

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

**RECEIVED**

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**80 SUPREME COURT**

Melinda Richmond, #331874,

Petitioner,

v.

State of South Carolina,

Respondent.

APPELLATE CASE NO. 2015-001289

APPENDIX

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INDEX

INDEX.....i

TRIAL TRANSCRIPT (dated November 10-14 2008).....1

COURT’S EXHIBIT NO. 5.....1193

COURT’S EXHIBIT NO. 6.....1194

NOTICE OF MOTION AND MOTION FOR NEW TRIAL.....1195

AFFIDAVIT OF TRACEY E. PINNOCLE.....1201

AFFIDAVIT OF RYAN HARRIS SIGAL.....1204

AFFIDAVIT OF CLARKE NEWTON.....1205

AFFIDAVIT OF ELIZABETH FIELDING PRINGLE.....1206

AFFIDAVIT OF BRIDGET BROWN.....1207

AFFIDAVIT OF KRIS HINES.....1208

AFFIDAVIT OF LUKE SHEALEY.....1209

RESPONSE TO DEFENDANT’S MOTION FOR NEW TRIAL.....1210

SUPPLEMENTAL RESPONSE TO DEFENDANT’S MOTION FOR NEW TRIAL.....1211

AFFIDAVIT OF ELLEN REYNOLDS.....1212

AFFIDAVIT OF DOUGLAS MOORE.....1214

AFFIDAVIT OF ROBERT MARTIN.....1216

AFFIDAVIT OF LINDA R. HAUGH.....1217

AFFIDAVIT OF BECKY M. ROBERSON.....1218

ORDER.....1219

APPLICATION FOR POST-CONVICTION RELIEF.....1220

RETURN.....1227

AMENDMENT AND SUPPLEMENT TO APPLICATION FOR  
POST-CONVICTION RELIEF.....1234

POST-CONVICTION RELIEF HEARING TRANSCRIPT (dated April 1, 2015).....1239

PLAINTIFF’S EXHIBIT NO. 1.....1337

PLAINTIFF’S EXHIBIT NO. 2 (Final Anders Brief of Appellant).....1352

ORDER OF DISMISSAL.....1366

INDICTMENT.....1382

1 packaged separately, and let it dry and then it is  
2 packaged and put in. And you do that with each --  
3 all your four samples.

4 Q And each of these blood swabs that you took, were  
5 they in your possession the entire time before you  
6 turned them into evidence?

7 A Yes, ma'am.

8 Q And were they tampered or altered with in any way?

9 A No, ma'am.

10 Q Was that the end of your involvement for that day?

11 A Yes, ma'am.

12 Q And did you have any other involvement on this  
13 case?

14 A Yes, ma'am.

15 Q What was that?

16 A The next morning I attended the autopsy.

17 Q And what date was that?

18 A On May the 6th.

19 Q Okay. And where did this autopsy occur?

20 A 3301 Harden Street, Richland Memorial Hospital  
21 North.

22 Q And who was conducting the autopsy?

23 A Dr. Nichols.

24 Q And after the autopsy was completed, did you  
25 collect any evidence from the autopsy?

1 A Yes, I did.

2 Q And what did you collect?

3 A I collected blue pants, blue and white boxers, I  
4 did the standard pubic and head hairs, standard  
5 post-mortem fingerprints, one hair that was  
6 clinched in Mr. West's right hand, standard GSR  
7 collection kit.

8 Q And what is a GSR collection kit?

9 A A gunshot residue kit.

10 Q Is that protocol in every case?

11 A That is protocol, yes, ma'am. And standard nail  
12 scrapings.

13 Q And the clothes that you mentioned collecting,  
14 whose clothes were those?

15 A Those were Mr. West's clothes.

16 Q And after you collected this evidence, what did you  
17 do with it?

18 A They were then brought to the -- to headquarters  
19 into our forensic garage where we have a drying  
20 cabinet where they were placed to dry.

21 And once they were dry, then they were  
22 packaged and placed into evidence.

23 Q And was it ever altered with or tampered in any way  
24 until you placed them into evidence?

25 A No, ma'am.

1 Q And did you have any other involvement with  
2 Dr. Nichols that day?

3 A Yes, ma'am. After the autopsy was cleared --  
4 excuse me, completed, I made contact with our  
5 evidence technician that was on call and --

6 Q Who was that?

7 A Which was, last name Burnett. I don't remember his  
8 first name. Officer Burnett. And I met him at  
9 headquarters so I could check out the suspected  
10 murder weapon, the knife. And brought it back to  
11 Dr. Nichols so he could examine the knife.

12 Q Okay. And when -- you checked it out from where?

13 A From the evidence room at headquarters.

14 Q And let me show you what is entered as State's  
15 Exhibit 85. Does that accurately depict the knife  
16 that you --

17 A Yes, ma'am.

18 Q -- took that day? And when you took this knife  
19 back to Dr. Nichols, what was the purpose for doing  
20 that?

21 A Where he could see if it was consistent with the  
22 wounds.

23 Q Okay. And when he was looking at this knife, did  
24 he actually touch it?

25 A No, ma'am.

1 Q How was the knife presented to him?

2 A I had it in my control the whole time. I had not  
3 processed it yet, so I wanted to make sure that no  
4 evidence was damaged on it, latent or DNA.

5 He looked at it. He placed the scale beside  
6 it because he just wanted to get the dimensions of  
7 the knife to see if it was similar with the  
8 injuries in which Mr. West sustained during the  
9 incident.

10 Q And you said that you had not processed the knife  
11 yet. Did you eventually process the knife?

12 A Yes. After the autopsy I went back to headquarters  
13 and processed that knife.

14 Q And when you say processed the knife, what does  
15 that mean?

16 A What I did is I processed it for latent prints and  
17 then swabbed it for DNA evidence. And what I did  
18 for that type of knife, the handle wasn't really  
19 conducive to fingerprint.

20 Q What does that mean?

21 A What I mean by that is, with a lot of the  
22 television shows collecting, CSI, the crime scene,  
23 a lot of people think that fingerprints is the  
24 easiest thing in order to get. And I wish it were  
25 that easy, but fingerprint evidence is normally the

1           hardest thing to get off of crime scenes. And that  
2           is simply because it is the most delicate evidence  
3           there is.

4                     Just a real simple, simple lesson in  
5           fingerprints. What fingerprints are, is the ridge  
6           details that everyone has. They are formed on you  
7           before you are even born. So, I mean, and while  
8           you are percolating, I guess you could say, my  
9           daughter, 11-month-old, before she was even born  
10          she has every single ridge she has had before she  
11          was even born. And so everybody has them.

12                    What leaves them behind, though, is the oils,  
13          the different -- all the technical stuff, the oils  
14          that are left behind. But every surface is  
15          different. I mean, it would be great if every  
16          surface was conducive on it. But the knife that I  
17          was processing wasn't conducive for it. So I knew  
18          that some processing wasn't going to actually be  
19          the best type of thing to pull it off. So I used  
20          oblique lighting thinking that if I was going to  
21          see something that would be -- which is just a  
22          fancy way of saying I used a flashlight and some  
23          alternative lights to look to see if I could raise  
24          it up, because sometimes blood and other surfaces,  
25          if it is going to do it, you are going to see it.

1           That didn't work. So I knew that the best way  
2 of trying to get evidence on it wasn't going to be  
3 through latent prints. Then I was hoping DNA would  
4 be our best alternative. So after the fingerprint  
5 didn't work, that is when I swabbed the knife very,  
6 very thoroughly, and I submitted those swabs to  
7 DNA. That is what I did on that.

8   Q   And after you swabbed the knife, what did you do  
9 with it?

10   A   Submitted the knife and then the DNA back to our  
11 evidence.

12   Q   Let me show you first State's Exhibit 13. Do you  
13 recognize this?

14   A   Yes, that appears to be the knife I checked out of  
15 evidence.

16   Q   And what day did you check it out?

17   A   It would have been the date of the autopsy, May the  
18 6th.

19   Q   Okay. And who did you receive it from?

20   A   From Mr. Burnett.

21   Q   And the entire time that you had that knife, was it  
22 in your possession?

23   A   Yes, it was in my possession.

24   Q   And when you received that knife, was it still  
25 sealed in that package?

1 A Yes.

2 Q Did it seem to be tampered or altered with in any  
3 way?

4 A Absolutely not.

5 Q And when you finished processing the knife, did you  
6 return it to the evidence room?

7 A Yes, I did.

8 Q And how do you know that you checked that out and  
9 turned it back in?

10 A It should be on the evidence log, but it also has a  
11 date and initials on it.

12 Q You initialed it?

13 A Yes, right here.

14 (WHEREUPON, State's Exhibit No. 120 was  
15 marked for identification only.)

16 Q Let me show you first what is marked as State's  
17 Exhibit 120. Do you recognize this piece of  
18 evidence?

19 A Yes, this is a swab that I collected from the --

20 Q And how do you know that that is a swab that you  
21 collected?

22 A It is in the description --

23 THE COURT REPORTER: I'm sorry, you need to  
24 speak up.

25 A I'm sorry. It is in the description of the item

- 1 collected, one swab collected from black handle of  
2 steel knife, and it has my signature on the bottom.
- 3 Q Is that your handwriting?
- 4 A Yes, ma'am, it is my handwriting.
- 5 Q Okay. And what day did you submit that into  
6 evidence?
- 7 A It was submitted on May 6th, 2007.
- 8 Q What time?
- 9 A At 1830.
- 10 Q To who?
- 11 A To evidence.
- 12 Q Do you know who you submitted it to?
- 13 A It would have been to the drop box because it was  
14 collected I think the next day.
- 15 Q Okay. And do you know what -- each case has a case  
16 number. Do you know what item number that was  
17 under this case?
- 18 A No.
- 19 Q Look on the back.
- 20 A Item Number, it would be .18.
- 21 Q Yes.
- 22 A It would be 18.
- 23 Q When you say it was in the drop box, what does that  
24 mean?
- 25 A It means it appeared to be similar to a mailbox,

1 but it would be where only that evidence room would  
2 be able to open it up and collect the evidence,  
3 meaning I would have dropped it after hours or on  
4 the weekend when they wouldn't be there to actually  
5 get it hand-to-hand.

6 And the way you are able to tell that is I  
7 actually checked on there, drop box. If someone  
8 was there, I would have checked on there, person to  
9 person, meaning I would have given it to a person.

10 Q And this drop box, is it secure?

11 A Yes, it is secure.

12 Q And how was it secure?

13 A By a key.

14 Q Okay. And is anybody able to get in that drop box?

15 A Unless they are evidence personnel, no, ma'am.

16 Q Okay.

17 MS. GOOD: At this time, Your Honor, I would  
18 like to enter into evidence State's Exhibit 120.

19 MR. SECOR: No objection, Your Honor.

20 THE COURT: All right, without objection.

21 (WHEREUPON, State's Exhibit No. 120 was  
22 admitted into evidence.)

23 Q I show you what is State's Exhibit 121.

24 A One set of keys.

25 Q And I guess before we get to that, after you

1 processed the knife, did you do anything else on  
2 May 6th or May 5th regarding the apartment at 1417  
3 Farrington Way?

4 A Yes, I did. After the completion of the -- one  
5 moment. Yes, I did return to the original incident  
6 location on Farrington Way, did a final  
7 walk-through of the crime scene, which basically  
8 means I just walked through to see if I saw  
9 anything obviously that I might have missed or  
10 another investigator may have missed, collected the  
11 crime scene log, and secured the door.

12 Q And how did you secure the door?

13 A With the keys.

14 Q And where did you get these keys?

15 A I don't recall.

16 Q They were in your possession? What, again, is  
17 State's 121?

18 A One set of keys.

19 Q Okay. And were those the keys that you secured the  
20 apartment with?

21 A Yes, ma'am.

22 Q And how did you package these?

23 A In an envelope, evidence envelope.

24 Q And did you turn them in to evidence?

25 A Yes, I did.

1 Q And what day?

2 A The date was May 6th, 2007, at 1830 in the drop  
3 box.

4 Q So you also put that in the drop box?

5 A Yes, I did. And it is Item Number 30.

6 Q And all of this is on May 5th?

7 A Yes -- no, May 6th.

8 Q May 6th. Did you -- and you said you put those in  
9 the drop box?

10 (WHEREUPON, there was no response.)

11 Q State's Exhibit 122, do you recognize this?

12 A Yes, ma'am. These are the four swabs that were  
13 collected at Number 24 Rembert Martin Parkway.

14 Q Okay. And those four swabs are from where?

15 A From the bathroom.

16 Q Okay. And what date did you enter those into  
17 evidence?

18 A May 6th, 2007, at 1830, in the drop box.

19 Q Drop box. And the entire time that you had those  
20 swabs, were they altered or tampered with in any  
21 way?

22 A No, ma'am.

23 Q Were they contaminated in any way?

24 A No, ma'am.

25 Q And what numbers were they given in regard to this.

1 case?

2 A What order?

3 Q What number?

4 A Oh, what number? 14, 15, 16 and 17.

5 Q Okay. 14 through 17?

6 A 14 through 17, yes, ma'am.

7 Q Specifically which ones were --

8 A 14 is the tub; 15 is the sink; 16 is the stain on  
9 the floor; and 17 is the stain on the cabinet.

10 Q And you put those in the drop box also?

11 A Yes, I did.

12 MS. GOOD: At this time, Your Honor, I would  
13 like to enter into evidence, State's Exhibit 122.

14 MR. SECOR: No objection.

15 THE COURT: No objection.

16 (WHEREUPON, State's Exhibit No. 122 was  
17 marked for identification and received  
18 into evidence.)

19 Q And State's Exhibit 123? Do you recognize that?

20 A These are items I collected at the autopsy, the  
21 head and pubic hairs, fingerprints, nail scrapings  
22 and hair found on the victim's hands.

23 Q And how did you package each of those?

24 A Individually.

25 Q So they are in smaller packets?

1 A Smaller packages within the larger package.

2 Q And did you turn those into evidence?

3 A Yes, I did, on May 6th, 2007, at 1830 in the  
4 evening, drop box.

5 Q And while they were in your possession, were they  
6 altered or tampered with in any way?

7 A No, ma'am.

8 Q And what numbers were they given responding to this  
9 case?

10 A 26 through 29.

11 Q Can you specifically say which ones were --

12 A 26 is head and pubic hairs; 27 is fingerprints; 28  
13 is nail scrapings; 29 is the hair and nails.

14 Q You said all of this would have been to the drop  
15 box?

16 A Yes.

17 MS. GOOD: At this time, Your Honor, we would  
18 like to enter into evidence State's Exhibit 123.

19 MR. SECOR: Without objection.

20 THE COURT: All right, without objection.

21 (WHEREUPON, State's Exhibit No. 123 was  
22 marked for identification and received  
23 into evidence.)

24 Q State's Exhibit 124?

25 A This is the GSR collection kit.

1 Q And can you explain to the jury how you take that  
2 exactly?

3 A GSR collection kit was done during the autopsy. It  
4 is a little bit different than some of the other  
5 things that I collect. It is kind of twofold.

6 The first thing we do is kind of like a sticky  
7 pad that we do. And it kind of picks up, when you  
8 shoot a weapon, the fine powders, the metals kind  
9 of are left on the hand when you shoot. So the  
10 first part that we do checks the front and back of  
11 your hand for those. So it is kind of like a  
12 sticky pad that we just used to check that. And  
13 there is one for each part. So it is like four  
14 little pads that you use. So one that is marked  
15 front right, back -- or left front -- left right,  
16 front and back. So you do that. The second part  
17 is a chemical that reacts to the powder that will  
18 be on your hands if you shoot a weapon. And so you  
19 do it on the front and the back. And then you have  
20 a control which you normally take a body part that  
21 would not, if you shoot a weapon, normally never  
22 have residue on it. And the standard I always use,  
23 the left side back of your calf. I did that from  
24 the moment I started crime scene so you don't get  
25 confused on which did I use today. So I used that

1 as the control.

2 You take all this, and you package it. That  
3 is one of the few things we did not do with  
4 Richland County, and that would have been submit it  
5 to SLED, but I would have submitted it originally  
6 to the Richland County evidence, and they would  
7 have sent it over to SLED.

8 Q And did you do that in this case?

9 A Pardon?

10 Q Did you do that in this case, submit it to  
11 Richland --

12 A Submit it to Richland County, yes, ma'am.

13 Q And on what date did you do that?

14 A It would have been on the same date -- I'm sorry,  
15 on May 6th.

16 Q Okay. And was it also to the drop box?

17 A Yes, ma'am.

18 Q And what number was that given in response to this  
19 case?

20 A 25.

21 Q And typically even in stabbing cases do you do a  
22 GSR kit?

23 A Any homicides, no matter what the circumstances, I  
24 would do GSR's.

25 MS. GOOD: At this time, Your Honor, I would

1           like to enter into evidence State's Exhibits 124.

2           MR. SECOR: No objection.

3           THE COURT: Without objection.

4           (WHEREUPON, State's Exhibit No. 124 was  
5           marked for identification and received  
6           into evidence.)

7   Q       I show you what is marked State's Exhibit 125. Do  
8           you recognize this box?

9   A       Yes, ma'am. These are the clothing that I  
10          collected at the autopsy from Mr. West.

11   Q       Okay. And what type of clothing was it?

12   A       Blue pants, blue and white boxer shorts.

13   Q       And are both of them in there together or are they  
14          in separate bags?

15   A       Separate bags with the box.

16   Q       Okay. And when did you submit those to Richland  
17          County evidence?

18   A       May 10th, 2007, at 1:00 o'clock in the afternoon  
19          person to person.

20   Q       And why was it not on May 6th?

21   A       Because they were still drying in the drying  
22          cabinet.

23   Q       Okay. And who did you turn them in to?

24   A       Tena -- Goff.

25   Q       Goff?

1 A I'm sorry.

2 Q What numbers were those pieces of clothing?

3 A 72 and 73. 72 is the pants, and 73 is the boxer  
4 shorts.

5 Q And those were on May 10?

6 A Yes, ma'am.

7 Q With Tena Goff?

8 A Yes, ma'am.

9 MS. GOOD: At this time, Your Honor, I would  
10 like to enter into evidence State's Exhibits 125.

11 MR. SECOR: I would object. Can we approach  
12 briefly?

13 THE COURT: All right.

14 (WHEREUPON, a bench conference was held  
15 in the presence of the jury but out of  
16 the hearing of the jury.)

17 (WHEREUPON, State's Exhibit No. 125 was  
18 marked for identification only.)

19 Q I show you next --

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

21 (Pause.)

22 Q I show you what is marked State's Exhibits 126, 127  
23 and 128. Do you recognize those?

24 A Yes, ma'am.

25 Q And what are those?

1 A This is nail scrapings and hand swabs, buccal swabs  
2 for Melinda Richmond; nail scrapings, buccal swabs,  
3 hand swabs for Ms. Tenisha McClinton; and nail  
4 scrapings and hand swabs from Bruce Thompson that I  
5 collected.

6 Q And each of those things packaged all together in  
7 there, or are they done separately?

8 A Done separately within the envelope.

9 Q And what did you do with these swabs once you --  
10 and nail scrapings once you took them?

11 A Collected them, submitted to evidence.

12 Q And what day did you submit them to evidence?

13 A I believe it would have been May 5th, 2007.

14 Q And who did you give them to?

15 A Probably the drop box. I'm not exactly sure.

16 Q And the entire time that you had these, were they  
17 altered or tampered with in any way?

18 A No, ma'am.

19 Q And did you put them in the drop box? Did anybody  
20 have access to that?

21 A No, ma'am.

22 MS. GOOD: At this time, Your Honor, I would  
23 like to enter into evidence State's Exhibits 126  
24 through 128.

25 MR. SECOR: No objection.

1 THE COURT: No objection.

2 (WHEREUPON, State's Exhibit No. 126 was  
3 marked for identification and received  
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 127 was  
6 marked for identification and received  
7 into evidence.)

8 (WHEREUPON, State's Exhibit No. 128 was  
9 marked for identification and received  
10 into evidence.)

11 Q I guess look at the box and the labels. Can you  
12 explain to the jury what numbers each corresponding  
13 nail scraping or swab was given?

14 A Number 3 is nail scrapings, Richmond.

15 Q Slow down for me.

16 A Sorry.

17 Q Okay.

18 A Number 4 is swab, hand, Richmond.

19 Q Number 5, buccal swab.

20 A Five. Sorry. Richmond.

21 Q And what is a buccal swab?

22 A A buccal swab is -- it is when you take a sterile  
23 swab, you put it in your mouth like you are  
24 cleaning your teeth and you are just scrubbing the  
25 inside of your gum, and what that is, is it is

1 taking live cells on the inside of your mouth and  
2 it is flaking your DNA. It is a whole lot easier  
3 than going in and getting blood taken out of your  
4 arm. It does the exact same thing. You just  
5 submit it to your lab. It is another way of  
6 getting DNA.

7 Q Okay.

8 A Number 6 is nail scrapings, Thompson.

9 Q Okay. And what else with Bruce Thompson?

10 A Bruce Thompson is also Number 7, swab, hands.

11 Q Okay.

12 A 8, 9 and 10 is going to be McClinton.

13 Q Okay.

14 A And Number 8 is nail scrapings and Number 9 is  
15 swab, hands. 10 is buccal swab.

16 Q Thank you. You said all those you turned in  
17 May 5th?

18 A I didn't look at the label. I apologize.

19 (Pause.)

20 A No, I turned it in May 6th at 1830 in the drop box,  
21 Locker Number 3. It wouldn't have been the drop  
22 box, it wouldn't fit, so it was in a locker.

23 THE COURT REPORTER: I'm sorry, you need to  
24 speak up.

25 A It was a locker almost like a school locker that

1 are down the wall, and the only one that had a key  
2 is the evidence room. So I would have put it in a  
3 locker, the Locker Number 3.

4 Q Okay. Let me show you what is marked as State's  
5 Exhibit 130, 131, and 129. Do you recognize those  
6 pieces of evidence?

7 A Yes.

8 Q And what are they?

9 A These are the clothing that I collected from  
10 Tenisha McClinton.

11 Q And what clothing?

12 A Tan pants, aqua rubber sandals, and green blue-gray  
13 shirt.

14 Q And when was she wearing those?

15 A She was wearing them --

16 Q Would it be what is depicted in State's 113 that  
17 you took a picture of?

18 A Yes, ma'am.

19 Q And what did you do with that clothing?

20 A I packaged them and submitted them into evidence.

21 Q Okay. And what day did you submit them to  
22 evidence?

23 A That would have been the one in Locker 3, so it  
24 would have been on May 6.

25 Q And what numbers were given those pieces of

1 evidence?

2 A Number 11 was the tan pants; Number 12, the  
3 sandals; and Number 13 was the shirt, green  
4 gray-blue shirt.

5 Q These are all from Tenisha McClinton?

6 A Yes, ma'am.

7 MS. GOOD: At this time, Your Honor, I would  
8 like to enter into evidence State's 129, 130 and  
9 131.

10 MR. SECOR: No objection, Your Honor.

11 THE COURT: Okay.

12 (WHEREUPON, State's Exhibit No. 129 was  
13 marked for identification and received  
14 into evidence.)

15 (WHEREUPON, State's Exhibit No. 130 was  
16 marked for identification and received  
17 into evidence.)

18 (WHEREUPON, State's Exhibit No. 131 was  
19 marked for identification and received  
20 into evidence.)

21 Q And after you submitted all this evidence, did you  
22 have any other involvement with this case?

23 A I do not believe so, no, ma'am.

24 MS. GOOD: I have no further questions, Your  
25 Honor.

1 THE COURT: All right. Cross?

2 MR. SECOR: Your Honor, can we just approach  
3 quickly?

4 THE COURT: All right.

5 (WHEREUPON, a bench conference was held  
6 in the presence of the jury but out of  
7 the hearing of the jury.)

8 THE COURT: Ladies and gentlemen, we want to  
9 know if y'all need a short break before we  
10 continue?

11 (WHEREUPON, there was no response.)

12 THE COURT: Okay. All right.

13 MR. SECOR: May it please the Court?

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. SECOR:

17 Q Investigator Reed-Enzor, how are you?

18 A Pretty good. How are you?

19 Q Is it Enzer or Enzor?

20 A Enzor.

21 Q Enzor? Did I say it right?

22 A Yes, sir, you did.

23 Q There is a lot of evidence in this case, huh?

24 A Yes, sir. I'm glad I didn't get my notes confused,  
25 but I think I stacked them up right.

1 Q You are doing fine. One thing I just wanted to --  
2 I'll take this down because I think I'll write  
3 something up here.

4 Investigator Livingston was in here. I was  
5 asking him about his collection of evidence.

6 A Uh-huh.

7 Q His training, and things like that. And I just  
8 wanted to sort of ask you the same sort of  
9 introductory questions.

10 A Okay.

11 Q Your collection of evidence, physical evidence when  
12 you are working on a case is conducted in an  
13 objective manner, is that fair to say?

14 A Yes.

15 Q Okay. And you also agree with me that physical  
16 evidence is pretty objective evidence?

17 A Yes, sir.

18 Q I mean, it doesn't -- it can tell a story of its  
19 own?

20 A Yes, sir.

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

22 A Yes, sir.

23 Q It can support what somebody says happened?

24 A Uh-huh.

25 Q It can contradict what somebody says happened?

- 1 A Absolutely.
- 2 Q And obviously the fact that you are employed by the  
3 Richland County Sheriff's Department and paid by  
4 them doesn't affect the way that you conduct an  
5 investigation?
- 6 A No, sir.
- 7 Q Okay. When you were speaking to Ms. Good, y'all  
8 talked about the fact that as part of your  
9 investigation in this case you took fingernail  
10 scrapings and hand swabs?
- 11 A Yes, sir.
- 12 Q And that is -- you are looking for physical  
13 evidence by doing that?
- 14 A Correct, yes, sir.
- 15 Q And you are looking for evidence that may link  
16 somebody to this offense?
- 17 A Link or eliminate, yes, sir.
- 18 Q Link or eliminate. Okay. I like that. Link or  
19 eliminate. And there were three people charged  
20 with the murder of Mr. West, right?
- 21 A I believe so.
- 22 Q Okay. And those people would be Bruce Thompson,  
23 Tenisha McClinton and Melinda Richmond? Does that  
24 sound right?
- 25 A I'm really not sure. I didn't handle that part of

- 1 the investigation, but I think so.
- 2 Q Those are the three people that you took fingernail  
3 scrapings and swabs from?
- 4 A Those are who I requested to do, yes.
- 5 Q Now, also when you were speaking to Ms. Good, y'all  
6 spoke about the fact that you had a written consent  
7 to get these samples from Ms. Richmond, is that  
8 right?
- 9 A I did, yes, sir.
- 10 Q Did you get consent from all three people that you  
11 took swabs and scrapings from?
- 12 A I got consent from her and I got consent from one  
13 other person. I have that. One moment and I can  
14 tell you the other person I got consent from.
- 15 Q Okay.
- 16 (Pause.)
- 17 A I did get consent here from Tenisha McClinton.  
18 No -- yes, Tenisha. I've got one here from  
19 Tenisha.
- 20 Q Okay.
- 21 A Yes, I also got consent from Tenisha.
- 22 Q You got consent to swab the hands and scrape the  
23 fingernails of Tenisha McClinton and Melinda  
24 Richmond?
- 25 A Yes, sir.

- 1 Q You didn't get it from Bruce Thompson?
- 2 A No, sir.
- 3 Q Do you need consent to do it?
- 4 A I'm not sure, sir.
- 5 Q Okay. Well, you wouldn't have those forms, would  
6 you, if you didn't need it?
- 7 A Well, it all depends on the circumstances. We have  
8 those forms for different circumstances. Each  
9 investigation would be different.
- 10 Q Okay.
- 11 A So now that I went from crime scene investigation  
12 to investigator, if someone came in voluntarily and  
13 I'm investigating and I would request them to do  
14 it, then I would need them, but there is other  
15 circumstances when you probably wouldn't need it,  
16 so we have those forms for different circumstances.
- 17 Q Okay. But, I mean, as law enforcement, I mean, you  
18 know that taking samples from somebody is a search?
- 19 A Uh-huh.
- 20 Q Right?
- 21 A Right.
- 22 Q So you would either need consent or a search  
23 warrant?
- 24 A Most of the time, yes, sir.
- 25 Q Does that make sense?

- 1 A Uh-huh.
- 2 Q And you didn't get consent for Bruce Thompson?
- 3 A No.
- 4 Q And you didn't get a search warrant to take the  
5 samples from him either?
- 6 A No.
- 7 Q Is that right?
- 8 A That's correct.
- 9 Q Okay. And, but you got them -- you took them  
10 anyway?
- 11 A Yes. I was requested to do so.
- 12 Q Okay. And you took them without consent and  
13 without a search warrant because Investigator  
14 Martin told you you didn't need either one?
- 15 A I was requested to do so, so I did it.
- 16 Q Okay. But isn't that true?
- 17 A I was requested to do it, so I did it, yes, sir.
- 18 Q But didn't he tell you that you don't -- you didn't  
19 need consent?
- 20 A I'm not sure if it was reference to that or if he  
21 was saying that reference to the fingerprinting,  
22 but I know I was told that I didn't need it for  
23 that circumstance, because I reread my notes and  
24 that is what it did say in my notes, yes, sir.
- 25 Q Right. You mean you did state that in your notes?

- 1 A Yes.
- 2 Q He told you you didn't need consent?
- 3 A Absolutely, yes, sir.
- 4 Q Okay. So if you need consent --
- 5 A Yes, sir.
- 6 Q -- or a search warrant --
- 7 A Yes, sir.
- 8 Q -- to take samples --
- 9 A Uh-huh.
- 10 Q -- and someone says you don't need either one --
- 11 A Yes, sir.
- 12 Q -- that would be untrue, wouldn't it?
- 13 A I'm not exactly sure. At that point I wasn't sure.
- 14 Q Okay. All right. And I just want to go through
- 15 with you the three people that you took samples
- 16 from, okay?
- 17 A Yes, sir.
- 18 Q And I'm not entirely sure whether this is the
- 19 correct order, but I don't think it matters for the
- 20 purposes of the questions that I would like to ask
- 21 you.
- 22 A Yes, sir.
- 23 Q I'm going to start with Bruce Thompson, if that is
- 24 all right with you.
- 25 A That's fine, yes, sir.

1 Q You -- prior to taking the samples from Bruce  
2 Thompson's hands, you noticed something about his  
3 hands, right?

4 A Give me one second. Let me find his -- give me one  
5 second.

6 Q Well, I'll tell you -- just tell me if I'm right.  
7 You noticed he had matter caked under his  
8 fingernails?

9 A I believe so. If I can get that one report I can  
10 be accurate.

11 Q Okay.

12 (Pause.)

13 A I observed Thompson's hands to be clean; however,  
14 his nails were very dirty with unknown matter caked  
15 under his nails.

16 Q Okay. Matter caked under nails, is that right?

17 A Yes, sir.

18 Q And isn't it true that prior to taking the samples  
19 from him he said to you --

20 MS. GOOD: Objection, Your Honor. Hearsay.

21 MR. SECOR: Your Honor, may we approach?

22 THE COURT: All right.

23 (WHEREUPON, a bench conference was held  
24 in the presence of the jury but out of  
25 the hearing of the jury.)

1 Q All right. So you took samples from Mr. Thompson,  
2 right?

3 A Yes, sir.

4 Q And you did some testing right then and there,  
5 right?

6 A Yes, sir.

7 Q Okay. And Bruce Thompson's hands were positive for  
8 blood, right?

9 A Positive for the presence of proteins that could be  
10 blood, yes, sir.

11 Q Your report says positive reaction for the presence  
12 of blood?

13 A Yes.

14 Q Now, you also took samples from Tenisha McClinton,  
15 correct?

16 A Let me get back to her report. You are jumping  
17 just a little bit, so let me get back to her  
18 report. One moment.

19 (Pause.)

20 A Okay. Yes, I did take McClinton's.

21 Q Okay. And prior to taking her -- the samples from  
22 her hands, you noticed -- and correct me if I'm  
23 wrong --

24 A Okay.

25 Q You noticed she had several lacerations on the

1 fingers of her right hand?

2 A That is correct.

3 Q All right. And you talked about some photographs  
4 with Ms. Good that showed some of those  
5 lacerations, correct?

6 A Yes, sir.

7 Q And that would be State's Exhibits 110, 111 and  
8 112, is that right?

9 A Of her hands was 110 and 111, and 112 was her feet,  
10 yes, sir.

11 Q Oh, I'm sorry, that's right.

12 (WHEREUPON, Defendant's Exhibit No. 2  
13 was marked for identification only.)

14 Q I am going to show you what has been marked for  
15 identification purposes as Defendant's Exhibit  
16 Number 2. Is that also a picture that you took?

17 A That is also a picture I took, yes, sir.

18 Q Okay. And can you tell me what that picture is of?

19 A That is a picture of her finger with a scale, which  
20 is just a small ruler, basically, that shows kind  
21 of how big the cut was on her finger.

22 Q And can you tell from that picture which finger  
23 that is?

24 A I have to look at the other picture of her hand,  
25 but I think it was her index finger, I think.

1 (Pause.)

2 A It would be her ring finger.

3 THE COURT REPORTER: You are whispering, I'm  
4 sorry.

5 A I apologize. It appears to be her ring finger.  
6 Ring finger.

7 Q So are you saying that this and this are the same?  
8 That looks different to me.

9 A No, sir, I can't tell by looking at that picture  
10 alone. If you hold on just a minute I'd like to  
11 look at my proof sheet.

12 Q Sure.

13 (Pause.)

14 A That picture has been blown up I guess for purposes  
15 of seeing the scale. This is hard to see because  
16 it is my proof picture. But it is going to be --  
17 her thumb is here, so it is going to be her pointer  
18 finger. It would be this finger here, is what the  
19 picture is of.

20 Q Just on her index finger on her right hand?

21 A That's correct.

22 Q And you took this picture because you found it to  
23 be relevant to your investigation, right?

24 A Yes. It shows the different lacerations on her  
25 hands.

- 1 MR. SECOR: Your Honor, I move to have  
2 Defendant's Exhibit 2 admitted into evidence.  
3 MS. GOOD: No objection.  
4 THE COURT: All right. Without objection.  
5 (WHEREUPON, Defendant's Exhibit No. 2  
6 was admitted into evidence.)  
7 MR. SECOR: May I publish it to the jury?  
8 THE COURT: Sure.  
9 (Exhibit published to jury.)  
10 Q And also with Tenisha, you noticed she had a broken  
11 fingernail, right?  
12 A Yes, sir.  
13 Q Also on her right hand?  
14 A Yes, sir.  
15 Q On the little finger?  
16 A Yes, sir.  
17 Q Okay. And after noticing these things, you took  
18 fingernail scrapings from Ms. McClinton, right?  
19 A That is correct.  
20 Q Okay. And you submitted those for testing? You  
21 didn't test them right then and there?  
22 A No, I don't do DNA testing, sir.  
23 Q All right. And have you seen the DNA report?  
24 A No, sir.  
25 Q So you don't know how those came back?

- 1 A No, sir.
- 2 Q Okay. Now, the third person -- I don't know about  
3 necessarily chronologically the third person, but I  
4 would like to talk to you about that you took  
5 samples from Ms. Melinda Richmond.
- 6 And I know you said the consent form was not  
7 signed. And I know it was a long time ago. Do you  
8 have any recollection in terms of the chain of  
9 events about when that would have been?
- 10 A You said Melinda's wasn't signed?
- 11 Q No, no, it wasn't dated. I'm sorry. If I said not  
12 signed, I apologize.
- 13 A It was dated.
- 14 Q Oh, it was dated? Maybe it wasn't -- was it not  
15 timed?
- 16 A There is no time stamp.
- 17 Q Oh, there is none at all?
- 18 A There is not a place for it to be time stamped.
- 19 Q Do you have any recollection about when that would  
20 have been done?
- 21 A It would have been done between 10:20 when I  
22 arrived there when I completed it at 11:00 o'clock,  
23 so probably within that 40 minutes.
- 24 Q Okay. 10:20 to 11:00 a.m.?
- 25 A Forty -- at 11:00 a.m. Probably in that 40-minute

1 time span it would have been completed.

2 Q Okay. And you took nail scrapings and swabs from  
3 Ms. Richmond's hands, right?

4 A I took swabs, nail scrapings, and a buccal swab.

5 Q That's right. Okay. And at that time is when you  
6 noticed that she was shaking?

7 A I noticed it when I was -- well, I call it  
8 controlling the hand, basically holding her hand to  
9 take the scraping. That's when I noticed she was  
10 shaking some and kind of swaying a little bit on  
11 her feet.

12 Q And isn't it true that you thought she may be  
13 coming off some sort of a high, some sort of drug  
14 high?

15 A I wasn't sure what it was, and so I asked her. I  
16 didn't know if she was feeling ill or if she was  
17 coming down from something, so that is why I asked  
18 her if she was okay.

19 Q Okay. And you thought that she potentially might  
20 need medical treatment?

21 A I wasn't sure, but that is why I asked her.

22 Q Okay. And I think when you were talking to Ms.  
23 Good you said that prior to taking the samples --  
24 let me make sure I get this right -- prior to  
25 taking the samples from Ms. Richmond, you noticed

1           and you put in your report that her hands appeared  
2           clean and neat?

3       A     I believe -- yes, I believe that is it.

4       Q     All right.

5       A     Yes, hands and nails to be clean.

6       Q     Okay. And neat, right?

7       A     I just said clean.

8       Q     Oh really?

9       A     I observed Richmond's hands -- hands and nails to  
10       be clean.

11      Q     Clean. Okay. Is that fair enough?

12      A     Yes, sir.

13      Q     All right. I don't have the best handwriting in  
14       the world.

15                 In the four samples you took from  
16       Ms. Richmond, you submitted those also with a  
17       request they be tested for DNA, right?

18      A     I submitted it. I'm not sure if they actually run  
19       everything for DNA. I don't determine if they run  
20       everything or not.

21      Q     But you made that request?

22      A     No, I actually don't make that request. I submit  
23       everything to DNA, but the actual case  
24       investigators, they actually determine what is done  
25       for DNA and what is not done for DNA.

- 1 Q I guess I misspoke. You submitted them for  
2 testing, but you are not the one that says test --
- 3 A That actually determines what -- because, I mean,  
4 when you are talking about homicide cases, you get  
5 so many things that have the potential to be  
6 tested.
- 7 Q Uh-huh.
- 8 A But once the case investigators do the  
9 investigation, they kind of determine what would  
10 have the most potential for testing.
- 11 Q Okay. And you don't know -- the four that you  
12 submitted from Ms. Richmond's hands, you don't know  
13 what those results were?
- 14 A No, sir.
- 15 Q All right. Also, you took some samples from the  
16 knife in this case, right?
- 17 A Yes, I did.
- 18 Q Okay. And you swabbed -- and I know you said you  
19 looked for prints, and that was -- that didn't work  
20 out?
- 21 A No, sir.
- 22 Q But you also -- you did swab it, right?
- 23 A Yes, sir.
- 24 Q And that is swabbing for blood or DNA?
- 25 A For DNA.

- 1 Q Some kind of matter that you can test?
- 2 A Either sweat, blood, or any other things that would  
3 have DNA on it.
- 4 Q Okay. And in doing that, you're looking to -- what  
5 was the phrase you used, eliminate or --
- 6 A Either find a suspect or not find a suspect.
- 7 Q Okay.
- 8 A But if I'm looking for DNA on something like that,  
9 that would find a suspect more than likely.
- 10 Q Okay. And you -- isn't it true that you swabbed  
11 both the handle and the blade?
- 12 A Yes.
- 13 Q Okay. And you probably assumed that Mr. West's  
14 blood would be on the knife?
- 15 A It would be highly likely, yes, sir.
- 16 Q Okay. But you swabbed the handle and the blade?
- 17 A Yes.
- 18 Q And that is because -- and correct me if I'm  
19 wrong -- but I would assume you swabbed both  
20 because you thought you might get the attacker's  
21 DNA as well?
- 22 A It is possible, yes, sir.
- 23 Q Okay. And in your experience, don't you think -- I  
24 mean, I'm sure you have seen that when somebody  
25 attacks somebody with a knife --

- 1 A Uh-huh.
- 2 Q -- that if there is a lot of blood, as there was in  
3 this case, and somebody is stabbing another person,  
4 that their hand can slide down the handle, off the  
5 handle of the knife and down the blade?
- 6 A It happens.
- 7 Q And in that case the attacker might be bleeding?
- 8 A It has happened. It doesn't happen all the time,  
9 but it does happen.
- 10 Q Right. Okay. And that the attacker might leave  
11 their DNA on the knife as well?
- 12 A It has been that it happens.
- 13 Q Okay. And isn't it fair to say that is why you  
14 tested both the handle and the blade?
- 15 A Not just for blood, but also for sweat, but, yes,  
16 that is one of the reasons.
- 17 Q And you submitted those -- both of those for  
18 potential testing?
- 19 A For potential testing, yes, sir.
- 20 Q And do you know how many of the two that you  
21 submitted from the knife were tested?
- 22 A No, sir. I don't know any in my evidence what was  
23 tested and what wasn't. I do not know.
- 24 Q Okay. Now, just briefly, in regards to the home  
25 that you went to where you found the two drops of

1 blood in the bathroom, what was that address again?

2 Do you remember?

3 A Number 24 Rembert Martin Parkway.

4 Q Okay. And you collected one drop of blood from the  
5 sink and one drop of blood from the floor?

6 A From the sink cabinet.

7 Q Sink cabinet. Okay. And you swabbed both of  
8 those?

9 A I collected blood stain.

10 Q Okay. Is that not swabbing or no?

11 A It is swabbing, but it is collecting the entire  
12 stain.

13 Q And you submitted those for potential testing,  
14 right?

15 A Yes.

16 Q In reading some of the notes you made in reference  
17 to your investigation in this case, isn't it true  
18 that you removed some clothing from the car, from  
19 the Camry?

20 A Where at? Which --

21 Q I'll show you the notes that I was looking at.

22 (Pause.)

23 Q Let me just show you this. The handwritten portion  
24 on the bottom of that document, is that your  
25 handwriting?

1 A Yes, that is my handwriting.

2 Q Okay. And that says that you took -- you took some  
3 bags of clothes out of the car, the Camry, in this  
4 case?

5 A Yes. I do not recall what was in them, but I did.

6 Q I know. You did a lot.

7 A I did not remove the clothing from the bags, but I  
8 do remember taking the plastic bags out of the  
9 vehicle, opening them up so that they could get  
10 air, and placing them beside it. I do remember  
11 doing that.

12 Q Okay. But you have no idea what was in those bags,  
13 you just --

14 A No, I never took it out and inventoried it or  
15 anything, but I remember taking them out, because  
16 any kind of clothing that is wet, bloody or  
17 anything, if you leave it in a plastic bag --

18 Q Uh-huh.

19 A -- any of the evidence that is in it it is going to  
20 degrade and it is going to be useless later.

21 Q Okay.

22 A So in order to keep it from degrading, that is what  
23 I did. I just took it out, wrote it beside it, you  
24 know, where it was actually located in the car, and  
25 that is all I did with it.

1 Q Okay. And I know when you were talking to Ms. Good  
2 y'all were talking about -- or I heard you mention  
3 a couple of times, at least, transfer. I think you  
4 used the word transfer. And I think you used the  
5 term cross-contamination?

6 A Right.

7 Q And correct me if I'm wrong.

8 A Uh-huh.

9 Q Those terms refer to one item that has substance on  
10 it, transferring whatever that substance is to  
11 another item?

12 A That is correct.

13 Q Is that fair to say?

14 A That is fair to say.

15 Q So if my jacket has blood on it and I put it in a  
16 plastic bag with your jacket --

17 A Uh-huh.

18 Q -- your jacket might end up having blood on it  
19 sitting in the same bag together?

20 A Yes, sir.

21 Q That would be called -- that would be transfer?

22 A Transfer stain.

23 Q Or cross-contamination?

24 A Cross-contamination.

25 Q Okay. All right. I think one of the last things I

1           want to mention, wanted to talk to you about, was  
2           as part of your investigation you filled out a  
3           crime scene review checklist, is that right?

4    A    Yes.

5    Q    Okay. And is that sort of what you do at the end  
6           of your investigation?

7    A    I filled out one, it would have been at the  
8           autopsy.

9    Q    Okay.

10   A    As you go along at the autopsy.

11   Q    Okay. And in that -- do you have it in front of  
12           you?

13   A    The autopsy?

14   Q    It is.

15   A    I have quite a few papers here, so it might take me  
16           just a moment.

17           (Pause.)

18   A    Yes, I do have it in front of me, sir.

19   Q    Okay. And there is a section on that form -- it is  
20           the start of a form where you check boxes or write  
21           things in, right?

22   A    Yes, sir.

23   Q    All right. And isn't it true there is a section in  
24           that form for primary cause of death?

25   A    Yes.

- 1 Q On the second page there?
- 2 A Yes.
- 3 Q And in that section under primary cause of death --
- 4 and this is at the autopsy of Mr. Frank West --
- 5 A That's correct.
- 6 Q -- you wrote primary cause of death, exsanguination
- 7 due to multiple stab wounds, is that correct?
- 8 A That's correct.
- 9 Q And I had to look this up, but exsanguination means
- 10 loss of blood?
- 11 A That's correct.
- 12 Q Now, at the bottom of that form -- the form sort of
- 13 ends halfway down the page, is that correct?
- 14 A That's correct.
- 15 Q At the bottom of the form there are some
- 16 handwritten notes?
- 17 A Uh-huh.
- 18 Q Is that your handwriting?
- 19 A That is my handwriting.
- 20 Q Okay. And at the bottom of that form, just in sort
- 21 of the empty space at the bottom of the page, you
- 22 wrote, quote: Deep stab wound to side -- spleen,
- 23 is that right?
- 24 A That is one of the stab wounds, yes.
- 25 Q Okay. And then you also wrote: Deep throat

1 laceration -- severed carotid artery -- possibly.

2 Is that right?

3 A That is correct.

4 Q And then you also wrote: Possibly left-handed. Is  
5 that right?

6 A Yes.

7 Q Okay. And you are referring to the possibility  
8 that the assailant might have been left-handed?

9 A That is correct.

10 Q Okay. So I know you wrote in that the primary  
11 cause of death was exsanguination due to multiple  
12 stab wounds.

13 A That is correct.

14 Q However, at the bottom of that form you wrote about  
15 two wounds in particular.

16 A That's correct.

17 Q The wound that injured Mr. West's spleen?

18 A That's correct.

19 Q And the wound that cut or severed his carotid  
20 artery?

21 A That's correct.

22 Q So in your opinion those two wounds are  
23 particularly noteworthy?

24 A They were in the sense that Dr. Nichols was giving  
25 information while he was doing the autopsy.

1 Q Uh-huh.

2 A And he said these were of interest. But at the  
3 very end of the autopsy we asked him, what in  
4 your -- what is the medical opinion of what the  
5 cause of death is, and that is when he said the  
6 cause of death was, you pronounced it better than I  
7 can, but exsanguination, I think I pronounced it --

8 Q Something like that.

9 A Something like that. -- was the cause of death.  
10 And when he was talking about the deep throat  
11 laceration, he said he is not saying it is for  
12 sure, but it was something to look at for a  
13 possible lead about the left-handed suspect.

14 Q Okay.

15 A But those are just notes when he was going through  
16 the autopsy before he made the official cause of  
17 death while he was going through the autopsy --

18 Q Uh-huh.

19 A -- that he was making notes as he went along.

20 Q Okay.

21 A So I was kind of jotting down notes as the autopsy  
22 was going through. And the reason for the review  
23 checklist while you are doing the autopsy is there  
24 are so many things going on while you are doing the  
25 autopsy, this is to kind of make sure you are

1 getting everything you need while you are doing it.  
2 Sometimes you -- there are so many things going on  
3 you just want to make sure you get everything you  
4 need done while you do it.

5 Q I got you. All right.

6 MR. SECOR: Beg the Court's indulgence just a  
7 moment, please.

8 (Pause.)

9 Q Thank you, Investigator Reed-Enzor. I appreciate  
10 it.

11 REDIRECT EXAMINATION

12 BY MS. GOOD:

13 Q Regarding Bruce Thompson and the consent to get  
14 these nail scrapings, was Bruce cooperative with  
15 you?

16 A Yes, he was.

17 Q Did you observe any injuries on his hand?

18 A No, I did not.

19 Q And do you know whose blood it was positive for on  
20 his hands that you saw?

21 A No, I did not. No, I did not. I'm sorry.

22 Q And when you were speaking with Ms. Richmond and  
23 you got her consent, did she seem coherent to you?

24 A Absolutely.

25 Q And she was cooperative?

- 1 A Yes, she was.
- 2 Q And did she seem out of it in any way?
- 3 A No, ma'am.
- 4 Q Okay. And did she ever ask for medical treatment?
- 5 No, ma'am.
- 6 Q And as for somebody having something underneath
- 7 their nails or having nails clean, would having
- 8 clean nails be consistent with somebody taking a
- 9 shower or washing their hands?
- 10 A Yes, ma'am.
- 11 Q Would you expect to find blood on their hands or
- 12 under their fingernails if they had washed?
- 13 A No, I would not.
- 14 Q And how many swabs did you take of the knife?
- 15 A I do not recall. It probably would have been more
- 16 than one, but I do not recall how many swabs I
- 17 actually --
- 18 Q And did you write that in your report?
- 19 A No.
- 20 Q How many you took?
- 21 A Well, I do not recall. I put on there I collected
- 22 swabs, I believe plural.
- 23 Q You can look in your bench notes to see if it says
- 24 how many swabs that you took.
- 25 (Pause.)

- 1 Q If I were to tell you in your notes you said you  
2 took one swab, would you --
- 3 A Took one swab. I just found it. I apologize. I  
4 have quite a few notes to go through here. But it  
5 said a swab.
- 6 Q And where did you take that swab from?
- 7 A From the handle.
- 8 Q The handle. And through the clothes that you took  
9 out of the vehicle -- you followed the vehicle from  
10 the hotel to the forensic garage?
- 11 A Yes, I did.
- 12 Q Where did you take out the clothes?
- 13 A At the forensic garage.
- 14 Q And that is a secure area?
- 15 A Yes, it is.
- 16 Q And who is allowed in that area?
- 17 A Only other forensic investigators.
- 18 Q And who were other forensic investigators at the  
19 time?
- 20 A At the time it would have been Sergeant Clemmons,  
21 Lieutenant Clemmons, Stan Richards, myself.
- 22 Q And you are aware who did the investigation of the  
23 car?
- 24 A Stan Richards.
- 25 Q Stan Richards. And as to the autopsy -- I mean,

- 1           you are taking notes during the autopsy. Are those  
2           conclusive in any way?
- 3    A       No, they are not.
- 4    Q       Are you a pathologist?
- 5    A       Absolutely not.
- 6    Q       Do you know what caused death?
- 7    A       No, I do not.
- 8    Q       You just write down what you hear Dr. Nichols say?
- 9    A       Yes, ma'am.
- 10   Q       And in this situation it was exsanguination due to  
11         multiple stab wounds?
- 12   A       That's correct.
- 13   Q       And talking about the left-handed, he said  
14         possibly, correct?
- 15   A       That's correct. And I have that underlined in my  
16         notes, possibly.
- 17   Q       And how many times do you have that underlined?
- 18   A       Several times.
- 19   Q       So it is possible it is not a left-handed suspect?
- 20   A       That's correct.
- 21   Q       And are you aware of how many stab wounds Frank  
22         West actually had?
- 23   A       Yes, I do. One moment.
- 24         (Pause.)
- 25   A       According to the body chart, I believe it is 23

1 times.

2 Q And would that be consistent with multiple stab  
3 wounds?

4 A Yes, ma'am.

5 MS. GOOD: No further questions.

6 MR. SECOR: Just briefly, Your Honor.

7 THE COURT: All right.

8 RE-CROSS-EXAMINATION

9 BY MR. SECOR:

10 Q Investigator, just for clarification, you said you  
11 took only one swab of the knife?

12 A Yes. Yes, sir.

13 Q I'll show you a copy of the bench notes there.  
14 There is a notation on the bottom left-hand side.  
15 It looks to me like you took two. It says, items  
16 collected, at the bottom left-hand corner. And  
17 there is an arrow drawn up to where it says, knife,  
18 and --

19 A Let me find my original copy of this. That is kind  
20 of hard to read. Let me get my original.

21 Q Okay.

22 THE WITNESS: Court's indulgence. I have a  
23 stack here of paperwork. I have gotten a little  
24 bit confused with all this testimony. One moment.

25 (Pause.)

1 A I do see where you pointed out where I made two  
2 swabs of it.

3 Q Two swabs?

4 A Two swabs for DNA.

5 Q Okay.

6 A I do not recall exactly how many swabs I took. It  
7 could be possible because it was such -- so much  
8 blood and items on it --

9 Q Uh-huh.

10 A -- that the swab was such a small swab I might have  
11 taken two just to make sure I covered both sides of  
12 it, but --

13 Q Okay.

14 A I -- wouldn't know until I looked at the ASIS to  
15 see how many swabs I actually submitted or not. I  
16 have to look at the evidence sheet.

17 Q I understand. But as we were talking before, if  
18 you took two, I believe you said that you would  
19 have taken one of the blade and one of the handle?

20 A I believe I would have, but I would have to  
21 double-check to see what ASIS said to see what I  
22 submitted actually into evidence to be sure.

23 Q I understand. It was a while ago.

24 A It was a while ago. And I had a lot of involvement  
25 in the case.

1 Q Thank you, ma'am.

2 THE COURT: Okay, thank you, ma'am. You can  
3 step down.

4 (Witness steps down.)

5 MS. GOOD: Can this witness be excused, Your  
6 Honor?

7 MR. SECOR: Without objection.

8 THE COURT: Okay.

9 (Witness excused.)

10 THE COURT: All right, Madam Forelady, and  
11 ladies and gentlemen of the jury, we're going to  
12 break for the day. And I can't give you the day  
13 off tomorrow, no holiday tomorrow. So I ask you to  
14 be back about 9:30 and we will get started as  
15 quickly as we can.

16 Please remember, don't talk about the case.  
17 And if anybody asks you about it, just tell them  
18 you have got to wait until it is over and you can  
19 talk about it all you want.

20 But have a pleasant evening, and we will see  
21 you back tomorrow morning. I tell you, why don't  
22 we do it at 9:15, okay? That is just a few extra  
23 minutes to the good.

24 All right.

25 (WHEREUPON, the jury is excused for the

1 evening at 5:34 p.m.)

2 THE COURT: All right, anything before we  
3 break for the evening?

4 Well, Ms. Gripp, how are you?

5 MR. O'NEIL: I just want to put this on the  
6 record. Ms. Gripp saw the doctor today, and she  
7 has a note actually from the doctor. I pass the  
8 note up to Your Honor and ask that it be made a  
9 Court Exhibit.

10 Essentially it says that she has acute  
11 sinusitis and laryngitis and she is on vocal chord  
12 rest for two days. And to continue to use her  
13 vocal chords would cause her laryngitis to worsen.

14 Based on that note, I would I guess at this  
15 point renew our request for at least a continuance  
16 for the two-day period as prescribed by the doctor,  
17 Your Honor, to allow Ms. Gripp to obtain her voice  
18 and so she can adequately represent Ms. Richmond  
19 under the Fifth, Sixth and Fourteenth Amendments.

20 THE COURT: Why don't you show that to them?  
21 Ms. Gripp, do you waive your --

22 MS. SHIPLEY: Your Honor, I don't need to see  
23 it, Judge.

24 THE COURT: All right. Well, I think y'all  
25 are doing a great job, and we're just going to

1 press on. Okay.

2 MR. O'NEIL: Thank you, Your Honor.

3 THE COURT: One other thing. We had a bench  
4 conference. I don't know -- anything y'all want to  
5 put on the record? We had a bench conference. I  
6 will give you an opportunity to put it on the  
7 record. I disallowed I think it was Exhibit 125,  
8 or something like that.

9 MS. GOOD: That was Frank West's boxers and  
10 pants from the autopsy, Your Honor.

11 MS. SHIPLEY: We have no problem with that  
12 being excluded.

13 Judge, just for future reference, though,  
14 because we are going to have a lot of investigators  
15 that will make statements that they were told by  
16 another investigator and that is why they went and  
17 did something.

18 Under State versus Thompson it is not hearsay  
19 because it is not offered for the truth of the  
20 matter asserted therein, but rather to explain.

21 THE COURT: They don't need -- all we have to  
22 do is say what they did.

23 MS. SHIPLEY: Right. But they are allowed to  
24 explain why they went there. For instance,  
25 Investigator Reed should have been permitted to

1 say, I went there because I was told people  
2 showered there.

3 THE COURT: Well, I think what she can do is,  
4 in pursuing my investigation, I went to examine the  
5 bathroom. I mean, why inject an issue that doesn't  
6 need to be in there?

7 MS. SHIPLEY: Okay. Yes, sir.

8 THE COURT: I presume you are going to have  
9 the person who told them to go?

10 MS. SHIPLEY: Yes, sir.

11 THE COURT: Or you could. Okay.

12 MR. SECOR: Your Honor, I certainly would  
13 disagree, and I think it is clearly hearsay for  
14 some of the people --

15 THE COURT: I just gave it to you.

16 MR. SECOR: I understand. The other thing  
17 that I wanted to put on the record, Your Honor, you  
18 sustained the State's objection in terms of my  
19 asking Investigator Reed-Enzor about statements  
20 made to her by Bruce Thompson.

21 According to Investigator Reed-Enzor's notes,  
22 Bruce Thompson said to her, I never had any blood  
23 on my hands, I never touched Mr. West, I was afraid  
24 he might have AIDS, I never had blood on my hands.

25 She tests his hands right after that, and they

1 are positive for the presence of blood.

2 I believe that I should have been entitled --  
3 or I was entitled to get that information out of  
4 Investigator Reed-Enzor due to the fact that I was  
5 not offering Bruce Thompson's statement for the  
6 truth of the matter asserted.

7 As a matter of fact, I was offering it for the  
8 fact that it was a lie, and proven a lie seconds  
9 after he said it.

10 So I believe that that was hearsay, and I  
11 believe I was entitled to get that information from  
12 Investigator Reed-Enzor.

13 THE COURT: All right. Okay.

14 MR. SECOR: Thank you, Your Honor.

15 MS. SHIPLEY: And just for the record, the DNA  
16 ends up being his own DNA, so it is irrelevant.

17 THE COURT: Yes. All right, let's -- we will  
18 see y'all at 9:15.

19 MR. SECOR: Thank you, sir.

20 THE COURT: All right.

21 (WHEREUPON, court adjourned for the evening.)

22 (WHEREUPON, court reconvened.)

23 NOVEMBER 13, 2008

24 MS. SHIPLEY: One of the items of evidence  
25 mentioned by Ms. Good with Investigator Richards,

1           which is a set of keys marked 121, we inadvertently  
2           skipped that number when introducing other items of  
3           evidence. We'd like to move it in at this time.

4           MR. SECOR: I've got no problem with that,  
5           Your Honor.

6           THE COURT: No objection. Anything we can do  
7           to speed this up?

8           MS. SHIPLEY: Yes, sir. We've got -- what I  
9           did with Investigator Stan Richards, I had him  
10          itemize the numbers so he doesn't have to -- we can  
11          deal with all the numbers at one time.

12          THE COURT: All right. Is there anything that  
13          y'all can agree to before --

14          MR. SECOR: I don't anticipate objecting to  
15          any of the evidence removed from the vehicle. I  
16          believe that is the majority.

17          MS. SHIPLEY: That is exactly -- if they want  
18          to stipulate to the chain of custody too, that  
19          would speed things up.

20          MR. SECOR: That is not a decision I can make.  
21          If I can have a moment.

22          THE COURT: Yes, go ahead.

23          (Pause.)

24          MS. SHIPLEY: Okay, Your Honor, I believe the  
25          Defense has stipulated to the chain of custody in

1           this case.

2           MR. SECOR: For purposes of the evidence  
3 removed from the '94 Camry.

4           THE COURT: Okay.

5           MS. SHIPLEY: What about from the residence by  
6 Ray Livingston and from the Defendant by  
7 Reed-Enzor?

8           MR. SECOR: Did you not establish a chain for  
9 them already?

10          MS. SHIPLEY: Well, they said they turned it  
11 in to the property room, and then I have the  
12 custodian of the property room -- custodian of  
13 evidence from the property room, who is present  
14 now.

15          MR. SECOR: For purposes of the chain from the  
16 Richland County Sheriff's Department to the  
17 courthouse.

18          MS. SHIPLEY: No, sir. Reed-Enzor testified  
19 that she turned all the evidence in to a drop box.

20          MR. SECOR: Right.

21          MS. SHIPLEY: At the property room. Curtis  
22 Burnett is here to testify he collected it from the  
23 drop box the following morning.

24          THE COURT: Uh-huh.

25          MS. SHIPLEY: And logged it all into evidence.

1 And then Gray Amick will testify he came and got it  
2 all from Curtis Burnett to analyze. And once it  
3 goes to the analyst, the chain is complete.

4 So there is basically Tena Goff, Will  
5 Cedarstaff and Curtis Burnett that are custodians  
6 of the evidence room. They are all custodians.  
7 And they will testify that they received these  
8 items that were submitted by all the crime scene  
9 investigators.

10 MR. SECOR: Right.

11 MS. SHIPLEY: And then Gray Amick will say  
12 when he received all of the evidence it was  
13 properly sealed when he began his analysis.

14 MR. SECOR: Okay. Just one more brief moment,  
15 if I may, Your Honor.

16 THE COURT: Yes.

17 (Pause.)

18 MR. SECOR: Your Honor, the Defense stipulates  
19 the chain of custody for purposes of the evidence  
20 that was tested for DNA.

21 THE COURT: Okay.

22 MS. SHIPLEY: Perfect. You're excused. And  
23 just for the purposes of scheduling, I'm calling  
24 Stan Richards next, the crime scene investigator.  
25 I may need a short break after his testimony to

1 bring Tenisha McClinton up from the holding cell.  
2 She's my next witness.

3 THE COURT: Okay. Are you ready then?

4 MS. SHIPLEY: I'm ready.

5 MR. SECOR: Your Honor, if I may just briefly  
6 renew our motion for a mistrial or continuance  
7 based on Ms. Gripp's --

8 THE COURT: We have covered it all through the  
9 trial. The same way, same ruling.

10 MR. SECOR: Okay.

11 MS. SHIPLEY: I will let the jurors know the  
12 Defense stipulated to the chain of custody, not  
13 questioning the integrity of the evidence.

14 THE COURT: Sure. Do you want to do it or do  
15 you want me to do it?

16 MR. SECOR: I think it is fine if Your Honor  
17 does it. I think -- I mean, we are stipulating to  
18 the chain of custody. I wouldn't say specifically  
19 anything about the integrity of the evidence. I am  
20 not necessarily questioning it, but --

21 THE COURT: I got you.

22 MR. SECOR: I think it is more appropriate to  
23 say the chain.

24 THE COURT: I got you.

25 MS. SHIPLEY: I used the wrong word. Sorry.

1 THE COURT: Now let's bring them.

2 (WHEREUPON, the jury came into open  
3 court at approximately 9:31 a.m.)

4 THE BAILIFF: All jurors are present, Your  
5 Honor.

6 THE COURT: Thank you very much.

7 All right, ladies and gentlemen, good morning.  
8 I hope y'all are well. We are getting ready to  
9 crank up the case.

10 I want to tell you that while this morning we  
11 have met, the attorneys have agreed that the chain  
12 of custody with respect to the evidence, that is,  
13 the -- it is accounted for from the time it was  
14 picked up until the time it got here has been  
15 agreed to. So we have saved -- they have saved  
16 y'all, all of us some time. And I want to thank  
17 them for that.

18 And we are ready to begin the case. All  
19 right.

20 MS. SHIPLEY: Thank you, Your Honor. May it  
21 please the Court? The State calls Stan Richards to  
22 the stand.

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

25 (Witness complies.)

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

5 THE WITNESS: I do.

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

8 (Witness seated.)

9 THE WITNESS: Stan Richards.

10 STAN RICHARDS,  
11 after being duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. SHIPLEY:

14 Q Investigator Richards, please tell the jury where  
15 you are employed.

16 A With the Richland County Sheriff's Department. I  
17 am a sergeant with the Crime Scene Unit.

18 Q And what are your duties?

19 A We respond as requested to any incidents that may  
20 happen in Richland County. And when we arrive we  
21 identify and we collect and preserve physical  
22 evidence for the incident. We take that physical  
23 evidence whenever possible to try to reconstruct a  
24 crime scene when we can.

25 Q And in this case dealing with the State versus

1 Melinda Richmond, did you have an opportunity to  
2 collect evidence?

3 A I did.

4 Q How long have you been a crime scene investigator?

5 A Seven years.

6 Q I'm going to go ahead and bring your attention to  
7 the case at hand. Can you tell the jury what case  
8 number it is?

9 A My case number is 0705042105.

10 Q And what date and time did you become involved with  
11 the collection of evidence in this case?

12 A I became involved on May 7th, 2007, at  
13 approximately 9:00 o'clock a.m.

14 Q And tell the jury the nature of your involvement.

15 A I received a search warrant from Investigator  
16 Martin in order to process a 1994 Toyota Camry,  
17 gray in color, tag number 634CWF. And I proceeded  
18 to do so.

19 Q And I'm going to show you a photograph.

20 MS. SHIPLEY: By the way, Your Honor, I  
21 believe the Defense has agreed to State's Numbers  
22 132 through 174.

23 MR. SECOR: No objection, Your Honor.

24 THE COURT: Okay.

25 Q If you could just glance through these photographs

1 and let us know if you took those.

2 A Yes, those are my photographs.

3 Q Starting with the first photograph that you took,  
4 what license tag is that?

5 A 634CWF, Johnson County -- I can't make it out --  
6 Tennessee maybe.

7 Q Tennessee? Okay.

8 MS. SHIPLEY: Your Honor, at this time the  
9 State moves to introduce 132 through 174.

10 MR. SECOR: No objection.

11 THE COURT: Without objection.

12 (WHEREUPON, State's Exhibit Nos. 132 -  
13 174 were marked for identification and  
14 received into evidence.)

15 MS. SHIPLEY: May the witness step down, Your  
16 Honor?

17 THE COURT: Certainly.

18 (Witness steps down.)

19 Q If you could just go through the photographs for  
20 the jury to orient them. Where were you when you  
21 first encountered this vehicle?

22 A This vehicle was in our forensic garage at our  
23 headquarters. It is a secure facility. The  
24 vehicle had been brought in previously before I  
25 started processing it and secured there by

1 Investigator Reed, which it was logged in. The  
2 only individuals who have access to that garage is  
3 NCSI and our lab director.

4 Q All right. And tell the jury, when you first saw  
5 the vehicle, were some items from the vehicle  
6 removed?

7 A During the time that I began the process, items had  
8 been removed particularly from the left rear area  
9 and placed on a sheet of paper, brown paper. And  
10 right front passenger area there were some items  
11 had been removed from there also by Investigator  
12 Reed.

13 Q By Investigator Reed. And did she write down on a  
14 piece of the paper where the items had been removed  
15 from?

16 A She did.

17 Q Okay. Please go through those photographs for the  
18 jury.

19 A Okay. The first photograph is just the tag number  
20 from the vehicle itself, already talked about.

21 Q If you could refer to it as the identification.  
22 Thank you.

23 A Item Number 132.

24 Item Number 133 is a white plastic bag with  
25 clothing inside. And it is on a sheet of paper

1           that I mentioned. And written -- this is from  
2           under the front passenger seat, initialed by  
3           Investigator Reed.

4                     Item Number 134 is the right side of the  
5           vehicle itself. And you can also see how she  
6           placed the bag of clothing on the floor by the  
7           front passenger door.

8   Q       And so there are two bags of clothing removed by  
9           Reed-Enzor, is that correct?

10   A       Yes, that's correct. One on either side of the  
11           vehicle.

12   Q       And the contents were still in the bag just open  
13           for what purpose?

14   A       They were just open for drying.

15   Q       For drying?

16   A       For drying purposes.

17                     This is the left side of the vehicle, Item  
18           Number 135. It is a black plastic bag full of  
19           clothing. And it is at the left rear door area.  
20           Also removed by Investigator Reed.

21   Q       Left rear meaning on the driver's side of the  
22           vehicle?

23   A       Driver's side rear.

24                     This is the -- Item Number 136 is also at the  
25           left rear, the driver's side rear, and a pair of

1 tennis shoes that came out of the black bag. They  
2 are just placed on top for photographic purposes  
3 right now, with what I believe to have been blood  
4 stains.

5 These are the items that I then take -- took  
6 out of the black plastic bag at the left rear of  
7 the vehicle, Item Number 137. And these are the  
8 items you can see. This is pants, two shirts, blue  
9 in color I believe, some underwear and the tennis  
10 shoes itself. All -- you can see, and I observed  
11 what I believe at that time to be blood stains.

12 Item Number 138 is just the same photograph at  
13 a different angle.

14 Item Number 139 is a pair of pants and a shirt  
15 that was taken from a white plastic bag from the  
16 right front passenger seat area underneath the seat  
17 by Investigator Reed. I took them out of the bag  
18 and placed them on the paper and photographed them.  
19 So it also had on them what I believe to be blood  
20 stains.

21 Q Could you tell a difference in the size of the  
22 clothing?

23 A At that time it appeared to me that the clothing  
24 that came out of the passenger -- or the driver's  
25 side left rear was smaller in nature than it was

1 then the clothing that came out of the front right  
2 side.

3 Item Number 140 is a photograph of the same  
4 clothing that came out of the right front passenger  
5 area at a different angle.

6 Item Number 141 is clothing and other items  
7 that were photographed in the back seat of the  
8 vehicle in place.

9 Q And specifically what other items do you note in  
10 that photograph?

11 A Well, what I note specifically in the photograph is  
12 a white blanket because the color is similar to  
13 other items. That blanket was taken out later on  
14 and did have what I believe blood stains on it  
15 also.

16 And as we photograph the vehicle we try to  
17 photograph any and all parts of the vehicle.

18 There is a photograph, Item Number 142, of the  
19 front passenger area floorboard mainly, a black  
20 plastic bag containing no contents, but was  
21 collected.

22 Q Did you notice any blood on that bag?

23 A I would have to refer to my notes for that.

24 Q Okay. We'll do that in a minute.

25 A Item Number 143, same photograph, same area, right

1 front passenger seating area.

2 Item 144 is the front driver's seat with items  
3 that were either taken from in and around the  
4 seating area or the console and placed in that  
5 position by me and photographed.

6 Q And so the driver's seat would have been empty  
7 prior to you putting those items there?

8 A Yes, ma'am.

9 This is Item Number 145. This is a photograph  
10 of the back seat area taken from the left side of  
11 the vehicle, the driver's side of the vehicle,  
12 across the seating area. You can see there a black  
13 bag, a hammer, a wallet, I believe a DVD player  
14 with some stains on top of it. And at that time  
15 the stains were what I believed to be blood.

16 This is a close-up of the wallet that was in  
17 the back seat. This is Item Number 146. The  
18 wallet had a Tennessee driver's license under the  
19 name of Frank West. Frank Lee West.

20 Q And does it give a height and weight for Mr. West?

21 A Male, white, height 6-foot, eyes blue. And that's  
22 all I see.

23 Q Okay.

24 A This is a close-up, Item Number 147, of the DVD  
25 player in the back seat that I spoke of. And I

1           said I thought, I believe they were blood stains on  
2           the top, blood stains themselves.

3           Item Number 148 is also the back seat taken  
4           from the right side of the vehicle, or passenger  
5           side of the vehicle, with items in the back seat.  
6           You can see here a plastic bag, also a DVD player,  
7           a pair of shoes, which I believe those shoes were  
8           Marcelli shoes, and those had what I believe to  
9           have been blood stains on them also.

10          Item 149 is close-up of some white plastic  
11          bags found in the back seat also. It is hard I  
12          know for you to see, but there are some  
13          reddish-brown stains on the white bags that I  
14          believe to have been blood stains at that time.

15          Item Number 150 is a cloth bag also found in  
16          the back seat that had a box of ammo.

17          Item Number 151, more clothes in the back seat  
18          with reddish-brown stains that I believe to have  
19          been blood stains.

20          Item Number 152 is Marcelli shoes that I just  
21          spoke of and around the edges you can see some  
22          reddish-brown stains that I believe to have been  
23          blood. And they were found in the back seat, back  
24          seat area.

25          This is a close-up of a Maverick cigarette

1 pack, Item number 153. And I would have to refer  
2 to my notes again, I apologize, to tell you exactly  
3 where they were located. But you can tell in the  
4 upper left-hand side, reddish-brown stains, which I  
5 believe at the time to have been blood.

6 During the process -- do you want me to go  
7 through the rest of them?

8 Q Yes, sir, uh-huh.

9 A During the processing of the vehicle, there are  
10 three things we do. Number One, we take  
11 photographs, of course. That is what we are going  
12 through now. Number Two, we process for trying to  
13 ID the person that had been in the vehicle, we  
14 process it for latent prints. And also we collect  
15 trace evidence. Trace evidence can be anything  
16 from hair, fibers, blood, or those type of things.

17 What I want to show you now are some marked  
18 areas where I took a swab -- swab meaning a cotton  
19 swab -- that is dampened with distilled water and  
20 just poured over an area that you laid out to see  
21 if there is some type of trace substance on it,  
22 DNA, blood, whatever. And then those swabs then  
23 are dried, put in a box, maintain the chain of  
24 custody, turned in to evidence. They eventually go  
25 to DNA. DNA will eventually test them to see if it

1 is in fact blood and DNA, get DNA from it.

2 THE COURT REPORTER: I'm sorry, you need to  
3 repeat that.

4 A I apologize. When we checked DNA evidence or trace  
5 evidence from a vehicle we use a cotton swab. The  
6 cotton swab is dampened with distilled water. We  
7 take and rub this across the area that we think may  
8 have either trace evidence, DNA, blood, or whatever  
9 it might be. Then we take that swab and place it  
10 into a cardboard carton and write on it our  
11 initials and collect it, maintain the chain of  
12 custody, and then we turn it in to evidence.  
13 Evidence will submit that to DNA and eventually  
14 determine if it is in fact blood or has DNA on it.

15 I'm going to need my notes.

16 Q Yes, sir. You can have a seat and I'll hand these  
17 to you.

18 A Okay. Thank you.

19 (Witness returns to witness stand.)

20 A The thing I do first of course is photograph,  
21 because that is the most non-invasive. And then I  
22 do the latent print processing, because latent  
23 prints are very fragile types of physical evidence.  
24 But once that is completed, then I go into  
25 collection, as I said, of any type of DNA or

1 possible DNA, blood, or any type of trace evidence.

2 And I'm going to go over that with you right now.

3 On the front right area of the vehicle  
4 exterior I marked with Double A's an area of  
5 reddish-brown stain, which in my opinion at that  
6 time was possibly blood. I swabbed that area. And  
7 you can see that.

8 Q Am I pointing to it?

9 A Yes.

10 Q After you swabbed it, what did you do with it?

11 A The swab would be placed into a cardboard carton.  
12 It would be marked by me, maintained by me until it  
13 goes into evidence by me, and then evidence in turn  
14 will submit it to DNA.

15 This is a close-up, a little better photograph  
16 of the reddish-brown stain, Double A that I marked.

17 Q This is State's 155?

18 A Yes.

19 Q And where exactly is the blood?

20 A The blood there, again, is at the right front  
21 exterior of the vehicle.

22 Q And in this photograph?

23 A In the photograph, right there(indicating).

24 Q Right there? Okay.

25 (Shows to jury.)

1 Q All right.

2 A In State's Exhibit 156, the photograph here depicts  
3 Marker A, Single A, and it is at the exterior of  
4 the right front door handle. And you'll be able to  
5 see it pretty clearly, reddish-brown stains, which  
6 I believe to have been blood. And that was swabbed  
7 and turned in to DNA also.

8 Q All right. And what side of the car?

9 A That is on the right front exterior door handle.

10 Q Passenger side?

11 A Passenger's side.

12 Q And so if someone had either cut themselves or had  
13 blood on them when they opened the door, could they  
14 have left that blood at that point?

15 A Sure. There are different types of stains. There  
16 are drops, of course. There are smears and wipes.  
17 But mainly what you get when something or someone  
18 has blood on it and then they touch something else,  
19 it is called a transfer. And most of what you are  
20 going to see here is going to be transfer stains.

21 Exhibit Number 157 is also -- it is a close-up  
22 of my Marker A at the right front exterior door  
23 handle.

24 Q Passenger?

25 A Passenger side of the car.

1           My Marker B, Exhibit, State's Exhibit 158, is  
2           the inside right front door frame. As you open the  
3           door, the frame that goes around the interior, this  
4           was a reddish-brown stain there, and it was swabbed  
5           for possible DNA also.

6           My Marker Number C, State's Exhibit 159, is  
7           the inside right front door lock. That means  
8           inside you open up the door, inside the door where  
9           you lock the door, this is where the reddish-brown  
10          stain was found. And I might add that this was --  
11          I tested this with a presumptive test called  
12          phenolphthalein just to make sure that it was  
13          blood. I do that periodically as I am going  
14          through, specifically if I'm dealing with a lot of  
15          reddish-brown stains. And it was positive for  
16          blood.

17        Q     State's 159, right?

18        A     Correct.

19        Q     The interior of the front right passenger board,  
20              correct?

21        A     Correct. My Marker Number D, State's Exhibit 160,  
22              is a spot, a reddish-brown stain, that was on the  
23              right front dash, interior. That would be the  
24              passenger's side.

25        Q     So if one is seated in a front passenger's seat of

1 a vehicle, it would be directly in front of that  
2 person?

3 A Yes. That would be a transfer stain to the dash.

4 Q Okay. On the console?

5 A Yes.

6 Q Dashboard?

7 A Dashboard.

8 State Exhibit 161 is my Markers E and F, and  
9 these are two photographs, E and F, State Exhibits  
10 161 and 162. E was on the side of the front center  
11 dash, and F was on the upper center console, all in  
12 the center area of the front of the vehicle.

13 Q So the center front of the vehicle to the left of  
14 the passenger, to the right of the driver?

15 A Yes, sir. F was in the console area itself, and E  
16 was on the front center dash area. All of this was  
17 in the console area in between the seats.

18 This is State Exhibit 163, my Marker Double F.  
19 And Double F was a stain, reddish-brown stain on  
20 the gear shift of the vehicle.

21 Q And, again, explain blood transfer for the jury.  
22 How would this get to the gear shift?

23 A Well, blood can get anywhere with gravitational  
24 fall or anything, but you have to take a look at  
25 blood stain analysis to look at the stain itself to

1 the size, the shape, what is presented to you. And  
2 all of these are transfers where someone or some  
3 thing had blood on it. It was -- it went against  
4 another substrate and touched by it and the blood  
5 transferred to that. So it is called blood  
6 transfer. That is what all these are.

7 Q So would it be fair to say that whoever put their  
8 hand on the gear shift, whoever was driving  
9 transferred the blood from their hand to the gear  
10 shift?

11 A Someone or some thing that had blood on it touched  
12 that gear shift, and that is where the blood  
13 transfer came from.

14 Q Okay.

15 A My Marker G, State Exhibit 164, is a side of the  
16 lower front center console. This is just a console  
17 area also where the blood transfer stain was found,  
18 possible blood stain transfer.

19 Q Again, you swabbed it and submitted it to evidence  
20 for DNA analysis?

21 A All of these were swabbed and submitted.

22 Q Okay.

23 A And my Marker H, State Exhibit 165, is the center  
24 console itself, top of the center console. That is  
25 where a reddish-brown stain was also found, swabbed

1 and submitted.

2 Q And so if one was seated in the driver's seat, it  
3 would be to the left of the gear shift?

4 A Yes.

5 Q Okay. All right.

6 A My H and I both were in the center console area. H  
7 is to the left of the gear shift itself, and so was  
8 my Marker I, which is State Exhibit 166.

9 My Marker J, K and F, which are State  
10 Exhibits 167, 168 and 169, were all on the center  
11 console. L itself, which was on the center  
12 console, was processed by me for blood using  
13 presumptive tests of phenolphthalein, which was  
14 positive. And all these three were on the console.

15 Q Okay.

16 A State's Exhibit 170 will give you a little better  
17 view of the passenger, front passenger area  
18 interior of the vehicle. And you will see my  
19 Marker D, E and F, G, and make out H and I, and  
20 you'll see where these blood stains were found,  
21 possibly blood stains were found, where I marked  
22 them, and that is where I took the swabs from.

23 Q Is it fair to say that whoever was seated in this  
24 passenger seat was either -- had a lot of blood on  
25 them or was cut themselves?

1 A They had blood on them. State's Exhibits 171 was  
2 the same view.

3 Q Just a close-up?

4 A Yes.

5 Q Okay.

6 A State Exhibit 172 is my Marker C, which will give  
7 you another view. I will have to go back to my  
8 Marker C, which was the inside right front door  
9 lock, it will give you a little better view of the  
10 inside of the front passenger.

11 Q Sort of orienting where it was found?

12 A Right.

13 Q Okay.

14 A And my Marker M, which is State's Exhibit 173, was  
15 on the right interim door frame itself of the  
16 vehicle. When you open the door, you look inside,  
17 you'll see the door frame, at the front of the door  
18 itself as it opened up. This is where a stain was  
19 found, marked, photographed, and swabbed.

20 Q So where the hinges of the door would be?

21 A Yes, and to the left. And my Marker N, State  
22 Exhibit 174, showed the steering wheel of the  
23 vehicle and where I also found a stain, which was  
24 marked, photographed, swabbed, and turned in to  
25 DNA.

1 Q Do you need some water?

2 A No.

3 Q And all of these items you then submitted to the  
4 evidence room, correct?

5 A I did.

6 Q I'm going to mark these first for you.

7 (WHEREUPON, State's Exhibit No. 175 was  
8 marked for identification only.)

9 (WHEREUPON, State's Exhibit No. 176 was  
10 marked for identification only.)

11 (WHEREUPON, State's Exhibit No. 177 was  
12 marked for identification only.)

13 Q Starting with State's 177, can you look and examine  
14 this box of evidence and tell the jury if you see  
15 your handwriting and what items are in 177?

16 A Yes. This is my handwriting on the evidence label  
17 that I have to fill out in order to turn it in for  
18 our property book. It has the evidence tape on it,  
19 the secure evidence tape, my initials and date, and  
20 it also has the bar codes that the evidence tech  
21 would have put on it to indicate what is inside the  
22 box.

23 Q Okay. And tell the jury what is inside that box.

24 A Inside this box I have one white plastic bag and  
25 one black holster which came from the right rear

1 seating area of the vehicle.

2 I have a black-handled hammer, which came from  
3 the left rear seating area. A cloth bag with five  
4 ammo boxes, which came from the right rear seating  
5 area. Black gun case from the left rear seat. A  
6 blue cap. A Polaroid camera box from the left rear  
7 seating area. A DVD player from the left rear  
8 seating area. And a black wallet with an ID of  
9 Frank West from the left rear seating area.

10 Q Okay.

11 MS. SHIPLEY: Your Honor, at this time we  
12 would introduce 177 and its contents.

13 MR. SECOR: No objection, Your Honor.

14 THE COURT: All right, without objection.

15 (WHEREUPON, State's Exhibit No. 177 was  
16 admitted into evidence.)

17 Q The next box, 176. Please do the same as to this  
18 box.

19 A This box has my evidence label on it written in my  
20 handwriting. It has the evidence tape, secure  
21 tape, with my initials. It also has the bar code  
22 with the item numbers put on there by the evidence  
23 tech, which indicates the contents of the box.

24 Inside the box I have a Maverick cigarette  
25 pack that came from the right front seating area

1 with what -- with a stain on it. A breath tube.  
2 Winchester cigarette pack. A breath spray.  
3 Sunglasses, two match boxes and a comb which came  
4 from the left front seating area that I had placed  
5 there that came out of the console area. And a  
6 Nextel cell phone with battery. A black plastic  
7 bag. Aquafina bottle and a Sprite bottle that came  
8 from the right front seating area. A Mountain Dew  
9 bottle and a perfume bottle that came from the left  
10 front seating area. White, black -- and it is two  
11 plastic bags, one white and one black, that the  
12 clothes were in that I showed you previously that  
13 was placed on the outside of the vehicle to start  
14 with and with stains on them. A black bag with a  
15 cell phone box coming from the left rear seating  
16 area.

17 MS. SHIPLEY: At this time, Your Honor, we  
18 will introduce State's Number 176.

19 MR. SECOR: No objection, Your Honor.

20 THE COURT: All right, without objection.

21 (WHEREUPON, State's Exhibit No. 176 was  
22 admitted into evidence.)

23 Q And tell the jury what is in 175.

24 A This is also my box with an evidence label in my  
25 handwriting, secured with evidence tape, with the

1 bar codes indicating what is in the box, placed  
2 there by the evidence technician.

3 In the box is a pair of Marcelli shoes that  
4 came from the right rear seating area with stain.  
5 A yellow DuPont cap from the right rear seating  
6 area with stain. A swab from the Maverick  
7 cigarette pack, right front seating area. And all  
8 those would be stains of course. A swab from the  
9 Aquafina bottle and a swab from the Sprite bottle,  
10 the right front passenger area. A swab from the  
11 Mountain Dew bottle, left front driver. Blood swab  
12 from the clothing -- cloth ammo bag from the right  
13 rear seating area with stain. And a blood swab  
14 from the DVD player that was found in the right  
15 rear seating area.

16 Q Thank you, sir.

17 MS. SHIPLEY: At this time I'll introduce  
18 Number 175, Your Honor.

19 MR. SECOR: No objection, Your Honor.

20 THE COURT: Without objection.

21 (WHEREUPON, State's Exhibit No. 175 was  
22 admitted into evidence.)

23 Q And lastly I will just show you this box and label  
24 these individually. Tell the jury what is in this  
25 box.

1     A     According to my evidence label, it had 15 blood  
2           swabs on what was believed to be blood swabs  
3           collected from the vehicle. And those were the  
4           markers that we just went through and I showed you,  
5           Trace evidence from the vehicle. Trace evidence  
6           means I took trace tape and went over the front  
7           left and right seat to possibly trace any that  
8           might be there, whether it be fiber, hairs, or  
9           something like that would come up on the tape.  
10          Those were entered into evidence for DNA also.  
11          That is what I mean by trace evidence.

12                 And ten DNA swabs from the vehicle itself,  
13                 which I haven't gone over, but in order to try to  
14                 process a vehicle, not only is latent prints  
15                 important, DNA is important. When you open the  
16                 front door, back door, inside and outside of the  
17                 doors, gear shift, steering wheel, anywhere where  
18                 someone's DNA might be deposited if they touch  
19                 something. I have ten of those also that was  
20                 entered.

21                 I have a pair of jean shorts, a black belt, a  
22                 blue T-shirt that came from the right front  
23                 passenger seating area that you saw that was in the  
24                 bag that was sitting on the floor of the garage.  
25                 And that was -- I have also a pair of jeans, a dark

1 blue T-shirt, a light blue T-shirt, blue underwear,  
2 white bra, white socks, the Ryka tennis shoes,  
3 white tennis shoes, that was found in what you saw  
4 was in the bag that came from the rear left  
5 driver's side sitting on the floor of the garage  
6 and it came out of that bag. And then of course  
7 the white bag from the right rear seat.

8 (WHEREUPON, State's Exhibit Nos. 178 -  
9 189 were marked for identification  
10 only.)

11 Q Investigator Richards, Item 183, State's 183, what  
12 is that?

13 A I indicate that it is a dark blue T-shirt, and that  
14 is what it seems to be.

15 MS. SHIPLEY: Your Honor, I would introduce  
16 183 at this time.

17 MR. SECOR: No objection.

18 THE COURT: Without objection.

19 (WHEREUPON, State's Exhibit No. 183 was  
20 marked for identification and received  
21 into evidence.)

22 Q If I could just refer you to your photographs.  
23 Find the photographs of the contents of the black  
24 bag found on the floorboard behind the driver's  
25 seat.

1                   Does this State's 183 appear to be a shirt  
2                   from that bag?

3    A    Yes. With a Hilfiger logo on the front, yes.

4    Q    Okay. And I'm going to draw your attention to some  
5           markings on this T-shirt. Were those there when  
6           you collected them? If I can just draw your  
7           attention to one of them.

8    A    Oh, no, they weren't.

9    Q    Okay. And are you familiar with what the DNA lab  
10           would do to an item?

11   A    DNA will process a piece of clothing probably  
12           starting with an alternate light source to show the  
13           stain itself, mark it, and then cut out pieces in  
14           order to test it. And then when it gets further  
15           than that, I don't know. I'm not a DNA analyst.

16   Q    And just to assist me, tell me what the next item  
17           you notice, or I'll just show you. State's Number  
18           185, do you recognize this item?

19   A    Yes. This is also a light colored T-shirt where  
20           the logo on the back is consistent with what is in  
21           the photograph.

22   Q    Okay. So this was with the dark blue T-shirt?

23   A    Yes.

24   Q    In the black bag on the floorboard behind the  
25           driver's seat?

1 A Yes, ma'am.

2 MS. SHIPLEY: I would introduce 185 at this  
3 time, Your Honor.

4 MR. SECOR: No objection.

5 THE COURT: All right, without objection.

6 (WHEREUPON, State's Exhibit No. 185 was  
7 marked for identification and received  
8 into evidence.)

9 Q I'm going to show you 186. Were there some socks  
10 in that bag?

11 A Yes, there were.

12 Q Do these look like the socks?

13 A Well, they are a pair of white socks.

14 Q Okay.

15 MS. SHIPLEY: Introduce 186 at this time.

16 MR. SECOR: No objection.

17 THE COURT: All right.

18 (WHEREUPON, State's Exhibit No. 186 was  
19 marked for identification and received  
20 into evidence.)

21 Q Was there a white bra?

22 A Yes, there was.

23 Q Would this appear to be the white bra that you saw  
24 in that bag?

25 A It appears to be.

1 Q Okay.

2 MS. SHIPLEY: Introduce State's Number 184 at  
3 this time.

4 MR. SECOR: No objection.

5 (WHEREUPON, State's Exhibit No. 184 was  
6 marked for identification and received  
7 into evidence.)

8 Q State's 181, do you recognize the contents in 181?

9 A Yes, those are the white Ryka shoes that were in  
10 the black bag also.

11 Q Okay.

12 MS. SHIPLEY: Also introduce State's 181 at  
13 this time.

14 MR. SECOR: No objection.

15 THE COURT: All right, without objection.

16 (WHEREUPON, State's Exhibit No. 181 was  
17 marked for identification and received  
18 into evidence.)

19 Q And there is two -- and do you see initials next to  
20 that marking on the front of this shoe right here?

21 A Yes, I do.

22 Q And does that -- what is that?

23 A That indicates the evidence tag where the DNA tech  
24 had processed those shoes for possible DNA.

25 Q And that brown spot right there, what does that

1 tell you? What is that?

2 A It appears to me, in my estimation, a brownish-red  
3 stain consistent with blood.

4 Q I'm going to show you what has been marked State's  
5 180 and ask you if you can identify the label on  
6 the jeans just so it -- it appears to be unique.

7 A Yes. Mud.

8 Q Mud?

9 A M-U-D.

10 Q And what I'm showing you right now, State's 180,  
11 does that have the same label as the jeans in that  
12 photograph?

13 A It does.

14 Q Okay.

15 MS. SHIPLEY: At this time we introduce 180.

16 MR. SECOR: No objection, Your Honor.

17 THE COURT: Without objection.

18 (WHEREUPON, State's Exhibit No. 180 was  
19 marked for identification and received  
20 into evidence.)

21 Q And could you tell the jury the size of these  
22 jeans?

23 A Size -- Size 5.

24 Q And tell the jury your observations about the front  
25 of these jeans.

- 1 A Again, you can see the markings and the cut pattern  
2 on the front of the jeans. That is where the DNA  
3 tech would have taken samples from the jeans to run  
4 for DNA.
- 5 Q And what about on the back of the jeans?
- 6 A The same.
- 7 Q Do you notice that any blood in the interior if one  
8 were wearing these on the inner left thigh area?
- 9 A I don't see it here.
- 10 Q I'm sorry. Right there?
- 11 A Yes, there it is.
- 12 Q Okay.
- 13 A They indicated where the stain comes all the way  
14 from the interior thigh area around the front. You  
15 can tell that by how they marked it.
- 16 Q Okay. And then again on the leg of the pants?
- 17 A Yes. Yes.
- 18 Q And 189 I'm going to show you. Did you collect any  
19 panties in this case?
- 20 A Yes, I did.
- 21 Q And what color were they?
- 22 A One pair of blue underwear.
- 23 Q I show you the contents of 189. Do you see --
- 24 A Yes, I do.
- 25 Q -- underwear?

1 A Yes, that appears to be.

2 MS. SHIPLEY: Your Honor, we introduce 189 at  
3 this time.

4 MR. SECOR: No objection.

5 THE COURT: All right, without objection.

6 (WHEREUPON, State's Exhibit No. 189 was  
7 marked for identification and received  
8 into evidence.)

9 Q And are these the underwear that you found?

10 A They appear to be the same, yes, ma'am.

11 Q So all of the items that I have just shown you that  
12 we have already introduced in evidence all came  
13 from the black plastic bag, floorboard behind the  
14 driver's side?

15 A That's correct.

16 Q Now, I'm going to show you what has been marked  
17 State's Number 182 and I'm going to ask you to find  
18 a photograph of the other bag of clothing that you  
19 photographed.

20 (Witness complies.)

21 Q Okay. And that is State's 139 right there?

22 A Yes.

23 Q Okay. Tell the jury again just to refresh their  
24 memory where that bag was found.

25 A This bag was taken from the right front, the

1 passenger's front seating area of the vehicle by  
2 Investigator Reed and placed on the sheet of paper  
3 where I took possession of it and laid them out on  
4 a sheet of paper.

5 Q Okay. And what were the contents of that bag?

6 A The contents of this bag was a -- blue jean shorts.

7 Q Okay.

8 A One black --

9 Q Let me stop you right there.

10 A Okay.

11 Q I'm showing you what is in 182. Do you see -- are  
12 these the pants?

13 A They seem to be, yes, ma'am.

14 Q Okay.

15 MS. SHIPLEY: We introduce the contents --  
16 hold on one moment.

17 Q And what about the shirt?

18 A It was a blue T-shirt and one black belt.

19 Q Okay. And does this appear to be the shirt  
20 photographed in your photo?

21 A It appears to be, yes, ma'am.

22 Q And those are the same kind of buttons in the  
23 front? If you can tell?

24 A It is hard to tell.

25 Q Okay.

1 MS. SHIPLEY: Your Honor, at this time we  
2 introduce the contents of 182, which are the jeans  
3 and black T-shirt.

4 MR. SECOR: No objection, Your Honor.

5 THE COURT: All right.

6 (WHEREUPON, State's Exhibit No. 182 was  
7 marked for identification and received  
8 into evidence.)

9 Q Tell me the size of these jeans.

10 A Size 13.

11 Q And do you see blood on these?

12 A I see brownish-red stains that appear to me to be  
13 blood.

14 Q And what about on the back side?

15 A Back side also.

16 Q And I know it is a little harder to see on the dark  
17 clothes, but did you observe blood on the T-shirt?

18 A Yes. I looked at those, all those, and annotated  
19 that they all had possible blood and they would  
20 have been looked at by me with an alternate light  
21 source in order to be able to say that.

22 Q Okay. And I draw your attention to the little  
23 cuttings at the bottom. Do you see that?

24 A Yes, ma'am.

25 Q And would that have been -- was that the condition

- 1           that you found it or is that done by the lab?
- 2    A    No, that would probably be consistent with the DNA  
3           technician process.
- 4    Q    You also indicated that you found -- and,  
5           incidentally, when you packaged all these items and  
6           did them, did you separate them?
- 7    A    Yes.
- 8    Q    Okay. And what is purpose of packaging them  
9           separately?
- 10   A    So you don't have additional transfer from one item  
11           to the next so you save possible evidence and  
12           cross-contamination of evidence.
- 13   Q    And so that way there is no way these items got  
14           cross-contaminated?
- 15   A    No.
- 16   Q    Okay.
- 17   A    Not after I received them.
- 18   Q    Okay. And you are the one that packaged them and  
19           put them in the property room?
- 20   A    I was.
- 21   Q    State's 179 and 178, do you recognize those?
- 22   A    My handwriting, yes, ma'am.
- 23   Q    Okay. What are they?
- 24   A    State's Exhibit 179 are ten DNA swabs that I took  
25           from the vehicle itself. As I previously stated, I

1 take DNA swabs from the inside, outside door  
2 handle, and that is A. And then I will take a DNA  
3 swab from the gear shift and usually from the  
4 steering wheel, and in this case from the steering  
5 wheel. There were ten DNA swabs from the vehicle  
6 itself.

7 Q Okay.

8 MS. SHIPLEY: We'll introduce 179 at this  
9 time, Your Honor.

10 MR. SECOR: No objection.

11 THE COURT: All right, without objection.

12 (WHEREUPON, State's Exhibit No. 179 was  
13 marked for identification and received  
14 into evidence.)

15 A State's Exhibit 178 are the 15 possible blood swabs  
16 that we went over and I showed you where I had  
17 marked, I swabbed those, they were turned in to DNA  
18 also, and this contains those 15 swabs.

19 Q Okay.

20 MS. SHIPLEY: State's 178, Your Honor?

21 MR. SECOR: No objection, Your Honor.

22 (WHEREUPON, State's Exhibit No. 178 was  
23 marked for identification and received  
24 into evidence.)

25 Q And what is 188?

1 A This is the trace evidence I was talking about. It  
2 is the left and right back front seat that I taped  
3 and in order to get what could possibly be any  
4 trace evidence, hair fibers, anything of that  
5 nature. Also in here is one hair sample that I  
6 took from the console interior of the vehicle.  
7 This is all trace evidence turned in to the DNA  
8 tech.

9 Q Okay.

10 MS. SHIPLEY: We'll move 188 at this time,  
11 Your Honor.

12 MR. SECOR: No objection.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibit No. 188 was  
15 marked for identification and received  
16 into evidence.)

17 Q And lastly 187. Do you recognize that?

18 A Yes. It is the white blanket that was taken from  
19 the rear seating area of the vehicle.

20 Q Okay.

21 MS. SHIPLEY: And 187 at this time, Your  
22 Honor.

23 MR. SECOR: No objection.

24 THE COURT: All right, without objection.

25 (WHEREUPON, State's Exhibit No. 187 was

1                   marked for identification and received  
2                   into evidence.)

3       Q       And can you just open up State's 178 -- here are  
4               some scissors -- just to show the jury exactly how  
5               you packaged the DNA swab?

6       A       After a swab is taken, and it is just a pure cotton  
7               swab, like I say, dampened with distilled water to  
8               run along the surface of whatever you believe may  
9               have been some DNA. You take that swab and put it  
10              into a carton box. What that does is allow the  
11              swab to dry and it in turn will prevent against  
12              contamination of any kind. And then it is  
13              processed -- then given over to -- submitted to the  
14              evidence room, who in turn submits it to DNA. It  
15              is marked with a case number, the time that it is  
16              taken from the vehicle, where it was taken, in this  
17              case the gear shift, case number, my name, date and  
18              time. All of these 15 swabs that were taken from  
19              possible blood swabs from the same car packaged in  
20              an envelope, sealed with evidence tape and  
21              initialed by me, date and time, turned in to the  
22              evidence room.

23                   MS. SHIPLEY: Beg the Court's indulgence, Your  
24                   Honor.

25                   (Pause.)

1 Q Once you entered all of these items of evidence  
2 into the property room, did that end your role in  
3 this case?

4 A It did.

5 Q Besides coming in here today to testify?

6 A Yes, ma'am.

7 Q You indicated that you had tried to dust the  
8 vehicle for fingerprints?

9 A Yes, ma'am.

10 Q Were you successful?

11 A I was able to develop only two partial prints, one  
12 from the outside right front door and one from the  
13 inside right front door. They were submitted to  
14 our ID section, but they were found to be unusable.

15 Q Unusable?

16 A Yes.

17 Q Why is that in your experience as a crime scene  
18 investigator?

19 A Well, as I indicated earlier, if you will remember,  
20 that latent prints are very fragile. They are just  
21 like anything else. They are made up of the  
22 moisture that comes from your fingertips. And when  
23 you touch something, that moisture is what is left  
24 behind on the item that you touch.

25 We enhance that with powders and other things

1 and look at it maybe with an alternate light source  
2 in order to see it, because you can't see it,  
3 therefore it is called latent prints. But when we  
4 do that, we enhance it, if we see that there is  
5 enough there, we lift it with latent print tape,  
6 and then we submit those in order to see if they  
7 are good enough for comparison.

8 But latent prints, as I say, are very fragile.  
9 You can destroy them by merely the environment.  
10 They can be -- when it is very warm they can  
11 evaporate. By someone just touching an area or  
12 rubbing against an area they can be destroyed. You  
13 can touch something and when you drag your fingers  
14 that smudges them. If we can't get a clear picture  
15 of the ridges on the fingertips themselves when it  
16 is left, then the prints are usually unusable.

17 Q And is it your job to tell the DNA lab what to  
18 analyze, or is that in their discretion?

19 A It is in their discretion, but if I have something  
20 that I really want them to analyze, yes, I can  
21 request that.

22 Q Did you have to do that in this case?

23 A No, I did not have to.

24 MS. SHIPLEY: Thank you, Your Honor. I have  
25 no further questions.

1 THE COURT: Cross?

2 MR. SECOR: May it please the Court?

3 THE COURT: All right.

4 CROSS-EXAMINATION

5 BY MR. SECOR:

6 Q Good morning, Investigator Richards.

7 A Good morning, sir.

8 Q How are you, sir?

9 A Fine, sir.

10 Q Good. One thing I just wanted to mention real  
11 quick when speaking to investigating officers like  
12 yourself. You agree that your investigation into  
13 crime scenes is done in an objective manner?

14 A Of course.

15 Q Okay. And you would also agree that the evidence  
16 that you collect, physical evidence, tends to be  
17 pretty objective in and of itself?

18 A It is.

19 Q Okay. It can sort of tell a story by its own?

20 A Yes.

21 Q It does?

22 A Sometimes.

23 Q Sometimes. Okay, that's fair. It doesn't favor  
24 one person over another?

25 A No.

- 1 Q And it can support what somebody says happened?
- 2 A (Nods affirmatively.)
- 3 Q And it can also contradict what somebody says?
- 4 A That's correct.
- 5 Q Okay. And in your experience and long-time
- 6 employment with the Richland County Sheriff's
- 7 Department, certainly your employment with them
- 8 does not affect your ability to be objective?
- 9 A No. That is not my job.
- 10 Q I understand, yes. And it doesn't affect what you
- 11 testify to?
- 12 A No, sir.
- 13 Q What you do is a purely objective investigation?
- 14 A Yes, sir.
- 15 Q Okay. And you did a lot of it in this case, is
- 16 that fair to say?
- 17 A Yes, sir.
- 18 Q And in terms of what you do, you document things
- 19 through photographs?
- 20 A Yes, sir.
- 21 Q And then you collect things, whether it be a pair
- 22 of shoes or a swab of blood?
- 23 A Yes, sir.
- 24 Q Or what appears to be blood?
- 25 A Yes, sir.

1 Q Okay. So documentation collection, then you submit  
2 it for testing and somebody else does the testing?

3 A That's part of it, yes, sir.

4 Q Okay. And one of the things that you documented  
5 through photography and also testing or collected  
6 for testing was the right front fender of the '94  
7 Camry?

8 A A stain that was found on the right front fender,  
9 yes, sir.

10 Q Right. I'm sorry. You photographed that?

11 A Yes, sir.

12 Q Because you thought it might be blood?

13 A Yes, sir.

14 Q And you thought it might be relevant to the  
15 investigation in this case?

16 A Yes, sir.

17 Q And you swabbed that area as well as photographing  
18 it, correct?

19 A Correct.

20 Q Okay. And that swab was submitted for testing?

21 A That's correct.

22 Q Okay. Have you seen the DNA results from this  
23 case?

24 A I have not.

25 Q Okay. So you don't -- you have got no idea what

1 the result of that was?

2 A No, sir.

3 Q Okay. Another thing that you photographed and  
4 swabbed, I believe, was the outside right front  
5 door handle of the car. Do you have the pictures  
6 there in front of you?

7 A Outside right front door handle, Marker A, yes,  
8 sir, that's correct.

9 Q And you photographed that because there appeared to  
10 be what you thought might be blood at that time?

11 A Anything I swab that appears to be something to me  
12 during my investigation and I swab it, I mark it,  
13 and then I photograph it, yes, sir, before  
14 swabbing, of course.

15 Q Okay. So you marked it, you photographed it?

16 A (Nods affirmatively.)

17 Q You swabbed it?

18 A Yes, sir.

19 Q You submitted the swab for testing?

20 A I did.

21 Q Another thing that you documented and collected was  
22 evidence from the inside right front door frame of  
23 the car?

24 A We're still talking about swabs?

25 Q Well, I'm sorry, you photographed it and you

- 1 swabbed it?
- 2 A Okay.
- 3 Q Is that right?
- 4 A Yes.
- 5 Q The inside right front door frame?
- 6 A Door frame, that's correct.
- 7 Q Okay. And you marked that?
- 8 A Yes, sir.
- 9 Q You photographed it?
- 10 A Yes, sir.
- 11 Q You swabbed it?
- 12 A I did.
- 13 Q You submitted the swab for testing?
- 14 A Yes.
- 15 Q And, again, you don't know what the results from
- 16 any of those swabs were?
- 17 A I don't.
- 18 Q At this point?
- 19 A No, sir.
- 20 Q Okay. Another piece of evidence that you
- 21 documented was the gear shift of the Camry, right?
- 22 A Yes, sir.
- 23 Q You marked it?
- 24 A Yes, sir.
- 25 Q You photographed it, you swabbed it, submitted the

1 swab for testing?

2 A Correct.

3 Q Okay. The other two things I just wanted to talk  
4 to you about in regards to specific things that you  
5 photographed and tested was the -- oh, wait, I'm  
6 sorry, I think there is just one last one. One  
7 last one. You tested the -- or you photographed  
8 the inside of the right front door handle area?

9 A Yes. Yes. The locking mechanism, I believe.

10 Q Okay. The lock. And didn't you also do the right  
11 front inside door handle as well?

12 A Right front door frame and outside right front door  
13 handle. I did a swab from the inside, all of the  
14 inside door handle, yes, sir, I did.

15 Q Okay. And those were marked?

16 A If they weren't marked that means I did not see a  
17 blood stain.

18 Q Okay.

19 A What I'm telling you is I don't have that  
20 particularly down as a blood -- as a stain.

21 Q Okay.

22 A That I marked, photographed and swabbed. But I did  
23 swab all the inside door handles.

24 Q I understand. So the pictures that are marked with  
25 a letter or two letters are just the ones where you

1 observed a visual, what you thought was a visual  
2 stain?

3 A That's correct.

4 Q Okay. But the inside door handle of the right  
5 front handle of the car was swabbed?

6 A It was.

7 Q All right. Now, you were speaking to Ms. Shipley  
8 about transfer. And I think you mentioned cross-  
9 contamination too?

10 A Right.

11 Q Now, those can -- those can be one in the same,  
12 they can happen simultaneously, right, transfer and  
13 cross-contamination?

14 A Well, the transfer usually means blood from an  
15 object or person onto a unbloody surface, that is a  
16 transfer.

17 Q Okay.

18 A Cross-contamination, of course, can be blood on  
19 either one, and then the combination of them coming  
20 together.

21 Q Right.

22 A Yes, sir.

23 Q So they could -- it could happen at the same time?

24 A Transfer usually means blood on one object.

25 Q Okay.

1 A Transferred to a non-bloody item.

2 Q I understand. I apologize. Now, you would agree  
3 that transfer or cross-contamination, those occur  
4 probably with more frequency when items are wet as  
5 opposed to dry?

6 A Of course.

7 Q Okay. All right. So there would certainly be more  
8 likelihood of transfer or cross-contamination in  
9 items that were in a plastic bag and clothes that  
10 were still wet?

11 A Sure, transferring or cross-contamination would  
12 occur more readily, yes.

13 Q Okay.

14 MR. SECOR: Beg the Court's indulgence for  
15 just a moment, please.

16 (Pause.)

17 Q I just want to talk about the contents of the two  
18 bags you found.

19 A Yes, sir.

20 Q Okay. There was a pair of jeans, long jeans,  
21 regular pant length jeans in the bag that was in  
22 the left rear of the vehicle?

23 A Driver's side left rear, yes, sir.

24 Q And that was in there with a light blue T-shirt?

25 A One dark blue T-shirt, one light blue T-shirt, yes,

1 sir.

2 Q Okay. And the light blue T-shirt I believe you  
3 said and the jeans, those appeared smaller to you  
4 than other items of clothing?

5 A The jeans appeared smaller than the jeans that I  
6 was asked about that came out of the plastic bag on  
7 the right side of the vehicle.

8 Q Okay.

9 A Appeared that way.

10 Q Okay. So you don't have any opinion about the  
11 sizes of the shirts at all that were found?

12 A Not really. It would be hard to do with the way  
13 shirts are worn, even pants are worn. There is a  
14 significant decrease in the size of the pants, but  
15 it would be hard to indicate just by looking at the  
16 shirts.

17 Q Okay.

18 MR. SECOR: I believe that is all I've got,  
19 Your Honor.

20 Q Thank you, Investigator.

21 A Yes, sir.

22 MS. SHIPLEY: Just a couple of questions, Your  
23 Honor?

24 REDIRECT EXAMINATION

25 BY MS. SHIPLEY:

1 Q In your experience as a crime scene investigator,  
2 does the blood pattern on these jeans appear to  
3 have been transferred?

4 A Yes.

5 Q And from what?

6 A From something else or someone that had blood on  
7 them.

8 Q Okay.

9 A Or it.

10 Q And so the DNA results would tell us whose blood  
11 this is, correct?

12 A Yes. Should. But to match it.

13 Q The fact that -- is it possible that the blood on  
14 these jeans were transferred from the dark blue  
15 T-shirt?

16 A It would depend on how wet those things were at the  
17 time of a transfer.

18 Q Okay.

19 A When I got them, they came into my possession,  
20 these things were dry.

21 Q All right. Would it be more consistent that this  
22 amount of blood that is found on these jeans came  
23 from someone wearing them at the time that they  
24 were engaged in a physical altercation involving  
25 blood or --

1 MR. SECOR: Objection, Your Honor.

2 Speculation.

3 MS. SHIPLEY: It is a hypothetical, Your  
4 Honor.

5 THE COURT: Overruled. Go ahead.

6 Q Or coming from another -- a T-shirt that had blood  
7 on it?

8 A In my opinion, that amount of blood would have come  
9 from someone or some blood lathe rather than a  
10 transfer of clothing.

11 Q Also the manner in which the two sets of clothing  
12 were packaged, is there any way that they could  
13 have transferred to one another?

14 A You mean from one bag to the other bag?

15 Q That's correct.

16 A They were packaged separately, they were pulled out  
17 of the vehicle separately, and from the point that  
18 I got them that way they never were in contact with  
19 each other.

20 Q Okay. And so they were each packaged separately by  
21 whoever was wearing them, correct?

22 A They were in two separate bags, yes, ma'am.

23 Q And in two separate locations in the vehicle?

24 A Yes, ma'am.

25 MS. SHIPLEY: No further questions, Your

1 Honor.

2 THE COURT: All right, thank you, sir. You  
3 can step down.

4 (Witness steps down.)

5 MS. SHIPLEY: May we approach, Your Honor?

6 THE COURT: Yes.

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

10 THE COURT: All right, Madam Forelady and  
11 ladies and gentlemen of the jury, we're going to  
12 take a short recess at this time. It will probably  
13 be a good time for it, first thing in the morning.  
14 And we'll get back with you just as quickly as we  
15 can. We have a couple of things we have to talk  
16 about.

17 Thank you very much.

18 (WHEREUPON, the jury retires to the jury  
19 room at 10:34 a.m.)

20 THE COURT: Okay.

21 MS. SHIPLEY: Thank you, Your Honor. The next  
22 witness is Tenisha McClinton, the Co-Defendant of  
23 this case. Her prior record consists of a simple  
24 assault and battery, which clearly is not  
25 admissible. And then there is a receiving stolen

1 property. It is not clear from the rap sheet  
2 whether she was convicted of it, but it does say  
3 she was wanted for it, from New Jersey, and that  
4 they have not moved to extradite her. So I don't  
5 think it is subject to a conviction.

6 THE COURT: She doesn't have any prior  
7 convictions that you can impeach her with?

8 MS. SHIPLEY: That is the State's position,  
9 sir.

10 THE COURT: How about it, Defense?

11 MS. GRIPP: I agree with that, Your Honor.

12 MS. SHIPLEY: Thank you, Your Honor.

13 THE COURT: All right, let's -- anything else?

14 MS. SHIPLEY: No, sir.

15 MS. GRIPP: I would request a short recess.

16 THE COURT REPORTER: I'm sorry?

17 MS. GRIPP: I would request a short recess.

18 THE COURT: Yes, we are going to take a short  
19 break. And if you would bring up --

20 MS. SHIPLEY: She is in the holding cell now.

21 THE COURT: All right, great. Thank you. Let  
22 me ask you this, how many more witnesses do you  
23 have?

24 MS. SHIPLEY: We have eight witnesses. After  
25 Ms. McClinton we will be calling witnesses from the

1 pretrial hearing, and then Dr. Amick, the DNA  
2 expert is on standby, Dr. Clay Nichols is on  
3 standby.

4 THE COURT: Who are the witnesses from the  
5 pretrial hearing?

6 MS. SHIPLEY: Those would be Investigator  
7 Brien Gwyn and Investigator Heidi Scott,  
8 Investigator Rob Martin.

9 THE COURT: All right?

10 MS. SHIPLEY: We do have Investigator Wendell  
11 Harris, who was not in the pretrial hearing, but he  
12 is coming.

13 THE COURT: Okay. All right.

14 MR. O'NEIL: May I approach briefly?

15 (WHEREUPON, a break was taken.)

16 THE COURT: Are you ready to go?

17 MS. SHIPLEY: Yes, sir.

18 THE COURT: Okay. Thank you.

19 (WHEREUPON, the jury came into open  
20 court at approximately 10:51 p.m.)

21 THE BAILIFF: All jurors are present, Your  
22 Honor.

23 THE COURT: Thank you, sir. All right.

24 MS. SHIPLEY: Thank you, Your Honor. At this  
25 time the State calls Tenisha McClinton to the

1 stand.

2 THE COURT: All right.

3 THE BAILIFF: Place your left hand on the  
4 Bible, and raise your right hand, please.

5 (Witness complies.)

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

10 THE WITNESS: Yes.

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

13 (Witness seated.)

14 THE WITNESS: Tenisha Nicole McClinton.

15 TENISHA NICOLE McCLINTON,  
16 after being duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. SHIPLEY:

19 Q Ms. McClinton, tell the jury where you are from.

20 A Originally?

21 Q Yes, ma'am?

22 A New Jersey.

23 Q New Jersey?

24 A Uh-huh.

25 Q How long ago did you move down to South Carolina?

- 1 A A little over seven years, almost eight years.
- 2 Q Okay. And where in South Carolina did you reside?
- 3 A In Chapin.
- 4 Q Chapin? Who did you live with in Chapin?
- 5 A My grandmother.
- 6 Q And did you have any other family members living
- 7 with you?
- 8 A Uh-huh, my uncle.
- 9 Q And put that microphone a little closer to your
- 10 mouth so we can all hear.
- 11 A (Witness complies.)
- 12 Q There you go. And did you go to high school?
- 13 A In New Jersey.
- 14 Q In New Jersey? How old were you when you moved to
- 15 South Carolina?
- 16 A Seventeen.
- 17 Q And how old are you now?
- 18 A Twenty-five.
- 19 Q When you moved to South Carolina, did you ever get
- 20 a job?
- 21 A No.
- 22 Q How did you make ends meet?
- 23 A My grandmother.
- 24 Q And so you just lived with your grandmother?
- 25 A And my father.

1 Q And your father?

2 A Uh-huh.

3 Q And were your family members from South Carolina?

4 Is that why you moved in with them?

5 A Yes.

6 Q Or did they even move together?

7 A No, they moved before I did years ago.

8 Q Now, did you basically start having an addiction to  
9 crack cocaine?

10 A Yes.

11 Q Tell the jury how it is you became involved in  
12 drugs.

13 A Through a friend.

14 Q And a friend introduced you to drugs?

15 A Uh-huh.

16 Q How long have you been an addict?

17 A For six years.

18 Q Tell the jury a little bit about -- what kind of  
19 drug are you addicted to?

20 A Crack cocaine.

21 Q Tell the jury a little bit about what being  
22 addicted to crack cocaine is like.

23 A It is bad.

24 Q Why is it bad?

25 A It makes you do stuff that you wouldn't normally

- 1 do.
- 2 Q I am going to ask you to -- excuse me one second.
- 3 (Moves microphone.)
- 4 Q Can you repeat your answer?
- 5 A It makes you do things that you wouldn't normally
- 6 do.
- 7 Q How often do you believe you smoked crack cocaine
- 8 when you were out on the streets?
- 9 A Excuse me?
- 10 Q How often do you think you smoked crack?
- 11 A Almost every day.
- 12 Q On a daily basis?
- 13 A Yes.
- 14 Q How did you come up with money to pay for it?
- 15 A My grandmother or my boyfriend, father.
- 16 Q And you would borrow money from them to get crack?
- 17 A Uh-huh.
- 18 Q Was it pretty easy for you to find crack cocaine?
- 19 A Yes.
- 20 Q Can you tell the jury how long you have known
- 21 Melinda Richmond?
- 22 A Almost -- off and on for two years.
- 23 Q About two years?
- 24 A Yes.
- 25 Q Where are you currently residing?

- 1 A Now?
- 2 Q Yes?
- 3 A South Carolina Detention Center.
- 4 Q You are in the Department of Corrections?
- 5 A Yes.
- 6 Q Tell this jury why you are in the Department of  
7 Corrections.
- 8 A For murder.
- 9 Q And when were you sentenced? Do you remember?
- 10 A I think it was in April. I'm not sure.
- 11 Q April 14th, 2007, does that sound right?
- 12 A Yes.
- 13 Q Tell this jury, do you see your lawyer that  
14 represented you on your charge of murder in the  
15 courtroom?
- 16 A Yes.
- 17 Q And is that Mr. Pauling over here with the red tie?
- 18 A Yes.
- 19 Q Were you pleased with his services?
- 20 A Yes.
- 21 Q And when you were sentenced, how -- why is it that  
22 you became sentenced, did you plead guilty?
- 23 A Yes.
- 24 Q Did you do so of your own free will?
- 25 A Yes.

1 Q Was your lawyer there with you on that date?

2 A Yes.

3 Q What -- tell this jury what your sentence was.

4 A Thirty years.

5 Q Thirty years?

6 A (Nods affirmatively.)

7 Q And that was a negotiated sentence between your  
8 lawyer and yourself and the State of South  
9 Carolina?

10 A Yes.

11 Q At your guilty plea, do you recall agreeing to  
12 testify if necessary down the road?

13 A Yes.

14 Q And do you recall answering some questions in front  
15 of the judge who sentenced you?

16 A Yes.

17 Q I'm going to go ahead and bring your attention to  
18 the day of May 5th, 2007. Do you remember who you  
19 were with that day?

20 A Yes.

21 Q Who were you with?

22 A Melinda Richmond.

23 Q And is she in the courtroom right now?

24 A Yes.

25 Q Can you please identify her for this jury? Just

1 tell us what she looks like.

2 A White female.

3 Q Okay. What kind of hair does she have?

4 A Long brown hair.

5 MS. SHIPLEY: Your Honor, please let the  
6 record reflect she has identified the Defendant.

7 Q Tell the jury around what time it was that you and  
8 Ms. Richmond began hanging out on the afternoon of  
9 May 4th, 2007.

10 A About 6:00, something like that. It was still  
11 light outside. I don't remember the exact time.

12 Q So it was in the afternoon?

13 A Yes. Early evening.

14 Q How -- where were you when you encountered her?

15 A I was across the tracks hanging out in Chapin.

16 Q You were in Chapin?

17 A Yes.

18 Q And how is it that she found you in Chapin?

19 A We just happened to meet up.

20 Q Okay. Did you leave Chapin with Ms. Richmond?

21 A Yes.

22 Q Where did you go?

23 A To Columbia to Frank's house.

24 Q Did you know Frank before this day?

25 A No.

1 Q What kind of car was she driving when she picked  
2 you up in Chapin?

3 A His car. I don't know what kind it was.

4 Q I am going to show you a photograph, State's Number  
5 97. Does that look familiar to you?

6 A Yes.

7 Q Is that the car you were -- she picked you up in?

8 A Yes.

9 Q Tell this jury what it is you did when you got to  
10 Columbia.

11 A We got high.

12 Q And did you already have your drugs with you or did  
13 you have to buy some?

14 A We had to buy some.

15 Q Did you have money to buy drugs?

16 A She did.

17 Q She had the money?

18 A Uh-huh.

19 Q And where did you go to go get high?

20 A At Frank's house.

21 Q And do you know whether or not she had permission  
22 to be in Frank's house?

23 A Yes.

24 Q Do you know whether or not she was staying at  
25 Frank's house?

- 1 A Yes, she was.
- 2 Q Did she indicate -- or do you know, have personal  
3 knowledge, how long she had been staying with  
4 Frank?
- 5 A No. Not long.
- 6 Q Did she have keys to get into his house?
- 7 A Yes, she did.
- 8 Q And, again, was she driving his car?
- 9 A Yes.
- 10 Q She had keys to his car?
- 11 A Uh-huh.
- 12 Q Tell the jury whether or not Frank was home when  
13 you went to smoke crack with Melinda Richmond at  
14 his house.
- 15 A Yes.
- 16 Q Did you smoke crack with Frank?
- 17 A Yes.
- 18 Q And was that the first time you had ever met  
19 Mr. West?
- 20 A Yes.
- 21 Q Tell the jury what happened while you were at  
22 Frank's house smoking crack. Did anything happen  
23 where either you, Melinda Richmond or Frank West  
24 had to leave the residence?
- 25 A He left. Got called in to work.

- 1 Q He got called in to work?
- 2 A Uh-huh.
- 3 Q And do you know what kind of work Mr. West did?
- 4 A Not really, no.
- 5 Q Did he need his own vehicle to drive to work, or  
6 how did he get to work?
- 7 A He had another car.
- 8 Q He had another car?
- 9 A (Nods affirmatively.)
- 10 Q Before Mr. West left to go to work, tell this jury  
11 what he asked you and Ms. Richmond to do for him  
12 while he was tied up at work.
- 13 A Go get some more drugs.
- 14 Q Did he provide you money for the drugs?
- 15 A Yes.
- 16 Q Do you remember approximately how much money he  
17 gave you?
- 18 A He gave us \$30 the first time.
- 19 Q \$30?
- 20 A (Nods affirmatively.)
- 21 Q The first time?
- 22 A (Nods affirmatively.)
- 23 Q When Mr. -- did Mr. West leave to go to work?
- 24 A Yes.
- 25 Q And where did you and Ms. Richmond go next?

1 A To go get it.

2 Q To go get what?

3 A Drugs.

4 Q And where did you -- do you remember where you went  
5 to go get drugs?

6 A We went to a hotel first, but nobody wasn't there,  
7 so we went to Bruce's house.

8 THE COURT REPORTER: I'm sorry?

9 A We went to Bruce's house.

10 Q And tell the jury, what hotel did you go to looking  
11 for drugs?

12 A I think Western --

13 Q Western?

14 A -- something I don't know.

15 Q Would that be the Western Inn Hotel on Bush River  
16 Road?

17 A Uh-huh.

18 Q Is this the same hotel where you got caught?

19 A Yes.

20 Q Okay. So you went to the Western Inn? And were  
21 you successful in getting drugs from the Western  
22 Inn?

23 A No.

24 Q Where did you go from there?

25 A To some house.

- 1 Q Do you know where that house is located?
- 2 A Not far from there.
- 3 Q Not far from the hotel?
- 4 A Uh-huh.
- 5 Q Are you familiar with downtown Columbia?
- 6 A No.
- 7 Q Does the name or street Latonea Drive ring a bell?
- 8 A No.
- 9 Q No? But you said the house where you went to buy  
10 crack was near the hotel?
- 11 A Yes.
- 12 Q Do you know whether it was across the street from  
13 the hotel, around the block, down the street?
- 14 A It was down the street. I think down the street.
- 15 Q Down the street?
- 16 A Uh-huh.
- 17 Q And did you -- who did you make encounter with at  
18 this drug house?
- 19 A Bruce.
- 20 Q And does Bruce have a nickname?
- 21 A Bird.
- 22 Q Bird?
- 23 A Uh-huh.
- 24 Q How long had you known Bruce?
- 25 A I just met him that day.

- 1 Q That was the first time you had met him also?
- 2 A Uh-huh.
- 3 Q Do you have any personal knowledge as to whether or  
4 not Frank West knew Bruce?
- 5 A No.
- 6 Q You don't know?
- 7 A Huh-uh.
- 8 Q At that point tell the jury what happened when you  
9 encountered Bruce.
- 10 A We got drugs and then we left.
- 11 Q And so you left him. And where did you and --
- 12 A Oh, yeah, we dropped him off somewhere, back to the  
13 hotel.
- 14 Q You dropped him off at the hotel?
- 15 A Uh-huh.
- 16 Q From there where did you go?
- 17 A Back to Frank's house.
- 18 Q And when you got to Frank's house, who was with  
19 you?
- 20 A Just me and Melinda.
- 21 Q Was anyone home when you got there?
- 22 A No. Frank didn't come home yet.
- 23 Q And, again, how is it that you were able to get --  
24 gain entry into his apartment?
- 25 A She had the keys.

1 Q When you got inside, what did you and Ms. Richmond  
2 do?

3 A We got high.

4 Q And the \$30 -- tell the jury, how much crack can  
5 you get for \$30?

6 A Not a lot.

7 Q Not a lot?

8 A Huh-uh.

9 Q Did you and Ms. Richmond finish the crack?

10 A Uh-huh.

11 Q Tell the jury how long it took for Frank to return  
12 from work.

13 A About an hour.

14 Q All right. When he got back from work, was there  
15 any crack for him to smoke?

16 A No.

17 Q So what happened next?

18 A We went to get some more.

19 Q Did he go with you?

20 A Yes.

21 Q And tell the jury where you all went. Did you all  
22 leave together?

23 A Yes.

24 Q Where did you all go?

25 A Some store.

- 1 Q A store?
- 2 A Uh-huh.
- 3 Q What kind of store?
- 4 A A gas station.
- 5 Q And who did you meet at the gas station?
- 6 A I don't know who it was.
- 7 Q You don't know who it was?
- 8 A Huh-uh.
- 9 Q But you met somebody?
- 10 A Uh-huh.
- 11 Q Was it a man or woman?
- 12 A A man.
- 13 Q All right. And the man, was he able to provide you  
14 with anything?
- 15 A Yes.
- 16 Q What did he provide you with?
- 17 A Drugs.
- 18 Q And do you know who paid for those drugs?
- 19 A Frank.
- 20 Q Do you know how much money he paid?
- 21 A No.
- 22 Q And how did you get to the gas station?
- 23 A Frank drove.
- 24 Q And which car did he drive?
- 25 A The van.

- 1 Q The van?
- 2 A Uh-huh.
- 3 Q His work truck?
- 4 A Uh-huh.
- 5 Q After you purchased more drugs at this gas station,  
6 where did you go from there?
- 7 A Back to Frank's house.
- 8 Q And do you have any idea what time it is at this  
9 point?
- 10 A No.
- 11 Q Is it dark outside?
- 12 A Uh-huh. I know it is late.
- 13 Q It is late?
- 14 A Uh-huh.
- 15 Q Tell the jury what happened when you returned from  
16 the gas station to buy more drugs -- more crack, I  
17 assume, is that right?
- 18 A Uh-huh.
- 19 Q -- when you return to Mr. West's residence?
- 20 A Started getting high. And somebody came from  
21 next-door to borrow something. And then Bruce came  
22 to the house.
- 23 Q Okay. So you and Mr. West and Melinda Richmond are  
24 together?
- 25 A Yes.

- 1 Q Getting high?
- 2 A Uh-huh.
- 3 Q Tell the jury which room in Mr. West's apartment  
4 were you in?
- 5 A Upstairs in his room.
- 6 Q And why were you upstairs in his room?
- 7 A Because his house still had a lot of stuff in it  
8 downstairs.
- 9 Q And you were -- Go ahead, I'm sorry.
- 10 A He had a lot of stuff. He just moved in there, or  
11 looked like he did.
- 12 Q Okay. I'm going to show you State's 21. Do you  
13 recognize that picture?
- 14 A Uh-huh.
- 15 Q Yes?
- 16 A Yes.
- 17 Q What is it?
- 18 A His living room.
- 19 Q All right. Was there anywhere to sit down and do  
20 drugs in there?
- 21 A No.
- 22 Q I'm going to show you State's 26. Do you know what  
23 that is?
- 24 A ID.
- 25 Q Whose ID?

- 1 A Melinda.
- 2 Q And is that -- can you see it in State's 21?
- 3 A No, I can't see it.
- 4 Q Okay. It's okay. Tell the jury, as you go up the  
5 stairs to the second floor of Frank's apartment,  
6 did you go left or did you go right to go smoke  
7 crack?
- 8 A Right.
- 9 Q So the bedroom to the right up the stairs --
- 10 A Is Frank's.
- 11 Q -- is his room?
- 12 A Uh-huh.
- 13 MS. SHIPLEY: Beg the Court's indulgence, Your  
14 Honor.
- 15 (Pause.)
- 16 Q All right. So do you recall whether there is a  
17 staircase that leads upstairs?
- 18 A Uh-huh.
- 19 Q And what, if anything, is at the foot of the  
20 staircase -- at the bottom of the staircase?
- 21 A Hum?
- 22 Q How do you -- when you walk in the front door,  
23 where is the staircase?
- 24 A To your left.
- 25 Q Okay. So the front door is over here?

- 1 A Uh-huh.
- 2 Q And the staircase is to the left?
- 3 A Uh-huh.
- 4 Q Now, did the staircase go straight into the  
5 bedroom?
- 6 A No.
- 7 Q How do you get to the hallway from the bedrooms?
- 8 A It is a little hall.
- 9 Q Okay. Does the staircase turn in any particular  
10 direction?
- 11 A Yes. To the left.
- 12 Q All right. If you are going up, where would you  
13 turn?
- 14 A To the left. To the right, I mean.
- 15 Q Okay. So there is a turn in the staircase?
- 16 A Uh-huh.
- 17 Q Tell the jury, how big is this hallway area?
- 18 A Small.
- 19 THE COURT REPORTER: I'm sorry?
- 20 A Small.
- 21 Q Is there anything at the end of the hallway?
- 22 A Bathroom.
- 23 Q Bathroom?
- 24 A Uh-huh.
- 25 Q And you said there is two bedrooms upstairs?

- 1 A Yes.
- 2 Q One on the left and one on the right?
- 3 A Uh-huh.
- 4 Q So the one on the right is the one where you smoked
- 5 crack --
- 6 A Uh-huh.
- 7 Q -- in Frank's bedroom?
- 8 A Uh-huh.
- 9 Q You were testifying -- where did you sit in Frank's
- 10 bedroom?
- 11 A On a chair.
- 12 Q And did anyone sit on his bed?
- 13 A Him and Melinda.
- 14 Q All right. And were you able to -- when you got
- 15 high in his bedroom, how much crack did you smoke?
- 16 A I don't remember.
- 17 Q Did you guys finish what you had purchased at the
- 18 gas station?
- 19 A No.
- 20 Q So there was still some left?
- 21 A Uh-huh.
- 22 Q You also testified earlier that somebody came by to
- 23 borrow something.
- 24 A Uh-huh.
- 25 Q Do you recall that testimony?

- 1 A Uh-huh.
- 2 Q Who was it that came by?
- 3 A Some guy from next-door.
- 4 Q Okay. What did he look like?
- 5 A Some Mexican or something, mix.
- 6 THE COURT REPORTER: I'm sorry?
- 7 Q Can you repeat that, please?
- 8 A He was mixed with something, Mexican or something,  
9 I don't know.
- 10 Q Was he -- what was the complexion of his skin?
- 11 A White.
- 12 Q White?
- 13 A Uh-huh.
- 14 Q And what did he borrow from you?
- 15 A A stem.
- 16 Q And what is a stem?
- 17 A That you smoke crack off.
- 18 Q So crack pipe?
- 19 A Yes.
- 20 Q And did he give you anything in return for lending  
21 this? Do you remember if he gave you anything?
- 22 A No.
- 23 Q You don't? Okay. And he is from next-door, you  
24 say?
- 25 A Uh-huh.

- 1 Q Did he stay long?
- 2 A No.
- 3 Q But he saw you and Melinda Richmond with Mr. West?
- 4 A Yes.
- 5 Q And did Mr. West appear to know this man?
- 6 A Yes.
- 7 Q How long do you think he stayed there, the  
8 neighbor?
- 9 A About five minutes, ten at the most.
- 10 Q Okay. So he was there five to ten minutes?
- 11 A Uh-huh.
- 12 Q What happened after he left?
- 13 A Bruce came.
- 14 Q Bruce came?
- 15 A Uh-huh.
- 16 Q Did Bruce know -- did you or Melinda give Bruce  
17 directions to Frank's apartment?
- 18 A No.
- 19 Q So he just showed up?
- 20 A Uh-huh.
- 21 Q He knew where Frank lived?
- 22 A Uh-huh.
- 23 Q He knew where to find you and Ms. Richmond?
- 24 A Uh-huh.
- 25 Q But you don't have personal knowledge whether or

1 not he had been at that location before?

2 A No.

3 Q Okay, tell the jury what happened when Bruce showed  
4 up.

5 A We started getting high, after there was more  
6 stuff.

7 Q Who bought more stuff and what stuff are you  
8 referring to?

9 A Frank and crack.

10 Q Frank bought more crack from Bruce?

11 A Yes.

12 Q Do you know how much money Frank gave Bruce at this  
13 point?

14 A No.

15 Q Did you observe the transaction?

16 A No.

17 Q What was done with the crack that Frank bought from  
18 Bruce?

19 A It was upstairs on a mirror.

20 THE COURT REPORTER: I'm sorry, I didn't hear  
21 it.

22 A Upstairs on a mirror.

23 Q Upstairs on the mirror?

24 A On a plate, like a plate.

25 Q And describe why people -- you put the drugs on a

- 1           plate.
- 2    A    So he could cut it up.
- 3    Q    To cut it up?
- 4    A    Uh-huh.
- 5    Q    And after you cut up the crack cocaine -- why is it  
6           necessary to cut it up?
- 7    A    Huh?
- 8    Q    Why do you have to cut crack up?
- 9    A    Because it was big.
- 10   Q    It was a big piece of crack?
- 11   A    Yes.
- 12   Q    And describe the size a typical size of a crack  
13           pipe.
- 14   A    It was small.
- 15   Q    A small crack pipe?
- 16   A    (Nods affirmatively.)
- 17   Q    So did you have to cut the crack in order to fit it  
18           in the crack pipe?
- 19   A    Uh-huh.
- 20   Q    Who all was upstairs in Frank's bedroom at this  
21           time?
- 22   A    Just me, him and Melinda.
- 23   Q    Okay. And where was Bruce at the time?
- 24   A    When Bruce came, we all went downstairs except for  
25           Frank.

- 1 Q Frank remained upstairs?
- 2 A Yes.
- 3 Q And what happened with you, Bruce and Melinda  
4 downstairs?
- 5 A We was smoking. And Melinda went back upstairs  
6 with Frank.
- 7 Q Okay. When you were smoking, were you in the  
8 living room?
- 9 A Yes.
- 10 Q And were you able to find somewhere to sit?
- 11 A Uh-huh.
- 12 Q And where was that? I'm going to show you 21. Do  
13 you see any object of furniture?
- 14 A Like right on this side, right by the side of the  
15 pink chair.
- 16 Q By the side of this pink chair?
- 17 A Uh-huh.
- 18 Q And you sat over there?
- 19 A Uh-huh.
- 20 Q Where was Ms. Richmond seated?
- 21 A She was across there sitting on something before  
22 she went upstairs.
- 23 Q Across the room from you?
- 24 A Across the other side.
- 25 Q On this side?

- 1 A Yes.
- 2 Q Somewhere over in this general area?
- 3 A Uh-huh.
- 4 Q And where was Bruce Thompson?
- 5 A In that chair right there(indicating).
- 6 Q The pink chair?
- 7 A Uh-huh.
- 8 Q And he was sitting there?
- 9 A Uh-huh.
- 10 Q And you said earlier Frank was upstairs?
- 11 A Uh-huh.
- 12 Q Did Frank ever come downstairs to smoke?
- 13 A No. He came downstairs, but he went right back up.
- 14 Q All right. And you indicated earlier that Melinda
- 15 Richmond followed him up?
- 16 A Uh-huh.
- 17 Q All right. What happened next?
- 18 A We heard them arguing.
- 19 Q And do you know what -- did you hear what the
- 20 argument was about?
- 21 A I didn't know.
- 22 Q All right. What kind of -- describe, you know, the
- 23 intensity of this argument.
- 24 A It was loud.
- 25 Q Loud?

- 1 A Yes.
- 2 Q And what factually happened next?
- 3 A Me and Bruce went upstairs.
- 4 Q And what did you witness when you got upstairs?
- 5 A Frank had Melinda by her arm and said give her his  
6 money.
- 7 Q And so he had her by the arm telling her to give  
8 him --
- 9 A He let go when we got upstairs.
- 10 Q He let go of her?
- 11 A Uh-huh.
- 12 Q All right. And how did he have her grabbed by the  
13 arm?
- 14 A Just by her arm.
- 15 Q Like so?
- 16 A Yes.
- 17 Q Not like behind her back?
- 18 A Huh-uh.
- 19 Q Just like so?
- 20 A Uh-huh.
- 21 Q And did he indicate how much money he was trying to  
22 get back from her?
- 23 A No.
- 24 MS. GRIPP: Your Honor? Hearsay.
- 25 MS. SHIPLEY: It is the victim, Your Honor.

1           It is not offered for the truth of the matter  
2           asserted therein.

3           THE COURT: All right, go ahead.

4           MS. SHIPLEY: Thank you.

5       Q     You had just testified earlier that when you and  
6           Bruce got up there to see what was going on Frank  
7           let go of Melinda Richmond?

8       A     Uh-huh.

9       Q     What happened next?

10      A     He said she had his money, and she said he stole  
11           some crack, and --

12      Q     Did you know anything about any missing crack?

13      A     No.

14      Q     Did you not notice any missing crack?

15      A     No.

16      Q     And at that point what happened between everybody  
17           when it was clear what was going on?

18      A     I hit him.

19      Q     You hit him?

20      A     Uh-huh.

21      Q     And why did you hit him?

22      A     Because he was -- she said he was hitting her.

23      Q     And so, because she told you that Frank had hit  
24           her, you hit him?

25      A     Uh-huh.

- 1 Q Where did you hit Frank?
- 2 A In his face.
- 3 Q And how did -- with what did you use to hit him in
- 4 the face?
- 5 A A bottle.
- 6 Q A beer bottle?
- 7 A Uh-huh.
- 8 Q Where did you get this beer bottle from?
- 9 A From the store.
- 10 Q And was that what you bought when you went to
- 11 buy -- the store where you met the man, is that
- 12 when you got the beer? When did you get that beer
- 13 bottle?
- 14 A Oh, no, it was before -- before we got to Frank's
- 15 house, when I was coming from my mother's house.
- 16 Q Oh, coming from Chapin you stopped and got a beer?
- 17 A Yes.
- 18 Q What kind of beer was it?
- 19 A A Cobra.
- 20 Q King Cobra?
- 21 A Uh-huh.
- 22 Q I'm going to show you State's 42 and ask you if you
- 23 recognize that.
- 24 A Uh-huh.
- 25 Q What do you see in that picture?

- 1 A Broken glass.
- 2 Q And is that the broken glass from your beer bottle?
- 3 A Yes.
- 4 Q Do you see a label on there?
- 5 A Uh-huh.
- 6 Q Where did you hit Frank with this beer bottle?
- 7 A In his head.
- 8 Q What happened to Frank after you hit him in the  
9 head with the beer bottle shattering it?
- 10 A Bruce hit him.
- 11 Q Where did Bruce hit him?
- 12 A In his head.
- 13 Q And what happened next? What was Frank doing?
- 14 A He was laying on the ground.
- 15 Q So when did he fall to the ground?
- 16 A When I hit him.
- 17 Q So when you hit Frank with the beer bottle, he fell  
18 to the floor?
- 19 A Uh-huh.
- 20 Q And where was it that -- how was it that Bruce was  
21 able to hit him?
- 22 A I don't understand.
- 23 Q Was Bruce -- did Bruce punch him?
- 24 A He punched him.
- 25 Q And what part of Frank's body did Bruce punch?

- 1 A His face.
- 2 Q He didn't hit the victim while he was down?
- 3 A No.
- 4 Q What did Melinda say?
- 5 A We got to kill him.
- 6 Q We got to kill him?
- 7 A Yes.
- 8 Q Did she say why?
- 9 A He was going to call the cops on her.
- 10 Q Why were you worried about calling the cops on you?
- 11 A I was high. I wasn't thinking straight.
- 12 Q What did you guys do wrong that would require --
- 13 A I hit him.
- 14 Q -- Frank to call the police?
- 15 A I hit him.
- 16 Q Because you hit him with the beer bottle?
- 17 A Yes.
- 18 Q How many times -- after you hit him with the beer
- 19 bottle, how many times more did you hit him?
- 20 A Just that once with the beer bottle.
- 21 Q How many times did Bruce Thompson hit him?
- 22 A Just one.
- 23 Q And what happened after she, Melinda Richmond, said
- 24 we got to kill him?
- 25 A She grabbed the knife that we was using for the

1 drugs.

2 Q And so this knife -- I am going to show you State's  
3 Number 85. Do you recognize what this is?

4 A Uh-huh.

5 Q What is that?

6 A The knife.

7 Q Is this the knife you saw that y'all were using to  
8 cut crack?

9 A Uh-huh.

10 Q And where was this knife located?

11 A On the floor.

12 Q In Frank's bedroom?

13 A Uh-huh.

14 Q So this knife was already upstairs in his bedroom?

15 A Uh-huh.

16 Q When did you notice that Ms. Richmond had a knife  
17 in her hand?

18 A When I saw the blood.

19 Q And how -- where was Frank and how was she  
20 positioned with Frank?

21 A He was still on his stomach on the floor.

22 Q On the floor?

23 A Uh-huh.

24 Q Tell this jury where Ms. Richmond was in  
25 relationship --

- 1 A Straddled on him.
- 2 Q Straddled on him?
- 3 A (Nods affirmatively.)
- 4 Q And what did you at first believe was going on?
- 5 A Punching him.
- 6 Q I'm sorry?
- 7 A I think she was punching him at first.
- 8 Q Punching him? And what part of his body do you  
9 think she was punching him first?
- 10 A In his back.
- 11 Q When was it that you realized that she wasn't just  
12 punching him in his back?
- 13 A When I saw the blood.
- 14 Q How many times do you remember seeing her punch him  
15 in the back?
- 16 A About five times, something like that.
- 17 Q Five times?
- 18 A Five or six times.
- 19 Q Five or six times?
- 20 A (Nods affirmatively.)
- 21 Q Was she saying anything while she was doing this to  
22 him?
- 23 A No.
- 24 Q At any point did she stop stabbing him in the back?
- 25 A Uh-huh.

- 1 Q What did she do with the knife?
- 2 A Dropped it.
- 3 Q Okay. And is Frank still on the floor?
- 4 A No, he jumped up.
- 5 Q He was able to get away?
- 6 A Uh-huh.
- 7 Q When was it that she dropped the knife?
- 8 A After he jumped up and started swinging.
- 9 Q And so he started swinging?
- 10 A Uh-huh.
- 11 Q Did Frank say anything when he started swinging?
- 12 A He was saying, help me, get out.
- 13 Q Help and get out?
- 14 A Uh-huh.
- 15 Q What did you do next?
- 16 A I don't remember.
- 17 Q Do you remember getting cuts on your hand?
- 18 A Yes.
- 19 Q I'm going to show you some pictures. I'm going to  
20 show you State's Number 10 and 11 -- Number 110.  
21 Do you remember your hands?
- 22 A Uh-huh.
- 23 Q Is that how they appeared after this incident?
- 24 A Yes.
- 25 Q And State's 111?

- 1 A (Nods affirmatively.)
- 2 Q Tell the jury how you got those cuts on your hands.
- 3 A From the knife, grabbing the knife.
- 4 Q So after Melinda dropped it, you picked it up?
- 5 A Yes.
- 6 Q And did you finish what she started?
- 7 A Yes.
- 8 Q Tell this jury, do you remember where you stabbed
- 9 Frank?
- 10 A No.
- 11 Q You don't?
- 12 A Huh-uh.
- 13 Q Tell this jury how much -- why you don't remember.
- 14 A I was high.
- 15 Q Do you remember anywhere on his body where you
- 16 might have hit him?
- 17 A No.
- 18 Q Where was Melinda Richmond while you were stabbing
- 19 him?
- 20 A Right there.
- 21 Q Was she -- what was she doing?
- 22 A Nothing.
- 23 Q While you are stabbing him?
- 24 A Nothing.
- 25 Q Just standing there?

- 1 A Uh-huh.
- 2 Q What was Frank doing?
- 3 A Still screaming.
- 4 Q Screaming?
- 5 A (Nods affirmatively.)
- 6 Q What was he screaming?
- 7 A Help.
- 8 Q What happened next? Where was Bird all this time?
- 9 A Running around grabbing stuff.
- 10 Q Did you --
- 11 A To take.
- 12 Q First or second floor?
- 13 A Up and downstairs.
- 14 Q Did he ever grab the knife and cut Frank?
- 15 A No.
- 16 Q So he was stealing from Frank?
- 17 A Uh-huh.
- 18 Q Do you remember what you saw him grab from Frank?
- 19 A A DVD player, some bullets.
- 20 Q Did he ever take Frank's wallet?
- 21 A Yes.
- 22 Q And a DVD player?
- 23 A Uh-huh.
- 24 Q And some other belongings?
- 25 A Yes.

1 Q After you stabbed Frank -- you don't recall how  
2 many times?

3 A No.

4 Q Was he facing you?

5 A Yes.

6 Q Did he ever fall to the ground while you were  
7 stabbing him?

8 A No.

9 Q And Ms. Richmond was there?

10 A Yes.

11 Q What, if anything, did she say when you finished  
12 stabbing him?

13 A Let's go. I said, let's go, and I ran down the  
14 stairs and I jumped in the car.

15 Q And who was the only person that -- what person  
16 said, we have to kill him?

17 A Melinda.

18 Q I'm going to show you State's 113 and 112. Do you  
19 recall these pictures?

20 A Uh-huh. The clothes I put on after I took off  
21 mine.

22 Q You said that you were the one yelling, let's go?

23 A Uh-huh.

24 Q Did you leave Melinda with Frank alone?

25 A Yes.

1 Q Where did you go?

2 A Downstairs and jumped in the car.

3 Q And so where did she remain?

4 A Upstairs with Frank.

5 Q Did you ever see Frank lift his leg up as if to  
6 kick anybody?

7 A No.

8 Q You don't remember seeing that?

9 A No.

10 Q And where was Bruce when you left the apartment?

11 A He was coming out behind me.

12 Q So you were the first one out?

13 A Yes.

14 Q And he was behind you?

15 A Uh-huh.

16 Q Did you help Bruce carry anything to the car?

17 A No.

18 Q And when you got cut from the knife, how --  
19 describe the quantity of blood coming out of your  
20 wound.

21 A Not -- it wasn't a lot.

22 Q It wasn't a lot?

23 A Huh-uh.

24 Q But did you get Frank's blood on you when you were  
25 cutting him?

- 1 A Uh-huh.
- 2 Q Do you remember what you were wearing that night?
- 3 A Before it happened? Some jeans, capri's, a black  
4 shirt, some sandals.
- 5 Q And some sandals?
- 6 A Black sandals.
- 7 Q Are those like the Marcelli sandals that the cops  
8 found in the back seat?
- 9 A Uh-huh.
- 10 Q Sort of like flip-flops?
- 11 A Uh-huh.
- 12 Q And do you remember what Melinda Richmond was  
13 wearing?
- 14 A Jeans, and a shirt.
- 15 Q I'm going to show you the contents of State's 182.  
16 Do you remember this?
- 17 A Uh-huh.
- 18 Q What is it?
- 19 A The shirt I had on.
- 20 Q This is what you were wearing?
- 21 A Uh-huh.
- 22 Q During the stabbing of Frank West?
- 23 A Uh-huh.
- 24 Q And what size clothes do you wear, or did you wear  
25 back then?

- 1 A I don't remember.
- 2 Q Do you recognize these also from State's 182?
- 3 A Yes.
- 4 Q What where they?
- 5 A Jeans, shirt.
- 6 Q Are these the ones you were wearing during the  
7 attack of Frank West?
- 8 A Uh-huh.
- 9 Q And I'm going to show you the label. See the size  
10 on there?
- 11 A Uh-huh.
- 12 Q Size 13? Is that the size you were wearing back  
13 then?
- 14 A Uh-huh.
- 15 Q And whose blood is that all over these?
- 16 A Frank's.
- 17 Q Describe Melinda Richmond's size compared to yours.
- 18 A She was smaller.
- 19 Q Small? I'm going to show you State's Number 180.  
20 Do you recognize these?
- 21 A Uh-huh.
- 22 Q And you have to use words.
- 23 A Yes.
- 24 Q Yes? What is it?
- 25 A Pants she had on.

- 1 Q These are her jeans?
- 2 A Yes.
- 3 Q You testified that she was straddling him?
- 4 A Uh-huh.
- 5 Q While he was on his back?
- 6 A Yes.
- 7 Q So each thigh would be on either side of him as he
- 8 is laying on his stomach?
- 9 A Uh-huh.
- 10 Q How long did it take for Melinda Richmond to come
- 11 out of the apartment after you, then Bird, left?
- 12 A About five minutes.
- 13 Q Were you paying attention to the time at all?
- 14 A No.
- 15 Q Describe what was going through your mind at this
- 16 point.
- 17 A I was ready to go home.
- 18 Q Tell the jury where you ended up going. Whose car
- 19 did you get into?
- 20 A Frank's car.
- 21 Q And what seat in that car did you get into?
- 22 A The back. I got in the back seat.
- 23 Q The back seat?
- 24 A Yes.
- 25 Q Who got in the front seat?

- 1 A Melinda.
- 2 Q The front passenger's seat?
- 3 A Melinda.
- 4 Q And who got in the driver's seat?
- 5 A Bruce.
- 6 Q From there, where did you go?
- 7 A To some people house to change clothes.
- 8 Q And do you recall -- can you describe the house  
9 where you went to?
- 10 A It was a trailer.
- 11 Q A trailer?
- 12 A Uh-huh.
- 13 Q Before we get to that, I will ask you some more  
14 questions about Frank's apartment. If someone were  
15 standing at the bottom of the stairs here on  
16 State's 28 --
- 17 A Uh-huh.
- 18 Q -- could you see into any of the bedrooms?
- 19 A No.
- 20 Q Where was it that you and Melinda Richmond were  
21 stabbing Frank?
- 22 A In his room in a little hallway.
- 23 Q Into the hallway?
- 24 A Uh-huh.
- 25 Q In front of the room?

- 1 A Yes.
- 2 Q Did it ever end up over here?
- 3 A No.
- 4 Q And I'm going to show you a picture of State's 39.  
5 Is that -- what is that? Do you know what part of  
6 the house that is?
- 7 A I think that is the hall.
- 8 Q The hallway? And I notice in the hallway there is  
9 some broken porcelain with blue print on it. Do  
10 you see that?
- 11 A Uh-huh.
- 12 Q And here is another picture of it, State's 43.0.
- 13 A Uh-huh.
- 14 Q Is that broken porcelain?
- 15 A Uh-huh.
- 16 Q Like a vase of some kind?
- 17 A Yes.
- 18 Q And here is one more close-up. I'm going to show  
19 you State's 56. Did either you or Melinda Richmond  
20 pick this piece of porcelain up to cut Frank?
- 21 A I don't remember it happening.
- 22 Q Okay. So the only thing used to cut Frank was this  
23 knife?
- 24 A Yes.
- 25 Q That knife used before to cut crack cocaine?

- 1 A Uh-huh.
- 2 Q What hand do you use?
- 3 A I'm right-handed.
- 4 Q You are right-handed?
- 5 A Uh-huh.
- 6 Q And in State's 41, I'm going to point something  
7 out. Can you tell me what that is that I'm  
8 pointing to?
- 9 A A broken beer bottle top.
- 10 THE COURT REPORTER: I'm sorry, I can't hear.
- 11 A A broken beer bottle top.
- 12 Q Broken beer bottle top? Is that where you would  
13 put your lips to sip from the beer bottle?
- 14 A Yes.
- 15 Q And is that mirror in close proximity to where the  
16 rest of the shattered bottle is?
- 17 A Yes.
- 18 Q And is that where you hit Frank?
- 19 A Yes.
- 20 Q You testified that Bruce had a DVD player?
- 21 A Uh-huh.
- 22 Q And he also grabbed Frank's wallet? I'm showing  
23 you 107. Do you see that?
- 24 A Yes.
- 25 Q Is that the DVD player you were describing?

- 1 A Yes.
- 2 Q And is that Frank's wallet?
- 3 A Yes.
- 4 Q And do you recall whether you carried anything out?
- 5 A No. I didn't carry anything.
- 6 Q You didn't carry anything?
- 7 A No.
- 8 Q So after you leave Frank West's apartment, you get  
9 in the back seat?
- 10 A Uh-huh.
- 11 Q Melinda Richmond gets in the front passenger seat?
- 12 A (Nods affirmatively.)
- 13 Q And Bird, Bruce Thompson, gets in the driver's  
14 seat?
- 15 A Uh-huh.
- 16 Q Where does he drive you to?
- 17 A To a trailer.
- 18 Q To a trailer?
- 19 A (Nods affirmatively.)
- 20 Q I am going to show you State's 86. Does that look  
21 like -- what is that?
- 22 A The trailer we went to.
- 23 Q Is that the trailer you went to?
- 24 A Uh-huh.
- 25 Q Do you know where this trailer is located?

- 1 A No.
- 2 Q And, again, where are you from?
- 3 A New Jersey.
- 4 Q All right. Are you familiar with downtown  
5 Columbia?
- 6 A No.
- 7 Q I'm going to show you State's 87. Do you remember  
8 where that is in that trailer?
- 9 A Hallway going to the bathroom.
- 10 Q Hallway leading to the bathroom?
- 11 A Uh-huh.
- 12 Q And in State's 87, where would the bathroom be  
13 located?
- 14 A On the left.
- 15 Q On the left?
- 16 A Uh-huh. I think.
- 17 Q So on this side of the wall?
- 18 A Yes.
- 19 Q And I'm going to show you State's 88 and ask you  
20 what that is.
- 21 A The bathroom.
- 22 Q What did you guys tell -- were the people home?
- 23 A Yes.
- 24 Q Who was there?
- 25 A The man and his girlfriend.

- 1 Q All right. Can you describe these people for the  
2 jury?
- 3 A Indian looking.
- 4 Q Indian looking?
- 5 A Uh-huh.
- 6 Q And what is it that you told him, you all as a  
7 group, told them --
- 8 A We got in an accident.
- 9 Q That you had been in an accident?
- 10 A Yes.
- 11 Q And did they allow you into their home?
- 12 A Yes.
- 13 Q What did they do for you?
- 14 A They gave us clothing to change into.
- 15 Q And did you change clothes?
- 16 A Yes.
- 17 Q So you got out of the short capri's and the black  
18 T-shirt?
- 19 A Uh-huh. Yes.
- 20 Q And is this what you put on?
- 21 A Yes.
- 22 Q Tell the jury, did you shower?
- 23 A No, I was going to wait till I got home.
- 24 Q And I'm showing you State's 112. Do you remember  
25 that?

- 1 A Uh-huh.
- 2 Q What does that show?
- 3 A Blood.
- 4 Q Whose blood is that?
- 5 A Frank's.
- 6 Q So you never showered at this trailer?
- 7 A Huh-uh.
- 8 Q Tell the jury who did shower.
- 9 A Melinda.
- 10 Q And after Melinda showered, was she also given  
11 clothes to change into?
- 12 A Yes.
- 13 Q And what did she do? What did you and Melinda do  
14 with the clothes that you were wearing from the  
15 attack of Frank West?
- 16 A We put them in a bag. We was going to dump them.
- 17 Q You were going to dump then?
- 18 A Uh-huh.
- 19 Q Who provided you with a bag?
- 20 A People at the house.
- 21 Q And what kind of bags were they?
- 22 A I don't remember.
- 23 Q And were they -- what kind of material were they  
24 made of?
- 25 A I think plastic.

- 1 Q Plastic bag?
- 2 A Uh-huh.
- 3 Q What did you do with your clothes?
- 4 A I put them in the bag.
- 5 Q And what did Melissa Richmond do with her clothes?
- 6 A Put them in the bag with the knife.
- 7 Q With the knife?
- 8 A Uh-huh.
- 9 Q Did you ever notice the knife upon leaving Frank  
10 West's apartment?
- 11 A No. I left out first.
- 12 Q Okay. So you left out first?
- 13 A Uh-huh.
- 14 Q Who is it that brought the knife with them?
- 15 A Melinda.
- 16 Q Did you see what Melinda did with the knife when  
17 she got in the car?
- 18 A She wrapped it in her clothes.
- 19 Q Wrapped it in some clothes?
- 20 A No, I didn't -- I didn't know that till after we  
21 changed clothes and left, and she wrapped it in it  
22 then, but I didn't know she done it all the time.
- 23 Q Do you remember what kind of clothes that she tried  
24 to wrap it in?
- 25 A Her clothes?

1 Q I'm going to show you what has been marked State's  
2 Number 187 and ask you if you recognize this. Do  
3 you recognize what that item is?

4 A Looks like a blanket.

5 Q Okay. Do you ever recall seeing this blanket?

6 A It was in the back seat of the car already.

7 Q Okay. And when was it that you first noticed that  
8 she brought the knife with her?

9 A After we changed clothes and she wrapped it up. I  
10 didn't know she had it.

11 Q Okay. Okay. From there did Bruce Thompson shower?

12 A No. He didn't have no reason.

13 Q Why didn't he have a reason to?

14 A He didn't have any blood on him.

15 Q He didn't have blood on him?

16 A Huh-uh.

17 Q Did he participate in any way in the stabbing of  
18 Frank West?

19 A No.

20 Q Tell this jury where it was that after you -- you  
21 changed clothes, she showered and changed clothes,  
22 where did you go from there?

23 A I wanted to go home. They wanted to find some more  
24 crack, but I was ready to go.

25 Q Where did you go from there?

1 A We went driving, but we dropped Bruce off at the  
2 hotel.

3 Q And is that the same motel where you and  
4 Ms. Richmond got caught?

5 A Yes.

6 Q The Western Inn on Bush River Road?

7 A Yes.

8 Q Do you recall stopping along the way anywhere  
9 between the trailer --

10 A Yes, the gas station.

11 Q Gas station?

12 A Yes.

13 Q And who got out?

14 A Bruce.

15 Q Do you recall if Bruce -- what, if anything, Bruce  
16 purchased at this gas station?

17 A Gas and soda.

18 Q A soda? Do you remember the brand of soda?

19 A No.

20 MS. SHIPLEY: Beg the Court's indulgence, Your  
21 Honor.

22 (Pause.)

23 Q You can almost see it in here. 134. Do you see  
24 anything in the front seat of 134?

25 A Uh-huh.

- 1 Q What is it?
- 2 A Mellow Yellow.
- 3 Q Okay. That is the soda that Mr. Thompson bought?
- 4 A Yes.
- 5 Q At the gas station after you had already changed  
6 clothes and she had showered?
- 7 A Yes.
- 8 Q Tell this jury, after the gas is bought, soda is  
9 bought, where do you go from there? By the way,  
10 who is driving at this point?
- 11 A Bruce was.
- 12 Q Okay. Still driving?
- 13 A Yes.
- 14 Q And tell the jury, again, where is everybody  
15 seated?
- 16 A I'm still in the back seat.
- 17 Q You are in the back seat?
- 18 A (Nods affirmatively.)
- 19 Q Who is in the front passenger's seat?
- 20 A Melinda.
- 21 Q And who is driving?
- 22 A Bruce.
- 23 Q Where does Bruce drive to?
- 24 A To the hotel.
- 25 Q And do you remember where at the hotel he goes to?

- 1 A His brother's, Fred, his brother's room.
- 2 Q Do you know what room number that was?
- 3 A No.
- 4 Q Do you remember that?
- 5 A Huh-uh, no, I don't remember.
- 6 Q Describe the layout of this hotel for the jury.
- 7 A What you mean?
- 8 Q If you were flying over this hotel in an airplane  
9 and you looked down, describe the layout.
- 10 A Like the rooms all are side by side. I don't think  
11 there is an upstairs. I'm not too sure.
- 12 Q Are you familiar -- have you ever been to this  
13 hotel --
- 14 A No.
- 15 Q -- before that day?
- 16 A No, not before that day.
- 17 Q When Bruce gets out -- what room -- you said whose  
18 room did he go to?
- 19 A His brother's.
- 20 Q His brother's room?
- 21 A Uh-huh.
- 22 Q What happened with you and Ms. Richmond?
- 23 A We was pulling out. We was going --
- 24 Q All right. Who -- Mr. Thompson was driving,  
25 correct?

1 A Yes. Melinda jumped in the driver's side, I jumped  
2 in the passenger's side, and we was pulling out.  
3 That's when the cops came and cut us off.

4 Q Okay. And were you still in the parking lot of the  
5 hotel --

6 A Yes.

7 Q -- when you got cut off? Tell this jury what  
8 happened next.

9 A Melinda jumped out of the car and went over there.  
10 A cop jumped out too at the same time.

11 Q And where were you?

12 A Still in the passenger's seat.

13 Q After she jumped out of the car, what did the  
14 officer do?

15 A He ran over there and cuffed her.

16 Q Okay. And where did he take her to?

17 A To put her in the police car.

18 Q All right. And, again, where were you at this  
19 time?

20 A Still in the car.

21 Q Did the officer approach you at any time?

22 A No. After he called for back-up, he asked me was I  
23 there.

24 Q Were you where?

25 A Was I at the crime scene.

1 Q Okay. Did you go from there to the car, to the  
2 patrol car?

3 A No. He let me get out the car, and another police  
4 car came and he put me in there.

5 Q All right. So were you put in the same vehicle as  
6 Ms. Richmond?

7 A Yes.

8 Q And so that is the same patrol officer that put her  
9 in his car?

10 A No. Another one came and got her out and moved --

11 Q He moved you guys?

12 A Yes.

13 Q Do you remember the names of these officers?

14 A No.

15 Q All right. But you were put in the same patrol car  
16 with Ms. Richmond?

17 A Uh-huh.

18 Q Do you recall observing or witnessing any officers  
19 finding the knife?

20 A Yes. But the same one who cut us off, he went to  
21 check the car. I was still sitting in the car when  
22 he went to check the car.

23 Q Okay. And did he find the knife?

24 A Yes, he found it.

25 Q And did you say anything to him about the knife?

- 1 A No.
- 2 Q At any point were you present with Ms. Richmond and  
3 she said something about the knife to that officer?
- 4 A Yes.
- 5 Q What did she say?
- 6 A She said Bruce put it in there.
- 7 Q Bruce put it in there?
- 8 A Uh-huh.
- 9 Q And was that the truth?
- 10 A No.
- 11 Q Did you start going along with the story?
- 12 A Yes.
- 13 Q What were you telling the police?
- 14 A That Bruce did it.
- 15 Q And so you and Ms. Richmond were telling the police  
16 that Bruce did it?
- 17 A Yes.
- 18 Q Were you being truthful with the police?
- 19 A No.
- 20 Q Do you remember the police taking you to any --  
21 after you left this hotel, where did the police  
22 take you to next?
- 23 A The police station.
- 24 Q And do you remember at that point being separated  
25 from Ms. Richmond?

1 A Yes.

2 Q Do you remember being interviewed by a female  
3 investigator?

4 A Yes.

5 Q Do you recall her name?

6 A No.

7 Q What does she look like?

8 A White female.

9 Q At this point does she advise you of your  
10 constitutional rights?

11 A Yes.

12 Q And do you remember what those rights are?

13 A No.

14 Q Do you remember whether she said, you have the  
15 right to remain silent?

16 A Yes, she told me that.

17 Q She told you all that?

18 A Uh-huh.

19 Q In fact, didn't she have you sign a document?

20 A Yes.

21 Q I'm going to show you what has been marked 190. Do  
22 you recognize that document?

23 A Yes.

24 Q Can you tell the jury if you see your signature on  
25 that document?

- 1 A Yes.
- 2 Q And what date and time is this document?
- 3 A May 5th, 9:22.
- 4 Q All right, now, is that the May 5th of what year?
- 5 A '07.
- 6 Q And 9:22, morning or night?
- 7 A A.M.
- 8 Q A.M.?
- 9 A Uh-huh.
- 10 Q And do you see the rights over here on this
- 11 document?
- 12 A Yes.
- 13 Q And are the rights checked off?
- 14 A Yes.
- 15 Q And after these rights were checked off, were they
- 16 read to you by Ms.-- by the investigator?
- 17 A Yes.
- 18 Q And who signed it? Can you read that?
- 19 A Heidi Scott.
- 20 Q Heidi Scott?
- 21 A Uh-huh.
- 22 Q So that is the officer that was with you?
- 23 A Uh-huh.
- 24 Q Once you were read all of these rights, did you
- 25 understand them?

1 A Yes.

2 Q And were you asked to sign your name indicating you  
3 understood them?

4 A Yes.

5 Q All right. And after you signed your name  
6 indicating that you understood them, do you  
7 remember being advised of more things about your  
8 Waiver of Rights?

9 A Yes.

10 Q And do you see your initials on that?

11 A Yes.

12 Q And is that box checked off?

13 A Yes.

14 Q And can you read that paragraph to this jury?

15 A I have read this statement of my rights and  
16 understand what my rights are. I am willing to  
17 talk and answer questions. I understand and know  
18 what I am doing. No promises have been made to me  
19 and no pressure or coercion has been -- of any kind  
20 has been used against me.

21 Q All right.

22 MS. SHIPLEY: Your Honor, at this time we  
23 would like to introduce 190.

24 MS. GRIPP: Without objection.

25 THE COURT: Okay. Without objection.

1 (WHEREUPON, State's Exhibit No. 190 was  
2 marked for identification and received  
3 into evidence.)

4 Q Ones you were advised of your constitutional rights  
5 and you voluntarily gave your rights up, did you  
6 then give a statement to the police officer?

7 A Yes.

8 Q I'm going to show you a document. And since you  
9 are cuffed I'll just go through it. How many pages  
10 is that?

11 A Six.

12 Q Six pages?

13 A Uh-huh.

14 Q Tell the jury what is in this document?

15 A When I told them Bruce did it.

16 Q So you lied to the police initially?

17 A Yes.

18 Q So everything in this statement about Bruce doing  
19 it, is that the truth or is that a lie?

20 A A lie.

21 Q So we can disregard this statement?

22 A Yes.

23 (Solicitor tears statement up.)

24 Q Do you recall being taken to a laboratory at the  
25 Sheriff's Department?

- 1 A No.
- 2 Q You don't remember someone taking fingernail --
- 3 A Oh, yes, I was.
- 4 Q -- clippings -- scrapings?
- 5 A Yes.
- 6 Q And did you sign and agreed to give that?
- 7 A Yes.
- 8 Q Of your own free will and accord?
- 9 A Yes.
- 10 Q Did you also give a cotton Q-tip of your mouth,
- 11 saliva?
- 12 A Uh-huh.
- 13 Q Do remember doing that?
- 14 A (Nods affirmatively.)
- 15 Q And you have to use words.
- 16 A Yes.
- 17 Q Yes?
- 18 A (Nods affirmatively.)
- 19 Q Do you remember being re-interviewed by a different
- 20 investigator?
- 21 A Yes.
- 22 Q And do you recall who that investigator was?
- 23 A Detective Harris.
- 24 Q Did Detective Harris advise you of your rights
- 25 again?

- 1 A Yes.
- 2 Q And when you first gave that statement that I just  
3 tore up, was any pressure, coercion, threats made  
4 against you?
- 5 A No.
- 6 Q To make that statement?
- 7 A No.
- 8 Q When Investigator or Detective Harris came to talk  
9 to you, do you remember how much time passed?
- 10 A No.
- 11 Q I'm going to show you another document. When you  
12 made contact with Mr. -- Detective Harris, did he  
13 advise you of your rights again?
- 14 A Yes.
- 15 Q I'm going to show you a document that has been  
16 marked 191. Do you recognize this document?
- 17 A Yes.
- 18 Q Can you tell the jury what time and date this is  
19 given?
- 20 A The 5th.
- 21 Q The 5th of which month?
- 22 A May.
- 23 Q May? What year?
- 24 A '07.
- 25 Q And at what time?

1 A 1330.

2 Q 1330 hours, military time?

3 A Uh-huh.

4 Q And did he go over this document with you in the  
5 exact same fashion as the prior female  
6 investigator?

7 A Yes.

8 Q Did you sign indicating you understood your rights?

9 A Yes.

10 Q And did you also sign giving up those rights?

11 A Yes.

12 MS. SHIPLEY: Your Honor, at this time we  
13 would like to introduce 191 into evidence.

14 MS. GRIPP: Without objection.

15 THE COURT: Okay, without objection.

16 (WHEREUPON, State's Exhibit No. 191 was  
17 marked for identification and received  
18 into evidence.)

19 Q After this statement was given, or this document  
20 was signed where you agree to talk to Detective  
21 Harris, did you and he have a conversation?

22 A Yes.

23 Q Do you recall testifying in an earlier hearing that  
24 he was staring at you?

25 A Uh-huh.

1 Q Was he glaring at you?

2 A No.

3 Q What -- how did it make you feel when -- the way he  
4 interrogated you?

5 A Guilty.

6 Q So the way in which you perceived him, tell the  
7 jury what was going on through your mind. What did  
8 you think he was thinking about you?

9 A That he knew I was lying.

10 Q Okay. Did you eventually tell him that the  
11 statement you first gave was not the truth?

12 A Yes.

13 Q After you and he had a conversation about this, did  
14 he advise you one more time again of your rights?

15 A Yes.

16 Q What time?

17 A 1500 hours.

18 Q 1500 hours?

19 A Yes.

20 Q And at that point did he again advise you of all  
21 your rights and you gave them up?

22 A Yes.

23 Q Is this document your signature?

24 A Yes.

25 MS. SHIPLEY: State's 192 at this time, Your

1 Honor.

2 MS. GRIPP: Without objection.

3 THE COURT: Without objection.

4 (WHEREUPON, State's Exhibit No. 192 was  
5 marked for identification and received  
6 into evidence.)

7 Q I'm going to show you a document what date and time  
8 is this document?

9 A May 5th.

10 Q Of 2007?

11 A Yes.

12 Q And what time?

13 A 1500 hours.

14 Q All right. Is that your signature?

15 A Yes.

16 Q Is that your signature?

17 A Yes.

18 Q Again, is that it?

19 A Yes.

20 Q Is that it?

21 A Yes.

22 Q Total of four pages?

23 A Yes.

24 Q Tell this jury, what is in this statement?

25 A The truth.

1 Q And is this what you testified to already?

2 A Yes.

3 Q You did not tell Detective Harris, however, that  
4 you used the knife to stab Frank West in this  
5 statement?

6 A No.

7 Q Did you?

8 A No.

9 Q Why not?

10 A I don't know(shrugs). No reason.

11 Q Were you holding back some?

12 A Yes.

13 Q Did you admit to the detective in this statement  
14 that you did indeed assault Frank West?

15 A Yes.

16 Q That you punched him and he fell to the ground?

17 A Yes.

18 Q Hit him with the beer bottle?

19 A Yes.

20 Q And that you pulled him off the bed onto the  
21 ground?

22 A Yes.

23 Q And at that point is when Ms. Richmond got on top  
24 of him?

25 A Yes.

1 Q Did you also tell the detective at that -- in this  
2 statement that you didn't know at first that she  
3 was stabbing him, you thought she was just punching  
4 him in the back?

5 A Yes.

6 Q Do you recall telling the investigator how long  
7 this assault on Frank West lasted?

8 A Not long. I don't remember.

9 Q You don't recall?

10 A Huh-uh.

11 Q Do you recall saying five minutes or less?

12 A No.

13 Q You don't? I'll show you your -- would it help you  
14 to look at this to refresh your memory of what you  
15 answered?

16 A I guess.

17 Q Question: How long did the assault last?

18 Can you tell the jury what you answered?

19 A I think maybe five minutes or less.

20 Q Okay.

21 A Uh-huh.

22 Q Did you -- do you remember telling Detective Harris  
23 why it was you needed to change your clothes?

24 A So my father wouldn't see me with all that blood on  
25 me when I got in the house.

1 Q And do you recall telling the officer whether or  
2 not you saw any blood on Bird?

3 A No, it wasn't none on him.

4 Q You didn't see any blood on Bird?

5 A Huh-uh.

6 Q And did you tell the officer that you saw blood on  
7 Melinda Richmond?

8 A Yes.

9 Q When you pled guilty to murder, the murder of Frank  
10 West, do you recall being questioned about any  
11 mental -- history of mental illness by the judge?

12 A Yes.

13 Q And did you -- what did you tell the judge about  
14 your history of mental illness?

15 A I was hospitalized for manic depression.

16 Q And when you pled guilty to murder, were you under  
17 any medication?

18 A No.

19 Q Did you understand what you were doing?

20 A Yes.

21 Q And do you remember that you told Judge Barber you  
22 were under medication treating your manic  
23 depression with anti-depression --

24 A Uh-huh.

25 Q -- depressive medication?

1 A Uh-huh.

2 Q And then you also believed you were competent to go  
3 forward and enter a guilty plea to murder?

4 A Yes.

5 Q And be sentenced?

6 A (Nods affirmatively.)

7 Q Do you recall being asked by Judge Barber when you  
8 entered a plea of guilty whether or not you had any  
9 complaints with anybody in law enforcement?

10 A Yes.

11 Q And what was your answer?

12 A No.

13 Q No complaints with anybody in law enforcement?

14 A No.

15 Q And the statement that you provided at 1500 hours  
16 on May 5th, 2007, is that the truth?

17 A Yes.

18 MS. SHIPLEY: Beg the Court's indulgence, Your  
19 Honor.

20 (Pause.)

21 Q Did you know when you left the house, Frank West's  
22 apartment, and when you were giving these  
23 statements, did you know whether or not Frank had  
24 survived?

25 A No.

1 Q So you did not know that Frank was dead when you --

2 A No.

3 Q -- when you gave the statement?

4 A No.

5 Q When you learned that Frank had died from his  
6 injuries, what happened? What went through your  
7 mind?

8 A That is -- that is when I told the truth.

9 Q They informed you that he had died?

10 A Yes.

11 Q And do you remember what you told the detective  
12 about what happened to Frank, whether or not he  
13 deserved to be treated that way?

14 A I said no, it didn't have to happen that way, it  
15 just got out of hand, too fast.

16 Q It got out of hand?

17 A Yes.

18 Q And the crack cocaine, you took that voluntarily?

19 A Yes.

20 Q No one forced you to?

21 A No.

22 Q And what about Ms. Richmond? Did she smoke it  
23 voluntarily?

24 A Yes.

25 Q And you are the one that said -- told the police

1           that Bird did not stab Frank and that he remained  
2           downstairs?

3       A     Yes.

4       Q     Stealing from Frank?

5       A     Yes.

6       Q     Do you remember apologizing to the family of  
7           Mr. West?

8       A     Yes.

9       Q     For what you did to their brother, their loved one?

10      A     Yes.

11      Q     Do you want to repeat it?

12      A     I apologize. I'm sorry. That's all I can say.

13           MS. SHIPLEY: That is all I have, Your Honor.

14           THE COURT: All right. Let me talk to y'all  
15           for just a second up here.

16           (WHEREUPON, a bench conference was held  
17           in the presence of the jury but out of  
18           the hearing of the jury.)

19           THE COURT: All right, ladies and gentlemen,  
20           that was a long, fairly long examination, and I  
21           understand that the cross-examination may well be  
22           sort of lengthy. Would y'all like a short break  
23           right now? I see some folks nodding yes.

24           Okay, let's take a short break. And don't  
25           talk about it yet. And we'll get back with you

1 very shortly.

2 (WHEREUPON, the jury retires to the jury  
3 room at 11:54 a.m.)

4 THE COURT: Okay, we'll be at ease.

5 Ms. McClinton, you can stand down if you'd like.

6 Please don't talk about your testimony with  
7 anybody.

8 MS. SHIPLEY: Ms. McClinton, do you need to  
9 use the restroom?

10 MS. McCLINTON: Yes.

11 MS. SHIPLEY: Okay.

12 (Witness steps down.)

13 (WHEREUPON, a break was taken.)

14 THE COURT: Are you ready to roll?

15 MS. SHIPLEY: We need our witness, Your Honor.

16 (Pause.)

17 (Witness returns to witness stand.)

18 (WHEREUPON, the jury came into open  
19 court at approximately 12:11 p.m.)

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

22 THE COURT: Thank you. All right,  
23 cross-examination.

24 MS. GRIPP: Thank you.

25 CROSS-EXAMINATION

1 BY MS. GRIPP:

2 Q I'll try to use the microphone today. Tenisha, we  
3 can agree that you've been a liar throughout this  
4 case, right?

5 A No.

6 Q We cannot agree about that?

7 A No.

8 Q I want to go over a few things including your  
9 statement, okay?

10 A Uh-huh.

11 Q All right. I pass that up. I ask you to identify  
12 it.

13 A My first statement.

14 (WHEREUPON, Defendant's Exhibit No. 3  
15 was marked for identification only.)

16 Q The first statement was given on May 5th, 2009?

17 A Yes.

18 MS. GRIPP: Your Honor, at this time we move  
19 this into evidence.

20 MS. SHIPLEY: Objection, Your Honor. Reports  
21 or statements are not admissible in written form.

22 THE COURT: Well --

23 MS. SHIPLEY: They can be used to impeach, but  
24 not entered as an exhibit.

25 THE COURT: I'm not quite -- I think there is

1 a case this past year on that. I will overrule  
2 your objection.

3 (WHEREUPON, Defendant's Exhibit No. 3  
4 was admitted into evidence.)

5 Q You stated earlier on direct that this entire  
6 statement was false, is that right?

7 A Yes.

8 Q Okay. So I'm going to go through it with you. And  
9 you tell me which parts are false, okay?

10 A All of it.

11 Q All of it. Okay.

12 Do you know what Mindy's full name is?

13 A Melinda Richmond.

14 Q Your answer was: No, but it is a white girl  
15 here with me today.

16 That was false?

17 A I didn't know her name then. I knew her name was  
18 Melinda, but I don't recall Mindy. I didn't know  
19 her last name then.

20 Q Okay. Then that statement was true?

21 A Yes.

22 Q Okay.

23 And do you know how much money Frank gave  
24 Mindy?

25 Your answer was: I think about \$30.

1                   Was that true or false?

2    A    True.

3    Q    Okay.

4                   Do you remember what time she picked you up  
5                   from Chapin?

6    A    No.

7    Q            Your answer was: It was still light out, it  
8                   was about 7:30 or so on May the 4th, 2007. I went  
9                   to my grandmother's house for a couple of hours  
10                  first. We left my grandma's house at about 11:00  
11                  p.m. to come to Columbia.

12   A    Uh-huh.

13   Q    Okay. Was that true or false?

14   A    That was true.

15   Q    Okay.

16                  Did you stop anywhere on the way to Columbia?

17                  Answer: No, but when we got to Columbia we  
18                  went to the Western Inn first. Mindy knocked on  
19                  someone's door but no one came to the door. The  
20                  door was in the back of the building.

21                  Is that true or false?

22   A    True.

23   Q            And where did you go -- where did you and  
24                  Mindy go after the Western Inn?

25                  Answer: We stopped at a store. Mindy bought

1 me a beer, a cobra. And then we went to Frank's  
2 home.

3 Is that true or false?

4 A That's true.

5 Q Approximately what time did you arrive at  
6 Frank's house?

7 It had to be about 1:00 a.m. or after. It was  
8 already getting late.

9 True or false?

10 A True.

11 Q Was Frank home?

12 Answer: Yes. Mindy had the key to get in.  
13 Frank was upstairs getting high in the bedroom. He  
14 was smoking crack.

15 True or false?

16 A That's true.

17 Q Question: Was anyone else in the home with  
18 Frank when you left?

19 Answer: No.

20 True or false?

21 A That's true.

22 Q Did you see Frank?

23 Answer: Yes. I went up to the bedroom with  
24 Mindy. He was sitting on the bed. Mindy asked  
25 Frank if he had some crack for us, but he said that

1 he only had one more hit. He then got a phone call  
2 and said he got called in to work. He gave Mindy  
3 some money to get some crack. Frank left in his  
4 van. And we took his car. We went to get some  
5 more crack from Bird. Bird was at somebody's house  
6 very close to Western Inn. He was outside in the  
7 front yard with some other people. Bird came and  
8 got in the car. He got in the back seat. And he  
9 sold Mindy some crack, about \$30 worth. He then  
10 got back out of the car. Mindy drove down the  
11 street to turn around in someone's driveway. On  
12 the way back through Bird flagged Mindy down and  
13 told her to drop him off at the Western Inn.

14 Is that true or false?

15 A That's true.

16 Q Do you know Bird by any other name?

17 Answer: No. That was my first time of  
18 meeting him. I didn't hear anyone call him  
19 anything but Bird.

20 Is that true or false?

21 A That's true.

22 Q Question: What happened after Bird told Mindy  
23 to take him to the Western Inn?

24 Answer: He got in the back seat and then got  
25 out at the Western Inn. We then drove back to

1 Frank's home.

2 Is that true or false?

3 A That's true.

4 Q Was anyone at Frank's home when you got there?

5 Answer: No.

6 Is that true or false?

7 A That's true.

8 Q What happened then?

9 Answer: Mindy and I went to Frank's bedroom  
10 and started getting high. Someone knocked on  
11 Frank's door and asked to use a stem. I don't know  
12 that person, but he looked either white or  
13 Hispanic. Mindy let him use the stem in the house.  
14 And then he left right back out. Frank came in the  
15 door about five minutes later. Frank and me and  
16 Mindy went upstairs again and started getting high.  
17 It couldn't have been only about 20 minutes and  
18 then Bird knocked on the front door. Mindy went  
19 down and let him in. Bird came upstairs and was  
20 talking to Frank.

21 Is that true for false?

22 A That's true.

23 Q All that is true?

24 A Uh-huh.

25 Q Did it seem as though Bird knew Frank?

1                   Answer: Yes, they knew each other.

2                   Is that true or false?

3    A    True.

4    Q    Okay.

5                   What happened next?

6                   Answer: Bird gave Mindy some crack and Mindy  
7    shared it with me. And Frank was going to buy some  
8    crack. And I saw Frank go into his pocket to pay  
9    Bird. Mindy and I went downstairs to get high.  
10   Frank and Bird stayed up in the room. We heard  
11   them start talking loud. Mindy and I went back  
12   upstairs. Bird said that he put some crack on the  
13   bed in a white dish and he said that it was gone  
14   and Frank took it. Then Frank said he didn't take  
15   it. Frank went downstairs and Bird followed him  
16   saying that he took it. Then Frank went back  
17   upstairs by himself. I didn't even notice Bird  
18   went back up there. Mindy and I heard thumping  
19   like something falling, so Mindy and I ran  
20   upstairs. When we got up there we saw that Frank  
21   was on the ground moving around to try and get away  
22   from Bird, who was standing over him hitting him a  
23   couple of times with a beer bottle. He hit him a  
24   couple of times with the beer bottle until the  
25   bottle broke. Bird then started stomping Frank in

1 the head with his foot. Bird kept stomping and  
2 hitting Frank in the head. Blood was everywhere.

3 Is that true or false?

4 A That is false.

5 Q The whole thing is false?

6 A Yes.

7 Q Okay. So up to that point you told the truth?

8 A Uh-huh.

9 Q And then when it came to you, you stabbed him, that  
10 part was false?

11 A Uh-huh.

12 Q Okay.

13 Question: What did you do while Bird was  
14 attacking Frank?

15 Answer: I was trying to get Bird off of  
16 Frank.

17 A That is all a lie.

18 Q Okay.

19 I was pushing and pulling on Bird. He would  
20 stop for a minute, but when we tried to help Frank  
21 he would start attacking Frank again.

22 You lied about that?

23 A Uh-huh.

24 Q Okay. That is false.

25 Did Bird say anything while he was attacking

1 Frank?

2 Answer: While Bird was attacking Frank he  
3 said he was tired of Frank stealing his shit.

4 True or false?

5 A That's false.

6 Q What was Mindy doing while Bird was attacking  
7 Frank?

8 Answer: She was yelling trying to get Bird  
9 off of Frank. She was yelling she was going to  
10 call the cops if he didn't stop. Mindy got on top  
11 of Frank while Bird was attacking him. I think she  
12 was trying to keep Bird from hitting him.

13 True or false?

14 A False.

15 Q Question: Was Mindy injured during this?

16 Answer: I think she got hit once, but she  
17 didn't complain about it. Mindy used to mess with  
18 Bird before. I think that is why she was trying to  
19 get in between them.

20 Is that true or false?

21 A That they messed around?

22 Q Your answer is: I think she got hit once, but  
23 she didn't complain about it. Mindy used to --

24 A No, I'm saying is it true that they messed around?

25 Q Is your statement here true or false?

1 A It is true that they did mess around.

2 Q Okay.

3 A Yes.

4 Q But you never met Bird before then?

5 A Excuse me?

6 Q This was the first time you had met Bird?

7 A Yes.

8 Q The first time you had met Frank?

9 A Yes.

10 Q Did you get injured during this incident?

11 Answer: Yes, I got a cut on my right hand. I  
12 got a scrape on my right outside palm and my right  
13 ring finger. My right ring finger got cut. I  
14 didn't even know that my finger was cut until I was  
15 in the patrol car.

16 Is that true or false?

17 A That's true.

18 Q Was Frank hurt?

19 Answer: Yes. He did stand up after he was  
20 beaten. He was yelling, help. And blood was  
21 everywhere. And I told Frank to go lay down.

22 Is that true or false?

23 False.

24 Q What did Bird do after he attacked Frank?

25 Answer: He said that he was tired of Frank

1 taking his shit. Bird then took Frank's wallet out  
2 of Frank's pants pocket and took his money. I  
3 don't know how much. Then Bird ran around the home  
4 and started taking things from Frank's home. He  
5 went in the closets and in the spare bedroom. And  
6 then he went downstairs. Bird got a radio and  
7 something that looked like a DVD player. He also  
8 took about five or six boxes of bullets. I went  
9 downstairs and out to the car. Then I went back in  
10 the home and found out where Mindy -- what was  
11 taking Mindy so long. Mindy was downstairs, had  
12 Frank's cell phone and was trying to call 9-1-1.  
13 But Bird took it away from her. Then Bird and  
14 Mindy and I went out to the car. Bird threw the  
15 radio and stuff in the back seat. He got the keys  
16 from Mindy. He got in the driver's seat. Mindy  
17 got in the passenger's seat. I got in the back  
18 seat behind Mindy. Bird drove off and took us to  
19 some people's house who Bird said that were like  
20 his mother and father. Bird used Frank's cell  
21 phone on the way and then he took the battery and  
22 stuff out of the phone. The phone is probably in  
23 Frank's car somewhere.

24 Is that true or false?

25 A False.

1 Q The whole thing?

2 A Yes. Except the part about the phone on the way  
3 going to the trailer. All that is false.

4 Q Okay.

5 A Uh-huh.

6 Q So you did go to the trailer?

7 A Yes.

8 Q Bird drove?

9 A Excuse me?

10 Q And Bird drove? Bird drove the car?

11 A Yes.

12 Q Okay. And he said that the people were like his  
13 mother and father?

14 A Uh-huh.

15 Q That is the only part that is true?

16 A Uh-huh.

17 Q Question: Do you know where that house is  
18 that Bird took you to?

19 Answer: No, but it took us less than ten  
20 minutes to get there. It was a white trailer, but  
21 it was dingy looking. There were steps going up to  
22 the trailer, and the steps were facing the street.  
23 Bird told us not to say anything to the people  
24 there.

25 Q Is that true or false?

1 A That's true.

2 Q Did you see anyone there?

3 Answer: I saw the black man and his wife.

4 They were probably in their 50's. I don't recall

5 hearing their name. Bird told them to get us

6 something to put on. They asked what happened. He

7 told them we had gotten into an accident.

8 Is that part true or false?

9 A That's true.

10 Q So the people that you saw were a black man and his  
11 wife?

12 A Yes.

13 Q Question: Did they get you some clothes to  
14 put on?

15 Answer: Yes. The clothes I had on when I  
16 came here.

17 Is that true?

18 A Yes.

19 Q Question: Did they get -- what clothes did  
20 you have on before?

21 Answer: I had on some jean capri pants with a  
22 black shirt, platform sandals, and I think I left  
23 the sandals in Frank's house because I ran out of  
24 the house barefooted.

25 Is that part true or false?

1 A Yes. That's true.

2 Q Question: Where are your jean capri pants and  
3 black shirt?

4 Answer: I had them in a bag in Frank's car  
5 with me.

6 Is that true or false?

7 A What?

8 Q Is that true or false?

9 A That I had the clothes in the car?

10 Q I had them in a bag in Frank's car?

11 A Yes, the clothes were in the car in a bag because  
12 they were bloody.

13 Q That's true?

14 A That's true.

15 Q Question: What was Mindy wearing during the  
16 incident at Frank's house?

17 Answer: I can't remember right now. I think  
18 she had on jeans and a dark colored sweatshirt.

19 Is that true or false?

20 A That's true.

21 Q Question: Did the people give Mindy something  
22 else to put on too?

23 Answer: Yes. That is what she had on when  
24 she came here. She took a shower at the people's  
25 house. I just hurried and changed because I was

1 ready to go and I didn't know them people. We were  
2 only there about 15 minutes.

3 Is that part true or false?

4 A That's true.

5 Q Question: What happened after you and Mindy  
6 changed clothes?

7 Answer: We left. And that is when we went to  
8 the Western Inn. Mindy drove this time. I got in  
9 the passenger's seat and Bird got in the car in the  
10 back seat behind me. Bird said he wanted to go see  
11 his brother at Western Inn. We pulled up in front  
12 of Bird's brother's door. Bird told us to hold on  
13 and stay there until he came back. But soon as he  
14 stepped out of the car Mindy sped off.

15 Was that part true or false?

16 A No, Bird was driving.

17 Q Okay. And he wanted to go see his brother at the  
18 Western Inn?

19 A He wanted us to drop him off at Western Inn.

20 Q Okay. And then as soon as he stepped out of the  
21 car --

22 A We pulled off.

23 Q Question: Where did Melinda drive after Bird  
24 got out of the car?

25 Answer: She drove. And we were trying to get

1 out of the hotel parking lot and that is when the  
2 cops stopped us.

3 Is that true or false?

4 A That is true.

5 Q Question: Tell me about the knife.

6 Answer: I never actually saw a knife, but  
7 Mindy told the cops that Bird wrapped a knife up in  
8 her bloody clothes and put it in a bag in the back  
9 seat of the car. I knew there must have been a  
10 knife because of all the blood. But I never really  
11 saw the knife.

12 Is that part true or false?

13 A That is false.

14 Q Question: Is there anything else that you  
15 would like to say?

16 Answer: Mindy told me that she is scared of  
17 his people now. I saw Bird's brother come out of  
18 his room when the police were talking to him, and  
19 she said, he stared right at me. And she put her  
20 head down. She told me that she is scared of his  
21 people.

22 Is that true or false?

23 A That's true.

24 Q So some statements in your statement are true,  
25 parts of it?

- 1 A Yes, parts of it.
- 2 Q And parts of it are lies?
- 3 A The part that is false is the part about him doing  
4 it. That is the only part that is false.
- 5 Q Parts of it?
- 6 A Uh-huh.
- 7 Q This was given at 9:20 in the morning. I'm going  
8 to hand you another statement that you gave. Do  
9 you recognize that?
- 10 A That is the one I gave Detective Harris. I don't  
11 remember.
- 12 Q I'm sorry?
- 13 A That is the one I gave Detective Harris.
- 14 Q Okay.
- 15 A Yes.
- 16 Q This is the statement given at -- on May 5th, 2007,  
17 at 1500 hours? That is about 3:00 p.m.?
- 18 A Uh-huh.
- 19 Q Okay. And this is one that you said is totally  
20 truthful?
- 21 A Uh-huh.
- 22 Q Okay.
- 23 MS. GRIPP: Your Honor, I would like to admit  
24 Defense Exhibit 4.
- 25 MS. SHIPLEY: No objection.

1 THE COURT: Okay.

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

5 Q Question: Can you please tell me what  
6 happened on May 5th, 2007, while at 4017 Farrington  
7 Way?

8 Answer: We were all over there drinking,  
9 smoking, having a good time. Mindy said Frank took  
10 her crack she bought from Bird. I went downstairs  
11 with Bird smoking crack in the living room. We  
12 heard them arguing upstairs. Bird and I ran  
13 upstairs and Mindy told us that Frank hit her.  
14 Frank said he was only trying to get his money  
15 back. Bird hit Frank in the face with his fist and  
16 told him he didn't -- he don't be hitting on any  
17 female. I hit him with my fist in the face. He  
18 fell on the bed. So I pulled him to the floor. I  
19 hit him with a beer bottle in the head and also  
20 kicked him in the leg. Frank was down on the floor  
21 trying to get up. And Mindy was trying to hold him  
22 down and saying, we got to kill him before he calls  
23 the cops on us. I went downstairs because Frank  
24 was yelling for Mindy to get off him. I only  
25 stayed downstairs for a minute. When I went back

1 up -- back up -- sorry -- I saw Frank trying to get  
2 up. Mindy appeared to be punching him in his back,  
3 but I realized she was stabbing him because I saw  
4 the knife in her hand and saw all the blood. Frank  
5 was standing up yelling for help. So I ran out of  
6 the house and got in the car. Bird was stealing a  
7 radio, boxes of bullets, CD --

8 THE COURT REPORTER: I'm sorry, I didn't hear  
9 that.

10 Q Bird was stealing the radio, boxes of bullets,  
11 CD player and the cell phone that belong to Frank.  
12 Mindy was trying to get her clothes and ID that she  
13 had at Frank's house because she was staying there.  
14 We all got in Frank's car and drove over to some  
15 people that Bird said was like his mother and  
16 father.

17 True or false?

18 A True.

19 Q Okay. So the part where you said you saw Mindy  
20 stabbing him and then you ran downstairs and got in  
21 the car, that part is true?

22 A Uh-huh.

23 Q That's true?

24 A Yes.

25 Q Okay. So tell me, was Mindy stabbing him before

1           you stomped him or after you stomped him?

2    A       Before.

3    Q       Okay. So something happened in between the time  
4           you left?

5    A       Excuse me?

6    Q                Your statement says: Mindy appeared to be  
7           punching him in the back, but I realized she was  
8           stabbing him because I saw the knife in her hand  
9           and saw the blood. Frank was standing up yelling  
10          for help. So I ran out of the house and got in the  
11          car.

12                 That part is true, right?

13   A       Yes.

14   Q       Okay.

15   A       After I did my part I ran out the house and got in  
16          the car, left her upstairs.

17   Q       But you didn't tell anybody that?

18   A       No.

19   Q                Question: Why did you not attempt to help  
20          Frank knowing he had been stabbed?

21                 Answer: I tried to tell him to sit on the bed  
22          and calm down, but he started swinging at me.

23                 True or false?

24   A       Yes, that's true.

25   Q       You tried to tell him to sit on the bed?

1 A Yes.

2 Q And when was that?

3 A After he was stabbed, after I -- before I ran  
4 downstairs.

5 Q After you stomped him you told him to lie down?

6 A Yes.

7 Q Question: Did any one of you attempt to  
8 render medical treatment?

9 Answer: No, sir.

10 Question: Did you think Frank would die?

11 Answer: I did not think Frank would die.

12 Question: Why did you guys leave in Frank's  
13 vehicle?

14 Answer: That was the only way we were able to  
15 leave because nobody else had a car.

16 Question: So did Bird witness Mindy stabbing  
17 Frank with the knife?

18 Answer: Yes.

19 Is that part true or false?

20 A Yes.

21 Q Question: How many times did you see Mindy  
22 stab Frank with the knife?

23 Answer: I guess five or six times in the  
24 back.

25 Is that part true?

1 A Yes.

2 Q Question: How long did the assault last?

3 Answer: I think maybe five minutes or less.

4 Is that part true?

5 A Yes.

6 Q Question: What did you guys do when you  
7 arrived at Bird's friends' house?

8 Answer: We went in the house and changed  
9 clothes.

10 That part is true?

11 A Uh-huh.

12 Q So the first thing you did was change clothes?

13 A Yes.

14 Q Question: Why did you feel a need to change  
15 clothes?

16 Answer: Because I had blood on my clothes and  
17 I didn't want my father to see me like that.

18 That part is true?

19 A Yes.

20 Q Question: Did you tell the owners of the  
21 house what happened?

22 Answer: Bird told them we had got in a car  
23 wreck.

24 That's true?

25 A Yes.

1 Q Had you in fact got in a car wreck?

2 A No.

3 Q Question: Did Bird have any blood on his  
4 clothes?

5 Answer: Not that I remember.

6 Question: Did Mindy have blood on her  
7 clothes?

8 Answer: Yes, she did.

9 That part is true?

10 A Uh-huh.

11 Q Question: What was Mindy wearing before she  
12 changed?

13 Answer: I know she had on a dark sweatshirt  
14 and some blue jeans.

15 Is that what you recall?

16 A Yes.

17 Q Question: What did Mindy do with the bloody  
18 clothes she had on?

19 Answer: She put the clothes in a bag in the  
20 car with the knife.

21 That part is true?

22 A Yes.

23 Q Question: What did you guys do after you  
24 cleaned up?

25 Answer: We left. We went looking for some

1 crack. I told them to take me home. They said to  
2 hold on. They could not find any crack, so Mindy  
3 dropped Bird off at the Western Inn on Bush River  
4 Road. Bird got out of the car. That's when the cops  
5 pulled up and stopped us, but Mindy was driving.

6 How long were you at the trailer?

7 A Not long.

8 Q Approximately?

9 A Fifteen, 20 minutes at the most.

10 Q And how long did you all look for crack?

11 A How long did they look? Not long. They stopped at  
12 a house.

13 Q Question: Is there anything else you want to  
14 add.

15 Answer: The cops put us in the back of a  
16 police car. Mindy told the cops Bird did the  
17 stabbing. So I went along with it. The situation  
18 went too far. It was over something so stupid.  
19 Frank did not deserve what happened to him.

20 Is that part true?

21 A Yes.

22 Q Okay. So you went along with the statement that  
23 Bruce did it?

24 A Yes.

25 Q Okay. And where in the statement did you say that

- 1 he had stabbed him?
- 2 A Nowhere.
- 3 Q Okay. I want to talk to you about your testimony  
4 that you gave at your plea.
- 5 A Uh-huh.
- 6 Q You had a negotiated plea, is that right?
- 7 A Uh-huh.
- 8 Q Do you understand what a negotiated plea is? Do  
9 you understand what a negotiated plea is?
- 10 A A plea? I took a plea, a 30-year plea.
- 11 Q Do you understand what negotiated means?
- 12 A No.
- 13 Q Did your lawyer explain that to you?
- 14 A He probably did, but I don't remember right now.
- 15 Q Okay.
- 16 A Most likely he did.
- 17 Q Did you know that you were going to get 30 years?
- 18 A Yes, I did.
- 19 Q Did you know how much time you were facing?
- 20 A Yes.
- 21 Q How much time were you facing?
- 22 A Life.
- 23 Q And what was the minimum you could have possibly  
24 gotten?
- 25 A Thirty years.

1 Q And every single day of that 30 years, correct?

2 A Yes.

3 Q Okay. So you started your -- what, you are seven  
4 months into your 30-year sentence at this point?

5 How long have you been serving time at the  
6 Department of Corrections?

7 A About nine or ten months.

8 Q And referring to the testimony that you gave on  
9 April the 14th of 2000 -- do you remember there was  
10 a judge here?

11 A No.

12 Q Okay. Do you remember there was a Clerk of Court?

13 A Uh-huh.

14 Q Do you remember being sworn in?

15 A Yes.

16 Q Did you swear to tell the truth?

17 A Yes.

18 Q The whole truth?

19 A Yes.

20 Q Nothing but the truth?

21 A Yes.

22 Q Okay. All right. And do you remember telling  
23 anybody there that you had stabbed Frank West?

24 A I don't remember. I think I did. I admitted to my  
25 part in it.

- 1 Q You admitted to stabbing Frank West?
- 2 A I pled guilty to it, to murder.
- 3 Q At any point did you tell the judge that you
- 4 stabbed Frank West?
- 5 A We didn't go into details.
- 6 Q Do you remember the Solicitor asking you a series
- 7 of questions?
- 8 A Yes.
- 9 Q Do you remember her asking you if you had been
- 10 sworn in? You answered yes. Do you remember that?
- 11 A I guess.
- 12 Q You don't remember?
- 13 A It was a hard day for me.
- 14 Q A hard day?
- 15 A Yes.
- 16 Q Because you were going to get 30 years?
- 17 A Yes.
- 18 Q And then she asked you about how you ended up in
- 19 the presence of Frank West on May 5th.
- 20 Do you remember answering that Melinda came to
- 21 pick you up? Do you remember?
- 22 A Yes.
- 23 Q And when you were questioned as to, would that be
- 24 Melinda Richmond, you answered yes. Is that
- 25 correct?

1 A Yes.

2 Q All right.

3 And how long had you known Ms. Richmond?

4 Do you remember answering, not long?

5 A Off and on two years, so not long.

6 Q Okay.

7 And your question, how many months -- or tell  
8 me how long.

9 Your answer was, about a year or two.

10 A Uh-huh.

11 Q And she asked you if you had ever met him before,  
12 and you said no. Is that correct?

13 A Ever met who?

14 Q Frank West?

15 A Yes.

16 Q And did he indicate -- did he stay with you  
17 the whole time or did he go somewhere?

18 And your answer was, he went somewhere, he  
19 went to work.

20 And do you remember that?

21 A Yes.

22 Q Okay.

23 And when he returned before he left for work,  
24 did he ask you and Ms. Richmond to go somewhere on  
25 his behalf?

1                   You remember you answered yes to that?

2    A    Uh-huh.

3    Q    They asked you a lot of questions?

4    A    Yes.

5    Q    Okay.  And -- okay.

6                   Can you describe what happened that made  
7    Melinda Richmond and everybody else in the house  
8    upset with Mr. West?

9                   Your answer:  It just happened over some  
10   drugs, and he was pulling on her, hitting on her.

11                   Do you remember answering that?

12   A    I remember saying she said he hit on her.  I  
13   remember saying he pulled her.

14   Q    Okay.  So if the court reporter got that wrong it  
15   was a mistake from the court reporter?

16   A    I guess.

17   Q    Okay.  And so -- and you were asked was he accused  
18   of taking Mindy's drugs.

19                   And your answer was, yes.

20                   Do you remember that?

21   A    Uh-huh.

22   Q    Question:  Were you present when Ms. Richmond  
23   accused him of stealing drugs?

24                   Your answer was, yes.

25                   Do you remember that?

1 A Uh-huh.

2 Q Okay.

3 And tell the judge exactly what you did to Mr.  
4 West at that point.

5 Do you remember answering: Well, after she  
6 say he hit her, I hit him, punched him in the face.  
7 I threw a beer bottle at him.

8 Do you remember saying that?

9 A Uh-huh.

10 Q Okay.

11 Question: Do you remember whether or not you  
12 pulled him to the floor when he was sitting on the  
13 sofa -- on the bed?

14 And then you shook your head negatively.

15 Do you recall that? Do you remember doing  
16 that?

17 A No.

18 Q Okay. Because you didn't recall it?

19 A I don't remember.

20 Q You don't -- do you recall it now?

21 A I don't remember. I said I don't remember.

22 Q Do you recall pulling Frank West from the bed --

23 A No.

24 Q -- to the floor?

25 Did you have an opportunity to review your

1 statement?

2 Your answer was, yes.

3 Question: Do you recall telling them Frank  
4 went down on the floor trying to get up and Mindy  
5 was holding him down?

6 Your answer was, yes.

7 Do you remember that?

8 A Yes. Uh-huh.

9 Q Do you recall telling the police, I hit him with my  
10 fist in the face and he fell on the bed, so I  
11 pulled him to the floor?

12 Your answer was, I guess, yes?

13 A Yes.

14 Q Okay. So you remembered it then?

15 A Yes..

16 Q Question: So everything you told the police  
17 on May the 5th, 2007, at 3:00 o'clock -- and then  
18 she showed you the document -- is that accurate?

19 And your answer was, yes.

20 A Yes.

21 Q Then she asked: And did you basically just  
22 cause Mr. West to become disabled enough so  
23 Ms. Richmond could get on his back?

24 And your answer was, no.

25 Do you remember that?

1 A No.

2 Q Okay.

3 And then she asked you that: How is it that  
4 she was able to get on him?

5 And your answer was: I guess she hit him or  
6 something after I hit him.

7 Do you remember that?

8 A No.

9 Q Okay.

10 Question: So both of you were hitting him  
11 around the same time?

12 And your answer was, yes.

13 Question: At what point did you notice  
14 Ms. Richmond stabbing him in the back?

15 And then eventually you answered: When I saw  
16 the blood.

17 And then you go on: She was hitting him in  
18 the back, at least I thought she was.

19 And then she asks you: When did you realize  
20 that she was?

21 Your answer was: When I saw blood.

22 Do you recall saying all that?

23 A Uh-huh.

24 Q And you --

25 Question: Did you ever see a weapon in her

- 1 hand?
- 2 Your answer was: Not until afterwards.
- 3 Do you remember that?
- 4 A Yes.
- 5 Q Is that true?
- 6 A Yes.
- 7 Q Can you tell us when it is that you saw the
- 8 weapon?
- 9 Answer: After she got up.
- 10 Is that true?
- 11 A Yes.
- 12 Q Question: After she got off the victim?
- 13 Your answer was, yes.
- 14 Right?
- 15 A Uh-huh.
- 16 Q And what did you see her do with the weapon?
- 17 Answer: When she wrapped it up.
- 18 Do you remember that?
- 19 A Excuse me?
- 20 Q Do you remember that?
- 21 A Yes.
- 22 Q And that is true?
- 23 A Yes.
- 24 Q All right. She had wrapped it up before she had
- 25 ever gone anywhere else?

1 A No, she didn't wrap it up till we got in the car.

2 Q Okay. So this part is incorrect?

3 A She dropped the knife after she stabbed him.

4 Q Okay.

5 (Pause.)

6 Q I'm just looking to make sure. And you had blood  
7 on you?

8 A Uh-huh.

9 Q Ms. Shipley asked you about your statement. So the  
10 statement you gave in the patrol car that blamed  
11 Bruce, that was false? Right?

12 A Yes.

13 Q Okay. And you went along with her story at first?  
14 Is that correct?

15 A Yes.

16 Q And then you did -- and then did you give another  
17 statement indicating that it was not the truth?

18 And you said, yes.

19 Now, the statement you provided to the  
20 Richland County Sheriff's Department at  
21 3:00 o'clock on May 5th, is that what happened that  
22 night?

23 Your answer was, yes.

24 Do you remember that?

25 A Yes.

1 Q Okay.

2 And then the final question she asked you is:  
3 Are you pleading guilty of murder because you are  
4 guilty of murder?

5 And you answered, yes.

6 Do you remember that part?

7 A Yes.

8 Q So some of it sticks out in your mind?

9 A Excuse me?

10 Q Some of that proceeding sticks out in your mind?

11 A Uh-huh.

12 Q But not all of it?

13 A No.

14 Q And you don't recall ever telling the judge that  
15 you had stabbed anybody?

16 A No.

17 Q Okay. Did you tell the judge that?

18 A I don't recall.

19 Q And let's talk about -- do you remember meeting  
20 with one of my investigators?

21 A Yes.

22 Q Okay. When was that? Do you remember?

23 A It wasn't long ago. I don't remember the exact  
24 date.

25 Q Okay. About a month ago maybe?

- 1 A The first time, yes.
- 2 Q Okay. And she talked to you about the  
3 interrogation, right? She talked to you about that  
4 that day?
- 5 A Uh-huh.
- 6 Q She asked you some questions?
- 7 A Uh-huh.
- 8 Q Okay. And do you remember telling her that you  
9 were in a very small room with a desk?
- 10 A Uh-huh.
- 11 Q Do you remember that?
- 12 A Uh-huh.
- 13 Q Is that true?
- 14 A Yes.
- 15 Q Okay. There was a chair behind the desk and two  
16 chairs in front of the desk. Do you remember that  
17 part?
- 18 A Uh-huh.
- 19 Q It is true?
- 20 A Uh-huh.
- 21 Q She was in one of the chairs in front of the desk.  
22 Is that right?
- 23 A Uh-huh.
- 24 Q There were three cops in the room, one behind the  
25 desk, one seated by you, and one sitting on the

- 1 desk in front of you. Is that correct?
- 2 A Yes.
- 3 Q That's true?
- 4 A Yes.
- 5 Q The cop at the desk moved and stood by the door.  
6 Is that correct?
- 7 A Yes.
- 8 Q True?
- 9 A True.
- 10 Q She said one of the white cops just kept glaring at  
11 her and did not talk to her. Is that true?
- 12 A I said that, but I didn't mean it like that.
- 13 Q He didn't glare at you?
- 14 A He was staring at me because I figured -- I felt  
15 like that at first because I knew I was lying, so  
16 it was I guess a guilty conscience.
- 17 Q All right. And at the top. And you knew that you  
18 were not allowed to leave the room --
- 19 THE COURT REPORTER: I'm sorry.
- 20 Q You know that you were not allowed to leave the  
21 room at that point?
- 22 A I was under arrest.
- 23 Q Okay. Somebody had already told you that, you were  
24 under arrest?
- 25 A Yes.

1 Q And what did they tell you you were charged with?

2 A They didn't tell me that.

3 Q Did you ask?

4 A No. It was intent to kill. They said intent to  
5 kill at first.

6 Q Okay. Do you remember telling her that you were  
7 not cuffed while giving your statements, but you  
8 were cuffed to a bench for what you thought was  
9 about two hours. Do you remember that?

10 A Yes.

11 Q Is that true?

12 A True.

13 Q And you were left alone at the Richland County  
14 Sheriff's Department, and at one point you could  
15 hear Melinda Richmond talking to cops because you  
16 were beside her door?

17 A Uh-huh.

18 Q Do remember that?

19 A Yes.

20 Q Is that true?

21 A Yes.

22 Q Okay. And do you remember asking people you had to  
23 use the bathroom pretty bad?

24 A Yes.

25 Q You had been smoking crack all night?

1 A Yes.

2 Q And do you remember telling her that you were not  
3 allowed to go to the bathroom until after you gave  
4 your last statement?

5 A Yes.

6 Q Is that true?

7 A Till after they got the scrapings and stuff from my  
8 nails.

9 Q So after the last scraping, that wasn't true?

10 A After the last statement I ate. They let me get  
11 something to eat, but they wouldn't let me use the  
12 bathroom till after I had my nails done, my swabs,  
13 and all like that.

14 Q Okay. So you were swabbed in the morning, is that  
15 right?

16 A Yes.

17 Q Okay. And your last statement was 3:00 p.m., is  
18 that right?

19 A Uh-huh.

20 Q So you did not use the bathroom till after  
21 3:00 p.m.?

22 A No, I didn't use the bathroom till after they  
23 swabbed me. I didn't eat till after I gave my last  
24 statement.

25 Q And then you repeatedly asked for your father. Do

1           you remember that?

2       A     Yes.

3       Q     Okay. And did you get to talk to him?

4       A     Not till after.

5       Q     And do you remember repeatedly asking whether Frank  
6           was okay?

7       A     Yes.

8       Q     And what did he tell you?

9       A     He said he was fine. Well, he wasn't fine, but  
10           said he was at the hospital.

11      Q     And that wasn't true, was it?

12      A     No.

13      Q     And do you remember them telling you it would be  
14           better off if you just confess?

15      A     Yes.

16      Q     Okay. And the cop promised to speak to the  
17           Solicitor on your behalf?

18      A     Yes.

19      Q     He was going to help you get a bond?

20      A     Yes.

21      Q     And did he do that?

22      A     No.

23      Q     And do you remember the cops telling you that they  
24           already knew what the facts were and they just  
25           needed you to tell them?

1 A Yes.

2 Q Okay. And that was true?

3 A No. It wasn't true what they were saying?

4 Q Yes?

5 A No.

6 Q That is what they said?

7 A That is what they said.

8 Q Okay. Do you remember telling Ms. Rickborn when  
9 she interviewed you that the cops Mirandized you  
10 after your second statement?

11 A What you mean?

12 Q That the cops didn't read you your rights until  
13 after you were done with your second statement. Do  
14 you remember that?

15 A I remember he read me some rights after I gave my  
16 statement.

17 Q After you gave your statement? Okay. Do you  
18 remember telling Ms. Rickborn that you hadn't  
19 received those rights until after the second  
20 statement?

21 A Yes.

22 Q Was that true?

23 A I guess. He read me some rights after I gave my  
24 statement.

25 Q Okay. That was the first time he read you your

1 rights?

2 A From what I remember. I was still high.

3 Q And you didn't get to write your own statement, did  
4 you?

5 A No.

6 Q They did that for you?

7 A Yes.

8 Q Did they take down everything you said?

9 A Uh-huh.

10 Q Verbatim?

11 A Yes.

12 Q And the conversation that you -- the first  
13 conversation you had with Mr. Harris at 1:30, is  
14 that typed out?

15 A No.

16 Q No? So they didn't -- they chose not to type out  
17 the statement?

18 A No.

19 Q So at that point you began talking to her about  
20 some other things, right?

21 A Yes.

22 Q Do you remember telling Ms. Rickborn that you had  
23 described your friendship with Melinda as being  
24 crack buddies?

25 A Yes.

- 1 Q Okay. And do you remember telling Ms. Rickborn  
2 that Melinda Richmond's boyfriend was Chris?
- 3 A It wasn't her boyfriend. She was messing with him.
- 4 Q Do remember telling her that?
- 5 A Yes.
- 6 Q Okay. Okay. Do you remember talking about the  
7 treatment that you were receiving, your mental  
8 health?
- 9 A Yes.
- 10 Q All right. And did you testify -- I'm sorry if I  
11 misunderstood that. When you were at -- pleading  
12 guilty up here?
- 13 A Uh-huh.
- 14 Q You were you on medication, correct?
- 15 A Uh-huh.
- 16 Q Okay. And that is Elavil, is that correct?
- 17 A Yes.
- 18 Q And what is that for?
- 19 A Depression.
- 20 Q Depression?
- 21 A (Nods affirmatively.)
- 22 Q Manic depression?
- 23 A Yes.
- 24 Q Psychotic disorder?
- 25 A Yes.

- 1 Q Okay. Do you remember talking about what happened  
2 that night to her? To Ms. Rickborn?
- 3 A Uh-huh.
- 4 Q Okay. That you guys went to your grandmother's  
5 house, is that right?
- 6 A (Nods affirmatively.)Uh-huh.
- 7 Q And Melinda was driving Frank's car?
- 8 A Yes.
- 9 Q And that she already had a lot of crack on her, is  
10 that right?
- 11 A Yes.
- 12 Q And you guys smoked all that, is that right?
- 13 A Excuse me?
- 14 Q You smoked all that at your grandmother's house?
- 15 A Yes.
- 16 Q And does your grandmother know you smoke crack?
- 17 A Uh-huh.
- 18 Q She was giving you money for crack?
- 19 A Yes.
- 20 Q So was your dad?
- 21 A Yes.
- 22 Q And your uncle?
- 23 A No.
- 24 Q He was not selling you crack?
- 25 A No. He sells it.

1 Q But he wasn't selling it to you?

2 A No.

3 Q And at that -- some later point you guys called  
4 Frank, is that right?

5 A Yes.

6 Q Okay. And you all decided to go to Frank's house?

7 A Uh-huh.

8 Q After you called him?

9 A Uh-huh.

10 Q Okay. All right. And you remember stating to  
11 Ms. Rickborn that when Bird arrived that you and  
12 Mindy and Frank were upstairs?

13 A Yes.

14 Q You were all upstairs?

15 A Yes.

16 Q Okay. And you and Mindy went downstairs along with  
17 Bird and were smoking crack and talking. Is that  
18 right?

19 A Yes.

20 Q And Mindy went upstairs soon after she and Bird --  
21 oh, you -- sorry -- you and Bird heard Mindy and  
22 Frank fighting and yelling and you ran upstairs to  
23 see what was going on. Is that right?

24 A Yes.

25 Q Is that what happened? Okay. That Mindy stated

1           that Frank had stolen some crack. Is that right?

2    A    Yes.

3    Q    And that you saw bruises on Melinda Richmond?

4    A    No.

5    Q    You didn't tell her that?

6    A    No.

7    Q    You did not say you saw marks on her arms and  
8           believed --

9    A    No. He had her arms.

10   Q    Okay. So you did not say that you saw marks on  
11          her?

12   A    No.

13   Q    All right. And that Frank had been hitting you --  
14          been hitting Melinda?

15   A    She said he hit her. I never saw him hit her.

16   Q    Okay. But that is why you hit him with the beer  
17          bottle?

18   A    Yes.

19   Q    Okay. And it was about the same time that you hit  
20          Frank with the bottle, that is when Bird punched  
21          him?

22   A    Yes.

23   Q    Okay. You hit him first and then Bird?

24   A    I hit him first.

25   Q    And that when you hit him, that that beer bottle

1 did not break. Do you remember telling her that?

2 A Yes. I don't remember it breaking, but I saw  
3 pictures of it, and it did break.

4 Q Okay. And that after Frank went down after the  
5 initial blows, that he stood back up and was  
6 fighting with both you and Melinda on his feet  
7 until you left the apartment. Is that true?

8 A Uh-huh. Fighting the whole time.

9 Q Actually was up the whole time?

10 A Yes.

11 Q Okay. And do you remember saying that he never  
12 fell back down and you did not see Mindy sit on him  
13 or hold him down?

14 A I -- she asked me about his throat being cut.

15 Q Did you --

16 A And I said I don't remember his throat being cut.

17 Q Okay. Did you tell her that you hadn't seen her  
18 sit on him?

19 A She was sitting on him when I first knocked him  
20 down, but --

21 Q Okay.

22 A -- then she started talking about his throat  
23 getting cut. I said I --

24 THE COURT REPORTER: Talking about what, I'm  
25 sorry?

1 A His throat getting cut. And I remember her sitting  
2 back down and talking about her cutting his throat.

3 Q Okay. And you said that the police told you that  
4 Frank's throat had been cut?

5 A Yes.

6 Q And basically you described Melinda's actions as  
7 being attacked by Frank, is that right?

8 A No. No, I would never tell them that. She was  
9 trying to put it all on me. I wasn't -- I wasn't  
10 trying to make her seem like the victim.

11 Q Who was putting it all on you?

12 A She was.

13 Q Who is she?

14 A Melinda.

15 Q Okay. But do you remember stating that you thought  
16 that Melinda stabbed him and she may have used a  
17 slashing motion that cut Frank's face and throat,  
18 but he was upright the whole time?

19 A No, she was mixing it up. She is saying how do I  
20 think she was swinging the knife. But I said, I  
21 don't know, if his throat got cut maybe a slashing  
22 motion.

23 Q Okay. So you were just --

24 A But, no -- yes, I was -- no, I didn't give her that  
25 statement.

1 Q Okay. And when she asked you if you felt like  
2 Melinda was acting in self-defense, do you remember  
3 saying yes?

4 A I told him no. I told her no. Melinda was not in  
5 self-defense.

6 Q Okay.

7 A I never told her that.

8 Q Okay. And you said -- do you remember telling her  
9 that you were crack mad?

10 A Yes.

11 Q Okay.

12 A Yes.

13 Q And that is why you did it?

14 A I guess that was -- I never said crack mad in them  
15 words. No, I didn't say that. I said we was high  
16 and it just got out of hand. But I never used that  
17 word, crack mad.

18 Q Okay. Do you remember ever telling Patty that you  
19 actually stabbed Frank West?

20 A Yes.

21 Q You told her that?

22 A I told her, but I don't remember doing it.

23 Q You said that you don't remember doing it?

24 A No. I said I don't remember no details of  
25 everything that went on, how -- like I remember

1           certain parts, but I don't remember every last  
2           detail.

3    Q    You don't remember stabbing him?

4    A    No.

5    Q    Okay.

6    A    But I had cuts on my hand. I imagine I did.

7    Q    All right. Do you remember telling somebody that  
8           you were pregnant?

9    A    Yes.

10   Q    When you went to the jail?

11   A    Yes.

12   Q    Do you remember being tested negative for that  
13           pregnancy?

14   A    No. I never took the pregnancy test while I was  
15           there.

16   Q    You don't remember taking that?

17   A    No.

18   Q    Okay.

19   A    They gave me a lot of tests when we first came in  
20           for hepatitis and all of that. They said Frank had  
21           it.

22   Q    And did you tell them when you went in you thought  
23           that you were pregnant?

24   A    Yes. My period didn't come the whole time I was in  
25           the county.

1 Q So you never wrote to them that you would like to  
2 be -- you would like to take a blood test for  
3 something else to see if I'm pregnant or maybe an  
4 ultrasound because my period has not come in over  
5 two months?

6 A No. They took blood from me because they were  
7 checking for hepatitis, but I never told them that.

8 Q Okay. And that, I took a urine pregnancy test. It  
9 was negative. But aren't some of them  
10 inconclusive? Please respond.

11 You never --

12 A No, I did not never take a pregnancy test while I  
13 was there.

14 Q Okay. What do you think about being in prison?

15 A What do I think about it?

16 Q Yes?

17 A What you mean? Do I want to be there?

18 Q What is it like?

19 A Prison.

20 Q I haven't been to prison so I want you to describe  
21 it. What does the cell look like?

22 A It is a cubicle.

23 MS. SHIPLEY: Objection, Your Honor. What is  
24 the relevance of this line of questioning?

25 MS. GRIPP: It goes to motive, Your Honor.

1 THE COURT: Well, I'll let her go a little  
2 bit.

3 A Cubicle.

4 Q Okay. How wide? About this size?

5 A Not long. Not big.

6 Q All right. How many beds do you have?

7 A In the building?

8 Q In your room?

9 A One.

10 Q Okay. Do you have any privacy in that room?

11 A Somewhat.

12 Q Okay. So you go to the bathroom by yourself?

13 A No.

14 Q You have eye shadow on?

15 A Yes.

16 Q Do they give you that at prison?

17 A We buy it.

18 Q You can buy it with your money?

19 A Yes.

20 Q Okay. Do you get to pick what meals you eat?

21 A If we buy it out of the canteen, yes, we pick them.

22 THE COURT: Okay, that is getting a little --  
23 I think you made your point. Let's move on.

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

25 (Pause.)

1 Q Tenisha, when you were handcuffed to the bench  
2 outside the interrogation room Melinda was in, you  
3 could hear what was said, correct?

4 A Yes. She was talking loud.

5 Q Okay. And she was blaming you, right?

6 A Hum?

7 Q She was blaming you, wasn't she?

8 A Yes.

9 Q Okay.

10 MS. GRIPP: Thank you. No further questions.

11 THE COURT: All right. Yes, ma'am?

12 REDIRECT EXAMINATION

13 BY MS. SHIPLEY:

14 Q The first statement that you gave to Sergeant Heidi  
15 Scott, the written statement --

16 A Uh-huh.

17 Q -- was that given after you were Mirandized?

18 A Yes.

19 Q Okay. So you were Mirandized first, then you gave  
20 a written statement, correct?

21 A Yes.

22 Q In that statement that is in evidence, everything  
23 leading up until the stabbing of Frank West is  
24 true?

25 A Yes.

1 Q Except the fact that you are blaming Bird for  
2 stabbing Frank. Is that the lie?

3 A Yes.

4 Q And then everything after the stabbing of Frank is  
5 the truth?

6 A Yes.

7 Q So it is true that Melinda took a shower?

8 A Yes.

9 Q It is true she had blood on her?

10 A Yes.

11 Q It is true you changed clothes?

12 MS. GRIPP: Objection, Your Honor. Leading.

13 MS. SHIPLEY: I'll rephrase, Your Honor.

14 THE COURT: All right. Go ahead.

15 MS. SHIPLEY: I just caught myself.

16 Q So in the statement that you first provided, whose  
17 idea was it to blame Bird?

18 A Melinda's.

19 Q And where was it that you and Ms. Richmond  
20 discussed blaming it on Bird?

21 A In the police car.

22 Q I'm going to go to your -- the transcript of your  
23 guilty plea from April 14th, 2007. I believe  
24 Ms. Gripp was asking you some questions.

25 A Uh-huh.

1 Q One of the questions you were trying to explain,  
2 and I'm going to give you that opportunity now, can  
3 you describe what happened that made Melinda  
4 Richmond and everyone else in the house upset with  
5 Mr. West?

6 Your answer in court at your guilty plea  
7 hearing was: It just happened over some drugs.  
8 And he was pulling on her, hitting on her, or  
9 something.

10 Do you recall that line of questioning?

11 A Yes.

12 Q All right. Then further down:

13 Tell the judge exactly what you did to Mr.  
14 West at that point.

15 Answer: Well, after she says she -- he hit  
16 her --

17 Did you ever see Frank West hit this woman?

18 A No.

19 Q By the time that you and Bird got up to the  
20 bedroom where there was an argument going on  
21 between Frank and Melinda, tell this jury, was he  
22 attacking Melinda?

23 A No.

24 Q What exactly was he doing to Melinda --

25 A He had her arm --

1 Q -- that you witnessed?

2 A He had her arm, but he let her go when we came  
3 upstairs.

4 Q So this woman was not acting in any way in  
5 self-defense?

6 A No.

7 Q Was he attacking her?

8 A No.

9 Q You indicated in your cross-examination that he was  
10 fighting the entire time?

11 A Yes.

12 Q Was Mr. West acting in self-defense?

13 A Yes.

14 Q You also indicated at your guilty plea hearing  
15 that: After she said he hit her, I hit him,  
16 punched him in the face and threw a beer bottle at  
17 him.

18 Do you recall that?

19 A Yes.

20 Q What did you do after you hit him with the beer  
21 bottle?

22 A What did I do?

23 Q Yes, ma'am?

24 A I backed up and --

25 THE COURT REPORTER: I'm sorry?

1 A I like backed up. Melinda --

2 Q All right. What did -- and then another line of  
3 questioning you were asked on cross-examination:  
4 Do you recall telling that Frank was down on the  
5 floor trying to get up and that Mindy was holding  
6 him down?

7 And your answer was, yes?

8 A Yes.

9 Q This question was skipped by Ms. Gripp. The next  
10 question in your transcript, and said: We have to  
11 kill him before he calls the cops on us.

12 A Yes.

13 Q You recall that?

14 A Yes.

15 Q Who is the only person that ever made any comments  
16 about killing Frank West?

17 A Melinda.

18 Q After you witnessed Ms. Richmond -- at the time you  
19 believed she was punching him in the back, correct?

20 A Yes.

21 Q Did she drop the knife?

22 A Not after --

23 Q After she stabbed him in the back?

24 A Not then.

25 Q When did you notice her drop the knife?

- 1 A When he was standing up fighting.
- 2 Q Okay. And you were still in the room?
- 3 A Yes.
- 4 Q And where was Bird?
- 5 A Downstairs.
- 6 Q When was it that you picked up the knife?
- 7 A After she dropped it.
- 8 Q All right. So she had already done stabbed him?
- 9 A Yes.
- 10 Q What was it that you did -- when you picked up the  
11 knife, what do you recall -- I know you are having  
12 trouble remembering because you were high on  
13 crack -- do you recall, you know, stabbing Frank  
14 with it?
- 15 A I guess. My hands was all cut.
- 16 Q Okay. Tell this jury, after -- do you recall  
17 dropping the knife or getting rid of the knife  
18 or --
- 19 A Dropping it.
- 20 Q You dropped it? What room were you in when you  
21 dropped it?
- 22 A In the hallway, upstairs by the bedroom.
- 23 Q And did you then -- where did you go from there  
24 after you dropped it?
- 25 A I ran out the house into the car, to wait in the

- 1 car for them.
- 2 Q And what did you say after leaving the house?
- 3 A Let's go. Drop me off.
- 4 Q And so were you -- did you leave Melinda alone with
- 5 Frank with the knife?
- 6 A Yes.
- 7 Q When is the next time you saw the knife?
- 8 A In her clothes and she had it covered up.
- 9 Q And was that after you showered -- she showered?
- 10 A Yes, after.
- 11 Q And changed clothes?
- 12 A After. I didn't know she brought it out with her.
- 13 Q Did anyone when you were giving your statement, the
- 14 second one --
- 15 A (Nods affirmatively.)
- 16 Q -- the first and second --
- 17 A Uh-huh.
- 18 Q -- did anyone ever threaten to do you any harm or
- 19 coerce you in any way to give these statements?
- 20 A No.
- 21 Q The written statement you gave to Detective Harris
- 22 at 3:00 o'clock on May 5th, 2007, I believe
- 23 Ms. Gripp asked you were those your words?
- 24 A Uh-huh.
- 25 Q And I believe she followed up with, verbatim?

- 1 A Yes.
- 2 Q Those were your words, isn't that right?
- 3 A Yes.
- 4 Q Did the police know what happened to Frank?
- 5 A No.
- 6 Q Who told them what happened to Frank?
- 7 A I did.
- 8 Q The fact that you were cuffed for two hours in a  
9 headquarters, did that make you not tell the truth?
- 10 A No.
- 11 Q You were also asked about whether you were deprived  
12 of using the bathroom while you were waiting to  
13 give samples of DNA. Do you recall that?
- 14 A Yes. I think they were trying to make sure I  
15 didn't wash the blood off or something.
- 16 Q So they were trying to preserve the evidence, is  
17 what you are telling this jury?
- 18 A Yes.
- 19 Q That's why they didn't let you use the bathroom?
- 20 A Yes.
- 21 Q Did they let you use the bathroom as soon as you  
22 got done giving them the evidence they were asking  
23 for?
- 24 A Yes.
- 25 Q And you gave consent to give your DNA?

1 A Yes.

2 Q And fingernail scrapings?

3 A Yes.

4 Q Then after you gave the written statement to  
5 Investigator Harris, I believe there was an Advice  
6 of Rights form at 1330 hours, is that right?

7 A Uh-huh.

8 Q Then you and Mr. Harris have a discussion?

9 A Uh-huh.

10 Q It is all oral, nothing is written, correct?

11 A Yes.

12 Q The statement that you provide at 3:00 o'clock  
13 after you are Mirandized yet again, the third time  
14 of the day, is that statement, is that what was  
15 said orally between 1:30 and 3:00 o'clock?

16 MS. GRIPP: Objection. Leading, Your Honor.

17 THE COURT: Yes, ma'am?

18 MS. SHIPLEY: Let me try to rephrase it, Your  
19 Honor.

20 THE COURT: Okay.

21 Q The contents of the conversation that you had with  
22 Detective Harris between 1:30 and 3:00 o'clock on  
23 May 5th --

24 A Uh-huh.

25 Q -- did you write that -- is that in the written

1 statement that you provided at 3:00 o'clock?

2 A Yes.

3 Q When was it that you decided to tell the police the  
4 truth about your involvement in the killing of  
5 Frank West?

6 A When I found out he died.

7 Q You were asked by Ms. Gripp on cross-examination  
8 that you kept asking about whether or not Frank was  
9 okay?

10 A Yes.

11 Q And that the police told you he was at the  
12 hospital?

13 A Yes.

14 Q Are you aware whether the morgue is in the  
15 hospital?

16 A No.

17 Q You don't know?

18 A Huh-uh.

19 Q The fact that you suffer from mental -- manic  
20 depression psychotic symptoms, is that what caused  
21 you to kill Frank that night?

22 A No.

23 Q What made you do it?

24 A Drugs.

25 Q And so you are denying ever saying that you saw any

- 1 bruises on Melinda Richmond?
- 2 A Yes. I never saw any.
- 3 Q Did you ever see Frank hit her?
- 4 A No.
- 5 Q You saw -- what did you see him doing with her arm?
- 6 A He just had hold to her arm, that's all.
- 7 Q And what happened when you and Bruce entered the
- 8 room, what did he do with her arm?
- 9 A He let it go.
- 10 Q And you thought you were pregnant because you
- 11 didn't have your period the entire time you were in
- 12 jail?
- 13 A Yes.
- 14 MS. SHIPLEY: That's all, Your Honor.
- 15 RECROSS-EXAMINATION
- 16 BY MS. GRIPP:
- 17 Q You said you weren't allowed to use the bathroom
- 18 because you had blood on your hands, is that right?
- 19 A Yes.
- 20 Q Okay. You never washed up at the trailer?
- 21 A No.
- 22 Q You never went to the bathroom or anything?
- 23 A No. I just changed and was ready to go.
- 24 Q Okay. But you didn't go to the bathroom?
- 25 A No.