

VOL. IV of VI

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

Case No. 2013-CP-40-00233

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SC SUPREME COURT

Melinda Richmond, #331874,

Petitioner,

v.

State of South Carolina,

Respondent.

APPELLATE CASE NO. 2015-001289

APPENDIX

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1 Q You didn't go near a sink?

2 A No.

3 Q You didn't wash up?

4 A No.

5 MS. GRIPP: No further questions.

6 THE COURT: All right. Thank you, ma'am.

7 Ladies and gentlemen, we're going to break for
8 lunch now. It is 1:10. I'll ask y'all to be back
9 at 2:30. In trying to shorten things up, we may
10 go a little late tonight trying to finish as
11 quickly as we can.

12 Please don't talk about the case. We will see
13 you back at 2:30.

14 Thank you.

15 (WHEREUPON, the jury is excused for
16 lunch at 1:08 p.m.)

17 THE COURT: All right, see y'all at --

18 Ms. McClinton, you can stand down.

19 MS. SHIPLEY: And, Your Honor, may the witness
20 be taken back to the Department of Corrections?

21 MS. GRIPP: No objection.

22 THE COURT: Without objection, yes.

23 MS. SHIPLEY: Okay.

24 THE COURT: All right.

25 (Witness excused.)

1 (Lunch Break.)

2 MS. SHIPLEY: Judge, we made sure all our
3 witnesses are coming in this afternoon so we can do
4 our best to rest this afternoon.

5 THE COURT: All right, that would be great. I
6 have a note from the jury.

7 Judge Miller, I have a black tie dinner at
8 6:30 p.m. for Inez Tenenbaum. Hope not to be late.
9 Thank you very much. Helen Reynolds, Number 169.

10 And then I too have a formal dinner
11 appointment at 6:00 p.m., Brooklyn Baptist Church.
12 John Dozier, Number 55.

13 I hand you that and make that a Court Exhibit.
14 All right.

15 (WHEREUPON, Court's Exhibit No. 7 was
16 marked for identification only.)

17 (WHEREUPON, the jury came into open
18 court at approximately 2:37 p.m.)

19 THE BAILIFF: All jurors are present, Your
20 Honor.

21 THE COURT: Thank you, sir.

22 MS. GOOD: Thank you, Your Honor. The State
23 calls Lieutenant Heidi Scott.

24 THE BAILIFF: Place your left hand on the
25 Bible, raise your right, and face the clerk,

1 please.

2 (Witness complies.)

3 THE CLERK: Do you swear or affirm the
4 testimony you are about to give in this case will
5 be the truth, the whole truth, and nothing but the
6 truth, so help you God?

7 THE WITNESS: I do.

8 THE CLERK: Have a seat in the witness box,
9 and state your name for the record.

10 (Witness seated.)

11 THE WITNESS: My name is Heidi Scott.

12 HEIDI SCOTT,

13 after being duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. GOOD:

16 Q And where are you employed?

17 A I'm employed with the Richland County Sheriff's
18 Department.

19 Q In what capacity?

20 A I'm a lieutenant.

21 Q And what are your duties as a lieutenant?

22 A I work in the criminal investigative division. I
23 work specifically in the victim service unit. I
24 investigate crimes. I serve victims. And also I
25 do many administrative functions.

1 Q And how long have you been with the Sheriff's
2 Department?

3 A I've been with the Sheriff's Department for ten
4 years.

5 Q And how long have you been a lieutenant?

6 A I have been a lieutenant for -- since December.

7 Q And before you were a lieutenant, what was your
8 rank?

9 A I was a sergeant.

10 Q And back in May of 2005 -- or 2007 -- were you a
11 sergeant?

12 A Yes, I was a sergeant.

13 Q And can you tell the jury a little bit about your
14 background and training?

15 A Okay.

16 Q In investigation?

17 A Yes. I went through the criminal -- I went -- I'm
18 sorry. I went through the Criminal Justice Academy
19 in South Carolina. I went through the victim
20 investigator school there. I also was trained in
21 taking interviews with suspects there.

22 Q And about how much training have you had?

23 A We are mandated to take training every year. I
24 guess countless hours, actually, yes.

25 Q And I'll take you back to May 5th of 2007. Did you

1 become involved in a murder investigation regarding
2 a victim by the name of Frank West?

3 A Yes, I did.

4 Q And what was your first duty or task working on
5 that case?

6 A Okay. I was first called around 6:50 in the
7 morning. And then my first task was to meet with a
8 deputy at headquarters.

9 Q And what deputy would that be?

10 A Deputy Mazerolle.

11 Q Did you meet with him?

12 A Yes, I did.

13 Q And had he brought anybody up to the headquarters?

14 A Yes, he did. He brought Melinda up there, and also
15 Tenisha.

16 Q And after you met with Deputy Mazerolle, what did
17 you do?

18 A After I met with him, I started -- I started
19 looking into the case. And the first thing I did
20 was meet with Melinda.

21 Q Okay. And when you met with Melinda, what did you
22 do with her first? How did you first come in
23 contact with her?

24 A The first contact I had with her was to ask her if
25 she was willing to give us a consent to look at the

- 1 address of 1417 -- let me get the address
2 correct -- Farrington Way.
- 3 Q I show you what is marked as State's Exhibit Number
4 5. Do you recognize this piece of paper?
- 5 A Yes. That is the consent to search 1417-A
6 Farrington Way.
- 7 Q And did you go over that form with Ms. Richmond?
- 8 A Yes, I did.
- 9 Q And did you go through it line by line?
- 10 A Yes, I did.
- 11 Q And did she understand all the questions that you
12 asked her?
- 13 A Yes, she did.
- 14 Q And at the time that you spoke with her to get that
15 consent, did she ever ask you any questions, seem
16 confused by it?
- 17 A No, she did not.
- 18 Q Did she seem lucid to you?
- 19 A No, she did not.
- 20 Q She did not seem lucid?
- 21 A No, she did not.
- 22 Q What do you mean by that?
- 23 A She was very clear. She understood. She was
24 cooperative.
- 25 Q Okay. And after you went through that form with

1 her did she sign it?

2 A Yes, she did.

3 Q And what date and time was the form?

4 A The form was signed on May 5th, 2007. And it was
5 in the morning. It was done before 9:00 in the
6 morning.

7 MS. GOOD: At this time, Your Honor, I would
8 like to enter into evidence State's Exhibit Number
9 5.

10 THE COURT: Any objection?

11 MR. GRIMBALL: Without objection.

12 THE COURT: Okay.

13 (WHEREUPON, State's Exhibit No. 5 was
14 admitted into evidence.)

15 Q Can you read to the jury that consent form?

16 A Okay. It says:

17 Richland County Sheriff's Department, 5623 Two
18 Notch Road, Columbia, South Carolina, 29223.
19 Consent to Search. Date: 5/5/07. Location:
20 1417-A Farrington Way, Columbia, South Carolina,
21 29210.

22 I, Melinda Jo Richmond, do hereby consent to a
23 search of my premises and/or automobile without a
24 search warrant by Investigator Baker and officers
25 of the Richland County Sheriff's Department.

1 These officers are authorized by me to take
2 from my premises and/or automobile letters, paper,
3 materials or other property which they may desire.

4 A description of the property to be searched:
5 1417-A Farrington Way.

6 I understand that I am free to leave and I am
7 aware that if any evidence is obtained as a result
8 of this consent to search it can be used against me
9 in a court of law.

10 The written permission is being given by me to
11 the above-named officers freely and voluntarily and
12 without threat or promises of any kind.

13 Witness: Myself. Witness: Wendell Harris.
14 Signed by: Melinda Richmond.

15 Q And at any time during that consent form did you
16 threaten her or force her in any way to give you
17 consent?

18 A No, ma'am.

19 Q And she voluntarily gave it to you?

20 A Yes, ma'am.

21 Q After you got that consent from Melinda Richmond,
22 what did you do next?

23 A The next thing I did is start working on a search
24 warrant. After I spoke to Investigator Baker --
25 and the search warrant was for -- refer to my

1 notes -- 205 Latonea Drive.

2 Q Okay. And did you complete that search warrant?

3 A I started the search warrant, and then I got
4 interrupted briefly to ask if I could see if
5 Melinda would give a consent for her DNA.

6 Q And did she?

7 A Yes, she did.

8 Q And we've already been through it with Investigator
9 Reed-Enzor, but did Ms. Richmond voluntarily give
10 you consent?

11 A Yes, she did.

12 Q And did you threaten or force her in any way?

13 A No.

14 Q Okay. Go ahead with the search warrant. What did
15 you do after that?

16 A Okay. Yes. And then I completed writing up the
17 search warrant for 205 Latonea Drive. And that was
18 where a third suspect was believed to be at.

19 Q And did you help execute that search warrant?

20 A No, I did not.

21 Q You just prepared it?

22 A Yes, uh-huh.

23 Q And after you prepared the search warrant, what, if
24 anything, did you do next?

25 A After that I interviewed Tenisha.

1 Q Okay. What time did you interview Tenisha?

2 A At -- I believe it was 9:23. Let me make
3 absolutely sure. 9:28.

4 Q Okay. And approximately how long did that
5 interview take?

6 A Approximately an hour, maybe a little tiny bit
7 longer than an hour.

8 Q And after you interviewed Tenisha, did you
9 interview anyone else?

10 A Yes, I did. I interviewed Melinda.

11 Q Okay. And before you do an interview with a
12 suspect, what do you do?

13 A Make sure that they have their rights read to them.

14 Q And in this case were you aware that Ms. Richmond
15 had had her rights read to her?

16 A Yes, she did.

17 Q And who had read them to her originally?

18 A Investigator Martin.

19 Q And then you proceed to take a statement after
20 that?

21 A That's correct.

22 Q I want to show you what is marked as State's
23 Exhibit Number 4. Do you recognize that?

24 A Yes, this is --

25 MR. SECOR: Your Honor?

1 MS. GRIPP: I would object.

2 THE COURT REPORTER: I'm sorry, I can't hear
3 you.

4 THE COURT: Okay. Same ruling.

5 MS. GRIPP: Reserving my original objection.

6 Q What is State's Exhibit Number 4?

7 A This is a statement that I took with Melinda Jo
8 Richmond.

9 Q And on that statement -- approximately how many
10 pages is it?

11 A It is a statement of six pages. Yes, that's
12 correct, six pages.

13 Q And what date did you take that statement?

14 A On May 5th of 2007.

15 Q Approximately what time?

16 A At 1:34.

17 Q And before you took a statement from Ms. Richmond,
18 did you give her anything?

19 A Yes. Before we did the statement we were both
20 hungry, so we went and I gave her some lunch to eat
21 and took her to the restroom.

22 Q And what type of lunch?

23 A I had frozen meals in the freezer there, so we each
24 had a frozen meal.

25 Q Were they one of yours?

- 1 A Yes.
- 2 Q And after she ate lunch and you let her go to the
- 3 restroom --
- 4 A Uh-huh.
- 5 Q -- where did you take her to do the interview?
- 6 A In an office. Captain Smith's office.
- 7 Q It wasn't like a holding cell or anything?
- 8 A No.
- 9 Q And can you explain this office to the jury?
- 10 A Yes. It is when you go in our -- back of
- 11 headquarters, we have an open area up there, and it
- 12 is the first office on the left-hand side.
- 13 Q And does it have windows or is it all walls?
- 14 A Yes, it has windows.
- 15 Q And you were aware she had already been read her
- 16 rights. Did you give her her rights again?
- 17 A I did. I gave her her rights before taking an
- 18 actual statement from her.
- 19 Q And what rights did you give her? In what manner
- 20 did you give them to her?
- 21 A I read her -- read them to her.
- 22 Q And where did you read them from?
- 23 A From the actual statements.
- 24 Q And can you tell the jury what rights those are?
- 25 A Yes. May I read them?

1 Q Yes.

2 A Okay. The rights are read as follows:

3 I, Melinda Jo Richmond, understand that I have
4 the right to remain silent. Anything I say can be
5 used against me in court. I have the right to talk
6 to a lawyer for advice before you ask me any
7 questions, and to have a lawyer with me during any
8 questioning. If I cannot afford a lawyer, one
9 will be appointed for me before any questioning, if
10 I wish. If I decide to answer questions now
11 without a lawyer present, I still have the right to
12 stop answering at any time. I also have the right
13 to stop answering at any time until I talk to a
14 lawyer. Do make the following statement.

15 Q Okay. And did she seem to understand those rights
16 when you gave them to her?

17 A Yes, she did.

18 Q Did she ask you any questions about those rights?

19 A No, she did not.

20 Q Did she ever ask you for an attorney?

21 A No, she did not.

22 Q And when she gave you her statement -- how do you
23 take a statement from a suspect?

24 A I take a statement in question and answer form.

25 Q And do you document it in any way?

- 1 A Yes, in writing. I take a written statement.
- 2 Q And do you write it by hand or do you do some other
- 3 way?
- 4 A No, I do it on the computer.
- 5 Q And can you explain to the jury how you do it on
- 6 the computer while talking to somebody.
- 7 A Yes. I write down the question first, and then I
- 8 read the question and ask it. I listen for the
- 9 response, and then I write down the response. And
- 10 then I repeat it and make sure that I got it down
- 11 correctly before we move on to the next question.
- 12 Q And did you do that with each question with
- 13 Ms. Richmond?
- 14 A Yes, I did.
- 15 Q And did she seem to understand all the questions
- 16 that you asked her?
- 17 A Yes, she did.
- 18 Q Did she respond appropriately to you?
- 19 A Yes, she did.
- 20 Q And at any time did you force or coerce or pressure
- 21 her or make her any promises --
- 22 A No.
- 23 Q -- for her to give you a statement?
- 24 A No, I did not.
- 25 Q And after you finished taking the statement from

1 Ms. Richmond, what if anything do you do?

2 A I read the whole statement back to her and make
3 sure that I got it accurately transcribed. And
4 then I give it to her to also read.

5 Q And did she read it?

6 A Yes, she read it.

7 Q And did she sign it?

8 A She signed it.

9 Q Did she sign on just one page?

10 A No, she signed every page.

11 Q And did she tell you to make any changes to it or
12 if anything was wrong?

13 A No, she did not.

14 Q And right above her signature on each page, can you
15 let the jury know what it says?

16 A It says:

17 I have made the foregoing statement freely and
18 voluntarily without fear, threat, promise or reward
19 or hope of reward of any kind.

20 Q And right above that does it also have something
21 about her statement?

22 A This is to certify that I have read or have
23 read to me the foregoing statement consisting of
24 six pages and a true copy has been given to me on
25 this 5th day of May, 2007.

1 Q And did you also sign the statement?

2 A Yes, I did.

3 MS. GOOD: At this time, Your Honor, I would
4 like to enter into evidence State's Exhibit 4.

5 MS. GRIPP: Renew my objection.

6 THE COURT: All right. Overruled.

7 (WHEREUPON, State's Exhibit No. 4 was
8 admitted into evidence.)

9 Q Lieutenant Scott, I want to go through this
10 statement with you as to what Melinda Richmond's
11 responses to your questions were. I guess the
12 easiest way to do this is I ask the questions as if
13 I'm you and if you can tell the jury what
14 Ms. Richmond's response was?

15 A Yes.

16 Q Can you please tell me about what happened
17 this morning at 1417 Farrington Way?

18 A Well, last night me and my friend Chris
19 borrowed Frank's car to go to Chapin to get some
20 drugs. We stopped a few places. We first went to
21 a place called The Apartments. Then Chris and I
22 went to the county line. That's where I seen
23 Tenisha. Then Tenisha, Chris and I went back to
24 The Apartments. We didn't stay very long. Then
25 Tenisha and I left because some girls were mad at

1 me. Tenisha took me to her uncle's house in
2 Chapin. We stayed there for a while, probably a
3 couple of hours. Then Tenisha and I drove Frank's
4 car back to Columbia and we drove to the Western
5 Inn. I was looking for Bird at the Western Inn. I
6 didn't find him, though.

7 Q Who is Bird?

8 A Bruce Thompson, the fellow who -- the fellow
9 that is here with us.

10 Q How do you know Bird?

11 A Through a drug association.

12 Q Have you and Bird been in a relationship
13 before?

14 A I think that we have feelings for each other.
15 I care for him. We dated a couple of days.

16 Q After you didn't find Bird at the Western Inn,
17 where did you go next?

18 A We stopped and got a beer. Then we went to
19 Frank's.

20 Q Was Frank home when you got there?

21 A Yes. He was in bed.

22 Q Was anyone else there?

23 A No.

24 Q How did you get into Frank's home?

25 A I rang the doorbell and he came down.

1 Q Do you have a key to Frank's home?

2 A Yes, I have his keys and there was a key on
3 the key ring. I tried to go in with the key, but
4 the chain lock was on.

5 Q What happened once you went in Frank's room?

6 A We went upstairs and sat down in his bedroom.
7 We talked about getting crack. Frank got a phone
8 call from work. He said he had to make a run for
9 work. He gave me \$30 to buy crack. We all left at
10 the same time. Frank took his work van and Tenisha
11 and I took Frank's car. We went to the Western
12 Inn, but no one was there. Then we went to Will's
13 house. We ran into Bird at Will's house and scored
14 \$30 worth of crack from him.

15 Q Did you go into Will's house?

16 A No. I saw Bird out in the yard and he got in
17 the back of Frank's car. He served me the \$30
18 worth of dope. Bird got out of the car, but then he
19 said that he needed a ride back to the Western Inn.
20 Tenisha and I gave Bird a ride back to the Western
21 Inn and then she and I went back to Frank's.

22 Q Did you go into the Western Inn at that time?

23 A No.

24 Q How long had you known Bird?

25 A About a month.

- 1 Q How long had you known Tenisha?
- 2 A About six months.
- 3 Q Have you been intimate with Bird?
- 4 A Yes.
- 5 Q Where did you go next?
- 6 A Back to Frank's house.
- 7 Q Was Frank home?
- 8 A No, but he showed up shortly after.
- 9 Q Was anyone else there when you and Tenisha got
- 10 there?
- 11 A No.
- 12 Q Did anyone else come by before Frank got
- 13 there?
- 14 A One of Frank's neighbors came by to use a
- 15 pipe.
- 16 Q Do you know who the man was?
- 17 A No. He was a skinny, kind of dirty-looking
- 18 young white guy.
- 19 Q Was the neighbor there when Frank came home?
- 20 A No, he had just left.
- 21 Q What happened once Frank came home?
- 22 A Me and Tenisha and Frank started smoking crack
- 23 upstairs in the bedroom. We ran out of crack.
- 24 Tenisha was starting to act mad at me. She kept
- 25 saying that I was flipping. I didn't understand.

1 I called B at 924-3475 to have him meet us at the
2 Exxon station so we could buy some crack. So then
3 me, Frank and Tenisha drove in Frank's van to the
4 Exxon station and I bought \$50 worth of crack from
5 B. Then we drove back to Frank's apartment and
6 went upstairs to his apartment and smoked the
7 crack. We all smoked the crack. Bird knocked on
8 the door. I went down to let him in. Tenisha and
9 Frank stayed upstairs still smoking. Bird and I
10 went back upstairs. Bird sat down on the bed and
11 put his crack on the plate with the crack that we
12 already had. I noticed that a big piece of crack
13 had disappeared. I accused Frank. Frank got upset
14 about that and he went downstairs. We all followed
15 Frank downstairs. We all accused Frank of stealing
16 the crack. I asked Frank to go upstairs with me.
17 I thought he would admit to stealing the crack if I
18 talked to him alone. I found the green plastic
19 container with the crack in it. I took it
20 downstairs and showed Bird and Tenisha. Bird said,
21 that it is my crack. I went back upstairs and told
22 Frank what Bird said. I told Frank that he had to
23 pay Bird for that. I grabbed Frank's \$50 that was
24 sitting on the table. When I grabbed the money,
25 that is when Frank started to attack me. Then I

1 hollered for Bird.

2 Q What did Frank do to you?

3 A He pushed me and then he grabbed me by my arms
4 while he was standing in front of me. He held my
5 arms back to the dresser.

6 Q What happened next?

7 A I hollered for Bird. Bird and Tenisha came
8 upstairs. Bird grabbed Frank and pushed him back.
9 Bird told Frank that he was not supposed to push a
10 lady. Then Tenisha started beating and beating
11 Frank. She said, do not hit her, do not hit her.
12 Tenisha told me that she he has feelings for me and
13 that she was jealous of Bird and Frank.

14 Q Have you and Tenisha been in an intimate
15 relationship?

16 A No.

17 Q What happened next?

18 A Frank fell back on the bed and Tenisha was on
19 top of him hitting him. From there all three of us
20 were holding him, hitting him and kicking him. I
21 think that Frank was trying to get away and we
22 ended up in the hallway near the bathroom on the
23 floor.

24 Q Did you hold Frank down?

25 A Yes.

1 Q Did you hit him?

2 A Yes.

3 Q Did you kick him?

4 A Yes. He ended up in a face-down position.

5 Tenisha told me to watch him in case he moved.

6 Bird said we need to get things so we can get out
7 of here.

8 Q Did Frank move?

9 A Yes, he started to move. I hollered that he
10 was starting to move. Tenisha came up from
11 downstairs and told me to go downstairs and help
12 Bird get shit together so we could go. I went
13 downstairs. I heard Tenisha holler and a bunch of
14 banging. Bird and I went back upstairs. When we
15 went back upstairs Frank looked like he was trying
16 to crawl away. He was on his knees and Tenisha was
17 saying, get him, get him, don't let him move. He
18 got me.

19 Q What did she mean by, he got me?

20 A I guess she meant that Frank slugged her.
21 Then I saw a knife in the bedroom and I picked it
22 up. Tenisha kept telling me to make him shut up.
23 I was so scared. I took the knife and I stabbed
24 him in his back. I was standing over him and held
25 the knife and stabbed him in his back. I started

1 freaking out and dropped the knife. Tenisha kept
2 telling me to hold him. Tenisha was holding his
3 head. She told me that she lost her nail. I seen
4 the blood. Tenisha was telling me to chill out
5 because I was freaking out. She kept holding his
6 head while I was on his back. Tenisha said, hold
7 him, hold him. I said, do we need to kill him to
8 shut him up? I was holding him down. Then I seen
9 the blood pour from his head. Frank was still
10 hollering, help, help, and making a lot of noise
11 banging on stuff.

12 Q Who slashed Frank's throat?

13 A I don't know. I didn't. I don't even know
14 exactly when it happened. I just know that I
15 stabbed him in his back.

16 Q Did you see anyone else pick up the knife?

17 A No.

18 Q What was Bird doing while this was going on?

19 A Bird kept kicking Frank and trying to get shit
20 together to take with us. Bird took Frank's stereo
21 and tool box and a black bag and some other stuff.
22 Bird was holding Frank down and hitting him too.

23 Q What happened after you stabbed Frank and his
24 throat got slit?

25 A I grabbed the knife and wrapped it in a

1 blanket. We were all leaving. And I still heard
2 Frank hollering help, help, help. That is when I
3 said, do we need to kill him?

4 Q What happened next?

5 A We left in Frank's car. Bird took us to some
6 people's trailer and I changed clothes and washed
7 up real good.

8 Q Did you change your clothes?

9 A Yes.

10 Q Where are the clothes that you were wearing
11 when you stabbed Frank?

12 A I carried them back out to the car in a
13 plastic bag.

14 Q What happened next?

15 A We all got in the car and Bird drove to the
16 gas station. Then I jumped in the driver's seat so
17 that I could drop him off at the Western Inn. I
18 wanted Bird out of the car.

19 Q Did you drop Bird off at the Western Inn?

20 A Yes. Then I drove around the corner and that
21 is when the cops stopped us.

22 Q Is there anything else that you would like to
23 say about this situation?

24 A No. Just that I'm sorry. He was my friend
25 and I didn't want things to go like that. And I'm

1 so, so sorry.

2 Q And during this entire time that you took the
3 statement from Ms. Richmond, did she ever say that
4 Bruce stabbed Frank West?

5 A No, she did not.

6 Q And who did she say had the idea to kill him?

7 A She said -- she said that she asked, should we kill
8 him.

9 Q And after you took the statement from Ms. Richmond,
10 where did you take her?

11 A I was the one who transported her to jail.

12 Q And at any time during taking the statement from
13 her did you notice any bruises or cuts on her?

14 A No.

15 Q And what time did you take the statement?

16 A I took the statement at 1:34.

17 MS. GOOD: Beg the Court's indulgence.

18 (Pause.)

19 Q And when this statement was being given, was
20 Tenisha anywhere around?

21 A No, Tenisha was in another room.

22 MS. GOOD: I have no further questions, Your
23 Honor.

24 CROSS-EXAMINATION

25 BY MS. GRIPP:

1 Q You stated that you have training in interrogation,
2 is that correct?

3 A I have been through classes on interviewing.

4 Q Okay. How many do you think?

5 A How many classes?

6 Q (Nods affirmatively.)

7 A Between the academy and then the Lander School for
8 Interviewing, those two classes.

9 Q Okay. And they teach you in the academy everything
10 from how to use a service weapon to how to get a
11 confession, right?

12 A They -- yes, they teach us -- they have an
13 extensive training program, yes.

14 Q And countless hours of training, is that correct?

15 A Yes.

16 Q And the first contact with this case was at 6:50 in
17 the morning?

18 A Right. That is when I got the original phone call.

19 Q And you first interrogated Tenisha McClinton,
20 correct?

21 A Right, I interviewed Tenisha.

22 Q What time is that?

23 A At 9:22.

24 Q And where was Melinda at that time?

25 A I'm sorry, I was dealing with Tenisha, so I'm not

1 sure exactly what location that Melinda was sitting
2 at, where she was.

3 Q Okay. So you don't know whether other people were
4 in the room when you are interrogating somebody?

5 A When I'm interviewing someone that I'm focused on,
6 I interview right then.

7 Q And you stated that you first encountered Melinda
8 when she -- when you got her consent, is that
9 correct?

10 A That's correct.

11 Q All right. And previously you testified that she
12 was crying?

13 A Yes. During our interview at points of the
14 interview she did get teary-eyed, yes.

15 Q And when you -- did you escort her to the lab?

16 A Yes, I did.

17 Q And did you observe her swaying on her feet or her
18 hands shaking?

19 A No. I escorted her to the lab. Then I left her
20 with the lab tech, Investigator Reed-Enzor.

21 Q So you didn't observe that?

22 A No, I did not.

23 Q And the next time you had an encounter with Melinda
24 was when?

25 A Right around 12:15, 12:30 when we had lunch.

- 1 Q And do you normally give suspects your food?
- 2 A Yes. I don't mind.
- 3 Q All right. And you gave Tenisha food as well?
- 4 A No. I wasn't working with Tenisha at lunch time.
- 5 Q Did you give Tenisha any food at all?
- 6 A No, I did not.
- 7 Q Was anybody else in the room when you were
- 8 interrogating Melinda Richmond?
- 9 A When I interviewed Ms. Richmond, for the most part
- 10 I was alone, but Investigator Martin did come in
- 11 and also Investigator Harris did come in.
- 12 Q Okay. And what did they say?
- 13 A Investigator Harris mentioned something to the
- 14 effect that Tenisha was saying that Melinda had
- 15 something to do with this. And Investigator Martin
- 16 didn't really say anything. He just came in to see
- 17 what was going on.
- 18 Q Okay. And how long did your interview with her
- 19 last?
- 20 A It lasted a little bit longer than an hour.
- 21 Q All right. That is a pretty lengthy statement,
- 22 isn't it?
- 23 A It is.
- 24 Q And you read her a question?
- 25 A Yes.

- 1 Q And then you typed it out?
- 2 A No, I typed -- I first compiled the question, typed
3 it out, and then I turn and ask her the question.
- 4 Q Okay. And then you had to talk about it for a
5 while?
- 6 A I listen to what -- I listen to her answer and then
7 I type it out.
- 8 Q Okay. So you have got to listen and --
- 9 A No, I type what she says.
- 10 Q Are you typing it as she is saying it?
- 11 A First I listen and then I type it. And then I
12 clarify and make sure I have got it correct..
- 13 Q Okay. And when you say that you read her her
14 rights off this statement, the statement was
15 printed after you were done with it, correct?
- 16 A It is printed after I'm done with it, but it is on
17 the computer as I'm typing it.
- 18 Q Okay. So you are just reading off the screen?
- 19 A That's correct.
- 20 Q And you had already interviewed Tenisha?
- 21 A That's correct.
- 22 Q She had been interviewed a couple of times, is that
23 correct?
- 24 A Who, Tenisha?
- 25 Q Yes?

1 A I don't know.

2 Q Okay. And did you -- and you also certified -- and
3 you gave her a true copy of her statement?

4 A I'm sorry?

5 Q You gave her a copy of her statement?

6 A Yes, I did.

7 Q Did you photocopy it?

8 A Yes.

9 Q All right.

10 MS. GRIPP: Beg the Court's indulgence.

11 (Pause.)

12 Q Ms. Scott, prior to your interview with my client,
13 you had met up with other investigators, correct?

14 A Correct.

15 Q Who were you meeting with?

16 A Investigator Harris. And I met with Investigator
17 Martin and Investigator Baker.

18 Q And you guys consulted, reviewed the facts and
19 decided to re-interview them, correct?

20 A That's correct.

21 Q You already had facts of the case at that point?

22 A I already had -- yes, yes.

23 Q You already knew what was going on?

24 A Well, we had an idea that what we had learned
25 earlier wasn't making any sense. So that is why we

1 met together to see if we can make some sense out
2 of what we had.

3 Q Okay.

4 MS. GRIPP: Beg the Court's indulgence.

5 (Pause.)

6 Q Just one more question. In your information did
7 you learn that Bruce Thompson had said Tenisha
8 stabbed -- Bruce Thompson said Tenisha stabbed
9 Frank West? Is that part of the information you
10 had?

11 A I'm sorry, can you refer to when I heard them?

12 Q Yes. You had already learned that before your
13 interview?

14 A I'm sorry, can you --

15 Q Prior to interviewing Melinda Richmond --

16 A Uh-huh.

17 Q -- were you already aware that Bruce Thompson had
18 said Tenisha stabbed Frank West?

19 A What I heard prior to my interview with Melinda is
20 that Bruce Thompson said that the girls were
21 responsible for this.

22 Q Okay. Did you interview Bruce Thompson?

23 A No, I did not.

24 Q Thank you.

25

REDIRECT EXAMINATION

1 BY MS. GOOD:

2 Q Ms. Gripp was just asking you about the information
3 you had making any sense. What did you mean by
4 that?

5 A That all the statements, everybody is pointing the
6 finger at everyone else.

7 Q So you determined at that point to re-interview --

8 A Right, that's why we re-interviewed.

9 Q And then she asked you about listening to an answer
10 that Ms. Richmond would give you and then typing it
11 out. Each time did you put any words in
12 Ms. Richmond's mouth?

13 A No, I did not.

14 Q Did you type out what she told you?

15 A I did.

16 Q And during the time that she was telling you what
17 happened, did she ever make any motion?

18 A Yes, she did.

19 Q And what where those?

20 A When she was talking about stabbing him, she
21 actually was making the stabbing motion.

22 MS. GOOD: No further questions.

23 THE COURT: All right. Thank you, ma'am. You
24 can step down.

25 (Witness steps down.)

1 MS. GOOD: The State calls Investigator Brien
2 Gwyn.
3 May this witness be excused, Your Honor?
4 MS. GRIPP: No objection.
5 THE COURT: Okay. Without objection.
6 (Witness excused.)
7 THE BAILIFF: Place your left hand on the
8 Bible, raise your right hand, and face the clerk.
9 (Witness complies.)
10 THE CLERK: Do you swear or affirm the
11 testimony you are about to give in this case will
12 be the truth, the whole truth, and nothing but the
13 truth, so help you God?
14 THE WITNESS: I do.
15 THE CLERK: Have a seat in the witness box,
16 and state your name for the record, please.
17 (Witness seated.)
18 THE WITNESS: Brien Gwyn.
19 BRIEN GWYN,
20 after being duly sworn, testified as follows:
21 DIRECT EXAMINATION
22 BY MS. GOOD:
23 Q Investigator Gwyn, where are you employed?
24 A Richland County Sheriff's Department.
25 Q In what capacity?

1 A I'm an investigator.

2 Q And what do you do as an investigator?

3 A Investigate homicides, burglaries and arsons.

4 Q And how long you been with the Sheriff's
5 Department?

6 A Four years.

7 Q And how long -- or what type of background do you
8 have training-wise with investigation?

9 A I've got interviewing, interrogation, arson,
10 several arson classes, blood spatter, miscellaneous
11 investigation classes.

12 Q And back in May, on May 5th of 2007, were you
13 working?

14 A May 5th?

15 Q May 5th?

16 A No, I was not.

17 Q And so you had no dealings with the case against
18 Melinda Richmond, Bruce Thompson or Tenisha
19 McClinton on May 5th?

20 A No, ma'am.

21 Q When did you first become involved in this case?

22 A That following Monday, which was May 7th.

23 Q And why were you not involved until then?

24 A I was out of town at that time. When I came back
25 to town I found out she had asked for me.

1 Q Okay. And when you found out that Ms. Richmond had
2 asked for you, what did you do?

3 A Went -- talked to Captain Smith, and he advised me
4 I could go out and talk to her, see what she
5 needed.

6 Q And did you go down and talk to Ms. Richmond?

7 A I did.

8 Q And where did you go?

9 A I went to the Alvin S. Glenn Detention Center.

10 Q And when you arrived there, did you make contact
11 with Ms. Richmond?

12 A I did. She was in the holding area.

13 Q And when you first saw her, what did she do?

14 A When she came out of the cell she was fine. When
15 she made eye contact with me she burst out into
16 tears.

17 MS. GRIPP: I would renew my objection.

18 THE COURT: Okay. Same ruling.

19 Q She began crying?

20 A She did.

21 Q And did you ask her anything at that point?

22 A I asked her if she still wanted to talk to me.

23 Q And what was her response?

24 A She said she did.

25 Q And before you talk with a suspect or get a

- 1 statement from somebody, what do you do?
- 2 A I always Mirandize them.
- 3 Q And what do you mean by Mirandize?
- 4 A Give them their Miranda warning.
- 5 Q And how do you do that?
- 6 A By written form -- either verbal or written form.
- 7 In this case I did it written form.
- 8 Q I show you what is marked State's Exhibit 6. Do
- 9 you recognize this form?
- 10 A I do.
- 11 Q And what is that?
- 12 A That is a Advice of Rights, Miranda form.
- 13 Q And who is it for?
- 14 A It is for Melinda Richmond.
- 15 Q And on what date is it?
- 16 A It is dated May 7th, 2007.
- 17 Q And does it have a time?
- 18 A It does. It is 1435, which is 2:35 in the
- 19 afternoon.
- 20 Q And can you explain to the jury what rights exactly
- 21 you went through with Ms. Richmond and how you went
- 22 through that form?
- 23 A Do you want me to read those?
- 24 Q Please.
- 25 A There is a series of questions on here, which are

1 their rights. Each time I read one, I check it off
2 and make sure that they understand them. And it
3 says as follows. It says:

4 Before we ask you any questions, you must
5 understand your rights. I make sure she understood
6 each one as I read them.

7 It says: You have the right to remain silent.
8 Anything you say can be used against you in court.
9 You have the right to talk to a lawyer for advice
10 before we ask you any questions and have a lawyer
11 with you during any questioning. If you cannot
12 afford a lawyer, one will be appointed for you
13 before any questions, if you wish. If you decide
14 to answer questions now without a lawyer present,
15 you still have the right to stop answering at any
16 time. You also have the right to stop answering at
17 any time until you talk to a lawyer.

18 Q And did you check each one of those off?

19 A I did, as I read them.

20 Q Did she seem to understand each one of those
21 rights?

22 A She did.

23 Q Did she ask you any questions about those?

24 A She did not.

25 Q Did she sign the statement that she understood

1 them?

2 A She did.

3 Q And did you also sign?

4 A I did.

5 Q And is there a second part to that form?

6 A There is. It is a Waiver of Your Rights. It
7 reads:

8 I have read this statement of my rights. I
9 understand what my rights are. I am willing to
10 talk and answer questions. I understand and know
11 what I am doing. No promise has been made to me,
12 no pressure or coercion of any kind has been used
13 against me. And I always make sure that they
14 understand what coercion means.

15 Q And did she know what coercion meant?

16 A She did.

17 Q Did she sign that waiver of her rights?

18 A She did.

19 Q Did she seem to understand it when you were reading
20 it to her?

21 A She did.

22 Q Did she ask you any questions?

23 A No, ma'am.

24 Q Did at any point she ask for an attorney?

25 A No, she did not.

1 Q And did you ever make any promises, threats or
2 coerce her in any way to give you a statement?

3 A No, ma'am.

4 MS. GOOD: At this time, Your Honor, I would
5 like to enter into evidence State's Exhibits 6.

6 THE COURT: Same objection. Same ruling.

7 (WHEREUPON, State's Exhibit No. 6 was
8 admitted into evidence.)

9 Q Did you place a check mark each time you went down
10 the line?

11 A Yes, ma'am.

12 Q After you took her Advice of Rights from her, did
13 you proceed to take a statement?

14 A I did.

15 Q And what time did you take the statement?

16 A The time on the statement is 1537 hours, which is
17 3:37.

18 Q And how do you take a statement from a suspect?

19 A Generally we'll start talking about it. I'll get
20 an idea of what we're looking at as far as the
21 situation, how it took place. And after that, that
22 is when we go in written form in their exact words
23 as to how they are telling me.

24 Q And do you type it or do you write it by hand?

25 A I type it.

1 Q And I show you what is marked as State's Exhibit 7.
2 Do you recognize that?

3 A I do.

4 Q And what is that?

5 A That is the statement I took from Ms. Richmond.

6 Q And how many pages is it?

7 A Total it is four pages.

8 Q And when you took this statement, is there also an
9 Advice of Rights at the top of the statement?

10 A Yes.

11 Q It is the same rights that you just read through on
12 the Advice of Rights form?

13 A Yes, ma'am.

14 Q So how many times did you go over her rights with
15 her?

16 A It would have been twice because she was allowed to
17 read the statement as she signed it.

18 Q And about how long did it take you to take the
19 statement?

20 A Maybe 45 minutes to an hour.

21 Q Okay. And after you got done with the statement,
22 did you do anything with Ms. Richmond regarding the
23 statement?

24 A I had her sign it acknowledging that it was her
25 statement in her words.

1 Q And did she read it?

2 A She did.

3 Q And did she sign her statement?

4 A She did.

5 Q And did she sign on each page?

6 A Yes, ma'am, she did.

7 Q Did you also sign that statement?

8 A I did not. I had Lieutenant Raglan at the time, he
9 notarized it and made sure it was a true copy of
10 her statement.

11 Q And did she make -- try to make any changes to her
12 statement?

13 A No, ma'am.

14 Q Did she represent to you that it was a true
15 representation of what she told you?

16 A Yes, ma'am.

17 MS. GOOD: At this time, Your Honor, I would
18 like to enter into evidence State's Exhibit 6.

19 THE COURT: Same objection. Same ruling.

20 THE COURT REPORTER: Seven.

21 THE WITNESS: Seven.

22 MS. GOOD: Oh, seven, excuse me.

23 (WHEREUPON, State's Exhibit No. 7 was
24 admitted into evidence.)

25 Q I would like to publish this to the jury, and I

1 guess the easiest way is I will ask the questions
2 as I am you, and you give Ms. Richmond's answer.

3 A Okay.

4 Q Are you currently under the influence of any
5 drugs or alcohol?

6 A No.

7 Q Were you advised of your rights by
8 Investigator Gwyn?

9 A Yes.

10 Q Did you understand them?

11 A Yes.

12 Q Can you tell me what happened the morning of
13 May 5th, 2007, after you returned to Frank's
14 apartment?

15 A It is stated that:

16 Tenisha and I got back to Frank's in his car.
17 We walked around from where we parked and rang
18 Frank's doorbell.

19 Frank came down. He had been sleeping. He
20 told us to hold on, and went and got some clothes
21 on.

22 We went -- we walked in and went upstairs. We
23 went to his bedroom because that is where we always
24 smoke.

25 Tenisha and I sat on the bed with Frank and

1 asked him if he had anything, and he said no. And
2 he asked if we did. I told him no, because things
3 had went bad for me.

4 I told him I ended up with Tenisha and that
5 she had been my guardian angel that day. We
6 started talking about other places to go buy some
7 crack.

8 He got a call -- referring to Frank -- got a
9 call to go to work and gave me the money to go buy
10 some. And I told him I would have it by the time
11 he got back.

12 We went and met up with Bird at Will's and
13 bought some crack from him. We gave him a ride --
14 referring to Bird -- to the Western. And he asked
15 where we were going, and I told him we would be at
16 Frank's.

17 We left and went back to Frank's. And when we
18 got back, his neighbor came over and asked if he
19 could use the pipe, and we let him use the pipe in
20 exchange for some Xanax.

21 He left. Frank came home and we smoked the
22 little bit of crack that we had. I told Frank I
23 could double up. And I called B and we met him at
24 the Exxon. I got a yard for \$40 and left and went
25 back to Frank's.

1 When we started smoking, Bird showed up. Bird
2 had some of his own crack, about a \$40 piece, and
3 he put it on a plate with all of ours.

4 After we started smoking, Frank got up and we
5 all noticed a large piece of crack was missing and
6 we blamed Frank for it.

7 I followed Frank downstairs and asked him
8 if -- asked him about the crack that was missing --
9 I'm sorry -- asked him about it, and he said he
10 didn't take it.

11 Bird and Tenisha were already downstairs. I
12 had Frank go back upstairs with me. I checked
13 Frank's pockets for the crack and money. I saw
14 Frank's pipe on the dresser and I checked it and
15 found crack on it. I took it down to Bird and he
16 said that was his crack.

17 I went back upstairs and I told Frank I was
18 going to give Bird the money for the crack. And
19 when I grabbed the money, Frank grabbed me and
20 shoved me against the dresser.

21 I screamed for Bird, and he and Tenisha came
22 upstairs. Bird shoved me to the side and Tenisha
23 started wailing on him immediately. It didn't take
24 long while Tenisha was beating him before Frank was
25 covered in blood.

1 Frank kept fighting trying to get out, and
2 both Bird and Tenisha started hitting and kicking
3 him and hit him in the the head with a King Cobra
4 beer bottle. They told me to hold him. I lay on
5 top of him telling him, begging him to stop moving
6 and to be still.

7 After I was on top of him, they told me to not
8 let him move. They went downstairs, and while they
9 were downstairs Frank got up and made it to the
10 stairs. And I was yelling -- I yelled for them.

11 Tenisha and Bird came up and started hitting,
12 pushing and beating him. Bird was not so much
13 beating on him at this point as Tenisha was. And
14 he started getting -- gathering up Frank's personal
15 belongings. Tenisha was beating on him and seemed
16 to enjoy it. She actually smiled while she was
17 doing it.

18 I was downstairs with Bird collecting my stuff
19 to leave and Bird was getting more of Frank's
20 things. I heard more banging, and Tenisha hollered
21 for Bird to come up.

22 I go up with Bird and he -- referring to
23 Frank -- was lying in the doorway and Tenisha told
24 me to hold him and don't let him move.

25 I looked around and I saw a knife on the

1 ground next to me. I grabbed the knife and I
2 started to stab him and could not make it go in
3 that far. When it went in, I wanted to throw up.
4 So I threw the knife down.

5 And Tenisha said, all right, you stupid bitch,
6 go downstairs and get your shit together. I
7 stepped over Frank, and when I started down the
8 stairs I looked back one more time. I saw Tenisha
9 grab Frank's hair and pull his head back and slice
10 his throat. I just dropped my head and kept going
11 downstairs.

12 And I started putting my stuff in a camouflage
13 bag while I was downstairs. I started back up the
14 stairs and Frank was standing at the top of the
15 steps. Frank had his right leg raised up like he
16 wanted to kick someone and looked at me and said,
17 please, just kill me.

18 Bird was behind me. We turned to walk
19 downstairs and I told Bird, we have to kill him.
20 After I told Bird that, we just looked at each
21 other and walked out the door. Tenisha came out
22 last. And we got in Frank's car.

23 Bird was driving the car and said he knew a
24 place that we can go and took us to a trailer.
25 There was a hippie type couple there and we all

1 went inside. I followed the white lady to the back
2 and asked her if she had any clothes I could change
3 into. She gave me some. Bird, Tenisha and the
4 guy, he looked kind of Indian, stayed up front. I
5 put my things in a bag and the Indian guy grabbed
6 them and said there was a dumpster out back he
7 could put them in. I told him I could get my own
8 stuff, and he got mad at me.

9 We left. They thought we were coming back
10 with some crack. Before we left, the lady looked
11 at me and said I could come back there, that it was
12 a safe haven.

13 We went and got some gas, and when Bird got
14 out I got in the driver's seat. I took Bird and
15 dropped him off at Room 118 by his brother's room.
16 And when I drove around corner, that is when the
17 cops got us.

18 Q Why did you stab Frank?

19 A Because I was scared of Tenisha and I was
20 scared she was going to kill me if I didn't.

21 Q How many times did you stab Frank?

22 A One time.

23 Q Did you see Tenisha stab Frank?

24 A I saw her slash his throat. I didn't see her
25 stab him.

1 Q Did you see Bird hit Frank with a beer bottle?

2 A I saw Bird throw the beer bottle and hit Frank
3 in the head and it bounced off. Bird then kicked
4 him in the gut.

5 Q What did Bird do after that?

6 A That is when Tenisha jumped in and started
7 man-handling him. And Bird started getting Frank's
8 things. He was more worried about robbing him than
9 anything else.

10 Q How did Frank end up with so many stab wounds?

11 A Bird told me on two different occasions that
12 he saw Tenisha stab Frank multiple times on the
13 legs and everywhere. He told me this twice.

14 Q Did you see Tenisha hit Frank with a beer
15 bottle?

16 A Yes. I saw her hit him in the left side --
17 left part of his face.

18 Q Did the people at the trailer where you
19 changed clothes know that you had all just
20 assaulted someone?

21 A Bird talked to them. They would not have --
22 they would have to have known. Why else would we
23 be changing bloody clothes?

24 Q Did Bird change clothes at the trailer?

25 A He had a white T-shirt that had blood on it.

1 When he came out he was wearing a black sweatshirt.

2 Q Did you see what Bird did with his clothes?

3 A No.

4 Q The entire time taking the statement from
5 Ms. Richmond, did she respond to your
6 appropriately?

7 A She did.

8 Q And did she in any way want to change her statement
9 after you read it back to her?

10 A No, ma'am.

11 Q Did you force her to give you the statement?

12 A No, ma'am.

13 Q And where did you interview Ms. Richmond?

14 A At Region 1 headquarters.

15 Q And where is that?

16 A I believe Lower Richland High School, behind Lower
17 Richland High School.

18 Q Was anybody present for that interview?

19 A Investigator Baker was with me.

20 Q And other than taking the interview from
21 Investigator Baker, did you do anything regarding
22 evidence in this case?

23 A We had went -- after we dropped Melinda off at the
24 jail after her statement, we went and retrieved
25 clothing that Bird was wearing or Bruce Thompson

1 was wearing at the time that he was arrested.

2 Q I show you what is marked State's Exhibit 193. Do
3 you recognize this box?

4 A Yes, ma'am.

5 Q And what is that?

6 A That is the clothing that we had taken from Bruce
7 Thompson at the jail.

8 Q And when you took these clothes from Bruce Thompson
9 from the jail, how did you package them?

10 A Packaged each one individually in a paper bag. We
11 had the articles of clothing in a paper bag.

12 Q And did you turn them in to the evidence room?

13 A We did.

14 MS. GOOD: At this time, Your Honor, I would
15 like to enter into evidence State's Exhibit 193.

16 MS. GRIPP: Without objection.

17 THE COURT: Okay. No objection.

18 (WHEREUPON, State's Exhibit No. 193 was
19 marked for identification and received
20 into evidence.)

21 Q And what clothing did you get from Mr. Thompson?

22 A Looks to be some socks, a belt and some shorts, and
23 maybe a pair of Nike's.

24 Q This is the belt?

25 A It is.

1 Q What is this?

2 A It is a black hooded sweatshirt. And a black pair
3 of shorts. And those are tennis shoes and socks
4 inside.

5 Q And these were the clothes from when he was
6 arrested?

7 A Yes, ma'am, that is what he was wearing at the time
8 he was arrested.

9 MS. GOOD: No further questions, Your Honor.

10 THE COURT: All right. Cross?

11 CROSS-EXAMINATION

12 BY MS. GRIPP:

13 Q Investigator Gwyn, the bulk of your involvement in
14 this case is a statement and these clothes, is that
15 correct?

16 A Yes, ma'am.

17 Q Okay. So you weren't involved previous to the 7th?

18 A I'm sorry, say again?

19 Q You were not involved in this case before May 7th?

20 A No, ma'am.

21 Q Okay. You were aware of what occurred?

22 A I was familiar with what happened, yes, ma'am.

23 Q And you learned what happened from Officer Martin?

24 A I'm not sure if I talked with Investigator Martin
25 or not. I think it was Investigator Baker that

1 kind of briefed me on everything.

2 Q Okay. When you first encountered Ms. Richmond, she
3 was in the holding cell?

4 A She was in the transportation hallway waiting for
5 me to come pick her up.

6 Q And you picked her up in what car?

7 A It was a -- I can't remember. It was an unmarked
8 Richland County vehicle. I couldn't tell you what
9 type at the time. I have had a couple since then.

10 Q What was the time?

11 A I can't give you an exact time. Maybe 2:00 o'clock
12 in the afternoon.

13 Q Okay.

14 A Maybe a little before then.

15 Q At that point you began to talk to her in the car?

16 A Yes, ma'am.

17 Q Okay. What did you discuss?

18 A Discussed her. I'm familiar with her. She's
19 familiar with me. We discussed what she had been
20 up to.

21 Q And was she crying at that point?

22 A She had mixed emotions. She would cry some and
23 stop.

24 Q And when you were interrogating her, you took her
25 to where?

1 A To what we call Region 1 headquarters. It is a
2 substation for the Richland County Sheriff's
3 Department.

4 Q All right. So it is not the same as where she was
5 located before?

6 A No, ma'am. That would have been headquarters.

7 Q And when you are interrogating them -- was she in
8 handcuffs at that point?

9 A No, ma'am, she was not.

10 Q Was she handcuffed at any point?

11 A Just for the transportation part of it. As a
12 matter of fact, we had some candy that was out and
13 we gave her some candy. We all ate a little bit of
14 candy while we were talking.

15 Q What kind of candy?

16 A Hard candy. I couldn't tell you what kind.

17 Q At that time were you aware that she already had an
18 attorney?

19 A No, ma'am, I was not.

20 Q Did you ask her if she had an attorney?

21 A I don't believe so, due to the fact that it
22 happened on a Saturday. I didn't know -- I knew
23 she had come to General Sessions for a bond
24 hearing, so I wasn't sure if she had an attorney or
25 not.

1 Q And you stated you talked first. How long did you
2 talk?

3 A If I had to go by the times that she was read her
4 Miranda rights until we actually started, I put the
5 time on the statement, roughly an hour.

6 Q Okay. Would you go from the beginning until it
7 ended?

8 A Yes, ma'am, about how she knew Frank, how she
9 became acquainted with him, and their relationship.

10 Q And who else was present?

11 A Investigator Baker.

12 Q And can you describe the room you all were in?

13 THE COURT REPORTER: I'm sorry?

14 Q Can you describe the room you all were in?

15 A I believe it was an office, one of their regional
16 investigator -- the old office that they used to
17 use for regional investigations.

18 Q And when you are typing this out, are you typing a
19 synopsis or typing as she is speaking?

20 A As she is telling me -- as she is telling me what
21 she is telling me, I'm typing it.

22 Q Okay. Do you have access to any recording devices?

23 A Do I have access?

24 Q (Nods affirmatively.)

25 A Yes, ma'am.

1 Q Did you record this?

2 A No, ma'am. We don't record our interviews.

3 Q No suspect interviews are ever recorded, correct?

4 A We do not. We don't do that.

5 Q Richland County?

6 A Yes, ma'am, we do not do that.

7 Q Okay. Do you know why that is?

8 A It is just policy that CID has. We don't record
9 our interviews. It is all statement form.

10 Q And by statement form, you mean that you type them,
11 correct?

12 A Yes, ma'am.

13 Q You don't ask them to handwrite their own story?

14 A No, ma'am.

15 Q All right. And that is due to policy, correct?

16 A That is what we do. And we make sure they read it
17 before they sign it so they understand that that is
18 their words, that is what they said, not us.

19 Sorry.

20 MS. GRIPP: Beg the Court's indulgence.

21 (Pause.)

22 MS. GRIPP: No further questions at this time.

23 THE COURT: All right. Anything else?

24 MS. GOOD: Just briefly, Your Honor.

25 REDIRECT EXAMINATION

1 BY MS. GOOD:

2 Q In the car transporting Ms. Richmond, was anyone
3 else in the car with you?

4 A Investigator Baker.

5 Q You were never completely alone with her?

6 A No, ma'am.

7 Q And talking about recording your interviews, it is
8 your policy not to. Are all the words on that
9 statement her words or are they your words?

10 A Those are her words as she gave them to me.

11 Q Did you put any words into her mouth?

12 A No, ma'am.

13 Q And did she ever ask you to stop asking questions?

14 A No, ma'am.

15 Q Did she ever ask for an attorney?

16 A No, ma'am.

17 Q She waived her rights and knew about her right to
18 an attorney at that time?

19 A Yes, ma'am.

20 MS. GOOD: No further questions.

21 THE COURT: Thank you, sir. You can step
22 down.

23 (Witness steps down.)

24 MS. GOOD: We would ask that this witness be
25 excused, Your Honor.

1 THE COURT: Without objection.

2 (Witness excused.)

3 MS. SHIPLEY: May it please the Court, Your
4 Honor? The State calls Dr. Gray Amick.

5 THE BAILIFF: Place your left hand on the
6 Bible, raise your right, and face the clerk.

7 (Witness complies.)

8 THE CLERK: Do you swear or affirm the
9 testimony you are about give in this case will be
10 the truth, the whole truth, and nothing but the
11 truth, so help you God?

12 THE WITNESS: I do.

13 THE CLERK: Have a seat in the witness box,
14 and state your name for the record, please.

15 (Witness seated.)

16 THE WITNESS: My name is Gray Amick.

17 GRAY AMICK,
18 after being duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. SHIPLEY:

21 Q Good afternoon, Dr. Amick.

22 A Good afternoon.

23 Q Can you tell this jury where you are employed?

24 A Richland County Sheriff's Department.

25 Q And what is your title there? What do you do for

1 them?

2 A I am the DNA technical guru, which I supervise the
3 DNA laboratory.

4 Q Please pull that microphone a little closer.

5 A Yep.

6 Q And describe for the jury how it is you were hired
7 by the Sheriff's Department to run the DNA lab.

8 A I previously worked at the South Carolina Law
9 Enforcement Division for 11 years. And I was hired
10 by the county in 2004 to start the DNA laboratory.

11 Q And tell the jury a little bit about your
12 educational background and training in the field of
13 DNA analysis and serology.

14 A Yes. Got a B.S. degree in biology and a Ph.D. in
15 biochemistry from USC in 1993.

16 From there I was hired by the South Carolina
17 Law Enforcement Division. I worked in toxicology
18 for four years, and then DNA. I was trained by the
19 court-qualified experts in the field of forensic
20 DNA and forensic serology. I participated in
21 method development and validation at the laboratory
22 and annual continuing education.

23 Like I said, I came to Richland County in
24 2004. I developed and validated the method there,
25 and also the protocol. And again participated

1 annually in the continuing education field.

2 Q Can you tell the jury approximately how many times
3 you have been qualified as an expert in the field
4 of DNA analysis and serology?

5 A Approximately over 50 times.

6 Q Can you tell the jury a little bit about the nature
7 of your testimony as an expert?

8 A I'm usually asked to analyze samples, evidence and
9 standards from cases and present those analyses in
10 court.

11 Q Okay.

12 MS. SHIPLEY: Your Honor, at this time we
13 would offer Dr. Gray Amick as an expert in the
14 field of DNA analysis and serology.

15 MS. GRIPP: Without objection.

16 THE COURT: Okay, without objection.

17 Q Dr. Amick, can you tell this jury what exactly DNA
18 is in its most simple terms.

19 A Basically it is a large molecule that is found in
20 every nucleic cell in your body. And it basically
21 is the blueprint for being a human being. So every
22 living thing has DNA, whether you are a tree or an
23 ant or a human. It directs your being as to be
24 that human or that ant or that tree. It is unique
25 to every individual except for identical twins.

1 And basically you get half from your mom and half
2 from your dad, so it is an inherited molecule.

3 Q And what percentage of a human being is different
4 from one another?

5 A It is actually about 99 percent of the DNA is the
6 same between humans. We all have two arms and two
7 legs, internal skeletal system, that kind of thing.
8 But there is that one percent that is different,
9 and that is the part that we explore in forensic
10 DNA testing.

11 Q And what exactly is serology?

12 A Serology is identification of body fluids. So is
13 it blood, is it human blood, is it semen, is it
14 saliva. And that is forensic serology.

15 Q And would sweat also fall in that category?

16 A It can, but we don't identify that particularly as
17 a body fluid.

18 Q Okay. Can sweat leave DNA?

19 A Yes, it can.

20 Q Now, did you have an opportunity to analyze
21 evidence in Case Number 0705042105?

22 A I did.

23 Q Tell this jury approximately how many pieces of
24 evidence that you analyzed in this case.

25 A Do you want me to count them?

1 Q Well, just give us an approximation.

2 A It was over 100, maybe -- it was listed, you know,
3 three or so pages' worth of evidence. Maybe 140
4 items, that I seem to remember.

5 Q 140 approximately?

6 A Forty-ish, I think that is what it was.

7 Q And in your experience as a DNA analyst, is that a
8 lot or a little?

9 A Well, for this type case it was a good many, yes.
10 I mean, normally we work -- the cases we work may
11 have less than this. This was a good many.

12 Q I'm going to show you State's Number 82 and ask you
13 if you recognize this?

14 A I do.

15 Q And what is it?

16 A It is a blood card or a blood standard from Frank
17 West.

18 Q And did you receive that item as evidence from the
19 Richland County evidence room?

20 A I did.

21 Q And was it properly sealed when you received it?

22 A It was.

23 MS. SHIPLEY: At this time, Your Honor, we
24 would seek to introduce 82 into evidence.

25 MS. GRIPP: Without objection.

1 THE COURT: Without objection.

2 (WHEREUPON, State's Exhibit No. 82 was
3 marked for identification and received
4 into evidence.)

5 Q Did you also have other samples from other human
6 beings to compare all this evidence to?

7 A I did.

8 Q And tell this jury who those individuals were.

9 A I had a buccal swab from Tenisha McClinton, which
10 is a swab from your mouth.

11 Q Okay.

12 A There are different items so they are in different
13 order, so bear with me. I had the DNA card from
14 Frank West. A buccal swab, a mouth swab from
15 Melinda Richmond. And I had a standard I think
16 from Bruce Thompson, but I don't see it here, but
17 it was people involved in this case I had to
18 compare against. Tenisha McClinton, Melinda
19 Richmond, Bruce Thompson and Frank West.

20 Q Okay. So four individuals?

21 A That's correct.

22 Q Three suspects and one victim?

23 A That's is how they are listed, correct.

24 Q Now, once you have a sample from each individual of
25 their DNA, how is it that you are able to separate

1 and identify them?

2 A Well, basically what we do is item by item we
3 extract or purify their DNA from it in attempt to
4 develop a profile.

5 So we develop that profile and we develop the
6 profiles from the people involved, suspects and
7 victims. And we go one by one and look at those to
8 see if they match that evidence or they are
9 included in a mixture of people in that evidence,
10 that kind of thing.

11 Q Now, tell this jury, once you had your standards
12 from Melinda Richmond, the Defendant at the bar,
13 Tenisha McClinton, Bruce Thompson and Frank West,
14 what items of evidence did you take from the
15 Richland County evidence room to analyze to compare
16 to their DNA? And if you could just read your
17 whole list. You don't have to read the item
18 number.

19 A Okay, just the items. All right. It was a purse,
20 there were nail scrapings from Melinda Richmond,
21 swab from the hand of Melinda Richmond, buccal swab
22 from Melinda Richmond, nail scrapings from Bruce
23 Thompson, swab from the hands of Bruce Thompson,
24 nail scrapings from Tenisha McClinton, swab from
25 left foot of Tenisha McClinton, buccal swab from

1 Tenisha McClinton, tan pants, pair of aqua rubber
2 sandals, gray-green blue shirt, swab from shower
3 drain, swab from sink drain, swab from stain from
4 bathroom floor, swab from sink cabinet, swab from
5 blank handle knife, head and pubic hairs from Frank
6 West, fingernail -- I'm sorry, fingerprint -- nail
7 scrapings from Frank West, hair from victim's right
8 hand, four paper bags of clothes submitted by
9 Investigator Martin, and within that there is a
10 belt, shorts, shirt, cuttings from the sweatshirts,
11 a pair of white socks, pair of black tennis shoes,
12 pair of shoes.

13 Q Does it say what brand of those shoes?

14 A Marcelli.

15 Q Marcelli? Okay.

16 A And then there was 15 swabs from the vehicle. Do
17 you want me to go through those?

18 Q Each of the 15 swabs, are they listed in order? In
19 other words, there were 15 descriptions?

20 A Right.

21 Q Okay. Skip those.

22 A Trace evidence from vehicle console. There is ten
23 additional swabs from the interior of the vehicle.
24 There were clothes from white plastic bags from the
25 Toyota Camry.

1 Q And what specifically does that bag of clothes
2 contain?

3 A Jean shorts with belt, black T-shirt.

4 Q Okay.

5 A And then the next one is clothes from a black
6 plastic bag from the Toyota Camry, containing a
7 white bra, blue underwear, a pair of white socks, a
8 pair of white tennis shoes, navy blue Hilfiger
9 T-shirt and light blue T-shirt, pair of blue jeans.
10 And then that is everything that is in that bag.

11 And then a Nextel cell phone and a DNA card
12 from Frank West.

13 Q Now, did you analyze each item of evidence that you
14 just enumerated to this jury?

15 A Yes. And I did skip over, like when I said pair of
16 blue jeans, there was seven cuttings from those
17 blue jeans. There were several cuttings from some
18 of these items. But, yes.

19 Q And when you have subitems, cuttings, do you number
20 them?

21 A I do. So --

22 Q Okay.

23 A -- 45.7, which is a pair of blue jeans, would be
24 45.7.1, the first cutting, .2, the second cutting.

25 Q And just so we can explain that to the jury with

1 demonstrative evidence. You were talking about
2 45.7?

3 A Yes.

4 Q Pair of blue jeans? I show you State's Number 180.
5 Do you see the number 457 on it?

6 A Yes, I do.

7 Q Okay. And are these those jeans?

8 A Those appear to be the jeans, yes.

9 Q Okay. And tell the jury what you mean -- how many
10 cuttings did you cut from these jeans?

11 A It appears I notated seven on the report.

12 Q Okay. And just explain to the jury, did you number
13 those cuttings on these jeans?

14 A Yes. Basically when you process a piece of
15 evidence like this, you lay it out and you do
16 basically a visual exam to look for any stains. I
17 mean, we're looking for blood in this case. So I
18 would -- where I thought there was blood, I would
19 circle that and do a presumptive test for blood.
20 And if it was positive, I would mark that and make
21 a cutting, and then make notes of that.

22 Q All right. And was that -- I'll just hold it for
23 you. Maybe you can grab that pointer, please. And
24 I'm going to ask if you can identify the seven
25 cuttings on these jeans.

- 1 A They are labeled like 71, 72, 3, 4, 5.
- 2 Q And then on the back?
- 3 A And 6 and 7.
- 4 Q All right. And so did you also do cuttings on
- 5 other clothes that were found in this case?
- 6 A Yes.
- 7 Q All right. And so you regarded it as a .1, .2, .3?
- 8 A Right.
- 9 Q Did you also happen to examine 45.2?
- 10 A I did.
- 11 Q What is that?
- 12 A 45.2 says blue underwear.
- 13 Q Okay. And is that also contained in the same bag
- 14 as 45, the jeans?
- 15 A Right. Item 45 was clothes from black plastic bag
- 16 from Toyota Camry, so that would be a piece of
- 17 clothing that was in the bag with those other
- 18 things as well.
- 19 Q And 45.2, again what is that?
- 20 A 45.2, blue underwear.
- 21 Q Did you do a cutting of that?
- 22 A Yes.
- 23 Q All right. And are these the underwear?
- 24 A Yes, they are.
- 25 Q Now, did you prepare a report after analyzing every

1 item of evidence that you enumerated to this jury?

2 A I did.

3 Q How long is your report?

4 A Six pages.

5 Q Is that in your experience a lengthy report or not?

6 A Yes, it is lengthy.

7 MS. SHIPLEY: Beg the court's indulgence, Your
8 Honor.

9 THE COURT: All right.

10 (Pause.)

11 Q Did you have an opportunity to review a chart
12 prepared for presentation of your report to the
13 jury?

14 A I did.

15 Q And did you review that chart and compare it to
16 your report?

17 A I did.

18 Q And does it accurately enumerate your finding?

19 A It appears to be accurate.

20 Q Okay.

21 MS. SHIPLEY: Your Honor, under Rule 706 we
22 seek to introduce the chart. And I'll tell the
23 Court the numbers. There are four of them.
24 State's 194, 195, 196 and 197.

25 MS. GRIPP: Without objection.

1 THE COURT: Without objection.

2 (WHEREUPON, State's Exhibit Nos. 194 -
3 197 were marked for identification and
4 received into evidence.)

5 Q Dr. Amick, can you -- how would you rather do this,
6 stay seated and go through each one at a time?

7 A Yes, let's try that.

8 Q Okay. Beginning with your report, what is the
9 first item of evidence that you examined in this
10 case in -- or you concluded in your report?

11 A The first item I lifted was under conclusion was
12 Item 2, purse.

13 Q And did you reach any conclusions as to the purse?

14 A I could read what I --

15 Q Sure.

16 A -- put in the report.

17 The DNA profile developed from Item 2 is a
18 mixture of more than two individuals. No
19 conclusion was made concerning Tenisha McClinton
20 and this mixture. Frank West, Melinda Richmond and
21 Bruce Thompson are excluded from being
22 contributors.

23 Q Okay. And do you have any idea whose purse that
24 would be?

25 A No.

1 Q Do you have any idea whose clothes these would be?

2 A No.

3 Q Who would you rely on in order to figure out whose
4 clothes belong to whom?

5 A What I would do in this case is there is so much
6 evidence I would meet with investigators and they
7 would help me and I would help them determine what
8 to do an analysis on. And then based on that
9 cursory information I would write my report as to
10 what is probative.

11 Q And prior to you performing a DNA analysis in a
12 case, you meet with the investigators?

13 A On a big -- a case with lots of evidence like this,
14 yes, I would.

15 Q Okay. And what is the point of doing that?

16 A The point is so I'm not wasting time analyzing
17 evidence that was collected and later found to be
18 not probative.

19 Q Not probative, you said?

20 A Right. To make sure that we're using our resources
21 to do analysis on probative evidence.

22 Q And I'm going to pose a hypothetical to you. If a
23 crime scene investigator collects samples or swabs
24 of blood from a crime scene and all the
25 participants of the incident admit that they are

1 present at the crime scene, would you test those
2 swabs to prove that they were there?

3 A Not usually, given that scenario. I would -- that
4 is the kind of -- that is the kind of thing that I
5 would talk to the investigators about. A crime
6 scene with lots of blood, and who was bleeding,
7 and, okay, if these people were bleeding in this
8 room, what is the point of analyzing blood in this
9 room. And there may be an area where we do that,
10 but that is why we would talk to the investigators.

11 Q For example, if a suspect denied being at a crime
12 scene and their blood was found there, would that
13 be probative in your opinion?

14 A Yes, it would. Right.

15 Q But if they admit that they are there, is it
16 probative in your opinion?

17 A No.

18 Q Okay. The next item of evidence that you reported
19 in your conclusion?

20 A Next Item is 8.1.

21 Q And what is that, according to your report?

22 A 8.1 is fingernail scrapings from Tenisha McClinton,
23 I believe.

24 Q And would that be the right nail?

25 A Taken from one of the right fingernail scrapings,

1 yes.

2 Q Tell the jury the conclusion you reached concerning
3 the scraping on the right nail of Tenisha
4 McClinton.

5 A The DNA profile developed Item 8.1 is consistent
6 with being a mixture between Tenisha McClinton and
7 Frank West.

8 Q And so it was Frank's and Tenisha's blood under her
9 nail?

10 A It was Frank's and Tenisha's DNA under her nail.

11 Q Okay. The left nail of Tenisha McClinton?

12 A Item 8.2 is a mixture. The major contributor
13 matches Frank West.

14 Q And did you apply a statistic to that match?

15 A Yes. Based on the genetic results we obtained, the
16 frequency of seeing this profile in the Caucasian
17 population is approximately one in eight
18 quadrillion. And in the African-American
19 population it is approximately one in 550
20 quadrillion.

21 Q And how many people are on this earth?

22 A About six billion.

23 Q The right nail of -- Item 28.1 is the next item you
24 report a conclusion on.

25 A Yes. No DNA profile unlike that of the victim was

1 developed from 28.1 and 29.

2 Q Okay. So 28.1 is the right nail of the victim,
3 right nail scraping from the victim, Frank West?

4 A Let me refer back to the list. Say that again,
5 excuse me? 28.1 --

6 Q 28.1, is that Frank West's right nail scraping?

7 A It is.

8 Q All right. And your conclusion is that is his DNA?

9 A Correct.

10 Q The victim's -- the hair found in victim, Frank
11 West's hands during the autopsy, Item Number 29,
12 what was your conclusion there?

13 A It was also Frank West's DNA.

14 Q And when you analyze hair, is there anything in
15 particular you need of the piece of hair to analyze
16 it?

17 A Yes. With the test that we run, we have to have a
18 root, hair root.

19 Q So in this case you were able to find a root on the
20 hair found in Frank's hand?

21 A That's correct.

22 Q Now, I'm going to bring your attention to 31.2.

23 Can you tell the jury what first of all what is in
24 Item 31?

25 A 31 is four paper bags of clothes submitted by

1 Investigator Martin.

2 Q Let me stop you right there for one second. Do you
3 see the item numbers on State's Number 193
4 enumerated on your report?

5 A I do.

6 Q Okay. And tell the jury what that contains.

7 A It contains the belt, brown weave, short black
8 dockers -- shorts, black dockers and a shirt, black
9 hooded sweatshirt, as well as a pair of white
10 socks, and a pair of black tennis shoes.

11 Q Okay. Now, tell the jury what you concluded about
12 the items from this box.

13 A All right. 31.3.1 -- is that where we were?

14 Q Yes, sir.

15 A I'm sorry, 31.2 first.

16 Q I'm sorry, 31.2.

17 A 31.2, shorts, black dockers.

18 Q Okay.

19 A It was a mixture. The mixture is -- we didn't
20 interpret the mixture. It was so much DNA there
21 that we decided not to make that notation.

22 Q Okay. So there was an unknown mixture?

23 A It was lots of people in that mixture, so we didn't
24 make a conclusion.

25 Q Okay.

1 A 31.3.1.

2 Q And is that -- 31.3, is that the black hooded
3 sweatshirt?

4 A That's right. A cutting from that black hooded
5 sweatshirt is consistent with being a mixture
6 between Tenisha McClinton and Bruce Thompson. The
7 major contributor of that matched Tenisha
8 McClinton.

9 Q And did you reach a statistical conclusion?

10 A I did. So based on that genetic result, the
11 frequency of seeing this profile in the Caucasian
12 population is one in 5.7 quintillion. And in the
13 African-American population, one in 40 quadrillion.

14 Q That it matched Ms. McClinton?

15 A Yes, that it matched Ms. McClinton.

16 Q And was there any of Mr. Bruce Thompson's DNA in
17 that sample?

18 A There was also.

19 Q So he -- so both of their DNA is on his -- on the
20 black sweatshirt?

21 A Correct.

22 Q Cutting 31.3.3?

23 A 31.3.2 and 3, those were mixtures. And they also
24 matched, the major contributor also matched Tenisha
25 McClinton. And the minor contributor was too weak

1 to interpret, so there wasn't enough information
2 there from the minor component to make
3 interpretation. So that goes for 31.3.2 and
4 31.3.3.

5 Q Okay. So both 31.3.2 and 3.3, Tenisha McClinton is
6 a major contributor and the minor is too weak?

7 A That's correct.

8 Q And that would have been on the black hooded
9 sweatshirt?

10 A That's correct.

11 Q What is in 41, Item 41?

12 A 41 is swabs from the vehicle.

13 Q Okay. Did you swab Swab .2?

14 A Yes.

15 Q Did you analyze Swab .2?

16 A 41.2, 41.9, 41.12, 41.14, they were all from the
17 vehicle, different places. And it was the same
18 result. That is, the major contributor matched
19 Tenisha McClinton, and the weak -- and the minor
20 contributor was too weak to interpret.

21 Q Okay. And so just to go through these with the
22 jury. 31.2, that is a swab from inside the right
23 front door frame?

24 A That's correct.

25 Q And Ms. McClinton was the major contributor?

1 A That's correct.

2 Q 41.9, swab, center console. Is that Tenisha
3 McClinton majority, and for minority too weak?

4 A That's correct.

5 Q 41.12, swab from the right front inner door frame?

6 A Correct.

7 Q 41.14, swab outside right front fender?

8 A That's correct.

9 Q 44.1.1?

10 A 44. -- 44 are the clothes from a white plastic bag
11 in the Toyota Camry. 44.1 are the jean shorts with
12 a belt. So 44.1.1 is a cutting from those shirts.

13 Q Okay.

14 A And they also matched Tenisha McClinton with the
15 major contributor and the minor being too weak to
16 interpret.

17 And then 44.2 is a cutting from the black
18 T-shirt from that white plastic bag from the Toyota
19 Camry. That also was the major contributor matched
20 Tenisha McClinton and the minor was too weak to
21 rely on to interpret.

22 Q All right. And so just to show you 44.2, that is
23 the black T-shirt you were referring to? Oh, I'm
24 sorry, I didn't show you the bag.

25 A Yes, it appears to be.

- 1 Q Okay. And you analyzed it?
- 2 A Yes.
- 3 Q And then you also described a pair of shorts, jean
- 4 shorts with black belt?
- 5 A With belt.
- 6 Q Okay. And does that look like it?
- 7 A It does.
- 8 Q And describe for the jury any further analysis on
- 9 these two items.
- 10 A Well, there was other cuttings that are listed
- 11 later.
- 12 Q Okay. We'll get to them. Just go -- follow the
- 13 order here.
- 14 A It may be confusing to have --
- 15 Q Let's just follow the order of your report. Okay.
- 16 So 44.1.2 and .2.1, those are all Tenisha
- 17 McClinton, correct?
- 18 A Right. .1 and 2.1 are Tenisha McClinton.
- 19 Q Okay. 31.3.6.
- 20 A 31.3.6, those were from bags of clothes from
- 21 Investigator Martin. 31.3 is a black hooded
- 22 sweatshirt from that. And 31.3.6 is a cutting from
- 23 that sweatshirt. And it is a mixture. And the
- 24 major contributor matched Frank West.
- 25 Q Were you able to identify who the other contributor

1 of the mixture is?

2 A No. The minor contributor, unidentified.

3 Q Okay. So Frank West's blood or DNA is on the black
4 hooded sweatshirt from that box, 31?

5 A Correct.

6 Q 31.3.7?

7 A Swab from the collar of that shirt.

8 Q Okay. And why would you swab the collar of the
9 sweatshirt?

10 A I would usually swab the collar of a shirt to see
11 who was wearing it. It usually produces a DNA
12 print of the person who is wearing it.

13 Q Okay. And in that item, whose DNA did you find?

14 A 31.3.7 is a mixture of more than two individuals.
15 The major contributor matched Bruce Thompson, and
16 the minor contributor were unidentified.

17 Q Okay. And what is the statistic that you reached
18 on 31.3.7?

19 A That based on those genetic results, the frequency
20 of seeing the profile in the Caucasian population
21 is approximately one in 17 quintillion. And in the
22 African-American population, approximately one in
23 1.8 quintillion.

24 Q The next item of evidence 41.15, the swab from the
25 gear shift. Did you reach a conclusion there?

- 1 A I did. That also was a mixture. Major contributor
2 matched Frank West, and Tenisha McClinton couldn't
3 be excluded from being a contributor of that
4 mixture.
- 5 Q Okay. And every time we mention who can be
6 included, we're stating that the other participants
7 are not included, correct?
- 8 A If they -- correct. You can look at it that way.
9 If they were included we would have stated that
10 they were included.
- 11 Q Okay.
- 12 A Or cannot be excluded.
- 13 Q So for purposes for the jury to understand this
14 chart, when it says no under Richmond, none of her
15 DNA is on the items that you have analyzed thus
16 far?
- 17 A That's correct.
- 18 Q Okay. The next item of evidence would be Item
19 Number 17, swab from the sink cabinet.
- 20 A Right. There are several items listed on the next
21 one. 17 swabs from sink cabinet. They also match
22 Tenisha McClinton.
- 23 Q Okay.
- 24 A And there are several more items there.
- 25 Q Let's just go through everything. And you just let

- 1 the jury know when they don't match her.
- 2 A Okay. So Item 17 matches Tenisha McClinton.
- 3 Q Okay. And that is swab sink cabinet?
- 4 A 31.3.4.
- 5 Q Okay. That is the black hooded sweatshirt.
- 6 A Matches Tenisha McClinton. 33.2.
- 7 Q Okay. Right shoe of the Marcelli shoes.
- 8 A Right. 41.4.
- 9 Q The right front dashboard.
- 10 A 41.5.
- 11 Q The side front center door.
- 12 A 41.6.
- 13 Q Okay. Just wait one second, please.
- 14 (Pause.)
- 15 Q All right. 41.6. Upper console front,
- 16 Ms. McClinton's DNA.
- 17 A 41.7.
- 18 Q Side of tower front console, McClinton?
- 19 A 41.10.
- 20 Q Center console, McClinton.
- 21 A 44.1.2.
- 22 Q Shorts. Those would be the black -- excuse me, the
- 23 jeans, capri shorts with the black belt?
- 24 A Right.
- 25 Q Okay. And that has got her DNA on it?

- 1 A Yes. 44.1.3.
- 2 Q Also another cutting from the same shorts. It has
3 got Tenisha McClinton's DNA?
- 4 A Right. 45.5.2.
- 5 Q And that would be a dark blue T-shirt from the bag
6 from which the other pair of jeans came from,
7 correct?
- 8 A The black plastic bag from the Toyota Camry.
- 9 Q Okay.
- 10 A 45.6.1.
- 11 Q That would be the light blue T-shirt found also in
12 the same bag, black bag?
- 13 A Right. And 45.6.2, another cutting from that
14 T-shirt.
- 15 Q A cutting from that same T-shirt?
- 16 A Right. All of those match Tenisha McClinton.
- 17 Q All right. 44.1.3..
- 18 A All right, 44.1.3, cutting from those shorts from
19 the white plastic bag of the Toyota Camry.
- 20 Q All right. And so Ms. McClinton, Tenisha McClinton
21 admitted that those were her shorts just for
22 purpose of -- Ms. McClinton's shorts worn during
23 the crime. Tell the jury what your results were.
- 24 A That item is consistent with being a mixture of
25 Tenisha McClinton and Frank West.

- 1 Q Okay. And no one else's DNA?
- 2 A Correct.
- 3 Q The next cutting also from Ms. McClinton's shorts.
- 4 A 44.1.4, same result. Tenisha McClinton and Frank
- 5 West.
- 6 Q Okay. 44.1.5?
- 7 A Same result.
- 8 Q Okay.
- 9 A And 45.5.4, cutting from T-shirt.
- 10 Q That would be the dark blue Tommy Hilfiger T-shirt?
- 11 A Correct. Again, that matches Frank West and
- 12 Tenisha McClinton.
- 13 Q And that is the T-shirt that came from the black
- 14 bag?
- 15 A That is correct.
- 16 Q Okay. 43.2, swab gear shift?
- 17 A All right. The next items may match Frank West.
- 18 They are a mixture. The major contributor matched
- 19 Frank West and the minor contributor is too weak to
- 20 interpret. So the main contributor here is Frank
- 21 West.
- 22 43.2, swab from the gear shift.
- 23 Q All right.
- 24 A 44.2.3, cutting from the black T-shirt from the
- 25 white plastic bag.

- 1 Q All right.
- 2 A 45.6.3 looks like a cutting from that light blue
- 3 T-shirt from the black bag.
- 4 Q Black bag?
- 5 A Right. 45.6.4, another cutting from that T-shirt.
- 6 Q All right. So the light blue T-shirt found from
- 7 the black bag along with a long pair of jeans and
- 8 along with a dark blue Tommy Hilfiger T-shirt has
- 9 Mr. Frank West's blood on it, or DNA on it?
- 10 A That's correct.
- 11 Q Okay. Now, Number 16, swab, stain bathroom floor.
- 12 A Okay. The next ones, they all match Frank West.
- 13 Q Okay.
- 14 A All right. So I'll run down the list. 16, swab
- 15 from stain from floor, bathroom floor. 18, swab
- 16 from black-handled knife. 41.13, swab from
- 17 steering wheel. 44.1.7.
- 18 Q Swab side of tower front?
- 19 A Yes.
- 20 Q I'm going to stop you one second, please.
- 21 A Yes.
- 22 Q I need you to look at one item of evidence. Item
- 23 Number 18. Your report says that there is only one
- 24 swab from the black knife. I'm going to show you
- 25 what has been marked 120. Do you recall that being

1 the swab from the knife?

2 A It is labeled swab, black knife, and it has my
3 initials on it, so, yes.

4 Q Okay. And could you open that, please?

5 THE COURT: Before we do that, let's take --

6 MS. SHIPLEY: Take a little break?

7 THE COURT: Yes.

8 MS. SHIPLEY: Okay.

9 THE COURT: All right. Thank you, ladies and
10 gentlemen. We'll get right back. A short break.
11 Please don't talk about the case.

12 (WHEREUPON, the jury retires to the jury
13 room at 4:09 p.m.)

14 THE COURT: Okay. Dr. Amick, you are welcome
15 to stand down. Please don't talk about your
16 testimony.

17 THE WITNESS: Yes, sir.

18 (Witness steps down.)

19 (WHEREUPON, a break was taken.)

20 THE COURT: Let's take up any objections right
21 now.

22 MS. SHIPLEY: Yes, sir. My next witness is
23 going to be Dr. Clay Nichols. I have shown the
24 Defense the photographs that we seek to introduce.
25 They are 199, 200, 201. And then we want to get in

1 202 and 203, they have objections to those.

2 MS. SHIPLEY: I'll hand those to the Court.

3 (Complies.)

4 MS. SHIPLEY: We want to introduce those in
5 evidence.

6 THE COURT: All right, tell me about it.

7 MS. SHIPLEY: Thank you, Your Honor. The
8 victim -- we were trying to corroborate the events
9 that took place that night.

10 THE COURT: Let me see the others.

11 MS. SHIPLEY: Yes, sir.

12 (Complies.)

13 THE COURT: All right.

14 MS. SHIPLEY: And the photographs that you
15 have before you, there are stab wounds to the --
16 and I'm sorry, ladies -- there are stab wounds to
17 Mr. West's cheek area, and also to his neck, and
18 then one of the photographs depicts the bruises to
19 his eyes, he's got black and blue eyes and
20 forehead. That is consistent with him being
21 beaten. In other words, he suffered injuries in
22 addition to the stab wounds. And so we would ask
23 that Dr. Nichols be permitted to use those
24 photographs to explain his findings as well as --
25 and I also want the record to reflect that I have

1 withdrawn a bunch of photographs that I concede are
2 gruesome, but these ones are the most probative.
3 There are about 20 or so, give or take, photos from
4 the autopsy. And I have narrowed it down to those.

5 THE COURT: All right. Y'all object to 01,
6 02, and 03?

7 MR. SECOR: Those -- there are just two I have
8 objection to, the two that show Mr. West's face.

9 THE COURT: 02 and 03.

10 MR. SECOR: Okay. Ms. Shipley did withdraw
11 some she was previously going to try to get into
12 evidence, and I do appreciate that.

13 Your Honor, based on my reading of the autopsy
14 report, it is clear that the cause of death is
15 exsanguination or loss of blood and that Mr. West
16 was stabbed 24 times.

17 I don't think that there is any disputing
18 that, and I certainly don't plan on contesting that
19 when Dr. Nichols is on the stand.

20 Your Honor, due to that fact I think that his
21 testimony is sufficient to establish the cause of
22 death as being exsanguination, and the fact that he
23 was stabbed 24 times.

24 Your Honor, according to State versus
25 Middleton, which is 288 S.C. 21, photos such as

1 these, meaning autopsy photos, are to be excluded
2 if they are irrelevant or unnecessary to the issues
3 at trial. My argument would be that they are
4 unnecessary.

5 State v. Patrick, 289 S.C. 301 extends that
6 rule. It states prejudicial autopsy photos will be
7 excluded unless they are substantially necessary.

8 And, again, the cause of death being
9 exsanguination, I don't think there is a photo
10 of -- any of them that shows exsanguination. It is
11 not sort of like a gunshot wound where you can see
12 a gunshot wound. I think it is obvious that
13 exsanguination occurs over a period of time.

14 Now, I do think that admitting those two
15 photographs that I have objected to would be -- the
16 purpose would be just to inflame the passion and
17 prejudice of the jury, which is clearly
18 impermissible under 403.

19 Also, Your Honor, Dr. Nichols states in his
20 report that all of the wounds contributed to loss
21 of blood and therefore death.

22 It would be my argument that therefore Picture
23 1 would be tantamount to showing them all.

24 THE COURT: Well, these are pretty graphic.
25 What about the -- you know, I mean, it is

1 credibility. That is obviously what this case is
2 all about. 202 does show beating in the face, I
3 guess. That is -- 203. Why 203?

4 MS. SHIPLEY: May I look at it, Your Honor?

5 THE COURT: You may. What about 201? That is
6 pretty doggone --

7 MS. SHIPLEY: That is a defensive wound, Your
8 Honor. That is why we seek to introduce it. That
9 is on the forearm.

10 THE COURT: Yes. And one on his fist I guess
11 are same thing?

12 MS. SHIPLEY: Defensive wound, yes. And this
13 one just shows the cutting of --

14 THE COURT: Neck, yes. But you got that in.
15 This is another one too.

16 MS. SHIPLEY: All right. We'll leave that
17 one. We will withdraw 203.

18 THE COURT: All right.

19 MR. SECOR: 203 is out?

20 THE COURT: 203 is out. 202, that has his
21 eye.

22 MR. SECOR: Thank you, sir.

23 MS. SHIPLEY: Thank you, Your Honor.

24 MR. SECOR: Can we take up one brief thing?

25 THE COURT: Sure.

1 MR. SECOR: I say this with all due respect to
2 Your Honor. I know that we have addressed this
3 issue.

4 THE COURT: Go ahead.

5 MR. SECOR: Okay. I'm concerned that
6 Ms. Gripp's voice has deteriorated throughout the
7 day. I have noticed a couple of occasions that the
8 court reporter has not been able to hear her even
9 when Ms. Gripp has been standing about five feet
10 from her. I think given that fact, I'm concerned
11 that some of the jurors probably can't hear either.

12 Obviously they haven't raised their hand to
13 indicate it, but I don't think that is indicative
14 of the fact that they are not having a hard time
15 hearing her.

16 We have made requests previously to be able to
17 record Ms. Gripp while she is in the courtroom as
18 evidence of the fact that I think that her voice is
19 not as effective as it needs to be nor hearing as
20 effective as it needs to be. So we would renew our
21 request to be able to record Ms. Gripp in the
22 courtroom.

23 THE COURT: That is not -- I will ask the jury
24 when they come back if they are having trouble.
25 You are going to -- who are you going to -- who do

1 you -- who does she have left?

2 MR. SECOR: Investigator Martin and Dr. Amick.

3 THE COURT: All right. Well, I'll ask them
4 and make sure that they speak up if they don't.

5 MR. SECOR: Thank you, sir.

6 THE COURT: All right. Okay, let's bring them
7 on out.

8 You are going to do Dr. Amick?

9 MS. GRIPP: Yes, sir.

10 THE COURT: I understand. Before they come
11 in, one of these two jurors, and the alternate, the
12 one who has a black tie dinner, and the other one
13 is on this jury, I would be tempted to -- hold them
14 out just one second, if you would.

15 They are, it was Helen Reynolds and John
16 Dozier. John Dozier is the -- Helen Reynolds is an
17 alternate. She sits on the back. I think she has
18 got white hair. I'm not sure who John Dozier is.
19 But I won't cut them loose if -- do y'all have any
20 input on that? I am tempted to let the one who is
21 an alternate go. We have one other alternate.

22 MS. SHIPLEY: Well, Your Honor, I think if we
23 could get through this witness and then Dr. Nichols
24 and call it a day, and then in the morning we will
25 rest with two witnesses that are short.

1 THE COURT: How many are y'all going to have
2 realistically? Do you know?

3 MR. O'NEIL: Probably about three or four,
4 Your Honor.

5 THE COURT: All right, we'll go. We'll see if
6 we can't accommodate them.

7 Okay. All right, thanks.

8 (WHEREUPON, the jury came into open
9 court at approximately 4:32 p.m.)

10 THE BAILIFF: All jurors are present, Your
11 Honor.

12 THE COURT: All right. Thank you very much.
13 Yes, ma'am?

14 MS. SHIPLEY: Thank you, Your Honor.

15 DIRECT EXAMINATION CONTINUES

16 BY MS. SHIPLEY:

17 Q Dr. Amick, I was just asking you to open up State's
18 Exhibit Number -- tell the jury, please, on the
19 back.

20 A Number 120.

21 Q -- 120. And tell the jury how many swabs from the
22 knife are in that envelope.

23 A What is your question?

24 Q How many swabs are in there?

25 A Two.

- 1 Q And where are they from?
- 2 A Black handle of steel knife.
- 3 Q And did you itemize them as 18.1, 18.2, or just 18
- 4 together?
- 5 A 18 swabs from black handle knife.
- 6 Q Okay. And is that from the blade?
- 7 A It is from the handle.
- 8 Q Handle. Okay. So the handle is what you analyzed,
- 9 is that correct?
- 10 A That's correct. It is what the swabs say.
- 11 Q All right. And your findings for the swab from the
- 12 handle of the knife is what?
- 13 A 18, matched Frank West.
- 14 Q Okay. The next item 41.13 and 44.1.7. 41.13, for
- 15 the jury's information, is a swab from the steering
- 16 wheel. What were your findings?
- 17 A Again, matches Frank West.
- 18 Q The following item, 44.1.7, swab side tower of
- 19 front.
- 20 A Matches Frank West.
- 21 Q That would be from the interior of the vehicle,
- 22 correct?
- 23 A That's correct.
- 24 Q State's Number 196 begins with Item 44.2.1.
- 25 A .1?

- 1 Q Excuse me, 44.2.2.
- 2 A Okay. 44.2.2 came from the black T-shirt from the
3 white plastic bag.
- 4 Q Okay. And Ms. McClinton admitted that is her
5 shirt.
- 6 A And that matches Frank West.
- 7 Q Okay. And another cutting from the same shirt?
- 8 A 44.2.4, same result, matches Frank West.
- 9 Q All right. 45.5.1?
- 10 A And 45.5.3 both match Frank West. Those are
11 cuttings from the navy blue Hilfiger shirt.
- 12 Q The Tommy Hilfiger dark navy blue shirt has Frank
13 West's DNA on it?
- 14 A Correct.
- 15 Q 45.6.5?
- 16 A 45.6.5, same result, cutting from the light blue
17 T-shirt from the black bag, matches Frank West.
- 18 Q 45.7.1?
- 19 A Same result, cutting from the blue pair of blue
20 jeans from the black bag.
- 21 Q And those would be the long blue jeans, correct?
- 22 A Correct.
- 23 Q Not the capri jeans?
- 24 A I believe --
- 25 Q With the black belt?

- 1 A That's correct.
- 2 Q Okay. And you have -- so 45.7 are the jeans found
3 in the black bag?
- 4 A Correct.
- 5 Q Cuttings .1, .2, .3, .4, .5, .7. What are your
6 findings?
- 7 A They all match Frank West.
- 8 Q So all of those cuttings from those blue jeans are
9 all Frank West's blood?
- 10 A That's correct.
- 11 Q Okay. 45.2.1?
- 12 A 45.2.1, cutting from the blue underwear from the
13 black plastic bag from the Toyota Camry.
- 14 Q And that would be that light blue thong underwear?
- 15 A That's correct.
- 16 Q Found with those jeans?
- 17 A That's correct.
- 18 Q And do you have a DNA match on that?
- 19 A The DNA from that matches Melinda Richmond.
- 20 Q And what statistical value did you apply to that?
- 21 A Based on that genetic result, the frequency of
22 seeing that profile in the Caucasian population is
23 approximately one in 3.6 quintillion. And
24 African-American population, approximately one in
25 12 quintillion.

- 1 Q And, again, how many people are on this earth?
- 2 A Six billion.
- 3 Q 33.1?
- 4 A 33.1 is, pair of Marcelli shoes, the left shoe, and
- 5 it is a swab from the inside black area.
- 6 Q I'm sorry, inside black what?
- 7 A Area.
- 8 Q Okay.
- 9 A That is a mixture. And the major contributor, all
- 10 that matches Tenisha McClinton.
- 11 Q Okay. And then Item 6.1?
- 12 A That -- I'll just read the statement. No DNA
- 13 profile unlike that of Bruce Thompson was developed
- 14 from Item 6.1.
- 15 Q And what do you have listed on Item 6.1?
- 16 A 6.1. That is his finger -- Bruce Thompson's
- 17 fingernail scrapings.
- 18 Q So in other words, Bruce Thompson's fingernails
- 19 were scraped?
- 20 A (Nods affirmatively.)
- 21 Q And his own DNA was retrieved?
- 22 A That's correct.
- 23 Q No one else's was under there?
- 24 A That's correct.
- 25 Q 41.11, swab from console.

1 A The next three, that one included, they are too
2 weak to reliably interpret.

3 Q Okay. So you were not able to make any DNA matches
4 on 41.11, 41.8, 43.1 and .9, which is a swab from
5 Tenisha McClinton's left foot?

6 A Well, before you get to 9, those three, correct.
7 Number 9 there was no DNA profile on Number 9.
8 There is a little distinction there. The three
9 that you mentioned previous, 41.11, 41.8, 43.1,
10 there was some DNA to interpret.

11 Q Okay.

12 A And the next one starting with 9, there was just no
13 DNA profile at all.

14 Q Okay. And so even though someone has got blood on
15 their foot and it is swabbed, that doesn't
16 necessarily mean you can obtain enough DNA to
17 analyze it?

18 A You would expect to, but there may be other factors
19 there that may inhibit you from getting a profile.

20 Q 28.2, victim's nails, left nails, scrapings?

21 A Again, no DNA profile was developed.

22 Q Not even the victim's own DNA profile?

23 A No.

24 Q Okay. 31.3.5, that would be the sweatshirt from
25 that box right there?

1 A Same result, no DNA profile developed.

2 Q But there are other clippings from that sweatshirt
3 that did match other people, correct?

4 A That's correct.

5 Q 41.1, swab exterior right front door handle?

6 A Same result, no DNA profile developed.

7 Q Okay. An even though Investigator Stan Richards
8 saw blood, photographed blood, swabbed that blood,
9 you were still unable to get a DNA profile?

10 A Right. And it may seem strange, but it depends on
11 the substrate or what the blood is deposited on,
12 how it has been stored, environmental conditions.
13 There are other factors that may prohibit you from
14 getting DNA profile. Denim is known as an
15 inhibitor of getting this profile sometimes. So if
16 it is on denim or leather shoes, sometimes you get
17 inhibited from getting a DNA profile.

18 Q So in this case we have two articles of denim
19 clothing where we were successful?

20 A Right. So sometimes if there is enough blood it
21 can overpower an inhibited condition and go ahead
22 and get a profile.

23 Q Okay. The next item, again, 45.4.21, the right
24 tennis shoe found in the black bag along with the
25 jeans, the Tommy Hilfiger, light blue thong

1 underwear. Tell the jury what your findings were
2 for those?

3 A That item, there was no DNA profile developed.

4 Q And then lastly, Item 64, did you analyze a Nextel
5 cell phone?

6 A I did.

7 Q And, again, what were your results?

8 A No DNA profile developed from it.

9 Q I am going to now pose a hypothetical to you. As
10 an expert in DNA analysis, can you tell us if you
11 have an opinion?

12 If an investigator processing a crime scene, a
13 vehicle, finds a bag of clothes and in that bag of
14 clothes there are articles of clothing, such as
15 jeans, T-shirts, bras, underwear, is it reasonable
16 in your mind to conclude that DNA found in the
17 crotch of the panties would be the person that wore
18 those jeans?

19 A It is -- I guess -- let me answer it this way.
20 Usually the DNA we find on undergarments belongs to
21 the person who was wearing them.

22 In rape cases you may find other people's DNA
23 on undergarments.

24 Q Such as the rapist's?

25 A Correct. But we consider that. We call that

1 intimate sample. And that usually -- there is no
2 expectation that somebody else's DNA will get on
3 your underwear, to put it frankly.

4 Q And you did not find Frank West's DNA on that
5 underwear?

6 A That's correct.

7 Q But you did find it on these jeans?

8 A That's correct.

9 Q And on the Tommy Hilfiger T-shirt?

10 A As I recall.

11 Q And on the light blue T-shirt?

12 A Yes.

13 MS. SHIPLEY: Beg the Court's indulgence.

14 (Pause.)

15 MS. SHIPLEY: No further questions, Your
16 Honor.

17 Ms. Gripp, do you still need this?

18 MS. GRIPP: No.

19 MS. SHIPLEY: Okay.

20 THE COURT: All right, again, ladies and
21 gentlemen, if y'all have trouble hearing Ms. Gripp,
22 please signal and let me know, okay?

23 CROSS-EXAMINATION

24 BY MS. GRIPP:

25 Q Dr. Amick, you are employed by Richland County, is

1 that correct?

2 A That's correct.

3 Q Okay. You are paid by Richland County?

4 A Yes, I am.

5 Q And regardless of the outcome of any case you get
6 paid, right?

7 A That's right.

8 Q It doesn't matter what your opinions are rendered,
9 you are going to get paid?

10 A Well, if I make a very bad error I can get fired
11 and not paid, but I do get paid twice a month, yes.

12 Q Regardless of the outcome of your testimony?

13 A Yes, regardless of the outcome.

14 Q Okay. Now, I show you what has been marked as
15 State's Exhibit 183. Okay. And how many clippings
16 did you take from this Tommy Hilfiger shirt?

17 A Let me look at my report. It looks to be four.
18 Navy blue Hilfiger T-shirt, 45.5.

19 Q Okay. And how many of the samples that you took
20 match Tenisha McClinton?

21 A How many match Tenisha McClinton? You are going to
22 have to give me a second to go through these
23 results.

24 Q Yes, sir.

25 A 45.5.2 matches Tenisha McClinton. That is one.

1 45.5.1 and 45.5.3 match Frank West.

2 Q Okay.

3 A The fourth one I can't locate it on the report yet.
4 If you will give me a second I can find it.

5 45.5.4 is a mixture of McClinton and West.

6 So two of the items have her DNA. One is
7 mixed with Frank West, the other is not.

8 Q So how many of those clippings have Melinda
9 Richmond's DNA on it?

10 A None of them have -- none of those have Melinda
11 Richmond's DNA.

12 Q You said you tested approximately 140 items, is
13 that correct?

14 A I seem to remember that number, but I don't know
15 exactly without counting them.

16 Q Okay. And of those items, one matched Melinda
17 Richmond's DNA?

18 A I believe that is correct.

19 Q Okay. You also tested for whether or not blood was
20 on the items?

21 A Correct.

22 Q You could get DNA for different types of liquids or
23 fluids, is that correct?

24 A That's correct.

25 Q And the cutting from the dark sweatshirt that

1 Ms. Shipley was talking to you about, Item Number
2 31?

3 A Yes.

4 Q The victim's DNA that was indicated was blood, was
5 it not?

6 A Can you repeat that?

7 Q The victim's DNA that you analyzed on the
8 sweatshirt was blood, correct?

9 A If you can give me an item number.

10 Q 31.3.6.

11 A 31.3 -- yes, blood was indicated on that item.

12 Q And swabs -- and Item Number 14, I'm sorry, Item
13 Number 16, Item Number 17, Item Number 18 are swabs
14 from the trailer, is that correct?

15 A I don't know where they came from. I assume they
16 came from the scene or adjacent in some way to the
17 scene. 16, 17, 18 are swabs from the stain from
18 the bathroom floor; 17, swab from sink cabinet; and
19 18, swab from black handle knife. I don't know
20 where they came from.

21 Q So the swabs in the bathroom, that matches the
22 victim?

23 A Item --

24 Q Item Number 16.

25 A 16. Item 16 matched Frank West.

1 Q Item Number 17, swab from the sink --

2 THE COURT REPORTER: I'm sorry, you are facing
3 the other direction.

4 Q Item Number 16 -- 17, swab from sink cabinet,
5 matches Tenisha McClinton?

6 A That's correct.

7 Q And you were posed a hypothetical about choosing
8 what type of evidence to test for, correct?

9 A Correct.

10 Q All right. So in this case, was it your choice not
11 to test anything from the incident location?

12 A I don't remember whose choice it would be. It
13 would be an agreement between myself and the
14 investigator as to, you know, here is the evidence
15 and we think this is important or not important,
16 give me some basics of the case, they had some
17 input into that, so I don't remember who said,
18 okay, test this, test that, hey don't test this or
19 don't test that. It would be a meeting between
20 three or four of us who are all involved.

21 Q Who did you meet with in this case?

22 A It would have been Investigator, probably Rob
23 Martin.

24 Q Okay. And had you had a swab from the knife blade,
25 do you think that would have been probative?

1 A Swab from the knife blade? It depends on where the
2 knife was found.

3 Q Okay. You would have tested that if it were part
4 of the evidence?

5 A Maybe, maybe not. I mean, if it is a stabbing and
6 the knife is found at the scene of the stabbing, I
7 mean, it may or may not be probative.

8 Q Okay. But you may or may not have multiple
9 people's DNA on it, correct?

10 A Say that again?

11 Q You may or may not have multiple person's DNA on
12 that blade, correct?

13 A Yes. You don't know what you have on it until you
14 test it, correct.

15 MS. GRIPP: Beg the Court's indulgence.

16 (Pause.)

17 MS. GRIPP: No further questions.

18 MS. SHIPLEY: Just a hypothetical, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. SHIPLEY:

21 Q Dr. Amick, if you have three individuals leaving a
22 crime scene where someone has been stabbed and one
23 of those individuals cut themselves with the murder
24 weapon and all three of the individuals left
25 together in a small compact Toyota Camry and went

1 to clean up together, would you expect to find the
2 person who got cut, their blood, on the other
3 Co-Defendants who they fled the scene with?

4 A That is a possibility, yes.

5 Q Thank you.

6 MS. SHIPLEY: No further questions.

7 MS. GRIPP: Nothing.

8 THE COURT: All right, thank you. You can
9 step down.

10 (Witness steps down.)

11 MS. SHIPLEY: The State would call Dr. Clay
12 Nichols.

13 Your Honor, can Dr. Amick be excused?

14 THE COURT: Okay.

15 (Witness excused.)

16 THE BAILIFF: Place your left hand on the
17 Bible, raise your right hand, and face the clerk.

18 (Witness complies.)

19 THE CLERK: Do you swear or affirm the
20 testimony you are about to give in this case will
21 be the truth, the whole truth, and nothing but the
22 truth, so help you God?

23 THE WITNESS: I do.

24 THE CLERK: Have a seat in the witness box,
25 and state your name for the record.

1 (Witness seated.)

2 THE WITNESS: Clay Allen Nichols,
3 N-I-C-H-O-L-S.

4 CLAY ALLEN NICHOLS,
5 after being duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. SHIPLEY:

8 Q Good afternoon, Dr. Nichols.

9 A How are you doing today?

10 Q Dr. Nichols, tell this jury where you work.

11 A I work over at Richland Memorial Hospital. I'm
12 also the chief medical examiner for Richland
13 County.

14 Q And what do you do there? Your title? What are
15 your duties as a medical examiner?

16 A Essentially I perform autopsies on people who die
17 suspicious or unnatural deaths.

18 Q How many autopsies have you performed in your
19 career?

20 A About 5,000.

21 Q And how long have you been doing this?

22 A 1986 I started. Yes. Twenty some-odd years.

23 Q How many times have you been qualified to testify
24 in a court of law as an expert in the field of
25 forensic pathology?

1 A Hundreds.

2 MS. SHIPLEY: Your Honor, at this time we
3 offer Dr. Nichols as an expert in the field of
4 forensic pathology.

5 MR. SECOR: No objection.

6 THE COURT: All right, without objection.

7 A All right.

8 Q First of all, is the morgue located at the Richland
9 Memorial Hospital?

10 A Yes, it is.

11 Q And is that where people who die go?

12 A Yes.

13 Q Tell this jury a little bit about how it is that
14 you schedule autopsies.

15 A An autopsy begins with a phone call from the
16 Coroner's Office that someone has died, and as such
17 that they need an autopsy. The autopsies are
18 usually scheduled during the morning, seven days a
19 week.

20 Upon arrival we have an investigator usually
21 from law enforcement or from the Coroner's Office,
22 and then we proceed with the actual autopsy itself.

23 Q All right. I am going to bring your attention to
24 May 6th, 2007. Did you perform an autopsy on
25 someone that day?

1 A Yes, I did.

2 Q And who was that?

3 A Frank West, at 8:00 o'clock in the morning.

4 Q Can you tell this jury how old Frank West was?

5 A Fifty-two.

6 Q And tell the jury exactly what you did in
7 preparation for the autopsy of Mr. West.

8 A First of all, along with a phone call asking for an
9 autopsy, an initial history or the story behind the
10 autopsy is given to us.

11 Following that, the body is examined with
12 clothes on and clothes off looking for any evidence
13 or absence of injury which may have contributed to
14 his death.

15 In addition, a complete dissection is
16 performed where all the major organ systems are
17 removed. They are inventoried, once again, looking
18 for the presence or absence of disease. Fluids are
19 removed for toxicological evaluation. Small
20 portions of tissue are also submitted for
21 microscopic examination. And that was done in this
22 case for Mr. West.

23 Q Okay. And you said you receive a history. Why is
24 it important to have a history?

25 A A history provides the context in which we do the

1 autopsy. Just to get a dead body and perform
2 dissection has very limited value. We like to know
3 what is behind it and why we're doing the autopsy.

4 Q And what was the history you received in this case?

5 A Mr. West was a white male involved in an apparent
6 homicidal stabbing on May 5th. The deceased was
7 subsequently transported to Palmetto Health
8 Richland where resuscitative efforts, including an
9 emergency laparotomy, which is surgery of the
10 abdomen, was performed. However, the deceased
11 ultimately died from the wounds. The stabbing
12 appears to have been drug related. The
13 circumstances of the stabbing are still being
14 investigated.

15 And it was provided to me by Leonard Bradley,
16 of the Richland County Coroner's Office.

17 Q And so the Coroner's Office provided that history
18 to you, is that correct?

19 A That's correct.

20 Q All right. Tell this jury what is the first step
21 you do when you begin your autopsy.

22 A We look at the body to see if there is any injury
23 to the body which may have contributed to the cause
24 of his death.

25 Q And when you look at the body do you make notes on

1 a diagram?

2 A Yes, I do.

3 Q I'm going to show you what has been marked State's
4 Exhibit Number 198 and ask you if you recognize
5 this?

6 A Yes, I do. This is the body diagram from Frank
7 West that I prepared myself.

8 Q Okay.

9 MS. SHIPLEY: Your Honor, at this time we
10 would introduce 198 into evidence.

11 MR. SECOR: No objection.

12 THE COURT: Without objection.

13 (WHEREUPON, State's Exhibit No. 198 was
14 marked for identification and received
15 into evidence.)

16 Q I'm going to give you the pointer. And if you
17 could just make sure you speak up for the court
18 reporter. Tell the jury what is documented on that
19 diagram.

20 A It is a very busy diagram, but essentially there
21 are 24 stab wounds to Mr. West's body. In
22 addition, there were minor contusions or bruises to
23 the body. And also documented is the laparotomy or
24 surgery to his belly or abdomen area.

25 Q Okay. Did you take his measurements?

- 1 A Yes, I did.
- 2 Q How tall is he?
- 3 A Mr. West, 71 inches tall, which is 5'11". And he
- 4 weighed 191 pounds.
- 5 Q Okay. All right. And begin with your diagram.
- 6 What is the first thing you note?
- 7 A There were 24 stab wounds.
- 8 Q Okay.
- 9 A Okay.
- 10 Q And did you document where those stab wounds were
- 11 located on Mr. West's body?
- 12 A Yes, I did.
- 13 Q Can you count them in the order that you -- why
- 14 don't go one by one and you tell us which -- is
- 15 that -- starting with Stab Number 1.
- 16 A Okay. The numbers sequence does not indicate the
- 17 sequence of which he was stabbed. I don't know
- 18 that. It indicates where I found it first and
- 19 numbered them.
- 20 Q So you are not saying that Stab Wound Number 1 is
- 21 the first stab wound that was inflicted on him?
- 22 A That's correct.
- 23 Q Okay.
- 24 A Stab Wound Number 1 is to the back of the neck at
- 25 the midline, located nine inches from the top of

1 the head right here. The stab wound is 0.3 by 0.1
2 inch. It is a shallow wound. No vital structure
3 is transected.

4 Q What does that mean?

5 A It means that basically it went into his neck, the
6 soft tissue, the muscle. There was no vital
7 structure that was actually cut by the stab wound.

8 Q And what is a vital structure?

9 A Depending on the area, it could be a major artery,
10 a major vein or spinal cord or a major organ.

11 Q Stab Wound Number 2?

12 A Right below this. Stab Wound Number 2, the left
13 upper back. It is a distance of 12 inches from the
14 top of the head, one inch to the left of the
15 midline. The wound is 0.9 by 0.2 inch. The wound
16 is shallow, and no vital structure is transected.

17 Q Okay.

18 A Okay.

19 Q Stab Wound Number 3?

20 A Is to the left upper back. It is a distance of
21 nine inches from the top of the head and five
22 inches to the left of the midline. The wound is
23 0.1 by 0.6 inch. The wound is shallow, and no
24 vital structure is transected. Number 3 here.

25 Q All right. Stab Wound Number 4?

1 A Number 4? Right here. To the left back at a
2 distance of 10.5 inches from the top of the head
3 and eight inches to the left of the midline. The
4 wound is 1.1 by 0.22 inch. The wound is shallow
5 and no vital structure is transected.

6 Q Stab Wound Number 5?

7 A Number 5. Is to the left back at a distance of 13
8 inches from the top of the head and 8 inches to the
9 left of midline. The wound is 0.6 by 0.1 inch.
10 The wound is shallow, and no vital structure is
11 transected.

12 Q Stab Wound Number 6?

13 A 6? To the left mid-back at a distance of 15.5
14 inches from the top of the head and 2.75 inches to
15 the left of the midline. The wound is 0.5 by 0.2
16 inch. The wound is shallow and no vital structure
17 is transected.

18 Q Okay. Stab Wound Number 7?

19 A Number 7? Right here. It is the left mid-back at
20 a distance of 18 inches from the top of the head
21 and 2 inches to the left of the midline. The wound
22 is 0.7 by 0.2 inch. The wound is shallow, and no
23 vital structure is transected.

24 Q Okay. And Stab Wound Number 7 is the last one you
25 documented on the back of Mr. West, or are there

1 more?

2 A That's it.

3 Q I see 8 over there.

4 A Okay.

5 Q So there were a total of seven stab wounds to
6 Mr. West's back, is that right?

7 A That's correct.

8 Q Now, Doctor, you've been describing them as
9 shallow, no vital structure transected.

10 A Right.

11 Q The fact that there are seven of them, does that --
12 could that contribute to someone's death?

13 A Absolutely correct. Even though I say there is no
14 vital structure transected, I'm getting ahead of
15 myself, but Mr. West died of bleeding to death.
16 These seven injuries, as well as all of the other
17 injuries, even though most of them did not hit
18 anything vital, contributed to bleeding sites. So
19 Mr. West was continually bleeding from these areas,
20 even though nothing major was hit, in total it is
21 very important.

22 Q Okay. Now, please proceed with Stab Wound Number
23 8.

24 A Number 8 is the left shoulder. Seven inches from
25 the top of the head and eight inches to the left of

1 the midline. The wound is 0.4 by 0.1 inch. The
2 wound is shallow, and no vital structure is
3 transected.

4 Q Okay. Number 9?

5 A Number 9? To the left upper shoulder, seven inches
6 from the top of the head and nine inches to the
7 left of midline. The wound is 0.6 by 0.2 inch.
8 The wound is shallow, and no vital structure is
9 transected.

10 Q All right. Where is that on that diagram?

11 A Number 9 should be up in this area, left shoulder,
12 top of the left shoulder.

13 Q All right. Number 10?

14 A Number 10 is to left face. Let me get my diagram
15 out here. Up in this area.

16 Q Okay. So he was also stabbed on the face?

17 A He was.

18 Q Okay. Tell the jury about that injury.

19 A Six inches from the top of head and 3.5 inches to
20 the left of midline. The wound is 0.6 by 0.1 inch.
21 The wound is shallow, and no vital structure is
22 transected.

23 Q And I am going to show you what has been marked
24 State's 202 and ask you if you see Stab Wound
25 Number 10 on this photograph?

1 A That is Stab Wound Number 10 right here.

2 Q On the left cheek on Mr. West's face?

3 A Yes.

4 Q Okay. And that is what you characterize as a
5 shallow, no vital structure --

6 A That's correct.

7 Q -- is penetrated. Would this assist you in
8 explaining your findings to the jury?

9 A Yes.

10 MS. SHIPLEY: Your Honor, at this time we
11 would introduce 202.

12 THE COURT: All right, subject to all previous
13 objections.

14 MR. SECOR: Thank you, Your Honor --

15 (WHEREUPON, State's Exhibit No. 202 was
16 marked for identification and received
17 into evidence.)

18 Q Can you explain -- show this to the jury, exactly
19 the significance of that wound?

20 A This is Stab Wound Number 10. It shows a physical
21 appearance of a stab wound. It is longer than it
22 is wide. That corresponds to basically the width
23 and depth of the blade. It struck the facial
24 bones, the jaw bone underneath the left side. No
25 vital structure was transected or cut by this

1 particular stab wound.

2 Q Okay. And so you indicated -- let me ask you a
3 question. Is this consistent with a knife being
4 used?

5 A Oh, yes.

6 Q All right. And it is consistent with State's
7 Number 13 being used? I don't have gloves. Be
8 careful. Don't hold it.

9 A Yes.

10 Q Okay. And do you remember Investigator Reed-Enzor
11 showing you this knife to ask if it was consistent?

12 A Yes.

13 Q So what stopped this Number 10 from being deeper?

14 A The bones of the jaw.

15 Q Okay. What about State's -- excuse me -- Stab
16 Wound Number 11?

17 A 11 is also the left side of the face, went through
18 the same area. Six inches from the top of the head
19 and 3.5 inches to the left of the midline. The
20 wound is 0.2 by 0.1 inch. The wound is shallow,
21 and no vital structure is transected.

22 Number 12 is to the left neck, at a distance
23 of eight inches from the top of the head near the
24 midline. 12 is right in this area here. The wound
25 is 0.4 by 0.1 inch. The wound is shallow, no vital

1 structure is transected.

2 Stab Wound Number 13 is the left neck near the
3 midline at a distance of eight inches from the top
4 of the head. The wound is 3.2 by 0.1 inch. This
5 is a long slashing wound. This appears to be an
6 attempt by somebody to passively split Mr. West's
7 throat. The wound is shallow, and no vital
8 structure is transected. So although there was
9 attempt to slash his throat, really this is a very
10 superficial wound. It would have bled, but, once
11 again, no vital structure was transected by this
12 particular injury.

13 Number 14 is to the left neck at the base,
14 eight inches from the top of the head. The wound
15 is 3.5 by 0.3 inch. Once again, this is a slashing
16 type of wound, which is gaping. It is
17 approximately 0.6 inch deep. And, once again, no
18 vital structure is transected. We have another
19 attempt at slashing of the neck.

20 Number 15 is to the left wrist. We're coming
21 down to -- let's see, 15 here. At a distance of .9
22 inches from the top of the head. The wound is 3 by
23 .1 inch. It is shallow, and no vital structure is
24 transected. Usually injuries to the hands and
25 wrists are known as defensive injuries. As a

1 person is being attacked they will use their hands
2 to ward off their attacker. As such, if a knife is
3 being used, the hands will be cut and the wrists
4 will be cut in attempt to defend themselves.

5 Q State's Number 200 and 201, are these the wounds
6 that you are referring to as defensive wounds?

7 A Yes.

8 Q And --

9 A I don't believe I described that particular injury
10 yet.

11 Q Oh. Why don't we go ahead and do that while we're
12 explaining it?

13 A Okay.

14 Q 22 and 23, I believe, on your chart.

15 A Jump down to 22. Stab Wound 22 is a defensive
16 injury to the back of the right hand near the base
17 of the index finger, 38 inches from the top of the
18 head. The wound is 0.5 by 0.1 inch. No vital
19 structure is transected.

20 And Number 23 is also a defensive injury to
21 the back of the right hand at the base of the ring
22 finger. 38 inches from the top of the head. This
23 wound is also 0.5 by 0.1 inch. No vital structure
24 is transected. And that would be demonstrated on
25 Exhibit 200, and the slashing injury to the left

1 wrist is 201.

2 MS. SHIPLEY: Your Honor, at this time we
3 would introduce 201 and 200 into evidence.

4 MR. SECOR: No objection.

5 THE COURT: Okay.

6 (WHEREUPON, State's Exhibit Nos. 200 -
7 201 were marked for identification and
8 received into evidence.)

9 Q And, Doctor, can you just hold the photograph for
10 the jurors and explain why it is you believe those
11 are defensive wounds.

12 A We have 201, which is a slashing injury to the left
13 wrist. And 200, which shows essentially a puncture
14 type stab wound to the base of the index finger and
15 the base of the right ring finger. These are
16 defensive injuries, once again, because Mr. West
17 would have been using his hands to defend himself
18 during the course of the attack.

19 Q Okay. Thank you, sir.

20 All right, Number 16?

21 A 16. The base of the right neck in here. At a
22 distance of 10.5 inches from the top of the head at
23 the midline. The wound is 2.75 by 0.2 inch. No
24 vital structure is transected. Once again, it is
25 just a long injury with that slashing or cutting

1 type of motion. Once again, no vital structure was
2 transected.

3 17 is to the corner of the right mouth, which
4 we have right here. This extends to the chin.
5 Located seven inches from the top of the head and
6 two inches to the right of the midline. Once
7 again, it is a slashing type of injury measuring
8 2.7 by one inch. No vital structure is transected.

9 Stab Wound Number 18 was to the right neck at
10 a distance of eight inches from the top of the head
11 near the midline, right in this area here. It
12 measured 0.8 by 0.1 inch. No vital structure is
13 transected.

14 Stab Wound Number 19 is to the right side of
15 the neck at a distance of nine inches from the top
16 of the head and three inches to the right of the
17 midline. 19 is right here. The wound is a
18 slashing type of injury measuring 3.4 by one inch.
19 It extends approximately 1.2 inches into the soft
20 tissues of the neck with subsequent transection of
21 the right common carotid artery. The carotid
22 artery is the major artery that supplies the brain,
23 the top side of your head. That is usually what
24 you feel when you take your pulse in the right side
25 of the neck. That is the major artery that was cut

1 through.

2 Stab Wound Number 20 is to the abdomen. 20 is
3 right side. 26 inches from the top of the head and
4 three inches to the right of midline. The wound is
5 2.3 by 0.8 inches. Raised diameter. It is a
6 shallow injury. The abdominal cavity is not
7 breached. So although this is long, it did not
8 actually penetrate into the abdomen where the major
9 organs are.

10 21, over on the other side. In this circular
11 area here, that is the surgical site that the
12 surgeons did when they performed the surgery. 21
13 is to the left abdomen, 25 inches from the top of
14 the head and 4 inches to the right of the midline.
15 The wound is 2.7 by 0.8 inch. The stab wound
16 entered the abdominal cavity and is the wound
17 responsible for injuring the spleen, which was
18 taken out during the laparotomy, the surgical
19 procedure that the surgeons did. So that was a
20 major bleeding site internally as a direct result
21 of the stabbing.

22 Q All right. And you have already discussed 22 and
23 23. Skip over to 24.

24 A 24 is to the right upper chest. 24, up here. At a
25 distance of 15 inches from the top of the head and

1 3.8 inches to the right of the midline. The wound
2 is 3.4 by 0.3 inch. It is a shallow injury, and no
3 vital structure is transected.

4 Q Okay. Thank you, Doctor.

5 (Witness seated.)

6 Q Do you have a medical opinion as to a reasonable
7 degree of medical certainty as to the cause of
8 death of Frank West?

9 A Yes, I do.

10 Q What is it?

11 A Mr. Frank West died as a direct result of
12 exsanguination, which means he bled to death as a
13 result of multiple stab wounds.

14 Q And so there is not one single stab wound that
15 caused his death, it is the combination of all 24
16 in your expert opinion?

17 A That's correct. There were two that hit major
18 areas, the right carotid artery, which I believe
19 was Number 19, and Number 21, which was the one to
20 the left abdomen, but there were also 22 other stab
21 wounds which contributed to his bleeding to death.

22 Q And if an eyewitness indicated that he saw the stab
23 wounds to the back bleeding profusely, would that
24 be consistent -- would that be consistent or is
25 that expected of these type of stab wounds?

1 A Yes, it is.

2 Q The fact that some people were hesitant to conduct
3 CPR on this individual, lack of medical attention,
4 did that contribute to his death?

5 A The quicker CPR is initiated, the quicker a person
6 gets emergency help, the better the chances are.
7 That doesn't guarantee their survival, it just
8 means their chances are better.

9 Q The resuscitative efforts of the doctors, the
10 surgeons that tried to save his life, did that
11 contribute to the death of Frank West?

12 A No, it did not.

13 MS. SHIPLEY: Beg the Court's indulgence.

14 (Pause.)

15 Q Did you observe any single stab wound to Mr. West's
16 legs?

17 A No.

18 Q Do you recall whether a crime scene investigator by
19 the name of Patricia Reed was present during this
20 autopsy?

21 A Yes, she was.

22 Q Do you recall making a comment about the
23 perpetrator possibly being left-handed?

24 A No, but it would make sense. If you look at the
25 back, although right-handed people, left-handed

1 people, that is not a hard fact, you can see that
2 the stab wounds to the back are all concentrated
3 around the left side.

4 Q And so if the person was right-handed they could
5 have inflicted those?

6 A Sure.

7 Q On the left side of the back?

8 A Sure. But the grouping is very conspicuous,
9 especially on the back on the left side.

10 Q If both perpetrators are right-handed, does that
11 change your opinion in any way?

12 A No.

13 Q Thank you, Dr. Nichols.

14 CROSS-EXAMINATION

15 BY MR. SECOR:

16 Q Good afternoon, Dr. Nichols.

17 A How are you doing today?

18 Q I'm fine. How are you?

19 A Fine, thank you.

20 Q I just want to go through your report a little bit.
21 I'm not going to belabor the point to the extent
22 you went over it with Ms. Shipley, but I just want
23 to talk to you about a couple of different things.

24 MR. SECOR: Your Honor, is there any way we
25 can turn this off?

1 THE COURT: Try that.

2 MR. SECOR: All right. I think that is
3 better. Thank you.

4 Q Dr. Nichols, one thing that I talked with the other
5 people that collected evidence in this case.

6 A Uh-huh.

7 Q Particularly people who observed and looked at
8 physical evidence in the way that you did. I just
9 want to ask you, and I think the answers are
10 probably clear, but you conduct your investigations
11 in an objective manner, do you not?

12 A Yes, I do.

13 Q And the evidence that you gather and the
14 information you put in your reports is objective
15 evidence?

16 A Yes, it is.

17 Q It doesn't favor one person over another?

18 A No, it does not.

19 Q Okay. And the evidence that you collect and
20 document and put in your reports, it can support
21 what somebody said happened, right?

22 A Yes, sir.

23 Q Or it can contradict what somebody said happened?

24 A Yes, it could.

25 Q Okay. Now, your report is very thorough. And it

1 is true as you went through with Ms. Shipley that
2 you labeled the wounds that Mr. West sustained as 1
3 through 24?

4 A Yes, sir.

5 Q Okay. And after you listed them each, there was a
6 brief description that you just went through for
7 each one?

8 A Yes, sir.

9 Q And you agree with me that in 21 out of 24 of those
10 descriptions your description ends with the quote
11 "no vital structure is transected"?

12 A Yes.

13 Q But as you said, I mean, that doesn't mean it
14 didn't bleed, that just means that no vital
15 structure was transected?

16 A That's correct.

17 Q Okay. Now, Number 19 -- and correct me if I'm
18 wrong -- is the wound that you documented as being
19 the one that severed Mr. West's carotid artery on
20 the right side, is that correct?

21 A That's correct.

22 Q Okay. And in your brief description after that
23 one, you didn't write "no vital structure is
24 transected"?

25 A No, I did not.

1 Q Because the carotid artery is a vital structure?

2 A That's correct.

3 Q Okay. And, again, with Wound Number 21, that is
4 the one that you believe would have been the one
5 that injured Mr. West's spleen?

6 A Yes, sir.

7 Q And, again, the brief description of that wound
8 doesn't end with "no vital structure is
9 transected," correct?

10 A That's correct.

11 Q And that is because the spleen --

12 A A vital structure was transected, yes.

13 Q Okay. At the conclusion of your autopsy report
14 there is a section, I believe it is the last page,
15 entitled summary and comment?

16 A Yes, sir.

17 Q Okay. And that is where you stated your expert
18 opinion that all 24 wounds contributed to
19 Mr. Death -- Mr. Death, I'm sorry -- Mr. West's
20 death?

21 A Yes, sir.

22 Q Or bleeding and death?

23 A Correct.

24 Q Okay. And in that summary and comment, you
25 specifically mentioned two wounds by number, right?

1 A Yes, sir.

2 Q And those are the only two that you mentioned in
3 that section by number?

4 A That's correct.

5 Q And those would be Numbers 19 and 21?

6 A That's correct.

7 Q And those are the two we just talked about?

8 A Correct.

9 Q The wound that cut his carotid artery and the wound
10 that cut his spleen, or injured his spleen?

11 A Right.

12 Q So it would be fair to say, I believe -- and, you
13 know, I obviously don't want to put words in your
14 mouth, so correct me if I'm wrong -- but despite
15 your expert opinion that all 24 wounds contributed
16 to Mr. West's bleeding and death, you found those
17 two wounds to be particularly noteworthy?

18 A That's correct.

19 Q Okay.

20 A But, once again, all 24 wounds contributed to his
21 death.

22 Q I understand.

23 A Yes.

24 Q I just want to ask you one other question, if I
25 may. I'll try to find a picture that I was going

1 to ask you about.

2 In your experience, which, as you stated, is
3 pretty extensive, and doing approximately, I think
4 you said 5,000 autopsies, I imagine you have seen
5 countless different types of injuries?

6 A Yes.

7 Q And I assume that, based on your experience and
8 knowledge and expertise, you have been able to
9 derive which wounds are offensive and defensive
10 wounds?

11 A Yes, sir.

12 Q Okay. And as you stated, Mr. West did suffer some
13 what you thought were defensive wounds?

14 A Yes, sir.

15 Q Isn't that correct?

16 A Yes, sir.

17 Q In your experience, have you seen injuries that
18 would be consistent with -- and these would be, I
19 believe, offensive injuries -- where a person is
20 stabbing another person with a knife?

21 A Yes, sir.

22 Q The knife has gotten slick with blood?

23 A Yes, sir.

24 Q And the hand, when they are stabbing, slides off
25 the handle?

1 A Yes.

2 Q Okay. And in those situations their hand can slide
3 off the handle and down the blade?

4 A (Nods affirmatively.)

5 Q And you have seen injuries where an attacker has
6 suffered cuts on the inside of their hands?

7 A That's correct.

8 Q Okay. I would like to just turn -- or show you two
9 photographs, one State's Exhibit 110, the other
10 State's Exhibit 111, and just ask you if those
11 would be -- if those would be consistent with the
12 type of offensive injury that we were just
13 discussing?

14 A I'm going to have to say no. And the reason why I
15 say that is they are on outside of the knuckles.
16 And if a person is holding a knife, I don't see how
17 a blade would get on this side.

18 Q Okay.

19 A Causing the cut. Now, obviously these are cuts
20 caused probably by a knife or another similar sharp
21 object, but as far as being offensive injuries like
22 that, I don't see that.

23 Q Okay. Now, you said that there was, in the
24 pictures that you saw, 111 was a cut on the outside
25 of the finger?

1 A Yes, sir.

2 Q Right there?

3 A Yes, sir.

4 Q You do see some cuts on the inside?

5 A I wasn't sure if those were cuts or not because on
6 the other -- it is possible those are cuts. It
7 almost looks like an abrasion.

8 Q Okay.

9 A Okay? But there is a small injury there. Whether
10 or not those are actual cuts, I can't say. It
11 almost looks like someone had like road rash or
12 something like that. You can see where the skin is
13 abraded on the side.

14 Q Okay. Just one other picture that I want to show
15 you, and I'm not sure where it is.

16 MR. SECOR: Beg the Court's indulgence for
17 just a moment.

18 (Pause.)

19 Q Dr. Nichols, let me show you now what has been
20 marked as Defendant's Exhibit Number 2. Can you
21 tell me what that depicts, in your opinion?

22 A It looks like a cut on the inside of the finger. I
23 can't actually tell what finger it is, but there is
24 a cut of about a half inch, shallow cut.

25 Q And that would be on the underside of the pointer

1 finger?

2 A It would. Yes, it would.

3 Q Okay. Would that be, in your opinion, the type of
4 injury that somebody could sustain from stabbing
5 somebody with a knife having their hand slide off
6 the handle --

7 A Yes, sir.

8 Q -- down the blade?

9 A Yes, sir.

10 Q It would be. Okay.

11 MR. SECOR: Beg the Court's indulgence for
12 just a moment, please.

13 (Pause.)

14 Q Just another couple of last things, Dr. Nichols. I
15 note that you stated your expert opinion in this
16 case as being that Mr. West died from
17 exsanguination, which means loss of blood from all
18 the injuries?

19 A That's correct.

20 Q Hypothetically speaking, using your expert opinion,
21 are there any of these injuries, single injuries,
22 that Mr. West could have died from?

23 A Just one by themselves?

24 Q Uh-huh?

25 A Yes, sir.

1 Q Okay. And would that be potentially the one where
2 his carotid artery was cut?

3 A That's correct.

4 Q One just last comment. We have already made it
5 clear that your investigation and your involvement
6 in this case was purely objective and who pays you
7 makes absolutely no difference in terms of the
8 testimony that you give?

9 A No.

10 Q Or the opinions that you derive?

11 A No.

12 Q Thank you, sir. I appreciate your time.

13 REDIRECT EXAMINATION

14 BY MS. SHIPLEY:

15 Q Dr. Nichols, are you being paid by the State to
16 testify?

17 A No. No.

18 Q You were being asked about offensive wounds?

19 A Yes.

20 Q Someone's hand slipping off a knife and cutting
21 their own hand?

22 A Yes.

23 Q Is it possible for someone who picks up a fresh
24 clean knife that is not wet, picks it up, stabs,
25 and then puts it down on the ground, someone else

1 picking it up, continuing to stab, is it possible
2 that the first person that grabbed that knife would
3 not have any offensive wounds?

4 A Sure.

5 Q You were also asked about your findings being
6 objective, and that because they are objective they
7 could support a story, correct?

8 A Yes.

9 Q I'm going to show you State's Number 202. You
10 mentioned earlier something about contusions. What
11 are contusions?

12 A Contusions are bruises.

13 Q If someone took the witness stand and testified
14 that Frank West had been beaten prior to being
15 stabbed in the head --

16 A Yes.

17 Q -- beaten with a beer bottle, a fist, is that story
18 supported by that photograph?

19 A Yes, it is. And if you wouldn't mind --

20 Q Yes, sir.

21 A Even though we talked about the stab wounds, there
22 were additional injuries. There was a 9 by 6 inch
23 blue contusion which covers the forehead, eyes and
24 left cheek. So basically the top of the head and
25 all the way down here was one big bruise. There

1 was 3.75 by 1.2 inch abrasion, contusion on the top
2 of the left shoulder right over here. There is a 4
3 by 1.7 inch blue contusion over the left lateral
4 biceps, which is this part of the arm. There was a
5 red 3.5 by 1.5 inch abrasion, contusion over the
6 left knee. And a red one inch circular contusion
7 abrasion over the left ankle.

8 Q What would --

9 A So we did have evidence of a beating.

10 Q Okay. And what could cause this injury and this
11 injury?

12 A Those would be evidence of blunt trauma. Blunt
13 trauma means that some sort of blunt object. There
14 was no particular pattern associated with it. I
15 think you mentioned a beer bottle. Sure. It could
16 be multiple other things similar to that that would
17 cause bruising.

18 Q What about kicking?

19 A Kicking or stomping, sure.

20 Q And if a witness claimed to have seen Mr. West
21 being stabbed in the leg, do your findings support
22 that?

23 A I have no evidence of any stabbing in the leg.

24 Q You are also asked about your summary and comment
25 at the end of your report. Can you please read it

1 in its entirety to this jury?

2 A Summary and comments. This unfortunate
3 gentleman died as a result of exsanguination due
4 to multiple stab wounds. There was a stab wound to
5 the right neck, parentheses (Stab Wound Number
6 19)close parentheses, which transected the right
7 common carotid artery.

8 In addition, there is a deep stab wound to the
9 left abdomen, parentheses (Stab Wound Number 21)
10 closed parentheses, which injured the spleen and
11 necessitated a splenectomy.

12 Defensive injuries were identified to the back
13 of the right hand, as well as the left wrist.

14 The remaining stab wounds were relatively
15 shallow, and all wounds contributed to the fatal
16 bleeding and, as such, his death.

17 Q Thank you. No further questions, Doctor.

18 MR. SECOR: Just briefly, Your Honor.

19 RECROSS-EXAMINATION

20 BY MR. SECOR:

21 Q Dr. Nichols, just a minute ago when we were talking
22 about that there are injuries he sustained
23 individually that could have been fatal, such as
24 the wound that cut the carotid artery, right?

25 A Yes, sir.

1 Q Would you agree that conversely there are injuries
2 that he sustained that he more than likely would
3 have survived had it been just that injury?

4 A Just one singular injury?

5 Q Yes, sir?

6 A Yes.

7 Q Okay.

8 A But there weren't. There were 24 total.

9 Q I understand.

10 A Yes, 24 total stab wounds.

11 Q Thank you, sir.

12 A Okay.

13 THE COURT: Okay. Thank you, Doctor. You may
14 step down.

15 THE WITNESS: Thank you, Your Honor.

16 (Witness steps down.)

17 MS. SHIPLEY: May he be excused, Your Honor?

18 MR. SECOR: Without objection.

19 THE COURT: Okay, thank you, Dr. Nichols. You
20 are excused.

21 THE WITNESS: You have a good day, sir.

22 THE COURT: You too.

23 (Witness excused.)

24 THE COURT: May I see the lawyers up here,
25 please?

1 (WHEREUPON, a bench conference was held
2 in the presence of the jury but out of
3 the hearing of the jury.)

4 THE COURT: All right, ladies and gentlemen of
5 the jury, I had originally thought we might just
6 keep forging ahead, but I know a couple of you have
7 concerns, and probably all of you would like to
8 call it a day, so we are going to call it a day.

9 But tomorrow is Friday, and I'm going to ask
10 you to be back at 8:30, if you would, and we will
11 try and get started just as quickly as we can after
12 that.

13 Please remember not to talk about it, and that
14 every one of us knows the more you learn about
15 something, the longer you have been doing it, the
16 more the temptation is there, and I know you want
17 to talk about it, and you will get a chance soon
18 enough, but just remember what I told you about
19 protecting -- because if you protect the rights in
20 this case, you are protecting the rights for
21 yourself and everyone you know.

22 All right, thank you very much. Have a
23 pleasant evening. See you at 8:30 in the morning.

24 (WHEREUPON, the jury is excused for the
25 evening at 5:32 p.m.)

1 THE COURT: Let me talk to y'all just one
2 second up here.

3 (WHEREUPON, a bench conference was held
4 in the presence of the jury but out of
5 the hearing of the jury.)

6 THE COURT: Have a good night. See you at
7 8:30.

8 (WHEREUPON, court adjourned for the evening.)

9 (WHEREUPON, court reconvened.)

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11 MS. SHIPLEY: We are getting ready for closing
12 arguments. I don't know if you want to discuss
13 charges?

14 THE COURT: Let's wait.

15 (Pause.)

16 THE COURT: I got a note from the jury, from
17 Ms. Gonzalez, the forelady.

18 We all -- we all -- were wondering if the case
19 is going to end today or if it will go into next
20 week. Most of us have to advise our employers of
21 this information. Thank you.

22 MR. O'NEIL: We don't anticipate going into
23 next week, Your Honor.

24 THE COURT: Now, we won't work Sunday morning,
25 but we'll get it done this week. Do y'all want to

1 Look at that?

2 MS. SHIPLEY: No, sir.

3 THE COURT: All right. Do you want to do the
4 charge thing now or do you want to wait?

5 MS. SHIPLEY: Whenever you want to do it, Your
6 Honor.

7 MR. O'NEIL: Yes, we would prefer to wait
8 until after we finish the case.

9 THE COURT: Okay. All right. Is everybody
10 ready?

11 MS. SHIPLEY: Yes, sir.

12 THE COURT: Okay.

13 (WHEREUPON, the jury came into open
14 court at approximately 8:46 a.m.)

15 THE BAILIFF: The jury is seated, Your Honor.

16 THE COURT: Thank you very much. Ladies and
17 gentlemen, welcome back. I hope y'all had a
18 pleasant evening. I hope you didn't get rained on
19 too much. Up in Greenville we need all the rain we
20 can get, we're drying out.

21 I appreciate your note this morning, and I
22 anticipate that we're not going to work next week.
23 We'll finish it. If we have to, we'll work
24 tomorrow, but I think, after speaking with the
25 attorneys, we will probably be done today. Okay?

1 All right. Thank you very much.

2 MS. GOOD: Your Honor, the State calls
3 Investigator Rob Martin.

4 (Witness approaches.)

5 THE BAILIFF: Place your left hand on the
6 Bible, raise your right, and face the clerk.

7 (Witness complies.)

8 THE CLERK: Do you swear or affirm the
9 testimony you are about to give in this case will
10 be the truth, the whole truth, and nothing but the
11 truth, so help you God?

12 THE WITNESS: I do.

13 THE CLERK: Have a seat in the witness box,
14 and state your name for the record.

15 THE WITNESS: Robert Martin.

16 ROBERT MARTIN,
17 after being duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. GOOD:

20 Q Investigator Martin, where are you employed?

21 A By the Richland County Sheriff's Department.

22 Q In what capacity?

23 A I'm an investigator in the Special Victim's Unit.

24 Q And how long have you been an investigator?

25 A I believe I started investigations in 2001.

1 Q And how long have you been with the Sheriff's
2 Department?

3 A I started in 2000, April.

4 Q And as an investigator, what are your duties?

5 A Interview witnesses, suspects, gather evidence,
6 evaluate that evidence, determine if there is a
7 crime, what crime has been committed, probable
8 cause to prosecute, search warrants, obtain search
9 warrants, more evidence, arrest warrants, prepare
10 cases for trial, work with the Solicitor's Office
11 and other agencies and bring cases forward.

12 Q And what kind of training do you have in order to
13 help you do that?

14 A I have had -- over the years, I've had some
15 investigative courses. Currently, the line of
16 courses I have been going to have been weapons of
17 mass destruction and bomb schools, but I have been
18 to some auto theft, financial crimes, elder abuse
19 investigations, and some child investigation
20 classes.

21 Q And do you have classes in interrogation and
22 interviewing?

23 A I have had some.

24 Q And in this particular case against Melinda
25 Richmond and Tenisha McClinton and Bruce Thompson,

1 what is your particular role?

2 A I was assigned as a primary homicide investigator
3 in this case.

4 Q And what does that mean?

5 A Once every two months, is the way it is set up now,
6 an investigator is singled out as being the primary
7 on-call investigator for homicides.

8 This particular week I was at home and at
9 8:00 o'clock in the morning or 8:10 in the morning,
10 I was called and notified that there was a
11 possibility that Frank West wasn't going to survive
12 his wounds and to come out and assume the role as
13 primary homicide investigator.

14 Q And did you do that?

15 A I did.

16 Q And what day was that?

17 A That was the 5th of May, 2007.

18 Q May 5th?

19 A Correct.

20 Q And as soon as you got that call, what was the
21 first thing that you did?

22 A I got the call from Sergeant McDonald. Again, it
23 was 8:00 o'clock on Saturday morning. I got out of
24 bed, took the phone and then started taking notes
25 and asked them basic questions as to what we knew

1 so far.

2 And Sergeant McDonald, now lieutenant, advised
3 me of what they had at the time.

4 Q And at that point, were you aware of how many
5 possible suspects you had?

6 A Yes.

7 Q And how many was that?

8 A Three.

9 Q And did you know where each of those suspects were?

10 A Yes. Two were in custody and one was held up in a
11 house at 205 Latonea Drive.

12 Q And which two were in custody at that point?

13 A Melinda Richmond and Tenisha McClinton.

14 Q And who was hold up in a residence somewhere?

15 A Bruce Thompson.

16 Q And when you found that out, what was the first
17 thing that you did?

18 A I was responding to Latonea Drive. I wasn't sure
19 if that was going to be a hostage situation or a
20 SWAT Team event.

21 As the primary, I went out there to assess,
22 see what we needed and what assets we needed.
23 Also, assisting in obtaining information to get a
24 search warrant to go into the property and recover
25 Bruce Thompson.

1 Q And did you get a search warrant?

2 A One was being started. Lieutenant Scott, Heidi
3 Scott started it. I think Wendell Harris finished
4 it up and went and got it signed. Investigator
5 Baker was on the scene. He also briefed me as to
6 what was going on. In that process, Bruce Thompson
7 walked out on his own.

8 Q And you actually observed that?

9 A Yes, I did.

10 Q And at that point, what happened with Bruce
11 Thompson?

12 A Bruce Thompson was put in the back of Kenny
13 Gerald -- Sergeant Gerald's patrol car, marked
14 patrol car. Sergeant Gerald was advised not to
15 discuss the case with Bruce and transport him to
16 headquarters.

17 Q And when you saw Mr. Thompson step out of that
18 home, did you notice what he was wearing or
19 carrying?

20 A He had all black on. He had a black sweatshirt,
21 some black -- they appeared to be sweat type pants,
22 shorts, knee length, dark shoes, and a do-rag --
23 skull cap, do-rag kind of thing, it was black in
24 color.

25 Q I show you what is marked State's Exhibit 204. Do

1 you recognize that?

2 A This is the packaging for the do-rag that I
3 submitted into evidence that came from Bruce
4 Thompson.

5 Q And you got that do-rag from Mr. Thompson?

6 A I did.

7 MS. GOOD: At this time, Your Honor, we would
8 like to enter into evidence State's Exhibit 204.

9 MR. O'NEIL: No objection.

10 THE COURT: All right, without objection.

11 (WHEREUPON, State's Exhibit No. 204 was
12 marked for identification and received
13 into evidence.)

14 Q After Mr. Thompson was taken to headquarters, where
15 did you go?

16 A I went to headquarters.

17 Q And for what purpose?

18 A To interview Bruce Thompson.

19 Q And did you interview Bruce Thompson at that time?

20 A I did.

21 Q And from the beginning of this investigation to the
22 end, did you become aware of how all the suspects
23 knew or didn't know each other and the victim,
24 Frank West?

25 A That's correct, I did.

1 Q And what information did you have as to that?

2 A As the case was developed we learned that -- we
3 learned that Tenisha was not really known to Frank
4 West. It was her first time coming down and
5 meeting him. Bruce Thompson did not know Tenisha
6 McClinton. It was his first time meeting her as
7 well. She did have a relationship with Melinda
8 Richmond that spanned over, I think she said two
9 years. Bruce had a relationship with Melinda, they
10 were smoking buddies, smoked crack together. That
11 was the same relationship I believe with Tenisha.
12 And then Melinda was related to Frank in that they
13 had a boyfriend/girlfriend type relationship and
14 they would smoke crack together and lived together.

15 Q And were you aware if Bruce Thompson knew Frank?

16 A Bruce did know Frank. He said that he was --

17 Q Don't go into what he said, but you became aware
18 throughout the investigation that --

19 A I believe that they knew each other. They knew
20 each other through Melinda and other things.

21 Q After you interviewed Bruce Thompson, what was your
22 next course of action?

23 A I had learned that there was a claim that Bruce
24 said he never -- he said -- but he didn't have any
25 contact with Frank. And we went and had major case

1 prints taken in the lab.

2 Q And do you have major case prints taken in every
3 major case?

4 A Major cases. Major cases. Robberies, homicides,
5 burglaries. It is a more in-depth -- instead of
6 just rolling the fingertips, they do the palm-heel.
7 They do the palms. It is more in-depth so that if
8 there is a ridge detail left behind at another
9 scene it can be matched up by the hands.

10 Q And did you also become aware of an address at 124
11 Rembert Martin Way?

12 A I did.

13 Q What did you do regarding that location?

14 A I tasked Kevin -- I'm sorry, John Baker,
15 Investigator Baker, with assigning a lab unit in
16 that direction so we could have it processed.

17 Q And why wouldn't you go to that scene?

18 A That morning, it is a Saturday morning, so all of
19 CID is not working. The evening shift people that
20 are coming off, which is Investigator Heidi Scott,
21 Investigator Baker, Investigator Harris, and then I
22 was called out. We had a lab unit that was going
23 off, Investigator Livingston, and one that was
24 coming on, Investigator Reed-Enzor. So I didn't
25 have a whole lot of manpower to cover these

1 different areas. So we would task out other
2 people. And I can't be everywhere at one time.

3 Q Is it your job to process the scene?

4 A No, it is not.

5 Q And whose job is that?

6 A We have CI's, CSI's that are trained and recognized
7 as experts to go and gather that information.

8 Q And after you sent Investigator Reed-Enzor to that
9 location, what did you do?

10 A Um --

11 Q Did you come in contact with Melinda at that time?

12 A I did.

13 Q And what contact did you have with her?

14 A I Mirandized her.

15 Q And where were you?

16 A We were in Captain Smith's office.

17 Q And is that at headquarters?

18 A That is headquarters, 5623 Two Notch Road.

19 Q All during the interview?

20 A All during it.

21 Q I show you what is marked as State's Exhibit 3. Do
22 you recognize that piece of paper?

23 A It is a Richland County Sheriff's Department Advice
24 of Rights form.

25 Q And who is it an Advice of Rights for?

1 A Melinda Jo Richmond.

2 Q And who went over that rights form with her?

3 A I did.

4 Q And about what time did you do that?

5 A 1121 hours.

6 Q And what is that, 11:20 in the morning?

7 A That's correct.

8 Q And what day?

9 A That is May 5th, 2007.

10 Q And do you do this with every suspect when you talk
11 to them?

12 A Yes.

13 Q And why?

14 A Just to advise them of their rights, that they are
15 in custody, they have to know their rights, and
16 they can waive them, or if they invoke them, we
17 stop the conversation until they speak with an
18 attorney, but if they waive them, then we go on
19 with the investigation.

20 Q Can you explain to the jury how you go over the
21 form with Ms. Richmond?

22 A The form has bullets. And you go over each bullet
23 one at a time. Prior to this, I kind of do some
24 background prep work to find out what their
25 education level is, if they are under the

1 influence, what they are under the influence of.

2 And in those questions I noted on the bottom corner
3 of the --

4 Q Just in general -- we'll get to it specifically in
5 a second.

6 A Okay.

7 Q Just in general, how do you go over the form?

8 A Read each one. If you have any questions at any
9 time. Stop, and then read each bullet, go over
10 each bullet, and then check off each bullet, and
11 then at the end have them sign it.

12 Q And in this particular case, did you do that with
13 Ms. Richmond?

14 A I did.

15 Q And what background did you get from Ms. Richmond?

16 A I asked her how far she went in school. She said
17 she had two years of college.

18 Q Okay. And did you go into any alcohol or drugs
19 with her?

20 A I did.

21 Q And can you explain that to the jury?

22 A I did. I asked her if she consumed any alcohol.
23 She said she had a beer, one, at 3:00 a.m.

24 I asked if she smoked any marijuana. She said
25 she had a few days ago.

1 And I asked her if she smoked any crack
2 cocaine. And she said around 3:00 a.m. she had
3 smoked crack cocaine.

4 Q And what time were you doing this form?

5 A This is again, 11:20 in the morning.

6 Q So about eight hours later?

7 A That's correct.

8 Q And at this time did she seem to be under the
9 influence to you?

10 A She did not.

11 Q And was she cooperating with you and responding
12 appropriately?

13 A She was.

14 Q Okay. And after you went over her background with
15 her, can you explain to the jury how you went
16 through each question?

17 A I can read right through it. We started off at the
18 top. It says:

19 Your Rights. Before we ask you any questions
20 you must understand your rights. And then I would
21 check it.

22 You have the right to remain silent. Then I
23 would check it.

24 Anything you say can be used against you in
25 court. Check mark.

1 You have the right to talk to a lawyer for
2 advice before you answer questions and to have a
3 lawyer with you during any questioning. And check
4 mark.

5 If you cannot afford a lawyer one will be
6 appointed for you before any questioning, if you
7 wish. Check mark.

8 If you decide to answer questions now without
9 a lawyer present, you still have the right to stop
10 answering at any time. You also have the right to
11 stop answering at any time until you talk to a
12 lawyer. Check mark.

13 And then I ask her if she understood it. She
14 read over it and signed it.

15 Q And did she ever ask for an attorney?

16 A No, she did not.

17 Q Did she agree to speak with you?

18 A She did.

19 Q Can you explain the second part of that form?

20 A It is where they actually waive their rights. And
21 it says:

22 I have read this statement of my rights and
23 understand what my rights are. I am willing to
24 talk and answer questions. I understand and know
25 what I am doing. No promises have been made to me

1 and no pressure or coercion of any kind has been
2 used against me. And there is a check mark. And I
3 underline the word coercion to make sure she
4 understood what coercion meant.

5 Q And did she understand?

6 A She said she did.

7 Q And did she waive her rights?

8 A She did, and she signed it.

9 MS. GOOD: At this time, Your Honor, we would
10 like to enter into evidence State's Exhibit 3.

11 MR. O'NEIL: Subject to our previous
12 objection.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibit No. 3 was
15 marked for identification and received
16 into evidence.)

17 Q And just for timeline purposes, was this interview
18 before or after the interview with Heidi Scott?

19 A With Melinda's interview with Heidi?

20 Q Yes?

21 A This is before.

22 Q Okay. So you were the first one to speak with her
23 regarding --

24 A The first investigator, I believe so.

25 Q Okay. And after you Mirandized her, did you talk

1 to her about the incident?

2 A I did.

3 Q And did you document it in any way?

4 A I did, on a notepad.

5 Q And whose notepad?

6 A My notepad.

7 Q And did she cooperate with you?

8 A She did.

9 Q Did she speak with you?

10 A She did.

11 Q And can you tell the jury what she said to you?

12 MR. O'NEIL: Objection. Previous objection.

13 THE COURT: Okay. Same ruling. Go ahead.

14 Q Before we go into that, when you were taking notes
15 as to what she was saying, how did you do that?

16 A I would ask her questions, and then her response,
17 I was jotting down her responses.

18 Q And did you put any words in her mouth in any way?

19 A I did not.

20 Q Go ahead. Tell the jury what she told you at that
21 time.

22 A She said -- I will just read her responses because
23 I don't have my questions written down.

24 Frank's apartment on Farrington after
25 midnight. Me, Tenisha, Frank. Met Tenisha in

1 Chapin. Brought her to Frank in his car. Sitting
2 and smoking crack. Bird knocked at the door. Let
3 him in. Came upstairs. Bird had product. I asked
4 her to clarify product. She said crack. Sell
5 some. Laid it out on a white plate. Gave me and
6 Frank some. Giving out to all of us. He thought
7 that Frank took some of his crack. Bird was
8 downstairs with Tenisha. Frank and I upstairs. I
9 asked him if he did that. He had done it before.
10 Frank said no. Green crack pipe bottle full of
11 crack and he didn't have any. I showed it to Bird.
12 Bird tells her that that is mine and goes upstairs.
13 Heard thumping and yelling. I was scared. I went
14 upstairs.

15 Am I going too fast?

16 Went upstairs. Frank was all bloody. And he
17 looked at me. It was like Bird was -- Bird lost
18 his mind and wouldn't stop. Frank wouldn't give
19 up. He was swinging erratic. He was saying, don't
20 kill me. Bird had a knife. I got it away from
21 him. Bird kept kicking Frank. Frank kept
22 fighting. Plastic handle like a kitchen knife.
23 Bird told me to go because I was begging him to
24 stop. I left and went downstairs. Bird told me to
25 start taking things from the apartment. I took a

1 white blanket and I do not remember what else.
2 Plastic box with papers that was mine. Tenisha was
3 with me. She wanted to get out. I got blood on my
4 clothes trying to help get Bird off of Frank.
5 Frank was using me as a shield. I saw Bird stick
6 Frank with a knife in the back and choke him with
7 his forearm. I saw a lot of blood come from
8 Frank's neck. I tried to take the knife from Bird.
9 I did not stab Frank or cut him. I didn't hold
10 Frank. Frank was trying to clutch to me and trying
11 to get me to help. Tenisha didn't help. She had
12 blood all over her. No, didn't call police. Bird
13 had us scared. Western Inn, gas station on the
14 way, Exxon on Piney Grove Road. Bird had white
15 T-shirt and baggie shorts, skull cap. They gave us
16 clothes.

17 Q After you took this interview with Melinda, what
18 did you do?

19 A About this time, as I recall, Lieutenant Scott had
20 finished up her interview with Tenisha. I had
21 already had an interview with Bird. Wendell Harris
22 was coming back from the search warrants.
23 Investigator Baker had come back from his post at
24 Rembert Martin and other places. And we started
25 pooling our information together trying to see

1 exactly what we had as suspects as far as what we
2 were getting from the suspects and how they were
3 all kind of telling on each other.

4 Q And at that point what did you determine about all
5 the stories and what your next course of action
6 should be?

7 A Well, initially we had the stories from the
8 officers. The girls come out of the car and Bird
9 is blamed immediately. Then as we get into it,
10 Bird of course blames Tenisha. Tenisha started a
11 story of putting the information on Bird and then
12 it kind of -- it kind of starts to change. Her
13 statement becomes more that it is Melinda was
14 causing all the problems.

15 The argument over this crack, Bird doesn't
16 support that argument over crack. He said it
17 wasn't his, it was more over money than anything
18 else, and it wasn't his argument.

19 Q Were the stories consistent?

20 A No, they weren't. And what we did is we tried to
21 anchor them to try to find out who was lying and
22 why they were lying.

23 Q And to do that, what did you decide to do?

24 A We had a re-interview of Tenisha McClinton and then
25 a re-interview of Melinda.

1 Q And were you in on that re-interview with Melinda?

2 A I was.

3 Q Were you there the entire time?

4 A Not the entire time, no.

5 Q And can you explain -- and who was doing the
6 interview? Who was conducting it?

7 A Heidi Scott was conducting it.

8 Q And during the interview while you were there, did
9 you notice Ms. Richmond doing anything in
10 particular when talking about the murder?

11 A When asked about -- she had started confessing
12 about stabbing Frank. When we were asking how many
13 times and where, she actually kind of took a
14 stance, positioned herself to where she was
15 visualizing and was stabbing, many stabbing
16 motions.

17 Q And after you re-interviewed everybody -- you
18 discussed one of your duties was to charge people
19 with crimes, probable cause, that sort of thing --
20 who did you charge with what?

21 A All three were charged with murder.

22 Q And eventually did you change the charge for Bruce
23 Thompson?

24 A We did.

25 Q And for what reason?

1 A The DNA evidence had come back and placed him not
2 near Frank when he was being stabbed.

3 Q And who else placed him not near Frank?

4 A The witnesses, both other Co-Defendants had pretty
5 much said that he wasn't upstairs when he was
6 stabbed.

7 MS. GOOD: Beg the Court's indulgence.

8 (Pause.)

9 Q During the interview with Ms. Richmond that
10 Ms. Scott was conducting, did you ever notice or
11 even any time while you were conducting the
12 interview, did you notice any bruises or cuts or
13 anything on Ms. Richmond?

14 A I did not.

15 Q And did she ever seem out of it to you or seem to
16 understand everything that was going on?

17 A She understood what was going on.

18 Q Did she ever fall asleep or do anything of that
19 nature?

20 A No, she did not.

21 MS. GOOD: No further questions, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. O'NEIL:

24 Q Investigator Martin, good morning.

25 A Good morning.

1 Q Now, Investigator Martin, as an investigator you
2 are trained on how to get confessions, is that
3 correct?

4 A We're not trained on how to get confessions, we're
5 trained on how to interview.

6 Q You are trained on how to interrogate suspects,
7 would you agree with me on that?

8 A Ask questions, correct.

9 Q You agree that there is a difference between an
10 interview and an interrogation?

11 A Yes, there is.

12 Q The style when you are talking to a -- when you are
13 interviewing a witness, that style of interview is
14 different from when you are interviewing a
15 potential suspect, would you agree with me on that?

16 A They pretty much start out the same. As you
17 develop more information it kind of switches from
18 an interview to an interrogation when you can tell
19 if they are not telling the truth, when you know
20 the facts already, that they are not -- they are
21 not stating --

22 Q But you don't know whether they are telling you the
23 truth or not, you agree with me on that? You only
24 know whether or not their statements are consistent
25 with other facts that you have?

1 A Supported by other facts we have, that's correct.

2 Q You have no personal knowledge of whether they are
3 telling the truth or not, that's correct?

4 A No. I wasn't there at the scene, sir.

5 Q Okay. So you don't know whether a suspect is
6 telling the truth?

7 A I know they are not telling their role or their
8 part. And then we ask them further. And that is
9 when it becomes more of an interrogation because we
10 know bits and pieces of their story of where they
11 were that they are not owning up to.

12 Q You know theirs is not consistent?

13 A That's correct.

14 Q Okay. And interrogating suspects is an important
15 part of your job, correct?

16 A Yes.

17 Q And you are trained on how to interrogate suspects?

18 A Interview and interrogate, correct.

19 Q And not only just you, but the other investigators
20 in your department as well?

21 A Not everyone has the same level of training. It
22 depends on how far they are and what division they
23 work in. So we're not all trained the same. It is
24 not one standardized class.

25 Q No, I'm not saying you all are trained to the same

1 level, but all the investigators, such as
2 Investigator Scott, Investigator Harris, get some
3 sort of interrogation training, correct?

4 A At some point. Again, there is no -- at the
5 Sheriff's Department there is not a guideline that
6 you go to this training at this part of your
7 career.

8 Q That's not what I'm asking.

9 A I mean, I can't say what they are trained in or not
10 trained in. And it is not a blanket where everyone
11 is trained at the same level. That would be nice,
12 but due to funding and opening of classes,
13 vacations and other conflicts, court and other
14 things, they are not all trained at the same time,
15 same things.

16 Q I'm not saying that. My question is, you don't
17 become an investigator without any interrogation
18 training, you have got to have some interrogation
19 training to become an investigator, correct?

20 A That is not correct.

21 Q So you can just walk off the street and become an
22 investigator without any interrogation training?

23 A You have to be a police officer. Then you have to
24 -- with the Sheriff's Department as it is right
25 now, you start off on the road. You put in a

1 request to test for an investigator slot. They
2 give you a test. They evaluate you on a board, a
3 panel. That panel makes a recommendation to the
4 sheriff as to who met the requirements, or they
5 would like to see be an investigator. And then he
6 assigns who he deems would be best in that position
7 as an investigator.

8 Q But you personally have interrogation training, you
9 agree with me on that issue?

10 A I have been to interrogation training.

11 Q Okay. And this training is important for your job?

12 A Yes.

13 Q And you are expected to use the information that
14 you get from this training in your job?

15 A Yes.

16 Q They are not just paying you to go to these
17 interrogation classes for the fun of it, correct?

18 A No.

19 Q Okay. And especially when you are a homicide
20 investigator, because many times, sometimes the
21 only witnesses are the potential perpetrator and
22 the victim, correct?

23 A That's correct.

24 Q And the interrogation process that you use,
25 everything that you do has a purpose, correct?

1 A I need you to explain a little further.

2 Q Well, for instance, you just don't walk in and talk
3 to a suspect, plop down a piece of paper in front
4 of them and tell them to write what happened? That
5 is not what you do?

6 A We don't do that.

7 Q You get prepared before you go into an
8 interrogation, correct?

9 A The more information you have would be better.

10 Q The first thing you try to do is try to gather all
11 the information you can about what is going on,
12 correct?

13 A That's correct.

14 Q And then -- I notice you are not wearing a uniform
15 today, correct?

16 A I don't wear a uniform.

17 Q You don't wear a uniform?

18 A Not unless I'm working a special assignment.

19 Q And you don't interrogate suspects in uniform?

20 A No, I do not.

21 Q And there is a reason -- I think in some of your
22 training don't they tell you that it is -- you are
23 not -- you shouldn't interrogate a suspect in
24 uniform?

25 A No one has ever said that. On the street they are

1 done in uniform and a lot of the primary
2 information comes through the uniform division.

3 Q But when you are sitting down getting a statement
4 from a suspect, are you trained that it is best not
5 to get a statement from a suspect in uniform?

6 A I have not been trained that way.

7 Q And let's talk about some other things that you may
8 have been trained in. What time did Melinda arrive
9 at headquarters?

10 A Before -- I believe before I was involved in the
11 case.

12 Q Okay. And what time were you involved in the case?

13 A I believe I have in my notes I was notified at 8:10
14 in the morning.

15 Q And what time did you first come in contact with
16 Melinda?

17 A About 11:20.

18 Q So what is Melinda doing from 8:10 to 11:20 while
19 you're there?

20 A Well, I wasn't there. I went from there to
21 Latonea.

22 Q Uh-huh.

23 A I arrived at Latonea and then when Bruce came out,
24 I interviewed Bruce. So I'm not sure what she was
25 doing. She was in custody, but I couldn't tell you

1 what she was doing.

2 Q She was at headquarters?

3 A My understanding, yes.

4 Q Do you know who talked to her before you got there?

5 A No.

6 Q Do you know if anybody did talk to her before you
7 got there?

8 A I don't believe so, no.

9 Q Okay. Let's talk about when you go into the room
10 with Melinda. I think you said -- what time did
11 you go in the room with Melinda?

12 A Around 11:20.

13 Q Around 11:20? Is the first thing you do when you
14 go in the room with her is plop down this Advice of
15 Rights form right here?

16 A When I first went in?

17 Q Yes? Is this the very first thing that you do?

18 A Do I plop it straight down?

19 Q Yes?

20 A No. We sat down. And then I told her we had to go
21 over the Advice of Rights form.

22 Q Okay. So the first thing --

23 A I kind of explained it as, just like you hear on
24 TV, I read you your rights.

25 Q And you don't go straight into your interrogation

1 at that point, do you, after you sign the Advice of
2 Rights? You do a little background first, is that
3 correct?

4 A I don't know that we did any background at that
5 time. Before the Advice of Rights we did a little
6 background. And that was to preface she was going
7 to understand, her condition is that she would
8 understand those rights.

9 Q Now, what did you know before -- about the case
10 before you went in and talked to Melinda? What
11 information did you have about the case?

12 A At that point?

13 Q Yes?

14 A I had been briefed by Lieutenant McDonald. I knew
15 that there were three suspects involved. That two
16 females had been arrested at Western Inn. That
17 Bruce -- before I talked to Melinda, I knew Bruce
18 had been arrested because I saw that happen. And I
19 had interviewed Bruce Thompson. And I had his side
20 of that statement.

21 Q Now, had you heard the 9-1-1 tape?

22 A Oh, no.

23 Q From Ms. Brown at that point?

24 A Oh, no.

25 Q Were you aware that there was a 9-1-1 tape at that

1 point?

2 A You can assume that there was a 9-1-1 tape, there
3 was a 9-1-1 call, but I didn't have that
4 information until much later.

5 Q Okay. Now, when you are first speaking to Melinda,
6 correct me if I'm wrong, but you are trained as an
7 investigator that you have a little brief interview
8 period before you go into the interrogation period,
9 correct? You may never get to the interrogation
10 period, but you have a little brief interviewing
11 period first?

12 A The whole thing was conducted pretty much on an
13 interview basis. I asked some questions about what
14 had happened. She gave me responses.

15 Q And in this period you kind of try to build a
16 rapport with this person in the room at that point?

17 A At this point she was leading herself to be a
18 witness, that it was somebody else who did all
19 this. And I was talking to her in that capacity.

20 Q So you are trying to build a rapport with her,
21 correct?

22 A Trying to find out what this potential witness saw
23 and knew.

24 Q And you are observing not only what she says, but
25 some of her non-verbal cues, is that correct --

1 fair to say?

2 A Correct.

3 Q And you are trying to see whether some of her
4 non-verbal cues are consistent with just being a
5 witness or whether they lead to be -- lead you to
6 believe she is more than just a witness, is that
7 fair to say?

8 A Lead to be more than a witness? At that point we
9 are trying to find out what her role is in that
10 case.

11 Q Let me ask you a specific question. Are you paying
12 attention to certain things, like her -- the eye
13 contact she is giving you?

14 A We're making eye contact. Not everybody will make
15 eye contact. Some people won't look at a police
16 officer in the eyes. You're evaluating her and the
17 truthfulness of what she is saying and how it is
18 coming out. Stop and pause and make a long thought
19 process about what she is telling, you are kind of
20 evaluating how truthful the response is and how
21 free flowing her information is.

22 Q So you are looking at her posture and all those
23 kind of things trying to take --

24 A Take it all into account.

25 Q -- take it all into consideration, okay? And then

1 I guess after this kind of period, were you trained
2 to do what is called, I guess, to ask her a bait
3 question? Are you familiar with the terminology?

4 A I'm not familiar with a bait question.

5 Q Where you ask her or present her with some sort of
6 evidence that may be involved in the case?

7 A You might do that further in the investigation, but
8 not the beginning.

9 Q Did you do that in this particular investigation
10 with Melinda?

11 A Did we bait her?

12 Q Did you present her with any evidence that was
13 involved in the case? When talking to her?

14 A The second interview when we had already gotten
15 more information from the second -- another
16 Co-Defendant. She was presented with, that is not
17 consistent with what we're learning from others.

18 Q So you would say things like, why would Tenisha be
19 saying you did this. Is that -- would that be an
20 example?

21 A That could be an example. I don't recall if that
22 was said.

23 Q Or something like, Frank is in the hospital, when
24 he wakes up he is going to tell us what happened,
25 something like that?

1 A Well, we could say that Frank is in the hospital.

2 Q You would use something like that to try to test
3 what happens to her story after you say that,
4 correct?

5 A Well, see if it is shaking a foundation.

6 Q And if you believe she has been shaken from her
7 foundation you kind of go into more of a
8 interrogation style at that point, would that be
9 fair to say?

10 A You try to get her to explain to you why she is
11 changing or deviating from her story.

12 Q And this interrogation process, it is purposeful as
13 well, correct?

14 A Purposeful?

15 Q Yes?

16 A Yes.

17 Q At any point did you ever leave out of the room
18 while you were talking to Melinda?

19 A Again, there was a shortage of investigators that
20 were in the building at that time, so at different
21 points I would have to go out, step out and
22 converse with other parts of the investigation.

23 Q To see what they were finding out?

24 A My overall job is to oversee. I had to implement
25 other people to assist me in this investigation.

1 Q So when you go outside and you see what they had
2 found out, do you then come back in and confront
3 Melinda with that information? Confront her?

4 A No, but I find out where -- they might be both --
5 Let's say Melinda was saying something that was
6 inconsistent with what someone else was saying. We
7 are going back and forth. We are sharing this
8 information to try to find out what is going in a
9 case.

10 Q Well, you might not want to use the word confront,
11 but you present her with information that other
12 people are saying, is that fair to say?

13 A At some point, yes. But exactly verbatim when they
14 are saying it, no. It comes out when it is
15 relevant.

16 Q When you go out, does anybody else come in?

17 A Somebody has to stand at the door. She's a
18 prisoner.

19 Q Okay. So somebody else comes in and guards and
20 makes sure --

21 A It could have been a uniform or someone who is
22 walking by, but someone has to stand with her. We
23 just can't have her unescorted in the Sheriff's
24 Department.

25 Q Now, and you are trained in your interrogation

1 procedure to directly, at some point in your
2 interrogation process to directly present the
3 suspect and tell them that they are a suspect in
4 this case, is that correct?

5 A They were all aware they were suspects in the case.
6 They were all handcuffed and arrested and brought
7 in. And they knew that Frank West had been
8 assaulted with intent to kill. I mean, he was
9 severely injured.

10 Q And after you present them with this evidence,
11 there are other things that you do that is also
12 purposeful, correct, such as you pay attention to
13 how far you are away from the suspect? You have
14 been trained to do that?

15 A Have I been trained to do that?

16 Q Yes?

17 A There are things that you learn as you go. It
18 is -- I would like to say that there is this class
19 that you go to and when you walk out of that door
20 you are the interviewer, you are the interrogator.
21 There is not a class that I know of that is set up
22 that way. It becomes experience. And the more
23 experiences you get doing these interviews and
24 reading people and just basic conversations as to
25 how they respond or react and truthfulness or not

1 truthfulness or trying to hide something or trying
2 to bring something out in cooperation. I mean, it
3 is just a --

4 Q I understand.

5 A There is nothing that says -- like I say, I can't
6 say I went to these classes that says that is how
7 you do it.

8 Q I understand that. What I'm saying is your
9 experience, you kind of -- when you are first
10 talking to a suspect where you are presenting them
11 with -- when you are directly accusing them of a
12 crime, you kind of stand back a little bit, and
13 distance is purposeful, correct?

14 A Not so much. Sometimes you want to get closer
15 because you want to be on their level, you don't
16 want to be an authoritative figure all the time.
17 You kind of want to be having a conversation so
18 that it is reducing the stress. You kind of want
19 them to be able to tell you what they saw.

20 Q At first you kind of confront them with that, then
21 you say you try to get a little closer sometimes to
22 try to get an understanding of why they may have
23 done a particular crime, is that fair to say?

24 A That would be fair to say, why they did that.

25 Q So at that point in time you get a little bit

1 closer, you reduce the distance, and you might even
2 physically touch the person you interview, is that
3 correct?

4 A Touch is unlikely.

5 Q But you might get a little bit closer to them,
6 correct?

7 A You move closer.

8 Q And you might try to talk to them about, you
9 know -- you may say, for instance -- you may give
10 them a moral excuse for why they did what they have
11 been alleged to have done, correct?

12 A Not really an excuse, but you ask them, you know,
13 are you a bad person.

14 Q Yes. And you would say things like, maybe, maybe
15 the victim deserved this, correct?

16 A No, we never say the victim deserved it.

17 Q Or maybe you would say anything like --

18 A We asked did Frank deserve it. She said, no, he
19 didn't deserve what they did.

20 Q But you did ask them that -- did ask her that?

21 A Did Frank deserve it?

22 Q Yes? So you asked her that?

23 A I did.

24 Q And you also then try to tell her that maybe some
25 of the other Co-Defendants, you know, were more

1 involved in it than she was, correct?

2 A I don't recall.

3 THE COURT REPORTER: I'm sorry, I didn't hear.

4 A I don't recall.

5 Q You don't recall whether you did that at all?

6 A With the -- some of them are more culpable than
7 she?

8 Q Yes?

9 A No.

10 Q And when you are doing this, you are trying to look
11 at the non-verbal, you know, reactions at that
12 point, correct, to see whether or not their face
13 gets flushed or anything like that?

14 A Non-verbal things are going on?

15 Q Yes?

16 A You are watching and you are listening to what they
17 have to say.

18 Q Okay. And after you do this here, what if -- you
19 are trained to handle if the person starts
20 continuing to deny what you feel they may have
21 done, correct?

22 A I'm sorry?

23 Q You're trained to handle if a person denies what
24 some of the other evidence is saying, correct?

25 A If they deny?

1 Q Yes?

2 A As in?

3 Q If you have evidence pointing towards a certain
4 level of activity of a person and they deny the
5 activity, you are trained how to handle that,
6 correct?

7 A Again, it is not -- there is no -- I know you have
8 got this training. There is no training that says
9 this is how you handle this situation. It is --

10 Q Through your experience you have learned how to
11 deal with that?

12 A You try to work around a denial. If you have
13 evidence supporting that is not what happened and
14 they are not supporting facts that you already know
15 in this case, you try to work around it, but --

16 Q And again --

17 THE COURT: Wait a minute. Let him answer the
18 question. She can only take down one person at a
19 time.

20 A Again -- I thought I was finished -- but to handle
21 a denial, you either accept it or you pursue it
22 further. You might take the denial at first and
23 then work on it at a different angle as to why this
24 is not consistent with other things that were said.

25 So to sit there and say there is a blanket

1 response to every denial, I don't know of one.

2 Q I'm not saying that. What I'm saying is are you
3 trained to some extent to cut off a person when
4 they deny, essentially what I did to you just now.

5 A Instead of training, it is more of an experience of
6 interacting with people.

7 Q But is that one of the options that you use in your
8 experience and/or training when you are dealing
9 with a denial?

10 A Working on that case is that one of the options?

11 Q Yes? That's all I'm asking.

12 A It could be in whichever situation it was in. They
13 all are very different.

14 Q Okay. And did you ever -- what did you do when
15 Melinda in this case continued to deny? What is
16 your thought of what her activity level was?

17 A Well, I didn't obtain her confession in this case.

18 Q Okay.

19 A It was obtained through Heidi Scott's interview of
20 her.

21 Q And were you in there during that interview?

22 A I was in there parts of that interview. And then
23 she was confronted also by Wendell Harris when we
24 had more information from Tenisha and she began to
25 relive and retell her role in this case.

1 Q Now, I notice you said you took notes from when you
2 talked to Melinda, is that correct?

3 A That's correct.

4 Q And some of the sentences you were using were kind
5 of choppy, I noticed that. Was that fair to say?

6 A Well, not everybody speaks in textbook form. So,
7 like we're talking today, we have broken sentences
8 and they are not perfect grammar. If you give me a
9 statement and that is what you say, then that is
10 what I write down.

11 Q Now, you have notes in front of you?

12 A I do.

13 Q Now, her exact words were like: Bird knocked on
14 the door. Let him in. Came upstairs. Bird was
15 present. Crack. Steal some.

16 Was that the language she was using when you
17 talked to her?

18 A That was the language and that was the notes that I
19 was taking as we were going. This conversation is
20 going like we're going. And I don't have the
21 ability as this little lady does to write that
22 stuff down and keep it flowing that way.

23 Q So your do not write what --

24 A These are notes. And you compile these notes. And
25 then what I would do with these notes, if this is

1 the final statement, is then take these notes and
2 we would go to the computer and we would bullet,
3 this is the question, and then we, based off these
4 notes and what the Defendant is saying, we would
5 come through with her answer. She will be able to
6 say that answer. And then we would continue on
7 with the next one. But these are notes.

8 Q Okay.

9 A So that I can keep up and keep the flow of what is
10 going on with this case. And I can't be stopping
11 her because at this point she is telling me,
12 volunteering all this information, and I have to be
13 able to accept it, so I'm tracking notes.

14 Q So those are notes, those aren't verbatim what she
15 is saying?

16 A No, that wouldn't be a fair statement.

17 Q Now, you do have the ability to give her a pad and
18 a pencil and for her to write down what happens, is
19 that correct?

20 A That is not correct.

21 Q You don't have that ability?

22 A We don't -- that is not a practice of the Richland
23 County Sheriff's Department.

24 Q I'm not -- that's not what I'm asking you. I'm
25 asking you if Richland County has paper and pen?

1 Would you agree with that?

2 A There is paper and pen.

3 Q And therefore you have the ability to give her a
4 notepad and a pen to write down her side of the
5 statement?

6 A No.

7 Q You don't have that ability, or Richland County
8 chooses not to do that?

9 A I work for the Richland County Sheriff's
10 Department. The practice of the Richland County
11 Sheriff's Department is that the statements are
12 given, they are understood, and then that person is
13 given an opportunity to read that statement and
14 sign it or challenge it at that point, and we'll
15 amend it to say what they want it to say.

16 You can always ask them at the end of the
17 statement, is this what you meant to say? And they
18 either agree that it is or they come up -- and some
19 of them will even come up and say, there is a
20 grammatical error and they will circle it and we
21 will have to reprint it out with the grammatical
22 error corrected so it says what they meant to say.

23 So I don't have that ability to hand a piece
24 of paper to a victim to fill out their own
25 statement.

1 Q And you don't have that ability because it is
2 Richland County policy not to do it?

3 A Correct.

4 Q And you also say you don't have the ability to type
5 as fast as the court reporter, correct?

6 A Oh, no.

7 Q But you do have the -- but Richland County itself
8 does have video and audio recording equipment
9 available to it, Richland County Sheriff's
10 Department has Synergy?

11 A They have video equipment?

12 Q Yes?

13 A For --

14 Q For instance, they have video equipment in their
15 patrol cars, correct, some do?

16 A That was mandated by the state.

17 Q And some of the narcotics division use audio and
18 video recording devices, correct?

19 A For monitoring transactions, they do.

20 Q But y'all don't audio and video record statements
21 and interviews you have of suspects, is that
22 correct?

23 A That's correct. The state is mandated for the
24 patrol cars that they wanted audio -- or audio and
25 video equipment installed.

1 Q And why was that?

2 A I -- it is what they mandated. I believe it was
3 for DUI cases. But they also went and did the
4 research of the vendors and how it was going to be
5 installed, who would maintain it and operate it,
6 how it would be in custody and control, and all
7 that kind of stuff. That has not been done as far
8 as interviews at the Sheriff's Department or state
9 entities.

10 Q And does Richland County dispatch record 9-1-1
11 calls, audio record those calls?

12 A I have never worked the dispatch, but that is my
13 understanding that they have -- they are all
14 recorded, I believe.

15 Q But y'all have a specific policy not to audio or
16 video record interviews with suspects? Is that
17 fair to say?

18 A At this time -- at this time we don't have the
19 ability to do so.

20 Q Okay. So like --

21 A It is not our practice.

22 Q -- with Bruce Thompson -- you interviewed Bruce
23 Thompson, correct?

24 A I did.

25 Q And he didn't write his own statement, would that

1 be correct, physically?

2 A No, he did not.

3 Q You typed it out?

4 A I did.

5 Q And then he signed it?

6 A That is correct.

7 Q And when you observed Melinda Richmond being
8 interviewed by Heidi Scott, she didn't write that
9 statement out as well, did she?

10 A She did not.

11 Q Heidi Scott typed the statement?

12 A That's correct.

13 Q Melinda Richmond signed it?

14 A That's correct.

15 Q And let's talk about, did you -- you say you asked
16 Melinda had she used crack cocaine that night?

17 A I did.

18 Q She told you she had -- I'm sorry, that morning
19 probably is more specific.

20 A She made reference that she used it around
21 3:00 a.m.

22 Q And you knew that, you knew that she had used crack
23 cocaine that morning?

24 A I did.

25 Q And you knew she had used -- had consumed alcohol

1 that morning as well, correct?

2 A I knew she told me that, correct.

3 Q And did you ask her the last time she had been to
4 sleep that day?

5 A No.

6 Q Did you ask her the last time she had been to sleep
7 in general?

8 A No.

9 Q And you say you interviewed Bruce Thompson, that's
10 correct?

11 A That's correct.

12 Q And Bruce told you that he saw Tenisha --

13 MS. GOOD: Objection, Your Honor. This is all
14 hearsay.

15 MR. O'NEIL: Your Honor, it is the same thing
16 he went into in direct.

17 MS. GOOD: He didn't object to it, but I cut
18 him off at that point.

19 THE COURT: You are getting into hearsay. I
20 will sustain that objection.

21 Q You got a contradictory report from Bruce Thompson,
22 correct?

23 A Correct.

24 Q That is one of the reasons why you wanted Melinda
25 and Tenisha re-interviewed?

1 A Correct.

2 Q Okay. And Melinda consented to give her DNA,
3 that's correct?

4 A That's correct.

5 Q And Bruce Thompson didn't consent to give his DNA?

6 A That's correct. He wasn't asked, I don't believe.

7 Q He wasn't asked? He wasn't asked for his DNA at
8 all or he wasn't asked to consent to it?

9 A There is so much evidence in this case, I don't
10 recall if Bruce Thompson submitted DNA or not.

11 Q But you got the nail scrapings from Bruce Thompson,
12 correct? Do you remember getting -- those being
13 collected?

14 A They were collected, that's correct.

15 Q And his hands were swabbed?

16 A And his hands were swabbed.

17 Q Because there were -- at that point there were
18 traces of blood found on his hands, you remember
19 that?

20 A The initial finding on that was Investigator Enzor
21 said there was a protein that was located in blood
22 that was found on his hands.

23 Q On his hands. And you talked about, a little bit
24 about so much evidence that was collected in this
25 case. When did you meet with Dr. Gray Amick?

1 A I don't know if that is in my notes. I'm not sure
2 when I met with him.

3 (Pause.)

4 A I don't have that in my notes, on what day we met.

5 Q Would it have been in the last two or three months
6 or would it have been a year ago?

7 A I don't recall. It wasn't the last couple of
8 months. It was -- it would have been in 2007, but
9 I can't recall when.

10 Q Do you remember talking with him about what
11 evidence you felt needed to be tested for DNA?

12 A We consulted on -- there was an overwhelming amount
13 of evidence in this case, DNA evidence and blood
14 droplets and other items. And there was a panel
15 there. It is called a major case review or a
16 homicide review. There were several people there.
17 I believe Captain Smith was there, Debbie Garland,
18 Mr. Amick, Mr. Hap Richards, Ms. Enzor might have
19 been there, may not have been there. And we kind
20 of review what we gathered in this case and what
21 needs to be tested or what has potential to be
22 tested or not be tested.

23 Q Now, did you make a decision not to test the swabs
24 of blood from the apartment, the six swabs that
25 were taken from the apartment?

1 A I believe it was an agreement that on a potential
2 of what it would reveal, so they were all -- I
3 think they weren't tested.

4 Q They weren't tested at all?

5 A As far as I know. I didn't do any of the -- I
6 don't do any of the DNA stuff. It is all done by
7 somebody else.

8 Q They were not tested to see whether or not I guess
9 Bruce Thompson's blood would have been up in the
10 upper portion of the apartment?

11 A Was that done?

12 Q Yes?

13 A I don't know that that was done.

14 Q Okay. But you initially, in your first interviews,
15 had information that Bruce Thompson was up in the
16 upper portion of the apartment in a struggle with
17 Frank West, is that correct to say?

18 A At which point?

19 Q In your initial interview with Ms. Richmond, you
20 had that information?

21 A In the initial interviews we had that they were
22 upstairs smoking crack and divying up crack in the
23 upstairs portion of the apartment.

24 Q Specifically, you had the information that Bruce
25 Thompson was upstairs in the upper portion of the

1 apartment in a struggle with Mr. Frank West?

2 A Initially.

3 Q Okay. And you wrote I think two reports in this
4 case? You documented your actions in this case and
5 your investigative follow-up in your investigative
6 report?

7 A Two reports?

8 Q Yes?

9 A My investigative follow-up -- what was the other?

10 Q And your -- I will let you see it so you can see
11 what I'm talking about -- the case summary?

12 A The case summary is what we sent to the Solicitor's
13 Office.

14 Q But you did both of those?

15 A I did.

16 Q And the documentation in both of those reports is
17 important, you agree with me on that?

18 A The documentation is the synopsis sent to the
19 Solicitor's Office to give them an idea of what is
20 going on in the case.

21 Q And your investigative follow-up is important as
22 well, it kind of gives you a blow-by-blow of what
23 your participation in this investigation was,
24 correct?

25 A It is to keep my notes. It is for me to know where

1 I was in the case.

2 Q Because sometimes --

3 A If I were to disappear from the Sheriff's
4 Department tomorrow, someone would have to follow
5 up with wherever I left off. They would have to
6 know some of the stuff I had done so they could go
7 and follow that up. It is notes as to what I did
8 in this case.

9 Q Sometimes these cases take, for instance, 18 months
10 to get to trial, so you need to be able to refresh
11 your memory from the notes that you made?

12 A That's right. We use the notes and other documents
13 to --

14 Q Because I'm sure you have handled lots of cases
15 between May 5th of 2007 to today?

16 A That's correct.

17 Q Would that be fair?

18 A That would be fair.

19 Q And on these case summaries and investigative
20 follow-ups, you try to be as detailed as you
21 possibly can?

22 A On a case summary, it is just that. It is a
23 summation. It doesn't have all the detail in it.
24 It is a summary of the events that took place that
25 led to the arrest so that the Solicitor's Office

1 has an idea of the direction this case had gone and
2 the outcome. It is not a detailed
3 bullet-by-bullet-by-bullet of what happened in this
4 case.

5 Q What about your investigative follow-up, is that a
6 little bit more detailed than your summary?

7 A It is a little more detailed. Again, it is notes.
8 It is what I did in this case to refresh my memory
9 as we go.

10 Q You would agree that you want to put important
11 things in your follow-up, would that would be fair
12 to say?

13 A I try to put everything in the follow-up.

14 Q And I think earlier you testified that when you saw
15 Heidi Scott interviewing Ms. Richmond, that
16 Ms. Richmond stood up and made a slashing motion?

17 A She didn't stand up, she was sitting in a chair.
18 She leaned forward in the chair.

19 Q She leaned forward?

20 A And she made a stab motion.

21 Q And you would agree with me that that is an
22 important detail, correct?

23 A I wouldn't forget it. Yes, sir.

24 Q But you didn't put that anywhere, either in your
25 case summary or in your investigative follow-up?

1 A I did not.

2 Q You didn't notate that anywhere?

3 A I didn't note it.

4 Q Now, after May 5th of 2007, what involvement did
5 you have in this case?

6 A After May 5th?

7 Q Yes?

8 A There was -- well, let's see. I gathered the 9-1-1
9 tape.

10 Q Okay.

11 A I reviewed the case review with -- we call it a
12 homicide review, and then prepped for trial.

13 Q Okay. So in an 18-month period you have gathered
14 the 9-1-1 tape, had a meeting and reviewed the
15 case, and prepped for trial, would that be fair to
16 say?

17 A I think there was a couple of hearings as well.

18 Q A couple of hearings as well?

19 A Uh-huh.

20 Q That's fair?

21 MR. O'NEIL: Beg the Court's indulgence, Your
22 Honor.

23 (Pause.)

24 Q One more thing, Investigator Martin. You said that
25 Bruce Martin's reduction in charge was based on DNA

1 results?

2 A Did you say Bruce Thompson?

3 Q I'm sorry, Bruce Thompson.

4 A Could you repeat?

5 Q You said one of the basics, I guess, for the
6 reduction of his charge from murder to accessory
7 after the fact was that -- the results of the DNA?

8 A I can't put the weapon in Bruce's hands. The two
9 girls stabbed and killed Frank West.

10 MR. O'NEIL: Objection, Your Honor.

11 THE COURT: I'm sorry?

12 MR. O'NEIL: Objection.

13 THE COURT: To what?

14 MR. O'NEIL: The witness saying the two girls
15 stabbed and killed Frank West, Your Honor.

16 THE COURT: Overruled. He is just answering
17 your question.

18 A So I -- Frank West -- I'm sorry. Their accounts
19 also, and his account, puts him downstairs stealing
20 stuff as this is going on upstairs. He is not
21 saturated in blood like the other two. He is not
22 physically there egging it on like the other two.
23 He doesn't announce, we have to kill him, like
24 Ms. Richmond did. He hears that. He is not --
25 even though he didn't respond and react, initially

1 it is the hand of one, hand of all, is how he got
2 charged with murder. Then we decided that his role
3 was really an accessory after the fact.

4 Q Who decided that?

5 A Myself and the Solicitor's Office.

6 Q Okay.

7 A Because his role was he helped them go find a
8 place, took them to a place to get cleaned up to
9 get the blood off of them, and then -- so they
10 could go out and fence these items to get more
11 crack so they could get high.

12 So it was decided at that point that he did
13 not play the key role in killing Frank West.

14 Q And when was this decided?

15 A It is documented in court. I don't have the date.

16 Q Would it have been October of this year? Would
17 that be fair to say?

18 A Again, it has been this year. I couldn't tell you
19 what month it was.

20 MR. O'NEIL: Beg the Court's indulgence, Your
21 Honor.

22 THE COURT: Okay.

23 (Pause.)

24 MR. O'NEIL: No further questions, Your Honor.

25 THE COURT: All right.

REDIRECT EXAMINATION

BY MS. GOOD:

Q Mr. O'Neil went through a lengthy explanation with you about interviews and how you interview people.

Is it unusual for a murder suspect to be in custody, in your opinion and your experience as investigator, from 6:30 to 2:30 giving statements?

A No.

Q And why not?

A Evidence is coming in from different sources. Depending on how many suspects you have and how many resources you have to interview, there can be a cooling period where they have to sit while you address something else. They also will change their stories, and then when they change their stories you either have got to corroborate that information or debunk that information, to validate is that information any good, one; and is it being truthful or not truthful.

So as the case progresses, I mean, it is not unusual for them to take much longer than that on an interview.

Q And you were discussing how you try not to be too confrontational with them in order to keep the suspects calm when talking to them.

1 Why do you try to keep them calm?

2 A And it has been said that if you start off
3 aggressive with someone, they are on the defensive,
4 they are less likely to warm back up to you
5 afterwards.

6 If I make you mad and we try to get past
7 blocks, it is hard for me to say that everything is
8 fine because you are offensive. So we try to keep
9 it open so that you -- the person is sharing their
10 information knowing that we're building this
11 information to find out what happened.

12 Q And this term bait question that Mr. O'Neil
13 discussed regarding did you present Ms. Richmond
14 with any evidence.

15 At the time that you were interviewing
16 Ms. Richmond, did you have any evidence yet in this
17 case?

18 A Just the information from Bruce Thompson, so it
19 was -- I had one side of a huge pie, and I had a
20 little bit of information, an idea of what happened
21 at the traffic stop at the hotel, and then I began
22 to interview her as a potential witness to what
23 happened because the statement at that time was it
24 was someone else. That is the information I had.

25 Q Did you have any physical evidence at this time?

1 A It was being collected. I didn't have any idea
2 what was going on -- what was being collected.

3 Q And at this time, talking about Frank being in the
4 hospital, whether you informed her that he was in
5 the hospital, she was under duress, why did you not
6 want to discuss Frank's death with Ms. Richmond at
7 that point?

8 A Well, Frank was in the hospital. He was being
9 treated. We found out later that he had died. The
10 other is, is that we were unable to notify the next
11 of kin. And they were notified when they found out
12 that they were being charged for murder.

13 Q And is it important to notify next of kin as
14 quickly as possible before anybody else knows?

15 A That's correct. We don't like the family to read
16 about it in the paper. We try to let them get
17 notified.

18 Q And Mr. O'Neil asked you what Ms. Richmond was
19 doing from 6:30 to when you talked to her at 11:20.

20 Do you recall whether Ms. Richmond had already
21 been to the laboratory with Investigator Reed-Enzor
22 before or after you interviewed her?

23 A She was there before I interviewed her.

24 Q She was doing that during the time that she was
25 there?

1 A Yes. That's correct.

2 Q And talking about people denying their involvement,
3 is it unusual for suspects, in your experience as
4 investigator, to immediately come out and tell you
5 what happened?

6 A It is a natural reaction. A child is playing in
7 the living room, knocks over a lamp. I didn't do
8 it. He is the only one in the living room. It is
9 just a natural response, especially when it is a
10 severe -- when they know that Frank was there
11 begging for his life. It was -- yes, it is a
12 natural reaction.

13 Q Did she originally deny it?

14 A She did.

15 Q Did she eventually give statements telling her
16 role?

17 A She did.

18 Q And how many statements did she give?

19 A She gave one written statement? Is that correct?
20 I'm trying to recall.

21 Q She gave the one you were in with Ms. Scott. Did
22 she give any after that?

23 A Oh, she gave -- Monday I believe she was
24 interviewed by Investigator Gwyn.

25 Q But twice after she denies -- that she gives a

1 story with her involvement?

2 A She does.

3 Q Talking about your notes not being verbatim, when
4 somebody takes a written statement on the computer,
5 are computer statements verbatim?

6 A Yes.

7 Q And he talked about the consistencies of the story,
8 stories and whether people denied it. Did Bruce
9 Thompson's story ever change?

10 A No, it did not.

11 Q Did Melinda Richmond and Tenisha McClinton's ever
12 change?

13 A Both did.

14 Q And did their story corroborate what you had gotten
15 from Bruce Thompson?

16 A It did.

17 Q And where did they put Bruce Thompson during this
18 murder?

19 A Downstairs stealing items in the house.

20 Q And you were asked about if you were aware how long
21 she had been awake and not asleep. Were you aware
22 if she was hungry in any way?

23 A It was indicated from Investigator Reed-Enzor that
24 she was hungry, stated she was hungry. Lieutenant
25 Scott, Heidi Scott, provided her own frozen dinners

1 and fed her before she was interviewed by me.

2 Q Ms. Richmond had indicated she was hungry and she
3 was fed?

4 A She was.

5 Q Did she ever indicate to you that she was sleepy or
6 tired?

7 A No, she did not.

8 Q Finally, Mr. O'Neil asked you about this 18-month
9 period you didn't do anything. When is the most
10 critical period of the murder investigation?

11 A The first 48 hours.

12 Q And during those first 48 hours, what did you do?

13 A We interviewed -- my own involvement or as the
14 Sheriff's Department as a whole?

15 Q As the lead investigator, does everybody report to
16 you?

17 A Everybody reports to me. Everything comes
18 across -- through me. As things develop, they know
19 they need to come and tell me what they develop and
20 which way it is going. And then I assign the force
21 that we've got to go the direction they need to go
22 or bounce ideas off of them and see which direction
23 we need to go. So everybody experiences a
24 different feel.

25 Q In this case did you have the crime scene

1 processed?

2 A I did.

3 Q Did you have any other scene processed?

4 A I had Latonea Drive processed, I had -- I'm sorry,
5 I had Latonea Drive searched. I had Rembert Martin
6 trailer processed. I had the suspect processed.
7 There was a lot going on.

8 Q Was the car processed?

9 A The car was processed. And then those items were
10 collected and turned in and they were sent to the
11 lab. The lab did their processing. The DNA
12 experts did their processing. Getting reports from
13 the Coroner's Office, getting the families notified
14 and getting the background on Frank West. It is a
15 lot going on in that short period of time.

16 Q And you got the 9-1-1 tape?

17 A I did obtain the 9-1-1 tape.

18 Q After you did all that and had all the scenes
19 processed, the car processed, gone and gotten a
20 search warrant for Latonea Drive, got the DNA
21 request put in, got statements from all the
22 suspects, is there anything else to do in this
23 case?

24 A I didn't recall anything else that needed to be
25 done. It was at that point the case was built.

1 MS. GOOD: No further questions, Your Honor.

2 MR. O'NEIL: No questions.

3 THE COURT: All right, thank you, sir. You
4 can step down.

5 THE WITNESS: Thank you.

6 (Witness steps down.)

7 THE COURT: How long is the next witness?

8 MS. SHIPLEY: Short.

9 THE COURT: Go ahead.

10 MS. SHIPLEY: The State calls Becky Roberson.

11 THE BAILIFF: Place your left hand on the
12 Bible, raise your right hand, and face the clerk.

13 (Witness complies.)

14 THE CLERK: Do you swear or affirm the
15 testimony you are about to give in this case will
16 be the truth, the whole truth, and nothing but the
17 truth, so help you God?

18 THE WITNESS: I do.

19 THE CLERK: Please be seated in the witness
20 box, and state your name for the record, please.

21 (Witness seated.)

22 MR. SECOR: Your Honor, can we approach
23 quickly?

24 (WHEREUPON, a bench conference was held
25 in the presence of the jury but out of

1 the hearing of the jury.)

2 THE WITNESS: I'm Becky Roberson.

3 BECKY ROBERSON,
4 after being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. SHIPLEY:

7 Q Ms. Roberson, can you tell the jury where you are
8 from?

9 A I'm from Chesapeake, Virginia.

10 Q And tell the jury how you are related to Frank
11 West.

12 A That is my mother's baby brother. That is my
13 uncle.

14 Q He's your uncle? And are there any other relatives
15 that have joined us this week?

16 A Yes. His daughter Tina.

17 Q Now, how long -- was your brother originally from
18 Tennessee?

19 A No. My uncle?

20 Q I'm sorry, your uncle?

21 A He was actually originally from Chesapeake,
22 Norfolk, Tidewater area of Virginia.

23 Q All right. And did he eventually move to
24 Tennessee?

25 A Yes, he moved to Tennessee with his wife.

1 Q And did he then move to Columbia, South Carolina?

2 A Yes, he did.

3 Q And how long had he lived here approximately?

4 A Approximately two, two and a half years, to my
5 knowledge.

6 Q Okay. And is that when he became addicted to
7 drugs?

8 A Until this happened, yes, ma'am, to my knowledge.

9 Q Did you have any knowledge that this was going on
10 with your uncle?

11 A No, ma'am. He was not addicted before he came
12 here.

13 Q Tell the jury how it is you came to find out about
14 his death.

15 A I used to talk to my uncle every weekend.

16 Q Did law enforcement notify you from Richland
17 County?

18 A Yes, ma'am.

19 Q Okay. And when you were notified about his --
20 about his death, did you come down to Columbia,
21 South Carolina, for a hearing?

22 A Yes, ma'am, that same week.

23 Q That same week?

24 A Yes, ma'am.

25 Q Would that have been May 11th, 2007?

1 A Yes, ma'am. I was notified on May 8th, and me and
2 my family came down on May 11th.

3 Q And the purpose of that hearing -- what was the
4 purpose of the hearing on May 11th?

5 A It was a bond hearing for all three suspects.

6 Q Okay. And do you recall seeing all three subjects
7 go in front of the same judge for their bond
8 hearing?

9 A Yes, ma'am.

10 Q Tell this jury what happened in that hearing as far
11 as the conduct on behalf of Melinda Richmond?

12 A Well, me and my sister and Tina were sitting back
13 in the rows back there. When they were brought in
14 and when the Solicitor introduced us as his family,
15 Melinda looked back at us and she mouthed, I'm
16 sorry.

17 Q Had you ever known her before that day?

18 A No, ma'am.

19 MS. SHIPLEY: No further questions, Your
20 Honor.

21 THE COURT: All right.

22 MR. SECOR: I'm sorry for your loss, ma'am.
23 No questions.

24 THE COURT: All right, thank you ma'am. You
25 can step down.

1 (Witness steps down.)

2 MS. SHIPLEY: Your Honor, at this time the
3 State of South Carolina rests its case.

4 THE COURT: All right. Thank you.

5 Madam Forelady and ladies and gentlemen of the
6 jury, this is one of those times when we have some
7 legal matters that we have to discuss. It is also
8 probably a good time for a morning break. So if
9 y'all would retire to your jury room. Please don't
10 talk about the case. We will be back with you very
11 shortly.

12 Thank you.

13 (WHEREUPON, the jury retires to the jury
14 room at 9:53 a.m.)

15 THE COURT: Okay, why don't we take just a
16 little break and then everybody come back in about
17 five minutes or so and we can address the motions?

18 (WHEREUPON, a break was taken.)

19 THE COURT: Anything we want to do?

20 MR. O'NEIL: At this time the Defense would
21 like to renew all previous objections and motions,
22 and specifically our motion for mistrial because of
23 Ms. Caroline Gripp's laryngitis, Your Honor.

24 We would also ask at this time for a directed
25 verdict I think on the charge of murder, Your

1 Honor. I think there are only two real concepts or
2 two real theories Ms. Richmond can possibly be
3 guilty of. First is, she would be the sole
4 principal in the case. I think there is no -- I
5 think at this stage, of course, Your Honor, viewing
6 the evidence in the light most favorable to the
7 State and looking for any direct evidence or any
8 substantial circumstantial evidence. I think, Your
9 Honor, the key in this case is substantial
10 circumstantial evidence.

11 As it relates to Ms. Richmond being the sole
12 principal of this case, I think the only evidence
13 of Ms. Richmond even attacking Mr. West is
14 essentially her particular stabbing him in the
15 back, I think some variation in the time she had to
16 allegedly stab him in the back.

17 I think, Your Honor, what is key about that
18 testimony is that Dr. Clay Nichols, in his finding
19 of death, could not determine that one stab wound
20 itself alone in the back of Mr. West would have
21 been fatal. I think his finding was that all the
22 stab wounds together would have caused Mr. West to
23 expire because of a loss of blood, Your Honor. I
24 think there is no evidence that the only acts
25 Ms. Richmond did was -- actually Ms. Richmond would

1 have been alleged to have done by stabbing in the
2 back that could cause his death, Your Honor.

3 Based on that, I would ask for a directed
4 verdict.

5 THE COURT: Okay, well, I didn't hear any
6 evidence that he bled out any other way except from
7 stab wounds. So I'm going to deny your motion.

8 MR. O'NEIL: Yes, Your Honor. Just -- and,
9 Your Honor, just on the issue of hand of one, hand
10 of all, we think under that theory she is entitled
11 to a directed verdict as well, as there has been no
12 evidence that they actually had an agreement or any
13 act of concert as related to the possibility of
14 Ms. Tenisha McClinton being the actual killer in
15 this case, Your Honor.

16 THE COURT: Okay. I'm denying that one too.
17 I think there is evidence there. Anything else?
18 Do y'all want to talk about the charges now, or do
19 you want to wait?

20 MR. O'NEIL: Your Honor, I think --

21 THE COURT: You want to wait. All right. Are
22 you ready?

23 Ms. Richmond, would you stand for me, please?

24 (Defendant complies.)

25 THE COURT: Raise your right hand.

1 (Defendant complies.)

2 THE COURT: Do you swear to tell the truth,
3 the whole truth, nothing but the truth, so help you
4 God?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Put your hand down.

7 (Defendant complies.)

8 THE COURT: Thank you. Do you understand that
9 you have, as an accused in a criminal trial, you
10 have an absolute right to testify in your own
11 defense?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You understand that? And you have
14 an absolute right to remain silent as well. And if
15 you choose not to testify, I -- and you request
16 that I do so, I will give a charge to the jury that
17 they cannot consider it in any fashion whatsoever.
18 In other words, you cannot be punished or it cannot
19 be held against you if you decide not to testify,
20 okay? So it is up to you entirely.

21 As you I think have heard throughout the
22 course of the case, the burden is entirely on the
23 State. You don't have to prove a thing. You are
24 presumed innocent unless and until the State can
25 prove in each of those 12 juror's minds beyond a

1 reasonable doubt each of the elements of the crime
2 that you are charged with.

3 So have you made a decision about whether or
4 not you are going to testify in this case?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. And have you had
7 enough time to talk with your attorneys about that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And do you have any questions that
10 you would like to ask me about that issue?

11 THE DEFENDANT: No, sir.

12 THE COURT: Okay. And I can't think of
13 anything else I need to ask you. But I do need to
14 ask is there any impeachful prior criminal history?

15 MS. SHIPLEY: No, sir, Your Honor.

16 THE COURT: Okay. And you have talked to your
17 attorneys about the strategic advantages of one
18 versus the other?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. And you are fully satisfied
21 with that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Your attorneys are
24 working very hard for you. Are you satisfied with
25 everything they have done?

1 THE DEFENDANT: Very much so.

2 THE COURT: Okay. All right, great.

3 MS. SHIPLEY: And I just wanted to make a
4 clarification. Just as in the pretrial hearing, I
5 don't intend to cross-examine her about any prior
6 convictions unless she opens the door about being
7 fearful of Investigator Gwyn. He arrested her for
8 the prostitution charge.

9 THE COURT: Okay. Well, I'll keep -- what
10 else is on there so I can --

11 MS. SHIPLEY: That is the only charges, but
12 simple possession of marijuana and prostitution.

13 THE COURT: Okay.

14 MS. SHIPLEY: But I am not going to go into
15 the drug charge. The only relevant one would be
16 the prostitution charge to impeach her that she was
17 not afraid to be with him in the past, alone.

18 THE COURT: Well, we'll see where she goes
19 with that.

20 MS. SHIPLEY: Okay.

21 THE COURT: I mean, I didn't even ask -- I
22 don't know if she is testifying or not. I didn't
23 ask for that. We will find out as they go.

24 Okay. You can have a seat. Thank you.

25 (Defendant complies.)

1 THE COURT: Are y'all ready to go?

2 MS. GRIPP: Yes, Your Honor.

3 THE COURT: Okay. You think they are ready?

4 THE BAILIFF: Yes, sir.

5 THE COURT: Check with them and see if they
6 are ready.

7 THE BAILIFF: Okay.

8 (WHEREUPON, the jury came into open
9 court at approximately 10:09 a.m.)

10 THE BAILIFF: The jury is seated, Your Honor.

11 THE COURT: All right, thank you, sir.

12 MS. GRIPP: Captain Redmond.

13 THE COURT: I'm sorry?

14 MS. GRIPP: Captain Redmond.

15 MR. O'NEIL: She is calling Captain Redmond,
16 Your Honor.

17 THE COURT: Oh, okay. Thank you.

18 THE BAILIFF: Place your left hand on the
19 Bible, raise your right hand, and face the clerk.

20 (Witness complies.)

21 THE CLERK: Do you swear or affirm the
22 testimony you are about to give in this case will
23 be the truth, the whole truth, and nothing but the
24 truth, so help you God?

25 THE WITNESS: I do.

1 THE CLERK: Have a seat in the witness box,
2 and state your name for the record, please.

3 (Witness seated.)

4 THE WITNESS: My name is William Brian
5 Redmond.

6 WILLIAM B. REDMOND,
7 after being duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. GRIPP:

10 Q Captain Redmond?

11 A Yes.

12 Q I have laryngitis. You will have to bear with me,
13 okay?

14 A All right.

15 Q Captain Redmond, what is your education?

16 A I'm the division manager, Captain at Alvin S. Glenn
17 Detention Center.

18 Q What does your job involve?

19 A I'm in charge of operations, which includes
20 records, intake, discharge, training,
21 classification.

22 Q In your record keeping, you are in charge of
23 maintaining all the records for the center?

24 A That's correct.

25 (WHEREUPON, Defendant's Exhibit No. 5

1 was marked for identification only.)

2 Q Captain Redmond, I'm handing you what has been
3 marked as Defense Exhibit Number 5. Can you tell
4 me what that is?

5 A That is one of our old medical screening forms that
6 was done at intake when people arrive at the jail.

7 Q Okay. And when was that made?

8 A May the 5th of '07.

9 Q Okay. And do you do that for everybody?

10 A Yes, we do.

11 Q And what is the purpose of that?

12 A Basically it is to give us a heads-up if the
13 individual coming in is in -- what kind of health
14 they are in. We're looking to screen out
15 immediately anybody if they need any kind of
16 emergency treatment right at that time and it gives
17 us something to pass on to medical for something if
18 they needed treatment, you know, on an ongoing
19 basis, but that is used for an emergency situation.

20 Q And let me direct you to the lower part of that
21 form and ask you about Number 17. Can you explain
22 to us what Number 17 is?

23 A It says that the person has Bruce's --

24 MS. GOOD: Objection, Your Honor. We would
25 ask that it be put into evidence before he can

1 testify as to what is on it.

2 THE COURT: Yes, I think so. Is it a blank
3 form or --

4 MS. GOOD: It is a filled out form.

5 THE COURT: Show it to the State.

6 MS. GOOD: I have got a copy.

7 MS. GRIPP: Your Honor, we would move to have
8 it made a part of the evidence.

9 THE COURT: All right. Without objection.
10 Okay.

11 (WHEREUPON, Defendant's Exhibit No. 5
12 was admitted into evidence.)

13 BY MS. GRIPP:

14 Q Can you read what is on 17, please?

15 A It says the Number 17. It says, the inmate has
16 bruises and scars all over the arms and neck.

17 Q Okay. And who is the inmate?

18 A Melinda Richmond.

19 Q Okay. And as far as the referral about placement
20 into the dorms, what does it say about that?

21 A It just says that immediate referral to medical.
22 They wanted her to be seen by medical.

23 Q Okay. But you didn't fill this form out, correct?

24 A No, I did not.

25 Q So you don't have any personal knowledge of it?

1 A Correct.

2 Q But these are records that everybody keeps?

3 A Correct.

4 Q Every inmate goes through this?

5 A Everybody gets this when they come in.

6 Q Okay. Thank you. No further questions.

7 CROSS-EXAMINATION

8 BY MS. GOOD:

9 Q Good morning, Captain Redmond.

10 A Good morning.

11 Q On this form, does it indicate anywhere
12 Ms. Richmond discusses or gives information about
13 what kind of drugs she uses?

14 A I have to look at this. We don't use it anymore.

15 Q Take your time.

16 (Pause.)

17 A It says that she -- now, are we talking about --

18 Q Number 7, specifically.

19 A Okay. Okay. Yes, it says here she uses cocaine.

20 Q And when did she say was the last time that she
21 used cocaine?

22 A About a week ago.

23 Q And is there any mention on this form about suicide
24 watch or observation?

25 A It indicates that there is none.

1 Q And Number 14, what was her state of consciousness?

2 A She had to be conscious and alert to be booked, or
3 we would have to send her out for emergency care.

4 Q It specifically says alert?

5 A Yes.

6 Q And does she ever mention anything when asked about
7 her current medical condition about post-traumatic
8 stress disorder or having anxiety in any way?

9 A There is nothing that indicated that I can -- that
10 I see, but of course I wasn't there when this was
11 done.

12 Q Okay. And when asked about the bruising, is there
13 anywhere on there that tells when those bruises
14 were put there?

15 A No, ma'am.

16 Q Does it explain how she got them?

17 A No, ma'am.

18 Q Would bruising be consistent with a struggle?

19 A Of course.

20 MS. GOOD: No further questions, Your Honor.

21 MS. GRIPP: None.

22 THE COURT: All right, thank you, sir. You
23 can step down.

24 (Witness steps down.)

25 THE COURT: Can we release Captain Redmond?

1 MS. GOOD: No objection.

2 THE COURT: Thank you, sir.excused.

3 THE WITNESS: Thank you.

4 (Witness excused.)

5 MS. GRIPP: We call Melinda Richmond.

6 THE COURT: All right. Come around and be
7 sworn.

8 (Witness complies.)

9 THE BAILIFF: Place your left hand on the
10 Bible, raise your right hand, and face the clerk.

11 (Witness complies.)

12 THE CLERK: Do you swear or affirm the
13 testimony you are about to give in this case will
14 be the truth, the whole truth, and nothing but the
15 truth, so help you God?

16 THE WITNESS: Yes, ma'am.

17 THE CLERK: Have a seat in the witness box,
18 and state your name for the record, please.

19 (Witness seated.)

20 THE WITNESS: My name is Melinda Richmond.

21 MELINDA RICHMOND,

22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. GRIPP:

25 Q And, Melinda, make sure you speak up so the court

1 reporter can make sure she types down everything
2 and everybody can hear you, okay?

3 A (Nods affirmatively.)

4 Q I am going to ask you some background questions
5 first, okay?

6 A Yes, ma'am.

7 Q Tell me how old you are.

8 A I'm 39.

9 Q And where are you from?

10 A I was born in Indianapolis, but I have lived in
11 various locations throughout my life, so --

12 Q Okay. Have you lived in South Carolina?

13 A I have lived here now, I was here maybe a year
14 before this incident, so --

15 Q Okay. And what is your level of education?

16 A I have had two years of college.

17 Q What did that include?

18 A I had one year of business administration where I
19 received a degree. I believe that would have been
20 '90, '91. And then I went and pursued a nursing
21 career and I went back to college and took all my
22 prerequisites to get into nursing. I wanted to be
23 a physical therapist.

24 Q And did you work in that capacity?

25 A Yes, ma'am.

1 Q As a --

2 A As a certified nurses aid and an activities
3 assistant and in the therapy department,
4 restorative nurses aid.

5 Q And when was that?

6 A I worked -- I did that from '92 up until about
7 2006.

8 Q Okay. Do you have any kids?

9 A I do.

10 Q How many kids do you have?

11 A I have two.

12 Q Okay. Do you have any grandkids?

13 A I do.

14 Q How many?

15 A (Witness teary.) Sorry. Two.

16 Q There has been a lot of talk in this trial about
17 drug use.

18 A Yes, ma'am.

19 Q When did you first start using drugs?

20 A A very young age. I'd say probably about 11 was my
21 first time using marijuana. The first time I used
22 cocaine I was 13.

23 Q And have you used drugs all your life?

24 A Yes, ma'am.

25 Q Okay. Did you ever stop?

- 1 A Yes, ma'am, I have tried many a times.
- 2 Q And when was that?
- 3 A Excuse me?
- 4 Q When was that?
- 5 A Throughout my life I have had years of sobriety and
6 when things would go bad I would end up going back
7 to drugs.
- 8 Q This last time you went back to drugs, is that when
9 you moved to Columbia?
- 10 A Yes, ma'am.
- 11 Q Let's talk about your relationship with Frank West.
12 Can you explain to us what that was?
- 13 A We were just friends.
- 14 Q Okay.
- 15 A I met him at my job.
- 16 Q Okay. And when you say you were just friends, you
17 guys were living together?
- 18 A Yes, we were, at one point. I had just moved my
19 stuff back in there the day before this happened.
- 20 Q Okay. And previous to that, who else was living
21 with you?
- 22 A I had a gentleman that I was dating, a fellow named
23 Chris.
- 24 Q And you and Chris and Frank all lived together?
- 25 A Yes, ma'am.

1 Q Okay. And Chris didn't move back in with you, is
2 that right?

3 A No, he didn't.

4 Q And talking about your relationship with Frank
5 West, how -- what was Bruce Thompson's relationship
6 and Frank West's relationship?

7 A He didn't have one. Bruce had brought me over
8 there one time. He may have -- may have spoke for
9 maybe five minutes, and then Bruce and I left.
10 Other than that, they didn't know each other.

11 Q All right. Did -- do you know if Frank knew Bruce
12 Thompson's real name?

13 A No, he didn't.

14 Q Okay. And what was Tenisha McClinton's
15 relationship with Frank West?

16 A There was none.

17 Q Okay. Do you know -- what was your relationship
18 with Bruce Thompson?

19 A Bruce and I had met about approximately a month
20 prior to this, the incident, and we were just --
21 just did drugs together.

22 Q He was your dealer, wasn't he?

23 A No, Bruce didn't deal drugs.

24 Q But he brought drugs to you?

25 A No, he didn't bring the drugs to me that night, he

1 just brought his drugs and came over just to share
2 drugs and party with everybody.

3 Q How was it that Bruce came over, came to the
4 apartment? How did that happen?

5 A He was not expected. Nobody expected him to come
6 over. I guess when we met with him earlier that
7 night he must have heard that I was at Frank's
8 house and decided to come over there. He had been
9 somewhat following me around, showing up at places
10 where I was trying to pursue me.

11 Q But you didn't call him?

12 A No.

13 Q You didn't invite him over?

14 A No.

15 Q I will fast-forward from the background and just
16 talk about the missing crack. Can you explain what
17 happened at that point?

18 A As far as when I first -- when it first came up?

19 Q Yes?

20 A When we first realized that there was some missing,
21 Bruce had brought up that some of his crack was
22 missing. And I had witnessed Bruce on different
23 occasions, and he can get very violent. So it
24 scared me that -- I was actually scared for Frank.
25 And that is the reason that I went to Frank and

1 asked him to please give me the money so that I
2 could give Bruce some money for that. And that was
3 what happened with the missing crack.

4 Q Okay. So you thought that Frank stole the crack?

5 A Yes.

6 Q Did you see him steal it?

7 A No.

8 Q Why did you think that?

9 A Because Frank had gotten himself into incidents
10 like that a few times before.

11 Q And let's talk -- what happened next?

12 A As I was going to grab the money off the bed, that
13 he sat down there, and I told him I was going to
14 give this to Bruce and so it could be done.

15 Frank grabbed me and went into a rage. He
16 grabbed me. When he grabbed me by my arms, he
17 lifted me up off the floor, threw me into his
18 dresser, time and time again. I ended up with a
19 large knot on the back of my head. I had bruises
20 all over my arms and my back.

21 I hollered for help. That is when Bruce and
22 Tenisha ran upstairs. And that is when Bruce
23 grabbed Frank, pulled him off of me and told him
24 that, you don't -- you don't put your hands on a
25 lady, and threw him across the room. He landed on

1 the bed.

2 As Frank went to come back up, Tenisha started
3 to beat on him.

4 Q Okay. And then what happened? How did she start
5 to beat on him? What do you mean?

6 A She started to punch him in his face, time and time
7 again.

8 Q Okay.

9 A I mean, almost -- almost automatically he began to
10 bleed from his face. And she -- it was -- they
11 were in a rage. It was -- it was not nice.

12 Q Okay. And what instrument did she use? Did she
13 use her fist or did she use --

14 A I seen -- I seen at one point I seen a bottle
15 flying. I wasn't sure exactly who had used that
16 bottle, but I did see the bottle. There was things
17 flying all over. Bruce was throwing things. And
18 Bruce had actually picked up the TV at one point
19 and thrown it. It was -- it was just chaos.
20 Everybody was -- Frank was himself in a rage. He
21 was fighting with them at the same time. Everybody
22 was fighting.

23 Q What were you doing?

24 A At first I was just kind of standing there. I
25 mean, considering -- honestly, I was scared to

1 death. I was scared of every individual involved
2 in this. They were all in a rage, in a fit. They
3 were all much larger than I was. And they were all
4 very scary people, to be honest with you.

5 Q Okay. Did you go seek help?

6 A No.

7 Q What happened next?

8 A I remember trying to stop -- I asked them to stop.
9 I remember trying to get Frank to stop. And
10 begging them all to just stop. It was -- it was so
11 much confusion. And I was -- I was scared. I
12 think I was in a state of shock.

13 I remember at one point Frank lunging at me.
14 At that point is the only time that I grabbed the
15 knife. I seen it beside me. I went to stab him,
16 but I couldn't do it. I could not do it.

17 At that point I threw the knife down and I
18 went downstairs. That was the last time that I
19 seen Frank. That is the last thing that I seen go
20 on.

21 Q Okay. What was Tenisha and Bruce doing at the
22 time?

23 A Bruce at the time was still gathering things up.
24 He was gathering all of Frank's stuff up and
25 loading it up into the car.

1 Q What was Tenisha doing?

2 A Tenisha was still fighting with Frank.

3 Q But did you see that going on?

4 A No, I didn't. I could just -- I could hear it
5 because I was downstairs at the time and Bruce was
6 also downstairs with me at that time.

7 Q All right. And then what happened?

8 A And then we heard a bunch of noise going on
9 upstairs. I heard Tenisha holler. I thought I
10 heard her say, he got me, but I'm not sure what
11 exactly she said. And then Bruce ran upstairs. In
12 few minutes I could still hear a lot of banging
13 going on. And a few minutes later is two of them
14 ran down the stairs, ran out the door, and hollered
15 at me to, come on, let's go.

16 Q Okay. And when you get in the car, how does that
17 occur?

18 A Bruce was in the driver's seat. Tenisha had
19 slid -- and she was in the passenger's seat. When
20 I came out there she slid into the middle part and
21 shared, kind of shared the seat with me, and I slid
22 into the front beside the door.

23 Q All in the front seat?

24 A Yes, ma'am.

25 Q Okay. And then what happened?

1 A Then we -- Bruce drove us to a trailer.

2 Q Okay. And who was at the trailer?

3 A I didn't know who they were, but there was a couple
4 there, a man and woman.

5 Q What did they look like?

6 A The man looked to be Native American to me, and the
7 woman was, she had long blond hair, a white lady.
8 They seemed to be about in their 40's.

9 Q Okay. What happened once you get to the trailer?

10 A Once we get to the trailer we changed clothes. I
11 don't remember exactly how that came about as far
12 as, you know, who asked or who had brought it up,
13 but we went into the bathroom and changed clothes.

14 Q Okay. You went to the bathroom and Tenisha went to
15 the bathroom?

16 A Yes.

17 Q Did you go separately?

18 A Yes.

19 Q Okay. And what did you do -- first of all, what
20 were you wearing?

21 A I was wearing some blue jeans and a T-shirt.

22 Q What color was your T-shirt?

23 A I believe it was light blue.

24 Q Do you remember that? Do you remember that
25 specifically?

1 A Yes.

2 Q So you took those clothes in. You did what with
3 them?

4 A I just sat them to the side.

5 Q How did the clothes get into the bag?

6 A The lady that was there put everything into a bag
7 for us and sat it beside the door.

8 Q And then what happened?

9 A And then we ended up leaving from the trailer. At
10 the time -- that was my idea to leave from the
11 trailer. The people had suggested we stay there.
12 The lady even implied that we could stay there.
13 She said that it is a safe haven, you are going to
14 be all right here.

15 But I didn't feel all right. I honestly did
16 not realize that -- the extent of Frank's injuries.
17 I wanted to find out. I wanted help. I wanted
18 help. And to be honest with you, at that point I
19 was concerned about me. Tenisha was still acting
20 very angry and violent towards me. Bruce was
21 acting very scary. I didn't know this couple, and
22 the man was scaring me with his actions. And I
23 wanted to get help.

24 Q So it is your idea to leave. Do you guys leave at
25 that point?

1 A Yes, we do.

2 Q What did you do after you left?

3 A The whole time I was crying. The whole time. When
4 it first started and I was begging them to stop, I
5 was already crying. I was crying like a baby. I
6 was begging them to stop when the incident was
7 going on. I was crying at the trailer. I was
8 crying in the car.

9 Q Okay. So what happens once you guys leave the
10 trailer?

11 A First we go to a store and Bruce went in. He got
12 some gas. He came back. That is when I decided to
13 get into the driver's seat. I drove -- drove us to
14 the Western. I did know people at the Western. I
15 frequented the Western. I knew people there. I
16 had a couple of friends that I was wanting to get
17 to so that I could try to call somebody and get
18 help.

19 Q Okay. Then what happened?

20 A When we get to the Western, Bruce got out of the
21 car and unloaded a bunch of the stuff that he had
22 put into the car.

23 I drove around the corner and went to Room
24 148, which is where the two friends of mine that
25 were staying. I knocked on the door and nobody

1 stand in front of the car while he got Tenisha out
2 of the car.

3 Q Then what happened?

4 A Then he started questioning us, asking us about the
5 incident, asking us where the gentleman, who he was
6 and where he was.

7 Q What gentleman?

8 A He asked about the -- he asked about the other
9 person, the other suspect.

10 Q Would that be Bruce Thompson?

11 A Yes, ma'am.

12 Q Did you tell them where Bruce Thompson was?

13 A I did.

14 Q And at that point did you tell him that Bruce
15 Thompson did it?

16 A No.

17 Q Who told him that?

18 A Tenisha was talking to him about that.

19 Q You were also talking to him, weren't you?

20 A I was. I was telling him where Bruce was, where
21 Bruce's brother was, the locations where he could
22 be.

23 Q Okay. So what happens after that?

24 A After that they put me and Tenisha both in the back
25 of the car and he drives us around to the side of

1 the building and leaves us sitting in the car while
2 he walks to Room 118, which was Bruce's brother's
3 room.

4 Q And you just remained in the car, is that right?

5 A Yes, I did.

6 Q Okay. At what time do you go to headquarters?

7 A We probably sat there maybe a half hour or so, and
8 then he got back in the car and drove us to the
9 headquarters.

10 Q Okay. And where were you placed?

11 A At first we were sitting on a bench.

12 Q Okay. Were you in handcuffs?

13 A No.

14 Q Okay. And then what happens?

15 A And then Detective Martin took me to a room and
16 started talking to me, questioning me.

17 Q All right. Do you remember how long it was from
18 the time you were arrested to the time you started
19 to get questioned?

20 A It was not even maybe 15 minutes from the time we
21 arrived at headquarters that he started to talk to
22 me.

23 Q Okay. And what was your demeanor at that point?

24 A I was still crying. I was very upset. I was
25 asking him how Frank was. He kept telling me that

1 he was okay. That he was in surgery. That he
2 would check on him and find out his status for me.

3 Q Okay. And in talking he mentioned about how much
4 crack you had used before that. How much -- how
5 many drugs or what was your level of intoxication
6 at that point?

7 A I was very miserable, the state that I was in. I
8 was not living correctly. You know, I will be very
9 forthright with that. I was miserable. The
10 Tuesday before this incident I took almost a bottle
11 full of Trazodone and tried to kill myself. I was
12 so high on cocaine and drinking all the time that I
13 woke back up Wednesday.

14 From the point that I woke up Wednesday, I
15 started smoking crack, taking Xanax and Trazodone,
16 Ecstasy, pills, smoking marijuana, drinking Mad
17 Dog, drinking Jack Daniels, drinking beer. I did
18 not sleep. I did not eat. I wanted to die. I was
19 in a very bad state. That was from Wednesday up
20 until this incident.

21 Q Okay. And did you tell anybody that?

22 A Yes, I did.

23 Q And during your questioning, what parts of -- do
24 you remember the entire questioning?

25 A I remember -- I don't remember all that was said,

1 but I remember the actual event of it, yes.

2 Q Okay. At any time during the event were there
3 times that you don't remember the event? Did you
4 pass out at any time?

5 A I did. I -- I believe it was three different times
6 that I actually just fell out. One time he had to
7 push me on my shoulder. And I told him at that
8 point, please stop, I don't feel right, I feel like
9 I'm dizzy, I'm going to pass out, I'm nauseated.
10 He said, it won't be much longer.

11 Q And then what?

12 A He just -- at first he questioned me. He -- it was
13 more -- and I guess you would call it -- I don't
14 know how to explain it. It was more, they were
15 coming at me with, this is what happened, you know.
16 This is -- this one said this. And, you know, you
17 did this. And she did this. And he was doing
18 this. You know, there was no -- no -- they were
19 very hostile, very aggressive, very ugly.

20 Q Did they ever ask you, tell me what happened?

21 A They never came at me in a -- I don't remember that
22 exactly, no.

23 Q You said they were coming at you. You were just
24 talking to Investigator Martin, correct?

25 A In the beginning it was just Investigator Martin.

1 And then when he was finished talking to me, he
2 took me to the lab to have lab work done. After
3 that, the lady started questioning me. She took me
4 into a very small room. She started questioning
5 me. While she was questioning me, there was three
6 other different detectives that came in there.
7 Sometimes one at a time. At times all of them were
8 in the room with me, hollering, telling me what was
9 going on, what this one is saying, that this ain't
10 true, that --

11 Q And did you ever ask Investigator Scott or Sergeant
12 Scott to stop?

13 A Yes, I did. That is when I asked him -- that is
14 when I fell asleep was right there in front of
15 Sergeant Scott. It was Sergeant Scott and
16 Detective Martin that was in there when I fell
17 asleep that time, and he touched me.

18 Q Okay. And what was -- did Sergeant Scott respond
19 in any way?

20 A No.

21 Q And had you been full at that point?

22 A No.

23 Q Do you remember telling Reed-Enzor, Officer
24 Reed-Enzor, that you were hungry?

25 A I remember being hungry.

1 Q But you don't remember saying that?

2 A I don't remember saying that.

3 Q Okay. The last time you had eaten was when?

4 A Tuesday.

5 Q How long did the interrogations last?

6 A Approximately ten hours.

7 Q And once they were done printing out those
8 statements, what happened?

9 A After they were done with all the statements?

10 Q (Nods affirmatively.)

11 A Then she -- then she took me and fed me. She took
12 me into what was like a break room and got a TV
13 dinner out of the freezer and fed me.

14 And then she told me she had someone else to
15 take care of, and she put me in a cell with Bruce
16 Thompson. She locked -- they locked me into a cell
17 with Bruce Thompson.

18 Q Okay. Now, you have seen the statements, have you
19 not?

20 A Yes, I have.

21 Q Okay. And you have seen the Advice of Rights form,
22 correct?

23 A Yes, I have.

24 Q And you did sign all those, didn't you?

25 A Yes, I did.

1 Q Okay. And when did you sign those?

2 A I signed the first one after Detective Martin had
3 finished talking to me. I remember him asking me
4 to sign the form.

5 Q So he talked to you and then he had you sign the
6 form?

7 A Yes.

8 Q Okay. What about Investigator Scott?

9 A She did the same thing.

10 Q All right. And you signed them at the same time or
11 was that separate times?

12 A Separate times.

13 Q So after ten hours they feed you and then they took
14 you to the jail? (cell with Bruce)

15 A Yes, they did. They had another gentleman come and
16 take me.

17 Q What happened at the jail?

18 A As soon as I got to the jail, there were -- Bruce
19 Thompson was behind me, and that is when he was --
20 even when we was in the cell he was telling me that
21 everything was -- he was trying to soothe me --
22 everything was going to be all right, I seen
23 Tenisha was doing it.

24 When I got to the jail, he was behind me
25 because they made me sit in different rooms, and he

1 was telling me the same thing.

2 MS. SHIPLEY: Objection. Hearsay.

3 Q You can't say what he said.

4 A I'm sorry. Well, I was threatened by Tenisha. She
5 threatened to kill me. So at that point they had
6 to separate us. They put her into a cell and left
7 me sitting out there. Right after that they took
8 me into the medical intake part and then they took
9 me straight to one of the units and they had to put
10 her in a different unit.

11 Q Okay. Why did they take you to medical?

12 A They wanted to keep me in observation.

13 Q Why is that?

14 A I was told that it was because I was very tearful.
15 I was -- I had mentioned that I felt like I was
16 going to pass out, that I wasn't feeling right. So
17 they put me in one of the very front rooms. They
18 had two rooms where they use just so that they can
19 watch you all of the time. And they left me in
20 there for the first couple of weeks of my stay.

21 Q Okay. And on this form there was a screen form
22 that says you hadn't used drugs in two weeks. Why
23 did you not tell the jail that?

24 A I don't know.

25 Q What happened -- let me talk to you about the time

1 you were interrogated by Investigator Gwyn, okay?

2 A Uh-huh.

3 Q Let's start at the beginning of that. What
4 happened at the beginning of that day?

5 A I was called to get ready for court. So I got up
6 and they took me to intake and they transported me
7 to the courthouse. I stayed in the courthouse for
8 about an hour. The lady came to me and she is
9 like, why are you here? I don't have you on the
10 docket.

11 I told her, well, y'all had called me. I'm
12 not sure why I'm here.

13 She then had me transported back to the jail.
14 From there, they put me back into one of those
15 little holding cells. And about an hour after
16 that, Detective Gwyn showed up and told me to come
17 with him.

18 Q And where did you go?

19 A We went to, I would call it a substation, I'm not
20 sure what they call it, headquarters or -- we went
21 to a place where they have cops.

22 Q Okay. How did you get there?

23 A He drove me there.

24 Q Who was in the car?

25 A Just me and him.

- 1 Q Okay. Was there anyone else around?
- 2 A Not in the car with us, but there was another
- 3 detective that followed behind us in another car.
- 4 Q Okay. And once you get to the substation, what
- 5 happens?
- 6 A They take me into a room and he begins to question
- 7 me.
- 8 Q Okay. Did he tell you -- did he give you rights at
- 9 that point?
- 10 A No.
- 11 Q Okay. And you already knew Investigator Gwyn,
- 12 correct?
- 13 A Yes, I did.
- 14 Q All right. And how did you feel about him?
- 15 A I felt as though I could trust Detective Gwyn.
- 16 Q Had you asked for him at that point?
- 17 A No.
- 18 Q Did you ever ask for him?
- 19 A No.
- 20 Q Okay. So he just showed up?
- 21 A Yes.
- 22 Q And you had started talking. What happened after
- 23 you had started talking?
- 24 A He just started -- he started talking to me and
- 25 just then he started bringing up what had happened.

1 And he -- they played a kind of a bad guy/good guy
2 thing. Detective Gwyn was trying to be nice and,
3 you know, just talked to me about things. And, you
4 know, at the same time the other detective that was
5 there kept -- he kept coming at me and hollering at
6 me and telling me what had happened, and did I, you
7 know, did I do this and who did this. And that is
8 the reasons they were using.

9 Q All right. And did he type out a statement?

10 A Yes, he did.

11 Q Did you read that statement?

12 A No.

13 Q Why didn't you read that statement?

14 A I -- out of ignorance. I didn't think -- I didn't
15 think to. I thought I could trust him. I mean, I
16 never had any negative experiences with law. I
17 mean, I really didn't think they would take and
18 twist and distort -- lies, like they did.

19 Q Okay. Did you read the first statement?

20 A No.

21 Q Why?

22 A For the same reason. I just -- I was not with it
23 at that time, honestly. I was so out of it. I
24 just -- I didn't think to do it.

25 Q Okay. Do you remember them reading it to you?

1 A No.

2 Q Did they give you a copy of your statement?

3 A No.

4 Q Do you know why they didn't give you a copy of your
5 statement?

6 A No. I didn't know I was supposed to get one.

7 MS. GRIPP: Beg the Court's indulgence.

8 (Pause.)

9 MS. GRIPP: No further questions.

10 CROSS-EXAMINATION

11 BY MS. SHIPLEY:

12 Q How old are your kids, Ms. Richmond?

13 A I have a 20-year-old daughter, a 14-year-old
14 daughter, and my grandbabies are four and two.

15 Q Where do they live?

16 A My youngest daughter lives with my mom in
17 Prosperity. My oldest daughter is in Greenville
18 with my grandbabies.

19 Q What kind of -- you indicated that you had a job.
20 Tell the jury what kind of work you were doing
21 around this time.

22 A I was a dancer at Platinum Plus.

23 Q How did you meet Frank West?

24 A At the club. He was a regular there.

25 THE COURT REPORTER: I'm sorry?

1 A He was a regular at the club.

2 Q You got involved with Frank over drugs, correct?

3 A Not -- not initially, no. It was just through the
4 club. We would just drink. I mean, he would come
5 to the club and we would do what they do in clubs.
6 He would buy private dances and we would drink.
7 And then slowly it turned into, yes, we would do
8 drugs together and stuff.

9 Q And you were intimate with him? You lived with
10 him?

11 A No.

12 Q You didn't live with him?

13 A I did, but I lived with him -- me and my boyfriend
14 moved in at Frank's request. He asked that -- he
15 at the time said he was having trouble paying the
16 bills.

17 Q So how long had you lived at Frank's house?

18 A I wasn't living there at the time that this
19 happened. I had just moved my stuff in the day
20 before that. But we moved in, Chris and I, in
21 October. And we left -- we left just -- we didn't
22 stay very long. We were only there a couple of
23 months. There was a lot of incidents that took
24 place.

25 Q So you deny living there around the time of Frank's

1 death?

2 A I had just moved my stuff in there the day before
3 that, Thursday.

4 Q You were moving back in, is that what you are
5 saying?

6 A I was -- I had asked him if I could keep my stuff
7 there, but, no, I wasn't -- I wasn't really
8 planning to move back in there, I just wanted to
9 keep my stuff there.

10 Q So the neighbors are mistaken about you living
11 there the previous month, is that your testimony?

12 A Yes.

13 Q You indicated that Frank had met Bruce Thompson
14 before but did not know him by his name?

15 A Yes, ma'am.

16 Q Did he know him by his nickname, Bird?

17 A I'm not sure. I mean, when I introduced him I'm
18 sure that is how I introduced him.

19 Q So Frank was aware that this man you brought to his
20 house and that knew where Frank lived was named
21 Bird?

22 A I'm not sure if he was aware. Like I say, he only
23 met him for about five minutes one time before
24 this, so --

25 Q At his residence, though, correct?

- 1 A Yes, I brought him over there.
- 2 Q Well, you have manners, don't you? When you
3 introduce somebody to a friend you introduce them
4 as by name, don't you?
- 5 A That's what I said, yes, ma'am, I introduced them.
- 6 Q So, Bird, this is Frank; Frank, this is Bird?
- 7 A Yes, ma'am.
- 8 Q Let's go smoke some crack cocaine now? Is that
9 pretty much how it happened?
- 10 A Not necessarily, no, ma'am.
- 11 Q Okay. Bringing your attention to -- and there is
12 no question that Tenisha McClinton and Frank West
13 had never met before you introduced the two of them
14 on May 5th, 2007, correct?
- 15 A Correct.
- 16 Q You are not disputing that?
- 17 A No.
- 18 Q Okay. I am going to bring your attention to
19 May 5th, or the late morning hours -- the late
20 hours of May 4th, 2007. Do you admit that you had
21 Frank's car that day?
- 22 A Yes, ma'am, I did.
- 23 Q You had keys to his apartment that day?
- 24 A Yes, I did.
- 25 Q You drove with your friend Chris, according to you,

1 to Chapin and you ran into Tenisha?

2 A Yes.

3 Q The purpose of meeting up with Tenisha was
4 happenstance, is that right?

5 A Yes.

6 Q No previous plans to meet?

7 A No.

8 Q When you got there, did you and Tenisha then
9 discuss how you were going to go buy some crack
10 together?

11 A No.

12 Q Why did you ask Tenisha to come back to Columbia
13 with you then?

14 A Tenisha had said she didn't have any place to go at
15 that point, that she was out of money. We were
16 just -- we had been hanging around all that night.
17 So I told her -- she was living with a man named
18 James in Newberry, and she didn't have a ride to
19 get back there. So I told her that if she wanted
20 to ride with me that I could see if a friend would
21 give her a ride in the morning because Frank was
22 expecting me back with his car. We only borrowed
23 his car for a little while.

24 Q So Tenisha, you see her in Chapin, correct,
25 where -- that is about a 20-minute -- 20 miles up