAY? IF WE TALK AND I
19 FEEL LIKE YOU NEED TREATMENT, I'M GOING TO REFER YOU TO
20 SOMEBODY AND MY GUESS IS THERE'S A GOOD LIKELIHOOD OF
21 THAT."

22 AND SHE DID. THEY KNEW SOMETHING WAS WRONG WITH THIS
23 SITUATION AND THEY WERE RIGHT. THANK YOU.

24 THE COURT: LADIES AND GENTLEMEN OF THE JURY, BEFORE
25 THE STATE STARTS CALLING THEIR WITNESSES, IF YOU WANT A

1 NOTE PAD AND PEN, PLEASE RAISE YOUR HAND AND THE CLERK
2 WILL PROVIDE IT FOR YOU AT THIS TIME.

3 APPARENTLY EVERYBODY WANTS ONE; IS THAT CORRECT? LET
4 ME TELL YOU ABOUT THE PADS AND PENS. WHEN YOU GET THE
5 PADS, TURN INSIDE, WRITE YOUR NAME. WHEN YOU LEAVE THE
6 COURTROOM, LEAVE THE NOTES IN YOUR CHAIR. AT THE END OF
7 EACH DAY, THE CLERK WILL TAKE UP THE NOTES. AT THE
8 BEGINNING OF EACH DAY THE CLERK WILL PASS THE NOTES BACK
9 OUT. YOU WILL NOT USE THESE NOTES UNTIL YOU BEGIN YOUR
10 DELIBERATIONS. THEY'LL STAY IN THE COURTROOM THE ENTIRE
11 TIME. BUT I'LL GIVE YOU PERMISSION TO TAKE THE NOTES, BUT
12 LEAVE THEM IN THE COURTROOM AND MAKE SURE YOU PUT YOUR
13 NAME ON THEM. I'LL GIVE YOU SOME FURTHER INSTRUCTION AT A
14 LATER TIME.

15 SOLICITOR, CALL YOUR FIRST WITNESS PLEASE.

16 MR. ARIAIL: CALL DEBRA REID.

17 DEBRA REID, AFTER BEING DULY
18 SWORN, TESTIFIED AS FOLLOWS:

19 DIRECT EXAMINATION

20 BY MR. ARIAIL:

21 Q MISS REID, IF YOU WOULD STATE YOUR NAME FOR THE
22 RECORD, PLEASE.

23 A DEBRA REID.

24 Q THAT'S GREAT. KEEP YOUR VOICE UP SO THE LAST TWO
25 JURORS DOWN HERE CAN HEAR YOU. BY WHOM ARE YOU EMPLOYED?

1 A BI-LO NUMBER 195.

2 Q I'M SORRY?

3 A BI-LO STORE NUMBER 195.

4 Q WHERE IS BI-LO NUMBER 195?

5 A LOCATED ON EAST NORTH STREET AND PLEASANTBURG DRIVE,
6 AT THE CORNER.

7 Q I WANT TO DIRECT YOUR ATTENTION TO SEPTEMBER 3, 2003,
8 AND ASK YOU IF YOU WERE SO EMPLOYED WITH BI-LO AT THE EAST
9 NORTH STREET STORE ON THAT DAY?

10 A YES, I WAS.

11 Q WELL, TELL US, IF YOU COULD, WHERE THAT STORE IS
12 LOCATED. IF YOU WOULD LEAVE THIS COURTHOUSE TO DRIVE TO
13 THAT STORE, WHERE IS IT?

14 A GO TO THE FRONT OF THE COURTHOUSE, GO STRAIGHT DOWN,
15 HIT 385, GO TO THE PLEASANTBURG ROAD, EXIT 291. YOU WANT
16 TO GO NORTHBOUND ON PLEASANTBURG DRIVE UP TO EAST NORTH
17 STREET, I BELIEVE TWO BLOCKS UP. TURN RIGHT, WE'RE
18 DIRECTLY ON THE LEFT.

19 Q AND IS THE FRESH MARKET IN THE SAME SHOPPING CENTER?

20 A YES, SIR.

21 Q AT THE INTERSECTION OF PELHAM ROAD AND EAST NORTH
22 STREET, ALSO?

23 A YES IT IS.

24 Q WHAT WAS YOUR EMPLOYMENT POSITION ON THAT DAY?

25 A I WAS BAKER IN THE DELI-BAKERY.

1 Q WHAT TIME DID YOU NORMALLY ARRIVE AT WORK AND WHAT
2 TIME DID YOU ARRIVE THAT MORNING?
3 A SIX-O'CLOCK IN THE MORNING.
4 Q DID YOU KNOW MARANDA WILLIAMS?
5 A YES, I DID.
6 Q DID SHE ALSO WORK IN THE BI-LO?
7 A YES, SHE DID.
8 Q WHAT DEPARTMENT DID SHE WORK IN?
9 A SHE MAINLY WORKED IN DELI; BUT I HAD BEEN TEACHING
10 HER TO BAKE, SO SHE WAS BETWEEN THE TWO DEPARTMENTS.
11 Q AND HOW LONG HAD YOU KNOWN HER THROUGH YOUR WORK AT
12 THAT STORE?
13 A I WOULD SAY APPROXIMATELY TWO TO THREE MONTHS. I DID
14 NOT KNOW HER PREVIOUS.
15 Q DID SHE COME TO WORK THAT MORNING?
16 A YES, SHE DID.
17 Q ABOUT WHAT TIME?
18 A SHE WAS SCHEDULED AT EIGHT. BUT SHE WAS JUST A
19 LITTLE BIT LATE, MAYBE 10 OR 15 MINUTES; BUT SHE WAS
20 THERE.
21 Q BEFORE SHE ARRIVED, DID YOU NOTICE ANYTHING UNUSUAL?
22 A YES, I DID.
23 Q WHAT DID YOU NOTICE THAT WAS UNUSUAL FOR THE
24 DELI/BAKERY AREA?
25 A UPON ARRIVING AT WORK, GETTING SET UP AND ALL, I

1 ALWAYS CHECK THE SCHEDULE TO SEE WHO WAS GOING TO BE
2 WORKING WITH ME THAT DAY; AND OUR WORK SCHEDULE WAS
3 MISSING.

4 Q WHERE IS THE WORK SCHEDULE NORMALLY POSTED?

5 A IT'S NORMALLY POSTED ON A CLIPBOARD IN THE
6 DELI/BAKERY OFFICE AREA.

7 Q DID YOU GO IN AND LOOK FOR IT?

8 A YES, I DID.

9 Q WHEN IS THE LAST TIME YOU HAD SEEN THE SCHEDULE?

10 A ABOUT 2:00 THE PREVIOUS DAY BECAUSE I CHECKED IT TO
11 MAKE SURE WHAT TIME I CAME IN ON WEDNESDAY.

12 Q DO YOU ALL HAVE VARYING WORK SCHEDULES?

13 A YES, WE DO.

14 Q SO, THIS SCHEDULE IS MADE UP HOW OFTEN?

15 A IT'S MADE UP ON THE WEEKLY BASIS.

16 Q AND IT TELLS YOU, THEN, WHEN YOU'LL BE WORKING THE
17 FOLLOWING WEEK?

18 A YES.

19 Q WHO MAKES THAT SCHEDULE UP?

20 A DELI/BAKERY MANAGER.

21 Q WHO WAS THAT AT THE TIME?

22 A TINA SMITH.

23 Q AFTER MANDY ARRIVED THAT MORNING AT 8:15 OR SO, HOW
24 MANY EMPLOYEES WERE THERE IN THE DELI/BAKERY DEPARTMENT?

25 A THERE WAS FOUR TO FIVE, I'M NOT ABSOLUTELY SURE.

1 Q AND YOUR JOB WAS BAKER. WHAT DO THE OTHER PEOPLE DO?

2 A HAD ONE IN THE DELI, I HAD A CAKE DECORATOR, AND ONE
3 THAT HELPS ON THE DELI SIDE.

4 Q AND WHAT WAS MANDY'S ROLE?

5 A HER ROLE WAS HELPING ME IN DELI/BAKERY THAT DAY.

6 Q LET ME SHOW YOU THIS DIAGRAM AND ASK IF YOU'RE
7 FAMILIAR WITH THAT.

8 A YES, I AM.

9 Q AND YOU AND I HAVE LOOKED AT THAT?

10 A YES, WE HAVE.

11 Q WHAT IS THAT DIAGRAM?

12 A THIS DIAGRAM IS REALLY OF THE WHOLE STORE, WITH THE
13 ARROWS POINTING TO THE DELI/BAKERY AREA.

14 THE COURT: ANY OBJECTION, MR. MAULDIN?

15 MR. MAULDIN: NO OBJECTION.

16 MR. ARIAIL: WE'D LIKE TO ADMIT IN EXHIBIT NUMBER 1.

17 THE COURT: STATE'S EXHIBIT NUMBER 1 ADMITTED WITHOUT
18 OBJECTION.

19 (WHEREUPON, STATE'S EXHIBIT NO. 1 WAS MARKED FOR AND
20 RECEIVED INTO EVIDENCE.)

21 Q LET ME SHOW YOU WHAT'S MARKED AS STATE'S EXHIBIT
22 NUMBER 1. GIVE THE GENERAL DESCRIPTION SO THE JURY WILL
23 UNDERSTAND THE INTERIOR OF THE STORE, WHERE THE
24 DELI/BAKERY IS, AND THAT SORT OF THING.

25 AND LET ME HAND YOU THIS POINTER SO YOU DON'T HAVE TO

1 GET DOWN. IF YOU JUST PRESS THIS THING RIGHT HERE THAT
2 SAYS LASER, RIGHT THERE, IT WILL MAKE A RED DOT UP THERE.
3 YOU CAN MOVE IT AROUND. OKAY. SHOW US WHERE THE FRONT
4 ENTRANCE IS.

5 A OKAY. YOUR FRONT ENTRANCE IS RIGHT HERE. YOU HAVE
6 TWO ENTRANCES, ONE COMES IN FROM EITHER SIDE OF THE STORE.
7 YOU HAVE AN ENTRANCE THAT COMES IN THIS WAY AND THIS WAY,
8 ALSO.

9 Q WHERE IS THE OFFICE, THE MANAGER'S OFFICE?

10 A THE CUSTOMER SERVICE CENTER IS RIGHT HERE.

11 Q WHAT ARE THOSE LONG LINES UP AND DOWN THE DIAGRAM?

12 A ARE WE TALKING HERE?

13 Q YES.

14 A THESE ARE THE ACTUAL AISLES THAT THE CUSTOMERS GO UP
15 AND DOWN TO GET THE GROCERIES.

16 Q AND WHERE IS THE DELI/BAKERY AREA?

17 A THE DELI/BAKERY AREA IS LOCATED IN THE LEFT BACK OF
18 THE STORE.

19 Q AND WHAT IS THAT AREA THAT'S OFF OF THE DELI/BAKERY
20 BEHIND THE LONG RUN IN THE BACK OF THE BUILDING?

21 A OKAY. YOU HAVE SOME SWINGING DOORS THAT GO RIGHT
22 THROUGH HERE. THE DELI-BAKERY OFFICE IS RIGHT HERE AND
23 ALL THIS AREA IN THROUGH HERE IS THE STOCK ROOM.

24 Q OKAY. LET ME SHOW YOU STATE'S EXHIBIT NO. 2, ASK YOU
25 IF YOU'VE LOOKED AT THAT AND HAVE WE GONE OVER IT AND ARE

1 YOU FAMILIAR WITH IT.

2 A YES, WE HAVE LOOKED AT IT AND I AM FAMILIAR WITH IT.

3 Q WHAT DOES THAT --

4 A A DIAGRAM OF THE WHOLE DELI/BAKERY AREA, INCLUDING
5 THE DELI/BAKERY OFFICE AREA.

6 MR. ARIAIL: YOUR HONOR, WE'D OFFER THAT STATE'S
7 EXHIBIT 2.

8 THE COURT: ANY OBJECTION, MR. MAULDIN?

9 MR. MAULDIN: NO OBJECTION.

10 THE COURT: STATE'S EXHIBIT NO. 2 ADMITTED WITHOUT
11 OBJECTION.

12 (WHEREUPON, A DIAGRAM OF THE DELI-BAKERY AREA IS
13 MARKED AS STATE'S EXHIBIT NO. 2 AND RECEIVED INTO
14 EVIDENCE.)

15 Q ALL RIGHT. STATE'S EXHIBIT NUMBER TWO IS A CLOSE-UP
16 VERSION OF THE DELI/BAKERY AREA THAT WE HAVE SEEN ON
17 STATE'S EXHIBIT NUMBER 1. IS THAT CORRECT?

18 A YES, IT IS.

19 Q NOW, TELL ME, IN RELATING TO THAT IF YOU WOULD, WHAT
20 ARE THE VARIOUS ASPECTS WE'RE LOOKING AT IN THERE? WHAT
21 ARE THOSE SQUARES AND RECTANGLES AND CIRCLES AND THAT SORT
22 OF STUFF?

23 A IF YOU COME THROUGH THIS DOOR, IT'S A SWINGING DOOR
24 RIGHT HERE. THIS RIGHT HERE WOULD BE YOUR CAKE DECORATING
25 TABLE. THIS TABLE RIGHT HERE CONTAINS THE SCALES FOR THE

1 BAKERY SIDE. THIS RIGHT HERE IS YOUR BAKING TABLE. THIS
2 IS YOUR OVEN, PROOFER AND RETARDER. THIS IS A SINK AREA.
3 THIS IS A TABLE FOR THE DELI SIDE, ANOTHER TABLE THAT THE
4 SLICERS SIT ON.

5 THIS IS A COOLER AREA. THIS IS A COOLER AREA. AND
6 THEN HERE IS THE SWINGING DOORS THAT CARRY YOU BACK INTO
7 THE DELI/BAKERY OFFICE AREA.

8 Q ALL RIGHT. NOW, WHEN YOU -- THAT MORNING WHERE WERE
9 YOU PRIMARILY LOCATED?

10 A I WAS PRIMARILY LOCATED RIGHT HERE AT THE BAKING
11 TABLE.

12 Q IN THAT AREA?

13 A IN THIS AREA.

14 Q DO YOU REMEMBER WHERE MANDY WAS OR GENERALLY WHAT
15 AREAS SHE WOULD HAVE BEEN WORKING ON?

16 A MANDY WOULD HAVE BEEN OVER IN THE IN DELI AREA
17 WORKING.

18 Q IN THAT AREA?

19 A YES.

20 Q I WANT TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S
21 EXHIBITS 3 THROUGH 9 AND ASK YOU IF YOU'RE FAMILIAR WITH
22 THESE AND IF THEY ACCURATELY REPRESENT THE DELI/BAKERY --
23 PHOTOGRAPHS OF THE DELI/BAKERY AREA.

24 A YES, I AM. AND THEY ARE THE DELI/BAKERY AREA.

25 MR. ARIAIL: YOUR HONOR, WE OFFER THESE.

1 THE COURT: ANY OBJECTION?

2 MR. MAULDIN: I NEED TO LOOK AT THEM, JUDGE.

3 (PAUSE.)

4 MR. MAULDIN: NO OBJECTION.

5 THE COURT: ALL RIGHT. THREE THROUGH NINE ADMITTED
6 WITHOUT OBJECTION.

7 (WHEREUPON, STATE'S EXHIBIT NO. 3 THROUGH 9 WAS
8 MARKED AND RECEIVED INTO EVIDENCE.)

9 Q ALL RIGHT. THE PURPOSE OF THIS IS TO WALK THE JURY
10 THROUGH THERE. SO, I WANT YOU TO TALK IN TERMS OF
11 EXPLAINING WHAT WE'RE LOOKING AT SO THE JURY CAN
12 UNDERSTAND WHAT WE'RE DOING.

13 IF YOU WOULD TELL US WHAT THAT IS, STATE'S EXHIBIT
14 NO. 3, THE PHOTOGRAPH.

15 A THIS RIGHT HERE IS THE SWINGING DOOR THAT GOES INTO
16 THE BAKERY SIDE. THIS IS YOUR BREAD WALL HERE. WALK DOWN
17 THE CASE, THIS IS A HOT BAR WHERE WE SERVE THE HOT DINNERS
18 AND THEN THE REGISTER AND THE COUNTER CURVES BACK TO THE
19 LEFT.

20 Q WHERE WOULD YOU BE, IN GENERAL?

21 A IN GENERAL I'D BE BACK BEHIND HERE, IN BEHIND A
22 TABLE.

23 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S NUMBER
24 4. WOULD YOU TELL US WHAT THAT IS?

25 A THIS IS BASICALLY THE SAME PICTURE BUT A CLOSER LOOK

1 AT IT. THIS IS YOUR SWINGING DOOR, YOUR BREAD WALL, AND
2 YOU CAN ALSO SEE THE CAKE DECORATOR'S TABLE BACK HERE.

3 Q THAT'S SORT OF THE BEGINNING OF THE DELI/BAKERY AREA?

4 A THIS IS THE BEGINNING OF THE BAKERY SIDE.

5 Q ALL RIGHT. WE'LL GO TO STATE'S EXHIBIT NO. 5. IF
6 YOU WOULD, ORIENT US THERE WITH REGARD TO THE PREVIOUS
7 PHOTOGRAPH.

8 A AGAIN, HERE IS YOUR BREAD WALL, HOT BAR, REGISTER,
9 AND IT'S STARTING TO CURVE AROUND. I WOULD BE BACK IN
10 THIS AREA.

11 Q STATE'S EXHIBIT 6, WHAT IS THAT?

12 A OKAY, ON THIS ONE YOU GOT YOUR BREAD BAR, HOT BAR,
13 REGISTER. WE HAVE A HOT DOG WAGON SITTING THERE, AND THEN
14 WE'RE COMING INTO THE AREA RIGHT IN HERE, WHAT THEY
15 CONSIDER A SUB-BAR, WHERE THE SUBS ARE MADE, LOCATED.
16 SWINGING DOOR GOING TO THE DELI/BAKERY OFFICE IS HERE.
17 AND, AGAIN, I WOULD BE OVER IN THIS SECTION.

18 Q ALL RIGHT. BACK ON STATE'S EXHIBIT NO. 7, TO THE
19 SWINGING DOOR YOU WERE TALKING ABOUT IN THE DELI/BAKERY,
20 GOING TO THE DELI/BAKERY OFFICE, POINT THAT OUT FOR US.

21 A THAT WOULD BE RIGHT HERE.

22 Q AND WHERE ARE YOU LOCATED IN REGARD TO THIS PICTURE?

23 A I WOULD BE OVER BACK IN THIS AREA, BECAUSE YOU --
24 RIGHT HERE ON THE RIGHT-HAND SIDE WOULD BE THE BAKERY
25 AREA. I WOULD BE WORKING BEHIND THE TABLE ON THE BAKERY

1 SIDE.

2 Q LOOKING AT STATE'S EXHIBIT NO. 8, WHAT DIRECTION IS
3 THAT LOOKING FROM, AND HOW IS IT RELATED TO THE OTHER
4 PHOTOGRAPHS?

5 A THIS AREA, THE PHOTOGRAPH IS LOOKING ACROSS THE
6 STORE, RATHER THAN FRONT TO BACK LIKE THE PREVIOUS
7 PICTURES. THIS IS FROM THE LEFT-HAND SIDE TO THE
8 RIGHT-HAND SIDE OF THE STORE.

9 Q WHERE WOULD YOU HAVE BEEN STANDING IF YOU WOULD HAVE
10 BEEN IN THAT PHOTOGRAPH?

11 A I WOULD HAVE BEEN STANDING RIGHT BACK THERE AT THE
12 TABLE.

13 Q SO, INSTEAD OF LOOKING FROM THE RIGHT-HAND SIDE, THIS
14 IS LOOKING FROM LEFT TO RIGHT?

15 A THAT'S CORRECT.

16 Q USING THAT PARTICULAR PHOTOGRAPH, I WANT TO DIRECT
17 YOUR ATTENTION TO ABOUT 10 A.M. IN THE MORNING ON
18 SEPTEMBER THE 3RD AND ASK YOU IF ANYTHING UNUSUAL CAUGHT
19 YOUR ATTENTION THAT MORNING.

20 A YES, IT DID.

21 Q WHAT CAUGHT YOUR ATTENTION?

22 A I LOOKED UP FROM THE BAKING TABLE AND I OBSERVED A
23 YOUNG BLACK MALE.

24 Q LET ME GET YOU TO BACK UP FROM THAT MIC JUST A
25 LITTLE. IT'S KIND OF MUFFLING. THERE YOU GO.

1 A I OBSERVED A YOUNG BLACK MALE WEARING A CAMOUFLAGE
2 JACKET AND A BLACK HAT CARRYING A SHOTGUN OR RIFLE. THE
3 ONLY THING I SAW WAS THE BUTT OF THE GUN AT THAT POINT.

4 Q WHERE WAS THIS PERSON WHEN YOU FIRST SAW HIM?

5 A LET ME DIRECT YOUR ATTENTION TO RIGHT ALONG IN HERE.
6 THIS IS A PIECE OF GLASS THAT STICKS OUT 4 TO 6 INCHES. I
7 AM BACK IN HERE. AND THE WAY I CAN TELL OR SEE CUSTOMERS
8 IN THE DELI CASE, WOULD BE RIGHT IN HERE, IS TO LOOK
9 THROUGH THIS PIECE OF GLASS; AND I CAN SEE THEM STANDING
10 RIGHT ALONG IN HERE WAITING TO BE SERVED. I OBSERVED HIM
11 RIGHT ALONG AT THIS POINT, RIGHT HERE, WALKING TOWARD THIS
12 WAY.

13 Q OKAY. I'M GOING TO TAKE YOU BACK TO STATE'S EXHIBIT
14 NO. 2 AND ASK YOU TO SHOW US ON THAT DIAGRAM WHERE YOU
15 FIRST -- WHERE YOU WOULD HAVE BEEN LOCATED WHEN YOU FIRST
16 SAW THIS INDIVIDUAL.

17 A HE WOULD HAVE BEEN LOCATED RIGHT ALONG IN HERE
18 SOMEWHERE.

19 Q AND YOU WOULD HAVE BEEN LOCATED WHERE?

20 A I WOULD HAVE BEEN LOCATED RIGHT IN HERE.

21 Q HOW FAR DID YOU WATCH HIM WALK, THIS INDIVIDUAL?

22 A FROM THE TIME I FIRST SAW THE BUTT OF THE GUN, I
23 NEVER TOOK MY EYES OFF OF HIM. HE WALKED AROUND THE
24 COUNTER, DOWN THIS WAY, THROUGH THE SWINGING DOOR, AND UP
25 IN FRONT OF THE TABLES.

1 Q OKAY. AND TELL US OR DESCRIBE HIS PACE OF WALK. HOW
2 WAS HE WALKING?

3 A A NORMAL PACE.

4 Q AND YOU HAD ALREADY OBSERVED THE WEAPON?

5 A YES, I HAD.

6 Q COULD YOU CONTINUE TO OBSERVE THE WEAPON AS HE CAME
7 FORWARD? DID HE STILL HAVE IT?

8 A YES, HE DID.

9 Q NOW, WHERE, IF YOU KNOW -- WAS MANDY ANYWHERE IN THE
10 DELI/BAKERY AREA WHEN YOU SAW THIS INDIVIDUAL?

11 A NOT THAT I SAW.

12 Q ALL RIGHT. WHEN THE INDIVIDUAL CAME THROUGH THE
13 DELI/BAKERY AND ENTERED AND CAME UP BY YOUR TABLE, WHERE
14 DID HE WALK IN RELATION TO YOU?

15 A COME THROUGH THE DOORS. HE WALKED STRAIGHT UP
16 THROUGH HERE, RIGHT UP IN FRONT OF THE TABLE. BY THAT
17 TIME I HAD MOVED FROM HERE AROUND THE TABLE TO THIS
18 CORNER.

19 Q FOR WHAT PURPOSE? WHY DID YOU MOVE AROUND THERE?

20 A I SAW THE GUN. I SAW HE WAS IN DELI/BAKERY.

21 Q IS THIS NOT AN AREA WHERE CUSTOMERS ARE NORMALLY
22 LOCATED?

23 A THAT'S TRUE. THAT'S TRUE. THESE ARE EMPLOYEES ONLY.

24 Q WAS IT YOUR PLAN TO ACCOST HIM OR STAND IN HIS WAY
25 OR --

1 MR. MAULDIN: I BELIEVE, SOLICITOR --

2 THE COURT: WHAT IS YOUR LEGAL OBJECTION?

3 MR. MAULDIN: LEADING.

4 THE COURT: DON'T LEAD. REPHRASE THE QUESTION.

5 Q WHAT WAS YOUR PURPOSE IN WALKING AROUND THERE?

6 A I SAW THAT HE WAS, HAD A GUN. HE WAS IN AN AREA HE
7 WAS NOT SUPPOSED TO BE IN. HE HAD ME IF HE WANTED ME. HE
8 COULD HAVE SHOT ME AT ANY TIME.

9 Q DID YOU SAY ANYTHING TO HIM?

10 A YES, I DID.

11 Q WHAT DID YOU SAY TO HIM?

12 A WHEN HE GOT CLOSE TO THE END OF THE TABLE, I STEPPED
13 OUT IN FRONT OF HIM AND LOOKED HIM SQUARE IN THE EYE AND
14 SAID, "HOW ARE YOU DOING TODAY?"

15 Q DID HE RESPOND TO YOUR STATEMENT, "HOW ARE YOU DOING
16 TODAY?"

17 A NOT VERBALLY.

18 Q HOW DID HE RESPOND? IN ANY WAY?

19 A HE RESPONDED BY PUTTING HIS RIGHT HAND UP TO HIS LIPS
20 AND DID THIS. (INDICATES. AND IN THE SAME MOTION BROUGHT
21 THE SHOTGUN UP TO MY FACE.

22 Q WHEN YOU SAY, "DID THIS," WHAT IS THIS? COULD YOU
23 DESCRIBE THAT FOR US?

24 A JUST MOVING YOUR FINGERS AGAINST YOUR MOUTH. I TOOK
25 IT TO MEAN BE QUIET.

1 Q WHEN YOU SAY HE RAISED THE SHOTGUN UP TOWARDS YOUR
2 FACE, HOW CLOSE ARE WE TALKING ABOUT?

3 A HE WAS WITHIN 4 TO 6 INCHES OF MY FACE WITH THE
4 BARREL OF THE SHOTGUN.

5 Q AS A RESULT OF THAT, WHAT DID YOU DO?

6 A I, THERE AGAIN, I NEVER TOOK MY EYES OFF OF HIM. I
7 LOOKED HIM STRAIGHT IN THE EYE THE WHOLE TIME AND I JUST
8 KIND OF STEPPED BACK AND TO THE SIDE AT THE SAME TIME.

9 Q WHEN YOU SAY BACK, SHOW US ON THE DIAGRAM. BACK AND
10 TO THE SIDE?

11 A AGAIN, WE WERE RIGHT IN HERE. AND WHEN I STEPPED
12 BACK AND TO THE SIDE, I KIND OF STEPPED BACK BEHIND THE
13 TABLE AND TO THE SIDE.

14 Q AND WHERE -- WERE YOU ABLE TO OBSERVE WHERE HE WENT?

15 A YES, I WAS.

16 Q WHERE DID HE GO?

17 A HE CONTINUED TO WALK TOWARD THE OFFICE DOOR AND RIGHT
18 -- THE SWINGING DOORS GOING TO THE OFFICE AND RIGHT BEFORE
19 HE WENT THROUGH THE SWINGING DOORS, HE LOWERED THE BARREL
20 OF THE SHOTGUN AGAIN.

21 Q WHEN YOU SAY LOWERED, WHAT DO YOU MEAN?

22 A LOWERED IT BACK DOWN BY HIS SIDE, TO WHERE IT WAS
23 PARALLEL WITH HIS LEG. (INDICATES.)

24 Q YOU DEMONSTRATING LIKE THIS?

25 A YES.

1 Q AND WHEN HE HAD BEEN WITH YOU, IT WAS UP?

2 A YES.

3 Q YOU'VE ALREADY TOLD US IN THE BACK THROUGH THOSE
4 DOORS IS THE OFFICE AREA. WHAT ELSE IS BACK THERE?

5 A YOU HAVE THE OFFICE AREA IN THIS AREA, PLUS THIS IS
6 WHERE WE KEEP OUR BACK STOCK, A STOCK ROOM FOR THE
7 GROCERIES AND ALL.

8 Q AT THAT TIME WHAT DID YOU DO?

9 A I STOOD THERE FOR A FEW SECONDS AND I LOOKED TO MY
10 RIGHT. I KNEW I HAD ONE LADY THAT WAS OVER THERE. I
11 MOUTHED THE WORDS, "GET OUT."

12 SHE TURNED AND PROCEEDED TO GO. SHE WAS STANDING IN
13 BETWEEN THESE TWO TABLES. SHE TURNED AND WENT THIS WAY,
14 TOWARDS ANOTHER DOOR, A SWINGING DOOR TO COME INTO THE
15 DELI AREA. I ASSUMED SHE WAS GOING OUT THAT DOOR.

16 I THEN PROCEEDED TO WALK DOWN THROUGH HERE AND THE
17 CAKE DECORATOR MET ME AT THE CORNER OF THE TABLE. AT THAT
18 POINT I JUST CONTINUED WALKING. BUT AT THE SAME TIME I
19 WAS TELLING HER, "THERE'S A MAN BACK HERE WITH A GUN, GET
20 OUT."

21 SHE FOLLOWED ME, I PROCEEDED THROUGH THE DOOR, DOWN
22 THE FIRST AISLE. AT THAT POINT, WHEN I GOT TO --

23 Q LET ME CHANGE THE DIAGRAM FOR YOU. BACK TO STATE'S
24 EXHIBIT NUMBER 1.

25 A I CAME DOWN THROUGH PRODUCE. AS I WAS COMING DOWN

1 THROUGH PRODUCE, ANYBODY I ENCOUNTERED, I WAS TELLING THEM
2 TO GET OUT. (CRYING.)

3 THE COURT: SOLICITOR, WE BEEN GOING ABOUT AN HOUR
4 AND 45 MINUTES. I KNOW THE JURY HAS JUST BEEN IN ABOUT AN
5 HOUR. WE'RE GOING TO TAKE A SHORT BREAK AT THIS TIME.

6 LEAVE YOUR NOTEPADS IN YOUR CHAIRS. DON'T DISCUSS
7 THE CASE AMONG YOURSELVES. IF YOU NEED TO TAKE A SMOKE
8 BREAK OR NEED ANYTHING, LET THE BAILIFF KNOW.

9 MRS. REID, YOU MAY STEP DOWN. IF YOU NEED SOMETHING,
10 LET THE BAILIFFS GET IT FOR YOU. DURING THE BREAK DON'T
11 DISCUSS THE TESTIMONY WITH ANYONE. JUST SORT OF RELAX AND
12 GET YOUR COMPOSURE. OKAY? ALL RIGHT. WE'LL TAKE ABOUT A
13 10- OR 15-MINUTE BREAK.

14 (WHEREUPON, A RECESS WAS TAKEN.)

15 SOLICITOR, YOU MAY PROCEED.

16 BY MR. ARIAIL:

17 Q WE WERE JUST TO THE POINT YOU WERE TALKING ABOUT YOU
18 WERE LEAVING, GOING THROUGH PRODUCE AND GOING THROUGH TO
19 THE FRONT OF THE STORE. HOW MANY PEOPLE DID YOU ENCOUNTER
20 FROM THE TIME YOU LEFT THE BAKE TABLE UNTIL YOU GOT TO THE
21 FRONT OFFICE?

22 A I'D ESTIMATE BETWEEN 15 AND 20.

23 Q WHAT DID YOU DO WITH ALL THOSE 15 OR 20 PEOPLE?

24 A I WAS TELLING THEM TO GET OUT.

25 Q AND AS YOU WENT ALONG, WHERE DID YOU ULTIMATELY END

1 UP INSIDE THE STORE?

2 A IN WHAT THEY CONSIDER THE CASH OFFICE, WHICH IS RIGHT
3 ADJACENT TO THE CUSTOMER SERVICE CENTER.

4 Q RIGHT UP FRONT WHERE YOU SHOWED TO US BEFORE?

5 A RIGHT.

6 Q AT THAT POINT IN TIME, WHAT WAS YOUR EMOTIONAL
7 CONDITION?

8 A I COULD FEEL MYSELF STARTING TO LOSE IT.

9 Q BY LOSE IT, WHAT DOES THAT MEAN?

10 A CRY.

11 Q WERE YOU ABLE TO CONVERSE AT THAT TIME OR COMMUNICATE
12 WITH PEOPLE?

13 A IN MY MIND I WAS. I WENT INTO THE OFFICE WHERE ONE
14 OF THE MANAGERS WAS AND TOLD HIM THERE WAS A GUY BACK IN
15 THE BAKERY WITH A GUN AND TO GET EVERYBODY OUT.

16 Q AND AS SOON AS YOU DID THAT, WHERE DID YOU GO?

17 A I WENT BACK TO THE DOOR, THE FRONT DOOR WHERE THE
18 CAKE DECORATOR LET ME OUT INTO THE STORE.

19 Q AND OUT INTO THE PARKING LOT?

20 A YES.

21 Q DID YOU SUBSEQUENTLY GO TO THE LAW ENFORCEMENT
22 CENTER?

23 A YES, SIR, I DID.

24 Q WHAT WAS YOUR PURPOSE OF GOING THERE?

25 A TO GIVE A STATEMENT.

1 Q AND DID YOU A GIVE A STATEMENT TO THE LAW ENFORCEMENT
2 CENTER?

3 A YES, SIR.

4 THE COURT: MR. MAULDIN, YOU HAVE ANY QUESTIONS?

5 MR. MAULDIN: YES, SIR.

6 CROSS EXAMINATION

7 BY MR. MAULDIN:

8 Q MS. REID, I'VE ONLY GOT JUST A COUPLE OF QUESTIONS
9 FOR YOU. THE PROSECUTOR SAID THAT YOU OR ASKED YOU ABOUT
10 GOING DOWN TO THE LAW ENFORCEMENT CENTER AND GIVING YOUR
11 INFORMATION TO THE LAW ENFORCEMENT?

12 A THAT'S RIGHT.

13 Q AND YOU DID THAT THAT DAY?

14 A YES, I DID.

15 Q NOW, I WANT TO ASK YOU IF, AND -- AND IF I UNDERSTAND
16 YOUR TESTIMONY, YOU HAD KNOWN MANDY TWO OR THREE MONTHS
17 AFTER SHE HAD TRANSFERRED TO THE EAST NORTH STORE?

18 A THAT'S CORRECT. I DID NOT KNOW HER PREVIOUS.

19 Q AND YOU HAD KNOWN HER A GOOD TIME AT THE EAST NORTH
20 STORE?

21 A THAT'S CORRECT.

22 Q SO, SHE CAME IN AS A TRANSFER AFTER YOU WERE ALREADY
23 THERE?

24 A RIGHT.

25 Q AND YOU GOT TO KNOW HER, YOU WORKING IN THE BAKERY,

1 HER WORKING IN THE IN DELI?

2 A RIGHT. SHE ALSO WORKED BAKERY AT TIMES.

3 Q YOU HAD KNOWN HER TWO OR THREE MONTHS THEN?

4 A THAT'S RIGHT.

5 Q AND YOU AND MANDY, DURING THAT PERIOD OF TIME, HAD
6 BECOME PRETTY GOOD TALKING FRIENDS; IS THAT RIGHT?

7 A THAT'S CORRECT.

8 Q NOW, DEBBIE, DO YOU REMEMBER A COUPLE OF WEEKS AGO
9 COMING TO THE COURTHOUSE AND SITTING DOWN AND TALKING TO
10 ME ABOUT THIS CASE?

11 A YES, I DO.

12 Q AND WE WERE IN THE PRESENCE OF THE BI-LO LAWYER AND
13 ME AND YOU AND ONE OF THE INTERNS IN MY OFFICE, RIGHT?

14 A THAT'S CORRECT.

15 Q NOW, AT THAT TIME, DURING THAT CONVERSATION I HAD
16 WITH YOU A COUPLE OF WEEKS AGO, I ASKED YOU IF YOU HAD HAD
17 CONVERSATIONS WITH MANDY WILLIAMS DURING THE TIME YOU HAD
18 KNOWN HER?

19 A THAT'S CORRECT.

20 Q AND YOU TOLD ME THAT YOU HAD HAD WITH MANDY
21 CONVERSATIONS THAT INVOLVED PERSONAL AND PRIVATE MATTERS?

22 A THAT'S CORRECT.

23 Q AND YOU TOLD ME AT THAT TIME YOU HAD PROMISED HER AT
24 THE TIME YOU HAD THOSE CONVERSATIONS THAT YOU WOULD NEVER
25 REPEAT THEM, NEVER GIVE UP YOUR WORD WITH REGARD TO YOU

1 TELLING HER YOU WOULDN'T TELL ANYBODY?

2 A THAT'S CORRECT.

3 Q AND YOU HAVE KEPT YOUR WORD, HAVE YOU NOT?

4 A THAT'S RIGHT.

5 Q BECAUSE YOUR WORD IS IMPORTANT TO YOU. THAT'S WHAT
6 YOU TOLD MANDY, ISN'T IT?

7 A THAT'S RIGHT.

8 THE COURT: ANY OTHER REDIRECT?

9 MR. ARIAIL: NONE.

10 THE COURT: ANY OBJECTION TO MS. REID BEING EXCUSED,
11 MR. MAULDIN?

12 MR. MAULDIN: NO OBJECTION, YOUR HONOR.

13 THE COURT: MS. REID, YOU'RE WELCOME TO STAY, BUT
14 YOU'RE WELCOME TO LEAVE, ALSO.

15 CALL YOUR NEXT WITNESS.

16 MR. ARIAIL: TINA SMITH.

17 TINA SMITH, AFTER BEING DULY SWORN,
18 TESTIFIED AS FOLLOWS:

19 DIRECT EXAMINATION

20 BY MR. ARIAIL:

21 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE.

22 THE WITNESS: TINA SMITH.

23 Q WILL YOU STATE YOUR NAME FOR THE RECORD, PLEASE?

24 A TINA SMITH.

25 Q AND, MISS SMITH, IF YOU WOULD KEEP YOUR VOICE UP SO

1 THESE LAST TWO JURORS DOWN HERE CAN HEAR YOU.

2 A OKAY.

3 Q TRY IT AGAIN.

4 A TINA SMITH.

5 Q THAT'S GOOD. BY WHOM ARE YOU EMPLOYED?

6 A INGLES MARKETS.

7 Q AND I WANT TO DIRECT YOUR ATTENTION BACK TO SEPTEMBER
8 3, 2003, AND ASK YOU IF YOU WERE EMPLOYED BY BI-LO AT THAT
9 TIME?

10 A YES, I WAS.

11 Q AND WHAT WAS YOUR POSITION ON THAT DATE?

12 A DELI-BAKERY MANAGER.

13 Q AND WHICH STORE WERE YOU THE DELI/BAKERY MANAGER?

14 A BI-LO 195.

15 Q THAT'S LOCATED WHERE?

16 A EAST NORTH STREET.

17 Q WHAT'S YOUR PRESENT EMPLOYMENT POSITION WITH INGLES?

18 A I'M A DELI SPECIALIST. I HAVE 21 STORES.

19 Q WHEN YOU SAY YOU HAVE 21 STORES, THAT MEANS YOU
20 SUPERVISE THE DELIS IN 21 STORES FOR INGLES?

21 A YES.

22 Q AT THE TIME YOU WORKED AT THE BI-LO ON EAST NORTH
23 STREET, WHAT WAS YOUR EMPLOYMENT POSITION ON SEPTEMBER THE
24 3RD?

25 A I WAS DELI/BAKERY MANAGER.

1 Q DID YOU KNOW MARANDA WILLIAMS IN THAT CAPACITY?

2 A YES.

3 Q HOW DID YOU KNOW HER?

4 A I HAD HIRED HER.

5 Q AND HOW LONG HAD YOU KNOWN HER AND WHAT WAS THE
6 CIRCUMSTANCES OF YOU HIRING HER?

7 A I HAD KNOWN HER -- I HIRED HER, I BELIEVE, AROUND
8 2002 AT THE PREVIOUS STORE.

9 Q WHICH STORE WAS THAT?

10 A THE WOODRUFF ROAD STORE, BI-LO.

11 Q AND AGAIN, DID YOU LEAVE THE WOODRUFF ROAD STORE?

12 A I DID.

13 Q AND WENT TO THE EAST NORTH?

14 A YES.

15 Q WHEN DID MARANDA COME OR MANDY COME TO THE EAST NORTH
16 STORE?

17 A I WENT IN JUNE AND I BELIEVE IT WAS AROUND SOMETIME
18 IN JULY SHE CAME TO THAT STORE.

19 Q OF 2003?

20 A YES.

21 Q SOME THREE OR SO MONTHS BEFORE SEPTEMBER THE THIRD,
22 THIS EVENT?

23 A RIGHT.

24 Q WHAT DEPARTMENT DID SHE WORK IN, MANDY?

25 A DELI/BAKERY.

1 Q NOW, I WANT TO PUT UP -- WE'VE ALREADY LOOKED AT THIS
2 A LITTLE BIT. BUT SINCE YOU'RE THE DELI-BAKERY MANAGER,
3 IF YOU WOULD TAKE A LOOK AT WHAT'S BEEN MARKED AS STATE'S
4 EXHIBIT NO. 2; AND IF YOU WOULD, POINT OUT TO US YOUR
5 OFFICE, THE DELI/BAKERY MANAGEMENT OFFICE.

6 A WITH THIS?

7 Q IT HAS A LITTLE THING ON THERE THAT SAYS "LASER,"
8 WILL PUT A RED DOT UP HERE.

9 A RIGHT IN HERE. SORRY, I'M SHAKING.

10 Q I'M SORRY, YOU NEED TO SPEAK UP.

11 A I'M SHAKING, BUT THIS IS THE OFFICE AREA HERE. RIGHT
12 THERE IS THE OFFICE AREA.

13 Q AND BEFORE WE GO ANY FURTHER ON THAT PARTICULAR DAY,
14 TELL ME WHAT KIND OF EMPLOYEE MANDY HAD BEEN UP UNTIL THAT
15 POINT.

16 A VERY GOOD. VERY DEPENDABLE, VERY SMART.

17 Q DID SHE GET ALONG WITH CUSTOMERS?

18 A WONDERFUL. SHE WAS GREAT WITH CUSTOMERS.

19 Q HOW ABOUT OTHER EMPLOYEES?

20 A WONDERFUL. THEY ALL LOVED HER.

21 Q DID YOU KNOW THE DEFENDANT, MR. WILLIAMS?

22 A YES.

23 Q HOW DID YOU KNOW HIM?

24 A I HAD WORKED AT THE WOODRUFF ROAD STORE ALSO WITH
25 HIM.

1 Q AT THE WOODRUFF ROAD STORE?

2 A YES. NOT IN THE SAME DEPARTMENT.

3 Q WERE YOU AWARE MR. WILLIAMS AND MANDY HAD A DATING
4 RELATIONSHIP AT SOME POINT?

5 A YES.

6 Q I WANTED TO GO BACK TO SEPTEMBER 3RD AND ASK WHAT
7 TIME YOU CAME TO WORK.

8 A AROUND AT 8:15.

9 Q AND WAS MANDY THERE OR DID YOU SEE HER THAT MORNING?

10 A I DID SEE HER. I HAVE OFFICE WORK I HAVE TO DO
11 BEFORE I GO BACK TO THE DEPARTMENT, WHICH I WAS DOING.
12 WHEN I GOT BACK TO THE DELI, SHE WAS THERE.

13 Q WHEN YOU SAY OFFICE WORK, WHERE DO YOU DO THAT OFFICE
14 WORK?

15 A IN THE FRONT OF THE STORE. I HAVE TO PULL THE SALES
16 AND THAT KIND OF INFORMATION, INVOICES FROM A TRUCK, THAT
17 KIND OF THING.

18 Q WHAT TIME DO YOU RECOLLECT THAT YOU WENT BACK TO THE
19 DELI/BAKERY AREA?

20 A ABOUT 8:25 OR SO.

21 Q AND WAS MANDY THERE?

22 A YES.

23 Q HAD YOU MADE ANY SPECIAL PLANS IN REGARD TO WHAT YOU
24 WERE GOING TO DO WITH MANDY THAT DAY?

25 A YEAH. I WAS GOING TO TRAIN HER TO BE A MANAGER ON MY

1 OWN. SHE WAS REALLY SMART AND WAS CATCHING ON REALLY
2 WELL. THAT IS A DAY THAT WE GET TRUCKS AND CHANGE OVER
3 ADS AND I WAS GOING TO SHOW HER HOW TO DO THAT.

4 Q WHEN YOU ARRIVED IN THE DELI/BAKERY OFFICE THAT YOU
5 POINTED OUT, DID YOU NOTICE ANYTHING UNUSUAL?

6 A YES.

7 Q WHAT DID YOU NOTICE THAT WAS UNUSUAL?

8 A MY SCHEDULE WAS MISSING.

9 Q AND DO YOU MAKE OUT THE SCHEDULE?

10 A I DO.

11 Q AND HOW OFTEN DO YOU MAKE IT OUT?

12 A WEEKLY.

13 Q WHEN IS THE LAST TIME YOU HAD SEEN IT?

14 A THE DAY BEFORE.

15 Q THE DAY BEFORE, SEPTEMBER 2ND? LET ME SHOW YOU THIS
16 DOCUMENT HERE, WHICH HAS BEEN PREMARKED STATE'S EXHIBIT
17 75, AND ASK YOU IF YOU CAN IDENTIFY THAT.

18 A YES. THAT'S MY WORK SCHEDULE.

19 Q IS THAT THE WORK SCHEDULED FOR THE WEEK COVERING
20 SEPTEMBER 3, 2003?

21 A YES, STARTING ON SUNDAY.

22 Q IS THAT THE SCHEDULE YOU PREVIOUSLY REFERRED TO AS
23 MISSING?

24 A YES, IT IS.

25 MR. ARIAIL: YOUR HONOR, WE HAVE NO OBJECTION TO THIS

1 BEING MARKED FOR IDENTIFICATION AT THIS POINT.

2 THE COURT: YOU OFFERING IT IN EVIDENCE?

3 MR. ARIAIL: I WAS. THIS WITNESS IS CERTAINLY
4 CAPABLE OF SAYING THIS IS HER SCHEDULE.

5 THE COURT: DO YOU WANT TO OFFER IT?

6 MR. ARIAIL: YES.

7 THE COURT: WHAT IT IS YOUR LEGAL OBJECTION?

8 MR. MAULDIN: MAY I COME AROUND, YOUR HONOR?

9 THE COURT: YES.

10 (WHEREUPON, A BENCH CONFERENCE IS HELD WITHIN THE
11 PRESENCE BUT OUTSIDE THE HEARING OF THE JURY.)

12 MR. MAULDIN: WE WITHDRAW ANY, HE CAN ENTER IT AS AN
13 EXHIBIT AT THIS POINT.

14 THE COURT: STATE'S EXHIBIT NO. 10, ADMITTED WITHOUT
15 OBJECTION -- SEVENTY-FIVE, ALL RIGHT. STATE'S EXHIBIT 10
16 ADMITTED WITHOUT OBJECTION. YOU HAVE IT MARKED TWO
17 DIFFERENT PLACES, 10 AND 75.

18 (WHEREUPON, THE WORK SCHEDULE MARKED AS STATE'S
19 EXHIBIT NUMBER 10 IS RECEIVED INTO EVIDENCE.)

20 BY MR. ARIAIL:

21 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
22 NO. 10. THAT'S THE WORK SCHEDULE YOU PREVIOUSLY TESTIFIED
23 ABOUT AS BEING COMPLETED OR FILLED OUT BY YOU?

24 A YES, IT IS.

25 Q DOES THAT REFLECT ON THIS -- LET ME BACK UP. DO THE

1 SAME PEOPLE WORK THE SAME SCHEDULE ALL THE TIME, OR DO
2 THEY VARY?

3 A IT VARIES.

4 Q AND IT DEPENDS ON WHAT?

5 A WHAT WE NEED IN THE DEPARTMENT, THE BUSINESS, IF THEY
6 WANT TIME OFF, THAT KIND OF STUFF.

7 Q DOES THIS PARTICULAR SCHEDULE DETAIL WHEN MANDY
8 WILLIAMS WAS TO WORK?

9 A YES, IT DOES.

10 Q COULD YOU POINT THAT OUT TO US ON THE SCHEDULE?

11 A THERE'S MANDY'S NAME. THIS WOULD BE SUNDAY'S
12 SCHEDULE. MONDAY, TUESDAY, WEDNESDAY, THURSDAY, AND THEN
13 FRIDAY AND SATURDAY SHE WAS OFF.

14 Q ALL RIGHT. AND SO, ON SUNDAY SHE WORKS NINE TO SIX.
15 AND INTERPRET THAT FOR ME. NINE TO SIX, WHAT IS THE NEXT
16 ONE?

17 A MONDAY WOULD HAVE BEEN THE SAME TIME.

18 Q ALL RIGHT.

19 A TUESDAY, 8 TO 4:30; WEDNESDAY, 8 TO 4:30; AND 11:30
20 TO 8 ON THURSDAY.

21 Q 11:30 TO 8.

22 A YES. WE HAVE TO WORK EVENING ALSO, THERE'S NO NINE
23 TO FIVE SHIFT ON A CONSISTENT BASIS.

24 Q GO BACK TO THE MORNING OF SEPTEMBER 3RD. AND I ASK
25 YOU, WHEN WAS THE LAST TIME THAT YOU SAW MANDY?

1 A I HAD WENT INTO THE BACK ROOM, WAS TOLD I DID NOT
2 RECEIVE A TRUCK THAT DAY, AND SHE RAN THROUGH THE BACK TO
3 ME TO TELL ME THAT CHRIS WAS IN THE STORE.

4 Q ALL RIGHT. LET ME SHOW YOU WHAT'S BEEN MARKED AS
5 STATE'S EXHIBIT NUMBER 1. CAN YOU POINT ON THERE WHERE
6 YOU WERE AND WHERE MANDY CAME THROUGH AND YOU HEARD HER
7 MAKE THIS STATEMENT?

8 A (WITNESS COMPLIES.) WE WENT THROUGH THESE DOORS. I
9 WENT THROUGH THESE DOORS FIRST AND GOT TO RIGHT HERE.
10 THESE DOORS ACTUALLY GO OUT INTO THE STORE AND I HAD NOT
11 GOT TO THOSE YET. AND SHE CAME THROUGH THOSE DOORS, ALSO,
12 TO ME.

13 Q AND WHERE DID YOU ALL -- DID YOU ALL COME TOGETHER OR
14 MEET OR?

15 A YES, SIR, ABOUT RIGHT HERE.

16 Q AT THAT TIME SHE TOLD YOU WHAT?

17 A "TINA, CHRIS IS IN THE STORE." SHE WAS VISIBLY
18 UPSET.

19 Q I'M SORRY?

20 A SHE WAS VISIBLY UPSET.

21 Q KEEP YOUR VOICE UP, PLEASE.

22 A AND I SAID, "MANDY, LET'S GO."

23 I WANTED TO TAKE HER OUT ANOTHER DOOR, GET HER OUT OF
24 THE STORE, BECAUSE I KNEW IF HE WERE IN THERE, IT WAS NOT
25 GOOD. AND SHE WENT BACK TO LOOK THROUGH THESE DOORS TO

1 SEE WHERE HE WAS. AND BEFORE SHE COULD GET BACK TO ME, HE
2 GRABBED HER.

3 Q ALL RIGHT. WHERE WERE THEY LOCATED WHEN HE GRABBED
4 HER?

5 A RIGHT IN FRONT OF ME. I WAS MAYBE HERE AND THEY WERE
6 HERE. (INDICATES.)

7 Q ALL RIGHT. AND WHEN YOU SAY HE GRABBED HER, HOW --
8 DESCRIBE THAT FOR US.

9 A JUST GOT HER AROUND THE ARM. IT WASN'T BY THE NECK
10 OR ANYTHING, JUST GOT HER BY THE ARM. SHE COULD NOT GO.

11 Q AND WHERE DID THEY GO? DID YOU SEE WHERE THEY WENT?

12 A NO. I SAW SOMETHING STICKING DOWN BY HIS SIDE, AN
13 OBJECT, LONG OBJECT. AND I TURNED TO RETURN TO THE MEAT
14 DEPARTMENT TO GET SOME MEN TO HELP HER BECAUSE I KNEW I
15 COULDN'T FIGHT HIM.

16 Q WHEN YOU SAW HIM, HOW WAS HE DRESSED? CHRIS?

17 A JEANS, CAMOUFLAGE SHIRT, AND A BLACK KNIT ON HIS
18 HEAD.

19 Q AND YOU SAY YOU SAW SOMETHING STICKING DOWN BESIDE
20 HIS SIDE. COULD YOU TELL WHAT IT WAS?

21 A NO, NOT THEN.

22 Q WHAT DID IT LOOK LIKE TO YOU?

23 A I THOUGHT IT WAS AN UMBRELLA.

24 Q DO YOU REMEMBER AT THAT MOMENT SEEING MANDY'S FACE OR
25 ANY EXPRESSION ON IT?

1 A I DO.

2 Q HOW DID YOU INTERPRET THAT EXPRESSION?

3 A SHE JUST LOOKED LIKE, "WELL, HE'S GOT ME." AND VERY
4 AFRAID.

5 Q WHEN YOU TURNED FROM THERE, YOU SAY YOU WENT TOWARDS
6 THE MEAT DEPARTMENT. WHERE DID YOU ACTUALLY GO? AND
7 POINT IT OUT ON THE DIAGRAM.

8 A DOWN THROUGH HERE.

9 Q UH-HUH.

10 A ONE OF THESE AREAS IS THE MEAT PREP AREA, AND THAT'S
11 WHERE I WENT.

12 Q AND WHO DID YOU COME IN CONTACT WITH, IF ANYONE?

13 A DON BORDERLON WAS WORKING IN THE MEAT DEPARTMENT THAT
14 DAY.

15 Q DID YOU HAVE COMMUNICATION WITH HIM?

16 A I DID. I COULDN'T REALLY GET ANYTHING OUT. I DID
17 MANAGE TO GET THE WORD "MANDY" OUT, AND HE REALIZED
18 SOMETHING WAS VERY WRONG AND RUN TO TRY TO HELP.

19 Q WHAT WAS YOUR EMOTIONAL CONDITION AT THAT TIME?

20 A I WAS NOT EVEN ABLE TO SPEAK. I WAS
21 HYPERVENTILATING. ACTUALLY TRIED TO GET ON -- THERE IS AN
22 INTERCOM IN THAT AREA, THE PREP AREA -- TRIED TO GET ON
23 THE INTERCOM AND TALK, COULDN'T GET ANYTHING OUT. UNABLE
24 TO TALK.

25 Q AFTER TELLING DON BORDELON OF THE PROBLEM, WHERE DID

1 YOU GO?

2 A TO THE FRONT OF THE STORE TO GET SOMEONE TO CALL 911,
3 WHICH IS AN OFFICE AREA, A CASH OFFICE, UP HERE. OF
4 COURSE, THEY WERE ALREADY ON THE PHONE CALLING 911.

5 Q DID YOU -- FOLLOWING LEAVING THE STORE, DID YOU
6 SUBSEQUENTLY GO TO THE LAW ENFORCEMENT CENTER DOWNTOWN?

7 A YES, I DID.

8 Q WHAT WAS YOUR PURPOSE IN GOING THERE?

9 A TO GIVE MY STATEMENT.

10 Q AND DID YOU GIVE A STATEMENT?

11 A I DID.

12 Q WHEN DID YOU LEARN OF THE END OF THIS EVENT AT THE
13 BI-LO STORE? WHERE WERE YOU?

14 A GIVING MY STATEMENT.

15 Q AND WHAT TRANSPIRED THAT LED YOU TO UNDERSTAND THIS
16 EVENT WAS OVER?

17 MR. MAULDIN: YOUR HONOR, I'M OBJECTING TO RELEVANCY
18 AT THIS POINT.

19 THE COURT: OVERRULED ON RELEVANCY. GO AHEAD.

20 A I WAS GIVING A, THE STATEMENT -- THERE IS A -- POLICE
21 STATEMENT. THERE WAS A SCANNER ON THE TABLE. I HEARD
22 THEM SAY, "SHOTS FIRED." AND I JUMPED UP FROM THE TABLE,
23 AND THE GUY I WAS GIVING MY STATEMENT TO CALMED ME DOWN.

24 Q DON'T GO INTO ANYTHING HE SAID.

25 A NO, HE DIDN'T. HE DIDN'T. IN A FEW, NOT LONG

1 AFTERWARDS THEY SAID THE SUSPECT WAS BEING BROUGHT IN, SO
2 I KNEW IT WAS VERY BAD.

3 Q ANSWER ANY QUESTIONS THAT MR. MAULDIN MAY HAVE,
4 MISS SMITH. THANK YOU.

5 THE COURT: MR. MAULDIN, YOU WANT THE SCREEN DOWN OR
6 UP?

7 MR. MAULDIN: YEAH, I'M NOT GOING TO NEED THE SCREEN.

8 **CROSS EXAMINATION**

9 BY MR. MAULDIN:

10 Q I JUST HAVE A COUPLE OF QUESTIONS FOR YOU,
11 MISS SMITH. IF I'M -- IF I UNDERSTAND CORRECTLY, YOU WERE
12 WORKING AT THE WOODRUFF ROAD BI-LO AT THE SAME TIME CHRIS
13 WAS WORKING AT THE WOODRUFF ROAD BI-LO?

14 A YES.

15 Q AND THIS WAS PRIOR TO MANDY BEING HIRED AT WOODRUFF
16 ROAD BI-LO?

17 A YES. HE WAS ALREADY WORKING THERE.

18 Q HE WAS WORKING THERE, SHE HAD NOT BEEN HIRED?

19 A RIGHT.

20 Q YOU THEN HIRED HER?

21 A YES.

22 Q SO, AT THAT MOMENT IN TIME ALL THREE OF YOU WERE
23 WORKING AT THE WOODRUFF BI-LO?

24 A RIGHT.

25 Q AND YOU, I BELIEVE, GAVE INFORMATION TO THE POLICE

1 THAT IT WAS AT THAT TIME THAT THE DATING RELATIONSHIP, THE
2 GOING-OUT RELATIONSHIP, BEGAN; AND YOU WERE AWARE OF THAT?

3 A I DON'T KNOW WHAT TIME IT BEGAN, BUT I WAS AWARE OF
4 IT.

5 Q YES. YOU WERE AWARE OF IT DURING THE TIME ALL THREE
6 OF YOU WERE WORKING AT THE WOODRUFF ROAD BI-LO?

7 A YES.

8 Q AND I BELIEVE YOU MENTIONED TO THE POLICE, THINGS GOT
9 VERY SERIOUS VERY FAST FOR BOTH OF THEM I BELIEVE WAS YOUR
10 STATEMENT?

11 A YES.

12 MR. MAULDIN: ALL RIGHT. NOTHING FURTHER, YOUR
13 HONOR.

14 THE COURT: ANY REDIRECT?

15 MR. ARIAIL: NOTHING, YOUR HONOR.

16 THE COURT: ALL RIGHT.

17 MR. ARIAIL: MAY SHE BE EXCUSED?

18 MR. MAULDIN: NO OBJECTION.

19 THE COURT: YOU MAY BE EXCUSED OR MAY STAY IF YOU
20 WISH. CALL YOUR NEXT WITNESS.

21 MR. ARIAIL: LESLEY KAVARAN.

22 LESLEY KAVARAN, AFTER BEING DULY
23 SWORN, TESTIFIED AS FOLLOWS:

24 **DIRECT EXAMINATION**

25 BY MR. ARIAIL:

1 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE.

2 THE WITNESS: LESLEY KAVARAN.

3 THE COURT: THANK YOU. BE SEATED, PLEASE.

4 Q HOW ARE YOU?

5 A NERVOUS.

6 Q YOU AND I HAVE MET ON SEVERAL OCCASIONS.

7 A (WITNESS NODS HEAD UP AND DOWN.)

8 Q YOU HAVE TO SPEAK UP.

9 A OKAY.

10 Q AND YOU'RE GOING TO HAVE TO SPEAK INTO THAT
11 MICROPHONE. AND WE GOT TO GET YOU TO SPEAK LOUD ENOUGH SO
12 THESE LAST TWO JURORS CAN HEAR. OKAY? ALL RIGHT?

13 A OKAY.

14 THE COURT: IF ANY OF THE JURORS CANNOT HEAR, PLEASE
15 RAISE YOUR HAND AND WE'LL ATTEMPT TO GET HER TO SPEAK UP.

16 MR. ARIAIL: I'LL BE HARDEST TO HEAR. I CAN TELL YOU
17 THAT.

18 THE COURT: I BELIEVE THAT. I UNDERSTAND.

19 MR. MAULDIN: I DON'T KNOW, I MIGHT BE WORSE THAN
20 HIM.

21 Q I WANT YOU TO ALSO TALK -- AS WE TALK ABOUT IT, TALK
22 SLOWLY. OKAY? STATE YOUR NAME FOR THE RECORD.

23 A LESLEY KAVARAN.

24 Q WE HAVE TO HAVE IT A LITTLE LOUDER. I WOULDN'T WORRY
25 ABOUT THE MIC, IT DOESN'T DO MUCH. YOU TRY TO MAKE ME

1 HEAR IT. OKAY, LESLEY?

2 A OKAY.

3 Q SAY IT AGAIN.

4 A LESLEY KAVARAN.

5 Q MS. KAVARAN, BY WHOM ARE YOU EMPLOYED?

6 A BI-LO.

7 Q HOW LONG HAVE YOU WORKED AT BI-LO?

8 A THIS MARCH WILL BE FIVE YEARS.

9 Q FIVE YEARS. WHICH BI-LO HAVE YOU WORKED FOR? THE
10 SAME BI-LO FOR THE WHOLE FIVE YEARS?

11 A NO.

12 Q WHICH BI-LO HAVE YOU WORKED IN MOST RECENTLY?

13 A BI-LO 195, NORTH HILLS.

14 Q AND THAT'S ON EAST NORTH STREET?

15 A CORRECT.

16 Q WERE YOU WORKING IN THAT BI-LO ON SEPTEMBER THE 3RD
17 OF 2003?

18 A YES, I WAS.

19 Q AND WHAT IS YOUR POSITION AT THE BI-LO ON EAST NORTH
20 STREET AND WHAT WAS YOUR POSITION ON SEPTEMBER THE 3RD
21 2003?

22 A I'M THE ASSISTANT BOOKKEEPER.

23 Q WHERE IS YOUR OFFICE LOCATED?

24 A IF YOU WALK IN AT THE FRONT OF THE STORE AND TAKE A
25 LEFT, AFTER YOU WALK IN THE SECOND DOOR, I AM ON THE RIGHT

1 NEXT TO THE SERVICE CENTER.

2 Q YOU'RE DROPPING OFF A LITTLE. SAY IT AGAIN.

3 A IF YOU WALK IN THE FRONT OF THE STORE, TAKE A LEFT,
4 YOU'LL SEE THE SERVICE CENTER. AND NEXT TO THAT IS MY
5 OFFICE.

6 Q SO, YOU'RE RIGHT OVER THERE BY THE FRONT DOOR?

7 A YES.

8 Q I WANT TO TAKE YOU BACK TO SEPTEMBER THE 3RD. DID
9 ANYTHING UNUSUAL HAPPEN ON THAT DAY? AND, IF SO, DESCRIBE
10 IT FOR US.

11 A YES, IT DID. RIGHT BEFORE 10:00 I WAS IN THE OFFICE
12 WITH MY MANAGER, D. J. HUGHES. WE WERE GETTING READY TO
13 SIGN THE MORNING PAPER, LIKE WE DO EVERY DAY, AND THE DOOR
14 THREW OPEN, DEBBIE REID WAS IN THE DOORWAY. SHE HAD
15 TEARS, SHE WAS TERRIFIED, PANICKED. SHE TRIED TO TALK TO
16 US AND WE COULDN'T GET ANYTHING OUT OF HER. FINALLY, SHE
17 BLURTED OUT THERE WAS A MAN IN THE BACK OF THE STORE WITH
18 A GUN.

19 Q AT THAT TIME WHAT DID YOU DO?

20 A AT THAT TIME D. J. SAID HE WAS GOING TO CALL 911 AND
21 I HAD TO EVACUATE THE STORE. SO, I LEFT THE OFFICE AND
22 EVACUATED HALF OF THE STORE.

23 Q AND THAT WAS YOUR JOB TO EVACUATE HALF OF THE STORE?

24 A YES.

25 Q WHAT HALF OF THE STORE DID YOU EVACUATE?

1 A RIGHT WHEN YOU WALK IN THE FRONT OF THE STORE,
2 THERE'S OUR U SCANS. I HAD THE LEFT SIDE OF THE U SCAN
3 ALL THE WAY BACK TO THE BACK OF THE STORE, AND BARBARA
4 CONNOLLY TOOK THE RIGHT SIDE ALL THE WAY BACK.

5 Q TOWARDS PRODUCE AND THE DELI?

6 A YES.

7 Q SO YOU WERE ON THE LEFT SIDE, AND SHE WAS ON THE
8 RIGHT?

9 A YES.

10 Q HOW MANY CUSTOMERS AND EMPLOYEES DO YOU BELIEVE YOU
11 CAME IN CONTACT WITH WHO WERE IN THE STORE AT THAT TIME?

12 A ABOUT ANYWHERE FROM ABOUT 25 TO 30 PEOPLE.

13 Q AND DID YOU ASSIST OR ENCOURAGE ALL OF THEM TO
14 EVACUATE?

15 A YES, I DID. I WENT UP TO THE ASSOCIATES AND I TOLD
16 THEM THEY NEEDED TO LEAVE AND GRAB ANY CUSTOMERS ON THE
17 WAY OUT.

18 Q AND DID THEY DO SO? AND DID THE CUSTOMERS AND
19 EMPLOYEES EVACUATE?

20 A YES, THEY DID.

21 Q HOW LONG DO YOU ESTIMATE THAT THAT TOOK?

22 A PROBABLY ABOUT FIVE, TEN MINUTES.

23 Q AND AFTER THAT, DID YOU LEAVE THE STORE?

24 A I DID LEAVE, BUT I TURNED AROUND TO GO BACK IN
25 BECAUSE I REMEMBER WE HAD ASSOCIATES ON BREAK UPSTAIRS IN

1 OUR BREAK ROOM.

2 Q ASSOCIATES MEANING OTHER EMPLOYEES?

3 A YES.

4 Q WHEN YOU SAY ON BREAK UPSTAIRS, WHERE WOULD THAT BE?

5 A IF YOU GO UPSTAIRS AND WALK STRAIGHT, THERE'S TABLES,
6 A TV, A VENDING MACHINE. THAT'S WHERE THEY WERE.

7 Q AND DID YOU GO UPSTAIRS TO ADVISE THESE EMPLOYEES
8 ABOUT WHAT WAS GOING ON?

9 A NO, I DID NOT.

10 Q DO YOU KNOW WHO DID?

11 A WHEN I WENT BACK IN, THERE WAS AN OFFICER ALREADY
12 THERE. HE WAS YELLING AT ME TO LEAVE. I YELLED TO MY
13 STORE MANAGER, EDDIE GRIGGS, I SAID, "DENISE AND TONY ARE
14 UPSTAIRS ON A BREAK." EDDIE OPENED THE DOOR AND YELLED
15 FOR THEM TO COME DOWN.

16 Q OKAY. NOW, WHEN YOU GOT OUT -- THEN DID YOU GO BACK
17 OUTSIDE?

18 A YES, I DID.

19 Q WHEN YOU WENT OUTSIDE, WHAT DID YOU DO IN REGARDS
20 TO -- JUST TELL US WHAT YOU DID.

21 A ONCE I GOT OUTSIDE, I TOLD EVERYONE THAT THEY NEEDED
22 TO GET INTO THEIR DEPARTMENTS. AND I WANTED ALL
23 DEPARTMENT HEADS, IF THEY WERE THERE OR ANYONE WHO IS IN
24 CHARGE WHEN THE DEPARTMENT HEADS ARE NOT THERE, I WANTED A
25 HEAD COUNT OF WHO WAS SUPPOSED TO BE HERE AT THAT POINT IN

1 TIME.

2 Q WHEN YOU SAY GET INTO THEIR DEPARTMENTS, YOU MEAN IN
3 A GROUP?

4 A I WANTED DELI/BAKERY TOGETHER, I WANTED PRODUCE
5 TOGETHER. THE IMMEDIATE DEPARTMENTS, I WANTED THEM IN
6 SEPARATE LITTLE CIRCLES TO FIND OUT WHO WAS ACCOUNTABLE
7 FOR --

8 Q THE DEPARTMENT HEADS YOU TOLD TO DO THAT?

9 A YES.

10 Q AS A RESULT OF THAT, WERE YOU ABLE TO DETERMINE IF
11 ANY EMPLOYEES WERE MISSING?

12 A YES.

13 Q WERE ANY MISSING?

14 A YES.

15 Q AND WHO WAS MISSING?

16 A MANDY WILLIAMS WAS MISSING.

17 Q ANY OTHER EMPLOYEES MISSING?

18 A SOME OTHER EMPLOYEES WENT UP TO BI-LO 92, BUT WE KNEW
19 THEY WERE THERE. BUT, NO, MANDY WILLIAMS WAS THE ONLY ONE
20 MISSING.

21 Q THANK YOU, MISS KAVARAN. ANSWER ANY QUESTIONS
22 MR. MAULDIN MAY HAVE.

23 THE COURT: CROSS EXAMINATION?

24 MR. MAULDIN: ONE MOMENT, YOUR HONOR.

25 THE COURT: YES, SIR.

CROSS EXAMINATION

BY MR. MAULDIN:

Q I HAVE ONE QUESTION, LESLEY.

A YES.

Q REGARDING THE PERSON WHO HAD COME IN THE STORE, YOU NEVER SAW HIM?

A NO, I DID NOT.

Q THANK YOU.

THE COURT: ANY REDIRECT?

MR. ARIAIL: NONE, YOUR HONOR.

THE COURT: MISS KAVARAN, YOU MAY STEP DOWN. YOU MAY BE EXCUSED. THANK YOU SO VERY MUCH. YOU MAY STEP DOWN.

(WITNESS EXCUSED.)

MR. ARIAIL: IF SHE WANTS TO STAY, SHE CAN STAY, ALSO.

THE COURT: IF YOU WANT TO STAY, YOU'RE WELCOME TO STAY. YOU CAN STAY AS LONG AS YOU WANT.

SOLICITOR, YOU WANT TO CALL YOUR NEXT WITNESS?

MR. ARIAIL: EDDIE GRIGGS.

EDDIE GRIGGS, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. ARIAIL:

Q STATE YOUR NAME FOR THE RECORD.

A EDDIE GRIGGS.

1 Q BY WHOM ARE YOU EMPLOYED?

2 A BI-LO.

3 Q THAT'S GREAT. KEEP YOUR VOICE UP JUST LIKE THAT SO
4 THE LAST TWO JURORS AND I CAN HEAR YOU. HOW LONG HAVE YOU
5 BEEN WITH BI-LO?

6 A TWENTY YEARS.

7 Q I WANTED TO DIRECT YOUR ATTENTION TO SEPTEMBER THE
8 3RD 2003, AND YOU WERE EMPLOYED BY BI-LO ON THAT DAY?

9 A YES, SIR.

10 Q WHERE WERE YOU EMPLOYED?

11 A 2435 EAST NORTH STREET, GREENVILLE.

12 Q THAT'S STORE 195 WE'VE HEARD?

13 A YES.

14 Q AND THAT'S THE EAST NORTH STREET BI-LO.

15 A YES, SIR.

16 Q WHAT WAS YOUR CAPACITY, EMPLOYMENT, AT THAT TIME?

17 A STORE MANAGER.

18 Q HOW LONG HAD YOU BEEN THE STORE MANAGER?

19 A AT THAT TIME JUST A LITTLE OVER A YEAR AT THAT
20 PARTICULAR STORE.

21 Q AND YOU'RE STILL THE STORE MANAGER THERE?

22 A YES, SIR.

23 Q DID YOU KNOW MARANDA WILLIAMS IN YOUR CAPACITY AS
24 STORE MANAGER?

25 A YES, SIR, I DID.

1 Q HOW LONG HAD YOU KNOWN HER?

2 A TWO TO FOUR MONTHS.

3 Q WAS YOUR ONLY CONNECTION OR KNOWLEDGE OF HER WHEN SHE
4 CAME TO THAT STORE TO WORK?

5 A YES, SIR.

6 Q YOU HADN'T KNOWN HER BEFORE THAT?

7 A NO, SIR.

8 Q DID YOU KNOW THE DEFENDANT, MR. WILLIAMS?

9 A NO, SIR.

10 Q TELL US A LITTLE BIT ABOUT MANDY AND WHAT KIND OF
11 EMPLOYEE SHE WAS.

12 A VERY DEPENDABLE, HARD WORKER, PLEASANT TO BE AROUND.

13 Q WHAT ABOUT WITH CUSTOMERS?

14 A VERY PLEASANT TO CUSTOMERS. VERY GOOD, GOOD
15 PERSONALITY, THEY LOVED HER.

16 Q HOW WOULD YOU DESCRIBE HER PERSONALITY?

17 A OUTGOING, JUST A BUBBLY PERSONALITY. JUST SMILING,
18 HAPPY.

19 Q TALK ABOUT, START ABOUT 10 A.M. ON SEPTEMBER THE 3RD,
20 AND I WANT YOU TO DESCRIBE FOR US THE EVENTS AS THEY
21 UNFOLDED THAT MORNING ON THE BI-LO ON EAST NORTH WHERE YOU
22 ARE THE MANAGER.

23 A I WAS WALKING DOWN THE BACK, MEAT AISLE, WHEN A
24 WARNING COMING OVER THE INTERCOM, ME TO CALL THE OFFICE,
25 THE CLOSEST AIR PHONE WAS BACK IN DISC D. I WENT BACK

1 TOWARDS THE STOCKROOM FOR AREA DISC D TO PICK UP THE AIR
2 PHONE.

3 Q WHAT, FOR US NOT FAMILIAR WITH STORE LINGO, WHAT DOES
4 THAT MEAN?

5 A DIRECT DELIVERY AREA FOR STORE VENDORS. AT THAT TIME
6 WENT BACK TO CALL STATION 11, WHICH IS THE OFFICE,
7 COULDN'T GET THROUGH. I TURNED, HUNG THE PHONE UP, TURNED
8 AROUND TO HEAD TOWARDS THE FRONT. TWO OF MY ASSOCIATES, I
9 BELIEVE IT WAS DON BORDERLON AND MIKE HAFFEN, I BELIEVE,
10 TOLD ME THAT SOMEBODY WAS IN THE BACK BEATING MANDY UP.

11 Q AND, AS A RESULT OF THAT COMMUNICATION, WHAT DID YOU
12 DO?

13 A I PROCEEDED TO THE BACK ROOM, BACK STORAGE ROOM,
14 LOOKING TO SEE IF I COULD FIND WHERE THEY WERE AT IN THE
15 BACK ROOM.

16 Q AND WERE YOU ABLE TO LOCATE THEM?

17 A AS I PROCEEDED THROUGH THE BACK ROOM, I GOT CLOSER TO
18 THE DELI/BAKERY. AS I STARTED GOING CLOSER THAT WAY, THE
19 OFFICE IS OVER TO THE LEFT, AND I PROCEEDED INTO THE
20 OFFICE THERE. MANDY AND THE GENTLEMAN WAS IN THE OFFICE
21 THERE.

22 Q AND THE OFFICE WE'RE TALKING ABOUT IS THE DELI/BAKERY
23 OFFICE?

24 A YES, SIR. THAT'S CORRECT.

25 Q WHEN YOU ENTERED OR CAME INTO THE DOOR OF THAT

1 PARTICULAR OFFICE, WHERE WAS MANDY LOCATED?

2 A SHE WAS TOWARDS MY LEFT.

3 Q TO YOUR LEFT?

4 A YES, SIR.

5 Q AND THE INDIVIDUAL THAT WAS IN THERE WITH HER, WHERE
6 WAS HE?

7 A STRAIGHT AHEAD OF ME, TOWARDS THE RIGHT. TOWARDS MY
8 RIGHT.

9 Q SORRY?

10 A STRAIGHT AHEAD IN FRONT OF ME, TOWARDS MY RIGHT.

11 Q STRAIGHT AHEAD. GIVE US A DESCRIPTION OF THIS
12 INDIVIDUAL.

13 A BLACK MALE, HAD ON A BLACK SKI CAP AND ARMY-COLORED
14 FATIGUE JACKET.

15 Q DID YOU OBSERVE ANY KIND OF WEAPON?

16 A WHEN HE PULLED IT UP AND POINTED IT AT ME.

17 Q TELL US ABOUT THAT.

18 A AS I ENTERED INTO THE OFFICE, HE PULLED UP THE GUN,
19 POINTED IT AT ME, ASKED ME IF I HAD A PROBLEM.

20 Q DID YOU RESPOND TO HIM?

21 A I PUT UP MY HAND AND JUST BACKED OUT OF THE OFFICE.

22 Q AND AT THAT TIME, WHEN HE PULLED THE GUN UP AND
23 POINTED IT AT YOU, WERE YOU CONCERNED FOR YOUR OWN SAFETY?

24 A YES, SIR.

25 Q WHEN YOU LEFT THE OFFICE, WHERE DID YOU GO?

1 A AS I BACKED OUT OF THE OFFICE, I WENT BACK THROUGH
2 THE DELI/BAKERY DOORS INTO THE DELI PREP AREA AND DIALED
3 911.

4 Q AND DID YOU GO ALL THE WAY BACK TO THE OFFICE WHEN
5 YOU DIALED 911?

6 A NO. AS SOON AS I WENT THROUGH THE DOORS, I USED MY
7 CELL PHONE AND CALLED 911.

8 Q DID YOU REACH 911?

9 A YES, SIR, I DID.

10 Q DID YOU COMMUNICATE WITH THEM?

11 A YES, SIR, I DID.

12 Q THEN WHERE YOU GO?

13 A WENT THROUGH THE DELI PREP AREA, THROUGH THE PRODUCE
14 AREA, TO THE FRONT OF THE STORE.

15 Q DID YOU EVENTUALLY GET BACK TO THE OFFICE IN THE
16 FRONT OF THE STORE?

17 A TOWARDS THE FRONT, YES.

18 Q AT THAT POINT WHAT DID YOU DO?

19 A AS I COME ACROSS ANY CUSTOMERS OR ASSOCIATES, I
20 EXITED THEM OUT THE STORE. AT THAT TIME I WAS FIXING TO
21 EXIT OUT THE DOOR, I BELIEVE IT WAS LESLEY KAVARAN
22 HOLLERED BACK THERE WAS A COUPLE OF MORE ASSOCIATES
23 UPSTAIRS. SO, I TURNED AROUND, WENT BACK INSIDE, AND
24 HOLLERED FOR THEM TO COME DOWN AND WENT OUT.

25 Q WHEN YOU GOT OUTSIDE, DID YOU ENCOUNTER ANY LAW

1 ENFORCEMENT PERSONNEL?

2 A YES, SIR. THEY WERE COMING IN THE FRONT DOOR AS I
3 WAS GOING OUT.

4 Q DID YOU INTERACT OR HAVE ANY COMMUNICATION WITH THEM?

5 A YES, SIR. I GAVE MY CELL PHONE TO ONE OF THE
6 OFFICERS. THEY ESCORTED ME TO THE SIDE OF THE BUILDING TO
7 TRY TO GIVE THEM A PLAT OF THE STORE WHERE THEY COULD SEE
8 HOW TO ENTER OR WHAT TO DO.

9 Q WHAT DID YOU GIVE THEM YOUR CELL PHONE FOR?

10 A BECAUSE I WAS ON THE PHONE STILL WITH 911 AND THEY
11 WANTED TO BE ABLE TO COMMUNICATE WITH 911.

12 Q DID YOU GIVE THEM A DIAGRAM OF THE BUILDING AND
13 LOCATION WHERE MANDY AND THE DEFENDANT WERE?

14 A YES, SIR, I DID.

15 Q THANK YOU. MR. GRIGGS, ANSWER ANY QUESTIONS
16 MR. MAULDIN MAY HAVE.

17 THE COURT: MR. MAULDIN, YOU HAVE ANY QUESTIONS?

18 MR. MAULDIN: YES, SIR. ONE MOMENT, YOUR HONOR,
19 PLEASE.

20 CROSS EXAMINATION

21 BY MR. MAULDIN:

22 Q MR. GRIGGS, YOU RECALL ON FEBRUARY 4th COMING TO
23 THE COURTHOUSE AND TALKING TO ME ABOUT THIS INCIDENT?

24 A I REMEMBER TALKING TO YOU. YES, SIR.

25 Q AND I WANTED TO ASK YOU A FEW FOLLOW-UP QUESTIONS

1 ABOUT THAT. I WANT TO FIRST OF ALL TALK TO YOU ABOUT AN
2 INCIDENT THAT OCCURRED ON JULY 16th. DO YOU RECALL THE
3 INCIDENT THAT HAPPENED ON JULY 16th WHEN MANDY WAS AT
4 WORK AND THERE WAS AN -- THERE WAS AN INCIDENT IN THE
5 PARKING LOT?

6 A YES, SIR.

7 Q DO YOU REMEMBER THAT?

8 A YES, SIR.

9 Q WERE YOU THE MANAGER OF THE STORE THAT DAY?

10 A YES, SIR, I WAS.

11 Q I BELIEVE AT THAT TIME YOU STATED TO ME THAT IN YOUR
12 CAPACITY AS THE MANAGER, THAT A CUSTOMER, EMPLOYEE, OR
13 SOMEONE HAD COME TO YOU AND MADE A STATEMENT TO YOU
14 REGARDING A MATTER IN THE PARKING LOT. DON'T GO INTO THE
15 WHAT THE STATEMENT WAS, BUT JUST THERE WAS SOMETHING GOING
16 ON IN THE PARKING LOT; IS THAT RIGHT?

17 A YES, SIR.

18 Q AND YOU THEN CALLED 911 ABOUT THAT REPORT TO YOU?

19 A YES, SIR.

20 Q AND AT THAT TIME, WITHIN JUST A MATTER OF MOMENTS OR
21 SECONDS OR WHATEVER, MANDY WILLIAMS CAME BACK INTO THE
22 STORE AREA INTO THE FRONT ENTRANCE OR MET YOU COMING IN
23 WHILE YOU WERE GOING OUT?

24 A AS I WAS GOING IN, SHE WAS ENTERING ON THE SIDEWALK
25 FIXING TO COME IN. YES, SIR.

1 Q SO, SHE WAS COMING BACK INTO THE STORE AND YOU MET
2 HER AS YOU WERE GOING OUT TO INVESTIGATE WHAT WAS GOING ON
3 IN THE PARKING LOT?

4 A THAT'S RIGHT. YES, SIR.

5 Q AND SHE TOLD YOU SHE AND CHRIS HAD GOTTEN INTO A
6 FIGHT?

7 A NO, SIR. SHE DIDN'T TELL ME HER AND CHRIS GOT IN A
8 FIGHT. SHE WAS BLEEDING FROM THE MOUTH. SHE DIDN'T TELL
9 ME ANYTHING. I JUST ESCORTED HER INTO THE STORE.

10 Q SO, YOU COULD SEE THAT SOMETHING HAD HAPPENED TO HER?

11 A YES.

12 Q ALL RIGHT. NOW, ALL RIGHT. ONE MOMENT PLEASE, SIR.
13 AND THE LAST QUESTION, MR. GRIGGS, AT THE TIME YOU WERE
14 GOING OUT THE DOOR AND MANDY'S COMING BACK INTO THE STORE,
15 YOU SAY SHE WAS COMING ON THE SIDEWALK, COMING BACK INTO
16 THE STORE?

17 A YES, SIR.

18 Q YOU HAVE THE PARKING LOT WHERE THE CARS ARE?

19 A SHE WAS ALREADY ON THE SIDEWALK FIXING TO ENTER THE
20 STORE.

21 Q SHE WAS ENTERING OFF THE SIDEWALK INTO THAT FRONT
22 ENTRANCE?

23 A PROBABLY 5 OR 6 FEET FROM THE ENTRANCE.

24 Q AND THERE WAS NOBODY WITH HER OR AROUND HER?

25 A NO, SIR.

1 Q ALL RIGHT. NOTHING FURTHER.

2 THE COURT: SOLICITOR, ANY REDIRECT?

3 MR. ARIAIL: NO, YOUR HONOR.

4 THE COURT: MR. GRIGGS, YOU MAY STEP DOWN. YOU'RE
5 WELCOME TO STAY OR YOU MAY BE EXCUSED. THANK YOU VERY
6 MUCH.

7 (WITNESS EXCUSED.)

8 MICHAEL D. HAFFEN, AFTER BEING
9 DULY SWORN, TESTIFIED AS FOLLOWS:

10 DIRECT EXAMINATION

11 BY MR. ARIAIL:

12 Q STATE YOUR NAME FOR THE RECORD, PLEASE, SIR.

13 A MICHAEL DAVID HAFFEN.

14 Q THANK YOU, BE SEATED, PLEASE, SIR. MR. HAFFEN, IF
15 YOU WOULD, STATE YOUR NAME FOR THE RECORD, PLEASE.

16 A MICHAEL DAVID HAFFEN.

17 Q IF YOU WOULD KEEP YOUR VOICE UP LIKE THAT. NOT SURE
18 THAT MIC IS MUCH AMPLIFICATION. IF I CAN HEAR YOU, YOU'LL
19 BE ALL RIGHT.

20 WHAT IS YOUR EMPLOYMENT?

21 A I WORK AT FRESH MARKET.

22 Q WHAT DO YOU DO AT FRESH MARKET?

23 A THE GROCERY MANAGER.

24 Q I WANT TO DIRECT YOUR ATTENTION BACK TO SEPTEMBER THE
25 3RD, AND ASK YOU, IN 2003, BY WHOM WERE YOU EMPLOYED ON

1 THAT DAY?

2 A BI-LO.

3 Q WHERE IS THE BI-LO LOCATED THAT YOU WERE EMPLOYED?

4 A EAST NORTH STREET AND PLEASANTBURG. NORTH HILL
5 SHOPPING CENTER.

6 Q WHAT IS THE RELATIONSHIP BETWEEN ITS LOCATION AND
7 FRESH MARKET?

8 A THERE ARE A COUPLE OF STORES BETWEEN THEM, BUT
9 THEY'RE IN THE SAME SHOPPING CENTER.

10 Q WHAT WAS YOUR CAPACITY WITH BI-LO ON SEPTEMBER THIRD?

11 A I WAS THE GMHVC MANAGER.

12 Q FOR US WHO ARE NOT FAMILIAR WITH THAT LINGO, WHAT
13 DOES THAT MEAN?

14 A GENERAL MERCHANDISE, HEALTH AND BEAUTY CARE.

15 Q WHAT WAS YOUR RESPONSIBILITY AS THAT MANAGER?

16 A I WOULD TAKE CARE OF ALL THE GENERAL MERCHANDISE IN
17 THE STORE, ANYTHING NOT GROCERY; AND ALL THE HEALTH AND
18 BEAUTY CARE, LIKE SHAMPOOS, MEDICINES, ANYTHING LIKE THAT.

19 Q DID YOU KNOW MANDY WILLIAMS?

20 A I DID.

21 Q HOW WELL DID YOU KNOW HER?

22 A WE WERE ASSOCIATE ACQUAINTANCES, WE'D SAY "GOOD
23 MORNING" TO EACH OTHER. WE WERE NOT REAL GOOD FRIENDS.

24 Q AND YOU KNEW HER FROM THE EMPLOYMENT THERE AT THE
25 BI-LO ON EAST NORTH STREET?

1 A YES, SIR.

2 Q YOU KNOW HER FROM ANY OTHER RELATIONSHIP?

3 A NO, SIR.

4 Q NEVER WORKED AT ANOTHER STORE WITH HER?

5 A NO, SIR.

6 Q HOW ABOUT THE DEFENDANT, MR. WILLIAMS, DO YOU KNOW
7 HIM?

8 A NO, SIR.

9 Q ABOUT 10:00 ON SEPTEMBER THIRD, TELL US WHAT WERE YOU
10 DOING AND WHERE WERE YOU LOCATED?

11 A I WAS BUILDING MY DISPLAY IN THE FRONT OF THE STORE
12 IN BETWEEN AISLES 10 AND 11. AND I WAS SITTING DOWN ON
13 THE CART BUILDING A SHAMPOO DISPLAY.

14 Q AND WHEN YOU SAY BUILDING A DISPLAY, WHAT DOES THAT
15 MEAN?

16 A EACH WEEK ON WEDNESDAYS WE HAVE TO SWITCH OUT OUR AD
17 ITEMS. SO, I WAS TAKING DOWN THE OLD AND PUTTING UP THE
18 NEW, FOR THE NEW AD.

19 Q AT THAT TIME WERE YOU ADVISED OF A SITUATION
20 INVOLVING MANDY WILLIAMS?

21 A YEAH. TINA SMITH, THE DELI/BAKERY MANAGER AND
22 CRYSTAL BYRD, THE PRICE INTEGRITY COORDINATOR CAME RUNNING
23 UP TO ME --

24 MR. MAULDIN: HANG ON. THE QUESTION WAS HAD HE BEEN
25 ADVISED, HE DIDN'T ASK HIM WHAT HE SAID.

1 MR. ARIAIL: YOUR HONOR, CAN I HAVE HIM STATE AN
2 OBJECTION?

3 MR. MAULDIN: IT'S NOT RESPONSIVE TO THE QUESTION.

4 THE COURT: MR. HAFFEN, LISTEN TO THE QUESTION. IF
5 IT REQUIRES A YES OR NO, PLEASE GIVE IT. OR IF YOU DON'T
6 KNOW, SAY I DON'T KNOW. OR IF YOU DON'T UNDERSTAND, SAY I
7 DON'T UNDERSTAND. IF YOU NEED TO GIVE AN EXPLANATION
8 AFTER YES OR NO, PLEASE GIVE IT. BUT PLEASE RESPOND TO
9 THE QUESTION. OKAY?

10 THE WITNESS: YES.

11 THE COURT: SOLICITOR.

12 BY MR. ARIAIL:

13 Q AT THAT TIME, WERE YOU ADVISED OF A SITUATION IN THE
14 STORE INVOLVING MANDY WILLIAMS?

15 A YES, SIR.

16 Q ALL RIGHT. AND WHO ADVISED YOU?

17 A CRYSTAL BYRD, THE PRICE INTEGRITY COORDINATOR AND
18 TINA SMITH, DELI/BAKERY MANAGER.

19 Q AND WHAT WAS THEIR CONDITION OR STATE OF MIND OR
20 DEMEANOR AT THE TIME THEY CAME UP TO YOU THAT YOU COULD
21 OBSERVE?

22 MR. MAULDIN: OBJECT TO STATE OF MIND QUESTION, YOUR
23 HONOR.

24 THE COURT: I'LL SUSTAIN THE OBJECTION TO STATE OF
25 MIND. YOU CAN ASK, CAN HE DESCRIBE THEIR DEMEANOR.

1 Q THE REST OF IT, THEN.

2 A OKAY. THEY HAD CAME RUNNING UP TO ME HURRIEDLY AND
3 CRYSTAL SAID --

4 MR. MAULDIN: YOUR HONOR, WHAT SHE SAID IS
5 UNRESPONSIVE TO THE QUESTION.

6 MR. ARIAIL: WHOA, WHOA, WHOA.

7 THE COURT: JUST MAKE YOUR OBJECTION.

8 MR. MAULDIN: IT'S UNRESPONSIVE TO THE QUESTION.

9 THE COURT: OVERRULED.

10 MR. ARIAIL: THANK YOU. GO AHEAD, TELL US WHAT HE
11 SAID.

12 MR. MAULDIN: OBJECTION, HEARSAY.

13 THE COURT: OKAY. SOLICITOR?

14 MR. ARIAIL: I WOULD SUBMIT HE SAID THAT SHE WAS --

15 THE COURT: WHAT EXCEPTION DO YOU SUBMIT TO THE
16 COURT?

17 MR. ARIAIL: EXCITED UTTERANCE.

18 THE COURT: OVERRULED, PLEASE PROCEED.

19 MR. ARIAIL: THANK YOU.

20 BY MR. ARIAIL:

21 Q ANSWER THE QUESTION, PLEASE, SIR.

22 A OKAY. CRYSTAL CAME UP -- CAN YOU REPEAT THE
23 QUESTION? I KIND OF LOST TRACK.

24 MR. ARIAIL: ME, TOO.

25 THE COURT: DO YOU WANT IT READ BACK FROM THE COURT

1 REPORTER?

2 MR. ARIAIL: NO, I GOT IT. I THINK I CAN DO IT.

3 MR. MAULDIN: I WISH TO ENTER AN OBJECTION, YOUR
4 HONOR. AND I THINK IT WOULD BE A MATTER THAT THE JURY
5 SHOULD BE TAKEN FROM THE COURTROOM FOR.

6 MR. ARIAIL: LET ME SOLVE IT. AS A RESULT OF WHAT
7 THEY TOLD YOU --

8 THE COURT: HOLD ON A SECOND. COME ON UP HERE, BOTH
9 OF YOU.

10 (WHEREUPON, A BENCH CONFERENCE IS HELD WITHIN THE
11 PRESENCE BUT OUTSIDE THE HEARING OF THE JURY.)

12 MR. FOREMAN LADIES AND GENTLEMEN LET ME JUST EXPLAIN
13 A COUPLE OF THINGS TO YOU. YOU PROBABLY LEARNED THIS
14 THROUGH VOIR DIRE, BUT I'M GOING TO TELL YOU AGAIN. WHEN
15 I USE THE WORDS OVERRULE, THAT MEANS I DISAGREE WITH THE
16 ATTORNEY MAKING THE OBJECTION AND THE TESTIMONY OR
17 EVIDENCE WILL COME IN. IF I USE THE WORD SUSTAIN, THAT
18 MEANS I AGREE WITH THE ATTORNEY MAKING THE OBJECTION AND
19 IT'S NOT PROPER EVIDENCE TO BE HEARD.

20 NOW, MY JOB IS TO MAKE SURE THE TRIAL IS CONDUCTED
21 UNDER THE RULES OF EVIDENCE AND RULES OF COURT. AND WHEN
22 THE ATTORNEYS MAKE AN OBJECTION, THEY'RE JUST TELLING THE
23 COURT IN THEIR OPINION THIS IS NOT ADMISSIBLE UNDER THE
24 RULES OF EVIDENCE.

25 THESE RULES OF EVIDENCE HAVE EVOLVED -- WERE BROUGHT

1 FROM ENGLAND TO THIS COUNTRY -- THEY HAVE EVOLVED OVER
2 TIME. THEY'RE DESIGNED TO BRING YOU THE MOST TRUSTWORTHY
3 TESTIMONY THAT CAN BE BROUGHT INTO THE COURTROOM. YOU
4 HAVE HEARSAY OBJECTIONS, RELEVANCE OBJECTIONS, VARIOUS
5 OBJECTIONS. I AM NOT PERMITTED TO COMMENT ON THE FACTS.
6 SO, ON SOME OBJECTIONS I MAY WANT TO COMMENT ON THE FACTS,
7 SO I ASK YOU TO LEAVE THE COURTROOM SO I'M FREE TO COMMENT
8 ON THE FACTS.

9 THAT'S MY CHOOSING. THE ATTORNEYS AREN'T HIDING
10 ANYTHING FROM YOU. I JUST WANT TO MAKE COMMENTS ON THE
11 FACTS ON CERTAIN OBJECTIONS IN COMMENTING HOW I WANT TO
12 RULE. SO, IF YOU WOULD, PLEASE LEAVE THE COURTROOM.
13 DON'T DISCUSS THE CASE. I'LL BRING YOU BACK VERY SHORTLY.

14 (WHEREUPON, THE FOLLOWING PROCEEDINGS WERE HAD
15 OUTSIDE THE PRESENCE OF THE JURY.)

16 THE COURT: ALL RIGHT. SOLICITOR, TELL ME WHERE ARE
17 YOU HEADED? THE ONLY THING I HEARD WAS DID THEY COME UP
18 TO HIM, DESCRIBE THEIR DEMEANOR. YOU ASKED HIM THAT, THEN
19 YOU ASKED HIM THE NEXT QUESTION. "WHAT DID THEY SAY?" I
20 BELIEVE THAT'S WHERE WE WERE. LET ME SEE WHERE WE'RE
21 HEADED WITH THIS LINE OF QUESTIONS.

22 MR. ARIAIL: I WANT TO SAY WHAT HE HEARD SO HE COULD
23 SAY WHY HE WENT WHERE HE WENT?

24 THE COURT: I UNDERSTAND. LET ME LISTEN. AND I'LL
25 LISTEN TO YOUR OBJECTION. DON'T GET EXCITED. WHAT ELSE

1 YOU GOING TO ASK HIM? LET ME HEAR IT.

2 MR. ARIAIL: THAT'S IT.

3 THE COURT: LET ME HEAR WHAT HE'S GOING TO SAY.

4 MR. ARIAIL: YOU WANT ME TO ASK HIM NOW?

5 THE COURT: YES, SIR.

6 Q LET'S GO BACK TO THE SITUATION, I ASKED IF YOU WERE
7 ADVISED OF THE SITUATION REGARDING MANDY IN THE STORE?

8 A YES, SIR.

9 Q WHO ADVISED YOU OF THE SITUATION INVOLVING MANDY IN
10 THE STORE?

11 A CRYSTAL BYRD AND TINA SMITH.

12 Q AND ARE THEY FELLOW EMPLOYEES?

13 A YES.

14 Q AND WHAT DID THEY TELL YOU?

15 A "MIKE, HURRY, GO TO THE BACK. SOMEONE IS GOING TO
16 BEAT MANDY UP."

17 Q AS A RESULT OF THAT, WHAT DID YOU DO?

18 A I GOT UP AND RAN TO THE BACK.

19 MR. ARIAIL: THAT'S ALL I'M GOING TO ASK. AND THAT'S
20 ALREADY IN THE RECORD THROUGH OTHER WITNESSES. I MIGHT
21 ADD.

22 THE COURT: I UNDERSTAND. LET ME HEAR YOUR
23 ARGUMENTS.

24 MR. NETTLES: ARGUMENT IS THIS. FIRST OF ALL, THE
25 MOST PERSUASIVE, IT'S A VIOLATION OF CONFRONTATION CLAUSE,

1 WHICH IS THE CASE REALLY FAIRLY RECENTLY. TAKE OUT OF
2 EVIDENTIARY ISSUE, CAN TALK ABOUT THAT LATER IF YOU LIKE;
3 BUT THIS IS A VIOLATION OF CONFRONTATION CLAUSE, CLASSIC.
4 THEY'RE BRINGING IN TESTIMONY THAT WE'RE NOT BEING ABLE TO
5 CROSS EXAMINATION ON. HE CAN TALK ABOUT WHAT THESE PEOPLE
6 APPEARED LIKE TO HIM, JUST LIKE THE COURT WOULDN'T LET HIM
7 TALK ABOUT WHAT THEIR STATE OF MIND WAS, BECAUSE HE DIDN'T
8 KNOW WHAT THEIR STATE OF MIND. BUT THE COURT WOULD LET
9 HIM TALK ABOUT WHAT HE WITNESSED, AND WE AGREED. BUT IF
10 HE WANTS TO COME IN HERE AND TELL US WHAT SOMEONE ELSE
11 SAID -- AND THE CONTENT OF IT MAKES IT EVEN WORSE, THAT'S
12 KIND OF THE ISSUE HERE. THE ISSUE THAT, FIRST OF ALL, WE
13 DON'T KNOW WHETHER THEY SAW IT OR THEY HEARD IT FROM
14 SOMEBODY ELSE. "THERE'S SOMEBODY BACK THERE GOING TO BEAT
15 UP MANDY." THAT'S A VIOLATION OF THE CONFRONTATION
16 CLAUSE.

17 NOW, SECONDLY, IT'S AN EVIDENTIARY ISSUE AS HEARSAY
18 WHICH I BELIEVE IS A LESS COMPELLING ARGUMENT. I WOULD
19 REST ON THE SIXTH AMENDMENT ISSUE CRAWFORD VERSUS
20 WASHINGTON.

21 THE COURT: I DON'T THINK YOU GOT AN ARGUMENT, IT'S
22 EITHER PRESENCE SENSE IMPRESSION OR EXCITED UTTERANCE FROM
23 AN EVIDENTIARY ISSUE. I UNDERSTAND YOUR ARGUMENT ON THE
24 SIXTH AMENDMENT.

25 SOLICITOR, LET ME HEAR FROM YOU OR YOUR ASSISTANT ON

1 THE FIFTH, SIXTH AMENDMENT ARGUMENT.

2 MR. ARIAIL: I CAN'T RESPOND TO THAT. IF YOU WANT ME
3 TO GET CRAWFORD, REREAD THAT AGAIN, IT DOESN'T APPLY. I
4 CAN'T TELL YOU EXACTLY WHY IT WAS CITED IN THE CASE RIGHT
5 NOW. BUT WE'VE READ THOSE AND THEY DON'T CHANGE ANYTHING
6 IN THIS STATE. SO, AS A RESULT, IF I GOT TO RESPOND ON
7 THAT ISSUE I HAVE TO TAKE A BREAK WE HAVE TO FIND THE CASE
8 AND REREAD IT. I CAN'T DO IT OFF THE TOP OF MY HEAD.

9 THE COURT: GO FIND IT. WHO'S GOT THE CASE?

10 MR. ARIAIL: LET ME SEE IF I CAN SIMPLIFY.

11 THE COURT: LET ME SAY THIS. IF YOU WANT TO ASK HIM
12 DESCRIBE THE DEMEANOR AND BASED UPON WHAT THEY SAID, WHAT
13 DID YOU DO, WE WILL.

14 MR. ARIAIL: I TRIED DO THAT 15 MINUTES AGO.

15 THE COURT: IF YOU WANT TO DO THAT, THAT'S FINE.

16 MR. ARIAIL: I DON'T WANT TO GO FURTHER WITH THIS
17 NONSENSE.

18 MR. MAULDIN: AND I WOULD NOT HAVE OBJECTED IF THAT'S
19 WHAT HE SAID.

20 THE COURT: I'VE HEARD ENOUGH. SIT DOWN. THANK YOU,
21 VERY MUCH.

22 BRING US THE JURY.

23 MR. ARIAIL: THANK YOU.

24 THE COURT: MR. HAFFEN, YOU'RE NOT TO TESTIFY WHAT
25 THEY SAID. DO YOU UNDERSTAND?

1 THE WITNESS: YES, SIR.

2 (THE FOLLOWING PROCEEDINGS WERE HAD WITHIN THE
3 PRESENCE OF THE JURY:)

4 THE COURT: OKAY. SOLICITOR, IF YOU'LL PLEASE
5 PROCEED.

6 MR. ARIAIL: FOR THE RECORD AND I'M WITHDRAWING THE
7 QUESTION.

8 THE COURT: I UNDERSTAND.

9 MR. ARIAIL: I WANTED TO MAKE SURE WHERE WE WERE.
10 BY MR. ARIAIL:

11 Q GO BACK, YOU TESTIFIED YOU HAD BEEN CONFRONTED BY TWO
12 EMPLOYEES IN THE STORE THAT YOU NAMED. AND AS A RESULT OF
13 WHAT THEY TOLD YOU, WHAT DID YOU DO?

14 A I STOOD UP AND RAN TO THE BACK OF THE STORE.

15 Q AND WHERE, PARTICULARLY, IN THE BACK OF THE STORE DID
16 YOU GO?

17 A I WENT THROUGH THE MEAT DEPARTMENT INTO THE BACK
18 ROOM, SAW DON BORDERLON THERE, TOLD HIM WHAT WAS GOING ON.
19 I RAN TO THE LEFT, WENT TOWARDS, DSD.

20 Q WHAT IS THAT?

21 A THAT'S DIRECT STORE DELIVERY AREA WHERE WE RECEIVE
22 VENDORS AND THINGS COMING IN LIKE THAT. WHEN I GOT
23 BETWEEN THE HALLWAY, BETWEEN THE BACK ROOM AND DSD, I SAW
24 JAY ANDERS, WHO IS OUR FROZEN FOOD MANAGER, TOLD HIM WHAT
25 WAS GOING ON. SAW EDDIE TALKING ON THE PHONE; AND WHEN HE

1 HUNG UP, I TOLD HIM WHAT WAS GOING ON.

2 Q EDDIE IS?

3 A EDDIE GRIGGS, THE STORE MANAGER.

4 Q OKAY.

5 A ALL OF US PROCEEDED BACK FROM WHERE I CAME FROM, DOWN
6 THE BACK OF THE STORE, TOWARDS THE DELI. AND THIS WHOLE
7 TIME I WAS LOOKING BEHIND PALLETS AND STUFF, BECAUSE THEY
8 SAID SOMEONE WAS IN THE BACK ROOM SO THAT'S WHERE I
9 ASSUMED SOMETHING WAS HAPPENING.

10 Q NOW, WHEN YOU SAY YOU'RE GOING DOWN IN THE BACK OF
11 THE STORE, YOU'RE ACTUALLY IN THE STORE PART, WHERE THE
12 PUBLIC --

13 A NO, SIR. THIS IS IN THE BACK ROOM WHERE THE PUBLIC
14 DOESN'T GO.

15 Q WHERE DID YOU EVENTUALLY END UP?

16 A WELL, WE WENT BACK TO THE OTHER SIDE OF THE STORE.
17 DON AND EDDIE WERE IN FRONT OF ME. THEY PROCEEDED FORWARD
18 BUT I TOOK A RIGHT INTO ONE OF OTHER HALLWAYS. I KNEW
19 THERE WAS A PALLET TO LOOK BEHIND THERE. JAY WAS BEHIND
20 ME, HE STAYED BACK IN THE BACK ROOM PART. I WENT AROUND
21 IN FRONT OF JAY, CAME FORWARD AND CAME INTO THE LITTLE
22 AREA WHERE THE DELI/BAKERY OFFICE IS.

23 Q WHEN YOU CAME TO THAT AREA, DID YOU ACTUALLY ENTER
24 THE DELI/BAKERY OFFICE OR LOOK IN?

25 A I ENTERED IT.

1 Q HOW FAR DID YOU ENTER?

2 A I PROBABLY CAME IN ABOUT A FOOT. I JUST WALKED IN
3 THE DOORWAY.

4 Q AND IN THERE, WHEN YOU MOVED IN, WHO DID YOU SEE?

5 A MANDY WAS IN THERE AND THE GENTLEMAN SITTING OVER
6 THERE.

7 Q AND THE GENTLEMAN SITTING OVER HERE, YOU REFERRING TO
8 AS IN THE BLUE SWEATER?

9 A YES, SIR.

10 Q THE DEFENDANT?

11 A YES, SIR.

12 Q WHERE WAS MANDY STANDING WHEN YOU WALK IN TO THE DELI
13 OFFICE, FACING, WHERE WAS MANDY LOCATED?

14 A SHE WOULD HAVE BEEN DIRECTLY TO MY LEFT SHOULDER.

15 Q AND WHAT, IF ANYTHING, WAS SHE DOING THAT YOU
16 OBSERVED?

17 A SHE WAS ON HER CELL PHONE.

18 Q AND BASED ON YOUR OBSERVATION OF HER APPEARANCE OR
19 Demeanor, could you describe that for us?

20 A YEAH. WHEN I LOOKED AT HER, SHE LOOKED TERRIFIED.

21 Q WHO ELSE WAS IN THE OFFICE WITH HER AND YOU?

22 A THE GENTLEMAN IN THE SWEATER.

23 Q ANYONE ELSE?

24 A NO, SIR.

25 Q AND WHILE YOU WERE IN THE OFFICE STANDING THERE AND

1 YOU MOVED IN WITH ONE FOOT, TELL US OR DESCRIBE FOR THIS
2 JURY WHAT THE DEFENDANT DID.

3 A WE HAD LOOKED, WE WERE LOOKING AT EACH OTHER. CAN I
4 ELABORATE A LITTLE?

5 Q SURE. JUST DON'T GO INTO ANYTHING ANYBODY SAID.

6 A NO, SIR. WE LOOKED AT EACH OTHER, AND HE LOOKED A
7 LOT LIKE A GUY I WORKED WITH AT ANOTHER BI-LO. AND I
8 DISTINCTLY REMEMBER THINKING IN MY HEAD, "WHY IS MIKE
9 STANDING THERE WITH A BB GUN IN HIS HAND?"

10 HE WAS HOLDING THE GUN DOWN LIKE THIS. AND IT DIDN'T
11 PROCESS, BECAUSE WHEN I WENT TO THE BACK, I WASN'T LOOKING
12 FOR A BLACK GENTLEMAN, I WAS LOOKING FOR A WHITE
13 GENTLEMAN. AFTER STANDING THERE LOOKING AT EACH OTHER A
14 FEW SECONDS, HE JUST RAISED THE GUN UP AT ME, PUT IT IN MY
15 FACE.

16 Q DID HE SAY ANYTHING TO YOU?

17 A NOT A WORD.

18 Q WHEN HE RAISED THE GUN AND PUT IT IN YOUR FACE, COULD
19 YOU TELL WHETHER IT WAS A BB GUN OR SOME OTHER TYPE OF
20 GUN?

21 A I KNEW IT WAS A SHOTGUN BECAUSE I SAW THE END OF THE
22 BARREL.

23 Q DID HE SAY ANYTHING TO YOU?

24 A NO, SIR.

25 Q AS A RESULT OF THE GUN HAVING BEEN POINTED AT YOU,

1 WHAT DID YOU DO?

2 A I PUT MY HEAD DOWN AND PUT MY HANDS OUT AND SLOWLY
3 BACKED OUT OF THE ROOM.

4 Q WHY DID YOU DO THAT?

5 A WELL, I WAS ALWAYS TOLD IF YOU POINT A GUN AT
6 SOMEBODY, BE PREPARED TO USE IT. SO, I FIGURED HE WAS
7 GOING TO SHOOT HER OR ME OR BOTH OF US.

8 Q AND WHERE DID YOU GO WHEN YOU BACKED OUT OF THE ROOM?

9 A I WENT THE WAY I CAME AND I SAW JAY WAS STILL
10 STANDING BACK IN THE HALLWAY WHERE WE WERE, AND I SAID,
11 "GET OUT OF HERE, HE HAS A SHOTGUN."

12 JAY ASKED ME, "HOW DO YOU KNOW HE'S GOT A SHOTGUN?"

13 I SAID, "BECAUSE HE PUT IT IN MY FACE." AND I
14 PROCEEDED OUT THE DOORS WHERE I SEEN -- WENT TO WHERE THE
15 PALLET WAS AND WENT BACK OUT TOWARDS THE MEAT DEPARTMENT.

16 Q DID YOU EVENTUALLY LEAVE THE STORE PREMISES AND GO
17 ELSEWHERE?

18 A NO, NOT AT THAT TIME. I STAYED IN THE BACK OF THE
19 STORE MAKING SURE NO CUSTOMERS CAME TO THE BACK OF THE
20 STORE. I DIDN'T KNOW THE STORE HAD BEEN EVACUATED. SO, I
21 WAS IN THE STORE ANYWHERE FROM 5 TO 10 MINUTES BEFORE
22 EDDIE AND AN OFFICER CAME IN SAID, "LET'S GET OUT OF
23 HERE."

24 Q AND AFTER THAT DID YOU VACATE THE STORE?

25 A YES, SIR.

1 Q ALL RIGHT. WHERE DID YOU GO?

2 A I HAD ACTUALLY GONE OUTSIDE BECAUSE I WAS WITH EDDIE
3 AND THE OFFICER. I WAS GIVING A DESCRIPTION WHERE HE WAS
4 AND ALL THAT. AND I EVENTUALLY GOT LOCKED INTO FRESH
5 MARKET.

6 Q WHEN YOU SAY LOCKED IN, SOMEBODY TOLD YOU TO GO IN
7 THERE?

8 A YEAH, THEY WENT IN, THEY PRETTY MUCH LOCKED DOWN ALL
9 THE STORES IN THE SHOPPING CENTER. WE WENT IN THERE AND
10 AN OFFICER SAID TO TELL THEM TO LOCK UP THE STORE.

11 Q ALL RIGHT. HOW WAS THE PERSON IN THE OFFICE WHO
12 POINTED THE SHOTGUN AT YOU, HOW WAS HE DRESSED?

13 A HE WAS IN JEANS, A LONG CAMO JACKET AND A BLACK SKI
14 HAT.

15 Q OKAY. THANK YOU MR. HAFFEN. ANSWER ANY QUESTIONS
16 MR. MAULDIN MAY HAVE.

17 THE COURT: CROSS EXAMINATION MR. MAULDIN.

18 MR. MAULDIN: JUST A COUPLE, YOUR HONOR. ONE MOMENT.

19 CROSS EXAMINATION

20 BY MR. MAULDIN:

21 Q MR. HAFFEN, H-A-F-F-E-N. IS THAT IT?

22 A YES, SIR.

23 Q I ONLY HAVE A COUPLE OF QUESTIONS, PLEASE. YOU WERE
24 IN THE BACK, I GUESS THE STOCK ROOM? HALLWAY OR STOCK
25 ROOM AREA?

1 A YES, SIR.

2 Q AND YOU WOULD HAVE TURNED RIGHT LIKE YOU WERE GOING
3 TO GO BACK OUT INTO THE DELI, WHERE THOSE SWINGING DOORS
4 WERE AND THE OFFICE DOORS TO THE LEFT?

5 A AT WHICH TIME?

6 Q AND WHEN YOU WENT INTO THE OFFICE THAT YOU'VE
7 DESCRIBED --

8 A YEAH. I WOULD HAVE BEEN COMING DOWN THE BACK OF THE
9 STORE, WOULD HAVE WENT RIGHT INTO THAT LITTLE AREA AND
10 LEFT INTO THE DOOR.

11 Q SO, YOU WENT RIGHT, LIKE YOU'RE GOING INTO THE DELI
12 DOORS?

13 A YES.

14 Q AND THEN YOU TURNED LEFT, INTO THE DELI OFFICE.

15 A YES, SIR.

16 Q AND YOU STEPPED INTO THE CONFINES OF THE OFFICE --

17 A UH-HUH.

18 Q -- AND MANDY WAS RIGHT HERE TO YOUR LEFT?

19 A CORRECT.

20 Q AND THE PERSON THAT YOU SAID HAD A GUN WAS IN FRONT
21 OF YOU?

22 A NOT DIRECTLY IN FRONT OF ME, WOULD HAVE BEEN A LITTLE
23 OVER TO THE LEFT, IN THE CORNER.

24 Q IN THE CORNER OF THE OFFICE, BACK TO THE LEFT?

25 A UH-HUH.

1 Q AND AS YOU LOOKED AT HIM WHEN YOU FIRST WALKED IN, I
2 WAS WATCHING YOUR MANNERISMS; BUT THAT LADY THERE TAKING
3 ALL THIS DOWN DOESN'T TAKE PICTURES, SO I'M GOING HAVE TO
4 GET YOU TO DESCRIBE IT. YOU SAID THE GUN THAT HE WAS
5 HOLDING WAS DOWN?

6 A CAN I STAND UP AND SHOW YOU?

7 Q DOWN TOWARDS THE FLOOR?

8 A NOT DIRECTLY AT THE FLOOR, IT WAS MORE THIS WAY. YOU
9 CAN'T SEE MY HAND DOWN HERE, CAN I STAND UP.

10 Q YES. JUST STAND AND HOLD YOUR ARMS LIKE YOU SAY WHEN
11 YOU FIRST WALKED INTO THE OFFICE.

12 A HE WAS STANDING JUST LIKE THIS. (DEMONSTRATES)

13 Q SO, YOU'RE -- AND HE WAS IN THAT CORNER. AND LET ME
14 SAY THAT I'M YOU IN THIS EXAMPLE WE'RE GIVING, AND MANDY
15 IS DIRECTLY TO MY LEFT.

16 A RIGHT.

17 Q AND YOU ARE THE PERSON HOLDING THE GUN. SHOW THE
18 JURY HOW HE WAS HOLDING THE GUN AGAIN.

19 A JUST LIKE THIS. (INDICATES.)

20 Q SO, HE'S POINTING THE GUN DOWNWARDS AND TO HIS LEFT?

21 A UH-HUH.

22 Q IS THAT RIGHT?

23 A RIGHT.

24 Q ALL RIGHT. AND THEN YOU SAY THAT HE RAISED THE GUN
25 TOWARDS YOU?

1 A UH-HUH.

2 Q IS THAT RIGHT? HE POINTED THE GUN TOWARD YOU AND YOU
3 BACKED OUT?

4 A THAT'S CORRECT.

5 Q IS THAT RIGHT?

6 A YES, SIR.

7 MR. MAULDIN: NOTHING FURTHER.

8 THE COURT: ANY DIRECT?

9 MR. ARIAIL: NONE, YOUR HONOR.

10 THE COURT: MR. HAFFEN, YOU MAY BE EXCUSED OR YOU ARE
11 WELCOME TO STAY IF YOU WISH TO STAY. BE CAREFUL STEPPING
12 DOWN.

13 (WITNESS EXCUSED.)

14 SOLICITOR, CALL YOUR NEXT WITNESS, PLEASE, SIR.

15 MR. ARIAIL: YOUR HONOR, THIS ONE MIGHT BE A LITTLE
16 LENGTHY. I WAS THINKING ABOUT WHETHER -- THE JURY MIGHT
17 TAKE A BREAK.

18 THE COURT: WE GOT A FEW MORE MINUTES YET, LET'S GET
19 STARTED ON IT.

20 MR. ARIAIL: THAT'S FINE. CALL NANCY CROSBY.

21 NANCY CROSBY, AFTER BEING DULY
22 SWORN, TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION

24 DIRECT BY MR. ARIAIL:

25 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE.

1 THE WITNESS: NANCY CROSBY.

2 THE CLERK: THANK YOU. BE SEATED.

3 Q MISS CROSBY, IF YOU WOULD, STATE YOUR NAME FOR THE
4 RECORD.

5 A NANCY CROSBY.

6 Q GREAT. KEEP YOUR VOICE UP JUST LIKE THAT SO THESE
7 LAST TWO JURORS AND I CAN HEAR. WHAT IS YOUR PRESENT
8 EMPLOYMENT?

9 A GREENVILLE COUNTY EMS COMMUNICATIONS.

10 Q WHEN YOU SAY COMMUNICATIONS, WHAT IS THAT?

11 A DISPATCH, WHICH ANSWERS 911 AND SENDS THE AMBULANCES
12 TO THE CALLS.

13 Q BACK ON SEPTEMBER 3, 2003, BY WHOM WERE YOU EMPLOYED?

14 A THE GREENVILLE COUNTY SHERIFF'S OFFICE IN
15 COMMUNICATION.

16 Q ALSO DISPATCH?

17 A YES, IN DISPATCH.

18 Q HOW LONG AT THAT TIME HAD YOU BEEN WITH THE SHERIFF'S
19 OFFICE, DISPATCH?

20 A AT THAT TIME IT HAD BEEN 14 YEARS AND EIGHT MONTHS.

21 Q AND I WANT TO DIRECT YOUR ATTENTION TO AROUND 10 A.M.
22 THAT MORNING AND ASK YOU IF YOU RECEIVED A 911 CALL FROM
23 SOMEONE WHO IDENTIFIED HERSELF AS MANDY WILLIAMS?

24 A YES, I DID.

25 Q WAS THIS A LAND LINE CALL OR A CELL PHONE CALL?

1 A IT WAS A CELL PHONE CALL.

2 Q AND HOW DO YOU KNOW THAT?

3 A WHEN SOMEONE CALLS 911, WHEN A DISPATCHER ANSWERS THE
4 PHONE, A 911 SCREEN WILL COME UP ON HER CONSOLE. THE
5 SCREEN THAT COMES UP FOR A CELL PHONE IS IMMEDIATELY
6 IDENTIFIABLE, IT SAYS WIRELESS CALL OR CELLULAR CALL, AND
7 IT WILL NORMALLY HAVE THE ADDRESS OF THE CELL TOWER THE
8 SIGNAL HITS. I COULD TELL IT WAS A CELL PHONE CALL
9 BECAUSE OF THE SCREEN.

10 Q IT WILL TELL YOU THE LOCATION OF THE TOWER WHERE THE
11 CELL PHONE IS ORIGINATING FROM?

12 A YES. YES.

13 Q DID THIS CALL COME DIRECTLY TO YOU OR THROUGH ANOTHER
14 AGENCY?

15 A IT WAS THROUGH ANOTHER AGENCY.

16 Q TELL US HOW THAT OCCURRED.

17 A THE BI-LO IS QUITE NEAR THE CITY-COUNTY LINE AND THE
18 CELL PHONE ACTUALLY HIT A TOWER IN THE CITY LIMITS. THE
19 911 CALL WENT INTO THE CITY DISPATCH. THEY REALIZED THE
20 SITUATION WAS OCCURRING IN THE COUNTY, AND THEY
21 TRANSFERRED IT TO 911 WITH THE SHERIFF'S OFFICE, AND I
22 ANSWERED THE PHONE THEN.

23 Q THIS CELL PHONE TOWER BEING LOCATED IN THE CITY EVEN
24 THOUGH THE PHONE IS IN THE COUNTY, IS THIS DONE
25 AUTOMATICALLY BY THE CELL PHONE TOWER?

1 A EXACTLY. WHATEVER ADDRESS THE TOWER IS, IF IT'S A
2 CITY ADDRESS IT WILL GO TO THAT 911 AUTOMATICALLY, AND
3 THEN IT HAS TO BE TRANSFERRED TO ANOTHER AGENCY IF IT'S
4 OUTSIDE THE CITY LIMITS.

5 Q AND IS THE CONVERSATION THAT YOU HAVE WITH ALL 911,
6 BUT IN PARTICULAR THIS 911 CALL WITH MANDY WILLIAMS, IS
7 THAT 911 CONVERSATION RECORDED?

8 A YES, IT IS.

9 Q HAVE YOU REVIEWED THE TAPE OF THAT CONVERSATION FOR
10 PURPOSES OF TESTIMONY IN THIS COURTROOM?

11 A YES, SIR. YES, I HAVE.

12 Q HAVE YOU ALSO REVIEWED A TRANSCRIPT OF THAT TAPE?

13 A YES, I HAVE.

14 THE COURT: SOLICITOR, HOW LONG IS THE TAPE IN TIME,
15 DO YOU KNOW? HOW LONG IS THE TAPE. TEN MINUTES?
16 FIFTEEN? FIVE?

17 MR. ARIAIL: FIFTEEN, TWENTY. I CAN GO THROUGH.
18 WHAT I'D LIKE TO DO IS JUST GO THROUGH, GET ALL THAT INTO
19 THE RECORD.

20 THE COURT: THAT'S FINE. WHAT WE'LL DO, WE'LL TAKE A
21 BREAK BEFORE YOU PLAY IT.

22 MR. ARIAIL: THEN I CAN SET IT UP.

23 THE COURT: WE CAN TAKE A BREAK WHILE YOU'RE SETTING
24 IT UP.

25 BY MR. ARIAIL:

1 Q LET ME SHOW YOU. I'M GOING TO SHOW YOU WHAT'S BEEN
2 MARKED STATE'S EXHIBIT NO. 11 AND NO. 11A. THE
3 STIPULATION IS 11 AND THE TRANSCRIPT IS 11A. I'LL ASK
4 YOU, ARE THOSE THE ITEMS YOU REVIEWED IN PREPARATION FOR
5 THIS PARTICULAR TESTIMONY?

6 A YES. I WAS GIVEN THE CASSETTE TAPE AND ALSO THE
7 TRANSCRIPT AND I HAVE LISTENED TO THE TAPE AND READ THE
8 TRANSCRIPT. YES.

9 Q DOES THE TAPE, ITEM 11, ACCURATELY REFLECT A
10 CONVERSATION THAT YOU HAD WITH MANDY WILLIAMS
11 SEPTEMBER THE 3RD?

12 A YES, IT DOES.

13 Q DOES THE TRANSCRIPT ACCURATELY REFLECT THE
14 CONVERSATION THAT'S ON THE TAPE?

15 A YES, IT DOES.

16 Q AND, YOUR HONOR, WHAT I'D LIKE TO DO AT THIS POINT IS
17 A STIPULATION, COUNSEL HAVE AGREED THAT EXHIBIT 11 IS AN
18 AUDIOTAPE CONVERSATION, 911 OPERATOR, NANCY CROSBY, HAD
19 WITH MARANDA WILLIAMS ON SEPTEMBER 3, 2003; AND THAT THAT
20 RECORDED CONVERSATION WAS PLACED ONTO AN AUDIOTAPE BY JAN
21 KAISER, COMMUNICATIONS CENTER DIRECTOR FOR GREENVILLE
22 COUNTY SHERIFFS OFFICE AND GIVEN TO INVESTIGATOR PAUL
23 SILVAGGIO OF THE GREENVILLE COUNTY SHERIFF'S OFFICE; THAT
24 INVESTIGATOR SILVAGGIO GAVE THE AUDIOTAPE TO ALLISON
25 REVIS, SECRETARY WITH GREENVILLE COUNTY SHERIFF'S OFFICE,

1 WHO PREPARED A TRANSCRIPTION OF THE TAPE, WHICH IS MARKED
2 AS EXHIBIT NO. 11A.

3 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WHAT,
4 BASICALLY WHAT HE'S JUST READ TO YOU IS AN AGREEMENT
5 BETWEEN THE PARTIES. THEY HAVE AGREED THAT THAT'S A
6 FACTUAL BASIS SO THESE PEOPLE COME IN -- DON'T HAVE TO
7 COME IN THE COURTROOM AND TESTIFY. ACCEPT THAT
8 STIPULATION AS FACT.

9 MR. NETTLES, YOU HAVE ANY OBJECTION TO THE
10 STIPULATION AND TRANSCRIPT?

11 MR. NETTLES: NO, SIR.

12 MR. ARIAIL: YOUR HONOR, WE'D LIKE TO OFFER THAT
13 STIPULATION AS MARKED AS STATE'S EXHIBIT 11?

14 THE COURT: ELEVEN AND 11A, ADMITTED WITHOUT
15 OBJECTION. AND THE STIPULATION IS NUMBER 100?

16 MR. ARIAIL: YES.

17 (WHEREUPON, STATE'S EXHIBIT NO. 100 WAS MARKED FOR
18 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

19 Q OTHER THAN TALKING WITH MANDY ON THIS TAPE, WE ARE
20 GOING TO PLAY FOR THE JURY FOR THEIR EDIFICATION.

21 MR. NETTLES: I OBJECT TO THE CHARACTERIZATION,
22 SOMEONE WHO -- I WITHDRAW MY OBJECTION.

23 Q OTHER THAN TALKING WITH MANDY, ARE THERE OTHER PEOPLE
24 ON THIS TAPE?

25 A YES.

1 Q IS CHRISTOPHER WILLIAMS' VOICE ALSO HEARD ON THIS
2 TAPE?

3 A YES.

4 Q AND HOW IS HE NOTED ON THE TRANSCRIPT?

5 A ON THE TRANSCRIPT HE IS "CW."

6 Q CW. AND HOW IS MANDY NOTED ON THE TRANSCRIPT?

7 A AS "M."

8 Q HOW ARE YOU NOTED ON THE TRANSCRIPT?

9 A "911."

10 Q IS TONY LEE ON THE TRANSCRIPT --

11 A YES.

12 Q -- AND THE TAPE?

13 A YES.

14 Q WHO IS TONY LEE?

15 A TONY LEE IS A NEGOTIATOR WITH THE SHERIFF'S OFFICE.

16 Q HOW IS HE NOTED ON THE TAPE?

17 A AS "TL."

18 Q AND WHEN DOES HE COME IN TO THE TRANSCRIPT OR THE
19 PROCEEDINGS.

20 A TOWARDS THE END OF THE CALL.

21 Q IS THE CITY POLICE DISPATCHER, WHICH YOU TESTIFIED
22 INITIALLY RECEIVED THE CALL, IS SHE ON THE TRANSCRIPT?

23 A YES, SHE IS.

24 Q AND THE TAPE?

25 A YES.

1 Q AND HOW IS SHE NOTED ON THE TRANSCRIPT?

2 A AS "CP."

3 Q CITY POLICE?

4 A CITY POLICE, YES.

5 Q DURING THE COURSE OF THIS CONVERSATION WITH MANDY
6 THAT IS RECORDED ON THE TAPE, DO YOU TELL OTHERS THE
7 INFORMATION YOU'RE GETTING?

8 A YES.

9 Q WHO ARE YOU TALKING TO?

10 A THE -- I'M GETTING THE INFORMATION TO THE RADIO
11 OPERATOR, WHO IS GETTING INFORMATION OUT OVER THE AIR TO
12 THE DEPUTIES IN THE FIELD.

13 Q HOW DO YOU DO IT?

14 A THE WAY I DID IT IN THIS CASE, WHEN THE 911 CALL WAS
15 RECEIVED, I BRIEFLY TALKED TO MARANDA WILLIAMS REALIZED
16 WHAT THE SITUATION WAS, LOADED THE CALL INTO MY COMPUTER
17 FOR THE RADIO DISPATCHER TO DISPATCH. SHE WAS DIRECTLY IN
18 MY LINE OF SIGHT, A LITTLE TO MY LEFT, AND I REPEATED THE
19 INFORMATION MANDY WILLIAMS WAS GIVING ME, AND SHE HEARD
20 WHAT I WAS SAYING, REPEATED THE INFORMATION, WHAT I WAS
21 SAYING, OUT TO THE DEPUTIES VERY QUICKLY.

22 Q WHAT WE'LL HEAR ON HERE WILL BE YOU REPEATING THINGS
23 FROM TIME TO TIME?

24 A YES.

25 Q HOW DOES THIS SOUND WHEN YOU HEAR IT ON THE TAPE?

1 A OTHER THAN HEARING ME REPEATING A LOT OF WHAT SHE
2 SAYS, SOME BACKGROUND TALKING.

3 Q BACKGROUND.

4 A YES.

5 Q AND THEN LATER IN THE TAPE, DID YOU CHANGE THE METHOD
6 IN WHICH YOU WERE COMMUNICATING WITH THE RADIO DISPATCH?

7 A YES.

8 Q WHY DID YOU DO THAT?

9 A THEY HAD SET THE COMMAND POST UP. AND SOMEONE AT THE
10 COMMAND POST ACTUALLY HAD A SECOND DISPATCHER ON THE LINE
11 SITTING NEXT TO ME, AND I WAS REPEATING THE INFORMATION TO
12 HER RATHER THAN THE RADIO OPERATOR.

13 Q WHEN YOU SAY COMMAND POST, WHAT DOES THAT MEAN?

14 A WHEN ALL THE DEPUTIES HAD GOTTEN THERE, THEY HAD SET
15 UP A COMMAND POST AS AN OPERATIONAL CENTER SO THEY COULD
16 GET THE INFORMATION AND ACT UPON THE INFORMATION THEY WERE
17 GETTING.

18 Q WHEN DID YOU GET OUT OF THIS CALL OR LEAVE THE CALL?

19 A WHEN TONY LEE, THE NEGOTIATOR, CAME DOWN INTO
20 DISPATCH.

21 Q WHAT WAS YOUR PRIMARY EMPHASIS DURING THE
22 CONVERSATION?

23 A TO TRY TO KEEP BOTH OF THEM CALM AND TO KEEP THE LINE
24 OPEN SO I COULD CONTINUE GATHERING INFORMATION ABOUT THE
25 SITUATION.

1 MR. ARIAIL: THAT'S ALL WE HAVE UNTIL WE PLAY THE
2 TAPE.

3 THE COURT: ALL RIGHT. MR. FOREMAN, MEMBERS OF THE
4 JURY, WHAT I TRY TO DO IS TAKE A BREAK ABOUT EVERY HOUR
5 AND A HALF TESTIMONY. IT'S BEEN ABOUT AN HOUR AND A HALF
6 NOW. DON'T DISCUSS THE CASE AMONG YOURSELVES. IF YOU
7 NEED A SMOKE BREAK, LET THE BAILIFFS KNOW. THEY'LL TAKE
8 YOU FOR A SMOKE BREAK. IF YOU NEED ANYTHING, LET THEM
9 KNOW. PLEASE FOLLOW THE BAILIFF TO THE JURY ROOM, PLEASE.

10 (JURY RETIRES.)

11 SOLICITOR, AND MR. MAULDIN, THROUGHOUT THE TRIAL
12 WE'LL TAKE A BREAK ABOUT HOUR, AND HOUR AND HALF. I'M NOT
13 CHOOSEY ABOUT WHETHER WE'RE IN THE MIDDLE OF A WITNESS OR
14 NOT. MR. MAULDIN, A 3RD RULE -- I'M NOT FUSSING AT YOU --
15 WE GAVE YOU TWO RULES WHEN WE STARTED. A THIRD RULE, ONCE
16 ALL THE ARGUMENTS HAVE BEEN MADE, I MADE MY DECISION AND
17 RULED, THAT'S THE END OF SIGHT THE ARGUMENTS. NOW, IF YOU
18 WANT TO PROFFER ANYTHING CONCERNING THOSE MOTIONS, PLEASE
19 TELL ME YOU WANT TO PROFFER SOMETHING. I'LL ALLOW YOU TO
20 PROFFER ANYTHING YOU WANT TO PROFFER IN THE WAY OF
21 TESTIMONY. ALL RIGHT?

22 WE'LL ADJOURN FOR ABOUT 15 MINUTES.

23 (WHEREUPON, A BRIEF RECESS IS TAKEN, AFTER WHICH THE
24 FOLLOWING PROCEEDINGS ARE HAD WITHIN THE PRESENCE OF
25 THE JURY:)

1 LADIES AND GENTLEMEN OF THE JURY, THE TRANSCRIPT AND
2 THE TAPES HAVE ALREADY BEEN ADMITTED. NOW, YOU WANT TO
3 INSERT AN OBJECTION AS TO WHAT THE TAPE OR THE TRANSCRIPT
4 OR WHAT?

5 MR. NETTLES: CAN I BE HEARD OUTSIDE THE PRESENCE OF
6 SIGHT THE JURY?

7 THE COURT: YES, SIR.

8 LADIES AND GENTLEMEN OF THE JURY, PLEASE QUIT READING
9 THE TRANSCRIPT. JUST HOLD THEM IN YOUR LAPS. PLEASE
10 LEAVE THE PAPER, YOUR NOTES, AND THE TRANSCRIPT IN THE
11 SEAT. GO TO THE JURY ROOM. WE'LL GET YOU BACK IN A FEW
12 MINUTES.

13 (THE FOLLOWING PROCEEDINGS WERE HAD OUTSIDE THE
14 PRESENCE OF THE JURY:)

15 WHAT IS YOUR OBJECTION, THE TRANSCRIPT OR THE TAPE?

16 MR. NETTLES: UNDER CRAWFORD VERSUS WASHINGTON.

17 THE COURT: YOU OBJECTING TO THE WHOLE TRANSCRIPT?

18 MR. NETTLES: I'M OBJECTING TO THE WHOLE TRANSCRIPT.

19 THE COURT: POINT ME TO THE AREA --

20 MR. NETTLES: PRIMARILY THE VERY FIRST LINE IS
21 TESTIMONY. "YEAH" -- AND THIS IS 911 COMING ON, SAYS,
22 "THIS IS GREENVILLE COUNTY 911." AND THEN "M," WHICH IS
23 PURPORTED TO BE MANDY. IT SAYS, "YEAH, UM, THIS GUY IS
24 STANDING HERE WITH ME WITH A GUN. AND YOU TOLD ME -- AND
25 YOU TOLD ME TO TELL YOU IF ANYBODY COMES IN HERE. HE TOLD

1 ME TO CALL Y'ALL AND TELL Y'ALL IF ANYBODY COMES IN HERE,
2 THEN HE'S GOING TO BLOW MY HEAD OFF."

3 THAT'S, I MEAN, THAT'S A PRIMARY EXAMPLE OF -- THIS
4 IS TESTIMONIAL. MY OBJECTION IS THAT THIS IS ACTUALLY
5 SURPRISINGLY CLOSE TO CRAWFORD IN THAT THIS IS
6 TESTIMONIAL, HAS NOT BEEN SUBJECT TO CROSS EXAMINATION,
7 AND IS, THEREFORE, INADMISSIBLE.

8 THE COURT: I GUESS YOU HAD -- I DON'T KNOW HOW LONG
9 YOU'VE HAD THAT TRANSCRIPT. WHY DIDN'T WE DO THIS
10 PRETRIAL?

11 MR. NETTLES: AND I APOLOGIZE.

12 THE COURT: NOW WE POSSIBLY ARE GOING BACK, HAVING TO
13 EDIT THE TAPE AND THE TRANSCRIPT IF YOUR MOTION IS
14 GRANTED. LET'S GO THROUGH THE TRANSCRIPT. ALL RIGHT.
15 YOU GOT A PROBLEM WITH I GUESS "M" ON THE FIRST PAGE?
16 WHAT ELSE DO YOU HAVE A PROBLEM WITH? LET'S IDENTIFY WHAT
17 YOU HAVE A PROBLEM WITH FIRST.

18 MR. NETTLES: MAY I SIT WHILE I DO THIS ON THE SAME
19 PAGE?

20 THE COURT: YES, SIR.

21 MR. NETTLES: ON THE SAME PAGE. "NO, I'M INSIDE. I
22 WAS WORKING AND HE CAME IN HERE. AND I GUESS HE THINKS
23 THE STORE MANAGER IS GOING TO CALL THE COPS OR SOMETHING."

24 PAGE NUMBER THREE AT THE BOTTOM, THE QUESTION IS,
25 "DOES HE ACTUALLY HAVE THE GUN POINTED AT YOU RIGHT NOW?"

1 THE COURT: WHERE ARE YOU READING FROM?

2 MR. NETTLES: AT THE BOTTOM OF PAGE THREE, AND IT
3 SAYS, "HE'S STANDING THERE HOLDING IT."

4 "IS HE POINTING IT AT YOU?

5 "NOT RIGHT NOW. NO, NOT RIGHT NOW."

6 ON PAGE FIVE TOWARDS THE TOP, THE THIRD TIME THAT
7 MANDY SPEAKS.

8 THE COURT: "BECAUSE YOU BEAT ME UP, YOU KNOCKED ME
9 OUT, AND YOU HIT ME"?

10 YES, SIR. "IN THE MIDDLE OF THE PARKING LOT. I
11 DON'T KNOW WHAT YOU TRIED TO DO. I DIDN'T TELL THEM TO
12 CHARGE YOU WITH THAT. THAT'S JUST WHAT THEY TOOK IT UPON
13 THEMSELVES."

14 ALL RIGHT. WHERE ELSE?

15 LET ME ASK YOU THIS. IT'S 5:00 AND I'M GOING TO QUIT
16 AT SIX. IS THIS GOING TO TAKE THE REST OF THE HOUR? I'LL
17 GO AHEAD SEND THE JURY TO THE MOTEL. WE CAN HASH THIS
18 OUT.

19 MR. ARIAIL: CAN I MAKE A RESPONSE?

20 THE COURT: THE FIRST THING I'D LIKE TO DO IS
21 IDENTIFY WHAT YOU'RE OBJECTING TO IN THE TRANSCRIPT AND
22 THEN WE'LL HEAR ARGUMENTS.

23 MR. ARIAIL: MY ARGUMENT WOULD BE, REGARDLESS OF WHAT
24 HE'S ARGUING, THE CASE DOESN'T APPLY TO ANY OF THIS. I
25 CAN POINT YOU TO THE LANGUAGE IN THE CASE THAT CLEARLY

1 SAYS IT DOESN'T.

2 THE COURT: I UNDERSTAND, AND I THINK I AGREE WITH
3 YOU BECAUSE I BELIEVE THE CASE APPLIES WHEN THE WITNESS IS
4 AVAILABLE, AND OBVIOUSLY MANDY IS NOT AVAILABLE. BUT I
5 STILL BELIEVE HE HAS A RIGHT TO PROFFER THE TESTIMONY HE
6 OBJECTS TO. THAT'S WHAT I'M TRYING TO DO.

7 MR. ARIAIL: AND I'M JUST SAYING FROM EFFICIENCY.

8 THE COURT: I'M NOT SAYING I'M GOING TO RULE FOR OR
9 AGAINST HIM, BUT I THINK HE HAS HE HAS A RIGHT TO PUT WHAT
10 HE'S OBJECTING TO IN THE RECORD.

11 MR. ARIAIL: AND I AGREE WITH THAT. I DON'T HAVE ANY
12 PROBLEM WITH THAT. I'M JUST SAYING FROM AN EFFICIENCY
13 STANDPOINT IF THE LAW OF CRAWFORD IS SUCH THAT NONE OF
14 THIS OBJECTION IS GOING TO BE SUCCESSFUL, HE CAN MAKE HIS
15 PROFFER BY GOING HOME TONIGHT AND --

16 MR. NETTLES: THAT'S FAIR ENOUGH. IF YOU'RE INCLINED
17 TO RULE -- THAT'S FAIR ENOUGH.

18 THE COURT: LET ME HEAR YOUR ARGUMENT.

19 MR. NETTLES: MY ARGUMENT IS THAT THIS TAPED
20 STATEMENT IS REplete WITH TESTIMONY I CAN'T -- WITH
21 TESTIMONIAL EVIDENCE. AND THAT, IN A CRIMINAL CASE,
22 SEPARATE AND APART FROM A CIVIL CASE, THAT TESTIMONIAL
23 EVIDENCE HAS TO BE SUBJECT TO CROSS EXAMINATION. AND THAT
24 EVEN THOUGH SHE IS UNAVAILABLE -- SADLY OR NONE OF US
25 WOULD HAVE BEEN HERE -- THAT THE TESTIMONIAL STATEMENTS

1 HAVE TO HAVE BEEN PREVIOUSLY SUBJECT TO CROSS EXAMINATION
2 BEFORE THEY COME IN. AND I WOULD JUST AS A RULE SAY I
3 OBJECT TO EVERYBODY'S TESTIMONY WITH THE EXCEPTION OF THIS
4 WOMAN; I APOLOGIZE, I CAN'T REMEMBER HER NAME, BUT THE 911
5 OFFICER. AND I WILL TAKE THE GOVERNMENT ON THEIR WORD. I
6 HAVE NO REASON TO THINK OTHERWISE, THAT THE HOSTAGE
7 NEGOTIATOR IS GOING TO COME IN AT THE END AND EVERYTHING
8 IN BETWEEN, FOR THE MOST PART IS TESTIMONIAL, AND HAS TO
9 BE SUBJECT TO CROSS EXAMINATION PURSUANT TO SIXTH
10 AMENDMENT OF THE UNITED STATES SUPREME COURT, THE UNITED
11 STATES CONSTITUTION TO THE CONFRONTATION CLAUSE AND TO THE
12 STATE CONSTITUTION AND CRAWFORD VERSUS WASHINGTON.

13 THE COURT: ALL RIGHT.

14 SOLICITOR, LET ME HEAR YOUR ARGUMENT ON WHY CRAWFORD
15 DOESN'T APPLY. DO YOU HAVE A CASE BY THE WAY?

16 MR. ARIAIL: YES.

17 THE COURT: DO YOU HAVE A COPY OF IT?

18 MR. ARIAIL: NO, BUT I'LL GIVE YOU A COPY OF IT.

19 THE COURT: HAND ME THE CASE, PLEASE.

20 MR. ARIAIL: AND I'LL JUST HIT A COUPLE OF
21 HIGHLIGHTS. I DIRECT YOU TO PAGE SEVEN, THE RIGHT-HAND
22 COLUMN, THIRD PARAGRAPH DOWN. "VARIOUS FORMULATIONS," AND
23 IT'S TALKING ABOUT THE CORE CLASS OF TESTIMONY STATEMENTS
24 EXIST, "EX PARTE IN-COURT TESTIMONY OR IT'S FUNCTIONAL
25 EQUIVALENT; THAT IS, MATERIALS SUCH AS AFFIDAVITS,

1 CUSTODIAL EXAMINATIONS, PRIOR TESTIMONY THE DEFENDANT WAS
2 UNABLE TO CROSS EXAMINE, OR SIMILAR PRETRIAL STATEMENTS
3 THAT DECLARANTS WOULD REASONABLY EXPECT TO BE USED
4 PROSECUTORIALLY. NONE OF THOSE APPLY HERE.

5 AND PAGE 15, THE SECOND PHOTOGRAPH ON THE LEFT,
6 BOTTOM HALF. IT SAYS, STARTING THE SENTENCE, "WE LEAVE
7 FOR ANOTHER DAY, ANY EFFORT TO SPELL OUT A COMPREHENSIVE
8 DEFINITION OF TESTIMONIAL, WHATEVER ELSE THE TERM COVERS
9 IT APPLIES AT A MINIMUM TO PRIOR TESTIMONY AT A
10 PRELIMINARY HEARING, BEFORE A GRAND JURY, OR AT A FORMER
11 TRIAL AND TO POLICE INTERROGATION." AND THAT'S ALL THIS
12 CASE STANDS FOR.

13 THE COURT: OKAY. MR. NETTLES, AS I SAID UP AT THE
14 BENCH, I DIDN'T STATE IT I GUESS ON THE RECORD; BUT WHEN
15 WE HAD THE BENCH CONFERENCE I SAID THE CASE BASICALLY
16 COVERS TESTIMONIAL. WHY DO YOU THINK THIS WOULD COME
17 UNDER THE TESTIMONIAL DEFINITION UNDER CRAWFORD?

18 MR. NETTLES: WELL, BECAUSE MY TAKE ON TESTIMONY IN
19 THE MOST SIMPLISTIC TERMS IS THAT PERHAPS THE BEST WAY TO
20 DESCRIBE IT IS TO SAY WHAT'S NOT TESTIMONY. OKAY? IF
21 IT'S SOMETHING THAT DOESN'T GO DIRECTLY TO THE GUILT OR
22 INNOCENCE OF THE PERSON ON TRIAL, THEN FOR ALL INTENTS AND
23 PURPOSES, IT'S NON TESTIMONIAL. BUT WHAT WE'VE GOT HERE
24 ARE STATEMENTS THAT DIRECTLY GO TO THE ELEMENTS THAT THE
25 GOVERNMENT HAS TO CHARGE.

1 AND MY READING OF CRAWFORD IS THAT BEFORE THE
2 GOVERNMENT CAN INTRODUCE EVIDENCE THAT'S TESTIMONIAL THAT
3 GOES DIRECTLY TO THE ELEMENTS OF THE CHARGE, THAT THEY
4 HAVE TO BE SUBJECT TO THE CRUCIBLE OF CROSS EXAMINATION
5 AND THAT JUST HASN'T HAPPENED ON THOSE STATEMENTS IN THIS
6 TAPE. AND, YOU KNOW, I DON'T THINK IT SHOULD BE MISSED ON
7 ANYONE THAT IT WAS A TAPE IN CRAWFORD THAT THE GOVERNMENT
8 SOUGHT TO MOVE IN. AND WE'RE IN A -- I MEAN, I SUBSCRIBE
9 A STRIKINGLY ANALOGOUS SITUATION HERE.

10 I MEAN, IF THEY WANTED TO MOVE IN SORT OF TO GIVE YOU
11 A BETTER EXAMPLE, IF THEY WANTED TO MOVE IN STUFF LIKE,
12 YOU KNOW, WHAT TIME IS IT AND TIME DIDN'T MATTER, THAT
13 WOULDN'T BE TESTIMONIAL. BUT EVIDENCE ABOUT THERE'S A GUY
14 HERE WHO SAYS, "IF YOU ALL COME IN HERE, I'M GOING TO BLOW
15 YOUR HEAD OFF," THAT'S TESTIMONIAL AND THAT'S AN EXAMPLE
16 OF TESTIMONIAL.

17 THE COURT: YOU'RE MAKING A STATEMENT, TESTIMONY IS
18 ANY STATEMENT MADE. I MEAN CRAWFORD INSINUATES THAT IT'S
19 GOT TO BE -- WELL, THEY GOT AFFIDAVITS, CUSTODIAL
20 EXAMINATION, PRIOR TESTIMONY. IT'S NOT REAL CLEAR.

21 MR. NETTLES: AND I AGREE, THIS IS THE EARLY STAGE OF
22 THIS. THAT'S WHY I ASKED EVERYBODY - I APOLOGIZED TO
23 EVERYBODY BEFORE WE STARTED. WE'RE IN THE EARLY STAGE OF
24 THIS CASE, WE DON'T KNOW HOW IT'S GOING TO SHAKE OUT. BUT
25 ONE THING WE CAN ALL AGREE ON IN THIS ROOM, IS IF I DON'T

1 OBJECT, IT DOESN'T GET PRESERVED.

2 THE COURT: I UNDERSTAND. I'M NOT FUSSING AT YOU OR
3 CRITICIZING YOU BECAUSE OF IT.

4 MR. NETTLES: I DON'T THINK YOU HAVE.

5 THE COURT: SOLICITOR, I'M SORRY, LET ME HEAR WHAT
6 YOU SAY.

7 MR. ARIAIL: I JUST WANT TO AUGMENT THAT ARGUMENT.
8 AND WHAT I'M GOING TO QUOTE FROM IS A PRESENTATION MADE BY
9 JUDGE HILL ON CRAWFORD VERSUS WASHINGTON IN A LOCAL CLE
10 PRESENTATION. HE CITED IN HIS MATERIALS THE CASE OF
11 PEOPLE VERSUS MOSCAT, M-O-S-C-A-T FROM THE STATE OF NEW
12 YORK. AND IN THAT CASE THE COURT OF NEW YORK HELD
13 EXPLICITLY THAT A 911 CALL IS NON TESTIMONIAL IN NATURE,
14 BUT RATHER THE "ELECTRONIC AUGMENTED EQUIVALENT OF A LOUD
15 CRY FOR HELP."

16 IT WENT ON TO SAY THAT A 911 CALL IS NON TESTIMONY
17 BECAUSE IT'S TYPICALLY NOT INITIATING BY THE POLICE. AND
18 IT'S CALLS ARE GENERATED NOT BY THE DESIRE OF PROSECUTION
19 FOR THE POLICE TO SEEK EVIDENCE AGAINST A PARTICULAR
20 CIRCUMSTANCE; RATHER, THE 911 CALL HAS ITS GENESIS IN THE
21 URGENT DESIRE OF A CITIZEN TO BE RESCUED FROM IMMEDIATE
22 PERIL. RES GESTAE, EXCITED UTTERANCE, AND ALL THE OTHER
23 EXCEPTIONS SIMILAR TO THAT. AND I CAN GIVE YOU A CITE ON
24 THAT CASE.

25 THE COURT: WHAT'S THE CITE?

1 MR. ARIAIL: 777, NYS 2D, 875, MARCH 25th.

2 THE COURT: YOU SAY 777?

3 MR. ARIAIL: 777, NYS 2D, 875, AND IT'S CITED ON
4 MARCH 25th 2004.

5 LET ME TELL YOU WHAT I'M GOING TO DO. I'M GOING TO
6 PULL UP THE NEW YORK SUPPLEMENTAL CASE, I'M GOING TO READ
7 CRAWFORD, AND I'M GOING TO GIVE YOU MY DECISION IN THE
8 MORNING. BUT I AM GOING TO TAKE THE TIME TO READ CRAWFORD
9 AND THE NEW YORK CASE. I'LL GIVE YOU MY DECISION IN THE
10 MORNING, WE'RE NOT MISSING BUT 45 MINUTES OF TESTIMONY IF
11 WE STOP RIGHT NOW.

12 MY INCLINATION, SOLICITOR, IF YOU'RE CORRECT -- I
13 WANT TO SATISFY MYSELF BY READING THE CASE, READING
14 CRAWFORD. I DO REMEMBER WHEN I READ CRAWFORD, WHEN IT
15 CAME OUT, I THOUGHT IF YOU TAKE IT LITERALLY, IT'S GOING
16 TO ELIMINATE ALMOST ALL YOUR HEARSAY EXCEPTIONS. AND I
17 DON'T THINK THAT WAS THE INTENT. AND IT'S SO NEW, IT'S
18 GOING TO BE A WHILE BEFORE THAT'S FULLY COVERED WITH THE
19 APPELLATE COURTS. SO, WE'RE GOING TO RECESS AT THIS TIME.
20 I'LL SEND THE JURY TO THE HOTEL.

21 MR. MAULDIN: YOUR HONOR, DO YOU INTEND TO BRING THEM
22 IN TO RECESS.

23 THE COURT: JUST TELL THEM RECESS IN THE MORNING
24 UNTIL 9.

25 MISS STROM, WOULD YOU PICK UP THE TRANSCRIPTS IN THE

1 JURY SEATS? AND, MADAM CLERK, WOULD YOU PICK UP THEIR
2 NOTES.

3 MS. STROM: IF YOU'D LIKE, THE CLERK CAN PICK UP THE
4 TRANSCRIPTS WHILE SHE'S PICKING UP THE NOTES.

5 MR. MACDOUGALL: I'D LIKE TO BRING UP ONE MOTION.
6 MISS STROM AND I SPOKE EARLIER THIS AFTERNOON, WE'VE ASKED
7 FOR PRODUCTION OF THE PERSONNEL FILES OF THREE OF THE
8 OFFICERS WHO ARE GOING TO TESTIFY TOMORROW: OFFICER
9 SILVAGGIO, MCNAMARA, AND LEE, LIMIT IT TO THE TRAINING AND
10 DISCIPLINARY MATERIALS. I UNDERSTAND FROM MISS STROM THE
11 PRACTICE HAS BEEN NOT TO TURN IT OVER. IF THAT'S THE
12 CASE, I'D LIKE TO MAKE AN EX PARTE PROFFER.

13 THE COURT: MISS STROM, DO YOU WANT TO PRODUCE IT?

14 MR. ARIAIL: LET ME SEE IF I CAN JUST -- AND I
15 UNDERSTAND -- AND I DON'T WANT TO GET UNNECESSARY LIP
16 SERVICE, BUT WE BEEN WORKING ON THIS CASE AND THEY BEEN IN
17 THIS CASE OVER A YEAR. AND HERE ON THE LAST DAY, WHEN
18 WE'RE GETTING READY TO PUT THIS TRANSCRIPT UP, WE'VE BEEN
19 OVER THE TAPE, GIVEN THEM COPIES, EVERYTHING HAS BEEN
20 DONE. AND THEN AT THE LAST MINUTE WHILE THE JURY IS
21 SITTING OVER THERE THEY MADE AN OBJECTION.

22 I'M NOT ARGUING ABOUT THE OBJECTION. BUT WHAT I'D
23 LIKE TO ASK THE COURT TO TELL THEM TO DO, IF WE GOT MORE
24 OBJECTIONS LIKE THIS. LET'S GO BACK TO THE OFFICE
25 TONIGHT, LOOK OVER WHAT THE CASE IS ABOUT, AND TELL US WE

1 HAVE AN OBJECTION SO WE CAN DEAL WITH THEM EITHER FIRST
2 THING IN THE MORNING OR NOW. THIS WASN'T A SURPRISE THAT
3 WE WERE GOING TO PUT THE TRANSCRIPT IN OR THE TAPE. BUT
4 HERE WE'VE LOST AN HOUR'S WORTH OF THE DAY.

5 WE'RE NOW ASKED ON FEBRUARY 13TH TO PRODUCE SOME
6 PERSONNEL FILE ON A SUNDAY. I CAN'T PRODUCE -- I'M NOT
7 THE SHERIFF, I CAN'T PRODUCE THAT. I CAN DO MY BEST TO
8 FIND IT FOR THEM TOMORROW. BUT, THERE AGAIN.

9 THE COURT: YOU GOT MILLER, YOU GOT BEAVER, YOU GOT
10 LEE, YOU GOT EMBRY AND YOU GOT MCCONNELL. SO, YOUR FIRST
11 OFFICER WILL BE MCNAMARA, RIGHT?

12 MR. ARIAIL: HE WANTS IT ON LEE NOW.

13 THE COURT: ON LEE?

14 MR. ARIAIL: THAT'S WHAT HE JUST SAID.

15 THE COURT: I'D BE WILLING TO WAIVE LEE, YOUR HONOR,
16 IF WE COULD GET MCNAMARA AND SILVAGGIO.

17 TOMORROW MORNING IF YOU COULD GET MCNAMARA AND
18 SILVAGGIO.

19 MR. ARIAIL: I'LL DO MY BEST. I'M GOING TO TELL YOU,
20 JUDGE, THEY'RE NOT GOING TO GIVE IT TO ME, I DON'T THINK.

21 THE COURT: BRING ME AN ORDER IN THE MORNING AND I'LL
22 SIGN IT.

23 MR. ARIAIL: I'LL LET THEM BRING YOU AN ORDER. BUT
24 I'LL CALL THE SHERIFF TONIGHT.

25 THE COURT: NOT THEIR ENTIRE PERSONNEL FILE. ALL YOU

1 WANT IS THE DISCIPLINARY AND WHAT ELSE?

2 MR. ARIAIL: HE DIDN'T SAY DISCIPLINARY, HE SAID
3 TRAINING.

4 MR. MACDOUGALL: NO, I SAID TRAINING AND
5 DISCIPLINARY.

6 THE COURT: TRAINING AND DISCIPLINARY ACTIONS, THAT'S
7 ALL. WE'RE NOT GOING TO TURN OVER THE WHOLE PERSONNEL
8 FILE TO YOU. YOU UNDERSTAND? JUST TRAINING AND
9 DISCIPLINARY. IF YOU BRING ME ORDER IN THE MORNING, I'LL
10 SIGN IT.

11 MR. MACDOUGALL: THANK YOU, YOUR HONOR.

12 THE COURT: WOULD THE FOUR OF YOU PLEASE REVIEW IN
13 YOUR MIND THE CASE. IF WE HAVE ANY MORE OBJECTIONS SUCH
14 AS THIS, PLEASE LET THE COURT AND THE OTHER SIDE KNOW,
15 PLEASE.

16 MR. NETTLES: FAIR ENOUGH.

17 THE COURT: SO, WE DON'T HAVE TO STOP.

18 MR. NETTLES: I UNDERSTAND, THAT'S FAIR ENOUGH.

19 THE COURT: THANK YOU VERY MUCH. SEE YOU IN THE
20 MORNING.

21 (WHEREUPON, THE PROCEEDINGS ARE ADJOURNED TO THE
22 FOLLOWING DAY:)

23 * * * * *

24 * * *

25 *

1 MONDAY, FEBRUARY 14, 2005

2 (WHEREUPON, THE PROCEEDINGS RECONVENED WITH ALL
3 PARTIES PRESENT WHEN THE FOLLOWING PROCEEDINGS WERE
4 HAD:)

5 THE COURT: MR. NETTLES, FOR THE PURPOSE OF YOUR
6 MOTION, I'M GOING TO CONSIDER THE ENTIRE 911 TAPE RATHER
7 THAN GOING THROUGH IT INDIVIDUALLY. WE'LL MOVE YOU
8 EXCLUDE THE ENTIRE 911 TAPE UNDER CRAWFORD; IS THAT OKAY?

9 MR. NETTLES: YES, SIR.

10 THE COURT: RATHER THAN GOING THROUGH THE TROUBLE OF
11 TRYING TO PICK AND CHOOSE.

12 MR. NETTLES: YES, SIR. I WOULD SUBMIT THAT EVEN IF
13 YOU WEREN'T TO DECIDE TO DO THAT, THAT IT WOULD MAKE IT
14 SUCH THAT IT WOULD RULE THE ENTIRE THING OUT.

15 THE COURT: RIGHT. AND I AGREE WITH THAT. I
16 APPRECIATE YOUR MEMORANDUM. THANK YOU VERY MUCH.
17 HOWEVER, AFTER REVIEWING CRAWFORD I FIND IT RIGHT
18 INTERESTING THAT JUSTICE SCALIA GIVES A VERY THOROUGH
19 HISTORICAL BACKGROUND AS TO THE ABUSES OF THE
20 CONFRONTATION RIGHT, AND EVEN TOOK IT ALL THE WAY BACK TO
21 ROMAN TIMES AND TALKED ABOUT THE BAIL AND COMMITTAL
22 STATUTES REQUIRED THE JUSTICES OF THE PEACE EXAMINE
23 SUSPECTS AND WITNESSES IN FELONY CASES. PRETRIAL
24 EXAMINATIONS BECAME ROUTINE UNDER TWO STATUTES PASSED
25 DURING THE REIGN OF QUEEN MARY IN 16TH CENTURY AND

1 PROSECUTORS USING THESE TAPES TO COME INTO COURT AND OFFER
2 TESTIMONY BY TAPE, THERE WAS NO RIGHT OF THE ACCUSED TO
3 EVER CONFRONT. THE OPINION HISTORICALLY IN JUSTICE
4 SCALIA, THE MAJORITY OF THE COURT, DECIDED THAT THAT WAS
5 THE BASIS FOR THE SIXTH AMENDMENT CONFRONTATION CLAUSE,
6 AND THEY EXCLUDED ALL TESTIMONIAL INFORMATION WHICH LEFT
7 IT AT THAT, WITH NO GUIDELINES WHATSOEVER AS TO WHAT'S
8 TESTIMONY AND WHAT'S NOT TESTIMONIAL. SO, I GUESS THAT
9 ISSUE WILL BE LITIGATED AROUND THIS COUNTRY PROBABLY IN
10 THE NEXT FIVE OR TEN YEARS. BUT THAT'S NEITHER HERE NOR
11 THERE, WE HAVE TO MAKE A DECISION HERE TODAY. AND I WAS
12 TRYING TO FIND A PORTION OF THE OPINION.

13 I GUESS ON PAGE TEN OF THE OPINION. THE OPINION
14 STATES WHEN THEY'RE TALKING ABOUT WHAT'S ADMISSIBLE UNDER
15 TESTIMONIAL THEORY OR NOT, SAID "THE INVOLVEMENT OF
16 GOVERNMENT OFFICES IN THE PRODUCTION OF TESTIMONY WITH AN
17 EYE TOWARDS TRIAL PRESENTS UNIQUE POTENTIAL FOR
18 PROSECUTORIAL ABUSE."

19 HAVING READ THAT, AND THEN IN REFERENCE TO THE CITY
20 OF NEW YORK CASE OR THE PEOPLE OF THE STATE OF NEW YORK
21 VERSUS MOSCAT, WRITTEN BY JUSTICE GREENBURG, I THOUGHT WAS
22 A VERY GOOD OPINION.

23 MR. NETTLES: HAVE YOU HAD AN OPPORTUNITY TO READ THE
24 NEW YORK TIMES ARTICLE CITED AT THE END ABOUT MOSCAT?

25 THE COURT: NO.

1 MR. NETTLES: I WOULD ENCOURAGE THE COURT TO CONSIDER
2 READING THAT. IT'S AT THE END OF OUR BRIEF.

3 THE COURT: I'LL READ IT. AT THE END OF THE BRIEF?

4 MR. NETTLES: YES, SIR. I BELIEVE IT'S EVEN AFTER
5 THE SIGNATURE PAGE. IT'S AN ATTACHMENT. AND I WOULD ASK
6 THE COURT ALSO CONSIDER THERE'S BEEN TWO, IT TOOK ME A
7 WHILE -- I WAS FORTUNATE ENOUGH TO KNOW THE BOSS OF THE
8 LAWYERS THAT DEFENDED THE MOSCAT CASE, AND IT TOOK ME A
9 WHILE TO FIGURE THIS OUT; BUT THE TRIAL COURT IN NEW YORK
10 IS LIKE BASICALLY A MISDEMEANOR COURT.

11 THE COURT: RIGHT. THIS CASE WAS -- I THINK THE CASE
12 HANDLED PRIMARILY DOMESTIC VIOLENCE CASES.

13 MR. NETTLES: YES, SIR. AND WE CITED TWO SUBSEQUENT
14 NEW YORK CASES THAT ARE OUT OF THE SUPREME COURT, WHICH IS
15 EVEN MORE CONFUSING BECAUSE THAT'S THEIR TRIAL COURT. SO
16 THE TRIAL COURT IS THE MAGISTRATE COURT AND THE SUPREME
17 COURT IS JUST THE TRIAL COURT.

18 THE COURT: YEAH. I DETERMINED THAT FROM READING NEW
19 YORK LAW. AND I THINK HIS ACTIVITIES ARE LIMITED
20 PRIMARILY TO DOMESTIC ABUSE TYPE SITUATIONS WHERE THAT'S
21 COMMONLY USED, OR WHERE THE VICTIM REFUSES TO TESTIFY AND
22 THE STATE COMES IN AND THE STATE USES A PRIOR RECORDED
23 STATEMENT FOR PROSECUTORIAL PURPOSES. BUT HAVING SAID
24 THAT, I'LL GLANCE AT YOUR NEW YORK TIMES ARTICLE. YOU'RE
25 OFFERING THAT AS PERSUASIVE AUTHORITY OR ARE YOU OFFERING

1 THAT AS --

2 MR. NETTLES: I THINK IT PUTS IN CONTEXT THE TWO
3 OTHER NEW YORK SUPREME COURT CASES, WHICH COMES AFTER
4 MOSCAT AND DON'T EVEN MENTION MOSCAT. I THINK WHENEVER
5 YOU READ THAT, YOU'LL SEE WHY.

6 THE COURT: OKAY.

7 MR. NETTLES: AND, YOUR HONOR, I WOULD DRAW YOUR
8 ATTENTION TO CORTEZ, WHICH IS A MAY 26th 2004 CASE, AND
9 IT WOULD BE ON PAGE THREE. I'VE PROVIDED A COPY OF THIS
10 TO BOTH THE GOVERNMENT AND TO YOU. THE COLUMN ON THE
11 RIGHT AND THE ISSUE THAT WE'RE ADDRESSING AND WE THINK
12 CORTEZ ADDRESSES DIRECTLY IS THE FACT THAT IT'S REPORTING
13 AN ON-GOING CRIME AND DESCRIBING WHAT'S ACTUALLY HAPPENING
14 DURING THE COURSE OF THE CRIME, WHICH WE SUBMIT IS EXACTLY
15 WHAT WE HAVE IN THIS CASE AND IT DIFFERENTIATES US FROM
16 ANY OTHER 911 CASES.

17 THE COURT: ALL RIGHT. I'VE REVIEWED IT, HOWEVER, I
18 THINK JUDGE GREENBURG'S OPINION IN THE MOSCAT CASE
19 BASICALLY IS THAT DURING THE TESTIMONY, STATEMENTS
20 PRODUCED WHEN THE GOVERNMENT SUMMONS A WITNESS TO BE A
21 WITNESS AND TAPES A CONVERSATION, USES IT LATER FOR
22 PROSECUTORIAL PURPOSES, AND THE CRUX OF THE LOGIC IN HIS
23 ARGUMENT IS THERE'S NO WAIT DURING THE COMMISSION OF THE
24 ALLEGED CRIME AND WHEN THE 911 TAPE WAS TAKEN. THERE'S NO
25 WAY THE STATE IS INVOLVED IN THAT AS A MEANS OF --

1 OBVIOUSLY, THEY USED THE TAPE FOR TRIAL. HOWEVER, THE
2 STATE ITSELF IS NOT INVOLVED IN IT. I THINK THAT'S THE
3 CRUX OF GREENBURG'S OPINION.

4 NORTH CAROLINA -- 164, N.C. APPELLATE 272 FOLLOWS
5 MOSCAT, AND I THINK THERE'S A NEVADA CASE THAT
6 DISTINGUISHES MOSCAT, AND THE 911 TAPE IN THAT CASE WAS
7 AFTER -- WAS NOT TAKEN DURING THE COMMISSION OF THE CRIME.
8 AND STATE VERSUS POWERS, A 99 PAC. 3RD, 1262, ALSO DID NOT
9 ALLOW IN A 911 TAPE. THOSE TWO CASES FOUND THE 911 TAPE
10 WAS NOT ALLOWED IN BUT IT WAS NOT DURING THE COMMISSION OF
11 THE CRIME ITSELF.

12 AND BASED UPON THE DANGER THAT CRAWFORD WAS TRYING TO
13 ELIMINATE, I'M GOING TO FIND THAT THIS WAS TAKEN DURING
14 THE COMMISSION OF CRIME AND I'M GOING TO FOLLOW THE NORTH
15 CAROLINA CASE AND MOSCAT CASE. AND, HOPEFULLY, IN 18
16 MONTHS TO TWO YEARS WE WILL HAVE SOME GUIDANCE FROM THE
17 COURT OF APPEALS AND SUPREME COURT WHAT IS. I RATHER
18 AGREE WITH JUDGE RHENQUIST AND JUDGE O'CONNOR THAT THEY
19 LEFT EVERYBODY IN THE DARK.

20 MR. NETTLES: I FIND MYSELF IN THE ODD POSITION OF
21 AGREEING WITH JUSTICE SCALIA.

22 THE COURT: I UNDERSTAND. SO, I'M GOING TO DENY YOUR
23 MOTION, ALLOW IN THE 911 TAPE.

24 MR. NETTLES: THANK YOU.

25 (WHEREUPON, STATE'S EXHIBIT NO. 11 AND 11A WERE

1 MARKED FOR IDENTIFICATION AND RECEIVED INTO
2 EVIDENCE.)

3 THE COURT: NOW, AS FAR AS THE EXCITED UTTERANCE
4 PORTION, I DO FIND THAT THE STATEMENTS MADE DURING A
5 STARTLING EVENT THAT WAS GOING ON, ACTUALLY DURING THE
6 ALLEGED CRIME AT THE TIME, SO THERE WAS NO TIME PASSAGE
7 AND THERE WAS NO INTERIM TIME WHERE THE DECLARANT, I.E.
8 THE VICTIM, HAD AN OPPORTUNITY TO REFLECT OR CHANGE THE
9 STORY TO A FALSEHOOD. SO, I'M GOING TO ALLOW THE 911 TAPE
10 IN ON THAT BASIS.

11 MR. NETTLES: THE ONLY THING I WOULD BRING UP IN THE
12 INTEREST OF GETTING US AS FAR IN ADVANCE AS I CAN WILL BE
13 A HOSTAGE NEGOTIATION TAPE AS WELL. I DON'T KNOW WHEN THE
14 GOVERNMENT PLANS ON BRINGING THAT IN, BUT WE WOULD GO
15 AHEAD AND MAKE THE SAME --

16 THE COURT: WHENEVER IT COMES IN JUST MAKE YOUR
17 MOTION.

18 MR. NETTLES: YES, SIR.

19 THE COURT: QUITE FRANKLY, WHEN I SAID THIS MORNING I
20 THINK I'LL KNOW HOW I'LL RULE, BRING THAT UP WHEN IT COMES
21 UP.

22 MR. MAULDIN: I WANT TO PUT A FEW MATTERS ON THE
23 RECORD BEFORE WE PROCEED WITH THE JURY.

24 THE COURT: CONCERNING THIS?

25 MR. MAULDIN: NO, SIR. THAT RULING I ASSUME IS

1 FINAL.

2 THE COURT: OKAY. ALL RIGHT.

3 MR. MAULDIN: WE, IN ANTICIPATION OF CERTAIN
4 WITNESSES TODAY FROM THE STATE, WE DO ANTICIPATE BY
5 NECESSITY EITHER THROUGH DIRECT OR CROSS EXAMINATION OF
6 THOSE WITNESSES MATTERS BROUGHT IN REGARDING THE PAMELA
7 CRAWFORD INVOLVEMENT AND INTERVIEWS AND SO FORTH. WE
8 RENEW THE MOTIONS THAT WE MADE PREVIOUSLY. WE RECOGNIZE
9 THE RULINGS, BUT WE WANTED TO PUT ON THE RECORD THAT WE
10 ARE CONTINUING OUR OBJECTION.

11 THE COURT: AS TO WHAT?

12 MR. MAULDIN: AS TO THE MATTERS AFFECTED BY YOUR
13 RULING CONCERNING THE INVOLVEMENT OF DR. PAM CRAWFORD OUR
14 MOTIONS ARE --

15 THE COURT: WHAT MOTIONS ARE YOU REFERRING TO
16 SPECIFICALLY? YOU'VE GOT A LIST OF THEM.

17 MR. MAULDIN: YEAH, WHAT WE HAVE IS AN EXHIBIT LIST,
18 BUT WE BELIEVE --

19 THE COURT: WHAT WITNESSES ARE YOU SPECIFICALLY
20 REFERRING TO?

21 MR. MAULDIN: I BELIEVE THE TESTIMONY IS GOING TO
22 RELATE TO AT LEAST TWO WITNESSES FROM THE STATE; THAT
23 WOULD BE WITNESS MCNAMARA AND WITNESS SILVAGGIO. THEY MAY
24 ALSO RELATE TO WITNESS TOMLIN AND COULD BY EXTENSION
25 RELATE TO WITNESS FLASH.

1 THE COURT: LET ME ASK YOU THIS. INSTEAD OF MAKING
2 THIS SAME STATEMENT EVERY DAY, WHY CAN'T WE DO IT WHEN THE
3 WITNESS TAKES THE STAND? IT'S APPROPRIATE AT THAT TIME.
4 YOU MADE THE SAME MOTION YESTERDAY BEFORE WE STARTED,
5 MAKING THE SAME MOTION TODAY. WHY CAN'T WE MAKE IT WHEN
6 THE WITNESS TAKES THE STAND? THAT MAKES IT MORE
7 PERTINENT, RELEVANT AS TO THE TIMING OF YOUR MOTION.

8 MR. MAULDIN: YEAH. I GUESS THE REASON IS, JUDGE,
9 BECAUSE --

10 THE COURT: YOU MADE IT ON MOTION TO SUPPRESS, MADE
11 IT YESTERDAY, NOW YOU'RE MAKING IT AGAIN TODAY. WHY DON'T
12 YOU MAKE IT WHEN THE WITNESS IS GOING TO TESTIFY RATHER
13 THAN EACH DAY WE START.

14 MR. MAULDIN: I'LL BE GLAD TO ATTEMPT TO FOLLOW THOSE
15 DIRECTIVES, YOUR HONOR.

16 THE COURT: IF YOU'RE PUTTING IT IN THE FORM OF A
17 MOTION, YOUR MOTION IS DENIED.

18 MR. MAULDIN: YOUR HONOR, WE DID SUBMIT YESTERDAY FOR
19 YOUR CONSIDERATION A MOTION REGARDING THE PHOTOGRAPHS. WE
20 DO KNOW THAT THE STATE WILL BE CALLING WITNESSES THAT WILL
21 RELATE TO PHOTOGRAPHS. DO YOU WANT TO WAIT AND TAKE THAT
22 UP AT THE TIME OF THE PHOTOGRAPHS?

23 THE COURT: IF SOMEBODY WILL JUST SHOW ME THE
24 PHOTOGRAPHS YOU'RE TALKING ABOUT, I'LL MAKE A DECISION
25 RIGHT NOW.

1 MR. ARIAIL: I'VE GIVEN COPIES OF ALL PHOTOGRAPHS
2 WE'RE GOING TO USE. ALL HE HAS TO DO IS HAND UP TO YOU,
3 THOSE WILL BE THE ONES WE FOCUS ON. I CAN'T GUESS WHICH
4 ONES.

5 THE COURT: SOLICITOR, DO YOU HAVE THE ORIGINALS
6 GOING INTO EVIDENCE? OF THE PHOTOGRAPHS?

7 MR. ARIAIL: YES, SIR.

8 THE COURT: LET ME SEE THEM, RATHER THAN COPIES.
9 JUST LET ME SEE THEM.

10 MR. ARIAIL: WE HAVE TWO GROUPS, GUILT AND
11 PUNISHMENT.

12 THE COURT: I DON'T WANT TO SEE THE ONES ON THE
13 PENALTY PHASE, I WANT TO SEE THE ONES ON THE GUILT PHASE
14 ONLY RIGHT NOW. JUST LET ME LOOK AT THEM. LET ME LOOK AT
15 THEM AND I'LL LISTEN TO YOU.

16 MR. MAULDIN: THE PHOTOGRAPHS, YOUR HONOR, PACKAGE OF
17 PHOTOGRAPHS THAT I'M HANDING UP ARE PHOTOGRAPHS THAT WE DO
18 HAVE SPECIFIC OBJECTIONS TO AND ANTICIPATE MAKING THOSE
19 OBJECTIONS EITHER NOW --

20 THE COURT: ALL RIGHT. THIS IS YOURS THAT YOU OBJECT
21 TO, ALL THE PICTURES YOU'VE GIVEN?

22 MR. MAULDIN: THOSE ARE THE PHOTOGRAPHS WE ANTICIPATE
23 OBJECTIONS TO, YOUR HONOR.

24 (ATTORNEYS APPROACH BENCH.)

25 THE COURT: LET ME HEAR YOUR ARGUMENT, BRIEFLY. WHAT

1 ARE THE NUMBERS THESE PHOTOGRAPHS MARKED FOR THE RECORD,
2 THE TWO THAT HE HAS OBJECTIONS TO?

3 MR. ARIAIL: ONE IS MARKED 58.

4 THE COURT: WHICH ONE? THIS ONE IS 58?

5 MR. ARIAIL: NO, IT'S THE OTHER ONE.

6 THE COURT: OKAY.

7 MR. ARIAIL: AND 57.

8 THE COURT: FIFTY-SEVEN.

9 ALL RIGHT. MR. MAULDIN, THE TWO PICTURES THAT YOU
10 HAVE OBJECTION TO IN THE GUILT PHASE ONLY, I'M NOT TALKING
11 ABOUT THE PICTURES IN THE PENALTY PHASE, STATE'S EXHIBIT
12 57 AND 58. YOU SEE THESE TWO PICTURES, YOU WANT TO LOOK
13 AT THEM?

14 MR. MAULDIN: I BELIEVE THOSE ARE THE ONES I ACTUALLY
15 HANDED UP TO YOU, JUDGE.

16 THE COURT: I'LL HEAR YOUR ARGUMENTS AS TO THOSE TWO
17 PICTURES.

18 MR. MAULDIN: YOUR HONOR, AS TO THESE TWO
19 PHOTOGRAPHS, WE UNDERSTAND FROM THE PROSECUTION THEIR
20 REPRESENTATION WAS THAT THOSE TWO PHOTOGRAPHS WERE BEING
21 OFFERED TO SHOW THE LOCATION OF A SPENT SHELL, WHICH IS
22 THE RED SHOTGUN SHELL RUNNING ALONG THE BASE OF THE
23 COUNTER IN THIS PHOTOGRAPH, THAT THEY NEED THESE
24 PHOTOGRAPHS IN TO SHOW THE LOCATION OF THAT SHELL. THERE
25 IS ANOTHER PHOTOGRAPH IN THEIR FILE THAT SHOWS THE

1 SPECIFIC LOCATION.

2 THE COURT: WHAT IT IS YOUR PROBLEM WITH THESE
3 PHOTOGRAPHS? HE CAN TELL ME WHY HE'S PUTTING THEM IN,
4 TELL ME WHAT YOUR OBJECTION IS.

5 MR. MAULDIN: THE PROBLEM WITH THE PHOTOGRAPHS IS
6 THEY DEPICT MANDY WILLIAMS IN A POSITION DIFFERENT FROM
7 THE POSITION SHE WAS IN AFTER THE INCIDENT. SHE,
8 OBVIOUSLY, WHEN SHE WAS FIRST ATTENDED TO BY THE MEDICAL
9 PEOPLE, THEY CHANGED HER POSITION, THEY LEFT HER IN THE
10 POSITION SHOWN IN THESE PHOTOGRAPHS; THAT IT IS NOT
11 ACCURATE REGARDING HER CONDITION AT THE TIME OF THE EVENT.
12 SO, WE SAY THAT THE PICTURES ARE ACTUALLY INACCURATE.

13 AND THE PURPOSE OF THE PICTURE IS TO SHOW THE
14 LOCATION OF A SHELL, WHICH MEANS IF THE PURPOSE CAN BE
15 ESTABLISHED BY A DIFFERENT PHOTOGRAPH THAT DOES NOT HAVE
16 HER IN IT, AND HER POSITION IN THE PICTURES IS INACCURATE,
17 THERE'S NO REASON TO PUT THESE PICTURES IN.

18 THE COURT: OKAY. LET ME SEE THEM.

19 SOLICITOR, LET ME HEAR FROM YOU.

20 MR. ARIAIL: THE PURPOSE OF THE PHOTOGRAPH IS NOT TO
21 SHOW THE SPENT SHELL. THAT'S ONLY ONE PURPOSE. THE
22 PURPOSE OF THE PHOTOGRAPHS IS TO SHOW THE PROXIMITY OF THE
23 SPENT SHELL TO THE BODY OF THE VICTIM. AND ALSO TO SHOW
24 THE PROXIMITY OF OTHER DROPPED LIVE SHELLS THAT ARE ON THE
25 FLOOR IN PROXIMITY TO THE BODY OF THE VICTIM. THERE'S NO

1 QUESTION THAT THE LAW ENFORCEMENT ATTEMPTED RESUSCITATION
2 EFFORTS AND, AS SUCH, HAD TO TURN MISS WILLIAMS OVER.
3 THAT WILL BE COVERED IN TESTIMONY BY THE PERSON WHO DID
4 IT, WHO WILL EXPLAIN BEFORE THESE PICTURES WERE INTRODUCED
5 THAT SHE WAS LYING FACE DOWN RATHER THAN FACE UP, FACE UP
6 PICTURES.

7 AND AS YOU CAN SEE IN THESE PHOTOGRAPHS, THEY DON'T
8 SHOW HER BODY. ONE ONLY SHOWS FROM THE WAIST DOWN TO GET
9 THE POSITION OF THAT SPENT SHELL IN REGARDS TO --

10 THE COURT: ARE ALL THE SHELLS SHOWN IN NUMBER 58
11 THAT YOU WANT SHOWN?

12 MR. ARIAIL: ALL THE SHELLS ARE SHOWN IN 58, WITH
13 THE --

14 THE COURT: THERE'S ONE RIGHT BY HER FOOT AND THREE
15 OVER AGAINST THE BLACK, LOOKS LIKE SOME KIND OF COUNTER.

16 MR. ARIAIL: FOUR ARE SHOWN.

17 THE COURT: FOUR ARE SHOWN IN 58.

18 MR. ARIAIL: THE ONLY DIFFERENCE IS THAT IN 57 -- 57
19 HAS SOME BLOOD ON THAT GARBAGE CAN. AND WHEN YOU SEE THE
20 VIDEO OF THIS CRIME TAKING PLACE, YOU WILL SEE THAT SHE
21 GOES AROUND BESIDE THAT --

22 THE COURT: THAT TRASH CAN?

23 MR. ARIAIL: -- TRASH CAN. AND IT'S GOING TO BE VERY
24 IMPORTANT FOR US TO ESTABLISH AT THE TIME SHE WENT AROUND
25 THAT TRASH CAN, SHE WAS STILL ALIVE AND WOULD HAVE

1 REMAINED ALIVE HAD THERE BEEN NO FURTHER SHOOTING. AND
2 THAT IS THE PURPOSE OF BEING ABLE TO SHOW. NOW, THAT
3 TRASH CAN IS ON THE DIAGRAM. THAT'S WHY WE WANTED THAT,
4 TO SHOW THE DISTANCE SHE WAS ABLE TO GO AND HOW FAR THIS
5 DEFENDANT STALKED HER WHILE HE FIRED TWO MORE SHOTS.'

6 THE COURT: ALL RIGHT. MR. MAULDIN, IF HE TIES ALL
7 THAT UP THROUGH TESTIMONY, OKAY, I WILL ALLOW THE PICTURES
8 IN. IF HE DOESN'T, I WON'T. OKAY?

9 MR. MAULDIN: AND, FINALLY, YOUR HONOR --

10 THE COURT: HE CAN JUST MARK THEM FOR IDENTIFICATION
11 ONLY UNTIL ALL THAT INFORMATION IS TIED IN. ESPECIALLY
12 THE ONE ON 57 WHERE YOU'RE SHOWING THE BLOOD ON THE TRASH
13 CAN COMING FROM THE DIRECTION WHICH SHE WAS GOING WHEN SHE
14 WAS SHOT, SOLICITOR. DID YOU HEAR WHAT I SAID?
15 ESPECIALLY ON PHOTOGRAPH 57 WHERE IT SHOWS THE BLOOD ON
16 THE TRASH CAN AND THE DIRECTION SHE WAS GOING WHEN SHE WAS
17 SHOT. ONCE ALL THAT IS TIED TOGETHER, THEN I'LL ALLOW
18 THEM IN.

19 SO, MARK THEM FOR IDENTIFICATION ONLY UNTIL YOU'VE
20 PROVEN EVERYTHING, SOLICITOR. IF YOU ARE, OR IF YOU DO --

21 MR. MAULDIN: FINALLY, YOUR HONOR, THE MODIFICATION
22 OF THE POSITION MANDY WAS IN WITH REGARD TO CROSSING HER
23 LEGS AND ALL THAT.

24 THE COURT: THEY'RE GOING TO HAVE TO EXPLAIN ALL
25 THAT. AND I THINK THAT CAN BE DONE. IF THAT'S NOT DONE,

1 THEN THEY WON'T GO IN.

2 MR. NETTLES: I'LL JUST SAY ONE THING. I'LL BE
3 CANDID WITH THE COURT. HERE'S THE SITUATION. WE WOULD
4 ASK THE COURT TO RULE ON WHAT THE GOVERNMENT HAS SAID ARE
5 "PENALTY PHASE PICTURES." AND I'LL BE CANDID WITH THE
6 COURT WHY.

7 OUR DEFENSE, WE DON'T HAVE TO WAIT FOR SOMETHING
8 THAT'S GOING TO HURT US. I MEAN, THE PICTURES EXIST.
9 THEY'RE PART OF THE DISCOVERY. WE MAY CHOOSE TO MOVE
10 THOSE BAD PICTURES IN NOW, BUT WE CAN'T KNOW UNTIL YOU'VE
11 RULED WHETHER THEY'RE ADMISSIBLE OR NOT.

12 THE COURT: IF YOU MOVE TO PUT THEM IN, I'LL LOOK AT
13 THEM AT THE TIME.

14 MR. NETTLES: IT'S GOING TO COME UP DURING ONE OF THE
15 WITNESSES TODAY. AND IF YOU ACCOMMODATE --

16 THE COURT: WHICH FASHION IS IT COMING UP? THOSE
17 PICTURES I LOOKED AT HE SAID IN THE PENALTY PHASE ARE NOT
18 GOING IN, IN THE GUILT PHASE.

19 MR. NETTLES: WELL, WE MAY CHOOSE TO PUT THEM IN.

20 THE COURT: IF YOU CHOOSE TO PUT THEM IN, THAT'S
21 FINE; BUT JUST LOOKING AT THE PICTURES, IN THE GUILT PHASE
22 I'M NOT PUTTING THEM IN DUE TO THE GORINESS.

23 MR. NETTLES: I WAS LEAD TO BELIEVE YOU HAVE REFUSED
24 TO RULE ON THEM.

25 THE COURT: THEY'RE NOT -- I RULED THEY'RE NOT GOING

1 IN, IN THE GUILT PHASE PRIMARILY BECAUSE OF THE GORINESS
2 OF THEM.

3 MR. NETTLES: I APPRECIATE IT. THAT'S FINE.

4 THE COURT: IF YOU WANT TO PUT THEM IN, HAVE AT IT.

5 MR. NETTLES: I MISUNDERSTOOD, AND I APPRECIATE IT.

6 THE COURT: ARE WE READY TO PROCEED?

7 MR. ARIAIL: DUE TO THE INTERRUPTION AND THE BREAK,
8 I'M GOING TO RECALL MISS CROSBY.

9 MR. MACDOUGALL: YOUR HONOR, WE HAVE THE ORDERS
10 REGARDING THE PERSONNEL RECORDS.

11 THE COURT: WELL, PASS IT UP.

12 SOLICITOR, ARE YOU READY TO PROCEED?

13 MR. ARIAIL: YES, SIR.

14 THE COURT: DEFENDANT, YOU READY TO PROCEED?

15 MR. MAULDIN: YES, SIR.

16 THE COURT: BRING US THE JURY, PLEASE.

17 (WHEREUPON, THE JURY RETURNED TO OPEN COURT, WHEN THE
18 FOLLOWING PROCEEDINGS WERE HAD.)

19 NANCY CROSBY, AFTER BEING DULY SWORN,
20 TESTIFIED AS FOLLOWS:

21 DIRECT EXAMINATION

22 BY MR. ARIAIL:

23 Q MISS CROSBY, YOU WERE ON THE STAND LATE YESTERDAY
24 AFTERNOON. DUE TO THE TIME LAPSE IN BETWEEN, LET ME JUST
25 GO OVER A FEW QUESTIONS. YOU SAID YOU HAD REVIEWED THE

1 TRANSCRIPT OF THE TAPE OF THIS CONVERSATION. AND I WANT,
2 SO THE JURY WILL UNDERSTAND WHEN THEY READ IT WHAT THE
3 MARKINGS ARE ON IT, IS MARANDA WILLIAMS DENOTED ON THE
4 TRANSCRIPT?

5 A YES.

6 Q HOW IS SHE LABELED?

7 A WITH THE LETTER "M."

8 Q MR. WILLIAMS, HOW IS HE?

9 A AS "CW."

10 Q AND HOW ARE YOU DEFINED?

11 A "911."

12 Q HOW ABOUT TONY LEE, THE HOSTAGE NEGOTIATOR?

13 A "TL."

14 Q AND THE CITY POLICE?

15 A AS "CP."

16 Q AND WE TALKED ABOUT YOUR COMMUNICATIONS WITH OTHER
17 PEOPLE DURING THE COURSE OF THIS?

18 A YES.

19 Q AND HOW THAT SOUNDS ON THE TAPE?

20 A YES.

21 Q AND IT SOUNDS LIKE WHAT?

22 A THAT I AM REPEATING WHAT MARANDA WILLIAMS SAYS TO THE
23 RADIO OPERATOR, SHE HEARS ME GETTING THE INFORMATION AND
24 SHE IS GETTING THE INFORMATION OVER THE AIR TO THE
25 DEPUTIES.

1 MR. ARIAIL: YOUR HONOR, WE'RE NOW READY TO PLAY THE
2 TAPE AND READ THE TRANSCRIPT.

3 THE COURT: OKAY. IF YOU'LL PASS --

4 MR. ARIAIL: I'LL HAND TO THE WITNESS 11A, WHICH IS A
5 TRANSCRIPT.

6 THE COURT: THE JURORS NEED THE TRANSCRIPTS.

7 MR. ARIAIL: THE CLERK HAS THEM.

8 (WHEREUPON, THE 911 TAPE MARKED AS STATE'S EXHIBIT
9 NUMBER 11, IS PLAYED IN OPEN COURT.)

10 Q MISS CROSBY, BY NOW AFTER HAVING HEARD THE TAPE
11 RECORDED CONVERSATION AND REVIEWED THE TRANSCRIPT, IS IT
12 STILL YOUR OPINION THAT THAT IS AN ACCURATE RECORDING?

13 A YES, SIR.

14 Q AND AN ACCURATE TRANSCRIPT?

15 A YES.

16 Q THAT'S ALL WE HAVE. ANSWER ANY QUESTIONS MR. MAULDIN
17 HAS.

18 THE COURT: CROSS EXAMINATION, MR. NETTLES?

19 MR. NETTLES: THANK YOU.

20 CROSS EXAMINATION

21 BY MR. NETTLES:

22 Q HOW YOU DOING, MISS CROSBY?

23 A I'M FINE.

24 Q JUST TO BE FAIR TO YOU, DO YOU HAVE A RANK?

25 A AT THAT TIME I WAS COMMUNICATIONS SUPERVISOR.

1 Q OKAY. IS CALLING YOU MISS CROSBY ALL RIGHT? OR DO
2 YOU LIKE LIEUTENANT?

3 A NO, NO, THAT'S FINE. THAT'S FINE.

4 Q TALK TO ME FOR A SECOND ABOUT AS A 911 OPERATOR WHO
5 DID YOU WORK FOR?

6 A FOR THE GREENVILLE COUNTY SHERIFF'S OFFICE.

7 Q AND ONE OF THE THINGS ON 911 IS YOU'RE TRAINED TO GET
8 INFORMATION?

9 A YES.

10 Q SO, WHENEVER A 911 CALL COMES IN, YOU'VE BEEN TRAINED
11 TO GET AS MUCH INFORMATION AS YOU CAN FROM PERSONS WHO MAY
12 CALL?

13 A YES.

14 Q AND YOU'VE BEEN TRAINED TO ASK QUESTIONS,
15 DESCRIPTIONS --

16 A YES.

17 Q -- IN YOUR CAPACITY AT THE SHERIFF'S DEPARTMENT?

18 A YES.

19 Q NOW, I'D JUST LIKE TO -- IT'S HARD FOR US TO HEAR, IT
20 WAS POINTED THE OTHER WAY. JUST A COUPLE OF THINGS.

21 DURING THE COURSE OF THIS 911 TAPE, AS A MATTER OF FACT,
22 AT NO TIME DID SHE EVER SAY HE HAD THE GUN POINTED AT HER?

23 A CORRECT.

24 Q IT WAS CLEAR HE HAD A GUN. AND I THINK WE CAN ALL
25 AGREE, CERTAINLY NO ONE IS INSINUATING THAT SHE WAS ACTING

1 BECAUSE HE HAD A GUN, BUT IT WAS ALWAYS HE HAD IT IN HIS
2 HAND, HE HAD IT ON HIS LAP?

3 A RIGHT.

4 Q YOU ASKED HER THAT ON SEVERAL OCCASIONS?

5 A I DID.

6 Q AND, AS A MATTER OF FACT, AS IT RELATES TO THE
7 INCIDENT DURING THE COURSE OF THE CONVERSATION, HE NEVER
8 HURT HER ACCORDING TO WHAT YOU WERE ABLE TO TALK TO HER.

9 A DURING THE COURSE OF THAT CONVERSATION.

10 Q I UNDERSTAND. LET'S BE CLEAR. YOU AND I -- I CAN
11 ONLY ASK YOU AND IT WOULD ONLY BE FAIR FOR ME TO ASK YOU
12 ABOUT WHAT YOU KNOW. AND YOU NEVER WENT TO THE SCENE?

13 A NO.

14 Q AND YOUR INVOLVEMENT WAS FROM THE BEGINNING OF THE
15 PHONE CONVERSATION TO THE END. SO, OUT OF FAIRNESS TO
16 YOU, THAT'S WHAT WE'LL BE TALKING ABOUT. AND ONE OF THE
17 THINGS YOU WERE TRAINED TO DO, OBVIOUSLY, WAS TO FIND OUT
18 IF THE SITUATION HAD ESCALATED?

19 A RIGHT.

20 Q AND THAT'S ONE OF THE REASONS YOU KEPT ASKING HER,
21 "IS HE HURT YET? IS HE HURT YET?"

22 AND HER RESPONSE WAS, "NO, WE'RE JUST TALKING. WE'RE
23 JUST TALKING"?

24 A I KEPT ASKING HER IF EVERYTHING WAS OKAY. RIGHT.

25 Q YES, MA'AM. BUT YOU DIDN'T GET THE SENSE DURING THE

1 COURSE OF YOUR CONVERSATION THE SITUATION HAD ESCALATED
2 ANY?

3 A I KEPT TRYING TO MAKE SURE THAT THEY WERE BOTH STILL
4 CALM.

5 Q YES, MA'AM.

6 A RIGHT.

7 Q AND EVERYBODY CAN JUDGE THAT FROM THE TAPE. BUT
8 YOU'VE BEEN ON 911 CALLS WHERE YOU COULD HEAR SOMEBODY
9 BEATING SOMEONE UP IN THE BACKGROUND?

10 A YES. YES.

11 Q AND THAT DIDN'T HAPPEN TO HAPPEN HERE.

12 A RIGHT.

13 Q ONE OF THE THINGS THAT YOU DID FIND OUT WAS THAT
14 CHRIS, SHE AND CHRIS, WENT TO THE DRUG AISLE?

15 A RIGHT.

16 Q AND BASED ON WHAT MANDY WAS TELLING YOU, CHRIS GOT
17 SOME SLEEPING PILLS?

18 A RIGHT.

19 Q AND AS A MATTER OF FACT YOU ASKED WHETHER HE WAS
20 GOING TO FORCE HER TO TAKE THEM.

21 AND SHE SAID, NO, THAT HE WANTED TO TAKE THEM?

22 A RIGHT. RIGHT.

23 Q AND, AS A MATTER OF FACT, BASED ON WHAT SHE TOLD YOU,
24 THEY HAD GOTTEN THOSE SLEEPING PILLS?

25 A BASED ON WHAT SHE SAID, YES, SIR.

1 Q AND YOU ALL WENT BACK TO THE MANAGER'S OFFICE. YOU
2 STAYED THERE, BUT THEY WENT BACK TO THE MANAGER'S OFFICE?
3 A RIGHT.
4 Q BOTH YOU AND THE OTHER PERSON THAT CAME ON THE
5 LINE --
6 A TONY LEE.
7 Q -- TONY LEE, WANTED TO ASK HER WHETHER HE WAS DRUNK?
8 A RIGHT.
9 Q AND YOU DID?
10 A RIGHT.
11 Q OR WHETHER HE WAS UNDER THE INFLUENCE OF ANY DRUGS?
12 A WHETHER HE WAS ACTING THAT WAY.
13 Q BOTH TIMES SHE RESPONDED, NO, HE WAS NOT DRUNK; AND
14 SHE DIDN'T THINK HE WAS ON DRUGS?
15 A RIGHT.
16 Q I BELIEVE THAT'S ALL I HAVE. LET ME GO CHECK.
17 THE COURT: ANY REDIRECT?
18 MR. ARIAIL: NONE, YOUR HONOR.
19 THE COURT: MAY SHE BE EXCUSED? ANY OBJECTION?
20 MR. NETTLES: NONE.
21 THE COURT: MISS CROSBY, YOU'RE WELCOME TO STAY IF
22 YOU WANT TO, OTHERWISE YOU MAY BE EXCUSED. THANK YOU VERY
23 MUCH.
24 MS. STROM: THE STATE CALLS CHRIS MILLER.
25 CHRISTOPHER T. MILLER, AFTER BEING

1 DULY SWORN, TESTIFIED AS FOLLOWS:

2 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE.

3 THE WITNESS: CHRISTOPHER TODD MILLER.

4 DIRECT EXAMINATION

5 BY MRS. STROM:

6 Q DEPUTY MILLER, IF YOU WOULD, PLEASE STATE YOUR FULL
7 NAME FOR THE RECORD.

8 A CHRISTOPHER TODD MILLER.

9 Q I NEED YOU TO KEEP YOUR VOICE UP SO ALL THESE JURORS
10 AND I CAN HEAR YOU.

11 A OKAY.

12 Q BY WHOM ARE YOU EMPLOYED?

13 A GREENVILLE COUNTY SHERIFF'S OFFICE.

14 Q HOW LONG HAVE YOU BEEN WITH THE GREENVILLE COUNTY
15 SHERIFF'S OFFICE?

16 A FOR SIX YEARS.

17 Q I WANT TO DIRECT YOUR ATTENTION TO SEPTEMBER 3RD,
18 2003, AT ABOUT 10:00 IN THE MORNING. WERE YOU WORKING
19 THAT DAY?

20 A YES, I WAS.

21 Q WHAT SHIFT WERE YOU WORKING?

22 A I WAS IN THE TRAFFIC DIVISION AT THAT TIME.

23 Q BEING IN THE TRAFFIC DIVISION, WHAT TIME DID YOU COME
24 ON? WHAT TIME DO YOU LEAVE?

25 A IT WAS 7 A.M. TO 7:00 P.M. SHIFT. OR 7 A.M. TO

1 5:00 P.M., I'M SORRY.

2 Q ON THAT DAY ABOUT 10:00 IN THE MORNING DID YOU
3 RECEIVE INFORMATION ABOUT A SITUATION THAT WAS OCCURRING
4 AT THE BI-LO ON EAST NORTH STREET?

5 A YES, I DID.

6 Q HOW WAS IT THAT YOU RECEIVED THAT INFORMATION? NOT
7 EXACTLY WHAT YOU RECEIVED, BUT HOW DID THAT INFORMATION
8 COME TO YOU?

9 A OVER THE POLICE RADIO.

10 Q WHERE WERE YOU WHEN YOU HEARD THIS OVER THE POLICE
11 RADIO?

12 A I WAS IN THE PARKING LOT OF THE OLD PLAY-IT-AGAIN
13 SPORTS, WHICH IS RIGHT ACROSS FROM BOB JONES UNIVERSITY ON
14 PLEASANTBURG DRIVE, CLOSE TO WADE HAMPTON BOULEVARD.

15 Q HOW FAR IS THAT FROM THE BI-LO ON EAST NORTH STREET?

16 A PROBABLY A QUARTER OF A MILE MAYBE.

17 Q AND FOR THE RECORD, THE BI-LO ON EAST NORTH STREET,
18 IS THAT IN GREENVILLE COUNTY?

19 A YES, IT IS.

20 Q WHEN YOU RECEIVED THIS INFORMATION OVER THE POLICE
21 RADIO, I TAKE IT THAT CAME FROM DISPATCH?

22 A YES, MA'AM.

23 Q WHAT DID YOU DO WHEN YOU RECEIVED THAT INFORMATION?

24 A AS SOON AS I HEARD THE INFORMATION, I LEFT THE
25 PARKING LOT AND PROCEEDED TO GO TO THE BI-LO.

1 Q APPROXIMATELY HOW LONG DID IT TAKE YOU TO GET THERE?

2 A MAYBE A MINUTE AT THE MOST.

3 Q WHEN YOU GOT TO THE BI-LO ON EAST NORTH STREET, WHERE
4 DID YOU GO?

5 A AS SOON AS I GOT TO THE BI-LO, I PULLED UP INTO THE
6 FRONT OF THE STORE WHERE I SAW DEPUTY TODD, WHO WAS
7 ALREADY ON SCENE.

8 Q AND WHERE IS DEPUTY TODD TODAY?

9 A HE IS OVERSEAS RIGHT NOW.

10 Q IN IRAQ?

11 A YES.

12 Q AND WHEN YOU SAW DEPUTY TODD THERE ON THE SCENE, WHAT
13 DID YOU DO?

14 A I INITIALLY WENT TO APPROACH HIM, WHICH HE WAS ON THE
15 PHONE, WHICH I ASSUMED AT THE TIME HE WAS ON THE PHONE
16 WITH HIS SUPERVISOR.

17 Q AND AS A RESULT OF HIM BEING ON THE PHONE, DID YOU DO
18 ANYTHING?

19 A I SPOKE WITH THE STORE MANAGER, WHICH I RECOGNIZE HIM
20 AS STORE SOMETHING BY HIS NAME TAG, WHICH SAID STORE
21 MANAGER.

22 Q YOU TALKED WITH THE STORE MANAGER?

23 A YES, MA'AM.

24 Q WHAT WAS THE PURPOSE OF TALKING WITH THE STORE
25 MANAGER?

1 A I ASKED HIM WHAT WAS GOING ON AND HE TOLD ME THAT
2 THE --

3 MR. MAULDIN: YOUR HONOR, I BELIEVE I WOULD OBJECT.

4 THE COURT: SUSTAIN THE OBJECTION.

5 MS. STROM: DON'T GO INTO WHAT HE TOLD YOU. BUT LET
6 ME ASK YOU THIS. WAS THE PURPOSE OF YOUR TALKING WITH HIM
7 TO LEARN THE SITUATION THAT WAS ACTUALLY GOING ON INSIDE?

8 A YES.

9 Q FURTHERMORE, WAS THE PURPOSE OF YOUR TALKING WITH HIM
10 TO GET A LAYOUT OF THE STORE?

11 A YES.

12 Q WHAT DID YOU PHYSICALLY DO IN TERMS OF GETTING A
13 LAYOUT OF THE STORE?

14 A THE ONLY THING I DID WAS I TOOK A POSITION AS DEPUTY
15 TODD WAS ON THE PHONE WITH HIS SUPERVISORS, AND I TOOK A
16 POSITION TO COVER BOTH OF US UNTIL WE COULD FIND OUT, YOU
17 KNOW, EXACTLY WHAT WE WERE GOING TO DO.

18 Q WHEN YOU SAY YOU TOOK A POSITION, WHAT DOES THAT
19 MEAN?

20 A I TOOK A POSITION TO COVER MYSELF, WHICH WAS AT A
21 BRICK COLUMN THERE IN FRONT OF THE STORE.

22 Q SO, YOU'RE IN FRONT OF ONE OF THE BRICK COLUMNS IN
23 FRONT OF THE STORE. WAS YOUR WEAPON DRAWN?

24 A YES, MA'AM, I HAD MY SHOTGUN.

25 Q YOU HAD YOUR SHOTGUN?

1 A YES, MA'AM.

2 Q WERE YOU ABLE TO SEE INSIDE OF THE BI-LO?

3 A NO, NOT FROM WHERE I WAS AT BECAUSE THERE'S GLASS
4 WINDOWS ON THE SIDE OF THE BUILDING. AND THEY HAD A TENT,
5 YOU COULD NOT SEE FROM THE OUTSIDE IN, SO I WAS IN A
6 VULNERABLE POSITION.

7 Q WHILE YOU WERE OUTSIDE AT THAT TIME, DID YOU NOTICE
8 ANYTHING UNUSUAL ABOUT ANY OF THE CARS OR ANYTHING IN THE
9 PARKING LOT?

10 A THERE WAS A RED MUSTANG PARKED IN FRONT OF THE STORE
11 WHICH WAS NOT A PARKING SPACE.

12 Q IT WAS NOT A PARKING SPACE. HOW CLOSE WAS IT TO THE
13 BUILDING, TO THE BI-LO?

14 A MAYBE 15 FEET FROM THE BUILDING.

15 Q AND DID YOU ALL DO ANYTHING WITH REGARD TO THIS RED
16 MUSTANG?

17 A RAN THE TAG NUMBER TO SEE WHO IT CAME BACK TO.

18 Q AND TO WHOM DID THAT COME BACK TO?

19 A MR. WILLIAMS.

20 Q I WANT TO GO BACK, AGAIN NOT GETTING INTO THE
21 CONVERSATION YOU HAD WITH THE STORE MANAGER, BUT WERE YOU
22 ATTEMPTING TO GIVE A -- GET A LAYOUT OF THE STORE AS FAR
23 AS WHERE THE AISLES WERE, WHERE THE DELI OFFICE WAS, AND
24 THAT SORT OF THING?

25 A YES. WE DISCUSSED, MYSELF AND DEPUTY TODD, HAD

1 DISCUSSED THE POSSIBILITY OF ENTERING THE STORE. BUT WE
2 LEARNED FROM THE MANAGER THERE WERE SURVEILLANCE CAMERAS
3 AND MONITORS INSIDE THE STORE. AND DEPENDING UPON WHERE
4 MR. WILLIAMS WAS AT, IT MADE IT IMPOSSIBLE FOR US TO ENTER
5 THE STORE. SO, WE HAD TO WAIT ON SWAT.

6 Q WHAT DID YOU DO? OBVIOUSLY SWAT ARRIVED, CORRECT?

7 A YES, MA'AM.

8 Q WHAT DID YOU DO WHEN SWAT TEAM ARRIVED?

9 A AT THAT TIME I WAS RELIEVED FROM MY POSITION AT THE
10 BRICK COLUMN IN FRONT OF THE STORE, AND THEN I MOVED TO
11 THE FRESH MARKET TO HELP WITH CROWD CONTROL.

12 Q AFTER SWAT TEAM ARRIVED AND SOMEONE TOOK OVER YOUR
13 POSITION, YOU STATED YOU MOVED BACK TOWARDS THE OUTER
14 PERIMETER?

15 A YES.

16 Q WERE YOU PRESENT -- HOW LONG DO YOU THINK YOU WERE
17 THERE?

18 A AN HOUR AND 30 TO MAYBE AN HOUR AND 40 MINUTES.

19 Q AND WERE YOU THERE WHEN SWAT ENTERED THE STORE?

20 A YES.

21 Q DID YOU ENTER THE STORE?

22 A NO, I DID NOT.

23 Q AFTER THE SWAT TEAM ENTERED THE STORE, DID YOU REMAIN
24 ON THE SCENE OR WHAT DID YOU DO?

25 A I DID. I REMAINED ON THE SCENE WITH EMS WORKERS.

1 AND ONCE THE SWAT TEAM CAME BACK OUT WITH MR. WILLIAMS, I
2 ESCORTED EMS TO THE FRONT OF THE STORE.

3 Q AND AFTER ESCORTING EMS TO THE FRONT OF THE STORE,
4 DID YOU ACTUALLY ENTER THE STORE?

5 A NO.

6 Q AND WHAT ELSE, IF ANYTHING, DID YOU DO THERE AT THE
7 SCENE?

8 A AFTER EVERYTHING WAS SECURED, MYSELF AND ANOTHER
9 DEPUTY TOOK CRIME SCENE TAPE AND TAPED OFF THE AREA TO
10 STOP ANY ACCESS FROM ANY UNAUTHORIZED PEOPLE.

11 Q AND DID YOU REMAIN ON SCENE CONTINUOUSLY? OR DID YOU
12 HAVE TO LEAVE FOR SOME REASON?

13 A I WAS ASKED BY THE CHARLIE SHIFT SUPERVISORS IF I
14 COULD HELP TAKE CALLS BECAUSE THEY WERE GETTING BACKED UP.

15 Q SO, YOU LEFT THE SCENE TO GO HELP ANSWER CALLS?

16 A YES, MA'AM.

17 MS. STROM: COURT'S INDULGENCE, YOUR HONOR?

18 THE COURT: YES, MA'AM.

19 MS. STROM: THANK YOU. PLEASE ANSWER ANY QUESTIONS
20 THE DEFENSE MAY HAVE.

21 THE COURT: CROSS EXAMINATION?

22 MR. MAULDIN: JUST A COUPLE OF QUESTIONS, JUDGE.

23 **CROSS EXAMINATION**

24 BY MR. MAULDIN:

25 Q OFFICER MILLER, WHEN YOU SAY THAT YOU LEFT THE SCENE,

1 WITH REGARD TO THE TIMING OF THAT, YOU LEFT THE SCENE
2 PRIOR TO THE CONCLUSION? YOU HAD LEFT; IS THAT RIGHT?

3 A AS SOON AS WE TAPED OFF THE AREA. YES, SIR.

4 Q I WANT TO ASK YOU IF YOU CAN IDENTIFY THESE TWO
5 PHOTOGRAPHS FOR ME, PLEASE, SIR?

6 A YES, SIR.

7 MS. STROM: NO OBJECTION.

8 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 1 WAS MARKED FOR
9 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

10 Q I HAND YOU THAT PHOTOGRAPH AND ASK YOU TO IDENTIFY
11 THAT FOR THE JURY. CAN YOU IDENTIFY THAT FOR THE JURY
12 PLEASE, SIR?

13 A YES. THIS IS THE FRONT OF THE BI-LO.

14 Q AND DOES THIS HAVE IN THE PHOTOGRAPH THE RED CAR YOU
15 HAVE TESTIFIED REGARDING?

16 A YES, SIR.

17 Q ALL RIGHT.

18 MR. MAULDIN: ASK THIS PHOTOGRAPH BE MARKED
19 DEFENDANT'S EXHIBIT, YOUR HONOR.

20 THE COURT: ANY OBJECTION?

21 MS. STROM: NO OBJECTION.

22 THE COURT: ADMITTED WITHOUT OBJECTION.

23 Q AND, OFFICER MILLER, I ASK YOU TO IDENTIFY THAT
24 PHOTOGRAPH PLEASE, SIR.

25 A THIS IS ALSO IN FRONT OF THE BI-LO ON EAST NORTH

1 STREET.

2 Q AND IT'S THE FRONT OF THE STORE AND HAS THE RED
3 AUTOMOBILE YOU TESTIFIED REGARDING?

4 A YES, SIR.

5 MR. MAULDIN: OFFER THAT, YOUR HONOR.

6 MS. STROM: NO OBJECTION.

7 THE COURT: ALL RIGHT. DEFENDANT'S EXHIBIT 2
8 ADMITTED WITHOUT OBJECTION.

9 (DEFENDANT'S EXHIBIT NUMBER 2 IS RECEIVED INTO
10 EVIDENCE.)

11 MR. MAULDIN: NO FURTHER QUESTIONS, YOUR HONOR.

12 THE COURT: ANY REDIRECT?

13 MS. STROM: NONE, YOUR HONOR. WE'D ASK THIS WITNESS
14 BE EXCUSED.

15 THE COURT: YOU'RE WELCOME TO STAY OR YOU MAY BE
16 EXCUSED. THANK YOU VERY MUCH.

17 MR. MAULDIN: NO OBJECTION, YOUR HONOR.

18 (WITNESS EXCUSED.)

19 THE COURT: CALL YOUR NEXT WITNESS.

20 MRS. STROM: CALL JAMES BEAVER.

21 JAMES BEAVER, AFTER BEING DULY
22 SWORN, TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION

24 BY MRS. STROM:

25 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE,

1 SIR.

2 THE WITNESS: JAMES BEAVER.

3 THE CLERK: THANK YOU. BE SEATED.

4 Q DEPUTY BEAVER, PLEASE STATE YOUR FULL NAME FOR THE
5 RECORD.

6 A JAMES BEAVER.

7 Q I NEED YOU TO SPEAK UP SO ALL THE JURORS CAN HEAR
8 YOU.

9 A JAMES BEAVER.

10 Q AND WHAT IS YOUR RANK WITH THE SHERIFF'S OFFICE?

11 A I'M A LIEUTENANT.

12 Q AND HOW LONG HAVE YOU BEEN WITH THE GREENVILLE COUNTY
13 SHERIFF'S OFFICE?

14 A SIXTEEN YEARS.

15 Q WHAT IS YOUR POSITION WITH THE GREENVILLE COUNTY
16 SHERIFF'S OFFICE?

17 A CURRENTLY A LIEUTENANT IN CRIMINAL INVESTIGATIONS
18 DIVISION, ALSO MEMBER OF SPECIAL WEAPONS AND TACTICS TEAM.

19 Q WHAT DO WE NORMALLY CALL THAT?

20 A SWAT.

21 Q SO, WHAT I HAVE BEEN REFERRING TO AS THE SWAT TEAM,
22 THAT'S WHAT YOU'RE TALKING ABOUT?

23 A YES.

24 Q WHAT IS YOUR POSITION WITH THEM?

25 A CURRENTLY I'M THE TEAM COMMANDER. AT THE TIME OF

1 THIS INCIDENT I WAS AN ENTRY-TEAM LEADER.

2 Q SO, ON SEPTEMBER 3RD 2003 YOU WERE AN ENTRY TEAM
3 LEADER?

4 A YES, MA'AM.

5 Q WHAT DOES THAT MEAN?

6 A THAT MEANS I WAS RESPONSIBLE FOR A GROUP OF SWAT TEAM
7 MEMBERS THAT -- THE TEAM IS SEPARATED INTO SEPARATE
8 GROUPS. YOU HAVE TWO ENTRY TEAMS AND YOU HAVE A RIFLE
9 TEAM AND I WAS RESPONSIBLE FOR ONE OF THE ENTRY TEAMS.

10 Q DID YOU RECEIVE A CALL OR RECEIVE INFORMATION TO
11 RESPOND TO THE BI-LO ON EAST NORTH STREET ON SEPTEMBER
12 3RD, 2003?

13 A YES, I DID.

14 Q AND HOW WAS IT THAT YOU WERE NOTIFIED?

15 A NOTIFIED BY PAGER. EVERYONE ON THE TEAM HAS AN
16 ALPHA-NUMERIC PAGER WHERE THEY RECEIVE TEXT PAGES AND THAT
17 TELLS US WHAT'S GOING ON, WHERE TO RESPOND TO, AND WHAT TO
18 EXPECT WHEN WE GET THERE.

19 Q WHAT DID YOU DO SPECIFICALLY WHEN YOU ARRIVED AT THE
20 BI-LO ON EAST NORTH STREET?

21 A I GATHERED MY EQUIPMENT THAT I FELT I WOULD NEED FOR
22 THE INCIDENT AND THEN REPORTED TO THE STAGING AREA, WHICH
23 WAS THE PARKING LOT IN FRONT OF THE BI-LO CENTER -- OR THE
24 BI-LO.

25 Q WHEN YOU GOT TO THE STAGING AREA AT THE BI-LO ON EAST

1 NORTH STREET, WHAT DID YOU DO?

2 A WE WERE BRIEFED BY LT. TAYLOR, WHO WAS THE TEAM
3 COMMANDER AT THE TIME.

4 Q LT. TAYLOR WAS THE TEAM COMMANDER?

5 A YES, HE WAS.

6 Q ALL RIGHT.

7 A HE EXPLAINED WHAT WE HAD GOING ON, A HOSTAGE
8 SITUATION AT THE BI-LO, THAT THERE WAS ONLY TWO PEOPLE
9 SUPPOSED TO BE THERE INSIDE. AND WE WERE BEGINNING TO
10 MAKE OUR PLANS AS TO HOW WE WOULD RESPOND TO IT.

11 Q WHAT DID YOU DO AS A RESULT OF THAT BRIEFING?

12 A WE BEGAN FIRST TO MAKE SURE WE HAD THE SITUATION
13 CONTAINED. WE CERTAINLY DIDN'T WANT THE SITUATION TO
14 BECOME MOBILE AND LEAVE THE BI-LO. SO WE MADE SURE WE HAD
15 OFFICERS AROUND THE BACK TO COVER THE BACK LOCATION. WE
16 DEPLOYED OUR RIFLEMEN IN FRONT TO MAKE SURE THEY COULD SEE
17 ANY THREATS COME OUT THE FRONT. WE PUT IN EMERGENCY
18 ACTION TEAM NEAR THE FRONT DOOR BECAUSE WE FOUND THAT TO
19 BE THE MOST LIKELY AND BEST POINT OF ENTRY FOR THE TEAM.

20 Q WHAT IS AN EMERGENCY ACTION TEAM?

21 A IN THE EVENT THINGS STARTED TO GO REALLY BADLY AND WE
22 NEEDED TO TAKE SOME EMERGENCY ACTION IN ORDER TO, FOR THE
23 SAFETY OF THE VICTIM, WE NEED THAT TEAM IN PLACE SO THAT
24 THEY CAN THEN RESPOND IN A MOMENT'S NOTICE TO GO TAKE
25 WHATEVER ACTION NECESSARY.

1 Q AND YOU HAD THE EMERGENCY ACTION TEAM READY THERE AT
2 THE FRONT DOOR?

3 A YES, MA'AM.

4 Q WHAT ELSE DID YOU DO WHILE YOU WERE THERE AT THE
5 BI-LO? WHAT OTHER TYPES OF PLANS WERE YOU ALL MAKING?

6 A WELL, THERE'S ALSO DELIBERATE ACTION PLAN YOU HAVE TO
7 MAKE. THE DELIBERATE ACTION PLAN INVOLVES USUALLY SOME
8 LEVEL OF SECRECY OR DIVERSION. IT'S USUALLY DONE ON OUR
9 TIMETABLE WHENEVER WE FEEL LIKE WE CAN MOST EFFECTIVELY
10 ACCOMPLISH IT, THAT IT HAS A GREATEST CHANCE OF SUCCESS.

11 Q AND WERE YOU IMPLEMENTING ONE OF THOSE OR PUTTING
12 TOGETHER THE DELIBERATE ACTION PLAN?

13 A WE WERE PUTTING THAT PLAN TOGETHER. ANY TIME YOU ARE
14 DETERMINING WHAT YOU'RE GOING TO DO IN A SWAT OPERATION,
15 FOR EXAMPLE MAKING ENTRY, IT'S A BALANCE OF RISK. ANY
16 TIME YOU MAKE ENTRY THERE'S A RISK THAT THINGS WON'T GO
17 THE WAY YOU WANT THEM TO. HOWEVER, ALSO A RISK IF YOU
18 DON'T, THINGS WON'T TURN OUT THE WAY YOU WANT TO. SO,
19 IT'S A BALANCE OF RISK. AND THE DELIBERATE ACTION PLAN IS
20 WHAT WE DETERMINED IF WE REALLY NEEDED TO GO IN AND DO SO
21 ON OUR TIMETABLE, IF THE RISK WAS BEGINNING TO INCREASE TO
22 THE HOSTAGE.

23 Q IS THERE ANYTHING THAT YOU BECAME AWARE OF THERE AT
24 THE BI-LO THAT CAUSED YOU ALL NOT TO MAKE THE DELIBERATE
25 ACTION PLAN IMMEDIATELY UPON ARRIVAL?

1 A YES. AT THAT TIME WE FELT LIKE THE SITUATION WAS AT
2 LEAST SOMEWHAT STABLE AS WELL AS THE THREATS HAD BEEN MADE
3 OR WAS RELAYED TO US AT OUR BRIEFING IF HE WERE TO OBSERVE
4 ANY OFFICERS INSIDE THE STORE, THAT HE WAS GOING TO HURT
5 THE HOSTAGE. SO, THEREFORE, WE DID NOT MAKE IMMEDIATE
6 ENTRY. WE WERE ATTEMPTING TO MAKE SURE THAT COULD BE
7 ACCOMPLISHED WITHOUT INCREASING THE RISK TO THE HOSTAGE.

8 Q IN THE TIMES -- AT THE TIME WHEN YOU'RE THERE AT THE
9 BI-LO, ARE YOU COMMUNICATING BACK WITH DISPATCH TO LEARN
10 WHAT IS GOING ON INSIDE THE STORE?

11 A THAT WOULD BE WHAT LT. TAYLOR DOES. HE COMMUNICATES
12 WITH EVERYBODY PRESENT AND THEN BY RADIO HE COMMUNICATES
13 TO THE ENTRY TEAM AND THE REST OF THE SWAT TEAM MEMBERS.

14 Q IS THERE A HOSTAGE NEGOTIATOR AS PART OF THE SWAT
15 TEAM?

16 A THAT'S CORRECT.

17 Q AND I BELIEVE THAT IS TONY LEE, CORRECT? OR ONE OF
18 THE HOSTAGE NEGOTIATORS IS TONY LEE?

19 A YES, MA'AM.

20 Q AND WAS HE THERE AS WELL? DID HE COME ON SCENE?

21 A HE WAS THERE. I DIDN'T SEE HIM UNTIL AFTER THE
22 INCIDENT BECAUSE THE POINT WHICH WE BRIEFED AND MOVED INTO
23 PLACE I HAD NOT SEEN HIM AT THAT POINT, BUT I SAW HIM
24 AFTER THE INCIDENT.

25 Q WOULD YOU ALSO BE RECEIVING INFORMATION THROUGH THE

1 COMMANDER, LT. TAYLOR, REGARDING WHAT IS GOING ON WITH THE
2 NEGOTIATIONS?

3 A YES.

4 Q WHEN YOU FIRST ARRIVED ON SCENE AT THE BI-LO, DID YOU
5 LEARN ABOUT ANY CAMERA SURVEILLANCE EQUIPMENT OR ANYTHING
6 SUCH AS THAT IN THE BI-LO?

7 A YES, SIR. COUPLED WITH THE THREATS THAT HAD BEEN
8 MADE, THAT WAS ANOTHER ISSUE WHY WE WEREN'T GOING TO
9 IMMEDIATELY MAKE ENTRY. WE KNEW THERE WERE SURVEILLANCE
10 CAMERAS ON THE INSIDE AND WE ALSO UNDERSTOOD THE
11 NEGOTIATIONS WOULD TAKE PLACE OVER A CELL PHONE, WHICH
12 WOULD MEAN WE COULDN'T EXACTLY PIN DOWN THE LOCATION WHERE
13 THEY WERE IN THE STORE AND HE MAY HAVE HAD ACCESS TO THE
14 MONITORS, THOSE CAMERAS, AND SEE WHAT WE WERE DOING AND
15 SEE US MAKE ENTRY.

16 Q SO, THE ONLY INFORMATION YOU WOULD HAVE AS TO WHERE
17 THEY WERE ACTUALLY LOCATED IN THE STORE WOULD BE COMING
18 FROM THE PEOPLE INSIDE THE STORE TO THE HOSTAGE NEGOTIATOR
19 OR TO 911?

20 A THAT'S CORRECT.

21 Q YOU COULD NOT SEE IN THE STORE TO SEE IF THEY WERE
22 MOVING AROUND?

23 A NO, MA'AM.

24 Q I BELIEVE YOU SAID ALSO, AS FAR AS THE CONTAINMENT,
25 THAT YOU PUT PEOPLE AROUND THE BUILDING?

1 A YES, MA'AM.

2 Q THE ENTIRE BUILDING?

3 A WE PUT PEOPLE AROUND THE BACK TO WATCH THE BACK IN
4 CASE THERE WAS SOME KIND OF BREAK-OUT ATTEMPT OUT BACK.
5 WE PUT PEOPLE ON TOP BECAUSE ALSO ROOF ACCESSES AND ALSO
6 PUT THE EMERGENCY CONTAINMENT TEAM PEOPLE AROUND FRONT.

7 Q DID YOU EXPLORE THE OPTION OF GOING IN ONE OF THOSE
8 OPENINGS OR GOING THROUGH THE ROOF.

9 A ORDINARILY THAT WOULD BE PREFERABLE TO THE FRONT
10 DOOR. HOWEVER, BECAUSE OF THE LOCKING MECHANISMS AND
11 ALARM, WE FELT WE WOULD BE UNABLE TO MAKE THE SECRET ENTRY
12 AND THE FRONT DOOR ENDED UP BEING THE BEST LOCATION WE
13 FELT LIKE WE WOULD HAVE A CHANCE AT SUCCESS.

14 Q YOU TALKED ABOUT DEVISING THIS DELIBERATE ACTION
15 PLAN. DID YOU EVER GET TO IMPLEMENT IT?

16 A NO, MA'AM. WE WERE ON THE VERGE OF IMPLEMENTING IT.
17 WE WERE, IN FACT, MOMENTS AWAY. WE HAD BEEN TOLD BY LT.
18 TAYLOR TO PREPARE TO MAKE THAT ENTRY. WE WERE MOMENTS
19 AWAY FROM DELIBERATELY MAKING ENTRY WHEN THE INCIDENT
20 ENDED UP THE WAY IT DID.

21 Q WHEN YOU SAY THAT YOU WERE MOMENTS AWAY FROM MAKING
22 ENTRY, EXPLAIN TO ME WHAT YOU WERE DOING. WHAT IS THE
23 SWAT TEAM DOING AT THAT TIME?

24 A ESSENTIALLY THEY'RE WHAT WE CALL STACKED, THEY'RE ONE
25 OFFICER BEHIND ANOTHER, PREPARING TO MAKE ENTRY TO GO INTO

1 THE STORE. WE WERE HOPING THAT THE INFORMATION WE HAD
2 ABOUT THEM BEING IN THE DELI WAS CORRECT. WE WERE GOING
3 TO FLOW TOWARDS THE DELI AND ATTEMPT TO INTERVENE IN THAT
4 SITUATION.

5 Q ARE THERE ANY OTHER ACTIONS THAT TAKE PLACE DURING
6 THAT TIME, IMMEDIATELY BEFORE YOU ALL GO TO MAKE ENTRY?

7 A WE WANTED TO GET THEM BACK ON THE PHONE SOMEWHAT AS A
8 DIVERSION. WE ALSO WERE GOING TO HAVE A LOW PASS OF A
9 HELICOPTER FOR SOUND TO TRY TO MASK OUR ENTRY, MASK THE
10 NOISES MADE BY OUR ENTRIES.

11 Q SO, THE HELICOPTER'S FOR THE PURPOSE OF MASKING THE
12 SOUNDS OF YOU ACTUALLY COMING IN THE STORE?

13 A THAT'S CORRECT.

14 Q AND THE TELEPHONE CALL, TRYING TO GET THE DEFENDANT
15 OR THE SUSPECT BACK ON THE PHONE, IS A DIVERSION. IS THAT
16 WHAT YOU'RE SAYING?

17 A YES. TO GIVE HIM SOMETHING TO BE THINKING ABOUT
18 RATHER THAN LISTENING AND LOOKING FOR US.

19 Q AND YOU SAID YOU DID NOT GET TO IMPLEMENT THAT
20 DELIBERATE ACTION PLAN, WHY NOT?

21 A BECAUSE WE HEARD THE REPORT OF SHOTS FIRED OVER THE
22 RADIO.

23 Q IT CAME OVER THE RADIO THAT SHOTS HAD BEEN FIRED?

24 A YES, MA'AM.

25 Q AND WHEN YOU HEARD THAT, WHAT DID YOU DO?

1 A THE EMERGENCY ACTION PLAN TAKES PLACE, WHICH IS FULL
2 SPEED MAKING ENTRY AND TRYING TO GET TO THE LOCATION TO
3 TRY AND KEEP THE VICTIM FROM BEING HURT.

4 Q AND WERE YOU PART OF THAT ENTRY TEAM?

5 A YES, MA'AM.

6 Q WHEN YOU WENT IN, WHERE DID YOU GO?

7 A WHEN I WENT IN, I WENT TOWARDS THE RIGHT CORNER AND
8 THEN TOWARDS THE BACK, TOWARDS THE DELI, KIND OF FLOWED
9 BACK TOWARDS THE DELI FROM THAT POINT.

10 Q WHEN YOU GOT TO THAT AREA, WHAT DID YOU DO?

11 A I OBSERVED THE VICTIM LYING ON THE GROUND. I DIDN'T
12 GET REAL CLOSE, BUT I COULD TELL SHE WAS MOTIONLESS ON THE
13 GROUND. WE WERE HUNTING ESSENTIALLY FOR THE SUSPECT
14 BECAUSE HE PRESENTED, WE FELT LIKE, THE THREAT TO US
15 BECAUSE HE WAS ARMED. THAT WAS MY MAIN OBJECTIVE AT THAT
16 POINT, WAS TO LOCATE THE SUSPECT.

17 Q AND AS PART OF THAT TEAM, DID ONE OF THE OFFICERS GO
18 TO THE VICTIM?

19 A I BELIEVE SO. WE HAVE MEDICS ON OUR TEAM AND THAT
20 MEDIC WAS CALLED IMMEDIATELY TO COME TEND TO THE VICTIM.

21 Q WERE YOU PART OF THE TEAM THAT ACTUALLY ARRESTED THE
22 SUSPECT?

23 A NO, MA'AM.

24 Q THANK YOU. PLEASE ANSWER ANY QUESTIONS THE DEFENSE
25 MAY HAVE.

1 THE COURT: CROSS EXAMINATION?

2 MR. MAULDIN: ONE MOMENT, YOUR HONOR.

3 THE COURT: YES, SIR.

4 CROSS EXAMINATION

5 BY MR. MAULDIN:

6 Q OFFICER BEAVER, I JUST GOT A COUPLE OF AREAS OF
7 INQUIRY FOR YOU. IF I UNDERSTAND REGARDING THE
8 COMMUNICATION PROCESSING, YOUR -- WERE YOU THE PERSON ON
9 YOUR TEAM THAT WOULD BE GETTING THE INFORMATION OR DOES
10 EVERYBODY ON THE TEAM HAVE ACCESS TO THE INFORMATION?

11 A EVERYBODY ON THE TEAM HAS A HEADSET THAT WOULD ALSO
12 HAVE HEARD THE --

13 Q SO, AS INFORMATION WOULD BE COMING IN, IT WOULD BE
14 DELIVERED ESSENTIALLY TO YOUR TEAM SIMULTANEOUSLY?

15 A THAT'S CORRECT.

16 Q AND IF I UNDERSTOOD, AND OF COURSE, WITHOUT GOING
17 INTO WHAT YOU WERE RECEIVING, THE PROCESS OF RECEIVING WAS
18 INFORMATION WOULD COME FROM THE INSIDE OF THE STORE TO THE
19 PERSON TALKING TO THEM, AND THEN FROM THAT PERSON TO YOUR
20 TEAM?

21 A THAT'S CORRECT.

22 Q SO, WHATEVER THE PERSON DEALING WITH THE PEOPLE
23 INSIDE WAS GETTING WAS WHAT YOU WERE GETTING AND DEPENDING
24 UPON?

25 A THAT'S CORRECT.

1 Q IN TERMS OF WHERE PEOPLE WERE LOCATED IN THE STORE,
2 FOR EXAMPLE?

3 A YES, SIR.

4 Q ALL RIGHT. DID YOU HAVE ANY INFORMATION OR DID YOU
5 KNOW ANYTHING ABOUT THE MATTER OF THE SLEEPING PILLS? DID
6 YOU KNOW ANYTHING ABOUT THAT OR DID YOU HEAR ANYTHING
7 ABOUT THAT ON THIS TRANSMISSION?

8 A I DON'T RECALL HAVING HEARD ANYTHING ABOUT THAT.
9 MR. MAULDIN: ALL RIGHT. NOTHING FURTHER.

10 THE COURT: ANY REDIRECT?

11 MS. STROM: NO, SIR. WE'D ASK LT. BEAVER TO BE
12 EXCUSED.

13 MR. MAULDIN: NO OBJECTION.

14 THE COURT: THANK YOU, LT. BEAVER, YOU MAY BE
15 EXCUSED. YOU'RE WELCOME TO STAY IF YOU WANT TO.

16 (WITNESS EXCUSED.)

17 MS. STROM: I'D SUBMIT THE NEXT WITNESS IS RATHER
18 LENGTHY. WE ALSO NEED TO SET UP THE EQUIPMENT AGAIN.

19 THE COURT: LET'S GET TO THE POINT WHERE WE'RE READY
20 TO SET UP THE EQUIPMENT AND WE'LL TAKE A BREAK.

21 MS. STROM: ALL RIGHT, SIR. THE STATE CALLS TONY
22 LEE.

23 TONY LEE, BEING
24 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

25 DIRECT EXAMINATION

1 BY MRS. STROM:

2 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE.

3 THE WITNESS: TONY LEE.

4 THE CLERK: THANK YOU. BE SEATED.

5 Q GOOD MORNING. PLEASE STATE YOUR FULL NAME FOR THE
6 RECORD.

7 A DAVID ANTHONY LEE, BUT I GO BY TONY.

8 Q AND BY WHOM ARE YOU EMPLOYED?

9 A BY THE GREENVILLE COUNTY SHERIFF'S OFFICE.

10 Q IN WHAT CAPACITY?

11 A I'M AN INVESTIGATOR WITH THE SHERIFF'S OFFICE.

12 Q YOU'RE AN INVESTIGATOR WITH THE SHERIFF'S OFFICE?

13 A THAT'S RIGHT.

14 Q DO YOU HAVE A RANK OR WOULD IT BE PROPER TO CALL YOU
15 INVESTIGATOR LEE?

16 A INVESTIGATOR WOULD BE FINE. MASTER DEPUTY THERE,
17 WE'RE CALLED BOTH.

18 Q DO YOU HOLD ANY OTHER POSITIONS WITH THE GREENVILLE
19 COUNTY SHERIFF'S OFFICE? ARE YOU A MEMBER OF THE SWAT
20 TEAM, FOR EXAMPLE?

21 A YES, MA'AM. I'M ONE OF THE NEGOTIATORS ON THE SWAT
22 TEAM, ALSO.

23 Q YOU SAY THAT YOU'RE A NEGOTIATOR. WHAT EXACTLY DOES
24 THAT MEAN?

25 A ANY TIME THAT THE SWAT TEAM RESPONDS TO ANY KIND OF

1 EMERGENCY CALL, WE'RE ALSO PAGED AT THE SAME TIME AND WE
2 RESPOND WITH THEM. IF THERE'S A SITUATION WHERE OBVIOUSLY
3 WE CAN HELP, WE'RE THERE TO TAKE ANY ACTION THAT WE CAN.

4 Q WERE YOU -- I WANT TO DIRECT YOUR ATTENTION BACK TO
5 SEPTEMBER 3RD, 2003, A LITTLE AFTER 10:00 IN THE MORNING.
6 WERE YOU ADVISED OF A SITUATION AT THE BI-LO ON EAST NORTH
7 STREET?

8 A YES, MA'AM. I WAS IN MY OFFICE THERE AT THE LAW
9 ENFORCEMENT CENTER, THE SHERIFF'S OFFICE. I RECEIVED A
10 PAGE AND I IMMEDIATELY WENT DOWN TO OUR DISPATCH OFFICE,
11 WHICH IS OUR COMMUNICATIONS OFFICE, WHICH IS DOWNSTAIRS IN
12 THE LAW ENFORCEMENT CENTER.

13 Q IS THAT WHERE NANCY CROSBY, WHO HAS PREVIOUSLY
14 TESTIFIED, WHERE SHE'S LOCATED?

15 A YES, MA'AM, IT IS.

16 Q WHAT WAS THE PURPOSE OF YOUR GOING THERE?

17 A NORMALLY IF WE GET A CALL OUT, WHAT WE CALL IT, GET
18 PAGED OR NOTIFIED OF A SWAT CALL, ONE OF MY FIRST DUTIES
19 IF I'M IN THE BUILDING, I WILL GO DOWN TO COMMUNICATIONS
20 FOR TWO REASONS, TO PICK UP EQUIPMENT. WE USE TELEPHONES,
21 TAPE RECORDERS, AND STUFF LIKE THAT. AND ALSO
22 COMMUNICATIONS, THEY USUALLY KNOW WHAT'S GOING ON FIRST.
23 THEY WILL GIVE ME INFORMATION SUCH AS LOCATION, IF THEY'VE
24 TALKED TO ANY OF THE VICTIMS IN THE CASE OR SUSPECTS,
25 ANYTHING LIKE THAT. AND SOMETIMES IF IT'S A REMOTE AREA.

1 I'LL EVEN GET A MAP FROM THEM TO GET TO THE LOCATION
2 QUICKEST.

3 Q AND YOU WENT TO THE DISPATCH OFFICE ON SEPTEMBER THE
4 3RD?

5 A YES, MA'AM, I DID.

6 Q WHAT DID YOU LEARN WHEN YOU GOT THERE?

7 A I DIDN'T HAVE A LOT OF INFORMATION WHEN I GOT THERE.
8 I BASICALLY GOT THE PAGE. AND I WALKED IN, PRETTY MUCH
9 IMMEDIATELY WAS NOTIFIED BY MISS CROSBY THAT THEY HAD A
10 PERSON ON THE PHONE FROM THE BI-LO.

11 Q I NEED YOU TO SPEAK UP. YOU'RE TRAILING OFF.

12 A THEY HAD A PERSON FROM THE BI-LO, WHO I LEARNED WAS
13 MANDY WILLIAMS, ON THE TELEPHONE, TALKING WITH THEM.
14 PRETTY MUCH IMMEDIATELY AFTER THAT I WAS HANDED THE PHONE
15 AND BEGAN A CONVERSATION WITH MISS WILLIAMS.

16 Q DURING THAT CONVERSATION THAT YOU HAD WITH MANDY
17 WILLIAMS, WHAT WAS HER DEMEANOR? WHAT DID YOU LEARN
18 DURING THAT CONVERSATION?

19 A WHEN WE FIRST STARTED TALKING, IT'S NORMAL I WILL
20 INTRODUCE MYSELF, SO THEY KNOW WHO THEY'RE TALKING TO, TRY
21 TO MAKE HER FEEL AS EASED AS I COULD WITH THE SITUATION
22 SHE WAS IN. SHE APPEARED TO BE -- I NEVER TALKED TO HER
23 BEFORE, BUT SHE APPEARED TO ME TO BE IN A FAIRLY CALM, YOU
24 KNOW, SHE WASN'T CRYING OR DIDN'T APPEAR TO BE UPSET. SHE
25 WASN'T REAL TALKATIVE, BUT I UNDERSTOOD THAT; AND WE JUST

1 CARRIED ON A CONVERSATION FOR A SHORT TIME.

2 Q WHAT WERE YOU ABLE TO LEARN DURING THAT CONVERSATION?

3 A ONE OF THE FIRST THINGS SHE HAD TOLD ME AS WE WERE
4 TALKING, I WAS ASKING QUESTIONS, I ASKED HER WHO WAS IN
5 THE BUILDING WITH HER, AND SHE STATED IT WAS HER FORMER
6 BOYFRIEND. SHE SAID EX-BOYFRIEND I THINK, CHRIS WILLIAMS.
7 I GOT SOME INFORMATION ABOUT HIM, JUST STUFF LIKE HIS AGE,
8 IS HE A WHITE MALE, BLACK MALE. COULD SHE GET OUT, COULD
9 SHE LEAVE THERE.

10 SHE TOLD ME SHE COULD NOT. SHE TOLD ME THEY WERE IN
11 AN OFFICE IN THE REAR OF THE BUILDING, TOLD ME IT WAS THE
12 DELI-BAKERY MANAGER'S OFFICE THEY WERE THERE, AND THEY
13 WERE SEATED IN THERE WITH THE DOOR CLOSED.

14 THE COURT: HOLD ON JUST A SECOND.

15 MR. NETTLES: COULD WE APPROACH THE BENCH FOR A
16 SECOND?

17 THE COURT: YES, SIR.

18 (WHEREUPON, A BENCH CONFERENCE IS HELD WITHIN THE
19 PRESENCE, BUT OUTSIDE THE HEARING OF THE JURY.)

20 THE COURT: GO AHEAD, PLEASE.

21 MS. STROM: YES, SIR.

22 Q INVESTIGATOR LEE, YOU TALKED ABOUT -- YOU WERE
23 TALKING ABOUT WHAT YOU LEARNED DURING THAT FIRST
24 CONVERSATION YOU HAD WITH THE VICTIM WHILE YOU WERE AT
25 DISPATCH. IS THAT CORRECT?

1 A YES, MA'AM.

2 Q YOU ENDED THAT CONVERSATION, OBVIOUSLY, WHEN YOU WERE
3 AT DISPATCH?

4 A YES, MA'AM. I WAS IN DISPATCH WHEN IT ENDED.

5 Q WHERE DID YOU GO FROM THERE.

6 A I GOT MY EQUIPMENT TOGETHER AND I IMMEDIATELY DROVE
7 TO THE BI-LO THERE AT EAST NORTH STREET WHERE THIS WAS
8 OCCURRING AT.

9 Q AND WHEN YOU GOT TO THE BI-LO ON EAST NORTH STREET,
10 WHERE DID YOU GO?

11 A I WENT UP TO, ACTUALLY IF YOU'RE FACING THE BI-LO, IT
12 WOULD HAVE BEEN TO THE LEFT, COMING FROM THE FRESH MARKET.
13 WE HAD A GROUP OF OFFICERS ALREADY THERE, SOME OF THE SWAT
14 PEOPLE, AND THAT'S WHERE THE COMMAND POST WAS SET UP AT.

15 Q THAT'S WHERE THE COMMAND POST WOULD BE?

16 A YES, MA'AM.

17 Q AND WHILE YOU WERE THERE AT THE BI-LO, DID YOU HAVE
18 ANY FURTHER CONVERSATIONS WITH THE VICTIM?

19 A YES, MA'AM, I DID.

20 Q AT THIS POINT, NOT GOING INTO WHAT WAS SAID, BUT HOW
21 DID THOSE CONVERSATIONS TAKE PLACE? DID YOU CALL HER, DID
22 SHE CALL YOU? WHAT OCCURRED?

23 A IT WAS KIND OF BOTH WAYS. SHE HAD CALLED DISPATCH,
24 MISS WILLIAMS HAD, I THINK ONE OF THE CALLS, SHE
25 TRANSFERRED THE CALL TO ME. AND SOME OF THE

1 CONVERSATIONS, I HAD HER PHONE NUMBER, THEN HER CELL PHONE
2 NUMBER, AND I WOULD INITIATE THE CONTACT AND CALL HER.

3 Q SO, IN CERTAIN CIRCUMSTANCES, SHE WOULD CALL IN
4 DISPATCH AND WOULD BE TRANSFERRED TO YOU OUT THERE ON THE
5 SCENE; AND YOU HAD HER CELL PHONE NUMBER, YOU WOULD CALL
6 HER BACK AT CERTAIN TIMES?

7 A THAT'S RIGHT. I THINK THE FIRST CONVERSATION WHEN I
8 GOT OUT TO THE BI-LO, SHE HAD ACTUALLY INITIATED, CALLED
9 DISPATCH, AND THEY HAD TRANSFERRED IT TO ME. AFTER THAT I
10 STARTED MAKING CONTACT MYSELF WITH THE CELL PHONE.

11 Q AND DURING THOSE CONVERSATIONS, AGAIN AT THIS POINT
12 NOT GETTING INTO WHAT WAS SAID, BUT DID YOU TALK WITH THE
13 VICTIM?

14 A YES, MA'AM, I DID.

15 Q AND AT ANY TIME DID YOU TALK WITH THE DEFENDANT,
16 CHRIS WILLIAMS?

17 A YES, I TALKED TO HIM ON A COUPLE OF OCCASIONS, ALSO.

18 Q WHAT WAS HIS DEMEANOR DURING THE CONVERSATIONS YOU
19 HAD WITH HIM?

20 MR. NETTLES: I'M GOING TO -- I THOUGHT WE HAD
21 SETTLED THIS AT THE BENCH. I HAVE TO OBJECT TO THAT. I
22 THINK SHE'S GETTING BEYOND THE FIRST TAPE.

23 MS. STROM: I'M NOT GOING INTO THE CONTENT AT THIS
24 POINT OF WHAT WAS SAID. I'M ASKING WHAT HIS DEMEANOR WAS.

25 THE COURT: HOW CAN HE OBSERVE HIS DEMEANOR OVER THE

1 PHONE? I'LL SUSTAIN THE OBJECTION. IF YOU WANT TO
2 REPHRASE IT, YOU CAN TALK ABOUT THE VOICE, SOUND OF HIS
3 VOICE; BUT IF YOU WANT TO LIMIT THAT PART OF Demeanor TO
4 VOICE FLUCTUATION, ET CETERA, ET CETERA, ET CETERA. OKAY?

5 MS. STROM: YES.

6 Q BASED UPON HEARING HIS VOICE, WHAT WAS HIS Demeanor?
7 WAS HE CALM? WAS HE AGITATED? WAS HE CRYING?

8 MR. NETTLES: OBJECTION, PLEASE.

9 THE COURT: GO AHEAD.

10 THE WITNESS: HE WAS CALM THE WHOLE TIME. HE NEVER
11 RAISED HIS VOICE TO ME.

12 Q APPROXIMATELY HOW MANY CONVERSATIONS DID YOU HAVE
13 WITH THE VICTIM?

14 A I THINK WE WOULD HAVE BETWEEN FIVE AND SIX, COUNTING
15 THE CONVERSATION THAT STARTED WITH THE COMMUNICATIONS.

16 Q AND WITH THE DEFENDANT, DO YOU KNOW?

17 A WELL, I WAS MEANING VICTIM AND THE DEFENDANT.

18 Q THE FIVE TO SIX INCLUDES THE DEFENDANT AND THE
19 VICTIM?

20 A YES, MA'AM.

21 Q THE CONVERSATION THAT YOU WERE HAVING WITH THE VICTIM
22 AND WITH THE DEFENDANT, THEY WERE RECORDED, CORRECT?

23 A YES, MA'AM, THEY WERE.

24 Q I NOW SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
25 NUMBER 12 AND 12A. HAVE YOU HAD THE OPPORTUNITY TO LISTEN

1 TO STATE'S EXHIBIT NUMBER 12?

2 A YES, MA'AM, I HAVE.

3 Q HAVE YOU HAD AN OPPORTUNITY TO LISTEN TO THAT TAPE
4 AND READ THE TRANSCRIPT THAT IS REFLECTED IN 12A?

5 A YES, MA'AM, I HAVE.

6 Q AND IS THE TRANSCRIPT -- WELL, NUMBER ONE, IS THE
7 TAPE AN ACCURATE RECORDING OF THE CONVERSATIONS YOU HAD
8 DURING THE NEGOTIATIONS OF THIS SITUATION?

9 A YES, MA'AM, IT IS.

10 Q AND IS THE TRANSCRIPT AN ACCURATE TRANSCRIPT OF THOSE
11 TAPE RECORDINGS?

12 A YES, MA'AM, IT IS.

13 Q AT THIS TIME WE WOULD OFFER STATE'S EXHIBIT 12 AND
14 12A INTO EVIDENCE.

15 THE COURT: ANY OBJECTION? DO YOU HAVE AN OBJECTION?

16 MR. NETTLES: WHY DON'T WE TAKE --

17 THE COURT: JUST TELL ME IF YOU HAVE AN OBJECTION.

18 WE'RE GOING TO DISMISS THE JURY.

19 MR. NETTLES: YES. CAN WE TALK ABOUT IT DURING THE
20 BREAK?

21 THE COURT: WE'RE GOING TO TALK ABOUT IT, BUT DO YOU
22 HAVE AN OBJECTION?

23 MR. NETTLES: YES, SIR.

24 THE COURT: MR. FOREMAN, LADIES AND GENTLEMEN OF THE
25 JURY, I'M GOING TO SEND YOU TO THE JURY ROOM TO DISCUSS

1 THIS OBJECTION. IN CONJUNCTION WITH THAT, WE'LL TAKE A
2 BREAK, 15 OR 20 MINUTES. TAKE A SMOKE BREAK OR WHATEVER
3 YOU NEED. I SAY THAT'S 20 MINUTES FROM THE TIME I FINISH
4 THIS OBJECTION. OKAY?

5 (THE FOLLOWING PROCEEDINGS WERE HAD OUTSIDE THE
6 PRESENCE OF THE JURY:)

7 THE COURT: ALL RIGHT. MR. NETTLES, I ASSUME IT'S ON
8 THE CONFRONTATION CLAUSE UNDER CRAWFORD WE COVERED
9 YESTERDAY?

10 MR. NETTLES: IT IS. I WILL NOT WASTE ANYBODY ELSE'S
11 TIME IF YOU INCORPORATE MY PREVIOUS ARGUMENT ON THE 911
12 TAPE, IT'S THE EXACT SAME LAW. I DON'T HAVE ANY
13 ADDITIONAL LAW TO ADD. AND THIS IS GOING TO BE
14 MR. MCDUGALL'S WITNESS, BUT I'VE BEEN BURDENED WITH THE
15 CRAWFORD ISSUE.

16 THE COURT: AND I ALSO ASSUME YOU'RE GOING TO OBJECT
17 TO ALL STATEMENTS HE MADE IN THE REFERENCE TO THE FIRST
18 STATEMENT THAT YOU PREVIOUSLY OBJECTED TO?

19 MR. NETTLES: YES. IF YOU WOULD PUT ON THE RECORD,
20 WHEN WE APPROACHED THE BENCH, WE AGREED WE WERE GOING TO
21 COME BACK OUT AND DO THAT SINCE IT'S SO CLOSE TO THE
22 BREAK.

23 THE COURT: YOUR MOTION IS DENIED. BUT I WOULD LIKE
24 TO ADD FOR THE RECORD THAT I'VE READ IN CLOSE DETAIL YOUR
25 NEW YORK TIMES CASE. I FIND IT INTERESTING THAT MOSCAT

1 LATER WAS DETERMINED THAT IT WAS NOT THE VICTIM MAKING THE
2 CALL, BUT WAS THE NEIGHBOR THAT CALLED SOME NINE HOURS
3 LATER. AND THE CORDOSA CASE, A 1916 CASE BASICALLY
4 STARTED PRODUCTS LIABILITY CASE. WE'RE ALL FAMILIAR WITH
5 THE FACTS IN THAT CASE, BUT NOT AS SUCH CORDOSA PUT IN.
6 THAT BRINGS TO MIND, ONE THING I'VE SAID NUMEROUS TIMES,
7 WHEN YOU MAKE THE MOTIONS IN LIMINE, YOU REALLY DON'T KNOW
8 ALL THE FACTS, IT'S VERY DIFFICULT TO RULE ON MOTIONS IN
9 LIMINE. APPARENTLY MOSCAT WAS MADE ON MOTIONS IN LIMINE.

10 HOWEVER, HAVING SAID THAT, THE COURT IS GOING TO
11 FOLLOW STATE VERSUS FOREST, WHICH IS 596 S.E. 2D, 22,
12 WHICH IS A NORTH CAROLINA APPELLATE COURT DECISION 2004,
13 WHICH FOLLOWS THE BASIC LOGIC OF MOSCAT. I DON'T THINK
14 THE LOGIC OF MOSCAT HAS CHANGED, BECAUSE IN THIS CASE THE
15 CALL WAS MADE BY THE VICTIM. AND THE LOGIC OF MOSCAT
16 WOULD APPLY. AND STATE VS. FOREST FOLLOWED THAT LOGIC TO
17 THE CONCLUSION THE STATEMENT WAS NOT TESTIMONY AND THE
18 COURT'S GOING TO FOLLOW THE NORTH CAROLINA APPELLATE COURT
19 DECISION AND DENY YOUR MOTION.

20 MR. NETTLES: THANK YOU, YOUR HONOR.

21 (WHEREUPON, STATE'S EXHIBIT NO. 12 AND 12A WAS MARKED
22 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

23 THE COURT: WE'LL TAKE ABOUT A 15 MINUTE BREAK.

24 DON'T TALK TO ANYBODY DURING THE BREAK.

25 INVESTIGATOR LEE, YOU CAN STEP DOWN, ENJOY YOURSELF.

1 (BRIEF RECESS TAKEN.)

2 ANYTHING FROM THE STATE?

3 MR. ARIAIL: NO, SIR.

4 THE COURT: ANYTHING FROM THE DEFENDANT?

5 MR. MAULDIN: NO, SIR.

6 THE COURT: YOU HAVE ANY OBJECTION TO PASSING OUT THE
7 TRANSCRIPT TO THE JURY? I KNOW YOU HAVE OBJECTIONS TO
8 DOING IT, BUT YOU HAVE ANY OBJECTION IF SHE PASSES THEM
9 OUT?

10 MR. MACDOUGALL: NOT TO PASSING THEM OUT, YOUR HONOR.

11 THE COURT: MADAM CLERK, IF YOU'D PASS OUT THE
12 TRANSCRIPT.

13 (CLERK OF COURT COMPLIES.)

14 THE COURT: SOLICITOR?

15 BY MS. STROM:

16 Q INVESTIGATOR LEE, BEFORE WE LEFT YOU REVIEWED THE
17 TRANSCRIPT -- STATE'S EXHIBIT 12 AND TRANSCRIPT, 12A.

18 THAT IS AN ACCURATE TRANSCRIPTION OF THE CONVERSATION YOU
19 HAD WITH CHRIS WILLIAMS AND MANDY WILLIAMS ON THAT DAY?

20 A YES, MA'AM, IT IS.

21 Q WHEN THE -- WELL, ~~THEY'RE JUST PLAYING THE TAPE.~~

22 I'VE HAD PREVIOUS TESTIMONY REGARDING YOU BEING DOWN
23 AT DISPATCH AND BEING A PART OF A CONVERSATION WHILE YOU
24 WERE AT DISPATCH WITH MANDY?

25 A YES.

1 Q THAT'S WHAT'S FIRST LOCATED ON THIS TAPE, EVEN THOUGH
2 THE JURY HAS ALREADY HEARD THAT PORTION.

3 A YES.

4 Q I JUST WANTED TO MAKE SURE THE FIRST PART THEY'RE
5 GOING TO HEAR ON HERE IS WHAT THEY HAVE ALREADY HEARD
6 PREVIOUSLY.

7 (WHEREUPON, THE TAPE MARKED AS STATE'S EXHIBIT NO. 12
8 IS PLAYED IN OPEN COURT:)

9 Q INVESTIGATOR LEE, I KNOW WE HAVE A SIGNIFICANT PAUSE
10 HERE. WHAT IS THE REASON FOR THAT?

11 A PROBABLY THE TAPE RECORDER IS LEFT ON DURING THAT
12 LAST CONVERSATION. NORMALLY WE TURN IT OFF WHEN THE
13 CONVERSATION ENDS.

14 Q INVESTIGATOR LEE, I WANT TO GO OVER A COUPLE OF
15 THINGS. YOU WERE TALKING WITH MANDY AND CHRIS IN THAT
16 LAST CONVERSATION. I BELIEVE ~~YOU SAID THAT AT THE END OF~~
17 ~~THE TAPE~~ YOU WERE TALKING ABOUT HOW ~~SHE WAS MORE UPSET~~
18 THAN SHE WAS BEFORE. TO WHOM WERE YOU RELAYING THAT
19 INFORMATION?

20 A ~~TO THE SWAT TEAM COMMANDER, ET. ARNOLD TAYLOR.~~

21 Q ~~AND AS A RESULT OF HEARING THAT,~~ OF HAVING THAT LAST
22 CONVERSATION WHEN YOU HEARD THAT SHE WAS SO UPSET, WHAT
23 DID YOU ALL DO AS A SWAT TEAM?

24 A THE DECISION WAS MADE THEN WE WOULD ~~GO AHEAD AND MAKE~~
25 ~~THE ENTRY.~~

1 Q I NEED YOU TO KEEP YOUR VOICE UP.

2 A THE DECISION WAS MADE THEN THAT THE SWAT TEAM WOULD
3 GO AHEAD AND MAKE ENTRY INTO THE BI-LO.

4 Q WHY WAS THAT?

5 A JUST THE SITUATION HAD CHANGED. IT WAS GOING TO BE
6 DETERIORATING. SHE WAS ~~QUITE UPSET~~ AND IT SEEMED TO BE
7 GOING DOWNHILL QUICKLY.

8 Q AS PART OF THAT IMPLEMENTATION OF THAT PLAN TO GO IN,
9 WHAT WERE YOU TO DO AS PART OF THAT?

10 A WHEN THE PHONE WAS RINGING THAT LAST TIME, WHICH YOU
11 HEARD IT ON THE TRANSCRIPT AND THE TAPE, I WOULD BE
12 CALLING, TRYING TO MAKE ATTEMPT TO TALK WITH CHRIS OR
13 MANDY INSIDE, MAINLY AS A ~~DISTRACTION~~. I WOULD BE
14 TALKING, HOPEFULLY THEY WOULD BE ON THE TELEPHONE, THERE
15 WOULD BE MORE TIME FOR THE SWAT TEAM TO GO IN AND THEY
16 WOULD NOT BE DETECTED.

17 Q ~~AND THAT LAST PHONE CALL NEVER WENT THROUGH?~~

18 A ~~NO, IT DID NOT. I WAS DIALING WHEN I WAS NOTIFIED~~
19 ~~THAT SHOTS HAD BEEN FIRED.~~

20 Q YOU WERE NOTIFIED THAT SHOTS WERE FIRED?

21 A YES, MA'AM.

22 Q THANK YOU. PLEASE ANSWER ANY QUESTIONS DEFENSE MAY
23 HAVE.

24 THE COURT: CROSS EXAMINATION.

25 MR. MACDOUGALL: THANK YOU.

1 CROSS EXAMINATION

2 BY MR. MCDUGALL:3 A MY NAME IS MARK MCDUGALL, ONE OF THE LAWYERS HERE
4 REPRESENTING CHRIS WILLIAMS. YOU AND I MET YESTERDAY JUST
5 BRIEFLY IN THE ELEVATOR.

6 A THAT'S RIGHT.

7 Q I'VE GOT JUST A COUPLE OF QUESTIONS FOR YOU. ON THE
8 TAPE ALL OF THE CALLS THAT YOU'RE MAKING ARE TO ~~MANDY'S~~
9 ~~CELL PHONE~~. IS THAT CORRECT?

10 A YES, SIR, THAT'S CORRECT.

11 Q AND AS FAR AS YOU KNEW, ~~CHRIS IS IN THE ROOM~~ WHILE
12 YOU'RE MAKING THOSE CALLS?

13 A YES, SIR. THAT'S WHAT I ASSUMED. YES, SIR.

14 Q AT ONE POINT YOU'RE ASKING MANDY TO DESCRIBE THE
15 LOCATION WHERE SHE IS IN THE STORE. IS THAT CORRECT?16 A YES, SIR. I ASKED THE ACTUAL LOCATION WHERE THEY
17 WERE AT I THINK.18 Q AND ~~SHE~~ GAVE YOU THE ANSWER THAT SHE ~~WAS IN THE~~
19 ~~OFFICE~~. IS THAT CORRECT?

20 A YES, SIR.

21 Q I BELIEVE THAT'S ON PAGE TWO OF THE TRANSCRIPT?

22 A YES, MA'AM. [SIC] I THINK IT WAS THE DELI-BAKERY
23 MANAGER'S OFFICE.24 Q AND AS FAR AS YOU KNOW, CHRIS WAS PRESENT THERE WHILE
25 SHE WAS CONVEYING THAT ANSWER TO YOU?

1 A YES, SIR.

2 Q LET ME ASK YOU A LITTLE BIT ABOUT BEING A HOSTAGE
3 ~~NEGOTIATOR~~. THAT'S A SPECIAL ROLE IN POLICE WORK. DO YOU
4 AGREE WITH THAT?

5 A YES, SIR, IT IS.

6 Q YOU HAVE TO RECEIVE, I ASSUME, A CONSIDERABLE AMOUNT
7 OF ~~TRAINING~~ BEFORE YOU UNDERTAKE THAT ROLE?

8 A YES, SIR, WE DO.

9 Q CAN YOU TELL ME A LITTLE ABOUT THE KIND OF TRAINING
10 YOU HAD TO BECOME A HOSTAGE NEGOTIATOR?

11 A YES, SIR. I WAS CHOSEN BACK IN 1987 BY SWAT TEAM
12 COMMANDER. AT THAT TIME WE HAD AN INTERVIEW BOARD, I WAS
13 SELECTED TO BE ONE OF THE NEGOTIATORS. AT THAT TIME WE
14 ONLY HAD TWO, BACK IN THE LATE 80'S. I WAS SENT TO
15 TRAINING RIGHT HERE LOCALLY. WE HAD TRAINING HERE. I WAS
16 ALSO SENT TO FLORIDA RIGHT AFTER THAT FOR TRAINING, TO
17 GEORGIA. THE TRAINING IS ON-GOING. WE TRAIN WITH OTHER
18 DEPARTMENTS HERE IN THE GREENVILLE POLICE DEPARTMENT ALSO
19 THE ANDERSON COUNTY SHERIFF'S OFFICE.

20 EACH YEAR WE ATTEND OUR TRAINING CONFERENCE, WHICH
21 THE FBI SPONSORS, DOWN IN MYRTLE BEACH. WE HAVE TRAINING
22 CLASS AND WE ALSO DO SCENARIOS IN DIFFERENT LOCATIONS.

23 IN 1999 I WAS SELECTED TO GO TO QUANICO TO DO A
24 TWO-WEEK TRAINING THERE WITH THE FBI WHERE WE TRAIN WITH
25 FBI AGENTS THROUGHOUT THE UNITED STATES AND THEN FIVE

1 INTERNATIONAL STUDENTS; AND THAT WAS A TWO-WEEK CLASS THAT
2 I HAD IN '99. IN OUR DEPARTMENT WE DO -- THERE'S SIX OF
3 US NEGOTIATORS AND WE GET TOGETHER OURSELVES ALSO AND
4 TRAIN WITH SCENARIOS.

5 Q I TAKE IT AN IMPORTANT PART OF THAT TRAINING IS
6 ~~PSYCHOLOGY~~ IS THAT CORRECT?

7 A YES, SIR.

8 Q BECAUSE YOUR ROLE AS A HOSTAGE NEGOTIATOR RELIES ON
9 MENTAL RATHER THAN PHYSICAL TACTICS FOR THE MOST PART. IS
10 THAT RIGHT?

11 A YES, SIR.

12 Q AND ALSO WHEN YOU'RE ENGAGED IN A NEGOTIATION, AS YOU
13 WERE HERE, AN IMPORTANT THING YOU'RE DOING IS ~~GATHERING~~
14 ~~INFORMATION~~?

15 A YES, SIR, THAT'S EXACTLY RIGHT.

16 Q SOME OF THE INFORMATION YOU WERE GATHERING FOR
17 EXAMPLE HERE WAS THE ~~LOCATION WHERE MANDY AND CHRIS WERE?~~

18 A YES, SIR. THAT'S TRUE.

19 Q BUT YOU GATHERED OTHER INFORMATION? YOU ASKED ~~HOW~~
20 ~~OLD CHRIS WAS?~~

21 A YES, SIR, I DID.

22 Q ~~HOW LONG HE AND MANDY HAD BEEN TOGETHER?~~

23 A YES, SIR, I DID.

24 Q ~~HOW LONG SINCE THEY HAD BROKEN UP?~~

25 A YES, SIR.

1 Q I THINK YOU ASKED WHETHER HE WAS ~~DRUNK OR ON DRUGS~~ OR
2 ANYTHING?

3 A YES, SIR, I DID.

4 Q AND YOU ASKED I THINK AT ONE POINT ~~DOES HE GET ALONG~~
5 ~~WITH MANDY'S MOM?~~

6 A YES, SIR.

7 Q AND THAT'S ALL PART OF THE INFORMATION GATHERING
8 PROCESS THAT'S IMPORTANT TO YOU?

9 A YES, SIR, IT IS.

10 Q AS YOU GATHER THAT INFORMATION, I TAKE IT SOME OF THE
11 TRAINING AND PSYCHOLOGY COMES INTO PLAY AS YOU DECIDE HOW
12 YOU'RE GOING TO MAKE YOUR NEXT APPROACH AND HOW YOU'RE
13 GOING TO CARRY ON?

14 A YES, SIR.

15 Q WHEN YOU'RE DOING THAT, YOU WANT TO HAVE AS MUCH
16 INFORMATION AS YOU CAN; ISN'T THAT TRUE?

17 A YES, SIR. THAT'S TRUE.

18 Q FOR EXAMPLE, YOU WOULD WANT TO KNOW IF THE SUBJECT
19 YOU WERE DEALING WITH WAS ~~SUICIDAL~~.

20 A YES, SIR.

21 Q YOU WOULD WANT TO KNOW IF THEY HAD ~~PSYCHOLOGICAL~~
22 ~~DISORDERS?~~

23 A YES, SIR.

24 Q AND YOU WOULD WANT TO KNOW WHAT THE NATURE OF THOSE
25 PSYCHOLOGICAL DISORDERS WERE?

1 A YES, SIR.

2 MR. MACDOUGALL: COULD I HAVE A MOMENT, YOUR HONOR?

3 THE COURT: YES, SIR.

4 MR. MACDOUGALL: NO FURTHER QUESTIONS.

5 THE COURT: ANY REDIRECT, SOLICITOR?

6 MS. STROM: NO, SIR.

7 THE COURT: MR. LEE, YOU MAY STEP DOWN. YOU MAY BE
8 EXCUSED OR YOU'RE WELCOME TO STAY IF YOU WANT TO STAY.

9 MS. STROM: ASK HE BE EXCUSED.

10 (WITNESS EXCUSED.)

11 THE COURT: CALL YOUR NEXT WITNESS.

12 MS. STROM: STATE CALLS DEPUTY MCCONNELL. SORRY,
13 YOUR HONOR. THE STATE CALLS ~~DEPUTY~~ AVERY. I SKIPPED ONE.

14 THE CLERK: STATE YOUR NAME FOR THE RECORD PLEASE.

15 ~~CAREY AVERY~~, BEING

16 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION

18 BY MRS. STROM:

19 Q DEPUTY AVERY, PLEASE STATE YOUR FULL NAME FOR THE
20 RECORD.

21 A CAREY AVERY.

22 Q BY WHOM ARE YOU EMPLOYED?

23 A I'M EMPLOYED WITH THE GREENVILLE COUNTY SHERIFF'S
24 OFFICE.

25 Q HOW LONG HAVE YOU BEEN WITH THE GREENVILLE COUNTY

1 SHERIFF'S OFFICE?

2 A I BEEN WITH THE SHERIFF'S OFFICE FOR A LITTLE OVER
3 NINE AND A HALF YEARS.

4 Q WERE YOU WORKING ON THE DAY OF SEPTEMBER 3RD 2003?

5 A YES, I WAS.

6 Q DID YOU RECEIVE A CALL ON THAT DAY TO RESPOND TO THE
7 BI-LO ON EAST NORTH STREET?

8 A YES, I DID.

9 Q AND WHAT DID YOU DO?

10 A ON THAT DAY I WAS ACTUALLY WORKING THE WEST SIDE OF
11 GREENVILLE. THE SUPERVISOR THAT WAS WORKING WOULD HAVE
12 BEEN CHANNEL TWO, OR THE EAST SIDE, CAME OVER ONTO CHANNEL
13 THREE AND STATED HE NEEDED MORE UNITS OVER THERE AT THE
14 BI-LO TO HELP WITH THIS INCIDENT. SO THERE WAS SEVERAL
15 OTHERS, MYSELF FROM THE WEST SIDE, ACTUALLY LEFT WEST
16 GREENVILLE AND WENT TO EAST NORTH.

17 Q YOU ACTUALLY WENT TO THE PARKING LOT OF THE BI-LO?

18 A THAT'S CORRECT.

19 Q WHAT DID YOU DO WHEN YOU GOT THERE?

20 A UPON ARRIVAL I WAS INSTRUCTED TO HELP ~~CLEAR OUT THE~~
21 ~~CIVILIAN~~ PEOPLE THAT WERE IN THE PARKING LOT. THERE WERE
22 SEVERAL PEOPLE STANDING AROUND NOT KNOWING WHAT WAS GOING
23 ON AND EVERYTHING. SO, WE WANTED TO GET THE PARKING LOT
24 CLEARED OUT AS QUICKLY AS WE COULD.

25 Q AND AFTER ASSISTING WITH GETTING THE CIVILIANS

1 CLEARED FROM THE PARKING LOT, WHERE DID YOU GO AND WHAT
2 DID YOU DO?

3 A I WAS APPROACHED BY THREE CITY OFFICERS THAT WAS
4 WALKING A GENTLEMAN TOWARDS ME THAT HAD A BI-LO NAME TAG
5 ON. IT ENDED UP BEING THE STORE MANAGER, MR. GRIGGS. I
6 THEN TOOK MR. GRIGGS FROM THE CITY OFFICERS AND WALKED HIM
7 OVER TO WHERE THE COMMAND POST WAS STARTING TO SET UP.

8 Q OKAY. WHAT ELSE DID YOU DO?

9 A UPON LT. TAYLOR'S ARRIVAL, HE WAS THE COMMANDER OF
10 THE SWAT TEAM AT THAT TIME, LT. TAYLOR ASKED ME TO TAKE
11 MR. GRIGGS ASIDE AND ~~DRAW OUT A FLOOR PLAN FOR~~ THE SWAT
12 TEAM, HOW THE INTERIOR OF THE STORE WOULD BE SET UP SO IF
13 THE SWAT TEAM WOULD HAVE TO MAKE ENTRY, THEY WOULD HAVE A
14 GENERAL IDEA AS TO WHERE EVERYTHING WOULD BE LAID OUT IN
15 THE STORE AS THEY WENT IN.

16 Q DID YOU DO THAT?

17 A YES, I DID.

18 Q DID YOU GIVE THAT DIAGRAM -- THIS FLOOR PLAN, THIS
19 WAS A DIAGRAM YOU DREW OUT, A ROUGH SKETCH?

20 A THAT'S CORRECT.

21 Q IT WASN'T A BLUEPRINT FROM THE STORE.

22 A NO, MA'AM. IT WAS HAND DRAWN ON 11 BY 17 LEGAL PAD.

23 Q DID YOU GIVE THAT TO MEMBERS OF THE SWAT TEAM?

24 A YES, MA'AM. WHEN I COMPLETED IT, ME AND MR. GRIGGS
25 WALKED BACK OVER TO THE COMMAND POST, AND I HANDED THAT

1 FLOOR PLAN TO LT. TAYLOR.

2 Q AFTER YOU DID THAT, DID YOU TAKE UP A POSITION
3 ANYWHERE AROUND THE BUILDING?

4 A YES, I DID. WHEN I TURNED MR. GRIGGS AND THE FLOOR
5 PLAN OVER TO LT. TAYLOR, CAPT. WILBANKS WAS STANDING THERE
6 AND HE ADVISED ME TO GO UP TOWARDS THE FRONT OF THE STORE
7 AND ANY OF THE CITY OFFICERS THAT WERE THERE, TRY TO GET
8 THEM OUT TO THE EXTERIOR OF THE PERIMETER TO TAKE UP A
9 POSITION UNTIL I WAS RELIEVED BY A SWAT TEAM MEMBER.

10 Q DID YOU DO THAT?

11 A YES, I DID.

12 Q DO YOU KNOW APPROXIMATELY HOW LONG YOU WERE THERE
13 HOLDING THAT POSITION?

14 A I'D SAY PROBABLY 15 TO 20 MINUTES TO THE LEFT FRONT
15 OF THE STORE.

16 Q TO THE LEFT FRONT OF THE STORE?

17 A YES, MA'AM.

18 Q AND WHEN SWAT ARRIVED, DID SOMEONE TAKE OVER YOUR
19 POSITION?

20 A YES, MA'AM.

21 Q AND WHAT DID YOU DO AT THAT TIME?

22 A AT THAT TIME I WAS WALKING BACK TOWARDS THE EXTERIOR
23 OF THE PERIMETER TO HELP OUT WITH IT. AND I WAS
24 APPROACHED BY ANOTHER DEPUTY THAT LIVES ON THE TRAFFIC
25 UNIT, HE ADVISED ME HE WAS TOLD TO GET ME AND GO TO THE

1 TOP OF THE ROOFTOP VIA FIRE TRUCK LADDER TO ~~SECURE THE~~
2 ~~ROOF HATCHES.~~

3 Q DID YOU DO THAT?

4 A YES, I DID.

5 Q TELL THIS JURY WHAT YOU DID ONCE YOU GOT ON THE ROOF
6 OF THE BI-LO.

7 A ONCE ME AND DEPUTY RUDY GOT UP ON THE ROOF, BOTH OF
8 US WERE ARMED WITH SHOTGUNS. THERE WAS SEVERAL ROOF
9 HATCHES UP THERE. THERE WAS A COUPLE CLOSE TO THE FRONT
10 OF THE STORE AND THERE WAS ALSO A COUPLE TOWARDS THE BACK
11 PORTION OF THAT ROOF, THE BACK RIGHT-HAND CORNER, AND
12 THAT'S WHERE I SAT UP AT, BASICALLY JUST STOOD NEXT TO A
13 LITTLE AIR VENT AND JUST WAITED.

14 Q WHAT WAS THE PURPOSE OF YOUR BEING UP THERE?

15 A THOSE WOULD BE ESCAPE HATCHES TO THE ROOF, ACCESS
16 POINTS WHERE HE MIGHT POSSIBLY TRY AND ESCAPE OR HE MIGHT
17 BRING THE HOSTAGE UP. AT THAT POINT IN TIME THEY WERE NOT
18 SURE AS TO HOW MANY OF THOSE ROOF HATCHES WERE ACTUALLY
19 LOCKED FROM THE INSIDE OR NOT. THERE'S METAL LADDERS RUN
20 INSIDE THE STORE TO WHERE THEY COULD GAIN ACCESS.
21 MR. GRIGGS WAS NOT SURE WHETHER THEY WERE LOCKED WITH THE
22 KEY AND LOCK OR NOT.

23 Q IT WAS YOU AND ~~ONE OTHER DEPUTY ON THE~~ ROOF?

24 A THAT'S CORRECT.

25 Q AND YOU WERE IN THE BACK RIGHT-HAND CORNER?

1 A THAT'S CORRECT. IT WOULD HAVE BEEN FROM DOING THE
2 DIAGRAM I KNEW THAT THAT WOULD HAVE BEEN THE GENERAL AREA
3 WHERE THE SUSPECT AND VICTIM SHOULD HAVE BEEN LOCATED
4 NEAR.

5 Q WOULD THAT HAVE BEEN OVER THE DELI MANAGER'S OFFICE?

6 A THAT'S CORRECT.

7 Q AND THE OTHER DEPUTY ON THE ROOF, WHERE WAS HE
8 LOCATED?

9 A HE WAS LOCATED MORE TOWARDS THE CENTER FRONT OF THE
10 STORE.

11 Q HOW LONG DO YOU KNOW THAT YOU WERE UP ON THE ROOF,
12 APPROXIMATELY?

13 A FORTY-FIVE MINUTES TO AN HOUR, MAYBE, MAYBE A LITTLE
14 BIT LONGER.

15 Q AND DID YOU REMAIN IN THAT SAME AREA?

16 A YES, MA'AM.

17 Q WHAT, IF ANYTHING, OCCURRED WHILE YOU WERE UP THERE?

18 A THERE WAS ONE -- THERE WAS ONE INCIDENT WHERE THE
19 ~~HELICOPTER CAME DOWN LOW~~. AND TYPICALLY WHEN THE
20 HELICOPTER COMES DOWN LOW, THEY'RE TRYING TO MAKE COVER
21 NOISE AS SWAT'S MAKING ENTRY. AT THAT POINT IT PROBABLY
22 WASN'T MAYBE A MINUTE AFTER THE HELICOPTER LIFTED OFF I
23 ~~HEARD ONE ROUND GO OFF~~. AND I LOOKED OVER DEPUTY RUDY, I
24 SAID, "FLASH BANG." SOUNDED LIKE A FLASH BANG GOING OFF,
25 WHICH IS ANOTHER DEVICE SWAT USES AS THEY'RE MAKING ENTRY

1 INTO A SITUATION. IT CAUSES A LOT OF CONFUSION.

2 A COUPLE OF SECONDS AFTER THAT, I ~~HEARD THREE MORE~~
3 ~~SHOTS~~ AND I -- THAT'S WHEN I GOT ON THE RADIO AND CALLED
4 MY LIEUTENANT WHO WAS IN THE COMMAND POST AND ~~ADVISED HIM~~
5 ~~THAT SHOTS WERE FIRED.~~

6 Q SO, THE FIRST SOUNDS YOU HEARD WAS, YOU THOUGHT WAS A
7 FLASH BANG?

8 A THAT'S CORRECT.

9 Q AND THEN IT WAS JUST A FEW SECONDS LATER THAT YOU
10 HEARD OTHER NOISES?

11 A CORRECT.

12 Q WAS IT THE SAME NOISE YOU HAD HEARD THE FIRST TIME?

13 A YES, IT WAS.

14 Q AND AT THAT TIME WHAT DID YOU REALIZE?

15 A I REALIZED SOMEBODY WAS SHOOTING, AND IF IT WASN'T
16 OUR SWAT TEAM, THAT THERE WAS SOMETHING BAD THAT WAS GOING
17 ON INSIDE THE STORE AT THE TIME. AND WHEN I CALLED MY
18 LIEUTENANT THE FIRST TIME, I DIDN'T GET A RESPONSE FROM
19 HIM OVER THE RADIO. SO, I CALLED HIM THE SECOND TIME AND
20 ADVISED HIM AGAIN, "SHOTS FIRED. SHOTS FIRED."

21 HE SAID, "STAND BY, SWAT'S MAKING ENTRY NOW."

22 Q AND HOW LONG DID YOU REMAIN ON THE ROOF AFTER THAT?

23 A MAYBE APPROXIMATELY ANOTHER 15 OR 20 MINUTES.

24 Q DID YOU EVER ENTER THE STORE?

25 A NO, MA'AM.

1 Q YOU SAID THAT YOU -- WHEN YOU HEARD THE FIRST SHOT
2 AND THEN A FEW SECONDS LATER YOU HEARD THE THREE SHOTS,
3 YOU CALLED YOUR LIEUTENANT AND YOU HAD TO CALL HIM AGAIN.
4 HOW MUCH TIME DID THAT TAKE?

5 A IT WAS BASICALLY KEYING UP MY RADIO, "CHARLIE ONE,
6 CHARLIE TWELVE. SHOT'S FIRED. SHOTS FIRED." GOT NO
7 RESPONSE. "CHARLIE ONE, CHARLIE TWELVE. SHOTS FIRED,
8 SHOTS FIRED."

9 Q SO, IT WAS IMMEDIATELY?

10 A CORRECT.

11 Q THANK YOU. PLEASE ANSWER ANY QUESTIONS THE DEFENSE
12 MAY HAVE.

13 MR. MAULDIN: NO QUESTIONS, YOUR HONOR.

14 THE COURT: OKAY. DEPUTY AVERY, YOU MAY STEP DOWN.
15 THANK YOU SO MUCH, PLEASE, SIR.

16 CALL YOUR NEXT WITNESS, PLEASE.

17 MS. STROM: NOW CALL ~~DEPUTY MCCONNELL~~.

18 THOMAS MCCONNELL, BEING
19 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

20 DIRECT EXAMINATION

21 BY MRS. STROM:

22 Q PLEASE STATE YOUR FULL NAME FOR THE RECORD.

23 A THOMAS E. MCCONNELL.

24 Q DEPUTY MCCONNELL, BY WHOM ARE YOU EMPLOYED?

25 A THE GREENVILLE COUNTY SHERIFF'S OFFICE.

1 Q HOW LONG HAVE YOU BEEN WITH THE GREENVILLE COUNTY
2 SHERIFF'S OFFICE?

3 A JUST OVER 16 YEARS NOW.

4 Q AND IN WHAT CAPACITY DO YOU WORK WITH THEM?

5 A RIGHT NOW I'M ASSIGNED TO WHAT'S CALLED THE DIRECT
6 PATROL UNIT. WE ARE A SPECIALIZED UNIT THAT BASICALLY
7 COMBATS STREET LEVEL NARCOTICS, PROSTITUTION, ANY PROBLEM
8 AREAS WITHIN THE COUNTY, MAY IT BE TRAFFIC OR WHAT MAY.
9 WE'RE ALWAYS CALLED IN AND TRY TO ADDRESS THAT PROBLEM.

10 Q ALSO AS PART OF YOUR DUTIES WITH THE SHERIFF'S
11 OFFICE, ARE YOU A MEMBER OF THE ~~SWAT TEAM~~ TEAM?

12 A YES, SIR, I AM.

13 Q WERE YOU SO A MEMBER OF THE SWAT TEAM ON SEPTEMBER 3,
14 2003.

15 A YES, MA'AM, I WAS.

16 Q I WANT TO DIRECT YOUR ATTENTION TO SEPTEMBER 3 2003
17 AND ASK YOU, DID YOU RECEIVE A CALL TO RESPOND TO -- DID
18 YOU RECEIVE ANY INFORMATION TO RESPOND TO THE BI-LO ON
19 EAST NORTH STREET?

20 A YES, MA'AM. I RECEIVED THE CALL VIA PAGER TO RESPOND
21 TO THE BI-LO ON EAST NORTH STREET, IN REGARDS TO A HOSTAGE
22 SITUATION.

23 Q WHEN YOU ARRIVED AT THE BI-LO, WHAT DID YOU DO?
24 WHERE DID YOU GO AND WHAT DID YOU DO?

25 A WHEN I FIRST GOT TO THE BI-LO, WE ASSEMBLED OVER

1 BEHIND BLOCKBUSTER, WHICH IS IN THE SAME SHOPPING CENTER,
2 GOT OUT MY EQUIPMENT, GOT DRESSED AS SOON AS POSSIBLE. AT
3 THAT TIME I WENT DIRECTLY TO THE COMMAND POST, MET WITH
4 LT. TAYLOR AND LT. BEAVER. WAS FURTHER BRIEFED ON WHAT
5 THE SITUATION WAS AND AT THAT TIME I JOINED OTHER TEAM
6 MEMBERS OUTSIDE BI-LOS ON THE SIDEWALK.

7 Q WHEN YOU SAID YOU GOT DRESSED, GOT YOUR ~~EQUIPMENT~~,
8 TELL THE JURY WHAT YOU MEAN BY THAT.

9 A WE GENERALLY WEAR WHAT WE CALL TACK VEST, JUST REAL
10 HEAVY BODY ARMOR. IT HAS DIFFERENT POUCHES TO CARRY
11 EQUIPMENT, EXTRA AMMUNITION, WHAT WE CALL FLASH BANG, A
12 DIVERSION DEVICE; RADIO EQUIPMENT, DIFFERENT
13 COMMUNICATIONS. WE ALSO WEAR KEFLAR HELMETS, YOU SEE LOT
14 OF THEM ON TV NOW, THE MILITARY WEARS; HEAD PROTECTION,
15 KNEE PADS. ALSO I WAS ARMED WITH A .40 CALIBER PISTOL,
16 WHICH I'M CARRYING NOW, AND AN MP5 SUBMACHINE GUN, WHICH
17 WAS STANDARD ISSUE.

18 Q AFTER THE BRIEFING, WHERE WERE YOU STATIONED?

19 A WENT DIRECTLY TO THE FRONT OF BI-LO. IF YOU WERE
20 LOOKING AT THE FRONT DOOR, IT WOULD BE JUST TO THE LEFT,
21 UP ABOVE THE WINDOWS. PROBABLY, I MEAN, I'D HAVE TO GUESS
22 20 YARDS FROM THE DOOR APPROXIMATELY.

23 Q YOU SAID YOU WERE THERE WITH OTHER TEAM MEMBERS. WHO
24 WERE THOSE TEAM MEMBERS?

25 A LT. BEAVER WAS THERE, DEPUTY ANDY SEWELL. I BELIEVE

1 RON RICHARDSON WAS PRESENT, SHANE CRAIG, SGT. DAVE
2 WILLIAMS, LT. JOHN ELDRIDGE. AFTER THAT, I'D HAVE TO
3 REVIEW. A GOOD MANY PEOPLE WERE THERE.

4 Q THERE WERE MORE SWAT TEAM MEMBERS ON THE SCENE OTHER
5 THAN JUST THOSE?

6 A YES, MA'AM.

7 Q WHEN YOU TOOK UP YOUR POSITION OUTSIDE THE BI-LO,
8 DESCRIBE FOR THIS JURY WHAT YOU'RE DOING THERE. WHAT'S
9 GOING ON WHILE YOU'RE STATIONED THERE?

10 A WELL, WE'RE THERE -- WE'RE GETTING INFORMATION
11 RELAYED FROM US, FROM OUR INCIDENT COMMANDER, WHICH WE
12 CALL TACK COP. MYSELF AND LT. BEAVER, WHO WAS WHAT WE
13 CALL AN ACTUAL ENTRY TEAM LEADER AT THE TIME, AND I'M ALSO
14 AN ENTRY TEAM LEADER, WHAT WE WERE TRYING TO DO IS
15 FORMULATE WHAT WE CALL A DELIBERATE ACTION PLAN AND AN
16 EMERGENCY ACTION PLAN.

17 JUST BRIEFLY, ~~EMERGENCY ACTION PLAN~~ IS ENTRY THAT WE
18 MIGHT HAVE TO MAKE AT THE SPUR OF THE MOMENT, WHAT WE'RE
19 GOING TO DO. ~~DELIBERATE ACTION PLAN~~ IS JUST WHAT IT SAYS,
20 DELIBERATE ACTION. IT'S A LITTLE MORE DETAILED AND
21 CONCISE. DURING THIS TIME RECEIVED THIS INFORMATION.
22 MYSELF AND LT. BEAVER, SGT. WILLIAMS, HE WAS PRESENT; AND
23 JOHN ELDRIDGE WE'RE JUST CONVERSING, TRYING TO THROW THESE
24 IDEAS AROUND, WHAT'S GOING TO BE THE BEST FORM OF ACTION
25 AT THE TIME. AT THE TIME WE'RE RELAYING THIS, THE OTHER

1 TEAM MEMBERS ARE ON THE SCENE PASSING OUT ASSIGNMENTS AND
2 WHATNOT.

3 Q DID -- WERE YOU ABLE TO UTILIZE THE DELIBERATE ACTION
4 PLAN?

5 A NO, MA'AM.

6 Q APPROXIMATELY HOW LONG DO YOU THINK YOU WERE OUT
7 THERE STATIONED IN FRONT OF THE BI-LO?

8 A PROBABLY 45 MINUTES TO AN HOUR.

9 Q AND WHAT OCCURRED?

10 A AS I SAY, WHILE WE'RE OUT THERE, WE'RE FORMULATING
11 THESE PLANS, WE RECEIVED INFORMATION AGAIN FROM OUR
12 INCIDENT COMMANDER WHO HAD TOLD US TO GET READY TO PUT THE
13 DELIBERATE ACTION PLAN INTO EFFECT; AND WE HAD
14 APPROXIMATELY ONE MINUTE. AS THIS ONE MINUTE WAS
15 EVOLVING, WE WERE TOLD TO STAND BY, THAT THEY WERE TRYING
16 TO MAKE CONTACT, YOU KNOW, WITH THE DEFENDANT AGAIN,
17 TRYING TO FIND OUT EXACTLY WHERE HE AND THE HOSTAGE MAY BE
18 INSIDE THE BI-LO.

19 IT SEEMED JUST ONLY JUST A FEW SECONDS TRANSPIRED
20 DURING THIS TIME THAT WE RECEIVED OVER THE RADIO AGAIN
21 THAT SHOTS WERE FIRED. AND I REMEMBER IT COMING IN, YOU
22 KNOW, "~~SHOTS FIRED~~, SHOTS FIRED," THAT TYPE OF THING. AT
23 THAT POINT WE IMMEDIATELY IMPLEMENTED OUR ~~EMERGENCY ACTION~~
24 ~~PLAN~~ AND MADE ENTRY INTO THE BI-LO.

25 Q AND YOU WERE PART OF THE ENTRY TEAM INTO THE BI-LO?

1 A YES, MA'AM, I WAS.

2 Q WHERE DID YOU GO?

3 A AS I MADE ENTRY, WE WENT IN THROUGH THE SLIDING GLASS
4 DOORS JUST TO THE LEFT. AS SOON AS WE GOT IN, I WENT
5 TOWARDS THE DELI-BAKERY AREA, WHICH WAS THE LAST KNOWN
6 PLACE THAT WE HAD INFORMATION THAT THE DEFENDANT AND
7 MS. WILLIAMS WERE AT. NAVIGATED KIND OF THROUGH THE
8 LITTLE PRODUCE BAKERY AREA THERE. AS SOON AS I GOT IN,
9 YOU COULD SMELL, TO ME, WAS ~~GUN POWDER~~. YOU COULD SEE A
10 HAZE OF SMOKE IN THE AIR.

11 I IMMEDIATELY WENT TO THE DELI COUNTER. THERE WAS A
12 SLIDING LITTLE SORT OF OPENING DOOR, REAL SMALL, ABOUT THE
13 SIZE HERE ON THIS WITNESS STAND, WENT THROUGH THERE, AND
14 THAT'S WHERE I FOUND MISS WILLIAMS.

15 Q YOU SAID YOU SMELLED GUN POWDER. WHERE WAS THAT THAT
16 YOU SMELLED THAT? WHEN DID YOU SMELL THAT?

17 A ALMOST IMMEDIATELY. AS I STARTED WORKING BACK
18 TOWARDS THE DELI-BAKERY AREA, IT BECAME STRONGER. AS I
19 SAY, YOU COULD SEE KIND OF A SMOKEY HAZE IN THE AIR. IT
20 WAS APPARENT THAT GUNSHOTS HAD BEEN FIRED.

21 Q TALKING ABOUT THE SWINGING DOOR TO THE DELI-BAKERY
22 AREA, DID YOU ACTUALLY GO INTO THAT SWINGING DOOR?

23 A YES, MA'AM. I WENT THROUGH THE OPENING THERE, JUST A
24 LITTLE DOOR THAT SEPARATES THE COUNTER AREA, I ASSUME FOR
25 THE EMPLOYEES TO MOVE FREELY BACK AND FORTH. I DID. I

1 ENTERED THERE, WENT BEHIND THE COUNTER.

2 Q YOU WENT BEHIND THE COUNTER?

3 A YES, MA'AM.

4 Q WHAT DID YOU SEE WHEN YOU GOT BACK THERE?

5 A ~~MISS WILLIAMS~~ WAS LAYING FACE DOWN. HER HEAD WAS
6 SORT OF TOWARDS THE FRONT OF THE STORE. ~~SHE WAS COVERED~~
7 ~~IN BLOOD.~~

8 Q HOW WAS SHE DRESSED?

9 A SHE HAD A -- SHE WAS WEARING PANTS, I CAN'T REMEMBER
10 ABOUT THE SHIRT EXACTLY. I JUST REMEMBER THERE WAS A
11 LARGE AMOUNT OF BLOOD. SHE -- THERE SEEMED TO BE NO SIGNS
12 OF LIFE THAT I COULD TELL IMMEDIATELY. I MEAN, JUST BY
13 LOOKING AT HER. THERE WAS NO RESPONSE FROM HER, NO
14 MOVEMENT.

15 Q DID YOU MANIPULATE THE BODY IN ANY WAY?

16 A NO, MA'AM. I DIDN'T TOUCH IT. I JUST IMMEDIATELY
17 STARTED CALLING FOR MEDICS TO COME BACK THERE.

18 Q AND AS PART OF THE SWAT TEAM, DO YOU ALL HAVE A MEDIC
19 THAT GOES IN WITH YOU?

20 A YES, WE USUALLY -- WE HAVE, I THINK AT THE TIME, WE
21 HAD EITHER THREE OR FOUR MEDICS THAT WERE ASSIGNED TO THE
22 TEAM. MEDICS USUALLY GO IN WITH US ON ALL ENTRIES. THEY
23 USUALLY TRAIL THE TEAM, BEHIND, IN CASE WE DO FIND A
24 HOSTAGE THAT'S INJURED OR SUSPECT INJURED. IF ONE OF US
25 GETS INJURED, THAT WAY WE HAVE MEDICAL ATTENTION THERE

1 ALMOST IMMEDIATELY.

2 Q AND DID A MEDIC COME OVER TO ASSIST THE VICTIM?

3 A YES. I CALLED FOR A ~~MEDIC~~ AS SOON AS THEY WERE ON
4 THE WAY, I STARTED THE OTHER DUTIES AS FAR AS SECURING THE
5 INSIDE OF THE BI-LO.

6 Q DID YOU HAVE ANY ~~CONTACT~~ OR WERE YOU PART OF THE TEAM
7 THAT ARRESTED THE ~~SUSPECT~~?

8 A ~~NO~~ I WAS NOT.

9 Q YOU WERE THERE WITH THE VICTIM?

10 A YES. WHEN THE MEDICS, AS THEY STARTED APPROACHING
11 THE VICTIM, THERE WAS NO AID I COULD RENDER RIGHT THERE ON
12 THE SPOT. ~~I NOTICED~~ THERE WAS A ~~SWINGING DOOR~~ IN THE BACK
13 OF THE DELI, WHICH I THINK LED TO A STOCK ROOM, AND
14 NOTICED ~~IT WAS SWINGING~~. I WENT TOWARD IT. AS I MADE
15 ENTRY DOWN THERE TOWARD THAT, ~~I SAW THE DEFENDANT BEING~~
16 ~~APPROACHED BY OTHER TEAM MEMBERS. THEY WERE HANDLING~~
17 ~~THAT~~ AND I WENT BACK TO THE DELI AREA WHERE THEY WERE
18 ATTENDING TO THE VICTIM.

19 Q THEN YOU LEFT THE STORE?

20 A I STAYED THERE UNTIL THE INVESTIGATORS ARRIVED AND
21 TOOK CONTROL OF THE SCENE. YES, MA'AM.

22 MS. STROM: THANK YOU. PLEASE ANSWER ANY QUESTIONS
23 THE DEFENSE MAY HAVE.

24 THE COURT: CROSS EXAMINATION?

25 MR. MAULDIN: NO QUESTIONS.

1 THE COURT: YOU MAY STEP DOWN. YOU MAY BE EXCUSED.
2 THANK YOU VERY MUCH. YOU'RE WELCOME TO STAY.

3 THE WITNESS: THANK YOU.

4 (WITNESS EXCUSED.)

5 THE COURT: CALL YOUR NEXT WITNESS.

6 DAVID TERRY WILLIAMS, BEING
7 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

8 DIRECT EXAMINATION

9 BY MRS. STROM:

10 Q PLEASE STATE YOUR FULL NAME FOR THE RECORD.

11 A ~~DAVID TERRY WILLIAMS~~

12 Q I NEED YOU TO KEEP YOUR VOICE UP LIKE THAT SO ALL THE
13 JURORS CAN HEAR YOU. OKAY. BY WHOM ARE YOU EMPLOYED?

14 A GREENVILLE COUNTY SHERIFF'S OFFICE.

15 Q HOW LONG HAVE YOU BEEN WITH THE GREENVILLE COUNTY
16 SHERIFF'S OFFICE?

17 A I'VE BEEN WITH THE SHERIFF'S OFFICE 18 YEARS.

18 Q AND AS PART OF BEING WITH THE GREENVILLE COUNTY
19 SHERIFF'S OFFICE, ARE YOU ALSO PART OF THE SWAT TEAM?

20 A YES, MA'AM, I AM.

21 Q BACK ON SEPTEMBER THE 3RD 2003 WERE YOU ALSO PART OF
22 THE ~~SWAT~~ TEAM?

23 A YES, MA'AM.

24 Q WHAT WAS YOUR POSITION WITH THE SWAT TEAM AT THAT
25 TIME?

1 A MY POSITION WAS AN ASSISTANT TEAM LEADER.

2 Q I TAKE IT THAT YOU RECEIVED A CALL OR A PAGE TO
3 RESPOND TO THE BI-LO AT EAST NORTH STREET, CORRECT?

4 A YES, MA'AM. MY FULL-TIME DUTIES IS A SERGEANT
5 PERSONNEL, RECRUITING ADMINISTRATIVE SERVICES DIVISION. I
6 WAS IN THE OFFICE. SOMEBODY CAME BY THE OFFICE AND TOLD
7 ME THAT THERE WAS A POSSIBLE HOSTAGE SITUATION DEVELOPING,
8 AND I IMMEDIATELY WENT TO MY CAR AND LISTENED TO RADIO
9 TRAFFIC AND RESPONDED.

10 Q SO, YOU ACTUALLY RESPONDED OUT TO THE BI-LO?

11 A YES, MA'AM.

12 Q WHAT DID YOU DO WHEN YOU ARRIVED?

13 A WE SET UP AT A STAGING AREA WHERE WE COULD GET
14 DRESSED, GET OUR EQUIPMENT TOGETHER, AND WE MOVED FROM
15 THAT POINT TO A COMMAND POST AREA.

16 Q AND WERE YOU -- WHAT WAS YOUR POSITION OUT THERE?
17 WHAT WAS YOUR JOB OUT THERE?

18 A MY JOB AT THIS POINT, THE COMMAND POST TO MAKE SURE
19 OTHER TEAM MEMBERS HAVE THEIR EQUIPMENT IF THEY NEED TO
20 INVOLVE ME IN SOME OF THE PLANNING THAT MAY BE, BUT WE'RE
21 LETTING OTHERS FIND OUT WHAT'S HAPPENING WITH THE
22 SITUATION AT THIS POINT. AND WE'RE TRYING TO GET THE TEAM
23 TOGETHER TO RELAY THAT INFORMATION SO WE KNOW WHAT WE'RE
24 DEALING WITH.

25 Q ONCE YOU HAVE DONE ALL THAT, WHAT DO YOU DO?

1 A AT THIS POINT WE'LL MOVE WHATEVER ORDERS WE'RE GIVEN,
2 WHICH AT THAT POINT WE WERE ADVISED TO MOVE TOWARDS THE
3 FRONT OF THE BI-LO CENTER.

4 Q AND WHEN YOU MOVED TO THE FRONT OF THE BI-LO CENTER
5 ARE YOU THERE BY YOURSELF OR ARE YOU THERE WITH OTHER
6 MEMBERS?

7 A I SAID BI-LO CENTER -- I'M SORRY, BI-LO.

8 Q YES, SIR.

9 A I WAS. I WAS WITH SEVERAL OTHER MEMBERS. WE TOOK
10 POSITIONS AT THESE LARGE COLUMNS THAT PROVIDED US SOME
11 KIND OF COVER. WE WERE ADVISED THAT THERE WAS NO OTHER
12 REASONABLE ENTRANCE INSIDE THE BUILDING.

13 Q WERE YOU ABLE TO SEE INSIDE THE BUILDING FROM WHERE
14 YOU WERE?

15 A NO, MA'AM. THERE WAS TINTED GLASS YOU COULDN'T SEE
16 THROUGH.

17 Q HOW LONG WERE YOU THERE STATIONED IN FRONT OF THE
18 BI-LO IN THAT POSITION?

19 A I WOULD SAY AROUND AN HOUR, GIVE OR TAKE.

20 Q TELL THIS JURY WHAT'S GOING ON DURING THAT HOUR. DO
21 YOU JUST STAND THERE? WHAT'S GOING ON?

22 A WE'RE RECEIVING -- AT THIS POINT WE'RE GETTING
23 INFORMATION FROM THE COMMANDER THAT'S LETTING US KNOW HOW
24 NEGOTIATIONS ARE DEVELOPING.

25 Q SO THAT COMMANDER IS NEAR THE NEGOTIATOR, THE HOSTAGE

1 NEGOTIATOR?

2 A YEAH. I DON'T KNOW IN THIS PARTICULAR CASE HIS
3 APPROXIMATE LOCATION, BUT HE SHOULD BE. AT THIS POINT
4 WE'RE LISTENING TO HOW NEGOTIATIONS ARE GOING ON, WE'RE
5 DEVELOPING AN EMERGENCY ACTION PLAN AND DELIBERATE ACTION
6 PLAN.

7 Q WHEN YOU SAY YOU'RE HEARING ABOUT THE NEGOTIATIONS,
8 ARE YOU ACTUALLY ABLE TO HEAR THE NEGOTIATIONS TAKE PLACE
9 OR JUST HEARING THE RESULTS OF THEM?

10 A ~~WE CANNOT HEAR THE NEGOTIATIONS TAKING PLACE.~~ WE ALL
11 HAVE HEADSETS. I THINK THIS INFORMATION IS GOING FROM THE
12 NEGOTIATOR TO THE COMMANDER, THE COMMANDER IS RELAYING
13 INFORMATION AS IT DEVELOPS FROM OUR HEADSETS. ALL TEAM
14 MEMBERS HAVE ACCESS TO THAT INFORMATION FROM OUR HEADSETS.

15 Q YOU'RE GETTING THE INFORMATION FROM THE LEADER, NOT
16 NECESSARILY FROM THE NEGOTIATOR HIMSELF?

17 A THAT'S CORRECT.

18 Q WHEN YOU WERE TALKING ABOUT THE ASSESSING OF AN
19 EMERGENCY ACTION PLAN, AND A DELIBERATE ACTION PLAN, AND
20 WE'VE HAD WITNESSES WHO HAVE TOLD US IN DETAIL WHAT THAT
21 MEANS, WAS THE SWAT TEAM BEGINNING TO IMPLEMENT EITHER ONE
22 OF THOSE PLANS?

23 A THERE WAS A POINT THAT IT APPEARED AS THOUGH
24 NEGOTIATIONS WERE NOT GOING THE WAY THAT WE HAD HOPED THEY
25 WERE GOING TO GO. AND THE LONGER WE WAITED, WE MAY PUT

1 THE HOSTAGE IN DANGER BY NOT ACTING. IT WAS SOME POINT
2 DURING THIS WE WERE ADVISED TO GO AHEAD AND PREPARE TO
3 INITIATE A DELIBERATE ACTION PLAN.

4 Q AND WHAT DO YOU DO AS A RESULT OF THAT?

5 A AS A RESULT OF THAT, WE'RE ALREADY IN LINE, BUT WE'RE
6 MOVING TOGETHER AS A TEAM. WE'RE COMING IN CONTACT WITH
7 ONE ANOTHER. I CAN'T SEE THE TEAMMATE BEHIND ME, BUT I
8 CAN FEEL HIM PRESSING UP AGAINST ME WITH HIS HAND, HIS
9 LEFT HAND UP AGAINST MY SHOULDER. HE'LL SQUEEZE ME,
10 INDICATE HE'S READY. WHEN I'M READY, I DO THE SAME THING
11 TO THE GUY IN FRONT OF ME THAT I'M READY. THIS WORKS ALL
12 THE WAY TO THE FRONT. AT THAT POINT, THE TEAM IS READY TO
13 MAKE ENTRY TO INITIATE THE DELIBERATE ACTION PLAN, ALL
14 WE'RE WAITING ON IS THE WORD GO.

15 Q YOU'RE WAITING ON THE WORD FROM THE COMMANDER TO TELL
16 YOU TO ACTUALLY GO, TO MAKE ENTRY?

17 A THAT'S RIGHT.

18 Q AT THIS TIME APPROXIMATELY HOW MANY TEAM MEMBERS ARE
19 THERE RIGHT THERE STACKED UP?

20 A I WOULD SAY PROBABLY 12 TO 14 POSSIBLY.

21 Q ALL IN ONE LINE?

22 A I DON'T KNOW THE EXACT NUMBER. YEAH, YES, MA'AM.

23 Q AND YOU WERE TALKING ABOUT THIS TOUCHING OF EACH
24 OTHER'S SHOULDERS. THAT'S AN INDICATION OF WHAT?

25 A THAT'S TO LET EVERYBODY KNOW, IT BEGINS AT THE BACK

1 AND PROGRESSES TO THE FRONT. SO, BY THE TIME IT REACHES
2 THE FRONT MAN, THE POINT MAN, THAT HE KNOWS THE TEAM IS
3 READY TO MOVE AT WHATEVER COMMAND IS GIVEN. SO, WE'RE
4 TOGETHER AT THIS POINT. THE PURPOSE OF THIS IS TO MOVE
5 TOGETHER AS A TEAM IN A FLUID MOTION.

6 Q AND HAD YOU GIVEN THE TEAM MEMBER IN FRONT OF YOU THE
7 SIGNAL THAT YOU WERE READY?

8 A YES, MA'AM.

9 Q YOU SQUEEZED HIS SHOULDER?

10 A YES, MA'AM.

11 Q AND WHAT HAPPENED AFTER THAT?

12 A WE WERE READY. THERE WAS A MOMENT HESITATION FOR THE
13 NEGOTIATOR TO MAKE ONE LAST PHONE CALL TO TRY TO
14 DETERMINE -- TO MAKE SURE THAT HE WAS SECURED IN THAT SPOT
15 OR AROUND THAT AREA, AND TO POSSIBLY GIVE HIM A
16 DISTRACTION.

17 AT THAT POINT WHEN THEY MADE CONVERSATION WE WERE TO
18 GO, BUT IT STOPPED AT THAT POINT. WE WERE SECONDS FROM
19 GOING INSIDE AND WE HEARD OVER THE RADIO, OVER THE
20 HEADSET, "SHOTS FIRED, SHOTS FIRED."

21 AT THIS POINT WE MOVED DIRECTLY INSIDE THE BI-LO
22 CENTER. I DON'T THINK THERE WAS ANYBODY TELLING US TO GO.
23 I THINK WE ALL KNEW EXACTLY WHAT TO DO AT THIS POINT. WE
24 WERE YELLING TO EACH OF US, "GO, GO, GO." AND WE BEGAN
25 MOVING THROUGH THE FRONT OF THE BI-LO CENTER -- BI-LO,

1 EXCUSE ME.

2 Q WE'LL USE THIS DIAGRAM. I THINK WE LOOKED AT THIS
3 BEFORE. SHOW YOU STATE'S EXHIBIT NUMBER ONE. DO YOU
4 RECOGNIZE THAT?

5 A IT APPEARS TO BE THE FLOOR PLAN OF THE BI-LO.

6 Q AND WE HAVE GONE OVER A VERY SIMILAR DIAGRAM,
7 CORRECT?

8 A YES, MA'AM.

9 Q USING THIS LASER POINTER, IF YOU WOULD JUST ORIENT US
10 FIRST TO THE FRONT OF THE BI-LO.

11 A THE FRONT ENTRANCE OF THIS BI-LO, THIS IMMEDIATE AREA
12 THROUGH -- RIGHT THROUGH HERE. THERE IS AN AWNING OR
13 SOMETHING IN THIS AREA WHERE THE TEAM WAS STACKED.

14 Q YOU WERE TO THE LEFT?

15 A YES, MA'AM. THERE'S SEVERAL COLUMNS UNDER THIS
16 AWNING, WHICH IS WHERE WE WERE LOCATED AT.

17 Q AND WHEN YOU HEARD THAT SHOTS HAD BEEN FIRED, WHERE
18 DID YOU GO?

19 A LAST POINT OF REFERENCE WE HAD THEIR LOCATION WAS IN
20 AN AREA RIGHT HERE. WE ALREADY HAD A DELIBERATE ACTION
21 PLAN TO BE MOVING INTO THIS AREA. THIS IS THE WAY WE
22 FLOWED, FROM HERE, STRAIGHT INTO THE ENTRANCE. THEN ONE
23 TEAM MOVED THROUGH THIS AREA HERE. THE TEAM I WAS WITH
24 MOVED DIRECTLY IN EITHER THIS FIRST OR SECOND LITTLE AREA
25 RIGHT HERE, THROUGH THIS DOOR.

1 Q TOWARDS THOSE DOUBLE DOORS?

2 A YES, MA'AM.

3 Q TELL US WHAT HAPPENED WHEN YOU GOT TO THE AREA OF THE
4 DOUBLE DOORS.

5 A WE DIDN'T SEE ANYTHING FROM THIS POINT. AS WE WERE
6 MOVING THROUGH, WHEN WE GOT TO THESE DOUBLE DOORS RIGHT
7 HERE, I HAD FOUR PEOPLE WITH ME.

8 Q WHO WERE THEY?

9 A WELL, THREE PEOPLE OTHER THAN MYSELF. IT WAS LT.
10 JOHN ELDRIDGE, MASTER DEPUTY ANDRA SEWELL, AND A MEDIC,
11 DEAN DOUGLAS. DEAN WAS BEHIND US. DEAN IS A MEDIC. HE
12 MAKES ENTRY WITH US, ALONG WITH OTHER MEDICS ON ALL CALLS.

13 Q YOU NEED TO SPEAK UP A LITTLE.

14 A OKAY. HE'LL MAKE ENTRY WITH US THROUGH ALL CALLS
15 WHERE WE HAVE TO MAKE ENTRY. BUT THEIR PURPOSE IS MERELY
16 TO PROVIDE AID TO ANY VICTIMS WE MAY COME ACROSS OR
17 PROVIDE ASSISTANCE TO ONE OF US IN CASE WE GET INJURED.
18 THEIR ROLE IS MERELY DEFENSIVE AT THAT POINT.

19 DEAN WAS BEHIND US AT THIS POINT. WE WANTED TO KEEP
20 DEAN WITH US, BUT AT THIS POINT WE WERE ENTERING INTO THE
21 DELI AREA, WHICH THERE IS A DOOR RIGHT HERE, IT DOESN'T
22 APPEAR TO BE MARKED, BUT THERE WAS A DOOR AFTER YOU PASS
23 THE DOUBLE DOORS. WE WERE GOING TO MAKE ENTRY INTO THIS
24 DELI AREA RIGHT THROUGH HERE.

25 I STATIONED DEAN AT THIS POINT RIGHT HERE, TOLD HIM

1 TO HOLD COVER TOWARDS THIS BACK, TOWARDS WHAT APPEARED TO
2 BE A WAREHOUSE AREA. HE UNDERSTOOD WHAT I WAS ASKING HIM
3 TO DO, HE HELD HIS POSITION THERE. I PROBABLY TOOK TWO
4 STEPS TOWARDS THE DELI AREA AND I HEARD HIM GIVING DEMANDS
5 FOR SOMEBODY TO SURRENDER. AT THIS POINT I IMMEDIATELY
6 TURNED AROUND, TOOK CONTROL OF THE SITUATION, MOVED DEAN
7 BEHIND ME AND TOOK OVER COMMAND TO ARREST THE SUBJECT WE
8 WERE CONFRONTED WITH.

9 Q WHEN YOU WERE AT THE AREA OF THE DELI, YOU SAID YOU
10 WENT THROUGH THE DOUBLE DOORS AND YOU STATIONED DEAN
11 DOUGLAS. I BELIEVE YOU SAID YOU TOOK TWO STEPS TOWARDS
12 THE RIGHT, INTO THE DELI AREA?

13 A YES, MA'AM. OUR INTENTIONS, WE THOUGHT EVERYTHING
14 WAS HAPPENING BACK THROUGH HERE. SO I POSTED DEAN TO
15 GUARD AS A REAR GUARD, TO COVER THIS AREA THROUGH HERE
16 WHILE WE MADE ENTRY INTO THIS AREA HERE. I PROBABLY MADE
17 TWO STEPS AT THIS POINT TOWARD THAT CORNER OF THAT AREA
18 WHEN I HEARD DEAN BEGIN TO YELL COMMANDS.

19 Q WHEN YOU SAY BEGIN TO YELL COMMANDS, WHAT WAS HE
20 DOING?

21 A IT WAS, "SHERIFF'S OFFICE, LET ME SEE YOUR HANDS.
22 LET ME SEE YOUR HANDS." SOMETHING TO THIS EFFECT.

23 Q WHEN YOU HEARD THAT, WHAT DID YOU DO?

24 A I IMMEDIATELY TURNED AROUND AND GOT EYES ON WHO HE
25 WAS GIVING COMMANDS TO, MOVED DEAN OUT OF THE WAY AND TOOK

1 OVER THOSE COMMANDS.

2 Q AND DID THE PERSON COMPLY WITH YOUR COMMANDS?

3 A YES, MA'AM, HE DID. AT THIS POINT WE ALSO HAD OTHER
4 TEAM MEMBERS THAT WERE BEGINNING TO COME TO ASSIST, WHICH
5 WOULD HAVE BEEN ANDREW SEWELL, RON RICHARDSON, ALSO CAME
6 THROUGH THESE DOUBLE DOORS THAT ARE BACK THROUGH HERE. HE
7 WAS BACK IN THIS AREA, CAME THROUGH, HELD A POSITION
8 THERE. I WAS BACK AT THIS CORNER, RIGHT HERE.

9 Q DID YOU ALL TAKE THE DEFENDANT INTO CUSTODY AT THAT
10 TIME?

11 A YES, MA'AM.

12 Q DO YOU RECALL WHAT HE WAS WEARING?

13 A HE WAS WEARING A CAMOUFLAGE SHIRT, AND I DO NOT
14 REMEMBER THE REST. I THINK HE WAS WEARING A HAT, A
15 TOBOGGAN, A BLACK TOBOGGAN.

16 Q WHAT DID YOU DO WITH HIM ONCE YOU PUT HIM IN CUSTODY?

17 A WE MOVED STRAIGHT FROM THAT LOCATION TO THE FRONT OF
18 THE BI-LO STORE AND WAITED FOR A DEPUTY TO TAKE OVER
19 CONTROL.

20 Q YOU ALL ESCORTED HIM OUT OF THE BI-LO?

21 A YES, MA'AM.

22 Q AND PUT HIM IN A PATROL CAR?

23 A YES, MA'AM.

24 MS. STROM: COURT'S INDULGENCE.

25 THANK YOU. PLEASE ANSWER ANY QUESTIONS THE DEFENSE

1 MAY HAVE.

2 MR. MAULDIN: I DO HAVE A COUPLE. IF WE COULD JUST
3 LEAVE THAT UP, PLEASE, SIR. THANK YOU.

4 CROSS EXAMINATION

5 BY MR. MAULDIN:

6 Q SERGEANT WILLIAMS?

7 A YES, SIR.

8 Q I HAVE A COUPLE OF QUESTIONS. SERGEANT, WHEN YOU
9 CAME INTO THE STORE AFTER IT WAS REPORTED THAT SHOTS WERE
10 FIRED, THEN YOU CHANGED FROM THE DELIBERATE TO THE
11 EMERGENCY PLAN, BASICALLY?

12 A THAT'S CORRECT.

13 Q AND YOU SAY THAT YOUR PART OF THE TEAM WENT DOWN ONE
14 OF THE AISLES? AND THE OTHER TEAM --

15 A YES.

16 Q -- WOULD HAVE BEEN TO YOUR RIGHT, GOING DOWN THE
17 BAKERY SIDE? IS THAT --

18 A YES, SIR THEY -- ANOTHER TEAM OR A GROUP OF OFFICERS
19 THAT WERE TOGETHER MOVED FROM THIS AREA.

20 Q AND WHEN YOU CAME TO THE END OF THE AISLE, YOU WOULD
21 HAVE STILL BEEN OUT IN THE CUSTOMER AREA OF THE STORE,
22 RIGHT?

23 A THAT'S CORRECT. THIS AREA RIGHT HERE.

24 Q AND THEN YOU'VE -- THOSE ARE SWINGING DOORS?

25 A THAT'S CORRECT.

1 Q AND THAT WOULD BE WHERE NO -- THAT WAS THE
2 SEPARATE -- THE EMPLOYEE ONLY AND THE CUSTOMER AREA,
3 RIGHT?

4 A THAT'S CORRECT.

5 Q THAT'S WHAT THOSE DOORS ARE FOR?

6 A YES, SIR.

7 Q WHEN YOU WENT THROUGH THOSE DOORS, IS THAT WHERE YOU
8 SAY THAT YOU ASKED OFFICER DOUGLAS TO WAIT?

9 A THAT'S CORRECT.

10 Q YOU TURNED TO GO TOWARDS DELI?

11 A THAT'S CORRECT.

12 Q AND YOU HEARD OFFICER DOUGLAS MAKE STATEMENTS
13 REGARDING COMMANDS THAT SOUNDED TO YOU LIKE TO SOMEONE TO
14 FOLLOW IMMEDIATE INSTRUCTION, RIGHT?

15 A THAT'S CORRECT.

16 Q YOU TURNED BACK AND THEN, IF I'M NOT MISTAKEN, I'M
17 JUST GOING TO STEP RIGHT OVER HERE, IF I'M NOT MISTAKEN,
18 THIS LITTLE OPENING RIGHT HERE GOES INTO THE -- INTO KIND
19 OF LIKE A STOCK ROOM OR STOCK AREA?

20 A THAT'S WHAT IT APPEARED TO BE. THERE WERE PALLETS
21 AND BOXES.

22 Q CAN YOU WITH YOUR POINTER, I KNOW IT'S HARD TO HOLD
23 THAT THING STILL --

24 A YEAH, I APOLOGIZE.

25 Q BUT I WANT YOU TO SHOW US, AS BEST YOU CAN, WHERE

1 CHRIS WAS. WAS HE STANDING WHEN YOU FIRST SAW HIM?

2 A YES, SIR.

3 Q SO HE -- BUT HE HAD BEEN TOLD TO GET DOWN?

4 A YEAH.

5 Q DID YOU SEE HIM GET DOWN?

6 A YES, SIR.

7 Q ALL RIGHT. SO, HE WAS STANDING WHEN YOU FIRST SAW
8 HIM?

9 A YES, SIR. THE DEFENDANT WAS STANDING. BUT, YEAH,
10 WHEN I FIRST SAW HIM, HE WAS STANDING WITH HIS HANDS UP.

11 Q STANDING WITH HIS HANDS UP AND HE WAS GIVEN AN ORDER
12 TO GET DOWN.

13 A THAT'S RIGHT.

14 Q HE WAS UNARMED?

15 A YES, SIR.

16 Q AND, IN FACT, THE WEAPON THAT'S BEEN TESTIFIED TO IN
17 THIS CASE WAS LOCATED IN A DIFFERENT AREA. IT WAS NOT
18 NEAR HIM?

19 A NO, SIR, I NEVER SAW THE WEAPON.

20 Q ALL RIGHT. NOW, CAN YOU TAKE YOUR POINTER AND SHOW
21 US AS BEST YOU CAN THE AREA WHERE YOU SAW HIM STANDING?

22 A I'LL TRY TO POST THIS UP AGAINST THIS TABLE, GIVE YOU
23 A BETTER --

24 Q YEAH. IF YOU WANT TO, YOU CAN COME UP HERE, PUT YOUR
25 FINGER --

1 A RIGHT AROUND THIS AREA HERE IS THE AREA I FIRST SAW
2 HIM AT, AND HE HAD HIS HANDS UP. HE WAS ALREADY BEGUN TO
3 COMPLY WITH DEAN DOUGLAS'S ORDERS, THE COMMANDS HE WAS
4 GIVING.

5 Q AND YOU'RE NOT SURE WHERE YOU WOULD HAVE BEEN
6 STANDING WHEN OFFICER DOUGLAS BEGAN THAT COMMAND.

7 A NO, SIR.

8 Q I THINK THAT'S ALL I HAVE FOR YOU. THANK YOU.

9 THE COURT: ANY DIRECT?

10 MS. STROM: NO, SIR.

11 THE COURT: OFFICER WILLIAMS, THANK YOU SO VERY MUCH.
12 YOU MAY BE EXCUSED.

13 (WITNESS EXCUSED.)

14 MS. STROM: DEAN DOUGLAS.

15 HARRY DOUGLAS, BEING
16 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION

18 BY MS. STROM:

19 Q PLEASE STATE YOUR FULL NAME FOR THE RECORD.

20 A HARRY DEAN DOUGLAS.

21 Q AND BY WHOM ARE YOU EMPLOYED?

22 A GREENVILLE COUNTY EMERGENCY MEDICAL SERVICE.

23 Q WHAT DO YOU DO WITH THEM?

24 A A PARAMEDIC, ALSO THE CAPTAIN OF OPERATIONS,
25 OVERSEEING THE OPERATIONS OF THE DEPARTMENT.

1 Q WERE YOU SO EMPLOYED ON SEPTEMBER 3 2003?

2 A YES, MA'AM, I WAS.

3 Q DO YOU HAVE ANY ADDITIONAL DUTIES OTHER THAN THE
4 PARAMEDIC AND HEAD OF OPERATIONS? ARE YOU A MEMBER OF THE
5 SWAT TEAM?

6 A YES, MA'AM, I AM A CLASS-THREE LICENSED POLICE
7 OFFICER AND ATTACHED TO THE SWAT TEAM AS A TACTICAL
8 PARAMEDIC.

9 Q PLEASE BRIEFLY DESCRIBE, AS A MEDIC OF SWAT TEAM,
10 WHAT YOUR ROLE IS. WHAT DO YOU DO?

11 A SWAT TEAMS ARE, BY THEIR NATURE, INVOLVED IN VERY
12 DANGEROUS ACTIVITIES, WHICH FREQUENTLY RESULT IN INJURIES
13 TO EITHER THE OFFICERS OR OTHER MEN INVOLVED, BE THEY
14 HOSTAGES OR EVEN PERPETRATORS. SO, WE HAVE PARAMEDICS
15 ATTACHED TO THE TEAM FOR THAT PURPOSE. THEIR PRIMARY ROLE
16 AS A PARAMEDIC, AND THEN A SECONDARY ROLE AS A LAW
17 ENFORCEMENT OFFICER.

18 Q AND YOU WERE SO CONNECTED WITH THE GREENVILLE COUNTY
19 SHERIFF'S OFFICE SWAT TEAM ON SEPTEMBER 3RD 2003?

20 A YES, MA'AM.

21 Q DID YOU RECEIVE A CALL TO RESPOND TO THE BI-LO ON
22 EAST NORTH STREET ON THAT DAY?

23 A YES, MA'AM, WE DID.

24 Q HOW DID YOU RECEIVE THAT CALL? HOW DID YOU RECEIVE
25 THAT INFORMATION?

1 A THROUGH A TEAM PAGE. THE GREENVILLE SHERIFF'S OFFICE
2 DISPATCH SENDS OUT A PAGE THAT ALL THE TEAM MEMBERS
3 RECEIVE INDICATING WHERE THE INCIDENT IS, THE NATURE OF
4 THE INCIDENT, AND A STAGING LOCATION FOR THE SWAT TEAM.

5 Q YOU ARRIVED OBVIOUSLY ON SCENE AT THE BI-LO?

6 A YES, MA'AM.

7 Q WHAT DID YOU DO WHEN YOU GOT THERE?

8 A WE WERE TOLD TO STAGE AT BLOCKBUSTER, WHICH IS IN THE
9 SAME SHOPPING CENTER. I ARRIVED BEHIND THE BLOCKBUSTER,
10 GOT MY EQUIPMENT OUT. I BEGAN TO DRESS, MET SEVERAL OTHER
11 TEAM MEMBERS THAT WERE IN THE SAME PROCESS. AS TEAM
12 MEMBERS WERE ARRIVING, I MET WITH A GROUP OF THREE OR FOUR
13 OF THEM AND WE WERE TOLD TO REPORT TO THE COMMAND POST AT
14 THAT POINT, WHICH WAS BASICALLY ON THE OTHER SIDE OF THE
15 PARKING LOT. SO WE WALKED ACROSS THE PARKING LOT TO
16 COMMAND POST AND WAITED FOR OTHER TEAM MEMBERS TO ARRIVE.
17 AND THEN WE MET FOR A BRIEFING, RECEIVED THE BRIEFING FROM
18 LT. TAYLOR, RECEIVED OUR BRIEFING AND THEN PROCEEDED
19 TOWARDS THE STORE.

20 Q YOU SAID YOU WERE BACK OVER NEAR THE BLOCKBUSTER WHEN
21 YOU FIRST ARRIVED, YOU WERE GETTING DRESSED?

22 A YES, MA'AM.

23 Q DO YOU DRESS IN SWAT TEAM AS THE OTHERS MEMBERS DO?

24 A YES. WE WEAR ESSENTIALLY THE SAME UNIFORM. OF
25 COURSE, THERE ARE SOME EQUIPMENT DIFFERENCES. WE CARRY

1 MORE MEDICAL GEAR. WE ARE ARMED AS LAW ENFORCEMENT
2 OFFICERS, SO WE DO CARRY HANDGUNS; BUT WE DON'T CARRY THE
3 LONG GUNS THAT THE OTHER OFFICERS CARRY. AND WE HAVE
4 BALLISTIC ARMOR, OTHER TACTICAL GEAR.

5 Q YOU WOULD GO DRESSED SIMILAR TO OTHER SWAT TEAM
6 MEMBERS, NOT AS YOU ARE TODAY?

7 A THAT'S CORRECT. YES, MA'AM.

8 Q AND YOU SAID YOU WERE ARMED WITH A HANDGUN?

9 A YES, MA'AM.

10 Q I BELIEVE WE HAD TESTIMONY BEFORE THAT YOU WERE PART
11 OF THE TEAM INVOLVING DAVID WILLIAMS, ANDY SEWELL, RON
12 RICHARDSON; IS THAT CORRECT?

13 A YES, MA'AM.

14 Q AMONG OTHER TEAM MEMBERS?

15 A YES, MA'AM.

16 Q AND NOT TO GO THROUGH IT ALL AGAIN, BUT YOU WERE PART
17 OF THAT TEAM THAT WAS PREPARING TO MAKE A DELIBERATE
18 ACTION PLAN; IS THAT CORRECT?

19 A YES, MA'AM.

20 Q AND YOU WERE NOT ABLE TO INITIATE THAT DELIBERATE
21 ACTION PLAN BECAUSE OF SOMETHING THAT OCCURRED?

22 A THAT'S CORRECT.

23 Q WHAT HAPPENED?

24 A WE WERE STAGED, IF YOU'RE LOOKING AT THE STORE, WE
25 WERE STAGED TO THE LEFT OF THE DOORS. WE APPROACHED THE

1 DOORS IN WHAT'S CALLED THE STACK, BASICALLY JUST A LINE OF
2 SWAT OFFICERS. I'M AT THE REAR OF THE STACK. WE
3 APPROACHED THE DOOR IN THE STACK. WE WERE WAITING
4 INSTRUCTIONS. WE WERE BRIEFED PERIODICALLY OVER THE RADIO
5 ABOUT HOW NEGOTIATIONS WERE GOING AND THAT KIND OF THING.

6 WE STACKED AT THE LEFT SIDE OF THE DOOR AND IT WAS MY
7 UNDERSTANDING THAT WE WERE ESSENTIALLY MINUTES AWAY FROM
8 INSTITUTING THE DELIBERATE ACTION PLAN WHEN WE WERE TOLD
9 TO STAND BY. SO WE STOPPED. AND WE WERE TOLD THAT THEY
10 WERE BRINGING THE HELICOPTER IN, THE SHERIFF'S OFFICE
11 HELICOPTER, I BELIEVE IT WAS THE SHERIFF'S OFFICE
12 HELICOPTER. BUT A HELICOPTER WAS BROUGHT IN TO CREATE A
13 DIVERSION, TO MAKE SOME NOISE TO MASK OUR ENTRY. THEN WE
14 HEARD OVER THE RADIO, "SHOTS FIRED." AND THAT'S WHEN WE
15 INSTITUTED THE EMERGENCY ACTION PLAN AND ENTERED THE
16 STORE.

17 Q IF WE CAN GET THE LIGHTS, PLEASE. I'M GOING TO SHOW
18 YOU STATE'S EXHIBIT ONE ALREADY IN EVIDENCE, WHICH IS A
19 DIAGRAM. ARE YOU FAMILIAR WITH THAT DIAGRAM?

20 A YES, MA'AM.

21 Q AND IF YOU WOULD, MR. DOUGLAS, PLEASE SHOW THE JURY
22 WHERE YOU WENT, STAGED AT THE LEFT SIDE OF THE FRONT
23 ENTRANCE, AND THEN WHERE DID YOU GO?

24 A ON ARRIVAL WE WERE ACTUALLY OFF SCREEN HERE. JUST A
25 MINUTE AGO WHEN I WAS TALKING ABOUT WE WERE LEFT OF THE

1 DOOR, SO, WE WERE STAGED HERE IN A STACK. AND WE HEARD
2 "SHOTS FIRED," AND IMPLEMENTED THE EMERGENCY ACTION PLAN,
3 WE ENTERED THE DOORS HERE. THERE WAS A TEAM -- PARDON THE
4 SHAKING, PLEASE.

5 Q SOMETIMES IF YOU HOLD IT WITH TWO HANDS IT WORKS A
6 LITTLE BETTER.

7 THE COURT: SLIDE OVER HERE AND LAY IT UP HERE IF
8 THAT WILL HELP YOU.

9 A I SAW SOME MEMBERS PROCEED THIS WAY, TOWARDS THE
10 STORE. I CAME THROUGH ONE OF THESE AISLES, IN THIS
11 GENERAL AREA. CAME TO THE BACK OF THE STORE, MET WITH
12 ANOTHER GROUP THAT HAD COME THROUGH HERE, WHICH INCLUDED
13 SGT. WILLIAMS. I FOLLOWED SGT. WILLIAMS IN THROUGH THESE
14 DOORS. THE TEAM, THE LAST REPORT WE HAD, HAD THE VICTIM
15 AND THE DEFENDANT IN THIS AREA, IN THE BACK CORNER OF THE
16 STORE. SO, THAT'S WHERE WE WERE HEADING.

17 WE CAME IN THROUGH THESE DOORS. THE TEAM CAME
18 THROUGH HERE. I BELIEVE THERE'S ACTUALLY ANOTHER SET OF
19 DOORS HERE IN THIS AREA. SERGEANT WILLIAMS TURNED TO ME
20 IN THIS AREA AND ADVISED ME TO COVER THE REAR. SO, I TOOK
21 A POST AT THIS CORNER AND WAS COVERING THIS SECTION
22 THROUGH THIS HALLWAY. DO YOU WANT ME TO CONTINUE?

23 Q YES.

24 A WITHIN A VERY SHORT PERIOD AFTER THE TEAM LEFT
25 THROUGH HERE, I SAW THE DEFENDANT COMING FROM LEFT TO

1 RIGHT THROUGH THE STOCK ROOM AREA, HERE. I SAW HIM ABOUT
2 THE TIME HE REACHED THIS CORNER, AND CONFRONTED HIM.
3 AGAIN, MY WEAPON WAS DRAWN COVERING, AND I GAVE ORDERS TO
4 THE DEFENDANT TO -- I FIRST IDENTIFIED MYSELF AS BEING
5 WITH THE SHERIFF'S OFFICE AND THEN GAVE ORDERS TO SHOW ME
6 HIS HANDS.

7 I OBVIOUSLY STARTLED HIM OR APPEARED TO HAVE STARTLED
8 HIM. HE WAS RUNNING THROUGH THIS AREA. I STARTLED HIM.
9 HE THREW HIS HANDS UP AND DROPPED THE CELL PHONE THAT HE
10 HAD IN HIS HANDS. BUT I DID HAVE A CLEAR VIEW OF BOTH OF
11 HIS HANDS. I THEN IDENTIFIED MYSELF AS BEING WITH THE
12 SHERIFF'S OFFICE AND TOLD HIM TO GET ON THE GROUND, KEEP
13 HIS HANDS OUT WITH PALMS UP. AND WITHIN SECONDS THERE
14 WERE OFFICERS COMING FROM ALL DIRECTIONS AT THAT POINT AND
15 TOOK OVER THE ARREST PROCESS.

16 THEN I HEARD A CALL FOR "MEDIC UP."

17 Q LET'S ME STOP YOU JUST A MINUTE.

18 A YES, MA'AM.

19 Q WHEN THE OTHER OFFICERS COME INTO THAT AREA, THEY'RE
20 TAKING OVER THE ACTUAL ARREST AND TAKING INTO CUSTODY THE
21 SUSPECT?

22 A YES, MA'AM.

23 Q AT THAT TIME WHAT DO YOU HEAR?

24 A I HEARD CALLS FROM THIS GENERAL AREA SAYING "MEDIC
25 UP," WHICH IS THE CALL INDICATING SOMEONE IS INJURED AND

1 CALLING FOR THE PARAMEDICS. SO, I DON'T RECALL WHETHER WE
2 WENT THROUGH THIS WAY OR THIS WAY. I BELIEVE WE WENT
3 THROUGH THIS WAY. AN OFFICER LEAD ME TO THIS DELI AREA
4 WHERE WE FOUND THE, A WOMAN PRONE, ABOUT IN THIS AREA
5 HERE. SHE WAS LYING PRONE.

6 Q WHAT DO YOU MEAN BY PRONE?

7 A I'M SORRY. PRONE BEING FACE DOWN. THERE WAS A
8 FAIRLY LARGE PUDDLE OF BLOOD. AS WE GOT CLOSE -- AS I'M
9 APPROACHING, THERE WAS ALSO THE PARAMEDIC COMING AS WELL
10 AS WITHIN SECONDS OF MY ARRIVAL, PARAMEDIC JOHN HOLMGREEN
11 ARRIVED AS WELL, SO WE HAD TWO PARAMEDICS WITH HER.

12 AS WE APPROACHED, I COULD SEE THERE WAS A SUBSTANTIAL
13 WOUND TO THE CENTER OF HER BACK, APPROXIMATELY EIGHT TO
14 TEN CENTIMETERS IN DIAMETER, FAIRLY ROUND WOUND. IT
15 APPEARED TO BE A SHOTGUN-TYPE INJURY. THERE WAS ALSO, HER
16 RIGHT ELBOW WAS ALSO BADLY MANGLED, WHICH I ASSUMED AT
17 THAT POINT TO BE A GUNSHOT WOUND AS WELL.

18 AGAIN, SHE WAS LAYING FACE DOWN. AS WE APPROACHED, I
19 COULD SEE HER TAKE A BREATH, A VERY SHALLOW BREATH; BUT
20 YOU COULD SEE AIR BUBBLES AND BLOOD COMING OUT OF THE
21 WOUND IN HER BACK. AND AS, AGAIN, AS PARAMEDIC HOLMGREEN
22 AND I APPROACHED HER, WE ROLLED HER OVER ONTO HER BACK TO
23 PROCEED WITH THE EXAMINATION AND TO DETERMINE ANY SIGNS OF
24 LIFE. SHE MAY HAVE TAKEN I BELIEVE ONE MORE BREATH AFTER
25 THAT, AND WE FELT FOR A PULSE. THERE WAS NO PULSE.

1 PARAMEDIC HOLMGREEN AND I BOTH, WITHIN SECONDS
2 DECIDED HER WOUNDS WERE INCOMPATIBLE WITH LIFE AND WITHIN
3 JUST A MINUTE OR SO, THE EMS UNITS THAT WERE OUTSIDE, THE
4 REGULAR DUTY PARAMEDICS, CAME INSIDE WITH A CARDIAC
5 MONITOR. WE APPLIED THE CARDIAC MONITOR. IN EMS TERMS
6 IT'S "PEA," PULSELESS ELECTRICAL ACTIVITY. INDICATES THE
7 HEART HAS SOME ELECTRICITY BEATING THROUGH IT; BUT IT'S
8 NOT ENOUGH TO CREATE A PULSE, WHICH AGAIN IS INCOMPATIBLE
9 WITH LIFE. SO, AT THAT POINT MYSELF, PARAMEDIC HOLMGREEN,
10 AND TWO OTHER PARAMEDICS THAT ARRIVED DETERMINED
11 RESUSCITATION AT THAT POINT WOULD HAVE BEEN FUTILE AND WE
12 DID NOT ATTEMPT RESUSCITATION.

13 Q YOU SAID SHE WAS LYING FACE DOWN?

14 A YES, MA'AM.

15 Q WAS HER HEAD TOWARDS THE FRONT OF THE STORE OR BACK?

16 A IF I REMEMBER, HER HEAD WOULD HAVE BEEN FACING THIS
17 DIRECTION. I BELIEVE SHE WAS LOOKING, I DON'T KNOW WHAT
18 DIRECTION -- TO HER RIGHT, IF SHE'S LYING PRONE ON THE
19 FLOOR.

20 Q I GUESS WHAT I'M TRYING TO -- WHAT DIRECTION ARE THE
21 FEET POINTED?

22 A SORRY. HER HEAD WOULD HAVE BEEN TOWARD THE FRONT OF
23 THE STORE.

24 Q AND HER FEET TOWARDS THE BACK?

25 A YES, MA'AM.

1 Q AND HOW WAS SHE DRESSED.

2 A THE WOUND ON HER BACK, CLEARLY VISIBLE BECAUSE SHE
3 DID NOT HAVE A SHIRT ON, DID HAVE A BRA ON, BUT NOT A
4 SHIRT. AND I BELIEVE HER PANTS -- I DO REMEMBER SHE HAD
5 PANTS ON, I CAN'T REMEMBER IF THEY WERE FASTENED OR NOT.
6 BUT WE DID NOT MANIPULATE HER PANTS IN ANY WAY, NOR HER
7 BRA EITHER.

8 Q BUT YOU DID MOVE HER FROM BEING FACE DOWN -- MOVED
9 HER FROM BEING FACE UP?

10 A YES, MA'AM.

11 Q AND THAT WAS AN ATTEMPT TO CONTINUE YOUR
12 INVESTIGATION TO SEE IF YOU COULD GIVE ANY RESUSCITATIVE
13 EFFORTS?

14 A YES, MA'AM.

15 Q THANK YOU. ANSWER ANY QUESTIONS THE DEFENSE MAY
16 HAVE.

17 THE COURT: CROSS EXAMINATION?

18 CROSS EXAMINATION

19 BY MR. MAULDIN:

20 Q OFFICER DOUGLAS, WHEN YOU FIRST SAW CHRIS, YOU WERE
21 BACK THROUGH THE DOUBLE DOORS AT THAT LITTLE CORNER ON
22 THAT DRAWING.

23 A YES, SIR.

24 Q AND YOU WERE LOOKING DOWN THAT HALLWAY?

25 A YES, SIR. I WAS POSTED AT THIS CORNER HERE AND

1 COVERING THE REAR. WE PROCEEDED THROUGH THIS DOOR IN THIS
2 DIRECTION, SO I KNEW THIS AREA TO BE SECURE. THE ONLY
3 AREA THAT WAS NOT SECURE WAS THIS AREA, SO I POSTED HERE
4 AND WAS COVERING THAT AREA.

5 Q AGAIN, YOU WERE STANDING AT THAT CORNER LOOKING DOWN
6 THE HALL?

7 A YES, SIR.

8 Q AND WHEN YOU SAW CHRIS, YOU ISSUED AN IMMEDIATE
9 COMMAND?

10 A YES, SIR.

11 Q AND HE STOPPED?

12 A YES, SIR.

13 Q HE DROPPED A CELL PHONE?

14 A YES, SIR.

15 Q RAISED HIS HANDS? YOU TOLD HIM TO SHOW YOU HIS
16 HANDS?

17 A YES, SIR.

18 Q AND HE DID?

19 A YES, HE DID.

20 Q YOU TOLD HIM TO GET DOWN AND HE DID?

21 A YES, SIR.

22 Q HE HAD NO WEAPON?

23 A I DID NOT SEE A WEAPON AT THAT TIME. NO, SIR.

24 Q BUT THERE WAS NO WEAPON IN VIEW?

25 A NO, SIR.

1 Q AND AS IT TURNED OUT, HE HAD NO WEAPON, RIGHT?

2 A THAT'S MY UNDERSTANDING. I DIDN'T ACTUALLY LAY HANDS
3 ON HIM AT ANY POINT.

4 Q AND HE COOPERATED WITH THE COMMANDS THAT YOU WERE
5 MAKING TO HIM?

6 A YES, SIR, HE DID.

7 Q ALL RIGHT. NOTHING FURTHER.

8 THE COURT: ANY REDIRECT?

9 MS. STROM: NO, SIR.

10 THE COURT: YOU MAY STEP DOWN. IT'S TEN MINUTES
11 UNTIL ONE. WE'LL TAKE A RECESS AT THIS TIME. WE'LL
12 RECONVENE AT 2:20.

13 MR. FOREMAN, MEMBERS OF THE JURY, LEAVE YOUR NOTEPADS
14 IN YOUR CHAIRS. DON'T DISCUSS THE CASE WITH ANYONE. THE
15 BAILIFF WILL TAKE YOU TO THE JURY ROOM.

16 (JURY RETIRES FOR THE LUNCHEON RECESS.)

17 THE COURT: IS THERE ANYTHING ELSE BEFORE WE BREAK
18 FOR LUNCH FROM THE STATE OR DEFENSE, THAT WE NEED TO COVER
19 NOW, THAT'S COMING UP? IS THERE ANYTHING ELSE WE CAN DO
20 NOW, RATHER THAN WAIT UNTIL IT HAPPENS, OTHER THAN THE TWO
21 PICTURES, 57 AND 58, WE'VE ALREADY COVERED?

22 MR. NETTLES: NO, SIR.

23 (WHEREUPON, THE PROCEEDINGS ARE ADJOURNED FOR THE
24 LUNCHEON RECESS.)

25

AFTERNOON SESSION

(WHEREUPON, COURT WAS AGAIN IN SESSION AT 2:15 P.M,
WHEN THE FOLLOWING PROCEEDINGS WERE HAD:)

THE COURT: ALL RIGHT. ANYTHING FROM THE STATE
BEFORE WE BRING THE JURY?

MR. ARIAIL: NO, YOUR HONOR.

THE COURT: ANYTHING FROM THE DEFENDANT?

MR. MAULDIN: NO, YOUR HONOR.

THE COURT: BRING US THE JURY, PLEASE.

(THE FOLLOWING PROCEEDINGS WERE HAD WITHIN THE
PRESENCE OF THE JURY:)

THE COURT: SOLICITOR, CALL YOUR NEXT WITNESS,
PLEASE.

MR. ARIAIL: CALL MIKE MCNAMARA.

MICHAEL MCNAMARA, BEING
FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. ARIAIL:

Q STATE YOUR NAME FOR THE RECORD, PLEASE.

A MICHAEL MCNAMARA.

Q LET'S TRY THAT AGAIN. STATE YOUR NAME, PLEASE, SIR.

A MICHAEL MCNAMARA.

MR. ARIAIL: NOW, FOR SOME REASON -- AND I TELL YOU,
JUDGE, THAT MALADY STRUCK DURING THE LUNCH TIME AND MY
RIGHT EAR IS RINGING. I CAN'T HEAR 50 PERCENT, ABOUT 25.

1 YOU REALLY HAVE TO YELL AT ME IF YOU WANT ME TO STOP.

2 THE COURT: CAN YOU HEAR ME?

3 MR. ARIAIL: I CAN HEAR YOU TALK. I DON'T KNOW WHAT
4 YOU'RE SAYING, BUT I CAN HEAR YOU TALK.

5 Q MR. MCNAMARA, IF YOU WOULD, STATE YOUR NAME FOR THE
6 RECORD.

7 A MICHAEL MCNAMARA.

8 Q BY WHOM ARE YOU EMPLOYED?

9 A GREENVILLE COUNTY SHERIFF'S OFFICE, SIR.

10 Q ABOUT HOW LONG HAVE YOU BEEN EMPLOYED BY THE
11 GREENVILLE COUNTY SHERIFF'S OFFICE?

12 A ABOUT NINE AND A HALF YEARS.

13 Q WHAT IS YOUR PRESENT POSITION?

14 A CURRENTLY INVESTIGATOR WITH THE VIOLENT CRIMES
15 HOMICIDE UNIT.

16 Q WHAT DOES INVESTIGATOR WITH THE VIOLENT CRIMES
17 DIVISION DO?

18 A INVESTIGATE ANY MANNER OF DEATH WE MAY HAVE COME
19 ACROSS, ROBBERIES, ANY OTHER CRIMES WE HAPPEN TO
20 INVESTIGATE.

21 Q I WANT TO DIRECT YOUR ATTENTION TO SEPTEMBER 3 2003,
22 ASK YOU IF YOU WERE AN INVESTIGATOR WITH THE VIOLENT
23 CRIMES UNIT ON THAT DAY?

24 A YES, SIR. I WAS.

25 Q AS SUCH, DID YOU HAVE OCCASION TO BECOME INVOLVED

1 WITH THE DEFENDANT, CHRISTOPHER WILLIAMS?

2 A YES, I DID.

3 Q WHERE DID YOU FIRST COME IN CONTACT WITH
4 MR. WILLIAMS?

5 A THE FIRST TIME I SAW MR. WILLIAMS WAS AT THE LAW
6 ENFORCEMENT CENTER, WALKED DOWNSTAIRS TO MEET WITH TWO
7 UNIFORMED OFFICERS WHO HAD CUSTODY OF MR. WILLIAMS, MET
8 OUTSIDE THE JUDICIAL SUPPORT SERVICES DIVISION DOWN ON THE
9 FIRST FLOOR, ENTRY LEVEL FLOOR OF THE LAW ENFORCEMENT
10 CENTER.

11 Q HAD YOU AT ANY TIME BEEN TO THE BI-LO ON EAST NORTH
12 STREET?

13 A NO, SIR, I HAD NOT.

14 Q YOU'RE IN THE LAW ENFORCEMENT CENTER AND THE
15 DEFENDANT IS BROUGHT IN BY TWO UNIFORMED DEPUTIES?

16 A THAT'S CORRECT, SIR.

17 Q AND YOU MET THEM AND DID YOU -- FROM MEETING THEM IN
18 THE LOWER LEVEL, WHERE DID YOU GO?

19 A THEY WERE ON THEIR WAY TO BRING HIM TO MY OFFICE UP
20 IN THE VIOLENT CRIMES OFFICE OF THE CENTRAL INVESTIGATIVE
21 DIVISION. FROM THERE WE TOOK AN ELEVATOR UP TO THE SECOND
22 FLOOR AND BROUGHT HIM TO THE OFFICE.

23 Q EXPLAIN TO THE MEMBERS OF THE JURY WHO ARE NOT
24 FAMILIAR WITH HOW THE INVESTIGATIVE DIVISION IS SET UP IN
25 THE VIOLENT CRIMES UNIT, HOW THAT OFFICE IS SET UP.

1 A CENTRAL INVESTIGATIVE DIVISION IS NORMALLY ONE BIG
2 OFFICE IN THE CENTER WITH WORK DESKS AND STATIONS THERE
3 FOR THE INVESTIGATORS TO DO THEIR INDIVIDUAL WORK. THERE
4 ARE SEVERAL OFFICES ALONGSIDE THAT ONE ROOM. TOWARDS THE
5 BACK IS A SEPARATE ROOM. AND THAT SEPARATE ROOM IS WHERE
6 I WORK AND THE OTHER VIOLENT CRIMES INVESTIGATORS WORK,
7 SEPARATED BY A DOOR AND FOUR WALLS FROM THE REST OF CID,
8 AND THAT'S THE VIOLENT CRIMES OFFICE.

9 Q HOW MANY DETECTIVES WORK IN THE OFFICE YOU JUST
10 DESCRIBED WITH THE SEPARATE DOOR AND ALL?

11 A THERE ARE CURRENTLY SEVEN DETECTIVES THAT WORK BACK
12 THERE WITH THEIR DESKS, COMPUTERS, FILE CABINETS, THINGS
13 OF THAT SORT.

14 Q WHEN YOU MET MR. WILLIAMS ON THAT DATE OF SEPTEMBER
15 THIRD, HOW WAS HE DRESSED?

16 A WHEN I SAW MR. WILLIAMS, HE WAS DRESSED IN A
17 CAMOUFLAGE JACKET AND A PAIR OF JEANS, SOME BOOTS AS WELL.

18 Q WHEN YOU WENT TO THE BACK ROOM, THE BACK PART OF THE
19 CENTRAL INVESTIGATIVE DIVISION, WHAT IS IN THE FRONT PART
20 OF THAT ROOM?

21 A WHERE CID STARTS IS OUR WHITE COLLAR CRIMES UNIT AND
22 OUR AUTO THEFT UNIT. THAT'S WHERE THOSE INVESTIGATORS ARE
23 SEATED AND THAT'S WHERE THEY DO THEIR WORK.

24 Q HOW MANY PEOPLE DO WORK IN THAT AREA?

25 A I WOULD ESTIMATE, WITHOUT TRYING TO STOP AND COUNT

1 HOW MANY OF THEM THERE ARE, I WOULD SAY ABOUT 20 OR SO, 20
2 OR 25 INVESTIGATORS.

3 Q SO, IT'S LIKE A BIG LONG ROOM WITH DESKS ALL OVER AND
4 IT'S ALL OPEN?

5 A THAT IS CORRECT, SIR.

6 Q AND THEN YOUR OFFICE IS IN THE BACK WITH SIX OTHER
7 DETECTIVES?

8 A CORRECT, SIR.

9 Q SO, WHEN YOU WENT TO THE BACK PART WHERE THE CENTRAL,
10 THE VIOLENT CRIMES UNIT IS LOCATED, WHO WENT WITH YOU?

11 A THE TWO UNIFORMED DEPUTIES WHO HAD ESCORTED MR.
12 WILLIAMS UP WITH ME FROM THE FIRST FLOOR, DEPUTY MICHAEL
13 JOLLY AND DEPUTY ANDREW RACKLEY.

14 Q AND WAS MR. WILLIAMS HANDCUFFED OR UNDER ARREST AT
15 THAT TIME?

16 A HE WAS. AND HE WAS HANDCUFFED FROM THE TIME THAT
17 THEY BROUGHT HIM TO THE LAW ENFORCEMENT CENTER. HE WAS
18 BROUGHT IN WITH THE HANDCUFFS ON.

19 Q WHEN YOU GOT INTO YOUR OFFICE, WHERE DID EVERYBODY
20 SIT? WHAT WAS THE VARIOUS POSITIONS OF THE INDIVIDUALS?

21 A IN THE VIOLENT CRIMES OFFICE MY DESK IS ALL THE WAY
22 TO THE REAR OF THE OFFICE. SO WE WALKED ALL THE WAY BACK.
23 AND ALONGSIDE MY DESK THERE IS A CHAIR THAT FACED THE BACK
24 WALL, THAT'S WHERE WE SAT MR. WILLIAMS. THIS IS MY DESK.
25 I SAT AT MY DESK, AND I'M FACING THE DOORWAY. , DEPUTY

1 MICHAEL JOLLY SAT JUST IN FRONT OF ME IN A CHAIR WHERE ONE
2 OF THE OTHER INVESTIGATORS SITS. AND DEPUTY ANDREW
3 RACKLEY SAT TO MY LEFT, ALSO AT ANOTHER DESK THAT ONE OF
4 THE OTHER OFFICERS USES WHEN THE OFFICE ISN'T BEING USED
5 FOR AN INTERVIEW.

6 Q WERE THERE ANY OTHER PEOPLE IN THIS ROOM, OTHER THAN
7 THE FOUR YOU DESCRIBED?

8 A NO, SIR, JUST THE FOUR OF US.

9 Q DOES THIS ROOM HAVE WINDOWS?

10 A IT DOES HAVE WINDOWS DOWN THE LEFT-HAND SIDE OF THE
11 OFFICE, AS YOU WALK IN THE DOORWAY ON THE LEFT SIDE.

12 Q THOSE WINDOWS FACE OUT TO THE OUTSIDE?

13 A YES, SIR. TO THE OUTSIDE AREA, IN THE BACK PARKING
14 LOT TO THE AREA BETWEEN THE LAW ENFORCEMENT CENTER AND
15 DETENTION CENTER BEHIND US.

16 Q HOW DID YOU START YOUR CONVERSATION WITH MR.
17 WILLIAMS?

18 A I FIRST ASKED HIM IF HE WANTED TO TALK TO ME ABOUT
19 WHAT HAPPENED THAT DAY.

20 Q WHAT WAS HIS RESPONSE?

21 A HE SAID TO ME, "I'LL TELL YOU ANYTHING YOU WANT TO
22 KNOW."

23 Q DID HE ASK YOU ANY OTHER QUESTIONS ABOUT WHAT HE WAS
24 TO TELL YOU?

25 A WHEN WE STARTED TO BEGIN TO TAKE THE STATEMENT, HE

1 ASKED ME DID HE WANT ME [SIC] TO START WHEN THIS INCIDENT
2 HAPPENED OR AT THE BEGINNING. AND I ASKED HIM TO PLEASE
3 START AT THE BEGINNING.

4 Q ALL RIGHT. LET ME SHOW YOU THIS DOCUMENT AND ASK YOU
5 IF YOU'RE FAMILIAR WITH THAT.

6 A YES, SIR, I AM.

7 Q WHAT IS THAT?

8 A THAT'S THE WAIVER OF RIGHTS FORM WE USE IN ANY CASE
9 LIKE THIS WHEN WE'RE GOING TO TAKE A STATEMENT FROM A
10 SUSPECT OR AN INDIVIDUAL. WE FIRST HAVE TO ASK THEM IF
11 THEY WANT TO WAIVE THEIR RIGHTS AND INDEED SPEAK TO US
12 WITHOUT AN ATTORNEY PRESENT. THAT'S THE FORM WE USE.

13 Q THIS IS THE FORM YOU USE? DID YOU USE THAT FORM IN
14 THIS CASE INVOLVING MR. WILLIAMS?

15 A YES.

16 Q AND DID YOU READ IT TO HIM, HE SIGN IT AND YOU
17 EXECUTE IT IN ACCORDANCE WITH YOUR NORMAL PROCEDURE?

18 A YES, SIR, THAT'S WHAT WE NORMALLY DO.

19 MR. ARIAIL: THIS HAS BEEN PREMARKED AS STATE'S
20 EXHIBIT 13, YOUR HONOR. WE'D LIKE TO OFFER THIS AT THIS
21 TIME.

22 MR. NETTLES: WITHOUT OBJECTION.

23 MR. ARIAIL: THANK YOU.

24 (WHEREUPON, STATE'S EXHIBIT NO. 13 WAS MARKED FOR
25 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

1 Q ALL RIGHT. SO WE CAN TALK A LITTLE BIT ABOUT THIS,
2 NOW, YOU RELATED THAT THIS FORM IS THE STANDARD FORM THAT
3 THE SHERIFF'S OFFICE USES IN ANY -- WHEN TAKING ANY
4 STATEMENT FROM A DEFENDANT?

5 A THAT'S CORRECT, SIR.

6 Q TELL US THE PROCESS THAT YOU GO THROUGH IN USING THIS
7 FORM THAT IS DESIGNATED AS STATE'S EXHIBIT 13?

8 A THE FIRST THING I DO WHEN I FILL OUT ONE OF THESE
9 FORMS IS OBTAIN FROM THE DEFENDANT, THE PERSON I'M TAKING
10 THE STATEMENT FROM, THE PERSONAL INFORMATION THAT YOU SEE
11 UP THERE AT THAT POINT RIGHT THERE, HIS NAME, HIS ADDRESS,
12 HIS DATE OF BIRTH, HIS CORRECT SOCIAL SECURITY NUMBER. I
13 OBTAIN ALL THAT INFORMATION TO PUT ON THE FORM SO WE KNOW
14 EXACTLY WHO THIS FORM PERTAINS TO. ONCE THAT INFORMATION
15 IS PUT ON THERE, THEN WE START TO GO DOWN AND READ OUT
16 LOUD THE SENTENCES ON THE FORM.

17 Q ON THE TOP RIGHT, WHAT IS THAT INFORMATION?

18 A THERE'S ACTUALLY LIKE A PORTION THAT YOU CAN'T SEE UP
19 ABOVE THERE. OUR CASE NUMBER IS ON THAT. THAT'S ALL IT
20 IS, IS OUR CASE NUMBER WE GENERATE ANY TIME WE TAKE A
21 REPORT.

22 Q LET ME SLIDE THAT DOWN JUST A LITTLE BIT. RIGHT
23 THERE?

24 A YES, SIR. THAT'S THE CASE NUMBER, UP THERE.

25 Q OKAY.

1 A AND BELOW THAT, AT THIS POINT IS JUST THE SHERIFF'S
2 OFFICE, GREENVILLE, SOUTH CAROLINA; AND THE DATE AND THE
3 TIME WE STARTED FILLING THIS FORM OUT. THAT TIME RIGHT
4 THERE 12:28 INDICATES THE TIME THAT I STARTED TO READ THIS
5 FORM TO HIM.

6 Q HOW DO YOU GO ABOUT EXPLAINING TO HIM HIS RIGHTS? OR
7 DID YOU GO ABOUT EXPLAINING TO HIM HIS RIGHT?

8 A I DID, SIR. AS I SAID BEFORE, HE WAS SEATED TO MY
9 LEFT, FACING THAT WAY. IT'S JUST A SIMPLE SQUARE DESK AT
10 MY OFFICE POSITION, AND I SLIDE THE FORM OVER THIS WAY AND
11 SLIDE MYSELF TO HIM AND ASK HIM TO PLEASE LOOK AT THE
12 FORM. I TELL HIM, "I'M GOING TO READ THIS FORM OUT LOUD
13 TO YOU. WOULD YOU PLEASE READ ALONG WITH ME?"

14 AND I'LL DO THAT, I READ OUT LOUD EACH AND EVERY ITEM
15 ON THE PAGE OF THE FORM AND ASK HIM IF HE UNDERSTANDS IT.

16 Q TELL US WHAT YOU READ HIM THAT PARTICULAR DAY AND HOW
17 YOU READ IT TO HIM.

18 A I FIRST INDICATED TO HIM WHAT OUR CASE NUMBER WAS AT
19 THE TOP. I TOLD HIM THAT ALL THAT NUMBER REPRESENTED WAS
20 OUR INTERNAL CASE NUMBER. I READ ALL THE PERSONAL
21 INFORMATION HE HAD ALREADY GIVEN ME AND I READ IT BACK TO
22 HIM IN ORDER TO MAKE SURE IT WAS CORRECT. AGAIN, NAME,
23 ADDRESS, DATE OF BIRTH, SOCIAL SECURITY NUMBER. AGAIN, ON
24 THE LEFT WAS THE DATE SEPTEMBER 3RD 2003, AND WHEN I
25 STARTED THAT PROCESS I WROTE 12:28 P.M. UP ON THE TOP OF

1 THE FORM TO INDICATE THE TIME IT WAS STARTED. AND THEN I
2 SIMPLY READ EACH AND EVERY SENTENCE. WOULD YOU LIKE ME TO
3 READ THE SENTENCES, SIR?

4 Q ALL RIGHT. IF YOU WOULD, FOR PURPOSES OF THE RECORD,
5 READ WHAT YOU TOLD HIM.

6 A BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND
7 YOUR RIGHTS. YOU HAVE THE RIGHT TO REMAIN SILENT.
8 ANYTHING YOU SAY CAN BE USED AGAINST YOU IN COURT. YOU
9 HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE
10 ASK YOU ANY QUESTIONS AND TO HAVE HIM WITH YOU DURING
11 QUESTIONING. IF YOU HAVE NO MONEY TO PAY A LAWYER'S FEE,
12 THE COURT WILL APPOINT ONE TO REPRESENT YOU WITHOUT COST
13 IF YOU WISH. IF YOU DECIDE TO ANSWER QUESTIONS NOW
14 WITHOUT A LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO
15 STOP ANSWERING AT ANY TIME. YOU ALSO HAVE THE RIGHT TO
16 STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER.

17 Q AND I NOTICED ON THE LEFT-HAND SIDE THERE ARE WHAT
18 APPEAR TO BE INITIALS. WHAT ARE THOSE?

19 A THOSE ARE MR. WILLIAMS INITIALS. AFTER READING EACH
20 OF THESE SENTENCES TO HIM, AS HE READ ALONG, I ASKED IF HE
21 UNDERSTOOD THEM, THE SIX SENTENCES THAT I READ. HE TOLD
22 ME HE DID.

23 AND I SAID, "IF YOU UNDERSTAND THOSE AND UNDERSTAND
24 WHAT THEY MEAN, PLEASE PUT YOUR INITIALS TO INDICATE THAT
25 NEXT TO EACH SENTENCE." AND HE DID THAT.

1 Q THEN I NOTICE ON LINE FOUR, DEALING WITH RIGHT TO
2 TALK TO A LAWYER, THERE APPEARS TO BE A NAME OR SIGNATURE.
3 WHAT IS THAT?

4 A THAT IS MR. WILLIAMS' SIGNATURE. AND I ASKED HIM TO
5 SIGN THAT AFTER READING THAT STATEMENT, OR THAT ONE
6 SENTENCE IN THE STATEMENT, OUT LOUD.

7 Q SO, YOU HAD HIM READ OUT LOUD?

8 A I DID.

9 Q AND WHAT WAS THE PURPOSE OF HAVING HIM READ OUT LOUD?

10 A TWO PURPOSES ACTUALLY, SO THAT FIRST OF ALL, I KNOW
11 HE KNOWS HOW TO READ; AND SECOND OF ALL, SO HE CAN
12 REITERATE, HEAR IT IN HIS OWN WORDS AND READ IN HIS OWN
13 MIND THAT HE'S ENTITLED TO A LAWYER AND HE DOESN'T HAVE TO
14 TALK TO US OR ANSWER QUESTIONS UNTIL HE'S MET WITH AN
15 ATTORNEY.

16 Q DID HE SO SIGN THAT DOCUMENT?

17 A YES, SIR, HE DID.

18 Q OUTSIDE LINE NUMBER FOUR?

19 A AT THE END OF LINE NUMBER FOUR, YES, SIR.

20 Q DID HE APPEAR TO YOU AT THAT TIME TO UNDERSTAND HIS
21 RIGHTS?

22 A HE INDICATED TO ME VERBALLY THAT HE DID UNDERSTAND
23 AND BY SPEAKING WITH HIM AND TALKING WITH HIM, HE
24 CERTAINLY DID APPEAR TO UNDERSTAND THE RIGHTS THAT WERE
25 READ TO HIM.

1 Q DURING THE QUESTIONING AND ANSWER YOU HAD BEEN GOING
2 THROUGH WITH HIS RIGHTS AND READING HIM AND ASKING HIM ON,
3 DID HE RESPOND APPROPRIATELY?

4 A YES. HE DID, SIR.

5 Q WAS HE IN YOUR VIEW UNDER THE INFLUENCE OF ANY OTHER
6 DRUGS AND ALCOHOL, OR ANY OTHER SUBSTANCE THAT COULD
7 AFFECT HIS ABILITY TO UNDERSTAND WHAT YOU WERE TELLING
8 HIM?

9 A NO, HE DID NOT APPEAR THAT WAY TO ME.. WE DISCUSSED
10 THAT BEFORE WE TOOK THE STATEMENT.

11 Q WE'LL TALK ABOUT THAT IN A MINUTE. DID HE APPEAR IN
12 ANY WAY TO BE UNABLE TO UNDERSTAND WHAT WAS TAKING PLACE?

13 A NO, SIR, NOT AT ALL.

14 Q DID HE INDICATE AT ANY TIME HE DIDN'T WANT TO TALK TO
15 YOU?

16 A NO, SIR, HE DID NOT.

17 Q DID HE INDICATE AT ANY TIME THAT HE WANTED A LAWYER?

18 A NO, SIR, HE DID NOT.

19 Q DID HE INDICATE AT ANY TIME DURING THE CONVERSATION
20 THAT HE WANTED TO STOP TALKING TO YOU?

21 A NO, SIR, HE DID NOT.

22 Q SO, DID YOU PROCEED FURTHER WITH THIS FORM?

23 A YES, SIR, I DID.

24 Q LET ME -- LET'S SEE. ALL RIGHT. LET'S TALK ABOUT
25 THE WAIVER OF RIGHTS. DID YOU CONVERSE WITH HIM REGARDING

1 THAT SECTION OF THE FORM, STATE'S EXHIBIT 13, ENTITLED
2 WAIVER OF RIGHTS?

3 A YES, SIR, I DID.

4 Q WHAT DID YOU TELL HIM?

5 A I, AGAIN, WAS IN THE SAME POSITION TO THE LEFT SIDE
6 OF MY DESK AND HOLDING THIS FORM OR HAVING IT SEATED ON
7 THE TABLE IN FRONT OF HIM, ASKED HIM TO FOLLOW ALONG WITH
8 ME AS I READ IT. DID THE SAME AS I DID WITH THE SIX
9 SENTENCES UP AT THE TOP, I READ THAT ALONG TO HIM AS HE
10 FOLLOWED ON PAPER.

11 Q SO, YOU READ EXACTLY THAT?

12 A YES, SIR, I DID.

13 Q IF YOU WOULD, FOR PURPOSES OF THE RECORD, READ THAT
14 TO US.

15 A I HAVE READ THIS STATEMENT OF MY RIGHTS AND I
16 UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A
17 STATEMENT AND ANSWER QUESTIONS. I DO NOT WANT A LAWYER AT
18 THIS TIME. I UNDERSTAND AND KNOW WHAT I AM DOING. NO
19 PROMISES OR THREATS HAVE BEEN MADE TO ME AND NO PRESSURE
20 OR COERCION OF ANY KIND HAS BEEN USED AGAINST ME.

21 Q AND DID YOU -- LIKEWISE, I NOTE THAT THERE ARE
22 INITIALS THERE, DID YOU TALK WITH HIM ABOUT WHETHER HE
23 UNDERSTOOD THAT?

24 A YES, HE DID.

25 Q WHAT DID HE INDICATE TO YOU?

1 A HE TOLD ME THAT HE DID UNDERSTAND WHAT THAT SENTENCE
2 READ.

3 Q AND AS A RESULT OF THAT, DID YOU ASK HIM TO NOTE THAT
4 ON THE FORM?

5 A YES, SIR, I DID. I SAID, "IF YOU UNDERSTAND WHAT
6 THAT MEANS, PLEASE PUT YOUR INITIALS TO THE LEFT SIDE OF
7 IT." AND HE DID THAT AS WELL.

8 Q DID YOU HAVE ANY OTHER CONVERSATION REGARDING THE
9 WAIVER OF RIGHTS FORM?

10 A ONLY TO ASK HIM IF HE UNDERSTOOD AND ACCEPTED THE
11 ENTIRE DOCUMENT, TO PLEASE SIGN HIS NAME AT THE BOTTOM OF
12 THE FORM.

13 Q AND DID HE DO THAT?

14 A YES, SIR, HE DID.

15 Q AND WHO WITNESSED THE EXECUTION THERE ON THE LEFT,
16 THE TOP SIGNATURE?

17 A THE TOP SIGNATURE IS MINE.

18 Q ALL RIGHT. AND THE BOTTOM ONE?

19 A THE DEPUTY THAT ESCORTED HIM OR ONE OF THE DEPUTIES
20 THAT ESCORTED HIM FROM THE JUDICIAL SERVICES DIVISION,
21 MICHAEL JOLLY.

22 Q AND THE TIME IS 12:32 P.M?

23 A THAT'S CORRECT, SIR.

24 Q SO, THE PERIOD OF TIME THAT ELAPSED FROM WHEN YOU
25 BEGAN AT 12:28 P.M. ENDED AT 12:32?

1 A YES, SIR.

2 Q DID ANYONE IN YOUR PRESENCE, WHILE YOU WERE GOING
3 THROUGH THIS PROCESS, EVER OFFER HIM ANY HOPE OF REWARD IN
4 EXCHANGE FOR WAIVING HIS RIGHTS AND GIVING YOU A
5 STATEMENT?

6 A NO, SIR.

7 Q ANYONE THREATEN HIM IN YOUR PRESENCE OR DID YOU
8 THREATEN HIM IN ANY WAY?

9 A NOBODY DID, SIR.

10 Q DID ANYONE COERCE HIM OR DID YOU COERCE HIM IN ANY
11 WAY?

12 A NO, SIR.

13 Q DID ANYONE PROMISE HIM ANY REWARD FOR GIVING A
14 STATEMENT?

15 A NO, SIR.

16 Q HOW WOULD YOU DESCRIBE, BASED ON YOUR EXPERIENCE, HIS
17 DESIRE TO TALK OR WILLINGNESS TO TALK TO YOU?

18 A HE WAS EAGER TO TALK. HE CERTAINLY WAS NOT HESITANT.
19 SEEMED TO ME TO BE EAGER TO TELL ME WHAT HAD HAPPENED THAT
20 DAY.

21 Q AND I SEE HIS SIGNATURE OR SEE A SIGNATURE ON THE
22 BOTTOM RIGHT. DID HE SIGN THAT FORM INDICATING HE WISHED
23 TO TALK TO YOU?

24 A YES, SIR, HE DID.

25 Q ALL RIGHT. DURING THAT PERIOD OF TIME HAD ANYONE

1 ENTERED OR LEFT THE ROOM FROM THE FOUR PEOPLE YOU TALKED
2 ABOUT?

3 A NO, SIR.

4 Q YOU, DEPUTY RACKLEY, DEPUTY JOLLY, AND THE DEFENDANT
5 ARE THE ONLY FOUR?

6 A THAT'S CORRECT.

7 Q HAD ANY CIRCUMSTANCES CHANGED? HAD ANYTHING HAPPENED
8 TO THE DEFENDANT --

9 A NO, SIR.

10 Q -- THAT WERE SIGNIFICANT ALTERATION OF THE EXISTING
11 CIRCUMSTANCES PREVIOUSLY TESTIFIED TO?

12 A NOT AT ALL. THE ATMOSPHERE AND CONDITIONS INSIDE
13 THE ROOM REMAINED EXACTLY THE SAME FROM START TO FINISH.

14 Q STILL DRESSED IN THE SAME CLOTHING?

15 A YES, SIR.

16 Q WAS HE OFFERED ANY DRINK OR FOOD OR ANYTHING OF THAT
17 NATURE?

18 A HE WAS -- WHEN WE FIRST CAME IN, THERE'S A FRIDGE IN
19 THE OFFICE WITH DRINKS AND A DESK WITH SNACKS, CRACKERS
20 THINGS LIKE THAT FOR OUR EATING AS WELL AS PROVIDING FOOD
21 FOR VICTIMS, WITNESSES, DEFENDANTS, ANYONE THAT MIGHT COME
22 IN. I OFFERED HIM BOTH, BUT DURING THE COURSE OF THAT
23 INTERVIEW HE ASKED ONLY FOR WATER, DID NOT ASK FOR ANY
24 OTHER FOOD OR DRINK, OTHER THAN WATER.

25 Q AND DID HE, FOLLOWING THE EXECUTION OF THE WAIVER OF

1 RIGHTS AND YOU ADVISING HIM OF HIS RIGHTS, GIVE YOU A
2 WRITTEN STATEMENT?

3 A YES, HE DID.

4 Q TELL THE JURY THE METHOD THAT YOU USED IN THIS CASE
5 TO RECORD HIS WRITTEN STATEMENT.

6 A I HAVE A LAPTOP COMPUTER THAT SITS ON MY DESK. AND
7 ON THAT COMPUTER IS LOADED SOFTWARE WITH FORMS ON IT.
8 THEY'RE SIMPLY FILL-IN-THE-BLANK FORMS. PULL UP THAT
9 STATEMENT FORM YOU WANT TO USE, FILL IN THE BLANKS ON THE
10 STATEMENT FORM. AND THEN WHEN YOU'RE DONE, PRINT IT, AND
11 IT COMES UP PRINTED ON THAT FORM. SO, I JUST TYPED INTO
12 MY COMPUTER WHAT HE TOLD ME.

13 Q AND AS YOU SAY, DID YOU USE A QUESTION AND ANSWER
14 METHOD, ASK QUESTIONS, GET A RESPONSE, ASK QUESTIONS, GET
15 A RESPONSE? OR DID YOU SIMPLY TYPE AS HE TOLD YOU?

16 A UNTIL THE VERY END OF THE INTERVIEW, THE WHOLE
17 INTERVIEW WAS SIMPLY TYPING WHAT HE SAID. HE WOULD SPEAK,
18 AND I WOULD SIMPLY TYPE THOSE WORDS INTO THE COMPUTER ONTO
19 THE FORM WE WERE USING.

20 Q AND AS YOU WERE TYPING, DID YOU FROM TIME TO TIME
21 HAVE TO TELL HIM TO STOP?

22 A I DID, SIR.

23 Q FOR WHAT REASON?

24 A I SIMPLY CAN'T TYPE AS QUICKLY AS A PERSON COULD
25 TALK. I NEEDED TO ASK HIM TO WAIT A MINUTE OR TWO EVERY

1 NOW AND THEN SO I COULD CATCH UP TO WHERE HE WAS AT. ONCE
2 I CAUGHT UP TO WHERE HE WAS, AT THAT PART OF THE STATEMENT
3 WE CONTINUED. THAT HAPPENED NUMEROUS TIMES DURING THE
4 COURSE OF THE STATEMENT.

5 Q SO THE WORDS ON THE STATEMENT THAT WE WILL SOON
6 PUBLISH TO THE JURY ARE HIS WORDS VERBATIM?

7 A YES, THEY ARE.

8 Q DID YOU PROBE HIM OR PRESS HIM OR DO ANY TYPE OF
9 CROSS EXAMINATION OF HIM ABOUT VARIOUS AREAS OF THE
10 STATEMENT WHICH YOU HAD QUESTIONS AS TO THEIR ACCURACY, OR
11 ANY OF THAT?

12 A NO, SIR. WITH THE EXCEPTION OF ONE QUESTION AT THE
13 END OF THE STATEMENT IT WAS SIMPLY LISTENING TO WHAT HE
14 SAID AND TYPING DOWN WHAT HE SAID.

15 Q LET ME SHOW YOU WHAT IS ALMOST A THREE-PAGE DOCUMENT
16 AND ASK YOU IF YOU RECOGNIZE THAT DOCUMENT.

17 A YES, I DO, SIR.

18 Q WHAT IS THAT? THAT HAS BEEN PREVIOUSLY MARKED AS
19 STATE'S EXHIBIT 14. WHAT IS THAT?

20 A THIS IS THE ACTUAL PRINTED STATEMENT THAT CAME OUT OF
21 THE COMPUTER THAT WAS GIVEN TO ME BY MR. WILLIAMS THAT
22 DAY.

23 Q AND THAT'S THE ORIGINAL?

24 A THAT'S THE ORIGINAL, SIR.

25 Q ALL RIGHT. LET ME ASK YOU, OVER HERE ON THE LEFT OF

1 EACH PAGE THERE'S A WITNESS, WHO ARE THE WITNESSES ON
2 THIS?

3 A AGAIN, THE WITNESSES ARE MYSELF AND DEPUTY MICHAEL
4 JOLLY.

5 Q AND ON THE RIGHT ARE MR. WILLIAMS' SIGNATURE?

6 A HIS SIGNATURE AND PRINTED NAME. YES, SIR.

7 Q AND WHO IS THE NOTARY?

8 A NOTARY IS INVESTIGATOR DAVID HANKS FROM THE WHITE
9 COLLAR CRIMES' DIVISION.

10 Q AND THOSE APPEAR ON THE SAME FORM, ON EACH PAGE?

11 A YES, SIR, THEY DO.

12 Q YOUR HONOR, WE'D LIKE TO OFFER STATE'S EXHIBIT 14 FOR
13 PUBLISHING TO THE JURY.

14 THE COURT: ANY OBJECTION?

15 MR. NETTLES: NO OBJECTION.

16 THE COURT: STATE'S EXHIBIT 13 AND 14 ADMITTED
17 WITHOUT OBJECTION.

18 (WHEREUPON, STATE'S EXHIBIT NO. 13 AND 14 WAS MARKED
19 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

20 Q AT ANY TIME DURING THE PROCESS OF TAKING THIS
21 STATEMENT, DID MR. WILLIAMS INDICATE TO YOU THAT HE DID
22 NOT WANT TO TALK TO YOU?

23 A NO, SIR, HE DID NOT.

24 Q AT ANY TIME DURING THE TAKING OF THE STATEMENT, DID
25 HE ASK YOU TO STOP TO ALLOW HIM TO CONSULT WITH AN

1 ATTORNEY?

2 A NO, SIR, HE DID NOT.

3 Q AT ANY TIME DURING THE DISCUSSION, DID HE INDICATE TO
4 YOU THAT HE WANTED TO CEASE TALKING?

5 A NO, SIR, HE DID NOT.

6 Q DURING THE COURSE OF TAKING THE STATEMENT, DID YOU
7 OBSERVE AT ANY TIME OR IN ANY FASHION THAT HE DID NOT
8 UNDERSTAND WHAT HE WAS DOING?

9 A NO, SIR. HIS ANSWERS TO ANY QUESTIONS OR
10 CONVERSATION WE HAD WERE RESPONSIVE. HE SEEMED CALM,
11 FOCUSED, LUCID, COULD HOLD A CONVERSATION JUST AS WE ARE
12 RIGHT NOW. NO PROBLEMS WHATSOEVER, SIR.

13 Q AND ONCE THIS WAS COMPLETED, THE STATEMENT, DID YOU
14 GIVE HIM AN OPPORTUNITY TO READ IT?

15 A I DID, SIR.

16 Q HOW DID YOU DO THAT?

17 A ONCE IT WAS COMPLETED, I PRINTED IT OFF ON A MACHINE
18 ON TOP OF MY DESK, TOOK IT OUT AND GAVE IT TO HIM. I
19 SAID, "HERE IS YOUR STATEMENT, CONSISTS OF THREE PAGES,
20 TAKE A LOOK AT IT. IF THERE'S ANYTHING THAT'S NOT
21 ACCURATE, THAT'S BEEN LEFT OUT, THAT NEEDS TO BE ADDED,
22 THAT NEEDS TO BE CHANGED, TELL ME." IT'S SIMPLY A MATTER
23 OF GOING INTO THE COMPUTER, TYPING THE CHANGES IN, TAKING
24 OUT SOMETHING OR ADDING SOMETHING.

25 Q NOW, DID HE AT ANY TIME OR DID YOU AT ANY TIME

1 OBSERVE ANYTHING THAT LED YOU TO BELIEVE THAT HE WAS NOT
2 GIVING THIS STATEMENT FREELY, VOLUNTARILY, AND
3 INTELLIGENTLY OF HIS OWN FREE WILL?

4 A NO, SIR. NOT AT ALL.

5 Q ANYONE MAKE ANY THREATS AGAINST HIM DURING THE COURSE
6 OF TAKING THE STATEMENT?

7 A NO, SIR, HE AND I WERE BASICALLY THE ONLY ONES THAT
8 HAD ANY CONVERSATION. WHILE ALL FOUR OF US WERE IN THE
9 ROOM, THERE WAS NOT ANY REASON FOR HIM TO CONVERSE WITH
10 DEPUTY JOLLY OR RACKLEY, ESPECIALLY DURING THE TAKING OF
11 THE STATEMENT TIME.

12 Q AND DID ANYONE COME INTO OR LEAVE THE ROOM DURING THE
13 COURSE OF TAKING OF THE STATEMENT?

14 A SORRY, SIR?

15 Q COME IN OR LEAVE THE COURTROOM [SIC]?

16 A NO, SIR. NOBODY.

17 Q SO, THE CIRCUMSTANCES REMAINED THE SAME UNTIL YOU
18 COMPLETED THE STATEMENT?

19 A YES, THEY DID.

20 Q PRIOR TO TAKING THE STATEMENT, WE MENTIONED EARLIER,
21 I SAID YOU DISCUSSED WITH HIM ALCOHOL AND DRUGS, WHAT
22 EXACTLY HAD YOU DISCUSSED WITH HIM?

23 A I ASKED HIM IF HE WAS UNDER THE INFLUENCE OF ALCOHOL
24 OR DRUGS, INCLUDING OVER-THE-COUNTER MEDICATIONS. HE SAID
25 HE HAD NOT INGESTED ANY ALCOHOL, HAD NOT TAKEN ANY ILLEGAL

1 DRUGS OR HAD NOT TAKEN ANY OVER-THE-COUNTER MEDICATIONS.

2 MR. ARIAIL: YOUR HONOR, AT THIS TIME WE'D LIKE TO
3 PUBLISH THE STATEMENT GIVEN BY MR. WILLIAMS TO THE JURY.

4 THE COURT: YES, SIR.

5 MR. ARIAIL: THE FORM BEGINS, "STATE OF SOUTH
6 CAROLINA, COUNTY OF GREENVILLE. CASE NUMBER 03-130526,
7 DATE OF SEPTEMBER 3RD 2003.

8 "I, CHARLES CHRISTOPHER WILLIAMS, DO HEREBY GIVE
9 FREELY AND VOLUNTARY THIS STATEMENT TO INVESTIGATOR
10 MICHAEL MCNAMARA AND DEPUTY MICHAEL JOLLY, WHO HAVE
11 IDENTIFIED THEMSELVES TO ME TO BE DEPUTIES OF GREENVILLE
12 COUNTY SHERIFF'S OFFICE, GREENVILLE, SOUTH CAROLINA.

13 "I HAVE BEEN ADVISED THAT I DO NOT HAVE TO MAKE THIS
14 OR ANY FURTHER STATEMENT AND THAT WHAT I SAY CAN BE USED
15 AGAINST ME IN A COURT OF LAW. I HAVE BEEN ADVISED THAT I
16 HAVE A RIGHT TO COUNSEL WITH AN ATTORNEY OF MY CHOICE; AND
17 THAT IF I'M FINANCIALLY UNABLE TO OBTAIN AN ATTORNEY, THE
18 COURT WILL APPOINT AN ATTORNEY TO REPRESENT ME. I HAVE
19 NOT BEEN THREATENED OR PROMISED ANY REWARD TO MAKE THIS
20 STATEMENT.

21 "I'M 20 YEARS AND I RESIDE AT [REDACTED],
22 SIMPSONVILLE, SOUTH CAROLINA, 29662. PHONE NUMBER,
23 [REDACTED] I HAVE A 12th GRADE EDUCATION AND I CAN READ
24 AND WRITE. ADDITIONAL PARTICULARS, DATE OF BIRTH IS
25 [REDACTED] SOCIAL SECURITY NUMBER, [REDACTED].

1 "I AM NOT UNDER THE INFLUENCE OF ANY ALCOHOL OR DRUGS
2 AND I KNOW WHAT I AM DOING. I AM VOLUNTARILY GIVING THIS
3 STATEMENT TO INVESTIGATOR MCNAMARA AND I GIVE HIM
4 PERMISSION TO TYPE THIS STATEMENT FOR ME WHILE I TELL IT
5 TO HIM. NOBODY HAD MADE ANY PROMISES TO ME CONCERNING MY
6 STATEMENT AND I GIVE THIS STATEMENT OF MY OWN FREE WILL.

7 "I MET MARANDA WILLIAMS WHEN SHE AND I WORKED AT
8 BI-LO ON WOODRUFF ROAD TOGETHER. I STARTED WORKING THERE
9 IN MID 1999 AND MARANDA IN THE BEGINNING OF DECEMBER 2002.
10 I STARTED AS CLERK AND I WORKED MY WAY UP TO ASSISTANT
11 PRODUCE MANAGER AT THE STORE. MARANDA WAS WORKING IN THE
12 DELI-BAKERY AS A CLERK. WE STARTED OUT AS FRIENDS AND WE
13 WOULD TALK A LOT AT WORK. WE TALKED FOR A FEW WEEKS
14 BEFORE WE ACTUALLY STARTED DATING. WE STARTED DATING
15 AROUND THE BEGINNING OF MARCH 2003.

16 "AT FIRST EVERYTHING WENT FINE AND THEN WE STARTED
17 FINDING OUT WHAT KIND OF PEOPLE WE WERE AND IT JUST WENT
18 TO HELL AFTER THAT.

19 "THE BIGGEST REASON WHY ALL THIS HAPPENED WAS THAT
20 MARANDA HAD GOTTEN PREGNANT AND HAD GOTTEN AN ABORTION AND
21 DID NOT TELL ME ABOUT IT. I FOUND OUT FROM SOMEONE ELSE
22 THAT MARANDA HAD GOTTEN PREGNANT ABOUT THREE WEEKS INTO
23 OUR RELATIONSHIP AND THAT SHE HAD GONE RIGHT OUT AND
24 GOTTEN AN ABORTION. I DIDN'T SAY ANYTHING TO HER UNTIL
25 AFTER WE SPLIT UP SOMETIME IN THE MIDDLE OF JUNE.

1 "MARANDA DENIED THAT SHE HAD GOTTEN PREGNANT AND HAD
2 GOTTEN AN ABORTION, BUT EVERYONE ELSE WAS TELLING ME THAT
3 IT WAS TRUE. THAT'S THE MAIN REASON WHY WE BROKE UP AND
4 WHY ALL THIS HAPPEN.

5 MARANDA HAD ALWAYS BEEN IN TROUBLE AND SHE WOULD
6 ALWAYS TELL ME THAT SHE WAS ON ECSTASY, COCAINE, HEROIN,
7 AND OTHER THINGS. I NEVER SAW HER TAKE DRUGS, BUT SHE WAS
8 AROUND ME WHEN SHE WAS OBVIOUSLY HIGH. SHE WOULD ALWAYS
9 TELL ME THAT SHE DIDN'T SEE WHY I WOULD WANT ANYTHING TO
10 DO WITH HER. SHE KNEW THAT I WASN'T INTO THAT STUFF AND
11 SHE KNEW THAT I DIDN'T LIKE IT.

12 "AT ABOUT THE TIME THAT WE SPLIT UP, MARANDA
13 TRANSFERRED TO THE STORE ON EAST NORTH STREET AND HAS BEEN
14 THERE EVER SINCE.

15 "OVER THE NEXT MONTH OR SO, I MIGHT HAVE TALKED TO
16 MARANDA ONE OR TWO TIMES ON THE PHONE. I THINK WE EACH
17 CALLED THE OTHER PERSON ONCE. WE CALLED EACH OTHER JUST
18 TO TALK. EVEN THOUGH WE SPLIT UP, MARANDA SAID THAT SHE
19 STILL WANTED TO BE FRIENDS. THAT REALLY WASN'T WORKING,
20 SO I JUST GAVE UP TRYING.

21 "THEN IN THE MIDDLE OF JULY I GOT ARRESTED. I WENT
22 UP TO THE BI-LO ON EAST NORTH STREET TO TALK TO HER. WE
23 TALKED OUTSIDE FOR A FEW MINUTES AND I ASKED IF I COULD
24 COME BACK AND TALK TO HER ON HER LUNCH BREAK.

25 "SHE SAID, 'YES.'

1 "AND I WENT BACK ABOUT THREE HOURS LATER. WHEN I
2 WENT BACK UP THERE, I WAITED IN THE PARKING LOT. MARANDA
3 CAME OUT AND SHE WALKED OVER TO HER CAR. I THOUGHT THERE
4 WAS A PROBLEM, SO I GOT OUT AND WALKED OVER TO HER
5 DRIVER'S SIDE CAR DOOR. AND SHE STARTED CUSSING AND
6 SCREAMING AT ME. WE WERE THERE FOR ABOUT 15 OR 20 MINUTES
7 ARGUING IN THE PARKING LOT. I DIDN'T KNOW WHAT WAS WRONG
8 WITH HER. SHE SLAMMED MY HAND IN THE CAR DOOR, AND I KNOW
9 I SHOULDN'T HAVE DONE IT, BUT I HIT HER IN THE FACE. I
10 WANTED HER TO KNOW THAT I WASN'T GOING TO LET HER SLAM MY
11 HAND IN THE CAR DOOR. I LEFT AND WENT HOME AND TOLD MY
12 MOM WHAT HAPPENED.

13 "ABOUT 9:30 THAT NIGHT TWO OFFICERS CAME TO THE HOUSE
14 AND TOLD ME THAT THEY HAD A WARRANT FOR MY ARREST AND THEY
15 ARRESTED ME. THEY CHARGED ME WITH ASSAULT AND BATTERY
16 WITH INTENT TO KILL AND I WENT TO JAIL. I GOT OUT OF JAIL
17 AT 8:00 P.M. THE NEXT NIGHT. MY LAWYER TOLD ME TO STAY
18 AWAY FROM MARANDA, SO I DIDN'T HAVE ANY CONTACT WITH HER
19 AFTER THE INCIDENT IN THE PARKING LOT.

20 "I HAD BOUGHT A SHOTGUN LAST OCTOBER JUST TO HAVE THE
21 GUN. I ALWAYS KEPT IT IN THE CASE IN MY BEDROOM AT HOME.
22 THIS MORNING I LEFT MY HOUSE AT ABOUT 4 A.M. I WAS JUST
23 RIDING AROUND THINKING ABOUT WHAT I WAS GOING TO DO. I
24 TOOK THE SHOTGUN WITH ME, THEN I LEFT THE HOUSE AND ABOUT
25 9 A.M. I WENT TO THE BI-LO ON EAST NORTH STREET WHERE

1 MARANDA WORKS.

2 "WHEN I GOT TO THE STORE, I DIDN'T REALLY KNOW WHAT
3 WAS GOING TO HAPPEN. I WALKED INTO THE STORE WITH THE
4 SHOTGUN. I HAD IT OUT OF MY COAT AND RIGHT BY MY SIDE.
5 IT KIND OF SURPRISED ME THAT NOBODY ELSE SAW ME WITH THE
6 GUN. I WALKED RIGHT DOWN ONE OF THE AISLES AND TO THE
7 DELI-BAKERY. I WALKED AROUND THE COUNTER AND THERE WERE
8 OTHER GIRLS WORKING THERE, SO I TOLD THEM TO LEAVE. I SAW
9 MARANDA THROUGH THE DOUBLE DOORS, SO I WALKED THROUGH THE
10 DOORS AND SHE TURNED AROUND AND SAW ME.

11 "WE SAT IN THE DELI-BAKERY OFFICE AND SHE WAS ASKING
12 ME WHY I WAS DOING IT AND TELLING ME I SHOULD LET HER GO.
13 WE TALKED FOR ABOUT 45 MINUTES OR SO, AND SHE ASKED ME TWO
14 OR THREE TIMES TO LET HER GO.

15 "WHILE I WAS TALKING TO MARANDA, TWO OTHER MALE
16 MANAGERS CAME BY. THEY WALKED BY THE OFFICE AND LOOKED IN
17 AND SAW ME WITH MARANDA. WHEN THEY SAW ME, THEY KEPT
18 WALKING BY THE OFFICE, OUT THE DOUBLE DOORS. I HAD THE
19 SHOTGUN WHEN THEY WALKED BY AND IT WAS POINTED AT THE
20 DOOR.

21 "WHILE I WAS IN THERE, A NEGOTIATOR FROM THE
22 SHERIFF'S OFFICE CALLED ME ON MIRANDA'S CELL PHONE. HE
23 WAS CALLING ME ABOUT EVERY TEN MINUTES AND HE WAS ASKING
24 ME IF I WAS GOING TO LET MARANDA GO. HE WAS CHECKING TO
25 SEE IF SHE WAS OKAY AND MARANDA TALKED TO HIM ABOUT EIGHT

1 OR NINE TIMES. I TOLD THE NEGOTIATOR THAT I WOULD LET
2 MARANDA GO. I WAS ASKING FOR LIKE 45 MINUTES TO TALK TO
3 HER AND THEN I WAS GOING LET HER GO.

4 "AFTER WE TALKED, WE LEFT THE OFFICE AND MARANDA
5 WALKED OUT FIRST. I WAS GOING TO LET HER GO. I TOLD THE
6 NEGOTIATOR THAT I WAS GOING TO LET HER COME OUT AND I TOLD
7 HIM THAT I WAS GOING TO LEAVE THE GUN IN THE OFFICE. I
8 WAS GOING TO LEAVE THE GUN IN THE OFFICE OR IN THE
9 DELI-BAKERY. AND WHEN WE WALKED OUT OF THE OFFICE,
10 MARANDA GRABBED THE BARREL OF THE GUN. I HAD THE SAFETY
11 ON, BUT WHEN SHE GRABBED IT, SHE KNOCKED IT OFF SAFETY AND
12 SHE PULLED THE TRIGGER, AND THE GUN FIRED.

13 "I STRUGGLED WITH HER TO GET THE GUN AWAY FROM HER.
14 I FINALLY GOT IT AWAY FROM HER AND SHE RAN OUT OF THE
15 DOUBLE DOORS AND STARTED RUNNING THROUGH THE BACK OF THE
16 DELI-BAKERY. SHE ALMOST MADE IT OUT FROM AROUND THE
17 COUNTER AND I RAISED THE GUN AND SHOT IT THE FIRST TIME.
18 I HIT HER IN THE BOTTOM OF HER BACK AND HER RIGHT ARM.
19 SHE FELL ON THE GROUND AND SHE STARTED TO GET BACK UP
20 AGAIN, AND I SHOT HER A SECOND TIME.

21 "WHEN I SHOT HER THE SECOND TIME, I WAS ABOUT 7 OR
22 8 FEET AWAY FROM HER. SHE WAS ON HER HANDS AND KNEES AND
23 I SHOT HER IN THE BACK. SHE LAID BACK ON THE GROUND AND I
24 SHOT HER TWICE MORE. I WAS STANDING MAYBE A FEW FEET AWAY
25 FROM HER WHEN I SHOT HER THE LAST TWO TIMES. THE GUN WAS

1 A MOSSBURG .500 AND I HAD IT LOADED WITH ONE SHELL OF
2 TURKEY SHOT, FOUR SHELLS OF BB SHOT OR BIRD SHOT.

3 "AT THAT POINT I REALLY DIDN'T HAVE MUCH INTENTION OF
4 GOING TO JAIL. SO, I PUT THE GUN IN MY MOUTH AND PULLED
5 THE TRIGGER. I FORGOT THAT MARANDA HAD FIRED ONE SHOT AND
6 THAT THE GUN WAS EMPTY. SO, IT JUST CLICKED. I PUT THE
7 GUN DOWN BACK THERE AND WALKED TO THE RIGHT SIDE OF THE
8 STOCK ROOM. I REALLY DON'T KNOW WHY I WALKED THAT WAY, I
9 JUST STARTED WALKING. THEN I CAME BACK TO THE DELI-BAKERY
10 OFFICE AND THAT'S WHEN THE SWAT TEAM WAS THERE. I HAD THE
11 PHONE IN MY HAND AND I DROPPED IT AND PUT MY HANDS IN THE
12 AIR. THEY TOLD ME TO LAY DOWN ON THE GROUND, AND I DID.

13 "ONE GUY PUT HIS KNEE ON THE BACK OF MY NECK, AND
14 HANDCUFFED ME, AND THEN PULLED ME UP OFF THE GROUND, THEN
15 THEY WALKED ME OUT FRONT AND THEN THEY PUT ME IN A CAR.
16 IF MARANDA WOULDN'T HAVE TRIED TO TAKE THE GUN, NONE OF
17 THIS WOULD HAVE EVER HAPPENED. I WAS JUST MAD OR ANGRY AT
18 HER OVER THE WHOLE SITUATION.

19 "WHEN SHE GOT PREGNANT AND HAD THE ABORTION, I WAS
20 SURE THE BABY WAS MINE. SHE HAD TOLD HER FRIENDS THAT I
21 HAD GOT HER PREGNANT SO I FIGURED THE BABY WAS MINE. WE
22 HAD BEEN HAVING SEX ALL DURING OUR RELATIONSHIP.

23 "WHEN WE WERE WRESTLING OVER THE GUN, MIRANDA'S SHIRT
24 CAME OFF. I WAS TRYING TO GRAB A HOLD OF HER ARM AND I
25 CAUGHT THE SHIRT AND PULLED IT OFF. YOU'LL SEE EVERYTHING

1 ON THE VIDEOTAPE AND IT WILL TELL YOU EVERYTHING THAT YOU
2 WANT TO KNOW. I DIDN'T PURPOSELY PULL ON ANY OF THE
3 CLOTHES. HER SHIRT CAME OFF WHILE WE WERE STRUGGLING, BUT
4 I DIDN'T TAKE IT OFF ON PURPOSE."

5 STATE'S EXHIBIT NO. 14, YOUR HONOR.

6 Q MR. MCNAMARA, AFTER YOU COMPLETED THE STATEMENT, WHAT
7 WAS THE NEXT THING THAT YOU DID WHILE YOU WERE STILL IN
8 THE CID OFFICE?

9 A ONCE THAT STATEMENT WAS COMPLETED, I PRINTED IT OUT
10 AS I SAID BEFORE, AND ASKED HIM TO READ IT, CHECKING FOR
11 ANY PROBLEMS, INCONSISTENCIES, THINGS THAT WERE IN THERE
12 THAT SHOULDN'T BE AND VICE VERSA. BUT HE SAID THE
13 STATEMENT WAS FINE AND IT WAS EXACTLY WHAT HE WANTED TO
14 SAY.

15 THEN WE WENT THROUGH THE SAME THING WE DID WITH THE
16 WAIVER WITH INITIALS VARIOUS PLACES ON THE FORM TO
17 INDICATE THAT HE READ THOSE AND THAT WAS CORRECT AND THAT
18 WAS WHAT HE WANTED TO SAY AND THAT WAS HIS FULL, COMPLETE
19 WRITTEN STATEMENT.

20 Q DID YOU DO ANYTHING IN REGARD TO HIS CLOTHING?

21 A I DID, SIR.

22 Q WHAT DID YOU DO?

23 A WE COLLECTED HIS CLOTHING, ASKED HIM IF HE WOULD
24 CONSENT TO COLLECTION OF HIS CLOTHING.

25 Q ALL RIGHT. I WANT TO SHOW YOU WHAT'S BEEN MARKED

1 STATE'S EXHIBIT 15 AND ASK YOU IF YOU'RE FAMILIAR WITH
2 THIS DOCUMENT.

3 A YES, I AM, SIR.

4 Q WHAT IS THAT?

5 A THAT IS THE WAIVER OF HIM AGREEING TO GIVE US HIS
6 CLOTHES, HIS CONSENT FOR US TO TAKE HIS CLOTHES.

7 Q IS THAT A STANDARD FORM ISSUE THAT THE SHERIFF'S
8 OFFICE USES IN THAT SITUATION?

9 A YES, IT WAS.

10 Q DID YOU FILL THAT FORM OUT?

11 A I DID. THAT'S MY HANDWRITING ON THERE WITH THE
12 EXCEPTION OF TWO SIGNATURES AND ONE DATE.

13 Q WHO'S SIGNATURE?

14 A THE SIGNATURE AT THE BOTTOM SIGNED BY MR. WILLIAMS
15 AND ONE OF THE WITNESSES ON IT, ALONG WITH MYSELF, AND
16 DEPUTY MICHAEL JOLLY.

17 Q WAS THIS TAKEN IN THE SAME ROOM WE PREVIOUSLY
18 DISCUSSED?

19 A IT WAS.

20 Q ANYTHING CHANGED IN THAT ROOM AT THAT TIME?

21 A THE ADDITION OF ONE OF THE FORENSIC TECHNICIANS CAME
22 IN TO DOCUMENT AND RECEIVED THE CLOTHING. THAT WAS THE
23 ONLY ADDITION OR CHANGE IN THE ROOM.

24 Q THAT'S MR. SHAW?

25 A SGT. DAR SHAW. YES, SIR.

1 MR. ARIAIL: YOUR HONOR, WE'D LIKE TO OFFER STATE'S
2 EXHIBIT 15 AS CONSENT TO THE STATE TO SECURE?

3 THE COURT: ANY OBJECTION?

4 MR. NETTLES: NO OBJECTION.

5 MR. MAULDIN: NO OBJECTION.

6 THE COURT: STATE'S EXHIBIT 15 ADMITTED WITHOUT
7 OBJECTION.

8 (WHEREUPON, THE CONSENT FOR CLOTHING WAS RECEIVED
9 INTO EVIDENCE AS STATE'S EXHIBIT NO. 15.)

10 Q NOW, AFTER -- YOU HAD TESTIFIED EARLIER THAT YOU MET
11 MR. JOLLY, DEPUTY JOLLY, WITH THE DEFENDANT IN THE LOWER
12 LEVEL OF THE LAW ENFORCEMENT CENTER WHEN HE FIRST CAME IN?

13 A YES, SIR.

14 Q DID YOU RECEIVE ANYTHING AT THAT TIME FROM DEPUTY
15 JOLLY THAT BELONGED TO THE DEFENDANT?

16 A I DIDN'T RECEIVE ANYTHING FROM HIM UNTIL WE GOT UP TO
17 THE VIOLENT CRIMES' OFFICE. WHEN WE ALL GOT SEATED, HE
18 DID HAND ME OVER AN ITEM.

19 Q WHAT DID YOU RECEIVE FROM HIM?

20 A I RECEIVED A WALLET FROM HIM.

21 Q AND DID YOU IDENTIFY THE WALLET WITH THE DEFENDANT?

22 A I DID.

23 Q DID YOU TALK TO HIM ABOUT WHOSE WALLET IT WAS.

24 A I DID.

25 Q DID YOU INQUIRE AS TO WHETHER IT WAS HIS WALLET?

1 A I ASKED MR. WILLIAMS IF THIS WAS HIS, HOLDING UP THE
2 WALLET TO HIM.

3 Q AND AFTER YOU OR BEFORE YOU TOOK THE STATEMENT, DID
4 YOU LOOK IN THE WALLET?

5 A YES, I DID, SIR.

6 Q AND WHEN YOU LOOKED IN THERE, WHAT DID YOU FIND?

7 A WHEN YOU OPEN UP THE WALLET, INSIDE WHERE THE MONEY
8 WOULD GO, IN THE BILLFOLD PORTION, WAS A FOLDED WHITE
9 PIECE OF LINED PAPER WITH SOME HANDWRITING ON IT.

10 Q LIKE NOTEBOOK PAPER?

11 A LIKE NOTEBOOK PAPER, YES, SIR.

12 Q DID YOU LOOK AT THAT DOCUMENT AT THAT TIME?

13 A I DID NOT. I SIMPLY HELD IT UP OUTSIDE THE WALLET.

14 Q THEREAFTER, FOLLOWING THE STATEMENT, THE GIVING OF
15 THE STATEMENT, DID YOU TAKE MR. WILLIAMS TO THE DETENTION
16 CENTER?

17 A YES, I DID.

18 Q AND ON THE WAY TO THE DETENTION CENTER DID YOU LOOK
19 IN THE WALLET AGAIN?

20 A I DID, SIR.

21 Q WHAT WAS THE PURPOSE OF LOOKING IN THE WALLET AGAIN?

22 A SIMPLY TO DO AN INVENTORY OF HIS PERSONAL
23 POSSESSIONS. WE'RE SUPPOSED TO LOG ANY MONIES, OTHER
24 ITEMS, THAT AREN'T SUPPOSED TO GO IN WITH THE DEFENDANT
25 WHEN THEY GO INTO JAIL. SO, I CHECKED ALL OF THE AREAS OF

1 HIS WALLET, INCLUDING SOME OF THE SMALLER LITTLE POCKETS
2 OR AREAS WHERE YOU CAN PUT THINGS.

3 Q ARE THE DEFENDANTS WITHIN THE DETENTION CENTER
4 ALLOWED TO BRING ITEMS INTO THE DETENTION CENTER WITH
5 THEM?

6 A THEY ARE NOT. EVERYTHING THEY HAVE IS TAKEN FROM
7 THEM AND TRANSPORTED SEPARATELY AND STORED AND MAINTAINED
8 SEPRATELY FROM WHERE THEY'RE HOUSED.

9 Q IS PART OF THAT RESPONSIBILITY, TO INVENTORY THAT AND
10 SECURE AHEAD OF TIME, REST ON THE LAW ENFORCEMENT OFFICER
11 BRINGING THEM TO THE DETENTION CENTER?

12 A YES.

13 Q AND DID YOU DO THAT?

14 A YES, I DID.

15 Q NOW, LET ME SHOW YOU THESE TWO ITEMS, WHICH ARE
16 MARKED STATE'S EXHIBIT 16 AND STATE'S EXHIBIT 17, AND ASK
17 YOU IF YOU RECOGNIZE THOSE.

18 A YES, SIR, I DO.

19 Q WHAT ARE THOSE?

20 A THESE ARE THE TWO LETTERS I REMOVED FROM
21 MR. WILLIAMS' WALLET THAT DAY.

22 Q AND WHICH IS THE FIRST ONE YOU REMOVED?

23 A STATE'S EXHIBIT NUMBER 17 IS THE FIRST ONE. THIS ONE
24 RIGHT HERE.

25 Q AND THAT IS THE ONE THAT, IN TERMS OF FIRST, THAT WAS

1 THE ONE THAT YOU DID WHEN? BEFORE THE INTERVIEW?

2 A YES, SIR.

3 Q AND STATE'S EXHIBIT 16, WHEN WAS THAT?

4 A THIS IS THE ITEM I FOUND IN HIS WALLET AT THE
5 DETENTION CENTER DURING THE INVENTORY.

6 Q THE SECOND ONE?

7 A CORRECT, SIR.

8 Q YOUR HONOR, WE'D LIKE TO OFFER STATE'S EXHIBIT 16 AND
9 17.

10 MR. NETTLES: WITHOUT OBJECTION.

11 THE COURT: SIXTEEN AND 17 ADMITTED WITHOUT
12 OBJECTION.

13 (WHEREUPON, STATE'S EXHIBIT NO. 16 AND 17 WERE MARKED
14 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

15 Q IF YOU WOULD, DETECTIVE MCNAMARA, COME DOWN HERE AND
16 PUBLISH -- IF YOU WOULD, FIRST READ STATE'S EXHIBIT NUMBER
17 16. EXCUSE ME, 17 IS THE FIRST ONE. READ IT, PUBLISH IT
18 TO THE JURY IF YOU WOULD.

19 A "I WAS HOPING THAT I WOULDN'T HAVE TO RESORT TO DOING
20 THIS, BUT I HAVE NO OTHER CHOICE. I GUESS YOU THOUGHT
21 THROWING ME AWAY WAS AN EASY WAY TO SOLVE YOUR PROBLEMS;
22 BUT NOT KNOWING IN DOING SO, YOU WERE SIGNING YOUR OWN
23 DEATH WARRANT. THIS WILL ALL BE OVER SOON. YOU WILL NO
24 LONGER HAVE TO WORRY ABOUT BEING A BAD ROLE MODEL. FOR
25 ALL THE PAIN AND SUFFERING YOU CAUSED, IT'S ABOUT TIME

1 SOMEONE MADE YOU SUFFER, AND I INTEND TO DO SO.

2 "FOR EVERYTHING WRONG YOU'VE DONE IN YOUR LIFE, I'M
3 GOING TO MAKE YOU PAY. YOU WILL NOT LEAVE HERE TODAY
4 ALIVE. YOU WILL NEVER SEE YOUR DAUGHTER. I HAVE CHOSEN
5 TO MAKE A SACRIFICE. I WILL TRADE MY LIFE FOR YOURS. IT
6 WILL BE MUCH BETTER FOR US THIS WAY. BUT IF YOU HAD KNOWN
7 THIS, WOULD YOU HAVE" -- THAT'S NOT LEGIBLE. "I BET IF
8 YOU WOULD HAVE KNOWN THIS WOULD HAVE HAPPENED, YOU
9 WOULDN'T HAVE LEFT ME.

10 "I WANT -- I WANT YOU TO CALL YOUR PARENTS AND TELL
11 THEM YOU ARE ABOUT TO DIE. DON'T WORRY, AFTER YOU GO, I
12 WILL SOON FOLLOW. AS YOU'RE READING THIS, YOU NOW HAVE
13 ABOUT FIVE MINUTES LEFT TO LIVE. EVEN THOUGH I SHOULDN'T,
14 I WILL MAKE YOUR DEATH PAINLESS. IT'S UP TO YOU, EITHER I
15 SHOOT YOU IN THE BACK OF THE HEAD OR I CAN BREAK YOUR
16 NECK. SO, IF YOU HAVE ANY LAST WORDS, I SUGGESTED YOU SAY
17 THEM NOW.

18 "I WANT TO HEAR YOUR PARENTS BEG FOR YOUR LIFE.
19 EITHER WAY, WE WILL BOTH DIE HERE TODAY. TOO BAD YOU
20 DIDN'T GET TO SEE COURTNEY BEFORE YOU GO OR GO TO
21 ALLIGATOR. YOU COULD HAVE STOPPED ALL OF THIS BY LETTING
22 ME BACK IN, BUT NOW YOU WILL PAY THE ULTIMATE PRICE."

23 Q STATE'S EXHIBIT NUMBER 16, THE ONE RETRIEVED ON THE
24 WAY TO THE DETENTION CENTER.

25 A YES, SIR.

1 "I WAS HOPING THAT SOMETHING LIKE THIS WOULD NEVER
2 HAPPEN, BUT YOU HAVE LEFT ME NO OTHER CHOICE. YOU TRIED
3 TO USE ME AND THROW ME AWAY LIKE YOU DID THE OTHERS. YOU
4 TOOK EVERYTHING I HAD TO OFFER AND THEN SPIT ON ME LIKE A
5 DOG. BUT ALL OF THAT ENDS NOW. ALL THOSE NIGHTS YOU WENT
6 OUT DRINKING AND GO TO COURTNEY'S HOUSE, ALL THE TIMES YOU
7 SAID YOU CAN'T DEVOTE ANY TIME TO ME; BUT THERE WAS ALWAYS
8 TIME FOR OTHERS. JUST LIKE HOW YOU PURPOSELY PUT ME
9 THROUGH SO MUCH PAIN AND HELL, I WANT TO SHARE THAT
10 FEELING WITH YOU TODAY.

11 "YOU KNEW ALL ALONG THAT YOU WOULD ONLY LET US GET SO
12 FAR IN OUR RELATIONSHIP BEFORE YOU DID THIS. YOU LIED TO
13 ME ABOUT EVERYTHING, AND I DON'T KNOW WHY YOU DO THOSE
14 THINGS TO PEOPLE. IS IT FUN? OR DOES IT GIVE YOU AMUSING
15 STORY TO TELL YOUR FRIENDS? HAVE NO DOUBT IN YOUR MIND
16 I'M GOING TO KILL YOU TODAY.

17 "I'M GOING TO LET YOU CALL YOUR MOM AND DAD AND TELL
18 THEM GOOD-BYE. YOU WILL NEVER SEE YOUR LITTLE GIRL AGAIN
19 OR TELL OMAR HOW MUCH YOU LOVE HIM. I WANT ALL YOUR
20 FRIENDS AND FAMILY TO SUFFER AS MUCH AS POSSIBLE. FOR
21 THEM TO FINALLY ACCEPT WHAT KIND OF PERSON YOU ARE AND TO
22 STOP LYING TO THEMSELVES, BECAUSE DEEP DOWN THEY KNOW AS
23 WELL AS I DO THAT YOU'RE EVIL.

24 "I GUESS YOU THOUGHT YOU COULD DO THIS TO EVERYONE
25 YOU MET, BUT YOU'RE WRONG. IF YOU WOULD HAVE LET US START

1 OVER, LIKE YOU SAID, NONE OF THIS WOULD HAVE EVER
2 HAPPENED. BOTH OF US ARE LEAVING TODAY, BUT IN BODY BAGS.
3 YOU PROBABLY HAVE BEEN EXPECTING THIS ALL ALONG. IT'S
4 JUST TAKEN A LITTLE BIT OF TIME. I NEVER WANTED TO HAVE
5 TO HURT YOU LIKE I DID HERE, BUT I HAVE TO REVENGE. LET'S
6 SEE YOU LIE YOUR WAY OUT OF THIS ONE.

7 "THERE'S TWO THINGS CAN HAPPEN TODAY, JUST LIKE YOU
8 GAVE ME TWO CHOICES, YOU HAVE TWO. IF YOU DO EXACTLY WHAT
9 I TELL YOU TO DO WHEN I ASK, WITHOUT HESITATION, YOU CAN
10 LEAVE IN 30 MINUTES. IF YOU CHOOSE TO DECLINE, I WILL
11 HAVE TO HURT YOU VERY BADLY. BUT THIS TIME THERE'S NO ONE
12 TO STOP ME AND I'VE GOT ALL THE TIME IN THE WORLD. SO, IF
13 YOU WOULD LIKE TO LEAVE HERE TODAY AND GO TO SEE THE
14 BABY -- AND GO HOME TO SEE THE BABY -- I SUGGEST YOU DO
15 THIS, BECAUSE I DON'T WANT TO CUT YOUR FINGERS OFF. SO,
16 IF YOU AGREE TO THIS, START TAKING OFF ALL YOUR CLOTHES
17 WHEN YOU FINISH THIS."

18 (WITNESS RESUMES STANDS.)

19 Q IN REGARDS TO THE SECOND LETTER, THE ONE ON THE WAY
20 TO THE DETENTION CENTER, DID YOU ASK THE DEFENDANT ABOUT
21 THAT LETTER AND WHAT HE INTENDED TO DO WITH IT?

22 A YES, I DID.

23 Q WHAT DID HE RESPOND?

24 A HIS RESPONSE WAS IT WAS A LETTER HE HAD WRITTEN FOR
25 MARANDA AND HE INTENDED TO GIVE IT TO HER AT THE STORE

1 THAT DAY.

2 Q ALL RIGHT. THANK YOU, SIR. ANSWER ANY QUESTIONS
3 MR. MAULDIN MAY HAVE OR MR. NETTLES.

4 THE COURT: CROSS EXAMINATION.

5 MR. NETTLES: THANK YOU.

6 CROSS EXAMINATION

7 BY MR. NETTLES:

8 Q I'M MR. NETTLES.

9 A YES, SIR.

10 Q HOW YOU DOING? LET'S TALK A FEW MINUTES ABOUT --
11 THIS SHOULDN'T BE A FAIRLY LENGTHY PERIOD OF TIME; BUT
12 LET'S TALK ABOUT A COUPLE OF THINGS, IF YOU DON'T MIND.
13 AS IT RELATES TO YOUR TESTIMONY ABOUT HIS DEMEANOR, YOU
14 ARE NOT A PSYCHIATRIST?

15 A I AM NOT.

16 Q AND YOU ARE NOT -- YOU AND I HAVE HAD THIS
17 CONVERSATION BEFORE, YOU'RE NOT TRAINED IN DETECTING
18 MENTAL ILLNESS.

19 A TRAINED IN?

20 Q DETECTING MENTAL ILLNESS?

21 A NO, SIR. I AM NOT.

22 Q AND YOU ARE NOT ABLE TO DIAGNOSIS A MENTAL ILLNESS?

23 A NO, SIR, I'M NOT.

24 Q AND YOU ARE NOT OFFERING ANY TESTIMONY HERE TO
25 SUGGEST THAT HE WASN'T UNDER ANY KIND -- I MEAN, YOU DON'T

1 HAVE ANY BASIS TO SUGGEST THAT HE WASN'T UNDER ANY MENTAL
2 ILLNESS, CORRECT?

3 A I DON'T HAVE ANY BASIS TO SUGGEST HE WAS UNDER ANY
4 MENTAL ILLNESS?

5 Q WAS NOT UNDER ANY MENTAL ILLNESS. OR WAS NOT, FOR
6 THAT MATTER. YOU JUST DON'T KNOW?

7 A I DON'T KNOW, SIR.

8 Q BUT YOU DID DO SOME WORK WITH DARE WHEN YOU WERE IN
9 NEW YORK AND HERE IN SOUTH CAROLINA, RIGHT?

10 A YES, SIR.

11 Q THAT'S A PROGRAM THAT WAS FUNDED TO HELP KEEP
12 CHILDREN OFF DRUGS, RIGHT?

13 A YES, IT IS.

14 Q AND CERTAINLY ONE OF THE REASONS FOR THAT IS THAT YOU
15 RECOGNIZE THAT PEOPLE WHO HAVE BEEN SUBJECTED TO EXPOSURE
16 TO DRUGS, TO EXPOSURE TO VIOLENCE, HAVE A DIFFICULT TIME
17 LATER IN LIFE?

18 A THEY CAN.

19 Q ALL RIGHT. NOW, LET'S TALK FOR A SECOND ABOUT -- AND
20 THE GOVERNMENT WENT THROUGH WITH GREAT DETAIL, THE ADVICE
21 OF RIGHTS THAT WAS GIVEN. THAT'S WHAT THEY PUT UP ON THE
22 SCREEN HERE.

23 A YES.

24 Q AND ONE THING WE CAN ALL AGREE ON IS THAT THERE'S NO
25 DOUBT THAT WHEN YOU ALL WENT IN THERE, THAT HE WANTED TO

1 TELL YOU WHAT HAPPENED?

2 A NO. IN MY MIND THERE WAS NOT.

3 Q BECAUSE, LET'S BE CLEAR, IF HE WOULD HAVE WANTED A
4 LAWYER, YOU WOULD HAVE GOT HIM A LAWYER?

5 A YES.

6 Q IF HE WOULD HAVE SAID, "HANG ON A MINUTE, I DON'T
7 WANT TO TALK BECAUSE I JUST DON'T WANT TO TALK," YOU WOULD
8 HAVE STOPPED?

9 A WE WOULD HAVE.

10 Q BECAUSE THAT'S THE POLICY? AND THAT'S THE LAW?

11 A THAT'S RIGHT.

12 Q HE DIDN'T INVOKE ANY OF THAT? YOU BROUGHT HIM IN, IT
13 WASN'T ANY TROUBLE, HE TALKED TO YOU?

14 A THAT'S CORRECT.

15 Q NOW, THESE LETTERS THAT WERE JUST READ, I'M REFERRING
16 TO STATE'S 16 AND STATE'S EXHIBIT 17, THE TWO LETTERS YOU
17 JUST READ, WE DON'T KNOW WHAT DAY THESE WERE WRITTEN?

18 A NO, SIR.

19 Q OKAY. NOW, I MEAN OBVIOUSLY THERE'S SOME DISCUSSION
20 IN HERE ABOUT THAT YOU'RE GOING TO DIE TODAY, BUT THEY'RE
21 NOT DATED OR ANYTHING?

22 A NO, THEY ARE NOT.

23 Q AND YOU WOULD ALSO AGREE WITH ME THAT THEY ARE TWO
24 LETTERS THAT ARE WRITTEN. AND YOU FOUND THEM IN SEPARATE
25 PLACES, RIGHT?

1 A IN SEPARATE PLACES WITHIN THE SAME WALLET.

2 Q RIGHT. I MEAN, BUT WHAT I WANT TO BE CLEAR WAS THEY
3 WEREN'T FOLDED UP TOGETHER?

4 A THAT'S RIGHT.

5 Q SO, IN OTHER WORDS, THIS IS NOT A TWO-PAGE LETTER?
6 IF WE WOULD HAVE FOUND THE LETTERS FOLDED UP TOGETHER, ONE
7 ASSUMPTION WE COULD MAKE IS THAT IT WAS A TWO-PAGE LETTER,
8 RIGHT?

9 A YES, SIR.

10 Q BUT THEY WERE FOUND IN SEPARATE PLACES IN THE WALLET?

11 A YES, SIR.

12 Q SO, 16 AND 17, WHILE THEY TALK ABOUT THE SAME VERY
13 GRUESOME SUBJECT, THEY'RE A LITTLE BIT DIFFERENT, RIGHT?

14 A THERE ARE SOME DIFFERENCES, YES, SIR.

15 Q NOW, THESE LETTERS WERE NOT -- THE WALLET THAT THEY
16 WERE FOUND IN WAS NOT -- THE WALLET WAS NOT FOUND AT THE
17 CRIME SCENE?

18 A I DON'T KNOW WHERE THE WALLET WAS FOUND, SIR.

19 Q LET ME PUT IT TO YOU THIS WAY. SO, YOU DON'T KNOW
20 WHERE THE WALLET CAME FROM?

21 A THE WALLET WAS HANDED TO ME BY DEPUTY JOLLY.

22 Q OKAY. AND YOU DON'T KNOW WHETHER IT WAS IN HIS PANTS
23 POCKET BEFORE OR WHETHER IT WAS ON THE CRIME SCENE?

24 A I DO NOT.

25 Q YOU AND I CAN AGREE THAT THE LETTERS WERE NOT FOUND

1 LAYING OUT AT THE CRIME SCENE BECAUSE YOU FOUND THEM IN
2 THE WALLET?

3 A THAT'S CORRECT.

4 Q NOW, YOU ASKED HIM WHERE HE WANTED TO START. HE TOLD
5 YOU HE WANTED TO START AT THE BEGINNING?

6 A HE ACTUALLY ASKED ME WHERE I WANTED HIM TO START.

7 Q AND YOU TOLD HIM --

8 A HE OFFERED ME TWO CHOICES, EITHER STARTING WITH WHAT
9 HAD HAPPENED THAT DAY, OR THE BEGINNING OF THE
10 RELATIONSHIP WITH MARANDA.

11 Q AND HE STARTED AT THE BEGINNING OF THE RELATIONSHIP
12 WITH MARANDA?

13 A THAT'S CORRECT.

14 Q AND HE SHARED WITH YOU SOME DETAILS ABOUT THEIR
15 RELATIONSHIP?

16 A YES, SIR.

17 Q AND HE SHARED WITH YOU ABOUT -- AND LET'S JUST, FOR
18 SAKE OF BREVITY AND PURPOSES OF EVERYBODY IN THE
19 COURTROOM, THAT IT WAS A -- WE CAN AGREE THAT THERE WAS,
20 AT LEAST ACCORDING TO HIS STATEMENT, THERE WAS SOME
21 FRICTION IN THE RELATIONSHIP?

22 A YES, SIR.

23 Q HE ALSO SHARED WITH YOU ABOUT AN INCIDENT WHERE THE
24 TWO -- WELL, WHERE HE HIT HER; IS THAT RIGHT?

25 A THAT'S RIGHT, SIR.

1 Q IN THE PARKING LOT AT THE BI-LO?

2 A YES, SIR.

3 Q AND HE SHARED THAT WITH YOU?

4 A THAT'S RIGHT.

5 Q YOU WEREN'T INVOLVED IN THAT INVESTIGATION?

6 A NOT AT ALL, SIR.

7 Q BUT AS A RESULT OF THE INVESTIGATION HE HAD WITH YOU,
8 IT BECAME CLEAR TO YOU THAT THERE HAD BEEN AN INCIDENT
9 WHERE HE HAD HIT HER?

10 A YES.

11 Q AND DO YOU RECOGNIZE THIS PICTURE?

12 A I HAVE NOT SEEN THAT PICTURE.

13 MR. NETTLES: MAY I MARK THIS DEFENDANT'S EXHIBIT FOR
14 IDENTIFICATION AT THIS POINT?

15 (DEFENDANT'S EXHIBIT NUMBER 3 IS MARKED FOR
16 IDENTIFICATION.)

17 Q WHILE YOU DON'T RECOGNIZE THAT PICTURE, IT WAS CLEAR
18 FROM HIS MOUTH THAT THERE HAD BEEN A PROBLEM?

19 A YES, SIR.

20 Q THAT HE HAD HIT HER?

21 A YES.

22 Q AND HE HAD BEEN ARRESTED FOR IT?

23 A YES.

24 Q YOU PROBABLY HEARD ABOUT THAT DURING THE COURSE OF
25 INVESTIGATION?

1 A NOT UNTIL HE TOLD ME.

2 Q NOW, HE ALSO TOLD YOU THAT THIS GUN HE PURCHASED WAS
3 A GUN THAT WAS PURCHASED IN OCTOBER?

4 A YES, SIR.

5 Q AND THAT WAS SOME TIME BEFORE HE EVEN MET HER?

6 A I'M NOT FAMILIAR WITH THE TIMETABLE, SIR.

7 Q NOW, LET'S TALK FOR A SECOND ABOUT SOME OF THE THINGS
8 THAT HE TALKED ABOUT IN TERMS OF THIS CRIME. OKAY? HE
9 TOLD YOU HE LEFT HOME AT 4:00 IN THE MORNING, THAT
10 MORNING?

11 A YES, SIR.

12 Q THAT HE LEFT HIS HOUSE AT 4:00 IN THE MORNING AND HE
13 HAD HIS SHOTGUN IN THE CAR AND HE WAS DRIVING AROUND?

14 A YES, SIR.

15 Q AND YOU AT SOME POINT WENT TO HIS HOUSE?

16 A I DID.

17 Q AND SO HIS HOUSE, I MEAN, IT'S NOT FIVE HOURS FROM
18 THE BI-LO?

19 A IT'S NOT FIVE HOURS FROM THE BI-LO.

20 Q IT'S 20 MINUTES, A HALF HOUR?

21 A AT MOST. YES, SIR.

22 Q AND SO HE DIDN'T GET TO BI-LO UNTIL NINE THAT
23 MORNING?

24 A THAT MORNING.

25 Q SO, HE TOLD YOU THAT FOR FIVE HOURS HE WAS DRIVING

1 AROUND?

2 A YES, SIR.

3 Q AND HE TOLD YOU THAT WHEN HE GOT TO THE STORE, THAT
4 HE DIDN'T KNOW WHAT HE WAS GOING TO DO?

5 A THAT'S WHAT HE SAID.

6 Q AND THAT HE WANTED TO TALK TO HER?

7 A YES, SIR.

8 Q AND THAT HE -- THAT HIS ORIGINAL PLAN WAS TO PUT THE
9 GUN DOWN AND LET HER GO IF HE GOT TO TALK TO HER?

10 A YES, SIR.

11 Q ALL RIGHT. NOW, HE TOLD YOU ABOUT -- ARE YOU
12 FAMILIAR WITH ANY OF THE ITEMS AND WHERE THEY WERE FOUND
13 IN THE BI-LO?

14 A NO, SIR.

15 Q YOU'RE NOT FAMILIAR WITH HER EARRING WAS FOUND,
16 APRON, SHIRT, ANYTHING LIKE THAT?

17 A NO.

18 Q YOU HAVEN'T REVIEWED THE CASE FILE?

19 A NO.

20 Q DID YOU DO ANYTHING ON THE GUNSHOT RESIDUE OF HER
21 HANDS?

22 A I DID NOT.

23 Q YOU INTERVIEWED -- I MEAN, YOU INTERVIEWED CHRIS,
24 THIS INTERVIEW THAT WE TALKED ABOUT HERE THAT YOU
25 PUBLISHED WAS THE FIRST TIME THAT YOU INTERVIEWED CHRIS ON

1 THE DAY THAT THIS TOOK PLACE?

2 A YES, SIR.

3 Q NOW, SEVERAL HOURS LATER YOU WERE INVOLVED IN ANOTHER
4 INTERVIEW WITH HIM?

5 A I SAT IN ON ANOTHER INTERVIEW. YES, SIR.

6 Q THAT INTERVIEW YOU WERE IN THE ROOM WITH CHRIS AND A
7 PSYCHIATRIST, RIGHT?

8 A THAT'S CORRECT.

9 Q DR. PAM CRAWFORD?

10 A THAT'S CORRECT.

11 Q WHO HAD BEEN SENT UP HERE FROM COLUMBIA.

12 A THAT'S CORRECT.

13 Q AND SHE WORKS FOR SLED.

14 A THAT'S CORRECT.

15 Q SHE'S A PSYCHIATRIST THAT WORKS FOR SLED?

16 A YES.

17 Q AND, LIKE I SAID, THIS IS A DIFFERENT INTERVIEW FROM
18 THIS INTERVIEW, RIGHT?

19 A THAT'S CORRECT.

20 Q BUT IN THAT SECOND INTERVIEW, AGAIN, HIS RIGHTS WERE
21 READ TO HIM, CORRECT?

22 A YES. YES, SIR.

23 Q AND HE KNEW THAT HE DIDN'T HAVE TO TALK TO YOU AND
24 DR. CRAWFORD THE SECOND TIME?

25 A THAT'S CORRECT.

1 Q AND THEN DR. CRAWFORD BEGAN THIS LENGTHY INTERVIEW
2 THAT YOU SAT IN ON, CORRECT?

3 A YES, SIR.

4 Q AND HE TOLD YOU ALL THERE WAS SOME QUESTIONS ABOUT,
5 YOU KNOW, WHAT WAS HIS FAMILY LIFE LIKE, RIGHT?

6 A WE DISCUSSED THAT, YES, SIR.

7 Q AND HE TOLD YOU ALL THAT HIS MOM DRANK NINE TO TEN
8 GLASSES OF WINE A DAY?

9 A I DON'T BELIEVE AT THIS POINT I CAN SPEAK TO THE
10 SPECIFICS OF THAT INTERVIEW. WHILE I SAT IN ON IT, I
11 DIDN'T TAKE ANY NOTES. I HAVEN'T LOOKED AT A TRANSCRIPT
12 OF IT. IF I LOOKED AT IT AT ALL, I HAVEN'T LOOKED AT A
13 TRANSCRIPT OF IT SINCE SEPTEMBER OR OCTOBER OF 2003.

14 Q DID YOU LOOK AT THE TRANSCRIPT?

15 A I'M SURE THAT I HAD WHEN IT WAS FIRST TYPED.

16 Q IF I SHOW YOU THE TRANSCRIPT, WOULD IT REFRESH YOUR
17 RECOLLECTION?

18 A SIMPLY TO THE POINT WHERE I COULD READ FROM THE
19 TRANSCRIPT AND TELL YOU THAT I WAS THERE.

20 Q HANG ON, LET ME SHOW IT TO YOU.

21 MAY I APPROACH THE WITNESS, YOUR HONOR?

22 THE COURT: SURE.

23 Q DO YOU RECOGNIZE THAT AS THE TRANSCRIPT OF DR. PAM
24 CRAWFORD?

25 A YES, SIR.

1 Q IS THAT THE TRANSCRIPT THAT YOU REVIEWED AT SOME
2 POINT AFTER HE WAS INTERVIEWED?

3 A IT APPEARS TO BE. YES, SIR.

4 Q I DIRECT YOUR -- I'M GOING TO ASK YOU TO LOOK AT PAGE
5 FOUR.

6 A YES, SIR.

7 Q READ THERE, ACTUALLY I THINK IT'S HIGHLIGHTED.

8 A READ THE HIGHLIGHTED?

9 Q NO, I DON'T WANT YOU TO READ IT OUT LOUD. JUST READ
10 IT TO YOURSELF.

11 A YES, SIR.

12 Q DOES THAT REFRESH YOUR RECOLLECTION AS TO THAT HE
13 TOLD YOU ALL THAT HIS MOM DRANK BETWEEN NINE AND TEN
14 GLASSES OF WINE A DAY?

15 A YES, SIR.

16 Q NOW, HE ALSO TOLD YOU ALL THAT HE GOT IN TROUBLE AT
17 SCHOOL FOR INTERRUPTING CLASSES, ET CETERA? HE GOT IN TWO
18 FIGHTS DURING SCHOOL, BUT NEVER USED A WEAPON; AND HE HAD
19 BEEN INVOLVED IN SOME SHOPLIFTING; HE TOLD YOU THAT,
20 DIDN'T HE?

21 A AGAIN HE WAS -- IF IT'S IN THERE, I WAS THERE FOR THE
22 INTERVIEW; BUT IF YOU WANT TO DIRECT ME TO THE PAGE WHERE
23 I CAN READ IT.

24 Q PAGE 12. LET ME ASK YOU THE QUESTION AGAIN. HAVING
25 READ THAT, DOES IT REFRESH YOUR RECOLLECTION AS TO WHAT HE

1 TOLD YOU ABOUT BEING IN TROUBLE AT SCHOOL, GETTING IN A
2 FIGHT AT SCHOOL?

3 A YES, SIR.

4 MR. ARIAIL: I DON'T WANT TO INTERRUPT.

5 THE COURT: DO YOU HAVE A LEGAL OBJECTION?

6 MR. ARIAIL: IT SHOULD BE INTRODUCED AS AN EXHIBIT
7 BEFORE IT'S PUBLISHED TO THE JURY.

8 THE COURT: I DON'T THINK HE HAS TO INTRODUCE IT IN
9 EVIDENCE. HE'S ASKING QUESTIONS.

10 MR. NETTLES: I'LL BE HAPPY TO INTRODUCE IT IN
11 EVIDENCE.

12 MR. ARIAIL: I SAY WE INTRODUCE THE WHOLE THING.

13 MR. NETTLES: THAT'S FINE. DO YOU HAVE A CLEAN COPY?

14 THE COURT: DEFENSE FOUR ADMITTED WITHOUT OBJECTION.

15 MR. MAULDIN, WOULD YOU GIVE ME A LIST OF ALL YOUR
16 EXHIBITS, PLEASE?

17 MR. MAULDIN: YES, SIR.

18 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 4 WAS MARKED FOR
19 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

20 BY MR. NETTLES:

21 Q ON PAGE 15 DO YOU AGREE WITH ME DURING THE INTERVIEW
22 YOU TOLD ME HE CHARACTERIZED HIMSELF IN YOUR INTERVIEW AS
23 AN EVIL CHILD WHO ALWAYS FELT LIKE A BAD PERSON. DO YOU
24 AGREE WITH ME ON THAT?

25 A YES, SIR.

1 Q AND IF WE GO ON DOWN TO PAGE 16, HE TOLD YOU ALL A
2 RATHER UNSETTLING THING, THAT AS A CHILD HE GOT PLEASURE
3 OUT OF SEEING PEOPLE IN PAIN?

4 A WHAT'S IN HERE IS NOT EXACTLY WHAT YOU SAID.

5 Q OKAY. WELL, READ EXACTLY WHAT IT SAYS.

6 A "LIKE IT'S KIND OF LIKE, I DON'T KNOW, ALMOST LIKE I
7 GOT PLEASURE OUT OF SEEING PEOPLE IN PAIN."

8 Q OKAY. AND ON PAGE 19, HE TOLD YOU ALL HE NEVER HAD A
9 LOT OF FRIENDS?

10 A YES, SIR.

11 Q AND ON PAGE 21, HE TOLD YOU IT WASN'T THE TRUTH ABOUT
12 GRADUATING FROM HIGH SCHOOL. WHENEVER HE GAVE THE
13 STATEMENT, WHEN HE SAID HE GRADUATED FROM HIGH SCHOOL, HE
14 DIDN'T GRADUATE FROM HIGH SCHOOL, DID HE? ACCORDING TO
15 HIM, IN THAT STATEMENT? TWENTY AND 21, SO THAT'S GOING TO
16 BE THE BOTTOM OF 20, THE BEGINNING OF 21.

17 A I'M NOT SEEING WHERE IT INDICATES HE DID NOT
18 GRADUATE.

19 Q WE CAN COME BACK TO THAT. ALL RIGHT.

20 ON PAGE 29, HE TOLD YOU ALL SOME STUFF ABOUT -- LET'S
21 GO ON TO PAGE 30. TALK ABOUT THE ABORTION DISCUSSION,
22 WHEN HE STARTS TALKING ABOUT THE FACT THAT HE BELIEVED
23 THAT SHE HAD HAD AN ABORTION, CORRECT?

24 A YES, SIR.

25 Q AND ON PAGE 34, HE TALKS ABOUT, THERE'S SOME

1 DISCUSSION -- HE AND DOCTOR ARE GOING BACK AND FORTH
2 ABOUT, IN DISCUSSION, AND HE JUST BASICALLY SAYS THAT HE
3 WISHES HE COULD HAVE DISCUSSED THE FACT THAT HE BELIEVED
4 SHE HAD AN ABORTION BEFORE IT HAPPENED, RIGHT?

5 A YES, SIR.

6 Q AND PAGE 35, HE TALKED ABOUT HOW HE AT LEAST WANTED
7 AN EXPLANATION FROM MARANDA ABOUT WHY HER FEELINGS FOR HIM
8 HAD CHANGED?

9 A YES, SIR.

10 Q NOW, PAGE 35 THROUGH 37, YOU WOULD AGREE WITH ME THAT
11 HE ONCE AGAIN FREELY AND VOLUNTARILY TALKED ABOUT, BECAUSE
12 HE WAS ASKED ABOUT THE HISTORY OF ALL THIS, ABOUT THE
13 INCIDENT THAT TOOK PLACE IN THE BI-LO PARKING LOT, WHEN HE
14 HIT HER?

15 A YES, SIR.

16 Q ON PAGE 34, THE DOCTOR -- I MEAN, I'M SORRY, 41. I
17 APOLOGIZE. I'M TRYING TO GO -- PAGE 41, THE DOCTOR TALKED
18 ABOUT -- JUST LET ME KNOW WHEN YOU'RE THERE.

19 A SOME OF THEM AREN'T NUMBERED, BUT I BELIEVE I'M ON
20 THE RIGHT PAGE.

21 Q THERE'S SOME TALK ABOUT WHAT HE FANTASIZED ABOUT WITH
22 THE DOCTOR. RIGHT, THE DOCTOR WAS ASKING?

23 A YES, SIR.

24 Q HE SAID, "I NEVER FANTASIZED LIKE, LIKE HURTING HER,"
25 IN RESPONSE TO A FAIRLY LENGTHY QUESTION ABOUT

1 FANTASIZING, RIGHT?

2 A YES, SIR.

3 Q BUT HE DID SAY ON PAGE 42, THAT IN THE PAST HE HAD
4 THOUGHT ABOUT SHOOTING HER AND DONE SO PRETTY MUCH IN
5 DETAIL?

6 A YES, SIR.

7 Q AND ON PAGE 43, HE TALKS ABOUT HOW THE DOCTOR TALKED
8 TO HIM ABOUT WHETHER HE HAD BEEN STALKING HER AT HER HOUSE
9 AND STUFF LIKE THAT, RIGHT? PAGE 43?

10 A YES, SIR.

11 Q AND HE SAID AT ONE POINT SAID HE THOUGHT ABOUT
12 WAITING AT HER HOUSE, BUT HE DIDN'T WANT TO INVOLVE OR
13 HURT HER FAMILY; THOUGHT ABOUT DOING IT AT A BAR WHEN SHE
14 WAS LEAVING A BAR ONE NIGHT?

15 A YES, SIR.

16 Q AND PAGE 44, HE GOES BACK AFTER HAVING SAID ALL THAT
17 AND HE SAYS HE WASN'T REALLY SURE WHAT HE WAS GOING TO DO
18 ON 9/3/03, WHICH IS WHEN THIS HAPPENED, HE HADN'T
19 COMPLETELY MADE UP HIS MIND TO GO IN THERE AND SHOOT HER,
20 DIDN'T THINK THINGS WOULD TURN OUT AS THEY DID? THAT'S ON
21 PAGE 44.

22 A YES, SIR.

23 Q SO THEN ON PAGE 46, DR. CRAWFORD FROM SLED, AND
24 THAT'S SOUTH CAROLINA LAW ENFORCEMENT DIVISION, RIGHT?

25 A YES, SIR.

1 Q AND THAT'S SORT OF A STATEWIDE LAW ENFORCEMENT
2 DIVISION, RIGHT?

3 A YES, SIR.

4 Q AND ON PAGE 46, HE WAS ASKED, SHE ASKED, "SO, LAST
5 NIGHT," THE DOCTOR ASKED, "SO, LAST NIGHT YOU DECIDED TO
6 KILL HER?"

7 AND HE SAID, "YEAH?"

8 A YES, HE DID.

9 Q THAT'S A LITTLE BIT INCONSISTENT ABOUT WHAT HE SAID
10 EARLIER IN THE STATEMENT, RIGHT? BECAUSE EARLIER IN THE
11 STATEMENT HE SAID HE DIDN'T KNOW WHAT HE WAS GOING TO DO
12 WHEN HE WENT IN THERE, RIGHT?

13 A HE DID SAY THAT.

14 Q AND THEN SHE SAYS ON PAGE 47, STILL IN RESPONSE TO A
15 QUESTION FROM THE DOCTOR, HE SAYS -- SHE SAYS, "SO, YOU
16 WEREN'T GOING TO LET HER OUT?"

17 AND HE ANSWERS, "UM, NO, NO. NOT ONCE" -- DOESN'T
18 GET TO FINISH. QUESTION, "SO, WERE YOU GOING TO LET HER
19 GO?"

20 "UH, UH, NO. I WAS NOT GOING TO LET HER OUT."

21 A CORRECT.

22 Q AND THAT'S KIND OF INCONSISTENT WITH WHAT HE SAID
23 EARLIER IN THAT STATEMENT, RIGHT?

24 A IT'S NOT CONSISTENT WITH THE PREVIOUS STATEMENT. NO,
25 SIR.

1 Q AND THEN SAYS ON PAGE 48, HE FINALLY DECIDED TO SHOOT
2 HER WHEN THEY WERE LEAVING THE MANAGER'S OFFICE. SHE SAID
3 THE SMOKE WAS BOTHERING HER, SHE GRABBED THE GUN, SHE
4 PULLED THE SAFETY OFF, SHE SQUEEZED THE TRIGGER. HE WAS
5 WORRIED SHE WAS GOING TO GET THE GUN AND TURN IT ON HIM.
6 SHE STARTED TO RUN, HE GRABBED AT HER, AND THIS IS WHEN
7 HER SHIRT TORE OFF, RIGHT?

8 A YES, SIR.

9 Q THAT'S CONSISTENT WITH WHAT HE SAID IN THE STATEMENT
10 HE GAVE YOU, CORRECT?

11 A YES, IT IS.

12 Q NOW, HE ALSO SAYS ON PAGE 49, THAT HE TOLD THE
13 HOSTAGE NEGOTIATORS 45 MINUTES BECAUSE HE WANTED TO DRAG
14 IT OUT AS LONG AS POSSIBLE?

15 A YES, SIR.

16 Q AND THEN HE OFFERED TO KILL HER IN DIFFERENT WAYS,
17 RIGHT?

18 A YES.

19 Q ON PAGE 50, HE SAYS SHE WANTED TO BE STRANGLER. HE
20 STARTED AND THE NEGOTIATOR CALLED, AND THAT IS WHEN SHE
21 WAS SCREAMING THAT HE'S GOING TO KILL ME?

22 A YES.

23 Q NOW, YOU WERE IN HERE WHENEVER WE PLAYED THE HOSTAGE
24 NEGOTIATOR'S TAPE, RIGHT?

25 A YES, I WAS.

1 Q AND THERE WAS A POINT IN THE HOSTAGE NEGOTIATION TAPE
2 SHE WAS SCREAMING?

3 A YES.

4 Q AND HE TOLD US THERE WHAT WAS GOING ON, DIDN'T HE?

5 A HE DID.

6 Q AND SHE WAS BEGGING HIM NOT TO DO IT?

7 A YES.

8 Q AND THE HOSTAGE NEGOTIATOR ASKED HIM -- AND THIS IS
9 PAGE 50 AND 51. SO, IT WOULD BE THE BOTTOM OF 50, AND TOP
10 OF 51. "DID YOU WANT TO TORTURE HER?"

11 AND HE SAYS, "NO, I DIDN'T WANT TO TORTURE HER,"
12 RIGHT?

13 A YES, SIR.

14 Q THAT'S WHAT HE TOLD YOU ALL. 52, THERE'S DISCUSSION
15 ON PAGE 51 THAT CONTINUES OVER TO PAGE 52, AND HE ASKED
16 ABOUT TORTURE, AND HE FINALLY SAYS, "WHAT SHE DID WAS BAD
17 ENOUGH TO BE KILLED; BUT NOT TORTURED." HE THOUGHT IT
18 WOULD BE EXHILARATING PLEASURE TO SHOOT HER, BUT IT
19 WASN'T?

20 A YES, SIR.

21 Q AND ON 53 HE TALKS ABOUT -- HE TALKS ABOUT THE FACT
22 THAT HE DIDN'T WANT TO BE IN JAIL FOR THE REST OF HIS
23 LIFE, SO HE PUT THE BARREL OF THE GUN IN HIS MOUTH, RIGHT?

24 A YES, SIR.

25 Q AND HE SAID, LAST NIGHT HE WAS ALL EXCITED ABOUT, HE

1 WAS GOING TO DO THIS. LAST NIGHT HE WAS ALL EXCITED ABOUT
2 HE WAS GOING TO DO THIS. IT WAS GOING TO BE THE BEST
3 THING IN THE WORLD. "I WOULD HAVE BEEN DEAD IF IT WOULD
4 NOT HAVE BEEN FOR THE ONE SHOT SHE FIRED," RIGHT?

5 A YES, SIR.

6 Q HE SAID ON PAGE 54, WHEN TALKING ABOUT HIS SLEEP
7 PATTERN, HE HAD NOT SLEPT RECENTLY. IT HAD BEEN VERY
8 SPORADIC SLEEPING, CORRECT?

9 A YES, SIR.

10 Q THAT'S WHAT HE TOLD YOU ALL. AND HE WAS THINKING
11 ABOUT WHAT HE WAS GOING TO DO ABOUT THE WHOLE SITUATION,
12 24 HOURS A DAY?

13 A YES, SIR.

14 Q HE WAS THINKING ABOUT KILLING HER AND THAT ALL
15 STARTED AFTER THE INCIDENT WHERE HE HIT HER IN THE BI-LO?

16 A YES, SIR.

17 Q ON PAGE 55 THERE'S SOME QUESTIONS, VERY POINTED
18 QUESTIONS, ABOUT WHETHER HE HAD HAD ANY PLANS TO BE
19 INVOLVED WITH HER AT ALL SEXUALLY. AND HE SAID HE NEVER
20 EVEN THOUGHT ABOUT DOING ANYTHING SEXUAL WITH HER, RIGHT?

21 A YES.

22 Q THAT'S ON PAGE 55. FIFTY-SIX THROUGH 58 HE TELLS YOU
23 IN DETAIL, PAGE 56 THROUGH PAGE 58, ABOUT THE SUICIDE
24 ATTEMPT THAT HE HAD TRIED? I'M NOT TALKING ABOUT THE ONE
25 IN THE BI-LO, THE SLEEPING PILLS OR THE SHOTGUN IN THE

1 BI-LO, I'M TALKING ABOUT THE SUICIDE ATTEMPT WHERE HE TOOK
2 A BUNCH OF HIS MOTHER'S MEDICATION, AND THEY HAD TO TAKE
3 HIM TO THE HOSPITAL. HE TELLS YOU ABOUT THAT, DOESN'T HE?

4 A YES, HE DOES.

5 Q AND MANDY CALLED CHRIS, HE SAYS SHE CALLED HIM EITHER
6 THE DAY BEFORE OR THE DAY AFTER THE ASSAULT IN THE PARKING
7 LOT, WHEN HE HIT HER IN THE PARKING LOT?

8 A WHAT PAGE ARE YOU ON, SIR?

9 Q YEAH, THAT'S FAIR ENOUGH QUESTION, 58.

10 A THIS INDICATES THAT HIS MOM CALLED HER.

11 Q LET'S GO TO PAGE 61. THERE WAS -- SORRY, LET ME KNOW
12 WHEN YOU GET THERE.

13 A YES, SIR.

14 Q THERE WAS SOME QUESTIONING ABOUT WHY HE HAD WANTED
15 THE SLEEPING PILLS, RIGHT? HE SAID HE WAS PLANNING ON
16 KILLING HIMSELF WITH THE SLEEPING PILLS, THAT HE DIDN'T
17 WANT TO GO TO JAIL. THAT'S ON PAGE 61 AND 62?

18 A YES, SIR.

19 Q AND ON PAGE 62, THERE'S SOME QUESTIONING FROM THE
20 DOCTOR THAT'S QUESTIONING HIM WITH YOU, AND SHE SAYS,
21 BEFORE -- SHE KIND OF QUESTIONS HIM, "BEFORE YOUR
22 STATEMENT -- THAT BEING THE STATEMENT THAT YOU GAVE -- HE
23 SOUNDED LIKE HE HADN'T MEANT TO KILL HER.

24 AND SHE SAYS, "BUT YOU HAD REALLY MEANT TO KILL HER?"

25 AND HE SAYS, "YEAH." IS THAT CLEAR -- NOT THE

1 CLEAREST QUESTION. YOU GET WHAT I'M SAYING?

2 I MEAN, IN OTHER WORDS, THE DOCTOR SAYS, "LOOK, AT
3 SOME POINTS IN YOUR QUESTIONS HERE TODAY, IT SOUNDS LIKE
4 YOU MIGHT NOT HAVE MEANT TO KILL HER; BUT NOW YOU'RE
5 TELLING US YOU DID MEAN TO KILL HER?

6 RIGHT? THAT'S WHAT HE SAYS IN THERE?

7 A YES.

8 Q AND THAT'S IN RESPONSE TO THE QUESTIONING OF THE
9 PSYCHIATRIST THAT WAS BROUGHT UP HERE FROM COLUMBIA THAT
10 WORKS FROM SLED?

11 A YES, SIR.

12 Q NOW, AND THEN SHE SAYS -- AND THEN -- IN RESPONSE TO
13 HER QUESTION HE SAYS, "YOU COULD DEFINITELY SAY IT WAS
14 PREMEDITATED. I DID NOT FEEL SORRY FOR HER WHEN SHE WAS
15 PLEADING FOR HER LIFE"? AND THAT'S ON PAGE 63?

16 A YES, SIR, I SEE THAT.

17 Q NOW ON PAGE 66, HE TALKS ABOUT THE WALLET. LET ME
18 KNOW WHEN YOU GET THERE, WHEN YOU GET TO PAGE 66.

19 A YES, SIR.

20 Q ON PAGE 66 HE SAYS, AND HE TALKS ABOUT THESE LETTERS
21 THAT ARE FOUND IN HIS WALLET, RIGHT? ON PAGE 66?

22 A THEY'RE NOT MARKED. I JUST HAVE TO MAKE SURE I'M ON
23 THE RIGHT PAGE. YES, SIR.

24 Q AND SO, YOU -- THESE ARE THE ONLY LETTERS THAT WERE
25 FOUND IN ANY WALLETS. SO WHENEVER -- WE CAN ASSUME

1 WHENEVER THE LETTERS HE'S TALKING ABOUT THERE ARE THE
2 LETTERS THAT YOU FOUND?

3 A YES, SIR.

4 Q AND HE SAYS THERE THAT HE DIDN'T SHOW HER LETTERS,
5 RIGHT?

6 A THAT'S RIGHT.

7 Q AND THAT THEY WERE IN HIS WALLET THE WHOLE TIME AND
8 HE DIDN'T ASK HER ABOUT THE CHOICES HE GAVE HER IN THE
9 LETTER, LETTERS?

10 A CORRECT.

11 Q OKAY. ON PAGE 67, ON PAGE 67 THE PSYCHIATRIST IS IN
12 SOME WAYS KIND OF GUIDING THIS SITUATION. SHE'S ASKING
13 QUESTIONS, HE'S ANSWERING?

14 A YES.

15 Q WHICH IS A LITTLE DIFFERENT THAN THE INTERVIEW YOU'RE
16 DOING, BECAUSE YOU BASICALLY SAID, WHAT HAPPENED; AND WITH
17 THE EXCEPTION OF THE STUFF AT THE BOTTOM, HE PRETTY MUCH
18 TOLD YOU?

19 A THAT'S CORRECT.

20 Q THIS WILL BE IN EVIDENCE, THE JURY CAN LOOK AT IT.
21 ON THIS THERE'S A QUESTION AND ANSWER, QUESTION AND
22 ANSWER, QUESTION AND ANSWER, RIGHT?

23 A YES.

24 Q NOW, IN HERE THERE'S SOME QUESTIONING ABOUT SHE GOES
25 BACK AND STARTS TALKING ABOUT THE SEX AGAIN, ABOUT WHETHER

1 HE WAS THERE TO HAVE SEX; AND HE AGAIN DENIES, IT WASN'T
2 HIS INTENTION TO HAVE SEX WITH HER, AND THAT IT NEVER CAME
3 UP. IT WAS NOT HIS INTENTION, RIGHT?

4 A YES, SIR.

5 Q AND HE AGAIN SAYS THAT IF IT HADN'T BEEN FOR HER
6 SHOOTING THE GUN WHEN THEY STRUGGLED, RIGHT -- I'M ON PAGE
7 67.

8 A YES, SIR.

9 Q THERE MIGHT HAVE BEEN A CHANCE SHE COULD HAVE GOTTEN
10 OUT OF THERE?

11 A YES, SIR.

12 Q ONCE HE WENT IN THERE, HE HAD ALREADY CROSSED A
13 CERTAIN LINE, BUT HE WAS CHANGING HIS MIND BACK AND FORTH?

14 A YES, SIR.

15 Q AND THAT -- THERE'S GOING TO BE A REFERENCE TO
16 ANOTHER LETTER THAT WAS FOUND THAT WAS LIKE ONE OF THOSE
17 LIKE LITTLE RANSOM LETTERS WHERE YOU CUT DIFFERENT LETTERS
18 OUT OF -- HAVE YOU SEEN THAT LETTER YET?

19 A I HAVE.

20 Q OKAY. HE TALKS ABOUT THAT LETTER THAT WAS FOUND.
21 YOU KNOW WHAT LETTER I'M REFERRING TO, RIGHT, WHERE THEY
22 CUT DIFFERENT LETTERS OUT OF MAGAZINES?

23 A I DO.

24 Q AND HE TALKED ABOUT THAT. HE SAID HE CUT OUT THE
25 LETTERS TO SCARE HER, BUT HE REALIZED THAT IT WAS NOT SUCH

1 A GOOD IDEA?

2 A YES, SIR.

3 Q OKAY. HE TALKED FOR A WHILE WITH HER ABOUT THEY
4 WERE -- THE JURY IS GOING TO HEAR TESTIMONY ABOUT A LIST
5 OF ITEMS THAT WAS FOUND IN THERE AND HE TALKED ABOUT HE
6 JUST WANTED TO GO LIVE IN THE WOODS BY HIMSELF. AND HE
7 GAVE YOU A FAIRLY LENGTHY DISCUSSION ABOUT THAT, CORRECT?

8 A YES.

9 Q ON PAGE 70. AND THEN TOLD YOU AGAIN ON PAGE 71,
10 WHICH IS CONSISTENT WITH WHAT HE TOLD YOU IN HIS
11 STATEMENT, THAT HE BOUGHT THE GUN BACK IN OCTOBER?

12 A YES, SIR.

13 Q AND SO, YOU GO BACK TO PAGE 76. I'M SORRY, START
14 WITH 75. HE SAYS, WHEN HE GOT TO THE BI-LO, IT WAS LIKE
15 SOMETHING DIDN'T WANT TO LEAVE, RIGHT? HE RAN OUT OF GAS.
16 IT SCARED HIM, RIGHT?

17 A YES, SIR.

18 Q BECAUSE IF SHE CAME OUTSIDE, SHE WOULD SEE THE CAR,
19 CALL THE COPS, AND HE WAS GOING TO JAIL?

20 A YES, SIR.

21 Q AND THEN ON PAGE 67 HE SAYS HE WENT TO THE BI-LO
22 PARKING LOT ONE OTHER TIME WITH ALL THE GEAR, HE HAD GIVEN
23 UP, HE WAS DRIVING AWAY.

24 THE COURT: SIXTY-SEVEN OR SEVENTY-SIX?

25 MR. NETTLES: SEVENTY-SIX, I APOLOGIZE. I'M MILDLY

1 DYSLEXIC. I KNOW, I'M TIRED, 76. I'M SORRY.

2 A YES, SIR.

3 Q HE WENT TO THE BI-LO PARKING LOT ONE OTHER TIME WITH
4 ALL THE GEAR HE HAD GIVEN UP, HE WAS DRIVING AWAY, AND SHE
5 FINALLY CAME. HE WAS NOT GOING TO TALK TO HER, HE WAS
6 GOING TO SHOOT HER, RIGHT?

7 A YES.

8 Q AND HE TOLD YOU HOW HE GOT THE BI-LO SCHEDULE, ON
9 PAGE 77, THE BI-LO SCHEDULE THAT HAS BEEN MOVED INTO
10 EVIDENCE?

11 A YES.

12 Q HE TOLD YOU HE WALKED INTO THE BI-LO AND GOT IT,
13 RIGHT?

14 A YES, SIR.

15 Q HE TALKED ABOUT ON PAGE 78 HOW HE BASICALLY STALKED
16 HER FOR THREE WEEKS.

17 A YES, SIR.

18 Q NOW, YOU ENDED THAT INTERVIEW, CHRIS DIDN'T END IT,
19 RIGHT? THE INTERVIEW BETWEEN YOU AND DR. CRAWFORD AND
20 CHRIS, RIGHT?

21 A CHRIS DIDN'T END IT. DR. CRAWFORD --

22 Q THAT'S WHAT I'M SAYING. I MEAN, CHRIS DIDN'T END IT.
23 I DIDN'T MEAN TO -- DR. CRAWFORD SAID, "OKAY, THAT'S
24 ENOUGH, LET'S END," RIGHT?

25 A RIGHT.

1 Q AND THAT INTERVIEW YOU AND I JUST TALKED ABOUT LASTED
2 A VERY LONG TIME, WOULD YOU AGREE WITH ME?

3 A APPROXIMATELY A COUPLE OF HOURS.

4 Q COUPLE OF HOURS. NOW, LET'S TALK ABOUT SOMETHING
5 ELSE, TOO. DID YOU SPEAK WITH, WHEN THE TWO OFFICERS --
6 WE'RE GOING TO MOVE ONTO ANOTHER SUBJECT SO YOU KNOW I'M
7 NOT TALKING ABOUT THIS ANYMORE. OKAY?

8 A YES, SIR.

9 Q WHEN YOU MOVED, WHEN YOU -- WHEN THE OFFICERS BROUGHT
10 HIM UP AND YOU SAW HIM, AFTER HE HAD BEEN ARRESTED, THE
11 TWO OFFICERS, JOLLY AND RACKLEY, BROUGHT HIM UP, CORRECT?

12 A CORRECT.

13 Q AND THAT'S WHO YOU KIND OF TOOK CUSTODY OF HIM FROM?

14 A SIMPLY JOINED THEM IN GETTING HIM UPSTAIRS. WE ALL
15 STAYED TOGETHER.

16 Q DID YOU AT ANY POINT LEARN ABOUT ANY SUICIDE ATTEMPT
17 THAT CHRIS HAD TRIED WHILE HE WAS UNDER ARREST?

18 A NOT AT THAT POINT. NO, SIR.

19 Q DID YOU LEARN ABOUT IT AT ANY POINT?

20 A I LEARNED ABOUT A REMARK HE MADE TO ONE OF THE
21 DEPUTIES.

22 Q AND THE GIST OF THAT REMARK WAS, YOU KNOW, WHAT WOULD
23 HE HAVE TO DO TO GET HIM TO SHOOT HIM?

24 A THAT'S CORRECT.

25 Q NOW, LET'S TALK A LITTLE BIT ABOUT YOU WENT -- WERE

1 YOU ON THE SEARCH THAT WENT TO HIS HOUSE?

2 A I WAS.

3 Q AND AT THAT TIME YOU WENT IN HIS ROOM AND SEARCHED
4 HIS ROOM?

5 A I ASSISTED IN THAT, YES, SIR.

6 MR. NETTLES: MAY I APPROACH THE WITNESS, YOUR HONOR?

7 THE COURT: YES, SIR.

8 MR. NETTLES: CAN YOU IDENTIFY THIS?

9 A YES, SIR.

10 Q AT THIS TIME, YOUR HONOR, WE'D ASK TO INTRODUCE THIS
11 JOURNAL AS THE DEFENSE --

12 THE COURT: WHAT IS IT?

13 MR. NETTLES: JOURNAL. DO YOU RECOGNIZE THIS TO BE
14 THE JOURNAL FOUND IN CHARLES CHRISTOPHER WILLIAMS' ROOM?

15 THE WITNESS: YES.

16 THE COURT: ANY OBJECTIONS FROM THE STATE?

17 MR. ARIAIL: NONE.

18 THE COURT: WOULD BE DEFENSE EXHIBIT NUMBER 5,
19 WITHOUT OBJECTION.

20 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 5 WAS MARKED FOR
21 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

22 MR. NETTLES: THANK YOU.

23 Q DO YOU RECOGNIZE THIS AS WELL?

24 A YES, SIR.

25 Q AND IS THAT THE PREVIOUSLY -- DURING YOUR

1 CONVERSATION, YOU AND I HAD TALKED ABOUT A LETTER THAT WAS
2 ONE OF THOSE LETTERS CUT OUT FROM DIFFERENT LETTERS LIKE A
3 MAGAZINE OR NEWSPAPER OR WHATEVER, AND YOU GLUE THE
4 LETTERS ON THERE, RIGHT?

5 A YES, SIR.

6 Q THAT'S WHAT YOU AND I WERE TALKING ABOUT?

7 A IT IS.

8 MR. NETTLES: I'D LIKE TO MARK THAT AS DEFENSE SIX.

9 THE COURT: ANY OBJECTION?

10 MR. ARIAIL: NONE.

11 THE COURT: DEFENDANT'S EXHIBIT 6 ADMITTED WITHOUT
12 OBJECTION.

13 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 6 WAS MARKED FOR
14 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

15 Q YOU WOULD AGREE WITH ME THAT IT WOULD BE SAFE TO SAY
16 THAT CHRIS HAD HAD A NEAT ROOM?

17 A SAY AGAIN?

18 Q A NEAT, A WELL-ORDERED ROOM?

19 A WITHOUT COMPLETE RECALL WHAT THE ROOM LOOKED LIKE,
20 OVERALL IT WAS FAIRLY NEAT. YES, SIR.

21 Q NOW, LET ME ASK YOU THIS. HE TOLD YOU -- AND WE'LL
22 MOVE ON TO ONE LAST SUBJECT. HE TOLD YOU IN HIS STATEMENT
23 THAT HE WASN'T INVOLVED IN DRUGS, RIGHT?

24 A HE DID, YES, SIR.

25 Q AND YOU SEARCHED HIS ROOM, AND HIS CAR WAS -- YOU

1 HELPED SEARCH HIS ROOM?

2 A YES, SIR.

3 Q NO, EVIDENCE OF ANY DRUGS?

4 A NO, SIR.

5 Q YOU HAVE NO EVIDENCE THIS YOUNG MAN WAS EVER INVOLVED
6 IN ANY KIND OF DRUGS?

7 A THAT'S CORRECT.

8 Q HIS CAR WAS SEARCHED?

9 A IT WAS.

10 Q YOU DIDN'T SEARCH IT, BUT HIS CAR WAS SEARCHED?

11 A IT WAS SEARCHED.

12 Q AND AT LEAST AS YOU REVIEWED THE CASE FILE, THERE'S
13 NO EVIDENCE HE WAS EVER INVOLVED IN ANY DRUGS?

14 A NOT THAT I CAN SEE, SIR.

15 Q LET ME TOUCH BASE WITH MY CO-COUNSEL. JUST A SECOND.

16 MR. NETTLES: NO FURTHER QUESTIONS. THANK YOU, YOUR
17 HONOR.

18 THE COURT: ANY REDIRECT?

19 MR. ARIAIL: YES, YOUR HONOR.

20 REDIRECT EXAMINATION

21 BY MR. ARIAIL:

22 Q MR. MCNAMARA, I DON'T WANT TO BELABOR THIS INTERVIEW
23 OF DR. CRAWFORD'S AT THIS TIME, BUT I WANT TO GO BACK AND
24 RESPOND TO SOME OF THOSE QUESTIONS. YOU WERE ASKED ABOUT
25 THE CONTENT OF THIS TWO-HOUR INTERVIEW JUST SO WE CAN

1 BALANCE A FEW POINTS. IF YOU DON'T MIND, LOOK AT PAGE 49.
2 IF YOU'LL BEAR WITH ME, THEY'RE NOT ALL MARKED.

3 A READY, SIR.

4 Q STARTED UP THERE AT THE TOP, WHERE IT'S GOT "CW" FOR
5 CHRIS WILLIAMS AND "PC" FOR PAM CRAWFORD. LOOKING AT THAT
6 PARTICULAR SECTION PAGE 49, THE SUBJECT MATTER IS A
7 DISCUSSION BETWEEN THE TWO AS TO OPTIONS OF MANNER OF
8 DEATH THAT HE WAS AFFORDING HER, GOING TO GIVE HER A
9 CHOICE. IS THAT WHAT THAT'S ABOUT?

10 A YES, IT IS.

11 Q AND YOU GET ABOUT THREE-QUARTERS OF THE WAY DOWN, AND
12 IT SAYS, CHRIS WILLIAMS SAYS, "I TOLD HER WHILE WE WERE
13 SITTING IN THAT ROOM, I ASKED HER WHAT SHE WANTED TO DO.
14 AND EVERY TIME I ASKED HER THAT, SHE STARTED CRYING AND
15 BEGGING, PLEADING, AND ALL OF THIS GOOD STUFF."

16 PAM CRAWFORD SAYS, "UH-HUH."

17 AND THEN CHRISTOPHER WILLIAMS SAYS, "SO, I TOLD HER I
18 SAID, LIKE, THAT I COULD, YOU KNOW, SHOOT YOU IN THE BACK
19 OF THE HEAD. AND SHE WASN'T SAYING MUCH.

20 "PAM CRAWFORD: SO, YOU OFFERED TO KILL HER DIFFERENT
21 WAYS?

22 "CHRISTOPHER WILLIAMS: YEAH.

23 "PAM CRAWFORD: WHAT OTHER WAYS DID YOU OFFER HER?

24 "CHARLES CHRISTOPHER WILLIAMS: I TOLD HER I COULD
25 EITHER SHOOT HER OR STRANGLE HER.

1 "PAM CRAWFORD: OKAY. AND WHAT DID SHE SAY?

2 "AT FIRST SHE TOLD ME SHE WANTED ME TO STRANGLE HER.

3 "PAM CRAWFORD: OKAY.

4 "CHRISTOPHER WILLIAMS: AND THAT'S WHEN THE FIRST, I
5 GUESS, FIGHT BETWEEN THE TWO OF US BROKE OUT IN THERE.

6 "PAM CRAWFORD: OKAY.

7 "CHRISTOPHER WILLIAMS: AND SHE STARTED FIGHTING
8 BACK. AND THAT'S WHEN THE GUY CALLED ON THE PHONE AND SHE
9 WAS JUST SCREAMING, 'HE'S TRYING TO KILL ME. HE'S TRYING
10 TO KILL ME.'

11 "AND THEN THAT'S WHEN, THIS WAS LIKE A FEW SECONDS
12 BEFORE, LIKE, I HAD RIPPED HER SHIRT OFF."

13 IS THAT CORRECT?

14 A YES, SIR.

15 Q NOW, IF YOU WOULD, LET ME GO TO PAGE 46. DO YOU SEE
16 46?

17 A YES, SIR.

18 Q FORTY-SIX AND FORTY-SEVEN. SORRY, STARTING 45,
19 MIDDLE OF THE WAY DOWN. PAM CRAWFORD SAYS ON PAGE 45:

20 "WHY, WHY IF YOU LET HER GO WOULD YOU BE IN JAIL THE REST
21 OF YOUR LIFE?

22 "CHRISTOPHER WILLIAMS: BECAUSE, I MEAN, LIKE TODAY
23 IF I WOULD HAVE LEFT AND LET HER LEAVE, THEN SHE WOULD
24 HAVE JUST, YOU KNOW, PRETTY MUCH LIKE ADVANTAGE THERE. I
25 MEAN, SHE WOULD JUST GO AND I WOULD PROBABLY, YOU KNOW,

1 IT'S LIKE I DON'T WANT TO BE LIKE ONE OF THESE GUYS THAT
2 SHE TOLD ME SO MANY STORIES ABOUT, YOU KNOW. 'HE'S JUST
3 THIS GUY I MET, BLAH, BLAH, BLAH.'.

4 "AND I JUST MEAN, MAINLY, I DIDN'T WANT TO LET HER
5 GET AWAY WITH THAT.

6 "PAM CRAWFORD: OKAY, SO PART OF KILLING HER WAS IF
7 YOU HADN'T KILLED HER, YOU WOULD HAVE GONE TO JAIL AND SHE
8 WOULD HAVE GONE BACK TO HER LIFE?

9 "CHRISTOPHER WILLIAMS: UH, YEAH. YEAH. I GUESS YOU
10 COULD LOOK AT IT THAT WAY, TOO. IT WAS MORE OF JUST NOT,
11 OF HER NOT GETTING AWAY WITH, I MEAN --

12 "PAM CRAWFORD: DID SHE NEED TO BE PUNISHED FOR WHAT
13 SHE HAD DONE?

14 "CHRISTOPHER WILLIAMS: RIGHT."

15 OKAY, SO YOU -- PAM CRAWFORD SAYS, "OKAY. SO, YOU
16 DECIDED -- WHEN DID YOU DECIDE TO KILL HER?

17 "CHRISTOPHER WILLIAMS: I'VE BEEN THINKING -- I BEEN
18 THINKING ABOUT IT FOR PROBABLY THE PAST MONTH NOW."

19 AND PAM CRAWFORD SAYS, "OKAY." IS THAT CORRECT?

20 A YES, IT IS.

21 Q AND THEN CHRISTOPHER WILLIAMS FOLLOWS UP AND SAYS, "I
22 GUESS YOU COULD SAY WHEN I FINALLY DECIDED I WAS GOING TO,
23 CAN SEE I DIDN'T HAVE ANYTHING TO DO WITH HER?

24 "PAM CRAWFORD: SO, LAST NIGHT YOU DECIDED TO KILL
25 HER?

1 "CHRISTOPHER WILLIAMS: YEAH." IS THAT CORRECT?

2 A YES, IT IS, SIR.

3 Q ALL RIGHT. I'M NOT GOING TO BELABOR THE REST OF
4 THESE, BUT THEY ARE --

5 THE COURT: DON'T GO SAYING WHAT'S IN THERE. IF YOU
6 GOT A QUESTION, ASK IT.

7 MR. ARIAIL: NO. I'M NOT GOING TO SAY WHAT'S IN
8 THERE. YOU MENTIONED SOMETHING ABOUT ID. I ASSUME THIS
9 IS AN EXHIBIT FOR THE JURY TO REVIEW IN THE EVIDENCE.

10 MR. NETTLES: YES, SIR. WE -- THE DEFENSE MOVED THAT
11 INTO EVIDENCE.

12 MR. ARIAIL: YOU SAID FOR IDENTIFICATION.

13 MR. NETTLES: NO, SIR. WE MOVED IT IN.

14 MR. ARIAIL: THEY CAN READ IT.

15 THE COURT: IT'S IN EVIDENCE.

16 MR. ARIAIL: THAT'S ALL I GOT.

17 THE COURT: ALL RIGHT. ANY RECROSS?

18 MR. NETTLES: NONE.

19 THE COURT: DETECTIVE MCNAMARA, THANK YOU SO VERY
20 MUCH. YOU MAY STEP DOWN.

21 WE'VE BEEN GOING FOR ABOUT AN HOUR AND HALF. WE'RE
22 GOING TO TAKE ABOUT A 15 OR 20 MINUTE BREAK. AND I NEED
23 AN EXHIBIT LIST, PLEASE, SIR.

24 DON'T DISCUSS THE CASE. MR. FOREMAN, MEMBERS OF THE
25 JURY, FOLLOW THE BAILIFF TO THE JURY ROOM.

1 (THE FOLLOWING PROCEEDINGS WERE HAD OUTSIDE THE
2 PRESENCE OF THE JURY:)

3 THE COURT: SOLICITOR, WHAT I WAS TALKING ABOUT
4 DEFENDANT'S EXHIBIT NUMBER THREE MARKED FOR
5 IDENTIFICATION. THAT'S THE PICTURE OF THE FACE OF THE
6 VICTIM'S CUT LIP. THAT'S MARKED FOR IDENTIFICATION, NOT
7 THAT.

8 MR. ARIAIL: IS THIS YOUR COPY?

9 THE COURT: NO, I GOT MY COPY. SOMEBODY GAVE THIS TO
10 THE WITNESS. IS THIS YOU ALL'S COPY?

11 MR. NETTLES: YEAH.

12 MR. ARIAIL: I'M GOING TO ALERT YOU TO THE
13 PATHOLOGIST WHO WAS SCHEDULED TO TESTIFY TOMORROW,
14 DR. WARD, IS ALSO SCHEDULED TO TESTIFY IN A CIVIL CASE
15 DOWNSTAIRS, AND OBVIOUSLY CAN'T BE IN TWO PLACES AT ONCE;
16 BUT WE'LL TRY TO WORK AROUND THAT. MIKE PARHAM IS THE
17 LAWYER, AND I DON'T THINK WE'LL HAVE A PROBLEM.

18 (BRIEF RECESS TAKEN.)

19 MR. MAULDIN: WE DO HAVE A MATTER, YOUR HONOR. THE
20 NEXT WITNESS WILL IDENTIFY A NUMBER OF PHOTOGRAPHS, I
21 BELIEVE 38 PHOTOGRAPHS. INCLUDED ARE BOTH OF THE
22 PHOTOGRAPHS THAT WE PREVIOUSLY HAD THE COURT TAKE A LOOK
23 AT. AND I UNDERSTAND THAT THE STATE IS GOING TO BE
24 OFFERING BOTH OF THOSE. IF THEY'RE GOING TO BE ALLOWED --
25 WE HAD PREVIOUSLY OBJECTED TO BOTH OF THE TWO, 57 AND 58.

1 AND THEY INTEND TO OFFER THEM BOTH. WE CONTEND THAT
2 NEITHER SHOULD GO IN BUT IF EITHER SHOULD, ONLY THE ONE
3 THAT SHOWS THE VICTIM FROM THE WAIST DOWN. THAT'S OUR
4 POSITION ON THOSE TWO PHOTOS.

5 THE COURT: WHAT IS YOUR REASON FOR THAT POSITION?

6 MR. MAULDIN: IF I'M NOT MISTAKEN, THE --

7 THE COURT: I DON'T KNOW WHICH IS WHICH. WHICH ONE
8 DO YOU OBJECT TO, 57 OR 58? WHICH ONE IS THE FEET, 57 OR
9 58?

10 MR. MAULDIN: FIFTY-SEVEN AND FIFTY-EIGHT. WE
11 INITIALLY OBJECTED TO BOTH OF THEM.

12 THE COURT: WHICH ONE HAS THE FEET, WHICH NUMBER?

13 MR. MAULDIN: I THINK --

14 THE COURT: FIFTY-SEVEN HAS THE FEET. DO YOU --
15 EXCUSE ME, 58 JUST SHOWS HER FEET. DO YOU OBJECT TO THAT
16 ONE?

17 MR. MAULDIN: THAT ONE OUR OBJECTION IS NOT, I GUESS,
18 AS STRENUOUS AS THE OTHER ONE.

19 THE COURT: WHAT IS YOUR LEGAL OBJECTION TO STATE'S
20 EXHIBIT NUMBER 58? THE ONE THAT JUST SHOWS THE TENNIS
21 SHOES AND THE PANTS.

22 MR. MAULDIN: AND 58, AS I MENTIONED BEFORE, SIMPLY
23 IS NOT REPRESENTATIVE OF THE CONDITION OF THE VICTIM AT
24 THE TIME IT'S SUPPOSED TO BE -- OR DISPLAYING. IT DOES
25 NOT DISPLAY ACCURATELY WHAT IT'S PURPORTED TO, SO WE

1 OBJECT TO IT.

2 THE COURT: ALL RIGHT. THAT OBJECTION IS OVERRULED.

3 MR. MAULDIN: AND THEN --

4 THE COURT: FIFTY-SEVEN SHOWS THE ENTIRE BODY WITH
5 THE BLOOD SPOT AND THE TRASH CAN WITH THE BLOOD SPOTS ON
6 IT AND THE BLOOD SPOTS ON THE FLOOR.

7 MR. MAULDIN: YES, SIR. AND THE OBJECTION IS --

8 THE COURT: WHAT IT IS THE LEGAL OBJECTION TO THAT?

9 MR. MAULDIN: WE OBJECT TO THAT BECAUSE, NUMBER ONE,
10 IT IS ESSENTIALLY A DUPLICATE FROM THE OTHER ANGLE, OF THE
11 SAME ISSUE. SO, IT'S UNNECESSARY. AND IT'S INFLAMMATORY.
12 IT'S INFLAMMATORY FOR NO PROBATIVE VALUE AT ALL. IT HAS
13 NO PROBATIVE VALUE AT ALL.

14 THE COURT: SOLICITOR, WHAT DO YOU WANT TO PUT ON THE
15 RECORD AS TO THE PROBATIVE VALUE.

16 MR. ARIAIL: THE PROBATIVE VALUE GOES TO THE ISSUE OF
17 WE WILL TIE IT IN WITH THE ACTUAL VIDEO SHOWING THE
18 DIRECTION -- THERE, AGAIN, YOU'RE LOOKING AT THE OTHER
19 ANGLE, WITH THE BLOOD ON THE BARREL OF THE TRASH CAN.
20 THIS IS GOING TO SHOW THE DIRECTION FROM WHICH SHE COMES
21 AND WHICH ONES OF THESE WOUNDS ARE FATAL AND WHICH ONES
22 WERE NOT FATAL TO INDICATE THE DISTANCE THAT THIS
23 DEFENDANT MOVED RELATING TO BOTH THE ISSUE OF MALICE AND
24 INTENT AS HE'S FIRING THIS WEAPON.

25 THE COURT: MOTION IS OVERRULED AS TO 57.

1 MR. MAULDIN: THANK YOU, JUDGE.

2 THE COURT: ANYTHING ELSE? WE KNOW ABOUT THE
3 PICTURES. CAN YOU AGREE ALL THE REST OF THEM GO IN
4 WITHOUT OBJECTION, EXCEPT THOSE TWO?

5 MR. MAULDIN: AND I WAS LOOKING AT THE SET WHEN YOU
6 CAME, JUDGE, TO MAKE SURE WE HAD NO ADDITIONAL OBJECTION.

7 THE COURT: HAVE YOU LOOKED AT THE SET?

8 MR. MAULDIN: IF I COULD JUST COMPLETE THAT.

9 THE COURT: SEE IF YOU CAN AGREE THEY ALL GO IN
10 WITHOUT OBJECTION. EXCEPT WE'VE ALREADY DEALT WITH 57 AND
11 58.

12 MR. MAULDIN, HOW MANY TIMES YOU LOOKED AT THE
13 PICTURES?

14 MR. MAULDIN: JUDGE, JUDGE, I'VE LOOKED AT THOUSANDS
15 OF PICTURES.

16 THE COURT: WELL, LOOK AT THEM. PLEASE DON'T GET
17 UPSET, JUST LOOK AT THEM.

18 MR. MAULDIN: AS TO THE STACK OF PHOTOGRAPHS I JUST
19 WENT THROUGH FOR ABOUT THE 30th TIME, I DON'T HAVE ANY
20 OBJECTION.

21 THE COURT: WHAT NUMBERS ARE THEY, SOLICITOR?

22 MR. ARIAIL: THEY ARE NUMBERS 33 THROUGH 61, 90
23 THROUGH 98.

24 THE COURT: THIRTY-THREE THROUGH SIXTY-ONE IS
25 ADMITTED WITHOUT OBJECTION; 90 THROUGH 98 ADMITTED WITHOUT

1 OBJECTION. THE ONLY TWO OBJECTED TO, 57 AND 58, THEY HAVE
2 BEEN ADMITTED WITH OBJECTION. ANYTHING ELSE ABOUT THE
3 PICTURES? MR. MAULDIN?

4 MR. MAULDIN: NOT AS TO THOSE PHOTOS I JUST LOOKED
5 AT.

6 (STATE'S EXHIBIT NUMBERS 33-61 AND 90-98 ARE RECEIVED
7 INTO EVIDENCE.)

8 THE COURT: HE'S NOT GOING TO BRING THEM OVER AND
9 SHOW THEM TO YOU. WE'RE GOING TO GET RIGHT TO THE POINT,
10 OKAY?

11 MR. MAULDIN: YES, SIR.

12 THE COURT: BRING US THE JURY.

13 (WHEREUPON, THE JURY RETURNS TO OPEN COURT, WHEN THE
14 FOLLOWING PROCEEDINGS WERE HAD:)

15 SOLICITOR, CALL YOUR NEXT WITNESS.

16 MR. ARIAIL: CECIL THRASHER.

17 CECIL THRASHER, BEING
18 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

19 DIRECT EXAMINATION

20 BY MR. ARIAIL:

21 Q IF YOU WOULD, STATE YOUR NAME FOR THE RECORD, PLEASE.

22 A CECIL VAN THRASHER.

23 Q THAT'S GREAT. KEEP YOUR VOICE UP SO THE JURORS CAN

24 HEAR YOU. I WANT TO DIRECT YOUR ATTENTION BACK TO

25 SEPTEMBER 3 2003, AND ASK BY WHOM WERE YOU EMPLOYED?

1 A BY GREENVILLE COUNTY FORENSICS.

2 Q AND WHAT IS GREENVILLE COUNTY FORENSICS?

3 A WE'RE A UNIT THAT SERVICES ENTIRE GREENVILLE COUNTY,
4 ANY CRIME SCENES WE RESPOND TO, EVALUATE, PHOTOGRAPH,
5 COLLECT EVIDENCE, COLLECT AND PRESERVE THE EVIDENCE.

6 Q AND YOU ARE A COUNTY AGENCY THAT ASSISTS ALL LAW
7 ENFORCEMENT AGENCIES IN THE COUNTY?

8 A YES, SIR.

9 Q AND IN PARTICULAR, WELL, ON SEPTEMBER 3rd, WHAT WAS
10 YOUR CAPACITY WITH THE FORENSICS' DEPARTMENT?

11 A I WAS A SENIOR FORENSIC TECHNICIAN.

12 Q SINCE THAT TIME YOU RETIRED?

13 A YES, SIR.

14 Q AND YOU LIVE IN TENNESSEE NOW, NASHVILLE?

15 A YES, SIR.

16 Q TELL US WHAT A FORENSIC TECHNICIAN DOES. AND A
17 SENIOR FORENSIC TECHNICIAN, WHAT DO YOU DO IN REGARD TO
18 COLLECTING EVIDENCE, PRESERVING CRIME SCENES, THAT SORT OF
19 THING?

20 A WE RESPOND TO CRIME SCENES, BASICALLY DO AN OVERALL
21 VIEW WITH THE DETECTIVES AND THE CORONER AND WE GO BACK TO
22 THE SCENE AND WE PHOTOGRAPH ALL OF THE EVIDENCE, COLLECT
23 IT, PRESERVE IT; PUT IT IN PROPERTY AND EVIDENCE AND
24 PRESENT TESTIMONY IN COURT.

25 Q AND DID YOU HAVE OCCASION TO BECOME INVOLVED IN THE

1 DEATH INVESTIGATION OF MARANDA WILLIAMS?

2 A YES, I DID.

3 Q DID YOU GO TO THE BI-LO ON EAST NORTH STREET?

4 A YES, SIR, I DID.

5 Q APPROXIMATELY WHAT TIME DID YOU GO?

6 A APPROXIMATELY 11:55.

7 Q HOW LONG DID YOU WORK THERE PERFORMING YOUR
8 RESPONSIBILITIES AS A FORENSIC TECHNICIAN?

9 A APPROXIMATELY FIVE AND A HALF HOURS.

10 Q UNTIL SOMETIME AROUND 5:30 IN THE AFTERNOON?

11 A YES, SIR.

12 Q WOULD YOU DESCRIBE THIS SCENE AS BEING A BIG SCENE,
13 SMALL SCENE, AVERAGE SCENE SIZE? HOW WOULD YOU DESCRIBE
14 IT?

15 A IT WAS AN AVERAGE-SIZE SCENE, MEDIUM-SIZED SCENE.

16 Q NOW, AS A PART OF YOUR DUTIES, DID YOU PREPARE A
17 DIAGRAM FOLLOWING YOUR PROCESSING OF THE SCENE?

18 A YES, SIR, I DID.

19 Q AND DOES THIS DIAGRAM REFLECT THE LOCATION OF CERTAIN
20 PIECES OF EVIDENCE YOU COLLECTED?

21 A YES, SIR.

22 Q LET ME SHOW YOU THAT ONE, AND THEN I WANT TO SHOW
23 YOU -- ARE YOU FAMILIAR WITH THAT ONE?

24 A YES, SIR, I AM.

25 Q IS THAT A COPY OF YOUR ORIGINAL?

1 A YES, SIR.

2 Q AND LET ME SHOW YOU WHAT'S BEEN MARKED STATE'S
3 EXHIBIT 18, 19, 20, AND 21 AND ASK YOU, AT MY REQUEST WAS
4 THE ORIGINAL MODIFIED TO FOCUS ON CERTAIN ITEMS?

5 A YES, SIR, IT WAS.

6 Q AND ARE THOSE DOCUMENTS THAT I JUST REFERRED TO
7 ACCURATE MODIFICATIONS OF YOUR ORIGINAL? WHEN I SAY
8 ACCURATE, MEANING ONLY CERTAIN ITEMS HAVE BEEN REMOVED
9 FROM THE ORIGINAL?

10 A YES, SIR, THEY ARE.

11 Q ARE YOU FAMILIAR WITH THESE, WHICH ARE 18 THROUGH 21?

12 A YES, SIR.

13 MR. ARIAIL: YOUR HONOR, AT THIS TIME WE WOULD OFFER
14 THESE FOUR.

15 MR. MAULDIN: NO OBJECTION.

16 THE COURT: 18, 19, 20 WITHOUT OBJECTION.

17 MR. ARIAIL: TWENTY-ONE?

18 THE COURT: AND 21.

19 (STATE'S EXHIBIT NUMBER 18-21 ARE RECEIVED INTO
20 EVIDENCE.)

21 Q ALL RIGHT. LET ME SHOW YOU THESE PHOTOGRAPHS AND ASK
22 YOU IF THESE ACCURATELY REPRESENT THE SCENE AS IT EXISTED
23 ON SEPTEMBER 3rd WHEN YOU WERE THERE?

24 A YES, SIR.

25 Q AND DO THOSE ACCURATELY REPRESENT THE SCENE?

1 A THEY DO.

2 MR. ARIAIL: WE WOULD LIKE TO OFFER THESE. THESE ARE
3 EXHIBITS 33 THROUGH 61 AND 90 THROUGH 98.

4 THE COURT: ALREADY BEEN ADMITTED. GO AHEAD.

5 MR. ARIAIL: AND PREVIOUSLY SHOWN TO MR. MAULDIN.

6 Q NOW, LET ME PUT UP FOR YOU TO -- I'M GOING TO GO OVER
7 THIS DIAGRAM. WHAT I WANT TO ASK YOU, AS PART OF YOUR
8 DUTIES, YOU MAKE A REPORT?

9 A YES, SIR.

10 Q AND REPORT WHAT YOU FIND AND WHAT YOU COLLECTED?

11 A YES, SIR.

12 Q LET'S GO OVER WHAT THAT DIAGRAM REFLECTS. AND IT MAY
13 BE A LITTLE DIFFICULT FOR THE JURY TO SEE THAT. IN FACT,
14 I SHOW YOU THIS DOCUMENT AND ASK YOU THIS IF THIS IS AN
15 ACCURATE BLOW UP OF THE DRAWING ON THE SCENE? THIS ONE
16 BEING MARKED AS STATE'S EXHIBIT 18A.

17 A YES, SIR, IT IS.

18 Q ALL RIGHT. LET'S START AT THE TOP UP THERE. AND
19 THERE ARE CERTAIN NUMBERS LISTED. I'M GOING TO WALK
20 THROUGH WHAT THOSE NUMBERS ARE AND WHAT ITEMS THEY
21 REPRESENT. STARTING WITH -- LET'S START WITH THE OFFICE
22 AREA UP AT THE TOP AND TELL US IN THERE -- I THINK THE
23 NUMBERS ARE 7, 8, 10, AND 11. WHAT ARE 7, 8, 10, AND 11?

24 A ITEM SEVEN WAS A SPENT .12 GAUGE SHOTGUN SHELL HEAD
25 STAMPED WINCHESTER .12 GAUGE. AND THAT WAS FROM THE FLOOR

1 IN THE OFFICE. NUMBER 8 WAS A CIGARETTE BUTT FROM OFFICE
2 FLOOR.

3 Q DID YOU SAY 10, ALSO?

4 A UH-HUH, TEN. TEN WAS AN EMPTY STOCKTON CIGARETTE
5 PACK, CIGARETTE BUTT, ONE COKE BOTTLE FROM THE FLOOR AND
6 SHELF IN THE OFFICE.

7 Q AND IN THE HALLWAY, I MIGHT GET YOU, IF YOU WOULD, TO
8 USE THAT POINTER. I THINK THE JURORS DOWN HERE MIGHT HAVE
9 A HARD TIME DOWN HERE SEEING THAT. I WANT TO GO TO ITEM
10 THREE ON THAT DIAGRAM. IF YOU COULD, POINT THAT OUT TO
11 US, WHICH IS NUMBER THREE? IF YOU NEED ME TO MOVE IT
12 BACK, I WILL; OR YOU CAN WALK DOWN AND HOLD YOUR REPORT,
13 WHICHEVER IS EASIEST FOR YOU.

14 A OKAY. THIS WOULD BE ITEM THREE, RIGHT HERE.

15 Q AND WHAT IS ITEM THREE?

16 A COULD I GET A COPY OF THAT?

17 Q YOU NEED A COPY OF YOUR REPORT?

18 A NO, THE ITEM LIST.

19 Q I'M SORRY, I CAN'T HEAR YOU. ITEM THREE UP AT THE
20 TOP, WE'LL GO TO 3, 5, AND THEN GO TO 13 IN THE HALLWAY.

21 A OKAY. ITEM THREE IS A -- THERE WAS A WHITE T-SHIRT
22 THAT HAD A HOLE IN THE SLEEVE AND A BLUE APRON THAT WAS
23 TORN, RIPPED.

24 Q AND THOSE ARE TOGETHER?

25 A YES, SIR. THOSE WERE TOGETHER ON THE FLOOR.

1 Q AND NUMBER FIVE?

2 A NUMBER FIVE WAS A .12 GAUGE SHOTGUN SHELL. AND THIS
3 IS A SLUG SHELL, IT HAD NOT BEEN FIRED, AND HEAD STAMPED
4 RWS/GEIGO, .12 GAUGE. AND THIS WAS FROM THE FLOOR NEAR
5 THE OFFICE. AND THIS IS RIGHT HERE.

6 Q AND THEN NUMBER 13?

7 A THAT 13 WAS A BLACK MOSSBURG, IT'S A MAVERICK BY
8 MOSSBURG, SHOTGUN .12 GAUGE, MODEL 88, WITH SERIAL NUMBER,
9 MIKE, VICTOR, 768374. IT HAD AN EMPTY CHAMBER AND
10 MAGAZINE. THERE WERE NO SHELLS IN THE GUN. AND IT WAS
11 UNDERNEATH THESE DOUBLE DOORS HERE. IT WAS LAYING
12 UNDERNEATH THE DOUBLE DOORS, THEY'RE THE SWINGING DOORS
13 AND THEY HAD RUBBER ON THE BOTTOM. IT WAS RIGHT IN THE
14 MIDDLE OF THOSE DOORS, LYING THIS WAY.

15 Q AND ITEM 14?

16 A OKAY 14, THIS IS A TRASH CAN HERE. AND THIS HAD A,
17 IN A SHOTGUN SHELL YOU HAVE A PLASTIC SHOT SHELL CUP THAT
18 HOLDS THE LEAD SHOT; AND THE PLASTIC CUP JUST KIND OF
19 PROTECTS IT FROM THE FORCE OF THE BLAST. THIS PLASTIC
20 SHOT SHELL CUP AND A PIECE OF BLUE MATERIAL WERE LAYING IN
21 THIS TRASH CAN, WHICH IS NUMBER 14 HERE.

22 Q ALL RIGHT. AND THEN WE'LL GO TO THE, WHAT I CALL THE
23 WORK AREA, STARTING WITH ITEM -- LET'S GO TO ITEM 16. IF
24 YOU'LL POINT TO EACH ONE OF THESE SO THE JURY CAN SEE
25 WHERE THEY ARE. ITEM 16, WHAT IS THAT?

- 1 A THIS IS RIGHT BEHIND THE DISPLAY CASE. THIS IS WHERE
2 THE CUSTOMERS COME IN HERE. AND THESE AREAS HERE, DISPLAY
3 CASES WHERE YOU PUT THE STUFF IN AND THEY HAVE THE GLASS
4 IN FRONT OF IT. RIGHT BEHIND THIS, NUMBER 16, WAS A, THIS
5 WAS A SPENT .12 GAUGE SHOTGUN SHELL WHICH HAD BEEN FIRED.
6 AND IT WAS HEAD STAMPED WINCHESTER .12 GAUGE AND IT WAS
7 FROM THE FLOOR BETWEEN THE WORK AREA TABLES AND THE
8 DISPLAY CABINETS.
- 9 Q WHEN YOU SAY SPENT, WHAT DOES THAT MEAN?
- 10 A THE ROUND HAD BEEN FIRED.
- 11 Q AND A LIVE ONE THAT YOU REFERRED TO EARLIER, THAT HAS
12 NOT BEEN FIRED?
- 13 A THAT'S CORRECT, SIR.
- 14 Q LET'S LOOK AT ITEM B. I THINK IT'S FURTHER -- I'M
15 SORRY I'M JUMPING TOO FAR DOWN. LET'S GO TO 17.
- 16 A SEVENTEEN IS ANOTHER SPENT .12 GAUGE SHOTGUN SHELL,
17 STAMPED WINCHESTER .12 GAUGE. AND THIS WAS FROM THE TOP
18 OF THIS DISPLAY COUNTER, LAYING RIGHT ON THE TOP OF IT.
- 19 Q AND ITEM 18?
- 20 A EIGHTEEN WAS A .12 GAUGE SHOTGUN SHELL AND THIS WAS
21 ANOTHER SLUG, IT HAD NOT BEEN FIRED, AND IT IS HEAD
22 STAMPED, STAMPED RWS/GEIDO .12 GAUGE ROTWEIL. AND THIS
23 WAS FROM A GROCERY BASKET, LAYING IN THE FRONT OF A
24 GROCERY BASKET.
- 25 Q THAT'S WHAT THIS ITEM IS, A GROCERY, LIKE A CART?

1 A YEAH, THE THINGS YOU PUT YOUR GROCERIES IN WHEN
2 YOU'RE SHOPPING.

3 Q AND THAT'S A LIVE ONE?

4 A YES, SIR.

5 Q THAT WAS STILL CAPABLE OF BEING FIRED.

6 A YES, SIR, IT WAS.

7 Q AND NUMBER 19?

8 A OKAY THIS WAS ANOTHER .12 GAUGE SHOTGUN SHELL. IT
9 WAS THE SLUG ALSO, HAD NOT BEEN FIRED, STAMPED RWS/GEIGO
10 .12 GAUGE ROTWEIL.

11 Q KEEP YOUR VOICE UP A LITTLE BIT MORE.

12 A AND THIS WAS FROM THE FLOOR IN BETWEEN THE WORK
13 COUNTER AND THE DISPLAY CABINETS, RIGHT HERE.

14 Q AND NUMBER 20.

15 A TWENTY WAS ANOTHER .12 GAUGE SHOTGUN SHELL, SLUG
16 STAMPED RWS/GEIGO .12 GAUGE ROTWEIL. THIS WAS ON THE
17 FLOOR BETWEEN THE SHELL AND THE DISPLAY CABINET, BOTH 19
18 AND 20 WERE ON THE FLOOR.

19 Q ON THE FLOOR. ALL RIGHT. AND ITEM A, I THINK THE
20 SAME GENERAL AREA, ITEM A?

21 A YEAH. THIS WAS ANOTHER .12 GAUGE SHOTGUN SHELL IT,
22 WAS A SLUG, HAD NOT BEEN FIRED, STAMPED RWS/GEIGO .12
23 GAUGE ROTWEIL. AND THIS WAS ON THE FLOOR BETWEEN THE WORK
24 AND THE DISPLAY CABINETS.

25 Q AND THEN ITEM B?

1 A OKAY THIS WAS A .12 GAUGE SHOTGUN SHELL. IT WAS
2 SPENT, HAD BEEN FIRED, AND HEAD STAMPED WINCHESTER .12
3 GAUGE. AND THIS WAS AGAIN ON THE FLOOR BETWEEN THE WORK
4 AND THE DISPLAY CABINETS.

5 Q AND THEN ITEM C?

6 A C WAS DOWN IN THIS AREA HERE, AND THIS WAS A PLASTIC
7 SHOTGUN SHELL WADDING. THIS IS THE COMPONENT OF THE
8 SHOTGUN SHELL. IT WAS PLASTIC WADDING AND THIS IS WHERE
9 IT WAS LOCATED, RIGHT HERE. IT WAS ON THE FLOOR.

10 Q AND WADDING. WHAT IS WADDING THAT YOU'RE REFERRING
11 TO?

12 A IT'S JUST A COMPONENT OF THE SHOTGUN SHELL.
13 SOMETIMES YOU HAVE PLASTIC, SOMETIMES YOU HAVE COTTON
14 WADDING. AND THIS WAS THE PLASTIC WADDING.

15 Q ALL RIGHT. AND THAT WAS NUMBER C WE TALKED ABOUT.

16 A YES.

17 Q HOW ABOUT NUMBER D?

18 A D WAS ALSO PLASTIC SHOTGUN SHELL WADDING. IT WAS ON
19 THE FLOOR BEHIND THE DISPLAY COUNTER.

20 Q HOW ABOUT ITEM 30?

21 A OKAY. THIS WAS PLASTIC SHOTGUN SHELL WADDING. IT
22 WAS FROM UNDER THE TRASH CAN, SITTING FROM UNDER THE WORK
23 TABLE. THE ACTUAL WADDING WAS ON THE FLOOR.

24 Q SORRY, WHAT?

25 A WAS ON THE FLOOR.

1 Q AND ITEM E AND ITEM F?

2 A OKAY. IT AGAIN WAS BEHIND THE WORK COUNTER AND THIS
3 WAS ALSO PLASTIC SHOTGUN SHELL WADDING AND IT WAS ON THE
4 FLOOR.

5 Q F?

6 A AGAIN WAS PLASTIC SHOTGUN SHELL WADDING AND IT WAS ON
7 THE FLOOR, ALSO.

8 Q ALL RIGHT. IF YOU WOULD, GO BACK UP ON THE STAND AND
9 WHAT I WANT TO DO, NOW THAT WE HAVE ORIENTED THE JURY AS
10 TO WHERE WE ARE. I WANT TO SHOW YOU SOME PHOTOGRAPHS AND
11 LET YOU JUST GO THROUGH THESE. WE'LL DO THEM -- WE'LL TRY
12 TO DO THESE BRIEFLY WITHOUT ME GETTING IN THE WAY. THIS
13 WILL BE STARTING WITH STATE'S EXHIBIT 33. WHAT IS THAT
14 SHOWING?

15 A OKAY. THIS IS THE AREA COMING FROM THE STORAGE AREA
16 AT THE VERY BACK OF THE BUILDING, AND THOSE DOUBLE DOORS
17 LEAD INTO THE BAKERY AREA. RIGHT TO THE LEFT BEFORE YOU
18 GO THROUGH THOSE DOUBLE DOORS IS THE OFFICE AREA.

19 Q AND THE OFFICE AREA, YOU TALKING ABOUT THE DELI
20 MANAGER AREA?

21 A YES, SIR.

22 Q LET ME SHOW YOU STATE'S NUMBER 34. AND WHAT IS THAT?

23 A OKAY. THIS IS THE PHOTOGRAPH LOOKING INTO THE
24 OFFICE.

25 Q INSIDE THE DELI-BAKERY OFFICE?

1 A YES, SIR.

2 Q THIRTY-FIVE?

3 A THAT'S ANOTHER PHOTO LOOKING INTO THE OFFICE.

4 Q WHAT SIDE OF THE OFFICE IS THAT LOOKING, AND WHAT IS
5 THAT ON THE RIGHT SIDE?

6 A THE RIGHT SIDE IS THE DESK, AND THERE'S THE HAIR NET
7 LIKE ON TOP OF THE DESK THERE.

8 Q LET ME SHOW YOU 36, ASK YOU TO PUT IT IN PERSPECTIVE
9 WITH THE PRIOR PHOTOGRAPH NUMBER 35. TELL US WHAT THAT IS
10 AND WHERE IT'S LOCATED.

11 A OKAY. THE DESK WAS SITTING ON THE RIGHT SIDE OF THE
12 OFFICE, THIS PHOTOGRAPH HERE, TAKEN FROM THE LEFT SIDE OF
13 THE DESK DOWN ON THE FLOOR.

14 Q SO, IF YOU HAD WALKED STRAIGHT INTO THE OFFICE, WHICH
15 SIDE WOULD THAT SHELL BE ON?

16 A YOU WOULD WALK PAST THE DESK, WHICH IS ON THE RIGHT,
17 AND THIS WOULD BE ON THE RIGHT-HAND SIDE.

18 Q AND YOU REFERRED TO THIS ITEM PREVIOUSLY AS THE SPENT
19 SHOTGUN SHELL?

20 A YES, SIR.

21 Q ALL RIGHT. I'LL SHOW YOU THE CLOSER UP VIEW OF THAT.

22 A YES, SIR. THIS IS THE SHOTGUN SHELL LOCATED ON THE
23 FLOOR TO THE LEFT SIDE OF THE DESK.

24 Q AND THIS IS THE ITEM HERE YOU'RE TALKING ABOUT,
25 NUMBER SEVEN?

1 A YES, SIR.

2 Q OKAY. WE'RE BACK TO THE LEFT SIDE OF THE OFFICE.
3 AND WHAT DOES THAT REFLECT?

4 A OKAY. ON THE -- JUST TO THE LEFT OF THAT CHAIR
5 THERE, THERE WAS THE EMPTY STOCKTON CIGARETTE PACK,
6 CIGARETTE BUTT, COKE BOTTLE, AND THERE -- THAT'S ALL ON
7 THAT ONE.

8 Q LET ME SHOW YOU WHAT'S STATE'S EXHIBIT 39. THE CLOSE
9 UP OF THOSE ITEMS YOU JUST DISCUSSED, WHAT ARE THEY?

10 A YES, SIR. THE COKE BOTTLE AND THE CIGARETTE BUTT.

11 Q AND THAT'S NUMBER 10 YOU TALKED ABOUT ON THIS ITEM?

12 A YES, SIR.

13 Q AND IT'S LABELED 10 ON THERE?

14 A YES, SIR.

15 Q NUMBER 8, CLOSE UP OF --

16 A OKAY. THIS IS THE CIGARETTE BUTT LAYING ON THE FLOOR
17 AND THIS WOULD BE IN FRONT OF THAT CHAIR THAT YOU SAW,
18 MORE TOWARDS THE DOOR OF THE OFFICE, IN FRONT OF THE
19 CHAIR.

20 Q WE DIDN'T TALK ABOUT THIS ONE EARLIER, BUT I WANTED
21 TO GET YOU TO TALK ABOUT IT NOW. WHAT IS THIS STATE'S
22 EXHIBIT?

23 A THIS IS THE VERIZON CELL PHONE. THIS IS LOCATED --
24 IT WAS THE END OF THIS DIAGRAM. DO YOU WANT ME TO SHOW
25 THEM WHERE IT WAS ON THIS DIAGRAM?

1 Q YEAH. SHOW US WHERE IT WAS.

2 A THIS COUNTER HERE EXTENDS ON DOWN AND THIS IS THE
3 DELI COUNTER. THERE'S ANOTHER SET OF DOUBLE DOORS RIGHT
4 HERE, AND IT'S BETWEEN THE DELI AND THE SEAFOOD COUNTER.
5 THIS IS THE DOORS. WE WENT IN. AT THE BACK OF THE STORE
6 IS A LONG HALLWAY, GOES THE ENTIRE LENGTH OF THE BUILDING.
7 WHEN WE TURN RIGHT, GO DOWN THAT LONG HALLWAY, THE PHONE
8 WAS ON THE FLOOR RIGHT IN THAT AREA HERE.

9 Q GOING BACK TO THE ITEMS WE TALKED ABOUT ON THE
10 DRAWING, NUMBER THREE.

11 A OKAY. THIS WAS RIGHT OUTSIDE THE OFFICE DOOR, NEAR
12 THAT SET OF DOUBLE DOORS WHICH GOES INTO THE BAKERY. AND
13 BOTH OF THESE ITEMS WERE LAYING ON THE FLOOR OUTSIDE THAT.

14 Q DOES THIS CORRESPOND WITH THE THREE, ON STATE'S
15 EXHIBIT 18A?

16 A YES, SIR.

17 Q I WANT TO SHOW YOU STATE'S EXHIBIT 43 AND ASK YOU TO
18 TELL US WHAT THAT IS.

19 A OKAY. THIS IS THE APRON WITH THE TORN HOLE IN IT.
20 WE JUST SPREAD THIS OUT TO TAKE THE PHOTO SO IT WOULD BE
21 MORE APPARENT.

22 Q AND DID YOU SPREAD THAT OUT?

23 A YES, SIR, I DID.

24 Q LET ME JUMP FORWARD TO STATE'S EXHIBIT 49 AND ASK IF
25 YOU WOULD TELL US WHAT THAT IS.

1 A OKAY. THIS IS THE SHOTGUN SHELL, PLASTIC WADDING AND
2 THE PIECE OF BLUE CLOTH, TORN BLUE CLOTH. AND THIS WAS IN
3 THE -- WHEN YOU GO THROUGH THE DOUBLE DOORS INTO THE
4 BAKERY, THIS TRASH CAN WAS SORT OF TO THE RIGHT OF THAT
5 DOOR.

6 Q AND DOES THAT CORRESPOND TO 14 ON THIS DOCUMENT?

7 A YES, SIR, IT DOES.

8 Q AND IT WAS ACTUALLY IN THE TRASH CAN?

9 A YES, SIR. IT WAS LAYING ON TOP OF OTHER ITEMS IN THE
10 TRASH CAN.

11 Q AND WADDING IS ONCE AGAIN WHAT?

12 A JUST THE COMPONENT OF THE SHELL, TO PROTECT THE LEAD
13 FROM CRUSHING WITH THE FORCE OF THE EXPLOSION.

14 Q AND WADDING COMES OUT, DOES IT COME OUT WITHOUT THE
15 SHELL BEING FIRED?

16 A NO. THE SHELL HAS TO BE FIRED.

17 Q FOR THE WADDING --

18 A YES, SIR.

19 Q LET ME GIVE YOU STATE'S EXHIBIT 50, JUST A LITTLE
20 DIFFERENT VIEW. IF YOU COULD, TELL US ABOUT THE WADDING
21 AND THE CLOTH.

22 A OKAY. IT WAS JUST A PIECE OF TORN CLOTH THAT HAD
23 SEVERAL ENDS TO IT. AND THEN THE PLASTIC WADDING WAS
24 ACTUALLY EMBEDDED IN THE CLOTH.

25 Q AND THAT LIGHTER GREEN, IS THAT THE WADDING?

1 A YES, SIR.

2 Q OKAY. THE LIGHTER-COLORED MATERIAL?

3 A YES, SIR.

4 Q LET'S GO BACK TO STATE'S EXHIBIT NUMBER 44, AND ASK

5 YOU IF YOU WILL LOOK AT THAT. TELL US WHAT IT IS.

6 A OKAY. THIS IS THE SHOTGUN THAT WAS LAYING ON THE

7 FLOOR BENEATH THE DOUBLE DOORS.

8 Q AND WHICH SIDE ARE WE LOOKING AT THAT FROM, THE

9 STORAGE ROOM SIDE OR THE --

10 A THIS IS FROM THE STORAGE ROOM SIDE, LOOKING -- THE

11 OFFICE WOULD BE RIGHT TO THE LEFT OF THIS PHOTO.

12 Q OKAY. FORTY-FIVE, WHAT DOES 45 SHOW US?

13 A THAT'S JUST ANOTHER SHOT OF THE SHOTGUN. THERE'S THE

14 SHELL THERE AND THE APRON AND THE T-SHIRT.

15 Q ARE TO THE RIGHT?

16 A SORRY, THE APRON AND T-SHIRT ARE TO THE RIGHT, THE

17 SHOTGUN IS ON THE LEFT WITH THE SHELL LAYING NEAR THE

18 SHOTGUN.

19 Q IS THAT A LIVE SHELL?

20 A THAT IS A LIVE ROUND. YES, SIR.

21 Q AND THOSE ARE CORRESPONDING TO THE ITEMS WE TALKED

22 ABOUT HERE, ITEM 13?

23 A YES.

24 Q THIRTEEN AND FIVE.

25 FORTY-SIX?

1 A OKAY. THIS IS ANOTHER SHOT OF THE SHOTGUN WITH ONE
2 OF THE DOORS OPENED.

3 Q LOOKING FROM THE OTHER SIDE?

4 A YES, SIR.

5 Q THE PUBLIC SIDE?

6 A YES, SIR. THE BARREL IS POINTED TOWARDS THE BACK OF
7 THE BUILDING.

8 Q AND THE SHELL IS SHOWN THERE IN THE BOTTOM LEFT?

9 A THAT IS THE LIVE SLUG.

10 Q LIVE SLUG. AND, LASTLY, AN ADDITIONAL CLOSE UP OF
11 THAT, STATE'S EXHIBIT 47.

12 A AND THAT'S THE PICTURE OF THE SHOTGUN BY ITSELF.

13 Q ALL RIGHT. STATE'S EXHIBIT 48, CLOSE UP OF?

14 A THAT'S THE LIVE SHOTGUN SLUG.

15 Q THAT WE'VE BEEN TALKING ABOUT IN THIS AREA BACK HERE
16 BY THE DOOR?

17 A YES, SIR.

18 Q NOW, LET'S CHANGE FOCUS JUST A LITTLE BIT. WHAT
19 ANGLE AND WHAT VANTAGE POINT ARE WE LOOKING AT THIS?

20 A OKAY. WE'RE LOOKING OUT FROM THE DOUBLE DOORS,
21 YOU'RE LOOKING -- THE ANGLED COUNTER IN THAT ONE IS THIS
22 ANGLED COUNTER HERE.

23 Q AND THAT CART IS SHOWN ON HERE, ALSO?

24 A YES, SIR. (INDICATES)

25 Q OKAY. THEN WITH STATE'S EXHIBIT NUMBER 52, SAME

1 ANGLE, JUST DIFFERENT, MOVE TO THE LEFT A LITTLE BIT?

2 A YES. THIS IS IN A DIFFERENT CART WHERE WE FOUND THE
3 OTHER ROUND.

4 Q ALL RIGHT. LET ME ASK YOU, IF YOU WOULD, TO LOOK AT
5 THE ITEM ON THE FLOOR. LET ME POINT IT OUT TO YOU.
6 SPECIFICALLY, THAT ITEM HERE, AND THAT ITEM ON THE
7 COUNTER.

8 A OKAY.

9 Q WHAT ARE THOSE?

10 A OKAY. THE ITEM ON THE FLOOR IS A SPENT .12 GAUGE
11 SHOTGUN SHELL, AND THE ITEM ON TOP OF THE COUNTER IS
12 ANOTHER SPENT .12 GAUGE SHOTGUN SHELL, BOTH OF THEM HAVE
13 BEEN FIRED.

14 Q THESE IS THE 16 AND 17 YOU PREVIOUSLY REFERRED TO ON
15 THIS 18A?

16 A YES.

17 Q LET ME SHOW YOU A DIFFERENT ANGLE OF THAT IN STATE'S
18 EXHIBIT 53. ALL RIGHT?

19 A YES, THIS IS --

20 Q SAME TWO?

21 A ITEM 16 AND 17, AGAIN.

22 Q SIXTEEN?

23 A YES. SPENT .12 GAUGE SHOTGUN SHELL ON THE FLOOR.

24 Q STATE'S 55?

25 A AND THAT'S ITEM 17, ANOTHER SPENT .12 GAUGE SHOTGUN

1 SHELL, WHICH IS LAYING UP ON THE COUNTER.

2 Q AND YOU TALKED ABOUT ONE EARLIER THAT WAS IN THE
3 BUGGY. LET ME SHOW YOU THIS ONE, STATE'S 18.

4 A YES, SIR. THIS IS A CLOSE UP. NOW, THIS IS A LIVE
5 SLUG AGAIN. THIS ONE HAS NOT BEEN FIRED.

6 Q AND THIS IS THE ONE THAT IS DENOTED HERE, 18.

7 A YES, INSIDE THE BUGGY.

8 Q THAT WAS STATE'S EXHIBIT 56. NOW, I WANT TO SHOW YOU
9 A DIFFERENT ANGLE, SHOWING YOU WHICH IS STATE'S EXHIBIT 57
10 AND ASK YOU TO FOCUS ON SEVERAL ITEMS. NUMBER ONE, FOCUS
11 ON ITEM HERE, ITEM HERE, ITEM HERE, AND ITEM THERE. TELL
12 US WHAT THOSE ARE.

13 A OKAY. THE VERY BOTTOM, THE ROUNDS ON THE VERY BOTTOM
14 RIGHT OF THE PICTURE, THAT IS A .12 GAUGE SHOTGUN SHELL
15 SLUG, HAD NOT BEEN FIRED.

16 Q THAT'S IN NUMBER 19 HERE?

17 A THAT'S NUMBER 19. DO YOU WANT ME TO SHOW THEM AS I
18 GO ALONG?

19 Q YEAH, YOU CAN. BRING THOSE DOWN AND JUST USE IT FROM
20 HERE.

21 A OKAY. NUMBER 20, WHICH IS THE SHELL LAYING AROUND
22 THE CORNER FROM THE FIRST ONE IN THE BOTTOM RIGHT THERE.
23 THAT'S NUMBER 20, THAT'S ANOTHER SLUG. IT HAD NOT BEEN
24 FIRED, .12 GAUGE SHOTGUN SLUG. OKAY B, THE NEXT ONE UP
25 ALONG THE BACK OF THE COUNTER, THAT'S A SPENT .12 GAUGE

1 SHOTGUN SHELL. AND NUMBER A, WHICH IS IN THE MIDDLE OF
2 THE PHOTO.

3 Q LET ME ZOOM UP. A?

4 A OKAY. THE SLUG ON THE LEFT-HAND SIDE, THAT'S NUMBER
5 A, AND THIS IS LAYING RIGHT HERE ON THIS PHOTO. THAT IS
6 ANOTHER SLUG THAT HAS NOT BEEN FIRED, .12 GAUGE SHOTGUN
7 SLUG, WHICH HAD NOT BEEN FIRED.

8 Q AND THE ONE ON THE RIGHT YOU PREVIOUSLY TESTIFIED TO
9 AS B?

10 A YES.

11 Q AND THAT IS A SPENT?

12 A SPENT SHOTGUN SHELL.

13 Q OKAY. AND I WANTED TO GIVE YOU A SHOT OF THAT SAME
14 THING FROM A REVERSE ANGLE, SHOWING THE SAME ITEMS FROM
15 THE REVERSE ANGLE.

16 A RIGHT, SIR. OKAY, THE -- NUMBER B WOULD BE THE SPENT
17 SHOTGUN SHELL, IT WOULD BE IN THE LOWER LEFT OF THIS
18 PHOTO. NUMBER A, AGAIN, WOULD BE IN THE MIDDLE OF THE
19 PHOTO JUST BELOW THE FEET. NUMBER 20, WOULD BE LAYING ON
20 THE FLOOR AT THE BOTTOM OF THE COUNTER, AND THERE'S A BOX
21 WITH A WHITE STRAP ON IT JUST BEFORE YOU GET TO IT. AND
22 NUMBER 19 WOULD BE RIGHT AROUND THE CORNER FROM THAT,
23 RIGHT PAST THAT.

24 Q OKAY. THAT WAS STATE'S EXHIBIT 58. LET ME SHOW YOU
25 SOME CLOSE UPS. STATE'S EXHIBIT 59?

1 A YES. THESE ARE EXHIBITS 19 AND 20, TWO UNFIRED
2 SHOTGUN SLUGS.

3 Q CLOSE UP OF 19, WHICH IS STATE'S EXHIBIT 60?

4 A THIS IS ANOTHER UNFIRED SHOTGUN SLUG WHICH WAS LAYING
5 ON THE FLOOR.

6 Q CLOSE UP ALSO OF 20.

7 A AGAIN, THIS IS AN UNFIRED SHOTGUN SLUG, .12 GAUGE
8 LAYING ON THE FLOOR.

9 Q AND A?

10 A OKAY, THIS IS ANOTHER UNFIRED SHOTGUN SLUG LAYING ON
11 THE FLOOR.

12 Q AND THESE ARE ONES WE'VE PREVIOUSLY TALKED ABOUT?

13 A YES, SIR.

14 Q AND STATE'S EXHIBIT NUMBER 90, STATE'S EXHIBIT 91
15 REFLECTING B?

16 A THIS IS A SPENT .12 GAUGE SHOTGUN SHELL. IT HAD BEEN
17 FIRED. IT WAS LAYING ON THE FLOOR BEHIND THE DISPLAY
18 CABINET.

19 Q OKAY. LET'S GO TO STATE'S EXHIBIT 92. TELL ME FROM
20 WHICH ANGLE WE'RE LOOKING NOW ON THIS DIAGRAM, WHICH IS
21 18A.

22 A OKAY. WE'RE LOOKING AT THIS AREA RIGHT IN HERE, THE
23 COUNTER THAT GOES TO THE LEFT, THAT IS THIS COUNTER RIGHT
24 HERE.

25 Q IN PARTICULAR LOOKING HERE AT POINT A, IF YOU WOULD,

1 I WANT TO SHOW YOU, WHERE IS POINT A ON THE PHOTOGRAPH?

2 A IT WOULD BE ALL THE WAY TO THE LEFT, IN THE MIDDLE OF
3 THAT PHOTOGRAPH.

4 Q LET ME SHOW YOU A CLOSER VIEW OF THAT CORNER.
5 STATE'S EXHIBIT 93, ASK YOU WHERE THAT IS LOCATED?

6 A OKAY. THIS IS THE UNDERSIDE OF THAT CABINET AND WHAT
7 YOU'RE SEEING IS SEVERAL SUSPECTED PROJECTILE INDENTATIONS
8 IN THE METAL OF THE CABINET.

9 Q AND THEN I'LL SHOW YOU STATE'S EXHIBIT NUMBER 94.

10 A WHAT I'VE DONE HERE IS I MOVED SOME OF THIS PLASTIC
11 OUT OF THE WAY, TOOK ANOTHER PHOTOGRAPH OF THAT TO SHOW
12 THE INDENTATIONS AND THE PELLETS. THE PELLETS ARE HARD TO
13 SEE, BUT THERE'S SEVERAL PELLETS ON THE FLOOR OF THAT
14 CABINET.

15 Q OKAY. NINETY-FIVE IS MARKED AS C.

16 A WHAT THIS IS, A LITTLE ROUND PIECE OF PLASTIC, A
17 PIECE OF SHOTGUN SHELL WADDING, AND IT IS SOMEWHERE
18 BETWEEN THE CUP THAT ACTUALLY HOLDS THE PELLETS AND THE
19 POWDER.

20 Q AND D, WHICH IS STATE'S EXHIBIT NUMBER 96?

21 A THIS WAS ANOTHER PIECE OF PLASTIC SHOTGUN SHELL
22 WADDING, AND THIS WAS FROM THE FLOOR BEHIND THE DISPLAY
23 COUNTERS.

24 Q AND ARE THESE THE SAME C AND D THAT YOU HAVE TALKED
25 ABOUT ON EXHIBIT 1, OR 18A?

1 A YES, SIR, IT IS.

2 Q THEN I WANT TO SHOW YOU EXHIBIT E, WHICH IS STATE'S
3 EXHIBIT NUMBER 97.

4 A OKAY. THIS WAS ANOTHER CIRCULAR PIECE OF SHOTGUN
5 SHELL WADDING. AND THIS WAS ON THE FLOOR BEHIND ONE OF
6 THE WORK COUNTERS.

7 Q IS THIS THE SAME E WE'RE TALKING ABOUT ON 18A?

8 A YES, SIR, IT IS.

9 Q AND, LASTLY, I SHOW YOU F, WHICH IS STATE'S EXHIBIT
10 98.

11 A OKAY. THIS IS ANOTHER PIECE OF SHOTGUN SHELL
12 WADDING. THAT'S WHAT'S FROM THE FLOOR BEHIND THE WORK
13 COUNTERS.

14 Q THAT THE SAME F YOU PREVIOUSLY TESTIFIED TO ON 18A?

15 A YES, SIR.

16 Q LET ME SEE IF I CAN DO THIS. IT'S NOT SHOWING UP AS
17 WELL AS I'D LIKE. LET ME SHOW YOU STATE'S EXHIBIT 19,
18 WHICH HAS BEEN PREVIOUSLY INTRODUCED. WHAT ARE THE ITEMS
19 HIGHLIGHTED ON THAT? THE LEGEND ON THE LEFT, THE TWO
20 GROUPS OF ITEMS THAT ARE HIGHLIGHTED IN THAT DRAWING?

21 A THE ONES INDICATED WITH A SQUARE ARE SHOTGUN SHELL
22 WADDING AND THE CIRCULAR INDICATIONS ARE FOR SPENT SHOTGUN
23 SHELL CASINGS, THE ONES THAT HAVE BEEN FIRED.

24 Q THE TWO ON THERE, THE SHOTGUN SHELL WADDINGS IN
25 SQUARES, AND THE SHOTGUN SHELL CASINGS IN CIRCLES?

1 A YES, SIR.

2 Q SHOW YOU ITEM 20, ASK YOU WHAT ITEMS ARE HIGHLIGHTED

3 ON THAT DRAWING OR THAT DIAGRAM?

4 A I CAN'T SEE THE VERY TOP OF THAT.

5 Q OH, I'M SORRY.

6 A THESE ARE ALL SPENT OR FIRED SHOTGUN SHELL CASES.

7 Q THAT'S THE LOCATION OF THE SPENT SHOTGUN SHELLS?

8 A YES, SIR.

9 Q ALL RIGHT. AND NUMBER 21? WHAT ITEMS OR GROUP OF

10 ITEMS ARE HIGHLIGHTED ON THAT EXHIBIT?

11 A THESE ARE ALL OF THE UNFIRED SHOTGUN SHELL CASINGS.

12 Q THAT YOU FOUND?

13 A YES, SIR.

14 Q MR. THRASHER, IF YOU WOULD, ANSWER ANY QUESTIONS THAT

15 MR. MAULDIN OR MR. NETTLES WOULD HAVE.

16 THE COURT: CROSS EXAMINATION?

17 Q LET ME SHOW YOU -- I ALMOST FORGOT TO BRING THESE TO

18 YOU. LET ME SHOW YOU THIS GROUP, WHICH ARE STATE'S

19 EXHIBITS 22, 23, 24, AND 25, ASK YOU IF YOU CAN IDENTIFY

20 THOSE.

21 THE COURT: ANY OBJECTION, MR. MAULDIN?

22 MR. MAULDIN: THE ITEMS THAT HAVE BEEN SHOWN IN THE

23 PICTURES AND SO FORTH?

24 THE COURT: FOUR SPENT SHELL CASES.

25 MR. MAULDIN: NO OBJECTION.

1 THE COURT: ADMITTED WITHOUT OBJECTION.

2 MR. ARIAIL: STATE'S EXHIBIT 27, 28, 29, 30 AND 31.

3 ANY OBJECTION TO THE LIVE SHELLS?

4 MR. MAULDIN: NO, SIR, NO OBJECTION.

5 THE COURT: ADMITTED WITHOUT OBJECTION.

6 (STATE EXHIBIT NUMBER 27-31 ARE RECEIVED INTO
7 EVIDENCE.)

8 A YES, SIR. THESE ARE ALL THE EVIDENCE ITEMS THAT, THE
9 SHELL CASINGS AND THE LIVE ROUNDS, I COLLECTED FROM BI-LO.

10 Q SHOW YOU WHAT'S BEEN PREMARKED STATE'S EXHIBIT 32.

11 A YES, SIR. THAT'S THE SHOT SHELL WADDING AND THE
12 PIECE OF BLUE CLOTH.

13 Q AND THEY CAME FROM WHERE?

14 A FROM THE TRASH CAN TO THE RIGHT IN THE BAKERY, JUST
15 PAST THE DOUBLE DOORS.

16 Q LET ME SHOW YOU 85, 86, 87, AND 88.

17 A YES. THESE ARE ALL PLASTIC WADDINGS FROM BEHIND THE
18 WORK AREA.

19 Q AND THESE ARE THE SAME WADDING YOU SEE ON HERE,
20 THEY'RE SO LABELED?

21 A YES, SIR.

22 Q C, D, E, AND F?

23 A YES, SIR.

24 Q LET ME SHOW YOU STATE'S EXHIBIT 39, ASK YOU IF YOU
25 WOULD TELL ME WHAT THOSE ARE.

1 A THESE ARE 45 SHOTGUN PELLETS I COLLECTED FROM VARIOUS
2 AREAS IN THE CRIME SCENE. THE PARTICULAR AREA THAT --

3 Q WERE THERE MORE THAN THAT?

4 A OH, YES, SIR.

5 Q THIS IS JUST A REPRESENTATIVE?

6 A I JUST WANTED A SAMPLE OF THE VARIOUS PELLETS.

7 MR. ARIAIL: OFFER THIS.

8 MR. MAULDIN: NO OBJECTION.

9 THE COURT: 62, 85, 86, 87, 88, 89 WITHOUT OBJECTION.
10 EXCUSE ME, NOT 62.

11 (STATE'S EXHIBIT NUMBER 85-89 ARE RECEIVED INTO
12 EVIDENCE.)

13 MR. ARIAIL: THAT'S RIGHT, 89 IS THE LAST ONE.

14 Q LOOK AT THIS ITEM, JUST UNWRAP IT. WHY DON'T I GET
15 YOU A PAIR OF SCISSORS?

16 THE COURT: SOLICITOR, BEFORE WE GET THERE, MR.
17 MAULDIN, LET ME ASK YOU, DO YOU HAVE ANY OBJECTIONS TO 32,
18 THE PIECE OF THE BLUE APRON, DO YOU HAVE ANY OBJECTION TO
19 32?

20 MR. MAULDIN: THIRTY-TWO, YOUR HONOR, NO, SIR. NO
21 OBJECTION.

22 THE COURT: ADMITTED WITHOUT OBJECTION. DO YOU HAVE
23 ANY OBJECTION TO 62? HE HAS IT IN HIS HANDS.

24 MR. MAULDIN: OH, NO OBJECTION. I HAVE NO OBJECTION
25 TO THAT.

1 (STATE'S EXHIBIT NUMBER 62 IS RECEIVED INTO
2 EVIDENCE.)

3 BY MR. ARIAIL:

4 Q TELL US WHAT 62 IS.

5 A OKAY. THIS IS THE MAVERICK BY MOSSBURG SHOTGUN THAT
6 WE FOUND LAYING UNDER THE DOUBLE DOORS IN THE BAKERY AREA.

7 Q AND THIS IS A PUMP ACTION?

8 A YES, SIR.

9 Q DO YOU KNOW HOW TO OPERATE IT?

10 A YES, SIR.

11 Q WOULD YOU MIND TAKING THAT THING AND LOOKING IN IT?
12 IF YOU WANT TO MOVE -- ONCE YOU FIRED IT, IF YOU WANTED TO
13 MOVE ANOTHER SHELL INTO THE CHAMBER TO FIRE AGAIN, HOW
14 WOULD YOU DO IT?

15 A WHAT, AFTER YOU FIRED?

16 Q UH-HUH.

17 A YOU WOULD JUST RACK IT.

18 Q SHOW US HOW YOU DO THAT.

19 A WHEN IT'S EMPTY, IT LOCKS. YOU JUST PUSH THIS LITTLE
20 SAFETY DEVICE AND THAT ALLOWS YOU TO RACK THE --

21 (DEMONSTRATING)

22 Q IF YOU, IF IT'S LOADED, YOU DON'T HAVE TO PUSH THAT
23 BUTTON?

24 A IF IT'S LOADED, YOU CAN KEEP GOING.

25 MR. ARIAIL: STATE'S EXHIBIT 62, YOUR HONOR.

1 WE WOULD ALSO MOVE AT THIS TIME INTRODUCTION OF 18A,
2 THE ENLARGED DIAGRAM, INTO EVIDENCE.

3 THE COURT: ANY OBJECTION?

4 MR. MAULDIN: NO OBJECTION.

5 THE COURT: 18A IS ADMITTED WITHOUT OBJECTION.

6 (STATE'S EXHIBIT NUMBER 18-A IS RECEIVED INTO
7 EVIDENCE.)

8 THE COURT: IS THAT IT, SOLICITOR, FOR DIRECT? YOU
9 FINISHED?

10 MR. ARIAIL: YES, SIR.

11 THE COURT: MR. MAULDIN, LET ME KNOW WHEN YOU'RE
12 READY FOR CROSS, PLEASE, SIR.

13 MR. MAULDIN: ALL RIGHT, SIR. IT WILL TAKE A MOMENT.

14 THE COURT: MR. MAULDIN.

15 **CROSS EXAMINATION**

16 BY MR. MAULDIN:

17 Q MR. THRASHER, I'M GOING TO ASK YOU THAT YOU BEAR WITH
18 ME WHILE I MOVE THROUGH THESE --

19 A YES, SIR.

20 Q -- VARIOUS ITEMS. AND I'M GOING TO BE TRYING TO WORK
21 THIS CONTRAPTION HERE.

22 A I UNDERSTAND THAT.

23 Q THE FIRST THING I WANT TO DO IS MAKE SURE THAT I KNOW
24 WHAT WAS FOUND, BECAUSE I WAS WRITING IT DOWN AS YOU WERE
25 GOING THROUGH. AND I WANT TO MAKE SURE I DIDN'T MISS

1 ANYTHING. AND THAT IS, WHAT WAS FOUND IN THE OFFICE AREA,
2 THE DELI OFFICE AREA, WHICH IS THIS AREA RIGHT HERE?

3 A YES, SIR.

4 Q AND I'M -- AND WHICH IS INDICATED AS THE OFFICE AREA
5 IN THIS LARGER DIAGRAM ON THE VIEWER?

6 A YES, SIR.

7 Q GOT VARIOUS NUMBERS THERE, AND I WAS KIND OF
8 FOLLOWING ALONG, AND THIS IS WHAT I HEARD YOU TESTIFY TO.
9 I HEARD YOU SAY THAT NUMBER THREE, WHICH WAS THE WHITE
10 SHIRT AND THE BLUE APRON, WERE IN THE DOORWAY RIGHT
11 OUTSIDE THE DELI OFFICE. RIGHT?

12 A I SAID THEY WERE ON THE FLOOR OUTSIDE THE OFFICE.

13 Q RIGHT HERE, NUMBER THREE?

14 A YES, SIR.

15 Q ISN'T THAT WHAT YOU SAID?

16 A YES, SIR.

17 Q ALL RIGHT. AND THEN YOU SKIPPED -- SO YOU SKIPPED
18 DOWN TO NUMBER THREE, THEN YOU SKIPPED DOWN TO NUMBER,
19 FIVE AND YOU SAY THERE WAS A .12 GAUGE SHOTGUN SHELL
20 LOCATED RIGHT NEARBY. SO, THAT'S THIS ONE?

21 A YES, SIR.

22 Q THEN YOU SKIPPED DOWN TO NUMBER TEN AND YOU TALK
23 ABOUT AN EMPTY STOCKTON CIGARETTE PACK?

24 A YES, SIR.

25 Q THAT WAS ON THE SHELF WITHIN THE OFFICE?

1 A YES, SIR.

2 Q THAT'S NUMBER 10, THIS ONE RIGHT HERE, NUMBER 10
3 RIGHT HERE?

4 A YES, SIR.

5 Q AND ON THIS BIG DIAGRAM, RIGHT UP HERE, RIGHT?

6 A YES, SIR.

7 Q NOW, WHAT I WANT TO DO IS GO BACK AND TALK ABOUT WHAT
8 ELSE WAS IN THAT OFFICE AND WHAT WAS OUTSIDE THAT OFFICE,
9 IF YOU DON'T MIND. JUST LOOK AT YOUR REPORT. WE'LL GO
10 RIGHT DOWN IT. YOU DIDN'T SAY ANYTHING ABOUT A NUMBER
11 TWO. ITEM NUMBER TWO DOESN'T SEEM TO BE ON ANY OF THESE
12 DIAGRAMS. THAT IS A SILVER-COLORED EARRING ON THE FLOOR
13 NEAR THE OFFICE, RIGHT?

14 A YES, SIR.

15 Q YEAH. I MEAN THAT'S TRUE, ISN'T IT?

16 A YES, SIR.

17 Q ALL RIGHT. AND THEN YOU SAID SOMETHING ABOUT NUMBER
18 THREE. BUT YOU DIDN'T SAY ANYTHING ABOUT NUMBER FOUR,
19 NUMBER FOUR ON YOUR REPORT.

20 MR. ARIAIL: I'D LIKE TO REGISTER AN OBJECTION.

21 THE COURT: WHAT IS THE OBJECTION?

22 MR. ARIAIL: I MADE THE STATEMENT CLEAR THAT I ASKED
23 THAT THAT DIAGRAM BE MODIFIED FROM THE ORIGINAL. IT'S NOT
24 THAT HE DIDN'T SAY ANYTHING ABOUT IT. IT'S THAT I DIDN'T
25 ASK HIM ANYTHING ABOUT IT. I THINK THE INSINUATION IS A

1 LITTLE BIT --

2 THE COURT: DO YOU HAVE AN OBJECTION TO IT?

3 MR. MAULDIN: IT'S AN IMPROPER QUESTION.

4 THE COURT: OVERRULED.

5 MR. MAULDIN: THANK YOU.

6 Q NOW, LOOK DOWN YOUR LIST AND YOU'LL SEE ITEM NUMBER
7 FOUR, RIGHT?

8 A YES, SIR.

9 Q AND ITEM NUMBER FOUR IS NOT ON THIS MODIFIED FORM,
10 RIGHT?

11 A NO, SIR.

12 Q AND ITEM NUMBER FOUR IS ANOTHER SILVER-COLORED
13 EARRING FROM THE SAME AREA THAT IS NOT MARKED ON THERE,
14 BUT THE OFFICE AREA IS -- YOU SEE THAT OFFICE AREA, SIR?

15 A YES, SIR.

16 Q THAT'S WHERE THESE EARRINGS WERE FOUND ON THE FLOOR?

17 A YES, SIR.

18 Q ALL RIGHT. THEN YOU'VE GOT, GOING DOWN THE LIST, TWO
19 PIECES OF PVC PIPE CONNECTED WITH A NYLON STRAP ON THE
20 FLOOR NEAR THE OFFICE. THIS IS NEAR -- IN THE DELI-BAKERY
21 OFFICE, RIGHT?

22 A YES, SIR.

23 Q AND THAT ITEM, NUMBER SIX, IS ACTUALLY A -- DO YOU
24 KNOW THAT TO BE A CAKE CUTTER? WHERE YOU CUT CAKES WITH
25 IT, DID YOU KNOW THAT?

1 A I DIDN'T KNOW WHAT IT WAS. IT WAS IN THE SCENE SO WE
2 COLLECTED IT.

3 Q BUT ANY RATE, IT WAS THERE TOO, RIGHT?

4 A YES, SIR.

5 Q ALL RIGHT. AND THEN IN NUMBER SEVEN, NUMBER SEVEN
6 WAS A SPENT SHOTGUN SHELL?

7 A YES, SIR.

8 Q ALL RIGHT, SIR. LET'S TALK ABOUT THAT JUST A MINUTE.
9 MAKE SURE WE KNOW WHERE THIS ITEM IS. I'LL SHOW YOU TWO
10 PICTURES. THAT PICTURE.

11 HOW DO YOU GET THIS THING TO GO UP AND DOWN?

12 MR. ARIAIL: JUST PUSH ONE OF THE BUTTONS.

13 MR. MAULDIN: OKAY.

14 Q THAT, TO ORIENT THE JURY, DID YOU TAKE THAT PICTURE?

15 A YES, SIR.

16 Q WHEN YOU TOOK THAT PICTURE, YOU WERE STANDING IN THE
17 HALLWAY LOOKING INTO THE DELI-BAKERY OFFICE?

18 A YES.

19 Q SO, AT THE TIME YOU TOOK THAT PICTURE, YOU WOULD HAVE
20 BEEN STANDING ABOUT WHERE NUMBER FIVE IS ON THIS DIAGRAM,
21 RIGHT?

22 A IN THAT GENERAL AREA. YES, SIR.

23 Q AND TAKING A PICTURE INTO THE OFFICE?

24 A YES, SIR.

25 Q SO, WE'RE FOLLOWING EACH OTHER. AND THERE'S THE

1 PICTURE?

2 A YES.

3 Q IF YOU LOOK, IT'S KIND OF HARD TO SEE ON THIS THING
4 HERE, BUT YOU LOOK RIGHT THERE BELOW THAT DOORKNOB, THERE
5 IS A KIND OF, LOOKS LIKE A BLUE CLOTH HANGING, A BLUE
6 TABLE CLOTH MAYBE?

7 I'LL SHOW YOU. RIGHT THERE.

8 A YES, SIR.

9 Q DO YOU SEE THAT HANGING?

10 A YES, SIR.

11 Q YOU SEE THAT?

12 A YES, SIR.

13 Q THAT'S A BLUE TABLE CLOTH OVER A DESK, ISN'T IT?

14 A YES, SIR.

15 Q THAT'S RIGHT INSIDE THAT DOOR. AND THE SHOTGUN
16 SHELL, THE SPENT SHOTGUN SHELL, WHICH MEANS IT HAS BEEN
17 FIRED?

18 A YES, SIR.

19 Q WAS ON THE OTHER END OF THAT DESK, FARTHEST FROM THE
20 DOOR, AROUND BEHIND THE BLUE DESK COVER, RIGHT?

21 A YES, SIR.

22 Q ALL RIGHT. SO, THAT WAS INSIDE THE OFFICE. THIS,
23 AND I'VE BEEN FORGETTING TO SAY WHAT EXHIBIT, STATE'S
24 EXHIBIT 42. STATE'S EXHIBIT 42, INDICATING ON YOUR REPORT
25 ITEM NUMBER THREE, IS T-SHIRT AND THE BLUE APRON?

1 A THAT'S CORRECT, SIR.

2 Q AND IT WAS LOCATED ALSO ABOUT WHERE THAT OTHER
3 PICTURE WOULD HAVE BEEN TAKEN FROM, RIGHT?

4 A IN THAT GENERAL AREA.

5 Q RIGHT OUTSIDE IS THAT OFFICE DOOR?

6 A YES, SIR.

7 Q ALL RIGHT. ALSO IN THAT OFFICE WAS A CIGARETTE BUTT,
8 THE STOCKTON CIGARETTE PACK THAT I ASKED YOU ABOUT A FEW
9 MOMENTS AGO. IN FACT, A BEIGE PURSE, A POCKETBOOK, WAS IN
10 THERE HANGING ON THE OFFICE DOORKNOB, RIGHT?

11 A THAT'S CORRECT, SIR.

12 Q AND THE LAST THING THAT I ASKED YOU ABOUT WITH REGARD
13 TO THOSE ITEMS, IS THIS. NOW, I'M GOING TO SHOW YOU TWO
14 PICTURES IN A ROW JUST SO THE JURY WILL GET AN ORIENTATION
15 HERE. ALL RIGHT. STATE'S EXHIBIT NUMBER 34, THAT'S THE
16 ONE THAT'S RIGHT OUTSIDE THE DOORWAY WITH A CHAIR IN IT.
17 DO YOU SEE IT?

18 A YES, SIR.

19 Q SO THAT CHAIR, IF YOU'RE STANDING IN THE DOORWAY, IS
20 THE BACK LEFT-HAND CORNER OF THE OFFICE?

21 A YES, SIR.

22 Q I WANT TO ASK IF THIS IS ANOTHER PHOTOGRAPH OF THAT
23 SAME CHAIR?

24 A YES, SIR.

25 Q AND YOU TESTIFIED, I BELIEVE EARLIER, ABOUT A

1 CIGARETTE AND A DRINK BOTTLE?

2 A YES, SIR.

3 Q AND THOSE PHOTOGRAPHS HAVE BEEN ADMITTED INTO
4 EVIDENCE OF THE COKE BOTTLE AND THE CIGARETTE BUTT. AND
5 THEY WERE RIGHT HERE?

6 A YES, SIR.

7 Q I WANT TO ASK YOU ABOUT SOMETHING ELSE THAT YOU CAN
8 BARELY SEE IN THAT PICTURE, BUT I'M GOING TO GIVE YOU A
9 BETTER SHOT OF IT. I WANT TO ASK YOU, PLEASE, SIR,
10 WITHOUT COMMENTING, JUST TO TELL ME IF YOU CAN IDENTIFY
11 THAT.

12 A YES, SIR.

13 Q NOW, CAN YOU IDENTIFY THAT?

14 A YES, SIR.

15 Q ALL RIGHT. I WANT THESE MARKED PLEASE, MA'AM.

16 LET ME SHOW --

17 (MR. MAULDIN SHOWS PHOTOS TO STATE'S ATTORNEYS.)

18 MR. ARIAIL: NO OBJECTION, THEY CAN BE ADMITTED.

19 THE COURT: YOU WANT TO MARK THEM?

20 MR. MAULDIN: I WILL, AS SOON AS SHE GIVES THEM A
21 STICKER. I DO OFFER THESE PHOTOGRAPHS AS DEFENDANTS 7 AND
22 8, YOUR HONOR.

23 THE COURT: ADMITTED WITHOUT OBJECTION.

24 (DEFENDANT'S EXHIBIT NUMBER 7-8 ARE RECEIVED INTO
25 EVIDENCE.)

1 Q I WANT TO SHOW YOU WHAT'S BEEN MARKED AS DEFENDANT'S
2 EXHIBIT NUMBER 7. TELL ME IF YOU CAN TELL THE JURY WHAT
3 THAT IS.

4 A YES, SIR. THAT'S TWO BLISTER PACKS OF SIMPLY SLEEP
5 SLEEPING PILLS, AND THEY'RE LAYING ON THE COUNTER THERE.

6 Q AND I WANT TO ASK YOU IF THAT IS A CLOSER PHOTOGRAPH
7 OF THE SLEEPING PILLS?

8 A YES, SIR. THERE'S TWO BLISTER PACKS LAYING ON THE
9 COUNTER AND IN THE BASKET IS A FULL BOX OF SIMPLY SLEEP.

10 Q ALL RIGHT. NOW, I'LL SHOW YOU DEFENDANT'S EXHIBIT
11 NUMBER 7, PLEASE, SIR, AND ASK THIS. THIS RIGHT HERE IS
12 THE TOP OF THE COKE BOTTLE, PICTURE OF WHAT HAS BEEN
13 INTRODUCED.

14 A YES.

15 Q SO ABOUT 6 TO 8 INCHES ABOVE THAT IS THIS PHOTOGRAPH
16 OF THE SLEEPING PILLS; IS THAT RIGHT?

17 A APPROXIMATELY.

18 Q AND DEFENDANT'S EXHIBIT NUMBER 8 IS A CLOSE UP WITH
19 AN EXHIBIT NUMBER, AND THAT'S NUMBER 11, RIGHT?

20 A YES, SIR.

21 Q AND NUMBER 11 WAS LISTED ON YOUR REPORT. SO, WE'VE
22 ADDED THAT TO YOUR TESTIMONY, RIGHT?

23 A OKAY.

24 Q OKAY. GOING BACK TO THE HALLWAY AND -- WELL, I DON'T
25 KNOW HOW TO TURN -- I'M NOT GOING TO TURN THAT OFF. YOU

1 CAN TURN THE LIGHTS ON, PLEASE.

2 GOING BACK TO THE HALLWAY, AND THAT IS RIGHT OUTSIDE
3 THIS DOORWAY HERE, IN THE AREA OF NUMBER THREE AND FIVE
4 HERE.

5 A YES, SIR.

6 Q THESE ARE THE SWINGING DOORS UNDER WHICH THE SHOTGUN
7 WAS LAYING WHEN YOU INVENTORIED THE EVIDENCE?

8 A YES, SIR.

9 Q I WANT TO ASK YOU -- AND NOW I REFER TO STATE'S
10 EXHIBIT NUMBER 89, YOU SAID THAT THERE WERE MANY OF THESE,
11 AND THAT THIS IS JUST A REPRESENTATIVE SAMPLE --

12 A YES, SIR.

13 Q -- OF THESE PELLETS?

14 A YES, SIR.

15 Q ALL RIGHT. I WANT TO ASK YOU IF, AND JUST BE
16 REFERRING TO STATE'S EXHIBIT NUMBER 89, IF THERE WERE
17 PELLETS IN THE HALLWAY OUTSIDE THE OFFICE DOOR IN THE
18 GENERAL AREA WHERE THAT NUMBER FIVE IS?

19 A YES, SIR.

20 Q THERE WERE?

21 A YES, SIR.

22 Q ALL RIGHT. WE'RE FILLING IN THESE BLANKS.

23 MR. ARIAIL: OBJECT.

24 THE COURT: NO EDITORIAL COMMENTS, MR. MAULDIN.

25 OKAY?

1 MR. MAULDIN: ALL RIGHT, SIR. BEG YOUR PARDON, YOUR
2 HONOR.

3 THE COURT: JUST ASK QUESTIONS.

4 Q A COUPLE OF OTHER QUESTIONS, MR. THRASHER. DO YOU
5 HAVE ANYTHING TO DO WITH THE GUN POWDER RESIDUE TESTING
6 THEY DO IN CASES LIKE THAT?

7 A YES, SIR, I DO. I DID NOT IN THIS CASE.

8 Q HUH?

9 A I DID NOT IN THIS CASE.

10 Q BUT -- ARE YOU SAYING NONE WERE DONE?

11 A OH, THEY WERE DONE. YES, SIR.

12 Q ARE YOU SAYING YOU DIDN'T DO THEM?

13 A WE DID THE RESIDUE ON THE SHOTGUN. YES.

14 Q ALL RIGHT. BUT THE -- ARE YOU AWARE THAT THOSE TESTS
15 WERE EVEN DONE?

16 A YES, SIR.

17 Q ALL RIGHT. NOW, FINAL QUESTION I'VE GOT, AND MAYBE I
18 LOST COUNT. THERE WERE INTRODUCED FOUR SPENT SHOTGUN
19 SHELLS, RIGHT? THAT'S WHAT EXHIBITS 22, 23, 24, AND 25
20 ARE.

21 A RIGHT.

22 Q THERE'S FOUR OF THEM. AND I WAS COUNTING THE YELLOW
23 CIRCLES. SPENT SHELL CASINGS, ONE -- THIS THE OFFICE?

24 A YES, SIR.

25 Q ONE RIGHT HERE ON THIS TABLE, ONE ON THE FLOOR?

1 A YES, SIR.

2 Q ONE ON THE COUNTER AND ONE ON THE FLOOR?

3 A YES, SIR.

4 Q AND THAT'S FIVE. BUT YOU'VE GOT SOMETHING TO DO WITH
5 THESE FOUR?

6 A YES, SIR.

7 Q BUT THERE WERE ACTUALLY FIVE, RIGHT? THE FIVE OF THE
8 DIAGRAM?

9 A AT-1, THE ONE UP HERE, WAS COLLECTED LATER ON BY
10 AUBRY TOMLIN, ANOTHER FORENSIC OFFICER.

11 Q WHAT NUMBER IS THAT?

12 A AT-1.

13 Q SO, THIS ONE RIGHT HERE WAS COLLECTED BY ANOTHER
14 PERSON?

15 A YES, SIR.

16 Q SO, THE FOUR THAT YOU HAD IN EVIDENCE ARE THESE FOUR;
17 BUT SOMEBODY ELSE IS GOING TO COME IN AND PUT A FIFTH IN,
18 RIGHT?

19 A YES, SIR.

20 Q OKAY. ALL RIGHT. HOLD ON JUST A MINUTE.

21 MR. MAULDIN: NO FURTHER QUESTIONS, YOUR HONOR.

22 THE COURT: ANY REDIRECT?

23 MR. ARIAIL: NO, YOUR HONOR.

24 THE COURT: CAN MR. THRASHER BE EXCUSED? ANY
25 OBJECTION TO MR. THRASHER LEAVING?

1 MR. MAULDIN: WE WOULD ASK HE REMAIN UNDER SUBPOENA,
2 JUST AVAILABLE.

3 MR. ARIAIL: YOUR HONOR, CAN I SPEAK TO THAT?

4 THE COURT: COME UP HERE AND SPEAK.

5 MR. ARIAIL: IT'S NOT QUITE THAT SIMPLE IN THIS CASE.

6 (BENCH CONFERENCE HELD WITHIN THE PRESENCE BUT
7 OUTSIDE THE HEARING OF THE JURY.)

8 THE COURT: ALL RIGHT. MR. THRASHER, THANK YOU SO
9 VERY MUCH. HAVE A SAFE TRIP HOME TO TENNESSEE?

10 SOLICITOR, YOU WANT TO CALL YOUR NEXT WITNESS?

11 MR. MOYER: CALL AUBRY TOMLIN. YOUR HONOR, WHILE
12 HE'S COMING, WE HAVE A COUPLE STIPULATIONS WE CAN GO
13 THROUGH. ONE REGARDS STATE'S EXHIBIT NUMBER 12 AND 12A,
14 WHICH ACTUALLY HAVE ALREADY BEEN PLAYED. IT'S THE
15 AUDIOTAPE OF CONVERSATION THAT INVESTIGATOR TONY LEE PUT
16 IN EVIDENCE WITH HIM. STIPULATE TO CHAIN OF CUSTODY ON
17 THAT.

18 MR. MAULDIN: STIPULATED.

19 MR. MOYER: SO, THE STATE WOULD MOVE STATE'S EXHIBIT
20 NUMBER 99 INTO EVIDENCE.

21 MR. MAULDIN: STIPULATE AS TO 103 INVOLVING A
22 FIREARMS TRANSACTION RECORD, YOUR HONOR.

23 THE COURT: NINETY-NINE, WHAT ELSE?

24 MR. MOYER: EXHIBIT NUMBER 103.

25 THE COURT: SO, 103 AND 99; IS THAT CORRECT?

1 (STATE'S EXHIBIT NUMBER 99 IS RECEIVED INTO EVIDENCE)

2 MR. MOYER: PLEASE THE COURT, I'LL PUBLISH STATE'S
3 EXHIBIT NO. 103. IT'S A STIPULATION BY THE PARTIES THAT
4 EXHIBIT NUMBER 63 IS AN EXHIBIT, IS A FIREARMS TRANSACTION
5 RECORD DOCUMENTING THE SALE OF A SHOTGUN FROM THE WAL-MART
6 STORE LOCATED AT 14055 EAST WADE HAMPTON BOULEVARD, GREER,
7 SOUTH CAROLINA, TO THE DEFENDANT, CHARLES CHRISTOPHER
8 WILLIAMS ON NOVEMBER 8th 2002; THAT THE SHOTGUN IS A
9 MOSSBURG MAVERICK MODEL 88, SERIAL NUMBER MV76837H AND
10 THAT THE EXHIBIT IS ADMISSIBLE AS A BUSINESS RECORD
11 PURSUANT TO RULE 803 OF THE RULES OF EVIDENCE AND ENTERED
12 INTO EVIDENCE.

13 AND PURSUANT TO THAT, YOUR HONOR, WE WOULD MOVE
14 STATE'S EXHIBIT 63, WHICH IS THE FIREARMS TRANSACTION
15 RECORD, INTO EVIDENCE.

16 MR. MAULDIN: NO OBJECTION.

17 THE COURT: OKAY. SIXTY-THREE ADMITTED.

18 (STATE'S EXHIBIT NUMBER 63 IS RECEIVED INTO
19 EVIDENCE.)

20 MR. MOYER: STATE WOULD CALL AUBRY TOMLIN.

21 AUBRY TOMLIN, BEING
22 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION

24 BY MR. MOYER:

25 Q MR. TOMLIN, WHERE DO YOU WORK?

- 1 A GREENVILLE COUNTY FORENSICS.
- 2 Q IS THAT THE SAME DEPARTMENT THAT MR. THRASHER WHO
- 3 JUST TESTIFIED WORKED IN?
- 4 A YES, SIR.
- 5 Q AND YOU DO THE SAME TYPE OF WORK HE DID?
- 6 A YES, SIR.
- 7 Q WHAT IS YOUR POSITION WITH THE FORENSIC DIVISION?
- 8 A I'M A FORENSICS EVIDENCE TECHNICIAN.
- 9 Q HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?
- 10 A ROUGHLY TEN YEARS NOW.
- 11 Q HOW LONG YOU BEEN WITH THE FORENSICS DIVISION?
- 12 A THREE AND A HALF, A LITTLE OVER THREE AND HALF YEARS.
- 13 Q LET ME DIRECT YOUR ATTENTION TO SEPTEMBER 3RD, 2003.
- 14 WERE YOU CALLED OUT ON THAT DAY TO THE BI-LO GROCERY STORE
- 15 ON EAST NORTH STREET?
- 16 A YES, SIR.
- 17 Q WHAT TIME WAS IT THAT YOU WERE CALLED OUT TO THAT
- 18 LOCATION?
- 19 A APPROXIMATELY 8:30 AT NIGHT.
- 20 Q AND WHAT TIME DID YOU ARRIVE AT THE LOCATION?
- 21 A APPROXIMATELY 9:00.
- 22 Q AND WHAT WAS YOUR PURPOSE FOR GOING THERE?
- 23 A I HAD BEEN TOLD THAT THE CLEAN UP CREW -- THEY WAS
- 24 CLEANING UP THE DELI SECTION, HAD UNCOVERED A SHOTGUN
- 25 SHELL, AND THAT THE INVESTIGATORS WANTED IT PHOTOGRAPHED

1 AND CHECKED.

2 Q WERE OTHER LAW ENFORCEMENT PERSONNEL STILL THERE WHEN
3 YOU ARRIVED?

4 A YES, SIR.

5 Q WHEN YOU ARRIVED, WHERE DID YOU GO?

6 A TO THE FRONT OF THE STORE.

7 Q DID YOU MEET WITH ANYBODY?

8 A INVESTIGATOR SILVAGGIO.

9 Q AFTER MEETING WITH INVESTIGATOR SILVAGGIO, DID YOU GO
10 TO A CERTAIN PARTICULAR LOCATION INSIDE THE STORE?

11 A YES, SIR. I WAS LEAD BACK TO THE DELI AREA.

12 Q IS THAT WHAT IS DEPICTED BEHIND YOU THERE IN STATE'S
13 EXHIBIT 18A I BELIEVE IT IS?

14 A YES.

15 Q DID YOU MEET WITH ANYONE BACK THERE?

16 A THE CLEAN UP CREW WAS BACK THERE, TO MY BEST
17 RECOLLECTION. THAT'S ALL I CAN REMEMBER BEING BACK THERE.

18 MR. MOYER: AT THIS TIME I WOULD MOVE STATE'S EXHIBIT
19 104 WHICH IS ANOTHER STIPULATION INTO EVIDENCE.

20 THE COURT: OKAY.

21 MR. MOYER: AND PUBLISH TO THE JURY. THIS REGARDS
22 STATE'S EXHIBIT NUMBER 64, THAT SUCH EXHIBIT IS A SPENT
23 SHOTGUN SHELL FOUND ON SEPTEMBER THE 3RD, 2003, DURING THE
24 CLEAN UP OF THE DELI-BAKERY AREA OF BI-LO BY JOE WOODMAN,
25 AN EMPLOYEE OF THE CLEANING COMPANY BIO CARE; THAT SPENT

1 SHOTGUN SHELL WAS FOUND ON THE TOP OF A PREP TABLE NEAR
2 THE DOUBLE SWING DOORS IN THE DELI KITCHEN; THAT LAW
3 ENFORCEMENT WAS IMMEDIATELY NOTIFIED; AND THAT THE SPENT
4 SHOTGUN SHELL REMAINED UNMOVED AND UNDISTURBED UNTIL
5 INSTRUCTED BY FORENSIC AGENT AUBRY TOMLIN.

6 THE COURT: IS THAT THE STIPULATION?

7 MR. MAULDIN: THAT IS THE STIPULATION, YOUR HONOR.

8 THE COURT: ALL RIGHT. 103 ADMITTED.

9 (STATE'S EXHIBIT NUMBER 103 AND 104 ARE RECEIVED INTO
10 EVIDENCE.)

11 Q NOW, YOU WERE DIRECTOR OF A PARTICULAR AREA IN THE
12 DELI-BAKERY AREA?

13 A YES, SIR.

14 Q WHAT DID YOU SEE IN THAT AREA?

15 A THE DELI AREA, SAW THE TABLE WHERE THE CLEANING CREW
16 HAD BEEN WORKING, WHERE 18-A IS, RIGHT THERE, IS LIKE A
17 LARGE STAINLESS STEEL, LOOKS LIKE STAINLESS STEEL
18 COUNTER/TABLE. AND, AS I SAID THE SHOTGUN SHELL WAS ON
19 TOP OF THAT COUNTER.

20 Q WAS THE CLEAN UP CREW STILL THERE?

21 A YES, SIR.

22 Q WAS THIS CLEAN-UP CREW PART OF THE LAW ENFORCEMENT OF
23 GREENVILLE COUNTY SHERIFF'S OFFICE?

24 A AS FAR AS I'M AWARE IT'S A PRIVATE BUSINESS.

25 Q A PRIVATE BUSINESS. AND THEY'RE CALLED IN TO CLEAN

1 UP HAZARDOUS AREAS LIKE THIS AFTER A CRIME HAS TAKEN
2 PLACE?

3 A THEY CAN BE. YOU HAVE TO SPEAK WITH ONE OF THEIR
4 REPRESENTATIVES.

5 Q NOW, THAT SHOTGUN SHELL YOU JUST DESCRIBED, DID YOU
6 TAKE PHOTOGRAPHS OF IT?

7 A YES, SIR.

8 MR. MAULDIN: NO OBJECTION.

9 THE COURT: OKAY. SIXTY-FIVE THROUGH 69 ADMITTED
10 WITHOUT OBJECTION.

11 (STATE'S EXHIBIT NUMBER 65-69 ARE RECEIVED INTO
12 EVIDENCE.)

13 Q TAKE A LOOK AT THOSE. AND YOU RECOGNIZE WHAT I'VE
14 HANDED YOU?

15 A YES, SIR.

16 Q AND WHAT IS DEPICTED IN THOSE FIVE PHOTOGRAPHS?

17 A SAYS, "DELI AREA." THE TABLE AND THE AREA WHERE THE
18 SHOTGUN SHELL WAS, THE SHOTGUN SHELL CASING, MEANING IT'S
19 BEEN FIRED.

20 Q SO, THEY'RE ALL DIFFERENT ANGLES AND DISTANCES TO
21 THAT SAME AREA?

22 A YES, SIR. JUST TRIED TO SHOW ORIENTATION, WHERE IT
23 WAS IN THE DELI AREA WHEN I FOUND IT.

24 Q FOR THE BENEFIT OF THE JURY, I'M GOING TO SHOW THESE
25 TO THE JURY ON THE OVERHEAD. YOU HAVE A LASER POINTER IN

1 FRONT OF YOU, AND I WANT TO ASK YOU TO POINT OUT ON THIS
2 WHERE THEY ARE LOCATED. LET'S START WITH STATE'S EXHIBIT
3 NO. 68. CAN YOU USE THE LASER POINTER TO SHOW TO THE JURY
4 WHAT IS DEPICTED ON THAT?

5 A THAT'S THE SHOTGUN SHELL CASING RIGHT THERE.

6 Q OKAY. STATE'S EXHIBIT NUMBER 69?

7 A IT WOULD BE THE SAME CASING RIGHT THERE. JUST A
8 DIFFERENT ANGLE ON TOP OF THE TABLE, SO IT'S A LITTLE
9 HIDDEN BY THAT MATERIAL THAT'S THERE.

10 A I THINK IT'S A PAPER TOWEL.

11 Q STATE'S EXHIBIT 67?

12 A SAME SHELL, JUST DIFFERENT ANGLE.

13 Q WAS IT A LIVE SHELL OR SPENT SHELL?

14 A NO, SIR. IT'S A SHELL CASING, MEANING IT HAD BEEN
15 SPENT, FIRED.

16 Q IT HAD BEEN FIRED?

17 A NOTHING INSIDE.

18 Q SHOWING YOU STATE'S EXHIBIT NUMBER 65.

19 A WOULD BE RIGHT IN THERE. (INDICATES) YOU SEE THEM
20 BETTER JUST LOOKING AT THE PHOTO ITSELF RATHER THAN
21 BLOWING IT UP LIKE THAT.

22 Q OKAY. AND THEN STATE'S EXHIBIT NUMBER 66?

23 A WHICH IS THE AREA RIGHT HERE.

24 Q AND THAT'S JUST A LITTLE FARTHER ANGLE, LITTLE
25 FARTHER SHOT?

1 A YES, SIR.

2 Q IF YOU WOULD, DIRECT YOUR ATTENTION TO STATE'S
3 EXHIBIT 18A BEHIND. YOU'VE TAKEN A LOOK AT THIS DIAGRAM
4 PRIOR TO TODAY?

5 A YES, SIR.

6 Q CAN YOU POINT OUT FOR THE JURY'S BENEFIT WHERE THAT
7 LOCATION, THAT SPENT SHOTGUN SHELL IS ON THAT DIAGRAM?

8 A APPROXIMATELY THAT AREA WHERE THE AT-1 IS.

9 Q SO, THIS RECTANGULAR --

10 A WOULD BE THE STAINLESS TABLE.

11 Q THAT'S DEPICTED IN THE PICTURE ON THE OVERHEAD?

12 A YES.

13 Q DID YOU COLLECT ANY EVIDENCE WHILE YOU WERE THERE?

14 A JUST THE SHOTGUN SHELL.

15 Q WHAT DID YOU DO WITH THAT SHOTGUN SHELL AFTER YOU
16 COLLECTED IT?

17 A PROCESSED IT AND PLACED IT IN PROPERTY AND EVIDENCE,
18 PROCESSED IT FOR FINGERPRINTS.

19 MR. MAULDIN: NO OBJECTION.

20 THE COURT: STATE'S EXHIBIT 64 ADMITTED WITHOUT
21 OBJECTION.

22 (STATE'S EXHIBIT NUMBER 64 IS RECEIVED INTO
23 EVIDENCE.)

24 Q LET ME SHOW YOU STATE'S EXHIBIT 64, IT'S IN EVIDENCE.
25 CAN YOU IDENTIFY WHAT I HANDED YOU?

1 A YES, SIR.

2 Q AND WHAT IS THAT?

3 A THE SHOTGUN SHELL I COLLECTED FROM BI-LO.

4 Q THAT'S THE SHOTGUN SHELL YOU JUST WERE DESCRIBING TO
5 US IN THE PHOTOGRAPH.

6 A YES, SIR.

7 Q ONE MOMENT, PLEASE.

8 ALL RIGHT. PLEASE ANSWER ANY QUESTIONS THE DEFENSE
9 MAY HAVE.

10 **CROSS EXAMINATION**

11 BY MR. MAULDIN:

12 Q JUST GOT A COUPLE, MR. TOMLIN. YOU WORK NOW IN THE
13 SAME OUTFIT OR DIVISION OR WHATEVER AS THE FELLOW THRASHER
14 THAT TESTIFIED EARLIER?

15 A YES, SIR. WE WORK IN THE CRIME SCENE UNIT. WE USED
16 TO, HE'S RETIRED SINCE.

17 Q OKAY. AND ARE YOU AWARE WHETHER GUN POWDER RESIDUE
18 TESTING WAS DONE ON MY CLIENT AND/OR THE VICTIM?

19 A NO, SIR, I'M NOT AWARE.

20 Q YOU'RE NOT AWARE WHETHER THAT WAS DONE ON EITHER ONE
21 OF THOSE PEOPLE?

22 A NO, SIR, I'M NOT.

23 Q ALL RIGHT. YOU BECAME INVOLVED IN THIS CASE, IF I'M
24 NOT MISTAKEN, ON SEPTEMBER THE THIRD?

25 A YES, SIR.

1 Q AND ON THE EVENING OF SEPTEMBER 3RD, YOU WENT TO THE
2 RESIDENCE WHERE CHRIS HAD TOLD YOU FOLKS HE WAS LIVING?

3 A THAT'S WHERE HE TOLD THE INVESTIGATORS, I'M ASSUMING.

4 Q PARDON?

5 A I'M GUESSING THAT'S WHAT HE TOLD THE INVESTIGATOR. I
6 FOLLOWED THEM THERE. I HAVEN'T SPOKEN WITH YOUR CLIENT.

7 Q BUT YOU WERE IN THE GROUP OF FOLKS THAT WENT TO HIS
8 HOUSE?

9 A YES, SIR.

10 Q I GUESS IS THE EASY WAY --

11 A YES, SIR.

12 Q -- TO SAY IT?

13 A YES, SIR.

14 Q AND THAT WAS, I WANT TO SHOW YOU A GROUP OF
15 PHOTOGRAPHS, PLEASE, SIR, AND ASK YOU IF YOU CAN IDENTIFY
16 THOSE, WHAT'S IN THOSE PHOTOGRAPHS?

17 THE COURT: COME UP JUST A SECOND, BOTH ATTORNEYS.
18 (WHEREUPON, A BENCH CONFERENCE IS HELD WITHIN THE
19 PRESENCE BUT OUTSIDE THE HEARING OF THE JURY)

20 Q DID YOU GET A -- LOOK THEM OVER, PLEASE.

21 THE COURT: HOW MANY PHOTOS ARE THERE, MR. MAULDIN?

22 MR. MAULDIN: PROBABLY SIX OR EIGHT. I DIDN'T EVEN
23 COUNT THEM. I JUST HANDED THEM TO HER.

24 THE COURT: YOU WANT TO MARK THEM AS A GROUP OR
25 INDIVIDUALLY?

1 MR. MAULDIN: WELL, I'M GOING TO MARK THEM
2 INDIVIDUALLY BUT I'M MOVING AS FAST AS I CAN, JUDGE.

3 A YES, SIR. I RECOGNIZE THESE.

4 Q BEFORE YOU DESCRIBE ANYTHING, I WANT YOU TO REVIEW
5 THE PHOTOGRAPHS.

6 MR. MOYER: NO OBJECTION.

7 THE COURT: NO OBJECTION TO THE PHOTOGRAPHS BEING
8 INTRODUCED. LET THE COURT REPORTER MARK THEM.

9 MR. MAULDIN: THANK YOU, JUDGE.

10 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 9-17 WAS MARKED
11 FOR IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

12 Q ALL RIGHT. MR. TOMLIN, JUST TO SHOW YOU A COUPLE OF
13 THESE FOR THE JURY TO KNOW WHAT THESE ARE ABOUT. I'LL
14 SHOW YOU DEFENDANT'S EXHIBIT NUMBER 9 AND DEFENDANT'S
15 EXHIBIT NUMBER 10. COULD YOU DESCRIBE WHAT DEFENDANT'S
16 EXHIBIT NUMBER 9 IS?

17 A THIS IS A PHOTOGRAPH OF THE INTERIOR. YOU WANT ME TO
18 TURN AROUND?

19 Q YES, SIR. YOU CAN TURN IT AROUND.

20 A THIS IS THE INTERIOR OF THE BEDROOM, DIRECTED TO THE
21 HEAD OF THE BED, RIGHT HERE. AND NUMBER 10 IS AT THE FOOT
22 OF THE BED, THIS WAY. THE ENTERTAINMENT CENTER AND ALL,
23 AS YOU CAN SEE.

24 Q AND THOSE PHOTOGRAPHS ARE OF CHRIS WILLIAMS' BEDROOM?

25 A YES, SIR.

1 Q ALL RIGHT. ONE FINAL ITEM, PLEASE. I'D LIKE FOR YOU
2 TO SEE IF YOU RECOGNIZE -- I WANT TO ASK YOU IF YOU
3 RECOGNIZE THAT DOCUMENT.

4 A NO, SIR, I DON'T.

5 Q YOU DO NOT RECOGNIZE THAT DOCUMENT?

6 A NOT THAT I CAN REMEMBER.

7 Q ALL RIGHT. I THINK THAT'S ALL. THANK YOU.

8 THE COURT: ANY REDIRECT?

9 MR. MOYER: NO, YOUR HONOR.

10 THE COURT: THANK YOU VERY MUCH.

11 MR. FOREMAN, MEMBERS OF THE JURY, WE'RE GOING TO
12 RECESS THIS AFTERNOON, IT'S 6:00. WE'LL START BACK AT
13 9:00 IN THE MORNING. DON'T DISCUSS THE CASE AMONG
14 YOURSELVES. HAVE A GOOD EVENING.

15 (WHEREUPON, THE JURY RETIRES FOR THE EVENING RECESS.)

16 BEFORE WE GET TO IT, WHO FROM THE DEFENSE SIDE IS
17 GOING TO BE HANDLING THE ANIMATION?

18 MR. MAULDIN: YOU TALKING TO THEM?

19 THE COURT: I'M TALKING TO THE DEFENSE.

20 MR. MAULDIN: WHO IS GOING TO CROSS THAT WITNESS?

21 THE COURT: COME AROUND. HAVE YOU SEEN IT?

22 MR. MACDOUGALL: WE SEEN THE STILL. YES, YOUR
23 HONOR.

24 THE COURT: ARE YOU GOING TO HAVE ANY MAJOR
25 OBJECTIONS TO IT?

1 MR. MACDOUGALL: I THINK WE ARE, YOUR HONOR.

2 THE COURT: I GUESS WHAT I'M ASKING, AM I GOING TO
3 HAVE TO REVIEW IT BEFORE THE JURY SEES IT? THAT'S WHERE
4 I'M HEADED.

5 MR. MAULDIN: I UNDERSTAND.

6 MR. MACDOUGALL: WE SEEN A SET OF 17 STILLS. IF
7 THAT'S ALL THAT'S BEING OFFERED, WE HAVE NO OBJECTION.

8 THE COURT: IF WHAT NOW?

9 MR. MACDOUGALL: WE SEEN 17 STILL PHOTOGRAPHS WITHOUT
10 ANY ANIMATION OR WITHOUT ANY MOVEMENT, 17 STILLS. WE'RE
11 ASSUMING THAT'S ALL THAT'S BEING OFFERED IN EVIDENCE. IF
12 THAT'S ALL THAT'S BEING OFFERED IN EVIDENCE, WE HAVE NO
13 OBJECTION.

14 THE COURT: SOLICITOR, IS THAT CORRECT?

15 MR. ARIAIL: LET ME COUNT THEM, JUDGE.

16 THE COURT: ALL I'M TRYING TO FIND OUT, IF I HAVE TO
17 LOOK AT IT, BECAUSE I WANT TO SET SOME TIME ASIDE IF
18 THAT'S WHAT I'M GOING TO HAVE TO DO.

19 MR. MACDOUGALL: THE ONLY THING WE SUGGEST -- THE
20 ANIMATION ARE JUST PICTURES, BUT WE HAVEN'T SEEN IT
21 MOVING.

22 MS. STROM: IT IS NOT GOING TO MOVE. IT'S A POWER
23 POINT SLIDE-SHOW PRESENTATION. THE ACTUAL IMAGES ARE NOT
24 GOING TO MOVE.

25 MR. ARIAIL: SEVENTEEN IS CORRECT.

1 MR. MACDOUGALL: NO OBJECTION.

2 THE COURT: SORRY, I THOUGHT IT WAS GOING TO BE ON
3 THE COMPUTER MOVING.

4 MS. STROM: NO, SIR. I JUST DIDN'T KNOW WHAT ELSE TO
5 CALL IT OTHER THAN ANIMATION. I APOLOGIZE.

6 THE COURT: ANYTHING ELSE WE NEED TO DISCUSS ABOUT
7 EVIDENCE TOMORROW THAT WE CAN DISCUSS THIS AFTERNOON?

8 MR. ARIAIL: I BELIEVE WE'LL BE FINISHED EARLY.

9 THE COURT: PARDON?

10 MR. ARIAIL: I THINK OUR CASE WILL FINISH BETWEEN 11
11 AND 11:30, I THINK. THEN, AGAIN, IT DEPENDS ON HOW MANY
12 QUESTIONS THEY ASK DR. WARD AND THE BALLISTICS MAN. I
13 JUST WANT TO BE SURE EVERYBODY IS AWARE WE MIGHT BE
14 FINISHED TOMORROW. IF WE GET TO A POINT WHERE WE'RE READY
15 TO ARGUE, WE'RE GOING TO BE READY TO ARGUE.

16 THE COURT: ALL RIGHT. WE'LL ADJOURN UNTIL 9:30 IN
17 THE MORNING. EXCUSE ME, 9:00 IN THE MORNING. NINE
18 O'CLOCK.

19 (WHEREUPON, THE PROCEEDINGS ARE ADJOURNED TO THE
20 FOLLOWING DAY.)

21 * * * * *

22 * * *

23 *

24

25

1 TUESDAY, FEBRUARY 15, 2005

2 (WHEREUPON, COURT CONVENED WITH ALL PARTIES PRESENT,
3 WHEN THE FOLLOWING PROCEEDINGS WERE HAD:)

4 THE COURT: IS THE STATE READY TO PROCEED?

5 MR. MOYER: WE ARE, YOUR HONOR.

6 THE COURT: DEFENSE READY?

7 MR. MACDOUGALL: WE ARE, YOUR HONOR.

8 MR. MOYER: WE DO HAVE A COUPLE OF REQUESTS FOR JURY
9 INSTRUCTION I'LL PASS UP TO THE COURT. I'VE GIVEN A COPY
10 TO THE DEFENSE. ONE REGARDS THE LAW OF KIDNAPPING WHICH
11 VERY WELL MAY BE IN YOUR STANDARD CHARGES, BUT WITHOUT
12 HAVING SEEN IT, WE DID INCLUDE IT.

13 THE COURT: MR. NETTLES, YOU HAVE ANY QUESTIONS?

14 MR. NETTLES: WE WILL BE PROVIDING YOU SOME -- JUST
15 GIVE OVER YOU TO WHERE WE'RE GOING, AS TO STATE'S REQUEST
16 TO JURY CHARGE, "IN EVERY CRIMINAL CASE IT'S PRESUMED THE
17 DEFENDANT IS SANE."

18 THE ONLY PART OF THAT -- WE DON'T HAVE A PROBLEM WITH
19 THIS CHARGE AS A CONCEPT, BUT IN, PARTICULARLY, DOWN WHERE
20 IT SAYS "SINCE THE ISSUE OF INSANITY HAS NOT BEEN RAISED
21 BY THE DEFENDANT IN THIS CASE, YOU SHOULD NOT CONSIDER IT
22 IN ANY WAY" -- THIS IS WHERE WE START TO HAVE A LITTLE BIT
23 OF DISAGREEMENT -- "THE DEFENDANT'S MENTAL STATE OR," THAT
24 LANGUAGE WE THINK NEEDS TO COME OUT. IT'S ALWAYS ENTITLED
25 TO CONSIDER HIS MENTAL STATE, BECAUSE YOU'RE GOING TO

1 INSTRUCT THE JURY GIVEN A STATEMENT AND HOW MUCH WEIGHT,
2 ET CETERA, ET CETERA, SO I THINK IT WOULD BE A
3 MISSTATEMENT OF LAW. IT WOULD BE INTERNALLY INCONSISTENT
4 FOR YOU TO TELL THE JURY NOT TO CONSIDER HIS MENTAL STATE
5 AND TO CONSIDER HOW MUCH WEIGHT TO GIVE THE STATEMENT.

6 THE COURT: WHY DON'T YOU GIVE ME A COUNTER PROPOSAL
7 TO THIS CHARGE UNDER STATE V. LEWIS. JUST GIVE ME THAT,
8 I'LL USE ONE OF THEM -- MIGHT NOT USE EITHER ONE OF THEM.
9 JUST GIVE ME A COUNTER PROPOSAL ON STATE V. LEWIS. OKAY?

10 MR. NETTLES: WE CAN DO THAT. THANK YOU.

11 (THE FOLLOWING PROCEEDINGS WERE HAD WITHIN THE
12 PRESENCE OF THE JURY:)

13 THE COURT: SOLICITOR, IF YOU'LL CALL YOUR NEXT
14 WITNESS, PLEASE.

15 MR. MOYER: THE STATE CALLS DAR SHAW.

16 DARWIN SHAW, AFTER BEING DULY SWORN,
17 TESTIFIED AS FOLLOWS:

18 **DIRECT EXAMINATION**

19 BY MR. MOYER:

20 Q SGT. SHAW, WHERE DO YOU WORK?

21 A THE DEPARTMENT OF PUBLIC SAFETY, FORENSIC DIVISION.

22 Q IS THAT THE SAME DIVISION AS WITNESSES FROM
23 YESTERDAY, CECIL THRASHER AND AUBRY TOMLIN WERE?

24 A YES, SIR, IT IS.

25 Q WHAT IS YOUR POSITION THERE?

1 A I'M A SERGEANT THERE.

2 Q HOW LONG HAVE YOU BEEN WITH THE FORENSIC DIVISION?

3 A A LITTLE OVER SIX YEARS.

4 Q LET ME DIRECT YOUR ATTENTION TO SEPTEMBER 3RD, 2003.

5 DID YOU RESPOND TO THE BI-LO ON EAST NORTH STREET IN

6 RESPONSE TO A CALL ON THAT PARTICULAR DAY?

7 A YES, SIR, I DID.

8 Q AROUND WHAT TIME WAS IT?

9 A IT WAS AROUND NOON.

10 Q AND WHAT WAS YOUR REASONS FOR RESPONDING TO THAT

11 LOCATION?

12 A I WAS REQUESTED TO GO TO THE BI-LO TO TAKE

13 PHOTOGRAPHS OF A VEHICLE AND TO PROCESS A VEHICLE THAT WAS

14 PARKED IN FRONT OF THE BUSINESS.

15 Q OKAY. AND DID YOU DO SO?

16 A YES, SIR, I DID.

17 Q AND HOW WOULD YOU DESCRIBE THAT VEHICLE YOU WERE

18 REQUESTED TO PROCESS?

19 A IT WAS A VEHICLE, A FORD MUSTANG. IT LOOKED LIKE IT

20 WAS DRIVEN INTO THE PARKING LOT. IT WAS ACTUALLY IN THE

21 NO-PARKING ZONE RIGHT IN FRONT OF THE DOORS OR NEAR THE

22 DOORS, KIND OF PULLED IN AT AN ANGLE.

23 Q OKAY. AND WHEN YOU SAY PROCESSED, WHAT DO YOU MEAN

24 BY THAT?

25 A PHOTOGRAPH THE INTERIOR, EXTERIOR, LOOK FOR ANY

1 POTENTIAL EVIDENCE IN THE VEHICLE AND COLLECT ANY EVIDENCE
2 THAT MIGHT BE THERE, AND ALSO TO PROCESS IT FOR
3 FINGERPRINTS.

4 Q NOW, DID YOU TAKE SOME PHOTOGRAPHS WHILE YOU WERE
5 DOING THAT?

6 A YES, SIR, I DID.

7 Q I'M GOING TO HAND YOU STATE'S EXHIBIT NUMBER 72, 73,
8 AND 74.

9 MR. MAULDIN: NO OBJECTION TO 73 AND 74. I BELIEVE
10 72 HAS ALREADY BEEN PUT IN BY THE DEFENSE.

11 THE COURT: SEVENTY-THREE AND 74 ADMITTED WITHOUT
12 OBJECTION.

13 (STATE'S EXHIBIT NUMBER 72-74 ARE RECEIVED INTO
14 EVIDENCE.)

15 Q ALL RIGHT. WOULD YOU TAKE A LOOK AT THE PHOTOGRAPHS
16 I JUST HANDED YOU THAT ARE IN EVIDENCE? WOULD YOU TAKE A
17 LOOK AT THEM?

18 A YES, SIR.

19 Q IN REGARDING THE FIRST TWO EXHIBITS, 72 AND 73, WHAT
20 IS DEPICTED IN THOSE PHOTOGRAPHS?

21 A JUST A PHOTOGRAPH OF THE VEHICLE THAT WAS PARKED IN
22 THE FRONT OF THE BI-LO. THE SECONDARY PHOTOGRAPH IS JUST
23 AN ENLARGEMENT OF THE FIRST ONE TO SHOW THE LICENSE PLATE.

24 Q OKAY. IS THAT THE VEHICLE THAT YOU PROCESSED AT
25 BI-LO ON SEPTEMBER 3, 2003?

- 1 A YES, SIR, IT IS.
- 2 Q WAS THAT THE LOCATION IT WAS WHEN YOU ARRIVED?
- 3 A YES, SIR.
- 4 Q WAS IT MOVED AT ALL BEFORE YOU PROCESSED IT OR
- 5 PHOTOGRAPHED IT?
- 6 A NOT TO MY KNOWLEDGE.
- 7 Q DID YOU MOVE IT?
- 8 A NO, SIR.
- 9 Q YOU LEFT IT RIGHT WHERE IT WAS FOR THE PURPOSES OF
- 10 YOUR PROCESSING?
- 11 A THAT'S CORRECT.
- 12 Q JUST FOR THE BENEFIT OF THE JURY, CAN YOU DESCRIBE
- 13 FOR THE JURY WHAT IS DEPICTED ON THE OVERHEAD RIGHT NOW?
- 14 A THIS AGAIN IS JUST AN OVERVIEW OF THE LOCATION OF THE
- 15 VEHICLE AS IT WAS PARKED IN FRONT OF THE BI-LO CENTER.
- 16 ACTUALLY THE CASE ON THE GROUND BEHIND IT IS MY PROCESSING
- 17 KIT FOR FINGERPRINTS.
- 18 Q AND STATE'S EXHIBIT 73?
- 19 A THAT, SIR, IS JUST AN ENLARGEMENT OF THE VEHICLE TO
- 20 MAKE CLARITY ON THE LICENSE PLATE, THE TAG.
- 21 Q AND WHAT IS THE TAG NUMBER?
- 22 A 326-NCG.
- 23 Q IF YOU WOULD TAKE A LOOK AT STATE'S EXHIBIT 74, WHAT
- 24 IS DEPICTED IN THAT PHOTOGRAPH?
- 25 A A PHOTOGRAPH OF A SKI MASK OBSERVED ON THE FRONT

1 PASSENGER FLOORBOARD INSIDE OF THE VEHICLE.

2 Q OKAY. ALL RIGHT. AND IF YOU WOULD, JUST DESCRIBE
3 FOR THE JURY WHAT IS DEPICTED IN THAT PHOTOGRAPH.

4 A AGAIN, AS I OPENED UP THE DOORS OF THE VEHICLE, THIS
5 IS THE LOCATION OF A SKI MASK AS I OBSERVED IT ON THE
6 PASSENGER FLOORBOARD AND PHOTOGRAPHED IT IN ITS LOCATION.

7 Q ALL RIGHT. ALL RIGHT. YOU TALKED ABOUT PROCESSING
8 THE VEHICLE. DID YOU LOOK IN THE GLOVE BOX OF THE VEHICLE
9 AS YOU PROCESSED IT?

10 A YES, SIR, I DID.

11 Q DID YOU COLLECT ANYTHING?

12 A YES, SIR, I COLLECTED THE REGISTRATION AND INSURANCE
13 FORM FOR THE VEHICLE.

14 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT NUMBER 71.

15 MR. MAULDIN: NO OBJECTION, YOUR HONOR.

16 (WHEREUPON, STATE'S EXHIBIT NO. 71 IS MARKED FOR
17 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

18 Q THAT HAS NOW BEEN MOVED INTO EVIDENCE. CAN YOU TELL
19 THE JURY WHAT IS DEPICTED IN STATE'S EXHIBIT NUMBER 71?

20 A THIS IS A REGISTRATION FORM FOR A 1996 FORD WITH
21 THE -- IT WAS REGISTERED TO A CHARLES C. WILLIAMS AND
22 RODNEY HUCKABY OF, APPEARS TO BE 506 WAXFORD WAY,
23 SIMPSONVILLE, SOUTH CAROLINA; AND ALSO HAS THE PLATE
24 NUMBER OF 326-NCG.

25 Q AND THAT WAS IN THE GLOVE BOX OF THE CAR THAT YOU

1 PROCESSED?

2 A YES, SIR, IT WAS.

3 Q AT THIS TIME I WOULD ALSO MOVE INTO EVIDENCE AS A
4 SELF-AUTHENTICATING DOCUMENT STATE'S EXHIBIT NUMBER 71A.

5 THE COURT: ANY OBJECTION?

6 MR. MAULDIN: NO OBJECTION.

7 THE COURT: 71A AND 71 ADMITTED WITHOUT OBJECTION.

8 (WHEREUPON, STATE EXHIBIT NO. 71-A WAS MARKED FOR
9 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

10 Q THIS IS A DOCUMENT FROM THE DEPARTMENT OF MOTOR
11 VEHICLE, REGISTRATION OF THE SAME VEHICLE. SGT. SHAW, DID
12 YOU ALSO HAVE OCCASION TO COME IN CONTACT WITH THE
13 DEFENDANT THAT PARTICULAR DAY, SEPTEMBER 3, 2003?

14 A YES, SIR, I DID.

15 Q WHERE WAS THAT?

16 A IN THE CID OFFICE WITH INVESTIGATOR MCNAMARA.

17 Q BY CID OFFICE, THE CRIMINAL INVESTIGATIONS DIVISION,
18 IS THAT WHAT YOU'RE REFERRING TO?

19 A YES, SIR. THAT'S CORRECT.

20 Q FOR THE GREENVILLE COUNTY SHERIFF'S OFFICE?

21 A YES, SIR.

22 Q AND YOU SAID WHO WAS WITH HIM WHEN YOU CAME IN
23 CONTACT WITH HIM?

24 A INVESTIGATOR MCNAMARA.

25 Q WAS THAT BEFORE OR AFTER YOU PROCESSED THE VEHICLE?

1 A IT WAS AFTER THE VEHICLE WAS PROCESSED.

2 Q AND YOU SAID THE DEFENDANT WAS WITH INVESTIGATOR
3 MCNAMARA. HOW WAS HE DRESSED?

4 A HE WAS WEARING A CAMOUFLAGE JACKET, BLUE JEANS, AND A
5 PAIR OF BOOTS.

6 Q DID YOU COLLECT ANY EVIDENCE WHILE YOU WERE THERE
7 WITH HIM?

8 A YES, SIR, I DID.

9 Q WHAT WAS IT THAT YOU COLLECTED?

10 A ALL OF THE CLOTHING ITEMS THAT WERE THERE. I ALSO
11 CONDUCTED A GSR, WHICH IS A GUNSHOT RESIDUE TEST, ON HIS
12 HANDS. I DID A SECONDARY TEST ON THE SLEEVES, ON THE
13 RIGHT SLEEVE OF THE JACKET. AND AT THAT POINT IN TIME A
14 CONSENT TO SEARCH WAS GIVEN BY INVESTIGATOR MCNAMARA,
15 WHICH WAS SIGNED BY THE DEFENDANT. AND AT THAT TIME EACH
16 ARTICLE OF CLOTHING WAS COLLECTED AND PLACED INTO BAGS.

17 Q AND DID YOU COLLECT THOSE BAGS?

18 A YES, SIR, I DID.

19 Q WHAT DID YOU DO WITH THOSE BAGS OF THE DEFENDANT'S
20 CLOTHING?

21 A ORIGINALLY THEY WENT INTO OUR DRYING ROOM, WHICH IS
22 JUST A TEMPORARY PACKAGING ROOM. THEY WERE THEN PACKAGED
23 SEPARATELY AND PLACED INTO PROPERTY AND EVIDENCE.

24 Q OKAY. I'M GOING TO HAND YOU STATE'S EXHIBIT --
25 THE COURT: MR. MAULDIN, YOU HAVE ANY OBJECTION TO

1 THIS?

2 MR. MAULDIN: I HAVE NO OBJECTION TO ANY OF THIS,
3 JUDGE.

4 THE COURT: ALL RIGHT. STATE'S EXHIBIT 70 AND 70A
5 ADMITTED WITHOUT OBJECTION.

6 (WHEREUPON, STATE EXHIBIT NUMBERS 70 AND 70A WERE
7 MARKED FOR IDENTIFICATION AND RECEIVED INTO
8 EVIDENCE.)

9 Q IF YOU WOULD I'M GOING TO ASK YOU JUST OPEN THE
10 PACKAGING AND ASK YOU TO SHOW ONLY THE JACKET THAT YOU
11 REFERRED TO.

12 A (WITNESS COMPLIES.) THIS, SIR, IS THE CAMOUFLAGE
13 JACKET THAT THE DEFENDANT WAS WEARING.

14 Q AND THE OTHER BAGS CONTAINED THE OTHER ITEMS OF
15 CLOTHING, THE BOOTS, THE SHOES AND SO FORTH THAT THE
16 DEFENDANT WAS WEARING THAT DAY?

17 A THAT'S CORRECT. ALL THE CLOTHING ITEMS WERE
18 COLLECTED SEPARATELY EXCEPT THE UNDERWEAR. AND AFTER EACH
19 ITEM WAS TAKEN, INVESTIGATOR MCNAMARA FILLED OUT THE
20 PROPERTY SHEET WHILE I COLLECTED EACH PIECE OF CLOTHING.
21 I THEN ACCEPTED THE PROPERTY AND EVIDENCE SHEET FROM
22 INVESTIGATOR MCNAMARA.

23 Q THANK YOU, SIR. YOU CAN RETURN THE JACKET TO THE
24 BAG.

25 A (WITNESS COMPLIES.)

1 Q ALL RIGHT. PLEASE ANSWER ANY QUESTIONS THE DEFENSE
2 MAY HAVE.

3 THE COURT: CROSS EXAMINATION?

4 MR. MAULDIN: YES, SIR. ONE MOMENT, YOUR HONOR,
5 PLEASE.

6 **CROSS EXAMINATION**

7 BY MR. MAULDIN:

8 Q OFFICER SHAW, I WANT TO ASK IF I CAN SHOW YOU STATE'S
9 EXHIBIT NUMBER 74 AGAIN. THIS IS A PHOTOGRAPH OF THE
10 FRONT PASSENGER SEAT OF THE MUSTANG. IS THAT RIGHT?

11 A YES, SIR.

12 Q AND IT SHOWS THE SEAT PART, AND THEN IT SHOWS THE
13 FLOORBOARD, THE FRONT PASSENGER FLOORBOARD, WHERE THAT
14 BLACK THING IS?

15 A YES, SIR.

16 Q I WANT TO ASK YOU IF YOU ALSO RECALL AT THE TIME YOU
17 WERE TAKING PHOTOGRAPHS OF THE AUTOMOBILE, RIGHT DOWN IN
18 THIS CORNER, AND NOT LOCATED ON THIS PICTURE, BUT RIGHT
19 DOWN IN THIS CORNER, WERE THE CAR KEYS. IS THAT RIGHT?

20 A YES, THAT'S CORRECT.

21 Q SO, IT'S NOT ON THIS PICTURE, BUT THE IGNITION KEYS
22 TO THIS CAR WERE RIGHT DOWN HERE IN THIS SEAT?

23 A THERE WERE A SET OF KEYS ON THE SEAT. I DID NOT TRY
24 THEM IN THE IGNITION TO SEE IF THEY WERE THOSE KEYS.

25 Q BUT THERE WERE A SET OF KEYS TO A FORD MUSTANG ON THE

1 SEAT OF THAT CAR, AND THEY WERE JUST RIGHT OUTSIDE THAT
2 PICTURE FRAME, RIGHT?

3 A THAT WOULD BE CORRECT.

4 Q OKAY. OFFICER SHAW, YOU WERE ASKED BY THE PROSECUTOR
5 IF YOU WERE IN THE PRESENCE OF CHRIS THERE AT THE POLICE
6 DEPARTMENT AND TOOK CUSTODY OF HIS CLOTHING?

7 A YES, SIR.

8 Q AND THAT'S WHAT YOU'VE BEEN ASKED ABOUT AND THAT'S
9 WHAT YOU HAVE ADMITTED INTO EVIDENCE, THE CLOTHES?

10 A YES, SIR.

11 Q AT THE SAME TIME YOU WERE DOING THAT OR ACTUALLY
12 AFTER YOU HAD TAKEN THE CLOTHES AND CHRIS HAD BEEN PUT IN
13 THE ORANGE JAIL OUTFIT, I BELIEVE YOU WERE, AFTER SPEAKING
14 WITH CHIEF INVESTIGATOR SILVAGGIO, YOU TOOK PHOTOGRAPHS OF
15 CHRIS' FACE AND HEAD; IS THAT CORRECT?

16 A THAT'S RIGHT.

17 Q ALL RIGHT. I'M GOING TO ASK YOU TO IDENTIFY THESE
18 THREE PHOTOGRAPHS FOR ME, PLEASE, SIR.

19 A THESE ARE PHOTOGRAPHS THAT I TOOK OF MR. WILLIAMS AS
20 HE WAS SEATED NEXT TO INVESTIGATOR MCNAMARA.

21 Q YOU TOOK THESE PHOTOGRAPHS?

22 A YES, SIR.

23 Q AND THEY'RE AN ACCURATE PHOTOGRAPH OF WHAT YOU SAW
24 THROUGH THE LENS OF THAT CAMERA?

25 A YES, SIR.

1 MR. MAULDIN: ASK THEY BE ADMITTED, YOUR HONOR.

2 THE COURT: DEFENDANT'S 19, 20, 21 ADMITTED WITHOUT
3 OBJECTION.

4 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBERS 19 THROUGH 21
5 WERE MARKED FOR IDENTIFICATION AND RECEIVED INTO
6 EVIDENCE.)

7 Q NOW, OFFICER SHAW, ONE OTHER QUESTION I WOULD HAVE
8 FOR YOU. AT THE TIME YOU WERE ASKED BY INVESTIGATOR
9 SILVAGGIO TO TAKE PHOTOGRAPHS OF CHRIS AND TO CONDUCT THIS
10 PART OF THE INVESTIGATION, I WANT TO ASK YOU IF YOU ALSO
11 OBSERVED A BURNED OR BRANDED TATTOO ON THE UPPER PORTION
12 OF CHRIS' RIGHT ARM, IN THIS AREA THAT I'M SHOWING, UP
13 BETWEEN THE SHOULDER AND THE ELBOW OF AN "M." DID YOU SEE
14 THAT?

15 A I PHOTOGRAPHED A TATTOO ON HIS RIGHT ARM, BUT I DON'T
16 RECALL SPECIFICALLY WHAT IT WAS. BUT I DID PHOTOGRAPH A
17 TATTOO ON HIS ARM.

18 Q YOU DID TAKE A PICTURE OF A BRANDED TATTOO ON THE
19 PORTION, UPPER PORTION OF HIS ARM?

20 A IF YOU SAY IT WAS BRANDED, I JUST SAY IT WAS A
21 TATTOO, BUT I CAN'T TELL YOU SPECIFICALLY WHAT IT WAS.

22 MR. MAULDIN: NO FURTHER QUESTIONS. THANK YOU.

23 THE COURT: ANY REDIRECT?

24 MR. MOYER: NO REDIRECT.

25 THE COURT: YOU MAY STEP DOWN. THANK YOU SO VERY

1 MUCH.

2 CALL YOUR NEXT WITNESS.

3 PAUL A. SILVAGGIO, AFTER BEING
4 DULY SWORN, TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION

6 BY MR. ARIAIL:

7 Q STATE YOUR NAME FOR THE RECORD, PLEASE, SIR.

8 A PAUL ANDREW SILVAGGIO.

9 Q I KNOW YOU'LL KEEP YOUR VOICE UP LIKE YOU ALWAYS DO
10 SO THE LAST TWO JURORS CAN HEAR.

11 A YES, SIR.

12 Q BY WHOM ARE YOU EMPLOYED?

13 A I'M EMPLOYED WITH THE COUNTY SHERIFF'S OFFICE.

14 Q AND IN WHAT CAPACITY ARE YOU EMPLOYED WITH THE
15 SHERIFF'S OFFICE?

16 A I'M AN INVESTIGATOR WITH THE VIOLENT CRIMES UNIT,
17 CRIMINAL INVESTIGATION DIVISION, HOMICIDE.

18 Q HOW LONG HAVE YOU BEEN WITH THE SHERIFF'S OFFICE?

19 A SEVENTEEN AND A HALF YEARS.

20 Q HOW LONG HAVE YOU BEEN IN THE CRIMINAL INVESTIGATION
21 DIVISION AS A HOMICIDE INVESTIGATOR?

22 A SEVEN WITH THE GREENVILLE SHERIFF'S OFFICE.

23 Q I WANT TO DIRECT YOUR ATTENTION BACK TO SEPTEMBER 3RD
24 AND ASK YOU IF YOU WERE THE LEAD DETECTIVE ON THE
25 INVESTIGATION INTO THE DEATH OF MARANDA WILLIAMS AT THE

1 BI-LO ON EAST NORTH STREET SEPTEMBER 3RD 2003?

2 A YES, I WAS.

3 Q AND AS A PART OF YOUR DUTIES, I WANT TO TALK ABOUT
4 DID YOU HAVE OCCASION TO GO TO THE DEFENDANT'S HOME ON THE
5 NIGHT OF SEPTEMBER THE THIRD FOR THE PURPOSES OF EXECUTING
6 A SEARCH WARRANT?

7 A YES, I DID, SIR.

8 Q WHO WERE YOU ACCOMPANIED BY?

9 A I WAS ACCOMPANIED BY INVESTIGATOR MICHAEL MCNAMARA,
10 INVESTIGATOR MARY FIELDS, A FORENSIC TECHNICIAN, AND A
11 UNIFORMED PATROL OFFICER IN UNIFORM AND A MARKED CAR.

12 Q AND WHEN YOU ARRIVED, WHO WAS PRESENT AT THE
13 DEFENDANT'S HOME?

14 A MRS. DAISY HUCKABY AND HER HUSBAND, MR. HUCKABY.

15 Q AND MISS HUCKABY IS THE DEFENDANT'S MOTHER?

16 A THAT IS CORRECT.

17 Q DID YOU, OR IN YOUR PRESENCE WAS A SEARCH CONDUCTED
18 IN THE HOME?

19 A YES. WELL, IN THE RESIDENCE A DIRECTED SEARCH TEAM
20 DID EXECUTE A SEARCH WARRANT WHILE I TOOK CARE OF OTHER
21 MATTERS WITHIN THE RESIDENCE.

22 Q IN PARTICULAR WERE YOU AWARE, PRIOR TO GOING TO THE
23 RESIDENCE, OF A COMPOSITION NOTEBOOK?

24 A YES, I WAS, SIR.

25 Q AND WERE YOU SPECIFICALLY LOOKING FOR THAT DOCUMENT?

1 A AS ONE OF THE ITEMS, YES, SIR.

2 Q SORRY, AS ONE OF THE ITEMS LISTED ON THE SEARCH
3 WARRANT?

4 A YES, SIR.

5 Q I WANT TO SHOW YOU THIS ITEM AND ASK IF THIS IS
6 THE -- IF THAT IS AN ITEM YOU'RE FAMILIAR WITH.

7 A YES, I AM, SIR.

8 Q AND WAS THAT ITEM SECURED FROM THE RESIDENCE OF THE
9 DEFENDANT THE NIGHT OF SEPTEMBER THE THIRD?

10 A YES, IT WAS, SIR.

11 Q WHERE WAS IT LOCATED?

12 A THIS WAS LOCATED ON TOP OF THE TELEVISION STAND IN
13 THE DEFENDANT'S BEDROOM, WHICH IS LOCATED TO THE RIGHT AS
14 YOU WALK THROUGH THE FRONT DOOR OF THE RESIDENCE.

15 Q AND WAS IT IN PLAIN VIEW?

16 A YES, IT WAS.

17 Q AND LET ME SHOW YOU THESE TWO DOCUMENTS. THIS ONE,
18 WHICH HAS BEEN MARKED DEFENDANT'S EXHIBIT 6. WAS IT
19 RELATED TO THE COMPOSITION BOOK?

20 A YES. THIS DEFENDANT'S EXHIBIT 6 WAS CONTAINED INSIDE
21 THE COMPOSITION BOOK.

22 Q AND LET ME SHOW YOU STATE'S EXHIBIT NUMBER 10, WHICH
23 HAS BEEN PREVIOUSLY IDENTIFIED BY MISS SMITH AS THE WORK
24 SCHEDULE SHE FILLED OUT FOR THE DELI-BAKERY FOR THE WEEK
25 COVERING SEPTEMBER THE THIRD.

1 A YES. STATE'S EXHIBIT 10 WAS ALSO CONTAINED WITHIN
2 THE COMPOSITION NOTEBOOK.

3 Q WAS IT LOOSELEAF, FOLDED, OR WAS IT PART OF THE
4 ORIGINAL PAPERS IN THERE?

5 A THIS WAS INSERTED INTO THE COMPOSITION NOTEBOOK AS A
6 SEPARATE DOCUMENT.

7 Q SHOW US HOW THAT WAS DONE.

8 A (WITNESS INDICATES.)

9 Q AND HOW ABOUT THE OTHER PIECE OF PAPER?

10 A THIS WAS ALSO CONTAINED WITHIN THE COMPOSITION
11 NOTEBOOK, WITHIN THE PAGES, INSERTED SUCH AS THIS.

12 Q I'M GOING TO SHOW YOU THIS DISC MARKED OR LABELED
13 WITH THE WRITING ON IT TOO, AND WHERE WAS THAT IN RELATION
14 TO THE COMPOSITION NOTEBOOK?

15 A THIS CD WAS TOO CONTAINED WITH THE COMPOSITION
16 NOTEBOOK, INSERTED BETWEEN PAGES.

17 Q AND HAVE YOU REVIEWED THE COMPOSITION NOTEBOOK THE
18 TWO EXHIBITS THAT I HANDED YOU, THE WORK SCHEDULE AND THE
19 PIECE OF PAPER WITH THE PASTED LETTERS AND ALSO THE -- I
20 CALL IT THE CD?

21 A YES, I HAVE.

22 Q AND WHAT'S ON THE CD?

23 A MUSIC IS CONTAINED ON THE CD.

24 Q AND THE WORK SCHEDULE IS SELF-EXPLANATORY?

25 A YES, SIR.

1 Q LET'S LOOK AT THIS OTHER, WHAT IS THIS PIECE OF
2 PAPER?

3 A THIS IS A CLEAR SHEET OF PAPER WITH WHAT APPEARS TO
4 BE NEWSPAPER LETTERS CUT OUT OF A NEWSPAPER, IF YOU WILL,
5 AND PASTED IN WORDS, COMPLETE WORDS.

6 Q WHAT DOES IT SAY?

7 A "WHEREAS ONE SINS, I BRING DEATH TO ALL."

8 Q I WANT TO SHOW YOU ALSO WHAT IS A PAGE WITHIN THE
9 NOTEBOOK AND ASK YOU IF YOU'RE FAMILIAR WITH THAT PAGE?

10 A YES, I AM, SIR.

11 Q LET ME -- BEFORE WE DO THIS, BASED ON YOUR
12 INVESTIGATION AND KNOWLEDGE AND FACTS OF THIS CASE, DO YOU
13 KNOW WHAT THAT REPRESENTS?

14 A THAT IS A REPRESENTATION OF THE INSIDE OF THE BI-LO
15 ON EAST NORTH STREET.

16 Q AND THAT IS ON ONE OF THE SECURED PAGES WITHIN THE
17 COMPOSITION NOTEBOOK YOU FOUND AT THE DEFENDANT'S
18 RESIDENCE?

19 A YES, IT IS, SIR.

20 Q AND I REFER TO THE COMPOSITION NOTEBOOK.

21 MR. ARIAIL: YOUR HONOR, I'M REFERRING TO DEFENDANT'S
22 EXHIBIT 5.

23 THE COURT: OKAY.

24 Q LET ME SEE IF I CAN -- BUT THE WRITING ON THE
25 PORTIONS OF THE STORE DIAGRAM, DO THEY CORRESPOND TO THE

1 CONSTRUCTION OF THE STORE AS YOU OBSERVED IT?

2 A YES, THEY DO, SIR.

3 Q THAT'S PRODUCE ON THE RIGHT, DELI-BAKERY, THE AISLES,
4 AND THE FRONT BUSINESS OFFICE?

5 A YES. THE U-SCAN AND CUSTOMER SERVICE DOWN TO THE
6 BOTTOM LEFT IS AN ACCURATE REPRESENTATION OF THE LAYOUT.

7 Q ALL RIGHT. LET'S GO DOWN TO THE LEFT SIDE, ONE
8 THROUGH SIX. CAN YOU READ THOSE ITEMS? ARE YOU FAMILIAR
9 WITH THAT OR ARE YOU NOT? DO YOU NEED TO HAND IT UP?

10 A RIGHT. MAY I LOOK AT A COPY THAT I HAVE?

11 Q SURE. YOU HAVE A COPY OF IT?

12 A ON THE FIRST COLUMN TO THE LEFT IS OD, PANTS, AND
13 MASK. NUMBER 2, OD JACKET. NUMBER THREE, BOOTS. FOUR,
14 GLOVES. FIVE, VEST. SIX, KNIFE.

15 Q AND THE SECOND COLUMN?

16 A ONE, NO TALK OVER INTERCOM. TWO, NO ONE WILL GET
17 HURT IF NO ONE COMES IN THE STORE. THREE, TAKE
18 DELI-BAKERY. FOUR, ORDER EVERYONE OUT. FIVE, TELL
19 EVERYONE NOT TO COME IN. SIX, SECURE HER TO TABLE AND LET
20 HER READ LETTER.

21 Q SEVEN?

22 A SEVEN, ON THE THIRD COLUMN TO THE RIGHT. SEVEN, GET
23 CIGARETTES. EIGHT, GET SLEEPING PILLS.

24 Q NOW, YESTERDAY MR. TOMLIN TESTIFIED ABOUT PICKING UP
25 AN EXTRA SHELL. NOT AN EXTRA, IT WOULD BE A SHELL LABELED

1 AT1 ON THE TABLE AFTER THE INITIAL FORENSICS, CECIL
2 THRASHER, HAD LEFT. WERE YOU STILL AT THE STORE AT THAT
3 TIME?

4 A I WAS NOT AT THE STORE AT THAT PARTICULAR TIME. WE
5 STILL HAD THE STORE MAINTAINED BY UNIFORMED PATROL
6 OFFICERS, THE SECURITY OF THE STORE.

7 Q AND WHAT DOES MAINTAIN MEAN?

8 A UNTIL A CRIME SCENE IS COMPLETELY PROCESSED AND
9 RELEASED BACK TO THE PROPERTY OWNER, IF YOU WILL, OR
10 PROPERTY REPRESENTATIVE, WE SECURE THE SCENE BY UNIFORMED
11 PATROL OFFICERS TO SECURE THAT NO ONE OTHER THAN
12 AUTHORIZED PATROL OFFICERS OR THEIR DESIGNEES ENTER THE
13 LOCATION.

14 Q SO, THE STORE HAD NOT BEEN REOPENED FOR BUSINESS?

15 A NO, IT HAD NOT.

16 Q IT WAS STILL UNDER THE CONTROL OF LAW ENFORCEMENT?

17 A YES, SIR.

18 Q MR. TOMLIN MENTIONED THE CLEAN-UP CREW. AND IN
19 MENTIONING THE CLEAN-UP CREW, WOULD YOU DEFINE A LITTLE
20 CLOSER -- ARE YOU FAMILIAR WITH A COMPANY CALLED BIO CARE?

21 A YES, I AM, SIR.

22 Q WHAT IS BIO CARE AND IS BIO CARE RELATED TO THIS
23 PARTICULAR CLEAN UP SCENE?

24 A BIO CARE, AS HOMICIDE INVESTIGATORS, WE WORK VERY
25 CLOSELY WITH THIS SPECIFIC COMPANY, BIO CARE. IT'S OWNED

1 BY A GENTLEMAN BY THE NAME OF KENT BURG. AND HE'S BEEN IN
2 BUSINESS APPROXIMATELY NINE YEARS. HE IS A BONDED,
3 LICENSED COMPANY TO TAKE CARE OF AND DECONTAMINATE
4 BIOHAZARDOUS AREAS, ITEMS, LOCATIONS, IF YOU WILL.

5 WE QUITE FREQUENTLY UTILIZE THE SERVICES OF BIOCARE
6 THROUGH THE GREENVILLE COUNTY CORONER'S OFFICE FOR BODY
7 TRANSPORTS ON VARIOUS CAUSES OF DEATH AND ALSO FOR --
8 COMPANIES AND PRIVATE RESIDENCES HIRE BIOCARE AS AN
9 ASSISTING COMPANY TO CLEAN THE CRIME SCENE AFTER LAW
10 ENFORCEMENT HAS RELEASED THE SCENE BACK TO THE FAMILY OR
11 THE RESPECTIVE BUSINESS.

12 Q AND ARE THEY SPECIFICALLY TRAINED IN HOW TO PROCESS A
13 CRIME SCENE, ANTICIPATING THE POTENTIAL THAT SOME EVIDENCE
14 MAY BE DISCOVERED DURING THAT PROCESS?

15 A YES, THEY ARE.

16 Q THESE PEOPLE ARE PEOPLE YOU WORK WITH ON A REGULAR
17 BASIS?

18 A YES, THEY ARE.

19 Q AT THE TIME OF THE SEARCH, WE'VE HEARD REFERENCE TO
20 DR. CRAWFORD, PAM CRAWFORD, A PSYCHIATRIST IN THIS
21 PARTICULAR CASE WHO WAS WORKING WITH SLED AGENTS AND ALSO
22 WORKING AT THE REQUEST OF MY OFFICE. WAS SHE PRESENT WITH
23 YOU DURING THE SEARCH OR WHEN YOU WENT TO EXECUTE THE
24 SEARCH WARRANT?

25 A YES, SHE WAS.

1 Q AND WHAT WAS HER PURPOSE IN BEING THERE?

2 A DR. CRAWFORD, BEING A PSYCHIATRIST WITH THE STATE,
3 SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH, CONTRACTED
4 THROUGH AGREEMENT WITH SOUTH CAROLINA LAW ENFORCEMENT
5 DIVISION, WAS PRESENT WITH US AT THE RESIDENCE OF MR. AND
6 MRS. HUCKABY, THE DEFENDANT'S MOTHER AND STEPFATHER ON
7 WAXFORD WAY, TO ASSIST AND CONDUCT AN INTERVIEW WITH THE
8 DEFENDANT'S MOTHER AND STEPFATHER TO FURTHER THE PROCESS
9 OF THE INVESTIGATION AND FURTHER THE PROCESS IN
10 INTELLIGENCE THAT WOULD BE GATHERED AS A RESULT OF THIS
11 INCIDENT.

12 Q SHE WAS NOT PART OF THE ACTUAL SEARCH OF THE HOUSE?

13 A NO, SHE WAS NOT.

14 Q OKAY. THANK YOU, SIR.

15 ANSWER ANY QUESTIONS THAT MR. MAULDIN OR MR. NETTLES
16 OR MR. MACDOUGALL MAY HAVE.

17 **CROSS EXAMINATION**

18 BY MR. MACDOUGALL:

19 Q GOOD MORNING, DEPUTY. MY NAME IS MARK MACDOUGALL,
20 AND I'M ONE OF THE ATTORNEYS HERE REPRESENTING CHRIS
21 WILLIAMS. YOU AND I HAVEN'T MET, HAVE WE?

22 A NO, SIR.

23 Q GOOD MORNING TO YOU, SIR.

24 A GOOD MORNING.

25 Q YOU HAVE BEEN WITH THE SHERIFF'S OFFICE FOR 15 YEARS

1 OR SO?

2 A SEVENTEEN AND A HALF YEARS.

3 Q AND BEFORE THAT YOU WERE IN THE ARMY AT FORT JACKSON?

4 A YES, I WAS.

5 Q AND YOU WERE DOING POLICE WORK THERE AS WELL?

6 A YES.

7 Q AND IN ALL YOUR LAW ENFORCEMENT CAREER HAVE YOU HAD
8 ANY EXPERIENCE IN DEALING WITH INDIVIDUALS WITH
9 PSYCHIATRIC PROBLEMS? AND BY THAT I MEAN FORMAL TRAINING.
10 I'M SURE YOU'VE DEALT WITH PEOPLE WHO HAD THEM, BUT I'M
11 TALKING ABOUT FORMAL TRAINING.

12 A NO FORMAL TRAINING.

13 Q HOW ABOUT WITH SUICIDAL SUBJECTS, HAVE YOU HAD ANY
14 TRAINING DEALING WITH SUICIDAL SUBJECTS?

15 A NOT SPECIFICALLY FORMAL TRAINING, NO, SIR.

16 Q HOW ABOUT FORMAL TRAINING DEALING WITH MENTAL
17 ILLNESS?

18 A NOT SPECIFICALLY FORMAL TRAINING. NO, SIR.

19 Q YOU WERE THE LEAD INVESTIGATOR IN THIS CASE. AND IF
20 I UNDERSTAND YOUR TESTIMONY, YOU LED THE INTERVIEW OF
21 MR. AND MRS. HUCKABY WHILE THE DEFENDANT'S ROOM WAS
22 SEARCHED; IS THAT CORRECT?

23 A I PARTICIPATED IN THAT INTERVIEW, YES.

24 Q DID YOU, YOURSELF, GO INTO THE ROOM AND GET AN IDEA
25 OF WHAT HIS CONDITION WAS? IN THE COURSE OF YOUR VISIT TO

1 THE HUCKABY RESIDENCE, WHILE THE SEARCH OF THE ROOM WAS
2 GOING ON, DID YOU GO INTO THE ROOM YOURSELF, TAKE A LOOK
3 AROUND?

4 A I DID AFTER THE COMPLETION OF THE SEARCH.

5 Q DID YOU HAVE AN IMPRESSION WHAT THE CONDITION OF HIS
6 ROOM WAS?

7 A I THOUGHT HIS ROOM WAS SOMEWHAT ORGANIZED AND
8 METHODICAL IN THE WAY THINGS WERE PLACED. CONSCIENTIOUSLY
9 ORGANIZED IF YOU WILL.

10 Q IT WAS LIKE A BARRACKS. YOU COULD BOUNCE A QUARTER
11 OFF THE BED?

12 A IT WAS NEAT COMPARED TO MANY HOMES THAT WE GO INTO.

13 Q DEPUTY, I'M GOING TO ASK YOU TO HAVE A LOOK AT A
14 DOCUMENT WE'LL MARK -- WE'LL MARK THIS AS DEFENDANT'S
15 EXHIBIT 22 FOR IDENTIFICATION.

16 (DEFENDANT'S EXHIBIT NUMBER 22 IS MARKED FOR
17 IDENTIFICATION.)

18 Q I'D LIKE YOU TO TAKE A LOOK AT THAT IF YOU WOULD,
19 PLEASE.

20 A YES, SIR.

21 Q DEPUTY, DO YOU RECOGNIZE THESE AS YOUR NOTES AND
22 HANDWRITING?

23 A YES, THEY ARE.

24 Q ARE THESE YOUR NOTES TAKEN IN THE COURSE OF YOUR
25 INTERVIEWS AND THINGS?

1 A YES, SIR.

2 MR. MACDOUGALL: YOUR HONOR, WE'D MOVE ADMISSION OF
3 DEFENDANT'S EXHIBIT NUMBER 22?

4 THE COURT: ANY OBJECTION?

5 MR. ARIAIL: NONE.

6 THE COURT: DEFENDANT'S EXHIBIT 22 ADMITTED WITHOUT
7 OBJECTION.

8 (DEFENDANT'S EXHIBIT NUMBER 22 IS RECEIVED INTO
9 EVIDENCE.)

10 Q IF YOU COULD, TURN TO THE FOURTH PAGE, I RECOGNIZE
11 THERE AREN'T PAGE NUMBERS, BUT THE FOURTH PAGE AT THE TOP
12 IS A NOTATION "VERIZON CELL PHONE." DO YOU SEE THAT?

13 A YES. I SEE THAT.

14 Q JUST BELOW THAT, COULD YOU READ WHAT YOUR NOTES SAY?

15 A SER. NUMBER, REFERRING TO SERIAL NUMBER: 8646405059,
16 AND THEN THAT WAS CORRECTED WITH A LINE THROUGH THAT,
17 ACTUALLY TWO LINES THROUGH THAT, AND THEN 9059.

18 Q NOW, JUST BELOW THAT. I SHOULD HAVE BEEN MORE
19 SPECIFIC, UNDERNEATH THE LINE.

20 A SORRY. SLEEP AID, ISLE 11, CAMERA 12, SLEEPILY SLEEP
21 -- "SIMPLY SLEEP," EXCUSE ME.

22 Q DOES THAT NOTE REFER TO THE SURVEILLANCE CAMERA IN
23 THE STORE?

24 A YES, SIR.

25 Q AND THE AISLE IN WHICH THE SLEEPING AIDS AND OTHER

1 NONPRESCRIPTION DRUGS WERE KEPT?

2 A YES. AS IT WAS CONVEYED TO ME THROUGH MANAGEMENT,
3 YES.

4 Q IS IT YOUR UNDERSTANDING THAT'S THE AISLE WHERE THE
5 DEFENDANT AND THE VICTIM WERE THEMSELVES LOOKING FOR
6 SLEEPING AIDS?

7 A YES, SIR.

8 Q IN THIS AREA -- I ASKED YOU ABOUT DR. CRAWFORD'S
9 PRESENCE, AND SHE IS A SLED PSYCHIATRIST; IS THAT RIGHT?

10 A SHE IS. IN PREVIOUS CONVERSATIONS ON, JUST SO I
11 WOULD KNOW AS A HOMICIDE INVESTIGATOR WHAT SPECIFICALLY
12 HER STATUS IS, SHE HAS BEEN DESCRIBED TO ME AS BEING A
13 FORENSIC PSYCHIATRIST WITH THE STATE DEPARTMENT OF MENTAL
14 HEALTH CONTRACTED THROUGH MUTUAL AGREEMENT WITH THE SOUTH
15 CAROLINA LAW ENFORCEMENT DIVISION. WHOSE PAYROLL SHE IS
16 ON IS THE STATE DEPARTMENT OF MENTAL HEALTH. SPECIFICALLY
17 MORE THAN THAT, I COULDN'T ELABORATE FURTHER.

18 Q SURE. AND WHO PAYS HER IS NOT REALLY WHAT I'M
19 CONCERNED WITH HERE.

20 A SURE.

21 Q BUT HER PROFESSION OF A PSYCHIATRIST, SHE IS IN THE
22 PROFESSION OF DEALING WITH PATIENTS WITH PSYCHIATRIC
23 PROBLEMS?

24 A YES, SIR.

25 Q AS FAR AS THE TIMING IS CONCERNED, IF WE'VE

1 UNDERSTOOD THE TESTIMONY UNTIL NOW, THE SHOTS WERE HEARD
2 AT THE BI-LO AT 11:45 A.M?

3 A APPROXIMATELY 11:45.

4 Q IT'S CORRECT THAT BY 1:00, ABOUT AN HOUR AND 15
5 MINUTES LATER, YOU HAD HAD A CONVERSATION WITH MISS STROM
6 AND HAD PUT THE CALL IN TO SLED TO HAVE DR. CRAWFORD ON
7 SITE?

8 A I DID CONSULT WITH DEPUTY SOLICITOR STROM AND THOSE
9 ARRANGEMENTS WERE MADE BY OTHER AUTHORITY, OTHER THAN
10 MYSELF.

11 Q I SEE, BUT WITHIN AN HOUR AND 15 MINUTES OR SO THE
12 CALL HAD GONE INTO DR. CRAWFORD IN COLUMBIA, THE
13 PSYCHIATRIST, TO COME UP TO GREENVILLE.

14 A I WOULD SAY THAT'S CORRECT.

15 Q AND DR. CRAWFORD ACCOMPANIED YOU AND YOUR COLLEAGUES
16 ON A NUMBER OF INTERVIEWS THAT DAY AND THE NEXT DAY,
17 RIGHT?

18 A YES, SIR.

19 Q SHE WAS PRESENT FOR AN INTERVIEW THAT YOU CONDUCTED
20 OR YOUR COLLEAGUES CONDUCTED WITH CHRIS'S MOTHER, DAISY
21 HUCKABY, AND HER HUSBAND?

22 A YES.

23 Q SHE WAS ALSO PRESENT FOR AN INTERVIEW WITH JONATHAN
24 LEE?

25 A YES, SIR.

1 Q AND JONATHAN LEE WAS -- STRIKE THAT. JONATHAN LEE
2 WAS DESCRIBED TO YOU AS CHRIS' BEST FRIEND?

3 A YES, SIR. THAT'S CORRECT.

4 Q AND HE IS A HIGH SCHOOL STUDENT?

5 A YES, HE IS.

6 Q ABOUT HOW OLD WAS HE AT THE TIME?

7 A MAY I REFER TO MY NOTES?

8 Q CERTAINLY.

9 A I BELIEVE HE WAS 16 YEARS OF AGE AT THE TIME OF THE
10 INTERVIEW.

11 Q AND HOW OLD WAS CHRIS WILLIAMS AT THE TIME?

12 A CHRIS WAS 20. EXCUSE ME JUST A MOMENT, I'LL GIVE YOU
13 SPECIFICALLY. CHRIS WAS 21.

14 Q SO, ABOUT FIVE YEARS DIFFERENCE IN THEIR AGE?

15 A YES.

16 Q NOW, YOU WERE ALSO PRESENT FOR THE INTERVIEW WITH
17 CHRIS WILLIAMS' FATHER, DWIGHT WILLIAMS, AND HIS
18 STEPMOTHER. IS THAT CORRECT?

19 A THAT IS CORRECT.

20 Q AND THAT WAS ALL IN THE CONTEXT OF YOUR ROLE AS LEAD
21 INVESTIGATOR?

22 A YES.

23 Q IN THE CONTEXT OF YOUR ROLE AS LEAD INVESTIGATOR YOU
24 LEARNED, FOR EXAMPLE, THAT CHRIS WILLIAMS HAD TAKEN PILLS
25 AND GONE TO THE HOSPITAL SOME MONTHS BEFORE; IS THAT

1 RIGHT?

2 A YES, SIR.

3 Q YOU ALSO LEARNED THAT CHRIS' MOTHER DRANK A GREAT
4 DEAL?

5 A YES, SIR.

6 Q YOU LEARNED THAT CHRIS HAD BEEN HELD BACK IN SCHOOL?

7 A YES, SIR.

8 Q YOU LEARNED THAT HE HAD BEEN DEPRESSED?

9 A YES, SIR.

10 Q YOU ALSO HAD BEEN AWARE THAT HE HAD DREAMED OF BEING
11 CHASED BY DINOSAURS?

12 MR. ARIAIL: OBJECTION.

13 THE COURT: WHAT'S YOUR OBJECTION?

14 MR. ARIAIL: HEARSAY.

15 MR. MACDOUGALL: I DON'T BELIEVE IT'S HEARSAY.

16 THE COURT: OBJECTION IS OVERRULED.

17 MR. ARIAIL: YOUR HONOR, CAN I ELABORATE JUST A
18 SECOND?

19 THE COURT: YOU CAN COME UP HERE AND ELABORATE.

20 (BENCH CONFERENCE HELD.)

21 THE COURT: OBJECTION OVERRULED.

22 MR. ARIAIL: SECOND OBJECTION IS RELEVANCE.

23 THE COURT: OVERRULED.

24 BY MR. MACDOUGALL:

25 Q DEPUTY, LET ME REPEAT THE QUESTION, LAST QUESTION.

1 DID YOU LEARN IN THE COURSE OF YOUR ROLE AS LEAD
2 INVESTIGATOR THAT CHRIS WILLIAMS REPORTED DREAMING OF
3 RUNNING FROM DINOSAURS AND BEING KILLED?

4 A THROUGH JONATHAN LEE, YES.

5 Q DID YOU LEARN THROUGH YOUR COURSE OF INVESTIGATION
6 THAT CHRIS WILLIAMS' PARENTS FOUGHT PHYSICALLY WHILE
7 GROWING UP?

8 A YES.

9 Q DID YOU ALSO LEARN THAT CHRIS' FATHER PERIODICALLY
10 BELIEVED THAT RITALIN WAS NEEDED WHEN HE WAS A CHILD?

11 A YES.

12 Q DEPUTY, YOU HAD THE JOURNAL A LITTLE BIT EARLIER, THE
13 ORIGINAL. IS THAT STILL HERE?

14 MR. MACDOUGALL: MAY I APPROACH THE WITNESS YOUR
15 HONOR?

16 THE COURT: YES, SIR.

17 Q OKAY. THIS IS THE JOURNAL THAT'S BEEN MARKED
18 DEFENDANT'S EXHIBIT 5. AND I UNDERSTAND YOU HAVE A
19 PHOTOCOPY OF THAT THERE WITH YOU?

20 A NO, NOT A PHOTOCOPY OF -- I JUST HAVE A PHOTOCOPY OF
21 THE LAYOUT OF THE STORE.

22 Q OKAY. COULD I HAVE A MOMENT, YOUR HONOR?

23 THE COURT: YES, SIR.

24 Q I'M GOING TO HAND YOU THE ORIGINAL JOURNAL AND I
25 RECOGNIZE THAT THE HANDWRITING IS NOT ALWAYS CLEAR.

1 A YES, SIR.

2 Q WHAT I'D LIKE TO DO IS HAVE YOU TAKE A LOOK AT A
3 COUPLE OF PAGES. WHEN YOU TESTIFIED EARLIER WITH
4 MR. ARIAIL, I THINK WHEN YOU TESTIFIED YOU SAID YOU HAD
5 READ THE JOURNAL IN IT'S ENTIRETY. SO, YOU ARE FAMILIAR
6 WITH IT; IS THAT CORRECT?

7 A I AM FAMILIAR WITH IT. YES, SIR.

8 Q YOU TABBED THE ORIGINAL PAGES. LET ME ASK YOU A
9 COUPLE OF GENERAL QUESTIONS. THERE ARE NOT DATES IN THE
10 JOURNAL AT ALL, SO WE HAVE NO IDEA WHEN WE LOOK AT IT WHEN
11 IT WAS WRITTEN?

12 A THAT'S CORRECT.

13 Q AND THERE ARE NO PAGE NUMBERS. SO, THE SEQUENCE OF
14 THINGS IS UNCLEAR; IS THAT CORRECT?

15 A THE SEQUENCE IS UNCLEAR.

16 Q IF YOU COULD TURN TO THE FIRST PAGE THAT IS MARKED
17 WITH A TAB. IF YOU WOULD, PLEASE, TAKE A LOOK AT THAT FOR
18 ME. AND, AGAIN, THERE'S NO DATE ON THAT; IS THAT CORRECT?

19 A THAT IS CORRECT, SIR.

20 Q TO THE EXTENT IT'S LEGIBLE, I WOULD LIKE YOU TO READ
21 ALONG WITH ME.

22 "I JUST WANTED TO LET YOU KNOW WHAT WAS GOING ON IN
23 MY CRAZY MIND. ONE OTHER THING BEFORE I GO, I WANTED YOU
24 TO KNOW IN CASE YOU CONSIDER ONE DAY US BEING TOGETHER
25 AGAIN, THERE'S NO NEED TO WORRY ABOUT ANY OF THE THINGS

1 YOU SAID YOU WOULD WORRY ABOUT. YOU CHANGED ME
2 COMPLETELY, BUT IT'S ALL BEEN FOR THE BETTER. SO, I'M
3 GOING TO GO. I HOPE YOU LIKE THE CARD, AND AS ALWAYS, I
4 LOVE YOU."

5 NOW, THAT WAS IN THE JOURNAL; IS THAT CORRECT?

6 A THAT IS CORRECT.

7 Q NOW, IF YOU TURN TO THE NEXT PAGE, AGAIN, IT'S GOT A
8 GREEN TAB ON IT. DOES IT APPEAR THERE THAT CHRIS WILLIAMS
9 WAS WRITING SOME KIND OF POETRY?

10 A YES, IT DOES.

11 Q DOES IT READ TO YOU, "HEARTACHE IS NOT ALWAYS AN EASY
12 THING TO CONQUER, WITHOUT ANOTHER'S LOVE YOUR SOUL SEEMS
13 TO WANDER. EVERY DAY WE LOOK INTO THE PAST TO SEE WHAT WE
14 COULD HAVE DONE TO MAKE THINGS LAST," AND SO ON?

15 A YES, IT DOES.

16 Q WHAT I'D LIKE YOU TO DO IF YOU WOULD, DEPUTY, IS IF
17 YOU'D LOOK AT THE FIRST 30 PAGES OR SO OF THE JOURNAL.
18 AND IF YOU NEED TO REFRESH YOUR MEMORY, THAT'S FINE, IF
19 YOU'RE FAMILIAR WITH THEM. WOULD YOU AGREE WITH ME THE
20 FIRST 30 PAGES ARE SORT OF A SERIES OF LETTERS, A SERIES
21 OF UNADDRESSED LETTERS FROM CHRIS WILLIAMS, PRESUMABLY TO
22 MANDY?

23 A YES, THEY ARE.

24 Q AND THEY'RE CONSISTENTLY AN EXPRESSION OF EMOTION AND
25 LOVE; IS THAT CORRECT?

1 A I WOULDN'T CHARACTERIZE, AS YOU GET PAST THE FIRST
2 COUPLE, TO BE CHARACTERIZATIONS OF FEELINGS OF LOVE, MORE
3 OF HOW HE WANTS TO KILL HER AS YOU PROGRESS THROUGH THE
4 JOURNAL.

5 Q I UNDERSTAND THAT. BUT THERE ARE 72 PAGES I
6 REPRESENT IN THE JOURNAL. THE FIRST 30 PAGES, PLEASE TAKE
7 A LOOK AT THEM AND SEE IF YOU AGREE WITH MY STATEMENT.

8 A OKAY.

9 Q DEPUTY, I'M GOING TO ASK YOU TO STOP AT THE GREEN TAB
10 THERE. IT BEGINS WITH THE WORDS, "YOU HAVE NO IDEA HOW
11 MUCH YOU MEAN TO ME."

12 A I DON'T SUPPOSE THAT'S MARKED WITH A TAB?

13 Q I CAN SHOW YOU.

14 MR. MACDOUGALL: MAY I SHOW HIM PLEASE, YOUR HONOR?

15 THE COURT: YES, SIR. SHOW HIM WHERE YOU'RE TALKING
16 ABOUT.

17 THE WITNESS: THANK YOU.

18 Q NOW, YOU'VE REVIEWED THE JOURNAL UP TO THAT POINT.
19 THE PAGE WE HAVE ON THE SCREEN, WHICH IN THE ABSENCE OF
20 NUMBERS, WE DESIGNATE THE 30th PAGE OF THE JOURNAL. UP
21 TO THAT POINT, THERE ARE NO EXPRESSIONS OF KILLING OR
22 ANYTHING. IT'S TALKING ABOUT LOVE AND LONGING. IS THAT
23 CORRECT?

24 A THAT IS CORRECT. A LOT OF THINGS GOING ON OF HOW HE
25 FEELS AND FELT ABOUT THE RELATIONSHIP.

1 Q BUT NO EXPRESSION OF VIOLENCE OR KILLING, ANYTHING
2 LIKE THAT?

3 A NO, NOT AS YOU PROGRESS TO THIS POINT.

4 Q IF YOU GET TO THIS POINT, AND IF YOU AGREE WITH ME
5 THE JOURNAL READS, "YOU HAVE NO IDEA HOW MUCH YOU MEAN TO
6 ME AND HOW MUCH I WOULD LOVE TO RESTART OUR ENTIRE
7 RELATIONSHIP. NOW, I WANT TO SPEND TIME WITH YOU MORE
8 THAN EVER, BUT NOT JUST YOU ALONE, THE BOTH OF YOU. OF
9 ALL THE STUPID THINGS I'VE DONE, ALL I CAN SAY IS I'M VERY
10 SORRY. AND I CAN ONLY HOPE THAT YOU WOULD CONSIDER ALL
11 THE GOOD THINGS I'VE DONE FOR YOU AND HOW MUCH I CARE
12 ABOUT YOU WHEN YOU DECIDE IF YOU SHOULD GIVE ME ANOTHER
13 CHANCE. WHAT I'M ASKING IS IF YOU WOULD OPEN YOUR HEART
14 AND LET ME SHOW WHO I CAN REALLY BE. I WANT YOU TO LET ME
15 BE AS SWEET AS I CAN BE AND PROVE TO YOU THAT I'D BE EVERY
16 BIT THE PERSON YOU WOULD WANT ME TO BE." IS THAT RIGHT?

17 A YES, THAT'S CORRECT.

18 Q THEN YOU TURN TO THE VERY NEXT PAGE, WHICH IS THE
19 FACING PAGE, THE VERY NEXT PAGE IN THAT JOURNAL, BEGINS
20 WITH THE WORDS "I AM REALLY SORRY THAT I HAD TO KILL YOUR
21 DAUGHTER." ISN'T THAT RIGHT?

22 A THAT IS CORRECT, SIR.

23 Q AND IT APPEARS TO BE A LETTER OF SOME KIND TO
24 MIRANDA'S PARENTS?

25 A YES.

1 Q IT GOES ON, "SO, I KNOW IT PROBABLY DOESN'T MEAN MUCH
2 TO YOU RIGHT NOW, BUT THAT'S ALL I HAVE TO OFFER." IS
3 THAT RIGHT?

4 A THAT'S CORRECT.

5 Q AND THOSE TWO PAGES ARE FACING PAGES OF THE JOURNAL.
6 SO, IT WOULD APPEAR THEY WOULD HAVE BEEN WRITTEN IN
7 SEQUENCE?

8 A IF I CAN RESPECTFULLY RESPOND TO THAT? THE
9 CHARACTERIZATION AND THE WRITING DOESN'T APPEAR TO ME TO
10 HAVE BEEN WRITTEN IN THE SAME DAY OR WITHIN THE SAME
11 CONSISTENCY OF THE STROKE OF THE PEN, GOING FROM ONE PAGE
12 TO THE OTHER. THERE'S DEFINITELY DIFFERENTIAL IN THE
13 LETTERS AND THE COLOR SEEMS TO BE DARKER HERE AS THOUGH
14 HE'S WRITING WITH A STRONGER STROKE AS OPPOSED TO OVER
15 HERE. SO, I CAN'T SAY -- AND I'M NOT A HANDWRITING EXPERT
16 BUT I CERTAINLY WOULDN'T QUALIFY IT AS BEING IN THE SAME
17 CONSISTENT LETTER.

18 Q I UNDERSTAND. BUT THE FACING PAGES, WHAT YOU'RE
19 SAYING, THE HANDWRITING EVEN LOOKS DIFFERENT; IS THAT
20 RIGHT?

21 A THE HANDWRITING DOES LOOK SLIGHTLY -- IT'S CONSISTENT
22 BUT IT LOOKS IN A DIFFERENT TONE OR A DIFFERENT MAYBE
23 MINDSET, IF YOU WILL, WHEN YOU'RE WRITING.

24 Q SOMETHING HAS CHANGED?

25 A SOMETHING HAS CHANGED, YES.

1 Q THE MOST IMPORTANT THING THAT'S CHANGED IS WHAT HE'S
2 SAYING ON THE LEFT-HAND SIDE OF THE PAGE, HE'S TALKING
3 ABOUT HOW MUCH HE LOVED MARANDA. ON THE RIGHT-HAND HE'S
4 WRITING HER PARENTS, TALKING ABOUT KILLING HER?

5 A I WOULD AGREE WITH THAT. YES, SIR.

6 Q I WOULD LIKE YOU TO TURN, IF YOU WOULD, DEPUTY, TO
7 THE NEXT COUPLE OF PAGES. IF YOU AGREE WITH ME -- BY THAT
8 I MEAN THE NEXT TWO PAGES, IT'S A CONTINUED DISCUSSION OF
9 A DESIRE TO KILL. IS THAT CORRECT?

10 A YES, IT IS.

11 Q AND THE SAME WITH THE PAGE AFTER THAT. THAT BEGINS,
12 "YOU PEOPLE MAKE ME SICK. YOU" -- AND THAT WORD MAY BE
13 CLEAR TO SOME, I DON'T READ IT -- "RACIST REDNECKS; AND IT
14 WOULD PUT A SMILE ON MY FACE TO SEE HER TAKE HER LAST
15 BREATH." AGAIN, A VERY VIOLENT DESCRIPTION OF KILLING?
16 IS THAT RIGHT?

17 A YES, SIR.

18 Q AND THEN WHEN YOU TURN TO THE PAGE AFTER THAT, WHAT
19 DO YOU SEE?

20 A I SEE A PAGE HAS BEEN TORN OUT. AND THEN I SEE THE
21 PAGE THAT'S BEING DISPLAYED ON THE OVERHEAD AS BEING
22 GREENVILLE MEMORIAL HOSPITAL, NORTH GREENVILLE, AND A
23 PHONE NUMBER; GREENVILLE MEMORIAL HOSPITAL, GREENVILLE
24 HOSPITAL, A PHONE NUMBER; AND ST. FRANCIS WOMEN'S AND
25 FAMILY HOSPITAL AND A PHONE NUMBER.

1 Q I BELIEVE YOU TESTIFIED EARLIER AMONG THE THINGS YOU
2 LEARNED IN THE COURSE OF YOUR INVESTIGATION IS THAT CHRIS
3 WILLIAMS HAD TAKEN PILLS AND GONE TO THE HOSPITAL?

4 A YES, THAT'S CORRECT.

5 Q DID YOU LEARN IN THE COURSE OF THE INVESTIGATION THE
6 HOSPITAL HE WENT TO IS GREENVILLE HOSPITAL?

7 A YES.

8 Q SO, WE HAVE THE PAGES WE MARKED 30, 31, 32, 33, THE
9 SUDDEN CHANGE IN TONE AND CHANGE IN STYLE AND THEN THE
10 PHONE NUMBERS FOR THE HOSPITAL?

11 A THEN, IF I MAY, I JUST WAS ABLE TO COUNT MORE THAN
12 ONE PAGE, ACTUALLY THREE PAGES HAVE BEEN TORN OUT. AND
13 THEN WE GO TO THE PHONE NUMBERS.

14 Q AND WE DON'T KNOW WHICH PAGES THOSE WERE, WHAT WAS ON
15 THEM?

16 A I DON'T KNOW WHAT WAS ON THOSE THREE PAGES, SIR. NO.

17 Q I'D LIKE YOU TO DO WHAT YOU DID JUST A FEW MINUTES
18 AGO. YOU'RE FAMILIAR WITH THE JOURNAL, JUST GLANCE
19 THROUGH THE NEXT 30, 20 OR SO PAGES. MY QUESTION WILL BE
20 IF YOU AGREE WITH ME, THERE'S A CONTINUED FAIRLY VIOLENT
21 DESCRIPTION OF COMMITTING ACTS OF VIOLENCE AND KILLING?

22 A I WOULD AGREE WITH YOU.

23 Q IF YOU COULD GO TO -- MAY I APPROACH, YOUR HONOR?
24 THE COURT: YES, SIR.

25 Q THE DIAGRAM MR. ARIAIL ASKED YOU ABOUT, WHICH IS ON

1 WHAT I BELIEVE WE'VE MARKED AS PAGE 64, WHEN WE LOOK AT
2 THE LIST ON THE RIGHT-HAND SIDE, AS YOU GO DOWN THE
3 RIGHT-HAND SIDE, NUMBER SIX READS, "SECURE HER TO TABLE
4 AND READ HER LETTER," OR SOMETHING LIKE THAT?

5 A "LET HER READ LETTER." YES, SIR.

6 Q THERE'S NO EVIDENCE IN THE COURSE OF YOUR
7 INVESTIGATION THAT THAT EVER HAPPENED, THAT ANYONE WAS
8 EVER SECURED TO A TABLE. IS THAT CORRECT?

9 A THAT IS CORRECT.

10 Q AND IN THE COURSE OF YOUR INVESTIGATION, DEPUTY, YOU
11 ARE FAMILIAR WITH THE DOCUMENTATION NOW IN EVIDENCE
12 REPRESENTING THE PURCHASE OF A SHOTGUN?

13 A YES, I AM, SIR.

14 Q AND IT'S CORRECT, ISN'T IT, THAT THAT DOCUMENTATION
15 REFLECTS THAT CHRIS WILLIAMS PURCHASED THE SHOTGUN ON
16 NOVEMBER 8th 2002. IS THAT RIGHT?

17 A THAT IS CORRECT.

18 Q AND THAT THAT WAS AT LEAST A COUPLE OF WEEKS BEFORE,
19 ACCORDING TO YOUR INVESTIGATION, HE EVER MET MARANDA
20 WILLIAMS?

21 A THAT IS CORRECT, SIR.

22 Q COULD I HAVE A MOMENT, YOUR HONOR?

23 THE COURT: SURE.

24 Q I HAVE ONE MORE FOR YOU. DEPUTY, THIS HAS PREVIOUSLY
25 BEEN MARKED DEFENDANT'S EXHIBIT 18 FOR IDENTIFICATION.

1 MR. ARIAIL: NO OBJECTION.

2 THE COURT: THANK YOU, SIR.

3 Q I'D LIKE YOU TO HAVE A LOOK AT THAT, IF YOU WOULD,
4 PLEASE. DO YOU RECOGNIZE DEFENDANT'S EXHIBIT 18 FOR
5 IDENTIFICATION?

6 THE COURT: I THINK YOU ALREADY OFFERED IT IN
7 EVIDENCE.

8 MR. MACDOUGALL: WE'RE OFFERING IT IN EVIDENCE, YES,
9 SIR.

10 THE COURT: DEFENDANT'S EXHIBIT 23 ADMITTED IN
11 EVIDENCE WITHOUT OBJECTION.

12 MR. MACDOUGALL: YOUR HONOR, I BELIEVE IT HAD BEEN
13 MARKED 18 PREVIOUSLY.

14 THE COURT: YOU ALREADY GOT AN 18.

15 MR. MAULDIN: I BELIEVE THE 18 WAS FOR ID ONLY,
16 JUDGE. SO THAT WOULD STILL BE 18, I BELIEVE, JUDGE.

17 THE COURT: IT'S 18, ALL RIGHT. I STAND CORRECTED.

18 (WHEREUPON, A POEM PREVIOUSLY MARKED FOR
19 IDENTIFICATION IS RECEIVED INTO EVIDENCE AS
20 DEFENDANT'S EXHIBIT NO. 18.)

21 A I RECOGNIZE THE STYLE OF THE LETTER, BUT DON'T
22 RECOGNIZE SPECIFICALLY THIS SPECIFIC LETTER. BUT I DO
23 RECOGNIZE THE STYLE AS THAT BEING WITH CONSISTENT WRITINGS
24 AND SUCH.

25 Q HAVE YOU READ IT BEFORE?

1 A I CAN'T RECALL IF I'VE READ THIS ONE OR NOT. I'VE
2 READ, AS YOU KNOW, THE JOURNAL, WHICH IS VERY IN DEPTH;
3 BUT I DON'T SPECIFICALLY RECALL THIS.

4 Q WHAT STYLE DO YOU RECOGNIZE IT AS?

5 A IT SEEMS TO BE VERY, VERY CONSISTENT WITH THAT OF THE
6 DEFENDANT'S WRITING.

7 MR. MACDOUGALL: NOTHING FURTHER, YOUR HONOR. THANK
8 YOU.

9 THE COURT: REDIRECT?

10 MR. ARIAIL: JUST A COUPLE.

11 **REDIRECT EXAMINATION**

12 BY MR. ARIAIL:

13 Q MR. MACDOUGALL ASKED YOU, THERE WASN'T ANY EVIDENCE
14 THAT THE DEFENDANT SECURED MANDY TO THE TABLE AND LET HER
15 READ THE LETTER. AND YOU SAID, "THERE'S NO EVIDENCE WE
16 KNOW OF"?

17 A THAT'S CORRECT.

18 Q THERE'S ALSO NO EVIDENCE THAT IT DIDN'T HAPPEN?

19 A THAT IS CORRECT, SIR.

20 Q THAT HE COULD HAVE GIVEN HER THE LETTER?

21 A THAT'S CORRECT.

22 Q WE JUST DON'T HAVE ANY EVIDENCE ON THAT AT ALL?

23 A THAT'S CORRECT, SIR.

24 Q NOW, DO YOU REMEMBER WHEN THE DEFENDANT WENT TO THE
25 HOSPITAL FOR PILLS, OVERDOSE, ALLEGED OVERDOSE OF PILLS?

1 A I DON'T RECALL SPECIFICALLY, BUT THE COURSE OF MY
2 INTERVIEWS IN THE INVESTIGATION, I KNOW THAT DID OCCUR. I
3 JUST DON'T KNOW SPECIFICALLY WHEN.

4 Q WAS IT IN CLOSE PROXIMITY TO SEPTEMBER THIRD OR WAS
5 IT SEVERAL MONTHS BACK?

6 A THIS WAS BACK AT THE TIME OF THE, OF A JULY INCIDENT
7 THAT'S BEEN MENTIONED.

8 Q DURING THE COURSE OF YOUR INVESTIGATION DID YOU FIND
9 THAT THE DEFENDANT HAD AT ANY TIME AFTER THAT GONE TO ANY
10 HOSPITAL OR DOCTOR FOR THE PURPOSE OF ALLEGED PILL
11 OVERDOSE?

12 A NOT ACCORDING TO THE INTERVIEWS I CONDUCTED WITH
13 FAMILY AND ASSOCIATES OF THE DEFENDANT.

14 MR. ARIAIL: THANK YOU.

15 THE COURT: ANY RECROSS?

16 MR. MACDOUGALL: NOTHING FURTHER.

17 THE COURT: MR. SILVAGGIO, YOU MAY STEP DOWN. THANK
18 YOU VERY MUCH.

19 THE WITNESS: THANK YOU, YOUR HONOR.

20 THE COURT: CALL YOUR NEXT WITNESS.

21 MS. STROM: THE STATE CALLS MARK STEPHAN.

22 MARK STEPHAN, AFTER BEING DULY SWORN,
23 TESTIFIED AS FOLLOWS:

24 THE COURT: THANK YOU, MA'AM.

25 DIRECT EXAMINATION

1 BY MS. STROM:

2 Q MR. STEPHAN, AGAIN, IF YOU WOULD STATE YOUR FULL NAME
3 FOR THE RECORD.

4 A MARK STEPHAN, S-T-E-P-H-A-N.

5 Q I NEED YOU TO KEEP YOUR VOICE UP SO ALL THE JURORS
6 AND I CAN HEAR YOU. ALL RIGHT?

7 A YES, MA'AM.

8 Q BY WHOM ARE YOU EMPLOYED?

9 A I HAVE TWO EMPLOYERS CURRENTLY. MY MAIN EMPLOYMENT
10 IS BOB JONES UNIVERSITY, WHERE I TEACH CRIMINAL JUSTICE.
11 MY PART-TIME EMPLOYMENT IS WITH THE PUBLIC SAFETY CRIME
12 LAB IN GREENVILLE COUNTY.

13 Q AND WHAT IS YOUR POSITION WITH THE CRIME LAB WITH THE
14 PUBLIC SAFETY?

15 A I'M A CRIMINALIST AND FIREARMS EXAMINER.

16 Q CRIMINALIST AND FIREARMS EXAMINER?

17 A YES, MA'AM. THE JOB TITLE IS CRIMINALIST, MY
18 FUNCTION IS THAT OF FIREARMS EXAMINER.

19 Q WHAT BACKGROUND AND TRAINING AND EDUCATION HAVE YOU
20 RECEIVED IN YOUR CAREER?

21 A I'M RETIRED AFTER 25 YEARS WITH PHILADELPHIA POLICE
22 DEPARTMENT IN PENNSYLVANIA. MOST OF THE LAST TEN YEARS
23 THERE I WAS COMMANDING OFFICER OF THE FIREARMS
24 IDENTIFICATION UNIT, THE BALLISTICS LABORATORY. THE
25 TRAINING I RECEIVED THERE INCLUDED THREE YEARS OF

1 IN-SERVICE TRAINING IN FIREARMS IDENTIFICATION LABORATORY,
2 IDENTIFICATION OF FIREARMS AND FORENSICS. ALSO AS A PART
3 OF THAT TRAINING I RECEIVED TRAINING OUTSIDE OF THE
4 LABORATORY, SOME OF THAT WAS ARMORY TRAINING, WHICH IS
5 BASICALLY REPAIR, DISASSEMBLY, FUNCTION ANALYSIS OR
6 MISFUNCTION OR MALFUNCTION ANALYSIS OF FIREARMS; AND I DID
7 THOSE IN CONJUNCTION WITH FACTORY TRAINING FROM COLT,
8 GLOCK, RUGER. ALSO HAD TRAINING, ARMORY TRAINING, FROM
9 THE FBI AND UNITED STATES ARMY.

10 I RECEIVED WEAPONS' TRAINING FROM THE UNITED STATES
11 ARMY IN ABERDEEN, MARYLAND, IN IDENTIFICATION OF FOREIGN
12 MILITARY FIREARMS. ALSO FIREARMS IDENTIFICATION AND
13 TRAINING FROM THE ALCOHOL, TOBACCO, AND FIREARMS, THE
14 BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, FEDERAL
15 GOVERNMENT. I'VE BEEN TO THE FIVE FIREARMS' MANUFACTURERS
16 WHERE I OBSERVED THE MANUFACTURING PROCESS FROM BEGINNING
17 TO END. I BEEN TO A NUMBER OF SCIENTIFIC AND OTHER
18 SEMINARS HAVING TO DO WITH FIREARMS UNDER THE AUSPICES OF
19 THE ASSOCIATION OF FIREARM AND TOOL MARK EXAMINERS, OTHER
20 SEMINARS FOR AMMUNITION STANDARDS FOR TESTING, THINGS LIKE
21 THAT.

22 I'VE BEEN TO EIGHT OTHER LABORATORIES WHERE I'VE
23 RECEIVED TRAINING IN THE LABORATORY IDENTIFICATION OF
24 FIREARMS AND FORENSICS.

25 Q HOW LONG HAVE YOU BEEN WORKING IN --

1 THE COURT: SOLICITOR, I DON'T THINK THE DEFENDANT
2 HAS ANY OBJECTION HE'S A BALLISTICS EXPERT.

3 MS. STROM: I DIDN'T HEAR FROM HIM, JUDGE.

4 THE COURT: BUT YOU MAY INTRODUCE THE WITNESS TO THE
5 JURY. I'M NOT STOPPING YOU FROM DOING THAT. BUT I THINK
6 THE DEFENSE STIPULATES HE'S A BALLISTICS EXPERT AND THE
7 COURT SO FINDS.

8 MS. STROM: THANK YOU, YOUR HONOR.

9 Q MR. STEPHAN, YOU HAVE TESTIFIED AS AN EXPERT IN THE
10 COURTS OF SOUTH CAROLINA BEFORE?

11 A YES, MA'AM, I HAVE.

12 Q AS WELL AS OTHER COURTS?

13 A YES, MA'AM, I HAVE.

14 Q HOW LONG HAVE YOU BEEN WORKING IN THE FIELD OF
15 FIREARMS AND BALLISTICS EXAMINATIONS?

16 A APPROXIMATELY EIGHT AND A HALF YEARS UP NORTH AND
17 HERE FROM MAY OF 2001. AND ACTUALLY IT WAS A YEAR BEFORE
18 THAT, I WAS ACTUALLY A VOLUNTEER AT THE COUNTY CRIME LAB
19 HELPING TO GET THEM STARTED IN THE FIREARMS BUSINESS, IF
20 YOU WILL.

21 Q SO, IT'S SAFE TO SAY IN EXCESS OF TEN YEARS?

22 A YES, MA'AM.

23 Q WOULD YOU BRIEFLY DESCRIBE TO THIS JURY WHAT WE'RE
24 TALKING ABOUT WHEN WE THROW AROUND THE WORDS BALLISTICS
25 EXPERT AND BALLISTICS TRAINING. WHAT ARE WE TALKING

1 ABOUT?

2 A YES, MA'AM. MY FUNCTION IS TO AID THE INVESTIGATOR
3 AND SUBSEQUENTLY THE TRIERS OF FACT IN THE COURTROOM
4 SETTING, WHEN INVESTIGATIONS GET TO THAT LEVEL, IN
5 INTERPRETING THE MEANING AND APPLICATION OF EVIDENCE. AND
6 I DO THAT WITH FIREARMS AND THEIR ACCESSORIES, AMMUNITION.
7 WE ALSO DO MICROSCOPIC EXAMINATIONS OF FIRED COMPONENTS,
8 CARTRIDGE CASES, BULLETS, BULLET JACKETS, PORTIONS OF
9 THOSE. AND WE TRY TO MAKE MICROSCOPIC MATCHES,
10 IDENTIFICATIONS BETWEEN FIRED COMPONENTS IN THE FIREARMS
11 THEY WERE FIRED FROM.

12 Q BRIEFLY TELL US HOW ARE YOU ABLE TO DETERMINE
13 MICROSCOPICALLY THAT THIS COMPARISON IS MADE? ARE WHAT
14 YOU TALKING ABOUT, YOU TAKE EVIDENCE THAT'S FOUND AT A
15 SCENE, SUCH AS A FIRED SHOTGUN CASING, AND YOU COMPARE IT
16 BACK TO THE WEAPON TO DETERMINE IF THAT WEAPON FIRED THOSE
17 CASINGS?

18 A YES, MA'AM. THE FIRED SHOT SHELLS, IN THE CASE OF A
19 SHOTGUN, WHEN THEY ARE FIRED DURING THE FIRING PROCESS,
20 THE RECOIL, AND MANY PEOPLE ARE FAMILIAR WITH THE
21 OBSERVANCE OR THE APPEARANCE OF RECOIL WHEN THE GUN JERKS;
22 THE AMMUNITION INSIDE THE FIREARM ACTUALLY SLAMS BACKWARDS
23 INTO THE BREACH FACE OR INTO AN INTERNAL PART OF THE
24 FIREARM STAMPING WHAT IS KNOWN AS THE BALLISTICS SIGNATURE
25 ON THE BACK OF THE FIRED CARTRIDGE CASE OR THE BACK OF THE

1 FIRED SHOT SHELL.

2 WHAT IT DOES IS BASICALLY MAKES A MIRROR IMAGE OF THE
3 MICROSCOPIC IMPERFECTIONS AND THE MACHINING, THE
4 FINISHINGS ON THAT FIREARM FROM THE MANUFACTURER AT THE
5 TIME IT WAS MANUFACTURED, IT PICKS UP ANY ANOMALIES OR
6 ANYTHING THAT'S NOT NORMAL. ANYTHING THAT'S ON THE FACE
7 OF THAT FIREARM, THAT SOFTER METAL ON THE SHOTGUN SHELL OR
8 ON THE FIRED CARTRIDGE CASE WILL MAKE AN IMPRESSION OF
9 THAT. AND THAT SAME IMPRESSION IS MADE ON SUBSEQUENT
10 FIRED CARTRIDGE CASES OR FIRED SHOT SHELLS.

11 Q AND DID YOU HAVE AN OCCASION IN THIS CASE INVOLVING
12 THE DEFENDANT, MR. WILLIAMS, TO COMPARE SHOTGUN SHELL
13 CASINGS, SPENT CASINGS THAT WERE LOCATED AT THE SCENE BACK
14 TO A WEAPON THAT WAS LOCATED AT THE SCENE?

15 A YES, MA'AM.

16 Q I SHOW YOU WHAT'S IN EVIDENCE AS STATE'S EXHIBIT 62.
17 IT IS OBVIOUSLY IN A LOCKED POSITION, SAFE POSITION. I
18 WOULD ASK THAT YOU, NUMBER ONE, UNLOCK IT AND CONFIRM IT
19 IS IN SAFE POSITION BEFORE WE GO TALKING ABOUT IT.

20 A YOUR HONOR, PLEASE?

21 THE COURT: YES, SIR. YOU'VE GOT THE KEY.

22 THE WITNESS: THANK YOU, SIR.

23 A IF I COULD TAKE A SECOND, PLEASE, I'D LIKE TO VERIFY
24 THE SERIAL NUMBER.

25 Q ALL RIGHT.

1 A SERIAL NUMBER IS MV76837H. THIS IS THE SHOTGUN THAT
2 I EXAMINED, IT WAS DESIGNATED ITEM CT13.

3 Q DID YOU RECEIVE THAT ITEM OF EVIDENCE TO CONDUCT AN
4 EXAMINATION?

5 A YES, MA'AM, I DID.

6 Q PLEASE DESCRIBE FOR US WHAT IS STATE'S EXHIBIT 62.
7 WHAT KIND OF GUN IS THAT?

8 A THIS IS A SHOTGUN, IT'S A PUMP-ACTION SHOTGUN. IT
9 HAS A SAWED-OFF BARREL. IT WAS MANUALLY SAWED OFF AFTER
10 MARKET. THE MAKE IS MOSSBURG, THE MODEL IS MAVERICK 88.

11 Q HOW MANY ROUNDS WILL THAT SHOTGUN HOLD AT ONE TIME?

12 A THIS WILL HOLD A MAXIMUM OF SIX SHOT SHELLS, AND THAT
13 WOULD BE FIVE IN THE MAGAZINE AND ONE IN THE CHAMBER.

14 Q YOU WERE SAYING THIS WAS A PUMP-ACTION SHOTGUN. WHAT
15 DOES THAT MEAN?

16 A IT MEANS THAT AFTER THE MAGAZINE IS LOADED -- AND THE
17 MAGAZINE IN THIS FIREARM IS UNDERNEATH THE BARREL, THAT'S
18 WHY IT APPEARS LIKE IT HAS TWO BARRELS -- THIS TUBE THAT
19 RUNS ALONG WITH THE BARREL BUT IS UNDERNEATH IS ACTUALLY
20 AN AMMUNITION MAGAZINE, AND IT'S LOADED FROM THE BOTTOM.
21 AS SHOTGUN SHELLS ARE ENTERED INTO THE MAGAZINE, THAT
22 MAGAZINE WILL REACH FULL CAPACITY AT FIVE. AT THAT POINT
23 THE ACTION IS WORKED TAKING ONE OF THE SHOT SHELLS FROM
24 THE MAGAZINE, PLACING IT INTO THE CHAMBER. AT THAT POINT
25 THE MAGAZINE CAN BE TOPPED OFF WITH THE FIFTH SHOT SHELL

1 GIVING IT THE MAXIMUM, THE CAPACITY OF SIX, FIVE IN THE
2 MAGAZINE AND ONE IN THE CHAMBER. (DEMONSTRATING.)

3 Q AND THAT RACKING MOTION YOU'RE DOING IS WHAT YOU HAVE
4 TO ACTUALLY DO IN ORDER TO GET A SHOTGUN SHELL IN THE
5 CHAMBER IN ORDER TO BE FIRED?

6 A YES, MA'AM. IN ORDER FOR THIS FIREARM TO BE
7 DISCHARGED, IT HAS TO BE LOADED THROUGH THE MAGAZINE OR
8 THROUGH THE OPEN EJECTION PORT WITH ONE SHELL, EITHER WAY.
9 BUT ONCE THAT ACTION IS CLOSED, THERE IS A SHOT SHELL IN
10 THE CHAMBER, IN THE REAR OF THE BARREL. ALL THAT'S
11 REQUIRED AFTER THAT IS A SINGLE PULL OF THE TRIGGER AND
12 THAT WILL DISCHARGE THE SHELL THAT IS IN THE CHAMBER.

13 AFTER THAT IT HAS TO BE MANUALLY EXTRACTED, EJECTED,
14 AND THAT FORWARD MOTION OF THE FIREARM WILL TAKE THE NEXT
15 SHELL FROM THE MAGAZINE, PLACE IT IN THE CHAMBER READY FOR
16 FIRING.

17 Q AND DOES THAT WEAPON HAVE A SAFETY FEATURE ON IT?

18 A YES, MA'AM, IT DOES. IT'S FORWARD OF THE TRIGGER
19 GUARD.

20 Q WILL YOU STEP DOWN HERE AND SHOW TO THE JURY PLEASE
21 WHERE THAT SAFETY IS?

22 A (WITNESS STEPS DOWN TO JURY BOX.) THE SAFETY IS THIS
23 BUTTON FORWARD OF THE TRIGGER GUARD.

24 Q AND WHAT DO YOU HAVE TO DO IN ORDER TO PUT IT ON
25 SAFETY OR TAKE IT OFF OF SAFETY?

1 A PUSH IT BACK OR FORTH.

2 Q THANK YOU.

3 A (WITNESS RESUMES STANDS.)

4 Q I'M GOING TO SHOW YOU WHAT'S ALREADY IN EVIDENCE IS
5 AS STATE'S EXHIBIT 22, 23, 24, 25, AND 64. AND ASK YOU TO
6 LOOK AT THOSE.

7 A YES, MA'AM. YES, MA'AM, THESE WERE ITEMS SUBMITTED
8 TO ME FOR EXAMINATION.

9 Q AND THERE'S ALREADY BEEN TESTIMONY THESE ITEMS WERE
10 COLLECTED AT THE SCENE OF THE BI-LO ON EAST NORTH STREET.
11 DID YOU MAKE A COMPARISON REGARDING OR DID YOU MAKE ANY
12 SCIENTIFIC TESTING REGARDING THOSE SHOTGUN SPENT CASINGS
13 AS TO WHETHER THEY WERE FIRED BY THAT WEAPON?

14 A YES, MA'AM. AND THE PROCESS I FOLLOWED FIRST WAS TO
15 COMPARE THEM WITH EACH OTHER. I FOUND ALL FIVE HAD BEEN
16 FIRED FROM THE SAME FIREARM. I THEN TOOK TEST SHOTS FROM
17 THE SUBJECT SHOTGUN, ITEM CT13, AND COMPARED THE TEST
18 SHOTS FROM THE SHOTGUN WITH THESE FIRED SHOT SHELLS AND
19 FOUND THAT THEY DID INDEED MATCH, WHICH MEANS THESE FIRED
20 SHOT SHELLS WERE FIRED IN THAT SHOTGUN.

21 Q THANK YOU. PLEASE ANSWER ANY QUESTIONS THE DEFENSE
22 MAY HAVE.

23 THE COURT: ANY QUESTIONS? CROSS EXAMINATION?

24 MR. MAULDIN: NO QUESTIONS.

25 THE COURT: OKAY. MR. STEPHAN, THANK YOU SO VERY

1 MUCH. WOULD YOU MIND PUTTING THE LOCK BACK ON THAT GUN?

2 THE WITNESS: I'D BE GLAD TO, YOUR HONOR.

3 MS. STROM: AND WE'D ASK THAT HE BE EXCUSED AFTER HE
4 DOES THAT, YOUR HONOR.

5 MR. MAULDIN: NO OBJECTION.

6 (WITNESS EXCUSED.)

7 JOE WOOD, AFTER BEING DULY SWORN,
8 TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION

10 BY MRS. STROM:

11 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE,
12 SIR.

13 THE WITNESS: JOE G. WOOD.

14 Q MR. WOOD, IF YOU WOULD PLEASE STATE YOUR FULL NAME
15 FOR THE RECORD.

16 A JOE GRANT WOOD.

17 Q AND BY WHOM ARE YOU EMPLOYED?

18 A GREENVILLE COUNTY SHERIFF'S OFFICE.

19 Q HOW LONG HAVE YOU BEEN WITH THE GREENVILLE COUNTY
20 SHERIFF'S OFFICE?

21 A THIRTY-ONE YEARS.

22 Q AND IN WHAT CAPACITY DO YOU NOW WORK WITH THE
23 GREENVILLE COUNTY SHERIFF'S OFFICE?

24 A I'M IN THE CRIMINAL INVESTIGATIONS DIVISION.

25 Q IS THAT WHAT WE'VE BEEN HEARING OVER THE PAST COUPLE

1 OF DAYS IS CID?

2 A THAT'S CORRECT.

3 Q INVESTIGATOR WOOD, DID YOU HAVE AN OCCASION TO BE

4 CALLED OUT ON SEPTEMBER 3 2003 TO THE BI-LO ON EAST NORTH

5 STREET?

6 A YES, MA'AM.

7 Q AND YOUR CAPACITY THERE WAS NOT A MEMBER OF THE SWAT

8 TEAM. IS THAT CORRECT?

9 A THAT'S CORRECT. I INITIALLY RESPONDED TO ASSIST IN

10 SECURING THE AREA.

11 Q BUT YOU WERE PRESENT WHEN THE DEFENDANT WAS BROUGHT

12 OUT BY THE SWAT TEAM, BROUGHT OVER BY THE SWAT TEAM; IS

13 THAT CORRECT?

14 A THAT'S CORRECT.

15 Q AND SUBSEQUENT TO THE DEFENDANT BEING BROUGHT OUT OF

16 THE BI-LO, DID YOU HAVE OCCASION TO ENTER THE BI-LO TO

17 SPEAK WITH A MANAGER THERE OR LOSS PREVENTION OFFICER FOR

18 THE PURPOSE OF REVIEWING VIDEO SURVEILLANCE TAPES?

19 A I DID.

20 Q AND WITH WHOM DID YOU MEET?

21 A SCOTT GOODWIN.

22 Q WAS THAT THE LOSS PREVENTION OFFICER?

23 A HE'S WITH THE CORPORATE LOSS PREVENTION. THERE WAS A

24 COUPLE OF OTHERS THERE, I DON'T RECALL THEIR NAMES RIGHT

25 OFF.

1 Q WHAT DID YOU DO SPECIFICALLY?

2 A WENT TO THE VIDEO SURVEILLANCE ROOM.

3 Q WHERE IS THAT LOCATED?

4 A IN THE FRONT OF THE STORE, UPSTAIRS. AND IT WOULD
5 ACTUALLY BE DIRECTLY OVER THE CUSTOMER SERVICE AREA.

6 Q OKAY.

7 A AND ONCE IN THERE WE STOPPED THE VIDEOS AND REWOUND
8 THEM TO A POINT TO WHERE IT WAS PRIOR TO THE DEFENDANT
9 COMING INTO THE STORE, AND WE VIEWED ALL THE TAPES TO
10 ASCERTAIN WHETHER OR NOT THERE WAS ANY EVIDENTIARY VALUE
11 TO THEM.

12 Q WAS THERE MORE THAN ONE TAPE, ONE CAMERA ANGLE YOU
13 WERE SEEING?

14 A YES, MA'AM.

15 Q HOW MANY CAMERA ANGLES WERE YOU SEEING? DO YOU
16 RECALL?

17 A WELL, THERE WERE MULTIPLEX.

18 Q WHAT DOES THAT MEAN?

19 A IT'S SEVERAL DIFFERENT CAMERA ANGLES ON EACH TAPE,
20 AND IT SPLITS IT UP INTO LIKE EITHER SIX OR EIGHT PARTS
21 USUALLY.

22 Q SO, YOU WOULD BE SEEING SIX OR EIGHT FRAMES ON ONE TV
23 SCREEN?

24 A THAT'S CORRECT.

25 Q AND DID YOU REVIEW ALL OF THOSE TAPES, ALL OF THOSE

1 AREAS INVOLVING THE SURVEILLANCE?

2 A YES, MA'AM.

3 Q DID YOU SECURE ANY OF THE TAPES FROM THE BI-LO?

4 A I DID, THREE TAPES.

5 Q OKAY. WHY DID YOU SECURE ONLY THOSE THREE TAPES?

6 A THEY WERE THE ONLY ONES THAT SHOWED EITHER THE
7 DEFENDANT, THE VICTIM, OR BOTH.

8 Q I BELIEVE YOU SAID THAT YOU ALL REWOUND THE TAPES TO
9 JUST BEFORE THE DEFENDANT CAME IN THE STORE?

10 A THAT'S CORRECT.

11 Q OKAY. YOU TOOK THOSE THREE TAPES FROM MR. GOODWIN AT
12 THE BI-LO. WHAT DID YOU DO WITH THEM?

13 A I RETURNED TO THE L.E.C. WITH THEM WHERE I MET WITH
14 INVESTIGATOR SILVAGGIO. WE TOOK THE TAPES DOWN TO LT.
15 PETERSON IN OUR FORENSIC DIVISION BECAUSE THEY'RE
16 MULTIPLEX. WE DIDN'T HAVE ANY WAY IN OUR OFFICE WITH OUR
17 VCR TO SLOW IT DOWN TO WHERE YOU COULD TELL WHAT WAS ON
18 THERE.

19 Q SO, NOT ONLY DO WE HAVE MULTIPLE FRAMES ON THE TV
20 SCREENS, IT'S ALSO FASTER THAN NORMAL SPEED. IS THAT
21 CORRECT?

22 A YES, MA'AM. LT. PETERSON DIDN'T HAVE THE CAPABILITY
23 AT THE TIME TO SLOW IT DOWN AND WE ALSO WANTED TO COMBINE
24 ALL THE TAPES ONTO ONE. IN OUR DEALINGS WITH A LOCAL
25 DEPARTMENT STORE, TARGET OUT ON WOODRUFF ROAD, THEY HAVE A

1 VERY SOPHISTICATED SURVEILLANCE SYSTEM. SO I PLACED A
2 CALL TO THEIR LOSS PREVENTION PERSONNEL AND ASKED THEM IF
3 THEY COULD TAKE THE TAPES AND PUT THEM ALL ON ONE AND SLOW
4 IT DOWN TO WHERE IT COULD BE VIEWED IN A NORMAL FASHION.

5 Q DID YOU TAKE THE THREE TAPES FROM BI-LO OUT TO
6 TARGET?

7 A YES, MA'AM. WE TOOK THEM OUT THERE. I WAS MET OUT
8 THERE BY LT. PETERSON.

9 Q SO, THE TAPES REMAINED IN YOUR CUSTODY?

10 A THEY DID.

11 Q WERE YOU AND SGT. PETERSON THERE WHILE THE PERSON
12 FROM TARGET WAS MAKING THE TAPES AND SLOWING THEM DOWN FOR
13 YOU?

14 A YES, MA'AM. WE STAYED IN THE ROOM THE WHOLE TIME.

15 Q YOU STAYED THERE THE WHOLE TIME?

16 A YES, MA'AM.

17 Q AND WERE THEY ABLE TO, FOR LACK OF A BETTER TERM,
18 DEPLEX THEM, PUT ONE CAMERA ON ONE TV SCREEN?

19 A THEY WERE.

20 Q AND WERE THEY ABLE TO SLOW IT DOWN TO A REASONABLE
21 SPEED THAT IT COULD BE VIEWED?

22 A YES, MA'AM.

23 Q DID -- WHEN YOU LEFT, DID THEY COMBINE THEM ALL ON
24 ONE SPEED?

25 A THEY DID.

1 Q WHEN YOU LEFT TARGET DID YOU BRING THE THREE ORIGINAL
2 TAPES BACK WITH YOU?

3 A I DID.

4 Q AND LT. PETERSON BRING THE COPY BACK WITH HIM?

5 A HE DID.

6 Q THANK YOU. PLEASE ANSWER ANY QUESTIONS THE DEFENSE
7 MAY HAVE.

8 THE COURT: ANY CROSS EXAMINATION?

9 MR. MAULDIN: NO QUESTIONS.

10 THE COURT: MR. WOOD, YOU MAY BE EXCUSED. THANK YOU
11 SO VERY MUCH.

12 THE WITNESS: THANK YOU, SIR.

13 THE COURT: ALL RIGHT. WE'LL TAKE ABOUT A 20 MINUTE
14 BREAK AT THIS TIME. MR. FOREMAN LADIES AND GENTLEMEN,
15 DON'T DISCUSS THE CASE AMONG YOURSELVES. IF YOU'LL FOLLOW
16 THE BAILIFF. BE BACK IN ABOUT 15 OR 20 MINUTES.

17 (BRIEF RECESS TAKEN.)

18 THE COURT: STATE READY TO PROCEED?

19 MR. ARIAIL: YES, SIR.

20 THE COURT: DEFENDANT READY TO PROCEED?

21 MR. MAULDIN: YES, SIR.

22 THE COURT: SOLICITOR, IF YOU'LL CALL YOUR FIRST
23 WITNESS, PLEASE.

24 MS. STROM: THANK YOU, YOUR HONOR. THE STATE CALLS
25 LIEUTENANT MIKE PETERSON.

1 MICHAEL PETERSON, AFTER BEING DULY
2 SWORN, TESTIFIED AS FOLLOWS:

3 DIRECT EXAMINATION

4 BY MS. STROM:

5 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE.

6 THE WITNESS: MICHAEL PETERSON.

7 Q IF YOU WOULD PLEASE, AGAIN, STATE YOUR NAME FOR THE
8 RECORD.

9 A MICHAEL PETERSON.

10 Q I NEED YOU TO KEEP YOUR VOICE UP LIKE THAT SO ALL THE
11 JURORS AND I CAN HEAR YOU. BY WHOM ARE YOU EMPLOYED?

12 A GREENVILLE COUNTY DEPARTMENT OF PUBLIC SAFETY, THE
13 FORENSIC DIVISION.

14 Q WHAT IS YOUR POSITION WITH THE FORENSIC DIVISION?

15 A I AM THE LIEUTENANT OVER THE CRIME SCENE UNIT. WE'RE
16 THE ONES THAT GO OUT AND RESPOND TO THE ACTUAL CRIME
17 SCENES.

18 Q AND DID YOU SO RESPOND TO A CRIME SCENE AT THE BI-LO
19 ON EAST NORTH STREET ON SEPTEMBER 3 2003?

20 A YES, I DID.

21 Q WHAT WAS YOUR REASON FOR BEING THERE? WHAT DID YOU
22 DO?

23 A WE HAD ALREADY HAD SOME OF OUR OFFICERS DISPATCHED TO
24 THE SCENE AND I WENT OUT THERE TO ASSIST IN ANY WAY THAT I
25 COULD BECAUSE IT WAS SUCH A LARGE SCENE.

1 Q AND AS PART OF YOUR BEING OUT AT THE SCENE, DID YOU
2 OBSERVE THE LOCATION OF CERTAIN EVIDENCE SUCH AS SHELL
3 CASINGS, LIVE ROUNDS?

4 A YES, MA'AM.

5 Q SO, YOU WERE PART OF THE TEAM THAT WENT THROUGH AND
6 SAW WHERE ALL THE EVIDENCE WAS?

7 A YES.

8 Q ALTHOUGH YOU PERSONALLY DID NOT COLLECT IT?

9 A THAT'S CORRECT.

10 Q AND THAT WAS ANOTHER TECHNICIAN BY THE NAME OF CECIL
11 THRASHER WHO'S ALREADY TESTIFIED?

12 A THAT'S CORRECT.

13 Q DID YOU HAVE AN OCCASION SUBSEQUENT TO THAT TO GO TO
14 TARGET OUT ON WOODRUFF ROAD REGARDING SOME VIDEO
15 SURVEILLANCE TAPES THAT WERE SECURED FROM THE SCENE?

16 A YES, MA'AM, I DID.

17 Q PLEASE TELL US, WHAT WAS THE PURPOSE OF YOUR GOING TO
18 TARGET?

19 A THE VIDEOTAPE THAT WAS COLLECTED FROM THE BI-LO STORE
20 WAS A MULTIPLEX TAPE AND THIS WAS TAPE THAT BASICALLY YOU
21 GOT A NUMBER OF CAMERAS THAT ARE BEING RECORDED TO A
22 SINGLE VIDEOTAPE. AND YOU'RE GETTING THESE MOMENTARY
23 IMAGES ON A SINGLE TAPE. WE BROUGHT THAT BACK TO OUR UNIT
24 FIRST TO TRY TO DEPLEX IT SO THAT WE COULD WATCH A SINGLE
25 CAMERA AT ONE TIME. UNFORTUNATELY, WE WEREN'T ABLE TO

1 RECORD THE ENCRYPTED TIMES AND DATES THAT ARE PLACED ON
2 THE SYSTEM. TARGET HAD A SIMILAR SYSTEM. I MET
3 INVESTIGATOR JOE WOOD AT TARGET FOR THE PURPOSE OF
4 DEPLEXING THIS TAPE.

5 Q AND MR. WOOD ALREADY TESTIFIED HERE TODAY THAT YOU
6 ALL DID, IN FACT, WERE ABLE TO ACCOMPLISH THAT TASK AT
7 TARGET?

8 A THAT'S CORRECT.

9 Q YOU TALKED ABOUT THE TIMES THAT -- AT TIMES THE
10 EQUIPMENT YOU HAD WOULD NOT BE ABLE TO ENCRYPT THE CODES
11 YOU HAD AND TIMES ON THE TAPE. YOU ARE AWARE THAT -- YOU
12 ALL TOOK MULTIPLE TAPES TO TARGET, I BELIEVE THERE WERE
13 THREE?

14 A THAT'S CORRECT.

15 Q SO, THEY CAME OUT OF DIFFERENT MACHINES?

16 A RIGHT.

17 Q AND YOU HAVE REVIEWED THE TAPES, HAVEN'T YOU?

18 A YES, I HAVE.

19 Q AND HAVE YOU NOTICED ANYTHING ABOUT THE TIMES ON THE
20 VARIOUS TAPES?

21 A THERE WERE SOME DISCREPANCIES IN THE TIME AND I'D
22 HAVE NO REASON OR EXPLANATION FOR THE DIFFERENCES IN THE
23 TIME, ALTHOUGH AFTER SPEAKING WITH THE STORE MANAGER AT
24 BI-LO, HE STATED THAT SOMETIMES THOSE SYSTEMS WOULD BE OFF
25 BY A MATTER OF MINUTES.

1 Q SO, WHEN WE HAVE A DIFFERENCE IN TIME, IT'S NOT HOURS
2 OR THAT SORT OF THING. IT'S A MERE MATTER OF SECONDS OR
3 MINUTES?

4 A THAT'S CORRECT. YES.

5 Q WHEN YOU WENT TO TARGET AND HAD THE MULTIPLE TAPES
6 DEPLEXED, I GUESS FOR THE LACK OF A BETTER TERM --

7 A THAT IS IT.

8 Q YOU RETURNED WITH ONE TAPE, CORRECT?

9 A YES, I DID.

10 Q AND JOE WOOD RETURNED WITH THE THREE ORIGINALS HE
11 KEPT IN HIS POSSESSION UNTIL HE PUT THEM IN PROPERTY AND
12 EVIDENCE?

13 A CORRECT.

14 Q I SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT 77
15 AND I ASK YOU TO LOOK AT THAT. IS THAT A TAPE THAT YOU
16 PREPARED FROM THE ORIGINAL TAPE, EXCUSE ME FROM THE TAPE
17 THAT YOU MADE A COPY OF OUT AT TARGET.

18 A YES, IT IS. MY WRITING IS ON THE LABEL.

19 Q JUST SO THAT I UNDERSTAND AND THE JURY UNDERSTANDS,
20 THE TAPE THAT YOU RETURNED WITH FROM TARGET, THE SINGLE
21 TAPE YOU RETURNED WITH, HAD ALL THE CAMERAS AND CAMERA
22 LOCATIONS AND FILMING OF THOSE THREE PARTICULAR TAPES THAT
23 WERE TAKEN?

24 A YES.

25 Q AND SOME OF THAT SHOWED AREAS THAT DID NOT INVOLVE

1 THE DEFENDANT OR THE VICTIM. IS THAT CORRECT?

2 A THERE WERE MULTIPLE CAMERAS WHICH REFLECTED NO
3 MOVEMENT WHATSOEVER.

4 Q SO, WHAT WE HAVE HERE TODAY IN STATE'S EXHIBIT NO. 77
5 ARE THOSE PORTIONS OF THE ENTIRE TAPE THAT CONTAINED
6 EITHER THE VICTIM, THE DEFENDANT, OR BOTH?

7 A THAT'S CORRECT, YES.

8 Q AND YOU HAVE REVIEWED THE OTHER TAPES, THE TAPES
9 FROM -- THAT YOU GOT FROM TARGET, THE COPY TO ENSURE THAT
10 THESE ARE THE AREAS THAT HAVE THE VICTIM, THE DEFENDANT,
11 AND/OR BOTH?

12 A YES, MA'AM.

13 MS. STROM: YOUR HONOR, AT THIS TIME WE WOULD OFFER
14 STATE'S EXHIBIT 77 INTO EVIDENCE.

15 MR. MAULDIN: NO OBJECTION.

16 MS. STROM: AND WITH THE STIPULATION, THAT'S STATE'S
17 EXHIBIT NUMBER 101.

18 THE COURT: IF YOU WANT TO READ THE STIPULATION
19 PLEASE, MA'AM?

20 MS. STROM: YES, SIR.

21 MR. MAULDIN: NO OBJECTION.

22 THE COURT: ALL RIGHT, 101 AND 77 ADMITTED WITHOUT
23 OBJECTION.

24 (STATE'S EXHIBIT NUMBER 77, 101 ARE RECEIVED INTO
25 EVIDENCE).

1 MS. STROM: STIPULATION IS THAT STATE'S EXHIBIT NO.
2 77 IS A VIDEOTAPE THAT ACCURATELY REPRESENTS AREAS OF THE
3 BI-LO STORE ON SEPTEMBER 3 2003; THAT THE VIDEOTAPE IS A
4 COMPOSITE OF SEVERAL VIDEOTAPES THAT WERE COLLECTED AS
5 EVIDENCE ON SEPTEMBER 3RD 2003 BY INVESTIGATOR JOE WOOD OF
6 THE GREENVILLE COUNTY SHERIFF'S OFFICE FROM BI-LO EMPLOYEE
7 SCOTT GOODWIN; THAT THE VIDEOTAPES TAKEN AS EVIDENCE FROM
8 THE BI-LO HAVE BEEN ALTERED ONLY IN THAT THE RELEVANT
9 PORTIONS OF THE VIDEO HAVE BEEN RECORDED ONTO A SINGLE
10 VIDEOTAPE IN A PROPER CHRONOLOGICAL ORDER, AND THAT THE
11 VIDEOTAPE IS ADMISSIBLE AND SHALL BE DEEMED ADMITTED INTO
12 EVIDENCE."

13 INVESTIGATOR PETERSON, WHAT I'D LIKE US TO DO NOW
14 THAT STATE'S EXHIBIT 77 IS IN EVIDENCE, WHAT I'D LIKE TO
15 DO IS PLAY IT FIRST WITHOUT COMMENTARY OR ANYTHING. AND
16 THEN WHAT I'LL HAVE YOU DO IS WE'LL PLAY IT A SECOND TIME
17 AND YOU CAN SHOW THE JURY ON THE DIAGRAM THE AREAS ON THE
18 BI-LO WHERE THIS IS BEING FILMED. ALL RIGHT?

19 A ALL RIGHT.

20 (WHEREUPON, THE VIDEOTAPE MARKED AS STATE'S EXHIBIT
21 NO. 77 IS PLAYED IN OPEN COURT.)

22 Q LT. PETERSON, WE'RE GOING TO GO THROUGH THAT TAPE
23 AGAIN IN JUST A FEW MINUTES. BUT I WANT TO ASK A FEW
24 QUESTIONS BEFORE WE DO. THERE'S BEEN TESTIMONY ABOUT THE
25 DEFENDANT AND THE VICTIM BEING BACK IN THE DELI-BAKERY

1 MANAGER'S OFFICE. YOU'RE FAMILIAR WITH THAT AREA?

2 A I AM.

3 Q ARE YOU ABLE TO TELL THE JURY WHY WE HAVE NO VIDEO OF
4 WHAT OCCURRED IN THAT AREA?

5 A WE REVIEWED THE CAMERA SET UP WITHIN THE STORE AND
6 THERE ARE NO CAMERAS LOCATED IN THAT AREA OF THE BI-LO.

7 Q SO, THERE WERE NO CAMERA'S FOCUSED ON THAT AREA SO WE
8 DON'T HAVE A TAPING OF THAT?

9 A THERE IS NO TAPE AVAILABLE FOR THE OFFICE AREA.

10 Q I WANT TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S
11 EXHIBIT 1A. THIS IS AN ENLARGEMENT OF STATE'S EXHIBIT
12 ONE, WHICH IS ALREADY IN EVIDENCE.

13 MR. MAULDIN: NO OBJECTION.

14 THE COURT: YOU OFFERING IT IN EVIDENCE? ANY
15 OBJECTION?

16 MR. MAULDIN: NO OBJECTION.

17 THE COURT: ALL RIGHT. 1A ADMITTED WITHOUT
18 OBJECTION.

19 Q LIEUTENANT PETERSON, YOU'RE FAMILIAR WITH THIS
20 DIAGRAM?

21 A YES.

22 Q AND WE'VE BEEN OVER THIS?

23 A YES, WE HAVE.

24 Q USING THE LASER POINTER, WHAT I WANT TO DO IS GO
25 THROUGH THE VIDEO ONE MORE TIME, AND POINT OUT USING THE

1 LASER POINTER WHERE WE ARE IN THE STORE. CAN YOU DO THAT?

2 A YES.

3 Q AND I WANT TO CLARIFY ONE OTHER THING. WHEN WE HAVE
4 A BREAK IN BETWEEN THE CAMERAS, THERE ARE TITLES TO
5 DESCRIBE WHAT WE'RE ABOUT TO SEE. THOSE TITLES ARE THINGS
6 THAT YOU PUT IN THERE, CORRECT?

7 A I PLACED THEM IN THERE, CORRECT.

8 (WHEREUPON, THE FOLLOWING PROCEEDINGS WERE HAD WHILE
9 SHOWING THE VIDEOTAPE MARKED AS STATE'S EXHIBIT NO.
10 77:)

11 Q WHAT ARE WE ABOUT TO SEE HERE?

12 A WILL BE THE SUSPECT ENTERING THE FRONT DOOR, WHICH IS
13 THIS AREA RIGHT HERE, THE VESTIBULE AREA, COMING IN,
14 MOVING THIS DIRECTION TOWARDS THE PRODUCE SIDE OF THE
15 GROCERY STORE. COMING AROUND THE REGISTER SECTION, AND
16 GOING DOWN, A VIEW DOWN ONE OF THE AISLES. THIS IS THE
17 REAR STOCK AREA, WHICH IS THIS AREA BACK HERE AND THEY ARE
18 MOVING IN THIS DIRECTION. AND THEY TURN AROUND AND COME
19 BACK DOWN TOWARDS THE DELI OFFICE AREA.

20 THEY'RE NOW PROCEEDING OUT PAST THE MEAT COUNTERS.
21 THIS CAMERA ANGLE IS FROM THE FRONT OF THE STORE GOING
22 DOWN THE HEALTH AND BEAUTY AISLE, WHICH IS IN THIS
23 LOCATION. AND THE CAMERA ANGLE CHANGES. IT'S THE SAME
24 AISLE, BUT JUST A CAMERA ON THE OTHER END OF THE AISLE.

25 THEY'VE NOW PROCEEDED THROUGH THIS DOOR IN THIS AREA,

1 AND ARE ENTERING THIS DOOR.

2 THE CAMERA IS CATCHING THEM RIGHT IN THIS AREA AND
3 ALSO AT THIS LITTLE DOCK AREA RIGHT HERE. THEY ARE NOW
4 PROCEEDING DOWN THIS LONG AISLE.

5 Q THAT WOULD BE TOWARDS THE DELI-BAKERY OFFICE?

6 BACK TOWARDS THE DELI OFFICE AREA. THIS IS THE DELI
7 BAKERY AREA AND THE CAMERA IS FOCUSED ON THE CASH
8 REGISTER, WHICH IS RIGHT IN HERE.

9 A THIS, AGAIN, IS THE BACK STOCK AREA, SUSPECT FLEEING
10 BACK DOWN TOWARDS THIS SIDE OF THE STORE, ENTERS THIS DOOR
11 HERE. THAT LOCATION HERE. IT GOES OUT OF RANGE SOMEWHERE
12 IN THIS AREA. HE COMES BACK INTO VIEW, GOING BACK THROUGH
13 THAT DOOR, BACK TOWARDS THE DELI-BAKERY AREA. THE SWAT
14 TEAM HAS MADE ENTRANCE AND THEY'RE ON THE OUTSIDE COUNTER
15 AREA OF THE DELI.

16 Q THE CUSTOMER SIDE?

17 A CORRECT. AND SWAT TEAM MEMBERS MOVING IN THE CASH
18 REGISTER AREA BEHIND THE DELI.

19 Q TOWARDS WHERE MANDY WAS FOUND?

20 A THAT'S CORRECT. THEY'RE PROCEEDING OUT TOWARDS THE
21 SAME DOOR THAT WAS ENTERED EARLIER.

22 Q THANK YOU. LT. PETERSON, AS PART OF YOUR ASSISTANCE
23 IN THE INVESTIGATION OF THIS MATTER, YOU HAVE VIEWED THIS
24 TAPE SEVERAL TIMES, HAVE YOU NOT?

25 A YES, I HAVE.

1 Q AND HAVE DOWNLOADED IT ONTO YOUR COMPUTER, ONTO YOUR
2 HARD DRIVE, CORRECT?

3 A CORRECT.

4 Q AND FOR THAT YOU WERE ABLE TO PREPARE FOR ME FOR
5 COURT DEMONSTRATION PURPOSES A POWERPOINT. IS THAT
6 CORRECT?

7 A THAT'S CORRECT. THEY'RE STILL IMAGES FROM THE VIDEO.

8 Q SO, THEY ARE STILL IMAGES OF WHAT WE HAVE JUST SEEN?

9 A CORRECT.

10 Q BUT IN YOUR VIEW OF THE VIDEO, WERE YOU ABLE TO SEE
11 THE PHYSICAL EVIDENCE, SUCH AS SHELL CASINGS, LIVE ROUNDS
12 THAT HAVE BEEN PREVIOUSLY TESTIFIED TO? ARE YOU ABLE TO
13 SEE THAT ON THIS POWERPOINT PRESENTATION?

14 A YOU ARE ABLE TO SEE SOME OF THAT. YES.

15 Q I SHOW YOU WHAT'S BEEN MARKED STATE'S EXHIBIT 78 AND
16 ASK YOU IS THAT THE POWER POINT DISC YOU HAVE PREPARED FOR
17 ME IN THIS CASE?

18 A I BELIEVE IT IS. IT'S NOT MARKED.

19 Q BUT WE HAVE BEEN OVER IT?

20 A YES. YES.

21 Q MR. MAULDIN, I BELIEVE WE PREVIOUSLY PROVIDED YOU
22 ONE?

23 THE COURT: ANY OBJECTION?

24 MR. MAULDIN: TO THE EXTENT IT CONTAINS THE SEVEN --
25 THE 21.

1 MS. STROM: THAT IS CORRECT.

2 MR. MAULDIN: NO OBJECTION.

3 THE COURT: STATE'S 78 ADMITTED WITHOUT OBJECTION.

4 MR. ARIAIL: YES, SIR, YOUR HONOR. AND FOR THE
5 PURPOSE OF EASE FOR THE JURY WHEN THEY'RE IN THE
6 DELIBERATION WE HAVE WHAT'S BEEN MARKED 78A THROUGH 78V,
7 ALSO PREVIOUSLY PROVIDED TO DEFENSE COUNSEL, WHICH ARE
8 JUST A PRINTED COPY OF WHAT WE'RE GOING TO SEE HERE.

9 THE COURT: POWER POINT, ANY OBJECTION?

10 MR. MAULDIN: NO OBJECTION.

11 THE COURT: ALL RIGHT. STATE'S EXHIBIT 78A THROUGH V
12 IS ADMITTED WITHOUT OBJECTION.

13 MS. STROM: THANK YOU, YOUR HONOR.

14 (STATE EXHIBIT NUMBERS 78 A-V ARE RECEIVED INTO
15 EVIDENCE.)

16 Q IF YOU WOULD, DESCRIBE WHAT WE'RE SEEING HERE IN THE
17 FIRST FRAME.

18 A THIS HERE IS THE FIRST FRAME FROM THE DEFENDANT'S
19 INITIAL ENTRY INTO THE STORE. HE ENTERED THROUGH THE
20 FRONT DOOR, VESTIBULE AREA, IS NOW PROCEEDING TOWARD THE
21 CASH REGISTER, PROCEEDING BACK TOWARDS THE REAR OF THE
22 STORE.

23 Q I'M GOING TO HAND TO YOU WHAT WE HAVE MARKED AS
24 STATE'S EXHIBIT 78A THROUGH V, SO THAT WAY IF YOU NEED
25 THAT. APPROXIMATELY WHAT TIME IS THE DEFENDANT -- DOES

1 THE DEFENDANT ENTER IN THE STORE?

2 A TEN-O-ONE.

3 Q WHAT ARE WE SEEING IN THIS NEXT FRAME?

4 A THIS IS THE DELI-BAKERY AREA LOOKING FROM THE
5 SECURITY CAMERA THAT'S OVER THE CASH REGISTER AREA.

6 Q APPROXIMATELY WHAT TIME IS SHOWN ON THAT SCREEN?

7 A ELEVEN FORTY-SEVEN.

8 Q AND IF YOU WOULD, JUST DESCRIBE WHAT WE'RE SEEING AS
9 WE GO THROUGH THESE FRAMES.

10 A OKAY. THIS IS THE -- AGAIN, THE PREVIOUS SLIDE WAS
11 JUST THE BAKERY-DELI AREA BEFORE THERE WAS ANY ACTIVITY
12 RECORDED. THIS PARTICULAR IMAGE, YOU SEE THE VICTIM MERGE
13 ONTO THE SCREEN FROM THE BOTTOM.

14 Q I'M GOING TO GIVE YOU THE LASER POINTER SO THAT WAY
15 IF YOU NEED IT.

16 A THE VICTIM EMERGES ONTO THE FRAME. AT THE BOTTOM YOU
17 CAN SEE EVERYTHING ELSE APPEARS TO BE NORMAL IN THE AREA
18 AT THIS TIME.

19 Q IS THIS HER PROCEEDING FURTHER?

20 A JUST A PICTURE OF HER PROCEEDING FURTHER. NOTICE
21 THERE'S NO SHIRT ON THE VICTIM. AGAIN, JUST ANOTHER
22 PHOTOGRAPH, STILL IMAGE OF THE VICTIM FROM THE STILL --
23 FROM THE VIDEO, REFLECTING JUST A BARE BACK AT THIS POINT.

24 Q DOES SHE HAVE ANY INJURY TO HER BACK AT THIS POINT?

25 A NO. THERE IS NO INJURY THAT IS OBSERVED AT THIS

1 POINT. AT THIS POINT SHE APPEARS TO HAVE GOTTEN UP TO
2 ALMOST STANDING UP AT THIS POINT. THE OTHER ONES APPEARED
3 TO BE SOMEWHAT CROUCHED.

4 Q DO YOU NEED TO GO BACK?

5 A YOU CAN. SHE'S BENT OVER AT THIS POINT, APPEARS TO
6 BE REGAINING, COMING BACK UP TO A STANDING POSITION AS SHE
7 MOVES AHEAD. IN THIS PARTICULAR ONE, THE ONE THING TO
8 NOTICE IS THAT THERE IS SOME SUSPECTED BLOOD HERE WHICH
9 HAS BEEN DEPOSITED ON THE FLOOR. IN THE PREVIOUS SHOTS
10 YOU WON'T SEE THAT.

11 Q I'M GOING TO BACK UP A COUPLE SO WE CAN SEE WHAT
12 YOU'RE TALKING ABOUT.

13 A RIGHT THERE. YOU CAN SEE THAT TRASH CAN HAS BEEN
14 PUSHED OUT A LITTLE BIT, BUT THERE'S NO ACTIVITY, NOTHING
15 THERE AT THIS POINT. ONLY ONCE SHE PASSES DO YOU SEE THIS
16 AGAIN.

17 Q AND YOU WERE THERE AT THE SCENE AND SAW IT TO BE
18 BLOOD, CORRECT?

19 A YES.

20 Q AND THEN IS JUST A NOTION BY YOU THAT THIS IS
21 SUSPECTED BLOOD?

22 A I ANNOTATED THAT, CORRECT.

23 Q WHAT ARE WE SEEING HERE?

24 A ONE OF THE OTHER THINGS AND AFTER SPENDING
25 SIGNIFICANT AMOUNT OF TIME REVIEWING THIS, THIS OBJECT

1 APPEARS AND WE BEGIN TO FOLLOW IT AS IT PROGRESSES THROUGH
2 THE FRAMES AND DETERMINE IT TO BE A SPENT CASING OR SPENT
3 CARTRIDGE.

4 Q I'M GOING TO BACK UP ONE. WE DON'T SEE IT HERE?

5 A WELL, YOU HAVE TO BACK UP ONE MORE. YOU'LL NOTICE
6 THERE IS NOTHING THERE. AND THIS IS BETWEEN THE RAIL OF A
7 GROCERY BUGGY. AND AS YOU PROGRESS FORWARD, YOU'LL SEE IT
8 COME INTO FRAME ONE MORE TIME. AND IN SUCCESSIVE FRAMES
9 OR IN THE NEXT FRAME, YOU'LL SEE IT HAS MOVED TO THIS
10 POSITION HERE.

11 Q WHAT DO WE SEE IN THE BOTTOM RIGHT-HAND CORNER?

12 A THIS WOULD BE THE SHOTGUN BEING HELD BY THE SUSPECT.

13 Q WHAT IS THAT?

14 A AGAIN, THIS IS THE SAME SPENT CASING WHICH WAS
15 OBSERVED OVER HERE IN PREVIOUS FRAMES AND HAS JUST EMERGED
16 IN MID AIR. IT IS NOW IN FLIGHT AS IT'S EJECTED FROM THE
17 SHOTGUN HEADING ACROSS THE COUNTER.

18 Q SO, WHEN WE SEE IT ACTUALLY BEHIND THE BUGGY AND OVER
19 HERE, IT IS IN MID AIR, IN FLIGHT?

20 A THAT'S CORRECT. IT APPEARS TO GET OVER HERE BEHIND
21 THESE BAGS AND WE LOOSE SIGHT OF IT, BUT IN SUCCESSIVE
22 FRAMES WE AGAIN PICK IT UP. AGAIN, IT'S JUST A NOTATION
23 THAT I MADE TO KEEP TRACK OF IT. THE CARTRIDGE IS STILL
24 HERE, SUSPECT HAS MOVED FORWARD SOME, STILL HOLDING THE
25 SHOTGUN. IT WAS POINTED, AND --

1 Q I JUST WENT BACK. I'M SORRY.

2 A IT IS NOW POINTED, APPEARS TO BE IN A DOWNWARDS
3 ANGLE.

4 Q THE NEXT FRAME?

5 A THE NEXT FRAME THE GUN IS BEING PULLED BACK UP
6 TOWARDS THE SUSPECT. NOTHING ELSE WITHIN THE FRAME
7 APPEARS TO HAVE ENTERED AT THIS POINT.

8 Q DO YOU STILL SEE THE SPENT SHELL CASING?

9 A YES. THAT CASING STYLE RIGHT HERE, AND IT'S MORE
10 PLAINLY VISIBLE NOW THAT IT'S ACTUALLY COME TO A REST.

11 Q SO, NOW IT'S AT REST. IT HAS STOPPED?

12 A IT IS AT REST, CORRECT.

13 AGAIN, THE CASING OF THIS, EACH SUCCESSIVE FRAME WILL
14 MOVE, SHOW THE MOVEMENT OF THE SUSPECT MOVE IN THE
15 DIRECTION OF THE VICTIM. AGAIN, THE SHOTGUN IS BROUGHT UP
16 TO WHAT WOULD BE A FIRING POSITION, ANGLED DOWNWARD, AND
17 AGAIN HE IS MOVING FORWARD.

18 AGAIN, JUST ANOTHER SHOT SHOWING FORWARD MOVEMENT
19 FROM THE SUSPECT, AGAIN WITH THE RIFLE UP TO THE SHOULDER
20 IN A FIRING POSITION.

21 JUST ANOTHER SUCCESSIVE SHOT, NOT SHOWING ANYTHING
22 ELSE. THE CARTRIDGE IS STILL OVER HERE. ON THIS
23 PARTICULAR ONE AT THE VERY SIDE OF THE SCREEN HERE, THIS
24 OBJECT APPEARS. AND I'M NOT SURE IF YOU BACK IT UP IF WE
25 CAN, THE BODY IS BLOCKING IT, BUT YOU'LL NOTICE THERE IS

1 NOTHING THERE. BUT AS HE MOVES FORWARD -- ONE MORE. NOW
2 THERE THE OBJECT APPEARS. AGAIN, A SPENT SHELL CASING OR
3 CARTRIDGE.

4 Q AND YOU SO DENOTED THOSE?

5 A THESE WERE ANNOTATED. THIS AT THE PRESENT TIME IS IN
6 FLIGHT, IT IS IN AIR, AND IT WILL COME TO REST AGAINST THE
7 BASE OF THE COUNTER RIGHT IN THIS AREA.

8 THE SUSPECT IS NOW TURNED AROUND AND APPEARS TO BE
9 EXITING THE REAR DOOR OF THE BAKERY-DELI AREA OR IN THAT
10 DIRECTION.

11 Q TOWARDS THE BACK STOCK AREA?

12 A CORRECT, TOWARDS THE STOCK AREA. AGAIN, HE'S MOVING
13 BACK TOWARDS THAT BACK STOCK AREA. THE ONE THING THAT
14 WE'RE GOING TO NOTICE IN THIS AREA RIGHT HERE BEHIND HIS
15 BACK, AGAINST THE BASE OF THE COUNTER, ANOTHER OBJECT
16 APPEARS AND THAT IS BELIEVED TO BE A LIVE CARTRIDGE OR A
17 LIVE ROUND THAT IS LAYING HERE AGAINST THE FLOOR.

18 Q IT WAS LATER COLLECTED BY CECIL THRASHER?

19 A THAT'S RIGHT. ALSO FOR PURPOSES OF ANNOTATING THIS
20 AND COLLECTION OF EVIDENCE, A SECOND LIVE ROUND WAS FOUND
21 HERE. IN REVIEWING THE VIDEO A BLUR EMERGES EVERY NOW AND
22 THEN IN THIS AREA; BUT THIS IS THE LOCATION OF THE SECOND
23 LIVE ROUND THAT WAS COLLECTED.

24 Q THE BLUR IS NOT AS CLEAR AS THE OTHERS WE HAVE SEEN?

25 A THAT'S CORRECT. ALSO IN THE BUGGY, MIXED INTO SOME

1 ITEMS THAT WERE WITHIN THAT BUGGY WAS ANOTHER LIVE ROUND.

2 Q AND YOU JUST DENOTE IT HERE ON THE SCREEN?

3 A YES. THEY WERE JUST NOTED TO SHOW THAT THESE WERE
4 THE ITEMS THAT WERE COLLECTED IN THIS AREA.

5 Q AND, FINALLY, THIS SCREEN?

6 A FINALLY, THIS ONE IS JUST DENOTING THE SPENT
7 CARTRIDGES THAT WERE SELECTED AND SHOWING THEIR RESTING
8 PLACE AFTER THEIR MOVEMENT THROUGH AIR.

9 Q THANK YOU. PLEASE ANSWER ANY QUESTIONS THE DEFENSE
10 MAY HAVE.

11 THE COURT: MR. MOYER, WOULD YOU ASSIST MR. MAULDIN
12 IN PAUSING WHATEVER HE HAS?

13 MR. MAULDIN: WE'LL DO IT IN REVERSE ORDER SINCE HE'S
14 ALREADY GOT THAT DISC THING IN THERE.

15 THE COURT: OKAY.

16 CROSS EXAMINATION

17 BY MR. MAULDIN:

18 Q WHAT I WOULD LIKE, OFFICER PETERSON, IF I COULD, GET
19 THE TECHNOLOGICAL HELP HERE. AND I DO APPRECIATE THE
20 HELP. I'D LIKE FOR THE SCREEN TO SHOW THE -- WAIT DON'T
21 TURN THAT OFF.

22 MS. STROM: I'M NOT.

23 Q I WANT THE SCREEN TO SHOW THAT LAST FRAME. AND
24 LOOK -- FLIP THROUGH YOUR STUFF THERE AND GET TO THE LAST
25 FRAME.

1 ALL RIGHT. HOLD IT. NOW, IS THAT THE LAST FRAME ON
2 YOUR SET THERE?

3 A YES, SIR, IT IS.

4 Q ALL RIGHT. AND WHAT I WANT TO ASK YOU ABOUT ON THIS
5 PARTICULAR SCENE IS YOU IDENTIFIED LIVE -- LIVE ROUNDS.
6 THESE TWO LITTLE SPOTS, I ASSUME YOU'RE IDENTIFYING ONE OF
7 THOSE TWO SPOTS AS WHAT APPEARS TO BE A LIVE ROUND?

8 A NO, SIR. THAT IS JUST IDENTIFYING A GENERAL
9 LOCATION.

10 Q ALL RIGHT. NOW, ON THIS ONE I'M ASSUMING THAT DARK
11 SPOT INSIDE THAT CIRCLE IS WHAT YOU'RE SAYING IS A LIVE
12 ROUND?

13 A YES, SIR.

14 Q ALL RIGHT, SIR. NOW, WE'RE GOING TO NEED TO GO BACK
15 TO THIS PARTICULAR SLIDE. IT'S ABOUT THREE OR FOUR BACK
16 FROM THAT, MOVING BACKWARD. OKAY. KEEP GOING. KEEP
17 GOING. RIGHT THERE.

18 ALL RIGHT. NOW LET'S SEE, THAT -- CAN YOU -- WE NEED
19 TO -- CAN YOU BACK THEM UP ONE AT A TIME? ALL RIGHT.
20 KEEP GOING. KEEP GOING. ALL RIGHT. RIGHT THERE. LET ME
21 SEE.

22 A THAT'S NOT WHAT WE GOT.

23 Q BACK UP ONE MORE. BACK UP -- THERE WE GO. ALL
24 RIGHT. NOW, IN THIS PARTICULAR VIEW THE SUSPECT IN THIS
25 VIEW IS STILL MOVING RIGHT TO LEFT; IS THAT RIGHT? HE'S

- 1 STILL MOVING FORWARD IN THE RIGHT TO LEFT DIRECTION?
- 2 A YES, SIR.
- 3 Q OKAY. AND THEN THE -- ONE MORE FLIP FORWARD, PLEASE.
- 4 ALL RIGHT. THAT PARTICULAR SCREEN HE IS STILL MOVING
- 5 FORWARD; IS THAT RIGHT?
- 6 A THAT'S CORRECT.
- 7 Q OKAY. NOW, I WANT TO ASK YOU, THIS LITTLE BLACK DOT
- 8 RIGHT THERE --
- 9 A YES, SIR.
- 10 Q YOU SEE IT?
- 11 A YES, SIR.
- 12 Q IS THAT THE LIVE ROUND YOU'RE TALKING ABOUT?
- 13 A I DON'T KNOW IF THAT IS THE LIVE ROUND OR NOT. THE
- 14 ANNOTATIONS ON THE SCREEN WERE TO PINPOINT THE AREAS WHERE
- 15 THE LIVE ROUNDS WERE COLLECTED.
- 16 Q ALL RIGHT. SO, WHAT I'M ASKING YOU NOW IS IN THIS
- 17 PICTURE SHOWING THE SUSPECT MOVING RIGHT TO LEFT, IF THAT
- 18 BLACK DOT IS WHAT YOU THEN LATER IDENTIFIED AS A LIVE
- 19 ROUND?
- 20 A I'VE IDENTIFIED AS A LIVE ROUND, AS THE GENERAL AREA
- 21 WHERE IT WAS COLLECTED.
- 22 Q AND THESE TWO DOTS RIGHT HERE ARE ALSO ON THAT VIEW?
- 23 A I'M SURE THOSE TWO DOTS ARE ON THERE. YES.
- 24 Q YES, THERE THEY ARE, RIGHT THERE. OKAY. NOW, WHAT I
- 25 NEED TO DO IS GO TO THE VHS TAPE IF THAT WOULD BE OKAY.

1 IS IT ON THE BEGINNING?

2 MR. MOYER: SHOULD BE.

3 Q WHAT I'M GOING TO DO, OFFICER PETERSON, AS WE MOVE
4 THROUGH THIS VIDEO, I'M GOING TO ASK MR. MOYER IF HE WOULD
5 JUST PAUSE WITHOUT STOPPING. DON'T CUT IT OFF, JUST PAUSE
6 IT. AND WE'LL GO THROUGH THAT WAY. COULD YOU JUST START
7 THE VIDEO PLEASE?

8 (MR. MOYER COMPLIES.)

9 Q NOW, THIS FIRST VIEW IS AT 10:01 AND IT'S BROAD
10 DAYLIGHT, RIGHT?

11 A YES, SIR.

12 Q AND HE'S WALKING IN THE STORE THERE?

13 A RIGHT.

14 Q ALL RIGHT. PAUSE THAT RIGHT THERE, PLEASE. THIS IS
15 AT 10:10. SO, APPROXIMATELY TEN MINUTES LATER THEY ARE
16 WALKING IN THE STOCK ROOM, WHICH IS THIS AREA; UP AND DOWN
17 THIS AISLE. THIS LARGE AISLE IS -- WHAT THAT IS?

18 A YES, SIR.

19 Q AND THIS IS ABOUT TEN MINUTES LATER. ALL RIGHT.
20 FORWARD, PLEASE. AND SHE APPEARS TO BE ON THE TELEPHONE
21 AS SHE'S WALKING IN BEHIND HIM?

22 A APPEARS TO BE.

23 Q AGAIN, STOP RIGHT THERE, PLEASE. THAT LOOKS LIKE
24 ABOUT JUST WITHIN SECONDS LATER, THEY ARE ON AN AISLE AND
25 THAT'S THE AISLE, IF I'M NOT MISTAKEN, MR. PETERSON, THAT

1 RUNS THIS WAY?

2 A THAT'S RIGHT. THAT'S ALONG THE MEAT COUNTER I
3 BELIEVE.

4 Q ALL RIGHT. AND ONCE AGAIN, IT SHOWS MANDY, IT LOOKS
5 LIKE SHE'S ON THE PHONE WALKING ALONG BEHIND CHRIS. IS
6 THAT RIGHT?

7 A APPEARS TO BE SO.

8 Q I MEAN, WE'LL LET THE SCREEN SPEAK FOR ITSELF, BUT
9 THAT'S WHAT IT LOOKS LIKE FROM HERE. ALL RIGHT. GO
10 AHEAD, PLEASE FORWARD.

11 ALL RIGHT. STOP AT THIS POINT. NOW, THIS IS WHERE
12 IN THE STORE? IF YOU COULD JUST SHOW ON THIS DIAGRAM HERE
13 FOR THE JURY.

14 A THAT WOULD BE -- IF YOU DON'T MIND.

15 Q YEAH, JUST STEP DOWN AND POINT TO IT.

16 A THAT SHOULD BE A CAMERA ANGLE, A CAMERA FROM THIS
17 AREA OF THE STORE IN HERE, ONE OF THESE AISLES POINTING
18 BACKWARDS.

19 Q SO, IT IS A CAMERA POINTING FROM FRONT TO BACK IN THE
20 STORE SOMEWHERE IN THE MIDDLE OF THE STORE, ON AN
21 AISLEWAY, RIGHT?

22 A YES.

23 Q ALL RIGHT. YOU CAN TAKE YOUR SEAT.

24 A (WITNESS RESUMES STAND.)

25 Q RUN IT FORWARD, PLEASE. NOW, HOLD ON RIGHT HERE.

1 STOP RIGHT THERE. NOW, WHAT AREA OF THE STORE IS THAT?

2 A THAT APPEARS TO BE THE SAME AISLE. THERE ARE TWO
3 CAMERAS LOCATED AT THE FRONT AND REAR OF THE HEALTH AND
4 BEAUTY AISLE, SO THIS IS THE BACK CAMERA LOOKING TOWARDS
5 THE FRONT OF THE STORE.

6 Q OKAY. MOVE FORWARD, PLEASE, SIR. STOP RIGHT AT THAT
7 POINT. IT APPEARS THAT CHRIS HAS REMOVED SOMETHING FROM
8 THE SHELF. WAS THERE ANY EFFORT TO DETERMINE WHETHER OR
9 NOT WHAT WAS REMOVED FROM THE SHELF RIGHT THERE IN THAT
10 PART OF THE STORE ENDED UP BEING THE SLEEPING PILLS? IS
11 THAT WHAT THAT ENDED UP BEING?

12 A I COULD NOT SAY. I DID NOT GO TO THAT AREA OF THE
13 STORE.

14 Q YOU DON'T KNOW WHETHER HE JUST GOT SLEEPING PILLS OFF
15 THAT SHELF OR NOT?

16 A I DO NOT KNOW.

17 Q ALL RIGHT. MOVE FORWARD, PLEASE. ALL RIGHT. NOW
18 PAUSE AT THAT MOMENT RIGHT THERE, PLEASE. WHAT PART OF
19 THE STORE NOW -- SHOW US THE STORE LOCATION ON THAT SCENE.

20 A THAT WOULD BE --

21 Q JUST COME DOWN AND POINT TO IT.

22 A THAT WOULD BE GOING THROUGH THIS SET OF DOORS RIGHT
23 HERE, WHICH --

24 Q SO, AM I UNDERSTANDING YOU THEN THAT THEY WERE IN THE
25 STORE SECTION, OPEN PUBLIC SECTION, AND THEY COME THROUGH

1 THESE DOUBLE DOORS BACK INTO THE STOCK ROOM AREA?

2 A YES, SIR.

3 Q IS THAT THIS LOCATION THEY'RE COMING IN?

4 A YES, SIR.

5 Q SO, THEN IF THEY COME IN AND TURN RIGHT, THEY'RE
6 GOING TO BE COMING THROUGH THESE DOORS RIGHT HERE DOWN
7 THIS HALLWAY. IS THAT CORRECT?

8 A YES, SIR.

9 Q ALL RIGHT. MOVE IT FORWARD, PLEASE. SO, CHRIS --
10 AND THEN MANDY CAME IN BEHIND HIM THROUGH THIS DOORWAY AND
11 THAT'S WHERE THEY ARE, THERE. WOULD YOU STOP -- HOLD ON,
12 I'M SORRY. CAN YOU RUN THAT THING BACKWARD? JUST HOLD,
13 HOLD, HOLD. TRY TO LOCATE THAT AREA. ARE YOU FAMILIAR
14 WITH THAT AREA IN THE STORE?

15 A THAT SHOULD BE THIS AREA RIGHT IN HERE.

16 Q SO, THE DOORS BEHIND MANDY IN THAT SHOT WOULD BE
17 THESE DOORS?

18 A YES, SIR.

19 Q AND SHE IS IN THE AREA PROBABLY 10 OR 15 FEET INTO
20 THAT HALLWAY, ESTIMATED?

21 A PROBABLY. AND THEN HE'S ANOTHER 8 TO 10 FEET IN
22 FRONT OF HER, STILL HEADING IN THE SAME DIRECTION.

23 Q BOTH HEADING IN THE SAME DIRECTION?

24 A YES.

25 Q COMING IN THIS DIRECTION?

1 A YES, SIR.

2 Q ALL RIGHT. FORWARD PLEASE. AND SHE'S STILL ON THE
3 TELEPHONE THERE WITH THE 911 PEOPLE, I GUESS?

4 A I KNOW SHE'S ON THE TELEPHONE. APPEARS TO BE A
5 TELEPHONE, YES.

6 Q NOW, THIS IS THE STOCK ROOM HALLWAY; IS THAT RIGHT?

7 A YES. THAT IS A CAMERA POINTING BACK TOWARDS THE AREA
8 WHERE THEY JUST CAME FROM.

9 Q ALL RIGHT. STOP RIGHT THERE. SO, THE CAMERA THAT
10 WOULD HAVE MADE THIS PICTURE IS DOWN IN THIS AREA SOMEWAY
11 AIMED BACK THIS WAY?

12 A YES, SIR.

13 Q AND THEY'RE WALKING THIS WAY?

14 A YES, SIR.

15 Q ALL RIGHT. NOW, STOP AT THAT POINT. ALL RIGHT.
16 NOW, MOVE FORWARD PLEASE. NOW, THE PICTURE IN THE SCREEN
17 SHOWS 11:47:30. IS THAT RIGHT?

18 A YES, SIR.

19 Q AND IF YOU WOULD RUN THAT BACK, PLEASE. I'M SORRY,
20 MARK. I APOLOGIZE.

21 RIGHT HERE, ALL RIGHT. MOVED FORWARD AND -- ALL
22 RIGHT. MOVE FORWARD. STOP. THAT WHEN YOU SAID THAT IT
23 APPEARED THAT HE WAS MOVING THE GUN UP TOWARDS HIS FACE?
24 IS THAT WHAT THAT SHOWED?

25 A THAT AREA, YES.

1 Q ALL RIGHT. MOVE FORWARD PLEASE. NOW, AND CONTINUE
2 TO MOVE FORWARD. AND I WANT TO ASK THE OFFICER SOMETHING.
3 AT THIS POINT, STOP THE PICTURE, PLEASE, THAT SAYS 11:49
4 AND A MATTER OF SECONDS. I WANT TO MAKE SURE THAT WE'RE
5 UNDERSTANDING, THAT WAS OCCURRING, ACCORDING TO THIS
6 CAMERA, AT 11:49. AND WE GO THROUGH A SERIES OF PICTURES
7 OF CHRIS IN THE BACK OF THE STORE.

8 A YES, SIR.

9 Q GOING BACK AND FORTH IN THE BACK OF THE STORE. AND
10 THEN THE NEXT SECTION OF THIS VIDEO YOU'RE GOING TO SHOW
11 THE SWAT TEAM ENTRY. AND I WANT TO MAKE SURE THE JURY
12 UNDERSTANDS THE SEQUENCE. WE OBVIOUSLY CAN'T BE SEEING
13 BOTH OF THOSE AT THE SAME TIME?

14 A RIGHT.

15 Q BUT THEY ARE HAPPENING AT THE SAME TIME, ACCORDING TO
16 THE --

17 A I'M SURE THERE'S SOME SIMULTANEOUS EVENTS IN THERE.

18 Q TO BE FAIR WITH YOU, OFFICER PETERSON, THERE HAS BEEN
19 TESTIMONY, UPON HEARING THE SHOTS FIRED, IMMEDIATE ENTRY
20 INTO THE STORE. DO YOU UNDERSTAND THAT'S THE SEQUENCE?

21 A YES.

22 Q SO, LET'S GO FORWARD. THAT SAYS 11:49. 11:49:20,
23 18 -- 18 TO 20. NOW, THAT SAYS 11:48:10. I GUESS THAT'S
24 ONE OF THE TIMES WHEN THAT CLOCK WASN'T RIGHT. IS THAT
25 RIGHT?

1 A IT COULD HAVE BEEN. THE BI-LO MANAGER WAS EXPLAINING
2 TO US SOME OF THESE TIMES ON SOME OF THE DIFFERENT SYSTEMS
3 DO NOT MATCH WITH ONE ANOTHER.

4 Q IS IT POSSIBLE THEN THAT SOME OF THIS PERHAPS IS NOT
5 IN THE RIGHT SEQUENCE? HOW DO WE KNOW IT'S IN THE RIGHT
6 SEQUENCE? STOP RIGHT THERE, PLEASE. IF WE CAN'T DEPEND
7 UPON THE CLOCK AND CAN'T DEPEND UPON THE STORE MANAGER,
8 WE'RE JUST KIND OF DOING THE BEST WE CAN. IS THAT FAIR TO
9 SAY?

10 A AFTER TALKING WITH THE MANAGER OF BI-LO, WHAT HE DID
11 WAS TO EXPLAIN TO US THE POSITIONING OF THE CAMERAS, AND
12 ALSO WE LOOKED AT THE VIDEO WE HAD AND WAS TRYING TO
13 ESTABLISH SOME CONTINUITY WITH IT AS IT FLOWED THROUGH THE
14 STORE.

15 Q ALL RIGHT. MOVE FORWARD WITH IT, PLEASE. NOW, MOVE
16 FORWARD AND LET'S STOP ON THE FIRST FRAME. ALL RIGHT.
17 STOP THE FIRST FRAME THERE.

18 THAT SAYS 11:48:20. SO, THE POINT I MAKE THERE IS
19 THESE PEOPLE ARE ENTERING THE STORE AT OR NEAR THE SAME
20 TIME, AS SOON AS THEY HEARD THOSE SHOTS?

21 A ACCORDING TO THOSE TIMES.

22 Q OKAY. ALL RIGHT. GO AHEAD, PLEASE. ALL RIGHT.
23 THAT IS 11:51, ALMOST 11:52 WHEN CHRIS IS BEING TAKEN OUT
24 OF THE STORE AFTER HE HAD BEEN ARRESTED, SECURED, AND SO
25 FORTH IN THE STOCK ROOM. ALL RIGHT?

1 A YES, SIR.

2 Q OKAY. YOU CAN REWIND THAT.

3 MR. MAULDIN: I GOT ONE OR TWO MORE QUESTIONS, JUDGE,
4 THEN I'LL BE DONE.

5 ON THESE POWERPOINT SLIDES, STATE'S EXHIBIT 78 IN A
6 SERIES, I NOTICE THAT THE FIRST ONE OF THESE SHOWS CHRIS
7 COMING IN THE STORE AT 10:01.

8 A ALL RIGHT, SIR.

9 Q AND THEN THE SECOND SLIDE, THE SECOND STILL IS
10 11:47:30?

11 A YES, SIR.

12 Q SO, THERE WERE NO STILLS MADE OF WHAT WE'VE SEEN ON
13 THE TAPE REGARDING MANDY AND CHRIS IN THE STORE ON THE
14 AISLES AND STOCK ROOM ON THE PHONE. NO STILLS WERE MADE
15 OF THAT EVIDENCE?

16 A THERE HAVE BEEN STILLS PULLED FROM A SUBSTANTIAL
17 AMOUNT OF THAT VIDEO. ALL FROM THE VIDEO THAT HAD BEEN
18 SEEN EARLIER. WHAT I HAVE THERE IS WHAT I HAVE GIVEN TO
19 THE SOLICITOR.

20 Q ALL RIGHT. AND IT'S BEEN INTRODUCED INTO EVIDENCE?

21 A CORRECT.

22 Q THAT'S ALL.

23 THE COURT: ANY DIRECT, SOLICITOR?

24 MS. STROM: NO, SIR. WE'LL ASK HE BE EXCUSED SO HE
25 CAN GO BACK TO WORK.

1 (WITNESS EXCUSED.)

2 THE COURT: CALL YOUR NEXT WITNESS, SOLICITOR.

3 MR. ARIAIL: DR. MICHAEL WARD.

4 MICHAEL WARD, M.D., BEING
5 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION

7 BY MR. ARIAIL:

8 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE,
9 SIR.

10 THE WITNESS: MICHAEL WARD.

11 THE CLERK: THANK YOU, BE SEATED.

12 Q STATE YOUR NAME FOR THE RECORD, PLEASE, SIR.

13 A MICHAEL WARD.

14 Q AND DR. WARD, IF YOU WOULD, TELL US WHAT YOUR
15 PROFESSION AND PRESENT POSITION ARE.

16 A I'M A PHYSICIAN AND I AM A FORENSIC PATHOLOGIST AND I
17 AM LICENSED BY THE STATE OF SOUTH CAROLINA AS A PHYSICIAN.
18 I AM CURRENTLY EMPLOYED BY PATHOLOGY ASSOCIATES OF
19 GREENVILLE AND BY GREENVILLE COUNTY AS THE COUNTY MEDICAL
20 EXAMINER.

21 Q AND AS THE COUNTY MEDICAL EXAMINER AND A FORENSIC
22 PATHOLOGIST WHAT ARE YOUR DUTIES AND RESPONSIBILITIES IN
23 THAT PRESENT POSITION?

24 A MY RESPONSIBILITIES ARE TO INVESTIGATE DEATH THAT
25 OCCURRED WITHIN GREENVILLE COUNTY TO DETERMINE CAUSE AND

1 MANNER OF DEATH.

2 Q WHAT IS YOUR EDUCATION FOR THAT POSITION?

3 A I HAVE A BACHELORS DEGREE IN BIOLOGY FROM THE
4 UNIVERSITY OF ALABAMA. I RECEIVED MY MASTER'S DEGREE IN
5 FORENSIC SCIENCE FROM THE UNIVERSITY OF ALABAMA IN
6 BIRMINGHAM. I RECEIVED MY MEDICAL DEGREE FROM THE
7 UNIVERSITY OF SOUTH ALABAMA. IN MOBILE. I DID A FOUR-YEAR
8 ANATOMIC PATHOLOGY RESIDENCY AT THE MEDICAL UNIVERSITY OF
9 SOUTH CAROLINA IN CHARLESTON, AND A ONE-YEAR FELLOWSHIP IN
10 FORENSIC PATHOLOGY FROM THE UNIVERSITY OF NEW MEXICO IN
11 ALBUQUERQUE. I'M CERTIFIED BY THE AMERICAN BOARD OF
12 PATHOLOGY IN BOTH FORENSIC AND ANATOMIC PATHOLOGY.

13 Q WHAT TRAINING, OTHER THAN YOUR EDUCATION, HAVE YOU
14 HAD TO PERFORM THE DUTIES OF MEDICAL EXAMINER AND FORENSIC
15 PATHOLOGIST?

16 A DURING OUR FELLOWSHIP WE HAVE EXTENSIVE TRAINING IN
17 INTERPRETATION OF WOUNDS, SPECIFICALLY TRAUMATIC INJURY
18 GUNSHOT WOUNDS, KNIFE WOUNDS, THE SUCH, AND ALSO HAVE
19 CONTINUING MEDICAL EDUCATION. SO, EACH YEAR WE RECEIVE 40
20 TO 50 HOURS PER YEAR OF CONTINUED TRAINING IN FORENSIC
21 PATHOLOGY.

22 Q WHAT IS THE DIFFERENCE BETWEEN PATHOLOGY AND FORENSIC
23 PATHOLOGY?

24 A PATHOLOGY IS THE STUDY OF DISEASE AND HOW THAT
25 DISEASE PROCESS AFFECTS MAN. FORENSIC PATHOLOGY IS THE

1 STUDY OF THAT DISEASE PROCESS IN SUCH AS HOW WE DIE;
2 INTERPRETATION OF THAT DISEASE PROCESS, INJURY PATTERNS,
3 TRAUMATIC WOUNDS, AND THE PRESENTATION OF THAT INFORMATION
4 IN THE JUDICIAL PROCESS AS WE ARE TODAY.

5 Q WHAT IS THE NUMBER OF AUTOPSIES THAT YOU HAVE
6 PERFORMED DURING YOUR CAREER AS A PATHOLOGIST.

7 A I'VE PERFORMED WELL OVER 2,000 FORENSIC OR MEDICAL
8 LEGAL AUTOPSIES.

9 Q HAVE YOU PREVIOUSLY TESTIFIED AS AN EXPERT IN THE
10 FIELD OF PATHOLOGY AND FORENSIC PATHOLOGY IN COURTS OF
11 LAW?

12 A YES, I HAVE.

13 Q HOW MANY TIMES?

14 A OVER A HUNDRED TIMES.

15 Q AND HAVE YOU TESTIFIED IN THIS STATE?

16 A I'VE TESTIFIED IN SOUTH CAROLINA AND IN NEW MEXICO.

17 Q AND MR. ROBERTSON, PARTICULARLY HAVE YOU QUALIFIED AS
18 AN EXPERT IN GREENVILLE COUNTY AS THE MEDICAL EXAMINER IN
19 THE FIELD OF PATHOLOGY?

20 MR. MACDOUGALL: DEFENSE WILL STIPULATE THE DOCTOR'S
21 QUALIFICATIONS.

22 THE COURT: THANK YOU VERY MUCH.

23 MR. ARIAIL: OFFER HIM AS EXPERT IN AREA OF FORENSIC
24 PATHOLOGY.

25 THE COURT: COURT SO FINDS. THANK YOU VERY MUCH.

1 Q DID YOU HAVE OCCASION TO PERFORM AN AUTOPSY ON
2 MARANDA WILLIAMS TO DETERMINE HER CAUSE OF DEATH?

3 A YES, I DID.

4 Q WHEN DID YOU DO THAT?

5 A THE AUTOPSY WAS ON SEPTEMBER 4th 2003 AND WAS BEGUN
6 AT 8:30 A.M.

7 Q AND AS A RESULT OF THAT AUTOPSY, WERE YOU ABLE TO
8 DETERMINE THE CAUSE OF HER DEATH?

9 A YES, I WAS.

10 Q WHAT WAS THAT?

11 A MARANDA WILLIAMS DIED AS A RESULT OF SHOTGUN WOUNDS
12 TO THE BACK.

13 Q DID YOU OBSERVE SEVERAL INJURIES TO HER BODY WHEN YOU
14 PERFORMED THE AUTOPSY?

15 A YES, I DID.

16 Q DO YOU RECORD THOSE FINDINGS IN A REPORT?

17 A YES, I DO.

18 Q DO YOU HAVE THAT REPORT WITH YOU?

19 A YES, I DO.

20 Q THAT IS STANDARD OPERATING PROCEDURE AND IT'S FILED
21 WITH PUBLIC RECORD?

22 A THAT'S CORRECT.

23 Q AS A PART OF THAT REPORT, DO YOU ALSO PREPARE
24 DRAWINGS THAT DOCUMENT THE AREA OF INJURY TO THE BODY?

25 A YES, I HAVE.

1 Q AT MY REQUEST HAVE YOU USED THESE DRAWINGS TO PREPARE
2 AN ENHANCEMENT OF THE ORIGINAL DRAWINGS TO ASSIST IN YOUR
3 PRESENTATION TO THE JURY TODAY?

4 A YES, I HAVE.

5 Q LET ME SHOW YOU WHAT HAS BEEN MARKED AS STATE'S
6 EXHIBIT 83 AND ASK YOU IF YOU AND I HAVE -- WELL, FIRST,
7 HAVE YOU REVIEWED THE CONTENTS OF THE ANIMATED
8 PRESENTATION THAT IS CONTAINED ON THAT DISC AND HAVE YOU
9 COMPARED IT WITH YOUR DRAWINGS AND YOUR NOTES FROM THE
10 AUTOPSY TO DETERMINE ITS ACCURACY?

11 A YES, I HAVE.

12 Q AND IS IT ACCURATE?

13 A YES. IT REFLECTS THE FINDINGS IN MY REPORTS AND
14 DRAWINGS.

15 Q THANK YOU.

16 MR. ARIAIL: YOUR HONOR, WE WOULD OFFER STATE'S
17 EXHIBIT 83.

18 MR. MACDOUGALL: WITHOUT OBJECTION.

19 THE COURT: EIGHTY-THREE ADMITTED WITHOUT OBJECTION.
20 (STATE'S EXHIBIT NUMBER 83 IS RECEIVED INTO
21 EVIDENCE.)

22 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS 83A THROUGH 83Q
23 AND ASK YOU IF YOU HAVE REVIEWED THOSE PREVIOUSLY. AND
24 ARE THOSE ACCURATE STILL SHOTS OF WHAT WILL BE REFLECTED
25 ON THE DISC PRESENTATION, ANIMATED DISC PRESENTATION WHICH

1 IS STATE'S EXHIBIT 83?

2 A YES, THEY ARE.

3 Q THEY ARE?

4 A THEY ARE.

5 Q OKAY.

6 MR. ARIAIL: YOUR HONOR, WE WOULD OFFER THESE.

7 THE COURT: ANY OBJECTION?

8 MR. MACDOUGALL: NO OBJECTION.

9 THE COURT: ALL RIGHT, 83A THROUGH Q ADMITTED WITHOUT
10 OBJECTION.

11 Q DOCTOR, USING EXHIBIT 83, WE'RE GOING TO TALK ABOUT
12 OR SHOW IN JUST A MINUTE -- I WANT YOU TO DESCRIBE THE
13 VARIOUS INJURIES AND OTHER INFORMATION YOU FOUND AT
14 AUTOPSY ABOUT MARANDA WILLIAMS AND HER CAUSE OF DEATH.
15 BUT FIRST, LET ME ASK YOU FOR PURPOSES OF FURTHER
16 EXPLANATION, IF YOU HAVE SEEN -- ARE YOU FAMILIAR WITH
17 STATE'S EXHIBIT NUMBER 82?

18 A YES, I AM.

19 Q ALL RIGHT. STATE'S 82?

20 MR. MACDOUGALL: NO OBJECTION, YOUR HONOR.

21 THE COURT: EIGHTY-TWO ADMITTED WITHOUT OBJECTION.
22 (WHEREUPON, STATE'S EXHIBIT NO. 82 WAS MARKED FOR
23 IDENTIFICATION AND RECEIVED INTO EVIDENCE.)

24 Q WHAT IS STATE'S 82?

25 A IT'S A PHOTOGRAPH FOR A DRAWING OR A DRAWING OF A

1 CUTAWAY PORTION OF AN INTACT SHOTGUN SHELL OR A NON-FIRED
2 SHOTGUN SHELL.

3 Q ALL RIGHT. LET ME BRIEFLY PUT THIS UP HERE AND LET
4 YOU TALK -- FOR THE JURY'S INFORMATION, COULD YOU EXPLAIN
5 TO US THE VARIOUS COMPONENT PARTS OF A SHOTGUN SHELL AND
6 HOW IT WORKS WHEN ONE'S FIRED.

7 A WOULD YOU LIKE ME TO USE A POINTER OR TO STEP DOWN?

8 Q I APOLOGIZE. (HANDS WITNESS POINTER.)

9 A THIS IS A CUTAWAY PORTION OF A NON-FIRED SHOTGUN
10 SHELL. THERE'S A PLASTIC CRIMPING THAT KEEPS THE SHOT
11 INSIDE THE SHELL. SO, THIS IS, THE TOP PORTION, THIS IS
12 THE BASE PORTION OR ACTUALLY KNOWN AS SORT OF THE BRASS
13 PORTION. HERE IN THE CENTER IS THE PRIMER. THAT'S WHERE
14 THE HAMMER OF THE SHOTGUN SHELL WILL STRIKE, WHICH
15 INITIATES THE BURNING SEQUENCE OF THE GUN POWDER HERE.

16 SO, THE PRIMER IS IMPACTED, IT BEGINS TO BURN, THE
17 GUN POWDER BURNS. AND AS IT BURNS, GASES ARE PRODUCED AND
18 EXPAND AND IT PUSHES THIS MATERIAL OUT AND ALONG THE
19 BARREL OF THE SHOTGUN. IN THIS PARTICULAR ONE THERE'S A
20 PLASTIC SHOT CUP AND BASICALLY IT'S A CUP, A PLASTIC CUP
21 THAT HAS BEEN CUT ALONG THE SIDES, AND INSIDE THIS PLASTIC
22 CUP ARE THESE MULTIPLE PELLETS. THESE ARE HERE TO KEEP
23 THE PELLETS TOGETHER AS THEY TRAVEL ALONG THE BARREL OF
24 THE SHOTGUN, AND TO SEPARATE THEM FROM THE UNDERLYING
25 GUNPOWDER, SO THIS IS A PLASTIC WADDING AND A SHOT CUP.

1 THIS MATERIAL HERE, ALONG WITH THE PELLETS AND THE PLASTIC
2 CUP, WILL ALL EXIT THE BARREL OF THE SHOTGUN ONCE IT'S
3 DISCHARGED.

4 Q AND IN BETWEEN THESE PELLETS ARE THERE ANY OTHER
5 MATERIALS?

6 A IT DEPENDS ON THE SHOTGUN SHELL. SOMETIMES WHEN
7 THERE IS A PLASTIC CUP THERE IS NO OTHER MATERIAL.
8 SOMETIMES IF THERE IS NO PLASTIC CUP, THERE WILL SIMPLY BE
9 FELT OR SOME OTHER MATERIAL, WADDING THAT IS PLACED HERE,
10 SOMETIMES HERE AT THE TOP; AGAIN, TO SEPARATE THE SHOTGUN
11 PELLETS FROM THE UNDERLYING GUNPOWDER.

12 Q AND IS THERE ANY MATERIAL FOUND IN THE SHOTGUN SHELLS
13 TO SEPARATE THE PELLETS FROM EACH OTHER?

14 A AGAIN, DEPENDING UPON THE MAKE AND CONSTRUCTION OF
15 THE PELLETS, THERE MAY BE THIS WHITE FILLER MATERIAL. AND
16 THAT'S USUALLY IN LARGER-SIZED PELLET. THERE WILL BE
17 WHITE FILLER MATERIAL IN HERE TO TAKE UP THE SPACE.
18 THEY'LL ONLY WANT TO PUT "X" NUMBER OF PELLETS PER SHOTGUN
19 SHELL. SO, ONE, IT WILL TAKE UP THE SPACE AND TO KEEP
20 THEM FROM RUBBING TOGETHER AND STICKING TOGETHER AND SO
21 THAT THEY'LL SEPARATE AND TRAVEL UNIFORMLY, OR RELATIVELY
22 UNIFORMLY.

23 Q ALL RIGHT. THANK YOU. AND NOW LET'S GO TO -- WELL,
24 BEFORE WE GO TO STATE'S EXHIBIT 83, COULD YOU GIVE ME SOME
25 OR GIVE US SOME GENERAL BACKGROUND INFORMATION THAT YOU

1 WERE ABLE TO DETERMINE AS TO MARANDA WILLIAMS HEIGHT,
2 WEIGHT, AGE, THAT SORT OF THING BEFORE YOU PERFORMED THE
3 AUTOPSY?

4 A YES. MISS WILLIAMS WEIGHED 135 POUNDS. SHE WAS FIVE
5 FEET, FOUR INCHES IN LENGTH; AND WAS REPORTED TO US AT AN
6 AGE OF 24 YEARS.

7 Q ALL RIGHT. WHAT I'D LIKE TO DO IS PUT UP ON THE
8 SCREEN STATE'S EXHIBIT 83. STARTING WITH THIS ANIMATION,
9 I'M GOING TO HAND TO YOU THE POINTER AND GO THROUGH EACH
10 ONE OF THE WOUNDS. OBVIOUSLY, THE ANIMATION ON THE SCREEN
11 AT THIS TIME IS A CLEAR BACK OF A BODY. BUT AS WE
12 PROGRESS THROUGH THE WOUNDS, YOU WILL REFER TO THEM BY
13 CERTAIN NUMBER. IS THAT CORRECT?

14 A THAT'S CORRECT.

15 Q HOW DO YOU DETERMINE WHAT NUMBERS YOU REFER TO THEM
16 BY?

17 A AT THE TIME OF MY AUTOPSY THEY ARE ARBITRARILY
18 NUMBERED. I TAKE THEM FROM FRONT TO BACK AND TOP TO
19 BOTTOM. SO, BASICALLY, AS I GET TO THEM, AS I'M GOING
20 THROUGH MY PROGRESSION, SO TO MAKE SURE I DON'T MISS ANY,
21 I USE A CONSTANT OR CONSISTENT PROGRESSION OVER THE
22 SURFACE OF THE BODY. I NUMBER THEM AS I GET TO THEM, SO
23 IT DOESN'T INDICATE THEIR ORDER OF OCCURRENCE IN ANY WAY.

24 Q YOU'RE NOT SAYING THE FIRST WOUND WE LOOK AT IS THE
25 FIRST WOUND THAT OCCURRED, YOU'RE SAYING THAT'S YOUR

1 NUMBERING SYSTEM?

2 A THAT'S CORRECT.

3 Q IF WE COULD, WE'LL GO TO GUNSHOT WOUND NUMBER ONE AND
4 LET YOU TELL US ABOUT --

5 A THIS IS ON THE LEFT LOWER -- MID PORTION OF THE LEFT
6 LOWER BACK. THIS IS THE VERTEBRAL COLUMN HERE. IT'S JUST
7 TO THE LEFT OF THE MIDLINE. IT'S AN OVAL SHAPED SHOTGUN
8 WOUND OF ENTRY, APPROXIMATELY 1.8 INCHES IN WIDTH AND
9 2.8 INCHES IN VERTICAL HEIGHT. IT IS SURROUNDED BY THESE
10 SEPARATE FLIER PELLET MARKS. AND IF YOU'LL ENVISION THAT
11 AS THAT MASS OF PELLETS EXITS THE BARREL OF THE SHOTGUN,
12 INITIALLY THEY ALL TRAVELED TOGETHER.

13 AND IF YOU'RE CLOSE ENOUGH TO THE BARREL OF THE GUN,
14 THEY WILL ALL IMPACT THE TARGET TOGETHER, CREATING A
15 RELATIVELY ROUND HOLE. THE FURTHER BACK YOU ARE, THE MORE
16 CHANCE THESE PELLETS HAVE, DUE TO WIND VELOCITY AND OTHER
17 INTERFERENCES, TO BEGIN TO SEPARATE. AS THEY SEPARATE,
18 THEY'LL LENGTHEN AND START TO SPREAD OUT ROUGHLY IN A
19 CONE. SO, THIS IS INDICATED BY THIS LARGE DEFECT HERE
20 WHERE MOST OF THE PELLETS ENTERED INTO THE BODY. BUT AS
21 THEY SEPARATED, SOME ARE DISTINCTLY AWAY FROM THE LARGE
22 MASS OF PELLETS AND THEY'RE IMPACTING SEPARATELY.

23 Q ALL RIGHT. AND ON THE EXTERIOR OF THE SKIN DID YOU
24 NOTE ANY OBSERVATIONS OF SIGNIFICANCE REFLECTED IN THIS
25 PHOTOGRAPH.

1 A NOT REFLECTED IN THIS PHOTOGRAPH. NO.

2 Q ALL RIGHT. WE'LL GO TO THAT LATER. LET'S GO TO THE
3 NEXT SECTION.

4 A THIS IS BASICALLY A STEP-WISE DISSECTION, IF YOU
5 WILL, ON A COMPUTER-GENERATED IMAGE. THIS IS WHAT THE
6 BODY WOULD LOOK LIKE IF YOU REMOVED THE SKIN AND
7 UNDERLYING MUSCLE FROM THE BACK, EXPOSING THE VERTEBRAL
8 COLUMN AND THE RIBS AND UNDERLYING VISCERAL ORGANS.

9 Q WHEN YOU REFER TO THE VERTEBRAL COLUMN, FOR US THAT
10 ARE NOT MEDICALLY INCLINED, WHAT IS THAT?

11 A BASICALLY THIS IS THE SPINAL COLUMN. THIS IS A
12 COLLECTION OF BONES THAT OFFER VERTICAL SUPPORT, AND
13 RUNNING THROUGH THE MIDDLE OF THOSE VERTEBRAL BONES IS OUR
14 SPINAL CORD.

15 Q AND THIS ITEM, WHICH IS NUMBER 83C ON THE STILLS, IS
16 THAT A VERTEBRAL COLUMN AS YOU SAW IT IN MISS WILLIAMS OR
17 IS THAT AN UNINJURED --

18 A THAT IS AN INTACT, UNINJURED VERTEBRAL COLUMN.

19 Q THEN WE'LL GO TO THE NEXT ITEM, WHICH IS 83D. AND IF
20 YOU'LL EXPLAIN WHAT HAPPENED WITH SHOT NUMBER ONE.

21 A AFTER IMPACTING THE SKIN AND TRAVELING THROUGH THE
22 UNDERLYING MUSCULATURE, THE PELLETS THEN IMPACT THE BONES
23 OF THE 11th AND 12th VERTEBRAL COLUMN OR THE 11th
24 AND 12th THORACIC VERTEBRAE. THESE ARE BONES OF THE
25 VERTEBRAL COLUMN AND THE ATTACHMENT OF THE 11TH AND 12th

1 RUNS JUST TO THE LEFT OF THE MIDLINE, FRACTURES THE BONES,
2 AND DISRUPTING UNDERLYING TISSUE AS WELL AS SEVERING OR
3 CUTTING UNDERLYING SPINAL CORD.

4 Q THE SPINAL CORD BEING INSIDE THE VERTEBRAL COLUMN?

5 A THAT'S CORRECT.

6 Q LET'S GO TO THE NEXT ONE, WHICH IS 83E. WHAT IS THAT
7 A COMPUTER-GENERATED IMAGE OF?

8 A THIS IS THE NEXT STEP DEEPER, IF YOU WILL, WHERE WE
9 CAN SEE THE UNDERLYING VISCERAL ORGANS. THESE ARE THE
10 LUNGS, THE RIGHT AND LEFT LUNG. THIS IS THE ESOPHAGUS AS
11 IT COMES DOWN TO THE STOMACH AND THE KIDNEYS. AND HERE IS
12 THE LIVER.

13 THIS AREA IS THE PRIMARY IMPACT OR PRIMARY DAMAGE TO
14 THE LUNGS FROM SHOTGUN WOUND THAT I LABELED NUMBER ONE.
15 AND THESE LITTLE RED CIRCLES ARE IMPACT POINTS,
16 REPRESENTING WHERE WE WOULD HAVE RECOVERED SHOTGUN PELLETS
17 FROM THE UNDERLYING VISCERAL ORGAN. SO, FROM SHOTGUN
18 WOUND NUMBER ONE WE HAD TRAUMA TO THE LUNG AND TRAUMA TO
19 THE MUSCULAR PORTION OF THE DIAPHRAGM, WHICH ENABLES US TO
20 BREATHE. OUR DIAPHRAGM CONTRACTS AND PULLS AIR INTO OUR
21 LUNGS. SO, SHOTGUN WOUND NUMBER ONE DAMAGED THE DIAPHRAGM
22 AS IT STRETCHED ACROSS HERE AND THE UNDERLYING LUNG.

23 Q WAS THIS A FATAL WOUND?

24 A IT CERTAINLY WOULD HAVE BEEN, COULD HAVE BEEN. YES.

25 Q AND FOR WHAT REASONS?

1 A TRANSECTION OF THE SPINAL CORD AS WELL AS PENETRATION
2 INTO THE LUNG WOULD CAUSE HEMORRHAGE, A DECREASED ABILITY
3 TO BREATHE. IMPACTING THE DIAPHRAGM WOULD ALSO LIMIT
4 MISS WILLIAMS' ABILITY TO INHALE OR TO BREATHE.

5 Q AND THE TRAJECTORY OF THIS, COULD YOU DESCRIBE THAT
6 FOR US, THIS PARTICULAR SHOT?

7 A THE TRAJECTORY OF THIS SHOTGUN WOUND IS FROM
8 MISS WILLIAMS' BACK TO FRONT WITHOUT SIGNIFICANT DEVIATION
9 FROM LEFT OR RIGHT OR UP OR DOWN.

10 Q PRETTY MUCH STRAIGHT ON?

11 A THAT'S CORRECT.

12 Q NOW, IF YOU WOULD, LET'S GO TO WOUND NUMBER TWO,
13 WHICH IS 83F IN THE STILLS, AND EXPLAIN TO US WHAT WE'RE
14 LOOKING AT THERE.

15 A IF YOU'LL RECALL, THIS IS SHOTGUN WOUND NUMBER ONE.
16 AND IMMEDIATELY ADJACENT TO SHOTGUN WOUND NUMBER ONE WAS
17 SHOTGUN WOUND THAT I LABELED NUMBER TWO. AGAIN, IT'S JUST
18 TO THE RIGHT OF THE MIDLINE. THIS IS A RELATIVELY
19 OVAL-SHAPED SHOTGUN WOUND OF ENTRY, ROUGHLY ONE INCH IN
20 GREATEST DIMENSION, AGAIN, WITH SEPARATE FLIER PELLET
21 ENTRY POINTS WITHIN THE SKIN. THIS IS A SEPARATE ABRASION
22 PRESENT ON THE SKIN THAT I DON'T FEEL IS ASSOCIATED WITH A
23 SHOTGUN WOUND. THIS AGAIN, SHOTGUN WOUND NUMBER TWO, MOST
24 OF THE PELLETS ENTER HERE WITH SOME FLIERS SEPARATED
25 AROUND.

1 Q IF IT'S NOT ASSOCIATED WITH A SHOTGUN, WHAT IS AN
2 ABRASION?

3 A AN ABRASION IS BASICALLY A SCRATCH OF SKIN WHERE THE
4 SKIN SURFACE HAS BEEN RUBBED OFF. IN THIS CASE I BELIEVE
5 IT TO BE BLUNT TRAUMA FROM SOME OTHER -- FOR SOME OTHER
6 REASON SHE HAD TRAUMA TO HER BACK THAT CAUSED THIS
7 ABRASION OR RUBBING OFF OF THE SKIN.

8 Q GO TO THE NEXT, 83G. WHAT DOES 83G SHOW?

9 A 83G SHOWS AN EXPANDED AREA OF SKIN ON THIS ANIMATED
10 PROJECTION SHOWING THESE WHITE SPOTS OR WHITE MATERIAL.
11 THIS IS THE WHITE FILLER MATERIAL THAT WE DESCRIBED AS
12 BEING IN SOME SHOTGUN SHELLS. AS THE PELLETS EXIT THE
13 BARREL OF THE GUN, SO DOES THIS WHITE FILLER MATERIAL; AND
14 IT WILL TRAVEL A MUCH SHORTER DISTANCE THAN THE SHOTGUN
15 PELLETS, BUT IT WILL TRAVEL AND DEPOSIT ITSELF ON A SKIN'S
16 SURFACE IF THAT SKIN SURFACE IS CLOSE ENOUGH TO THE MUZZLE
17 OF THE SHOTGUN. THERE WAS ALSO, I DON'T BELIEVE IT'S
18 DEPICTED HERE, BUT ALSO THERE WERE SMALL FRAGMENTS OF
19 UNBURNED GUN POWDER ALSO PRESENT ON THE SKIN, INDICATING A
20 RELATIVELY CLOSE RANGE OF FIRE.

21 Q AND I WAS GOING TO ASK YOU ABOUT THE PREVIOUS WOUND,
22 NUMBER ONE, DID IT ALSO HAVE UNBURNED GUN POWDER?

23 A THE UNBURNED GUNPOWDER, WITH THE CLOSE ASSOCIATION OF
24 SHOTGUN WOUND ONE AND TWO, IT WOULD BE VERY DIFFICULT TO
25 SAY WHETHER THIS MATERIAL IS ASSOCIATED WITH ONE OR WITH

1 TWO. THIS MATERIAL IS ON THE SKIN SURROUNDING OR ADJACENT
2 TO BOTH SHOTGUN WOUNDS ONE AND TWO.

3 Q AND THAT INDICATES TO YOU WHAT? ONE, YOU HAVE
4 UNBURNED GUN POWDER PRESENT?

5 A THE UNBURNED GUN POWDER HELPS US TO DETERMINE A RANGE
6 OF FIRE. IN THIS CASE THE PRESENCE OF A RELATIVELY TIGHT
7 SHOT PATTERN, FILLER MATERIAL, AND UNBURNED GUN POWDER
8 SURROUNDING THE WOUND. THESE WOULD BE CALLED AN
9 INTERMEDIATE-RANGE SHOTGUN WOUND.

10 Q INTERMEDIATE RANGE MEANING?

11 A IN THIS INSTANCE I WOULD ESTIMATE THE FIRE TO BE
12 BETWEEN 5 AND 10 FEET.

13 Q ALL RIGHT. LET'S FOLLOW THE TRAJECTORY AND GO TO
14 WOUND NUMBER TWO. GO TO 83H.

15 A AGAIN, THIS IS WITH THE SKIN REMOVED SHOWING THE
16 UNDERLYING SKELETAL COMPONENTS FROM SHOTGUN WOUND NUMBER
17 TWO. WE HAVE TRAUMA AGAIN TO THE 11 AND 12th THORACIC
18 VERTEBRAE, THE UNDERLYING CORD, AND THE LOWER RIBS ON THE
19 RIGHT WITH FRACTURE.

20 Q THE SKELETAL FOR 83I?

21 A SHOTGUN WOUND NUMBER TWO CAUSED TRAUMATIC INJURIES
22 PRIMARILY TO THE UNDERLYING LOWER LOBE OF THE RIGHT LUNG,
23 THE STOMACH, THE LIVER, AND AS WE GO DEEPER.

24 Q ALL RIGHT. GO DEEPER TO THE NEXT, WHICH IS 83J.

25 A WE HAVE REMOVAL OF THE LUNGS SHOWING TRAUMATIC

1 INJURIES TO THE LIVER. AND THE NEXT SHOT WILL SHOW
2 TRAUMATIC INJURIES TO -- THIS IS THE HEART.

3 Q IN AN UNDAMAGED CONDITION?

4 A IN AN UNDAMAGED CONDITION.

5 Q WE'LL GO TO 83K. WHAT DOES THAT REFLECT?

6 A THE PELLET INJURIES TO THE HEART ITSELF.

7 Q SO, PELLETS ACTUALLY ENTERED THE HEART?

8 A THAT'S CORRECT.

9 Q AND EXPLAIN TO US, IF YOU WOULD, FROM THIS ANGLE,
10 WITH THE SHOT BEING IN THE LOWER RIGHT BACK, THE PRESENCE
11 OF SHOTGUN PELLETS IN THE HEART.

12 A SHOTGUN WOUNDS HAVE WHAT THEY CALL A -- AS THE
13 PELLETS ENTER THE BODY, ESPECIALLY IF THEY ENTER IN A
14 TIGHT OR COMPACT MASS, THEY HAVE WHAT THEY CALL A BILLIARD
15 BALL EFFECT. IT'S MUCH LIKE THE BREAK OF A RACK OF
16 BILLIARD BALLS. SO, YOU INITIALLY HIT THAT ONE, AND THAT
17 ONE DRIVES ITS WAY THROUGH THE OTHERS AND THEY SPREAD OUT.
18 AS THIS MASS IMPACTS THE SKIN, THESE FRONT PELLETS
19 SUDDENLY ARE MEETING RESISTANCE AND THEY RELATIVELY STOP
20 COMPARED TO THE OTHERS. SUDDENLY, ALL THESE OTHERS SPREAD
21 OUT INTO THEM, CAUSING THEM TO SPREAD OUT. SO, YOU DON'T
22 HAVE A MASS OF PELLETS IN ONE AREA OF THE BODY, BUT THEY
23 TEND TO SPREAD OUT BECAUSE OF THIS BILLIARD BALL EFFECT.

24 Q AND DURING THE AUTOPSY YOU DETERMINED THE PRESENCE OF
25 PELLETS IN THE HEART?

1 A THAT'S CORRECT.

2 Q WERE THEY DAMAGING TO THE HEART?

3 A YES, THEY WERE.

4 Q HOW SIGNIFICANTLY DAMAGING?

5 A WELL, THESE PELLETS TRAVEL THROUGH, THEY DISRUPT THE
6 MUSCULAR TISSUE OF THE HEART, THEY CAUSE BLEEDING INTO THE
7 HEART AND INTO THE SACK AROUND THE HEART AND WOULD BE
8 EXPECTED TO BE FATAL INJURIES.

9 Q WAS THIS A FATAL INJURY?

10 A I WOULD THINK SO. YES.

11 Q NOW, I WANT TO GO TO THE NEXT SHOT, 83L, AND ASK YOU
12 IF YOU CAN TELL US WHAT THAT IS.

13 A THIS IS A SCANNED PRESENTATION OF THE CHEST X RAY WE
14 TOOK AT THE TIME OF AUTOPSY. THIS IS THE VERTEBRAL COLUMN
15 HERE. SO, THIS IS IN THE REGION OF THE 11th AND 12th
16 THORACIC VERTEBRAE. THE 11th AND 12th RIBS ON THE
17 RIGHT -- I'M SORRY ON THE LEFT, AND 11th AND 12th RIBS
18 ON THE RIGHT, ALTHOUGH IT'S REVERSED. SO, THIS IS RIGHT
19 AND THIS IS LEFT.

20 Q THE WHITE SPOTS, WHAT ARE THOSE?

21 A THOSE ARE THE SHOTGUN PELLETS. AND YOU CAN SEE THAT
22 THERE ARE TWO DIFFERENT SIZES TO THESE PELLETS. THERE ARE
23 NUMEROUS SMALL PELLETS AND NOT QUITE AS NUMEROUS
24 LARGER-SIZED PELLETS. SO, ONE SHOTGUN WOUND HAD PELLETS
25 OF ONE SIZE AND THE SECOND SHOTGUN WOUND HAD PELLETS OF A

1 DIFFERENT SIZE.

2 Q LET'S GO TO STATE'S EXHIBIT 83M. WHAT DOES THAT
3 REFLECT IN ADDITION TO WHAT WE'VE PREVIOUSLY TALKED ABOUT?

4 A THIS AGAIN SHOWS SHOTGUN WOUND ONE, TWO, THE WHITE
5 FILLER MATERIAL ON THE SKIN, AND SOME SEPARATE IMPACT
6 POINTS OVER HERE, WHICH ARE ON THE RIGHT SIDE OF THE BODY.
7 THESE ARE ASSOCIATED WITH THE SHOTGUN WOUND THAT I
8 DESCRIBED AS SHOTGUN WOUND NUMBER THREE.

9 Q AND WHAT WAS SHOTGUN WOUND NUMBER THREE?

10 A SHOTGUN WOUND NUMBER THREE WILL BE THE REGION OF THE
11 RIGHT ELBOW IN THE BACK OF THE RIGHT ARM. THIS AREA IN
12 HERE.

13 Q WHAT WAS THE EXTENT OF DAMAGE TO THE RIGHT ELBOW?

14 A BASICALLY THE SHOT PASSED INTO THE SKIN OF THE BACK
15 OF THE RIGHT ELBOW. IT FRACTURED THE BONE OF THE LOWER
16 PART OF THE UPPER ARM AND THE TWO BONES OF THE UPPER PART
17 OF THE FOREMAN. SO, IT FRACTURES THE LOWER PART OF THE
18 HUMERUS AND UPPER PART OF THE RADIUS AND THE ULNA. THIS
19 IS THE HUMERUS HERE. IT FRACTURED THIS BONE HERE AND
20 THESE TWO BONES IN THIS REGION HERE. IT EXTENSIVELY
21 LACERATED OR TORE THROUGH THE MUSCLE AND SKIN OF THE ARM.
22 SO, BASICALLY THE ARM IS -- ONLY REMAINS INTACT BY SOME
23 STRANDS OF MUSCLE.

24 Q LOOK AT 83N, IS THAT AN ACCURATE REPRESENTATION OF
25 THE DAMAGE TO THE RIGHT ARM?

1 A YES, IT IS. THIS IS THE AREA OF PRIMARY IMPACT HERE,
2 AND AS THE PELLETS GO THROUGH, THEY LACERATE OR TEAR THE
3 SKIN AND THE MUSCULATURE AND FRACTURE THE UNDERLYING BONE.
4 THIS IS THE AREA OF FRACTURE. I'M SORRY, THIS IS AREA
5 SORT OF EXIT OR TEARING OF THE SKIN.

6 Q IT WENT THROUGH THE BACK, CAME OUT THE FRONT?

7 A THAT'S CORRECT.

8 Q ARE THESE ASSOCIATED WITH THE PREVIOUS EXHIBIT WE
9 LOOKED AT WHERE THE WOUNDS WERE ON THE SIDE?

10 A THAT'S CORRECT. AS THESE PELLETS EXIT THE SKIN OF
11 THE ARM, SOME OF THEM IMPACTED THE SKIN OF THE RIGHT SIDE.

12 Q ALL RIGHT. LET ME GO TO STATE'S EXHIBIT 83-O. WHAT
13 DOES THAT SHOW US?

14 A THIS IS A DIAGRAM OF THE ELBOW, THE RIGHT ELBOW,
15 SHOWING ITS IMPACT. SO, THESE WERE THE BONES OF THE
16 REGION OF THE ELBOW, HUMERUS, RADIUS, AND ULNA, AND THREE
17 VIEWS SHOWING THEM INTACT.

18 Q ALL RIGHT. AND GO TO -- THAT'S AN UNDAMAGED ELBOW?

19 A THAT'S CORRECT.

20 Q LET GO TO WHAT IS MARKED AS 83-P. WHAT DOES THAT
21 REPRESENT?

22 A THIS IS A REPRESENTATION OF THE FRACTURES THAT WOULD
23 HAVE OCCURRED OR THAT DID OCCUR AT THE TIME OF SHOTGUN
24 WOUND NUMBER THREE TO THE ELBOW. FRACTURING OF THE
25 HUMERUS, THE RADIUS, AND ULNA WITH THE BONY FRAGMENTS THAT

1 WOULD HAVE REMAINED.

2 Q FRACTURE MEAN BREAKING?

3 A THAT'S CORRECT.

4 Q AND LET'S GO TO THE FINAL EXHIBIT, 83-Q. WHAT IS
5 THAT?

6 A THIS IS A RADIOGRAPH OR X RAY OF THE RIGHT ARM OF
7 MARANDA WILLIAMS SHOWING THE FRACTURE OF THE HUMERUS, THE
8 FRACTURE OF THE RADIUS AND ULNA, THE BONY FRAGMENTS THAT
9 REMAIN, AND MULTIPLE PELLETS IN THE MUSCULATURE OF THE
10 ARM.

11 Q AND THIS IS AN ACTUAL, NOT A COMPUTER-GENERATED
12 ANIMATION, BUT THIS IS AN ACTUAL X RAY YOU TOOK?

13 A THAT'S CORRECT.

14 Q WAS THIS WOUND NUMBER THREE FATAL?

15 A NO, IT WOULD NOT HAVE BEEN.

16 Q DURING THE COURSE OF THE AUTOPSY, DID YOU COLLECT
17 VARIOUS PIECES OF MATERIAL? AND PARTICULARLY I'LL SHOW
18 YOU STATE'S EXHIBIT 79, 80, 81, AND 81A AND ASK YOU IF YOU
19 ARE FAMILIAR WITH THOSE.

20 A YES, I AM.

21 Q WHAT ARE THOSE ITEMS?

22 A STATE'S EXHIBIT 79 IS A FELT WADDING, WHICH IS THE
23 MATERIAL THAT SEPARATES THE PELLETS FROM THE UNDERLYING
24 GUN POWDER. IT WAS RECOVERED FROM BENEATH THE SKIN WITHIN
25 THE DAMAGED UNDERLYING MUSCULATURE FROM SHOTGUN WOUND

1 NUMBER ONE.

2 Q OKAY.

3 A STATE'S EXHIBIT NUMBER 80 IS A LIGHT GREEN PLASTIC
4 SHOT CUP. THAT'S THE CUP THAT WOULD HAVE CONTAINED THE
5 SHOTGUN PELLETS IN THE DRAWING THAT WE SAW AT THE
6 BEGINNING. IT WAS RECOVERED FROM BENEATH THE SKIN AND
7 WITHIN UNDERLYING MUSCULATURE FROM SHOTGUN WOUND NUMBER
8 TWO. STATE'S EXHIBIT NUMBER 81 SHOWED TWO TYPES OF
9 PELLETS THAT WERE RECOVERED AT THE TIME OF AUTOPSY. ONE
10 IS LARGER, SORT OF A BB-SIZED LEAD PELLET. THE OTHER IS A
11 SMALLER COPPER-COATED -- COPPER-COLORED BIRDSHOT, IF YOU
12 WILL, THAT'S SIGNIFICANTLY SMALLER THAN THE OTHER. AND
13 STATE'S EXHIBIT 81-A ARE MORE OF THE BB SIZED OR THE
14 LARGER SHOTGUN PELLETS.

15 Q AND THESE WERE ACTUALLY REMOVED BY YOU FROM THE BODY
16 OF MARANDA WILLIAMS?

17 A THAT'S CORRECT.

18 MR. ARIAIL: YOUR HONOR, WE WOULD OFFER THESE AT THIS
19 TIME.

20 THE COURT: ANY OBJECTION?

21 MR. MACDOUGALL: NO OBJECTION.

22 THE COURT: SEVENTY-NINE, 80, 81, AND 81-A ADMITTED
23 WITHOUT OBJECTION.

24 (STATE'S EXHIBIT NUMBER 79-81, 81-A ARE RECEIVED INTO
25 EVIDENCE.)

1 Q DOCTOR, BASED ON YOUR EXPERIENCE AS A FORENSIC
2 PATHOLOGIST AND HAVING TESTIFIED AS TO THE FACTS IN THIS
3 PARTICULAR CASE, HAVE YOU ALSO REVIEWED THE VIDEO FILM
4 INDICATING THE ACTIVITY OR DEPICTING THE ACTIVITY IN THE
5 DELI-BAKERY AREA?

6 A YES, I HAVE.

7 Q AND PARTICULARLY I'M TALKING ABOUT THAT SEQUENCE OF
8 EVENTS WHERE THE VICTIM IS SEEN BARE BACK, WITH NO SHIRT
9 ON, RUNNING THROUGH THE DELI.

10 A YES, I HAVE.

11 Q AND WHAT I WANT TO ASK YOU IS, HAVING SEEN THAT
12 VIDEO, HAVING PERFORMED THE AUTOPSY AND HAVING SEEN THE
13 INJURIES TO MS. WILLIAMS' BODY, ARE YOU ABLE TO DETERMINE
14 WHICH OF THE WOUNDS WAS THE FIRST WOUND TO HER BODY.

15 MR. MACDOUGALL: OBJECTION, YOUR HONOR. MAY WE
16 APPROACH?

17 THE COURT: YES, SIR.

18 (WHEREUPON, A BENCH CONFERENCE IS HELD WITHIN THE
19 PRESENCE BUT OUTSIDE THE HEARING OF THE JURY:)

20 THE COURT: MR. MACDOUGALL, YOU WANT TO PUT ON THE
21 RECORD YOUR LEGAL OBJECTION?

22 MR. MACDOUGALL: YES, YOUR HONOR. THE OBJECTION IS
23 THAT THE QUESTION CALLS FOR AN ANSWER OUTSIDE THE SCOPE OF
24 HIS EXPERTISE.

25 THE COURT: DENIED -- OVERRULED. GO AHEAD.

1 BY MR. ARIAIL:

2 Q WHICH ONE OF THESE, BASED ON THE FACTS YOU ARE AWARE
3 OF IN THIS CASE, WAS THE FIRST WOUND?

4 A THE FIRST WOUND WOULD HAVE BEEN TO HER RIGHT ARM, THE
5 WOUND I DESCRIBED AS SHOTGUN WOUND NUMBER THREE.

6 Q WHY IS THAT?

7 A WELL, WE SEE ON THE VIDEO AS MISS WILLIAMS GOES
8 ACROSS THAT CAMERA ANGLE, THERE IS NO TRAUMA TO THE BACK.
9 FOLLOWING HER PROGRESS ACROSS THAT CAMERA ANGLE THERE'S
10 BLOOD THAT IS SEEN ON THE VIDEO AND DESCRIBED BY THE
11 EVIDENCE TECHNICIANS AS BEING PRESENT. IT'S CONSISTENT
12 THAT SHOTGUN WOUND NUMBER THREE WOULD HAVE OCCURRED PRIOR
13 TO HER MOVING ACROSS THAT POSITION ON THE FLOOR DEPOSITING
14 BLOOD FROM THAT WOUND.

15 Q IF EITHER SHOTGUN WOUND THAT -- THE OTHER TWO TO THE
16 BACK, THAT WOULD BE SHOTGUN WOUND ONE AND TWO, HAD -- UPON
17 THOSE SHOTS BEING OR HITTING MISS WILLIAMS, WHAT WOULD HER
18 CAPACITY TO MOVE HAVE BEEN?

19 A WITH THE TRAUMATIC INJURIES TO HER VERTEBRAL COLUMN
20 AND UNDERLYING SPINAL CORD, MISS WILLIAMS WOULD NOT HAVE
21 BEEN ABLE TO AMBULATE OR MOVE HER LEGS. SHE WOULD HAVE
22 HAD USE OF HER ARMS, BUT WOULD NOT HAVE BEEN ABLE TO USE
23 HER LEGS.

24 Q NOW, YOU MENTIONED EARLIER THAT YOU THOUGHT OR YOUR
25 OPINION WAS THAT THE SHOTS, BASED ON THE EVIDENCE YOU HAVE

1 SEEN, WERE FIRED FROM A DISTANCE OF HOW FAR?

2 A FROM APPROXIMATELY 5 TO 10 FEET.

3 Q ALL THREE?

4 A I DID NOT HAVE A COMMENT ABOUT NUMBER 3.

5 Q ALL RIGHT. THREE BEING THE ONE TO THE ARM?

6 A THAT'S CORRECT. I WAS SPEAKING OF ONE AND TWO.

7 Q ONE AND TWO. ALL RIGHT. WHAT I WANT TO DO, DOCTOR,
8 I WANT YOU TO TELL ME SO THE JURY CAN GET A GOOD FEELING
9 FOR THE DISTANCE WE'RE TALKING ABOUT, FROM THE END OF THIS
10 BARREL TO THE BACK OF MISS STROM, HOW CLOSE WOULD THE END
11 OF THIS BARREL BE AT THE TIME OF THE FIRING OF THE GUN?

12 A THE SHORTEST DISTANCE WOULD BE APPROXIMATELY 5 FEET.

13 Q SO LET ME -- DON'T -- MIGHT NOT LET ME MARK OUT.

14 MR. NETTLES: COULD I ASK HIM NOT TO POINT THAT AT
15 THE JURY?

16 MR. ARIAIL: EXCUSE ME.

17 Q APPROXIMATELY HERE?

18 A ROUGHLY, YES.

19 Q AND THE FURTHEREST OUT WOULD BE --

20 A ROUGHLY 10 FEET.

21 Q -- HERE?

22 A THAT'S CORRECT.

23 Q THANK YOU, DOCTOR.

24 ANSWER ANY QUESTIONS THEY MAY HAVE.

25 MR. MACDOUGALL: THANK YOU, YOUR HONOR.

1 CROSS EXAMINATION

2 BY MR. MACDOUGALL:

3 Q JUST A COUPLE OF QUESTIONS. GOOD MORNING, DOCTOR.
4 MY NAME IS MARK MACDOUGALL. I'M ONE OF THE LAWYERS
5 REPRESENTING CHRIS WILLIAMS. YOU AND I HAVE NEVER MET
6 BEFORE RIGHT NOW, HAVE WE?

7 A THAT'S CORRECT.

8 Q I'M GOING TO ASK YOU TO HAVE A LOOK AT A DOCUMENT
9 THAT WE'LL ASK TO BE MARKED AS DEFENDANT'S EXHIBIT FOR
10 IDENTIFICATION. I DON'T KNOW WHAT NUMBER WE HAVE NEXT.

11 COURT REPORTER: TWENTY-THREE.

12 (DEFENDANT'S EXHIBIT NUMBER 23 IS MARKED FOR
13 IDENTIFICATION.)

14 Q LET ME TRADE YOU THAT ONE, DOCTOR. DOCTOR, YOU
15 RECOGNIZE THE DOCUMENT THAT'S BEEN MARKED AS DEFENDANT'S
16 EXHIBIT 23 FOR IDENTIFICATION. PLEASE TELL ME WHAT IT IS?

17 A YES, I DO RECOGNIZE IT. IT IS A COPY OF MY FINAL
18 AUTOPSY REPORT.

19 MR. ARIAIL: AND, YOUR HONOR, I DON'T WANT TO
20 INTERRUPT, BUT FOR PURPOSES -- WE'LL STIPULATE THEY CAN
21 ADMIT IT AS AN EXHIBIT IF YOU WANT.

22 THE COURT: DO YOU WANT TO ADMIT IT?

23 MR. MACDOUGALL: YES, WE DO.

24 THE COURT: TWENTY-THREE ADMITTED WITHOUT OBJECTION.

25 (DEFENDANT'S EXHIBIT NUMBER 23 IS RECEIVED INTO

1 EVIDENCE).

2 Q THE ONLY QUESTION WE HAVE, DOCTOR, THE REPORT
3 REFLECTS YOUR AUTOPSY WAS PERFORMED AT 8:30 A.M. ON
4 SEPTEMBER 4th 2003; IS THAT RIGHT?

5 A THAT'S CORRECT.

6 Q AND THAT'S ABOUT 21 HOURS AFTER THE ESTIMATED TIME OF
7 DEATH?

8 A THAT'S CORRECT.

9 Q AND ABOUT HOW LONG DID YOUR AUTOPSY TAKE YOU TO
10 COMPLETE?

11 A ROUGHLY TWO AND A HALF HOURS.

12 Q NOTHING ABOUT THOSE TIME FRAMES IS OUT OF THE
13 ORDINARY?

14 A NO, SIR, THERE'S NOT.

15 Q SO, IT'S FAIRLY COMMON TO HAVE AN AUTOPSY PERFORMED
16 THE NEXT DAY, THE DAY AFTER THE INDIVIDUAL EXPIRES?

17 A THAT'S CORRECT.

18 MR. MACDOUGALL: NO FURTHER QUESTIONS.

19 THE COURT: ANY REDIRECT?

20 REDIRECT EXAMINATION

21 BY MR. ARIAIL:

22 Q DR. WARD, IN THE PERIOD OF TIME HE'S TALKING ABOUT --
23 THE FACILITY YOU OPERATE OUT OF HAS THE ABILITY TO
24 PRESERVE THE BODY?

25 A THAT'S CORRECT.

1 Q AND IT IS PRESERVED?

2 A WE HAVE. THE AUTOPSY FACILITY AND MORGUE FACILITY AT
3 THE GREENVILLE MEMORIAL HOSPITAL IS A SECURE FACILITY WITH
4 A VERY LIMITED NUMBER OF KEYS. ONCE THE BODY IS RECEIVED
5 INTO THE MORGUE FACILITY, IT IS PLACED IN A COOLER TO KEEP
6 THE BODY AT AN APPROPRIATE TEMPERATURE PRIOR TO AUTOPSY.

7 MR. ARIAIL: THANK YOU.

8 THE COURT: ANY RECROSS?

9 MR. MACDOUGALL: NO RECROSS, YOUR HONOR. THANK YOU.

10 THE COURT: DR. WARD, THANK YOU SO MUCH. YOU MAY BE
11 EXCUSED.

12 (WITNESS EXCUSED.)

13 THE COURT: YOU HAVE ANY MORE WITNESSES?

14 MR. ARIAIL: I BELIEVE THAT'S THE STATE'S CASE. WE
15 WOULD LIKE IF WE COULD, SINCE WE'RE CLOSE TO A BREAK, TO
16 DOUBLE CHECK THE EXHIBITS, MAKE SURE EVERYTHING IS IN
17 ORDER BEFORE WE REST.

18 THE COURT: OKAY. ALL RIGHT.

19 MR. FOREMAN, MEMBERS OF THE JURY, WE'RE GOING TO TAKE
20 A LUNCH BREAK AT THIS TIME. DON'T DISCUSS THE CASE
21 AMONGST YOURSELVES. WE'RE GOING TO RECESS NOW AND WE'LL
22 START BACK AT 2:30. ALL RIGHT.

23 (WHEREUPON, THE PROCEEDINGS ARE ADJOURNED FOR THE
24 LUNCHEON RECESS.)

25 AFTERNOON SESSION

1 (PURSUANT TO THE ADJOURNMENT FOR THE LUNCHEON RECESS,
2 COURT IS AGAIN IN SESSION, WHEN THE FOLLOWING
3 PROCEEDINGS WERE HAD OUTSIDE THE PRESENCE OF THE
4 JURY:)

5 THE COURT: DO YOU HAVE ANY FURTHER TESTIMONY?

6 MR. ARIAIL: THE ONLY ADDITIONAL THING, AS WE
7 MENTIONED TO THE COURT, WE HAVE PREMARKED EXHIBIT 76,
8 WHICH IS A PAGE OUT OF THE COMPOSITION BOOK, THE ONE THAT
9 I PUT UP ON THE PRESENTER WITH MR. SILVAGGIO. AND TO MAKE
10 FOR EASE OF REFERENCE, RATHER THAN HAVING TO DIG THROUGH
11 THE BOOK TO FIND THAT, I WANTED TO INTRODUCE IT AS AN
12 EXHIBIT.

13 THE COURT: ALL RIGHT. NOW, THE AUTOPSY CHAIN, THE
14 WADDED SHOTGUN PELLET --

15 MR. ARIAIL: IT IS RIGHT HERE, AND I OFFERED THAT.
16 MR. MAULDIN SAID HE WASN'T GOING TO OBJECT TO ANY OF THAT.

17 MR. MAULDIN: THAT'S RIGHT.

18 THE COURT: OKAY.

19 MR. MAULDIN: NOW, WITH REGARD TO THIS, STATE'S
20 EXHIBIT 76, YOUR HONOR, IF I UNDERSTAND, THIS IS A
21 PHOTOCOPY OF A SINGLE PAGE OUT OF ANOTHER EXHIBIT?

22 MR. ARIAIL: THAT'S CORRECT.

23 MR. MAULDIN: ALL RIGHT. THEN WE'VE GOT NO OBJECTION
24 TO IT.

25 THE COURT: WE'LL BRING THE JURY IN, AND I ASSUME IF

1 THE STATE'S GOING TO REST, YOU READY TO CALL YOUR FIRST
2 WITNESS, MR. MAULDIN?

3 MR. NETTLES: YES, SIR.

4 THE COURT: ALL RIGHT.

5 MR. MAULDIN: WELL, WE HAVE TO HAVE MOTIONS, DON'T
6 WE?

7 THE COURT: YEAH.

8 MR. ARIAIL: I TELL YOU WHAT WE CAN DO. I CAN REST
9 RIGHT NOW, AND THEN WE CAN ARGUE THE MOTIONS. AND WHEN
10 THEY COME IN, I CAN JUST REST IN FRONT OF THE JURY.

11 THE COURT: YOU GOT ANY OBJECTION TO THAT, MR.
12 MAULDIN OR MR. NETTLES? IS THERE ANY REASON WE CAN'T HEAR
13 OUR MOTIONS NOW?

14 MR. MAULDIN: YES, SIR. THAT WOULD BE FINE, YOUR
15 HONOR. ONE MOMENT.

16 THE COURT: I'LL PUT ON THE RECORD STATE'S EXHIBIT 76
17 IS ADMITTED WITHOUT OBJECTION. THEY REST. WHEN THE JURY
18 COMES IN, I'LL LET HIM STAND AND SAY THE STATE RESTS.

19 (STATE'S EXHIBIT NUMBER 76 IS RECEIVED INTO
20 EVIDENCE.)

21 MR. MAULDIN: YOUR HONOR, WE MOVE FOR A DIRECTED
22 VERDICT. I GUESS THE CLERK'S GOT THE THREE INDICTMENTS?
23 TWO INDICTMENTS, ONE WITH TWO COUNTS. WE MOVE FOR A
24 DIRECTED VERDICT ON THE MURDER INDICTMENT AND COUNT TWO
25 BEING POSSESSION OF A WEAPON DURING A VIOLENT CRIME, MOVE

1 FOR A DIRECTED VERDICT AS TO THOSE TWO CHARGES, YOUR
2 HONOR.

3 THE COURT: YOU GOT ANY ARGUMENT?

4 MR. MAULDIN: THAT'S MY ARGUMENT.

5 THE COURT: MOTION DENIED.

6 MR. MAULDIN: YOUR HONOR, WE MOVE FOR A DIRECTED
7 VERDICT REGARDING THE INDICTMENT FOR KIDNAPPING. THE
8 EVIDENCE THAT YOU HAVE SEEN, THE VIDEO AND THE PHOTOGRAPHS
9 AND THE STILLS ALL FAIL TO SATISFY THE REQUIREMENT THAT
10 THE STATE ESTABLISH A PRIMA FACIE CASE OF KIDNAPPING. I
11 DON'T BELIEVE THAT THAT HAS BEEN ESTABLISHED. CLEARLY THE
12 EVIDENCE IS THAT THE SUSPECT IN THIS CASE WENT TO A
13 LOCATION, AND THAT'S WHERE THE INCIDENT OCCURRED AN HOUR
14 AND 48 MINUTES LATER. THERE'S NO EVIDENCE OF A KIDNAPPING
15 UNDER OUR STATUTE.

16 THE COURT: ANYTHING ELSE YOU WANT TO SAY AS A RESULT
17 OF THE NOTE?

18 MR. MAULDIN: NOT AS TO THOSE.

19 THE COURT: ALL RIGHT. MOTION DENIED.

20 MR. MAULDIN: WE DO, YOUR HONOR, WANT TO ONCE AGAIN
21 RENEW THE OBJECTIONS THAT WE'VE MADE, RESERVE THOSE
22 OBJECTIONS AND RENEW MOTIONS THAT WE MADE IN LIMINE THAT
23 HAVE CARRIED, THE RULINGS OF WHICH HAVE CARRIED FORWARD
24 INTO THE TRIAL OF THIS CASE. AND I KNOW THAT YOU'VE HEARD
25 ME SAY THAT A FEW TIMES; BUT IT MAKES ME A LITTLE NERVOUS

1 OUR PROCEDURAL DEFAULT RULES, SO I AM PLACING ON THE
2 RECORD THE RULINGS YOU'VE MADE, HAVE BEEN RULINGS WE HAVE
3 ACCEPTED AND ACTED ACCORDINGLY; AND WE WANT TO CONTINUE
4 OUR ORIGINAL OBJECTIONS THROUGHOUT.

5 THE COURT: ANYTHING ELSE?

6 MR. MAULDIN: I THINK THAT'S IT, JUDGE. THANK YOU.

7 THE COURT: ANYTHING ELSE?

8 MR. MAULDIN: NO, SIR.

9 THE COURT: THANK YOU VERY MUCH. BRING US THE JURY
10 PLEASE.

11 (WHEREUPON, THE JURY RETURNS TO OPEN COURT, WHEN THE
12 FOLLOWING PROCEEDINGS WERE HAD WITHIN THEIR
13 PRESENCE:)

14 THE COURT: SOLICITOR, DO YOU HAVE ANY FURTHER
15 WITNESSES?

16 MR. ARIAIL: NO, SIR, THAT'S THE STATE'S CASE.

17 THE COURT: MR. MAULDIN, YOU MAY CALL YOUR FIRST
18 WITNESS.

19 MR. MAULDIN: YOUR HONOR, CHRISTOPHER WILLIAMS CALLS
20 DR. ROBERT RICHARDS TO THE WITNESS STAND.

21 ROBERT RICHARD, M.D., BEING
22 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION

24 BY MR. NETTLES:

25 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE.

1 THE WITNESS: ROBERT RICHARD.

2 THE CLERK: THANK YOU, BE SEATED.

3 Q GOOD AFTERNOON.

4 A GOOD AFTERNOON.

5 Q DOCTOR, HOW ABOUT SHARE WITH US YOUR NAME, WHERE YOU
6 LIVE.

7 A I'M ROBERT RICHARDS AND I LIVE IN SIMPSONVILLE.

8 Q PULL THE MICROPHONE OVER CLOSER TO YOU.

9 A I'M ROBERT RICHARDS AND I LIVE IN SIMPSONVILLE.

10 Q WHAT DO YOU DO FOR A LIVING?

11 A I'M A PSYCHIATRIST.

12 Q WHERE?

13 A I WORK AT GREENVILLE PSYCHIATRY OFF OF PELHAM ROAD.

14 Q NOW, SHARE WITH US A LITTLE ABOUT WHERE DID YOU GO TO
15 UNDERGRAD?

16 A I WENT TO TRINITY UNIVERSITY, IN SAN ANTONIO, TEXAS,
17 WHERE I GOT A BACHELOR OF ARTS DEGREE IN BIOLOGY.

18 Q DID YOU ATTEND GRADUATE SCHOOL?

19 A I TOOK A CIRCUITOUS ROUTE. I WENT TO GEORGIA STATE
20 UNIVERSITY. I GOT A MASTERS IN HEALTH CARE
21 ADMINISTRATION, DEGREE FROM GEORGIA STATE. THEN I WORKED
22 A SHORT WHILE IN HEALTH CARE ADMINISTRATION. THEN I WENT
23 TO EAST CAROLINA UNIVERSITY SCHOOL OF MEDICINE IN
24 GREENVILLE, NORTH CAROLINA, WHERE I OBTAINED A MEDICAL
25 DEGREE. AND I STARTED OUT WITH A FAMILY PRACTICE

1 INTERNSHIP AT EAST CAROLINA UNIVERSITY AND SWITCHED OVER
2 TO GENERAL PSYCHIATRY.

3 THEN I DID THE FIRST TWO YEARS OF MY GENERAL
4 PSYCHIATRY AT EAST CAROLINA AND THEN I TRANSFERRED OVER TO
5 DUKE UNIVERSITY IN DURHAM, NORTH CAROLINA. I COMPLETED MY
6 GENERAL PSYCHIATRY RESIDENCY AND THEN I COMPLETED A CHILD
7 AND ADOLESCENT PSYCHIATRY FELLOWSHIP AT DUKE. THAT'S WHEN
8 I STARTED PRIVATE PRACTICE HERE IN GREENVILLE.

9 Q AND SO YOU ARE A DOCTOR OF PSYCHIATRY?

10 A RIGHT.

11 Q WHAT IS THE DIFFERENCE BETWEEN A DOCTOR OF PSYCHIATRY
12 AND DOCTOR OF PSYCHOLOGY?

13 A A DOCTOR OF PSYCHIATRY HAS A MEDICAL DEGREE. WE DO
14 THE REGULAR MEDICAL ROTATIONS. WE NOT ONLY LOOK AT THINGS
15 PSYCHOLOGICALLY, BUT WE ALSO LOOK AT THE
16 NEUROLOGICAL-PHARMACOLOGIC OR MEDICINE BASIS OF
17 PSYCHIATRIC DISEASES. A PSYCHOLOGIST DOES NOT HAVE A
18 MEDICINE DEGREE AND DEPENDING UPON WHAT BRANCH OF
19 PSYCHIATRY YOU GO INTO, YOU CAN SPECIALIZE IN TESTING,
20 THERAPY, AND PROBABLY IN OTHER FORMS OF PSYCHIATRY BUT YOU
21 DON'T HAVE A MEDICAL DEGREE.

22 Q LET ME ASK YOU DOCTOR, HAVE YOU EVER TESTIFIED AS AN
23 EXPERT WITNESS BEFORE?

24 A YES.

25 Q HOW MANY TIMES?

1 A I'M NOT SURE, BUT I'D SAY PROBABLY FIVE TO TEN.

2 Q HAVE YOU EVER TESTIFIED IN A CRIMINAL CASE BEFORE?

3 A YES.

4 Q NOW, ARE YOU -- YOU ARE NOT A FORENSIC PSYCHIATRIST?

5 A NO, I'M NOT.

6 Q YOU ARE A CLINICAL PSYCHIATRIST?

7 A RIGHT.

8 MR. NETTLES: YOUR HONOR, AT THIS TIME I WOULD OFFER
9 DR. RICHARDS AS AN EXPERT IN THE FIELD OF GENERAL
10 PSYCHIATRY.

11 THE COURT: ANY OBJECTION?

12 MR. ARIAIL: NONE.

13 THE COURT: SO FIND.

14 Q LET'S TALK FOR A SECOND, YOU'VE HAD THE OPPORTUNITY
15 TO VISIT WITH CHRIS WILLIAMS, CORRECT?

16 A YES.

17 Q AS A DOCTOR, CORRECT?

18 A RIGHT. BUT I EXPLAINED TO HIM I WASN'T WORKING AS
19 HIS DOCTOR.

20 Q CORRECT. NOW, WHY IS THAT IMPORTANT?

21 A BECAUSE WHEN YOU SEE A PERSON IN THE CAPACITY THAT I
22 WAS SEEING HIM, I WAS ASKED TO EVALUATE HIM TO SEE IF HE
23 HAD ANY PSYCHIATRIC ILLNESS.

24 Q AND DID YOU DO THAT?

25 A THAT'S WHAT I DID. BUT IT'S VERY IMPORTANT HE KNOW

1 THAT WE DID NOT HAVE A DOCTOR-PATIENT RELATIONSHIP AND
2 THAT EVERYTHING I SAY WOULD BE OPEN TO TESTIMONY.

3 Q FAIR ENOUGH. IF YOU HAD A DOCTOR-PATIENT
4 RELATIONSHIP, COULD YOU COME IN AND SHARE WITH US A LOT OF
5 WHAT YOU'RE FIXING TO SHARE?

6 A YES.

7 Q ONLY AFTER HE SAID IT WAS OKAY?

8 A OR IF I WAS SUBPOENAED.

9 Q YOUR PURPOSE OF GOING TO SEE HIM WAS TO FIGURE OUT
10 WHAT HIS DIAGNOSIS WAS?

11 A TO FIGURE OUT IF HE HAD A DIAGNOSIS; AND IF SO, TO
12 GIVE AN OPINION ABOUT THE DIAGNOSIS.

13 Q DID YOU REACH AN OPINION?

14 A YES.

15 Q DID YOU REACH AN OPINION AS TO A DIAGNOSIS FOR CHRIS
16 WILLIAMS?

17 A YES.

18 Q SHARE WITH THIS JURY WHAT YOUR DIAGNOSIS IS.

19 A CHRIS IS A QUITE COMPLICATED CASE. I'D SAY THAT HIS
20 PRIMARY DIAGNOSIS IS BIPOLAR DISORDER, TYPE ONE OR TYPE
21 TWO. I'D LEAN TOWARDS TYPE ONE, PROBABLY WITH RAPID
22 CYCLING MIXED FEATURES.

23 Q HANG ON. WE'RE GOING TO TALK ABOUT EACH OF THOSE
24 INDIVIDUALLY. YOU SAID RAPID CYCLING MIXED FEATURES.
25 THOSE ARE SYMPTOMS OF BIPOLAR?

1 MR. ARIAIL: I DON'T MEAN TO INTERRUPT HIM, BUT I AM
2 GOING TO OBJECT TO LEADING.

3 THE COURT: LET ME SAY THIS, SOLICITOR. I'M GOING TO
4 LET HIM LEAD UNTIL WE GET INTO -- TO SORT OF LAY THE
5 BACKGROUND A WHILE. BUT WHEN HE GETS INTO WHERE HE'S
6 HEADED, I'LL LISTEN TO YOUR OBJECTION, AGAIN. OR I'LL
7 STOP HIM MYSELF, ONE OF THE TWO.

8 Q LET'S TALK ABOUT RAPID CYCLING. WHAT IS RAPID
9 CYCLING?

10 A RAPID CYCLING, BASED ON A CLASSIFICATION SYSTEM,
11 MEANS THAT YOU SHIFT IN YOUR MOOD MORE THAN THREE OR FOUR
12 TIMES A YEAR.

13 Q AND YOU SAID HE WAS BIPOLAR AND YOU SAID RAPID
14 CYCLING, AND WHAT ELSE?

15 A TYPE ONE OR TYPE TWO.

16 Q LET'S TALK ABOUT THE DIFFERENCE BETWEEN TYPE ONE AND
17 TYPE TWO.

18 A TYPE ONE YOU ACTUALLY HAVE A MANIC EPISODE.

19 Q SHARE WITH US WHAT A MANIC IS.

20 A LET MET -- TYPE TWO YOU HAVE HYPOMANIC EPISODES. IT
21 MIGHT BE EASIER IF I JUST DESCRIBE BIPOLAR IN GENERAL,
22 BECAUSE --

23 Q DESCRIBE BIPOLAR.

24 A -- BECAUSE IT'S PRETTY COMPLEX. THE WAY I TALK TO MY
25 PATIENTS, BECAUSE ONE OF THE KEYS OF WORKING WITH BIPOLARS

1 IS EDUCATION, TALK TO THE FAMILIES.

2 IMAGINE EVERYBODY HAS THREE DIFFERENT SWITCHES IN
3 THEIR BRAIN. NOW, NEUROLOGICALLY THIS IS INCORRECT, BUT
4 IT'S A WAY OF UNDERSTANDING IT. I'VE GOT ONE SWITCH THAT
5 CONTROLS THE INTENSITY OF MY FEELINGS. WITH BIPOLAR
6 DISORDER YOU CAN'T CONTROL THAT. ALL OF A SUDDEN THE
7 SWITCH GOES BAM, AND I'M INTENSELY IRRITABLE OR; BAM, I'M
8 INTENSELY SAD. AND I CAN'T CONTROL IT AND I DON'T KNOW
9 WHY. BAM, I'M INTENSELY GRANDIOSE OR EUPHORIC. AND IT
10 GOES UP AND DOWN.

11 NOW, WITH THAT, YOU HAVE ANOTHER SWITCH AND IT
12 CONTROLS HOW FAST YOUR MIND IS WORKING. BAM, MY MIND IS
13 RACING WITH A THOUSAND THOUGHTS AT ONE TIME. SO MUCH SO
14 THAT WHEN I TALK, I MIGHT STUTTER; OR SO MUCH SO, WHEN I
15 TALK, I JUMP FROM SUBJECT TO SUBJECT OR GIVE LOTS OF
16 EXAMPLES THAT AREN'T RELATED TO THE MAIN POINT.

17 AND THE THIRD POINT, I CALL THEM VEGITATIVE SYMPTOMS,
18 SLEEP, APPETITE, ENERGY. ALL OF A SUDDEN I JUST CAN'T
19 SLEEP OR ALL OF A SUDDEN I CAN'T GET OUT OF BED, OR ALL OF
20 A SUDDEN I HAVE WAY TOO MUCH ENERGY OR I HAVE NO ENERGY AT
21 ALL. THE MIXED FEATURES, YOU HAVE SOME OF ALL OF THIS
22 STUFF AT THE SAME TIME.

23 Q IS THERE ANY OTHER DIAGNOSIS?

24 A HE ALSO HAS OBSESSIVE-COMPULSIVE DISORDER.

25 Q SHARE WITH US WHAT OBSESSIVE-COMPULSIVE DISORDER IS.

1 A I'M REMINDED OF THE MOVIE ON OCD, I FORGOT THE ACTOR.
2 "I JUST CAN'T GET IT RIGHT. I JUST CAN'T GET IT RIGHT."
3 OBSESSIVE-COMPULSIVE DISORDER YOU CAN HAVE OBSESSIONS,
4 COMPULSIONS, OR BOTH. AND A PART OF YOUR BRAIN THAT'S
5 SUPPOSED TO WORK IT RIGHT DOES NOT WORK. AND SO I HAVE
6 RECURRENT SILLY, BAD, VIOLENT, SEXUAL, RELIGIOUS THOUGHTS
7 AND I CAN'T MAKE THEM GO AWAY. AND I THINK ABOUT THEM FOR
8 HOURS AT A TIME AND THEY REALLY MAKE ME FEEL BADLY.

9 THEN I HAVE SIMPLY HABITS OR RITUALS THAT I CANNOT
10 STOP DOING. AS A MATTER OF FACT, IF I TRY TO STOP DOING
11 IT, I GET VERY, VERY NERVOUS, ALMOST PANICK LIKE NERVOUS.
12 SO NERVOUS I MIGHT GET ANGRY INSTEAD. I'LL SEE MANY
13 PATIENTS THAT, "I AM SO AFRAID OF GERMS. ALL I THINK
14 ABOUT ALL DAY IS GERMS. AND IF I THINK I MIGHT HAVE
15 TOUCHED A DOORKNOB, IF I DON'T WASH MY HANDS FIVE TIMES,
16 I'M GOING TO GET TERRIBLY UPSET."

17 THIS GOES ON AND ON AND ON AND WAXES AND WANES. IT
18 CAN OCCUR UP TO A HUNDRED PERCENT OF YOUR WAKING HOURS.
19 SO, YOU CAN SEE HOW IT CAN BE QUITE DISTRESSFUL.

20 Q HOW DID YOU, WHAT DID YOU RELY ON -- DID YOU RELY ON
21 ANYTHING IN COMING TO THESE TWO DIAGNOSES?

22 A THE FIRST --

23 Q DID YOU? DID YOU RELY ON ANYTHING TO COME TO THESE
24 DIAGNOSES?

25 A YES.

1 Q OKAY. SHARE WITH US WHAT THEY WERE.

2 A I INITIALLY ON MY INTERVIEW AND PRESENT MENTAL STATUS
3 EXAM --

4 Q SHARE WITH US WHAT A MENTAL STATUS EXAM IS.

5 A IT'S A FORM OF NEUROLOGIC EXAM THAT COMES FROM
6 OBSERVATION AND INTERACTION. LET'S LOOK AT CHRIS' MENTAL
7 STATUS WHEN I FIRST MET HIM. HE WAS LOOKING AT ME, BUT
8 NOT LOOKING AT ME; AS IF HE HAD A HARD TIME HAVING EYE
9 CONTACT WITH ME. LOOKING RIGHT BEYOND ME. HE HAD A
10 LITTLE BIT OF WHAT I CALL MOTOR TENSION. HE WAS LEANING
11 FORWARD AND A LITTLE BIT TENSE.

12 BUT AT THE SAME TIME HE DIDN'T SHOW ANY FEELINGS. HE
13 DIDN'T SHOW ANY FEELINGS AND THEN WHEN I TALKED WITH HIM,
14 I STARTED WITH OPEN-ENDED QUESTIONS AND I GOT VERY -- ONE
15 TO TWO WORD ANSWERS TO OPEN-ENDED QUESTIONS. BUT THEN
16 WHEN HE RELAXED A LITTLE BIT MORE, HE STARTED TALKING
17 VERY, VERY FAST, PROBABLY 30 MINUTES TO AN HOUR INTO THE
18 INTERVIEW.

19 AND THEN I GOT A CLUE, HE STARTED HAVING HALTING
20 SPEECH. HALTING SPEECH IS A SYMPTOM OF HYPOMANIA OR
21 MANIA. IT'S AS IF WHEN HE GOT RELAXED AND LET ME SEE HIS
22 REAL SELF, HIS MIND WAS WORKING SO FAST THAT HE HAD TO
23 STOP BETWEEN SENTENCES AND COLLECT HIS THOUGHTS AND THEN
24 START TALKING AGAIN.

25 THEN AS THE MENTAL STATUS PROGRESSED, HIS TRAIN OF

1 THOUGHT -- HE BECAME FIRST WHAT I CALL CIRCUMSTANTIAL.
2 HE'D GIVE ME A LOT OF EXAMPLES OF THINGS THAT WEREN'T
3 DIRECTLY RELATED TO WHAT WE WERE TALKING ABOUT. AND THEN
4 HE ACTUALLY WOULD TALK ABOUT THINGS NOT DIRECTLY AT ALL TO
5 WHAT WE WERE TALKING ABOUT. AND THAT'S CALLED LOOSE
6 ASSOCIATIONS. AND I NOTICED MYSELF, I HAD A HARD TIME
7 INTERVIEWING BECAUSE HE WAS GIVING SO MUCH INFORMATION
8 THAT WASN'T DIRECTLY RELATED TO WHAT WE WERE TALKING
9 ABOUT, HIS MIND WAS RACING. HE HAS LOOSE ASSOCIATIONS.

10 Q WHAT ELSE?

11 A THEN HIS THINKING, HIS THOUGHT CONTENT AT TIMES, YOU
12 KNOW, HE WASN'T DELUSIONAL; BUT HE HAD TIME PERIODS WHERE
13 IF YOU HAD ABSOLUTE EVIDENCE THAT THIS WAS GOING ON, WOULD
14 YOU BE ABLE TO ACCEPT IT? AND HE SAID HE DIDN'T THINK SO.
15 SO, HE -- A LITTLE BIT OF DISTRUST, VIGILANCE, PARANOIA.
16 HE DIDN'T HAVE ANY AUDITORY OR VISUAL HALLUCINATIONS. AND
17 THE REST OF THE MENTAL STATUS EXAM HE WAS ALERT, WAKEFUL,
18 AS YOU WOULD EXPECT HIM TO BE. AND HE WAS ORIENTED, KNEW
19 WHO I WAS AND WHERE I WAS IN THE SITUATION. AND THAT
20 WOULD BE A SUMMARY OF THE MENTAL STATUS EXAM.

21 Q TELL US ABOUT -- IS A MENTAL STATUS EXAM SOMETHING
22 THAT IS DONE IN ALL PSYCHIATRIC EXAMS? IS IT A
23 CORNERSTONE OF PSYCHIATRIC EXAMS?

24 A YEAH, THAT'S A PSYCHIATRIC EXAM, YEAH.

25 Q WHAT ELSE DID YOU RELY ON IN COMING TO YOUR

1 CONCLUSIONS?

2 A I RELIED ON THE HISTORY I GOT FROM CHRIS, THE HISTORY
3 THAT I GOT FROM THE DIFFERENT RECORDS. I LOOKED AT
4 DR. CRAWFORD'S REPORT. I TALKED WITH CHRIS' SISTER. I
5 TALKED WITH CHRIS' MOM AND DAD A COUPLE OF TIMES. I
6 TALKED WITH CHRIS' FIRST GRADE TEACHER. I TALKED WITH
7 CHRIS' FIFTH GRADE TEACHER. AND THEN MULTIPLE, MULTIPLE
8 REPORTS ABOUT FAMILY HISTORY AS WELL, BECAUSE BIPOLAR MANY
9 TIMES IS INHERITED.

10 Q DID YOU HAVE AN OPPORTUNITY TO LOOK AT A JOURNAL
11 WHICH HAS BEEN MARKED DEFENDANT'S NUMBER 5?

12 A YEAH. I ACTUALLY READ IT TWICE.

13 Q YOU READ THAT TWICE?

14 A YES.

15 Q DID YOU LOOK AT TWO LETTERS THAT WERE DEFENSE --
16 STATE'S EXHIBITS WHICH HAVE BEEN PREVIOUSLY MARKED BEFORE
17 YOU GOT HERE, STATE'S EXHIBIT 16 AND STATE'S EXHIBIT 17?

18 A I BELIEVE SO.

19 Q EXCUSE ME?

20 A I BELIEVE SO.

21 Q SO, DOES THAT PRETTY MUCH ENCOMPASS THE UNIVERSE OF
22 INFORMATION THAT YOU RELIED ON TO COME TO YOUR DIAGNOSIS?

23 A YES.

24 Q IS THERE ANYTHING ELSE THAT YOU WANTED THAT YOU
25 COULDN'T GET?

1 A I THINK I EVENTUALLY GOT EVERYTHING I WANTED.

2 Q OKAY. NOW, LET'S TALK FOR A SECOND ABOUT THIS -- THE
3 JOURNAL, WHICH IS RIGHT HERE, WHICH IS DEFENDANT'S NUMBER
4 5. ALL RIGHT. YOU READ THAT JOURNAL?

5 A YES.

6 Q YOU LOOKED AT IT. TELL US, LET'S TALK ABOUT THAT A
7 LITTLE BIT. DID YOU HAVE AN OPPORTUNITY TO READ THAT
8 JOURNAL?

9 A YES.

10 Q SHARE WITH THE JURY, LET'S TALK INITIALLY SOME BRIEF
11 OVERVIEW AND WE'LL GO INTO DETAIL ON IT, YOUR THOUGHTS AS
12 TO THIS JOURNAL AND HIS DIAGNOSIS, HOW IT FITS IN HIS
13 DIAGNOSIS.

14 A IF YOU'LL LOOK AT THE BIG PICTURE, THE JOURNAL IS
15 WRITTEN AS A WAY OF SELF-THERAPY OR SELF-SOOTHING. THAT'S
16 NOT UNCOMMON. I ALSO PRACTICE ADOLESCENT PSYCHIATRY AND
17 WE CALL IT DIARIES IN ADOLESCENTS. IF I SEE AN ADOLESCENT
18 THAT HAS A DEPRESSION OR MANIC DEPRESSION, I WOULD SEE, IF
19 I WAS PRIVY TO THE JOURNAL, I WOULD SEE SIMILAR
20 INFORMATION.

21 Q YOU SHARED WITH US THAT, OF YOUR TREATING AN
22 INDIVIDUAL, YOU ASK THEM TO DO A DIARY? YOU CALL IT A
23 "DIARY"?

24 A I DO JUST WHAT CHRIS' SISTER DID IN THIS CASE.

25 Q IS -- THAT'S KIND OF COMPLICATED. ACCORDING TO YOUR

1 INTERVIEWS, WHO TOLD CHRIS TO DO THIS JOURNAL?

2 A HIS SISTER.

3 Q DO YOU ASK YOUR PATIENTS TO DO A DIARY?

4 A TYPICALLY I SEE THE DIARY AFTER THE FACT. BUT THEN
5 WHEN I LOOK AT THE DIARY AND I DO AN ASSESSMENT -- BECAUSE
6 THESE DIARIES, THEY HAVE PRETTY IMPRESSIVE INFORMATION IN
7 THEM. THE ENGLISH TEACHER SAYS YOU HAVE TO TAKE HIM TO A
8 DOCTOR BEFORE YOU CAN COME BACK TO SCHOOL. AND I READ IT,
9 AND I DO A VERY THOROUGH ASSESSMENT; AND MANY TIMES I
10 CONCLUDE THAT THEY'RE WRITING AS A WAY OF SELF-SOOTHING,
11 MEDICATING DISTRESS, ANXIETY, DEPRESSION. BUT WHEN I TALK
12 TO THEM ABOUT IT --

13 Q TALK TO WHO?

14 A THE PATIENT THAT I'M DOING A CONSULT FOR. I DON'T
15 SEE AT THAT TIME ANY IMMINENT RISK BASED ON A DIARY AND I
16 SAY, "I AM SO GLAD YOU'RE WRITING DOWN YOUR THOUGHTS AND
17 FEELINGS BECAUSE IT HELPS YOU FEEL BETTER; AND YOU'VE GOT
18 TO DO SOMETHING HEALTHY TO HELP YOURSELF FEEL BETTER."

19 I MIGHT EVEN SUGGEST, "WHY DON'T YOU PLAY SPORTS TO
20 HELP YOURSELF FEEL BETTER? BUT WRITE IT OUT, TALK TO ME
21 ABOUT IT."

22 Q WHAT PURPOSE DOES IT SERVE WITH SOMEONE WITH A MENTAL
23 ILLNESS TO WRITE THIS OUT?

24 A IT'S SELF-SOOTHING. IT MAKES YOU FEEL BETTER. IT
25 TAKES AWAY THE PAIN.

1 Q WHAT ABOUT THAT, THAT WHEN YOU LOOK AT IT, IT LEADS
2 YOU TO BELIEVE THAT?

3 A HE'S WRITING THE SAME THING OVER AND OVER AND OVER
4 AGAIN. WHEN I WAS READING IT, I HAD TO ASK MYSELF A
5 COUPLE OF TIMES, ARE THEY GIVING ME THE SAME COPY OF THE
6 SAME THING OVER AND OVER AND OVER AGAIN. AND THEN YOU CAN
7 ACTUALLY SEE, AND YOU CAN'T DRAW THIS CONCLUSION; BUT LOOK
8 HOW THE CONTENT CHANGES, SO DOES THE QUALITY OF WRITING.

9 Q HOW DOES THE CONTENT CHANGE IN THE JOURNAL?

10 A WELL, FOR THE FIRST SEVERAL PAGES THE WRITING IS NOT
11 AS LEGIBLE, AND THE CONTENT IS LOVE FOR THIS YOUNG LADY
12 LIKE YOU CAN'T IMAGINE. IT'S ALMOST AS IF YOU AND I ARE
13 ONE. AND IN HIS MIND I'M GOING TO WRITE ABOUT WAYS TO GET
14 HER BACK. I HAVE TO HAVE HER BACK.

15 Q IS THAT CONSISTENT OR INCONSISTENT WITH YOUR
16 DIAGNOSIS?

17 A IT'S CONSISTENT WITH THE DIAGNOSIS.

18 Q WHY IS THAT?

19 A YOU CAN'T SAY BIPOLAR PER SE, BUT YOU CAN SAY THIS
20 GUY HAS -- REMEMBER THE SWITCH -- SUCH INTENSE FEELINGS
21 AND COMPASSION.

22 Q IS THAT EXPRESSED IN THE JOURNAL?

23 A ABSOLUTELY, JUST READ IT.

24 Q AS YOU GO THROUGH THE JOURNAL, DOES THE CONTENT
25 CHANGE?

1 A YEAH. THERE'S A SUDDEN CHANGE. AND, YOU KNOW, IT'S
2 INTERESTING BECAUSE WHEN I READ JOURNALS LIKE THIS, I NOT
3 ONLY READ THE CONTENT; BUT I ASK MYSELF, WHY IS HE WRITING
4 IT? WHAT IS HE TELLING ME? AND ALL OF A SUDDEN THE
5 QUALITY OF PENMANSHIP CHANGES, AND ALL OF A SUDDEN HE'S
6 TALKING ABOUT DEATH, VIOLENCE, KILLING.

7 Q IN YOUR PROFESSIONAL OPINION, WHY IS HE WRITING AND
8 WHAT IS HE TRYING TO TELL YOU?

9 A I BET YOU ANYTHING -- I WISH WE HAD DATES IN THE
10 ENTRIES, AND CAN CORRELATE THEM WITH THINGS THAT HAVE
11 HAPPENED -- BUT I'LL BET YOU ANYTHING, JUST LIKE I THINK,
12 DR. CRAWFORD, IN HER REPORT, HIS MOOD CHANGED, HE GOT VERY
13 DEPRESSED. IT'S AS IF HE'S WRITING MORE SLOWLY THE THEMES
14 OF WHAT HE'S WRITING ARE DEPRESSOGENIC.

15 CHRIS TOLD ME WHEN I ASKED HIM ABOUT THE JOURNAL,
16 "WHEN I STARTED WRITING THE JOURNAL, IT WOULD GIVE ME SOME
17 RELIEF FOR FOUR HOURS, THREE HOURS, FOUR HOURS. THEN I
18 HAD TO WRITE MORE AND MORE TO GET THE SAME RELIEF."

19 AND AS THE JOURNAL PROGRESSES, HE GETS LESS AND LESS
20 RELIEF FROM IT, AS IF HIS ILLNESS IS SPIRALING. AND WHAT
21 WOULD ORDINARILY HELP HIM FEEL BETTER IS JUST NOT WORKING
22 ANYMORE.

23 Q LET ME DRAW YOUR ATTENTION, IF YOU DON'T MIND, TO THE
24 TWO LETTERS I HANDED UP, STATE'S EXHIBIT 16 AND 17. IS
25 THAT WHAT THE STICKERS ARE ON THE BACK?

1 A STATE'S 16 AND 17.

2 Q OKAY. TALK FOR ME A SECOND ABOUT THOSE LETTERS.

3 OKAY? AND SHARE WITH ME -- ARE THOSE -- WHAT IN YOUR
4 OPINION IS THE PURPOSE OF THOSE LETTERS IN CHRIS' LIFE?

5 A I -- WHEN I WAS TALKING WITH CHRIS ABOUT THIS JOURNAL
6 AND HE WAS TELLING ME THAT IT'S THE ONLY THING HE COULD DO
7 TO HELP HIMSELF FEEL BETTER AT THE TIME, I SAID, "WELL,
8 WHAT WOULD HAPPEN IF YOU DIDN'T HAVE THE JOURNAL?"

9 "I'D FIND A PIECE OF PAPER TO WRITE. I WOULD HAVE TO
10 DO IT."

11 I DIDN'T EVEN KNOW ABOUT THESE UNTIL THIS MORNING
12 WHEN I RECEIVED THEM. THAT'S AN EXAMPLE, I HAVE TO WRITE
13 SOMETHING AT THE TIME TO FEEL BETTER. BUT THIS IS
14 CONSISTENT WITH WHAT WE WERE TALKING ABOUT.

15 Q AND WHEN YOU LOOK AT THOSE LETTERS. LET'S START AT
16 THE BEGINNING OF BOTH OF THOSE LETTERS. FLIP THEM OVER.
17 HOW DO THEY APPEAR TO START?

18 A WELL, THEY'RE EXACTLY THE SAME.

19 Q OKAY. ARE THEY THE EXACT SAME LETTER?

20 A NO, THERE'S A FEW DIFFERENCES.

21 Q AND WHAT IS THAT DISPOSITIVE OF IN YOUR MIND?

22 A HE'S RUMINATIVELY WRITING, OVER AND OVER AGAIN, TO
23 GET RELIEF. WHY WOULD YOU WRITE THE SAME THING OVER AND
24 OVER AGAIN BUT CHANGE THE WORDS JUST A LITTLE BIT? THE
25 OTHER THING, YOU CAN TELL WITH ONE OF THE LETTERS, IT WILL

1 TAKE ME JUST TWO SECONDS TO FIND IT, WHERE HE'S, YOU KNOW,
2 IN ONE SENTENCE HE'S SAYING THAT SHE'S GOING TO DIE 30
3 MINUTES AFTER SHE READS THE LETTER OR SOMETHING LIKE THAT.
4 BUT THE NEXT SENTENCE IN THE LETTER, "I'VE DECIDED TO
5 SACRIFICE MYSELF INSTEAD."

6 YOU KNOW, MAYBE I'LL GET MORE RELIEF FROM WRITING
7 ABOUT KILLING MYSELF INSTEAD. BUT THEN HE GOES BACK TO,
8 AND THEN HE GOES BACK TO TALKING ABOUT, BUT YOU HAVE TO
9 CALL YOUR PARENTS.

10 AND I ASKED HIM, "WHY DO YOU HAVE TO TALK TO HER
11 DAD?" HE'S NEVER EVEN MET HER DAD, THAT'S WHAT HE TOLD
12 ME.

13 Q LET'S TALK FOR A SECOND ABOUT HIS ILLNESSES. WHERE
14 DO THEY COME FROM?

15 A THE CURRENT THINKING WITH BIPOLAR DISORDER, IT'S A
16 COMBINATION OF GENETICS, INHERITED, AND NURTURING OR
17 ENVIRONMENT. NOW, THE REASON WE KNOW THAT THERE'S A
18 COMPONENT OF GENETICS, IF MOM OR DAD HAS A MOOD DISORDER
19 OR BIPOLAR DISORDER, SPECIFICALLY, A YOUNGSTER CAN HAVE UP
20 TO A 12 PERCENT CHANCE OF HAVING THE BIPOLAR. IF MOM AND
21 DAD HAVE BIPOLAR, IT'S MUCH HIGHER. IF YOU HAVE IDENTICAL
22 TWINS, GENETICS ARE EXACTLY THE SAME, THINGS SOMETIMES --
23 BOTH TWINS DON'T HAVE BIPOLAR, SO THERE HAS TO BE ANOTHER
24 FACTOR.

25 Q WHAT IS THE OTHER FACTOR?

1 A THE OTHER FACTOR IS TYPICALLY ENVIRONMENTAL STRESS.

2 Q LET ME TALK -- LET'S GO BACK TO GENETICS. DID YOU
3 FIND EVIDENCE IN YOUR RESEARCH THAT WOULD SUPPORT CHRIS
4 MAY HAVE RECEIVED THIS THROUGH GENETICS?

5 A YES.

6 Q TELL US ABOUT THAT.

7 A CHRIS' BIOLOGICAL DAD, AND THIS IS IN THE HOSPITAL
8 RECORDS, ACTUALLY HAD A SIMILAR DIFFICULTY WHERE HE TALKED
9 WITH A THERAPIST OR A DOCTOR AND WAS WORRIED THAT HE'D
10 KILL HIS WIFE AND KILL HIS SON. BUT THEN HE WAS ADMITTED
11 TO PATRICK HARRIS HOSPITAL AND RECEIVED TREATMENT. AND,
12 FORTUNATELY, HE'S DOING MUCH BETTER NOW.

13 HIS MOM, AND THIS IS FROM HOSPITAL RECORDS MOSTLY,
14 HAS HAD SEVERAL SUICIDE ATTEMPTS AND ALCOHOLISM. AND I
15 ACTUALLY MET WITH HIS SISTER, AND SHE'S SEEING HER PRIMARY
16 CARE PHYSICIAN RIGHT NOW FOR MAJOR DEPRESSION, RULE OUT
17 BIPOLAR DISORDER, AND IS STARTING TO WONDER IF SHE HAS
18 BIPOLAR. BUT SHE'S RECEIVING AN ANTIDEPRESSANT
19 MEDICATION. SO, I THINK IT'S VERY SAFE TO SAY THERE'S A
20 VERY HIGH GENETIC PREDISPOSITION FOR MOOD DISORDERS.

21 Q HOW ABOUT ENVIRONMENTAL FACTORS, DID YOU FIND ANY
22 ENVIRONMENTAL FACTORS?

23 A YES.

24 Q SHARE WITH US THOSE.

25 A YOU DON'T NEED TO LOOK VERY FAR. I MEAN, WHEN I

1 TALKED WITH HIS SISTER MAUREEN ABOUT SOME OF THE TRAUMATIC
2 THINGS THAT HAPPENED, HE WAS -- IT WAS JUST A TERRIBLE
3 HOME SITUATION WHERE -- OH, MY GOSH, I GUESS ONE EXAMPLE
4 THAT STICKS IN MY MIND, HE -- AND I WAS SCREENING FOR POST
5 TRAUMATIC STRESS DISORDER, AND HE RECALLED AN INCIDENT
6 WHERE HE SAW HIS MOM AND DAD FIGHTING AND LITERALLY
7 THOUGHT HIS DAD WAS KILLING HIS MOM AND THERE WAS NOTHING
8 HE COULD DO ABOUT IT.

9 ANOTHER INCIDENT WHERE MOM MIGHT TAKE HIM TO WORK AT
10 A BEAUTICIAN'S PLACE AND HE HAD TO SIT THERE AND NOT SAY A
11 WORD. IF HE SAID ANYTHING, SHE WOULD REALLY NOT TREAT HIM
12 VERY WELL. AND THEN THERE'S ANOTHER CASE WHERE --

13 Q TELL YOU WHAT, LET ME ASK YOU THIS. ARE YOU
14 SATISFIED IN YOUR MIND THAT THE FACTS YOU FOUND PRODUCED
15 THE TYPE OF FACTORS THAT COULD HAVE CAUSED THIS TO BE
16 ENVIRONMENTAL?

17 A YEAH. YOU DON'T NEED TO GO ANY FURTHER THAN JUST THE
18 INITIAL SCREEN. I'M SURE IF WE LOOKED HARD WE'D REALLY BE
19 AMAZED AT SOME OF THE THINGS HE WAS EXPOSED TO.

20 Q LET'S TALK FOR A SECOND ABOUT YOUR VIEW OF THE
21 RECORDS, TREATMENT OPPORTUNITIES. CAN WE TALK ABOUT THAT?
22 WHERE WAS ONE OF THE FIRST TIMES YOU SAW IN THE REVIEW OF
23 THE RECORDS, WERE THERE EVER ANY TREATMENT OPPORTUNITIES?

24 A IN ELEMENTARY SCHOOL HE WAS DIAGNOSED AS HAVING ADHD.
25 BACK THEN EVERYTHING THAT WIGGLED WAS CALLED ADHD AND

1 STIMULANTS MIGHT HAVE BEEN MISUSED. BUT THE QUALITY OF
2 ADD AS DESCRIBED, BY BEING VERY HYPER, NOT BEING ABLE TO
3 SIT STILL, TALKING TOO FAST, WOULD SUGGEST THAT HE MIGHT
4 HAVE HAD ADD OR ADD PLUS PREMORBID BIPOLAR TRAITS.

5 Q WHAT IS PREMORBID --

6 A WE JUST SEE TRAITS. WE CALL IT CYCLOTHYMIC TRAITS.
7 HIS PEDIATRICIAN -- BACK THEN THE PHYSICIAN'S NOTES AREN'T
8 THAT STRONG, BUT THE PEDIATRICIAN WROTE, "RECOMMENDED
9 RITALIN, BUT MOM REFUSED."

10 SHE DIDN'T WANT TO USE ANY MEDICINE FOR HER KIDDO.

11 AND THEN THERE WAS A SCHOOL NOTE, "DID MUCH BETTER ON
12 RITALIN." BUT WE COULD NOT FIND WHERE HE HAD BEEN
13 PRESCRIBED IT. WE HAD NO EVIDENCE HE HAD BEEN PRESCRIBED
14 IT. THEN ALL THROUGHOUT HIS LIFE HIS SISTER TRIED TO GET
15 HIM INTO TREATMENT, BUT COULDN'T GET HIM INTO TREATMENT.
16 SHE ENCOURAGED HIM TO GO.

17 THE THING THAT STICKS OUT IN MY MIND THE MOST IS WHEN
18 HE WENT TO THE HOSPITAL.

19 Q WHY DID HE GO TO THE HOSPITAL?

20 A HE TOOK AN OVERDOSE.

21 Q OVERDOSE OF WHAT?

22 A TRICYCLIC ANTIDEPRESSANTS.

23 Q WHAT IS TRICYCLIC?

24 A IT'S AN ANTIDEPRESSANT USED TO TREAT MAJOR DEPRESSIVE
25 DISORDERS. I BELIEVE IT HAD BEEN PRESCRIBED FOR HIS MOM,

1 AND IT WAS LEFT OVER IN A CABINET.

2 Q IS THAT SOMETHING -- I MEAN, COULD A -- WHAT WOULD BE
3 THE EFFECTS OF AN OVERDOSE OF TRICYCLIC?

4 A IT CAN BE LETHAL.

5 Q SHARE WITH US ABOUT THE HOSPITAL VISIT YOU'RE TALKING
6 ABOUT.

7 A AS -- AND, AGAIN, THE NOTES ARE VERY --

8 Q DO YOU REMEMBER WHEN THIS WAS?

9 A I'M SORRY?

10 Q WHEN THIS WAS?

11 A IT WAS -- RIGHT. MID JUNE, EARLY JUNE. I THINK THEY
12 HAD JUST GOTTEN BACK FROM A TRIP FROM MYRTLE BEACH.

13 Q THEY WHO?

14 A HE AND MARANDA. AND THEY REALLY STARTED, HE SAW THE
15 RELATIONSHIP GOING DOWNHILL. AND HE TRIED TALKING WITH
16 HER ON THE PHONE. AND, APPARENTLY, THEY HAD CONFLICT ON
17 THE PHONE. AND HE WENT TO THE CABINET AND TOOK THE
18 TRICYCLICS. THEN HE CALLED A FRIEND OR CALLED THE CRISIS
19 LINE AND AN AMBULANCE OR SHERIFFS CAME TO PICK HIM UP.
20 THEY TOOK HIM TO THE HOSPITAL AND THE HOSPITAL RECORDS ARE
21 VERY HARD TO READ.

22 BUT IN THE HOSPITAL RECORDS WHEN THEY DID THEIR
23 INITIAL ASSESSMENT -- AND I'LL TALK ABOUT TRICYCLICS IN A
24 MINUTE -- SOMEONE ASKED HIM, ARE YOU SUICIDAL OR
25 HOMICIDAL?

1 HE SAID I DON'T KNOW. I'M NOT SURE.

2 Q WHAT'S THE DIFFERENCE?

3 A BETWEEN?

4 Q SUICIDAL AND HOMICIDAL.

5 A HOMICIDAL YOU HAVE THOUGHTS OF KILLING SOMEONE ELSE,
6 OR THOUGHTS OF KILLING YOURSELF IS SUICIDAL.

7 Q I GOT YOU.

8 A AND THE REST OF THE RECORD -- TRICYCLICS ARE ABSORBED
9 OVER TIME. AND AS THEY'RE ABSORBED, YOU HAVE A
10 COMBINATION OF TWO THINGS, A COLD TABLET EFFECT, WHERE YOU
11 CAN ALMOST GET CONFUSED AND TAKE SO MUCH SO THAT YOU GO
12 UNCONSCIOUS. AND THEN IT CAN HAVE AN AFFECT ON YOUR HEART
13 WHERE YOU CAN HAVE SUDDEN DEATH. CASE IN POINT, THE
14 STANDARD OF CARE FROM MY EXPERIENCE IS TO BE ADMITTED AND
15 PUT ON A MONITORED BED UNTIL YOU'RE SURE THE LEVEL OF
16 TRICYCLICS IS GOING DOWN AND YOU'RE OUT OF DANGER FOR
17 SUDDEN DEATH.

18 Q WAS THAT DONE IN THIS CASE?

19 A NO.

20 Q HAVE YOU -- IN THE PAST HAVE YOU HAD THIS JOB?

21 A OF WORKING WITH TRICYCLIC OVERDOSE?

22 Q YES.

23 A I'M SURE I HAVE.

24 Q WHAT WAS DONE FOR CHRIS?

25 A HE ONLY STAYED 13 HOURS.

1 Q IN YOUR OPINION IS THAT ENOUGH?

2 A NO.

3 Q WHY NOT?

4 A BECAUSE THE TRICYCLICS STILL COULD BE ABSORBED AND
5 BUILDING UP IN HIS SYSTEM AND YOU CAN HAVE SUDDEN DEATH.
6 IT STOPS YOUR HEART.

7 Q WAS THERE A CONSULTATION DONE OF CHRIS AT THAT TIME?

8 A THAT WAS THE OTHER THING THAT WORRIED ME. IT WAS A
9 NEAR LETHAL ATTEMPT AND I CAN'T SEE WHERE HE HAD A
10 PSYCHIATRIC CONSULT.

11 Q WHAT'S THE SIGNIFICANCE OF THAT?

12 A WELL, YOU HAVE TO DO AN ASSESSMENT TO SEE IS THERE
13 RISK OF SUICIDE AND HOMICIDE IN THE FUTURE. YOU CAN'T LET
14 THEM OUT OF THE HOSPITAL UNTIL YOU'VE ASSESSED THEM. THE
15 OTHER THING IS, GIVEN HIS MENTAL STATUS 13 HOURS LATER,
16 I'M NOT SURE HE WAS ALERT AND ORIENTED. NOW, THEY HAVE
17 ORIENTED ON THE CHART, BUT BEFORE HE WAS ALERT AND
18 ORIENTED THEY HAVE A NOTE IN THE CHART, RESPONSIVE ONLY TO
19 NOXIOUS STIMULI.

20 Q WHAT DOES THAT MEAN?

21 A HE WAS OBTUNDED.

22 Q WHAT DOES OBTUNDED MEAN?

23 A THEY HAD TO GIVE HIM PAIN TO WAKE HIM UP. IT WAS
24 SERIOUS. I DON'T WORK IN THE HOSPITAL ANY MORE; BUT I
25 BELIEVE SOME HOSPITALS HAVE A RULE THAT IF YOU TRY

1 SUICIDE, YOU HAVE TO HAVE A PSYCHIATRY CONSULT BEFORE
2 BEING RELEASED FROM THE HOSPITAL.

3 Q WHAT HAPPENED NEXT?

4 A FROM WHAT I CAN GATHER FROM THE RECORDS, SOMEONE
5 ASKED HIM, HIS MOM AND FOR HIM TO SIGN A NO SUICIDE
6 CONTRACT.

7 Q WHAT IS A NO SUICIDE CONTRACT?

8 A I AGREE NOT TO TAKE MY LIFE. AND IF I FEEL LIKE I'LL
9 TAKE MY LIFE, I'LL COME BACK AND I'LL CALL.

10 Q IS THAT STANDARD?

11 A THERE'S A LOT OF PERSONS THAT DO IT, BUT IT DOESN'T
12 DECREASE THE RISK OF SUICIDE. THERE'S NO DATA TO SUPPORT
13 THAT IT DECREASES THE RISK OF SUICIDE. THEN THEY SET UP
14 FOR HIM OR THEY ASKED HIM TO MAKE SURE HE WENT TO THE
15 LOCAL MENTAL HEALTH CENTER THE NEXT DAY.

16 Q OKAY.

17 A THE OTHER THING IS, WHEN YOU LOOK AT THE RECORDS AND
18 IT'S REALLY HARD TO TEASE IT APART, HE'S WENT TO THE
19 HOSPITAL TWICE.

20 Q OKAY.

21 A TWO DAYS LATER MOM AND DAD WERE ARGUING AND HE
22 DESCRIBED IT TO ME AS IF I REALLY FELT SOMETHING BAD IS
23 GOING TO HAPPEN. AND THEN HE GOT SO -- "I GOT TO GET AWAY
24 FROM THIS. SOMETHING BAD IS GOING TO HAPPEN." AND THEN
25 HE CALLED THE SHERIFF'S DEPARTMENT OR CRISIS LINE AND A

1 SHERIFF PICKED HIM UP AND TOOK HIM BACK TO THE HOSPITAL.

2 Q OKAY.

3 A THE SECOND TIME IN THE HOSPITAL, WE'VE GOT TWO
4 SCENARIOS. ONE, IF I LOOK AT THE RECORDS, I THINK HE CAME
5 IN AND WITHIN FIVE MINUTES HE WAS IN PHYSICAL RESTRAINTS.

6 Q WHAT'S THE SIGNIFICANCE OF THAT?

7 A OR MAYBE 15 MINUTES, I'D HAVE TO LOOK AT THE RECORD.

8 Q SHORT PERIOD OF TIME. THAT'S FINE. WHAT'S THE
9 SIGNIFICANCE OF BEING PLACED IN PHYSICAL RESTRAINTS?

10 A IF I LOOK AT THE SURFACE, THEY PROBABLY DID IT
11 BECAUSE HE SAID HE WAS SUICIDAL AND GOT SCARED AND SAID HE
12 MIGHT LEAVE. BUT HE IS SCARED TO DEATH OF BEING IN
13 CLOSED-IN SPACES. HE IS PETRIFIED. IT'S SOCIAL PHOBIA TO
14 THE NTH DEGREE. HE COULD NOT TALK IN FRONT OF A GROUP OF
15 PEOPLE. AND THEN YOU PUT HIM IN RESTRAINTS LIKE THIS. HE
16 DIDN'T SEE A PSYCHIATRIST FOR AN EVALUATION. I CAN'T EVEN
17 SEE IN THE RECORDS WHERE HE SAW A DOCTOR. HE MIGHT HAVE,
18 BUT THEY'RE NOT IN THE RECORDS.

19 A PSYCHIATRIST OR A DOCTOR IS GOING TO PUT TWO AND
20 TWO TOGETHER. I PUT YOU IN RESTRAINTS AND I'M GOING TO
21 ASK YOU IF YOU'RE SUICIDAL AND/OR HOMICIDAL AND ASK YOU TO
22 SIGN A CONTRACT; AND I KNOW IF I SAY I'M SUICIDAL, THIS IS
23 THE WAY I'M TREATED. AIN'T NO WAY.

24 SAYING YOU'RE NOT SUICIDAL IN A SITUATION LIKE THAT,
25 NOT HOMICIDAL IN A SITUATION LIKE THAT, CAN BE A BIG RISK

1 FACTOR FOR SUICIDE AND HOMICIDE. A PSYCHIATRIST WOULD
2 HAVE PICKED THAT UP.

3 Q WHEN IS THE FIRST TIME YOU'VE GOT A RECORD AFTER THAT
4 SUICIDE? OR DO YOU HAVE A RECORD OF ANY DOCTOR SEEING HIM
5 AFTER THE SUICIDE?

6 A JUST A VERY LIMITED RECORD, WHEN HE WENT TO THE
7 DETENTION CENTER.

8 Q AS A RESULT OF THIS OFFENSE?

9 A RIGHT. SOMEONE -- I GOT THE IMPRESSION IT WAS A
10 TECHNICIAN WITHIN THE DETENTION CENTER, REFERRED HIM TO A
11 PSYCHIATRIST. BUT IT'S REALLY HARD TO PIECE IT TOGETHER.
12 HE SAW DR. MARTIN. DR. MARTIN SAW HIM, SAW THE SAME THING
13 I BET WITH THE STARE THAT I SAW, WHERE HE LOOKED LIKE HE
14 HAD NO FEELINGS. AND I THINK HE GOT A LITTLE BIT OF THE
15 HISTORY. AND IN HIS PROGRESS NOTE HE WROTE, "RULE OUT
16 PARANOID SCHIZOPHRENIA." AND HE GAVE HIM A MEDICATION
17 CALLED RISPERDAL. RISPERDAL IS AN ATYPICAL ANTI-PSYCHOTIC
18 THAT IS LABELED APPROVED BY THE FDA TO TREAT BIPOLAR
19 DISORDERS AND SCHIZOPHRENIA.

20 Q WHILE WE'RE TALKING ABOUT TREATMENT, IS WHAT AILS
21 CHRIS ABLE TO BE CONTROLLED THROUGH MEDICATION?

22 A ABSOLUTELY.

23 Q DO YOU DO THAT ON A REGULAR BASIS?

24 A YES.

25 Q THE LAST THING I WANT TO TALK TO YOU ABOUT IS THIS.

1 A SORRY?

2 Q THE LAST THING I WANT TO TALK TO YOU ABOUT IS THIS.
3 HOW DO WE KNOW HE'S NOT FAKING?

4 A A COUPLE OF THINGS. FIRSTLY, THE OBJECTIVE MENTAL
5 STATUS EXAM DOESN'T LIE. AND, SECONDLY, THIS PATTERN HAS
6 HAPPENED IN OTHER SITUATIONS AND THROUGHOUT HIS LIFE.
7 WHEN I WAS DOING A TIMELINE OF BIPOLAR AND I TRIED TO
8 SCREEN FOR MANIA, I GOT A PICTURE OF HIS FIRST REAL
9 HYPOMANIC OR MANIC EPISODE WHEN HE WAS WORKING AT
10 BLOCKBUSTER. I THINK HE WAS 16 OR 17.

11 AND IT WAS INTERESTING WHEN HE STARTED TALKING ABOUT
12 BLOCKBUSTER HE TALKED FASTER AND JUMPED FROM SUBJECT TO
13 SUBJECT. SO ONE MOMENT HE WAS TALKING ABOUT RACING HIS
14 CAR DOWN WOODRUFF ROAD 140 MILES AN HOUR AND FEELING
15 INVINCIBLE. REMEMBER, I TALKED ABOUT THE MANIA. AT
16 ANOTHER TIME HE SAID AT BLOCKBUSTER I WAS NO LONGER SHY.

17 Q WHY IS THAT?

18 A SOMETIMES WITH BIPOLAR SOCIAL PHOBIA CAN GO AWAY WHEN
19 YOU HAVE A QUALITY OF MANIA. HE USED THE TERM, "I HAD AS
20 MUCH SELF-CONFIDENCE AS SUPERMAN." HE USED THAT TERM FOR
21 ME, AND IT WASN'T SOLICITED. THEN I GOT A DESCRIPTION OF
22 HIS SLEEP BACK THEN. THAT'S WHEN HIS SLEEP STARTED
23 GETTING BAD.

24 Q WHAT DOES SLEEP TELL YOU?

25 A SLEEP TELLS ME, I TALKED ABOUT THE NEUROVEGITATIVE

1 STATE, SLEEP, APPETITE, AND ENERGY. HE ALL OF A SUDDEN
2 HAD A BIG DECREASE IN NEED FOR SLEEP. LET ME SEE IF I CAN
3 RECALL WHAT HE SAID. HE SAID THAT HE'D GO TO SCHOOL, HE
4 WAS IN THE NINTH GRADE, FULL-TIME STUDENT. HE'D GO TO
5 SCHOOL. HE'D GET OFF AROUND THREE, 3:30, GET A BITE TO
6 EAT AT HOME, GO TO BLOCKBUSTER AT MAYBE 5:00. AND THEN
7 HE'D LEAVE BLOCKBUSTER AT MAYBE 12.

8 HE'D GET HOME AND HE'D REALLY WANT TO EAT AND DIDN'T
9 WANT TO GO TO SLEEP AND HE'D GO TO SLEEP AT 3:00 IN THE
10 MORNING AND GET UP ABOUT SIX OR SEVEN TO GO TO
11 BLOCKBUSTER. I ACTUALLY GOT THE PAYROLL RECORDS FROM
12 BLOCKBUSTERS, HE WAS WORKING 40 HOURS A WEEK. SO, IT
13 REALLY FALLS IN LINE WITH THAT. AND THEN, OF COURSE, THE
14 VERY INTENSE GOAL-DIRECTED BEHAVIOR, EXCITEMENT SEEKING IS
15 SO SUGGESTIVE OF THAT.

16 Q IS THERE ANY DOUBT IN YOUR MIND ABOUT HIS DIAGNOSIS
17 OF --

18 A NO.

19 Q NONE?

20 A NO.

21 Q I BELIEVE I HAVE NO FURTHER QUESTIONS.

22 MR. NETTLES: I HAVE NO FURTHER QUESTIONS. THANK
23 YOU.

24 THE COURT: CROSS EXAMINATION?

25 CROSS EXAMINATION

1 BY MR. ARIAIL:

2 Q DR. ROBERTS.

3 A RICHARD.

4 Q I'M SORRY. DO YOU HAVE A REPORT?

5 A NO, I DIDN'T WRITE A REPORT.

6 Q DO YOU NORMALLY WRITE REPORTS WITH YOUR PATIENTS?

7 A I USUALLY DO NOT WRITE A REPORT UNLESS I'M ASKED TO
8 GENERATE A REPORT IN A SITUATION WHERE IT'S NOT A
9 DOCTOR-PATIENT RELATIONSHIP. WE DIDN'T HAVE A
10 DOCTOR-PATIENT RELATIONSHIP.

11 Q SO, WHEN YOU'RE TESTIFYING HERE TODAY, YOU HAVEN'T
12 WRITTEN ANY OF THIS DOWN?

13 A I'D BE HAPPY TO SHARE WITH YOU MY HANDWRITTEN NOTES.

14 Q LET'S TALK -- I WANT TO TALK ABOUT THAT A LITTLE BIT.
15 WE HAVE NOT TALKED PREVIOUSLY ABOUT THIS CASE, HAVE WE?

16 A NO, SIR.

17 Q AND YOU HAVEN'T SHARED YOUR NOTES OR ANY OF YOUR
18 RECORDS OR ANY OF YOUR DIAGNOSES OR ANY OF YOUR THINGS
19 THAT YOU REVIEWED WITH ME OR ANYONE FROM MY STAFF?

20 A NO, SIR.

21 Q AND THIS IS THE FIRST TIME THAT WE'RE EVEN AWARE
22 YOU'RE A WITNESS IN THIS CASE?

23 A I DON'T KNOW WHEN YOU GOT AWARE OF IT.

24 Q YOU HAVEN'T TOLD ME?

25 A NO.

1 Q AND SO, WHAT I -- I'VE GOT TO DO IS I NEED TO KNOW
2 WHAT IT IS THAT YOU REVIEWED, WHO IT IS THAT YOU TALKED
3 TO. LET ME SEE YOUR NOTES AND THEN I'LL BE ABLE TO ASK
4 YOU SOME QUESTIONS ABOUT SOME SUBSTANTIVE ISSUES. OKAY?

5 A THAT'S FINE.

6 Q LET'S START WITH YOUR NOTES. WHERE WOULD THEY BE?

7 A I DIDN'T BRING ALL MY HANDWRITTEN NOTES, BUT I HAVE
8 MY HANDWRITTEN NOTES DESCRIBING BIPOLAR RIGHT HERE.

9 Q DOCTOR, YOU TESTIFIED IN A COURT OF LAW AS AN EXPERT
10 WITNESS YOU STATED FIVE TIMES BEFORE?

11 A RIGHT.

12 Q DO YOU NOT KNOW THAT IT IS A REQUIREMENT THAT THE
13 OTHER SIDE BE ABLE TO SEE ALL OF THE DOCUMENTS YOU LOOKED
14 AT?

15 MR. NETTLES: OBJECTION, YOUR HONOR.

16 THE COURT: YOU --

17 THE WITNESS: YOU DO HAVE ACCESS.

18 THE COURT: HOLD ON A SECOND, DR. RICHARD.

19 DR. RICHARDS, DON'T ANSWER THE QUESTION. JUST HOLD ON A
20 SECOND, PLEASE, SIR.

21 THE WITNESS: YES, SIR.

22 MR. ARIAIL: OTHER THAN YOUR NOTES I WAS HANDED AS
23 YOU WERE TESTIFYING.

24 MR. NETTLES: OBJECTION, YOUR HONOR. MAY WE APPROACH
25 THE BENCH AGAIN?

1 (BENCH CONFERENCE.)

2 Q THESE DOCUMENTS, AND I'LL LET YOU LOOK THROUGH THEM
3 AND TELL ME, ARE THESE THE DOCUMENTS YOU LOOKED AT, ALL
4 THE ONES THAT YOU LOOKED AT?

5 A DO YOU WANT ME TO GO THROUGH EACH ONE? I'D BE HAPPY
6 TO.

7 Q MY QUESTION IS, ARE THOSE THE DOCUMENTS YOU LOOKED
8 AT? IF YOU NEED TO LOOK AT EACH ONE -- JUST TALKING IN
9 GENERAL CATEGORY.

10 A THEY'RE THE DOCUMENTS I LOOKED AT. YES.

11 Q ANY THERE OTHER DOCUMENTS NOT IN THAT BOX? OTHER
12 THAN YOUR NOTES BACK AT YOUR OFFICE --

13 MR. NETTLES: OBJECTION. HAVEN'T ESTABLISHED -- HE'S
14 ASSUMING FACTS NOT IN EVIDENCE.

15 THE COURT: OVERRULE THAT OBJECTION. GO AHEAD.

16 Q -- THAT YOU LOOKED AT?

17 A THESE ARE THE ONLY DOCUMENTS I LOOKED AT. BUT I ALSO
18 HAVE SOME OF MY NOTES HERE, TOO.

19 Q I UNDERSTAND YOU HAVE SOME HERE AND YOU SAID SOME AT
20 THE OFFICE?

21 A CORRECT.

22 Q ALL RIGHT. LET ME GO BACK TO YOU. ARE YOU AWARE OF
23 THE LEGAL STANDARD FOR COMPETENCE IN A CRIMINAL TRIAL?

24 A I'M NOT A FORENSIC PSYCHIATRIST, SO I'D HAVE TO SAY
25 I'M NOT SURE.

1 Q ARE YOU FAMILIAR WITH WHAT THE STANDARD FOR LEGAL
2 COMPETENCE IS TO STAND TRIAL UNDER THE LAW OF THE STATE OF
3 SOUTH CAROLINA?

4 A I'D HAVE TO SAY I'M NOT SURE.

5 Q YOU DO NOT KNOW WHAT THE MENTAL STANDARD TO STAND
6 TRIAL UNDER THE LAW OF THE STATE OF SOUTH CAROLINA IS?

7 A I'D REALLY, IF I WAS ASKED THAT QUESTION, I'D WANT TO
8 REVIEW IT IN ADVANCE BECAUSE I HAVEN'T HAD FORENSIC
9 TRAINING.

10 Q ALL RIGHT. IS THIS --

11 THE COURT: IS THAT A YES OR A NO?

12 THE WITNESS: I'D SAY I'M NOT SURE.

13 THE COURT: ALL RIGHT. GO AHEAD.

14 Q DOES THIS DEFENDANT, MR. WILLIAMS, KNOW THE
15 DIFFERENCE BETWEEN RIGHT FROM WRONG; AND DID HE KNOW THE
16 DIFFERENCE BETWEEN RIGHT AND WRONG ON SEPTEMBER THE THIRD,
17 2003?

18 A I BELIEVE HE DID.

19 Q AND ON SEPTEMBER 3 2003 WAS HE ABLE TO CONFORM HIS
20 BEHAVIOR TO THE REQUIREMENTS OF THE LAW?

21 A I'M NOT SURE.

22 Q AND ON SEPTEMBER 3rd 2003 WAS HE COMPETENT TO STAND
23 TRIAL AND TO ASSIST HIS ATTORNEYS IN HIS DEFENSE?

24 A GIVEN THAT I'M NOT 100 PERCENT SURE ABOUT THE LAW,
25 AND THOSE ARE LEGAL TERMS, I'D HAVE TO SAY I DON'T KNOW.

1 IF I JUST LOOK AT BEING ABLE TO UNDERSTAND WHAT WE'RE
2 TALKING ABOUT AND BE ABLE TO THINK THROUGH THE QUESTIONS
3 AND GIVE ANSWERS, I'D SAY YES, HE WAS.

4 Q SO YOUR TESTIMONY TODAY, NOT KNOWING WHAT THE LAW IS,
5 YOUR TESTIMONY IS NOT THAT HE IS INSANE UNDER THE LAW OF
6 THIS STATE?

7 A I NEVER SAID HE WAS INSANE.

8 Q I JUST WANTED TO MAKE SURE I WAS CLEAR ON THAT.

9 A IF I IMPLIED THAT, I MADE A MISTAKE.

10 Q I JUST WAS ASKING THE QUESTION, I DIDN'T SAY YOU
11 IMPLIED IT. THAT HE KNEW -- YOU'RE NOT SAYING HE DIDN'T
12 KNOW RIGHT FROM WRONG?

13 A I NEVER SAID THAT.

14 Q AND YOU'RE NOT SAYING THAT HE COULDN'T CONFORM HIS
15 BEHAVIOR ON SEPTEMBER 3rd TO THE REQUIREMENTS OF THE
16 LAW?

17 A I NEVER SAID THAT.

18 Q YOU HAVEN'T RENDERED ANY OPINIONS ON THOSE EXCEPT AS
19 TO THE ONE YOU SAID WHERE HE KNEW RIGHT FROM WRONG?

20 A JUST NOW AS WE WERE TALKING, RIGHT.

21 Q ALL RIGHT. AND I LISTENED TO YOUR TESTIMONY AND, A
22 LOT OF WHAT I HEARD I THOUGHT WAS INTERPRETATION OF WHAT
23 YOU HAD -- YOUR INTERPRETATION OF WHAT OTHER PEOPLE HAD
24 TOLD YOU?

25 A ALSO IT INCLUDED REVIEWING THE INTERPRETATION OF THE

1 STATE'S PSYCHIATRIST, DR. CRAWFORD. SHE SAID THE SAME
2 THING.

3 Q AND DR. CRAWFORD, IN HER OPINION, WHICH YOU HAVE READ
4 HER REPORT, SAID THE DEFENDANT KNEW RIGHT FROM WRONG ON
5 SEPTEMBER THE 3RD 2003?

6 A RIGHT. AND I DON'T DISAGREE WITH THAT.

7 Q AND THAT HE WAS ABLE TO CONFORM HIS BEHAVIOR TO THE
8 REQUIREMENTS OF THE LAW ON SEPTEMBER 3rd 2003?

9 A RIGHT.

10 Q AND, THIRDLY, THAT HE WAS ABLE AND HE WAS COMPETENT
11 UNDER THE LAW OF SOUTH CAROLINA TO STAND TRIAL AND ASSIST
12 HIS ATTORNEYS IN HIS DEFENSE?

13 A RIGHT.

14 Q SO, IF WE BOIL IT DOWN, WHAT YOU'RE SAYING IS THAT
15 THIS INDIVIDUAL HAS A, ACCORDING TO YOUR DIAGNOSIS, HAS A
16 BIPOLAR WHICH YOU LEAN TOWARDS TYPE ONE, WITH SOME RAPID
17 CYCLE SHIFT IN MOODS, SOME THREE TO FOUR TIMES A YEAR;
18 THAT HE HAS A MANIC ASPECT AND HE HAS OBSESSIVE-COMPULSIVE
19 DISORDER?

20 A I'D HAVE TO -- LET ME CORRECT YOU.

21 Q SURE.

22 A I ACTUALLY SAID HE HAS RAPID CYCLING, WHICH MEANS
23 MORE THAN THREE TO FOUR TIMES PER YEAR. AND I THINK I
24 SAID HIS PREDOMINANT FEATURES WERE MIXED, BUT HE DID HAVE
25 AN EPISODE, THE INITIAL EPISODE, THAT LOOKED LIKE MANIA OR

1 HYPOMANIA AT THE BLOCKBUSTER.

2 Q AND YOU TALKED ABOUT SUCH THINGS AS NERVOUS,
3 STUTTERING, RACING SPEECH, RAPID CONVERSATION TO THE POINT
4 THAT HE WOULD TALK FASTER THAN HIS BRAIN WOULD OPERATE?
5 HE WOULD GO OFF ON RAPID CYCLES LIKE THAT?

6 A I THINK I USED THE TERM RACING THOUGHT -- .

7 Q RACING THOUGHT?

8 A -- RAPID SPEECH, AND SHIFTING SUBJECT TO SUBJECT.

9 Q NOW, HAVE YOU HAD OCCASION TO LISTEN TO THE 911 TAPE
10 WITH EITHER THE 911 OPERATOR OR WITH THE HOSTAGE
11 NEGOTIATOR, MR. TONY LEE?

12 A NO, I DID NOT.

13 Q WELL, IF YOU WERE TO LISTEN TO THAT AND IT -- LET'S
14 JUST ASSUME FOR THE PURPOSES OF THIS QUESTION, THAT THERE
15 IS NO RAPID THOUGHT PROCESS, NO RAPID SPEECH, NO
16 STUTTERING, WOULD YOU THINK THAT THAT WOULD BE EVIDENCE
17 THAT WOULD BE IMPORTANT FOR YOUR DIAGNOSIS?

18 A NO.

19 Q ALL RIGHT. AND YOU ALSO SAID THAT HE HAD A PHOBIA
20 ABOUT BEING IN SMALL PLACES, OR CONFINED SPACES?

21 A ESPECIALLY WHERE OTHER PERSONS CAN SEE HIM OR LOOK AT
22 HIM.

23 Q ARE YOU AWARE OF WHERE HE SPENT TWO HOURS ON
24 SEPTEMBER THE THIRD BETWEEN THE HOURS OF 10 AND 12? TEN
25 IN THE MORNING AND 12 NOON?

1 A IF YOU'LL REFRESH MY MEMORY.

2 Q IT WAS WHILE HE WAS HOLDING MISS WILLIAMS IN THE
3 DELI-BAKERY MANAGER'S OFFICE.

4 A RIGHT.

5 Q HAVE YOU SEEN THE SIZE OF THAT OFFICE?

6 A I CAN'T SAY I HAVE.

7 Q I GUESS MY QUESTION IS, WOULD THAT HAVE SOME BEARING
8 ON YOUR DIAGNOSIS IF A MAN SPENT TWO HOURS IN A VERY, VERY
9 CONFINED OFFICE WITH A WOMAN LOOKING RIGHT AT HIM, WITH
10 SWAT TEAM MEMBERS AROUND THE OUTSIDE OF THE BUILDING.
11 WOULD THAT --

12 A LET ME CLARIFY THIS FOR YOU A LITTLE BIT. I THINK
13 WITH MANDY, THAT'S THE ONE PERSON HE DIDN'T HAVE THE FEAR
14 WITH. THE LOVE WAS SO INTENSE THEN, IF YOU READ THE
15 TRANSCRIPT IT ACTUALLY SAYS WHEN THE NEGOTIATOR, "IF
16 YOU'LL COME OUT, NOTHING BAD WILL HAPPEN."

17 AND HE SAYS, CAN I COME OUT SOMEPLACE WHERE NOBODY
18 CAN SEE ME OR SOMETHING LIKE THAT. DO YOU REMEMBER THAT?
19 HE DIDN'T WANT TO BE THE CENTER OF ATTENTION. HE DIDN'T
20 WANT TO BE SEEN. IT'S IN THE TRANSCRIPT.

21 Q THAT'S WHY HE WALKED INTO THE BI-LO AT 10:00 IN THE
22 MORNING, SO HE WOULDN'T BE THE CENTER OF ATTENTION?

23 A AND HE WAS SCARED TO DEATH.

24 Q SCARED TO DEATH AT THAT MOMENT?

25 A YEAH.

1 Q YOU MADE A DIAGNOSIS THAT AT THAT MOMENT HE WAS
2 SCARED TO DEATH?

3 A THAT'S NOT A DIAGNOSIS.

4 Q WHAT IS IT?

5 A IT'S A SYMPTOM. IT'S A MOOD STATE. HE TOLD ME HE
6 WAS VERY, VERY ANXIOUS.

7 Q HOW MUCH TIME DID YOU SPEND INTERVIEWING HIM?

8 A ACTUALLY INTERVIEWED HIM THREE DIFFERENT OCCASIONS.

9 Q WHEN WAS THE FIRST ONE?

10 A I'D HAVE TO GET THE NOTES OF THE DATES.

11 Q DO YOU HAVE THOSE WITH YOU?

12 A I HAVE THE DATE OF THE SECOND ONE, BECAUSE THAT'S
13 WHEN I REALLY HIT THE BIPOLAR. THE SECOND TIME WAS
14 JANUARY 14th AND I SAW HIM FROM 2:00 P.M. TO 4:30 P.M.
15 OR THEREABOUTS.

16 Q SORRY, STARTED AT 4:30?

17 A NO, I ACTUALLY STARTED AT 2:00. AND THEN I SAW HIM
18 YESTERDAY EVENING. AND I THINK I STARTED SEEING HIM
19 AROUND 7 AND I LEFT MAYBE AROUND 8:30 OR 9.

20 Q TELL ME -- I DIDN'T CATCH THE DATE OF THE ONE, 2 TO
21 4:30?

22 A I WROTE ON MY NOTE JANUARY 14.

23 Q 2005?

24 A YES, SIR.

25 Q ALL RIGHT. THAT WAS?

- 1 A ABOUT A MONTH AGO, TODAY IS THE 15th.
- 2 Q ABOUT A MONTH AGO. HOW LONG BEFORE THAT MEETING WAS
- 3 YOUR FIRST MEETING WITH HIM?
- 4 A I DON'T REMEMBER.
- 5 Q APPROXIMATELY, TALKING ABOUT A YEAR AGO OR A COUPLE
- 6 OF --
- 7 A GOODNESS NO.
- 8 Q COUPLE WEEKS BEFORE?
- 9 A MAYBE FOUR WEEKS.
- 10 Q SO, ALL OF YOUR INVOLVEMENT HAS BEEN SINCE DECEMBER
- 11 OF 2004 UP UNTIL TODAY. IS THAT FAIR?
- 12 A I GUESS SO.
- 13 Q AND THEN FROM THE PERIOD OF SEPTEMBER 3rd 2003
- 14 UNTIL DECEMBER 2004, YOU DIDN'T HAVE ANY CONTACT WITH HIM?
- 15 A CAN YOU REPEAT THAT, PLEASE?
- 16 Q FROM THE PERIOD OF SEPTEMBER 3RD 2003, WHEN THIS
- 17 CRIME OCCURRED, UNTIL DECEMBER?
- 18 A CORRECT. UNTIL THE FIRST TIME I SAW HIM, RIGHT.
- 19 Q SO 15 MONTHS AFTER THIS CRIME OCCURRED, YOU DIDN'T
- 20 HAVE ANY CONTACT WITH HIM?
- 21 A RIGHT.
- 22 Q AND MR. NETTLES ASKED YOU, HOW DO WE KNOW HE'S NOT
- 23 FAKING?
- 24 A RIGHT.
- 25 Q AND YOU ANSWERED THAT QUESTION. MY QUESTION WOULD BE

1 A LITTLE MORE SPECIFIC. HOW DO WE KNOW THAT IN THE 15
2 MONTHS BEFORE YOU TALKED TO HIM HE HASN'T ALTERED THINGS
3 TO FIT WHAT YOU WANT TO HEAR?

4 A I DON'T THINK HE CAN ALTER HIS EXPERIENCE AT BI-LO.
5 AND I DON'T THINK HE CAN ALTER WHAT HIS SISTER WAS SAYING,
6 WHERE SOMETIMES I HAVE TO TELL HIM TO STOP TALKING SO
7 FAST. AND I DON'T THINK YOU CAN ALTER WHAT HIS FIFTH
8 GRADE TEACHER SAID. AND I DON'T THINK YOU CAN ALTER WHAT
9 HIS FIRST GRADE TEACHER SAID.

10 Q YOU HAVE A LOT OF PATIENTS THAT WRITE JOURNALS FOR
11 YOU?

12 A THEY DON'T TYPICALLY WRITE THEM FOR ME. I TYPICALLY
13 WILL SEE THE PATIENT AFTER SOMEONE HAS READ THE JOURNAL;
14 AND THEY ASK ME, YOU KNOW, "IS THERE SOME DANGEROUSNESS
15 INVOLVED?" BECAUSE THE JOURNAL HAS SUGGESTED SUICIDE OR
16 HURTING SOMEONE ELSE.

17 Q AND YOU HAD SAID, I THINK EARLIER, THAT STATE'S
18 EXHIBIT 16 AND 17 YOU JUST RECEIVED THIS MORNING?

19 A I READ THEM THIS MORNING, RIGHT.

20 Q HAD YOU SEEN THEM BEFORE THAT?

21 A WHEN YOU SEE THE DIARY, IT'S ALL SO SIMILAR. I DON'T
22 THINK I HAD RECEIVED IT, BUT I READ THE WHOLE DIARY AND I
23 THINK THIS WAS NOT INCLUDED IN THE DIARY, BUT IT LOOKS
24 JUST LIKE EVERYTHING ELSE I READ IN THE DIARY.

25 Q OKAY. THOSE ARE THE LETTERS -- JUST TO MAKE SURE

1 WE'RE ON THE SAME ISSUE -- THOSE ARE THE LETTERS DETECTIVE
2 MCNAMARA TESTIFIED HE TOOK OUT OF HIS WALLET THE DAY OF
3 THE CRIME SEPTEMBER 3RD?

4 A I WASN'T HERE WHEN HE TESTIFIED, BUT I IMAGINE THAT
5 COULD BE THE CASE.

6 Q AND THAT HE -- MR. WILLIAMS TOLD HIM HE INTENDED TO,
7 HE HAD WRITTEN THOSE AND HE INTENDED TO GIVE THOSE TO
8 MANDY AT THE STORE?

9 A I DON'T KNOW IF HE SAID HE INTENDED TO GIVE THEM.

10 Q WELL, I'M JUST SAYING ASSUME THAT. DOES THAT HAVE
11 ANY IMPACT ON YOUR OPINION, OPINION OR OPINIONS?

12 A ABOUT HIS DISORDER?

13 Q YES.

14 A NO.

15 Q ALL RIGHT.

16 MR. ARIAIL: YOUR HONOR, AT THIS TIME RATHER THAN --
17 I'D LIKE TO GET THE OTHER RECORDS, BUT I DON'T WANT TO
18 DELAY. BUT I'D LIKE TO MAKE THIS WITNESS SUBJECT TO
19 RECALL FOR ADDITIONAL CROSS EXAMINATION AFTER I'VE HAD A
20 CHANCE TO GO THROUGH THE BOX, AND AFTER I'VE HAD A CHANCE
21 TO REVIEW HIS NOTES TO SEE IF THERE'S ANYTHING ELSE.

22 THE COURT: DO YOU HAVE ANYTHING ELSE ON REDIRECT AS
23 OF NOW?

24 MR. NETTLES: NO, SIR.

25 THE COURT: ALL RIGHT. OKAY, DOCTOR. LEAVE HERE, GO

1 TO YOUR OFFICE, BRING THE REST OF YOUR NOTES. OKAY?

2 THE WITNESS: UH-HUH.

3 THE COURT: HOW LONG WILL IT TAKE YOU TO GET BACK?

4 THE WITNESS: DEPENDS UPON THE TRAFFIC THIS TIME OF
5 THE DAY, SCOOT DOWN EAST NORTH STREET.

6 THE COURT: TAKE WHAT YOU HAVE WITH YOU AND GET BACK
7 AS SOON AS YOU CAN, PLEASE, SIR. THANK YOU SO VERY MUCH.

8 THE WITNESS: THANK YOU.

9 THE COURT: CALL YOUR NEXT WITNESS.

10 MR. MACDOUGALL: WE DON'T HAVE ANOTHER WITNESS, YOUR
11 HONOR. MAY I APPROACH, YOUR HONOR, ON AN EXHIBIT.

12 THE COURT: YES, SIR.

13 (BENCH CONFERENCE HELD WITHIN THE PRESENCE BUT
14 OUTSIDE THE HEARING OF THE JURY.)

15 ALL RIGHT. I UNDERSTAND YOU'RE OFFERING SOME
16 EXHIBITS; IS THAT CORRECT?

17 MR. MACDOUGALL: YES. WE HAVE A SINGLE EXHIBIT FOR
18 IDENTIFICATION, DEFENDANT'S EXHIBIT 74. THE TWO FACING
19 PAGES OF THE JOURNAL DEPUTY SILVAGGIO TESTIFIED TO EARLIER
20 THIS MORNING.

21 THE COURT: STATE HAVE ANY OBJECTION?

22 MS. STROM: NO OBJECTION.

23 THE COURT: STATE'S EXHIBIT 24 ADMITTED WITHOUT
24 OBJECTION.

25 (DEFENDANT'S EXHIBIT NUMBER 24 IS RECEIVED INTO

1 EVIDENCE.)

2 THE COURT: ALL RIGHT. DO YOU HAVE ANY FURTHER
3 WITNESSES?

4 ALL RIGHT. MR. FOREMAN, MEMBERS OF THE JURY, DON'T
5 DISCUSS THE CASE. FOLLOW THE BAILIFF TO THE JURY ROOM.
6 YOU CAN TAKE A SMOKE BREAK OR WHATEVER YOU NEED. LEAVE
7 YOUR NOTEPADS THERE.

8 (WHEREUPON, THE FOLLOWING PROCEEDINGS WERE HAD
9 OUTSIDE THE PRESENCE OF THE JURY:)

10 THE COURT: SOLICITOR, WHY DON'T WE TAKE A BREAK AND
11 YOU DECIDE WHETHER YOU'RE GOING TO WAIT ON THE RECORDS OR
12 YOU'RE GOING TO PUT UP ANY REPLY TESTIMONY. I UNDERSTAND
13 THE DEFENDANT DOESN'T HAVE ANY FURTHER TESTIMONY AT THIS
14 TIME, RIGHT?

15 MR. MAULDIN: THAT'S RIGHT. AND I WILL BE PUTTING ON
16 THE RECORD MY CONVERSATION WITH MY CLIENT.

17 THE COURT: AND I'LL QUESTION HIM ALSO ABOUT HIS
18 TESTIMONY BEFORE WE START.

19 MR. ARIAIL: COULD I JUST ASK THIS, IF WE ELECT NOT
20 TO WAIT ON THE RECORD TO PROCEED WITH FURTHER CROSS
21 EXAMINATION, ARE WE GOING AHEAD WITH CLOSING STATEMENTS?

22 THE COURT: WELL, I DON'T KNOW. WHAT DO YOU ALL WANT
23 TO DO?

24 MR. MAULDIN: WE HAVE TO PUT ON THE RECORD OUR
25 POSITION REGARDING THE TWO REQUESTS FOR INSTRUCTIONS, ONE

1 FROM EACH; AND THEN I BELIEVE WE ARE PREPARED TO MOVE
2 STRAIGHT INTO THE -- SO, I BELIEVE WE CAN DO ALL THAT
3 WHILE THE JURY IS OUT AT THIS TIME, BRING THEM ON IN AND
4 GO RIGHT TO IT.

5 MR. ARIAIL: WE MAY GO PAST SIX, BECAUSE IF WE'RE
6 GOING TO HAVE WAIT UNTIL THE MORNING TO ARGUE, WE MIGHT AS
7 WELL GO AHEAD AND WAIT ON THE RECORD.

8 THE COURT: WELL, YOU ALL COME UP HERE.

9 (WHEREUPON, A BENCH CONFERENCE IS HELD OFF THE
10 RECORD.)

11 THE COURT: ALL RIGHT.. I THINK THAT THE DEFENDANT
12 HAS NO FURTHER TESTIMONY. IS THAT CORRECT?

13 MR. MAULDIN: WE WILL OFFER NO TESTIMONY, YOUR HONOR.
14 AND I --

15 THE COURT: AND THE STATE HAS NO REBUTTAL TESTIMONY;
16 IS THAT CORRECT?

17 MR. ARIAIL: NONE.

18 THE COURT: I ASSUME YOU'RE GOING TO RENEW SOME
19 MOTIONS?

20 MR. MAULDIN: YOU TOOK THE WORDS RIGHT OUT OF MY
21 MOUTH. BUT I DO THINK I NEED TO MAKE INQUIRY OF MY
22 CLIENT.

23 THE COURT: BEFORE WE GET THERE, AS FAR AS YOUR
24 CLIENT'S RIGHT TO TESTIFY -- MR. WILLIAMS, STAND UP,
25 PLEASE. RAISE YOUR RIGHT HAND, PLEASE; SIR.